

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Honorable J. Derham Cole, Circuit Court Judge

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S.C. SUPREME COURT

JEFF CHESTNUT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000347

APPENDIX

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State of South Carolina

Court of General Sessions

County of Richland

2012-GS-40-04241 - 04246

The State of South Carolina :

:

-VS-

:

TRANSCRIPT OF RECORD

:

Jeff Chestnut

:

September 17 - 20, 2012

Columbia, South Carolina

B E F O R E:

The Honorable G. Thomas Cooper, Judge, and
jury.

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John Steadman, Esquire

Nicole Simpson, Esquire

Attorneys for the State

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Circuit Court Reporter

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1 **The Court:** Thank you. Be seated. All right. All
2 right. Solicitor, call your case.

3 **Ms. McDuffie:** Thank you, Your Honor. May it please the
4 Court? At this time the State would call the State versus
5 Jeff Chestnut in indictment 2010-GS-40-2641, the charge of
6 armed robbery---

7 **The Court:** Wait a minute. Let me get the indictments.
8 2641?

9 **Ms. McDuffie:** 2010-2641, armed robbery.

10 **The Court:** Okay.

11 **Ms. McDuffie:** 2012-GS-40-4241, kidnapping.

12 **The Court:** Which one?

13 **Ms. McDuffie:** 4241, kidnapping.

14 **The Court:** All right. Just a minute. 4241, got it.

15 **Ms. McDuffie:** 4242, armed robbery.

16 **The Court:** 4242, got it.

17 **Ms. McDuffie:** 4243, kidnapping.

18 **The Court:** 43, I got it.

19 **Ms. McDuffie:** 4244, kidnapping.

20 **The Court:** All right.

21 **Ms. McDuffie:** 4245, armed robbery.

22 **The Court:** Okay.

23 **Ms. McDuffie:** 4246, armed robbery.

24 **The Court:** Okay. State ready to proceed?

25 **Ms. McDuffie:** The State's ready, Your Honor.

1 **The Court:** Defense ready to proceed?

2 **Mr. Chaplin:** The defense is ready, Your Honor.

3 **The Court:** All right. I think at this time we'll draw
4 the jury and then adjourn until this afternoon to hear
5 pretrial matters. Mr. Chaplin, do you have a -- either a
6 witness list or a voir dire?

7 **Mr. Chaplin:** I thought I passed it up, but I have
8 another one.

9 **The Clerk:** I can give him mine.

10 **The Court:** Okay. How about the voir dire? I have the
11 State's.

12 **Ms. McDuffie:** I have an extra copy of Mr. Chaplin's
13 that I---

14 **Mr. Chaplin:** Thank you, Your Honor. I gave it to him.

15 **The Court:** Of course, these first -- the first six
16 should have been covered in qualification.

17 **Mr. Chaplin:** I think they were, Your Honor.

18 **The Court:** Tell me again what the location of the
19 alleged crime -- Carolina Bingo?

20 **Ms. McDuffie:** Your Honor, it's Carolina Gold Bingo
21 which was located at 2768 Decker Boulevard.

22 **The Court:** 2768 Decker. And what time of day?

23 **Ms. McDuffie:** Approximately 6 -- between 6 and 7.

24 **The Court:** P.M.?

25 **Ms. McDuffie:** Yes, Your Honor.

1 **The Court:** On May 23rd?

2 **Ms. McDuffie:** Yes, Your Honor.

3 **The Court:** Okay. Mr. Chaplin, 14, you mean anybody
4 else in the jury panel?

5 **Mr. Chaplin:** That's what I intended.

6 **The Court:** You know, I was in Beaufort a couple of
7 weeks ago and we drew the husband and wife on the same jury.
8 Slight objection. Any objection to the defendant's proposed
9 voir dire?

10 **Ms. McDuffie:** Yes, Your Honor, we would object. Like
11 you said, questions 1 through 6 we believe they've already
12 been asked of the entire jury panel.

13 **The Court:** 13 should have already been asked also.

14 **Ms. McDuffie:** Yes, Your Honor. We also would object to
15 questions 20, 21, 22, 24, 25---

16 **The Court:** Hold on. Hold on. I agree. I agree with
17 20 and 21. I think you -- the State usually requests 22.

18 **Ms. McDuffie:** Your Honor, we would just ask that it be
19 what's limited in our voir dire that we handed up to a
20 violent crime---

21 **The Court:** I'll do that.

22 **Ms. McDuffie:** ---on 22. 23 is also encompassed. We
23 would ask, you know, violent crime as we've submitted in our
24 voir dire. We would object to 24, 25, 26, 27, 28, 29, 30,
25 and 31.

1 **The Court:** Okay. All of those are matters of
2 instruction to the jury.

3 **Mr. Chaplin:** Beg your pardon?

4 **The Court:** I'm sorry?

5 **Mr. Chaplin:** I'm sorry.

6 **The Court:** I said all of -- from 24 down are matters
7 that I would instruct the jury anyway, but I may touch on
8 those. If you object to my voir dire, you certainly make it
9 a part of the record. Anything further before we bring the
10 jury?

11 **Mr. Chaplin:** Nothing from the defense.

12 **Ms. McDuffie:** No, Your Honor.

13 **The Court:** All right. Bring the jury if you would.

14 **The Clerk:** Yes, sir.

15 **The Court:** 10 and 5?

16 **Ms. McDuffie:** Yes, Your Honor. Your Honor, on our
17 witness list the T-Mobile custodian of records, we believe
18 her name is going to be Susan Johnson.

19 **The Court:** Susan Johnson?

20 **Ms. McDuffie:** Yes, Your Honor.

21 (Whereupon, the jury panel was brought into the
22 courtroom.)

23 **The Court:** All right. Thank you very much. Mr. Dye
24 and Mister...

25 (Whereupon, a bench conference was held with the Court

1 and a bailiff.)

2 **The Court:** Good morning, ladies and gentlemen. First
3 off let me ask if anybody has got a cell phone. If you do,
4 please have it muted or turned off because it will interrupt
5 things.

6 Welcome to the court of general sessions. This is the
7 criminal division of our court system, so those of you who
8 are chosen on the jury today or selected on the jury today
9 will be hearing a criminal case. I'm going to tell you
10 something about it in just a few minutes, but before we do
11 I've got to ask you a series of questions very much like you
12 were asked this morning in qualifications. And if you do
13 answer any of these questions, I'm going to ask you to answer
14 by your jury number, not by name. So make sure you're
15 familiar with your jury number. We've just found,
16 particularly in criminal court, that jurors prefer to be
17 known or identified by their jury number as opposed to their
18 actual name.

19 My name is Tom Cooper. I am a resident circuit judge
20 for the Fifth Judicial Circuit. My office is here in
21 Columbia and -- although I live in Camden, but I'll be
22 presiding over this trial this week.

23 As you are aware, I'm sure, any criminal case is
24 prosecuted by the local prosecuting entity which in South
25 Carolina is the State solicitor's office. In some states

1 it's the State's attorney or the district attorney. I think
2 on *Law and Order* it's the district attorney, but here in
3 South Carolina it's the solicitor's office that actually
4 prosecutes cases. And so I need to ask you a series of
5 questions about whether you know anybody that works in that
6 office or if you know the State solicitor.

7 So I'll ask if any member of the jury panel is related
8 by blood, connected by marriage or employment or a close,
9 personal acquaintance of Mr. Dan Johnson who is your elected
10 solicitor for the Fifth Judicial Circuit. Anybody know or
11 have any connection with Mr. Johnson? All right.

12 Mr. Johnson will not actually be conducting the trial
13 today. That will be done by three of his assistant
14 solicitors. They are Ms. Joanna McDuffie, Ms. Nicole
15 Simpson, and Mr. John Steadman. Any member of the jury panel
16 related by blood or connected by marriage or employment or a
17 close, personal acquaintance of any of these three attorneys
18 that work in the State solicitor's office? All right. Thank
19 you very much, counsel.

20 Now, anybody -- any member of the jury panel or any
21 member of your family or a close, personal acquaintance work
22 in the solicitor's office that you know of, work in -- for
23 the State solicitor's office? It's a fairly large office
24 here in the Richland County Courthouse. All right.

25 Now, because the State solicitor's office works very

1 closely with law enforcement, I need to know if any member of
2 the jury panel or any member of your family is involved in
3 law enforcement, and that can mean anything from the Richland
4 County sheriff's office, the Columbia Police Department,
5 agencies like S.L.E.D. or the F.B.I. or the D.E.A. or any
6 military police force, any law enforcement agency that either
7 you or any member of your family or a close, personal
8 acquaintance works for. Nobody? Pretty unusual.

9 **The Clerk:** Your Honor, there's a hand.

10 **The Court:** Stand up, please, so I can hear what you
11 have to say. This lady has to take down what we have to say.
12 Yes, ma'am, your number?

13 **Juror 175:** 175. My brother works for the Kansas City
14 Police Department.

15 **The Court:** What was your number again?

16 **Juror 175:** 175.

17 **The Court:** 175?

18 **Juror 175:** He's a mechanic.

19 **The Court:** Ma'am, would that fact in any way interfere
20 with your ability to give both the State and the defendant a
21 fair and impartial trial?

22 **Juror 175:** No.

23 **The Court:** Thank you very much. Yes, sir?

24 **Juror 217:** Yes, sir. Close friends with---

25 **The Court:** Wait. Your number?

1 **Juror 217:** 217.

2 **The Court:** 217.

3 **Juror 217:** Close friends with a highway patrolman.

4 **The Court:** All right. In South Carolina?

5 **Juror 217:** Yes, sir.

6 **The Court:** All right.

7 **Juror 217:** And I sent a statement along with my
8 package. They sent it back. And I don't know if that was
9 read by anybody, but it needs to be read to be fair about a
10 trial.

11 **The Court:** All right. I'll try to find that, but I
12 tell you what. Let's cut -- cut through the red tape. Come
13 on up here and let me ask you what you had to say in that
14 letter. I guess that was your juror response form?

15 **Juror 217:** It was.

16 (Whereupon, a bench conference was held with Juror 217,
17 the Court and the attorneys, out of the hearing of the court
18 reporter.)

19 **The Court:** Anybody else? All right. I'm going to go
20 one step further. Any member of the jury panel or any member
21 of your family support groups which have as their primary
22 function the support of law enforcement? That being, for
23 example, the Sheriff's Association or the Troopers
24 Association or Mothers Against Drunk Driving or Students
25 Against Drunk Driving or Citizens Against Violent Actions,

1 groups which you might support financially or as a volunteer.
2 I even include within that groups which support victims,
3 victims' rights, Sistercare, things of that nature that you
4 may support from time to time with either your financial
5 contributions or your -- or as a volunteer. Yes, ma'am, and
6 your number, please.

7 **Juror 54:** It's 54. It's 54.

8 **The Court:** Yes, ma'am.

9 **Juror 54:** I support the troopers with funds.

10 **The Court:** All right. You've contributed to the
11 Troopers Association?

12 **Juror 54:** Yes, sir.

13 **The Court:** Well, I always ask jurors this: When you
14 did that, did you get that little sticker to put on the back
15 of your car?

16 **Juror 54:** Yes, sir.

17 **The Court:** Did you put it on your car?

18 **Juror 54:** I gave it to my husband, and he put it on his
19 truck.

20 **The Court:** He put it on his truck.

21 **Juror 54:** Yes.

22 **The Court:** Did he ever get a ticket?

23 **Juror 54:** No, sir.

24 **The Court:** Thank you, ma'am. Yes, sir?

25 **Juror 22:** 22 and---

1 **The Court:** 22.

2 **Juror 22:** ---and I contributed to Sistercare.

3 **The Court:** All right. Thank you very much, Mr. 22.

4 **Juror 20:** May I ask you a question, please, Your Honor?

5 **The Court:** Yes, sir.

6 **Juror 20:** Number 20. My brother is a retired A.T.F.
7 agent out of Florida.

8 **The Court:** Okay. What's the question?

9 **Juror 20:** Well...

10 **The Court:** Seriously.

11 **Juror 20:** Okay.

12 **The Court:** Thank you. You've identified that.

13 **Juror 20:** Okay.

14 **The Court:** Right?

15 **Juror 20:** Yes, sir.

16 **The Court:** Would that fact in any way interfere with
17 your ability to give both the State and the defendant a fair
18 and impartial trial?

19 **Juror 20:** No, sir.

20 **The Court:** Thank you very much, Mr. 20. Is it 20? Is
21 it 20?

22 **Juror 20:** 20, yes, sir.

23 **The Court:** Okay. Yes, ma'am.

24 **Juror 175:** 175.

25 **The Court:** 175.

1 **Juror 175:** We have donated to Sistercare.

2 **The Court:** All right. Thank you very much, Ms. 175.

3 Yes, sir?

4 **Juror 111:** 111. I know my dad supports the Richland
5 County and is currently involved with the citizens -- with
6 the citizens, every Tuesday I think it is.

7 **The Court:** Some volunteer group?

8 **Juror 111:** Right.

9 **The Court:** That's your father?

10 **Juror 111:** Correct.

11 **The Court:** Okay. All right. Thank you very much. And
12 that's in Richland County.

13 **Juror 111:** That's right.

14 **The Court:** All right. Thank you very much, Mr. 111.
15 Anybody else? All right. Now, ladies and gentlemen, what
16 I'm about to -- I'm going to tell you about the charges in
17 this case, and I'll explain that to you because I'm going to
18 need to know if you know anything about this case one way or
19 the other. But before I do that, I want to introduce to you
20 the defendant in this case, and his name is Mr. Jeff
21 Chestnut, Mr. Jeff Vontavious Chestnut. Mr. Chestnut, will
22 you stand and face the jury, please?

23 Any member of the jury panel related by blood or
24 connected by marriage or employment or a close, personal
25 acquaintance of Mr. Jeff Vontavious Chestnut? Anybody know

1 Mr. Chestnut? All right. Thank you very much.

2 Mr. Chestnut is represented in this matter today by Mr.
3 Mathias Chaplin who practices law here in Columbia. Any
4 member of the jury panel related by blood, connected by
5 marriage or employment or a close, personal acquaintance of
6 Mr. Mathias Chaplin? I think he practices with his brother
7 Joe Chaplin. Anybody either know either of these two
8 attorneys or have been represented by them at some point in
9 time in the past? Thank you very much.

10 All right. Now, ladies and gentlemen, what I hold in my
11 hands are what's known as indictments. These are the formal
12 legal documents by which a case is brought into court.
13 They're not evidence of anything. So when I tell you what
14 they allege against Mr. Chestnut, you're not to assume or
15 presume anything in terms of the defendant's guilt or
16 innocence because in the United States and in Richland County
17 and in every courtroom in the United States a defendant,
18 though charged with a crime, is presumed to be innocent of
19 that crime until proven guilty by a jury beyond a reasonable
20 doubt so that he -- at this point in time the presumption is
21 that Mr. Chestnut is innocent of the charges brought against
22 him.

23 But the charges that are brought against Mr. Chestnut
24 are four counts of armed robbery in that on or about
25 May 23rd, 2010, which would be a little over two years ago,

1 Jeff Chestnut did commit a robbery by taking from four
2 different people -- and they are Marva Coates -- and I'll ask
3 you -- I'm looking for the other names of these four. One is
4 Marva Coates. One is an employee of Carolina Bingo. One is
5 Sarah Furtick and one is Drenita Ore. In other words, these
6 indictments charge -- I'll have you stand up in just a
7 minute. These are two of the alleged victims of these armed
8 robberies. That on or about May 23rd, 2010, Mr. Chestnut did
9 commit an armed robbery at the Carolina Gold Bingo business
10 at 2768 Decker Boulevard between the hours allegedly of 6 to
11 7:00 p.m. on May 23rd. In other words, that he allegedly
12 took money or goods with the use -- by the use of an armed --
13 some weapon, either a pistol or other deadly weapon or that
14 he was -- that he alleged that he was armed with a deadly
15 weapon. So those are -- those are the four counts at the --
16 at the Carolina Gold Bingo on Decker Boulevard.

17 He's also charged with three counts of kidnapping, and
18 that is the same three people that I called out earlier, and
19 if they are here, let me just go ahead and have you stand.
20 Marva Coates is not here. Sarah Furtick and Drenita Ore.

21 **Mrs. Furtick:** This is Robert Furtick.

22 **The Court:** Okay. This is Mr. Furtick?

23 **Mrs. Furtick:** Yes, sir.

24 **The Court:** Okay. Well, these are two of the alleged
25 victims of the kidnapping. Thank you very much. And

1 kidnapping, under the law, means any -- holding people
2 against their will. It doesn't necessarily mean that you
3 have to take somebody off and hide them in the woods.
4 Holding people against their will also qualifies as under the
5 charge of kidnapping. So that's it: Four charges of armed
6 robbery, three charges of kidnapping at the Carolina Gold
7 Bingo parlor on Decker Boulevard.

8 Now, does any member of the jury panel know anything
9 about this, seen anything about it, heard anything about it?
10 It may or may not have been in the media; I don't know. For
11 all I know you could have been playing bingo there that
12 night. So I need to ask: Does any member of the jury panel
13 know anything about this or have any involvement with this
14 case one way or another? All right. Thank you very much.

15 All right. I've just got a few more questions. Has any
16 member of the jury panel or any member of your family ever
17 been the victim of a violent crime? Now, it doesn't
18 necessarily have to be kidnapping or armed robbery, but it
19 can be any crime of violence. Any member of your family?
20 All right. Just -- I just want to know briefly about it.
21 Could I have your number, please?

22 **Juror 65:** Yes, number 65.

23 **The Court:** 65?

24 **Juror 65:** Some 25 years ago---

25 **The Court:** 25 years ago.

1 **Juror 65:** ---I was managing a restaurant at the time.
2 I was the victim of an armed robbery at that location.

3 **The Court:** All right. Mr. 65, would that fact in any
4 way interfere with your ability to give both the State and
5 the defendant a fair and impartial trial in this case?

6 **Juror 65:** It would not.

7 **The Court:** Thank you very much. Anybody else? Any
8 member of the jury panel or any member of your family ever
9 been accused of committing a violent crime, I mean to the
10 point that, you know, law enforcement was involved, a serious
11 case like that? Any member of the jury panel or any member
12 of your family ever been accused of committing a violent
13 crime?

14 Anybody live close to that Carolina Gold Bingo parlor?
15 Yes, sir, and your number, please?

16 **Juror 36:** 36.

17 **The Court:** Mr. 36, do you have any...

18 **Juror 36:** I have no knowledge of it. I just live in
19 the area.

20 **The Court:** Okay. Good enough. Thank you very much.

21 **Bailiff:** Stand.

22 **The Court:** Oh, I'm sorry. I didn't...

23 **Juror 222:** I'm sorry. 222. I just live in the area,
24 but I have no knowledge of it.

25 **The Court:** All right. Thank you very much.

1 **Bailiff:** Stand.

2 **The Court:** Yes, sir.

3 **Juror 248:** I'm 248. I live in the northeast area also.

4 **The Court:** Okay. No knowledge about this case?

5 **Juror 248:** No, sir.

6 **The Court:** All right. Thank you very much. Any member
7 of the jury panel ever been a witness in a criminal case?
8 Been a witness in a criminal case? Any member of the jury
9 panel ever applied for a job as a state or local police
10 officer or with the sheriff's department? Anybody ever...
11 All right.

12 Now, ladies and gentlemen, I'm going to call out a list
13 of names of witnesses. Some of these witnesses are present,
14 but most of them are not because our schedule is that we will
15 probably start the actual testimony in this case tomorrow
16 morning. So my plan is to go ahead and draw this jury and
17 then dismiss the jury panel for the rest of the day because
18 there's some preliminary matters I need to take up with the
19 attorneys before we can start the testimony.

20 But -- so that's why a lot of these witnesses are not
21 going to be here right now, but I'll call them out and see if
22 you know any of them. The question is the same as to all:
23 Is any member of the jury panel related by blood, connected
24 by marriage or employment or a close, personal acquaintance -
25 I'll read them slowly - for any of the following names?

1 Kevin Isenhoward with the Richland County Sheriff's
2 Department. Chauncey Smith with the Richland County
3 Sheriff's Department. Lottie Chestnut. Major Stan Smith
4 with the Richland County Sheriff's Department. Anne Miller.
5 Wayne Kirby. Angela Diaz-Garcia. Ms. Diaz-Garcia. Thank
6 you, ma'am.

7 I've called out the name of Drenita Ore. She's not here
8 at the present time, and Ms. Furtick again is up to your
9 left. Investigator Carwell with the Richland County
10 Sheriff's Department. Yvonne Woods. I'm sorry. Anybody
11 know Mr. Carwell? Yvonne Woods. Teidra Dennis. Marva
12 Coates. Yes, sir? You know Ms. Coates? What's your number,
13 please?

14 **Juror 202:** 202.

15 **The Court:** All right. How do you know her?

16 **Juror 202:** Former supervisor, current colleague.

17 **The Court:** She works with you now?

18 **Juror 202:** Not now. We're in the same profession and
19 keep in touch from time to time.

20 **The Court:** All right. You know her socially or more in
21 a business context?

22 **Juror 202:** More in business.

23 **The Court:** All right. You don't go to church with her?

24 **Juror 202:** No.

25 **The Court:** Didn't go to school with her?

1 **Juror 202:** We worked in the school systems together,
2 not as students but as employees.

3 **The Court:** All right. Mr. 202, would that fact in any
4 way interfere with your ability to give both the State and
5 the defendant a fair and impartial trial?

6 **Juror 202:** No, sir.

7 **The Court:** Thank you very much, Mr. 202. Darren
8 Calhoun, II, also known as Scooter? Y'all don't know
9 Scooter? Timothy Wilbert Bell also known as Peanut. Kayla
10 Sharpe. Janet Fogle. Lynda Goering. Deputy Fisher with the
11 Richland County Sheriff's Department. Jerry Kinnon. Captain
12 Jimmy White with Richland County. Jeremiah Maxwell. Kevin
13 Cook. Terrell Miller. Andrea Glover. Susan Johnson who is
14 with T-Mobile. Sergeant Culp, Richland County Sheriff's
15 Department. Investigator Boland, Richland County. Cynthia
16 Taylor. Robert Lee Furtick. David Linfert. An unidentified
17 person at this point who is the custodian of records at
18 Verizon Wireless, if you just happen to know who that person
19 is.

20 Scott McDonald, Richland County. Josh Mauldin, Richland
21 County. Tara Kinney, Richland County. Patricia Weed. These
22 are all Richland County Sheriff's Office. Stephen Griffey.
23 William Cedarstaff. Curtis Burnett. Gray Amick. Brian
24 Metz.

25 All right. Ladies and gentlemen, I've told you about

1 the case. I've introduced the parties to you. I've told you
2 who the witnesses may be, where and when this alleged crime
3 took place. I guess I finally just need to ask one question:
4 Does any member of the jury panel know of any reason why he
5 or she could not sit and fairly discuss this case, listen to
6 the evidence, listen to the law as I explain it, and sit and
7 impartially judge the guilt or innocence of the defendant?
8 Any member of the jury panel? All right. Thank you very
9 much. Approach the bench, counsel.

10 (Whereupon, a bench conference was held.)

11 **The Court:** All right. Madam clerk, give us a jury,
12 please.

13 **The Clerk:** Yes, sir. Ladies and gentlemen of the jury
14 panel, as I call your name, if you'll please come to the
15 microphone, bringing any personal belongings with you. State
16 your number only and your occupation, please. Number 232.

17 **Juror 232:** I'm a patient relations representative.

18 **The Clerk:** State your number.

19 **Juror 232:** Oh, my juror number?

20 **The Clerk:** Yes.

21 **Juror 232:** 232.

22 **The Clerk:** Did y'all get that?

23 **Ms. McDuffie:** Please present the jury.

24 **The Clerk:** What says the defense?

25 **Mr. Chaplin:** Please strike the juror.

1 **The Clerk:** You said please strike?

2 **Mr. Chaplin:** Strike, yes.

3 **The Clerk:** Please have a seat in the back of the
4 courtroom. Number 158.

5 **Juror 158:** You said name and---

6 **The Clerk:** No, just your juror number and your
7 occupation.

8 **Juror 158:** 158. I'm unemployed.

9 **The Clerk:** What says the State?

10 **Ms. McDuffie:** Please excuse the juror.

11 **The Clerk:** Please have a seat in the back of the
12 courtroom. Number 111.

13 **Juror 111:** Juror 111, I.T. consultant.

14 **The Clerk:** What says the State?

15 **Juror 111:** I'm sorry?

16 **The Clerk:** I'm talking to...

17 **Ms. McDuffie:** Please present the juror.

18 **The Clerk:** What says the defense?

19 **Mr. Chaplin:** Please seat the juror.

20 **The Clerk:** Please have a seat in the jury box. Number
21 151.

22 **Juror 151:** Number 151, Scarlett Johns, self-employed.

23 **The Clerk:** What says the State?

24 **Ms. McDuffie:** Please present the juror.

25 **The Clerk:** What says the defense?

1 **Mr. Chaplin:** Please seat the juror.

2 **The Clerk:** Please have a seat in the jury box. Ladies
3 and gentlemen, please just state your number only. Thank
4 you. Number 36.

5 **Juror 36:** 36, personal trainer.

6 **The Clerk:** What says the State?

7 **Ms. McDuffie:** Please present the juror.

8 **The Clerk:** What says the defense?

9 **Mr. Chaplin:** Please excuse the juror.

10 **The Clerk:** Please have a seat in the back of the
11 courtroom. Number 65.

12 **Juror 65:** Number 65 and I'm self-employed.

13 **The Clerk:** What says the State?

14 **Ms. McDuffie:** Please present the juror.

15 **The Clerk:** What says the defense?

16 **Mr. Chaplin:** Please excuse the juror.

17 **The Clerk:** Please have a seat in the back of the
18 courtroom. Number 290.

19 **Juror 290:** 290, full-time student.

20 **The Clerk:** What says the State?

21 **Ms. McDuffie:** Please excuse the juror.

22 **The Clerk:** Please have a seat in the back of the
23 courtroom. Number 51.

24 **Juror 51:** 51, retired nurse.

25 **The Clerk:** What says the State?

1 **Ms. McDuffie:** Please present the juror.

2 **The Clerk:** What says the defense?

3 **Mr. Chaplin:** Please seat the juror.

4 **The Clerk:** Please have a seat in the jury box. Number
5 240.

6 **Juror 240:** I'm 240. I'm a social worker.

7 **The Clerk:** What says the State?

8 **Ms. McDuffie:** Please present the juror.

9 **The Clerk:** What says the defense?

10 **Mr. Chaplin:** Please present the juror.

11 **The Clerk:** Please have a seat in the jury box. Number
12 116.

13 **Juror 116:** Number 116, Veolia Transportation.

14 **The Clerk:** What says the State?

15 **Ms. McDuffie:** Please present the juror.

16 **The Clerk:** What says the defense?

17 **Mr. Chaplin:** Please seat the juror.

18 **The Clerk:** Please have a seat in the jury box. Number
19 250.

20 **Juror 250:** I'm 250 and retired.

21 **The Clerk:** What says the State?

22 **Ms. McDuffie:** Please present the juror.

23 **The Clerk:** What says the defense?

24 **Mr. Chaplin:** Please excuse the juror.

25 **The Clerk:** Please have a seat in the back of the

1 courtroom. Number 212.

2 **Juror 212:** Juror 212. I'm a respiratory therapist.

3 **The Clerk:** What says the State?

4 **Ms. McDuffie:** Please present the juror.

5 **The Clerk:** What says the defense?

6 **Mr. Chaplin:** Please seat the juror.

7 **The Clerk:** Please have a seat in the jury box. Number
8 22.

9 **Juror 22:** 22. I'm a professor.

10 **The Clerk:** What says the State?

11 **Ms. McDuffie:** Please present the juror.

12 **The Clerk:** What says the defense?

13 **Mr. Chaplin:** Please excuse the juror.

14 **The Clerk:** Please have a seat in the back of the
15 courtroom. Number 175.

16 **Juror 175:** 175, homemaker.

17 **The Clerk:** What says the State?

18 **Ms. McDuffie:** Please present the juror.

19 **The Clerk:** What says the defense?

20 **Mr. Chaplin:** Please excuse the juror.

21 **The Clerk:** Please have a seat in the back of the
22 courtroom. Number 299.

23 **Juror 299:** 299, auditor.

24 **The Clerk:** What says the State?

25 **Ms. McDuffie:** Please present the juror.

1 **The Clerk:** What says the defense?

2 **Mr. Chaplin:** Please seat the juror.

3 **The Clerk:** Please have a seat in the jury box. Number

4 248.

5 **Juror 248:** Number 248, contracting manager.

6 **The Clerk:** What says the State?

7 **Ms. McDuffie:** Please present the juror.

8 **The Clerk:** What says the defense?

9 **Mr. Chaplin:** Please seat the juror.

10 **The Clerk:** Please have a seat in the jury box. Number

11 130.

12 **Juror 130:** I'm 130, and I'm an employee benefits

13 manager.

14 **The Clerk:** What says the State?

15 **Ms. McDuffie:** Please present the juror.

16 **The Clerk:** What says the defense?

17 **Mr. Chaplin:** Please seat the juror.

18 **The Clerk:** Please have a seat in the jury box. Number

19 138.

20 **Juror 138:** 138, sales.

21 **The Clerk:** What says the State?

22 **Ms. McDuffie:** Please present the juror.

23 **The Clerk:** What says the defense?

24 **Mr. Chaplin:** Please seat the juror.

25 **The Clerk:** Please have a seat in the jury box. Number

1 45.

2 Juror 45: Number 45, insurance auditor.

3 The Clerk: What says the State?

4 Ms. McDuffie: Please present the juror.

5 The Clerk: What says the defense?

6 Mr. Chaplin: Please seat the juror.

7 The Clerk: Please have a seat in the jury box. Number

8 202.

9 Juror 202: Juror 202, high school principal.

10 The Clerk: What says the State?

11 Ms. McDuffie: Please present the juror.

12 The Clerk: What says the defense?

13 Mr. Chaplin: Please excuse the juror.

14 The Clerk: Please have a seat in the back of the
15 courtroom. Number 142.

16 Juror 142: 142, governmental affairs.

17 The Clerk: What says the State?

18 Ms. McDuffie: Please excuse the juror.

19 The Clerk: Please have a seat in the back of the
20 courtroom. Number 42.

21 Juror 42: Number 42, security.

22 The Clerk: What says the State?

23 Ms. McDuffie: Please present the juror.

24 The Clerk: What says the defense?

25 Mr. Chaplin: Please excuse the juror.

1 **The Clerk:** Please have a seat in the back of the
2 courtroom. Number 63.

3 **Juror 63:** 63, and I'm a social worker.

4 **The Clerk:** What says the State?

5 **Ms. McDuffie:** Please excuse the juror.

6 **The Clerk:** Please have a seat in the back of the
7 courtroom. Strike count is four for the State, eight for the
8 defense. Number 110.

9 **Juror 110:** Hi. I'm number 110, and I'm a public high
10 school teacher.

11 **The Clerk:** What says the State?

12 **Ms. McDuffie:** Please present the juror.

13 **The Clerk:** What says the defense?

14 **Mr. Chaplin:** Please excuse the juror.

15 **The Clerk:** Please have a seat in the back of the
16 courtroom. Number 247.

17 **Juror 247:** 247, full-time student.

18 **The Clerk:** What says the State?

19 **Ms. McDuffie:** Please present the juror.

20 **The Clerk:** What says the defense?

21 **Mr. Chaplin:** Please seat the juror.

22 **The Clerk:** Please have a seat in the jury box. We'll
23 proceed to strike two alternates. Strikes are one for the
24 State and two for the defense. Number 182.

25 **Juror 182:** 182. I'm employed at AutoZone.

1 **The Clerk:** What says the State?

2 **Ms. McDuffie:** Please excuse the juror.

3 **The Clerk:** Please have a seat in the back of the
4 courtroom. Number 115.

5 **Juror 115:** 115, banker.

6 **The Clerk:** Does the State challenge for cause?

7 **Ms. McDuffie:** No, ma'am.

8 **The Clerk:** What says the defense?

9 **Mr. Chaplin:** Please excuse.

10 **The Clerk:** Please have a seat in the back of the
11 courtroom. Number 93.

12 **Juror 93:** Number 93. I work at Blue Cross.

13 **The Clerk:** Does the State challenge for cause?

14 **Ms. McDuffie:** No, ma'am.

15 **The Clerk:** What says the defense?

16 **Mr. Chaplin:** Please seat the juror.

17 **The Clerk:** Please have a seat in the jury box. Number
18 54.

19 **Juror 54:** Number 54. I'm retired.

20 **The Clerk:** What says the State?

21 **Ms. McDuffie:** Please excuse the juror.

22 **The Clerk:** Please have a seat in the back of the
23 courtroom. Number 172.

24 **Juror 172:** 172, secretary.

25 **The Clerk:** Does the State challenge for cause?

1 **Ms. McDuffie:** No, ma'am.

2 **The Clerk:** What says the defense?

3 **Mr. Chaplin:** Please seat the juror.

4 **The Clerk:** Please have a seat in the jury box.

5 **Ms. McDuffie:** Your Honor, may we approach?

6 **The Court:** Sure.

7 (Whereupon, a bench conference was held.)

8 **The Clerk:** Number 123.

9 **Juror 123:** 123, Department of Disabilities and Special
10 Needs.

11 **The Clerk:** What says the State?

12 **Ms. McDuffie:** Please present the juror.

13 **The Clerk:** What says the defense?

14 **Mr. Chaplin:** Please seat the juror.

15 **The Clerk:** Please have a seat in the jury box.

16 (Whereupon, the jury was impaneled at 12:58 p.m.)

17 **The Court:** Any objection to the jury selection process
18 from the State?

19 **Ms. McDuffie:** No objections, Your Honor.

20 **The Court:** From the defense?

21 **Mr. Chaplin:** No objections, Your Honor.

22 **The Court:** All right. Thank you very much. All right.

23 (The jurors who were not impaneled were excused from the
24 courtroom.)

25 **Mr. Chaplin:** Your Honor, may we approach briefly? Oh,

1 never mind. I can wait.

2 **The Court:** I'm going to dismiss the jury.

3 **Mr. Chaplin:** That's fine.

4 **The Court:** Unless it has to do with the jury.

5 **Mr. Chaplin:** No, it doesn't.

6 **The Court:** All right. Fine.

7 **Mr. Chaplin:** Thank you.

8 **The Court:** All right. Ladies and gentlemen of the
9 jury, as I told you earlier, I'm going to dismiss you now
10 until 9:30 in the morning at which time we should be ready to
11 get this trial started. There's some preliminary matters I
12 need to take up with the attorneys this afternoon, make sure
13 all the witnesses get here and all that sort of thing.

14 So I'm going to ask you to do just a couple of things
15 for me before you return to the jury room. To begin with,
16 the bailiffs are going to take you and show you where your
17 jury room is so that when you return tomorrow morning, please
18 come directly to the jury room, not back down to the assembly
19 room because we'll just have to come look for you. But the
20 bailiffs are going to show you how to do that and where your
21 jury rooms are. They'll have some refreshments for you in
22 the morning, I believe, and just get to know each other for a
23 few minutes.

24 I'm going to ask you to do one thing for me. When you
25 return to the jury room in the morning, I'm going to ask you

1 to select one of your members to be the foreperson of the
2 jury. Now, the foreperson of the jury, to begin with, takes
3 a seat where the gentleman with the black-and-white shirt on
4 is seated at the present time and will maintain that seat
5 throughout the trial. The only responsibilities of the
6 foreman are that eventually, if it becomes necessary to write
7 the verdict, the foreman or forelady will have to do that and
8 preside in the jury room during discussions. That's the only
9 responsibilities of the foreman or foreperson, but I need
10 somebody to take that responsibility. So if you'll just
11 discuss that when you return to the jury room in the
12 morning...

13 The only two people or three people who could not be
14 selected as forepersons are the last three selected. Those
15 are our alternates in case somebody inadvertently gets ill or
16 something and can't continue with the trial. I don't expect
17 the trial to last all week, although I'm certain it will last
18 for a couple of days. That's sort of the anticipation that I
19 have or information I have from the lawyers as to the number
20 of witnesses that will be called.

21 I'm going to ask you to do something else and this might
22 sound a little strange, but it is somewhat of a recurring
23 problem, particularly in criminal cases, and that is jurors
24 sometimes in this age of social media and Tweets and Facebook
25 and everything else that's out there on the Internet, jurors

1 sometimes want to try to find out something about the case
2 for themselves. I guess the most simplest example of that is
3 in a wreck case jurors maybe on their way home think, "Well,
4 I'll just go by that accident scene. Maybe I can figure out
5 how that thing happened."

6 Well, you're going to hear all the evidence right here.
7 I don't know if there was any news reports or any T.V. or
8 anything about this case, but I'm going to ask you not to do
9 any Internet research or try to find out something about this
10 case before you even hear the evidence. I'm going to
11 instruct you in that regard. It would be highly improper to
12 try to do independent research about a case that is in front
13 of you because there's so many outside factors that might
14 enter into your decision-making process. All the evidence
15 will be presented right here, and that's what you need to
16 base your ultimate decision on.

17 So there have been cases where jurors have been fined
18 and held in contempt for -- actually for doing outside
19 research, and I don't want to get into all that. I just hope
20 you will recognize my words of caution in that regard.

21 I guess the other thing I'm going to ask you to do is
22 have a pleasant evening, a pleasant afternoon. We'll see you
23 at 9:30 in the morning and we'll get started. Thank you very
24 much.

25 (Whereupon, the jury was excused from open court for the

1 day at 1:04 p.m.)

2 **The Court:** Mr. Chaplin, is there something you need to
3 put on the record or you want to approach the bench?

4 **Mr. Chaplin:** Actually I would like to approach.

5 **The Court:** All right.

6 **Mr. Chaplin:** I just want to make sure I have the
7 schedule straight.

8 (Whereupon, a bench conference was held.)

9 **The Court:** Just a minute, Mr. Chaplin.

10 **Mr. Chaplin:** Yes, sir.

11 **The Court:** All right. Go ahead.

12 **Mr. Chaplin:** Thank you. Your Honor, at this point I
13 feel it's appropriate that we put on the record that Mr.
14 Chestnut does intend to go forward with this trial, and I
15 would just like to say that the State has made several offers
16 to Mr. Chestnut, all of which he's refused, and we are
17 anxiously awaiting the trial in this matter, and I think Mr.
18 Chestnut will affirm what I just said.

19 **Mr. Chestnut:** Correct.

20 **The Court:** Is that correct?

21 **Mr. Chestnut:** That's correct.

22 **The Court:** Mr. Chestnut, you're aware what you're
23 facing in this case?

24 **Mr. Chestnut:** Yes, sir.

25 **The Court:** There are four counts of armed robbery, each

1 of which carries a penalty of up to 30 years.

2 **Mr. Chestnut:** Yes, sir, I do.

3 **The Court:** And three counts of kidnapping, each of
4 which carries a penalty of up to 30 years. So theoretically
5 you could be sentenced to 210 years. Do you understand that?

6 **Mr. Chestnut:** Yes, sir.

7 **The Court:** Okay. That's all I want to make sure of.
8 All right. What time will you be ready to proceed with
9 pretrial?

10 **Ms. McDuffie:** Whenever Your Honor -- we would ask not
11 before 2:00, but if Your Honor wants to---

12 **The Court:** Well, it's not going to be before 2. The
13 question arises whether you want to go before or after Anne
14 Spears.

15 **Ms. McDuffie:** We would choose after, Your Honor.

16 **The Court:** She has a plea that she would anxiously like
17 to do at 2:00.

18 **Ms. McDuffie:** How about we be back at 2:30, Your Honor?

19 **The Court:** Why don't we say 2:30? I hope that's a
20 generous amount of time. All right. We'll stand at ease
21 'til 2:30. By the way -- one other thing, counsel. Mr.
22 Chaplin, your client is still on bond; is that correct?

23 **Mr. Chaplin:** Yes, he is, Your Honor.

24 **The Court:** Now, once this jury is sworn, the bondsman's
25 responsibility ends, and unless I have some assurance that

1 the bond will remain in effect, I'll have to take your client
2 into custody for the remainder of the trial. Do you
3 understand that?

4 **Mr. Chaplin:** I do, Your Honor.

5 **The Court:** We won't need to reach that decision until
6 tomorrow morning, but I'm -- I'll just follow the law.

7 **Mr. Chaplin:** And Mr. Chestnut will be working on that
8 issue and bringing documentation in tomorrow morning.

9 **The Court:** I need it in writing.

10 **Mr. Chaplin:** Yes, sir, we understand.

11 **The Court:** We'll stand at ease until 2:30.

12 **Mr. Chaplin:** Thank you very much, Your Honor.

13 **The Court:** And 2:00 for the rest of us poor...

14 (Whereupon, a lunch break was taken. State's Exhibits 1
15 through 3 were marked for identification only.)

16 **The Court:** All right. Be seated. Thank you. All
17 right. It's my understanding that the defendant challenges
18 the voluntariness of the statement. Is that correct?

19 **Mr. Chaplin:** That is correct, Your Honor.

20 **The Court:** We need to hear witnesses to that, and
21 what's the other -- there's an identification issue. Is that
22 correct?

23 **Mr. Chaplin:** Yes, sir.

24 **The Court:** All right. All right. Solicitor, you may
25 proceed.

1 **Ms. McDuffie:** The State would call Investigator Kevin
2 Isenhoward.

3 Kevin Isenhoward, after being duly sworn, testified
4 as follows in camera:

5 **The Clerk:** Please have a seat in the witness stand.
6 State your full name for the record.

7 **The Witness:** Kevin Isenhoward.

8 Direct Examination

9 By Ms. McDuffie:

10 Q. Investigator Isenhoward, where are you currently
11 employed?

12 A. At the Richland County Sheriff's Department.

13 Q. What are your duties with the sheriff's department?

14 A. I'm a sergeant in the Major Crimes Unit.

15 Q. And what were your duties in May and June of 2010?

16 A. The same.

17 Q. On May the 23rd of 2010 did you go to the Carolina Gold
18 Bingo on Decker Boulevard in Richland County?

19 A. Yes.

20 Q. And what was that in reference to?

21 A. Investigating an armed robbery that had occurred at the
22 location.

23 Q. And your investigation progressed from May the 23rd of
24 2010?

25 A. Yes.

1 Q. Did you develop suspects in this case?

2 A. I did.

3 Q. And please tell the Court who those were.

4 A. Tyward Jordan, Teidra Dennis, and - I'm sorry - Jeff
5 Chestnut.

6 Q. And on June the 8th of 2010 did you have the occasion to
7 come in contact with Mr. Jeff Chestnut?

8 A. Yes.

9 Q. Please tell the Court the circumstances surrounding
10 that.

11 A. Basically I, through the investigation, became aware
12 that Teidra Dennis and Mr. Chestnut were involved in a
13 relationship and that, you know, she had contacted him during
14 the robbery or during the time frame of the robbery, we
15 believed, and that from the initial report that Ms. Dennis,
16 who was an employee of the bingo, was somehow involved in the
17 robbery. So I was making contact with him based upon that.

18 Q. And where did you first encounter him?

19 A. I believe -- I'd have to refer to my notes. I don't
20 have them with me, but I believe I made contact with him over
21 the phone initially.

22 Q. And eventually did he come to the Richland County
23 Sheriff's Department headquarters on Two Notch Road?

24 A. Yes.

25 Q. And what was the purpose of that?

1 A. For an interview.

2 Q. And did you, in fact, make contact with him on June
3 the 8th of 2010?

4 A. Yes.

5 Q. And we're talking about Jeff Chestnut?

6 A. Yes.

7 Q. Do you see him in the courtroom today?

8 A. Yes, I do.

9 Q. Can you please identify him for the Court?

10 A. He's to my left sittted (verbatim) at the end of the --
11 sitting at the end of the table in the black -- looks like a
12 polo shirt.

13 **Ms. McDuffie:** Your Honor, please let the record reflect
14 he's identified the defendant.

15 **The Court:** The record so reflects the witness
16 identified the defendant.

17 By Ms. McDuffie:

18 Q. On June the 8th of 2010 at 5:14 in the afternoon, did
19 you advise Mr. Chestnut of his rights?

20 A. Yes, I did.

21 Q. And I'm going to show you what's been marked as State's
22 Exhibit 1 for identification. Is that the form you used?

23 A. It is.

24 Q. Please explain to the Court how you advised him of his
25 rights.

1 A. This is a form that we go over with anybody that's a
2 suspect in a crime and we're at a position in the interview
3 where we're going to advise them of the rights. It's the
4 Richland County Sheriff's Department Interrogation/Advice of
5 Rights Form. This particular one is filled out. As I would,
6 I personally filled this out for Jeff Chestnut on 6/8 of 2010
7 at 5:14 in the afternoon. 17:14 is what -- military time.

8 I go over it as such. We advise each person of your
9 rights. Before we ask you any questions, you must understand
10 your rights. I check the box, acknowledging that the person
11 tells me that they understand each individual line. The next
12 line -- that line is checked.

13 The next line: You have the right to remain silent.
14 It's checked. Anything you say can be used against you in
15 court. That's checked. You have the right to talk to a
16 lawyer for advice before we ask you any questions and to have
17 a lawyer present with you during any questioning. That box
18 is checked.

19 If you cannot afford a lawyer, one will be appointed to
20 you before any questioning if you wish. That's also checked
21 off. If you decide to answer questions now without a lawyer
22 present, you still have the right to stop answering at any
23 time. You always have the right to stop answering at any
24 time until you talk to a lawyer. That box is also checked.

25 At this point I ask the person if they have any

1 questions about those -- those rights and, again, if they
2 understood them all---

3 Q. And in this -- I'm sorry to interrupt you. In this case
4 Mr. Chestnut did say that he understood those rights?

5 A. Yes, he did.

6 Q. And as you were reading him those rights, did he appear
7 to you to understand what you were saying to him?

8 A. He did.

9 Q. And tell the Court how you know that.

10 A. He acknowledged it several times. I asked him to sign
11 saying that he understood those and he did. He signed his
12 name, and I signed as a witness.

13 Q. And let me back up. Mr. Chestnut when he was there was
14 in custody and was under arrest---

15 A. Yes.

16 Q. ---for these crimes at that time.

17 A. Yes.

18 Q. And so you were advising him of his Miranda rights
19 pursuant to his arrest and being taken into custody.

20 A. Correct..

21 Q. And the form you used, he was present when you filled it
22 out?

23 A. Yes.

24 Q. And he acknowledged in what way on that form?

25 A. By his signature and verbally each individual line as I

1 read it to him.

2 Q. At any point while you were reading him his rights, did
3 he tell you that he didn't understand?

4 A. No.

5 Q. Did he tell you that he did not want to speak with you?

6 A. No, he didn't.

7 Q. Did he tell you that he wanted to speak with a lawyer?

8 A. No.

9 Q. If he would have done that, what would you have done?

10 A. I would have allowed him to speak with a lawyer and
11 stopped questioning.

12 Q. And did he tell you that he wanted to waive his rights
13 and talk with you that day?

14 A. Yes.

15 Q. And please tell the Court how he did that.

16 A. This form has a second portion. It's a waiver of
17 rights. As before, I read the statement and check it off the
18 box, acknowledging that it's understood. It says, "I have
19 read this statement of my rights and understand what my
20 rights are. I'm willing to talk and answer questions. I
21 understand and know what I'm doing. No promises have been
22 made to me, and no pressure or coercion of any kind has been
23 used against me."

24 I'll also add that typically when I fill out the forms I
25 ask the people if they understand the word coercion. I find

1 that a lot of people don't understand the word coercion. If
2 they acknowledge that they don't understand it, I'll circle
3 the word. In this particular form it is not circled. He
4 indicated that he understood the word coercion and what it
5 meant.

6 I asked him if he would like to speak with me. He
7 acknowledged that he would. He signed, acknowledging that
8 fact and that he understood the waiver portion, and I signed
9 as a witness.

10 Q. And at any point in time during this, did -- he never
11 told you he did not want to speak with you?

12 A. No.

13 Q. Did you threaten him in any way?

14 A. No, I did not.

15 Q. Did you coerce him?

16 A. No.

17 Q. Did you hold out any promise or hope of reward?

18 A. No.

19 Q. Did you withhold creature comforts: food, bathroom,
20 anything of that nature?

21 A. No.

22 Q. If he had asked for that, would you have provided it to
23 him?

24 A. I would have.

25 Q. And ultimately he waived his rights?

1 A. He did.

2 Q. And that is in writing on State's Exhibit 1?

3 A. Yes.

4 Q. And please describe to the Court your process after
5 that.

6 A. After acknowledging the advice of rights and waiving his
7 rights, I spoke with Mr. Chestnut about the facts that I knew
8 at the time, the investigation, where my investigation had
9 gone, and asked him to provide me a statement as to the chain
10 of events that led into the robbery.

11 Q. So you and Mr. Chestnut had an oral conversation for a
12 period of time after he was advised of his rights?

13 A. Yes.

14 Q. And at approximately 1900 hours, 7 p.m. on that same
15 day, the 8th of June, 2010, did you take a written statement
16 from him?

17 A. Yes.

18 Q. I'm going to show you what's been marked for
19 identification as State's Exhibit 2. Do you recognize that?

20 A. I do.

21 Q. And how many pages is that statement?

22 A. It's four pages typed.

23 Q. The first paragraph of that statement, can you please
24 read that to the Court?

25 A. It says, "I, Jeff Chestnut, understand that I have the

1 right to remain silent. Anything I say can be used against
2 me in court. I have the right to talk to a lawyer for advice
3 before you ask me any questions and to have a lawyer present
4 with me during any questioning. If I cannot afford a lawyer,
5 one will be appointed to me before any questioning if I wish.
6 If I decide to answer questions now without a lawyer present,
7 I still have the right to stop answering at any time. I also
8 have the right to stop answering at any time until I talk to
9 a lawyer." Then it says, "Do make the following statement."

10 Q. And Mr. Chestnut chose to speak with you at that point.

11 A. Yes.

12 Q. At no point in time did he ever ask for an attorney?

13 A. No.

14 Q. Ever tell you he didn't want to talk to you?

15 A. No.

16 Q. And he then gave you a four-page written statement?

17 A. Yes.

18 Q. And whose words are those in that statement?

19 A. The questions are mine. The responses are his.

20 Q. And how are the statements taken at the Richland County
21 Sheriff's Department?

22 A. In general, I'll ask questions and they're answered
23 orally. We'll go over whatever questions I have, whatever
24 statements the person wants to make. Then they're reduced to
25 writing. After they're typed out, I provide a copy to the

1 person. The person has an opportunity to review it. They
2 acknowledge that they can read or I can read it to them.
3 Once they read it, I ask them if there's any changes they'd
4 like to make. If they would like to make any changes, I make
5 them, and once they are happy with the final product that
6 that's their statement, they sign it acknowledging that
7 that's their statement, each page, and then I notarize it.

8 Q. And do they actually sign that statement once or twice
9 on each page?

10 A. Twice on each page.

11 Q. And what does the second signature indicate?

12 A. The second one that I've read the statement -- read or
13 have read to me the foregoing statement consisting of four
14 pages and a true copy has been given to me the 8th day of
15 June 2010.

16 Q. And that was done in this case?

17 A. Yes.

18 Q. And whose signature is it at the bottom of those -- of
19 that statement in those two places?

20 A. Jeff Chestnut.

21 Q. And you also signed that statement?

22 A. Yes.

23 Q. And in what capacity did you sign that statement?

24 A. As a notary. I notarized the statement.

25 Q. And his -- Mr. Chestnut's signature appears on how many

1 pages?

2 A. On -- eight times on four pages.

3 Q. And those are his words in that statement?

4 A. Yes.

5 Q. And at no point in time did you threaten or coerce him?

6 A. No.

7 Q. Withhold creature comforts?

8 A. No.

9 Q. Did he ever tell you he didn't want to speak with you?

10 A. No.

11 Q. In fact, he actually came back to the sheriff's
12 department again the next day and gave another statement.

13 A. Yes.

14 Q. However, we're only seeking to introduce this one here
15 today.

16 A. Okay.

17 Q. And that's in State's Exhibit 2?

18 A. Yes.

19 Q. Your Honor, if I may approach and hand these up. And
20 then after the interactions we just mentioned, did you have
21 any further interaction with Jeff Chestnut regarding this
22 case?

23 A. After the second meeting? No.

24 **Ms. McDuffie:** Your Honor, that's all we have in terms
25 of Jackson v. Denno. Investigator Isenhoward also

1 participated in the Neil v. Biggers if you would like me to
2 go into that now or...

3 **The Court:** Cross-Examination.

4 **Mr. Chaplin:** Thank you very much, Your Honor.

5 Cross-Examination

6 By Mr. Chaplin:

7 Q. Investigator Isenhoward?

8 A. Yes, sir.

9 Q. You spoke with Mr. Chestnut at your office on what day?

10 A. I believe it was the 8th. Can I see the form?

11 Q. Okay. How did he get to your office?

12 A. He was arrested and brought there.

13 Q. Where? What---

14 A. To the sheriff's department.

15 Q. Beg your pardon?

16 A. To the sheriff's department.

17 Q. Where was he arrested? Do you know?

18 A. I don't recall specifically where he was arrested. He
19 was taken into custody.

20 Q. Okay. Would it surprise you if I told you that he was
21 arrested when he went to his probation officer?

22 A. That happens sometimes, yes.

23 Q. Okay.

24 A. If there's a -- in fact, most of the time we'll notify a
25 probation officer if there's an outstanding warrant, and

1 they'll take them into custody for us.

2 Q. All right. You're the lead investigator in this matter;
3 right?

4 A. Yes.

5 Q. Okay. So you don't know how Mr. Chestnut got to your
6 office?

7 A. I don't recall specifically; it's been a few years.

8 Q. Okay. Have you reviewed your notes and other things
9 prior to this hearing?

10 A. This hearing? Briefly. I've been a part of an ongoing
11 kidnapping/homicide investigation, so I've been kind of tied
12 up for a month now, but I did go over them briefly.

13 Q. Okay. So you're prepared to answer my questions?

14 A. As best I can.

15 Q. All right. What time did you begin speaking to Mr.
16 Chestnut? Do you know?

17 A. I don't recall that off the top of my head. It should
18 be noted in the statement.

19 Q. Well, isn't it true that Mr. Chestnut arrived at
20 probation at 4:30 that afternoon?

21 A. I'm not sure.

22 Q. And then he got arrested at that time?

23 A. Could be.

24 Q. Okay.

25 A. I think it was after 5 when I spoke with him.

1 Q. It was what time?

2 A. After 5.

3 Q. Beg the Court's indulgence. So when he got arrested at
4 4:30, he was taken to the sheriff's department and then he
5 sat in a room for quite some time waiting on you to arrive.
6 Is that correct?

7 A. I don't remember -- I don't recall specifically -- I
8 mean, he would have been brought to my office, so I probably
9 would have been there.

10 Q. So -- go ahead. I'm sorry.

11 A. I probably was there waiting on him, but I mean, it
12 could be. He could have waited briefly for me.

13 Q. Now, you just had perfect recall with regards to
14 everything that Solicitor McDuffie asked you but---

15 A. She had my statement.

16 Q. Okay.

17 A. She was reading from---

18 Q. I'm asking you about the same sequence of events.

19 A. Okay.

20 Q. And you just seem very unclear.

21 A. Okay.

22 Q. So at 4:30 he gets arrested at probation, but yet your
23 advisement of rights form is signed allegedly at 5:14.

24 A. Okay.

25 Q. So where was Mr. Chestnut when you encountered him for

1 the first time at the sheriff's department?

2 A. It would have been at my office.

3 Q. He was in your office---

4 A. Yes.

5 Q. ---waiting on you.

6 A. He would have been, yes.

7 Q. So they brought him to your office---

8 A. Yes.

9 Q. ---and you were sitting there waiting on him.

10 A. I don't recall if I was specifically -- I was at the
11 sheriff's office. He could have waited in my office for a
12 few minutes until I walked upstairs, let's say, if I was
13 handling another matter, but I spoke with him in my office.

14 Q. But you're not certain what time.

15 A. It would have been written on the advice of rights form.
16 The first -- the first thing I do with anybody who is in
17 custody, before going any further they're advised of their
18 rights and they have an option of waiving their rights or
19 invoking their rights. That's documented on the form I read
20 earlier. That time would have been my initial contact with
21 them.

22 Q. And that's your testimony.

23 A. Yes.

24 Q. Thank you. All right. When you met with Mr. Chestnut,
25 you made promises to him, didn't you?

1 A. No.

2 Q. Didn't you promise him that you were going to come to
3 his bond hearing?

4 A. No.

5 Q. And you didn't go to the bond hearing.

6 A. I don't go to bond hearings unless I want to argue
7 whether or not the person should get out on bond.

8 Q. Isn't it true that you told him that if he worked with
9 you, you would come so he could get a low bond?

10 A. No.

11 Q. And then you turned around and you didn't do it?

12 A. No.

13 Q. After he did what you asked?

14 A. I don't make promises.

15 Q. Didn't you also promise him that if he worked with you
16 that he would only get charged with one count of armed
17 robbery?

18 A. No.

19 Q. And isn't it true that he didn't get charged with the
20 additional counts until July of this year?

21 A. I'm not sure when he was charged---

22 Q. So you actually---

23 A. ---with all the counts.

24 Q. So you actually kept that promise.

25 A. I didn't make any promises.

1 Q. Isn't it true that you really never Mirandized Mr.
2 Chestnut before your oral conversation?

3 A. No, that's not true.

4 Q. Okay. And isn't it true that after the oral
5 conversation you went somewhere, wrote up the statement, and
6 that's the first time when he got Mirandized?

7 A. No.

8 Q. Which would have been around -- sometime around 7?

9 A. No. I explained how the process occurs. It's all
10 usually pretty similar. When they're brought in, they're
11 advised. We have a conversation. There's questions and
12 answers, if the person chooses. Then it's reduced to
13 writing. It may take several hours before it's reduced to
14 writing, but ultimately the person has the opportunity, as
15 Mr. Chestnut did, to make any redactions, corrections, or
16 just flat out not even reduce it to writing, which I have had
17 happen. He chose to provide me with a written statement
18 which -- after waiving his rights, which was typed and
19 signed.

20 Q. Thank you. You indicated that Mr. Chestnut signed his
21 signature on the statement at least eight times.

22 A. Correct.

23 Q. And isn't it true that what you did was hand him a
24 document and said, "Sign here. Sign here. Sign here. Sign
25 here"?

1 A. No.

2 Q. And you never gave him an opportunity to read each page?

3 A. He was given the opportunity to read each page. In
4 fact, I asked, "Do you feel comfortable? Do you need me to
5 read it out loud to you?" He indicated he could read, and he
6 read the statement and signed it.

7 Q. But now we're going to have to---

8 A. I mean, I showed him where to sign.

9 Q. Okay.

10 A. But that's after they read the statement.

11 Q. Now, what time of the -- I'm sorry. My understanding is
12 this was around 7:00 in the afternoon -- in the evening,
13 rather?

14 A. Which part? Which portion?

15 Q. When -- when you had Mr. Chestnut sign his statement.

16 A. Yes.

17 Q. Beg the Court's indulgence. In actuality, that's not
18 accurate. Your document says that he gave you the statement.
19 He started speaking with you orally at 7:00.

20 A. Well, no, I don't believe so. When -- the typed
21 document is when the document is typed. It's accurate to the
22 reduction of the oral statement to writing. That's the time
23 that's provided and ends. The ending time should also be on
24 the last page.

25 Q. Okay. So 7:00 is when he was presented the statement

1 already typed up.

2 A. No. That's when I began to type it with him. He's
3 sitting -- I don't go off, type the statement, and come back.
4 He's sitting there with me. Every -- we go over the
5 questions. He gives me the answers that he has to provide me
6 with. Then we go back over it again and I type it. I ask
7 him the question. I type my question. He answers. I type
8 his answer. So when I started typing, it was, you know,
9 after 7:00.

10 Q. Okay. So it's your testimony that he was sitting there
11 with you when you typed the statement.

12 A. Absolutely.

13 Q. All right. So he gets picked up at 4:30. You Mirandize
14 him allegedly at 5:14. You all have an oral conversation.
15 He goes away and does -- takes another test. Were you there
16 when he took the test?

17 A. Which test?

18 Q. Well, he only took one test while he was there.

19 A. Well, which one are -- are you speaking about a
20 polygraph test?

21 Q. Yes.

22 A. Yes.

23 Q. You were there then?

24 A. Yes.

25 Q. Okay. And that was done before you typed up the

1 statement.

2 A. I believe so, yes.

3 Q. Okay. So we've got 4:30, and then 5:14 is when you
4 Mirandized him. Then you had this oral conversation. Isn't
5 it true that you went somewhere and typed up the statement
6 while someone else did the polygraph?

7 A. No, that's not true.

8 Q. Who did the polygraph?

9 A. I don't recall specifically. I believe it was James
10 White.

11 Q. And you were present throughout the whole polygraph?

12 A. No, I wasn't in the room. I was observing the
13 polygraph.

14 Q. What do you mean by observing?

15 A. I was watching it through a two-way mirror.

16 Q. Okay. So then how long did the polygraph take?

17 A. An hour or so. A little more than an hour, I believe.

18 Q. 4:30. 5:14. Oral conversation probably took an hour.
19 Then polygraph took another hour. But yet at 7:00 y'all were
20 sitting at the typewriter typing.

21 A. That's when we began typing the statement.

22 Q. Okay. And that math doesn't work. All right. You
23 indicated that Jeff did not invoke his rights to ask for a
24 lawyer; correct?

25 A. That is correct.

1 Q. But you were giving him legal advice during that entire
2 meeting, weren't you?

3 A. No.

4 Q. Didn't you advise him as to how much time he was looking
5 at and discuss with him additional charges that could be
6 brought and how much time those would carry?

7 A. I don't recall specifically. Sometimes people ask me
8 that; I don't recall if he did. I would have gone over the
9 possible -- you know, his charges and the events.

10 Q. Investigator Isenhoward, don't you think you said, "I
11 don't recall" a bit too much at this particular hearing?

12 **Ms. McDuffie:** Objection, Your Honor.

13 **The Witness:** I'm just answering the questions.

14 **The Court:** Sustained.

15 By Mr. Chaplin:

16 Q. Jeff didn't have an attorney present during any of this,
17 did he?

18 A. No, he didn't.

19 Q. Other than you.

20 A. I'm not an attorney.

21 Q. Now, were you the only person at the sheriff's
22 department when Jeff was there?

23 A. No.

24 Q. You've already indicated that somebody was there doing
25 the poly. You were standing behind glass observing or

1 whatever the case might be. So there's a line on that form
2 for witnesses. Why didn't you have somebody come in and
3 witness it?

4 A. The sheriff's department where he was brought is our
5 Investigative Unit. I know you've been there, but for the
6 purposes of this, there are somewhere in the neighborhood of
7 50 -- at any given time 50 to 70 investigators, each working
8 their individual cases. We get a large quantity of them here
9 in Richland County. So I was doing my -- I was investigating
10 my case, and they were handling theirs. If possible,
11 sometimes I'll bring in someone to witness the advice and
12 the -- and the statement signature portion. In this
13 particular event, we're talking about after 7:00. In general
14 most people go home at 5. There may have been some other
15 people around, but, you know, I -- all I can testify to is
16 what happened.

17 Q. So what's your testimony? That no one was available or
18 you didn't think it was necessary or -- I mean, I don't
19 understand the answer.

20 A. It was after 7 and I was the -- I was -- I would have
21 been the only person there and available at my office. There
22 may have been others in the building, but I certainly didn't
23 run around, you know, trying to find somebody. To be honest
24 with you, I have a responsibility to have him -- he's in
25 custody at that point. He has to stay with me.

1 Q. And you couldn't have gotten on the phone and asked
2 somebody to stop in so you could have a witness?

3 A. I didn't do that.

4 Q. Now, I have been to this office before and I'm aware
5 that you all have audiovisual capabilities there, too, don't
6 you?

7 A. In what regards do you mean? Security or?

8 Q. For interviews.

9 A. We do not record our interviews.

10 Q. You have the capability.

11 A. I don't, no.

12 Q. The building does.

13 A. We have security cameras. I believe the polygraph
14 room -- I don't know if it was before this or after, but they
15 have cameras in the polygraph room, but that's the only
16 office that's recorded as far as audio/video.

17 Q. Okay. So then there's no audio of this particular oral
18 conversation?

19 A. No.

20 Q. And there's no video of this conversation.

21 A. No.

22 Q. Did Jeff ever spend any time in a holding cell?

23 A. He would have, yes, in between transfer of custody to
24 maybe the polygraph, and then after the completion of the
25 interview he certainly would have been there awaiting for

1 transport to the jail.

2 Q. Okay. So when would he have been in the holding cell?
3 When?

4 A. When we're -- if he's coming from my custody to another
5 investigator's custody, i.e. the polygraph examiner, there's
6 a possibility that he would have been briefly in the holding
7 cell then, and then after the completion of the statement he
8 would have been placed in the holding cell and then prior to
9 transport to the jail.

