

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Saluda County

Honorable Walton J. McLeod, IV, Circuit Court Judge

RONNIE MARTIN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-000604.

APPENDIX

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VOLUME I OF II

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PAGES 1 – 500

INDEX

INDEX	i
TRIAL TRANSCRIPT (MAY 5, 2015)	1
TRIAL TRANSCRIPT (MAY 6, 2015)	148
TRIAL TRANSCRIPT (MAY 7, 2015)	359
FINAL BRIEF OF APPELLANT	461
FINAL BRIEF OF RESPONDENT	482
OPINION NO. 2017-UP-246 (FILED JUNE 21, 2017)	516
REMITTITUR	522
APPLICATION FOR POST-CONVICTION RELIEF	523
RETURN	533
POST-CONVICTION RELIEF HEARING TRANSCRIPT (JANUARY 25, 2019)	543
ORDER OF DISMISSAL	658
INDICTMENT	690
SENTENCE SHEET	692

1 State of South Carolina) In the Court
2 County of Saluda) Of General Sessions
3 Indictment No.: 2014-GS-41-035
4 State of South Carolina,)
5 Plaintiff,)
6 vs.) Transcript of Record
7 Ronnie Martin,)
8 Defendant.)
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May 5th, 2015 through May 7th, 2015
Saluda, South Carolina

BEFORE:

The Honorable R. Knox McMahon, Judge, and Jury.

APPEARANCES:

Ervin J. Maye, Assistant State Solicitor
Attorney for the State

Bennett Casto, Assistant Public Defender
Attorney for the Defendant

1	INDEX	
2	VOLUME I	
3	May 5, 2015	
4		PAGE
5	Jury Selection	26
6	Jackson v. Denno Hearing	
7	WITNESS	PAGE
8	JARED GOLDMAN	
9	Direct Examination by Mr. Maye	50
10	Cross Examination by Mr. Casto	53
11	RONNIE MARTIN	
12	Direct Examination by Mr. Casto	57
13	Neil v. Biggers Hearing	
14	JARED GOLDMAN	
15	Direct Examination by Mr. Maye	66
16	Cross Examination by Mr. Casto	70
17	DIANNE WILLIAMS	
18	Direct Examination by Mr. Maye	74
19	Cross Examination by Mr. Casto	80
20	Jury Sworn	111
21	Opening Statement	
22	By Mr. Maye	121
23	By Mr. Casto	138
24		
25		

1	VOLUME II	
2	May 6th, 2015	
3	WITNESS	PAGE
4	DIANNE WILLIAMS	
5	Direct Examination by Mr. Maye	153
6	Cross Examination by Mr. Casto	165
7	Redirect Examination by Mr. Maye	177
8	JARED GOLDMAN	
9	Direct Examination by Mr. Maye	180
10	Cross Examination by Mr. Casto	205
11	Redirect Examination by Mr. Maye	215
12	JAMES WILLIAMS	
13	Direct Examination by Mr. Maye	216
14	Cross Examination by Mr. Casto	219
15	MIKE RUSHTON	
16	Direct Examination by Mr. Maye	220
17	Cross Examination by Mr. Casto	227
18	KIMBERLY GANTT	
19	Direct Examination by Mr. Maye	232
20	Cross Examination by Mr. Casto	244
21	JANICE ERGLE	
22	Direct Examination by Mr. Maye	264
23	PLAINTIFF RESTS	268
24		
25		

1	VOLUME II	
2	May 6, 2015	
3	WITNESS	PAGE
4	RONNIE MARTIN - PROFFERED	
5	Direct Examination by Mr. Casto	276
6	Cross Examination by Mr. Maye	287
7	QUINTON SAMUELS	
8	Direct Examination by Mr. Casto	305
9	RONNIE MARTIN	
10	Direct Examination by Mr. Casto	313
11	Cross Examination by Mr. Maye	344

12		
13	VOLUME III	
14	May 7th, 2015	
15	DEFENDANT RESTS	375
16	Closing Statement	
17	By Mr. Casto	377
18	By Mr. Maye	392
19	Charge of Court	419
20	Verdict	441
21	Sentencing	459
22	Certificate of Reporter	460

23

24

25

EXHIBITS				
1	2	3	4	5
	NO.	DESCRIPTION		PAGE
3		COURT'S		
4	#1	DVD		93
5	#2	Jury Question		453
6	#3	Jury Question		453
7	#4	Intent to Seek Life w/o Parole		453
8	#5	E-mail		453
9	#6	Indictment 0087		453
10	#7	Indictment 0088		453
11				
12		STATE'S	ID	EVDS.
13	#1	Photo Wedding House	152	152
14	#2	" Purse Location	152	152
15	#3	" House	152	152
16	#4	" Car	152	152
17	#5	" Front Door	152	152
18	#6	" Boot Print	152	152
19	#7	" Boot Print	152	152
20	#8	" Boot Print	152	152
21	#9	" Boots	152	152
22	#10	" Front Door	152	152
23	#11	" Front Door	152	152
24	#12	" Wood Line	152	152
25	#13	" Front Room	152	152

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2 THE COURT: All right. Mr. Casto, I understand you
3 have one matter you need to take up outside the presence
4 of the jury before we select the first case for trial; is
5 that correct?

6 MR. CASTO: Yes, sir, Your Honor.

7 THE COURT: All right. Ladies and gentlemen of the
8 jury panel, I apologize in advance however I'm going to
9 ask you again to take a short recess. No jurors can
10 remain in the courtroom during this recess. And if you
11 would, please, not stay outside to the left either. If
12 you would go downstairs and perhaps outside and enjoy the
13 fresh air. It should be about 15 minutes for me to
14 resolve an issue. Thank you very much.

15 (Whereupon, the jury venire has a short recess.)

16 MR. MAYE: May it please the Court. Your Honor,
17 before you stands Ronnie Martin. We are prepared to
18 strike a jury on indictment 2014-GS-41-035 for burglary
19 in the first degree against Mr. Martin. I'm informed now
20 that he wishes to enter a guilty plea straight up to
21 burglary in the first degree, Your Honor. I hand up the
22 sentencing sheet and the indictment in this case.

23 The State in April, we have done this actually
24 twice. He's had two lawyers. He was previously
25 appointed Mr. Greg Seigler who is now on the bench, Your

1 Honor, as his attorney. We took him to Lexington and
2 served him with our notice of intent to seek life without
3 parole over in Lexington, Your Honor. He then got Mr.
4 Casto as attorney in August of 2014, Your Honor. We had
5 noticed him with our intent to seek life without parole
6 sentencing if he was convicted for this burglary in the
7 first degree. We served that on him and I have
8 transcript from Ms. Stacey Sheppard here where we served
9 our notice of intent to seek life without parole on both
10 Mr. Martin and Mr. Casto on the record here in court
11 here in Saluda County, Your Honor. I believe I have
12 dated August of 2014 but I do have a transcript of that.

13 I had obtained certified true copies of his prior
14 conviction. I prosecuted him for burglary in the first
15 degree and criminal sexual conduct in the first degree
16 and he was convicted in front of Judge Mark Westbrook
17 10/24 of 1996, Your Honor, on each of those, those being
18 most serious offenses, Your Honor. Should he have been
19 convicted in this case it would have been a mandatory
20 life without parole.

21 I'm informed even though 17-25-45 says that he must
22 be sentenced should he be convicted that we can withdraw
23 our intent to seek life without parole in this case and
24 you could sentence him to something in between 15 and
25 life on the burglary first, Your Honor. I am going to do

1 that. We have modified. We previously told Mr. Martin
2 we would not do that and we intended to. He rejected our
3 previous plea offers in this case. We had offered him
4 initially 20 years, then 15 on two successive occasions,
5 Your Honor, that he rejected. I am going to withdraw the
6 State's notice of intent to seek life without parole
7 which would, my understanding would permit Your Honor to
8 sentence him between 15 years and life, Your Honor.

9 He is pleading without any further negotiations or
10 recommendations. My understanding the defense in this
11 case is going to ask you for a minimum sentence and at
12 the appropriate time, Your Honor, we would give a
13 presentation of facts and his prior record and leave the
14 sentencing to the discretion of Your Honor.

15 THE COURT: All right. Thank you very much. Madam
16 Clerk, place Mr. Martin under oath.

17 Thereupon,

18 RONNIE MARTIN

19 after having been first duly sworn, testified as follows,

20 THE COURT: Do you need to talk with him further,
21 Mr. Casto?

22 MR. CASTO: I beg the Court's indulgence, yes,
23 sir.

24 THE COURT: All right. Yes, sir. Let me suggest
25 this, Mr. Casto and Mr. Solicitor. Why don't we select a

1 jury. We won't swear them and that will give you an
2 opportunity over lunch time to speak in more detail with
3 Mr. Martin.

4 MR. CASTO: Yes, sir, Your Honor.

5 THE COURT: Rather than rush it now, that will give
6 you more opportunity for him to talk with you concerning
7 the allegations of this case.

8 MR. CASTO: Yes, sir.

9 THE COURT: So we'll get the jury panel back in here
10 and select the jury. All right. Bring our panel back,
11 please.

12 MR. MAYE: Thank you, Your Honor.

13 (Whereupon, the jury venire returned to the
14 courtroom.)

15 THE CLERK: All accounted for, Your Honor.

16 THE COURT: Thank you, Madam Clerk. Mr. Solicitor,
17 call your first case for trial, please.

18 MR. MAYE: May it please the Court. Your Honor, the
19 State now calls indictment 2014-GS-41-035, the State
20 versus Ronnie Martin, an indictment for burglary in the
21 first degree. It's been true billed by the grand jury of
22 Saluda County. The State now calls this case for trial
23 by jury.

24 THE COURT: Thank you. Mr. Casto, you represent Mr.
25 Martin?

1 MR. CASTO: Yes, sir, I do, Your Honor.

2 THE COURT: Is Mr. Martin present?

3 MR. CASTO: Yes, sir, he is.

4 THE COURT: And ready for trial?

5 MR. CASTO: Yes, sir, Your Honor.

6 THE COURT: Thank you very much.

7 MR. CASTO: Yes, sir.

8 THE COURT: Ladies and gentlemen of the jury panel,
9 if you please give me your complete and undivided
10 attention. Also still consider yourselves under oath
11 having been placed under oath by the Clerk earlier this
12 morning. We are fixing to conduct a procedure whereby we
13 select a fair and impartial jury for the trial of this
14 case. The State has called for trial the State versus
15 Ronnie Martin. I have been presented with an indictment
16 2014-GS-41-035.

17 Momentarily I will publish or read this indictment
18 to you because of certain questions I will ask of you
19 during the course of this proceeding.

20 Ladies and gentlemen, the indictment is not
21 evidence. The indictment is the formal document by which
22 an individual is placed on notice of charges that have
23 been brought against him or her. It contains mere
24 allegations and it is no way evidence of the allegations
25 that are contained therein. Again, I will read the

1 indictment to you because of certain questions I must ask
2 you to determine your qualifications to serve as jurors
3 in this particular case.

4 The indictment reads that Ronnie Martin did in
5 Saluda County, South Carolina on or about December 13th,
6 2013 willfully and unlawfully enter during the nighttime
7 without consent and with the intent to commit a crime
8 therein the dwelling of Dianne Williams in violation of
9 Section 16-11-311(a) of the South Carolina Code of Laws
10 1976 as amended. That is an indictment for the crime of
11 burglary in the first degree.

12 Is any member of the jury panel related by blood or
13 marriage, close personal friends, have any social,
14 personal, business or professional relationship with
15 Ronnie Martin who is seated to my front right? If so,
16 please stand. All right. Yes, the lady on the far left.
17 Your number and name please.

18 GALE MARTIN: Gale Martin, juror 123.

19 THE COURT: Related?

20 GALE MARTIN: He's my brother-in-law.

21 THE COURT: Say again.

22 GALE MARTIN: He's my brother-in-law.

23 THE COURT: Step up here for me please. And this
24 other lady and this gentleman, y'all can step over here
25 for me, please, and I'll take you one at a time. All

1 right. Yes, ma'am. Tell me your number again.

2 GALE MARTIN: 123, Gale Martin.

3 THE COURT: Gale Martin. You tell me he's your
4 brother-in-law?

5 GALE MARTIN: I'm married to his brother.

6 THE COURT: You're married to his brother?

7 GALE MARTIN: Yes.

8 THE COURT: How long have you been married to his
9 brother?

10 GALE MARTIN: Oh, 26 years.

11 THE COURT: This is a tough question now. When is
12 your anniversary?

13 GALE MARTIN: June the 11th.

14 THE COURT: All right. I think given the fact that
15 you are married to his brother I'm going to set you aside
16 from the trial of this case. Please do not say anything
17 to your fellow jurors. Thank you. Return to your seat.
18 Okay. All right.

19 BAILIFF: 124.

20 THE COURT: 124. This is also Gayle Martin,
21 G-a-y-l-e. Tell me if you're related or friend?

22 GAYLE MARTIN: Friend. We all went to school
23 together.

24 THE COURT: Tell me what period of time that was.
25 Speak up just a little bit.

1 GAYLE MARTIN: I don't know exactly when he came out
2 of school but I came out in '87. I would say from
3 elementary to middle school.

4 THE COURT: Have you maintained a friendship with
5 him over the years?

6 GAYLE MARTIN: Yes.

7 THE COURT: Do you see him regularly?

8 GAYLE MARTIN: No.

9 THE COURT: Describe for me the friendship you have
10 with him.

11 GAYLE MARTIN: His mother was my aunt so I just, we
12 just call each other relation like cousins. There's no
13 such thing as step cousins, but if you want to say it
14 like that.

15 THE COURT: How often would you see him?

16 GAYLE MARTIN: Maybe once every three years.

17 THE COURT: About once every three years?

18 GAYLE MARTIN: Yes.

19 THE COURT: What type of settings would you see him
20 in?

21 GAYLE MARTIN: Just when we was at school or he was
22 fixing on my cars, stuff like that.

23 THE COURT: So y'all didn't socialize regular or
24 anything of that nature?

25 GAYLE MARTIN: Only when we would see each other, we

1 would speak. Hey, how you doing?

2 THE COURT: Sure. I understand. I understand.

3 Given those facts can you be a fair and impartial juror

4 in the trial of this case for both the State and

5 Mr. Martin?

6 GAYLE MARTIN: Uhm, I would be fair, but I would

7 rather not be put in that predicament. I don't know any

8 other way to say that. I'll be truthful because that's

9 the first right thing to do but...

10 THE COURT: It would be difficult for you?

11 GAYLE MARTIN: Yes.

12 THE COURT: Because of this knowledge?

13 GAYLE MARTIN: Yes.

14 THE COURT: This relationship?

15 GAYLE MARTIN: Yes.

16 THE COURT: So you know yourself best and you feel
17 like you should not serve on the jury?

18 GAYLE MARTIN: Yes.

19 THE COURT: Is that what you're telling me?

20 GAYLE MARTIN: Yes.

21 THE COURT: I'll set you aside for the trial of this
22 case. Please do not say anything to your fellow jurors.

23 Thank you, Miss Martin.

24 GAYLE MARTIN: So leave?

25 THE COURT: No, ma'am. You're going to have a seat.

1 Good try though. Yes.

2 BAILIFF: 102.

3 THE COURT: 102. This is Mr. Jeffery.

4 BRANDON JEFFERY: Yes, sir.

5 THE COURT: All right. Tell me your situation.

6 BRANDON JEFFERY: Friend of the family.

7 THE COURT: Friends of the Martin family?

8 BRANDON JEFFERY: Yep. Me and his son went to

9 school together.

10 THE COURT: You and Mr. Martin's son went to school
11 together?

12 BRANDON JEFFERY: Yes, sir.

13 THE COURT: How long? What length of time has been
14 your friendship with the family?

15 BRANDON JEFFERY: Since I been high school.

16 THE COURT: Given that do you feel like you could be
17 a fair and impartial juror in the trial of this case to
18 both the State and Mr. Martin?

19 BRANDON JEFFERY: No, sir.

20 THE COURT: I'll set you aside for the trial of this
21 case. Thank you very much. Do not say anything to your
22 fellow jurors. Return to your seat. All right. Yes,
23 sir.

24 BAILIFF: 122.

25 THE COURT: Good afternoon.

1 BREND A MARTIN: Good afternoon.

2 THE COURT: Let's see. This is Miss Brenda
3 Martin.

4 BREND A MARTIN: Yes, sir.

5 THE COURT: Tell me, friends or relative?

6 BREND A MARTIN: He's - his brother is my neighbor.
7 I knew him as he was growing up and occasionally see him.
8 I know his mom.

9 THE COURT: So his brother is your neighbor?

10 BREND A MARTIN: Yeah.

11 THE COURT: Is that his brother that's married to
12 Gale?

13 BREND A MARTIN: Yes.

14 THE COURT: All right. And you occasionally see his
15 mom?

16 BREND A MARTIN: Yes.

17 THE COURT: And you have known him since he has been
18 growing up?

19 BREND A MARTIN: Mm-hmm.

20 THE COURT: Given those facts, that friendship or
21 relationship, do you feel like you could be a fair and
22 impartial juror in the trial of this case for both the
23 State and Mr. Martin?

24 BREND A MARTIN: Sure.

25 THE COURT: Do you have any concerns whatsoever

1 about that?

2 BREND A MARTIN: No.

3 THE COURT: All right. How often would you see him?

4 BREND A MARTIN: I don't. I have seen him maybe once
5 in the last four or five years.

6 THE COURT: Once in the last four or five years?

7 BREND A MARTIN: Yes.

8 THE COURT: And you have no concern about sitting as
9 a juror in the trial of this case?

10 BREND A MARTIN: No, sir.

11 THE COURT: Given those facts and your knowledge of
12 him and the knowledge of the friendship with the family
13 members?

14 BREND A MARTIN: I don't have any problem.

15 THE COURT: Okay. I believe you can stay with us.
16 Thank you very much. Any others?

17 (No one else comes forward.)

18 THE COURT: All right. The State is represented by
19 the Solicitor's Office. Mr. Solicitor, if you would
20 please stand and introduce yourself and any other member
21 of the Solicitor's staff that is going to assist you in
22 the trial of this case.

23 MR. MAYE: My name is Ervin Maye. I'm an Assistant
24 Solicitor in the Eleventh Judicial Circuit. I work for
25 your elected Solicitor Mr. Donnie Myers. I help him take

1 care of McCormick, Edgefield and Saluda Counties. Seated
2 at the State's table with me is Assistant Solicitor Frank
3 Young. He's going to assist me in selecting the jury.

4 THE COURT: Mr. Casto, would you, please, stand and
5 introduce yourself and any members of your staff that are
6 going to assist you in the trial of this case.

7 MR. CASTO: Yes, sir, Your Honor. My name is
8 Bennett Casto. I'm a local lawyer in the area. You
9 know, it's just me, myself throughout the entirety of the
10 trial. I have the pleasure of representing Mr. Ronnie
11 Martin.

12 THE COURT: Thank you, Mr. Casto. Is any member of
13 the jury panel related by blood or marriage, close
14 personal friends of any of the attorneys involved in the
15 case either Solicitor Maye, Solicitor Young or Mr. Casto?
16 If so, please stand.

17 (No one stands.)

18 THE COURT: Has any member of the jury panel or any
19 member of your immediate family ever been represented by,
20 defended by or a party to a lawsuit which one of the
21 attorneys either represented you or represented the
22 opposing party? If so, please stand.

23 (No one stands.)

24 THE COURT: The indictment alleges an incident which
25 occurred on December the 13th, 2013 at the residence of

1 Dianne Williams located in Saluda County alleging a
2 nighttime burglary at that residence. Does any member of
3 the jury panel have any knowledge about the case? If so,
4 please stand.

5 (No one stands.)

6 THE COURT: Does any member of the jury panel have
7 any bias or prejudice towards the parties that being the
8 State or Mr. Martin or towards the subject matter
9 involved in the case? If so, please stand.

10 (No one stands.)

11 THE COURT: Does any member of the jury panel heard
12 or know anything about the case from any source
13 whatsoever? News reports, if any, in the past, radio,
14 television, newspaper, Internet, word of mouth from any
15 source whatsoever? If so, please stand.

16 (No one stands.)

17 THE COURT: I'm going to call a list of names of
18 potential witnesses in the trial of the case. The
19 question, of course, is is any member of the jury panel
20 related by blood or marriage, a close personal friend,
21 have any social, business, professional relationship with
22 any of these parties whose names I now call. I would
23 advise you you may hear names called and no one stands.
24 The parties or the potential witnesses are not required
25 to be present during this proceeding. I would advise any

1 potential witnesses if your name is called, if you would,
2 please, stand and face the jury panel.

3 Gene Morelli. Mike Rushton. Mr. Rushton is to my
4 front right. Thank you. Cody Cockrell. Mr. Cockrell is
5 to my front left. Thank you. James Williams.
6 Mr. Williams is to my front left also. Thank you very
7 much, Mr. Williams. Dianne Williams. Ms. Dianne
8 Williams is to my front left also. Thank you. Kimberly
9 Gantt. Ms. Gantt is in the far back right of the
10 courtroom. Thank you, Ms. Gantt. Jared Goldman.
11 Mr. Goldman is to my front left. Thank you. Quinton
12 Samuels. Mr. Samuels is directly to the back. Thank
13 you, Mr. Samuels. Janice Ergle. Don Neece.

14 Is any member of the jury panel related by blood or
15 marriage or a close personal friend of a member of a law
16 enforcement agency? If so, please stand.

17 (No one stands.)

18 THE COURT: Is any member of the jury panel related
19 by blood or marriage or close personal friend with any
20 employee of the Eleventh Judicial Circuit Solicitor's
21 Office that being the prosecuting attorney's office? If
22 so, please stand.

23 (No one stands.)

24 THE COURT: Has any member of the jury panel or any
25 member of your immediate family ever been a victim of a

1 burglary, crime of personal violence and/or accused of
2 the same or similar type crime? If so, please stand.
3 All right. Yes, ma'am, your number and name please.

4 AMY TERRELL: 186, Amy Terrell.

5 THE COURT: All right. Would you step over here for
6 me please. 186?

7 AMY TERRELL: Yes, sir.

8 THE COURT: Okay. Ms. Terrell.

9 AMY TERRELL: Yes, sir.

10 THE COURT: Tell me were you a victim?

11 AMY TERRELL: Yes, sir.

12 THE COURT: Time frame?

13 AMY TERRELL: It was on January 5th of 2011.

14 THE COURT: Type of crime?

15 AMY TERRELL: It was a burglary. My house was
16 broken into, but nobody was, it never went to court.
17 They didn't find the people.

18 THE COURT: Given that fact that you were a victim
19 of a burglary at your home, can you be a fair and
20 impartial juror in the trial of this case for both
21 Mr. Martin and the State?

22 AMY TERRELL: Certainly.

23 THE COURT: I believe you can stay with us. Thank
24 you very much. All right. Yes. Your number and name.

25 BAILIFF: 157.

1 THE COURT: 157.. All right. Tell me your situation
2 Ms. Rhodes.

3 ELLEN RHODES: My house was burglarized six months
4 ago. Last court session was prosecution of that. And my
5 daughter's house was burglarized in Columbia a year ago.

6 THE COURT: Now, did the Solicitor's Office
7 prosecute the individual or individuals that broke into
8 your home?

9 ELLEN RHODES: I don't know. I didn't come.

10 THE COURT: All right. Given the fact that your
11 house was burglarized and your daughter's house was
12 burglarized, could you be a fair and impartial juror in
13 the trial of this case for both Mr. Martin and for the
14 State?

15 ELLEN RHODES: I think so.

16 THE COURT: What?

17 ELLEN RHODES: I think so.

18 THE COURT: That's maybe just semantics when you say
19 "I think so."

20 ELLEN RHODES: Oh, yes, I can.

21 THE COURT: You can?

22 ELLEN RHODES: Yes.

23 THE COURT: All right. I believe you can stay.

24 Thank you very much. Yes, ma'am. Any others?

25 Is any member of the jury panel an employee, member

1 of, or contributor to such groups which has as its
2 primary concern the promotion of law enforcement,
3 victims' rights? These groups would include but would
4 not be limited to MADD, SADD, CAV, Sister Care or any
5 other similar type organizations. If so, please stand.
6 All right. This is 186?

7 AMY TERRELL: Yes, sir.

8 THE COURT: Member of? Contributor to?

9 AMY TERRELL: Mothers Against Drunk Drivers.

10 THE COURT: How long have you been a member of that,
11 Ms. Terrell?

12 AMY TERRELL: Since 2009.

13 THE COURT: Given that fact can you be a fair and
14 impartial juror in the trial of this case to both
15 Mr. Martin and the State?

16 AMY TERRELL: Yes.

17 THE COURT: Thank you. You may be seated. Any
18 others?

19 (No one stands.)

20 THE COURT: Any additional requested voir dire from
21 the State?

22 MR. MAYE: Not from the State, Your Honor. Thank
23 you.

24 THE COURT: Defense?

25 MR. CASTO: No, sir, Your Honor.

1 THE COURT: All right. Finally, ladies and
2 gentlemen of the jury panel, you have heard the
3 allegations in the indictment, allegation of burglary in
4 the first degree of the residence in Saluda County of
5 Mrs. Williams. You have been introduced to the
6 attorneys. You have been introduced to Mr. Martin. You
7 have had the majority of the witnesses stand before you.
8 Our purpose is to get a fair and impartial jury for the
9 trial of this case for both Mr. Martin and the State.
10 You know yourselves best.

11 Does any member of the jury panel know any reason
12 whatsoever why you feel like you could not be a fair and
13 impartial juror in the trial of this case for both
14 Mr. Martin and the State? If it concerns you, it
15 concerns me. I want to know about it before you're
16 selected on a jury panel. If you have any reason
17 whatsoever that you feel like you cannot be a fair and
18 impartial juror, please stand.

19 (No one stands.)

20 THE COURT: Thank you very much. No one is
21 standing. Madam Clerk, give us a jury panel please. The
22 strikes are ten for the State. Excuse me. Ten for the
23 defense and five for the State; is that correct, Mr.
24 Casto?

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

1 THE COURT: Is that correct, Mr. Solicitor?

2 MR. MAYE: Yes, sir, Your Honor.

3 THE COURT: All right. Thank you. Thank you, Madam
4 Clerk. Give us the names please.

5 THE CLERK: As I call your name, come to the front
6 and stand right here and face the audience. 134, Ricky
7 McGee.

8 (Whereupon, Ricky McGee, a white male, was called
9 forward.)

10 THE CLERK: What say for the State?

11 MR. MAYE: Please present the juror.

12 THE CLERK: What say for the defense?

13 MR. CASTO: Please excuse this juror.

14 THE CLERK: Please return to your seat. 99, Joshua
15 H. Hutchins.

16 (Whereupon, Joshua H. Hutchins, a white male, was
17 called forward.)

18 THE CLERK: What say the for the State?

19 MR. MAYE: Please excuse the juror from the trial of
20 this case.

21 THE CLERK: Please return to your seat. 15, Maria
22 S. Black.

23 (Whereupon, Maria S. Black, a white female, was
24 called forward.)

25 THE CLERK: What say for the State?

1 MR. MAYE: Please present the juror.

2 THE CLERK: What say for the defense?

3 MR. CASTO: Please seat Ms. Black.

4 THE CLERK: Please have a seat in the jury box over
5 this way. I should have told you also to bring all of
6 your personal belongings because your next seat may be in
7 the jury box. Number 40, Brianna T. Clarke.

8 (Whereupon, Brianna T. Clarke, a black female, was
9 called forward.)

10 THE CLERK: What say for the State?

11 MR. MAYE: Please present the juror.

12 THE CLERK: What say for the defense?

13 MR. CASTO: Please seat Ms. Clarke.

14 THE CLERK: Please have a seat in the jury box.
15 149, Sharon B. Powell.

16 (Whereupon, Sharon B. Powell, a white female, was
17 called forward.)

18 THE CLERK: What say for the State?

19 MR. MAYE: Please excuse the juror from the trial of
20 this case.

21 THE CLERK: Please return to your seat. 91, Steven
22 B. Holley.

23 (Whereupon, Steven B. Holley, a white male, was
24 called forward.)

25 THE CLERK: What say for the State?

1 MR. MAYE: Please excuse the juror from the trial of
2 this case.

3 THE CLERK: Please return to your seat. 136, Laura
4 L. Messenger.

5 (Whereupon, Laura L. Messenger, a white female, was
6 called forward.)

7 THE CLERK: What say for the State?

8 MR. MAYE: Please present the juror.

9 THE CLERK: What say for the defense?

10 MR. CASTO: Please seat Ms. Messenger.

11 THE CLERK: Please have a seat in the jury box.

12 201, Dean K. Wise.

13 (Whereupon, Dean K. Wise, a white male, was called
14 forward.)

15 THE CLERK: What say for the State?

16 MR. MAYE: Please present the juror.

17 THE CLERK: What say for the defense?

18 MR. CASTO: Please excuse Mr. Wise.

19 THE CLERK: Please run to your seat. 192, Kathryn
20 A. Watts.

21 (Whereupon, Kathryn A. Watts, a white female, was
22 called forward.)

23 THE CLERK: What say for the State?

24 MR. MAYE: Please present the juror.

25 THE CLERK: What say for the defense?

1 MR. CASTO: Please seat Ms. Watts.

2 THE CLERK: Please have a seat in the jury box. 72,
3 Cyteria P. Gantt.

4 (Whereupon, Cyteria P. Gantt, a black female, was
5 called forward.)

6 THE CLERK: What say for the State?

7 MR. MAYE: Please present the juror.

8 THE CLERK: What say for the defense?

9 MR. CASTO: Please seat Ms. Gantt.

10 THE CLERK: Please have a seat in the jury box.
11 144, Willie J. Norris.

12 (Whereupon, Willie J. Norris, a black male, was
13 called forward.)

14 THE CLERK: What say for the State?

15 MR. MAYE: Please excuse the juror from the trial of
16 this case.

17 THE CLERK: Please return to your seat. 196, Kelly
18 C. White.

19 (Whereupon, Kelly C. White, a white female, was
20 called forward.)

21 THE CLERK: What say for the State?

22 MR. MAYE: Please present the juror.

23 THE CLERK: What say for the defense?

24 MR. CASTO: Please excuse Ms. White.

25 THE CLERK: Please return to your seat. 154,

1 Randolph O. Quattlebaum.

2 (Whereupon, Randolph O. Quattlebaum, a white male,
3 was called forward.)

4 THE CLERK: What say for the State?

5 MR. MAYE: Please present the juror.

6 THE CLERK: What say for the defense?

7 MR. CASTO: Please excuse Mr. Quattlebaum.

8 THE CLERK: Please return to your seat. 203, Donna
9 E. Zachary.

10 (Whereupon, Donna E. Zachary, a white female, was
11 called forward.)

12 THE CLERK: What say for the State?

13 MR. MAYE: Please present the juror.

14 THE CLERK: What say for the defense?

15 MR. CASTO: Please seat Ms. Zachary.

16 THE CLERK: Please have a seat in the jury box.

17 197, Belinda L. Williams.

18 (Whereupon, Belinda L. Williams, a black female, was
19 called forward.)

20 THE CLERK: What say for the State?

21 MR. MAYE: Please present the juror.

22 THE CLERK: What say for the defense?

23 MR. CASTO: Please seat Ms. Williams.

24 THE CLERK: Please have a seat in the jury box. 80,
25 Sarah H. Gunter.

1 (Whereupon, Sarah H. Gunter, a white female, was
2 called forward.)

3 THE CLERK: What say for the State?

4 MR. MAYE: Please present the juror.

5 THE CLERK: What say for the defense?

6 MR. CASTO: Please seat Ms. Gunter.

7 THE CLERK: Please have a seat in the jury box. 24,
8 Nicotre L. Brunson.

9 (Whereupon, Nicotre L. Brunson, a black female, was
10 called forward.)

11 THE CLERK: What say for the state?

12 MR. MAYE: Please present the juror.

13 THE CLERK: What say for the defense?

14 MR. CASTO: Please seat Ms. Brunson.

15 THE CLERK: Please have a seat in the jury box. 75,
16 Tammy L. Gillian.

17 (Whereupon, Tammy L. Gillian, a white female, was
18 called forward.)

19 THE CLERK: What say for the State?

20 MR. MAYE: Please present the juror.

21 THE CLERK: What say for the defense?

22 MR. CASTO: Please excuse Ms. Gillian.

23 THE CLERK: Please return to your seat. 112, Jerry
24 L. Lewis.

25 (Whereupon, Jerry L. Lewis, a black male, was called

1 forward.)

2 THE CLERK: What say for the State?

3 MR. MAYE: Please excuse the juror from the trial of
4 this case.

5 THE CLERK: Please return to your seat. 156, Ruth
6 E. Reichardt.

7 (Whereupon, Ruth E. Reichardt, a white female, was
8 called forward.)

9 THE CLERK: What say for the State?

10 MR. MAYE: Please present the juror.

11 THE CLERK: What say for the defense?

12 MR. CASTO: Please seat the juror.

13 THE CLERK: Please have a seat in the jury box.
14 204, Natalie A. Zednik.

15 (Whereupon, Natalie A. Zednik, a white female, was
16 called forward.)

17 THE CLERK: What say for the State?

18 MR. MAYE: Please present the juror.

19 THE CLERK: What say for the defense?

20 MR. CASTO: Please excuse Ms. Zednik.

21 THE CLERK: Please return to your seat. 133, Marlee
22 E. McGee.

23 (Whereupon, Marlee E. McGee, a white female, was
24 called forward.)

25 THE CLERK: What say for the State?

1 MR. MAYE: Please present the juror.

2 THE CLERK: What say for the defense?

3 MR. CASTO: Please seat Ms. McGee.

4 THE CLERK: Please have a seat in the jury box. 45,
5 Jasper S. Coleman.

6 (Whereupon, Jasper S. Coleman, a black male, was
7 called forward.)

8 THE CLERK: What say for the State?

9 MR. MAYE: Please present the juror.

10 THE CLERK: What say for the defense?

11 MR. CASTO: Please seat Mr. Coleman.

12 THE CLERK: Please have a seat in the jury box.

13 THE COURT: Two alternates. Strikes are one and
14 two.

15 THE CLERK: Number 9, James F. Baston.

16 (Whereupon, James F. Baston, a white male, was
17 called forward.)

18 THE CLERK: What say for the State?

19 MR. MAYE: Please present the juror.

20 THE CLERK: What say for the defense?

21 MR. CASTO: Please excuse Mr. Baston.

22 THE CLERK: Please return to your seat. 105, Eugene
23 L. Kelly.

24 (Whereupon, Eugene L. Kelly, a white male, was
25 called forward.)

1 THE CLERK: What say for the State?

2 MR. MAYE: Please present the juror.

3 THE CLERK: What say for the defense?

4 MR. CASTO: Please excuse Mr. Kelly.

5 THE CLERK: Please return to your seat. 195, Ronald
6 West.

7 (Whereupon, Ronald West, a black male, was called
8 forward.)

9 THE CLERK: What say for the State?

10 MR. MAYE: Please excuse the juror from the trial of
11 this case.

12 THE CLERK: Please return to your seat. 42, Billie
13 J. Cockrell.

14 (Whereupon, Billie J. Cockrell, a white female, was
15 called forward.)

16 THE CLERK: What say for the State?

17 MR. MAYE: Please present the juror.

18 THE CLERK: What say for the defense?

19 MR. CASTO: Please seat Ms. Cockrell.

20 THE CLERK: Please have a seat in the jury box. 23,
21 Devonta D. Brown.

22 (Devonta D. Brown, a black male, was called
23 forward.)

24 THE CLERK: What say for the State?

25 MR. MAYE: Please present the juror.

1 THE CLERK: What say for the defense?

2 MS. CASTO: Please seat Mr. Brown.

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

4 THE COURT: Any motions regarding the jury selection
5 process from the State?

6 MR. MAYE: None from the State, Your Honor.

7 THE COURT: Defense?

8 MR. CASTO: No, sir, Your Honor.

9 THE COURT: All right. Thank you very much. Ladies
10 and gentlemen of the jury panel that were not fortunate
11 enough to be selected for the trial of this case, do not
12 give up hope. The week is young. There are other cases
13 to be tried. Momentarily I'm going to release you. I'm
14 almost not comfortable doing this in front of your
15 colleagues, but momentarily I'm going to release you from
16 your jury service for the remainder of the day, remainder
17 of the afternoon, evening, of course, and ask you to
18 please call back. You'll give the numbers out as they
19 leave, Madam Clerk?

20 THE CLERK: They already have them.

21 THE COURT: You already have them. Please call back
22 on your juror information number after 6:00, after 18:00
23 hours tonight call that number back and will prompt you
24 and give you instructions concerning your jury service
25 for the remainder of the week. Again, please call back

1 after 6:00 tonight. It will give you information
2 concerning your jury service for the remainder of the
3 week. It has been my pleasure and privilege to be
4 with you this morning in Saluda County and I salute you
5 for your civic mindedness and your willingness to perform
6 your duty to your community and to your fellow man. With
7 that being said, are there any questions from any member
8 of the jury panel? All right. Thank you very much.
9 Please call back after 6:00. You are now released.

10 (Whereupon, the remaining members of the jury venire
11 panel were released for the remainder of the day.)

12 THE COURT: All right. Ladies and gentlemen of the
13 jury panel, momentarily we are going to -- Perhaps now
14 would be a good time to take our luncheon recess. We
15 have held you captive since 10:00 or even earlier this
16 morning and shuffled you in and out of the courtroom. I
17 must give you certain instructions concerning your jury
18 service in the trial of this case.

19 During the trial of this case you may not and you
20 shall not discuss the case with others. That includes
21 your fellow jurors, lunch mates, family, friends or
22 anyone else except as when directed by and authorized by
23 the Court to do so after you have heard all the evidence,
24 all the testimony from the witnesses testifying under
25 oath, closing arguments by the attorneys, and the

1 instruction on the law by the Court.

2 You may not read, watch, or listen to any news
3 reports about the case should there be any. You may not
4 use your computer, cellular phone or any other electronic
5 device with communication capabilities while in
6 attendance at trial or during deliberations. These
7 devices, of course, may be used during your luncheon
8 recess and overnight recess, but may not be used to
9 obtain or disclose information. That is prohibited.
10 Information that is prohibited includes but is not
11 limited to the following: Any information about a party,
12 a witness, an attorney, or a court officer, any news
13 accounts about the case past or present should there have
14 been any, any information collected through juror
15 research on any topics raised or testimony offered by any
16 witness, or information collected through juror research
17 on any other topic the juror might think would be helpful
18 in deciding the case.

19 Again, you decide the case based on the evidence and
20 the testimony you hear from the witnesses testifying
21 under oath before you in the courtroom, any physical
22 items of evidence that may be introduced, and I have no
23 idea if there would be any or not, any inferences you
24 think may properly be drawn from the evidence, and the
25 law as I tell you the law is.

1 If anyone tries to talk with you about the case,
2 please report that to me, one of the bailiffs or the
3 Clerk to bring to my attention immediately.

4 With that being said, we'll take our luncheon
5 recess. Upon your return I will give you, when you're
6 all back in the jury room upon your return after lunch I
7 will give you your first assignment as a jury. I will
8 ask you to please select one among your number of the
9 primary twelve jurors to serve as your foreperson. I'm
10 sure Ms. Cockrell and Mr. Brown would make a fine jury
11 foreperson, however, at this time they are in the status
12 as alternate jurors so it would have to be one of the
13 primary juror. You use whatever criteria you think is
14 appropriate whether it's prior jury service or what have
15 you. That person would be the jury's spokesperson in the
16 courtroom and also be responsible for the signing and
17 dating the verdict in the case which I will explain more
18 to you later.

19 With that being said, I would ask you to be please
20 be back promptly at 2:00. If you would please be back
21 promptly at 2:00. Are there any questions? Mr. Bailiff,
22 will you show them the jury room, how to exit the
23 building, how to return to the building after lunch.
24 Thank you very much. Hope you all have a pleasant lunch.
25 Please be back promptly at 2:00. Thank you very much.

1 (Whereupon, the prospective jury was released for
2 lunch at.)

3 THE COURT: All right. As far as this case we will
4 be in recess until 2:00. Mr. Martin is in custody,
5 correct?

6 MR. MAYE: Yes, sir, Your Honor.

7 (Luncheon recess.)

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SEL

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THE COURT: All right. Mr. Casto, have you had an opportunity to speak with Mr. Martin?

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MR. CASTO: Yes, sir, I have.

5

THE COURT: And has he made a decision?

6

7

MR. CASTO: Your Honor, he would like to proceed with trial.

8

9

THE COURT: All right. Thank you. Thank you very much. Is the jury back?

10

BAILIFF: Yes, sir.

11

THE COURT: Bring them in.

12

MR. MAYE: Your Honor, I have one matter.

13

THE COURT: Yes, sir. Hold on the jury.

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MR. MAYE: I need to protect the record in this case given the fact that we have gone through a plea, I have two matters that I want to discuss. The first of which he's now in a wheelchair in the courtroom. I don't know if he's gotten where to go in front of the jury. I saw him walk in here about ten minutes ago without it. I would maintain that it's a prop. He's not going anywhere. I would ask that he be seated in a chair without the wheelchair if that's possible. I bring this solely to the discretion of Your Honor. But, Your Honor, he indicated that he was going to plea and I did place on the record in this case that for the purpose of the plea

1 that we were going to withdraw our demand for sentencing
2 under life without parole. Given the fact that that
3 did not go forward, Your Honor, we would certainly
4 maintain that's a nullity.

5 I do want to get on the record in this case an
6 acknowledgement and I intended to do so from both the
7 Defendant and his attorney as an officer of the Court.
8 They have been served with a life without parole notice
9 under 17-25-45 on the record and that he is apprised and
10 has had the proper ten day notice in this case that
11 should he be convicted in this case, that it would result
12 in a life without parole sentence if he was convicted of
13 the burglary first. And I would ask that you make
14 inquiry of both the Defendant and his attorney in this
15 case that they have been apprised of it, they have had
16 the ten day notice, and that anything in the record in
17 this case about his intention to withdraw or intent to
18 seek that punishment or seek that sentence in this case
19 was done contingent upon him attempting to enter a plea
20 in this case.

21 THE COURT: All right. Mr. Casto.

22 MR. CASTO: Your Honor, we definitely understand, I
23 guess, two aspects of that. We definitely understand
24 that, you know, life without parole had been served and I
25 believe that to be back, you know, in play now as it was

1 and we certainly understand that that's something that I
2 have advised my client just to place it on the record as
3 to what the potential could be if he were convicted at
4 trial.

5 The other thing, Judge, logistically with the
6 wheelchair, yes, he came in on crutches, but as an
7 officer of the Court last week I believe that he threw
8 his back out. When I went to go visit him, he's been
9 housed at Laurens. When I went to go visit him, he was
10 in a wheelchair then, too. He has been with crutches.
11 Quite honestly can he use the crutches? Well, he can,
12 but I think it's just easier. It takes a long time
13 because he's also got the leg harnesses on underneath his
14 pants and quite honestly I would recommend the wheelchair
15 because they had one and it's easier to wheel him in
16 here, Judge. But I don't have doubts about that issue or
17 anything, you know, the truthfulness of his back being
18 out. Like I say, I saw him last week a couple times and
19 he was in the wheelchair then, too. I think it allows
20 him just to kind of sit a little bit more upright than in
21 the wooden chairs, but if the Court would allow him to do
22 that.

23 THE COURT: All right. I'll allow him to do that.
24 But should he testify or take the stand for any reason,
25 he would be required to sit in the witness stand and, of

1 course, with the leg irons and braces and what have you
2 on typically I would have the individual seated while the
3 jury was out of the room and then the jury can come in so
4 we can handle that. The other issue, I thought that you
5 have no question of a notice, am I correct, of life
6 without parole as far as the ten day notice?

7 MR. CASTO: I do not, Your Honor.

8 THE COURT: Further, I would add to the record that
9 I think it's, a plea bargain is a contract and the
10 Solicitor offered the contract on the life without parole
11 and Mr. Martin did not accept that offer and, therefore,
12 it would be a nullity. There was an offer with no
13 exception, therefore, it is a nullity. In my mind there
14 was no meeting of the minds. The plea being offered was
15 life without parole being withdrawn by the State. The
16 State offered the plea on burglary first degree with a
17 sentence between 15 years and life without parole. That
18 has not been accepted. It is a nullity and has been
19 withdrawn. So I think notice under 17-25-45 is adequate
20 as far as notice. I have not examined whether or not
21 it's life without parole. I do not intend to do so
22 unless there is a verdict rendered of guilty.

23 MR. CASTO: Yes, sir.

24 THE COURT: All right. Anything further, Mr.
25 Solicitor?

1 MR. MAYE: Nothing from the State, Your Honor.

2 THE COURT: Anything further from the defense, Mr.
3 Casto?

4 MR. CASTO: I'm sorry, Your Honor?

5 THE COURT: Anything further from the defense?

6 MR. CASTO: Your Honor, if the Court wishes to take
7 up some pretrial motions at this time.

8 THE COURT: What are they?

9 MR. CASTO: Your Honor, they are -- I have three
10 pretrial motions, Your Honor. I have -- Well, I'm sorry.
11 I have five total. A couple of them very short. I have
12 a Jackson v. Denno motion, Your Honor. It's my
13 understanding there are statements that the State plans
14 to introduce attributed to my client and so we would need
15 that hearing respectfully.

16 The second motion that we have would be a Neil v.
17 Biggers motion. Ultimately it is a case where my client
18 was apprehended. He's brought back to the location where
19 this incident happened for identification purposes and we
20 would need to have a Neil v. Biggers hearing.

21 And the third matter with any real length of time to
22 it is with regards to jail calls that we believe that the
23 State plans to introduce in their case in chief.

24 The other two remaining motions sequester the
25 witnesses, Judge, and then to exclude some facts that we

1 believe would be prejudicial as opposed to having any
2 real probative value.

3 THE COURT: All right. Well, the sequester of
4 witnesses, the victim can certainly remain under the
5 Victim's Bill of Rights, and that would be Mr. and
6 Mrs. Williams I take it. Looking further about Neil
7 versus Biggers because the 911 tape Mrs. Williams
8 identified that she knew Mr. Martin and I thought gave
9 that name on the 911 tape that you all provided to me
10 last Thursday. We can have a Neil versus Biggers. Now
11 what about the statements, Mr. Solicitor?

12 MR. MAYE: Your Honor, I don't know of any
13 statements that he made other than when they were
14 attempting to arrest him in this case not in response to
15 any questions and actually before they got him. They had
16 him at the scene, but he told them y'all know how I like
17 to fight as they were there at the scene, Your Honor.

18 Other than that I'm unaware of anything else that he
19 said other than all of the jail house conversations that
20 Your Honor's previously been provided in this case. The
21 taped statements that were recorded. Jail calls that
22 were - he was advised certainly on the computer system in
23 this case that his calls were being recorded. You have
24 those jail segments. I mean those jail calls. Other
25 than that I don't know of anything else that he said in

1 this case other than that one sentence, Your Honor. And
2 we certainly can go through a Jackson v. Denno hearing,
3 but that was not a response to any questioning and we
4 would maintain would not - would be outside of Jackson
5 versus Denno.

6 THE COURT: Mr. Casto.

7 MR. CASTO: Yes, sir, Your Honor. The statements
8 that I believe that exist in the fact pattern that I was
9 given is I believe that it was alleged that something was
10 said. There was some type of conversation when this
11 incident happened with the perpetrator entering this
12 residence with some language or words attributed to my
13 client. I don't know what they are or if -- That might
14 not be a case and that would alleviate that.

15 MR. MAYE: No, sir, it is not. We have a statement
16 of the victim in this case where she was heard by another
17 individual that we would maintain would be a present
18 sense impression and maybe an objection to hearsay, but
19 it was not a statement of the Defendant in this case. It
20 was just a person in another room contemporaneous with
21 the door being kicked in and him entering into the
22 residence. The husband heard the wife in this case Mrs.
23 Dianne Williams say his name out in regard to him taking
24 the pocketbook. Like I said, we can deal with that.
25 That's not a statement of the Defendant in this case.

1 That would be a statement of one witness to the other and
2 whether or not, at the appropriate time whether or not
3 that would be a hearsay objection. But nothing
4 attributed to him that would have been even post arrest
5 or I would maintain subject to Jackson versus Denno other
6 than that one statement. Y'all know how I like to fight,
7 as they were attempting to place him into custody.

8 THE COURT: Does that answer your question, Mr.
9 Casto?

10 MR. CASTO: Yes, with regard to those statements.
11 Judge, in the incident report that we received there is a
12 conversation that take places when Mr. Martin is located
13 and we believe in custody something to the effect that he
14 speaks with law enforcement in regard to their
15 questioning about where he had been. The gist of it as
16 fleshed out in the police report is that he had been over
17 at the incident location earlier that afternoon so we
18 believe that there are some statements attributed to my
19 client with regard to him being in custody. We just
20 would need to have a hearing.

21 THE COURT: Are they going to use him?

22 MR. MAYE: We don't intend to offer that. We
23 maintain it's self-serving statements in this case. We
24 don't intend to offer anything that he said in that
25 regard. The officers can be cross examined on it if

1 there's any question about voluntariness on it, but we
2 don't intend to offer it in direct evidence, Your
3 Honor.

4 THE COURT: He can't testify to it on cross
5 examination either under State versus Victor and that
6 line of cases. If it's not going to be used, then I
7 don't see how Jackson versus Denno is necessary.

8 MR. CASTO: Yes, sir.

9 THE COURT: Unless I'm not tracking something,
10 that's use of a statement to determine whether or not it
11 was voluntarily given --

12 MR. CASTO: Yes, sir.

13 THE COURT: -- during custodial interrogation.

14 MR. CASTO: And I guess in looking at the report, I
15 assume that the State would offer that. Obviously we
16 would reserve the right to question their witnesses about
17 statements attributed to my client. I don't know that
18 that would run afoul of the rule, Your Honor. So if they
19 don't intend to use that, I think that alleviates that,
20 Judge.

21 THE COURT: The Solicitor said they don't intend to
22 use it.

23 MR. CASTO: Yes, sir. We would move to suppress the
24 statements that I just heard, you know I like to fight,
25 that kind of as to relevance and things of that nature.

1 I just don't think it goes to any of the elements of
2 burglary in the first degree, Your Honor. We would move
3 to exclude that at this time. Other than that I'm not
4 aware of any other statements that are attributed to my
5 client in this case that they seek to use.

6 THE COURT: All right. What is the relevancy of you
7 know how I like to fight?

8 MR. MAYE: Your Honor, in this case we would
9 maintain that he was, when they attempted to take him
10 into custody in this case, Your Honor, they had extreme
11 difficulty taking him into custody. He had a very
12 pointed and heated encounter with the first officer that
13 placed him under arrest or attempted to place him under
14 arrest, Your Honor. We would maintain it's indicative of
15 flight, the difficulty and the problems they had getting
16 him into custody, Your Honor, we would maintain.
17 Certainly we're not seeking any charge on flight. I know
18 that would be prohibited. But we would maintain that it
19 would be indicative of attempting to flee and leave the
20 scene, Your Honor.

21 THE COURT: But the statement itself, how is the
22 statement that I like to fight indicative of flight?

23 MR. MAYE: Your Honor, I leave that strictly to the
24 discretion of the Court and I would maintain in this
25 case, Your Honor, respectfully that it was indicative of

1 telling them that he intended to fight them in order for
2 him to be able to leave there and leave the premises. It
3 was done to try to intimidate the officers. As they were
4 trying to take him into custody he was cautioning them
5 and warning them basically you better let me go. Y'all
6 know how I like to fight. He did not want to be detained
7 and held by law enforcement in this case. He argued with
8 them. They had an extremely difficult time getting him
9 into custody, Your Honor. That would be the only
10 relevance that the State would maintain.

11 THE COURT: All right. Then I think that would
12 require a Jackson versus Denno so you may call your first
13 witness.

14 MR. MAYE: The State would call Chief Jared Goldman.
15 Thereupon,

16 JARED GOLDMAN
17 after having been first duly sworn, testified as follows,

18 DIRECT EXAMINATION

19 BY MR. MAYE:

20 Q. Chief Goldman, let me ask you this: At the point in
21 time on December the 13th of 2013 when you arrived on the
22 scene where Mr. Martin in this case was being placed into
23 custody, who was actually present? Did you arrive on the
24 scene while he was being taken into custody?

25 A. Yes. Deputy Cody Cockrell was on the scene. He was

1 the first one there with him. Captain Mike Rushton was next
2 and I was right behind him. I was actually the last person to
3 get there, but we were all there within probably a minute of
4 each other.

5 Q. Please explain to the Court or please explain what
6 difficulty did y'all have in securing him and keeping him
7 there at the scene and affecting an arrest on him as y'all
8 were attempting to place him under arrest for this burglary?

9 A. All right. When I arrived there, Deputy Cockrell
10 actually had him at Tazer point. He did have his hands on the
11 hood of the car at that time. However, when Captain Rushton
12 read him his Miranda Rights and tried to place him in cuffs,
13 he did have difficulty getting his arms behind his back. He
14 was, I wouldn't say active, but he was definitely resisting.
15 He was pulling his arm and we had to forcefully place him into
16 cuffs.

17 Q. Okay. What was he stating as y'all attempted to
18 tell him he was under arrest and attempted to affect an arrest
19 and take him into custody there, what was he telling you in
20 response to your commands in order to get him in custody and
21 try to take him into custody without having to physically
22 restrain him?

23 A. He was very agitated and very loud at that time and
24 the main thing that stood out is right before we went to put
25 him in cuffs, we told him he was under arrest and he said

1 y'all know how I like to fight. That's when we went ahead and
2 got him and we actually got him in handcuffs.

3 Q. Did you all have to physically restrain him at that
4 time?

5 A. We did.

6 Q. Did he make that statement prior to y'all doing that
7 and affecting the arrest in this case?

8 A. That is correct.

9 Q. Was it in response to any questions? Did you all
10 ask him anything prior to that time or did he make that
11 statement spontaneously?

12 A. He made that statement before we placed him under
13 arrest and placed him in handcuffs. Captain Rushton, once he
14 was placed in handcuffs, then read him his Miranda Rights and
15 then he was questioned.

16 Q. But he made that statement prior to being given
17 Miranda?

18 A. That is correct.

19 Q. But was it in response to any questions that y'all
20 made of him? Did anybody attempt to interrogate him or
21 question him?

22 A. The only thing is that Deputy Cockrell gave him
23 orders of what to do and he would not comply with those orders
24 initially. He was definitely verbal non compliance. But as
25 far as any questions, there were no questions at this point.

1 We were telling him he was under arrest and we were trying to
2 take him into custody at that time.

3 Q. So it was not in response to any questions?

4 A. That is correct.

5 Q. Anybody threaten him, coerce him or do anything to
6 try to get him to make any statements or talk to you at that
7 time?

8 A. No, sir.

9 MR. MAYE: That's all I have, Your Honor.

10 THE COURT: Thank you, Mr. Casto.

11 MR. CASTO: Yes, sir.

12 CROSS EXAMINATION

13 BY MR. CASTO:

14 Q. That night -- Let me -- You had said this now. You
15 arrived to the incident location, but you then arrived to
16 where Mr. Martin was found; isn't that right?

17 A. That is correct.

18 Q. But there are other officers there that had spotted
19 him before you, is that fair to say?

20 A. That is correct. I was actually at the scene
21 getting all the victim's information at that time. Deputy
22 Cockrell and Captain Rushton were actually out once I gave the
23 clothing description. I believe to the best of my
24 recollection is that Captain Rushton actually saw him first
25 and directed Deputy Cockrell where to go. Deputy Cockrell

1 then made contact with him and that's with Mr. Martin and
2 that's when he had him detained. Captain Rushton got there
3 shortly thereafter and I left the scene to come to them.

4 Q. During that time it was Cockrell who saw him and he
5 was, when Cockrell approaches him, it's not like Ronnie is
6 free to walk away at that point. He needed to stay with law
7 enforcement; is that right?

8 A. That would be the impression. Like I said, he had
9 him at Tazer point and told him to come there and not go
10 anywhere. That would be a better question for Deputy Cockrell
11 because he was the one giving commands. I was not present at
12 that time.

13 Q. Yes, sir. But when you did show up, now there's
14 three officers and there's just one of him; is that right?

15 A. Correct.

16 Q. Y'all were wearing your uniforms and readily
17 identified as law enforcement?

18 A. That is correct.

19 Q. Y'all had your weapons also, service weapons whether
20 it be service weapon, right?

21 A. That is correct.

22 Q. Also outfitted with a Tazer as well or no?

23 A. Yes. Myself and Deputy Cockrell would have had a
24 Tazer. Captain Rushton did not.

25 Q. All right. When you have this encounter with him,

1 the position of the law enforcement officers, were they kind
2 of around Mr. Martin or all on one side?

3 A. We were pretty much around him.

4 Q. Okay. Just in case kind of thing?

5 A. Right. Yes, sir.

6 Q. All right. And each one of you drove your separate
7 law enforcement vehicle; is that right?

8 A. That is correct.

9 Q. And each one of those law enforcement vehicles is
10 outfitted with a camera; is that right?

11 A. No, sir. The vehicle that Captain Rushton was
12 driving did not have one and at the time the old vehicle that
13 I had did not have a functional camera.

14 Q. Was there any video whatsoever of this encounter?

15 A. Not that I know of on that. I don't know if Deputy
16 Cockrell had his. As far as my vehicle our camera was not
17 working at the time.

18 Q. Now, he wasn't free to leave and in the report it
19 speaks about that there were some statements made that he was
20 over at the Williams' residence earlier that afternoon; is
21 that right?

22 A. That I can't recall because I didn't -- I'm not the
23 one that actually asked him any questions so I can't recall
24 that to even answer it because I personally did not question
25 him at all.

1 Q. Ultimately you are saying that he didn't run, but he
2 was pulling away a little bit when they went to put the cuffs
3 on him, right?

4 A. Well, my understanding is that actually when we put
5 the clothing description out that Captain Rushton was the
6 first one that saw him and he did run and try to evade us at
7 first. Like I said, Captain Rushton would be the better one
8 to answer that for you because like I said, I wasn't present
9 at the time.

10 Q. Are you aware of any other statements that are
11 attributed to my client during this encounter with law
12 enforcement right there on the corner of Merritt and Spring;
13 is that fair to say?

14 A. That is correct.

15 Q. Are you aware of any other statements besides this
16 you know I like to fight thing attributed to him?

17 A. That was the only one that stood out to me because
18 like I said, he was highly agitated at that point.

19 MR. CASTO: Okay. All right. Thank you. No
20 further questions.

21 THE COURT: Redirect?

22 MR. MAYE: Nothing else, Your Honor. Thank you.

23 THE COURT: Thank you. Step down. All right. Mr.
24 Solicitor, you may call your next witness.

25 MR. MAYE: Your Honor, that's all I have for this.

1 THE COURT: Mr. Casto, do you intend to present any
2 evidence or testimony as to this issue?

3 MR. CASTO: Yes, sir, I do, Your Honor. I would
4 like to have Mr. Martin to take the stand.

5 THE COURT: All right. He can just turn around
6 right there and sit in the wheelchair. All right.
7 Thereupon,

8 RONNIE MARTIN
9 after having been first duly sworn, testified as follows,

10 THE COURT: All right. Mr. Casto.

11 MR. CASTO: Yes, sir, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. CASTO:

14 Q. Ronnie, where were you when you were stopped by law
15 enforcement?

16 A. Uh, I just had left Quattlebaum Street from where me
17 and Kimberly was staying. I just had turned on Merritt
18 Street, uh, when they first passed me, Captain Rushton.

19 Q. Okay. Do you think it was Captain Rushton was the
20 first one to see you; is that fair to say?

21 A. I know it was because I waved at him.

22 Q. Okay. And basically when he sees you, what does he
23 do?

24 A. Uh, I know he get on the phone or something and,
25 uhm, he passed on by me after I waved at him and, uhm, I just

1 kept walking.

2 Q. All right. And when you're stopped, tell me about
3 who stopped you in law enforcement?

4 A. Uhm, the first one that grabbed me was, uh, Captain
5 Rushton. Uh, Mr. Goldman, he pulled up in front and, uhm,
6 Captain Rushton told me to get up against the car. I asked
7 him why he was pushing me. He said just get up against the
8 car. So I got up against the car, put my hands on the hood
9 like they told me and, uhm, he, uhm, asked me a couple
10 questions. I can't remember what it was, but then he asked me
11 to hold my feet up.

12 Q. Now, he asked you some questions. Now, do you
13 remember generally what those questions were?

14 A. I think his first question was where I was coming
15 from. And I told him I just left from, uhm, me and Kimberly's
16 house.

17 Q. At what point does Officer Cockrell join?

18 A. Uh, soon after that because he had, all them just
19 bum rushed me all at one time.

20 Q. Okay. So he arrives third; is that fair to say?

21 A. Uhm, yeah. I think. I'm not for sure. Let me see.
22 Captain Rushton. Officer Cockrell, he just stood over by his
23 car with his hand on his weapon and told me don't move.

24 Q. Okay. Now, when you're there, you're standing right
25 here, would you point in the direction where there was a law

1 enforcement officer standing, where each person was standing
2 in relation to you?

3 A. Uh, excuse me for pointing. Sorry about pointing.
4 Uh, Captain Rushton was the first one put his hands on me and
5 he told me to get up against the car. And then, uh --

6 Q. Where is he standing?

7 A. Behind me.

8 Q. Okay.

9 A. And he's got his hands on my back. And then, uh,
10 Goldman, I don't know what his rank is, but he came around on
11 the side because I kept looking back asking, Captain Rushton,
12 why you pushing me? And he told me don't take my hand off the
13 hood. So then Cockrell came and Captain Rushton --

14 Q. Where is Cockrell standing?

15 A. He's coming from the other side on my left.

16 Q. Okay. Rushton is behind you. Officer Cockrell is
17 on your left. Where is Officer Goldman?

18 A. He's on my right.

19 Q. Okay. All dressed in law enforcement uniforms; is
20 that right?

21 A. Yes, sir.

22 Q. And did they question you at that time?

23 A. Well, when, uh, Captain Rushton pushed me in my back
24 and Chief Goldman came around, he told Officer Cockrell, he
25 says, if he move, pop his ass.

1 Q. Okay. Did they question you?

2 A. Yes, sir.

3 Q. Do you remember those questions?

4 A. Uh, Chief Goldman asked me where I was coming
5 from.

6 Q. Okay. Were there any other questions?

7 A. Yes, sir. He asked me did I know Ms. Dianne.

8 Q. Okay. And any other questions?

9 A. Uh, he said do you know Ms. Dianne. He asked me had
10 I been over there.

11 Q. And what did you say?

12 A. I said I had been over there about two or three
13 times that day.

14 Q. All right. And when they asked you these questions,
15 did they read you your rights at that time?

16 A. Uh, no, sir. After they questioned me, then they
17 read me my rights. And, uhm, I said, well, am I under arrest?
18 They said no. You just been, uh, detained or contained or
19 whatever. That's when they -- I said, if you all just want to
20 talk to me, why you got to put handcuffs on me? So, uh, they
21 said, no, you just being detained right now.

22 Q. Okay. At any point did you utter the statement that
23 you know I like to fight?

24 A. No, sir. If I was going to fight, why would I let
25 them put the handcuffs on me or why not try to run?

1 MR. CASTO: That's all the questions I have at this
2 time.

3 THE COURT: Mr. Solicitor.

4 MR. MAYE: Nothing, Your Honor. Thank you.

5 THE COURT: All right. Mr. Casto, you may call your
6 next witness.

7 MR. CASTO: That's all the witnesses we plan to
8 present with regard to this issue.

9 THE COURT: All right. Mr. Solicitor, anything
10 else?

11 MR. MAYE: I'm sorry, Your Honor, I couldn't hear
12 you. Your Honor, that's all I have on this issue. That
13 one statement, I'll just leave it to the Court whether
14 it's relevant or not. We would maintain that it was not
15 in response to any interrogation or questioning. We
16 don't intend to offer anything that he said to the
17 officers after that, Your Honor. That one statement is
18 the only thing that I can think of that we would maintain
19 is relevant to this case. We leave it to the Court's
20 discretion.

21 THE COURT: All right. Mr. Casto.

22 MR. CASTO: Your Honor, the first point is my client
23 disputes even making the statement. The second point,
24 you know, it's one of those things that just doesn't have
25 any relevance, Your Honor. It doesn't go to any of the

1 elements of the offense charged. It doesn't appear to be
2 a situation of flight. I believe Officer Goldman
3 testified that there was just a period of pulling away,
4 that kind of thing. But, Your Honor, I don't think, you
5 know, that line of cases with regard to flight, Your
6 Honor, I remember those cases involve actual flight.
7 There's a line of cases that involve things like suicide,
8 things of that nature as well, but we just don't have it
9 here. We move that it should be suppressed at this
10 time.

11 THE COURT: Let me make sure I'm tracking the
12 factual situation properly. There are three officers
13 present; Captain Rushton, Deputy Cockrell and Chief
14 Goldman. Chief Goldman is the third of the three
15 officers present with Deputy Cockrell and Captain Rushton
16 present. The testimony is that the Defendant is directed
17 to put his hands on the hood of the patrol vehicle and
18 Deputy Cockrell has a Tazer, correct?

19 MR. MAYE: Yes, sir.

20 THE COURT: And Chief Goldman doesn't ask any
21 questions. Of course, those questions aren't going to be
22 offered by the State at any rate. And where are you
23 coming from? You know, I have been over there two or
24 three times today. Not read his rights. It's in an
25 attempt to handcuff Mr. Martin that the spontaneous

1 statement is made, y'all know how I like to fight. Is
2 that basically tracking it?

3 MR. MAYE: Yes, sir, Your Honor. He had initially
4 run from Officer Rushton at another street. Officer
5 Cockrell located him again trying to hide behind a
6 trailer, saw him peek his head out, he pulled a Tazer on
7 him and they had difficulty getting him to comply with
8 commands. We maintain that was ongoing and we maintain
9 that was an ongoing effort of his to flee. That's all we
10 have.

11 THE COURT: I didn't hear that testimony that there
12 was a pre-flight running from Officer Cockrell. I didn't
13 hear that testimony and obviously that would be flight
14 running from the police.

15 MR. MAYE: Yes, sir. But that wouldn't be a
16 statement. That would just be conduct. We were going to
17 certainly cover that. It was actually not with Officer
18 Cockrell, but with Officer Rushton who initially saw him.
19 He ran upon the initial encounter. Officer Cody Cockrell
20 then reinitiates, but there is no verbal statement or
21 anything at that point in time. It was just conduct or
22 my understanding is Officer Rushton is going to testify
23 he saw him on another street. He fled. And Officer
24 Cockrell, like I said again, Your Honor, that's not any
25 statement, but that would just be conduct and for the

1 purpose of Jackson versus Denno we can cover any of the
2 facts on that not as to conduct, just as to statement.

3 THE COURT: Well, for purposes of Jackson versus
4 Denno, there is no question as to that statement there
5 was no custodial interrogation. That's a spontaneous
6 statement. It was not in response to any question by the
7 officer so it would not be a violation of Jackson versus
8 Denno.

9 MR. CASTO: Yes, sir.

10 THE COURT: Anything further in that regard?

11 MR. CASTO: Yes, sir. In that regard we do think
12 the statement, even though it passes muster under Jackson
13 versus Denno would just not be relevant to the facts of
14 this case, Your Honor, you know, unlike under Rule 403,
15 we think it's more prejudicial than probative in that
16 regard, Judge.

17 THE COURT: If there is this pattern of behavior as
18 I understand flight evidence, all right, under a 403
19 analysis I think the conduct is admissible, however, I do
20 not think the statement is admissible and that's what I
21 find. When you do a close analysis under Bailey likened
22 to fight is not the same as likened to flight. It's just
23 different types of behavior in that regard. Even though
24 the statement was made I think it would not survive the
25 403 analysis so it's not admissible. All right.

