

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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S.C. SUPREME COURT

Appeal from Richland County

DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN EVERETT PRINGLE,

APPELLANT

APPELLATE CASE NO 2017-001571

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

COURT OF GENERAL SESSIONS

2017-GS-40-01803

2016-GS-40-01776

2016-GS-40-01777

3
4
5 State of South Carolina,)

6 Plaintiff,)

7 vs.)

TRANSCRIPT OF RECORD

8 Brian Everett Pringle,)

9 Defendant.)

10 July 10-12, 2017

11 Columbia, South Carolina

12
13 B E F O R E:

14 THE HONORABLE DEANDREA G. BENJAMIN, JUDGE; and a
15 jury.

16
17 A P P E A R A N C E S:

18 RICHARD C.R. CATHCART, ASSISTANT SOLICITOR
19 JEREMIAH JOSEPH SHELLBERG, II, ASSISTANT
20 SOLICITOR
Attorneys for the Plaintiff

21 W. MICHAEL DUNCAN, ASSISTANT PUBLIC DEFENDER
22 Attorney for the Defendant

23
24
25 DEBORAH M. McCURDY, RPR
Official Court Reporter

1 Biggers as to identification.

2 THE COURT: Yes, sir. Go ahead.

3 MR. CATHCART: The State calls Investigator
4 Truluck.

5 (Witness approaches.)

6 THE BAILIFF: Place your left hand on the
7 Bible, and raise your right hand, please.

8 (Witness complies.)

9 THE CLERK: Do you swear or affirm the
10 testimony you give in this case will be the truth,
11 the whole truth, and nothing but the truth, so help
12 you God?

13 THE WITNESS: Yes, ma'am, I do.

14 THE CLERK: Have a seat in the witness stand,
15 and state your full name for the record.

16 (Witness seated.)

17 THE WITNESS: Cris Truluck.

18 CRIS TRULUCK,
19 after being duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. CATHCART:

22 Q Investigator Truluck, were you the lead
23 investigator as to the Sheriff's Department portion
24 of these cases?

25 A Yes, sir.

1 Q Specifically dealing with robbery on Farrow Road?

2 A Yes, sir, 8550 Farrow Road.

3 Q Okay. And can you please indicate to the judge how
4 Mr. Pringle was developed as a suspect in this
5 case?

6 A Yes, sir. I was assigned the case on December the
7 18th, which would have been a Friday, had to brief
8 the case, try to contact the victim. However, that
9 following Tuesday, I would talk to Sergeant
10 Isenhoward -- he's now Lieutenant Isenhoward, at
11 the time he was my supervisor -- about the case.
12 He also had one very similar in nature where the
13 suspect in that case would put something on the
14 counter and once the register was opened, the
15 suspect would grab the money from the till and run
16 out.

17 Lieutenant Isenhoward at the time recalled a
18 case that he had I believe back in 2008 very
19 similar in nature. And during that time in 2013,
20 Sergeant Carwell, who was working robberies, also
21 had a case involving the Defendant from 2008 and
22 2013.

23 I would get the name of Brian Pringle. I
24 would research his photograph. By then I would
25 have obtained still photos from the City, who had a

1 robbery just like this. I would obtain the videos
2 from our robbery at Farrow Road. All videos,
3 photos, vehicle description, everything was either
4 similar in nature or would come back to the
5 Defendant.

6 The vehicle in question that was used in these
7 robberies was described as a light blue with a
8 black top Geo Tracker. However, I would discover
9 that the Defendant had a Suzuki Sidekick that is
10 registered to him, which is light blue with a black
11 top. And if you put those two side-by-side, they
12 are the exact vehicle, just different makes and
13 models.

14 Q Okay. Let me show you what has been marked State's
15 Exhibit Number 3, 4, 5, and 6. Do you recognize
16 what those are?

17 A Yes, sir. These would be the still photos that
18 came from the City of Columbia's robbery they had,
19 strong armed robbery.

20 Q And Investigator Carwell and Investigator
21 Isenhoward also saw these?

22 A Yes. Those were actually e-mailed to Lieutenant
23 Isenhoward, who showed them to me.

24 Q Okay. Did he indicate he recognized who this
25 person was?

- 1 A Yes.
- 2 Q Did he tell you who it was?
- 3 A Yes, that's how I got his name, Brian Pringle.
- 4 Q So that's where you got the name Brian Pringle
- 5 from?
- 6 A Yes, sir.
- 7 Q Investigator Isenhoward, looking at these photos
- 8 that came from the City, saying, That's Brian
- 9 Pringle?
- 10 A Yes.
- 11 Q So after you found out the name of Brian Pringle,
- 12 what did you do?
- 13 A Based on all this, I would develop a photo lineup
- 14 that included Brian Pringle in it. I contacted
- 15 torah Craft, who was the clerk at the time of the
- 16 robbery at 8550 Farrow Road. I would bring her in
- 17 and meet with her in my office.
- 18 The first thing I did before taking the
- 19 statement was I presented her with the photo lineup
- 20 where she did identify the Defendant as the person
- 21 who had robbed the store.
- 22 Q Okay. Did you have the opportunity before you did
- 23 this to view the video of that -- of her specific
- 24 robbery that evening?
- 25 A Yes, I did.

1 Q Did you see how -- if she was close in place to him
2 during the robbery?

3 A Yes.

4 Q Can you describe about how far away they were from
5 each other?

6 A Five feet, at the most, five or six feet. The size
7 of a counter, normal counter in a convenience
8 store.

9 Q Did she indicate that she had any problem picking
10 out the person who did this?

11 A She did not.

12 Q And when you showed her -- what did you do, what
13 procedure did you do to ask her to identify the
14 photo?

15 A Normally, I would present the photo lineup that had
16 six pictures in it. I would give that to them,
17 have them take their time, see if they recognized
18 or if they saw the person who robbed them in there.
19 She was able to identify him pretty quickly without
20 any hesitation.

21 Q And when you -- did you make this photo lineup?

22 A I did.

23 Q And how do you choose or what did you do to pick
24 the pictures that you put in the photo lineup?

25 A You normally pick someone of similar

1 characteristics, such as hair, facial hair, weight,
2 age, those characteristics, and you try to put them
3 all together to look similar in nature to each
4 other.

5 Q I show you what has been marked as State's Exhibit
6 Number 8. Do you recognize what that is?

7 A Yes, sir. This is the photo lineup that I put
8 together.

9 Q And is that the one you showed Ms. Craft?

10 A Yes, it is.

11 Q And could you please describe her ability to -- or
12 what she did when she saw the photo lineup?

13 A She picked Number 5, which would be Brian Pringle.

14 Q Did she indicate that she had any qualms as to who
15 she picked?

16 A No, she did not.

17 MR. CATHCART: Your Honor, may I approach and
18 show -- hand up the photo -- copy of the photo
19 lineup -- or the photo lineup, which is State's
20 Exhibit Number 8?

21 THE COURT: Yes, sir.

22 MR. CATHCART: Defense counsel has already
23 seen it.

24 (Complies.)

25

1 BY MR. CATHCART:

2 Q After you showed her the photo lineup, did you also
3 have -- well, as you already indicated, Isenhoward
4 gave you some stills; correct?

5 A Uh-huh.

6 Q Did you show her a copy of the still from another
7 robbery -- not her robbery, but the other
8 robbery -- did you show that to her as well?

9 A I did, after I took a written statement.

10 Q So she already -- she indicated -- she picked him
11 out of the photo lineup?

12 A Uh-huh.

13 Q And subsequent to the photo lineup, you showed her
14 a picture from the video of the other robbery that
15 happened that night?

16 A Yes, ma'am -- yes, I did.

17 Q I show you what has been marked as State's Exhibit
18 Number 7. Do you recognize what that is?

19 A I do. This is one of the still shots from the
20 Columbia case, City case.

21 Q And is that the one you showed her?

22 A Yes, sir, it is.

23 Q Did she indicate anything on it in writing?

24 A Yes, I had her write -- actually, I had her --
25 asked her to sign it, and she actually wrote on

1 there, This is the same man who robbed me, and then
2 she signed it.

3 MR. CATHCART: Your Honor, may I hand up
4 State's Exhibit Number 7?

5 THE COURT: Yes, sir.

6 MR. CATHCART: Again, Defense counsel has
7 already seen it.

8 (Complies.)

9 MR. CATHCART: Your Honor, that's all the
10 State has as to identification from this witness.

11 THE COURT: All right. Any questions for this
12 witness?

13 MR. DUNCAN: Very briefly, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. DUNCAN:

16 Q Good afternoon, Investigator Truluck.

17 A How you doing, sir?

18 Q Investigator, you indicated that this case -- the
19 robbery of the store at 8550 Farrow Road is the
20 case that you were assigned to; is that right?

21 A Yes, sir.

22 Q And you got that assignment on Friday,
23 December 18th?

24 A Yes.

25 Q 2015? Sorry.

1 A Yes, sir.

2 Q And you described having information about a Geo
3 Tracker automobile?

4 A Yes, sir.

5 Q Where did you get that information?

6 A I don't believe -- it was definitely documented in
7 the other cases that I became privy to. Once
8 Tuesday rolled around and I spoke to Lieutenant
9 Isenhoward, it was noted in, I believe, the City's
10 case and the one that he had.

11 Q All right. And you indicated -- although you say
12 that the vehicle is similar to Mr. Pringle's
13 vehicle, it's not the same? Mr. Pringle does not
14 own a Geo Tracker; is that correct?

15 A That's correct. He owns a Suzuki Sidekick, which
16 is the exact vehicle. And, as I said before, it is
17 just a different make and model, but the exact
18 color and the top and the bottom, just a different
19 make and model.

20 Q And, Investigator Truluck, it is your testimony
21 that you had no information about my client,
22 Mr. Pringle, until you heard from, at that point,
23 Sergeant Kevin Isenhoward?

24 A Yes, that's correct.

25 Q And he e-mailed you -- and I was unclear about

1 that -- there were photos that were e-mailed to
2 you?

3 A No, the City investigator, I don't know how he got
4 the information, but normally what happens is when
5 different agencies, especially us and the City,
6 have robberies, we will converse with each other
7 through e-mail or BOLO's. And somehow or another,
8 the investigator got in touch with Lieutenant
9 Isenhoward because he was over the robbery unit at
10 the time, and I believe she had sent him the
11 pictures from her robbery.

12 Q And then Mr. Isenhoward sent them to you?

13 A Yes.

14 Q Okay.

15 A I mean, pretty much probably the way it happened,
16 which I remember it happening, he still had them on
17 his computer, he later sent them to me, but I did
18 go to his -- he pulled them up on his computer
19 originally and showed them to me, but eventually
20 sent them.

21 Q And, again, Investigator Truluck, you are the
22 investigator only on the Farrow Road robbery; is
23 that right?

24 A Yes, but we work together. We're in the same unit,
25 so we help each other all the time on his cases or

1 mine or vice versa, so we kind of work in
2 conjunction with each other.

3 Q I see.

4 MR. DUNCAN: That's all the questions I have.

5 THE COURT: Anything else from the State?

6 REDIRECT EXAMINATION

7 BY MR. CATHCART:

8 Q You had the opportunity in investigating this case
9 to view all the three videos; correct?

10 A I'm sorry?

11 Q You did have the opportunity to view all the three
12 videos; correct?

13 A Yes.

14 Q Did you see the Defendant's car in those videos?

15 A I believe in one of them, for sure. I believe
16 there was photos of it.

17 Q That the City --

18 A I believe the car was in one video and the
19 description was given by an employee from another
20 one.

21 Q We're talking about State's Exhibit Number 6?

22 A Yes.

23 Q And that's a picture of -- that was sent to
24 Isenhoward that you saw as well?

25 A Yes.

1 Q And when seeing all three videos, is the person
2 dressed the same in all three?

3 A Different colored clothing, but similar in nature.

4 Q Was it different hats or same hats?

5 A Different hats.

6 Q But the victim on the first strong arm picks him
7 out from the City picture; correct?

8 A Yes.

9 Q Okay. And even though you were not the lead
10 investigator on the third one, did you see the hat
11 he was wearing in that one?

12 A I eventually did find that hat.

13 Q Where was his hat? Where was that hat?

14 A In the Suzuki Sidekick that was registered to him.
15 When he was arrested, it was seized. I would get a
16 search warrant for that vehicle and find the
17 camouflage hat, which is a military-style hat where
18 you can pull the ears down over, or the flaps over
19 your ears. That being that hat, and I knew it as
20 soon as I saw it from being in the other case. It
21 was seized and placed in evidence.

22 Q Okay. But that would be the case that Isenhoward
23 was working as well?

24 A Yes, sir.

25 Q So y'all were working together on all these cases?

1 A Yes, sir.

2 MR. CATHCART: No further questions.

3 THE COURT: Anything else?

4 MR. DUNCAN: Nothing further for this witness.

5 THE COURT: Sir, you can step down.

6 (Witness steps down.)

7 THE COURT: Call your next witness.

8 MR. CATHCART: The State calls Investigator
9 Fitzgerald.

10 (Witness approaches.)

11 THE BAILIFF: Place your left hand on the
12 Bible, and raise your right hand, please.

13 (Witness complies.)

14 THE CLERK: Do you swear or affirm the
15 testimony you give in this case will be the truth,
16 the whole truth, and nothing but the truth, so help
17 you God?

18 THE WITNESS: I do.

19 THE CLERK: Please have a seat, and state your
20 full name for the record.

21 (Witness seated.)

22 THE WITNESS: Allison Fitzgerald.

23 ALLISON FITZGERALD,
24 after being duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. CATHCART:

2 Q Investigator Fitzgerald, where are you employed?

3 A City of Columbia Police Department.

4 Q In what capacity?

5 A As an investigator.

6 Q And pursuant to that capacity, did you have the
7 opportunity to investigate a case that we're
8 talking about here today that occurred December --
9 yours, 18th?

10 A December 18th, correct, at 2:10 a.m.

11 Q 2015. What time did it happen?

12 A 2:10 a.m. approximately.

13 Q And can you please describe to the judge how you
14 developed Brian Pringle as a suspect in this case?

15 A Sure. I was assigned this case on December 18th of
16 2015, so the next morning -- well, the same morning
17 later after it happened. I did not develop a
18 suspect until the 22nd, I guess it was that
19 Tuesday. Again, I think we were making contact
20 with the county at that point because we were
21 realizing that there had been multiple strong armed
22 robberies with similar MOs within that timeframe.

23 Q When you say similar MOs, can describe what that MO
24 is?

25 A Different convenient stores had a black male

1 matching the same description set a honey bun or an
2 object on the counter and then attempt to take
3 money and/or take money, in my case.

4 Q Okay. How did you, as you were saying, develop him
5 as a suspect?

6 A Yes. Then I -- I received a phone call from
7 Sergeant Isenhoward on the 22nd. He did state they
8 had two different incidents that were very similar
9 to mine. He then called back after he had kind of
10 got his ducks in a row and recalled an incident --
11 some incidents from years ago in which he had Brian
12 Everett Pringle as a suspect. So he called me back
13 with that name. I then began researching him on my
14 own and found that he does own a light blue Suzuki
15 Sidekick that looks very similar to a light blue
16 Geo Tracker, which was also described as being the
17 vehicle used in the strong armed robbery.

18 Q In fact, you were able to pull the videos from
19 that -- your strong armed robbery?

20 A Correct.

21 Q And what I showed Investigator Truluck, State's
22 Exhibit 6 and 5, are those the stills that you
23 provided from that video?

24 A Yes.

25 Q And that was --

- 1 A Those were of the vehicle.
- 2 Q The vehicle that the suspect was driving when he
- 3 committed --
- 4 A Correct.
- 5 Q -- the robbery?
- 6 A That was on the back side of the Exxon.
- 7 Q Okay. What did you do after you got the name of
- 8 Brian Pringle?
- 9 A I started developing a photo lineup. We usually
- 10 send ours to SLED to have them do our photo
- 11 lineups. I then received it back and was still
- 12 attempting to locate the victim at that point. She
- 13 had quit her job soon after the actual incident.
- 14 And then we were able to finally track her down on
- 15 the 23rd.
- 16 Q Okay. And did you see the video before you created
- 17 this photo lineup?
- 18 A Yes, I did.
- 19 Q Did you actually create the photo lineup?
- 20 A I did not. We sent it to SLED, which is our usual
- 21 method of dealing with photo lineups.
- 22 Q Does anybody in the photo lineup that SLED created
- 23 for you have a beard?
- 24 A No.
- 25 Q Did the suspect in the video have a beard?

1 A Yes.

2 Q And I believe you indicated you were able to find
3 the victim. What did you do when you found her?

4 A We found the victim. She did not want to make
5 contact initially because she thought she had a
6 bench warrant, which she did not. But when we
7 finally were able to make contact with her, she
8 gave us a written statement about the incident.
9 And then I was able to show her the first photo
10 lineup, which she was not able to pick out anyone
11 in. She stated it was due to her focusing on the
12 beard and the eyes during the actual incident.

13 Q When you did the photo lineup with her, did you
14 indicate to her in any way whatsoever who you
15 wanted her to pick?

16 A No. I actually gave her a form that we give
17 sometimes with our photo lineups describing that
18 the suspect might not be in there, to take their
19 time and to only pick it out if they are sure.

20 Q Okay. I show you what has been marked State's
21 Exhibit Number 9. Do you recognize what that is?

22 A Yes, that's my photo lineup from SLED.

23 Q That's the SLED questions?

24 A Yes.

25 Q And the second page is the photo lineup itself?

- 1 A Created by SLED.
- 2 Q And then the -- her statement from the photo
3 lineup?
- 4 A Correct, which is the form we use for them to
5 identify who they pick.
- 6 Q Okay. And she indicated at that point a picture of
7 no one?
- 8 A Correct, she could not identify.
- 9 Q And, in fact, she wrote on the back of the photo
10 lineup; correct?
- 11 A Yes. She wrote on the back, I'm undecided on
12 either one of these guys, and put her name and
13 signed it.
- 14 Q She also gave a statement that day as well?
- 15 A She did. She gave a written statement.
- 16 Q And she, in the last part of her statement -- do
17 you have a copy with you?
- 18 A I do. I have it.
- 19 Q Did she indicate what was distinctive about him,
20 what she focused on?
- 21 A She did. I asked -- did a questionnaire portion at
22 the end of her written statement. She initially
23 gave -- I asked, What do you remember that was
24 identifiable about the individual? And she stated
25 his bearded -- his beard and his eyes. They were

1 big, probably high on something.

2 Q So she indicated she was focused on the beard?

3 A Correct.

4 MR. CATHCART: Your Honor, may I approach to
5 show her a copy of the lineup provided by SLED?

6 THE COURT: Yes.

7 MR. CATHCART: Defense counsel has already
8 reviewed it. This is State's Exhibit Number 9.

9 (Complies.)

10 BY MR. CATHCART:

11 Q So after she was unable to pick a photo lineup of
12 the Defendant in a 6-pack array of people without
13 beards --

14 A Yes.

15 Q -- what did you do?

16 A At that point, I decided to make a second photo
17 lineup of one that I would develop myself using a
18 picture of Mr. Pringle that actually had a beard.
19 So I went back to my office and did that. We ended
20 up meeting up with her the next day. We were
21 trying to get her in as soon as possible to do that
22 photo lineup before -- I had already been advised
23 that Richland County was going to put warrants out
24 on Mr. Pringle. We didn't want him to be in the
25 news at that point for her to have any bias.

1 Q And I show you what's been marked State's Exhibit
2 Number 10.

3 A That is the photo lineup that I created.

4 Q Okay. And each of these -- what is a common factor
5 of each person in this?

6 A They all have beards and are of similar kind of
7 stature, age, different characteristics.

8 Q Do you recall where you got the photo of this
9 Defendant for this?

10 A I found that photo on the Alvin S. Glenn website.

11 Q Okay. So this is a photo that is recent of what he
12 looks like?

13 A Correct.

14 Q And the staple didn't work, but also on State's
15 Number 10, did she fill that out?

16 A Yes. And that's the form that she filled out
17 stating that she identified Number 3 as Mr. -- as
18 the individual that robbed her.

19 Q In fact, she wrote on the photo lineup as well?

20 A Correct, she did. She signed her name and put a
21 50 percent, that she was 50 percent sure on the
22 24th.

23 MR. CATHCART: Your Honor, may I approach and
24 hand up State's Number 10?

25 THE COURT: Yes.

1 MR. CATHCART: It has already been reviewed by
2 Defense counsel.

3 THE COURT: All right.

4 (Complies.)

5 BY MR. CATHCART:

6 Q And you had the opportunity to view the videos;
7 correct?

8 A Yes.

9 Q And were you able to see how far away she was from
10 the Defendant when this occurred?

11 A She was just across the counter, about two to
12 three feet at the time.

13 Q And were you aware of the videos in the other
14 robberies? Did you see those?

15 A I never actually saw the videos. I did send my
16 still images to Isenhoward, I believe it was, and
17 then that's how we kind of had the communication
18 going back and forth.

19 Q Did you also talk to the Defendant's probation
20 agent?

21 A I did.

22 Q Did you show -- did she indicate she knew him by
23 name and sight?

24 A Yes, she did.

25 Q Did you show her a couple of the stills of the

1 suspect in the case?

2 A Yes, I did.

3 Q Was she able to identify the Defendant?

4 A She did positively identify him as Mr. Pringle.

5 Q Okay. Did y'all have a BOLO out for him?

6 A I don't believe I put a BOLO out because Richland
7 County had already put theirs out. We -- just the
8 officers in the North Region, City of Columbia
9 North Region, had an idea of the vehicle to look
10 for already.

11 Q So they were looking for that vehicle?

12 A Correct.

13 Q Did they find that vehicle?

14 A Officer Medley did do a field interview. It was a
15 couple of days after the incident. He had seen a
16 light blue, what he thought was a Geo Tracker,
17 ended up being a Suzuki Sidekick with Mr. Pringle
18 in it. He did do a field interview on that date
19 with Mr. Pringle and got a phone number for him and
20 made contact with him.

21 Q Just to make sure who's driving that car?

22 A Correct.

23 Q Was Medley given the name Brian Pringle?

24 A He was not. He just made contact with Mr. Pringle.

25 Q In showing both of these photo lineups to the

1 victim, did you do or say anything to indicate who
2 you wanted to be picked out?

3 A No. I usually do the same in the beginning saying
4 that they don't have to pick anyone out if they
5 don't --

6 Q In fact, she wasn't able to pick out anyone in the
7 non-bearded photo lineup; correct?

8 A Correct.

9 MR. CATHCART: Please answer any questions
10 from Defense counsel.

11 CROSS-EXAMINATION

12 BY MR. DUNCAN:

13 Q Good afternoon, Investigator Fitzgerald.
14 Ms. Fitzgerald, you indicated you were assigned
15 this investigation on December 18th, 2015; is that
16 right?

17 A Correct.

18 Q And you made -- do you have the statement in front
19 of you from Ms. Kimbrell Sumter?

20 A I do.

21 Q As part of your notes, investigative packet?

22 A Yes, I do.

23 Q In that -- in the statement of Ms. Sumter, did you
24 write any part of that or did she write it?

25 A She wrote the beginning paragraph, and then I did

1 the questioning part and she did the answers.

2 Q Okay. So -- all right, if I understand, the first
3 paragraph, Guy came in the store, asked me for
4 honey buns, that's her handwriting?

5 A Correct.

6 Q That whole paragraph. You said you have -- you saw
7 that video, you saw the video from --

8 A From my --

9 Q From the store on Greystone Boulevard?

10 A Yes.

11 Q And did you see Ms. Sumter actually standing next
12 to the individual like in the aisle? Did you note
13 that or see that? Do you recall that?

14 A I believe she had initially been around the other
15 side of the counter, not behind it when he walked
16 in. And I think she identified where the honey
17 buns were when he requested where they were, as I
18 recall.

19 Q And you went to see -- you tracked down
20 Ms. Sumter -- you indicated she had quit her job,
21 left her employment?

22 A Correct.

23 Q And you first made contact with her on the 23rd of
24 December; is that right?

25 A Correct.

1 Q And that's the date on the statement that's part of
2 your packet; right?

3 A No. It does say December 18th. That is when she
4 gave that initial paragraph to the first responding
5 officer.

6 Q Okay. So when it says Officer Fitzgerald,
7 that's --

8 A She did -- we did end up clarifying that she had
9 written that initially when I went out to her on
10 the 23rd, and I did a question and answer portion
11 on that same statement.

12 Q You met her for the first time on the 23rd?

13 A Correct.

14 Q She gave this first paragraph of the statement on
15 the date of the incident?

16 A Correct. Sometimes the officers will give them a
17 statement and have them write it down while it's
18 still fresh in their memory.

19 Q And the first time you saw her on the 23rd,
20 Ms. Sumter wrote that she looked at the 6-pack
21 lineup created by SLED; right?

22 A Uh-huh. Correct.

23 Q And then she wrote in her -- it's her
24 handwriting -- I'm undecided of either of these
25 guys, and dated it 12/23/15; is that right?

- 1 A Yes, correct, on the photo lineup.
- 2 Q On the photo lineup. And then you -- I think you
- 3 indicated that you didn't, the City of Columbia
- 4 didn't issue a BOLO?
- 5 A Correct.
- 6 Q But there was a BOLO out during that week between
- 7 December 18th and Christmas; correct?
- 8 A No, it was disseminated to us from Richland County
- 9 after we had already been in contact, yes.
- 10 Q Okay. So there was a Be On The Lookout For Brian
- 11 Pringle; isn't that correct?
- 12 A That was after they had already identified him, not
- 13 before Officer Medley made that stop.
- 14 Q Okay. And Officer Medley had a, I think you called
- 15 it a field interview?
- 16 A Correct.
- 17 Q With Mr. Pringle; is that right? That's your
- 18 understanding?
- 19 A Yes.
- 20 Q And at that point in time, he simply talked to
- 21 Mr. Pringle and Mr. Pringle provided him a phone
- 22 number and that was the end of that?
- 23 A Correct, just made contact.
- 24 Q And was that on December 23rd also?
- 25 A That was.

1 Q Okay. And after that, do you know -- do you know,
2 Investigator Fitzgerald, when Mr. Pringle was
3 actually charged on the Richland County charge? Do
4 you know when he was locked up?

5 A I believe the morning of Christmas Eve, the 24th,
6 the next day.

7 Q And so when you went back and the second -- the
8 second lineup, I'm sorry, is that a 6-photo lineup,
9 did you create the second one?

10 A I did create the second one.

11 Q Okay. And do you have that one in front of you
12 right now?

13 A I don't, but I believe it was entered into --

14 THE COURT: It's up there.

15 (Pause.)

16 BY MR. DUNCAN:

17 Q That's the one you created?

18 A Correct.

19 Q And that's Exhibit 10?

20 A Correct.

21 Q Is that right? All right. And that -- did you
22 have -- that's done on 12/24?

23 A Correct. She signed it 8:50 a.m.

24 Q Ms. Fitzgerald, I see -- there's a date of 12/24,
25 then at the bottom it's December 28th. And on the

1 photo itself, it looks like 12/27 to me. Do you
2 see that? I'm just trying to figure out when --

3 A Correct. That's the date it was notarized. She
4 swore to me and I did not have a notary at that
5 time. Ms. Moore was there on the second -- when
6 she picked out the second photo lineup, though.

7 Q Okay. But the photo lineup itself was presented to
8 Ms. Sumter on 12/27 or 12/24?

9 A 12/24.

10 Q That's a 24?

11 A Yes.

12 Q So on Christmas Eve that photo lineup was presented
13 to Ms. Sumter?

14 A Correct.

15 Q Did you have -- do you recall any further
16 discussion with Ms. Sumter? Did she give any
17 further statement other than the one you had taken
18 the day before?

19 A No, she did not.

20 Q And on this occasion Ms. Sumter says, I'm
21 50 percent sure of the person?

22 A Correct.

23 Q Okay.

24 MR. DUNCAN: I think that's all the questions
25 I have, Your Honor.

1 THE COURT: Anything else from the State?

2 MR. CATHCART: Just a couple questions, Your
3 Honor.

4 REDIRECT EXAMINATION

5 BY MR. CATHCART:

6 Q So the Defendant was arrested on the 24th?

7 A Correct. He had already been arrested.

8 Q So the photo that's used in the second lineup was
9 his booking photo from that date?

10 A No, it was not. It was from a prior date.

11 MR. CATHCART: No further questions.

12 Your Honor, I have no further questions for
13 this witness at this time as to the identification.

14 THE COURT: All right. Ma'am, you may step
15 down.

16 (Witness steps down.)

17 THE COURT: Do you have further witnesses?

18 MR. CATHCART: Not as to this. The victims
19 themselves will have to testify as to that.

20 THE COURT: All right. Any other motions to
21 consider?

22 MR. CATHCART: Yes, as to parole.

23 THE COURT: I need to take a bathroom break,
24 so let's take about five minutes and then we'll
25 come back.

1 (WHEREUPON, a break was taken at 4:28
2 p.m.)

3 (WHEREUPON, the proceedings resumed at
4 4:45 p.m.)

5 THE COURT: All right. I'll be glad to hear
6 from you.

7 As far as the Biggers, those are your two
8 witnesses until the victims come in the morning?

9 MR. CATHCART: That's correct, Your Honor.

10 THE COURT: All right.

11 MR. CATHCART: I guess the only thing as to
12 this afternoon, or at least for pretrial, is, as
13 you heard, and that's one of the reasons I got the
14 investigator to talk about it during the Denno
15 hearing, is that he knows him. He knows him by
16 face and by the fact that he had his prior charge
17 with him, that is the exact same kind of facts.
18 I'm saying Investigator Carwell, for the record,
19 sorry.

20 Also, Investigator Isenhoward, same thing,
21 they know who this guy is. They know who he is
22 because of their prior dealings with him and
23 because he has kind of distinctive style robberies.

24 Therefore, the State would like to be able to
25 not keep the jury in the fog as to why the name

1 Brian Pringle came up; otherwise, it wouldn't until
2 that field interview of a guy driving a Suzuki
3 Samurai -- or Sidekick, excuse me. He's got, I
4 believe, nine prior strong armed robberies.
5 They're all the same kind of facts. I don't want
6 to go into all those, just the ones that my two
7 investigators specifically know about him and why
8 they developed the name Brian Pringle as a suspect
9 in this case.

10 THE COURT: All right. And you're trying to
11 get that in under 404?

12 MR. CATHCART: Under Lyle, yes, Your Honor,
13 under common scheme or plan and identity.

14 THE COURT: Wouldn't common scheme and plan be
15 if it was involving these incidents?

16 MR. CATHCART: I mean, mainly, Your Honor, it
17 is the identity of the Defendant.

18 THE COURT: I think it would be more so -- I
19 think it would be if you were trying to do it under
20 identity.

21 MR. CATHCART: Yes, Your Honor.

22 THE COURT: But do they have to get into the
23 specifics of -- my concern is just the -- and I'll
24 let Mr. Duncan go into that -- my concern is just
25 do we need -- I think -- well, I mean, that's how

1 they identified him. They would have to -- and I'm
2 thinking out loud, I'm not ruling -- testify that
3 they had prior knowledge of Mr. Pringle when they
4 saw the video. I'm not sure if there's any way to
5 get around that, but I don't know necessarily if
6 the testimony as to this is, I know him because
7 he's committed strong armed robbery.

8 MR. CATHCART: No, we wouldn't want to get
9 into the fact that he has priors or anything like
10 that, or really into the complete facts of it.
11 Only that, I know him because of a similar crime,
12 or I guess, A similar incident made me think of
13 Brian Pringle.

14 THE COURT: All right. Let me hear from
15 Mr. Duncan.

16 MR. DUNCAN: Your Honor, it's just awkward,
17 obviously. You know, I mean, I concede that it's
18 an awkward spot. You know, they've got
19 Investigator Carwell specifically this afternoon
20 testified that when he met, he was -- he just
21 happened to be -- as I understand, he just happened
22 to be the sergeant on call or on duty on Christmas
23 Eve, and he met with Brian Pringle and he knew
24 Brian Pringle from four years -- well, at that time
25 two and half years before.

1 But, you know, to say this is some sort of,
2 you know, signature crime, though -- I mean, how
3 else would you -- how else would anybody till tap,
4 reach in a cash register? I mean, how would -- I
5 don't think that gets the State anywhere. I don't
6 think that's the way to go.

7 And I'm left with -- you know, they've got
8 prior instances, but the most current one was from
9 May or June of 2013. That's pretty, you know,
10 pretty far removed from Christmas of 2015.

11 MR. CATHCART: Your Honor, we know where he
12 was during that period of time, he was in prison.

13 If I may hand up State v. Patrick.

14 (Complies.)

15 MR. CATHCART: And, Your Honor, this is a
16 robbery -- it's not -- a little bit farther
17 removed, but two robberies that one occurred in
18 South Carolina and one occurred I believe a few
19 weeks earlier or later in Georgia, but both had the
20 same kind of mode of operation. The phone lines
21 were cut in both of them. The disguises worn were
22 kind of similar in both of them.

23 And that's kind of the same thing here. When
24 the people of Richland County, at least the
25 Sheriff's Department in Richland County hear about

1 a guy till tapping the way that this man does --
2 you have got obviously to see the video to see
3 how -- it's not an aggressive thing. It's not just
4 reaching in. He uses a lot of force and
5 intimidation and scares these women, just like back
6 in the day.

7 When Isenhoward heard about it, he goes, I
8 think Brian's still in jail. He had to look on the
9 Department of Corrections site to see that he was
10 actually out. That's when they figured out, Oh, I
11 know who it is. That's before he even got a chance
12 to look at it.

13 THE COURT: But this -- I guess the
14 distinction I guess I'm trying to make under common
15 plan, these are common in that they occurred -- you
16 said this one happened a week or so before. So
17 that would be similar to these, where this one
18 happened on the 17th, one happened on the 18th, one
19 happened later, all of those three. But my concern
20 is going back three years, regardless of wherever
21 he was, three years and -- or two years, two years
22 -- '15. Okay, two years and saying, We arrested
23 him on this same type -- or, We had -- I mean, I'm
24 assuming -- that's where my concern is regarding
25 the prejudicial effect.

1 I think in order for them to -- in order for
2 you to present your case, they do have to say how
3 they were able to identify him. And if it was that
4 they identified him because they had prior dealings
5 with him. Now the question is whether or not --
6 when does it become prejudicial? When you start
7 saying, We had prior dealings of him doing this
8 exact same thing, then I think that's a fine line
9 right there where it becomes somewhat prejudicial.

10 MR. CATHCART: But, again, like in that case,
11 and as to identity also -- I mean, if the Defendant
12 or any Defendant robbed Richland County back in
13 2003, goes in the store with some nunchucks; 2006,
14 goes in the store with nunchucks; 2008, nunchucks;
15 '13, nunchucks. And then the police two years
16 later hear about some guy went in with nunchucks,
17 they'd think it was the nunchuck bandit. And
18 that's what we have here.

19 THE COURT: I understand, but is the prior --
20 there's a way to frame it. And I have to look back
21 because, of course, this is all fresh to me today,
22 finding out.

23 MR. CATHCART: Yes, ma'am.

24 THE COURT: I'll look over it tonight. But
25 there's a case that I had that was similar to this,

1 and I'm going to try to find my notes on there,
2 where in that case the person that robbed the
3 Dollar General had on -- I can't even remember who
4 tried the case -- had on -- was on probation and
5 had on an ankle monitor and that is how the police
6 were able to catch him because the probation
7 officer was able to say, This was the person
8 that -- this person had on an ankle monitor, let's
9 see who was in this vicinity at this time.

