

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Georgetown County

Honorable Kristi F. Curtis, Circuit Court Judge

QUANTAE PRIEST,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000579

APPENDIX

TAYLOR D. GILLIAM
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JOHNNY ELLIS JAMES, JR.
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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INDEX

INDEX	i
TRANSCRIPT OF TRIAL HELD JULY 27-28	1
TRANSCRIPT OF GUILTY PLEA HEARING HELD JULY 29, 2015	158
APPLICATION FOR POST-CONVICTION RELIEF	184
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	194
RETURN AND PARTIAL MOTION TO DISMISS	195
TRANSCRIPT OF POST-CONVICTION RELIEF HEARING HELD NOVEMBER 29, 2018	201
ORDER OF DISMISSAL	262
INDICTMENTS	274

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GEORGETOWN) 2013-GS-22-968

State,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	July 27-28, 2015
	)	
Quantae Deandre Priest,	)	
	)	
Defendant.	)	

B E F O R E:

Honorable Benjamin H. Culbertson
Georgetown County Courthouse
Georgetown, South Carolina

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

Alicia A. Richardson, Esquire
Attorney for Plaintiff

Ronald W. Hazzard, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

1	I N D E X	
2	July 27, 2015	
3	Voir Dire.	4
4	Jury Selection	17
5	Opening Instructions by Court.	26
6	Motions.	29
7	July 28, 2015	
8	Opening Instructions by Court.	50
9	Opening Statement by State	57
10	Opening Statement by Defense	60
11	Dan Gasque	
12	Direct by State.	66
13	Cross by Defense.	82
14	Robert Gerald Owens	
15	Direct by State.	86
16	Cross by Defense	89
17	Danny Conyers	
18	Direct by State.	93
19	Cross by Defense	97
20	Karl Tanner	
21	Direct by State.	99
22	Cross by Defense	102
23	Redirect by State.	106
24	Calvin Crews	
25	Direct by State.	107

1	Cross by Defense	120
2	Charles Coleman	
3	Direct by State.	121
4	Cross by Defense	127
5	James Thomas Hicks	
6	Direct by State.	128
7	Cross by Defense	146
8	Redirect by State.	153
9	Certificate.	157
10	E X H I B I T S	
11	S-1 CD - 911 Call	88
12	S-2 CD - Surveillance Photographs	97
13	S-3 CD - Video Surveillance	109
14	S-4 CD - Video - Coleman	126
15	S-5 CD - Video - Hicks	134
16	C-1 Foreperson Selection	49
17	(All Exhibits Returned to State at Conclusion of Plea.)	
18		
19		
20		
21		
22		
23		
24		
25		

Voir Dire

4

1 (On the record, July 27, 2015. The following takes place
2 in the presence of the jury panel.)

3 THE COURT: All right. Ladies and gentlemen, we are
4 getting ready to start the trial of the case of the State of
5 South Carolina versus Quantae Deandre Priest. Am I
6 pronouncing that correct?

7 MR. HAZZARD: Yes, sir, Your Honor.

8 THE COURT: All right. Now, before we do that I have
9 some questions to go over with you. All of you have been
10 qualified to serve as jurors in General Sessions Court for
11 this week. However, the next series of questions I have to go
12 over with you are called voir dire questions. These are
13 questions to determine whether or not you're qualified to
14 serve as jurors on this particular case, and it also gives the
15 attorneys some additional information that assists them in the
16 jury selection process. So as I told you during
17 qualifications, just like witnesses, jurors are constantly
18 taking oaths. So if I could please get all members of the
19 jury panel to stand and raise your right hand.

20 (Jury panel is sworn by the Court.)

21 THE COURT: Thank you very much. You may be seated.

22 First of all, is there any member of the jury panel that
23 did not respond to the oath by saying I do? If so, please
24 stand.

25 (No response.)

Voir Dire

5

1 THE COURT: All right. As I said, this is the case of
2 the State of South Carolina versus Quantae Deandre Priest.
3 Mr. Priest has been charged with burglary in the first degree,
4 assault and battery in the first degree, armed robbery,
5 kidnapping, grand larceny, criminal conspiracy, possession of
6 a weapon during the commission of a violent crime and unlawful
7 possession of a pistol. The allegations against Mr. Priest
8 are that during the night of July 17th into the July 18th,
9 2013, he entered the home of Dan Gasque, Gasque, G-A-S-Q-U-E,
10 burglarized it, committed these crimes while breaking into the
11 home of Dan Gasque. Where did Mr. -- is Mr. Gasque's
12 residence or where did this allegedly occur? Do we know?

13 MS. RICHARDSON: On Whites Creek Road in Georgetown
14 County.

15 THE COURT: All right. The allegations are that this
16 occurred on Whites Creek Road in Georgetown County, South
17 Carolina. Is there any member of the jury panel that has
18 heard anything, read anything, discussed anything or knows
19 anything about this case? If so, please stand.

20 (No response.)

21 THE COURT: All right. As I said, the Defendant in this
22 case is Quantae Deandre Priest. Is there any member of the
23 jury panel related by blood or marriage, have a close personal
24 relationship, business relationship, social relationship or
25 any other type of relationship with Mr. Priest? If so, please

Voir Dire

6

1 stand.

2 Yes, ma'am, your name and number?

3 MS. BROMELL: Armtria Bromell, Number 16.

4 THE COURT: Hold for one second. What is your jury
5 number?

6 MS. BROMELL: 16.

7 THE COURT: Oh, yeah. Armtria?

8 MS. BROMELL: Yes.

9 THE COURT: Y. Bromell? All right. Ms. Bromell, how do
10 you know Mr. Priest?

11 MS. BROMELL: I work at the middle school that he was at,
12 and I know his mother.

13 THE COURT: Okay. Now, when you say you worked at the
14 middle school where he attended and you know his mother, how
15 well do you know them? Do you know them outside of the
16 education system?

17 MS. BROMELL: I've been around his mom on a couple of
18 occasions. Yes. I have.

19 THE COURT: Okay. Well, let me ask you this, Ms.
20 Bromell, is your association with either Mr. Priest or his
21 mother such that it would affect your ability to give both the
22 State and Mr. Priest a fair and impartial trial?

23 MS. BROMELL: No. I couldn't. I couldn't do it.

24 THE COURT: Okay. I understand that, and I appreciate
25 your honesty, Ms. Bromell. I'm going to excuse you from this

Voir Dire

7

1 particular case, but if you could please just stay with us
2 for, for right now. Okay?

3 All right. Yes, ma'am. The lady against the wall, your
4 name and number?

5 MS. REED: Teresa Reed, 125.

6 THE COURT: All right. Teresa M. Reed?

7 MS. REED: Yes, sir.

8 THE COURT: All right. Ms. Reed, how do you know Mr.
9 Priest?

10 MS. REED: My husband and his mom is two first cousins.

11 THE COURT: Okay. Your husband and his mother are
12 related?

13 MS. REED: Yes, sir.

14 THE COURT: Okay. Now, I'm going to be honest with you,
15 Ms. Reed, and I need you to be honest with me, I have some
16 cousins that I maintain contact with and I see on a regular
17 basis and we're good friends. I have other cousins I may have
18 seen once in my lifetime and wouldn't recognize them if they
19 walked in the door. Is that relationship such that it would
20 affect your ability to give both the State and the Defendant a
21 fair and impartial trial?

22 MS. REED: Yes, sir, because I see them on a regular
23 basis.

24 THE COURT: Okay. Thank you, Ms. Reed. I'm going to
25 excuse you from this particular case, okay, but please stay

Voir Dire

8

1 with us right now.

2 Anyone else have any type of relationship with the
3 Defendant? If so, please stand.

4 (No response.)

5 THE COURT: All right. As I said, the alleged victim in
6 this case is Dan Gasque, G-A-S-Q-U-E. Is there any member of
7 the jury panel -- is Mr. Gasque present?

8 MS. RICHARDSON: He is, Your Honor.

9 THE COURT: All right. If he'd please stand.

10 (Complies with request.)

11 THE COURT: Thank you, sir. If you'd please face the
12 jury panel. Thank you very much. You may be seated.

13 Is there any member of the jury panel related by blood or
14 marriage, have a close personal relationship, business
15 relationship, social relationship or any other type of
16 relationship with Mr. Gasque? If so, please stand.

17 (No response.)

18 THE COURT: All right. Please listen carefully. This is
19 a pretty extensive list, but these are the witnesses who may
20 testify in this case, and I need you to listen carefully.

21 In addition to Mr. Gasque, you have Adam Marks of the
22 Georgetown County Sheriff's Office; Karl Tanner of the
23 Georgetown County Sheriff's Office; Michael Thacker of the
24 Georgetown County Sheriff's Office; James Cameron of the
25 Georgetown County Sheriff's Office; Dustin Morris of the

Voir Dire

9

1 Georgetown County Sheriff's Office; Jeffrey Drayton of the
2 Georgetown County Sheriff's Office; Charles Coleman of the
3 Hemingway Police Department; Sergeant Randy Tyler of the
4 Dillon County Sheriff's Office; James Thomas Hicks of the
5 South Carolina Highway Patrol; John W. Ellis, II, of the South
6 Carolina Highway Patrol; P.B. Bethea of the South Carolina
7 Highway Patrol; Sergeant Segars. Do we have a first name?

8 MS. RICHARDSON: I'm sorry, Your Honor. I don't have
9 that available right now.

10 THE COURT: All right. A Sergeant Segars of the South
11 Carolina Highway Patrol; Daniel Cribb of the Marion County
12 Sheriff's Office; Shad Barfield of the Marion County Sheriff's
13 Office; G. Walker, the first initial is G, of the Marion
14 County Sheriff's Office; Kaliska Green of the Georgetown
15 County Detention Center; Lamond Reed; Chelsea Drayton; Danny
16 Conyers; Tessa Jones; Melvin Garrett of the Georgetown County
17 Sheriff's Office; Steve Brown; Calvin Crews; Robbie Owens of
18 Georgetown County 911; Joanne Clarey of the Georgetown County
19 Detention Center; Marcus Lambert; Daquarius Holmes; Shatima
20 Gilliard; Amondre Holmes; Daquarius Holmes; and Ranisha
21 Reed.

22 Now, is there any member of the jury panel related by
23 blood or marriage, have a close personal relationship,
24 business relationship, social relationship or any other type
25 of relationship with any of these potential witnesses? If so,

Voir Dire

10

1 please stand.

2 Yes, sir, your name and number?

3 MR. OWENS: Rory Owens, 118.

4 THE COURT: Rory Brice Owens?

5 MR. OWENS: Yes, sir.

6 THE COURT: All right. Mr. Owens, who is it that you
7 know?

8 MR. OWENS: I know Robbie Owens, he's my cousin. I know
9 Karl Tanner.

10 THE COURT: Okay. And your cousin, how close of a
11 relationship -- I mean, do you all see each other regularly?

12 MR. OWENS: We go to church together.

13 THE COURT: Okay. So you see him pretty regularly.

14 Okay. All right. Mr. Owens, I'm going to excuse you from
15 this particular case, but please stay with us right now.
16 Okay?

17 Anyone else have any type of relationship with any of
18 these potential witnesses? If so, please stand.

19 Yes, ma'am, your name and number?

20 MS. HEWITT: 63, Jessica Hewitt.

21 THE COURT: Jessica I. Hewitt?

22 MS. HEWITT: Yes, sir.

23 THE COURT: All right. Ms. Hewitt, who is it that you
24 know?

25 MS. HEWITT: I know about 90 percent of the officers that

Voir Dire

11

1 you called out. I work at the emergency room and I deal with
2 them on a daily basis.

3 THE COURT: Okay. Is -- and there's a good many people
4 that I know at work, too, but it wouldn't influence my
5 decision. There's a good many people I know at work and it
6 would influence my ability to be a fair and impartial juror.
7 Is your association with these people in law enforcement would
8 it affect your ability to give both the Defendant and the
9 State in this case a fair and impartial trial?

10 MS. HEWITT: No, sir.

11 THE COURT: Okay. Do you know any of these people in law
12 enforcement outside of your employment?

13 MS. HEWITT: Yes, sir.

14 THE COURT: Okay. And how would that be?

15 MS. HEWITT: One of the detention center's officers
16 actually babysits my children every now and then, but it's not
17 like a huge personal relationship.

18 THE COURT: Okay. But you do hire them to babysit for
19 you?

20 MS. HEWITT: She has watched my children.

21 THE COURT: Okay. When was the last time that happened?

22 MS. HEWITT: It's been probably six, eight months ago.
23 It's been a while.

24 THE COURT: Okay. All right. Ms. Hewitt, I think I am
25 going to excuse you from this particular case but stay with us

Voir Dire

12

1 if you don't mind. Thank you.

2 Anyone else know of any of these potential witnesses? If
3 so, please stand.

4 (No response.)

5 THE COURT: Is there any member of the jury panel either
6 personally, have a family member or close personal friend
7 employed with the Georgetown County Sheriff's Office, the
8 Hemingway Police Department, the Dillon County Sheriff's
9 Office, the State Highway Patrol, the Marion County Sheriff's
10 Office, the Georgetown County Detention Center or the
11 Georgetown County 911 Service? If so, please stand.

12 (No response.)

13 THE COURT: All right. Prosecuting this case on behalf
14 of the State is Ms. Alicia Richardson of the 15th Circuit
15 Solicitor's Office. The Defendant's attorney is Mr. Ronald W.
16 Hazzard. Is there any member of the jury panel related by
17 blood or marriage, have a close personal relationship,
18 business relationship, social relationship or any other type
19 of relationship with either of these attorneys? If so, please
20 stand.

21 Yes, ma'am, your name and number?

22 MS. WILLIAMS: Linda Williams. My number is 167.

23 THE COURT: All right. Ms. Williams, who is it that you
24 know?

25 MS. WILLIAMS: Ms. Richardson.

Voir Dire

13

1 THE COURT: And how do you know her?

2 MS. WILLIAMS: She is the prosecuting attorney in a case
3 that I am a victim/witness for.

4 THE COURT: Okay. Is that an ongoing case?

5 MS. WILLIAMS: Yes.. In General Sessions.

6 THE COURT: Okay. All right. Ms. Williams, I'm going to
7 excuse you from this particular case, but stay with us. Okay?

8 MS. WILLIAMS: Yes, sir.

9 THE COURT: Anyone else have any type of relationship
10 with either Ms. Richardson or Mr. Hazzard? If so, please
11 stand.

12 (No response.)

13 THE COURT: Has any member of the jury panel ever been
14 represented by either of these attorneys? If so, please
15 stand.

16 (No response.)

17 THE COURT: Has any member of the jury panel ever been
18 involved in any legal action in which either of these
19 attorneys represented another party to that action? If so,
20 please stand.

21 (No response.)

22 THE COURT: Is there any member of the jury panel either
23 personally, have a family member or a close personal friend
24 employed with the 15th Circuit Solicitor's Office or the
25 Georgetown County Public Defender's Office? If so, please

Voir Dire

14

1 stand.

2 (No response.)

3 THE COURT: Has any member of the jury panel ever been
4 the victim of a violent crime? If so, please stand.

5 All right. Ma'am, your name and number?

6 MS. MERCER: Crystal Mercer, 101.

7 THE COURT: All right. If you'd please come forward.

8 (Whereupon, an off-the-record bench conference is held
9 with Juror Number 101, attorney for the State and attorney for
10 the Defendant in the presence but out of the hearing of the
11 jury panel.)

12 THE COURT: All right. Juror Number 101 is excused from
13 this particular case.

14 Any other member of the jury panel been the victim of a
15 violent crime? If so, please stand.

16 (No response.)

17 THE COURT: Is any member of the jury panel had a family
18 member or a close personal friend that was the victim of a
19 violent crime? If so, please stand.

20 Yes, ma'am. Your name and number?

21 MS. HOWELL: Rosemary Howell, Juror Number 71.

22 THE COURT: All right. Ms. Howell, if you'd come
23 forward, please.

24 (Whereupon, an off-the-record bench conference is held
25 with Juror Number 71, attorney for the State and attorney for

Voir Dire

15

1 the Defendant in the presence but out of the hearing of the
2 jury panel.)

3 THE COURT: All right. I'm excusing Juror Number 71 from
4 this particular case.

5 All right. Anyone else?

6 (No response.)

7 THE COURT: You all ready?

8 MS. RICHARDSON: Yeah.

9 THE COURT: All right. Has any member of the jury panel
10 formed or expressed an opinion about any issue or matter
11 involved in this case? If so, please stand.

12 (No response.)

13 THE COURT: Is any member of the jury panel aware of any
14 bias or prejudice towards either the State of South Carolina
15 or the Defendant in this case? If so, please stand.

16 (No response.)

17 THE COURT: Is any member of the jury panel a member of
18 the Grand Jury that issued the indictments in this case? If
19 so, please stand.

20 (No response.)

21 THE COURT: Is there any member of the jury panel that is
22 a member of or a contributor to any organization which has as
23 its primary concern the promotion of law enforcement or
24 victims' rights? Now, some of these organizations are Mothers
25 Against Drunk Drivers, also known as MADD, Students Against

Voir Dire

16

1 Drunk Drivers, also known as SADD, Citizens Against Violent
2 Crime, also referred to as CAVC, and CASA, Citizens Against
3 Spousal Abuse, or any similar organization? Anybody a member
4 of or a contributor to any such organization? If so, please
5 stand.

6 (No response.)

7 THE COURT: Does any member of the jury panel know of any
8 reason whatsoever why he or she should not serve as a juror in
9 this case with particular emphasis being placed on your
10 ability to be fair and impartial to both the State and the
11 Defendant? If so, please stand.

12 (No response.)

13 THE COURT: Any additional questions from the State?

14 MS. RICHARDSON: None from the State, Your Honor.

15 THE COURT: Any from the Defense?

16 MR. HAZZARD: None from the Defense, Your Honor.

17 THE COURT: All right. All right. Ladies and gentlemen,
18 the way the selection process works in General Sessions cases
19 is those who have not been excused from this particular case
20 your names are fed into a computer and generated on a list at
21 random. If your name is called, the Clerk of Court will call
22 names according to the list, and if your name is called,
23 please come forward and stand in front of the attorneys, turn
24 and face the attorneys. The State gets to decide whether or
25 not they want to accept you as a juror, and if the State does,

Jury Selection

17

1 then the Defense gets to decide if they want to accept you as
2 a juror, and we follow this process until we get a jury of 12
3 people, and I think we're going to go ahead and select two
4 alternates in this case. So if your name is called, please
5 come forward, bring with you any coats, umbrellas,
6 pocketbooks, books, whatever you might have, stand in front of
7 the attorneys and face the attorneys' desk and you'll receive
8 some further instructions.

9 Now, if you get struck by either the State or the
10 Defendant in this case, please do not take it personally. It
11 just means that for whatever reason you do not fit a certain
12 profile that they're looking for in this particular case.
13 Oftentimes a potential juror is struck in one case and then
14 accepted by the same party in the following case. Sometimes
15 they're accepted in the first case and struck in the second
16 case. So there's really no rhyme or reason as to why you have
17 been struck by either party. So please do not take it
18 personally, but please listen carefully, and if your name is
19 called come forward and stand in front of the attorneys and
20 face the attorneys, and this is a 10 and five; correct?

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

22 THE COURT: All right.

23 THE CLERK: It's 10, five?

24 THE COURT: Ten for the State, five for the -- I mean,
25 excuse me, five for the State, 10 for the Defense.

Jury Selection

18

1 THE CLERK: Okay. You ready? Juror Number 103, Denise
2 Miles.

3 What says the State?

4 MS. RICHARDSON: Please present this juror.

5 THE CLERK: What says the Defense?

6 MR. HAZZARD: Please swear Ms. Miles.

7 THE CLERK: Please take a seat in the jury box.

8 Juror Number 106, Connie Montgomery.

9 What says the State?

10 MS. RICHARDSON: Please present this juror.

11 THE CLERK: What says the Defense?

12 MR. HAZZARD: The Court's indulgence, Your Honor.

13 THE COURT: All right.

14 MR. HAZZARD: Please swear the juror.

15 THE CLERK: Please take a seat in the jury box.

16 Juror Number 111, Richard Morris.

17 What says the State?

18 MS. RICHARDSON: Please present this juror.

19 THE CLERK: What says the Defense?

20 MR. HAZZARD: Please excuse the juror from the trial of
21 this particular case.

22 THE CLERK: You may return to your seat.

23 Juror Number 25, Tamela Byrge.

24 What says the State?

25 MS. RICHARDSON: Please present this juror.

Jury Selection

19

1 THE CLERK: What says the Defense?

2 MR. HAZZARD: Please swear the juror.

3 THE CLERK: Please take a seat in the jury box.

4 Juror Number 24, Beverly Bynum.

5 MR. HAZZARD: I'm sorry, Madam Clerk. What was that

6 number?

7 THE CLERK: 24.

8 MR. HAZZARD: Thank you, ma'am.

9 THE CLERK: What says the State?

10 MS. RICHARDSON: Please present the juror.

11 THE CLERK: What says the Defense?

12 MR. HAZZARD: Please swear the juror.

13 THE CLERK: Take a seat in the jury box.

14 Juror Number 160, Rodger Vinson.

15 What says the State?

16 MS. RICHARDSON: Please present the juror.

17 THE CLERK: What says the Defense?

18 MR. HAZZARD: Please swear the juror.

19 THE CLERK: Please take a seat in the jury box.

20 Juror Number 14, Tyra Britton.

21 What says the State?

22 MS. RICHARDSON: Please present the juror.

23 THE CLERK: What says the Defense?

24 MR. HAZZARD: Please swear the juror.

25 THE CLERK: Please take a seat in the jury box.

Jury Selection

20

1 Juror Number 68, Jennifer Holt.
2 What says the State?
3 MS. RICHARDSON: Please present the juror.
4 THE CLERK: What says the Defense?
5 MR. HAZZARD: Please swear Ms. Holt.
6 THE CLERK: Please take a seat in the jury box.
7 Juror Number 79, Joseph Kaplan.
8 What says the State?
9 MS. RICHARDSON: Please present the juror.
10 THE CLERK: What says the Defense?
11 MR. HAZZARD: Please excuse Mr. Kaplan from the trial of
12 this particular case.
13 THE CLERK: You may return to your seat.
14 Juror Number 152, Savanna Trakas.
15 What says the State?
16 MS. RICHARDSON: Please present the juror.
17 THE CLERK: What says the Defense?
18 MR. HAZZARD: Please swear the juror.
19 THE CLERK: Please take a seat in the jury box.
20 Juror Number 93, Kirk Lovell.
21 What says the State?
22 MS. RICHARDSON: Please present the juror.
23 THE CLERK: What says the Defense?
24 MR. HAZZARD: Please excuse the juror from this
25 particular case.

Jury Selection

21

1 THE CLERK: You may return to your seat.
2 Juror Number 124, Donnie Ray.
3 What says the State?
4 MS. RICHARDSON: Please present the juror.
5 THE CLERK: What says the Defense?
6 MR. HAZZARD: Please swear the juror.
7 THE CLERK: Please take a seat in the jury box.
8 Juror Number 170, Andrea Wilson.
9 What says the State?
10 MS. RICHARDSON: Please present the juror.
11 THE CLERK: What says the Defense?
12 MR. HAZZARD: Please, please swear Ms. Wilson.
13 THE CLERK: All right. Please take a seat in the jury
14 box.
15 Juror Number 109, Veda Moore.
16 What says the State?
17 MS. RICHARDSON: Please present the juror.
18 THE CLERK: What says the Defense?
19 MR. HAZZARD: Please swear Ms. Moore.
20 THE CLERK: Please take a seat in the jury box.
21 Juror Number 78, Craig Julian.
22 What says the State?
23 MS. RICHARDSON: Please present the juror.
24 THE CLERK: What says the Defense?
25 MR. HAZZARD: The Court's indulgence, Your Honor.

Jury Selection

22

1 THE COURT: All right.

2 MR. HAZZARD: Please excuse Mr. Julian from the trial of
3 this particular case.

4 THE CLERK: All right. You may return to your seat.

5 Juror Number 77, Devanta Judson.

6 What says the State?

7 MS. RICHARDSON: Please excuse this juror.

8 THE CLERK: You may return to your seat.

9 Juror Number 157, Barbara Vanderhorst.

10 What says the State?

11 MS. RICHARDSON: Please present this juror.

12 THE CLERK: What says the Defense?

13 MR. HAZZARD: Please swear Ms. Vanderhorst.

14 THE CLERK: Please take a seat in the jury box.

15 THE COURT: All right.

16 THE CLERK: For --

17 THE COURT: We'll select an alternate. The State gets
18 one strike, Defense gets two.

19 THE CLERK: All right.

20 Juror Number 144, Brad Stafford.

21 What says the State?

22 MS. RICHARDSON: Please excuse this juror.

23 THE CLERK: All right. You may return to your seat.

24 Juror Number 115, Danielle Newton.

25 Any challenges from the State?

Jury Selection

23

1 MS. RICHARDSON: None from the State.

2 THE CLERK: What says the Defense?

3 MR. HAZZARD: Please swear Ms. Newton.

4 THE CLERK: Please take a seat in the jury box.

5 THE COURT: All right. Let's choose another alternate.

6 The State gets one strike, Defense gets two.

7 THE CLERK: Juror Number 40, Joseph Drosieko.

8 What says the State?

9 MS. RICHARDSON: Please present the juror.

10 THE CLERK: What says the Defense?

11 MR. HAZZARD: Please excuse the juror from the trial of

12 this particular case.

13 THE CLERK: You may return to your seat.

14 Juror Number 116, Gary O'Dell.

15 What says the State?

16 MS. RICHARDSON: Please present the juror.

17 THE CLERK: What says the Defense?

18 MR. HAZZARD: Please swear Mr. O'Dell.

19 THE CLERK: Please take a seat in the jury box.

20 THE COURT: All right. Ladies and gentlemen, you'll be

21 the jury that'll preside over this first case. I'm going to

22 excuse you back to the jury room for just a few minutes while

23 I release the jury panel. It'll also give you an opportunity

24 to see where you will meet during the course of this trial.

25 So I'm going to excuse you back to the jury room for just a

Jury Selection

24

1 few minutes and we'll bring you back out shortly. Thank you
2 very much.

3 (Whereupon, the following takes place outside the
4 presence of the jury.)

5 THE COURT: All right. Any challenges to the selection
6 or composition of the jury by the State?

7 MS. RICHARDSON: No, Your Honor.

8 THE COURT: Any by the Defense?

9 MR. HAZZARD: None from the Defense, Your Honor.

10 THE COURT: All right.

11 (Remaining jury panel excused by Court with call-in
12 instructions.)

13 THE COURT: All right. I understand there's some
14 pretrial matters we need to address. Is that correct?

15 MR. HAZZARD: That's correct, Your Honor, on behalf of
16 the Defense.

17 THE COURT: All right. Do we want to release the jury
18 until tomorrow morning? I mean, it's 3:35 now. Will that
19 take the remainder of the day?

20 MR. HAZZARD: Yes, sir, Your Honor. It'll take enough of
21 the balance of the day for -- of the day.

22 THE COURT: Okay. Do we wait and swear the jury tomorrow
23 morning or how do we?

24 MR. HAZZARD: The Defense has no problem with waiting
25 until tomorrow morning to swear the jury and then go from

Jury Selection

25

1 there.

2 THE COURT: Okay. All right. Well, I'll just bring the
3 jury back in then, release them for the remainder of the day
4 and then we'll go into the pretrial matters. Okay?

5 MR. HAZZARD: Yes, sir.

6 THE COURT: Anything from the State before we bring the
7 jury in?

8 MS. RICHARDSON: Your Honor, just for scheduling.

9 (Scheduling of other General Sessions cases discussed.)

10 THE COURT: Okay. So have the jury come back at ten?

11 MR. HAZZARD: Yes, sir.

12 THE COURT: Okay. That sounds good.

13 All right. Anything from the State before we bring the
14 jury in?

15 MS. RICHARDSON: No, Your Honor.

16 THE COURT: Anything --

17 MR. HAZZARD: All right. But one thing if I might
18 confer.

19 THE COURT: All right. Anything from the Defense before
20 we bring the jury in?

21 MR. HAZZARD: Your Honor, that discussion is with regard
22 to the Co-Defendant Marcus Lambert. Normally it is the
23 State's practice to have any potentially testifying Co-
24 Defendant enter his guilty plea prior to testifying, and for
25 the purpose of scheduling I wanted to clarify whether Mr.

Opening Instructions by Court

26

1 Lambert was going to do that. The Prosecutor indicates that
2 she is still mulling that over. So that's not an issue for
3 our scheduling purposes at this time.

4 THE COURT: All right. All right. Let's bring the jury
5 in.

6 (Whereupon, the following takes place in the presence of
7 the jury.)

8 THE COURT: Now, the alternates will need to occupy the
9 alternate seats. Yeah.

10 All right. Ladies and gentlemen, welcome back. We will
11 be starting this case, the State of South Carolina versus
12 Quantae Deandre Priest, and you will be the jury presiding
13 over this case, but we're not going to be starting this case
14 until tomorrow morning. We've got some pretrial matters that
15 I need to address. So I'm getting ready to excuse you for the
16 remainder of the day, and I'm going to ask that you please be
17 back in the jury room tomorrow morning at 10 a.m. Okay? And
18 we'll get started soon after 10 a.m. as we can. Now, when you
19 get back if you could do me a favor and that would be to
20 select a foreperson for this jury. Okay? You may not know
21 everyone, and if you can't select a foreperson don't worry
22 about it. I can appoint someone to serve as foreperson. Many
23 judges appoint their own foreperson. I like to give the jury
24 the opportunity to select one on their own account if they're
25 able to do so. The foreperson has no more authority, no more

Opening Instructions by Court

27

1 influence, no more importance than any other juror. The sole
2 function of the foreperson is to act as a liaison between the
3 Court and the jury. If the jury has a need the foreperson
4 lets the Court know. If the jury has a question the
5 foreperson lets the Court know. When it's time for
6 deliberations the foreperson will preside over the
7 deliberations and sign the verdict form, but other than that
8 the foreperson has absolutely no more authority, no more
9 influence, no more importance than any other juror. The only
10 requirement would be that, let's see, Ms. Newton and Mr.
11 O'Dell, as the alternates you would not be eligible to serve
12 as foreperson because you are alternates at this point in
13 time. Any of the rest of you can serve as foreperson. Now,
14 if you can select a foreperson just write his or her name on a
15 sheet of paper with the jury number, give it to the bailiff
16 and we'll present it to the Court at that time.

17 When you come back in the courtroom the foreperson will
18 always occupy the first seat on the front row here closest to
19 the witness stand. The alternates will always occupy the two
20 seats that you now sit, where you now sit. The rest of you
21 are at liberty to sit in whatever seat you like. If you want
22 to occupy the same seat throughout the trial of the case you
23 can do that. If you want to alternate seats during the trial
24 of the case you can do that as well. The only requirement is
25 that the foreperson occupies the first seat on the front row

Opening Instructions by Court

28

1 and the alternates always occupy the alternate seats unless
2 you become a part of the regular juror [sic]. So I'm going to
3 excuse you for the remainder of the day, ask that you be back
4 at 10 p.m. [sic], see if you can select a foreperson and we'll
5 bring you back in the court and we'll start the trial at that
6 time.

7 Now, I caution you, do not discuss this case with anyone.
8 Don't even discuss it among yourselves. It's too early for
9 deliberations. Don't conduct any independent investigations
10 into the case. Don't go looking through the newspaper or on
11 the internet or try to find out anything about the case. All
12 the information you need to render a verdict in this case will
13 be presented to you during the course of this trial, and
14 you're not to be influenced by any outside source whatsoever.
15 So don't conduct any independent investigations, don't discuss
16 it with anybody, and don't even talk about it among
17 yourselves.

18 I hope you have a good evening. I'll excuse you for the
19 remainder of the day, and we'll see you back at 10:00 o'clock
20 tomorrow morning. Thank you very much.

21 (Whereupon, the following takes place outside the
22 presence of the jury.)

23 THE COURT: All right. I understand we have some
24 pretrial motions; is that correct?

25 MR. HAZZARD: That's correct, Your Honor.

Motions

29

1 THE COURT: All right.

2 MR. HAZZARD: May it please the Court? First thing the
3 Defense would like to place on the record, in this particular
4 case there have been some plea negotiations back and forth or
5 a couple of different offers made but nothing that really has
6 changed or varied a whole lot. Where we ended up, the last
7 offer that was made and made known to Mr. Priest was an offer
8 of a plea on the charges of kidnapping, armed robbery,
9 burglary second degree violent with a cap of 15 years, that my
10 understanding based on the fact that armed robbery has a
11 mandatory minimum of ten, that made it basically then a plea
12 range of 10 to 15 years, and that is how I posited it to Mr.
13 Priest and that all other pending charges, and my
14 understanding those other pending charges include assault and
15 battery first degree, grand larceny, criminal conspiracy,
16 possession of a weapon during the commission of a violent
17 crime, unlawful possession of a pistol, all of those other
18 charges would be dismissed as part of that plea.

19 Mr. Priest has indicated to me that he wishes to reject
20 that plea offer and go to trial with the realization that with
21 maximum exposure on all charges I believe he is facing the
22 potential of a sentence of life plus 90 years, and I would ask
23 that the Court have a colloquy with him.

24 THE COURT: All right.

25 MR. HAZZARD: Stand up, please, sir.

1 THE COURT: Mr. Priest --

2 MS. RICHARDSON: Your Honor, the only other thing
3 regarding the plea offer is he also has a pending criminal
4 sexual conduct and burglary charge. Those would also have
5 been dismissed as part of this plea.

6 THE COURT: All right. All right. Mr. Priest, you
7 understand -- I understand that Mr. Hazzard represents you on
8 these charges, burglary first degree, assault and battery
9 first degree, armed robbery, kidnapping, grand larceny,
10 criminal conspiracy, possession of a weapon during the
11 commission of a violent crime and unlawful possession of a
12 pistol. Is that correct?

13 MR. PRIEST: Yes, sir.

14 THE COURT: Okay. Now, and I understand that there has
15 been an offer from the State that if you pled guilty to
16 kidnapping, armed robbery and burglary in the second degree
17 being a violent classification, they would dismiss all other
18 charges against you and they would recommend that you receive
19 a cap of 15 years. Do you understand that?

20 MR. PRIEST: Yes, sir.

21 THE COURT: All right. Now, that is just a
22 recommendation. You understand that armed robbery carries a
23 mandatory minimum sentence of 10 years in jail and kidnapping
24 carries up to life in prison. Do you understand that?
25 Doesn't it carry up to life, kidnapping?

Motions

31

1 MR. HAZZARD: To 30 years.

2 MS. RICHARDSON: Thirty.

3 THE COURT: Thirty, up to 30 years. Okay. So under this
4 scenario the maximum you get -- well, and I would tell you
5 right now, Mr. Priest, if the State was recommending a cap of
6 15 years, if you pled guilty I would not sentence you to more
7 than 15 years. Do you understand that?

8 MR. PRIEST: Yes, sir.

9 THE COURT: Okay. Now, I understand you want to reject
10 that offer and go to trial on all of the charges; is that
11 correct?

12 MR. PRIEST: Yes, sir.

13 THE COURT: And you understand that if you are convicted
14 on these charges then you could be put in prison for the rest
15 of your life without the possibility of parole. Do you
16 understand that?

17 MR. PRIEST: Yes, sir.

18 THE COURT: All right. And do you want to reject that
19 offer?

20 MR. PRIEST: Yes, sir.

21 THE COURT: All right. And you want to go to trial on
22 all of these charges; is that correct?

23 MR. PRIEST: Yes, sir.

24 THE COURT: All right. Have you had an ample opportunity
25 to discuss the offer with your attorney?

1 MR. PRIEST: Yes, sir.

2 THE COURT: All right. Anything further you want placed
3 on the record in that regard, Mr. Hazzard?

4 MR. HAZZARD: No, sir, Your Honor.

5 THE COURT: Anything further the State wants placed on
6 the record in that regard?

7 MS. RICHARDSON: No, Your Honor.

8 THE COURT: All right. All right. Mr. Hazzard -- thank
9 you very much, Mr. Priest.

10 THE COURT: All right. Mr. Hazzard.

11 MR. HAZZARD: Okay. A little bit further for the record,
12 Your Honor, I do want the record to reflect that in counseling
13 Mr. Priest on what he was facing, I did inform him that the
14 burglary first degree was a violent or is a violent offense,
15 categorized as a most serious offense. It is a no parole
16 offense. Also notified him of that with regard to the armed
17 robbery, which is violent, most serious, no suspended sentence
18 and no parole, and with regard to the kidnapping it is
19 violent, most serious, no parole. Also with regard to those,
20 they carry the driver's license code. I informed him of that
21 as well.

22 With regard to the possession of a weapon during the
23 commission of a violent crime I informed him that there is no
24 suspended sentence for that five-year exposure, that there is
25 no parole, no good time and no work release if he is convicted

Motions

33

1 of that offense.

2 Your Honor, the Defense would move to sequester the
3 witnesses pursuant to South Carolina Rule of Evidence 615.

4 THE COURT: All right. What's the State's position?

5 MS. RICHARDSON: Your Honor, the State has no objection
6 to that except for the victim, Mr. Gasque, and the chief
7 investigating officer, Officer Garrett.

8 THE COURT: All right. I'll grant the Defendant's motion
9 to sequester all witnesses. Officer Garrett, as the chief
10 investigating officer, Dan Gasque, as the alleged victim in
11 this case, and the Defendant can remain in the courtroom.

12 MR. HAZZARD: Okay. All right. Your Honor, I would ask
13 the Court at this time so that I can best counsel Mr. Priest
14 to take up the issue of whether or not Mr. Priest's prior
15 record is admissible for the purposes of impeachment.

16 THE COURT: All right.

17 MR. HAZZARD: To my understanding the only conviction
18 that he has is a 2012 B and E auto, that's the only one I am
19 aware of, and I want to be able to counsel him as we go
20 through the case so that he can be deciding in his mind
21 whether he will choose to testify or present evidence --

22 THE COURT: All right.

23 MR. HAZZARD: -- and so he can know about whether or not
24 he is subject to being impeached on cross examination.

25 THE COURT: All right. Ms. Richardson, do you have that

1 information now?

2 MS. RICHARDSON: Your Honor, I don't have the information
3 as to the facts of those -- of that case. I'll have to pull
4 that incident report and see if it involves dishonesty so that
5 we can discuss that.

6 THE COURT: Well, I mean, do you have anything other than
7 the breaking and entering motor vehicle?

8 MS. RICHARDSON: No, Your Honor.

9 THE COURT: Okay. All right. So that's the only thing
10 that she has got that would be used. Do you anticipate using
11 any other prior bad acts or anything to impeach the
12 Defendant's testimony should he choose to testify in this
13 case?

14 MS. RICHARDSON: Your Honor, the only thing that may
15 possibly could arise is that the Co-Defendant, Marcus Lambert,
16 is charged in a vehicle theft case where Mr. Priest was seen
17 in the vehicle, but that would be only if, you know, that
18 issue comes up during -- on cross examination or that
19 testimony.