10 Q. Okay. So it's your testimony that from 5:00 until 7:00
11 Jeff -- well, 5:15, you met Jeff. You Mirandized him. You
12 had an oral conversation with him. Jeff may or may not have
13 been taken to a holding cell prior to the polygraph. He was
14 polygraphed, possibly taken back to a holding cell, then
15 brought back to you. A statement was written up, and all of
16 that was done in an hour and 25 minutes.

17 A. In general, yes.

18 Q. Beg the Court's indulgence. I'm looking for a document,
19 Your Honor. Wait a second. When did Jeff do the polygraph?

20 A. It would be on the polygraph report. It would have been
21 after our initial advisement of rights.

22 Q. Great. And how many polygraphs did he do?

23 A. Did he do?

24 Q. Yes. Did he take---

25 A. I believe just one.

1 Q. So the polygraph report says that it was done on the
2 9th, but you've just testified in like maybe an hour that it
3 was done on the 8th and it was done -- you think maybe the
4 report is wrong?

5 A. It could be. I'm not sure. He -- I know that he
6 submitted to a polygraph test.

7 Q. But it could have been done on the following day?

8 A. It's not out of the question. I know he came back
9 twice.

10 Q. So have you ever seen the report that was done on the
11 8th?

12 A. Which report?

13 Q. That you just testified took place prior to your typing
14 up the thing that you were behind the glass observing?

15 A. I observed the polygraph test that he took.

16 Q. On the 8th or 9th?

17 A. I'm not sure. If the polygraph report says it was on
18 the 9th, it could have been on the 9th. We're talking about
19 two and a half years ago. You know, I've conducted thousands
20 of investigations since then. I don't have my notes here
21 with me.

22 Q. So let's just do a little housekeeping here. So at the
23 time that Jeff was -- gave the statement, you're saying that
24 he was in custody; correct?

25 A. Yes.

1 Q. All right. And clearly he was interrogated because you
2 testified that he was.

3 A. Yes.

4 Q. Okay. And prior to interrogation he was Mirandized.

5 A. Yes.

6 Q. How many times was he Mirandized that day?

7 A. He was Mirandized in writing with me. He also -- when
8 we reduced it to writing, the written statement, there's also
9 an advisement portion on that statement.

10 Mr. Chaplin: Okay. Beg the Court's indulgence. No
11 further questions.

12 Ms. McDuffie: Briefly, Your Honor.

13 Redirect Examination

14 By Ms. McDuffie:

15 Q. Mr. Chestnut was taken into custody on June the 8th of
16 2010?

17 A. Yes.

18 Q. And you first encountered him -- you didn't have your
19 notes when Mr. Chaplin was questioning you.

20 A. No.

21 Q. You first encountered him and advised him of his rights
22 at what time?

23 A. 5:14.

24 Q. And that was on June the 8th, 2010?

25 A. Correct.

1 Q. And then you had an oral conversation with him?

2 A. Yes.

3 Q. And then you took a written statement from him?

4 A. Yes.

5 Q. Again on June the 8th of 2010, what time did you begin
6 taking the written statement?

7 A. 1900 hours. 7:00.

8 Q. And what time did that written statement end?

9 A. 7:55 on the 8th.

10 Q. I'm going to show you the polygraph report that was
11 produced by Captain Jimmy White. What date was the polygraph
12 done?

13 A. It was on the 9th. It began at 12:25 and ended at
14 14:40, so...

15 Q. And you were not the one performing that test.

16 A. No.

17 Q. Performing the questioning.

18 A. No.

19 Q. You were merely an observer?

20 A. Correct.

21 Q. And the polygraph took place on what date?

22 A. The 9th.

23 Q. And the statement that Mr. Chestnut gave to you took
24 place on what date?

25 A. The 8th.

1 Q. After he gave you that statement, where was he
2 transported?

3 A. To the jail.

4 Q. And then on the 9th he indicated that he wanted to come
5 back and speak with you?

6 A. Correct.

7 Q. And so he did and took that polygraph on the 9th?

8 A. That's right.

9 Q. And that was with Captain Jimmy White?

10 A. Yes.

11 Q. Mr. Chaplin's alluded to the fact that you told him you
12 would only arrest him on one thing and not other charges? At
13 the point you made contact with him, you had already obtained
14 an arrest warrant for Jeff Chestnut?

15 A. Yes.

16 Q. For the charge of armed robbery?

17 A. Yes.

18 Q. And he was served with that warrant.

19 A. Yes.

20 Q. And then he spoke with you.

21 A. Yes.

22 Q. So there were no other outstanding warrants that you
23 chose not to serve.

24 A. No.

25 Q. You charged him with one count of armed robbery.

1 A. Yes.

2 Q. And that was based on your discretion as a law
3 enforcement officer what you chose to charge him with?

4 A. Correct.

5 Q. That was all done prior to you coming into contact with
6 him?

7 A. Yes.

8 Q. And you had no other outstanding warrants that you chose
9 not to serve.

10 A. No.

11 Q. And, in fact, it was my decision to present D.P.
12 indictments to the grand jury.

13 A. That's correct.

14 Q. You were subpoenaed to the grand jury at my -- or I
15 subpoenaed you to the grand jury?

16 A. Yes.

17 Q. You presented the rest of the case to the grand jury?

18 A. Yes.

19 Q. Pursuant to my subpoena?

20 A. Yes.

21 Q. And the grand jury chose to return indictments on the
22 rest of the charges.

23 A. That's correct.

24 **Ms. McDuffie:** Thank you. No further questions for this
25 witness.

Kevin Isenhoward (in camera) - recross exam by Mr. Chaplin 75

1 **The Court:** Anything further?

2 **Mr. Chaplin:** Just briefly, Your Honor.

3 **The Court:** Go ahead.

4 Recross Examination

5 By Mr. Chaplin:

6 Q. You know, I'm struggling with your testimony earlier. I
7 think earlier you said right there under oath that Mr.
8 Chestnut spoke with you orally. Then you said that he went
9 into a polygraph room, and then you said you stood there and
10 watched him while someone else administered a polygraph.

11 A. Yes.

12 Q. And then you said he came back, and you and him sat at a
13 typewriter and typed up his statement where you gave him an
14 opportunity to read every page.

15 A. That's correct.

16 Q. And on redirect you said that the polygraph was done the
17 following day.

18 A. You were asking me questions. I don't have access to
19 notes. Again, it's two years ago. This is -- that's
20 typically how it goes. Okay? All of that is accurate. All
21 of that happened, but it happened on -- the next day
22 basically he was brought back for a polygraph which I
23 observed the next day. So the question is I was -- I was
24 confused maybe on the date, but obviously that's what
25 happened. He was brought back the next day and submitted to

1 a polygraph test at his discretion. He allowed that to
2 happen. He agreed to do that.

3 Q. Yeah.

4 A. And he, in fact, waived his rights again that next day.

5 Q. And you have that in writing?

6 A. Do I have it in writing? It's in the poly -- it should
7 be in the polygraph report.

8 Q. I'm sorry. I only have one advisement of rights that
9 was done on the 8th.

10 A. Okay.

11 Q. Well, let's chase that rabbit. You said it was done
12 again the following day.

13 A. The procedure for the polygraph is that they're advised
14 of their rights. It should be in the -- I don't know if
15 you -- I don't know what paperwork you have but...

16 Q. Maybe I didn't receive that copy.

17 **Ms. McDuffie:** Your Honor, I can provide a discovery
18 checklist where we did provide this to Mr. Chaplin of the
19 polygraph report, but he's welcome to this copy. Your Honor,
20 for the record, I don't think that we turned over to Mr.
21 Chaplin the actual squiggly lines from the polygraph, but
22 he's also welcome to look at that.

23 **Mr. Chaplin:** Can you make a copy of it?

24 **Ms. McDuffie:** You can have that copy.

25 **Mr. Chaplin:** Okay. Great.

1 **Ms. McDuffie:** You can have...

2 **Mr. Chaplin:** Nothing further, Your Honor.

3 **The Court:** All right. Any further witnesses for the
4 State?

5 **Ms. McDuffie:** Not on this issue, Your Honor.

6 **The Court:** All right. Any witnesses for the defense?

7 **Mr. Chaplin:** Yes, Your Honor.

8 **The Court:** All right. Come down, Mr. Isenhoward.

9 We'll call you back up in a few minutes.

10 **The Witness:** Thank you.

11 **The Court:** Mr. Chaplin, call your witness.

12 **Mr. Chaplin:** At this time we call Jeff Chestnut,
13 please.

14 **The Court:** Come around, Mr. Chestnut.

15 Jeff Chestnut, after being duly sworn, testified as
16 follows in camera:

17 **The Clerk:** Please have a seat in the witness stand, and
18 state your full name for the record.

19 **The Witness:** State my name?

20 **The Clerk:** State your name.

21 **The Witness:** Jeff Chestnut.

22 Direct Examination

23 By Mr. Chaplin:

24 Q. Good afternoon, Mr. Chestnut.

25 A. How are you doing?

1 Q. Jeff, do you remember meeting with Investigator
2 Isenhoward on the 8th of June in 2010?

3 A. Yes.

4 Q. Okay. You've got to speak up a little.

5 A. Yes, I do.

6 Q. Okay. Great. All right. Are you nervous?

7 A. A little.

8 Q. Okay. Just relax.

9 A. Okay.

10 Q. All right. And just listen to the questions and answer
11 them. All right. On June 8th, 2010, where were you at 4:30
12 in the afternoon?

13 A. I was at the probation place.

14 Q. Okay. And what were you doing there?

15 A. I was reporting.

16 Q. Okay. What happened when you got there?

17 A. When I -- when I got there, I signed my new court date,
18 and then two officers came behind me and arrested me, and
19 that was when my probation officer told me I had a warrant
20 for armed robbery.

21 Q. Okay. All right. Do you see any of those officers in
22 the courtroom today?

23 A. No.

24 Q. Okay. Now, what happens when they arrested you?

25 A. When they arrested me, they took me to the sheriff's

1 department, and I was held in a cell until Isenhoward came
2 and got me.

3 Q. Now, where was the cell? I mean, do you have an idea --
4 was it in the basement? Was it on the...

5 A. No. It's like as soon as you come through the back door
6 it's on your left-hand side.

7 Q. Got it. All right. And how long were you sitting in
8 that cell?

9 A. I was sitting in there I want to say -- I want to give
10 it probably about -- almost an hour.

11 Q. Okay. So you weren't in an office.

12 A. No.

13 Q. You were in a cell.

14 A. In a cell, yeah.

15 Q. Okay. And then what happened while you were in the
16 cell?

17 A. While I was in the cell, I---

18 Q. Well, who came to get you?

19 A. Isenhoward.

20 Q. Okay. And what did he say when he came to get you?

21 A. He told me who he was, and we went to his office.

22 Q. Did you go upstairs or around the corner or what?

23 A. We just went -- his office is like probably 15 seconds
24 away from the holding cell.

25 Q. Okay. So you got to his office, and let's go slow.

1 What happened when you walked in?

2 A. Well, when I walked in---

3 Q. Well, first of all, were you -- did you have on
4 handcuffs?

5 A. No.

6 Q. No. Okay. All right. So you walked in and then you
7 sat down?

8 A. Yeah.

9 Q. And were you sitting across from Mr. Isenhoward?

10 A. Yes.

11 Q. Okay. And did you all talk?

12 A. Yeah, we talked.

13 Q. What did y'all talk about?

14 A. Well, when I first came in, he asked me did I -- did I
15 know what he wanted to talk to me about? And I told him,
16 "No." Then he said, well, it's -- that's when I found out it
17 was about an armed robbery.

18 Q. Okay. All right. And then you all had a conversation?

19 A. Yes.

20 Q. Okay. How long did that conversation take?

21 A. We talked probably -- probably about 30 minutes to an
22 hour.

23 Q. Now, Jeff, there is a document that says that -- that
24 you signed that says that when you got to his office,
25 allegedly the first thing he did was Mirandize you, and you

1 heard his testimony that supports that. Were you Mirandized
2 when you'd just got to his office?

3 A. No.

4 Q. Why do you know that?

5 A. Because I know what my Miranda rights are.

6 Q. And it didn't happen?

7 A. No.

8 Q. But it happened at sometime later on, didn't it?

9 A. Yes.

10 Q. Did it happen when you were finally given the typed
11 document?

12 A. Yeah. When I got the statements and the -- I guess
13 whatever -- he made me sign two papers.

14 Q. Okay. We'll get back to that. Now, while you were
15 there, did Mr. Isenhoward promise you anything regarding a
16 bond?

17 A. He told me that if I be straight up with him, he'll come
18 to my bond hearing and -- and make sure that I receive a low
19 bond.

20 Q. Did he do that?

21 A. No.

22 Q. Did he tell you anything to induce you to talk about how
23 many charges you could get?

24 A. Yeah. He told me that if I didn't -- he told me that if
25 I didn't -- if I be straight up with him, then I will only be

1 charged with one count, but he could charge me for every
2 person in the building.

3 Q. When did you get charged for every person in the
4 building?

5 A. In July.

6 Q. Of what year?

7 A. 2012.

8 Q. Jeff, when is the first time you read the statement that
9 you signed in his office?

10 A. When I got to the jail.

11 Q. Mr. Isenhoward said that he went through every page with
12 you and as you signed every page, he made sure that you
13 understood it and even offered to read it.

14 A. That's not true.

15 Q. So tell me how it happened.

16 A. It happened. All right. Well, we was -- after -- let
17 me see. I talked to him for awhile. Then it was him and
18 another guy.

19 Q. Okay.

20 A. And...

21 Q. Okay. Go ahead.

22 A. Well, after I was -- I was talking to him. Him and
23 another guy came in, and I was talking to him and whatever,
24 and he was telling me that, you know, my charge carried 10 to
25 30 for armed robbery and that he know I know that he could

1 charge me with every person in the building, but he said,
2 "But I'm not going to do that," but then that's when we
3 talked about after -- after I got out the statement or
4 whatever and I signed them, I went back to the holding tank.

5 Q. Okay. Now, Jeff, when you were in Mr. Isenhoward's
6 office and he went through all of this stuff with you as far
7 as your signature, your Miranda and things on that order,
8 were there other people walking around?

9 A. There was a guy in the room with us.

10 **Court Reporter:** I'm sorry. There was a guy what?

11 **The Witness:** There was another guy in the room with us.

12 By Mr. Chaplin:

13 Q. Okay. And was he sitting down and part of this
14 conversation?

15 A. He was standing right behind me.

16 Q. Did you get his name?

17 A. No, I didn't.

18 Q. What was he doing?

19 A. He was just standing, you know, standing behind me at
20 the door. He'll be back and forth. He'll leave and then
21 come back.

22 Q. So there was actually somebody that was present that
23 could have witnessed this whole thing.

24 A. Yes.

25 Q. But you don't know if he did or not.

1 A. No.

2 Q. Okay. What about -- how do you feel about the fact that
3 this conversation wasn't audio-taped or visual-taped --
4 visual?

5 A. I feel like---

6 **Ms. McDuffie:** Objection, Your Honor, to relevance, how
7 he feels about something.

8 **The Court:** Sus -- overruled. Overruled. Go ahead.

9 **The Witness:** What was the question again?

10 By Mr. Chaplin:

11 Q. Was your interview audio-taped, to your knowledge?

12 A. Not that I know of.

13 Q. And have you ever seen a video of this---

14 A. No.

15 Q. ---conversation? And what impact does that have on you
16 knowing that that didn't happen?

17 A. It's -- it's just basically -- it's basically my word
18 against his and I just -- I feel like something sneaky was
19 going on and that's that there's hardly any evidence here
20 except that.

21 Q. Okay. I think this is my last question until Ms.
22 McDuffie. If she has any, answer those. Your signature is
23 on that document like eight times.

24 A. Uh-huh.

25 Q. Tell me how that happened.

1 A. Well, I only -- I only recall signing -- well, no, I did
2 sign two. I guess one was for me and I guess one was for him
3 to keep.

4 Q. Okay. Well, let me just ask you this, Jeff. When you
5 finally signed your name all these times, were you handed a
6 stack of documents?

7 A. When I finally signed them?

8 Q. Yes.

9 A. Yes.

10 Q. Okay. And you just -- did someone point to you to where
11 you should sign?

12 A. Yeah.

13 Q. And you signed?

14 A. Yes..

15 Q. Did you think you were signing a statement or did you
16 think you were signing Miranda?

17 A. I thought I was signing my Miranda rights. I didn't
18 know I was taking a statement because he was just asking me
19 questions and I was giving him answers on certain things, and
20 that was all I remember.

21 Q. So when you got back to the jail and you read the stack
22 of papers, what did you think?

23 A. I thought -- I don't even know what I thought.

24 Q. Well, let me go a step further. Did you read your
25 statement?

1 A. Yes.

2 Q. Was it accurate?

3 A. No.

4 Q. Jeff, did you ever tell Mr. Isenhoward that you were a
5 lookout?

6 A. Well, no, I did not say I was a lookout. He
7 misunderstood me. What could I look out for?

8 Q. All right. What else is inaccurate about the statement?

9 A. That he had asked me did I have any involvements in the
10 robbery which I misunderstood for: Did I know anything about
11 it? And I said yes. He basically trick-questioned me.

12 Q. Okay. Well, tricking is not illegal.

13 A. Yeah.

14 Q. Jeff, what about the part of the statement where it says
15 that you told Teidra Dennis that you planned to do it? Is
16 that accurate?

17 A. No. Huh-uh.

18 Q. So it's your testimony that this is not a true
19 reflection of the conversation you had with Mr. Isenhoward.

20 A. Some of it is, but some of it's not true.

21 **Mr. Chaplin:** Answer any questions that Ms. McDuffie
22 might have.

23 **Ms. McDuffie:** May it please the Court, Your Honor?
24
25

Cross-Examination

2 By Ms. McDuffie:

3 Q. Mr. Chestnut, you said that Investigator Isenhoward did
4 Mirandize you?

5 A. Yes, ma'am.

6 Q. And he did Mirandize you before a written statement was
7 taken?

8 A. Well, I can't say if it was before a statement was
9 taken.

10 Q. But you knew -- you knew your Miranda rights.

11 A. Yeah, I know my rights.

12 Q. And you freely spoke with him?

13 A. I spoke to him, yes.

14 Q. Freely?

15 A. Yeah.

16 Q. Voluntarily?

17 A. Yeah.

18 Q. You knew what you were doing?

19 A. Yeah.

20 Q. And this statement was produced as a result of your
21 conversation with him?

22 A. Some of it.

23 Q. Some of it? The first question: "Were you involved in
24 a robbery at Carolina Gold Bingo on 5/23/2010?" Response:

25 "Yes."

1 A. Uh-huh.

2 Q. Did you say that?

3 A. I said, "Yes."

4 Q. His next question: "What happened?". Your response: "I
5 was at home in the yard with my stepdaughter, Tiona Dennis."
6 Is that what you said?

7 A. Correct.

8 Q. "I called Chief to come take me to take somebody some
9 weed."

10 A. Correct.

11 Q. "Chief came to get me in a blue Corolla." Did you say
12 that?

13 A. Yes.

14 Q. "He was by himself when he picked me up at Teidra's
15 house."

16 A. Uh-huh.

17 Q. "I overheard him in the car talking on the phone saying,
18 'I need to settle this lick so I can hit the spot.'"

19 A. Correct.

20 Q. "When he hung up the phone, I asked him what was he
21 talking about."

22 A. Uh-huh.

23 Q. "He told me he was thinking about hitting the bingo
24 hall."

25 A. (Witness nodded head up and down.) Correct.

1 Q. "I asked him who was going with him. He told me that it
2 was going to be me and him and Quantis. I told him that I
3 wanted some of that."

4 A. You said I said it was going to be me, him, and Quantis?

5 Q. Your words: "He told me that it was going to be him and
6 Quantis. I told him I wanted some of that."

7 A. Correct.

8 Q. "At first he was like, 'Nah, you can't go down with
9 this,' and then he told me to come on."

10 A. Correct.

11 Q. All your words.

12 A. Yeah.

13 Q. "We pulled off at the bingo hall and parked the car. We
14 walked around back and saw two people I usually deal with. I
15 saw the dude from the Comedy House I chill with. I sold the
16 dude a bag. That's when Quantis came up walking. He was
17 saying that he had the wrong clothes on. I gave him my black
18 tee shirt and my Atlanta Braves hat, and he put it on. I
19 told Chief, 'Ain't no need for me to go now.' He told me he
20 didn't want to do it anyway. I told him that I would stay
21 out here and look out. I stayed in the back of the bingo
22 hall. They ran off to do the robbery. I stayed out there
23 for a little while talking to a little white dude for a
24 minute. A few minutes later Chief and Quantis came running
25 back out. When I saw them, I hid under the steps before the

1 Comedy House, under the steps where they put all that grease
2 and trash. I stayed under there for about 30 to 45 minutes.
3 I walked out to the side of the building and I was scared and
4 shaking. An older lady saw me and gave me a ride to my
5 grandma's house in Greenview."

6 A. That's -- that's -- the end part, that's not mine, no.

7 Q. What did you tell him then?

8 A. I told him -- I told him everything except the part
9 about the lookout. I didn't say I was going to be no
10 lookout, and I didn't say nothing about an old lady rode up
11 and picked me up.

12 Q. So he just made all that up?

13 A. I didn't say it.

14 Q. Did you -- and the next question: "Did you have a gun?"

15 A. No.

16 **Mr. Chaplin:** Excuse me, Your Honor. Could I provide
17 Mr. Chestnut with a copy of his statement---

18 **The Court:** Sure. Absolutely.

19 **Mr. Chaplin:** ---so that he can... This is what she's
20 reading. You might want to read along so that you can
21 understand it.

22 By Ms. McDuffie:

23 Q. The next question is who -- page two, second question on
24 the page. "Who had the guns?" Your response was, "I didn't
25 see them with no guns"?

- 1 A. Correct.
- 2 Q. And you said that?
- 3 A. Yes.
- 4 Q. No one forced you to say that?
- 5 A. No.
- 6 Q. No one threatened you?
- 7 A. No.
- 8 Q. No one coerced you?
- 9 A. No.
- 10 Q. You freely and voluntarily were talking with
- 11 Investigator Isenhoward.
- 12 A. Yes.
- 13 Q. Question: "What was Chief wearing?" And your answer:
- 14 "He had on a white-and-gray tee shirt, some blue sweats. He
- 15 had a piece of brown cloth that covered his mouth?"
- 16 A. Correct.
- 17 Q. "What's Chief's real name and what does he look like?"
- 18 And your answer: "Everyone knows him as Rocca (phonetic). I
- 19 don't know his real name. He's about 6'4", 180 to 200
- 20 pounds. He's about 20 years old and has skin a little
- 21 lighter than me. His hair on his head is rough-looking, like
- 22 he don't cut it. The hair on his face is like that, too."
- 23 A. Correct.
- 24 Q. Your words?
- 25 A. Correct.

1 Q. No one put those words in your mouth?

2 A. No.

3 Q. "What is Quantis's full name?" Your response: "I just
4 know him as Quantis. He's from Irmo, but he be in Greenvview,
5 too. He's about 5'10", 185 pounds, and brown skin. He's
6 between 22 and 25. He has a low-fade haircut and thin
7 beard"?

8 A. Yes, I told him that.

9 Q. "What was Quantis wearing?" "Black jeans. Before I
10 gave him my shirt, he was wearing an orange shirt"?

11 A. Uh-huh.

12 Q. You said that?

13 A. Yes.

14 Q. "Do you know either Quantis or Chief's phone numbers?"
15 "I don't know Quantis's. Chief had a number, 229-3829 or
16 something like that, and it's a Charleston or Greenville area
17 code." Your response? Mr. Chestnut, were those your words?

18 A. To Chief's number? Yeah.

19 Q. "What did you get out of the robbery?" Your response:
20 "They didn't give me anything. I said I didn't do nothing.
21 They said I didn't do nothing"?

22 A. Correct.

23 Q. "Why did you give Quantis your shirt and hat?" Your
24 response: "So I could back out of it." "Where are they
25 now?" "He has them." Your words?

1 A. Correct.

2 Q. "Did you enter the bingo hall?" "No, sir." Your words?

3 A. Yes.

4 Q. "Did you talk to Teidra before the robbery?" Your
5 response: "I talked to her before and after"?

6 A. Yes.

7 Q. "Was she relaying information to you during the calls?"
8 Your response: "She called to see if I could pick her up"?

9 A. Yes.

10 Q. "Did you tell her you were there?" Your response:
11 "Hell no"?

12 A. That's right.

13 Q. His question: "Why would she say that you participated
14 in the robbery and you got money from it?" And your
15 response: "Because I told her I planned to do it"?

16 A. No.

17 Q. You didn't say that?

18 A. No.

19 Q. So that's -- he just put that in there?

20 A. I didn't say that. I didn't say I planned to do it.

21 Q. But he wasn't forcing you. He wasn't threatening you?

22 A. No.

23 Q. "When did you tell her this?" Response: "The day it
24 happened"?

25 A. Yeah. I talked to her that day. I didn't tell her that

1 I planned it.

2 Q. "Was this before or after Chief picked you up?" "It was
3 after I got back. She told me they got robbed, and I told
4 her that we planned to do it"?

5 A. Are you asking did I say that?

6 Q. Yes, sir.

7 A. No.

8 Q. "Was this before or after Chief picked you up?" "It was
9 after I got back. She told me that they got robbed, and I
10 told her we planned to do it." You didn't say that?

11 A. I still haven't said I planned to do nothing.

12 Q. Question: "Did you see Teidra outside during the
13 robbery?" Answer: "No, she was calling me from like two
14 people (verbatim) phone"?

15 A. Correct.

16 Q. "Did someone from the bingo hall call your cell phone
17 after the robbery?" Your response: "Yes, looking for
18 Teidra"?

19 A. Yes.

20 Q. "Had you talked to her at that point?" Answer: "Yes,
21 she called me before that"?

22 A. Yes.

23 Q. "Did she tell you about the robbery then?" "Yes, she
24 told me about it"?

25 A. Yeah.

1 Q. "So is that when you told her you had planned to rob the
2 bingo?" And your answer: "Yes"?

3 A. No, I didn't tell her I planned to rob it.

4 Q. That's not your response?

5 A. No.

6 Q. "So it was over the phone when you got back that you
7 told her what you had planned?" And your response: "Both"?

8 A. I never said I planned to do nothing.

9 Q. "Why would Teidra call Chief prior to the robbery?"
10 Your response: "I don't know. I didn't know she had his
11 number"?

12 A. Yes.

13 Q. "Did Teidra tell you about how much money was in the
14 bingo?" Your response: "No"?

15 A. Correct.

16 Q. "Was Teidra involved in any way?" Your response: "No"?

17 A. Correct.

18 Q. How do you know that?

19 A. Was Teidra involved in what? In the robbery?

20 Q. Uh-huh.

21 A. If she was, I don't know about it.

22 Q. Well, your response was no.

23 A. That's right because, at (verbatim) my knowledge, I
24 didn't know.

25 Q. "Do you have anything else to add to your statement?"

1 And you said: "No, sir"?

2 A. Correct.

3 Q. And he didn't force you or threaten you to make any
4 statement?

5 A. No.

6 Q. Didn't coerce you?

7 A. He just told me that if I was straight up with him that
8 he'll be straight up with me and he'll be -- the agreement
9 was: If I talk to him, then he was supposed to come to my
10 hearing, my bond hearing, and make sure I had a reasonable
11 low bond.

12 Q. And he told you that?

13 A. Yes.

14 Q. And what was your bond set at?

15 A. 100,000.

16 Q. He never showed up?

17 A. He never showed.

18 Q. When was your bond hearing?

19 A. On June 9th.

20 Q. Do you know what time it was? Morning? Afternoon?
21 Evening?

22 A. I want to say it was morning; I want to say.

23 Q. Did you go back to the sheriff's department that day?

24 A. Yes.

25 Q. Take a polygraph?

1 A. Yes.

2 Q. Why did you do that?

3 A. I wanted to clear my name.

4 Q. But if Investigator Isenhoward promised you all this
5 stuff and he didn't follow through with his promises, why did
6 you go back to the sheriff's department that day?

7 A. I wanted to clear my name.

8 Q. Clear your name from what? I thought you just said you
9 told him you didn't do any of this.

10 A. But, still, I'm being charged with armed robbery. I
11 would do anything to get my name cleared, whether it's a
12 polygraph or a point-out (verbatim) or whatever.

13 Q. So you didn't tell 'em the night before you hadn't done
14 anything? You hadn't cleared your name then?

15 A. No. Obviously I was still in jail, so obviously I
16 wasn't clear.

17 Q. So when you told him you didn't do it and he made all
18 this stuff up about how you did, what did you think was going
19 to change between the 8th and the 9th?

20 A. First -- all right. First and foremost, he was -- he
21 came back to the jail to get me to point out a residence of
22 where Quantis lived. That was -- that was before -- that was
23 after I took the polygraph. That was the reason why he came
24 to get me first off. We discussed that on the 8th, that he
25 was going to come down there, but he came after my bond

1 hearing instead of before.

2 Q. So he broke his promise to you.

3 A. Yeah, he wasn't there.

4 Q. But you still voluntarily went with him?

5 A. I went and took my polygraph.

6 Q. Even though he had broken a promise to you?

7 A. Yeah, because I was going to get a lawyer.

8 Q. Because what?

9 A. Because I was getting a lawyer.

10 Q. And did you ever tell him you wanted a lawyer?

11 A. No.

12 Q. Did you ever tell him that you didn't want to speak with
13 him anymore?

14 A. No.

15 **Ms. McDuffie:** No further questions of this witness,
16 Your Honor.

17 **The Court:** Anything further?

18 **Mr. Chaplin:** Yes, briefly.

19 Redirect Examination

20 By Mr. Chaplin:

21 Q. Jeff, we'll straighten a lot of that out in the trial,
22 but right now we're looking at whether or not your statement
23 was---

24 **Ms. McDuffie:** Your Honor, objection to this---

25 **Mr. Chaplin:** ---voluntary.

1 **Ms. McDuffie:** ---by Mr. Chaplin.

2 By Mr. Chaplin:

3 Q. Jeff, the statement that you read---

4 A. Uh-huh.

5 Q. All right. Is not accurate.

6 A. Correct.

7 Q. Correct? And there are several things in there that you
8 say you didn't say.

9 A. Correct.

10 Q. So it couldn't have been done voluntarily; right?

11 A. Correct.

12 Q. Now, when you did this infamous drive-by the next day
13 when Isenhoward came and picked you up, did you think you had
14 a choice?

15 A. No.

16 Q. I mean, could you have told him that, you know, I'm not
17 going? Did you feel you could?

18 A. Yes, I felt I could have.

19 **Mr. Chaplin:** Okay. Okay. Nothing further.

20 **The Court:** Anything further? Anything further of this
21 witness?

22 **Ms. McDuffie:** Not from the State, Your Honor.

23 **The Court:** You may come down. Any other witnesses?

24 **Mr. Chaplin:** The defense rests, Your Honor, on this
25 particular matter.

1 **The Court:** Any -- anything for the record from the
2 State?

3 **Ms. McDuffie:** Your Honor, I'd just ask to be allowed to
4 respond to his argument after he makes it.

5 **The Court:** All right. On the voluntary issue, Mr.
6 Chaplin.

7 **Mr. Chaplin:** Thank you very much. Your Honor, I
8 basically want to point out when Mr. Chestnut testified, he
9 clearly pointed out that there were several things that were
10 not done on a voluntary basis because he didn't say it, so it
11 couldn't have been voluntary. He also indicated that he---

12 **The Court:** That may be a question of credibility at
13 this point.

14 **Mr. Chaplin:** Could be. He also indicated that he was
15 promised things prior to giving the statement.

16 **The Court:** So?

17 **Mr. Chaplin:** He also---

18 **The Court:** Well, what's wrong with that?

19 **Mr. Chaplin:** Your Honor, I'm simply pointing this out
20 and objecting to the statement coming in based on these
21 issues.

22 **The Court:** Okay. Okay.

23 **Mr. Chaplin:** And preserving the record. Mr. Chestnut
24 says that he was never Mirandized prior to the oral
25 conversation. Mr. Chestnut testified that he was given a

1 stack of papers to sign at one time. So he's alleging that
2 the times on his Miranda form are not accurate and that
3 everything was done at the conclusion of -- at 7:00 or so
4 when he was actually told to sign here, sign here, sign here.
5 He indicated he didn't ask for a lawyer because he felt that
6 Mr. Isenhoward was providing him with legal advice.

7 He indicated that there was a deal on the table and
8 that's -- was inducement for him to give a statement. Your
9 Honor, this statement was taken without any witnesses
10 present, but yet there's testimony that there were people
11 there. Mr. Chestnut didn't have an attorney present. There
12 was no audio of this conversation. There's no visual of this
13 conversation, and Mr. Chestnut alleges that the times that
14 Mr. Isenhoward testified to are not accurate.

15 Finally, Your Honor, Mr. Isenhoward took the stand and
16 flat out said that: Mr. Chestnut did this, this, this, and I
17 observed. Then on redirect, when it was pointed out that
18 that was impossible, he then changed it. Your Honor, I think
19 that alone suggests that Mr. Isenhoward's testimony lacks
20 credibility, and I would like the Court to consider that as
21 well and, therefore, Your Honor, I'm arguing that Mr.
22 Chestnut's motion be suppressed based on the following
23 arguments---

24 **The Court:** Statement.

25 **Mr. Chaplin:** Beg your pardon?

1 **The Court:** Statement.

2 **Mr. Chaplin:** I'm sorry. Statement. Be suppressed
3 based on the following arguments that I just provided.

4 **The Court:** Anything from the State?

5 **Ms. McDuffie:** Yes, Your Honor. I believe that the
6 proper standard that the Court is supposed to consider in
7 determining whether a statement is voluntarily, knowing, and
8 intelligently made is based on the totality of the
9 circumstances, and I believe here on the totality of the
10 circumstances there's no evidence that contradicts that this
11 statement was not freely, voluntarily, and knowingly made and
12 not with pressure or a product of coercion.

13 Mr. Chestnut himself testified that he was Mirandized,
14 that he understood his rights, and that he knew his rights.
15 He further testified that he made the statement freely and
16 voluntarily and that he was not coerced by Investigator
17 Isenhoward, and there is no testimony in the record to the
18 contrary to that. We would ask that the Court find that the
19 statement was voluntarily made and allow its introduction
20 into evidence.

21 **The Court:** All right. Well, I've considered all the
22 evidence that's been offered by the State and the defendant,
23 and I'm convinced by a preponderance of the evidence -- and
24 that's the only standard by which I must judge this
25 testimony. I find that before the alleged statement was

1 obtained from the defendant, the defendant was fully advised
2 of his rights under the Fifth and Sixth Amendment to the
3 Constitution of the United States, that the defendant was
4 advised of the constitutional safeguards required by Miranda
5 v. Arizona as follows: The defendant was advised prior to
6 any interrogation that he had the right to remain silent.
7 The defendant was advised prior to the interrogation that if
8 he waived his right to remain silent and made a statement
9 that such statements could and would be used against him in a
10 court of law, that the defendant was advised prior to any
11 interrogation that he had the right to employ or select an
12 attorney of his own choice and that if he did not have the
13 money, funds, or resources to employ an attorney that the
14 Court would appoint and provide an attorney for him if he so
15 desired, without cost or expense to him, and that he had the
16 right to have his attorney present with him at all times
17 during all interviews and all interrogations, and the
18 defendant was advised prior to any interrogation that he had
19 the right to consult with his attorney before interrogation.
20 He was advised prior to any interrogation that he had
21 the right to interrupt or terminate the interrogation at any
22 time, that he further had the right to stop answering
23 questions at any time during the interrogation. The
24 defendant was advised prior to any interrogation that during
25 the interrogation if he desired an attorney, the

1 interrogation would cease until an attorney was provided for
2 him, and he would be given an opportunity to consult with his
3 attorney prior to any further interrogation. That the
4 defendant knowingly and intelligently waived his rights under
5 the Fifth and Sixth Amendment to the Constitution of the
6 United States and the constitutional safeguards required by
7 Miranda v. Arizona.

8 The alleged statement obtained from the defendant was
9 freely and voluntarily given without duress, coercion,
10 without undue influence, without reward, without promise or
11 hope of reward, without promise of leniency, without threat
12 of injury, without compulsion or inducement of any kind and
13 that such alleged statement was the voluntary product of a
14 free and unconstrained will of the defendant.

15 I find all of these foregoing conclusions by a
16 preponderance of the evidence. I'll admit the statement into
17 evidence and, of course, the State -- I mean, the defendant
18 will certainly have the right to argue against the
19 voluntariness of the statement, and that becomes then an
20 issue for the jury and not for the Court. All right. Are
21 you ready to proceed with the...

22 **Ms. McDuffie:** Yes, Your Honor.

23 **Mr. Chaplin:** Your Honor?

24 **The Court:** Yes.

25 **Mr. Chaplin:** I beg your pardon. Your Honor, simply for

1 the record, for the purposes of the record I would like to
2 just say that we object to the ruling in this particular
3 matter and would like that so noted.

4 **The Court:** All right. Call your first witness.

5 **Ms. McDuffie:** The State would again call Investigator
6 Kevin Isenhoward.

7 **The Court:** You may proceed.

8 **Ms. McDuffie:** Thank you, Your Honor.

9 Kevin Isenhoward, having been previously sworn and
10 remaining under oath, testified as follows in camera:

11 Direct Examination

12 By Ms. McDuffie:

13 Q. Investigator Isenhoward, you were still investigating
14 the robbery at the Carolina Gold Bingo. On June the 9th of
15 2010 did you have the occasion to meet with Angela
16 Diaz-Garcia?

17 A. I did.

18 Q. And was she an employee of Carolina Gold Bingo?

19 A. She was.

20 Q. And why did you meet with her on that day?

21 A. I received -- I was told that she wanted to -- she
22 thought she could identify one of the people who robbed them.
23 Obviously I took a photographic line-up to her, showed it to
24 her in an attempt to identify one of the robbers.

25 Q. And your information was that she was working in the

1 back room of the bingo parlor?

2 A. Correct.

3 Q. Where the cash was?

4 A. Exactly.

5 Q. And that the person who robbed the bingo came into that
6 back office?

7 A. Yes, one of the people.

8 Q. And that she felt that she could identify that person?

9 A. Yes.

10 Q. And based on that, you prepared a six-person photo
11 line-up?

12 A. That's correct.

13 Q. And Jeff Chestnut was contained in that six-person photo
14 line-up?

15 A. Yes.

16 Q. And it was law enforcement's belief that Mr. Chestnut is
17 the person that went behind the counter and Mr. Jordan is the
18 person that robbed the individuals on the floor?

19 A. Correct.

20 Q. And that's why you prepared a line-up with Mr. Chestnut?

21 A. Yes.

22 Q. Prior to showing her this line-up, were you aware of the
23 conditions under which she observed Mr. Chestnut?

24 A. She did tell me she saw from I believe the upper lip and
25 above. She didn't see the bottom part of his face, but she

1 felt as though she could identify the person.

2 Q. And you showed her this six-person line-up in State's
3 Exhibit Number 3?

4 A. That's correct.

5 Q. And please describe what happened once you showed Ms.
6 Diaz-Garcia that line-up.

7 A. I showed her the line-up and asked her if she recognized
8 anyone. She identified photo number two which is a picture
9 of Mr. Chestnut, identifying him as the person who was behind
10 the counter who robbed her and her fellow employees. We then
11 completed the affidavit portion of the photo line-up.

12 Q. And did she hesitate at all in picking out Mr. Chestnut
13 from that photo line-up?

14 A. No. I believe she said she was a hundred percent sure.

15 Q. And her response is circled and initialed?

16 A. Yes.

17 Q. Whose handwriting is that?

18 A. It's hers.

19 Q. And then please read the Court the bottom of the form.

20 A. It says, "On this date Investigator Isenhoward showed me
21 six pictures at 2768 Decker Boulevard. I picked out picture
22 number two which is the person, male, black, who committed
23 the crime of robbery at 2768 Decker Boulevard on 5/23 of
24 2010. I hereby swear and certify the above is the truth,"
25 and she signed and put her address, phone number, and it was

1 notarized. I notarized it.

2 Q. And when you showed this photo line-up to her, did you
3 suggest to her who to pick out?

4 A. No.

5 Q. Did you tell her that the person was definitely in the
6 line-up and to pick -- that she had to pick someone out?

7 A. No.

8 Q. Did you point to the picture for her to circle?

9 A. No.

10 Q. Did you suggest to her in any way that the person was
11 even in the photo line-up?

12 A. No. I just asked her if she recognized anyone.

13 Q. And what did she tell you?

14 A. She identified picture number two of Mr. Chestnut.

15 Q. And she recognized him from where?

16 A. The robbery, the person robbing her.

17 Q. And were there any other people around her suggesting
18 who to pick out?

19 A. No.

20 Q. And that was who she selected as who she identified from
21 the robbery?

22 A. That's correct.

23 Q. And prior to that, she had told you that his face was
24 covered by a mask or bandana or something, but she thought
25 she could identify him?

1 A. Yeah. I believe she said it had fallen down at some
2 point, a little bit lower than the nose is what I recall, and
3 she felt like with what she could see she could identify the
4 person.

5 Ms. McDuffie: Thank you. No further questions for this
6 witness.

7 The Court: Any questions, Mr. Chaplin?

8 Ms. Chaplin: Yes, briefly.

9 Cross-Examination

10 By Mr. Chaplin:

11 Q. Investigator Isenhoward?

12 A. Yes.

13 Q. How did she -- how did Ms. Garcia happen to -- did you
14 go to her?

15 A. Yes.

16 Q. Okay. Tell me what happened that day. You went to
17 the---

18 A. I went to the bingo where she worked.

19 Q. Right.

20 A. Met with her in private and showed her the photographic
21 line-up.

22 Q. Why did you -- so you had a six-pack with you when you
23 got there.

24 A. Yes.

25 Q. Okay. Did she call you earlier and say -- what

1 motivated you to make the six-pack and go to her?

2 A. They believed that they could identify -- she believed
3 that she could identify the robber.

4 Q. Oh, so you had a conversation with her earlier?

5 A. I believe she contacted me or it may have been one of
6 her employees. I'd have to refer back to my -- one of her
7 fellow employees. I'd have to refer back to my notes. But I
8 did receive word that she was -- she felt as though she could
9 identify the robber even though obviously the incident report
10 and what I'd been looking at up to that point -- the robbers
11 were wearing masks. She indicated that the mask was low
12 enough that she could identify the person.

13 Q. And is that statement in your notes, in a report that
14 you made that---

15 A. Should be. Should be.

16 Q. Okay. So you went to the bingo---

17 A. Yes.

18 Q. ---parlor. And anybody else was there with her or...

19 A. There were other people there. I mean, I just -- we --
20 I think we went to a -- I don't think it was open for
21 business. There weren't, I guess, participants in the bingo
22 there, just other employees as I recall, and we went to a
23 private area and I showed her a line-up. I only -- that was
24 only done so that there was no -- it's not suggestive.
25 Nobody else is jumping over her shoulder saying, "I know that

1 guy," or something like that.

2 Q. Right. Right. At some point during this investigation
3 you had pictures put on the television, didn't you?

4 A. It may have been. I don't -- I don't -- I don't know.
5 I'd have to refer back to the public information box.

6 **Mr. Chaplin:** Okay. Nothing further for Mr. Isenhoward.

7 **Ms. McDuffie:** Nothing further from this witness.

8 **The Court:** All right. You may come down. Thank you.

9 Next witness.

10 **Ms. McDuffie:** The State calls Angela Diaz-Garcia.

11 Angela K. Diaz-Garcia, after being duly sworn,
12 testified as follows in camera:

13 **The Clerk:** Please have a seat in the witness stand, and
14 state your full name for the record.

15 **The Witness:** Angela K. Diaz-Garcia.

16 Direct Examination

17 By Ms. McDuffie:

18 Q. Ms. Diaz-Garcia, in May and June of 2010 were you
19 employed at the Carolina Gold Bingo?

20 A. Yes, ma'am.

21 Q. And were you working there on the night or on the early
22 evening of May the 23rd of 2010?

23 A. Yes, ma'am.

24 Q. And what were your duties that evening?

25 A. I was the manager. I was to oversee the paper sales,

1 the money turned in, to basically oversee the employees.

2 The Court: Speak up.

3 Ms. McDuffie: Can you speak up just a little---

4 The Court: So I can hear you.

5 The Witness: Yes, sir.

6 Ms. McDuffie: ---so the judge can hear you?

7 The Court: I have to hear what you say.

8 The Witness: Sorry.

9 The Court: That's all right.

10 The Witness: I was to oversee the paper sales, the
11 money, the employees, and basically run the bingo.

12 By Ms. McDuffie:

13 Q. And shortly after 6:00 that evening, were you working in
14 a portion of the back office behind the counter?

15 A. Yes, ma'am.

16 Q. And please describe for the Court what happened.

17 A. Well, I was working; I was counting papers. One of the
18 customers came to the register and another employee, Kayla
19 Sharpe, was to my left, and the customer needed assistance.
20 So she would -- said she would assist them, and then I
21 noticed that the employees at the counter to my right were
22 looking and there was a lot of noise. So I looked out over
23 the counter, and I saw a tall guy with a bandana and a gun.
24 And at first I thought it was an employee, Peanut, playing
25 because he was tall and he joked around a lot, and then by

1 the time I realized that the guy -- that it wasn't Peanut,
2 that it was somebody else and that it wasn't a gang, there
3 was another gentleman coming behind the counter already into
4 my area with a gun and a bandana on his face, and he asked,
5 "Where is the money?"

6 Q. And it was just you and him back there behind that -- in
7 that area?

8 A. In that section. There were two sections. One was over
9 here, and then he had to come around the counter to get to my
10 section.

11 Q. And only you were in---

12 A. Yes.

13 Q. ---your section.

14 A. Yes, ma'am.

15 Q. And an individual with a bandana over his face came back
16 there.

17 A. Yes, ma'am.

18 Q. And he was holding a gun.

19 A. Yes, ma'am.

20 Q. How much of his face was covered with the bandana?

21 A. The bandana came right above his nose, but I could
22 clearly see his eyes.

23 Q. And everything above that.

24 A. Yes.

25 Q. And were the lights on, well lit?

1 A. Yes, ma'am.

2 Q. And about how close were you to him?

3 A. Three feet? He was close.

4 Q. And he made a statement to you?

5 A. "Where is the money?"

6 Q. And what did you then do?

7 A. I didn't say anything. I pointed to the counter because
8 there was money laying out on the top of the counter. At
9 that point I had my back to the bingo players and everything.
10 I had turned around and I pointed to the money, and he went
11 straight to the drawer, and the banker, Kayla, had just
12 started keeping the money in that drawer. Nobody knew that
13 she kept it there other than a few employees.

14 Q. And he went right to where the money was?

15 A. Yes, ma'am, he went straight to that drawer.

16 Q. And you said you were about three feet from him?

17 A. Yes, ma'am.

18 Q. And it was well lit?

19 A. Yes, ma'am.

20 Q. And approximately how long was he in that small area
21 with you?

22 A. Maybe one or two minutes, but it seemed like forever.

23 Q. And you had an opportunity to clearly observe the
24 portion of his face that was unobstructed?

25 A. Yes.

1 Q. And you clearly remembered what it looked like?

2 A. Yes, ma'am.

3 Q. And you also observed the gun in his hand?

4 A. Yes, I saw the gun. I saw he had a bag in his hand, but
5 I was trying to get any kind of description in my mind to
6 help in case, you know, we were able -- I didn't know at that
7 point if we would even be alive because I didn't know if the
8 gun was real. I didn't know anything, and I was just hoping
9 that I could point out some mark or something that I could
10 remember to help.

11 Q. And did the gun look real to you?

12 A. Yes.

13 Q. Did you think it was a real gun?

14 A. Yes, ma'am.

15 Q. And you were very scared.

16 A. Yes, ma'am.

17 Q. And you were paying very close attention to what he was
18 doing.

19 A. Yes, ma'am.

20 Q. And after you were robbed, at some point you contacted
21 the sheriff's department and told them you think you may be
22 able to identify the person who came behind the counter to
23 where you were that evening?

24 A. Yes, ma'am.

25 Q. Never said that you could identify the other person that

1 was out on the floor that you mistook for Peanut.

2 A. No.

3 Q. Just the person that came behind the counter.

4 A. Yes, ma'am.

5 Q. And on June the 9th of 2010, did you meet with
6 Investigator Isenhoward?

7 A. Yes, ma'am. I believe Anne Miller and a couple of other
8 employees were at the bingo. It was closed, of course,
9 because they took all the money, but we were there doing
10 paperwork. We still had to do work there. And I refused to
11 be in the building by myself, and she said that she would be
12 there with me if I wanted to meet with Isenhoward, and he
13 agreed to come by. And when he came in, we stood at the
14 first counter where the -- the computers were not in my area,
15 and everyone else left -- well, moved away from the area and
16 he said that he had six pictures and that if I could pick out
17 the person, that was fine. If not, he understood because I
18 didn't get a look at their whole face. And I immediately
19 felt sick when I saw the picture.

20 Q. And I'm going to show you what's been marked as State's
21 Exhibit 3. Do you recognize that?

22 A. Oh, yes, ma'am.

23 Q. And is this the actual piece of paper that Investigator
24 Isenhoward showed you on June the 9th of 2010?

25 A. Yes.

1 Q. And did he tell you that the person was definitely in it
2 or not in it?

3 A. No.

4 Q. Did he tell you who to pick?

5 A. No, ma'am.

6 Q. Did he ask you if you recognized anyone? Please tell
7 the Court what you told Investigator Isenhoward.

8 A. Yes. He laid the picture on the counter, and again I
9 immediately -- when I saw the picture, I felt sick. I
10 immediately picked out number two. There was no question.
11 His eyes, I can never forget those. And Mr. Isenhoward said,
12 "Are you sure?" And I said, "I don't need any more time; I'm
13 sure," and he said, "Okay." And then we filled all this out.

14 Q. And those are your initials written next to number two
15 that's circled?

16 A. Yes, ma'am, it's circled, and I initialed it and I
17 signed it at the bottom.

18 Q. And the person you picked out or the person that you saw
19 rob you at gunpoint at the bingo that evening, do you see him
20 in the courtroom today?

21 A. Yes.

22 Q. Please identify him for the Court.

23 A. He's sitting at the table to my left on the left side in
24 a black shirt with a white shirt under it.

25 Q. And that's also the person you identified in the

1 line-up?

2 A. Yes, ma'am.

3 Q. And you identified him based on your observations of him
4 that evening holding a gun and robbing the bingo?

5 A. Yes, ma'am.

6 **Ms. McDuffie:** Thank you. No further questions for this
7 witness.

8 **The Court:** Cross-examination.

9 **Mr. Chaplin:** Thank you.

10 Cross-Examination

11 By Mr. Chaplin:

12 Q. Good afternoon, Ms. Garcia.

13 A. Good afternoon.

14 Q. I represent Jeff Chestnut in this matter, and I just
15 want to ask you a few questions.

16 A. Yes, sir.

17 Q. Where do you reside right now?

18 **Ms. McDuffie:** Objection, Your Honor, to relevance.

19 **Mr. Chaplin:** Okay. Well---

20 **The Court:** Overruled. I mean -- no, I'm sorry. I
21 sustain the objection.

22 **Mr. Chaplin:** Thank you. I'll move on.

23 By Mr. Chaplin:

24 Q. Have you discussed the testimony that you just provided
25 with any solicitor prior to coming in here today?

1 A. I don't understand the question.

2 Q. Have you met with law enforcement or the solicitor's
3 office prior to you testifying right now to go over your
4 testimony?

5 A. I was in court earlier today; yes, sir.

6 Q. Have you met with them outside of court to go over your
7 testimony?

8 A. No, sir.

9 Q. So you've never spoken to them about this matter until
10 you came to court today.

11 A. No, sir.

12 Q. You said that you'll never forget his eyes. What was so
13 special about his eyes?

14 A. The shape was identifying. They are very slanted and
15 wide. There's -- when somebody robs you, you just don't
16 forget that. It's not something that you forget.

17 Q. No, I'm certain of that, ma'am. I'm just simply asking
18 you that you looked at six photos and your statement a second
19 ago was that, "I'll never forget his eyes."

20 A. Yes.

21 Q. So I'm asking you: What was so distinguishable about
22 his eyes?

23 A. I'm not sure if it's because that's what I saw because
24 the bandana was covering his nose. He had a hat on his head,
25 something covering his hair, but I saw his eyes.

1 Q. Okay. So you only saw the eyes.

2 A. Yes.

3 Q. Okay. Did you ever say that you saw the bandana fall
4 down?

5 A. The bandana, to my knowledge, did not fall down. When I
6 saw him, the bandana was covering the tip of his nose, so I
7 only saw the top portion of his nose.

8 Q. Did you hear Investigator Isenhoward testify just before
9 you?

10 A. Yes, sir.

11 Q. Did you hear him say that you told him that it had
12 slipped down and you saw like his lip or something?

13 A. I never said I saw his lip.

14 Q. Did you -- did you hear him say that you told him that
15 it slipped down?

16 A. I heard that; yes, sir.

17 Q. Is that true?

18 A. No, sir.

19 Q. All right. Now, you said you had an opportunity to view
20 Mr. Chestnut for how long?

21 A. Two to three minutes? I'm not sure how long it took him
22 to take the money.

23 Q. Is your answer two or three minutes or I'm not sure?

24 A. I guess I'm not sure. I wasn't timing him.

25 Q. Now, you were looking -- you said you indicated that you

1 weren't sure if that gun was real or if it was play or
2 whatever. What color was the gun?

3 A. Black.

4 Q. But you really looked at that gun.

5 A. I just saw the gun was black. He had a bag in his hand,
6 a bandana on his face, a hat on his head with an A., and he
7 had it turned to the side just a little.

8 Q. And you made this identification how many days after the
9 incident? Maybe...

10 A. About two weeks, I guess.

11 Q. Two weeks?

12 A. (Witness nodded head up and down.)

13 Q. And you called Mr. Isenhoward and asked him to come
14 over?

15 A. Yes, sir.

16 Q. To see you?

17 A. Yes, sir.

18 Q. Okay. What was going on during that two-week period
19 from the date of the incident up until the time that you told
20 him that you wanted him to come over so you could try to
21 identify the person? Were you still working there?

22 A. The bingo, after we got robbed, was officially closed as
23 of that night.

24 Q. Okay.

25 A. Anne Miller and Wayne Kirby, the owners, offered us

1 employment on the computer cleaning up things. There were
2 papers that had to be counted because at that point if they
3 couldn't get the money, they could not operate the bingo.
4 Papers had to be turned in due to the State Department of
5 Revenue. There were days I would go in and I couldn't
6 breathe. I couldn't work there; I had to get out. I refused
7 to go to the building by myself. There were days when I
8 didn't even want to get out of bed. So I don't really know
9 what happened in those days because I couldn't sleep; I
10 couldn't eat.

11 Q. Did you -- did you talk to any of the former employees
12 during that two-week period?

13 A. My daughter, Kayla Sharpe.

14 Q. Kayla Shop?

15 A. Sharpe.

16 Q. Okay. Any other employees? Did you have conversations
17 with them?

18 A. I don't recall. I don't believe so, but I don't
19 honestly recall.

20 Q. I think I'm finished. I'm really sorry for your pain.
21 Let me just make sure I have all my questions, and I'm going
22 to sit down.

23 A. Yes, sir.

24 Q. Have you ever worn glasses?

25 A. Yes, sir.

1 Q. Okay. When?

2 A. When I was 11 to 15.

3 Q. Okay. What's your vision now?

4 A. I don't know my vision. I can wear glasses when I drive
5 if I have a problem seeing nearsighted.

6 Q. You're nearsighted?

7 A. Yes. I have no problem seeing close to me.

8 Q. Beg your pardon?

9 A. I have no problem seeing close to me. It's a distance,
10 a far distance.

11 Q. When is the last time you had your eyes examined?

12 A. Probably two or three years ago. I don't know exactly.

13 Q. And you actually have prescription glasses right now?

14 A. Not with me, no.

15 Q. But, I mean, but you own prescription glasses?

16 A. Yes.

17 Q. Thank you. And did you have them on that night?

18 A. No.

19 Q. Beg the Court's indulgence. You indicated that you were
20 pretty certain about what was going on behind that cage when
21 the person came back there to rob you.

22 A. Yes.

23 Q. Okay. And you're absolutely sure about your testimony
24 that you've given so far.

25 A. Yes, sir.

1 Q. Okay. Now, you said that you were the only person back
2 there.

3 A. Yes, sir. In that specific area, yes, sir. Over there
4 there were other employees at the computers, but it's a
5 separate area.

6 Q. So there were other people back there.

7 A. Not in my area, no, sir.

8 Q. Okay. Let me see that. How many other employees were
9 back there but not in your area?

10 A. Two.

11 Q. And what was their names?

12 A. A white female, Amanda, and a black male and I honestly
13 don't remember his name. I've known him for years.

14 Q. Now, after the robbery did you talk to any of them about
15 what happened?

16 A. We all talked about it. We all asked if everybody was
17 okay, if they were hurt, if -- we were all ready to get out
18 of there. We didn't even want to wait for the police. The
19 customers -- everybody was shook up.

20 Q. Now, I noticed in a video that when the robbers went out
21 the door, it appears that you went to that same door.

22 A. I went to the front to lock the door; yes, I did. I was
23 the manager.

24 Q. That was the front door you were going to.

25 A. Yes. I'm not sure if I -- I don't remember if I went to

1 the side door where they entered or the front door, but I
2 know I had -- when I found my keys, I was frantic. I was
3 looking for my keys. I was trying to call 9-1-1. I wanted
4 to lock the doors. The customers wanted to leave. I was
5 trying to comfort the customers, the employees.

6 Q. Okay. Did you call 9-1-1?

7 A. I did, but I don't remember if I called -- if I finally
8 got through on the business phone or my cell phone.

9 Q. But you did speak to someone at 9-1-1?

10 A. Yes.

11 Mr. Chaplin: All right. Okay. I don't have any
12 further questions.

13 The Court: Anything further?

14 Ms. McDuffie: Nothing further from this witness.

15 The Court: Thank you, ma'am. You may come down.

16 The Witness: Thank you.

17 Mr. Chaplin: Thank you.

18 The Court: All right. Any motions?

19 Mr. Chaplin: Your Honor, I would simply ask that -- I
20 would just simply like to point out that it appears as if,
21 from the testimony, that Ms. Garcia's attention was not
22 necessarily on the person's eyes. Her description was given
23 or her identification was done at least two weeks after the
24 actual event. I think in her own words she even said that
25 when she contacted Mr. Isenhoward I think the notes say that

1 she couldn't be sure but she would try. And I've seen the
2 video of this, and she's testifying that she was in front of
3 this person for two to three minutes and I think it would be
4 more like---

5 **The Court:** Well, you can't testify.

6 **Mr. Chaplin:** Well, I'm not testifying.

7 **The Court:** Yes, you are.

8 **Mr. Chaplin:** Well, I apologize.

9 **The Court:** I haven't seen any video. I can't base a
10 ruling based on your observation of a video.

11 **Mr. Chaplin:** I agree, Your Honor. I can save that for
12 later. I would just simply ask that the I.D. not come in
13 because it's not viable.

14 **The Court:** And that the Court suppress any in-court
15 identification?

16 **Mr. Chaplin:** Yes, I would ask that.

17 **The Court:** State's position?

18 **Ms. McDuffie:** Your Honor, we believe that we have
19 proven, while it is our burden to prove that the photo
20 line-up is reliable by a preponderance of the evidence -- and
21 I think we've done that. She testified before the Court that
22 she will never forget his eyes, that she was staring right at
23 him from a short distance from him, that the lighting was
24 good, that there was nothing obstructing her view of that
25 portion of his face, and that she will -- I think her exact

1 words are she will never forget it as long as she lives.

2 Further, there's nothing that law enforcement did to
3 suggest to her who to pick out. She was shown a six-person
4 line-up, and the testimony was that she went immediately to
5 him. She felt sick to her stomach when she saw him again.
6 She was absolutely sure. She said she did not need any more
7 time and that there was nothing in the way the police
8 presented the line-up that was suggestive in any way. Your
9 Honor, so I believe that the identification is reliable, and
10 we have proven, in our opinion, that beyond a preponderance
11 of the evidence.

12 **The Court:** All right. Well, I think the witness will
13 be able to identify the defendant in an in-court situation.
14 I believe by the preponderance of the evidence I think she
15 had an adequate opportunity to view the accused in a well-lit
16 close -- close quarters. She had a heightened degree of
17 attention based on the fact that she says that she's in a
18 position to -- very much like a bank teller would be trained
19 to try to pick out identifying factors or marks that could be
20 later used for identification. She said that's what she
21 concentrated on, what she could see.

22 So I think her degree of attention was probably
23 necessarily heightened by the fact that there was a -- that
24 there was a gun, that she saw a gun, and that her instinct
25 was to try to pick out identifying features of whoever was in

1 front of her. I think the -- certainly there's a high level
2 of certainty demonstrated by the witness when she eventually
3 confronted the photo line-up.

4 The two-week period does give the Court some concern,
5 although it's not a disqualifying factor. In-court
6 identifications or eyewitness identifications can be made
7 on -- in greater time periods than that and have been
8 approved by the courts. I recognize the fact that eyewitness
9 identifications are inherently suggestive and perhaps
10 unreliable, but I think in this case the witness has
11 convinced me that she clearly saw and could identify the
12 defendant based on what she says are the - I'm quoting her -
13 never forget those eyes.

14 So I will allow her to make an in-court identification
15 of the defendant. All right. Anything else?

16 **Mr. Chaplin:** I guess we need to settle the record.

17 **Ms. McDuffie:** Your Honor, we have provided Mr. Chaplin
18 his client's rap sheet. I believe that's what he's referring
19 to.

20 **The Court:** He wants to know what the admissible
21 portions of the rap sheet are, if there is a rap sheet.

22 **Ms. McDuffie:** Your Honor, there is a rap sheet. We
23 will be seeking -- the State would submit that it's
24 admissible. Under 609 we will be seeking to admit the
25 defendant's 2004 arrest and conviction for grand larceny. We

1 would also be seeking to admit the defendant's later that
2 same year of 2004 conviction for breach of trust with
3 fraudulent intent and finally, Your Honor, his 2009
4 conviction for strong arm robbery.

5 Your Honor, he does have other drug charges and things
6 of that nature, but we will not be seeking to admit them
7 under our understanding of the rules of evidence.

8 **The Court:** What's the defendant's position?

9 **Mr. Chaplin:** Your Honor, I would argue that everything
10 that the State's mentioned is highly prejudicial. It doesn't
11 necessarily go towards a common scheme or plan, and I would
12 ask that -- beg the Court's indulgence one second. Excuse
13 me, Your Honor. I just want to look at 609---

14 **The Court:** Sure.

15 **Mr. Chaplin:** ---briefly. Your Honor, I would simply
16 stand on my objection that admission of this information is
17 highly prejudicial and should be suppressed.

18 **The Court:** All right. I'm at a loss for a case right
19 now. Ms. McDuffie---

20 **Ms. McDuffie:** State v. Bryant, Your Honor.

21 **The Court:** Huh?

22 **Ms. McDuffie:** State v. Bryant, is that where you're
23 going? Or Al-Amin?

24 **The Court:** Al-Amin. That's where I'm going. Strong
25 arm robbery---

1 **Court Reporter:** I'm sorry. What was that?

2 **Ms. McDuffie:** State v. Al-Amin. It's A-L dash A-M-I-N,
3 and that's cited at 353 South Carolina 405.

4 **The Court:** I think the grand larceny and the breach of
5 trust of 2004 convictions would come in under 609(b) as the
6 evidence of dishonesty, but I'm -- I'm concerned about the
7 strong arm robbery and whether Judge Anderson -- I think he
8 ruled that armed robbery is a crime of dishonesty. I don't
9 believe it's a strong arm robbery though, if I recall.

10 **Ms. McDuffie:** No, sir, Your Honor. You are correct.
11 In State v. Al-Amin that was an armed robbery. However, the
12 elements of strong arm robbery are exactly the same as -- the
13 only difference is the element of being armed and, Your
14 Honor, being armed is not an element of dishonesty, and I
15 believe in Al-Amin the Court said there that a conviction for
16 armed robbery, you know, relies on dishonesty. The Court
17 specifically, to quote the Court, explained that robbery was
18 included in the category of crimes involving dishonesty
19 because it was not purely an assaultive crime but also
20 involves the larcenous taking of property, Your Honor. And
21 that's why Judge Anderson ruled in Al-Amin that armed robbery
22 is a crime of dishonesty, and I believe by that same vein,
23 Your Honor, strong arm robbery would be as well because it is
24 the larceny -- it is the taking of property, that dishonesty,
25 that element of the crime, the stealing or defrauding, that

1 makes it a crime of dishonesty, and I believe the same
2 reasoning would hold in Al-Amin.