10 And there's some case law out there that says
11 that you can testify that there was a monitor, but
12 you can't say it was related to probation. And you
13 can't get into what the person, of course, might
14 have been on probation for. Same thing -- I assume
15 we're going to have the same issue tomorrow when
16 the probation agent comes. But you couldn't get
17 in -- basically, the testimony was that he just had
18 a monitor on, some type of -- he had some type of
19 GPS tracking. Basically they testified the GPS
20 tracking put him there. Because it is a fact in
21 the case and it is a part of the investigation,
22 which is similar to here, is that the officers were
23 able to identify him because they had had prior
24 dealings with him.

25 So I'll look at those cases tonight to see

1 what I can find, but I'm a little bit concerned
2 about just getting into, My prior dealings with
3 him, this is his MOA of what he does and that's how
4 we knew it was him.

5 MR. CATHCART: Well, that's how he was just
6 developed as a suspect, it was because of the prior
7 MOA of doing that. It was not until they got the
8 video and looked at it, There's the guy, there he
9 is, that's him all right, Brian Pringle.

10 But the mode or his style of robbery is why he
11 became the first suspect. He became a name to look
12 at. And otherwise --

13 THE COURT: But even if he didn't come to mind
14 in the beginning, right, when they looked at the
15 photo, they would have identified him right away
16 anyway; right?

17 MR. CATHCART: Eventually.

18 THE COURT: Based on their prior dealings.

19 MR. CATHCART: Before they ever saw the
20 photos -- Isenhoward didn't get the photos -- he
21 didn't get a picture of him -- when they gave the
22 name out, he gave the name out, she sent pictures
23 of Mr. Pringle to Isenhoward. He didn't see his
24 video yet. The name came to people who know him
25 before the photo was ever there.

1 THE COURT: Yes, I understand. I understand.

2 MR. DUNCAN: Well, there is part of the
3 problem. I mean, there's a name -- our position
4 is, there was a name -- and it's easy to pick on
5 him, I guess, because he's not here today, but
6 Kevin Isenhoward says, Oh, it's that guy. And, you
7 know, then the picture becomes Brian Pringle. I
8 mean --

9 THE COURT: Well, I mean they have
10 testified -- well, the ones that testified today,
11 they know him when they see him. I don't know if
12 that presents an issue as much as just getting into
13 all of what he has been convicted of. That's my
14 only concern.

15 MR. CATHCART: I mean, I don't know that they
16 have to even say in determining a strong armed
17 robbery or even convicted of, just that -- I mean,
18 although he has been -- that they know a person who
19 does it just like this and that guy's name is Brian
20 Pringle, who just two days later gets stopped on a
21 field interview, is driving the exact same kind of
22 car that was in those robberies. And when they
23 look at the video --

24 THE COURT: Was that field interview before or
25 after the -- was the field interview before or

1 after he saw the pictures?

2 MR. CATHCART: I want to say that was after,
3 but that was the Sheriff's Department.

4 MR. DUNCAN: The field interview was on
5 December 23rd.

6 MR. CATHCART: Yeah. And he was arrested the
7 next day. And the Sheriff's Department I think
8 already had -- I'm sorry. The 22nd, Kevin
9 Isenhoward said he knows a guy kind of like that.

10 Your Honor, if I may approach, I pulled this
11 case during lunch, State v. Blanton. It's a CSC
12 case; however, the charge of prior bad acts were
13 allowed to be used even though they were several
14 years prior to the charged offense.

15 THE COURT: What year is that?

16 MR. CATHCART: This is 1994. It was seven to
17 eight years prior to the last new charge.

18 THE COURT: All right. I am going to have to
19 take a look at that, these cases. And there's some
20 other cases out there. I was telling my law clerk,
21 I recall reading some cases. Maybe I'm -- I don't
22 know the name of the cases, but where the Court --
23 it has been in the last couple of years, but where
24 the Court came out and said -- and I think it was
25 an armed robbery case and the Defendant was on

1 trial for armed robbery -- and the Court said
2 bringing in the previous armed robbery because he
3 was on trial for armed robbery was highly
4 prejudicial.

5 MR. CATHCART: Yes, Your Honor.

6 THE COURT: That's my concern.

7 MR. CATHCART: But if I'm not mistaken, I
8 believe that's going to be the Blockbuster -- or
9 Blockberger, after Al-Amin, but it was brought in
10 to impeach the Defendant, not as to why they knew
11 who did it. The Defendant took the stand and they
12 impeached him on a prior bad act that too closely
13 related.

14 THE COURT: But, I mean, I think the same
15 premise -- let's say you get beyond the 404, I've
16 still got to deal with 403 balancing.

17 MR. CATHCART: I understand.

18 THE COURT: And once you look at 403, the
19 question is whether or not the prejudicial effect
20 of saying these officers knew him and were able to
21 identify him because these -- this is the same way
22 he has done strong armed robberies in the past and
23 I had dealings with him two or three years ago,
24 four or five years ago. The question is, does that
25 become highly prejudicial? That's where I am.

1 I mean, I think under the common scheme and
2 plan and identity, definitely probably under the
3 identity part of it, under 404 it would admissible,
4 but when you go back to 403, the highly prejudicial
5 part -- I need to find those cases. You say you
6 think it's State versus --

7 MR. CATHCART: I want to say it overturned
8 Al-Amin, which is -- it's like --

9 THE COURT: Well, take a look at those cases,
10 because they made a point of saying the fact that
11 he was on trial for armed robbery and you bring up
12 the armed robbery -- and in that case, I think you
13 said it was for impeachment purposes -- I mean,
14 that wasn't even in the case in chief, that was for
15 impeachment purposes. And the armed robbery, the
16 Court said, Yes, the armed robbery would be
17 admissible, but because it was -- he was on trial
18 for armed robbery and the prior armed robbery came
19 in, that that made it highly prejudicial.

20 MR. CATHCART: Well, I think it found that not
21 so much that it was so much prejudicial, but they
22 also said that armed robbery by itself is not a
23 crime of dishonesty.

24 THE COURT: It might be the same case.

25 MR. CATHCART: That's why I think -- that's

1 why I said that because that's State v. Bryant and
2 State v. Al-Amin, but I'm unable to say what it
3 was. Do you have the evidence book? It's 609.

4 THE COURT: I don't have that. We'll probably
5 have to just get you a ruling on that in the
6 morning.

7 MR. CATHCART: That's fine.

8 THE COURT: What we did in that other case, I
9 remember, is we -- they testified about the GPS,
10 we didn't get into the probation. In that one I
11 think somebody had known the guy. They just said
12 based on prior dealings or something.

13 MR. CATHCART: Well, I mean, as to the
14 probation agent, I assume we could just talk about
15 how he is a client of hers and that they have had a
16 number of meetings and she was trying to get --
17 because she was looking for him for a few weeks
18 before this.

19 THE COURT: I have to listen to her testimony.

20 MR. CATHCART: Okay.

21 THE COURT: Let me look at the case law and
22 see if I can find my notes from that other case,
23 because we did extensive research on that issue.
24 But, I mean, it had to come in in the end because
25 when they caught the guy, that's how they caught

1 him because he had the monitor still on him. And I
2 can't remember who prosecuted the case. It was
3 here. Maybe April Sampson?

4 INVESTIGATOR CARWELL: That was my case.

5 THE COURT: We didn't get into -- it got down
6 to the Dollar General on Bluff Road?

7 INVESTIGATOR CARWELL: Yes.

8 THE COURT: We didn't get into -- that's the
9 one where y'all pushed the button and that's how
10 you found him in the woods?

11 INVESTIGATOR CARWELL: Yes. The ankle monitor
12 started talking.

13 THE COURT: Yeah. Well, it was planned to do
14 that. They went to the probation agent, she sent
15 signals and they found him -- and that's how they
16 found him in the woods. We didn't testify -- I
17 think you all did get in the testimony that
18 somebody had some prior contact with that guy too.

19 INVESTIGATOR CARWELL: Right.

20 THE COURT: Because he had an ankle monitor on
21 because he was under community supervision, so he
22 had just gotten out of jail.

23 INVESTIGATOR CARWELL: For armed robbery.

24 THE COURT: Yes. And that case came up at the
25 time. You might want to ask -- April should have

1 the case. She probably knows the exact name.

2 MR. CATHCART: My point is, I think there are
3 two different issues, the probation agent and her
4 contact with him, and the fact that his name was
5 developed because of this common scheme, the way he
6 does stuff.

7 THE COURT: I'll take a look at it. You can
8 e-mail me any cases that you all have.

9 MR. CATHCART: Okay. Especially the other was
10 very -- you know, the similarities of the sex acts
11 themselves that were at his house or the car, not
12 near as similar as what this guy is.

13 THE COURT: All right. Okay. Any response?
14 I haven't given you a chance.

15 MR. DUNCAN: Your Honor, you have identified
16 the point. I mean, the point is -- again, I would
17 argue about the distinctive nature of this, but the
18 big issue is the 403, unduly prejudicial. I mean,
19 that's going to be the crux of it. And whether --
20 you know, ultimately, you know, an issue I don't
21 believe that's going to arise is whether
22 Mr. Pringle testifies and what -- some of your --
23 your ruling on this may impact that as well.
24 Obviously, we've got to take it as it comes. But
25 that's just one more consideration.

1 And I think, you know, Mr. Cathcart said a
2 moment ago that a robbery in and of itself is not a
3 crime of dishonesty. There is a fairly recent case
4 that says that.

5 MR. CATHCART: As to credibility, but we're
6 not talking -- I mean, I'm not talking --

7 THE COURT: He just said --

8 MR. CATHCART: But I'm talking about also,
9 Your Honor, of his prior one, two, three, four,
10 five, six of these similar crimes, one was on
11 Wilson Boulevard, the other one Broad River Road,
12 Farrow Road, Farrow Road, Gaz-Bah, and then,
13 finally, Rabon Road. I mean, this guy did the same
14 kind of things. There was a Kangaroo, Exxon Smart
15 Shop, Gaz-Bah, Shell gas station. It's always the
16 same kind of victims, the same area of Richland
17 County, same kind of thing, puts something on
18 counter, then pops in the register.

19 THE COURT: All right. Let me look at the
20 case law. I'll be glad to look at anything else
21 you all have. But that's the concern.

22 MR. CATHCART: Oh, I understand. Also, Your
23 Honor, I missed it, one of our witnesses was not on
24 the witness list. Before we swear them, may we ask
25 the jury -- just give the name Tim --

1 THE COURT: Just remind me.

2 MR. CATHCART: Tim Lee. It's the guy who
3 swabbed the -- the CSI guy.

4 THE COURT: I'll forget in the morning, so
5 remind me.

6 MR. CATHCART: I think that -- obviously, the
7 probation agent, we need to go through her
8 testimony first.

9 THE COURT: What's her interaction? How did
10 she lead to the discovery of him?

11 MR. CATHCART: Well, Investigator Fitzgerald
12 forgot who it is, but knows that he's on probation.
13 So it goes to the probation agent. And says that
14 she's met with him multiple times, I think about
15 three times. But the past couple of weeks, she's
16 been trying to find him because he's either changed
17 his address and she couldn't get in touch with him,
18 so she was going out every day trying to find him.
19 And Investigator Fitzgerald showed some still
20 shots, and she's like, Yeah, that's Mr. Pringle.
21 The only reason she knows him is because she's his
22 probation agent and he wasn't supposed to be going
23 there.

24 THE COURT: All right. Yes, sir?

25 MR. DUNCAN: I don't know how you talk

1 about -- you know, the interaction with that
2 probation officer, I don't know how she's going to
3 testify without talking about him being --

4 THE COURT: On probation.

5 MR. DUNCAN: -- on probation.

6 MR. CATHCART: We didn't pick the witnesses,
7 Your Honor.

8 THE COURT: I know you didn't. I know I have
9 to let them present their case, but just last time
10 I think we just went through and --

11 MR. CATHCART: I think we can do just that she
12 --

13 THE COURT: Well, she doesn't work with
14 probation anymore.

15 MR. CATHCART: She's actually clerking for a
16 judge up here right now.

17 MR. DUNCAN: Yeah, she's a law student. She
18 just finished her first year of law school.

19 MR. CATHCART: She's up here this week
20 apparently.

21 MR. DUNCAN: She has gone through one year of
22 law school. I mean, I know her.

23 THE COURT: Let me think about it. Do you
24 remember the name of that case?

25 INVESTIGATOR CARWELL: Elleby is the last

1 name. I'm trying to text --

2 THE COURT REPORTER: Emmanuel.

3 THE COURT: It's Ellerby, E-L-L-E-R-B-Y?

4 THE COURT REPORTER: There is not an R in it,
5 that's what got me messed up, E-L-L-E-B-Y.

6 THE COURT: Of course, that one is apparently
7 being appealed, so I don't know if I would rely on
8 that.

9 MR. CATHCART: Your Honor, just one other
10 thing just in case, something else to think about
11 tonight.

12 THE COURT: Okay.

13 MR. CATHCART: When they finally did stop the
14 Defendant in his car, in said car was a crack pipe.
15 Your Honor, this is a case in which the Defendant's
16 use of the funds of his theft were used to buy
17 drugs, and that was --

18 THE COURT: It says negative treatment. What
19 is that for? Not on this issue?

20 MR. CATHCART: I don't believe so. I want to
21 say -- I'll check. A couple of these are like PCR.

22 THE COURT: Okay. All right. I guess I'll
23 see you all -- we don't have any --

24 MR. CATHCART: Try --

25 THE COURT: Let's try to be here at 9:00.

1 They're coming at 9:45, let's do 9:00, so -- let's
2 do 9:00 o'clock, because I still have to -- once we
3 get into the identification, I still need to rule
4 -- I will have to rule on these issues.

5 MR. CATHCART: Yes, ma'am.

6 THE COURT: I guess I will have to rule on --
7 you are not going to call --

8 MR. CATHCART: That will be at -- the first
9 witnesses are going to be the victims and CSI.
10 Just the victims, what occurred, CSI, swab, and
11 then we get to Sergeant Isenhoward as to how they
12 broke the case.

13 THE COURT: Are you going to try to go into
14 that in your opening?

15 MR. SHELLENBERG: I was planning on -- if you
16 want to -- if you want to wait and see, I think I
17 could at least say that Sergeant Isenhoward was
18 familiar with him and sort of got the dominoes
19 going, saying that he knew him at least by -- I
20 mean, regardless of how we shape it, I mean, he
21 knew him.

22 MR. CATHCART: He said he picked him out of
23 the video.

24 MR. SHELLENBERG: However you rule on the
25 admissibility of the prior strong arms, they still

1 knew him. They still said, Hey, that's the guy.

2 THE COURT: All right. We'll talk about it in
3 the morning.

4 MR. CATHCART: Judge, I'm sorry, I just wanted
5 to make sure as to witnesses. I believe we
6 discussed stipulating as to the chain.

7 MR. DUNCAN: Yes.

8 MR. CATHCART: And as to the records custodian
9 from Verizon.

10 MR. DUNCAN: Yes. You don't need to bring the
11 Verizon records custodian.

12 (WHEREUPON, the proceedings were
13 concluded at 5:18 p.m.)

14 JULY 11, 2017

15 (WHEREUPON, the proceedings resumed at
16 9:17 a.m.)

17 (WHEREUPON, State's Exhibit No. 11 was
18 marked for identification only.)

19 (WHEREUPON, State's Exhibit No. 12 was
20 marked for identification only.)

21 (WHEREUPON, State's Exhibit No. 13 was
22 marked for identification only.)

23 (WHEREUPON, State's Exhibit No. 14 was
24 marked for identification only.)
25

1 (WHEREUPON, State's Exhibit No. 15 was
2 marked for identification only.)

3 THE COURT: So this morning we need to deal
4 with our -- I guess you all need to call the
5 identification witnesses?

6 MR. CATHCART: That's correct.

7 THE COURT: For Biggers. And then I will hear
8 from you all regarding 403 and 404 issues and give
9 you a ruling on that this morning.

10 All right. Do you need to put witnesses up on
11 that issue?

12 MR. CATHCART: Yes, ma'am.

13 THE COURT: On 403?

14 MR. CATHCART: No, ma'am.

15 THE COURT: Okay. All right. Go ahead and
16 call your first witness as far as identification.

17 MR. CATHCART: Okay. The State calls Torah
18 Craft.

19 (Witness approaches.)

20 THE BAILIFF: Place your left hand on the
21 Bible, and raise your right hand, please.

22 (Witness complies.)

23 THE CLERK: Do you swear or affirm the
24 testimony you give in this case will be the truth,
25 the whole truth, and nothing but the truth, so help

1 identification issue.

2 What other issues do you have?

3 MR. CATHCART: Your Honor, as of yesterday, we
4 left off with the Lyle evidence that the State
5 seeks to introduce, not even so much as violence or
6 res gestae as to how this investigation unfolded.

7 Investigator Isenhoward is currently right now
8 in Myrtle Beach doing a presentation. He will be
9 here this afternoon to testify. But his testimony
10 would be basically what you heard from Investigator
11 Carwell as to they know him, and when they heard
12 about how these robberies were taking place, the
13 first thing that popped to mind was Brian Pringle.

14 The State would say -- it's our position that
15 based on the case law and its progeny from Lyle
16 showed common scheme. And as to identity, it is
17 proper for us to be able to talk about the fact
18 that these officers knew him and why they knew him.
19 Not necessarily saying we need to get specifically
20 into cases, as to what they are, but based upon how
21 this happened: I know a guy, let's look at Brian
22 Pringle. And that's how they figured it out.

23 THE COURT: All right.

24 MR. DUNCAN: Your Honor, the issue I think
25 comes down to, you know, the 403 balancing test and

1 what is -- you know, the probative value of the
2 testimony versus the, you know, being substantially
3 outweighed by the danger of unfair prejudice or
4 misleading of the jury. I think those are the
5 issues.

6 And Mr. -- Your Honor, I would say it has to
7 be very carefully tailored as to what any of the
8 police officers, any of the investigators can
9 testify to so as not to prejudice Mr. -- to unduly
10 prejudice Mr. Pringle for actions that happened at
11 the closest in time was two and a half years before
12 the incident -- the incidents that we are here in
13 court talking about. And that -- and any that go
14 beyond that, I mean, if it's left to, I knew the
15 guy, we've heard his name, something to that
16 effect, but certainly the further removed we get,
17 the more of a problem I think that we have and the
18 more prejudicial it can be to Mr. Pringle's case
19 here in this instance, because I think -- you know,
20 again, it's -- what the State, what Mr. Cathcart
21 has talked about doing is that, you know, it's a
22 common scheme and plan under Lyle. And, again, I
23 dispute that it's any particular signature type
24 crime or signature MO; but, nevertheless, the issue
25 would be the prejudice, and I think great

1 prejudice, to Mr. Pringle with the same -- you
2 know, the same charge that he has here today. I
3 just think that's going to be a very delicate test
4 of what can come in. And I -- you know, obviously
5 I'll be ready to object, but if we could set some
6 ground rules on it, I think that we'd appreciate a
7 ruling as best we can.

8 MR. CATHCART: Your Honor?

9 THE COURT: Yes, sir.

10 MR. CATHCART: The standard is not prejudice.
11 Every bit of evidence we have is prejudicial
12 against him. It's unfair prejudice. And the thing
13 with Lyle is that it's also going to be unfair or
14 mislead the jury. And if we make up a fiction
15 about how this man is known or how he was
16 discovered, that's misleading. I think that the
17 facts are as they are. I mean, just Isenhoward
18 knows him. Carwell knows him. They know him
19 because he does this. That's why his name comes
20 up. And that's why I think the jury needs to
21 understand the completeness of the case. This is
22 evidence that is as the videos are, as the
23 witnesses are, you know, against him, but it's not
24 unfair evidence.

25 THE COURT: All right. I did some research on

1 this last night, and in considering -- I'll start
2 off with common scheme and plan, 404(b). There are
3 some cases out there I'll cite also. But under a
4 common scheme or plan, case law says that a common
5 scheme or plan concerns more than a commission of
6 two similar crimes. There is to be evidence of
7 some connection between the crimes that is
8 necessary. That is *State v. Timmons*, 488 S.E.2d
9 323(1997), and *State v. Ford*, which also stated
10 that common scheme or plan exception requires not
11 just similarity of the other acts of the crime
12 charged, but also a close relationship between the
13 crimes. And that is 513 S.E.2d 385. That's a
14 Court of Appeals case in 1999.

15 I did look at the case that you all handed up,
16 and that was *State v.*, I believe, *Blanton*, and
17 other cases, *State v. Edwards*, which is 644 S.E.2d
18 66, and *State v. Mathias*, which is -- the cite for
19 that one is 359 S.C. 450. And those are all cases
20 where common scheme and plan were admissible. But
21 those were cases that involve sexual assault and
22 criminal sexual conduct cases that occurred over a
23 period of time, including *State v. Blanton*, which
24 was a sexual abuse case that occurred over
25 apparently a 7- or 8-year-time period. And there

1 was testimony of a connection. And the
2 identification in those cases usually involve the
3 same victim and the same Defendant and the same
4 manner.

5 So under 404(b), as far as this case is
6 concerned and common scheme and/or plan, there has
7 not been any evidence or any testimony that on
8 every occasion in the past he went to this store.
9 I think there would have to be some testimony that
10 he went to this store in 2013. He went -- from the
11 officer -- he went and he did the exact same thing
12 at the exact -- well, maybe not the exact same
13 victim, but each time he asked for a honey bun and
14 then he put his hand in the drawer and took the
15 money.

16 I understand that you all are generally saying
17 that is his MO, but I think for purposes of common
18 scheme and plan, it has to be something more
19 specific, because that's what the case law says.

20 Yes, sir?

21 MR. CATHCART: I'm sorry, Your Honor, I don't
22 mean to interrupt, but we can provide that. We
23 were trying to be as general as possible based upon
24 trying to be as careful as possible.

25 Investigator Carwell, he pulled up to the

1 Kangaroo Express, he got a Push Pop, went up to the
2 register, and then when the register opened, he
3 jumped in, just as in each one of these, and robbed
4 the money and ran off. When he was caught, he said
5 he was doing it for crack.

6 On Isenhoward's case, he bought a Snicker bar,
7 brought it up to the register. When the register
8 opened --

9 THE COURT: Which year case is this?

10 MR. CATHCART: I'm sorry, Your Honor.
11 Carwell's is 2013, Isenhoward is 2008.

12 THE COURT: All right. I think actually there
13 would have to be some testimony as, you know, them
14 going through to develop the common scheme and
15 plan. And there is no testimony as to that. But
16 let me --

17 MR. CATHCART: But each investigator can
18 testify as to what occurred on each one of these
19 robberies. I just thought that would be pushing
20 the envelope of going too much to put in front of
21 the jury. I was trying to catch it as --

22 THE COURT: Not in pretrial.

23 MR. CATHCART: I'm sorry.

24 THE COURT: Yes, pretrial. Thus far, there is
25 no evidence in the record of that other than -- I

1 mean, I understand what your argument is, but I
2 think it has to be something in the record to
3 reflect that this is his scheme or plan of doing
4 that. That's why I kind of asked the question
5 earlier, did you -- were you putting up any
6 testimony regarding --

7 MR. CATHCART: I apologize, Your Honor. I
8 assumed -- again, I was just going from --

9 THE COURT: He just testified yesterday --

10 MR. CATHCART: -- testimony that they would
11 anticipate using before a jury.

12 THE COURT: He just testified that that was
13 the MO yesterday.

14 MR. CATHCART: Yes, ma'am.

15 THE COURT: And I think you have -- based on
16 this, it has to be some kind of determination that
17 it is similar and more than just a general --

18 MR. CATHCART: Well, if I may, Your Honor, I
19 can put forward both of the reports as to both of
20 those incidents. I have them right here. I just
21 was trying to -- and I misunderstood as to what to
22 do in pretrial. I was trying to determine what we
23 could put forward specifically in front of the
24 jury. I didn't want to --

25 THE COURT: And we would have to -- I mean, we

1 would have to -- one of your witnesses is not here.
2 I would probably have to proffer that testimony
3 before we get into their -- before we put it before
4 the jury.

5 MR. CATHCART: We can do that after lunch, and
6 we'll stay away from that.

7 THE COURT: If you -- I think I am going to
8 rule on it at this point. If you feel like you
9 want -- wish to do that after lunch, then I'll give
10 you an opportunity to do it, but at this point,
11 understand that --

12 MR. CATHCART: Okay.

13 THE COURT: -- there is no specifics in the
14 record as to these crimes being so similar. But if
15 you would like to proffer that testimony when your
16 witness gets here.

17 MR. CATHCART: Or I can just put both of these
18 reports in as State's Exhibits through this
19 investigator here as a business record.

20 THE COURT: You have to call him back up on
21 the stand.

22 MR. CATHCART: If I may?

23 THE COURT: You can. I was going to go
24 through the identity stuff.

25 MR. CATHCART: Okay. I'm sorry.

1 THE COURT: And then you can decide.

2 MR. CATHCART: Yes, ma'am.

3 THE COURT: All right. So at this point,
4 there has been no evidence presented of common
5 scheme or plan that would be specific enough to
6 allow -- under 404(b) -- to allow that exception.

7 As to identity and under the doctrine of
8 completeness, the Court does find that under that
9 exception under 404(b), based on the investigation
10 and how they come to the conclusion in their
11 investigation that it is Mr. Pringle, under 404(b),
12 I do find that the identification -- that it does
13 fall under the exception under 404(b) for
14 identification.

15 The cases I looked at were State v. Wiles,
16 which is a 2011 case, and State v. Beck, and Beck
17 is 342 S.C. 129 and Wiles, State v. Wiles, is 383
18 S.C. 151. The one in Wiles is -- and I think I
19 said this yesterday, in order to -- I think under
20 the doctrine of completeness and other -- in
21 looking at the identity issue, in order to -- for
22 the officers to be able to say how they developed
23 the case, I think there has to be -- there will
24 have to be -- based on the facts and what happened,
25 there would have to be some testimony as to the

1 officers having some familiarity, being familiar
2 with Mr. Pringle.

3 I'm not sure how we could keep that out,
4 Mr. Duncan, because this is how they identify him.
5 This is how they develop their case and this is how
6 they end up ultimately arresting him is based on
7 their prior dealings with Mr. Pringle.

8 So, with that being said, of course, I looked
9 at 403 and looked at Broadnax, and the State v.
10 Beck and State v. Stokes, the Court says, Unfair
11 prejudice means an undue tendency to suggest a
12 decision on the improper basis, is how the Court
13 defines unfair prejudice.

14 We will -- I'm not going to let them get into
15 testifying that he has -- that they were able to
16 identify him because this is how -- this is -- he
17 has committed these crimes in the past. I think
18 that would be more prejudicial than probative. But
19 I am going to allow them to testify that they had
20 a -- they have had dealings with him -- we'll have
21 to figure out the exact language -- they had
22 dealings with him in the past or they were familiar
23 with Mr. Pringle. I'm not -- I think it would
24 be -- it will probably cross the line if we get
25 into the fact that he has had prior strong armed

1 robberies, which takes us to Broadnax, which the
2 Court says that it is highly prejudicial to allow
3 crimes that are identical to the charge present in
4 a case. And I understand that was under
5 impeachment, but even after they talk about the
6 impeachment, dishonesty, they still talked about it
7 was highly prejudicial to have the identical charge
8 in the case. The police testify, Oh, yeah, he's
9 done this before.

10 I think the jury can -- the jury will probably
11 figure, Well, how do the police know him? But it
12 could be from drugs, it could have been -- the same
13 thing with probation. We will not get into
14 testimony that he was currently on probation, but
15 she can testify that she was familiar with him or
16 that she had dealings with him in the past. I
17 mean, it is one of these things that is a part of
18 the case and it's probative. And I think it's
19 probative as to his identification. It's just, how
20 do we keep it from being highly prejudicial.

21 So that's the best way I think that we can
22 probably do that, is that they can testify that
23 they had dealings with or they're familiar with
24 Mr. Pringle. The probation agent, she doesn't need
25 to get into he was on probation or what he was on

1 probation for, but all of the -- everything they
2 used in identifying him to solve the crime, they
3 can testify to that without getting into, Because
4 he previously did these other strong armed
5 robberies, or, He was on probation for other strong
6 armed robberies. Y'all follow me?

7 MR. CATHCART: I'm just trying to think of how
8 to do it.

9 THE COURT: Investigator Carwell, he knows how
10 to do it. He has done it before. We had the same
11 issue come up. I think he just testifies that --

12 MR. CATHCART: Based upon the facts of this
13 case that I saw before me, just prior to
14 investigating, when I saw the name Brian Pringle,
15 he drives that kind of car, we get a photo lineup.

16 THE COURT: See, I was thinking -- maybe he's
17 going to testify he works for the Sheriff's
18 Department.

19 MR. CATHCART: Yes, ma'am.

20 THE COURT: He's going to testify -- I was
21 thinking he could testify that during the course of
22 the investigation that Brian Pringle becomes a
23 person of interest. I just don't know. I'm just
24 trying to think it through. Or he's familiar with
25 him. Do you need that part, the fact that they all

1 sit down and they say, Oh, this sounds like
2 Pringle, we'll go in the computer and -- you
3 definitely can't say, We go in to see if he's still
4 is in SCDC.

5 MR. CATHCART: Well, yeah.

6 THE COURT: But, I mean, do you need that
7 part? Because they look at the picture and
8 identify him right away; right?

9 MR. CATHCART: When they pull out -- I mean,
10 when they get the video afterwards, yes, but to get
11 the name Brian Pringle, it was given to
12 Investigator Fitzgerald from Isenhoward before --
13 Isenhoward gets the name Pringle in his mind before
14 he ever sees the pictures.

15 THE COURT: Is it because of the car and the
16 --

17 MR. CATHCART: It was because the guy comes up
18 with a honey bun and goes and does the till tap.

19 THE COURT: Does he know about the type of car
20 too?

21 MR. CATHCART: No, I don't think he knew about
22 the car.

23 MR. DUNCAN: I don't think so.

24 MR. CATHCART: No, the car just -- they run
25 what kind of car Brian Pringle has and did that

1 field interview.

2 THE COURT: But does Isenhoward look at the
3 picture and say, Yep, that's him?

4 MR. CATHCART: After he says, I know who does
5 this, it's Brian Pringle.

6 THE COURT: I know, but I'm just wondering, do
7 you need that part in there at all that they -- I
8 mean, because he identifies him as soon as he sees
9 the video.

10 MR. CATHCART: But that's what happened.

11 THE COURT: I know that's what happened, but.

12 MR. CATHCART: And as you just made a ruling,
13 it goes to identity.

14 THE COURT: Yes, sir, Mr. Duncan?

15 MR. DUNCAN: I'm just thinking, it's going
16 to -- the testimony would come from Lieutenant
17 Isenhoward, as I understand it.

18 MR. CATHCART: Yes.

19 MR. DUNCAN: I mean, that's how, -- I mean, as
20 you -- I'm not trying to get the play by play of
21 your case, but, generally speaking, Isenhoward
22 would be your first law enforcement witness?

23 MR. CATHCART: Other than CSI.

24 MR. DUNCAN: Other than CSI.

25 MR. CATHCART: Victim, CSI, victim, CSI,

1 victim, CSI, Isenhoward finds out about the case
2 because they report it to him. That day, he goes,
3 It sounds like Brian Pringle.

4 THE COURT: Why can't he say, Based on my
5 investigation, I -- we developed Brian Pringle as a
6 suspect, then we pulled the videos and we -- I
7 mean, it is all based on his investigation of what
8 they told him and him going into the computer and
9 finding out that he is out of the Department of
10 Corrections. All of that goes into his
11 investigation. Based on my investigation, we
12 develop him as a potential suspect.

13 MR. CATHCART: Yes.

14 THE COURT: The identity part, he identifies
15 him -- I'm going to allow you to say, I looked at
16 the video and we were able to identify him.

17 MR. CATHCART: Well, I mean, that's not even
18 relevant -- I mean, that's not an issue as to the
19 Lyle because he knows him by name and face. That's
20 not even an issue. Isenhoward knows him. But the
21 reason his name came up in his mind, the reason he
22 first came up in this investigation is because he
23 knows him.

24 THE COURT: But that's going back to the
25 common scheme and plan.

1 MR. CATHCART: That goes as to identity from
2 based upon -- that's why Lyle has identity as an
3 issue as well.

4 MR. SHELLENBERG: So could he testify after
5 Investigator Truluck told him about the crime,
6 based on his prior dealings --

7 THE COURT: They developed --

8 MR. SHELLENBERG: -- they developed -- based
9 upon his prior dealings --

10 THE COURT: -- Brian Pringle as a suspect.

11 MR. SHELLENBERG: Brian Pringle was developed
12 as a suspect, something along those --

13 THE COURT: That's what I'm thinking,
14 something along that line. And that way you avoid
15 getting into, I went into DOC and realized he
16 wasn't in jail anymore, that he had prior -- that
17 he has prior strong armed robberies.

18 MR. CATHCART: Well, I don't think we have to
19 --

20 THE COURT: I think under 403 that cannot come
21 in.

22 MR. DUNCAN: And just factually, Mr. Pringle,
23 on the 2013 incident, never went to Department of
24 Corrections, so I don't know -- I'm not sure
25 exactly what his testimony would be, but he was.

1 never in SCDC.

2 MR. CATHCART: I thought he got out of SCDC in
3 2015.

4 MR. DUNCAN: He didn't go.

5 THE COURT: Where was he, at the County
6 Detention Center?

7 MR. DUNCAN: He was in the county jail. After
8 his conviction, he went home.

9 THE COURT: I'm assuming he sat down at the
10 jail for two years. They gave him time --

11 MR. DUNCAN: He sat for 20 months, that's
12 right.

13 THE COURT: -- time served and he was
14 released.

15 MR. DUNCAN: Right.

16 THE COURT: Same thing. He technically was
17 committed and got time served as far as technically
18 concerned. But I think what Mr. Shellenberg
19 probably suggested is the best way to go about
20 doing it where we don't -- we keep it clean. We
21 don't get into the actual -- the fact that he has
22 prior strong armed robberies and the fact that he
23 was in DOC or Alvin S. Glenn, or wherever it is
24 where he was, and he just got out. That based on
25 this, he was able to develop that Brian Pringle was

1 a suspect. The next thing they do is contact and
2 get -- they contact whoever it is they contact and
3 get the still shots and immediately were able to
4 identify him as being Brian Pringle.

5 MR. CATHCART: Based on prior dealings?
6 That's the words we're using on Isenhoward? I hear
7 about the facts and based upon prior knowledge I
8 develop Brian Pringle as a suspect? Did pictures
9 and did photo lineups, and then I see him on video
10 and I know Brian.

11 THE COURT: Based on prior dealings, I know
12 him. Once I see him --

13 MR. CATHCART: Once I hear about the facts of
14 the case and based upon prior dealings, I develop
15 Brian as a suspect. I then subsequently see the
16 video and I recognize Brian.

17 THE COURT: What does Isenhoward do? Is he in
18 the --

19 MR. CATHCART: He's a lieutenant, investigator
20 of violent crimes, I believe.

21 THE COURT: Violent crimes, robberies?

22 MR. TRULUCK: At the time, he was sergeant
23 over the robbery unit.

24 THE COURT: Okay. So he can testify, I'm
25 sergeant over the robbery unit. We -- after --

1 following the robberies, we developed --

2 MR. CATHCART: I'm afraid of the gap of based
3 on anything solely, we developed Brian Pringle --

4 THE COURT: What did you say the last time?
5 What did we say the last time?

6 MR. SHELLENBERG: I guess he would say -- I'm
7 just trying -- that he's the sergeant over robbery,
8 and after conferring with, I guess, Investigator
9 Fitzgerald and Investigator Truluck, and they told
10 him --

11 THE COURT: Not what they told him. Based
12 upon the investigation, he developed Brian
13 Pringle -- after speaking with --

14 MR. CATHCART: Truluck.

15 THE COURT: -- Truluck, he developed Brian
16 Pringle as a potential suspect in the case. Then,
17 once he saw the pictures, he identified him. And
18 how were you able to identify him? I have had
19 prior dealings with Brian Pringle. That that is
20 how he was able to identify him. Or, I'm familiar
21 with Mr. Pringle. I'm familiar with Mr. Pringle.
22 I don't know about prior dealings, maybe say, I'm
23 familiar with Mr. Pringle. And that that is how he
24 was able to identify him.