1 Anything further, Mr. Casto?

2 MR. CASTO: Yes, sir, Your Honor. With regard to --
3 Not on that issue, Judge, just to be clear. The other
4 motion that I move onto now that we argue that it would
5 be prudent to have a Neil versus Biggers hearing. I
6 wanted to -- I have listened to the tapes and with
7 regard, and the Court has as well, obviously, but you
8 know that 911 call with Ms. Dianne Williams, it merely
9 says there is knowledge of this person, but the name
10 Ronnie Martin is never mentioned in that and, Your Honor,
11 it's our understanding that the State would seek to point
12 out Mr. Martin and refer to essentially what's a law
13 enforcement show up to the incident location with Mr.
14 Martin and he's in the back of the law enforcement
15 vehicle. He's handcuffed and looks the part. We have
16 questions about the suggestive nature of the show up,
17 Your Honor.

18 THE COURT: All right. Call your witness, Mr.
19 Solicitor.

20 MR. MAYE: May it please the Court. Your Honor, as
21 to the Neil versus Biggers for identification?

22 THE COURT: Yes, sir.

23 MR. MAYE: I would call Chief Jared Goldman to the
24 stand.

25 THE COURT: You're still under oath.

1 CHIEF JARED GOLDMAN (Recalled)

2 DIRECT EXAMINATION

3 BY MR. MAYE:

4 Q. Chief Goldman, let me ask you this: When you
5 responded to Oak Street to the residence of Ms. Dianne
6 Williams and her husband in this case, Mr. James Williams, was
7 she able to, did she give you information that she had been
8 the victim of a burglary and a robbery of her purse from her
9 residence?

10 A. Yes, sir. When I received the call, it was for
11 larceny of a purse. When I arrived on scene, I immediately
12 noticed that the door was kicked in and damaged and she was
13 very frantic and she was saying Ronnie Moe took my purse.
14 Ronnie Moe took my purse.

15 Q. Did you even ask her anything at this point?

16 A. I didn't ask her anything. She was just very
17 excited and upset. And that's when I started to get all the
18 information and I relayed back to dispatch that this was not a
19 larceny of a purse, that this was a burglary that just
20 occurred. I let Captain Rushton and Deputy Cockrell know so
21 they would know that this just occurred and they would come on
22 to my location and that way once I gave a description, once
23 she told me who it was, she gave me a clothing description, I
24 put that out.

25 Q. What did she tell you he was wearing?

1 A. She said that he was wearing khaki pants and a blue
2 hoodie and it was a black male. At the time I didn't know who
3 Ronnie Moe was. So I gave them the name over the air. I gave
4 them the clothing description. I was actually doing the
5 victim's form and taking the report and getting all her
6 information while they were looking. At that time I heard it
7 come over the radio and I believe it was Captain Rushton had
8 said he had just seen him or spotted him. So I left all my
9 stuff there and immediately went to the scene to assist them
10 to apprehend him.

11 Q. Okay. Let me ask you this: With the information
12 that you collected from her and your subsequent investigation
13 of this case, did the victim in this case Ms. Dianne Williams,
14 did she already know Ronnie Moe prior to him coming to her
15 house? Did she know him and was he known to her?

16 A. That was the impression that I got, that she did
17 know who he was and she was able to identify him by knowing
18 who he was.

19 Q. So she knew him previous to him coming to her
20 residence?

21 A. That is what I understood.

22 Q. Okay. And she immediately identified him and stated
23 who it was that had burglarized her house and taken the
24 pocketbook?

25 A. Yeah. Upon my arrival before I even got up to where

1 the door was busted, she was already screaming. Well, she
2 wasn't screaming but she was very upset and very loud saying
3 Ronnie Moe took my purse. Ronnie Moe took my purse.

4 Q. Okay. And you passed that information onto the
5 other officers?

6 A. Yes. Once I figured out that it was actually a
7 burglary that just occurred, I passed that on and I got a
8 clothing description and a subject description and gave that
9 over the air to the officers that were responding.

10 Q. Did you collect the information from her that she
11 had actually seen him inside the residence and was basing her
12 identification on seeing him inside the residence after
13 viewing him?

14 A. That is correct. I was getting the statement and
15 doing the victim form and all of that while they were
16 looking.

17 Q. Okay. At any time did you do anything to interject
18 any one person over another as to a suspect or anything? Did
19 you provide her with any information at all?

20 A. No, I did not. I asked her what happened and that's
21 when she told me that Ronnie Moe took her purse. I got a
22 clothing description from her as the person and that's what I
23 gave out over the air.

24 Q. Did you ever show her any subsequent lineup and ask
25 her to pick anybody out of a lineup or anything like that?

1 A. No, I did not.

2 Q. Did you ever take her out and show her any
3 individual in a vehicle or a one person identification? Did
4 you do anything like that?

5 A. No, sir.

6 Q. Okay. Was there ever anything done to present or
7 show the Defendant in this case to the victim on that night?

8 A. No.

9 Q. So she had already made an identification prior to
10 y'all getting him in custody?

11 A. That is correct. We got him a short distance from
12 the scene where it occurred matching the clothing description
13 and the name she provided.

14 Q. Okay. To your knowledge the other officers in this
15 case knew him?

16 A. They did.

17 Q. They knew Ronnie Moe?

18 A. Both were familiar with him.

19 Q. Okay. And we are talking about Ronnie Moe --

20 A. Ronnie Martin.

21 Q. -- we're talking about the Defendant in this case
22 Ronnie Martin that is on trial here?

23 A. That is correct. Yes, sir.

24 MR. MAYE: Answer any questions the defense has.

25 CROSS EXAMINATION

1 BY MR. CASTO:

2 Q. Basically what we're talking about here is obviously
3 your identification and bringing Ronnie back to the incident
4 location; is that right?

5 A. That is correct. I went back to retrieve -- I
6 actually left all my clipboard, notebook and everything. When
7 they said that they spotted him and he was cutting across the
8 street, I immediately left the scene to go assist them. After
9 we got him in custody, he was in my car because I had a cage.
10 I returned back to get my stuff. When I come back to get my
11 stuff, I got out for a brief moment and Captain Rushton said
12 go ahead and take him on to the jail and that's when he called
13 the town officers to assist me at the jail because of the
14 nature.

15 Q. And at what point once he's rounded up out there on
16 the corner of Merritt and Spring Street, it's my understanding
17 that he is brought back to the incident location; is that
18 right? To Dianne Williams' house to be specific.

19 A. That is -- Well -- I parked out by the road right
20 past the house and I went to retrieve my clipboard that I left
21 behind. I didn't even get to get it. Captain Rushton said go
22 ahead and take him on to the jail so I jumped in the car, I
23 went on. I actually retrieved my stuff from Sergeant Morelli
24 later.

25 Q. Okay. Now, during that time that he's brought back

1 to the incident location, I want to make sure I understand,
2 was there an opportunity where Mrs. Williams comes out and
3 identifies him at all?

4 A. No.

5 Q. Is any aspect of that true at all?

6 A. Not to my knowledge. I didn't see her even exit the
7 house while I was there because like I said, I was there for a
8 brief moment. I went to get my stuff. I didn't even get the
9 clipboard. Like I said, I got it from Sergeant Morelli later.
10 Captain Rushton said go ahead and take him on to the jail and
11 he had the town officers meet me there.

12 Q. Are you aware of any other officer that had Ms.
13 Dianne come out and, you know, look to see who the person was
14 in the back of the law enforcement vehicle?

15 A. Not to my knowledge, no, sir.

16 Q. Okay. In other words, your testimony is that he was
17 rounded up at the corner of Merritt and Spring and taken not
18 straight to the jail. He went where?

19 A. To the incident location at Oak Street.

20 Q. How long was he there?

21 A. It was very brief. Long enough for me to get out of
22 the car. I was going to actually retrieve my stuff and like I
23 said, Captain Rushton said go ahead and take him on to the
24 jail so I got back in the car and went straight on. So very
25 brief. Couple minutes at the most.

1 Q. So there was never any type of identification of --

2 A. No, sir.

3 MR. CASTO: Okay.

4 THE COURT: Anything further?

5 MR. CASTO: No, Your Honor.

6 THE COURT: Redirect?

7 MR. MAYE: No, Your Honor. Thank you.

8 THE COURT: Thank you, officer. All right. You may
9 call your next witness.

10 MR. MAYE: Your Honor, that's all that we have in
11 this case to offer. There was no subsequent
12 identification. A one person show up in this case.
13 There was no lineup in this case. The Defendant in this
14 case, the perpetrator was identified by law enforcement,
15 immediately by Mrs. Williams to Officer Jared Goldman in
16 this case. She knew who he was. She had a prior
17 knowledge of who he was. There's certainly no statement.
18 We respectfully maintain there is certainly no evidence
19 in this case of any suggestiveness or any subsequent
20 identification or any taint to any identification in this
21 case. I know that there is a differential standard when
22 a person already knew someone based on an ID of an
23 unknown perpetrator. In this case she indicated it was
24 somebody that she had known previous to the occasion and
25 she made her identification prior to even any

1 interception or them catching the Defendant in this case.
2 They had an identification. Even the 911 tape in this
3 case, Your Honor, indicates her response to them was she
4 knew who it was in this case. She didn't state it by
5 name. I know that was brought up by the defense and not
6 something that the State put up directly in evidence in
7 this case but, Your Honor, there just was no taint or
8 suggestiveness that we would maintain that would even
9 invoke a Neil versus Biggers hearing, Your Honor,
10 respectfully.

11 THE COURT: Mr. Casto.

12 MR. CASTO: Your Honor, we would just note our
13 objection for the record. It was my understanding there
14 was, you know, obviously when he's brought back by, it
15 was my understanding that there was some type of instance
16 where Ms. Williams went to the door to see, but from the
17 testimony it appears that there wasn't that and so -- But
18 we note our objection to that for the record, Your Honor,
19 but it doesn't sound like there was an identification at
20 that moment, Your Honor.

21 THE COURT: Is there going to be eyewitness
22 identification?

23 MR. MAYE: There will be eye witness identification
24 on the part of the victim in this case who already knew
25 him in this case, but nothing about suggestiveness.

1 THE COURT: I think she better testify.

2 MR. MAYE: The State would call Ms. Dianne Williams.

3 Thereupon,

4 DIANNE WILLIAMS

5 after having been first duly sworn, testified as follows,

6 THE COURT: Good afternoon, Mrs. Williams.

7 MRS. WILLIAMS: Good afternoon.

8 THE COURT: All right, sir.

9 DIRECT EXAMINATION

10 BY MR. MAYE:

11 Q. Mrs. Williams, state your name for the record.

12 A. Dianne Williams.

13 Q. Mrs. Williams, where were you living on December the
14 13th of 2013? What was your address at that time?

15 A. [REDACTED].

16 Q. Okay. In what town?

17 A. Ridge Spring.

18 Q. In Ridge Spring. Let me ask you this: Right at the
19 hour of 8:00 did something happen at your house on the 13th of
20 2013? Were you a victim of an act at that point in time?
21 What happened? What were the circumstances?

22 A. At that time at 8:00 Ronnie Moe busted the front
23 door.

24 Q. Ronnie Moe busted the front door at your house?

25 A. Yeah.

1 Q. Okay. What let you know, if anything, that
2 something was happening there? Where were you in the house?

3 A. First I was - I was laying down and I got up and I
4 got a little Chihuahua, a little puppy and he went to the door
5 and he started smelling.

6 Q. Okay.

7 A. And any time he usually go to that door and smell,
8 somebody is out there.

9 Q. Okay.

10 A. Then he started barking.

11 Q. All right.

12 A. And then the next thing I know he was coming in. He
13 was busting in the door.

14 Q. Who was coming in?

15 A. Ronnie Moe.

16 Q. Okay. Is the individual who you know as Ronnie Moe,
17 is he present here in the courtroom now?

18 A. Yes.

19 Q. Could you point him out and say where he's sitting
20 and how he's dressed?

21 A. Right here with the white shirt on and the gold
22 looking tie and the glasses.

23 Q. Sitting in the wheelchair; is that correct?

24 A. Yes.

25 Q. Okay. Did you know Ronnie Moe or Mr. Ronnie Martin

1 the Defendant in this case, did you know him prior to the 13th
2 of December the day he kicked your door in? Was he known to
3 you? Had you see him before and did you know who he was?

4 A. Yes.

5 Q. What were the circumstances? How many times had you
6 seen him?

7 A. Well, he used to come around to the house to get my
8 daughter, you know, so they can go and be together, Kimberly,
9 and his other brother and stuff.

10 Q. Prior to that time him coming on the 13th and
11 breaking in, did you know his facial features?

12 A. Yes.

13 Q. Did know his face? Did you know him to see him?

14 A. Yes.

15 Q. Would you recognize him if you saw him out
16 somewhere?

17 A. Yes.

18 Q. Had you seen him enough to know him?

19 A. Yes.

20 Q. Did you know his name?

21 A. Yes.

22 Q. Let me ask you this: Earlier that same evening had
23 he been to your house?

24 A. Yes.

25 Q. What were the circumstances and how did he get

1 there?

2 A. He was on the moped.

3 Q. He rode a moped?

4 A. Yeah.

5 Q. What kind of clothing did he have on the first time
6 that he came to your house on the moped when he came early
7 that day?

8 A. He had on khaki pants and he had on a blue like a
9 jersey type sweater thing, but it was the hood over his
10 head.

11 Q. A hoodie?

12 A. Yes.

13 Q. He had on a blue hoodie and khaki pants?

14 A. Yes.

15 Q. Had on those clothes when he came earlier on the
16 moped to get your daughter, correct?

17 A. Yes.

18 Q. Okay. When he kicked your door in later that night,
19 what did he have on? Did he have the same clothing on?

20 A. The same thing on.

21 Q. Had the same clothing on?

22 A. Yes.

23 Q. When came in, did you see his face and could you
24 clearly recognize who he was?

25 A. Yes.

1 Q. Did you say anything to him in response to who he
2 was or did you say anything at that point in time?

3 A. I did. I asked him -- He reached down there at my
4 pocketbook. He knew where my pocketbook was at and I told
5 him, I said, Ronnie Moe, give me my pocketbook. What you
6 doing with my pocketbook? And he went (indicating) and then
7 he took it and then he ran out the door with it.

8 Q. Okay. Let me ask you this: Did you tell the
9 Officer Jared Goldman, did you tell him the identity of the
10 person who had kicked your door in and robbed you of your
11 pocketbook?

12 A. Yes, I did.

13 Q. Who did you tell him had kicked your door in and
14 taken your pocketbook?

15 A. I told him Ronnie Moe.

16 Q. Okay. Is your identification of Ronnie Moe there in
17 your house as he kicked your door in and went and took your
18 pocketbook, are you basing that on seeing him there that
19 night?

20 A. Yes.

21 Q. Okay. Is there anything that the police did after
22 you told them? Did they bring him back there and say is this
23 the person that broke in or did they show you a line up or did
24 they do anything --

25 A. No.

1 Q. -- to influence your identification of him?

2 A. Mmm-mmm. (Witness shaking head.)

3 Q. At no time did they ever show you any photographs of
4 him or show you him in a car?

5 A. No.

6 Q. Okay. Is your identification of him based on seeing
7 him inside your house after he kicked your door in on December
8 the 13th of 2013?

9 A. Yes.

10 Q. You're absolutely certain --

11 A. I'm certain.

12 Q. -- that that's him? Was there enough light in your
13 house to see?

14 A. Yes.

15 Q. Okay. Could you clearly see his facial features?

16 A. Yes.

17 Q. Could you see his clothing?

18 A. Yes.

19 Q. Did he have on the same clothing that he had had on
20 previously earlier in the evening?

21 A. Yes. But I had - I just had got up --

22 Q. Okay.

23 A. -- from a nap and I went in the kitchen and came
24 back out and got me some water.

25 Q. Okay.

1 A. And the next thing I know he was coming through the
2 front door.

3 MR. MAYE: Nothing else. Answer any questions the
4 defense has for you.

5 THE COURT: Mr. Casto.

6 CROSS EXAMINATION

7 BY MR. CASTO:

8 Q. Mrs. Williams, how are you?

9 A. How are you?

10 Q. Good. I want to talk; earlier you had said that
11 Ronnie was over at your house that afternoon; is that right?

12 A. Yes.

13 Q. And he's been over at your house before that day; is
14 that right?

15 A. Yes.

16 Q. He's been over there as a matter of fact would you
17 say, is it fair to say he's been over there several times?

18 A. Yes.

19 Q. And ultimately your testimony today is that you knew
20 or, well, you know Ronnie, right?

21 A. I know him through my daughter.

22 Q. Okay. How long would you say that you have known
23 him? Years? Months?

24 A. About, I would say about a couple of months, you
25 know.

1 Q. Okay.

2 A. I really don't know him like my daughter and them
3 do, you know, because they used to hang out to the clubs and
4 stuff, but other than that I don't really know him.

5 Q. To be specific you're talking about your daughter,
6 am I saying it right Karesha?

7 A. Yes.

8 Q. Now, when you saw, did you actually see Ronnie at
9 your house that afternoon? Did you see him?

10 A. Yes, because he helped my daughter brought her
11 clothes in.

12 Q. Okay. Did he have on a gray sweatshirt or did he
13 have on a blue sweatshirt?

14 A. It was a blue shirt. It was a blue hoodie.

15 Q. Okay.

16 A. And I knew -- Even now I get frightened from seeing
17 that color, you know.

18 Q. Okay. Now, jumping ahead, you described that --
19 Well, first of all, when you go in your house in that front
20 room, that's your room, right?

21 A. Yes. That's the living room.

22 Q. It seems like a silly question, but your bed is in
23 there; is that right?

24 A. Yes.

25 Q. And I believe Mr. Williams doesn't stay in that

1 room. He's in a different room, right?

2 A. Yes.

3 Q. All right. So it's just you and you had been taking
4 a nap, is that what you were saying?

5 A. Yes. I was -- I had just got up and the dog went to
6 the door and started sniffing and believe me, when Harpo
7 starts sniffing around the door, there is somebody out there.
8 I mean, you can be a quarter or a half a mile or something
9 maybe and he can get the smell of you.

10 Q. Yes, ma'am.

11 A. And see Ronnie Moe had done been there earlier and
12 he had came in the house because he had brought the clothes
13 in.

14 Q. Do you have a television in that room?

15 A. Yes.

16 Q. Were you watching TV at all?

17 A. Yes.

18 Q. Do you remember what show was on at all at this
19 time? It's been a while.

20 THE COURT: At which time? Moped time or the second
21 time?

22 BY MR. CASTO:

23 Q. I'm sorry. When the incident, this person came in
24 your house?

25 A. When Ronnie Moe came there, it was like, it had to

1 be like 25 minutes to eight 'cuz we just got the, Wheel Of
2 Fortune just went off when he came in.

3 Q. When this person came into your house that evening,
4 okay, you identified a hoodie. Was it on over his head or was
5 it resting on the shoulders?

6 A. It was resting on his shoulders and he spoke to me
7 just like it was nothing, you know.

8 Q. Okay. You're talking about -- I'm sorry. Are you
9 talking about that afternoon? I'm talking about the evening
10 when this person took your purse.

11 A. Okay. Yeah, he had the hoodie on.

12 Q. Okay. And, okay, just to be clear, when the person
13 took your purse, that person had the hoodie on; is that
14 right?

15 A. Yes.

16 Q. Was it up and over their --

17 A. He was standing -- He stood -- He stood by me about
18 maybe five minutes trying to search in the pocketbook and
19 that's when he probably couldn't find what he was looking for
20 and that's when he took it and ran out the door.

21 Q. All right. And how far was this hoodie over the
22 person's face would you say? If you could show with your
23 hands.

24 A. The whole while. The whole while the hoodie was
25 over his head.

1 Q. How much of his face did it cover?

2 A. It came about right hear (indicating), but I still
3 could see.

4 MR. CASTO: Let the record reflect the top of her
5 forehead.

6 MR. CASTO: Yes, sir.

7 BY MR. CASTO:

8 Q. In other words, it didn't cover his eyes?

9 A. No. Uh-uh. No.

10 Q. All right. And the lights in your home were on or
11 off?

12 A. My lights?

13 Q. Yes, ma'am.

14 A. My lights in my living room stay on all the time
15 because that's where I sleep. I'm disabled. I have my bed
16 and everything in there, you know.

17 Q. And throughout this event you're the only person
18 that saw this person take your purse? In other words,
19 Mr. Williams didn't actually see that; is that right?

20 A. Right.

21 Q. Okay. And you estimate that, how long did you get a
22 look at this person who came into your house to take your
23 purse approximately?

24 A. I would say about a minute.

25 Q. A minute?

1 A. Yeah, because my husband came around. When my
2 husband came around, all he heard me say was give me my
3 pocketbook back, Ronnie Moe. He heard me. He heard me call
4 his name and everything. I knew he was going down the road
5 with the pocketbook.

6 MR. CASTO: No further questions. Thank you.

7 THE COURT: Redirect?

8 MR. MAYE: That's all I have, Your Honor.

9 THE COURT: Thank you, Mrs. Williams. Anything
10 further. Mr. Solicitor?

11 MR. MAYE: Nothing, Your Honor. We respectfully
12 maintain there was no suggestiveness or taint of any
13 identification in this case; that certainly the victim in
14 this case had adequate opportunity to see and view the
15 Defendant in this case. It was someone that was known to
16 her. She had ample light. She had full attention on him
17 in this case and she was able to make an identification
18 prior to any action to apprehend the Defendant on that
19 night of December 13th, 2013.

20 THE COURT: Mr. Casto.

21 MR. CASTO: Your Honor, we would just note our
22 objection for the record, but it's our understanding
23 based on the testimony that was offered that my belief
24 that there was some type of show of ID, I guess it's
25 often called, that that did not exist and the State does

1 not plan on speaking of that because it didn't exist.

2 THE COURT: All right. Neil versus Biggers, United
3 States Supreme Court set forth a two prong inquiry to
4 determine whether due process requires suppression of
5 eyewitness identification. Due process requires courts
6 to assess on a case by case basis whether the
7 identification resulted from unnecessary and unduly
8 suggestive police procedure and if so, whether the out of
9 court identification was nevertheless so reliable that no
10 substantial likelihood of misidentification existed.
11 There was no suggestive police procedures. In fact,
12 there was no non suggestive police procedures whatsoever.
13 Even under the totality of the circumstances the factors
14 to be considered in assessing the reliability of
15 identification or of witness' opportunity to view the
16 perpetrator at the time of the crime, the witness' degree
17 of attention, the accuracy of the witness' prior
18 description of the perpetrator, and the level of
19 certainty demonstrated by the witness at the
20 confrontation, and the length of time between the crime
21 and the confrontation. There obviously was no
22 confrontation. The witness had the opportunity to view,
23 as a matter of fact, she was put on notice by the
24 Chihuahua that someone is outside. There is no testimony
25 from the witness that the dog barked, although I have

1 never personally been associated with a Chihuahua that
2 did not bark, but there is no indication that her dog
3 barked which, of course, indicates to me that the smell
4 to the dog was familiar.

5 The witness further states that Mr. Martin was there
6 earlier on his moped and was acquainted with her daughter
7 and she thought that she knew him. Not knew him as her
8 daughter knows him, but knew him for about ten months
9 because of the friendship between Mr. Martin and Mrs.
10 Williams' daughter. She sleeps in her living room. Her
11 lights stay on. She has a high degree of attention. She
12 describes his clothing which she says he was wearing
13 earlier which other witnesses have stated that's what he
14 had on at the time of his arrest. I think the court was
15 required to hold this hearing under State versus
16 Lieberman. But I find that her testimony is in no way
17 tainted, that there is no previous identification or
18 confrontation that would be required and there is
19 absolutely no state action of any so the testimony is
20 admissible under Lieberman and Biggers. Do you have
21 another motion, Mr. Casto?

22 MR. CASTO: Yes, sir, Your Honor. We dealt with
23 Jackson v. Denno, Neil v. Biggers, and the Court has
24 sequestered the witnesses. The next motion, Your Honor,
25 that we would have would be to tackle the issue of jail

1 calls, Your Honor.

2 THE COURT: All right, What part of the jail calls.
3 do you want me to address?

4 MR. CASTO: Yes, sir, Your Honor. As an initial
5 matter with regard to this specific motion, Your Honor,
6 we would move that these jail phone calls be suppressed.
7 The reasoning that I would volunteer goes like this:
8 Under the United States Constitution, the Fourth
9 Amendment there's protection against unreasonable search
10 and seizure. This applies to the State by the Fourteenth
11 Amendment. Also this is the case in South Carolina's
12 Constitution, Article 1, Section 10, protections against
13 both unreasonable searches and seizures. It's
14 prohibition of unreasonable invasions of privacy. Your
15 Honor, ultimately the eavesdropping on these calls by the
16 prosecutor's office invades that expectation of privacy.

17 It's my understanding that Saluda operates like
18 various agencies across the state in that there is, I
19 believe, a commercial vendor that the jail has called in
20 requiring the person that's incarcerated, if they wish to
21 speak with anybody on the outside, in the outside world
22 whatsoever that they would have to abide by these collect
23 calls and go through that vendor. I believe that
24 ultimately these calls cost money and the jail fund
25 system indicates that this is in essence to facilitate

1 security.

2 Basically the totality of the circumstances, the
3 sharing of these recordings with opposing parties in the
4 litigation exceeds the reasonable scope of the detainee's
5 consent, is not knowing consent. I think the only
6 warning, if there is one at all, is that they may be
7 recorded, but that's it. And if somebody is there and
8 they wish to speak with anybody, that are forced to
9 consent to that rule. We would move that that's just not
10 consent at all. It's basically coercive in nature, Your
11 Honor, and for those reasons, Your Honor, we would move
12 that the jail calls be suppressed in this case.

13 THE COURT: Do you have a case that you're relying
14 on, Mr. Casto?

15 MR. CASTO: Yes, sir. Your Honor, I don't have a
16 copy of the case, but I do have the case, Judge. The
17 cite is 71F Third 966. That's U.S. versus Lanoue, Your
18 Honor.

19 THE COURT: And it stands for what proposition?

20 MR. CASTO: Allowing the government, law enforcement
21 agent to hear recorded telephone conversations for
22 criminal investigative purposes rather than the prison
23 security purposes is beyond the scope of the consent that
24 is otherwise imputed to inmates who have been aware of
25 the routine monitoring procedures.

1 THE COURT: Well, you used the term eavesdropping.
2 I can never spell it nor pronounce it. Eavesdropping is
3 secretly listening to private conversations of others
4 without their consent as defined by Black's Law
5 Dictionary. This is commonly thought to be unethical and
6 there is an old adage that quote, "eavesdroppers seldom
7 hear anything good of themselves. Eavesdroppers always
8 try to listen to matters that concern them. The verb
9 eavesdrop was originally a back formation of a noun
10 eavesdropper, a person who eavesdrops which was born from
11 the unrelated noun eavesdropping, the dripping of water
12 from the eaves of a house. The ground on which such
13 water falls. An eavesdropper was one who stood at the
14 eaves where the water fell, i.e., near the house so as to
15 overhear what was said inside."

16 This would not be characteristic of the devices that
17 are used commonly by detention facilities because there
18 is clear notice given to the individual that the calls
19 are being monitored and recorded. There is no coercion
20 whatsoever. It is a choice by the individual to use or
21 not use the telephone system.

22 Further -- Give me just a moment. I will just read
23 U.S. versus Lanoue. It appears the issue there is that
24 the prosecutor's failure to disclose recorded
25 conversations with the Defendant and defense witnesses

1 that was used to impeach the witness warranted reversal
2 of a murder conviction. And then this appears to be a
3 case of on the issue of discovery. The Court found that
4 the prosecutor had made a good faith error in judgment
5 and such a finding depends on large measure whether the
6 prosecutor's explanation was credible and, therefore,
7 offered indifference. This clearly doesn't stand for the
8 proposition that it was anything but discovery because it
9 states the government's obligation to disclose the
10 Defendant's recorded statement is a continuing one. This
11 is not a whole proposition that you cannot tape record
12 their statements. If you listen to these conversations,
13 you hear beeps, you hear warnings and you know from the
14 beginning, middle and end. So as a general proposition I
15 don't think the Fourth Amendment applies and I decline to
16 suppress the recorded telephone conversations. If there
17 is any part of those conversations you want to direct my
18 attention to, I will be delighted to review those
19 particular parts.

20 MR. CASTO: Yes, sir, Your Honor. I do have
21 portions that we would like, but I don't believe that the
22 State plans to introduce the first, the 911 call so I
23 believe that issue is alleviated.

24 THE COURT: I don't know the answer to that
25 question.

1 MR. MAYE: I don't intend to produce the 911 call.

2 THE COURT: All right.

3 MR. CASTO: Your Honor, there are four jail phone
4 calls. I'm sorry. There are five jail phone calls, Your
5 Honor, that the State seeks to introduce in their case in
6 chief against Mr. Martin.

7 THE COURT: Is that correct?

8 MR. MAYE: Yes, sir, Your Honor. There are five
9 calls. I would note I have a, with the consent of the
10 Defendant in this case, Mr. Casto and I have both
11 provided a copy of the 911 call that we do not intend to
12 introduce and the jail calls that we do intend to
13 introduce, Your Honor. We have provided them to Your
14 Honor prior to this term of court, Your Honor, with
15 consent. We both sat down together and addressed
16 a letter to Your Honor and provided you with a copy of
17 this ahead of time in anticipation of this coming up in
18 this case. I have a copy of this. I would like to make
19 it a Court's exhibit at this point in time with the
20 discretion of the Court so that we do know that the Court
21 has had an opportunity or that we can note if Your Honor
22 has had an opportunity to review them that they were, in
23 fact, provided and we could make them a part of the
24 record for the purposes of these discussions in regard to
25 suppression.

1 (Whereupon, Court's Exhibit #1 marked for
2 Identification.)

3 THE COURT: All right. So specifically what is it
4 you want me to -- I have listened to the tape.

5 MR. CAST: Yes, sir, Your Honor.

6 THE COURT: What specifically are you objecting to?

7 MR. CASTO: Yes, sir. The easiest way I think to
8 think about this is there are things that essentially I
9 think we both agree that should be removed. Judge,
10 pointing to --

11 THE COURT: Then what do I have to rule on if y'all
12 agree? If y'all both agree, why am I ruling on something
13 that y'all agree on?

14 MR. CASTO: Yes, sir. I just want to place on the
15 record which things. There are some that --

16 THE COURT: There are?

17 MR. CASTO: Yes, sir. There are some that I don't
18 necessarily know that we do. Judge, as an initial matter
19 there are some statements on there from Mr. Martin
20 speaking about what his charges carry.

21 THE COURT: Yes, sir.

22 MR. CASTO: Penalties. And just for the Court's
23 edification --

24 THE COURT: He says he can get life because of his
25 two strikes. I think that's how he characterizes it.

1 MR. CASTO: That's exactly right. And that's what
2 we both heard. And the appropriate place to remove that
3 portion, that's in the third call.

4 THE COURT: That's right.

5 MR. CASTO: The first call --

6 THE COURT: So you don't want that in there?

7 MR. CASTO: No, sir, Your Honor.

8 THE COURT: You don't want this jury to know that if
9 he's convicted, I'm going to give him a life sentence or
10 that he's got two strikes?

11 MR. CASTO: Your Honor, I think with regard to the
12 two strikes, Your Honor, they would know about his
13 priors, Your Honor. But with regard to the, and the
14 Court is correct with regard to what sentence that he is
15 facing, Your Honor, we are okay with that aspect. I
16 think the State wishes to remove that.

17 THE COURT: Well, punishment is not an issue so both
18 the life and the strike is out.

19 MR. CASTO: Yes, sir.

20 THE COURT: The punishment is not an issue for the
21 jury.

22 MR. CASTO: Your Honor, later in that same third
23 call there is a conversation about him not getting a
24 bond, that type of issue. We just don't want to - that
25 is at the eleventh minute.

1 THE COURT: Do you have a position on that, Mr.
2 Solicitor?

3 MR. MAYE: Your Honor, under State versus Edwards we
4 would certainly maintain the conversation between him and
5 Ms. Gantt and we have identified Ms. Gantt in the little
6 letter that we wrote to Your Honor. He was the then -
7 she was the then girlfriend of the Defendant in this case
8 Mr. Martin. She is a testifying witness for the State.
9 They are no longer, I guess, on good terms in this case.
10 We would maintain under State versus Edwards which is 333
11 South Carolina 678, Southeast Second 405, that he is
12 conspiring and that they are co-conspirators in this case
13 and under State versus Goodwin which is a cite in Edwards
14 they basically say that an attempt by a person charged
15 with a crime to suppress the testimony against him or to
16 procure the absence of a witness show the unrighteousness
17 of the Defendant's cause and a consciousness of guilt.

18 We would maintain that we would concur with the
19 State that we certainly can take out the life sentences.
20 We would maintain everything else in here are the
21 statements of co-conspirators who are conspiring to
22 suppress testimony and to procure the absence of a
23 witness. All of these calls are basically based around a
24 central premise which is Mr. Martin wants Ms. Gantt to go
25 find a pocketbook that is the subject of this crime that

1 was taken here, locate it, to give information framing
2 Mr. Quinton Samuels as the perpetrator and for Ms. Gantt
3 to go provide information to law enforcement that Samuels
4 is the one who did this which she, in fact, does.

5 She is now a cooperating witness for the State. We
6 would maintain in this case that all of the rest of the
7 conversation, the fact that he doesn't have a bond, he
8 can't get out is relevant to the fact that he needs her
9 to be his conspirator and to assist him in suppressing
10 Mrs. Williams' testimony. He asked her repeatedly to
11 take the victim in this case to Chief Goldman and try to
12 get her to give information that she is mistaken with her
13 identification; that it's, in fact, Mr. Samuels. We
14 would maintain that everything else in this conversation
15 is part and parcel of an ongoing conspiracy between them
16 under Edwards and Goodwin to suppress the testimony and
17 to procure the absence of a witness and basically
18 suppress evidence in this case.

19 I think Edwards was an obstruction or an
20 intimidation of a witness cases, but we think it stands
21 for the overall premise that attempting to obstruct in
22 your own case is admissible in your case in chief and I
23 think it's a 2009 case, June 1st, 2009, but it basically
24 covers both those instances basically trying to threaten
25 or intimidate a witness or obstruct justice in your own

1 case. We maintain that the rest of it would be
2 admissible under those grounds, Your Honor.

3 THE COURT: Mr. Casto.

4 MR. CASTO: Your Honor, what we have here is
5 ultimately the statements are really riddled with
6 hearsay. Obviously in some portions there is essentially
7 hearsay within hearsay. There are conversations about
8 what people are going to say or conversations that exist
9 about what they told somebody and then what that other
10 person told them. There are portions that I have marked
11 each situation in these recordings where that arises and
12 it has to fit within some exception or it's just hearsay.
13 The idea that we have a conspiracy that arises after this
14 burglary I don't think it flies. It's not a continuing
15 conspiracy, Your Honor, with regard to burglary. But
16 it's hearsay in these examples that I'll share with the
17 Court that have to fit within an exception or I don't
18 believe that they are admissible.

19 THE COURT: Well, everybody is going to know he's in
20 jail from the jail calls number 1. The fact that he
21 doesn't have a bond. I don't believe you have to have
22 the conspiracy to commit the burglary. Many people
23 conspire from jail i.e., even the name Pee Wee Gaskins
24 comes to mind. He conspired with Tony Cimo to kill
25 Mr. Tyner while they were in jail. There was no prior

1 connection between Gaskins and Cimo. There was, of
2 course, a connection between Mr. Cimo and Mr. Tyner
3 because Tyner killed his stepfather and mother as I
4 recall. But it's conspiracy to obstruct justice.

5 Conspiracy can be spawned from in the jail or
6 spawned from outside the jail and as far as line by line,
7 if you want to give me a transcript of the tape to see if
8 -- Of course, statements by co-conspirators during the
9 course of conspiracy and in furtherance of the conspiracy
10 are admissible as not being hearsay as I recall under
11 801(d)(1) and (2). I would have to look. I don't have
12 my rule book in front of me. But if there are particular
13 instances that you want me to review, I will be happy to
14 do so, Mr. Casto.

15 MR. CASTO: Yes, sir, Your Honor. There aren't a
16 lot, but I do have some marked and where they show up
17 time wise on which call. The first instance of hearsay
18 occurs in call two at just after the four minute and 20
19 second mark. It is a conversation between Mr. Martin and
20 Kimberly Gantt where she says that this other person
21 Quinton was asked about these charges. He makes the
22 statement he doesn't know anything about it. We believe
23 that would be, his response would be hearsay, Your Honor.

24 THE COURT: Is this who he's trying to blame it on?

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

1 THE COURT: And Ms. Gantt talked to him?

2 MR. CASTO: I believe that she said that she did on
3 the phone.

4 THE COURT: At Mr. Martin's direction?

5 MR. CASTO: No, sir, Your Honor.

6 THE COURT: So she did this on her own?

7 MR. CASTO: Yes, sir. I'm looking at the
8 conversation as I have got it transcribed. I believe
9 that she did it on her own, Your Honor.

10 THE COURT: How would she even know to do that?

11 MR. CASTO: I believe there is some mention of
12 Quinton that shows up earlier in the calls, Your Honor,
13 but I don't believe that - we are without an instruction,
14 hey, you need to go march over there and speak with this
15 person who was Quinton. I don't believe that we have
16 that is what I'm saying, Your Honor.

17 THE COURT: 801. What I was referring to is
18 801(d)(2)(e), statements which are not hearsay. A
19 statement is not hearsay if it is a statement by a
20 co-conspirator of a party during the course of and in
21 furtherance of the conspiracy. Citing State versus
22 Sullivan, a 1981 case, statements made by co-conspirators
23 in furtherance of the conspiracy are admissible.

24 So even if she's saying Quinton Samuels doesn't know
25 anything about it, that could be part of the conspiracy

1 given the fact that they didn't want to perhaps cast
2 blame on a different third party so I would find that's
3 not hearsay. Do you have others?

4 MR. CASTO: Yes, sir, Your Honor. That's the last
5 one. We have done call one and call two. Your Honor, we
6 turn to call three, the first call made on December 17th,
7 2013 at the 4 minute 28 second mark. It is Ms. Gantt
8 speaking with Mr. Martin. She says that she spoke with
9 Dianne Williams and she relates everything that Dianne
10 Williams told her, Your Honor, so that's, we submit that
11 that would be hearsay, Your Honor.

12 THE COURT: Is it a statement made by
13 co-conspirators during the course of a conspiracy?

14 MR. CASTO: Well, our issue is that it would be
15 hearsay with regard to what Mrs. Williams said, Your
16 Honor, and that would be a level of hearsay that would
17 need to fit in an exception, Your Honor.

18 THE COURT: Statements made during the course of a
19 conspiracy are not hearsay.

20 MR. CASTO: Yes, sir.

21 THE COURT: If he's in jail, he's not out on bond,
22 he has an - if he is acting through an agent, a
23 co-conspirator, then that's not hearsay.

24 MR. CASTO: Yes, sir. I apologize. I'm looking for
25 other instances.

1 THE COURT: You don't need to apologize, Mr. Casto.
2 You have a case to deal with.

3 MR. CASTO: Later on -- We have dealt with the bond
4 issue. So that alleviates. I just want to review the
5 transcript and make sure I raise what I need to at this
6 point, Judge. But I believe that we have tackled these
7 other issues.

8 THE COURT: Okay. All right. As far as
9 sequestration you keep your chief officer. The
10 witnesses, obviously the victim can remain. If there are
11 witnesses that have given statements, they can remain
12 also. Will you please bring me juror number 11, madam
13 Clerk? Is that the correct number, ma'am?

14 THE CLERK: Number 15.

15 THE COURT: Say again.

16 THE CLERK: Number 15.

17 THE COURT: Number 15. Bring me that juror, please.

18 (Whereupon, juror number 15 is brought before the
19 Court.)

20 THE COURT: All right. This is Ms. Black?

21 MS. BLACK: Yes, sir.

22 THE COURT: And you're juror number 15?

23 MS. BLACK: Yes, sir.

24 THE COURT: All right. The Clerk related some
25 information to me concerning you. Can you explain that

1 to me please?

2 MS. BLACK: I'm claustrophobic and just being locked
3 in I just can't handle it.

4 THE COURT: All right. So are you telling me
5 because of your condition you would be unable to serve on
6 jury duty?

7 MS. BLACK: I can sit in here. I'm okay. But just
8 being like confined and locked into an area just makes --
9 I don't know.

10 THE COURT: All right. Have you ever been on jury
11 duty before?

12 MS. BLACK: No, sir.

13 THE COURT: All right. I'm going to release you
14 from your jury service.

15 MS. BLACK: Thank you.

16 THE COURT: Thank you very much. Madam Clerk, would
17 you prepare two names and select one between number 42
18 and number 43 to serve as our alternate juror.
19 Mr. Bailiff, have they indicated a foreperson? Have they
20 given you the name of a foreperson?

21 BAILIFF: I suspect I know who it is, but I'll
22 check. Mrs. Reichardt. I don't know what her number is.

23 THE COURT: All right. You made your selection,
24 Madam Clerk? You have the election?

25 THE CLERK: Number 23, Devonta Brown.

1 THE COURT: All right. Mr. Brown has been promoted
2 from alternate to a member of the primary juror. We'll
3 take a ten minute recess and then we'll do openings and
4 then we are going to break for the day. Thank you very
5 much.

6 MR. CASTO: Yes, sir, Your Honor.

7 MR. MAYE: May it please the Court, Your Honor.

8 THE COURT: Yes, sir.

9 MR. MAYE: I have one thing. In light of the
10 Court's previous ruling, I am going to redact it. I'm
11 making sure because I'm going to have our staff people
12 redact this. I'm going to redact from the tape any
13 reference as to his two strikes and a life sentence. I
14 noted that on the third call of 12/17 of 2013 there is
15 talk about the sentencing. This is a life sentence. I
16 think at 9 minutes and 18 seconds it says this is a life
17 sentence to about 9 minutes and 40 seconds, there is
18 conversation about basically the strike issue and this
19 would be a nowin case for me. I'm going to redact that.
20 There is a reference later in that call at 14 minutes and
21 5 seconds, he says, it is going to be my life in these
22 bars. And I intend to redact that as well under that
23 same line that talks about sentencing and interjects
24 potential sentencing and I just wanted to make sure that
25 I was clear that that's what I intend to redact in regard

1 to the rulings and the discussions that we have had in
2 this case, Your Honor. If there is any response from
3 defense, I just wanted to be clear on what we are going
4 to redact because I'm going to have our staff people do
5 that so that we have got a clean copy to present to the
6 jury.

7 THE COURT: All right, Mr. Casto.

8 MR. CASTO: Your Honor, we don't have any problem
9 with those things remaining in. We would just place that
10 on the record.

11 THE COURT: Well, again punishment is not an issue
12 for the jury and, of course, obviously if you bring out
13 his strikes, that would be a comment on his character and
14 that would not be appropriate. So that's fine, Mr.
15 Solicitor.

16 MR. MAYE: Thank you, Your Honor.

17 THE COURT: Yes, sir. The Court will be in recess
18 ten minutes.

19 (Short recess.)

20 BAILIFF: All rise.

21 THE COURT: Please be seated. All right. Anything
22 before we bring the jury in from the State?

23 MR. MAYE: Nothing from the State, Your Honor.

24 THE COURT: From the defense, Mr. Casto?

25 MR. CASTO: Yes, sir, Your Honor. There is a matter

1 that has arisen at this time and it concerns my
2 representation of Mr. Martin. He tells me that basically
3 he finds he would like to relieve me and --

4 MR. MARTIN: I would like to --

5 MR. CASTO: -- would like to --

6 MR. MARTIN: I would like to --

7 THE COURT: Please don't interrupt someone while
8 they're talking.

9 MR. MARTIN: Yes, sir.

10 THE COURT: Sheriff, y'all got some duct tape? Get
11 me some duct tape. All right. I'll be glad to hear from
12 you, Mr. Casto.

13 MR. CASTO: It's my understanding that my client
14 would like to relieve me at this time and I believe that
15 he's prepared to answer any questions that the Court
16 would have of him with regard to this issue.

17 THE COURT: All right. Give me just a moment,
18 please. Mr. Martin, I'll be glad to hear from you.

19 MR. MARTIN: Yes, sir, Your Honor. Uh, I asked
20 Mr. Casto here did he want to be relieved from my case.
21 I asked him a simple question. I asked him is he gonna
22 fight for me like it was his life or is he just gonna be
23 pushed around. I asked him who this gentleman was here.
24 Everywhere I go this gentleman been following me. Just a
25 simple question. Every question I ask him even during my

1 trial, he keep on, he don't want to answer. That's all.
2 I wanna know what's going on. Like I stated, my life is
3 on the line. And I wanna know that you gonna fight for
4 me. I don't want you to just get up here and accept
5 whatever the State say and all that. I want to know is
6 you gonna fight for me. And that's not being ugly and
7 that's not being rude. That's just straightforward. I
8 mean, right is right. This is - this is what I want to
9 know. Are you gonna fight for me or are you just gonna
10 lay down.

11 THE COURT: What are you asking me to do?

12 MR. MARTIN: I ain't asking you to do nothing, Your
13 Honor. These are the questions I asked him. So I don't
14 know, maybe he feel some type of way because I - I - I
15 question him, but that's my right. At the end of the day
16 he get to go home, Your Honor. And my thing is I want to
17 know that he gonna fight for me and not be pushed around.
18 By me asking him who this gentleman was that following
19 me, I don't think I did nothing wrong. 'Cause he
20 followed me to the bathroom. If I go to talk to my
21 family, that's not private. Like if I go to say
22 something to an officer, that's not private 'cause this
23 gentleman, he's sitting right near the bathroom where I'm
24 at and I come back in here and I find out he's right
25 behind me. The first I look back and see is him. I

1 asked my attorney who he was? And I'm asking him is he
2 gonna fight for me. I ain't -- Nothing out of the
3 ordinary. These are just simple questions. So I don't
4 know if it's something with me or what. He just ready to
5 jump up from representing me or what, but as soon as I
6 asked him did he want to be dismissed from the trial, he
7 ready - he ready to take off. I mean --

8 THE COURT: Do you want me to dismiss him?

9 MR. MARTIN: I want to go on with my trial. I'm
10 tired of sitting in jail and tired of being sick. It's
11 just a simple question that I asked. Is he gonna fight
12 for me. That's all I want to know.

13 THE COURT: So you're not asking me to dismiss Mr.
14 Casto?

15 MR. MARTIN: No, sir. My question was directed to
16 Mr. Casto, Your Honor. I just asked him was he gonna
17 fight for me or was he just gonna lay down. That's all I
18 wanted to know.

19 THE COURT: All right. Well, I think the
20 conversations between you and your attorney should be
21 between you and your attorney.

22 MR. MARTIN: Yes, sir. It should.

23 THE COURT: Not between me and you and your
24 attorney. Not between me, you and the entire
25 courtroom.

1 MR. MARTIN: Right.

2 THE COURT: I think they should be between you and
3 Mr. Casto.

4 MR. MARTIN: Yes, sir. I mean, I'm prepared to go
5 forward, but that was the question I had for him and,
6 well, it's a true question. That one and about the
7 gentleman over here. I don't think I did nothing wrong
8 because like I say, Your Honor, at the end of the day
9 they get to go home. Me, if things don't go right, you
10 know where I end up.

11 THE COURT: Well, as far as anyone in the courtroom
12 as long as individuals in the courtroom maintain proper
13 decorum, I allow people to stay. It's a public
14 courtroom. It's open to the public. I allow people to
15 come and go unless attorneys are addressing the jury or
16 I'm addressing the jury. There are certain times I will
17 limit access to the courtroom, but I don't inquire of
18 people in the courtroom who they are or what they are
19 doing here because it is a public courtroom.

20 MR. MARTIN: Yes, sir. I understand that.

21 THE COURT: And members of the public are entitled
22 to be present. You're entitled to an open courtroom and
23 an open trial, a fair trial, due process, equal
24 protection of the law and that's how I run things.

25 MR. MARTIN: I understand that, Your Honor, sir, but

1 my question was for him about this gentleman was was he
2 with the Solicitor's Office or whether he with the police
3 because when I was speaking to people about my case, I
4 don't need to say certain things if he work for the
5 Solicitor's Office or the State. That was my question.
6 You know what I'm saying? Is he working for the
7 Solicitor's Office or the State, then I know to be quiet,
8 you know, not to say nothing to my family or the police
9 or even him around. But if I'm just sitting here talking
10 and don't know.

11 What made me ask that question, Your Honor, when I
12 went to the bathroom, the gentleman came and stopped
13 right by the bathroom where I was. When I come back out
14 the bathroom, Mr. Casto's assistant and my daughter had
15 my crutches and I'm in the wheelchair. I look back. The
16 first person I see is this gentleman sitting here smiling
17 at me. So now who is he? Who he is working for? And
18 that's the question I asked my attorney. I mean,
19 I should have the right to know who following me. That's
20 called stalking on the street, isn't it? Who is stalking
21 me is what I want to know. I'm not trying to be smart.
22 I mean, I don't know. But I know when I was at the
23 bathroom, he got up. When I come out, he smiled at me,
24 spoke. I got in the courtroom, Your Honor, there he go
25 again and that was the question to my attorney. Who is

1 this man? Why is he following me?

2 THE COURT: Did you discover that, Mr. Casto?

3 MR. CASTO: Your Honor, my knowledge, this gentleman
4 has nothing to do with law enforcement or the Solicitor's
5 Office whatsoever. As a matter of fact, I think he's
6 just somebody, a member of the town that always comes to
7 see what's going on at court. I couldn't tell you. I
8 don't have any information with regard to him being
9 linked whatsoever to a law enforcement agency,
10 Prosecutor's Office, anything. So I guess to answer the
11 question while we are on the record, I don't know. But I
12 can tell you that honestly.

13 MR. MARTIN: So why was he following me?

14 THE COURT: How about that, Mr. Solicitor?

15 MR. MAYE: Your Honor, I can correct the record
16 here. The gentleman that he's referring to, his name is
17 Mr. Richard Deason. He is a citizen here of Saluda
18 County. He is very interested in court and he comes to
19 almost every term of court. He's been here over the last
20 four or five years more than I have and I work with the
21 Solicitor's Office. He comes and he watches court. It's
22 an open courtroom. He has absolutely no affiliation with
23 the Solicitor's Office or with law enforcement. He's a
24 citizen of Saluda County. He comes in here and avails
25 himself of the open courtroom because he is interested in

1 the criminal justice process in Saluda County is what I
2 have been told. Is that is any different, Mr. Deason is
3 here. He is faithful coming to court. He has no
4 affiliation with law enforcement, the state, the county,
5 any agency that I'm aware of. He is a private citizen
6 who likes to come and watch court.

7 THE COURT: That answer your question, Mr. Martin?

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

9 THE COURT: Thank you. Thank you very much.

10 MR. MARTIN: Thank you, Your Honor.

11 THE COURT: You're welcome. Any other issues just
12 let me know, Mr. Martin. All right. Anything further,
13 Mr. Casto?

14 MR. CASTO: No, sir, Your Honor.

15 THE COURT: Bring us the jury, please.

16 (Whereupon, the prospective jury enters the
17 courtroom at 4:09 p.m.)

18 THE COURT: Madam Clerk, swear our jury in please.

19 (Whereupon, the jury was sworn by the Clerk at 4:10
20 p.m.)

21 THE COURT: All right. As an initial matter I have
22 excused one of your number. We had an election and,
23 Mr. Brown, number 23, you have been promoted to a member
24 of the primary jury. You can take that seat right in
25 front of you. Ms. Cockrell, if you will always maintain

1 that seat or the one right in front next to you that you
2 are seated in now. The way we do a jury, alternate jury
3 in a criminal case is different from civil. You may
4 wonder why Ms. Cockrell was chosen first and Mr. Brown
5 then promoted. We have to draw them out of a hat. The
6 name out of a hat. That's different than in civil court.
7 They are actually drawn in which the order they are
8 presented. Now, I understand we have an election. Ms.
9 Reichardt, thank you very much for serving as the
10 foreperson of the jury.

11 I did say 4:00, right? I said 4:00. I apologize
12 for the delay. I had a number of motions and matters to
13 take up. The parties were not on time. They were early.
14 They have been out here working very diligently to
15 resolve all the pretrial matters which took a little
16 longer than I anticipated. Your time is very valuable to
17 me and I'll certainly try to manage it more efficiently.

18 Ladies and gentlemen of the jury, the case we are
19 about to try is the case of the State versus Ronnie
20 Martin, the Defendant. What I will now say is intended
21 to serve as an introduction to the trial of this case.
22 These remarks are not an instruction on the law in the
23 case. I will instruct you on the law that applies to
24 this case at the end of the trial before you retire to
25 consider your verdict. This is merely an explanation of

1 the procedure that we will follow in the trial so that
2 you may better understand what may be happening.

3 The Defendant is charged by an indictment filed with
4 this Court for the crime of burglary in the first degree.
5 Burglary in the first degree is a statute in South
6 Carolina under code section 16-11-311. A person is
7 guilty of burglary in the first degree if the person
8 enters a dwelling without consent and with the intent to
9 commit a crime in the dwelling and either in this case
10 the entering or remaining occurs in the nighttime. The
11 term of dwelling is also defined by statute meaning
12 living quarters of a building or a place where a person
13 normally uses for sleeping, living or lodging is the
14 definition of dwelling.

15 The indictment again, ladies and gentlemen, is
16 simply the formal charging document by which the case is
17 brought into court and it is not in any sense evidence of
18 any of the allegations it contains.

19 The Defendant has pled not guilty to this
20 indictment. The State, the party to my front left
21 closest to the jury, therefore, has the burden of proving
22 each of the elements of the indictment beyond a
23 reasonable doubt and the burden of proof proving this
24 case beyond a reasonable doubt will always remain on the
25 shoulders of the State. It will be your duty, ladies and

1 gentlemen, to decide whether or not the State has met
2 that burden.

3 The Defendant, Mr. Martin, is presumed to be
4 innocent. A criminal Defendant in South Carolina
5 regardless of the serious nature of the crime charged is
6 always presumed to be innocent and has no duty whatsoever
7 to prove himself or herself innocent.

8 Your purpose as jurors is to find and to determine
9 the facts. You, ladies and gentlemen, are the sole judge
10 of the facts in this case. If at any time I make any
11 comment regarding the facts, you must, you should
12 disregard it. You are to determine the facts from the
13 testimony you hear and any other evidence introduced in
14 the court. It will be up to you to determine any
15 inferences which you feel may properly be drawn from the
16 evidence. It is especially important that you perform
17 your duty of determining the facts diligently and
18 conscientiously because ordinarily there is no way to
19 correct an erroneous determination of the facts by a
20 jury.

21 On the other hand and with equal emphasis the same
22 law that makes you the judges of facts make me the judge
23 of the law. The law as given by the Court is the only
24 law you may consider. You must accept and follow it even
25 though you may disagree with it. I cannot tell you what

1 the facts are and you cannot disagree with me about what
2 the law is or what the law should be. Your job is to
3 take the law as I give it to you and to apply it to the
4 facts as you find them to be from the testimony of the
5 witnesses and any other evidence that is introduced.
6 After doing that, you will render your verdict, a true
7 and just verdict under the solemn oath that you just took
8 as jurors.

9 It is important that you keep an open mind and not
10 decide any issue in the case until all the evidence, all
11 the testimony has been presented, the parties have made
12 their closing arguments to you and I have instructed you
13 on the law in this case. It is your solemn
14 responsibility to determine the guilt or the innocence of
15 the Defendant and your verdict must be based solely on
16 the evidence as it is presented to you in this trial and
17 on the law as I instruct you during and at the close of
18 the trial.

19 Now, in just a moment the Solicitor will make what
20 is called an opening statement in which the Solicitor
21 will explain to you the issues in this case or at least
22 what the Solicitor thinks the issues are in this case.

23 Mr. Casto, the attorney for Mr. Martin, may also
24 make an opening statement although again he is not
25 required to do so.

1 What the attorneys tell you during their opening
2 statement is not evidence in the case. It is only their
3 contention as to what the issues are. What the attorneys
4 tell you in their closing arguments is not evidence in
5 the case. They can comment on the law, they can comment
6 on the testimony, the reasonable inferences, but it's not
7 evidence in the case. The questioning by the attorneys
8 is not evidence in the case. That is the method in which
9 we use to extract the testimony from the witnesses that
10 swear, that are sworn before you to tell the truth, to
11 tell the facts to you. The evidence in this case will be
12 presented by the testimony of those sworn witnesses and
13 by any exhibits that may be introduced.

14 From time to time during the trial you may hear one
15 of the attorneys say something like, Your Honor, I
16 believe we have a question of law or a matter of law to
17 discuss with you. Or, Your Honor, may we approach the
18 bench. Or sometime I myself might find it necessary to
19 excuse you from the courtroom for a short while so that
20 the attorneys and I can discuss a matter of law. This is
21 not to hide anything from you. The reason for this is
22 because you are the judges of the facts in the case and
23 sometime when I am discussing matters of law with the
24 attorneys it may be necessary for me to make some comment
25 as to the facts in connection with ruling whether or not

1 a particular law applies. I am not supposed to tell you
2 what I think the facts are so I will excuse you from the
3 courtroom while these discussions take place so that in
4 no way will you be influenced by anything that I might
5 say or do in connection with the facts.

6 In determining what the true facts are in this case,
7 in using your individual and collective common sense and
8 good judgment, you must decide whether or not the
9 testimony of a witness is believable. It will be my
10 responsibility to rule as a matter of law as to whether
11 certain testimony is admissible at all or not. In other
12 words, whether you get to hear the testimony or not. But
13 once the testimony is admitted whether or not you believe
14 it is solely for you to determine.

15 In deciding whether to believe a witness you have
16 the right to consider the interest of any witness, the
17 bias of any witness, the prejudice of any witness, the
18 opportunity for the witness to have seen the matters and
19 things about which the witness may testify, and the way
20 the witness acts on the witness stand. The demeanor of
21 the witness. You have a right to consider anything that
22 is in the record that will help you evaluate the
23 testimony of the witnesses. That means that it is your
24 duty to pay close attention to the witnesses, to observe,
25 to listen to them, to pay close attention to the

1 attorneys and to the Court. Don't let your thoughts
2 wander, but give strict attention to the testimony in
3 this case so that at the end of all the testimony after
4 the closing argument by the attorneys and the instruction
5 on the law by the Court, you will then be in that
6 position to determine what the true facts are, to apply
7 the facts to the law as I tell you the law is and thus
8 render a true and just verdict.

9 It will be your added responsibility, Madam
10 Forelady, to preside in the jury room and be the jury
11 spokesperson here in court. It will also be your duty to
12 write the verdict, but I will give you further
13 instructions about that at the conclusion of the case.

14 Just a few very brief administrative matters. I
15 would suggest as I have told you previously you may not
16 have your cellular phone, computer, any other electronic
17 device with communication capabilities in the jury room.
18 It may be best if you secure them in your vehicle rather
19 than have them with you. You will certainly have access
20 to them at the lunch break and obviously over the evening
21 hours.

22 This courtroom has a good speaker system in it,
23 however, those of you further away if you cannot hear or
24 see a witness, please get my attention or the attention
25 of the Clerk and we'll certainly try to rectify that

1 situation. I do not know if any physical items of
2 evidence may be introduced. Many times photographs and
3 the like may be introduced in court. Hand it to your
4 foreperson and pass them among the members of jury while
5 you are here in your jury box in the courtroom. You may
6 look at those items all you wish. Please keep in mind if
7 I allow an item into evidence, you will also have it
8 with you in your jury room at the time of your
9 deliberations. Again please look at them all you wish if
10 that procedure is followed at any time during the trial.
11 Just keep in mind it will not be the only opportunity you
12 will get to review those items.

13 Next I will ask from time to time you may see me on
14 my computer. These are very good experienced trial
15 attorneys. I may look down the Judicial trail and see
16 what I anticipate may be a legal issue lurking around the
17 bend so I will do some legal research. I don't Tweet. I
18 don't repeat. I don't know, whatever. There are so many
19 things now. Snap. Dragon. Faceless. I don't do any of
20 that. If you see me on my computer -- I don't e-mail or
21 nothing. That's generally what I'm doing is
22 anticipating. The real heavy lifting Mr. Harrell does
23 for me.

24 So with that being said finally what am I really in
25 charge of? I'm really in charge of taking breaks.

1 That's what I'm really in charge of. I have a real
2 simple system of taking breaks. When I want to take a
3 break, we take a break. Works out like that. If you sit
4 out here too long, your thoughts get to wandering, you
5 won't be able to track what the true facts are and apply
6 them to the law. Any time you need a break, any time you
7 need a break, please, raise your hand. You're probably
8 not the only one who needs them. This is not some type
9 of judicial marathon. The parties will have the
10 opportunity to take whatever time they need. It's an
11 important case. Regardless of the length, regardless of
12 the number of witnesses, this is an important case. It's
13 important to Mr. Martin. It's important to the State.
14 Under your oath I know you will give it that importance
15 and you will follow the law.

16 Again, if you need a break, raise your hand. We
17 will be delighted to take a break at any time.

18 Any objections to anything that I have told the jury
19 from the State?

20 MR. MAYE: Nothing from the State, Your Honor.

21 THE COURT: Defense?

22 MR. CASTO: No, sir, Your Honor.

23 THE COURT: I think what I'm going to do this
24 afternoon, ladies and gentlemen, is just do the opening
25 statements and then we'll break for the evening recess

1 and then tomorrow morning we will start fresh with the
2 witnesses. So if you would, please, give the attorneys
3 your complete and undivided attention. Thank you very
4 much. Mr. Solicitor, you may address the jury.

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

6 THE COURT: Yes, sir.

7 MR. MAYE: Thank you. It's 4:27 in the afternoon.
8 A lot of the people that are up here that are sitting in
9 the courtroom today, we come up here term after term, a
10 lot of the people, what I'm getting ready to tell you
11 they have heard me say over and over again. They're just
12 gonna have to hear it one more time. But I doubt any of
13 you when you went to the mailbox when you went here to
14 Saluda and got your mail at the mailbox up here at the
15 Post Office or you went out and you got your mail at the
16 mailbox where it comes through rural delivery, when you
17 saw a letter from Miss Doris in this case with your name
18 on it summoning you up here to sit as jurors this week, I
19 doubt anybody was skipping or leaping for joy when they
20 saw that.

21 We are all certainly cognizant of the fact that the
22 twelve of you that go back into the jury room to
23 deliberate in this case and even the alternate that's
24 sitting back there behind you, there are a lot of other
25 places that you all need to be this week. You can't go

1 to work. You can't go to school. You can't be with your
2 family. You can't take care of anything else that you
3 would have normally been doing this week in the course of
4 carrying out your lives because you have been compelled
5 to come up here to sit as jurors in this case. If you
6 look out on the courthouse grounds, there are all sorts
7 of examples of public service. Used to be we had to
8 draft. People used to get drafted and go off and fight
9 and you can look at the different monuments that are here
10 on the courthouse grounds of a lot people that paid the
11 ultimate sacrifice. They were compelled for compulsory
12 public service.

13 At one point in time people used to have to go out
14 and work on the roads. They didn't have the highway
15 department. You either had to go out and work on the
16 roads to help build up the ditches and the road beds and
17 all or pay a tax and let somebody else work in your
18 place. We don't have any of those things anymore.
19 Winston Churchill said that the highest duty that a
20 citizen has during peace time is service on a jury and
21 y'all are carrying that out in this case. And you have
22 been summoned up here for very serious business.

23 The case that the State will have to present to you
24 -- My name is Ervin Maye and I'm a prosecutor and I work
25 for the State of South Carolina. I represent the people

1 and it's my privilege to be up here presenting this case
2 to you.

3 The Defendant over there in the white shirt,
4 Mr. Ronnie Martin, is charged and has been indicted for
5 burglary in the first degree. You have already heard
6 Judge McMahon up here who told you that he's in charge of
7 taking breaks in this case, but it's far more than that.
8 Judge McMahon presides over this case and at the
9 conclusion of all of the evidence that you are going to
10 hear, and he's already alluded to the fact that the
11 evidence in this case is going to come from the sworn
12 testimony of the witnesses that sit up here in this
13 witness stand. He presides over this case. He's going
14 to charge you with what the law is. He's already told
15 you about burglary. Burglary is the breaking and
16 entering of a dwelling of a person with the intent to
17 commit a crime there and that's somebody's house. That's
18 where you sleep and where you reside.

19 There is an aggravating circumstance in this case.
20 You have already heard that this is burglary in the first
21 degree. There's an aggravating circumstance in this
22 case. The State's got the burden of proof and we are
23 going to prove it to you, that it occurred in the
24 nighttime which is inherently even more dangerous. In
25 the dark of night.

1 The State has the burden of proving in this case,
2 and I'll tell you up front we welcome it, that Mr. Ronnie
3 Martin, the Defendant in this case, burglarized the
4 dwelling of Mrs. Dianne and Mr. James Williams over here
5 that live over in the town of Ridge Spring. I submit to
6 you you're going to hear from the stand in this case from
7 both Mrs. and Mr. Williams in this case and they are
8 going to tell you that on December the 13th of 2013 they
9 were at home in their residence here in the town of Ridge
10 Spring. The one thing that all twelve of you that are
11 going to go back and deliberate in this case have in
12 common is that all of you live here in Saluda County.

13 If you go through the town of Ridge Spring, they
14 live on Oak Street. If you're going back out towards
15 Columbia from downtown Ridge Spring on the right hand
16 side of the road Oak Street is just on the other side of
17 the railroad tracks to your right there and we're gonna
18 have a map for you to see and we're gonna point out
19 exactly where all these events took place. But Oak
20 Street is paved kind of in town and it kind of makes a
21 little jog out there at the edge of town and becomes a
22 dirt road and goes on out of town a little ways. Just
23 where the road turns dirt, just down about a few, about
24 seventy-five or a hundred yards on down that road on the
25 right-hand side of the road they live in there residence

1 at [REDACTED].

2 Just before the hour of 8:00, now dark, we're
3 talking about December the 13th of 2013, Mr. and Ms.
4 Williams were at home in their house. Mrs. Williams is
5 going to get up here on the stand and she's gonna tell
6 you that she was there. She's got some disabilities and
7 she stays, and we'll show you some photographs in this
8 case of the room that she stays in. A little house that
9 they are in that's right there that's kind of in front of
10 the railroad tracks right there on that dirt road of Oak
11 Street. She's got a hospital bed up in kind of the front
12 room of the house. There's a little 'ole driveway where
13 they make a little circle and they park their car there
14 and go in the main door. Well, the front room in that
15 house is where she sleeps and she has a hospital bed up
16 in there and you're gonna see from photographs she had
17 all sorts of things in this room. Pictures on the wall.
18 All sorts of items. There's a lot of materials because
19 she lives and basically stays because of some health
20 problems up there in that hospital bed in the front room.

21 But she's gonna tell you about 8:00, it's dark by
22 this time in December, she's got a little dog in there,
23 in the house with her. It stays in there with her and
24 her husband and I submit to you you're gonna hear in this
25 case she's extremely fond of it and he walks around and

1 trips around inside the house. And she's gonna tell you
2 about 8:00 that dog started cutting up and went to the
3 door. He was sniffing at the door and she's gonna tell
4 you based on circumstances when that dog goes to the
5 door, there's somebody there. She's gonna tell you that
6 that dog alerted and let her know that there was somebody
7 there and she's gonna tell you that just moments later
8 the door right there of her residence in the room where
9 she sleeps gets kicked in. Absolutely busted in.

10 You gonna see photographs in this case that the door
11 frame where the striker and all the latch is gets kicked
12 slam out of the door frame and the door is absolutely
13 kicked in. And she's gonna tell you in this case that
14 somebody she knew, Ronnie Martin or Ronnie Moe as she
15 knew him came and kicked her door in and busted up inside
16 of her house. She's gonna tell you that she knew exactly
17 who it was. That she knew him. That he had been coming
18 around for some months. That he hung around with her
19 daughter some and had been around there hanging around
20 the house in the months before and that she knew who he
21 was. And that earlier that day he had been over there
22 with his moped interacting with her daughter and he had
23 on a blue hoodie and he had on khaki pants. And she's
24 gonna tell you that he came and kicked her door in
25 wearing the exact same clothes that he had on earlier in

1 the day and just absolutely kicks the front door of her
2 house in and storms up into her house.