3 The Court specifically said, "We find by the same logic,
4 which we recognize shoplifting to be a crime of dishonesty,
5 applies to robbery. It is the larceny element of taking the
6 property of another which makes the action dishonest.
7 Larceny in this case" -- it said larceny is a lesser-included
8 offense of armed robbery, Your Honor. It's also a lesser-
9 included offense of strong arm robbery, and by that same vein
10 we would ask the Court to hold consistent with the prevailing
11 precedent in South Carolina that it is a crime of dishonesty.

12 The Court: So it's the State's position that a 403
13 analysis is not necessary?

14 Ms. McDuffie: No, sir, Your Honor, absolutely not. I
15 think it falls under 609(b). It is a -- we would argue that
16 under 609(b) it is a crime of dishonesty and that there is no
17 balancing act required. Further, the conviction is not older
18 than ten years and, therefore, that balancing test would not
19 be employed in that situation either.

20 Mr. Chaplin: Your Honor---

21 The Court: Yes, sir.

22 Mr. Chaplin: ---may I? Your Honor, briefly, the whole
23 purpose behind the exclusion of relevant evidence because of
24 prejudice is exactly what we're dealing with here. I mean,
25 as soon as that information hits the jury, I mean, they're

1 not going to listen to anything else. Basically by letting
2 that in, we're basically telling Mr. Chestnut that he can't
3 participate in his own trial, that he can't take the stand.
4 That's the only way that we prevent that from occurring.

5 I just think that the prejudicial impact of that coming
6 out is -- so far outweighs any probative value here that the
7 jury's just going to get -- get lost in that. They're going
8 to just say: Well, okay, well, if he did it before, he's
9 done it now. And all the merits of the case and everything
10 else that we're here trying to make sure that, as I advocate
11 for his rights, go out the window.

12 **The Court:** Well, what does 609(b) say? I mean (a)(2).
13 I'm sorry.

14 **Mr. Chaplin:** Your Honor, I think that the Al-Amin
15 analysis does have some merit with regards to it being a
16 crime of dishonesty. I'm simply appealing to the mercy of
17 this Court that we look at 403 and do apply a prejudicial
18 analysis to this issue because of the fact of -- it's just...

19 **The Court:** It is extremely prejudicial; I agree with
20 that. But many things are prejudicial. Well, it's my belief
21 that the Courts have said that under (a)(1) the Court must
22 conduct a balancing test under 403 to determine admissibility
23 of prior convictions, but when (a)(2) says shall, I don't
24 believe it allows -- it leaves the Court much latitude in
25 terms of whether or not the convictions are prejudicial or

1 probative.

2 So, I mean, I had Al-Amin in mind, but I just couldn't
3 pull the name of it up. But it's a pretty tough -- pretty
4 tough decision by Judge Anderson. Prior to that decision, I
5 probably would have agreed with you, but once Al-Amin came
6 down, it just sort of changed the whole ball game as far as
7 I'm concerned. So those three convictions are admissible in
8 the case -- in the State's case in chief.

9 **Ms. McDuffie:** Your Honor, he also has a conviction
10 for---

11 **The Court:** I'm sorry.

12 **Ms. McDuffie:** ---false information or he has a charge
13 of false information---

14 **The Court:** I'm sorry. Wait a minute. I just said
15 something I shouldn't have said. That he can be impeached
16 with those three prior convictions. I didn't mean in the
17 State's case in chief. Go ahead.

18 **Ms. McDuffie:** Your Honor, he also has a charge of false
19 information I think in applying for a driver's license. We
20 don't know whether that's a conviction or not. We're
21 checking on that. So at this point we won't be offering it,
22 but if it turns out it is, then we would also be offering
23 that.

24 **The Court:** All right. Anything further of a pretrial
25 nature?

1 **Ms. McDuffie:** Nothing from the State, Your Honor.

2 **The Court:** From the defense?

3 **Mr. Chaplin:** No, sir. Simply I would just like, for
4 the record, to renew my objections that the statement be
5 suppressed and that the identification offered by Ms. Garcia
6 be suppressed.

7 **The Court:** All right. I understand. You will have
8 some documentation as far as your client's bonding company by
9 morning?

10 **Mr. Chaplin:** I will defer to my client for that.

11 **The Court:** Well, that's -- you ask him.

12 **Mr. Chaplin:** Well, he just indicated that he would,
13 Your Honor.

14 **The Court:** All right. I look forward to it.

15 **Mr. Chaplin:** Yes, sir.

16 **The Court:** All right. 9:30. Thank you very much.

17 **Mr. Chaplin:** Thank you very much.

18 (Whereupon, the trial concluded for the day at 4:27 p.m.
19 and resumed the following day, September 18, 2012, as
20 follows. State's Exhibits 4 through 37 were marked for
21 identification only.)

22 **The Court:** All right. Be seated. Thank you. State
23 ready to proceed?

24 **Ms. McDuffie:** The State's ready, Your Honor.

25 **The Court:** Defense ready to proceed?

1 **Mr. Chaplin:** Yes, sir. However, I do have two things
2 I'd like to put on the record before we begin, Your Honor.

3 **The Court:** All right, sir.

4 **Mr. Chaplin:** Your Honor, the first thing I'd like to
5 place on the record is that yesterday during pretrial
6 Investigator Isenhoward took the stand and he testified. His
7 testimony was unreliable. It's apparent that he did not know
8 the file at that time. He was not clear as to when certain
9 things were done. He made a statement with regards to a mask
10 that the eyewitness did not corroborate.

11 Your Honor, we've got a lot at stake here. Mr. Chestnut
12 has a lot riding on the outcome of this trial. Mr.
13 Isenhoward is the lead investigator in this particular
14 matter.

15 Now, I'm assuming that those were all mistakes because
16 he's not familiar with the file. My other concern is that it
17 could have been intentional. Either way, I'm asking -- I'm
18 making a motion at this time to suppress any evidence
19 obtained by Isenhoward in this matter, and I'm also asking
20 that the Court not to allow him to testify in this particular
21 proceeding.

22 **The Court:** Respectfully denied.

23 **Mr. Chaplin:** Thank you very much. Your Honor, I also
24 renew all previous motions that were made yesterday.

25 **The Court:** They were all denied yesterday. What's the

1 status of your client's bond?

2 **Mr. Chaplin:** My client -- with regards to the letter,
3 Your Honor, my client has not yet been able to obtain that.

4 **The Court:** All right. Well, he will remain in custody
5 then, and also I'd ask you---

6 **Mr. Chaplin:** Excuse me. I'm sorry.

7 **The Court:** ---to please not just remind your client but
8 instruct your client that when I say 9:30, I mean 9:30. I
9 don't mean 10:00. He was within five minutes of having a
10 bench warrant issued for him for not appearing when court
11 began. We've all been here waiting for him since 9:30. I
12 know it's not your fault. You told me you spoke to him this
13 morning, but I won't tolerate it.

14 **Mr. Chaplin:** And he understands that, Your Honor.

15 **The Court:** All right.

16 **Mr. Chaplin:** Beg the Court's indulgence. Your Honor,
17 would you be kind enough to let Mr. Chestnut address you for
18 a second on that matter?

19 **The Court:** On what matter?

20 **Mr. Chaplin:** On the letter issue.

21 **The Court:** You can tell me.

22 **Mr. Chaplin:** Okay. The status on the letter, Your
23 Honor, is that he was late because he was trying to get the
24 letter from the bonds person. He was told at that time --
25 and he was waiting on the manager to show up. The manager

1 never showed up. He's expecting that that letter may be
2 available by 11:00, and I think---

3 **The Court:** If the letter appears, I'll release him on
4 the bond.

5 **Mr. Chaplin:** Thank you.

6 **The Court:** But until that happens, he stays in custody.

7 **Mr. Chaplin:** And we understand that. Correct?

8 **Mr. Chestnut:** (Nodded head up and down.)

9 **Mr. Chaplin:** All right. Thank you. Nothing further,
10 Your Honor.

11 **The Court:** The foreperson is Juror Number 138, for your
12 information. All right. Bring the jury, please.

13 (Whereupon, the jury was brought into open court at
14 10:05 a.m.)

15 **The Court:** Good morning, ladies and gentlemen. To
16 begin with, let me apologize to you for the delay. Some -- I
17 try to be very respectful of your time, but sometimes things
18 just don't come together as they're supposed to come
19 together, so sometimes there are delays. I hope you will
20 understand that we're trying to put everything together so it
21 will run smoothly for your benefit.

22 Before we begin the trial, I want to tell you this trial
23 might be something different from what you might expect.
24 Most people do not have the chance to attend actual court
25 sessions as you're now doing. You may think from watching

1 television or movies or reading books that trials are always
2 full of a lot of action and rivoting circumstances. Well,
3 all of these things may be true from time to time.

4 This trial is not for entertainment. It's a serious
5 matter. It's a fundamental part of our democracy, a search
6 for the truth in an effort to make sure that justice is done
7 between the parties before the Court, and searching for the
8 truth and making sure that justice is done is often a slow,
9 deliberate, and repetitive process, the opposite of what you
10 may have seen on television or in movies or read in books.

11 This courtroom is a place of honor, dedicated to the
12 protection and preservation of citizens' rights through what
13 many have called the greatest justice system ever created.
14 The attorneys appearing before you are advocates for the
15 parties they represent, but first and foremost they are
16 officers of this court, sworn to uphold the integrity and
17 fairness of our judicial system and to help you in the search
18 for the truth. You should expect them to be professional,
19 competent, and ethical in the representation of their
20 client's interest, and remember that you just -- will just
21 take an oath to try this case and reach a fair and just
22 verdict, and you are also expected to be professional,
23 reasonable, and ethical. All right. Madam clerk, please
24 swear the jury.

25 (Whereupon, the jury was sworn at 10:10 a.m.)

1 **The Court:** All right. Ladies and gentlemen, what I now
2 say is meant to serve as an introduction to the trial of the
3 case. These remarks are not a charge on the law. I'll
4 instruct you about the law in the state of South Carolina as
5 it applies to this case at the end of the trial before you
6 retire to decide the case, but I do want to explain the
7 procedure we'll follow so you can better understand what's
8 taking place during the course of the trial.

9 Now, I have provided you with notepads and pencils. You
10 can take notes as you see fit during the trial. It's not
11 necessary that you do that, but if you choose to do so you
12 can. I will remind you and I'll remind you when you begin
13 your deliberations that those notes are for your benefit only
14 and are not to be used by you to try to convince other jurors
15 that you may have taken better notes than they did.

16 Now, as I explained to you yesterday, the defendant is
17 charged in seven different counts. They can be divided into
18 two categories, the first being armed robbery. And why I
19 tell you this, I tell you this because I want you to think
20 during the trial if the State has proven beyond -- or proven
21 the elements of these two crimes.

22 Mr. Chestnut is charged with armed robbery in four
23 different counts, and they are, as I told you yesterday, all
24 at the same time and the place, same time and place, that
25 being at the bingo -- Carolina Gold Bingo parlor on May 23rd,

1 2010. Well, armed robbery is pretty self-explanatory. The
2 State must prove beyond a reasonable doubt that the defendant
3 took personal property from the person or the presence of
4 another with the purpose of permanently depriving the owner
5 of that property and did so with the use of a deadly weapon,
6 and that's basically a simple definition of armed robbery
7 that you need to keep in mind as we go through the -- as the
8 State goes through their elements of proof.

9 The second charge against Mr. Chestnut is kidnapping,
10 and he's charged with three different counts of kidnapping,
11 and that is basically, as I may have explained yesterday, the
12 State must prove to you beyond a reasonable doubt that the
13 defendant knowingly and unlawfully seized and confined or
14 carried away another person without the authority of law. So
15 those are basically the two charges.

16 Now, the defendant has pled not guilty to all of these
17 charges, and that plea puts the burden on the State to prove
18 the elements of the indictments to you beyond a reasonable
19 doubt, and it would be your duty, ladies and gentlemen, to
20 decide whether the State has met that burden. You are to
21 determine the facts from the evidence and the testimony you
22 hear and any other physical evidence that may be presented
23 during the course of the trial.

24 It's especially important that you perform your duty of
25 determining the facts dutifully and conscientiously because

1 ordinarily there's no way to correct an erroneous
2 determination of the facts by a jury. When you comply with
3 your oath to impartially determine the facts, you will have
4 fulfilled your duty as jurors, and no one will have a right
5 to criticize your verdict.

6 And on the other hand and with equal emphasis, the same
7 law that makes you the judges of the facts makes me the judge
8 of the law. You must accept and follow the law, even though
9 you may disagree with it. I cannot tell you what the facts
10 are. You should not disagree with me about what the law is
11 or what the law should be. Your job is to take the law as I
12 explain it to you and apply it to the facts as you find them
13 from the testimony of the witnesses, and after doing that you
14 will render your verdict, a true and just verdict, under the
15 solemn oath you just took as jurors.

16 The procedure that we'll follow is basically the State
17 will present its evidence first in the form of witnesses,
18 testimony, and/or exhibits that will be made a part of the
19 record. The defendant will then have the opportunity to
20 present his defense, bearing in mind, however - keep this in
21 mind - there is absolutely no burden on the defendant to
22 present any evidence at all. Following that, the attorneys
23 will be allowed to sum up their case, and I'll instruct you
24 on the law of the state of South Carolina as it applies to
25 this case, and after that the case will be turned over to you

1 for a decision.

2 Now, let me remind you at this time of two legal
3 principles that will be -- that you will use in guiding your
4 judgment in this case. First is the legal yardstick you will
5 use in measuring the evidence in this case. That legal
6 yardstick is known as the burden of proof or the
7 responsibility to prove the case. In a criminal case the
8 burden of proof is on the State to prove guilt beyond a
9 reasonable doubt. Should the State fail to meet that burden
10 of proof, it would be your duty to find the defendant not
11 guilty. There's absolutely no burden whatsoever on the
12 defendant to prove or disprove anything. There's no burden
13 on the defendant to testify or to present any evidence
14 because the burden is and remains on the State to prove guilt
15 beyond a reasonable doubt.

16 And, secondly, I ask you to recall my earlier comment to
17 the entire jury panel concerning the presumption of
18 innocence. This is a cardinal and fundamental rule of law
19 that a defendant will always be presumed innocent of the
20 crime or crimes for which he is indicted. Presumption of
21 innocence, in other words, is not a simple legal phrase or a
22 legal theory. It's a substantial right to which any accused,
23 including this defendant, is entitled.

24 And until I advise you to begin your deliberations,
25 please do not discuss this case with anyone, including your

1 fellow jurors, friends, family members or anyone else
2 involved in the case. After the case is submitted to you,
3 you must discuss it only in the jury room with your fellow
4 jurors.

5 Now, in just a moment the attorney for the State will
6 make what's called an opening statement. The attorney will
7 explain to you the issues in this case or what -- at least
8 what the attorney thinks the issues are in this case and what
9 the evidence will show. The attorney for the defendant will
10 also make an opening statement. What the attorneys tell you
11 during their opening statements is not evidence in this case.
12 It's only their contention as to what the issues are. The
13 evidence in the case will be presented to you by testimony
14 from sworn witnesses from this witness stand and any exhibits
15 that may be introduced during the course of the trial.

16 In determining what the true facts are, you must decide
17 whether or not the testimony of the witnesses is believable.
18 In deciding whether to believe a witness, you have a right to
19 consider whether the witness has an interest in the result of
20 the trial, whether the witness is prejudiced towards either
21 the State or the defendant, and the opportunity for the
22 witness to have seen the matters and things about which the
23 witness may testify and the way the witness acts on the
24 witness stand.

25 Now, ladies and gentlemen, you and I do not ask

1 questions. We do not offer any exhibits. This is not C.S.I.
2 Your duty is to listen openly and honestly to the evidence
3 and keep an open mind. Do not form any conclusions and
4 judgments until you've received and considered all the
5 evidence, the arguments of the attorneys, and my final
6 instructions to you on the law.

7 If you cannot hear a particular witness or myself or one
8 of the attorneys, please let me know so that we can have them
9 speak up more clearly. If your view of an exhibit is
10 obstructed for any reason, please let me know so we can
11 correct that.

12 If you need to bring something to my attention during
13 the course of the trial, please notify one of the bailiffs.
14 If you do need to contact me, it may be necessary for the
15 bailiff to ask you to put such a question or concern in
16 writing so we can have a record of it, and I will respond to
17 you as quickly as I can to the extent the law permits me to
18 do so.

19 All right. Ladies and gentlemen, I want to thank you
20 for your kind attention. I trust you'll give the same kind
21 and undivided attention to the attorneys and the parties in
22 this case. We will now begin with the opening statements.
23 Solicitor?

24 **Mr. Steadman:** Your Honor, may it please the Court?

25 **The Court:** Yes, sir.

1 **Mr. Steadman:** Ladies and gentlemen, there are some
2 things in life that once taken can never be replaced: peace
3 of mind and a sense of pride. On May 23rd, 2010, the
4 defendant, Jeff Chestnut, along with his co-defendant, Tyward
5 Jordan, burst into Carolina Gold Bingo hall armed with
6 pistols and bandanas around their faces, pointed their guns
7 in numerous peoples' faces and demanded money. They stole
8 thousands of dollars that night. However, they stole much
9 more than just money.

10 They stole Robert Furtick's pride because he had to sit
11 there helplessly while he watched his wife have a gun shoved
12 in her face and he couldn't do anything about it. They stole
13 peace of mind from Marva Coates, Darren Calhoun, and Timothy
14 Bell when they were faced with a decision whether to give up
15 their hard-earned money or risk getting shot in the face.

16 The reason we're here is because he's charged with four
17 counts of armed robbery and three counts of kidnapping.
18 Throughout the course of this trial, you'll hear from
19 numerous witnesses. You're going to hear how the crime was
20 planned, how it was executed, and eventually how the
21 defendants were caught.

22 This was a carefully-planned crime. This was an inside
23 job. You see, the defendant's girlfriend, Teidra Dennis, she
24 worked at the bingo hall, and as you'll learn, she provided
25 the inside information that they needed to pull off the

1 robbery. In fact, the evidence will show that two days
2 before the robbery, Teidra Dennis was at the bingo hall and
3 she was with Jeff Chestnut and Tyward Jordan, but they
4 weren't there to play bingo. They were there to scope the
5 place out and plan their attack.

6 And on the night of the robbery, you will learn that
7 Richland County Sheriff's Department was scheduled to provide
8 security. Deputy Fisher arrived to provide that security,
9 and she was quickly approached by Teidra Dennis. Teidra
10 Dennis went out in the parking lot and made sure that Deputy
11 Fisher knew the detail had been cancelled, the manager was
12 out of town, and that she probably wasn't going to get paid
13 for providing that security. Upon hearing this, Deputy
14 Fisher left the bingo hall.

15 Immediately, Teidra Dennis goes back inside the bingo
16 hall. She picks up a cell phone and she calls Jeff Chestnut
17 numerous times, and as soon as she makes those phone calls,
18 she walks outside of the bingo hall. Minutes later and
19 through that same side door comes Jeff Chestnut and his
20 co-defendant, Tyward Jordan, armed with pistols and wearing
21 bandanas.

22 Jeff Chestnut goes straight to the bingo hall office,
23 and once he gets in the office, he goes straight to a cash
24 drawer inside that office where the bingo hall had been
25 keeping the money. And what's significant that he went

1 straight to that drawer is they had only been keeping that
2 cash in that drawer for only a few days, and only somebody
3 with inside knowledge of the business would even know where
4 that cash drawer was, yet he went straight to it.

5 While he was grabbing the cash out of the office, his
6 co-defendant, Tyward Jordan, went to the bingo hall gaming
7 floor. He began to rob the individual bingo players one by
8 one. He stuck a gun in Sarah Furtick's face and demanded her
9 money. He then made Darren Calhoun get on the ground and he
10 took his money. Then he took Marva Coates' money, and then
11 he took Timothy Bell's money. You will hear from several of
12 these witnesses. They'll take this stand. You'll get to
13 hear them testify and relive those frightening moments that
14 night.

15 And, ladies and gentlemen, as I said, the defendant is
16 charged with four counts of armed robbery and three counts of
17 kidnapping. As soon as they got all the cash they could
18 find, they left that night. They fled out that same side
19 door, and you will learn that everybody in the bingo hall was
20 in a state of shock, and they did the only thing they knew to
21 do and that's call the police.

22 A responding officer showed up shortly thereafter. He
23 secured the crime scene, and then he gathered witnesses and
24 employees and customers to find out what had happened. And
25 you will learn that there was one employee who was noticeably

1 absent that night; that was Teidra Dennis. She took it upon
2 herself to go ahead and clock out and leave the bingo hall
3 without talking to the police at all.

4 You will learn that an investigation began shortly
5 thereafter. Investigator Kevin Isenhoward was assigned the
6 case, and you will learn that very quickly throughout the
7 course of his investigation he was led directly to Jeff
8 Chestnut. You will learn -- the evidence will show that Jeff
9 Chestnut was positively identified by Angela Diaz-Garcia as
10 the robber who went straight to that cash drawer. He was
11 arrested. He was taken into custody, and he was questioned
12 about the robbery.

13 And finally and probably most important, you will learn
14 that he proceeded to make a written confession. He admitted
15 by his own words that he was involved in the robbery. He
16 admitted that he was with Tyward Jordan. However, he tried
17 to minimize his role to an extent. He claims in his
18 statement that he was just the lookout and Tyward is the one
19 who went in the bingo hall. We know this to be untrue.

20 But, ladies and gentlemen, under South Carolina law, if
21 you take him at his word that he was just the lookout, even
22 if you take him at his word, he's still guilty under South
23 Carolina law. That's according to the doctrine of the hand
24 of one is the hand of all. You'll learn more about that
25 later.

1 But, ladies and gentlemen, I want to make something very
2 clear at this point: His co-defendant, Tyward Jordan, is not
3 on trial here today. He's already had his day in court. Now
4 he's here to get his.

5 Like I said before, he's charged with four counts of
6 armed robbery and three counts of kidnapping. In South
7 Carolina, armed robbery is defined as taking another person's
8 property by force while armed with a deadly weapon or what
9 appears to be a deadly weapon.

10 Kidnapping in South Carolina is defined as unlawfully
11 confining somebody against their will, no matter how long, no
12 matter how short. For example, when Sarah Furtick had that
13 gun put in her face, she wasn't free to leave. She was
14 unlawfully confined against her will. That is a kidnapping.

15 And in South Carolina, the hand of one is the hand of
16 all. Under that doctrine, basically when two or more persons
17 act together in the commission of a crime, the act of one is
18 the act of all. For example, when Jeff Chestnut and Tyward
19 Jordan agreed to rob the bingo hall and they drove over to
20 the bingo hall, it didn't matter who actually went inside
21 with the gun and it didn't matter who was the lookout.
22 They're both guilty of the same crime, and because it's a
23 criminal case, we have to prove our case beyond a reasonable
24 doubt. We have to provide evidence that leaves you firmly
25 convinced that the defendant is guilty.

1 This burden does not require us to prove the case beyond
2 an absolute certainty, and it does not require us to overcome
3 every and all possible doubt. But, ladies and gentlemen, in
4 this case with these set of facts, we welcome that burden.
5 And at the end of the case once you've heard from all the
6 witnesses and you've viewed all the evidence, we're going to
7 come back before you and we're going to ask you to do what
8 the evidence compels and what justice demands and that's to
9 find the defendant, Jeff Chestnut, guilty of four counts of
10 armed robbery and three counts of kidnapping. Thank you.

11 **The Court:** Mr. Chaplin?

12 **Mr. Chaplin:** Thank you very much. Good morning. It
13 happened, but Jeff didn't do it. My name is Mathias Chaplin,
14 and I represent Jeff Chestnut, and Jeff is charged with armed
15 robbery and kidnapping. Jeff emphatically says he is not
16 guilty.

17 Now, on May 23rd, 2010, something bad happened. A
18 robbery occurred at a bingo parlor off of Decker Boulevard
19 here in Columbia, South Carolina. Robber number one has
20 already been to court and is serving a lengthy prison
21 sentence. Robber number two has never been found as a result
22 of sloppy police work.

23 Now, the case that you're about to see today basically
24 consists of no D.N.A., no fingerprints, no weapon, some
25 blurry pictures, a lot of photographs of a building with no

1 people in it, a very unreliable eyewitness, and a lot of
2 other people that only saw Tyward Jordan, did not see Jeff
3 Chestnut.

4 Now, in order to arrest someone here in South Carolina,
5 all you need is probable cause. That's the very lowest
6 burden possible, and it's not enough to convict him. So just
7 because Jeff has been arrested means nothing. He's here in
8 court. He's pled not guilty, and he's waiting on his day in
9 court.

10 Now, I know that each and every one of you want to do
11 the right thing. The first thing is I know that none of you
12 wants to see robber number two get away with this horrible
13 crime. But when we selected each and every one of you to be
14 on this jury, we also, Jeff and I, saw something in each and
15 every one of your eyes that said that you also did not want
16 to be responsible for convicting the wrong person.

17 Now, I thank you for your service. We'll try to do our
18 best to try to make this as brief as possible, but we just
19 need to get the facts out there and we need to argue our
20 cases, and I know that at the end when you hear all the
21 evidence you will agree that Jeff is not guilty of armed
22 robbery or kidnapping.

23 Ladies and gentlemen of the jury, opposing counsel, Your
24 Honor, Jeff Chestnut is now ready for his day in court.

25 Thank you.

1 **The Court:** All right. Solicitor, call your first
2 witness.

3 **Mr. Steadman:** The State calls Chauncey Smith.

4 Chauncey Smith, after being duly sworn, testified
5 as follows:

6 **The Clerk:** Please have a seat in the witness stand, and
7 state your full name for the record, and please spell your
8 first name.

9 **The Witness:** Chauncey Smith. C-H-A-U-N-C-E-Y.

10 Direct Examination

11 By Mr. Steadman:

12 Q. Good morning, Mr. Smith.

13 A. Good morning.

14 Q. What is your current occupation?

15 A. I'm a deputy sheriff with the Richland County Sheriff's
16 Department.

17 Q. What law enforcement -- how long have you been with
18 Richland County?

19 A. I've been with the sheriff's department since 2004,
20 about eight years.

21 Q. What are your present duties as of today?

22 A. Today I'm an investigator with the sheriff's department.

23 Q. What was your position with the department on May 23rd
24 of 2010?

25 A. On that day I was a corporal, road corporal, on the road

1 doing patrol duties, similar to like cop T.V. shows where you
2 get about three or four calls every few hours and then you do
3 that times 12 hours for however long.

4 Q. Was there a specific location that you were assigned to
5 patrol?

6 A. Yes. During that time frame - actually most of my
7 career with the sheriff's department - I was assigned to
8 Region II which is the Two Notch Road area, south boundary
9 about Beltline Boulevard north to about -- well, presently to
10 about North Brickyard, used to be Clemson east and west.
11 It's from Percival over to about Farrow Road.

12 Q. Is Carolina Gold Bingo hall within Region II?

13 A. It is. It is. It's right off Decker Boulevard right
14 about the middle part of Region II.

15 Q. Did you receive a call about an armed robbery at the
16 bingo hall that day?

17 A. I did. I did. I was driving to work. My shifts
18 normally start -- they're 7 p.m. to 7 a.m. or 7 a.m. to p.m.
19 depending on which rotation you're on. I was going into work
20 that day and was dispatched to that.

21 Q. And what was the -- what were the details of the call?

22 A. When I got the call, like I said, I was coming into
23 work. As -- I'd come up 77, get off on Decker Boulevard and
24 head in -- our headquarters is at the mall there, Columbia
25 Mall, and I was headed in that direction, and it came across

1 the radio that there was an armed robbery at the Carolina
2 Bingo off Decker Boulevard. And it was still kind of coming
3 in as I received the dispatch, but there was supposably, as I
4 recall, a couple of people that went inside with guns and
5 robbed the place, and I believe that's how it was dispatched.

6 Q. Okay. Do you have a copy of your report in front of
7 you---

8 A. I do.

9 Q. Okay. I want to get you to refer to that report.

10 A. Okay.

11 Q. What was the address that you were given of the bingo
12 hall?

13 A. The actual number address is 2768 Decker Boulevard,
14 Suite 300.

15 Q. Is that located within the limits of Richland County?

16 A. It is in Richland County.

17 Q. What I'm showing you right now is a blown-up Google map
18 of that area. Can you please point out for the jury the
19 location?

20 A. This is Decker Boulevard. Here is Two Notch Road here.
21 Here is the Carolina Gold Bingo on this far side here of the
22 parking lot.

23 Q. And so where exactly is the entrance to this...

24 A. The entrance is going to be right about here, this third
25 or fourth window here.

1 Q. Okay. Is this a fair and accurate description of that
2 area?

3 A. That is.

4 **Mr. Steadman:** Your Honor, at this point the State would
5 move to introduce State's Exhibit number 37 into evidence.

6 **The Court:** Any objection?

7 **Mr. Chaplin:** No objection, Your Honor.

8 **The Court:** Without objection.

9 (State's Exhibit 37 was received in evidence.)

10 By Mr. Steadman:

11 Q. About what time did you get there at the bingo hall?

12 A. Give or take I guess about five minutes from -- I got
13 there about 6:55 p.m.

14 Q. Okay. Now, what was your first order of business once
15 you arrived at the bingo hall?

16 A. The first thing I wanted to do was initially to make
17 sure that nobody was still there with guns trying to hurt
18 people. That's your initial thing. Once you get there, you
19 start trying to figure out sort of what happened, where it
20 happened, exactly where people came in and left from and try
21 to preserve everything until the investigators and the lab
22 units can get there to finish up.

23 Q. All right. What I'm going to show you now is
24 pictures---

25 **Mr. Chaplin:** No objection.

1 By Mr. Steadman:

2 Q. What I'm showing you now is pictures taken of the bingo
3 hall. I want you to review those real quick.

4 A. Okay. (The witness looks at the pictures.)

5 Q. Do you recognize this picture?

6 A. I do. That's the entrance to the bingo hall.

7 Q. Do you recognize this picture?

8 A. It is. That's more the entrance slash exit of the bingo
9 hall.

10 Q. Entrance slash exit, what do you mean by that?

11 A. When you go in, it's kind of like a -- well, it's like
12 one area, one -- as I recall, one like corridor, but it's
13 kind of separated in the middle by a -- as I recall, there's
14 some kind of little barrier there where you go in on one side
15 and out the other side.

16 Q. Do you recognize this picture?

17 A. Yes. That's also the entrance/exit area.

18 Q. Okay. Do you recognize this picture?

19 A. That's the side of it. If you're looking from Decker
20 Boulevard, that's going to be the left-hand side of the
21 building.

22 Q. So if you're facing the bingo hall, what side is this?

23 A. If you're standing here facing the bingo hall, that's
24 going to be on your left-hand side.

25 Q. Do you recognize this picture?

1 A. That is the doors that they said the people came in and
2 out of that robbed the place. That's actually on the side of
3 the building, on that left-hand side, not the entrance or
4 exit.

5 Q. So on the same side as this picture?

6 A. Same side.

7 Q. Okay. And are these five pictures a fair and accurate
8 description of what you observed?

9 A. They are.

10 **Mr. Steadman:** Your Honor, at this point the State would
11 introduce exhibits 4 through 8 into evidence.

12 **The Court:** Any objection?

13 **Mr. Chaplin:** No objection, Your Honor.

14 **The Court:** Without objection.

15 (State's Exhibits 4 through 8 were received in
16 evidence.)

17 By Mr. Steadman:

18 Q. All right. I want to go back to when you first arrived.
19 You said the first order of business was to secure the crime
20 scene and make sure that the suspects still -- weren't still
21 there.

22 A. Right.

23 Q. Tell me a little bit about the scene. How were people
24 acting?

25 A. There were people pretty much everywhere. Like I said,

1 there were people -- fortunately people don't get robbed
2 every day. So when it happens, unfortunately people are
3 shocked and kind of -- they are still trying to put the
4 pieces together. Some people were kind of going in and out,
5 side to side, trying to figure out what's going on. And so
6 as I'm coming in, people are coming out. I'm trying to keep
7 the mass -- keep most people there that were a witness to the
8 thing for the investigators to get there, and I was trying to
9 locate other specific witnesses that knew exactly what had
10 happened.

11 Q. So did you -- you arrived on the scene pretty shortly
12 after the call went out?

13 A. Within five minutes. I believe it says six minutes but
14 however it took me to -- how long it took me to drive very
15 fast down Decker Boulevard from one side to the other, so
16 about four or five minutes.

17 Q. So who did you make contact with at first to find out
18 what exactly had happened?

19 A. Initially when I got there I met with, after I went past
20 the initial wave, a Ms. Angela Diaz-Garcia.

21 Q. What did you learn from her?

22 A. She said that two men came in there with bandanas on.
23 Both were armed with handguns or pistols, I'm sorry, and had
24 robbed -- one had come up towards her area and taken money
25 from a box there, and then the second subject had gone more

1 towards the crowd area and taken money from those people, and
2 I later spoke with those victims as well.

3 Q. Did she provide you with a description---

4 A. Yes.

5 Q. ---of the suspects?

6 A. The description she gave me was a black male about 5'9",
7 160 to 170, black shirt, black pants, with a bandana on his
8 face and a Braves cap.

9 Q. And which -- which subject description is that?

10 A. That would have been the first subject, the one that
11 came to the register area.

12 Q. So the one that went back in the bingo hall office.

13 A. Right.

14 Q. And once she gave you that information, did you talk to
15 anybody else?

16 A. I did. I spoke with a Mrs. Furtick, a Mrs. Coates, and
17 they had said that the second subject had actually came to
18 them and taken money from them after -- with a handgun or a
19 pistol in his hand.

20 Q. And did Marva Coates indicate that as well?

21 A. She did.

22 Q. Did they give you a description of that second suspect
23 that was on the gaming floor?

24 A. The description that I got of him was a -- also a black
25 male about six foot in height, had on a light tee shirt and

1 dark pants, a brown bandana, and they said a gray handgun at
2 the time or a gray pistol at the time.

3 Q. And once you had spoken with some of the witnesses and
4 you gathered them up, did you -- what was the next step of
5 your investigation?

6 A. The next step I was trying to do was locate a girl who,
7 when I was running in, someone said there was a girl who had
8 known something about it and she was on the phone outside or
9 something. That's what I heard as I was going in. So I
10 went -- after I found out, you know, who had gotten robbed,
11 the subjects still weren't there, kind of which door they
12 went in and out to make sure no one else went around that
13 area, I went back to try to find who this girl was, but she
14 was gone at that time or I was told she was gone at that
15 time.

16 Q. You said there was a girl that was making phone calls
17 that people had alerted you to.

18 A. They did.

19 Q. Can you elaborate on that a little bit more?

20 A. Like I said, as I was going in -- as I was going in,
21 people were coming out, and there were people standing sort
22 of around the outside area when I was going in, and they said
23 one of the people outside or around the area was a younger
24 lady who supposably knew something about it or might know
25 something about it or something to that effect.

1 Q. Okay. After you found that out, what was the next step
2 in your investigation?

3 A. After trying to locate her and not being able to locate
4 her, I started calling investigators, the lab investigators
5 who process things, the C.S.I., if you will, and the canine
6 unit to hopefully track and to see where the guys had ran to.

7 Q. So did they show up on the scene?

8 A. Everyone did: lab, C.S.I., investigators, and the
9 canine guys.

10 Q. So at that point, you being a deputy, a road deputy --
11 well, was your duty and responsibility fulfilled at that
12 point?

13 A. I was pretty much done at that point. Once the
14 investigators said they got it from that point, then I take
15 off to the next call.

16 Q. Beg the Court's indulgence. No further questions.
17 Please answer any questions the defense may have.

18 A. Yes, sir.

19 **The Court:** Cross-examination.

20 **Mr. Chaplin:** Thank you very much.

21 Cross-Examination

22 By Mr. Chaplin:

23 Q. Officer Smith?

24 A. Yes, sir.

25 Q. I think you said you spoke with Angela Diaz-Garcia when

1 you got there?

2 A. Yes, sir, I did.

3 Q. And Ms. Garcia described the person that was back in the
4 cage as a black male?

5 A. Yes, sir.

6 Q. 5'9"?

7 A. Give or take.

8 Q. Okay. So not certain?

9 A. Am I not certain or is she not certain? What happened,
10 sir -- it's kind of a -- this is the initial report that I
11 get right off the bat. You have to understand that when I'm
12 taking these facts, sometimes people are a little rattled.
13 5'7" can turn to 5'8" or 9. It's not exact, but it's as
14 close as they can go at the time.

15 Q. Thank you. And the person's face was covered with a
16 bandana?

17 A. She said she had it tied around -- he had a black
18 bandana around his face; yes, sir.

19 Q. Is that all she told you?

20 A. No, she -- no, she told me several things. He came
21 there, put -- you know, came over to the thing, took the
22 money, all types -- she told me several things. That
23 wouldn't be it, but I mean, it wasn't just him and what he
24 was wearing on his face. She told me, you know, how much
25 money was taken and all that type of stuff.

1 Q. So, in addition to black male, 5'9" or 7, whatever, a
2 bandana, took money?

3 A. Uh-huh.

4 Q. I'm really trying to get a complete list of what she
5 told you.

6 A. Oh, I can't -- I can't tell you exactly what she told
7 me. As I said -- like I said, it's a -- it's a pretty hectic
8 situation. I'm trying to get the best information I can at
9 the time.

10 Q. But now you weren't an eyewitness to any of this, were
11 you?

12 A. To the robbery?

13 Q. Yes, sir.

14 A. No, sir.

15 Q. So you didn't see -- you can't identify Mr. Chestnut as
16 being in that building, can you?

17 A. No.

18 Q. Okay. And you can't testify that you ever saw another
19 weapon.

20 A. Saw who?

21 Q. Mr. Chestnut.

22 A. I didn't see anybody rob the place, sir.

23 Q. So you never saw anyone do an armed robbery on this
24 particular evening?

25 A. On this particular evening I did not see that; no, sir.

1 I was dispatched to it. By the time I arrived, they had left
2 there.

3 Q. And you didn't see anybody commit a kidnapping.

4 A. I wasn't a victim of the crime; no, sir.

5 Q. So you have no firsthand knowledge of what occurred.

6 A. I have firsthand knowledge of what people reported to
7 me. I was not a victim of the crime, sir.

8 **Mr. Chaplin:** Nothing further. Thank you.

9 **Mr. Steadman:** Just briefly, Your Honor.

10 Redirect Examination

11 By Mr. Steadman:

12 Q. When you spoke with Angela Diaz-Garcia, if you refer to
13 your report, can you please give the jury the description
14 that she gave to you?

15 A. The description I notated -- what she told me was a
16 black male, 5'9", 165, black shirt, black pants, black
17 bandana on the face and a Braves cap.

18 **Mr. Steadman:** Thank you. No further questions.

19 **The Court:** Anything further?

20 **Mr. Chaplin:** Nothing further of this witness.

21 **The Court:** All right, sir. You may come down. May
22 this witness be excused? Without objection?

23 **Mr. Chaplin:** Without objection.

24 **The Court:** Next witness.

25 **Ms. McDuffie:** The State would call Ron Witt.

1 Ronald Witt, after being duly sworn, testified as
2 follows:

3 **The Clerk:** Please have a seat in the witness stand, and
4 state your full name for the record.

5 **Court Reporter:** Is your last name Witt?

6 **The Witness:** Witt. W-I-T-T. Ronald, first name.

7 Direct Examination

8 By Ms. McDuffie:

9 Q. Mr. Witt, where are you currently employed?

10 A. I work for T-Mobile.

11 Q. And what are your duties with T-Mobile?

12 A. Records custodian.

13 Q. And please describe for the jury what a records
14 custodian does.

15 A. Primarily we respond to the requests for records and --
16 whether it's a subpoena, court order or search warrant. We
17 also assist law enforcement in real-time situations involving
18 9-1-1 situations, and we also provide support and electronic
19 surveillance and attend court and testify.

20 Q. And how long have you been with T-Mobile?

21 A. I'm in my eighth year.

22 Q. And how long have you been a records custodian?

23 A. The whole time.

24 Q. And as a records custodian, those records are kept in
25 the normal and ordinary course of business?

1 A. Yes, they are.

2 Q. And I'm going to show you what has been marked as
3 State's Exhibit 36. Have you had the opportunity to view
4 that exhibit?

5 A. Yes.

6 Q. And are those records provided by your company, that you
7 are the custodian for, to the state of South Carolina
8 pursuant to a lawful process?

9 A. Yes.

10 Ms. McDuffie: Your Honor, at this time we'd move
11 State's Exhibit 36 into evidence.

12 Mr. Chaplin: Without objection.

13 The Court: Without objection.

14 (State's Exhibit 36 was received in evidence.)

15 Ms. McDuffie: No further questions for this witness.

16 The Court: Cross-examination? Any questions of this
17 witness?

18 Mr. Chaplin: Thank you. No questions of this witness.

19 The Court: All right, sir. You may come down. May
20 this witness be excused?

21 Ms. McDuffie: Please, Your Honor.

22 Mr. Chaplin: Without objection.

23 The Court: Without objection. Next witness.

24 Ms. Simpson: The State calls Drenita Ore. Your Honor,
25 I believe she's outside the courtroom.

1 Drenita Ore, after being duly sworn, testified as
2 follows:

3 **The Clerk:** Please have a seat in the witness stand, and
4 state your full name for the record, and if you'll please
5 spell your first and your last name.

6 **The Witness:** My first name is Drenita, D-R-E-N-I-T-A.
7 Last name Ore, O-R-E.

8 Direct Examination

9 By Ms. Simpson:

10 Q. Good morning, Ms. Ore.

11 A. Good morning.

12 Q. How old are you?

13 A. Thirty-six.

14 Q. And do you live in Columbia?

15 A. No, ma'am.

16 Q. Where do you live?

17 A. Sumter.

18 Q. Sumter. Are you from Sumter?

19 A. Yes. Well, I'm from New Jersey, but I live in Sumter;
20 yes, ma'am.

21 Q. And are you married?

22 A. Yes, ma'am.

23 Q. Any children?

24 A. One.

25 Q. One? Are you currently working?

1 A. Now I am.

2 Q. Okay. What are you doing?

3 A. Bingo again.

4 Q. Bingo?

5 A. Yes, ma'am.

6 Q. And what are you doing with the bingo now?

7 A. Basically the same thing: runner, caller, manager.

8 Basically the same.

9 Q. And I'll turn your attention back to May 23rd of 2010.

10 You said you're doing the same thing now. What were you
11 doing back then? Where were you working?

12 A. I was working at Carolina Gold. I was a caller, a
13 runner, hands-on with the customers, basically the same
14 thing.

15 Q. Okay. Make sure to speak up, too, so everybody can hear
16 you, if you want to scoot up. So as a caller and a runner,
17 just tell us a little bit about what that is for those of us
18 who don't really know how the bingo works.

19 A. Okay. As a caller, you have to call out the bingo
20 numbers. You have to verify the bingos. You have on-sight
21 of looking over the building the whole time you're as a
22 caller. As a runner, you still have sight, but then you're
23 more selling and you're picking up money. So you're not
24 really, you know, looking around but selling sheets, calling
25 numbers back to the caller, letting them verify it and

1 counting your money.

2 Q. And so as a caller, I think you said you can kind of
3 see---

4 A. Uh-huh, just like this---

5 Q. ---from right---

6 A. ---right here.

7 Q. The whole thing. You're above everybody a little?

8 A. Correct.

9 Q. And back in May of 2010, how long had you been working
10 with the Carolina Gold Bingo?

11 A. I had been working with Carolina Gold Bingo from the
12 time they opened which should have been three years they've
13 been open, but I was working at the Carolina Bread. That was
14 right across from the Carolina Gold. So I've been with that
15 company for about five years.

16 Q. Okay. So you'd been working in bingo for awhile.

17 A. Uh-huh.

18 Q. And back on May 23rd of 2010, do you recall that day?

19 A. Yes, ma'am.

20 Q. Can you tell the jury a little bit about what time you
21 got to work, if you remember, and who was there?

22 A. We were to arrive at bingo to clock in at 5:30. We were
23 to start it up at 6:30, 6:40.

24 Q. And was that typical to kind of start in the evening?

25 A. Yes, ma'am. That was the time for bingo.

1 Q. And May 23rd was a Sunday.

2 A. Correct.

3 Q. All right. So you started -- clocked in at 5:30 and
4 started at 6:30. What did you do next?

5 A. After that, you will get up on the caller stand, make
6 your announcements. The runners will go out on the floor to
7 sell the sheets, and you'll begin calling out numbers.

8 Q. And who was working with you back on May 23rd?

9 A. That day it was Angela, Kayla, myself, Scooter, and
10 Peanut.

11 Q. And who is -- do you -- who is Peanut to you?

12 A. Peanut is my brother.

13 Q. What's his name?

14 A. Timothy Bell.

15 Q. Timothy Bell. And you said Teidra, Angela, Kayla, and
16 Scooter.

17 A. Correct.

18 Q. Do you know Scooter's name?

19 A. I believe Scooter's first name is Darren, but I don't
20 know his last name.

21 Q. Okay. And were they all working in different positions?

22 A. Yes. In the cage area it was Angela. In the cage area
23 it was Angela, her daughter. That's on the side where the
24 paper is. When you come in the front door, there was two
25 more employees. It was Miranda and Carnel (phonetic).

1 That's where the iBingos are being sold at.

2 Q. Okay. And so the cage area, is that what you call it?

3 What is that area?

4 A. Yeah, that's -- that's the cage area where they sell all
5 the iBingos, the paper. All the money go in there, and all
6 the money come from out of there to do the payouts.

7 Q. Okay. And is that in the front of the bingo hall?

8 A. Correct.

9 Q. Can you just describe for us a little bit about the
10 layout?

11 A. When you would walk in from the front door, if this is
12 the front door, you walk to the first cage. That's where you
13 will purchase your machines, your iBingos. When you came
14 around, it was the seats for the customers to sit. Then
15 there was the other part of the cage. It was like in an L.
16 shape, and it's the other part of the cage where all the
17 sheets would come from and, like I said, where your money
18 would return back from and all the payouts would come out
19 from back there. Okay. Then when you go over, that was the
20 concession stand, and then the call stand was about two feet
21 from the concession stand.

22 Q. And you said Teidra was working---

23 A. Correct.

24 Q. ---that day. How long had she been at the bingo?

25 A. Teidra has been working for the bingo I want to say

1 about two years? Probably a year.

2 Q. Okay. So y'all were all working that day. And were you
3 -- describe the crowd. Do you remember if it was kind of
4 slow, kind of busy---

5 A. It was slow. It was slow because it was the beginning
6 part of the day. It was slow. It was not the 30 customers
7 that you would have at the 7:30 point. It was the 15 to 11
8 people in the beginning of the day that we would start out
9 our early bird games on.

10 Q. Okay. And does that kind of set y'all behind a little
11 bit on starting?

12 A. Yes, ma'am, it did.

13 Q. So tell us what happened next once y'all got there and
14 when the robbery occurred.

15 A. Okay. First, after everyone clocked in, we didn't have
16 enough customers to start exactly on time that day. Within
17 the length of that time, the officer that came in that was
18 supposed to - I guess they do the duty - she asked -- well,
19 she clocked in to see if she had to -- she clocked in to
20 work, but then Angela instructed her, no, you know, there's
21 supposed to be another guard on site. At that time when that
22 was being said, Teidra, myself, Peanut, Kayla, and Angela -
23 because Angela was the one that was talking to the officer -
24 all of us was right there when it was said. The officer
25 clocked out and left. That wasn't no problem.

1 We started our day as usual, you know, running because
2 at that time we didn't really need an officer on site. It
3 was the later part of the day when business was booming. The
4 officer left; that was fine. In the next -- by me having to
5 keep control of the floor and the runners, I stated to
6 Timothy and Scooter, "We have to sell sheets. I only have
7 you two running." Teidra was working the concession stand,
8 but at the same time she was a runner, too. So if we were
9 slow, she was able to get on the floor.

10 Well, within that day, by me calling, there was only two
11 runners on the floor. So I'm sitting on the caller stand
12 like why is she not working? She's on the cell phone
13 constantly the whole time, switching out with different
14 workers' cell phones, going out the side door.

15 Q. And let me stop you. Was that kind of odd that she was
16 on all these different peoples' cell phones?

17 A. Uh-huh. Uh-huh. Uh-huh.

18 Q. And this side door that you're referring to, is that a
19 customer entrance or---

20 A. It's a customer entrance.

21 Q. Okay. It's a customer entrance, and employees kind of
22 go in and out?

23 A. Yes, ma'am.

24 Q. Okay. But it's not the primary main entrance.

25 A. No, ma'am.

1 Q. Okay. And what happened next?

2 A. Teidra went outside. I'll say about ten minutes when
3 she went outside, the door -- the door opened, and by the
4 time -- every time the door would open, as a caller you would
5 look over to see the customers walk in. You know, you would
6 greet them.

7 When I looked over, the only thing I could have saw was
8 a bandana, brown. The second guy came in there with the red
9 bandana. Only thing: They looked up and he said, "Yes, it
10 is what it is. Stop." I made an announcement then to my
11 employees, to the customers, "Y'all, we're being robbed.
12 Everybody stay calm. Give them what they're asking for."
13 So, you know, let's all stay safe.

14 I'm on the call stand here. The one with the brown
15 bandana came and stood there, make the announcement telling
16 everybody to dump out their bags. This is no game; this is
17 no joke.

18 Q. So you -- let me back you up just for a minute. They
19 come in. You said two men.

20 A. Uh-huh.

21 Q. All right. And when they come in, you see the bandanas?

22 A. Uh-huh.

23 Q. Could you see the guns at that time or whether they had
24 guns?

25 A. Yes, ma'am.

1 Q. And they said what to you?

2 A. "This is no game."

3 Q. Okay. And, "It is what it is."

4 A. Yes.

5 Q. So what happened next?

6 A. The one with the brown bandana, just like I'm sitting
7 here, came and stood to my right. He had the gun pointing.
8 The other one ran off to go in the cage area to get the
9 money. While that one is doing that one, the one that was
10 standing here -- Peanut and Scooter was still working, not
11 paying any attention, probably thinking, oh, okay, we're not
12 listening -- you know, we don't know what she's saying, but
13 we got these papers to sell out here on the floor. So they
14 were selling, and I told them -- I said, "Y'all stop."

15 By them keep moving and selling the paper to the bingo
16 customers, the one that was standing here with the brown
17 bandana went and told Peanut and Scooter to get down on their
18 knees, held the gun to their head, took the money from out of
19 their hand, from out of their pockets. From there, after
20 that, they were standing, told them to keep their hands where
21 I can see them. They went long. They took out the money out
22 of all the customers' purses.

23 Kayla was in the middle of the room doing a payout.
24 With her with that payout, they went directly to her. So
25 she's holding the money. I told her -- I said, "Baby," I

1 said, "Give them the money. Do not hold the money. Give
2 them the money," and she was just looking like, you know, she
3 was shocked. So she gave it to them.

4 After they got all of the money, what they wanted, they
5 exited back out the side door, and exiting out the side door,
6 the door shut. I got down off the caller stand. A couple of
7 customers that was in there, all of us ran to the side door
8 to see what type of car, you know, they would have been
9 driving in. When we opened the back -- the side door, Teidra
10 was on the other side of the door. "Did you see two guys run
11 out of the door?" "No, I didn't see anybody run out of the
12 door." It was impossible for her not to see anybody go out
13 that side door if she was on the other side of that door.

14 Q. Okay. So you were in there. Everybody is kind of
15 rattled.

16 A. Uh-huh.

17 Q. Right? You said they didn't really understand what was
18 going on?

19 A. Correct.

20 Q. How were you feeling when you saw that gun to your
21 brother's head?

22 A. It took all the life out of me. I felt helpless because
23 that's the only brother that I have. I could not protect
24 him. I couldn't have stopped anything that was going on. I
25 mean, it took a lot of life out of me. It took a lot of life

1 out of me, you know, and it took a lot of restraint and it
2 took a lot of strength just to sit there, and then he was
3 already shaking. So by him shaking, he could have easily
4 pulled the bullet and my brother would have been gone. He
5 wouldn't have been here today, you know, so...

6 Q. And let me right here -- did you all -- did you feel
7 like you were free to leave?

8 A. No, ma'am, I was not free to leave. I was not free to
9 leave at all, at all.

10 Q. And both men had guns?

11 A. Yes, ma'am.

12 Q. And did they actually take some money from you as well?

13 A. Yes, they took my purse. They take the money that they
14 took out of the -- for one, they didn't have a bag. So I
15 guess after they got everything that they had, they realized
16 we need something to take this out. My bag is on the break
17 table. So the only thing they did was just took the whole
18 bag. They dumped whatever they had from everybody else in
19 there, and they ran out the door.

20 Q. Okay. So they took personal items and---

21 A. My identification. That's the most -- exactly.
22 Exactly.

23 Q. So once you saw Teidra -- let's move forward just a bit.

24 A. Uh-huh.

25 Q. And she said she didn't see anything.

1 A. Correct.

2 Q. Right? What happened next?

3 A. After that, she went back to get Scooter's telephone and
4 made a phone call. Teidra, you cannot leave; we all have to
5 talk to the cops. You know, everybody was staying. Well,
6 I'm not going anywhere. I'm not going anywhere.

7 Q. So she knew the cops were coming.

8 A. Right. All of us -- you know, everybody is talking,
9 trying to stay calm and trying to keep it together. Teidra
10 disappeared. Teidra did not clock out. She did not tell
11 anybody, "Good night. I'll see you guys later." She just
12 left. I found---

13 Q. Was that odd?

14 A. I was about to say I found that very strange because if
15 we got off at 11:00, 12:00 at night, Teidra could not get a
16 ride. Teidra will call -- Teidra could not get a ride. I
17 would drop her off sometimes or some of the other employees
18 would drop her off, but broad daylight all of a sudden you
19 can get a ride? In the midst of you leaving, you didn't --
20 your ride did not pick you up from out of the parking lot.
21 You walked down the sidewalk to the street. That's -- I
22 don't know the name of that street. That is Decker, and it's
23 the street right there. She walked out towards that street.

24 Q. So Teidra -- she was actually supposed to stay at
25 work---

1 A. Correct.

2 Q. ---that day.

3 A. Correct.

4 Q. And you had told her: Wait. Everybody needs to talk to
5 the police.

6 A. Correct.

7 Q. Of course, she said she didn't see anything.

8 A. Right.

9 Q. What happened or what did y'all do while you were
10 waiting on the police to arrive?

11 A. While we were waiting on the police, due to the fact
12 that after she made the statement, "I didn't see anybody come
13 out of these doors" and I knew she had to see them because
14 she was on the other side of that door when they ran out of
15 that door, I got Scooter's telephone and I got Kayla's
16 telephone. We started comparing the numbers together. So
17 I---

18 Q. And why -- let me stop you.

19 A. Uh-huh.

20 Q. Why did you get Scooter and Kayla's telephones?

21 A. Because those were the two cell phones that she was
22 using that day.

23 Q. And what happened next?

24 A. After that, got the cell phones, we started comparing
25 numbers. She was calling these numbers. During the time of

1 the robbery, she was on Scooter's phone. The same number
2 that we called back off of Kayla's phone, I said, "Hi. How
3 are you?" I said, "I'm calling to check on Teidra," I said,
4 "Because we need her back here at the job."

5 The young man on the other line stated, "Oh, I heard
6 y'all just got jammed up." You know, it was profanity. "No,
7 you know." I'm nonchalant. "No. What are you talking
8 about?" "Well, just let the two young men know everything is
9 all right now. They can breathe easy." Nonchalant. Okay.
10 I said, well, can you please tell Kayla to come back up to
11 the -- not Kayla. Teidra. Teidra never called back.

12 Q. And this had just happened, right, the robbery?

13 A. Correct.

14 Q. When he told you tell -- I guess -- what was it? "Tell
15 the boys that they can breathe all right."

16 A. Yeah.

17 Q. So really the only people that would know about the
18 robbery---

19 A. Were the ones---

20 Q. ---would have been the police and the people there.

21 A. Right. But if Teidra is not there with you, how would
22 you know that something had happened? Why would you tell me
23 to tell my other two coworkers, even though one was my
24 brother and the other one was a coworker -- why would you
25 tell me to tell them everything is over now?

1 Q. And when the police arrived, were you able to speak with
2 someone?

3 A. Yes, ma'am.

4 Q. And did you get a pretty good look at the person who was
5 on the floor---

6 A. Yes.

7 Q. ---robbing you?

8 A. Yes.

9 Q. And did you provide the police with a description?

10 A. Yes.

11 Q. Do you remember what that description was? I know it's
12 been awhile.

13 A. About 5'6". He weighed about -- I'm going to say like
14 160, 180. Short haircut. Thick eyebrows. His eyes, dark.
15 Dark eyes. That's what really made me identify him because
16 prior to this robbery he came in for twenty-five-cent hot dog
17 night.

18 Q. And twenty-five-cent hot dog night, tell us about that.

19 A. Well, we have---

20 Q. Was that the same day?

21 A. No. No. This was like a week prior to the robbery, a
22 week or two prior to the robbery.

23 Q. Okay. And on twenty-five-cent hot dog night, what
24 happened that you would recognize the person on the floor?

25 A. It was his eyes. He had a conversation with me. He was

1 trying to actually, what you would say, hitting -- I don't --
2 you know, I don't want to say it, but he was trying to cut a
3 move. Okay? The voice was the same. The eyes---

4 Q. You heard his voice clearly during the robbery, too.

5 A. Yes. The build, the stand, everything was the exact
6 same. That's what really -- you know, when he did it, I
7 looked at him and was like: you was just in here.

8 Q. And who was he with?

9 A. He was with Teidra.

10 Q. He was with Teidra?

11 A. Uh-huh.

12 Q. And do you remember who else might have been out there?

13 A. It was Teidra, the other man that was with them -
14 Chestnut - the one who we're here for today, and Teidra's
15 son.

16 Q. Okay. And were you able to tell anything about the
17 relationship between Teidra and Mr. Chestnut---

18 A. From my---

19 Q. ---by your observation?

20 A. From my understanding, they were dating.

21 Q. Okay. I want to show you -- I know it's been awhile, as
22 far as the description. Do you remember giving a formal
23 written statement to the police in this case as well?

24 A. Uh-huh.

25 Q. And you went and talked to them again.

1 A. Yes.

2 Q. All right. And you told them what you knew.

3 A. Uh-huh.

4 Q. And what you remembered.

5 A. Uh-huh.

6 Q. I want to point you in the direction of -- can you
7 describe the robber?

8 A. Uh-huh.

9 Q. Tell us a little bit about how you described him at that
10 time and the clothing.

11 A. You want me to read off of here?

12 Q. Yes.

13 A. Okay. The one that was on the floor is black, skinny,
14 about 5'8", 5'9", 180 to 185 pounds. He had on a brown
15 bandana just covering his mouth. He had on either black or
16 blue stone-washed Fuji pants, I think. The design -- they
17 had designs on the butt. It was -- it was the bright colors
18 like orange, red, and yellow. He had brown boots like
19 mountain boots. He was wearing a brown shirt. The second
20 guy is a black -- is black and had on a black bandana. He
21 had a cap on, a white shirt, and plain pants. I didn't see
22 him as well as the other one in front of me.

23 Q. Okay. So the second guy that you were describing, he
24 wasn't on the floor.

25 A. Huh-uh.

1 Q. Correct?

2 A. That's the one that went directly to the cage area.

3 Q. But you could see the guy on the floor clearly.

4 A. Uh-huh. Uh-huh.

5 Q. And at some point were you shown some photos?

6 A. Yes, ma'am.

7 Q. And were you able to identify the person---

8 A. Yes, ma'am.

9 Q. ---that you saw on the floor?

10 A. Yes, ma'am.

11 Q. And Mr. Chestnut - you mentioned him as well.

12 A. Uh-huh.

13 Q. But you weren't able to see the second person as well,
14 just his clothing and what he was wearing; right?

15 A. Uh-huh. Correct.

16 Q. But moving back to the hot dog night---

17 A. Correct.

18 Q. ---the man you saw on the floor---

19 A. Uh-huh.

20 Q. ---do you remember him by a nickname or what he may have
21 given you as his name?

22 A. Rocca.

23 Q. Rocca?

24 A. Uh-huh.

25 Q. And Rocca was with who?

1 A. He was with -- when he entered the building, he entered
2 the building with Teidra's son and this young man. How I
3 know it's this young man is because Teidra introduced all
4 three gentlemens (verbatim) to everybody. My comment was to
5 her: they have to leave because they have to pay a \$5 tax in
6 order to stay. Well, they only wanted the hot dogs. Each
7 one of them ate about six to eight hot dogs because they were
8 a quarter.

9 Q. Okay. And they -- they weren't there to play bingo?

10 A. Correct.

11 Q. And they didn't buy any cards?

12 A. No.

13 Q. They just ate the hot dogs.

14 A. Yeah.

15 Q. Didn't pay the cover.

16 A. Right.

17 Q. And then left.

18 A. Right.

19 Q. Had you seen them before?

20 A. No, that was the first time that I saw them on quarter
21 day, on hot dog day.

22 Q. On hot dog day. Beg the Court's indulgence one moment.
23 And the man that you identified on the floor as robbing, did
24 you learn that he was Tyward Jordan?

25 A. Yes, ma'am.

1 Q. And you were here for his day in court, too.

2 A. Yes, ma'am.

3 Ms. Simpson: Nothing further from the State.

4 The Court: Cross-examination.

5 Mr. Chaplin: Thank you very much.

6 Cross-Examination

7 By Mr. Chaplin:

8 Q. Beg the Court's indulgence. I'm sorry.

9 A. Yes.

10 Q. I just want to slow down a little bit and make sure that
11 I'm clear. Okay. On May 21st of 2010, that was hot dog
12 night; correct?

13 A. Say it again. On May 21st?

14 Q. May 21st.

15 A. I know we had twenty-five-cent hot dog day, but I can't
16 give you the exact date, sir.

17 Q. Okay. Well, it was before the night of the robbery;
18 correct?

19 A. Okay. Correct.

20 Q. All right. And on hot dog night you're saying that you
21 saw someone by the name of Rocca.

22 A. Uh-huh.

23 Q. Right? Someone by the name of Terrell.

24 A. Uh-huh.

25 Q. And Mr. Chestnut at the bingo parlor.

1 A. Correct.

2 Q. Okay. Now, you said in your statement that when you saw
3 Mr. Chestnut was when you went outside to smoke, and you saw
4 him with Teidra Dennis.

5 A. Correct.

6 Q. Thank you. Now, let's move to the night of the robbery.
7 How many people did you see come through the door?

8 A. Two.

9 Q. Two. And you said one had on a brown bandana.

10 A. Correct.

11 Q. And one had on a red bandana.

12 A. Uh-huh.

13 Q. Now, were these people the same height?

14 A. Actually, no.

15 Q. Okay. So---

16 A. I would say give an inch, take an inch off of each one,
17 meaning like they're both not the same height.

18 Q. Okay.

19 A. One might be an inch taller and one might have been an
20 inch shorter but -- okay.

21 Q. So which one had on the brown bandana? The taller one
22 or the shorter one?

23 A. The taller one.

24 Q. The taller one. Is that the one you later identified as
25 Rocca?

1 A. Yes, sir.

2 Q. Okay.

3 A. That's the slender one. He's slender. That's how I
4 know there was a difference because one is slender and one is
5 chunkier.

6 Q. And you now know that that person's name is Tyward
7 Jordan?

8 A. Yes, sir.

9 Q. All right. So take me through it. You're the caller.

10 A. Uh-huh.

11 Q. And you see the door open, and you see a tall person and
12 a not-as-tall person come through the door.

13 A. Uh-huh.

14 Q. All right. What do they do?

15 A. What do they do?

16 Q. Yes, ma'am.

17 A. They say, "It's a hold-up. It's a robbery." The one
18 with the brown, Rocca, came and stood to my right-hand side
19 on the caller.

20 Q. Yes.

21 A. The other one walked in, walked past the break table,
22 past the concession stand and went into the cage area.

23 Q. Got it. So that was the one with the red bandana that
24 went to the cage area.

25 A. Correct.

1 Q. All right. So the person that was on the floor---

2 A. Uh-huh.

3 Q. ---that you saw on the floor was the taller person that
4 you referred to as Rocca---

5 A. Correct.

6 Q. ---that we now know is Tyward Jordan, and I think you
7 testified that that -- that Rocca went around and robbed
8 several people in the---

9 A. Bingo parlor.

10 Q. ---parlor that was playing bingo.

11 A. Uh-huh.

12 Q. All right. And you watched him in shock as he went to
13 each person and did this.

14 A. Uh-huh.

15 Q. All right. Now, you were sitting up at the calling
16 station. So when the second person went into the cage, you
17 lost sight of that person, did you not?