25 Same thing with the probation agent. She's

1 not going to say -- she is going to say where she
2 worked or what she's doing now when you go through
3 the little -- your initial questions. She'll say
4 where she works. I worked at probation. And are
5 you familiar with Brian Pringle? Yes. And were
6 you able to identify him on this? Yes. And then
7 they -- I mean, he could have been on probation for
8 drugs or anything.

9 MR. CATHCART: I get that one much easier. I
10 just want to make sure I'm able to --

11 THE COURT: We'll proffer the testimony and --
12 he's not first up, is he?

13 MR. CATHCART: No. No, no, no.

14 THE COURT: Well, he won't even be here until
15 this afternoon?

16 MR. CATHCART: That's right.

17 THE COURT: We can think about it a little bit
18 more if we don't need to get into it this morning.

19 MR. CATHCART: Okay. And at that time
20 actually I'd probably proffer through him and
21 Carwell the reports as to common scheme as well.

22 THE COURT: Okay. Okay.

23 All right. Mr. Duncan?

24 MR. DUNCAN: Your Honor, I understand the
25 dilemma and, you know, I think maybe if we can

1 proffer Lieutenant Isenhoward's testimony this
2 afternoon.

3 MR. CATHCART: Yeah, before we bring the jury
4 out and do it then.

5 THE COURT: All right. So he's going to be
6 the only person that discusses that?

7 MR. CATHCART: Carwell knows him as well, but
8 that won't be until after lunch as well.

9 THE COURT: And in your opening, you can --

10 MR. SHELLENBERG: I guess I'll --

11 THE COURT: -- say that the police were able
12 to identify him.

13 MR. SHELLENBERG: -- sort of say -- can I just
14 say, you know, each investigator was assigned a
15 case, they all communicated, and based on
16 Investigator Isenhoward's prior dealings, Brian
17 Pringle became a suspect, or something like that?

18 THE COURT: Just say based on his
19 investigation, until we get through it.

20 MR. SHELLENBERG: Okay.

21 THE COURT: Based on his investigation.
22 Because all of it was part of the investigation.
23 Based on his investigation, he became a suspect.

24 MR. SHELLENBERG: Okay.

25 MR. CATHCART: I can tell this is going to be

1 a landmine just waiting.

2 MR. SHELLENBERG: Because it sort of runs up
3 the chain to Isenhoward, and then the dominoes
4 start falling. I'll do something.

5 THE COURT: I think you just need to say based
6 on his investigation.

7 MR. SHELLENBERG: Okay. Okay.

8 THE COURT: The last issue I believe is the --
9 you keep bringing other issues up. The last issue
10 was admissibility of the crack pipe. Is the crack
11 pipe in the car?

12 MR. CATHCART: It is in the car.

13 THE COURT: All right. Under State v.
14 Hough --

15 Yes, sir?

16 MR. DUNCAN: Your Honor, I'm sorry, and maybe
17 I'm misunderstanding this, but my client has
18 indicated to me that he was arrested in the store,
19 inside a store, on Christmas Eve. And he had
20 purchased this -- well, they call it a crack pipe,
21 it's a little flower, you know, pipe. Mr. Cathcart
22 has got it. I saw it one day. But I don't think
23 it ever made it outside the store. So, I mean, I
24 think it was seized from Mr. Pringle --

25 MR. CATHCART: It's a copper foil, or a copper

1 scrub, glass vial, and the lighter.

2 THE COURT: And that was found in his car?

3 MR. CATHCART: That was found in his car.

4 THE DEFENDANT: No.

5 MR. CATHCART: That's what was indicated.

6 THE COURT: So is there an inventory person
7 that is going to testify?

8 MR. CATHCART: Subject to the search
9 warrant -- in fact, Investigator Truluck is going
10 to testify.

11 THE COURT: He's just going to testify as to
12 what they found in the car when they inventoried
13 the car?

14 MR. CATHCART: Subject to the return on the
15 search warrant. It doesn't say crack pipe on it,
16 but based upon Investigator Truluck's experience --

17 THE COURT: He will have to testify that this
18 is what he found and based on his experience this
19 is what is known to be used --

20 MR. CATHCART: To be used as, yes.

21 THE COURT: But I think under State v. Hough,
22 that is admissible.

23 MR. CATHCART: I'll mark this as a State's
24 Exhibit right now for the record.

25

1 (WHEREUPON, State's Exhibit No. 16 was
2 marked for identification only.)

3 MR. CATHCART: Your Honor, for the record,
4 we've been talking about State's Exhibit Number 16.

5 MR. DUNCAN: Sixteen?

6 THE COURT: Yes, State's Exhibit Number 16.

7 And I think Mr. Duncan is objecting to that
8 being -- so just make sure that is noted for the
9 record, he is objecting to that coming in as
10 evidence.

11 MR. DUNCAN: That is correct.

12 THE COURT: All right. Also, another case, in
13 State v. Adams, it says the admission of evidence
14 concerning the Defendant's use of drugs is
15 admissible. I think one of the witnesses --
16 somebody testified or in somebody's statement, it
17 said something about he looked like he -- his eyes
18 looked like he was on drugs.

19 MR. CATHCART: State v. Adams?

20 THE COURT: Yes, Adams, and in State v.
21 Williams.

22 MR. CATHCART: Kimbrell Sumter stated when she
23 said the individual has a beard and his eyes, they
24 were big, probably high on something.

25 THE COURT: And in State v. Williams, the

1 Court says that if there is something -- in that
2 case, it was more of a drug deal -- but if there is
3 some connection between the possible robbery and
4 drugs, therefore it would be admissible. I don't
5 have the cite for State v. Williams. I don't think
6 I do.

7 MR. DUNBAR: What was that last case, Your
8 Honor?

9 THE COURT: State v. Williams. That one was a
10 drug case and it says that there is some
11 connection --

12 MR. CATHCART: Do you have the cite?

13 THE COURT: I will get you a cite on it. It
14 is a 1996 Supreme Court case. But there's a
15 connection between --

16 MR. CATHCART: You said State v. Williams?

17 THE COURT: Yes. That there is some
18 connection between -- which the State is alleging
19 that he was robbing these stores to get money for
20 drugs. If there is some connection between the
21 transactions and therefore --

22 MR. CATHCART: It is cited in State v. Hough
23 under res gestae. It is State v. Williams, 321
24 S.C. 455.

25 THE COURT: Okay. So I will allow that

1 testimony in.

2 All right. I think that's everything. Can we
3 bring the jury in?

4 Anything else, Mr. Duncan?

5 MR. DUNCAN: No. No, Your Honor, not at this
6 time.

7 THE COURT: All right. You can go ahead and
8 bring them in.

9 Hold on one second. They need to use the
10 restroom.

11 (WHEREUPON, a break was taken at 10:19
12 a.m.)

13 (WHEREUPON, the proceedings resumed at
14 10:33 a.m.)

15 THE COURT: I believe we're ready to bring
16 them in.

17 Oh, who was the witness that was not listed?

18 MR. CATHCART: Tim Lee, with the Richland
19 County Sheriff's Department. He is right there.

20 THE COURT: I'll have him stand up.

21 (WHEREUPON, the jury came into open
22 court at 10:34 a.m.)

23 THE BAILIFF: The jury is present, Judge.

24 THE COURT: All right. Good morning, ladies
25 and gentlemen of the jury. I do apologize for the

1 determine what the true facts are and to apply the
2 law to those facts and thus render a verdict.

3 All right, in order to preserve everyone's
4 right, I will give the parties an opportunity to
5 object to anything I said.

6 Any objections or exceptions from the State?

7 MR. CATHCART: None, Your Honor.

8 THE COURT: Any from the Defense?

9 MR. DUNCAN: No, Your Honor.

10 THE COURT: All right. Ladies and gentlemen
11 of the jury, we will now begin the trial. As I
12 stated to you earlier, first we will have an
13 opening statement from Mr. Shellenberg, and then
14 you will hear from Mr. Duncan on behalf of the
15 Defendant.

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

18 OPENING STATEMENT

19 MR. SHELLENBERG: Brian Pringle went on a
20 crime spree. Over the course of six hours, the
21 Defendant robbed three convenience stores. The
22 first two, he walked in with a honey bun and went
23 and put it on the counter. And the third one, he
24 went in with a dollar and asked for change for the
25 air machine. And as soon as the clerks opened the

1 register, he demanded the money, reached over,
2 grabbed it and fled, leaving terrified clerks
3 behind. That is why we are here today. Because of
4 his crime spree, the Defendant is charged with
5 three counts of strong armed robbery.

6 Now, in the State of South Carolina, strong
7 armed robbery is defined as the taking by force,
8 threat of force, or intimidation the property from
9 another or from the immediate vicinity of another
10 without their consent.

11 Now, the first strong armed robbery took place
12 at Shell on -- I believe on Farrow Road. It was
13 around 11:30 at night. The Defendant walked in,
14 placed a honey bun on the counter. Torah Craft was
15 the clerk that evening.

16 And when she opened the register, he reached
17 over and he said, Bitch, give me the mother fucking
18 money. Grabbed it, turned and ran, and he fled in
19 a blue Suzuki Sidekick.

20 Now, later on Ms. Craft was shown a photo
21 lineup containing the Defendant, and she picked
22 that man as the man who robbed her.

23 Now, the second strong armed robbery took
24 place about two hours and 15 minutes, two and a
25 half hours later on Greystone Boulevard. The

1 Defendant again went in, put a honey bun on the
2 counter. And this time it was Kimbrell Sumter who
3 was working behind the counter. As soon as she
4 opened the register, he said, Bitch, give me the
5 money. Reached in, snatched it, and fled again in
6 a blue Suzuki Sidekick.

7 The third one was about three hours later. It
8 took place on Percival Road. Again, the Defendant
9 went in, this time with a dollar, asked for change,
10 and when the register was opened, demanded the
11 money, reached in, took it and fled.

12 Now, when all of these cases were assigned to
13 investigators, each one was given to a different
14 investigator. They didn't know at the time that
15 they were all linked. The first one was given to
16 Investigator Truluck, the second one to
17 Investigator Fitzgerald with the City, and the
18 third one to now Lieutenant Kevin Isenhoward.

19 Well, they got together and they talked about
20 all their cases, and they developed Brian Pringle
21 as a suspect. And that's when Investigator Truluck
22 took the photo lineup to Torah Craft, showed it to
23 her, and she picked out Brian Pringle as the man
24 who robbed her. And then he took a still from the
25 second strong armed robbery from the surveillance

1 video of the second strong armed robbery and showed
2 it to Torah Craft. Again, she said, That is the
3 man who robbed me.

4 Investigator Fitzgerald on the second strong
5 armed robbery also did two photo lineups, showed
6 them to Kimbrell Sumter. She was only able to
7 select the Defendant, but she said she was
8 50 percent sure.

9 On top of that, she showed it to Pam Larson,
10 who's familiar with the Defendant from prior
11 dealings, who saw the still photos and immediately
12 said, That is Brian Pringle.

13 Now, you'll get to see all the photos, you'll
14 get to hear the 9-1-1 calls, and you will get to
15 see the surveillance video for yourself. And at
16 the end of this trial, the evidence will prove what
17 I told you here today. And we'll come back before
18 you and we'll ask that you hold the Defendant
19 responsible for his crime spree and you find him
20 guilty of three strong armed robberies.

21 Thank you.

22 THE COURT: Yes, sir?

23 MR. DUNCAN: Thank you, Your Honor.

24 OPENING STATEMENT

25 MR. DUNCAN: Good morning, ladies and

1 gentlemen. My name is Mike Duncan, and it's my
2 privilege to represent Mr. Brian Pringle.

3 Mr. Pringle, please stand up.

4 (Defendant stands.)

5 MR. DUNCAN: And I ask you to -- I asked
6 Mr. Pringle to stand, and I ask you to look at
7 Mr. Pringle, because that's the issue, that's going
8 to be the issue in this case. They've got the
9 wrong guy. Somebody went on a crime spree on the
10 night of December 17th and 18th.

11 (Defendant seated.)

12 MR. DUNCAN: Somebody went out to these three
13 stores that Mr. Shellenberg was talking about over
14 a 6-hour time period, but it wasn't this gentleman.
15 It wasn't Mr. Pringle.

16 And, you know, I asked him to stand, I asked
17 you to look at him, but you can change many things
18 about your appearance. You can -- as a gentleman,
19 you can grow a beard, you can shave a beard, you
20 can -- you know, there are things that you can do.
21 Again, you'll see video evidence. You'll see
22 photographs. You'll see the perpetrator in each
23 instance has on a hat, but you can't change your
24 general size and body structure and your shape.

25 And I submit to you, as you look at the video

1 evidence that's going to be admitted in evidence,
2 that you're going to see that the perpetrator, that
3 the person who went on the crime spree, is a
4 smaller person, a person with a smaller frame.
5 It's an African-American man, generally the same
6 age range as Mr. Pringle, but it's the wrong guy.
7 I mean, that's why we're here. That's why
8 Mr. Pringle is here.

9 Yesterday morning when Judge Manning was doing
10 the jury qualification -- you know, the Solicitor
11 is over here a lot. I'm over here a lot, but not
12 every week. So this is not something we try a case
13 every single day. And I listened carefully to
14 Judge Manning yesterday and thought about what he
15 was saying to your pool, and that it is a
16 significant responsibility. He said, Winston
17 Churchill said it's probably the biggest
18 responsibility, the biggest duty that any person
19 has during peacetime, is to sit on a jury. And
20 Mr. Pringle certainly appreciates your being here
21 for his day in court.

22 It's -- you know, Judge Manning also stated
23 that, you know, the controversies between the
24 government and the citizens, an individual, have to
25 be decided. And that's what we have here today.

1 We have the State who says, We have made this
2 charge and we are putting the case to the bar for
3 you ladies and gentlemen to decide.

4 And I submit to you that they have a heavy
5 burden. They have a burden of being beyond a
6 reasonable doubt, to prove that my client, Brian
7 Pringle, was the person who's responsible for these
8 three incidents that occurred on December 17th and
9 18th of 2015.

10 I further submit to you, please consider the
11 evidence. The Government is not going to be able
12 to meet that heavy burden. It is a heavy burden
13 because a person's liberty -- the State is trying
14 to deprive a person of his liberty, and, you know,
15 it's got to be more than maybe, maybe not. And I
16 submit to you that that's as good as they can do
17 with this case. And this gentleman is not
18 responsible for the crimes that were committed.

19 Thank you very much.

20 THE COURT: All right. I'm going to ask the
21 State to call their first witness.

22 MR. CATHCART: May it please the Court, Your
23 Honor? The State calls Torah Craft.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm the
4 testimony you give in this case will be the truth,
5 the whole truth, and nothing but the truth, so help
6 you God?

7 THE WITNESS: I do.

8 THE CLERK: Thank you. Please have a seat in
9 the witness stand, and state your full name for the
10 record.

11 (Witness seated.)

12 THE WITNESS: My name is Torah Craft.

13 TORAH CRAFT,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. CATHCART:

17 Q Ms. Craft, where do you work now?

18 A I currently work for CENTA Medical Group. It's an
19 ear, nose and throat doctor.

20 Q And were you working there back in 2015?

21 A I was not.

22 Q Where were you working back on December 17, 2015?

23 A In December of 2015, I had two jobs. My part-time
24 job was at the Pop's gas station, Shell gas
25 station, on the corner of Parklane and Farrow Road.

- 1 Q Okay. And were you working there that evening?
- 2 A I was.
- 3 Q At some point during that evening, did you come in
- 4 contact with the Defendant, Brian Pringle?
- 5 A I did.
- 6 Q Do you know Mr. Pringle?
- 7 A I did not, and I do not.
- 8 Q How did you come in contact with Mr. Pringle that
- 9 night?
- 10 A Mr. Pringle entered the store around 11:25 or
- 11 11:30. I remember because I got off at 12:30.
- 12 Q So you almost made it till you got off before this
- 13 happened?
- 14 A Oh, yes. I was behind the register with my
- 15 co-worker. He was at his register, I was at my
- 16 register. I think I was just finishing up counting
- 17 the cigarettes.
- 18 Q Okay. And what occurred that brought your
- 19 attention to Mr. Pringle?
- 20 A Whenever someone enters the store, there is a bell.
- 21 And being that I was already behind the register, I
- 22 had a clear view of him coming up to the store.
- 23 And I heard when he came in the door because of the
- 24 bell.
- 25 Q Okay. And what, if anything, occurred after he

1 came in?

2 A He proceeded directly to the Little Debbie display,
3 which is really close to the front registers and
4 the register that I was working. He got one honey
5 bun, Little Debbie honey bun, and came up to my
6 register. He set it down and he gave me a
7 crumpled-up dollar, put the dollar on the table.

8 Q How far away were y'all from each other when this
9 was going on?

10 A When he came -- when he was at the register?

11 Q Counter.

12 A At the counter? I would say maybe about as far
13 away as the end of this.

14 MR. CATHCART: May I approach the witness,
15 Your Honor?

16 THE COURT: Yes, sir.

17 A Yeah, about that close.

18 Q Were you able to get a good view of his face?

19 A I was.

20 Q And you had a good opportunity to talk, see his
21 eyes, his face?

22 A I did, because he gave me the dollar. Little
23 Debbies are two for a dollar, so I know from
24 working as a cashier that it's going to ring up one
25 for 51 cent. I don't like to make change, so I

1 asked him if he had a penny. He never verbally
2 responded, but he looked me in my face and shook
3 his head no, so that's when I saw him.

4 Q Okay. And then what occurred after he said no,
5 that he didn't have a penny?

6 A I opened -- I rung up the Little Debbie, opened the
7 register, and I was making 49 cent change. And all
8 of a sudden the register started shaking. And when
9 I realized why it was shaking, it was because his
10 hand was in the side closest to him grabbing money.

11 Q Okay. When you say his hand was in there, how did
12 he get his hand in there?

13 A He reached -- okay, the register is here.

14 Q Uh-huh.

15 A He is like where you are. He reached around.

16 Q So over like that?

17 A Not -- with one hand.

18 Q Okay.

19 A He reached around and was grabbing money out --

20 Q Okay.

21 A -- of the compartment closest to him.

22 Q Okay. And what happened when that started
23 happening?

24 A When -- when I was counting the change, making the
25 change, the 49 cent change for him and when --

1 that's when it happened.

2 Q Okay. And when that started happening, what
3 occurred?

4 A I'm freaking out and I'm like, What's going on?
5 And when I look up, and he looked me in my face
6 again, and that's when he said, Bitch, give me the
7 mother fucking money.

8 And at that point, I put my hands up and
9 backed up, you can have it.

10 Q You didn't realize -- you weren't fighting him to
11 keep the money at that point?

12 A No, I didn't, I mean, because I'm thinking --
13 honestly, in my mind, I thought it was an
14 earthquake or something because the way the
15 register was shaking. That's not nothing that
16 typically happens. I didn't even really see his
17 hand. He had done grabbed the money and the
18 register was just shaking. But I don't know if he
19 was trying to get more or not, it's just when I
20 looked up, that's when he said, Bitch, give me the
21 mother fucking money. And I backed up.

22 Q How far was he from you when he said that?

23 A Oh, he was in my face at that point because he was
24 reaching and we was eye-to-eye.

25 Q So did you have a good opportunity to see his face

1 at that point as well?

2 A Yes, sir.

3 Q And after he reached in there and told you, Bitch,
4 give me the money, what occurred next?

5 A He got what he could get, because he only took
6 money from that one compartment that was closest to
7 him. The dollar was left on the counter. The
8 dollar was left on top of the register because I
9 laid my money on top of the register as I'm making
10 change. His dollar was still on top of the
11 register. The honey bun was still on the
12 countertop. And he ran out.

13 Q Okay. When he ran out, what did you do?

14 A I ran to the door to lock the door because when we
15 were trained, they told us, If you are ever robbed
16 and the suspect leaves, lock the doors immediately.

17 My co-worker was still there with me. So I
18 think I called the police -- I can't even remember
19 who called the police, but I know I locked the
20 door.

21 And I said to my co-worker, We just got
22 robbed. I quit.

23 Q Did you quit?

24 A I quit.

25 Q That store, does it have video?

1 A Yes, it does. It has outside and inside.

2 Q Outside and inside?

3 A Yes.

4 Q Was the video running that night?

5 A Yes, it was.

6 Q Did you have an opportunity to see the video as
7 well?

8 A Not that night, but later.

9 Q So you have seen the video?

10 A I have.

11 MR. DUNCAN: Your Honor, is it all right if
12 Mr. Pringle gets up?

13 THE COURT: Let me see you for a second.
14 (WHEREUPON, a bench conference was held
15 in the presence of the jury but out of
16 the hearing of the jury.)

17 THE COURT: All right. We'll let Mr. Pringle
18 stay where he is. We'll go ahead and show it to
19 the jury.

20 BY MR. CATHCART:

21 Q I show you what has been marked State's Exhibit
22 Number 15, being a video of the robbery. And this
23 is 8550 Farrow Road?

24 A Yes, sir.

25 Q And State's Exhibit Number 12, that would be the

1 9-1-1 call you made, again from 8550 Farrow Road?

2 A Yes, sir.

3 MR. CATHCART: Your Honor, at this time, the
4 State seeks to introduce the 9-1-1 call and the
5 video from the store.

6 MR. DUNCAN: No objection, Your Honor.

7 THE COURT: All right.

8 (WHEREUPON, State's Exhibit No. 12 was
9 admitted into evidence.)

10 (WHEREUPON, State's Exhibit No. 15 was
11 admitted into evidence.)

12 BY MR. CATHCART:

13 Q Can you see this at all?

14 A Yes, I can.

15 MR. CATHCART: Beg the Court's indulgence.

16 (WHEREUPON, videos were played in open
17 court.)

18 BY MR. CATHCART:

19 Q These are videos from that scene?

20 A Yes, sir.

21 Q The bottom one being the outside?

22 A Yes, sir.

23 Q That would be?

24 A That's me and at the other register, that's Chris.

25 Q That's the co-worker?

- 1 A My co-worker.
- 2 Q So that's the outside; correct?
- 3 A That's the outside. The white car -- the car
- 4 closest is Chris's car and the other car is my car.
- 5 Q And there was a car right out there?
- 6 A The lights -- all I can see on this is the lights,
- 7 because you can go around the building. There's a
- 8 car wash off closer to the Parklane side. And you
- 9 can enter the car wash from the Farrow Road side
- 10 and go behind the building, or you can come from
- 11 the Parklane side and go behind the building.
- 12 That's him.
- 13 Q Again, he drove up in that little car right there?
- 14 A Uh-huh.
- 15 Q That's when you're saying he came up and put up
- 16 some honey buns?
- 17 A Yes, sir.
- 18 Q Shows honey bun, running out to the little car. At
- 19 this point you can clearly see his face?
- 20 A Yes, sir.
- 21 Q You were talking to him?
- 22 A Yep. That's when I'm asking him if he has a penny
- 23 for the tax.
- 24 Q That's when --
- 25 A I was asking him --

1 Q -- you thought the earthquake started?

2 A Yeah, that's when I felt the shaking.

3 Q So y'all called the police?

4 A Yes.

5 MR. CATHCART: Beg the Court's indulgence.

6 (Pause.)

7 BY MR. CATHCART:

8 Q So y'all called the police?

9 A Yes.

10 Q You called the police and they arrived?

11 A Yes.

12 Q Did they take pictures of the scene?

13 A They took pictures, they tried to get fingerprints
14 off of the counter, off of the honey bun and the
15 dollar.

16 Q Subsequently, did you speak with an investigator?

17 A Yes, I did.

18 Q Okay. Did he show you a photo lineup?

19 A Yes, he did.

20 Q I show you what has been marked State's Exhibit
21 Number 8. Do you recognize what that is?

22 A Yes, that's the lineup he showed me.

23 MR. CATHCART: Your Honor, at this time, the
24 State seeks to introduce State's Exhibit Number 8.

25 MR. DUNBAR: No objection to that.

1 THE COURT: All right. It will be entered
2 without objection.

3 (WHEREUPON, State's Exhibit No. 8 was
4 admitted into evidence.)

5 MR. CATHCART: May I publish it to the jury as
6 well?

7 THE COURT: Yes, sir.

8 (Exhibit published.)

9 BY MR. CATHCART:

10 Q So this is the photo lineup you were shown?

11 A Yes, sir.

12 Q Were you able to pick out the Defendant from this
13 photo lineup?

14 A I was.

15 Q Were you sure about person who you picked?

16 A Yes, sir.

17 Q You were sure because of why?

18 A When he came in, he had on a hat, so I basically
19 took a piece of paper to cover up -- everybody was
20 bald-headed. Because I didn't know if he was bald
21 or not because he had a hat on. Once I put the
22 paper over here, that's the man I saw. I looked
23 him in his eyes. I'll never forget him.

24 Q No doubt in your mind?

25 A None whatsoever.

1 Q Not 50/50, not maybe?

2 A A thousand percent.

3 Q Subsequently, he showed you another photo, did he
4 not?

5 A Yes, he did.

6 Q After you picked him out?

7 A Uh-huh.

8 Q Let me show you what has been marked State's
9 Exhibit Number 7. Do you recognize what that is?

10 A Yes.

11 Q And what is that?

12 A That's the suspect who robbed me that night, but
13 he's in a different store. He's still got on the
14 same stuff that he had on when he robbed me.

15 MR. CATHCART: At this time, the State seeks
16 to introduce State's Exhibit Number 7.

17 THE COURT: Any objection?

18 MR. DUNCAN: No objection to that.

19 (WHEREUPON, State's Exhibit No. 7 was
20 admitted into evidence.)

21 MR. CATHCART: May I publish it to the jury as
22 well, Your Honor?

23 THE COURT: Yes, sir.

24 (Exhibit published.)

25

1 BY MR. CATHCART:

2 Q So that's the photo they showed you?

3 A That's the photo they showed me.

4 Q That's the same hat he had on when he robbed you?

5 A Same hat, sweatshirt, everything.

6 Q And, in fact, you wrote on this as well?

7 A Yes.

8 Q What did you write?

9 A This is the same man who robbed me, with my
10 signature.

11 MR. CATHCART: Beg the Court's indulgence just
12 for a second.

13 (Pause.)

14 BY MR. CATHCART:

15 Q Ms. Craft, is the person who robbed you present in
16 the courtroom today?

17 A Yes, he is.

18 Q Please point out to the jury who it is.

19 A Sitting right there in that red shirt.

20 Q Do it again, I'm sorry.

21 A Sitting right there in that red shirt.

22 Q That's the man who came in there and robbed you?

23 A Yes, sir.

24 Q That's the man who said, Bitch, give me the money?

25 A Yes.

1 Q You're sure of that?

2 A I am a thousand percent sure that is him.

3 Q Same person you picked out of the photo lineup;
4 correct?

5 A Yes.

6 Q Any doubt in your mind that's the man who robbed
7 you?

8 A None.

9 Q Is that the man who made you quit that job that
10 night?

11 A Yes.

12 MR. CATHCART: Please answer any questions
13 from Defense counsel.

14 I'm sorry, wait, wait. One second, Your
15 Honor. I've got some technical difficulties with
16 this as to sound. Can we fix it? Give me just a
17 moment.

18 (Pause.)

19 MR. CATHCART: I'll have to go get another
20 piece of equipment. Can we take a 5-minute break,
21 Your Honor? I'm sorry.

22 THE COURT: Ladies and gentlemen of the jury,
23 we'll take about five minutes while they try to get
24 the volume working on the video. So I'll send you
25 all back to the jury room and take about five

1 minutes.

2 MR. CATHCART: Thank you.

3 (WHEREUPON, the jury retires to the jury
4 room at 11:18 a.m.)

5 THE BAILIFF: Remain seated.

6 THE COURT: Now you can leave, sir.

7 When the jurors are leaving in and out, those
8 of you in the audience remain seated until they
9 leave.

10 Ma'am, you can step down.

11 THE WITNESS: Thank you.

12 (Witness steps down.)

13 THE COURT: Let's put on the record really
14 quick, Mr. Duncan had asked that Mr. Pringle be
15 allowed to see the video on the big screen. The
16 Court's only concern is that he is shackled and how
17 that would be done without the jurors being able to
18 see the shackles.

19 His feet are shackled?

20 MR. DUNCAN: Yes, ma'am.

21 THE COURT: Without seeing the shackles. And
22 also the State raised security issues regarding
23 taking the shackles off and also having him in such
24 close proximity to the jurors.

25 So, I did not allow -- I'm just not sure how

1 we would have done it without them seeing or
2 hearing the shackles. But if he wishes to see the
3 video, I'm sure Mr. Cathcart --

4 MR. CATHCART: Play it right now while we're
5 waiting?

6 MR. DUNCAN: That would be good.

7 (Pause.)

8 MR. CATHCART: Your Honor, I think we're
9 ready.

10 THE COURT: You're ready?

11 MR. CATHCART: Yes, ma'am.

12 THE COURT: Bring them on in.

13 (WHEREUPON, the jury came into open
14 court at 11:29 a.m.)

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Ladies and gentlemen of the jury,
17 I think we have it working. I'll ask Mr. Cathcart
18 to continue.

19 MR. CATHCART: Thank you, Your Honor. Thank
20 you for your patience.

21 DIRECT EXAMINATION CONTINUES

22 BY MR. CATHCART:

23 Q The video has sound; right?

24 A Yes, it does.

25 Q Let's try this again.

1 (WHEREUPON, the video is played in open
2 court.)

3 Q That's the doorbell that rings?

4 A Uh-huh.

5 Q After he fled, that's when y'all called 9-1-1?

6 A Yes, sir.

7 (WHEREUPON, the 9-1-1 call was played in
8 open court.)

9 BY MR. CATHCART:

10 Q How did you feel when he attacked you like that?
11 Were you intimidated?

12 A I was very scared and intimidated, and it lasted
13 for a long time.

14 Q Still a little bit?

15 A I won't work in another gas station. I don't want
16 to do anything that puts me in the situation where
17 I can be robbed like that, I don't. So it's kind
18 of like limited the kind of work that I'm willing
19 to do. He scared the hell out of me.

20 Q When you said he, who are you talking about?

21 A That man right there.

22 Q Thank you. Please answer any questions of Defense
23 counsel.

24 A Yes, sir.

25 CROSS-EXAMINATION

1 BY MR. DUNCAN:

2 Q Good morning, Ms. Craft.

3 A Hello.

4 Q Ms. Craft, how tall are you?

5 A I am 5'7".

6 Q 5'7"?

7 A Uh-huh.

8 Q And, Ms. Craft, as you saw on the video and
9 listened to the 9-1-1 call, your recollection from
10 a year and a half ago is that the individual who
11 robbed the store left on foot?

12 A Sir, when he -- when that man robbed me and ran out
13 of the store, protocol is after you get robbed to
14 lock the door, but not to leave the store. So when
15 he left, I locked the door. And by the time I
16 literally got to the door to lock it, I couldn't
17 see him no more, and I didn't see a car leave. So
18 that's why I assumed he left on foot. I never --
19 we don't have access to the video at the register
20 to see it in realtime. I don't know where those
21 cameras are placed, but we don't -- we're not able
22 to see it in the monitors. So it was only after I
23 saw the video later that I saw those car lights.
24 But at the time, yeah, I thought he ran. I thought
25 he fled on foot. There is railroad tracks behind

1 the store. He could have hit the railroad tracks,
2 anything, I didn't know. And I wasn't going out
3 the door to look for him.

4 Q And as we sit here today, you still don't know for
5 sure how the person left the premises?

6 A I know that that vehicle -- based from what I saw
7 on the video, that vehicle -- that the headlights
8 were visible, but the vehicle wasn't, that vehicle
9 left immediately after he left the store.

10 Q Okay. All right. And, Ms. Craft, you don't have
11 any of those pictures with you?

12 A I do not.

13 Q I see them. If I could ask you to look at that
14 one. That's State's Exhibit Number 7, I believe;
15 is that right?

16 A Yes, it is.

17 Q And, Ms. Craft, that photograph is not from your
18 store?

19 A No, it is not.

20 Q That's from another store?

21 A That's from another store.

22 Q But it has your handwriting as, This is the same
23 man who robbed me, and signed. Is that written by
24 you?

25 A Oh, yeah, that is my handwriting and my signature,

1 yes, sir.

2 Q Okay.

3 MR. DUNCAN: Beg the Court's indulgence just a
4 moment.

5 THE COURT: Uh-huh.

6 (Pause.)

7 MR. DUNCAN: I don't have anything further
8 from Ms. Craft.

9 THE COURT: Anything else from the State?

10 MR. CATHCART: No, ma'am. Thank you.

11 THE COURT: Ma'am, you may step down.

12 Any objection to this witness being excused?

13 MR. CATHCART: Not from the State, Your Honor.

14 MR. DUNCAN: No, Your Honor.

15 THE COURT: All right, ma'am, you're free to
16 leave.

17 THE WITNESS: Thank you.

18 (Witness steps down and is excused.)

19 THE COURT: Call your next witness, please.

20 MR. CATHCART: The State calls Yvonne Woods.

21 (Witness approaches.)

22 THE BAILIFF: Place your left hand on the
23 Bible, and raise your right hand, please.

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 testimony you give in this case will be the truth,
2 the whole truth, and nothing but the truth, so help
3 you God?

4 THE WITNESS: I do.

5 THE CLERK: Thank you. Please have a seat in
6 the witness stand, and state your full name for the
7 record.

8 (Witness seated.)

9 THE WITNESS: Yvonne Woods.

10 YVONNE WOODS,
11 after being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CATHCART:

14 Q Investigator Woods, where are you employed?

15 A Richland County Sheriff's Department.

16 Q In what capacity?

17 A Crime scene investigator.

18 Q What does that mean exactly?

19 A I process all crime scenes in Richland County.

20 Q Process for what purpose?

21 A To search for evidence.

22 Q Were you called to a scene on 8550 Farrow Road back
23 on December 17th of 2015?

24 A Yes, sir, I was.

25 Q What was that call -- you were called out there in

1 reference to what?

2 A My report indicates till tapping.

3 Q Till tapping is a common euphemism for what?

4 What's a till tapping?

5 A It's where they remove money from the cash
6 register.

7 Q And did you see the video in this case?

8 A No, I did not.

9 Q Basically you went there -- the officer said till
10 tapping, you went there and did what?

11 A Processed the scene.

12 Q How did you process the scene?

13 A The victim -- well, the cashier pointed out what
14 was touched, pointed out, showed me what was
15 touched. The honey bun -- the register was already
16 contaminated prior to my arrival. So I processed
17 the counter and the honey bun packet. I did see
18 the one dollar bill hanging out of the cash
19 register.

20 Q Okay. When you say that you processed it, what did
21 you do?

22 A What I done was dusted for latent prints.

23 Q And -- I'm sorry?

24 A Swabbed -- and I swabbed that for possible DNA.

25 Q You say possible DNA, is it usual that -- I mean,

1 you always get DNA from a suspect on a scene like
2 this?

3 A No, sir.

4 Q Is it unusual to actually get it?

5 A No, sir. I mean, there's a chance that you are
6 going to get it if they touched it and there's a
7 chance that you're not.

8 Q So we'll just try?

9 A Absolutely.

10 Q At this point, you don't know who did it?

11 A That's correct.

12 Q And so did you also do what else after you did
13 this, swabbed and fingerprint dusted?

14 A I photograph first, and then I swabbed for DNA
15 after I processed with black powder.

16 Q When you say you photographed -- let me show you --
17 (WHEREUPON, State's Exhibit Nos. 17 - 22
18 were marked for identification only.)

