

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEREMY RENARD WEBB,

APPELLANT

APPELLATE CASE NO 2018-002131

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 1 (DVD)**

STATE OF SOUTH CAROLINA)	
)	GENERAL SESSIONS COURT
COUNTY OF PICKENS)	2018-GS-39-1076
)	
)	
)	
STATE OF SOUTH CAROLINA,)	
PLAINTIFF,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
JEREMY RENARD WEBB,)	
DEFENDANT.)	
_____)	

November 26, 2018
Greenville, South Carolina

B E F O R E:

THE HONORABLE R. SCOTT SPROUSE, JUDGE.

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

MEGAN OWEN, ESQ.
Attorney for the Plaintiff

JOHN DEJONG, ESQ.
Attorney for the Defendant

APRIL HERRON.
Circuit Court Reporter

I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(Plaintiff's Exhibits)			
1	Video	48	63
2	911 Call	48	92
3	Still Shots	48	66
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All Exhibits were retained by the Clerk of Court for Pickens County.

P R O C E E D I N G S

1
2 THE COURT: Are we ready to draw our first jury?

3 MS. OWEN: Yes, Your Honor.

4 MR. DEJONG: Ready for the defense, Your Honor.

5 THE COURT: All right. Ladies and gentlemen, the
6 first case on the docket is the State v. Jeremy Renard
7 Webb. Mr. Webb is charged with breaking and entering into
8 a motor vehicle. Mr. Webb has pled not guilty to that
9 charge.

10 Ladies and gentlemen, the indictment is not evidence.
11 It's simply the document that brings the case to court.
12 The State has the burden of proving the Defendant guilty
13 beyond a reasonable doubt. And you will determine, if you
14 are called to serve on the jury, whether or not the State
15 has met its burden.

16 Now, ladies and gentlemen, I realize I asked you a
17 whole bunch of questions a while ago, but I need to ask
18 you some more. I'm going to remind you you're still under
19 oath. These questions are designed to ensure that both
20 the State and the Defendant receive a fair and impartial
21 jury to hear the facts of this case.

22 So first order of business, let me have each attorney
23 to introduce themselves and any persons that may be
24 assisting them in the trial and defense of this case.

25 MS. OWEN: Good morning, ladies and gentlemen.

1 My name is Megan Owen. I am representing the 13th
2 Circuit Solicitor's Office. Seated with me is Dakota
3 Gray, he's from the Clemson Police Department, and Jamie
4 Ayers, she is with Clemson 911 dispatch.

5 MR. DEJONG: May it please the Court, Your Honor.

6 Good morning, ladies and gentlemen.

7 I'm John DeJong. I have the pleasure of practicing
8 law here in Pickens County. And today, I have the
9 pleasure of representing Mr. Jeremy Webb.

10 THE COURT: Mr. Clerk, since the original oath was
11 not on the record, why don't you put the jury pool under
12 oath again.

13 THE CLERK: All right.

14 Ladies and gentlemen, if you would please stand again
15 for me to issue the oath again. Raise your right hand.

16 (WHEREUPON, the jury panel was sworn at
17 approximately 10:41 a.m.)

18 THE CLERK: Thank you.

19 You may be seated.

20 JURY QUALIFICATION

21 THE COURT: All right. Is any member of the jury
22 panel related by blood or marriage or has a close personal
23 or social relationship with one of these attorneys or
24 party to the case? If so, please, stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: There are none.

2 Has any member of the jury panel ever been
3 represented by one of these attorneys, a firm that they
4 may have been involved in, or had one of these attorneys
5 or a firm that they may have been involved in represent
6 someone against you in court? If so, please, stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Okay. There are none.

9 The following is a list of potential witnesses that
10 had been submitted. Listen very carefully to these names:
11 Benjamin Weeks; James Peppers, Clemson Police Department;
12 Dakota Gray, Clemson Police Department; Jamie Ayers, 911
13 dispatch for Clemson Police Department; Robert Crooks,
14 Clemson Police Department; Karen Edwards; and Jeremy
15 Renard Webb.

16 Is any member of the jury panel related by blood or
17 marriage or has a close personal or social relationship
18 with any of these potential witnesses? If so, please,
19 stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Okay. There are none.

22 Is any member of the jury panel employed by or has a
23 family member or close personal relation employed with law
24 enforcement? If so, please, stand.

25 All right, let's start on the front. Your number,

1 sir?

2 PROSPECTIVE JUROR: 130.

3 THE COURT: Okay. Yes, sir, 130. What's the nature
4 of that?

5 PROSPECTIVE JUROR: My son is employed with Pickens
6 County -- excuse me, Oklahoma County Law Enforcement.

7 THE COURT: And with that knowledge, do you feel that
8 you could be fair and impartial if called to serve?

9 PROSPECTIVE JUROR: I do.

10 THE COURT: All right. Thank you, sir, you can be
11 seated.

12 Yes, ma'am, your number?

13 PROSPECTIVE JUROR: 33.

14 THE COURT: And what's the nature of your
15 relationship?

16 PROSPECTIVE JUROR: My son-in-law is Easley Police
17 Department.

18 THE COURT: And with that knowledge, do you feel you
19 could be fair and impartial if called to serve?

20 PROSPECTIVE JUROR: Yes.

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

22 Yes, ma'am, your number?

23 PROSPECTIVE JUROR: 167.

24 THE COURT: 167.

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And what's the nature of that
2 relationship?

3 PROSPECTIVE JUROR: My son is an Easley City police
4 officer.

5 THE COURT: And with that knowledge, do you feel you
6 could be fair and impartial if called to serve?

7 PROSPECTIVE JUROR: I do.

8 THE COURT: Thank you, ma'am.

9 You can be seated.

10 Yes, ma'am, your number?

11 PROSPECTIVE JUROR: 184.

12 THE COURT: And what's the nature of that
13 relationship?

14 PROSPECTIVE JUROR: I have a cousin and my
15 father-in-law and my uncle are related to the police
16 department.

17 THE COURT: Which police department?

18 PROSPECTIVE JUROR: Anderson.

19 THE COURT: Okay. And with that knowledge, do you
20 feel you could be fair and impartial?

21 PROSPECTIVE JUROR: I don't.

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

23 I'm going to excuse you from this case, but I want
24 you to remain seated.

25 Yes, ma'am, your number?

1 PROSPECTIVE JUROR: 134.

2 THE COURT: And what's your relationship?

3 PROSPECTIVE JUROR: My father is a retired state
4 trooper.

5 THE COURT: With that knowledge, do you feel you
6 could be fair and impartial?

7 PROSPECTIVE JUROR: Yes.

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

9 Okay. Now, is any member of the jury panel a member
10 of or contributor to any group or organization which
11 promotes alleged victim's rights or law enforcement, such
12 as MADD, SADD, or any other advocacy group which promotes
13 the interest of law enforcement and/or victim's rights?
14 If so, please, stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: There are none.

17 Has any member of the jury panel or a member of their
18 immediate family ever been the victim of an auto breaking
19 or burglary? If so, please, stand.

20 Okay. And I'm going to allow y'all to come forward
21 and talk to me.

22 (WHEREUPON, a sidebar was held.)

23 PROSPECTIVE JUROR: 96.

24 THE COURT: Mr. Martinez?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: When did that happen and who was it?

2 PROSPECTIVE JUROR: It was probably, I'd say probably
3 about eight years ago. It just happened at my house.

4 THE COURT: All right. And with that knowledge, do
5 you feel you could be fair and impartial if called to
6 serve?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: Okay. Thank you.

9 I'm going to excuse you from this case, but go back
10 to your seat.

11 Next.

12 PROSPECTIVE JUROR: 177.

13 THE COURT: Okay. All right. That's Mr. Voellmecke?

14 PROSPECTIVE JUROR: Voellmecke, yes. Thank you.

15 THE COURT: And when did it happen?

16 PROSPECTIVE JUROR: Actually, I had a car broken into
17 in Albuquerque, New Mexico in the hotel parking lot. My
18 wife borrowed her mother's car and had it stolen from a
19 parking lot.

20 THE COURT: How long ago was that?

21 PROSPECTIVE JUROR: The Albuquerque was probably
22 seven years ago and the car was five years ago.

23 THE COURT: With that knowledge, do you feel you
24 could be fair and impartial?

25 PROSPECTIVE JUROR: I, actually, do.

1 THE COURT: I mean, do you think you can?

2 PROSPECTIVE JUROR: Yeah.

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

4 I'm going to have you go back to your seat.

5 THE COURT: Yes.

6 PROSPECTIVE JUROR: 75.

7 THE COURT: Okay. Mr. Herman?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: About five years ago, my car was
11 broken into. We were in Atlanta.

12 THE COURT: And with that knowledge, do you feel you
13 could be fair and impartial?

14 PROSPECTIVE JUROR: Yeah.

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

16 You can go back to your seat.

17 Next.

18 PROSPECTIVE JUROR: 162.

19 THE COURT: All right. Ms. Simmons?

20 PROSPECTIVE JUROR: Uh-huh. I had a car break-in and
21 they stole my phone.

22 THE COURT: And how long ago was that?

23 PROSPECTIVE JUROR: About eight years.

24 THE COURT: And with that knowledge, do you feel you
25 could be fair and impartial?

1 PROSPECTIVE JUROR: Yeah.

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

3 You can go back to your seat.

4 Yes, sir, your number?

5 PROSPECTIVE JUROR: William Ramey, 143.

6 THE COURT: 143.

7 PROSPECTIVE JUROR: I had a motorcycle to get stole,
8 I don't know if that counted or not.

9 THE COURT: And how long ago was that?

10 PROSPECTIVE JUROR: It was '02.

11 THE COURT: And with that knowledge, do you feel you
12 could be fair and impartial?

13 PROSPECTIVE JUROR: Sure.

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

15 You can go back to your seat.

16 Yes, sir, your number?

17 PROSPECTIVE JUROR: 163.

18 THE COURT: 163, Mr. Sizemore.

19 PROSPECTIVE JUROR: Yeah, my wife's car got broken
20 into, purse stolen. I had a trailer stolen. Me and my
21 stepdad had an enclosed trailer stolen.

22 THE COURT: How long ago were these?

23 PROSPECTIVE JUROR: A year ago on my wife and
24 probably six or seven on my trailer and my stepdad's
25 trailer.

1 THE COURT: With that knowledge, do you feel you
2 could be fair and impartial?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Thank you, sir.

5 Go back to your seat.

6 Yes, ma'am, your number?

7 PROSPECTIVE JUROR: 111.

8 THE COURT: 111, Ms. McNeary?

9 PROSPECTIVE JUROR: Uh-huh. I had somebody break
10 into my car last June.

11 THE COURT: Okay. And with that knowledge, do you
12 feel you could be fair and impartial?

13 PROSPECTIVE JUROR: Yeah.

14 THE COURT: Okay. Thank you, ma'am.

15 You can go back to your seat.

16 Yes, sir.

17 PROSPECTIVE JUROR: Juror 140, Beau Proffitt.

18 THE COURT: Mr. Proffitt.

19 PROSPECTIVE JUROR: My brother got his truck broken
20 into within this last year.

21 THE COURT: And do you feel you could be fair and
22 impartial?

23 PROSPECTIVE JUROR: I do.

24 THE COURT: Thank you, sir.

25 PROSPECTIVE JUROR: 93.

1 THE COURT: 93. Mr. Lowery?

2 PROSPECTIVE JUROR: Yes, sir. I had two firearms
3 stolen last -- two weeks ago.

4 THE COURT: Okay. With that knowledge, do you feel
5 you could be fair and impartial?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: All right. Thank you, sir. You can go
8 back to your seat.

9 PROSPECTIVE JUROR: 154, last name Romero.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: On February 14th of 2011, my car
12 was broken into. Somebody broke the windows and some
13 items were taken.

14 THE COURT: With that knowledge, do you feel you
15 could be fair and impartial?

16 PROSPECTIVE JUROR: Yes, sir.

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

18 PROSPECTIVE JUROR: 135.

19 THE COURT: 135. Mr. Pilgrim.

20 PROSPECTIVE JUROR: Yes, sir. My father-in-law's
21 vehicle was broken into and it was stolen last year.

22 THE COURT: All right. With that knowledge, do you
23 feel you could be fair and impartial?

24 PROSPECTIVE JUROR: Sure.

25 THE COURT: All right. Thank you, sir. You can be

1 seated.

2 Yes, ma'am.

3 PROSPECTIVE JUROR: My daughter's car was broken into

4 --

5 THE COURT: All right, what's your number?

6 PROSPECTIVE JUROR: 134.

7 THE COURT: 134, Ms. Pilgrim.

8 PROSPECTIVE JUROR: And no charges were filed.

9 THE COURT: Okay. It was your daughter?

10 PROSPECTIVE JUROR: Uh-huh. And she lived at home
11 with me.

12 THE COURT: With that knowledge, do you feel you
13 could be fair and impartial?

14 PROSPECTIVE JUROR: Yes, certainly.

15 THE COURT: Thank you, ma'am. You can be seated.

16 PROSPECTIVE JUROR: Good morning, Your Honor.

17 THE COURT: Good morning. What's your number?

18 PROSPECTIVE JUROR: Richard B. Tate, 170.

19 THE COURT: Okay. What's --

20 PROSPECTIVE JUROR: I'm just erring on the side of
21 caution, sir. I am the chairman of the Pickens County
22 Republican party. And as such, I met Solicitor Wilkins
23 just in passing to shake hands with him at a political
24 function.

25 THE COURT: Well, do you feel you could be fair and

1 impartial if selected?

2 PROSPECTIVE JUROR: Absolutely. I absolutely could.
3 When you asked the organization question, I was kind of --

4 THE COURT: Well, that's -- a political organization
5 is not -- and I realize a lot of political parties take
6 positions as far as the judicial department, but I
7 appreciate you calling that to my attention.

8 PROSPECTIVE JUROR: I just thought you should know,
9 sir.

10 THE COURT: Thank you, sir.

11 (WHEREUPON, the sidebar was concluded.)

12 THE COURT: Okay. Any further?

13 (WHEREUPON, there was no response.)

14 THE COURT: Now, I'm going to stand down here because
15 there may be some others on this next question.

16 Has any member of the jury panel ever -- or an
17 immediate family member or close personal friend ever been
18 prosecuted by the 13th Circuit Solicitor's Office? If so,
19 please, stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Okay. There are none.

22 All right. Ladies and gentlemen, this indictment
23 alleges that the offense took place on December the 21st,
24 2017, in Pickens County. Does any member of the jury
25 panel have any prior knowledge from any source about the

1 facts of this case? If so, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Okay. There are none.

4 Does any member of the jury panel know of any other
5 reason why he or she could not be fair and impartial if
6 called to serve as a juror in this case?

7 (WHEREUPON, there was no response.)

8 THE COURT: There are none.

9 Any further submissions from the State?

10 MS. OWEN: Nothing from the State, Your Honor.

11 THE COURT: Any further submissions from the defense?

12 MR. DEJONG: Not on behalf of Mr. Webb, Your Honor.

13 THE COURT: Okay. Ladies and gentlemen, we're going
14 to select the jury. The way this works is the computer
15 generates a random list for the attorneys to strike from.
16 The computer does it all for us now. We used to have a
17 hopper, they had to draw the names out of a hat. I date
18 myself. That's what they did many, many years ago when I
19 started in the legal profession. But the computer does it
20 all for us now.

21 (Pause.)

22 THE COURT: Mr. Clerk.

23 JURY SELECTION

24 THE CLERK: As I call your name, if you would,
25 please, stand where the attorneys can see you.

1 Juror No. 49, Thomas Frank.

2 (Juror No. 49, a white male, stood.)

3 THE CLERK: What says the State?

4 MS. OWEN: Please present this juror.

5 THE CLERK: And the defense?

6 MR. DEJONG: Please swear the juror.

7 THE CLERK: Please come forward and have a seat in
8 the jury box, sir.

9 Juror No. 59, Reesa Gillespie.

10 (Juror No. 59, a white female, stood.)

11 THE CLERK: What says the State?

12 MS. OWEN: Please present this juror.

13 THE CLERK: And the defense?

14 MR. DEJONG: Please swear the juror.

15 THE CLERK: If you would come forward, please, ma'am,
16 and have a seat in the jury box.

17 Juror No. 10, Robin Bridges.

18 (Juror No. 10, a white female, stood.)

19 THE CLERK: What says the State?

20 MS. OWEN: Please present this juror.

21 THE CLERK: And the defense?

22 MR. DEJONG: Please excuse this juror from the trial
23 of this case.

24 THE CLERK: Please return to your seat.

25 Juror No. 7, Barron Black.

1 (Juror No. 7, a white male, stood.)

2 THE CLERK: What says the State?

3 MS. OWEN: Please present this juror.

4 THE CLERK: And the defense?

5 MR. DEJONG: Please swear the juror.

6 THE CLERK: Please come forward and have a seat in
7 the jury box.

8 Juror No. 75, Kenneth Herman.

9 (Juror No. 75, a white male, stood.)

10 THE CLERK: What says the State?

11 MS. OWEN: Please present this juror.

12 THE CLERK: And the defense?

13 MR. DEJONG: Please excuse this juror from the trial
14 of this case.

15 THE CLERK: Please return to your seat, sir.

16 Juror No. 41, Jonathan Ellenburg.

17 (Juror No. 41, a white male, stood.)

18 THE CLERK: What says the State?

19 MS. OWEN: Please present this juror.

20 THE CLERK: And the defense?

21 MR. DEJONG: Please swear the juror.

22 THE CLERK: Please come forward and have a seat in
23 the jury box.

24 Juror No. 93, Robby Lowery.

25 (Juror No. 92, a white male, stood.)

1 THE CLERK: What says the State?

2 MS. OWEN: Please present this juror.

3 THE CLERK: And the defense?

4 MR. DEJONG: Please excuse this juror from the trial
5 of this case.

6 THE CLERK: Please return to your seat, sir.

7 Juror No. 151, Michael Rodgers.

8 (Juror No. 151, a white male, stood.)

9 THE CLERK: What says the State?

10 MS. OWEN: Please present this juror.

11 THE CLERK: And the defense?

12 MR. DEJONG: Please excuse this juror from the trial
13 of this case.

14 THE CLERK: Please return to your seat, sir.

15 Juror No. 15, Vonda Cannon.

16 (Juror No. 15, a black female, stood.)