18 A. No, I didn't lose sight of him.

19 Q. You did not.

20 A. It's impossible to lose sight.

21 Q. Okay. So that person was always visible to you the
22 entire time that person was there.

23 A. Yes.

24 Q. Okay. All right. I'm just making sure. Excuse me.

25 I'm just making a note. All right. So now you just

1 described what the person on the floor did. What did the
2 person in the cage do?

3 A. The person in the cage held---

4 Q. That was the one with the red bandana; right?

5 A. Right. Right.

6 Q. Okay. Yes.

7 A. I'm assuming that once he got back there that he told
8 them---

9 Q. No, ma'am. No, no. It's not what you assume. It's
10 what you know.

11 A. Okay.

12 Q. All right.

13 A. He went behind the cage---

14 Q. Yes.

15 A. ---where the iBingos are, told Miranda, "Give me the
16 money."

17 Q. You heard that?

18 A. Miranda gave him the money. Oh, yes, she did.

19 Q. Beg your pardon, ma'am. Did you hear that?

20 A. No, I didn't have to hear it. I mean, it's obvious that
21 they came in there to rob the bingo hall.

22 Q. But you didn't hear the person in the cage say anything.

23 A. No.

24 Q. Okay. How far were you from the cage?

25 A. From here to where that right there is, that whole bar

1 going around.

2 Q. This wall right here?

3 A. Uh-huh. Uh-huh.

4 Q. Again, were you -- is it this distance or that distance?

5 A. That---

6 Q. Or in the middle?

7 A. Wait a minute. Just hold on.

8 Q. Okay.

9 A. You have two cages. You has one side where you sell the
10 electronics. This side right here is where the cash will
11 come in, and right here - one, two, three, four, five, six,
12 seven - about where the eighth block is---

13 Q. Yes.

14 A. ---is where the electronic side would be at.

15 Q. And where was the person in the red bandana?

16 A. Behind the cage.

17 Q. In the electronic side?

18 A. Electronic side. Walked from the electronic side all
19 the way back over to the side where the paper come out from
20 and all the payouts come out.

21 Q. Okay. Now, I'm almost through. At some point after
22 this, you identified the taller person at -- for the police,
23 did you not?

24 A. Correct.

25 Q. Okay. But you never made an identification of the other

1 person.

2 A. Correct.

3 Q. Correct. In fact, in your statement you said that the
4 second person -- and that would be the person in the cage?

5 A. Uh-huh.

6 Q. Had on black and a black bandana.

7 A. Correct.

8 Q. And had on a cap. What color was the cap? Do you
9 remember?

10 A. No, I don't.

11 Q. Now, you just said you saw him the entire time he was in
12 the building.

13 A. Yes, I did.

14 Q. But you don't remember the color of the cap?

15 A. It has been awhile.

16 Q. Okay. So -- so you're saying that your testimony today
17 could be---

18 A. No. My testimony that's on the paperwork is the
19 God-honest truth.

20 Q. Okay. And I believe that. I'm just asking you---

21 A. I can't describe -- I could not at the time describe --
22 I could have told the officers right then and there the
23 colors that they had on.

24 Q. Yes, ma'am.

25 A. The build and thinking back to the twenty-five-cent hot

1 dog day, those were the same gentlemens that came into that
2 building, the same ones.

3 Q. Okay. Beg the Court's indulgence. Now, you said on hot
4 dog night that one of the guys tried to hit on you. I think
5 that's what you said in your statement.

6 A. Correct.

7 Q. Tell me about that.

8 A. That's Rocca.

9 Q. Okay.

10 A. That was -- that was Rocca. That was the one -- yeah.

11 Q. All right. So you were inside and he was inside with
12 you.

13 A. Uh-huh.

14 Q. And y'all were talking?

15 A. No. I didn't give the time of day to talk. The only
16 thing I had to instruct those gentlemens were: either you
17 need to go up to the front and pay a \$5 entrance fee and you
18 can stay in and you can eat all the hot dogs -- you can
19 pretty much take a seat. If you cannot pay the \$5 tax fee,
20 then you need to exit the building.

21 Q. But now, Ms. Ore, didn't you and Rocca exchange phone
22 numbers?

23 A. No. No.

24 Q. So after the incident -- okay. I'm almost through.

25 Where was your purse located when it was stolen?

1 A. On the break table.

2 Q. Beg your pardon?

3 A. On the break table.

4 Q. On the break table.

5 A. Correct.

6 Q. Okay.

7 **Court Reporter:** Did you say gray or break?

8 **The Witness:** Break.

9 By Mr. Chaplin:

10 Q. So somebody went into the break room and took your
11 purse?

12 A. There is no break room.

13 Q. Oh, it's a table---

14 A. Everything is in the -- everything in the bingo parlor
15 is basically in the open. Just like you see that table right
16 there---

17 Q. Yes.

18 A. ---that's a break table.

19 Q. Okay. Okay. Let me see if I got this. So on hot dog
20 night, which was before the robbery, you were there and the
21 statement said that Rocca was trying to hit on you, but you
22 say you didn't give him the time of day.

23 A. Correct. I don't play with children.

24 Q. Thank you. And you said that when you went outside to
25 take a break, you saw Teidra---

1 A. Uh-huh.

2 Q. ---and Mr. Chestnut outside.

3 A. Yeah. They walked out -- they walked -- as a matter of
4 fact, they walked out together. They were -- yeah, they were
5 outside. Once I went outside to smoke, they were still out
6 there and they were hugging by that point in time.

7 Q. Right. When the police asked you to identify the two
8 people, you were only able to identify one person; correct?

9 A. They only showed me a picture of one.

10 Q. What do you mean by that?

11 A. When it came time to identify, I only saw one and I gave
12 them the description of the other guy.

13 Q. So when you say they only gave you one picture, what do
14 you mean by that?

15 A. Meaning at first it was the -- Tyward Jordan. I
16 identified him right on the spot. Do you understand what I'm
17 saying?

18 Q. Okay.

19 A. Him did not come up until after we got everything -- all
20 the statements down, and that's when everything was made to
21 identify.

22 Q. Okay. And when did you identify Mr. Chestnut?

23 A. I would say about a couple of days -- like the very -- I
24 went in one time to identify one, and I'll say about the next
25 day because I'm not -- I don't live in Columbia, and it was,

1 what you would say, impossible for me to run up and down the
2 road to come back over here to do that.

3 Q. And when you identified Mr. Chestnut, how did you do
4 that?

5 A. I did it from the color of his skin, what he had on, and
6 from the hot dog night.

7 Q. Okay. But what did you tell police?

8 A. I gave them the description of what he looks like.

9 Q. Did you identify---

10 A. I'm not understanding the question.

11 Q. Okay. I'm sorry. Maybe I'm being too vague. Did you
12 identify him with a picture?

13 A. Yes.

14 Q. Okay.

15 A. And -- and a visual.

16 Q. All right. Beg your pardon. Beg the Court's
17 indulgence. That must have gotten lost because the State
18 doesn't have that. Beg the Court's---

19 **Ms. Simpson:** Objection, Your Honor.

20 **Mr. Chaplin:** Beg the Court's indulgence.

21 By Mr. Chaplin:

22 Q. I think my last question is: And you identified the
23 second person during the night of the robbery as having on
24 black and white?

25 A. Correct.

1 Q. A black?

2 A. Bandana.

3 Q. Black bandana. Now, earlier you said it was a red
4 bandana.

5 A. A red bandana. A black bandana in the back pocket of
6 his blue jeans.

7 Q. Oh, the black bandana was in his back pocket?

8 A. And a white shirt and a baseball hat.

9 Q. And jeans---

10 A. He had a cap on, but to sit here right now and just tell
11 you what was on the cap would be impossible. He had on a
12 baseball cap, and he did.

13 Q. All right. So let me get that right. A red bandana on
14 the face.

15 A. Uh-huh.

16 Q. Okay. A black bandana in the pocket.

17 A. Hanging out, yes.

18 Q. And this is the second person.

19 A. Uh-huh.

20 Q. In the cage.

21 A. In the cage.

22 Q. Thank you. And a white shirt, you said?

23 A. Correct.

24 Q. A white shirt?

25 A. White tee.

1 Q. And you say you did a photo identification, but you
2 don't remember who you did that with, do you?

3 A. When I say photo, we have cameras. We have cameras, and
4 each camera had a shot like this. You know how they do the
5 loop? So I would say that's a photo shot. I don't know if
6 they got it from the bingo hall or how they did it, but he's
7 on -- he's on tape. He's on the tape, and it looks just like
8 a little photo on the tape.

9 Q. So you saw the tape?

10 A. Uh-huh.

11 Q. Or they showed it to you?

12 A. No, we went back and looked over the tape.

13 Q. Oh, okay. When did you do that?

14 A. I don't know what -- there was an officer there on
15 sight, but I cannot tell you what officer it was, but it
16 was -- we looked over -- myself, Angela, we looked over a
17 tape.

18 Q. And---

19 A. The reason why I looked over the tape is because I
20 wanted to see because it covered the parking lot area.

21 Q. All right. And when you looked at that tape, that's
22 when you said you identified Mr. Chestnut?

23 A. Uh-huh.

24 **Mr. Chaplin:** Okay. All right. I don't have any
25 further questions for this witness.

1 **The Court:** Redirect?

2 **Ms. Simpson:** Briefly, Your Honor.

3 Redirect Examination

4 By Ms. Simpson:

5 Q. Ms. Ore, going back to the twenty-five-cent hot dog
6 night, you said you saw Terrell Miller, Tyward Jordan, and
7 Jeff Chestnut.

8 A. Correct.

9 Q. Correct? Now, Terrell Miller is whose son?

10 A. That's Teidra's son.

11 Q. And does he have something distinctive about him that---

12 A. He has a keloid on the back of his head.

13 **Court Reporter:** I'm sorry. He has what?

14 **The Witness:** A keloid.

15 By Ms. Simpson:

16 Q. And the people he was in there with were Jeff
17 Chestnut---

18 A. This young man and the other young man.

19 Q. ---and Tyward Jordan. And the people on the night of
20 the robbery, they took stuff from you, too.

21 A. Correct. They took my identification, my Social
22 Security card, my daughter's credit cards, checkbook, yeah.

23 Q. And just so we're clear, this happened a couple of years
24 ago; right?

25 A. Correct.

1 Q. And your memory of events, would it have been better
2 then than it is now?

3 A. No, I believe it's practically---

4 Q. About the same?

5 A. Yeah.

6 Q. But your descriptions -- I believe counsel said that it
7 was a red bandana. Then you said black bandana. I want to
8 point you---

9 Mr. Chaplin: Objection, Your Honor.

10 Ms. Simpson: ---back to your statement.

11 The Court: What's the objection?

12 Mr. Chaplin: The witness has not indicated that she
13 needs anything to refresh her memory.

14 The Witness: Not nary a time did I tell you that.

15 Mr. Chaplin: Well, she just said that she thought her
16 memory was pretty good when---

17 The Court: Overruled. Go ahead.

18 By Ms. Simpson:

19 Q. Okay. Looking at the description that you gave for the
20 second guy, can you read it back to the jury?

21 A. "The second guy is a black and had on a black bandana.
22 He had on a cap, a white shirt, and plain jeans."

23 Q. And that's the guy who when you looked at the video
24 later---

25 A. Uh-huh.

1 Q. ---you said you recognized. Nothing further.

2 The Court: Anything further?

3 Mr. Chaplin: Nothing further.

4 The Court: All right. You may come down. May the
5 witness be excused?

6 Ms. McDuffie: Please, Your Honor.

7 Mr. Chaplin: Without objection.

8 The Court: You're free to go, ma'am. Thank you very
9 much.

10 The Witness: Thank you.

11 The Court: Next witness.

12 Ms. Simpson: The State calls Timothy Bell.

13 Timothy Bell, after being duly sworn, testified as
14 follows:

15 The Clerk: Please have a seat in the witness stand, and
16 state your full name for the record.

17 The Witness: My name is Timothy Bell.

18 Direct Examination

19 By Ms. Simpson:

20 Q. Mr. Bell, how old are you?

21 A. Twenty-nine.

22 Q. Twenty-nine? Are you married?

23 A. No, ma'am.

24 Q. Any children?

25 A. No, ma'am.

1 Q. And we just heard from Drenita Ore.

2 A. Yes, ma'am.

3 Q. What is her relationship to you?

4 A. That's my sister.

5 Q. And do y'all live together?

6 A. No, ma'am.

7 Q. No, ma'am? Where are you living?

8 A. I live with my girlfriend.

9 Q. With your girlfriend?

10 A. Yes, ma'am.

11 Q. Are you living in Sumter? Columbia?

12 A. Sumter.

13 Q. And back on May 23rd of 2010, where were you working?

14 A. At Carolina Gold Bingo.

15 Q. Carolina Gold Bingo? And you were working with your
16 sister?

17 A. Yes, ma'am.

18 Q. How long had you been working at the Carolina Gold?

19 A. Maybe almost a year.

20 Q. Almost a year?

21 A. Yes, ma'am.

22 Q. What kind of work did you do there?

23 A. I was a bingo runner.

24 Q. Bingo runner? What is that?

25 A. I sell sheets on the floor and make sure the customers

1 -- like if they need ice or anything, I'll get it for them.

2 Q. And did you -- I guess during your time working there,
3 would you get to know some of the frequent customers who came
4 all the time?

5 A. Yes, ma'am.

6 Q. And you were familiar with all the employees?

7 A. Yes, ma'am.

8 Q. And back on May 23rd, do you remember that day?

9 A. Yes, ma'am.

10 Q. Do you remember who was working with you?

11 A. Yes, ma'am.

12 Q. Who was working with you?

13 A. It was me -- well, myself, Drenita, Teidra, Scooter,
14 Carnel, Miranda, and I forgot the other two -- the other two
15 young ladies' names.

16 Q. Okay. And back on May 23rd, can you tell us a little
17 bit about what happened?

18 A. That day I was on the floor like selling sheets. My
19 sister say over the mic, "Don't move." So I'm thinking she
20 is playing or whatever, so I'm not paying it really no
21 attention. I'm selling my sheets. She was like, "Don't
22 move. Stop what you're doing. Give them what they want."
23 As I turned around, the young man walks up to me with a gun
24 and made me get on my knees.

25 Q. Okay. And did he say anything to you? Do you remember

1 what he said?

2 A. "You're a bold one. If you want your life, you better
3 get on your knees." He made me get in between two customers.

4 Q. And did you get on your knees?

5 A. Yes, ma'am.

6 Q. What happened after that?

7 A. After that, he went around to customers, taking money
8 out of their pocketbooks, made me get everything out of my
9 pockets and made me like jittery, like don't move or I'll
10 shoot you, you know.

11 Q. Were you scared?

12 A. Yes, ma'am.

13 Q. And did you give him your money?

14 A. Yes, ma'am.

15 Q. And did the other customers -- they gave up their money
16 as well?

17 A. Yes, ma'am.

18 Q. What happened next?

19 A. What happened next is the gentleman on the -- well, the
20 gentleman that was by the call stand and by the -- the one
21 that was in the cage came from out of the cage area, went to
22 the door, exit out, and the other one say everything -- y'all
23 can do what y'all do or whatever and walked out.

24 Q. Okay. Y'all can do what y'all do. Is that the same guy
25 who had the gun on you?

1 A. Yes.

2 Q. And he also told you what during the robbery?

3 A. "You're bold."

4 Q. So you could hear his voice.

5 A. Yes, ma'am.

6 Q. Were you actually able to recognize his voice?

7 A. Yes, ma'am.

8 Q. How did you recognize his voice?

9 A. How I recognized his voice is because about a week
10 earlier we had hot dog night, and everybody was at the break
11 table and they was over there by the break table -- like if
12 this is the break table and right there is like where they
13 sell hot dogs at and you -- you know a voice when you -- like
14 if somebody got a particular voice, you'll remember that
15 voice.

16 Q. Okay. And you're certain that that was the same voice
17 from the guy who robbed you.

18 A. Yes, ma'am.

19 Q. Do you remember -- and I'm focusing on twenty-five-cent
20 hot dog night. Who was with that guy with the voice? Did
21 you recognize or were you even paying attention?

22 A. I was somewhat paying attention but somewhat not, but I
23 recognized it like because Teidra said this is her son and
24 her friend -- this is friends or whatever.

25 Q. Okay. And then did you just go on about your work on

1 twenty-five-cent hot dog night?

2 A. Yeah.

3 Q. And when the police -- what happened after the robbery
4 was over and they fled? What did you do next?

5 A. I made sure like all my former employees was okay, and I
6 asked like, "Everybody okay?" They said, "Yeah." Teidra,
7 she: I got to go. I got to go right now.

8 We just got robbed. Why you got to go? You need to try
9 to stay to see if everybody else is okay. You leaving? She
10 just left.

11 Q. She just left?

12 A. Yeah.

13 Q. Were people trying to tell her to stay?

14 A. Yes, ma'am.

15 Q. And when the police came, did you actually talk to them
16 and tell them what you knew?

17 A. Yes, ma'am.

18 Q. Okay. And you were just able to recognize the voice.

19 A. The voice. I recognized the voice. The one dude had
20 like -- well, I call it -- excuse my French but a titty
21 behind your ear.

22 Q. A keloid?

23 A. Yeah.

24 Q. Is that what you're...

25 A. Yeah.

1 Q. That was on the twenty-five-cent hot dog night; right?

2 A. (Witness nodded head up and down.)

3 Q. And you actually never -- during the robbery, the gun
4 was in your face.

5 A. Yes, ma'am.

6 Q. He made you get on your knees.

7 A. Yes, ma'am.

8 Q. Was that the person that you were focused on during the
9 robbery?

10 A. Yes, ma'am.

11 **Ms. Simpson:** Thank you, Mr. Bell.

12 Cross-Examination

13 By Mr. Chaplin:

14 Q. Mr. Bell -- okay. Well, you said that a young man made
15 you get on your knees.

16 A. Yes, sir.

17 Q. Okay. All right. So that's the person that was on the
18 floor.

19 A. Yes, sir.

20 Q. Okay.

21 A. That's the person that left beside the call stand.

22 Q. Thank you. And you indicated -- so when you were on the
23 floor, you were -- your head was down?

24 A. I was like -- on the floor like how?

25 Q. Oh, I'm just asking you where were you when you were on

1 the floor---

2 A. I was in the rows. I was walking in the rows selling my
3 sheets. I got to keep my head down to focus on the money so
4 I can pass out sheets so I can give the person the correct
5 change.

6 Q. Yes, sir. When you were asked to get on the floor, how
7 were you on the floor?

8 A. On my knees, looking up at him. He cocked the .45 back
9 and put it to my head.

10 Q. And that was the person that was---

11 A. Right next to the call stand.

12 Q. If someone else was on the floor at that time, do you
13 think they would have seen you with him cocking a gun to your
14 head?

15 A. Say that again.

16 Q. You said that you were on your knees and somebody was
17 standing over you with a gun to your head.

18 A. Yes, sir.

19 Q. Okay. So anyone else that was out there more than
20 likely saw that as well; right?

21 A. Yes. I was in between two customers, two female
22 customers at that.

23 Q. And do you know who those customers were?

24 A. Yes, ma'am (verbatim).

25 Q. Okay. Who were they?

1 A. It was Mrs. -- I can't -- I can't -- I don't know. I
2 forgot their names, but I know them.

3 Q. Right. So you're on your knees looking up at the tall
4 person that's on the floor.

5 A. Yes.

6 Q. I'm sorry. You didn't say tall; I did that.

7 A. Yes, sir.

8 Q. But the person that was on the floor---

9 A. Looking up at him---

10 Q. You're looking up at that individual.

11 A. Yes, sir.

12 Q. All right. So did you ever quit looking at that person
13 so that you could see what else that person did?

14 A. I glanced over at the other gentleman because I'm kind
15 of worried about the other customers and other people in the
16 bingo hall that's working with us. So I glanced over at the
17 other gentleman that was behind the cage, and as I finished
18 looking at him, the dude had cocked the gun and put it to my
19 head.

20 Q. Okay. Now, you said that at some point the two people
21 ran out the door.

22 A. Yeah.

23 Q. All right. So you saw the second person when he was
24 running out the door.

25 A. I seen the second person when he came in and running

1 out.

2 Q. All right. And you told the police that?

3 A. Yes, sir.

4 Q. Did you do a line-up or a photo?

5 A. No, I did not.

6 Q. Okay. And who did you tell that to?

7 A. I don't remember the officer's name, but I remember
8 telling it to the officer that came there that night.

9 Q. Okay. And do you remember speaking with Officer
10 Carwell? I think he's sitting right here?

11 A. Officer? Are you talking about---

12 Q. Carwell. Right here.

13 A. Yes. Yes.

14 Q. Okay. And did you tell him that the person on the floor
15 was like six feet tall?

16 A. Well, he was about -- I'm 6'2". He was about 5'8",
17 5'9", 5'10", something like that, almost six feet, yeah.

18 Q. Okay. And that the person had on black -- a black
19 shirt?

20 A. A black shirt -- a black shirt, blue jeans, and a
21 bandana -- a brown bandana on his face.

22 Q. Okay. So who had on the red bandana?

23 A. I don't -- the one that went behind the cage.

24 Q. Had on a red bandana?

25 A. (Witness nodded head up and down.)

1 Q. Are you certain of that?

2 A. Yes. Red is my favorite color.

3 Q. Okay. Great. Did you ever do a robbery questionnaire?

4 A. No. No.

5 Q. No? So -- so you just -- so you didn't -- you weren't
6 able to do any photo line-ups and you weren't able to do any
7 robbery questionnaires, and you don't have any notes from
8 that event.

9 A. No.

10 Q. Did you take any?

11 A. No.

12 Q. No? Okay. And I know it was a pretty horrific event,
13 and I apologize to you for that in advance. I'm just trying
14 to understand what you saw. You said you recognized the one
15 person's voice.

16 A. Yes.

17 Q. Okay. And do you know who that person was?

18 A. No, I do not.

19 Q. No. Okay. Were you able to identify that person for
20 the police?

21 A. No, because I ain't never seen no line-up, so I can't---

22 Q. So you---

23 A. But I know a voice -- I know a voice when I hear it
24 again.

25 Q. Yes.

1 A. Like you couldn't -- I couldn't see you for another ten
2 years or whatever, but I'll always remember your voice.

3 Q. Okay. So you've never identified anyone for the police
4 as far as the robbers.

5 A. No. Like they ain't never give me no line-up, so how
6 can I identify somebody?

7 **Mr. Chaplin:** Okay. I thank you very much, sir.

8 **The Court:** Redirect.

9 **Ms. Simpson:** Briefly, Your Honor.

10 Redirect Examination

11 By Ms. Simpson:

12 Q. Mr. Bell, as far as your level of recognition, the guy
13 who robbed you, you recognized his voice; right?

14 A. Yes.

15 Q. And you recognized his voice as being the same one from
16 the twenty-five-cent hot dog night.

17 A. Yes.

18 Q. And do you remember who he was with on twenty-five-cent
19 hot dog night?

20 A. Teidra and her son. Like he said -- her son said that
21 was his friends or whatever.

22 Q. Okay. And other friends or whatever.

23 A. Yeah.

24 Q. And -- but your focus on the day of the robbery was on
25 which person?

1 A. The one who had the .45 cocked to my head.

2 Q. Okay. Put to your head.

3 A. Yes.

4 Q. Were you really concerned or focused on the second guy?

5 A. I was more concerned about like is somebody getting hurt
6 because I don't -- to me or whatever, if it's my time, it's
7 my time, but I'm concerned about my sisters and other people.

8 Q. And you never tried to tell police that you could pick
9 or see or identify anybody, right, from pictures?

10 A. Right.

11 Q. Just the voice.

12 A. Just the voice.

13 Q. Of the one.

14 A. Yeah. I remember that voice all day long, contemplating
15 in my head, because I think about it to this day. I get
16 nervous. I would not work in a bingo hall again because I
17 got robbed.

18 Q. And the second person, you weren't able to identify them
19 in any way.

20 A. No.

21 Ms. Simpson: Thank you, Mr. Bell.

22 The Court: Anything further?

23 Mr. Chaplin: Nothing further for this witness. Thank
24 you very much.

25 The Court: All right. You may come down. May this

1 witness be excused?

2 **Ms. McDuffie:** Yes.

3 **The Court:** Without objection.

4 **Mr. Chaplin:** Without objection, yes.

5 **The Court:** All right. Ladies and gentlemen of the
6 jury, let's take a morning break at this time. I'll ask --
7 we'll call you in about ten minutes. Just relax in the jury
8 room, and don't discuss the case. You haven't heard all the
9 evidence yet. So just relax for a few minutes in the jury
10 room. We'll take a short break at this time.

11 (Whereupon, the jury was excused from open court at
12 11:45 a.m.)

13 **The Court:** All right. We'll stand at ease for ten
14 minutes.

15 (Whereupon, a short break was taken.)

16 **The Court:** Be seated. Thank you. Approach the bench,
17 counsel.

18 (Whereupon, a bench conference was held.)

19 **The Court:** Bring Juror Number 93.

20 **Bailiff:** Yes, sir.

21 **Mr. Chaplin:** Your Honor, may we approach?

22 **The Court:** No, sir. Let me do this.

23 **Mr. Chaplin:** Oh, okay, sir.

24 (Whereupon, Juror Number 93 was brought into the
25 courtroom at 12:09 p.m.)

1 **The Court:** Sir, just have a -- just stay right there
2 for a minute.

3 **Juror 93:** Okay.

4 **The Court:** I have your note that says you need to leave
5 at 3:15?

6 **Juror 93:** Yes.

7 **The Court:** Well, our general working hours are until 5
8 or 5:30. Is it a compelling reason? Can you tell me?

9 **Juror 93:** Well, my wife has a doctor's appointment, and
10 I have a four-year-old, so -- and she can't take the
11 four-year-old to the doctor, so I just need to help her.

12 **The Court:** All right. Just return to the jury room.

13 **Juror 93:** Okay.

14 (Whereupon, Juror Number 93 leaves the courtroom.)

15 **The Court:** All right. Counsel, Juror Number 93, just
16 for the record, sent a note to the Court that he needs to
17 leave at 3:15 today, and upon questioning he indicates that
18 his wife has a doctor's appointment. They have a four-year-
19 old, and somebody needs to take care of the four-year-old.
20 Any objection to releasing this -- Solicitor, what was the
21 question about the other juror that you thought was a victim
22 -- I mean is a victim or a defendant?

23 **Ms. McDuffie:** Your Honor, I thought that she looked
24 familiar. She may have been a victim. We checked our
25 database and she was not a victim in that case, so I don't

1 believe there's an issue.

2 **The Court:** No issue with her?

3 **Ms. McDuffie:** No, Your Honor.

4 **The Court:** Is there any objection to releasing Juror
5 Number 93?

6 **Mr. Chaplin:** No objection from the defense.

7 **Ms. McDuffie:** No, Your Honor.

8 **The Court:** All right. Pat, do you take care of Number
9 93?

10 **The Clerk:** Yes, sir.

11 **The Court:** Bring the rest of the jury. We're going to
12 dismiss Number 93.

13 **Bailiff:** Yes.

14 **The Court:** And just bring the rest of the jury.

15 **Ms. McDuffie:** Your Honor, prior---

16 **The Court:** Hold on. Hold on.

17 **Ms. McDuffie:** Did Mr. Chaplin get something from the
18 bonding company?

19 **The Court:** I haven't had a chance to look at it.

20 **Ms. McDuffie:** We would just be asking for an
21 opportunity to look at it before Your Honor makes a---

22 **Mr. Chaplin:** Oh, I'm sorry. I was supposed to have
23 done that. I apologize. Your Honor, may I...

24 **The Court:** Yeah.

25 **Mr. Chaplin:** Yeah, that was wrong of me. I'm sorry.

1 **The Court:** We don't have to deal with that. Let's get
2 the jury in. Let's get this case going.

3 **Mr. Chaplin:** I'm sorry.

4 (Whereupon, the jury was brought into open court at
5 12:12 p.m. Court's Exhibit 1 was marked for identification
6 only.)

7 **The Court:** All right. Solicitor, call your next
8 witness.

9 **Ms. McDuffie:** The State would call Kayla Sharpe.

10 Kayla Sharpe, after being duly sworn, testified as
11 follows:

12 **The Court:** Have a seat in the witness box. State your
13 full name for the record.

14 **The Witness:** Kayla Sharpe.

15 Direct Examination

16 By Ms. McDuffie:

17 Q. Ms. Sharpe, you speak quietly. Please speak into the
18 microphone so that everyone can hear you, and you can scoot
19 in closer if you want to. Can you please state your name
20 again for the record?

21 A. Kayla Sharpe.

22 Q. Ms. Sharpe, how old are you?

23 A. I'm 19.

24 Q. And in May of 2010, where were you employed?

25 A. At Carolina Gold Bingo.

1 Q. And you're very nervous today, aren't you?

2 A. Yes, ma'am.

3 Q. What were your duties at Carolina Gold Bingo in May of
4 2010?

5 A. I was the banker.

6 Q. And please tell the jury what you did as a banker.

7 A. I would handle all the money in and out of the bingo
8 hall.

9 **Court Reporter:** I can't hear you.

10 **The Witness:** I would handle all the money in and out of
11 the bingo hall.

12 By Ms. McDuffie:

13 Q. And on May 23rd of 2010, were you working that Sunday?

14 A. Yes, ma'am.

15 Q. Please tell the jury what happened that day.

16 A. I went into work. I got there at 5, and my mom is the
17 manager and -- I'm sorry.

18 Q. Take your time.

19 A. Technically, I wasn't supposed to be working yet because
20 I had a two-month-old at home, and normally when I go in I
21 count the money to get ready -- to get the money ready and
22 get everything set up to start the day.

23 Q. And is that what you did on May the 23rd of 2010?

24 A. Yes, ma'am.

25 Q. And after you got everything ready for that day, did the

1 bingo open?

2 A. Yes, ma'am.

3 Q. And once the bingo opened, what were your duties and
4 what were you doing?

5 A. I count the money that the runners bring in. I help the
6 manager who is my mother -- who was my mother -- is my mother
7 at the time, and I record if they're short which means if
8 they take out 20 sheets they should come back with -- if it's
9 50-cent sheets, they should come back with \$10 or if it's a
10 dollar sheet, they should come back with \$20. And if they
11 don't, then you record if they're short or if they're over,
12 and if they need banks, which would be change for twenties,
13 then you would give them that, and that's what I was doing at
14 the time.

15 Q. And things were normal that day? Do you remember your
16 cell phone number at the time?

17 A. It was 803-606-7035.

18 Q. 606-7035?

19 A. Yes, ma'am.

20 Q. And did anyone that night ask you to borrow your cell
21 phone?

22 A. Yes, ma'am.

23 Q. And who was that?

24 A. Teidra.

25 Q. And how did you know Teidra?

1 A. She worked with us.

2 Q. And you saw Teidra that night?

3 A. Uh-huh.

4 Q. She asked to borrow your cell phone?

5 A. Yes, ma'am.

6 Q. What number did she call with your cell phone?

7 A. 803-740-9098.

8 Q. 740-9098?

9 A. Yes.

10 Q. And how do you -- do you know how many times she used
11 your cell phone that night?

12 A. No, I don't remember.

13 Q. And at some point in time two men entered with guns.

14 A. Yes, ma'am.

15 Q. And where were you when this happened?

16 A. I had taken a customer to the back room because she had
17 a problem with the machines we had in the back, and I was
18 trying to solve the issue back there. And I had -- when I
19 came back out of that room, I didn't realize what was going
20 on, and the caller at the time told me, "Kayla, stop. Stop.
21 We're being robbed, baby." That's her exact words, and I
22 still didn't understand what was going on, and I kept on
23 walking.

24 Q. I'm sorry. I know this is very hard for you.

25 A. And all I could think about was my daughter at home,

1 that I might not ever get to see her again, and my mama that
2 was in the cage.

3 Q. Did you look for your mom?

4 A. Yes.

5 Q. And tell the jury what you saw when you looked for your
6 mom.

7 A. There was a man going back there.

8 Q. Did he have a gun?

9 A. A gun pointed towards her.

10 Q. Your mom -- her name is Angela Diaz-Garcia?

11 A. That's correct.

12 Q. The man that had the gun pointed towards your mom, tell
13 the jury what you saw after that.

14 A. He was waving the gun towards her and I could see she
15 was very scared, and all I could think about was if he shot
16 her what was going to happen and I don't know. Everything
17 happened so fast.

18 Q. Do you remember what he was wearing?

19 A. Black pants. I don't remember the color of the shirt,
20 and I know he had on a black bandana covering his face.

21 Q. He had a black bandana on?

22 A. Yes, ma'am.

23 Q. And a gun?

24 A. Yes.

25 Q. And he went back to where your mom was?

1 A. Yes.

2 Q. What was in the room where your mom was?

3 A. The money that we had just switched over from where we
4 normally kept it.

5 Q. So where did you -- prior to this, where did you keep
6 the money?

7 **The Court:** Ma'am, just a minute.

8 **The Witness:** Yes.

9 **The Court:** Move your hand.

10 By Ms. McDuffie:

11 Q. Just don't cover your mouth when you talk to the jury.

12 A. It was normally kept just sitting on the counter, but we
13 had changed it to a drawer that was under the counter.

14 Q. And when did you change it to the drawer?

15 A. About four days ago before this happened.

16 Q. So four days prior to this happening, you switched the
17 money and put it in a drawer under the counter?

18 A. Yes, ma'am.

19 Q. And who knew about that?

20 A. Myself, my mother, and the employees because they had to
21 go behind the counter to clock in and out.

22 Q. And sometimes they would see you taking money in and
23 out, things of that nature?

24 A. Yes, ma'am.

25 Q. So it wasn't a big secret for the employees. They knew

1 where it was?

2 A. No, it was no secret.

3 Q. But it had just been moved there.

4 A. Uh-huh.

5 Q. Did you see the person with the gun go back to where
6 your mom was?

7 A. Uh-huh.

8 Q. Tell the jury what you saw.

9 A. I know he was around where the drawer was, and I mean,
10 it was a robbery, so I figured he was getting the money out
11 of that drawer or around where I was keeping the money at the
12 time. And then he came from around there, and the other guy
13 that was on the floor had came up to me and I set my stuff --
14 he told me to set my stuff down on the floor, so I set it on
15 the floor. He grabbed what money I had in my hand that I had
16 sat down on the floor. He grabbed that, and they took off
17 that -- in that direction and then out that way out the door.

18 Q. The front door or the side door?

19 A. It was the side door. I was facing towards the cage.

20 Q. And the man that had the gun pointed on your mother, do
21 you remember what he looked like?

22 A. I remember his build. He was shorter than the guy that
23 was on the floor and chunkier.

24 Q. And that's all you remember about him?

25 A. Yes, ma'am.

1 Q. After they left, what did you then do?

2 A. I ran straight back to the cage and made sure my mom was
3 okay, and then I called my fiance' and made sure my
4 daughter -- I don't know why -- it didn't make sense to me at
5 the time -- made sure that my daughter was okay and explained
6 to him that we had just been robbed.

7 Q. You waited around and you talked to the police when they
8 got there?

9 A. Yeah.

10 Q. And you provided a statement to them at the time?

11 A. Yes, ma'am.

12 Q. And then after that did you work at the bingo any more
13 after that?

14 A. Yeah, because we needed the money.

15 Q. And did the bingo close shortly after this?

16 A. Yes, it closed. Yeah. And then we reopened in North
17 Carolina.

18 Q. And then there was supposed to be or usually there would
19 be security guards there as well?

20 A. Uh-huh.

21 Q. And were there security guards that night?

22 A. No. The security guard had left that night.

23 Q. Do you know why?

24 A. I don't know the exact reason why, no. I didn't speak
25 to her.

1 **Ms. McDuffie:** Thank you. No further questions for this
2 witness, Your Honor.

3 **The Court:** Cross-Examination.

4 Cross-Examination

5 By Mr. Chaplin:

6 Q. Ms. Sharpe, so this whole event, you were pretty upset
7 the whole time, weren't you?

8 A. Yes, sir.

9 Q. Okay. And you spoke with the police afterwards?

10 A. Yes, sir.

11 Q. You didn't give a description of either one of the
12 robbers, did you?

13 A. Yes, I did.

14 Q. You did?

15 A. Uh-huh.

16 Q. Okay. And did you do that -- which officer did you give
17 the description to?

18 A. I don't remember his name.

19 Q. Okay. And you described the person that was on the
20 floor that took the money from you?

21 A. I described him as tall and slender. That was...

22 Q. Tall and slender?

23 A. Uh-huh.

24 Q. And the other guy as chunkier and shorter?

25 A. Shorter and chunkier, yes.

1 Q. Okay. All right. Now, I know you also described some
2 clothing; I caught that. In your statement -- do you
3 remember giving a statement to - let me get it right -
4 Officer Carwell? This is the gentleman sitting right here.

5 A. Uh-huh.

6 Q. Do you remember that?

7 A. Uh-huh.

8 Q. Okay. I'm just a little confused. In your -- just a
9 minute ago you testified that I guess the tall and slender
10 guy robbed you?

11 A. Uh-huh.

12 Q. Took money from you or did I miss---

13 A. Not directly -- not directly from me but I sat it on the
14 floor and he took it off the floor, yes.

15 Q. Okay. All right. I didn't want to put words in your
16 mouth. So it was your pocketbook or your money or what?

17 A. It was money from the bingo.

18 Q. Oh, okay. All right. All right. So then in your
19 statement -- so did you take the money out of the cash drawer
20 and put it on the floor?

21 A. It wasn't out of the cash drawer.

22 Q. Okay. All right. I'm reading your statement, and the
23 question to you was: "Did the subject take any money from
24 you?" Do you have a copy of that statement?

25 A. Uh-huh.

1 Q. Okay. Are you looking at it?

2 A. Uh-huh.

3 Q. All right. And then you responded, "No, he took the
4 money from the cash drawer."

5 A. Because he didn't take it from me. He took it off the
6 floor.

7 Q. So the money that was on the floor was from the cash
8 drawer.

9 A. No, it came -- it came from the bingo. It was -- it was
10 in my hands when I came from that back room, and he told me
11 to put it on the floor. I put it on the floor, and that's
12 where he took it from.

13 Q. Okay. So you never saw anybody take money from the cash
14 drawer.

15 A. On the videos.

16 Q. Oh, I see. Okay. So this is on the videos is what you
17 saw.

18 A. Uh-huh.

19 Q. All right. It didn't say that. When did you watch the
20 videos?

21 A. I don't remember. I think it was the next day, but I'm
22 not sure.

23 Q. The next day? Were a lot of employees and people
24 watching it? Because I know Angela watched it and I know Mr.
25 Bell watched it. And you watched it?

1 A. Uh-huh.

2 Q. Any other people?

3 A. And Scooter watched them.

4 Q. What about Ms. Ore?

5 A. Yeah, she did, too.

6 Q. She did, too?

7 A. Uh-huh.

8 Q. Okay. So y'all just all sat around---

9 A. With the detectives.

10 Q. With the detectives.

11 A. And watched it.

12 Q. And y'all watched the videos.

13 A. Uh-huh.

14 Q. And y'all talked about what you saw.

15 A. (Witness nodded head up and down.)

16 **Mr. Chaplin:** Okay. All right. Beg the Court's
17 indulgence. I think I'm finished. Thank you so much.

18 **The Court:** Redirect?

19 **Ms. McDuffie:** No, Your Honor.

20 **The Court:** All right, ma'am. You may come down. Thank
21 you very much. Next witness.

22 **Ms. Simpson:** The State calls Marva Coates.

23 Marva Coates, after being duly sworn, testified as
24 follows:

25 **The Clerk:** Please have a seat in the witness stand, and

1 state your full name for the record, and please spell your
2 last name.

3 **The Witness:** Marva Coates. C-O-A-T-E-S.

4 Direct Examination

5 By Ms. Simpson:

6 Q. Ms. Coates, how old are you?

7 A. Fifty-three.

8 Q. Fifty-three? And are you working?

9 A. Yes.

10 Q. What kind of work do you do?

11 A. I'm an educator with adult education.

12 Q. All right. And back in May of 2010, do you remember
13 being at the bingo hall?

14 A. Yes.

15 Q. And the bingo hall -- can you tell us a little bit about
16 it and what you would do there?

17 A. We played bingo. Played bingo.

18 Q. Okay. So you were a customer.

19 A. Yes.

20 Q. All right. And would you go there with friends or did
21 you meet people there? How did that work?

22 A. Go there with friends sometimes and meet people there.
23 We became sort of like a close-knit little family, you know,
24 bringing snacks and so forth and sharing cookies or food.

25 Q. Okay. And when you went there, you said you got to know

1 the people. How often would you go play bingo?

2 A. At least three or four nights a week.

3 Q. Three or four nights a week? And on May 23rd of 2010,
4 that was a Sunday; right?

5 A. Yes.

6 Q. And would you often go play bingo on Sundays?

7 A. Yes.

8 Q. And can you tell us what happened that day?

9 A. On that day I went to the bingo hall. I sat down. I
10 generally got there kind of early because you become
11 accustomed to sitting in certain seats, so I generally got
12 there early, and I waited for some of my friends to come.
13 And we would started playing the Early Bird -- they would
14 call it the Early Bird Bingo.

15 Q. Early Bird Bingo? And who were some of your friends?

16 A. Mr. And Mrs. Furtick.

17 Q. Okay. And did they actually come that day?

18 A. Yes.

19 Q. All right. When did they arrive?

20 A. They arrived -- I arrived around 6:25. They arrived
21 shortly after that because we had -- we had only played about
22 one or two of the Early Bird games.

23 Q. And did you get to know some of the employees as well?

24 A. Yes, Peanut, Drenita, Scooter.

25 Q. So Peanut, Drenita, and Scooter.

1 A. Uh-huh.

2 Q. You knew them pretty well. All right. And who would be
3 the person selling the tickets?

4 A. You mean at the---

5 Q. Running.

6 A. Oh, running? Scooter. They -- it varied. They changed
7 up. Sometimes it would be Drenita or, you know, Scooter and
8 Peanut and some others. I just don't remember their names.

9 Q. And on this day do you remember what all everybody was
10 doing?

11 A. Drenita was calling at the -- calling the numbers out
12 for the games, and Scooter and Peanut, they were running,
13 selling the sheets on the floor.

14 Q. And after y'all started and had been there for a few
15 games, what happened next?

16 A. Mr. And Mrs. Furtick came in and they were in the
17 process of getting settled, and then all of a sudden someone
18 came in through the back or the side door.

19 Q. Okay. So the back side doors?

20 A. (Witness nodded head affirmatively.)

21 Q. You said someone. What did you see?

22 A. I saw -- I saw one person come in and I did not see
23 their face as they came in, and then I heard Drenita say,
24 "Just don't nobody move. Don't nobody move." And then the
25 person that came in the door came around and came and stood

1 right in front of our table. Mr. And Mrs. Furtick was
2 sitting right next to me, and he came and stood in front of
3 our table, and then I heard him tell Peanut, "Get on your
4 knees. Get on your knees." And Peanut dropped to his knees
5 and he told him - I don't remember the exact words - but to
6 give him his money out of his apron, and Peanut did that.

7 Then he came down this way and he had the gun in his
8 hand, and he took the gun out of Ms. Furtick's -- I'm sorry
9 -- the money out of Ms. Furtick's hand. And then I had some
10 money lying on the table, and he came and he took that. And
11 then he had the gun pointed at us and then when -- after he
12 took mine's (verbatim) -- I don't know if I looked like I was
13 getting ready to move or something, but he just held the gun
14 in my face and said, "Don't move. Don't move."

15 Q. And I'll back you up just a little bit. When they came
16 in the door, did you really know what was happening at first?

17 A. No, not at first.

18 Q. At what point did you realize that this was a robbery?

19 A. Of course, when Drenita said, "Don't anybody move," I
20 still was sort of confused because I still didn't know what
21 was going on until he actually came in front of our table and
22 had the gun up.

23 Q. Okay. And he had the gun up. Do you remember how he
24 had the gun---

25 A. He had---

1 Q. ---in your faces?

2 A. He had it like that.

3 Q. So kind of to the side.

4 A. Yes.

5 Q. And did you feel like you were free to leave?

6 A. No, I did not feel like I was free to leave.

7 Q. So he was saying---

8 A. Don't -- well, he -- at one point he told me, "Don't
9 move. Don't move."

10 Q. "Don't move," and the gun was in your face---

11 A. Yes.

12 Q. ---while he was saying this. And did he actually take
13 money from you or---

14 A. Yes.

15 Q. ---demand money from you?

16 A. It was lying on the table right in front of me, and he
17 took it off the table.

18 Q. And after they fled, what happened?

19 A. The police was called, and they asked would I stay and
20 make a statement when the policeman came and I said, "Yes."

21 Q. You spoke with the officer?

22 A. Yes.

23 Q. And did you provide them with some descriptions, as best
24 you can remember?

25 A. Yes, I did.

1 Q. I know a lot was going on. But you -- do you remember
2 what description you gave them of the first guy on the floor
3 with the gun?

4 A. I gave -- I said he was about 5'7", 5'8", that he had a
5 low haircut -- low haircut. He had a bandana around his face
6 and that -- and what the gun looked like.

7 Q. And how did you describe the gun? Was it a handgun?

8 A. Yes.

9 Q. Or a pistol?

10 A. I don't know the difference.

11 Q. You don't know much about guns?

12 A. It was -- I mean, he held it in his hand and it was gray
13 at the front and then black or brown, a dark color.

14 Q. And at some point during this robbery did you actually
15 see -- get a glimpse of the second guy as well?

16 A. Okay. After the first person that was standing in front
17 of me took the money, he walked behind me, and I don't know
18 what happened because I was too afraid to turn around, but
19 then I saw him make a motion like this.

20 Q. And by him, which one?

21 A. The one that was in front of my table.

22 Q. Okay. So he was motioning---

23 A. Like let's go.

24 Q. ---to the other guy. Okay.

25 A. And out of the corner of my eye I could see another

1 person coming by and they were dressed in all black -- well,
2 dressed in black and had a cap on and a bag with money in it.

3 Q. And a bag? And did you provide the police with that
4 description as well?

5 A. Yes, and that -- yes, and that, you know, they asked me
6 could I tell anything else and I said that underneath the cap
7 it looked like he had either dreads or twists hanging down.

8 Q. Okay. So the second guy actually had some hair hanging
9 out of the cap.

10 A. Yes.

11 Q. But the guy on the floor---

12 A. Had a low haircut.

13 Q. Low haircut. And he was taller?

14 A. Yes.

15 Q. From the best you can remember.

16 A. Yes.

17 Q. So after this happened and you actually -- do you
18 remember giving a statement, too?

19 A. Yes, I did give a statement to the police.

20 Q. Okay. So you told the police what happened.

21 A. Yes.

22 Q. And how has this affected you?

23 A. Well, while the whole thing was going on, it was -- you
24 know, you're almost like you can't believe this is happening
25 to you because we had been going there a good little while.

1 Nothing like that had ever occurred. Nothing like that had
2 never occurred to me and especially when he had the gun in my
3 face. It was like, okay, this is not happening. And then
4 when he, you know, had the gun in my face, it was like, okay,
5 I'm going to die today. That's how I felt; I was going to
6 die today.

7 Like I said, when he said, "Don't move," I don't know
8 what I was doing at that particular time to give him the
9 impression that I was going to move, but he -- it was like:
10 If you blink, I'm going to shoot you. And I was -- I was
11 very scared. I couldn't sleep at night for a good little
12 while, and it was just every time -- because of noticing him
13 coming in the door, when I'm in a place and I see a door
14 open, it's like, okay, I've got to try to make sure I see who
15 this is, what they have, and what they're getting ready to
16 do.

17 Q. And with these guys, you gave the police the best
18 description that you could; right?

19 A. Yes.

20 Q. But you never actually picked anybody out---

21 A. No.

22 Q. ---and identified them.

23 A. No.

24 Q. Thank you, Ms. Coates.

25 A. Uh-huh.

Cross-Examination

By Mr. Chaplin:

Q. Good afternoon, Ms. Coates. How are you doing?

A. Fine. And you?

Q. Good. Did you go back to the bingo parlor the following day and watch the video with the other employees?

A. No, sir.

Q. You didn't? Now, you spent most of your time focusing on the man on the floor, the robber that was on the floor.

A. Yes, sir.

Q. All right. But you said that out of the corner of your eye you saw someone that had on a black -- was dressed in black with a hat on and a bag with money?

A. Yes.

Q. How do you know the bag had money?

A. Because it wasn't -- it wasn't a green or a black trash bag. It was sort of that white -- not clear white but you could still see through it.

Q. You could see through it.

A. Uh-huh.

Q. Okay. You said that the person -- the second person had hair or something sticking out of his hat?

A. I said it looked like dreads or twists---

Q. Okay.

A. ---sticking from underneath the back of the hat.

1 Q. Right. But right after this -- beg the Court's
2 indulgence one second. Now, you said that on the 18th of
3 June.

4 A. No---

5 Q. Trust me. That's what the date says in the box.

6 A. That's---

7 Q. That's when you gave your statement?

8 **Ms. Simpson:** Objection, Your Honor. Please let -- tell
9 counsel to ask a question and let the witness answer.

10 **Mr. Chaplin:** I apologize. May I approach the witness?

11 **The Court:** Sure. Absolutely.

12 **Mr. Chaplin:** Thank you.

13 By Mr. Chaplin:

14 Q. Would you just take a look at the date of the bottom of
15 that? I'm sorry.

16 A. Yes. Okay.

17 Q. Does it say 18 June?

18 A. Yes, it does.

19 Q. Okay. And that's -- and that is the statement that you
20 gave?

21 A. Yes, sir, it is.

22 Q. Okay. All right. Thank you. All right. So on the
23 18th of June you gave a statement, and in that statement you
24 described the person -- the second person as having -- he had
25 on all black. I saw some hair sticking out from the cap. It

1 was like dreads or twists. That's all I can remember.

2 A. Yes.

3 Q. But you did a robbery questionnaire immediately after
4 the robbery, and you described the second person at that time
5 as black, dark male around 18 to 20 years old. Hair color
6 unknown. Hair length unknown. Hairstyle unknown. Unique
7 features, N/A. So is that questionnaire wrong?

8 A. At the time that the officer asked me those questions,
9 that's what I told him.

10 Q. Okay. All right. But on the 18th you had more
11 information.

12 A. Yeah, as I was talking to the police officer.

13 Q. Say that again, ma'am.

14 A. As I was talking to the police officer and when I was
15 filling out that questionnaire, it was right after the
16 robbery.

17 Q. And after the robbery, you didn't recognize anything,
18 but over two weeks later you remembered that the person had
19 dreads?

20 A. Well, I said dreads or twists. I just remembered---

21 Q. Or twists. I'm sorry.

22 A. ---hair sticking from underneath the cap.

23 Q. You didn't remember that right after the robbery?

24 A. Not right after the robbery.

25 Q. No? Okay. All right. But you didn't give a

1 description -- you didn't identify either person though, did
2 you?

3 A. No, just the descriptions that I gave.

4 Q. All right. And how far away was the person that was --
5 that had on the dreads or twists? How far away was that
6 person from you?

7 A. Okay. We were sitting at a table. The table where we
8 were sitting was almost directly in front of the caller
9 stand.

10 Q. Yes, ma'am.

11 A. And then to my left would have been the concession
12 stand.

13 Q. Yes, ma'am.

14 A. And the person was walking down that side.

15 Q. Okay.

16 A. To go out the back door or the side door.

17 Q. Okay. So you just saw that per -- the second person
18 when they were leaving.

19 A. When they were leaving.

20 Q. So you saw their back.

21 A. Correct.

22 **Mr. Chaplin:** Okay. Thank you very much.

23 **The Court:** Anything further?

24 **Ms. Simpson:** Yes, Your Honor.

25

Redirect Examination

By Ms. Simpson:

Q. Ms. Coates, on the night of the robbery when the first officer spoke to you, were you very upset?

A. Yes, I was.

Q. A little shaken? Rattled?

A. Yes.

Q. And then -- but were you able to give them a general description of what you could remember---

A. Yes.

Q. ---at that time?

A. Yes.

Q. Then a couple of weeks later you talked to another officer; correct?

A. Yes.

Q. Did he come to your home?

A. No, I went to the sheriff's department.

Q. You went to the sheriff's department. Had you had a little time to calm down?

A. Yes.

Q. And you gave him a statement.

A. Yes.

Q. With what you remembered.

A. Yes.

Q. And you remembered that the second guy actually had

1 dreads or some twists.

2 A. Yes.

3 Q. Correct?

4 A. Yes.

5 Ms. Simpson: Thank you.

6 Mr. Chaplin: Briefly.

7 The Court: Yes, sir.

8 Mr. Chaplin: Disregard. No further questions for this
9 witness.

10 The Court: All right, ma'am. You may come down. May
11 this witness be excused? Without objection?

12 Mr. Chaplin: Without objection.

13 The Court: Next witness.

14 Mr. Steadman: The State calls Sarah Furtick.

15 Sarah Furtick, after being duly sworn, testified as
16 follows:

17 The Clerk: Please have a seat in the witness stand.
18 State your full name for the record, and please spell your
19 first name.

20 The Witness: Sarah Furtick. Furtick, F-U-R-T-I-C-K.

21 Court Reporter: Please spell your first name.

22 The Witness: Sarah. S-A-R-A-H.

23 Direct Examination

24 By Mr. Steadman:

25 Q. Good afternoon, Ms. Furtick. How are you doing today?

1 A. Pretty good. How are you?

2 Q. Good. I want to start off with a few questions as to
3 your background. Where do you currently live?

4 A. Orangeburg, South Carolina.

5 Q. Are you from Orangeburg?

6 A. Well, Bennettsville, South Carolina, is my home, but
7 I've been here over 40 years.

8 Q. And do you frequent the Columbia area?

9 A. Excuse me?

10 Q. Did you used to frequent the Columbia area?

11 A. Yes, I drove people to bingo.

12 Q. Okay. How often---

13 A. Me and my husband.

14 Q. How often would you play bingo?

15 A. We played four nights a week over at Carolina Gold.

16 Q. Is that the main bingo place that y'all went to?

17 A. That was -- yes, it was, and then we went to Mr. Bingo
18 three nights.

19 Q. Where is that located?

20 A. One on Charleston Highway and one on Saint Andrews Road.

21 Q. But Carolina Gold Bingo was your bingo hall---

22 A. Right.

23 Q. ---of choice.

24 A. Yes.

25 Q. How often or who would you go there with?

1 A. Well, I would take riders, people that wanted to play
2 bingo. Sometimes we had so many people until we had to drive
3 two vans. We had two minivans. We had to drive two vans
4 sometimes because people just love to play bingo.

5 Q. And who would drive them?

6 A. I would drive and my husband would drive also. Just
7 like I said, we had two mini Bingo -- two minivans, and
8 sometimes we had 10, 12 people. We had to take two vans. We
9 would try not to put eight on a van because we didn't want
10 them crowded. We wanted them to be comfortable while they
11 were riding, so we would drive -- both my husband and I would
12 drive.

13 Q. And how would you get in touch with these riders that
14 you would take to the bingo hall?

15 A. They're friends of ours.

16 Q. Okay. I want to turn your attention to May 23rd, 2010.

17 A. Okay.

18 Q. Were you carrying riders that night to the bingo hall?

19 A. Yes, I had six riders that night. We drove one van. I
20 drove, but my husband -- we'd let the people off, and then he
21 would go and park the van, you know, and then he'd come
22 inside.

23 Q. What did you do when you got to Carolina Gold that
24 night?

25 A. Well, I went in and I -- they paid me and I purchased my

1 husband's packs and mine, my machine -- our machines, and
2 then I went on over to the table, and by that time he was
3 coming inside. And I asked him to go and get us a cup of
4 coffee which he did, and Peanuts (verbatim) was coming by
5 selling sheets on the floor, and I don't think I had sat down
6 yet. I said, "Peanut, sell me a sheet." So Peanuts was
7 coming, and I went -- had the money that they just paid me
8 with. I had that laying on the table, and I had went home
9 the weekend because we had a little family gathering in my
10 hometown.

11 So I said, well, let me count and see what I got in my
12 wallet because I don't want to overspend. Well, I went in my
13 wallet and pulled out the money out of my pocketbook, and
14 when I -- by the time I pulled the money out of my
15 pocketbook, I couldn't even -- I didn't even get a chance to
16 buy a sheet.

17 I heard Nita on the caller stand saying, "Y'all don't
18 move. Don't move." And I couldn't hide my money because
19 when I looked up and realized what was going on, the man was
20 right over me with the gun. And he said, "Oh, yes, hand it
21 over." He came straight to my table. He said, "Oh, yeah,
22 hand it over." He grabbed the money out of my hand, and he
23 grabbed the money off the table. And Peanuts was right
24 behind him, and he told Peanuts, "Get on your knees." And
25 Peanuts fell on his knees, and I could see out of the corner

1 of my eyes Peanuts was just shaking. But I never did --
2 y'all, I didn't take my eyes off of that gun barrel because
3 it was stuck in my face, and I just -- it just couldn't be
4 happening. It just didn't seem like it was, you know, me.
5 It just didn't seem real.

6 Q. Where was your husband positioned to where you were at?

7 A. All right. I could see out of the corner of -- my
8 husband, he was like -- I'm sitting here. My husband had
9 went over to the concession stand and brought -- bringing
10 coffee. I saw him out of the corner of my eye standing there
11 by that man with two cups of coffee in his hand. The man
12 never took his eyes off of me. My husband sat the coffee
13 down on the table and sat down by the man.

14 Q. When he pointed that gun at you, did you feel that you
15 were free to leave at that point?

16 A. No, I wouldn't dare move.

17 Q. How did you feel when he put that gun in your face?

18 A. Just like... I just didn't know what I felt, y'all. I
19 -- just like I just was -- I was just numb and I just
20 couldn't feel nothing. I said, "Lord, did I come to the
21 bingo hall to get killed today?"

22 Q. How much money did he take from you?

23 A. He took \$160 altogether.

24 Q. Is that all the money you had?

25 A. That's all I -- I had \$4 left in my wallet. I didn't

1 even have gas to get back home with. I had to borrow money
2 to get back -- to put gas in the van and come back home.

3 Q. What did the robber do after he took your money?

4 A. Well, Robert didn't do anything.

5 Q. The robber.

6 A. Oh, the robber?

7 Q. Yes, ma'am.

8 A. Well, he took Ms. Coates' money. He took her money, put
9 the gun on her and he took her money, and he walked around
10 behind us. I didn't try to turn around to look at him and I
11 didn't -- I didn't -- just like I said, I didn't turn around
12 to look at him. I just -- I heard someone coming down the
13 aisle saying, "Let's go. Let's go. Let's go." And that's
14 when I saw the other guy, and both of -- he ran down where
15 the other guy was and they ran out the back -- out the side
16 door.

17 Q. And when you said you saw the other guy, where was that
18 other guy?

19 A. He was coming out of the office area.

20 Q. And after they left -- you said one of them said, "Hurry
21 up," and then they both left. When the police arrived, did
22 you -- were you able to provide a description at all of the
23 one that had the gun in your face?

24 A. All I know: He was tall. He had a bandana on. I
25 couldn't tell you what color or nothing was because I didn't

1 take my eyes off of that gun.

2 **Mr. Steadman:** Thank you, Ms. Furtick. No other
3 questions.

4 Cross-Examination

5 By Mr. Chaplin:

6 Q. Ms. Furtick, you said there was a second person that you
7 believed was coming from the office area?

8 A. He was coming from the office area.

9 Q. Yes, ma'am. And all you saw of that person is when he
10 was running out the door?

11 A. Well, before he got to the door because the other one
12 met him and they ran on out the door together.

13 Q. Okay. Do you remember doing a robbery questionnaire?

14 A. Yes, I did.

15 Q. Okay, ma'am. I'm just reading the bottom of your
16 questionnaire, ma'am, and it said for miscellaneous info that
17 you just observed subject number two running out of the
18 business.

19 A. I did.

20 **Mr. Chaplin:** Okay. No further questions.

21 **Mr. Steadman:** Nothing further, Your Honor.

22 **The Court:** All right. You may come down, ma'am. May
23 this witness be excused?

24 **Ms. McDuffie:** Please.

25 **The Court:** Without objection.

1 **Mr. Chaplin:** Without objection.

2 **The Court:** Approach the bench, counsel.

3 (Whereupon, a bench conference was held.)

4 **The Court:** Call your next witness.

5 **Mr. Steadman:** The State calls Robert Furtick.

6 Robert Furtick, after being duly sworn, testified
7 as follows:

8 **The Clerk:** Please have a seat in the witness stand, and
9 state your full name for the record.

10 **The Witness:** My name is Robert Furtick, F-U-R-T-I-C-K.

11 Direct Examination

12 By Mr. Steadman:

13 Q. Mr. Furtick, if you don't mind, just speak up just a
14 little bit in that microphone.

15 A. My name is Robert Furtick, F-U-R-T-I-C-K. I think
16 that's it.

17 Q. Good afternoon, Mr. Furtick. How are you doing?

18 A. I'm okay.

19 Q. I want to -- let me just talk -- your wife just
20 testified, but I want to get everything from your
21 perspective.

22 A. All right.

23 Q. What did you do when you got to the bingo hall with
24 Sarah?

25 A. Well, when we got there, that sheriff -- I was talking

1 to the young lady that work (verbatim) inside. And my wife
2 was hoping nothing happened to her -- I said hoping nothing
3 was wrong. So I pulled in front of the place. I stopped and
4 everybody got out and went in. So I went around to the side
5 and parked, and after I got out I came in from the side door.
6 And when I got in, I passed the call stand and I went around,
7 told my wife I was going to get me a cup of coffee.

8 So I was going to get the coffee, and all of a sudden
9 this guy came in. I thought it was Peanut. I thought he was
10 playing a joke on everybody. The guy had on a bandana. He
11 had a -- he had a gun and he just had it sideways and he was
12 -- he said, "Nobody move. Don't nobody move." And I keep
13 walking; I didn't pay it no attention.

14 And when I got back, I was coming back from the call
15 stand, I stood beside him about three or four minutes. I'm
16 just standing there looking at him, and he had -- he had the
17 gun right in my wife's face. He just was looking at her, and
18 he wasn't paying no attention to me, and my mind just told me
19 to go ahead and sit down, so I sat down.

20 After I sat down, I was trying to figure out what was
21 going on. And I looked -- I looked at the office. I could
22 see the back of the guy that was in there. He had a bag, a
23 grocery bag, and he was doing like he was raking money or
24 doing what they were doing, putting money in the bag. And I
25 was looking at the guy because he had a gun right in my

1 wife's face and I keep my eyes up on him.

2 So I hear him coming down the -- the guy came out of the
3 office. He was running. He said, "Come on. Come on. Let's
4 go. Let's go. Let's go." And I kind of just barely glanced
5 and I can't say -- give no description of him because I just
6 barely glanced over.

7 Q. You just referred to a guy that was raking cash into a
8 bag.

9 A. Uh-huh.

10 Q. Where was he?

11 A. He was in -- he was in the office. He had his back
12 turned toward the door, and I think everybody that was in the
13 office looked like they had their hands up. And all I could
14 see -- like he was just raking something in a bag, and I know
15 it was money and he was just raking. And I looked back up at
16 the guys (verbatim) next to my wife with the gun -- I looked
17 up at him, and I tell you that's the worst thing that you can
18 see is when somebody's got a gun in your wife's face and
19 there's nothing you can do nothing about it. And I feel less
20 of a man seeing that. It really has done something to me.
21 And one time I start to grab him, but my mind told me, no, he
22 got that gun on him. If I would do that, somebody would have
23 got hurt. So I done the next best thing; I sit down.

24 Q. You did the right thing. Let me go back for a second
25 back to when you saw the guy raking the cash in the bag.

1 A. Uh-huh.

2 Q. What was the description of that bag? Can you provide
3 one?

4 A. Well, he was about -- it's the guy right that size. I
5 believe he was about his size, same height and everything.

6 Q. What kind of bag was it?

7 A. Well, he had his back turned. He had a broad shoulder,
8 and the only thing I could see: He was just -- he was just
9 getting the money and putting it in the bag. He was dragging
10 the money or whatever he was doing, putting it in the bag.

11 Q. Beg the Court's indulgence. Thank you. No further
12 questions. Please answer any questions -- please answer any
13 questions that the defense may have of you.

14 A. All right.

15 Cross-Examination

16 By Mr. Chaplin:

17 Q. Mr. Furtick, I'll be brief. You said that the --
18 originally you thought Peanut was playing a joke when you saw
19 the first guy.

20 A. Yeah. Yeah, when I saw the first guy because the only
21 thing I saw -- this -- this right here.

22 Q. Right.

23 A. And he was just about the same size he was, and when I
24 first got there I ain't had saw Peanut. I ain't had seen
25 him. I thought he probably was coming in late or something

1 like that.