19 BY MR. CATHCART:

20 Q Let me show you what has been marked as State's
21 Exhibit Number 17. Do you recognize what that is?
22 Actually, let me show you State's Exhibit 17, 18,
23 19, 20, 21, and 22.

24 A Yes, sir, these are the photos of the business.

25 Q Okay. Of the business that you went there for the

1 robbery?

2 A That is correct.

3 MR. CATHCART: Your Honor, at this time the
4 State seeks to introduce State's Exhibit Numbers 17
5 through 22.

6 THE COURT: Any objection?

7 MR. DUNCAN: No objection.

8 THE COURT: Seventeen through 22 entered
9 without objection.

10 (WHEREUPON, State's Exhibit Nos. 17 - 22
11 were admitted into evidence.)

12 MR. CATHCART: May I publish them to the jury,
13 Your Honor?

14 THE COURT: Yes.

15 (Exhibits published.)

16 BY MR. CATHCART:

17 Q Seventeen is?

18 A The front of the business.

19 Q Just giving an address?

20 A Yes, sir.

21 Q Eighteen, just giving a location?

22 A Yes, sir.

23 Q That being a picture of the sign of Pop's?

24 A Pop's, of the convenience store.

25 Q And then describe what you were doing with these

1 pictures.

2 A These pictures, I was showing where the honey bun
3 was at on the register -- on the counter close to
4 the register.

5 Q That would be the honey bun that the clerk
6 indicated that he left?

7 A That's what the clerk pointed out that he placed on
8 the counter.

9 Q Again, just another view of the countertop?

10 A Yes, sir.

11 Q That would be -- the first one was 21, this is 23.
12 And 19 being?

13 A Where the honey bun was taken from.

14 Q Again, these were relevant to you just as areas
15 that you might have swabbed to go over what she was
16 talking about?

17 A That is correct.

18 Q And, again, finally, State's Exhibit Number 20?

19 A Yes, sir. That's where the one dollar was hanging
20 out of the register.

21 Q Okay. And what, if anything, did you do with that
22 one dollar?

23 A I collected that one dollar for further processing
24 at my headquarters, at forensics.

25

1 (WHEREUPON, State's Exhibit No. 23 was
2 marked for identification only.)

3 (WHEREUPON, State's Exhibit Nos. 24 - 25
4 were marked for identification only.)

5 BY MR. CATHCART:

6 Q I show you what has been marked as State's Exhibit
7 Number 24. Do recognize what that is?

8 A Yes, sir, these are the swabs of the front counter
9 and the honey bun pack.

10 Q And when say swabbing, you have already indicated
11 what you do it for. What's it --

12 A I'm searching for latent prints after I dust it and
13 then DNA evidence.

14 Q What does the swab look like?

15 A A swab is a sterile cotton swab and you take
16 sterile water and you use it to lift any possible
17 DNA that was left behind on the counter.

18 Q And then you put it into a little --

19 A And then I put it in a box and then it's packaged
20 and submitted into evidence.

21 Q And let me show you what has been marked as State
22 Exhibit Number 23. Do you recognize what that
23 would be?

24 A This would be the one dollar bill that was hanging
25 out of the register.

1 Q Okay. And what did you do with that after you got
2 it?

3 A I collected this and I took it back to our
4 headquarters to process it with another chemical
5 agent for latent prints.

6 Q Did you do that?

7 A Yes, sir, I did.

8 Q Were you able to find prints?

9 A No, sir, I was not.

10 Q And what did do after you did that?

11 A After I did that, I collected the swab from the one
12 dollar bill and submitted it the same way.

13 Q Again, just to see if there's any possible DNA?

14 A Any possible DNA.

15 Q That is -- let me show you State's Exhibit Number
16 25?

17 A And that is the swab from the dollar bill.

18 Q Okay.

19 MR. CATHCART: So at this time, State seeks to
20 introduce State's Exhibit Number 24, 25, and 23.

21 THE COURT: Let the Defense see it.

22 Any objection?

23 MR. DUNCAN: No objection, Your Honor.

24 THE COURT: All right, 23 through 25 will be
25 entered without objection.

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

3 (WHEREUPON, State's Exhibit Nos. 24 - 25
4 were admitted into evidence.)

5 BY MR. CATHCART:

6 Q And this store on 855 Farrow Road -- 8550 Farrow
7 Road, where is it located?

8 A It's in Richland County.

9 Q Thank you. No further questions. Please answer
10 any questions from Defense counsel.

11 CROSS-EXAMINATION

12 BY MR. DUNCAN:

13 Q Good morning, Ms. Woods.

14 A Good morning, sir.

15 Q Ms. Woods, you went to the scene at 8550 Farrow
16 Road and you photographed -- you took those
17 photographs that were just introduced into
18 evidence; is that right?

19 A I did.

20 Q And then you physically did the swabs that also
21 were just admitted into evidence?

22 A Yes, sir, I did.

23 Q And you were not able to get any fingerprints; is
24 that correct?

25 A I was not able to see any fingerprints.

1 Q And as far as the DNA, attempting to find DNA, do
2 you make that determination or do you send that to
3 a lab?

4 A It goes to another section in our lab.

5 Q Another section at Richland County Sheriff's
6 Department?

7 A That is correct.

8 Q So once you did the swabs as far as DNA --

9 A I submit it in --

10 Q -- that was the end of that?

11 A I submit it into our DNA evidence.

12 Q So my question is, you can't tell me anything else
13 about whether there was DNA or not?

14 A No, sir, I cannot.

15 Q Okay.

16 MR. DUNCAN: No further questions.

17 REDIRECT EXAMINATION

18 BY MR. CATHCART:

19 Q And you didn't find any usable prints as well?

20 A I did not.

21 MR. CATHCART: Nothing further from the State
22 either, Your Honor.

23 THE COURT: All right, ma'am, you may step
24 down.

25 Any objection to this witness being excused?

1 MR. CATHCART: None from the State.

2 MR. DUNCAN: None from the Defense.

3 THE COURT: All right, ma'am, you're free to
4 leave.

5 THE WITNESS: Thank you, Your Honor.

6 (Witness steps down and is excused).

7 MR. SHELLENBERG: The State calls Kimbrell
8 Sumter.

9 (Witness approaches.)

10 THE BAILIFF: Place your left hand on the
11 Bible, and raise your right hand, please.

12 (Witness complies.)

13 THE CLERK: Do you swear or affirm the
14 testimony you give in this case will be the truth,
15 the whole truth, and nothing but the truth, so help
16 you God?

17 THE WITNESS: Yes.

18 THE CLERK: Thank you. Please have a seat in
19 the witness stand, and state your full name for the
20 record.

21 (Witness seated.)

22 THE WITNESS: Kimbrell Sumter.

23 KIMBRELL SUMTER,
24 after being duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. SHELLENBERG:

2 Q Good morning, Ms. Sumter. How are you?

3 A Good morning.

4 Q Where are you employed?

5 A Now?

6 Q Now.

7 A Comfort Suites.

8 THE COURT REPORTER: I'm sorry, where?

9 THE WITNESS: Comfort Suites.

10 BY MR. SHELLENBERG:

11 Q And where were you employed back in 2015?

12 A I was employed at S-mart on Greystone.

13 Q You were working there December 18th, 2015?

14 A Yes, sir.

15 Q And what shift were you working?

16 A Third shift.

17 Q How long -- what are the hours of third shift?

18 A 11:00 to 7:00.

19 Q Do you remember something --

20 A 11:00 p.m. to 7:00 a.m.

21 Q Do you remember something out of ordinary happening
22 during that shift?

23 A Yes.

24 Q What was that?

25 A I got robbed.

1 Q And can you tell the jury a little bit about what
2 happened in that incident?

3 A Yes. I was stocking and then a customer came in,
4 asked where the honey buns was. I pointed to him
5 the honey buns, he got one --

6 Q Let me slow you down a little bit. So you were
7 stocking the shelves?

8 A Yes.

9 Q What were you stocking?

10 A At the time, I think I was stocking some cakes and
11 crackers.

12 Q And at that point, you said the Defendant came in?

13 A He came in and asked where the honey buns was. I
14 pointed him to the table. He went and got one.
15 Started walking towards the counter, I walked
16 behind him.

17 Q You walked behind him to the counter?

18 A Yes.

19 Q Were the honey buns near where you were stocking?

20 A Yes, it was like from where I was standing.

21 Q And in order to get to your actual register, is
22 there a step, I guess, similar to --

23 A Yes, similar.

24 Q Like this?

25 A Smaller.

1 Q So you got -- you made it back to your register.

2 And then what happened?

3 A I rung up the honey bun. He gave me a dollar bill.

4 As I opened the register, he kind of like jumped
5 across the counter to get all the money out of it.

6 Q Did he say anything?

7 A Yeah, he said, Bitch, give me all the money.

8 Q Did he grab you at all?

9 A Yeah, he kind of grabbed my hand, and I just backed
10 up.

11 Q Did it scare you a little bit?

12 A Yes.

13 Q Do you remember anything identifiable about him?

14 A Yes, his beard and his eyes.

15 Q What specifically about his eyes?

16 A Kind of big, like he was on something.

17 Q Like he was on drugs?

18 A Yes.

19 Q And how close was he to you during the robbery?

20 A He was about like right here.

21 Q This close?

22 A Yes.

23 Q So about maybe a foot?

24 A Yes.

25 Q Did you have a chance to look at him?

- 1 A Yes.
- 2 Q What did you do -- or what did he do after the
- 3 robbery?
- 4 A He ran out. I grabbed the phone and ran out by the
- 5 door to see what kind of car he was in, and he
- 6 pulled off.
- 7 Q Did you get to see what kind of car he was in?
- 8 A Yes.
- 9 Q What kind of car?
- 10 A A blue Jeep, little Geo.
- 11 Q Do you know it to be a Geo or it looked like a Geo?
- 12 A Yeah.
- 13 Q And did you have a camera in the store at that
- 14 time?
- 15 A Yes.
- 16 Q Did you have a chance to see those cameras, see
- 17 that footage?
- 18 A Yes.
- 19 Q And did you make a 9-1-1 call?
- 20 A Yes.
- 21 Q Have you had a chance to review the 9-1-1 call?
- 22 A No.
- 23 Q I show you what has been marked State's 11 and
- 24 State's 13. Do you recognize those?
- 25 A Yes.

1 Q What do you recognize those as?

2 A Video from the store and the 9-1-1 call.

3 Q Thank you.

4 MR. SHELLENBERG: Your Honor, at this time I
5 move State's 11 and 13 into evidence.

6 THE COURT: All right. Any objection?

7 MR. DUNCAN: Eleven is the video?

8 MR. SHELLENBERG: Eleven is the 9-1-1 and 13
9 is the video.

10 MR. DUNCAN: No objection.

11 (WHEREUPON, State's Exhibit No. 11 was
12 admitted into evidence.)

13 (WHEREUPON, State's Exhibit No. 13 was
14 admitted into evidence.)

15 MR. SHELLENBERG: Your Honor, at this time,
16 permission to publish to the jury?

17 THE COURT: Yes, sir.

18 (Exhibits published.)

19 BY MR. SHELLENBERG:

20 Q How many cameras do y'all have, do you know?

21 A About five of them.

22 (WHEREUPON, video is played in open
23 court.)

24 BY MR. SHELLENBERG:

25 Q Okay. Who is that?

- 1 A Me.
- 2 Q What part of the store is this?
- 3 A That's the register, where the registers are.
- 4 Q I don't think there's any volume. At this point,
5 where are you going?
- 6 A Going back to the stocking area where I was
7 stocking.
- 8 Q And who is this?
- 9 A That's the guy that came in the store and robbed
10 me.
- 11 Q And he is walking over to the honey buns over
12 there?
- 13 A Yeah, he walked in towards me.
- 14 Q This is the step-up right there?
- 15 A Yes.
- 16 Q And what's happening here?
- 17 A He's taking the honey bun to the counter for me to
18 ring it up.
- 19 Q Right there?
- 20 A That's where he was pushing my hand, pulling the
21 money out.
- 22 Q What did you do after that?
- 23 A I stepped out to see what kind of car it was.
- 24 Q Did you grab the phone?
- 25 A Yes.

1 Q What angle is this camera pointed at?

2 A Right there where the door is.

3 Q What's the address? Do you remember the address to
4 this Exxon?

5 A (Nods negatively.)

6 Q Tell the jury, who is this?

7 A The robber coming in the store.

8 Q Does the actual robbery happen over here off
9 camera?

10 A Yes.

11 Q Is that you locking the door?

12 A Yes.

13 Q Is that the procedure to follow after you've been
14 robbed?

15 A Yes.

16 Q Can you tell the jury what angle this camera is
17 from?

18 A That's the register where I was ringing him up at.

19 Q Again, he puts the honey bun up on the counter?

20 A Yes.

21 Q And as soon as you open the register, lunges in?

22 A Yes.

23 Q And what angle is this?

24 A That's coming in the door right at the register I
25 was working on.

1 Q This is looking straight over your shoulder?

2 A Yes.

3 Q You're not actually this tall, you're standing on
4 the platform?

5 A Yes.

6 Q And, again?

7 A That's him coming in the door.

8 Q And that's where the robbery occurred?

9 A Yes.

10 Q If I can back it up a little bit.

11 (Complies.)

12 BY MR. SHELLENBERG:

13 Q And you made a 9-1-1 phone call; is that right?

14 A Yes.

15 (WHEREUPON, 9-1-1 call is played in open
16 court.)

17 BY MR. SHELLENBERG:

18 Q Who were you yelling at the end of that?

19 A Somebody trying to come in the store.

20 Q Somebody trying to come in the store? Did you meet
21 with Investigator Fitzgerald at some point?

22 A Yes.

23 Q And did she show you a photo lineup?

24 A Yes.

25 Q Did she actually show you two photo lineups?

1 A Yes.

2 Q I show you what has been marked as State's 9.

3 (Pause.)

4 Q I'm going to show you what is marked as State's 9.

5 Do you recognize this?

6 A Yes.

7 Q And what is that?

8 A That is the first lineup she showed me.

9 Q And what is the first cover sheet on that?

10 A It says, 6-picture photograph.

11 Q Did she tell you who to pick in that photo lineup?

12 A No.

13 Q And what are the pictures in that photo lineup of?

14 A Six bald-head men.

15 Q Were you able to pick anybody out of that?

16 A No.

17 Q And what was the problem with that photo lineup?

18 A None of them had facial hair and I didn't see the
19 top of his head. He had on a hoodie.

20 Q And she didn't tell you to pick anybody else?

21 A No.

22 MR. SHELLENBERG: Your Honor, at this time, we
23 move State's 9 into evidence.

24 THE COURT: Any objection?

25 MR. DUNCAN: No objection to that.

1 (WHEREUPON, State's Exhibit No. 9 was
2 admitted into evidence.)

3 MR. SHELLENBERG: Your Honor, permission to
4 publish to the jury?

5 THE COURT: Yes, sir.

6 (Exhibit published.)

7 BY MR. SHELLENBERG:

8 Q Then she showed you a second lineup?

9 A Yes.

10 Q And can you recall how much later in time it was?
11 Was it a couple of days?

12 A Yes, it was a couple of days.

13 Q And did you go through the same procedure? She
14 didn't tell you who to pick, she just showed you --

15 A She showed me a second lineup.

16 Q I'm going to show you what has been marked State's
17 10. Do you recognize that?

18 A Yes.

19 Q What do you recognize that one as?

20 A The second lineup she showed.

21 Q And were you able to pick somebody out of that?

22 A Yes.

23 Q And did you sign where you --

24 A Yes.

25 Q -- or tell them who you picked?

1 A Yes.

2 Q What did you sign and say?

3 A I was 50 percent sure this was him.

4 Q This was a couple of days later?

5 A Yes.

6 Q And she did not tell you anybody to select in that?

7 A No.

8 MR. SHELLENBERG: Your Honor, at this time, we
9 move State's 10 into evidence.

10 THE COURT: Any objection?

11 MR. DUNCAN: No objection.

12 (WHEREUPON, State's Exhibit No. 10 was
13 admitted into evidence.)

14 MR. SHELLENBERG: Your Honor, may I publish
15 State's 10 to the jury?

16 THE COURT: Yes, sir.

17 (Exhibit published.)

18 BY MR. SHELLENBERG:

19 Q Now, we did not watch enough of the surveillance
20 video angles to show the parking lot and the car.
21 I want to show you what has been marked as State's
22 5 and 6. Do you recognize these?

23 A Yes.

24 Q What do you recognize those as?

25 A The truck that he got into when they pulled off.

1 Q Photos of the truck he got into?

2 A Yes.

3 MR. SHELLENBERG: Your Honor, at this time, we
4 move State's 5 and 6 into evidence.

5 THE COURT: Any objection?

6 MR. DUNCAN: No objection.

7 (WHEREUPON, State's Exhibit No. 5 was
8 admitted into evidence.)

9 (WHEREUPON, State's Exhibit No. 6 was
10 admitted into evidence.)

11

12 MR. SHELLENBERG: Permission to publish to the
13 jury, Your Honor?

14 THE COURT: Yes, sir.

15 (Exhibits published.)

16 MR. SHELLENBERG: Court's indulgence.

17 (Pause.)

18 BY MR. SHELLENBERG:

19 Q No further questions. Please answer any Mr. Duncan
20 has.

21 CROSS-EXAMINATION

22 BY MR. DUNCAN:

23 Q Good afternoon, Ms. Sumter.

24 A Hey. How are you?

25 Q Ms. Sumter, the -- how tall are you, Ms. Sumter?

1 A I'm 5'9".

2 Q 5'9"?

3 A Yes.

4 Q Ms. Sumter, do you have any of those photos with
5 you in front of you at this point?

6 A No.

7 Q They made it back over here.

8 I'm going to hand you State's Exhibit 9 and
9 State's Exhibit 10.

10 On State's Exhibit 9, on the back side of that
11 photograph, is that your handwriting?

12 A Yes.

13 Q And what does it say? What did you write?

14 A I'm undecided on either one.

15 Q And you dated that 12/23 --

16 A Yes.

17 Q -- 15. So on December 23rd, 2015, you were unable
18 to pick anyone out of that photo lineup?

19 A Yes.

20 Q And then State's Exhibit 10 was the next -- was it
21 the next day?

22 A Yes.

23 Q So on December 24th, you have circled Photograph
24 Number 3?

25 A Yes.

- 1 Q Correct? And at that time, you say 50 percent,
2 Kimbrell Sumter?
- 3 A Yes.
- 4 Q And that's your -- again, your handwriting, you
5 dated it?
- 6 A Yes.
- 7 Q Put the time, all that?
- 8 A Uh-huh.
- 9 Q And at that point in time, you were 50 percent --
- 10 A Yes.
- 11 Q -- sure of the individual in that photo lineup?
- 12 A Uh-huh.
- 13 Q And, Ms. Sumter, you testified about the vehicle
14 leaving -- the individual getting in a vehicle and
15 leaving?
- 16 A Yes.
- 17 Q Heading towards the highway, I think is what I
18 heard on the 9-1-1 call; is that right?
- 19 A Uh-huh.
- 20 Q And headed -- this is on Greystone Boulevard?
- 21 A Yes.
- 22 Q So headed towards the highway, headed -- getting
23 back onto Greystone?
- 24 A Either way, it's a highway. You can go that way or
25 the other way.

1 Q Towards 126?

2 A Yes.

3 Q That's what you're talking about?

4 A Yes.

5 Q And do you recall on the vehicle -- you went to the
6 door and you saw the vehicle leaving; is that
7 correct?

8 A Yes.

9 Q And you described it in the 9-1-1 call as a
10 Jeep-type vehicle?

11 A Uh-huh.

12 Q And the 9-1-1 operator asked you was it a Jeep
13 Cherokee, and you said no?

14 A Uh-huh.

15 Q Do you recall -- you recall reading the back of the
16 vehicle as it was leaving?

17 A It had a Geo symbol on it. The Geo name on it.

18 Q And you remember reading Geo?

19 A Uh-huh.

20 Q All right.

21 MR. DUNCAN: Beg the Court's indulgence just a
22 moment.

23 (Pause.)

24 MR. DUNCAN: I don't have any further
25 questions for Ms. Sumter.

1 THE COURT: Yes, sir.

2 MR. SHELLENBERG: Just briefly.

3 (WHEREUPON, State's Exhibit Nos. 26 - 34

4 was marked for identification only.)

5 (WHEREUPON, State's Exhibit No. 35 was

6 marked for identification only.)

7 REDIRECT EXAMINATION

8 BY MR. SHELLENBERG:

9 Q I show you what has been marked as State's 35. Do
10 you recognize this?

11 A Yes.

12 Q And what is this?

13 A That's a picture of the platform where the
14 registers are.

15 Q And what is that?

16 A That's the step that I had to climb on to get up
17 there.

18 Q That looks like a 4- or 5-inch step?

19 A Yes.

20 Q That would have made you over six feet tall
21 standing up there?

22 A Yes.

23 MR. SHELLENBERG: Your Honor, at this time, we
24 move State's 35 into evidence.

25 THE COURT: Any objection?

1 MR. DUNCAN: No objection.

2 (WHEREUPON, State's Exhibit No. 35 was
3 admitted into evidence.)

4 BY MR. SHELLENBERG:

5 Q Do you see the man who robbed you in the courtroom
6 today?

7 A Yes.

8 Q Can you pick him out for the jury?

9 A Right there in the red shirt.

10 MR. SHELLENBERG: Your Honor, let the record
11 reflect she identified the Defendant.

12 THE COURT: All right. Thank you.

13 BY MR. SHELLENBERG:

14 Q Thank you, ma'am. No further questions.

15 THE COURT: Ma'am, you may step down.

16 Any objection to this witness being excused?

17 MR. SHELLENBERG: None from the State, Your
18 Honor.

19 THE COURT: All right. Ma'am, you may leave.

20 (Witness steps down and is excused.)

21 MR. SHELLENBERG: The State calls Tammy Moore.

22 (Witness approaches.)

23 THE BAILIFF: Place your left hand on the
24 Bible, and raise your right hand, please.

25 (Witness complies.)

1 THE CLERK: Do you swear or affirm the
2 testimony you give in this case to be the truth,
3 the whole truth, and nothing but the truth, so help
4 you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you. Please have a seat in
7 the witness stand, and state your full name for the
8 record.

9 (Witness seated.)

10 THE WITNESS: Tammy Moore.

11 TAMMY MOORE,
12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SHELLENBERG:

15 Q Good afternoon, Ms. Moore. How are you?

16 A I'm fine. And you?

17 Q Doing well. Ms. Moore, what do you do for a
18 living?

19 A I'm currently retired.

20 Q We just keep dragging you back in, don't we?

21 A Yes.

22 Q What were you doing back in 2015?

23 A I worked for the City of Columbia Police Department
24 in Crime Scene Investigation.

25 Q What does working in Crime Scene Investigation

1 entail?

2 A Practically collecting tangible as well as
3 non-tangible evidence, collecting and preserving
4 it.

5 Q And did you get called out to 321 Greystone
6 Boulevard on the early morning of December 18th,
7 2015?

8 A Yes, I did.

9 Q And what did you get called out for?

10 A Called out in reference to a robbery call at that
11 location.

12 Q And what did you do upon arriving at the scene?

13 A When I first arrive at any type of scene, I
14 collect -- I do pictures of the outside to notate
15 the location and the address and the name of the
16 business.

17 Upon going in, I try to ascertain from the
18 clerks exactly -- I ask them to walk me through
19 what happened from the time the person entered the
20 building until the time they leave.

21 Once I ascertain that, I figure out -- I ask
22 them is there any video. And from the video, I
23 view the video, because I am looking to see where
24 they touched, what they did, did they move
25 anything. I want to know their exact movement,

1 everything they did from the time they entered that
2 business until the time they left.

3 Once I ascertain from the clerks what happened
4 and what I observe from the video, then I start
5 processing, processing trying to see if I can
6 collect fingerprints, collect DNA, find anything
7 they may have left behind, like a cigarette or a
8 hat or anything. So the only thing I'm doing is
9 trying to collect as much tangible and non-tangible
10 evidence as I possibly can.

11 (WHEREUPON, State's Exhibit Nos. 36 - 39
12 were marked for identification only.)

13 BY MR. SHELLENBERG:

14 Q Okay. I'm going to show you what has been
15 marked -- you said you took pictures upon
16 entering -- State's 36, State's 37, State's 38 and
17 State's 39. Do you recognize those?

18 A Yes, I do. These are pictures that I took.

19 MR. SHELLENBERG: Your Honor, at this time,
20 we'd move State's 36, 37, 38, and 39 into evidence.

21 MR. DUNCAN: No objection to those.

22 (WHEREUPON, State's Exhibit Nos. 36 - 39
23 were admitted into evidence.)

24 BY MR. SHELLENBERG:

25 Q Now, can you tell the jury what State's 36 is a

1 picture of?

2 A State's 36 --

3 Q I'll help you.

4 A Okay. That is the Exxon gas station, that's just a
5 picture of the Exxon gas station. Even though you
6 have these gas stations, like the S-Mart or
7 whatever, they have -- most of them have the name
8 of a major gas station, so that's to show that that
9 was the Exxon gas station.

10 Q To memorialize the location?

11 A To memorialize the location.

12 Q And that was 321 Greystone?

13 A 321 Greystone.

14 Q And that's here in Richland County?

15 A That is in the City of Columbia in Richland County.

16 Q Yes, ma'am. And Number 37?

17 A Thirty-seven is the location and the Little Debbie
18 honey bun for which the subject removed the honey
19 bun from.

20 Q You took a picture from where he took --

21 A From where the honey bun was, uh-huh.

22 Q And Number 38?

23 A Thirty-eight, I like to get pictures of where
24 the -- the movement of the subject. And that is a
25 picture looking -- once you step into the door,

1 you're looking at the cash register. So that's one
2 of the pictures that I took when you walk into the
3 door.

4 Q And I believe -- is that the honey bun still
5 sitting on the counter in that picture?

6 A That looks like the honey bun. That's not a
7 close-up picture of it.

8 Q And Number 39, please?

9 A And 39 is the picture of the cash register that was
10 remained open with that section of cash missing out
11 of it.

12 Q You said you also try to take fingerprints and DNA
13 swabs. Did you do any of that in this case?

14 A Yes, I did.

15 Q And what did you do?

16 A I swabbed the inside -- if you're facing the -- if
17 you're behind the counter -- can I see the picture
18 of the counter, please? If you are behind the
19 counter, like I'm behind the counter, I'm facing
20 the door. The door is straight ahead of you and
21 there's a door on the left. From what I was told,
22 he went out the door straight ahead.

23 So that door, when you pushed -- and I
24 ascertained from the clerks, were he wearing
25 gloves. That's an important factor, whether he was

1 wearing gloves or not. And I was told that he was
2 not wearing gloves. So when he pushed the door
3 open, I tried to process that door handle from
4 where he pushed the door open. I'm not looking for
5 fingerprints, I'm trying to collect DNA, because
6 it's easy to collect DNA from the palm rather than
7 the -- the fingerprints from there. So I processed
8 the interior door handle on the left side and also
9 I tried to -- I didn't do the fingerprints, I did
10 the DNA again of the countertop for which he laid
11 the -- the countertop for which he laid down the
12 honey bun, because that's the area of the counter
13 that he was in.

14 And also I made an attempt to swab the section
15 where he collected the bills from because his hand
16 touched that area. So I'm trying to collect DNA
17 swabs from that also.

18 (WHEREUPON, State's Exhibit No. 40 was
19 marked for identification only.)

20 BY MR. SHELLENBERG:

21 Q And I want to show you what has been marked as
22 State's 40.

23 MR. SHELLENBERG: Mr. Duncan?

24 BY MR. SHELLENBERG:

25 Q I show you State's 40. Do you recognize that?

1 A This is my swabs.

2 Q And what did you do with your swabs after you took
3 them?

4 A Once I collect them, I package them and I turn them
5 into our evidence room.

6 Q And you don't actually test them for DNA, do you?

7 A No, we don't do any testing. All our testing, DNA
8 testing, is sent to SLED for analysis.

9 MR. SHELLENBERG: Beg the Court's indulgence.

10 (Pause.)

11 BY MR. SHELLENBERG:

12 Q No further questions. Thank you, Ms. Moore.

13 THE COURT: Yes, sir?

14 CROSS-EXAMINATION

15 BY MR. DUNCAN:

16 Q Good afternoon, Ms. Moore.

17 A Good afternoon, sir.

18 Q Ms. Moore, you went to this Exxon store in the
19 early morning hours of December 18th, 2015?

20 A Yes, I did, sir.

21 Q And you -- again, you noted that the individual was
22 not wearing gloves?

23 A Yes, I did.

24 Q Were told that?

25 A Yes, sir.

1 Q You were told that?

2 A Yes, sir.

3 Q So you did try to get -- the areas that you
4 swabbed, you did the interior door handle?

5 A Interior door handle and the countertop.

6 Q Countertop. And you were talking about trying to
7 do, I thought the cash register, but I may have
8 misunderstood that.

9 A It says the countertop and the door handle. I
10 don't know whether -- it doesn't look like I did
11 the cash drawer. It doesn't look like I did it.

12 Q So you did swab the door handle and the countertop?

13 A And the countertop.

14 Q And those were -- that's DNA --

15 A DNA.

16 Q -- testing?

17 A DNA.

18 Q And I understand from your testimony that you
19 turned that over to SLED?

20 A Yes.

21 Q Once -- I mean, you turn it over to your evidence
22 room and then it goes to SLED?

23 A It goes to SLED.

24 Q So you have -- you can't answer any question for me
25 about the DNA results?

1 A No, sir, I'm not able to answer any of those
2 questions.

3 Q All right. And were you also looking for just
4 latent fingerprints? Was that something you did?

5 A I processed the doughnuts.

6 Q On that stand?

7 A Yes.

8 Q And --

9 A The doughnuts -- the honey bun, I'm sorry, the
10 honey bun that was handled. I processed that, and
11 I found no identifiable prints on the honey bun
12 package.

13 Q That's all I wanted to know.

14 A Uh-huh.

15 Q Thank you.

16 THE COURT: Any other questions?

17 MR. SHELLENBERG: No, ma'am.

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

19 Any objection to this witness being excused?

20 MR. CATHCART: None from the State.

21 MR. DUNCAN: None from the Defense.

22 (Witness steps down and is excused.)

23 THE COURT: Call your next witness, please.

24 MR. CATHCART: The State calls Kim Strother.

25 (Witness approaches.)

1 THE BAILIFF: Place your left hand on the
2 Bible, and raise your right hand, please.

3 (Witness complies.)

4 THE CLERK: Do you swear or affirm the
5 testimony you give in this case will be the truth,
6 the whole truth, and nothing but the truth, so help
7 you God?

8 THE WITNESS: I do.

9 THE CLERK: Thank you. Have a seat in the
10 witness stand, and state your full name for the
11 record.

12 (Witness seated.)

13 THE WITNESS: My name is Kimberly Strother.
14 KIMBERLY STROTHER,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CATHCART:

18 Q Ms. Strother, back in December 18th, 2015, where
19 were you employed?

20 A At the Pop's gas station on Percival Road.

21 Q Where is it located?

22 A Percival Road.

23 Q Percival Road?

24 A Uh-huh.

25 Q And what did you do there?

1 A I worked overnight shift as a training cashier.

2 Q And on that morning of the 18th, did you come in
3 contact with the Defendant?

4 A I did.

5 Q Can you describe to the jury how that occurred?

6 A Well, actually, that morning my manager was running
7 late. We didn't know why she was running late, but
8 it was because she overslept because the previous
9 night one of her other stores, Pop's gas station,
10 the one on Farrow Road, was robbed that night. So
11 my manager was late that morning. I had a cashier
12 come in and my breakfast cook.

13 So I'm training my new cashier on how to put
14 the hot dogs on the burner. So we get a customer
15 that comes in, which is Mr. Pringle. I tell him,
16 Good morning, we'll be right with him. So he
17 stands to the register the whole time. I never got
18 a visual look at him. I stepped on the podium to
19 take -- to see what he wanted, and he wanted a case
20 of quarters for the air machine.

21 The first thing I did was look out my window
22 to the side to make sure that it was a car at the
23 air machine, and it was. It was a blue little
24 small truck. Okay. So that gave me verification
25 that I could open my drawer and give him the change

1 to put the air in the vehicle.

2 So once I opened the drawer to give him the
3 change, he was just like, Give me that shit. And
4 he reached in the drawer and took the money out. I
5 stepped back, let him have it. I yelled to the
6 other cashier, because he ran out of the store,
7 that we just got robbed and grabbed the phone at
8 the same time and get verification of the vehicle
9 in case he was -- got in.

10 Q Were you able to get the tag number on it?

11 A No.

12 Q It was a small light blue --

13 A Light blue small truck, like a Suzuki.

14 THE COURT REPORTER: Like a what, I'm sorry?

15 A Like a Suzuki or a small little Geo truck.

16 Q You're talking about a Suzuki Sidekick or Geo
17 Tracker?

18 A Yeah.

19 Q Basically the same car?

20 A Yes, a small vehicle.

21 Q Okay. And did y'all have video out there?

22 A Yes.

23 Q When you were busy with the trainee and busy with
24 the cook, were you really paying the guy who came
25 in much mind?

- 1 A No, I wasn't.
- 2 Q Were you able to get a good look at his face?
- 3 A No.
- 4 Q Was he wearing anything on his head?
- 5 A By that time he had on -- it was a camouflage hat,
6 I remember the dark blue jeans, and the brown work
7 boots.
- 8 Q Okay. But the hat was on his head?
- 9 A Uh-huh.
- 10 Q And could you tell if had a beard or not?
- 11 A He did have a beard.
- 12 Q Other than that, did you really get a good look at
13 him?
- 14 A No.
- 15 Q That's your --
- 16 A Eyes wide. Right, I didn't.
- 17 Q Okay. You did indicate there was a video at the
18 store; correct?
- 19 A Yes.
- 20 Q Let me show you what has been marked State's
21 Exhibit 14, that being the video of the Percival
22 Road robbery?
- 23 A Yes.
- 24 Q Have you had an opportunity to view that as well?
- 25 A Yes.

1 MR. CATHCART: Your Honor, at this time, the
2 State seeks to introduce State's Exhibit Number 14.

3 THE COURT: Any objection?

4 MR. DUNCAN: No objection to the video.

5 (WHEREUPON, State's Exhibit No. 14 was
6 admitted into evidence.)

7 MR. CATHCART: And may I publish it to the
8 jury, Your Honor?

9 THE COURT: Yes, sir.

10 (Exhibit published.)

11 BY MR. CATHCART:

12 Q And the video cameras are inside and also outside?

13 A Yes.

14 (WHEREUPON, the video was played in open
15 court.)

16 BY MR. CATHCART:

17 Q Is that the little blue car you're talking about?

18 A Yes, it is.

19 Q This would be the man that came in?

20 A Yes, it is.

21 Q This time with a camouflage hat?

22 A Yes.

23 Q Brown work boots, blue jeans, and tan shirt?

24 A Uh-huh.

25 Q This video --

1 MR. CATHCART: May the witness come down a
2 second, Your Honor?

3 THE COURT: Yes, sir.

4 (Witness steps down.)

5 BY MR. CATHCART:

6 Q On the video you see on the back of his shirt.
7 There's writing in between his shoulder blades?

8 A Uh-huh.

9 Q That's all I need. Thank you.

10 (Witness returns to witness stand.)

11 Q What are these things right here on the side of the
12 door?

13 A Those are our newspapers and our lottery tickets.

14 Q On the side of the door, do y'all have things that
15 tell about how high people are when they come in
16 the door? I'm talking about it says three foot,
17 ~~four foot, five foot, six foot?~~

18 A I don't remember if they had those up there or not.

19 Q You know what I'm talking about; right?

20 THE COURT: If she can't see, she can step
21 down.

22 Q Do you need to come down and take a look?

23 (Witness steps down.)