17 THE CLERK: What says the State?

18 MS. OWEN: Please excuse this juror.

19 THE CLERK: If you would return to your seat, please.

20 Juror No. 3, Kelsey Anders.

21 (Juror No. 3, a white female, stood.)

22 THE CLERK: What says the State?

23 MS. OWEN: Please present this juror.

24 THE CLERK: And the defense?

25 MR. DEJONG: What number, please, Mr. Clerk?

1 THE CLERK: No. 3.

2 MR. DEJONG: Thank you so much.

3 Please swear the juror.

4 THE CLERK: Please come forward and have a seat in
5 the jury box.

6 MR. DEJONG: Your Honor, I don't mean to interrupt,
7 but could we darken the blinds on these two windows a
8 little bit? It really interferes with me. At least,
9 while we're striking the jury.

10 THE COURT: Yes.

11 MR. DEJONG: Thank you.

12 THE CLERK: Juror No. 108, Gloria McFadden.

13 (Juror No. 108, a white female, stood.) /

14 THE CLERK: What says the State?

15 MS. OWEN: Please present this juror.

16 THE CLERK: And the defense?

17 MR. DEJONG: Please swear the juror.

18 THE CLERK: Please come around and have a seat in the
19 jury box.

20 Juror No. 163; Zachary Sizemore.

21 (Juror No. 163, a white male, stood.)

22 THE CLERK: What says the State?

23 MS. OWEN: Please present this juror.

24 THE CLERK: And the defense?

25 MR. DEJONG: Please excuse this juror from the trial

1 of this case.

2 THE CLERK: Please return to your seat, sir.

3 Juror No. 170, Richard Tate.

4 (Juror No. 170, a white male, stood.)

5 THE CLERK: What --

6 MS. OWEN: Please excuse this juror.

7 THE CLERK: I'm sorry. I --

8 MS. OWEN: Please excuse this juror.

9 THE CLERK: If you would return to your seat, please,
10 sir.

11 Juror No. 140, Beau Proffitt.

12 (Juror No. 140, a white male, stood.)

13 THE CLERK: What says the State?

14 MS. OWEN: Please present this juror.

15 THE CLERK: And the defense?

16 MR. DEJONG: Please swear the juror.

17 THE CLERK: If you would come forward and have a seat
18 in the jury box.

19 Juror No. 125, Catherine Ohalloran.

20 (Juror No. 125, a white female, stood.)

21 THE CLERK: What says the State?

22 MS. OWEN: Please present this juror.

23 THE CLERK: And the defense?

24 MR. DEJONG: Please swear the juror.

25 THE CLERK: Please come forward and have a seat in

1 the jury box.

2 Juror No. 79, Elizabeth Hudson.

3 (Juror No. 79, a white female, stood.)

4 THE CLERK: What says the State?

5 MS. OWEN: Please present this juror.

6 THE CLERK: And the defense?

7 MR. DEJONG: What number, please, Mr. Clerk?

8 THE CLERK: 79.

9 MR. DEJONG: Please swear the juror.

10 THE CLERK: Please come forward and have a seat in
11 the jury box.

12 Juror No. 30, Todd Cram.

13 (Juror No. 30, a white male, stood.)

14 THE CLERK: What says the State?

15 MS. OWEN: Please present this juror.

16 THE CLERK: And the defense?

17 MR. DEJONG: Please swear the juror.

18 THE CLERK: Please come forward and have a seat in
19 the jury box.

20 Juror No. 153, Beverly Rogers.

21 (Juror No. 153, a black female, stood.)

22 THE CLERK: What says the State?

23 MS. OWEN: Please excuse this juror.

24 THE CLERK: Please return to your seat, ma'am.

25 Juror No. 69, Virgil Harris.

1 (Juror No. 69, a white male, stood.)

2 THE CLERK: What says the State?

3 MS. OWEN: Please excuse this juror.

4 THE CLERK: Please return to your seat, sir.

5 Juror No. 132, Shelley Pease.

6 (Juror No. 132, a white female, stood.)

7 THE CLERK: What says the State?

8 MS. OWEN: Please present this juror.

9 THE CLERK: And the defense?

10 MR. DEJONG: Please swear the juror.

11 THE CLERK: Please come forward and have a seat in
12 the jury box.

13 Juror No. 130, Danny Patterson.

14 (Juror No. 130, a white male, stood.)

15 THE CLERK: What says the State?

16 MS. OWEN: Please present this juror.

17 THE CLERK: And the defense?

18 MR. DEJONG: Please swear the juror.

19 THE CLERK: Please come forward and have a seat in
20 the jury box.

21 Your Honor, would you like to have one alternate or
22 two?

23 THE COURT: Just one.

24 THE CLERK: This will be for the alternate.

25 Juror No. 162, Cynthia Simmons.

1 (Juror No. 162, a white female, stood.)

2 THE CLERK: What says the State?

3 MS. OWEN: Please present this juror.

4 THE CLERK: And the defense?

5 MR. DEJONG: Please excuse this juror from the trial
6 of this case.

7 THE CLERK: If you would, please, return to your
8 seat.

9 Juror No. 131, Tareka Pearson.

10 (Juror No. 131, a black female, stood.)

11 THE CLERK: What says the State?

12 MS. OWEN: Please present this juror.

13 THE CLERK: And the defense?

14 MR. DEJONG: Please swear the juror.

15 THE CLERK: Please come forward and have a seat in
16 the jury box.

17 THE COURT: All right. Any motions or exceptions to
18 the selection of the jury from the State?

19 MS. OWEN: None from the State, Your Honor.

20 THE COURT: Are there any motions or exceptions to
21 the selection of the jury from the defense?

22 MR. DEJONG: Yes, Your Honor.

23 THE COURT: All right. Mr. Bailiff, would you take
24 our selected jury into the jury room.

25 And the rest of the jury panel, please, go out into

1 the lobby. Do not leave the courthouse.

2 (WHEREUPON, the jury was excused from open court at
3 approximately 11:12 a.m.)

4 (WHEREUPON, the remaining jury panel members exited
5 the courtroom.)

6 THE COURT: Okay, Mr. DeJong.

7 MR. DEJONG: Thank you, Your Honor.

8 May it please the Court.

9 I would make a Batson motion with regard to the
10 selection of the jury. Obviously, my client is African
11 American. We never have many African Americans period on
12 our jury panels. And I didn't really count on this one,
13 but, again, it was very, very few.

14 Madam Solicitor selected an African American as the
15 alternate. She excused two African Americans from the,
16 shall we say, the main panel or the panel itself.
17 Obviously, I don't know what, if any, motivation there
18 was. But, obviously, there are no African Americans on
19 the 12-person panel, Your Honor -- or jury, I'm sorry.
20 And I would, therefore, respectfully request that we
21 restrike the jury.

22 THE COURT: All right. Thank you, Mr. DeJong.

23 Well, in a Batson motion, the first part of the
24 process is for the challenge to be made that preemptory
25 strikes were made on the basis of race. It appears that

1 Juror No. 9 and Juror No. 18, the only two African
2 American jurors that appeared in the pool were struck by
3 the State. The next step of the process is the State
4 needs to give a race neutral explanation for the strikes.

5 So Ms. Owen.

6 MS. OWEN: Your Honor, I think -- I'm sorry, let me
7 make sure this is correct. I have Juror No. 15 as a black
8 female that was struck, and then Juror No. 153 was a black
9 female --

10 THE COURT: Oh, I'm looking at the numbers on the
11 left. Right, right.

12 MS. OWEN: Okay.

13 THE COURT: The actual -- the strike sheet has the
14 numbers on the left side. So it would be Vonda Cannon,
15 Juror No. 15, and then, Beverly Rogers, Juror No. 153.

16 MS. OWEN: That's correct, Your Honor.

17 Your Honor, I struck Ms. Cannon for her place of
18 employment. She works at a boys' home that a lot of the
19 kids end up in our system and go through our system. That
20 is the reason I struck her.

21 In regards to Juror No. 153, the other black female,
22 she was stricken because she has pled to an assault and
23 battery previously. The other two males I struck, 170,
24 who was a white male, and 69, who was a white male, they
25 both have prior records, Your Honor. I struck three of

1 the people on my strike list for records. And then Ms.
2 Cannon was for her place of employment.

3 Your Honor, I don't believe she would have been an
4 appropriate person in this jury panel based on the fact
5 that she has knowledge -- or I would assume she's got
6 knowledge based on her place of employment in regards to
7 the system and how it works, and the off chance that she
8 has had some dealings with anybody in the courthouse
9 previously. And the other three were for prior records.

10 THE COURT: Okay. Mr. DeJong, any response?

11 MR. DEJONG: Your Honor, the assault and battery, I
12 don't know if those were misdemeanors. And I think one of
13 those applied to the African American. Actually, when you
14 qualified the panel about any prior crimes -- obviously, I
15 guess, the Solicitor has information they don't share as
16 to prior records. I can't vouch for that one way or the
17 other. But, again, I don't think the fact is, in this
18 case, Your Honor, a race neutral reason for striking.

19 By the same token -- I believe that was 15, if I'm
20 not mistaken.

21 MS. OWEN: 153.

22 THE COURT: It's 15 on the left side of the page.

23 THE CLERK: No, it's not.

24 MR. DEJONG: That must be --

25 THE CLERK: It's 18 on the left side of the page.

1 THE COURT: It's 18 on the left side of the page.
2 It's Juror No. 153.

3 MR. DEJONG: The reason given by the State, Your
4 Honor, for striking her was, as I understand it, she works
5 for a boys' home. And, of course, the State can strike
6 for anything they want to, I understand that, as we can.
7 But I would submit, Your Honor, that I don't see that as
8 being a race neutral reason for striking that juror,
9 especially, again, not in light of the number of African
10 American jurors we have in the panel. So I would submit
11 neither of the two African Americans that were stricken,
12 Your Honor, has the State given a race neutral reason.
13 Thank you.

14 THE COURT: Thank you. Well, in the case law,
15 employment has been held to be a race neutral explanation.
16 I would point you to the Edwards case, which I believe the
17 person involved in that case worked at the DMV and had
18 regular contact with law enforcement. There are other
19 cases that hold employment is a race neutral reason.

20 So as to the assault and battery, I find there --
21 since the State struck another juror for the same basic
22 reason, for a misdemeanor conviction, of a different race,
23 I find that the burden of showing a desperate treatment of
24 jurors has not been met.

25 So Mr. DeJong, I would deny your Batson motion.

1 MR. DEJONG: Thank you, Your Honor.

2 Your Honor, if I may, I am very hard of hearing. I
3 apologize. I'm having a bit of a problem hearing you.
4 I'm not trying to be rude or disrespectful.

5 THE COURT: I don't have my microphone -- well, there
6 we go. We're getting ready to move upstairs.

7 MR. DEJONG: Okay. That will be fine.

8 THE COURT: All right. Anything further before I
9 bring them back in?

10 MR. DEJONG: No, Your Honor. We will have some
11 motions to make, but we can take care of that upstairs.

12 THE COURT: All right. Mr. Bailiff, would you get
13 our jury, please.

14 (WHEREUPON, the jury came into open court at
15 approximately 11:21 a.m.)

16 THE COURT: Ladies and gentlemen, we are actually
17 going to have the trial of this case in the upstairs
18 courtroom. So I'm going to have you follow the bailiff
19 now and he's going to take you upstairs to the third
20 floor.

21 So Mr. Bailiff, would you take our jury up to the
22 third floor.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 11:22 a.m.)

25 THE CLERK: You want me to swear them in now?

1 THE COURT: Yeah.

2 (WHEREUPON, the jury came into open court at
3 approximately 11:38 a.m.)

4 THE CLERK: All right, we're ready to proceed the
5 case of State vs. Jeremy Renard Webb.

6 Mr. Clerk, would you swear our jury?

7 THE CLERK: If you would, please stand. Again, after
8 the oath is administer, if you would answer by saying "I
9 will". Raise your right hand.

10 (WHEREUPON, the jury was sworn.)

11 THE CLERK: If you agree with that, please have a
12 seat.

13 THE COURT: All right, ladies and gentlemen, before
14 we start the trial, I want to explain our roles in the
15 case. I am the judge of the law. You are the judges of
16 the facts. You will apply the law as I give it to you to
17 the facts of the case. You have the duty to evaluate the
18 evidence that is presented during the trial. Evidence is
19 sworn testimony from the witness stand or any exhibits
20 that are entered into evidence. You and you alone will
21 determine the credibility of witnesses, how much weight to
22 give their testimony. You also will have the opportunity
23 to deliberate at the end. Now, ladies and gentlemen, keep
24 in mind what the attorneys say is not evidence, but merely
25 tools that help you to understand their respective

1 positions.

2 Now, it's very important to remember there are three
3 things that you cannot do while you are serving as jurors.
4 The first is independent investigation. This era of smart
5 phones, internet access, it's easy for someone to attempt
6 to research either the facts or the law and that's
7 strictly prohibited.

8 Second thing you cannot do is talk to third parties
9 about this case. That's one of the reasons you have the
10 juror badge, so that people know you're a juror. When you
11 walk outside, you go through the lobby, the attorneys are
12 going to turn away, they're not going to speak to you.
13 They're not trying to be rude, it's just that they know
14 they can't have any contact with you. If a third party
15 comes up to you and starts trying to talk to you about
16 this case, you let the bailiffs know, they'll let me know
17 and I'll tend to that. But you cannot talk to third
18 parties.

19 The last thing is you cannot deliberate on the case
20 until I instruct you to do so at the end. Deliberations
21 means that you as a group talk about the case. When
22 you're in the jury room, when you're outside of the
23 courtroom, you're at lunch or wherever, you can talk among
24 yourselves about you want to talk about, except this case.
25 I will tell you when you can deliberate at the end.

1 Now, the reason for these rules, ladies and
2 gentlemen, it is very important that this case is decided
3 on the evidence that is presented during the trial and not
4 on outside influences and it's also not decided
5 prematurely until all of the evidence is in.

6 Now, there may be times during the trial where one
7 attorney makes an objection. They object either to a
8 question or piece of evidence that may be attempted to be
9 put in. I will have to make a ruling on that. That
10 should not be interpreted that I favor one side or the
11 other. That is only my job. I have to make sure that
12 each side receives a fair trial in accordance with the
13 law.

14 And in that same line of reasoning, there may be
15 times that you're asked to leave the courtroom to go to
16 the jury room so that a matter of law can be taken up
17 outside your presence. That's not to hide things from
18 you, it's just to ensure that both the State and the
19 Defense receive a fair and impartial jury and fair and
20 impartial trial.

21 So you have one order of business now before lunch.
22 And I want you to go to the jury room and elect a
23 foreperson. This will be the presiding juror over your
24 deliberations at the end. This will also be the juror
25 that communicates with the Court. If there are any

1 problems or anything that I need know about, it should be
2 in the form of a written note signed by the foreperson.

3 So I'm going to have you go to the jury room right
4 now, when you have elected a foreperson, write that
5 person's name or juror number on a piece of paper, knock
6 on the door and let the bailiff know.

7 (WHEREUPON, the jury left the courtroom at
8 approximately 11:49 a.m.)

9 THE COURT: Okay, any objection to my preliminary
10 instructions from the State?

11 MS. OWEN: No, Your Honor.

12 THE COURT: Any exceptions to my preliminary
13 instructions from the defense?

14 MR. DEJONG: No, Your Honor.

15 THE COURT: All right, while the jury is out, let's
16 hear any motions.

17 MR. DEJONG: Do you have any?

18 MS. OWEN: I have one.

19 Your Honor, I have a motion for a prior bad act that
20 I would like to have you hear.

21 THE COURT: Okay.

22 MS. OWEN: I've got --

23 Pat, would you mind making me a copy of this?

24 Your Honor, under this motion -- and then I'll give
25 you the written copy from Pat. Mr. Webb was been charged

1 with breaking into a motor vehicle. This occurred on
2 December 21st of 2017 around 12:30 or 1:00 a.m. There is
3 a prior incident in 2014. I do have that victim,
4 Ms. Karen Edwards, here. And I'm going to argue that
5 these are so similar that they should come in as they do
6 outweigh any prejudice or anything unfair to Mr. Webb, but
7 also that they are so similar in nature and conduct that I
8 think it would be proper for the jury to hear based on
9 common scheme or plan.

10 Your Honor, both occurred late in the evening. The
11 prior incident from 2014 was about 10:30 at night.

12 Mr. Webb is seen walking up the driveway, this is on
13 video, into a garage. He is caught by the victims in
14 their residence. They go out in the garage and he is in
15 their car going through their items. They go inside to
16 get a baseball bat. He retreats, that's seen on video.

17 He also breaks into a car in the driveway. You can
18 see him walk up the sidewalk into the driveway and open
19 that car vehicle and go inside the car. He does take some
20 money out of that.

21 This video surveillance was turned over to Clemson
22 Police Department, at which point, they are able to
23 identify him. He is a bald, light-skinned, skinny black
24 male that has a goatee. They were able to identify him
25 based on the video footage as Mr. Webb.

1 In this case, this happened at around 12:30, 1:00 in
2 the evening in 2017. This is also caught on camera.
3 Mr. Webb comes up a driveway to a house he doesn't reside
4 in. He pulls on the doorknob of a car. It's unlocked.
5 He goes into the car. You can see what appears to be a
6 flashlight in his hand. You can see him rifling around in
7 the car, at which point he does exit and leave.

8 This video was also turned over to Clemson Police
9 Department. Neither one of these victims knew Mr. Webb,
10 but law enforcement, after viewing the video, was able to
11 identify him.

12 In this case, we have a 911 call where the victim,
13 initially calls and says he think it's a white male. He
14 calls right back and says it's, actually, a light-skinned
15 black male. We are going to present that evidence today,
16 Your Honor.

17 But these are so similar and the fact they're both in
18 the city limits of Clemson, they're about two miles apart,
19 the residences are. They are both late in the evening or
20 early morning hours. They were both caught on video.
21 Both indicate a skinny, black male, bald with a goatee.
22 In this instance, he has on hat in the 2017 incident, but
23 otherwise, it is indicative that it is Mr. Webb. I would
24 argue that's common scheme or plan, that Mr. Webb
25 continues to go to someone's house, down their driveway,

1 opens car doors to take items from a car. That, honestly,
2 Your Honor, is just adherently the fact -- the fact
3 pattern is so similar that I don't think it would be
4 improper for it to come in.