20 THE COURT: Okay. So --

21 MS. RICHARDSON: It's more of a factual.

22 THE COURT: -- he's got one conviction for breaking and
23 entering a motor vehicle and then he was seen in the vehicle
24 with a Co-Defendant who ultimately you said was convicted of
25 another crime?

Motions

35

1 MS. RICHARDSON: Nobody's been convicted of that crime.

2 THE COURT: And -- but what is the charge?

3 MS. RICHARDSON: It's a receiving stolen goods. It was
4 -- or, I'm sorry. It's a grand larceny out of Georgetown
5 where the vehicle was recovered in North Carolina.

6 THE COURT: Okay. Is that associated with this case in
7 any way?

8 MS. RICHARDSON: No, Your Honor.

9 THE COURT: Okay.

10 (Mr. Hazzard and Ms. Richardson confer.)

11 MR. HAZZARD: That does bring up an issue. What, what
12 she's talking about is the allegation or the admission is that
13 Mr. Lambert, the Co-Defendant, stole a white Honda Accord
14 approximately 11 days before the incident that brings us to
15 court, that upon stealing it that he scooped up Mr. Priest and
16 the third Co-Defendant in this case, Daquarius Holmes, drove
17 them some distance, dropped Mr. Priest off actually in, in
18 Myrtle Beach, I believe, then with Mr. Holmes followed on up
19 into North Carolina where they got into a car chase, were able
20 to evade the police and ditch the car there, and that was
21 going to be one of the issues that I wanted to address. Mr.
22 Lambert gave two statements, two recorded statements that I am
23 aware of. One was the day after their arrest. I believe it
24 was July 19th of 2013 in Marion County Detention Center, and
25 the other statement was January 15th of 2014. He gave it out

1 at the Georgetown County Detention Center to the Solicitor's
2 investigator, and he mentions or is asked about the car chase
3 and the theft of the car and things of that nature, and we
4 would ask that that not be something that they can bring up as
5 it relates to Mr. Priest.

6 THE COURT: All right. My initial inclination is that,
7 yes, they will not be able to bring that up unless the door is
8 opened. You do have Lyles that allows certain things. In
9 other words if, if identification, things of that nature, if
10 the Defendant takes the stands and opens the door, for
11 example, "I don't know this Co-Defendant, I've never known
12 him, I've never seen him, I don't know who he is," then I
13 think then it might be able to come in --

14 MR. HAZZARD: Yes, sir.

15 THE COURT: -- to show identification or something of
16 that nature. Ordinarily unless the door is opened by the
17 Defendant, in other words, I'm not going to allow them to use
18 that just because he takes the stand to attack his
19 credibility.

20 MR. HAZZARD: Yes, sir.

21 THE COURT: All right.

22 MR. HAZZARD: Received in discovery, at the time that Mr.
23 Lambert, Mr. Priest and Mr. Holmes were arrested, the car they
24 were in contained a couple of cell phones, one being a Samsung
25 Galaxy, the other one being an HTC phone. There are some

Motions

37

1 videos and pictures contained on those phones, and I wanted a
2 determination at this time whether the State intends to use
3 any of those videos or pictures in their case in chief. If so
4 the Defense would object to them as being irrelevant and
5 unduly prejudicial, and there are -- would be other issues as
6 well.

7 THE COURT: All right. Are you planning to use any of
8 the videos on the phones?

9 MS. RICHARDSON: Yes, Your Honor.

10 THE COURT: Okay. What, what do the videos show and what
11 is it -- what is the relevancy?

12 MS. RICHARDSON: Your Honor, the videos show all of the
13 Co-Defendants together just a few days before this incident
14 occurred. It also shows them shooting two firearms that match
15 -- at least one of which matches the ammunition that was found
16 in the car the night of the incident.

17 THE COURT: Okay. All right. Mr. Hazzard.

18 MR. HAZZARD: And our position, actually I would think it
19 would be something that the Court would, would have to review
20 to make a true determination. Yes. The video -- the video
21 shows Mr. Priest and Mr. Lambert at various times firing off
22 two different firearms, no question about that, not sure that
23 you can determine what firearm that Mr. Priest is firing,
24 which -- what type of handgun. So to say that it matches
25 anything found in the vehicle, even if that is relevant and

1 would be -- and would pass the balancing of the unduly
2 prejudicial nature of it, I'm not sure that they can place a
3 particular gun in his hand and tie it to that car, first and
4 foremost. Secondly, even if they were able to tie it to that
5 car, the allegation is that Mr. Lambert possessed a gun and
6 along with Mr. Priest and Mr. Holmes pushed their way into the
7 victim's home, held him at gunpoint, ransacked his house, then
8 placed him into his own car, thus the kidnapping, and then
9 there's some driving around that goes on. The gun that is
10 alleged to have been used has never been recovered, and
11 there's no real determination as to what gun that was. So I
12 have real questions as to, yes, he's on a, on a video firing
13 off a gun. I don't know how they plan on showing it's the
14 same gun that was used in the incident, don't even know if
15 they can tie it to the ammunition found in the car, and I
16 don't know, and I'm sure they know that they would have to
17 authenticate it in some fashion. I guess they would deem to
18 do that through Mr. Lambert --

19 THE COURT: Okay.

20 MR. HAZZARD: -- even though he's not the one making the
21 video.

22 THE COURT: All right. Well, this is a motion in limine
23 to suppress. I'm going to deny your motion in limine. They
24 still have to lay the foundation, show the relevancy, but I'm
25 not going to rule that as a matter of law it's inadmissible.

Motions

39

1 We'll have to wait and see how it plays out at trial.

2 MR. HAZZARD: All right. Thank you, Your Honor.

3 THE COURT: All right.

4 MR. HAZZARD: They -- I would ask for a determination of
5 whether the State intends to use any or all of the victim's
6 call to 911 in their case in chief.

7 MS. RICHARDSON: Yes, Your Honor.

8 THE COURT: All right.

9 MR. HAZZARD: All right. Then the Defense would ask if
10 that is the case it needs to be redacted because there was a
11 portion in that 911 audiotape where Mr. Gasque says to the 911
12 operators that the Defendants when they held, had him held
13 captive were talking about just getting out of prison, and I'm
14 assuming there he's talking about they were saying that about
15 Mr. Lambert. That definitely didn't apply to Mr. Priest, but
16 we would submit that that would be, you know, unduly
17 prejudicial for the jury to hear that portion of that tape
18 where he's talking to the 911 operator saying, "Yeah, and
19 something about they said they just got out of prison."

20 THE COURT: All right.

21 MR. HAZZARD: First of all it's not true about him,
22 doesn't apply to him and is unduly prejudicial.

23 THE COURT: All right. Ms. Richardson.

24 MS. RICHARDSON: Your Honor, no problem with redacting
25 that portion.

1 THE COURT: Okay. So we'll grant the part where he says
2 they just got out of prison.

3 All right. What else?

4 MR. HAZZARD: Your Honor, the Defense would move to
5 exclude any evidence or testimony regarding the car chase.
6 The allegation is that Mr. Priest, along with Mr. Lambert and
7 Mr. Holmes, stole Mr. Gasque's car and were subsequent -- the
8 police subsequently got behind them and they went on a chase
9 across three counties before they were finally stopped and
10 apprehended, I believe, in Marion County. If -- the Defense
11 would object to the State presenting any evidence or testimony
12 regarding that car chase and the efforts to apprehend and
13 things of that nature. The first reason the Defense would
14 object is because it is without question Quantae Priest wasn't
15 driving the car. He had no control over this car chase and
16 the extraordinary efforts that law enforcement had to go to to
17 get the car stopped. The second reason is Marcus Lambert, Co-
18 Defendant who was driving the car and in his statement I
19 believe it's to Investigator Steven Brown of the Solicitor's
20 Office, on January 15th of 2014, Investigator Brown asks him
21 about this and says, you know, "Basically what was the deal
22 with the car chase, you know, but for the fact that basically
23 the Highway Patrol was able to run you off the road and wreck
24 the car," and Mr., Mr. Lambert, the person operating the car
25 says, "Yeah, I wanted to bail and keep on running, but I

Motions

41

1 couldn't get out my door. My door was damaged," and
2 Investigator Brown says, "Well, what about Mr. Priest and Mr.
3 Holmes," and Mr. Lambert says something along the lines of,
4 "Nah, those boys were chilled. They weren't trying to run or
5 anything." So basically he's a backseat passenger who's
6 basically at this point he's practically kidnapped himself
7 when Mr. Lambert goes on this high-speed chase. So to allow
8 the State to use that information about, you know, wrecked
9 police cars and all like that I would think would be unduly
10 prejudicial to him, it's irrelevant when it comes to him
11 because he had nothing to do with what caused that incident.

12 THE COURT: All right. I'm going to deny the motion.
13 They can use that.

14 MR. HAZZARD: So they're allowed to use the fact that
15 someone else was driving a car that he was in to try to evade
16 the police?

17 THE COURT: One of the, one of the charges is criminal
18 conspiracy, and so I'm assuming -- Ms. Richardson, let me hear
19 from you on that.

20 MS. RICHARDSON: Yes, Your Honor. It's the State's
21 position they were all in it together from start to finish,
22 but also this goes to the timeline and the timeframe. We
23 consider it just to be part of the continuation of, of all the
24 events that transpired that night. The victim escaped at the
25 Kangaroo station in Maryville in the City of Georgetown. The

1 high speed chase was picked up in Hemingway, and I think it
2 just shows the timeframe and it's important to show the
3 continuity of the, the events and when they were apprehended.

4 THE COURT: Yeah. And I'm going to allow it. I'm going
5 to deny the motion.

6 MR. HAZZARD: Okay. Then, then the Defense would have a
7 motion to have a completely un-redacted and complete videotape
8 of the car cameras involved because the copy that's been
9 provided to me terminates right at the point where the car
10 that Mr. Priest was in stops, and I know that there is a lot
11 more to it than that because we have highway patrol written
12 documentation that talks about certain things that should not
13 have gone on as far as the arrest itself and the process of
14 the arrest, but that that would be handled internally in the
15 Highway Patrol. So if they want to talk about it, then let's
16 get it all out there and let the jury see everything that
17 happened that night.

18 THE COURT: All right. Well, we're going to go ahead at
19 this point in time. I'm just denying your motion to suppress
20 the car chase evidence. If you say there's a discovery
21 violation --

22 MR. HAZZARD: Yes, sir.

23 THE COURT: All right. Is there anything you all have
24 not turned over?

25 MS. RICHARDSON: Your Honor, we turned over everything

Motions

43

1 that we have. I'm not -- I don't have that portion of it. I
2 can check with the Highway Patrol and see if they still have
3 it. I was told by Marion County, who also responded at the
4 scene of the arrest, that they did not have in-car cameras at
5 the time. So it would just be Highway Patrol.

6 THE COURT: All right. Check and see if there's
7 anything, if there's anything in possession of any law
8 enforcement that has not been disclosed to the Defense.

9 MR. HAZZARD: The Court's indulgence, Your Honor.

10 THE COURT: All right.

11 MR. HAZZARD: What I'm looking at is a memorandum dated
12 July 23rd of 2013 to Major Melvin Warren from Lieutenant T.B.
13 Joye and it says, "Attached is a vehicle pursuit that involved
14 Lance Corporal J.T. Hicks and Lance Corporal J.W. Ellis. Also
15 attached is information concerning a situation involving use
16 of force and a patrol vehicle collision by Lance Corporal J.
17 W. Ellis," and then it talks about a statement attached from
18 Corporal F. T. Cherry and concurrence from Sergeant J. A.
19 Segars, First Sergeant R.W. Castles, and Lieutenant A. J.
20 Chavis and Lieutenant T. B. Joye it says. Then the next line,
21 "I have reviewed the attached videos and attached reports, and
22 it is my conclusion that Lance Corporal J. W. Ellis did not
23 violate any department rules, regulations or policies.
24 Therefore, no disciplinary action is recommended. However, it
25 was determined that Lance Corporal J. T. Hicks did commit a

1 minor violation of departmental policy which will be handled
2 within the troop. Also, profanity was used, but I am unable
3 to determine which law enforcement officer used it.
4 Therefore, I am requesting an investigation into this matter."
5 Now, the video I have doesn't show all of that --

6 THE COURT: All right. Who was that?

7 MR. HAZZARD: -- with regard to that particular use of
8 force, the use of profanity in the actual arrest.

9 THE COURT: And who is that from?

10 MR. HAZZARD: That is from -- dated July 23rd, 2013, South
11 Carolina Highway Patrol Lieutenant T. B. Joye, J-O-Y-E.

12 THE COURT: All right. Can you get in touch with Officer
13 Joye to see if he's disclosed everything that he references,
14 videos that he reviewed from the scene, and as I understand
15 the Defense is saying only one has been given to them.

16 MS. RICHARDSON: Yes, Your Honor. I'll check with them.

17 THE COURT: Okay. All right. Is he a witness in the
18 case?

19 MS. RICHARDSON: He's -- he is not, but the two --

20 THE COURT: Okay.

21 MS. RICHARDSON: -- the two troopers are that were
22 involved.

23 THE COURT: Okay. Well, check with whoever to see if
24 there's anything that has not been disclosed. All right?

25 MS. RICHARDSON: Okay.

Motions

45

1 MR. HAZZARD: Finally, Your Honor, the Defense has
2 provided the potential witness list. In talking with Mr.
3 Priest in preparing this case for trial, he had indicated that
4 he wanted me to speak with a woman by the name of Shatima
5 Gilliard and a young man by the name of Amondre Holmes, both
6 of whom, and I want to place on the record I spoke to both of
7 them by telephone at Mr. Priest's request. I've explained to
8 Mr. Priest that the basis of the basic outcome of those
9 conversations, and he is, I believe, aware of the outcome of
10 those conversations, very clear on that. What I would ask to
11 be allowed to place on the record is if Mr. Priest will stand
12 and place on the record whether there are any other
13 individuals that he wishes to have us attempt to contact or
14 call as a witness in the trial of this case.

15 THE COURT: All right, sir. Anyone else?

16 MR. PRIEST: Tevin Graham. Ranesha --

17 THE COURT: Who is that? Wait a minute.

18 MR. PRIEST: Yes, sir. Write it down.

19 MR. HAZZARD: Yeah. What's the name?

20 MR. PRIEST: Tevin Graham.

21 REPORTER: He's going to have to speak up.

22 THE COURT: Yeah. You're going to need to speak up.

23 MR. PRIEST: Tevin Graham.

24 THE COURT: Tevin Graham.

25 MS. RICHARDSON: Tevin?

1 MR. PRIEST: Yes, ma'am.

2 MS. RICHARDSON: With a T?

3 MR. PRIEST: Yes, ma'am. Yes, ma'am. Ranesha Neville.

4 THE COURT: You're going to have to spell that.

5 MR. PRIEST: R-A-N-E-S-H-A, Neville, N-E-V-I-L-L-E.

6 That's all.

7 THE COURT: All right.

8 MR. HAZZARD: And the contact information for these
9 folks?

10 MR. PRIEST: Don't have it at the time, but I got it back
11 at my jail cell.

12 MR. HAZZARD: All right.

13 THE COURT: Well, let's put it this way, has, has he
14 disclosed this to you before, Mr. Hazzard, or is this the
15 first time with these?

16 MR. HAZZARD: With regard to these two individuals this
17 is the first time he's indicated that he wants them to be
18 witnesses or that he believes they have anything that would be
19 of substance of use as part of the defense of this case. Now
20 that we're aware of them, he indicates that he does not have
21 the contact information for them and that's been kind of an
22 ongoing issue, but I want to place it on the record that I
23 will get in contact with our investigator and do our level
24 best to reach Mr. Tevin Graham and Ms. Ranesha Neville, and
25 try to have them here for the Defense's case in chief.

Motions

47

1 THE COURT: All right. Well, this case has been pending
2 since 2013. So I don't know what the reason for the delay in
3 disclosing this is, but I'm not going to let it hold up the
4 case. So I'm going to let you go ahead and if you want to
5 contact them that'll be fine. All right.

6 MS. RICHARDSON: And we may need to just bring those
7 names before the jury just to make sure that they don't have
8 any relationship with them.

9 THE COURT: Well, let's find out first if they're -- if
10 they've been contacted or if Mr. Hazzard, if he's able to
11 contact them, and if they, in fact, are potential witnesses
12 then we'll do that, but I don't want to raise the issue if
13 he's unable to locate them or if they're not going to be
14 testifying, but we'll wait, we'll address that tomorrow
15 morning. Okay? So, Mr. Hazzard, just let us know tomorrow
16 morning whether or not you're able to make contact, and if
17 they'll be present if the Defendant decides to present a
18 defense or call them or if they would be potential witnesses
19 so that we can go over that with the jury. Okay?

20 MR. HAZZARD: Yes, sir.

21 THE COURT: All right. Anything further?

22 MR. HAZZARD: Nothing further from the Defense at this
23 time.

24 THE COURT: All right. Anything further from the State?

25 MS. RICHARDSON: Yes, Your Honor. Mr. Hazzard inquired

1 of me today about having a Co-Defendant who has already pled
2 guilty and is at SCDC, Daquarius Holmes, transported. If
3 that's the case then we need to get an order to have him
4 transported if he still desires for that to be done.

5 MR. PRIEST: Yes, sir.

6 MR. HAZZARD: Yes, sir.

7 THE COURT: All right. We can do that. Who's going to
8 -- who can prepare an order?

9 MS. RICHARDSON: I have an order here.

10 THE COURT: All right.

11 MS. RICHARDSON: So Wednesday?

12 MR. HAZZARD: Sure. That sounds good.

13 MS. RICHARDSON: What's that, 29th?

14 MR. HAZZARD: Yes, Madam Solicitor.

15 MS. RICHARDSON: That okay?

16 MR. HAZZARD: That's fine.

17 MS. RICHARDSON: I'll hand that up, Your Honor.

18 THE COURT: All right. All right. Mr. Hazzard, you
19 looked over the order?

20 MR. HAZZARD: I did, Your Honor.

21 THE COURT: Is it acceptable?

22 MR. HAZZARD: Yes, sir, Your Honor.

23 THE COURT: All right.

24 All right. Anything further from the State?

25 MS. RICHARDSON: No, Your Honor.

Motions

49

1 THE COURT: All right. We'll start this as soon as we
2 can after ten a.m. tomorrow morning. What time do you need me
3 to take the bench tomorrow?

4 (Scheduling of other General Sessions cases discussed.)

5 THE COURT: We'll be in recess until then.

6 MS. RICHARDSON: Thank you, Your Honor.

7 THE COURT: Thank you.

8 OFF THE RECORD

9 (On the record, July 28, 2016. The following takes place
10 outside the presence of the jury.)

11 THE COURT: All right. The jury has sent out a note
12 saying they have selected Donnie Leon Ray as the foreperson
13 with a line under Leon saying that is his preferred name. So
14 I'm going to mark this as Court's Exhibit One.

15 (Court's Exhibit Number One [Jury Foreperson Selection]
16 appropriately marked.)

17 THE COURT: All right. Anything from the State before we
18 bring the jury in?

19 MS. RICHARDSON: No, Your Honor.

20 THE COURT: Anything from the Defense?

21 MR. HAZZARD: Nothing from the Defense, Your Honor.

22 THE COURT: All right. We'll just bring the jury in.
23 I'll do the opening charges, we'll go into opening statements
24 and then we'll go straight into the case. Is that correct?

25 MS. RICHARDSON: Yes, Your Honor. I would ask that you

Opening Instructions by Court

50

1 inquire of the jury if they followed your instructions last
2 night.

3 THE COURT: Okay.

4 MS. RICHARDSON: And make sure no one tried to contact
5 them.

6 THE COURT: All right.

7 (Whereupon, the following takes place in the presence of
8 the jury.)

9 THE COURT: All right. Ladies and gentlemen, welcome
10 back. Hope everybody had a good restful evening. We're now
11 ready to start this trial in the State of South Carolina
12 versus Quantae Deandre Priest. As I told you yesterday during
13 jury qualifications and during the voir dire, jurors are
14 constantly taking oaths. So I'll need everybody on the jury
15 to please stand and raise your right hand while the clerk
16 administers the oath for you to serve as jurors on this
17 particular case.

18 (Jury is sworn by the clerk.)

19 THE COURT: All right. All right. Is there any member
20 of the jury that did not respond to the oath by saying, "I
21 do"? If so, please stand.

22 (No response.)

23 THE COURT: All right. Very well. Now, I understand
24 that you have selected Mr. Ray, you are the foreperson. Is
25 that correct?

Opening Instructions by Court

51

1 FOREPERSON: Yes, sir.

2 THE COURT: All right, sir. I appreciate you serving in
3 that capacity. If you'd always occupy the seat where you now
4 sit, and Ms. Newton and Mr. O'Dell, if you'd always occupy
5 your seats. As I said yesterday, the rest of you are at
6 liberty to sit in whatever seat you like, whether it be the
7 same seat, different seats, whatever makes you feel more
8 comfortable.

9 Now, we are getting ready to start the trial of the case
10 of State of South Carolina versus Quantae Deandre Priest, but
11 before we do that, I want to go over some preliminary
12 instructions with you. I know from watching movies, reading
13 books, TV shows, things of that nature, trials are often full
14 of a lot of suspense, a lot of action, you know, and while
15 that might be the case in this trial, it probably won't be.
16 The primary function of this trial is a search for the truth,
17 what happened. That is often a slow, deliberate, repetitive
18 process, the exact opposite of what you might be accustomed to
19 when you watch trials for entertainment purposes, but I hope
20 you do find this trial educational. I hope you find it
21 entertaining, and I want to thank you from the outset for
22 serving as jurors in this case.

23 The attorneys appearing before you are advocates for the
24 parties they represent, but first and foremost, they are
25 officers of the court. They're sworn to uphold the integrity

Opening Instructions by Court

52

1 and the fairness of our judicial system, and they are to help
2 you in a search for the truth in this case. You should expect
3 them to be professional, competent and ethical in the
4 representation of their clients' interests.

5 Now, what I now say to you is intended to serve as an
6 introduction to the trial of the case. These remarks are not
7 a charge on the law of the case. I will charge you with the
8 law applicable to this case at the end of the trial before you
9 retire to consider your verdict. This is merely an
10 explanation of the procedure that we will follow in this trial
11 so that you can better understand what is happening.

12 Now, the Defendant is charged by several indictments.
13 Here are the indictments here. He is charged with unlawful
14 possession of a pistol, possession of a weapon during the
15 commission of a violent crime, criminal conspiracy, grand
16 larceny of \$10,000 or more, kidnapping, armed robbery, assault
17 and battery in the first degree and burglary in the first
18 degree. Now, I'll explain the elements of those crimes to you
19 at a later time when I charge you with the law to be applied
20 in this case, but for now what you need to know is that these
21 indictments are simply the charges by which this case is
22 brought into this court and they are not in any sense evidence
23 of any of the allegations contained in them.

24 The Defendant has pled not guilty to these indictments.
25 Therefore, the State has the burden of proving each of the

Opening Instructions by Court

53

1 elements of each indictment beyond a reasonable doubt. It
2 will be your duty, ladies and gentlemen, to decide whether or
3 not the State has met that burden. Your purpose as jurors is
4 to find and determine the facts of this case. You are the
5 sole judge of the facts of this case. If at any time I make a
6 comment regarding the facts of this case, you must disregard
7 my comments. You are to determine the facts from the
8 testimony you hear and the other evidence introduced in court.
9 It is up to you to determine the inferences which you feel may
10 properly be drawn from that evidence.

11 It is especially important that you perform your duty of
12 determining the facts diligently and conscientiously because
13 ordinarily there is no way to correct an erroneous
14 determination of the facts by a jury. On the other hand, and
15 with equal emphasis, the same law that makes you the judge of
16 the facts makes me the judge of the law. The law as given by
17 the Court is the only law that you may consider. You must
18 accept and follow the law as I give it to you, even though you
19 may disagree with it. Just as I cannot tell you what the
20 facts of this case are, you cannot disagree with me about the
21 law to be applied in this case. Your job is to take the law
22 as I give it to you and apply it to the facts as you find
23 those facts to be, from the testimony of the witnesses and any
24 other evidence that is introduced. After doing that, you will
25 then render your verdict, a true and just verdict under the

Opening Instructions by Court

54

1 solemn oath that you just took as jurors. Now, until I advise
2 you to begin your deliberations, you must not discuss this
3 case with anyone, including your fellow jurors, friends,
4 family members and anyone involved in the case. After the
5 case is submitted to you, you can then discuss this case, but
6 only in the jury room with your fellow jurors. The attorneys
7 and parties in the case have been advised that they're not to
8 talk to you at all as well. So they're not being rude.
9 They're following the instructions of the Court.

10 Now, during the trial you are not to read, listen to or
11 watch any news reports about the case. This includes anything
12 that may be in the newspapers or on the internet, radio or
13 television. You must not consider anything that you may have
14 read or heard about the case outside of the courtroom, whether
15 that is before or during the trial.

16 Now, when we broke yesterday I told you don't conduct any
17 independent investigations or anything of that nature and
18 don't discuss the case. Over the course of the night has any
19 member of the jury heard anything, read anything, discussed
20 anything or looked up anything about this case? If so, please
21 raise your right hand.

22 (No response.)

23 THE COURT: All right. Very well. Let the record
24 reflect that no jurors responded by raising their right hand.

25 Ladies and gentlemen, it is important that you keep an

Opening Instructions by Court

55

1 open mind and not decide any issue in this case until all of
2 the evidence has been presented to you, the parties have made
3 their closing arguments and I have instructed you on the law
4 to be applied in this case.

5 It is your solemn responsibility to determine the guilt
6 or innocence of the Defendant, and your verdict must be based
7 solely on the evidence as it is presented to you in this trial
8 and on the law as I instruct you during and at the close of
9 the trial.

10 Now, in just a moment the Solicitor will make what's
11 called an opening statement in which the Solicitor will
12 explain to you the issues in this case, or at least what the
13 Solicitor thinks the issues in this case are. The attorney
14 for the Defendant may also make an opening statement, although
15 he is not required to do so. What the attorneys tell you
16 during their opening statements is not evidence in this case.
17 It is only their contention as to what the issues are. The
18 evidence in this case will be presented to you by testimony of
19 sworn witnesses from the witness stand and any other exhibits
20 that may be introduced in the trial of this case.

21 Now, in determining what the facts are in this case you
22 must decide whether or not the testimony of a witness is
23 believable. It will be my responsibility to rule as a matter
24 of law as to whether certain testimony is admissible at all or
25 not. However, once the testimony is admitted into evidence,

Opening Instructions by Court

56

1 whether or not you believe it is solely for you to determine.
2 In deciding whether to believe a witness, you have the right
3 to consider the interest of any witness, the bias of any
4 witness, the prejudice of any witness, the opportunity for the
5 witness to have seen the matters and things about which the
6 witness may testify, and the way the witness acts on the
7 witness stand. You have the right to consider anything that
8 is in the record that will help you evaluate the testimony of
9 the witnesses. That means that it is your duty to pay close
10 attention to these witnesses, to observe the witnesses, to
11 listen to the witnesses and to pay close attention to the
12 attorneys and to the Court. Don't let your thoughts wander,
13 but give strict attention to the testimony in this case so at
14 the end of all the testimony, after the arguments of counsel
15 and a charge on the law by the Court you will then be in a
16 position to determine what the true facts are and to apply the
17 law to those facts and thus render a true and just verdict.

18 All right. Is there any challenges or additional charges
19 from the State?

20 MS. RICHARDSON: No, Your Honor.

21 THE COURT: Any from the Defense?

22 MR. HAZZARD: None from the Defense, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, we'll begin
24 the trial of this case with the opening statements of the
25 attorneys, and as I told you, these opening statements are not

Opening Statement by the State

57

1 evidence. Is it just simply the attorneys' contention as to
2 what they feel the issues in this case are. All right. Ms.
3 Richardson.

4 MS. RICHARDSON: May it please the Court?

5 THE COURT: Yes, ma'am.

6 MS. RICHARDSON: Good morning.

7 "I am not getting in that trunk. I am not getting in the
8 trunk of that car. You're going to shoot me, you're going to
9 shoot me right here, right now." Those are the words, the
10 courage, the bravery of an ordinary man under extraordinary
11 circumstances. Dan Gasque, who's seated on the front row,
12 resident of Georgetown County, 66 years old at the time,
13 retired, worked in the school system for some time, was at
14 home, a weeknight, normal, ordinary day, normal, ordinary
15 night, having a midnight snack. He gets a knock at a door
16 that changes things and turns that night from an ordinary
17 night to an extraordinary night.

18 There's a knock at the door. He answers the door.
19 There's a male there, a black male, young black male, asks Mr.
20 Gasque for some things. He declines him. Three black males
21 push their way into the house, one of which is armed with a
22 handgun. Mr. Gasque is robbed. He's hit. You'll hear from
23 him and he'll tell you what happens. His house is searched,
24 but it doesn't end there. Mr. Gasque has a new car sitting
25 outside, black, shiny Dodge Avenger, 2013. This happened back

Opening Statement by the State

58

1 in July of 2013.

2 They take Mr. Gasque in his car, want to put him in the
3 trunk. He refuses. That moment of courage changed
4 everything. He's driven around, taken to ATMs, trying to get
5 money, trying to get money to no avail. The car runs low on
6 gas.

7 He lives out in the McDonald, Whites Creek, Greentown
8 area of Georgetown County. Some of you that live on the south
9 end may not be aware of that, but that's out sort of between
10 Georgetown and Andrews in that area, and between Browns Ferry.
11 He ends up at the Kangaroo gas station in Maryville which is
12 on Highway 17 over the bridge going towards Charleston, going
13 out of the City of Georgetown. They end up there because they
14 need some gas.

15 Another act of bravery, Mr. Gasque's being held at
16 gunpoint and he escapes. He runs into the gas station asking
17 for help, but gets no help, fights his way, he's dragged back
18 out, fights his way back into the store, is drug out again,
19 eventually does get some assistance from, again, an ordinary
20 lady on a ordinary night doing ordinary things at a gas
21 station. He escapes. The Dodge Avenger and its three
22 occupants leave. Of course he calls 911. The police respond.
23 It's his car. So he's got a perfect description of the car,
24 knows his tag number. So that information is put out not only
25 in Georgetown County but in neighboring counties.

Opening Statement by the State

59

1 It's about just before 1:00 o'clock in the morning when
2 he gets away. Just before two in the morning Hemingway Police
3 Department sees the car, all the way in Hemingway over in
4 Williamsburg County. A chase ensues from Hemingway all the
5 way through Williamsburg County into Florence County,
6 Johnsonville, down 378 into Marion County to Highway 41
7 through Gresham. At that time Highway Patrol picks up the
8 chase all the way down 41 to Highway 501, which is the road
9 between Conway and Florence on the 501 Bypass which leads to
10 Dillon County and then into North Carolina to Highway or to
11 Interstate 95. Just before Dillon County the vehicle was
12 wrecked by Highway Patrol and Marion County Deputies.

13 It's about 2:30 or so in the morning at this point, just
14 a few hours after Mr. Gasque answered the knock at that door.
15 The vehicle was being driven by Marcus Lambert. There are two
16 passengers in the car, Daquarius Holmes and this young man,
17 Quantae Priest. You'll hear about some items that were found
18 in the car, including some ammunition. All three occupants of
19 the car ended up being charged in this case. As you will see
20 throughout the testimony, Mr. Gasque was able to escape
21 because of his act of courage under horrible, extraordinary
22 circumstances.

23 I ask that you listen to all the evidence and testimony
24 that's presented. Some of it may be lengthy. There are a few
25 cars that were involved in the chase, and you'll see some

Opening Statement by the Defense

60

1 videos from, from that. There was video surveillance at the
2 Kangaroo gas station. You'll see some of that, but I ask that
3 you listen and be patient to all the evidence and testimony
4 that is presented and then render a verdict of guilty against
5 Mr. Priest. Thank you.

6 THE COURT: Mr. Hazzard.

7 MR. HAZZARD: Thank you, Your Honor. May it please the
8 Court?

9 THE COURT: Yes, sir.

10 MR. HAZZARD: Pretty much everything my friend Deputy
11 Solicitor Richardson says is true as far as what happened to
12 Mr. Gasque at his home. No question that Quantae was in Mr.
13 Gasque's car in Marion County at about 2:30 in the morning.
14 Your focus is going to be what happened between one a.m. and
15 two a.m. because that's when the chase ensued approximately
16 two a.m.

17 I was thinking as I was getting ready this morning, when
18 you have a situation like this where the victim, Mr. Gasque,
19 says, "Hey, three black guys came to my house, forced their
20 way in," okay, and then about two and a half hours later three
21 black guys are found in his car, it's got to be the same three
22 guys; right? That's the immediate presumption that anyone
23 would have, and that's the presumption that this young man
24 here is having to deal with because as a matter of common
25 sense I think that's what anyone would think, but when you're

Opening Statement by the Defense

61

1 on the jury you have to set presumptions aside because you've
2 taken an oath to well and truly try the issues of this case
3 and a true verdict render and that means looking at all of the
4 evidence piece by piece because to think of a situation I
5 wasn't there. I wasn't there in July of 2013 when this
6 happened, and I don't think any of us were. So I don't know
7 for a moral certainty what happened that night, but I do know
8 that if I'm a young man who has two friends and they pull up
9 in a car and say, "Hey, let's go for a ride. We're going to
10 take the long way to the beach," and I get in that car and
11 suddenly there are blue lights and the cops are behind us and
12 the person driving the car won't stop, and then all of a
13 sudden when the car is finally forced to stop, something that
14 this young man has no control over, he's in the back seat, he
15 ain't in the driver's seat, when that happens all of a sudden
16 people are saying, "Hey, you did this. You, you committed the
17 kidnapping. You committed an armed robbery. You committed a
18 burglary, and you're in a stolen car. So you must have taken
19 part in all of those things." That is about as scary as it
20 gets, and in our system what can he do? Simply say, "I didn't
21 do it. I plead not guilty. I want my day in court," and he's
22 done all he can do and that is why he's dependent upon you all
23 to well and truly try these issues, to look at every piece of
24 evidence because the evidence and testimony in this case I
25 believe will show as the Prosecutor said, Mr. Gasque had some

1 visitors at his house at approximately 11 p.m., that there was
2 some talking back and forth between Mr. Gasque and at least
3 one of those individuals, something about, you know, "We need
4 a ride somewhere," that when Mr. Gasque said, "Look, I don't
5 know you, not going to give you a ride anywhere," that three
6 people then forced their way into his home. I believe the
7 evidence and testimony will show that Mr. Gasque was held at
8 gunpoint by one of the individuals, I believe Mr. Marcus
9 Lambert who the Prosecutor referred to, while the other two
10 basically ransacked his house.

11 The evidence and testimony will show that after his house
12 was ransacked that he was forcibly removed from his home and
13 placed into his own car and that all three of these assailants
14 got into the car, along with Mr. Gasque, and then there's some
15 riding around that goes on because the next thing you
16 definitively know is that there's a video, surveillance video
17 from the Kangaroo convenience store, and it's almost 1:00
18 o'clock at this point. It's 12:44, 12:45 a.m., so not sure
19 what's been going on for the better part of two hours when he
20 was at his house at 11, but be that as it may, you then see,
21 once again, Marcus Lambert in the convenience store, and you
22 see Mr. Gasque after he escapes or gets away or gets out of
23 his car, runs into the store.

24 Evidence and testimony will also show despite the fact
25 that the State's theory is that this young man, Quantae

Opening Statement by the Defense

63

1 Priest, 19 years old, this child, that he was involved in this
2 process for the better part of from 11 to 2:30 a.m., what's
3 that, three and a half hours, evidence and testimony will show
4 that this young man's fingerprints, this young man's DNA,
5 hair, nothing, nothing physical connecting this young man to
6 Mr. Gasque's house, to Mr. Gasque's car, to the Kangaroo gas
7 station, none of that exists. Evidence and testimony will
8 show that I think it's two days after this harrowing incident
9 Mr. Gasque sits down with Investigator Melvin Garrett there,
10 fine, fine, fine officer, and tells him what happened, and
11 he's very forthright in describing what happened, how it all
12 went down, and then Investigator Garrett, doing his job I
13 believe evidence and testimony will show, shows Mr. Gasque
14 some photo lineups, photo lineups containing Quantae Priest's
15 picture, and Mr. Gasque picks someone else, doesn't pick this
16 young man, picks someone else. So I want you to keep an open
17 mind and weigh all of the evidence because there's something
18 here that just, just isn't right, and as I said, as you go
19 through this, keep your mind and your focus on what evidence
20 presented, what evidence is not presented, how is it that
21 something cannot be there because if what they're saying is
22 true everything should fit together fully and completely. So
23 just listen, listen to the evidence, listen to the testimony,
24 listen to the witnesses, see what they have to gain or not
25 gain, do they seem truthful, credible or not, you know, and at

Opening Statement by the Defense

64

1 the end of this trial I'm going to come back and ask you to
2 speak a verdict that speaks that truth and I submit to you
3 that verdict at that time will be not guilty, but I thank you
4 for your time and your attention and the privilege of
5 appearing before you.

6 THE COURT: All right. Let me see the attorneys for one
7 second.

8 (Whereupon, a bench conference is held in the presence
9 but out of the hearing of the jury.)

10 MR. HAZZARD: Could we have a short break, Your Honor?

11 THE COURT: All right.

12 MR. HAZZARD: Thank you, sir.

13 THE COURT: Do we -- do you want me to excuse the jury or
14 just check that?

15 MS. RICHARDSON: Probably excuse them.

16 MR. HAZZARD: Probably excuse them.

17 THE COURT: All right. Ladies and gentlemen, I'm going
18 to excuse you to the jury room for just a few minutes, and
19 what's happened is this getting witnesses lined up and ready
20 to testify and proceed in trial is something that I should
21 have done before I brought you out, and I just didn't --
22 skipped over that on my check-sheet. So it's just going to be
23 a very short break. I'm going to excuse you back to the jury
24 room for just a few minutes and then we'll bring you right
25 back out. Thank you very much.

State v. Priest

65

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right. I had just seen a number of
4 people, and I know that we were going to sequester the
5 witnesses with the exception of the chief investigating
6 officer, the victim and the Defendant, and I needed to make
7 sure, you want to check and make sure we've got everything?

8 MS. RICHARDSON: I can check.

9 THE COURT: All right. Are we ready to go?

10 MS. BESSENT: The Court's indulgence.

11 THE COURT: All right. Are we ready?

12 MS. RICHARDSON: Yes, Your Honor.

13 THE COURT: All right.

14 MR. HAZZARD: The Defense is ready, Your Honor.

15 THE COURT: All right. Let's bring the jury back in.

16 (Whereupon, the following takes place in the presence of
17 the jury.)

18 THE COURT: All right. Ladies and gentlemen, we're
19 ready to go now. I apologize for that, that interruption.
20 We're now ready to start the evidentiary portion of the trial
21 with the State's case. Ms. Richardson, the State can call
22 their first witness.