3 She's gonna tell you that she was standing there and
4 she begins to holler at him calling him by name. Ronnie
5 Moe what are you doing? And that he goes and snatches up
6 her pocketbook that's around up towards the front of or
7 the head of that hospital bed that she was sleeping in
8 that he goes to furiously digging through her pocketbook
9 looking, trying to get something out of her pocketbook.
10 And that she's fussing at him about what are you doing up
11 in the house and that he just takes the whole pocketbook
12 and runs out of the house and takes off with it after
13 having kicked her door almost off the hinges and busting
14 the door jamb in and busting up into her house.

15 She's gonna tell you that he had on the same clothes
16 that she saw him in. She saw his face and she knew
17 exactly who he was. Just a moment or two afterwards
18 she's immediately calling 911 up here to Saluda and
19 telling them that somebody has broken into her house and
20 her pocketbook got stolen.

21 Now, Officer Jared Goldman who is seated here at the
22 State's table with me, at that point in time he was the
23 Chief of Police for the town of Ridge Spring. He and
24 some of the officers, another officer were sitting right
25 up there uptown and it's no distance at all from her

1 house over on Oak Street to right up there uptown in
2 Ridge Spring. The whole city limits of Ridge Spring are
3 not real big, but he was pretty close by. So she calls
4 911 and tells them my house has been broken into. My
5 pocketbook got taken. Well, immediately they send out a
6 call over the radio and Chief Goldman here gets the call
7 right there in his jurisdiction so he takes off down to
8 Oak Street to respond to this call. As soon as he gets
9 there, Mrs. Williams is there. The door is kicked open.
10 She's still standing up there in the house.

11 Now, Mr. Ronnie Martin in this case, he's fled with
12 her pocketbook at this time. He's long gone. Chief
13 Goldman is gonna tell you that when he got there, she was
14 extremely upset and excited and she was saying right then
15 Ronnie Moe broke in. Ronnie Moe took my pocketbook.
16 Now, when Chief Goldman initially went out, he knew that
17 a pocketbook had been taken but he didn't know all of the
18 information. He had to get that from her. He didn't
19 know that he kicked the door in, that he had been over
20 there earlier on a moped, that he was wearing the same
21 clothes. He started collecting all that information.

22 Well, just as soon as he got the name of Ronnie
23 Martin or Ronnie Moe as she called him, they put the call
24 out to all of the other officers. Now, he was uptown
25 talking to officers from the Sheriff's Office then and

1 one of them is sitting in the parking lot up there.

2 You're gonna hear from Cody Cockrell and Mike
3 Rushton who worked for the Sheriff in this case at that
4 time that they were in the area and that they responded
5 to his call for assistance because he gave the name of
6 Ronnie Moe or Ronnie Martin. You will hear in this case
7 Officer Rushton and Cody Cockrell, they knew who he was.
8 They knew Ronnie Moe so they immediately begin looking
9 for him. At the same time Chief Goldman is back there at
10 the house. He starts looking and trying to investigate
11 in this case. And he can see where somebody has kicked
12 that door in and left a big old foot print up there on
13 the door. He starts looking around for footprints out in
14 the yard. He's beginning his investigation and starting
15 to work there at the house and collecting information
16 from Mrs. Williams while these other two officers are
17 fanning out looking because the call came out almost
18 immediately. She called 911. She punched the little
19 Life Reach button that she had, one of the things that
20 older people have to try to assist them. She punches
21 that thing. The Life Reach people are calling 911 right
22 after she calls.

23 The officers are fanning out and they're starting to
24 look for Ronnie Moe or Ronnie Martin in this case. And
25 it doesn't take long until Officer Rushton in this

1 case is patrolling all through town. If you go in there,
2 and we're gonna show you a map, you will see them in this
3 case, the town of Ridge Spring, the convenient store as
4 you go out the Columbia Highway is on the left hand side
5 of the road. Just back from that a little bit closer to
6 town is a place called the Watson House. Some folks call
7 that the Wedding House that's over there back behind it
8 right up there in the town of Ridge Spring. Well,
9 there's a pretty good opening and a lot of underbrush and
10 all, a lot of undergrowth and trees and all at the back
11 there from the convenient store all the way back down to
12 behind that Wedding House.

13 And you will see from the aerial maps in this case
14 going from where Ms. Dianne Williams lives over on Oak
15 Street the only really natural path or a way to get
16 through if you're walking off road from up there at the
17 convenient store are over at the side of the town where
18 Mrs. Williams lives is you got to go back there and kind
19 of walk back down through the yard back there by the
20 Wedding House to a little choke point and then there's a
21 big old field and can you see clear through to the
22 elementary school there in Ridge Spring. And it's almost
23 beat down a little path where people walk back and forth
24 there because if you're over in the town of Ridge Spring
25 uptown where the police department is, on the other side

1 of the tracks on this side, on the Saluda side over here
2 is all of the neighborhoods and the elementary school is
3 up there. There's a choke point where you walk right
4 through and you head back over to where all the houses
5 are on the other side.

6 Now, these two officers are experienced and that's
7 where they fan out and start driving and looking and it's
8 no time until Officer Rushton up here spies Ronnie Moe or
9 Ronnie Martin in this case wearing a blue hoodie and
10 khaki pants and he sees them. Now, Officer Rushton is
11 driving an unmarked Ford like Explorer, but he rides by
12 and sees him the first time, but he immediately turns
13 back around when he sees Ronnie because he knows who he
14 is in this case. He's got that blue hoodie on. He's got
15 the khaki pants. He fits the description in this case.
16 Just as soon as he turns back around and spies him again,
17 he takes off running.

18 Officer Cody Cockrell is also riding up and down the
19 roads there. MLK, Junior Boulevard is there. Merritt
20 Street is there. You're gonna see from the aerial maps.
21 Well, Cody Cockrell is riding down one of the other
22 streets and it doesn't take just a few seconds after he's
23 bolted and run from up there where Officer Rushton is
24 that Cody Cockrell sees him and there's a tractor-trailer
25 truck kind of parked there in the road. Ronnie Moe,

1 Ronnie Martin is peering around looking back up the road
2 to make sure that the coast is clear when Officer Cody
3 Cockrell catches up with him wearing that same blue
4 hoodie. Wearing those khaki pants.

5 Officer Cody Cockrell from the Sheriff's Department
6 confronts him. Tells him to stop. Has trouble getting
7 him under control at that point in time stopping him.
8 Has to draw his Tazer on him and threatened to Taze him
9 in this case to keep him from taking off. He holds him
10 at Tazer point there continually threatening him that
11 he's gonna Taze him if he doesn't stand still to keep him
12 there at the scene until Officer Rushton can get up there
13 and they finally get him corralled up. Between the two
14 of them they have to forcibly put his hands behind him
15 and arrest him there to get him into custody for the
16 burglary. They knew who he was. They had the
17 description of who it was and they took him into custody
18 and they charged him with burglary. At that point in
19 time he was taken up to the Saluda Detention Center.

20 We submit to you after all the State's already told
21 you we're gonna prove in this case that it's just getting
22 started. Because once Ronnie Moe gets up here to the
23 jail or Ronnie Martin, he's got a girlfriend named
24 Kimberly Gantt and lo and behold I was telling you all
25 that about where the geography is and how people walk

1 back and forth, but Mr. Ronnie Martin or Ronnie Moe has
2 been staying over there in that neighborhood that's on a
3 direct line of path through that little choke point there
4 behind the Wedding House and across that field. No
5 distance at all from where Officer Rushton saw him where
6 he ran initially and Cody Cockrell takes him on a direct
7 path back there on one of the streets back there is a
8 mobile home where he was living with Kimberly Gantt.
9 Almost a direct path if you want to draw a line on a map
10 in between where Ms. Dianne's house is on Oak Street
11 going straight on back to that trailer where he was
12 staying with Kimberly Gantt. That's where they encounter
13 him as he's headed back that way.

14 You're going to hear that once he gets into custody
15 in this case the scheming and conniving starts. He gets
16 a hold of Kimberly Gantt and starts talking to her and
17 basically decides he's gonna get in front of this thing
18 and he's gonna frame somebody else for doing this.
19 You're going to hear the name of a young man named
20 Quinton Samuels. You will hear that Mr. Samuels is a
21 little bit slow and has some disability. And you're
22 going to hear how once he gets up here in the jail he
23 begins to scheme and connive and conspire with Ms. Gantt
24 that what they gonna do is they gonna get Ms. Dianne to
25 say, oh, no, it wasn't because at this point in time

1 already Ms. Dianne has already told the officers who it
2 is because she knew who it was.

3 He starts spinning this web and conspiring with her
4 that what they gonna do is get her her pocketbook back
5 because what Ronnie Moe or Ronnie Martin has done once he
6 snatched up that pocketbook and went through it right on
7 down into that choke point where you go up behind the
8 Watson House, if you look up there to the right and all
9 that underbrush and tree line that I was talking about,
10 that's where he tossed the pocketbook in this case. He's
11 already gone through it by this point in time and looked
12 to see if there was anything in it worth getting and
13 tossed it up in the bushes right there on the other side
14 of that choke point there going across that field to the
15 elementary school. He ditched it.

16 But he's got to convey information to Ms. Gantt
17 because he wants Kimberly Gantt his then girlfriend,
18 somebody that he was tight with, he wants her to go up
19 there into the bushes to look around until she can find
20 the pocketbook because he thinks if he can get the
21 pocketbook back to her, there will be no harm, no foul.
22 And because he knows her, that he can get her to recant
23 her statement and say it wasn't me, it was Quinton
24 Samuels, the slow person there in Ridge Spring. He's
25 gonna hang it on him.

1 You will hear talking in here that Ronnie Moe or
2 Ronnie Martin in this case is gonna make Quinton Samuels
3 wear this charge. You will hear that over and over again
4 in his explanation when he's talking to Ms. Gantt because
5 he's talking on a recorded line at the jail and they tell
6 them up front that it's recorded. You will hear the
7 recording talk about these calls are subject to
8 monitoring. They're recorded. You will even hear him in
9 this case talk about be careful about what you talking
10 about because this is recorded. But he goes right on.
11 There is a whole series of calls in between them because
12 she can't find it. Ms. Gantt is up in the underbrush and
13 all where he's tossed it and she's having a hard time
14 finding it. So there are multiple phones calls in
15 between them when he's trying to direct her to say where
16 it is.

17 Now he's trying to paint it up and wrap it all in a
18 wrapper that somehow she's gonna find out where that
19 pocketbook is tossed because Quinton Samuels told her
20 where it is. He's gonna make Quinton Samuels wear this
21 charge. So he's gonna get Ms. Kimberly Gantt to go get
22 that pocketbook out of there and take it back to Ms.
23 Dianne and say, oh, no, you need to go up here and tell
24 Chief Goldman, and he's talking about Mr. Goldman right
25 on the tape, you need to go up here and get Ms. Dianne to

1 go up there and tell Chief Goldman that it wasn't me that
2 did this. It was Quinton Samuels. And you go up here
3 and you tell Chief Goldman that it wasn't me that did
4 this, but Quinton Samuels showed you where this
5 pocketbook was and that's how you found it. Never mind
6 that he goes on and on in phone conversations trying to
7 tell her where it is. You look up in there where Quinton
8 threw it. He's trying to be smart and cagey and the
9 whole thing is recorded. It would be comical if it
10 wasn't so deadly serious in this case.

11 Because what the State's got the burden of proving
12 in this case is that a burglary in the first degree took
13 place. You gonna hear all about it from Ms. Dianne.
14 She's gonna tell you as she sat there in her own house
15 Mr. Ronnie Moe or Ronnie Martin kicked her door in and
16 took her pocketbook. You gonna hear from the officers in
17 this case that investigated. You gonna hear from Chief
18 Goldman who looked at those distinctive prints on the
19 door and those distinctive boot prints that were out in
20 the yard and going down the road. Now, he's been
21 there on the moped earlier. You will hear this and you
22 will hear it in the tape as well because he's going to
23 explain away his whole presence that no big deal was made
24 that they found my footprints in the yard because I was
25 there earlier in the day. But the officers are gonna

1 tell you unless he walked up the side of the door while
2 he was there earlier in the day his footprint is right
3 there on the door where he kicked that door in and it's
4 got a very distinctive pattern and the officers took
5 pictures of his boots. They took them from him showing
6 that distinctive heel pattern, the mark on the door and
7 they're gonna show you where the tracks went because they
8 took pictures of those boot prints as he walked up the
9 dirt road going away from Ms. Dianne's house.

10 You're gonna hear from the officers in this case.
11 Again I have already told you you will hear from Mrs.
12 Williams and you're gonna hear from Kimberly Gantt who is
13 gonna come in here and tell you that she lied and that
14 she conspired with him and she tried to assist Ronnie Moe
15 or Ronnie Martin in framing Quinton Samuels.

16 I submit to you at the close of all the evidence in
17 this case the Judge is gonna charge you with what the law
18 is in regard to burglarizing a house and taking something
19 from somebody in the nighttime. All that the State is
20 going to ask of the twelve of you that are going back in
21 that jury room and deliberate is that you come back with
22 a verdict and that means to speak the truth. We're gonna
23 ask you for a guilty verdict against Mr. Ronnie Moe or
24 Mr. Ronnie Martin for burglarizing the home of Mrs.
25 Williams.

1 THE COURT: Thank you, Mr. Solicitor. Mr. Casto.

2 MR. CASTO: Yes, sir, Your Honor. May it please the
3 Court.

4 THE COURT: Yes, sir.

5 MR. CASTO: You know, up till now before I took my
6 first breath before I addressed each of you, you have
7 heard one side of the story. You have heard one side of
8 the case and you have heard it from this side. Well,
9 these are the folks that bear the burden of proof. You
10 have heard it from the prosecutor's side and you have
11 only heard that part of the story. But I would ask that
12 you keep an open mind throughout the end of the case and
13 consider the rest of the story as it were.

14 You see the case before you as it plays out is all
15 about assumptions. Assumptions that lead to them getting
16 the wrong guy and Ronnie Martin is the wrong guy. Ronnie
17 Martin is not guilty of a burglary in this case, but he
18 knows who is. See, that other person isn't here sitting
19 with me at the table. That other person is Quinton
20 Samuels. You will hear that name all throughout the
21 trial of this case. Basically this case is all about
22 assumptions which lead to getting it wrong. And as you
23 listen to their side of the story, is it pieced together?
24 Is it fabricated? Do the pieces fit? Does it make
25 sense? And you're gonna wade through that together.

1 You see, December 13th, 2013, that's when our story
2 really begins. And as the world of this trial unfolds,
3 trials are much like real life plays. But to say it like
4 that kind of cheapens it because it matters to Ronnie
5 seated with me over there at the table. It's his day in
6 court and it's very important to him.

7 December 13th, 2013, you will here how Quinton
8 Samuels that evening goes up to Ronnie and asks him if he
9 wants to be part of a robbery only he doesn't use the
10 term robbery. He uses the term in the world of this
11 trial the term used is lick. Does he want to be part of
12 it? Ronnie says no. Doesn't want to be involved
13 whatsoever and so this person Quinton Samuels walks off
14 in that cold December night and Ronnie sees Quinton 30 to
15 45 minutes later. And it's at this time that Quinton
16 tells Ronnie what he's done. Quinton has gone off and
17 taken a purse from Dianne Williams' house. He's taken
18 it, only he tells Ronnie that he's taken this purse and
19 he doesn't say where he got it. He said he had to
20 rummage through it. He had to throw it down because he
21 heard law enforcement coming and so he throws it down in
22 this wooded area by this huge field behind this place,
23 the Wedding House. This very large historic home down in
24 the heart of Ridge Spring.

25 Well, guess what, Ronnie Martin has lived in Ridge

1 Spring or around that area his whole life. He knows
2 every nook and cranny of Ridge Spring basically because
3 there aren't a whole lot of them out there in Ridge
4 Spring. But he knows exactly that field and he knows
5 exactly that Wedding House and he knows exactly the wood
6 line to a T.

7 Ronnie Martin leaves Quinton Samuels and keeps
8 walking and he walks toward town but he's stopped by law
9 enforcement and he doesn't know why. They are looking
10 for somebody that's taken something from Ms. Dianne
11 Williams and they say that Ronnie Martin is the person
12 that matches that description. And interestingly enough
13 they hone in on Ronnie Martin's boots and that's really
14 something. You know, a lot of the evidence is going to
15 come from this witness stand, but it's also going to come
16 in the form of photographs as well and it's going to be
17 paraded before you and evidence from here can be just as
18 valuable as pictures and photographs. I want you to look
19 at those boots and they say, you know what, these boots
20 match those prints on the ground back at Dianne Williams'
21 house.

22 Ronnie tries to tell them that same afternoon, you
23 know what, I was over there. I was over there at their
24 house a couple of times that same day, that same
25 afternoon. And do you know what else? He had been there

1 several other times before because he's friends with
2 Dianne Williams' daughter. That explains the tracks on
3 the ground. But those boots were clean and dry. They're
4 not muddy. And they are not the type of boots that would
5 look like somebody has just run through a field at night
6 in December. They're not muddy or anything like that.
7 Those are the shoes that he has on and that he's wearing.
8 That evidence comes to you and it doesn't come through
9 somebody. It's an object. It simply is what it is. And
10 I want you to stare directly at those boots throughout
11 the trial of the case.

12 Ronnie tries to tell them the story. No. I was
13 there. I was there earlier that day. But this case is
14 all about assumptions. Based on the description they
15 round up Ronnie. And you know what? You're going to
16 hear Ms. Dianne Williams say that she believes that it's
17 him and she believes it to this day and she is mistaken.
18 She has no vendetta against him what so ever. She is
19 mistaken. And as this evidence as you wade through it
20 together, look at it piece by piece by piece.

21 Ronnie is handcuffed. He's taken into custody and
22 ultimately he's taken into jail. You're gonna hear about
23 that as well. And these assumptions end with Ronnie
24 being out to Ronnie being in jail.

25 You see, basically Ronnie puts two and two together

1 when law enforcement confronts him. He basically
2 realizes that, no. Wait a second. The purse that was
3 taken that Quinton got was the one that was taken from
4 Ms. Dianne's house and he puts two and two together and
5 he doesn't get the opportunity to explain himself. He
6 doesn't tell them what he actually knows. There he tries
7 to get Kimberly, his girlfriend at the time who is not
8 dating with - or who he is not dating now to go and to
9 find that purse. Ronnie has this belief. You know what?
10 If we find this purse where he believes it to be, that
11 this whole thing is going to be cleared up. And you're
12 going to hear that. And what I want you to do is focus
13 on those calls and what Mr. Martin is saying, what Ronnie
14 says on those calls and wade through that evidence piece
15 by piece by piece. And does it make sense?

16 You're going to hear all about that and now how
17 Kimberly has come and she's turned on him. The two are
18 not in a relationship anymore. What unfortunately for
19 Ronnie this whole matter it doesn't get cleared up that
20 evening.

21 And so ultimately upon Kimberly finding that purse
22 it never gets cleared up and that's what leads us here.
23 That's what leads us into the four walls of this
24 courtroom in front of twelve people who are gonna weigh
25 and sit literally in judgment of Ronnie throughout the

1 trial of his case. This is his day in court and really
2 what's going on is a citizen of here, a citizen of Saluda
3 County is facing charges.

4 It's not up to our side to prove the case. The
5 burden of proof, well, that's on the State. We don't
6 have to prove anybody is innocent. If they can't prove
7 their case, you must find Ronnie Martin not guilty. For
8 each piece of the crime alleged in this case, burglary in
9 the first degree, several elements exist and several
10 puzzle pieces exist and if you should find that
11 reasonable doubt exists just for one of those elements,
12 you must find Ronnie not guilty.

13 Reasonable doubt. We hear a lot about reasonable
14 doubt. We hear about it in shows and books and TV and
15 what not and, you know, an easy way to think about it is
16 how it's been defined. It's the type of doubt that would
17 cause a reasonable and ordinary person to pause or to
18 hesitate before they act. Again, the type of doubt that
19 would cause a reasonable or ordinary person to pause or
20 to hesitate before they act. That's kind of sort of
21 flowery language or what have you or legalese if you
22 will. But you know what? Let's take a step back and
23 give you an even more refined more simple basic
24 definition.

25 What does it really -- Do you have a doubt as you

1 wade through the evidence in the case and do you have a
2 reason for that doubt? Do you have a doubt and do you
3 have a reason that you can give for that doubt?

4 Basically what I would ask you to do as you wade through
5 the evidence, who has motivations? You could look at
6 body language. You can evaluate all of that stuff,
7 photographs, tangible evidence and keep an open mind
8 because a case that appears straightforward on its face
9 may be anything but.

10 At the conclusion of the trial we submit to you that
11 reasonable doubt is alive and well in this case and we
12 would ask you to find Ronnie not guilty of this charge.
13 Thank you.

14 THE COURT: Thank you, Mr. Casto. Madam Forelady,
15 ladies and gentlemen of the jury, I think now would be
16 the appropriate time to take our evening recess. Please
17 remember my instructions to you. You may not discuss
18 this case with others including your fellow jurors,
19 family, friends or anyone else. Do not read, watch or
20 listen to any news reports about the case should there be
21 any. Do not use your computer, cellular phone, any other
22 electronic device to disclose or obtain prohibited
23 information. Prohibited information includes but is not
24 limited to the following information about a party,
25 attorney, a witness, a court officer, news accounts about

1 the case should there have been any present or past,
2 information collected through juror research on any
3 topics raised or testimony offered by any witness or
4 information collected through juror research on any other
5 topic the juror might think would be helpful in deciding
6 the case.

7 As you have heard me say before, you will hear me
8 say again, you decide the case based on the evidence and
9 the testimony of the witnesses testifying under oath
10 before you, any physical items of evidence and any
11 reasonable inferences you think may properly be drawn
12 from the testimony. Do not do any independent
13 investigation or any investigation on the Internet.

14 With that being said we'll take our evening recess.
15 I would ask you to please be back promptly at 9:30 in the
16 morning. If you would please be back promptly at 9:30 in
17 the morning in the jury room. You're now excused. I
18 hope you all have a pleasant evening. Thank you very
19 much.

20 (Whereupon, the jury was excused for the evening at
21 5:00 p.m.)

22 THE COURT: All right. Anything from the State
23 before we take our evening recess?

24 MR. MAYE: No, sir, Your Honor. Thank you.

25 THE COURT: Defense?

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

2 THE COURT: Mr. Martin, you all right?

3 MR. MARTIN: Yes, sir, Your Honor.

4 THE COURT: Thank you very much. Hope you have a
5 pleasant evening. Mr. and Mrs. Williams, hope you have a
6 pleasant evening.

7 (Whereupon, court adjourned for the evening at 5:05
8 p.m.)

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1 State of South Carolina) In the Court
2 County of Saluda) Of General Sessions
3 Indictment No.: 2014-GS-41-035
4 State of South Carolina,)
5 Plaintiff,)
6 vs.) Transcript of Record
7 Ronnie Martin,)
8 Defendant.)
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May 5th, 2015 through May 7th, 2015

Saluda, South Carolina

BEFORE:

The Honorable R. Knox McMahon, Judge, and Jury.

APPEARANCES:

Ervin J. Maye, Assistant State Solicitor
Attorney for the State

Bennett Casto, Assistant Public Defender
Attorney for the Defendant

1	INDEX	
2	VOLUME II	
3	May 6th, 2015	
4	WITNESS	PAGE
5	DIANNE WILLIAMS	
6	Direct Examination by Mr. Maye	153
7	Cross Examination by Mr. Casto	165
8	Redirect Examination by Mr. Maye	177
9	JARED GOLDMAN	
10	Direct Examination by Mr. Maye	180
11	Cross Examination by Mr. Casto	205
12	Redirect Examination by Mr. Maye	215
13	JAMES WILLIAMS	
14	Direct Examination by Mr. Maye	216
15	Cross Examination by Mr. Casto	219
16	MIKE RUSHTON	
17	Direct Examination by Mr. Maye	220
18	Cross Examination by Mr. Casto	227
19	KIMBERLY GANTT	
20	Direct Examination by Mr. Maye	232
21	Cross Examination by Mr. Casto	244
22	JANICE ERGLE	
23	Direct Examination by Mr. Maye	264
24	PLAINTIFF RESTS	268
25		

VOLUME II

May 6, 2015

WITNESS PAGE

RONNIE MARTIN - PROFFERED

Direct Examination by Mr. Casto 276

Cross Examination by Mr. Maye 287

QUINTON SAMUELS

Direct Examination by Mr. Casto 305

RONNIE MARTIN

Direct Examination by Mr. Casto 313

Cross Examination by Mr. Maye 344

VOLUME III

May 7th, 2015

DEFENDANT RESTS 375

Closing Statement

By Mr. Casto 377

By Mr. Maye 392

Charge of Court 419

Verdict 441

Sentencing 459

Certificate of Reporter 460

EXHIBITS				
NO.	DESCRIPTION			PAGE
COURT'S				
#2	Jury Question			453
#3	Jury Question			453
#4	Intent to Seek Life w/o Parole			453
#5	E-mail			453
#6	Indictment 0087			453
#7	Indictment 0088			453
STATE'S				
			ID	EVDS.
#1	Photo	Wedding House	152	152
#2	"	Purse Location	152	152
#3	"	House	152	152
#4	"	Car	152	152
#5	"	Front Door	152	152
#6	"	Boot Print	152	152
#7	"	Boot Print	152	152
#8	"	Boot Print	152	152
#9	"	Boots	152	152
#10	"	Front Door	152	152
#11	"	Front Door	152	152
#12	"	Wood Line	152	152

EXHIBITS

NO.	DESCRIPTION	ID	PAGE
STATE'S			EVDS.
#13	Photo Front Room	152	152
#14	" Front Room	152	152
#15	" Map	152	152
#16	" Aerial	152	152
#17	Purse	159	180
#18	U.S. Astronomical	179	179
#19	Boots	197	198
#20	Clothing	198	199
#21	CD Jail Recordings	267	267
#21A	CD Jail Recordings	272	272
#21B	CD Jail Recordings	272	272

May 6th, 2015

(Whereupon, State's exhibits #1 through #16 marked for Identification.)

BAILIFF: All rise.

THE COURT: Please be seated. All right. Mr. Casto, do we have anything before we bring in our jury from the defense?

MR. CASTO: No, sir, Your Honor.

THE COURT: Anything from the State?

MR. MAYE: Nothing from the State, Your Honor, other than we, by stipulation we have State's exhibits 1 through 16, they're all photographs. By stipulation with the defense we have agreed to admit those into evidence as State's exhibits in this case 1 through 16, all photographs. Mr. Casto, is that correct?

MR. CASTO: That's exactly correct.

THE COURT: Thank you, Mr. Casto. Thank you, Mr. Solicitor. They are admitted by stipulation. Madam Bailiff, will you bring our jury in, please.

(Whereupon, the jury returned to the courtroom at 10:05 a.m.)

THE COURT: Good morning, ladies and gentlemen of the jury panel. Welcome back. I apologize for the delay. It was not the fault of either of the parties. They were here not on time but early and prepared, ready

1 to go forward. There was one matter that had to be
2 addressed before your arrival back in the courtroom. As
3 you recall we had opening statements yesterday. We are
4 beginning the case as far as the presentation by the
5 State of its case in chief by the calling of witnesses.
6 If you would please give the parties your complete and
7 undivided attention. Thank you very much. Mr.
8 Solicitor, call your first witness.

9 MR. MAYE: The State calls Mrs. Dianne Williams to
10 the stand.

11 Thereupon,

12 DIANNE WILLIAMS

13 after having been first duly sworn, testified as follows,

14 DIRECT EXAMINATION

15 BY MR. MAYE:

16 Q. Mrs. Williams, will you introduce yourself to the
17 ladies and gentlemen of the jury? Tell them what your name
18 is.

19 A. Dianne Williams.

20 Q. Mrs. Williams, what town do you live in here?

21 A. Ridge Spring.

22 Q. Let's talk about December the 13th, 2013. Were you
23 living then at the same place that you live now?

24 A. Yes.

25 Q. Okay. What's your address in the town of Ridge

1 Spring?

2 A. [REDACTED].

3 Q. Okay. This is going to sound like a silly question
4 since we are talking about Ridge Spring, but what county is
5 that in where your house is?

6 A. Saluda.

7 Q. Saluda County. Okay. Who all lives with you there
8 at your house at [REDACTED]?

9 A. My husband.

10 Q. What's his name?

11 A. James Williams.

12 Q. Okay. Have you got any children?

13 A. My daughter.

14 Q. Did she stay with you back in December at that time?
15 Was she staying with you or was she staying somewhere else?

16 A. She was staying with me.

17 Q. Okay. Do you have any pets?

18 A. Yes.

19 Q. What's your pet's name? Tell the ladies and
20 gentlemen of the jury about your dog.

21 A. His name is -- he's a Chihuahua. His name is Harpo.

22 THE COURT: Named what?

23 THE WITNESS: Harpo. Like Oprah backward.

24 THE COURT: Yes, ma'am. That's what I thought it
25 was like.

1 BY MR. MAYE:

2 Q. Mrs. Williams, let me show you what is already in
3 evidence as State's number 4 and State's number 3 and I'll
4 ask you to look at these two photographs and ask you if you
5 could tell me what those are?

6 A. My house, my car.

7 Q. That's your house. And that's a fair and accurate
8 representation of your house there at [REDACTED] in Ridge
9 Spring?

10 A. Yes, sir.

11 Q. Okay. Mrs. Williams, let's talk about this. Let's
12 talk about December the 13th of 2013 just before the hour of
13 8:00. Let's talk about that. Tell the ladies and gentlemen
14 of the jury what you were doing and where you were at that
15 time?

16 A. At the time I was - I was - I had got up and I
17 walked into the kitchen and came back out because I was
18 looking at the family pictures on the wall.

19 Q. What room would that have been in the family
20 pictures on the wall?

21 A. My room. The front room.

22 Q. The front room of the house?

23 A. Mm-hmm.

24 Q. Let me show you what's been marked as State's number
25 13 and State's number 14. Are those pictures of the front

1 room of your house where you were at that time?

2 A. Yes.

3 Q. Do those show the photographs on the wall that you
4 were looking at?

5 A. Mm-hmm.

6 Q. Okay. Again, Mrs. Williams, this is gonna sound
7 silly, but you said that was your bedroom in the front room.
8 That's your dwelling, your house where you normally sleep
9 there at [REDACTED]?

10 A. Yes.

11 Q. And you live there every day; is that correct?

12 A. Yes. I'm like - I'm disabled and I have a bed
13 that's got the grip because of my legs.

14 Q. Like a hospital bed?

15 A. Mm-hmm.

16 Q. Is that why you sleep in the front room up there in
17 that room?

18 A. Yes.

19 Q. Okay. Uhm, let's see. It's December and what time
20 was it? Around 8:00; is that correct?

21 A. Yeah. It was about like I would say about maybe a
22 quarter till.

23 Q. About a quarter to eight?

24 A. Something like that, yeah.

25 Q. Okay. And this is in December. Was it daylight or

1 dark at that point in time at your house?

2 A. It wasn't quite dark.

3 Q. You don't think it was quite dark?

4 A. Mmm-mmm.

5 Q. At 8:00?

6 A. It wasn't. The time hadn't changed back then.

7 Q. In December?

8 A. Yeah. But it wasn't quite - it wasn't - it wasn't
9 dark. It was like middle daylight look a little bit. You
10 know how the evening go down?

11 Q. But you know that it was about 8:00; is that
12 correct?

13 A. Yes.

14 Q. Okay. Tell them what happened at that time?

15 A. Well, as I was coming out of the kitchen and I stand
16 up, I heard something hit the door and then Harpo is very
17 sensitive. He don't - he don't like men.

18 Q. Okay.

19 A. And he'll go and sniff to the door, you know? And
20 he'll let you know right then somebody is out there and sure
21 enough somebody was out there.

22 Q. Okay. What was the very first thing that happened?
23 Tell them what happened.

24 A. Well, it was a loud noise. The next thing I know
25 there was a kick at the door and the next thing I know Ronnie

1 Moe was coming through the door.

2 Q. Ronnie Moe was coming through the door?

3 A. Yes.

4 Q. Ronnie Moe. That's Ronnie Martin; is that
5 correct?

6 A. Right.

7 Q. Let me ask you, is Ronnie Moe or Ronnie Martin, is
8 he present here in the courtroom today?

9 A. Yes, he is.

10 Q. Could you point him out and say where he's seated
11 and how he's dressed?

12 A. The young man sitting over there with the glasses
13 and the white shirt and the tie in the wheelchair.

14 MR. MAYE: Okay. Let the record reflect, Your
15 Honor, that she's identified the Defendant in this case.

16 THE COURT: So reflected.

17 BY MR. MAYE:

18 Q. How did you know Ronnie Martin or Ronnie Moe at that
19 point in time? Did you see him before or what circumstances
20 were there around that?

21 A. He - he was at my house earlier that day and my
22 daughter went to the washer and he helped her with her
23 clothes bringing the clothes back in the house.

24 Q. Okay. How was he dressed earlier that day?

25 A. He had on the khaki pants, brown khaki pants and a

1 blue hoodie.

2 Q. A blue hoodie?

3 A. Yeah. And the hoodie was over his head that came
4 about right here (indicating) the middle of his head.

5 Q. Now, is that when he came in the house when he
6 kicked the door in or earlier that he had the hood up, do you
7 remember?

8 A. He didn't have it on when he came there the first
9 time.

10 Q. It was down the first time?

11 A. Yes.

12 Q. Okay. When he came in and kicked the door in the
13 second time, how did he have the hoodie? How was that?

14 A. He had the hoodie on then.

15 Q. He had the hoodie on then?

16 A. Yes.

17 Q. Okay. What did he do? After he kicked the door in
18 and came in, what did he do?

19 A. He squat down there and got my pocketbook.

20 (Whereupon, State's Exhibit #17 marked for
21 Identification.)

22 BY MR. MAYE:

23 Q. I'll show you what's marked as State's exhibit
24 number 17. You stated that Ronnie Moe had kicked your door
25 in and taken your pocketbook right then; is that correct?

1 A. Yes.

2 Q. Is that your pocketbook that we are talking about
3 in this case?

4 A. Yes, sir.

5 Q. You're positive that's the same pocketbook that he
6 was going through?

7 A. Yes, sir.

8 Q. Where was it? Where did you have that pocketbook?

9 A. I had it right down there by my bed.

10 Q. Okay. All right. What did you say or what did you
11 do after he kicked the door in and he came in?

12 A. Well, he was moving so fast and then he went towards
13 my pocketbook. And I asked him, I said, what are you doing
14 with my pocketbook? Put my pocketbook down.

15 Q. Did you say anything to him? Did you identify him
16 by name? What did you say?

17 A. I said, Ronnie, what you doing with my pocketbook?
18 I called him by his name.

19 Q. Could you clearly see his face and facial features
20 and all?

21 A. Yes.

22 Q. You say he had a hoodie on?

23 A. Yes.

24 Q. You're absolutely positive --

25 A. I'm positive.

1 Q. -- that it was Ronnie Moe or Ronnie Martin in this
2 case?

3 A. Yes.

4 Q. You had enough light that you could see him?

5 A. Yes.

6 Q. Your attention was fully focused on him when he
7 kicked in your door?

8 A. Yes. It had to be him because I gave my daughter
9 five dollars out of there earlier and he had, I guess he had
10 done scoped out where my pocketbook was at.

11 Q. Did he see you get money out of your pocketbook
12 earlier that day?

13 A. Yes.

14 Q. How was he traveling when he was there earlier that
15 day?

16 A. He was on a moped.

17 Q. So he was riding a moped when he came there
18 earlier?

19 A. Yes.

20 Q. Okay. So what was the next thing that occurred
21 after he was rifling through your pocketbook and you
22 confronted him and called him by name? What's the next thing
23 that happened?

24 A. He ran out the door with it.

25 Q. What did you do as a result of him kicking your door

1 in at your house there and taking your pocketbook? What's
2 the next thing you did?

3 A. Well, my husband told me, after he ran out the door,
4 my husband told me to call 911. I have one of those
5 pendants.

6 Q. What's that called, the pendant?

7 A. The 911, like when you need help and you fall.

8 Q. Okay.

9 A. And I mashed it, the 911.

10 Q. Okay. Did you immediately call 911?

11 A. Yes.

12 Q. Okay. And this was about 8:00; is that correct?

13 A. Yes.

14 Q. So that was the next thing that happened. Who was
15 the first person that arrived or came after you called 911?
16 Did you have a conversation? Did you talk with the 911
17 operator?

18 A. Yes.

19 Q. Okay. Did they send somebody? And if they sent
20 somebody, who was the first person that came?

21 A. Jared.

22 Q. The fellow sitting right here?

23 A. Yes.

24 Q. Mr. Goldman? Jared Goldman?

25 A. Mm-hmm.

1 Q. He was the first one that came to your house?

2 A. Mm-hmm.

3 THE COURT: Would you say yes or no for me, please,
4 Mrs. Williams, so our court reporter can get it down.

5 THE WITNESS: Okay.

6 THE COURT: Thank you.

7 BY MR. MAYE:

8 Q. What did you tell Chief Goldman about who had broken
9 in your house when he got there?

10 A. I told him that Ronnie Moe had just broke in my
11 house and took my pocketbook.

12 Q. Let me ask you this: I'm going to show you State's
13 number 5, State's number 10 and State's number 11 and ask you
14 to take a look at these (proffering.) Are those fair and
15 accurate representations of the state of your door after it
16 was kicked in?

17 A. Yes.

18 Q. Okay. Take a look at all three of them.

19 A. Yes.

20 Q. So you told Chief Goldman that Ronnie Moe had kicked
21 your door in and taken your pocketbook right then; is that
22 correct?

23 A. Yes, sir.

24 Q. Okay. Did there come a time that you got your
25 pocketbook back? That you saw your pocketbook again later,

1 not that same day, but sometime later? Did you ever get that
2 pocketbook back? And if so, who brought it to you?

3 A. Jared.

4 Q. Okay.

5 A. Oh, are you talking about -- When -- You talking
6 about been Jared picked it up and brought it back to me and
7 had to come back to the house and get it? Or are you talking
8 about when Karesha brought it back to me.

9 Q. Let's talk about Ms. Gantt, Kimberly Gantt.

10 A. Okay. Kimberly brought it back to me.

11 Q. Kimberly Gantt brought you that pocketbook back?

12 A. Yeah.

13 Q. Okay. What all was in your pocketbook when Ronnie
14 Moe or Mr. Martin, the Defendant in this case, when he took
15 and carried it away from your house, what all items were in
16 your pocketbook at that time?

17 A. Everything. My driver's license. My medicine. My
18 inhaler. I had some medicine that I take day to day. All
19 that was in there, sir.

20 Q. He took all that when he left?

21 A. (Witness nodding head.)

22 Q. Okay. Some days later after this, not the 13th,
23 some days later you testified Kimberly Gantt brought your
24 pocketbook back, right?

25 A. Yes.

1 Q. What was in it when she brought it back to you?

2 A. Everything. Just like the way --

3 Q. It was all back?

4 A. Yeah.

5 Q. Okay. All the items that had previously been taken
6 were returned to you by Ms. Gantt?

7 A. Yes, sir.

8 Q. Did you give Ronnie Moe or Ronnie Martin any
9 permission to come in your house or kick your door in that
10 night of December 13th, 2013?

11 A. No, sir.

12 Q. Did you give him any permission to take and carry
13 away your pocketbook from the house there on that night in
14 December?

15 A. No, sir.

16 Q. Are you absolutely positive that Ronnie Moe or
17 Ronnie Martin is the person that kicked your door in and
18 stole your pocketbook that night?

19 A. Yes, sir.

20 MR. MAYE: Answer any questions the defense has for
21 you.

22 THE COURT: Thank you, Solicitor. Mr. Casto.

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

24 CROSS EXAMINATION

25 BY MR. CASTO:

1 Q. Mrs. Williams, how are you?

2 A. All right. How are you?

3 Q. Good. I'm going to ask you a few questions. And
4 just starting off, when this person comes in your house and
5 takes your purse, you're the only person in that room; is
6 that right?

7 A. Yes, sir.

8 Q. Okay. And as I understand your testimony on direct
9 that Mr. Williams was in the house, but not in the room,
10 right?

11 A. Yes, sir.

12 Q. Okay. Let's talk about this. From start to finish
13 that person that was, that came in your house and took your
14 purse, from the time they came in until the time they left
15 approximately how long were they in your house?

16 A. He was in there for about I would say a good five
17 minutes because he was trying to hurry up and get up out of
18 there.

19 Q. Five minutes?

20 A. I would say about five minutes.

21 Q. And in that time, that five minutes Mr. Williams
22 wasn't able to make it to your room to see what was going on;
23 is that right?

24 A. Right.

25 Q. It's my understanding that when this was going on,

1 that you had just awoken from a nap; is that fair to say?

2 A. Yes.

3 Q. Okay. And the person that enters your home and
4 takes your purse, were they facing you the whole time or were
5 there times when their back was turned to you or do you
6 remember?

7 A. He was standing on the side of me.

8 Q. Okay. To the side?

9 A. Yes.

10 Q. Okay. And let's talk about this. Admittedly and
11 respectfully you do wear glasses; is that right?

12 A. Yes.

13 Q. Offhand do you know what your prescription is?

14 A. I'm 20, I want to say 20 and I don't know what my
15 other vision is but I should have 20/20 but as I'm being a
16 diabetic, your eyes changes --

17 Q. Okay.

18 A. -- so I can't exactly --

19 Q. I'm sorry. I didn't let you finish. What did you
20 say after that?

21 A. I can't exactly say what my other eye limit is.

22 Q. Okay.

23 A. But I do know people. I can see people.

24 Q. Okay. Obviously your vision is affected like you
25 say by the diabetes; is that right?

1 A. Yes.

2 Q. Okay. When you sleep, do you sleep with your
3 glasses, are they on or are they off?

4 A. They're off.

5 Q. Okay. And obviously when this person comes in and
6 takes your purse, it obviously surprised you; isn't that
7 right?

8 A. Yes.

9 Q. Okay. Now, were you wearing your glasses when this
10 happened or do you remember?

11 A. If I can't find something around the house, then I
12 will put them on.

13 Q. Okay. Do you remember if you had them on when this
14 happened or do you remember?

15 A. I had them on.

16 Q. Okay. The person that you saw specifically based on
17 your memory, did that person have a beard or were they clean
18 shaven?

19 A. They were clean shaved.

20 Q. Okay. Pierced ears or were they wearing any
21 glasses?

22 A. He didn't have on no glasses.

23 Q. Do you remember the eye color at all the person had
24 at all?

25 A. I don't know about no eyes.

1 Q. Okay. The hair color, length, anything about
2 that?

3 A. I couldn't see it because they had the hoodie over
4 his head.

5 Q. The person, uhm, you didn't testify that the person
6 had a hat on at all, did you? Just the hoodie, right?

7 A. He had the - he had a hoodie and he had the hat on
8 it over it.

9 Q. Okay. And now when this person comes in and takes
10 your purse, it's my understanding based on your testimony on
11 direct that there wasn't a struggle between you two. That
12 there wasn't any fighting with this person, was there?

13 A. No.

14 Q. Physical fighting?

15 A. Mmm-mmm.

16 Q. Okay. Now, the only item that was taken was your
17 purse; is that right?

18 A. That's it.

19 Q. Okay. And nothing else was missing other than your
20 purse, right?

21 A. That's all.

22 Q. Okay. This happened on December, the evening of
23 December 13th and it's my understanding you didn't get your
24 purse back on the night that this happened, did you?

25 A. No.

1 Q. It was actually a few days; is that right?

2 A. Yes.

3 Q. Law enforcement, they did not find your purse that
4 night, did they?

5 A. No, they didn't.

6 Q. Okay. Your purse is actually returned to you some
7 days later I believe on December 16th; is that fair to say?
8 Do you recall that?

9 A. I'm not too sure of the date, but I know it was
10 returned back to me that Saturday, but I don't know what date
11 it was.

12 Q. Okay. The person who brings you the purse back is
13 Kimberly; is that right?

14 A. Yes.

15 Q. Specifically Kimberly Gantt; is that right?

16 A. Right.

17 Q. On that day someone had helped her find it, is that
18 your understanding?

19 MR. MAYE: Your Honor, I'm gonna object if she is
20 going to say what anybody else said at that time because
21 that would be hearsay.

22 THE COURT: Sustain the objection.

23 MR. CASTO: Yes, sir.

24 BY MR. CASTO:

25 Q. I believe she comes over, is it one afternoon when

1 she returns your purse or was it in the morning?

2 A. It was in the afternoon because she called my
3 daughter and told her that --

4 MR. MAYE: Objection, Your Honor. That's going to
5 be hearsay.

6 THE COURT: Rephrase the question.

7 MR. CASTO: Yes, sir.

8 BY MR. CASTO:

9 Q. Okay. Well, basically Kimberly returns it that
10 afternoon; is that right?

11 A. Yes.

12 Q. Okay. When Kimberly comes and returns the purse,
13 she returns it and she's by herself, isn't she?

14 A. Yes.

15 Q. Okay. And she's the person that brings the purse
16 back to you, not law enforcement, right?

17 A. Right.

18 Q. Okay. In other words, when she brings it back to
19 you, she hadn't dropped it off, called law enforcement or
20 anything? She just brings it straight back to you, right?

21 A. Yes, sir.

22 Q. Now, at some point law enforcement finds out that
23 your purse has been returned; is that right?

24 A. Yes.

25 Q. I think that there was some type of follow up or

1 something like that and you show them, hey, my purse has been
2 returned; is that right?

3 A. Well, yeah. I told them that Kimberly brought the
4 pocketbook back.

5 Q. Okay. And when they saw it, it's my understanding
6 they didn't go through it themselves or they didn't do any
7 tests on it or anything like that, they just saw that it had
8 been returned; is that right?

9 A. Yes.

10 Q. Okay. Just so I'm clear, what, if anything, was
11 missing from your purse when you got it back? I believe you
12 said nothing was missing; is that fair to say?

13 A. Yes.

14 Q. Okay. Nothing was missing; is that right?

15 A. Nothing.

16 Q. Okay.

17 A. It was wet, but nothing was missing.

18 Q. The purse was wet?

19 A. Yes.

20 Q. Okay. Do you know how the purse got wet?

21 A. I guess because it was in the woods where they
22 throwed it at and the moisture made my papers got wet because
23 --

24 Q. Okay. Your paper. Some of the items and papers
25 inside, they were wet too?

1 A. Yes.

2 Q. Okay. And it's my understanding once Kimberly finds
3 the purse, she doesn't go --

4 MR. MAYE: Objection, Your Honor. That's going to
5 require hearsay.

6 THE COURT: That would be hearsay. Sustained.

7 BY MR. CASTO:

8 Q. Okay. Once the purse is found, that person,
9 Kimberly brings it straight to your --

10 MR. MAYE: Your Honor, objection. There is no way
11 she can have knowledge of that outside of hearsay. Same
12 line of questions.

13 THE COURT: She would have no personal knowledge of
14 that. She has personal knowledge that Kimberly Gantt
15 returned her purse, returned Mrs. Williams' purse to
16 Mrs. Williams in the condition it was in.

17 MR. CASTO: Yes, sir. Okay.

18 BY MR. CASTO:

19 Q. And when you saw your purse, the outside was wet,
20 the items inside were wet as well?

21 A. Well, it wasn't wet on the outside, but by me having
22 all the papers and stuff in there it was wet on the inside.

23 Q. Yes, ma'am. Let's talk about this -- Back up for a
24 minute. Let's talk about earlier that day, okay? That
25 afternoon Ronnie Martin had come over to your house to visit

1 with your daughter Karesha; is that right?

2 A. He came and pick her up. At the time she was going
3 seeing his brother and they was going out that night or going
4 over to his house that night or something and he knew that it
5 wasn't going to be nobody there but me and my husband.

6 Q. He came over to your house earlier that day and you
7 saw him; is that right?

8 A. Yes.

9 Q. Okay. And he's been over -- One thing that was
10 stated, he's been over at your house on several other
11 occasions; is that right?

12 A. Yes.

13 Q. All right. And you have seen Ronnie Martin before
14 December 13th, right?

15 A. Yes.

16 Q. How long have you known Ronnie Martin approximately?
17 Years? A few months?

18 A. It was just a little while, you know, when I met
19 him, you know?

20 Q. All right.

21 A. It's not like he is a friend of mine because this is
22 not my home, you know? I live in Savannah. So I mean, I
23 don't know too many young people and everybody I meet I meet
24 through my daughter, you know?

25 Q. You had just known him just a little while; is that

1 right?

2 A. Yes.

3 Q. All right. That afternoon I believe that, was there
4 a time that they went on a little errand for you at all to
5 pick up a snack?

6 A. Yes.

7 Q. All right.

8 A. They went --

9 Q. Let me ask you this.

10 A. They went --

11 THE COURT: Let her finish answering the question.

12 BY MR. CASTO:

13 Q. I'm sorry. Yes, ma'am.

14 A. They went down to Dollar General. I had wanted some
15 Honey Buns and she had rode on the back of the scooter with
16 him.

17 Q. Okay. And that was when he was there earlier that
18 afternoon. And do you remember where he parked his scooter
19 that afternoon or did you see it?

20 A. Yeah. It was right outside but I don't remember the
21 color.

22 Q. Okay. Now, did you want one Honey Bun or did you
23 want a box of Honey Buns?

24 A. I wanted a box from Dollar General.

25 Q. All right. And you said that you -- How much money

1 did you give them to go pick those things up for you or do
2 you remember?

3 A. I don't remember.

4 Q. Okay. They go on this errand and they come back to
5 give the Honey Buns to you; is that right?

6 A. Right.

7 Q. At some point I believe that Ronnie and Karesha
8 leave your home that afternoon. Do you remember what time it
9 was when they left?

10 A. Well, it was right after they came back, right after
11 she came back from the laundromat so it had to be a little
12 bit before eight or something like that.

13 Q. A little bit before eight.

14 A. But I can't recall.

15 Q. All right. And the last thing. Any evidence that
16 you found whatsoever that any credit cards or debit cards
17 were used when your purse was not in your possession?

18 A. No. Not that I know of.

19 MR. CASTO: All right. No further questions. Thank
20 you, Mrs. Williams.

21 THE COURT: Thank you, Mr. Casto. Mr. Solicitor, do
22 you have any questions on redirect?

23 MR. MAYE: Just a couple on redirect.

24 THE COURT: All right.

25 REDIRECT EXAMINATION

1 BY MR. MAYE:

2 Q. At the time that Ronnie Moe took your pocketbook and
3 left with it that day, was there any money in it at that
4 time? Was he able to get any money out of it in your
5 presence when he was rifling through it?

6 A. It was some in there.

7 Q. Was there any money in it when it came back?

8 A. Yes.

9 Q. Okay. There was some money in it when it came
10 back?

11 A. Yes. The same amount that I put in there it was
12 still in there.

13 Q. Okay. In your pocketbook. But where in your
14 pocketbook was it?

15 A. It was in an envelope and I had it like, I had the
16 envelope down in here (indicating.) The other paper was in
17 there, too, and I guess he didn't have time to look in there.
18 But it was in there.

19 Q. But it was down in the bottom?

20 A. Mm-hmm. Underneath the other papers. I had like
21 \$12 down in there. It was in an envelope. Because the money
22 and everything had came back wet.

23 Q. Okay. But it was down in the bottom?

24 A. Mm-hmm.

25 Q. Okay. So when he was in your house initially, he

1 was digging through your pocketbook looking for something,
2 correct?

3 A. Yes.

4 Q. Okay. Then he took the whole pocketbook?

5 A. (Witness nodding head.)

6 Q. But that was down in the bottom inside the
7 compartment and it was still in there when it came back?

8 A. Yes.

9 Q. Okay. Now, you were asked about not living in this
10 area. How many years have you lived in Ridge Spring now?
11 You said you grew up in Savannah and all, but how many years
12 have you been a resident of Ridge Spring?

13 A. About 15 years.

14 Q. Oh, you've lived here 15 years?

15 A. Yeah.

16 Q. Okay.

17 A. My husband married me. My husband married me and he
18 brought me up here. Well, I was already up here because I
19 did nursing.

20 Q. Okay.

21 A. So I moved up here with him from Aiken.

22 Q. Okay. So you've lived in the area for some 15 years
23 there at that house?

24 A. Yes.

25 MR. MAYE: Okay. Thanks.

1 THE COURT: Recross, Mr. Casto?

2 MR. CASTO: No, sir, Your Honor.

3 THE COURT: Thank you very much, Mrs. Williams. You
4 may step down. All right. Solicitor, call your next
5 witness.

6 MR. MAYE: Your Honor, prior to doing that, I'm
7 going to hand up an item to the Court and I'm going to
8 ask that the Court consider this item to take judicial
9 notice of sunset on December the 13th of 2013. I have
10 provided the source there for the Court.

11 THE COURT: All right. Mr. Casto, have you reviewed
12 this?

13 MR. CASTO: Yes, Your Honor. The Solicitor showed
14 me this.

15 THE COURT: Any objections?

16 MR. CASTO: No, sir, Your Honor.

17 THE COURT: All right. This would be then State's
18 18?

19 MR. MAYE: Yes, sir, State's 18.

20 (Whereupon, State's Exhibit #18 marked for
21 Identification and received.)

22 THE COURT: State's 18 will be in evidence without
23 objection. U.S. Naval Observatory Astronomical
24 Application Department. It appears that it has sunrise,
25 twilight, sunset, 13 December, 2013. I'll take judicial

1 notice of that.

2 MR. MAYE: Thank you, Your Honor.

3 THE COURT: Thank you, Solicitor. And that is
4 without objection.

5 MR. MAYE: Thank you. The State will call Chief
6 Jared Goldman to the stand in this case.

7 THE COURT: Come around to be sworn for us, please.
8 Thereupon,

9 JARED GOLDMAN

10 after having been first duly sworn, testified as follows,

11 THE COURT: Is 17 in evidence? I know it was marked
12 for ID. Solicitor, is it in evidence?

13 MR. MAYE: I have to look at what 17 is.

14 THE COURT: It's the pocketbook.

15 MR. MAYE: I can't remember if I moved it into
16 evidence or not, Your Honor.

17 THE COURT: Any objection to 17 in evidence?

18 MR. CASTO: No, sir, Your Honor.

19 THE COURT: State's 17 is in evidence.

20 MR. MAYE: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. MAYE:

23 Q. Chief Goldman, if you would, introduce yourself to
24 the ladies and gentlemen of the jury.

25 A. My name is Jared Goldman. I served as the Chief of

1 Police in Ridge Spring from September of 2013 until last
2 month, then I went into my own venture running heavy
3 equipment. I own my own business now. But prior to that I
4 worked for Saluda County Sheriff's Office.

5 Q. Chief Goldman, let me ask you this: On December the
6 13th of 2013, let's talk about at the time just before the
7 hour of 8:00. Were you on duty that night in the town of
8 Ridge Spring?

9 A. That is correct.

10 Q. Just before the hour of 8:00, where were you located
11 in the town of Ridge Spring and what were you doing?

12 A. I was parked in front of the town hall. I was
13 actually meeting with Captain Rushton of the Saluda Sheriff's
14 Department. We were pulled up side by side just talking
15 about the day.

16 Q. Okay. As you were there with Officer Rushton and
17 talking, did you receive a distress call through the radio at
18 that point in time?

19 A. We received a call that was given out as larceny of
20 a purse. It wasn't really an emergency because the
21 dispatcher made it sound like it may have been something
22 happened, but I headed right on over there. I was over there
23 in less than a minute because it's less than a quarter of a
24 mile from where I was. When I arrived on the scene --

25 Q. Let me ask you this: I'm gonna make sure. I'm

1 gonna show you the radio logs for that night if you need to
2 refresh your recollection.

3 A. Yes.

4 Q. When did you receive that call? When is the exact
5 time that you received that call?

6 A. We got that call at 8:04:07. I arrived on scene at
7 8:05:49.

8 Q. Let's talk about where you arrived at. Now, already
9 in evidence in this case are 4 and 5. Is that the residence
10 that you went to and tell them what street that's on?

11 A. That is. That's Ms. Dianne's house and I believe
12 that address is [REDACTED].

13 Q. That's in what county?

14 A. Ridge Spring in Saluda County. It was in the town
15 limits of Ridge Spring.

16 Q. Let's look at what's already in evidence here
17 State's exhibit 16. Tell me what State's exhibit 16, what
18 area that reflects, that map?

19 A. Okay. This is a area, this is the east end of Ridge
20 Spring and it shows Oak and Highway 23.

21 Q. Tell us here on this map, if you would, which is
22 going to Columbia and which way is going on back towards
23 Ridge Spring?

24 A. This way was is going to Columbia or Batesburg and
25 this way going back towards Ward and the town hall is

1 actually right over here and Ms. Dianne's house would be
2 right there on Oak Street.

3 Q. Here on Oak?

4 A. Yeah. That house right there.

5 Q. Okay. Is this paved or dirt down here on Oak?

6 A. It is dirt on that section.

7 Q. Dirt. Okay. When it runs parallel to the railroad
8 tracks on up into town, is it paved or is it dirt?

9 A. Once it runs on into town it turns into paved on
10 up.

11 Q. Okay. I'm going to show you State's 15 here. Would
12 you look at this map right here and, let's see, orient us on
13 State's 15 on this map here and show us where we're talking
14 about with the town of Ridge Spring?

15 A. All right. Let's see. Okay. This way would be
16 heading back towards Batesburg on 23. This way back toward
17 Ward and this is Oak Street here and that part is going to
18 turn into dirt from here.

19 Q. Okay. Where is Kent's Corner and where is the
20 convenient store in town here to help orient us?

21 A. Kent's Corner is gonna be right there on the corner
22 of pecan grove.

23 Q. Okay. Where is town hall?

24 A. Town hall is, let's see here. Right there.

25 Q. Okay. I want you to take my pen, if you will, and

1 mark where her residence is on the map there. Just put a
2 circle around it.

3 A. (Witness complies.)

4 Q. Okay. When you got out there at five minutes after
5 eight, who did you encounter when you got out there?

6 A. As soon as I arrived on scene I walked up to the
7 porch and Ms. Dianne, I saw her. She was very upset. Very
8 frantic. And as soon as I got to the door, she was saying
9 Ronnie Moe took my purse. Ronnie Moe took my purse.

10 MR. CASTO: Objection. Hearsay.

11 THE COURT: Overruled under 803-1 or 2.

12 MR. CASTO: Yes, sir.

13 BY THE WITNESS:

14 A. She was stating that. And like I said, when I
15 looked at the door, the door was clearly broken and you could
16 tell it had a mark on it that it appeared to be kicked in and
17 that's when I immediately let the other deputies with me know
18 that it was a burglary that just occurred, that this was not
19 just larceny of a purse.

20 BY MR. MAYE:

21 Q. Now, this had just occurred? From the information
22 that you collected, it had just occurred?

23 A. Right. It had just happened.

24 Q. Okay. You're talking about some moments before?

25 A. Yeah. It was freshly occurred right before I got

1 there apparently as soon as the 911 call got out.

2 Q. Was it dark at that time?

3 A. It was dark at that time.

4 Q. We're talking about December the 13th of 2013,
5 right?

6 A. Correct.

7 Q. Sunset is what time?

8 A. At 5:19 p.m.

9 Q. That is sunset, 5:19 p.m.?

10 A. Right.

11 Q. And the information you collected it had just
12 happened and it was dark at that time?

13 A. That is correct.

14 Q. Of all of the determinations of daylight and dusk
15 and sunset, civil twilight, all of that, the last possible
16 determination of whether it's daylight or dark is what
17 time?

18 A. 5:46 p.m.

19 Q. 5:46 p.m. is the last possible time that it could
20 have been any consideration that it was daytime?

21 A. Correct.

22 Q. Okay. Did you take these photographs of the kicked
23 in door and all of that?

24 A. I did take the photographs of the kicked in door,
25 yes, I did.

1 Q. Once you got the information from Ms. Dianne here of
2 who the perpetrator was, what actions did you take as chief
3 to further the investigation or to try to get him into
4 custody?

5 A. Well, as soon as I realized that it was a burglary
6 that had just happened, I started getting a suspect
7 description and clothing description. Ms. Dianne related to
8 me that it was a black male.

9 MR. CASTO: Objection.

10 BY MR. MAYE:

11 Q. Don't go into what she said. What did you do as a
12 result of what you found out? What did you tell the other
13 officers to be looking for? What did you tell the other
14 officers, who did you tell them to be looking for?

15 A. Okay. I gave - I told them it was going to be a
16 black male wearing khaki pants and a blue hoodie and also his
17 name was Ronnie Moe was what was related to me.

18 Q. Okay. Ronnie Moe. Okay. Now, Officer Rushton --
19 Who were the other two officers that were at least close
20 enough by to render you assistance at that point in time?

21 A. Deputy Cody Cockrell was one of them and the other
22 one was Captain Mike Rushton and both of those are familiar
23 with Ronnie Moe. I mean Ronnie Martin. I'm sorry.

24 Q. With Ronnie Moe or Ronnie Martin?

25 A. Right.

1 Q. Okay. So once you put out the alert on the radio to
2 be looking for Ronnie Moe or Ronnie Martin with the blue
3 hoodie and the khaki pants on, what did you do to investigate
4 when you were there at the scene?

5 A. I immediately started collecting evidence. I was
6 taking photographs of the door and the damage that occurred.
7 I was taking Ms. Dianne and Mr. James' statement and also
8 doing a victim form at that time. I had them doing all that
9 and that's when I received the call over the radio that they
10 had a suspect matching that description had been spotted.

11 Q. Had just been spotted?

12 A. Had been spotted, correct.

13 Q. What did you do at that point in time once you got
14 indication that he had been spotted? What did you do?

15 A. At that point I left everything there and I went to
16 assist them because of the nature of the crime.

17 Q. Okay. Given the fact that it was a freshly
18 committed burglary and larceny from the home there, what did
19 you do? Where did you go? What did you see once you left
20 Oak Street at her house?

21 A. I immediately left and went towards where I last
22 heard on the radio that he was spotted which was around MLK
23 and Spring and Merritt, in that area.

24 Q. Using the map here, show the ladies and gentlemen of
25 the jury where you left and where you went to, where those

1 locations are and I'll hold the map for you and let's orient
2 them as to where we're talking about.

3 A. It was right here. I was at Ms. Dianne's. This is
4 Merritt Avenue here where the laundromat and Post Office is
5 right here. This is Merritt and this is MLK.

6 Q. This big building right here is what?

7 A. This is Ridge Spring Elementary School. Immediately
8 I come down 23 to Merritt and I went straight on down. This
9 is Spring Street here and this is the intersection of Spring
10 and Merritt. This is where I found Deputy Cockrell and
11 Captain Rushton already had a suspect matching that
12 description, that clothing description held at, held in or
13 detained at that time.

14 Q. At Merritt Avenue --

15 A. Merritt and Spring.

16 Q. -- and Spring?

17 A. Correct.

18 Q. They are here when you arrive?

19 A. That is correct.

20 Q. Let me ask you this: Where does Kimberly Gantt
21 live?

22 A. Kimberly Gantt lives right here on the corner of
23 Quattlebaum and Ridge Hill which is right here on the very
24 corner in a single wide.

25 Q. The trailer right here?

1 A. That is correct.

2 Q. Now, Mr. James and Ms. Dianne Williams live where?

3 A. Right here on Oak Street.

4 Q. Okay. Where is the convenient store, Kent's Corner,
5 the convenient store out at the edge of town?

6 A. Kent's Corner is right here.

7 Q. Let's talk about, where is the Watson House, the big
8 house with the Wedding House behind it?

9 A. The Watson House is right here on 23 back towards
10 Merritt. It's an old plantation house and it has a building
11 behind it that they rent out for weddings and receptions.
12 That's why they call it the Wedding Building. Everybody in
13 town knows it as the Wedding building.

14 Q. Okay. Let me ask you this: Chief, you worked there
15 as an officer and you were chief there at Ridge Spring.
16 Where is the traffic? Is there foot traffic or is there a
17 foot path anywhere in this area? Where is it?

18 A. There is. A lot of people use it to cut across the
19 street to go down to MLK and Merritt. They'll cut by the
20 Wedding Building they call it and as you can see there is
21 actually a path and this is wore out across the field where
22 they cut through just to get across to go back instead of
23 having to walk all the way to Merritt or go all the way
24 around. They just cut right through the field.

25 Q. And you can see on this aerial map there the

1 indentations of the foot path; is that correct?

2 A. That is correct.

3 Q. Okay. It is right in this area right here?

4 A. Right.

5 Q. Okay. So if you are on this side of town and you
6 are on foot, the most direct path to go back over to these
7 neighborhoods and the school is which path?

8 A. Is to cut by the Wedding Building because they don't
9 want to walk all the way to Merritt or all the way down to
10 pecan grove to cut across. It's easier just to cut right
11 through that little trail.

12 Q. Well, it makes sense. If you're walking, it's a
13 whole lot more easier.

14 A. It does. It's a whole lot easier.

15 Q. Okay. This area in here, this wood line area, is
16 that pretty thick wood line? Is that something you can walk
17 through without a machete?

18 A. It's definitely not something that you can walk
19 through.

20 Q. Okay. All right. Once you got there to the corner
21 of Merritt and Spring, who did you see that the officers had
22 there in custody? Are they present here in the courtroom?
23 Tell us about it.

24 A. Yes. They had Ronnie Martin detained at that time
25 and Mr. Martin is located at the defense table with his

1 attorney Mr. Bennett Casto. He is wearing glasses, a white
2 shirt and a red and gold tie.

3 Q. That's who they had detained?

4 A. That is correct.

5 Q. How did they have him detained? What was he doing
6 at that point in time?

7 A. When I arrived, both officers had him. His hands
8 were on the hood of the car at that time and he was very
9 agitated.

10 Q. Don't say anything he said. But he was agitated at
11 that point in time?

12 A. Right.

13 Q. Did you all have difficulty taking him into
14 custody?

15 MR. CASTO: Objection. Relevance.

16 THE COURT: Overruled.

17 BY MR. MAYE:

18 Q. Did y'all have difficulty taking him into custody?
19 And there's three of you there.

20 A. Yes, we did. When we went to place him under
21 arrest, we tried to put the handcuffs on him and he was
22 passively resisting. He was locking his arms and tying his
23 arms. We had to forcibly get his arms around to get the
24 handcuffs on him.

25 Q. Okay. Was he placed under arrest for burglary in

1 the first degree at that time?

2 A. He was placed under arrest for burglary in the first
3 degree at that time and Mirandized.

4 Q. You gave him his rights and placed him under
5 arrest?

6 A. Yes.

7 Q. Where did you take him to at that point in time?

8 A. At that time I returned back to Oak Street to gather
9 the stuff that I left when I left in such a hurry. As soon
10 as I got there, I got out of the car and he started getting
11 upset in the car and was kicking the window so I --

12 MR. CASTO: Objection. Relevance.

13 THE COURT: Overruled.

14 BY THE WITNESS:

15 A. So I immediately got back in the car and transported
16 him directly to jail to Saluda County Detention Center. I
17 had the town officers meet me there just for safety reasons
18 and I got him in jail.

19 BY MR. MAYE:

20 Q. As you were transporting him, did he continue to try
21 to kick your windows out and continue to be agitated inside
22 your car?

23 A. He did. He calmed down for a few minutes. We got
24 down past Derrick Equipment and turned on 39 and he started
25 kicking the windows again and I told him he needed to calm

1 down and needed to quit because that's not going to get him
2 anywhere and he did quit after that and he didn't do it
3 anymore on the way to the jail.

4 Q. Did you all have difficulty getting him out of the
5 vehicle at the jail in an attempt to get him into custody
6 there?

7 A. Didn't have difficulty getting him out of the
8 vehicle. He come out of the vehicle and went in the jail,
9 but once he was in the jail, he became hostile and aggressive
10 again.