5 THE COURT: All right, Mr. DeJong.

6 MR. DEJONG: Thank you, Your Honor, may it please the
7 Court. My initial query would be how many ways are there
8 to break into a motor vehicle? And rarely are they broken
9 into in the daytime. It takes more, I think, Your Honor,
10 that there was an automobile broken into to make it a
11 prior bad act.

12 The solicitor says this happened in '14 and this
13 particular situation is similar. I take issue with that.
14 There certainly are no more allegations that -- in the
15 incident case that my client broke into a motor vehicle,
16 we're not conceding that, obviously. As far as the video
17 in this case that I have been provided, I can't see any
18 rifling around in the car, movement in the car. As a
19 matter of fact, I don't think there's any allegation in
20 this case, that is the '17 case, that anything was stolen.
21 Certainly, no companion case of larceny of any sort, type
22 or nature.

23 So common scheme of plan, Your Honor, number one,
24 we're talking three years apart. There may be some
25 argument on the proximity of the places, but, even at

1 that, I would say that that is not a real basis for making
2 it a common scheme or plan. Just because the residences
3 are close to each other, or relatively close to each
4 other, would not, in my opinion, Your Honor, make that a
5 similarity to be used in this particular case. I suspect
6 that there are many auto break-ins in the City of Clemson.
7 Many auto break-ins in the same locations, same areas that
8 may or may not be similar in nature. I just do not see
9 that this is similar nature.

10 Now, in addition, Your Honor, not quite on point, but
11 since we're up here arguing anyway, Ms. Owen did provide
12 me with a copy of the police report in the 2014 case and a
13 statement given by some gentleman. I am now led to
14 believe that there is a video and I think Madam Solicitor
15 alluded to that. But when she gave me what I call
16 discovery on November the 16th of 2018, sent me the report
17 on this particular -- on the 2014 case, there was no video
18 attached. I've got video on the 2017, I don't have the
19 video, apparently, what Ms. Owen was alluding to in her
20 argument.

21 So my understanding of Rule 5 -- and Rule 5 was
22 filed, Your Honor. My understanding of Rule 5 is anything
23 the State plans to use in their case in chief must be
24 provided to the defense. And, obviously, this is
25 something they are planning on using. I think it's

1 already queued up on the computer.

2 THE COURT: Was the video in 2014 used to identify
3 the Defendant?

4 MS. OWEN: Yes, Your Honor.

5 THE COURT: Was that provided to defense counsel?

6 MS. OWEN: Your Honor, no. I just -- Detective
7 Peppers brought it with him today. We did not have a copy
8 in our file. I am not going to introduce the video into
9 our case in chief because we have not provided it and I
10 had not seen it before 10 minutes ago.

11 THE COURT: But that's the basis of the
12 identification; is it not?

13 MS. OWEN: Your Honor, I believe Detective Peppers,
14 he's here, he was also the one that identified Mr. Webb
15 previously, can testify after the victim that he had
16 reviewed the video and was able to identify Mr. Webb as
17 the Defendant.

18 THE COURT: All right. Anything further?

19 MS. OWEN: Your Honor, I just want to make clear that
20 we did provide that discovery in 2014. Mr. DeJong was the
21 person who represented Mr. Webb in 2014 on that prior
22 case. Mr. Webb pled guilty to that. I do not intend to
23 introduce the conviction, just the testimony from the
24 victim regarding this is the person that broke into the
25 house. But what she could say about that evening and

1 Detective Peppers to say that he identified the Defendant
2 from the video, we don't need to go into his conviction
3 unless he decides to testify and that will be a wholly
4 different matter.

5 THE COURT: That was going to be my next question.

6 All right, you represented him, did you get the video
7 in the previous case?

8 MR. DEJONG: I think I represented him in 2014, but
9 between 2014 and 2018, there's been quite a few cases.

10 THE COURT: I understand. I understand.

11 MS. OWEN: But Your Honor, if we had it, we would
12 have provided it. I turned over the discovery affidavits
13 to Mr. DeJong, so he should know whether he had the video
14 or not.

15 MR. DEJONG: I'm not denying I didn't get the written
16 material. I didn't get the video.

17 THE COURT: All right. Well, in listening to
18 argument from counsel and looking at the brief filed by
19 the State, I will find that it does classify as a bad act
20 and would be admissible.

21 Mr. DeJong, your objection is noted for the record.

22 MS. OWEN: Thank you, Your Honor.

23 THE COURT: But that's -- I will not allow the video
24 to be introduced since that was not provided.

25 THE WITNESS: Just the discovery packet, I

1 understand. It was provided in 2015, I will just put that
2 on the record, Your Honor.

3 THE COURT: Okay.

4 Okay. Mr. DeJong, do you have anything?

5 MR. DEJONG: Your Honor, one thing the solicitor
6 alluded to, and this may not be the proper time and place,
7 but I was going to raise it at some point down the road,
8 is the identity in this case. I'm back on the 2017 case
9 so the record is clear, Your Honor.

10 The alleged victim in this case, to my knowledge,
11 never identified Mr. Webb, even though he reportedly
12 looked at the video. As Madam Solicitor indicated, there
13 were two 911 calls in this case. The one, which allegedly
14 -- the first call said the perpetrator in this auto
15 breaking was a skinny, white male wearing a cap and a
16 hoodie, I believe. I don't have it right in front of me.
17 Some five minutes later, there was another call back to
18 911 and said that well, it could have been, maybe could
19 have been a black person. So there was a question there.

20 Now, here is the point I make. Indeed, this was used
21 to get the warrant. The problem is when they got the
22 warrant, they didn't particularly identify my client by
23 any means, at least, from the victim. What they used and
24 what that seemed to really have in getting these warrants
25 is my client has a prior conviction for auto breaking.

1 Well, that's going to be a real stickler when they
2 start testifying as to how my client was identified.
3 Obviously, I think obviously, they can't testify that he
4 was known to law enforcement because he had prior auto
5 breaking convictions, should they be allowed to talk of
6 that at all. Then if they said well, he had contact with
7 law enforcement, well, that's, basically, saying the same
8 thing as far as I'm concerned when it comes to the jury.
9 To say well, he's had contact. Usually when we say there
10 was contact with law enforcement, it's not in a good
11 connotation.

12 So this whole issue with the warrants, there were no
13 independent warrant affidavits according to Madam
14 Solicitor, so we don't have that. The only thing I can
15 think is either Detective Crooks or Peppers one appeared
16 before a judge and said this is what happened and the
17 judge issued the warrant. So I don't have anything
18 independent by way of that affidavit. But again, it
19 appears that they relied heavily on the fact that my
20 client had prior convictions. And I've been struggling
21 with how to deal with that on my cross-examination by
22 Detective Crooks or Detective Peppers. I haven't come up
23 with a good solution yet.

24 MS. OWEN: Thank you, Your Honor. I don't know if
25 Mr. DeJong provided you with his motion to dismiss in

1 regards to the affidavits where the lack of what he
2 considers evidence. Your Honor, I've met with Detective
3 Crooks and Detective Peppers previously. They can
4 articulate that based on the video, they have known
5 Mr. Webb when he was in high school. They can talk about
6 the fact that they have known him for many years. He's a
7 Clemson resident. There is not going to be any discussion
8 of prior arrest or prior law enforcement involvement. It
9 is going to be the fact that he is a Clemson resident and
10 they have known himself since he was in high school. They
11 can articulate, based on his gait, his height and the
12 appearance in the video that they were able to identify
13 him. The State is not going to introduce the warrant
14 which says that he has a prior record. The only time
15 anybody will know about the prior record is if Mr. Webb
16 decides to take the stand and you rule that his prior
17 record is admissible for cross.

18 THE COURT: Well, Mr. DeJong, obviously, identity is
19 a question of fact. And the State has the burden of proof
20 to prove identity as an element of the offense. So I will
21 allow the officers to testify they know the Defendant and
22 have known him since high school.

23 But now, I would admonish both parties, do not elicit
24 any questions about the previous arrests or the previous
25 record unless there is a ruling from the Court on that

1 basis if Mr. Webb decides to take the stand.

2 MS. OWEN: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. DEJONG: I understand your ruling, Your Honor.

5 THE COURT: Yes, sir.

6 All right, anything further?

7 MR. DEJONG: Yes, Your Honor. I already touched on
8 it a little bit. That's what Ms. Owen was talking about.
9 That on October the 16th of this year, I served on
10 Ms. Owen a notice of motion, a motion to dismiss for lack
11 of evidence. And part of what I just argued as to
12 identity, I would incorporate into this argument.

13 Additionally, Your Honor, the video in this case, I
14 suggest to the Court -- certainly, Your Honor may view it
15 if you wish. I think it's about 11 seconds long or
16 something. It's really fuzzy and does not really show
17 with any clarity the person who allegedly broke into this
18 car on December 21st of '17. There are no forensics. To
19 my knowledge, forensics was never called. There was no
20 arrest until February of 2018. And for the purposes of
21 this argument, Your Honor, I'm certainly not going to go
22 before the jury is Mr. Webb has other auto breaking
23 charges pending. Those warrants were served along with
24 this warrant in February of 2018.

25 So, certainly, if there was an identity before

1 February of 2018, there, certainly, were no arrest in that
2 case until February. As I said, there's no forensics. To
3 my knowledge, forensics was never ever called. As I see
4 it, the only thing they have is this video, which, again,
5 I would submit to the Court is anything but clear. So I'm
6 simply sharing with the Court that I think the State has
7 no evidence to move forward on this case. Of course, we
8 can discuss that at the time of the directed verdict.

9 THE COURT: Mr. DeJong, that was going to be my
10 question is, just like at the directed verdict, but I
11 haven't heard any of the evidence at this point. And I
12 would feel safe in assuming the State's going to have a
13 radically different characterization of the evidence that
14 you have. So I'm going to deny your motion at this point.
15 I mean, this can be taken up at the directed verdict after
16 the State introduces their evidence in the case.

17 MR. DEJONG: Thank you, Your Honor. I'm not arguing,
18 but in conjunction with that, obviously, we did not get to
19 argue that motion until today. We had filed that motion
20 back in -- I think I said it was served on October the
21 16th and filed the next day, or the same day. Then there
22 was also later on a bond request that was submitted.
23 Neither one -- the motion wasn't heard prior to trial.
24 The bond was never heard. The only thing we got on the
25 bond was well, he's on the trial docket. We're not going

1 to give him a bond hearing.

2 Your Honor, he was on the trial docket. He was on
3 the trial docket I think for about four months running, at
4 least, three. Every time he was the last case on the
5 trial docket or next to the last case, so absolutely no
6 reason that his bond hearing could not have been heard or
7 this motion could be heard before today. And I understand
8 Your Honor's ruling on the motion, I just share that with
9 the Court. He was brought up to court last month on
10 October 29th, I believe, stayed up here all day. I don't
11 remember what I was doing on the 29th, if I was in trial
12 or not. But Mr. Webb's position is, certainly, both the
13 bond hearing and the motion hearing could have been heard
14 and he feels like he's been denied his rights under the
15 14th Amendment, Your Honor.

16 THE COURT: Well, the jury is sworn and we're
17 proceeding now. So this is his day in court. Again, I
18 understand your arguments and we'll take those up at the
19 appropriate time, okay.

20 MS. OWEN: Your Honor, may I just have a few minutes
21 to make sure everybody understands the prior record in
22 discussion --

23 THE COURT: Well, what I think I will do, it is after
24 12:00 now. I think I'm going to go ahead and send the
25 jury to lunch. We'll start the case at 1:30.

1 MS. OWEN: Okay.

2 THE COURT: So that will give each side the time to
3 prepare for your opening statements.

4 And I'm going to get the jury.

5 No. 140 has been elected foreman.

6 MS. OWEN: What number, Your Honor?

7 THE COURT: No. 140.

8 (WHEREUPON, the jury came into open court at
9 approximately 12:03 p.m.)

10 THE COURT: Okay. Ladies and gentlemen, I have your
11 note.

12 Mr. Foreman, you will always sit where you're seated
13 right now.

14 And Madam Alternate, you'll always sit in that chair.

15 The rest of you can move about as you see fit.

16 I'm going to go ahead and send you to lunch. The
17 case will start at 1:30. So be back in the jury room
18 shortly before 1:30. I hope everyone has a good lunch.
19 See you then.

20 (WHEREUPON, the jury left open court at approximately
21 12:04 p.m.)

22 (WHEREUPON, Court's Exhibit No. 1 was marked for
23 identification.)

24 THE COURT: Okay. All right, we'll be in recess
25 until 1:30.

1 (WHEREUPON, a lunch break was taken.)

2 (WHEREUPON, State's Exhibit Nos. 1 through 9 were
3 Marked for identification.)

4 THE COURT: All right. Let go on the record.
5 Anything from either party before we bring our jury in?

6 MS. OWEN: Nothing from the State, Your Honor.

7 MR. DEJONG: Nothing on behalf of Mr. Webb, Your
8 Honor.

9 THE COURT: All right. Mr. Bailiff, get our jury for
10 us.

11 (WHEREUPON, the jury entered the courtroom at
12 approximately 1:30 p.m.)

13 THE COURT: All right, ladies and gentlemen, we're
14 ready to start. First part of the trial will be opening
15 statement by the attorneys.

16 Ms. Owen.

17 MS. OWEN: Thank you, Your Honor.

18 OPENING STATEMENT

19 MS. OWEN: Good afternoon, ladies and gentlemen,
20 thank y'all for being with us today. I know this is not
21 where you want to be the Monday after Thanksgiving, but we
22 do appreciate your being here.

23 The charge -- let me rephrase that. Jeremy Webb has
24 been charged with breaking into a motor vehicle. He is
25 seated at that table over there with his attorney,

1 Mr. DeJong. Breaking into a motor vehicle is very simple
2 in regards to what the State, that would be myself, have
3 to prove. I have to prove that Mr. Jeremy Webb did offer
4 or attempt to break into a car.

5 Mr. Webb, on December 21st, 2017, was in Clemson. He
6 arrived by foot at a house on Kings Way. That house is
7 not his home. That home is owned by Mr. Benjamin Weeks.
8 You're going to hear from him today that he woke up in the
9 middle of the night to his dogs barking. After review of
10 video surveillance that he has on the front of his house,
11 he was able to see someone break into his motor vehicle.
12 He had a 2014 Chevy Equinox parked outside of his home in
13 the driveway.

14 You're going to get to see that video today. You're
15 going to hear testimony from Mr. Weeks, the homeowner, law
16 enforcement and the 911 operator. You're also going to
17 hear from a Ms. Karen Edwards.

18 Ladies and gentlemen, at the end of the day, I have
19 to prove to you beyond a reasonable doubt that Jeremy Webb
20 did break into the motor vehicle of Mr. Benjamin Weeks.
21 This isn't CSI. This isn't going to be like TV. I wish
22 it was, but it's not. Everything that you're going to
23 hear is going to come directly from this witness stand
24 right here. I'm going to ask you to pay careful
25 attention. I have to prove to you beyond a reasonable

1 doubt, and I take that burden gladly, that Mr. Jeremy
2 Weeks -- sorry, Jeremy Webb, my victim is Mr. Weeks, broke
3 into Mr. Benjamin Weeks' car.

4 I don't have a lot more to tell you other than that
5 right now. The rest of this trial will be all the
6 evidence that we will present. It will all come from that
7 witness stand right there and I just ask you to pay
8 careful attention. Thank you.

9 THE COURT: Mr. DeJong.

10 MR. DEJONG: May it please the Court.

11 OPENING STATEMENT

12 MR. DEJONG: Mr. Foreman, ladies and gentlemen of the
13 jury, I would remind you what His Honor has already shared
14 with you, that what we say is not evidence. It's our
15 opportunity to talk to the 13 of you right now. And
16 rarely do I agree with the prosecutor, but I agree with
17 the prosecutor in this case on one thing. Not because I
18 agree, it's because what the law says. That is, the
19 burden of proof in this case is purely on the prosecution,
20 this table right here.

21 Mr. Webb comes into this courtroom, and by virtue of
22 the 13 of you sitting in the jury box, he has pled not
23 guilty. And that's all he's got to do. Now, certainly,
24 he may take the witness stand if he wishes to, or he may
25 not. I don't know at this point in time whether he will

1 or he will not. But he comes into the courtroom today
2 with absolutely nothing to prove to the 13 of you.

3 And probably two or three hours ago, I think I
4 represented -- I introduced myself to you all and shared
5 with you that I had the pleasure of representing
6 Mr. Jeremy Webb. As I do, I would like to carry that one
7 step further and tell you that I have the pleasure of
8 representing the innocent Jeremy Webb.

9 Was he arrested for this? Yeah, he was. But that
10 arrest warrant, the fact that he was arrested is no
11 evidence, absolutely no evidence in this case at all.
12 Indeed, this trial has not even started, with the
13 exception of the 13 of y'all sitting in the jury box.

14 Then the next question might well be, did not His
15 Honor read us an indictment? Yes, he did. So you're
16 saying he's been indicted, but you're saying he's
17 innocent? Yes, I am. Because just like the arrest
18 warrant and/or the fact that he was arrested, ladies and
19 gentlemen, that not being evidence, the indictment that
20 His Honor read to you is, likewise, absolutely no evidence
21 in this case whatsoever.

22 Indeed, we do live in a digital age, but we still
23 have to keep paper. But for the fact of keeping paper, we
24 could just simply tear up that indictment, throw it in the
25 garbage can and be done with it because that's all the

1 meaning that it has today. It's meaningless.

2 Now, another part that goes with that and I've shared
3 with you that Mr. Webb comes into the courtroom today and
4 has nothing to prove to you. And part of that -- what
5 goes into that is what we call the presumption of
6 innocence.

7 Now, there's another way that I can say I represent
8 the innocent Jeremy Webb. If you look at Mr. Webb sitting
9 over there, he's wearing a blue shirt and some britches.
10 But he's wearing something that you really can't see,
11 which is much more viable and important than those clothes
12 he has on.