23 MS. RICHARDSON: The State calls Dan Gasque.

24 THE COURT: All right.

25 Whereupon, Dan Gasque is called to the stand, duly sworn

Dan Gasque - Direct by State

66

1 by the clerk and testifies as follows:

2 THE CLERK: Thank you. Please be seated and state your
3 full name for the record and then spell it, please.

4 MR. GASQUE: Dan Gasque.

5 THE COURT: All right. Could you spell Gasque for me?

6 MR. GASQUE: G-A-S-Q-U-E.

7 THE COURT: Thank you very much.

8 All right. Ms. Richardson.

9 DIRECT EXAMINATION

10 BY MS. RICHARDSON:

11 Q Mr. Dan, where do you live?

12 A I, I reside at Hemingway now.

13 Q Okay. And back in 2013 where did you live?

14 A 113 White Creek Road.

15 Q And that's in Georgetown County?

16 A Georgetown County.

17 Q And what section of the county is that?

18 A That's out there not too far from off of 521 at -- right
19 behind McDonald School.

20 Q And how long did you live there?

21 A Eighteen years.

22 Q And how old are you now?

23 A Sixty-eight.

24 Q And do you have any children?

25 A I got four children.

Dan Gasque - Direct by State

67

1 Q And do they live around here?

2 A No. They in Connecticut and Florida.

3 Q They all grown?

4 A All grown.

5 Q And do you work now?

6 A I work at Georgetown Senior Citizens.

7 Q Okay. What do you do there?

8 A Drive the, the county bus, deliver people and deliver
9 home meal.

10 Q And where did you work before that?

11 A I worked Georgetown Middle School.

12 Q Okay. And when did you work there?

13 A I worked there about seven years ago.

14 Q And had you worked anywhere else?

15 A I didn't quite understand.

16 Q I said have you worked anywhere else?

17 A No. No, nowhere else.

18 Q Okay. Did you work at a store or anything?

19 A Oh, I worked at Gene Ward Country Store for 26 years.

20 Q Okay. And back on July 17th or 18th of 2013, you remember
21 that night?

22 A Yes, ma'am.

23 Q What were you, what were you doing?

24 A I, I was at my house around about 11, just before 11

25 o'clock and I was in the house. I was in the kitchen. I cut

1 up a cantaloupe and be getting ready to eat the cantaloupe and
2 heard a knock on the door, and I cracked my door, and one
3 fellow was standing there, and he asked me could he use the
4 cell phone. I tell him no. "You couldn't -- you can't use
5 it." "Could you give me a ride because I, I'm not from around
6 here, and I, I need to -- you give me a ride somewhere." I
7 tell him no, and after I went to push the door and he forced
8 -- the other two fellows come from behind the screen door and
9 they forced me in with gun point right at me and tell me, "Sit
10 down and give me all of your money."

11 Q And did you give them some money?

12 A I give them some money.

13 Q Do you know about how much money you had on you?

14 A About I think it was between \$100, I think it was a
15 hundred -- \$150.

16 Q And what did these fellows look like? Were they black or
17 white or Hispanic?

18 A It was, it was three black young fellow.

19 Q And did you know them at the time?

20 A No, ma'am.

21 Q And so after you gave them the money what happened then?

22 A They say -- they start ransacking the house and they pull
23 things down and whatever, and they -- one -- as I sit in the
24 chair now. When I first sit in the chair, I said, "Oh, Jesus.
25 Well, what, what is this?" And one time he said, "Why you

Dan Gasque - Direct by State

69

1 call on Jesus." He slap me. He say, "Why you calling on
2 Jesus now?" And tell me, "Be quiet before I pop you." That
3 mean they probably shoot me with the gun.

4 Q And what happened? Where were the other two fellows?

5 A The other two was ransacking the house from, from the
6 room, and they, and they was in the room ransacking the house
7 and they -- I had a little safe deposit box, and they, they
8 pulled that from under the bed, and they say, "Oh, you got
9 that then." So I give them the key and they open up, and it
10 was just my important paper in there. I didn't had nothing
11 else in there.

12 Q Okay. You had like life insurance papers and stuff like
13 that, no money?

14 A Yeah. Insurance paper and life.

15 Q Okay. And when they didn't find any money what did they
16 do then?

17 A They keep saying this and they're -- they couldn't find
18 no money, what, what they did that time they was -- they, they
19 called me in the back room, tell me get on my knee like
20 execution style, fold my hand like execution style with the
21 pistol still at my head, and a few minutes after that they
22 said, "Come on. Let's go," and they lead me outside the house
23 and the car was park under the garage. They lead me out there
24 and they popped the trunk, said, "Get in the trunk." So I
25 refuse to get in the trunk. So they --

1 Q What did you say?

2 A I say, I tell them, I say, "Now, you asking me to get in
3 the trunk? I will not get in no trunk." I say, "You have to
4 -- right there you got the pistol there, you -- the only way I
5 get in that trunk you shoot me down and put me in the trunk."
6 So they, they closed the trunk down and refused, you know,
7 say, "Well, you get in the back seat because I'm going to
8 drive." So they get -- got me in the back seat and they back
9 out and drove around West Virginia Road and all around in a
10 dark place and --

11 Q Were all three of them in the car?

12 A All three was in the car.

13 Q Okay. And where were they sitting?

14 A Two was sitting, one -- the driver was there and the
15 other one sitting on the driver, on the passenger side and
16 they put me behind the, behind the driver and back up my seat
17 toward where they could force my leg where if I tried to get
18 out I couldn't. I couldn't get out right then, and --

19 Q Were you in the back seat by yourself?

20 A I was in the back seat and another black guy was on, on
21 the passenger side with the gun still pointed at my head.

22 Q And did you get a good look at the gun?

23 A It was just like a silver gun. I, you know, when it --
24 when they got something -- a gun at your head and all you
25 doing his hand is on the trigger all I had to do was try to be

Dan Gasque - Direct by State

71

1 quiet because I didn't know whether they pull -- they had it
2 right at my forehead, and they could, you know, they could
3 have pulled it and shot me anytime in the car. So that's why
4 I had to, you know, be careful with what I say, and they tell
5 me, "Don't you say nothing unless we say something," and they
6 get farther down the road and ride around, and the one in the
7 back he say, "I should, I should lock your jaw," and he hit
8 me, hit me like a hammer sound, and I did not get unconscious,
9 I did not, you know, didn't say nothing. I just obey what
10 they say. "We're going to ride you around, and, you know,
11 we're going to have some fun with you. We're going to, we're
12 going to take you to our girlfriend and let you, you know, let
13 it work on you." So that mean they was going to take me there
14 and, and make me have sex with the, the girl. That's what I
15 assumed now. They was telling me all of that. So --

16 Q And did, did the gun ever touch you?

17 A The gun, the gun, the gun did touch me. The gun was on
18 me the whole time.

19 Q Okay. And what part of your body did it touch?

20 A The gun, after left out the house, I think the gun was,
21 was right in, in my right side, right in my right side, right
22 rib. That's how, that's the most time I could tell.

23 Q Okay. And could you tell if -- what the gun was made out
24 of?

25 A I couldn't exactly tell what the gun was made of.

- 1 Q But you think it was a silver gun?
- 2 A I think it was a silver gun.
- 3 Q Okay. And so all three of them were in the car with you?
- 4 A All three was in the car.
- 5 Q And you said one of them hit you in the jaw?
- 6 A Yeah.
- 7 Q Did you get hit anymore?
- 8 A No. Not at that time.
- 9 Q Okay. Had you been hit anymore at all?
- 10 A Yeah. They, they slap me in the house and all like that,
- 11 and, and they -- he, he, he shoved, he shoved the gun in my
- 12 side. So I just, I just kind of stay still. I didn't, I
- 13 didn't know whether they going to still pull the trigger or
- 14 not. So I just been calm to try to, you know, try have my
- 15 life saved. That's --
- 16 Q Uh-huh. So after they got you in the car you said they
- 17 left and then rode around some?
- 18 A They rode around some and the, the gas light come on, and
- 19 they decide -- they say they have to find a place to get some
- 20 gas. So they rode around, around in town. They, they cross
- 21 the bridge going toward 17 toward Charleston. They ride
- 22 around. Then they ride around at the Kangaroo station. They
- 23 circle Kangaroo station about three time, and one of them say,
- 24 they look toward the washer, and one of them say, "We got to
- 25 be careful because I think somebody in that washer knew us."

Dan Gasque - Direct by State

73

1 Q Okay. And before they took you to Kangaroo, did they try
2 to get some money from you or take you anywhere else?

3 A Oh, yeah. Let me back up on that. Before they -- they
4 had my debit card, and they asked me where Wachovia Bank. I
5 tell them Wachovia Bank, and they say, "Okay. We're going to
6 go there." Then after he get in the, in the car one went on
7 the, on the passenger side he, "Oh, we, we got a checkbook
8 here." He say, "I'm going to write a check," and you could go
9 to Wachovia and when you put a check in if you got some money
10 in there you could put it in and then you could get your money
11 out, but they run the check two time. It reject. They run
12 the debit card two time, and it reject. So they, they leave
13 from Wachovia as, as a rage. I say, "Nah, just" -- I studying
14 myself. I say, "After I don't have no money they might gonna'
15 do something." So they rode and went down on 17.

16 Q And where was that bank?

17 A Wachovia is right on Front Street.

18 Q Okay. And so then you end up at the gas station because
19 you're running low on gas?

20 A End at the gas station. After they riding around, they
21 did went down -- before they did that they turned and went
22 down South Road might have been a block looking for -- they
23 was going to park down there and get a gas can and one would
24 go up there and the rest going to stay in the car with me, and
25 they been go and put, put some gas in and then they going to

1 continue, but they, they couldn't find a gas can. So they
2 drive up, and when they circle the store about three time and
3 what, what, whatever he did he say, "Where's your -- what side
4 your gas tank?" I tell him, "On the driver's side." So he,
5 he pulled around and they pulled to -- he pulled to the last
6 gas tank down next 17, and he say, you know, one of them got
7 out and he was going to send him in the store, another one
8 been pumping gas, and I say to myself, I say, "Now, this is
9 time for I to get out."

10 Q Okay. So one went in the store to pay for the gas.

11 A Yeah. And the one been pumping the gas and --

12 Q And where was the third?

13 A -- the one in the back still, still had the gun on me.

14 Q Okay.

15 A And what he say, he ask me, he say, "You're going to,
16 you're going to try to get out." I tell him, "No, I'm not
17 going to try to get out. I'm going to get out," and I reach
18 back and grab my latch and open the door, and he pushed the
19 door back, and I grabbed my, I grabbed the latch one more time
20 and take this hand and, and forced the door over and this was
21 enough for I to squeeze out and run in the store.

22 I run in the store with all my breath and hollering to
23 the -- them. After I ran in the store, I said, "They trying
24 to kill me. They trying to kill me. I need you to call 911.
25 I need help. I need help," and when, when I -- they -- Marcus

Dan Gasque - Direct by State

75

1 Lambert, he ran back in the store because I heard the lady
2 call his name, and that's how I know it was Marcus Lambert.
3 He called and said, "Marcus, Marcus, turn that young man
4 loose. If you need money I'll give you all the money I got,"
5 and he still wouldn't turn me loose. He, he forced me back
6 out the store. The cashier guy, he said, "You all got to go
7 out the store with this, this mess here." You all can't stay
8 in the door," and he come up and stand up to the door, and he
9 did not up to the day call 911, and I was -- he was forced me
10 to -- forced me to go in the car, and I break loose, and I
11 looked toward my left. There was three white young mens. I
12 didn't know what they look like or, or whatever, but when they
13 came around toward the store then they said, "Come on, turn
14 loose," and they, they drove the car toward -- down to the
15 ferry, and that's when I went in the store and so nervous and
16 I dial the phone. I couldn't dial 911 the first time. So I
17 dialed the second time because I start -- I hand the phone
18 back to him and tell him, "Dial 911." He said, "No. You dial
19 911." So when I call they tell me just be calm and go in the
20 store and they will be there.

21 Q Okay. So one of them got out and chased you in the
22 store?

23 A Yeah. One of them chase me in the store.

24 Q Okay.

25 A I don't know whether it was -- I think it was Marcus

1 Lambert the one chase me in the store because when he pull me
2 back out the store that's when the young lady called Marcus'
3 name out, said, "Marcus, Marcus," to the top of her voice,
4 said, "Turn that fellow loose. Don't -- he didn't did nothing
5 to you all. Just turn him loose."

6 Q Okay. And was he -- what had he been doing before that?
7 Was he driving the car? Was he in the back?

8 A He, he the one -- he the one pull the car up to the, the
9 gas tank. He was driving the car.

10 Q So he was the one driving you around --

11 A Right.

12 Q -- town is the one that got out and chased you?

13 A Yeah.

14 Q Okay. And what did he do at the house?

15 A He just continued just to hold the gun on me, after,
16 after the other one done ransacked, he, he take the gun and he
17 hold the gun on me, and he say he was -- "Let's go." After,
18 after he hold the gun on me when I was sitting in the chair
19 like I told you, he tell me, all three was over me in the back
20 room and tell me fold my hand and get on my knees like
21 execution style.

22 Q And what did you think?

23 A All I do is just get on my knee and do whatever they say
24 do with the gun at my forehead.

25 Q And when you were at the house were all three of them

Dan Gasque - Direct by State

77

1 participating and helping?

2 A All three was participating. They, they was pulling
3 things down and they was throwing things to the side and
4 pulling the cover off the back room bed and, and all of that.
5 All three was participating in that.

6 Q Okay. And what about talking to you? How many of them
7 were talking to you or telling you to do things?

8 A Well, seem like all of them was trying to say things to
9 me, but after they tell me to be quiet I didn't, I didn't
10 respond to it.

11 Q And when you were in the house and when you were in the
12 car were they talking with each other?

13 A They was just saying, just -- I think they was just
14 talking to each other by saying, you know, asking me how old I
15 is and, "You need you a -- you got a woman," or you this and
16 that, and I still stay quiet. "We're going to, we're going to
17 take you around and wait, you know, you need a woman. We're
18 going to take you around at our friend house," and this and
19 that, and I say -- I didn't say nothing after that.

20 Q Okay. And were -- and they were all trying to get money
21 from you?

22 A Yeah. Well, all of them, you know, as they say, I don't
23 know the one was on the passenger side he, he wrote the check,
24 and the driver pull up to the AMT [sic] machine and the driver
25 get the, get the -- get my AMT [sic] card and put it through.

- 1 I give them the number. I didn't touch the card. I give them
2 the number and they put it through and run the number and it
3 reject, and the other one say he was going to write a check
4 out to him and then run it through and cash, he going to cash
5 the check.
- 6 Q Okay. And did you ever get your car back?
- 7 A Ma'am?
- 8 Q Did you ever get your car back?
- 9 A No. I didn't, didn't never get the car back.
- 10 Q Okay. Because it was wrecked?
- 11 A It was wreck.
- 12 Q And when did you buy that car?
- 13 A Dodge, Dodge in, in Pawleys Island.
- 14 Q Okay.
- 15 A Dodge people.
- 16 Q All right. It was a 2013 car?
- 17 A 2013.
- 18 Q Okay. And had you had it very long?
- 19 A I had it about four months.
- 20 Q Okay. And about how much was that car worth?
- 21 A That car was worth about a little over 15,000.
- 22 Q And after you got away and called 911 --
- 23 A Uh-huh.
- 24 Q -- what happened to the -- your car and the three boys?
- 25 A After I got in there and called 911, they was, they was

Dan Gasque - Direct by State

79

1 already heading for the ferry with the car. They was already
2 -- they already left, left the store.

3 Q Okay. And were they leaving fast or slow or --

4 A They, they was leaving -- when, when I look around they
5 was all they was footing that car. They was leaving. They
6 didn't, they didn't hesitate.

7 Q And so the police came there?

8 A The police came there and they start asking me questions
9 and I tell them what the make of the car and everything. So
10 they put out a alert on the car. So and, and they ask me
11 which way the car went. I tell them it went toward South
12 Island Road on -- as the call that down there in Maryville,
13 down there toward the school.

14 Q Okay. All right. And then you ended up back at your
15 house?

16 A I end back up -- they ask me how I was going to get home.
17 So Garrett, they say, "We're going to, we're going to take you
18 home," and I went. They, they asked me some more questions.
19 Then they take me home. When I got home it was three or four
20 deputy had the house surrounded there, you know. They had it,
21 you know how you mark off, they had the, the yellow tape, the
22 red tape and mark off, and they, they tell me not to come in
23 the house right now. So they tell me just after that just
24 come in and sit, don't touch nothing. I didn't touch nothing
25 in the house.

1 Q And then they took some pictures of your house and that
2 sort of thing?

3 A Yeah. They was just, you know, checking the house out
4 and whatever, you know, and about 30 minutes that been about,
5 been around about 2:30 he tell me say, "Well, I guess we'll --
6 we tracked them down. We, we already got them." He say, "We
7 can't tell you nothing else, but we wreck the car. We got
8 them, we got all three of them and you can go in and eat your
9 cantaloupe or do whatever you been doing and be satisfied."

10 Q And later on you went to the police station?

11 A Later on I went to the police station the next day.

12 Q And met with Investigator Garrett?

13 A Yeah. Uh-huh.

14 Q Okay. And you didn't know any of these boys?

15 A No. I didn't know none of them.

16 Q Okay. And so they did show you some lineups and that
17 sort of thing?

18 A Yeah. They showed me some lineup.

19 Q Okay. And you heard Mr. Hazzard say that you had picked
20 out some different people. How did you --

21 A Ma'am?

22 Q You heard Mr. Hazzard when he was giving his opening
23 saying that you had picked out some different people besides
24 these boys.

25 A Yeah. I heard him say that, but you know, at the, at the

Dan Gasque - Direct by State

81

1 time the way with, with my pressure up I, I, I, you know, and
2 I try to -- when you looking at a lineup you try to see on
3 paper the lineup look different than the person look, you
4 know, in the lineup.

5 Q All right. And when you were in the house and in the car
6 and everything like that and they had the gun on you, how, how
7 were you feeling?

8 A Ma'am?

9 Q How, how did you feel when all this was going on?

10 A Oh, I was, I was so nervous I just could have pass out,
11 but I didn't pass out. You know, I was so nervous and
12 shaking, and I -- after all of this, after I went back in the
13 house after all of this after they left and they, and they
14 caught them I still was, I still was in panic for about four
15 days --

16 Q Okay.

17 A -- about this.

18 Q And do you remember what these boys were wearing or
19 anything?

20 A I couldn't exactly point out what they was wearing not
21 exactly, but I know, you know, whether it was jeans or what
22 but I couldn't exactly point out what they was wearing, but I
23 know, you know, it was -- they had on t-shirts, and, and
24 pants, but I couldn't exactly -- at that time I couldn't,
25 couldn't recognize what they was wearing at that time.

1 Q You were too nervous?

2 A I was too nervous, you know.

3 Q Okay. All right. That's all the questions I have for
4 you. Answer any questions that Mr. Hazzard has. Okay?

5 THE COURT: Cross examination?

6 MR. HAZZARD: Yes, sir, Your Honor. Thank you. May it
7 please the Court?

8 Let's see. The Court's indulgence, Your Honor.

9 THE COURT: All right.

10 CROSS EXAMINATION

11 BY MR. HAZZARD:

12 Q Good morning, Mr. Gasque.

13 A Good morning.

14 Q All right. From this distance can you hear me okay?

15 A Yeah. Yes, sir.

16 Q Okay. All right. Now, after this happened, you spoke
17 with Investigator Garrett on the next morning, July 18th; is
18 that correct?

19 A That's correct.

20 Q Okay. And when you talked to him you never told him
21 about anybody putting you on your knees and telling you to
22 fold your hands in execution style. You never told them
23 anything about that, sir; did you?

24 A Not, not recalling I didn't.

25 Q Okay. And these men who entered your house, none of them

Dan Gasque - Cross by Defense

83

1 were wearing masks or gloves; were they?

2 A No mask.

3 Q And did any of them have on gloves?

4 A No glove. No glove.

5 Q Okay. And I think you told Investigator Garrett that
6 this occurred around 11 p.m. Does that sound right?

7 A 11 p.m. or 11:30 p.m. right. Yes, sir.

8 Q Around 11, 11:30, somewhere around in there?

9 A Yeah. Yeah. Right in that area.

10 Q Okay. And no question that you were cutting up your
11 cantaloupe; right?

12 A Sir?

13 Q I apologize. There's no question that you were cutting
14 up your cantaloupe in the kitchen getting ready to eat?

15 A No question about that I was. Yeah.

16 Q Yes, sir. About how long were these three guys in your
17 house if you can tell?

18 A Just, just estimate the time I couldn't say the time.
19 Just estimate time they was in, in my house about between a
20 half hour to 45 minutes.

21 Q Okay. So if they got to your house between 11 and 11:30
22 that puts them leaving your house between 11:30 and 11:45?
23 Does that sound about right?

24 A They, they, they, they got to my house around about,
25 around about 11:30 because I, I know -- that's, that's the

1 time they got to my house around about 11:30.

2 Q Okay. So then that would leave -- that would -- then
3 they would have had to have left your house around midnight to
4 12:15 then; does that sound about right?

5 A That's, that's about, that's about right, probably about
6 right.

7 Q Okay. All right. You indicated that after they put you
8 in your car and, and you all drove around some that you ended
9 up at the Wells Fargo on Front Street?

10 A Yeah. On Front Street.

11 Q Okay. And that -- do you know whether or not that -- and
12 then you used the ATM or they pulled up to the ATM?

13 A Yeah. We used -- I used the ATM machine at the Wells
14 Fargo.

15 Q Okay. Do you know whether or not that ATM has a
16 surveillance camera or not?

17 A It should. I don't know.

18 Q Okay. And when they drove you to the Wells Fargo, do you
19 recall or could you tell whether they were driving your car on
20 Front Street or on one of the connecting streets?

21 A What, what it was about I think they, they come up from
22 off Duke Street on King Street and come up to, to the bank.

23 Q Okay. Got you. And I believe you told the Deputy
24 Solicitor that Marcus Lambert was the one driving your car and
25 he was the one at your house holding the gun on you?

Dan Gasque - Cross by Defense

85

1 A To my, to my understanding that what, that what I say.

2 Q Yes, sir. Well, I mean, what we want is what you recall.

3 A Yeah. Yeah. What I recall. That's all.

4 Q Okay.

5 A All right.

6 Q And there's no question that Marcus Lambert was the one
7 trying to drag you out of the convenience store?

8 A Yes.

9 Q Okay. And you said when you got back to your house they
10 had the crime scene tape up?

11 A Right.

12 Q Okay. And when they eventually let you get into your
13 house the police were in there doing what they do, processing
14 the house?

15 A That's right.

16 Q Okay. All right.

17 MR. HAZZARD: The Court's indulgence, Your Honor.

18 THE COURT: All right.

19 BY MR. HAZZARD:

20 Q And I believe you indicated that Marcus Lambert was
21 driving the car and then somebody else was sitting in the
22 front seat and somebody else was sitting in the back seat with
23 you; is that correct?

24 A That's correct.

25 Q Okay. All right. Now, the -- you said you had a Dodge

1 Avenger? Was that the type of car, a Dodge?

2 A A Dodge Avenger.

3 Q Okay. Is that like a really big car or --

4 A That's a -- well, it's, it's bigger than most car.

5 Q Is it a medium size four-door car?

6 A Yeah. A four-door car.

7 Q Okay. All right. All right. All right. Thank you so
8 much, sir.

9 MR. HAZZARD: No further questions, Your Honor.

10 THE COURT: All right. Redirect?

11 MS. RICHARDSON: None, Your Honor.

12 THE COURT: All right. You may step down.

13 A Thank you, sir.

14 THE COURT: Yes, sir. All right. Let me see the
15 attorneys for a second.

16 (Whereupon, a bench conference is held in the presence
17 but out of the hearing of the jury.)

18 THE COURT: All right. The State can call your next
19 witness.

20 MS. RICHARDSON: The State calls Robbie Owens.

21 THE COURT: All right, sir. If you'd come around to the
22 witness stand, please.

23 Whereupon, Robert Gerald Owens is called to the stand,
24 duly sworn by the clerk and testifies as follows:

25 THE CLERK: Thank you. Please be seated. State your

Robert Owens - Direct by State

87

1 full for the record and spell it.

2 MR. OWENS: Robert Gerald Owens.

3 THE CLERK: And spell your last name.

4 MR. OWENS: Go ahead? Last name spelling is O-W-E-N-S.

5 DIRECT EXAMINATION

6 BY MS. RICHARDSON:

7 Q Mr. Owens, where are you employed?

8 A Georgetown County 911.

9 Q And what is your job description there?

10 A Communications manager, oversee personnel, make tapes,
11 addressing issues.

12 Q And your office is in charge of keeping the 911 calls
13 that come into the county?

14 A That's correct.

15 Q And do you do that as a normal course of business?

16 A Yes, ma'am.

17 Q And if they are requested by law enforcement, does your
18 office provide those?

19 A Yes. We do.

20 Q And was a 911 tape requested for the night of July 18th,
21 2013, in reference to the victim, Dan Gasque?

22 A Yes. It was.

23 Q And was that provided to the Georgetown County Sheriff's
24 Office by your office?

25 A Yes, ma'am.

1 Q I'm going to show you -- I'm going to show you a disc,
2 and does that appear to be the 911 call that would -- that you
3 would have provided?

4 A Yes, ma'am.

5 Q Okay. And what you provided would that be a fair and
6 accurate representation of the business records that you keep
7 in the normal course of business at Georgetown 911?

8 A Yes, ma'am.

9 MS. RICHARDSON: At this point, Your Honor, I'd offer to
10 enter this exhibit into evidence.

11 THE COURT: How is it marked?

12 MS. RICHARDSON: It's not marked. We didn't pre-mark.

13 THE COURT: All right. Let's mark it for identification.
14 All right. How is it marked?

15 MS. RICHARDSON: As State's Exhibit Number One.

16 THE COURT: All right. Any objection to State's Exhibit
17 One?

18 MR. HAZZARD: No, Your Honor.

19 THE COURT: All right. State's Exhibit Number One
20 admitted into evidence without objection.

21 (State's Exhibit Number One [CD of 911 Call] entered into
22 evidence and appropriately marked.)

23 MS. RICHARDSON: Your Honor, at this time I'd ask to
24 publish this to the jury.

25 THE COURT: All right. You can go ahead.

Robert Owens - Cross by Defense

89

1 (State's Exhibit Number One played in open court.)

2 MS. RICHARDSON: I'm sorry, Your Honor. We had a
3 technical issue there.

4 THE COURT: All right.

5 (State's Exhibit Number One played in open court.)

6 MS. RICHARDSON: I have no further questions.

7 THE COURT: All right. Mr. Hazzard.

8 MR. HAZZARD: Thank you, Your Honor. Very briefly. May
9 it please the Court?

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION

12 BY MR. HAZZARD:

13 Q Good afternoon, Mr. Owens. How are you?

14 A Pretty good.

15 Q All right. Based on the time stamp -- the -- how does
16 that work with this voice saying what time the call starts and
17 ends? How does that work?

18 A It's preprogrammed into the recorder. The recorder
19 stamps the time.

20 Q Okay.

21 A So like a -- you know, it's just a voice, automated voice
22 that goes over.

23 Q So it's an automated voice to go along with the
24 computer's determination of what the actual time is?

25 A That's correct.

1 Q Okay. And on this recording it said the call began at
2 12:50 a.m. and ended at 12:58 a.m.; is that correct?

3 A That's correct.

4 Q All right. Thank you. No further questions.

5 THE COURT: Anything on redirect?

6 MS. RICHARDSON: No, Your Honor.

7 THE COURT: All right. You may step down.

8 MS. RICHARDSON: Your Honor, I'd ask this witness be
9 excused, Your Honor.

10 THE COURT: Any objection?

11 MR. HAZZARD: None from the Defense, Your Honor.

12 THE COURT: All right. You're free to go. Thank you
13 very much.

14 A Uh-huh.

15 MS. RICHARDSON: And I've returned this exhibit to the
16 court reporter.

17 THE COURT: All right. Ladies and gentlemen, we're going
18 to go ahead and break for lunch at this time. I'm going to
19 allow you to go to lunch on your own. I'm going to ask that
20 you please be back in the jury room at 1:45. That'll give you
21 about an hour and 40 minutes to eat lunch and get back. I
22 caution you again, do not discuss the case even among
23 yourselves. Don't conduct any independent investigations. I
24 hope everybody has a good lunch, and we'll see you back at
25 1:45. Thank you very much.

Robert Owens - Cross by Defense

91

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right. Anything from the State before we
4 break for lunch?

5 MS. RICHARDSON: No, Your Honor.

6 THE COURT: Anything from the Defense?

7 MR. HAZZARD: Nothing from the Defense, Your Honor.

8 THE COURT: All right. We'll be in recess until 1:45.

9 OFF THE RECORD

10 (On the record. The following takes place outside the
11 presence of the jury.)

12 THE COURT: All right. Anything from the State before we
13 bring the jury in?

14 MS. RICHARDSON: Your Honor, just that I've discussed
15 with Mr. Hazzard, we have some surveillance video from the
16 Kangaroo station. Basically, there are multiple cameras and
17 they downloaded about a 20 to 30-minute section on each
18 camera. We both agree that all of that is not relevant, and
19 Mr. Hazzard has indicated he would be fine with me beginning,
20 you know, just sort of skipping forward to where the parties
21 involved entered the store.

22 THE COURT: All right. Is that agreeable?

23 MR. HAZZARD: Yes, sir, Your Honor.

24 THE COURT: All right. Has that already been marked or
25 you going to do it during the course of your --

1 MS. RICHARDSON: We -- I would do it during the course of
2 the testimony, but I have pre-marked for identification the
3 surveillance video as State's Number Three.

4 THE COURT: Okay.

5 MR. HAZZARD: Yeah. It's not going to be difficult,
6 Judge. As indicated as far as surveillance camera number
7 three inside the store, we know that the footage basically
8 begins at 12:31 a.m. and that Mr. Lambert first enters the
9 store around 12:44 a.m., and then at 12:47, the victim, Mr.
10 Gasque, enters the store for the first time. So the
11 Prosecutor knows that she can basically go forward about 10
12 minutes at least as far as camera number three is concerned
13 before we get into anything that's relevant.

14 THE COURT: I understand. All right. Anything further
15 from the State before we bring the jury in?

16 MS. RICHARDSON: No, Your Honor.

17 THE COURT: Anything from the Defense?

18 MR. HAZZARD: No, sir, Judge.

19 THE COURT: All right. Let's bring the jury in.

20 (Whereupon, the following takes place in the presence of
21 the jury.)

22 THE COURT: All right. Ladies and gentlemen, welcome
23 back. I hope everyone had a good lunch. We're now ready to
24 resume the trial of the case. Ms. Richardson, the State can
25 call your next witness.

Danny Conyers - Direct by State

93

1 MS. RICHARDSON: The State calls Danny Conyers.

2 THE COURT: Mr. Conyers, please come around to the
3 witness stand. Left hand on the Bible and raise your right
4 hand.

5 MR. CONYERS: All right. I can do that.

6 THE COURT: There we go.

7 Whereupon, Danny Conyers was called to the stand, duly
8 sworn by the clerk and testifies as follows:

9 THE CLERK: Thank you. Please be seated. State your
10 full name and spell it for the record, please.

11 MR. CONYERS: Danny Conyers.

12 DIRECT EXAMINATION

13 BY MS. RICHARDSON:

14 Q Would you spell your last name for us?

15 A C-O-N-Y-E-R-S.

16 Q Okay. Mr. Conyers, where are you employed?

17 A Wells Fargo Bank.

18 Q Okay. And how long have you been there?

19 A Thirty-nine years.

20 Q Okay. And what is your position with Wells Fargo?

21 A I'm a financial crimes investigator.

22 Q Are you also a police officer?

23 A I was at one time.

24 Q Okay. And when was --

25 A I don't, I don't hold my commission anymore though.

- 1 Q Okay. But you were a law enforcement officer?
- 2 A Yes, ma'am.
- 3 Q Okay. And when was that?
- 4 A '69 to '76.
- 5 Q And as an investigator with Wells Fargo, what, what is
- 6 your job description or job duties?
- 7 A I work, work crimes against the bank.
- 8 Q And, and your office is located where?
- 9 A It's located in Columbia, but I work out of my house in
- 10 Charleston.
- 11 Q Okay. And in July of 2013, July 18th, 2013, were you
- 12 asked by Melvin Garrett with the Georgetown County Sheriff's
- 13 Office to investigate an incident at the Wells Fargo in
- 14 Georgetown?
- 15 A Yes, ma'am.
- 16 Q Okay. And which location was that?
- 17 A That's the one down on Front Street.
- 18 Q Okay. In the city limits?
- 19 A I think so.
- 20 Q Okay. And he told you the customer's name?
- 21 A Yes, ma'am.
- 22 Q Okay. And that was Mr. Gasque?
- 23 A Yes, ma'am.
- 24 Q All right. And were you able to confirm that through
- 25 your --

Danny Conyers - Direct by State

95

1 A Yes, ma'am. I, I pulled his profile, his credit card
2 numbers and did the research on his account.

3 Q And did you look at any surveillance video with the ATM
4 machine at that location?

5 A Yes, ma'am.

6 Q Okay. And were you able to find the transaction in
7 question?

8 A Yes, ma'am.

9 Q And what did you do once you were able to get that
10 information?

11 A I shot the photos and, and a CD and sent it to the
12 detective.

13 Q And I'm going to show you what has been marked for
14 identification as State's Exhibit Number Two.

15 A Yes, ma'am. I think that's the one we looked at today.

16 Q Okay. And you recognize that?

17 A Yes, ma'am.

18 Q Okay. And you actually reviewed that before court?

19 A Yes, ma'am.

20 Q Okay. And what does CD contain?

21 A Photos of the surveillance of the ATM with transactions
22 where the card was attempted to be used there at the machine.

23 Q Okay. And do those appear to be an accurate reflection
24 of the photos that you sent to Mr. Garrett?

25 A Yes, ma'am. I've got copies here.

1 Q Okay.

2 MS. RICHARDSON: At this time I'd offer State's Number
3 Two into evidence.

4 THE COURT: Any objection?

5 MR. HAZZARD: No objection, Your Honor.

6 THE COURT: All right. State's Exhibit Number Two
7 admitted into evidence without objection.

8 (State's Exhibit Number Two [CD - Surveillance
9 Photographs] admitted into evidence and appropriately marked.)

10 MS. RICHARDSON: Your Honor, at this time permission to
11 publish to the jury.

12 THE COURT: All right.

13 BY MS. RICHARDSON:

14 Q Okay. And can you see the video on -- the picture on
15 your monitor, Mr. Conyers?

16 THE COURT: It's to your left.

17 A Oh, oh, yes, ma'am.

18 Q Okay. And where would this video have been taken? Would
19 it have been from the ATM machine or above it?

20 A No. This one would have come from the ATM machine.

21 Q Okay.

22 A All your facial shots are from the ATM, the surveillance,
23 be looking down.

24 Q Okay. So this would have also been from the ATM?

25 A Yes, ma'am.

Danny Conyers - Cross by Defense

97

1 Q And this?

2 A ATM.

3 Q And this one?

4 A ATM. That looks like the surveillance. It's a bad copy.
5 That's surveillance.

6 Q Okay. And that was the overhead shot?

7 A Yes, ma'am.

8 Q Okay.

9 A The same.

10 Q Okay. And these would have been the best shots that you
11 were able to get from the equipment?

12 A Yes, ma'am.

13 Q Okay. All right. I have no further questions. Answer
14 any questions that Mr. Hazzard may have for you.

15 THE COURT: All right. Mr. Hazzard.

16 MR. HAZZARD: Thank you, Your Honor. May it please the
17 Court?

18 CROSS EXAMINATION

19 BY MR. HAZZARD:

20 Q Good afternoon, Mr. Conyers. How are you doing?

21 A Fine, sir.

22 Q With regard to this investigation and your job as the
23 financial crimes investigator, are you involved in the
24 investigation of, of this matter or just the custodian of the
25 surveillance?

1 A Just -- I just provided the photos.

2 Q Okay. Did you do any investigation of your own into this
3 matter?

4 A Nothing other than pulling the documents related to the
5 transactions.

6 Q Okay. All right. Okay. So you have no knowledge as to
7 whether the ATM machine was ever dusted for prints, anything
8 of that nature?

9 A No, sir.

10 Q Okay. So all you know is that the surveillance for that
11 date and that time showed basically those photos.

12 A Yes, sir.

13 Q All right. What time were these photos captured?

14 A I cannot tell you. My file was deleted. My computer
15 crashed, and I could not pull my copy, and I was trying to
16 research it today and didn't, didn't have enough time to get
17 it, but I can't tell you -- I know it was like after 12
18 o'clock.

19 Q After midnight?

20 A Yes, sir.

21 Q All right. And that's from your recollection?

22 A To my recollection, right.

23 Q All right. All right. Thank you very much, Mr. Conyers.

24 A Okay.

25 THE COURT: Redirect?

Karl Tanner - Direct by State

99

1 MS. RICHARDSON: No, Your Honor. And I'd ask that he be
2 excused from his subpoena.

3 THE COURT: All right.

4 A All right.

5 THE COURT: Any objection?

6 MR. HAZZARD: None from the Defense, Your Honor.

7 THE COURT: All right. You may step down. You're free
8 to go.

9 A Thank you, sir.

10 THE COURT: Thank you.

11 All right. Ms. Richardson, you can call your next
12 witness.

13 MS. RICHARDSON: The State calls Karl Tanner, and I'm
14 going to hand up State's Exhibit Number Two to the court
15 reporter.

16 THE COURT: All right.

17 Whereupon, Karl Tanner was called to the stand, duly
18 sworn by the clerk and testified as follows:

19 THE CLERK: Thank you. Please be seated and state your
20 full name for the record and then spell it, please.

21 MR. TANNER: Karl Tanner, spelled with a K, K-A-R-L, T-A-
22 N-N-E-R.

23 DIRECT EXAMINATION

24 BY MS. RICHARDSON:

25 Q Officer Tanner, where are you currently employed?

Karl Tanner - Direct by State

100

1 A I work for the Horry County Police.

2 Q And were you formerly with the Georgetown County
3 Sheriff's Office?

4 A I was from 2011 until 2013.

5 Q And were you working the night of July or the early
6 morning of July 18th, 2013?

7 A Yes, ma'am.

8 Q And were you involved in an investigation or incident
9 involving the victim, Dan Gasque?

10 A I was.

11 Q And what was your role in the case?

12 A On that particular night I was dispatched to his
13 residence on Whites Creek Road in reference to the incident.
14 Upon my arrival to the house, I approached -- I noticed that
15 the screen door was open, and the interior door was slightly
16 cracked. Given the circumstances of the situation, I knew
17 that he was not there. I entered and cleared the house for
18 intruders or anyone who might be there. At that time I backed
19 out and secured the crime scene and waited for backup and
20 investigations to arrive.

21 Q Okay. And was there anyone at the house or on the
22 property when you arrived?

23 A No, ma'am. The, the residence was vacant.

24 Q And could you tell anything about the residence?

25 A Yes, ma'am. Upon my initial entry into the house into

Karl Tanner - Direct by State

101

1 the living room, which was the first room you come into as you
2 enter through that door, the couch cushions were, were thrown
3 about. They were on the floor. There was also a small
4 fireproof safe like a lockbox you get from Wal-Mart. It was
5 open. I didn't, I didn't notice if it was forced entry. I
6 would leave that for investigations, but I did see what
7 appeared to be its contents, documents, some letters, things
8 like that were, were spread about the floor and on the couch
9 cushions, looked like it had been rummaged through and dumped
10 out, also some chairs were moved around, just appeared to not
11 be in good order or just not the way someone would leave it.