24 Q The top number being six foot?

25 A Uh-huh.

1 Q Do you know what that is?

2 A Yes.

3 Q So when he comes in through the door, it's already
4 going over six foot?

5 This angle has sound; correct?

6 A Yes.

7 Q So when he came up to the countertop, you are
8 talking with the trainee, the breakfast cook?

9 A Yes.

10 Q He gives you money and you turn around looking at
11 the car?

12 A Yes.

13 Q You don't really look at him, do you?

14 A No.

15 Q But you did get to see the truck?

16 A Yes.

17 Q And you get to see who he is on video; correct?

18 A Yes.

19 Q Did he intimidate you when this happened?

20 A As far as intimidation, yes, just because I worked
21 there on my shift at that store for over a year at
22 that point and nothing like that has ever happened
23 to me.

24 Q So, I mean, he scared you?

25 A Yes. Yes.

1 Q He used force to get money from you?

2 A Yes.

3 Q Also, you never looked at his face, you weren't
4 able to pick him out of a photo lineup; correct?

5 A No.

6 Q Thank you. Answer any questions Defense counsel
7 may have.

8 THE COURT: Yes, sir?

9 CROSS-EXAMINATION

10 BY MR. DUNCAN:

11 Q Good afternoon, Ms. Strother.

12 A Hello.

13 Q Ms. Strother, as the Solicitor has asked you a
14 couple of times, you did not get a visual of the
15 man in the store on that early morning of
16 December 18th?

17 A No, sir. I just knew what he had on and as far as
18 his face, he had a beard.

19 Q And, again, you were -- you described that you were
20 training somebody or you were a training cashier;
21 is that right?

22 A Yes.

23 Q And so you had a new person at work that morning?

24 A Correct.

25 Q And you -- on the video that we just watched, you

1 were talking to some -- to the food prep person; is
2 that correct?

3 A I was talking to my trainee cashier, yes.

4 Q All right. And the person that came in the store
5 stood there -- I mean, you saw on the video just
6 then, stood there for a little bit before you had
7 any interaction at all; correct?

8 A No, the cashier actually seen him first. She told
9 him good morning. And when she said something to
10 him, then I said, We'll be right with you, and then
11 I went up to the register.

12 Q And then you went up to the register?

13 A Uh-huh.

14 Q Ms. Strother, I understand that you didn't pick
15 anyone out of a photo lineup. Were you asked to do
16 that? Were you shown any lineup by any law
17 enforcement?

18 A I was shown, yes, but I couldn't identify anyone.

19 Q Couldn't do any?

20 A No.

21 Q No way to do that? No way for you --

22 A I mean, there was a way, yes, but as far as I could
23 not see, so the officer never intimidated me or
24 made me make a choice. He told me if I saw someone
25 that looked like him, then to be sure, and to

1 identify him, circle and then sign my name.

2 Q And so you were not able to do so?

3 A No.

4 Q Okay.

5 MR. DUNCAN: All right. Just a moment. Beg
6 the Court's indulgence.

7 (Pause.)

8 BY MR. DUNCAN:

9 Q No further questions, Ms. Strother.

10 THE COURT: Yes, sir?

11 MR. CATHCART: Nothing further from the State,
12 Your Honor. May she be excused?

13 THE COURT: All right. Ma'am, you may step
14 down.

15 Any objection to this witness being excused?

16 MR. DUNCAN: None from the Defense.

17 THE COURT: All right, ma'am, you are free to
18 leave.

19 (Witness steps down and is excused.)

20 THE COURT: Let me see you all a second.

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 THE COURT: We'll have one more witness before
25 lunch, one short witness.

1 (WHEREUPON, State's Exhibit No. 41 was
2 marked for identification only.)

3 (WHEREUPON, State's Exhibit Nos. 42 - 45
4 were marked for identification only.)

5 MR. SHELLENBERG: The State calls Investigator
6 Tim Lee.

7 (Witness approaches.)

8 THE BAILIFF: Place your left hand on the
9 Bible, and raise your right hand, please.

10 (Witness complies.)

11 THE CLERK: Do you swear or affirm the
12 testimony you give in this case will be the truth,
13 the whole truth, and nothing but the truth, so help
14 you God?

15 THE WITNESS: I do.

16 THE CLERK: Thank you. Please have a seat in
17 the witness stand, and state your full name for the
18 record.

19 (Witness seated.)

20 THE WITNESS: Timothy Lee, L-E-E.

21 TIMOTHY LEE,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SHELLENBERG:

25 Q Good afternoon, Investigator Lee.

- 1 A Good afternoon.
- 2 Q Where do you work?
- 3 A Richland County Sheriff's Department, Crime Scene
- 4 Unit.
- 5 Q How long have you worked there?
- 6 A I've been in crime scene 10 years, and the
- 7 department 22 years.
- 8 Q Were you working there back on December 18th, 2015?
- 9 A I was.
- 10 Q Did you respond to 1909 Percival Road?
- 11 A I did.
- 12 Q Is that here in Richland County?
- 13 A It's in Richland County.
- 14 Q And what were responding in reference to?
- 15 A I was called for a robbery. It turned out to be a
- 16 till tapping. Till tapping is usually the taking
- 17 of money without a weapon.
- 18 Q And when you got out to the scene, what did you do?
- 19 A I documented the scene with photography, overall to
- 20 the outside, photographs of the inside. I was
- 21 advised by the units on scene that the door, entry
- 22 door, the right side was touched by the suspect and
- 23 the cash register was touched by the suspect. When
- 24 the clerk opened up the register, the money was
- 25 taken and he left the store.

1 Q And did you attempt to get any latent or any
2 fingerprints?

3 A I used black powder on the door and on the cash
4 register. No latent prints were developed. And
5 then I swabbed for possible DNA.

6 Q Is it not uncommon to not find latent prints or is
7 it common to not be able to find fingerprints every
8 time you --

9 A You will not find latent prints every time,
10 especially in the wintertime. There's less sweat
11 on your hands. So it's not uncommon to not develop
12 prints.

13 Q It's not like television?

14 A No, it's not.

15 Q I'm going to show you what has been marked State's
16 41, 42, 43, 44, and 45. Take a look at those real
17 quick.

18 A These are photographs I took of the scene. These
19 are my DNA swabs, packaged, initialed, my initials
20 on it that were submitted to evidence.

21 MR. SHELLENBERG: Your Honor, at this time, we
22 would move State's 41, 42, 43, 44, and 45 into
23 evidence.

24 THE COURT: Any objection?

25 MR. DUNCAN: No objection to the photos or the

1 swabs.

2 (WHEREUPON, State's Exhibit No. 41 was
3 admitted into evidence.)

4 (WHEREUPON, State's Exhibit Nos. 42 - 45
5 were admitted into evidence.)

6 BY MR. SHELLENBERG:

7 Q You swabbed the right front door handle and the
8 register drawer?

9 A Correct, right entry door handles and then the cash
10 register drawers.

11 Q This is a picture where you swabbed?

12 A Correct.

13 Q And then this would be a picture --

14 A Of the cash drawer.

15 Q -- of the cash register?

16 A Yes.

17 Q And what did you do with the swabs after you
18 collected them?

19 A The swabs were returned to headquarters, they were
20 packaged and submitted into evidence.

21 MR. SHELLENBERG: Beg the Court's indulgence.

22 (Pause.)

23 BY MR. SHELLENBERG:

24 Q No further questions. Thank you.

25 CROSS-EXAMINATION

1 BY MR. DUNCAN:

2 Q Investigator Lee?

3 A Yes, sir.

4 Q Good afternoon.

5 A Afternoon.

6 Q So you took the -- tried to get fingerprints from
7 the door and from the cash register?

8 A That's correct.

9 Q And were not able to get -- not able to lift any
10 usable fingerprint?

11 A That's correct.

12 Q Also, the swabs that you described, you swabbed
13 looking for DNA?

14 A I swabbed for possible DNA collection on the swab,
15 yes, sir.

16 Q And do you -- as part of that process, do you just
17 turn that over to someone else in the Richland
18 County Sheriff's Department?

19 A The swabs will go to evidence and then DNA analysis
20 will take it from there.

21 Q I've asked this of a couple of the other witnesses,
22 but you're not in a position to tell me what the
23 DNA results --

24 A No, sir.

25 Q -- either way?

1 A I'm collection, I'm not analysis, that's correct.

2 Q You collected it, you put it in that envelope, gave
3 it to evidence?

4 A Yes, sir.

5 MR. DUNCAN: That's all I have.

6 THE WITNESS: Yes, sir.

7 THE COURT: Anything else from the State?

8 MR. SHELLENBERG: No, Your Honor.

9 THE COURT: All right. Sir, you may step
10 down.

11 Any objection to this witness being excused?

12 MR. CATHCART: None from the State.

13 MR. DUNCAN: No, Your Honor.

14 THE COURT: All right, sir, you're free to
15 leave.

16 THE WITNESS: Thank you.

17 (Witness steps down and is excused.)

18 THE COURT: All right, ladies and gentlemen of
19 the jury, that is our last witness for the morning.

20 We are going to take our lunch break at this time.

21 It's 1:01, according to my computer. There are
22 some matters I need to take up with the lawyers
23 before you come back, so we'll give you a little
24 bit longer for lunch today. I will have you all
25 come back at 2:30.

1 Remember, please do not discuss the case with
2 anyone. It's also improper to discuss it with each
3 other until you have received all the evidence in
4 this case and heard from both -- heard the
5 arguments of both sides -- closing arguments from
6 both sides and the charge on the law from the
7 Court.

8 I am going to -- we'll start back at 2:30.
9 Remember, to keep those badges on, especially if
10 you're going to have lunch somewhere here around
11 the courthouse, because there is a chance that you
12 may run into one of the attorneys, the parties, or
13 even maybe someone from the court staff. So, keep
14 those badges on and we'll see you back at 2:30.

15 Also, I'm going to ask Juror Number 13 to
16 serve as our foreperson.

17 Is it Augustine?

18 THE JUROR: Yes.

19 THE COURT: All right. And you are already in
20 the proper seat, so that will be your seat for the
21 rest of the trial. And I'll give you further
22 instructions at the end as to what your
23 responsibilities are during deliberations and after
24 deliberations.

25 All right. Thank you. Have a good lunch.

1 (WHEREUPON, the jury is excused for
2 lunch at 1:03 p.m.)

3 THE COURT: All right. I was thinking we
4 would start back at 2:00. I know we have the
5 officers -- is it Isenhoward?

6 MR. CATHCART: Yes, ma'am.

7 THE COURT: Dealing with the testimony. Is
8 that your next witness?

9 MR. CATHCART: It is. Hopefully, he'll be
10 here. He's coming up from Myrtle Beach.

11 THE COURT: How many other witnesses do you
12 have lined up today?

13 MR. CATHCART: The criminal investigator,
14 Probation, Pardon and Parole, the officer who did
15 the field interview of the Defendant, and our lead
16 investigator, and then DNA.

17 THE COURT: About four or five?

18 MR. CATHCART: Four or five-ish.

19 THE COURT: That's total or -- I'm not trying
20 to narrow you down, I'm just trying to figure out
21 if we work late today can we get it all in.

22 MR. CATHCART: We may be able to get it all
23 in. It's about six-ish.

24 THE COURT: So let's start back at 2:00.
25 We'll grab a sandwich and then we'll start back at

1 2:00 so we can try to start back with them as close
2 to 2:30 as possible.

3 All right. Thank you.

4 MR. CATHCART: Thank you.

5 THE COURT: Let's make sure the jurors are all
6 gone before they take Mr. Pringle back there.

7 (WHEREUPON, a lunch break was taken at
8 1:04 p.m.)

9 (WHEREUPON, the proceedings resumed at
10 2:09 p.m.)

11 THE COURT: Are you ready?

12 MR. CATHCART: The State is ready, Your Honor.

13 THE COURT: All right. Yes, sir?

14 MR. CATHCART: As to Mr. Isenhoward's
15 testimony, I guess the best thing to do is just go
16 ahead and let him testify to everything as it is
17 and then make a decision on what can come in or
18 what can not?

19 THE COURT: I guess so.

20 MR. DUNCAN: That's fine with me.

21 MR. CATHCART: The State calls Kevin
22 Isenhoward.

23 (Witness approaches.)

24 THE CLERK: Please raise your right hand, left
25 hand on the Bible.

1 (Witness complies.)

2 THE CLERK: Do you swear or affirm the
3 testimony you should give in this case will be the
4 truth, the whole truth, and nothing but the truth,
5 so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Please have a seat in
8 the witness stand, and state your full name for the
9 record.

10 THE WITNESS: My name is Kevin Isenhoward,
11 I-S-E-N-H-O-W-A-R-D.

12 KEVIN ISENHOWARD,
13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION(IN CAMERA)

15 BY MR. CATHCART:

16 Q And you are employed as a -- you're a lieutenant
17 now, but you were a sergeant back in 2015?

18 A Yes.

19 Q You were in the robbery division at that point?

20 A Yes.

21 Q And when you were working back then around
22 December 17th through 18th, you were informed of
23 some cases involving Brian Pringle?

24 A My job as the sergeant at the time was to take in
25 all new reports, read them, assign them to an

1 investigator to work. And I also would assign
2 myself some cases.

3 And in doing so, speaking with Investigator
4 Truluck, I noticed sort of an MO, method of
5 operation, that I was familiar with.

6 Q And you were familiar with it why?

7 A I had arrested Brian Pringle many years ago for
8 robberies, strong armed robberies in which he would
9 place an item, select a small item from the store,
10 place it on the counter, and when the clerk opened
11 up the cash register, lean over and snatch the
12 money out. He was arrested, cooperated with us,
13 and obviously was -- spent some time in jail.

14 And then a few years later, Investigator
15 Carwell, who also worked for me at the time, got
16 some cases with the exact same operation, similar
17 areas. And ultimately we were able to identify
18 that as also being Brian Pringle. So I had -- over
19 a period of several years had several sort of
20 trends of strong armed robberies that involved
21 Brian Pringle. And then ultimately --

22 Q I'm sorry. Each of these, he would bring up a
23 small item, the cash register would be opened, and
24 he'd go into the cash register and flee?

25 A Yes.

1 Q Both of those items, I believe -- at least, those
2 two, he also indicated the reason he was doing that
3 was for drugs?

4 A That's correct.

5 Q Please continue.

6 A And ultimately for what we're here today, I
7 assigned Investigator Truluck the case. And when
8 we started talking about it, I realized that that
9 also seemed to be the same method of operation that
10 Brian Pringle had done over the years. And at that
11 point, I also discovered -- I actually had assigned
12 a case that seemed similar. We were able to speak
13 with some other -- Columbia Police Department had
14 some cases that occurred during that same time
15 frame that matched. Ultimately, we were able to
16 get an image from the video and I was able to
17 identify him myself from the video as being Brian
18 Pringle.

19 Q And you identified him based upon your past contact
20 with him, both in your case and Investigator
21 Carwell's case?

22 A Yes, firsthand knowledge, involvement and
23 interview, speaking with him, just like anybody
24 else, I know his face and his name.

25 Q And basically, based upon looking at that image --

1 did you see the video from the robbery on Percival
2 Road?

3 A Yes, I did.

4 Q Were you able to recognize him from that as well?

5 A I was.

6 Q Did you see the video from the Farrow Road? That
7 was Truluck's case.

8 A Yes.

9 Q Were you able to recognize him on that as well?

10 A Yes.

11 Q Did you see the City video or just the stills from
12 it?

13 A I just saw the still images on that one.

14 Q But there's no doubt in your mind as to who that
15 is?

16 A Absolutely none.

17 MR. CATHCART: That would be the testimony
18 from Investigator Isenhoward, Your Honor.

19 THE COURT: All right.

20 MR. DUNCAN: Obviously I would cross-examine
21 him, you know, in front of the jury, but -- I'm
22 just trying to think. Your Honor, his testimony
23 goes back probably several years -- several years
24 ago, many years ago. I'm trying to recall that.

25 THE COURT: Can he step down?

1 MR. DUNCAN: Sure.

2 (Witness steps down.)

3 MR. DUNCAN: Your Honor, I'm trying to figure
4 out -- certainly, he can -- I think he can say
5 without unduly prejudicing my client that he knew
6 of Brian Pringle. I've got the same issue with the
7 MO. I understand what he's saying, but I just
8 think that's -- particularly going back years, I've
9 got -- I've got a problem with it. It doesn't
10 matter if I've got a problem with it or not, but I
11 think it is unduly prejudicial. I think it's --
12 you know, the prejudice of that -- unfair
13 prejudice. I acknowledge what the Solicitor said
14 earlier and I understand it's all prejudicial, but
15 unfairly prejudicial to go back, you know, 10 years
16 and frame it in that fashion. I think it's -- I
17 guess the biggest issue I have is calling it -- you
18 know, talking about strong armed robbery from
19 previous times would be the most concerning to me
20 and the most, I think, runs afoul of Rule 403.
21 That's my position.

22 THE COURT: Yes, sir?

23 MR. CATHCART: Your Honor, as I stated before,
24 the reason his name comes up is because an
25 investigator who has had prior contact with him in

1 the past recognized the robberies as something that
2 man had done. That's why his name came up.

3 So I guess what -- based upon your prior
4 ruling, what I'm basically trying to do is figure
5 out what would be proper for him to testify as to
6 your ruling, not so much trying to rewrite the book
7 again. I think I've already done that. So what I
8 would suggest is what he would be able to testify
9 is based upon what he observed from his case and
10 the case given to Mr. Truluck and the case that the
11 City had --

12 THE COURT: Brian Pringle was developed as a
13 suspect?

14 MR. CATHCART: Yes. Based upon what those
15 cases were like, he was developed as a suspect.

16 THE COURT: I don't know if we have to get
17 into -- I think he can -- what he needs to testify
18 to is that he works for the Sheriff's Department
19 and he's a sergeant in the --

20 MR. CATHCART: He was a sergeant in robbery.

21 THE COURT: -- robbery division at the time.
22 That he assigns the cases to particular
23 investigators. And I think he said that he
24 assigned them during the course of their
25 investigation -- during the course of their

1 investigation. I'm trying to think how you frame
2 it. Just a second.

3 MR. CATHCART: Well --

4 THE COURT: During the course of their
5 investigation, Brian Pringle was developed as a
6 suspect in this case. Then he can get into the
7 photos, that he saw video -- he saw video and still
8 shots?

9 MR. CATHCART: He saw both videos and the
10 still shots from the City.

11 THE COURT: And he was able to -- he and
12 whoever else was able to identify the suspect in
13 those videos as Brian Pringle.

14 MR. CATHCART: And that --

15 THE COURT: But I don't think he needs to get
16 into how he can identify him.

17 MR. CATHCART: The fact that he knows him from
18 the past I guess is -- so based upon the evidence
19 that he got from the new cases and from his
20 investigation and experience, he was able to
21 develop Brian Pringle as a suspect. He was able to
22 identify him from all the videos or from all the
23 pictures of him because he knows him by name and
24 sight.

25 THE COURT: Any position on that that might --

1 as long as he doesn't use in the past or anything
2 that would suggest -- I mean, if he knows him by
3 name and sight, maybe he knows him from the grocery
4 store. I don't -- I mean, they can come to
5 whatever conclusion they want to.

6 I'll be glad to hear from Mr. Duncan.

7 MR. DUNCAN: Knows him by name and sight.

8 THE COURT: I used the word familiar with him
9 earlier. And I don't even know if that -- and I
10 don't want to use past dealings and familiar. Why
11 can't he just testify that he recognized him to be
12 Brian Pringle?

13 MR. CATHCART: How does he -- a jury is going
14 to be going, How in the world does he know him?

15 THE COURT: That's -- I mean, they'll have to
16 draw the conclusion as to how he knows him. I
17 mean, he's testifying that he's from the Sheriff's
18 Department and that he --

19 MR. CATHCART: I would just ask that he at
20 least be able to say he knows who he is, not just
21 recognize him as Brian Pringle.

22 THE COURT: No, no, he can testify he knows
23 who he is, but I don't know -- what was the
24 language, I know him by name and sight?

25 MR. CATHCART: Well, name and sight is

1 basically any lay witness who knows somebody is
2 what I ask them. That's the reason we don't need a
3 Neil v. Biggers hearing. It's not a police officer
4 thing, it's just -- I mean, it's not a suggestive
5 thing about if I know him or not; I know him, I
6 know him by name and sight.

7 THE COURT: He works for the Sheriff's
8 Department and during the course of the
9 investigation he became a suspect. He watched the
10 surveillance video and the still photos and
11 identified the man in the video to be Brian
12 Pringle. This witness is able to recognize Brian
13 Pringle because he knows Mr. Pringle by name and
14 sight.

15 I don't know -- if you have any other -- I
16 don't know how much -- even using familiar, I'm
17 familiar with him, or, I have had past dealings
18 with him, I think that is a little different than
19 name and sight.

20 MR. DUNCAN: Yes, I think I would have a
21 bigger problem with past dealings with him.

22 THE COURT: Either familiar with him or he
23 knows him by name and sight. I think name and
24 sight might be the cleanest way to say it.

25 MR. CATHCART: Otherwise --

1 THE COURT: I mean, it is -- and under the
2 doctrine of completeness, it's how they developed
3 the suspect. I just don't know how you get around
4 --

5 MR. DUNCAN: Well, you know, as we go --
6 obviously, I'm not trying to -- and the Solicitor
7 can put on his case how he wants to, but I presume
8 at some point Investigator Carwell is going to
9 testify. And, I don't know, I think there will
10 be -- I anticipate eliciting some testimony about
11 the interview he gave with Mr. Pringle.

12 MR. CATHCART: I won't be going into the
13 interview by Mr. Pringle. He'll testify that he
14 viewed the still photos and he recognized him
15 because he knows him, period. If you want to get
16 into Mr. Pringle's statement, he's here to testify.
17 But everything he gave is self-serving.

18 THE COURT: I thought you were going to get
19 into the car.

20 MR. CATHCART: I think I will let him testify
21 to that if he wants to, but I don't anticipate
22 anything from Investigator Carwell as to the
23 statement. It's self-serving hearsay. I just did
24 the statement in case I chose to. I'm choosing not
25 to.

1 THE COURT: Okay. I think the part that makes
2 it prejudicial is -- or highly prejudicial, more
3 prejudicial than probative -- this is definitely
4 probative, the identification of how they developed
5 him as a suspect is probative. What makes it more
6 prejudicial than probative is when you get into the
7 fact that it's previous strong armed robberies and
8 that he -- that this is kind of his MO, the way he
9 operates and has been convicted of in the past.
10 That's where it becomes under 403 -- as far as my
11 ruling, that's where it becomes highly prejudicial.

12 So, for identification purposes, I do find
13 that the probative value outweighs the prejudicial
14 effect of him being able to at least testify as to
15 how they developed him as a suspect. But anything
16 beyond that, that gets into prior strong armed
17 robberies, you know, this is his MO, we knew it was
18 him after we heard the incident or looked at the
19 incident report, that kind of stuff is where it
20 becomes highly prejudicial.

21 So I think the officer is clear --

22 Are you clear on --

23 MR. ISENHOWARD: Yes.

24 MR. CATHCART: So basically he's able to
25 testify --

1 THE COURT: Where he works, what he does.

2 MR. CATHCART: He assigns cases out. He, in
3 talking with Investigator Truluck, and also
4 conferring with the investigator from the City --

5 THE COURT: And based on his investigation --

6 MR. CATHCART: -- they are able to develop
7 Brian Pringle as a suspect.

8 THE COURT: Yes. And then he watched the
9 surveillance video.

10 MR. CATHCART: And after he watched, he was
11 able to identify him because he knows him by name
12 and sight.

13 THE COURT: By name and sight.

14 MR. CATHCART: Investigator Carwell is able to
15 testify that he looked at the pictures and he knows
16 him to be Brian Pringle because he knows him by
17 name and sight, period.

18 THE COURT: He can say, I know him to be Brian
19 Pringle. I mean, he knows him to be Brian Pringle.

20 MR. CATHCART: Just not go into anything as to
21 how you know him unless the wonderful door is
22 opened up by the Defense.

23 THE COURT: Then we'll have to stop and do
24 this over again. So please don't open the door.
25 On cross-examination, don't ask anything that opens

1 the door. That's usually where -- because they're
2 just sitting there waiting.

3 MR. DUNCAN: I get it. And it's, you know --
4 all right.

5 THE COURT: All right.

6 MR. CATHCART: And I believe probation is
7 here. You need to talk to her, Your Honor, to
8 figure out exactly how to limit her testimony as
9 well?

10 THE COURT: Yes, she can come on down. You
11 want to proffer her testimony?

12 MR. CATHCART: Please.

13 THE COURT: All right.

14 (Witness approaches.)

15 THE BAILIFF: Place your left hand on the
16 Bible, and raise your right hand, please.

17 (Witness complies.)

18 THE CLERK: Do you swear or affirm the
19 testimony you give in this case will be the truth,
20 the whole truth, and nothing but the truth, so help
21 you God?

22 THE WITNESS: I do.

23 THE CLERK: Please have a seat, and state your
24 full name for the record.

25 (Witness seated.)

1 THE WITNESS: Pamela Larson.

2 PAMELA LARSON,
3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION(IN CAMERA)

5 BY MR. CATHCART:

6 Q Please state your name for the record.

7 A Pamela Larson.

8 Q Ms. Larson, what do you do right now?

9 A Right now I'm a law student.

10 Q Back in 2015, the end of 2015, you worked where?

11 A I worked for the Department of Probation, Parole
12 and Pardon Services.

13 Q And while working there, did you have a client by
14 the name of Brian Pringle?

15 A Yes, I did.

16 Q Okay. Can you tell the judge your interaction with
17 Mr. Pringle during that time?

18 A Yes, absolutely. I inherited Brian Pringle's case
19 from his former agent, Agent Stocker, and that was
20 in mid to late September of 2015. And from there
21 on until he was arrested for the current charges, I
22 supervised him.

23 Q Okay. And during that period before he was
24 arrested on the current charges, about how many
25 times did you meet with him?

1 A Only a few times.

2 Q But toward the time when this arrest was coming on,
3 was there anything -- any reason you were
4 particularly looking for him?

5 A Yes, absolutely. It happened around October
6 timeframe, 2015, I had went to do a home visit on
7 Mr. Pringle. I had only met with him one time
8 prior to that, so I didn't really know who I was
9 looking for, so I printed out his picture and I was
10 doing a home visit.

11 He wasn't living at the Bethel House where he
12 was supposed to have been living, and so I was
13 calling everybody. I was trying to get somebody to
14 identify him. I ended up -- I did make -- did make
15 contact with him, I don't remember the timeframe, I
16 know it was relatively soon after I was looking for
17 him, but I looked around, had his picture on my
18 desk. I was doing that every day trying to find
19 him.

20 Q So you did meet with him again subsequent to that
21 too?

22 A Yes.

23 Q You've had multiple face-to-face meetings with him?

24 A Yes.

25 Q How long were these meetings for?

1 A It varies with every offender. I may see them
2 usually about 15 minutes.

3 Q Okay. But just a face-to-face across the desk kind
4 of thing?

5 A Uh-huh.

6 Q Subsequent to his arrest -- or, actually, at some
7 point did you have a chance to speak with
8 Investigator Fitzgerald with the Columbia Police
9 Department?

10 A Yes, I did.

11 Q Okay. And she came to you for what reason?

12 A She came to me with a bunch of pictures and wanted
13 me to identify security photos and see if I
14 recognized the person in them.

15 Q And did she already indicate -- ask you if you knew
16 what Mr. Pringle looked like?

17 A Yes.

18 Q I show you State's Exhibit Number 7. Is that the
19 kind of photos you were given?

20 A Yes, it's one of the photos.

21 Q That is one of the photos?

22 A Uh-huh.

23 Q And you were able to identify Mr. Pringle?

24 A Yes, I was.

25 Q Any doubt whatsoever that was the person?

1 A No doubt whatsoever.

2 Q And how long after your last meeting with him, ish,
3 to when you looked at this photo of him?

4 A I really couldn't remember. He -- from what I
5 remember, he was one of my high level offenders, so
6 I would meet with him at least once a month.
7 Sometimes it varies, depending on, you know,
8 scheduling and everything, but usually once a
9 month.

10 Q So the time from when you last met with him to the
11 time when you were looking at this photo, it's
12 fresh enough in your mind, you have no doubt
13 whatsoever that's the person that you --

14 A Absolutely.

15 Q -- just met with most recently?

16 A Correct.

17 MR. CATHCART: That would be the testimony
18 we'd be looking to elicit, Your Honor.

19 THE COURT: All right. Yes, sir?

20 MR. DUNCAN: She can step down.

21 THE COURT: Yes, she can step down.

22 THE WITNESS: Thank you.

23 (Witness steps down.)

24 MR. CATHCART: Don't go too far.

25 Again, the problem with her testimony is that

1 why else would she be talking to him, looking for
2 him, meeting with him once a month but for what her
3 job is?

4 THE COURT: But I don't think the fact that
5 she's looking for him is even relevant to any of --

6 MR. CATHCART: But she talks about how his
7 picture is on her desk every day.

8 MR. DUNCAN: I thought her testimony was going
9 to be that it was right in the timeframe of
10 Mr. Pringle's arrest. But if I understood her
11 testimony, it was like in October that she looked
12 for him and she had -- he had been found, I mean,
13 he had reported to her after that.

14 MR. CATHCART: I'm sorry.

15 MR. DUNCAN: I mean, that's what I heard.

16 MR. CATHCART: She met with him one time after
17 she inherited him. He then moved to some kind of
18 place and she spent about two or three weeks
19 looking for him with his face on there. And then
20 she met with him a couple more times and then she's
21 able to identify him.

22 THE COURT: All right. Well, there is a whole
23 lot going on there. Number 1, I think the fact
24 that he is on probation troubles me. The fact
25 that -- definitely the testimony that, He's one of

1 my high level supervision people is not coming in.
2 I've got concerns about the testimony that she is
3 looking for him, which means that he has absconded.

4 I thought that her testimony was going to be
5 along the lines of what the deputies are testifying
6 to, is that they know him by name and sight based
7 on them being familiar with him and that she
8 positively based on -- positively identified him
9 when shown a photo from --

10 MR. CATHCART: And, again, I was just
11 proffering her testimony as to what it fully is.
12 If that's the way you want to do it, that's fine.

13 THE COURT: I don't want to get into he was
14 one of her clients. I think once she starts saying
15 he was on probation, then they can all -- that
16 means he's on probation because he has committed
17 some -- he has committed a crime. And high level
18 probation means he has committed -- he's apparently
19 --

20 MR. CATHCART: Well, I guess my question is,
21 talking about what she does.

22 THE COURT: What she does, where she has
23 worked. You can ask her where she has worked.

24 MR. CATHCART: Where she was working during
25 that period of time.

1 THE COURT: Yes, where she was working in
2 2015. And --

3 MR. CATHCART: So I can ask that?

4 THE COURT: Where she was working in 2015?

5 MR. CATHCART: (Nods affirmatively.)

6 THE COURT: I think you have to.

7 MR. CATHCART: So law student, working as a
8 probation agent in 2015.

9 THE COURT: She doesn't know him from being a
10 law student. That would be -- that would be --

11 MR. CATHCART: Just don't even go into the law
12 student, just probation agent in 2015. Do you know
13 Mr. Pringle? Yes. Did you have an opportunity to
14 look at -- what was the interaction with the
15 investigator? She showed me pictures. I may have
16 looked in a file.

17 THE COURT: Mr. Duncan?

18 MR. DUNCAN: Your Honor, on this one, again,
19 Ms. Larson's testimony was not exactly -- was not
20 exactly what I thought it was going to be. I mean,
21 I understood that he -- Mr. Cathcart had told me
22 that she had had his picture and that kind of
23 thing, but, again, I thought it was back in time
24 that she had had his picture.

25 So here's my position, is that on -- you know,

1 the Rule 403 analysis of her testimony, I think it
2 is fraught with peril. You know, I think it has
3 lots of ways it can go off track and subject Mr.
4 Pringle to unfair prejudice. And I think it's
5 cumulative also. As I was reading the rule, I
6 don't think she has offered anything new. And her
7 interaction with Mr. Pringle is -- you know, it's
8 pretty limited. If I heard her testimony
9 correctly, she met with him a couple of times from
10 September to December, and maybe 15 minutes at an
11 appointment. So it's not like -- it's not like she
12 had a lot of interaction with Mr. Pringle and knew
13 him well and could, you know, absolutely identify
14 him. And I know some of that -- that would go to
15 weight, I understand, but when I combine it with
16 the potential problems and prejudice to -- unfair
17 prejudice to Mr. Pringle, I would seek to exclude
18 her testimony.

19 THE COURT: That's your objection?

20 MR. DUNCAN: That's right.

21 MR. CATHCART: He's talking both sides. He's
22 saying -- trying to limit her testimony to make it
23 as --

24 THE COURT: No, he's objecting to it total.

25 MR. DUNCAN: I object and ask to exclude her

1 testimony.

2 MR. CATHCART: He's saying she had limited
3 contact with him. Well, she did have limited
4 contact with him. She was actively searching for
5 him. We were trying to keep all that --

6 THE COURT: What's your position about -- I
7 mean, at the end of the day, I assume that you are
8 offering her to show -- to further prove identity.
9 He says it is cumulative based on you've got all
10 these officers here that know him and say it's him.
11 So he's saying --

12 Is that your --

13 MR. DUNCAN: That's right. I mean, again,
14 because of her relationship with Mr. Pringle as a
15 probation officer, I think that creates a lot of
16 problems, and I would seek to exclude her
17 testimony. And, further, on the grounds that it is
18 cumulative. I mean, it's not anything new they're
19 not going to have from whoever, the other law
20 enforcement officers.

21 THE COURT: The only problem is, is you're
22 contesting -- I guess, based on your opening
23 statement, you're contesting the identity issue.

24 MR. DUNCAN: That's true. I mean, no doubt.

25 THE COURT: So they're trying to prove beyond

1 a reasonable doubt.

2 MR. CATHCART: Everybody -- I mean, they can
3 believe one officer, none of the officers. They
4 don't have to believe that tape. Maybe that's the
5 one witness that they believe the credibility of.
6 It's not cumulative. It's a witness who knows him
7 by name and sight.

8 THE COURT: Is she coming up next?

9 MR. CATHCART: No.

10 THE COURT: I'd like to get started and then
11 we can come back to her.

12 MR. SHELLENBERG: Your Honor, the second up is
13 going to be Investigator Fitzgerald, who, because
14 he was on probation, called his probation agent,
15 who then showed her the picture, so we're going --

16 MR. CATHCART: Well, I guess Fitzgerald --

17 THE COURT: She doesn't have to testify that
18 she called her.

19 MR. CATHCART: But she can testify that she
20 called Ms. Larson because she knows -- she knew
21 that she knew him, showed her the photos. We can
22 get to that issue later.

23 THE COURT: What's your position?

24 MR. DUNCAN: That Investigator Fitzgerald is
25 going to say she called Ms. Larson?

1 MR. CATHCART: As a person who would know
2 Mr. Pringle, and showed her the photographs and she
3 identified him. I mean, I don't know how it could
4 be more --

5 MR. DUNCAN: I don't think Investigator
6 Fitzgerald is going to testify that the other
7 witness identified him. That doesn't -- that
8 doesn't make sense to me.

9 MR. CATHCART: I don't know what you're
10 saying. She's right here.

11 MR. DUNCAN: I'm saying Fitzgerald is not
12 going to say Larson identified him?

13 MR. CATHCART: Yes, she is.

14 MR. SHELLENBERG: Yes.

15 MR. CATHCART: That's what she just testified
16 to, picked him out of photos.

17 MR. DUNCAN: That's what Larson testified to?

18 MR. CATHCART: Yeah. She's going to say she
19 went to her to show her the photos.

20 MR. DUNCAN: Okay. I'm all right with that.
21 I think I'm all right.

22 THE COURT: Her testifying that during the
23 course of her investigation, she was in contact
24 with Ms. Larson, not saying where Ms. Larson works
25 at this point, and Ms. Larson was also able to

1 identify him from the pictures. I assume that's
2 what you're asking.