13 What he is wearing, ladies and gentlemen, is the
14 presumption of innocence. In this state, in this country,
15 everyone that is charged with a crime is presumed to be
16 innocent. And that presumption of innocence, ladies and
17 gentlemen, is with Mr. Webb now, follows him all the way
18 through this trial and, indeed, follows him into the jury
19 room when the judge says that you may -- His Honor says
20 you may start your deliberations. So it doesn't leave
21 once one witness or one law enforcement testifies, two,
22 however many they put up, I don't know. It doesn't leave
23 him. It stays with him. And it continues to stay with
24 him unless the 12 of you who go back into that jury room
25 to deliberate find that the case -- or the State has

1 proved their case beyond a reasonable doubt. So again,
2 that presumption of innocence is not a legal theory, it is
3 not legal mumbo jumbo. It is a very substantial right
4 that is afforded every citizen of this country.

5 I'm not going to stand here and say what the evidence
6 will show because I really don't know. I don't have to
7 prove the case. I'm going to be like y'all, I'm going to
8 listen and see what they have to say. Of course, then I
9 might do some questioning of my own, certainly, I will.

10 And let me share with you, ladies and gentlemen,
11 obviously, the State is going to put up some witnesses.
12 And then the Defendant, Mr. Webb, through me, we have a
13 right to cross-examine or ask those witnesses questions.
14 And the answers on cross-examination is as much evidence,
15 testimony, if you will, as whatever they say when Madam
16 Solicitor was asking them questions. So that's all
17 evidence, testimony and I ask you not no forgot that. It
18 is not just one-sided.

19 I don't anticipate this being a long trial, but it is
20 a gravely important trial. It is gravely important to
21 Mr. Webb. This is his only day in court. So long or
22 short really has no meaning because it is tremendously
23 important that you try this case based on the oath you
24 took a few moments ago on the testimony, evidence and the
25 law in this case. And that in a large degree shares with

1 you, I hope, the importance of the 13 of you sitting in
2 the jury box. You are vitally important to our system.
3 Without y'all sitting in the jury box, certainly, be no
4 need for me, be no need for Madam Solicitor, and I mean no
5 disrespect to His Honor, there would be no need for him.

6 I attribute it to the late great Winston Churchill.
7 There are many that say I'm wrong, but I believe it.
8 Mr. Churchill one time said jury service is the highest
9 service you can provide to your country, to your state, to
10 your community in times of peace. I'm not sure we are at
11 peace right now. However, I think I can still use
12 Mr. Churchill's statement and maybe modify it just a
13 little bit. Jury service is the highest service you can
14 render for your country, your state and your community as
15 noncombatants. You're right up there. So vitally
16 important.

17 And I suspect there's probably a thousand and one
18 places that each of you would rather be today than sitting
19 in that jury box. But on behalf of Mr. Webb, I want to
20 thank you for being here. You could have been selfish,
21 but you didn't, you're here. You laid aside everything
22 else to come here and perform that duty. I would ask you,
23 ladies and gentlemen, to listen attentively as you have
24 while I've been here with you, and I deeply appreciate
25 that. I would ask you to stay that way until after His

1 Honor charges you on the law at the end of this case. And
2 when it's over and you go back in that jury room, as I
3 said, you have not seen it, but we know it's there, that
4 presumption of innocence, and return a verdict of not
5 guilty. Thank you so much.

6 THE COURT: Ms. Owen, call your first witness.

7 MS. OWEN: Thank you, Your Honor. The State would
8 call Ms. Karen Edwards.

9 THE CLERK: Place your left hand on the Bible raise
10 your right hand.

11 KAREN EDWARDS, after being
12 duly sworn, testified as follows:

13 THE CLERK: If you would have a seat, state your full
14 name for the record, please.

15 THE WITNESS: Karen Edwards.

16 MR. DEJONG: Your Honor, before Ms. Owen gets
17 started --

18 I'm sorry, ma'am, I didn't mean to interrupt you.

19 But I object to this witness' testimony on arguments
20 I previously made.

21 THE COURT: So noted.

22 MR. DEJONG: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. OWEN:

25 Q How are you, Ms. Edwards?

1 A Good.

2 Q Good. Ms. Edwards, how long have you been a resident
3 of Pickens County?

4 A Probably 14 years.

5 Q Okay. Where were you living in May of 2014?

6 A Northwood Drive in Clemson.

7 Q Specifically, on May 19th, 2014?

8 A Yes.

9 Q Northwood Drive in Clemson?

10 A Uh-huh.

11 Q And were you home that evening?

12 A Yes.

13 Q Were you home all evening?

14 A Yes.

15 Q Was anyone staying with you?

16 A Yes. Well, I had my children. We had a Clemson
17 student staying with me and my husband. We were all home.

18 Q Did anything unusual happen that evening?

19 A Yes. We were waiting on the Clemson student to
20 return, so we had our garage doors open because we were
21 waiting on her to get back. It was about 10:30. She
22 pulled in the driveway and then she came in the house.
23 And my husband went to close the garage doors. When he
24 opened the kitchen garage door, someone was in the back
25 seat of my car that was in the garage. So as soon as she

1 A Correct.

2 Q All right. And I gather you saw some video?

3 A Yes.

4 Q And you have described this person as tall and
5 skinny.

6 A Uh-huh.

7 Q And that would still be your description, right?

8 A Uh-huh.

9 MR. DEJONG: Thank you, ma'am.

10 MS. OWEN: May this witness be excused, Your Honor?

11 THE COURT: Any objection?

12 MR. DEJONG: No objection.

13 THE COURT: All right. Thank you, ma'am. You are
14 excused.

15 MS. OWEN: Your Honor, the State calls Detective
16 Peppers.

17 JAMES PEPPERS, after being duly
18 sworn, testified as follows:

19 THE CLERK: If you would have a seat and state your
20 name for the record, please.

21 THE WITNESS: James Peppers.

22 DIRECT EXAMINATION

23 BY MS. OWEN:

24 Q Would you tell the jury where you work, Detective
25 Peppers?

1 A Clemson City Police Department.

2 Q How long you been there?

3 A Sixteen, about 17 years now.

4 Q What are your duties there?

5 A I'm a detective, investigate burglaries, auto
6 break-ins, robberies, anything along that line.

7 Q And have you seen the video that Ms. Edwards was
8 referring to?

9 A Yes, I have.

10 Q Were you able to identify anyone in that video?

11 A Yes.

12 Q Who did you identify?

13 A Jeremy Webb.

14 MS. OWEN: Your Honor, I have no further questions
15 for this witness at this time.

16 MR. DEJONG: You're done with him?

17 MS. OWEN: Yes.

18 MR. DEJONG: Oh, thank you.

19 THE COURT: Mr. DeJong.

20 MR. DEJONG: May it please the Court.

21 CROSS-EXAMINATION

22 BY MR. DEJONG:

23 Q So you say you identified Mr. Webb. How long was
24 that video, if I may ask?

25 A The video was long enough that it showed Mr. Webb

1 walking up the driveway, going actually inside of two
2 vehicles parked outside of the residence, and then
3 Mr. Webb walking inside of the garage going into a third
4 vehicle, then walking and exiting the garage.

5 Q I said that video was about 11 seconds long, give or
6 take, would you agree with that?

7 A I can't give you an exact time.

8 Q It wasn't very long, was it?

9 A I can only -- I just know what happened in the video.
10 I can't give you an exact time.

11 Q Did you say that this person, whoever it was,
12 actually, went into the vehicle.

13 A Yes, sir, Jeremy Webb went in the vehicle.

14 Q Both vehicles?

15 A Yes.

16 Q Or just one?

17 A No, sir.

18 Q The one we're talking about today, I believe is an
19 Equinox, something like that?

20 A I think we was talking about the 2014 case.

21 Q Do what now?

22 MS. OWEN: Let's approach.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: Yes, sir.

25 MR. DEJONG: May it please the Court. I think I was

1 a little confused, Your Honor. I assumed, which I know I
2 should never do that, that Detective Pepper was talking
3 about the 2017, the case we're on today. It's my
4 understanding, his testimony has been to the 2014 charge
5 that was brought in by Ms. Edwards. With regard to any
6 testimony regarding the 2014 case, Your Honor, I object to
7 on the same basis of my previous argument.

8 THE COURT: So noted. Now, Mr. DeJong, are you going
9 to cross-examine him now or do you want her to go ahead
10 and redirect?

11 MR. DEJONG: My understanding is Ms. Owen is going to
12 put him up for everything she has him on now. So that
13 being the case, then I think I would like to defer until
14 she finishes her direct, Your Honor.

15 THE COURT: Okay.

16 REDIRECT EXAMINATION

17 BY MS. OWEN:

18 Q Detective Peppers, you said you've been with Clemson
19 Police Department now for 16 years?

20 A Yes.

21 Q In December of 2017, were you called out to a house
22 on Kings Way?

23 A I was not called out. I, actually, had that case
24 assigned to me later that following morning, the next
25 morning.

1 Q Okay. Can you tell me how that case went?

2 A Generally, what happens is a road officer takes the
3 initial report, which I think this was on the 21st,
4 actually, early in the morning when the report was done.
5 I usually get that report the following -- which would
6 have been later that same morning was assigned to me.
7 Upon looking at the case and the video, saw a slender,
8 black male, light-skinned, black male going into the
9 vehicle, which I recognized as being Jeremy Webb here.

10 Q Okay. Do you know that exact address right off the
11 top of your head?

12 A Not off the top of my head.

13 Q Okay. Detective Peppers, is that a copy of an
14 incident report?

15 A Yes, it is.

16 Q Can you tell the jury now where this incident took
17 place?

18 A [REDACTED] Kings Way in Clemson.

19 Q Who called law enforcement out there?

20 A I believe the victim, actually, called Mr. Weeks.

21 Q What's his full name?

22 A Weeks, Benjamin Weeks.

23 Q Approximately what time did law enforcement get
24 called?

25 A Looks like they were, actually, called somewhere on

1 December 21st around 1:02 a.m.

2 Q Okay. And you said there was video, can you tell me
3 about that?

4 A Yes, that was video from the home, the owner had
5 videoed from his residence of his vehicle and somebody
6 going inside his vehicle.

7 Q Okay. Were you provided with a copy of that?

8 A Yes, I was.

9 Q Let me show you what's been marked as State's Exhibit
10 1.

11 A Yes, that's the copy of the video from the residence.

12 Q Okay. I'm going to also show you what's been marked
13 as State's Exhibits 3, 4, 5, 6, 7, 8 and 9.

14 A Yes, these are still shots taken from the video.

15 Q Okay.

16 MS. OWEN: Your Honor, I'd like to introduce what's
17 been marked as State's Exhibit 1.

18 THE COURT: Any objection?

19 MR. DEJONG: No objection, Your Honor.

20 THE COURT: State's Exhibit 1 admitted without
21 objection.

22 MS. OWEN: Thank you, Your Honor.

23 (WHEREUPON, State's Exhibit No. 1 was admitted into
24 evidence.)

25 BY MS. OWEN:

1 Q Detective Peppers, I'm going to play the surveillance
2 video. If you can tell me if this is the correct copy of
3 what you've been provided.

4 (WHEREUPON, State's Exhibit No. 1 was published.)

5 BY MS. OWEN:

6 Q Detective Peppers, is that the video provided to you?

7 A Yes.

8 Q Who provided that video?

9 A The homeowner, Mr. Weeks.

10 Q Detective Peppers, what did you say these items were?

11 A Those are still photos taken from the video that was
12 just played?

13 MS. OWEN: Your Honor, I ask to move State's Exhibits
14 3, 4, 5, 6, 7, 8 and 9 into evidence.

15 THE COURT: Any objection?

16 MR. DEJONG: I do, Your Honor. I don't think the
17 proper foundation has been laid. I don't know who took
18 these stills or anything else.

19 THE COURT: All right. Lay some more foundation for
20 the exhibits.

21 MS. OWEN: Okay.

22 BY MS. OWEN:

23 Q Detective Peppers, I'm going to ask you to review
24 those. They're still photos made from the video; is that
25 correct?

1 A Yes, they are.

2 Q How are you able to identify that?

3 A Just by the vehicle, the car, the make of the
4 victim's car, the time, the dates, all the same.

5 Q Is that on each still photograph?

6 A That is correct. It's at the top of each photograph.

7 Q Okay. Can you read to us what the date and times
8 are?

9 A The time stamp on the top of the video is
10 December the 21st, 2017 at 12:50 a.m.

11 Q Is it the same time for each still photograph?

12 A It goes from 12 -- yes, it is, actually. The seconds
13 change, but as far as the minutes, it's the same.

14 Q We just watched the video, it's a short clip; is that
15 correct?

16 A Correct.

17 Q And that's what was provided to you by the homeowner?

18 A Yes.

19 Q And where was that video surveillance at the time?

20 A He had a camera mounted outside of his home over the
21 driveway.

22 Q And what car is in this video?

23 A Chevrolet Equinox.

24 Q And is that the car that appears to have been broken
25 into?

1 A Yes.

2 Q Is that what we watched on the video?

3 A Yes, it is.

4 Q And you are clear that these are accurate depictions
5 of still shots from the video provided by the homeowner?

6 A Yes.

7 THE COURT: Okay.

8 MR. DEJONG: Just over my objection, Your Honor.

9 THE COURT: Okay. They will be admitted over defense
10 objection.

11 MS. OWEN: Thank you.

12 (WHEREUPON, State's Exhibit Nos. 3 through 9 were
13 admitted into evidence.)

14 BY MS. OWEN:

15 Q Detective Peppers, I know that we just watched the
16 video, but I am going to ask you just explain what we're
17 seeing as I put these photographs up, please.

18 A That's a picture of the Defendant, Jeremy Webb,
19 walking up the driveway to this area behind the car.

20 THE COURT: State the number.

21 MS. OWEN: State's Exhibit 3, I'm sorry, Your Honor.

22 Thank you.

23 BY MS. OWEN:

24 Q All right. And this is State's Exhibit 4, Detective
25 Peppers.

1 A That's the Defendant right there just got to the
2 driver's side of the car.

3 Q Detective Peppers, I think there's going to be some
4 question as to how do you know this would be Mr. Webb
5 based on appearance?

6 A I grew up in Clemson. I been knowing Jeremy for a
7 while, members of his family. That's how I know him.

8 Q Jeremy Webb is a resident of Clemson?

9 A Off and on, yes.

10 Q State's Exhibit 5?

11 A That's him actually reaching for the driver's side
12 door.

13 Q Is there anything in particular that you can see in
14 this photograph that identifies Mr. Webb to you?

15 A In the video, it's, actually, a little bit clearer.
16 You can, actually, see more facial features. Jeremy is
17 just one of the people, if you know him, he kind of stands
18 out.

19 Q State's Exhibit 6?

20 A He's still reaching for the door.

21 Q State's Exhibit 7?

22 A He has, actually, got the door open, is, actually,
23 looking up almost directly at the camera.

24 Q And based on what you see here, is there anything in
25 particular about Mr. Webb that is identifiable?

1 A Just, actually; his face. Just by knowing who he is,
2 just knowing Jeremy, his face, that's him.

3 Q State's Exhibit 8?

4 A He's, actually, entering inside the vehicle.

5 Q State's Exhibit 9?

6 A He's, actually, inside the vehicle at this point.

7 Q Is it your understanding this vehicle was unlocked?

8 A Yes.

9 Q Detective Peppers, were fingerprints taken on this
10 car?

11 A They were not.

12 Q Was there any other investigation done in regards to
13 this case other than the video identification?

14 A No, it was not.

15 MS. OWEN: Thank you. I have no further questions..

16 THE COURT: Mr. DeJong, your witness.

17 MR. DEJONG: Thank you, Your Honor.

18 RECROSS-EXAMINATION

19 BY MR. DEJONG:

20 Q Okay. So maybe we need to straighten out something a
21 little bit. When I was talking to you a few moments ago,
22 you were talking about the 2014 alleged incident?

23 A That is correct.

24 Q So everything you testified until I sat down was
25 dealing with the 2014 case?

1 A Correct.

2 Q Was that your case?

3 A Which one, the '14?

4 Q Yes.

5 MS. OWEN: Objection, Your Honor. Can we just
6 approach briefly?

7 (WHEREUPON, a bench conference was held.)

8 BY MR. DEJONG:

9 Q How long have you known Jeremy Webb?

10 A A number of years, over 10.

11 Q And you said that was on a social basis?

12 A I wouldn't say a social basis. It's the fact that I
13 grew up in Clemson, know a lot of people and, like I said,
14 know family members of his.

15 Q Well, based on that you have just described prior to,
16 I guess, December the 21st, when was the last time you had
17 seen Mr. Webb around Clemson?

18 A When was the last time? I can't give you an exact
19 date, but I'm sure I had seen him somewhere out walking.

20 Q So the last time that you could have seen him out
21 walking may have been six months or six years ago, right?

22 A I would not say six years ago.

23 Q Could have been a lot longer than six months, though,
24 couldn't it?

25 A Could have been.

1 Q People's appearance change, don't they?

2 A Not completely where you wouldn't recognize who
3 somebody is if you've known them for over 10 years.

4 Q All right. So you have seen -- Madam Solicitor
5 showed you these pictures. So I'm now referring to
6 State's Exhibit No. 9. Now, what do you say that's
7 showing?

8 A That shows him, actually -- he's, actually, already
9 inside the car.

10 Q Where?

11 A If you look between the door and the roof of the car,
12 you see that light color, that's the light-colored hoodie
13 that he had on prior to going in the car. That's his
14 back.

15 Q Okay. I'm looking at the picture and you're saying
16 he's already in the car?

17 A That is correct.

18 Q Well, I'm asking you to show me in the car where he
19 is?

20 A If you look between where the doors open and the roof
21 line of the car, the top of the car, you see something
22 white, that is the back of his hoodie, light-colored
23 hoodie that he had on prior to going in the car. He is,
24 actually, leaning inside the car.

25 Q Okay, but if I'm understanding what you're saying,

1 he's still, basically, outside of the car.

2 A His feet are outside of the car, but his body is
3 inside the car. You see his white tennis shoes below the
4 door, where the doors open.

5 Q Let's see, is this what you're saying?

6 A No, come forward.

7 THE COURT: Mr. DeJong, why don't you have the
8 witness step down and point?

9 MR. DEJONG: Thank you, Your Honor.

10 THE COURT: Or if you've got a laser pointer, you can
11 do that.

12 MR. DEJONG: That would be even better.

13 THE COURT: Save us some time.

14 THE WITNESS: Right here is his white tennis shoes,
15 right here. Right here is the back side of his hoodie
16 shirt before he got inside the car.