12 Q But that was the extent of your investigation? You
13 didn't process the scene or do anything like that?

14 A No, ma'am. I, I exited the residence once I made sure
15 there was no one in it. I taped it off with crime scene tape,
16 and I maintained it and made sure no one entered to disturb
17 anything.

18 Q And this was while Mr. Gasque was still at the Kangaroo
19 station?

20 A That is correct. That was my knowledge that another
21 police officer had gone over there.

22 Q Okay. All right. I have no further questions. Answer
23 any questions that Mr. Hazzard may have for you.

24 THE COURT: All right. Mr. Hazzard.

25 MR. HAZZARD: Thank you, Your Honor. May it please the

1 Court.

2 CROSS EXAMINATION

3 BY MR. HAZZARD:

4 Q Good afternoon, Officer Tanner. How are you?

5 A I'm well, sir. How are you?

6 Q I'm good. Thank you so much for asking. All right. So
7 you didn't do any fingerprints, do any DNA swabs, any of that
8 stuff?

9 A No, sir.

10 Q Didn't collect any items of clothing?

11 A No, sir.

12 Q Okay. But I think you testified that when you arrived it
13 looked as if, first of all, the screen door was open; correct?

14 A Yes, sir.

15 Q So somebody had been touching all over that; right?

16 A One would assume unless the wind blew it open.

17 Q Okay. And the door was cracked?

18 A Yes, sir.

19 Q Okay. And then when you entered the residence -- what
20 did you come to first when you entered the residence? Is it a
21 foyer? Is it you come directly into a room? What, what room
22 did you come into first?

23 A When you pull into the driveway the main entrance to the
24 house is underneath the carport, which is a side entrance.
25 That is the door that I saw open. That's where I walked to

Karl Tanner - Cross by Defense

103

1 and that room enters directly into the living room.

2 Q Okay. And with regard to the living room I think you
3 said it looked like the cushions had been tossed about?

4 A Yes, sir. Inside the house it's obviously a square room,
5 but as soon as you come through the door immediately to your
6 left was a couch. In that corner was a table, night stand of
7 some sort, and then I think there was a loveseat against that
8 other wall where the front door is, and those cushions from
9 those, those couch and loveseat were in the floor, and right
10 out in the middle there kind of where the coffee table is at
11 was where the, the lock box was.

12 Q Okay. And the lock box was opened, and it appeared that
13 the contents had been removed or strewn around the floor?

14 A That's correct.

15 Q Okay. And you mentioned, I guess, kind of an end table?

16 A Yes, sir.

17 Q I think you referred to it as a night table. Was it on
18 the side of the couch or beside the couch?

19 A Yes, sir. If my memory serves me correct it, it was in
20 that corner --

21 Q Okay.

22 A -- where you would make the L at. It was in that corner.

23 Q Do you recall what the table was made out of?

24 A I think it was wood.

25 Q Okay. Was there anything sitting on the table?

1 A I think there was a lamp.

2 Q Okay. And what type of lamp do you recall it being?

3 What was it made out of as best you could tell?

4 A I do not remember, sir.

5 Q Okay. Was there a coffee table in front of the couch?

6 A No, sir. There was a, a -- there was a coffee table but
7 it wasn't in front of the couch. I believe it was further out
8 into the living room.

9 Q Okay. What was the coffee table made out of as best you
10 can recall?

11 A I would assume it would be wood, sir. I'm not certain on
12 that.

13 Q Okay. Do you recall whether there were any items on top
14 of the coffee table?

15 A No, sir.

16 Q Okay. Any other chairs or tables in that living room as
17 best you can recall?

18 A Not that I can recall, sir. I remember there -- you
19 know, that room joins with the kitchen. It's kind of one, and
20 there was a dining table in there, small round table.

21 Q Okay. So there's a dining table. Is that in the living
22 room or is that in the kitchen?

23 A It's in the kitchen.

24 Q Okay. What do you recall, if anything, being on the
25 dining room table?

Karl Tanner - Cross by Defense

105

1 A I -- nothing, sir. I did not pay that close attention to
2 the table.

3 Q Okay. All right. After you cleared that room or those
4 two rooms, the living room and then the kitchen, where did you
5 go then?

6 A I proceeded down the halfway.

7 Q Okay. So, so you're talking about --

8 A It's straight ahead.

9 Q -- a lengthy hallway, straight ahead?

10 A Straight ahead.

11 Q All right. Are there rooms to the right and the left?

12 A Yes, sir. A restroom and, and, and I believe two
13 bedrooms, but they were to the end and the sides.

14 Q Okay. And when you looked in the bedrooms did they
15 appear to have been roused as well, the items in those rooms?

16 A Not in the, the spare bedroom that I recall, but in the
17 main bedroom, but it -- I can't say that it was not left that
18 way. It, it appeared, you know, the bed, bed might have been
19 a little messed up.

20 Q Okay. All right. But there was nothing like turned over
21 or anything of that nature?

22 A Not that I recall, sir. I was not in the house that long
23 --

24 Q Okay.

25 A -- as to not disturb any of the evidence.

Karl Tanner - Redirect by State

106

1 Q All right. And other than the main bedroom and the --
2 what would be the guest bedroom, were there any other rooms
3 down that hallway other than a bathroom?

4 A Not that I can remember, sir.

5 Q All right. Okay. Thank you. No further questions.

6 A All right.

7 THE COURT: Redirect?

8 REDIRECT EXAMINATION:

9 BY MS. RICHARDSON:

10 Q And in your position at the Sheriff's Office would you
11 have been the one to process the scene?

12 A No, ma'am.

13 Q Okay. Who would have done that?

14 A After I secured the residence and cleared it, made sure
15 there was no one there, I would -- be my responsibility to
16 maintain the crime scene, start the crime scene log, log who,
17 who came and left and wait for investigations. That was
18 policy, investigator response to every and all burglaries.

19 Q Okay. But investigations does the crime scene
20 processing, you do not.

21 A That is correct.

22 Q Okay. Thank you. No further questions.

23 THE COURT: All right, sir. You may step down.

24 A Thank you, Your Honor.

25 MS. RICHARDSON: I'd ask that he also be released from

Calvin Crews - Direct by State

107

1 his subpoena.

2 THE COURT: Any objection?

3 MR. HAZZARD: No, Your Honor.

4 THE COURT: All right. He's free to go. Thank you very
5 much.

6 All right. The State can call their next witness.

7 MS. RICHARDSON: Calvin Crews.

8 Whereupon, Calvin Crews is called to the stand, duly
9 sworn by the clerk and testified as follows:

10 THE CLERK: Please be seated, state your full name and
11 spell it for the record, please.

12 MR. CREWS: Okay. Calvin Crews, C-A-L-V-I-N, C-R-E-W-S.

13 DIRECT EXAMINATION

14 BY MS. RICHARDSON:

15 Q Mr. Crews, where are you employed?

16 A Kangaroo Express in Maryville.

17 Q Okay. And what is your position there?

18 A Manager.

19 Q And how long have you been with the Kangaroo store in
20 Maryville?

21 A Over nine years.

22 Q And when you say Maryville that's --

23 A Part of Georgetown.

24 Q Okay. And it's off of 17?

25 A Yes, ma'am.

- 1 Q Between which roads?
- 2 A South Island.
- 3 Q And, and Highway 17?
- 4 A Yes, ma'am.
- 5 Q Leaving the City of Georgetown going into Charleston?
- 6 A Yes, ma'am.
- 7 Q And this station has a surveillance system?
- 8 A Yes. It does.
- 9 Q Okay. And do you have access to the cameras and the
- 10 footage --
- 11 A Yes, ma'am.
- 12 Q -- from those systems? All right. And does anyone else
- 13 at that store have that access?
- 14 A Sometime our assistant manager does check the videos and
- 15 stuff like that, but I usually make all of them.
- 16 Q Okay. So you usually make all the copies?
- 17 A Make all the copies. Yes, ma'am.
- 18 Q Okay. And you were there nine years. So you were there
- 19 in July of 2013?
- 20 A Yes, ma'am.
- 21 Q Okay. And you -- let me show you what's been marked as
- 22 State's Exhibit Number Three for identification and have you
- 23 had the opportunity to review that video prior to coming into
- 24 the courtroom?
- 25 A No, ma'am.

Calvin Crews - Direct by State

109

1 Q All right. Did, did you have an opportunity to look at
2 the files that were on the disc prior to coming into the
3 courtroom?

4 A Oh, yes.

5 Q Okay. And are those copies of the videos that would have
6 been downloaded from your store in September of 2013?

7 A Yes, ma'am.

8 Q I mean July of 2013?

9 A Yes, ma'am.

10 Q Okay. And are they an accurate reflection of the cameras
11 and the footage that would have been downloaded from that
12 night?

13 A Yes, ma'am.

14 Q Okay.

15 MS. RICHARDSON: At this time I'd offer State's Exhibit
16 Number Three into evidence.

17 THE COURT: Any objection?

18 MR. HAZZARD: No objection, Your Honor.

19 THE COURT: All right. State's Exhibit Three admitted
20 into evidence without objection.

21 (State's Exhibit Number Three [CD - Video Surveillance]
22 admitted into evidence and appropriately marked.)

23 BY MS. RICHARDSON:

24 Q Can you tell me how you would have come about making
25 copies of these videos, who would have requested that?

1 A The local police department.

2 Q Okay. And once they do that do you review the video to
3 see which portions need to be recovered?

4 A I -- they tell me what time it happened. I usually view
5 the video to see what camera I need to, to make a copy of and
6 then I make a copy.

7 Q Okay. And how many cameras are there at this store?

8 A Sixteen.

9 Q Okay. All right. So you would have gone through and
10 made and pulled out the videos --

11 A That what we needed. Yes, ma'am.

12 Q Okay. All right.

13 MS. RICHARDSON: Your Honor, permission to publish to the
14 jury.

15 THE COURT: All right.

16 MS. RICHARDSON: Just a moment.

17 BY MS. RICHARDSON:

18 Q And would this be camera number one?

19 A Yes, ma'am.

20 Q Okay. And that is positioned over one of the cash
21 registers in the store?

22 A Yes, ma'am. Uh-huh.

23 Q Okay. For some reason the time stamp's not showing up on
24 this one. You would have reviewed this footage and decided
25 which one -- where to record and give to the police?

Calvin Crews - Direct by State

111

1 A Yes, ma'am. I did.

2 Q Okay. All right.

3 MS. RICHARDSON: Mr. Hazzard and I have already
4 discussed, Your Honor, fast forwarding it.

5 THE COURT: All right.

6 MS. RICHARDSON: For some reason the time stamp's not on
7 it.

8 (State's Exhibit Number Three played in open court.)

9 MS. RICHARDSON: All right. Let's fast forward.

10 BY MS. RICHARDSON:

11 Q Now, you were not working that night?

12 A No, ma'am.

13 Q Okay. And do you recognize the clerk in the photo?

14 A Yes, ma'am.

15 Q Okay. And is he still with your company or with your
16 store?

17 A No, ma'am.

18 Q Okay.

19 A No, ma'am.

20 MS. RICHARDSON: The Court's indulgence, Your Honor. The
21 stamp's not showing right now. Some technical difficulties.
22 Just a moment, Your Honor. Where the --

23 (State's Exhibit Number Three played in open court.)

24 BY MS. RICHARDSON:

25 Q And usually these videos are stamped with the camera name

1 and the --

2 A Say that again.

3 Q -- the time. The video's usually stamped with the
4 camera, the number of the camera and the time?

5 A Yes, ma'am. It is.

6 Q And is that done automatically?

7 A Automatic.

8 Q Okay. For some reason it's not showing up here. All
9 right. And this would be another camera that's at one of the
10 registers?

11 A Yeah. That's the camera closer to the register, I mean,
12 to the door.

13 Q All right. And I'm going to fast forward it again.

14 (State's Exhibit Number Three played in open court.)

15 BY MS. RICHARDSON:

16 Q Okay. Mr. Crews, this would be camera five?

17 A Yes, ma'am.

18 Q Okay. And that's located where in the store?

19 A In the center of the store.

20 Q Okay. All right. I'm not going to show all of this
21 video, but also, this is camera number six, and this camera is
22 located where?

23 A Facing the front door.

24 Q Okay. And that door opens out to -- in which direction?

25 A It opens out to the middle, middle of the parking lot.

Calvin Crews - Direct by State

113

1 Q Okay. And in which direction would Highway 17 be?

2 A To your left.

3 Q Okay. I'll fast-forward this.

4 (State's Exhibit Number Three played in open court.)

5 BY MS. RICHARDSON:

6 Q I'm going to skip down to camera 13.

7 THE COURT: All right. Excuse me, Ms. Richardson. If we
8 could just take a short break, I think one of the jurors
9 indicated that they needed a break.

10 MS. RICHARDSON: Okay.

11 THE COURT: Is that correct? All right. I apologize for
12 doing it, but we'll take about a five-minute break.

13 MS. RICHARDSON: Okay.

14 THE COURT: Do not discuss the case even among
15 yourselves. We'll take about a five, real short break and
16 bring you right back. Okay? Thank you very much.

17 (Whereupon, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. I got an indication one of the
20 jurors said that they needed to use the restroom. So we'll
21 just take about a five-minute break and then we'll just bring
22 them right back. Okay?

23 MS. RICHARDSON: All right. Thank you.

24 OFF THE RECORD

25 (On the record. The following takes place outside the

Calvin Crews - Direct by State

114

1 presence of the jury.)

2 THE COURT: Thank you very much. Please be seated.

3 All right. Anything from the State before we bring the
4 jury back?

5 MS. RICHARDSON: No, Your Honor.

6 THE COURT: All right. Anything from the Defense?

7 MR. HAZZARD: Nothing from the Defense, Your Honor.

8 THE COURT: All right. Let's bring the jury in.

9 (Whereupon, the following takes place in the presence of
10 the jury.)

11 (Bailiff and Court confer.)

12 THE COURT: All right. Juror Number 106, Connie L.
13 Montgomery says that she's too ill. I mean, she's ill now?

14 BAILIFF: Yes, sir. You want me to bring her out and you
15 talk to you?

16 THE COURT: Yes. Let's bring her out.

17 BAILIFF: Okay. Just her?

18 THE COURT: Yes.

19 (Juror Number 106, Connie L. Montgomery enters
20 courtroom.)

21 THE COURT: All right. Ms. Montgomery, you're not
22 feeling well?

23 MS. MONTGOMERY: Yes. I'm a hemophiliac, Factor VII
24 deficient. So, yeah.

25 THE COURT: Okay. All right.

Calvin Crews - Direct by State

115

1 Well, I'm going to go ahead and excuse you from this
2 case, but you'll need to call the Clerk of Court after six
3 p.m. today for further instruction on what you need to do.
4 Okay?

5 MS. MONTGOMERY: Okay. Thanks.

6 THE COURT: All right. They may very well -- we might
7 have another trial and you may very well have to come back.

8 MS. MONTGOMERY: That's fine.

9 THE COURT: I mean, is this something that just hit you
10 all of a sudden or you're not taking your medication or what?

11 MS. MONTGOMERY: Yes. My -- no. I am taking it, but my
12 blood doesn't clot like yours or someone else's normally
13 because Factor VII is deficient within my body. Therefore, at
14 -- spontaneously, at any time, things could just go south for
15 no reason at all.

16 THE COURT: I mean, is there something we can help you
17 with?

18 MS. MONTGOMERY: No. My spouse will have to come and see
19 that I get a Factor VII infusion.

20 THE COURT: Okay.

21 MS. MONTGOMERY: Okay?

22 THE COURT: All right. All right. Well, I'll excuse you
23 for the remainder of the day, but you will need to call that
24 Clerk of Court's number after six p.m. and that'll tell you
25 when you need to return. Okay?

1 MS. MONTGOMERY: Thank you, sir.

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

3 MS. MONTGOMERY: Thank you, sir.

4 (Juror exits courtroom.)

5 THE COURT: All right. As I understand it now, we've got
6 to -- we need to select one of the alternates at random, as I
7 understand it. Correct? I know in civil cases you take the
8 first alternate and the second, and then the second alternate,
9 but I think in General Sessions you put the alternate's name
10 in a hat and draw at random is the way -- is my understanding
11 of the statute. Anything from the State?

12 MS. RICHARDSON: No, no objection from the State, Your
13 Honor.

14 THE COURT: Anything from the Defense?

15 MR. HAZZARD: Nothing from the Defense, Your Honor.

16 THE COURT: Okay. And I'm almost positive that's how we
17 do it. All right. Who do we want to pull?

18 MR. HAZZARD: The Defense is fine with one of the
19 bailiffs doing the pull, Your Honor.

20 THE COURT: All right. So is that agreeable with the
21 State?

22 MS. RICHARDSON: Yes, Your Honor.

23 THE COURT: All right. Just reach in and pull one of
24 those out.

25 (Bailiff complies with request.)

Calvin Crews - Direct by State

117

1 THE COURT: All right, sir. Juror Number 116, Gary S.
2 O'Dell will be seated. All right. Anything from the State
3 before we bring the jury back?

4 MS. RICHARDSON: Nothing from the State, Your Honor.

5 THE COURT: All right. Anything from the Defense?

6 MR. HAZZARD: The Defense would ask whether Juror Number
7 106 made any written correspondence to the Court or simply
8 made it known to the bailiff who then delivered the
9 information to the Court.

10 THE COURT: All right. I did not get any written
11 response.

12 BAILIFF: What she did she didn't give me a -- she just
13 said she was ill and I relayed the message to you.

14 THE COURT: All right. She just told, told the bailiff
15 that she was ill. She told you that in the jury room?

16 BAILIFF: She did.

17 THE COURT: Okay.

18 BAILIFF: In front of the other jurors.

19 THE COURT: All right. And when she came to the bench I
20 don't know if you all could hear or not, she said she was a
21 hemophiliac and needed some type of infusion or whatever the
22 case may be. So, so I went ahead and excused her. All right.
23 Anything further from the Defense?

24 MR. HAZZARD: Nothing else from the Defense.

25 MS. RICHARDSON: Was this the same juror that needed a

1 break, Your Honor?

2 THE COURT: Well, was that who it was?

3 BAILIFF: That's -- it was her.

4 THE COURT: Yeah. Okay. I was just told that a juror
5 needed a restroom break, and I wasn't sure which one it was.
6 I, I sensed that she was the one, but I wasn't positive. So
7 all right. Let's bring the jury back in.

8 (The following takes place in the presence of the jury.)

9 THE COURT: All right. Ladies and gentlemen, welcome
10 back. We're ready to resume. Before we do I need to let you
11 know that we did have a juror that was getting ill, and so I
12 have excused her and the way the procedure works it goes with
13 the luck of the draw, and Mr. O'Dell, you have now been
14 selected as part of the 12 panel juror. Okay. All right.
15 You can either stay in your seat for right now or switch or
16 whichever makes you feel more comfortable. Okay. But you are
17 now part of the juror, jury. Ms. Newton, you will remain as
18 an alternate at this time. Okay. All right. Ms. Richardson,
19 you may continue.

20 BY MS. RICHARDSON:

21 Q All right. Mr. Crews, during the break we were able to
22 get the time stamp to show on the video, and I'll direct your
23 attention to the arrow. Can you see that?

24 A Yes, ma'am.

25 Q Okay. So this tells which camera it is?

Calvin Crews - Direct by State

119

1 A Yes, ma'am.

2 Q Camera 13, and then the next item is the date that the
3 video was taken?

4 A Yes, ma'am.

5 Q And that's what you were talking about earlier, that the
6 computer automatically or the system automatically puts the
7 date and time on it?

8 A That is correct.

9 Q Okay. And it's in military time? Is this the time
10 that's next?

11 A It's military time.

12 Q Okay. All right. So this is camera 13 and this is
13 obviously outside of the store?

14 A It's on the South Island side, top of the building.

15 Q Okay. And this would be the only gas pumps that are on
16 the -- at the station?

17 A You should have a camera on the other side, too.

18 Q Okay.

19 A I'm thinking camera 14.

20 Q All right. And I'm going to fast-forward this.

21 (State's Exhibit Number Three played in open court.)

22 Q Okay. And then the last camera I believe you mentioned
23 camera 14, and that's located where?

24 A On, on 17 side.

25 Q Okay. So the opposite corner of the one that we just

1 saw?

2 A Correct.

3 Q So would this be the gas pump we were looking at earlier?

4 A Yes, ma'am.

5 Q Okay. I'll fast forward this one.

6 (State's Exhibit Number Three played in open court.)

7 Q So, Mr. Crews, you've, you've reviewed these videos.

8 Were these the best videos that you could find of, of the

9 incident in question?

10 A Yes, ma'am.

11 Q Okay. I have no further questions. Answer any questions

12 that Mr. Hazzard may have for you.

13 A All right. Cross examination.

14 MR. HAZZARD: Thank you, Your Honor. May it please the

15 Court?

16 THE COURT: Yes, sir.

17 CROSS EXAMINATION

18 BY MR. HAZZARD:

19 Q Good afternoon, Mr. Crews. How are you?

20 A Good.

21 Q Okay. To be clear, how many pumps does that Kangaroo

22 station have?

23 A It has 15 pumps.

24 Q Okay. And the pump themselves are not equipped with

25 cameras, I take it?

Charles Coleman - Direct by State

121

1 A No, sir.

2 Q Okay. But you have, what, 16 other surveillance cameras?

3 A That is correct.

4 Q And they were all operational that night?

5 A Yes, sir.

6 Q All right. Thank you. No further questions.

7 THE COURT: All right. Redirect?

8 MS. RICHARDSON: No, Your Honor. I'd ask that he be
9 excused.

10 THE COURT: All right. Any objection?

11 MR. HAZZARD: No objection from the Defense, Your Honor.

12 THE COURT: All right. You may step down. You're free
13 to go. Thank you very much.

14 All right. The State can call their next witness.

15 MS. RICHARDSON: Charles Coleman.

16 Whereupon, Charles Coleman was called to the stand, duly
17 sworn by the clerk and testified as follows:

18 THE CLERK: Thank you. Please be seated. State your
19 full name and spell it for the record, please.

20 MR. COLEMAN: It's Charles Coleman, C-O-L-E-M-A-N.

21 THE COURT: All right. Ms. Richardson.

22 DIRECT EXAMINATION

23 BY MS. RICHARDSON:

24 Q Officer Coleman, where are you employed?

25 A Olanta Police Department.

1 Q And what's your position there?

2 A Lieutenant.

3 Q And where were you formerly employed?

4 A Hemingway Police Department.

5 Q And were you there in -- on July 18th of 2013?

6 A Yes, ma'am. I was with Hemingway then.

7 Q Okay. And what position were you in there, patrol
8 officer?

9 A I was the captain, but also was patrol, yes, ma'am.

10 Q And did you receive a BOLO or a be on the lookout from
11 Georgetown County on that night of July 18th, 2013?

12 A Yes, ma'am.

13 Q And what did -- what information was conveyed?

14 A We were told to be on the lookout for a black in color
15 Dodge Charger. They also gave the tag number and advised it
16 was occupied three times and suspects could be armed and
17 dangerous.

18 Q Okay. And did you encounter a vehicle that matched that
19 description?

20 A Yes, ma'am.

21 Q Okay. Tell me what you were doing or where you were when
22 you saw the vehicle.

23 A I was pulled into Eaddy Brothers' Tire Shop under the
24 awning running radar. A vehicle came by, matched the
25 description and that's when I pulled out behind it and

Charles Coleman - Direct by State

123

1 verified the tag number and attempted to initiate a traffic
2 stop.

3 Q Okay. And that's in the town limits of Hemingway?

4 A Yes, ma'am.

5 Q Okay. And that's in Williamsburg County?

6 A Yes, ma'am.

7 Q Okay. Which is a neighboring county to Georgetown?

8 A Yes, ma'am.

9 Q Okay. And so you followed the vehicle?

10 A Yes, ma'am.

11 Q Okay. And once you verified the tag number what did you
12 do then?

13 A I initiated my blue lights and attempted a traffic stop
14 on it.

15 Q Okay. And were you successful?

16 A No, ma'am.

17 Q What happened?

18 A We reached speeds of upwards of 100 miles per hour. I
19 went into Florence County, and my chief came across the radio
20 and advised me to discontinue the chase.

21 Q Okay. And what road were you on?

22 A Highway -- when I entered the chase, I was on Highway
23 378.

24 Q Okay. But it -- when it started you were on --

25 A 41-51.

- 1 Q Okay. And then you left that from the Town of Hemingway
2 followed it out to where?
- 3 A I went through Johnsonville into a little area called
4 Kingsburg. It's the corner of 41-51 and Highway 378.
- 5 Q And that's an intersection there?
- 6 A Yes, ma'am.
- 7 Q Okay. And if you take a right on 378 you go where?
- 8 A It takes you towards Conway. If you go to the left it
9 takes you back towards Lake City.
- 10 Q Okay. If you go straight across?
- 11 A It takes you into Florence through the wrong back road
12 but it does end up in Florence.
- 13 Q Okay. So this chase went through the Town of Hemingway
14 and through the Town of Johnsonville?
- 15 A Yes, ma'am.
- 16 Q And what are the speed limits in those towns?
- 17 A It's 35 miles per hour in Hemingway, then goes into a 55
18 mile per hour zone, then enter into Johnsonville in a 45 and
19 then 35 and back to 55.
- 20 Q Okay. And was your car equipped with a camera?
- 21 A Yes, ma'am.
- 22 Q Okay. And what kind of system did you have?
- 23 A It was a VHS system.
- 24 Q And that's been provided to our office and converted to a
25 DVD?

Charles Coleman - Direct by State

125

1 A Yes, ma'am.

2 Q And you've had a chance to review that video?

3 A Yes, ma'am.

4 Q Now, I'm going to show you what's been marked as State's
5 Exhibit Number Four for identification. Is that the video
6 that you reviewed?

7 A Yes, ma'am.

8 Q And is that the video that was from your car that night?

9 A Yes, ma'am.

10 Q And is that an accurate reflection of the traffic stop or
11 the attempted traffic stop that you made on this vehicle?

12 A Yes, ma'am.

13 Q And were there any problems with your camera?

14 A No, ma'am. It's just an older system. It's not as --
15 not like the digital systems today, but it's, it's just an
16 older system. So it has the tracking and everything in it
17 that might give you a little bit of blurriness, but --

18 Q Okay. And is it time and date stamped?

19 A It is. With it being an older system, the changing of
20 the date and the times gets a little difficult. So Daylight
21 Savings Times sometimes the tapes will have one hour
22 difference representing the difference in Daylight Savings
23 Time.

24 Q Okay. And was the time on your camera accurate?

25 A No, ma'am. It was, it was showing one hour behind from

Charles Coleman - Direct by State

126

1 the time change.

2 Q All right. So what time did you initiate or attempt to
3 initiate the traffic stop on this vehicle?

4 A It was 1:50 something, closer to 2:00 o'clock.

5 Q Okay. All right.

6 MS. RICHARDSON: Your Honor, at this time I'd offer
7 State's Number Four into evidence.

8 THE COURT: Any objection?

9 MR. HAZZARD: No objection, Your Honor.

10 THE COURT: All right. State's Exhibit Four admitted
11 into evidence without objection.

12 (State's Exhibit Number Four [CD - Traffic Stop, Coleman]
13 admitted into evidence and appropriately marked.)

14 MS. RICHARDSON: And permission to publish to the jury.

15 THE COURT: All right.

16 (State's Exhibit Number Four played in open court.)

17 BY MS. RICHARDSON:

18 Q And that's when you discontinued the stop?

19 A Yes, ma'am.

20 Q And that's because you were advised to by a superior?

21 A Yes, ma'am.

22 Q And that was based on some jurisdictional concerns?

23 A Yes, ma'am.

24 Q Because you were already in Florence County and about to
25 go into Marion County; is that right?

Charles Coleman - Cross by Defense

127

1 A Yes. Yes, ma'am.

2 Q Al right. And if you'll look at the screen, this is the
3 time, time stamp here that you say is an hour behind; is that
4 right?

5 A Yes, ma'am.

6 Q And then down here?

7 A That would be the speed.

8 Q Okay. And once you discontinued the stop was you -- were
9 you or your agency in coordination with any other agencies?

10 A We were advised -- during the, during the chase I advised
11 -- let Johnsonville and Highway Patrol know. So it was then
12 passed on to Highway Patrol in Florence County.

13 Q And obviously we've seen the, the camera, but no one
14 exited the vehicle while you were pursuing it?

15 A No, ma'am.

16 Q Okay. All right. No further questions. Answer any
17 questions that Mr. Hazzard may have for you.

18 A Yes, ma'am.

19 THE COURT: Cross examination.

20 MR. HAZZARD: Thank you, Your Honor. May it please the
21 Court?

22 CROSS EXAMINATION

23 BY MR. HAZZARD:

24 Q Good afternoon, Lieutenant Coleman. How are you, sir?

25 A Good, sir, and yourself?

James T. Hicks - Direct by State

128

1 Q I'm good. Thank you for asking. What we've seen here
2 all of this, your interaction or chase, began approximately at
3 two a.m. on the early morning of July 18th, 2013; is that
4 correct?

5 A Yes, sir.

6 Q Thank you. No further questions.

7 THE COURT: All right. Redirect?

8 MS. RICHARDSON: No, Your Honor, and we'd ask that he be
9 excused.

10 THE COURT: Any objection?

11 MR. HAZZARD: No objection from the Defense, Your Honor.

12 THE COURT: All right. You may step down and you're free
13 to go. Thank you very much.

14 A Thank you.

15 THE COURT: All right. The State can call your next
16 witness.

17 MS. RICHARDSON: The State calls James Thomas Hicks.

18 Whereupon, James Thomas Hicks is called to the stand,
19 duly sworn by the clerk and testifies as follows:

20 THE CLERK: Thank you. Please be seated. State your
21 full name for the record and then spell it, please.

22 MR. HICKS: My name is Trooper James T. Hicks. I work
23 with the South Carolina Highway Patrol.

24 THE COURT: All right. Ms. Richardson.

25 DIRECT EXAMINATION

James T. Hicks - Direct by State

129

1 BY MS. RICHARDSON:

2 Q Trooper Hicks, how long have you been with the Highway
3 Patrol?

4 A Since 2007.

5 Q Okay. And where are you stationed or what, what area do
6 you cover?

7 A Troop Five, which consists of Florence, Marion and
8 Dillon.

9 Q Okay. And on July 18th of 2013, were you on duty that
10 night or early morning?

11 A Yes, ma'am. I was. I was working night shift that, that
12 entire week.

13 Q Okay. Okay. And did you receive a BOLO or some
14 information be on the lookout out of Georgetown County?

15 A Yes, ma'am. Many times there is a 10-0 within a
16 surrounding county. We get a BOLO of an advisory of it, not
17 to participate in it but an advisory that one is in process.

18 Q Okay. And what's a 10-0, tell me what.

19 A A 10-0, 10-0 is a, a, a vehicular chase.

20 Q Okay. And so you received that information from which
21 department?

22 A We received it from our dispatch which is located in
23 Florence, South Carolina. They gave us a dispatch that
24 Hemingway PD was in pursuit of a 10-0 of a possible suspect
25 from a home invasion.

James T. Hicks - Direct by State

130

1 Q Okay. And did they give you a location?

2 A Yes, ma'am. They were traveling 41 North going towards
3 Florence County.

4 Q Okay. And 41 North where does that begin?

5 A 41 seems like has so many legs.

6 Q Yeah.

7 A It goes everywhere, and that particular area of 41 runs
8 all the way till -- from Charleston back down to Kingsburg,
9 then it goes in through Marion County and all the way up to
10 Lakeview into North Carolina.

11 Q Okay. And what area of 41 were you on?

12 A Well, I was on -- at that time I was on the 501 South
13 monitoring the -- that's going towards the beach. Once I
14 received it, I got on 41-A alternate, which is a spur that
15 goes into 41 which goes southbound into the Centenary, Gresham
16 on up to U.S. 378.

17 Q And did you encounter a vehicle matching the description
18 at that time?

19 A Yes, ma'am. As I was traveling south on SC 41 my radar
20 picked up a speeder of 102. I pulled over to the side there.
21 It passed me at -- driving at that speed. I turned around,
22 caught up to it, saw it was a dark-colored car. Once I
23 identified it was a black Avenger, I called our dispatch to
24 verify the tag number and the tag number did come back, that
25 was the vehicle that was involved in the 10-0.

James T. Hicks - Direct by State

131

1 Q And in the area of 41 that you were on when you
2 encountered the vehicle, is that a two lane or four lane?

3 A Two lane. It's two lane all the way from Kingsburg,
4 which turns off 378, all the way into Marion, and it's two
5 lanes basically from there all the way to North Carolina.

6 Q And so you turned around and -- on the vehicle and got
7 the confirmation through dispatch.

8 A Yes, ma'am.

9 Q Okay. So then what did you do?

10 A I could -- at that time I notified, once it was
11 confirmed, I notified our dispatch that I was also at that
12 time 10-0 with the vehicle and it was not stopping, that it
13 was -- speed was at that time was 105. We ranged our speed
14 from 105 to 115.

15 Q And so you followed the vehicle all the way down 41?

16 A We -- yes, ma'am. We followed -- I followed the vehicle.
17 We were about -- when I turned around I was about 15 miles
18 from 501 on 41. I followed for that 15 miles. Then we got
19 onto 501 and made a sharp turn, got on the 501 Bypass North
20 headed towards Dillon County. We followed it for there for
21 about another 10 to 12 miles approximately.

22 Q And do you have an approximation of how far it is from
23 Highway 378 until this chase ended?

24 A From, from 378 is 22 miles to Marion, and from the 501
25 Bypass to the Dillon County line is about, about 15 miles.

James T. Hicks - Direct by State

132

1 Q And who assisted you in this pursuit?

2 A At the time I turned around I was, I was by myself once I
3 notified. Trooper John Ellis was in the lower part of Dillon
4 County. He proceeded to come towards me at that time, and I
5 instructed him to be -- he was trying to get to the -- what
6 they call the Three Mile Fork area. That's where 41 joins
7 into 501.

8 Q Okay. And that's where you met up with him?

9 A That's where I met with, with John Ellis at that area. I
10 also notified Marion County, and they were in route, and once
11 we got on the 501 Bypass headed north they were waiting in the
12 median for me to come by them and they joined into the chase
13 as well.

14 Q And what kind of vehicle were you in?

15 A I was in a 2011 Dodge Charger.

16 Q Okay. Was it a marked vehicle?

17 A It was a fully marked vehicle, light bar on top.

18 Q Okay. And your blue lights were activated?

19 A Blue lights were activated.

20 Q Okay. And what about Trooper Ellis, what was he in?

21 A He was in a 2012 Tahoe, unmarked -- fully -- it was
22 black.

23 Q Okay. And there were marked Marion County vehicles as
24 well?

25 A The Marion County vehicles were 2012 Chevrolet Impalas

James T. Hicks - Direct by State

133

1 which was fully marked.

2 Q And your vehicle, is it equipped with camera equipment?

3 A Yes, ma'am. It has the new WatchGuard system that is
4 installed into it.

5 Q And when does it activate?

6 A It activates when the lights come on.

7 Q And what about Trooper Ellis's vehicle?

8 A His is the, is the same, a WatchGuard system that
9 activates when the blue lights are activated.

10 Q And did you or your office save a copy of this pursuit?

11 A Say again, ma'am.

12 Q Did you make a copy of the video from this pursuit?

13 A Yes, ma'am. As soon as the -- all the activity had
14 ended, I pulled my video out and made -- burned a copy and
15 made it and handed it over to our supervisor, which is
16 Corporal Frank Cherry.

17 Q Okay. And Trooper Ellis would have done the same?

18 A Trooper Ellis did the same as well.

19 Q Okay. And have you been able to view a copy of those
20 videos today?

21 A Yes, ma'am. I did.

22 Q Let me have this marked as State's Exhibit Five for
23 identification. Okay. And is this the CD that you reviewed?

24 A Yes, ma'am. It is.

25 Q Okay. And is that an accurate reflection of the video

James T. Hicks - Direct by State

134

1 both from your car and Trooper Ellis's car?

2 A Yes, ma'am. Because once that video starts it doesn't
3 stop unless you manually stop it yourself, and you can see in
4 the video there is no stoppage until the end of it.

5 Q Okay. And you've reviewed both sets of videos?

6 A Yes, ma'am.

7 Q Okay. And it ended after the stop?

8 A Yes, ma'am.

9 Q Okay.

10 MS. RICHARDSON: At this time I'd offer State's Exhibit
11 Number Five into evidence, Your Honor.

12 THE COURT: Any objection?

13 MR. HAZZARD: Subject to the previous objection --

14 THE COURT: All right.

15 MR. HAZZARD: -- made during the pretrial motions, Your
16 Honor.

17 THE COURT: All right. State's Exhibit Number Five
18 admitted into evidence over Defendant's objection.

19 (State's Exhibit Number Five [CD Pursuit Hicks] admitted
20 into evidence and appropriately marked.)

21 MS. RICHARDSON: And Your Honor, permission to publish to
22 the jury at this time.

23 THE COURT: All right.

24 MS. RICHARDSON: It'll take it just a minute.

25 (State's Exhibit Number Five played in open court.)

James T. Hicks - Direct by State

135

1 MR. HAZZARD: Your Honor, may we -- the Defense wishes to
2 place a matter on the record outside the presence of the jury.

3 THE COURT: Okay. All right. Ladies and gentlemen,
4 we're going to take a short break. I'm going to excuse you
5 back to the jury room for just a few minutes while we address
6 these matters of law, and I tell you why we excuse you to the
7 jury room. It's not that we're trying to hide anything from
8 you or keep anything from you, but there has come up a legal
9 matter or how the law is to proceed, and I have to discuss
10 this with the attorneys. Often when we discuss these legal
11 matters it requires me as the Judge and the attorneys to
12 discuss or reference factual issues. Well, what we say is not
13 evidence. So we do not want you to be influenced by anything
14 that I might say or anything that the attorneys might say when
15 we decide the law to be applied we don't want that to
16 influence you in your decision of the facts of this case, and
17 that's why we excuse you back to the jury room. So we'll take
18 a short break and bring you back out in just a few minutes.
19 Don't discuss the case even among yourselves. Thank you.

20 (Whereupon, the following takes place outside the
21 presence of the jury.)

22 THE COURT: All right. Mr. Hazzard.

23 MR. HAZZARD: Thank you, Your Honor. We discussed this
24 in the pretrial motions, and I just wanted to make sure the
25 record was clear as to the purpose and the basis of my

James T. Hicks - Direct by State

136

1 objection to the playing of these videos. It is my
2 understanding, and I think it is uncontroverted, that Marcus
3 Lambert was operating the vehicle. I do not see the relevance
4 of showing this car chase. If they want a stipulation that
5 Quantae Priest was in the car at the time of the arrest, we
6 will stipulate to that fact. There is no question about that,
7 that at the time of the arrest Marcus Lambert, Daquarius
8 Holmes and Quantae Priest were the three people that were in
9 the victim's car, no question about that. I, but once again,
10 do not see the relevance of showing the car case or the car
11 chase especially in light of the fact, again, Quantae Priest
12 wasn't driving the car. So the Defense position would be that
13 it is unduly prejudicial and irrelevant. So that's our
14 position as to why it should be inadmissible in this case.