11 Q. Let me ask you this: Once you all finally were able
12 to get him all the way to the jail and get him fully in
13 custody, where did you go then?

14 A. Once we got him in the jail, I left there and went
15 back to Ms. Dianne's and met with Sergeant Morelli who
16 arrived on scene later and he finished taking the victims'
17 statements and the victim form and I retrieved all my
18 belongings from him and got all that information to finish up
19 my report.

20 Q. Let me show you what's already in evidence at this
21 point in time as State's number 9. Did you take pictures of
22 the boot that he was wearing or the boots that he had on that
23 night?

24 A. Captain Rushton took this picture and that was in
25 front of the patrol car after we had placed him under arrest.

1 We took that picture and I believe it was Deputy Cockrell
2 that actually took the photograph of the print in the sand.

3 Q. But that fairly and accurately reflects the shoes
4 that he had on some moments after you responded there?

5 A. I was present when this picture was taken and that
6 is the boots that he had on his feet. I was present when
7 that picture was taken.

8 Q. Okay. I'm going to show you State's 8 that's
9 already in evidence in this case. What is that?

10 A. That is a boot print in the sand and that is the one
11 that I believe Deputy Cockrell took.

12 Q. Okay. Now, where is that at in location to Ms.
13 Dianne's house?

14 A. This is actually in the yard of Ms. Dianne's
15 house.

16 Q. Okay. Now, the information that you all had earlier
17 was that he was there on a moped; is that correct?

18 A. That is correct.

19 Q. Did you all go down the roadway basically trailing
20 those tracks?

21 A. Yes. There were tracks, foot tracks that matched
22 these boot prints going down the road.

23 Q. So going back down Oak Street the sandy road there

24 --

25 A. That's correct.

1 Q. -- you were able to follow the trail of those same
2 boot prints?

3 A. That is correct.

4 Q. Okay. Are they consistent with the boots that he
5 had on his feet that night?

6 A. They were consistent with the shape and impression
7 of these boots.

8 Q. I show you 7. Is that another boot print that you
9 took?

10 A. That is.

11 Q. I show you 6. Is that another photograph of a boot
12 print that you took?

13 A. It is.

14 Q. Those are consistent with the boots he had on?

15 A. Those are consistent with these boots.

16 Q. Did you look at the kicked in door there at the
17 house?

18 A. Yes, I did.

19 Q. Was there a consistent boot print on the door of the
20 house where the door was kicked in?

21 A. There was a sandy print. It was consistent with the
22 shape and size but as far as the pattern and weight that it
23 looked like that boot that when they kicked, it kind of slid
24 and smeared the sand so there is no way to really match that
25 print, but as far as consistent with shape and size it was

1 and it was a fresh mark.

2 Q. It was a fresh mark. Did it still have sand up on
3 the door from the kick?

4 A. It still had sand on the door. It still had wet
5 sand on the door and it was sand that was like this. This
6 kind of sand. It wasn't a muddy sand or red clay. It was
7 just wet sticky sand.

8 Q. Consistent with what you see there with those boot
9 prints at the house?

10 A. That's correct.

11 Q. I want to show you State's number 1 that's in
12 evidence at this time. Is that the field area and the cut
13 through there path, I guess a cut through at the Wedding
14 House?

15 A. That's the back side of the Wedding House, yes,
16 sir.

17 Q. Now, this is obviously taken at a time when the
18 grass is green and all. In December would it have been
19 different in that area?

20 A. It would have been. It would have been either dried
21 or disked up at that time. I'm not sure which one it was,
22 but it would either be dried grass or disked up.

23 Q. But that is sandy soil in that area?

24 A. It is sandy soil.

25 Q. Okay. Let me ask you this: What kind of clothing

1 did he have on when y'all got him into custody and y'all
2 caught him there in the town? What kind of clothing did he
3 have on?

4 A. Mr. Martin was wearing a pair of khaki work like
5 pants and a blue hoodie and he had a gray sweatshirt
6 underneath.

7 Q. Gray sweatshirt underneath?

8 A. Yes, sir.

9 MR. MAYE: I would like to mark this for ID at this
10 point in time.

11 (Whereupon, State's Exhibit #19 marked for
12 Identification.)

13 BY MR. MAYE:

14 Q. I'm going to show you State's Exhibit number 19 for
15 ID at this time and ask you if you can identify the item in
16 that bag?

17 A. These are the boots that Mr. Martin was wearing at
18 the time.

19 Q. Okay.

20 A. This is actually how they bagged them in the jail
21 was in a trash bag. They logged them into his personal
22 property. Once they done that, I went and retrieved a search
23 warrant. This is the way they gave them to me from the
24 search warrant within the bag and these are the boots and
25 they have been in the evidence of Ridge Spring Police

1 Department since.

2 Q. So you took the boots at that time?

3 A. I did take the boots at that time.

4 Q. What was logged in that he was wearing in regard to
5 clothing on that night?

6 A. As far as what I can remember was a pair of khaki
7 pants, blue sweater or hoodie, a gray sweater. I believe it
8 was a brown belt, brown wallet and a khaki color hat and the
9 black boots.

10 Q. But you took the boots. You took custody. That's
11 the only items. You didn't take custody of any of the other
12 items?

13 A. I left everything else in personal belongings. I
14 had the prints, the photos of the prints and I wanted the
15 boots for the comparison to the soles to the pictures.

16 MR. MAYE: At this point in time, Your Honor, I'm
17 going to move to admit these into evidence, the boots.
18 They have been identified and associated with the
19 Defendant in this case and I would move to admit them
20 into evidence. So far they are just for ID.

21 THE COURT: Mr. Casto.

22 MR. CASTO: Without objection, Your Honor.

23 THE COURT: State's 19 is in evidence without
24 objection.

25 (Whereupon, State's Exhibit #20 marked for

1 Identification.)

2 BY MR. MAYE:

3 Q. I'm going to show you these collective items of
4 clothing that are marked States' 20 for ID at this point in
5 time and ask you are those the items of clothing that were
6 taken from him at the jail and logged into property?

7 A. These are, as far as I can tell, these are the
8 clothes that he was wearing.

9 MR. MAYE: Okay. I'm going to move to admit these
10 into evidence at this point in time collectively these
11 three items, the hat, a pair of khaki pants and a gray
12 sweatshirt.

13 THE COURT: Mr. Casto.

14 MR. CASTO: Without objection, Your Honor.

15 THE COURT: State's 20 is in evidence without
16 objection.

17 BY MR. MAYE:

18 Q. Not included in those items though, what was the
19 outer most layer of clothing that he was wearing?

20 A. The blue hoodie was not included in that.

21 Q. And that was not in the jail custody items at the
22 time that you went to view them?

23 A. That was in the jail custody items.

24 Q. Initially?

25 A. Initially. It is not now.

1 Q. Okay. Let's talk about State's 17 that's in
2 evidence here.

3 A. Yes, sir.

4 Q. It's been identified as the pocketbook that Ms.
5 Dianne had taken from her on that night by the Defendant in
6 this case. Did you later, after you did all the initial
7 investigation, collected the evidence, went out and got him
8 in custody, caught him, did later on did some event occur
9 that you had an occasion to encounter this pocketbook? Tell
10 the ladies and gentlemen of the jury the circumstances.

11 A. Yes. I can't recall if it was Ms. Dianne who called
12 me or I was actually doing a follow up. I think I was doing
13 a follow up. I went by to check in and see if anything else
14 had come up with Ms. Dianne, if she remembered anything else
15 and she told me that she had her purse --

16 MR. CASTO: Objection. Hearsay.

17 THE COURT: That's hearsay. That's sustained.

18 BY MR. MAYE:

19 Q. Don't go into anything that she said, but let me ask
20 you this: When you went out there to her residence, what, if
21 any, item did you take at that point in time?

22 A. When I got out there, the purse was there. She
23 presented it to me. All the contents were inside. There was
24 nothing -- Everything was inside. She took everything out in
25 my presence, license, credit card, medication and the money

1 and apparently nothing was missing.

2 Q. Out of the pocketbook?

3 A. Out of the pocketbook, correct.

4 Q. Was the money envelope, that item, was it down in
5 the bottom under a flap that we're talking about?

6 A. It was down in the bottom and it had all the money
7 that was reported missing or that was reported stolen with
8 the purse.

9 Q. Okay. All right. Did you then take custody of
10 that?

11 A. I then took custody of the purse and logged it into
12 evidence with the boots at the police department.

13 Q. Okay. Let me ask you this: Did you try to perform
14 any kind of forensic testing on that? Did you try to
15 fingerprint it or did you do anything like that?

16 A. No. I did not. As far as testing purposes with
17 leather or this kind of material it's hard to pull a print to
18 start with and then once you have got it degraded in the
19 weather for any amount of time, a couple of days, rain,
20 sunlight, then pass through who knows how many hands before
21 it got back to the original owner it would be just too
22 difficult to even try to pull a print off of something like
23 that.

24 Q. When you're investigating an item of evidence in a
25 burglary case, if a potential suspect has had access to the

1 property prior to the time of the crime, if they have been in
2 the household or around the household, how does that impact
3 your decision on whether or not you perform forensic
4 testing?

5 A. If somebody has been involved in a crime scene
6 before it's a crime scene, they could have incidentally
7 touched anything and left a print on it and it would skew
8 everything if you got a print and then it may not be that
9 person.

10 Q. Does it have any evidentiary value if someone's got
11 access to the house ahead of time? Does it contaminate the
12 scene?

13 A. It really does. The scene would already be tainted
14 if that were the case.

15 Q. Because you might have their prints on there from
16 another occasion?

17 A. That is correct.

18 Q. Okay. Did you have any idea of the location or at
19 the time that you gathered it other than hearsay information,
20 did you have any concrete information on where that
21 pocketbook had been or the location of it or anything else
22 outside of hearsay at that point in time when you retrieved
23 it?

24 A. No. What I gathered from my investigation was it
25 was beside the bed and it was in the living room, front

1 living room of Ms. Dianne's house beside the bed.

2 Q. Once the individual took it and left the house with
3 it, you don't know where it was at that point in time in the
4 interim from when you recovered it back from Ms. Dianne?

5 A. That is correct. We didn't know where it had
6 went.

7 Q. Okay. So as a consequence you did not perform any
8 forensic testing on the pocketbook?

9 A.. That is correct.

10 Q. Did you initially take it from her?

11 A. I did initially take it from her.

12 Q. Did you later return it back to her?

13 A. I did return it back, yes.

14 Q. Okay. Without going into any of the information
15 that was directly stated to you, without what anybody said,
16 but as a follow up investigation later on were you approached
17 by an individual? And if you could tell us about being
18 approached by another individual, if you were, in this case
19 in regard to information in this case. Don't go into what
20 she said.

21 A. Right.

22 MR. CASTO: Objection. This calls for hearsay.

23 MR. MAYE: No, sir, Your Honor.

24 THE COURT: No, sir. It's not hearsay if he's
25 approached by an individual. He can testify to what

1 occurred, not what was said.

2 BY MR. MAYE:

3 Q. Not anything she said, but did somebody come up to
4 you later on reporting information involved in regard to that
5 pocketbook in this crime?

6 A. Yes. I received information from Kimberly Gantt.

7 Q. Kimberly Gantt. Don't go into what she said.

8 A. Right.

9 Q. Did you take a statement from her without going into
10 what she said in the statement?

11 A. I did. I did take a written statement myself and
12 Captain Rushton went and spoke with her and we did take a
13 written statement from her regarding this incident.

14 Q. Okay. Let me ask you this: Not as it relates to
15 any hearsay information that you got, but do you know an
16 individual that lives in the town of Ridge Spring named
17 Quinton Samuels?

18 A. I do know Quinton. I have had some dealings with
19 Quinton and actually know him well. Quinton is a very
20 handicapped or slow individual.

21 Q. Let's be candid. I'm not asking you to be ugly.

22 A. Right.

23 Q. But what is his mental condition from your dealing
24 with him from your own personal knowledge from dealing with
25 him?

1 A. Quinton Samuels is very child like. He's very
2 impressionable. He can be talked into doing things, I guess,
3 but really he's just very child like. I would say he was
4 around eight or ten years old mentally in his mind.

5 Q. But you have dealt with him personally from your
6 personal dealings with him?

7 A. I have dealt with Quinton, yes.

8 Q. He has severe mental disabilities?

9 A. He does.

10 MR. MAYE: Okay. Answer any questions that the
11 defense has for you in this case.

12 THE COURT: Thank you, Solicitor. Mr. Casto.

13 CROSS EXAMINATION

14 BY MR. CASTO:

15 Q. Officer Goldman, how are you?

16 A. Good, sir.

17 Q. To jump back, there is essentially one eyewitness in
18 this case; is that right? And it's Dianne Williams; is that
19 right?

20 A. That is correct.

21 Q. You know Mr. Williams is in the house, too, but he
22 doesn't see anything as it's been stated, right?

23 A. Right.

24 Q. So everything that you learn about the description
25 of the person is based on what she tells you; is that

1 right?

2 A. That is correct.

3 Q. You are, you take your vehicle and you go and you're
4 present right there when Ronnie is arrested; is that right?

5 A. That is correct.

6 Q. When somebody is placed under arrest, they are
7 searched right then and there as a matter of procedure,
8 right?

9 A. That is correct for weapons or any contraband.

10 Q. And officer safety?

11 A. Officer safety, yes, sir.

12 Q. So their pockets, hands, anything on their clothing;
13 is that right? I mean, y'all are trained in how to do that;
14 is that right?

15 A. That is correct. Yes, sir.

16 Q. And with him standing there at the corner as you
17 said on Merritt and Spring Street, we have seen it in the
18 map, he didn't have anything in his hands belonging to Dianne
19 Williams at all, did he?

20 A. That is correct. He did not.

21 Q. He didn't have anything on his person, in his
22 pockets, back pockets, anything other items on him that could
23 hold objects belonging to Ms. Dianne Williams, did he?

24 A. No, sir. He didn't have anything belonging to Ms.
25 Dianne.

1 Q. Now, eventually he is handcuffed and he's placed in
2 the patrol car; is that right?

3 A. That is correct.

4 Q. But before he is, now, you all had asked him
5 questions and he does tell you that earlier that day, that
6 afternoon that he had been over to Ms. Dianne's house; is
7 that right?

8 A. That would be a better line for the other officer
9 because he was the one doing the questioning and I can't
10 recall anything. Captain Rushton was the one that actually
11 questioned him.

12 Q. Yes, sir. We just saw some pictures of these
13 footprints that were on the ground at Dianne Williams' house;
14 is that right?

15 A. That is correct.

16 Q. And they, according to you, just, you know, you're
17 not an expert, but just looking at the picture and looking at
18 the prints on the ground you believe that to be a match; is
19 that right?

20 A. That is correct.

21 Q. But through the course of your investigation you
22 learned that Ronnie had been at the house earlier that day
23 and also on other occasions, right?

24 A. Right.

25 Q. And we have pictures of the tracks on the ground,

1 correct?

2 A. Correct.

3 Q. We have pictures of the side of the door where it
4 shows the damage, right?

5 A. That is correct.

6 Q. We don't have a picture of this mark on the door, do
7 we?

8 A. No. I couldn't get any evidentiary value out of
9 that because it was in such a smeared condition.

10 Q. Okay.

11 A. It was sand more than anything. You could tell that
12 it had been kicked, but like I said, it was just sand so
13 there was no way to really match it or get an impression.

14 Q. Okay. And you took pictures of things of
15 evidentiary value. You saw no evidentiary value there?

16 A. There was evidentiary value that the door was
17 kicked, but as far as matching it to the boot print that
18 would be impossible to do because of the smeared condition.

19 Q. Okay. Now, you took, I believe you said it was you
20 and not another officer that took pictures of the boots that
21 Ronnie had on; is that right?

22 A. That is correct. Captain Rushton actually took the
23 picture of the boots he was wearing and I believe it was
24 Deputy Cockrell that actually took the photos of the
25 impressions in the ground. I can't recall that part, but I

1 know that Captain Rushton did take the picture of the boot.

2 Q. Where was Ronnie when that picture was taken, do you
3 recall? Was he standing on the side of the road?

4 A. It was after he was placed under arrest and
5 handcuffed because we definitely wouldn't have picked his leg
6 up without him in handcuffs. So after he was handcuffed and
7 Mirandized, we picked his leg up and we took a picture of the
8 bottom of his boots.

9 Q. But he's still, you know, in other words, he's
10 standing there, he's handcuffed. He's still out there. He's
11 not back in the jail at this point. He's still on the side
12 of the road just handcuffed?

13 A. Right. That is correct.

14 Q. You took a picture of those. I'm sorry. You said
15 Officer Rushton took those pictures; is that right?

16 A. That is correct.

17 Q. And you took the other pictures back at Dianne
18 Williams' house, right?

19 A. Right.

20 Q. Okay.

21 A. The door and the damage to the door and that
22 stuff.

23 Q. Okay. You know, if a footprint is left undisturbed,
24 it's impossible to know, if it's left undisturbed, it's
25 impossible to look at it and tell how long it's been there;

1 is that right?

2 A. Well, it could be within a reasonable time frame, I
3 mean, you know, weather is going to deprive some things, but
4 I mean, when the dirt is freshly disturbed, you can tell it's
5 fresh dirt or if it's been rained on or dew set on it or
6 anything like that.

7 Q. But let's say, you know, within a couple of days, is
8 that what you're saying?

9 A. I'm saying within a couple of hours if you will look
10 at the picture, you can tell this is fresh dirt kicked up
11 beside the print. You can see the dark color dirt. This is
12 not something that's been there a couple of days or even a
13 couple of hours.

14 Q. Okay. But we can all agree that Ronnie was there
15 that afternoon; is that right?

16 A. That is correct.

17 Q. But what I'm saying is it's impossible to look at a
18 footprint and just based on a footprint that's undisturbed,
19 you know, to say, well, that's been there three hours, it's
20 been there 24 hours, you know, obviously without weather
21 conditions, but impossible to look right at it and tell,
22 right?

23 A. That is -- that is -- I would say that is a true
24 statement. The thing that stood out the most to me though is
25 that earlier in that day he was over there on a moped, okay?

1 Later after we started investigating there were foot tracks
2 going down the road. He would have rode that moped down the
3 road and not walked. That was the conclusion I came to with
4 the moped.

5 Q. How many times - did you find out through the course
6 of your investigation how many times he had been there
7 earlier that afternoon?

8 A. That I can't recall off the top of my head.

9 Q. And the moped was parked at some point so, you know,
10 and even when one is stopped, you know, you have to balance
11 it, is that fair to say?

12 A. That would be fair to say, but you wouldn't have a
13 steady trail down the road either.

14 Q. Okay. But you don't know how many times he came
15 over there that afternoon?

16 A. I don't.

17 Q. Okay. These boot prints we see in the pictures,
18 those are taken off of him at the jail and just collected.
19 They have been undisturbed. They haven't been moved around
20 or anything like that?

21 A. The boots?

22 Q. Yes, sir.

23 A. They were taken at the jail and placed into his
24 personal belongings and put into a locker. I'm not sure of
25 the jail's procedure on that, but they put them into a locker

1 with his personal belongings and that's when I obtained the
2 search warrant and come back and got them out of his personal
3 belongings.

4 Q. Yes, sir. Shifting gears and talking about the
5 purse, the purse was not found the night of the incident. We
6 can all agree on that, right?

7 A. That is correct.

8 Q. It was found a few days later. Mrs. Dianne Williams
9 didn't know the date, but does December 16th sound, is that
10 fair to say? Does that sound right or do you know the
11 date?

12 A. I can't remember the date off the top of my head. I
13 think it was a couple days later and I can't recall if Ms.
14 Dianne called me or if I went by for a follow up and she told
15 me. I can't remember which one it was.

16 Q. All right. Either way you saw the purse. It had
17 been - you had been informed that she - it had been returned,
18 right?

19 A. That is correct.

20 Q. Okay. And then you took the purse as I understand
21 it and did you look through it yourself or did you just see
22 that she had it? I know you collected it.

23 A. Yes. We looked through it. I let Ms. Dianne take
24 all of her personal belongings out of there before I
25 collected it. So I was there when she took everything out

1 and then I collected it and placed it in evidence and I
2 actually looked at it to see if I could do any test, but the
3 material, there was no way I could get a fingerprint off of
4 it.

5 Q. On the outside?

6 A. On the outside.

7 Q. So it's your testimony that in this case we don't
8 have fingerprints or DNA and you don't know of any other
9 officer submitting tests?

10 A. That is correct. Nobody else would have done it or
11 submitted any test on it.

12 Q. Let me ask you this: The items inside the purse,
13 you didn't see the purse or, you know, go through the purse.
14 You just collected it, right?

15 A. I watched Ms. Dianne take everything out of the
16 purse, but I collected the purse.

17 Q. There was no attempt made to get fingerprints off
18 some of the items inside; is that fair to say?

19 A. That is fair to say.

20 Q. All right. And no attempt to get any type of DNA or
21 anything like off the items inside?

22 A. No. Because it looked like everything had been
23 undisturbed. I think it was placed wherever it was placed
24 hastily and I don't think anybody even went through it.

25 Q. Okay. But you don't know that for sure?

1 A. I don't know that for sure.

2 Q. Ronnie is eventually, from the roadside he's
3 eventually taken that evening to the jail; is that right?

4 A. That is correct.

5 Q. And there is a little bit more thorough search
6 process once you arrive at the jail; is that right?

7 A. That is correct.

8 Q. I mean really there's a couple things going on.
9 There is still concern for officer safety?

10 A. That is correct.

11 Q. There's a concern for, you know, contraband?

12 A. Contraband.

13 Q. Or people sneaking things in there and what have
14 you.

15 A. Correct.

16 Q. Then there's also a concern of inventorying what
17 they have so that they can get it back?

18 A. That is correct.

19 Q. And so everything is removed. Everything is taken
20 off of him there at the jail; is that right?

21 A. That is right.

22 Q. And it's also gone through. You go through the
23 pockets of the clothing and all that stuff again?

24 A. That is correct.

25 Q. All right. And no property belonging to Dianne

1 Williams was found on Ronnie Martin or in the items that were
2 taken off him at the jail?

3 A. No, sir.

4 MR. CASTO: No further questions.

5 THE COURT: Thank you. Redirect.

6 MR. MAYE: Just one or two.

7 REDIRECT EXAMINATION

8 BY MR. MAYE:

9 Q. Nothing that was reported missing at all from her
10 pocketbook was gone when the pocketbook came back, right?

11 A. That is correct.

12 Q. So whoever took the pocketbook didn't get anything
13 out of it so there was nothing for them to take away at that
14 point in time?

15 A. Right. That was my understanding and it was hastily
16 placed wherever it was and I don't think anything was
17 disturbed. That was just my belief in my investigation.

18 MR. MAYE: Okay. Nothing else. Thank you.

19 THE COURT: Recross?

20 MR. CASTO: No, sir, Your Honor.

21 THE COURT: Thank you, chief. Call your next
22 witness.

23 MR. MAYE: The State calls Mr. James Williams.

24 THE COURT: Mr. Williams, come around and join us,
25 please.

1 Thereupon,

2 JAMES WILLIAMS

3 after having been first duly sworn, testified as follows,

4 THE COURT: All right. Mr. Solicitor.

5 DIRECT EXAMINATION

6 BY MR. MAYE:

7 Q. Please state your full name for the ladies and
8 gentlemen of the jury. Introduce yourself to them,
9 Mr. Williams.

10 A. James C. Williams.

11 Q. Mr. Williams, who is your wife?

12 A. Dianne Williams.

13 Q. Dianne.

14 A. Yes.

15 Q. Okay. Where did you and she live back December the
16 13th of 2013?

17 A. [REDACTED], Ridge Spring.

18 Q. Where are you from, Mr. Williams, originally?

19 A. Ridge Spring.

20 Q. You're from Ridge Spring?

21 A. Yes.

22 Q. You've lived there all your life?

23 A. Most all my life, yes.

24 Q. When did you bring Ms. Dianne to be with you in the
25 town of Ridge Spring?

1 A. Sir?

2 Q. When did you bring Ms. Dianne here to be with you in
3 the town of Ridge Spring?

4 A. We been married 15 year. 15 year.

5 Q. 15 years?

6 A. Yes.

7 Q. Okay. Have you all lived in that same house on Oak
8 Street all that time?

9 A. Yes, sir.

10 Q. Okay. The night that your house got broken into and
11 her pocketbook got taken, were you there at home with your
12 wife?

13 A. Yes. I was right in the other room there.

14 Q. Which room does she stay in in the house? Where
15 does she sleep?

16 A. That front room right there when you come in the
17 front there. Like right there.

18 Q. Okay. On number 14. Is that where she stays up in
19 front?

20 A. Yes, sir.

21 Q. What kind of bed does she sleep in there?

22 A. One of them little hospital beds. Little small
23 bed.

24 Q. Okay. At the time of the burglary in this case tell
25 the ladies and gentlemen of the jury what happened and what

1 you heard in this case? And I'm going to ask you some
2 qualifiers to that. But where were you when the burglary
3 took place? What room were you in?

4 A. Right in the room where I sleep in right there.

5 Q. Okay. What, if anything, did you hear in the way of
6 sounds, not statements or voices, but what did you initially
7 hear?

8 A. I hear the door slam real hard and after I hear the
9 door slam real hard, then I hear, Ronnie Moe, put my
10 pocketbook down. What you doing with my pocketbook? And I
11 got up to go around there and I didn't see anything. I
12 didn't see nobody. I got up. I went through two rooms and
13 come around to where she were and I get in there and she was
14 upset. She said, put my pocketbook down. What you doing,
15 Ronnie Moe? Put my pocketbook down. What you doing with my
16 pocketbook?

17 Q. Was she excited and upset at that time?

18 A. Yes, she was upset and I got up to go around to see
19 what was going on and I went to the door. I ain't see
20 nobody. I looked out the door to make sure I could see, but
21 it was dark. I couldn't see nothing.

22 Q. It was dark at the time that he came in and out?

23 A. Yes, sir, it was.

24 Q. You're sure it was dark?

25 A. Yes, sir, it was dark.

1 Q. Okay. Let me ask you this: What state, when he
2 kicked the door in, what state did he leave your door in?

3 A. Bad shape.

4 Q. What did you have to do to the door and the door
5 frame?

6 A. Had to replace the whole door. Man had to come out
7 and replace the whole door. There was no fixing it or
8 whatever. It was busted out. It wouldn't hold. Somebody
9 else could come and push it back in. We had to put a whole
10 door, put the whole frame and the door and stuff like that.

11 Q. But you heard hear calling Ronnie Moe's name
12 contemporaneous with this happening?

13 A. Yes, sir. And I got up to go around to see what was
14 going on. She said, you got my pocketbook. Put my
15 pocketbook down. I know that's you, Ronnie Moe. And I just
16 did not see him.

17 Q. Okay. Whoever had kicked the door in was gone by
18 the time you got around?

19 A. Yes, sir. I had to get up and go around two rooms
20 to get around to where she was.

21 MR. MAYE: Answer any questions that the defense has
22 for you. Thank you, Mr. Williams.

23 THE COURT: Thank you, Mr. Solicitor. Mr. Casto.

24 CROSS EXAMINATION

25 BY MR. CASTO:

1 Q. Two things. You testified it was dark when all this
2 happened; is that right?

3 A. What?

4 Q. You say it was dark when all this happened; is that
5 right?

6 A. Yeah.

7 Q. And the other thing is when you got up to look, the
8 person had already gone; is that right?

9 A. Yeah.

10 MR. CASTO: All right. No further questions. Thank
11 you.

12 THE COURT: Redirect?

13 MR. MAYE: No thank you, Your Honor.

14 THE COURT: Thank you, Mr. Williams. You may step
15 down.

16 MR. MAYE: The State will call Officer Mike Rushton
17 to the stand.

18 THE COURT: All right. Come around to be sworn,
19 please.

20 Thereupon,

21 MIKE RUSHTON

22 after having been first duly sworn, testified as follows,

23 THE COURT: All right, Mr. Solicitor.

24 DIRECT EXAMINATION

25 BY MR. MAYE:

1 Q. Please introduce yourself to the ladies and
2 gentlemen of the jury.

3 A. Ladies and gentlemen of the jury, I'm Michael B.
4 Rushton, Junior, former Captain of the Sheriff's Office here
5 in Saluda County until about 18 months ago. I am now
6 formally the owner of Rushton Wrecker Service, LLC and
7 partner in GNR Site Prep. I have been in law enforcement
8 since 2000, just about 15 years. I'm currently fixing to
9 start holding commission in the town of Perry where I was
10 formally Chief of Police.

11 Q. Okay. Let's go back to December the 13th of 2013
12 just before the hour of 8:00. Were you in the town of Ridge
13 Spring at that time?

14 A. I was.

15 Q. Who were you talking with and where were you
16 situated just around the hour of 8:00 or just before then?

17 A. I was sitting door to door talking with Chief
18 Goldman at the time.

19 Q. Where were you employed at that time and in what
20 capacity?

21 A. I was a captain here in the Sheriff's Office in
22 Saluda County.

23 Q. So you were a Saluda County Sheriff's captain at
24 that time?

25 A. That is correct, sir.

1 Q. Did you all receive a call at that point in time?
2 I'm assuming you had a police radio in your vehicle as
3 well?

4 A. That is correct, sir.

5 Q. Okay. Did a call go out for assistance in the town
6 of Ridge Spring and what action did you take to assist Chief
7 Goldman there in Ridge Spring as a result of that call?

8 A. If I can recall, the call came out that a purse was
9 taken. Chief Goldman, when the address came out Oak Street,
10 Williams' residence, I told him that's the white house on Oak
11 Street when you cross over onto the dirt portion. He headed
12 on down there and I told him I was coming in behind him. By
13 the time -- He had gotten there before I had made it and he
14 advised that it was a burglary and they were looking for
15 Ronnie Moe and that was the time I came up I believe.

16 Q. Did you know Ronnie Moe or Ronnie Martin?

17 A. Yeah.

18 Q. Is he present here in the courtroom?

19 A. He is.

20 Q. Point him out and where is he?

21 A. Right there (indicating.)

22 Q. Okay. The gentleman sitting there in the
23 wheelchair?

24 A. That is correct.

25 Q. Okay. But you knew him, right?

1 A. Yes, sir.

2 Q. Back at that time when you knew him was he in a
3 wheelchair at that time?

4 A. No, sir.

5 Q. Okay. Was he on crutches at that time?

6 A. No, sir.

7 Q. Prior to up here in the courtroom today have you
8 ever seen him in a wheelchair or on crutches?

9 A. No, sir.

10 Q. Okay. What did you do to assist Chief Goldman?

11 A. Once the call had came out that it was a burglary
12 and it was Ronnie Martin who we was looking for, I did not go
13 to the scene at the time. I immediately started looking for
14 Ronnie.

15 Q. Well, you're an experienced investigator. How did
16 you go about to go look for him at that point in time?

17 A. I had knowledge that he was staying in a residence
18 off of Merritt down behind the post office with his
19 girlfriend. I immediately went in that direction.

20 Q. Okay. So what did you see and what happened as a
21 result of you heading over towards where you thought he was
22 staying? What did you see?

23 A. I had rode the area. I was coming up, I'm not
24 exactly sure if it was MLK or to the next street over.

25 Q. You were looking for Ronnie Moe. What kind of

1 clothing were you looking for, if any?

2 A. Blue hoodie and khaki pants. And I came up and at
3 that time I saw a person wearing a blue hoodie, khaki pants.
4 When I went by --

5 Q. What street were you on at that time?

6 A. I believe I was on M.L. King.

7 Q. So if you were on, looking at the map of Ridge
8 Spring right here, the elementary school is here. You think
9 you were on M.L. King?

10 A. Yes, I believe that's right.

11 Q. And that's right here?

12 A. That is correct.

13 Q. And that's the road that runs back up by the school
14 here, right?

15 A. Yes, sir.

16 Q. Okay. So you saw a person with a blue hoodie and
17 khaki pants on. What were you driving?

18 A. I was in a black unmarked Ford Explorer.

19 Q. Okay. So what happened when you saw that individual
20 that had the clothing on matching that description? What
21 happened next?

22 A. I went down and turned around and when I turned
23 around, when my lights came back around and whoever at that
24 point had darted into the woods.

25 Q. He ran --

1 A. He ran.

2 Q. -- at that point in time. When you turned back
3 around and came back, he ran?

4 A. That is correct.

5 Q. Okay. What was the next thing that happened? What
6 did you do next when the person started running with the
7 hoodie and the pants?

8 A. I went ahead and called Chief Goldman and Cody
9 Cockrell who was in the area at the time that I had spotted
10 Ronnie wearing the clothing that was described and then
11 Deputy Cockrell came down Merritt Street and he come over the
12 radio and said I got him right down here on Merritt, I
13 believe.

14 Q. Did you respond to assist him at that point in time?

15 A. I did.

16 Q. Okay. What did you see him in regard to the
17 interaction between Cockrell and Ronnie Moe or Ronnie Martin
18 at that time, what you did you see when you got on the
19 scene?

20 A. Deputy Cockrell had his Tazer out ordering
21 Mr. Martin to put his hands on the hood of the car.
22 Mr. Martin wasn't complying. He was being --

23 Q. Don't go into anything he said, but as to how he
24 acted, did you all have difficulty securing him and holding
25 him there?

1 A. We did. I walked up behind Ronnie and took his hand
2 and he was continuing to be difficult and I placed him in
3 handcuffs.

4 Q. Did you have to physically restrain him in order to
5 get him into custody and get him handcuffed?

6 A. I did. I did, too, yes, sir.

7 Q. All right. At that point in time who else, if any
8 other officers, arrived on the scene?

9 A. Chief Goldman.

10 Q. Chief Goldman had been on the scene there, too?

11 A. That is correct.

12 Q. Okay. When you initially got there, was Chief
13 Goldman there or did he arrive after you?

14 A. He arrived shortly thereafter.

15 Q. Shortly thereafter?

16 A. Yes, sir.

17 Q. Was he placed under arrest for burglary and
18 transported at that time?

19 A. He was placed under arrest, put in the back of Chief
20 Goldman's car and transported to the jail center.

21 Q. All right. You all were able to get him into
22 custody, but you all didn't injure him in any way at the time
23 he was arrested?

24 A. No, sir.

25 Q. Okay. So he was not injured at all as a result of

1 this encounter?

2 A. No, sir. He did not resist arrest to the point
3 where he was charged, where we charged him with resisting
4 arrest.

5 Q. Okay. All right. But you're absolutely positive
6 the person that ran from you that night is the same person
7 that you took into custody that night, the Defendant in this
8 case Ronnie Martin or Ronnie Moe?

9 A. Yes, sir. One hundred percent positive.

10 Q. And you knew him before then, correct?

11 A. Yes, sir.

12 Q. And he had no physical disabilities, not on
13 crutches, not in a wheelchair that night, was he?

14 A. Not that night, no, sir, he was not.

15 MR. MAYE: Answer any questions that the defense has
16 for you.

17 THE COURT: All right. Mr. Casto.

18 MR. CASTO: Yes, sir.

19 CROSS EXAMINATION

20 BY MR. CASTO:

21 Q. Just to be certain, I mean, this case, you learned,
22 you get the description from, you know, one individual; is
23 that right? And it's relayed out to you over the, over
24 y'all's system of communication; is that right?

25 A. Correct.

1 Q. Okay. And when you encounter Ronnie on the street
2 and he's stopped, he doesn't have, I don't believe he has
3 anything in his hands; is that fair to say?

4 A. I do not recall him having anything in his hands,
5 no, sir.

6 Q. Okay. And he is patted down obviously once y'all
7 get, you know, close to him as a matter of procedure,
8 right?

9 A. That is correct.

10 Q. And ultimately he doesn't have anything from Mrs.
11 Dianne Williams on his person at that time that y'all
12 found?

13 A. Not that I recall.

14 Q. All right. I believe, was it you that took the
15 picture of his boots there after he's handcuffed?

16 A. That is correct.

17 Q. Okay. And he was questioned at some point and he
18 talks about, Ronnie talks about being over at Dianne
19 Williams' house earlier that afternoon; is that fair to say?

20 A. Fair to say. I believe he did say something about
21 he was there with the moped and went and got some Honey
22 Buns.

23 Q. Okay. And as another officer working this case
24 you're not aware of any fingerprint or DNA evidence that was
25 submitted for testing or anything by yourself or any other

1 officer?

2 A. There was nothing submitted by myself, no, sir.

3 Q. Yes, sir. And you were familiar with Mr. Ronnie
4 Martin, is that right, at that time? But you don't know, you
5 know, specifically about any type of health issues or
6 anything that he has going back years, do you?

7 A. No, sir.

8 Q. Eventually Ronnie is arrested and he's taken to jail
9 that evening and then there's another search or inventory at
10 the jail. To your knowledge nothing was found of Mrs.
11 Williams on his person?

12 A. I was not involved in that and I have no
13 knowledge.

14 Q. Okay. You weren't there for that?

15 A. No, sir.

16 MR. CASTO: No further questions. Thank you.

17 THE COURT: Redirect?

18 MR. MAYE: Nothing. Thank you.

19 THE COURT: Thank you, Captain. You may step down.
20 Any objections to Mr. Rushton being excused from the
21 State?

22 MR. MAYE: Not from the State, Your Honor. Thank
23 you.

24 THE COURT: Defense?

25 MR. CASTO: No, sir, Your Honor.

1 THE COURT: You may be excused. All right. Perhaps
2 now would be a good time to take our late morning
3 recess. We'll take about a 15 minute recess. Ladies
4 and gentlemen, do not discuss the case during this brief
5 recess. Thank you very much. You may go back to the
6 jury room.

7 (Whereupon, the jury enters the jury room.)

8 THE COURT: How many more witnesses have you got,
9 Mr. Solicitor?

10 MR. MAYE: Two or three more, Your Honor.

11 THE COURT: Finish by lunch?

12 MR. MAYE: Depends on how verbose Mr. Casto is over
13 here. I can't predict. I can only judge my own.
14 Possibly one of these witnesses probably will take a
15 little bit and then we are going to get into publishing
16 the tapes and that's going to take a little while.

17 THE COURT: All right. You probably need to have
18 your witnesses ready this afternoon.

19 MR. CASTO: Yes, sir, Your Honor.

20 THE COURT: All right. Thank you very much. Court
21 will be in recess for 15 minutes. Thank you.

22 (Brief recess.)

23 BAILIFF: All rise.

24 THE COURT: Please be seated. Anything from the
25 State before we bring in our jury?

1 MR. MAYE: Nothing from the State, Your Honor.

2 THE COURT: Defense?

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

4 THE COURT: All right. Bring in our jury.

5 (Whereupon, the jury returns to the courtroom.)

6 THE COURT: Welcome back, ladies and gentlemen of
7 the jury panel. We're continuing the trial of this case
8 by the presentation of the evidence and testimony by the
9 State in its case in chief. As you have done throughout
10 the trial of the case, please continue to give the
11 parties your complete and undivided attention. Mr.
12 Solicitor, you may call your next witness.

13 MR. MAYE: The State calls Kimberly Gantt.

14 MR. CASTO: Your Honor, may we approach?

15 THE COURT: Yes, sir. You can go ahead and place
16 her under oath.

17 (Side bar off the record.)

18 Thereupon,

19 KIMBERLY GANTT

20 after having been first duly sworn, testified as follows,

21 THE COURT: We'll have a moments delay, ladies and
22 gentlemen of the jury, while we wait on a document.

23 MR. MAYE: I can expedite that if I can leave the
24 courtroom, Your Honor.

25 THE COURT: Okay. Yes, you can do that,

1 Mr. Solicitor.

2 THE COURT: Thank you, Mr. Casto and Mr. Solicitor.

3 You may continue, Mr. Solicitor.

4 DIRECT EXAMINATION

5 BY MR. MAYE:

6 Q. Ms. Gantt, introduce yourself to the ladies and
7 gentlemen of the jury. Tell them your name.

8 A. My name is Kimberly Gantt.

9 Q. Ms. Gantt, where do you live now?

10 A. Saluda, South Carolina.

11 Q. You live in Saluda. Okay. Have you lived around in
12 this area most of your life?

13 A. Mostly.

14 Q. Most of your life. Let's talk about back in
15 December of 2013. Who was your boyfriend at that time?

16 A. Ronnie Martin.

17 Q. The Defendant in this case, Ronnie Moe or Ronnie
18 Martin?

19 A. Yes, sir.

20 Q. Where were y'all staying together at that time?
21 Were y'all living together?

22 A. Yes, sir. We was at [REDACTED].

23 Q. [REDACTED]?

24 A. Yes, sir.

25 Q. Let me ask you this: This is a map of Ridge Spring

1 right here. Did y'all live in a trailer at the intersection
2 back here?

3 A. Yes, sir.

4 Q. Ridge Hill?

5 A. It's on Ridge Hill Drive.

6 THE COURT: Speak up for me just a little bit,
7 please, Ms. Gantt.

8 BY THE WITNESS:

9 A. It was on Ridge Hill Drive.

10 BY MR. MAYE:

11 Q. Single wide?

12 A. Yes, sir.

13 Q. Okay. Now, you and Ronnie were staying together in
14 the trailer at that time; is that correct?

15 A. Yes, sir.

16 Q. Okay. On December the 13th of 2013, what was he
17 wearing? What kind of clothing did he have on that night?

18 A. He had on a blue hoodie with the beige pants. I
19 don't know what was up underneath it at the time.

20 Q. Okay. But he had on a blue hoodie and you're sure
21 of that that night?

22 A. Yes, sir.

23 Q. Okay. And he had on beige pants, correct?

24 A. Yes, sir.

25 Q. Okay. He had them on on the 13th of December, 2013.

1 You actually came up here and got that hoodie back. Who did
2 that hoodie belong to initially?

3 A. It's mine.

4 Q. It was yours?

5 A. Yes, sir.

6 Q. But that night he was wearing your hoodie?

7 A. Yes, sir.

8 Q. Okay. Did you later retrieve that hoodie?

9 A. Yes, sir.

10 Q. Did you come get it?

11 A. Yes. I had went to the jail house and got it.

12 Q. They gave it to you at the jail house?

13 A. Yes, sir.

14 Q. Okay. And you got it?

15 A. Yes, sir.

16 Q. And they turned it over to you?

17 A. Yes, sir.

18 Q. Okay. But you're positive that's the same one that
19 he was wearing on the night of December the 13th of 2013?

20 A. Yes, sir.

21 Q. Okay. On over into the evening hours of December
22 the 13th of 2013, did you learn that Ronnie Moe your
23 boyfriend then had been arrested?

24 A. Yes.

25 Q. Okay. Did you find out what he had been arrested

1 for at that point in time?

2 A. Yes. I had found out that night.

3 Q. Okay. Did you come up here to the jailhouse and did
4 you start talking with him? Did you come and meet with him
5 and talk with him?

6 A. Yes, I did visit.

7 Q. What was it that he wanted you to do to help him?

8 A. To go and get the purse and return it back to Ms.
9 Dianne.

10 Q. He wanted you to go get the purse --

11 A. And return it back to Ms. Dianne.

12 Q. -- and give it back to Dianne?

13 A. Yes, sir.

14 Q. He knew where the pure was; is that correct?

15 A. Yes, sir.

16 MR. CASTO: Objection to leading.

17 THE COURT: Yes, sir. I would sustain the
18 objection.

19 MR. MAYE: I will withdraw it and I will rephrase
20 it.

21 BY MR. MAYE:

22 Q. Who told you where to find the purse almost
23 immediately?

24 A. Ronnie Martin.

25 Q. Okay. Where did he tell you that the purse was?

1 A. Close to the Wedding House in Ridge Spring.

2 Q. Close to the Wedding House?

3 A. Yes.

4 Q. Okay. So as a result of you talking to him at the
5 jail, what did you do in order to try to locate it once he
6 told you where it was?

7 A. Well, I had went out there the first time, but I
8 never did see it.

9 Q. You couldn't find it?

10 A. No. I didn't see it.

11 Q. What else did he want you to do to try to help him
12 other than find the purse and give it back to Ms. Dianne?
13 What else did he want you to do?

14 A. He had wanted me to call and say that Quinton
15 Samuels, saying that Quinton Samuels had showed me where the
16 pocketbook was.

17 Q. He wanted you to say that Quinton Samuels showed you
18 where the pocketbook was?

19 A. Yes, sir.

20 Q. Did you know Quinton?

21 A. I know of him, but I don't know him like that.

22 Q. Okay. So as far as Quinton's mental state, what do
23 you know about that, Quinton Samuels?

24 A. He's not -- Well, he's not bright.

25 Q. He's not bright?

1 A. Yes, sir.

2 Q. That's charitable that he's not bright.

3 A. Yes, sir.

4 Q. Okay. So did you have an opportunity to engage in
5 conversations with him, him calling you from the jail? Did
6 he call you multiple times from the jail?

7 A. Yes, sir.

8 Q. Did y'all have multiple conversations on those phone
9 conversations that he made from the jail from those jail
10 calls?

11 A. Yes, sir.

12 Q. Have you had an opportunity to review those
13 conversations, those taped conversations? Have you listened
14 to all of them?

15 A. Yes, sir.

16 Q. Okay. Do they fairly and accurately reflect all of
17 the conversations that you had with him as he called you from
18 the jail?

19 A. Yes, sir.

20 Q. But you also met with him at the jail and talked
21 with him directly, too, didn't you?

22 A. I have.

23 Q. Those calls are not recorded, correct?

24 A. Yes, sir.

25 Q. Those conversations are not recorded like the jail

1 calls?

2 A. Yes, sir.

3 Q. What did he want you to do in regard to Ms. Dianne?
4 What did he want you to get her to do and what did he ask you
5 to do in regard to Ms. Dianne Williams, the victim in this
6 case?

7 A. He wanted me to get her to say that it wasn't him
8 and that Quinton was the one that came into the house and got
9 the pocketbook.

10 Q. Okay. That wasn't true though, was it?

11 A. No, sir.

12 Q. What did you do to assist him or to try to further
13 this idea that it was Quinton? What action did you take
14 personally? What did you do?

15 A. I was telling him that I was talking to Ms. Dianne
16 which I wasn't and I was just still going on with the
17 story.

18 Q. Okay. What, if anything, did you do in regard to
19 Chief Goldman here? What did you do?

20 A. I wrote out a statement. It was false.

21 Q. You wrote out a statement that was false?

22 A. Yes, sir.

23 Q. Who asked you to go do that and who asked you to
24 carry that out?

25 A. Ronnie Martin.

1 Q. Ronnie asked you to do that?

2 A. Yes, sir.

3 Q. Did you, in fact, go give a false statement to
4 Mr. Goldman?

5 A. Yes, I did. They had came to my job and I wrote it
6 then.

7 Q. You wrote a false statement to him?

8 A. Yes, sir.

9 Q. I'm going to let you refresh your recollection. I'm
10 going to show you this. I'm going to give you a copy of the
11 statement here just to have to review if you need to. Just
12 be honest. What kind of lie did you try to tell Chief
13 Goldman to help Ronnie?

14 A. Basically putting it on Quinton which I never did
15 talk to Quinton and Quinton never showed me where the
16 pocketbook was.

17 Q. But you told Chief Goldman that Quinton was the one
18 that showed you where the pocketbook was and you tried to put
19 it on Quinton?

20 A. Yes, sir.

21 Q. Wasn't true at all, was it?

22 A. No, sir. I never talked to Quinton.

23 Q. Okay. When you initially talked to him on the phone
24 and met with him at the jail, was your interaction with him
25 pleasant? Was he trying to talk you into doing this?

1 A. Yes, sir.

2 Q. After you could not carry it out, did that
3 interaction between you change when you couldn't get the job
4 done on getting Ms. Dianne to change her statement? How did
5 his interaction with you, how did that change?

6 A. Well, we had stopped talking and then I had stopped
7 receiving his calls. I didn't have a phone at the time so I
8 didn't receive the calls anymore.

9 Q. The next interactions you had when he was able to
10 communicate with you, did they change and were they less
11 pleasant?

12 A. I never talked to him since then.

13 Q. Okay. Did he convey any messages to you?

14 A. I was receiving letters, but I didn't respond to
15 them.

16 Q. What was the tone and the nature of the letters that
17 you were receiving from him?

18 A. Angry.

19 Q. Angry?

20 A. Yes, sir.

21 Q. Was he threatening because you could not get this
22 done?

23 A. Yes, sir.

24 Q. Ms. Gantt, you know from giving the false statement
25 to Chief Goldman here that you could be charged with a crime

1 in this case; is that not correct?

2 A. Yes, I know that now.

3 Q. Has anybody told you one way or another what's going
4 to happen to you as a result of you lying in this case?

5 A. No, sir.

6 Q. Has anybody made you any promises as to what
7 potentially could happen to you for you giving false
8 information involved in this crime?

9 A. No, sir.

10 MR. MAYE: I beg the Court's indulgence, Your Honor.
11 I'm waiting on that one document.

12 THE COURT: All right. How about having someone
13 check on that for me, please.

14 BY MR. MAYE:

15 Q. In the interim, let me ask you this: I'm going to
16 show you State's 12 and 2. Did you go out and show law
17 enforcement where you were able to eventually locate the
18 pocketbook in this case?

19 A. Yes, sir.

20 Q. I'm going to show you State's 12 and ask you is that
21 the field in the wood line where you were able to locate the
22 pocketbook?

23 A. Yes, sir.

24 Q. And I'm going to show you State's 2. Where you are
25 pointing in this photograph, is that where you were able to

1 find the pocketbook?

2 A. Yes, sir.

3 Q. Who told you where you could locate the
4 pocketbook?

5 A. Ronnie Martin.

6 Q. Ronnie Martin did?

7 A. Yes.

8 Q. After he told you where you could find it, what did
9 you do with the pocketbook once you were able to locate it up
10 there in the bushes?

11 A. I returned it back to Ms. Dianne.

12 Q. You returned it back to Ms. Dianne?

13 A. Yes, sir.

14 Q. What were you attempting to do by taking it back to
15 her?

16 A. Well, basically trying to get the charges dropped
17 for Ronnie because she said she only wanted just to get the
18 pocketbook.

19 Q. Ms. Gantt, back in 2010 you got convicted of assault
20 and battery of a high and aggravated nature, right?

21 A. Yes, sir.

22 Q. Back in 2010, right?

23 A. Yes, sir.

24 Q. Ms. Gantt, let me ask you this: As to the Watson
25 House or the Wedding House, let's look at this map right

1 here. If you're walking back over here from Kent's Corner or
2 any of these areas in here, this path of where you are
3 standing in the field there, is it this area in here in this
4 map?

5 A. Yes, sir.

6 Q. Okay. Did you find the pocketbook in the wood line

7 --

8 A. Yes.

9 Q. -- right here?

10 A. Yes. The wood line. Yes.

11 Q. Okay. And y'all were living back here in the single
12 wide; is that correct?

13 A. Yes, sir.

14 Q. Ms. Dianne's house is here, correct?

15 A. Mm-hmm.

16 Q. And this is the path going back over to your area of
17 town?

18 A. Yes, sir.

19 Q. And you found the pocketbook right over here along
20 that path?

21 A. Yes, sir.

22 Q. Who told you where to find it?

23 A. Ronnie Martin.

24 Q. Who asked to you lie in this case?

25 A. Ronnie Martin.

1 Q. Who did Ronnie ask you to frame for doing this?

2 A. Quinton Samuels.

3 Q. Is there any truth to Quinton Samuels being involved
4 in this in any regard to your knowledge?

5 A. No, sir.

6 MR. MAYE: Answer any questions the defense has for
7 you.

8 THE COURT: All right. Thank you. Mr. Casto.

9 CROSS EXAMINATION

10 BY MR. CASTO:

11 Q. Ms. Gantt, today you said that the statement that
12 you made to law enforcement was false; is that right?

13 A. Yes, sir.

14 Q. Today you said that ultimately Quinton did not show
15 you where this purse was; is that right?

16 A. That is correct.

17 Q. That Ronnie Martin showed you where that purse was;
18 is that right?

19 A. No. He told me where it was.

20 Q. I'm sorry. He told you where it was; is that
21 right?

22 A. Yes, sir.

23 Q. And back on December 18th you did make, of 2013, I'm
24 sorry, you did make a statement to law enforcement; is that
25 right?

1 A. Yes, sir.

2 Q. And it was written down; is that right?

3 A. Yes, sir.

4 Q. And you signed your name at the bottom; is that
5 right?

6 A. Yes, sir.

7 Q. They signed it as well; is that true?

8 A. Yes, sir.

9 Q. And I have a copy of this. Would you quietly and to
10 yourself read over your statement.

11 A. (Witness complies.) Yes, sir.

12 Q. Kimberly, in that statement there you write that
13 Ronnie was telling you where the pocketbook was. When you
14 got to the spot, it wasn't there; is that right?

15 A. Yes, sir.

16 Q. In that same statement he kept telling you to talk
17 to Quinton and ask him where it was. You wrote that,
18 right?

19 A. Yes, sir.

20 Q. And in that statement you also wrote you didn't want
21 to tell, Quinton didn't want to tell you, but he lured me to
22 where the direction it was. You wrote that, right?

23 A. Yes, sir.

24 Q. And then you talked back to Ronnie Monday and told
25 him Quinton showed me where to go and that he didn't have

1 anything to do with it, right?

2 A. Yes, sir.

3 Q. But now you're saying that that wasn't true; is that
4 right?

5 A. Yes, sir.

6 Q. And you came in here to tell the truth because it's
7 the right thing to do, right?

8 A. Yes, it is.

9 Q. But you weren't doing the right thing back in 2011
10 when you were convicted for assault and battery of a high and
11 aggravated nature, were you?

12 MR. MAYE: Your Honor.

13 THE COURT: No, sir. No, sir. That's an improper
14 question. That's an improper question and stricken from
15 the record, both the question and she did not answer.
16 Ladies and gentlemen of the jury, a person with a prior
17 criminal record is competent to testify in the State
18 Courts of South Carolina and the fact that a person has
19 a prior criminal record does not make the person
20 incompetent to testify. You can use that testimony, if
21 you use it at all as far as prior criminal history,
22 solely on the issue of the credibility of the witness
23 and whether or not the testimony before you today is
24 believable or not and for no other purpose. Thank you.
25 You may ask your next question, Mr. Casto.

1 MR. CASTO: Yes, sir, Your Honor. Withdraw the
2 question.

3 BY MR. CASTO:

4 Q. In your statement you state that you talked to
5 Ronnie Martin on Saturday night. You got a phone call from
6 him, right?

7 A. Yes, sir.

8 Q. But then you also say you talked back to him on
9 Sunday, December 15th; is that right?

10 A. Yes, sir.

11 Q. So your testimony is that you talked to him on what
12 would be December 14th, the day before Sunday, Saturday,
13 right?

14 A. Mm-hmm.

15 THE COURT: Say yes or no for me.

16 BY THE WITNESS:

17 A. Yes, sir.

18 THE COURT: Thank you.

19 BY MR. CASTO:

20 Q. And it's your understanding that all of the jail
21 phone calls are recorded, right?

22 A. Yes.

23 Q. Now, with regard to Quinton Samuels, you know who he
24 is; is that right?

25 A. Yes, sir, I know of him.

1 Q. And you knew him, of him before this incident
2 happened, right?

3 A. Yes, sir.

4 Q. Okay. He is an African-American adult male; is that
5 right?

6 A. Yes, sir.

7 Q. And he lives, as I understand it, he lives or stays
8 near you on Quattlebaum Street; is that right?

9 A. Yes, sir. He lives down the road where I used to
10 stay at.

11 Q. Is it just a few houses down, something like that?

12 A. Yes. Probably like two, two houses, three.

13 Q. Okay. In other words, Quinton is a real person
14 because you have seen him, met him, you know him. It's not a
15 person made up or pulled out of thin air; is that right?

16 A. That's correct.

17 Q. Okay. When we talk about Quinton, we are speaking
18 of Quinton Samuels; is that right?

19 A. Yes, sir.

20 Q. Okay. And that's the person that you are referring
21 to in this written statement that you made; is that right?

22 A. Yes, sir.

23 Q. Okay. Let's shift gears a little bit. When this
24 incident happened, you testified on direct that you were in a
25 relationship with Ronnie at the time; is that right?

1 A. Yes, sir.

2 Q. Okay. Y'all were boyfriend/girlfriend?

3 A. Yes, sir.

4 Q. Were y'all engaged at the time?

5 A. No, sir.

6 Q. Okay. And obviously, you know, this was in 2013,
7 right?

8 A. Yes, sir.

9 Q. And it's 2015 now. You are not in a relationship
10 with him anymore, are you?

11 A. No, sir.

12 Q. Is it fair to say that you all broke up a few months
13 after this occurred? Is that a fair statement?

14 A. It was probably a little bit more than a couple
15 months.

16 Q. Okay. But you all did break up a few months or more
17 than a couple months after this happened?

18 A. Yes, sir.

19 Q. And that you haven't spoken with him since that
20 time; is that right?

21 A. Since the visits and the phones calls.

22 Q. Okay. Let's talk about the purse that you found.
23 Based on the information that you receive you find the purse,
24 right?

25 A. Yes, sir.

1 Q. I think your testimony is that you were alone when
2 you found it; is that right?

3 A. Yes, I was.

4 Q. Okay. And that you tried to find it maybe one or
5 two times before you actually found it; is that right?

6 A. Yes, sir.

7 Q. But you couldn't those one or two times, right?

8 THE COURT: Was it one or is it two?

9 BY THE WITNESS:

10 A. It was one time.

11 BY MR. CASTO:

12 Q. One time. Okay.

13 A. The first time I didn't find it.

14 Q. Okay. And based on that information you find the
15 purse the second time that you go to look for it; is that
16 right?

17 A. Yes, sir.

18 Q. Okay. And do you know was it December 16th or do
19 you remember what day you found the purse?

20 A. I don't remember the date.

21 Q. But is it fair to say that it was a few days after
22 this happened?

23 A. Yes, sir. After the phone call.

24 Q. And once you find the purse, you walk it straight
25 over to Ms. Dianne's house; is that right?

1 A. That is correct.

2 Q. Don't drop it off at law enforcement, just go
3 straight to her house; is that right?

4 A. Yes, sir.

5 MR. CASTO: Thank you, ma'am. That's all the
6 questions I have.

7 THE COURT: Redirect, Mr. Solicitor.

8 MR. MAYE: Nothing. Thank you.

9 THE COURT: All right. Is she subject to the
10 subpoena of the Court?

11 MR. MAYE: She is. I would release her at this
12 point in time. I no longer need her.

13 THE COURT: I'm not going to release her from the
14 subpoena, all right?

15 MR. MAYE: All right.

16 THE COURT: Thank you. You may step down. You're
17 still subject to the subpoena of the Court, Ms. Gantt.
18 Thank you very much. How long is your next witness, Mr.
19 Solicitor?

20 MR. MAYE: Your Honor, it involves the matter that
21 we discussed pretrial in this case. Perhaps it would be
22 prudent for my co-counsel here to review the work that
23 we have done as a result of our pretrial conference.

24 THE COURT: You haven't listened to them yet,
25 Mr. Casto?

1 MR. CASTO: I have listened to them, but they have
2 since made the redaction I believe yesterday evening and
3 I haven't heard what they have come up with, Judge.

4 THE COURT: Well, all right. Well, that's
5 certainly, that's understandable. Of course, I would
6 have been able to do it on my boom box from K-Mart at
7 home much more timely than the professional forensic IT
8 can do it. Those are about how long, 20 something
9 minutes?

10 MR. MAYE: Approximately. With the redaction
11 slightly less.

12 THE COURT: Do you have other witnesses, Mr.
13 Solicitor?

14 MR. MAYE: I do not, Your Honor. I do not.

15 THE COURT: Perhaps now rather than holding our jury
16 captive we'll let them go to lunch and let y'all
17 accomplish that and upon return we can go right into
18 that.

19 MR. MAYE: And that should take care of it, Your
20 Honor.

21 THE COURT: All right. Thank you very much, Mr.
22 Solicitor. Thank you, Mr. Casto. Madam Forelady and
23 ladies and gentlemen of the jury, perhaps now would be a
24 good time to take our luncheon recess. As you see, the
25 State is continuing to march onto the conclusion of the

1 State's case in chief as far as evidence and testimony
2 is concerned. Please remember during this recess do not
3 discuss this case with anyone, that includes your fellow
4 jurors, lunch mates, family, friends, anyone else.
5 Anyone tries to talk with you, please let me know. Do
6 not read, watch or listen to any news reports about the
7 cases should there be any. Do not do any investigation
8 on the Internet or personally. Please remember do not
9 review your computer to do any research whatsoever.
10 Decide the case based on the evidence and the testimony
11 you hear from the witnesses testifying under oath from
12 the witness stand, any evidence presented and reasonable
13 inferences you think may be properly drawn from the
14 evidence. I'm going to ask you to please be back at
15 approximately - please be back not at approximately but
16 promptly at 2:15. That will give them time to get this
17 review in place, I think, and keep you from being held
18 captive any longer in your jury room than necessary.
19 Any questions? Thank you very much. Enjoy your
20 luncheon recess. I hope y'all have a pleasant lunch.

21 (Whereupon, the jury was released for the lunch
22 recess.)

23 THE COURT: All right. Please have Mr. Martin come
24 around to the microphone. He can remain in his
25 wheelchair. Madam Clerk, place that Bible over there.

1 Place that over there for me.

2 Thereupon,

3 RONNIE MARTIN

4 after having been first duly sworn, testified as follows,

5 THE COURT: Madam Clerk, could you pull that
6 microphone over there. Thank you. Thank you,
7 Mr. Martin. Mr. Martin, I'm going to go over a few
8 things with you now so you will have the luncheon recess
9 and any other time you may need to discuss this issue
10 with your attorney. You know where we are at in the
11 trial. It appears that the redacted version of the
12 phone conversations may be the only thing that is left
13 to be offered by the State at which point the State
14 would rest. I need to go over some things with you. I
15 do this with everyone who is on trial. I have them
16 placed under oath.

17 Tell me your full name, please.

18 MR. MARTIN: Ronnie Martin.

19 THE COURT: How old are you, Mr. Martin?

20 MR. MARTIN: 48.

21 THE COURT: How much education do you have?

22 MR. MARTIN: I finished tenth grade but I got my
23 GED.

24 THE COURT: When the State rests, your side, the
25 defense will have the opportunity to present evidence or

1 testimony for the jury to consider. Do you understand
2 that?

3 MR. MARTIN: Yes, sir.

4 THE COURT: In that regard the defense may call
5 witnesses to testify on your behalf. If you choose to
6 testify yourself, you may do so. Do you understand?

7 MR. MARTIN: Yes, sir.

8 THE COURT: No one can force you to testify. You
9 have an absolute right to remain silent and if you
10 choose not to testify, I will tell this jury that they
11 cannot hold your silence against you in any way. I will
12 tell the jury that they are not to even discuss that in
13 the jury room. Do you understand?

14 MR. MARTIN: Yes, sir.

15 THE COURT: If your side, the defense, offers no
16 evidence at all, in other words, if neither you nor
17 anyone on your behalf testifies or offers any exhibits,
18 then your attorney, Mr. Casto, will get to make the last
19 argument to the jury. Otherwise the Prosecutor gets to
20 make the last argument to the jury. Do you understand?

21 MR. MARTIN: Yes, sir.

22 THE COURT: Mr. Solicitor, Mr. Casto, does
23 Mr. Martin have a prior criminal history that would
24 subject him to impeachment under Rule 609?

25 MR. MAYE: Your Honor, I have that he has a 2009

1 conviction of assault and battery of a high and
2 aggravated nature. He got a six year sentence on
3 4/3/2009. He has a prior burglary first conviction,
4 Your Honor, and a criminal sexual conduct conviction but
5 they are outside of the ten years. The burglary
6 conviction we would maintain is a crime involving
7 dishonesty, but we recognize the 403 balancing test in
8 this case and it's the same crime for which he's being
9 tried. That's what I have that would potentially -- He
10 has a number of crimes but they are outside of ten years
11 and/or not crimes involving dishonesty. So I intend to
12 impeach him with the ABHAN and subject to your ruling on
13 the 403 analysis of the convictions that he has for
14 criminal sexual conduct and the burglary first.

15 THE COURT: What year was the burglary first and the
16 criminal sexual conduct?

17 MR. MAYE: Your Honor, I have his rap sheet here. I
18 mean certified copies of his convictions. Hold on.
19 Criminal sexual conduct in the first degree, he got 15
20 years suspended on the service of eight in 1996,
21 10/24/1996, was his conviction date in front of Judge
22 Westbrook. He also had a burglary first conviction. It
23 shows 15 on eight and five years probation 10/24/1996.
24 The only thing that I could propose on the burglary
25 conviction given it's outside the ten years but it is a

1 crime involving dishonesty would be to impeach him.
2 Wasn't it true that on 10/24/1996 that you were
3 convicted of a crime, the potential punishment is in
4 excess of a year? And the assault and battery of a high
5 and aggravated nature to be able to impeach him with
6 that as he is charged as the ABHAN.

7 THE COURT: All right. I will allow it on the '09
8 ABHAN. I would not allow the burglary first or criminal
9 sexual conduct under Rule 609(b) as far as the time
10 limit is concerned and the probative value conviction is
11 the same, substantially outweighed by the prejudicial
12 effect. As to my ruling on the ABHAN, Mr. Casto, do you
13 have any objections?

14 MR. CASTO: Yes, sir, Your Honor. We believe that
15 they are way too remote. It's 1996.

16 THE COURT: The ABHAN? I have ruled on the burglary
17 first, the CSC is not admissible. As to my ruling on
18 the 2009 ABHAN do you have any objections?

19 MR. CASTO: Yes, sir, Your Honor, I do. We feel
20 that it's more prejudicial than probative. Essentially
21 I think it's not anything that involves any type of
22 truthfulness or anything like that. And the other
23 aspect of it, Your Honor, is what element of burglary in
24 the first degree would this possibly even go to, Your
25 Honor? I think that it has very little, if any, affect.

1 It's only just to paint him in a bad light and prejudice
2 him, Judge.

3 THE COURT: All right. Well, you have already had
4 one witness testify she has a 2010 ABHAN. Although I
5 realize the analysis is different when there's the
6 accused. However, under the Rule 403 analysis and the
7 punishment being in excess of one year I find it does
8 have probative value. The probative value outweighs the
9 prejudicial effect. Of course, I would give a limited
10 instruction as I did with Ms. Gantt that it only goes to
11 the issue of credibility and for no other purpose. All
12 right. So, Mr. Martin --

13 MR. MARTIN: Yes, sir.

14 THE COURT: If you were to testify, your attorney or
15 the Prosecutor could ask you in front of the jury about
16 whether or not you have been convicted of assault and
17 battery of a high and aggravated nature in the past in
18 2009. They cannot go into details of the prior offense,
19 but they can ask you if you have been convicted of that
20 offense. If that happens, I will then tell the jury
21 that they can only consider that evidence against you,
22 if they consider it against you at all, only on the
23 issue of whether your testimony is believable and for no
24 other purpose. Do you understand?

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

1 THE COURT: The decision about whether you testify
2 or not is your decision to make and yours alone. It's
3 your call. I expect if you have conferred with your
4 attorney and perhaps others whose opinions you value on
5 life's important decisions, but the ultimate decision
6 about whether you testify or not is your call to make.
7 Do you understand?

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

9 THE COURT: Has anyone exercised any undue influence
10 over you to get you to choose to testify or not to
11 testify?

12 MR. MARTIN: No, sir.

13 THE COURT: Today are you under the influence of any
14 drugs, alcohol, medication or anything that negatively
15 affects your thinking ability?

16 MR. MARTIN: I took Gabapentin for my back this
17 morning, but it's just only for my nerves and pain in my
18 back.

19 THE COURT: Is that a prescription drug? I didn't
20 quite hear it.

21 MR. MARTIN: Yes, sir. It's Neurontin. It's
22 Gabapentin. It's for my back.

23 THE COURT: Neurontin?

24 MR. MARTIN: Yes, sir. But it's an off - it's a
25 generic Gabapentin. Yes, sir.

1 THE COURT: You take that according to a doctor's
2 prescription?

3 MR. MARTIN: Yes, sir.

4 THE COURT: And does it negatively affect your
5 thinking ability?

6 MR. MARTIN: No, sir.

7 THE COURT: Okay. Thank you. Thank you very much.
8 Do you suffer from any physical or mental problems that
9 negatively affect your thinking today?