17 BY MR. DEJONG:

18 Q You are saying that's the back of his white hoodie,
19 right?

20 A Correct.

21 Q But that's all any of us can see, what is in that
22 picture, correct?

23 A Correct. With him leaning inside the car, correct.

24 Q Yeah. And let me ask you this, this is
25 December 21st?

1 A Yes.

2 Q Where were these vehicles parked? Inside, outside,
3 where were they?

4 A Parked outside in the driveway.

5 Q Well, you say that you can see him reaching for the
6 door handle, right?

7 A Correct.

8 Q And at some point in time, I guess he had to --
9 according to your version, had to open that car door?

10 A Correct.

11 Q And according to your version, that was him in the
12 car?

13 A Correct.

14 Q So when did you call forensics to come fingerprint
15 the car?

16 A I was not out there the night the report was taken.

17 Q You were the chief investigating officer, weren't
18 you?

19 A Correct, but I got the report the next morning to
20 follow up on.

21 Q All right. So forensics is not just routinely
22 called?

23 A Not all the time, no, sir, they're not.

24 Q Even when you think there might be evidence?

25 A I was not out there that night, so I can't make that

1 call.

2 Q Well, let me ask you this, to your knowledge, was
3 forensics ever called?

4 A In this case, no, sir.

5 Q So in this case, we have -- well, let me ask you, you
6 said these still photos, that would be State's Exhibit --
7 if you need to see these, Detective Peppers, I'll hand
8 them up to you. But these stills that were -- have been
9 marked State's Exhibits, 3, 4, 5, 6, 7. I think I got all
10 of them. No, I missed 8. Who made those stills?

11 A Who made those stills?

12 Q Uh-huh.

13 A I believe the guy from evidence, our evidence tech
14 pulled those stills.

15 Q You didn't make them?

16 A I did not.

17 Q So other than a date and time stamp, you can't really
18 say these came from video?

19 A It matches up with exactly what's on the video, the
20 pictures.

21 Q You can't say this came from the same video, can you?

22 A That's the only video we had.

23 Q That's the only one you had in the whole police
24 department?

25 A That's the only video we had from this case.

1 Q I understand that, but you had more videos in the
2 police department?

3 A Sure, but those pictures depict what's in the video
4 for this case.

5 Q So you were there when that was done?

6 A I was not, but I've seen the video and I've reviewed
7 the still pictures.

8 Q Well, the video, was it given to you directly?

9 A It came in the case file to me directly.

10 Q Well, who was the road officer? Who was the officer
11 that responded?

12 A Who was the road officer?

13 Q Yes, sir.

14 A He's sitting right back here in the courtroom.

15 Q I don't know him. Who is it?

16 A Officer Gray.

17 Q All right. Now, you have a copy of the incident
18 report, right?

19 A Yes.

20 Q I guess everything is becoming digitized now, but
21 let's look at that report. You've got the incident date
22 from 12/21/2017 at 1:02 a.m. to 12/20/2017 at 8:02 p.m.
23 I'm a little bit confused on the dates and times. This
24 would almost appear that the incident time, at least, that
25 was on the report was actually before you said the alleged

1 incident occurred?

2 A No, sir. You go by the top one, which is at 12/21/17
3 at 1:02 a.m. That's the time you go by on the report.

4 Q It says 12/21?

5 A Correct.

6 Q To 12/20?

7 A Correct.

8 Q So would it --

9 A The 12/20 is something to do with the company, the
10 way they time stamp certain portions of time, but it's not
11 the actual -- that 12/20 is not the time when the incident
12 happened.

13 Q Well, speaking of verification, I guess -- did you
14 ever verify the time and date stamp on that video?

15 A Yes, I did.

16 Q How?

17 A Through the victim.

18 Q So, when exactly did you say that identified Mr. Webb
19 from your knowledge of him in the community?

20 A It would have been the following morning after I got
21 the report and we had a chance to review the video.

22 Q When did you get the warrant?

23 A When I did get the warrant?

24 Q Uh-huh.

25 A Actually, signed it later on on the 21st.

1 Q When was the warrant served?

2 A The warrant was, actually, served in February.

3 Q Why the delay?

4 A Trying to find him. He is not a person who stays in
5 one place.

6 MR. DEJONG: One moment, please, Your Honor.

7 (Pause.)

8 BY MR. DEJONG:

9 Q Did you get a description of the suspect in this
10 case?

11 A Did I get a description for him?

12 Q Uh-huh.

13 A No, sir, I didn't.

14 Q Okay. So you went solely on the video?

15 A Correct.

16 Q Just so I'm clear, you developed your identification
17 solely on the video?

18 A Yes.

19 Q Nothing else?

20 A Nothing else.

21 Q Can you determine what the lighting was like in that
22 video?

23 A Just normal outside lighting, maybe an outside --

24 Q I didn't ask you maybe.

25 A Okay, light outside of the house.

1 Q What did you see?

2 A A light outside of the house.

3 Q What kind of light?

4 A Just a normal outside light that would be on the side
5 of a garage or side of a house.

6 Q One, two, do you know?

7 A One.

8 Q Do you have a still in front of you?

9 A I do.

10 Q I don't know who this came to, but says the video
11 revealed a slender, possibly, possibly black male?

12 A That would have been from the initial officer --

13 Q Pardon me?

14 A That would have been from the initial officer report.

15 Q But not to you?

16 A I would have gotten that report, but I didn't base my
17 arrest on that line in that report.

18 Q So you did get a description of some sort or another,
19 didn't you?

20 A Yes, but I, actually, didn't base my arrest on that
21 report.

22 Q Did you ever review the 911 call?

23 A I did not.

24 Q Okay. One thing, maybe I misunderstood, was this the
25 entire video you got from the alleged victim?

1 A Yes.

2 Q- Okay. I thought I heard Madam Solicitor say a short
3 clip. This was the entire video?

4 A Yes.

5 Q There was nothing else for you to look at other than
6 what we just watched?

7 A That's correct.

8 MR. DEJONG: Thank you, sir.

9 MS. OWEN: Just a few followup questions, Your Honor.

10 FURTHER REDIRECT EXAMINATION

11 BY MS. OWEN:

12 Q Detective Peppers, you said you've known Mr. Webb
13 about 10 years?

14 A Yes.

15 Q Does he normally have facial hair?

16 A He does at different times have a thin-type beard,
17 whatever you call it, but yes.

18 Q Does he today?

19 A He does not.

20 Q Can you identify Mr. Webb in the courtroom?

21 A Yes, he's actually sitting at the table over here.

22 Q In the video we watched, did he have facial hair?

23 A He did, he had a thin beard as well. And he doesn't
24 normally wear glasses all the time as well.

25 Q And as Mr. DeJong pointed out, the description given

1 was a slender, possibly black male wearing a hat; is that
2 correct?

3 A That is correct.

4 Q And in the video, is that a slender, black male?

5 A Yes.

6 Q And you were able to identify him?

7 A Yes.

8 MS. OWEN: Thank you. No further questions.

9 THE COURT: Anything further from this witness?

10 MR. DEJONG: Nothing on recross, Your Honor. No
11 objection to him being excused.

12 THE COURT: Thank you, Officer. You may step down.

13 MS. OWEN: Your Honor, the State would call
14 Mr. Benjamin Weeks.

15 BENJAMIN WEEKS, after being duly
16 sworn, testified as follows:

17 THE CLERK: If you would have a seat and state your
18 name for the record, please.

19 THE WITNESS: Benjamin Weeks.

20 DIRECT EXAMINATION

21 BY MS. OWEN:

22 Q How are you doing, Mr. Weeks?

23 A I'm good.

24 Q Mr. Weeks, where are you from?

25 A Originally, Townville, South Carolina. But I live

1 now in Clemson.

2 Q How long have you lived in Clemson?

3 A Fifteen years.

4 Q Have you always lived at the same address?

5 A Yes.

6 Q Where do you currently reside?

7 A Same address, [REDACTED] Kings Way.

8 Q And that's in Clemson?

9 A In Clemson, yeah.

10 Q Were you home on December 21st, 2017?

11 A I was.

12 Q What did you do that day, do you remember?

13 A I think we were packing to leave town, to go on a
14 trip that day.

15 Q Were you asleep that night?

16 A I was.

17 Q Can you tell me how law enforcement came to be
18 involved in coming to your house?

19 A I awoke to the dog barking pretty loudly, louder
20 than, you know, a normal varmint or something running
21 around. So I woke up, became concerned. And I have an
22 app on my phone where I'm able to see the cameras that we
23 have installed. So I picked up my phone, opened the app
24 and saw the video clip that was played earlier of someone
25 going into my car.

1 Q Okay.

2 A I then called law enforcement, called 911.

3 Q So you made a 911 call?

4 A I did.

5 Q Did you make more than one 911 call?

6 A I did. When I first watched the video and called
7 911, I gave them a description of the person going in my
8 car. And I believe I said that I thought it was a white
9 male. I then watched the video again after I called, was
10 able to kind of take a breath and focus in on it and
11 realized that it was possibly a black male and not a white
12 male. So I called back to give them that information.

13 Q Okay. And about what time of day was this, do you
14 remember?

15 A Yeah, it was after midnight. It was close to 1:00 in
16 the morning.

17 Q Did you see the person that broke into your car in
18 person?

19 A No, I did not.

20 Q Only on the video?

21 A Only on the video.

22 Q Can you tell us what kind of car you have?

23 A At the time, I had a 2014 Chevy Equinox.

24 Q Where was it parked?

25 A It was in the driveway.

1 Q Was it unlocked?

2 A It was.

3 Q And can you describe a little bit about your lighting
4 or your home surveillance system?

5 A So lighting, there is one light above the garage. It
6 is a three-bulb, kind of a standard garage coach light
7 fixture. I believe one of the bulbs was burned out at the
8 time, which I changed because of that.

9 And then the cameras, we have two cameras. We have
10 one that is focused on the front door so we can see who is
11 coming in the front door. And the other is pointed up the
12 driveway.

13 Q Okay. Did anyone have permission to be in your
14 vehicle?

15 A No.

16 Q Did anyone have permission to be on your property?

17 A No.

18 Q I'll show you this. Show you what's been marked as
19 State's Exhibit 1. I just took it out of the computer and
20 I believe you've already seen it, but are you able to
21 identify that?

22 A Yes.

23 Q What is it?

24 A I believe that's a copy of the video from my house
25 that evening.

1 Q Okay. And that was captured on your home
2 surveillance system?

3 A It was.

4 Q And then it was provided to law enforcement?

5 A It was.

6 Q How did you provide that?

7 A Via email.

8 Q Has it been altered or amended in any way?

9 A Not that I can tell.

10 Q Is that what you saw that evening?

11 A It is.

12 Q And then the still shots that we've already seen,
13 which were marked as State's Exhibits 3 through 9, were
14 those also what you would say were accurate depictions
15 from the video?

16 A They are.

17 Q Okay. When you woke up and called 911, did an
18 officer respond out?

19 A Yes.

20 Q Can you tell me a little bit about that interaction?

21 A The first officer came, looked around the house.
22 There was another officer, I believe, that was riding up
23 and down the road shining their light, I think looking for
24 someone. I showed them on my phone the video at the time.
25 We were standing there at the front door. They reviewed

1 the video, continued to look around the neighborhood and
2 asked me to e-mail them that video.

3 Q Mr. Weeks, do you know Mr. Webb?

4 A I do not.

5 Q Were you able to identify anyone in the video?

6 A No, I was not.

7 Q Okay.

8 MS. OWEN: I have no further questions for this
9 witness, Your Honor.

10 THE COURT: All right. Mr. DeJong.

11 MR. DEJONG: Thank you, Your Honor, may it please the
12 Court.

13 CROSS-EXAMINATION

14 BY MR. DEJONG:

15 Q So, what time did the dog awaken you?

16 A Somewhere between probably 12:50 and 1:00, somewhere
17 in that neighborhood. It took me a minute to kind of get
18 oriented when I woke up.

19 Q Was it the dogs that woke you up?

20 A It was the dog, yes.

21 Q Okay. And this three-bulb light that's out there, I
22 guess, above the garage door, is that --

23 A That's correct.

24 Q Was it on?

25 A It was.

1 Q Is it motion activated?

2 A It's not. We usually leave it on at night.

3 Q The video, you said you e-mailed it. Who did you
4 provide it to?

5 A I believe I provided it to the responding officer. I
6 can't say for sure. I was given an e-mail address to send
7 it to.

8 Q Okay. From your knowledge, was it ever received by
9 that individual?

10 A Yes, it was.

11 Q Okay. And how do you know that?

12 A I had some correspondence with the officer. Forgive
13 me, I can't remember the name, but I have some e-mail
14 correspondence with the officer.

15 Q Okay. So you called 911 twice?

16 A I did.

17 Q First time, you identified as a white, thin or
18 skinny, tall male, I think, correct?

19 A I think so, yes.

20 Q Now, between that call and the second call, had law
21 enforcement arrived at your house?

22 A No.

23 Q Do you know what the time lapse was between your
24 first call and your second call?

25 A I would say around five minutes.

1 Q And then on the second call, you said possibly a
2 black male?

3 A Correct.

4 Q So you were more sure of the white male than you were
5 on your second call, the black male?

6 A I'm sorry, please repeat the question.

7 Q Sure. Let me try to break it down. That might help.

8 On the first call, you said a white, tall, skinny male?

9 A (Witness nods.)

10 Q You have to answer out loud?

11 A Correct.

12 Q There was no hesitation about that?

13 A Correct.

14 Q Okay. Now, you go back and look at the tape and you
15 say well, I don't think a direct quote, but maybe or
16 possibly a black male?

17 A I'm not sure what I said on the call, but I did
18 identify the person in my car as a black male when I
19 reviewed the tape a second time.

20 Q You're sure of that?

21 A I am.

22 Q Okay. Did you ever speak to Detective Peppers?

23 A No, sir.

24 Q So the only person you spoke to was the reporting
25 responding officer; is that correct?

1 A Yeah, I believe there were two of them that came that
2 evening.

3 Q Do you know who the other one was?

4 A No, sir, I don't remember a name.

5 Q Do you remember either of their names?

6 A No, sir. From today, I know Officer Gray, I have
7 been informed of his name, but I didn't at the time, no.

8 Q Let me ask you this, when you went outside, did you
9 actually see an individual?

10 A No, sir.

11 Q So you never saw an individual physically?

12 A No, sir.

13 Q Okay. Was anything taken from your vehicle?

14 A No, sir.

15 MR. DEJONG: Thank you, sir.

16 THE COURT: Any redirect examination?

17 MS. OWEN: Nothing, Your Honor.

18 MR. DEJONG: No objection to him being excused, Your
19 Honor.

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

21 All right, we're going to take just a short break.

22 Mr. Bailiff, take the jury to the jury room, please.

23 (WHEREUPON, the jury left the courtroom at
24 approximately 2:31 p.m.)

25 THE COURT: Okay, we'll be in recess for just a few

1 minutes.

2 (WHEREUPON, a short break was taken.)

3 THE COURT: All right. Anything from either side
4 before we bring our jury back in?

5 MS. OWEN: Nothing from the State, Your Honor.

6 MR. DEJONG: Nothing on behalf of Mr. Webb, Your
7 Honor.

8 THE COURT: All right, Mr. Bailiff, will you get our
9 jury for us?

10 BAILIFF: Yes, Your Honor.

11 (WHEREUPON, the jury entered the courtroom at
12 approximately 2:42 p.m.)

13 THE COURT: All right. Ms. Owen, call your next
14 witness.

15 MS. OWEN: Your Honor, the State would call Jamie
16 Ayers.

17 THE CLERK: Place your left hand on the Bible and
18 raise your right hand.

19 JAMIE AYERS, after being duly
20 sworn, testified as follows:

21 THE CLERK: If you would have a seat and state your
22 name for the record, please.

23 THE WITNESS: Jamie Ayers.

24 DIRECT EXAMINATION

25 BY MS. OWENS:

1 Q How are you doing, Jamie?

2 A Doing well.

3 Q Good. Jamie, where do you work?

4 A Clemson City Police Department.

5 Q What do you do there?

6 A Telecommunicator and jailer.

7 Q What does that mean?

8 A Answer 911 calls, answer radio traffic from the
9 officers as well as working our detention center.

10 Q How long you been doing that?

11 A Since September of 2016.

12 Q Can you tell us about how the 911 call system works?

13 A The phone rings, I answer it, I get whatever the
14 person says, I relay it to my officers.

15 Q Is that phone system connected to a recording device?

16 A Yes, ma'am.

17 Q Is that electronically recorded?

18 A Yes, ma'am, and it's also recorded on a hard drive.

19 Q Where is it stored?

20 A I do not know. My superiors have all that.

21 Q Is it an electronic storage, though?

22 A I believe so.

23 Q And the calls that are recorded, how long are they
24 stored for?

25 A I believe for a year.

1 Q And who has access to those calls?

2 A I believe captains and above. We do not have access
3 to it as just a dispatcher.

4 Q So you can't go in and change anything?

5 A No, ma'am.

6 Q Call comes in, it's recorded and it's saved.

7 A Uh-huh.

8 Q Is that correct?

9 A Yes, ma'am.

10 Q And it's saved for a year, you said?

11 A I believe so, yes, ma'am.

12 Q Do you know what kind of system it is?

13 A Our phone system, I believe, is called Zetron.

14 Q Jamie, you said you've been doing this for about two
15 years. Were you on the 911 dispatch for December 21st,
16 2017?

17 A Yes, ma'am.

18 Q I show you what's been marked as State's Exhibit 2.
19 Did you receive a call from Mr. Weeks?

20 A I did.

21 Q Can you tell me about that?

22 A I received a 911 caller. He stated he lived at [REDACTED]

23 --

24 MR. DEJONG: I'm going to object to what he stated,
25 Your Honor. It's hearsay.

1 MS. OWEN: I'm sorry.

2 MR. DEJONG: If she's going to play the tape, that's
3 one thing, but not for this witness to say what he said.

4 THE COURT: All right. Sustained.

5 BY MS. OWEN:

6 Q Jamie, do you know what time the call came in?

7 A I believe roughly after midnight, possibly around
8 1:00 a.m.

9 Q And that call came in from Mr. Benjamin Weeks?

10 A Yes, ma'am.

11 Q Was that call recorded?

12 A Yes, ma'am.

13 Q Was there more than one call?

14 A Yes, ma'am.

15 Q How many calls were made?

16 A Two.

17 Q Were both of those calls recorded?

18 A Yes, ma'am.

19 Q What is that I've showed you that's marked as State's
20 Exhibit 2?

21 A It's the 911 call, the first one and the second one.

22 Q Okay.

23 MS. OWEN: Your Honor, I'd like to ask to move
24 State's Exhibit 2 into evidence.

25 THE COURT: Any objection?

1 MR. DEJONG: No objection, Your Honor.

2 THE COURT: All right. State's Exhibit 2 would be
3 admitted without objection.

4 (WHEREUPON, State's Exhibit No. 2 was admitted into
5 evidence.)