15 THE COURT: All right. I understand your motion. I'm
16 going to stay with my prior ruling though. I think it is
17 admissible. All right. Anything further?

18 MR. HAZZARD: Nothing further from the Defense at this
19 time.

20 THE COURT: All right. All right. So your motion is
21 denied. Anything further from the State?

22 MS. RICHARDSON: No, Your Honor, but this may go past
23 5:00 o'clock, just to --

24 THE COURT: How far past 5:00 o'clock because I haven't
25 given the jury any warning about staying late tonight. I

James T. Hicks - Direct by State

137

1 don't mind telling them we'll be late tomorrow night, but I
2 hate to keep them too late without giving some prior warning.
3 How long is the tape?

4 MS. RICHARDSON: I do not -- let me see. I believe it is
5 about an hour altogether, if I remember right. I don't have
6 the exact time down, but it's -- it is pretty lengthy.

7 THE COURT: Okay. All right. Well, let's take -- let's
8 take about a five-minute recess, come back and, and we'll go
9 forward. Okay?

10 MS. RICHARDSON: Thank you, Your Honor.

11 THE COURT: All right.

12 OFF THE RECORD

13 (On the record. The following takes place outside the
14 presence of the jury.)

15 THE COURT: Thank you very much. Please be seated.

16 All right. Anything from the State before we bring the
17 jury in?

18 MS. RICHARDSON: No, Your Honor.

19 THE COURT: Anything from the Defense?

20 MR. HAZZARD: Nothing from the Defense, Your Honor.

21 THE COURT: All right. Let's bring the jury in.

22 (Whereupon, the following takes place in the presence of
23 the jury.)

24 THE COURT: All right. Ladies and gentlemen, welcome
25 back. We're ready to resume the trial of the case. Ms.

1 Richardson, you can proceed.

2 MS. RICHARDSON: Your Honor, I'm going to resume the
3 video where we paused it.

4 THE COURT: All right.

5 MS. RICHARDSON: Are the screens on? Okay.

6 (State's Exhibit Number Five played in open court.)

7 BY MS. RICHARDSON:

8 Q Now, Trooper Hicks, was your vehicle involved in the
9 collision?

10 A No, ma'am. It was not.

11 Q Okay. Explain and it's a little bit hard to see from the
12 video, but explain how the vehicle eventually was stopped.

13 A Okay. If you all saw in the video, when I went and
14 passed and came in front, I requested John Ellis to be -- try
15 to slow it down. At one time it looked like he was just
16 swerving and missing him. So I instructed John Ellis that I
17 was going to move in front, excuse me, to help him slow down.
18 In other words, we were going to get in both lanes and slow
19 our vehicles down to force him to slow down. I already
20 communicated with the county units, and they were going to PIT
21 the car to stop it, and that was our intentions at that time.
22 So when the camera shows me and John in front, and the County
23 did PIT him, but he still was able to maintain control, and
24 that's when me and John Ellis both started turning back south.
25 We crossed the medium [sic], and John accelerated up and he

James T. Hicks - Direct by State

139

1 drove his Tahoe into the driver's door of the vehicle, and
2 then you see my video as I pulled in front of it.

3 Q Okay. And I think you said earlier this was a two-lane,
4 but it was actually four lane through there?

5 A It's a four lane. It's a grass medium [sic] that
6 separated it. Earlier you saw was it was asphalt, when he
7 crossed into the oncoming traffic it was a asphalt medium
8 [sic].

9 Q Okay. And when you said they were going to PIT him, what
10 does --

11 A A PIT means that they were going to take their car and
12 tap the back of it and either to the left or the right corner
13 and that forces the back end to slide around and you'll lose
14 control of the vehicle. It'll create a spin.

15 Q Okay. And so this is what you call a forcible stop?

16 A Yes, ma'am. It is.

17 Q Okay. And that has to be authorized by a commander?

18 A Yes, ma'am. And, and earlier in the vehicle I was
19 authorized to do it, but I don't know because the audio
20 sometimes so much static, I instructed them that the speed was
21 too much. At 115 if I'd tried to PIT them I could have killed
22 them or myself as well, and so I told them as soon as we got
23 him slowed down to a reasonable speed then we could activate
24 that maneuver.

25 Q Okay. And so that's what happened, and then you turned

1 around?

2 A Yes. Once I saw we were -- John was unable to slow him
3 down to a reasonable speed that's when I passed him and got in
4 front, and we were going to do a rolling roadblock what you
5 might call it. We block both lanes so nobody can get past
6 them. That doesn't stop them from crossing the medium [sic]
7 and going to the oncoming lane, but that was our attempt to
8 slow him down so the County could disable the vehicle.

9 Q Okay. And the County vehicles were also involved in the
10 collision?

11 A Yes, ma'am. They were.

12 Q Okay. And Trooper Ellis's vehicle, the airbag actually
13 deployed?

14 A The, the airbag did deploy when he impacted in the
15 driver's side. It did impact on him, and it just gave him a
16 little burn on his arm.

17 Q Okay. And the victim's vehicle, the Dodge, it was
18 damaged on the driver's side then?

19 A The driver's side, yes. It had a small dent on the rear
20 where the County struck it, but the major impact was in the
21 driver's door when Trooper Ellis, you know, drove the, drove
22 the Tahoe into the driver's side.

23 Q Okay. And did you assist in getting the occupants out of
24 the Dodge?

25 A Yes, ma'am. In fact, it was all the units converged. We

James T. Hicks - Direct by State

141

1 had myself and John Ellis and our corporal, Corporal Frank
2 Cherry arrived on scene, had the County units there that was
3 also assisting. So everybody kind of converged on it and got
4 them out. That's why it was just so many people talking and
5 --

6 Q Okay. And that's because you were afraid they were armed
7 at that point?

8 A Yes, ma'am. We, we were told it was an armed invasion.
9 Even in my pursuit I did not get too close because we were
10 unknowledgeable if there was weapons or not. We took it just
11 as it was given to us that they were armed and we proceeded
12 with caution. I stayed a safe distance back to be able to
13 stay with the vehicle and monitor it at all times.

14 Q And were you able to identify who was driving the
15 vehicle?

16 A Yeah. Mr. Lambert was driving.

17 Q And that is Marcus Lambert?

18 A Yes, ma'am.

19 Q Okay. And did you charge him with failure to stop for a
20 blue light?

21 A Yes, ma'am. A warrant was signed the next morning
22 charging him with failure to stop for a blue light.

23 Q Okay. And were you able to identify who the passengers
24 were and where they were seated?

25 A Yeah. Mr. Holmes was in the front passenger side. Mr.

1 Priest was in the rear.

2 Q Okay. And that's Daquarius Holmes?

3 A Yes, ma'am. I didn't remember what their first names
4 were.

5 Q Okay. And the Defendant Quantae Priest was in the back
6 you said?

7 A Yes, ma'am.

8 Q All right. And did you -- well, the driver's door was
9 not operational then?

10 A No. The -- it was -- the impact was too damaged to open
11 it back up.

12 Q Okay. All right. And so there was a -- there was an
13 investigation and a review by the Highway Patrol because of
14 the damage and the forcible stop. Is that right?

15 A Yes, ma'am. We -- because we were involved in it and
16 Marion County was involved in it, we called for Dillon County
17 Sheriff's Department to come out and do the investigation on
18 the damage.

19 Q Okay. And you were found to have committed a minor
20 violation during it?

21 A Yes, ma'am. I did not activate my siren, and the reason
22 I didn't because the -- it was at night. Sometimes in the
23 Brittons Neck area where the chase initiates radio
24 communication can be very -- not very good. So I left the
25 siren off so that they could -- because we were notified they

James T. Hicks - Direct by State

143

1 was armed so that they would know where I was at all times and
2 where the suspects was at all time.

3 Q And what was the demeanor of the occupants when you
4 removed them from the vehicle?

5 A At the time they really didn't have much to say just, you
6 know, one of them was worried about a \$5 bill that was in the
7 car, he needed it.

8 Q But as far as their demeanor was anybody crying?

9 A There was no one crying, no one upset. There was no
10 statements made of any type. Later that day went down and
11 signed the warrants and, you know, talked to all three of
12 them, and basically I told him they were too young to be in a
13 situation like this, but their demeanor at that time was giddy
14 really.

15 Q What do you mean by giddy?

16 A They were sort of laughing. It's almost like they were
17 in a old boys club. They just, they just didn't seem to take
18 the charges they were facing serious.

19 Q Okay. And a search was performed of, of the car right
20 there on scene?

21 A Yes, ma'am. Yes. I did the search of the vehicle. I
22 did find ammo clips and shells and shotgun shells were found.

23 Q Okay.

24 A And a small amount of drugs was found on one of the
25 subjects.

- 1 Q Okay. Okay. And that was on Marcus Lambert?
- 2 A Yes, ma'am.
- 3 Q And that was marijuana?
- 4 A Yes, ma'am.
- 5 Q Okay. And you charged him with that as well?
- 6 A John Ellis made that charge.
- 7 Q Okay. And the items that you recovered from the vehicle
- 8 I'm going to -- let me show you -- do you recall what other
- 9 items were recovered from the vehicle?
- 10 A That was the only physical items. There was a
- 11 handwritten manuscript of how to be a gangbanger which I
- 12 instructed to leave in the car and leave everything else that
- 13 didn't pertain to my charge, which was failure to stop, to
- 14 maintain everything in its integrity in the car until the
- 15 Georgetown Police could come and recover it and do their
- 16 investigation.
- 17 Q Okay. And where was that manuscript found?
- 18 A It was in the back seat.
- 19 Q And do you recall if you found any -- you said you found
- 20 some shotgun shells?
- 21 A And ammo clips which goes into a handgun.
- 22 Q And do you recall what caliber they were?
- 23 A No. They clips don't tell you what caliber it was, but
- 24 it did go into some type semiautomatic weapon.
- 25 Q Okay. And do you recall any cell phones or anything like

James T. Hicks - Direct by State

145

1 that?

2 A The only other thing I did find was the GPS, and it was
3 set for New York.

4 Q Was the GPS in the vehicle?

5 A Yes, ma'am.

6 Q Okay. And it was programmed for New York?

7 A It was programmed for New York because that's the
8 instruction -- it was giving the -- it was giving instructions
9 how to -- which roads to travel to get to 95 to go north.

10 Q Okay. And this ended actually in Marion County?

11 A Yes, ma'am. We were about two, maybe two to three miles
12 south of the Dillon County line.

13 Q Okay. And Dillon County is also a county that you
14 patrol?

15 A Yes, ma'am.

16 Q Okay. And Dillon County borders the State of North
17 Carolina?

18 A Yes, ma'am.

19 Q So about how far do you feel that you were from the state
20 line?

21 A From the state line we were -- be about 20, about 25
22 miles.

23 Q Okay. And Interstate 95 also runs through Dillon County?

24 A Yes, ma'am. From that area you could go 38 to get on 95
25 or go straight 301, 501 and go straight to the North Carolina

1 border.

2 Q And Trooper Ellis's video is also on your -- the CD and
3 you reviewed that as well?

4 A Yes, ma'am.

5 Q Okay.

6 A Yeah. Trooper Ellis is in guard duty at this time.

7 Q Okay. All right. I have no further questions. Answer
8 any questions that Mr. Hazzard may have for you.

9 A Yes, ma'am.

10 MR. HAZZARD: The Court's indulgence, Your Honor.

11 THE COURT: All right.

12 CROSS EXAMINATION

13 BY MR. HAZZARD:

14 Q Good afternoon, Lance -- you are Lance Corporal; correct?

15 A Yes. Yes, sir. I am.

16 Q Good afternoon, Lance Corporal Hicks. When you
17 interacted with Quantae Priest, he did not have any weapons on
18 him of any sort; did he?

19 A None of the subjects had any weapons on them.

20 Q All right. And when you interacted with him didn't try
21 to jump out of the car and run into the woods; did he?

22 A No, sir. He did not try to jump out and run.

23 Q Okay. Because he was in the back seat; correct?

24 A Yes, sir.

25 Q Okay. And there was no damage to his door; was there?

James T. Hicks - Cross by Defense

147

1 A No. There was not.

2 Q Okay. The damage was to the driver's side door?

3 A Yes, sir. That is correct.

4 Q Okay. Who was it at the time of the arrest -- one of the
5 individuals in the car apparently started to say something and
6 I believe I heard on the video some police officer or trooper
7 say, "Shut the F up." Who was that?

8 A That was probably a county officer.

9 Q Okay. So no question that -- well, did you remember
10 hearing him say that? Do you recall hearing that?

11 A Not till I saw the tape.

12 Q Okay. All right. So no question whether if Quantae or
13 anyone else in the car wanted to make a statement as to, "Hey,
14 this is what's going on here," apparently they were told to
15 keep their mouth shut. Would that be a correct statement?

16 A Based on what I heard that was what one, one deputy did
17 make a statement to. Who he made it to I have no idea.

18 Q All right. But I mean, you don't think he was talking to
19 another police officer; do you?

20 A Sir, I -- at the time -- I don't know. I just heard the
21 words. I don't know who he was talking to.

22 Q Yes, sir. Okay. And you indicated to the prosecutor
23 that Quantae and Daquarius Holmes and, and Marcus Lambert
24 seemed giddy when you talked to them the next day. You've
25 done, what, two or three different reports on this incident;

1 correct?

2 A I've done General Sessions report on it. Yes, sir.

3 Q Yes, sir. Do you have a copy of it with you here today?

4 A I have it back there on the back.

5 Q Okay.

6 MR. HAZZARD: With, with the Court's permission if he
7 would be allowed to retrieve that --

8 THE COURT: All right.

9 MR. HAZZARD: -- because I want to make sure we're
10 talking about the same documents.

11 THE COURT: All right.

12 BY MR. HAZZARD:

13 Q All right. Thank you, sir.

14 MR. HAZZARD: The Court's indulgence, Your Honor.

15 THE COURT: All right.

16 MR. HAZZARD: The Court's indulgence, Your Honor.

17 BY MR. HAZZARD:

18 Q All right. Now, Lance Corporal Hicks, you've handed me a
19 copy of a document that at the top says South Carolina Highway
20 Patrol General Sessions report. There is a staple in the
21 upper left-hand corner. Stapled to it is an arrest warrant
22 for Marcus Deonta Lambert 2013A3310100474. That's the failure
23 to stop for blue light that you all discussed on direct
24 examination, a second copy of that document, a third document
25 of that same document, what appears to be a ten-year driver

James T. Hicks - Cross by Defense

149

1 record for Marcus Deonta Lambert, and a report from the
2 Department of Motor Vehicles apparently regarding Mr. Gasque's
3 car. Would these documents that you have handed to me
4 comprise all the reports that you prepared with regard to this
5 matter?

6 A Anytime we go to General Sessions, that is -- that
7 basically is all we're required to do is a General Sessions
8 report, a brief statement at the bottom of the event. We put
9 with that the driving record, any -- the warrant's that's with
10 it and a copy of the CD as well, and that's what we submit.
11 What you're holding there is just my copy of that I maintain
12 so when I have to go to General Sessions I have, you know, the
13 information in front of me.

14 Q I apologize. Let me rephrase my question.

15 A Okay.

16 Q This document that you have given to me, does this
17 constitute all of the reports you prepared with regard to this
18 matter?

19 A Yes, sir.

20 Q Okay. Hadn't prepared any other reports?

21 A No, sir.

22 Q Okay.

23 MR. HAZZARD: The Court's indulgence, Your Honor.

24 BY MR. HAZZARD:

25 Q All right. I'm going to return this document to you for

1 your review. Sir, please review that document, your report,
2 and tell this jury where on there it indicates that this young
3 man was acting in any manner that would be considered as
4 giddy.

5 A First of all, this is a General Sessions report for the
6 driver who would not stop. I did not need to address the
7 other passengers. I had no charges for them. So therefore,
8 they have no place on the General Sessions Report for a
9 failure to stop. My only priority at that time was the
10 driver.

11 Q Uh-huh.

12 A He was the one that would not stop. That's my General
13 Sessions charge for failure to stop. The other subjects were
14 being held for Georgetown Police or county, whoever had the
15 charges for the home invasion.

16 Q Okay. You realize though that this is not a failure to
17 stop for blue light trial and this is not Marcus Lambert?

18 A Yes.

19 Q Are you aware of that face?

20 A So why did you ask for this then?

21 THE COURT: Sir, just answer the questions. Okay?

22 A Okay. Yes, sir.

23 Q Okay. You realize this is not Marcus Lambert; correct?

24 A Yes, sir.

25 Q Okay. So when you were asked with regard to their

James T. Hicks - Cross by Defense

151

1 demeanor, it's your testimony here today that this young man
2 appeared giddy in some fashion?

3 A When I went to --

4 Q Please, sir, answer yes or no and then you can explain it
5 any way you deem necessary.

6 A So repeat that question again, please, sir.

7 Q Yes, sir. So is it your testimony then that this young
8 man, Quantae Priest, this young man here --

9 A Yes.

10 Q -- not the driver of the car, not Marcus Lambert --

11 A Yes, sir.

12 Q -- this young man here on July 18th of 2013 in the Marion
13 County Detention Center at the age of 17 appeared to be giddy?

14 A Yes, sir.

15 Q Okay. But as a law enforcement officer who's been a law
16 enforcement officer at least since 2007 because that's how
17 long you've been with patrol; correct?

18 A Yes, sir.

19 Q Okay. In your interaction with them, despite the fact
20 that you're trained to document anything that is of importance
21 for the purpose of cases for the purpose of future trials,
22 anytime you interact with a Defendant you're supposed to
23 document that; correct?

24 A The only things that I pertain to is what I'm -- charges
25 I'm making. Yes, sir.

1 Q Okay. Okay. And so what did you charge this young man
2 with?

3 A I didn't charge that young man.

4 Q Then why did you interact with him as you say or claim
5 that you did?

6 A Sir, when I went to there to get the information from all
7 the subjects, first of all to make sure that if anybody was
8 okay and everything and that's how -- why I got their
9 information.

10 Q And where did you document their information if that's
11 the only report that you made in this case?

12 A The only thing I documented was my little notebook that,
13 that I keep.

14 Q Okay. You were -- please help me out here. You're
15 indicating on the one hand your only concern is the driver of
16 the vehicle; correct?

17 A That's correct. That's the only charge I made.

18 Q Okay. But yet you're testifying here today under oath --

19 A Yes, sir.

20 Q -- that you had some interaction with this young man?

21 A Yes, sir.

22 Q Despite the fact that he wasn't the driver of the
23 vehicle; was he?

24 A No, sir. He wasn't.

25 Q Wasn't an injured passenger in the vehicle; was he?

James T. Hicks - Cross by Defense

153

1 A No. He wasn't.

2 Q Okay. Didn't have any charges for him; did you?

3 A No. I didn't.

4 Q Yet you claimed that he acted in a manner that was giddy.

5 A Yes, sir.

6 Q But that the only documentation you have of this
7 interaction is in a notebook somewhere?

8 A Yes. You, you -- when I have a collision, I use a
9 notebook. I put my stuff on it, but like I say, I hadn't --
10 the only person I was interested in as far as documentation
11 was the driver. That's the only charge I had, had no charge
12 for anyone else.

13 Q That's the only person you, that's the only person you
14 were interested in with regard to documentation?

15 A That's the only one I needed to do the General Sessions
16 report on. Yes, sir.

17 Q All right.. Thank you. No further questions.

18 A Okay.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY MS. RICHARDSON:

22 Q And your General Sessions case report that was for
23 charges made in Marion County?

24 A Yes, ma'am.

25 Q Against Marcus Lambert?

1 A Yes, ma'am.

2 Q And when you went out to the detention center you had to
3 serve him with a warrant?

4 A Yes, ma'am.

5 Q So you had to have some of that paper typed up before you
6 went out there?

7 A Yes, ma'am.

8 Q Okay.

9 MS. RICHARDSON: I have no further questions.

10 THE COURT: All right. You may step down.

11 MS. RICHARDSON: Your Honor, I'd ask that he be excused.

12 THE COURT: Any objection?

13 MR. HAZZARD: No, sir, Your Honor.

14 THE COURT: All right. He's free to go.

15 A Thank you, Judge.

16 THE COURT: Thank you.

17 All right. Ladies and gentlemen, it's about 5:15. I
18 think we're going to go ahead and break for the evening. I'm
19 going to ask that you please be back in the jury room at 9:15
20 tomorrow morning. We'll try to get started as soon after 9:15
21 as we can.

22 Now, I don't know that we will tomorrow, but I want to
23 make sure we get this case in this week, and so for tomorrow
24 if you have any commitments in the five to 6:00 o'clock
25 timeframe you might want to go ahead and make arrangements

James T. Hicks - Redirect by State

155

1 because we may go a little bit later tomorrow night. So I
2 don't know if you've got to pick anybody up or prepare any
3 meals or do anything of that nature, but if you could make
4 arrangements, I'm -- trust me, I am not going to try your --
5 test your abilities, you know, and, and have you go through
6 trial this longer for you -- than you can comprehend the
7 witnesses and the testimonies, but as you can see, we went to
8 5:15 today, and we may have to go over a little while
9 tomorrow. So please make those arrangements in case we do
10 have to stay until about 6 or 6:15 tomorrow. Okay?

11 I'm going to excuse you for the evening. I caution you,
12 again, do not discuss the case with anyone, don't conduct any
13 independent investigations. I hope everybody has a good
14 evening, and we'll see you back at 9:15 tomorrow morning.
15 Thank you very much.

16 (Whereupon, the following takes place outside the
17 presence of the jury.)

18 THE COURT: All right. Anything from the State before we
19 recess?

20 MS. RICHARDSON: No, Your Honor.

21 THE COURT: Anything from the Defense?

22 MR. HAZZARD: Nothing from the Defense, Your Honor.

23 THE COURT: All right. We'll be in recess until 9:15
24 tomorrow morning.

25 OFF THE RECORD

James T. Hicks - Redirect by State

156

1 (July 29, 2015, guilty plea takes place - previously
2 provided.)
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1 C E R T I F I C A T E

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3 I, the undersigned, Grace L. Hurley, Official Court
4 Reporter for the State of South Carolina, do hereby certify
5 that the foregoing is a true, accurate and complete Transcript
6 of Record of the Hearing held in the case of State versus
7 Quantae Deandre Priest, held in the Court of General Sessions
8 for Georgetown County, Georgetown County Courthouse,
9 Georgetown, South Carolina, on July 27-28, 2015.

10 I do hereby certify that I am neither of kin, counsel,
11 nor interest to any party hereto.

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24 June 12, 2017.

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Grace L. Hurley, CVR-CM-M

Official Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) 2013-GS-22-972, 973, 975

The State,)
)
Plaintiff,) Transcript of Record
)
vs.) July 29, 2015
)
Quantae Deandre Priest,)
)
Defendant.)

B E F O R E:

Honorable Benjamin H. Culbertson
Georgetown County Courthouse
Georgetown, South Carolina

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

Alicia A. Richardson, Esquire
Attorney for Plaintiff

Ronald Hazzard, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

FILED
JUL 29 2015
CLERK OF COURT
GEORGETOWN, SOUTH CAROLINA

State v. Priest (7-29-15)

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E X H I B I T S

(There were no exhibits marked during the guilty plea.)

1 (On the record, July 29, 2015.)

2 THE COURT: All right. Ms. Richardson, what have we got?

3 MS. RICHARDSON: Your Honor, Mr. Priest has at this time
4 decided to enter a guilty plea. Typically it is our policy
5 not to engage in plea negotiations once the trial has begun.
6 However, under these circumstances, after conferring with both
7 the victim and the detective, and given the fact that this
8 Defendant was 17 years old and charged with burglary first
9 degree, the State has agreed to allow him to plead to armed
10 robbery, kidnapping and burglary second degree violent as a
11 lesser included of the burglary first charge. On the burglary
12 second, the maximum penalty would now be 15 years. The State
13 is recommending a 20-year cap concurrent on the kidnapping and
14 armed robbery. The Defendant is going to make an allocution
15 as a part of his plea as well, Your Honor.

16 THE COURT: All right. Mr. Hazzard, you represent
17 Quantae Deandre Priest on the charge of burglary in the second
18 degree being a violent classification, kidnapping and armed
19 robbery?

20 MR. HAZZARD: I do, Your Honor.

21 THE COURT: Have you discussed with your client the
22 charges against him, his rights as a Defendant and the
23 consequences of being convicted of these crimes?

24 MR. HAZZARD: I have, Your Honor. For the record, I've
25 explained to him, among other things, that the armed robbery

State v. Priest (7-29-15)

4

1 is a mandatory minimum of ten years, normally cannot exceed 30
2 years, realize the Prosecutor is recommending a cap of 20 in
3 this instance. I've explained that armed robbery is
4 classified as a violent offense and a most serious offense,
5 that the sentence cannot be suspended, that no parole is
6 available for that. Likewise, I've explained with regard to
7 the kidnapping that it is a violent and a most serious offense
8 and that by pleading to these two acts he will have two most
9 serious offenses on his record, and that if he ever
10 subsequently commits an offense that is serious or most
11 serious, at that point he would be facing life in prison.

12 THE COURT: All right. In your opinion does he
13 understand all of those consequences?

14 MR. HAZZARD: In my opinion he does, Your Honor.

15 THE COURT: All right. And does he wish to plead guilty
16 or not guilty?

17 MR. HAZZARD: My understanding is he wishes to enter a
18 plea of guilty.

19 THE COURT: Do you agree with his decision to plead
20 guilty to these charges?

21 MR. HAZZARD: I do, Your Honor.

22 THE COURT: Based upon the information you have, if this
23 case proceeded to trial, do you feel that the State could
24 prove your client's guilt beyond a reasonable doubt?

25 MR. HAZZARD: I think there's a very good likelihood.

1 Yes, Your Honor.

2 THE COURT: Has your client received a competency
3 evaluation?

4 MR. HAZZARD: He has not, Your Honor. However, I have
5 interacted with Mr. Priest on a regular basis for the past two
6 years and in that time I've not seen nor had any indication
7 that one would be warranted.

8 THE COURT: All right. Sir, your name is Quantae Deandre
9 Priest?

10 MR. PRIEST: Yes, sir.

11 THE COURT: All right. Let's place him under oath,
12 please.

13 (Defendant is sworn by the clerk.)

14 THE COURT: All right. All right. Mr. Priest, you have
15 been charged and indicted by the Grand Jury with kidnapping,
16 armed robbery and burglary in the first degree. Now, these
17 indictments cover all lesser included offenses of which
18 burglary in the second degree being a violent offense
19 classification is a lesser included offense of burglary in the
20 first degree, and according to your attorney you wish to plead
21 guilty to kidnapping, armed robbery and burglary in the second
22 degree. Is that correct?

23 MR. PRIEST: Yes, sir.

24 THE COURT: All right. Before I can accept your guilty
25 plea I've got to go over some questions with you, and the

State v. Priest (7-29-15)

6

1 purpose of my questioning is to be sure that you understand
2 the charges against you, that you understand your rights as a
3 Defendant, that you understand the consequences of pleading
4 guilty, and I must be sure you're pleading guilty voluntarily.
5 Now, during the past 72 hours have you taken any medication,
6 consumed any alcohol or drugs or been under any influence that
7 would affect your ability to know why you're here?

8 MR. PRIEST: No, sir.

9 THE COURT: Do you understand why you're here today?

10 MR. PRIEST: Yes, sir.

11 THE COURT: Is there anything about this hearing that you
12 want to ask your lawyer or ask me before we proceed?

13 MR. PRIEST: No, sir.

14 THE COURT: All right. Now, even though you've been
15 indicted by the Grand Jury, under the Constitution of the
16 United States you're presumed innocent of these crimes, and
17 you have the right to have your guilt or innocence determined
18 by a jury trial of your peers. The State bears the burden of
19 proving your guilt beyond a reasonable doubt. You do not have
20 to prove your innocence, and you cannot be compelled to
21 testify against yourself. You also have the right to confront
22 and cross examine anybody who testifies against you. If you
23 choose you can present a defense, but when you plead guilty
24 you give up all of those rights. Do you understand that?

25 MR. PRIEST: Yes, sir.

1 THE COURT: And do you want to give up those rights and
2 plead guilty?

3 MR. PRIEST: Yes, sir.

4 THE COURT: All right. Now, even though the State's made
5 a recommendation on your sentencing I'm not bound by that
6 recommendation, and for burglary I could send you to prison
7 for 15 years. For armed robbery I could send you to prison
8 for 30 years, and for kidnapping I could send you to prison
9 for 30 years. So if I impose the maximum sentence and I
10 ordered that they run consecutively, I could send you to
11 prison for 75 years. Do you understand that?

12 MR. PRIEST: Yes, sir.

13 THE COURT: Do you understand that armed robbery carries
14 a mandatory minimum sentence, which means the absolute minimum
15 sentence you can receive is 10 years in prison.

16 MR. PRIEST: Yes, sir.

17 THE COURT: And do you understand that all of these are
18 classified as violent offenses?

19 MR. PRIEST: Yes, sir.

20 THE COURT: Which means that if you're ever convicted of
21 another violent offense you will not be eligible for parole
22 and you will not be eligible for probation. Do you understand
23 that?

24 MR. PRIEST: Yes, sir.

25 THE COURT: And do you understand that in this case these

State v. Priest (7-29-15)

8

1 are non-parolable offenses. Do you understand that?

2 MR. PRIEST: Yes, sir.

3 THE COURT: Do you also understand that they are
4 classified as a most -- as -- well, kidnapping and armed
5 robbery is classified as most serious crimes.

6 MR. PRIEST: Yes, sir.

7 THE COURT: Burglary is classified as a serious crime.
8 Now, what that means is if you're ever convicted of another
9 crime that is classified as a serious crime or a most serious
10 crime the sentence for that subsequent conviction can be
11 enhanced to life in prison without the possibility of parole,
12 and the State'll use this guilty plea against you to show two
13 most serious crime convictions and a serious crime conviction.
14 Do you understand that?

15 MR. PRIEST: Yes, sir.

16 THE COURT: All right. Do you also understand that this
17 burglary charge can be used to enhance any subsequent burglary
18 charge against you because burglary in the first degree, if
19 you have two burglary charges -- convictions and you're
20 charged a third time then that third charge can be enhanced to
21 burglary in the first degree. Do you understand that?

22 MR. PRIEST: Yes, sir.

23 THE COURT: Knowing your rights as a Defendant, knowing
24 the maximum sentence you could receive, knowing the enhanced
25 sentence you could get for any future serious crime

1 convictions or most serious crime convictions, knowing that
2 any future burglary charges may be enhanced against you to
3 burglary in the first degree and knowing that armed robbery
4 carries a mandatory minimum sentence of 10 years and that all
5 of these crimes are classified as violent crimes and the
6 consequences of that classification, do you wish to plead
7 guilty or not guilty to armed robbery?

8 MR. PRIEST: Guilty.

9 THE COURT: Do you wish to plead guilty or not guilty to
10 kidnapping?

11 MR. PRIEST: Guilty.

12 THE COURT: Do you wish to plead guilty or not guilty to
13 burglary in the second degree?

14 MR. PRIEST: Guilty.

15 THE COURT: Has anybody promised you anything or
16 threatened you in any way to get you to plead guilty?

17 MR. PRIEST: No, sir.

18 THE COURT: Are you pleading guilty voluntarily?

19 MR. PRIEST: Yes, sir.

20 THE COURT: Are you satisfied with the services of your
21 lawyer?

22 MR. PRIEST: Yes, sir.

23 THE COURT: Are you pleading guilty to these crimes
24 because you committed these crimes?

25 MR. PRIEST: Yes, sir.

State v. Priest (7-29-15)

10

1 THE COURT: All right. Now, I understand we've been in
2 the middle of a trial, but still I'm going to have the
3 Solicitor put on the record the allegations against you on
4 these cases. Okay? You'll need to listen carefully. All
5 right. Ms. Richardson.

6 MS. RICHARDSON: Your Honor, this occurred the night and
7 into the early morning hours of July 17th to July 18th of 2013
8 in Georgetown County. This Defendant and two Co-Defendants
9 while one or more of them were armed with a handgun and a
10 knife forced their way into the victim's home, Mr. Dan Gasque.
11 Once inside he was robbed of cash. He was also robbed at
12 gunpoint of his vehicle, a 2013 Dodge Avenger. He was
13 kidnapped by these Defendants from the residence at gunpoint,
14 taken in his own car, driven around the City of Georgetown to
15 attempt to get money out of ATM machines. The victim managed
16 to escape at the Kangaroo gas station in Maryville. Your
17 Honor has seen the video showing the Co-Defendant and Mr.
18 Gasque and their interaction there and attempts to keep him
19 under control. Video also makes it clear that there were
20 other participants in the car because the car drove away.
21 While Mr. Lambert, the Co-Defendant, was in the store or was
22 tackling Mr. Gasque, they, they left the store. Mr. Gasque
23 escaped around 12:50 a.m. That's when the 911 call was made.
24 About an hour and eight minutes later the car was spotted and
25 the pursuit began by the first law enforcement office --

1 officer in the town of Hemingway. An hour and eight minutes
2 later some 40 miles from the Kangaroo station that vehicle was
3 pursued until it was stopped in Marion County near the Dillon
4 County line. You saw that video and heard testimony. Mr.
5 Priest was a passenger in that car, the victim's car when it
6 was stopped by law enforcement.

7 Your Honor, and just for the record, and would need to
8 note this on the sentencing sheet, under the kidnapping there
9 is no sexual component, and sex offender registry would not be
10 required and that needs to be noted on the sentencing sheet,
11 Your Honor.

12 THE COURT: All right. All right. Mr. Priest, you
13 understand what the allegations are against you?

14 MR. PRIEST: Yes, sir.

15 THE COURT: Is that what happened in this case?

16 MR. PRIEST: Yes, sir.

17 THE COURT: All right. Mr. Hazzard, anything in
18 mitigation?

19 MR. HAZZARD: Yes, sir, Your Honor. The Court has seen
20 much of the evidence in this case over the past two days. The
21 reason we're, the reason we're standing here, the reason I'm
22 standing here and Quantae is standing here and we are going
23 through this guilty plea is something that I don't believe has
24 ever happened in my 20 some odd years of, of doing criminal
25 law, criminal defense. An individual came to me, an

State v. Priest (7-29-15)

12

1 individual in law enforcement came to me and asked me would I
2 try one more time to speak with Quantae about the possibility
3 of a plea, and the reason the request was made is because they
4 saw something good in this young man and I've always seen
5 something good in him. In the two years that I've dealt with
6 him, the Court has handled enough of my cases to know that I
7 have some clients that can be pretty rambunctious. In the two
8 years that Quantae has, has been incarcerated, his demeanor
9 that you see here today is the demeanor that he's always had
10 with me, whether we agreed on things, whether we disagreed on
11 things. He has never raised his voice, never been
12 disrespectful, always said yes, sir and no, sir, and I am very
13 grateful for that. This is a young man who has had an
14 extremely difficult life. He was born here in Georgetown
15 County, lived here for about the first four years of his life
16 and then his mother took he and his brother and moved them up
17 to Virginia because she had a sister that was in the Navy up
18 there and thought she could get a fresh start and possibly the
19 two family members together could help each other out. Well,
20 after about a year and a half of being up there and struggling
21 to try to make ends meet and working at Wendy's and things of
22 this nature, the house that they lived in burned to the
23 ground. So now here they are. They are homeless, a woman
24 with two small children because his brother is two years
25 younger than he is, and so she came back to Georgetown,

1 brought the kids back to Georgetown. I have always heard it
2 said, Your Honor, that when you are talking about a male child
3 that it is virtually impossible for that male child to grow
4 into a man if you never see a man, hard to be a man if you
5 never see a man, and so he did not have a father during those
6 years. I asked him, I said, "Well, who is the father that you
7 know?" And he says, "The father that I know is, is Mark
8 Mosley." I said, "Well" -- that's his stepfather, married his
9 mother. Mark Mosley came into his life about the age of six.
10 Well, then about the age of 11 Mr. Mosley and his mother,
11 Quilinda [spelled phonetically] Mosley seated back there,
12 things didn't work out. So now he's gone out of the line --
13 out of the house, and I said, "Well, who is your biological,"
14 I said, "How'd your name end up being Priest? Her name's
15 Mosley. How did your name end up being Priest?" And he said,
16 "Well, that's my mother's maiden name," because I said, "Who
17 is your father? Who is your father," and he said, "I don't
18 really know. I don't really know. All I've ever known is
19 I've known Mr. Mosley for a period of about five, four and a
20 half years, and a couple of, you know, well-intentioned
21 boyfriends who've come along, moved into the house," said no
22 abuse, nothing crazy like that, but that's all he's known.
23 That's all the, the structure, the male influence that he has
24 ever had in his life.

25 He attended Browns Ferry Elementary School from the first

State v. Priest (7-29-15)

14

1 to the third grade. Then the family moved to Maryville, and
2 he attended Maryville Elementary from the third to the fifth,
3 and after his mother and Mr. Mosley broke up then they moved
4 to Johnsonville for a year. So he's at Johnsonville Middle
5 School in the sixth grade, came back and attended Georgetown
6 Middle for the seventh and the eighth and then Georgetown High
7 School where he made it through the 11th grade, and not
8 thinking I asked him, "Why didn't you graduate," and he looked
9 at me and I said, and he said, "Because I was locked up." He
10 was 17 years old July 17th of 2013. He was a junior in high
11 school when this occurred.

12 I asked him, "How did you meet Marcus Lambert," and he
13 said, and that's the individual who I think we all can agree,
14 the Prosecution and I can agree is the prime movant in this
15 and the most culpable individual, and he says, "I just, you
16 know, met him around the neighborhood, was never in school
17 with him or anything of that nature, but he was a couple of
18 years older," and Mr. Lambert always, now we know, pretty much
19 has this penchant for taking cars that don't belong to him,
20 but what Quantae could see is that Marcus Lambert always
21 seemed to have a little bit of money, always seemed to be
22 driving a nice car, always had a nice girlfriend, and so when
23 you don't have a role model of someone who gets up, goes to
24 work, pays the bills, takes care of his family every day,
25 maybe that's the closest thing that you think to aspire to,

1 and so he started hanging out with Marcus Lambert and seemed
2 like a good idea, and that is what has brought him before this
3 Court.

4 It has been a tough life. I, I asked him, I said, "Well,
5 what does your mother do for a living," and unfortunately it
6 has been very tough for Ms. Mosley as well. He says the last
7 regular job he can recall his mother having is working at that
8 Wendy's in Virginia when he was four, and he said, "Yeah, I
9 mean, times were tough, but I wasn't ungrateful for what
10 little we had," but even growing up like that I could see
11 where if a young man sees someone a couple of years older that
12 seems to have more then maybe that causes that aspiration.