3 MR. CATHCART: Just to keep it as safe as
4 possible until we're able to solve the other
5 problem.

6 THE COURT: All right. Then we'll take a
7 break after her. Is Ms. Larson after -- is she the
8 third witness?

9 MR. CATHCART: She is going to be -- we can
10 call her after Fitzgerald.

11 THE COURT: All right. Let's bring them in.
12 (WHEREUPON, the jury came into open
13 court at 2:42 p.m.)

14 THE BAILIFF: The jury is seated, Your Honor.

15 THE COURT: All right. I hope you all had a
16 wonderful lunch. At this time we will continue
17 with the case.

18 I did receive a note. I am not sure if we
19 will be done by 4:30 today. It's kind of hard to
20 say at this point. More than likely we will not be
21 done by 4:30. It's kind of hard to say what time
22 we will actually be done.

23 All right. We won't be here all night, but I
24 can't promise you we'll be done by 4:30.

25 All right. We'll mark that.

1 (WHEREUPON, Court's Exhibit No. 1 was
2 marked for identification only.)

3 THE COURT: Call your next witness.

4 MR. CATHCART: May it please the Court, Your
5 Honor? The State will call Kevin Isenhoward.

6 (Witness approaches.)

7 THE BAILIFF: Place your left hand on the
8 Bible, and raise your right hand, please.

9 (Witness complies.)

10 THE CLERK: Do you swear or affirm the
11 testimony you give in this case will be the truth,
12 the whole truth, and nothing but the truth, so help
13 you God?

14 THE WITNESS: I do.

15 THE CLERK: Thank you. Please have a seat in
16 the witness stand, and state your full name for the
17 record.

18 (Witness seated.)

19 THE WITNESS: My name is Kevin Scott
20 Isenhoward.

21 KEVIN SCOTT ISENHOWARD ,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. CATHCART:

25 Q Investigator -- excuse me, Lieutenant Isenhoward,

1 where are you employed?

2 A Richland County Sheriff's Department in Columbia.

3 Q What do you do there?

4 A Currently I'm the lieutenant over the Major Crimes
5 Unit. I'm responsible for all violent crime
6 investigations and also the Tactical Services Unit
7 and Intelligence Unit.

8 Q And back in December of 2015, was that your job?

9 A No. I was the sergeant at the time over the
10 Robbery Unit.

11 Q Okay. Based upon that job, what were you doing
12 there?

13 A So every morning at the Sheriff's Department, we
14 have reports from the previous evening that our
15 deputies have taken for various incidents around
16 town. It's our job -- we separate those into
17 units. If it was a violent crime, it would come to
18 my unit. If it was, you know, some other type of
19 crime, we have designated units that handle like
20 sex crimes and that sort of thing.

21 So when I get those cases, I would then read
22 through them, divvy them up, and assign them to
23 other investigators to follow up on, including
24 myself. I would also assign myself cases, but we
25 had at the time two other investigators, including

1 myself, that were handling the entire county.

2 Q Okay. And so you say the morning of December 18th,
3 you were -- I guess that morning or mornings after
4 that, you got cases concerning robberies?

5 A We did.

6 Q Okay. And did you get two cases of robberies that
7 occurred on Percival Road and Farrow Road?

8 A I did.

9 Q Okay. And what did you do with those?

10 A I gave the case from Percival Road to myself and
11 the other case to Investigator Truluck.

12 Q Was there anything particular about these cases
13 after you looked at them, or what?

14 A Based on my experience and the description in the
15 report, I believed that Mr. Pringle was a suspect
16 in the case.

17 Q And the cases of Farrow and Percival Road, were
18 they similar?

19 A They were.

20 Q And did you also find out there was another case
21 that occurred that same night?

22 A Yes. Part of the process is to check with other
23 area law enforcement agencies to see if they have
24 anything similar occurring in their jurisdictions,
25 sort of put our heads together and see if we can

1 help each other out to figure out the issue. And
2 so in doing so, I -- you know, and a report every
3 morning from other law enforcement agencies, I
4 noticed a particular case and I called an
5 investigator with the City Police Department.

6 Q And did you give her a name as well as a person
7 that you believed?

8 A Yes, I told her that I believed Brian Pringle was a
9 suspect in this case.

10 Q Had you had a chance to view the videos or seen any
11 photos of these crimes at that point?

12 A Not at that point. That was the next step.

13 Q Okay. And what happened? How did that happen?

14 A Once we got surveillance video in, as in still
15 images from clips from those, I viewed those, and
16 then it confirmed that that was Brian Pringle, whom
17 I know by name and sight.

18 Q Let me show you what's been marked as State's
19 Exhibit Number 7. Is that an example of one of the
20 photos, still photos you saw?

21 A It is.

22 Q And do you recognize that as Brian Pringle?

23 A I do.

24 Q That you know by name and sight?

25 A Yes.

1 Q Please answer any questions from Defense counsel.

2 CROSS-EXAMINATION

3 BY MR. DUNCAN:

4 Q Good afternoon, Lieutenant Isenhoward.

5 A How are you doing, sir?

6 Q Fine, sir. Mr. Cathcart showed you, I think,
7 State's Exhibit 7. Is that the picture he showed
8 you?

9 A It is.

10 Q And that -- do you know what incident that is from?
11 Do you happen to know?

12 A I believe this is from the Columbia Police
13 Department's case.

14 Q A still shot?

15 A Yes, from the video itself. We just crop an image
16 out so we can examine it.

17 Q Okay. And you recall seeing that photo?

18 A Amongst others, yes, but I did, uh-huh.

19 Q And, Lieutenant Isenhoward, did you -- you
20 testified that you identified Mr. Pringle, my
21 client, as a suspect?

22 A I did.

23 Q Did you identify any other suspect in connection
24 with this, with the two robberies that you had in
25 your unit?

1 A Based on -- like I said, based on my experience, I
2 believed him to be a suspect in the cases. And
3 then it was confirmed after seeing the video
4 because I know him. So at that point, no, there
5 was no one else. I knew who it was.

6 MR. DUNCAN: All right. No further questions.

7 MR. CATHCART: Just a couple.

8 REDIRECT EXAMINATION

9 BY MR. CATHCART:

10 Q It wasn't just still photos that you saw, you saw
11 all three videos; correct?

12 A Yes.

13 Q And Mr. Pringle was in each one of those as the
14 person who committed the crime; correct?

15 A He is.

16 Q Thank you.

17 MR. DUNCAN: One thing.

18 THE COURT: Yes, sir.

19 RE CROSS-EXAMINATION

20 BY MR. DUNCAN:

21 Q Did you see a video of the City of Columbia case?

22 A Eventually. At that time, I'm not sure, but I did
23 see the images from that video, but I don't know if
24 it was just the still images in her case, the
25 Columbia Police Department case, or the video

1 itself. I can't tell you that.

2 Q Okay. All right. Thank you.

3 THE COURT: All right, sir, you may step down.

4 THE WITNESS: Thank you.

5 THE COURT: Any objection to this witness
6 being excused?

7 MR. CATHCART: No, Your Honor.

8 THE COURT: Hold on one second. Let me see
9 you all.

10 MR. CATHCART: Is he still excused or no?

11 THE COURT: No, he's excused.

12 (Witness steps down and is excused.)

13 (WHEREUPON, a bench conference was held
14 in the presence of the jury but out of
15 the hearing of the jury.)

16 MR. SHELLENBERG: The State calls Investigator
17 Allison Fitzgerald.

18 (Witness approaches.)

19 THE BAILIFF: Place your left hand on the
20 Bible, and raise your right hand, please.

21 (Witness complies.)

22 THE CLERK: Do you solemnly swear or affirm
23 the testimony you give in this case will be the
24 truth, the whole truth, and nothing but the truth,
25 so help you God?

1 THE WITNESS: I do.

2 THE CLERK: Thank you. Please have a seat in
3 the witness stand, and state your full name for the
4 record.

5 (Witness seated.)

6 THE WITNESS: Allison Fitzgerald.

7 ALLISON FITZGERALD,
8 after being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SHELLENBERG:

11 Q Good afternoon, Investigator Fitzgerald. How are
12 you?

13 A Good. How are you?

14 Q Where do you work?

15 A City of Columbia Police Department.

16 Q How long have you been with them?

17 A I've been with them for five years. Two years in
18 the Investigations Department.

19 Q And were you working for them back in 2015?

20 A I was.

21 Q And what were you doing for them back in
22 December of 2015?

23 A I was an investigator in the North Region.

24 Q And did you respond to the case of strong armed
25 robbery at 321 Greystone Boulevard?

1 A I did not respond out to the location until the
2 next morning when I was assigned the case.

3 Q And so when you got assigned the case, what do from
4 there as an investigator?

5 A From there, we go out to the scene and attempt to
6 make contact with either the victim and/or the
7 owner of the store. I was trying to get video of
8 the day of. I was not able to obtain video until
9 later on the next day. And I did try to locate the
10 victim, but she had actually given her two weeks
11 notice and had not shown up for work.

12 Q She quit immediately after that?

13 A Correct.

14 Q So the next day, you end up getting the video?

15 A Correct.

16 Q And what did you do once you got the video?

17 A Once I got the video, we were able to view it and
18 observe the crime that had occurred, the strong
19 armed robbery. I did receive a phone call from
20 Sergeant Isenhoward at that time stating that they
21 had two similar incidents in the County of Richland
22 between that similar timeframe, about 6-hour
23 timeframe.

24 Q Was he able to give you a possible suspect for your
25 case?

1 A I believe either in that phone call or another
2 phone call later that day, he did state that based
3 on his prior knowledge, he might know who the
4 person was, he being a Brian Pringle.

5 Q And did you send him any stills from the video you
6 had to help him confirm it was Brian Pringle?

7 A I did. At that time, I did some still image
8 captures of the video and was able to send those on
9 to him, which he identified as being who he
10 thought -- who he knew to be Brian Pringle.

11 Q I'm going to show you what has been marked as
12 State's 7. Is this one of the stills --

13 A Yes, sir.

14 Q -- you would have sent over to him?

15 A Yes.

16 MR. SHELLENBERG: Your Honor, permission to
17 publish to the jury?

18 THE COURT: Is that already in?

19 MR. DUNCAN: That is in evidence.

20 MR. SHELLENBERG: Yes, this has been entered.

21 THE COURT: Okay. That's 7.

22 BY MR. SHELLENBERG:

23 Q And after you established Brian Pringle as a
24 suspect, what did you do at that point?

25 A At that time I did a little research on him and

1 found that he owns a light blue Suzuki Sidekick,
2 which looks very similar to a Geo Tracker, which
3 was described as being used in my crime, the crime
4 that I was investigating. I then e-mailed SLED for
5 a photo lineup request, which is what we -- that's
6 usually our protocol, just trying to remain
7 unbiased as possible for a photo lineup. And they
8 typically use DMV photos for those.

9 Q So SLED sent you -- let me show you what is marked
10 as State's 9. Is that the lineup that SLED sent to
11 you.

12 A Yes, it is.

13 Q And you showed it to Ms. Sumter?

14 A I did. I was finally able to make contact with her
15 on the 23rd. So, again, that was about five days
16 later after the weekend had passed. We were able
17 to locate her at an address. And I did show her
18 that lineup and she was not able to identify anyone
19 at that time. She stated that she focused too much
20 on the beard and eyes during the incident.

21 Q And because -- and there's no beard in those
22 pictures?

23 A Correct.

24 Q At some point did you have Ms. Moore, Tammy Moore,
25 go out and collect swabs?

1 A Yes. On the night of the incident, Ms. Moore
2 responded to the scene and collected the swabs.

3 Q I'm going to show you what is marked as State's 40.
4 Do you recognize those?

5 A Yes, those are the swabs she collected.

6 MR. SHELLENBERG: Your Honor, at this time, I
7 move State's 40 in evidence.

8 THE COURT: What number is that?

9 MR. SHELLENBERG: State's 40.

10 THE COURT: Any objection?

11 MR. DUNCAN: No, Your Honor. I thought we had
12 that moved that in.

13 (WHEREUPON, State's Exhibit No. 40 was
14 admitted into evidence.)

15 BY MR. SHELLENBERG:

16 Q Once you took them, what did you do with the swabs?

17 A Once Ms. Moore had tagged them into evidence and
18 she -- once we started working with the county in
19 reference to these cases, they then stated that
20 they would take it -- our swabs into their lab as
21 well and run our swabs. So on another date, on the
22 22nd of January, I was able to pick those swabs up
23 from our evidence room and transport them to
24 Richland County where they were run by the Richland
25 County lab.

1 Q Now, after you showed Ms. Sumter the first lineup,
2 what happened after that?

3 A After she stated that she had been focusing on the
4 beard and eyes knowingly during the incident, I
5 ended up going back to my office. And it was later
6 in the day on that afternoon, so I created a second
7 photo lineup using another picture I could find of
8 Mr. Pringle that had a beard. So I did try to call
9 Ms. Sumter and set up an appointment for the next
10 day. I had just been contacted by Richland County
11 and they stated that they were going to be placing
12 warrants on him the next morning, so I wanted to
13 make sure we moved forward with getting her to
14 identify our photo lineup prior to any bias if it
15 had gone to the media or anything like that.

16 Q I'm going to show you what has been marked as
17 State's 10. Is this the second photo lineup?

18 A That is the second lineup.

19 Q Okay. And that's the one that has beards?

20 A Correct.

21 Q And was she able to pick anybody out in that one?

22 A In this one she identified -- on our photo lineup
23 sheet, she identified Number 3 as being the person
24 that committed the crime against her. And that was
25 at 8:50 a.m.

1 Q Did you contact anyone else regarding identifying
2 the Defendant in this case?

3 A I did. After obtaining enough probable cause and
4 signing a warrant for strong armed robbery, it was
5 served later on the 24th on Mr. Pringle down at the
6 jail after he had already been picked up on the
7 county warrants. And then I was able to make
8 contact with Pamela Larson, who I knew might have
9 some -- be able to identify Mr. Pringle as well.

10 Q And did you show her some of the stills from the
11 video?

12 A Yes. She stated that she knew him by name and
13 sight already, so I was able to show her
14 surveillance still images from the video. And she
15 did positively identify him as Mr. Pringle.

16 Q I'll show you State's 7 again. Is this --

17 A Yes, it's the same picture.

18 Q -- a sample of the still?

19 A Yeah.

20 Q And she was able to view it? Did she immediately
21 identify him?

22 A She did.

23 Q At any point, did the city or the county put out a
24 BOLO?

25 A The county did put out a BOLO later in the

1 afternoon on the 23rd, in which they did
2 identify -- at that point, they had enough probable
3 cause and I believe they had signed warrants at
4 that time or they just had Mr. Pringle as a person
5 of interest along with the vehicle that was used in
6 the crime -- in their crime.

7 Q In the course of your investigation, was any stop
8 made on Mr. Pringle?

9 A Yes. Earlier in the morning on the 23rd of
10 December -- so that was five days later and before
11 I was able to show the second photo -- the first
12 photo lineup -- Officer Medley, who's an officer in
13 our North Region, e-mailed me later that morning
14 when I got into work at 5:00 a.m. that morning --
15 between 3:00 and 5:00 a.m. that morning, he
16 actually made a traffic stop on a light blue, what
17 he thought to be a Geo Tracker based on the crime
18 that had been committed five days prior, which we
19 kind of go over reports during roll calls, so he
20 was kind of familiar with it. He made the stop on
21 the vehicle, which ended up being a light blue
22 Suzuki Sidekick registered to Mr. Pringle and was
23 able to make contact with Mr. Pringle. And he
24 conducted a field interview at that time.

25 Q He did not arrest him at that point?

1 A He did not arrest him at that time. He did run him
2 for warrants and there were no warrants at that
3 time.

4 Q They hadn't been put into the system at that point?

5 A Correct. So at that time, typically what we'll do
6 is a field interview, which just shows that you
7 made contact with someone and that it was possibly
8 a potential suspect for a crime.

9 Q And so at that point did you -- when did you serve
10 warrants on him?

11 A I signed my warrant on December 24th after I
12 obtained the second identification on the photo
13 lineup by Ms. Sumter.

14 MR. SHELLENBERG: Beg the Court's indulgence,
15 Your Honor.

16 (Pause.)

17 BY MR. SHELLENBERG:

18 Q No further questions. Please answer anything
19 Mr. Duncan has.

20 CROSS-EXAMINATION

21 BY MR. DUNCAN:

22 Q Good afternoon.

23 A Good afternoon.

24 Q Investigator Fitzgerald, you testified that you
25 first went to see -- or first tracked down the

1 clerk at the store --

2 A Correct.

3 Q -- Ms. Sumter, on December 23rd?

4 A That's correct.

5 Q And at that point you showed her a photo lineup,
6 and that's State's Exhibit 9, I believe?

7 A Yes.

8 Q Do you have that?

9 A I have the second one right here. I don't know
10 where the first one is.

11 Q You have 10. Confirm that that's --

12 A That is it.

13 Q Is that 9?

14 A Yes.

15 Q And on Exhibit 9, again, you were very clear, and
16 so was Ms. Sumter, that she was not able to
17 identify anyone from that 6-pack photo lineup
18 prepared by SLED?

19 A Correct.

20 Q And so as of December 23rd you had not -- you had
21 not sought an arrest warrant?

22 A Correct. I didn't have any -- enough probable
23 cause at that point.

24 Q And you further indicated that one of your
25 officers, an officer for the City of Columbia

1 Police Department, conducted a field interview of
2 Mr. Pringle?

3 A Correct.

4 Q And that -- do you have that in your packet? Do
5 you have that in front of you?

6 A The actual field interview?

7 Q Yes.

8 A Yes, I do. I have it.

9 Q Do you have it?

10 A Uh-huh.

11 Q And first let me call attention -- I mean, do you
12 see a height and weight on there for Mr. Pringle?

13 A I do.

14 Q At the top?

15 A It states six feet and 200 pounds approximately.

16 Q At that point in time, had you ever seen Brian
17 Pringle to your knowledge?

18 A No. Only through photos I had researched of him.

19 Q And the officer who -- it looks like Officer Medley
20 is the person who conducted the field interview; is
21 that correct?

22 A Correct.

23 Q It appears that Officer Medley had gotten a phone
24 number for Mr. Pringle and a contact. He was --
25 does it appear that Mr. Pringle was cooperative

1 with Officer Medley?

2 A That's what Officer Medley stated as far as I can
3 remember. He did make the stop. He didn't make
4 any mention of any crimes that had been committed.
5 He just made contact with him and had prior
6 knowledge of the crime that had been committed that
7 he was obviously stopping him in possible reference
8 to, but he did not state that to Mr. Pringle at any
9 time. So, yes, his cooperation was complete.

10 Q And then you went back on the 24th to see
11 Ms. Sumter or Ms. Sumter came back in to see you?
12 How did that work?

13 A Correct. I went back out to the address that we
14 finally were able to locate her at.

15 Q And you went back with State's Exhibit 10?

16 A Correct.

17 Q Is that right?

18 A Yes.

19 Q And at that point in time -- that's a photo lineup
20 that you actually prepared?

21 A It is.

22 Q And at that point in time Ms. Sumter says
23 50 percent and circled a person?

24 A Right. She was able to identify him based on
25 seeing him with a beard and his eyes were a little

1 bit more noticeable.

2 Q And once that happened, once you had that photo
3 lineup, you sought an arrest warrant?

4 A Yes, I did.

5 Q And that warrant was issued on the 24th of
6 December?

7 A It was, based on that knowledge and the vehicle
8 that matched the description of the one used in my
9 crime.

10 Q Okay. And, Investigator Fitzgerald, you testified
11 earlier that a BOLO had been issued the day before
12 by the county?

13 A No, I believe -- so, the 23rd of December, actually
14 Officer Medley pulled Mr. Pringle over at
15 3:00 o'clock in the morning. And it wasn't until
16 later that afternoon that the county put out the
17 BOLO in reference to it.

18 Q So --

19 A With his actual name involved and vehicle.

20 Q So that was the afternoon of December 23rd?

21 A Correct.

22 Q And then your warrant -- you sought and obtained a
23 warrant on Christmas Eve?

24 A Correct.

25 Q And by that time, it's your understanding that

1 Mr. Pringle was in custody at that time?

2 A He had been arrested earlier that morning by
3 Richland County, which I had been aware they were
4 going to be looking for him.

5 Q And so when you said he was served with a warrant,
6 you didn't -- you weren't involved in that process?

7 A Correct. It was sent down to the jail and that's
8 where he was served.

9 Q Did you ever have any one-on-one interview or
10 discussion with Mr. Pringle?

11 A No. At that time he had stated he did not want to
12 speak with police, so he was not interviewed.

13 Q So from his encounter with the county, he had
14 already invoked his right to --

15 A As far as I was aware at that time, yes.

16 Q That was your understanding?

17 A Yes.

18 MR. DUNCAN: Beg the Court's indulgence.

19 (Pause.)

20 MR. DUNCAN: I don't have any further
21 questions of Ms. Fitzgerald.

22 MR. SHELLENBERG: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. SHELLENBERG:

25 Q As far as the field interview saying the weight was

1 200 pounds, do they just go off whatever the
2 driver's license says?

3 A Correct. Typically, that's what an officer would
4 do. I don't know what he did in that case.

5 Q In that field interview, did he write down the
6 make, model and license plate of the car that was
7 registered to Mr. Pringle?

8 A He did.

9 Q Can you read that for me?

10 A It's a 1992 Suzuki Sidekick, blue in color, South
11 Carolina tag LJW 934. And it says identifying
12 marks, sky blue in color.

13 MR. SHELLENBERG: No further questions, Your
14 Honor.

15 THE COURT: All right. You may step down,
16 ma'am.

17 THE WITNESS: Thank you.

18 (Witness steps down.)

19 MR. SHELLENBERG: Your Honor, actually we can
20 go ahead and do this witness first.

21 THE COURT: All right.

22 MR. CATHCART: The State calls Investigator
23 Carwell.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm the
4 testimony you give in this case will be the truth,
5 the whole truth, and nothing but the truth, so help
6 you God?

7 THE WITNESS: I do.

8 THE CLERK: Thank you. Please have a seat in
9 the witness stand, and state your full name for the
10 record.

11 (Witness seated.)

12 THE WITNESS: John Carwell, C-A-R-W-E-L-L.

13 JOHN CARWELL,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. CATHCART:

17 Q Where are you employed?

18 A Richland County Sheriff's Department.

19 Q How long you been there?

20 A Fourteen years.

21 Q What capacity are you employed there now?

22 A I'm the sergeant over the Major Crimes Assault
23 Unit.

24 Q Okay. And what were you doing back in 2015?

25 A 2015, I was assigned to the Robbery Unit and Major

1 Crimes. I was also promoted to sergeant around
2 that same time. I was -- I took over the Burglary
3 Unit, property crimes.

4 Q Back in December of 2015, did you have the
5 opportunity to view some stills of a robbery which
6 occurred in the city along with Investigator
7 Isenhoward and Investigator Truluck?

8 A I did.

9 Q Okay. Did you -- let me show you what has been
10 marked as State's Exhibit Number 3, 4, and 7. Do
11 you recognize what those are?

12 A Yes, sir.

13 Q Are they stills that you observed?

14 A They are.

15 Q And did you recognize anyone in those stills?

16 A Yes, Brian Pringle.

17 Q And you know Brian Pringle by name and sight?

18 A I do.

19 Q And when you saw these stills, you had no problem
20 saying the guy who was in those pictures is Brian
21 Pringle?

22 A Yes, sir.

23 Q Thank you. You did actually see him when he was
24 arrested; correct?

25 A That's correct.

1 Q Let me show you -- well, it's getting ready to be
2 marked.

3 (WHEREUPON, State's Exhibit No. 46 was
4 marked for identification only.)

5 BY MR. CATHCART:

6 Q State's Exhibit Number 46, is that how he appeared
7 that day?

8 A It is.

9 MR. CATHCART: At this time, Your Honor, the
10 State seeks to introduce State's Exhibit Number 46.

11 THE COURT: Any objection?

12 MR. DUNCAN: No, Your Honor.

13 (WHEREUPON, State's Exhibit No. 46 was
14 admitted into evidence.)

15 MR. CATHCART: May I publish it to the jury?

16 THE COURT: Without objection.

17 Yes, you may.

18 (Exhibit published.)

19 BY MR. CATHCART:

20 Q Thank you. No further questions. Please answer
21 any questions from Defense counsel.

22 CROSS-EXAMINATION

23 BY MR. DUNCAN:

24 Q Good afternoon, Investigator Carwell.

25 A Good afternoon.

1 Q The photo that was just admitted, Number 46, that
2 was published to the jury, did you see Mr. Pringle
3 on the day of that photo?

4 A He was with me just before that photo was taken.

5 Q So you were -- and that would -- that is how
6 Mr. Pringle appeared on that day?

7 A Yes.

8 Q And do you recall -- that was Christmas Eve?

9 A Yes.

10 Q Of 2015?

11 A Yes, sir.

12 MR. DUNCAN: That's all I have.

13 MR. CATHCART: Nothing further.

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

15 (Witness steps down.)

16 THE COURT: Ladies and gentlemen of the jury,
17 there is a matter of law I need to take up outside
18 your presence. I am going to send you all out for
19 about five minutes, then we will have you back in.

20 (WHEREUPON, the jury retires to the jury
21 room at 3:15 p.m.)

22 THE COURT: All right. I believe at this
23 point it is time for Ms. Larson to testify?

24 MR. CATHCART: That's correct, Your Honor.

25 THE COURT: All right. I'm going to -- and I

1 understand your objection, but I am going to -- I
2 think because identity is the issue in this case, I
3 have to allow the State to present their case and
4 attempt to prove their case. And because identity
5 is the issue, at least from opening statements,
6 that it is being contested, I'm going to allow her
7 to testify that she -- in 2015, where were you
8 working? Probation, Pardon and Parole Services.
9 Are you familiar with Mr. Pringle?

10 MR. CATHCART: And the answer to that would be
11 yes?

12 THE COURT: Yes. Have you personally met him
13 before? You can ask that. Have you personally met
14 him before? She's got to identify him. She
15 doesn't have to get into, He came to my office for
16 a meeting. I think if you ask the question -- I
17 don't know if I want you to lead, but have you
18 personally met him before, and she can just say,
19 yes, a few times. Or were you contacted -- at some
20 point in 2015, were you contacted by
21 Ms. Fitzgerald -- Investigator Fitzgerald. And at
22 that point she can say yes. And were you asked to
23 identify Mr. Pringle. And she can say whatever. I
24 think that's the cleanest way to probably do it.

25 Yes, sir?

1 MR. DUNCAN: As you just stated, Your Honor,
2 the issue is identity. And her interaction with
3 him -- you know, I want to be able to ask her those
4 questions and, you know, understand --

5 THE COURT: Well, if you get in too much
6 interaction, then she's going to answer the
7 question.

8 MR. DUNCAN: I get it. I get it. And that's
9 why my objection was what it was because, you know,
10 I want -- I understand they have a right to present
11 their case, but I want to question her, you know,
12 the amount of interaction she had with him.

13 THE COURT: I think you can ask her how many
14 times has she seen him in person. How many times
15 has she -- I mean --

16 MR. CATHCART: I can ask how many times she's
17 seen his photo because it was on her desk every day
18 for --

19 THE COURT: I said in person. How many times
20 have you seen him in person. I would just be real
21 careful. Definitely no testimony about -- what was
22 the word you used earlier?

23 MS. LARSON: My high level offender.

24 THE COURT: I'll fall out the chair at that
25 point.

1 But, I mean, the other officers pretty -- they
2 know him. I mean, something along the same lines
3 you heard Sergeant Caldwell testify, I think. Yes,
4 something along the lines of this is where I worked
5 in 2015 and do you know him and have you personally
6 met with him and does he -- and then whatever the
7 interaction was during the course of the
8 investigation.

9 MR. CATHCART: Okay.

10 THE COURT: But your objection is noted.

11 MR. DUNCAN: My objection is noted. Thank
12 you.

13 THE COURT: You're objecting to her testifying
14 at all; is that correct?

15 MR. DUNCAN: Right. That's right. That's
16 right.

17 THE COURT: All right. Y'all want to take a
18 little restroom break?

19 (WHEREUPON, a break was taken at 3:19
20 p.m.)

21 (WHEREUPON, the proceedings resumed at

22 THE COURT: Are we ready?

23 MR. CATHCART: Yes, ma'am.

24 THE COURT: Bring them in.
25

1 (WHEREUPON, the jury came into open
2 court at 3:34 p.m.)

3 THE BAILIFF: The jury is seated, Your Honor.

4 THE COURT: All right. The State may call
5 their next witness.

6 MR. CATHCART: The State calls Pamela Larson.
7 (Witness approaches.)

8 THE BAILIFF: Place your left hand on the
9 Bible, and raise your right hand, please.

10 (Witness complies.)

11 THE CLERK: Do you swear or affirm the
12 testimony you give in this case will be the truth,
13 the whole truth, and nothing but the truth, so help
14 you God?

15 THE WITNESS: I do.

16 THE CLERK: Thank you. Please have a seat in
17 the witness stand, and state your full name for the
18 record.

19 (Witness seated.)

20 THE WITNESS: Pamela Larson.

21 PAMELA LARSON,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. CATHCART:

25 Q Ms. Larson, where were you employed back in 2015?

1 A The Department of Probation, Parole and Pardon
2 Services.

3 Q And have you had an opportunity to have contact
4 with Mr. Brian Pringle?

5 A Yes.

6 Q And you've met him multiple times?

7 A Yes.

8 Q Seen him face-to-face?

9 A Yes.

10 Q At some point did Investigator Fitzgerald come and
11 speak with you?

12 A Yes.

13 Q Okay. And what did she ask you to do?

14 A She asked me to identify Mr. Pringle in a series of
15 photographs.

16 Q I'm going to show you what has been marked as
17 State's Exhibit Number 3. Do you recognize what
18 that is?

19 A Yes, I do.

20 Q And what is it?

21 A It is a picture that was used by Investigator
22 Fitzgerald for me to identify Mr. Pringle.

23 Q Were you able to identify him from that picture?

24 A I was.

25 MR. CATHCART: At this time the State seeks to

1 introduce State's Exhibit Number 3.

2 THE COURT: Any objection?

3 MR. DUNCAN: If it's not in evidence, I have
4 no objection to that.

5 THE COURT: To the photo?

6 MR. DUNCAN: To the photo.

7 (WHEREUPON, State's Exhibit No. 3 was
8 admitted into evidence.)

9 BY MR. CATHCART:

10 Q And, again, let me show you what has been marked
11 and already entered into evidence, State's Exhibit
12 Number 7. Do you recognize what that is?

13 A I do.

14 Q Is that also what?

15 A That is also one of the pictures that Investigator
16 Fitzgerald used when asking me to identify
17 Mr. Pringle.

18 Q And you were able to do as well?

19 A I was.

20 Q Is there any doubt in your mind whatsoever the
21 person in these photos is Brian Pringle?

22 A No doubt at all.

23 Q Thank you. Please answer any questions from
24 Defense counsel.

25 CROSS-EXAMINATION

1 BY MR. DUNCAN:

2 Q Good afternoon, Ms. Larson.

3 A Hello.

4 Q State's Exhibits 3 and 7 are in front of you now.

5 And were those the only two photos that

6 Investigator Fitzgerald showed you?

7 A No, they weren't.

8 Q Were you -- but those are the two that you say you

9 were able to identify Mr. Pringle?

10 A That's correct.

11 Q The others that you were shown, you could not tell?

12 A I believe the others consisted of his vehicle,

13 which I didn't know what type of vehicle he drove,

14 if I'm remembering correctly.

15 Q Ms. Larson, as of the date -- do you recall when

16 you met with Ms. Fitzgerald, approximately?

17 A I know it was sometime in December, late December,

18 maybe early January, either 2015 or 2016.

19 Q Okay. Right at the end of the year, December of

20 2015, or the first of January 2016?

21 A That's correct.

22 Q As of that point in time, how many times had you

23 physically seen Mr. Brian Pringle?

24 A I can't give you an exact number, I would say two,

25 maybe three times.

1 Q In a face-to-face encounter?

2 A That's correct.

3 Q For a fairly brief period of time?

4 A I don't remember the length of time. Usually I
5 would estimate 15 minutes at a time.

6 Q Okay.

7 MR. DUNCAN: Beg the Court's indulgence?

8 (Pause.)

9 MR. DUNCAN: That's all the questions I have
10 of Ms. Larson.

11 THE COURT: Anything else from the State?

12 MR. CATHCART: Nothing further from the State,
13 Your Honor.

14 THE COURT: All right, ma'am, you may step
15 down.

16 Any objection to this witness being excused?

17 MR. CATHCART: Not from the State.

18 MR. DUNCAN: No, Your Honor.

19 THE COURT: Thank you.

20 (Witness steps down and is excused.)

21 THE COURT: Call your next witness.

22 MR. CATHCART: The State calls Investigator
23 Truluck.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm the
4 testimony you give in this case will be the truth,
5 the whole truth, and nothing but the truth, so help
6 you God?

7 THE WITNESS: Yes, ma'am, I do.

8 THE CLERK: Thank you. Please have a seat in
9 the witness stand, and state your full name for the
10 record.

11 (Witness seated.)

12 THE WITNESS: Cris Truluck.

13 CRIS TRULUCK,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. CATHCART:

17 Q Investigator Truluck, where are you employed?

18 A Richland County Sheriff's Department.

19 Q In what capacity?

20 A I am a robbery investigator assigned to the Robbery
21 Unit.

22 Q And in that capacity -- is that what you were doing
23 back in 2015?

24 A Yes, sir, I was.

25 Q At some point did you come into contact to a

1 robbery which occurred on Farrow Road back in
2 December, December 18th of 2015?

3 A Yes, sir, I was assigned a strong armed robbery
4 case that occurred at 8550 Farrow Road here in
5 Richland County.

6 Q Okay. And what did you do when you got assigned
7 that case?

8 A I would first get the case -- it was on a Friday
9 that I got it. I probably -- don't recall what
10 time I got it on Friday; however, I would start
11 trying to develop leads or whatever. I would also
12 speak to Lieutenant Isenhoward, who, at the time,
13 was my sergeant. We spoke that following Tuesday
14 about the case and he also had a case similar in
15 nature. As a result of that, Brian Pringle was
16 developed as a suspect on both of those cases.

17 Q And did you learn of any other cases that occurred
18 in that same 6-hour period?

19 A Yes. Lieutenant Isenhoward had also informed me of
20 a case that happened on Greystone Boulevard that
21 the City of Columbia was working and he had
22 received some still shots from that incident.

23 Q Let me show you what has been marked State's
24 Exhibit 4, 6, 5. Can you describe what those are?

25 A This would be a picture of a Suzuki Sidekick that

1 was taken, actually two pictures, and then a photo
2 of Brian Pringle.

3 Q Are these photos that the City sent to y'all?

4 A Yes.

5 MR. CATHCART: At this time the State seeks to
6 introduce State's Exhibit Number 4, 6, and 5.

7 MR. DUNCAN: No objection.

8 (WHEREUPON, State's Exhibit No. 4 was
9 admitted into evidence.)

10 (WHEREUPON, State's Exhibit No. 5 was
11 admitted into evidence.)

12 (WHEREUPON, State's Exhibit No. 6 was
13 admitted into evidence.)

14 THE COURT: What are the numbers?

15 MR. CATHCART: That is 4, 5, and 6.

16 BY MR. CATHCART:

17 Q Let me show you Exhibits 3 and 7. Do you recognize
18 those as well?

19 A Yes, sir. These are additional photos of the same
20 incident.

21 Q And, in fact -- well, we'll get to that in a
22 second. So Mr. Pringle was developed as a suspect.
23 What did you do next?