6 MS. OWEN: Your Honor, may I publish to the jury?

7 THE COURT: Yes, ma'am.

8 (WHEREUPON, State's Exhibit No. 2 was published.)

9 BY MS. OWEN:

10 Q Jamie, is that a true and accurate depiction of the
11 911 calls that were made to you that night?

12 A Yes.

13 Q Was that you?

14 A Yes.

15 Q In the background, we can hear you. Are you talking
16 on the radio to the officers?

17 A Yes, ma'am.

18 Q So as calls are coming in, you're dispatching people
19 out?

20 A Yes, ma'am.

21 MS. OWEN: Thank you. I have no further questions.

22 THE COURT: Mr. DeJong.

23 MR. DEJONG: May it please the Court.

24 CROSS-EXAMINATION

25 BY MR. DEJONG:

1 Q Do you know how much time was between those two
2 calls, ma'am?

3 A I would guess to say about five minutes, if that.

4 Q Okay. The first call description was a tall, skinny,
5 white male; is that correct?

6 A Yes, sir, that was what was provided to me.

7 Q And the second report said possibly a black male,
8 correct?

9 A That is correct.

10 MR. DEJONG: Thank you, ma'am.

11 No objection to her being excused, Your Honor.

12 THE COURT: Thank you, ma'am. You can step down.

13 MS. OWEN: Your Honor, the State would call Officer
14 Dakota Gray.

15 DAKOTA GRAY, after being duly
16 sworn, testified as follows:

17 THE CLERK: Sir, if you would have a seat and state
18 your name for the record, please.

19 THE WITNESS: Dakota Gray.

20 DIRECT EXAMINATION

21 BY MS. OWEN:

22 Q Dakota, where do you work?

23 A Clemson City Police Department.

24 Q How long have you been employed there?

25 A I've been employed since May 2017, so a year and some

1 change.

2 Q What do you do there?

3 A I patrol different areas of the city, respond to
4 different calls for service in which an officer is
5 requested and enforce traffic violations, traffic laws.

6 Q Were you working on December 21st of 2017?

7 A I was.

8 Q How did you get involved in this case?

9 A I was initially dispatched by Dispatcher Ayers.

10 Q Okay. Where were you dispatched to?

11 A [REDACTED] Kings Way.

12 Q Did you know why you were going there?

13 A All that was relayed to me by dispatch was 1073,
14 which this code for a break-in to a vehicle, possible
15 break-in. Then I responded.

16 Q Okay. Do you know about what time the call came in?

17 A I believe it was about 12:50, 12:51 area.

18 Q Do you have a copy of your police report?

19 A Not with me, no, ma'am. Thank you.

20 Q I'll let you use that for reference. When you
21 arrived at [REDACTED] Kings Way, who was there?

22 A The victim and complainant, Mr. Benjamin Weeks.

23 Q What did you do when you got there?

24 A Whenever I got there, we were -- Mr. Weeks and I, we
25 reviewed the video and I was able to see someone come in

1 and, actually, open the door of the vehicle. Then I
2 relayed that information to the other officers that were
3 in the area looking for the perpetrator.

4 Q What did you see in the video?

5 A I saw a tall, slender, possibly black male approach
6 the victim's car, which is a 2014 Chevy Equinox, look
7 inside the vehicle, then, actually, open the door and look
8 inside the vehicle. Then close the door and leave the
9 area.

10 Q Okay. Did you know who was in that video?

11 A I did not, no, ma'am.

12 Q Was the video provided to you?

13 A It was.

14 Q How was it provided to you?

15 A Via e-mail.

16 Q Did anyone have permission to be in that vehicle?

17 A To my knowledge, no, they did not.

18 Q What did you do after you took that report?

19 A I corresponded with Mr. Weeks, saying that this was
20 going to be passed up to investigations. I issued him a
21 victim's form, which he was given a copy of. Then that's
22 all that -- well, I passed it up to our criminal
23 investigations unit. That's where I ended my affiliation
24 with this report.

25 Q And you provided the video to Detective Peppers?

1 A I did.

2 Q Okay. Did you call forensics out?

3 A I did not.

4 Q Why not?

5 A That was -- to be frank, that was my very first auto
6 breaking. I had finished the Academy in September and
7 that was the first auto breaking that I responded to and I
8 was relatively new. And, you know, looking back, I --
9 forensics would have been great to be called out, but I
10 did not. That was an oversight on my part.

11 Q All right. The video that was watched here today,
12 State's Exhibit 1, was that video provided to you?

13 A It was.

14 Q Was that the video you watched that evening?

15 A It was.

16 MS. OWEN: I don't have any other questions. Thank
17 you.

18 THE COURT: All right, Mr. DeJong.

19 MR. DEJONG: Thank you, Your Honor, may it please the
20 Court.

21 CROSS-EXAMINATION

22 BY MR. DEJONG:

23 Q How long you worked for Clemson Police Department?

24 A As I stated before, since May 2017, so approximately
25 a year, year and a half.

1 Q You've been on patrol all that time?

2 A Yes, sir.

3 Q How many tall, skinny, white males around Clemson?

4 A I can't give an accurate figure on that number.

5 Q Well, maybe we can lessen the number a little bit.

6 How many tall, skinny black males are there in Clemson?

7 MS. OWEN: Objection, Your Honor, speculation.

8 THE COURT: Overruled.

9 THE WITNESS: Same answer.

10 BY MR. DEJONG:

11 Q Okay. All right, tall, skinny white male or black
12 male is not really much of a description, is it?

13 A Given the initial description of Mr. Weeks' testimony
14 to the dispatchers, but with my own eyes, I did see the
15 video and identified as a possibly black male.

16 Q Possibly black male?

17 A Correct.

18 Q Or it would also -- the suspect was also described as
19 tall, skinny, white male?

20 A Correct.

21 Q So you made the determination it was the tall,
22 skinny, black male?

23 A I did.

24 Q Based on? Based on what?

25 A After reviewing the video, based on the interaction

1 that I've had with different citizens of the community, I
2 was pretty well informed that it did better suit a
3 possibly black male. That's why I listed a possibly.

4 MR. DEJONG: Your Honor, I'm going to move to strike
5 all that as not being responsive to the question. I
6 didn't ask for the editorializing, as I recall. What's
7 more, he's testifying to hearsay. I move that it all be
8 stricken.

9 THE COURT: Well, you asked him what he based his
10 investigation on. I'm going to overrule that objection.
11 That was elicited from your question.

12 MR. DEJONG: Thank you, Your Honor.

13 BY MR. DEJONG:

14 Q So you had just gotten out of the Academy?

15 A September of 2017, yes, sir.

16 Q So you started with Clemson when?

17 A May of 2017.

18 Q Then it was later on that you, actually, went to the
19 Academy?

20 A Correct.

21 Q Okay. And I gather, since you're in uniform, you
22 graduated from the Academy?

23 A I did, yes, sir.

24 Q As part of your training at the Academy, do they
25 teach you about gathering evidence?

1 A They do.

2 Q Do they teach you -- well, let me ask you, do you
3 have any training or expertise in forensics, such as
4 fingerprinting?

5 A I do.

6 Q Did you take any fingerprints?

7 A I did -- I did not, excuse me, no, sir.

8 Q Okay. Well, did you call any other forensic person
9 out to where this allegedly occurred and ask them to
10 fingerprint the vehicle?

11 A I did not.

12 Q And why not?

13 A As stated previously, that was an oversight on my
14 part. It was my first auto breaking.

15 Q Pretty big oversight, wouldn't you say?

16 A If you want to put it in those terms, yes, sir.

17 Q Now, you say that -- if I'm correct, that this person
18 -- on your review of the video, the person never got into
19 the vehicle; is that correct?

20 A I did not say that.

21 Q Well, did you ever see him get in the vehicle?

22 A Yes, I did.

23 Q Okay.

24 A According to the video, I did.

25 Q Okay. And when you did your report, was anything

1 reported as stolen?

2 A It was not.

3 Q Now, do you have a copy of --

4 MR. DEJONG: May I have one moment, please, Your
5 Honor.

6 THE COURT: Yes, sir.

7 (Pause.)

8 BY MR. DEJONG:

9 Q How long did you spend out there at [REDACTED] Kings
10 Highway, if that's the address?

11 A It's [REDACTED] Kings Way.

12 Q Thank you.

13 A Yes, sir. And it was roughly 30 to 45 minutes. We
14 initially BOLO'd the area for anyone matching the
15 description.

16 Q Who were the other two officers out there?

17 A I do not recall exactly who showed up, but I was the
18 one that made the initial report.

19 Q Well, I understand that, but were there two other
20 Clemson police officers that showed up?

21 A Not showed up to the house --

22 Q Pardon me?

23 A Not showed up to the house, but in the area.

24 Q Okay. Did they file reports to your knowledge?

25 A They did not.

1 Q Okay. Again, I'm a little puzzled. As I heard you
2 initially, you said this person looked inside?

3 A Yes, sir, he did look inside and then opened the
4 door.

5 Q Right.

6 A Yes, sir.

7 Q Right. Then he closed the door and left?

8 A Correct.

9 Q So if that's the case, he never got in the car,
10 right?

11 A As video showed, he did, in fact, lean into the
12 vehicle after opening the door.

13 Q The still videos that the State has introduced, would
14 be Exhibits 3, 4, 5, 7, 8, 9 and 6, I got them out of
15 order, did you take those still shots?

16 A I did not.

17 Q Do you know who did?

18 A I do not.

19 Q When you got there, speaking of the address you
20 responded to, what was the lighting?

21 A It was lit by an outside light.

22 Q Where?

23 A The outside of the house.

24 Q Where?

25 A It was well illuminated --

1 Q No --

2 A I don't know what you're trying to ask.

3 Q Where was the light on the house?

4 A It was on the outside illuminating the driveway.

5 Q Was it beside the front door, the garage door, or
6 where?

7 A To the best of my recollection, it was to the right
8 of the front door.

9 Q Where would that be in relation of the driveway?

10 A The front door is directly in front of the driveway,
11 so that would put the driveway directly, I suppose it
12 would be the left.

13 Q Was there a garage with this house?

14 A Honestly, I do not remember.

15 MR. DEJONG: Thank you, sir.

16 REDIRECT EXAMINATION

17 BY MS. OWEN:

18 Q Officer Gray, there's been a lot of discussion about
19 this video, so I'm going to replay the video so you can
20 walk us through what happened.

21 (WHEREUPON, State's Exhibit No. 1 was published.)

22 BY MS. OWEN:

23 Q All right, what's going on, Officer Gray?

24 A Tall, skinny, possibly black male wearing a hoodie,
25 pants and a hat approach the vehicle. He then put his

1 hand on the door and looks inside the vehicle, then
2 actually opens the door, checks back to look at the camera
3 and then he went inside of the vehicle as if to search.

4 Q So this is when we see them go inside; is that
5 correct?

6 A Correct. And as you can see, he did break the plane
7 after he opened the door.

8 Q All right. I'm going to pause it right here. So
9 he's asked you a lot of questions. Where's the light?

10 A It looks to be direct -- as I stated, directly above
11 and to the right of the front door, which would be to the
12 vehicle's left.

13 Q Okay. And the front door is where?

14 A As I recall, it's, I think, directly in front of the
15 driveway.

16 Q And you don't recall if there was a garage or not?

17 A I do not.

18 Q But this car was parked in the driveway at [REDACTED] Kings
19 Way?

20 A Correct.

21 Q And there was a light on when you got there?

22 A Correct.

23 Q Is this a true and accurate depiction of what you saw
24 that evening?

25 A It is.

1 Q This was the video provided to you by Mr. Weeks?

2 A It was.

3 MS. OWEN: Thank you.

4 MR. DEJONG: One question, please, Your Honor.

5 THE COURT: Yes, sir.

6 RECCROSS-EXAMINATION

7 BY MR. DEJONG:

8 Q You have described for us the lighting when you got
9 there, correct?

10 A Correct.

11 Q You don't know what the lighting was when this was
12 done, do you?

13 A Correct.

14 MR. DEJONG: Thank you, sir. No further questions.

15 THE COURT: Thank you, Officer. You may step down.

16 MR. DEJONG: No objection to him being excused, Your
17 Honor.

18 MS. OWEN: Your Honor, the State rests.

19 THE COURT: All right. Mr. Bailiff, would you take
20 our jury to the jury room, please.

21 (WHEREUPON, the jury left the courtroom at
22 approximately 3:08 p.m.)

23 THE COURT: All right. The State has rested. Are
24 there any motions?

25 MR. DEJONG: Your Honor, at this point in time, I

1 would move for a directed verdict on behalf of Mr. Webb,
2 in that I would submit to the Court that there was no
3 substantial evidence, no substantial circumstantial
4 evidence from which this jury could rationally come back
5 today with a verdict of guilty.

6 The whole question in this case, as I see it, Your
7 Honor, is one of identification. Now, I'm sure Your Honor
8 was watching, you've seen the same things we have seen.
9 Again, I'm not arguing with Your Honor's ruling, but I
10 felt like my hands were really, really tied on some of my
11 cross-examination, Your Honor. But, to me, that's the
12 only thing. And I would say these picture, this video, to
13 say that is the Defendant in this case is purely
14 speculative. I would respectfully move for a directed
15 verdict.

16 THE COURT: Okay, Ms. Owen.

17 MS. OWEN: Thank you, Your Honor, just briefly. Your
18 Honor, identity would be a question of fact for the jury.
19 I believe we have put up Officer Dakota Gray, who was able
20 to gather information from the victim. He then retrieves
21 the video, which is then forwarded on to Detective
22 Peppers. And Detective Peppers stated he had known this
23 Defendant for over 10 years. He was able to articulate
24 his facial hair, the fact that he has known him. He sees
25 him walking around Clemson. He knew who that was in the

1 video. And I believe it's going to be up to the jury to
2 determine whether they believe that is, in fact, the
3 Defendant or not, Your Honor. But I think we have met our
4 burden of proof to go to the jury.

5 THE COURT: Okay. Well, in ruling on a motion for
6 directed verdict, the Court is concerned with the
7 existence or nonexistence of evidence, not its weight. To
8 grant a directed verdict, I must find that after viewing
9 the evidence in the light most favorable to the State,
10 that the State has not produced any direct or
11 circumstantial evidence reasonably intending to prove the
12 guilt of the accused.

13 In this case, I've heard the testimony and I find the
14 testimony had produced evidence to support the element of
15 the charges. I, therefore, find that this is a jury
16 question and that the Defendant's motion should be denied.

17 MR. DEJONG: Thank you, Your Honor.

18 THE COURT: Mr. DeJong, would you have your client
19 stand, please.

20 Mr. Clerk, would you please put Mr. Webb under oath?

21 JEREMY WEBB, after being duly
22 sworn, testified as follows:

23 THE COURT: All right, Mr. Webb, at this time, I'm
24 going to explain to you some of your rights. If you do
25 not understand anything I say, please let me know and I

1 will explain it in more detail. If you answer the
2 question, I will assume you understood the question. Do
3 you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: We've reached the stage in the trial
6 where you may present your defense. You have the right to
7 claim the protections given to you by the Fifth Amendment
8 of the Constitution of the United States, which states in
9 part: No person shall be compelled in any criminal case
10 to be a witness against himself. This means you cannot be
11 required to testify in this case.

12 On the other hand, you have the right to testify in
13 this case should you choose to do so. However, no one can
14 make you testify. This is a personal right and no one can
15 waive this right except you.

16 If you decide to testify, you will be subject to the
17 same rules that govern other witnesses and you may be
18 examined and cross-examined on any relevant issue in this
19 case.

20 In addition, if you have any convictions involving
21 dishonesty or false statements or for crimes punishable by
22 imprisonment for more than one year and this Court
23 determines that the probative value of admitting this
24 evidence outweighs its prejudicial effect to you, the
25 solicitor will be able to introduce your record to attack

1 your credibility.

2 If you decide to testify, this decision on your part
3 must be freely, voluntarily and intelligently made with
4 the knowledge of the protections given to you by the Fifth
5 Amendment and the consequences of your decision to
6 testify.

7 If you decide not to testify, I will instruct the
8 jurors that they cannot give the fact that you did not
9 testify any consideration whatsoever and that there is to
10 be absolutely no prejudice to you because you did not
11 testify. It is left entirely up to you whether or not to
12 testify. You may talk to your attorney, your family,
13 friends or anyone else, but the final decision will be
14 left entirely up to you.

15 Do you understand what I've explained to you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you have any questions about what I've
18 explained to you?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. We're going to take a break
21 and let Mr. DeJong talk with his client and then you can
22 inform me of what he decides to do.

23 MR. DEJONG: Thank you very much, Your Honor.

24 (WHEREUPON, a short break was taken.)

25 THE COURT: Mr. DeJong, have you had a chance to

1 speak with your client?

2 MR. DEJONG: Yes, Your Honor. I appreciate the time
3 to speak with my client.

4 THE COURT: And what has he decided to do?

5 MR. DEJONG: He shares with me his decision is not to
6 testify.

7 THE COURT: Is that correct, Mr. Webb?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay.

10 Mr. DeJong, do you plan on calling any other
11 witnesses?

12 MR. DEJONG: No, Your Honor. When the jury comes
13 back, I will rest.

14 THE COURT: Okay. Well, let's -- while we have the
15 jury out, let's talk about charges. I have a general
16 charge about the responsibility of the judge and jury, the
17 standard charge on direct and circumstantial evidence,
18 credibility of witnesses, reasonable doubt, presumption of
19 innocence, failure of the defendant to testify, the
20 charge, arrest and indictment not being evidence. I also
21 have a charge on identification and criminal intent. Then
22 we have the statute, the charge on the statute.