13 There is no question, no question that what happened to
14 Mr. Gasque should never, ever happen to anyone, and I want to
15 give him my sincerest apologies that that happened to him, but
16 this young man has placed himself in a position where one
17 action on one night will change the rest of his life and the
18 question becomes how much of his life will he spend
19 incarcerated because of these actions.

20 His uncle, Kenya Priest, is present and, and when the
21 Court thinks it is the appropriate time I would ask that the
22 Court allow Mr. Priest to speak briefly on Quantae's behalf.
23 The range here, if the Court deems the cap appropriate,
24 mathematically speaking is obviously ten years to 20 years.
25 We are asking for the Court to sentence in a range closer to

State v. Priest (7-29-15)

16

1 the ten than the 20. I'll put it on the record that my
2 position, having done federal court for several years, I think
3 my position always kind of looks at things that way that you
4 have whoever the most culpable individual is, their role in
5 the offense and everyone who is less culpable falls under that
6 for the purpose of sentencing. Here things are a little more
7 difficult because he has exercised his constitutional right to
8 begin the process of a trial, and I hope and I pray the Court
9 does not hold that against him. I hope the Court is somewhat
10 mindful, and I say somewhat mindful because obviously the
11 Court's in a different position now than when it took Daquaris
12 Holmes' plea. The Court has seen much more evidence, has
13 heard from the victim, heard from other witnesses and knows
14 much more about the case than the Court otherwise would in a
15 guilty plea, but I would ask the Court to be mindful that for
16 the purposes of the case Co-Defendant, Daquaris Holmes
17 received a 15-year sentence. The most culpable individual,
18 Marcus Lambert, I'm sure he's hoping to receive a sentence in
19 that range as well, and, and I hope and I pray, truly pray
20 that this young man's sentence does not exceed Marcus
21 Lambert's sentence, and there's no question that Marcus
22 Lambert is the moving factor, no question he was the one with
23 the gun because that's what Mr. Gasque testified to. He said
24 that the person who wrestled with him in the store is the
25 person who had the gun, the person who pistol-whipped him in

1 his home, the person who drove his car, and I mentioned this
2 in chambers, and I truly do believe this with all my heart, I
3 do not think that Quantae or even Daquaris Holmes, that
4 Quantae Priest was that invested in what this turned into. I
5 think it was perhaps one of Mr. Lambert's schemes to steal a
6 car and then somehow it spun into, "Let's get some money," and
7 then it -- to get the money, there's none in the house, "So
8 now we got to go to the ATM." So you got to take him with you
9 to the ATM, but I do not think that Quantae Priest was
10 anywhere near as invested in this hair brain scheme as Marcus
11 Lambert, and I would point out, as the Court has seen in the
12 video, that according to the State's theory and what Marcus
13 Lambert has said that either Mr. Priest or Mr. Holmes
14 supposedly was in the back seat holding a gun on, on, on, on
15 Mr. Gasque while Mr. Lambert was driving the car, and as the
16 Court knows when you look at that surveillance video from the
17 Kangaroo, despite the fact that there are two other people in
18 the car supposedly holding him hostage, and I don't say that
19 as if he -- it didn't happen. He definitely was supposed to
20 stay in the car, but Mr. Gasque said, "No. You know what?
21 I'm out of here. I'm out of here." So once Marcus Lambert
22 got out of the car, at that point Mr. Gasque was able to get
23 out of the car, and I submit that if Mr. Holmes and Mr. Priest
24 had been as invested in this foolishness as Mr. Lambert that
25 when you're holding someone at gunpoint that would not happen.

State v. Priest (7-29-15)

18

1 So I hope the Court takes that into consideration as far as
2 this young man wasn't the movant. He was a follower in this
3 insanity, and again, I've been doing this, started practicing
4 law in 1988, started practicing criminal law doing serious
5 criminal cases in 1988, and I have never said these words, and
6 these words are, I am begging you for years of his life. I am
7 begging you for years of his life. Now, if the Court thinks
8 this is the appropriate time to hear from Mr. Priest I would
9 ask the Court to please do so.

10 THE COURT: All right. I'll hear from Mr. Priest and
11 anybody that wants to speak on his behalf. You need to -- how
12 about let's shift the microphone or if you want to use -- can
13 we use the microphone on your desk, Ms. Richardson?

14 MS. RICHARDSON: Sure.

15 THE COURT: Sir, I'll need you to come forward to the
16 microphone and give the court reporter your name.

17 MR. KENYA PRIEST: My name is Kenya Priest.

18 THE COURT: Could you spell your name, please?

19 MR. KENYA PRIEST: K-E-N-Y-A.

20 THE COURT: All right. Mr. Priest, what would you like
21 to say?

22 MR. KENYA PRIEST: I stand before the Court today, first
23 of all turning around to apologize to you, Mr. Gasque, Mr.
24 Dan. I know you from working in the gas station when I was a
25 younger child. You know my mother real well because we spoke

1 with you in a grocery store in Johnsonville recently, and I
2 apologize for the situation that my nephew got himself into.
3 I apologize for what them guys did to you because you or no
4 one deserve what happened, and I stand before the Court to let
5 you all know that this young man you all see standing here he,
6 he's a good kid. Like his, his lawyer say, he just got caught
7 up. He went and followed. He followed. He is not the
8 leader. He's a great kid, smart, respectable, and he had a
9 rough life, you know, and I couldn't walk with him, hands and
10 feet. All I could is encourage, but it hurts me to my heart
11 to know that he allowed himself, you know, after going through
12 everything he went in life, you know, I would want to be the
13 one to make a change, you know, but I guess, you know, like
14 the lawyer said, he, he got caught up with whoever this Marcus
15 Lambert guy is. He's the head of what went on, and he
16 followed because I know without a shadow of a doubt Quantae
17 ain't going to do nothing like this. You know, he, he
18 probably put on a front in front of his so-called friends, and
19 like I always told him, choose the company that you be around
20 because people that you think is your friend is not your
21 friend, and now he see that, that the people that he thought
22 was his friends, the people that he thought had his back
23 didn't, and I just ask the Court, you know, just be lenient on
24 him because I know, I raise him, you know, until him and his
25 mom left to go to Virginia and live the life that they was

State v. Priest (7-29-15)

20

1 living. He's not a violent person, you know. I can't explain
2 why he did what he did or why he was at the crime scene or
3 what -- I don't know what was his motive behind doing what he
4 did, but I know for a fact that he didn't planned it, and I
5 know for a fact that he didn't mastermind it. He followed.
6 He was influenced to do what he did because from being around
7 him and talking to him I know he's very easy to influence.
8 Somebody say, "Yo, Quantae, we can do this. We can do that,"
9 he might jump and do it, but at the end of the day he's a
10 great kid, you know, and, and I ask that the Court just, just
11 be lenient on him, you know. I know you got to pay the cost.
12 Cost is behind everything that you do, and it's a consequence.
13 You know, you do the crime you got to do the time. You know,
14 that's what my mom's always telling me. She said, "If you do
15 something, be real about it, tell the truth and the truth will
16 set you free," and obviously, you know, the Spirit of God
17 spoke to him and told him to be truthful. You know, I would
18 have rather him come forth and be truthful like he's doing
19 today than to went on through this trial and got 30 to life.
20 You know, I pray that, you know, he don't get what the crime
21 call for, and I pray that he get the less of what the crime
22 calls for because at the end of the day, and I speak on behalf
23 of Daquaris because I talk with him. Those two guys was not
24 the head of this, this situation that went on, and I just ask
25 that you be lenient on him and just give him as less as he can

1 get so that he'd be able to come back out, get a learning
2 experience from what he's about to go through and be back with
3 his family. Thank you.

4 THE COURT: All right. Thank you.

5 MR. HAZZARD: And Your Honor, at this time if the Court
6 would entertain a statement from Quantae Priest, we would
7 appreciate it.

8 THE COURT: All right. Mr. Priest, what would you like
9 to say?

10 MR. PRIEST: I would like to first and foremost apologize
11 to the victim, Mr. Dan Gasque. I really, I really didn't want
12 to put him through all that. I really, I really apologize for
13 all that he went through on that night. I mean, it was a
14 life-changing night for a lot of people, including myself and
15 him, and I'm pretty sure he's still mentally messed up behind
16 all that happened to him, and I just want to ask for his
17 forgiveness, and I just want to apologize to the Court and to
18 my family for all that I'm putting you all through. I mean,
19 we could be down, done with this. I, I take responsibility
20 for what I did, and I'm truly sorry for what I did. I mean, I
21 just ask you to have as much leniency as possible. I mean --
22 who committed the crime with me was Daquaxis Holmes and Marcus
23 Lambert, and most everything that they said happened did
24 happen, but it was like all that was not supposed to happen.
25 It wasn't -- it was like Marcus had the idea. He said that he

State v. Priest (7-29-15)

22

1 knew the guy from giving rides. Me and Daquaris had need a
2 ride home when we was staying on the beach. Marcus said we
3 could get a ride from the guy. Went over there, knocked on
4 the door, he answered. Did not, did not give us the ride,
5 obviously, and one thing turned into another thing, but I just
6 -- I'm really sorry. I really apologize.

7 THE COURT: All right. Thank you. Does the victim wish
8 to say anything?

9 MS. RICHARDSON: No, Your Honor. Mr. Gasque, have you
10 changed your mind?

11 MR. GASQUE: I want -- I, I just would like to say --

12 THE COURT: All right, sir. If you'd come -- I'll need
13 him --

14 MS. RICHARDSON: Okay. He, he changed his -- he, he does
15 want to speak, Your Honor.

16 THE COURT: All right. Let him come forward.

17 MS. RICHARDSON: And then I want to put some information
18 about prior records and that sort of thing.

19 THE COURT: All right, sir. We need to make a record.
20 So please give the court reporter your name again, please.

21 MR. GASQUE: Dan Gasque.

22 THE COURT: All right, Mr. Gasque, what would you like
23 to say?

24 MR. GASQUE: Oh, I also accepted apology, but through
25 everything that happened I begged for my life that night, and

1 all three refused that, and they, like I said, like they take
2 me in the back room like kneel like execution style, and when
3 I look I thought that was my life was gone, and they took me
4 in the car and I refused to get in the trunk and they ride me
5 around, ride me around. They had time to think before they do
6 all of this. They had time to think, and the other two
7 gentlemen they had time to think about what they do. I'm not
8 a, I'm not a violent person. I'm not a villain person. I'm
9 not -- I'm, I'm a God-sent person, but my life was almost
10 gone. I could have been cut off and gone, no -- my family
11 wouldn't have never know where I been at or what, but whatever
12 you decide, Judge, that's in your hand. It's not in my hand,
13 and I, and I, I'm truly thankful just to be here today.

14 THE COURT: Thank you very much. All right. Prior
15 criminal record?

16 MS. RICHARDSON: Your Honor, he has a 2012 breaking and
17 entering an automobile that he was on a suspended YOA for at
18 the time that this offense occurred. He did have a minor
19 juvenile record as well for shoplifting and breaking and
20 entering.

21 Your Honor, he was 17 years old at the time that this
22 occurred, but would have been 18 in September. The Co-
23 Defendant, Daquaris Holmes, also pled guilty. He was 17 at
24 the time of the offense, but he was a younger 17. He had just
25 turned 17 two months before. Mr. Holmes had no prior adult

1 record, but had a similar juvenile record.

2 THE COURT: All right. Now what is the status of Mr.
3 Priest's suspended YOA sentence?

4 MS. RICHARDSON: It's my understanding that that -- the
5 YOA has been terminated.

6 THE COURT: Okay. All right.

7 MR. HAZZARD: And it's my understanding, Your Honor,
8 apologize, that all remaining pending charges will be disposed
9 of as a part of this plea.

10 MS. RICHARDSON: They will, Your Honor.

11 THE COURT: All right. All right. Mr. Priest, I will
12 accept your guilty plea. I find that it's made knowingly,
13 voluntarily, fully advised of your rights as a Defendant and
14 the nature of the charge against you and the consequences of
15 your guilty plea. I also find that there is a factual basis
16 to support the charge against you. On the charge of burglary
17 in the second degree the sentence of the Court is that you be
18 confined to the State Department of Corrections for 15 years.
19 On the charges of armed robbery and kidnapping, the sentence
20 of the Court is that you be confined to the State Department
21 of Corrections for 18 years. You'll be given credit for any
22 time served thus far and the sentences will run concurrently.

23 MR. HAZZARD: Thank you, Your Honor.

24 THE COURT: All right. Thank you.

25 MS. RICHARDSON: Your Honor, just if the -- make sure the

1 sentencing sheet reflects that about the kidnapping so that --

2 THE COURT: Yeah.

3 MS. RICHARDSON: -- there's not an issue at the
4 Department of Corrections.

5 THE COURT: I marked it on the sentencing sheet for the
6 kidnapping charge that there's to be no sex offender registry.
7 The offenses did not include sex offenses or attempted sex
8 offenses. All right.

9 MS. RICHARDSON: Thank you, Your Honor.

10 THE COURT: All right.

11 (End of Guilty Plea)

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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Guilty Plea held in the case of State of South Carolina versus Quantae Deandre Priest, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on July 29, 2015.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

Grace L. Hurley

Grace L. Hurley, CVR-CM-M

Official Reporter

March 8, 2016.

FORM 5

STATE OF SOUTH CAROLINA

County of GeorgetownQuinnell Priest #384893

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2010-CP-22-00017

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY.

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention LEE Correctional Inst.
2. Name and location of Court which imposed sentence: Georgetown County
GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) Dominique Holmes, Marcus Landrum
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Burglary 2nd 15 yrs.
 - (b) Kidnaping 18 yrs.

FILED
FORGEOTOWN COUNTY, S.C.
2016 JAN -7 P 1:53 PM
ALENA J. WHITE
CLERK OF COURT

Add-on to Question #4 Indictment Numbers

1. 2013 GS 220 975 Burglary 1st Degree
2. 2013 GS 220 974 Assault & Battery 1st Degree
3. 2013 GS 220 973 Armed Robbery
4. 2013 GS 220 972 Kidnapping
5. 2013 GS 220 971 Grand Larceny
6. 2013 GS 220 ⁹⁷⁰ Criminal Conspiracy
7. 2013 GS 220 969 Possession of a Weapon during the Commission of ^{Violent} Crime
8. 2013 GS 220 968 Unlawful Possession of A Pistol

- (c) Armed Robbery 18 yrs
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 15 yrs. July 29th 2015
- (b) 18 yrs. July 29th 2015
- (c) 18 yrs. July 29th 2015
6. Check whether a finding of guilty was made:
- (a) ☒ after a plea of guilty July 29th 2015
- (b) ☐ after a plea of not guilty
- (c) ☐ after a plea of nolo contendere
7. Did you appeal from the judgment of conviction or the imposition of sentence?
"No" Attorney told me I could not cause I plea guilty.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. Did not know about appeal rights
- ii. N / A
- iii. N / A
- (b) the result in each such Court to which you appealed:
- i. N / A
- ii. N / A
- iii. N / A
- (c) the date of each such result:
- i. N / A
- ii. N / A
- iii. N / A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N / A
- ii. N / A
- iii. N / A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Attorney told me no appeal can be filed
- (b) Cause I stop any trial and plea of guilty

- (c) was taken.
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Alibi witnesses not allowed to testify.
- (b) incompetent evidence of counsel
- (c) innocently guilty plea
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Alibi witnesses still will testify on my behalf
- (b) Counsel tried to make me plea guilty
- (c) Told I would receive less time than I received for plea
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(c) the disposition thereof:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(d) the date of each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. N/A
- iii. N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Doing about with this P.C.R.
 (b) Doing about with this P.C.R.
 (c) Doing about with this P.C.R.

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Ronald Hazard "Public Defender"
 (b) your trial, if any? Ronald Hazard "Public Defender"
 (c) your sentencing? Ronald Hazard "Public Defender"
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Told I would receive less "No"
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

N/A

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Georgetown Andy Public Defender's Office
Ronald Hazard, "Public Defender"
 ii. 401 Cleland Street
P.O. Box 2098
 iii. Georgetown, SC 29442

(b) the proceedings at which each such attorney represented you:

i. Mr. Ronald Hazard has been my Counsel through
my whole case. I started trial then
 ii. was told to take a guilty plea by Counsel

iii.

19. State clearly the relief you seek in filing this application:

TO RECEIVE THE DEED I WAS TOLD I WILL RECEIVE
OR TO BE GRANTED A NEW TRIAL.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA

County of Georgetown

VERIFICATION

I, Quinn Priest, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

SWORN to and subscribed before me this 20th
 day of October, 2015.

John A. DiGregorio (L.S.)
 Notary Public

My Commission Expires: 11-05-2019

FILED
 GEORGETOWN COUNTY, S.C.
 2016 JAN -7 P 1:53 PM
 ALMA Y. WHITE
 CLERK OF COURT

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Quantea Priest, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

SWORN or affirmed to and subscribed before me this
20th day of October, 2015.

Paul J. Duggan
Notary Public

My Commission Expires: 11-05-2019

FILED
COURT CLERK
2016 JAN -7 P 1:53 PM
ALMA L. SMITH
CLERK OF COURT

Revised 3/2003

192
Quanta Priest, #364893
Applicant

Fifteenth Judicial Circuit

2016-CP-22-00017

v.

State of South Carolina
Respondent

Amended Additional Issues
To Post-Conviction Relief App.

Applicant, moves to Amend issues to the application To post-conviction relief (PCR) filed January 7, 2016.

I.

10(b) Ineffective Assistance of Counsel

11. (b)

1. Trial Counsel Ineffective For Failing to Suppress evidence
2. Trial Counsel ineffective For Failing to challenge Applicant illegal arrest
3. Trial Counsel ineffective For Failing to investigate all lines of defense
4. Trial Counsel ineffective For Failing to investigate & call all favorable witnesses for the defense
5. Trial counsel ineffective for coercing Applicant to plead guilty
6. Trial counsel ineffective for coercing Applicant to fabricate an alibi
7. Trial counsel ineffective for failing to quash insufficient arrest warrants before jury was sworn in

FILED
GEORGETOWN COUNTY, SC
2016 AUG -8 AM 10:42
ALMA Y. WHITE
CLERK OF COURT

Respectfully Submitted,

~~Quentin Priest #364893~~
Applicant

Quentin Priest #364893
ICE #18-1258
990 Wiscady Hwy.
Bishopville, SC 29010

August 31, 2018

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

Quantae Price

Applicant

Vs.

State of South Carolina

Respondent.)

COURT OF COMMON PLEAS

FOR THE 14th JUDICIAL CIRCUIT

2016-CP-22-00017

Amendment to PCR Application

Applicant by counsel hereby amends his January 7, 2016 PCR application to add the following grounds for relief—

1. Trial counsel provided ineffective assistance of counsel by coercing Applicant into allocating to his charges as opposed to recommending that he plea pursuant to North Carolina v Alford.
2. Trial counsel provided ineffective assistance of counsel by failing to secure the presence of Applicant's alibi witnesses.
3. Trial counsel provided ineffective assistance by failing to challenge the probable cause determination which lead to Applicant's arrest.
4. Applicant's guilty plea was involuntary because it was the direct result of trial counsel's inaccurate advice and ineffective trial preparation.

CERTIFICATE OF SERVICE

Undersigned certifies that on July 10, 2017 a copy of the above was mailed to James Esq. at PO Box 11549 Columbia, SC 29211.


James Falk
Counsel for Applicant

FILED
GEORGETOWN COUNTY, SC
2016 NOV 13 PM 9:47
JULIA Y. WHITE
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

Quantae Priest, #364893,

2016-CP-22-00017

Applicant,

v.

RETURN AND PARTIAL
MOTION TO DISMISS

State of South Carolina,

Respondent.

FILED
GEORGETOWN COUNTY, S.C.
2017 JAN 23 AM 11:28
ALITA Y. WHITE
CLERK OF COURT

Respondent, making its Return to the application for post-conviction relief (PCR) filed January 7, 2016, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Georgetown County Clerk of Court. Applicant was indicted by the October 2013 term of the Georgetown County Grand Jury for unlawful possession of a pistol, possession of a weapon during the commission of a violent crime, criminal conspiracy, grand larceny, kidnapping, armed robbery, assault and battery, first degree, burglary, first degree (2013-GS-22-968, -969, -970, -971, -972, -973, -974, -975). Ronald Hazzard, Esquire represented Applicant. The charges for unlawful possession of a pistol, possession of a weapon during the commission of a violent crime, criminal conspiracy, grand larceny, and assault and battery, first degree were dismissed in exchange for Applicant's guilty plea for the remaining charges. On September 11, 2014, Applicant pled guilty as indicted to kidnapping and armed robbery. Applicant also plead guilty to the lesser-included offense of burglary, second degree. The Honorable Benjamin H. Culbertson sentenced the Applicant, pursuant to a recommendation from the State, to incarceration for eighteen (18) years kidnapping, eighteen (18) years for armed

robbery, and fifteen (15) years for burglary, second degree. The sentences are to run concurrently. Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein are the records of the Georgetown County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the application, and the guilty plea transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his original Application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Alibi witnesses not allowed to testify"
 - a. "Alibi witnesses "still" will testify on my behalf."
2. "Ineffective assistance of counsel"
 - a. "Counsel lied to make me plea guilty"
3. "Invalid guilty plea"
 - a. "Told I would receive less time then received for plea"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

Applicant's first allegation that an alibi witness was not allowed to testify is not a cognizable claim under the Post-Conviction Relief Act. The claims for post-conviction relief allowed are limited by statute. S.C. Code Ann. § 17-27-20. Issues that could have been raised at trial or on direct appeal are not allowed. S.C. Code Ann. § 17-27-20(b). Therefore, PCR is not a

substitute for an appeal and an issue that could have been raised at applicant's trial or on appeal is not cognizable in an application for PCR. *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1974). Furthermore, a guilty plea generally acts as a waiver of all non-jurisdictional defects and defenses. *State v. Thomason*, 341 S.C. 524, 526, 534 S.E.2d 708, 710 (Ct. App. 2000) (citing *State v. Munsch*, 287 S.C. 313, 338 S.E.2d 329 (1985)). The plea admits all elements of the offense charged, "leaves open for review only the sufficiency of the indictment and waives all other defenses." *Id.* (citing *Munsch*, at 314, 338 S.E.2d at 330). By pleading guilty, Applicant waived his right to call witnesses to testify on his behalf. Applicant was aware of this waiver as illustrated in the Court's plea colloquy with Applicant. Plea Tr. p.6 – p.7.

Respondent submits this claim should be summarily dismissed for failing to state a cognizable claim under the Post-Conviction Act.

IV.

Applicant's second allegation is an allegation of ineffective assistance of counsel. In a post-conviction relief action, Applicant bears the burden of proving the allegations in their application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); *Butler*, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Respondent submits Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant's remaining claims is an allegation that his guilty plea was not voluntarily made. Respondent submits that Applicant's allegation that his guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability

that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that her guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why she should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

VI.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

[Signature block to follow.]

VII.

WHEREFORE, having made its Return, Respondent requests that an evidentiary hearing be held on Applicant's remaining allegations.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

January 20, 2017.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN	)	2016-CP-22-00017
QUANTAE PRIEST,	)	
	)	
Applicant,	)	Transcript of Record
	)	(Post-Conviction Relief)
vs.	)	
	)	November 29, 2018
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

B E F O R E:

Honorable Kristi C. Curtis
Georgetown County Courthouse
Georgetown, South Carolina

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

James K. Falk, Esquire
Attorney for Applicant

Johnny E. James, Jr., Esquire
Attorney for Respondent

REPORTED BY:

Dixie C. Eubank
Retired Circuit Court Reporter

PREPARED BY:

Kay H. Richardson
Circuit Court Reporter

I N D E X

2	<u>NOVEMBER 29, 2018</u>	<u>Pg.</u>
3	By Mr. James	3
4	Ronald William Hazzard	
5	Direct by Falk	4
6	Cross by James	12
7	Redirect by Falk	25
8	Quantae Priest	
9	Direct by Falk	27
10	Cross by James	35
11	By the Court	41
12	Marcus Lambert	
13	Direct by Falk	44
14	Cross by James	48
15	Ronald William Hazzard	
16	Direct by James	52
17	Cross by Falk	56
18	By the Court	58
19	Certificate of Court Reporter	61

E X H I B I T S

22	<u>No.</u>	<u>ID</u>	<u>EV</u>
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23

24 (No Exhibits were marked or admitted.)

25

1 NOVEMBER 28, 2018

2 BY MR. JAMES:

3 MR. JAMES: If it may please the Court.

4 Your Honor, this is the matter of Quantae Priest vs.
5 State of South Carolina, Docket Number 2016-CP-22-00017. Mr.
6 Priest is present here in the courtroom today and is
7 represented by Mr. Jim Falk, Esquire. Mr. Priest was indicted
8 at the October 2013 term of the Georgetown County Grand Jury
9 for unlawful possession of a pistol, possession of a weapon
10 during the commission of a violent crime, criminal conspiracy,
11 grand larceny, kidnapping, armed robbery, assault and battery
12 in the first degree and burglary in the first degree. He was
13 represented on those charges by Mr. Ron Hazzard, Esquire. He
14 proceeded to trial before the Honorable Benjamin H. Culbertson
15 on July 27th, 2015 -- I'm sorry -- July 27th, 2015. However, on
16 July 29th, 2015 -- and I apologize there appears to be an
17 error in the return and partial motion to dismiss from the
18 state -- but on July 29th, 2015, he pled guilty as indicted to
19 kidnapping and armed robbery, and additionally pled guilty to
20 the lesser included offense of burglary second degree violent.
21 The Honorable Benjamin H. Culbertson then sentenced him,
22 pursuant to a recommendation from the state, to 18 years for
23 kidnapping, 18 years for armed robbery, and 15 years for the
24 burglary second degree, all to run concurrently. He did not
25 appeal that conviction or that sentence. And so to put it

1 more simply, this was a midtrial plea, Your Honor.

2 Unless there are further questions regarding the
3 procedural history in this matter, I'll give the floor over to
4 Mr. Falk.

5 THE COURT: Mr. Falk?

6 MR. FALK: I'd call Mr. Hazzard to the stand.

7 RONALD WILLIAM HAZZARD, HAVING BEEN
8 DULY SWORN, TESTIFIED AS FOLLOWS:

9 CLERK: Have a seat and state your name for the Court,
10 please.

11 MR. HAZZARD: Yes, ma'am.

12 My name is Ronald William Hazzard, last name is spelled
13 H-A-Z-Z-A-R-D.

14 DIRECT EXAMINATION OF RONALD WILLIAM HAZZARD BY MR. FALK:

15 Q: Mr. Hazzard, how did you come to represent Mr. Priest in
16 this action?

17 A: I was appointed to represent him by Circuit Public
18 Defender Orrie Eckert West.

19 Q: All right. Was that as -- because of a conflict? I'm
20 sorry, are you with the public defender's office or are you
21 private counsel?

22 A: I'm with the public defender's office.

23 Q: I'm sorry. I didn't understand what you were saying.
24 Okay. That's better.

25 So, tell me what -- what kind of plea negotiations had

1 been going with this case prior to it going to trial, or do
2 you recall?

3 A: I can definitely look that up; that's not a problem.
4 But, you've got to understand, Quantae had a whole lot of
5 other charges before that and, when he was charged with this
6 incident from July of 2013, I continued my representation of
7 him. So, it's not quite that easy as far as what the plea
8 negotiations were because of what had been a global
9 negotiation to take care of all charges. But, if you give me
10 second, I'll look in my notes.

11 Q: I'd appreciate it. Thank you.

12 A: Yes, sir. Court's indulgence, please, Your Honor?

13 THE COURT: Sure.

14 A: Okay. The first thing that come to mind, there are 43
15 pages of notes here that encompass, I would think, the vast
16 majority of my representation of Mr. Priest on all the
17 charges. But the first one I see is dated February 25th,
18 2015, conference with Deputy Solicitor Alicia Richardson in
19 her office, discussed status of Defendant's case. Plea offer
20 of 15 years on burglary second violent, CSC third, kidnapping,
21 and armed robbery. And the CSC third, of course was an
22 unrelated matter. Indicating I would advise the defendant of
23 the plea offer for his consideration.

24 Now, at the time of the trial itself, one of the matters
25 that was placed on the record was that the last plea offer

1 that was made to, again, the 15 years, a cap of 15, but that
2 also included the armed robbery. So, as I placed on the
3 record at the trial, it really -- the plea offer really was
4 between 10 and 15 years since he could not get any less than
5 10 for the armed robbery. And all other charges, he was to
6 plead to the armed robbery, kidnapping, and something else,
7 and everything else that was pending would be dismissed as a
8 part of it. And with regard to everything else, that included
9 or was -- Court's indulgence -- assault and battery first
10 degree, kidnapping, burglary first, armed robbery, grand
11 larceny greater than \$10,000, exposure of private parts,
12 criminal conspiracy, unlawful possession of a firearm, and
13 possession of a weapon during the commission of a violent
14 crime, also another burglary first, and criminal sexual
15 conduct, first.

16 Q: So, these are covering more than one incident date; is
17 that right?

18 A: Yes, sir.

19 Q: Okay. Was the 10-year -- did you ever make a
20 representation to Mr. Priest that there was a 10-year offer on
21 the table, the minimum on the armed robbery?

22 A: At some point there may have been, but I doubt it very
23 seriously. I doubt that there was ever just a 10-year offer
24 because it was very fluid, because he kept picking up charges.
25 So, it was very hard to nail down a particular offer.

1 Q: So, tell me about the trial in this case, so what had led
2 to the change in strategy to go ahead and plea as opposed to
3 waiting for the jury verdict?

4 A: I showed up in the morning of the third day of trial and
5 he said he wanted to plead guilty. There was no change in my
6 strategy.

7 Q: What was your strategy?

8 A: My strategy was that he wanted a trial and that my job is
9 to effectuate his rights to a trial by jury. That is his
10 constitutional right. He made the decision and he chose to go
11 forward with trial to spite the fact that we knew that Marcus
12 Lambert and most likely Daquaris Holmes, his codefendant, were
13 both really, willing, and eager to testify against him to try
14 to help themselves with their charges. And, had -- they both
15 had already given inculpatory statements, incriminating
16 statements, but that he wanted a trial. And once he made the
17 decision that he wanted a trial, then that's what we were
18 gonna do.

19 Q: Thank you. And I should've been more specific. The
20 strategy, was this an identity defense, was this gonna be --
21 was this a reasonable doubt type trial strategy, you know, an
22 alibi strategy; what was the ---

23 A: The strategy, such as it was, was that three individuals,
24 including Marcus Lambert and Daquaris Holmes, and an unknown
25 third individual broke into Mr. Gasque's house sometime

1 between 11:00 P.M. and midnight on the night of the incident,
2 that they kidnapped Mr. Gasque and put him in his car, drove
3 him around. He was able to escape at the Kangaroo gas station
4 in Maryville. That sometime within an hour of the time that
5 Mr. Gasque escaped, the police were chasing Mr. Gasque's car
6 through Hemingway, Johnsonville. Subsequently, the car was
7 wrecked in Marion County, I believe, and Mr. Priest was in the
8 back. The strategy was that somewhere between the time that
9 Mr. Gasque's car was seized and the time that his car was
10 wrecked, that the third individual got out and Mr. Priest got
11 in.

12 Q: So, what did -- so on -- you said this was the third day
13 of trial?

14 A: It was beginning of the third day; yes, sir.

15 Q: Okay. How far had the trial progressed? Had y'all
16 started -- I mean, you hadn't started to put up a defense, he
17 hadn't been advised of his rights to testify, had he?

18 A: He was advised of his right to testify or to remain
19 silent by me before the trial ever began.

20 Q: I mean, did the -- had you gotten to the point, had the
21 Court had done that yet?

22 A: We dealt with that to some small extent in a pretrial
23 motion, but the state had not rested at that point, so we had
24 not been specifically asked whether he wished to put up a
25 defense, testify/not testify.

1 Q: And did y'all's investigator speak with Mr. Lambert?

2 A: Yes, sir.

3 Q: What did -- what was your expectation what his testimony
4 was going to be?

5 A: That he -- that Mr. -- that changed, that went back and
6 forth. Initially, Mr. Lambert gave a statement inculcating
7 all three defendants. Then he subsequently wrote a letter
8 saying that he alone was culpable and that Daquaris and Mr.
9 Priest had nothing to do with it. Then, he subsequently
10 apparently changed course and was all on board with testifying
11 and trying to seek some assistance from the state on his
12 charges. It was my understanding at the time the case went to
13 trial that both Mr. Lambert and Mr. Holmes were very eager in
14 fact to testify.

15 Q: And the codefendant, I didn't know if you had -- did
16 y'all actually speak with him or was this just based on the
17 Rule 5 materials that you ---

18 A: I had had some interaction with Mr. Lambert in passing.
19 Hearing things that he said in the jail lockup or in the
20 courtroom lockup, things of that nature, and that gave me a
21 pretty good idea of where his head was at.

22 Q: When he -- when Mr. Priest said that he wanted to try and
23 get a plea, did he -- did y'all discuss whether or not he
24 could plead under *Alford*?

25 A: I don't recall. I don't recall that.

1 Q: So, you don't recall conversations that he couldn't plea
2 under Alford, that he had allocute?

3 A: That really well may have been a conversation. The
4 prosecutor may've said for the benefit of the victim that the
5 only way the state would make that 10 to 15-year offer was if
6 he allocuted, but I do not specifically recall one way or the
7 other.

8 Q: How must time did he wind up getting?

9 A: He got 15 years on one charge, I think, and 18 years on
10 the other two.

11 Q: So, that's where I'm confused. There as an offer for 10
12 to 15 and then how did he wind up with an 18-year sentence?

13 A: Because he rejected the 10 to 15-year offer and it was
14 withdrawn. The offer did not exist when we started the trial.

15 Q: I'm sorry. Okay. So, but when he came in and said that
16 he wanted to plea, do you recall him saying that he wanted to
17 -- he probably used the words nollo plea, no contest?

18 A: No; no, sir.

19 Q: And do you recall stating at that time, telling him they
20 were not gonna let him plea under *Alford*?

21 A: Again, I do not specifically recall wither allocution was
22 a part of the plea or not. I cannot -- when we talk about it
23 now, I cannot believe that it was because the plea offer
24 itself was no longer on the table. You know, so he was
25 actually essentially pleading straight up. I guess the only

1 things that he had going for him at that point was when he
2 started the trial for all of the charges he had pending with
3 regard to this case and with regard other cases, his exposure
4 was life plus 90 years. But in this case they were saying if
5 you plead to these charges, we will dismiss all other charges.
6 So, I would think that would be, as I recall, the benefit of
7 the -- the benefit of the deal that he got. But there was no
8 -- there was no recommendation at that point, there was no
9 recommendation regarding a cap, there was no negotiation as I
10 recall at that point, negotiated plea.

11 Q: What witnesses were you planning to call?

12 A: I was gonna call whoever he wanted me to call. The issue
13 that I had with this case was that Mr. Priest kept saying he
14 wanted us to talk to different individuals because he wanted
15 them to basically provide an alibi as to where he was before
16 Mr. Lambert and Mr. Holmes came by in Mr. Gasque's car, the
17 victim, and picked him up and then took him on what ended up
18 being a joyride of terror through Williamsburg and Georgetown
19 and Marion Counties. Everyone that we talked to, however,
20 would not provide him with the alibi that he sought. That was
21 the problem that we had. And, in fact, I put that on the
22 record as part -- not that they didn't provide with alibi but
23 that I had attempted to speak with or had spoken with everyone
24 that he'd asked me to. And in the pretrial motions, we were
25 on the record saying is there anyone else he wants us to speak

1 to and he gives two names, but he can't, on the record, cannot
2 give us any information as to how to get in contact with these
3 people. So, I do not specifically recall the two names
4 mentioned right before the trial started. I can check my
5 notes and that will tell me if we were able to get a hold of
6 those folks or not. But everyone prior to that were the folks
7 that he said, talk to these people. We talked to them and
8 they all said, yeah, I can't -- I can't say that he was with
9 me at the time period that he's asking about.

10 MR. FALK: One moment, please. Your Honor, I have no
11 further questions.

12 THE COURT: Mr. James?

13 CROSS EXAMINATION OF RONALD WILLIAM HAZZARD BY MR. JAMES:

14 Q: Mr. Hazzard, earlier Mr. Falk asked you about how much
15 experience you had -- that was actually on the record during
16 the plea, so I'll skip right on to what do you recall the
17 underlying facts of this case being. You kind of touched on
18 bits and pieces scattered about, but it's -- start to finish,
19 what was alleged to've been done by Mr. Priest?

20 A: Allegedly, he took part in a home invasion. Mr. Gasque
21 testified -- I believe at the time of the trial, Mr. Gasque
22 was 66 years old. Mr. Gasque got on the witness stand and
23 testified that he was in his home by himself, minding his own
24 business, cutting up some cantaloupe because he was gonna have
25 a little snack prior to bed. That there was a knock on the

1 door, that Mr. Lambert was at the door, and Mr. Lambert said
2 that he needed to, (a) either borrow Mr. Gasque's car or he
3 needed Mr. Gasque to give him a ride somewhere. Mr. Gasque
4 apparently thought that was kind of odd because he said he did
5 not know Mr. Lambert. When he said I will not give you a ride
6 anywhere or let you borrow my car and started to close the
7 door, according to his testimony, two other individuals, one
8 of whom was obviously Daquaris Holmes and then the third
9 individual pushed their way into the house with Mr. Lambert.
10 They then sat Mr. Gasque on a chair. According to his
11 testimony, Mr. Lambert mocked and slapped him while the other
12 two individuals ostensibly, Mr. Priest and Mr. Holmes,
13 ransacked his house looking for money and valuables. That
14 after they were not able to find any money or any valuables,
15 they then took Mr. Gasque and took him out to his car and
16 wanted him to get into the trunk. Mr. Gasque said I will not
17 get in the trunk of my own car. If you want to put me in the
18 trunk of my car, you will have to kill me and put me in there.
19 He was then told to get in the backseat of his car. Based on
20 his testimony, Marcus Lambert would've been the driver. I
21 believe based on his testimony because he wasn't sure,
22 Daquaris Holmes would've been in the backseat with him holding
23 the gun on him, which would've placed Mr. Priest in the front
24 passenger seat. Mr. Gasque testified that they drove around
25 Georgetown for some time. Subsequently, drove to the ATM, he

1 referred to it as Wachovia. It may've been Wachovia at the
2 time but was Wells Fargo at the time of the trial. I think it
3 was really Wells Fargo. They attempted to use the ATM card
4 even though Mr. Gasque says he gave them the appropriate PIN
5 number, they weren't able to get money out. They were upset
6 about that. So, he got cuffed the gun a couple of times
7 because of that. They then drove around some more until the
8 ---

9 Q: Before we get into the next part of the facts, did the
10 state have any sort of video recordings from that ATM?

11 A: I believe so; yes, sir.

12 Q: All right. You may proceed.

13 A: After they left the ATM, they drove around some more,
14 according to Mr. Gasque until the low -- they were running out
15 of gas. So, they drove to the Kangaroo gas station in
16 Maryville. And I believe it was Mr. Lambert went in and paid
17 for some gas and Mr. Holmes was responsible for keeping an eye
18 on Mr. Gasque. And on the video, if it were not something
19 that was just so horrific and terrifying, it actually looks
20 comical. Because, on the video, you see Mr. Lambert walking
21 out of the store, you see Mr. Gasque come running into the
22 store asking people, help me, help me, help me, and you see
23 Mr. Lambert grab him drag him back out of the store, and then
24 a couple of seconds later, Mr. Gasque runs back in and that
25 happens two more times until finally Mr. Gasque gets away,

1 runs back in the store and stays in the store. And he then
2 dials 911 and does all of that.