24 A I would also get a video from the Farrow Road
25 incident. Once I would do that, I would compare

1 photos to Mr. Pringle's photo. I would realize it
2 was him. At that point I contacted Ms. Craft, who
3 was the clerk in the robbery at Farrow Road. I
4 would make contact with her. She would meet me in
5 my office. I would first present her with a photo
6 lineup that contained Brian Pringle in it, where
7 she would positively identify him. We would then
8 take a written statement, a detailed statement from
9 her as to what occurred during the robbery. After
10 she signed her statement, I would then present her
11 with this photo of him from the City's case and she
12 would again say, Yes, that was Brian Pringle, who
13 was the same suspect in the robbery at her
14 location.

15 Q And when you presented her the photo lineup, did
16 you in any way indicate who you wanted her to pick?

17 A No, sir, I did not.

18 Q I show you what has been marked as State's Exhibit
19 Number 8 that is already in evidence. Do you
20 recognize what that is?

21 A Yes, sir, this is a photo lineup I put together to
22 show Ms. Craft.

23 Q And that is the photo lineup she picked -- which
24 number did she pick?

25 A Number 5.

1 Q And that is Mr. Pringle?

2 A Yes, sir, it is.

3 Q And then you indicated you showed her another still
4 photo. I'll show you State's Exhibit Number 7. Do
5 you recognize what that is?

6 A Yes, sir, this is a photo that I showed Ms. Craft
7 and asked her was this the same subject that was in
8 the robbery at her store. She did identify it yes,
9 and signed it, and even added that, This is the
10 same man who robbed me.

11 Q After you got her to fill this -- or look at those,
12 what else -- what did you do next?

13 A Once I had him positively identified, I would type
14 up warrants for his arrest. Once those warrants
15 were typed up, I would turn them into the warrants
16 division where he would be entered into NCIC.

17 Q Okay. And what occurred after he was entered into
18 NCIC?

19 A On December the 24th I was contacted by Sergeant
20 Carwell that Brian Pringle had been arrested. I
21 don't recall exactly the location. However, he was
22 being transported to headquarters and Sergeant
23 Carwell was going to interview him.

24 Q And so after his detainment and saw Mr. Carwell,
25 what happened next?

1 A He would be arrested in his vehicle, which would be
2 a blue Suzuki Sidekick. That vehicle would be
3 impounded and sent to our impound yard. I would
4 develop a search warrant, put together a search
5 warrant for that vehicle, and I would serve it and
6 search his vehicle.

7 (WHEREUPON, State's Exhibit No. 47 was
8 marked for identification only.)

9 (WHEREUPON, State's Exhibit No. 48 was
10 marked for identification only.)

11 (WHEREUPON, State's Exhibit No. 49 was
12 marked for identification only.)

13 (WHEREUPON, State's Exhibit No. 50 was
14 marked for identification only.)

15 (WHEREUPON, State's Exhibit No. 51 was
16 marked for identification only.)

17 (WHEREUPON, State's Exhibit No. 52 was
18 marked for identification only.)

19 BY MR. CATHCART:

20 Q I show you what has been marked as State's Exhibit
21 Number 47, 48, and 49. Can you describe what those
22 are?

23 A Yes. These are photos of the Suzuki Sidekick. It
24 has a South Carolina tag of LJW 934. These photos
25 are outside photos of the vehicle that are at our

1 Richland County impound yard.

2 Q And that vehicle is registered to whom?

3 A Brian Pringle.

4 MR. CATHCART: At this time the State seeks to
5 introduce State's Exhibit Nos. 47, 48, and 49.

6 MR. DUNCAN: No objection to those photos of a
7 vehicle.

8 THE COURT: All right. Those will be entered
9 without objection.

10 (WHEREUPON, State's Exhibit No. 47 was
11 admitted into evidence.)

12 (WHEREUPON, State's Exhibit No. 48 was
13 admitted into evidence.)

14 (WHEREUPON, State's Exhibit No. 49 was
15 admitted into evidence.)

16 BY MR. CATHCART:

17 Q So this would be the vehicle that he was found
18 driving?

19 A Yes, sir.

20 Q And once you -- after you took the pictures of the
21 outside of the vehicle, what did you do?

22 A I would search the inside of the vehicle.

23 Q And pursuant to your search, what did you find?

24 A I located several clothing items, two things in
25 particular. One would be a camouflaged hat that I

1 found that I also recognized from the Percival Road
2 robbery that Lieutenant Isenhoward worked. In
3 that -- one thing particular about it was that it
4 has inside ear flaps that you can pull from the
5 inside of the hat down over your ears. That
6 immediately stuck out to me.

7 Q Let me show you what has been marked as State's
8 Exhibit Number 51.

9 A Yes. This is the hat.

10 MR. CATHCART: Your Honor, the State seeks to
11 introduce State's Exhibit Number 51.

12 THE COURT: Any objection?

13 MR. DUNCAN: No objection to the photo of the
14 hat.

15 (WHEREUPON, State's Exhibit No. 51 was
16 admitted into evidence.)

17 MR. CATHCART: May I publish it to the jury,
18 Your Honor?

19 THE COURT: Yes, sir.

20 (Exhibit published.)

21 BY MR. CATHCART:

22 Q What else did you find in the vehicle that was of
23 interest?

24 A Also of interest, I located a brown paper bag.
25 Inside this bag was a glass tube with a small

1 little flower inside of it, a piece of Brillo, and
2 a lighter.

3 Q And what is the significance of that?

4 A The significance of this is that throughout my
5 career in law enforcement, I have worked narcotics,
6 and this is what I used to refer to as what was
7 called before as a crack pack. These items are
8 used to smoke crack cocaine out of.

9 Q Let me show you what has been marked State's
10 Exhibit Number 52. Do you recognize what that is?

11 A Yes, sir. This is a photo of the bag that's open
12 where I'm taking a photo of the contents that are
13 inside the bag.

14 Q Where it was still in the car?

15 A Yes, it was.

16 Q And State's Exhibit Number 50, what is that a
17 picture of?

18 A This is a picture of the hat that was located in
19 the back of the Suzuki Sidekick.

20 MR. CATHCART: At this time, the State seeks
21 to introduce State's Exhibit Number 50 and 52.

22 THE COURT: Any objection?

23 MR. DUNCAN: No objection to the photos.

24 MR. CATHCART: May I publish, Your Honor?

25 THE COURT: They will be entered without

1 objection. I'm sorry, you said there's no
2 objection to either photo?

3 MR. DUNCAN: To the photos, no.

4 THE COURT: They are entered without
5 objection.

6 (WHEREUPON, State's Exhibit No. 50 was
7 admitted into evidence.)

8 (WHEREUPON, State's Exhibit No. 52 was
9 admitted into evidence.)

10 (Exhibits published.)

11 BY MR. CATHCART:

12 Q Okay. After you photographed the car pursuant to
13 your search warrant, what else did you?

14 A I would collect those items and later place them in
15 RCEP, which is Richland County Evidence Section, so
16 they could later be tested. Not so much the bag
17 with the pipe in it, but the hat for testing, DNA
18 testing.

19 Q Why is it particularly that you thought to test the
20 DNA of the hat -- if there was any DNA in the hat?

21 A Well, I knew it had to be similar to the one worn
22 by Brian Pringle, so my objective is to see if
23 there's any DNA in it that would come back to him.

24 (WHEREUPON, State's Exhibit No. 53 was
25 marked for identification only.)

1 BY MR. CATHCART:

2 Q I show you what has been marked as State's Exhibit
3 Number 53. Do you recognize what that is?

4 A Yes, sir, I do.

5 Q What is it?

6 A This is the hat located in the back of the vehicle,
7 and it's been photographed.

8 Q Does that match the hat in the video?

9 A Yes, sir, it did.

10 Q Let me show you what has been --

11 MR. CATHCART: At this time the State seeks to
12 introduce State's Exhibit Number 53, Your Honor.

13 MR. DUNBAR: The hat?

14 MR. CATHCART: Hat.

15 MR. DUNCAN: No objection to the hat that's
16 found in Mr. Pringle's vehicle.

17 THE COURT: That will be entered without
18 objection.

19 MR. CATHCART: Thank you, Your Honor.

20 (WHEREUPON, State's Exhibit No. 53 was
21 admitted into evidence.)

22 BY MR. CATHCART:

23 Q And let me ask you if you recognize what's State's
24 Exhibit Number 16?

25 A Yes, this is the items, as I explained before, a

1 glass tube with a flower, a lighter, and a piece of
2 Brillo.

3 MR. CATHCART: Your Honor, at this time, the
4 State seeks to introduce State's Exhibit Number 16.

5 MR. DUNCAN: Your Honor, I think I had
6 objected.

7 THE COURT: Previously objected.

8 MR. DUNCAN: Previously objected to that.

9 THE COURT: So noted.

10 MR. DUNCAN: Subject to that, I understand the
11 Court's ruling.

12 THE COURT: All right, 16 will be entered over
13 the objection of the Defendant.

14 MR. CATHCART: Thank you, Your Honor.

15 (WHEREUPON, State's Exhibit No. 16 was
16 admitted into evidence.)

17 BY MR. CATHCART:

18 Q Okay. The hat, you indicated you did get -- what
19 is the process? You asked for testing. What did
20 you do next?

21 A Normally, when you would put an item in the
22 evidence section and then you request to have it
23 tested, which you would fill out a forensic form,
24 it's called a forensic request form. You would
25 e-mail it to the DNA lab. They, in return, would

1 get the item out of evidence -- or the chemist and
2 the lab personnel, get it out of evidence. They
3 would test it and then put it back into evidence.

4 Q We spoke about a lineup earlier. I guess could you
5 give the -- tell the jury basically the process of
6 how you create a lineup and the questions you asked
7 of Ms. Craft.

8 A I would find pictures that would be in a database
9 that we use and I would get similar photos, such as
10 weight, age, facial features, hair. You would try
11 to get someone similar, all six photos similar in
12 nature.

13 Q Okay. And then what?

14 A Once you would present them in the lineup, you
15 would let the victim or whoever you have to try to
16 identify them and try to pick the person.

17 Q But in no way whatsoever you indicated who she was
18 to pick?

19 A No, I did not.

20 Q And, in fact, she, if I recall her testimony, put
21 her finger above the head so she get a better view
22 of him as she saw him with the hat on?

23 A That is correct.

24 Q And was she firmly convinced as to who she picked
25 and who robbed her?

1 A Yes, she was.

2 MR. CATHCART: Beg the Court's indulgence.

3 (WHEREUPON, State's Exhibit No. 54 was
4 marked for identification only.)

5 BY MR. CATHCART:

6 Q I show you what has been marked as State's Exhibit
7 Number 54.

8 A So this is a buccal swab from Brian Everett
9 Pringle.

10 Q How do you know it's a buccal swab from Brian
11 Pringle?

12 A Because I took it from him.

13 Q Describe the process, how you do that.

14 A You take a Q-tip, it's a like a normal Q-tip you
15 would use in your ear or whatever, but it's a
16 longer wood stick. And normally I present them
17 with the Q-tip and they rub it in their cheeks and
18 gums real good and then submit it in a cardboard
19 box.

20 Q Is that what you did this time?

21 A Yes, sir.

22 Q And then you take it to evidence?

23 A Yes.

24 Q Did you put it in this BEST evidence bag?

25 A Yes.

1 MR. CATHCART: At this time the State seeks to
2 introduce State's Exhibit Number 54.

3 THE COURT: Any objection?

4 MR. DUNCAN: No objection to the buccal swab.
5 (WHEREUPON, State's Exhibit No. 54 was
6 admitted into evidence.)

7 BY MR. CATHCART:

8 Q Please answer any questions from Defense counsel.

9 CROSS-EXAMINATION

10 BY MR. DUNCAN:

11 Q Good afternoon, Investigator Truluck.

12 A How you doing?

13 Q Very good. Investigator, when you described the
14 search of the vehicle that belonged to Mr. Pringle,
15 did you perform that? Did you do that?

16 A I did it myself, yes, sir.

17 Q And you did that at the impound yard of the
18 Richland County Sheriff's Department?

19 A Yes, sir.

20 Q And that was done on the date that was Mr. Pringle
21 was arrested?

22 A No, it was done January the 5th. It actually -- I
23 did it -- as soon as I got the search warrant
24 signed, I actually went to the impound yard and
25 searched it.

1 Q So the vehicle was taken? Do you recall when
2 Mr. Pringle was arrested -- I'm sorry, strike that.
3 Do you have -- in your packet that you have, do you
4 have your notes in front of you now?

5 A Yes, sir.

6 Q Do you have the warrant?

7 A I do.

8 Q Would you tell me what the date on that warrant is?

9 A For the vehicle?

10 Q No, sir, I'm sorry, the arrest warrant.

11 A The arrest warrant. Okay, I'm sorry. Which date
12 are you talking about, because I believe we already
13 discussed the error in it?

14 Q Oh, yes. I wanted to know do you know when Mr. --
15 do you know when Mr. Pringle was arrested?

16 A Yes, sir, I do.

17 Q When was that?

18 A December the 24th.

19 Q On Christmas Eve of 2015, he was arrested?

20 A Yes, he was.

21 Q And on that warrant, do you see height and
22 weight -- did you prepare that information on the
23 search warrant?

24 A I did. And that information that I obtained, I
25 personally didn't know him at the time, is what

1 information that either would come off of his
2 driver's license or what's in our database. A lot
3 of times, it's not accurate. Height normally is,
4 weight varies.

5 Q And on the warrant, it says six feet tall, 210
6 pounds? Do you agree with that?

7 A Yes, sir.

8 Q So as of the day the -- Mr. Pringle was arrested on
9 Christmas Eve?

10 A Uh-huh.

11 Q And at that point his vehicle was towed to the
12 impound?

13 A Yes, sir.

14 Q And remained there until you got a search warrant?

15 A Yes, sir.

16 Q So -- gotcha. Not bothered by anybody else as far
17 as you know?

18 A It is in a secured facility that is locked by a
19 chain and locked and also has an alarm system in
20 it. So the only people with access would be
21 Richland County personnel. No one that I knew --
22 know of had access to that vehicle but them.

23 Q In that vehicle, among other things that you found,
24 you found this cap that is marked Exhibit 53,
25 State's Exhibit 53; is that right?

- 1 A Yes, sir.
- 2 Q And that was -- you found it in the front of the
3 car -- where did you find it?
- 4 A In the back.
- 5 Q In the back seat?
- 6 A Very back. No, the very back, behind the back
7 seat.
- 8 Q Okay. All right. Thrown behind the back seat?
- 9 A (Nods affirmatively.)
- 10 Q Gotcha. All right. And, again, you did DNA test
11 it? You did the swab for that cap?
- 12 A I did not do the swab for that, the lab does that.
13 I did the buccal swab. I took the buccal swab from
14 him. The lab, they have their own process that
15 they do collecting DNA.
- 16 Q And as I've asked several times, you have nothing
17 to do with the DNA testing itself?
- 18 A No, I do not.
- 19 Q That's another guy's department?
- 20 A Yes.
- 21 Q All right. I think you testified to this a moment
22 ago. You did not know Brian Pringle as of the time
23 you were assigned this case?
- 24 A No, I did not.
- 25 Q Did not. The photo lineup, let me ask you about

1 the photo lineup that you -- did you prepare that
2 photo lineup that was shown to Ms. Craft?

3 A Yes, sir, I did.

4 Q And that -- do you have that in front of you now?

5 A No. It's been put into evidence.

6 Q I'm going to show you an exhibit. State's Exhibit
7 8; is that right?

8 A Yes, sir.

9 Q On State's Exhibit 8, that lineup was shown to
10 Ms. Craft. Where was that done, Investigator
11 Truluck?

12 A At our office.

13 Q Okay. And that is -- that is done -- I see a
14 couple of dates on there, 12/22, but then sworn to
15 on Christmas Day?

16 A No, that was my error. It would have been 12/22.

17 Q Okay. So before you got the arrest warrant?

18 A Yes, sir.

19 Q It is part of your probable cause to get an arrest
20 warrant because of this photo lineup by Ms. Craft;
21 correct?

22 A That is correct.

23 MR. DUNCAN: Beg the Court's indulgence just a
24 moment.

25 (Pause.)

1 MR. DUNCAN: Your Honor, that's all the
2 questions I have of Mr. Truluck.

3 THE COURT: Anything else?

4 MR. CATHCART: Nothing further from this
5 witness, Your Honor.

6 THE COURT: Sir, you may step down.

7 THE WITNESS: Thank you.

8 (Witness steps down.)

9 THE COURT: Call your next witness.

10 MR. SHELLENBERG: Your Honor, the State calls
11 Investigator John Barron.

12 (Witness approaches.)

13 THE BAILIFF: Place your left hand on the
14 Bible, and raise your right hand, please.

15 (Witness complies.)

16 THE CLERK: Do you swear or affirm the
17 testimony you give in this case will be the truth,
18 the whole truth, and nothing but the truth, so help
19 you God?

20 THE WITNESS: I do.

21 THE CLERK: Thank you. Have a seat in the
22 witness stand, and state your full name for the
23 record.

24 (Witness seated.)

25 THE WITNESS: My name is John Barron,

1 B-A-R-R-O-N.

2 JOHN BARRON,
3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. SHELLENBERG:

6 Q Good afternoon, Investigator Barron.

7 A Good afternoon.

8 Q Where are you employed?

9 A Richland County Sheriff's Department.

10 Q And how long have you been with Richland County?

11 A Almost 14 years.

12 Q And what do you do for them?

13 A I work in the forensic science laboratory,
14 particularly in DNA analysis.

15 Q And what exactly does that entail?

16 A DNA analysis is a human identification science
17 involving the isolation and the targeting of
18 certain portions of DNA molecules that are used for
19 human identification. That's done in our
20 laboratory by certain techniques to extract and
21 isolate DNA and copy those portions of DNA for
22 human identification. And it is done on evidence
23 involved in criminal cases, and then it is done on
24 known samples to compare the DNA to see whether or
25 not it matches.

1 Q Now, how do you go about -- how does one go about
2 collecting DNA? I know it's a couple of different
3 ways you can collect DNA.

4 A Well, since DNA exists in most cells in your body,
5 if it is left at a crime scene, it can be collected
6 in several different ways. You can collect it
7 by -- for instance, if there's a blood stain, you
8 can moisten a cotton-tipped swab that is sterile
9 and doesn't have any other person's DNA on it and
10 swab the blood and bring it to the laboratory. Or
11 you can simply bring the whole object into the
12 laboratory, which is commonly done with clothing,
13 as was done in this case.

14 Q And is there such a thing as touch DNA?

15 A When we talk about touch DNA, what we're talking
16 about is the DNA that exists in skin cells in your
17 body. And every skin cell that exists in your body
18 has a nucleus in it, which contains a molecule of
19 DNA. And that molecule of DNA can be used to
20 identify you individually. Unless you have an
21 identical twin, that DNA will be unique to you.

22 Q Do you necessarily leave touch DNA on everything
23 that a person touches in a day?

24 A No. It is well documented scientifically that we
25 shed our skin cells, they are being constantly shed

1 and replaced. However, whether or not you leave
2 enough skin cells on an object to identify you
3 depends on, you know, how long you come in contact
4 with that object, how rough you treat that object,
5 and whether or not you're an active shedder of your
6 skin cells. It's known that some people shed more
7 skin cells than others. For instance, if you have
8 a dandruff problem, you're obviously shedding more
9 skin cells than those people who don't have a
10 dandruff problem.

11 Q Now, do you shed more skin cells in the summer or
12 winter?

13 A I'm not sure.

14 Q Okay. Now, let's look at what you did in this
15 case. We had -- I will show you -- first, in order
16 to test against a sample, I believe you said you
17 need a known sample. What exactly would a known
18 sample be?

19 A That would be -- a known sample is -- it's common
20 today to collect a sample from inside a person's
21 mouth because it's very non-invasive. It used to
22 be early in DNA, we'd actually collect a blood
23 sample and they would have to go to a doctor's
24 office and get a tube of blood drawn. But it was
25 shown clearly that the DNA in your blood is the

1 same DNA in your mouth, so it's a whole lot less
2 painful and a lot less intrusive to individuals
3 just to swab the inside of their mouth because
4 their cheeks and gums contain a lot of skin cells.
5 And so it doesn't take much to get it on a swab and
6 submit it to a laboratory and plenty of DNA to show
7 us what their DNA profile is like.

8 Q So that would be what's referred to as a buccal
9 swab?

10 A Yes. Buccal is simply referred to as a word for
11 cheek skin cells.

12 Q I will show you what has been marked State's 54.
13 Do you recognize that?

14 A Yes, this is a swab carton, a little cardboard
15 rectangular box. It contains the swabs that are
16 used to collect, and it is inside a sealed property
17 and evidence bag to make sure it is not tampered
18 with by anyone other than the laboratory.

19 Q And whose buccal swab is that?

20 A This buccal swab belongs to Brian Everett Pringle.

21 Q Now, did you test some swabs against that buccal
22 swab in this case?

23 A I --

24 Q These three cases, I apologize?

25 A Yes. There are three different cases involved

1 associated with this individual that I was asked to
2 test DNA on items that were submitted. And there
3 were some that were swabs from items I guess at the
4 crime scene, and then the hat was submitted to our
5 laboratory. And when you wear a hat, then it would
6 be common to leave skin cells from your head around
7 the edges of the rim of the hat and inside of the
8 hat. So we target that area. We scrape and swab
9 and pull as many skin cells as we can off of it for
10 DNA analysis.

11 Q Well, let's look at the swabs taken in the first
12 strong armed robbery case. Did you test those two
13 swabs, the one from the right entry door handle and
14 the one from the cash drawer, against the
15 Defendant's buccal swab in this case?

16 A These are swabs from Shell gas station?

17 Q Yes, sir.

18 A Swab of the front counter and swab of a honey bun
19 pack.

20 Q Oh, I'm sorry. Yes. Then we'll go and look at the
21 second one. Sorry, I got them backwards in my
22 head. Did you run those against the Defendant's
23 buccal swab?

24 A Well, first of all, I run the evidence separate
25 from the known sample. It's a less contamination

1 issue. So I test the evidence samples to see
2 whether or not there is any DNA on them and whether
3 or not it is sufficient to compare to any other
4 person that might be submitted in the case.

5 So in this case, the swab from the front
6 counter and the swab from the honey bun pack
7 contained a mixture of DNA. In other words, they
8 contained DNA from more than one individual. So --
9 which is common for a front counter and a honey bun
10 pack, something that many people might touch, pick
11 up, et cetera.

12 Q And, additionally, did you swab or did you test a
13 one dollar bill? Let me show you State's 23.

14 A State's 23 is a dollar bill. A dollar bill is
15 another object that would be handled by a lot of
16 people. And, as well, this one contained a mixture
17 of human DNA of several individuals.

18 Q So it's not uncommon for a counter or a dollar bill
19 that's exchanged regularly to not show a person's
20 DNA?

21 A Well, I mean, it had somebody's DNA. Whether or
22 not it's a person of interest is another question.
23 I'd have to compare it with a known sample.

24 Q But if you did, I mean, it still, because a dollar
25 bill changes hands and a front counter is a heavily

1 traveled area, it may not result in a person's DNA
2 showing up?

3 A Well, not everybody who touches that dollar bill or
4 touches that countertop is going to leave their
5 DNA. And, plus, it's going to be a mixture, so
6 it's going to be a particular type of analysis. An
7 individual in order to be identified in a mixture
8 on a sample like that is going to have to be
9 somebody who would actually touch it a lot or
10 accidentally leave a lot of DNA on it. For
11 instance, the dollar bill, say they put it in their
12 mouth or something, that would leave a lot more DNA
13 than just handling it.

14 Q I'm going to show you what has been marked State's
15 40. I believe you tested those swabs as well?

16 A State's 40 is two swabs from the interior door
17 handle and a countertop at a register. This is at
18 321 Greystone Boulevard. It's the Columbia Police
19 Department case.

20 Q And what was the result of those tests?

21 A Again, DNA mixtures were present on both of them.

22 Q And, again, an interior door and a countertop or a
23 register top are commonly touched areas. It's not
24 uncommon for somebody to not leave -- for DNA to
25 not be found there?

- 1 A Well, it would be common to find some DNA there.
- 2 Q If you were to just touch it?
- 3 A You may not find -- I think your question is, Could
4 you find every person's DNA whoever touched it, and
5 the answer would be probably no.
- 6 Q You did test -- I show you State's 53.
- 7 A Yes.
- 8 Q Now, you ran a DNA test on that. What did you do
9 in order to run a DNA test on that?
- 10 A Like I mentioned earlier, the inside of the hat
11 where it's worn on the head. This area would be --
12 you take a clean scalpel and clean swabs and we try
13 to loosen up any skin cells that might be embedded
14 in the fibers. And then we put it in a tube in the
15 laboratory, a sterile tube that has nobody else's
16 DNA in it. And that is used to extract any DNA
17 that might be present on the inside of that hat.
- 18 Q And you performed that analysis?
- 19 A I did.
- 20 Q And what were the results?
- 21 A Again, we find a mixture of DNA inside the hat.
22 And in comparing that DNA to Brian Pringle, we
23 found -- I found that Brian Pringle was one of the
24 individuals that is included in that mixture of DNA
25 from the inside of that hat.

1 Q So his DNA was present in the hat?

2 A Yes, it was.

3 Q Finally, I'll show you State's 41. And what are
4 those?

5 A State's 41 is swabs taken from Shell station, the
6 right entry door handle and cash register drawer.

7 Q And did you run a DNA analysis on those?

8 A Yes, I did.

9 Q And what was the result of that?

10 A Again, very common area that many people had
11 touched, DNA mixtures were developed.

12 (WHEREUPON, State's Exhibit Nos. 55 - 57
13 were marked for identification only.)

14 BY MR. SHELLENBERG:

15 Q I'm going to show you what has been marked as
16 State's 55, 56, and 57.

17 MR. DUNCAN: No objection, Your Honor.

18 THE COURT: What are the numbers again?

19 MR. SHELLENBERG: It is 55, 56, and 57.

20 THE COURT: Entered without objection.

21 (WHEREUPON, State's Exhibit Nos. 55 - 57
22 were admitted into evidence.)

23 BY MR. SHELLENBERG:

24 Q Do you recognize these?

25 A Yes, these exhibits are copies of my official

1 laboratory report that I issued on all three of
2 these cases.

3 MR. SHELLENBERG: Your Honor, at this time, we
4 move State's 55, 56, and 57 in evidence.

5 THE COURT: Yes, I believe there's no
6 objection.

7 MR. DUNCAN: That's correct.

8 MR. SHELLENBERG: Beg the Court's indulgence?

9 (Pause.)

10 MR. SHELLENBERG: No further questions.

11 THE COURT: Yes, sir?

12 MR. DUNCAN: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. DUNCAN:

15 Q Good afternoon.

16 A Good afternoon.

17 Q How are you, sir?

18 A I am fine.

19 Q Do you have these reports that you prepared?

20 A Yes, sir.

21 Q So, Investigator Barron, Exhibit 55 from your
22 official report dated 3/24/17, that is a swab from
23 an interior door handle and a swab from countertop
24 at register. And from that report, can you tell me
25 that -- which case that is? Is that City of

1 Columbia or one of the county cases? Are you able
2 to tell?

3 A Evidence is brought into our evidence and property
4 section. It is given a Richland County
5 laboratory -- or Richland County case number.

6 Q Okay.

7 A And I go by that. So if it is a Columbia Police
8 Department case, I am not aware of it.

9 Q Okay. All right. So that -- Exhibit 55 that has
10 Case Number 1601950422, that's from a Shell gas
11 station?

12 A Yes. I'm looking at the report with that case
13 number on it, yes, sir.

14 Q Okay. And that's a swab from an interior door
15 handle and a countertop at the register?

16 A Yes, sir.

17 Q And you -- Investigator Barron, is it fair to say
18 that you were given those swabs and asked to
19 determine -- compare those to a known sample of my
20 client, Mr. Pringle?

21 A That's correct.

22 Q And the result of that -- of those items is that
23 Mr. Pringle is excluded from the mixture?

24 A That is correct.

25 Q And you testified earlier that not everyone that

1 ever touched a door handle or a countertop would
2 necessarily leave DNA?

3 A That's correct, or a sufficient amount of DNA to
4 positively identify anybody.

5 Q But what we know from this report is that
6 Mr. Pringle did not leave enough DNA or was never
7 present at this location?

8 A Mr. Pringle's DNA profile was developed from this
9 buccal swab. It was compared to the known results
10 from these mixtures. And I could not positively
11 say that Mr. Pringle was in those mixtures. I
12 could say that because of the differences in the
13 DNA that were in the mixtures compared to
14 Mr. Pringle that it is my opinion as an expert in
15 DNA analysis that he is excluded from those
16 mixtures.

17 Q And, Mr. Barron, looking at Exhibit 56, and that's
18 your Case Number 1512004318?

19 A Yes, sir.

20 Q Again, that is going to be a swab from a right
21 entry door handle -- handles -- and a swab from
22 cash register drawer?

23 A Yes, sir.

24 Q Your examination done on those items looks like it
25 was completed -- the date on it is 5/30/17, is what

1 I see?

2 A That's when the report was signed, yes, sir.

3 Q As with Exhibit 55, the DNA results from those two
4 items were mixtures. And, again, Mr. Pringle was
5 excluded from that mixture; correct?

6 A That is correct.

7 Q Same analysis as you just described with the
8 previous report?

9 A Correct. There was sufficient data in those
10 mixtures to exclude Mr. Pringle.

11 Q And, Investigator Barron, as to those swabs from
12 those two stores, you weren't asked to look as to
13 anybody else?

14 A No. I was only given a swab from Mr. Pringle.

15 Q And then finally, from Exhibit 57, with your report
16 date -- excuse me, your Case Number 1512047817, and
17 it has -- appears to be your signature dated
18 4/3/17; is that correct?

19 A That particular case contained two laboratory
20 reports, an initial report and then a supplementary
21 report, after additional evidence was submitted for
22 analysis. The last report was dated 4/3/17.

23 Q Okay. Apparently that's what has been admitted
24 into evidence as State's Exhibit 57.

25 A That report would be inclusive of the initial --

1 the results of the initial report.

2 Q I see.

3 A So you see the results of both -- of all the
4 evidence in the supplemental report. The
5 additional items are bolded, in bold letters.

6 Q I see. I see. And certain -- let me ask you,
7 Mr. Barron, there's certain items, there's a swab
8 from the top front counter, a swab from a honey bun
9 pack, a swab from a one dollar bill, and a
10 camouflage hat, and then it lists a buccal swab
11 from Brian Pringle on that report?

12 A It does, as well as some other items.

13 Q Okay. And I was going to ask you, it appears that
14 those -- the items I just read, which are Number 1,
15 2, 4, 9, and 11, were analyzed and then no analysis
16 was done on Items 7, 8, or 10. And I was just
17 going to ask you why that was, if you weren't asked
18 to do that or what the situation was?

19 A The situation is that the investigator fills out a
20 laboratory request form and he would request the
21 items that he wants tested. And the other items
22 that are listed just happened to be packaged with
23 the items he wanted tested, so that's why we list
24 them as inventory.

25 Q In other words, they came into your lab as

1 evidence?

2 A Yes, sir.

3 Q And were together?

4 A They were.

5 Q And so you list them?

6 A Yes, sir. That's -- the items received are simply
7 an inventory of what was in the containers that
8 were picked up from our evidence and property
9 section.

10 Q I see. Okay. And then you did the analysis on the
11 items as requested by Investigator Truluck in this
12 instance?

13 A That's correct. It's not uncommon to get a lot of
14 items that are submitted and then to be requested
15 to only test a few of them.

16 Q And on this report, State's Exhibit 57, you again
17 did -- had three swabs, had a swab from a front
18 counter of this store, you had a swab from a honey
19 bun pack, and a swab from a one dollar bill, which
20 you -- your results, there were DNA results from
21 those again are mixtures; is that correct?

22 A That's correct.

23 Q And, once again, Mr. Pringle is excluded from these
24 mixtures?

25 A I could not include Mr. Pringle in these mixtures.

1 Q There is a different result for the hat that's
2 sitting in front of you as State's Exhibit 53, and
3 that hat, you compared that to the known buccal
4 swab of Mr. Pringle?

5 A That's correct.

6 Q And can you describe the results from that?

7 A Well, the hat contained a DNA mixture. Obviously,
8 the hat was handled or worn by more than one
9 person. And one of those individuals are
10 consistent with that of Brian Pringle. A
11 mixture -- a statistical analysis is then performed
12 to apply the weight to that evidence. And in this
13 case it is 2.9 billion times more likely that Brian
14 Pringle is one of those people in that mixture than
15 just picking someone at random. So that's very
16 strong evidence in my opinion indicating that Brian
17 Pringle is on that hat.

18 Q That cap. Do you know -- as you sit here,
19 Investigator Barron, do you know where that cap was
20 located?

21 A I heard the investigator testify just before I got
22 up that it was found in an automobile.

23 Q All right. When you were provided the cap, did you
24 know where it had been found?

25 A No, sir.

1 MR. DUNCAN: Beg the Court's indulgence just a
2 moment.

3 (Pause.)

4 BY MR. DUNCAN:

5 Q I don't have any further questions, Mr. Barron.

6 THE COURT: Anything else from the State?

7 MR. SHELLENBERG: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. SHELLENBERG:

10 Q Investigator Barron, if a person's DNA is included
11 in the mixture, that just means that they were
12 there? You can say that they were present and left
13 their DNA?

14 A Well, again, it depends upon the weight of the
15 mixtures, the statistical analysis. In this
16 particular case, I believe it's strong enough to
17 indicate that he was present in the hat.

18 Q But if a person's DNA mixture -- or if their DNA is
19 excluded from a mixture, it doesn't mean that they
20 weren't there; correct?

21 A That is correct. Particularly samples that are
22 submitted from countertops, dollar bills, honey
23 buns, door handles, these are, in my opinion, very
24 poor sources to collect a positive identification
25 of DNA from a person.

1 Q They could have just simply not left a sufficient
2 amount of DNA?

3 A Correct. Plus, it's going to yield a mixture of a
4 multitude of individuals because these are areas of
5 a store -- in this case, stores where a lot of
6 people would be touching it. So it might be a
7 little bit of DNA from one person, a little bit of
8 DNA from somebody else. And it is very difficult
9 to determine whether or not an individual is
10 included in a mixture like that.

11 MR. SHELLENBERG: Thank you. No further
12 questions.

13 MR. DUNCAN: I have just one or two.

14 THE COURT: Oh, is he finished?

15 MR. SHELLENBERG: Yes, Your Honor.

16 THE COURT: You're done?

17 MR. SHELLENBERG: Nothing further.

18 RECROSS-EXAMINATION

19 BY MR. DUNCAN:

20 Q Mr. Barron, as you described the cap and what the
21 likelihood is of an individual contributing to
22 that, it was pretty strong that Mr. Pringle would
23 have been -- had that hat?

24 A Yes, 2.9 billion times more likely than the random
25 population.

1 Q And, again, the only person you were asked to check
2 as to those other items, the store counter and
3 the -- the store counters and the door and the
4 dollar bill, was Mr. Pringle; correct?

5 A Correct.

6 Q And given that that was your task, all -- what you
7 can say is that Mr. Pringle is not included in
8 those mixtures, period?

9 A I saw no evidence to include him, but on mixtures
10 like that, I'm not surprised.

11 Q Thank you.

12 THE COURT: Anything else from the State?

13 MR. SHELLENBERG: No, Your Honor.

14 THE COURT: Sir, you may step down.

15 Any objection to this witness being excused?

16 MR. CATHCART: No, Your Honor.

17 (Witness steps down and is excused.)