2 Q. Right. So this person you saw coming in was tall.

3 A. He was -- it looked like he was about Peanut's size.

4 Q. And is Peanut tall?

5 A. I didn't saw Peanut at first.

6 Q. Okay.

7 A. That's who I thought it was.

8 Q. Thank you.

9 A. I said he probably was playing a trick on everybody, and
10 I keep walking to get the coffee.

11 Q. Yes, sir. Yes, sir.

12 A. Uh-huh.

13 Q. Just a second ago you said as far as the second person
14 is concerned, you said you barely glanced at that person.

15 A. I only glanced at his back. That's all.

16 Q. Sir?

17 A. I glanced at --- I seen his back.

18 Q. Okay.

19 A. From where I was sitting at---

20 Q. Yes, sir.

21 A. ---you could see the office and the door open. You
22 could see the people in there.

23 Q. Right. So you glanced at the second person's back.

24 A. That's all.

25 **Mr. Chaplin:** Okay. Thank you very much. No further

1 questions.

2 **Mr. Steadman:** Nothing further, Your Honor.

3 **The Court:** All right. Ladies and gentlemen of the
4 jury, we're going to take our lunch break. Take a lunch
5 break at this time. I'll ask you to be back in the jury room
6 at 2:00 at which time we'll continue with the trial. Again,
7 I'll ask you not to discuss the case with anyone over the
8 lunch hour or among yourselves when you return to the jury
9 room. Have a pleasant lunch. We'll see you at 2:00. Thank
10 you very much.

11 (Whereupon, the jury was excused from open court to go
12 to lunch at 1:01 p.m.)

13 **The Court:** All right, counsel. Mr. Chaplin, you have
14 handed me a -- what appears to be a letter from A-1 Bonding
15 Company or Bonding Enterprises in Aiken, South Carolina?

16 **Mr. Chaplin:** That's correct, sir.

17 **The Court:** What does this represent?

18 **Mr. Chaplin:** My understanding of that document is it
19 demonstrates that A-1 Bonding is still -- has a relationship
20 with Mr. Chestnut and that he's paid everything except the
21 remainder that you see on the bottom of that page as a
22 balance.

23 **The Court:** Well, I'm not overly concerned whether the
24 bonding company has been paid or not.

25 **Mr. Chaplin:** I understand.

1 **The Court:** I need to know if the bonding company on
2 today, the 18th of September---

3 **Mr. Chaplin:** Right.

4 **The Court:** ---stands ready to bond your client
5 throughout the remainder of this trial.

6 **Mr. Chaplin:** That's correct, and I think Mr. Chestnut
7 explained that to them. Beg the Court's indulgence. What
8 are you saying?

9 (An off-the-record discussion takes place between Mr.
10 Chaplin and Mr. Chestnut.)

11 **Mr. Chaplin:** Mr. Chestnut believes that there's a 9 --
12 that the date 9/30/2012 is written somewhere on that and he's
13 suggesting that that's -- that the bond company is going to
14 stay on the bond throughout that date.

15 **The Court:** Well, I can't take his word for it.

16 **Mr. Chaplin:** I understand.

17 **The Court:** I'm going to instruct you over the lunch
18 hour to call this number, not him.

19 **Mr. Chaplin:** Yes.

20 **The Court:** You.

21 **Mr. Chaplin:** Yes.

22 **The Court:** Call this number and see what you can find
23 out. Technically they're off the bond, whether he's paid
24 them or not.

25 **Mr. Chaplin:** Right.

1 **The Court:** Once this jury is sworn and he's -- and he's
2 in jeopardy, the bonding company theoretically -- well, not
3 theoretically -- actually is relieved of their responsibility
4 to make him available when the trial starts.

5 **Mr. Chaplin:** Yes, sir.

6 **The Court:** Which I assume they have done. And if
7 they've completed their obligation, then if he were to
8 abscond, they'd have no responsibility to go retrieve him.
9 So I need more than this. This is just -- this looks like a
10 receipt---

11 **Mr. Chaplin:** Yes.

12 **The Court:** ---which is not sufficient.

13 **Mr. Chaplin:** Okay. I'll give them a call as soon as we
14 break.

15 **The Court:** All right. I'm going to hold your client.
16 Does the State have a position?

17 **Ms. McDuffie:** Your Honor, we would ask that you hold
18 Mr. Chaplin's client---

19 **The Court:** I'm going to hold him until Mr. Chaplin is
20 able to find out something more than this. You better take
21 this.

22 **Mr. Chaplin:** All right.

23 **The Court:** We'll stand at ease 'til 2:00.

24 (Whereupon, a lunch break was taken.)

25 **The Court:** Would you go call Mr. Mathias Chaplin?

1 **Ms. McDuffie:** Your Honor, the doors have been locked.

2 **Ms. Simpson:** He's here. I saw him.

3 **Mr. Chaplin:** The door was locked.

4 **The Court:** I'm sorry. I apologize.

5 **Mr. Chaplin:** I'm just saying---

6 **The Court:** It's not supposed to be locked.

7 **Mr. Chaplin:** Yeah, we were out there.

8 **The Court:** State ready to proceed?

9 **Ms. McDuffie:** The State's ready, Your Honor.

10 **The Court:** Defense ready to proceed?

11 **Mr. Chaplin:** Defense is ready, Your Honor.

12 **The Court:** Just for scheduling purposes, who are your
13 -- who is your next witness?

14 **Ms. McDuffie:** Your Honor, our next witness is Deputy
15 Margaret Fisher, and then in terms of scheduling, we have,
16 depending on things, between seven and nine witnesses. I
17 would foresee us finishing potentially this afternoon. If
18 not, we could have one witness in the morning.

19 **The Court:** What about this video?

20 **Ms. McDuffie:** We're prepared.

21 **The Court:** You plan to show that this afternoon?

22 **Ms. McDuffie:** Either this afternoon or tomorrow morning
23 but, yes, sir.

24 **The Court:** All right. Bring the jury, please. The
25 final witness will be Isenhoward?

1 **Ms. McDuffie:** Depending on his scheduling issues. That
2 was our intent, but he's incredibly -- he's investigating
3 that other case.

4 **The Court:** Is Scott McDonald here to stand in for him?

5 **Ms. McDuffie:** No, sir, Your Honor. He's his own man.

6 (Whereupon, the jury was brought into open court at
7 2:09 p.m.)

8 **The Court:** All right. Solicitor, call your next
9 witness, please.

10 **Ms. Simpson:** The State calls Deputy Margaret Fisher.

11 Margaret Fisher, after being duly sworn, testified
12 as follows:

13 **The Clerk:** Please have a seat in the witness stand, and
14 state your full name for the record.

15 **The Witness:** I'm Deputy Margaret Fisher, F-I-S-H-E-R.

16 Direct Examination

17 By Ms. Simpson:

18 Q. Deputy Fisher, where are you employed?

19 A. Richland County Sheriff's Department.

20 Q. And how long have you been with the sheriff's
21 department?

22 A. Almost six years.

23 Q. Six years?

24 A. Uh-huh.

25 Q. And have you been with them throughout the whole time

1 you've been in law enforcement?

2 A. Yes, ma'am.

3 Q. And what do you do with the sheriff's department?

4 A. Currently I'm on the Community Action Team. Prior to
5 that, I was a road unit in Region II.

6 Q. And as road unit in Region II, tell the jury a little
7 bit about some of your duties.

8 A. Our duties in Region II -- you get some calls about just
9 about everything: burglaries, robberies, home invasions.
10 You get just about anything in Region II which is the Two
11 Notch Road area in Columbia.

12 Q. And back on -- I guess in May of 2010, were you a road
13 deputy for Region II at that time?

14 A. Yes. Uh-huh.

15 Q. And did you actually have occasion to go to the Carolina
16 Gold Bingo on May 23rd of 2010?

17 A. Yes. The deputies of Richland County have opportunities
18 to work what we call Signal 30 which is extra duty. Agencies
19 and different businesses hire us to do security in our -- in
20 our off days. And so I worked at the Carolina Bingo
21 several -- many, many times working Signal 30 as the security
22 detail.

23 Q. And when you're working a security detail, what exactly
24 do you do? How does that work?

25 A. We do whatever the business needs us to do. It could be

1 riding in a parking lot, making sure that the vehicles aren't
2 broken into. It could be, you know, standing near the
3 treasurer's office if they have money involved. You know,
4 just whatever the business needs us to do, they assign us our
5 duties.

6 Q. Okay. And what were some of your duties for Carolina
7 Gold Bingo?

8 A. At Carolina Gold Bingo it was our duty -- basically we
9 parked our car up front of the business. About every
10 15 minutes we walked through the building to make sure
11 everything was okay. We rode through the parking lot to make
12 sure there were no car break-ins, and we also escorted the
13 money at the end of the night to the vehicle, depending on
14 who was carrying the money out.

15 Q. And you had worked security detail at that location
16 before?

17 A. Yes, ma'am.

18 Q. Okay. You said many times.

19 A. Yes. Uh-huh.

20 Q. And did officers -- did y'all sign in or how did that
21 work?

22 A. We signed in. We had a sheet on the counter as you
23 walked in the door to the left. We -- it was just a little
24 roster. We signed in, put what time we got there, what time
25 we left.

1 Q. And on May 23rd can you tell the jury about what
2 happened when you arrived at the bingo that day?

3 A. When I got there on the 23rd, I went -- parked my car up
4 front. I went in to sign in on the roster. I noticed on the
5 roster -- the roster was sitting in the regular place, but
6 there were -- no other officers had signed in within I think
7 it was the last two or three days. And so I asked the female
8 behind the counter -- you know, we knew each other's names --
9 I mean, we knew each other's faces, but we didn't know
10 everybody's names. So I asked her, you know -- you know, I
11 noticed that nobody had -- no other officer had signed in,
12 and she said the detail had been cancelled and she kind of
13 got a dumbfounded look on her face and so---

14 Q. So that attendant didn't know?

15 A. She didn't know anything.

16 Q. But had officers been there earlier, they would have
17 signed in?

18 A. Yes. Yes.

19 Q. So that's what kind of sparked your attention?

20 A. Right. Uh-huh.

21 Q. So what happened after that?

22 A. As I was speaking to her behind the counter, another
23 female employee came around the corner. I knew her, but I
24 didn't know her name. She approached me and called me
25 outside the business, and when we got outside the business,

1 she said, "Hey, Fisher, you know, the detail has been
2 cancelled. You know, you're not going to get paid if you
3 stay here. You need to go."

4 Q. Okay. And did you later learn the identity of that
5 female employee?

6 A. Yes, I knew her face, but I just didn't know her name.

7 Q. Okay. And what was her name?

8 A. Teidra. Teidra Dennis.

9 Q. Teidra Dennis?

10 A. Uh-huh.

11 Q. And she actually approached you and then called you
12 outside the business?

13 A. Yes.

14 Q. She didn't just tell you while you were standing at the
15 counter.

16 A. No, she called me outside. She did a little hand
17 motion. You know, Fisher come here. I want to tell you --
18 and she explained to me also why she was outside. It was the
19 last day the business was going to be open, and so I asked
20 her, you know, "Well, where is Wayne?" Wayne was the owner.
21 And she said, "Well, Wayne's out of town and, you know, the
22 detail has been cancelled and, you know, you don't need to be
23 here. You're wasting your time; you need to leave."

24 Q. And after that, what did you do?

25 A. I went and got back in my car which was parked right in

1 front of the business, and I got on the phone and was trying
2 to call the sergeant that was in charge of the detail to find
3 out if, in fact, it had been cancelled because as far as I
4 knew I was supposed to be there, and I didn't want to leave
5 until I made sure that, you know, I wasn't supposed to be
6 there. So I just sat in my car while I was trying to get in
7 touch with him on the phone.

8 Q. And while you were trying to get in touch with him, did
9 you actually observe Teidra?

10 A. Yeah, she was right outside the car. Like I said, my
11 car was parked in the front of the business. She was
12 standing, you know, right outside the business right by the
13 door where I was parked and she was, you know, walking back
14 and forth---

15 Q. Kind of pacing back and forth?

16 A. I think she was talking on the phone.

17 Q. Okay. But she was out there while you---

18 A. Yeah, she stayed out there the entire time that I was
19 out there.

20 Q. At some point did you leave?

21 A. Yeah. At one -- when I finally got in touch with
22 Sergeant Culp, he confirmed that the detail had been
23 cancelled, and he apologized, you know, for not letting me
24 know. And at that time I rolled down the window, you know,
25 and said, "Hey, it has been cancelled, you know. Talk to you

1 later."

2 Q. And rode off?

3 A. And rode off.

4 Q. But she was still outside the business.

5 A. She was still outside the business.

6 Q. While you were still in your car.

7 A. Yes, ma'am.

8 Q. And going to the time and it's probably an
9 approximation, but about what time did you arrive for the
10 security detail?

11 A. I want to say it was about -- my starting time I think
12 was 6:30, so I think -- I'm sure -- I'm generally on time, so
13 I think it was about 25 after when I arrived.

14 Q. Okay. So about 6:25?

15 A. About 6:25. Uh-huh.

16 Q. And this whole encounter -- about what time did you
17 leave?

18 A. Oh, I was probably there maybe five minutes or so.

19 Q. Five or ten minutes?

20 A. Five or ten minutes.

21 Q. So you would have left around 6:30.

22 A. Yeah, 6:30, 6:35.

23 Q. Okay. And after you confirmed the cancelation, you
24 left. Did you actually go back to the bingo at all?

25 A. Oh, what happened was when I was -- when I left after

1 talking to Sergeant Culp, I drove to get on the interstate at
2 I-20 which is my way home, and as soon as I got on to the
3 exit at I-20, I heard on the radio the call come out that the
4 robbery had occurred at the bingo hall.

5 Q. Okay. But as far as the extent of your involvement in
6 this case, was it just with respect to the security detail?

7 A. That's it. Uh-huh.

8 Ms. Simpson: Thank you, Deputy Fisher.

9 The Court: Cross-examination?

10 Mr. Chaplin: Yes, briefly.

11 Cross-Examination

12 By Mr. Chaplin:

13 Q. Deputy Fisher, so did Teidra Dennis cancel the security
14 detail or was it cancelled prior to you coming that day?

15 A. I have no idea. I just know that a few days before that
16 no officers had signed in.

17 Q. Did you speak with someone at your place of business
18 after -- when you got there?

19 A. Yes, I spoke with Sergeant Culp.

20 Q. And Culp apologized to you about what?

21 A. He apologized that -- and said that the detail had been
22 cancelled, but he didn't say how long or when or anything
23 like that.

24 Q. Okay. Did you see any robbers on that day---

25 A. Well, I don't really---

1 Q. ---anybody robbing the place that day?

2 A. I don't know what a robber looks like actually unless---

3 Q. Well, we're---

4 A. I saw no people---

5 **Court Reporter:** I can't take you both at the same time.

6 By Mr. Chaplin:

7 Q. I'm sorry.

8 A. No, sir. I don't believe I saw any robbers that day.

9 Q. Bad question. Did you see anybody rob the bingo parlor
10 that day?

11 A. No, sir. I was not on the scene when the robbery took
12 place.

13 **Mr. Chaplin:** Okay. Thank you. No further questions.

14 **The Court:** Anything else?

15 **Ms. Simpson:** No.

16 **The Court:** All right. You may come down, ma'am. May
17 the witness be excused?

18 **Ms. Simpson:** Yes.

19 **The Court:** Without objection.

20 **Mr. Chaplin:** Without objection.

21 **The Court:** You're free to go, ma'am. Thank you very
22 much. Next witness?

23 **Mr. Steadman:** The State calls Wayne Kirby.

24 K. Wayne Kirby, after being duly sworn, testified
25 as follows:

1 **The Clerk:** Please have a seat in the witness stand, and
2 state your full name for the record.

3 **The Witness:** Kenneth Wayne Kirby.

4 Direct Examination

5 By Mr. Steadman:

6 Q. Good afternoon, Mr. Kirby. What's your current
7 occupation?

8 A. I'm in the retail business -- floor covering business
9 right now.

10 Q. And are you the owner of Carolina Gold Bingo hall?

11 A. Well, I was the promoter of Carolina Gold Bingo through
12 Kirby Enterprise.

13 Q. And is Carolina Gold Bingo hall still open today?

14 A. No. No, it's not.

15 Q. When did -- how long have you been in the bingo hall
16 business?

17 A. I've been -- I approximately got into it in 2002 in a
18 small bingo, and we opened Carolina Gold Bingo in June of
19 2008.

20 Q. Now, you just stated that you were the promoter of the
21 bingo hall.

22 A. Right.

23 Q. What exactly does that mean?

24 A. Well, in the bingo business nobody owns it. You run it
25 for a charity, and our charity was New Covenant Christian

1 Church. They were the charity. And in order for them to run
2 it, they have to have a promoter to promote the business, and
3 Kirby Enterprise was the promoter of that business and we
4 were promoting that business for New Covenant Christian
5 Church.

6 Q. Now, how does the relationship exist between the
7 promoter of the bingo hall and the charity?

8 A. Okay. Well, the charity -- when you set us up, the
9 charity -- we buy paper from D.O.R. That's the little sheets
10 you play bingo on. We buy them. We buy them at the retail
11 price. Let's say if we buy \$100,000 worth of paper, we have
12 to pay 10 percent taxes. That 10 percent goes to the
13 Department of Revenue. Out of the 10 percent that goes to
14 the Department of Revenue, 26 percent goes to the charity up
15 front which is New Covenant Christian Church.

16 Q. Okay. And at the bingo hall -- I'm going to call it
17 your bingo hall. At your bingo hall, the operations -- I
18 want to talk a little bit about the operations. Y'all have
19 video cameras there; correct?

20 A. We do.

21 Q. And where were the video cameras located?

22 A. The video cameras are in the cage. They're put in there
23 for different reasons and primarily to make sure that when
24 our runners come up that the right amount of sheets are being
25 taken from the runners when she gives them out, the right

1 amount of money goes into the cash drawer and stuff like
2 that, so...

3 Q. Were there any video cameras on the gaming floor?

4 A. Not on the gaming floor themselves (verbatim) but some of
5 the cameras you could see through to the gaming floor, but
6 they were not intended for that purpose but you could see
7 through that, but there was no cameras on the floor
8 themselves.

9 Q. And had those video cameras been in effect since you
10 opened the bingo hall?

11 A. Yes, we put them in before we opened.

12 Q. Let me back up. When did you open the bingo hall?

13 A. We opened June 11th, 2008.

14 Q. Okay. And you just heard Deputy Fisher speak of the
15 security detail. Can you tell me a little bit about the
16 security detail that y'all had?

17 A. Yes. We closed down for a short period of time, for
18 about six months, and when we reopened, one of the girls that
19 was working there, she came from another bingo hall and she
20 suggested us looking into getting security from Richland
21 County; they did a good job. So we talked to Richland County
22 about doing a patrol, and they started -- they did that for
23 about -- until -- up until the -- right at the end. They
24 were on -- they would come over and they would check in with
25 us and they would stay 'til we closed.

1 Q. Okay. I want to talk a little bit more about the
2 financial aspect of the bingo hall. On any -- on a
3 day-to-day basis, how much cash is taken in and how much cash
4 is given out?

5 A. Well, our bank would run anywhere from probably 800 to
6 \$1500 for -- our bank would run, and then we would take in
7 approximately anywhere from 7 to \$10,000 at the door, and
8 then we'd turn around and give out 8,000 -- after the end of
9 the shift, we'd be giving about \$8,000 back to the players.

10 Q. How much of that cash was kept in the bingo hall office?

11 A. All of it.

12 Q. Okay. How did this crime affect your business?

13 A. We closed down.

14 Q. Immediately?

15 A. Immediately. We didn't open back up after the robbery.

16 Q. Okay. Did this affect the charity as well?

17 A. Yes. Yes. We would -- the charity was getting about on
18 average around \$60,000 a year that was going to help their --
19 they were buying computers for their school over there, and
20 so this eliminated that for them.

21 Q. Thank you. No further questions. Please answer any
22 questions that the defense may have.

23 A. Okay. Thank you, sir.

24 **Mr. Chaplin:** No questions for this witness.

25 **The Court:** All right, sir. You may come down. Thank

1 you very much.

2 **The Witness:** Thank you.

3 **The Court:** May the witness be excused?

4 **Ms. McDuffie:** Please.

5 **Mr. Chaplin:** Without objection.

6 **The Court:** Without objection. Next witness.

7 **Ms. McDuffie:** The State calls Angela Diaz-Garcia.

8 Angela Diaz-Garcia, after being duly sworn,

9 testified as follows:

10 **The Clerk:** Please have a seat in the witness stand, and
11 state your full name for the record.

12 **The Witness:** Angela K. Diaz-Garcia.

13 Direct Examination

14 By Ms. McDuffie:

15 Q. Angela, where were you employed in May of 2010?

16 A. Carolina Gold Bingo.

17 Q. And what were your duties with the Carolina Gold Bingo?

18 A. I was the manager. I was to oversee the paper that went
19 out, the paper that came back in, help with the banker, make
20 sure everything was accurate, to oversee the employees,
21 basically run the bingo.

22 Q. And how long had you been in that position?

23 A. Since February.

24 Q. February of 2010?

25 A. Yes, ma'am.

1 Q. And Kayla Sharpe is your daughter?

2 A. Yes, ma'am.

3 Q. She was also employed there?

4 A. Yes, ma'am.

5 Q. And she was employed there as a banker?

6 A. Yes, ma'am.

7 Q. And the other people that have testified today - Drenita
8 Ore, Timothy Bell, Peanut - those were all other employees
9 there?

10 A. Yes, ma'am, in addition to others that I have not seen
11 here today.

12 Q. And Teidra Dennis was also an employee there?

13 A. Yes, ma'am.

14 Q. And what was her job?

15 A. When I started, she sold some -- she was a runner. She
16 sold sheets on the floor, and that's originally what I
17 started as was a runner, and then she worked in the
18 concession stand.

19 Q. And on May the 23rd of 2010 you were the manager that
20 evening?

21 A. Yes, ma'am.

22 Q. And what were you doing around 6:40 that night?

23 A. I was counting money and sheets. It's an ongoing
24 process. Sheets are coming and going so fast. And my
25 daughter -- usually there are two people, the banker and the

1 -- two people in the cage, the banker and the manager, and
2 one's counting sheets and one's counting money, this way to
3 eliminate any problems that you might say someone is short or
4 over when they're not.

5 Q. And you've had the opportunity to view State's Exhibits
6 9 through 33?

7 A. Yes, ma'am.

8 Q. And do these fairly and accurately depict the interior
9 of Carolina Gold Bingo?

10 A. Yes, ma'am.

11 **Ms. McDuffie:** Your Honor, at this time we offer State's
12 Exhibits 9 through 33.

13 **Mr. Chaplin:** No objection.

14 **The Court:** Without objection.

15 (State's Exhibits 9 through 33 were received in
16 evidence.)

17 By Ms. McDuffie:

18 Q. State's Exhibit 9, can you tell the jury what's depicted
19 in this photograph?

20 A. This is from the entrance as if you're walking in the
21 main entrance of Carolina Gold Bingo.

22 Q. And over here, what is this?

23 A. That is where they sold the paper and the iBingos.
24 That's the first step when you -- once you get a seat in
25 bingo -- well, you can come in and get your seat or you can

1 get your paper first. You purchase your paper or your
2 machine there and that's -- we had two employees there.

3 Q. And State's Exhibit 10, that's a close-up of that
4 window?

5 A. Yes, ma'am.

6 Q. And so this is where you would purchase it, and there
7 was a cashier there?

8 A. Two cashiers that day, yes, ma'am.

9 Q. Two cashiers that day. And you would purchase stuff,
10 and money would come in through this window?

11 A. Yes, ma'am.

12 Q. Is this the cage that you're talking about?

13 A. That's not the cage. That's the front counter. The
14 cage is in with that. You have to go through that first part
15 to get into the cage.

16 Q. I'm showing you State's Exhibit 14. Can you tell the
17 jury what's depicted in that photograph?

18 A. That's the side as if when you came into the bingo and
19 you turned left. That would be the side. You can see part
20 of the -- that's like the front of the cage, but it's not a
21 very clear picture.

22 Q. So right here, that's the front of the cage?

23 A. No, down a little bit.

24 Q. Here?

25 A. That's -- no, down to your left.

1 Q. I'm sorry.

2 A. Here. This section is still with the cashiers.

3 Q. Okay.

4 A. That little section. That's the door you have to go in
5 to get into their area, and then you go around into the cage.
6 That's the counter with the cage.

7 Q. And that's where you were located that evening?

8 A. Yes, ma'am.

9 Q. And State's Exhibit 16, that shows where the cashiers
10 were and then also a little bit over in this area into the
11 cage?

12 A. Yes, ma'am.

13 Q. And that shows the entrance that you would go from the
14 cashier to get into where the cashiers were?

15 A. Yes, ma'am.

16 Q. And who was allowed back there?

17 A. Employees..

18 Q. No -- no other people were allowed back there?

19 A. No, ma'am.

20 Q. State's Exhibits 18 and 19, can you tell the jury what's
21 in these photographs?

22 A. Those are both of the cashier area.

23 Q. And so this is where you would first walk in if you were
24 going into the cashier area?

25 A. Yes, ma'am. Yes, ma'am, and the seats would be to your

1 left. The markers -- the stands with the markers would be to
2 your right.

3 Q. And then State's 19, that's a stand with markers?

4 A. Yes, ma'am.

5 Q. And those are used during playing bingo?

6 A. Yes, ma'am.

7 Q. And then if you walked around there, that's how you get
8 into the cage?

9 A. Yes, ma'am.

10 Q. State's 20 and 21, can you tell the jury what's depicted
11 in these photographs?

12 A. 20 is when you first have to -- the way you enter to go
13 into the cage because it's a wall built up, and 21 is the
14 cage itself.

15 Q. The cage itself looking out on to the floor where the
16 players play?

17 A. Yes, ma'am.

18 Q. And that's where you were located---

19 A. Yes, ma'am.

20 Q. ---at the time the robbery occurred?

21 A. Yes, ma'am.

22 Q. So from inside the cage, which is shown in State's 22
23 and 23, you could see on to the floor?

24 A. Yes, ma'am.

25 Q. Could you see where the cashiers were?

1 A. You can see them. It's not with the dabbers there; it's
2 not 100 percent. In your mind you're not paying attention to
3 the cashiers. You're paying attention to the sales and
4 what's going on on the floor, the employees bringing back
5 sheets and money, and customers coming up wanting change.

6 Q. And the drawer depicted in State's 23, can you tell the
7 jury what was kept there?

8 A. The money. We had a drawer that came out of a register.
9 It was a black drawer where money is normally kept. That was
10 on the counter. However, my daughter had recently -- Kayla
11 Sharpe had recently became the banker, and she felt safer
12 keeping the money in the drawer and she did not keep all the
13 money. Because it's so fast, you can't open and close the
14 drawer as fast as the customers or employees needed the
15 money, but she kept the big money there, twenties and
16 everything. And she was -- we were the only ones that knew
17 she had just started keeping it there. She had started that
18 four or five days prior to the robbery.

19 Q. And State's Exhibit 27, if a person or employee entered,
20 they would walk this way past the markers?

21 A. Yes, ma'am.

22 Q. And then in State's 28, they would go around the
23 markers?

24 A. Yes, ma'am.

25 Q. I'm sorry. And then State's 25, that would get you to

1 the cage on the other side of the markers?

2 A. Yes, ma'am.

3 Q. And that's where the big money is kept?

4 A. Yes, ma'am.

5 Q. And on May 23rd of 2010 did an individual enter the cage
6 or enter that portion of the business that was not supposed
7 to be there?

8 A. Yes, ma'am.

9 Q. Tell the jury about that, please.

10 A. I don't recall exactly what time it was. Like I said,
11 we had started our night. It was slow; we didn't have a lot
12 of players at that time. A customer had came up and needed
13 help in the back room with the machine, and my daughter said,
14 "Okay." We only had two runners on the floor; that was
15 Peanut and Scooter at the time. And Nita was calling. And
16 so we tried to help if we could. My daughter and I sell
17 sheets or whatever we needed on the floor. That was also
18 part of the bank or the manager. Your first priority was to
19 take care of the sales and money.

20 My daughter left to go to the back room, and I -- I
21 heard a lot of ruckus. I don't recall if I heard what Nita
22 said. I just remember a lot of noise, and I looked up and I
23 saw a tall, skinny guy with a bandana and he was waving a
24 gun. And I honestly thought that it was Peanut playing a
25 game because we all joked. In bingo you get to know your

1 customers, and it's a family to you. Your co-workers are
2 your family. Everybody is -- it's like a bingo family.
3 Whether you're just a player or an employee, it's close-knit.

4 I knew some of the players from -- before I ever worked
5 at that bingo, I had worked at previous bingos. And Mr.
6 Kirby, I've known him for years, prior to working for him,
7 through bingo. And so I said: "What is Peanut doing?" to
8 myself or maybe out loud. I don't know. And I still thought
9 Peanut was just playing around with the customers and
10 everything.

11 And then at that point I saw a guy coming around into
12 the cage with a gun and a black bandana on his face, and he
13 said, "Where's the money?" And at that time all I could do
14 was point, and I pointed up to the counter. I had my back on
15 the customers, on my daughter, on other employees and the
16 first...

17 Q. I know this is hard.

18 A. The first thing he did was he opened the drawer and took
19 the money out of the drawer, and then he took some money out
20 of the black till part on the counter.

21 Q. Let me stop you right there. So there was money visible
22 to him on the counter?

23 A. Yes, ma'am.

24 Q. And instead of reaching for that first, he did what?

25 A. He opened the drawer. He reached for the drawer handle

1 and opened the drawer.

2 Q. And was that odd to you in any way?

3 A. Yes, because nobody knew that that's where she had kept
4 it. The previous bankers did not keep anything in that
5 drawer.

6 Q. And so only employees knew that that's where money was
7 kept there?

8 A. Yes, ma'am.

9 Q. And after he took the money out of the drawer, he then
10 took it off the counter?

11 A. Yes, ma'am.

12 Q. Please describe to the jury what this individual looked
13 like.

14 A. He had on a baseball cap. He had a black bandana. The
15 bandana came right here. I could see his eyes. Black shirt,
16 black pants. And all I could think of was try to see
17 something distinguishing, something that can help me if we
18 all make it out alive.

19 Q. And so what were you trying to do?

20 A. I was trying to focus on what I could see of him and it
21 was his eyes.

22 Q. And how long do you think you looked at him?

23 A. I don't know for sure.

24 Q. The entire time he was back there in your area?

25 A. Yes, ma'am.

1 Q. Did he have a gun in his hand?

2 A. Yes, ma'am.

3 Q. And what was he doing with the gun?

4 A. He had it in his hand, and I don't really honestly
5 remember if he pointed it at me or not. I just know he
6 asked, "Where's the money?" And I didn't honestly want to
7 look at the gun. I didn't want to think about what might be
8 coming.

9 Q. Did you feel like you could leave?

10 A. No.

11 Q. Did you tell him where the money was because of the gun
12 and because of what he was doing?

13 A. Yes, and because my daughter and my bingo family, my
14 customers, were all out there with someone else with a gun.

15 Q. You said you were staring at his eyes?

16 A. Yes, ma'am.

17 Q. After this robbery occurred, did you contact Sergeant
18 Kevin Isenhoward with the Richland County Sheriff's
19 Department and tell him that you thought you could identify
20 the person who held you at gunpoint and robbed you?

21 A. Yes, ma'am, I did.

22 Q. And on June the 9th of 2010, did Sergeant Isenhoward
23 come meet you at the bingo and show you a six-person photo
24 line-up?

25 A. Yes, ma'am.

1 Q. And did you identify someone in that photo line-up?

2 A. Yes, ma'am, I did.

3 Q. I show you what's been marked as State's Exhibit 3. Do
4 you recognize that document?

5 A. Yes, ma'am.

6 Q. Is that the photo line-up you were shown on June 9th of
7 2010?

8 A. Yes, ma'am.

9 **Ms. McDuffie:** Your Honor, at this time we'd offer
10 State's Exhibit 3 into evidence.

11 **Mr. Chaplin:** No objection.

12 **The Court:** Without objection.

13 (State's Exhibit 3 was received in evidence.)

14 By Ms. McDuffie:

15 Q. Please tell the jury which picture you identified.

16 A. Photo number two.

17 Q. And why did you identify photo number two?

18 A. His eyes.

19 Q. And how did you know that person?

20 A. I'll never forget his eyes as long as I live.

21 Q. Where had you seen those eyes before?

22 A. When he had robbed us at the bingo.

23 Q. And photo number two, do you see that person in the
24 courtroom today?

25 A. Yes, ma'am.

1 Q. And please identify him for the jury.

2 A. He is the young gentleman sitting in the middle of the
3 table to my left with the green shirt -- green striped shirt
4 on.

5 Q. When Investigator Isenhoward showed you this photo
6 line-up, did you have any trouble picking out the person that
7 robbed you?

8 A. No, ma'am.

9 Q. Please tell the jury about that.

10 A. At first when he pulled the photo out, the paper with
11 the photos -- well, before he pulled that out, he said, "This
12 person may or may not be in here. It's not a guarantee that
13 he's here or not here. If you don't feel that you can
14 identify anybody, that's fine. We can look at other pictures
15 if you need to."

16 When he pulled the picture out -- I think he had it in a
17 folder, in a manila folder. He put it on the counter, and I
18 immediately felt sick and I was immediately -- number two. I
19 didn't even get to look, and then I said, "Number two," and I
20 said, "Wait." And I looked at all the pictures and I said,
21 "Yes, it's him. I'm 100 percent sure."

22 Q. You said you were 100 percent sure that picture number
23 two, Jeff Chestnut, is the person that held you at gunpoint
24 and robbed you on May the 23rd of 2010?

25 A. Yes, ma'am.

1 Q. Any doubt?

2 A. No, ma'am.

3 Q. None.

4 A. No, ma'am.

5 Q. And you told that to Investigator Isenhoward and
6 positively identified him on June 9th of 2010?

7 A. Yes, ma'am.

8 Q. And you initialed that?

9 A. Yes, ma'am, and---

10 Q. You completed this affidavit saying that this is the
11 person that robbed you?

12 A. Yes. I signed the bottom also.

13 Q. And you're sure.

14 A. Yes, ma'am, without a doubt.

15 Q. The whole time that you were being held at gunpoint and
16 robbed, you were trying to do what?

17 A. I was trying to find something to help us as a family
18 get help so we could help the police get this person if we
19 all made it out alive.

20 Q. And he took money from your presence that evening?

21 A. The bingo's money, yes, ma'am.

22 Q. And after he took the money, what then happened?

23 A. He left. He went back out of the cage and went out. I
24 saw the other guy going with him. I don't remember if they
25 said anything to each other. I was frantically looking for

1 my keys, wondering what was going on with the employees,
2 customers, how they were feeling, if any of them were hurt.

3 Q. And why were you looking for your keys?

4 A. So I could lock the door.

5 Q. And did you try and call 9-1-1?

6 A. Yes, ma'am. I tried to call 9-1-1 from the work phone.
7 I picked up my cell phone. Everyone, I believe, was trying
8 to call 9-1-1 at that time from their cell phones.

9 Q. A very short time later did the police show up?

10 A. Yes, ma'am.

11 Q. And did you talk to the police?

12 A. Yes, ma'am.

13 Q. And they came out at some point and took a written
14 statement from you?

15 A. Yes, ma'am.

16 Q. And at that point they were looking for any information
17 whatsoever?

18 A. Yes, ma'am.

19 Q. And they were asking you about former employees that may
20 hold a grudge or may have wanted something against the bingo?

21 A. Yes, ma'am.

22 Q. And you provided them with what information you knew?

23 A. Yes, ma'am.

24 Q. But you are a hundred percent positive that number two,
25 Jeff Chestnut, is the person that robbed you that night?

1 A. Yes, ma'am, 100 percent.

2 Q. There was also video cameras in the cage area of the
3 bingo?

4 A. Yes, ma'am.

5 Q. And did you -- or were you present when a copy was made
6 and given to law enforcement?

7 A. Yes, ma'am.

8 Q. And have you had the opportunity to review State's
9 Exhibit 34?

10 A. Yes, ma'am.

11 **Ms. McDuffie:** Your Honor, at this time we'd offer
12 State's Exhibit 34 into evidence.

13 **Mr. Chaplin:** No objection.

14 **The Court:** Without objection.

15 (State's Exhibit 34 was received in evidence.)

16 By Ms. McDuffie:

17 Q. State's Exhibit 34 shows three camera angles?

18 A. Yes, ma'am.

19 Q. And it shows the cashier portion of the cage, and it
20 shows looking in and out?

21 A. Yes, ma'am.

22 Q. And you see an individual on there that comes into the
23 cashier's office?

24 A. Yes, ma'am.

25 Q. Takes money from the cashier?

1 A. Yes, ma'am.

2 Q. And then comes back and around to the area where you
3 were?

4 A. Yes, ma'am.

5 Q. And is that what you remember happening that day?

6 A. Yes, ma'am.

7 Q. Any doubt in your mind that Jeff Chestnut is the person
8 that robbed you on May the 23rd of 2010?

9 A. No, ma'am.

10 Ms. McDuffie: Thank you. No further questions for this
11 witness.

12 The Court: Cross-examination.

13 Mr. Chaplin: Thank you, Your Honor.

14 Cross-Examination

15 By Mr. Chaplin:

16 Q. Hello again, Ms. Garcia.

17 A. Hello.

18 Q. How are you?

19 A. Fine.

20 Q. Now, Ms. Garcia, you indicated that you're nearsighted;
21 right?

22 A. Yes, sir.

23 Q. Okay. And that you wear glasses?

24 A. For driving because I can't see far away. That's what
25 nearsighted means - far away.

1 Q. So you only wear them when you're driving.

2 A. Yes, sir.

3 Q. So you didn't have on glasses the day of the robbery.

4 A. No, sir.

5 Q. Okay. And -- but you said the robber in the cage was up
6 close to you; correct?

7 A. Yes.

8 Q. All right. So you could see him pretty well?

9 A. Yes.

10 Q. All right. But if something was far away, it would be
11 blurry; correct?

12 A. Yes, sir.

13 Q. All right. So nearsighted, that's an eye disease called
14 myopia; right?

15 A. I'm not sure of the technical term.

16 Q. But is it eye disease?

17 A. I'm not sure, sir. I just have -- I just know I have
18 been nearsighted since I was 11 years old.

19 Q. Okay. Now, at the time of the robbery you said that you
20 were sitting behind your desk?

21 A. No, sir.

22 Q. Where were you?

23 A. I never said I was sitting behind a desk.

24 Q. Okay. I'm sorry. I misspoke. Where were you at the
25 time of the robbery?

1 A. I was standing in the cage counting money and sheets as
2 they came in and trying to get the payouts ready. You have
3 to count how much money comes in in order to know how much
4 money to pay out.

5 Q. Okay. I'm going to go look at a picture up here and ask
6 you a question. I just want to make sure I understand it.
7 Beg the Court's indulgence. Is -- now, that's the supply
8 stand with the stampers and things like that?

9 A. Yes, but that's not the cage. That's the cashier area.

10 Q. Okay. What's behind that? That's the cashier area?

11 A. No.

12 Q. Okay.

13 A. That photo is the cashier area.

14 Q. All right. Excuse me. What's this back here?

15 A. This is the counter that is on -- there's a counter
16 behind that, a low counter, that we put paper and everything
17 on, and when you go further in, there's another counter.
18 It's as if it's an L. shape, and there's another counter
19 where I stood in front of the big long window.

20 Q. Got it. All right. Thank you very much. Is that the
21 big long window?

22 A. Yes, sir.

23 Q. Okay. Okay. So the night of the robbery, there was
24 good lighting back there with you when you said you saw the
25 person with the gun; correct?

1 A. There was.

2 Q. All right. And he pointed it at you.

3 A. I don't honestly recall if he pointed it at me or not.
4 I saw the gun in his hand.

5 Q. You saw the gun.

6 A. Yes.

7 Q. All right. And I think you said at a different time
8 that you stared at the gun to make sure it was real?

9 A. No, sir.

10 Q. Did you ever scream?

11 A. No, sir.

12 Q. Now, did you ever see the robber open a bag?

13 A. I didn't see him open it, but he came back with a bag in
14 his hand.

15 Q. Was it open or closed when he came back?

16 A. I don't know. I was looking at his face, what I could
17 see of his face.

18 Q. You weren't looking at the gun?

19 A. I saw he had a gun, and then after that I was trying to
20 find something to help me identify him if any of us made it
21 out alive.

22 Q. Okay. And you said that the robber first went to the
23 drawer and took the money?

24 A. Yes. He went straight to -- he asked, "Where's the
25 money?" I turned and I pointed to the counter, the top of

1 the counter. He went straight to the drawer, opened the
2 drawer, and then he took money out of the black till and
3 money that was laying on the counter.

4 Q. So he asked you, "Where is the money?"

5 A. Yes.

6 Q. You were probably petrified.

7 A. Yes.

8 Q. And you thought you were going to be shot?

9 A. I thought I might be shot, but I also thought about my
10 16-year-old daughter, my co-workers, the people I've known
11 for years. I didn't want to make a stupid move.

12 Q. Because you didn't want to do anything to upset the
13 robber; correct?

14 A. That's right.

15 Q. The people in the building, were they in a state of
16 panic as well?

17 A. It was so quiet that it seemed -- the whole thing
18 happened so fast, and it just -- sometimes it doesn't even
19 seem like it really happened. It just -- you can't believe
20 something like that would happen to you.

21 Q. Okay. Were people running around?

22 A. Before the robbers left?

23 Q. Yeah, while the robbers were in the building.

24 A. No.

25 Q. No?

1 A. No.

2 Q. After they left?

3 A. Yes, people were running to get out the door. People
4 were trying to get on their phones. People were trying to
5 see if they could find where the robbers went. I was trying
6 to find my keys to lock the doors.

7 Q. So the other employees -- there were other employees
8 back there in that area with you that we've been looking at
9 on the pictures?

10 A. At the cashier station---

11 Q. Yes.

12 A. ---there was Miranda and Cornell, and I don't know at
13 what point they got out, at what point they walked out after
14 the robber left, but they got out before I did, of course.

15 Q. Okay.

16 A. And I was trying, like I said, to find my keys to lock
17 the door because nobody wanted to leave the door unlocked.

18 Q. So while the robber was there, you didn't rush to those
19 other employees' aid. You just stood still.

20 A. No, I couldn't rush to anybody's aid.

21 Q. So you just stood still?

22 A. Yes.

23 Q. Okay. But later on after they left, you ran to lock the
24 door.

25 A. I found my keys. I was asking everybody that I was

1 passing if they were okay. At some point during this, Teidra
2 said she had to get out because we had been robbed, and I
3 told her nobody was supposed to go anywhere. I was trying to
4 tell all the customers, "I know you're upset. Please wait.
5 We need all the people to talk to the police, please." And
6 Teidra came behind the counter and clocked out, and I
7 remember locking the doors. And the customers were upset.
8 The employees were upset. My daughter was crying.

9 Q. So it was just a mess.

10 A. Yes.

11 Q. Which door did you lock first? If you don't remember, I
12 can...

13 A. I don't remember.

14 Q. Okay.

15 A. I think the first -- the front door, but I don't
16 remember.

17 Q. Did you lock the door that the robbers went out?

18 A. At some point, yes, but I don't remember if I locked it
19 first.

20 Q. Okay.

21 A. Most of the people were going out that door to see if
22 they could see the robbers going anywhere. Some people had
23 went out the front door, and some people didn't want the door
24 locked because they felt they wouldn't come back and they
25 wanted to go smoke their cigarettes, and it was just chaotic.

1 Q. So people wanted to smoke cigarettes in this -- out the
2 same door that the robbers went out of right after it
3 occurred?

4 A. No, out the front door.

5 Q. The front door.

6 A. Yes.

7 Q. Front door. Okay. So, I mean, throughout -- throughout
8 this entire thing, Ms. Garcia, your mind was racing, wasn't
9 it?

10 A. (No response.)

11 Q. And I think you said earlier you were worried about your
12 employees?

13 A. Yes.

14 Q. You were worried about your daughter?

15 A. Yes.

16 Q. You were worried about a lot of things.

17 A. The customers.

18 Q. Technically, you were immobilized with fear.

19 A. I don't understand the question.

20 Q. I think you said you stood still. You didn't make any
21 sudden moves. You were panicked. You were---

22 A. Yes. At -- what are you supposed to do if somebody has
23 a gun---

24 Q. Oh, no, no. I'm not -- I'm not saying that that's not
25 the appropriate thing. I'm just asking you were you

1 immobilized with fear.

2 A. The only thing I remember -- the only time I remember
3 moving is when he asked, "Where is the money?" And I turned
4 around and I pointed with my right hand up on the counter,
5 and after that I don't remember moving until they left, and
6 then I was searching for the keys and trying to call 9-1-1.

7 Q. Thank you. So -- now, let's talk about the robber that
8 came back to the drawer. You saw that person's eyes.

9 A. Yes.

10 Q. Okay. And did the person have on a bandana?

11 A. Yes, he did.

12 Q. What color was that bandana?

13 A. Black.

14 Q. I've gone through all of your reports and everything,
15 and at no point did you ever tell anybody the color of the
16 person's eyes.

17 A. I don't recall if I did or not.

18 Q. Now, a lot of the employees came back the next day, I
19 guess, and they filled out robbery questionnaires?

20 A. I don't believe I filled one out. I don't remember.

21 Q. Yeah. I didn't see one. Do you know why you didn't
22 fill one out?

23 A. No, sir, I don't. I might have. I really don't
24 remember.

25 Q. Okay. And everything happened -- I think you said

1 earlier that everything happened real fast.

2 A. Yes.

3 Q. Okay. And when that gun was back there with you in that
4 cage, did you feel intimidated?

5 A. Yes.

6 Q. Powerless?

7 A. Yes.

8 Q. And even though you felt intimidated, powerless, and
9 immobilized with fear, you -- the only thing you did was
10 stare into that person's eyes.

11 A. Yes.

12 Q. But you're not certain of the eye color.

13 A. I was looking -- I never said I was not certain of the
14 eye color.

15 Q. Okay.

16 A. I was looking at his eyes because that was all -- the
17 bandana was from here down. He had on something black under
18 the baseball cap, trying to cover the hair. I'm not sure of
19 the exact name of that. The baseball cap was on. So there
20 was nothing that I could see of him other than his eyes to
21 try to distinguish who this person is in the future. I
22 couldn't identify his feet because I didn't look at his feet.
23 I looked at his face, at his eyes. That's what I could see.

24 Q. Okay. Now, you say that the person immediately went to
25 the secret or the new cash drawer.

1 A. Yes, sir.

2 Q. Okay. And you didn't have to point this out to the
3 individual.

4 A. No. I pointed on top of the counter.

5 Q. When he said, "Where is the money?" you pointed on the
6 top---

7 A. Yes.

8 Q. ---but the person went to the drawer.

9 A. Yes.

10 Q. So you never had a conversation with the person. The
11 person just said that one thing. You pointed, and then time
12 froze.

13 A. Yeah. What would I have talked to him about?

14 Q. No, I'm just asking did you have a conversation. Did
15 you respond or did he ask you anything else or whatever?

16 A. No, I didn't even answer; I just pointed.

17 Q. Yes, ma'am. Now, when the person was going into the
18 cash drawer, is that like at eye level or is that below or
19 where is that drawer?

20 A. Waist level.

21 Q. Waist level?

22 A. The counter, there's a -- I'm not sure which picture but
23 the top counter and then there's a counter lower that we work
24 on.

25 Q. Okay. So---

1 A. And the drawer was underneath that counter, directly
2 mounted underneath that counter.

3 Q. So if maybe this would be the counter, the drawer would
4 be beneath that?

5 A. It wasn't that low.

6 Q. Not that low? So what about if the drawer was right
7 here?

8 A. If the counter -- if the counter was here, the drawer
9 would be right under it. It's in the picture.

10 Q. Okay. I got you. So the person opened the drawer and
11 took everything out of it.

12 A. Yes.

13 Q. And did the person do it like this and stare at you so
14 that you and him could -- so you could see his eyes or was
15 the person down like this, head down?

16 A. I was looking at his eyes.

17 Q. Okay.

18 A. I don't know---

19 Q. All right.

20 A. ---how he got -- I just remember seeing him take the
21 money out of the drawer first and then the money off the
22 counter.

23 Q. Thank you. Now, you indicated that this all happened so
24 fast. Maybe 10 seconds?

25 A. I don't know.

1 Q. No?

2 A. I don't know.

3 Q. All right. Do you have any relation as to what
4 15 seconds might be?

5 A. Sure, but when you're being robbed, you don't think
6 about how long. It seems to last forever.

7 Q. Right.

8 A. It seems that long.

9 Q. No, ma'am.

10 A. But---

11 Q. Go ahead.

12 A. ---you know, of course, it's not taking hours because
13 they're not going to be in there hours, but it seems like
14 it's hours.

15 Q. I understand that, ma'am. I'm trying to understand if
16 you could give us any idea in actuality how long it took
17 other than it happened so fast.

18 **Ms. McDuffie:** Your Honor, I believe the witness said
19 she didn't know.

20 **The Court:** Overruled.

21 By Mr. Chaplin:

22 Q. I'll move on.

23 A. Well, I honestly don't know, but he was within two to
24 three feet of me.

25 Q. Yes, ma'am. Now -- and I noted the distance. Thank

1 you. Now, you said that the robber's face was covered.

2 A. Yes.

3 Q. Right. Okay. And you're not sure -- and he did hold
4 his head down when he was getting the money out of the
5 drawer? Am I misstating that or...

6 A. I'm not sure---

7 Q. You're not sure.

8 A. ---he held his head down. I was looking at his eyes,
9 trying to make sure I had his clothes color and everything
10 that I could...

11 Q. Were you looking at the clothes and everything as well?

12 A. He had on a black shirt and black pants.

13 Q. So at some point you tried to see what he was wearing as
14 well?

15 A. Yes.

16 Q. Okay. Okay. And the person had on a hat?

17 A. Yes.

18 Q. Okay. Now, when you were looking at the robber, was
19 it -- did you look at the person one time or was it several
20 different times that you looked at the person in the eyes?

21 A. When he asked, "Where's the money?"

22 Q. Okay.

23 A. He made eye contact with me.

24 Q. Okay. "Where is the money?" All right. Then at some
25 point the person held their head down, so you lost eye

1 contact at that point.

2 A. I don't know if he held his head down, but I was
3 watching him. I saw his eyes, and when he walked out, I saw
4 his face again.

5 Q. All right. I got you. I understand. Now, when you
6 were looking at his clothing, you weren't looking at his eyes
7 at that time either, were you?

8 A. No. I briefly looked to see the color of his clothes,
9 and I looked back at his face and I was trying to find
10 anything distinguishing about him.

11 Q. So based on that, you probably looked at the person two
12 times: When he came in and when you quit looking at the
13 clothes to look at him again.

14 A. And when he left.

15 Q. And when he left.

16 A. Yes.

17 Q. Okay. Because when he left, he had his face to you or
18 his back to you?

19 A. I was -- my back was to the customers. He was
20 walking -- he looked right at me when he walked out.

21 Q. Okay. So three times. Beg the Court's indulgence.
22 Now, how long -- how many times did you look at the gun?

23 A. One, when he came back behind the counter.

24 Q. And then you watched that person run away.

25 A. He walked away. He didn't even run.

1 Q. He walked. So I guess at some point while you were
2 staring at his eyes, you looked at the drawer. You looked at
3 the gun. You looked at the clothes and you looked at his
4 eyes, and then you looked at him when he left.

5 A. I looked at his eyes first when he asked where was the
6 money.

7 Q. Yes, ma'am.

8 A. And he pulled the drawer open. I was still looking at
9 him. I glanced down, saw his shirt and pants were black, and
10 I looked back up and kept my eyes on him. As he walked off,
11 he made eye contact with me again.

12 Q. Did you ever look out on to the floor for your employees
13 or your daughter or anything while he was back there with
14 you?

15 A. No.

16 Q. Never?

17 A. No. My back was turned to them.

18 Q. So when the robber left your -- left you, he ran out the
19 door?

20 A. He walked from my area---

21 Q. I'm sorry. He---

22 A. He walked -- as if this was the cage, he walked all the
23 way around back through the cashier area---

24 Q. Yes.

25 A. ---back in front and I don't know if he ran after that

1 because when I saw that he was out of the cage, I started
2 looking for my keys and grabbed the phone to call 9-1-1.

3 Q. And then when you got off the phone, you---

4 A. I didn't even -- every time I tried to call from the
5 business phone, I couldn't get through. I don't know if the
6 line was dead or whatever at that time. I was looking for my
7 cell phone. I was looking for my keys. Everyone was saying
8 they were calling the police or they had called the police.

9 Q. Okay, Ms. Garcia. I understand that it was real, real
10 crazy and scary and everything like that. I'm just trying to
11 understand -- so when the robber left your area, he walked
12 away, and then as the manager of that place, you got on the
13 phone because you wanted to get some help over there.

14 A. Yes.

15 Q. Right. Okay. And then when you got off the phone or
16 whatever, did -- were the robbers gone?

17 A. The robbers had already gone out the side door. As I
18 was looking for my keys and getting the phone---

19 Q. Yes.

20 A. ---I'm not sure if they walked out or ran out once
21 they -- it's not a long distance from the cage to the door.
22 It's not that far of a distance.

23 Q. Okay.

24 A. And I'm not sure if they ran at that point or walked,
25 but he walked out of the cage. He did not run out of the

1 cage after he had the money. And I honestly don't recall
2 that I ever got in touch with 9-1-1 because everyone was
3 calling at the same time. I remember trying to call from the
4 business phone and then trying to call from my cell phone.

5 Q. Okay. So I'm just going to say it one more time and
6 then I'll move on. So the robber came back to your area.
7 You had your hands up with your back to the floor. You
8 couldn't see your daughter and you couldn't see any of the
9 employees or whatever, and you were focused on his eyes so
10 that you could remember him if y'all ever lived so you could
11 identify him.

12 A. Yes.

13 Q. Okay. And then when the robber walked away, you then
14 began to look for your keys and your phone. You're not quite
15 sure how they left the building or anything like that. You
16 basically found your keys at some point and then started
17 locking doors and checking on your staff.

18 A. Yes.

19 Q. Okay. When is the first time you became aware -- hold
20 on a second. You might have answered that. I just want to
21 make sure I didn't -- okay. So you said that as soon as the
22 robbers left, you went and locked the doors. You're not sure
23 which doors first. People were running, and you were trying
24 to call 9-1-1 looking for your keys. It was a pretty
25 emotional time?

1 A. Yes.

2 Q. I think you said even, in fact, that you were sick to
3 your stomach.

4 A. Yes.

5 Q. Yeah. And your staff was upset?

6 A. Yes.

7 Q. People were crying?

8 A. Yes.

9 Q. Okay. Did you try to comfort any of them?

10 A. First my daughter.

11 Q. Yes.

12 A. And then the other workers and I was trying to make my
13 way around to the customers. We all tried to move up towards
14 the front and wait for the police to come in. At that point
15 nobody really wanted to be left alone. Some people went out
16 to smoke, but they came back in and...

17 Q. Okay. Now, the police came and you -- your testimony is
18 that you were staring intensely at this person's eyes so that
19 you could hopefully try to identify that individual. When
20 the police came, you didn't identify the person.

21 A. As far as what? I was never shown any pictures that
22 night.

23 Q. Oh, okay. All right. So -- and then the next day you
24 didn't do a robbery questionnaire with the other employees
25 because you weren't given an opportunity.

1 A. I was there, but I don't recall if I took the
2 questionnaire or not.

3 Q. Were you concerned that your information should get to
4 the police as quickly as possible so they could find the
5 person?

6 A. Yes. I contacted Detective Isenhoward numerous times.

7 Q. Got it. Now, throughout this whole thing you've
8 indicated you were very shaken up.

9 A. Yes.

10 Q. Okay. I think in one report you said, "I don't even
11 know how much money was taken. You've got to check with
12 somebody else."

13 A. Yes.

14 Q. Okay. So let's see. The incident occurred on May 23rd;
15 correct?

16 A. Yes, sir.

17 Q. All right. That's a 23, by the way. I know you don't
18 have your glasses on.

19 A. I can see that.

20 Q. Okay. Great.

21 A. That's 24.

22 Q. May 24th went by, no description. May 25th, no
23 description. May 26th, no description. May 27th went by, no
24 description. May 28th, you still never gave a description.
25 May 29th, no description. May 30th, no description. I did

1 not check this, but I think there's 31 days in May. No
2 description. If I'm wrong, I apologize. June 1st, no
3 description. June 2nd, no description. June 3rd, no
4 description. June 4th, no description. June 5th, no
5 description. June 6th, still no description. June 7th, no
6 description. June 8th. And then 18 days later you give a
7 description. Does that sound about right?

8 A. I gave a description that night. However, there was no
9 line-up. There were no -- I assume -- I don't know if they
10 had suspects that night. We told them all the information
11 that we could at that time.

12 Q. I think when you were testifying a second ago with the
13 solicitor you indicated that all they asked you that night
14 was about employee interactions and stuff like that, but they
15 never asked you anything about the descriptions. Is that not
16 what you said? I have your statement right here. The night
17 of the incident they asked you if you had any incidents with
18 employees lately. You said something about Ms. Dennis?

19 A. No, I said something about a girl named Erica.

20 Q. Oh, I'm sorry. Yes, Erica Tillman. I'm sorry. Then
21 they said did you clock -- "Did she clock out earlier?" You
22 said, "Yes." "Did she tell you why she was clocking out?"
23 "She might have. I don't know." "Do you know if Teidra was
24 friends with any of the other employees?" "I don't think
25 so."

1 **The Court:** Sir, ask a question.

2 **Mr. Chaplin:** Okay.

3 By Mr. Chaplin:

4 Q. So on that night, in your statement there is nothing
5 about a description.

6 A. I answered the questions that were asked---

7 Q. Okay.

8 A. ---that night.

9 Q. Thank you. Now, you know, Ms. Diaz -- Garcia, I'm
10 sorry, I know that this was a terrible ordeal and I can
11 imagine that the victims in this case want to see somebody
12 punished and---

13 **Ms. McDuffie:** Your Honor, I object.

14 **The Court:** Mr. Chaplin, sir---

15 **Mr. Chaplin:** Now, you were the manager---

16 **The Court:** Sir. Sir, there's an objection.

17 **Mr. Chaplin:** Oh, I'm sorry.

18 **Ms. McDuffie:** Your Honor, I would ask that the counsel
19 be -- ask the witness a question and stop narrating.

20 **Mr. Chaplin:** I'm sorry about that.

21 **The Court:** In the form of a question, please.

22 **Mr. Chaplin:** Sir?

23 **The Court:** In the form of a question.

24 **Mr. Chaplin:** Yes, sir.

25 By Mr. Chaplin:

1 Q. Was this a terrible ordeal on that evening?

2 A. Yes, for everyone.

3 Q. Would you like to see someone punished as a result of
4 this?

5 Ms. McDuffie: Objection, Your Honor.

6 The Court: Sustained.

7 By Mr. Chaplin:

8 Q. Now, you were the manager that evening; correct?

9 A. Yes, sir.

10 Q. Do you feel responsible to the employees in any way?

11 A. I don't understand your question.

12 Q. Okay. I think -- did the bingo parlor close as a result
13 of this incident?

14 A. Yes.

15 Q. So everybody lost their jobs?

16 A. Yes.

17 Q. To include you?

18 A. Yes.

19 Q. And you suspect that somebody that worked there knew
20 about your secret drawer?

21 A. Yes. The employees had to come through the cashier
22 area. I believe in one of the pictures there's -- you can
23 see the timecard -- time clock on the wall. They had to come
24 back there to clock in and out.

25 Q. And which employee do you think might have shared that

1 information with the robbers?

2 A. I believe Teidra Dennis. All the other employees stayed
3 there. Why would you -- nobody else thought about clocking
4 out. Everybody wanted to get out of there, but she's the
5 only one that clocked out and left?

6 Q. Now, on 5/24 -- excuse me. You spoke with Investigator
7 Isenhoward again.

8 A. Yes, sir.

9 Q. Okay. Have you ever seen your -- the incident report
10 from that meeting?

11 A. I don't recall. I probably had a copy, but I've moved
12 since then.

13 Mr. Chaplin: Okay. Well, may I approach, Your Honor?

14 The Court: Yes, sir.

15 Mr. Chaplin: I want to just ask you one quick question
16 about this.

17 The Court: What is it?

18 Mr. Chaplin: I'm sorry. This is the incident report.

19 The Court: Who is it made by?

20 Mr. Chaplin: Investigator Isenhoward.

21 The Court: Well, ask her a question about it. If she's
22 not the author---

23 Ms. McDuffie: Your Honor, this is not what Mr. Chaplin
24 is purporting it to be.

25 Mr. Chaplin: What is it?

1 **The Court:** I don't know what it is.

2 **Ms. McDuffie:** Your Honor---

3 **The Court:** If it's somebody else's report, just ask her
4 a question---

5 **Ms. McDuffie:** He's trying to show her a report made by
6 the responding officer, Chauncey Smith, on the night of the
7 23rd, not the 24th.

8 **The Court:** She can't vouch for what somebody else said.

9 **Mr. Chaplin:** Beg the Court's indulgence.

10 By Mr. Chaplin:

11 Q. So on the night of the 23rd -- I'm sorry. I'm a little
12 ahead of myself. On the night of the 23rd, you spoke with
13 Officer Chauncey; correct?

14 A. I don't recall the officer I spoke with.

15 Q. All right. And you didn't give him a description
16 either.

17 A. The questions I was asked that night I answered.

18 Q. Okay. Now, on the 24th - I got it out of order - you
19 then met with Investigator Isenhoward, and that's when you
20 told him that you didn't know how much money was taken and
21 that Anne Miller might be able to assist.

22 A. I told them the night of the robbery on the 23rd.

23 Q. Okay.

24 A. They asked me approximately how much money was taken. I
25 told them on the 23rd.

1 Q. Okay. My point is is that there's no description given
2 in that report either.

3 Ms. McDuffie: Your Honor, I object to the testimony by
4 Mr. Chaplin. If he would like to ask her a question...

5 The Court: Move on, please.

6 Mr. Chaplin: Sir?

7 The Court: Move on.

8 Mr. Chaplin: Thank you.

9 By Mr. Chaplin:

10 Q. All right. I'll try to wrap it up. So then on the 23rd
11 and on the 24th, there's no descriptions. And then over the
12 next few days what are you doing at the bingo parlor after
13 the robbery?

14 A. I was asked by Wayne Kirby and Anne Miller to come in.
15 We also met with Isenhoward. I'm not sure exactly what
16 dates, what times. The employees came in. Everyone was, of
17 course -- needed to know because Wayne had -- knows of other
18 people in other bingos. Everybody needed a job. We were all
19 unemployed at that time. A lot was going on. People were
20 talking about what had happened the night before. I did some
21 computer work or tried to do some computer work. However,
22 each time I entered the building it was very hard to be in
23 there, whether I was with someone or -- and I would not go in
24 by myself.

25 Q. Okay. Now, your daughter testified that at some point

1 there was an employee meeting, and everyone looked at videos.
2 Were you part of that meeting?

3 A. Yes.

4 Q. Okay. So now on the 9th of June, 18 days later, after
5 everything occurred, after the employees did a lot of talking
6 and after you saw the videos, you contacted Investigator
7 Isenhoward and you said you wanted to try to identify the man
8 who robbed the office.

9 A. I'm not sure if those are my exact words or not.

10 Q. Okay. You said to him, "I saw his eyes." Did you?

11 A. Yes.

12 Q. Okay.

13 A. I told everyone I saw his eyes.

14 Q. Right. And that you possibly could identify the person.

15 A. I told Detective Isenhoward that from the 24th, that if
16 he had a line-up I could possibly identify the person. At
17 that point they had, I guess, not any suspects. I'm not sure
18 at what point they had the suspects, but I talked with
19 Isenhoward quite a bit. I asked him, "Did you catch anybody?
20 Do you have anybody? Do you have a line-up?" There was a
21 lot of communication as far as we wanted -- everybody wanted
22 them caught.

23 Q. And you still want the last person caught.

24 A. Yes.

25 Q. Okay. Now, yesterday you testified that what was unique

1 about the eyes was that they were slanted?

2 A. They're thin and wide. When you look at somebody --
3 it's like a voice recognition. There are some peoples'
4 voices that you never forget. Some peoples' laugh you never
5 forget. His eyes I'll never forget. He -- my back was to my
6 daughter, my employees, my customers. He looked at me.

7 Q. Okay. Now, earlier you said that you are nearsighted;
8 correct?

9 A. Yes, sir.

10 Q. So the descriptions of what was occurring on the floor
11 -- you said you didn't have your glasses on. Could you see
12 that far away?