10 MR. MARTIN: No, sir.

11 THE COURT: I am not going to ask you now what
12 decision you have made. I'll give you the luncheon
13 recess to think further about that, but do you have any
14 questions you would like to ask me about your right to
15 testify or not to testify?

16 MR. MARTIN: No, sir. My lawyer, he's already
17 explained. He told me. It's pretty clear.

18 THE COURT: All right. We'll revisit that after the
19 luncheon recess after the State has rested. Anything
20 further, Mr. Casto?

21 MR. CASTO: No, sir, Your Honor.

22 THE COURT: Solicitor?

23 MR. MAYE: Your Honor, the only thing I can think of
24 is we now have redacted the tapes. It's going to be
25 obvious that there are some breaks in the tape. I would

1 request from Your Honor --

2 THE COURT: I usually give a limited instruction
3 just like I would with a document that I have ruled that
4 certain parts of the tape is not relevant, not
5 admissible, don't hold that against anybody, don't hold
6 that for or against anybody.

7 MR. MAYE: And not to speculate as to what the
8 contents are.

9 THE COURT: Yes.

10 MR. MAYE: Thank you.

11 THE COURT: Thank you. You don't have any objection
12 to that?

13 MR. CASTO: No, sir, Your Honor.

14 THE COURT: All right. If you have any particular
15 requested charge not in anticipation of ruling on any
16 particular motions to be made, but if you have any,
17 please give them to my law clerk. If you can get them
18 after the luncheon recess, I would appreciate it. He
19 would appreciate it.

20 MR. CASTO: Yes, sir.

21 THE COURT: Thank you very much. We will be in
22 recess until 2:15..

23 MR. CASTO: Yes, sir.

24 MR. MAYE: Thank you, Your Honor.

25 (Whereupon, court was adjourned for the luncheon

1 recess.)

2 BAILIFF: All rise. Court is now in session.

3 THE COURT: Please be seated. All right. Anything
4 from the State before we bring the jury in,
5 Mr. Solicitor?

6 MR. MAYE: No, sir, Your Honor.

7 THE COURT: Defense?

8 MR. CASTO: No, sir, Your Honor.

9 THE COURT: Have you had the opportunity to review
10 the redacted versions of the tapes, Mr. Casto?

11 MR. CASTO: Yes, sir, Your Honor.

12 THE COURT: Are they compliant with my ruling?

13 MR. CASTO: They are compliant with your rulings,
14 yes, sir.

15 THE COURT: Thank you, Mr. Casto.

16 MR. CASTO: Yes, sir.

17 THE COURT: That's what you intend to do, Mr.
18 Solicitor, is publish the tapes?

19 MR. MAYE: I intend to call Janice Ergle as
20 custodian of records of the recorded calls from the jail
21 and enter those taped conversations subject to the
22 redactions and rulings of Your Honor previous this week
23 and publish them to the jury.

24 THE COURT: Thank you. All right. Bring us our
25 jury please.

1 (Whereupon, the jury returned to the courtroom.)

2 THE COURT: Madam Forelady, ladies and gentlemen of
3 the jury, welcome back. I hope you had a pleasant
4 lunch. It's my understanding the next witness will be
5 the jail administrator for the Saluda County Detention
6 Center. Through that witness the Solicitor intends to
7 offer tape recordings of certain telephone conversations
8 that occurred between Mr. Martin and Ms. Gantt while
9 Mr. Martin was incarcerated at the detention center. As
10 you may recall, among my various duties and
11 responsibilities is to determine the admissibility or
12 inadmissibility of certain items of evidence. There
13 were parts of the taped conversations that I ruled would
14 not be admissible. They are not relevant to this trial
15 in any way whatsoever so the taped conversations have
16 been redacted and those parts that I ruled are not
17 admissible would not be presented to you, only those
18 parts that are relevant. So as to the redacted portions
19 there may be gaps and such like that during the
20 telephone conversations. Those gaps should not be
21 considered by you for any purposes whatsoever during
22 your deliberations and your determination of what the
23 appropriate verdict should be in this case. Those gaps
24 should not be used for or against the State or the
25 Defendant, nor should you attempt to determine what may

1 have been said during those conversations where gaps
2 appear. They are not relevant. They are not
3 admissible. They would not be considered by you in any
4 way whatsoever. Thank you. Mr. Solicitor, call your
5 next witness.

6 MR. MAYE: The State would call Janice Eggle to the
7 stand.

8 THE COURT: All right. Come around and be sworn
9 for us, please.

10 Thereupon,

11 JANICE EGGLE

12 after having been first duly sworn, testified as follows,

13 DIRECT EXAMINATION

14 BY MR. MAYE:

15 Q. Ms. Eggle, if you would, introduce yourself to the
16 ladies and gentlemen of the jury. Tell them about your
17 employment and how long you have been employed in that
18 capacity.

19 A. My name is Janice Eggle. I work for the Saluda
20 County Sheriff's Office. I have been with them since '84,
21 approximately 30 years.

22 Q. How long have you been running the detention center
23 for the various Sheriff's that have served since that time?

24 A. Since 1995 I became the acting administrator. In
25 '96 April 1st I was appointed administrator.

1 Q. You have been running the jail for the various
2 Sheriffs since then?

3 A. Yes, sir.

4 Q. As such are you the custodian of records for all
5 phone conversations that are recorded for security purposes
6 in your detention center?

7 A. Yes. I am responsible for those records.

8 Q. Okay. Are those maintained and kept in the regular
9 course of business with your agency or with your jail
10 facility?

11 A. Yes, sir, they are.

12 Q. Are they periodically reviewed in the issue of
13 security measures to monitor what conversations are going
14 forth?

15 A. Yes, they are.

16 Q. Are the people that utilize the phone system that
17 you have in the jail, are they apprised and are they warned
18 that the calls that they make from your system at the jail
19 are, in fact, recorded calls?

20 A. Yes, sir. When the phone call is starting to be
21 placed, it goes through a recording system of that it
22 possibly could be monitored and listened to.

23 Q. Okay. And in your job as the jail administrator are
24 you familiar with the Defendant in this case Ronnie Martin?

25 A. Yes, sir, I am.

1 Q. Is he present here in the courtroom here today?
2 Could you point him out?

3 A. Yes, sir. He's right there in the white shirt.

4 Q. The individual in the wheelchair?

5 A. Yes, sir.

6 Q. You were the jail administrator certainly during the
7 time period between December 2013 and present; is that
8 correct?

9 A. That is correct.

10 Q. Have you ever seen him on crutches or in a
11 wheelchair prior to this week?

12 A. No, sir.

13 Q. Ms. Ergle, if you would, I'm going to direct your
14 attention to five recorded phone calls that were made in
15 between December the 15th of 2013 and December the 18th of
16 2013. This is a Court's exhibit that is number 1. We do not
17 intend to move it into evidence, but I'm going to ask you
18 have you been able to review the recorded phone calls from
19 12/15, five calls from 12/15 of '13 to 12/18 of '13?

20 A. Yes, sir, I have.

21 Q. Do they fairly and accurately reflect the phone
22 conversations that were recorded on behalf of Mr. Martin or
23 attributed to him?

24 A. Yes.

25 Q. Okay. Have they been changed or altered in any way

1 other than any redactions on the part of the Court in this
2 case?

3 A. No, sir.

4 MR. MAYE: At this point in time I'm going to offer
5 into evidence the recorded phone conversations, five
6 conversations between 12/15/13 and 12/18/13. Four of
7 those conversations are on one compact disk. The one
8 that is redacted from, I believe it is 12/17 of 2013,
9 there were two calls on that date. The first one is on
10 a separate CD so there will be two compact discs and
11 they are labeled, one labeled which is containing four
12 calls, one labeled that is containing only one that's
13 been redacted. I move to admit them into evidence
14 subject to any objection on the part of the defense.

15 THE COURT: All right. Mr. Casto.

16 MR. CASTO: Yes, Your Honor. We would just renew
17 our objection to these calls that we made during
18 pretrial, Your Honor, at this time.

19 THE COURT: All right. Thank you. This will be
20 State's 21 in evidence subject to the previous ruling of
21 the Court.

22 MR. MAYE: I ask at this time that we be allowed to
23 publish those to the jury.

24 THE COURT: You may publish.

25 (Whereupon, Exhibit 21, CD recordings of jail phone

1 call conversations published to the jury.)

2 MR. MAYE: Your Honor, that's the publishing of
3 those tapes. I have moved to admit those into evidence.
4 They have been admitted and we have published them. I
5 would submit Ms. Ergle for questioning on the part of
6 defense in this case.

7 THE COURT: All right. Thank you, Mr. Solicitor. I
8 have already ruled that they are admitted subject to
9 previous rulings of the Court. Mr. Casto.

10 MR. CASTO: No questions for this witness, Your
11 Honor.

12 THE COURT: Thank you very much, Ms. Ergle. Thank
13 you for being with us this afternoon. Mr. Solicitor,
14 you may call your next witness.

15 MR. MAYE: Your Honor, I had previously subpoenaed
16 Quinton Samuels in this case. I do not intend to call
17 him as a witness. I'm asking that he be released from
18 subpoena unless the defense would like for him to
19 remain.

20 THE COURT: All right. He shall remain under the
21 subpoena of the Court.

22 MR. MAYE: Thank you, Your Honor.

23 THE COURT: Anything further, Mr. Solicitor?

24 MR. MAYE: Your Honor, with that and these in
25 evidence, the State of South Carolina rests.

1 THE COURT: All right. Thank you very much. Madam
2 Forelady, ladies and gentlemen of the jury, as you have
3 heard the State has rested. You have heard all the
4 evidence and all the testimony you are going to hear
5 from the State in its case in chief. At this stage of
6 the trial there are certain matters I must take up
7 outside your presence so I'm going to ask you to please
8 step to your jury room for about a 20 minute recess. Do
9 not discuss this case during this brief recess. Thank
10 you very much. You may go to your jury room.

11 (Whereupon, the jury goes into the jury room.)

12 THE COURT: All right. Are there any motions from
13 the defense, Mr. Casto?

14 MR. CASTO: Yes, sir, Your Honor. At this time the
15 defense would move for a directed verdict in this case.
16 Specifically, Your Honor, it's a situation where there's
17 just too many discrepancies in this case that the State
18 has not met their burden as to each element of the
19 burglary, Your Honor, and very respectfully we move for
20 directed verdict at this time, Your Honor. And also we
21 would renew any and all objections made during pretrial
22 and during the course of the State's case at this time,
23 Your Honor.

24 THE COURT: All right. I would respectfully deny
25 the motion for a directed verdict. There is both direct

1 and substantial circumstantial evidence as to each
2 element of the burglary in the first degree that the
3 Defendant entered the residence of another without
4 consent with the intent to commit a crime therein and
5 the entering of the dwelling occurred in the nighttime.
6 Applying the standard that I must apply at this stage, I
7 do not weigh the credibility of the witnesses as far as
8 that's concerned, but I look at the evidence in the
9 light most favorable to the non moving party, so the
10 motion for directed verdict is respectfully denied. As
11 to all previous motions made by the defense, I have
12 noted for the record and I will renew all my previous
13 trial rulings and deny those motions.. Any other
14 motions, Mr. Casto?

15 MR. CASTO: No, sir, Your Honor, not at this time.

16 THE COURT: All right. Mr. Martin, if you would
17 come back around here please. Madam Clerk, place
18 Mr. Martin under oath.

19 Thereupon,

20 RONNIE MARTIN

21 after having been first duly sworn, testified as follows,

22 THE COURT: Mr. Martin, approximately two and a half
23 hours ago we had a conversation on the record concerning
24 your right to testify or not to testify. I withheld the
25 alternate questions so that you would have additional

1 opportunity to discuss that issue with your attorney or
2 with others whose opinions you may have value on for
3 life's important decisions. Have you made the decision
4 about whether to testify or not to testify?

5 MR. MARTIN: Yes, sir, Your Honor.

6 THE COURT: What is that decision?

7 MR. MARTIN: I wish to testify, Your Honor.

8 THE COURT: All right. And so you will testify in
9 this trial?

10 MR. MARTIN: Yes, sir, Your Honor.

11 THE COURT: Do you have any questions about that
12 decision that you would like to ask me?

13 MR. MARTIN: No, sir.

14 THE COURT: All right. Thank you. Thank you very
15 much. You may return to the defense table.

16 MR. MARTIN: Thank you, Your Honor.

17 THE COURT: All right. Anything further then before
18 we bring our jury back in, Mr. Casto?

19 MR. CASTO: No, sir. If we could take about a five
20 minute recess, if that's okay.

21 THE COURT: Does the defense intend to produce any
22 other evidence or testimony?

23 MR. CASTO: No, sir, Your Honor.

24 THE COURT: Have you provided my law clerk with any
25 requested charge?

1 MR. CASTO: I have not, Your Honor. At this point
2 the Court's standard charge is fine, Your Honor.

3 THE COURT: All right. Thank you. And, Mr.
4 Solicitor, do you have any specific requested charge?

5 MR. MAYE: I do not, Your Honor. Just the standard
6 charge.

7 THE COURT: We'll take about a ten minute recess.

8 MR. CASTO: Thank you, Your Honor.

9 (Short recess.)

10 BAILIFF: All rise.

11 THE COURT: Please be seated. All right. In
12 talking with the court reporter I did not realize there
13 were two tapes on the phone conversations. I thought it
14 was just State's 21. I believe after discussing it with
15 Mr. LeBlanc we are going to mark those tapes 21A and
16 21B. They include everything that was published in the
17 redacted version. Anything else before we bring in our
18 jury from the State?

19 MR. MAYE: Yes, sir, Your Honor. I do have one item
20 that I would like to address. I'm informed that there
21 may be an allegation of third party guilt testimony on
22 the part of the Defendant in this case. I would ask
23 that pursuant -- I'm assuming from my reading of State
24 versus Rice, the last case that I saw from 2007 on third
25 party guilt --

1 THE COURT: State versus what now?

2 MR. MAYE: State versus Rice, 375 South Carolina 302
3 talks about the limitations of third party guilt
4 evidence. I would ask if they intend to introduce
5 evidence of third party guilt in this case that they
6 proffer it here to see if it's going to meet the
7 standards of admission to show that there must be a
8 proof of a connection with the crime such as a train of
9 facts or circumstances that clearly tend to point out
10 such other person as the guilty party.

11 In this case, Your Honor, where there is strong
12 evidence against the Defendant in this case I think they
13 are going to have to show something other than his naked
14 allegations or some conjecture or assertion that there's
15 third party guilt in this case.

16 The defense in this case indicated at the outset
17 that they intended to show that Quinton Samuels was the
18 perpetrator of this crime. I'm anticipating that the
19 Defendant in this case is going to testify as to third
20 party guilt. I'm merely asking that they proffer
21 whatever they have on third party guilt in the way of
22 third party guilt to see if it meets the threshold and
23 standards under South Carolina law to be sufficient to
24 be presented to this jury.

25 THE COURT: All right. Mr. Casto.

1 MR. CASTO: Thank you very much. May it please the
2 Court. Basically, Your Honor, the issue here is this:
3 It's allowing us to present a full and complete defense,
4 Your Honor. The case on point I believe that speaks to
5 this is State versus Page, 406 S.C. 272. It relies on a
6 United States Supreme Court case of Washington versus
7 Texas and that cite is 388 U.S. 14.

8 Ultimately there is a quote I believe in the case
9 that, you know, it's important for the State to present
10 their case. Well, it's equally important to let the
11 defense present their full case and figure out, you
12 know, for the jury and let them see where the truth lies
13 and basically that's our argument. The nexus in this is
14 essentially to publish the jail calls and Quinton's name
15 is mentioned. Not to mention, does the jury believe
16 what Kimberly Gantt said today versus what she says in
17 her written statement and testified to when she made a
18 statement to law enforcement.

19 We believe that's imperative and it's a due process
20 issue to allow us to present all of our case to the jury
21 in this matter, Your Honor, under the United States
22 Constitution and the South Carolina Constitution,
23 Judge.

24 THE COURT: Mr. Casto, I thought the State's motion
25 was the proffer of the testimony as to potential third

1 party guilt, not whether or not it could be - not
2 whether or not it was admissible, but whether or not it
3 met a legal standard under the line of third party guilt
4 cases?

5 MR. CASTO: Yes, sir, Your Honor.

6 THE COURT: I think that's a different issue than
7 presentation of a defense because I haven't ruled on it
8 yet.

9 MR. CASTO: Yes, sir.

10 THE COURT: I think it's in the nature of a motion
11 in limine almost at this point to determine whether or
12 not the allegation of third party guilt meet the legal
13 standards. They may. I don't know. I don't know what
14 they are. I heard sound coming out of that machine. I
15 heard a name a time or two. Quite frankly I didn't -
16 the sound quality was very poor by the time it reached
17 the bench. So I don't think that goes yet to his right
18 to present a defense. So do you want to make a proffer
19 of the testimony?

20 MR. CASTO: Yes, sir, Your Honor.

21 THE COURT: All right. Well, let's have Mr. Martin
22 come around and take the witness stand and be sworn and
23 I'll allow you to do that. I don't think he needs both
24 the wheelchair and the crutches.

25 MR. CASTO: Your Honor, I think that he was going to

1 get up there.

2 THE COURT: You mean from the wheelchair to the
3 witness stand?

4 MR. CASTO: Yes, sir.

5 THE COURT: All right.

6 Thereupon,

7 RONNIE MARTIN

8 after having been first duly sworn, testified as follows,

9 THE COURT: All right, Mr. Casto.

10 MR. CASTO: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. CASTO:

13 Q. Did you enter Dianne Williams' house on the night of
14 December 13th and take her purse?

15 A. No, sir.

16 Q. Well, if you didn't, do you know who did?

17 A. Well, Quinton Samuels had came by earlier that day
18 and asked me to go with him to make a lick.

19 Q. Well, do you know who did?

20 A. Well, after, uh, I got locked up, I just speculated
21 because Quinton came back by and said he had made a lick. I
22 said, if you did, where it's at?

23 Q. And how do you know?

24 A. Uh, this is what he told me and he said that, uh, he
25 had to run because the police was coming. I said, man, you

1 ain't did nothing. He said, yeah I got it, man. I got it.

2 He told me he had got a pocketbook.

3 Q. Okay. Ronnie, what I'm going to do is skip ahead.

4 And when you get back from picking up pork chops, what do you
5 do?

6 A. Uh, I came back from picking up pork chops. Uh,
7 I went in the house and I start, you know - and Wesner Beer.
8 I went in the house. I was talking to Kimberly and Karesha
9 and, uhm, I took the pork chops out and put them in salt and
10 water.

11 Q. Okay. And at some point did you, after that did you
12 walk out of the house?

13 A. Well, when I, uhm, first brought them back, I had
14 been working on the outlet back there in me and Kimberly
15 room. Uhm, we had a dead outlet over by the TV and I was
16 chasing around trying to find which one was dead and, uhm, at
17 some point I went back in there and, uhm, I had told them
18 that they owe me five dollars because there wasn't enough
19 money on the card for what they had asked for and, uhm, I
20 walked outside.

21 Q. Okay. And when you walked outside, did you see
22 anybody that you knew out there?

23 A. Uh, the second time, that's when I seen Quinton the
24 second time.

25 Q. Okay. And what is he doing out there?

1 A. Well, when I walked out there, that's when he come
2 down the road from, uhm, up Merritt down, I guess that's
3 Ridge Hill Street and, uhm, that's when he told me, said he
4 had, uh, made a lick and, uhm, he had something white in his
5 hand. It looked like a bandanna or a dew rag or something
6 some sort.

7 Q. Let me back up. Do you know Quinton Samuels?

8 A. Yes, sir.

9 Q. How long have you known him for?

10 A. About 10 or 15 years. Uhm, his daddy stay over
11 there in front of my mother there. And I knew him from Ridge
12 Spring. I used to go over to his house. I used to talk to
13 one of his younger sisters. Me and her was pretty good
14 friends.

15 Q. Where did he live at the time this all happened in
16 relation to you?

17 A. Uh, probably about two houses over north.

18 Q. Okay. And he was talking with you about a lick; is
19 that right?

20 A. Yes, sir.

21 Q. Did you go with him?

22 A. No, sir.

23 Q. Do you know if anybody else went with him at all?

24 A. Uh, no, sir.

25 Q. What time would you say this conversation with

1 Quinton Samuels occurred?

2 A. The second time it had to be, uh, it had to be a
3 little after eight. Maybe two, three, four, five minutes
4 after eight because I was fixing to walk uptown. Uh, I can't
5 remember whether Kimberly or Karesha handed me the five
6 dollars and I went to walk uptown.

7 Q. Okay. Did you have the opportunity to -- After you
8 speak with Quinton, where does he go?

9 A. The first time I had spoke to him that day he had
10 liquor and he had some weed in his hand. That's when he
11 first asked me about the lick. And he asked me did I want
12 some. He had a bottle of gin and he had a blunt. He asked
13 me did I want some. I said, well, not really, but I will.
14 So I took a drink of the gin and I hit the blunt. That was
15 the first time.

16 Q. All right. After Quinton asks you whether you want
17 to be a part of a robbery --

18 THE COURT: He didn't ask him that.

19 BY MR. CASTO:

20 Q. If you want to be part of a lick.

21 A. A lick. Right. Which is slang for -- In the street
22 we don't say a break in or robbery. We just say a lick.

23 Q. Okay.

24 A. It just street term.

25 Q. Do you remember anything else that you all talked

1 about or no?

2 A. Uh, well, that first time I told him he was crazy.
3 I said, man, no. I said I'm in there working on the outlets
4 in the house and stuff.

5 Q. After he speaks with you, where does he walk to,
6 what direction?

7 A. Well, he had his liquor, big bottle of liquor and a
8 blunt in his hand. He walked back towards his house.

9 Q. His house on Quattlebaum?

10 A. Yeah. It's, uh, going north about two houses over
11 from where we live at.

12 Q. Okay. Let me ask you this: What did he have on, if
13 you remember?

14 A. Uh, I can't remember what kind of pants he had on,
15 but I remember he had a hoodie on because it was kind of cold
16 and mostly everybody around that area, you know, we get those
17 hoodies, black, blue, red, whatever, gray.

18 Q. Does Quinton walk off or does he drive off? Is he
19 on foot?

20 A. He walked off.

21 Q. All right. And at some point later that evening did
22 you see him again?

23 A. Yeah. The second time that was about eight,
24 eight-o-three, eight-o-four something, eight-o-five. That's
25 when I come out and, uhm, Kimberly and Karesha had gave me

1 the money and, uhm, when I come out the door, he was out
2 there and he had - he was running. I said, man, what's up
3 with you? He said, boy, I told you to come on. He said I
4 made that lick. I said, you ain't got nothing. What you
5 got? He said -- I said, where it's at? He said the police
6 coming. I had to throw it. I said, man, you ain't got
7 nothing, man. He said, yeah, man. I said, man, you fooling
8 with me and I walked off. That's when I walked to go
9 uptown.

10 Q. All right. Let me -- Let's back up. How much time
11 went by from the first time you see him until that second
12 time that you saw him. How much time approximately went
13 by?

14 A. It had to be like 30, maybe 45 minutes.

15 Q. All right. And do you know, when you see him the
16 second time, do you know exactly where he's been?

17 A. Yeah. He told me he had pulled a lick.

18 Q. But specifically do you know where it was?

19 A. I didn't know at the time, no, sir.

20 Q. Do you know what he took?

21 A. Uh, he told me at the time he had took a
22 pocketbook.

23 Q. Did he have it on him?

24 A. No, sir.

25 Q. Did he have anything in his hands?

1 A. He had, uh, like I say, he had a white bandanna or
2 some kind of -- I can't say exactly, but it was a bandanna or
3 a dew rag or something that was white.

4 Q. Well, if he didn't have the purse, how did you know
5 he did it?

6 A. He told me he did. I took him for his word. I just
7 told him he was lying and walked off.

8 Q. And I think you said this, but just to be specific,
9 how come he didn't have the purse?

10 A. He said the police was coming and he said he had to
11 get rid of it so he ran. He was running. Which he was
12 running when I seen him.

13 Q. Where did he say the purse was, if at all?

14 A. He had told me, he said that it was out, he said
15 behind the Watson place. He said he had come across a field
16 that I'm familiar with and he said that he threw it up there
17 behind the Wedding House on the edge of the field.

18 Q. Okay. And you said the Watson House. Just so I'm
19 clear, is that what we have been calling the Wedding House?

20 A. Yes. They have weddings and receptions and
21 different stuff there. They got a building, uhm, it's like a
22 plantation house or something I think it is and at the back
23 of it they have some kind of area where they have receptions
24 and weddings and stuff.

25 Q. Okay. And was there any other topic -- The second

1 time you see Quinton, was there any other topic of
2 conversation besides all of this?

3 A. No. That was just it. And, uhm, when I walked off.
4 I told him he was lying.

5 Q. All right. Let me ask you this: Where did you walk
6 off to?

7 A. I ain't for sure from Quattlebaum. I don't know if
8 that's Ridge Hill Road, but it's like go up the hill from me
9 and Kimberly house and I turned on Merritt Street.

10 Q. Okay. And eventually you're stopped by -- Are you
11 stopped by law enforcement at some point?

12 A. Well, the first time, uh, Captain Rushton passed by
13 me is when I got right in there by where the Masonic Lodge
14 at.

15 Q. Right. But eventually is it fair to say that you're
16 stopped?

17 A. Eventually I got stopped. He passed by me right
18 there at the Masonic lodge and I threw my hand up and waved
19 at him.

20 Q. Okay. And when you are in custody on the side of
21 the road with law enforcement, skipping to that part --

22 A. Yes, sir.

23 Q. -- did you tell them about Quinton Samuels at all?

24 A. No, sir.

25 Q. Okay. And why not?

1 A. Well, on the street, uh, don't nobody care too much
2 for a rat, you know? Telling on people in the hood, we just
3 don't go for that. You know what I mean? That just the law
4 of the street so then don't nobody want to deal with you and
5 stuff.

6 Q. All right. Let's skip ahead and talk about those
7 jail calls, okay?

8 A. Yes, sir.

9 Q. You know, we hear you mention the name Quinton on
10 those jail calls; is that right?

11 A. Yes, sir.

12 Q. Is that the person that did this?

13 A. Yes, sir.

14 Q. Is that how you know where the purse is?

15 A. Yes, sir.

16 Q. Okay.

17 A. Well, the general area where I had told him he told
18 me it wasn't there.

19 Q. Okay. And you make the statement several times that
20 Quinton is going to wear the charges; is that right?

21 A. Yes, sir.

22 Q. And what do you mean by that?

23 A. Well, that's street slang, too. It mean that I
24 ain't fixing to go down for something that you did. You know
25 you did it and, uhm, I tried, I told her try to get Quinton

1 to come forward. I said that, uhm, I ain't got no scratch.
2 I said I ain't going to jail for something I didn't do so try
3 to get him to come forward.

4 Q. At what point did you realize that Quinton had taken
5 the purse from Dianne Williams' house?

6 A. Uhm, when the officers, uh -- Well, when they caught
7 me on the side of the road, when they got me on the side of
8 the road, they made me get up against the car, all that, and
9 they read me my Miranda Rights and, uhm, he asked me where I
10 was coming from. I said I was just coming from home. He
11 said, uh -- This is Captain Rushton. He said, uh, have you
12 been over to Ms. Dianne's house, Williams house? Do you know
13 Ms. Dianne Williams? I said, yes, sir. He said, have you
14 been over to her house? I said, yeah, I've been over there
15 about three times today. When I said that, that's when, I
16 don't know if I can say that, but that's when Chief Goldman
17 said that's when you broke into her house. I said, what? I
18 said, man, you crazy. And then that's when they put me in
19 the back of the car.

20 Q. All right. In those jail calls we can hear you
21 saying, encouraging Kimberly to ask Quinton where the purse
22 is; is that right?

23 A. Yes, sir. It's one call. It's unfinished.

24 Q. Right. But I'm going to ask you, you know, asking
25 in the jail calls that we have --

1 A. Right.

2 Q. -- is that you asking Kimberly to ask Quinton where
3 the purse is?

4 A. Yeah. Yeah.

5 Q. Okay. And is that Quinton Samuels?

6 A. Yes, sir.

7 Q. And the purse that was mentioned in this is Dianne
8 Williams' purse; is that right?

9 A. Yes, sir.

10 Q. And did you know whether or not Quinton would be
11 charged in this case?

12 A. I have - I had no idea. I just, uh, kept trying to
13 get the police involved. I kept, uh, telling Kimberly, uh,
14 to try to get Quinton to show her. And one time I had told
15 her, I said, listen, try to get him to go get it or you and
16 Karesha try to get him to show y'all where it's at and have
17 the police waiting. I said call the police and have them
18 waiting when Quinton show y'all or go get it.

19 Q. Okay. And to your knowledge has Quinton Samuels
20 been charged in this offense?

21 A. I don't think so. No, sir.

22 MR. CASTO: With regard to that issue, Your Honor, I
23 believe that that's all that we plan to present.

24 There's obviously other things, but they don't have
25 anything to do with the reason that we are making this

1 proffer, Your Honor.

2 THE COURT: All right. Thank you. Solicitor.

3 CROSS EXAMINATION

4 BY MR. MAYE:

5 Q. So you were not an eyewitness? You did not see
6 Quinton Samuels go in her house, did you?

7 A. No, sir. I just went by what Mr. Quinton told me.

8 Q. And, in fact, you said you did not believe it and
9 you were not an eyewitness, correct?

10 A. I told him I didn't believe what he was saying.

11 Q. You know Quinton Samuels has severe mental issues,
12 don't you, from dealing with him?

13 A. Quinton Samuels smarter than you. He just ain't
14 been to law school.

15 Q. He's on disability, correct?

16 A. I don't know.

17 Q. For mental illness, correct?

18 A. I have no idea about that, sir.

19 Q. He has reported to law enforcement that dragons are
20 chasing him and is delusional at times; isn't that correct?

21 A. Well, if you smoke crack, I'm pretty sure that what
22 happen.

23 Q. So you did not, again, you didn't see him go in?
24 You have no direct evidence of seeing him go in, correct?

25 A. I didn't see him go in, no, sir. I can't say

1 that.

2 Q. And your testimony earlier was that when you got
3 back to the jail, it was speculation on your part when you
4 got back to the jail; isn't that right?

5 A. Speculation after, uh, the officer had -- It wasn't
6 speculation because after the officer told me that Ms. Dianne
7 house had been broken in and her purse had been stolen, I
8 remember that Quinton told me that he was going to pull a
9 lick and I just shook my head. And that was the whole idea
10 of me trying to help get her purse back from Quinton once I
11 found out it was Ms. Dianne, and that's when I told her tell
12 Quinton that he gonna wear this charge. I ain't going to
13 jail. I didn't do it. He know he did it and be a man.
14 That's when I kept telling Kimberly, on one occasion I told
15 her to try to get Quinton to show her or get Quinton to go
16 get it and call the police and have the police waiting on him
17 when he go get it or to show them.

18 Q. So your testimony is upon being arrested, just
19 moments before you're saying that Quinton Samuels is
20 implicating himself in this and that you don't say one word
21 to law enforcement when you're being arrested for the
22 burglary of Mrs. Williams' residence?

23 A. No, sir. On the street it - it - it's the law of
24 the street you don't tell on people no matter -- If it ain't
25 related to murder or something like that there or messing

1 with kids, you don't tell on them. If it's relating to kids
2 or something like that, then it's a different story. But
3 people run you out of town. They don't want to be around
4 you. You might get killed for telling, ratting.

5 Q. So from 2013 to right now you testifying on the
6 stand you have not told anybody, the State or law enforcement
7 any of this until you are on trial for this matter; is that
8 correct?

9 A. No. That's not correct.

10 Q. You didn't tell anybody in law enforcement that, did
11 you?

12 A. Yes, I did. I told Chief Goldman. He came to the
13 jail one day and seen me.

14 MR. MAYE: I don't have anything else, Your Honor.
15 Thank you.

16 THE COURT: Anything on redirect, Mr. Casto?

17 MR. CASTO: No, sir, Your Honor.

18 THE COURT: All right. Thank you. Solicitor, I'll
19 be glad to hear from you.

20 MR. MAYE: Your Honor, I looked at State versus Page
21 and I can't find anything. Under the standard that I
22 can see in State versus Rice, they cite in that case
23 where there is strong evidence of appellant's guilt, the
24 proffered evidence by the third party's alleged guilt
25 does not raise a reasonable inference as to the

1 appellant's own innocence.

2 In this case, Your Honor, we have got the Defendant
3 in this case who has never related this to law
4 enforcement upon his arrest and even until now, just his
5 assertions that now Quinton Samuels told him that he was
6 going to hit a lick. He did not say that Quinton
7 Samuels identified the target in any regard. He
8 indicated that he was not an eyewitness to him going in.
9 He indicated that the only information that he had from
10 Quinton Samuels was after the fact; that he did not
11 believe it. In the first part of his testimony he says
12 he gets back to the jail and speculates that that's what
13 has happened in this case. He reverses his testimony
14 later and says, no, that he gained that knowledge that
15 that was the place that Quinton had done it at the time
16 that he was placed under arrest.

17 We would just maintain that his testimony in this
18 case is self-serving in light of his previous criminal
19 history; that it is not credible or believable; that it
20 is just trying to raise a mere suspicion of third party
21 guilt in this case, Your Honor. He has no corroboration
22 or no other evidence other than his own testimony in
23 this case, Your Honor. We would maintain, Your Honor,
24 that it would not meet the standards of third party
25 guilt, Your Honor; that it would take something more

1 than his assertions and we would respectfully maintain
2 that his lack of credibility, believability and the
3 inconsistencies in even his is own proffer would not
4 make this substantial evidence that should be put before
5 the jury in regard to third party guilt.

6 THE COURT: It's not my job to judge his
7 credibility. That's clearly within the providence of
8 the jury. It may be my job to determine whether or not
9 testimony is speculative, conjecture, surmising and
10 therefore not admissible. However, part of his
11 testimony, I think, is that the ability of Mr. Martin to
12 tell Ms. Gantt of the location of the pocketbook is
13 obtained from Mr. Samuels telling Mr. Martin where he,
14 Mr. Samuels threw a pocketbook, and it appears that from
15 the testimony I have heard Ms. Gantt on the second try
16 recovered that pocketbook and Mrs. Williams identified
17 the pocketbook returned to her by Ms. Gantt as being her
18 pocketbook and that appears to be on part of the tape
19 and part of the conspiracy. What about that testimony,
20 Mr. Solicitor?

21 MR. MAYE: That is an ongoing part of the conspiracy
22 in this case, Your Honor? Is that the question that you
23 are asking? Is part of an ongoing conspiracy?

24 THE COURT: I couldn't track the telephone tapes. I
25 just couldn't track the tape word-for-word. I know

1 Quinton Samuels is mentioned. I know in Ms. Gantt's
2 testimony there are conversations on the tape that she
3 went out there twice and recovered Mrs. Williams'
4 pocketbook on the second attempt. Of course, her
5 testimony today was, you know, he, Mr. Martin wanted me
6 to assist him, conspiring with he, Mr. Martin, in
7 focusing in on Mr. Samuels as the culprit.

8 I guess my question goes to given the tape and given
9 Ms. Gantt's testimony, and the jury can believe her
10 first statement or her testimony or her second
11 statement, whatever they want to believe, all or part of
12 it, why would he be prohibited from testifying to that I
13 guess is my question? I haven't decided that in my
14 mind.

15 MR. MAYE: The source of all that information is
16 from this Defendant who is now testifying. All of the
17 talk in the tape was the source of anything about
18 Quinton doing this comes from the Defendant in this
19 case. In fact, the testimony from the tapes in this
20 case, the information that went back from Ms. Gantt to
21 the Defendant in this case Mr. Martin was that Quinton
22 Samuels had denied doing this and that he did not, in
23 fact, do it.

24 All of the information, the entire source of any
25 information implicating Quinton Samuels or providing any

1 location for that pocketbook, the source of that is
2 Mr. Martin and no one else. The tape is not any
3 evidence of Ms. Gantt providing that information. It
4 all comes from Mr. Martin. He's the sole source of it,
5 Your Honor. We would respectfully maintain that issue
6 of third party guilt would not meet the standards, Your
7 Honor. We leave it to the Court's wise discretion.

8 Your Honor, respectfully I did not think of this
9 until now. The information that he is providing in this
10 case is hearsay information and Mr. Samuels is not on
11 trial here, but he's attempting to provide the hearsay
12 information in the statements of Mr. Samuels as hearsay
13 as the basis of his defense in this case, Your Honor. I
14 would not know of any exception given the fact that he's
15 not on trial for it that would allow him to enter a
16 proffer to hearsay statements because he's obviously
17 attempting to use those hearsay statements to prove the
18 truth of the matter that he asserts which is that a
19 third party did this crime, Your Honor.

20 I think it would take some other evidence, it would
21 take some direct evidence and would take something other
22 than the hearsay statements of Mr. Samuels in this case.

23 THE COURT: What about the hearsay argument,
24 Mr. Casto? It is an out of court statement made by a
25 party that is not a witness in the case, therefore, it

1 would be hearsay. And what exception would make that
2 admissible?

3 MR. CASTO: Yes, sir, Your Honor. I believe that it
4 would be a statement against party's interest, Your
5 Honor.

6 THE COURT: Mr. Samuels is not a party. The State
7 of South Carolina is a party. Mr. Martin is a party.
8 Mr. Samuels is not a party.

9 MR. CASTO: Your Honor, I believe 804(b) part 3 --

10 THE COURT: 804?

11 MR. CASTO: The statement against interests.

12 THE COURT: Are you talking about 801 or 804?

13 MR. CASTO: 804, your Honor.

14 THE COURT: Mr. Samuels is not unavailable as a
15 witness. He's sitting right there in the front and to
16 the left. 804 hearsay exceptions, the client
17 unavailable. It doesn't meet Little versus State. It
18 doesn't meet State versus Dockett. It doesn't meet
19 State versus Rodgers. I was looking a little deeper
20 into the Rice case which this is a Court of Appeals
21 case. Due to its length it looks like it was written by
22 Judge Anderson. It was written by Judge Anderson.
23 I should have known. But it talks about the hearsay
24 exception. South Carolina rules define hearsay as a
25 statement other than one made by the declarant while

1 testifying at the trial hearing offered in evidence to
2 prove the truth of a matter asserted.

3 It's classic hearsay. You're attempting to prove
4 the truth of the matter asserted, i.e., that Quinton
5 Samuels committed the burglary and the robbery of Dianne
6 Williams. It's clearly hearsay.

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

8 THE COURT: He's clearly not unavailable.

9 MR. CASTO: Yes, sir. If I may, Your Honor, it
10 strikes me that there are two issues present here. And
11 I think that the State can certainly, once we got into
12 the testimony of Mr. Martin, he could certainly object
13 to any attempt to anything he believes to be hearsay.
14 But with regard to asking about at least the presence of
15 seeing Mr. Samuels in that, since we have the statement
16 that has been discussed in testimony by Ms. Kimberly
17 Gantt and then also those in those recordings, Your
18 Honor, that speak of that that the jury has already
19 heard, that speak of Quinton Samuels and the question
20 is, well, how does -- Was he around? What did he say?

21 One of those cases goes to the proposition of
22 evidence offered by the accused as to the commission of
23 a crime by another person must be limited to such facts
24 as inconsistent with his own guilt and would raise a
25 reasonable presumption of innocence. And I think that

1 obviously the standard ties in reasonable doubt, but
2 here the fact of the case is that someone else did this
3 and are inconsistent and raise a reasonable presumption
4 of innocence. There is no forensic evidence tying him
5 to that. It's just credibility of the witnesses, Your
6 Honor, including Kimberly Gantt. Do we believe what she
7 says now or do we take her word from her back from
8 before?

9 So I think that we would be allowed to present this.
10 However, if the Solicitor has objections as to anything
11 that would be hearsay, he could certainly make those at
12 that time.

13 THE COURT: Well, he's made them now. I'm not going
14 to send the jury in and out on this. He says it's not
15 admissible because it's hearsay. To go further, on the
16 Rice case which goes back to Gregory and Gay, Holmes,
17 went to the United States Supreme Court, those forensic
18 cases on third party guilt are somewhat different
19 creatures because of some language in Gay that flipped,
20 I think, Holmes when it went to the United States
21 Supreme Court. But the foundation of the law in
22 Gregory, evidence which can have no other affect than to
23 cast bare suspicion upon another or to raise a
24 conjecture, an inference as to the commission of a crime
25 by another is not admissible. But before such testimony

1 can be received, there must be such proof of a
2 connection with it such as a train of facts and
3 circumstances that lead clearly to point out such other
4 person as the guilty party.

5 The first car in the train is that young lady right
6 there, right over the right shoulder of Chief Goldman,
7 Ms. Dianne Williams and according to the engine pulling
8 the train, the person, the guilty party is sitting to my
9 left, Mr. Martin. So anything else inconsistent with
10 that does not meet the third party guilty standard. It
11 does not point out such other person as the guilty
12 party.

13 Not only has she identified Mr. Martin, during the
14 course of the event she's hollering out his name and her
15 husband is coming in and hears the name. The name he
16 hears is not Quinton Samuels. The person she sees and
17 says she sees is not Quinton Samuels. She knows him.
18 He was over there earlier in the day. He went to the
19 Dollar General and got her a box of Honey Buns. He's
20 friends with her daughter. She knows he rides a moped.
21 Therefore, it's just pure conjecture and surmise.

22 Mr. Martin's testimony was Quinton says he's going
23 to make a lick. That's hearsay. And his next statement
24 is I speculate that he may have made the lick. And he
25 says he's running because the police are coming and he

1 kind of just fills in the blanks as he goes. There's no
2 testimony about a white bandanna in the facts of the
3 case or a dew rag from the facts of the case. He also
4 gets into the first time he saw him he had liquor, a big
5 gin bottle and marijuana, a blunt. He took a shot off
6 the blunt. Said he was crazy and then he doesn't even
7 believe Quinton Samuels.

8 Of course, he says in response to the Solicitor the
9 question about Mr. Samuels' mental state, this is all
10 with due respect to Mr. Samuels and to the Solicitor, he
11 says Quinton is as smart as you, Mr. Solicitor. He just
12 doesn't have a law degree. Most people in this
13 courtroom are smarter than me whether they do or do not
14 have a law degree. It's just pure speculation. It
15 surmises. It doesn't meet the standards. Yes, he can
16 offer a defense. He can tell where he was, where he was
17 at and such as that, but it does not meet the third
18 party guilt standard.

19 Additionally, additionally, it is hearsay and there
20 is no exception to the hearsay rule. Mr. Samuels is
21 present. He's under subpoena of the Court. I had him
22 remain under subpoena of the Court. You are welcome to
23 call Mr. Samuels as a witness. All right. I have
24 ruled, Mr. Casto. Anything further?

25 MR. CASTO: Your Honor, we would just very

1 respectfully place, just to flesh out and make sure that
2 the record is clear, place our objections respectfully
3 on the record at this time. Your Honor, we feel that by
4 not being allowed to show or present a third party guilt
5 defense would deny us the ability to present a complete
6 defense and it would violate the Sixth and Fourteenth
7 Amendments as to the right to present a complete
8 defense. There are factors that are inconsistent with
9 his innocence and I think that it really comes down to
10 the credibility of witnesses. In a lot of those cases
11 what they say is that let the State present a case and
12 then let the defense present their case.

13 THE COURT: And I'm doing that.

14 MR. CASTO: Yes, sir.

15 THE COURT: I have got Mr. Samuels still present in
16 the courtroom. Call your witnesses.

17 MR. CASTO: Yes, sir.

18 THE COURT: I don't have any objection whatsoever to
19 you calling whatever witnesses you choose to call. Call
20 them. But their testimony must meet the standards of
21 the Rules of Evidence and of the Supreme Court. Now, to
22 be perfectly clear on the record, the tapes are in
23 evidence. You can play the tapes. You can play
24 portions of the tape. You can ask him about the tape.
25 You know, his statements are in evidence. You have Ms.

1 Gantt. Read her statement. I think the Solicitor even
2 questioned her about the statement that she gave. I
3 don't remember if it was given to Captain Rushton or to
4 Chief Goldman, but the statement and all, you know, you
5 can ask all you want about that. I mean, those items
6 were reviewed. You can certainly present other
7 witnesses and other testimony concerning the event
8 itself. But these statements by Mr. Martin ascribed to
9 Mr. Samuels are hearsay and from what has been presented
10 to the Court they do not meet the standard in Gregory,
11 Rice, Beckham or Pagan or Gay and on, Williams and
12 Edgefield, and the list just goes on and on. Third
13 party guilt has been fleshed out for decades in South
14 Carolina.

15 MR. CASTO: Yes, sir, Your Honor. If I may place on
16 the record as to hearsay just to flesh this out, we
17 would object to that. We would offer that issue, those
18 facts as to show their effect on the listener so to
19 speak as to why does Mr. Martin volunteer this
20 information. Basically he's, if his credibility is the
21 issue on the witness stand, he's volunteered that
22 information. He's showing the effect he has. He
23 believes that the person where he gives the directions
24 to, Your Honor.

25 THE COURT: It is conjecture. It surmises. It

1 doesn't meet the standard of admissible evidence. It's
2 misleading to the jury and the Court. Now, is this
3 still Mr. Martin's position?

4 MR. CASTO: It is, Your Honor.

5 THE COURT: Anything further before we bring out the
6 jury from the defense?

7 MR. CASTO: I beg the Court's indulgence.

8 THE COURT: Do you need to talk to Mr. Martin?

9 MR. CASTO: Yes, sir.

10 THE COURT: Anything further for Mr. Martin from the
11 State?

12 MR. MAYE: No, Your Honor.

13 THE COURT: Thank you, Mr. Martin. You may step
14 down. Okay. Let's see if the State has anything
15 further, Mr. Casto. Do you have anything further?

16 MR. MAYE: I do not. I just wanted to proffer that
17 and now that we have dealt with the third party guilt
18 issue, we are ready to proceed.

19 THE COURT: We'll take about, you need about 15
20 minutes, Mr. Casto?

21 MR. CASTO: Yes, sir. Thank you very much.

22 THE COURT: Thank you very much.

23 (Short recess.)

24 BAILIFF: All rise.

25 THE COURT: Please be seated.

1 All right. Anything from the defense before we
2 bring in our jury, Mr. Casto?

3 MR. CASTO: Yes, sir, Your Honor. Just this one
4 last --

5 THE COURT: Sure.

6 MR. CASTO: Your Honor, if the defense was to
7 present and call Quinton Samuels as a witness, in the
8 event that the testimony is that he denies making these
9 statements, I then think that Mr. Martin could speak
10 about those statements that were made and it would come
11 in through a prior inconsistent statement, Your Honor.

12 THE COURT: I am not going to make an anticipatory
13 ruling in that regard. It depends on whether or not it
14 meets the standard of a prior inconsistent statement.
15 If a witness doesn't clearly deny or has no memory or
16 anything of that nature, it depends on whether or not it
17 meets the various tests under the Rules of Evidence 613
18 concerning extrinsic evidence. Anything further?

19 MR. CASTO: Beg the Court's indulgence.

20 THE COURT: Yes, sir. Ready, Mr. Casto?

21 MR. CASTO: Yes, sir, Your Honor. We are
22 prepared.

23 THE COURT: Anything further from the State?

24 MR. MAYE: Nothing from the State, Your Honor.

25 THE COURT: Bring us our jury, please.

1 (Whereupon, the jury returned to the courtroom.)

2 THE COURT: All right. Welcome back, Madam Forelady
3 and ladies and gentlemen of the jury. As you have heard
4 the State has rested. You have heard all the evidence
5 and testimony you're going to hear from the State in its
6 case in chief. In South Carolina a criminal Defendant
7 is always presumed to be innocent regardless of the
8 serious nature of the charges. A criminal Defendant
9 never has any responsibility or any burden to prove
10 himself or herself innocent. The State always has the
11 burden of proving its case beyond a reasonable doubt.
12 However, a Defendant may present evidence and testimony
13 if the Defendant chooses to do so. So we will now turn
14 our attention to Mr. Casto. And I ask Mr. Casto, does
15 the Defendant intend to present evidence and testimony
16 in his case?

17 MR. CASTO: Yes, sir, Your Honor, we do.

18 THE COURT: All right. You may call your first
19 witness.

20 MR. CASTO: Yes, sir, Your Honor. The defense calls
21 Quinton Samuels.

22 THE COURT: All right. Mr. Samuels, if you would
23 please come around and be sworn.

24 THE CLERK: I need to swear you in.
25

1 Thereupon,

2 QUINTON SAMUELS

3 after having been first duly sworn, testified as follows,

4 THE WITNESS: I went home, sir. I went home. When
5 I left the store, I went home. I saw that officer right
6 there at the time.

7 THE COURT: All right. Just answer any questions
8 Mr. Casto may have. If you have any question about any
9 questions, please let me know if you don't understand,
10 okay?

11 THE WITNESS: I really don't know nothing about his
12 questions. I wasn't around that man. All I know is
13 I went to the store and, uhm, I saw that officer right
14 over there by the table.

15 THE COURT: Okay. Can you answer any questions that
16 Mr. Casto asks you?

17 THE WITNESS: Uhm, yes, Your Honor.

18 THE COURT: All right. Speak up so the jury can
19 hear you, okay? Like I say, if you have any questions,
20 Mr. Samuels --

21 THE WITNESS: Yes, sir.

22 THE COURT: -- if you want to stop at any time, you
23 tell me, okay?

24 THE WITNESS: Yes, sir. I will let you know.

25 THE COURT: That's right. You let me know.

DIRECT EXAMINATION

BY MR. CASTO:

Q. All right. Quinton, can I call you Quinton?

A. Yes, sir.

Q. Is that what you go by?

A. Yes, sir.

Q. All right. Quinton, I'm going to stand back here, okay? And all I would ask you to do is to keep your voice up so I can hear you all the way back here.

A. Uh-huh.

Q. Okay?

A. Okay.

Q. Any time you have an answer, you have to give an answer that the court reporter can write down. He can't write down a head nod or anything like that, okay?

A. Yes, sir.

Q. All right. Quinton, how old are you?

A. 23.

Q. All right. Where did you grow up?

A. Uhm, sir?

Q. Where did you grow up?

A. Edgefield.

Q. Okay.

A. Yes, sir.

Q. And have you lived there in Edgefield most of your

1 life?

2 A. Uhm, no, sir. I grew up, I live my life in Ridge
3 Spring.

4 Q. All right. Ridge Spring. Whereabouts in Ridge
5 Spring?

6 A. Quattlebaum. 223 Quattlebaum, South Carolina.

7 Q. All right. Now, let me ask you this: Quinton, how
8 far did you go in school?

9 A. To the eleventh. I dropped out in the eleventh.

10 Q. Did you get your GED?

11 A. No, sir.

12 Q. What kind of work have you mainly done in your
13 life?

14 A. Uhm, I did a little work.

15 Q. What was it?

16 A. I supposed to be to work at Amick but I had
17 stopped.

18 Q. Okay. But you did -- Is it fair to say that your
19 answer was you did work in Amick Farms?

20 A. Yes, Your Honor.

21 Q. Okay. All right. Quinton, I want to turn your
22 attention to this case that we are all here for now. Do you
23 understand all that?

24 A. Uh-huh.

25 Q. And the first question is do you know Ronnie sitting

1 over there at the table? Do you know him?

2 A. I saw him several times by my papa house before. I
3 saw him over at my daddy when I slept over there before.

4 Q. Okay. But how long have you been in Ridge Spring?

5 A. Uhm, ever since January 26th, '83.

6 Q. I'm sorry?

7 A. Ever since '83.

8 Q. You have been in Ridge Spring ever since --

9 A. '83.

10 Q. -- '83?

11 A. Yeah.

12 Q. All right. Well, tell me how old you are again,
13 Quinton?

14 A. 2 - I think 23, I think. No. 32.

15 Q. All right. I was going to say. '83 is some time
16 back, is that fair to say?

17 A. Yes, sir.

18 Q. Now, where you lived, do you know Ms. Kimberly
19 Gantt?

20 A. Ms. Kimberly. Ms. Kimberly. That's her name,
21 right?

22 Q. Well, I'm asking you do you know this nice lady down
23 here in the black sweatshirt?

24 A. I saw her several time at school.

25 Q. I'm sorry?

1 A. School.

2 Q. Okay. At school. Now, do you live close to where
3 she lives?

4 A. Uhm, down the street.

5 Q. Okay. And that street is Quattlebaum?

6 A. Yes, sir. My mother got a house down there.

7 Q. Okay. And you stay there --

8 A. Yes, sir.

9 Q. -- is that right?

10 A. Yes, sir.

11 Q. Okay. Now, when you first sat up there, Quinton,
12 you had said about what you saw the night this happened; is
13 that right? Do I have that right at all?

14 MR. MAYE: Your Honor, I object to the leading.

15 THE COURT: Yes, sir. You need to ask him
16 questions, direct questions. Don't answer that
17 question, Mr. Samuels.

18 MR. CASTO: Yes, sir.

19 BY MR. CASTO:

20 Q. Quinton, do you recall the evening that Ronnie got
21 in trouble?

22 A. No, sir. I have not spoke to that man. I have not
23 saw that man.

24 Q. Okay. Do you recall getting - do you recall seeing
25 Ronnie any time recently?

1 A. No, sir.

2 Q. When, if you can recall, is the last time that you
3 saw Ronnie Martin, if you can remember?

4 A. I ain't. I ain't been seeing him lately, sir.
5 Every time I be seeing him I be riding with my mama.

6 Q. Okay. And when you are living in Ridge Spring and
7 you go -- Whereabouts do you hang out in Ridge Spring?

8 A. Uhm, mostly I stay home. I stay home. I go see my
9 father and --

10 Q. You stay -- I'm sorry. You weren't done. I'm gonna
11 let you finish.

12 A. I walk to the store.

13 Q. What store do you walk to?

14 A. The drugstore. The little store down the street.

15 Q. Okay. Do you know what street it's on?

16 A. Uhm, Circle K I think it is. Ain't that the name of
17 it?

18 Q. Okay. And you say that you hang out around your
19 home; is that right?

20 A. Yes, sir.

21 Q. When you hung out around your home, was there ever a
22 time that you remember seeing Ronnie Martin?

23 A. No, sir. No, sir.

24 Q. Okay. And you had just testified that Kimberly
25 lives on the same street as you; is that right?

1 A. She does. She was, but she moved.

2 Q. Okay. All right. Let me ask you this: When did
3 she move?

4 A. I does not know, sir. I just -- All -- I have not
5 being seeing her lately down there on the porch.

6 Q. Okay. In turning to the night that this incident
7 happened when Ronnie got in trouble --

8 MR. MAYE: Your Honor, objection to the leading.

9 THE COURT: He's already said he does not recall the
10 evening Ronnie got in trouble.

11 MR. CASTO: Yes, sir.

12 THE COURT: If he doesn't recall, he doesn't recall.
13 He has no personal knowledge.

14 MR. CASTO: Yes, sir.

15 BY THE WITNESS:

16 A. I don't know.

17 BY MR. CASTO:

18 Q. And just so I'm clear, Quinton, you don't have any
19 personal knowledge of any facts in this case?

20 A. No, sir.

21 Q. When you would see Ronnie, where would you see him
22 around Ridge Spring?

23 A. Uhm, mostly when like I be going to the store with
24 my mama I be seeing him walking, walking on the street.

25 Q. Okay. And have you ever spent time hanging out with

1 Ronnie at any point in your life?

2 A. No, sir.

3 Q. Okay.

4 A. He had came over to my daddy house before.

5 Q. I'm sorry.

6 A. He had came out over to my daddy house before.

7 Q. Okay. Do you remember when that was?

8 A. That was about last year. A couple years. Maybe a
9 couple years, yes, sir.

10 Q. Okay. That was last year, is that what you said?

11 A. Well, it been a couple years. I can't remember
12 though.

13 Q. Do you remember what you all did?

14 A. No. He just came over there and talked to my
15 father.

16 Q. Okay. What were you all doing? Was there drinking
17 and smoking going on?

18 MR. MAYE: Objection. Relevance.

19 THE COURT: No, sir. Don't answer that question.

20 You can't -- This case is not about what was being done
21 at this man's father's house. We have never heard any
22 testimony about even where his father's house is at.

23 It's not about smoking cigarettes or otherwise, or
24 drinking Coca-Colas or otherwise. It's not relevant and
25 it's not admissible and it's stricken from the record.

1 The jury is not to consider that at all.

2 MR. CASTO: Yes, sir, Your Honor. Your Honor, we
3 don't have any further questions from this witness at
4 this time.

5 THE COURT: Thank you. Mr. Solicitor.

6 MR. MAYE: Nothing from the State, Your Honor.

7 THE COURT: Thank you, Mr. Samuels. You may step
8 down.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Mr. Casto, call your next witness.

11 MR. CASTO: Yes, sir, Your Honor. The defense would
12 call Ronnie Martin.

13 THE COURT: All right. Mr. Martin, if you would
14 come around to be sworn for me, please.

15 Thereupon,

16 RONNIE MARTIN

17 after having been first duly sworn, testified as follows,

18 THE COURT: All right. Mr. Casto.

19 MR. CASTO: Yes, sir. At this time we respectfully
20 renew our objection with regard to Holmes and Page at
21 this time.

22 THE COURT: I'm sorry.

23 MR. CASTO: We renew our objection as to the Holmes
24 case and the Page case at this time, Your Honor.

25 THE COURT: All right. I will renew my previous

1 trial rulings.

2 MR. CASTO: Yes, sir.

3 DIRECT EXAMINATION

4 BY MR. CASTO:

5 Q. Ronnie, right out of the gate let me ask you this
6 question. Did you go in Dianne Williams' house that evening
7 and steal her purse?

8 A. No, sir.

9 Q. Well, Ronnie, if you didn't, who did?

10 A. I took it to be Quinton. He told me that he had --

11 MR. MAYE: Your Honor, objection to that.

12 THE COURT: You know, I have ruled on this.

13 MR. CASTO: Yes, sir.

14 THE COURT: I have ruled on that.

15 MR. CASTO: Yes, sir.

16 THE COURT: He knows that. Mr. Martin is an
17 intelligent young man.

18 MR. CASTO: Yes, sir.

19 THE COURT: Strike that from the record. It's not
20 to be considered by the jury in any manner in their
21 deliberations and their determination and is
22 inappropriate for a verdict in this case.

23 MR. CASTO: Yes, sir.

24 BY MR. CASTO:

25 Q. Ronnie, let's take a step back. How old are you?

1 A. 48.

2 Q. All right. Where did you grow up?

3 A. Around the Ridge Spring area.

4 Q. All right. Now, is your family from here?

5 A. Yes, sir. The majority.

6 Q. I'm sorry?

7 A. The majority. Uh, my mother and father live here
8 and a couple of my brothers. The rest of them scattered
9 everywhere.

10 Q. Are your parents, are they still in the area?

11 A. My - my - my mom is.

12 Q. Okay. Ronnie, let me ask you this: How much
13 education do you have?

14 A. Hold on for a minute.

15 Q. Yes, sir.

16 A. I got choked up 'cause my father died. My dad just
17 died.

18 THE COURT: Take your time.

19 BY THE WITNESS:

20 A. All right. What your question was?

21 BY MR. CASTO:

22 Q. How much education do you have? Moving past that.

23 A. Uh, I went as far as tenth grade but I got a GED and
24 a bunch of trades.

25 Q. Okay. And where did you finish high school,

1 Ronnie?

2 A. I didn't finish. I went to Ridge Spring Monetta.
3 Like I said, I took the, uh, GED test in Greenville. I can't
4 remember what district it was and I got a GED.

5 Q. All right. Let me ask you this: In your life what
6 kind of work have you done mainly in your life?

7 A. Uh, mechanic work. I working at tow and
8 transmission shop, truck driving. I operate fork lifts at
9 Amick's. Uh, I do masonry, carpentry. I got trades in all
10 of that. Uhm, my father taught me a little bit about
11 electrician.

12 Q. Okay. Ronnie, let me ask you this: Today
13 physically you're in a wheelchair, right?

14 A. Yes, sir.

15 Q. All right. And have you always been in a
16 wheelchair, Ronnie?

17 A. No, sir. Uh, about five or six years ago I started
18 getting bad. My family, my brother, my mother, all of us,
19 it's something with arthritis that we inherited from my
20 mother's side and it started getting worst over a period of
21 time and right before my father passed, uh, he had to rush me
22 to Edgefield Hospital.

23 Q. Okay. Well, let me ask you this: The condition
24 that you have, is it your legs or your back or both?

25 A. It's my back and, uhm, it comes in my legs, too.

1 Q. All right. And how long have you been using this
2 wheelchair here?

3 A. Uh, ever since -- Well, before they sent me to
4 Laurens I had been in a wheelchair. They had to take me to
5 the hospital several times to get, uh, Cortisone shots
6 because I had got where I couldn't walk. They had me back
7 there in the handicap cell in Saluda.

8 Q. You don't always use it, is that what you're telling
9 us?

10 A. Uh, no, sir.

11 Q. Okay. Ronnie, let's go back to the date that this
12 all happened. Do you remember that day?

13 A. Yes, sir.

14 Q. All right. Specifically I want to turn back to that
15 afternoon that this all happened, okay?

16 A. All right, sir.

17 Q. On that date did you go to Dianne Williams' house
18 earlier on in the day?

19 A. Yes, sir. I went over there about three times I
20 know for sure because the first time I was walking. The
21 second time I had borrowed one of the guy's moped around
22 there. Uhm, that's when, uhm, the second time when I went
23 back Karesha had got back. She said you're just in time.
24 Get my clothes out the car. I took her clothes and
25 everything in the house. I spoke to Ms. Dianne. Me and

1 Karesha, we got ready to go and her mother said, uh, she
2 wanted some, wanted some Honey Bun so she asked me, uh, would
3 we, me and Karesha go get them. I said, well, yeah. I said,
4 Keisha catches us on this moped, she gonna kill us.

5 Q. Let me back up. You gave us a lot. The first thing
6 you said, how many times did you go over there that
7 afternoon?

8 A. Three.

9 Q. All right. And the first time that you went over
10 there are you walking or are you on your moped?

11 A. I was walking.

12 Q. All right. And when you go over there -- Let me ask
13 you this: When you go over there, what are you going over
14 there for?

15 A. Ms. Dianne's daughter Karesha.

16 Q. How do you know her?

17 A. Uhm, well, I come in contact with her, uh, through a
18 mutual friend and she be coming over to the club, then my
19 brother Thadeus start -- Well, I had knew her before my
20 brother Thadeus, but he started dating her and they started
21 coming to the, me and Kimberly house.

22 Q. When you go over there that first time, who all was
23 at that house?

24 A. I didn't see nobody but Ms. Dianne.

25 Q. All right. In other words, Karesha is not there?

1 A. She's not there.

2 Q. What do you do then?

3 A. I left. I left walking.

4 Q. All right. And then what happened after that?

5 A. Uh, I went back over by the house.

6 Q. Whose house?

7 A. Uh, me and Kimberly. I don't think she had got off
8 -- I ain't for sure if she had got home from work yet or not
9 because she didn't get off until that afternoon. Uh, I'm not
10 for sure if she had got home yet, but I went back to me and
11 Kimberly's house.

12 Q. All right. And then what did you do after that?

13 A. Uh, it was some guys that was over to the trailer
14 behind us and, uhm, I went over there messing with them and
15 everything, chilled for a few minutes and, uhm, I got on the
16 moped and had went back over, went around by the school and
17 went back over to Ms. Dianne.

18 Q. Where did you get the moped?

19 A. A guy next door to me. He had borrowed it from a
20 guy and then I borrowed it from him.

21 Q. Okay. And then where did you go on the moped?

22 A. I come around by the Ridge Spring Middle School and,
23 uhm, come around and coming down Pecan Grove Road, come
24 around by Kent's Corner and I went over to Ms. Dianne's
25 house.

1 Q. Okay. And when you go over this time, who all was
2 over there, If you remember?

3 A. Karesha just had pulled up. Uh, it was a guy that,
4 uh, I think she was working with a little bit, uh, Mr. Raff,
5 kind of elderly guy. I don't know had she been to work or
6 the wash, but she said you just on time. Get my clothes out
7 the car.

8 Q. Okay. Let me ask you this: What did you and
9 Karesha do?

10 A. Well, uh, I took her clothes out, took them in, put
11 them in her room, spoke to Ms. Dianne, and come back out. We
12 was getting ready to go. Ms. Dianne said that she wanted
13 some Honey Buns.

14 Q. All right. Well, let me ask you this: When she
15 said that in response, what did you all do?

16 A. I told -- Karesha asked me. I said, sure. We'll go
17 get them.

18 Q. All right. In focusing in on that now, how many of
19 them did she want or did she say?

20 A. She wanted a box of them.

21 Q. All right. How did y'all pay? Well, did y'all go
22 on that errand for her?

23 A. Yes, sir.

24 Q. All right. How did y'all pay for it?

25 A. Well, uh, at first Ms. Dianne was looking for money.

1 She had like a dollar and some change, but that wasn't enough
2 so she kept scrambling. She found another dollar. She said
3 I got two dollars.

4 Q. Was that enough for a box of Honey Buns or do you
5 know?

6 A. I don't know. Uh, she gave the money to her
7 daughter Karesha.

8 Q. Okay. All you got from her is two dollars total,
9 right?

10 A. Two dollars total.

11 Q. When you go to pick the Honey Buns up, where did you
12 all go?

13 A. Dollar General.

14 Q. What direction into town is that?

15 A. That would be headed, uh, west on 23.

16 Q. All right. Once you get it, where do you go after
17 Dollar General?

18 A. Well, Karesha, she told me that she was going to pay
19 for the Honey Buns with her EBT card. Well, she paid for
20 them with a EBT card and kept the two dollars.

21 Q. Okay.

22 A. How I know that because we had money to add onto it
23 to get beer.

24 Q. Okay. When you pulled up on the moped each time,
25 whereabouts did you park the moped in relation to the

1 house?

2 A. Uh, I pulled -- Her door is like right here and the
3 first time when Mr. Raff was there, I pulled over on the side
4 of his car. He got a red car right there by Ms. Dianne's
5 door. And then the second time I pulled right in the front
6 in the yard.

7 Q. All right. Now, when you go back and return, I
8 guess, go on the errand, what do you do next?

9 A. We, uh, take Ms. Dianne her Honey Buns back.

10 Q. Right. But after that, what do you do after that?

11 A. Oh, we left there and, uh, we went to Kent's Corner.
12 She wanted to go to Kent's Corner to get some beer. And I
13 said, man, my old lady going to kill me she catch me with you
14 on the back of this moped. But we went to Kent's Corner and
15 --

16 Q. Who is your old lady? I'm sorry.

17 A. It was Kimberly.

18 Q. Okay. By that, I mean, what do you mean by that
19 term?

20 A. Uhm, we was talking. We was living together and
21 everything. She was my girlfriend.

22 Q. And after Kent's Corner, where do you head?

23 A. Uhm, Karesha came out the store with the beer and
24 stuff and, uhm, I said, well, you know, I ain't gonna take
25 you to the house because I don't want to hear Keisha's mouth.

1 Well, I call her Keisha. Her name Kimberly. And, uhm, she
2 had seen her stepfather Mr. J.C. at the store. And, uhm, she
3 asked, uhm, Mr. J.C. would he drop her off down to me
4 Kimberly's house.

5 Q. Okay. And let's get a time check here.

6 Approximately, if you can recall, what time did you make it
7 back to you and Kimberly's house, if you can remember?

8 A. I'm not for sure. It was still, uh, daylight
9 because, uh, like I said, it - it - it was probably about
10 five or something like that because it was still daylight.
11 Like I say, Mr. J was at the store. And she said, well, I'll
12 ask - I'll ask him and she asked him would he take her to our
13 house.