23 Did we print that out? Okay. He's printing that
24 out.

25 Are there any other particular charges that either

1 side wishes for me to consider?

2 MS. OWEN: Your Honor, I believe you said
3 circumstantial; is that correct?

4 THE COURT: Yes, I have direct and circumstantial
5 evidence.

6 MS. OWEN: Thank you, Your Honor.

7 THE COURT: Mr. DeJong?

8 MR. DEJONG: I wish I could come up with something
9 real novel, Your Honor, but I can't, unfortunately.

10 Your Honor, may I -- while we're kind of on a break,
11 may I run the bathroom?

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

13 Here, look at the verdict form. It's a simple
14 verdict form, one page.

15 (WHEREUPON, a short break was taken.)

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

17 (WHEREUPON, the jury entered the courtroom at
18 approximately 3:20 p.m.)

19 THE COURT: All right. The State has rested.

20 Mr. DeJong.

21 MR. DEJONG: May it please the Court, Your Honor, the
22 defense rest.

23 THE COURT: Okay. Ladies and gentlemen, that is the
24 conclusion of the evidentiary stage of this trial. The
25 next stage will involve the attorneys giving you their

1 closing arguments.

2 Ms. Owen.

3 MS. OWEN: Thank you, Your Honor.

4 CLOSING ARGUMENT

5 MS. OWEN: Ladies and gentlemen, we briefly just
6 started. I feel like I haven't had very long with you
7 today, but I appreciate you being here and I appreciate
8 the fact that you came to serve after Thanksgiving. As I
9 told you from the get-go, just a few hours ago, all you're
10 going to hear in testimony in regards to evidence is
11 coming from that witness stand. I also told you this
12 wasn't CSI. I hope that I lived up to what I told you to
13 start with.

14 Ladies and gentlemen, on December 21st of 2017,
15 Mr. Weeks told you that he was at home. He had been
16 preparing to go out of town. Right before Christmas, I
17 believe they were probably going to take a vacation. And
18 he heard his dogs barking. And he said it wasn't like the
19 barking when there's just a little varmint. It was loud
20 barking, a lot of barking.

21 So he looks at his phone because he's got that handy
22 dandy app that connects to his camera that shows him that
23 someone has just broken into his car while he is sleeping.
24 He is disoriented and he calls 911 right away, says, I
25 just watched this video, someone broke into my car outside.

1 in my driveway. I think it's a white male, skinny white
2 male. And then a few minutes later, he calls back and
3 says, actually, I think it's a black male. Based on the
4 lighting outside and the black and white video, it's a
5 black male. You got to hear those 911 calls for yourself.

6 And then, ladies and gentlemen, Dakota Gray comes.
7 He is the officer from Clemson Police Department. He had
8 gotten out of the Academy in September. This was only a
9 couple months after. He speaks to Mr. Weeks, he takes the
10 report and he reviews the video himself. And he says in
11 his report, a tall, slender, possibly black male. He
12 isn't sure who it is. He isn't sure who this person is at
13 all. But he takes the report, gets the video and then
14 sends it up to investigations. He doesn't call for
15 forensics and he admits, maybe he should have done that.

16 However, Detective Peppers then gets this the next
17 day. Detective Peppers told you he has known Jeremy Webb
18 for over 10 years. He has lived in Clemson a long time.
19 He knows Mr. Webb and he knows his family. After viewing
20 that video, he is able to determine that it is Mr. Webb.

21 You're going to get to take these still shots with
22 you back in the jury room and you're going to see for
23 yourself how this video played out. And you'll have a
24 copy of the video and the 911 calls if you want to listen
25 to them.

1 But, essentially, what happens and what we have seen
2 and what the still shots will show is a tall, slender,
3 black male walks down the driveway. He tugs on the car
4 door of a 2014 Chevy Equinox that is unlocked on Mr.
5 Benjamin Weeks' property, that is in his driveway, at
6 which point, the door is unlocked, he opens the car door
7 and then he goes inside the car door. The video shuts
8 off, so we don't know which way he goes afterwards, but we
9 know that he was in the car.

10 Mr. Webb has been charged with breaking into a motor
11 vehicle. And as I stated just a few hours ago, that means
12 that he broke into a car. When you break into a car -- it
13 is a car, I would argue to you, that is not yours. Mr.
14 Webb had no right to be on Mr. Weeks' property. It was
15 12:30 in the morning. He did leave his car unlocked, but
16 it's on his property in his own personal space. And
17 Mr. Webb walks down the driveway, opens his car door and
18 starts rummaging through his items. Mr. Weeks would have
19 never known all this happened if he didn't have a camera.

20 Then Detective Pepper says, I watched the video and I
21 know it's Jeremy Webb because of the fact that it is a
22 tall, skinny, slender, black male with facial hair. You
23 can see it better in the video. He's got some skinny
24 facial hair, is what he describes. He says he doesn't
25 always wear glasses, but sometimes he wears glasses. And

1 he sees him walking around Clemson a lot. So he is able
2 to identify Mr. Webb based on the video.

3 Mr. Weeks told you he didn't know who Mr. Webb was.
4 He just saw it on the video and provided what he had. But
5 Detective Peppers has been with Clemson Police Department
6 a long time and he has lived in Clemson a long time and he
7 knows most of the residents in Clemson. Clemson is not
8 large, as we all know.

9 Ladies and gentlemen, Benjamin Weeks was sleeping in
10 his house in the middle of the night, woken up by his dogs
11 because someone broke into his car. And that someone, I
12 submit to you, is Jeremy Webb. And we know it's Jeremy
13 Webb based on the video.

14 Ms. Edwards told you that she had lived in Clemson,
15 also, and a few years ago, a tall, slender, skinny, black
16 male broke in her car. Detective Peppers said he had
17 reviewed that video and he also knew that it was Mr. Webb.
18 Ladies and gentlemen, that was not there to confuse you.
19 That was just there to say that Detective Peppers knows
20 Mr. Webb.

21 And in this video, in these still shots, Mr. Webb
22 walked down Mr. Weeks' driveway and broke into his car in
23 the middle of the night uninvited and unwelcome. He may
24 not have taken anything. Thankfully, Mr. Weeks didn't
25 leave anything in the car to take. But that doesn't mean

1 that Mr. Webb has a right to go into his car and into his
2 space and into his property.

3 I submit to you, ladies and gentlemen, that the State
4 has met their burden, that would be me. That I proved to
5 you beyond a reasonable doubt that Mr. Webb broke into
6 Mr. Weeks' car on December 21st, 2017, and that there is
7 evidence of that. It may be circumstantial based on the
8 fact that there is a video and that the victim didn't know
9 Mr. Webb. But we're providing a video and we're providing
10 still shots, and then you have Detective Peppers'
11 testimony to say based on the video, I'm able to identify
12 him based on the way he looks in the video, how he walks
13 in the video and the fact that I have known him for over
14 10 years.

15 I'm going to ask you to find Jeremy Webb guilty of
16 breaking into a motor vehicle. Specifically, breaking
17 into Mr. Benjamin Weeks' vehicle on December 21st, 2017.
18 Thank you.

19 THE COURT: All right, Mr. DeJong.

20 MR. DEJONG: Thank you, Your Honor, may it please the
21 Court.

22 CLOSING ARGUMENT

23 MR. DEJONG: Mr. Foreman, ladies and gentlemen of the
24 jury, the testimony that Detective Peppers knew Mr. Webb
25 for maybe 10 years is what it is. It's testimony. And

1 what weight you give that, if any, is totally up to y'all.
2 It is your job to identify who was in that video. You've
3 seen the video, you've seen the still pictures. Certain
4 discrepancies in testimony. And I will say this, you take
5 the testimony as you heard it from the witness stand, not
6 from what I say. I've had to be doing several things over
7 there and y'all have just really listened intently, and I
8 really appreciate that.

9 But nonetheless, it is still your decision to decide
10 on the identity of who was in that video or even in those
11 still pictures. That's your job. And, basically, that's
12 what this whole case boils down to. There's no forensics.
13 I'm not trying to bad mouth this young officer. And he,
14 apparently, was fairly new, but I would submit being
15 fairly new, according to him, he had gotten out of the
16 Academy in September, I would think he would remember.
17 But he looks at the video, sees somebody putting their
18 hands on the door latch. There's conflicting testimony
19 whether that person ever got into the vehicle or not.

20 So assuming for the moment that somebody did get in
21 the vehicle -- and I didn't see anything in that video
22 which would have indicated whoever that person was was
23 wearing gloves. So why, why would you not call forensics
24 out there to check for fingerprints? That would have
25 answered, I submit to you, ladies and gentlemen, a lot of

1 questions. But we do not have that. So again, I would
2 submit to you that's what the case boils down to.

3 The solicitor made a comment, I believe, about
4 Ms. Edwards testifying. I believe she said the testimony
5 was tall, skinny, black male. That's not what I heard.
6 Y'all take it from the way you heard it. But I heard
7 tall, skinny male. I asked her was there anything else?
8 She said, No, tall, skinny male. Not black, not white, no
9 race, just those three things, tall, skinny, male. That's
10 it. So what significance that is, that's up to y'all to
11 decide, but I would submit to you that's of no
12 significance whatsoever.

13 And then you get down to the identification issue.
14 We only have Detective Peppers who said he identified this
15 person because of his knowledge of him in the community.
16 Well, again, you look at the still pictures, they'll go
17 back into the jury room with you. I don't believe the
18 video will, but if you want to watch it again, you most,
19 certainly, will be entitled to do that. That will be
20 y'all's decision.

21 But in this case, ladies and gentlemen, you have no
22 friends to reward, you have no enemies to punish. Your
23 oath was you would well and truly try the case based on
24 the evidence and law in this case. And please understand,
25 if I say anything about the law, I am not the law giver.

1 His Honor is the law giver and he will give you the law as
2 it is.

3 Now, they talk breaking into a motor vehicle, I
4 believe Madam Solicitor left one of the elements out.
5 I've got this fan roaring back hear, so I can't always
6 quite hear everything. They must show a break-in or an
7 attempt to break-in, that's true. But they must also show
8 beyond a reasonable doubt that it was with the intent to
9 commit a crime.

10 Now, I don't know, His Honor will charge you on
11 intent, but I would remind you there was certainly nothing
12 taken from this vehicle by anybody's testimony. The
13 alleged victim said nothing was missing. The officer who
14 took the report said that was no indication of anything
15 missing.

16 So again, listen to the charge on the law. But I
17 suggest to you those are the elements they have to prove.
18 And the one I didn't hear was with the intent to commit a
19 crime. So again, that will be for you to weigh based on
20 the charge His Honor gives you.

21 I would remind you of one other thing that I said
22 when we first talked about 1:45. The presumption of
23 innocence and the Defendant's right, if you will, not to
24 testify. Now, obviously, Mr. Webb has not testified in
25 this case. And I think the Judge will share with you in

1 his charge, the fact that he did not testify is not to be
2 considered by you during your deliberations or even talked
3 about by you during your deliberations. You know, the
4 thought may come across your mind, you know, if I was
5 charged with a crime, I would want to get on the witness
6 stand and tell my side. Well, if that thought even so
7 much as crosses your mind, that would be a violation of
8 the oath you took earlier. And that would be a violation
9 of the law His Honor will charge you.

10 So again, I ask you don't think about that, don't
11 consider that. Again, Mr. Webb has no duty to present
12 anything to you. The burden of proof is on the State to
13 prove Mr. Webb's guilt beyond a reasonable doubt.

14 Now, His Honor, will share with you and give you an
15 explanation of reasonable doubt. And you take the law as
16 he gives it. But, basically, reasonable doubt is such a
17 doubt that would cause a reasonable person in carrying
18 about their daily affairs to hesitate to act.

19 Now, I believe he will also share with you that if
20 you find that the State has proven its case beyond a
21 reasonable doubt, you must find him guilty. However, if
22 you think there is a real possibility that Mr. Webb is not
23 guilty, then you must give Mr. Webb the benefit of that
24 doubt and find him not guilty. So, here's where we are.

25 Again, I thank y'all for being here. I thank you for

1 your attention throughout the day. I would ask you to
2 listen to the charge on the law from His Honor. And once
3 you've heard that, you go back and say State, you have not
4 proved your case beyond a reasonable doubt and bring back
5 a verdict of not guilty. Thank you.

6 CHARGE ON THE LAW

7 THE COURT: Ladies and gentleman, we have come to the
8 point in the trial where I instruct you on the law. My
9 instructions will be somewhat lengthy. It will be in
10 three parts. First, instructions on the general rules
11 that define and control the jury's duties. Secondly,
12 instructions that state the rules of law that you must
13 apply. And lastly, some rules for your deliberations.

14 General rules being with your duties as jurors. It
15 is your duty to find the facts from all of the evidence in
16 the case. To those facts, you must apply the law as I
17 give it to you. You shall not be concerned with what the
18 law should be, but what it is. And you must not be
19 influenced by any personal likes or dislikes, opinions,
20 prejudices or undue sympathy. That means you must decide
21 the case solely based on the evidence before you in
22 accordance with the law. The very thing you took an oath
23 at the beginning of the trial to do.

24 It is your responsibility and yours alone to
25 determine the facts of this case. I would therefore

1 charge you that if during the course of this trial or
2 during this charge, you have been given or left with the
3 impression or feeling that I have a personal feeling about
4 the facts of this case, or that I favor one side or the
5 other, I would specifically instruct you to disregard that
6 impression. Under our constitution, I am not allowed to
7 have an opinion about the facts of this case. You should
8 not be influenced by any objections or the Court's ruling
9 on them. You and you alone are the judges of the facts.

10 You determine the facts by evaluating and weighing
11 the evidence that you heard during the trial. What is
12 evidence? Evidence is the sworn testimony from the
13 witnesses and any exhibits that have been entered into
14 evidence. The statements by the attorneys are not
15 evidence. What they have said in opening statements,
16 closing arguments and at other times is intended to help
17 you interpret the evidence, but it is not evidence.

18 There are two types of evidence, which are generally
19 presented during a trial: Direct evidence and
20 circumstantial evidence. Direct evidence directly proves
21 the existence of a fact and does not require deduction.
22 Circumstantial evidence is proof of a chain of facts and
23 circumstances indicating the existence of a fact. Crimes
24 may be proven by circumstantial evidence.

25 The law makes no distinction between the weight or

1 value to be given to either direct or circumstantial
2 evidence. However, to the extent the State relies on
3 circumstantial evidence; all the circumstances must be
4 consistent with each other and when taken together, point
5 conclusively to the guilt of the accused beyond a
6 reasonable doubt. If the circumstances merely portray the
7 Defendant's behavior as suspicious, then the proof has
8 failed. The State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt. The burden rests with
10 the State regardless of whether the State relies on direct
11 evidence, circumstantial evidence or some combination of
12 the two.

13 As the judges of the facts, you are the sole judges
14 of the credibility, that is the believability of the
15 witnesses who have testified in this case. In determining
16 their credibility, you may take into consideration many
17 things. Such as the appearance and manner of the witness
18 on the stand, sometimes referred to as the demeanor of the
19 witness. Was the witness able to see, hear, or know the
20 things about which the witness testified? How well did
21 the witness recall and describe those things? Did the
22 witness have a cause or reason to be biased and prejudiced
23 in favor of the testimony he or she gave? How reasonable
24 was the witness' testimony considered in light of all the
25 evidence in the case? Was the witness' testimony

1 contradicted by what the witness had said or done at
2 another time or by the testimony of other witnesses or by
3 other evidence? These are some of the factors that you
4 may consider in deciding whether to believe testimony.

5 As jurors, you have the right to believe all of the
6 testimony of a witness or none of the testimony of a
7 witness. You have a right to believe a portion of the
8 testimony of a witness and disregard the rest. You may
9 believe the testimony of one witness over the many, or the
10 many over the one. Most certainly, you do not determine
11 the manner of credibility by simply counting up the number
12 of witnesses who may have testified on behalf of the
13 parties in this case.

14 What is a reasonable doubt in the law? A reasonable
15 doubt is the kind of doubt that would cause a reasonable
16 person to hesitate to act. Some of you may have served as
17 jurors in civil cases where you were told that it is only
18 necessary to prove that a fact is more likely true than
19 not true, such as by the greater weight or preponderance
20 of the evidence. In criminal cases, the State's proof
21 must be more powerful than that. It must be beyond a
22 reasonable doubt.

23 Proof beyond a reasonable doubt is proof that leaves
24 you firmly convinced of the Defendant's guilt. There are
25 very few things in this world that we know with absolute

1 certainty. And in criminal case, the law does require
2 proof this overcomes every possible doubt. If, based on
3 your consideration of the evidence, you are firmly
4 convinced that the Defendant is guilty of the crime
5 charged, you must find the Defendant guilty. If, on the
6 other hand, you think that there is a real possibility
7 that the Defendant is not guilty, you must give the
8 Defendant the benefit of the doubt and find him not
9 guilty. A reasonable doubt may arise from the evidence or
10 from a lack evidence.

11 The Defendant is entitled to every reasonable doubt
12 that may arise in the case. If upon any issue of fact
13 essential to a conviction and a verdict of guilty of an
14 offense, if you have any reasonable doubt as to how that
15 issue should be resolved, it is your duty to resolve that
16 doubt in favor of the Defendant. Suspicion, however
17 strong, is not enough to sustain a conviction. The
18 evidence presented by the State must be substantial
19 evidence that tends to prove the guilt of the Defendant
20 beyond a reasonable doubt.

21 The Defendant has pled not guilty to this indictment
22 and that plea puts the burden on the State to prove the
23 Defendant guilty. A person charged with committing a
24 criminal offense is never required to prove himself
25 innocent. I charge you that it is an important rule of

1 law that a defendant in a criminal trial, no matter what
2 the seriousness of the charge may be, will always be
3 presumed innocent of the crime unless guilt has been
4 proven by evidence satisfying you of that guilt beyond a
5 reasonable doubt.

6 The presumption of innocence does not end when you
7 begin your deliberations, but it accompanies the Defendant
8 throughout the trial until you reach a verdict of guilt
9 based on evidence satisfying you of that guilt beyond a
10 reasonable doubt. The presumption of innocence is like a
11 robe of righteousness placed about the shoulders of the
12 Defendant, which remains with the Defendant until it has
13 been stripped from the Defendant by evidence satisfying
14 you of the Defendant's guilt beyond a reasonable doubt.