13 A. I could see a tall, thin man with a bandana on.

14 Q. Okay.

15 A. And as I said before, I'm sure I'm not the only one that
16 assumed it was Peanut. We all thought Peanut was there
17 playing around, joking, and then as the second person came
18 behind the counter, that's when I realized that it was really
19 a robbery, that it was really happening.

20 Q. But you mistook the first robber for Peanut.

21 A. Yes, because he was out on the floor. He wasn't two or
22 three feet away from me.

23 Q. So you couldn't really see that far away is what you're
24 saying?

25 A. I could see, but he was tall and thin and he had a

1 bandana on his face, and I didn't see Peanut on the floor at
2 that time. He could have been behind one of those poles
3 selling sheets.

4 Q. So that was a mistaken identity?

5 A. I was never asked to identify him, so I don't understand
6 how that was mistaken. I was never asked to identify the
7 first person.

8 Q. But you said that you thought it was Peanut, but it was
9 really the robber.

10 A. Yes, because at that point I did not even know we were
11 getting robbed. I thought Peanut was joking. If you --
12 everybody who has ever worked with Peanut, bingo players,
13 that's -- Peanut jokes. He's a jokester. He'll jump over
14 the table or he'll come up behind you and scare you. That's
15 Peanut. So for me to think that that was Peanut is not odd.
16 Some of the players thought Peanut was joking. Also, I
17 believe Mr. Furtick even testified to that.

18 Q. So you said that when Investigator Isenhoward showed you
19 the six pictures, that number two's eyes -- you spotted them
20 immediately.

21 A. Yes.

22 Q. Okay. You said they were wide and slanted?

23 A. Thin, slanted. I'm not sure. I know how they looked.

24 Q. Got it.

25 A. They're thin. It's Mr. Chestnut's eyes.

1 Q. Well, I know that's what you believe. I'm just trying
2 to understand what you saw.

3 A. That is what I saw.

4 **Mr. Chaplin:** Beg the Court's indulgence. I think I'm
5 finished. Okay. Answer any questions that the State may
6 have to fix your testimony.

7 **Ms. McDuffie:** Your Honor, I object.

8 **The Court:** Strike that from the record, please.

9 **Ms. McDuffie:** Thank you, Your Honor.

10 Redirect Examination

11 By Ms. McDuffie:

12 Q. Angela, when the officer first responded to the scene,
13 the uniformed deputy, you gave him a description: black
14 shirt, black pants, black bandana on face and Braves cap?

15 A. Right now I don't remember the cap, but I do remember
16 the black bandana, black shirt, and black pants.

17 Q. And he was wearing a hat. You just don't remember if it
18 was Braves or not.

19 A. I don't remember if it was Braves. It had something on
20 it, but I don't remember.

21 Q. And later that night they took a written statement from
22 you to try and get more information about Teidra Dennis and
23 other employees?

24 A. Yes, ma'am.

25 Q. But you'd already given a description to the responding

1 officer at that point.

2 A. Yes.

3 Q. And you told Investigator Isenhoward you thought you
4 could identify the person.

5 A. Yes, ma'am.

6 Q. And as soon as he got a line-up, he came and showed it
7 to you.

8 A. Yes, ma'am.

9 Q. And whether it had been two days, 18 days, or
10 8,000 days, could you identify the person that robbed you
11 that night?

12 A. Yes, ma'am, and I still can.

13 Q. Please point him out for the jury.

14 A. Jeff Chestnut.

15 **Ms. McDuffie:** Your Honor, please let the record reflect
16 that she's identified the defendant.

17 **The Court:** So reflected---

18 **Ms. McDuffie:** Any doubt---

19 **The Court:** ---that she's identified the defendant.

20 **Ms. McDuffie:** ---in your mind, Ms. Garcia?

21 **The Witness:** No, ma'am.

22 **Ms. McDuffie:** No further questions.

23 **Mr. Chaplin:** Nothing further.

24 **The Court:** All right. You may come down, ma'am. Thank
25 you very much. Approach the bench, counsel.

1 (Whereupon, a bench conference was held.)

2 **The Court:** All right. Ladies and gentlemen, let's take
3 a short break, afternoon break. I believe we've got some
4 refreshments for you in the jury room. Just relax for a few
5 minutes. We'll call you in about 10 minutes, 10 to 15
6 minutes.

7 (Whereupon, the jury was excused from open court at
8 3:30 p.m.)

9 **The Court:** All right. We'll stand at ease for 10
10 minutes.

11 **Ms. McDuffie:** Your Honor, can -- we would object to Mr.
12 Chaplin's commentary before and after questioning and also
13 when he was leaving. We would ask that he discontinue that
14 practice as it's not in compliance with the rules.

15 **The Court:** We'll take it up if something like that
16 happens again. I asked the jury -- I have stricken it from
17 the record.

18 **Ms. McDuffie:** Thank you, Your Honor.

19 (Whereupon, a short break was taken.)

20 **The Court:** Come to order, please. Be seated. State
21 ready for the jury?

22 **Ms. McDuffie:** Yes, Your Honor.

23 **The Court:** Defense ready for the jury?

24 **Mr. Chaplin:** Yes, Your Honor.

25 **The Court:** If they're ready, bring the jury.

1 (Whereupon, the jury was brought into open court at
2 3:48 p.m.)

3 **The Court:** Thank you very much. All right. Solicitor,
4 call your next witness.

5 **Ms. McDuffie:** The State calls Investigator Carwell.

6 John Carwell, after being duly sworn, testified as
7 follows:

8 **The Clerk:** Please have a seat in the witness stand, and
9 state your full name for the record.

10 **The Witness:** It's John Carwell.

11 Direct Examination

12 By Ms. McDuffie:

13 Q. Investigator Carwell, where are you currently employed?

14 A. Richland County Sheriff's Department.

15 Q. And what are your duties with the sheriff's department?

16 A. I'm currently assigned to the narcotics division.

17 Q. And in May of 2010, what were your duties?

18 A. I was assigned to the burglary team as a day-to-day job,
19 but at the time I was on call or evening shift as we call it.

20 Q. And when you're on evening shift, what do you do?

21 A. It's a team of basically five investigators, and there's
22 a sergeant assigned to supervise us. It's a seven-day span
23 where we're covering incidents that happen after hours,
24 basically at the end of the day, around 5:00. For that seven
25 days, whatever happens during the evening time or the

1 weekends, we respond to any incidents that line units may
2 need an investigator.

3 Q. And on May the 23rd of 2010, did you respond to 2768
4 Decker Boulevard to the Carolina Gold Bingo?

5 A. I did.

6 Q. Is that in Richland County?

7 A. Yes, it is.

8 Q. And when you responded there, what was your purpose?

9 A. I was to collect as much information as possible
10 involving this incident to pass on to investigator that the
11 case would be assigned to the following morning.

12 Q. And explain to the jury how that works.

13 A. I responded. Got on the scene. Spoke with Corporal
14 Smith who responded to the initial call. He provided me
15 information that at the time it was two unknown black males
16 entered through the side business door with bandanas over
17 their face and they had semiautomatic pistols. He also
18 provided me a name of an employee - Teidra Dennis - that left
19 before he had arrived and that she may have some information
20 or know the suspects that were responsible for this robbery.

21 Q. And were you aware at this point as well that he had
22 already spoken to Angela Diaz-Garcia?

23 A. Yes.

24 Q. And that she -- Ms. Garcia has already provided a
25 physical description to him?

1 A. Yes. She was the complainant on the report.

2 Q. And tell the jury what the complainant means on the
3 incident report.

4 A. She's the person that first makes contact with the
5 responding officer. She provides her information for the
6 report as well as a description of any suspects.

7 Q. So the very first person law enforcement talked to was
8 Angela Díaz-Garcia?

9 A. Yes.

10 Q. And she provided them a description of the individual
11 that robbed her?

12 A. Yes.

13 Q. And you also spoke with Ms. Garcia.

14 A. I did.

15 Q. And what was your -- not necessarily with her but with
16 any person that you're speaking to in this situation, what
17 was your goal in speaking with them?

18 A. I'm looking for any kind of information that can lead to
19 a name of a suspect, any concrete information that we can
20 lead -- we can leave that scene and go look further to try to
21 find out and identify who the suspects are.

22 Q. And when you come into a scene, do you have ready-made
23 suspects already -- you know, their names and information
24 waiting for you?

25 A. No, we don't.

1 Q. So what do you try to do?

2 A. Try to get phone numbers, possible ex-employees that may
3 be responsible, prior customers that have come in there and
4 caused a scene or said something, stuff like that.

5 Q. So you cast a very wide net.

6 A. Correct.

7 Q. And you want to try and get any information that anyone
8 has that may or may not be relevant?

9 A. Correct.

10 Q. And then it will be up to you and the team of
11 investigators to determine and follow up on those leads.

12 A. That's correct.

13 Q. When you -- the first person you made contact with, who
14 was that?

15 A. I spoke with Sarah Furtick.

16 Q. And you had her also fill something out, a robbery
17 questionnaire?

18 A. I did.

19 Q. Please describe for the jury what that document is.

20 A. A robbery questionnaire is a one-page sheet that
21 basically allows you to describe the suspect. It just gives
22 height and weight, facial hair. It's usually used for line
23 units. So it doesn't take any questions -- or they don't
24 have to decide what kind of questions to ask. They can get
25 quick descriptions of suspects, just something easy to fill

1 out, easier than having to develop your own questions.

2 Q. And as you began interviewing people that night, were
3 those robbery questionnaires -- did they become an important
4 or a valuable tool?

5 A. They were valuable, but I was looking for more. And the
6 employees that I interviewed and spoke with, they were
7 providing more information than what is asked on these
8 robbery questionnaires.

9 Q. So how many or did you continue to use the robbery
10 questionnaires?

11 A. I did three. I didn't do any more.

12 Q. And whose decision was that?

13 A. Mine.

14 Q. And why did you decide not to use that form?

15 A. Like I said before, I wanted more information than what
16 the sheet had on it. I wanted more.

17 Q. So you then sat down with each employee and questioned
18 them individually?

19 A. Correct, away from -- everybody was separate in speaking
20 with me.

21 Q. And not only did you question the employees, but you
22 also questioned players at the business that were robbed?

23 A. That's correct.

24 Q. You spoke with Sarah Furtick?

25 A. That's correct.

1 Q. Marva Coates?

2 A. That's correct.

3 Q. Darren Davon Calhoun who is also known as Scooter?

4 A. I did.

5 Q. Timothy Bell known as Peanut?

6 A. I did.

7 Q. Drenita Ore?

8 A. That's correct.

9 Q. Kayla Sharpe?

10 A. That's correct.

11 Q. And Angela Garcia?

12 A. That's correct.

13 Q. And you spoke with them that night?

14 A. I did.

15 Q. And did you take written statements from all of them?

16 A. I took written statements from two.

17 Q. And what -- why would you take a written statement from
18 one person and not from another person?

19 A. They have different information that needed to be passed
20 on. I wanted to get it written down as a statement so they
21 could -- it's what they remember that night. Everybody was
22 in a state of shock still when I arrived, and you want to get
23 as much as you can down on paper. They may forget or they
24 may remember more the next day once their mind is cleared up.

25 Q. But you did a detailed -- sat down individually and did

1 detailed interviews with all these individuals?

2 A. Yes.

3 Q. And then you memorialized that in an investigative
4 follow-up in a document you produced?

5 A. Yes.

6 Q. And that was contained in the file?

7 A. Yes, it was.

8 Q. And that's summarized and then put in detail your
9 conversations with all these individuals?

10 A. Yes.

11 Q. You said that you were asking more for things like phone
12 numbers and clothing rather than height and weight. Can you
13 tell the jury why?

14 A. Height and weight, when you're asking seven different
15 people at a time during a robbery, it varies. As you can see
16 in the paperwork, the height and weights vary from each
17 individual person. Uncertain. So phone numbers that may be
18 on somebody's phone, as Ms. Teidra used, that's more
19 concrete, something you can follow up, or the employee saying
20 that, "Hey, we recognize somebody from the other night. I
21 think that's one of the suspects that was involved in this
22 robbery." I'm looking for information like that.

23 Q. So the things like phone numbers -- Darren Davon Calhoun
24 also known as Scooter, what was his phone number?

25 A. 803 was the area code. 201-0427.

1 Q. And you learned that that number was calling a 740
2 number?

3 A. 803-740-9098 which was later identified as Jeff
4 Chestnut's phone number.

5 Q. And that was very relevant to you?

6 A. Yes, it was.

7 Q. And so those are the kind of things that you were
8 looking for?

9 A. Yes, it was.

10 Q. And the employees provided you with that information?

11 A. Yes, they did.

12 Q. During the course of your investigation, you learned
13 that the majority of the people who were out on the floor
14 were focused on one suspect and then there was another
15 suspect in the cage area?

16 A. That's correct.

17 Q. And the description of that person you knew was already
18 in law enforcement's possession?

19 A. Yes, the guy behind the cage was identified by Ms. Diaz.

20 Q. And she gave that description to whom?

21 A. The responding deputy, Corporal Smith, Chauncey Smith.

22 Q. And so did you follow up on that in any way?

23 A. No.

24 Q. And why or why not?

25 A. Because it was already taken. I was looking for more.

1 Q. Okay. And you tried to get as much information from the
2 people that were there as you could.

3 A. That's correct.

4 Q. And -- but you're not the lead or final investigator on
5 this case, are you?

6 A. No.

7 Q. And who is that?

8 A. Sergeant Isenhoward.

9 Q. And so your role is to get as much information as you
10 can to give to Sergeant Isenhoward so he could finish his
11 investigation?

12 A. That's correct.

13 Q. And please explain to the jury how that's done.

14 A. That night, the same evening after interviewing the
15 seven people that I did, I went back to my office, typed a
16 follow-up. It's approximately -- it's three pages long. I
17 put a copy of the incident report, my statements, my
18 follow-up from all the information that I gathered -- it was
19 put in what's called a hot box. Any major crimes that happen
20 during the evening hours, supervisors know the next morning
21 to come in and check that box for any major crimes that may
22 have happened to follow up on first thing in the morning.

23 Q. Did you also try and canvass other businesses, things of
24 that nature?

25 A. I did.

1 Q. And please tell the jury what, if any, information you
2 gained from that.

3 A. I went next door. It's a building not connected to the
4 bingo parlor, but I went next door. It's called Friends Bar.
5 I spoke to the -- I guess the bartender that night - it's at
6 2768 Decker Boulevard; it's Suite E - to see if they had any
7 video cameras and they did. I was able to locate two
8 individuals going in the side entrance to the bingo parlor
9 and then coming out approximately a minute later. I gathered
10 the name of -- I wasn't able to collect it that night, but I
11 was able to get a contact name and come back the next day,
12 but eventually we weren't able to get that video.

13 Q. But you did view that video?

14 A. I did view the video.

15 Q. Could you make out who those individuals were on the
16 video?

17 A. No, I could not make them out.

18 Q. And why was that?

19 A. It was too far away.

20 Q. And you just couldn't see them on -- I mean, you could
21 see bodies---

22 A. You could see bodies going into the business and coming
23 out around the time frame described by the witnesses and
24 victims.

25 Q. And that was as much detail as you could get from that?

1 A. That's correct.

2 Q. And law enforcement actually wasn't able to obtain a
3 physical copy of that information?

4 A. Correct.

5 Q. Although you tried?

6 A. Yes, we did attempt.

7 Q. And after that, you turned this information over to --
8 all of the information you got that evening over to
9 Investigator Isenhoward?

10 A. I did.

11 Q. And did you have any further involvement in this case?

12 A. I did not.

13 Ms. McDuffie: No further questions for this witness.

14 The Court: Cross-examination.

15 Mr. Chaplin: Thank you.

16 Cross-Examination

17 By Mr. Chaplin:

18 Q. Officer Carwell, you indicated that you didn't question
19 Ms. Garcia about the identification or the description
20 because someone else had?

21 A. Yes.

22 Q. And what made you believe that?

23 A. I spoke with Corporal Smith as soon as I got on the
24 scene, and he briefed me with what he had gathered.

25 Q. Okay. Have you ever read Corporal Smith's report?

1 A. I've seen it.

2 Mr. Chaplin: May I approach the witness, Your Honor?

3 The Court: Yes.

4 By Mr. Chaplin:

5 Q. Can you tell me -- can you tell me if this is the report
6 that you saw?

7 A. Yes, it is.

8 Q. And that report describes the robbers?

9 A. It describes the individual that went behind the
10 counter.

11 Q. Okay.

12 A. Suspect number one.

13 Q. Would you please read this report out loud?

14 A. Line for line or just the narrative?

15 Q. I don't want to---

16 A. You want just the narrative or the---

17 Q. The narrative.

18 Ms. McDuffie: Your Honor, I object.

19 The Court: You can't do that.

20 Mr. Chaplin: Your Honor, may I approach?

21 The Court: Yes, sir.

22 Mr. Chaplin: Thank you.

23 (Whereupon, a bench conference was held.)

24 The Court: You may continue.

25 Mr. Chaplin: Thank you.

1 By Mr. Chaplin:

2 Q. So you spoke with Corporal Chauncey Smith regarding his
3 report?

4 A. I spoke to him about what he needed to brief me on.

5 Q. Right. And he discussed with you the description of the
6 person in the cage?

7 A. He described to me that he had notes. He had notes for
8 the report.

9 Q. All right. And he told you that the person had on a
10 black shirt?

11 A. I don't recall that. I just know he received a
12 description from Ms. Diaz.

13 Q. So -- but you don't recall what the description was.

14 A. No.

15 Q. So based on that, you didn't ask Ms. Diaz anything about
16 a description.

17 A. Correct.

18 Q. Now, when you came to the scene, is it customary that --
19 what was your role when you arrived?

20 A. To observe the scene, make sure everything was secure
21 which it was, to get a briefing from the responding deputy---

22 Q. Right.

23 A. ---who was first on the scene to see what he's gathered,
24 give me any kind of details that he may have involving this
25 incident.

1 Q. Okay. Can I stop you there?

2 A. Yeah.

3 Q. Okay. So -- and you did speak with the responding
4 deputy.

5 A. Yes.

6 Q. But you don't recall what that conversation was?

7 A. Yes.

8 Q. So what description did he give you of the person in the
9 cage?

10 A. I didn't get a description. I got the gist of what
11 happened, who he had spoken to and...

12 Q. Well, if you didn't get the description, then why didn't
13 you get a description?

14 A. Because he'd already gotten it.

15 Q. You've testified that you were told there were two
16 unknown black males?

17 A. Yes, sir.

18 Q. Okay. And you said that when you got there you were
19 told that Teidra Dennis had left early?

20 A. Yes.

21 Q. Okay. Now, let's talk about the robbery questionnaires
22 because you just said that you're there to collect as much
23 information and whatever when you get there. You -- where
24 were you trained to do robbery questionnaires? At the
25 academy?

1 A. Yeah.

2 Q. Where?

3 A. The department.

4 Q. The department. But you decided not to do the
5 questionnaires.

6 A. I did three.

7 Q. You did three, but you spoke with at least eight people.

8 A. Yes.

9 Q. But you decided that the questionnaires wouldn't be
10 helpful at this trial?

11 A. No, they're helpful.

12 Q. So why didn't you do it on everyone?

13 A. I felt that what the questionnaires were asking did not
14 provide enough detail to what I was receiving from the
15 employees. I was getting a phone number. I was getting
16 information about an employee. I was getting information
17 that an employee was contacting this number several times
18 before the incident. I had an employee that left. I had
19 more details than what are on the robbery questionnaire.

20 Q. Isn't it true that you quit doing the questionnaires
21 because after you spoke to the employees you pretty much
22 figured out who you thought did it?

23 A. I didn't have a name. I didn't know who did it, but I
24 had -- I felt that I had good information to follow up on.

25 Q. But not descriptions.

1 A. No, I had descriptions from three robbery
2 questionnaires. There's descriptions of the suspects in my
3 follow-up as well.

4 Q. You said that you had a good idea, but you didn't have
5 names.

6 A. Correct.

7 Q. Okay. And that's after you spoke with those eight or so
8 employees?

9 A. Seven.

10 Q. Seven. But you didn't do questionnaires on all of them
11 as far as height, weight, and things on that order.

12 A. I took statements as well and I wrote down everything
13 that the others -- other information they provided me.

14 Q. Okay. But at that point did someone tell you that when
15 you got there that -- I think you testified that they
16 believed that Teidra Dennis might have been involved?

17 A. Yes.

18 Q. Did anybody tell you that they recognized one of the
19 people from hot dog night?

20 A. Yeah.

21 Q. Okay. So then you went immediately to phone numbers and
22 started looking at those?

23 A. I just collected it. I didn't look into it any further.
24 I just provided the phone number and gave the possible link
25 to that phone number.

1 Q. Now, you said that as far as the video cameras that you
2 couldn't really tell who it might have been from that.

3 A. From Friendly's Bar.

4 Q. Right.

5 A. Correct.

6 Q. Now, you spoke to Ms. Garcia at what point?

7 A. She was, I believe, the last person I spoke to.

8 Q. Okay. How did that conversation go?

9 A. I took a written statement from her.

10 Q. Do you have that with you?

11 A. I do.

12 Q. Okay. Beg the Court's indulgence. Now, at that time
13 she didn't provide you with a description of the robber or
14 the person in the cage either, did she?

15 A. I didn't ask her that question.

16 Q. Okay. So now you're investigating a robbery. You go to
17 the scene and you talk to the person that was in the cage
18 with the robber, but you don't ask that person about the
19 identification because someone told you, "I have that
20 already." Is that your testimony?

21 A. No.

22 Q. Well, I'm confused. Tell me---

23 A. You have to realize these individuals are shaken up,
24 too, by what had just happened.

25 Q. And I---

1 A. I knew that she was the complainant. She had provided a
2 description of the individual that she came in contact with.
3 So I asked her questions and I also took down her address,
4 two phone numbers, because I knew she was going to be
5 interviewed again, not just that evening. Interviewed again,
6 maybe her -- she would recognize more things, clear her mind.

7 Q. And when was she interviewed again?

8 A. I didn't interview her again.

9 Q. So you didn't follow up to make sure that she got
10 interviewed again. You just figured she'll probably be
11 interviewed again.

12 A. I knew she was going to be interviewed again.

13 Q. Do you know when she was interviewed?

14 A. I do not have the date and time; no, I do not. I wasn't
15 part of it.

16 Q. I'm just trying to understand why you would be there on
17 the 23rd and talk to the person that the State's relying on
18 as an eyewitness and not get a description.

19 A. She had already given it.

20 Q. But you weren't even aware of what the extent of that
21 description was and then -- I'm sorry.

22 A. No. Go ahead.

23 Q. And then you met with the person -- met with her later
24 on and there's nothing in your report that even remotely
25 resembles that you asked her any questions about a

1 description. Your report focused more on Teidra Dennis than
2 anything else. So at that point---

3 **Ms. McDuffie:** Your Honor, I ask that counsel ask a
4 question, please.

5 By Mr. Chaplin:

6 Q. Did your report focus on Teidra Dennis?

7 A. I believe she was a suspect in this crime.

8 Q. So when Ms. Garcia spoke with you - and I assume your
9 report is complete - the only thing that you all talked about
10 was potential suspects.

11 A. Yes.

12 Q. But you didn't get a description about the other
13 potential suspect.

14 A. She couldn't see a very good description of the guy on
15 the floor, as she testified to.

16 Q. And I'm not talking about that. I'm talking about the
17 guy in the cage. She obviously couldn't see that either.

18 A. It's on the original report.

19 **Ms. McDuffie:** Objection, Your Honor.

20 **Mr. Chaplin:** Beg your pardon?

21 **The Witness:** It's on the front page---

22 **The Court:** Sir.

23 **The Witness:** ---of the---

24 **The Court:** Sir.

25 **The Witness:** ---original report.

1 **The Court:** Hold on. Please ask him a question and
2 not... Don't argue with him. Ask him a question and he
3 gives an answer.

4 By Mr. Chaplin:

5 Q. So when you started tracking these telephone numbers, I
6 mean collecting the telephone numbers, tell me what you did
7 to collect them.

8 A. The employees told me that two -- two different
9 employees said that Deidra (verbatim) asked to use their
10 phone.

11 Q. Yes.

12 A. Several times.

13 Q. Right.

14 A. She called the 803-740 number, 9098---

15 Q. Right.

16 A. ---several times before the robbery.

17 Q. Right.

18 A. So I collected that.

19 Q. And once you got that number, you collected it and then
20 at some point you searched -- you investigated who that
21 number was for.

22 A. It was later found through the investigation that it
23 belonged to Jeff Chestnut. I put it in my follow-up that
24 evening.

25 Q. Okay. And when did you find out that the number

1 belonged to Mr. Chestnut?

2 A. Through the course of the investigation.

3 Q. It wasn't the very next day?

4 A. Not to my knowledge.

5 Q. Have you ever arrested -- excuse me. Have you ever
6 arrested Teidra Dennis?

7 A. No, I have not.

8 Q. Why not?

9 A. There's a warrant outstanding for her.

10 **Mr. Chaplin:** Beg the Court's indulgence for one second.

11 I think I'm finished, Investigator. Let me just make sure.

12 I have nothing further.

13 **The Court:** Redirect.

14 **Ms. McDuffie:** Briefly, Your Honor.

15 Redirect Examination

16 By Ms. McDuffie:

17 Q. Investigator Carwell, you testified that when you showed
18 up, all the people you talked to were very upset, still in
19 shock at what had happened to them?

20 A. Very.

21 Q. And your goal is to get the most amount -- most
22 information you can from them.

23 A. That's correct.

24 Q. Is it beneficial -- over your career have you found it
25 to be beneficial to ask people to give you duplicative

1 information?

2 A. Say that again.

3 Q. To ask people the same questions that they've already
4 been asked by other officers?

5 A. No. You don't want to rehash what they've been through
6 if you don't have to.

7 Q. And your goal is to get as much information as you can.

8 A. That's correct.

9 Q. And you knew in this case that information of the
10 description that Angela Diaz-Garcia gave was already in
11 Investigator Smith's notes.

12 A. Yes.

13 Q. And so you didn't ask her the same question over and
14 over and over again.

15 A. That's correct.

16 Q. That wouldn't be useful?

17 A. Right.

18 **Ms. McDuffie:** Thank you. No further questions.

19 **Mr. Chaplin:** Briefly.

20 Recross Examination

21 By Mr. Chaplin:

22 Q. So how did you know that Mr. Smith didn't ask Ms. Garcia
23 about the phone number?

24 A. He didn't tell me that.

25 Q. But he told you a description?

1 A. She didn't provide me with a phone number.

2 Q. Okay. I'm sorry. How did you know that Officer Smith
3 didn't -- didn't -- I'm sorry. How do you know that he
4 didn't ask her about any phone numbers?

5 A. Because she didn't have the phone number.

6 Q. When you spoke to Officer Smith, he didn't give you any
7 phone numbers; correct?

8 A. Correct.

9 Q. All right. So you remember that about your conversation
10 with Officer Smith.

11 A. That's correct.

12 Q. But you don't remember the description.

13 A. That's because the employees provided me with the phone
14 numbers as well, the other employees.

15 Q. I'm just going back to your recollection with the
16 conversation with Officer Smith. You remember the portion
17 about the phone number, but you don't remember the
18 description he gave -- that he told you he received.

19 A. I'm not sure what you're asking.

20 Q. When you spoke with Officer Smith, you said that he gave
21 you an update when you arrived.

22 A. That's correct.

23 Q. And from that update you did not pursue Ms. Garcia
24 regarding any identification information.

25 A. Right.

1 Q. Right?

2 A. (Witness nodded head up and down.)

3 Q. And in that conversation he also told you that, "Oh, by
4 the way, I don't have a phone number." Did he tell you that
5 you needed to look into that?

6 A. Have her phone number?

7 Q. Of any phone numbers. You immediately started
8 investigating phone numbers.

9 A. Because that phone number kept coming up. Four
10 different people kept bringing it up.

11 Q. My point is---

12 A. So it became important.

13 Q. My point is---

14 **Ms. McDuffie:** Your Honor, I ask him to ask a question.

15 **Mr. Chaplin:** I will ask the question. Do you remember
16 the description that Officer Smith received from Ms. Garcia?

17 **Ms. McDuffie:** Asked and answered, Your Honor.

18 **The Witness:** No.

19 **Mr. Chaplin:** Nothing further.

20 **The Court:** All right. You may come down, sir. Thank
21 you very much.

22 **The Witness:** Thank you, Your Honor.

23 **The Court:** Next witness.

24 **Ms. Simpson:** The State calls Investigator Yvonne Woods.

25 Yvonne Woods, after being duly sworn, testified as

1 follows:

2 **The Clerk:** Please have a seat in the witness stand, and
3 state your full name for the record.

4 **The Witness:** Yvonne Woods.

5 Direct Examination

6 By Ms. Simpson:

7 Q. Investigator Woods, where are you employed?

8 A. Richland County Sheriff's Department.

9 Q. And what do you do there?

10 A. Crime scene investigator.

11 Q. How long have you been a crime scene investigator with
12 Richland County?

13 A. Four years.

14 Q. Four years. And can you tell the jury just a little bit
15 about your educational background and training with respect
16 to crime scene investigations?

17 A. We have two years in-service training that we have to go
18 through. We learn to do -- collect the evidence, photograph.
19 We preserve evidence.

20 Q. Okay. So that's through your training.

21 A. Training.

22 Q. And what types of things -- you said a few. What
23 exactly does crime scene investigations involve?

24 A. We go out and we photograph our scenes once again, and
25 we collect and preserve evidence.

1 Q. So the goal of the Crime Scene Unit is to collect and
2 preserve evidence.

3 A. Photograph. Correct.

4 Q. Now, back on -- in May of 2010 were you working as a
5 crime scene investigator?

6 A. Yes, ma'am, I was.

7 Q. And did you have occasion to respond to the Carolina
8 Gold Bingo on May 23rd of 2010?

9 A. Yes, ma'am, I was.

10 Q. And can you tell the jury about that?

11 A. I responded. I got the call and I received the call
12 around 1900 hours. I got there at 19:12, and I made contact
13 with Ms. Garcia and she walked me through the scene.

14 Q. And Ms. Garcia -- what is the purpose of you speaking
15 with someone at the scene and---

16 A. Because she can walk me through it step by step and show
17 me where the subjects may have walked, touched, wherever I
18 may can collect evidence.

19 Q. So that initial information is important to you---

20 A. Yes, ma'am.

21 Q. ---in your processing a scene.

22 A. Yes, ma'am.

23 Q. Can you describe for the jury the scene as you found it
24 when you arrived?

25 A. When I arrived, I saw people going in and out. It was a

1 little chaotic.

2 Q. In and out of all the doors?

3 A. All the doors: side doors and front doors.

4 Q. And after you spoke with Ms. Garcia, what information
5 did she provide you?

6 A. She pointed out the drawers that the subjects or subject
7 touched, and she showed me the doors and the drawers, so...

8 Q. Okay. And was that helpful to you---

9 A. Yes, ma'am.

10 Q. ---initially?

11 A. Yes, ma'am.

12 Q. And what's the first step after you speak with someone
13 and you kind of get a feel for the scene? What do you do?

14 A. I photograph the scene.

15 Q. And I'm going to show you some pictures that have
16 already been placed into evidence. Are these photographs
17 that you took of the scene?

18 A. Yes, ma'am.

19 Q. And tell us why you photograph a scene.

20 A. To show what the scene looks like at the time of the
21 incident that I arrived.

22 Q. Okay. And after you photograph the scene, what is your
23 next step?

24 A. I begin processing.

25 Q. And by processing, tell the jury a little bit about what

1 you do when you process a scene.

2 A. After I photograph, I go in and I dust for fingerprints
3 and I collect D.N.A.

4 Q. Okay. And in this case did you process the scene?

5 A. Yes, ma'am, I did.

6 Q. Tell us how you did that and what you did.

7 A. The side door was my first thoughts because they came in
8 through that side door, but due to people going in and out of
9 that door, it was contaminated. I had everybody else's
10 D.N.A. on that door.

11 So Ms. Garcia walked me back to the drawers that the
12 subject had touched. I started processing it. After
13 photographing, I marked it and I started processing it,
14 looking for possible latent prints. After I couldn't find
15 any latent prints, I collected D.N.A.

16 Q. And we're talking in terms of - and we'll split it up
17 just a little bit - fingerprints. What do you do with
18 respect to processing? How do you even attempt to collect a
19 print?

20 A. We have a dust that we use with a brush, and we try to
21 bring out the possible prints that may be on the drawer.

22 Q. And how do you determine whether your attempt is
23 negative or positive?

24 A. I look for ridge detail on the drawer with light, and I
25 was unable to find any.

1 Q. And by ridge detail, what exactly do you mean?

2 A. That's the oils that's in your skin. Once you touch
3 something, it leaves a print or your ridge details in your
4 fingers.

5 Q. Okay. And that's created by the oils and---

6 A. Oils.

7 Q. ---things of that nature.

8 A. That's correct.

9 Q. And do you have some training in fingerprints and
10 processing and collecting?

11 A. Yes, ma'am.

12 Q. And with respect to the cash drawers, what did you learn
13 later about those drawers?

14 A. That they had been contaminated after processing. I was
15 told they had been contaminated by other employees.

16 Q. And by contamination, tell us exactly what you mean by
17 that.

18 A. That other employees went in and out of it prior to my
19 arrival.

20 Q. So, essentially, the drawers processed -- well, the
21 robbery occurs.

22 A. Yes, ma'am.

23 Q. And in between the robbery or after the robbery and your
24 processing, people -- employees have been touching on that
25 surface.

1 A. That's correct.

2 Q. And you were unable to collect anything?

3 A. I was unable to collect latent prints.

4 Q. Okay. But you processed it anyway.

5 A. Yes, ma'am.

6 Q. And as a crime scene investigator, is that important
7 just to go ahead and process it?

8 A. Yes, ma'am. It's protocol.

9 Q. Protocol. Additionally, you swabbed those drawers as
10 well.

11 A. Yes, ma'am.

12 Q. Correct?

13 A. Yes, ma'am.

14 Q. And the swabs and the attempts to collect prints, those
15 were after the contamination.

16 A. That's correct.

17 Q. But when did you learn about the contamination?

18 A. After I processed.

19 Q. So after all the processing is done, you learn about the
20 contamination.

21 A. Yes, ma'am.

22 Q. And with respect to D.N.A., you're not the actual
23 analyst. Correct?

24 A. That's correct.

25 Q. And when you do swabs and collect evidence, what do you

1 do with that information?

2 A. I submit it into evidence, and it's left up to the lead
3 investigator to decide whether it goes into D.N.A.

4 Q. Okay. And so you just collect and then preserve and
5 turn over into evidence.

6 A. Yes, ma'am.

7 Q. And with respect to D.N.A., just a little bit in your
8 processing -- in your training, as far as sources for
9 D.N.A., what are some of the better sources? Like blood,
10 semen, things of that nature?

11 A. Yes, ma'am.

12 Q. And if those things were present, your ability -- does
13 it affect your ability potentially or where---

14 A. I'll be able to pick it up.

15 Q. ---you might swab?

16 A. I'll be able to pick it up.

17 Q. Okay. So those are better sources.

18 A. Sources. Absolutely.

19 Q. Blood? Semen?

20 A. Semen.

21 Q. Bodily fluids? Saliva?

22 A. Saliva.

23 Q. Were you aware if there was any blood or semen in this
24 case?

25 A. No, ma'am.

1 Q. Or saliva?

2 A. No, ma'am.

3 Q. And after you do this, after you process the scene, do
4 you formulate your information into a report?

5 A. Yes, ma'am, I do.

6 Q. And where does that report go?

7 A. Once it's typed up, it goes to my supervisor and it does
8 go on to the computer for access for the lead investigator.

9 Q. So the lead investigator will make all those
10 determinations afterwards.

11 A. That's correct.

12 Q. And the photographs that you collected or took, those
13 were turned over?

14 A. They're stored in our database, and it's available for
15 the lead investigator.

16 Q. Okay. So the lead investigator makes all the
17 determinations---

18 A. That's correct.

19 Q. ---after you do what you can.

20 A. Yes.

21 Q. And, additionally, were you able, I guess, to collect a
22 security D.V.D. as well? I'm showing you State's Exhibit 34.
23 I believe it's already in evidence.

24 A. Yes, ma'am.

25 Q. And did you collect that as well?

1 A. Yes, ma'am.

2 Q. And after collecting and processing a scene, is that the
3 extent of your involvement---

4 A. Yes, ma'am.

5 Q. ---in the case?

6 A. Yes, ma'am.

7 Ms. Simpson: Thank you.

8 The Court: Cross-examination.

9 Cross-Examination

10 By Mr. Chaplin:

11 Q. Yes, ma'am. So you didn't receive any identifiable
12 fingerprints; correct?

13 A. That's correct.

14 Q. All right. And no D.N.A.?

15 A. I collected D.N.A.

16 Q. But were you able to determine the sources?

17 A. I have no way of knowing that. I collect what's there.

18 Q. Yes, ma'am.

19 A. And I submit it into evidence, and it goes to D.N.A.

20 Q. And what were the results?

21 A. I have no idea, sir.

22 Q. Okay.

23 A. That information is given to the lead investigator if he
24 needs it.

25 Q. Got it. And you said that you weren't able to get

1 fingerprints off the drawer because after the robbery but
2 before you arrived other employees had been---

3 A. It had been contaminated.

4 **Mr. Chaplin:** Okay. Nothing further.

5 **Ms. Simpson:** Brief redirect, Your Honor.

6 Redirect Examination

7 By Ms. Simpson:

8 Q. And just so we're clear, when you say you collect
9 D.N.A., you actually take swabs; right?

10 A. I take distilled water and a swab, a sterile swab, and
11 collect whatever D.N.A. oils that are on the drawer.

12 Q. And you swab for potential D.N.A. Just because you swab
13 doesn't mean that D.N.A. is on that swab.

14 A. That's correct.

15 Q. Correct?

16 A. That's correct.

17 Q. And, again, good sources for D.N.A. are blood, semen---

18 A. Saliva, semen.

19 Q. ---and bodily fluids.

20 A. Fluids.

21 Q. So your collection is just for potential---

22 A. Potential. Yes, ma'am.

23 Q. And none of those sources the bodily fluids, D.N.A. --
24 or blood, semen were present.

25 A. That's correct.

1 **Ms. Simpson:** Thank you.

2 **Mr. Chaplin:** Nothing further.

3 **The Court:** All right. You may come down.

4 **The Witness:** Thank you, Your Honor.

5 **The Court:** May the witness be excused?

6 **Ms. Simpson:** Without objection.

7 **The Court:** Without objection. Next witness.

8 **Ms. McDuffie:** The State calls Lieutenant Scott
9 McDonald.

10 Scott McDonald, after being duly sworn, testified
11 as follows:

12 **The Clerk:** Please have a seat in the witness stand, and
13 state your full name for the record. State your full name,
14 sir.

15 **The Witness:** Scott McDonald.

16 Direct Examination

17 By Ms. McDuffie:

18 Q. Lieutenant McDonald, where are you employed?

19 A. The Richland County Sheriff's Department.

20 Q. And what are your duties with the Richland County
21 Sheriff's Department?

22 A. I'm a lieutenant in the Major Crimes Division. We
23 investigate all the violent crimes against persons:
24 robberies, home invasions, murders, assaults.

25 Q. And in May of 2010 were those your same duties?

1 A. Yes, they were.

2 Q. And as the lieutenant, is it normal or common for you to
3 go out to a scene and interview witnesses?

4 A. Yes.

5 Q. And in this case, is that what you did?

6 A. I was not on call -- I was not on duty at this time.
7 This happened in the evening time after we had gone home in
8 the evening. We have an on-call evening shift that would
9 respond to these. Those investigators would gather
10 information and prepare a follow-up that would be provided to
11 us the first thing the next morning for investigation.

12 Q. And do you also have some specialized training in
13 analyzing phone records?

14 A. I do.

15 Q. Will you please tell the jury about your training and
16 background in the area of phone records and phone records
17 analysis?

18 A. I've been involved in phone records analysis since
19 November of 2001. In that time, literally hundreds of phone
20 records on all kinds of different cases: burglary, robbery,
21 murders. I've attended several seminars, several training
22 classes on this. In 2007 I attended a cell phone analysis
23 class which is a class that was put on -- I believe it was a
24 three-day class where we're trained in how to analyze these
25 cell phone records that are so crucial to cases today.

1 We're also taught how to track these by sectors and cell
2 phone towers. Every time you use your phone, you leave a
3 data trail behind of where you've been and what you've done,
4 and in today's technology with Smartphones it's even more
5 defined as far as identifying where you've been and what
6 you've done and who you've talked to, that kind of thing.

7 In 2008 I attended a world conference dealing with cell
8 phone technology and cell phone analysis, new technology
9 forefront of things that were coming, and I also attended
10 another class later in 2008 specifically dealing with the
11 downloading of cell phones for other pertinent information in
12 evidence that assists in cases.

13 Q. And you've been doing this or doing specifically cell
14 phone analysis since 2001?

15 A. Yeah. Yes.

16 Q. And how long have you been with the Richland County
17 Sheriff's Department?

18 A. Since March 1988.

19 **Ms. McDuffie:** Your Honor, at this time we'd offer
20 Lieutenant McDonald as an expert in cell phone analysis.

21 **The Court:** Any voir dire or objection?

22 **Mr. Chaplin:** No objection.

23 By Ms. McDuffie:

24 Q. Lieutenant McDonald, did you in this case go out and
25 interview witnesses?

1 A. No, I did not.

2 Q. Your sole role was to look at some phone records?

3 A. Right. I think I reviewed the case when it was turned
4 in for approval by Sergeant Isenhoward. It's part of my job
5 to review case jackets to make sure things are complete. I
6 was then asked to look at some phone records on this case to
7 help prepare it.

8 Q. And did you look at the phone records of Jeff Chestnut
9 and those of Tyward Jordan?

10 A. Yes, I did.

11 Q. And did you prepare a PowerPoint presentation about
12 those phone records?

13 A. Yes, I did.

14 Q. And is that State's Exhibit 35?

15 A. Yes, it is.

16 **Ms. McDuffie:** Your Honor, at this time we'd offer
17 State's 35.

18 **Mr. Chaplin:** No objection.

19 **The Court:** Without objection.

20 (State's Exhibit 35 was received in evidence.)

21 **Ms. McDuffie:** Your Honor, if the witness may step down,
22 please.

23 **The Court:** Certainly.

24 By Ms. McDuffie:

25 Q. Lieutenant McDonald, if you can just keep your voice up

1 so the court reporter can take down what you're saying.

2 A. All right.

3 Q. Whenever I get a case, I've got to know a little bit of
4 the background on the case - the date of the incident, the
5 time of the incident - because all that plays into where on
6 these phone records I will get my analyzation. Often when we
7 get phone records in, we've got hundreds of numbers coming in
8 over numerous days. Instead of focusing on a thousand
9 different phone calls, what we focus on initially is calls
10 around the time of this incident and preceding this incident,
11 looking for common numbers that are called over and over,
12 possible co-defendants, things like that, trying to, you
13 know, analyze these things and see who could be involved.

14 Some of the facts we knew in this case was that one of
15 the employees of the business, Ms. Teidra Dennis, had asked
16 to borrow two different peoples' cell phones during the
17 course of the afternoon leading up to this event which those
18 employees thought was kind of unusual because she had her own
19 cell phone, but they allowed her to use their phones. Well,
20 as the investigation developed, these numbers became very
21 relevant and very important in the case, leading us to one of
22 the defendants, Mr. Jordan.

23 In this particular case, as you can see, the facts of
24 the case that I've got up there -- I'll talk about Ms. Dennis
25 and how one of the witnesses, Miss Kayla Sharpe, had

1 indicated that Teidra had used her phone at least two times
2 that afternoon. And when she -- when we checked these
3 records of Jeff Chestnut, once he became identified,
4 certainly she had used it. She'd called him one, two, three,
5 four times leading up to this event. Jeff Chestnut, we knew
6 from this incident as the investigation unfolded, was the
7 boyfriend of Teidra Dennis. We had another witness, Mr.
8 Darren Von Calhoun---

9 Q. And he's also known as Scooter?

10 A. He is. He also states that Teidra Dennis had used his
11 phone that afternoon which he thought was odd. This, coupled
12 with the fact that Teidra had left the building, returned and
13 then left before police came, was highly suspicious. That's
14 why these records were so important.

15 So when we look at Jeff Chestnut's phone records for
16 that date involving calls from Mr. Calhoun's number, we see
17 numerous phone calls once again where Ms. Dennis had called
18 Mr. Chestnut throughout the afternoon. You've got a typo
19 here. That should be 13:42. This is the military time, so
20 that's beginning at 1:42 in the afternoon, 2:09, 2:18, 2:19,
21 leading all the way up through 2:38 in the afternoon. Next.

22 Then when you look at Mr. Chestnut's cell phone records
23 along with Mr. Jordan's, Tyward Jordan who is the co-
24 defendant in this case, look at all the numerous times they
25 talked to each other on the date of the incident.

1 Q. And this incident occurred at 18:45?

2 A. Approximately 18:35 to 18:45, in that range.

3 Q. And there are no calls between the two of them at a
4 time?

5 A. You have a noticeable void of phone calls which
6 hypothetically they had their hands full at the time; they
7 couldn't be calling each other. But we see this quite
8 frequently over and over and over again, especially in
9 murders and things like that, drug deals gone bad, defendants
10 making calls to one another to meet up to commit a crime, and
11 that appears to be what has happened here.

12 Q. Okay. Next slide. And these are the actual phone
13 records?

14 A. These are actually the actual phone records as they came
15 in through T-Mobile. They're imported into a software
16 program we use at the sheriff's department where all our
17 investigative database is, and what it does when I import
18 that and I have the known numbers of other people -- we have
19 Mr. Jordan's phone number; we knew what that was. It
20 automatically populates. So at a quick glance, all these
21 names were thrown in here. These are all names and numbers
22 that we knew from this investigation. So it becomes very
23 easy for you to see the dates, the times, and the calls that
24 were made.

25 Ms. Sharpe was one of the employees whose phone had been

1 borrowed. Mr. Calhoun, his phone had been borrowed. All
2 these are here. These are the records we get from the cell
3 phone company, and you'll see this over the next couple of
4 pages. This begins at 12:13 noontime on the date of the
5 incident.

6 Q. On the date...

7 A. Go to the next page. This is just a continuation. This
8 is beginning at 4 in the afternoon -- 4:04 in the afternoon.
9 You see the calls again leading right up to 17:51 which is
10 5:51 p.m., and I think there's one more page. Okay. That
11 was it.

12 Q. You may have a seat.

13 A. Okay.

14 Q. You also -- or you mentioned that you also sometimes can
15 analyze where people are based on cell phone tower locations?

16 A. Yes, we can. Depending on the cell phone records we
17 obtain, more detailed records give us more detailed answers
18 as to the locations. In this particular case we had very
19 limited -- we had call interaction that day. Normally we
20 would have the call detail records which are much more in
21 depth which have the actual beginning and ending tower of any
22 conversation, data transmissions, other things like that
23 where we can physically put that phone in a sector.

24 If you think of a cell phone tower -- you've seen them
25 before in a 360-degree range. Each sector is broken down

1 into 120-degree range. Three 120-degree sectors create the
2 circle around that tower. The companies are able to provide
3 us with the sector or the side of the tower that phone is
4 hitting on, and depending on the strength and other factors
5 of that tower, we can narrow down the area that that phone
6 was into, you know, possibly two to three square miles,
7 sometimes a little further out in the country with less
8 buildings and things like that.

9 So you can effectively -- if a defendant tells you, "I
10 was over on Broad River Road," and he's hitting the cell
11 phone tower on Two Notch at Decker and a sector, you know,
12 close to the crime scene, obviously you can put him there.
13 You know, he's not saying he lost his phone or it was stolen.
14 He had it with him, kind of like his wallet generally. It's
15 very helpful in placing people at crime scenes or in
16 communication with others.

17 Q. I'm sorry to interrupt you. And you said that you're
18 not always able to obtain those tower records?

19 A. Not always, no.

20 Q. And in this case could you obtain them for Jeff
21 Chestnut's phone?

22 A. No, we could not.

23 Q. And please describe for the jury if it -- does it matter
24 if a phone is a prepaid phone or a contract phone? How does
25 that---

1 A. Sometimes on the prepaid phones you don't get the detail
2 and the subscriber information, things like that, because
3 obviously a prepaid phone -- you can go into Wal-Mart or a
4 convenience store and just buy it off the shelf. There's no
5 real registration process where someone is checking I.D. and
6 you're having to put in actual information. So you could,
7 you know, get a prepaid phone under any assumed name you
8 wanted which makes it a little more difficult for us to
9 identify the caller, but generally in investigation when we
10 get those phone records after talking to other people that
11 phone has talked to, the suspect is usually readily
12 identified.

13 Q. And according to T-Mobile, Jeff Chestnut's phone was a
14 prepaid phone? If you want to look at the record.

15 A. Yes, it is a prepaid phone.

16 Q. And there are no calls on his phone between 18:35 and
17 18:44 when you believe -- when law enforcement believes the
18 robbery occurred.

19 A. The last call is at 18:29, and the next one is at 18:44.
20 So you have that window of opportunity there. There were no
21 calls being placed.

22 **Ms. McDuffie:** Thank you. No further questions for this
23 witness, Your Honor.

24 **The Court:** Cross-examination.

25 **Mr. Chaplin:** No questions for this witness.

1 **The Court:** You may come down. May the witness be
2 excused?

3 **Ms. McDuffie:** Yes, Your Honor.

4 **Mr. Chaplin:** Without objection.

5 **The Court:** The witness may be excused.

6 **Ms. McDuffie:** Your Honor, may we approach?

7 **The Court:** Certainly.

8 (Whereupon, a bench conference was held.)

9 **The Court:** All right. Ladies and gentlemen of the
10 jury, we're just checking on the schedule. The attorneys
11 tell me the next witness may be somewhat lengthy, and it's
12 almost 5:00. So I think the most efficient use of our time
13 would be to go ahead and adjourn now.

14 We've had a pretty lengthy day. I think I've counted 14
15 witnesses that have appeared before you, so I think it's time
16 to give your brains a rest. So we'll adjourn now until 9:30
17 in the morning. I'll ask you again that you not discuss the
18 case with anyone else over the evening hours, not to do any
19 independent research and not to discuss the case among
20 yourselves when you return to the jury room in the morning.
21 We'll see you at 9:30. Thank you very much.

22 (Whereupon, the jury was excused from open court for the
23 day at 4:44 p.m.)

24 **The Court:** All right. Mr. Chaplin, have you had the
25 opportunity to speak with the defendant's bonding company?

1 **Mr. Chaplin:** The information that we provided earlier
2 is all we have to this point, Your Honor. They're still --
3 we don't have any other letters at this time. I did speak
4 with the bonding company.

5 **The Court:** Okay. All right. Well, we'll have to hold
6 your client in custody. You might remind somebody that he
7 may need a change of the clothes in the morning.

8 **Mr. Chaplin:** Thank you. Yes, I think his family is
9 already on top of that.

10 **The Court:** All right. Anything further?

11 **Ms. McDuffie:** Nothing from the State, Your Honor.

12 **The Court:** 9:30. Thank you very much.

13 **Mr. Chaplin:** Thank you very much.

14 (Whereupon, the trial concluded for the day at 4:45 p.m.
15 and resumed the following day, September 19, 2012, as
16 follows. State's Exhibits 38 and 39 were marked for
17 identification only.)

18 **The Court:** Be seated. Thank you. Is the State ready
19 for the jury?

20 **Ms. McDuffie:** The State's ready, Your Honor.

21 **The Court:** Defense ready for the jury?

22 **Mr. Chaplin:** Your Honor, I have two small matters I'd
23 like to have addressed.

24 **The Court:** All right. We'll take them up right now.

25 **Mr. Chaplin:** Thank you. Your Honor, the first thing is

1 that I think that during the trial yesterday I made motions
2 to renew all previous objections, and just to make sure, I
3 would like to put an objection on the record regarding the
4 line-up of my client as being admitted.

5 **The Court:** Well, you didn't object to it when the State
6 offered it.

7 **Mr. Chaplin:** I understand.

8 **The Court:** That's all I can tell you.

9 **Mr. Chaplin:** Okay. All right. And as far as his prior
10 record, Your Honor, I would just like a limited instruction
11 to make sure that the only reason that that could be used
12 would be for impeachment purposes. It was certainly not used
13 to show that he committed this act.

14 **The Court:** I agree with that.

15 **Mr. Chaplin:** Okay.

16 **The Court:** I'll give that instruction.

17 **Mr. Chaplin:** Thanks.

18 **The Court:** If he testifies.

19 **Mr. Chaplin:** That's correct.

20 **The Court:** All right. Other than that, we're ready for
21 the jury?

22 **Mr. Chaplin:** Yes, sir, we're ready, other than that.

23 **The Court:** All right. All right. Bring the jury,
24 please. Approach the bench, counsel.

25 (Whereupon, a bench conference was held. The jury was

1 brought into open court at 9:40 a.m.)

2 **The Court:** Mr. Addison, I'm going to count every time
3 now.

4 **Bailiff:** Yes, sir. I am, too.

5 **The Court:** All right. Good morning, ladies and
6 gentlemen. Ready to continue with the trial. Solicitor,
7 call your next witness.

8 **Ms. McDuffie:** Thank you, Your Honor. If it pleases the
9 Court, the State would call Investigator Kevin Isenhoward.

10 Kevin Isenhoward, after being duly sworn, testified
11 as follows:

12 **The Clerk:** Please have a seat in the witness stand, and
13 state your full name for the record.

14 **The Witness:** Kevin Isenhoward.

15 Direct Examination

16 By Ms. McDuffie:

17 Q. And please spell your last name for the court reporter.

18 A. I-S-E-N-H-O-W-A-R-D.

19 Q. Investigator Isenhoward, where are you employed?

20 A. At the Richland County Sheriff's Department.

21 Q. And how long have you been at the Richland County
22 Sheriff's Department?

23 A. January will be my 15th year. I was hired in January.

24 Q. And what is your role at the sheriff's department?

25 A. I currently -- currently I'm a supervisor of the Major

1 Crimes Unit. We investigate robberies, homicides, suspicious
2 deaths, assaults, those sort of things, any major crime.

3 Q. And in May of 2010 what were your duties with the
4 sheriff's department?

5 A. They were the same.

6 Q. And please tell the jury a little bit about your
7 background and training in investigations.

8 A. My background? I'm a lifelong resident of Richland
9 County. I grew up in northeast Richland County. I went to
10 Spring Valley High School. I went to the University of South
11 Carolina and Midlands Tech. I have a degree in Criminal
12 Justice. I was hired in 1998 by the sheriff's department out
13 of college.

14 When I went to the Criminal Justice Academy, I started
15 off at the sheriff's department as a court security officer
16 up here and I worked my way through as a patrolman and then
17 as an investigator. Most of my training has been on-the-job
18 training. I also have numerous courses and classes that the
19 sheriff's department sent me to for the majority of my
20 trainings in homicide investigation, robbery investigation,
21 major crimes.

22 Q. In fact, just a short time ago you were named an
23 international investigator of the year?

24 A. Yeah. That's correct.

25 Q. And that's a prestigious award for police investigators?

1 A. My mom thinks so.

2 Q. Investigator Isenhoward, you haven't been able to be
3 with us all week, have you?

4 A. No, I haven't.

5 Q. You're currently in the middle of another investigation?

6 A. Yeah. We -- I'm currently involved in or I am assigned
7 to investigate the kidnapping of a young girl in northeast
8 Richland County. So I've had to respond to tips, and I
9 didn't want to be in and out of the courthouse drawing much
10 attention, but normally I would be here for the entire week.

11 Q. And you were the primary investigator on the robbery
12 that occurred at the Carolina Gold Bingo on May 23rd of 2010?

13 A. Yes.

14 Q. Please describe for the jury when you get a case --
15 first of all, how do you get a case and then once you get it,
16 what do you do with it?

17 A. In general, most of these major crimes have had an
18 investigator respond to when they occurred as Carwell did in
19 this case, and if I'm not working nights - which I do as
20 well, just on a different shift than he - the next morning I
21 get the case, review what he did on it, if there were any
22 leads that he suggested I explore or he thought were
23 important I would immediately follow those up and speak with
24 in general the victims, as many as I can, and kind of go back
25 over it to make sure I have it first-hand so that I can

1 follow the investigation to see where the leads take me.

2 Q. And you were assigned this case as the lead
3 investigator.

4 A. Yes.

5 Q. As the lead investigator, is it important for you to
6 review the work that other investigators have done prior to
7 you getting the case?

8 A. Yes.

9 Q. And please tell the jury what those other investigators'
10 or line officers' role is in this case.

11 A. The patrolmen or the line officer - as you've heard them
12 respond to - those are the guys in uniform that drive the
13 marked cars and they respond to all the calls as I believe
14 Chauncey Smith did in this case. Their job is to respond,
15 secure the scene, make sure everybody is safe, apprehend any
16 suspects who possibly could still be on the scene, and
17 primarily to secure things and make sure people are safe and
18 report.

19 They write an initial report. It's basically, you know,
20 short and sweet. Basically, this is what happened; here is
21 contact numbers for people. And then it's my job to follow
22 up with that. If it's something serious like this, then he
23 calls the on-call investigator, the person that's working
24 that night or that evening, who responds out and, like I
25 said, who will do some interviews. They're trained in

1 interview -- interviewing people, taking statements. They do
2 that and try and establish any initial leads.

3 In this case there were some, so he spent a little bit
4 more time than he probably normally would talking with some
5 people and trying to -- he tries to provide me with as much
6 as he can so that when I start I'm not trying to rehash all
7 that. I can -- I can get going pretty quickly.

8 Q. And what sort of information are they looking for when
9 they respond?

10 A. They're looking for any evidence that's at the scene
11 that may indicate a suspect. They want obviously anybody
12 who's a victim or a witness to the crime. I need their
13 contact information to be able to find them. If there are
14 leads or people are suspicious of -- and it happens all the
15 time. Employees of the business, patrons that people are
16 suspicious of, he'll try and get as much information on that
17 as he can. Now, sometimes, you know, people are suspicious
18 and it doesn't pan out and -- but that's not my job to figure
19 out whether or not that's a likely possibility, but he'll
20 provide that to me.

21 Q. And you said that all that information is forwarded to
22 you to follow up on?

23 A. Yes.

24 Q. And why is it important to maybe choose to re-interview
25 someone or not choose to re-interview someone after a crime

1 like this?

2 A. When you have a crime that involves a large group of
3 people, it's not uncommon for certain individuals -- even
4 though you could say the same thing is happening to all these
5 people, people see different things. Some people don't --
6 aren't as good at paying attention to details. We need to
7 identify those people who can give us as much information.
8 Flat out, some people just can't do that.

9 So when we identify people who seem particularly
10 perceptive to what's going on, they can provide us
11 descriptions, maybe saw or could identify someone, and in
12 particular those people who had direct interaction with the
13 criminal or the offender, those are the people we obviously
14 go after initially. And then as the investigation
15 progresses, at a later date I may go back and talk to
16 additional people because, as it progresses, things change in
17 the investigation. I learn more. Different possibilities
18 for identifications come up. You just can't walk in in the
19 beginning and find out and know what's going to happen
20 towards the end of the investigation. It's a fluid process
21 and -- and, you know, we try and follow up any possible
22 leads, any possible possibilities for a witness to identify
23 the person who we believe did it.

24 Q. And after Carwell met with the witnesses that were on
25 the scene that evening, he relayed to you some information

1 about an employee, Teidra Dennis?

2 A. He did.

3 Q. And you also had the statement that he took from Ms.
4 Drenita Ore?

5 A. Yes.

6 Q. And she identified a man who she believed his nickname
7 was Rocca who was with Teidra and Jeff Chestnut on the night
8 of the hot dog night?

9 A. Yes, they did.

10 Q. And was that important to you?

11 A. It was. Obviously there was a relationship interaction
12 with Teidra Dennis who we knew obviously and you guys know
13 now was an employee of the business and, like I said, it's
14 not uncommon in commercial robberies of businesses that there
15 is some sort of internal involvement, especially places that
16 have large amounts of cash. So in this particular case we
17 knew that her own or fellow employees were very suspicious.
18 That's important to me. If the people you work with on a
19 daily basis say something is not right here, I have to follow
20 that up.

21 So when I started looking at that and Ms. Dennis, her
22 behavior I agreed was very suspicious, and then having these
23 people she was involved with who were there earlier, it's not
24 uncommon in these types of investigations for people to come
25 in prior to a robbery, unmasked as patrons, and do what we

1 would refer to as casing the place. And when I say that, I
2 mean they want to see what -- if they're going to come in,
3 they want to get in and out as quickly as they can. They
4 want to see what the atmosphere is like, what the building is
5 like, where do they need to go to get what they want, what
6 obstacles they'd have to deal with. Some of these guys put
7 some effort into their crimes. I mean, they're not all dumb
8 people, and they try and plan it.

9 Q. And in this case in particular, the details of the crime
10 led you to believe that there was some planning, prior
11 planning, in this case?

12 A. Yes. Obviously the behavior of the employee, the -- I
13 guess the swiftness of the robbery. They were in and out
14 pretty quickly. And any time again you have that many
15 people, a lot of different things could happen. So they --
16 the way they handled it to me indicated that there was some
17 planning going on, that there was some work, some
18 reconnaissance done.

19 Q. Some of those factors you also looked at were the fact
20 that they came in and they divided. One went to the back and
21 one went to the floor.

22 A. Right. Right.

23 Q. The way they handled the players on the floor at
24 gunpoint, things of that nature?

25 A. Right. It appeared that they had assigned duties. One

1 was going to go to the -- I guess the cashier's office. I
2 think they refer to it as the cage, and then you had another
3 -- you had money there and you also have all these players
4 who bring cash with them to play the games, and these people
5 were -- I mean, most of them are older people. They got --
6 these groups get together and they take buses from out of
7 town to come in and play bingo in the city. And so the
8 people I was -- that were robbed were just good people who
9 were just trying to have a little fun, most of them a little
10 older.

11 So those people, when they come to town, they want to
12 play their games, so they bring cash. And they knew that, so
13 they went and robbed -- one of the men went and robbed the
14 individual players while the other man was obviously taking
15 down the business itself.

16 Q. And based on your perception of this case, it was a
17 coordinated effort.

18 A. Yes.

19 Q. And was that significant for you?

20 A. Oh, yes.

21 Q. And on May the 24th of 2010 you were assigned this case?

22 A. Yes, I was, the next day.

23 Q. And you spoke with Anne Miller on that day?

24 A. I spoke with several people including Ms. Miller, yes.

25 Q. And did you also speak with Angela Diaz-Garcia?

1 A. Yes.

2 Q. And she was the manager that evening?

3 A. Yes.

4 Q. She provided information to you about the robbery?

5 A. She did.

6 Q. And did she also tell you that she thought she could
7 identify the person?

8 A. Not -- I don't -- not at that time, but later -- later
9 she did, yes.

10 Q. And when you went to go talk to these witnesses on May
11 the 24th of 2010, did you have, you know, line-ups and ready-
12 made suspects and pictures to show them?

13 A. No. No. This obviously, you know -- like everyone, I
14 get up in the morning, get dressed. I go to work and I don't
15 know what I'm going to get when I get there. I may have some
16 indication if I get a call over night telling me what's going
17 on, but, you know, I'm just starting basically and I'm doing
18 what I initially do. I call the people who were involved and
19 see what they have to tell me and also review what the other
20 investigators provided me. So, no, I didn't know where I was
21 going to go when I got there.

22 Q. And you also spoke to Ms. Drenita Ore?

23 A. Yes.

24 Q. And she told you that she had seen the robber that
25 robbed the people on the floor a few days prior with Teidra

1 at hot dog night?

2 A. She did.

3 Q. And that was significant to you?

4 A. Yes. Obviously again, it fit into the organization of
5 the crime, the possibility of somebody watching -- looking
6 out before. So that was something that was important to me
7 and again her -- her perception or her ability to -- she is
8 obviously somebody who paid a lot of attention and would be
9 somebody important to me throughout this investigation to
10 possibly identify people. So if she's telling me she thinks
11 these people were in before, that's obviously something I'm
12 going to look at initially.

13 Q. And it became very important for you to talk with Teidra
14 Dennis.

15 A. Yes.

16 Q. Throughout the course of your investigation, did you, in
17 fact, learn that Teidra Dennis had been using other
18 employees' cell phones?