14 Q. All right. When you get back home, what do you do
15 there?

16 A. When I got back, the first thing I did was give the
17 guys their moped back and, uhm, I seen, uhm, Mr. J.C. I call
18 him Mr. J.C., him and Karesha was in our front yard and she
19 was getting the stuff out of the car.

20 Q. Okay. And how long were you at home that time? You
21 had said you helped somebody get something out of the car?

22 A. No, sir. I said Karesha, Mr. James had got there
23 with Karesha and she was getting the beer and whatever else
24 she had got out of the car.

25 Q. Right. But once you're there and everybody is

1 there, what do you do next?

2 A. Uh, we goes in the house. Kimberly's home by then
3 and, uhm --

4 Q. Who all total is there?

5 A. It was me, Kimberly and Karesha.

6 Q. Okay. What specifically do you do next?

7 A. Uh, I goes in the room, uhm, start working on the
8 outlet. Uhm, me and Kimberly back there in our bedroom where
9 the TV was. The outlet was dead. I was trying to chase to
10 find out which one was killing the power to the one that I
11 needed.

12 Q. All right. Approximately given our time frame, how
13 long do you think it was working on the outlet back there?

14 A. Well, it was - it was - it was getting close to six
15 then because Karesha and my girlfriend Kimberly, they was
16 talking about they wanted some pork chop.

17 Q. Okay.

18 A. And, uhm, they asked me, uhm, they kept on talking
19 about it. I said, well, it's getting close to the time for
20 the Cone's to close. I said, y'all better make up y'all
21 mind. I said there's a guy name D.J., a young guy that I
22 been knowing, I said he's out there. I said he might take me
23 to the store.

24 Q. Okay. Did you go to Cone's?

25 A. Yes, sir. I got there just in time. They close at

1 six. I got there as they was locking the door. I said I
2 just want a pack of, a family pack of pork chop and some
3 Wesner, and the young lady started laughing. I said I'll be
4 in and out. She said, well, come on then.

5 Q. All right. Where do you head after that?

6 A. Back to the house.

7 Q. Okay. When you get back to your home, at that time
8 do you remember who was present at the home at that time?

9 A. Uh, my girlfriend Kimberly, Karesha, and my brother
10 Thadeus had got there then.

11 Q. All right. Now, walk me through what you do when
12 you get home that time?

13 A. Uh, I goes in the house and, uhm, I showed them what
14 I had got. I had got some, the family pack pork chop. I had
15 got some Wesner, and I think a couple packs of Cool-Aid or
16 something. I showed them what I had. And I told Karesha and
17 Kimberly, I said, well, y'all know that it wasn't enough.
18 Karesha, you know there wasn't enough money on that card like
19 that. Y'all owe me some money. So I went over to the sink
20 and, uhm, I took the pork chops out of the wrapper and, uhm,
21 everything and put them in the sink and put them in water to
22 soak.

23 Q. Okay. What, if anything -- Now, did you eat those
24 pork chops that night?

25 A. No, sir. Uhm, right after I had put them in the

1 sink, I went back and start back working on the outlet in the
2 room 'cause, you know, we had to run a drop cord trying to
3 get power. We got cords all over on the floor just for the
4 DVD player and the TV and I was trying to get that fixed so I
5 started back working on that.

6 Q. All right. How long are you back there doing that
7 the second time?

8 A. Uh, I don't know. I worked on it for a while and,
9 uhm, and I walked outside. It was - it was - it was probably
10 a little bit after seven or something.

11 Q. Let me ask you. Was it dark then?

12 A. I don't think it was just -- Well, it was dark, but
13 over there we got a lot of street lights and, uhm, I had
14 grabbed one of Kimberly's and Karesha's beer and, uhm, I
15 walked outside and I was smoking a cigarette.

16 Q. Okay. Did you talk anywhere out there or did you
17 just go outside?

18 A. No, sir. I just stood there smoking my cigarette
19 and, uhm, drinking a beer.

20 Q. All right. Was anybody out there hanging out
21 with you at all?

22 A. Uh, Quinton came walking over there. Uh, he had a
23 bottle of liquor in his hand.

24 MR. MAYE: Objection to relevance, Your Honor.

25 THE COURT: He can testify that Quinton was over

1 there. This would be his and Ms. Gantt's trailer on
2 Quattlebaum?

3 MR. CASTO: Yes, sir.

4 THE COURT: He can testify. Overruled.

5 BY THE WITNESS:

6 A. I was drinking beer and smoking a cigarette.
7 Quinton came over. He had a bottle of gin and a blunt and he
8 asked me --

9 MR. MAYE: Your Honor, object to the relevance of
10 that.

11 THE COURT: You can't testify to that.

12 THE WITNESS: I can't testify to that, Judge?

13 THE COURT: No.

14 BY THE WITNESS:

15 A. Well, he came over --

16 THE COURT: That's stricken from the record.

17 MR. CASTO: Yes, sir.

18 BY THE WITNESS:

19 A. Well, he came over there and we talked.

20 BY MR. CASTO:

21 Q. Okay. With regard to that conversation -- Now, do
22 you remember where he was staying?

23 A. He was staying on -- We're on Quattlebaum. He was
24 on Quattlebaum. He stayed about two houses north on the
25 north side of me and Kimberly.

1 Q. Had you seen him?

2 MR. MAYE: Your Honor, objection to where Quinton
3 Samuels lived or Quinton Samuels was in relation to him.
4 There's no relevance.

5 THE COURT: Step up here for just a minute, please,
6 so I don't have to send the jury out I hope.

7 MR. MAYE: Yes, sir.

8 (Side bar off the record.)

9 THE COURT: Thank you, Mr. Solicitor. Thank you.
10 Mr. Casto.

11 MR. CASTO: Yes, sir.

12 BY MR. CASTO:

13 Q. Now, I'm only asking you that question as far as
14 what you did. After that conversation, what, if anything,
15 did you do?

16 A. After that conversation I went back in the house
17 and, uhm, I went in there to see what my girlfriend Kimberly
18 and my brother Thadeus and Karesha was doing. I went in
19 there and grabbed their liquor and - and - and drunk some of
20 their liquor and grabbed another one of their beers and I
21 went back in the back and started back working on the
22 outlet.

23 Q. Still working on that outlet, right?

24 A. I - I got to chase it all the way around until I
25 find. I didn't have, what you call it, a meter. I didn't

1 have one of those so I just had to walk myself through it
2 till I found it whichever one it was.

3 Q. How long do you think it was that you were working
4 on this outlet that third time?

5 A. Uh, probably about another 30, maybe 45 minutes. I
6 don't know.

7 Q. What do you do once you're done this time?

8 A. Go in there and tell Karesha that, Keisha and
9 Karesha that I wanted my five dollars. They told me that
10 they didn't owe me nothing.

11 Q. Five dollars for what?

12 A. Well, because it wasn't enough on the card for one
13 to get what they wanted, and for two, I wanted my five
14 dollars back because that's all I had and I wanted to go get
15 me a blunt.

16 Q. When you say what they wanted, wanted when?

17 A. When I went to Cone's.

18 Q. Okay.

19 A. They wanted pork chop and Wesner.

20 Q. Money for dinner?

21 A. Yes. Pretty much, yes, sir.

22 Q. All right. Well, what did you do after that
23 conversation with them about the money, the five dollars?

24 A. Well, we went through some changes, but sooner or
25 later I got it. Uh, they end up giving it to me.

1 Q. Okay. And what, if anything, did you do next?

2 A. It was - it was good and dark then. It was - it was
3 probably right about eight, eight-o-three, eight-o-four,
4 eight-o-five. I'm not for sure.

5 Q. Okay. And when you're walking to go get that, where
6 are you headed?

7 A. I was fixing to head outside. When I walked
8 outside, uhm, Quinton was coming down the road.

9 Q. All right. Where did you see him?

10 A. Right by the back of my door. Uh, like over here
11 our front door is like Quattlebaum Street. You come out the
12 back door, we like on Ridge. Is that Ridge Hill or Ridge
13 something Street? I can't remember exactly what it is. So
14 we always use the back door. And I come out the back door
15 and he was coming down the hill.

16 Q. Okay. After that conversation with Quinton, what
17 did you do next?

18 A. Uhm, I started up the hill and, uhm, I turned right
19 on Merritt Street.

20 Q. Okay. Now, you're walking down this road. What do
21 you see next?

22 A. Uhm, I got right there by the Mason Lodge on Merritt
23 Street. Uh, I notice a black truck coming from down by
24 Quattlebaum coming up coming behind me and when it got to me,
25 I seen that it was Captain Rushton. I know his head.

1 Anyway, we done had a run in. I through my hand up and waved
2 at him.

3 Q. Okay. Was he the first person you see?

4 A. Yes, sir.

5 Q. Eventually, Ronnie, let me ask you this: Were you
6 eventually stopped by law enforcement?

7 A. Yes, sir. Right before - right before I got to
8 Spring Street, uhm, one come from the west side, uhm, from
9 the east side on Spring Street and Chief Goldman and Captain
10 Rushton come straight from like uptown which would be, I
11 guess would be south straight down on me.

12 Q. All right. And on the side of the road you had a
13 conversation with them; is that right?

14 A. Yes, sir. Uhm, Mr. Cockrell told me, when Goldman
15 pulled up, told me to put my hands on the hood of the car.

16 Q. Yes, sir.

17 A. And, uhm, I asked what is going on? They said just
18 put your hand on the hood of the car. So by that time
19 Captain Rushton come around, he put his hand on my back and
20 said just lean on the car. So I put my hands on the hood of
21 the car like this. I said, man, what's - what's up? He said
22 don't move. Just put your hands on the car. So he asked me
23 then, he said, uh, he asked me, he told me let me see your
24 boots. He said pick your leg up. So I got my hand on the
25 car like this and he grabbed my pants leg. You will see on

1 the picture of him beside. He pulled my leg up and looked at
2 my boot and, uhm, he took a picture of my boot.

3 Q. Tell me this. Let's talk about your boots for a
4 second. Did your boots have -- Were they wet at all?

5 A. No, sir.

6 Q. Did your boots have - were they very dirty at all?

7 A. No, sir. No, uh, no mud. No sand or nothing on my
8 boots. Maybe dust or something on the top of them, but as
9 far as the soles they clean.

10 Q. But they were clean? They weren't damp? They
11 weren't muddy?

12 A. No, sir.

13 Q. And you stated that they took a picture of that; is
14 that right?

15 A. Yes, sir. They took a picture of my boots.

16 Q. All right. And at some point in time the
17 conversation turned to Dianne Williams' house?

18 A. Uh, Captain Rushton, uh, at that time, uh, they
19 detained me, what they call detain or contain. They told me
20 to put my hand behind my back. They put the handcuffs on me.
21 I said, man, what's going on? What you putting handcuffs on
22 me for? He said, just turn around and put your hands behind
23 your back. So I ain't did nothing. I put my hand behind my
24 back. And, uhm, he said, uh, where you coming from? I said,
25 I just left me and Kimberly house. Uh, he says, you and

1 Kimberly house? I said, yeah. I said, Kimberly, I said
2 Karesha and my brother down there now. I said we can go
3 right back there. They'll tell you I just walked out the
4 house. That's when, uhm, he asked me have I been over to Ms.
5 Dianne house that day.

6 Q. Okay. What did you tell him?

7 A. I said a had been over there about three times.

8 Q. Okay. You told law enforcement that you had been
9 over there early that afternoon?

10 A. I told them I had been over there three times.

11 Q. Now, when you tell them that, do they eventually,
12 when you tell them about that, you tell them about that
13 before they actually eventually handcuff you, right?

14 A. Well, I was - I was, uh, already handcuffed because
15 they handcuffed me when I was on the hood of the car. Uh,
16 when they was questioning me, we had come around on the side
17 and he had handcuffed me and, uh, I was complaining about the
18 handcuffs was too tight. I got pretty big wrists and
19 everything. And, uhm, Chief Goldman, uh, took and loosened
20 one of them and then they put me in the back seat of the
21 car.

22 Q. Ronnie, let me ask you this: Were you upset about
23 being arrested?

24 A. Yes, sir. Sure. Because I just left the house from
25 my girlfriend, my brother and Karesha and, uhm, I mean, my

1 thing was I was just leaving to go up -- I ain't going to say
2 the location, but it wasn't far up the street like I said to
3 get a blunt.

4 Q. Yes. And basically you told them where you had been
5 that afternoon and right there on the side of the road is
6 that when they arrest you and put you in the car?

7 A. Yes, sir.

8 Q. Okay. Now, when they find you, did you have any
9 property whatsoever in your hands or on your person belonging
10 to Ms. Dianne Williams?

11 A. No, sir.

12 Q. Have any money or anything of value belonging to her
13 on you?

14 A. No, sir. I had - I had six dollars in my pocket. I
15 had a dollar and like I said Kimberly and Karesha had just
16 gave me the five dollars. That's all I had.

17 Q. And eventually once you got to the jail, were you
18 searched again?

19 A. Yes, sir.

20 Q. Did they find anything belonging to Dianne Williams
21 on you or in any of your clothing at that time?

22 A. No, sir.

23 Q. Ronnie, let's shift gears a little bit and talk
24 about those jail calls, okay?

25 A. Yes, sir.

1 Q. In each of those calls who were you speaking to?

2 A. Kimberly.

3 Q. And in each of those calls is that your voice that
4 we hear on there?

5 A. Yes, sir.

6 Q. And in those days when all of this happened were you
7 in a relationship with Kimberly?

8 A. Yes, sir.

9 Q. Boyfriend and girlfriend, right?

10 A. Yes, sir. Living together.

11 Q. How long, if you don't mind me asking, how long had
12 you all been boyfriend and girlfriend before this happened?

13 A. Well, we had fooled around back in the day a little
14 bit when I first met her, uh, but we had got together. I
15 guess we had been together about six months, maybe seven
16 months. I'm - I'm - I'm guessing. I'm not for sure, but it
17 was a pretty good little period because it was long enough
18 for us to get a house together because, uh, Kimberly was
19 having problems with her family and she didn't have nowhere
20 to stay and, uhm, I had got a car. I had got her a car and
21 she wrecked it and we got a little insurance money back so I
22 was going to take the money and go pay for my CDL and get my
23 CDL back because I had some tickets. But she didn't have
24 nowhere to go. Her sister wouldn't let her stay. Her mother
25 wouldn't let her stay. So I told her, I said, well, you're

1 good enough for me to be with, you're good enough for me to
2 try to help you get somewhere to stay.

3 Q. All right. Let me ask you this: That relationship
4 with Kimberly, are y'all together now?

5 A. No, sir.

6 Q. Roughly when did you all break up in relation to
7 this incident, if you can remember?

8 A. I know exactly. March the 10th, 2014. I had kept
9 hearing stuff about Kimberly. I had kept questioning. And
10 finally she wrote me a letter and told me that she was sorry.
11 She apologized and said, Moe, on March the 10th I cheated on
12 you. She said, I'm sorry. I love you and all that there.
13 Uh, after that when she told me that, it kind of crushed me
14 and, uhm, I had told her when she came and seen me, I said,
15 after all I did for you. I said, I done - I done put you in
16 a house. Uhm, my family give us a lot of the furniture we
17 had in storage already. Part of mines, I got, you know, I
18 put in there. I said, when I go to jail, you got somebody
19 else in my house? And, uhm, I told her that we couldn't - I
20 ain't want nothing else to do with her. We couldn't be
21 together. And she told me that if I love her, that I would
22 forgive her. I said, that's something I don't - I can't do.
23 You betrayed me, man. You took somebody in somewhere that I
24 got for you.

25 Q. And basically do you admit that when we listened to

1 those jail calls that that was you and your voice talking
2 about with Kimberly the location of the purse; is that
3 right?

4 A. Yes, sir. Uh, I had came into knowledge of it. I
5 had come into knowledge of it through another party but, uh
6 --

7 MR. MAYE: Your Honor, objection. Hearsay to any
8 information he received from any other parties.

9 THE COURT: Rephrase the question, Mr. Casto.

10 MR. CASTO: Yes, sir.

11 BY MR. CASTO:

12 Q. There's discussion on those tapes about the location
13 of the purse, right?

14 A. Yes, sir.

15 Q. And there is discussion of the - part of the
16 discussion is Kimberly telling you that she tried to locate
17 it at first; is that right?

18 A. Yes, sir. Uh, I had told her where I had come into
19 knowledge that it should be. It supposed to been -- From my
20 understanding it was supposed to be right behind the Watson
21 Wedding Building and, uhm, I told her that and she told me
22 that she couldn't find it. And I told her, I said, well,
23 baby, I says, I don't know. I said ask Quinton. And whether
24 she did or not I don't know. Uh, she -- We talked again.
25 She said that she was gonna go look again and, uhm, later on

1 I said, well, do what you got to do I said 'cause my life is
2 depending on it. I said, I didn't do this. And I said, you
3 know what I'm saying? And I was trying to help get it back
4 after I find out it was Ms. Dianne's.

5 Q. Okay.

6 A. And, uhm, so Kimberly, she promised me that she was
7 gonna go back; that she wasn't gonna give up. And, uhm, she
8 told me that she found it. But where I had told her where I
9 came into knowledge of it where it supposed to been, it
10 supposed to been behind the Watson House Wedding Building.
11 It supposed to been on the edge of the field. But I seen the
12 photograph and everything of where she was standing at. It's
13 like a hundred yards back on this side of the Wedding
14 Building, maybe less. I'm not for sure. And it was over in
15 the bushes. So my knowledge of it where it's supposed to
16 been, it wasn't there. It supposed to been behind the Watson
17 House on the edge of the field. But like I said, it was over
18 in the bushes about a hundred yards back this way. So she
19 had to keep looking until she find it.

20 Q. Let me ask you this: Ronnie, if in your mind if Ms.
21 Dianne Williams was to get her purse back, what did you
22 think, what, if anything, did you think would happen to
23 you?

24 A. Well, like I say, after I find out it was Ms.
25 Dianne's, she - she - she ain't never did nothing to me. I

1 mean, I thought that if I got it back, that the charges would
2 go away because I had did some work for Ms. Dianne on her
3 truck. Her daughter Karesha and a mutual friend had asked
4 me. And Ms. Dianne, she said, well, Ronnie, she said, you
5 known, this was like on the 4th or 5th, she said, you know,
6 if you fix my truck, uh, I ain't got no money. I don't get
7 my check until the 3rd. This was like on the 4th or 5th. I
8 said, Ms. Dianne, I said, don't worry about it. I said
9 Karesha my friend. I said I don't mind so...

10 Q. If you, in your mind if you got the purse back to
11 Ms. Dianne, do you think this thing would get cleared up?

12 A. That's what I was hoping. That's what I kept
13 telling Kimberly. I said, man, you got - I said you got to
14 do this. I said you got to try to get Ms. Dianne her
15 pocketbook. Because it was phone calls kept coming to the
16 jail and, uhm, the officer name was Gaulman kept coming back
17 and telling me that Ms. Dianne said that --

18 MR. MAYE: Objection to anything that any other
19 person said. It's hearsay.

20 THE COURT: That's hearsay.

21 THE WITNESS: Sorry, Your Honor.

22 THE COURT: Sustained. That's all right.

23 BY MR. CASTO:

24 Q. Ronnie, if I may just to kind of -- Again, let me
25 ask it again. In your mind if you could get this purse back

1 to her, did you think that this matter would be cleared up?

2 A. It would be - it would be over with. Uh, I know I
3 hadn't taken it. Like I said, I know Karesha. I deal with -
4 I deal best with Karesha. I only actually been inside Ms.
5 Dianne house maybe twice because when I go there, Karesha
6 would always come out. And I - and - and - and - and I done
7 talked to her several times. I just felt like if I got her
8 purse back, that it would be all right. I deal with a lot of
9 older people in the area. I do grass cutting. Work on their
10 cars. Everything free. And I just felt like if I helped and
11 got it back, that it would be over with. That's what I kept
12 trying to do.

13 Q. And the matter didn't get cleared up once it was
14 returned, right?

15 A. (Indicating.) Boy, it made a left like it caught
16 fire. Everything went bad. Everything that I was trying to
17 do without getting anybody in trouble because like I said
18 people don't like rats in the neighborhood. For me to tell
19 them what, how I come in knowledge of or try to tell on
20 somebody, a rat in the hood, they got a saying, is a dead
21 rat. So instead of me trying to tell on somebody, I felt
22 like if I, at first if I actually got it back, if I can get
23 Kimberly to find it and I kept pressuring her to look, look.
24 She said, Moe, I'm gonna go. I'm gonna go. I'm gonna do it.
25 I'm gonna do it. I kept - I said, because if I can't count

1 on you, I can't count on nobody. I said I done bent over
2 backwards for you. I said I need you now. I said if you get
3 it -- I said go because she told me the first time she
4 couldn't find it. I said, Kimberly, I said you got to find
5 it. I said they said it was there. I said all I know it
6 supposed to be behind the Watson place. So she did go back
7 and - and - and she did find it. And after she found it, I
8 thought everything was gonna be okay. And after then I had
9 called her and asked her what was going on and everything, I
10 think. I can't remember exactly. But she had told me --

11 MR. MAYE: Objection to anything. That's hearsay.

12 THE WITNESS: I'm sorry. I just get caught up in
13 talking.

14 THE COURT: Wait. Wait. Wait. Let me rule. Is
15 that part of what's on the tapes? If it's on the tapes,
16 it's in evidence. The part he's talking about now are
17 recorded conversations on the tape?

18 MR. CASTO: Yes, sir, Your Honor, between him and
19 Kimberly.

20 THE COURT: He can talk about that. That's already
21 in evidence, if that's what it is. I'm trying to track.

22 MR. CASTO. Yes, sir. Yes, sir.

23 THE COURT: Okay. Thank you.

24 BY THE WITNESS:

25 A. She had got it back. But after I talked to her, I

1 don't know was she really talking to Ms. Dianne, but the
2 thing was I thought that they was coming up there. Kimberly
3 told me they was coming up there. It's on the tape that, uh,
4 they supposed to come up there. I kept telling them to get
5 my father, you know, to bring them up there because at the
6 time Ms. Dianne car was tore up, her truck tore up. Well,
7 she had gotten the one she got now. And, uhm, I kept telling
8 them, I said get my father. I said get my father. I said my
9 father will do it.

10 I kept trying to get the police involved the best I
11 can. Tell the police this or try to get the police. And you
12 know, everything that I was telling her had to do with trying
13 to get the police involved and to clear it up. And, uhm, the
14 way, uh, Chief Goldman came in to knowledge of the purse, it
15 wasn't that he did a follow up. It wasn't that he called
16 somebody. He came to the jail house to do a follow up
17 talking to me. I said, man, listen here, man. I said, Ms.
18 Dianne got her pocketbook back. He said, how do you know
19 that? I said, don't worry about all that. I just know that
20 she got her pocketbook back and I said I'm in jail. I said,
21 I didn't do it. But I did all I could to try to help her get
22 it back and from my knowledge she got it back.

23 BY MR. CASTO:

24 Q. All right. Do you know if there were any other
25 calls between you and Kimberly that we have not heard?

1 A. Well, uh, yes, sir. The very first call that should
2 have been on there is when I -- Well, it may have been the
3 second call. I had told Kimberly, I said, listen, man,
4 because I had told her to tell Quinton that he's going to
5 wear this charge, right? I said, tell Quinton he's going to
6 wear this charge because I ain't going to jail for him. I
7 said I ain't trying to be no rat or nothing, but I ain't
8 fixing to go to jail for him.

9 So then we walked a little bit. I said, well,
10 listen here, Kimberly. I said this what you do. I said try
11 to get Quinton to show y'all where the purse is or go get the
12 purse and have the police sitting there waiting. I said try
13 to get him to go get it or show y'all where it's at and have
14 the police waiting on it. She said that he --

15 Well, evidently that didn't work because she didn't
16 want to be bothered with Quinton. She said Quinton got fresh
17 with her or whatever and, uhm, so she said she would do it on
18 her own. She kept on trying and she said I'm going to do --

19 MR. MAYE: Objection, Your Honor. He's talking
20 about stuff that's clearly not on the tape and talking
21 about trying to interject hearsay in it and I object.

22 BY THE WITNESS:

23 A. It's clearly on the tape that Kimberly said that she
24 was trying to --

25 MR. CASTO: Hang on. Hang on.

1 THE WITNESS: Sorry, Your Honor.

2 THE COURT: That's fine. Ask your next question,
3 Mr. Casto.

4 MR. CASTO: Yes, sir.

5 BY MR. CASTO:

6 Q. And ultimately based on your answer did you have
7 anything to do with the burglary of Ms. Dianne Williams'
8 house?

9 A. No, sir. Why would I take from somebody that ain't
10 got nothing? I mean, she get her check on the 3rd. After
11 she pay her bills, she have - she have no money. And every
12 time she had to ask Karesha to ask me to look at her truck.
13 If I come over there to look at her truck on the 5th, she
14 tell me I got to wait to the 3rd again. So why am I gonna go
15 take when I do so much for them? I mean, if I could have had
16 character witness here, every old person in the neighborhood
17 --

18 MR. MAYE: Your Honor, I object to him trying to
19 interject character evidence into this. He may be
20 opening the door. I'll be happy for him to answer that,
21 Your Honor, if he's going to put his character at
22 issue.

23 BY THE WITNESS:

24 A. I just said that, uh --

25 THE COURT: Well, let me try to rule.

1 THE WITNESS: Yes, sir. My bad. I'm sorry.

2 THE COURT: So you object or you want him to answer
3 the question?

4 MR. MAYE: I'm happy for him to talk about his good
5 character and put his good character --

6 THE COURT: I haven't ruled on that. Do you want to
7 ask him the next question, Mr. Casto?

8 MR. CASTO: Yes, sir, I do.

9 BY MR. CASTO:

10 Q. Ronnie, did you help, assist or aid anyone else in
11 the burglary that took place at Dianne Williams' house?

12 A. No, sir.

13 MR. CASTO: No further questions. Please answer any
14 questions the State may have.

15 THE COURT: Thank you, Mr. Casto. Mr. Solicitor.

16 CROSS EXAMINATION

17 BY MR. MAYE:

18 Q. There's no question that you had on a blue hoodie on
19 the night of December the 13th of 2013, is there?

20 A. Uh, that day, no. That night, yes, sir, because
21 Kimberly had got off work. It was her hoodie.

22 Q. When the police encountered you when you ran from
23 Officer Rushton, you had a blue hoodie on, didn't you?

24 A. I didn't run from Officer Rushton, but I had on a
25 blue hoodie.

1 Q. Well, you sure weren't in a wheelchair and you sure
2 didn't have crutches on at any time in December of 2013, did
3 you?

4 A. No, sir. But you can check my medical record.
5 November or October my daddy had rushed me to the ER in
6 Edgefield. By back had went out and, uhm, I was working at a
7 towing and transmission shop in Leesville at the time and I
8 couldn't work. I couldn't run. I couldn't do nothing if I
9 wanted to. I was - I mean, I was limited to what I could do
10 so I couldn't work or nothing then.

11 Q. Well, you were all over Ridge Spring. You were
12 riding mopeds. You walked back and forth to the house. By
13 your own admission you said you were over there three times.
14 You walked all over town. You were back and forth. There
15 wasn't anything wrong with your mobility on December the 13th
16 of 2013, was there?

17 A. Yes, sir, there was.

18 Q. Well, you were able to ignore that pretty
19 successfully because you were all over town that day, weren't
20 you?

21 A. I walked uptown one time. Uh, the other times I was
22 on the moped. Uh, that really have nothing to do with my
23 back riding a moped. Uh, my medical records speak for their
24 self. Uhm, I don't -- I mean, you got Edgefield. You got
25 Greenwood. You got Newberry. Take your pick.

1 Q. First time you ever been up here in a wheelchair and
2 crutches was this week for this trial; isn't that true?

3 A. No, sir. Uh, they could check my records at the
4 jail over there.

5 THE COURT: Just a minute. Yes, ma'am?

6 JURY MEMBER: Can we just take a quick break so I
7 can call somebody?

8 THE COURT: All right. Yes, ma'am. We'll take
9 about a ten minute recess. Please do not discuss the
10 case during this brief recess. Thank you.

11 (Whereupon, the jury goes into the jury room.)

12 (Short recess.)

13 THE COURT: Back on the record.

14 Anything from the defense before we bring the jury
15 back in, Mr. Casto?

16 MR. CASTO: No. No, sir, Your Honor.

17 THE COURT: Anything from the State?

18 MR. MAYE: Nothing from the State, Your Honor.

19 THE COURT: Bring the jury back in, please.

20 (Whereupon, jury returned back to the courtroom.)

21 THE COURT: All right. Welcome back, ladies and
22 gentlemen. My plan is to finish with Mr. Martin's
23 testimony this evening, if that is accomplished within a
24 reasonable period of time. Of course, he is welcome to,
25 Mr. Solicitor and, of course, Mr. Casto is welcome to

1 take all the time that they need to present the
2 testimony and at the conclusion of Mr. Martin's
3 testimony we will take our evening recess. As this
4 young lady just did, if anybody needs a break at any
5 time, please get my attention or the attention of my
6 clerk. Please continue to give the parties your
7 complete and undivided attention. Mr. Solicitor, you
8 may proceed.

9 MR. MAYE: Thank you, Your Honor.

10 BY MR. MAYE:

11 Q. Now, you were in town in Ridge Spring on December
12 the 13th, 2013, right?

13 A. Yes, sir.

14 Q. All right. And you have been over to Ms. Dianne
15 Williams' house and certainly familiar with her house. You
16 have testified already you were over there several times,
17 right?

18 A. I had been over there three to be exact.

19 Q. And you had been dealing with her involving her
20 getting money out of her pocketbook because you talked about
21 her digging for money and getting money out of her pocketbook
22 in order to buy Honey Buns so you knew where her pocketbook
23 was, didn't you?

24 A. No, sir. Uhm, at the time when that first took
25 place, I was outside, uh, and Karesha called me and asked me

1 would we go get them. They was already going through the
2 changes of getting the money. So when I came in, she had her
3 pocketbook in her hand. I think she had gave Karesha a
4 dollar and some change and it was stated that that wasn't
5 enough. So she finally - she said I'll find, well, it was
6 another dollar found so she ended up with two dollars.

7 Q. So she produced money from her pocketbook in your
8 presence there on one of the trips that you were over to her
9 house, right?

10 A. Uh, well, if you call two dollars money, yes, sir.

11 Q. Well, there was more money than that. There was
12 more money in her pocketbook when she got it back than two
13 dollars?

14 A. Well, I have no knowledge of that, sir.

15 Q. Well, when you took the pocketbook and rifled
16 through it after you stole it and tossed it up in the bushes,
17 you just missed it? You didn't find it, did you?

18 MR. CASTO: Objection. No personal knowledge.

19 THE COURT: Overruled. You may answer the question,
20 Mr. Martin.

21 BY THE WITNESS:

22 A. Ask your question again.

23 BY MR. MAYE:

24 Q. After you kicked the door in and took her pocketbook
25 and walked off with it, you just didn't find the money in the

1 bottom of it, did you?

2 A. No, sir. I wasn't the one that kicked the door in.
3 I wasn't the one that had her pocketbook. Like I said, I
4 have no knowledge of it.

5 Q. Well, you just testified as to what good terms you
6 were on here with Mrs. Williams in this case.

7 A. I said I was in good terms with her daughter. I
8 said that I only been inside Ms. Dianne's house twice. Once
9 that night, that day there, and once maybe two, three months
10 before that. Other than that I always been outside. Karesha
11 come outside.

12 Q. Well, we can get the court reporter to read it back.
13 But you said you didn't have any problems with Mrs. Williams
14 in this case, Mrs. Dianne Williams?

15 A. Yes, sir. I stated I don't have no problems with
16 her.

17 Q. And she didn't have any problems with you prior to
18 you kicking her door in and stealing her pocketbook; isn't
19 that right?

20 A. No, sir. That's not right. I didn't kick nobody
21 door in. I ain't steal no pocketbook. Why would I steal her
22 pocketbook? I work on cars. I make - I make more money in
23 one week than she get in a whole month.

24 Q. But you didn't have five dollars to buy drugs with
25 and you're having fights with people that night to go buy

1 illegal drugs; isn't that true?

2 A. No. The reason why I didn't have money because I
3 was out of work for my back. I couldn't do the lifting on
4 the transmissions and the pulleys.

5 Q. Now which way is it? You're up here telling the
6 jury that you make more money than she makes in a whole month
7 and that you've got plenty of money. And then just in the
8 next sentence you're talking about how you didn't have any
9 money because of your back. Which way is it?

10 A. That's not what I said. I never said I had plenty
11 of money. I said what I was making and the thing of it is,
12 like I said, Kimberly wrecked our car. We came into some
13 insurance money and my back just had went back out. I mean
14 --

15 Q. You're sweating five dollars over a Honey Bun and
16 upset because you don't have money to buy drugs. That's your
17 own testimony here on the record; isn't that right?

18 A. No, sir. That's not right. That was my five
19 dollars. They didn't have enough to get what they wanted. I
20 wasn't sweating nothing. It's mine.

21 Q. You said you only had six dollars on you when they
22 took you to the jail?

23 A. Exactly.

24 Q. You didn't even have that. You didn't have a dime
25 on you when you went to the jail, did you?

1 A. That's not true. I had six dollars. I had six
2 dollars and some pennies or something.

3 Q. You had a blue and gray hoodie on. You had a blue
4 hoodie when you got to the jail, right?

5 A. Yes, sir.

6 Q. You had a gray sweatshirt?

7 A. Yes, sir.

8 Q. You had khaki pants on?

9 A. Yes, sir.

10 Q. Had a brown belt?

11 A. Yes, sir.

12 Q. You had those black boots right there that they got
13 all those boot prints off of; isn't that right?

14 A. Black and brown, isn't they, and red?

15 Q. You had these boots on that they got the boot prints
16 off of, didn't you?

17 A. Yeah. Black and red. They got red and yellow.

18 Q. You had a wallet, keys. You had a brown belt. You
19 had that hat on like Ms. Dianne described. You had that hat
20 on, right?

21 A. Uhm, Ms. Dianne never described that previous to
22 today talking about I had on some hat. That hat right there,
23 when I come over to Ms. Dianne's house that day, I had that
24 hat on. When I was over there that day, yes, I had that hat
25 on at Ms. Dianne's house.

1 Q. You had that hat on with the hoodie when you kicked
2 her door in and came in the house, too; isn't that right?

3 A. I didn't kick no door in. I never came in Ms.
4 Dianne house.

5 Q. In fact, you had on exactly the clothing that she
6 described to the police just as soon as they got there; isn't
7 that right?

8 A. Uhm, all except for the hat. The hat just come up.
9 That wasn't anything -- That's what they said the suspect or
10 whatever was wearing. At least that's what's in my motion.
11 I don't know.

12 Q. Where did you come up with that hat then all of a
13 sudden?

14 A. That's my hat. Doug Dempsey (phonetic) hat. That
15 hat from, come from where Kimberly work in Ward store.

16 Q. Now, wait a second. You're saying that you didn't
17 have this hat on? That the police somehow went to her store
18 in Ward and got this hat?

19 A. That's not what I said. You putting words in my
20 mouth.

21 Q. Well, you tell us where the hat came from?

22 THE COURT: Let him answer the question. Answer the
23 question, Mr. Martin. Now, quit playing around. Ask
24 the question, answer the question.

25 BY THE WITNESS:

1 A. Yes, sir. When the police arrested me that night, I
2 had that hat on.

3 BY MR. MAYE:

4 Q. So anything about that hat coming from the store is
5 nonsense; isn't that right?

6 A. No. I was just giving you knowledge of where it was
7 bought at and everywhere I go I got on a hat of some type.

8 Q. You said you knew Captain Rushton when you saw him
9 there on the street, right?

10 A. Yes, sir. On Merritt Street.

11 Q. You said y'all had done had a run in?

12 A. Me and Captain Rushton?

13 Q. That's what you said.

14 A. Yes, sir.

15 Q. What was that?

16 A. What kind of run in me and Captain Rushton had?

17 MR. CASTO: Objection.

18 THE COURT: Was that an answer?

19 MR. CASTO: No, sir.

20 THE COURT: I didn't mean that to be smart to you,
21 Mr. Casto. I'm asking a question. Was that an answer
22 during his testimony, that he and Captain Rushton had
23 had a run in?

24 MR. CASTO: No, sir, Your Honor. I think --

25 THE COURT: Step up here, please.

1 MR. CASTO: Yes, sir.

2 (Side bar off the record.)

3 THE COURT: Objection overruled, Mr. Casto.

4 BY MR. MAYE:

5 Q. Tell us about your run in with Captain Rushton that
6 you answered about.

7 A. Well, I didn't mention nothing about a run in. I
8 said I knew Captain Rushton. I said I waved at him when he
9 passed by me.

10 Q. Your answer was you knew him because y'all had
11 done had a run in?

12 A. That's not my -- That's - that's not the answer I
13 answered. I said I knew Captain Rushton. When he passed by
14 me on Merritt Street, I said I threw my hand up and waved at
15 him.

16 Q. Well, it's a good thing --

17 A. That was my answer.

18 MR. MAYE: Let me stop you for just a second. The
19 good thing about it is we've got the court reporter so
20 we can see what your answer was.

21 THE COURT: Well, let's find out. Will you all step
22 back, ladies and gentlemen. Do not discuss the case
23 during this brief recess.

24 (Whereupon, the jury goes into the jury room.)

25 THE COURT: Find the answer, Mr. Court Reporter.

1 Mr. Casto, I'm going to have the court reporter read the
2 question and read Mr. Martin's response to the question.
3 Will you do that for us, please, Mr. LeBlanc.

4 (Whereupon, the portion of the record requested was
5 read back.)

6 THE COURT: So we done had a run in is in the
7 record. I'm going to so inform the jury rather than
8 have our court reporter have to go back and switch gears
9 again.

10 MR. CASTO: Yes, sir, Your Honor.

11 THE COURT: Mr. Solicitor, as to that issue, I'm
12 assuming it's in modern times so to speak. I'm assuming
13 it does not refer back to 1996. I don't know if that's
14 - I don't know if I should make any assumption, but that
15 is my assumption. Speak up now.

16 THE WITNESS: I said when they asked me this
17 question about me and Captain Rushton, I said is he
18 gonna let me answer the question or is he gonna cut me
19 off.

20 THE COURT: He's not going to cut you off.

21 THE WITNESS: All right, sir. Thank you.

22 THE COURT: The Solicitor is not going to cut you
23 off. He asks the questions and you answer them.

24 THE WITNESS: All right, sir. Thank you.

25 THE COURT: If he cuts you off, I'll get you to

1 clarify. All right. Bring us our jury, please.

2 (Whereupon, the jury returned to the courtroom.)

3 THE COURT: All right. Our jury is back in the
4 courtroom. Ladies and gentlemen, I'm not commenting on
5 the facts, however, a comment on the record itself. I
6 had the court reporter review the record. There was a
7 question concerning what happened next in the direct
8 testimony of Mr. Martin. The response was, and I
9 paraphrase generally, as I was near the Masonic Lodge, I
10 seen a black truck coming down the street. I saw that
11 it was Captain Rushton. I recognized his head. We done
12 had a run in. So rather than have the court reporter
13 switch back to that, we are going to continue on with
14 the questioning of Mr. Martin by the Solicitor. All
15 right. Mr. Solicitor, you may continue.

16 BY MR. MAYE:

17 Q. Mr. Martin, you have a 2009 conviction for assault
18 and battery of a high and aggravated nature; isn't that
19 correct?

20 A. Yes, sir.

21 MR. MAYE: I have no other questions for you. Thank
22 you.

23 THE COURT: Redirect, Mr. Casto?

24 MR. CASTO: No additional questions, Your Honor.

25 THE COURT: All right. Thank you very much. You

1 may maintain to your seat, Mr. Martin. Madam Forelady,
2 ladies and gentlemen of the jury, we are now going to
3 take our evening recess. I will remind you during this
4 recess do not discuss this case with anyone including
5 your fellow jurors, family, friends, or anyone else. Do
6 not read, watch or listen to any news reports about the
7 case. Do not do any investigation on the Internet or
8 personally about the case or anything which is
9 prohibited about a party, a witness, a court officer,
10 any information on any subject that has been testified
11 to in court, or any information that you might think
12 would be helpful in deciding the case. Remember you
13 decide the case based on the evidence and testimony from
14 the witnesses testifying before you under oath, the
15 items of evidence presented and the reasonable
16 inferences that you think may be drawn from the record.

17 With that being said, we'll take our evening
18 recess. I would ask you to please report back promptly
19 at, and I know you think I do not know what the word
20 promptly means. I do know. You will find, I always
21 tell good trial lawyers, good trial lawyers can't tell
22 time. A good trial judge told me that when I was
23 sitting out there where these gentlemen are. That may
24 be true of I hope of good trial judges, too. It's very
25 difficult to estimate how much time certain issues will

1 take, however, it's very necessary, very important.
2 Appreciate your patience and your focus and your
3 attention.

4 The other thing you will find out about trial
5 judges, very few of them have personalities. But be
6 that as it may, we're going to take our evening recess.
7 Have a pleasant evening. See you at 9:30 in the
8 morning. You're excused for the day.

9 (Whereupon, the jury was released for the evening at
10 6:10 p.m.)

11 THE COURT: All right. I have allowed Mr. Martin to
12 step down from the witness stand. Mr. Casto,
13 Mr. Martin, when I came back in the courtroom after one
14 of the recesses, asked me a question. I did not answer
15 his question. I felt it was a question that would have
16 to be addressed to his attorney.

17 MR. CASTO: Yes, sir.

18 THE COURT: All right. Anything further from the
19 State before we take our recess, Mr. Solicitor?

20 MR. MAYE: No, sir, Your Honor.

21 THE COURT: Defense?

22 MR. CASTO: No, sir, Your Honor.

23 THE COURT: All right. Thank you very much. Court
24 is in recess until 9:30 in the morning.

25 (Whereupon, court was in recess for the evening.)

1 State of South Carolina) In the Court
2 County of Saluda) Of General Sessions
3 Indictment No.: 2014-GS-41-035
4 State of South Carolina,)
5 Plaintiff,) Transcript of Record
6 vs.)
7 Ronnie Martin,) VOLUME III
8 Defendant.) PAGES 359 - 460

9 May 5th, 2015 through May 7th, 2015

10 Saluda, South Carolina

11 BEFORE:

12 The Honorable R. Knox McMahon, Judge, and Jury.

13 APPEARANCES:

14 Ervin J. Maye, Assistant State Solicitor
15 Attorney for the State

16 Bennett Casto, Assistant Public Defender
17 Attorney for the Defendant

INDEX

VOLUME III

May 7th, 2015

	PAGE
DEFENDANT RESTS	375
Closing Statement	
By Mr. Casto	377
By Mr. Maye	392
Charge of Court	419
Verdict	441
Sentencing	459
Certificate of Reporter	460

EXHIBITS

NO.	DESCRIPTION	PAGE
1	COURT'S	
2	#2 Jury Question	453
3	#3 Jury Question	453
4	#4 Intent to Seek Life w/o Parole	453
5	#5 E-mail	453
6	#6 Indictment 0087	453
7	#7 Indictment 0088	453

10

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1 May 7th, 2015

2 BAILIFF: All rise.

3 THE COURT: Thank you very much. Please be seated.
4 All right. Good morning, Mr. Solicitor. Good morning,
5 Mr. Casto.

6 MR. CASTO: Good morning.

7 MR. MAYE: Good morning.

8 THE COURT: Let's see where we are at time wise.
9 Does the defense intend to present any additional
10 evidence or testimony?

11 MR. CASTO: No, sir, Your Honor.

12 THE COURT: Do you intend to rest?

13 MR. CASTO: Yes, Your Honor.

14 THE COURT: Do you have any objection if I hear your
15 motions now?

16 MR. CASTO: No objections, Your Honor, to hearing
17 those motions now, Your Honor.

18 THE COURT: All right. What are your motions?

19 MR. CASTO: Your Honor, at this time the defense
20 rests and we would like to renew our motion for directed
21 verdict. We would also renew any and all objections made
22 pretrial and during the trial. With specificity we would
23 like to renew our objection on the record under the
24 Holmes and Page cases with regard to third party guilt,
25 Your Honor, at this time.

1 THE COURT: All right. Thank you. Thank you very
2 much. I will respectfully deny the motion for directed
3 verdict. I think there is ample direct and substantial
4 circumstantial evidence in the light most favorable to
5 the non moving party in this case and the appropriate
6 standard. I would also renew all my previous trial
7 rulings both evidentiary and otherwise and specifically
8 as to third party guilt under Gregory. All right. Does
9 the State intend to present any evidence or testimony in
10 reply?

11 MR. MAYE: Your Honor, we don't have any reply at
12 this time. Prior to argument though we would like to be
13 heard as to one matter that I think that could
14 conceivably come up. I'll do that whenever the Court is
15 ready.

16 THE COURT: All right. I'll be glad to hear that
17 motion.

18 MR. MAYE: That would be fine. Your Honor,
19 basically I wanted to move in limine in this case. We
20 have got this third party guilt issue that's out there.
21 In light of the opening statements in this case where
22 there were direct assertions that there was third party
23 guilt. Now that we have been through the trial in this
24 case we are left with the situation where the third party
25 guilt, much of the third party guilt evidence has been

1 excluded in this case. I tried to think about this last
2 night. Certainly I would object to any references to
3 those excluded items, any statements or any hearsay
4 evidence that the Defendant in this case collected. I
5 note that he kept trying to bootstrap and go into some
6 unknown person, you know. He tried to, rather than
7 saying Quinton, I got it from another source. I would
8 object to any argument. All that would be based on
9 hearsay whether or not he was trying to get at it in the
10 other direction or put something in the record. The
11 State was put in such an unusual position. I felt like
12 we had to object to protect, to put us in almost a status
13 of defense counsel in this case to protect the record and
14 make sure we continued to object. That's why we asked
15 basically to have a hearing in the light of, I guess,
16 Jackson versus Denno or Neil versus Biggers for review
17 and proffer of that the third party guilt evidence.

18 In this case, Your Honor, certainly I would object
19 to there being any mention of that specific information
20 regarding hearsay information or anything involving third
21 party guilt that is excluded. Would certainly maintain
22 that the defense in this case could say that a third
23 party, some other person did this. I would think that
24 the only conceivable way that they could mention about
25 Quinton Samuels or him having any involvement would

1 conceivably be the co-conspirator in this case Ms. Gantt
2 that testified. I just think they can disbelieve or
3 believe part of her testimony, but again the State on the
4 other hand would maintain that the source of any of that
5 information was always the Defendant in this case who was
6 proffering what would be excluded as hearsay.

7 I would move in limine that there be no reference of
8 Quinton Samuels as a guilty party. If they want to argue
9 third party guilt on some unknown person or that perhaps
10 some unknown person did this given the fact that he
11 didn't do that, I wouldn't have any objection to that and
12 would like some guidance from the Court in that regard.
13 I just don't like to object during closing argument. I
14 felt like it would definitely be an issue in any argument
15 in this case and we would ask for a limitation on third
16 party guilt arguments before the jury in line with the
17 Court's previous suppression of that information.

18 THE COURT: I thought there was testimony from Ms.
19 Gantt, although she testified it wasn't truthful, I
20 thought there was testimony from Ms. Gantt that initially
21 she gave a statement that Quinton Samuels told her where
22 the pocketbook was.

23 MR. MAYE: If it was limited to that, Your Honor, I
24 would agree. And I apologize for interrupting.

25 THE COURT: Well, I mean, I'm just trying to think

1 through it. From that point on, and like I said, I
2 realize she testified that I gave that false statement to
3 Chief Goldman I believe it was, and she admitted to both
4 on direct and cross examination that she had given that
5 false statement and this was done at the direction of,
6 either at the direction of Mr. Martin or as an agent of
7 Mr. Martin.

8 I'm trying to think through this, Mr. Solicitor and
9 Mr. Casto, where that leaves us as to circumstantial
10 evidence. The dot to connect at that point is that
11 Quinton Samuels was able to give Ms. Gantt the location
12 of the pocketbook, Mrs. Williams' pocketbook that was
13 stolen from her and, of course, the circumstantial
14 evidence is then he knew where it was either by observing
15 someone throw it there or by throwing it there himself.

16 MR. MAYE: And, Your Honor, that was my dilemma. I
17 don't want to try this case twice in the event that
18 there's a conviction. I want to be fair to the defense
19 in this case. I would say as long as they limited their
20 argument to the fact that there was information given to
21 Ms. Gantt, but this Defendant, in spite of repeated
22 instructions not to go into that hearsay information and
23 to limit that third party continued to try to say I got
24 this information from a third party. I don't want to be
25 a snitch. I didn't want to be a snitch. But always the

1 implication being that it was Quinton Samuels. I would
2 object to any argument of anything that came from the
3 Defendant in this case in regard to third party guilt or
4 being someone else in this case because I think the
5 Court's ruling is that that was inadmissible and would
6 not be proffered. It was proffered, but it was not to be
7 put before the jury.

8 I objected every time that I could in that regard
9 and like I said, I think that basically puts the State in
10 an unusual situation, I guess, of having to preserve and
11 make sure that there was no evidence before them. But if
12 they want to argue in this case about Ms. Gantt having
13 that information and taking them, I would say that that
14 would be the only way they would be able to argue that.
15 To argue third party guilt basing it on some source of
16 the Defendant in this case we would maintain that has
17 been ruled inadmissible and would be inappropriate
18 argument and they should not proffer any of that before
19 the jury, Your Honor.

20 THE COURT: Mr. Casto.

21 MR. CASTO: Yes, sir, Your Honor. Well, you know,
22 last night I had the same question and ultimately I think
23 that my understanding of the Court's ruling is that
24 obviously our theory of the case is he's not guilty. It
25 wasn't him. But with regard to what the Court brought

1 up, that is a portion that I have and which would make
2 some reference to Quinton Samuels because that was, as
3 the Court said, that was before the jury. And those
4 statements that she made, just to be clear, she admitted
5 from the stand she got a call from Ronnie Martin telling
6 her where the purse was. She looked for it the first
7 time. It wasn't there. There is a phone call on the
8 15th. He told her to talk to Quinton Samuels, but he
9 didn't want to tell her. He showed her the direction it
10 was and she testified that she wrote in her statement.

11 THE COURT: Well, I don't think he objects to
12 that.

13 MR. CASTO: Okay.

14 MR. MAYE: As long --

15 THE COURT: The Solicitor is not objecting to Ms.
16 Gantt's testimony as to Quinton Samuels. The Solicitor
17 is objecting to any testimony of Mr. Martin as to Quinton
18 Samuels. Obviously I allowed testimony that Mr. Samuels
19 was behind the Gantt/Martin residence on follow up.
20 That's in evidence.

21 MR. CASTO: Yes, sir.

22 THE COURT: There is also the phone conversation
23 that references Quinton Samuels. That's in evidence.

24 MR. CASTO: Yes, sir.

25 THE COURT: But the first part of his testimony was

1 that, you know, I made the speculation that Quinton
2 Samuels did it. I excluded all of that both in limine
3 and I ruled on all that third party guilt. I think the
4 Solicitor objected. I think if I'm tracking right is it
5 can't come from his testimony unless his testimony is in
6 evidence from some other direction whether it be -- Well,
7 the only other direction is a phone call or seeing him
8 that night in the vicinity of Quattlebaum and where he
9 lives and such like that.

10 MR. CASTO: Yes, sir.

11 THE COURT: If that answers your question. If
12 you're saying you're not arguing that, then I think that
13 resolves the issue for the Solicitor.

14 MR. CASTO: We are not arguing that. My outline is
15 tailored to not run afoul of your ruling.

16 THE COURT: I appreciate that, Mr. Casto.

17 MR. CASTO: Yes. That one is on the house.

18 MR. MAYE: I just want to make sure because like I
19 said, I wrestled with that last night myself. Like I
20 said, I would concede that anything that came from Mr.
21 Samuels in this case or references to Mr. Samuels
22 implicating him, they could argue that.

23 THE COURT: Or the phone calls.

24 MR. MAYE: That's right. Or the phone calls.

25 THE COURT: Or seeing him in the area.

1 MR. MAYE: I just would immediately object if there
2 was any reference to he had some inside knowledge. He
3 continues to say I'm not a snitch and I'm not telling on
4 Quinton. And like I said, he kept trying to get that out
5 and probably did. I objected every time, you know? That
6 he had knowledge that Quinton Samuels did this because of
7 some confession or some inside information that he had
8 that he doesn't want to share with the jury. But any
9 implication that there was hearsay information or
10 excluded information that would be what I would object
11 to.

12 THE COURT: And I think it is in the testimony. I
13 think that Mr. Martin, he didn't want to be a rat and the
14 principle in the hood is that the only rat in the hood is
15 a dead rat. I think that's in evidence. I think.

16 MR. CASTO: Yes, sir.

17 THE COURT: But you know my ruling as far as the
18 third party guilt, Mr. Martin's testimony.

19 MR. CASTO: Yes, sir.

20 THE COURT: And, of course, Solicitor, if you think
21 he runs afoul of that, then object. Most lawyers do not
22 like to object during closing.

23 MR. MAYE: I do not.

24 THE COURT: But sometimes it's necessary.

25 MR. MAYE: But I'm confident in light of our

1 discussion Mr. Casto is an officer of the Court and I
2 trust that he's going to endeavor not to run afoul of
3 what he knows has been excluded in this case. From a
4 pure academic standpoint I struggled with it last night
5 and I thought about it long and hard. I think we are all
6 on the same page. I appreciate the Court's indulgence of
7 me to discuss it.

8 THE COURT: Anything further, Mr. Casto, before we
9 bring out our jury?

10 MR. CASTO: Very briefly, Your Honor. In thinking
11 back to everything that's been presented, we would
12 request a charge of burglary in the second degree. I
13 believe there was some testimony by Mrs. Williams in the
14 case that it was light out, Your Honor, and for that
15 reason we would just place that on the record.

16 THE COURT: Mr. Solicitor, do you have a position on
17 that?

18 MR. MAYE: Well, Your Honor, the Court has taken
19 judicial notice of the fact that it was by every stretch,
20 all of the testimony tracked that it was, in fact,
21 nighttime. She makes some description of it that it was
22 just turning light and I just don't think that there is
23 any substantive evidence in the record at all that it was
24 anything other than nighttime in this case. And, of
25 course, in this case there is no defense in this case

1 that it wasn't nighttime in this case. And it strictly
2 wasn't present. Wasn't me. Did not do it was the
3 only thing that was proffered. There was nothing in
4 there about it not being nighttime, Your Honor. I just
5 don't think there is any substantive matter in the record
6 that would permit a jury to find that it was anything
7 other than a nighttime burglary in this case, Your Honor.

8 THE COURT: Mr. Casto.

9 MR. CASTO: Yes, sir, Your Honor. The standard is
10 that if there is any evidence to substantiate that, then
11 that charge should be given. I realize several witnesses
12 testified it was dark, but one eyewitness does say that
13 it was still light out, I believe is what she said, and I
14 think for that reason we should be entitled to the
15 instruction.

16 THE COURT: As I recall and as my notes indicate
17 from Mrs. Williams' testimony she testified or was asked,
18 I don't know if this was her response, her answer was yes
19 to this question that it was around a quarter to eight.
20 Her response was yes, but not quite dark and it was
21 December, but it wasn't dark as the evening goes down.

22 MR. MAYE: And I leave it to your discretion, Your
23 Honor. Again, if they convict him, I don't want to try
24 this case twice. If you think it's an appropriate charge
25 of a lesser included, then do so.

1 THE COURT: All right. While I'm charged with
2 informing the jury of the law that they should apply, I
3 don't think the evidence supports a request of a lesser
4 included offense of burglary in the second degree. The
5 State must prove beyond a reasonable doubt that the
6 Defendant entered or remained in the dwelling in the
7 nighttime. Nighttime is the period between sunset and
8 sunrise during which there is not enough daylight to
9 recognize a person's face except by artificial light or
10 moonlight. The uncontroverted testimony as far as the
11 time is concerned is a quarter to eight, 8:00. The
12 response time is within a minute, 8:03 p.m., 8:04 p.m.
13 It just occurred. There is the U.S. Naval Observatory
14 Astronomical Survey that shows when civil twilight was,
15 when sunset was on the 13th. I don't think the comment
16 not quite dark would exclude that period of time between
17 sunset and sunrise. It's a quarter to eight. It clearly
18 had been several hours where there had been sunset.
19 Clearly it's not even getting a whiff of sunrise so to
20 speak so I would respectfully deny that motion as well.

21 MR. CASTO: Yes, sir.

22 THE COURT: All right. Anything further, Mr. Casto?
23 Solicitor?

24 MR. MAYE: Nothing from the State, Your Honor.

25 THE COURT: Mr. Casto?

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

2 THE COURT: When the jury comes out, I'll ask you if
3 you have any additional evidence or testimony. You rest.
4 I'll note your motions for the record, then we'll go into
5 closing. You going to open, Solicitor?

6 MR. MAYE: I'm going to waive opening on the law
7 unless I'm required to do so. If he wants to hear me
8 speak twice, I'll do it, but I'm not going to do so
9 unless required to do so. I don't typically do that.

10 THE COURT: So then are you going into your closing,
11 Mr. Casto?

12 MR. CASTO: Yes, sir, Your Honor.

13 THE COURT: Thereafter the Solicitor. You know, I
14 don't know that they necessarily need to be lengthy
15 closings in this regard. If you would bring our jury is,
16 please, Madam Bailiff.

17 (Whereupon the jury entered the courtroom at 10:00
18 a.m.)

19 THE COURT: Good morning, ladies and gentlemen of
20 the jury panel. Welcome back. Do y'all always sit in
21 the same seat? I have noticed. I usually tell jurors
22 when we first start a trial, I have noticed that many
23 jurors are very territorial. They always like to sit in
24 the same seat, have the same view of the witness stand,
25 the same view of the courtroom throughout the trial of

1 the case. Most juries are like that. I always tell
2 them, I say, well, if you sit like that, I may know your
3 name by the time the trial is finished and then they'll
4 start moving around. Anyway, welcome back. I hope you
5 all had a pleasant evening. As you recall, we are still
6 continuing the trial of the case by the presentation of
7 evidence and testimony by the defense.

8 Again, the Defendant is presumed to be innocent, has
9 no burden of proving himself innocent and the State
10 always has the burden of proving its case beyond a
11 reasonable doubt. So we'll turn our attention back to
12 Mr. Casto and ask does the Defendant intend to present
13 any other evidence or testimony, Mr. Casto?

14 MR. CASTO: No, sir, Your Honor. At this time the
15 defense rests. As an aside we would like to place on the
16 record our prior motions and objections taken up at side
17 bar.

18 THE COURT: Thank you very much, Mr. Casto. Your
19 motions are certainly noted. Again for the record I will
20 renew all my previous trial rulings in that regard.
21 Thank you.

22 MR. CASTO: Yes, sir.

23 THE COURT: Ladies and gentlemen, in a case such as
24 this the State then has the opportunity to present any
25 evidence or testimony in reply. Solicitor, does the

1 State intend to present any evidence or testimony in
2 reply?

3 MR. MAYE: We decline to present any reply evidence,
4 Your Honor. Thank you.

5 THE COURT: Thank you. Madam Forelady, ladies and
6 gentlemen of the jury, you have now heard all the
7 evidence and all the testimony you're going to hear from
8 the parties in the trial of this case from both the State
9 and Mr. Martin. We are at the point in the trial of the
10 closing arguments by the attorneys. The procedure we
11 follow in a case such as this, Mr. Casto will close first
12 on behalf of his client Mr. Martin, followed thereafter
13 by the Solicitor on behalf of the State of South
14 Carolina. The Solicitor has the final closing argument
15 to the jury because the Solicitor, the State has the
16 burden of proving its case beyond a reasonable doubt.

17 After the closing arguments by the attorneys, I will
18 do the charge or instruct you on the law that you are to
19 apply to the facts of the case as you the jury find the
20 facts to be. The case will then be submitted to you for
21 your deliberations and for your verdict. I would ask
22 that you give the parties your complete and undivided
23 attention as you have done throughout the trail of this
24 case.

25 I would further advise you I do not know how long

1 the closing arguments may take, however, if at any time
2 again if you need a break, just please raise your hand
3 and we'll certainly take a break.

4 All right. With that being said, I would advise
5 those in the courtroom I do not allow movement in and out
6 of the courtroom while the attorneys are addressing the
7 jury. It's the final opportunity for the attorneys to
8 address the jury. Now, obviously that does not exclude
9 if you have an emergency for which you have to respond to
10 in any manner. But again, I would ask that you please
11 remain seated throughout the closing argument by the
12 attorneys. After Mr. Casto if you to leave before the
13 Solicitor starts, you can certainly do so. After the
14 Solicitor's closing, if you want to leave before I
15 instruct the jury, you may do so.

16 All right. With that being said, Mr. Casto, you may
17 address the jury.

18 MR. CASTO: Thank you, Your Honor. May it please
19 the Court.

20 THE COURT: Yes, sir.

21 MR. CASTO: Ladies and gentlemen, this case is all
22 about assumptions. That's what you heard. This case is
23 all about assumptions that leads them to get the wrong
24 guy. Ronnie Martin is fighting this case because he is
25 not guilty. He did not commit this burglary. He did not

1 commit this burglary. This trial, in the world of the
2 trial it hasn't been a long trial admittedly, but it's
3 been an important trial. This is essentially Ronnie's
4 date in court and he's waited quite some time for the
5 twelve of you to sit in judgment of him, to hear what we
6 had to say and to wade through the evidence. And don't
7 mistake the fact that it's been a short trial that it's
8 been an important trial or what have you. It's his day
9 in court. It matters to him.

10 In this case the central question is this: Is there
11 enough evidence in this case that's been presented to
12 strip Ronnie of his freedom? And the answer is no. The
13 answer is no. Reasonable doubt exists and it's alive and
14 well in the trial of this case. And I stood here, I
15 stood right here in this position when we got going on
16 Tuesday and I gave you that definition of reasonable
17 doubt. Well, I gave you two. And I said the first one,
18 the more formal definition it's been defined this way.
19 Reasonable doubt has been defined as the type of doubt
20 that would cause a reasonable or ordinary person to pause
21 or to hesitate before they act. The type of doubt that
22 would cause a reasonable person to pause or to hesitate
23 before they act. Do you pause or hesitate before you
24 make a final decision in this case? That's reasonable
25 doubt.

1 I gave you another definition as well. I said that
2 reasonable doubt can really be boiled down to this
3 because we hear about it so much in our culture and our
4 world. Reasonable doubt is the question Do you have a
5 doubt and do you have a reason for that doubt? And woven
6 all throughout the case in the evidence that's been
7 presented to you reasonable doubt exists in this case.
8 Do you have a doubt and do you have a reason for that
9 doubt?

10 Let's look at the testimony that was presented.
11 Star witness Ms. Dianne Williams sits up here and all of
12 the evidence essentially comes through her. She is the
13 only eyewitness to this event. There is only one
14 eyewitness in this case and that information that she
15 gathers is forwarded onto others, but it comes from her.
16 She is the one that gives the report. She is the one
17 that gives the description and the question becomes is
18 what she is saying, is it accurate? To be perfectly
19 honest with you, we are not saying that she's coming in
20 here, our argument is not that she's coming in here and
21 intentionally lying or misrepresenting anything
22 whatsoever. She believes it's him. But when we look at
23 the totality everything that she says, can we bank on
24 everything that she says?

25 And taken as a whole what does she say? That it

1 wasn't quite dark out when all this happened. It's 8:00
2 p.m. in December and it was still light out and all the
3 other witnesses, all of the other witnesses say that it
4 was dark out. That's not a small detail and it casts
5 doubt on what she's saying in her recollection. Do you
6 have a doubt and do you have a reason for that doubt? We
7 even have paperwork that's been presented, you know, by,
8 I guess, the meteorological data, and y'all have that,
9 too, which shows that sunset was at 5:19 and we know that
10 it was definitely dark by 5:46 p.m. Do you have a doubt?
11 Do you have a reason for that doubt that this person that
12 she says is Ronnie is really him?

13 She also says this person comes in and moves fast
14 and he's in her home for five minutes. That's what she
15 said from the stand. Five minutes. That's just as an
16 important piece of her testimony as any other description
17 of who was in there. Five minutes. What does that look
18 like? Five minutes.. (Pause.) No. I'm not going to
19 time it out for that long. That was one minute. Five
20 minutes? I don't think so. Cast doubt on what her
21 testimony is.

22 She also says that Ronnie and Karesha leave
23 together. It was a quarter to eight p.m., and it doesn't
24 fit our time line. This was reported a few minutes
25 either 8:03 or 8:04 p.m. It doesn't fit the timeline.

1 She clearly gets the timeline -- It casts doubt about
2 what her testimony is. She says that she views this
3 person from the side and also that she hadn't known
4 Ronnie she says for all that long. She's known him, and
5 I quote for what she testified to as "a little while."

6 She also talks about other things and she also says
7 that her purse was returned. And remember the condition
8 that she says that her purse was returned; that it had
9 been wet; that the papers inside the purse were wet. Wet
10 because it had been laying out there in that field and
11 wet unlike Ronnie's boots that night. And you will look
12 at the actual pictures of what his boots looked like and
13 we are lucky to have this because this is a picture taken
14 of his boots when he's right there on the road side.
15 That's a picture one officer testified to, hey, he took
16 it right then, right just immediately before he was put
17 in the car and he was eventually arrested and taken to
18 jail right then.

19 You will have this picture back there to evaluate
20 and you don't see mud caked on there and they certainly
21 don't look like anybody who's just immediately been
22 running through a field or woods, what have you, anything
23 like that. This picture will be back there along with
24 all these other items as well. And we also get that
25 information from her as well.

1 What did Officer Goldman tell us? That the boot
2 prints on the ground at Dianne Williams' house is what is
3 mentioned. But he learns through his own investigation
4 that Ronnie has been there earlier that day and he's been
5 over there not just earlier that day a couple of times,
6 but he's been over there on occasions before that
7 as well. So that smoking gun that they believe that they
8 had is explainable. In fact, Ronnie tries to tell them
9 that while he's standing there on the road side.

10 We also have this mark on the door and originally it
11 was described as a boot print, but it's a mark on the
12 door of Dianne Williams' house. We don't have a picture
13 of that. There is no picture of that. We asked Officer
14 Goldman why not. Well, he took pictures of what had
15 evidentiary value, but he took pictures of the door and
16 how it was broken in, but he didn't take pictures of that
17 because he said that it was shaped, or I'm sorry, slipped
18 and its shape did not match up with a boot print at all.
19 It had slipped. It had little to no evidentiary value
20 and it was not photographed. We can't all see what he's
21 referring to in there.

22 Another thing, where is the blue sweatshirt that we
23 have heard so much about? We have not seen it in the
24 trial of this case and that's a crucial piece of evidence
25 that this person that did this that they wore. Remember

1 what we have here at stake in this trial is that the
2 burden of proof is on the State and it's on the State
3 alone. We don't have to prove anything. But they
4 haven't brought a critical and crucial piece of vital
5 evidence in to show you. Can we just take their word for
6 it? No. They must bring to court things that they can
7 prove. It's your job to hold them to their burden of
8 proof. We don't have to present any evidence whatsoever.
9 The burden of proof is on them and we haven't seen the
10 sweatshirt. Hold them to that burden of proof and they
11 failed to meet it.

12 With that it sounds like audacity and basically
13 assumptions, that this was over before it started. And
14 reasonable doubt exists in this case based on Mrs.
15 Williams' testimony, things that we even elicit from
16 Officer Goldman at the time. Do you have a doubt? Do
17 you have a reason for that doubt? And this case boils
18 down to a bunch of assumptions. Assumptions that you are
19 going to take their word for it and not even bring this
20 sweatshirt to trial that we have heard so much about.