3 According to Mr. Gasque's testimony, at that point, the
4 three individuals jump in his car, drive off towards the Ferry
5 and that's the last he hears of it. He's subsequently
6 questioned at the Kangaroo and then taken back to his house.
7 And about 2:00 to 2:30 in the morning, he is told by
8 Investigator Garrett that they have apprehended the
9 individuals because his car was wrecked in Marion County.

10 Q: Was there a pursuit in this case?

11 A: Most definitely. It was a three-county pursuit,
12 apparently.

13 Q: All right. And only ended with the stolen vehicle was
14 wrecked, correct?

15 A: Correct.

16 Q: All right. Was there any sort of video recordings from
17 patrol car dash cams or anything like that?

18 A: There were. That was one of the issues we had with it.
19 We were given a redacted copy of it because the highway
20 patrolmen were pretty hyped up and they used some pretty salty
21 language and some inappropriate actions in effectuating the
22 arrest, and that was one of the matters I addressed in the
23 pretrial motions. I had asked that that be excluded from the
24 trial because Mr. Priest, assuming he was in the car, there
25 was no question he was not the driver. Marcus Lambert was the

1 driver. So, I had argued that it was, you know, unduly
2 prejudicial to him to use this quote/unquote evidence of
3 flight when he didn't actually have no choice. Once Judge
4 Hyman, I believe it was Judge Hyman said he was going to allow
5 it, I said, well, if you're gonna allow it, then let's play it
6 all because I want the jury to see everything that happened
7 with regard to how he was treated at the time of his rest.
8 And I remember Judge Hyman asking Deputy Solicitor Alicia
9 Richardson to get with the highway patrol, find out about an
10 unredacted copy. I do not recall right off hand whether they
11 were able to provide one during the course of the two days of
12 trial before he entered his guilty plea.

13 Q: Do you know if those video recordings captured the
14 individuals who were in that car when they were taken into
15 custody after the collision?

16 A: Yes, sir. And there was no question who was in the car
17 at the time of the -- there is no question who got out of the
18 car.

19 Q: Right. And those three people were Mr. Lambert, Mr.
20 Holmes, and Mr. Priest?

21 A: Correct. That was never an issue.

22 Q: All right.

23 A: You know, it was not like three people jumped out and ran
24 and then they subsequently arrested some people later, no.
25 They literally had to be removed from the car. Mr. Priest and

1 our defense was that he may've been in the car at that time
2 but he wasn't one of the individuals who took part in, you
3 know, breaking into Mr. Gasque's house and kidnapping them and
4 all of that stuff. I believe y'all went over this thoroughly
5 on direct examination but just to be 100 percent certain, you
6 don't recall the state ever offering the opportunity to plea
7 pursuant to *North Carolina v. Alford*?

8 A: I'll check my notes if you wish.

9 Q: Please do.

10 A: Court's indulgence, Your Honor.

11 To answer your questions, both of your questions as
12 clearly as possible and to make sure you have a full
13 indication of what was going on, on July 21st of 2015, I had a
14 conference with Deputy Solicitor Alicia Richardson in the
15 solicitor's office. At that time she offered a cap of 15
16 years. Basically a sentencing range of 10 to 15 and
17 considering a mandatory minimum 10 on armed robbery. On a
18 plea to burglary second violent, kidnapping, armed robbery
19 with dismissal of the pending charges. On July 22nd, I met
20 with Mr. Priest at the Georgetown Detention Center, discussed
21 with him the plea offer of 10 to 15 range on burglary second
22 violent, armed robbery, and kidnapping with dismissal of all
23 remaining pending charges. Defendant accepted plea offer
24 after explanation of plea protocol and discussion of fact that
25 the defendant would have to admit guilt under oath. So, yes,

1 that was one of the things that apparently was a requirement.
2 Now, on the 27th of July, I had a conference with him in the
3 downstairs lockup at that point in time, discussed the plea
4 offer again, and discussed the document that he apparently had
5 transmitted to our office, following our discussion on July
6 22nd and his indication on that day, the date of the 22nd, of
7 his intention to enter to guilty plea. The letter was not
8 signed or dated but was transmitted on July 22nd around 3:15
9 P.M. Let's see. Explained to him again the fact that, the
10 fact that no gun was recovered was merely one point for the
11 jury considering making determination of guilt or innocence on
12 the charges. I explained again that ostensibly both
13 codefendant Marcus Lambert and the victim would testify
14 regarding the defendant's possession of a gun. I also
15 explained that so long as the victim believed that the
16 defendant possessed a firearm in the commission of the
17 offenses charged, that alone would be sufficient to send that
18 to the jury. Defendant indicated he could not take 10 to 15-
19 year plea offer and therefore wanted a trial. Reviewed again
20 the penal exposure on all pending charges and reminded him
21 that the burglary first alone carried potential of life in
22 prison and that the defendant was therefore facing life plus
23 95 years I have here. On the record I put life plus 90 on all
24 pending charges. Discussed Defendant's witnesses -- and I
25 have that in quotation -- and reminded him that everyone he

1 had indicated he wanted to have testify either asserted that
2 they had no knowledge of the night in question or their
3 information did not form an alibi for the defendant.
4 Defendant requested the Codefendant Daquaris Holmes, currently
5 in the Department of Corrections be subpoenaed to testify as a
6 defense witness. I talked with Deputy Solicitor Alicia
7 Richardson in the jury room and informed her of his decision
8 to have a jury trial and requested that she arrange for the
9 transport of Daquaris Holmes as a defense witness. And then
10 also that was addressed during the pretrial motions in the
11 trial, I addressed whether or not they will arrange to have
12 Mr. Holmes present to testify.

13 I hope that answered your question; if not, I apologize.

14 Q: That's very thorough. I think it answers the question.

15 So, you indicated that you had a private investigator go
16 speak to these alibi witnesses?

17 A: Yes, sir. Or, either the investigator went and spoke to
18 them or I spoke to them personally on the phone.

19 Q: And none of them checked out?

20 A: No, sir.

21 Q: Do you remember the names of some of these witnesses?

22 A: Not right off hand. Let's see.

23 Court's indulgence, Your Honor.

24 THE COURT: Sure.

25 First one that comes to mind, July 9th, 2015, telephone

1 conference with Amondre Holmes. And Amondre I have it spelled
2 A-M-O-N-D-R-E. Phone number [REDACTED]. The defendant had
3 stated he and Holmes were together at Ranisha Reed's house and
4 subsequently walked to codefendant, Daquaris Holmes'
5 girlfriend's house where the defendant and Codefendant
6 Daquaris Holmes were picked up by Codefendant Marcus Lambert.
7 Amondre Holmes denied being with the defendant at any point on
8 the date of the incident. So, that's one of them.

9 Let's see. On July 9th, searched the database in the
10 clerk of court public index for information on Javonte
11 Armstrong. The defendant stated that Armstrong dropped him
12 off at Ranisha Reed's house on the evening of the incident.
13 Looked up the addresses. I believe that I talked with Mr.
14 Armstrong and he also said, yeah, I don't have any
15 recollection of that or any information that could help.
16 Also, Ms. Reed, who was one of the individuals, now that I
17 think about it, that he said he wanted at the trial during the
18 pretrial motions.

19 Q: What was Ms. Reed's first name again?

20 A: Ranisha, I have it spelled R-A-N-I-S-H-A. And she
21 specifically said, yeah, no, I can't provide you with anything
22 that would be helpful.

23 Okay. On July 7th of 2015, I had a conference with Mr.
24 Priest at the detention center, informed Defendant that I had
25 discussed case with his proposed witness Shatima Gilliard, S-

1 H-A-T-I-M-A, last name G-I-L-L-I-A-R-D, and that she had
2 indicated that she could not provide an alibi for the time in
3 question around 11:00 P.M. because the defendant had been in
4 her presence from around 8:00 P.M. until around 10:00, and
5 that she was certain that the defendant left prior to 11:00
6 P.M. Also explained that I had discussed the case status with
7 his mother, meaning Mr. Priest's mother, and that she
8 indicated that his family would arrange for appropriate court
9 attire for his trial. And that -- at that point, he then
10 provided the phone number for Amondre Holmes. So, it was just
11 a continuous thing of him coming up with names, me talking to
12 these folks and them all saying, yeah, no, I can't do that.
13 Now, the significance of Ms. Gilliard's statement that he left
14 around 10:00 P.M. is that Mr. Gasque's testimony was that the
15 incident occurred where these people came to his house was
16 between 11:00 and 11:30. And so that was the time period that
17 was important and none of these folks that he wanted us to
18 talk to could provide that information.

19 Telephone conference with Defendant's mother Qualunda
20 Mosley, and I have that spelled Q-U-A-N-L-U-N-D-A, last name
21 Mosley, M-O-S-E-L-E-Y. Informed her that the case was
22 scheduled for trial the week of July 27th. I discussed and
23 explained his pending charges, his penal exposure on each,
24 that aggregate maximum and minimum exposure if convicted. Sex
25 offender registry if convicted of the criminal sexual conduct

1 on an unrelated matter and plea offer that was 15 with five
2 concurrent on the criminal sexual conduct. On that same day,
3 I spoke with Shatima Gilliard again. She indicated that the
4 defendant and the codefendant, Daquaris Holmes, were hanging
5 out with her and Ranisha Reed at Reed's house between 8:00 and
6 10:00 P.M. on the night of the incident. She stated she was
7 at Reed's house first, then received a phone call from the
8 defendant who stated he would stop by. She says as far as she
9 knew, the defendant and codefendant walked over there. She
10 denies knowing how Javonte Armstrong, whom the defendant says
11 dropped him off at Reed's house and states she did not see the
12 codefendant, Marcus Lambert at any time that evening. I noted
13 that this statement is inconsistent with the defendant's
14 assertion that he met up with Codefendant Holmes after he left
15 Reed's residence with the Amondre Holmes. So, those were the
16 issues we had with regard to these potential alibi witnesses.
17 As none of them were consistent, but the one thing they were
18 all consistent on was that they couldn't give him an alibi.

19 Q: Okay. And so you just kind of went through this pattern
20 where he would give you a name, you'd go check it out, you'd
21 come back and say no dice, and then he would give you another
22 name?

23 A: Yes, sir.

24 Q: Okay. And you indicated that your understanding was that
25 Mr. Lambert was going to testify against him at trial?

1 A: Yes, sir. And most likely, Mr. Holmes as well.

2 Q: All right. And you indicated that Mr. Priest was
3 extracted from the stolen vehicle after collision?

4 A: Yes, sir.

5 Q: All right.

6 A: In fact, Mr. Lambert, in his initial statement to the
7 police said that he would have kept on running, but he could
8 not get out of the car. But, he did say that neither Mr.
9 Holmes nor Mr. Priest were attempting to run or evade at any
10 time.

11 Q: Do you believe that his removal from that stolen vehicle
12 provided probable cause for your client's arrest?

13 A: Yes, sir.

14 Q: Okay. Did you explain the elements of the offenses
15 charged?

16 A: Yes, sir.

17 Q: Did you file a motion pursuant to Rule 5 and *Brady*?

18 A: Yes, sir. Rule 5 and Rule 6.

19 Q: Did you receive materials responsive to those requests?

20 A: Yes, sir.

21 Q: And to your knowledge were they complete and thorough?

22 A: With the exception again of the redacted dash cam and
23 body cam videos from the highway patrol. Other than that, the
24 information received seemed to be complete.

25 Q: Do you recall about how many times you met with Mr.

1 Priest?

2 A: Um ---

3 Q: If you can't recall a specific number, it is sufficient
4 to give me a word to describe it.

5 A: I would say that Mr. Priest and I met and talked and met
6 and talked at least 30 or 40 times, at least.

7 Q: And you indicated that prior to trial he declined the
8 plea offers that were extended to him with the exception of a
9 short period where he initially said he did want it and then
10 came back later and said, well, no, I'm not gonna admit guilt
11 to this.

12 A: Correct. He initially said that he would take it and I
13 think in my notes when it refers to a document that was
14 received in my office, that same afternoon, I believe he wrote
15 a short letter saying basically, no, I have changed my mind, I
16 reject it. And that's why I ended up talking to him again a
17 couple of days later going over it again. And he said, and he
18 said, no, I don't want to take the 10 to 15. I wish to go to
19 trial.

20 Q: When he came back to you on that third day, and said I
21 want to plead guilty, did you tell him that he could expect a
22 certain amount of time in exchange for his plea?

23 A: No, sir.

24 Q: Did you tell him any other falsehoods, misleading
25 statements, or fabrications in an effort to get him to plead

1 guilty?

2 A: No, sir. I was shocked when I showed up for the morning
3 the third day of trial and he had changed his mind.

4 Q: When he told you that, did you make sure that he was
5 aware that he could still proceed with the trial if he wanted
6 to?

7 A: Of course.

8 Q: And he was aware of his right to remain silent?

9 A: Yes, sir.

10 Q: And he was aware of his right to present witnesses in his
11 defense?

12 A: Yes, sir.

13 Q: All right. And ultimately, whose decision was it to
14 plead guilty?

15 A: Oh, that was Mr. Priest's decision, sir.

16 Q: All right.

17 MR. JAMES: I have no further questions for this witness.

18 THE COURT: Yes, sir.

19 MR. FALK: Just a few redirect.

20 REDIRECT EXAMINATION OF RONALD WILLIAM HAZZARD BY MR. FALK:

21 Q: Mr. Hazzard, there were some -- you had spoken earlier
22 about the video at the Kangaroo.

23 A: Yes, sir.

24 Q: Was Mr. Priest -- was he visible on that video?

25 A: No, sir. No, sir. That was part of the defense as we

1 had it because as I recall, despite the fact that the
2 allegation was that he was in Mr. Gasque's home, that he was
3 in Mr. Gasque's car riding around for an extended period of
4 time, that they had gone to the Wells Fargo and attempted to
5 use Mr. Gasque's card. There was absolutely no forensic
6 evidence tying Mr. Priest to any of those scenes. That's why
7 the issue of Mr. Lambert definitely testifying against him and
8 Mr. Holmes possibly testifying against him were the biggest
9 things that we had because also, and I mentioned that in
10 opening statement, Mr. Gasque did not pick Mr. Priest out of a
11 photo lineup after the incident.

12 Q: Okay. No further questions.

13 MR. JAMES: Nothing from the state, Your Honor.

14 THE COURT: Thank you, Mr. Hazzard. You can step down.

15 MR. HAZZARD: Yes, ma'am.

16 MR. JAMES: And I hate to do this to Mr. Hazzard, but I
17 respectfully request that he stick around for a little while
18 since we still have a couple of more witnesses from the
19 applicant's case, as I understand it.

20 THE COURT: Sure.

21 MR. FALK: We'd call Mr. Priest to the stand.

22 THE COURT: All right.

23 QUANTAE PRIEST, HAVING BEEN DULY
24 SWORN, TESTIFIED AS FOLLOWS:

25 CLERK: State your name and spell your last name, please,

1 sir.

2 MR. PRIEST: Quantae Priest, Priest is spelled P-R-I-E-S-
3 T.

4 DIRECT EXAMINATION OF QUANTAE PRIEST BY MR. FALK:

5 Q: Mr. Priest did you talk 30 or 40 times with Mr. Hazzard?

6 A: No, sir.

7 Q: What is your recollection of that?

8 A: I talked to Mr. Hazzard about three times before my
9 trial.

10 Q: And ---

11 A: One being on the day of my trial that it started.

12 Q: Okay. And what -- you -- did you make bond or were you
13 incarcerated?

14 A: I was in custody.

15 Q: Okay. What was -- what was your understanding of what
16 your trial strategy in this case would be?

17 A: Alibi.

18 Q: And what did you advise him about contacting for alibi
19 witnesses?

20 A: All of the names he did state, I did -- let him know to
21 contact all of the witnesses including both my codefendants.

22 Q: Okay. Now, so the trial starts and you're going forward
23 with trial, why did you decide to plead? Why did you not want
24 to go all the way to a jury verdict?

25 A: Because the file attorney told me that my alibi witnesses

1 did not show up because I guess they didn't have a excuse for
2 work. So, he told me that I would have to -- if I continued
3 my trial that my defense would be crippled. So, you know,
4 it'd be best for me to plead guilty.

5 Q: And he discussed with you his conversations with your
6 alibi witnesses?

7 A: No, sir.

8 Q: Was it your understanding that they were -- that he
9 subpoenaed them for trial?

10 A: Some of them. Some of them he subpoenaed but according
11 to them they never got no subpoena, they never got served a
12 subpoena for trial.

13 Q: Okay. So, when did you get in the car?

14 A: I got in the car after the fact, after whatever they did,
15 that's when I got in the car.

16 Q: Okay. Well, I mean because -- you weren't in the car at
17 the Kangaroo station; is that right?

18 A: No, sir.

19 Q: Where were you -- were in Horry County when you got in
20 the car?

21 A: No, sir.

22 Q: Where were you?

23 A: I was actually in Georgetown.

24 Q: Okay. Whereabouts in Georgetown?

25 A: Probably around -- I was in the Greentown area. I was at

1 Ranisha house, Ranisha Neville, and not Ranisha Reed, Ranisha
2 Neville. And it was me, Shatima, and Dre (spelled
3 phonetically), like he said, Tevin Graham. That's another
4 witness I asked him to call, and -- yeah.

5 Q: And so who was driving the car?

6 A: When the car pull up, Mr. Lambert was driving the car.

7 Q: Okay. Was he driving it the whole time?

8 A: Yes, sir.

9 Q: And did you get concerned with the police were following
10 the car?

11 A: I asked him why the police was behind us. I thought he
12 was maybe speeding because -- well, when the police got behind
13 us, I actually woke up in the midst of the high speed chase.
14 So, I got up and I was like, why the police behind us, was you
15 speeding. And he was like he don't know, you know, he don't
16 know why the police is behind us. And I told him to pull over
17 because at the time, I wasn't even supposed to be out. I was
18 actually supposed to be at my father's house, so I was like,
19 pull over, let me out. And that didn't happen, obviously.

20 Q: Did you get hurt in the accident?

21 A: Just a couple of like back injuries from the car accident,
22 but no, nothing serious.

23 Q: So, you said that you talked to Mr. Hazzard a handful of
24 times. What did he say as far as what the forensic evidence
25 pointed in your case?

1 A: He didn't tell me nothing about forensic evidence.
2 That's something that I read in my motion probably like two
3 weeks before my trial or something like that. You know, I
4 finally got a copy of the forensic evidence and I actually
5 read it and had someone in the jailhouse help me with it and
6 he let me know that they had no fingerprints or nothing. Mr.
7 Hazzard didn't tell me anything about forensic evidence.

8 Q: And it was your understanding there was no video?

9 A: Video -- which videos?

10 Q: There was no video of you at the Kangaroo?

11 A: Yeah, he told me that. He told me none of the videos
12 showed me.

13 Q: Okay. And there were no fingerprints that were never
14 found inside Mr. Gasque's house; is that correct?

15 A: According to the jailhouse lawyer, yeah.

16 Q: Okay. Now, what kind of -- so when you told your lawyer
17 you wanted to plea, what kind of sentence did you think that
18 was on the table? Did you have some kind of expectation of
19 what the sentence was gonna be?

20 A: I didn't tell him I wanted to plea. He told me I had to
21 plea being that my defense was gonna be crippled without those
22 witnesses and he told me that it was gonna be 10 to 15 years
23 or something like that, but he told me that he had spoken
24 with, I believe it was Alicia Richardson, and the Judge was
25 Mr. Culbertson, and he said they both agreed on giving me the

1 lower end of the plea, which would be 10 years if, you know, I
2 allocuted. He told me I would have to allocute. I would have
3 to actually say that I was there to get the 10 years, and
4 that's how the whole guilty plea came about.

5 Q: Did you -- did they give you a 10 to 15-year plea that
6 you turned down prior to the trial?

7 A: Within the trial they did tell me about a 10 to 15-year
8 plea, but at that time I wasn't thinking about taking no
9 pleas. I was actually thinking about continuing through my
10 trial. I wasn't -- a plea wasn't on my mind or even on the
11 something I would even take at that time.

12 Q: So, I guess we're in the situation here is that you've
13 taken the stand and given an oath and then when you allocuted
14 before the Court you gave an oath. So, did you understand
15 what it meant that you -- when you were allocuting that you
16 had to admit to having done the crime?

17 A: Mr. Hazzard told me that I would have to tell them that I
18 was actually there. He told me, he actually walked me through
19 my allocution. He was like, you will have to tell them you
20 was there and you'll have to say that you and Marcus Lambert
21 took place -- y'all did the crime together. You know, so I
22 was really just going off of what he told me to do during that
23 whole allocution. I didn't have no -- no, I really didn't
24 know that that was gonna get me 18 years.

25 Q: Are any of these other charges -- were there any of the

1 other charges nolle prossed? I mean, he was talking about the
2 CSC charges. Did some of the charges -- do you still have
3 pending General Sessions charges?

4 A: No. And -- no, sir.

5 Q: How much contact have you had with Mr. Lambert?

6 A: None, since probably about 2013 sometime in the county
7 jail. I don't -- haven't talked to him.

8 Q: Did you talk to him prior to the trial in the county
9 jail?

10 A: No. He wasn't in our county. He was -- they moved him
11 from the county.

12 Q: If -- what was your -- what did you think he would
13 testify to if he took the stand?

14 A: Oh, if he had came to trial?

15 Q: Mr. Lambert, yeah.

16 A: Oh, he would -- yeah, he would've -- him and Mr. Holmes
17 would've let Mr. Hazzard know, as well as the jury know that I
18 had nothing to do with it and that they picked me up, you
19 know. And that's why I asked him to call them both, you know,
20 I been asked Mr. Hazzard since early on in my case through his
21 secretary, Ms. Carter, because I didn't see him until, like
22 probably a week before my trial. You know, so I been calling
23 her like asking her to have Mr. Hazzard speak with them and
24 speak with all my witnesses and let them know what I'd been
25 telling him.

1 Q: Okay. And so it was your understanding that if you went
2 up and pled, that you would get the low end of the 10 to 15-
3 year range?

4 A: Yes, sir.

5 Q: And that was your understanding based on what Mr. Hazzard
6 told you prior to when you stood before the Judge?

7 A: Yeah, he told me that probably about -- I came in that
8 morning, and we was supposed to start my trial that morning,
9 the -- we went under recess the day before and we was gonna
10 open my defense up that day on Wednesday. We was gonna upon
11 up my defense, and Mr. Hazzard came and told me that my
12 defense would be crippled without the witnesses. They didn't
13 show you. And yeah, he spoke with the Judge and Ms.
14 Richardson, and they both agreed to give me the low end of,
15 you know, the -- I guess it was 10 to 15 years.

16 Q: What else does the Court need to know?

17 A: They don't -- they didn't have probable cause to make a
18 arrest, I believe, after, you know, studying my case, I
19 understand from South Carolina, a lot of that, you know,
20 define probable cause or to have a warrant, any type of
21 warrant sworn out, you have to swear out a affidavit and with
22 them swearing out the affidavit, they have to have a certain
23 amount of facts and -- underlying -- you know, they have to
24 circumstances and facts underlining the reason why the
25 affidavit is being sworn out. And within my affidavit,

1 there's nowhere stating why the affidavit was sworn. You
2 know, it just pretty much is all conclusory statements. It's
3 all -- it's nothing stating where they feel they got probable
4 cause at or, you know, anything, period. It's just -- and I
5 don't understand how they was able to make a arrest off of
6 these affidavits when the Judge never had no way to make a
7 independent finding of probable cause beside what the officer
8 said, which was all of, yeah, Mr. Priest did this and Mr.
9 Priest did that, and Mr. Priest did this. You know, so, no
10 judge can act as a timestamp or a rubberstamp for the law
11 officers, so they didn't have no probable cause to make a
12 arrest and without probable cause, you know, there would've
13 never been an indictment. And without an indictment, there
14 would've never been a conviction. And I just want the Court
15 to look at that as well, that I didn't have probable cause.
16 And as well, I want the Court to know that I do have alibi
17 witnesses. And my alibi witnesses still will pull -- they
18 will come to court and they will testify that they was willing
19 to come to court and if they had a excuse from work and if
20 they had a excuse for work today they was willing to be here
21 and to testify for me and to pretty much let them know that --
22 let the Court know that I was with them that night. I just
23 want everybody to know that. And what else? That's all I can
24 say right now.

25 Q: Did you tell your lawyer that you wanted -- that you

1 wanted to plead no contest?

2 A: I never knew anything about a no contest plea, but I did
3 -- I know now. If I did then I would've pled no contest
4 because I would've maintained my innocence. You know, it
5 wasn't the fact about me taking the plea, you know, it's just
6 the fact that he told me I had to plead guilty and I have to
7 actually admit guilt when I wasn't guilty. And that's the
8 whole thing, that's the whole reason I'm here now is I'm
9 trying to get that guilt plea off of me because it's tough
10 sitting every day having to do time for something, you know,
11 that you not guilty of, you know, but if I had a crippled
12 defense. And if he told me about the no contest plea, I'd
13 have took a no contest plea off of his advice, I would've.
14 And yeah, I'd have served whatever time, the 10 years that he
15 offered -- he gave me, he said I would get, I'd have served
16 that without a problem.

17 Q: I have no further questions.

18 THE COURT: Mr. James?

19 CROSS EXAMINATION OF QUANTAE PRIEST BY MR. JAMES:

20 Q: Mr. Priest, are you aware a no contest or a *Alford* plea
21 as we sometimes describe it has the same functional outcome as
22 a guilty plea?

23 A: Ultimately.

24 Q: And this is something that concerns me with anybody who
25 files a PCR from a guilty plea. In your application, and it's

1 been awhile since you filed it, you indicated that the relief
2 you wanted was, quote, to receive the plea I was told I would
3 receive or to be granted a new trial, end quote. Do you
4 understand that there's no guarantee that you'll get any kind
5 of new plea offer if the Judge grants the application and
6 vacates your conviction?

7 A: Yeah, I understand now.

8 Q: All right. And do you understand that there is a
9 possibility that if PCR were granted, your conviction could be
10 vacated and you could be facing a full trial with no chance to
11 plea other than to plead straight up?

12 A: By pleading straight up; what do you mean by that?

13 Q: Well, the Court can never stop you from walking into the
14 court and say I did it.

15 A: Uh-huh, (affirmative response).

16 Q: Or even to walk into court and say I still don't think I
17 did it, but I can't fight these charges. When I say straight
18 up it means that there's no recommendation from the state,
19 there's no negotiation or terms for why you're pleading
20 guilty. It just means you're kind of throwing yourself at the
21 mercy of the Court and saying I did it or I can't fight these
22 charges and sentence me as you will; you understand that you
23 can do that?

24 A: Yes, sir.

25 Q: But you understand that there is no guarantee that there

1 will be any kind of recommendation or negotiation, correct?

2 A: Yes, sir.

3 Q: All right. And you understand that not just the charges
4 you pled to but the charges that were dismissed as part of
5 your plea would all come back into play, correct?

6 A: I understand that now, sir.

7 Q: All right. And do you understand that you would be
8 facing a total potential sentence exposure of life plus 90
9 years to use the conservative figure that Mr. Hazzard used
10 during your plea proceeding?

11 A: Yes, sir.

12 Q: All right. And you got a sentence ultimately of 18
13 years, correct?

14 A: Yes, sir.

15 Q: And you still want to proceed with this post-conviction
16 relief?

17 A: Yes, sir.

18 Q: Okay. Now, do you recall at the guilty plea the Judge
19 asking you was why it was that you were pleading guilty?

20 A: No, sir.

21 Q: Okay. Would it refresh your recollection if I provided
22 you a copy of your plea transcript?

23 A: Yes, sir.

24 Q: All right.

25 MR. JAMES: If I may approach the witness, Your Honor?

1 THE COURT: Yes, sir.

2 MR. JAMES: I am providing him a copy of his plea
3 proceeding transcript. At Page 9, I have highlighted Lines 23
4 through 25.

5 A: Okay.

6 BY MR. JAMES:

7 Q: So, isn't it true that the Court asked you, Are you
8 pleading guilty to these crimes because you committed these
9 crimes? And you replied, yes, sir.

10 A: Yes, sir.

11 Q: And today you are saying that you did not commit these
12 crimes?

13 A: I was saying that since day one; yes, sir.

14 Q: Well, why did you tell the Court that you had committed
15 these crimes?

16 A: Off of the advice that my attorney gave me. He told me
17 that I had to affirm the Court.

18 Q: And apologize if I'm not looking directly at you; I am
19 still listening, I promise.

20 MR. JAMES: I beg a moment of the Court's indulgence.

21 BY MR. JAMES:

22 Q: Isn't it true that during your plea proceeding you told
23 the Court, quote, I mean, who committed the crime with me was
24 Daquaris Holmes and Marcus Lambert and most everything that
25 they did that they said happened did happen, but it was like

1 all that was not supposed to happen. It wasn't -- it was like
2 Marcus had the idea and said that he knew the guy from giving
3 rides, me and Daquaris had need a ride home when he was
4 staying on the beach. Marcus said we could get a ride from
5 the guy. We went over there, knocked on the door, we
6 answered, did not give us the ride obviously, and one thing
7 turned into another thing. But I just -- I'm really sorry. I
8 really apologize. Didn't you tell the Court that?

9 A: I did, but if you look on the transcript, you will see
10 that there some indentures marks before then and that
11 indention period of time, my attorney, Mr. Hazzard actually
12 told me in my ear, remember what we talked about, remember
13 that you have to plead -- remember you got to pretty much
14 state guilt. That's why I threw out the whole time I was
15 stating guilt, I couldn't really -- I just was going with the
16 flow from off of what Mr. Hazzard said.

17 Q: So, you're testifying that the little double dashes here
18 ---

19 A: Indentures.

20 Q: --- during that period is when your counsel was telling
21 you what to say?

22 A: Yes, sir. He also told me what to say way before then,
23 way before we went into the courtroom.

24 Q: Isn't it true that during your plea proceeding, the state
25 presented a sort of summary of facts?

1 A: Yeah.

2 Q: I apologize, I appear to have lost my place in the
3 transcript. If I may have just one moment, Your Honor.

4 Isn't it true that the Court asked you to confirm those
5 facts?

6 A: I don't recall that.

7 MR. JAMES: If I may approach the witness, Your Honor.

8 THE COURT: Yes, sir.

9 BY MR. JAMES:

10 Q: Mr. Priest, I'm going to show you Page 11 of your plea
11 proceeding transcript, and I've highlighted Lines 12 through
12 16. This is a portion of the transcript immediately after the
13 state presents its summation of facts. Would you now agree
14 that the Court asked you, You understand what the allegations
15 are against you? And you replied, Yes, sir. And that the
16 Court asked you, Is that what happened in this case? Yes,
17 sir. Isn't that true?

18 A: Yes, sir.

19 Q: All right. And your position now is that is not what
20 happened in this case?

21 A: Is was -- but like I said, during that whole guilty plea,
22 everything that I said was off of advice of the counsel that I
23 had at the time, and that's all I want to say.

24 Q: All right.

25 MR. JAMES: I have no further questions for this witness.

1 BY THE COURT:

2 THE COURT: Before you get down, let me just go over a
3 few things with you, sir. You understand that in this action,
4 there's only one of two possible outcomes. I can grant your
5 PCR or I can deny your PCR.

6 MR. PRIEST: Yes, ma'am.

7 THE COURT: If I deny your PCR it means that you continue
8 just to serve out the remainder of your sentence. If I grant
9 your application, however, it means that you go back to square
10 one.

11 MR. PRIEST: Yes, ma'am.

12 THE COURT: As if this trial never happened and no plea
13 negotiations had ever taken place. All of the original
14 charges are now back in full force just as if none of this had
15 ever transpired. You understand that?

16 MR. PRIEST: Yes, ma'am.

17 THE COURT: Which means that unlawful possession of a
18 pistol, possession of a weapon during the course of a violent
19 crime, criminal conspiracy, grand larceny, kidnapping, armed
20 robbery, assault and battery first degree, and burglary first
21 degree are back on the table.

22 MR. PRIEST: Yes, ma'am.

23 THE COURT: And you understand that as far as the
24 burglary first degree charges are concerned that you could get
25 a life sentence on just that charge?

1 MR. PRIEST: Yes, ma'am.

2 THE COURT: And then in addition, you could get
3 additional sentences on each if you were to go to trial and be
4 convicted or if you were to plead to each of the charges that
5 you could also get a sentence for assault and battery first
6 degree, you could get a sentence for armed robbery, you could
7 get a sentence for kidnapping, for grand larceny, for criminal
8 conspiracy, for possession of a weapon during the course of a
9 violent crime, and for unlawful possession of a pistol, if you
10 are convicted? You understand that?

11 MR. PRIEST: Yes, ma'am.

12 THE COURT: And there's no guarantee that the state would
13 offer you another plea agreement; you understand that?

14 MR. PRIEST: Yes, ma'am.

15 THE COURT: There's no guarantee that a judge would give
16 you a concurrent sentence. So, in this case, on two or all
17 three of the charges, you got 18 years, you got 18 years, you
18 got 15 years, and the Judge made the decision to run those
19 concurrently. But, it's within the Judge's discretion whether
20 those run concurrent or consecutively. Do you understand
21 there's no guarantee if you went back and you were resentenced
22 that the Judge would give you a concurrent sentence?

23 MR. PRIEST: Yes, ma'am.

24 THE COURT: He could give you a sentence for each of
25 these to run consecutively. Do you know what I'm talking

1 about when I say concurrent versus consecutive?

2 MR. PRIEST: Yes, ma'am.

3 THE COURT: Concurrent they run together; consecutive
4 means they go back to back.

5 MR. PRIEST: Individual charges, yes, ma'am.

6 THE COURT: Correct. You understand all of that?

7 MR. PRIEST: Yes, ma'am; I do.

8 THE COURT: I just want to make sure knowing the exposure
9 that you have if I were to grant your application that you do
10 want, in fact, me to consider your application.

11 MR. PRIEST: Yes, ma'am.

12 THE COURT: Okay. Thank you.

13 Anything further?

14 MR. FALK: No, Your Honor, not from this witness.

15 THE COURT: Okay. You can step down.

16 And let me just -- you can go ahead down.

17 Mr. James, maybe I'm overlooking it. My transcript ends
18 at the end of -- the Court excuses the jury for the evening.

19 MR. JAMES: Your Honor, in the box, there should be two
20 separate transcripts. One is a somewhat thicker transcript;
21 that is the trial, two days of it. There should be a thinner
22 transcript of about 26 -- not about -- exactly 26 pages, dated
23 July 29th, 2015 before the Honorable Benjamin H. Culbertson.

24 THE COURT: I've got copies of warrants, application,
25 return, amended PCR application. I don't seem to have the

1 guilty plea transcript.

2 MR. JAMES: I apologize for that oversight, Your Honor.
3 If you'll give me just one moment to confirm that there are no
4 markups on this additional copy in the state's possession.

5 All right. Your Honor, I'm going to approach the bench
6 and hand you a copy of the guilty plea transcript dated July
7 29, 2015. The only indication or marking on it is a stamp
8 that says received March 9th, 2016.

9 THE COURT: Thank you.

10 Okay. I'll read through the record and the application
11 ---

12 MR. JAMES: Your Honor, I believe there may be one more
13 witness from the applicant.

14 MR. FALK: I just done with my -- I was just done with my
15 witness.

16 THE COURT: Got you.

17 MR. FALK: They have transported Marcus Lambert.

18 MARCUS LAMBERT, HAVING BEEN DULY
19 SWORN, TESTIFIED AS FOLLOWS:

20 CLERK: Have a seat and state your name for the Court and
21 spell your last name. Okay?

22 MR. LAMBERT: Marcus Lambert, L-A-M-B-E-R-T.

23 DIRECT EXAMINATION OF MARCUS LAMBERT BY MR. FALK:

24 Q: Mr. Lambert, have you and I ever met?

25 A: No, sir.

1 Q: I'm James Falk. I'm representing Quantae Priest. Have
2 you and I ever met?

3 A: No, sir.

4 Q: You and I ever corresponded?

5 A: No, sir.

6 Q: Are you currently -- you are currently at SCDC?

7 A: Yes, sir.

8 Q: What sentence are you serving?

9 A: Eighteen years.

10 Q: For what?

11 A: Armed robbery, kidnapping, and second degree burglary.

12 Q: Is this related to an offense in Georgetown County
13 regarding Mr. Gasque?

14 A: Yes, sir.

15 Q: Okay. Was Mr. Priest with you when you went into Mr.
16 Gasque's house?

17 A: No, sir.

18 Q: When did -- when did Mr. Priest -- but he was in the car
19 at the end; is that right?

20 A: Yes, sir.

21 Q: Okay. So, when did he get into the car?

22 A: After I did my situation and all, I left the gas station,
23 that's when ---

24 Q: And that's the Kangaroo station?

25 A: Yeah.

1 Q: Okay.

2 A: And I seen him walking and he needed a ride, so I picked
3 him up.

4 Q: So, who was in the car with you when you picked him up?

5 A: Nobody at the time.

6 Q: Okay. Who was in the car when y'all ultimately wrecked
7 and were stopped after the chase?

8 A: Me, Priest, and another friend that I actually picked up,
9 too, Holmes.

10 Q: Okay. So, was with Mr. Holmes with you ---

11 A: No, he, he ---

12 Q: --- at Mr. Gasque's house?

13 A: No, he wasn't there with me, either.

14 Q: Okay. Had you had any contact with Mr. Hazzard's office
15 -- I mean, let me tell you who Mr. Hazzard is. Have you had
16 any contact with Mr. Priest's lawyers?

17 A: No. Only thing I tried to do is basically let them know
18 that he didn't have anything to do with it.

19 Q: So, you -- cause you had written a letter or something
20 taking responsibility for the robbery at Mr. Gasque's house?

21 A: Yes.

22 Q: Isn't that correct?

23 A: Yes, for myself.

24 Q: Okay. And were you in any negotiations with the state to
25 try and make a deal with them?

1 A: I once was, but I -- it didn't go through.

2 Q: Had you been called to testify at Mr. Priest's trial,
3 what would you have said?

4 A: They -- exactly what I'm saying right now, actually. He
5 didn't have anything to do with it.

6 Q: Do you recall about where you picked him up?

7 A: If I recalled about where ---

8 Q: When he got in the car, you said he was walking and he
9 got in the car; is that right?

10 A: Yeah, yeah, he -- I stopped because I knew him and ---

11 Q: Do you recall where you were?

12 A: It was in Merryville; I know that.

13 Q: Okay. Now, how much communication have you had with Mr.
14 Priest?

15 A: None since Kirkland, since we went to Kirkland, that was
16 it, because we actually got sentenced on the same day, so we
17 rode the bus to Kirkland together; that was it.