19 A. Yes.

20 Q. And using those cell phones to call her boyfriend, Jeff
21 Chestnut.

22 A. Yes.

23 Q. And tell the jury why that was significant.

24 A. One, we learned that she had a cell phone, and not only
25 did she have a cell phone, there were land lines in the

1 business. So if she wanted to use a phone to call somebody,
2 she had an opportunity to use her own or a business phone,
3 but the fact that she decided to use other employees' phones
4 indicated to me that there was a possibility that she was
5 trying to, you know, avoid the possibility of us searching
6 her phone, her phone, and getting records to see who she was
7 contacting, thinking that these people, her friends or her
8 fellow employees, would just not put two and two together and
9 just, you know, blow it off. And it happens all the time.
10 Some people just aren't that perceptive. They don't see the
11 stuff, but in this case all of these people -- obviously it's
12 something -- they knew something was up.

13 Q. And based on that information, you requested cell phone
14 records from T-Mobile.

15 A. Yes.

16 Q. And those records did, in fact, as Lieutenant McDonald
17 showed the jury yesterday, show the calls from other
18 employees to Jeff Chestnut's phone prior to the robbery.

19 A. It did as well as calls made by the employees after Ms.
20 Dennis left, trying to figure out what was going on and why
21 she left. So they actually called that number themselves and
22 spoke to a male that they did not know but a male voice.

23 Q. And that male voice said, you know, the robbery is over;
24 they can calm down?

25 A. Yeah, basically, and I think the comment -- there was

1 some comments about: You tell the boy it's going to be okay.
2 And they, as well as I, thought that they were talking about
3 one of the employees that obviously you've heard from who had
4 the gun pointed at him. He was upset. I mean, if somebody
5 put a gun on him and he was on his knees, that would upset
6 anyone. So he was very shaken up. And it seemed to us that
7 he was kind of mocking that like it's going to be all right,
8 you-made-it-through kind of thing.

9 Q. Why was that significant?

10 A. Because, you know, they called that number and in my
11 opinion there was someone on the other line, a male voice,
12 that's indicating some knowledge of the robbery, and this is
13 right after the robbery. So, you know, I mean, it's not
14 rocket science. I mean, it's just -- obviously he knows
15 something about what happened inside.

16 Q. And, again, that number that was called was 740-9098
17 which was Jeff Chestnut's cell phone number?

18 A. Yes.

19 Q. And you further talked to Teidra Dennis about her
20 knowledge and involvement in this robbery.

21 A. Yes. I spoke to Ms. Dennis over a period of time a
22 couple of times.

23 Q. And you also learned that she was in a relationship with
24 Jeff Chestnut.

25 A. Yes.

1 Q. And as a result of the evidence that you were able to
2 develop, you obtained warrants for Ms. Dennis's arrest?

3 A. Yes.

4 Q. Have you been able to serve those warrants on her?

5 A. No.

6 Q. Why not?

7 A. I haven't located her. I believe the last we checked
8 she was out of the state.

9 Q. And so those warrants have not been able to be served on
10 her.

11 A. No.

12 Q. However, once she is located, they would be served and
13 then she would be brought into court in the same manner.

14 A. Yes.

15 Q. And you have warrants for her because you believe she
16 helped plan and set up this robbery.

17 A. Yes.

18 Q. You also interviewed some of the other witnesses that
19 have testified and things that we've heard about from Carwell
20 and those witnesses?

21 A. Yes.

22 Q. And you were able to show Ms. Ore a line-up containing
23 Tyward Jordan, the person that robbed the individuals on the
24 floor?

25 A. Yes.

1 Q. And she positively identified him as the person she
2 knows as Rocca?

3 A. Yes.

4 Q. And the person that committed the robbery on that night.

5 A. Yes.

6 Q. On June the 8th of 2010, did you come in contact with
7 the defendant in this case, Jeff Chestnut?

8 A. Yes, I did.

9 Q. Please describe that for the jury.

10 A. Based on information that we had obtained,
11 identifications, we obtained a warrant for Mr. Chestnut. He
12 was brought in to the sheriff's office and interviewed. I
13 interviewed him there.

14 Q. You said he was brought to the sheriff's office?

15 A. Yes.

16 Q. Where specifically?

17 A. It's 5623 Two Notch Road. It's the main office of the
18 sheriff's office. That's where my particular office is in
19 the investigative unit. He was brought to my office which is
20 in the investigative unit, my personal office.

21 Q. And once he was brought to your office, did you proceed
22 to advise him of his Miranda rights?

23 A. Yes.

24 Q. Now, when we talk about your office - and we've all
25 watched T.V. - is this an interrogation room?

1 A. No. It's just my office with my computer and photos
2 hanging on the wall. I mean, it's just like everybody else's
3 office. I don't have anything unusual there.

4 Q. Do you have interrogation rooms at the Richland County
5 Sheriff's Department?

6 A. No.

7 Q. You just interview people in your offices or in your
8 cubicles?

9 A. Yes.

10 Q. And why do you do that?

11 A. Honestly, the -- we have lots of investigators and not
12 much space. It's like a lot of other offices. The
13 supervisors have offices, but most everyone else are in
14 cubicles. It's just the space we have. We have to -- we
15 have a lot going on and we have to work with what we have
16 so.... And also, you know, I don't try and make this -- it's
17 not like T.V. I'm not trying to make this a drawn-out
18 interrogation. People have choices to make whether or not
19 they want to talk to me. If they want to talk to me, I'm
20 just going to talk to them. I'll lay out the facts that I
21 have, and they have the ability to tell me the truth, lie to
22 me, whatever or -- you know, it's their choice to talk to me
23 at all but -- so I don't try and make it -- it's not a T.V.
24 thing and we just...

25 I'm going to try and have a conversation with this guy.

1 If he wants to tell me what's going on, if he has something
2 that rules him out as a suspect, I want to hear that, too,
3 because I'll follow that up, you know. If somebody -- I
4 don't want to -- I don't want to waste my time looking at the
5 wrong person. So, you know, if he could tell me, "I wasn't
6 there; I was with this person," I'll go to that person and
7 talk to them. It's called an alibi. You've heard it all.
8 If that checks out, then I'm obviously looking -- barking up
9 the wrong tree. I need to go somewhere else.

10 Q. So in this case Mr. Chestnut was in custody when he was
11 brought to your office?

12 A. He was. There was a warrant, so he was in custody. He
13 was brought to the sheriff's office. You know, he was
14 arrested like anyone else, but when he gets there to me, it's
15 a controlled environment. He's not chained down or anything
16 like that. I generally just talk to the people without any
17 kind of handcuffs or anything like that as long as they're
18 not unruly. And then sometimes we have people around, and
19 sometimes I have to do it myself just by necessity.

20 Q. And in this case you spoke with Mr. Chestnut June the
21 8th of 2010?

22 A. Yes, I believe so.

23 Q. And you started that conversation at 17:14 hours or 5:14
24 in the afternoon?

25 A. I believe that's correct, yes.

1 Q. I'll show you what's been marked at this point for
2 identification as State's Exhibit 1. Do you recognize that
3 document?

4 A. Yes, I do, and it does have 5:14 as the initial
5 advisement of rights.

6 Q. And did you advise Mr. Chestnut of his Miranda rights on
7 June the 8th of 2010 prior to you speaking with him?

8 A. I did. I did, and this is the form, excuse me, that we
9 fill out. It's line by line advising people of their rights.
10 I read it. I show it to them, and then they sign it and
11 acknowledge that they understand it.

12 Q. And in this case Mr. Chestnut did sign and acknowledge
13 that he understood his rights and wanted to waive them and
14 speak with you?

15 A. Yes.

16 Ms. McDuffie: Your Honor, at this time we'd offer
17 State's Exhibit 1.

18 Mr. Chaplin: Without objection.

19 The Court: Without objection.

20 (State's Exhibit 1 was received in evidence.)

21 By Ms. McDuffie:

22 Q. Investigator Isenhoward, can you please do for the jury
23 just as you did with Mr. Chestnut on June the 8th of 2010?
24 Show the jury how you advised him of his rights.

25 A. Sure. It's a form that we have at the sheriff's

1 department. It has places for your name, the location -
2 because sometimes I do this out other places - my name, the
3 date and time, and it's Interrogation, Advice of Rights form.
4 I'll read it just like I would to anyone else.

5 It says, "These are your rights. Before we ask you any
6 questions, you must understand your rights." There's a
7 little check-off block next to each line that acknowledges --
8 what I do is I check it off, and I tell people before, "If
9 you don't understand something, stop me and I'll explain it
10 to you." And if they understand it, I check off the block.
11 So that block is checked, that first line.

12 The second one, "You have the right to remain silent."
13 It's also checked. "Anything you say can be used against you
14 in court." That's checked.

15 Q. And those check marks again indicate what?

16 A. That the person acknowledges that they understand that
17 portion of it.

18 Q. And so in this case Mr. Chestnut acknowledged that he
19 understood those two rights that you just read to him?

20 A. Yes.

21 Q. Please continue.

22 A. "Anything you say can be used in court. You have the
23 right to talk to a lawyer for advice before we ask you any
24 questions and have a lawyer present with you during any
25 questioning."

1 Q. And, again, he acknowledged that he understood those
2 rights?

3 A. Yes.

4 Q. And you annotated that on the form?

5 A. Yes.

6 Q. Please continue.

7 A. "If you cannot afford a lawyer, one will be appointed to
8 you before any questioning if you wish." It's also
9 acknowledged. "If you decide to answer questions now without
10 a lawyer present, you still have the right to stop answering
11 at any time. You also have the right to stop answering at
12 any time until you talk to a lawyer." That's acknowledged as
13 understanding, checked off, and that's the first portion of
14 an advisement form.

15 It has witness signature blocks and the person's
16 signature. In this case he did sign acknowledging that he
17 understood that portion of this form, and then I witnessed it
18 with my signature.

19 There's a second portion which is the waiver of rights.
20 I'll just explain it to you like this. I advise people of
21 their rights, and if they waive their rights, that indicates
22 that they are saying that they want to talk to me. They
23 don't have to do that, but I read this to them. It says, "I
24 have read this statement of my rights and understand what my
25 rights are. I'm willing to talk and answer questions. I

1 understand and know what I am doing. No promises have been
2 made to me, and no pressure or coercion of any kind has been
3 used against me." That's checked off as him understanding
4 that.

5 Another thing that I run into a lot is a lot of people
6 just flat out don't understand the word coercion. If they
7 don't and I ask them that and they tell me they don't
8 understand it, I'll circle that word and then provide them
9 with as best of a definition as I can to try and make them
10 understand what we're talking about. He did not indicate
11 that -- he indicated that he understood this.

12 So I tell them, okay, if you are waiving your rights and
13 you would like to talk to me about this matter, you know,
14 sign here, and he indicated that he would. He signed, and I
15 witnessed that again.

16 Q. And, again, the individual that signed that form and
17 said that he wished to waive his rights and speak to you on
18 June 8th of 2010, do you see him in the courtroom?

19 A. Yes.

20 Q. Can you please identify him for the jury?

21 A. Mr. Chestnut, Jeff Chestnut. He's in a white shirt to
22 my left sitting behind a water jug.

23 **Ms. McDuffie:** Your Honor, please let the record reflect
24 he's identified the defendant.

25 **The Court:** The record will so reflect the witness has

1 identified the defendant.

2 By Ms. McDuffie:

3 Q. And on June the 8th of 2010, his -- has his physical
4 appearance changed between now and then?

5 A. He -- his hair is a little longer now.

6 Q. I'll show you State's Exhibit 38. Is that a fair and
7 accurate depiction of what he looked like when you spoke with
8 him on June the 8th of 2010?

9 A. Yes, it is.

10 Ms. McDuffie: Your Honor, at this time we'd offer
11 State's 38 into evidence.

12 Mr. Chaplin: Your Honor, I would just raise an
13 objection to that with regards to the relevance with this --
14 the prejudicial effect.

15 The Court: Approach.

16 (Whereupon, a bench conference was held.)

17 The Court: Overruled.

18 (State's Exhibit 38 was received in evidence.)

19 By Ms. McDuffie:

20 Q. Again, on June the 8th of 2010 this is what Jeff
21 Chestnut looked like when you spoke with him?

22 A. Yes.

23 Q. And he had his hair in short twists or dreads?

24 A. Yes.

25 Q. After you advised Mr. Chestnut of his Miranda rights,

1 did he indicate that he wished to speak with you?

2 A. Yes, he did.

3 Q. And please describe for the jury what happened after
4 that.

5 A. We -- obviously I talked to him about what he was there
6 for, what he was charged with, and I wanted his side of the
7 story. I asked him several questions. We went -- initially
8 it's a conversation just like I would have with anyone. The
9 questions are asked and answered, and he indicated over the
10 course of our conversation that he was involved in the
11 robbery.

12 Q. And so this was an oral conversation that you and Mr.
13 Chestnut had.

14 A. Yes.

15 Q. And then at 7:00 p.m., an hour later, hour and a half
16 later, did you then memorialize that conversation in any way?

17 A. I did. What we do is at the Richland County Sheriff's
18 Department we -- kind of the procedure is that we talk to
19 people, ask questions. They're answered. Then we reduce the
20 interview to writing. Basically we take a sworn statement
21 where I type out questions. They are my questions. And then
22 the response of the person, I type that out. Okay?

23 Q. And is the person sitting there while you do this---

24 A. Yes.

25 Q. ---or are they in another room?

1 A. Yes.

2 Q. So you ask them a question. They give you the answer,
3 and you're typing as they're talking?

4 A. Yeah. Think of it like this: It's obviously a very
5 important event in this person's life. It's important that
6 we get it right. Sometimes I'll ask the same question
7 several times and, you know, people may say something in a
8 way that they don't -- that doesn't sound well when you put
9 it in writing, and they want to change that. And I allow
10 them to do that because that -- things change over the course
11 of our conversation. Their statement is their statement. I
12 don't have any control over what they say, and I want them to
13 feel comfortable with what is finalized and put in writing.

14 So what we do is we type it out. I provide them with a
15 statement. I allow them to read it or I offer to read it to
16 them if they can't read or they prefer that. Once
17 everyone -- they agree -- if they want to change something,
18 we take it out. We take it out and change it to whatever
19 they want. It's their statement. Once we're all in
20 agreement that that's the statement, then we sign it,
21 notarize it, and that's the final product I would say.

22 Q. And is that what was done in this case and you, along
23 with Mr. Chestnut, produced his statement which is in State's
24 Exhibit 2?

25 Mr. Chaplin: Objection, Your Honor.

1 **The Court:** I'm sorry. What was the question?

2 **Ms. McDuffie:** Was this the document that you produced
3 with Mr. Chestnut?

4 **The Court:** All right. Subject to the defendant's
5 objection, I'll allow it. Overruled.

6 **Mr. Chaplin:** Thank you.

7 **The Witness:** Yes.

8 By Ms. McDuffie:

9 Q. And those -- in that document you asked the questions?

10 A. I did.

11 Q. And the responses are whose?

12 A. Mr. Chestnut's.

13 Q. And he signed each of those pages of that four-page
14 statement?

15 A. Yes, twice on each page.

16 Q. And that is the statement that he gave on June the 8th
17 of 2010?

18 A. Yes, it is.

19 **Ms. McDuffie:** Your Honor, at this time we'd offer
20 State's Exhibit 2 into evidence.

21 **Mr. Chaplin:** I would just renew the same objection,
22 Your Honor.

23 **The Court:** Over the defendant's objection.

24 (State's Exhibit 2 was received in evidence.)

25 **Ms. McDuffie:** Your Honor, at this time we would ask

1 Investigator Isenhoward to publish the statement.

2 **The Court:** All right. You may proceed.

3 By Ms. McDuffie:

4 Q. Investigator Isenhoward, when you took the statement,
5 again -- and that was at 7 p.m. on June the 8th of 2010?

6 A. Yes.

7 Q. Did you again advise him of his rights?

8 A. Yes.

9 Q. And why was that done?

10 A. It is our practice -- we -- you know, I advise them
11 initially when we start our conversation. They waive their
12 right; they want to talk to us. Sometimes people don't want
13 to put it in writing, so there's a second advisement that
14 we're going to put this in writing, and if they waive that,
15 we move on.

16 Q. And in this case at any point in time did he ever tell
17 you that he did not want to speak with you?

18 A. No.

19 Q. Did he ever tell you that he wanted a lawyer?

20 A. No.

21 Q. If he would have done that, what would you have done?

22 A. I would have stopped and allowed him to speak with a
23 lawyer.

24 Q. And he never did that in this case.

25 A. No.

1 Q. Did he ever ask to use the bathroom, ask for food or
2 beverage during this time?

3 A. No.

4 Q. And if he did, what would you have done?

5 A. I would have given it to him. I don't recall
6 specifically if he asked for water. A lot of people want
7 water. You know, there's a lot of talking. But he would
8 have had access to anything he needed. We don't deny them
9 their, you know, access to food, water or the bathroom.

10 Q. And you have food -- things like that at the sheriff's
11 department to provide to individuals if they want it or
12 request it?

13 A. Yes.

14 Q. And you would have done that in this case had he asked
15 for it?

16 A. Yes.

17 Q. And we're talking at 1700 hours, so - I'm sorry - 1900
18 hours, so 7 p.m.?

19 A. That's correct.

20 Q. And you were interviewing him in your office?

21 A. Yes.

22 Q. Were there other investigators present at the sheriff's
23 department?

24 A. There were -- I don't remember specifically. I'm sure
25 there was a few there because of the evening shift, like we

1 talked about, would have been in the office moving around,
2 but everybody's got their things that they're working on, but
3 there may have been other people there, but there was nobody
4 in my office. There wasn't anybody with me.

5 Q. So there wasn't anyone else to witness the statement.

6 A. No.

7 Q. And that was because it was the evening shift after
8 hours?

9 A. Yes.

10 Q. Does the sheriff's department use audio or video
11 recording or have the capabilities to do that?

12 A. No, we don't.

13 Q. And please explain that to the jury.

14 A. When you go to work for the sheriff's department, the
15 sheriff sets the policies and we get a book that's literally
16 as thick as the Bible, and that's all of our policies we have
17 to follow. The sheriff decides each and every one of them.
18 It is the policy of the Richland County Sheriff's Department
19 that we don't audio or video-record statements, so I follow
20 the rules.

21 Q. And that's important because it's important for all
22 officers to act in a uniform manner; correct?

23 A. It is, and another thing -- way you could look at it is
24 when I have that conversation with him before we reduce it to
25 writing, some people say things that they don't mean. They

1 -- you know, they put it in the wrong terms or the wrong way.
2 In my opinion, it's safer for them. They don't want to come
3 across in the wrong way. They have the opportunity to change
4 anything in this written statement they want. They can do it
5 how they want. I don't have any control over what they say.
6 Whatever is written is written and memorialized as that. So
7 that's the final product and that's what we go with.

8 Q. And approximately how many investigators are employed at
9 the Richland County Sheriff's Department?

10 A. At last check, I think 85 or so with different -- you
11 know, different jobs but about 80 to 85.

12 Q. So there's 80 to 85 investigators, and then supervisors
13 like yourself, about how many of those are there?

14 A. I believe there are 12.

15 Q. And then you also have supervisors, majors and captains?

16 A. Right.

17 Q. So we're talking about probably a hundred-plus people
18 that interview suspects on any given day?

19 A. Yes.

20 Q. And are those interviews always conducted in offices at
21 the sheriff's department?

22 A. No. No. We do interviews in the field, you know, in
23 the back woods of Kershaw County, North Carolina. Wherever
24 we have to go, we do them, so we go all over the place. And
25 sometimes they're typed and sometimes they are handwritten

1 forms. We have access now to some, you know, obviously
2 laptop computers. So more of them these days are all typed,
3 but it's not unusual to have a handwritten -- I think there
4 are a few in this case of handwritten statements.

5 Q. And so is it practical or even feasible for all these
6 investigators to be able to audio and video suspects at any
7 time?

8 A. No, and the equipment sometimes malfunctions. It's very
9 costly, and we work within a budget. There's a lot of
10 reasons why, and ultimately decisions are made by the people
11 that run the place and -- and I go with them.

12 Q. And, again, in this case he did give you -- Mr. Chestnut
13 gave you a four-page statement?

14 A. Yes.

15 Q. And these are his words?

16 A. Yes.

17 Q. If you'll start on page one, you again advised him of
18 his rights?

19 A. Yes. Could I get some water? Thank you. I did. Do
20 you want me to read the advice portion?

21 Q. Please.

22 A. It says, "I, Jeff Chestnut, understand that I have the
23 right to remain silent. Anything I say can be used against
24 me in court. I have the right to talk to a lawyer for advice
25 before you ask me any questions and to have a lawyer present

1 with me during any questioning. If I cannot afford a lawyer,
2 one will be appointed for me before any questions if I wish.
3 If I decide to answer questions now without a lawyer present,
4 I still have the right to stop answering at any time. I also
5 have the right to stop answering at any time until I talk to
6 a lawyer."

7 Q. And after that, please tell the jury the next question
8 and response.

9 A. It says -- of course, that started off with "I" and it
10 says, "do make the following statement." Just to kind of
11 give you an idea how we do it: Q. indicates questions asked
12 by me, and R. is a response by Jeff Chestnut. The first
13 question was, "Were you involved in the robbery at the
14 Carolina Gold Bingo on 5/23/2010?" His response, "Yes."

15 The follow-up question was, "What happened?" His
16 response, "I was at home in the yard with my stepdaughter,
17 Tionna Dennis. I called Chief to come take me to take
18 somebody some weed. Chief came to get me in a blue Corolla.
19 He was by himself when he picked me up at Teidra's house. I
20 over---"

21 Q. And let me -- can I stop you right there?

22 A. Yes.

23 Q. Chief? Who is that?

24 A. Chief is Tyward Jordan we would learn throughout the
25 investigation. Chief -- also Rocca. He went by Chief Rocca.

1 Some names he picked up in -- earlier on.

2 Q. And please continue.

3 A. "I overheard him in the car talking on the phone saying,
4 'I need to settle this lick so I can hit the spot.'"

5 Q. Please tell the jury what a lick is.

6 A. You know, obviously interacting with people who do this
7 kind of thing, I've learned over the years that they refer to
8 robberies or thefts as licks. So that's what that is.

9 Q. Please continue.

10 A. "When he hung up the phone, I asked him what he was
11 talking about. He told me that he was thinking about hitting
12 the bingo hall. I asked him who all was going with him. He
13 told me that it was going to be him and Quantis. I told him
14 that I wanted some of that. At first he was like, 'Nah, you
15 can't get down with this.' Then he told me to come on.

16 "We pulled up at the bingo hall and parked the car. We
17 walked around back and saw two people that I usually deal
18 with. I saw the dude from The Comedy House, and I chilled
19 with him. I sold the dude a bag. That's when Quantis came
20 up walking. He was saying that he had the wrong clothes on.
21 I gave him my black tee shirt and my Atlanta Braves hat and
22 he put it on.

23 "I told Chief that it ain't no need for me to go now.
24 He told me that he didn't want me to do it anyway. I told
25 him that I would stay out here and look out. I stayed out at

1 the back of the bingo hall. They ran off to go do the
2 robbery. I stayed out there to talk to a little white dude
3 for a minute. A few minutes later Chief and Quantis came
4 running back. When I saw them, I hid under the steps behind
5 The Comedy House, under the steps where they put all the
6 grease and trash. I stayed under there for 30 to 45 minutes.
7 I walked out on the side of the building, and I was scared
8 and shaking. An older lady saw me and gave me a ride to my
9 grandmama's house in Greenvew."

10 Q. And this individual named Quantis, Mr. Chestnut is
11 saying Quantis is the one who committed the robbery with
12 Tyward?

13 A. Yes.

14 Q. And that he was just acting as a lookout?

15 A. Yes.

16 Q. Did you follow up on this?

17 A. I did.

18 Q. Please tell the jury about that.

19 A. There is no indication that a Quantis existed. The
20 facts of the case that we knew: the robbery involved two
21 people. There's a video and there's many, many witnesses.
22 So there were two people. And, again, there was no
23 indication that I could find of a Quantis or an involvement
24 of a Quantis, not to mention that based on my experience it's
25 not unusual for people, even though they're telling me they

1 were involved in something, to sugarcoat it a little bit to
2 minimize their involvement. He knows I know there are two
3 people that went in. So, you know, they -- it's not unusual
4 for them to sugarcoat it, like I said. You get the drift.

5 Q. So basically he's minimizing his role saying he was just
6 the lookout.

7 A. Yes.

8 Q. Keep going, please, on to page two.

9 A. "Did you have a gun?" "No." "Who had the guns?" "I
10 didn't see them with no guns."

11 Q. And, again, is that minimizing what you just talked
12 about?

13 A. Yes.

14 Q. Please continue.

15 A. "What was Chief wearing?" "He had on a white or gray
16 tee shirt, some blue sweats. He had a piece of brown cloth
17 that covered his mouth." "What is Chief's real name and what
18 does he look like?" "Everybody knows him as Rocca. I don't
19 know his real name. He's about 6'4" and about 180 to
20 200 pounds. He's about 20 years old and has skin a little
21 lighter than me. His hair on his head is rough-looking like
22 he don't cut it. The hair on his face is like that, too."

23 Q. Let me stop you right there. Chief or Rocca is Tyward
24 Jordan?

25 A. Yes.

1 Q. And you encountered Tyward Jordan and arrested him
2 shortly after this robbery as well.

3 A. Yes.

4 Q. I show you State's 39. Do you recognize that?

5 A. I do.

6 Q. And is that a picture of Tyward Jordan---

7 A. Yeah.

8 Q. ---taken shortly after this incident?

9 A. Yes.

10 **Ms. McDuffie:** Your Honor, at this time we would offer
11 State's 39.

12 **The Court:** What is it?

13 **Ms. McDuffie:** A picture of Tyward Jordan, Your Honor.

14 **Mr. Chaplin:** I raise an objection to that as well, Your
15 Honor, on the same grounds as the previous objection.

16 **The Court:** Overruled.

17 **Mr. Chaplin:** Thank you.

18 (State's Exhibit 39 was received in evidence.)

19 By Ms. McDuffie:

20 Q. And this is Tyward Jordan when you encountered him
21 shortly after the robbery?

22 A. Yes.

23 Q. He is a tall, slender individual?

24 A. Yes.

25 Q. Does the description that Jeff Chestnut gave you match

1 the physical description of Tyward Jordan?

2 A. Yes.

3 Q. And Tyward is taller than Mr. Chestnut?

4 A. Yes.

5 Q. Thinner than Mr. Chestnut?

6 A. Yes.

7 Q. Please continue.

8 A. "What is Quantis's full name and what does he look
9 like?" "I just know his first name, Quantis. He is from
10 Irmo, but he be in Greenview, too. He is about 5'10",
11 185 pounds, with brown skin, and he's between 22 and 25 years
12 old. He has a low-fade haircut and a thin beard."

13 Q. So he's telling you that the other person who supposedly
14 did this robbery has a low haircut?

15 A. Yes.

16 Q. And was that consistent with witnesses such as Marva
17 Coates who said that the second guy had braids or twists in
18 his hair?

19 A. That was inconsistent.

20 Q. And who was the one that had braids or twists in his
21 hair at the time of the robbery?

22 A. Mr. Chestnut.

23 Q. Please continue.

24 A. "What was Quantis wearing?" "Black jeans, and before I
25 gave him my shirt, he was wearing an orange shirt." "Do you

1 know either Quantis' or Chief's phone numbers?" "I don't
2 know Quantis's. Chief had a number, 229-3829 or something
3 like that. It is a Charleston or Greenville area code."

4 Q. And, again, he signed the bottom of the pages saying
5 that this is his statement. It had not been made under any
6 promise or fear or threat or reward?

7 A. Yes.

8 Q. And that he has had a chance to review his statement and
9 that it is accurate and those are his words?

10 A. Yes.

11 Q. And you also sign as a witness?

12 A. I do.

13 Q. Please continue.

14 A. "What did you get out of the robbery?" "They didn't
15 give me anything. They said I didn't do nothing." "Why did
16 you give Quantis your shirt and hat?" "So I could back out
17 of it." "Where are they now?" "He has them." "Did you
18 enter the bingo hall during the robbery?" "No, sir." "Did
19 you talk to Teidra before the robbery?" "I talked to her
20 before and after." "Was she relaying information to you
21 during the calls?" "She just called to see if I could pick
22 her up."

23 Q. And was that strange to you?

24 A. What he was saying about Teidra?

25 Q. Yes.

1 A. Yes. You know, based on the investigation I knew that
2 she had some involvement in this, but then again minimization
3 and a personal involvement -- it's not unusual for somebody
4 to try and protect someone else.

5 Q. Please continue.

6 A. "Did you tell her that you were there?" "Hell no."
7 "Why would she say that you participated in the robbery and
8 that you got money from it?" "Because I told her that I
9 planned to do it." "When did you tell her this?" "The day
10 it happened." "Was this before or after Chief picked you
11 up?" "This was after I got back. She told me that they got
12 robbed, and I told her that we had planned to do it." "Did
13 you see Teidra outside during the robbery?" "No. She was
14 calling me from like two people phone." "Did someone from
15 the bingo---"

16 Q. Let me stop you right there. Was that also significant?

17 A. Yes. We knew that there were calls made from other
18 employees' phones.

19 Q. You also have statements from the witnesses that she was
20 right outside the doors that the robbers fled---

21 A. Right.

22 Q. ---right afterwards?

23 A. If he -- if it was as he indicated, that he was just
24 outside, we know that she was outside, so he would have seen
25 her.

1 Q. Please continue.

2 A. "Did someone from the bingo hall call your phone after
3 the robbery?" "Yeah, looking for Teidra."

4 Q. So, again, he is admitting there that he did receive
5 that call from Ms. Ore?

6 A. Yes.

7 Q. The call in which the person -- that he was the person
8 that made the statements to tell the guy to calm down about
9 the robbery?

10 A. Yes.

11 Q. How would he have known about the robbery if he wasn't
12 there?

13 A. He wouldn't.

14 Q. Please continue.

15 A. "Had you talked to her at that point?" "Yes, she called
16 me before that." "Did she tell you about the robbery then?"
17 "Yes, she told me about it." "So is that when you told her
18 that you had planned to rob the bingo?" "Yes." "So was it
19 over the phone or when you got back that you told her that
20 you had planned what you had planned?" "Both."

21 "Why would Teidra call Chief prior to the robbery?" "I
22 don't know. I didn't know she had his number." "Did Teidra
23 tell you about how much money was in the bingo?" "No." "Was
24 Teidra involved in it in any way?" "No." "Did you have
25 anything else to add to your statement?" "No, sir." And

1 then the end of the statement, 6/8/2010 at 7:55, 19:55 hours.

2 Q. So it took 55 minutes to go through this process with
3 Mr. Chestnut?

4 A. Yes.

5 Q. And he signed on each page indicating that this was his
6 statement?

7 A. He did.

8 Q. That he was making it freely, voluntarily, and without
9 fear of threat, promise or reward?

10 A. Yes.

11 Q. Did you threaten him in any way?

12 A. No.

13 Q. Coerce him?

14 A. No.

15 Q. Did you promise him anything?

16 A. No.

17 Q. He made the statement -- those are his words that he
18 told you on that day?

19 A. Yes.

20 Q. And, again, you said you followed up on this Quantis
21 individual?

22 A. Yes, as best I could. Yes.

23 Q. And during your investigation, is there any indication
24 whatsoever that this Quantis person exists?

25 A. No.

1 Q. Is there any indication anyone other than Jeff Chestnut
2 and Tyward Jordan robbed the bingo on May the 23rd of 2010?

3 A. The actual robbers, no.

4 Q. You also had a chance to obtain and view video from the
5 bingo in this case, did you not?

6 A. Yes, I did.

7 **Ms. McDuffie:** Your Honor, at this time we'd ask
8 permission for the witness to step down.

9 **The Court:** Yes. Go ahead.

10 By Ms. McDuffie:

11 Q. State's Exhibit 34, you've had the opportunity to --
12 it's already been admitted. Have you had the opportunity to
13 view this video?

14 A. Yes.

15 **Ms. McDuffie:** Your Honor, could we take a short recess
16 so we can get the technology working?

17 **The Court:** All right. It's not working right?

18 **Ms. McDuffie:** No, sir, Your Honor.

19 **The Court:** All right. Let's take a short break. Let's
20 work on the video for just a minute. Ladies and gentlemen,
21 you can go to the jury room. Don't discuss the case among
22 yourselves while you're in the jury room. Just relax for a
23 few minutes. We're a little technically challenged here at
24 the Richland County courthouse. It's not the fault of
25 anybody that's involved in this case. It just so happens

1 that we don't have as much money as the people over at the
2 federal court do. Just relax for a few minutes.

3 (Whereupon, the jury was excused from open court at
4 10:33 a.m.)

5 **The Court:** We'll stand at ease.

6 (Whereupon, a short break was taken.)

7 **The Court:** Be seated. Is the State ready to proceed?

8 **Ms. McDuffie:** No, sir, Your Honor. If we could have
9 just a few more minutes.

10 **The Court:** We'll stand at ease.

11 (Whereupon, a short break was taken.)

12 **The Court:** All right.

13 **Ms. McDuffie:** Sorry, Judge.

14 **The Court:** Defense ready to proceed?

15 **Mr. Chaplin:** Yes, we're ready, Your Honor.

16 **The Court:** Bring the jury, please.

17 **Mr. Chaplin:** Your Honor, my client would like to view
18 the video along with the jury. Is that possible?

19 **The Court:** All right. Hold the jury.

20 **Ms. McDuffie:** Your Honor, we would object. Mr. Chaplin
21 has had this video in discovery. We don't think it's proper
22 for the defendant to be that close to the jury.

23 **Mr. Chaplin:** Ms. McDuffie is aware that there was
24 issues with -- the same issues that I had which she---

25 **The Court:** All right. I'm going to -- I'm going to

1 allow it.

2 Mr. Chaplin: Thank you.

3 The Court: Let's -- he's shackled?

4 Officer: Yes, sir.

5 The Court: You might -- the shackles might be exposed
6 to the jury. Just---

7 Mr. Chaplin: Well, as long as he's not walking while
8 they're in here...

9 The Court: Let's move him up and let him sit on the
10 steps with Mr. Chaplin.

11 Mr. Chaplin: That's fine.

12 Ms. McDuffie: Your Honor, we would request that since
13 they're going to be that close to the jury that they be
14 precluded from having conversations while they're standing
15 over there.

16 The Court: No conversations.

17 Mr. Chaplin: None desired.

18 The Court: Make sure we have...

19 Mr. Chaplin: Thank you.

20 The Court: Make sure we have good law enforcement
21 situated. Everybody seated?

22 Mr. Chaplin: Thank you, Your Honor.

23 The Court: All right. Is there law enforcement -- I
24 can't see.

25 Ms. McDuffie: Yes, Your Honor, there is.

1 **The Court:** Between he and the jury, that's what I want.

2 **Officer:** Yes, sir.

3 **The Court:** All right. No conversation, no outbursts.

4 Bring the jury.

5 **Mr. Chaplin:** Your Honor, just one thing.

6 **The Court:** Hold on. Hold the jury. Come on. Let's...

7 **Mr. Chaplin:** I'm sorry.

8 **The Court:** Make up your mind. What's now?

9 **Mr. Chaplin:** When we bring him back over to the table,
10 I'd like the jury to go back out again.

11 **The Court:** I'm not going to do that.

12 **Ms. McDuffie:** Your Honor, if he wants to watch it, it's
13 ten seconds. We can play it for him right now and then he
14 can sit back down.

15 **The Court:** How many?

16 **Ms. McDuffie:** It's not more than a minute.

17 **The Court:** Well, let's play it now and let him see it.

18 **Mr. Chaplin:** Fine.

19 **The Court:** Hold the jury. Play it.

20 **Mr. Chaplin:** The way you intend to play it for the
21 jury.

22 (The video is played for Mr. Chestnut.)

23 **Ms. McDuffie:** That's it. That's the end of the video.

24 **Mr. Chaplin:** Thank you very much, Your Honor.

25 **The Court:** All right. Be seated.

1 **Ms. McDuffie:** If we could have just a second to queue
2 it back up. Okay. We're ready.

3 **Mr. Chaplin:** We appreciate the Court's indulgence.

4 **The Court:** Certainly.

5 **Ms. McDuffie:** Your Honor, if we could bring the jury.

6 **The Court:** Huh?

7 **Ms. McDuffie:** Can they bring the jury?

8 **The Court:** Are you ready?

9 **Ms. McDuffie:** Yes, Your Honor.

10 **The Court:** All right. Bring them, please. Everybody
11 ready?

12 **Mr. Chaplin:** We're ready.

13 (Whereupon, the jury was brought into open court at
14 11:12 a.m.)

15 **The Court:** All right. Ladies and gentlemen, thank you
16 for your patience. I think we're ready to go now. You may
17 proceed, Solicitor.

18 By Ms. McDuffie:

19 Q. Investigator Isenhoward, this is a videotape from the
20 interior of Carolina Gold Bingo?

21 A. Yes, it is.

22 Q. And they only have these cameras on the cage portion of
23 the bingo floor.

24 A. Yes. This is the cashier's office, cage, front door.

25 You can see the lights, and the playing floor would be to the

1 left of this image up here.

2 Q. And that was also -- to the left would be that other
3 counter behind which Ms. Angela Diaz-Garcia was.

4 A. Yes.

5 Q. And that would also be behind the wall with the stamps.

6 A. Yes.

7 Q. Can you please play the video? (The video begins to be
8 played.)

9 A. You can see customers -- just routine business and when
10 the robbers enter, some people -- like I said, some people
11 will realize it and you can see their change in their
12 behavior. Other people are oblivious to it. They're just
13 not paying attention. That's what happens, but you'll notice
14 when some people start seeing them.

15 Q. And these cameras are also time---

16 A. Motion.

17 Q. Motion sensitive?

18 A. Yeah, they're motion-activated, so you'll have some
19 stops and some starts. It's just the system.

20 Q. And the robbers are entering from the side door.

21 A. Yes.

22 Q. Please describe what's going on.

23 A. You can start to see some of the patrons running. In
24 this image you see the robber who is entering the cage walk
25 in. He moves out of sight and returns. You can see in a

1 short period where he starts to remove some of the till --
2 some of the cash register money, but like I said, there's
3 panic, people running..

4 Q. The clerk there is opening the register for him?

5 A. Yes.

6 Q. He's taking the money?

7 A. He's just out of sight, but you can see what he's doing.
8 You can see her here and in another image holding her hands
9 up, you know, cooperating with the robber.

10 Q. If we could start it again just for him to... Please go
11 to camera two.

12 A. All right.

13 Q. This is camera one?

14 A. This is probably the best image of the robber when he
15 enters.

16 Q. And this is when the cashier sees something going on?

17 A. Yes, you can see her noticing it. It's chaos.

18 Q. And he enters there?

19 A. Yes. Back up. Go through it again. I don't know -- if
20 you can see the bill of that cap, you know, it's a red bill
21 with a blue ball cap, a blue bandana, blue jeans with a white
22 shirt underneath. When you have people -- people, like I
23 said, pick out different things. Some people may even say
24 he's got a white shirt on because they see a little white.
25 They may say he had gray jeans on because there are gray

1 designs, but you take little bits and pieces of what
2 everybody says. You take them, you know -- people are going
3 to see different things. But what's important to me was some
4 of the indications about an Atlanta ball cap. That's
5 consistent with what we see there in the color scheme of the
6 Atlanta Braves and the clothing which obviously Mr. Chestnut
7 described in his statement.

8 Q. Mr. Chestnut also said that it was his Atlanta Braves
9 baseball cap.

10 A. Yes, he said it was his. Of course, in his statement he
11 says he gave it to the other guy, the mystery man, but you
12 can also take a look at the physical build of the person, and
13 if we get it stopped right, you might be able to even see, if
14 I recall correctly, some of the hair from out of the ball
15 cap. When we talk about video images, this is what we work
16 with. They're not perfect. They're not -- you know, I don't
17 get -- it's not C.S.I. You don't get those perfect images of
18 people that you... You can see the hair there, the mask, of
19 course the ball cap up top, and clothing.

20 Q. And he also has in his hand---

21 A. A bag of some sort which you can see as he goes around
22 and he opens up...

23 Q. And that would be consistent with what the witnesses -
24 Ms. Coates and the Furticks - described as the bag that---

25 A. Yes.

1 Q. ---Mr. Chestnut was holding during the robbery.

2 A. Yes.

3 Q. And his build and his---

4 Mr. Chaplin: Objection, Your Honor.

5 The Court: What's the objection?

6 Mr. Chaplin: I'm objecting to the fact that they're
7 referring to the image on the screen as my client.

8 The Court: All right.

9 Mr. Chaplin: They can describe---

10 The Court: Okay. I understand. Just...

11 Ms. McDuffie: His physical build---

12 The Court: I'm going to sustain the objection.

13 Ms. McDuffie: Yes, sir.

14 The Court: There's an individual on there. That's
15 sufficient.

16 By Ms. McDuffie:

17 Q. Again, he said -- Mr. Chestnut said in his statement
18 that he gave his black tee shirt and baseball cap to an
19 unknown individual named Quantis?

20 A. Correct.

21 Q. And he said that Quantis had on an orange shirt---

22 A. Yes.

23 Q. ---prior to that?

24 A. Yes.

25 Q. What color is the undershirt under that black shirt?

1 A. It's -- if you play it, I believe it's white.

2 Q. Not orange.

3 A. No.

4 Q. You can have a seat. Investigator Isenhoward, as the
5 lead investigator, you're aware that Crime Scene was called
6 out in this case; correct?

7 A. Yes.

8 Q. And Crime Scene's role again is what? Please tell the
9 jury.

10 A. Their role in the investigation is to document,
11 photograph, collect evidence and package it, place it into
12 the evidence room at the sheriff's department and then
13 it's -- it's my discretion or -- and I do that in
14 consultation with other forensic people as to what test we
15 may run, if we run any. But obviously when you go out there,
16 you take as much as you can. Then you make a decision
17 whether or not, you know, there's potential for us to check
18 for D.N.A., check for fingerprints. They obviously dusted
19 for fingerprints, and if they were to obtain one, it would be
20 submitted into a fingerprint analysis computer we have as
21 well as the person that -- that's all they do is look at
22 fingerprints.

23 If, let's say, the swabs you heard us talk about, if we
24 chose to run those swabs, they would be sent -- I would send
25 a request to our D.N.A. lab who would then collect them and

1 try and obtain D.N.A. from the swabs. We process all of our
2 crime scenes and then make a decision on what we may process,
3 quite frankly.

4 We check the things we think have a high potential of
5 yielding evidence. We can't check everything we do. It's
6 just not -- it's not feasible monetarily. So we make -- it's
7 my job -- it's my job to make a decision on what we're going
8 to run, what we're going to check. D.N.A. is extremely
9 expensive.

10 Q. And Richland County has its own D.N.A. lab; correct?

11 A. Yes, they do.

12 Q. And that lab is both nationally and internationally
13 accredited.

14 A. It is.

15 Q. And they have to follow specific procedures and
16 protocols in determining what they can and can't test.

17 A. Yes.

18 Q. And in this case you're aware that the employees had
19 touched the drawers and things like that after the robbery
20 occurred.

21 A. Yes. There were what we would refer to as
22 contamination. Each person has a likelihood of leaving
23 D.N.A., and from my understanding, you know, the more you
24 have on there, the more complicated the numbers get and
25 they're not likely to produce results that would help us I

1 guess is the easiest I can say it.

2 Q. And those samples that were obtained, it was pursuant to
3 your investigation you learned that they were contaminated?

4 A. Yes, I did.

5 Q. And, therefore, would there be any probative value in
6 testing them?

7 A. No.

8 Q. Would it just lead to potentially confusing or
9 misleading results?

10 A. It could and, you know, obviously at this point in time
11 we were working with more substantial leads that we were
12 going to follow. It would make things more difficult for us
13 to run it at that point.

14 Q. And it's also not allowed pursuant to the protocols that
15 the sheriff's department has to follow.

16 A. Yes, and I couldn't tell you all of the protocols
17 because I'm not a -- I don't do -- I don't analyze D.N.A.,
18 but they have -- you know, sometimes we collect things and
19 they just can't do it because of their protocols and what
20 they have to do to maintain the integrity of their results
21 when they do get results.

22 It's pretty complicated and sometimes I don't understand
23 it all, but they have rules and they won't -- regardless of
24 what I say, they won't -- they won't break those rules to,
25 like I said, maintain the integrity of their -- what they do.

1 Q. And that's to ensure fairness and accuracy in every
2 case.

3 A. Yes. They -- they -- they aren't police officers. They
4 work at the sheriff's office and I obviously talk to them,
5 but what they do, they take -- they're scientists. They take
6 the evidence and they give me what they can, and if they
7 can't, they can't. I've got to -- I've got to work with it.

8 Q. And this isn't like C.S.I. There's not fingerprints and
9 D.N.A. on every surface at every single crime scene that you
10 go to.

11 A. No. Quite frankly, you know, there's a lot of factors:
12 surface, what the surface is made of. You know yourself
13 where -- you know, you may -- if you have a stainless steel
14 refrigerator or a glass window and you put your hands on it,
15 it's likely to leave a fingerprint, but you don't see
16 fingerprints on rougher surfaces all the time. So the
17 surface itself is -- may not be -- may not be a good surface
18 for leaving fingerprints. Oils -- some peoples' hands are
19 oilier than others and they are less or more likely to leave
20 fingerprints. It's just -- the bottom line is this: this
21 isn't T.V. Every time we go and process a crime scene, we
22 don't always get evidence. They don't always get
23 fingerprints. They don't always get D.N.A. They don't
24 always get hair, dirt, all that stuff. The majority of the
25 crimes I investigate, I have very little to no evidence. The

1 case is made off of speaking with people, interviewing
2 people, and the personal aspects of it: the following the
3 trail of what people tell us and what we can confirm, things
4 like phone records, cameras, those sort of things.

5 Q. And you arrested Mr. Chestnut in this matter.

6 A. Yes, I did.

7 Q. For the crime of armed robbery.

8 A. Yes.

9 Q. And then in preparation for trial at my request, you
10 also presented additional counts of armed robbery and
11 kidnapping to the grand jury.

12 A. I did. You know, obviously in my opinion, in my choice
13 at the time, Mr. Chestnut I felt was the man that went into
14 the cage, the cashier's office, and robbed the business
15 itself. Mr. Jordan, although participated in the robbery of
16 the business itself, he also robbed the individual players.

17 So my initial assessment of it and my charges, I charged
18 Mr. Chestnut with one count based on robbing the business
19 itself and Mr. Jordan I charged with robbing the business and
20 each individual person because I felt those people had a
21 right to individual safety and those were violated and I
22 wanted to give them the opportunity to participate in it.
23 When you -- when you charge the person as a victim, they are
24 able to participate in it.

25 Q. And Mr. Jordan has already had his day in court on the

1 same set of charges that Mr. Chestnut is now here for.

2 A. He has.

3 Q. And we're here on the exact same set of charges today.

4 A. Yes, we are.

5 Q. And you're aware of the hand of one is the hand of all?

6 A. I am.

7 Q. And you presented that to the grand jury?

8 A. I did.

9 Q. And they returned indictments in this case.

10 A. I presented the case to the grand jury as it was. They
11 made a decision to indict on additional charges which is
12 their -- it's at their discretion.

13 Q. And you also -- once you already arrested Mr. Chestnut,
14 you didn't just stop investigating the case at that point,
15 did you?

16 A. No, we had other matters -- other parts of the
17 investigation, and like I said, you know, towards -- when the
18 investigation progresses, I may go back and talk to the
19 witnesses again, and at this point, you know, I may seek to
20 show individual line-ups to other witnesses if they -- if I
21 believe that they have a legitimate chance of identifying the
22 person. If I talk to someone and let's say they -- you know,
23 early on in the investigation they told me they didn't see --
24 they couldn't see the guy, they couldn't see him or, you
25 know, they, you know, have eye problems, I'm not going to run

1 around showing line-ups to each of those people when there's
2 no -- it's not fair to the person in the line-up.

3 If the -- if the person who is seeking to identify them
4 did not have a legitimate way or likelihood of seeing the
5 person, there's no reason for me to do that. The only people
6 that see line-ups are ones that I believe or have indicated
7 that they have -- they saw the robber. They had interaction
8 with the robber. They believe they can identify -- possibly
9 identify the person.

10 Q. And you went, after Mr. Chestnut's arrest, to show a
11 line-up to Angela Diaz-Garcia.

12 A. I did.

13 Q. And she indicated from very early on in the
14 investigation, before you even had developed him as a
15 suspect, that she believed that she could identify the person
16 that robbed her while she was in the cage from a line-up.

17 A. Yeah. Initially -- I don't recall her saying that, but
18 I talked to her and a few of the employees over at the --
19 they were very involved. It doesn't always happen like this,
20 but they were -- they were shaken up and concerned. So they
21 stayed in contact with me, and then throughout that she did
22 indicate that she felt like she could identify someone. So I
23 -- you know, I kept that in mind as the investigation
24 progressed.

25 Q. And on June the 9th of 2010 did you go to the Carolina

1 Bingo and show her a six-person photo line-up?

2 A. I did.

3 Q. And was Mr. Chestnut's picture in that line-up?

4 A. It was.

5 Q. And when you showed her that line-up, did you suggest to
6 her in any way who to pick out?

7 A. No.

8 Q. Did you tell her that the person was definitely in
9 there?

10 A. No.

11 Q. What did you tell her?

12 A. I just -- I said, "This is a group of photographs. If
13 you recognize anybody, point them out to me and tell me where
14 you recognize them from," and I presented it to her and let
15 her hold it and look at it. It was a nearly immediate
16 identification.

17 Q. And she identified which photograph?

18 A. Photograph number---

19 **Mr. Chaplin:** Objection, Your Honor.

20 **The Court:** Previously -- previously-argued objection.

21 **Mr. Chaplin:** Previously argued and totally object to
22 this being admitted or published to the jury.

23 **The Court:** All right. Overruled. Go ahead.

24 **The Witness:** She immediately identified photograph
25 number two which is a photograph of Mr. Chestnut and

1 identified that as the person who had robbed the business on
2 that evening. She indicated it by circling the photograph
3 and initialing it.

4 By Ms. McDuffie:

5 Q. And did she tell you how sure she was?

6 A. She told me that she was 100 percent sure which it
7 doesn't always happen.

8 Q. No doubt?

9 A. No doubt in her mind.

10 Q. And this was done after the arrest of Mr. Chestnut?

11 A. Yes.

12 Q. When you showed her this line-up, were there other
13 people around, people saying, "Pick this one; pick that one"?
14 Was she consulting with anyone about it?

15 A. No.

16 Q. And each time you talked to these employees and these
17 witnesses, was it done in a group or was it done
18 individually?

19 A. A couple of times I met with people, you know, a
20 couple -- a couple of the employees, but if I was going to
21 show a line-up or take a statement or take anything down, it
22 was individually and I would walk away with them to a
23 secluded area so that there was no influence from other
24 employees. Sometimes, you know, like I said, one person may
25 see one thing; another person sees another. I don't want

1 them influencing each other, so I do it individually.

2 Q. You also followed up on this Quantis imaginary person?

3 A. I did as much as I could with what I had to work with,
4 yes.

5 Q. And nothing ever came of that.

6 A. No. There's no indication that that person was involved
7 in this robbery or I -- nor could I locate anybody by that
8 name that was involved.

9 Q. And all the credible evidence in this case pointed to
10 what?

11 A. To Jeff Chestnut, Tyward Jordan, and some involvement by
12 Ms. Teidra Dennis.

13 Q. And, in fact, you learned through your investigation
14 that a short time after his arrest Mr. Chestnut had access to
15 a large sum of money?

16 A. Yes.

17 **Ms. McDuffie:** Thank you. No further questions of this
18 witness.

19 **The Court:** Cross-examination.

20 **Mr. Chaplin:** Thank you.

21 Cross-Examination

22 By Mr. Chaplin:

23 Q. Investigator Isenhoward, let's start with your last
24 response. You said that you became aware that Mr. Chestnut
25 had a large sum of money?

1 A. That there was some money, yes, involved.

2 Q. Can you elaborate?

3 A. Well, I---

4 **Ms. McDuffie:** May we approach?

5 **The Court:** Yes, you may.

6 (Whereupon, a bench conference was held.)

7 **Mr. Chaplin:** Please answer the question, Investigator
8 Isenhoward.

9 **The Witness:** I'm sorry. What specifically is your
10 question?

11 **The Court:** Rephrase your question. Ask it again.

12 **Mr. Chaplin:** Thank you.

13 By Mr. Chaplin:

14 Q. You stated that Mr. Chestnut had access to a large sum
15 of money?

16 A. Well, there are statements made by his girlfriend.

17 Q. Thank you.

18 A. Uh-huh.

19 Q. All right. Now, so you're telling us that Mr. Chestnut
20 came to your office and you all just had a casual
21 conversation.

22 A. Well, as casual as a conversation can be. He was
23 obviously under arrest. He knew he was under arrest, but it
24 wasn't Jack Bauer or anything like that.

25 Q. Okay. And I have no clue what that is, but anyway you

1 told him to come in and sit down and let's talk. Is that how
2 you did it?

3 A. Yes, after advising him of his rights.

4 Q. Okay. Well, now that's interesting. You said that you
5 all had a casual conversation, and I think that you indicated
6 there was no audio; correct?

7 A. You're asking me?

8 Q. Of this conversation?

9 A. There is no audio.

10 Q. Okay. And I am asking you. And you indicated there
11 were -- you testified there were no witnesses to this
12 conversation?

13 A. There was nobody else in the room.

14 Q. So your answer is there were no witnesses?

15 A. There were -- it was -- yeah, there was a witness: me.

16 Q. Other witnesses?

17 A. No.

18 Q. Thank you. And there was no visual record made of this
19 conversation; correct?

20 A. Video---

21 Q. Yes.

22 A. ---recordings? Oh, no.

23 Q. Okay. So you did everything that you had to do to
24 protect yourself by Mirandizing him; correct?

25 A. They're not my rights. They're his rights.

1 Q. Okay. But you didn't do anything to protect Mr.
2 Chestnut's rights.

3 A. Well, that's -- they are his rights, and that's why I
4 advise him of his rights. They're not my rights. They're
5 not to protect me. They're to protect him. They're
6 protecting him.

7 Q. Now, as far as the statement is concerned, who wrote the
8 statement? Who actually---

9 A. Who typed it?

10 Q. Yes.

11 A. I typed it.

12 Q. Okay. Did Mr. Chestnut type any portion of this?

13 A. He didn't type it, no.

14 Q. He did not type it at all. Why wasn't the statement
15 written?

16 A. Handwritten?

17 Q. Yes.

18 A. It's -- in general it's easier to read for different
19 people. We like to type statements.

20 Q. Okay. Policy.

21 A. But I mean, you know, sometimes -- sometimes we hand-
22 write them, but if at all possible we type them.

23 Q. Is there a reason why Mr. Chestnut couldn't have written
24 his own statement?

25 A. There is -- the policy of the Richland County Sheriff's

1 Department---

2 Q. Ah,

3 A. ---is that we transcribe the statement ourselves. If
4 people want to make changes, they can make changes. It is a
5 collaborative effort. It's not anything I did -- you know,
6 went off somewhere and did myself. He was there the entire
7 time.

8 Q. Thank you. You responded.

9 **Ms. McDuffie:** Your Honor, please let the witness finish
10 with his answer.

11 **Mr. Chaplin:** Your Honor, what he was giving me at that
12 point was nonresponsive. He answered the question that I
13 asked.

14 **The Court:** All right. Go ahead.

15 By Mr. Chaplin:

16 Q. Now, as far as your department policy -- so you're
17 telling us that no one ever writes their own statement in
18 Richland County?

19 A. Am I telling you that in---

20 Q. You can answer that with yes or no.

21 A. No. No, I'm not telling you that.

22 Q. Thank you. All right. Now, as far as the Miranda that
23 you provided that's in evidence, I guess, you testified that
24 you read the individual rights off that Miranda to Mr.
25 Chestnut, and you checked off the blocks.

1 A. Yes, with him acknowledging.

2 Q. Okay. So you checked it off after you read it to him.

3 A. Yes.

4 Q. But he never checked it off.

5 A. He told me he understood them.

6 Q. Okay. But he never checked anything off himself.

7 A. No, he didn't move the pen. I did.

8 Q. Okay. Did you give him a pen?

9 A. No. He didn't ask for one. If he wanted a pen or if he
10 wanted to write his own statement, he could have.

11 Q. But your answer is---

12 A. This is what we---

13 Q. ---you didn't give him a pen.

14 A. No, there was a pen there. I mean, he could have picked
15 it up if he wanted to.

16 Q. Now, as far as the time that this statement was made,
17 the only proof that we have of that is the time that you
18 wrote on the statement; correct?

19 A. The time of day?

20 Q. Okay.

21 A. Are you asking me the time of day or the duration?

22 Q. Actually the time of day.

23 A. Yeah. I mean, I just looked at my watch and wrote it
24 down.

25 Q. You wrote it down.

1 A. Uh-huh.

2 Q. Okay. So you're telling us that Mr. Chestnut came to
3 you. You Mirandized him, told him everything that you say
4 can and will be used against you, et cetera, and then he then
5 provided you a statement that said that he was the lookout in
6 a robbery and that he also planned the robbery. Is that your
7 testimony?

8 A. Yes.

9 Q. Well, let me follow that up with: So what did you
10 promise him to say that?

11 A. Promise him to say that?

12 Q. Yes.

13 A. I didn't promise him anything.

14 Q. But you testified earlier that originally you only
15 charged him with one count of armed robbery; correct?

16 A. That's correct.

17 Q. And when did you go to the grand jury and get the other
18 charges indicted?

19 A. I don't remember the date. I was subpoenaed there.

20 Q. Would you be surprised if I said July of 2012?

21 A. No, I wouldn't.

22 Q. Okay.

23 A. That's not unusual.

24 Q. All right. So you never told him that if he gave you a
25 statement he'd only get one charge?

1 A. No.

2 Q. Okay. You said that Mr. Chestnut had an opportunity to
3 make corrections on that statement.

4 A. Yes, he did.

5 Q. What corrections did he make?

6 A. He didn't. Any corrections that were made -- I don't
7 recall specifically that he did. The final product -- in
8 other words, if there was something he wanted to change, I
9 would have changed it and shredded the previous statement.

10 Q. Did you shred any statements?

11 A. I don't recall doing that.

12 Q. So Mr. Chestnut read a one, two, three, four-page
13 statement and didn't indicate that he needed any changes
14 made.

15 A. I don't recall any.

16 Q. Okay. Now, you don't have -- Mr. Chestnut was not in an
17 interrogation room; correct?

18 A. He was in my office.

19 Q. Thank you. But you have interrogation rooms at the
20 sheriff's office -- department, don't you?

21 A. No.

22 Q. You don't.

23 A. No.

24 Q. You don't have any rooms that provide a defendant with
25 audio and visual protection so that what they say can be

1 recorded?

2 A. There's a room that a particular test is administered
3 that's recorded by protocol for that test but---

4 Q. But it's your---

5 A. ---I guess what you're getting at---

6 Q. I'm sorry. But it's your policy that you don't have to
7 do that. You don't have to record statements and---

8 A. It's not my policy that I don't have to. It's the
9 policy that I don't, and it's not my policy.

10 Q. It's the sheriff's department's policy.

11 A. Correct.

12 Q. And you're just following policy.

13 A. Yes.

14 Q. Even if you don't think it's fair.

15 A. I didn't say that.

16 Q. Do you think it's fair that someone could give a full
17 statement and the only person that can attest to it would be
18 the officer?

19 A. The person who gives the statement has an opportunity to
20 dispute it at a later date if they are indicating that I have
21 done something wrong. So, yeah, that's -- the process is
22 fair because it's accurate.

23 Q. Now, you indicated that one reason that you suspected
24 Mr. Chestnut is that the person had braids or twists. Did
25 you say that?

1 A. One of the reasons -- I mean, you could see that in the
2 robbery video.

3 Q. Okay.

4 A. I mean, that's one thing, yes.

5 Q. So what's unique about braids, dreads, or twists? Is
6 Mr. Chestnut the only person that wears his hair that way?

7 A. No, but you don't and I don't. It's just one more
8 indicator.

9 Q. But now you provided someone with six photos of
10 individuals, and each of their hair -- I don't know if that
11 is grammatically correct. Their hair was in braids and
12 dreads and twists.

13 A. Yeah. It's also the protocol when we -- when we
14 construct a line-up that the line-up is fair and it's not
15 overly suggestive, and if I had -- it has been argued in the
16 past that if I have one guy with braids and nobody else had
17 braids that that would be suggestive. So it's our policy
18 that we have similar pictures, similar race, you know, hair
19 length, if they have facial hair. When you see a line-up, it
20 has all of those in it. So it's fair. It's not suggestive
21 towards one person.

22 Q. And I appreciate your narrative. At the same rate, all
23 I asked you was: Is that hairstyle unusual? And I think you
24 indicated that you provided five other pictures with people
25 with that hairstyle? In the line-up you provided---

1 A. That's not what you asked me, but, yes, all the people
2 had similar hairstyles in the line-up.

3 Q. And that is what I asked you. All right. Now, you
4 indicated that Mr. Chestnut's girlfriend told you that he had
5 money?

6 A. She indicated that, yes, that he talked about -- that
7 they had talked about the robbery and that he had money after
8 the robbery.

9 Q. And actually that's not what her statement says, is it?
10 Beg the Court's indulgence. Investigator, isn't it true that
11 what Ms. Dennis said to you was---

12 Ms. McDuffie: Your Honor, I object to hearsay unless he
13 wants to admit the entirety of her statements into evidence.

14 Mr. Chaplin: I'll move on.

15 The Court: All right.

16 Mr. Chaplin: But she never told you that it was---

17 Ms. McDuffie: Your Honor, I object unless he wants to
18 admit the entirety of her statements into evidence.

19 Mr. Chaplin: Your Honor, I'm simply following up on a
20 statement that he's made. I'm not trying to introduce
21 anything.

22 The Court: Wait a minute. Hold it. Whose statement?

23 Mr. Chaplin: He commented on what Ms. Dennis told him.

24 The Court: All right.

25 Ms. McDuffie: Your Honor, may we approach?

1 **The Court:** You can ask him about what Ms. Dennis told
2 him.

3 **Mr. Chaplin:** Thank you.

4 **The Court:** Not any written statement.

5 **Mr. Chaplin:** Thank you.

6 By Mr. Chaplin:

7 Q. Ms. Dennis never told you that he had money right after
8 the robbery. Is that true?

9 A. No.

10 Q. Okay. You indicated that you did -- you followed up on
11 the Quantis lead.

12 A. Yes.

13 Q. And you said earlier that you did as much as you could
14 with that.

15 A. Yes.

16 Q. Could you please elaborate and tell us what you did?

17 A. I had the ability to search what he had provided me.

18 Okay? And that was an area, a name, and a physical
19 description as well as he provided phone numbers for, you
20 know, his other accomplices or accomplice.

21 Q. Objection, Your Honor.

22 A. But there's---

23 **The Court:** He's trying to answer your question.

24 **Mr. Chaplin:** Yes, but---

25 **The Court:** I understand. I understand.

1 **Mr. Chaplin:** I object to him saying other accomplices.

2 **The Court:** Okay.

3 **Mr. Chaplin:** Thank you.

4 **The Witness:** There were two people seen in the robbery.

5 By Mr. Chaplin:

6 Q. Okay.

7 A. Two people.

8 Q. All right.

9 A. That's the evidence that I had. That's the witness
10 accounts that I had. That's how the investigation turned
11 out.

12 Q. Okay. Did Mr. Chestnut ever provide you with a physical
13 address for Quantis?

14 A. No, we drove around. He was trying to show me an area
15 where he hung out, and I did go to that area several times
16 and never found anybody.

17 Q. Who did you speak with when you went to the area?

18 A. There was nobody there. One of the places I think was
19 vacant. The other one was, if I recall correctly, like a
20 shed that is back behind another place. I never ran into
21 anyone there.

22 Q. Okay. So this wasn't like a playground or something.
23 You said a location where Quantis hung out, and you said one
24 place was vacant.

25 A. Yes.

1 Q. What do you mean? A house that was vacant?

2 A. It was a house that -- nobody was there, yeah.

3 Q. Okay. How long had it been vacant?

4 A. I don't recall specifically.

5 Q. Were there any phone numbers attached to that location?

6 A. Phone numbers attached to that location?

7 Q. That carried that address?

8 A. I mean, sometimes when we pull addresses there may be
9 previous numbers associated with the residence there.

10 Q. Right.

11 A. What I'm telling you is I did everything I could and I
12 didn't locate a Quantis, and I felt that it was unlikely that
13 a Quantis even was involved in the robbery.

14 Q. So you never even believed Mr. Chestnut, so you didn't
15 follow up.

16 A. No, I did follow up. Did I believe him? No, I didn't
17 believe him.

18 Q. So did you ever run a D.M.V. search to see if there were
19 any driver's licenses assigned to that address?

20 A. I may have. I don't recall specifically.

21 Q. Okay. Well, you're the lead investigator, and we're at
22 trial.

23 A. Yes.

24 Q. And you don't recall?

25 A. I don't recall specifically if I ran a driver's license.

1 Q. You testified that you did everything you could to try
2 to locate Quantis.

3 A. Yes.

4 Q. Now, you talked about in the video a red-and-blue cap
5 and you identified that and things, whatever. Were any of
6 these items ever found on Mr. Chestnut or at Mr. Chestnut's
7 home, any of the clothing described? And you can answer that
8 with a yes or no.