21 Also what are we also without? Fingerprints. DNA.
22 No attempt made by any officer in the case to get any of
23 that information. We know obviously on the stand that
24 you can't get fingerprints from the outside of the purse,
25 but remember the State's theory of the case. Remember

1 this purse was taken and it was alleged by them to have
2 been rummaged through. No attempt to get any
3 fingerprints from the items inside and no attempt to get
4 DNA evidence from the items inside. There was some
5 mention that there would be some type of contamination at
6 the scene because Ronnie had been over there that day,
7 but he wouldn't have any reason to be inside her purse.
8 There is no attempt to even get that information
9 whatsoever and we are without that. In investigations
10 they do that everyday and here we don't have any of that
11 information at all. We'll never know about that evidence
12 because there was no attempt to obtain it at the time.

13 The other interesting thought is nothing was ever
14 spilled out of this purse. Remember the theory was that
15 it was rummaged through and nothing fell out. That it
16 was thrown down and the quote was from Officer Goldman
17 thrown down in a hurry, I believe. The belief was that
18 it had been rummaged through and just thrown down, but
19 nothing is missing and it's inconsistent with their
20 theory of the case.

21 James Williams testified he's not an eyewitness.
22 He's in another room. He only hears what Dianne Williams
23 says. He didn't see what happened. Officer Rushton was
24 the one who took that picture of the boot he testified
25 right there on the roadside before he had been processed

1 at the jail or any of that stuff to give us the best
2 picture at the time that all this went on. We're kind
3 of, by doing that we are also invited to that roadside
4 and we can see that.

5 Also there's mention of Ronnie getting agitated when
6 he's taken to jail. If you think about it, you know,
7 before he's handcuffed and all that stuff I think one of
8 the words that's used is agitated and he's wound up on
9 the way to the jail. Why did we hear so much about that?
10 What does that have to do with the burglary itself? It's
11 to take your eye off the ball that this is a one witness
12 case. That they are going to wash these other facts over
13 you to get your mind off of the fact that this was just a
14 one witness case. What does that tell you about the
15 State and what they think of their case? That they're
16 not pleased with the facts of their own case that they
17 would bring that up.

18 And what does Officer Rushton tells us? Yes, Ronnie
19 was not happy about being arrested. Yes, he was
20 agitated. But it wasn't enough to charge him with
21 resisting arrest that evening. Kimberly Gantt, she made
22 some statements to law enforcement. These were written
23 statements. And on the stand she admitted that she had
24 wrote these things, that she had written to law
25 enforcement a few days after all this happened; that she

1 got a call from Ronnie Martin telling her where the
2 pocketbook was, but when she looked for it the first
3 time, she couldn't find it.

4 You got a phone call on the 15th. Talked to him
5 again which means by her own admission there was some
6 type of call on the 14th that we don't have. She says in
7 her statement got a call the 15th. Ronnie told her to
8 talk to Quinton Samuels, but he didn't want to tell her.
9 He showed her the direction it was is what she wrote in
10 her statement. Finally she says she talked to him in
11 another phone conversation after, talked to Ronnie Martin
12 again saying based on that information she found it. The
13 information that Quinton provided that she found it; that
14 Ronnie didn't have anything to do with it. She wrote
15 that down.

16 Of course, she comes in here and says that's a lie,
17 but this is a person that was in a relationship with him
18 at the time. Now she is not. They broke up months after
19 this incident happened. Now she says that's a lie.
20 That's not true. So she tells one story on one day and a
21 different story in the world of this trial. Can what she
22 says be trusted whatsoever in the trial of this case?
23 Reasonable doubt. The type of doubt that would cause a
24 reasonable or ordinary person to pause or hesitate before
25 they act. Or do you have a doubt? Do you have a reason

1 for that doubt?

2 You see, the next bit of evidence that you will
3 have, and one thing, just to be honest, I think that we
4 can both agree that when these jail calls were played for
5 you all, that the audio sound quality was poor. I would
6 ask you to listen to all of them in their entirety in
7 there and you will be able to hear more clearly and wade
8 through that and listen to all of them again because
9 admittedly I think everyone would agree it was just tough
10 to hear what was going on. But listen to what's going on
11 there. Listen to that conversation. Listen to what's
12 said and wade through that together. And the first call
13 is on December 15th that we have, but remember what
14 Kimberly said is that she talked to Ronnie again on the
15 15th. What does that tell us? That there are other jail
16 calls that exist that we don't have in this case. That
17 we don't have in this case.

18 We would ask that you wade through that again and
19 that you would go back. If there is something that you
20 can't hear in there, go back and listen to it again
21 because this is Ronnie's day in court. It's important to
22 him and wade through that evidence and consider that as
23 well.

24 Hear Ronnie back there and one thing that he says in
25 these jail calls is something that's very, very

1 important. Why would he rob somebody that's broke?
2 Remember the allegation by the State is that when Ms.
3 Dianne gives him and Karesha money for a Honey Bun, that
4 she had a dollar and some change, something like that.
5 Ronnie says when they go to the store to get it, it's not
6 enough for a box of Honey Buns. Did he see her money?
7 Well, he saw it all right. He saw the fact that she
8 didn't have two dollars to pay for the Honey Buns. The
9 State's argument is that Ronnie is going to be so dumb
10 he's going to storm into somebody's house that he knew
11 and somebody that she even said that she gave them money
12 that day. She didn't have very much at all. Why rob
13 somebody that's broke? It defies all logic. It defies
14 all sense. And he is one of the few people that day that
15 can confirm that she doesn't really have anything. She
16 doesn't really have anything at all and it doesn't make
17 any sense. That's on there. Listen out for it.

18 Hear Ronnie's belief of where the purse was, but
19 Kimberly tells us she goes there and she doesn't even
20 find it. Remember she says that basically Ronnie had
21 given her instructions. She goes there once. She
22 doesn't find it at first. But then all of a sudden she
23 gets additional information and then finds it. Then,
24 too, that's also in these tapes as well. You will hear
25 the desperation in Ronnie's voice that this thing, this

1 matter is going to get cleared up if you can get the
2 purse back. You're going to hear that, the desperation
3 in his voice. And you know what? It doesn't get cleared
4 up. It doesn't.

5 You know, just an aside. If you ever travel to the
6 middle east, they have several silk stores out there.
7 What you will see is something unusual. Something you
8 don't really see very much. Out here you would get in
9 trouble. But out there the rules are this. Silk, and
10 you will see a whole bunch of people stand up and holding
11 the silk up to the light outside the store. They're not
12 shoplifters or anything like that. But what they're
13 doing is this. They're looking at the quality of the
14 silk. They're looking for minor imperfections. They're
15 looking for a rip. A tear. Because they want quality if
16 they're gonna spend that kind of money.

17 Testimony that comes from the witness stand, it
18 comes through human people. People that can be wrong.
19 People that have motives and all of that stuff. People
20 that have imperfections. But here we have items that
21 don't have any reason to lie or to be bias. They don't
22 have goals. These are items that simply are what they
23 are. These were the boots taken off Ronnie Martin that
24 night. Clean. Not muddy. You will see the picture of
25 the condition that they are in. Not like somebody that's

1. been running through a field. You can't put boots on the
2 witness stand. They simply are what they are. But I
3 would ask you to look directly at them when you wade
4 through the facts of this case.

5 Ultimately it's like this: Only you, each one of
6 you individually, twelve members of this jury only you
7 can make it right. Your vote, your individual vote
8 matters. Basically what it comes down to, like I said
9 initially in my opening, was that one of your own, a
10 citizen of Saluda County is on trial and reasonable doubt
11 exists in this case. Reasonable doubt is alive and well
12 in this case and only you can make it right. The State
13 in going first they answer questions. Why don't we have
14 that blue hoodie? Why aren't the boots muddy? Why
15 aren't they wet? Why no picture of the smudge on the
16 door? They have the burden of proof. Remember that.
17 Why such confusion from the star witness about it being
18 not quite dark yet and getting that wrong? That basic
19 detail. Explain to us how Ronnie is going to be so dumb
20 that he goes in somebody's house that he knows when he
21 knows they don't have anything at all. Explain to us
22 that.

23 Your individual vote matters and if you feel that
24 there is a reasonable doubt in this case, say so. If you
25 have that pause or hesitation before you vote, that's

1 what reasonable doubt looks like. Ask yourself this
2 question that I've said time and time again. Do you have
3 a doubt and do you have a reason for that doubt when you
4 wade through all of the evidence? Do you have a doubt
5 and do you have reason for that doubt? This is anything
6 but go along to get along. Your vote matters.

7 The last illustration I'm going to leave you is this
8 and then I'll sit down and I'll shut up. There is a time
9 several thousand years ago, it's debatable as to whether
10 it was true. Some people think it was and some people
11 think it was not. But what I'm talking about are the
12 stories of King Arthur and the Knights of the Round
13 Table. There were all kinds of stories about dragons and
14 damsels in distress, about heroes and villains and good
15 versus evil. But one of the pictures we get from that
16 time is this idea of the round table and everybody's
17 vote, everybody has a seat at the table and everyone has
18 equal say, even the king. It's one of those concepts
19 probably was an idea before its time so to speak. But
20 that's what's going on with this jury. You all are like
21 Knights of the Round Table and nobody's say is more
22 important than the others.

23 Don't let anyone steal your vote on this jury.
24 Reasonable doubt exits in this case. Do you have a
25 doubt? Do you have a reason for that doubt? And at the

1 conclusion of this trial we would ask you to find Ronnie
2 Martin not guilty of this offense. Thank you for
3 listening.

4 THE COURT: Thank you, Mr. Casto. Mr. Solicitor.

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

6 THE COURT: Yes.

7 MR. MAYE: I think the first thing the State brought
8 up was what time it was when we started initially.
9 10:30. Again, everyone that's involved in this process,
10 the State recognizes that all of you have been taken away
11 from what you would have been doing this week. We
12 recognize what a major inconvenience this is for
13 everybody. You couldn't go to work just like I talked
14 about at the outset. You couldn't go to school.
15 Couldn't do anything that you were supposed to do this
16 week. Absolutely compelled with the letter you got from
17 Ms. Doris to come up here. But this is vitally
18 important. As important as anything that has ever gone
19 on up here, to everyone here because the twelve of you,
20 the one thing that you've got in common, the twelve of
21 you that go back into the jury room and deliberate in
22 this case is all of y'all live here in Saluda County.
23 That's the one common factor and the one thing that binds
24 all of you together. All of you are residents of Saluda
25 County.

1 There are two other residents of Saluda County up
2 here, too. Mr. and Mrs. Williams are residents of Saluda
3 County. You heard a little bit about them from the stand
4 and you can kind of hear the back story there.

5 Mr. Williams here, he has lived in Ridge Spring all
6 of his life. Mrs. Williams came from Savannah. Said
7 they lived in Aiken for a time or she came through Aiken
8 and she came here and made her home with Mr. Williams.
9 You have seen the pictures in this case. The one thing
10 about it is you get a real snapshot of people's lives
11 when you start looking at photographs of people's homes.
12 When you start looking at where somebody lives. Where
13 they made their home. The great thing about it is you've
14 got all the evidence in this case and you can take it
15 back there and look at it and you can glean a lot.

16 Mrs. Williams came here to be his bride. They made
17 their home here among everybody here in Saluda County.
18 Said she lived here for 15 years. She talked about the
19 evening in this case, December 13th, 2013. Earlier in
20 that day, you know, her daughter was with the Defendant
21 in this case Ronnie Martin or Ronnie Moe as she knows him
22 and, you know, things can change in an instant. Mrs.
23 Williams is talking about getting Honey Buns and digging
24 in her pocketbook and interacting with her daughter. A
25 certain amount of trust to let anybody around you or come

1 up in your home to know anything about you. There's just
2 a certain amount of trust that oftentimes good natured
3 people just do and they don't think about it.

4 But in this case she went from talking about go get
5 me some Honey Buns in this case and digging in her
6 pocketbook. Little did she know what consequences that
7 that was gonna have for her on December the 13th of 2013.
8 She had enough trust in this man to let him up there in
9 her house so he could see what was going on.

10 She said that she was there looking at pictures on
11 the wall. Family pictures. And you can look from her
12 house there and the hospital bed that she slept in in the
13 front room and things all fir together. She's talking
14 about looking at pictures on the wall in her house. Take
15 a look around at the little room that she was in and the
16 hospital bed and that's exactly what you see, pictures on
17 the wall and the hospital bed that this lady slept in in
18 the front room.

19 Mr. and Mrs. Williams have lived a long time and you
20 can tell the good things and bad things about us as the
21 years go by, but neither one of them is very spry in this
22 case. Mr. Williams sits there with a cane. The only
23 thing that protects people like Mr. and Mrs. Williams as
24 they sit in their home, as they are interacting, as they
25 are enjoying their golden years together, doors don't

1 protect them. Locks don't protect them. You've got the
2 photographs in here that you can take a good look at..
3 When someone is determined as Ronnie Moe or Ronnie Martin
4 was on that night to get himself some money, locks don't
5 protect people like Mr. and Mrs. Williams in the sanctity
6 of their home.

7 Ultimately the rule of law and what we have got
8 going on up here is all that protects them in their home
9 from being broken in an robbed. Ultimately that's what
10 this case comes down to because it's not complicated.
11 The Defendant in this case Ronnie Martin, he was there
12 certainly that day. Now, he wants you believe, oh, I
13 went there so many times as he's scheming and conspiring
14 and figuring out how he's smarter than everybody, he's
15 going to get out from under this. Oh, yeah, I was there
16 multiple times. Well, we know he was there, but he was
17 riding a moped when he came earlier in the day. You
18 didn't hear any testimony from anybody other than him
19 about all those other times that he was there. He's
20 putting himself there multiple, multiple times because as
21 he's scheming back in the jail trying to figure his way
22 out of all of this and you can hear it. You've a good
23 naked snapshot of what he's like when he's not up here in
24 the courtroom. When he's there, when he's really not
25 sure if somebody is going to be listening. You've got a

1 really clear view and picture of the real character and
2 who you're really talking about, not somebody that's up
3 here with a wheelchair and crutches now and trying to put
4 forth and cover up the eyes of folks that are looking at
5 the facts in this case. You get a real view of what he's
6 like on those tapes.

7 Ronnie Martin was there on a moped earlier. He
8 came. He got interaction and he obviously saw that she
9 had some money in her pocketbook because she went to her
10 pocketbook. He didn't know what all was in there, but
11 obviously he kicked the door back in in this case to come
12 in and get whatever was gonna be in there.

13 Sometimes there's a little bit of truth even in a
14 lie. Because one of the things you heard from Mr. Martin
15 in his testimony in this case is how he didn't have any
16 money. Now, he wants to tell you he didn't break in
17 there. You know, it goes back and forth depending on
18 which way the wind is blowing with him. Oh, I have
19 plenty of money. I make more money than she makes in a
20 month. But he didn't have any money that night. That's
21 the one thing for sure. He didn't have any money. He's
22 worried about four or five dollars. He didn't have any
23 money.

24 And he also said as he's attempting to tell a lie up
25 here, he reveals the motivation for all of this. He

1 wants to buy drugs. From his own mouth in this case he
2 wants to buy drugs. Didn't have any money and he wanted
3 to buy drugs. What motivates someone to kick the door in
4 on an elderly couple like Mr. and Mrs. Williams? Even
5 with a lie you reveal the truth and that's all it was
6 that night. He didn't care enough about them for any
7 relationship he had. He wasn't thinking about the
8 ramifications of kicking the door in on somebody that
9 knew him because he didn't care, because his motivation
10 was that night he didn't have any money and he wanted to
11 get drugs and he wasn't concerned about the consequences.

12 Now he's had plenty of time to think about it and
13 scheme and conspire and make phone calls and try to cover
14 his tracks. But on that night he didn't care about what
15 happened. He didn't care about what anybody saw. All he
16 cared about was he didn't have money and he wanted to get
17 drugs. He kicked her door in even though he had on the
18 same clothes, was wearing exactly the same thing he had
19 on when she trusted him enough to let him up there around
20 her house earlier that day when he came on the moped.
21 Simple fact of the matter. She's there in her house.
22 Her little old dog alerts to the door, her front door
23 gets absolutely shattered and kicked in. Look at all of
24 these. Look at all of the evidence in this case. Take a
25 good look at all of the evidence in this case. Kicks

1 that door in and busts in.

2 Ultimately what you've got in this case is
3 credibility and believability in this case. They want to
4 tell you that Mrs. Williams is up there, oh, she's just
5 mistaken. She's not --

6 THE COURT: Sheriff, will you get that phone for me,
7 please, and take it into custody wherever it may be.

8 MR. MAYE: Ladies and gentlemen, she's there in her
9 house and the door gets kicked in. Now, they would have
10 you believe in this case that, oh, it's just a huge
11 misunderstanding. She's mistaken. You heard all those
12 questions. Well, did you or did you not wear glasses?
13 You know, hadn't you just gotten up? Were you confused?
14 All of these things in an attempt to discredit her. That
15 she's not believable. That she's not credible in this
16 case.

17 She told you up here under oath clearly and
18 distinctly without any hesitation that she was absolutely
19 certain that Ronnie Martin, Ronnie Moe the Defendant in
20 this case, that's who kicked my door in. She said she
21 saw him. She said she saw his face. She said that he
22 came in. That he rummaged through her pocketbook there.
23 She hollered his name out. Mr. Williams in this case was
24 in the next room. He heard her crying out his name.
25 Ronnie Moe, put down my pocketbook. Instantly she knew

1 who it was. She identified him. She said so to the
2 extent that her husband called out the name. He heard
3 her call the name out. No mistake. She told you up here
4 under oath and pointed him out right there, Ronnie
5 Martin, Ronnie Moe is the person that came into my house
6 on December the 13th of 2013.

7 Mrs. Williams did not hesitate and she did not
8 equivocate. They want you to believe that she was
9 mistaken in this case. They went through in tedious
10 detail, describe everything you can tell me about this
11 person that came in. You know, what was he wearing? Did
12 he have an earring? All that's about is trying to pick
13 apart her identification to see if there's anything that
14 doesn't match in an attempt to discredit her and make the
15 twelve of you believe that she doesn't know what she's
16 talking about and she didn't know who busted in and
17 kicked her door in. That's all that is. Just trying to
18 pick it apart and see if anything doesn't fit to get
19 something to put up here to muddy the waters and stir
20 this up, because this case is simple. It is eyewitness
21 identification of a person that kicked in the door of
22 Mrs. Williams that night that she knew. That she
23 recognized his clothes. That she recognized his face.

24 This stuff about the earring and all that is just
25 picking up dust. But in doing that it brought out a real

1 kernel of truth in this case because as he's going
2 through and asking her all of these little subtle
3 details, well, you know, was the hood up or down? Did he
4 have a hat on? Yes, he did. He had a hat on. Look
5 through your evidence in this case. Look at what they
6 took off of him from out there at the jail.

7 Out of that attempt to go through and pick apart
8 everything that he had on that night. Did he have a hat
9 on? Because that's what they were trying to do, pick
10 apart every detail of that identification. Yep. Had on
11 a hat. Think she wasn't paying attention? Think she
12 couldn't see who it was? Think she didn't know who
13 kicked her door in and took her pocketbook? When he gets
14 to jail, hat on under the blue hoodie. They want to tell
15 you in this case, oh, the police just didn't do what they
16 were supposed to do. Didn't get the hoodie. You didn't
17 see that. That's absent in this case. You know what
18 happened to that? He had it on clearly when he got
19 booked into the jail. It got taken away. Didn't
20 diminish the case in any regard. He had the hoodie on in
21 this case.

22 There was an accurate description on the part of
23 Mrs. Williams. She cried out to her own husband in this
24 case. She was talking to Ronnie Moe, but he heard it.
25 He knew who was there by what she said that night. She

1. knew he had a hat on. She had an accurate identification
2. of him. Khaki pants. Blue hoodie. And immediately upon
3. the police coming, immediately upon, just lucky that
4. night, she calls 911 immediately. 911 call goes out.
5. These officers happened to be sitting up there just a
6. minute or two away. And the great thing about it is
7. you've got the map in this case. You can look. Like I
8. said, the twelve of you live here in Saluda County. What
9. Ridge Spring looks like is not a mystery to a lot of
10. y'all. They're sitting up there. They're just a couple
11. of minutes away in this case. Oak Street where her house
12. is. They're right up here uptown in an automobile. How
13. long does it take to get there? You can tell from the
14. testimony a minute or so and they were on there. She
15. calls immediately.

16. She hits the Life Reach pendant that she has got
17. around her neck. And again, that's not what protects
18. people. The law and this process is what ultimately
19. protects people. But she calls her Life Reach. She
20. reports it immediately. She knows who it is, hat and
21. all. Chief Goldman responds. He gets there. She's
22. hollering his name out. Ronnie Moe took my purse.
23. Ronnie Moe broke in my house. She knows who it is
24. exactly. She gives an accurate and detailed description
25. to the officers. What he's wearing. What kind of pants

1 he's got on. The hoodie. The color. All of it.
2 Because she saw him clearly. She wasn't confused about
3 who came in there.

4 They want you to believe that all this is all
5 rolling because she didn't know who it was. You think
6 she can't tell the difference in between Ronnie Moe and
7 Quinton Samuels? You think she's mistaken them based on
8 body structure and appearance alone? You think that's
9 the confusion? That's what they want you to believe.
10 They're trying to drag this in there. Nonsense. You can
11 tell the two of them apart if they had, if you had
12 something that covered their face and all. Just looking
13 at the two of them they don't look anything alike just
14 strictly on body structure. Gives an accurate
15 description.

16 Now, the police look, because when he went and
17 yanked up that pocketbook, when he couldn't find any
18 money in it there at the house with the light inside the
19 house digging in it, he just ran and took the whole
20 thing. And you can bet he was running when he left. He
21 wasn't walking. He was running. He told you, oh, I was
22 there all these times and I walked all around, by his
23 testimony in this case some three times. You can bet he
24 was running when he left that time and that's one of the
25 things Chief Goldman told you. And you've got these

1 photographs that you can look at. All the dirt that's
2 kicked up around those footprints. He was running. He
3 wasn't riding a moped. He left on foot.

4 And you can look at the map in this case. We have
5 already talked about it in pretty great detail. Anybody
6 on that side of town that's over at the convenient store
7 that wants to go on back to the neighborhood that he was
8 living in, to a person in an automobile it's not a really
9 big deal, but you're walking on foot, you're gonna cut
10 through and you're gonna take the shortest path because
11 it means a lot when you're walking. And if all of you go
12 back to a time before when you were really riding a
13 bicycle or driving a car the difference in between point
14 A and point B changes dramatically when you're walking.
15 A person is going to take the shortest path because it
16 makes a whole lot of difference when you're padding along
17 on your feet.

18 From Oak Street back over to where he was staying
19 with Ms. Gantt, the only way through this line right
20 here, and you can tell by looking at this map, is to go
21 through right there. And you can see it. Go back in
22 there and look. You will have this back there. You can
23 see the path beat across here, straight across to this
24 road right here. You can even see the indentation in the
25 field from an aerial photograph from, I don't know, from

1 space or a satellite or wherever this was taken, from
2 wherever they generate these Google earth pictures, you
3 can see the path right here so many people walk back and
4 forth. If you were at the convenient store down here at
5 the edge of Ridge Spring or if you were over on this side
6 walking and you're heading back over here, you're going
7 straight through here. And you can bet when he left Oak
8 Street, he was running.

9 But it's dark. He gets back over here to this choke
10 point by the Wedding House and he has dug through that
11 pocketbook. He missed the money in the bottom of it.
12 But it's dark. He didn't find it in there in the light
13 and he sure didn't have much luck finding it over there
14 in the dark as he's running because everybody in this
15 case knows it's dark. They want to tell you, oh, there's
16 confusion.

17 One of the things that we have got to prove in this
18 case is breaking and entering of the dwelling of another
19 person. I told you at the outset of this case the State
20 has got the burden of proof and we welcome it. We have
21 got to prove there was a break in. You sure got the
22 kicked in door in this case. We have to prove that it
23 was a dwelling. You can see her hospital bed and she
24 told you that's where they dwell and where they live. We
25 have got to prove to you that it's in Saluda County.

1 That's why we had every witness in this case, what county
2 is that in? Sounds like a silly question. And we had to
3 prove that it happened in the nighttime. That he had the
4 intent to commit a crime when he went inside we have got
5 to prove. Taking that pocketbook, that proves it in and
6 of itself.

7 He kicked that door in with the intent to take her
8 pocketbook and to see if he can get any money out. As
9 she's digging in that pocketbook earlier for the money
10 for the Honey Buns, he hopes there's some more in there.
11 No money on his part and a desire for drugs and an
12 indifference to the sanctity of their home.

13 As he got to this choke point right here he's had
14 time to go through the pocketbook and he tosses it up
15 here in the bushes and he's back over here and the
16 officers are on him in short order. Because it's unusual
17 in a town like Ridge Spring that all of them happen to be
18 congregating there. But you heard in this case that
19 Chief Goldman, he's not here right now, but Chief Goldman
20 was sitting and talking to Mr. Rushton and Cody Cockrell
21 happened to be there in the area at the time. They
22 fanned out through the neighborhood because they're
23 experienced law enforcement officers. They're riding all
24 through town looking for the person. They have got a
25 description of who it is. And better still, both Officer

1 Cockrell and Officer Rushton know who he is. They know
2 him.

3 It takes them just a little bit for Officer Rushton
4 riding around on MLK there right next to the road right
5 by the elementary school but he sees him. And what
6 happens when he sees him? He rides by in one direction
7 and Ronnie Martin up here from the stand in this case,
8 even he tells you, like I said, even in a lie there's a
9 little kernel of the truth, I knew who he was because we
10 had a run in. I knew who he was. Now, when he gets up
11 here, and again, we'll talk a little more about this,
12 because there's a certain amount of arrogance that goes
13 along with intelligence and nobody is saying in this case
14 that Mr. Ronnie Martin, you can tell he's an intelligent
15 person. Nobody is disparaging his intellect in this
16 case. But it is extremely arrogant to think that you are
17 smarter than the collective wisdom of twelve other people
18 because all of you bring into this courtroom the sum
19 total of all of your life experiences.

20 You've been weighing and judging credibility your
21 whole lives, whether or not what your kids are telling
22 you is a lie, what people tell you on the street is a
23 lie, you've got all of your life experiences. There is a
24 big dose of arrogance to think that you're so smart that
25 you can out think this whole process and twelve people

1 who are paying attention. What did he say about Officer
2 Rushton in this case? Oh, no. No. I didn't say that.
3 Twelve people sitting in here listening to him. A whole
4 courtroom full of folks. I didn't say it. The good
5 thing about it is the court reporter takes it all down.
6 What happens? Yes. The testimony that he had a run in
7 because he wanted to cover up and conceal all of that.
8 Did not say that up here under oath. Yes, he did. He
9 knew him and he got caught because he wasn't smarter than
10 this process and the court reporter in this case because
11 the court reporter read it right back. Had it down. Oh,
12 no. I didn't do that.

13 He knew who Officer Rushton was and when he
14 recognized him when he came back through that second
15 time, he ran. Flight is evidence of guilt. In South
16 Carolina somebody fleeing and running, flight is evidence
17 of guilt. You can take that into consideration and when
18 you deliberate in this case. He sees him and recognizes
19 that it's an officer that he had a run in with before, he
20 knew it was Mike Rushton because he was driving an
21 unmarked car, but when he turned around and saw him
22 again, he ran.

23 Officer Cody Cockrell is on the next street and they
24 hem him up and they both know him. They know who they're
25 looking for. Ronnie Moe. And it's not anything against

1 them in this case. They're doing their jobs. They're
2 protecting Mr. and Mrs. Williams whose home has just been
3 invaded. It is nothing personal. And Ronnie Martin or
4 Ronnie Moe will tell you in this case she didn't have
5 anything against him. She didn't have any beef with him.
6 He wanted to back up and start back pedaling and start
7 again weaving that tale. Oh, yeah. Oh, she owed me some
8 money on some car. He's smarter than everybody else.
9 He's going to weave some reason that she doesn't like him
10 and even though he got up initially and said, no, we
11 didn't have any beef. There's no reason for her to
12 dislike me. And she didn't. She trusted him enough to
13 let him be up there inside her house. Now he betrayed
14 that trust by coming back and kicking her door in.
15 There's no animus on her part. She's not trying to frame
16 him.

17 These officers knew him. But that night they were
18 protecting Mr. and Mrs. Williams. They were pursuing and
19 chasing him because she knew who broke in her house and
20 they were trying to get him in custody. Now, he's
21 already ditched the pocketbook in this case. But they
22 hem him up.

23 Now, he's over here today in a wheelchair with
24 crutches. I submit to you he's continuing, he's smarter
25 than everybody else. Oh, he's disabled. He couldn't

1 have done this. He was padding all over Ridge Spring
2 that night. He was riding mopeds. He's running. He's
3 walking all over the place. You look at the three
4 officers that were there on the scene. They had trouble
5 getting him into custody. Now, they didn't have to have
6 a knock down drag out fight. Nobody got hurt. Look at
7 these three that were there. None of them have missed a
8 meal. These are big men. These are big men and they had
9 trouble getting him in custody. Why? Because he wanted
10 out of there. He wanted to flee.

11 In his defense he sits here now in the cool light of
12 day in this courtroom with many years having passed. His
13 behavior on that night was indicative of somebody who
14 didn't have any money and wanted drugs. Not the
15 calculating scheming person that's calmly sitting here
16 trying to deceive you from the stand. That night he was
17 a different Ronnie Martin or Ronnie Moe. He was somebody
18 that cared so little about them that he kicked their door
19 in to take what little bit of money that she had or
20 attempted to take what ever money he hoped would be in
21 her pocketbook. And when he didn't find it, he tossed it
22 aside up in the bushes and he was gone.

23 They had trouble getting him in custody. He tried
24 to kick the windows out of the car on the way to the
25 jail. They had trouble with him when they got to the

1 jail. Indicative of a person with no money who wanted
2 drugs. A different Ronnie Martin than the calculated
3 person that you saw on the stand here who has got an
4 answer for everything. The person that's got an answer
5 for everything. For all of his problems. For the Ronnie
6 Martin that it was that night who wanted drugs and wanted
7 to break into her house to the Ronnie Martin that's
8 confronted with a different problem that he's up in the
9 jail facing a burglary charge for violating the sanctity
10 of their home. He's changed gears. He's a different
11 person than then. He's scheming on the telephone about
12 how to get ahead of this.

13 They get him up there in the jail, and all the
14 defense says is, oh, there was nothing on these boots.
15 There was no mud. Y'all are from Saluda County. Find
16 some red mud around Ridge Spring. It's sand land. You
17 can look at the pictures in this. He went across the
18 field there. They want to tell you, oh, you should let
19 him go because there was no mud. I guess it's got to be
20 big old sticky red mud on these boots. There's no mud on
21 these boots in Ridge Spring when he went from one side of
22 town to the other so I guess you got to let him go. They
23 took pictures of those boots so they could match them up
24 to the tracks of the person that was running from the
25 scene. They did a good job. It wasn't their first day.

1 They also told you, oh, they gonna put it on the police
2 and say, oh, they didn't get any DNA. They didn't get
3 any fingerprints off of anything, off a wet leather
4 pocketbook and the wet paper contents inside of a
5 pocketbook. They weren't going to get anything. You can
6 bet experienced police officers, if they thought they
7 could yield any evidence by running fingerprints or
8 trying to get DNA off of the contents of the inside of a
9 wet pocketbook that had laid out in the shrubs or the
10 bushes there until it got finally found in this case,
11 there wasn't any evidence to be gleaned from that and
12 they knew that..

13 You have an eyewitness identification of the person
14 that committed this crime. You've got him going from
15 their house to the other side of the town. The only way
16 he would have gone and he knew where that pocketbook was.

17 Ultimately in this case you can hear from all of the
18 jail conversations the only person that knew where this
19 pocketbook was sits right over there in a wheelchair. He
20 wasn't talking to Quinton Samuels up there in the jail
21 because you can hear the progression on these calls.
22 Now, he knows and he's trying to be cagey. He wasn't
23 real cagey. But he's talking about, you hear the
24 cautions between him and Ms. Gantt in this case. This is
25 recorded. That's why he's throwing in there and he keeps

1. lapsing in doing it, but he says you know where Quinton
2. told you that it was. Where Quinton told you that it
3. was. He's the only one that knows where to find that
4. pocketbook because that's where he tossed it when he
5. couldn't find anything in it. And he is directing her
6. because he told you in this case.

7. The shenanigans did not end when they put the
8. handcuffs on him and got him in back in the car and he's
9. riding to jail trying to kick the windows out to get out
10. of there that night. That's a different Ronnie Martin.
11. It didn't stop then. He was just getting started.
12. Because the other Ronnie Martin or Ronnie Moe that you
13. saw testify and you heard on these tapes scheming, he
14. came forth. Because he's immediately just a couple of
15. days afterwards he's gonna get in front of this. He's
16. gonna get his girlfriend who obviously cared something
17. about him, she lived with him, you can tell in their
18. conversations how much they loved each other and
19. professing their affection for one another because he's
20. up there in the jail house and she's trying to help him.

21. He's got her saying, you know, you got to find that
22. pocketbook and you got to get it back to Mrs. Williams
23. and hopefully she'll care enough about me then and get
24. these charges dropped and get this all taken care of.

25. Crimes against the State in this case, the State

1 brings charges. He wants her to try to get in front of
2 it though. He thinks if he can just get her her
3 pocketbook back and he can get the daughter or Ms. Gantt
4 or somebody to tug on her heart strings and her conscious
5 that Ronnie Moe is up here charged with this because of
6 the bad acts that he did of his own free will that night,
7 if you can just get that pocketbook back to her and get
8 her to come up and -- He's just pulling the strings like
9 a puppet master. No. No. No. No. No. You don't need
10 to go talk to the Solicitor. They need to go down and
11 talk to Chief Goldman up there. You need to get her up
12 there. But it's over and over again. You got to find
13 that pocketbook. I'm gonna tell you where it is. Uh,
14 Quinton. Quinton. Yeah. He knew where it was.

15 He's laying out all of that to her. Wants her to
16 find the pocketbook. Wants her to get it back which she
17 eventually does. She gets it back. She's trying to help
18 him. It's misguided. It's wrong and it's illegal and
19 it's against the law. Everything she did was dead wrong
20 and she came up here under oath and she admitted I lied.
21 I tried to help him. Ronnie Moe is the one that knew
22 where the pocketbook was. Quinton didn't have anything
23 to do with this. It's all a lie. It's what he cooked up
24 and what he wanted me to do. Wants her to come up and
25 talk to the police and say that she is mistaken. The

1. same lie that he's trying to proffer up here and get the
2. twelve of you to believe up here under oath. He's trying
3. to sell that same bill of goods there on that tape. You
4. can hear him scheming.

5. Get her pocketbook back. Get these charges dropped
6. and let's frame a mentally challenged person in the town
7. of Ridge Spring, with all deference to Mr. Samuels who is
8. sitting here, he was practically talking to himself when
9. he got up here on the stand, wanted to pick someone that
10. was defenseless that couldn't defend themselves, that's
11. the Ronnie Martin that's up here. Even after the
12. influence of how not having any money that night and
13. wanting drugs, after he's up here under oath in this
14. case, that's the Ronnie Martin that sits before you on
15. the stand. He's going to make Quinton Samuels wear these
16. charges.

17. Calculating, scheming, smarter than everybody else
18. involved in this. The man with an answer for every
19. question and everything that you throw at him. He's
20. going to make Quinton Samuels wear these charges so he
21. can waltz away from the bad actions on December 13th of
22. 2013. That's how much he cares about everybody else.
23. That's how much he cares about Quinton Samuels. That's
24. how much he cared about Mr. and Mrs. Williams that night.
25. His performance up here in attempting to conceal his

1 guilt from all of you is how much he cares about the
2 truth and the sanctity of this process.

3 You've got all the evidence in this case. As I said
4 from the outset, the twelve of you have the collective
5 wisdom that far out strips that of any representative of
6 the State or any other single person anywhere. The State
7 could have just sat down initially in this case. But
8 you've got all the evidence. You've got a mountain of
9 it. You've got a lot of evidence that points directly at
10 the guilt of the Defendant in this case. You've got an
11 eyewitness identification from someone who has no animus
12 against him, for someone that before he kicked her door
13 in had good feelings towards him. You can tell. You've
14 got the eyewitnesses testimony of someone that clearly
15 saw who he was, was able to identify him right down to
16 the hat on his head. Knew who he was. You've got
17 flight. You've got a direct path as he left that house
18 and walked through that opening and tossed it up there.
19 You've got the fact that he is the only one that knew in
20 this case where the pocketbook actually was and you've
21 got the admissions of Ms. Gantt, his former
22 co-conspirator who is trying to obstruct justice and
23 subvert this whole process and frame a mentally
24 challenged young man that sits here in this courtroom.

25 You've got a wealth of evidence and you've got a

1 clear picture of Ronnie Moe or Ronnie Martin, of what he
2 will do or the lengths that he will go to to get what he
3 wants, to do what he wants, and to obscure the truth from
4 anybody that he thinks he can get over on them. That's
5 what this case is all about.

6 The defense in this case told you that reasonable
7 doubt is a doubt for which you can give a reason. One of
8 the best descriptions of direct and circumstantial
9 evidence that I have ever heard came from another Judge
10 that I spent a lot of time practicing in front of.
11 Direct evidence is the kind of evidence where somebody
12 directly sees something. Eyewitness testimony. Direct
13 evidence. Mrs. Williams seeing someone that she knew and
14 had just seen hours before breaking into her house
15 describing him in great detail, immediately reports it to
16 law enforcement, that's direct evidence. Her testimony.

17 Circumstantial evidence. Because there's direct and
18 circumstantial evidence in this case, the description of
19 circumstantial evidence that I heard one time is if you
20 go in the summertime during the daytime like I guess some
21 of us used to do when we were kids, maybe we don't do it
22 as much now, but to go to a matinee movie on a summer
23 afternoon and go inside and it's bone dry and it's hot as
24 blazes when you go in and you sit in the cool movie
25 theater and you watch the movie and when you come back

1 out, it was bone dry and hot when you went in the movie
2 theater and you watch a movie for two hours and you
3 listen to all the big sound system and you come busting
4 out and you look and lo and behold everything is soaking
5 wet, the ditches are running full of water, everything is
6 soaked, there are puddles in the parking lot, every car
7 has got ran drops on the windshield, but it's not raining
8 when you come out. Well, did you see it rain while you
9 were in the movie theater? Absolutely not. Do you know
10 it rained by what you saw? Certainly you do. That's
11 circumstantial evidence. All the water everywhere. All
12 the rain drops. The water is running through the ditches
13 and puddling up in the parking lot, that's circumstantial
14 evidence.

15 Now, is it conceivable. Could you give a reason for
16 why you saw the water and the rain drops? Is it possible
17 that while you were in the movie theater that a dozen
18 fire trucks came and sprayed down everything in the
19 parking lot to the extent that everything was soaking wet
20 and water is running in the ditches? Is that a reason
21 that it could be wet outside when you come out?
22 Absolutely. But you don't leave your common sense at
23 home when you come to the courthouse. Is it reasonable
24 to think that a fire truck sprayed all that water while
25 you were inside? No. That's all reasonable doubt is and

1 that's how it interacts with circumstantial evidence.

2 Now, Judge McMahon is going to charge you with what
3 the law is in this case and it's simple. I already went
4 through and told you in this case what we've got to
5 prove. It happened in Saluda County. Breaking and
6 entering of a dwelling with the intent to commit a crime
7 therein and it happened at night. Every single witness
8 said it was 8:00. It was night. It was right around
9 that hour. Last possible time that it could be daylight
10 is 5:46, 5:47. You can bet that it was dark.

11 Again, I told you that all that we ask that the
12 twelve of you do that go back in that jury room to
13 deliberate in this case is come back with a verdict that
14 speaks the truth and does justice for everyone that lives
15 here. Everyone that lives here in Saluda County
16 including Mr. and Mrs. Williams in this case who had the
17 sanctity of their home violated by a burglar, a thief,
18 and a manipulating person who will go to any lengths to
19 conceal his guilt. Come back with a verdict that speaks
20 the truth and does justice for everyone involved in this
21 case and you will have fulfilled that oath that I talked
22 to you about as your service as jurors in this case. I
23 appreciate your close attention.

24 THE COURT: All right. Madam Forelady and ladies
25 and gentlemen of the jury, we'll take a 15 minute recess.

1 Do not discuss the case during this brief recess. You
2 may go with the bailiff to your jury room.

3 (Whereupon, the jury enters the jury room.)

4 THE COURT: Mr. Casto and Mr. Solicitor, clear the
5 rail and check the items of evidence and we will have a
6 brief recess. Court is in recess for 15 minutes. Thank
7 you.

8 (Short recess.)

9 BAILIFF: All rise.

10 THE COURT: Please be seated. All right. Bring
11 back our jury panel.

12 (Whereupon, the jury returned to the courtroom.)

13 THE COURT: Welcome back, ladies and gentlemen of
14 the jury panel. It is now my duty and responsibility to
15 instruct you on the law that you are to apply to the
16 facts of this case as you find them to be. The manner in
17 which I instruct the jury is I will give you the general
18 criminal law that applies to all criminal cases in South
19 Carolina first. I will then instruct you on the charge
20 and the indictment of burglary in the first degree, and
21 finally I will instruct you on the form of the verdict.
22 Typically I will advise you of the subject matter I'm
23 fixing to cover, then I will cover that and I go from one
24 subject matter to the next. I'll give you the captions
25 of the area I'm going to cover.

1 Charge, arrest and indictment is not evidence. The
2 indictment charges Mr. Martin with burglary in the first
3 degree. I remind you of the fact that the Defendant was
4 arrested, charged and indicted in this case is not
5 evidence in this case and cannot be considered by you as
6 evidence of guilt in this case nor does it create any
7 presumption or inference of guilt. This indictment, this
8 document is the formal written instrument which contains
9 the charges made against the Defendant. It is the formal
10 document by which this case is brought before the Court.

11 Duties of jury and trial Judges. I remind you that
12 during this trial you and I have certain distinct duties
13 to perform. As the trial Judge it is my responsibility
14 to preside over the trial of this case and I also have
15 the duty to rule on the admissibility of the evidence
16 offered during the trial. You are to consider only the
17 competent evidence before you. If there was any
18 testimony ordered stricken from the record in this case
19 during the trial, you must disregard that testimony. You
20 are to consider only the testimony which has been
21 presented from this witness stand, any exhibits which
22 have been made part of the record in this case. I also
23 have the additional duty to instruct you the law
24 applicable to this case. As the presiding Judge I am the
25 sole judge of the law of this case and it is your duty as

1. jurors to accept and apply the law as I now state it to
2. you. If you already have any idea as to what the law is
3. or what the law ought to be and it does not agree with
4. what I now tell you the law is, you must abandon, you
5. must set aside your ideas because you are sworn to accept
6. the law and apply the law exactly as I state it to you.

7. In every case tried in this court before a jury the
8. jury becomes the sole and exclusive judge of the facts in
9. a case. A trial Judge cannot intimate, state, comment on
10. or make any statement to a trial jury about the facts in
11. a case. Since you the jury are the sole judge of the
12. facts in this case you are not to infer from what I have
13. said during the progress of the trial in ruling upon the
14. admissibility of evidence or otherwise or anything that I
15. now say to you during the course of this instruction that
16. I have any opinion about the facts in this case. The law
17. does not allow me to have an opinion about the facts in
18. this case. That is a matter solely for you the jury to
19. determine. As jurors it is your duty to determine the
20. effect, the value, the weight and the truth of the
21. evidence that has been presented during this trial.

22. Presumption of innocence. The Defendant has pled
23. not guilty to the indictment and that plea puts the
24. burden on the State to prove the Defendant guilty. A
25. person charged with committing a criminal offense in

1 South Carolina is never required to prove himself
2 innocent. I charge you that it is an important rule of
3 the law that the Defendant in a criminal trial no matter
4 what the seriousness of the charge may be will always be
5 presumed to be innocent of the crime for which the
6 indictment was issued unless guilt has been proven by
7 evidence satisfying you of that guilt beyond a reasonable
8 doubt. This presumption of innocence does not end when
9 you begin your deliberations, but it accompanies the
10 Defendant throughout the trial until you reach a verdict
11 of guilt based on evidence satisfying you of that guilt
12 beyond a reasonable doubt. The presumption on innocence
13 has been said to be like a robe of righteousness placed
14 about the shoulders of the Defendant which remains with
15 the Defendant until it has been stripped from the
16 Defendant by evidence satisfying you of the Defendant's
17 guilt beyond a reasonable doubt. The presumption of
18 innocence is not a mere legal theory. It is not just a
19 legal phrase. It is a substantial right to which every
20 Defendant is entitled unless you the jury are satisfied
21 from the evidence of the Defendant's guilt beyond a
22 reasonable doubt.

23 What is a reasonable doubt in the law? A reasonable
24 doubt is the kind of doubt that would cause a reasonable
25 person to hesitate to act. The State has the burden of

1 proving the Defendant guilty beyond a reasonable doubt.
2 Some of you may have served as jurors in civil cases
3 where you were told that it is only necessary to prove
4 that a fact is more likely true than not true such as by
5 the greater weight or the preponderance of the evidence.
6 In criminal cases the State's proof must be more powerful
7 than that. It must be beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that leaves
9 you firmly convinced of the Defendant's guilt. There are
10 very few things in this world that we know with absolute
11 certainty and in criminal cases the law does not require
12 proof that overcomes every possible doubt. If based on
13 your consideration of the evidence you are firmly
14 convinced that the Defendant is guilty of the crime
15 charged, you must find the Defendant guilty. If on the
16 other hand you think there is a real possibility that the
17 Defendant is not guilty, you must give the Defendant the
18 benefit of that doubt and find him not guilty.

19 Direct and circumstantial evidence. There are two
20 types of evidence which are generally presented during a
21 trial. Direct evidence. Circumstantial evidence.
22 Direct evidence is the testimony of a person who claims
23 to have actual knowledge of a fact such as an eyewitness
24 or an ear witness. It is evidence which immediately
25 establishes the main fact to be proved.

1 Circumstantial evidence is proof of a chain of facts
2 and circumstances indicating the existence of a fact. It
3 is evidence which immediately establishes a collateral
4 fact from which the main fact may be inferred.
5 Circumstantial evidence is based on inference and not on
6 personal knowledge or observation. The law, our law
7 makes absolutely no distinction between the weight or the
8 value to be given to either direct or circumstantial
9 evidence. Nor is there a greater degree of certainty
10 required of circumstantial evidence than of direct
11 evidence. You should weigh all of the evidence in the
12 case. After weighing all of the evidence, if you're not
13 convinced that the guilt of the Defendant is beyond a
14 reasonable doubt, you must find the Defendant not guilty.
15 If on the other hand you are after weighing all the
16 evidence convinced of the guilt of the Defendant beyond a
17 reasonable doubt, you must find the Defendant guilty.

18 Credibility of witnesses. Necessarily you must
19 determine the credibility of the witnesses who have
20 testified in this case. As you all know credibility
21 simply means believability. It becomes your duty as
22 jurors to analyze and to evaluate the evidence, the
23 testimony and determine which evidence convinces you of
24 its truth. In determining the believability of witnesses
25 who have testified in this case and using the background

1 of your individual and collective good judgment and
2 common sense you may believe one witness over several
3 witnesses, or several witnesses over one witness. You
4 may believe a part of the testimony of a witness and
5 reject the remaining part of the testimony of that same
6 witness. You may believe the testimony of a witness in
7 its entirety or reject the testimony of a witness in its
8 entirety. You may consider whether any witness has
9 exhibited to you any interest, bias, prejudice or other
10 motive in this case. You also may consider the
11 appearance, the manner, the demeanor of a witness while
12 on the witness stand. Remember, you are the sole judges
13 of the facts in this case and of the believability of any
14 and all of the witnesses. You may consider any evidence
15 which has legitimate tendency to throw light on the
16 accuracy, the truthfulness, the sincerity, the
17 believability of any witness' testimony.

18 Intent. In order to establish criminal liability
19 criminal intent is required. For example, the mental
20 state required to be proven by the State for a particular
21 crime might be purpose. Intent, knowledge, recklessness
22 or criminal negligence. Criminal intent must be proven
23 by the State beyond a reasonable doubt. Criminal intent
24 is always a matter that must be determined by the jury
25 from the circumstances surrounding the situation. There

1 is no way to prove intent to a mathematical certainty.
2 There is no way medical science can dissect a person's
3 brain and determine what the person had in mind so the
4 law, our law says that criminal intent may be inferred
5 from the circumstances shown to have existed. This is
6 how you make your determination of whether or not the
7 element requiring intent was present. It is not
8 necessary to establish intent by direct and positive
9 evidence, but intent may be established by inference in
10 the same way as any other fact, by taking into
11 consideration the act of the parties and all the facts
12 and circumstances of the case.

13 Criminal intent, ladies and gentlemen, is a mental
14 state, a conscience wrongdoing. It is up to you to
15 determine what the Defendant intended to do based on the
16 circumstances shown to have existed.

17 That is the general criminal law that applies to all
18 criminal cases in South Carolina. Again just the subject
19 matter, charge, arrest, indictment not evidence. Duties
20 of the trial jury and trial Judge. Presumption of
21 innocence. Reasonable doubt. Direct and circumstantial
22 evidence. Credibility of witnesses and intent.

23 I will now charge you or instruct you on the
24 specific charge or cause of action in the indictment
25 which is burglary in the first degree. That is a statute

1 in South Carolina under Section 16-11-311 of our Code of
2 Laws.

3 The Defendant is charged with burglary in the first
4 degree. The State must prove first beyond a reasonable
5 doubt that the Defendant entered a dwelling without
6 consent. A dwelling is defined as any building or
7 portion of a building in which a person ordinarily
8 sleeps. A building constructed as a dwelling that has
9 never been occupied cannot be considered a dwelling for
10 purposes of burglary. But a building is a dwelling even
11 if the residents are temporarily absent from the
12 building.

13 So first the State must prove beyond a reasonable
14 doubt that the Defendant entered a dwelling without
15 consent. In order to prove that the Defendant entered
16 the dwelling, the State does not have to show that the
17 Defendant's entire body entered the dwelling. The
18 smallest entry is sufficient. It may be any part of the
19 body such as a hand or a foot or even an instrument such
20 as a hook or other instrument.

21 In addition, the State does not have to prove that
22 force was used to gain entry. If a person enters a
23 building by using deception or misrepresentation to get
24 consent to enter, this is an entry without consent. So
25 entering a dwelling without consent.

1 Next the State must prove beyond a reasonable doubt
2 that the Defendant intended to commit a crime either a
3 felony or a misdemeanor at the time of the entry. The
4 mere entry into a dwelling without consent is not
5 burglary. If the intent to commit a crime is formed
6 after the entry, it is not burglary. On the other hand,
7 if the Defendant intended to commit a crime at the time
8 of the entry, it is a burglary even if the intent was
9 abandoned after entry. It does not matter that the
10 intended crime was not completed.

11 So, entering a dwelling without consent with the
12 intent to commit a crime therein. Intent again, ladies
13 and gentlemen, may be shown by acts and conduct of the
14 Defendant and other circumstances from which you may
15 naturally and reasonably infer intent.

16 Finally, the State must prove beyond a reasonable
17 doubt that the Defendant entered or remained in the
18 dwelling in the nighttime. Entering a dwelling without
19 consent with the intent to commit a crime therein in the
20 nighttime all of which must be proved by the State beyond
21 a reasonable doubt. Nighttime is defined as the period
22 between sunset and sunrise during which there is not
23 enough daylight to recognize a person's face except by
24 artificial light or moonlight.

25 That is the charge of burglary in the first degree.

1 The State must prove beyond a reasonable doubt that the
2 Defendant entered a dwelling without consent with the
3 intent to commit a crime therein during the nighttime.

4 Finally, ladies and gentlemen, the form of the
5 verdict. As to the charge of burglary in the first
6 degree there are two possible verdicts which you may find
7 in this case. Guilty of burglary in the first degree or
8 not guilty. There's absolutely no significance
9 whatsoever in the order which I just stated those
10 possible verdicts. It's simply that one must be stated
11 first.

12 Ladies and gentlemen, your verdict must be a
13 unanimous one. All twelve of you must agree. Your
14 verdict must be based on the evidence, on the testimony,
15 on your determination of the facts in the case, not on
16 any bias, prejudice, emotion, sympathy, passion,
17 prejudice or any other improper motive not in evidence in
18 this case.

19 Your deliberations. You deliberate, you determine,
20 you determine what the facts are. You then apply the
21 facts as you the jury determine them to be to the law as
22 I told you the law is, to that standard, and if the State
23 has met its burden of proof beyond a reasonable doubt
24 your verdict would be guilty. If on the other hand after
25 your determination of the facts in the case applying them

1 to the law as I tell you the law is you determine the
2 State has not met its burden of proving its case beyond a
3 reasonable doubt, your verdict would be not guilty.

4 Madam Forelady, you will have all the items of
5 evidence that have been introduced along with this
6 verdict form. It's a very simple form. It's got the
7 caption of the case. It states the indictment number as
8 to the charge of burglary in the first degree. We the
9 jury unanimously find the Defendant, and it has got a
10 line and then guilty of burglary in the first degree and
11 a line not guilty. Again, there is no significance
12 whatsoever in the order in which those verdicts are
13 placed on the form. It's simply one must be placed
14 first. If your determination is unanimously that the
15 State has proved its case beyond a reasonable doubt as to
16 the guilt of the Defendant, burglary in the first degree,
17 I would ask you to check to the left of those words,
18 circle both your check mark and the words guilty of
19 burglary in the first degree. If on the other hand your
20 determination of the facts you determine the State has
21 not met its burden of proof in this case beyond a
22 reasonable doubt, I would ask you to check the left of
23 the two words not guilty, circle both your check mark and
24 the two words not guilty. There is a signature line for
25 presiding juror on the lower left and the date line.

1 Once the jury has reached that verdict and you have
2 executed this document, if you would then knock on the
3 jury room door and inform the Bailiff that you have
4 reached your verdict and at that time we will receive you
5 back into the courtroom for the taking of your verdict.

6 You will have all the photographs, diagrams,
7 physical items of evidence in the jury room with you
8 along with the two telephone, I don't know what do you
9 calm them. Eight track tapes. Disks or what have you.
10 You will have those with you. If you need a boom box or
11 whatever you call that to play them, a computer, just
12 please let me know and we'll make that available to you.
13 If you have any questions during the course of your
14 deliberations, please write out a note for me, knock on
15 the jury room door. The Bailiff will present it to me
16 and I will attempt to respond in a timely manner.

17 The law requires that I meet with the attorneys one
18 final time outside of your presence. Do not begin your
19 deliberations until you are instructed to do so by the
20 Bailiff or the Clerk. If I do not have to bring you back
21 out for any further instructions, what will happen if
22 everything looks great, our alternate will come out, the
23 evidence will come in and you will then be instructed to
24 begin your deliberations.

25 Thank you very much. You may now go to your jury

1 room.

2 (Whereupon, the jury enters the jury room at 11:40
3 a.m.)

4 THE COURT: All right. Anything from the State as
5 to the charge, Solicitor?

6 MR. MAYE: No, sir, Your Honor. Thank you.

7 THE COURT: The defense?

8 MR. CASTO: Your Honor, at this time we just renew
9 our objection to the Court not charging the burglary in
10 the second degree charge.

11 THE COURT: All right. Thank you. Thank you very
12 much. Have you all checked the items of evidence?

13 MR. MAYE: We have, Your Honor. The State has.
14 I'll leave it to the defense.

15 THE COURT: Were all those 1 through 21A and B all
16 introduced in front of the jury? There is no objection
17 to those items going into the jury room?

18 MR. MAYE: No. I believe all of them -- The only
19 item we had any pending issue on was the pocketbook. We
20 subsequently fixed that. It went in by stipulation
21 number 17.

22 THE COURT: Here is the form verdict. If they
23 request a computer to play the disk, I assume someone
24 would have one available for them.

25 MR. CASTO: Your Honor, if I may, with regard to

1 just placing it on the record, I renew my objection to
2 the burglary second. The Court's ruling is the same as
3 the side bar; is that right?

4 THE COURT: Yes, sir. Was that side bar? I think
5 that was on the record.

6 MR. CASTO: Okay. Yes, sir.

7 THE COURT: I think I ruled on the record.

8 MR. CASTO: Okay. Yes, sir.

9 THE COURT: I haven't changed my mind.

10 MR. CASTO: I understand, Your Honor. I'm not
11 quibbling with that. I know.

12 THE COURT: Thank you very much. All right. We'll
13 get all the evidence and bring our alternate out and
14 Madam Clerk or Madam Bailiff, please advise the jury to
15 begin their deliberations.

16 MR. MAYE: Thank you, Your Honor.

17 (Whereupon, the jury began deliberations at 11:45
18 a.m.)

19 THE CLERK: This is the alternate, Ms. Cockrell.

20 THE COURT: Thank you very much, Ms. Cockrell, for
21 your service this week. I know it has been a long week
22 for you. You will be excused for the remainder of the
23 morning and the remainder of the day. If you call back
24 after 6:00 tonight. No. No. I'm just kidding. No.
25 You are now released from the jury panel. We appreciate

1 very much your service. Thank you very much.

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Steven E. LeBlanc, Sr., R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

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2 THE COURT: All right. I understand the jury has a
3 question. There are two questions on here, this note
4 from the jury. The first one is, we would like to see
5 the sheet that lists everything that the Defendant had on
6 his person at the time of his arrest.

7 They can't see it. It's not in evidence.

8 The second question is, and if Kimberly Gantt signed
9 something when she picked up the hoodie from the jail.

10 Not in evidence. Comments on the facts. No
11 response I can give. I don't even know if there was a
12 sheet that lists everything. So the first response to
13 the sheet, I have got sheet, if it exists, was not
14 introduced into evidence during the trial.

15 Any objection to that response from the Solicitor or
16 Mr. Casto?

17 MR. MAYE: No, sir, Your Honor. The only thing I
18 can think of is to say that items that were not
19 introduced into evidence can't be subsequently produced.
20 Not that we are intentionally holding them back from
21 them. If it wasn't admitted into evidence, then it can't
22 be subsequently introduced and only those items that were
23 admitted into evidence in the trial are for their
24 consideration. They can't request additional documents.
25 It may save, if other requests come up, it may save us

1 from going back through this same process.

2 MR. CASTO: Your Honor, I think what the Court wrote
3 is just fine. I think that it encompasses Mr. Maye's
4 concern.

5 THE COURT: What, Mr. Casto? I apologize.

6 MR. CASTO: I think what you wrote, Judge, is fine.
7 I think it encompasses that concern.

8 THE COURT: I have further put down here, items, if
9 they exist, cannot be introduced after the close of the
10 evidence.

11 MR. CASTO: Yes, sir.

12 THE COURT: And then as to the second one, as to Ms.
13 Gantt signing something, I put I cannot comment on the
14 facts.

15 MR. CASTO: Perfect.

16 MR. MAYE: No objection from the State, Your Honor.
17 Thank you.

18 THE COURT: Thank you.

19 MR. CASTO: None from the defense.

20 THE COURT: I guess I can put on here I'm not
21 answering anymore questions. But I didn't put that down.
22 I'm just joking. Anything further?

23 MR. MAYE: Not on that, Your Honor. Thank you.

24 MR. CASTO: No, sir, Your Honor.

25 (Whereupon, the answers to the jury's questions were

1 sent back to the jury room.)

2 THE BAILIFF: Wait a minute. They're coming out
3 with another question.

4 MR. MAY: Maybe you should have put that.

5 THE COURT: All right. That's fine. Well, I will
6 be delighted to answer it. Might be that I can't answer
7 it. All right. This says can we get a CD player? So
8 what do y'all want to do? Have you got a CD player?

9 MR. MAYE: It's a DVD. It plays on a computer.

10 THE COURT: I think they're messing with me.

11 MR. MAYE: Probably so.

12 THE COURT: So do y'all agree that I can send in my
13 loyal law clerk and he can play it?

14 MR. MAYE: As many times as they want to hear it,
15 yes.

16 THE COURT: And not to comment on anything.

17 MR. MAYE: And what the Judge did then, I think, was
18 instruct his clerk not to address the jury and not to
19 provide any information. Was only to respond to their
20 request.

21 THE COURT: Okay. Bring our jury out, please.

22 (Whereupon, the jury returned to the courtroom at
23 12:07 p.m.)

24 THE COURT: All right. Madam Forelady, ladies and
25 gentlemen of the jury, I've got the second note, can we

1 get a CD player. Thanks. We don't have a DVD player
2 that's clean so to speak. Many of them have other
3 information on them, both the Solicitor's and the defense
4 so what has been done in the past and what I think I'm
5 going to do now is my loyal law clerk will come in there
6 with his computer and he will follow your directions. He
7 will play whatever DVD's you want played that are in
8 evidence as many times as you want them played. He will
9 only follow your instructions. Don't ask him any
10 questions. He can't answer any questions. He would just
11 be there as the IT person with the computer and as I say
12 for as long as you need. Do you understand that, Madam
13 Forelady and ladies and gentlemen of the jury?

14 FORELADY: Yes.

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, we'll have him come in there and set it up. Please
17 return to the jury room and continue your deliberations.

18 (Whereupon, the jury returns to the jury room to
19 resume deliberations at 12:10 p.m.)

20 THE COURT: Any objection, Mr. Solicitor?

21 MR. MAYE: No, Your Honor.

22 THE COURT: Any objection, Mr. Casto?

23 THE COURT: No, sir, Your Honor.

24 MR. MAYE: And I have a speaker that will plug into
25 that that will assist you.

1 * * * * *

2 THE COURT: Step aside for a minute, Mr. Abrams.
3 I'll get right back to you as soon as I finish this
4 issue.

5 All right. The Solicitor is present. Mr. Casto,
6 Mr. Martin. Mr. Harrell, will you inform the parties of
7 what occurred when you went in the jury room?

8 MR. HARRELL: Yes. As soon as I walked into the
9 jury room, one of the jurors approached me with a group
10 of three CD's, DVD's and handed them to me. The top one
11 is marked Court's exhibit number 1 on it and in marker it
12 says Ronnie Martin jail calls, 911 call. The exact
13 words, I think, of the juror were, "We're not allowed to
14 listen to this one, right?" And I said let me go check.
15 I immediately walked out of the jury room with all three
16 disks.

17 MR. MAYE: That was in error. That was - that's a
18 Court's exhibit. Obviously it was not published to the
19 jury, but there's nothing in there. That was a Court's
20 exhibit. There are only two in evidence.

21 MR. CASTO: That's correct. They're not allowed to
22 listen to that one.

23 THE COURT. All right. And it was not and could not
24 have been played because they had no ability to play it
25 until Mr. Harrell went in with the computer to play it,

1 the other two. So I'm going to take Court's Exhibit 1
2 and return it to our court reporter.

3 MR. CASTO: Yes, sir.

4 THE COURT: Any objection, Mr. Casto?

5 MR. CASTO: None, Your Honor.

6 MR. MAYE: None from the State.

7 THE COURT: Thank you. My law clerk can inform them
8 that that one would not be played, will not be played.

9 All right. Thank you very much.

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BAILIFF: All rise.

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THE COURT: Please be seated. All right. I understand that we have a verdict. Those of you in the courtroom that are observers, interested parties and what not, I would advise you that the taking of a verdict sometimes can be an emotional process for one side or the other or both. If you do not think you can contain your emotions upon the reading of the verdict, I would ask you to please leave at this time because any display of emotion I consider a contempt of Court and would ask that the Sheriff take any such individual into custody for a contempt hearing. If you remain, as I say, I would assume you can control your emotions. If you do not think you can, please leave at this time. All right. Bring us our jury, please.

(Whereupon, the jury returned to the courtroom at 12:37 p.m.)

THE COURT: All right. The verdict appears to be in the proper form and signed by our presiding juror, dated toady. Madam Clerk, will you publish that, please.

THE CLERK: The State of South Carolina, County of Saluda versus Ronnie Martin. Indictment number 2014-GS-41-035. As to the charge of burglary in the first degree we the jury unanimously find the Defendant

1 guilty of burglary in the first degree. Signed by the
2 Forelady.

3 THE COURT: All right. Anything further for the
4 jury from the State, Mr. Solicitor?

5 MR. MAYE: Nothing from the State, Your Honor.

6 THE COURT: From the defense?

7 MR. CASTO: Respectfully we would ask for the jury
8 to be polled, Your Honor.

9 THE COURT: All right. Madam Clerk, would you
10 explain the polling process and conduct that procedure
11 for us, please?

12 THE CLERK: I will ask you if your verdict was
13 guilty then and still is now and I will call your name
14 individually.

15 Brianna T. Clarke, was your verdict guilty and still
16 guilty?

17 BRIANNA CLARKE: Guilty.

18 THE COURT: Would you raise your right hand so I can
19 identify the juror when your name is called.

20 THE CLERK: Laura L. Messenger, was your verdict
21 guilty and still guilty?

22 LAURA MESSENGER: Guilty.

23 THE CLERK: Kathryn A. Watts, was your verdict
24 guilty and still guilty?

25 KATHRYN WATTS: Guilty.

1 THE CLERK: Cyteria P. Gantt, was your verdict
2 guilty and still guilty?

3 CYTERIA GANTT: Guilty.

4 THE CLERK: Donna E. Zachary, was your verdict
5 guilty and still guilty?

6 DONNA ZACHARY: Guilty.

7 THE CLERK: Belinda L. Williams, was your verdict
8 guilty and still guilty?

9 BELINDA WILLIAMS: Guilty.

10 THE CLERK: Sarah H. Gunter, was your verdict guilty
11 and still guilty?

12 SARAH GUNTER: Guilty.

13 THE CLERK: Nicotre L. Brunson, was your verdict
14 guilty and still guilty?

15 NICOTRE BRUNSON: Guilty.

16 THE CLERK: Ruth E. Reichardt, was your verdict
17 guilty and still guilty?

18 RUTH REICHARDT: Guilty.

19 THE CLERK: Marlee E. McGee, was your verdict guilty
20 and still guilty?

21 MARLEE MCGEE: Guilty.

22 THE CLERK: Jasper S. Coleman, was your verdict
23 guilty and still guilty?

24 JASPER COLEMAN: Guilty.

25 THE CLERK: And the alternate that became a juror.

1 Devonta Brown, was your verdict guilty and still guilty?

2 DEVONTA BROWN: Guilty.

3 THE COURT: All right. All the jurors have been
4 polled, Madam Clerk?

5 THE CLERK: Yes, sir.

6 THE COURT: All guilty?

7 THE CLERK: Yes, sir.

8 THE COURT: All right. Anything further for the
9 jury from the defense, Mr. Casto?

10 MR. CASTO: Nothing for the jury, Your Honor.

11 THE COURT: All right. Thank you very much. Madam
12 Forelady, ladies and gentlemen of the jury, I never
13 criticize or commend a jury for a verdict, however, I do
14 observe jurors week in and week out and I have not had
15 the opportunity to work with a more hard working,
16 focused, attentive and patient jury than yourselves. You
17 are the most important individuals in this process for
18 both the State and, of course, for the Defendant. There
19 are jury trials going on throughout the State of South
20 Carolina week in and week out both in civil court and
21 criminal court. In civil court obviously resolving
22 disputes between individual citizens. In criminal courts
23 resolving disputes between the State and the citizens of
24 the State. We would not be able to be able to go about
25 the very important business of administering your civil

1 and criminal justice system without folks just yourselves
2 week in and week out. I realize you're not volunteers.
3 You're the last draftees in America in many, many
4 decades, but I do appreciate your dedication and your
5 civic mindedness. It's been my pleasure and privilege to
6 be with you this week in Saluda County. With that being
7 said, you do not have to call back. You do not have to
8 come back. We have pretty much taken care of your entire
9 week anyway. But again, you are now released from your
10 service. I hope you all have a pleasant afternoon and
11 rest of the week and weekend. Thank you very much. You
12 are excused. Madam Forelady, would you meet with the
13 Clerk momentarily.

14 (Whereupon, the jury was released.)