18 Q: And where have you been housed since then?

19 A: Lieber.

20 Q: Okay.

21 MR. FALK: Your Honor, I have no further questions.

22 THE COURT: Mr. James?

23 CROSS EXAMINATION OF MARCUS LAMBERT BY MR. JAMES:

24 Q: Mr. Lambert, do you recall if you were still facing
25 charges at the time of Mr. Priest's trial?

1 A: Say that again.

2 Q: Were you still facing these charges at the time of Mr.
3 Priest's trial or had you already pled guilty?

4 A: We got sentenced on the same day, so I believe I was
5 still facing charges.

6 Q: And so your testimony is that you would've gotten on the
7 stand and incriminated yourself?

8 A: Yes, sir.

9 Q: Your testimony is that you would've gotten on the stand
10 and incriminated yourself and said that Mr. Priest had nothing
11 to do with that?

12 A: Yes, sir.

13 Q: Did you ever tell anybody otherwise?

14 A: I once did because basically my lawyer gave me some type
15 of idea and trying to say that the state was gonna give me a
16 deal but they didn't follow through, so, you know...

17 Q: Why did it fall through?

18 A: I don't know. That's out of my head.

19 Q: And did I hear you correctly a moment ago when you
20 testified that you picked up Mr. Priest in Maryville?

21 A: Yes, sir.

22 Q: And I'm not too familiar with Georgetown County. Where
23 exactly is Maryville?

24 A: It's kind of like over the bridge like going towards like
25 Charleston area. But it's not Charleston area, it's still

1 Georgetown.

2 Q: I hear you. Where did you go after picking him up?

3 A: Actually, I went to my girlfriend's house and I picked up

4 some clothes. And after that, I was gonna drop them off to

5 Myrtle Beach and I was gonna be on my way.

6 Q: And don't give me a specific address, but where generally

7 does your girlfriend live?

8 A: In Georgetown.

9 Q: And may I ask her name?

10 A: Her name was Chelsea.

11 Q: And then you started traveling towards Myrtle Beach?

12 A: Actually, we went like it was some back road like Highway

13 41 or 51 or something like that. I was taking all the back

14 roads.

15 Q: Why were you taking the back roads?

16 A: So, I could stay off the highways.

17 Q: Trying to avoid attention?

18 A: Yeah.

19 Q: Where were you when the law enforcement started its

20 pursuit?

21 A: I believe like Johnsonville.

22 Q: Do you recall about what time you picked up Mr. Priest?

23 A: It was right after I left the gas station. I can't

24 really picture frame what time it was right now. That's been

25 so long ago.

1 Q: Do you recall when you made it to your girlfriend's
2 house?

3 A: Right after I picked them up, I swung by there and I
4 picked up my clothes and I left, so...

5 Q: Maybe -- you don't have any memory of what time it was?

6 A: Probably like around midnight or a little after midnight,
7 I don't know.

8 Q: And do you recall what time you noticed the blue lights
9 flashing behind you?

10 A: No, I can't recall that. I can't remember that.

11 Q: Probably weren't looking at the clock at that point?

12 A: No, I just was thinking about doing a dash.

13 Q: And did you in fact do a dash?

14 A: Yeah.

15 Q: How far did you get?

16 A: From Johnsonville County, I made it to Marion County.

17 Q: What happened in Marion?

18 A: I got caught.

19 Q: You wrecked the car?

20 A: Yes. Well, they wrecked the car.

21 Q: Who wrecked the car?

22 A: The police.

23 Q: Oh. Did you surrender at that point?

24 A: Yes, sir.

25 Q: Okay. You didn't try and run?

1 A: No.

2 MR. JAMES: I beg a moment of the Court's indulgence.

3 THE COURT: Yes, sir.

4 BY MR. JAMES:

5 Q: Did you ever try and reach out to Mr. Priest to let him
6 know that you were gonna testify in his favor?

7 A: No, sir; I didn't.

8 Q: Did you ever try and reach out to Mr. Priest's attorney
9 to let him know that you were gonna testify in Mr. Priest's
10 favor?

11 A: Yes, I did.

12 Q: How did you do so?

13 A: I wrote his first attorney in the county jail.

14 Q: Who was his first attorney?

15 A: I think Mr. Hazzard.

16 Q: Okay. The gentleman sitting here in the courtroom today?

17 A: Yes, sir.

18 Q: Okay. Well, you wrote him a letter, you wouldn't
19 necessarily know what he looks like; I apologize for that.

20 What did you tell him in that letter?

21 A: That Mr. Priest didn't have anything to do with it and I
22 was willing to help him, you know, go home.

23 Q: And is this before or after you and your lawyer tried to
24 figure something out with the state?

25 A: To be honest, sir, I had two lawyers actually, so I

1 really -- they didn't really communicate with me like that to
2 get anything like to that nature, but all I know they was
3 making decisions without me and I was just a puppet, so...

4 Q: So you don't remember if it was before or after or
5 whatever it was the lawyers were up to?

6 A: It was actually I believe before like when we first got
7 there or something like that, like first got to Georgetown
8 County or something to that nature, or later on down the line,
9 I think.

10 Q: So, at first you wrote the letter to Mr. Hazzard back
11 here ---

12 A: Yes.

13 Q: --- and then later on down the line there was some talk
14 about maybe working with the state?

15 A: Yes.

16 Q: Okay.

17 MR. JAMES: I have no further questions for this witness.

18 MR. FALK: No redirect.

19 THE COURT: You can step down, sir.

20 Anything further, Mr. Falk?

21 MR. FALK: We would rest, Your Honor.

22 THE COURT: Mr. James?

23 MR. JAMES: State would briefly recall Mr. Hazzard.

24 DIRECT EXAMINATION OF RONALD WILLIAM HAZZARD BY MR. JAMES:

25 Q: All right, Mr. Hazzard, you're still under oath.

1 A: Yes, sir.

2 Q: All right. Did you tell your client that you subpoenaed
3 his alibi witnesses and they didn't show up?

4 A: No, sir. But I told him, as I testified to previously,
5 we discussed the fact that all of these folks that he had
6 wanted to have subpoenaed, talked to every last one of them
7 and every last one of them said they would not be an alibi
8 witness for him.

9 Q: Did you hear anything from Mr. Lambert?

10 A: Mr. Lambert had written a letter. As I indicated
11 previously, he initially wrote a letter saying that he took
12 full responsibility for everything, that Mr. Priest and Mr.
13 Holmes had nothing to do with it. He then subsequently, you
14 know, went back on that and said that he wanted to testify for
15 the state. And the fact that he was going to testify for the
16 state was borne out by the fact that he was not sentenced
17 until Mr. Priest's trial was concluded, because he was waiting
18 to testify so that the state would then give an indication of
19 what help they had thought that he had given and the Court
20 could see what help he had given. Because Mr. Holmes had
21 already been sentenced, he'd already been sentenced to 15
22 years at that point.

23 MR. JAMES: I have no further questions, Your Honor.

24 A: Oh, please, one -- I do -- if the Court will indulge me?

25 THE COURT: Sure.

1 A: There was some question as to how the actual guilty plea
2 went.

3 BY MR. JAMES:

4 Q: Oh, yes. My apologies ---

5 A: And you had asked me about, you know, what occurred on
6 that day. My notes are very clear and I apologize for not
7 actually looking that far through these 43 pages of notes.
8 July 29th of 2015, appeared for continuation of trial, State
9 v. Quantae Priest on charges of burglary first, kidnapping,
10 armed robbery, et cetera. And the incident date of these
11 incidences was July 18th, 2013. Informed by detention center
12 officer that Defendant wanted to speak with me prior to
13 continuation of the trial. Talked with Defendant in courtroom
14 lockup, discussed the case status, previous day's testimony,
15 expected testimony from Codefendant Marcus Lambert and
16 potential problems with Defendant's request that Codefendant
17 Daquaris Holmes testify. In parenthesis, Holmes was scheduled
18 to be brought back from SCDC to testify in the defense case,
19 discussed the fact that if Holmes were to testify, that he and
20 the defendant were friends. If he were to testify that he and
21 the defendant were friends and the defendant had nothing to do
22 with the incident, why would -- I'm sorry -- why would a
23 friend wait two years before providing that information to the
24 authorities? Additional issue of who Holmes would identify as
25 being the third passenger in car in place of the defendant.

1 Defendant asked whether the 15-yaer plea offer was still
2 available and indicated he would accept it if offered. I had
3 a conference with Deputy Solicitor Alicia Richardson in the
4 courtroom antechamber. She indicated that she would not
5 reinstate the recommendation of 15 but would recommend a cap
6 of 20 years. Conference with her and Judge Culbertson in
7 chambers regarding the plea offer. Judge Culbertson indicated
8 that he would not exceed the cap. A discussion with the
9 defendant's family members in the courtroom antechamber. The
10 defendant's mother, his aunt, and two uncles, a Mr. Brown and
11 a Kenya -- that's K-E-N-Y-A -- Priest were present. Discussed
12 the facts of the case, penal exposure, plea offer, and family
13 members were in agreement with the plea. Discussion with
14 Defendant in the lockup, advised him of the cap of 20 and the
15 Judge's position. Fact that based on mandatory minimums and
16 caps, sentence range of 10 to 20 years. Defendant reviewed
17 and executed sentence sheets after explanation again of penal
18 exposure and the fact that armed robbery and kidnapping were
19 most serious and violent and burglary second violent was a
20 serious offense. Guilty plea before Judge Culbertson, Deputy
21 Solicitor Richardson, Court Reporter Grace Hurley. Sentence
22 2013-GS-22-0975, burglary second violent, 15 years; 0972
23 kidnapping; and 0973 armed robbery, 18 years, with sentences
24 concurrent with each other and with the 15-year sentence. All
25 other remaining pending charges dismissed on the record as

1 part of the plea. Following that I had a conference with him
2 in the courtroom lockup, explained his right to appeal within
3 10 days and the fact that the defendant would need to contact
4 our office to notify of his appeal request.

5 Q: Did he ever ask for an appeal?

6 A: No, sir.

7 Q: Did you tell him what to say during the plea proceeding?

8 A: No, sir.

9 Q: All right.

10 MR. JAMES: Now I have no further questions, Your Honor.

11 CROSS EXAMINATION OF RONALD WILLIAM HAZZARD BY MR. FALK:

12 Q: Did he -- when did Mr. Lambert write your office? I
13 mean, just relative to the date of trial. Was it two weeks,
14 six months?

15 A: Court's indulgence?

16 THE COURT: Yes, sir.

17 A: Okay. First of all, Mr. Priest and I discussed on
18 February 11th of 2014 Mr. Lambert's decision at that point to
19 provide information to the state against him and against Mr.
20 Holmes. We were there on a motion to reduce bond before Judge
21 John. That motion for a bond reduction was denied because his
22 bond, I think, was a total of 161,000.

23 Okay. That would've been January 24th of 2014, because
24 on January 23rd of 2014 at an office conference with Deputy
25 Solicitor Alicia Richardson, she stated that Codefendant

1 Marcus Lambert was represented by private counsel, Dean
2 Mureddu, had proffered a statement and apparently agreed to
3 testify for the state without any recommendation on
4 sentencing. She stated that Lambert was going to recant his
5 letter previously written. The letter indicated that
6 Defendant and other Codefendant Daquaris Holmes had nothing to
7 do with home invasion and kidnapping incident. So, the letter
8 that is in reference would've been before January 24th or
9 January 23rd of 2014.

10 Q: Cause the events took place August of '13, right?

11 A: I believe so, yes, sir.

12 Q: So, I mean, you had explained -- I think your testimony
13 earlier was that, you know, if Mr. Holmes was a good friend,
14 why would he wait two years to come in and try to exonerate
15 him?

16 A: Correct.

17 Q: But Mr. Lambert here, within the first six months at
18 least, advised your office that he was not going to, that he
19 was going take responsibility.

20 A: I don't remember if he wrote the letter to me or if he
21 wrote it to the solicitor.

22 Q: Okay.

23 A: He definitely wrote a letter, I remember that, but I
24 don't remember who he wrote the letter to.

25 Q: Okay. But that was early on?

1 A: Yes, sir. January -- sometime actually before January
2 23rd of 2014.

3 Q: Okay. No further questions.

4 BY THE COURT:

5 THE COURT: Mr. James, anything else?

6 MR. JAMES: I don't believe there's anything else, Your
7 Honor.

8 THE COURT: Thank you, Mr. Hazzard. You can step down.

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

10 MR. JAMES: May Mr. Hazzard be excused?

11 THE COURT: Yes.

12 Do you have any objection to that?

13 MR. FALK: No objection.

14 MR. JAMES: There will be no further witnesses from the
15 state, Your Honor.

16 THE COURT: Anything else?

17 MR. FALK: No, Your Honor.

18 THE COURT: All right. I will read through the
19 transcript and take it under advisement.

20 MR. FALK: Thank you, Your Honor.

21 MR. JAMES: Thank you, Your Honor.

22 MR. FALK: Your Honor, if I may?

23 THE COURT: Sure.

24 And that's it for today, right, Mr. James?

25 MR. JAMES: Yes, Your Honor.

1 THE COURT: All right. We're adjourned until 9:30
2 tomorrow.

3 MR. FALK: Your Honor, my client would like to address
4 the Court?

5 THE COURT: Yes, sir.

6 MR. PRIEST: Your Honor, I would like to let the Court
7 know and place on the record, that I was not prepared to move
8 forward today. I have witnesses that should've been
9 subpoenaed and should've had excuses from work so they could
10 be here to make their statement for the Court. That's what I
11 want to put on the record.

12 THE COURT: When you say they should've had excuses from
13 work, tell me what you mean by that.

14 MR. PRIEST: Like I said earlier on the stand, witnesses
15 been wanting to come forward to actually speak towards my
16 innocence, but they have jobs. So, without an excuse from
17 work, they really can't take off because this is their
18 livelihood and a subpoena or some type of excuse from an
19 attorney would actually be enough for them to actually leave
20 from work and show up so they can actually show they job that,
21 well, I have to appear in court.

22 THE COURT: And so what witnesses would you have
23 subpoenaed to be here today?

24 MR. PRIEST: The same witnesses that I asked Mr. Hazzard
25 to have at my trial, ma'am.

1 THE COURT: And who would those people be?

2 MR. PRIEST: Shatima Gilliard, Ranisha Neville, Brandia
3 (spelled phonetically) Neville, Terry Graham, and -- there's
4 one more witness -- Tressa -- I want to her say last name is
5 Jones.

6 THE COURT: And how do you think he -- your PCR attorney
7 would be able to subpoena them? Do you have their addresses?

8 MR. FALK: Your Honor, if I could address this?

9 THE COURT: Uh-huh, (affirmative response).

10 MR. FALK: I did not get a chance to review this with Mr.
11 Priest because it was sort rushed up here. I had made the
12 decision to rely solely on Mr. Lambert's testimony. I thought
13 that was gonna be the most believable, that based on Mr.
14 Hazzard's talking with these alibi witnesses in his notes, I
15 was concerned that -- I -- it was my opinion that our case was
16 gonna rely solely on Mr. Lambert.

17 THE COURT: Okay. Thank you, Mr. Priest.

18 ADJOURNED.

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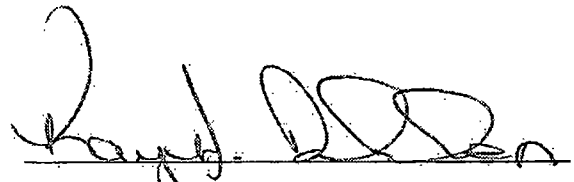
Priest v. State - 2016-CP-22-00017
CERTIFICATE OF COURT REPORTER

61

C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of Quantae Priest v. State of South Carolina, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on November 29, 2018.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson

Official Court Reporter

June 18, 2019.

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

Quantae Priest,
S.C.D.C. No. 364893,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
)

) Case No.: 2016-CP-22-00017
)
)

) **ORDER OF DISMISSAL**
)
)

FILED
GEORGETOWN COUNTY, S.C.
2019 APR -2 PM 4:35
ALMA Y. WHITFIELD
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed by Quantae Priest ("Applicant") on January 7, 2016. Respondent made its return on or about January 20, 2017. The Court convened an evidentiary hearing into the matter on Thursday, November 29, 2018, at the Horry County Government & Justice Center in Conway, South Carolina. Applicant was present at the hearing and represented by James K. Palk, Esq. Johnny Ellis James Jr., of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial and plea counsel, Ronald W. Hazzard, Esq. ("Counsel") also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original trial and plea transcripts, the records of the Georgetown County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Georgetown County Clerk of Court. Applicant was indicted at the October 2013 term of the Georgetown County Grand Jury for kidnapping (2013-GS-22-00972), armed

robbery (2013-GS-22-00973), and burglary, first degree (2013-GS-22-00975).¹ Ronald W. Hazzard, Esq. represented Applicant, and Alicia A. Richardson, Esq. of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On July 27, 2015, Applicant proceeded to trial before the Honorable Benjamin H. Culbertson and a jury. However, on July 29, 2015, after substantial testimony had been given, Applicant pled guilty as indicted for kidnapping and armed robbery, and to the lesser-included offense of burglary, second degree, violent. Upon recommendation by the State that Applicant be sentenced to a concurrent total of 20 years' incarceration, Judge Culbertson sentenced Applicant to imprisonment for concurrent terms of 18 years for kidnapping, 18 years for armed robbery, and 15 years for burglary, second degree, violent. Applicant did not appeal his plea or sentence.

Present Application

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "Alibi witnesses not allowed to testify"
 - a. "Alibi witnesses 'still' will testify on my behalf."
2. "Ineffective assistance of counsel"
 - a. "Counsel lied to make me plea guilty"
3. "Invalid guilty plea"
 - a. "Told I would receive less time then received for plea"

By and through counsel, Applicant amended the application by filing on November 13, 2018, to raise the following additional grounds for relief:

1. "Trial counsel provided ineffective assistance of counsel by coercing Applicant into allocuting to his charges as opposed to recommending that he plea pursuant to North Carolina v. Alford."²

¹ Applicant was additionally indicted for unlawful possession of a pistol (2013-GS-22-00968), possession of a weapon during the commission of a violent crime (2013-GS-22-00969), criminal conspiracy (2013-GS-22-00970), grand larceny, value \$10,000 or more (2013-GS-22-00971), and assault and battery, first degree (2013-GS-22-00974). These charges were dismissed *nolle prosequi* as part of Applicant's plea.

² 400 U.S. 25 (1970).

2. "Trial counsel provided ineffective assistance of counsel by failing to secure the presence of Applicant's alibi witnesses."
3. "Trial counsel provided ineffective assistance by failing to challenge the probable cause determination which lead to Applicant's arrest."
4. "Applicant's guilty plea was involuntary because it was the direct result of trial counsel's inaccurate advice and ineffective trial preparation."

Applicant requests relief as follows:

- "To receive the plea I was told I will receive or to be granted a new trial."

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel & Involuntary Guilty Plea

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Butler, 286 S.C. at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (quoting Strickland, 466 U.S. at 690). The applicant must overcome this

presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

"Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). "[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 694). With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is

easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

1. Counsel Lied, Coerced Applicant Into Guilty Plea

Applicant alleges Counsel lied in order to make him plead guilty, told him he would be sentenced to less time than the sentence actually imposed, and coerced him into a full allocution instead of recommending he enter an Alford plea.³ "The longstanding test for determining the validity of a guilty plea is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." Gustine v. State, 325 S.C. 123, 127, 480 S.E.2d 444, 446 (1997) (quoting Hill at 56). "All that is required to knowingly and voluntarily enter a plea of guilty is that a defendant have a full understanding of the consequences of his plea and of the charges against him." *Id.*, 325 S.C. at 128, 480 S.E.2d at 446 (citing Simpson v. State, 317 S.C. 506, 455 S.E.2d 175 (1995)).

As noted in the procedural history, Applicant initially proceeded to trial but, on the dawn of the third day, resolved to plead guilty. The State informed the court of its recommendation of a twenty year cap in sentencing Applicant, and explained Applicant would make an allocution as part of the plea. (Plea Tr. 3, ll. 11-15). The court informed Applicant that although the State had made its recommendation, the court was not bound by that recommendation, and could sentence him to a cumulative total of seventy-five years if it so chose, which Applicant confirmed he understood. (Plea Tr. 7, ll. 4-12). The court also informed Applicant of the mandatory minimum sentence of ten years for armed robbery. (Plea Tr. 7, ll. 13-16). Knowing the maximum and minimum sentence, along with the collateral consequences, Applicant pled guilty. (Plea Tr. 8-9). Applicant gave a full allocution prior to being sentenced: Applicant took responsibility for

³ The Court here addresses the second and third allegations presented in the original application, as well as the first and fourth allegations presented in the amended application.

committing the crime alongside Daquarius Holmes and Marcus Lambert, and apologized to Victim, the court, and to Applicant's family. (Plea Tr. 21-22).

At the evidentiary hearing, Counsel testified he was appointed to represent Applicant, at which time Applicant had many other charges already pending. On February 25, 2013, Counsel received an offer of a fifteen year sentence. Counsel doubted there was ever an offer for ten years, primarily because Applicant continued to accumulate new charges while he was out on bond. Counsel recalled the case was set for trial, but that on the morning of the third day of trial, Applicant finally decided he wanted to plead guilty. Counsel testified both he and Applicant knew that Applicant's co-defendants, Lambert and Holmes, were going to testify against him at trial. Counsel testified the theory of defense was that Applicant was picked up by Lambert and Holmes at some place and time between when Victim escaped his kidnappers and the high speed chase that ultimately ensued and ended in their capture, such that Applicant was not actually involved in the crime. Counsel testified his understanding of Lambert prior to and during trial was that (1) Lambert gave a statement inculcating all three persons, including Applicant, (2) Lambert also wrote a letter claiming only he was responsible for the crime, and (3) Lambert was eager to testify against Applicant at trial. Counsel could not recall ever discussing the possibility of an Alford plea with Applicant. Counsel noted Applicant rejected all of the offers extended prior to trial, despite a potential sentencing exposure well beyond the length of his natural life.

On cross-examination, Counsel thoroughly explained the underlying facts of the case. Returning to the State's plea offer, Counsel explained he received an offer of ten to fifteen years, and that Applicant initially accepted the offer with the understanding that he would have to admit guilt, only to later decide he would not take the deal. Counsel testified he met with Applicant thirty to forty times, and that at no point did he tell Applicant he had to plea. Counsel denied ever

lying to Applicant. On re-direct, Counsel acknowledged Applicant was not visible on surveillance video recovered from the Kangaroo gas station where Victim escaped.

Applicant testified he met with Counsel three times, including once on the day of trial. Applicant recalled the theory of defense was alibi, and that he pled guilty after Counsel informed him the alibi witnesses were not subpoenaed and did not show up for trial. Applicant claimed Counsel told him he had to plead, told him the offer was for between ten and fifteen years, and told him he could get less if he gave a full allocution. Applicant asserted he was told of the offer during the trial and that pleading was not otherwise on his mind. Applicant testified Counsel walked him through the allocution. Applicant testified he did not know he would get sentenced to eighteen years. Applicant claimed he had believed Lambert and Holmes would exonerate him.

Called again to the stand by the State, Counsel denied ever telling Applicant the alibi witnesses simply failed to appear. Counsel recalled that on July 29, 2015, he arrived at the courthouse and was informed by detention officers that Applicant wished to speak with him. Counsel met with Applicant and told him Holmes would not be a credible witness. Applicant then indicated he wanted to plead guilty. Counsel met with the prosecutor and Judge Culbertson in chambers, and the State offered a sentencing cap of twenty years. Judge Culbertson indicated his satisfaction with the proposal. Counsel met with Applicant's family, who indicated their own agreement with the offer. Counsel then again met with Applicant and discussed the offer. Counsel testified he did not tell Applicant what to say. Counsel denied Applicant ever asked for an appeal.

The Court finds no deficiency on the part of Counsel, nor any prejudice from the deficiencies alleged. The Court finds Counsel's testimony wholly credible, and Applicant's testimony largely not credible. The Court perceives no credible evidence of any lies by Counsel to Applicant, no affirmative misadvice as to the sentence Applicant could expect, and no actions

by Counsel to coerce Applicant into pleading guilty. The Court finds Counsel was thoroughly prepared for a trial on extremely unfavorable facts. The Court finds that Applicant of his own initiative informed Counsel of his desire to plead guilty on the morning of third day of trial. The Court finds Counsel properly instructed Applicant as to the consequences of pleading guilty, the sentence recommendation of the State of a twenty year cap, the total sentence exposure possible given the court's discretion, and the need for allocution. The Court finds no credible evidence that pleading pursuant to Alford in exchange for the same recommendation was ever available to Applicant. The Court finds that in addition to Counsel's explanation of the plea to Applicant, the plea court similarly instructed Applicant as to the recommendation of the State, and the total sentence exposure possible given the court's discretion. The Court finds Applicant knew he could be sentenced to a term of eighteen years imprisonment. The Court finds Applicant had a full understanding of the consequences of the plea and the charges against him, and was clearly aware of his alternative option of proceeding with his trial, already underway. As such, Applicant knowingly, intelligently, and voluntarily entered his guilty plea. Applicant has failed to meet his burden under either prong of Hill, and accordingly his request for relief by way of these allegations is **DENIED**.

2. Failure to Secure, Call Alibi Witnesses

Applicant alleges Counsel failed to secure and call witnesses to establish an alibi defense at trial.⁴ In order to prevail upon an alibi defense, a defendant must show that he or she was at another specified place at the time the crime was committed, thus making it impossible for him to have been at the scene of the crime. State v. Robbins, 275 S.C. 373, 375, 271 S.E.2d 319, 320 (1980) (quoting 21 Am.Jr.2d Criminal Law § 136). "[S]ince an alibi derives its potency as a

⁴ The Court here addresses the first allegation presented in the original application, as well as the second allegation presented in the amended application.

defense from the fact that it involves the physical impossibility of the accused's guilt, a purported alibi which leaves it possible for the accused to be the guilty person is no alibi at all." Id. "It is not enough for the accused to say that he was not at the scene and must therefore have been elsewhere." Id. "In order to support a claim that trial counsel was ineffective for failing to interview or call potential alibi witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence." Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995).

At the evidentiary hearing, Counsel testified he intended to call whatever witnesses Applicant wished for him to call. Counsel explained that Applicant continually provided alibis to him, but that upon investigation, no witness would give the alibi Applicant sought. Counsel testified either he or the private investigator spoke to each of the proposed alibi witnesses, and that none of them checked out. In succession, Counsel listed individuals proposed by Applicant and noted they denied Applicant's recollection of events.

As noted in the prior section, Applicant testified he was told by Counsel that the alibi witnesses were not subpoenaed and did not show up for trial. Applicant testified to his version of events on the day of the crime: Applicant was in Georgetown when Lambert pulled up in the (unknownst to Applicant) stolen car and gave him a ride. Applicant testified he fell asleep in the back seat only to wake up in the middle of a high speed chase with law enforcement, with no means of escaping the vehicle.

Marcus Lambert testified on Applicant's behalf at the evidentiary hearing. Lambert testified Applicant was not with him during the burglary of Victim's house. Lambert admitted Applicant and Holmes were in the car at the end of the chase, but testified he had picked them up in Maryville, South Carolina subsequent to the burglary. Lambert testified he had been in

negotiations with the State prior to Applicant's trial, but that the negotiations fell through. On cross-examination, Lambert expressed he did not know why the plea negotiations fell through. Lambert testified in some greater detail that he picked up Applicant in Maryville right after stopping at the Kangaroo, then headed towards Charleston before going to his girlfriend's house in Georgetown around midnight in order to pick up a change of clothes. Lambert explained he stuck to rural roads, including state roads 41 and 51, in order to avoid unwanted attention, but was discovered and pursued by law enforcement in Johnsonville. Lambert noted he made it at least as far as Marion before wrecking the car. Lambert testified he reached out to Counsel to inform him he would testify in Applicant's favor, but later tried to work something out with the State.

Called again to the stand by the State, Counsel denied he told Applicant his alibi witnesses simply didn't show up. Counsel confirmed Lambert wrote him a letter, but explained that Counsel learned on January 23, 2014, that Lambert intended to recant the letter. On February 11, 2014, Counsel told Applicant that Lambert gave additional information to the State.

The Court finds no deficiency on the part of Counsel, nor any prejudice to Applicant from the deficiency alleged. The Court finds Counsel's testimony broadly credible. The Court finds little credible in the testimony of either Applicant or Lambert. The Court finds Counsel exhaustively investigated the alibi witnesses proposed by Applicant and found that they either contradicted Applicant's version of events or otherwise failed to provide information necessary to establish or support an alibi defense. The Court finds Counsel was aware of Lambert's letter exonerating Applicant, but that Lambert subsequently cooperated with the State to Applicant's detriment. The Court finds Counsel reasonably believed Lambert intended to cooperate with the State at the time of Applicant's trial, and puts no value in Lambert's assertions to the contrary after Applicant's trial. The Court accepts Counsel's testimony that he would have called witnesses as

demanding by Applicant, but for Applicant's choice to enter a plea of guilty on the third day of trial. Further, the Court finds that Lambert's testimony, even if it were considered credible, fails to show Applicant was at a specified location at the time of the crime, such that it is not sufficient to establish an alibi defense. The Court finds that in the absence of witnesses to place Applicant at specific locations during the entire span of time during which the crimes were committed, the Court is left with mere speculation as to what other purported alibi witnesses would have or could have testified to. For all of these reasons, the Court finds Applicant has failed to meet his burden of proof as to either prong of Hill, and accordingly his request for relief by way of these allegations is **DENIED**.

3. Failure to Challenge Probable Cause for Arrest

Applicant alleges Counsel failed to challenge the existence of probable cause for his initial arrest. "Probable cause for a warrantless arrest exists when the circumstances within the arresting officer's knowledge are sufficient to lead a reasonable person to believe that a crime has been committed by the person being arrested." State v. Baccus, 367 S.C. 41, 49, 625 S.E.2d 216, 220 (2006). "Whether probable cause exists depends upon the totality of the circumstances surrounding the information at the officer's disposal." Id.

The Court will not belabor this allegation. The uncontested facts are that Applicant was pulled from the wreckage of the Victim's stolen vehicle after a high speed chase down the highways of South Carolina. The officers had probable cause to arrest every person in that vehicle, and no valid basis to argue otherwise existed. Accordingly, Applicant cannot meet either prong of Hill by way of this allegation. The Court finds no deficiency on the part of Counsel, nor prejudice therefrom, and his request for relief is **DENIED**.

III. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 25th day of March, 2019.

Kristi F. Curtis
KRISTI F. CURTIS
Presiding Judge
Fifteenth Judicial Circuit

Spartanburg, South Carolina

WITNESSES
Georgetown County Sheriff's Office

REST WARRANT NUMBER
2013A2210800087
CDR: 0085 §16-03-0910
DOI: 7/17/2013 - 7/18/2013

ACTION OF GRAND JURY **TRUE BILL**

[Signature]
Foreperson of Grand Jury
Date: 10-16-2013 (246)

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS2200972 *✓

The State of South Carolina
County of Georgetown

Alton Richardson 13G00718

COURT OF GENERAL SESSIONS
OCTOBER, 2013 TERM

THE STATE

VS.

QUANTAE DEANDRE PRIEST

B / M

ATTORNEY:

Indictment for

KIDNAPPING

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

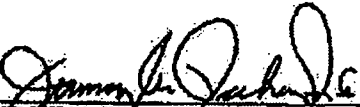
At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Quantae Deandre Priest did in Georgetown County on or about July 17-18, 2013, along with co-defendants, did unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Dan Gasque, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
SEVENTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

2013A2210900088
 CDR: 0139 §16-11-0330(A)
 DOI: 7/17/2013 - 7/18/2013

ACTION OF GRAND JURY TRUE BILL


 Foreperson of Grand Jury
 Date: 10-16-2013

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2013GS2200973⁹/

The State of South Carolina

County of Georgetown

Allie Richardson 13G00718

COURT OF GENERAL SESSIONS

OCTOBER, 2013 TERM

THE STATE

vs.

QUANTAE DEANDRE PRIEST


B/M

ATTORNEY: _____

Indictment for

ARMED ROBBERY

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Quantae Deandre Priest did in Georgetown County on or about July 17-18, 2013, while armed with a deadly weapon or while alleging, either by action or words, was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, take and carry away personal property of Dan Gasque from or in the immediate presence of Dan Gasque with intent to deprive Dan Gasque of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
ELEVENTH CIRCUIT SOLICITOR

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WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2013GS2200974**The State of South Carolina**

County of Georgetown

Alicia Richardson

13G00718

COURT OF GENERAL SESSIONS

OCTOBER, 2013 TERM

ARREST WARRANT NUMBER

2013A2210800089

CDR: 3412 §16-03-0600(C)(1)

DOI: 7/17/2013 - 7/18/2013

THE STATE

vs.

QUANTAE DEANDRE PRIEST

B / M

ACTION OF GRAND JURY

TRUE BILL**ATTORNEY:**

Indictment for

**ASSAULT AND BATTERY,
FIRST DEGREE****Jimmy A. Richardson, II, Solicitor**

Foreperson of Grand Jury

Date: 10-16-2013**VERDICT**

Foreperson of Petit Jury

Date:

NP
7/29/13
AC

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

ASSAULT AND BATTERY FIRST DEGREE
CDR: 3412 16-03-600(C)

That Quantae Deandre Priest did in Georgetown County on or about July 17-18, 2013, along with co-defendants, commit, offer to commit or attempt to commit an unlawful act of injury with the present ability to do so to Daa Gasque and the act occurred during the commission of a robbery, burglary, kidnapping or theft, in violation of Section 16-3-600(C), S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
ELEVENTH CIRCUIT SOLICITOR

WITNESSES
 Georgetown County Sheriff's Office

ARREST WARRANT NUMBER
 2013A2210800090
 CDR: 0079 §16-11-0311
 DOI: 7/17/2013 - 7/18/2013

ACTION OF GRAND JURY
TRUE BILL

[Signature]
 Foreperson of Grand Jury
 Date: 10-16-2013

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2013G52200975 ✓

The State of South Carolina
County of Georgetown

Alicia Richardson 13G00718

COURT OF GENERAL SESSIONS
OCTOBER, 2013 TERM

THE STATE

vs.

QUANTAE DEANDRE PRIEST

 B/M

ATTORNEY:

Indictment for

BURGLARY, FIRST DEGREE

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0879 16-11-0311

That Quantae Deandre Priest did in Georgetown County, on or about July 17-18, 2013, along with co-defendants, did enter the dwelling of Dan Gasque without consent and with the intent to commit a crime therein and the entering or remaining occurred in the nighttime and/or when effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, caused physical injury to a person who was not a participant in the crime, and/or displayed what is or appears to be a knife and/or firearm, in violation of Section 16-11-0311(A), S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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AP
AC
11/29/15

WITNESSES

Georgetown County Sheriff's Office

REST WARRANT NUMBER

2013A2210800083
CDR: 2364 §16-23-0030, 0050(A)(1)
DOI: 7/17/2013 - 7/18/2013

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 10-16-2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS2200968 * J

**The State of South Carolina
County of Georgetown**

Alicia Richardson 13G00718

**COURT OF GENERAL SESSIONS
OCTOBER, 2013 TERM**

THE STATE

vs.

QUANTAE DEANDRE PRIEST

GE



ATTORNEY:

Indictment for

**UNLAWFUL POSSESSION
OF A PISTOL**

Jimmy A. Richardson, II, Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

UNLAWFUL POSSESSION OF A PISTOL

CDR: 2364 16-23-0030(B), 16-23-50

That Quantae Deandre Priest did in Georgetown County on or about July 17-18, 2013, knowingly possess or acquire a pistol while he/she was under the age of eighteen (18), in violation of Section 16-23-0030(B), S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
ELEVENTH CIRCUIT SOLICITOR

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WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2013GS2200989^X**The State of South Carolina****County of Georgetown**Alicia Richardson13G00718**COURT OF GENERAL SESSIONS****OCTOBER, 2013 TERM****REST WARRANT NUMBER**2013A2210800084CDR: 0549 §16-23-0480DOI: 7/17/2013 - 7/18/2013**ACTION OF GRAND JURY****TRUE BILL**Foreperson of Grand JuryDate: 10-16-2013**VERDICT**Foreperson of Petit JuryDate:**THE STATE****vs.****QUANTAE DEANDRE PRIEST****ATTORNEY:****Indictment for****POSSESSION OF A WEAPON
DURING THE COMMISSION
OF A VIOLENT CRIME****Jimmy A. Richardson, II, Solicitor**


 7/29/15

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Quantae Deandre Priest did in Georgetown County, on or about July 17-18, 2013, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2013GS2200970 * J**The State of South Carolina**

County of Georgetown

Alicia Richardson

13G00718

COURT OF GENERAL SESSIONS

OCTOBER, 2013 TERM

ARREST WARRANT NUMBER

2013A2210800086

CDR: 0049 §16-17-0410

DOI: 7/17/2013 - 7/18/2013

THE STATE

VS.

QUANTAE DEANDRE PRIEST

B / M

ACTION OF GRAND JURY TRUE BILL**ATTORNEY:**

Indictment for

CRIMINAL CONSPIRACY**Jimmy A. Richardson, II, Solicitor**

Foreperson of Grand Jury

Date: 10-16-2013**VERDICT**

Foreperson of Petit Jury

Date:


 7/29/15

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

CRIMINAL CONSPIRACY

CDR: 0049 16-17-0410

That Quantas Deandre Priest did in Georgetown County on or about July 17-18, 2013 combine with Daquaris Holmes and Marcus Lambert, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Burglary, First Degree, in violation of Section 16-17-410, S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2013GS2200971X J**The State of South Carolina**

County of Georgetown

Aida Richardson

13G00718

COURT OF GENERAL SESSIONS

OCTOBER, 2013 TERM

REST WARRANT NUMBER

2013A2210800088

CDR: 3421 §16-13-0030(B)

DOE: 7/17/2013 - 7/18/2013

THE STATE

VS.

QUANTAE DEANDRE PRIEST

B7M

ACTION OF GRAND JURY **TRUE BILL**

ATTORNEY:

Indictment for

**GRAND LARCENY,
VALUE \$10,000 OR MORE****Jimmy A. Richardson, II, Solicitor**

Foreperson of Grand Jury

Date:

10-16-2013

VERDICT

Foreperson of Petit Jury

Date:

NP
AAL
7/29/15

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on October 16, 2013, the Grand Jurors of Georgetown County present upon their oath:

GRAND LARCENY
(VALUE OVER \$10,000)

CDR: 3421 16-13-0030(B)(2)

That Quantae Deandre Priest did in Georgetown County on or about July 17-18, 2013, along with co-defendants, take and carry away the personal goods of Dan Gasque, having a value of more than ten thousand (\$10,000.00) dollars, described as follows: 2013 Dodge Avenger, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(2), S. C. Code of Laws, 1976, as amended.

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


JIMMY A. RICHARDSON, II
THIRTEENTH CIRCUIT SOLICITOR