15 The presumption of innocence is not a mere legal
16 theory. It is not just a legal phrase. It is a
17 substantial right to which every defendant is entitled
18 unless you, the jury, are satisfied from the evidence of
19 the Defendant's guilt beyond a reasonable doubt.

20 I instruct you and emphasize that the fact that the
21 Defendant did not testify is not a factor to be considered
22 by you in any way in your deliberations and in your
23 consideration on the question of guilt or innocence of the
24 Defendant. It must not be considered by you in any manner
25 whatsoever. A defendant has the constitutional right to

1 remain silent. And the assertion of this right must not
2 be considered by you in your deliberations. I repeat,
3 under your oath, you are to draw no conclusion whatsoever
4 from the fact that the Defendant in this case did not
5 testify. The fact that this Defendant did not testify
6 should not even be discussed in the jury room. The burden
7 of proof, as I have stated to you, is on the State. The
8 Defendant is not required to prove his innocence. The
9 burden of proof remains on the State to prove guilt beyond
10 a reasonable doubt.

11 In order to establish criminal liability, criminal
12 intent is required. For example, the mental state
13 required to be proven by the State for a particular crime
14 might be purpose, intent, knowledge, recklessness or
15 criminal negligence. Criminal intent must be proven by
16 the State beyond a reasonable doubt. Criminal intent is
17 always a matter that must be determined by the jury from
18 the circumstances surrounding the situation.

19 There is no way to prove intent to a mathematical
20 certainty. There's no way medical science can dissect a
21 person's brain and determine what the person had in mind,
22 so the law says that criminal intent may be inferred from
23 the circumstances shown to have existed. This is how you
24 make a determination of whether or not the element
25 requiring intent was present. It is not necessary to

1 establish intent by direct and positive evidence, but
2 intent may be established by inference in the same way as
3 any other fact by taking into consideration the acts of
4 the parties and all the facts and circumstances of the
5 case.

6 Criminal intent is a mental state, a conscious
7 wrongdoing. It is up to you to determine what the
8 Defendant intended to do based on the circumstances shown
9 to have existed. Criminal intent can arise from action or
10 failure to act. It may arise from negligence,
11 recklessness or an indifference to duty or to the
12 consequences that is considered by the law to be the
13 equivalent of criminal incident.

14 An issue in this case is the identification of the
15 Defendant as the person who committed the crime charged.
16 The State has the burden of proving identity beyond a
17 reasonable doubt. You must be satisfied beyond a
18 reasonable doubt of the accuracy of the identification of
19 the Defendant before you may convict the Defendant.

20 Identification testimony is an expression of belief
21 or impression by a witness. You must determine whether
22 the accuracy -- the accuracy of the identification of the
23 Defendant. You must consider the believability of each
24 identification witness in the same way as any other
25 witness. You may consider whether the witness had the

1 opportunity to observe the offender at the time of the
2 offense. This will be affected by things like how long or
3 short a time was available. How far or close the witness
4 was, the lighting conditions and whether the person had
5 the chance to see or know the person in the past.

6 Once again, I instruct you, the burden of proof on
7 the State extends to every element of the crime charged
8 and this specifically includes the burden of proving
9 beyond a reasonable doubt the identity of the Defendant as
10 the person who committed the crime. If after examining
11 the testimony, you have a reasonable doubt as to the
12 accuracy of the identification, you must find the
13 Defendant not guilty.

14 The indictment charges the Defendant with breaking
15 into a motor vehicle. I remind you that the fact that the
16 Defendant was arrested, charged and indicted in this case
17 is not evidence in this case and cannot be considered by
18 you as evidence of guilt in this case, nor does it create
19 any presumption or inference of guilt. These documents
20 are simply the formal written instruments which contain
21 the charges made against the Defendant. They are formal
22 documents by which the case is brought to court.

23 The Defendant is charged with breaking into a motor
24 vehicle or auto breaking. In order to prove this crime,
25 the State must prove beyond a reasonable doubt that the

1 Defendant broke or attempted to break into a motor vehicle
2 or its compartment with the intent to steal the vehicle or
3 anything of value from the vehicle, anything attached to
4 the vehicle or anything used in connection with the
5 vehicle or in the commission of any criminal offense.

6 Breaking is any act of physical force, however
7 slight, by which obstruction to entering is forcibly
8 removed. The breaking does not need to be by means of
9 great force because any force which is necessary to make
10 an opening is sufficient. For example, if the car door is
11 closed, even though it is not locked, an opening of that
12 door would constitute a breaking.

13 Intent means intending the result which actually
14 occurs, not accidentally or involuntarily. Intent may be
15 shown by acts and conduct of the Defendant and other
16 circumstances from which you may naturally and reasonably
17 infer intent.

18 Ladies and gentlemen, we're almost to the point where
19 I send you to the jury room to begin your deliberations.
20 This has been a long instruction on the law, but I want to
21 leave you with some final thoughts. You were chosen as
22 jurors in this case because both sides believed that you
23 could be fair and impartial in deciding this case. I
24 instruct you to make use of your life experiences, your
25 good common sense and your sense of logic and reason in

1 evaluating the evidence in this case. You are not
2 partisans or advocates for either side. You have no
3 friends nor any enemies to punish. You are the judges of
4 the facts. Your sole interest is to determine whether the
5 State has proven its case beyond a reasonable doubt.

6 Be courteous with one another, listen to the views of
7 your fellows jurors. Take the amount of time necessary
8 for you to thoroughly evaluate the evidence in this case.
9 This case is important to both sides because this is their
10 day in court.

11 Now, Mr. Foreman, I'm going to go over the verdict
12 form with you. It's a one-page verdict form. It lists
13 the indictment number and the charge, breaking and
14 entering into a motor vehicle. We, the jury, unanimously
15 find on indictment 2018-GS-39-01076 that the Defendant,
16 Jeremy Renard Webb, is; and it gives you two options. The
17 first blank, not guilty of breaking and entering into a
18 motor vehicle, or guilty of breaking and entering into a
19 motor vehicle. Your verdict must be unanimous. And once
20 the jury has reached a verdict, you will check the box
21 that is appropriate for what the jury has decided. You
22 will sign it above your name there where it list your name
23 as foreman and date it and knock on the door and let the
24 bailiff know.

25 Now, I'm going to send you to the jury room now. Do

1 not begin your deliberations until I send the verdict form
2 back with the exhibits.

3 So Mr. Bailiff, would you take our jury to the jury
4 room.

5 (WHEREUPON, the jury left the courtroom at
6 approximately 3:51 p.m.)

7 THE COURT: Any exceptions to the charge before the
8 State?

9 MS. OWEN: No, Your Honor.

10 THE COURT: Any exceptions to the charge from the
11 defense?

12 MR. DEJONG: Not on behalf of Mr. Webb, Your Honor.

13 THE COURT: All right. I'd like for the attorneys to
14 come forward, count the exhibits and make sure they're all
15 there and then we'll send them on back to the jury room
16 with the verdict form.

17 Are all the exhibits there?

18 MS. OWEN: Yes, Your Honor.

19 MR. DEJONG: Yes, Your Honor.

20 THE COURT: All right. Mr. Clerk if you'll get that

21 --

22 Mr. Bailiff, take those back to the jury. Tell them
23 they may begin their deliberations and bring the alternate
24 back out here.

25 (WHEREUPON, deliberations began at approximately 3:53

1 p.m.)

2 THE COURT: Madam Alternate, that will conclude your
3 service. Since all the primary jurors made it to the end
4 of the trial, you are free to go. If you wish to stay and
5 see how it turns out, you can obviously stay. If you need
6 to go home, then you can leave us if you want to. Call
7 the number after 6:00 and they'll give you further
8 instructions for the week. Thank you for your service.

9 THE ALTERNATE: Thank you.

10 THE COURT: Okay, we'll be in recess.

11 MS. OWEN: Thank you, Your Honor.

12 (WHEREUPON, court was in recess awaiting a
13 verdict.)

14 THE COURT: All right, I have been informed that we
15 have a verdict.

16 Mr. Bailiff, will you get our jury for us, please,
17 sir.

18 (WHEREUPON, the jury entered the courtroom at
19 approximately 4:17 p.m.)

20 THE COURT: All right. Mr. Foreman, has the jury
21 reached a verdict?

22 THE FOREMAN: Yes, sir.

23 THE COURT: Would you hand that to the clerk, please,
24 sir?

25 Mr. Clerk, publish the verdict.

VERDICT

1
2 THE CLERK: Yes, sir. This is State of South
3 Carolina vs. Jeremy Renard Webb. We, the jury,
4 unanimously find on indictment number 2018-GS-39-1076 that
5 the Defendant, Jeremy Renard Webb, is guilty of breaking
6 and entering a motor vehicle.

7 Is this your verdict and still your verdict, so say
8 you all by raising your right hand.

9 (WHEREUPON, all members of the jury raised their
10 right hand.)

11 THE CLERK: Thank you very much.

12 THE COURT: All right, anything from either party
13 before I dismiss the jury?

14 MS. OWEN: Nothing from the State, Your Honor.

15 MR. DEJONG: Nothing on behalf of Mr. Webb, Your
16 Honor.

17 THE COURT: Thank you, ladies and gentlemen, for your
18 service. Call the telephone number that the clerk has
19 given you tonight after 6:00 o'clock for further
20 instructions. You are now free to go.

21 Mr. Foreman, I need for you to sign the verdict form.

22 (WHEREUPON, the jury was excused and left the
23 courtroom at approximately 4:19 p.m.)

24 THE COURT: We're going to take a short break and let
25 each side gather anything they would like to present.

1 (WHEREUPON, a short break was taken.)

2 THE COURT: Okay. Are we ready?

3 MS. OWEN: Yes, Your Honor.

4 THE COURT: Mr. DeJong, if you and your client will
5 come forward, please.

6 MR. DEJONG: Your Honor, I will do that at the
7 Court's instruction, but, normally, if it's a trial, I get
8 my client --

9 THE COURT: Okay.

10 MR. DEJONG: I mean, no disrespect.

11 THE COURT: Okay, that's fine.

12 Okay, let me hear from the State any prior record and
13 then I'll turn it over to Mr. DeJong.

14 MS. OWEN: Thank you, Your Honor. You heard all the
15 evidence in the case. I'm going to go into Mr. Webb's
16 prior record and then I'm going to let Detective Peppers
17 make a quick statement.

18 But Mr. Webb has a 1997 burglary second, petit
19 larceny, malicious injury to personal property, in 1998,
20 obtained property by false pretenses, conspiracy, failure
21 to stop for a blue light and a probation violation, a 2002
22 parole revocation, a 2005 petit larceny, a 2006 driving
23 under suspension, 2007 driving under suspension, burglary
24 second, and three breaking into motor vehicles, 2010, two
25 breaking into motor vehicles and escape, 2012, breaking

1 into a motor vehicle, assault and battery, third, and a
2 pointing and presenting, in 2014, he had two prior -- two
3 more breaking in motor vehicles.

4 Your Honor, he is currently on probation and is a
5 nuisance to the community. I'm also going to let
6 Detective Peppers discuss that with you.

7 DETECTIVE PEPPERS: Your Honor, Mr. Webb has been
8 just a thorn in our side in Clemson on these auto
9 break-ins. It's a constant thing with him. He gets
10 arrested, he gets out, he starts to do the same thing over
11 and over again. He just wears us out on these auto
12 break-ins like this.

13 THE COURT: Thank you, Officer.

14 Anything further from the State?

15 MS. OWEN: No, Your Honor.

16 THE COURT: Mr. DeJong.

17 MR. DEJONG: Thank you, Your Honor. That perturbs me
18 a little bit. A nuisance, a thorn in our side. So what
19 do we do, throw him on the garbage heap? He's 38 years
20 old. He's got a life ahead of him. I know he's been
21 found guilty and, granted, he has a record, Your Honor.
22 But I'm just offended to say that he is a nuisance and a
23 thorn in their flesh. I thought that's what we are all
24 here to deal with. When somebody is charged, they ask for
25 a trial, they get a trial. I didn't know that was a basis

1 -- I understand the prior record, but the other comments,
2 I didn't know that was a basis for sentencing. I'm sorry,
3 I just take offense to that.

4 My client, Your Honor, is 38 years old. He was
5 residing in Central. Parenthetically, I would note, I
6 have not checked with Madam Solicitor, my client shares
7 he's got 291 days.

8 THE COURT: That was going to be my next question,
9 how many days time served does he have?

10 MS. OWEN: Your Honor, I'm going to have to calculate
11 that. Give me just a minute.

12 THE COURT: The maximum sentence is five years.

13 MS. OWEN: That's correct.

14 MR. DEJONG: Yes, sir.

15 THE COURT: And he's got 291 days?

16 MR. DEJONG: That's what he shares with me, Your
17 Honor.

18 THE COURT: Okay. Go ahead.

19 MR. DEJONG: He is single. To my knowledge, he has
20 never been married, he has no children. He, basically,
21 lives at -- has worked in the food service industry. His
22 adult life, he completed the 11th grade at Daniel High
23 School. Did not get his GED. Certainly, there's no
24 dispute that he is currently on probation.

25 And that was really a problem we had in this case,

1 Your Honor. I'm going to be brutally candid. Mr. Webb
2 has been on probation, I think, nine times. He's violated
3 nine times. So I was caught in the middle of, for want of
4 a better term, a power struggle between probation and the
5 solicitor's office in trying to work a deal. I had a deal
6 worked. Actually, we tried it. The judge would not
7 accept the deal. But probation would not work with me
8 because they don't want him back. The solicitor wouldn't
9 work with me because she wanted probation on the back end
10 of whatever sentence he got on this charge.

11 So, basically, we were driven to trial. We really
12 had no choice in the matter whatsoever. My years of
13 experience, you never know what will happen in a trial.
14 Usually nothing, but every once in a while, something good
15 will happen. So we had, as I saw it, at that point in
16 time -- and I know you will not hold it against Mr. Webb
17 for going to trial, but that was, basically, my
18 recommendation to him when we couldn't work anything out
19 decent on him, Your Honor.

20 He has pretty much lived in the area, I think, all of
21 his life. And --

22 THE COURT: Probation, are you ready to go forward
23 today?

24 AGENT: May it please the Court, Your Honor. We've
25 been notified.

1 THE COURT: All right. Okay.

2 MR. DEJONG: I have nothing further to add.

3 THE COURT: Mr. Webb, is there anything you'd like
4 tell me?

5 THE DEFENDANT: No, sir.

6 THE COURT: Okay. Okay. Mr. DeJong, I will say,
7 after hearing this, your client is not a good candidate
8 for probation.

9 MR. DEJONG: I would agree with that, Your Honor.

10 SENTENCE

11 THE COURT: So the sentence of the Court will be he
12 will be confined to the Department of Corrections for a
13 term of five years. He gets credit for 291 days time
14 served.

15 Mr. Webb, you're going to have to deal with probation
16 at a different time. It's not before the Court today.
17 But do your time in this, you finish it up and start your
18 life over and take a different path. I mean, you're 38
19 years old. Stealing, I can tell you there are much better
20 ways to make a living than stealing because you end up
21 where you are right here. Good luck to you.

22 MR. DEJONG: Thank you, Your Honor.

23 MS. OWEN: Thank you, Your Honor.

24

25

CERTIFICATE OF REPORTER

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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official Court Reporter for the
Second Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate, and
complete Transcript of Record of the proceedings had and the
evidence introduced in the trial of the captioned case,
relative to appeal, in General Sessions Court for Pickens
County, South Carolina, on the 15th day of May, 2018.

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

March 3, 2019.

Penny M. Johnson
Penny M. Johnson
Official Court Reporter

WITNESSES

James A Peppers

Clemson Police Department

2/9/2018

ARREST WARRANT NUMBER

2017A3920200369

ACTION OF GRAND JURY

~~NOT BILL~~

AUG 21 2018

Beatrice Phillips

Foreperson of Grand Jury

VERDICT

Guilty

Beau Phillips 11/26/18

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-39-1076
MMO

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

AUG 21 2018 TERM 2018

THE STATE

vs.

JEREMY RENARD WEBB

Indictment for

0258

BREAKING AND ENTERING A MOTOR VEHICLE

VIOLATION § 16-13-0160(1)(2),

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

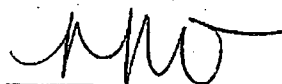
INDICTMENT FOR
BREAKING AND ENTERING A MOTOR VEHICLE

At a Court of General Sessions, convened on **AUG 21 2018** the Grand Jurors of Pickens

County present upon their oath:

That JEREMY RENARD WEBB did in Pickens County, on or about the 21st day of December, 2017, unlawfully break or attempt to break into a motor vehicle belonging to BENJAMIN WEEKS, to wit: a 2014 Gray Chevrolet Equinox, with the intent to steal the same or anything of value therefrom. This is in violation of §16-13-160 of the South Carolina 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.



SOLICITOR

BAR # 100822

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens VS. STATE

INDICTMENT/CASE#: 2018GS3901076

JEREMY RENARD WEBB

A/W#: 2017A3920200369

AKA:

Date of Offense: 12/21/2017

Race: BLACK Sex: M Age: 38

S.C. Code § 16-13-0160(1)(2)

CDR Code #: 0258

Address:

City, State, Zip: CLEMSON, SC 29631

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Breaking Into Motor Vehicle

CONVICTED OF or PLEADS

SENTENCE SHEET

in violation of § 16-13-0160(1)(2), of the S.C. Code of Laws, bearing CDR Code # 0258

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

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

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

ATTEST: Owen, Megan Moricle 100822 SC Bar# Defendant DEJONG, JOHN W. 01620 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75.

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: April Hecker

Presiding Judge

Judge Code: 2752

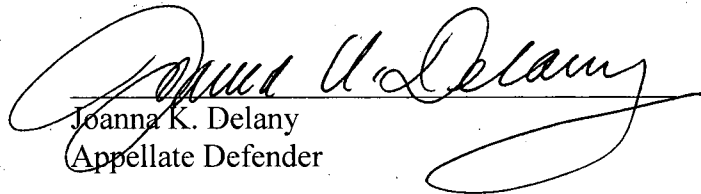
Sentence Date: 11/26/18

291 Days TJS

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."

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 30th day of October, 2019.

RECEIVED
OCT 30 2019
SC Court of Appeals