15 THE COURT: All right. Mr. Casto, any other
16 motions?

17 MR. CASTO: Yes, sir, Your Honor. At this time we
18 would like to renew all of our motions and objections
19 raised during pretrial, during the trial to include our
20 motions for directed verdict and also we would also at
21 this time move for a new trial specifically that with the
22 evidence that's been presented a jury could not have
23 found the Defendant guilty beyond a reasonable doubt and
24 so we renew all of those motions at this time and we make
25 an additional motion for a new trial at this time.

1 THE COURT: Thank you. Thank you very much. I will
2 respectfully renew all of my previous trial rulings both
3 as to the directed verdict and any and all evidentiary
4 issues. I will further deny the motion for a new trial.
5 I think that there was overwhelming evidence of guilt
6 based on the eyewitness testimony by Ms. Williams and ear
7 witness testimony by Mr. Williams, the timely response by
8 law enforcement, the dress and description of not only by
9 name but by his clothing of Mr. Martin that evening,
10 capped, of course, by the telephone conversations of him
11 engaged in a criminal conspiracy to divert justice with
12 his then girlfriend Ms. Gantt, and the testimony of Ms.
13 Gantt. So motion for a new trial is respectfully denied.
14 Any other motions, Mr. Casto?

15 MR. CASTO: No, sir, Your Honor.

16 THE COURT: All right. Any reason sentence should
17 not be imposed at this time?

18 MR. CASTO: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 MR. CASTO: Your Honor, we don't have any additional
21 motions or anything in that regard at this time, Your
22 Honor, and we can move forward to sentencing at this
23 time.

24 THE COURT: All right. Thank you. Anything
25 further, Mr. Casto?

1 MR. CASTO: Your Honor, my client wanted to address
2 the Court.

3 THE COURT: You represent him?

4 MR. CASTO: I do, Your Honor. Yes, sir.

5 THE COURT: And, of course, I will be glad to hear
6 from him during sentencing.

7 MR. CASTO: Yes. Yes, sir, Your Honor. We are
8 prepared to go forward with sentencing.

9 THE COURT: All right. Come around, please,
10 Mr. Martin. All right. Anything additional from the
11 State?

12 MR. MAYE: Your Honor, I have certified true copies
13 of his two prior convictions that would be, that I would
14 like for the Court to make a Court's exhibit for the
15 record in this case. I have his criminal history. I do
16 not think that unless the Court wants to hear his
17 additional criminal history, that it would substantively
18 impact his sentence in this case given the fact that he
19 was noticed under 17-25-45, but I would pass up these two
20 certified copies from Ms. Doris Holmes, the Clerk of
21 Court that I have obtained of his 1996 convictions for
22 burglary in the first degree and criminal sexual conduct
23 in the first degree, Your Honor, and ask that they be
24 made Court's exhibits and part of the record in this
25 case.

1 THE COURT: All right. Could you show me, please,
2 the notice under 17-25-45(h)?

3 MR. MAYE: Your Honor, I have a - he was served on
4 the record. The notice that I have was served on both
5 the Defendant himself personally and his attorney
6 pursuant to 17-25-45. I have a copy of what was provided
7 to them, Your Honor, but I do not have the original.

8 THE COURT: Is that in the clerk's file, Madam
9 Clerk?

10 MR. MAYE: Your Honor, I have a raw copy of a
11 transcript from Ms. Stacey Sheppard, given a raw copy of
12 a transcript where he was served with notice of our
13 intent to seek life without parol both -- He's twice been
14 served with it. Both Mr. Casto -- Or Mr. Casto
15 acknowledged on the record that both he and his client
16 had been served with our notice of our intent to seek
17 life without parol against Mr. Martin. I have a raw
18 court reporter transcript.

19 THE COURT: I need a copy where the Solicitor is
20 seeking sentencing of the Defendant under this section
21 17-25-45. Written notice must be given by the Solicitor
22 to the Defendant and the Defendant's counsel not less
23 than ten days before trial. I need to see written notice
24 that it was given by the Solicitor to the Defendant and
25 the Defendant's counsel not less than ten days before

1 trial.

2 MR. MAYE: Mr. Casto, as an officer of the Court I
3 would ask you to produce the copy that you --

4 THE COURT: I don't want it as an officer of the
5 Court. It's the State's responsibility under
6 17-25-45(h). It's just that simple. When you all find
7 it, I'll be happy to conduct the sentencing proceeding.
8 It does this court no good to be handed up a document
9 notice of intent to seek life without parole that's
10 unsigned and undated. It does this court no good to be
11 given an e-mail from Ms. Sheppard. An e-mail from Ms.
12 Sheppard doesn't comply with the statute. When you call
13 get that together, I will be delighted to do the
14 sentencing. Please let me know when that's
15 accomplished.

16 MR. MAYE: Have you got it?

17 (Short recess.)

18 BAILIFF: All rise.

19 THE COURT: Please be seated. Thank you very much.
20 All right. Mr. Solicitor, as to 17-25-45(h), would you
21 tell me the compliance that you have done with that
22 particular sub section of the statute?

23 MR. MAYE: Yes, sir, Your Honor. 17-25-45(h)
24 requires the State to provide to the defense in this case
25 written notice ten days or more prior to trial of our

1 intent to seek life without parole. Under 17-25-45(h) it
2 says where the Solicitor is required to seek or
3 determines to seek a sentence of a Defendant under this
4 section written notice must be given by the Solicitor to
5 the Defendant and the Defendant's counsel not less than
6 ten days before trial. The State did serve substantially
7 in excess of ten days before trial, Your Honor. We
8 brought Mr. Casto in. We did it on the record. We
9 brought Mr. Martin in. I have twice served them with our
10 notice in this case. The last one that I have is dated
11 December 2014. We provided notice of our intent to seek
12 life without parole; that the State of South Carolina
13 hereby notices Ronnie Martin of intent to seek sentencing
14 under 17-25-45 (life sentence) for a person convicted of
15 certain crimes of the Code of Laws of South Carolina as
16 amended.

17 The Defendant Ronnie Martin currently faces a charge
18 of burglary in the first degree, a most serious offense.
19 Ronnie Martin has a prior Saluda County conviction from
20 October 24, 1996 for burglary first degree. That
21 indictment was 96-GS-47-87. I have provided a copy of
22 his prior convictions to the Court to make a Court's
23 Exhibit, a most serious offense. Ronnie Martin also has
24 a prior Saluda County conviction from October 24, 1996
25 for criminal sexual conduct in the first degree under

1 indictment 96-GS-41-88, a most serious offense. The
2 State hereby provides notice to the Defendant that should
3 he be convicted of the current charge of burglary in the
4 first degree, he must be sentenced to a term of life, of
5 imprisonment for life without the possibility of parol
6 pursuant to 17-25-45(a) of the Code of Laws of South
7 Carolina 1976 as amended.

8 The State of South Carolina relies on the Defendant
9 Ronnie Martin's previous convictions for burglary first
10 degree, a most serious offense and/or criminal sexual
11 conduct in the first degree, a most serious offense.

12 This notice serves as written notice from the
13 Solicitor to the Defendant and the Defendant's counsel
14 pursuant to Section 17-25-45(h).

15 I served that notice on Mr. Casto and Mr. Martin in
16 open court on the record. Ms. Stacey Sheppard was the
17 court reporter, Your Honor, and it was done more than ten
18 days prior to this term of court, Your Honor. It was
19 done some months before, a number of months before this
20 case began. At the outset of this case, Your Honor, both
21 the defense counsel acknowledged in this case that both
22 he and the Defendant in this case had been served with
23 our notice of intent to seek life without parole. They
24 understood that should he be convicted, that life without
25 parole would be the only sentence in this case, Your

1 Honor.

2 That's the notice that I have under 17-25-45(h) to
3 prove notice to the Defendant in this case. And in the
4 alternative the State could get a receipt for service,
5 but rather than do on life without parole sentencing
6 cases out of an abundance of caution I like to bring the
7 Defendant and his attorney into the courtroom in live and
8 open court and have a discussion about our intent to seek
9 life without parole sentencing so that there is no
10 confusion at the time of sentencing, Your Honor. And if
11 there is any, I apologize at this point.

12 THE COURT: Thank you. I'll have marked as the next
13 numbered Court's exhibit the notice of intent to seek
14 life without parole undated, unsigned, appears to comply
15 with 17-25-45(h). I will have that two page document to
16 Sherry Coleman from Stacey Sheppard concerning a
17 procedure in court, it does not indicate what judge it
18 was in front of, notifying Mr. Martin as the next
19 numbered document Court's exhibit. I will also place
20 96-GS-41-0087 as the next numbered Court's exhibit where
21 Mr. Ronnie Martin was convicted of burglary in the first
22 degree, a most serious offense. And indictment
23 96-GS-41-0088, where Ronnie Martin was convicted of
24 criminal sexual conduct first degree, a most serious
25 offense.

1 So this would be at a minimum two or actually three,
2 so he has one or more prior convictions for a most
3 serious offense and would be subject to be sentenced
4 under 17-25-45(a)(1)(a). All right. Anything further
5 from the State as to sentencing?

6 MR. MAYE: Nothing else from the State, Your Honor.

7 THE COURT: Do I have a sentencing sheet?

8 Madam Clerk, would you hand these to be marked.

9 (Whereupon, Court's exhibits #2 through #7 marked.)

10 THE COURT: Anything further, Mr. Casto.

11 MR. CASTO: Yes, sir, Your Honor. May it please the
12 Court. With regard to mitigation, Your Honor, is that
13 what you would like to hear from me now?

14 THE COURT: I would be glad to hear from you,
15 Mr. Casto.

16 MR. CASTO: Yes, sir. Ronnie Martin is 48 years of
17 age. He has a GED. For a lot of his life he's been a
18 truck driver and worked at Amick Farms. Each of those
19 jobs he had for a number of years. He's done mechanic
20 work, but most recently it's been reduced down to part
21 time. He lives - he had been living -- Well, both his
22 parents are from Ward, South Carolina. His father just
23 passed away in the fall. He was terminally ill. And
24 ultimately Ronnie was housed at Laurens, but when his
25 father became terminally ill, they moved Ronnie to Saluda

1 so he could see his father, and that was really a decent
2 thing to do.

3 Ultimately he does have three children. I got - I
4 had the pleasure to meet his daughter and ultimately
5 Ronnie in his life has always said that he's wrestled
6 with some depression. At times has been on medication
7 for that. Wrestled with back problems. I know that
8 there's some mention during the trial about his back
9 issues and what not. His legs are fine. It's just his
10 back. He just threw it out. It's one of those things
11 that does happen with him.

12 He struggled with and wrestled with addiction to
13 alcohol for most of his life is what he says. He's also
14 had some issues with drugs as well in his life. I know
15 that he wants to be a father and I think he always kind
16 of told me that he had goals to go back to work before he
17 died. He's been in since this happened on December 13th
18 of 2013, I believe that's 510 days, Your Honor, up
19 through today.

20 I would point out that his mother and neighbor, the
21 neighbor is almost like a family member to him, are
22 present in the courtroom. I don't believe they wish to
23 address the Court. I think that they have been here
24 throughout the trial. I think it's just too hard on his
25 mother. She has some health problems as well, but he

1 still has some people in his life. I had the pleasure of
2 meeting one of his brothers and his daughter that was
3 here and they were here for most of the trial. They
4 couldn't come today because they had to work, but his
5 mother was still able to join us and even though she
6 doesn't wish to speak, I know that this has been very
7 difficult for her to sit through and hear and I know that
8 Ronnie is disappointed in what the jury said, but in the
9 same breath the jury has spoken and there's a certain
10 respect for that, Your Honor.

11 Ultimately that's what we would offer the Court at
12 this time as far as mitigation.

13 THE COURT: All right. Thank you. Thank you very
14 much. Anything you would like to say, Mr. Martin?

15 MR. MARTIN: Well, Your Honor, uh, during most of
16 the trial I was satisfied with my lawyer, but in between
17 I feel like he let me down so, uh, I don't think he was
18 aggressive enough on certain issues with, uh, with, uh,
19 evidence pertaining to the State, the pictures they had
20 and everything and knowledge of what I knew and
21 everything. And, uhm, somewhere I read that it's a
22 conflict for my attorney to represent me and a family
23 member. I'm not for sure. But, uh, Mr. Casto
24 represented my son on something similar. I think that is
25 a conflict. I just found out from my son. I talked to

1 him this morning and all.

2 All in all he did good most of the trial, but like I
3 said, certain things he wasn't aggressive enough and he
4 didn't attack the statements from the officers. The
5 motion, the statements and motion and all that was
6 changed up during the trial and, uhm, like I said with
7 the evidence for one like, uh, the evidence on my boots
8 and my - my - my physical condition at the time the
9 police arrested me, you know, he didn't, I don't think he
10 observed that enough as far as what condition I was in.
11 Was I tired? Was I sweating? Was my pants wet? Was I
12 just out of breath? Something like that. And then, uh,
13 with the, uh, identification of Mrs. Williams, uh, you
14 know, there's just so much in there that I feel like that
15 he missed things, that he just wasn't aggressive enough
16 so...

17 He did all right, but I would have to say that, uh,
18 I think my counsel was ineffective in representing me
19 because he allowed the Solicitor to ran the show. He
20 allowed the Solicitor to run the whole show and, uhm, he
21 just - he - he -- I'm pretty sure he's a fine lawyer, but
22 he just wasn't aggressive enough for me, not when my life
23 is on the line, Your Honor. I felt like he just didn't
24 go in and he just didn't bring out enough to convince
25 this jury that I was innocent, which I am, Your Honor.

1 Ms. Dianne, I only know her a short while. I only
2 tried to help her. I worked on her car. She didn't have
3 no money. I said don't worry about it. Do that sound
4 like a man that would rob somebody? I mean go rob her?
5 She don't have nothing. You know what I'm saying? And I
6 was living and working. I make - I build one
7 transmission and I done made her whole check. What I'm
8 gonna rob her for? You know what I'm saying?

9 You know, I took her of he daughter for her. Her
10 daughter get drunk all the time. She's always out at the
11 club. Everybody calls me and my girlfriend 1:00, 2:00 at
12 night to go get her. She ain't got no money. She in the
13 road falling down. I would get her. She don't want to
14 go home in that state so I had to listen to her. I let
15 me and my girlfriend take her home with us. And, uh,
16 it's just so much that I did for this family for - for
17 nothing and for them to think that I would come back and
18 take from them, you know, that hurt me, you know?

19 I mean, I done save her daughter life. I done kept
20 people from jumping on her when she in the road drunk.
21 Like I say, Your Honor, we don't take her to Ms. Dianne.
22 She don't hear that. She was at the house keeping me up
23 when I had to go to work. And I was telling Kimberly,
24 uh, to try to keep her quiet. But for them to say that I
25 take something from them, that hurt because I did what I

1 did from the heart for them. I have no reason to take
2 from this woman. Like I said, she don't have anything.
3 Why would I take from you when - when you asking me to do
4 something I do it free? From the bottom of my heart I
5 just do it. And then for you to come and think that I
6 actually broke in your house, that tears me up, man. It
7 just -- I mean, how could you -- I mean, what have I ever
8 asked you for? I never asked you to pay me for nothing
9 that I did for you and then you think I take, man. Come
10 on, man. Come on, man. Stuff like that I don't think
11 that my lawyer was aggressive enough on. And, Ms. Dianne
12 -- Could I turn around and face her, Your Honor?

13 THE COURT: No, sir.

14 MR. MARTIN: Ms. Dianne, I mean, you just think
15 about it. Everything I did for you for free, man. Took
16 care of your daughter. Took care of everything. You
17 know, made sure she was all right. And I don't know why
18 you think it was me, but it wasn't. It wasn't. And if
19 you think, if you dig down in your heart, you know the
20 person I am and you know I didn't do it. And now my life
21 is gone because of something that - a mistake. I mean,
22 like I said, my lawyer, I don't think he was aggressive
23 enough. I done lost my father from cancer. My mother,
24 she's back there sick. And just like here I am in jail,
25 I mean, just from being good and I just don't know.

1 That's all, Your Honor.

2 THE COURT: Thank you. Thank you, Mr. Martin.

3 2014-GS-41-035, Ronnie Martin having been convicted of a

4 burglary first degree, a violent and most serious

5 offense, having two prior convictions, even if I

6 considered them one based on 17-25-50 would still be a

7 prior most serious offense and this would be his second

8 most serious offense. Under 17-25-45(a)(1)(a) the

9 Defendant is committed to the State Department of

10 Corrections for a term of internment for his life without

11 parole. Good luck to you, Mr. Martin.

12 END OF PROCEEDINGS.

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1 CERTIFICATE OF REPORTER

2 (STATE OF SOUTH CAROLINA)

3 (COUNTY OF SALUDA)

4

5 I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,
6 and Official Court Reporter for the Eleventh Judicial Circuit
7 in and for the State of South Carolina, do hereby certify that
8 I reported the proceedings in the before captioned case in the
9 Court of General Sessions in and for the State of South
10 Carolina on the 5th day of May through the 7th day of May,
11 2015.

12 I FURTHER CERTIFY that the forgoing 459 pages
13 constitute a true and accurate transcript of said trial.

14 I FURTHER CERTIFY that I am neither related, counsel
15 to, nor of interest to any party hereto.

16 IN WITNESS WHEREOF, I have hereunto set my hand at
17 Lexington County, this 20th day of July, 2015.

18

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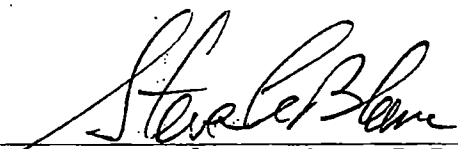
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Steven E. LeBlanc, Sr., R.P.R.
Eleventh Circuit Court Reporter
State of South Carolina.

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Saluda County
The Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

v.

RONNIE MARTIN,

RECEIVED
JUN 01 2016
RESPONDENT,
SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2015-001065

FINAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CONTENTS 1

TABLE OF AUTHORITIES.....2

STATEMENT OF ISSUES ON APPEAL.....3

STATEMENT OF THE CASE 4

STATEMENT OF FACTS 5

ARGUMENT.....8

CONCLUSION.....15

TABLE OF AUTHORITIES

Cases

<u>Campiti v. Walonis</u> , 611 F.2d 387 (1st Cir. 1979).....	13
<u>Holmes v. South Carolina</u> , 547 U.S. 319 (2006)	9
<u>Miller v. State</u> , 379 S.C. 108 (S.C. 2008)	9
<u>State v. Byers</u> , 392 S.C. 438 (S.C. 2011).....	9
<u>State v. Dingle</u> , 279 S.C. 278 (1983).....	15
<u>State v. Kornahrens</u> , 290 S.C. 281, 296 (S.C. 1986).....	15
<u>State v. Mercer</u> , 381 S.C. 149 (2008).....	10
<u>State v. Page</u> , 406 S.C. 272 (2013).....	12
<u>State v. Rice</u> , 375 S.C. 302 (S.C. App. 2007)	16
<u>State v. Webb</u> , 389 S.C. 174 (S.C. App. 2010).....	16
<u>Taylor v. State</u> , 312 S.C. 179, 181 (S.C. 1993).....	9
<u>U.S. v. Amen</u> , 831 F.2d 373, 387 (2d Cir. 1987).....	13
<u>U.S. v. Lanoue</u> , 71 F.3d 966, 981 (1st Cir. 1995).....	13

Statutes

18 U.S.C. § 2510.....	13
18 U.S.C. § 2515.....	14
18 U.S.C. § 2516.....	13
18 U.S.C. § 2511.....	13
S.C. § 16-11-311.....	14

Other Authorities

S.C. Const., art. 1, § 10.....	14
SCRE 803.....	10
U.S. Const. amend. IV and XIV.....	14

STATEMENT OF ISSUE ON APPEAL

1. Whether the trial court erred in excluding third-party guilt evidence.
2. Whether the trial court erred in admitting recorded jail calls between Appellant and his girlfriend.
3. Whether the trial court erred in denying a jury instruction on the lesser offense of second degree burglary.
4. Whether the solicitor's statements so infected the trial with unfairness as to make Appellant's resulting conviction a denial of due process.
5. Whether these errors and statements, individually or in aggregate, require reversal of Appellant's conviction.

STATEMENT OF THE CASE

Appellant Ronnie Martin was convicted of burglary in the first degree after a trial by jury on May 6 and 7, 2015. Based on prior convictions from 1996, nearly twenty years earlier, Martin was sentenced to mandatory life without parole. ROA 2.

There was no forensic or physical evidence linking Ronnie Martin to the burglary; rather, the only evidence against Ronnie Martin was the victim's identification. The victim, whose vision was admittedly impacted by diabetes, described the burglar as a black male wearing a "hoodie" sweatshirt and khaki pants. Despite that the burglar was wearing the hood of the sweatshirt over his head the "whole time" and a hat, the victim identified Ronnie Martin as the perpetrator. ROA 5-8; 10; 46-49; 74; 93; 89-96; 102-103.

At trial, Ronnie Martin testified unequivocally that he did not commit the burglary and sought to introduce evidence that another person, Quinton Samuels, was the guilty party. In an offer of proof, Ronnie Martin testified that he saw Quinton Samuels, a black male who lived in the same neighborhood, twice the night of the burglary. The first time, Quinton Samuels asked Ronnie Martin if he wanted to do a "lick" (slang for robbery) with him. The second time, Quinton Samuels stopped to speak with Ronnie Martin and indicated that he had just stolen a pocketbook but had thrown the pocketbook in a nearby field after being chased by police. According to Ronnie Martin, Quinton Samuels was wearing a "hoodie" during these conversations. ROA 76; 120; 136; 164; 166-168. The trial court excluded the evidence of third-party guilt.

The exclusion of the third-party guilt evidence and its impact on Ronnie Martin's ability to have a fair trial and zealous defense was exacerbated by the trial court's admission of jail house calls between Ronnie Martin and his girlfriend, wherein Quinton Samuels was mentioned. ROA 13-14; State's Ex. 21(a) (on file). Not only was the admission of these calls constitutionally improper, but Ronnie Martin was placed in untenable position of not being able to explain the context of the references to Quinton Samuels given the trial court's ruling on third party guilt evidence.

At trial, Ronnie Martin's girlfriend recanted an earlier written statement to law enforcement wherein she indicated that Quinton Samuels admitted to the burglary and lead her to the location of the stolen pocketbook. In direct contradiction of her prior statement, Ronnie Martin's girlfriend testified that he intended to frame Quinton Samuels for the burglary. ROA 125-127; 133. Again, the exclusion of the third party guilt evidence effectively precluded Ronnie Martin from challenging and impeaching this testimony at trial. Importantly, the Solicitor seized on the purported conspiracy to frame Quinton Samuels in both his opening and closing arguments further prejudicing Ronnie Martin's defense. ROA 29-30; 302-303.

These errors and statements, along with the trial court's refusal to instruct the jury to a lesser defense despite supporting evidence, materially and prejudicially affected the outcome of the trial of Ronnie Martin. Accordingly, his conviction should be reversed.

STATEMENT OF FACTS

On December 13, 2013, shortly after 8:00 p.m., Diane Williams (“Williams” or “victim”) reported a stolen pocketbook to the Saluda County Sheriff’s Office. ROA 4; 50; 69. Williams told officers that a black male wearing a “hoodie” sweatshirt and khaki pants kicked in her front door, entered her home, and proceeded to rummage through her pocketbook. ROA 7-8; 10; 46-49; 74. Despite that the burglar’s hoodie “was over his head” the entire time and he was wearing a hat, Williams indicated that she believed him to be “Ronnie Moe,” the nickname of Appellant Ronnie Martin. ROA 5; 10; 46-48; 57.

Williams knew Ronnie Martin because he was an acquaintance of her daughter, and he had been at the Williams’ house with her daughter earlier the day of the burglary. ROA 5-6; 9; 46. Williams was the only eyewitness of the crime as her husband was in another room and did not see the burglar. ROA 11-12; 54. Believing the burglar to be Ronnie Martin, Williams shouted: “Ronnie Moe, give me my pocketbook. What you doing with my pocketbook?” ROA 8; 48. The burglar fled the house with the pocketbook. ROA 8; 48-49.

A few days later, Ronnie Martin’s girlfriend, Kimberly Gantt, returned the pocketbook to Williams after she located it in the woods near a path used by “a lot of people...to cut across the street.” ROA 77; 130-131. There was nothing missing from the pocketbook. ROA 88. In a written statement to the Saluda County Sherriff’s Office, Gantt indicated that she learned of the location of the pocketbook from Quinton Samuels who indicated he had stolen the pocketbook. ROA 126-127; 132-134.

During the time frame of the burglary, Ronnie Martin reported that he was walking to and from the grocery store near the home on Quattlebaum Avenue that he shared with Gantt. ROA 76; 120. According to Ronnie Martin, he was approached on his way to the store by Quinton Samuels, who lived two houses down on Quattlebaum Avenue. ROA 136; 164; 166. Quinton Samuels asked Ronnie Martin if he wanted to take part in a "lick," a slang term for a robbery. ROA 164; 167. Subsequently, Ronnie Martin testified that he saw Quinton Samuels, who admitted to stealing a pocketbook and then throwing the pocketbook in the field after being chased by police. ROA 164; 166-167; 169-170. Ronnie Martin indicated that Quinton Samuels, a black male, was wearing a "hoodie" during these conversations. ROA 168.

At trial, it was conceded that the only evidence linking Ronnie Martin to the burglary was the identification by Williams, whose diabetes admittedly affected her eyesight. ROA 55-56; 93. There was no physical or forensic evidence linking Ronnie Martin to the burglary, nor did he have any of Williams' belongings in his possession at the time of his arrest. ROA 89 (no fingerprint or forensic testing on pocketbook); 90-91; 94; 96 (could not get "evidentiary value" from footprint on door given "smeared condition" and could not be compared to Ronnie Martin's boot print); 101 (no DNA evidence at crime scene or recovered pocketbook); 102-103. Further, the "hoodie" that Williams described the burglar as wearing was not part of Ronnie Martin's inventoried property at the jail, purportedly because it was subsequently released to Gantt. ROA 122. The jury's request to see the inventory log and any sign-out sheet for inventoried property was denied. ROA 350; 324-325.

At trial, Gantt testified that Ronnie Martin wanted her to “get [Williams] to say that it wasn’t him and that Quinton was the one that came into the house and got the pocketbook.” ROA 126. According to Gantt, this discussion occurred during an unrecorded in-person visit with Ronnie Martin at jail. ROA 125-126. Gantt’s trial testimony contradicted her earlier written statement to the Sheriff’s Office wherein she indicated that Quinton Samuels had stolen the pocketbook and showed her its location. ROA 126-127; 133.

Over the objection of the defense, the trial court admitted recorded jail house calls between Ronnie Martin and Gantt, wherein Quinton Samuels is mentioned. Specifically, on one recording, Ronnie Martin stated that, “Quinton [Samuels] gonna wear those charges.” Due to the evidentiary rulings, Ronnie Martin could not explain to the jury what this statement meant nor the multiple references to Quinton Samuels throughout the trial.

In both closing and opening argument, the Solicitor emphasized the purported conspiracy to frame Quinton Samuels, who was repeatedly described as “mentally challenged,” a “slow person” and disabled. ROA 29-30; 304-305. There was no testimony from a qualified witness that Quinton Samuels was actually diagnosed as mentally disabled. During his own testimony, Quinton Samuels was not asked about his purported mental disability, and he testified to completing an eleventh grade education. ROA 194.

Following closing argument, defense counsel requested the jury be charged on the lesser offense of burglary in the second degree based on the testimony of the victim (and the only eyewitness) that it was still light out when the burglary occurred. The trial court denied this request. ROA 45; 53; 93; 259-261. Ultimately, the jury convicted Ronnie Martin of

burglary in the first degree, which resulted in him being sentenced to life in prison without parole. ROA 330-331; 349.

ARGUMENT

I. THE TRIAL COURT COMMITTED REVERSIBLE ERRORS.

Ronnie Martin's conviction and sentence should be reversed because, respectfully, the trial court committed serious errors of law, that individually and in aggregate, were material, prejudicial and affected the outcome of the trial. State v. Byers, 392 S.C. 438, 448 (S.C. 2011); State v. Rice, 375 S.C. 302, 316 (S.C. 2007) ("For the error to be harmless, we must determine 'beyond a reasonable doubt the error complained of did not contribute to the verdict obtained.'") (quoting Taylor v. State, 312 S.C. 179, 181 (S.C. 1993)). Each of these errors is addressed in turn.

A. The Trial Court Erred in Excluding Third-Party Guilt Evidence.

The trial court's most prejudicial error was the exclusion of evidence of third-party guilt,¹ which evidentiary ruling tainted the entire trial. This error alone constitutes reversal of Ronnie Martin's conviction.

A defendant is permitted "to introduce evidence of third-party guilt regardless of the strength of the state's case if the evidence offered by the accused as to the commission of the crime by another person is limited to such facts as are inconsistent with his own guilt and that raise a reasonable inference or presumption as to his own innocence." Miller v. State, 379 S.C. 108, 114 (S.C. 2008) (citing Holmes v. South Carolina, 547 U.S. 319 (2006)).

¹ The issue of third-party guilt was preserved for this Court's review. Defense counsel made a proffer of evidence as to third-party guilt through Ronnie Martin's testimony. ROA 164-177. Defense counsel renewed the objection to the exclusion of third-party exculpatory evidence throughout the course of trial. ROA 250-251; 263; 334.

Here, Ronnie Martin sought to introduce evidence that his neighbor, Quinton Samuels, approached him on the way to the grocery store about participating in a “lick” (slang for a robbery) shortly before the burglary at issue occurred. ROA 167. Ronnie Martin testified during the offer of proof that Quinton Samuels was wearing a “hoodie,” the same attire that Williams indicated the burglar was wearing. ROA 168. On his way back from the store and shortly after the burglary was reported to police, Ronnie Martin again encountered Quinton Samuels, who was running. ROA 169. Quinton Samuels indicated that he was running from the police because he “made the lick,” but that he had to throw the stolen pocketbook in his attempt to flee. ROA 169-170. According to Ronnie Martin, Quinton Samuels told him that “[Samuels] had come across a field that I’m familiar with and he said that he threw it up there behind the Wedding House on the edge of the field.” ROA 170.

As a threshold matter, this third-party guilt evidence was otherwise admissible. See State v. Mercer, 381 S.C. 149, 167 (2008) (“Provided threshold admissibility is met, third-party guilt evidence may not be excluded based on the trial court’s view of the evidence or the perceived ‘strength’ of the State’s case.”) (emphasis added). While the trial court characterized the statements that Ronnie Martin attributed to Quinton Samuels as improper hearsay evidence, Quinton Samuels, the declarant, was present in the courtroom subject to a subpoena and was available to and did testify at trial. Thus, the statements are non-hearsay pursuant to South Carolina Rule of Evidence 801(d)(1). Further, the circumstances in which the latter statement was allegedly made except it from the hearsay rule as an excited utterance and/or present sense impression. SCRE 803(1)-(2).

The proffered evidence regarding Quinton Samuels' guilt was not so remote or conjectural to warrant exclusion. Based on the testimony, Quinton Samuels lived "two houses" from Ronnie Martin in close proximity to where the pocketbook was ultimately found. ROA 136. The location of the pocketbook was near a shortcut path that experienced significant foot traffic from those living in the neighborhood. ROA 77. Ronnie Martin and Quinton Samuels were neighbors who had been acquainted for many years; thus, the alleged statements were not part of a highly improbable conversation occurring between two random strangers. ROA 166; 199.

Importantly, the case against Ronnie Martin was highly circumstantial and there was no forensic evidence linking him to the crime. Indeed, the only direct evidence was the victim's identification of Ronnie Martin as the burglar. The identification was subject to scrutiny given Williams' admitted vision problems and various inconsistencies and deficiencies in the victim's testimony. However, the trial court's exclusion of the third-party guilt evidence made it difficult, if not impossible, for defense counsel to utilize these inconsistencies. For example, defense counsel was effectively precluded from comparing Ronnie Martin's physical characteristics to those of Quinton Samuels in order to challenge the validity of the identification.

Further, the trial court's exclusion of the third-party evidence effectively removed an essential credibility determination from the jury; namely, whether to believe Kimberly Gantt's first statement to investigators that Quinton Samuels was the burglar or her subsequent trial testimony re-canting the prior statement and asserting a conspiracy to frame Quinton Samuels. Without the third-party guilt evidence, there was simply no context for the jury to weigh the first statement against the second. See, e.g., State v. Page, 406 S.C.

272, 290 (2013) (“Accordingly, the trial judge essentially determined that Curtice’s later claim (statement and testimony) was truthful and that his earlier, contradictory statements in the voicemail message were untruthful. Thus, the trial judge ostensibly made a credibility determination, which was within the exclusive province of the jury, and, consequently, impermissibly precluded the jury from considering evidence that would have ‘assisted the jury at arriving at the truth.’”).

Moreover, the exclusion of the third-party guilt evidence precluded a defense to the State’s argument that Ronnie Martin’s statements in the recorded jail calls (discussed *infra*) evidenced a conspiracy to frame Quinton Samuels, which was highly prejudicial. Had Ronnie Martin been permitted to present the third-party guilt evidence, he would have been able explain that his references to Quinton Samuels in the calls were not part of a conspiracy but rather to exculpate himself as a suspect based on the pre- and post-burglary conversations with Quinton Samuels. Absent such explanation, the only inference the jury could make from Ronnie Martin’s statements that “Quinton [Samuels] gonna wear those charges” was an intent to frame Quinton Samuels. ROA 172. In actuality, Ronnie Martin testified in the offer of proof that this statement meant that, “I ain’t fixing to go down for something that [Samuels] did.” ROA 172-173.

B. The Trial Court Erred in Admitting Recorded Jail Calls.

The trial court also erred in admitting recorded jail calls between Ronnie Martin and Gantt, which compounded the prejudicial impact of excluding third-party guilt evidence addressed *infra*.²

² This issue was preserved for appeal based on defense counsel’s objection to the admission of the calls during trial. ROA 13-14; 155; 157; 334.

First, the admission of the jail calls violated 18 U.S.C. §§ 2511 and 2516, which prohibits the interception of telephone conversations in the absence of a court order. As courts have recognized, these “protections extend to prisoners’ conversations over institutional telephones.” U.S. v. Lanoue, 71 F.3d 966, 981 (1st Cir. 1995) (citing Campiti v. Walonis, 611 F.2d 387 (1st Cir. 1979), and U.S. v. Amen, 831 F.2d 373, 387 (2d Cir. 1987), cert. denied 485 U.S. 1021 (1988)). The limited exceptions to the prohibition include consent and use by an “investigative or law enforcement officer in the ordinary course of his duties.” 18 U.S.C. §§ 2511(2), 2510(5). “Investigative or law enforcement officer” is statutorily defined as “any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for the offenses enumerated in this chapter...” 18 U.S.C. § 2510(7).

Here, the State failed to establish either exception to the prohibition, offering only the testimony of a jail administrator who does not fall within the definition of “investigative or law enforcement officer.” ROA 152-153; Lanoue, 71 F.3d at 981 (“The trial court did not rely on the law enforcement exception because the government offered no evidence or legal authority to show that the employees of the Wyatt Detention Center who intercepted Lanoue’s conversations were ‘officers of the United States or of a State or political subdivision thereof...empowered by law to conduct investigations of or make arrests for offenses enumerated in section 2516.’”). Further, the jail administrator’s ordinary duties relate to jail security and the “periodic” monitoring of jail calls is for “security purposes” rather than investigative or law enforcement activities. ROA 153.

Further, a notification that a jail call “possibly could be monitored” is insufficient notice that the contents of the call could be later utilized as evidence in a criminal

proceeding.³ ROA 153. As such, a detainee's use of the jail telephone system after hearing this recorded message does not equate to implied consent. Lanoue, 71 F.3d at 981 ("Deficient notice will almost always defeat a claim of implied consent."). Because the State did not prove either exception to the prohibition against intercepting telephone conversations, the jail calls were improperly admitted into evidence. See 18 U.S.C. § 2515 ("Whenever any wire or oral communication has been intercepted, no part of the contents may be received in evidence in any trial, hearing, or other proceeding in or before any court...if the disclosure of that information would be in violation of this chapter.").

Second, the admission of the jail calls at a criminal trial violates constitutional protections against unreasonable search and seizure and invasions of privacy. U.S. Const. amend. IV and XIV; S.C. Const., art. 1, § 10. As the jail calls revealed, Ronnie Martin paid for the use of the jail telephone and therefore reasonably expected that the contents of his calls, although monitored, would not be used against him in a criminal proceeding. Given that the stated purpose of monitoring calls is for "security measures," the use of recorded calls as incriminating evidence is constitutionally unreasonable.

C. The Trial Court Erred in Denying an Instruction on the Lesser Offense.

Ronnie Martin was convicted of burglary in the first degree, which is punishable by life in prison. S.C. § 16-11-311(B). The basis for the indictment for first degree burglary was that Ronnie Martin entered into the dwelling during the nighttime. ROA 3. The trial court erred in denying defense counsel's request for a jury instruction on the lesser offense

³ By analogy, this would be the equivalent of arguing that notification that premises are monitored by security cameras means that a person on the premises impliedly consents to the video footage being used to run a criminal background check or warrant search on that person.

of burglary in the second degree because there was evidence to support that it was not “nighttime” at the time of the alleged unlawful entry. ROA 259-261.

Specifically, Williams, the victim and only eyewitness to the crime, testified that “[i]t wasn’t quite dark” at the time the perpetrator entered the house. ROA 45; 54; 93. Upon further questioning by the Solicitor, Williams twice confirmed that “[i]t wasn’t dark.” She described that, “[i]t was like middle daylight look a little bit. You know how the evening go down?” *Id.* This evidence is susceptible of the inference that Ronnie Martin committed the lesser offense of second degree burglary; accordingly, the trial court erred in not so charging the jury. *State v. Kornahrens*, 290 S.C. 281, 296 (S.C. 1986) (recognizing that charge on lesser offense is proper when the evidence is susceptible of the inference the defendant committed the lesser offense); *State v. Dingle*, 279 S.C. 278 (1983) (“It is well settled in this state that the law to be charged is determined from the evidence presented at trial.”).

While the Solicitor focused on the 8:00 p.m. time frame, this was the time that the 911-call came through dispatch. ROA 69-70. As Chief Goldman testified, the dispatcher did not indicate that it was an emergency situation, just that a larceny or “something happened.” *Id.* Given that Williams was guessing as to the time of day, and the non-emergency nature of the call, it is reasonable to infer that the actual incident occurred well before 8:00 p.m. Accordingly, it was error not to instruct the jury as to the lesser offense.

II. APPELLANT WAS PREJUDICED BY PROSECUTORIAL STATEMENTS.

The reversible errors discussed *infra* were compounded by, and cannot be divorced from, highly prejudicial statements made by the Solicitor that were unsupported by the evidence. These statements further prevented Ronnie Martin from receiving a fair trial.

“The relevant question is whether the prosecutor’s comments so infected the trial with unfairness as to make the resulting conviction a denial of due process.” State v. Rice, 375 S.C. 302, 315 (S.C. App. 2007). Reversal is warranted if the appellant proves he did not receive a fair trial because of the improper statements. Id. The solicitor’s arguments must be confined to evidence in the record and reliance on statements not supported by the evidence can warrant reversal. State v. Webb, 389 S.C. 174, 181 (S.C. App. 2010).

Here, the Solicitor’s opening and closing arguments were peppered with prejudicial statements, such as: (1) “You’re going to hear that once he [Ronnie Martin] gets into custody in this case the scheming and conniving starts. He gets a hold of Kimberly Gantt and starts talking to her and basically decides he’s gonna get in front of this thing and he’s gonna frame somebody else for doing this. You’re going to hear the name Quinton Samuels. You will hear that Mr. Samuels is a little bit slow and has some disability...”; (2) “And because he [Ronnie Martin] knows her [Gantt], that he can get her to recant her statement and say it wasn’t me, it was Quinton Samuels, the slow person there in Ridge Spring. He’s gonna hang it on him” and (3) “You can hear him [Ronnie Martin] scheming. Get her pocketbook back. Get these charges dropped and let’s frame a mentally challenged person in the town of Ridge Spring, with all deference to Mr. Samuels who is sitting here, he was practically talking to himself when he got up here on the stand, wanted to pick someone

that was defenseless that couldn't defend themselves, that's the Ronnie Martin that's up here." ROA 29-30; 303.

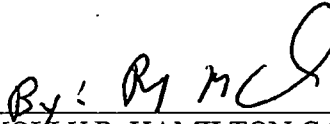
As these statements reflect, the State's argument was focused not on the validity of the victim identification, the only evidence against Ronnie Martin, but rather on portraying him as a conspirator preying on a mentally challenged person. Not only were the Solicitor's statements inflammatory, they were made knowing that the exclusion of third-party guilt evidence precluded Ronnie Martin and his defense counsel from substantively defending against the statements.

Moreover, these references to Quinton Samuels as "mentally challenged" and "disabled" denote a medically established diagnosis, a fact not in evidence. Instead of properly allowing the jury to observe Quinton Samuels' demeanor and intelligence during his testimony, the Solicitor effectively advised the jurors that Quinton Samuels was legally incompetent. Thus, not only was Ronnie Martin prevented from directly defending against the statements about framing Quinton Samuels with third-party guilt evidence, but any inferences the jury might have made about Quinton Samuels' possible involvement in the burglary (based on Gantt's original statement to police) were tainted by the implication that he should or could not be held responsible for the burglary given his mental condition.

CONCLUSION

Ronnie Martin was convicted of burglary in the first degree and sentenced to life in prison without parole after a jury trial. As set forth above, that jury trial was fundamentally unfair based on the trial court's errors and the statements by the Solicitor, which individually or in aggregate, materially and prejudicially affected the outcome. Accordingly, Ronnie Martin's conviction should be reversed.

Respectfully submitted,

By: 

MOLLY R. HAMILTON CAWLEY (#100478)
Attorney

ROBERT M. DUDEK
Chief Appellate Defender

ATTORNEYS FOR APPELLANT

This 1st day of June, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Saluda County
R. Knox McMahon, Circuit Court Judge

RECEIVED
JUN 01 2016
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RONNIE MARTIN,

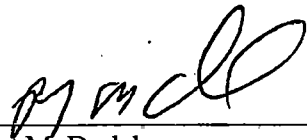
APPELLANT

APPELLATE CASE NO. 2015-001065

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

June 1st, 2016



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STATE OF SOUTH CAROLINA
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Appeal from Saluda County
The Honorable R. Knox McMahon, Circuit Court Judge

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RESPONDENT,

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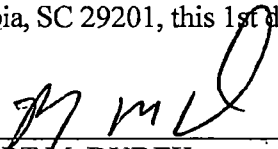
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APPELLATE CASE NO. 2015-001065

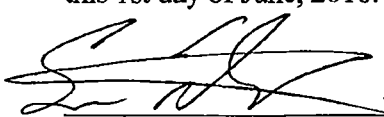
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 1st day of June, 2016.


ROBERT M. DUDEK
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 1st day of June, 2016.


(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

**ORIGINAL
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SC Court of Appeals**STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM SALUDA COUNTY**Court of General Sessions****The Honorable R. Knox McMahon, Circuit Court Judge**

Appellate Case No. 2015-001065

THE STATE,**Respondent,****v.****RONNIE MARTIN,****Appellant.**

FINAL BRIEF OF RESPONDENT

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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY

Court of General Sessions

The Honorable R. Knox McMahon, Circuit Court Judge

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THE STATE,

Respondent,

v.

RONNIE MARTIN,

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUES ON APPEAL	1
STATEMENT OF THE CASE.....	2
STATEMENT OF THE FACTS	3
ARGUMENT	7
I. The trial judge properly excluded Appellant's third-party guilt evidence where Appellant's testimony failed to meet the <u>Gregory</u> standard, as it merely raised an inference to third-party guilt and had no other effect than to cast a bare suspicion on another where Appellant's proffered testimony lacked the requisite facts and circumstances to clearly point out Quinton Samuels as the guilty party.....	7
II. The trial judge properly admitted recordings of telephone calls between Appellant and Kimberly Gantt.....	15
III. The trial judge properly denied Appellant's request to charge the jury on burglary in the second degree where there was no evidence from which it could be inferred that Appellant committed burglary in the second degree rather than burglary in the first degree.....	18
IV. Appellant's argument that the solicitor's statements infected the trial with unfairness and denied Appellant his due process rights is not preserved for appellate review. Even if Appellant's argument was preserved, the solicitor properly predicated his opening and closing arguments on evidence presented and the reasonable inferences to be drawn from that evidence.....	23
CONCLUSION.....	27

TABLE OF AUTHORITIES

Cases:

<u>Bell v. Wolfish</u> , 441 U.S. 520 (1979)	17
<u>Holmes v. South Carolina</u> , 547 U.S. 319 (2006)	11
<u>Hudson v. Palmer</u> , 468 U.S. 517 (1984)	17
<u>Humphries v. State</u> , 351 S.C. 362, 570 S.E.2d 160 (2002)	25
<u>State v. Burgess</u> , 391 S.C. 15, 703 S.E.2d 512 (2010)	11
<u>State v. Coleman</u> , 342 S.C. 172, 536 S.E.2d 387 (Ct. App. 2000)	21
<u>State v. Cooper</u> , 334 S.C. 540, 514 S.E.2d 584 (1999)	11, 12
<u>State v. Freiburger</u> , 366 S.C. 125, 620 S.E.2d 737 (2005)	24
<u>State v. Geiger</u> , 370 S.C. 600, 635 S.E.2d 669 (Ct. App. 2006)	21
<u>State v. Green</u> , 397 S.C. 268, 724 S.E.2d 664 (2012)	21
<u>State v. Gregory</u> , 198 S.C. 98, 16 S.E.2d 532 (1941)	10, 11, 12
<u>State v. Hill</u> , 315 S.C. 260, 433 S.E.2d 838 (1993)	21
<u>State v. Holland</u> , 385 S.C. 159, 682 S.E.2d 898 (Ct. App. 2009)	21
<u>State v. Lambright</u> , 279 S.C. 535, 309 S.E.2d 7 (1983)	21
<u>State v. New</u> , 338 S.C. 313, 526 S.E.2d 237 (Ct. App. 1999)	24
<u>State v. Peer</u> , 320 S.C. 546, 466 S.E.2d 375 (Ct. App. 1996)	21
<u>State v. Reeves</u> , 301 S.C. 191, 391 S.E.2d 241 (1990)	14
<u>State v. Rice</u> , 375 S.C. 302, 652 S.E.2d 409 (2007)	11
<u>State v. Saltz</u> , 346 S.C. 114, 551 S.E.2d 240 (2001)	10
<u>State v. Swafford</u> , 375 S.C. 637, 654 S.E.2d 297 (2007)	12, 13
<u>State v. Tapp</u> , 398 S.C. 376, 728 S.E.2d 468 (2012)	14

<u>State v. Varvil</u> , 338 S.C. 335, 526 S.E.2d 248 (Ct. App. 2000)	24
<u>State v. Weaver</u> , 265 S.C. 130, 217 S.E.2d 31 (1975).....	21
<u>State v. Wilkins</u> , 310 S.C. 81, 425 S.E.2d 68 (Ct. App. 1992)	24
<u>United States v. Hammond</u> , 286 F.3d 189 (4th Cir. 2002)	16, 17
Statutes:	
18 U.S.C. §2011(2)(c).....	16
18 U.S.C. §2510(a)(ii)	16
18 U.S.C. §2511.....	15
18 U.S.C. §2516.....	15

STATEMENT OF ISSUES ON APPEAL**I.**

The trial judge properly excluded Appellant's third-party guilt evidence where Appellant's testimony failed to meet the Gregory standard, as it merely raised an inference to third-party guilt and had no other effect than to cast a bare suspicion on another where Appellant's proffered testimony lacked the requisite facts and circumstances to clearly point out Quinton Samuels as the guilty party.

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The trial judge properly admitted recordings of telephone calls between Appellant and Kimberly Gantt.

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Appellant's argument that the solicitor's statements infected the trial with unfairness and denied Appellant his due process rights is not preserved for appellate review. Even if Appellant's argument was preserved, the solicitor properly predicated his opening and closing arguments on evidence presented and the reasonable inferences to be drawn from that evidence.

STATEMENT OF THE CASE

Ronnie Martin was indicted at the February 2014 term of the grand jury for Saluda County for burglary in the first degree (2014-GS-41-035). Martin proceeded to a trial by jury from May 5-7, 2015, in Saluda, South Carolina. At the conclusion of trial, Martin was found guilty as indicted. He was sentenced by the Honorable R. Knox McMahon to life imprisonment without the possibility of parole. Martin timely filed a notice of appeal and subsequently submitted a brief. This Brief of Respondent follows.

STATEMENT OF FACTS

At around 8:00 P.M. on December 13, 2013, Dianne Williams walked out of her kitchen and into the front room of her house. ROA. p. 43. Williams's dog went and sniffed the door after hearing a noise. ROA. p. 45. Williams testified, "Well it was a loud noise. The next thing I know there was a kick at the door and the next thing I know Ronnie Moe was coming through the door." Williams explained the "Ronnie Moe" she was referring to is Ronnie Martin, the appellant in this case. ROA. p. 46. After kicking down the door, Appellant grabbed Williams's pocketbook. ROA. p. 47. When Appellant grabbed Williams's pocketbook, she asked him, "Ronnie, what you doing with my pocketbook." ROA. p. 48. Appellant then ran outside with Williams's pocketbook. ROA. p. 49.

Appellant had been at Williams's home earlier in the day when he helped Williams's daughter bring some items into the home. ROA. p. 46. Williams testified Appellant was wearing a blue hoodie and khaki pants when he was at her home earlier in the day. ROA. pp. 46-47. When Appellant returned to the home, he was wearing the same blue hoodie, however the hood on the jacket was up. ROA. p. 47. Despite the fact Appellant had the hood on the sweatshirt up, Williams could clearly see Appellant's face and facial features. ROA. p. 48. Williams testified she was positive the intruder was Appellant. ROA. pp. 48-49. After Appellant ran away from the home, Williams immediately called 911. ROA. p. 50.

Dianne Williams's husband, James Williams, was in another room in the home at the time of the burglary. roa. p. 106. Mr. Williams heard the door slam and heard Dianne Williams say, "Ronnie Moe., put my pocketbook down. What you doing with my

pocketbook?" ROA. p. 106. Mr. Williams also testified it was dark at the time, which prevented him from seeing anything once Appellant left the home. ROA. p. 106.

Chief Jared Goldman was less than a quarter of a mile from the Williams home when he received a call about a stolen purse. ROA. p. 69. Chief Goldman received the call from dispatch at 8:04 PM and arrived at 8:05 PM. ROA. p. 70. Goldman testified that when he arrived, the robbery had just happened moments before and that it was dark at the time of his arrival. ROA. pp. 73-74. Goldman received a description of the suspect from Williams and relayed to other officers to be on the lookout for a black male named Ronnie Moe and that he was wearing khaki pants and a blue hoodie. ROA. p. 74. Goldman then set about taking photographs of the crime scene. ROA. p. 75. Almost immediately after beginning to photograph the crime scene, Goldman received a call indicating the suspect had been spotted. ROA. p. 75.

Officer Mike Rushton was patrolling in Ridge Spring when he saw an individual wearing clothing that matched the description provided by Chief Goldman. ROA. p. 112. Upon seeing Officer Rushton's vehicle, the individual ran into the woods. ROA. p. 112. Officer Rushton and Officer Cody Cockrell eventually were able to locate the man and ascertain that it was Appellant. ROA. p. 113. Rushton, Goldman, and Cockrell had difficulty securing Appellant to place him into custody and had to physically restrain him. ROA. p. 114. Appellant was then placed under arrest for burglary and placed in the back seat of Chief Goldman's car. ROA. p. 114. Appellant did not have anything belonging to Dianne Williams on his person when he was arrested. ROA. p. 94. Once Appellant was safely in the backseat, Goldman returned to the Williams's address to gather some things that were left behind when he hurriedly left the scene to assist in Appellant's arrest.

ROA. p. 80. Once Goldman exited the vehicle, Appellant became upset and began kicking the window. ROA. p. 80. Goldman immediately got back into the vehicle and transported Appellant to the Saluda County Detention Center. ROA. p. 80.

Kimberly Gantt testified at trial. ROA. pp. 119-139. Gantt and Appellant were in a relationship and lived together in December of 2013. ROA. p. 120. Gantt confirmed that on the evening of December 13, 2012, Appellant was wearing a blue hoodie and khaki pants. ROA. p. 121. At some time during the evening hours of December 13th, Gantt learned Appellant had been arrested. ROA. p. 122. After learning of Appellant's arrest, Gantt went to the jail to visit him. ROA. p. 123. Appellant asked Gantt to go and get the purse and return it to Williams. ROA. p. 123. Appellant told her she could find the purse close to The Wedding House in Ride Spring. ROA. pp. 123-124. Gantt was subsequently able to located the pocketbook and return it to Williams. ROA. p. 130. Gantt testified that by returning the purse, she was trying to get Appellant's charges dropped because Williams indicated she only wanted the purse returned. ROA. p. 130.

Gantt communicated with Appellant when he was in jail via telephone and in-person. ROA. p. 125. During one in-person meeting, Appellant asked Gantt to tell authorities that a man named Quentin Samuels showed her where the pocketbook was hidden. ROA. p. 124. When asked what Quentin Samuel's mental state was, Gantt replied, "He's not - - Well, he's not bright."¹ ROA. p. 124. Appellant also asked Gantt to convince Williams to tell the police that Appellant did not commit the crime and Quentin Samuels was the individual who broke into her home and stole her pocketbook. ROA. p.

¹ Previously at trial, Chief Goldman testified he knew Quentin Samuels and that, "I have had some dealings with Quinton and actually know him well. Quinton is a very handicapped or slow individual." ROA. p. 92. Goldman continued, "Quinton Samuels is very child-like. He's very impressionable. He can be talked into doing things, I guess, but really he's just very child-like. I would say he was around eight or ten years old mentally in his mind." ROA. p. 93.

126. At Appellant's instruction, Gantt provided investigators with a false statement where she told Chief Goldman that Quinton was the responsible party and he showed her where the pocketbook was hidden. ROA. p. 127. After she was unable to get Williams to place the blame for the burglary on Quentin Samuels, Gantt received threatening letters from Appellant.

ARGUMENT

I.

The trial judge properly excluded Appellant's third-party guilt evidence where Appellant's testimony failed to meet the Gregory standard, as it merely raised an inference to third-party guilt and had no other effect than to cast a bare suspicion on another where Appellant's proffered testimony lacked the requisite facts and circumstances to clearly point out Quinton Samuels as the guilty party.

Relevant Facts

At the conclusion of the State's case, Appellant indicated he would be testifying in his defense. ROA. p. 159. Before the jury was brought in, the solicitor stated:

I do have one item that I would like to address. I'm informed that there may be an allegation of third party guilt testimony on the part of the Defendant in this case. I would ask that pursuant - - I'm assuming from my reading of State versus Rice, the last case I saw from 2007 on third party guilt . . . State versus Rice, 375 South Carolina 302 talks about the limitations of third party guilt evidence. I would ask if they intend to introduce evidence of third party guilt in this case that they proffer it here to see if it's going to meet the standards of admission to show that there must be a proof of a connection with the crime such as a train of facts or circumstances that clearly tend to point out such other person as the guilty party. In this case, Your Honor, where there is strong evidence against the Defendant in this case I think they are going to have to show something other than his naked allegations or some conjecture or assertion that there's third party guilt in this case.

ROA. pp. 160-161. The Court then allowed a proffer of Appellant's testimony. ROA. p. 163. During the proffer, Appellant was asked whether he committed the burglary. ROA. p. 164. Appellant replied he did not commit the burglary. ROA. p. 164. Appellant was then asked whether he knew who committed the burglary. ROA. p. 164. Appellant responded, "Well, Quinton Samuels had came by earlier that day and asked me to go with him to make a lick." ROA. p. 164. The term "lick" is slang for a break-in or robbery.

ROA. p. 167. Appellant alleged he told Samuels that he was crazy and declined his offer to pull the "lick." ROA. p. 168. After being again asked whether he knew who committed the robbery, Appellant responded, "Well, after, uh, I got locked up, I just speculated because Quinton came back by and said he had made a lick. I said, if you did where's it at?" Appellant then alleged Samuels told him he had to run because the police were pursuing him. ROA. p. 164. Appellant then testified, "I said, man, you ain't did nothing. He said, yeah I got it, man. I got it. He told me he had got a pocketbook." ROA. pp. 164-165. Appellant claimed Samuels told him he threw the purse away because he was being pursued by police. ROA. p. 169. Appellant testified Samuels told him he threw the purse in a field behind a building known as The Watson House or The Wedding House. ROA. p. 170. Appellant claimed in the jail calls he was imploring Gantt to ask Samuels where the purse was hidden. ROA. p. 174. Appellant testified his recorded statements regarding Samuels meant, "I ain't fixing to go down for something that you [Samuels] did." ROA. p. 172. Appellant conceded he had no direct evidence of seeing Samuels going into Williams' home. ROA. p. 175. Appellant also conceded he did not believe Samuels when he said he made a "lick." ROA. p. 1757.

Following arguments from the solicitor and Defense Counsel, the trial judge ruled:

I'm not going to send the jury in and out on this. He says it's not admissible because it's hearsay. To go further, on the Rice case which goes back to Gregory and Gay, Holmes, went to the United States Supreme Court, those forensic cases on third party guilt are somewhat different creatures because of some language in Gay that flipped, I think, Holmes when it went to the United States Supreme Court. But the foundation of the law in Gregory, evidence which can have no other effect than to cast bare suspicion upon another or to raise a conjecture, an inference as to the commission of a crime by another is not admissible. But before such testimony can be received, there must be such proof of a

connection with it such as a train of facts and circumstances that lead clearly to point out such other person as the guilty party. The first car in the train is that young lady right there, right over the right shoulder of Chief Goldman, Ms. Dianne Williams and according to the engine pulling the train, the person, the guilty party is sitting to my left, Mr. Martin. So anything else inconsistent with that does not meet the third party guilty standard. It does not point out such other person as the guilty party. Not only has she identified Mr. Martin, during the course of the event she's hollering out his name and her husband is coming in and hears the name. The name he hears is not Quinton Samuels. The person she sees and says she sees is not Quinton Samuels. She knows him. He was over there earlier in the day. He went to the Dollar General and got her a box of Honey Buns. He's friends with her daughter. She knows he rides a moped. Therefore, it's just pure conjecture and surmise. Mr. Martin's testimony was Quinton says he's going to make a lick. That's hearsay. And his next statement is I speculate that he may have made the lick. And he says he's running because the police are coming and he kind of just fills in the blanks as he goes. . . It's just pure speculation. It surmises. It doesn't meet the standards. Yes, he can offer a defense. He can tell where he was, where he was at and such as that, but it does not meet the third party guilt standard. Additionally, additionally, it is hearsay and there is no exception to the hearsay rule. Mr. Samuels is present. He's under subpoena of the Court. I had him remain under subpoena of the Court. You are welcome to call Mr. Samuels as a witness.

ROA. pp. 185-186.

Defense Counsel then inquired as to whether Appellant could testify about Samuels alleged statements if Samuels were called as a witness and subsequently denied making the statements. ROA. p. 190. Defense Counsel asserted the statements would then be admissible as a prior inconsistent statement. ROA. p. 190. The trial judge responded:

I am not going to make an anticipatory ruling in that regard. It depends on whether or not it meets the standard of a prior inconsistent statement. If a witness doesn't clearly deny or has no memory of anything of that nature, it depends on whether or not it meets the various tests under the Rules of Evidence 613 concerning extrinsic evidence."

ROA. p. 190.

The defense subsequently called Quinton Samuels as a witness. ROA. p. 191. When asked whether he recalled the evening of Appellant's arrest, Samuels replied, "No

sir. I have not spoke to that man. I have not saw that man.” ROA. p. 197. When asked the last time he saw Appellant, Samuels replied, “I ain’t. I ain’t been seeing him lately, sir. Every time I be seeing him I be riding with my mama.” ROA. p. 197. Samuels also testified he had no personal knowledge of the facts of this case. ROA. p. 198.

Discussion

Appellant asserts the trial court erred in excluding Appellant’s testimony concerning purported conversations he had with Quinton Samuels. This arguments is without merit, as the trial judge properly considered the applicable standard under State v. Gregory, 198 S.C. 98, 16 S.E.2d 532 (1941), and determined Appellant’s testimony did not meet the threshold for admissibility for third-party guilt evidence. Appellant’s testimony concerning purported statements made by Quinton Samuels had no effect aside from casting bare suspicion on Samuels by conjecture and inference.

“The admission or exclusion of evidence is left to the sound discretion of the trial judge, whose decision will not be reversed on appeal absent an abuse of discretion.” State v. Saltz, 346 S.C. 114, 121, 551 S.E.2d 240, 244 (2001). In Gregory, the South Carolina Supreme Court set the standard for the admissibility of third-party guilt evidence, stating:

[T]he evidence offered by accused as to the commission of the crime by another person must be limited to such facts as are inconsistent with his own guilt, and to such facts as raise a reasonable inference or presumption as to his own innocence; **evidence which can have (no) other effect than to cast a bare suspicion upon another, or to raise a conjectural inference as to the commission of the crime by another, is not admissible....** But before such testimony can be received, there must be such proof of connection with it, such a train of facts or circumstances, as tends clearly to point out such other person as the guilty party. Remote acts, disconnected and outside the crime itself, cannot be separately proved for such a purpose.

198 S.C. at 104-105, 16 S.E.2d at 534-35 (emphasis added). As this Court observed in State v. Burgess, 391 S.C. 15, 703 S.E.2d 512 (2010), the United States Supreme Court found in Holmes v. South Carolina, 547 U.S. 319, 328 (2006) that the rule of State v. Gregory is the type of rule that does not deny a defendant his right to present evidence.

In State v. Rice, 375 S.C. 302, 313, 652 S.E.2d 409, 414 (2007), *overruled on other grounds by* State v. Byers, 392 S.C. 438, 710 S.E.2d 55 (2011), Rice sought to impeach co-defendant Iris Bryant with a prior inconsistent statement Bryant made to a fellow prisoner. The substance of the purported statement Bryant made to her fellow prisoner was that a woman named Nikki was responsible for the murder in the case, not Rice. *Id.* In a footnote, the court noted, “Rice sought to introduce testimony that Bryant’s cousin, Tiki, committed the crimes. However, Bryant’s initial statements to police did not mention Tiki, but instead named Nikki as the person involved. . . . Whether Tiki and Nikki were the same person remains unresolved.” *Id.* at 337 n.1. The court found:

The trial court adhered to the Gregory rule and applied the proper standard for admission of third-party guilt evidence—there must be such proof of connection with the crime, such a train of facts or circumstances, as tends clearly to point out such other person as the guilty party. The evidence Rice asserted in support of introducing the third-party guilt testimony implicated Nikki at times, and Tiki at times, with no clarification as to whether they were the same individual. **The record is void of facts or circumstances, other than Bryant’s inconsistent statements, linking anyone other than Rice to Brennan’s murder. The proffered evidence casts a mere “bare suspicion” on Nikki or Tiki and fails to connect either to the murder by way of the facts and circumstances surrounding the crime.**

Id. at 322 (emphasis added).

Similarly, in State v. Cooper, 334 S.C. 540, 547, 514 S.E.2d 584, 588 (1999), the defendant proffered the testimony of Solomon Nelson who claimed he overheard Shirley Gilmore tell Peter Wayne Marshall that Gilmore, Dottie Suber, and the defendant’s

girlfriend murdered the victim in the case. Marshall admitted having a conversation with Gilmore concerning the murder but denied Gilmore confessed to the killing. Id. Marshall testified at trial Gilmore told him the defendant did not act alone in the murder. Id. Gilmore proffered testimony that she did not tell Marshall she killed the victim. Id. Gilmore testified she only told Marshall she believed the defendant was innocent. Id. The Court emphasized the fact that the defendant admitted the sole purpose for calling Gilmore was to impeach her with Nelson's testimony, thereby supplying evidence of her guilt. Id. at 549. The Court noted "this Court has imposed strict limits on the admissibility of third-party guilt." Id. The Court found:

In the instant case, Gilmore admitted having a conversation with Marshall concerning Defendant's case, but denied admitting to the crime. Aside from Nelson's assertion, there was no credible evidence linking Gilmore to Victim's murder. Gilmore testified in camera that she had never been to Victim's house. Thus, there was no evidence that tended clearly to point out that Gilmore was guilty of the crime. Nelson's testimony would therefore be prohibited under Gregory, *supra*.

Id. at 549-550.

In State v. Swafford, 375 S.C. 637, 639-640, 654 S.E.2d 297, 298 (2007), Swafford attempted to introduce evidence at trial that a third party, Jerry Gillespie, was driving his truck at the time of the accident that led to his being charged with felony driving under the influence resulting in death. Swafford sought to introduce two particular pieces of third-party guilt evidence. Id. at 640. Firstly, Carol Johnson testified in camera that she knows Swafford and saw him about 12:30 P.M. on the day of the accident riding in the passenger side of his truck. Id. Johnson identified Gillespie as the driver of the truck. Id. Secondly, Brian Bobo testified in camera that Gillespie was his best friend and told him the evening of the accident that he was involved in a terrible

accident while driving Swafford's truck. Id. Gillespie testified in camera and denied any involvement in the accident. Id. The Court ruled the trial judge in this case considered Cooper, reiterated the rule in Gregory, and properly considered the weakness of the proffered evidence. Id. at 643. The Court found Johnson's testimony did not offer proof Swafford was a passenger at the time of the accident nor that Gillespie was the driver at that point in time. Id. at 642. Johnson's testimony offered no reliable proof that he was driving at the time of the accident. Id. The Court also found no error in the exclusion of Bobo's testimony, as Bobo could produce no support for his bare assertion that he called Gillespie the night of the accident. Id.

As in Rice, Cooper, and Swafford, the trial judge correctly applied the third-party guilt standard and concluded Appellant's testimony concerning his alleged conversations with Quinton Samuels was inadmissible. There are no facts or circumstances, other than Appellant's proffered testimony, linking anyone other than Appellant to the burglary at the Williams' home. The proffered evidence casts a mere "bare suspicion" on Samuels, as there is no credible evidence that tended clearly to point out Samuels was guilty of the crime. Samuels testified he did not speak with Appellant on the night of his arrest, he had no personal knowledge of the facts of the case, and that the only times he had ever seen Appellant, Samuels was riding in the car with his mother. Furthermore, even if Appellant's testimony concerning Samuels' statements was taken as true, they raised only a conjectural inference as to Samuels' guilt. Appellant's testimony was that Samuels invited him to pull a "lick" and later told him he had pulled the "lick" and stolen a purse. Appellant conceded he had no direct evidence of Samuels going into the Williams' home. Appellant's testimony, if it were believed, directly established merely that Samuels

committed a burglary on December 13, 2013. The conclusion that Samuels committed the particular burglary in this case is thus inferential and conjectural, which is counter to the Gregory Rule.

Finally, even if the trial court somehow erred in excluding Appellant's testimony concerning third-party guilt, any alleged error in this case was harmless due to overwhelming evidence of Appellant's guilt. Error is harmless when it could not reasonably have affected the result of the trial. State v. Reeves, 301 S.C. 191, 194, 391 S.E.2d 241, 243 (1990). The key factor for determining whether a trial error constitutes reversible error is whether it appears beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained." State v. Tapp, 398 S.C. 376, 728 S.E.2d 468 (2012) (citations and internal quotations are omitted)." Dianne Williams knew Appellant and interacted with him earlier in the day where he was wearing khaki pants and a blue hoodie. Williams observed Appellant, still wearing the same clothes as earlier in the day, break into her home and grab her purse. Williams could clearly see Appellant's face and called out to him by name. At trial, Kimberly Gantt detailed Appellant's plan to cover up his involvement in the burglary by attempting to frame Quinton Samuels for the crime. The jury, thus, was presented with overwhelming evidence of Appellant's guilt. Appellant's conviction and sentence should be affirmed.