9 A. No, but he gave me those descriptions.

10 Q. But you never found any of those items.

11 A. No.

12 Q. Thank you. So you testified that the crime scene
13 investigation in this case was pretty sloppy.

14 A. That's not what I've testified to.

15 Q. Okay. I'm sorry. So there are no fingerprints.

16 A. There were none.

17 Q. Okay. Or anything else that might possibly exclude Mr.
18 Chestnut as a suspect in this particular case.

19 A. There was no other physical evidence.

20 Q. Nothing.

21 A. No.

22 Q. Okay. And the -- you indicated that fingerprints are
23 best found on metal items.

24 A. No.

25 Q. No?

1 A. No.

2 Q. Well, was the cash register metal?

3 A. The cash register -- I believe probably the drawer --
4 the drawer itself was probably metal.

5 Q. But no fingerprints.

6 A. I didn't process it. She testified that there were
7 none, I believe.

8 Q. You didn't follow up?

9 A. Did I follow up?

10 Q. Yes, sir.

11 A. How do you mean?

12 Q. I'll move on. You went to the grand jury to get the
13 other charges indicted in July or...

14 A. If that's what you're telling me. I don't remember the
15 exact date.

16 Q. But you did go to the grand jury?

17 A. Yes.

18 Q. By yourself?

19 A. Yes.

20 Q. Okay. And when you were talking to the witnesses at the
21 bingo parlor, I think you testified that based on whether you
22 thought they could give you a credible identification or
23 whatever you decided who would provide descriptions?

24 A. No.

25 Q. What did you say?

1 A. I said that some people didn't have a fair opportunity
2 to view one of the offenders. There are a lot of factors:
3 lighting, their ability to see in general, their ability to
4 see the person, time. All those are factors that we
5 consider. So some people fall into that; some people don't.
6 Obviously if you're standing three foot (verbatim) away from
7 somebody and they're pointing a gun at your face, you
8 probably would be somebody that would be more likely to be
9 able to identify them as opposed to somebody who's 30 feet
10 away and hiding under a table.

11 Mr. Chaplin: I move to strike, Your Honor, as
12 non-responsive.

13 Ms. McDuffie: Your Honor, that was absolutely in
14 response to his question.

15 Mr. Chaplin: I believe that it went way beyond what I
16 asked.

17 The Court: Overruled. Go ahead.

18 Mr. Chaplin: Thank you.

19 By Mr. Chaplin:

20 Q. Go ahead.

21 A. I'm finished.

22 Q. Thank you. So who decided who gave descriptions?

23 A. Who decided who gave descriptions?

24 Q. Yes, sir.

25 A. I don't -- I don't really understand the question. I

1 guess that we got descriptions from people who were able to
2 provide us with descriptions.

3 Q. A lot of people said that they were never even asked to
4 provide them.

5 **Ms. McDuffie:** Objection, Your Honor. That's not in
6 evidence. Of course, that doesn't---

7 **The Court:** That's not a question.

8 By Mr. Chaplin:

9 Q. Isn't it true that when you did get the descriptions
10 that they were all over the place?

11 A. I don't know that I would say all over the place. I
12 think I had said that it's not unusual to have some -- some
13 deviation in a description. That's just not my experience---

14 Q. So---

15 A. ---in 15 years.

16 Q. Are you finished?

17 A. Yes, sir.

18 Q. All right. So when you weren't able to get any
19 consistent descriptions, you focused then on Mr. Chestnut.

20 A. What are you asking me?

21 Q. At some point you focused in on Mr. Chestnut as one of
22 the robbers; correct?

23 A. We did.

24 Q. Okay. And that wasn't based on -- so on 5/24 Drenita
25 Ore, if I'm saying that right, told you that she saw the face

1 of robber number one; correct?

2 A. Yes, she said the---

3 Q. And that was Tyward Jordan, Chief or whatever?

4 A. I believe that would have been out in the, yeah -- the
5 gaming floor is how I described it.

6 Q. Yes. And you were also told on the 24th that Teidra
7 Dennis's behavior was very suspicious the day before;
8 correct?

9 A. Yes, during the robbery.

10 Q. Okay. Then at some point you spoke with Ms. Dennis, and
11 you also were aware that Drenita Ore said she called this --
12 I'm sorry. That's too compound. At some point you realized
13 that Drenita Ore said she called a number and spoke to a
14 male.

15 A. Yes.

16 Q. Right?

17 A. Right after the robbery?

18 Q. Yes.

19 A. Yes.

20 Q. All right. And that phone number belonged to who?

21 A. That phone number provided was -- belonged to Mr.
22 Chestnut.

23 Q. Okay. And she told you when you got -- at some point
24 that the person on the other end of the phone said things
25 that only a robber would know or somebody inside.

1 A. Yes.

2 Q. Okay. And at that point you didn't need any more
3 description because you had your guy.

4 A. That's not correct.

5 Q. So at some point after that you called -- you got Mr.
6 Chestnut to come down to your office. You Mirandized him and
7 you got a statement.

8 A. Yes.

9 Q. And that's really all that happened after you got the
10 statement from Mr. Chestnut as far as trying to identify any
11 other potential suspects?

12 A. No.

13 Q. Did you identify any other potential suspects?

14 A. Yeah. I believe after that we arrested additional -- an
15 additional suspect.

16 Q. Well, but as far as making sure that the alleged person
17 with the dreads or whatever in the video was arrested, you
18 didn't pursue that any further once you had Mr. Chestnut
19 arrested; correct?

20 A. I pursued what he told me. Obviously I believed that
21 Mr. Chestnut was one of the robbers. I mean, yes, that's
22 true, but I did follow up on what he told me---

23 Q. Because you believed---

24 A. And it did not---

25 Q. I'm sorry.

1 A. And it did not pan out.

2 Q. All right. But you're not certain what you did to
3 follow up on it.

4 A. When somebody gives you a name, a first name, and says
5 they live in Irmo and they hang out in this neighborhood, you
6 look at -- you try and research those names, that name. If
7 it's an unusual name, sometimes the spelling is off. I have
8 to -- I use computer databases to try and search it is what
9 I'm telling you, and then obviously if -- if I rode somewhere
10 with him to try and get him to point out this place where he
11 may know this person is, then I would say that that's part of
12 the investigation, that I'm trying to explore as much as I
13 can for what he's telling me. Now, if it doesn't work out
14 and produce a person, I can't help that.

15 Q. Okay. But you rode by with him -- no one was there and
16 you're not sure what else you did to pursue that.

17 A. I've told you what I did.

18 Q. What did you do? I've forgotten.

19 A. I searched databases trying to find people with that
20 name related to, you know, the areas, the information he gave
21 me. Now, do I remember each individual database? No. I
22 mean, this is just how I do my job. There are several
23 databases available, and I also took Mr. Chestnut. We rode
24 in my car and he was trying to point out these places where I
25 may be able to run into this guy. I then went back after

1 without him trying to run into this guy named Quantis and I
2 never did, so that is what I did to investigate this.

3 Q. And are there any reports of you when you went out to
4 look for Quantis? Are any of those reports in your file?

5 A. I didn't find Quantis.

6 Q. But, I mean, did you make any notations in your file? I
7 didn't see any.

8 A. No, I'm telling you I didn't find Quantis.

9 Q. Okay. Beg the Court's indulgence. Let me make sure we
10 don't have anything. And just finally -- and none of the
11 items that were -- well, you never searched Mr. Chestnut's
12 home, did you?

13 A. I don't believe so.

14 Q. All right. Why not?

15 A. We just -- it just didn't lead to that. I mean...

16 Q. But you did search Mr. Jordan's home; correct?

17 A. I did, looking for clothing that was worn.

18 Q. Well, once Jeff gave you the statement, you had your
19 case; right?

20 A. I had -- I mean, I had his involvement in it and I had
21 an indication for another person that I needed to follow up
22 on.

23 Q. Okay.

24 A. So it helped my case.

25 **Mr. Chaplin:** Okay. I'm sure it did. Thank you. No

1 further questions.

2 **The Court:** Redirect?

3 **Ms. McDuffie:** Briefly, Your Honor.

4 Redirect Examination

5 By Ms. McDuffie:

6 Q. Investigator Isenhoward, is it your job to create
7 evidence?

8 A. No.

9 Q. Manufacture evidence?

10 A. No.

11 Q. Plant evidence?

12 A. No.

13 Q. Put words in peoples' mouths?

14 A. No.

15 Q. Whose words are in that statement?

16 A. Mr. Chestnut's.

17 Q. Who admits to receiving a phone call from Drenita Ore
18 after the robbery?

19 A. Mr. Chestnut.

20 Q. Who admits to making the state -- or the statements that
21 were made to Ms. Ore after the robbery?

22 A. Mr. Chestnut.

23 Q. Information only the person who participated in the
24 robbery would know?

25 A. Yes.

1 Q. And who knew exactly what clothing the robber had on?

2 A. He did. Mr. Chestnut.

3 Q. And who had twists or braids in his hair?

4 A. Mr. Chestnut.

5 Q. Who was positively identified by Ms. Angela Diaz-Garcia
6 as being the person that held her at gunpoint and robbed her
7 of the store's money?

8 A. Mr. Chestnut.

9 Q. Who had access to large sums of money after the robbery?

10 A. Apparently Mr. Chestnut.

11 Q. All the credible evidence in this case pointed to who?

12 A. Mr. Chestnut and Tyward Jordan.

13 Q. And they were both arrested.

14 A. Yes.

15 Q. You swore out arrest warrants for Mr. Chestnut?

16 A. Yes.

17 Q. He was arrested on June the 8th of 2010?

18 A. Yes.

19 Q. And brought to your office?

20 A. Yes.

21 Q. You had already sworn those warrants out when he was
22 brought to your office?

23 A. Yes, I did.

24 Q. No question about that. He was under arrest.

25 A. He was.

1 Q. The warrants had already been obtained.

2 A. And read to him.

3 Q. And read to him. And then at a later date I subpoenaed
4 you to the grand jury, and you presented the evidence to
5 them.

6 A. Yes, I did.

7 Q. The words in that statement are whose?

8 A. Mr. Chestnut's.

9 **Mr. McDuffie:** Thank you. No further questions.

10 Recross Examination

11 By Mr. Chaplin:

12 Q. You said something about phone calls? Was it unusual
13 that Mr. Chestnut spoke with his girlfriend several times
14 that day?

15 **Ms. McDuffie:** Objection, Your Honor. Calls for
16 speculation.

17 **Mr. Chaplin:** Did you---

18 **The Court:** He can answer it if he can.

19 **The Witness:** I don't know how often he talks to her. I
20 just know that during the day of the robbery he talked to
21 her.

22 By Mr. Chaplin:

23 Q. So you don't know if that's how they communicated every
24 day.

25 A. No.

1 Q. But you used that piece of information to suggest that
2 maybe Mr. Chestnut was involved in a robbery.

3 A. It was not that. It was the witnesses telling us that
4 she was making calls suspiciously prior to the robbery, and
5 then the person that she was calling admits to me to being
6 involved in the robbery. So it all kind of -- it works out.

7 Mr. Chaplin: Okay. All right. Thank you.

8 The Court: You may come down, sir.

9 The Witness: Thank you.

10 The Court: Thank you very much. Next witness?

11 Ms. McDuffie: Your Honor, the State has no further
12 witnesses, and at this point the State of South Carolina
13 would rest.

14 The Court: All right. All right. Ladies and
15 gentlemen, that's the State's case. Now, as I indicated to
16 you earlier, the defendant has the right but no obligation
17 under any circumstances to present a defense. I think I've
18 explained that to you in my opening remarks. However, at
19 this time there are several matters I need to take up with
20 the attorneys to sort of plan what's going to happen next,
21 and I need to talk with them about where we -- scheduling and
22 move forward from here.

23 So just take a -- let's take a short break. I'm going
24 to stay here with the attorneys, and we may be able to --
25 well, I'm not sure what we're going to do. The remaining

1 portion of the trial consists of whether the defendant wishes
2 or does not wish to present a defense and then the final
3 arguments of counsel -- of the attorneys and my instructions
4 to you on the law as it applies to this case.

5 So let me try to work out a schedule for that, and just
6 go to your jury room for a few minutes. I'm thinking about
7 letting you go early for lunch, but then again let me see
8 what the attorneys tell me about what's -- how they wish to
9 proceed. So, again, don't discuss the case among yourselves
10 while you're in the jury room, and just relax for a few
11 minutes and I'll call you when we're ready. Thank you very
12 much.

13 (Whereupon, the jury was excused from open court at
14 12:07 p.m.)

15 **The Court:** Any motions?

16 **Mr. Chaplin:** Yes, sir. At this point the defendant
17 would make a motion for a directed verdict, Your Honor, and
18 that motion is based on the fact that we would submit that
19 the State has failed to prove the required elements of armed
20 robbery, kidnapping, and in the alternative hand of one/hand
21 of all.

22 **The Court:** All right. What's the State's position?

23 **Ms. McDuffie:** Your Honor, I believe the standard for
24 directed verdict is any direct or substantial circumstantial
25 evidence. There is direct evidence that Mr. Chestnut was

1 involved pursuant to the identification made by Ms. Angela
2 Diaz-Garcia first and also his own statements, Your Honor,
3 that are in front of the Court.

4 Secondly, there is substantial circumstantial evidence
5 that he planned, coordinated, and participated fully in this
6 robbery, Your Honor, and, therefore, we believe that the case
7 should go to the jury.

8 **The Court:** Anything further?

9 **Mr. Chaplin:** I stand on my motion.

10 **The Court:** All right. As to the motion for a directed
11 verdict, I feel that there's evidence. The evidence goes
12 beyond that of mere conjecture or suspicion, that there's
13 evidence, either direct or circumstantial or some combination
14 of both, which reasonably tends to prove the guilt of the
15 defendant or from which that guilt may be logically and
16 reasonably deduced if that evidence is taken in the light
17 most favorable to the State. So I must respectfully deny the
18 motion for a directed verdict.

19 Mr. Chaplin, let me advise your client of his rights as
20 far as proceeding from here.

21 Examination by the Court of Jeff Chestnut

22 Q. Mr. Chestnut, at this time I'm going to explain certain
23 of your rights to you. If you do not understand anything I
24 say, please let me know. If you want me to explain anything
25 in more detail, please let me know. Do you understand?

1 A. Yes, sir.

2 Q. We've now reached the stage of the trial where you may
3 present your defense. You have the right to claim the
4 protections given to you by the Fifth Amendment of the
5 Constitution of the United States. This amendment states in
6 part: No person shall be compelled in any criminal case to
7 be a witness against himself.

8 This means you cannot be required to testify in this
9 case. You have the right to testify on your own behalf.
10 However, no one can make you testify. This is a personal
11 right. No one can waive this right except you. If you
12 decide to testify, you will be subject to the same rules that
13 govern other witnesses, and you may be examined and cross-
14 examined on any relevant issue in this case.

15 In addition, if you have any convictions involving
16 dishonesty or false statement or for crimes punishable by
17 imprisonment for more than one year and this Court determines
18 the probative value of admitting this evidence outweighs its
19 prejudicial effect to you, the solicitor will be able to
20 introduce your record to attack your credibility. If you
21 decide to testify, this decision on your part must be freely
22 and voluntarily and intelligently made with the knowledge and
23 the protections given to you by the Fifth Amendment to the
24 Constitution and the consequences of your decision to
25 testify.

1 If you decide not to testify, I will instruct the jury
2 that they cannot give the fact that you did not testify any
3 consideration whatsoever and that there is to be absolutely
4 no prejudice to you because you did not testify. It's left
5 entirely up to you whether or not you testify. You may talk
6 with your attorney, your family and friends or anyone else,
7 but the final decision will be left entirely up to you. Do
8 you understand what I have explained to you?

9 A. Yes, sir.

10 Q. Do you have any questions about what I have explained to
11 you?

12 A. No.

13 Q. Have you discussed with your lawyer whether or not you
14 should testify?

15 A. You say did I?

16 Q. I said have you discussed with your lawyer---

17 A. Yes.

18 Q. ---whether you should or should not testify?

19 A. Yes.

20 Q. All right. Do you wish to talk to your lawyer any more
21 about this at this time?

22 A. Well, no.

23 Q. Do you wish to testify?

24 A. Yes.

25 **The Court:** All right. All right. Fine. Thank you

1 very much.

2 **Ms. McDuffie:** Your Honor, beg the Court's indulgence
3 for one moment.

4 **Mr. Chaplin:** I didn't catch that.

5 (An off-the-record discussion takes place between the
6 attorneys.)

7 **Mr. Chaplin:** Your Honor, just finally, I'd like to
8 renew all previous objections and motions at this time as
9 them being made at this present time.

10 **The Court:** All right. All objections are overruled.
11 Now, as far as testifying, I'll have to remove his shackles.
12 The question is: Do you want to move ahead now or send the
13 jury out to lunch?

14 **Mr. Chaplin:** Your Honor, I suspect that if we went to
15 lunch at this time we might be able to present our case in
16 chief and close before the end of the day. I don't know.

17 **The Court:** Well, if we -- if we don't stop for lunch,
18 we probably could do that.

19 **Mr. Chaplin:** Well...

20 **The Court:** Or we can plan to argue and charge in the
21 morning.

22 **Ms. McDuffie:** Your Honor, we would prefer -- well, it
23 doesn't matter to us when we argue and charge. We would just
24 ask that after the end of the defendant's case we be given 15
25 to 30 minutes just to prepare for closing.

1 **The Court:** Do you anticipate any reply? Rebuttal?

2 **Ms. McDuffie:** It depends, Your Honor. There may be one
3 or two witnesses we would call in reply, but it all depends
4 on what he testifies to.

5 **The Court:** All right. I'm going to send them to lunch.
6 I'm going to ask them to be back in the jury room at 1:30 at
7 which time we'll work out the logistics of getting your
8 client to and from the stand.

9 **Mr. Chaplin:** Okay.

10 **The Court:** All right. Bring the jury, please.

11 (Whereupon, the jury was brought into open court at
12 12:14 p.m.)

13 **The Court:** All right. All right. Ladies and
14 gentlemen, I've consulted with the attorneys. The defendant
15 plans to present a defense to you, so we'll hear that
16 immediately after lunch. I think the best use of our time -
17 we were trying to just juggle time here - would be to go
18 ahead and take our lunch hour at this time. I'll ask you to
19 be back in the jury room at 1:30 - that would be about an
20 hour and 15 minutes - at which time we'll continue with the
21 trial.

22 Again, I'll ask you not to discuss the case with anyone
23 over the lunch hour or among yourselves when you return to
24 the jury room. Have a pleasant lunch. We'll see you at
25 1:30. Thank you very much.

1 (Whereupon, the jury was excused from open court to go
2 to lunch at 12:16 p.m.)

3 **The Court:** All right. Yes, ma'am?

4 **Ms. McDuffie:** Your Honor, we have some proposed
5 requests to charge.

6 **The Court:** If you'll hand them up.

7 **Mr. Chaplin:** I'll do the same.

8 **The Court:** Mr. Chaplin?

9 **Mr. Chaplin:** Yes, sir.

10 **The Court:** Will your client be the only witness for the
11 defense as far as you know at this point?

12 **Mr. Chaplin:** As far as I know at this point.

13 **The Court:** All right. We're just trying to---

14 **Mr. Chaplin:** I understand.

15 **The Court:** ---work out the logistics of him testifying.

16 All right. We'll stand at ease 'til 1:30.

17 **Mr. Chaplin:** Thank you very much.

18 (Whereupon, a lunch break was taken.)

19 **The Court:** All right. Thank you. Be seated. All
20 right. Is the State ready to proceed?

21 **Ms. McDuffie:** The State's ready.

22 **The Court:** Defense ready to proceed?

23 **Mr. Chaplin:** Yes, Your Honor.

24 **Ms. McDuffie:** Your Honor, can we have a charge
25 conference at some point later?

1 **The Court:** Well, let's find out what the evidence is.

2 **Ms. McDuffie:** Yes, sir, Your Honor.

3 **The Court:** Then we'll do that. Is law enforcement
4 ready? Bring the jury, please.

5 (Whereupon, the jury was brought into open court at
6 1:41 p.m.)

7 **The Court:** All right. Ladies and gentlemen, we are
8 ready to continue with the trial. Mr. Chaplin, call your
9 first witness.

10 **Mr. Chaplin:** Thank you very much. At this time the
11 defense calls Mr. Jeff Chestnut.

12 Jeff Chestnut, after being duly sworn, testified as
13 follows:

14 **The Clerk:** Please have a seat in the witness stand, and
15 state your full name for the record.

16 **The Witness:** My name is Jeff Chestnut.

17 Direct Examination

18 By Mr. Chaplin:

19 Q. I'm going to need you to speak up a little bit more,
20 Jeff.

21 A. Okay. I got you.

22 Q. Okay? All right, Jeff. You might have done this, but
23 state your full name real loud and spell your last.

24 A. Jeff Chestnut. My last name is Chestnut,
25 C-H-E-S-T-N-U-T.

1 Q. Thank you. All right. Jeff, are you nervous?

2 A. A little.

3 Q. All right. I want you to sit up tall and try to speak
4 into the microphone and make sure that these fine jurors can
5 hear you.

6 A. Okay.

7 Q. Jeff, how old are you?

8 A. Twenty-eight.

9 Q. All right. And where were you born?

10 A. Columbia, South Carolina.

11 Q. All right. Tell us where you went to school.

12 A. Well, I went to Burnside which is elementary, Creighton
13 Middle, and A.C. Flora High.

14 Q. Okay. Can you speak up just a little bit more?

15 A. Yeah.

16 Q. All right. Now, Jeff, do you have children?

17 A. Yes.

18 Q. How many?

19 A. Three girls.

20 Q. Tell us their names.

21 A. Jenia, Jemonie, and Destiny (phonetic).

22 Q. Thanks. Jeff, when you were growing up, tell me about
23 the household.

24 A. Well, it was just me, my mom, and my two brothers.

25 Well, we didn't -- we didn't have a father figure---

1 **Ms. Simpson:** Objection to relevance, Your Honor.

2 **The Court:** Overruled.

3 By Mr. Chaplin:

4 Q. Go ahead.

5 A. We didn't have a father figure so....

6 Q. Okay. So now, Jeff, you're here today because you asked
7 for a jury trial. Is that correct?

8 A. Correct.

9 Q. And when you asked for a jury trial, I told you that
10 there were certain things that we would have to disclose to
11 the jury.

12 A. Yes.

13 Q. And that that's what we should do.

14 A. Yes.

15 Q. All right. Jeff, you're not a saint, are you?

16 A. No.

17 Q. Not a choir boy.

18 A. No.

19 Q. All right. And you also have some things on your
20 record, don't you?

21 A. Yes.

22 Q. All right. And even though we're going to -- we're
23 about to talk about that, you still believe that you wanted
24 to come and speak to this jury and tell your side of the
25 story.

1 A. Yes.

2 Q. Okay. Jeff, you have a conviction for strong arm
3 robbery.

4 A. Yes.

5 Q. Tell us a little bit about that.

6 A. Well, I was staying---

7 Ms. Simpson: Objection, Your Honor.

8 The Court: No, just the conviction. You can't---

9 Mr. Chaplin: Fine.

10 The Court: ---go back into it---

11 Mr. Chaplin: Okay.

12 The Court: ---and try that case.

13 Mr. Chaplin: All right.

14 By Mr. Chaplin:

15 Q. And then you also have something on your record with
16 regards to grand larceny?

17 A. Yes.

18 Q. Okay. And then there might be something there regarding
19 something else, but we'll -- maybe breach of trust?

20 A. Yes.

21 Q. Okay.

22 A. That's it.

23 Q. Okay. All right. Now, so we got that out. Jeff, let's
24 go back to 2010.

25 A. Okay.

1 Q. All right? Okay. What were you doing for a living back
2 in 2010?

3 A. All right. Well, to be honest, y'all, I was selling
4 weed.

5 Q. Is that marijuana?

6 A. Yeah.

7 Q. Are you proud of that?

8 A. No. It was the only choice I had.

9 Q. Were you trying to get a job back then?

10 A. Yeah. My record was a little messed up from poor
11 judgment.

12 Q. Okay. Now, back in 2010 -- I'm sorry. Back in 2010,
13 you went to Carolina Gold Bingo and -- for hot dog night. Do
14 you remember that?

15 A. Yes.

16 Q. Would that have been around May 21st, 2010?

17 A. Yes.

18 Q. Okay. Now, why did you go there that night, Jeff?

19 A. That night I went, I was called by Teidra to bring her
20 some cigarettes.

21 Q. Okay. And who is Teidra?

22 A. Teidra was someone I was dealing with at that time.

23 Q. When you say dealing, were you dating her?

24 A. Yeah.

25 Q. Okay. And why did you go to Carolina Gold Bingo to take

1 Teidra cigarettes?

2 A. I mean, that was a normal thing. That was normal. I
3 got calls from her every day as far as picking her up,
4 dropping off cigarettes and/or one of the employees wanted
5 some weed.

6 Q. Okay. Now, Jeff, when you -- and Teidra obviously
7 worked at Carolina Gold Bingo.

8 A. Yes.

9 Q. When you went there on the night of hot dog night---

10 A. Uh-huh.

11 Q. ---that was on the 21st of May?

12 A. Yes.

13 Q. How did you get there?

14 A. I got there -- Tyward Jordan drove me.

15 Q. Okay. Say that one more time slowly.

16 A. Tyward Jordan drove me.

17 Q. Tyward. And they call him Chief?

18 A. Yes.

19 Q. Okay. And how did you know Tyward?

20 A. Well, I knew him from previous times in the
21 neighborhood. You know, he'd come buy weed from me or cut
22 the grass or something like that, you know, or... We was
23 just neighborhood friends or something like that.

24 Q. Okay. And why did he drive you? Didn't you have a car?

25 A. No, I didn't.

1 Q. So you called Tyward to give you a ride.

2 A. Yeah, he had a driver's license.

3 Q. Okay. Now, when you got -- oh, and there's somebody
4 else that went with you to hot dog---

5 A. Yeah.

6 Q. ---night, too. Who was that?

7 A. Me, Tyward, and my friend, Terrell.

8 Q. Terrell. Okay. All right. Now, when you arrived at
9 hot dog night that night---

10 A. Uh-huh.

11 Q. ---you met up with Teidra?

12 A. Yeah.

13 Q. Where was Teidra?

14 A. She was already outside.

15 Q. Why was she outside?

16 A. She knew I was coming to bring her cigarettes.

17 Q. Okay. Now, were there other employees outside as well?

18 A. Yes.

19 Q. Tell me what you did that night, Jeff, when you went to
20 hot dog night.

21 A. Well, when we went that night, I -- when we pulled up,
22 Teidra walked to the car and I gave her the cigarettes and we
23 stayed out there and talked for awhile. And Terrell and
24 Chief, they said they wanted some hot dogs. So Teidra told
25 them that it was twenty-five-cent hot dogs. All right. And

1 I gave them some money to go in and get them some hot dogs
2 and that was it.

3 Q. Now, I think someone said that they saw you and Teidra
4 outside. Were you outside?

5 A. Yes.

6 Q. Okay. And might y'all have been like hugging up or
7 something like that?

8 A. Yeah.

9 Q. What were the other employees doing outside when you
10 were there?

11 A. Well, as far as I could see, they were just joking
12 around, laughing, cigarette -- I want to say they was on
13 break or something.

14 Q. Okay. Now, there's been an allegation that when you
15 went there that night -- now, let's just put it out there.

16 A. Okay.

17 Q. That you were casing the place.

18 A. No, I didn't -- I didn't go up there to case nothing or
19 none of that. I was going to take the person I was involved
20 with cigarettes. That's what a man do for his lady. You
21 know, if she call, if she need something, the man have it.
22 If she's at work, if I'm not at work or I'm not doing
23 nothing, I can do that.

24 Q. Okay. Now, Jeff, did you go inside that night?

25 A. No, I never went inside that night.

1 Q. So you're at hot dog night and you're there with Teidra.

2 A. Yeah.

3 Q. And at some point you leave; correct?

4 A. Yes.

5 Q. All right. Around what time was that?

6 A. I want to say it was around 9.

7 Q. Okay.

8 A. Something in that area.

9 Q. And you left with the people you came with?

10 A. Yes.

11 Q. All right. All right. Then that's Friday.

12 A. Uh-huh.

13 Q. Then we have the 22nd and then we have the 23rd of May.

14 A. Okay.

15 Q. And you've been here since the beginning of the week,
16 and you know that the evidence shows that a robbery took
17 place on that day.

18 A. Yes.

19 Q. All right. Now we're going to talk about May 23rd,
20 2010.

21 A. Okay.

22 Q. Are you ready?

23 A. Yeah.

24 Q. Okay. Tell me what you did, to the best of your
25 recollection, when you got up that day.

1 A. Okay. May 23rd. All right. I got up that morning. I
2 made some calls, as usual. I go see my grandma every
3 morning. And I came back to the house, came back home or
4 whatever, and I made a few more calls to set up me some weed
5 arrangements for the afternoon for my people when they get
6 off work.

7 Q. Okay. Hold up. When you say set up some weed
8 arrangements, you mean you were setting up some sales for
9 later that day?

10 A. Yeah. Most of them work, so I wait 'til they get off.

11 Q. Okay. So at some point that afternoon did you need to
12 go someplace near Carolina Gold Bingo?

13 A. Yes.

14 Q. Where was that?

15 A. I had to go meet someone behind The Comedy House.

16 Q. Okay. Comedy House.

17 A. Yes.

18 Q. Now, where is The Comedy House in relation to the bingo
19 parlor?

20 A. It's right next door.

21 Q. Okay. Who took you to The Comedy House?

22 A. Tyward.

23 Q. Okay. Again, you were relying on him for a ride?

24 A. Yes.

25 Q. Now, on the ride to The Comedy House, did Tyward ever

1 speak on the phone?

2 A. Yes, he was on the phone when I got in the car.

3 Q. Okay. Now, you can't tell me what he said, but I'm
4 going to ask you: What's the impression you got from that
5 phone call?

6 A. The impression I got -- I got from that phone call was
7 that he was thinking about doing some kind of robbery.

8 Q. Okay.

9 A. That was the impression I got.

10 Q. And you got that impression when he was talking on the
11 phone?

12 A. Yes.

13 Q. Now, do you know who he was talking to?

14 A. Not -- not really. I'm not going to say I did.

15 Q. Did you later on learn who he was talking to?

16 A. Yes.

17 Q. And who was that?

18 A. That was a guy named Quantis Sims.

19 Q. Okay. All right. Let's back up a little. So the
20 impression you got is that he was on the phone discussing a
21 robbery.

22 A. Yeah.

23 Q. Something that had already been planned?

24 A. Yeah, it was already -- it was already in the plan. I
25 didn't know nothing about it. I didn't even know what---

1 Q. Okay.

2 A. ---was going to be robbed.

3 Q. You're good. Just relax. Did you participate in that
4 plan?

5 A. No.

6 Q. But when Tyward got off the phone, you said something to
7 him, didn't you?

8 A. Yes.

9 Q. Tell us what you said.

10 A. I told him -- I was like -- well, he told me he needed
11 to settle a lick, and I said, "Well, let me get in on it with
12 you."

13 Q. Uh-huh.

14 A. You know, by him being my friend, that's what I said.

15 Q. Okay.

16 A. You know.

17 Q. So he said something about a lick and you said?

18 A. Yeah.

19 Q. Let me get on it.

20 A. Yeah.

21 Q. All right. Did you get on it?

22 A. No, I didn't.

23 Q. Why not?

24 A. Because it's basically -- after I thought about it, I
25 was already -- excuse me. It's basically like you're going

1 to say you're going to do something with somebody and then it
2 -- I was basically walking into something blind. I didn't
3 plan it. I didn't know about it, so I was basically
4 blindfolded walking in the door into this and I wasn't going
5 to fall for that, so I backed out of it.

6 Q. Did you just -- so you backed out of it.

7 A. Yes.

8 Q. Tell us what you did instead.

9 A. Well, instead, I -- my normal plan was to go to The
10 Comedy House and meet -- the guy's name -- the guy's name is
11 Antwan.

12 Q. Okay. Fine.

13 A. I went to go meet him back there; he wanted some weed or
14 whatever. So that was -- that was the time when I found out
15 that Chief wanted to rob the bingo.

16 Q. Uh-huh.

17 A. I wasn't -- I wasn't with that plan; I told him that. I
18 wasn't with that already. So I want to say probably after we
19 sat back there for like 20 seconds, another guy came and they
20 talked for a second or whatever, and the guy had on a Clemson
21 shirt. And so he said -- he had told me -- he said, "Well,
22 since you ain't going and you want to be such a pussy, can I
23 get your shirt or something?" So what I did was for me to
24 cover myself and not be no way involved, I gave him my shirt.

25 Q. So that's how you got out of it?

1 A. That's how I was -- managed to not be nowhere in it, you
2 know.

3 Q. Okay. All right. Now, so you're in the back of The
4 Comedy House.

5 A. Yes.

6 Q. Are you in the back of Carolina Gold Bingo or The Comedy
7 House?

8 A. Well, as far as I know, I was in the back of The Comedy
9 House.

10 Q. Okay. So are the two buildings beside each other?

11 A. Well...

12 Q. Are they connected?

13 A. Yeah, they're connected.

14 Q. They're connected?

15 A. Yeah.

16 Q. So there's one big building, and one side is the bingo
17 parlor over here.

18 A. Uh-huh.

19 Q. And the other side is The Comedy House.

20 A. Yeah.

21 Q. All right. And you were dealing with someone behind The
22 Comedy House.

23 A. The Comedy House, yes.

24 Q. Okay. Okay. So Tyward and this person and -- they call
25 out your name or whatever, and then did you see what they did

1 at that point?

2 A. Well, after -- after I gave up my shirt and everything,
3 I really didn't pay any attention to anything that they were
4 doing no more.

5 Q. Okay.

6 A. After I did my little drug deal, they come flying back
7 past me.

8 Q. Okay. I'm going to get to that. I want to do it a
9 little slower than that.

10 A. Okay.

11 Q. All right. So they just went and did whatever.

12 A. Yeah.

13 Q. You were focused on what?

14 A. I was focused on my money.

15 Q. Okay. Which was -- and you were obtaining that how?

16 A. By selling my drugs, my marijuana.

17 Q. Marijuana.

18 A. Yes.

19 Q. All right. Now, then I think you said that at some
20 point you saw somebody running past?

21 A. Yeah, I saw them when they ran past.

22 Q. Where were they running to?

23 A. I guess back to the car.

24 Q. I need you to speak up a little.

25 A. Back to the car.

1 Q. Back to the car. Where was the car, Jeff?

2 A. The car was parked behind Staples.

3 Q. All right. So when they parked -- when Tyward got there
4 and parked behind Staples, were you suspicious?

5 A. A little but I wasn't because I was already going up
6 there to sell -- sell marijuana so---

7 Q. And he -- I'm sorry.

8 A. So when he parked back there, I really didn't think of
9 -- think of nothing else. You know, I'm thinking that we're
10 just hiding from the police so I can go do this, and that's
11 it.

12 Q. I see. So you're not saying that you went back there
13 to -- to empty the trash or whatever. You're saying you went
14 back there to do---

15 A. Yeah.

16 Q. ---to sell some, as you say, weed.

17 A. Yes.

18 Q. And, now, when you saw them come running past you, what
19 did you do?

20 A. I actually ran and hid, too.

21 Q. Okay. Now, you hid?

22 A. Yeah. I went under the steps behind The Comedy House.

23 Q. All right. And you hid. Why did you hide?

24 A. I knew they had did something. They came running past
25 me with bags and just -- it was just too -- too much. I knew

1 they had did something.

2 Q. Well, Jeff, they -- that's your ride---

3 A. Yeah.

4 Q. ---how you got there. Why didn't you just follow them?

5 A. They had just did a robbery. What do I want to ride
6 with them for?

7 Q. Now, Jeff, you said -- and I don't know if you said it
8 or not. Let me just do this line... Do you need some water?

9 A. Yeah.

10 Q. Okay. You got it? Thank you very much.

11 A. Thank you.

12 Q. So you're behind The Comedy House.

13 A. Yes.

14 Q. All right. And you're selling somebody weed.

15 A. I had already did it by then.

16 Q. Okay. Weren't you afraid that the cops were going to
17 see you?

18 A. See me selling weed?

19 Q. Yeah.

20 A. No, that was the reason why I went behind The Comedy
21 House.

22 Q. Well, couldn't you see the cops if they were coming to
23 you if you were---

24 A. Not if you were -- not if you were right behind The
25 Comedy House. The only way they could see you is if you're

1 in the front or on the side.

2 Q. And you were in the back.

3 A. Yes.

4 Q. So there's been an allegation that you told someone that
5 you stayed in the back because you were the lookout.

6 A. Lookout -- I don't -- I was back there. They probably
7 ran off probably two or three minutes... What was it for me
8 to look out for? I can't look out if I'm back there. The
9 police can't see me selling weed, so...

10 Q. So are you saying that if you were in the front maybe
11 you could have?

12 A. If I was in the front of the building?

13 Q. Yeah.

14 A. Yeah.

15 Q. Well, what's the main street over there?

16 A. The main street is Decker.

17 Q. Okay. Can you see Decker from the back of the building?

18 A. No.

19 Q. So is it likely that if somebody had called the cops
20 they might have come in off Decker?

21 A. I mean, like if anyone called the cops, they wouldn't
22 know that someone was behind the building unless they go back
23 there.

24 Q. Well, my question is: If the cops were going to arrive
25 to that location, do you think they may come in off Decker

1 Boulevard or where?

2 A. Yeah.

3 Q. Is that a main artery?

4 A. Well, it's Decker. Then it's -- I don't -- I can't
5 remember the other side -- the other road.

6 Q. Okay. But you were tucked away in the back.

7 A. Yes.

8 Q. And at some point you were hiding.

9 A. I was.

10 Q. Now -- so earlier that day I think there's been

11 allegations that you and Tyward were on the phone.

12 A. Yeah, that's -- that's -- that's normal. That's every
13 day with everybody that calls my phone. If you get my -- if
14 you have my phone records, you'll see that it's just not him
15 that I talked to numerous times that day.

16 Q. Why do you talk to so many people?

17 A. Because of what I do. Because of what I did. I used to
18 sell weed.

19 Q. Okay. Now -- so did Tyward provide you transportation a
20 lot of times to do that?

21 A. Yeah.

22 Q. So would it be unusual that you would call him a few
23 times?

24 A. No, that's not unusual.

25 Q. So if we looked at your phone records for like maybe a

1 three-month period, we'd see a lot of calls and stuff?

2 A. Yeah, if you look at my phone records.

3 Q. Okay. So -- but now after this occurred, after you were
4 hiding and---

5 A. Yeah.

6 Q. ---and the robbery occurred, did you ever talk to
7 Tyward?

8 A. Yeah, I called him.

9 Q. Okay. Now, you just said you didn't ride with him
10 because he just did a robbery.

11 A. Yeah.

12 Q. Why did you call him?

13 A. I called him because previous -- a day previously I gave
14 him some weed to go do a transaction for me.

15 Q. Uh-huh.

16 A. And he never brought me my money. And I called that
17 time because I figured: All right. If you just did a
18 robbery, then you should have my money.

19 Q. Did you ever get any money?

20 A. No. I didn't even see him no more after that.

21 Q. At that time did you know what he was doing the night of
22 the robbery?

23 A. What do you mean?

24 Q. After the robbery, did he -- were you with him?

25 A. No, I wasn't with him.

1 Q. Do you know who he might have been with that night?

2 A. Well, now I know.

3 Q. And who was that?

4 A. He was with Teidra.

5 Q. She was your girlfriend at the time?

6 A. Yeah.

7 Q. How did that make you feel?

8 A. Kind of -- kind of betrayed, but I mean, I'm used to
9 that.

10 Q. Okay. Now, at some point the police approached your
11 family or maybe you - I'm not sure - and indicated a desire
12 to speak with you.

13 A. Well, I didn't know nothing about the police until I
14 went to my probation officer.

15 Q. Okay. All right.

16 A. She called me to come report, and when I came to report,
17 they arrested me for armed robbery.

18 Q. So -- so you went to report---

19 A. Yes, sir.

20 Q. ---and -- excuse me. What's wrong? Are you okay?

21 A. Yeah.

22 Q. All right. So you went to report and you got arrested?

23 A. Yes.

24 Q. All right. And when you got -- when you got arrested,
25 where were you taken?

1 A. I was taken to the sheriff's department.

2 Q. All right. Do you need some water? I need you to speak
3 up again.

4 A. I got some.

5 Q. I think I just talk loud and I think everybody should.

6 A. I went to the sheriff's department.

7 Q. Okay. And who did you meet with when you got there?

8 A. Well, when I got there, I was put in a holding cell.

9 Q. Right.

10 A. And Isenhoward came and got me.

11 Q. Officer Isenhoward?

12 A. Yes.

13 Q. That testified earlier?

14 A. Yes.

15 Q. Okay. Now, let's talk about that meeting.

16 A. Okay.

17 Q. Was that like a casual, relaxed conversation or did you
18 feel it was something more?

19 A. What do you mean by that?

20 Q. Well, did you feel like y'all were just going to have a
21 chat or do you think you were in a little bit of trouble and
22 you were trying to explain something? What was going on?

23 A. I mean, a little of both.

24 Q. Okay. Did he make you feel comfortable when he saw you?

25 A. I mean, I was okay for the most part.

1 Q. All right. Now, he told us that as soon as you got in
2 there he went through a very detailed process to Mirandize
3 you. Do you remember that happening?

4 A. No. That -- when we were in there, the first thing we
5 talked about was did I know anything about the robbery.

6 Q. Okay. All right. I'm going to come back to that. I
7 want to just go step by step. So your recollection is as
8 soon as you got in there y'all went straight into a
9 conversation.

10 A. Yes.

11 Q. What do you think would have happened if he told you
12 that you have the right to remain silent and whatever,
13 whatever? How do you think the conversation would have
14 proceeded after that?

15 A. We wouldn't have had a conversation.

16 Q. So do you feel like maybe something was dangled in front
17 of you or promised to you in order to have this conversation?

18 A. Well -- well, first off, when we got in his office, you
19 know, we had a little conversation about did I know what I
20 was there for and all of that. Yeah, I knew that. And
21 that's when he got to going and telling me that I was being
22 charged with one count of robbery and that -- did I know that
23 he could charge me for every person in the building?

24 Q. Okay.

25 A. So I told him -- I said, "Well, okay." And then that's

1 when we -- after he told me that, then we went on to -- he
2 went on to ask me what happened. So as -- I guess that's --
3 we're talking or whatever. We talk. We talk. After we
4 talked, then he -- he handed me some papers.

5 Q. Okay. Hold up a second. Hold on. I'm sorry. So at
6 some point you say he told you that you were charged with one
7 count of armed robbery.

8 A. Yes.

9 Q. But that you could have been charged -- could be charged
10 for everybody in the building.

11 A. Yes.

12 Q. And at that time did y'all work things out or what
13 happened?

14 A. Well, he -- he also came and told me that if I -- if I
15 be straight up with him---

16 Q. Yeah.

17 A. ---that that would be the only charge I would have.

18 Q. Oh. So -- so were you straight up?

19 A. I told him -- I told him what I knew.

20 Q. Okay. So y'all had a conversation after that.

21 A. Yeah.

22 Q. All right. And this was on I think maybe June 8th?

23 A. The day I got arrested, yes.

24 Q. Okay. And let's say a week from that date, did you have
25 a bunch of charges or just one charge?

1 A. I had one.

2 Q. All right. Now, after you and Mr. Isenhoward spoke, at
3 some point you were asked to sign some documents; correct?

4 A. Yes. Yes.

5 Q. All right. Jeff -- all right. How many times were you
6 asked to sign documents that day? How many different
7 occasions?

8 A. I was asked to sign those documents once.

9 Q. Okay. All right. So you had a pen one time and you
10 just signed.

11 A. Yes.

12 Q. All right. Now, what did you think you were signing?

13 A. I thought I was signing my rights.

14 Q. Okay. All right. And -- but you had to know that you
15 were signing a statement because Mr. Isenhoward said he went
16 through every page of that statement with you.

17 A. No, he went through every checkmark with me that he was
18 checking off.

19 Q. Uh-huh.

20 A. But after that, he read -- he read the checks that he
21 had to check off and he told me to sign.

22 Q. Right.

23 A. I had no idea whatever we were in there talking about or
24 something like that that I was signing on paper.

25 Q. Okay. Wait a minute. All right. Jeff, so -- so you

1 were basically given a stack of documents.

2 A. Yes.

3 Q. And you thought -- and at some point you were
4 Mirandized; correct?

5 A. Yeah.

6 Q. All right. And then you were told to sign how many
7 times? Several times? One time?

8 A. I was told to sign on I think two -- sign two places on
9 one paper and two places on another paper.

10 Q. Well, now, your statement is -- is several pages long.
11 Excuse me. And it appears that you've signed the bottom of
12 each page of that statement.

13 A. Yes.

14 Q. So how do you sign the bottom of each page of a
15 statement and not know you're signing the statement, Jeff?

16 A. I didn't -- I didn't read it.

17 Q. So...

18 A. I didn't. To be honest, I didn't.

19 Q. Okay. All right. What were you thinking about?

20 A. I was thinking about how could I -- how can I get myself
21 out of this trouble?

22 Q. Okay. Now, when -- when you signed your name or
23 whatever, you expected to immediately go to bond court?

24 A. No.

25 Q. When were you going to go to bond court?

1 A. The next day.

2 Q. The next day. All right. So -- all right. You're
3 sitting there with an armed robbery charge.

4 A. Yeah.

5 Q. And you knew you had to get a bond.

6 A. Yes.

7 Q. Were you trying to -- were you under the impression that
8 maybe you were going to get some help with that?

9 A. That's what I was told. If I -- if I help -- he
10 basically said if I told him what -- what I knew, he would
11 come to my bond hearing and make sure I had a reasonable
12 bond.

13 Q. Okay. All right. Well -- and that was Mr. Isenhoward?

14 A. Yes.

15 Q. Okay. And did he come?

16 A. No.

17 Q. All right.

18 A. He came to pick me up.

19 Q. Okay. Well, I'm not going to get there yet. So what
20 was your bond, Jeff?

21 A. My bond was 100,000.

22 **Ms. Simpson:** Objection, Your Honor, to relevance.

23 **The Court:** Overruled.

24 By Mr. Chaplin:

25 Q. How long did it take you to post it?

1 A. Well, I got locked up June. I got out October.

2 Q. Now, while you were in there, did you ever take a look
3 at that statement?

4 A. Yes. I looked at it the same day I got in there.

5 Q. Say that again.

6 A. I looked at it the same day when I got to the jail.

7 Q. When you got to the jail?

8 A. Yes, that night when I got there.

9 Q. Now, Jeff, the statement -- and we've talked about this
10 several times.

11 A. Yes.

12 Q. The statement says that you admitted that you were the
13 lookout.

14 A. The lookout?

15 Q. Yeah.

16 A. What am I looking out for? That's what I'm saying. If
17 I'm behind a building and I can't see police, I can't see
18 them do nothing, who am I looking out for?

19 Q. I don't know. I'm just saying that it said you
20 admitted---

21 A. No.

22 Q. ---that you were a lookout.

23 A. No, I did not.

24 Q. All right. Now, the statement also has language in
25 there that you admitted that you planned this thing.

1 A. That was already planned before I knew about it.

2 Q. You mean because earlier in your statement you say that
3 you heard someone else talking about it?

4 A. Yeah, that was already planned. When I got in the car
5 to go get in the car to go make my sale or before I even got
6 to the destination, it was already planned. I didn't know
7 who was involved. I didn't know nothing.

8 Q. Okay. So -- you know, Jeff, so the statement says one
9 thing; you say something else.

10 A. Uh-huh.

11 Q. So what are you saying? That was a misunderstanding?

12 A. Yeah, a couple of -- a couple of the questions on the
13 statements were a misunderstanding, like the one that's
14 saying I'm involved.

15 Q. Okay.

16 A. That -- that was basically a trick question because he
17 asked me did I know anything about the robbery and I told him
18 yes. I didn't say I was involved in nothing.

19 Q. Okay. All right. And are you saying that the first
20 part of your statement wherein you say that you heard Tyward
21 talking to someone else---

22 A. Yes.

23 Q. ---that that somewhat contradicts the statement that
24 said you planned it? I'm sorry. That's a compound question.

25 A. Yeah.

1 Q. Disregard that. Now, I'm almost finished here. I think
2 then at some point your girlfriend, Teidra -- well -- so you
3 said that you -- at that time in your life you were selling
4 weed.

5 A. Yes.

6 Q. So would it be unusual if you had several hundred
7 dollars in your pocket?

8 A. No, that's not unusual.

9 Q. So you'd often have money?

10 A. Yeah, I always do.

11 Q. Okay. Now, what about this thing about the phone call
12 right after the robbery?

13 A. The phone calls to who?

14 Q. Well, I'm going to be clearer. There's an allegation
15 that someone called your phone.

16 A. Yes.

17 Q. And that the person that answered gave them information
18 that only somebody that was at the robbery would have known.

19 Okay? You understand what I'm just saying?

20 A. Yeah, I know.

21 Q. Okay. Do you remember receiving a phone call that
22 evening?

23 A. Yes.

24 Q. All right. And you admitted that in the statement;
25 right?

1 A. Yes.

2 Q. I'm glad you're looking at these fine people.

3 A. Yeah, because I want to tell them.

4 Q. Okay. Good.

5 A. All right? When I got that phone call, the only thing
6 that she asked me: Is Teidra with me? She said, "Well, may
7 I speak to Teidra?" I said, "Teidra is nowhere with me right
8 now," and that was it. If they got my phone records and
9 time, they can look and see that it wasn't even a 10 or 15-
10 second phone call.

11 Q. Well, I don't think they're suggesting that it was a
12 long call, but I think that they're certainly suggesting that
13 the conversation was longer than: She's not here; good-bye.

14 A. That -- no. That was -- I'm looking at each one of
15 y'all (verbatim) eyes. That was all that was said. She
16 called and said is Teidra with -- "May I speak to Teidra?" I
17 said, "Teidra is not with me right now." That was all. I
18 hung up the phone.

19 Q. Okay. Jeff, when you get arrested, that's kind of
20 embarrassing, isn't it?

21 A. Yeah.

22 Q. Yeah. Is it public information? I mean -- well, let me
23 ask a different question. You got taken to Alvin S. Glenn;
24 right?

25 A. Yes.

1 Q. Okay. Do they have a website?

2 A. Yeah.

3 Q. Okay.

4 **Ms. Simpson:** Objection, Your Honor, to relevance.

5 **Mr. Chaplin:** I'll make my point - thank you - with a
6 little leeway, Your Honor.

7 **The Court:** Overruled.

8 **Mr. Chaplin:** Thank you.

9 **The Court:** Go ahead.

10 By Mr. Chaplin:

11 Q. Now, Jeff, you just said a lot of stuff.

12 A. Uh-huh.

13 Q. And somebody might say, well, you know, he should have
14 just pled. Somebody might say that. Why didn't you?

15 A. Well---

16 **Ms. Simpson:** Objection, Your Honor.

17 **The Court:** I'll allow it. Go ahead.

18 **The Witness:** Well, can you ask it again? What did you
19 say?

20 By Mr. Chaplin:

21 Q. You asked for a jury trial in this matter, didn't you?

22 A. Yes.

23 Q. Why did you ask for a jury trial?

24 A. Because I'm -- I was always taught that no matter what,
25 if you didn't do something, don't own up to it.

1 Q. Okay. So and -- I mean, you look at these fine people
2 and say that.

3 A. Yeah.

4 Q. All right. So -- and you're saying today that you asked
5 for a jury trial because you didn't do an armed robbery or a
6 kidnapping---

7 A. A kidnapping.

8 Q. ---or anything on the 23rd of May.

9 A. Correct.

10 Q. Beg the Court's indulgence. So, Jeff, at some point
11 you -- you encouraged me to get the tape from your meeting
12 with Investigator Isenhoward, didn't you?

13 A. Yes.

14 Q. And I told you that it didn't exist.

15 A. Yes.

16 Q. How did that make you feel?

17 A. It made me feel like I was -- it just made me feel
18 messed up because it made me feel like I was -- like he was
19 hiding something. Like what was he trying to hide?

20 Q. Beg the Court's indulgence. Let me make sure... All
21 right. Would you please answer any questions that the State
22 has, Jeff?

23 A. Yes.

24 Q. And will you please speak up?

25 A. Okay. I will.

1 **The Court:** Solicitor?

2 **Ms. Simpson:** Thank you. May it please the Court?

3 Cross-Examination

4 By Ms. Simpson:

5 Q. Mr. Chestnut?

6 A. Yes, ma'am.

7 Q. You're friends or were friends with Tyward Jordan.

8 A. Yes, ma'am.

9 Q. Isn't that right?

10 A. Yes.

11 Q. You consider yourself good friends; right?

12 A. We were all right.

13 Q. And you knew him from the neighborhood growing up.

14 A. Not growing up.

15 Q. Growing up just recently?

16 A. I knew him from being in the neighborhood.

17 Q. Just being in the neighborhood.

18 A. Yeah.

19 Q. How long have you known him?

20 A. I want to say I've known him -- I've known him about
21 two years, two or three years.

22 Q. Two or three years. And y'all were good enough friends
23 for you to be able to call him and him to drive you to go
24 sell weed.

25 A. Yes.

1 Q. And that's what happened on May 23rd, too; right?

2 A. Yes.

3 Q. And you were good enough friends that you hung out
4 pretty often.

5 A. What would you say often?

6 Q. Often. He gave you rides. You hung out. I mean...

7 A. No, he gave me---

8 Q. How often did you hang out?

9 A. Well, I want to say we probably -- probably I want to
10 say two or three times a week.

11 Q. Two or three times a week.

12 A. Yes.

13 Q. And you went to the bingo hall with him.

14 A. Yeah, I called him to take me there.

15 Q. To take you there.

16 A. Yes.

17 Q. Because you didn't have a ride; right? You didn't
18 drive.

19 A. Not at that time.

20 Q. Didn't have a car. And y'all were good enough friends
21 for him to tell you about a robbery that he was about to do;
22 right?

23 A. He said a lick.

24 Q. A lick.

25 A. Yes.

1 Q. And let's -- let's back up just a minute. He picked you
2 up; right?

3 A. I called him to pick me up.

4 Q. You called him to pick you up.

5 A. Yes.

6 Q. And he picked you up; right?

7 A. Yes.

8 Q. And that was from Teidra's house.

9 A. Yes.

10 Q. You'd been hanging out with your -- with your
11 stepdaughter, Tionna Dennis?

12 A. That was earlier that day.

13 Q. Earlier that day.

14 A. Yes.

15 Q. But you were at Teidra's house; right?

16 A. Yes.

17 Q. He picked you up.

18 A. Yes.

19 Q. And while you're in the car, he's on the phone.

20 A. Yes.

21 Q. And he's talking to somebody. He says, "I need to do
22 this lick." Right?

23 A. He said, "I got to settle it."

24 Q. Got to settle it.

25 A. Yes.

1 Q. Got to settle this lick. And you didn't know who he was
2 talking to at the time.

3 A. No.

4 Q. But you know what a lick is; right?

5 A. Yeah.

6 Q. And this was in the car when he picked you up.

7 A. Yes.

8 Q. And upon him saying that, what was your response?

9 A. My response was, "Let me get in on it."

10 Q. Okay. "Let me get in on it."

11 A. Yes.

12 Q. But before you said that, isn't it true that you said,
13 "Where is it?" Right?

14 A. No.

15 Q. So you never said that.

16 A. I don't recall saying -- I don't ever recall him telling
17 me where he was going to hit.

18 Q. He never said that he was going to hit the bingo hall.

19 A. He said that previous before that date.

20 Q. Oh, before that day.

21 A. Yes, but he never came out and said, "Well, I'm going to
22 hit the bingo hall today."

23 Q. Okay. So before that day, you knew that he was talking
24 about hitting a bingo hall.

25 A. I knew he was talking about doing a robbery.

1 Q. Doing a robbery.

2 A. Yes.

3 Q. Excuse me. A robbery at a bingo hall.

4 A. Yes. Yes.

5 Q. And your girlfriend, Teidra Dennis, worked at a bingo
6 hall.

7 A. Correct.

8 Q. And were you sure when he said bingo hall which bingo
9 hall he was referring to?

10 A. I didn't know.

11 Q. You didn't know.

12 A. No.

13 Q. Okay. So it wasn't in the car that he said the bingo
14 hall.

15 A. No.

16 Q. But you said: I want in on some of that.

17 A. That's right.

18 Q. Knowing nothing about it.

19 A. Correct.

20 Q. And y'all were good enough friends that he said --
21 eventually said okay.

22 A. Yeah, that's what anybody who would -- anybody who on
23 the street were friends would say.

24 Q. Okay. Anybody on the street who were friends. And this
25 person you later learned was Quantis.

1 A. Yeah.

2 Q. Right?

3 A. Yeah.

4 Q. And at the time you couldn't provide a last name.

5 A. At the time I couldn't.

6 Q. And now today, here today, you know it's Quantis Sims.

7 A. It's just not today. I knew it months ago.

8 Q. Months ago. This person, Quantis, who did this
9 robbery---

10 A. Yes.

11 Q. ---instead of you.

12 A. Yes.

13 Q. So you learned that it's Quantis on the other end.

14 A. Uh-huh.

15 Q. Now, do you know Quantis?

16 A. No.

17 Q. Have you ever met him before?

18 A. I've seen him in the neighborhood a few times.

19 Q. Okay. So you were going to do a robbery potentially
20 with somebody you didn't know.

21 A. First off, like I said, I didn't know who was involved
22 or I didn't know what the planning of the robbery was.

23 Q. Okay. So you didn't know who was involved, didn't know
24 about the planning, but you were going to get some of that.

25 A. That's what I asked.

1 Q. That's what you asked and eventually said yeah.

2 A. Yeah, I did.

3 Q. So y'all were talking about this in the car on the way
4 to the bingo hall.

5 A. The only thing we were talking about---

6 **Mr. Chaplin:** Objection, Your Honor.

7 **The Court:** What's the objection?

8 **Mr. Chaplin:** Misstating what Mr. Chestnut said.

9 **The Court:** He can straighten it out. Overruled.

10 **The Witness:** All right. What were you saying now?

11 **The Court:** It's cross-examination.

12 By Ms. Simpson:

13 Q. Okay. Y'all were talking about this in the car on the
14 way to the bingo hall.

15 A. In the car going to the bingo hall he never said that he
16 was going to rob the bingo hall. We never agreed that we
17 were going to do a robbery right then and there.

18 Q. Right then and there. So you thought it was sometime
19 later.

20 A. I didn't know when. I just asked could I get in on it.

21 Q. Just could you get in on it.

22 A. Yes.

23 Q. And he didn't proceed to tell: I'm about to do this
24 thing right now.

25 A. No.

1 Q. No. As a matter of fact, this thing that he planned --
2 because you said he had planned it; right? It was already
3 planned before you got in the car.

4 A. It was already planned.

5 Q. Already planned. So this thing that he planned and was
6 about to do, he actually had time to pick you up; right?

7 A. You see my phone records. You've seen the calls.

8 Q. I'm not asking you about that yet.

9 A. But I'm answering---

10 Q. I said he had time to pick you up on the way to do his
11 robbery.

12 A. I called him to pick me up to take me to The Comedy
13 House to meet someone that was already working on Decker.

14 Q. So The Comedy House which is right next to the bingo
15 hall.

16 A. Yes.

17 Q. They're actually in the same building.

18 A. Well, I guess.

19 Q. Yeah. It's a big building.

20 A. Uh-huh.

21 Q. The doorway is right there---

22 A. Uh-huh.

23 Q. ---right next---

24 A. Uh-huh.

25 Q. ---to each other.

1 A. Uh-huh.

2 Q. So he's on the way. He's planning this robbery, but you
3 call him for some weed or to sell it. Excuse me.

4 A. I call him to take me to sell some---

5 Q. To take you to sell weed.

6 A. Correct.

7 Q. So and -- and he's already meeting somebody; right?

8 A. That I don't know.

9 Q. You don't know, but you learned it later.

10 A. Yeah.

11 Q. Right? Because when you got there, you said you got
12 out. Where did y'all park again?

13 A. Behind Staples.

14 Q. Behind Staples. And it's just you and Tyward.

15 A. Yes.

16 Q. So you and Tyward park behind Staples. Now, where is
17 Staples in relation to Carolina Gold Bingo?

18 A. It's -- Carolina Gold Bingo is -- and The Comedy House,
19 they're like right here. All right? The Staples is across
20 the street.

21 Q. Okay. So across the street. Now -- and you testified
22 earlier that you went to The Comedy House often to sell your
23 drugs; right?

24 A. Correct.

25 Q. So you went there often. Did you always park behind the

1 Staples?

2 A. I wasn't always with him.

3 Q. You weren't always with him, but sometimes you were;
4 right?

5 A. I wouldn't even say sometimes. He only took me there
6 twice.

7 Q. Only took you there twice. But he also took you to the
8 bingo hall to see your girlfriend; right?

9 A. On hot dog night.

10 Q. On hot dog night.

11 A. Yes.

12 Q. And you said that it was the norm for you to take your
13 lady things. That's what a man does; right?

14 A. That's correct.

15 Q. You take her cigarettes, and you weren't working. You
16 had time; right?

17 A. Correct.

18 Q. And she would call you for a ride.

19 A. She called me every day.

20 Q. Every day. But you don't have a car; right?

21 A. No.

22 Q. But she called you for a ride.

23 A. Yes.

24 Q. And to get cigarettes.

25 A. Yes.

1 Q. And the only day that you were with Tyward Jordan at the
2 bingo hall was the day of this armed robbery and the hot dog
3 night; correct?

4 A. Correct.

5 Q. I'm going to back up for just a minute.

6 A. Okay.

7 Q. Let's talk about Teidra a little bit more.

8 A. All right.

9 Q. Y'all had actually dated for what? A little over a
10 year?

11 A. Something like that.

12 Q. Something like that? Pretty close.

13 A. All right.

14 Q. As a matter of fact, you stayed at her house some.

15 A. Uh-huh.

16 Q. Fairly often.

17 A. Somewhat.

18 Q. Somewhat. A year is a pretty long time to be in a
19 relationship.

20 A. But, I mean, I wasn't living with her.

21 Q. You weren't living with her, but y'all stayed together.

22 A. Correct.

23 Q. Stayed at your grandma's house some.

24 A. Well, when she would stay with my grandma, I wasn't
25 staying there---

1 Q. Okay.

2 A. ---because my grandma don't allow people who is not
3 married to sleep in the same house.

4 Q. Okay. So y'all -- y'all couldn't sleep in the same bed
5 at your grandma's.

6 A. Correct.

7 Q. Right. But y'all were fairly close, girlfriend, year
8 and a half. And she talked to -- you knew where she worked.

9 A. Yeah.

10 Q. She took you -- or you took her cigarettes, all that
11 stuff; right?

12 A. Uh-huh.

13 Q. And she'd worked there for the whole time that y'all had
14 been dating.

15 A. Uh-huh.

16 Q. Correct?

17 A. Uh-huh.

18 Q. And she would talk to you about work. Isn't that true?

19 A. Not too much about work.

20 Q. Not too much about work.

21 A. No.

22 Q. So she would never tell you about her day at work.

23 A. She would say that she's tired or that they're busy or
24 the normal stuff like that, but that's it.

25 Q. And she didn't talk about any of the customers.

1 A. Nothing but the customers that wanted to buy weed.

2 Q. Only the customers that wanted to buy weed.

3 A. Yes.

4 Q. Is that what you said? I'm sorry.

5 A. Yes.

6 Q. And she didn't talk to you about her coworkers.

7 A. Only the coworkers that bought weed from me.

8 Q. Okay. So basically she talked to you in a business-type
9 relationship.

10 A. When she's at the bingo hall.

11 Q. The bingo hall. I mean, but it sounds like what y'all
12 talked about was your drug dealing.

13 A. Yes.

14 Q. But y'all didn't talk about the normal things that
15 people talk about in a relationship; correct?

16 A. I mean -- I mean, sometimes we did, but normally she'll
17 call me and tell me that somebody wanted something.

18 Q. She never told you about the amount of cash that the
19 bingo hall had at any one point.

20 A. She wouldn't -- she wouldn't -- I have asked her several
21 times, but she would never come out and say a specific number
22 like: Well, yeah, we got so and so this here and we got so
23 and so there.

24 Q. Okay. So you actually asked her about the money---

25 A. Yeah.