18 THE COURT: Call your next witness.

19 MR. CATHCART: At this time, the State rests,
20 Your Honor.

21 THE COURT: All right. Ladies and gentlemen
22 of the jury, at this time the State has rested
23 their case, called all their witnesses.

24 There is a matter of law that I need to take
25 up outside of your presence. I am going to send

1 you back into the jury room for a short break, and
2 then we will receive you back in shortly.

3 Remember, do not discuss the case. You are
4 sworn to be fair and impartial to both the State
5 and the Defendant. And so you have only received
6 part of the case, so please do not discuss the
7 case.

8 Thank you.

9 (WHEREUPON, the jury retires to the jury
10 room at 4:36 p.m.)

11 THE COURT: All right. Any motions?

12 MR. DUNCAN: Your Honor, I would move under
13 Rule 19 for a directed verdict at this time. I
14 think on the second charge, or the charge at
15 Greystone Boulevard -- I'm going to start with that
16 one, and that is the City of Columbia's case, the
17 person identifying him.

18 In that case, the only witness who was, you
19 know, present at the time of the alleged incident
20 was Ms. Kimbrell Sumter. Ms. Sumter indicated that
21 when she met with Investigator Fitzgerald, she had
22 an initial meeting, could not identify the person
23 who had robbed the store and robbed her. She had a
24 subsequent meeting, at which point she indicated a
25 50 percent likelihood in her mind and circled my

1 client's photograph.

2 Your Honor, I do not believe that that level
3 of confidence is sufficient for a reasonable juror
4 to return a verdict of guilty as to that charge.
5 And I would ask that the Court direct a verdict of
6 not guilty on that count, on that charge of strong
7 armed robbery.

8 And I can -- I'll take them one at a time, or
9 however the Court wants to do it.

10 THE COURT: All right. I'll give the State an
11 opportunity to respond.

12 MR. CATHCART: Your Honor, as to that case,
13 she would be the only witness that was present --
14 well, actually, first of all, in the light most
15 favorable to the State, we have met all the
16 elements and jurisdiction and identification of the
17 Defendant on this particular count. She was the
18 only person present in that store. However, also
19 present in that store was multiple viewing angles
20 from multiple cameras. The jury themselves will be
21 able to determine who the person they see in there
22 just from that evidence if it matches him by
23 themselves. However, we have three separate
24 people, two of which have known him for years, who
25 are able to say, Yes, I know that guy, that guy in

1 that picture is Brian Pringle. Also, the probation
2 agent, who had been chasing him the month before
3 looking for him, met with him three prior times and
4 again identified from the pictures from that ID.
5 The victim herself, Ms. Sumter, is shown a photo
6 lineup that, I can't pick the guy out of because
7 there's six people with no beards and you can't --
8 it's unrecognizable as he looked when he committed
9 this robbery. However, because the victim also
10 says, I can't reliably pick, I can't pick somebody
11 out of that, I was focused on his beard and the
12 eyes, she was shown another photo lineup in which
13 she picks the Defendant. The way she couches it,
14 it's not picking. The way she couches it, is
15 50 percent sure, is a question for the jury.

16 But in the light most favorable to the State,
17 I believe we've met our burden as to all the
18 elements and to the identification of the
19 Defendant.

20 THE COURT: All right. Anything further?

21 MR. DUNCAN: Your Honor, my next motion would
22 be as to a directed verdict as to the third
23 incident, the one that occurred on Percival Road.

24 And as to that incident, as I recall the
25 testimony today, the store clerk was Ms. Strother,

1 Kimberly Strother. And Ms. Strother was very frank
2 in saying that she was busy doing some training and
3 just really did not look at the face of the
4 individual and was -- I think she testified that
5 she was shown a photo lineup -- or I'm not even
6 sure about that. She certainly indicated that she
7 did not have a visual of the individual, and so was
8 not able to identify the person who held up that
9 store on the morning of December 18th over on
10 Percival Road.

11 And, further, she -- I think the only
12 testimony as to that, as to that robbery and any --
13 I mean, the only other thing I can recall was a
14 vehicle that allegedly was similar to one that Mr.
15 Pringle drove was seen out at the air pump on that
16 day -- morning in question.

17 But I don't recall that any -- I mean, we saw
18 a video today and I think maybe Lieutenant
19 Isenhoward said he viewed that video. I think that
20 was his case. But I don't think that the -- I
21 don't think the State has met its burden as to
22 that -- to that charge in regard to the identity of
23 Mr. Pringle.

24 THE COURT: All right. Yes, sir?

25 MR. CATHCART: Again, Your Honor, in the light

1 most favorable to the State, I believe the State
2 has met its burden as to each of the elements of
3 the offense and as to identification and
4 jurisdiction.

5 The Defendant in this case as to the third
6 case, it's not in a vacuum, there's three of these
7 cases, and he matches the description on the video
8 of each one of these cases as well. Again, the
9 jury themselves will be able to see the Defendant,
10 not only who is recognized by Investigator
11 Isenhoward, who's known him for years and two
12 multiple arrests, which, of course, they didn't get
13 to hear; however, they also get to see him wearing
14 this hat, this hat that's found in his -- the
15 Defendant's possession with his DNA. The shirt
16 that he was wearing in the Greystone robbery, which
17 we just discussed, and this robbery, which we are
18 discussing at this point, as was pointed out by the
19 victim when she came to look at the video, both had
20 that white lettering on the back. It's the exact
21 same shirt, wearing the same boots, same pants,
22 same beard, just a different hat has his DNA.

23 In the light most favorable to the State, we
24 believe each and every one of the elements, and,
25 specifically, the identification of Isenhoward

1 who's known him, again, for multiple years
2 identifies him as being the robber in that case.
3 Again, the same car in each of these three
4 robberies.

5 I believe the State has met its burden and
6 should go forward.

7 THE COURT: All right.

8 MR. DUNCAN: And finally, Your Honor, for the
9 incident at Farrow Road, we would move for a
10 directed verdict on that charge as well.

11 Looking at the video that was introduced into
12 evidence, our position would be that that
13 individual does not meet the description of
14 Mr. Pringle. There is -- certainly on that one,
15 there are several individuals who identified
16 Mr. Pringle. Torah Craft, the cashier, being one,
17 and Sergeant Isenhoward being another. But, again,
18 I think the photo -- excuse me, the video evidence
19 itself is such that it would exclude Mr. Pringle.

20 And, again, I think there are no -- there's no
21 physical, you know, fingerprints, DNA, none of
22 those things. The State did the test. They
23 processed the scene. They gave the material to
24 Investigator Barron at the Richland County
25 Sheriff's Department's lab, but other than a cap

1 that was found in Mr. Pringle's car, none of the
2 other items that were taken into evidence can be
3 linked forensically to Mr. Pringle. And we would,
4 again, seek a directed verdict on that charge at
5 Farrow Road as well.

6 Thank you.

7 THE COURT: Yes, sir?

8 MR. CATHCART: Your Honor, as to Farrow Road,
9 again, in the light most favorable to the State,
10 the evidence has shown each and every element,
11 including jurisdiction and identification.
12 Specifically, in this case as to identification,
13 Ms. Craft picked him out of the photo lineup. She
14 also identified him in the courtroom and is, I
15 believe, a thousand percent sure of that he is the
16 man who did this to her.

17 He is also identified on the video by
18 Sergeant -- excuse me, Lieutenant Isenhoward. And
19 he is also -- Ms. Craft not only identified him
20 from the photo ID, but afterwards identified him
21 from State's Exhibit Number 7, which is a
22 photograph that was taken from the video from the
23 Greystone Boulevard, the same photo that was --
24 also that Sergeant Carwell and Sergeant -- excuse
25 me, the probation agent was also saying that, Oh,

1 yeah, we know that guy by name, that would be Brian
2 Pringle.

3 Also, all the evidence in that case, including
4 her identification, including the vehicle that left
5 the scene matching the description of the Suzuki
6 Sidekick and, again, his clothing being the same,
7 his physical description being the same, and a
8 video that's quite clear, the jury can see, I
9 believe that we have met our burden as to each of
10 the elements, especially identification.

11 THE COURT: All right. In terms of the
12 directed verdict as to all three counts -- or all
13 three indictments, I should say -- based on the
14 testimony that has been given before the Court --
15 given in court today, I do find that there is
16 sufficient issue of fact to go before the jury
17 based on the testimony and the evidence that has
18 been presented here today.

19 I will respectfully deny the motion of the
20 Defendant for a directed verdict at this time.

21 All right. Any other motions other than
22 directed verdict?

23 MR. DUNCAN: Not from -- no, Your Honor.

24 THE COURT: All right.

25 MR. CATHCART: I assume, Your Honor, he's

1 going to restate his objections as to Number 16?

2 MR. DUNCAN: Yes. Yes, ma'am.

3 THE COURT: Okay.

4 MR. DUNCAN: Just to make clear, yes, the
5 objections that were previously made to Exhibit 16
6 coming in.

7 THE COURT: The crack pipe?

8 MR. DUNCAN: Which was the crack -- the
9 alleged crack pipe, I would renew my objection to
10 that, and --

11 THE COURT: Probation.

12 MR. DUNCAN: -- to the probation officer's
13 testimony, period. I wanted to exclude it
14 completely for the reasons that were noted earlier
15 today.

16 So, thank you, Mr. Solicitor, for making the
17 record clear. I do, you know, renew those
18 objections at this time. I think those are the
19 only two items -- two evidentiary matters that the
20 Court overruled my objections. I would renew those
21 objections.

22 THE COURT: All right. So from a scheduling
23 standpoint, it's 4:52. I, of course, have to
24 advise your client of his rights in terms of
25 testifying, but -- and he doesn't have to answer

1 that now. Do you think you're going to call any
2 other witnesses?

3 MR. DUNCAN: Your Honor, we have an alibi
4 witness. We have provided that several -- maybe
5 three months ago, three or four months ago to the
6 State and would have her ready to be here in the
7 morning.

8 THE COURT: She's not here now?

9 MR. DUNCAN: She is not here right now. She
10 is not here. I didn't --

11 THE COURT: Is that your -- I'm not trying to
12 tie you down on that, but you think that's the only
13 witness you'll have?

14 MR. DUNCAN: Other than perhaps Mr. Pringle,
15 that's right.

16 MR. CATHCART: Your Honor, we have been
17 provided the alibi.

18 THE COURT: And you don't have -- you don't
19 know if you're going to have any reply witnesses?

20 MR. CATHCART: Probably will.

21 THE COURT: Okay.

22 MR. CATHCART: Not many.

23 THE COURT: Okay. All right.

24 This is another note from Juror 333 regarding
25 his meeting this evening at 6:00. But he should be

1 able to make it if we're going to excuse them now.
2 I'll bring them back in, excuse them, and then I'll
3 come back and advise him as to his right to testify
4 and all of that, and then we'll break for the
5 evening.

6 MR. DUNCAN: Okay.

7 THE COURT: You can bring them on in.

8 (WHEREUPON, Court's Exhibit No. 2 was
9 marked for identification only.)

10 (WHEREUPON, the jury came into open
11 court at 4:55 p.m.)

12 THE BAILIFF: The jury is seated, Your Honor.

13 THE COURT: Ladies and gentlemen of the jury,
14 as you heard before we took our break, the State
15 has rested. And at this time -- and I'm not
16 sure -- as I explained to you all in the beginning
17 of the trial, the burden is on the State to prove
18 the Defendant guilty beyond a reasonable doubt.
19 I'm not sure if the Defense is going to put up any
20 witnesses. However, if they are, and it's 4:56, it
21 will have to be in the morning. We are going to go
22 ahead and take our evening break.

23 And so I will remind you that you have only
24 received one side of the case and that you are not
25 to have any discussions. Please do not do any

1 research. Please do not form an opinion in your
2 minds as to the innocence or guilt of Mr. Pringle
3 at this time until you have heard all of the
4 evidence, the arguments of the parties, and the
5 charge on the law from the Court. So, I ask that
6 you -- when you leave out the courtroom, you just
7 think about something else, talk about something
8 else, and not anything that is going on here at
9 1701 Main Street.

10 We will start back in the morning at 9:30. I
11 hope that you have a restful evening, and we'll see
12 you in the morning at 9:30.

13 Okay. Thank you.

14 (WHEREUPON, the jury is excused for the
15 day at 4:56 p.m.)

16 THE COURT: All right. Let me have
17 Mr. Pringle stand up and raise his right hand.

18 (Defendant stands.)

19 THE COURT: See if you catch them. They might
20 be gone, but just that we might work late tomorrow.
21 I don't know, they might still be out there. So we
22 won't have the issue of Mr. Pope having another
23 meeting or something somewhere.

24 MR. SHELLENBERG: Well, he is an alternate, so
25 hopefully everybody will be back.

1 THE COURT: Yes, he is. That's true, he is an
2 alternate.

3 They're gone?

4 THE BAILIFF: They're gone.

5 THE COURT: Okay. We'll go ahead and put
6 Mr. Pringle under oath.

7 THE CLERK: Yes, Your Honor.

8 Raise your right hand.

9 (Defendant complies.)

10 THE CLERK: Do you swear or affirm to tell the
11 truth, the whole truth, and nothing but the truth,
12 so help you God?

13 THE DEFENDANT: I do.

14 THE CLERK: Thank you.

15 THE COURT: Thank you. Sir, at this time I am
16 going to explain to you certain rights that you
17 have. If you do not understand anything that I
18 say, please let me know. If you want me to explain
19 anything in more detail, please let me know. Do
20 you understand?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. We have now reached
23 the stage of the trial where you may present your
24 Defense. You have the right to claim the
25 protections given to you by the Fifth Amendment to

1 the constitution of the United States. This
2 amendment states in part: No person shall be
3 compelled in any criminal case to be a witness
4 against himself. This means that you cannot be
5 required to testify in this case. You have the
6 right to testify on your own behalf; however, no
7 one can make you testify. This is a personal right
8 and no one can waive that right except for you.

9 If you decide to testify, you will be subject
10 to the same rules that govern other witnesses and
11 you may be examined and cross-examined on any
12 relevant issue in this case.

13 In addition, if you have any convictions
14 involving dishonesty or false statements or for
15 crimes punishable by imprisonment for more than one
16 year and this Court determines that the probative
17 value of admitting this evidence outweighs the
18 prejudicial effect to you, the Solicitor will be
19 able to introduce your record to attack your
20 credibility.

21 If you decide to testify, the decision on your
22 part must be freely, voluntarily, and intelligently
23 made with knowledge of the protections given to you
24 by the Fifth Amendment and the consequences of your
25 decision to testify.

1 If you decide not to testify, I will instruct
2 the jurors that they cannot give the fact that you
3 did not testify any consideration whatsoever and
4 that there is to be absolutely no prejudice to you
5 because you did not testify.

6 It is left entirely up to you whether or not
7 you testify. You may talk with your attorney, your
8 family and friends, or anyone else, but the final
9 decision will be your decision. Do you understand
10 what I've explained to you?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: All right. Do you have any
13 questions about what I have explained to you?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: And since it is the evening, I'll
16 give you an opportunity this evening to speak with
17 your lawyer as to whether or not you should
18 testify. Once again, the ultimate decision is on
19 you as to whether or not you will testify. If you
20 will do that, that will be in the morning.

21 For purposes of impeachment, are there any
22 crimes of dishonesty that the State would ask him
23 if he is to testify or like to? Obviously, strong
24 armed robbery, according to the State v. Broadnax.

25 MR. CATHCART: By itself, it's not a crime of

1 dishonesty.

2 THE COURT: Yes. Does he have anything else
3 on his record?

4 MR. CATHCART: That's pretty much what his
5 record is. Not since 19 -- he had a fraudulent
6 check in '95. Everything else is pretty much
7 strong armed robbery and purse snatching.

8 THE COURT: All right. Anything else before
9 we recess for the evening?

10 THE DEFENDANT: Thank you, ma'am.

11 (Defendant seated.)

12 THE COURT: All right. We'll start at 9:30.
13 I'll try to get here a little bit early if there's
14 any issues we need to take up before.

15 Have y'all settled the record on the alibi
16 witnesses too?

17 MR. CATHCART: I think we did.

18 MR. DUNCAN: I'm not aware of her having any
19 record.

20 (WHEREUPON, the proceedings were
21 concluded at 5:02 p.m.)

22 JULY 12, 2017

23 (WHEREUPON, the proceedings resumed at
24 9:48 a.m.)

25 THE COURT: Are we ready?

1 MR. CATHCART: The State's ready, Your Honor.

2 MR. DUNCAN: Yes, Your Honor.

3 THE COURT: Before we bring them in, let me
4 have Mr. Pringle stand up again.

5 (Defendant stands.)

6 THE COURT: Sir, you're still under oath from
7 yesterday. Mr. Pringle, I advised you of your
8 rights and right as to testifying and presenting
9 evidence today. Have you had an opportunity to
10 speak with your attorney?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And have you made a decision as to
13 whether or not you wish to testify?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: All right. And that decision is?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: You're not testifying. All right.
18 And you've had an opportunity to speak to your
19 attorney. Thank you.

20 Anything from you, Mr. Duncan?

21 MR. DUNCAN: No, Your Honor, not in that
22 regard.

23 THE COURT: All right, thank you.

24 So we will --

25 You have one witness?

1 MR. DUNCAN: Yes, ma'am. I think I will only
2 have one witness. I only have Ms. Seaburn, who is
3 in the courtroom.

4 THE COURT: Then we'll have -- I assume, you
5 have reply witnesses ready to go?

6 MR. CATHCART: We do.

7 THE COURT: All right. We'll bring them in,
8 and then after your witness, we'll have to take a
9 break again. I guess we have to take a break.
10 We'll see.

11 (WHEREUPON, the jury came into open
12 court at 9:49 a.m.)

13 THE BAILIFF: The jury is all present, Your
14 Honor.

15 THE COURT: All right. Good morning, ladies
16 and gentlemen of the jury. I hope you had a
17 restful evening. At this time, we are prepared to
18 continue with this trial.

19 As you heard yesterday, the State rested its
20 case. And at this time we will turn to the Defense
21 to see if they have any witnesses to call.

22 Mr. Duncan?

23 MR. DUNBAR: Thank you, Your Honor. The
24 Defense would call Ms. Mary Seaburn to the stand.

25 (Witness approaches.)

1 THE BAILIFF: Place your left hand on the
2 Bible, and raise your right hand, please.

3 (Witness complies.)

4 THE CLERK: Do you swear or affirm the
5 testimony you give in this case will be the truth,
6 the whole truth, and nothing but the truth, so help
7 you God?

8 THE WITNESS: I do.

9 THE CLERK: Thank you. Please have a seat in
10 the witness stand, and state your full name for the
11 record.

12 (Witness seated.)

13 THE CLERK: And please spell your last name.

14 THE WITNESS: Mary Seaburn, S-E-A-B-U-R-N.

15 MARY SEABURN,
16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DUNCAN:

19 Q Good morning, Ms. Seaburn.

20 A Good morning.

21 Q Ms. Seaburn, if you could tell the Court where you
22 are from originally. Where did you grow up?

23 A I grew up, born and raised in South Georgia,
24 Ocilla, Georgia.

25 Q And, Ms. Seaburn, when did you come to Columbia,

1 South Carolina? And what were the circumstances
2 you coming to Columbia?

3 A I moved here in January of 2012. And at that time
4 my father had recently passed away and my mother
5 was sick, so I was going through some family
6 changes. And I have family here.

7 Q You have family here in Columbia?

8 A Yes.

9 Q And you said that was in 2012?

10 A Yes.

11 Q And, Ms. Seaburn, what do you -- since arriving
12 here in Columbia, what have you done for a living?

13 A When I -- originally, I run -- I'm sorry, when I
14 originally arrived here, I started working for New
15 Horizons Computer Learning Systems -- Computer
16 Learning Center out on Greystone Boulevard. After
17 that, I went to work for Galaxy Hardware on Bluff
18 Road. Upon leaving there, I am now working at
19 Wal-Mart.

20 Q How long have you been at Wal-Mart, Ms. Seaburn?

21 A Since January 20 -- well, actually, December of
22 2015.

23 Q And what do you do at Wal-Mart?

24 A I'm the department manager for the fuel station.

25 Q So you handle the gasoline --

- 1 A Yes.
- 2 Q -- area?
- 3 A Yes.
- 4 Q And do you know Mr. Brian Pringle, my client?
- 5 A Yes, I do.
- 6 Q And if you could tell the Court when you met
- 7 Mr. Pringle and what your -- and your relationship
- 8 with him.
- 9 A I met Brian originally in October of 2015. He was
- 10 doing some work at the residence where I reside.
- 11 We connected, we built a friendship. We started to
- 12 date, and we are currently engaged.
- 13 Q And, Ms. Seaburn, where do you live?
- 14 A I live at 330 Bradbury Drive here in Columbia.
- 15 Q And that's -- what part of Columbia is that?
- 16 A That's Richland County.
- 17 Q I'm sorry?
- 18 A Over off North Main, Meadow Lakes Subdivision.
- 19 Q Thank you. So you had -- you met Mr. Pringle in
- 20 October 2015. By December of 2015, were you
- 21 staying together on a regular basis?
- 22 A Pretty much every night.
- 23 Q And was that at the residence at 330 Bradbury
- 24 Drive?
- 25 A Yes, it was.

1 Q Ms. Seaburn, let me call your attention to the
2 night of Thursday, December 17th, 2015. Do you
3 recall that evening?

4 A I do.

5 Q And why do you -- what is significant about
6 Thursday, December 17th?

7 A December -- because the next day was my sister's
8 birthday. She's the one that's right next to me.
9 And we are almost two years apart, so we were
10 really close. I knew the next day was her
11 birthday. And had we talked about I would be the
12 first one to call her.

13 Q So on that -- on the night of December 17th, do you
14 recall what you were doing?

15 A That was a typical night for us because it was also
16 the week before Christmas, but I was also -- I had
17 a part-time side job that I cleaned an office
18 building. And we were also preparing a house that
19 Brian was getting ready to move into. So we
20 would -- he got off from work. We would meet up
21 over at the other house, work on it for a little
22 bit while it was daylight, because we had more
23 daylight, then we would go over to the office
24 building and clean it up. Once we done the office
25 building and cleaned it up, stopped at the grocery

1 store and went home.

2 Q And, Ms. Seaburn, it is your testimony that you and
3 Mr. Pringle were at home on the night of December
4 17th through December 18th in the morning?

5 A That is correct, yes.

6 Q And there is no question in your mind about that?

7 A None.

8 Q Ms. Seaburn, you testified you're engaged to
9 Mr. Pringle?

10 A I am.

11 Q You obviously love Mr. Pringle?

12 A Very much.

13 Q And you don't want anything bad to happen to
14 Mr. Pringle?

15 A No, sir.

16 Q Knowing that, are you telling the truth about
17 Thursday, December 17th?

18 A Yes. Yes.

19 Q Thank you. Mr. Cathcart will have some questions
20 for you.

21 MR. CATHCART: Thank you. May it please the
22 Court?

23 THE COURT: Yes.

24 CROSS-EXAMINATION

25

1 BY MR. CATHCART:

2 Q Good morning.

3 A Good morning.

4 Q Mr. Pringle drives a Suzuki Sidekick; correct?

5 A I don't exactly know what model and name it is, I
6 just know we call it the bucket.

7 Q Why did you call it the bucket?

8 A Because it looked like a bucket to me, and that was
9 his nickname for it.

10 Q This car right here?

11 A I --

12 Q Does it look like this car right here?

13 A Somewhat, but that's not -- his car was not in that
14 good of shape.

15 Q That is State's Exhibit Number 6. How about this
16 car right here? I'm sorry.

17 A I cannot tell. I actually -- I'm sorry, I cannot
18 tell. Brian's car was definitely -- it was a light
19 gray, light grayish-blue. But that, I can't tell.

20 Q This would be State's Exhibit Number 49. This
21 would be a picture of the car that he was stopped
22 in?

23 A I still can't tell, sir. I would actually have to
24 physically see the car. It's too much darkness and
25 glare.

1 MR. DUNCAN: Mr. Cathcart, I'm sorry, I just
2 didn't hear your question.

3 MR. CATHCART: State's Exhibit 49, the picture
4 that was in the impound lot.

5 MR. DUNCAN: Impound lot, okay.

6 BY MR. CATHCART:

7 Q Do you recognize the hat that was found in his car?

8 A Yes.

9 Q That is his hat; correct?

10 A No, that's my hat.

11 Q Okay. But has he ever worn it?

12 A Yes.

13 Q Okay. So that hat that was in his car?

14 A Yes, that is.

15 Q The car that was in the impound lot? Does that
16 refresh your memory as to the car?

17 A Okay, if that's the hat, that's my hat.

18 Q But in his car; correct?

19 A If that's the car you got the hat from.

20 Q Let me show you -- well, I don't know how it's
21 going to help you. Does that look like the back of
22 your car -- or his car where the hat was found?

23 State's Exhibit Number 50. I'm sorry, hold it like
24 that for you. Behind the back seat of his car?

25 A Could be. Could be.

1 Q I'm going to show you State's Exhibit 46. Is that
2 how his beard was around that time?

3 A It has always been short, yes. His beard has
4 always been short, real short trimmed.

5 Q So like this?

6 A Uh-huh.

7 Q This is how he looked around that time; correct?

8 A Yes.

9 Q So the car that he was driving during that period
10 of time, the car that he was found with your hat in
11 that he wears, that was parked at your house that
12 entire time; correct?

13 A Correct.

14 Q With him?

15 A Yes, sir.

16 Q Okay. Does he let people borrow his car?

17 A Not to my knowledge. I don't -- I have not -- not
18 to my knowledge.

19 Q Okay. So he was there with you?

20 A He was there at home with me.

21 Q Never moved since y'all got there -- what time did
22 you get there?

23 A I cannot tell you an exact time, but I can pretty
24 sure pinpoint way before 11:00.

25 Q Way before 11:00?

- 1 A Definitely before 11:00.
- 2 Q Okay. And that night when y'all got home, what did
3 you do? Did y'all just watch some TV or go
4 straight to bed?
- 5 A No, I'm pretty sure we ate.
- 6 Q Okay.
- 7 A Probably ate, took a shower, and do what grown
8 folks do.
- 9 Q You don't need to go too far. But during that time
10 and when y'all were doing other things, he wasn't
11 on the telephone, was he?
- 12 A Brian's phone was -- no, he wouldn't have been on
13 his phone, but his phone was going off, like
14 alerts.
- 15 Q But he wasn't making calls to people?
- 16 A No.
- 17 Q He was spending time with you?
- 18 A Yes.
- 19 Q And then y'all went to sleep together, right, at
20 some point that night?
- 21 A Yes.
- 22 Q About midnight-ish, I guess?
- 23 A We would get in the bed, lay down watch TV,
24 whatever, cut up, whoever fell off to sleep, drift
25 off.

1 Q But he wasn't on the phone and calling people
2 constantly that night, y'all were asleep?

3 A No.

4 Q I'm sorry, no what?

5 A No, he was not calling people.

6 Q Okay. And when y'all got -- all the way up until
7 the morning, either asleep together, he wasn't on
8 the phone talking to people; correct?

9 A No. Just his normal alerts go off all night long.

10 Q Okay. But no phone call?

11 A No vocal, no. No, he was right there with me.

12 Q All right. At what point did you tell the police
13 or anybody, Hey, he didn't do it, he was with me
14 all night long?

15 A When I was contacted.

16 Q This year; right?

17 A By your office, yes.

18 Q By our office?

19 A Correct.

20 Q So you knew he got arrested for this, right, when
21 it happened?

22 A Yes.

23 Q Right before Christmas. You knew that he was being
24 accused of being not with you, but out at three
25 separate convenience stores robbing them? You knew

1 that, but it wasn't until I guess we contacted you
2 that you said, Oh, by the way, no, he was with me;
3 correct?

4 A I came forward with the information when your
5 office contacted me.

6 Q This year?

7 A Correct.

8 Q Just a few months ago; correct?

9 A That's correct.

10 Q Mr. Duncan is correct, you love him; right?

11 A Of course.

12 Q Of course. You don't want anything bad to happen
13 to him?

14 A No.

15 Q Absolutely?

16 A Absolutely.

17 Q Thank you.

18 MR. DUNCAN: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. DUNCAN:

21 Q Ms. Seaburn, Mr. Cathcart showed you State's
22 Exhibit 49, which is a vehicle. I'll let you look
23 at it. You are saying -- that's a vehicle in the
24 impound yard. Is that --

25 A If that's the vehicle they got him driving, that's

1 a Jeep.

2 Q You're just saying it's similar to that?

3 A Right.

4 Q And you're not disputing that that's his Jeep?

5 A No.

6 Q Did you ever -- and Exhibit 48 is another shot of
7 that in the impound yard?

8 A Uh-huh.

9 Q You agree that Mr. Pringle had a vehicle like that?

10 A Similar to this, yes. Yes.

11 Q You're just saying when Mr. Cathcart showed you
12 another shot, you couldn't tell?

13 A That's all. Yeah. Yeah, he drives something like
14 that. Like I said, I don't know the make or the
15 model.

16 Q And, Ms. Seaburn, again, you testified in response
17 to questions from Mr. Cathcart about Mr. Pringle's
18 phone going off. Can you explain that?

19 A His Facebook alerts. Friends posting this or
20 liking something that he posted or tagging him in
21 a -- it was just a constant beep beep, or whatever
22 the chirp noise was.

23 Q During the time that he lived with you, stayed with
24 you, that was a regular --

25 A That was a regular thing.

1 Q -- occurrence? All night, day and night?

2 A Yes, that was a constant thing. And he would get
3 messages for people to do jobs.

4 Q And, Ms. Seaburn, you -- Mr. Cathcart also asked
5 you about informing the State of where -- you know,
6 that Mr. Pringle was with you on the night that he
7 is accused of breaking into these stores. And that
8 that was in like March -- that was in like March of
9 this year?

10 A That is correct.

11 Q And your response to that is what?

12 A I came forward with information when I was
13 contacted by his office.

14 Q All right, ma'am. Thank you, ma'am.

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

16 Any objection to this witness being excused?

17 MR. CATHCART: None from the State.

18 MR. DUNCAN: No, Your Honor.

19 (Witness steps down and is excused.)

20 THE COURT: Call your next witness, sir.

21 MR. DUNCAN: Your Honor, that is the Defense's
22 only witness.

23 THE COURT: All right. Ladies and gentlemen
24 of the jury, the Defense has rested. At this time,
25 I am going to send you all out for a short break.

1 There is a legal matter I need to take up outside
2 of your presence, and then we'll receive you back
3 shortly.

4 Thank you.

5 (WHEREUPON, the jury retires to the jury
6 room at 10:09 a.m.)

7 THE COURT: Any motions?

8 MR. DUNCAN: Your Honor, I would just for the
9 record renew the motion for a directed verdict that
10 I made yesterday afternoon on all three charges.

11 THE COURT: All right. Yes, sir?

12 MR. CATHCART: I would ask you to deny his
13 motion as to all three charges as well. I believe
14 our case is just as strong, if not stronger at this
15 point.

16 THE COURT: All right. I am going to -- I do
17 find there is an issue of fact for the jury to
18 decide. Therefore, I am going to deny --
19 respectfully deny the motion for directed verdict
20 as to all three charges.

21 At this time, does the State have any rebuttal
22 witnesses?

23 MR. CATHCART: We do, Your Honor.

24 THE COURT: All right. Are you prepared?

25 MR. CATHCART: As long as the computer thing

1. works for us, we should be.

2. THE COURT: You can bring them in.

3. (WHEREUPON, State's Exhibit No. 58 was
4. marked for identification only.)

5. (WHEREUPON, the jury came into open
6. court at 10:24 a.m.):

7. THE BAILIFF: The jurors are all present, Your
8. Honor.

9. THE COURT: Ladies and gentlemen of the jury,
10. the State has rested -- I mean, the Defense has
11. rested. At this time, the State has reply or
12. rebuttal witnesses.

13. I will ask that they call their first witness.

14. MR. CATHCART: Thank you, Your Honor. The
15. State calls Linda Houck.

16. (Witness approaches.)

17. THE BAILIFF: Place your left hand on the
18. Bible, and raise your right hand, please.

19. (Witness complies.)

20. THE CLERK: Do you swear or affirm the
21. testimony you give in this case will be the truth,
22. the whole truth, and nothing but the truth, so help
23. you God?

24. THE WITNESS: I do.

25. THE CLERK: Thank you. Have a seat in the

1 witness stand, and state your full name for the
2 record.

3 (Witness seated.)

4 THE WITNESS: Linda Houck, H-O-U-C-K.

5 LINDA HOUCK,

6 after being duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. CATHCART:

9 Q Where are you employed?

10 A Richland County Sheriff's Department.

11 Q And what do you do there?

12 A I'm a crime analyst.

13 Q Crime analyst?

14 A Yes.

15 Q And specifically what does that entail, being a
16 crime analyst?

17 A I do the statistics, mapping and research as well
18 as cell phone analysis.

19 Q So, cell phone analysis, what does that entail?

20 A We get the phone records back from the cell phone
21 providers for search warrants and map them out or
22 look at who called who during what time.

23 Q Can you describe the training and investigation
24 you've received to learn how to do this stuff?

25 A Yes, sir. I've been to several classes. I've been

1 through a class called PenLink. I have been to
2 advance cellular --

3 THE COURT: Hold on one second. Can you pull
4 the microphone a little closer to you?

5 BY MR. CATHCART:

6 Q And slow down a little bit too.

7 A I've been to PenLink CATS analysis training,
8 advance cellular technology in smart phone
9 forensics, advanced cell phone mapping and GeoTime
10 cell phone analysis classes. And each of those
11 explain how to map phone calls, how to read the
12 records that we get back from the phone companies.

13 MR. CATHCART: Your Honor, at this time the
14 State moves to have Ms. Houck qualified as an
15 expert in cell phone analysis.

16 THE COURT: Any voir dire from the Defendant?

17 VOIR DIRE

18 BY MR. DUNCAN:

19 Q Ms. Houck, you have testified before in court
20 regarding this information that you just described?

21 A Cell phone analysis, no, sir.

22 Q Have not? The classes that you just described, are
23 they like one-day classes? Can you tell me a
24 little more about these classes?

25 A Several of them have been multiple days. One of

DIRECT EXAMINATION CONTINUED

BY MR. CATHCART:

Q If you would, would you go a little more in-depth as to the training you received in each one of those classes, and also if you would go through your work experience of doing these type of cases, and who you worked under and his experience as well, please?

A I have been employed for 10 years with the Sheriff's Department. I've been working on the cell phone records --

Q Let me do this real quick. Go ahead.

A I've been working with cell phone records for about five years under Captain Scott McDonald, who is my direct supervisor. I have been to several classes for cell phone mapping and analysis specifically. I've been to a class here in Columbia that explained mapping in general. I've also been to several classes where we used phone records from specific companies, different cell phone companies to learn how their records are provided during -- in response to a search warrant and how we map those records, several different mapping classes specifically so that we can map the phone records specific to the company as well.

1 Q And each one of these trainings basically gave you
2 information as to how to map based on like if it
3 was Verizon or Sprint or other different companies?

4 A Right. In these classes, we would get -- we would
5 use sample records from multiple companies in each
6 of the classes so that we could learn how to map
7 the records for various classes -- various
8 companies, yes.

9 Q And you were basically specifically taught or
10 learning in classes exactly what you would be
11 teaching the jury here today?

12 A Correct, yes, sir.

13 Q And you specifically have been in apprenticeship
14 basically for five years under Investigator
15 McDonald who has been doing this since 2001 as
16 well; is that right?

17 A Yes.

18 Q Okay. And he has been qualified as an expert I
19 believe 10 times in the same area?

20 A Yes, sir.

21 MR. CATHCART: Your Honor, at this time the
22 State seeks to introduce -- or qualify Investigator
23 Houck as an expert in cell phone analysis.

24 MR. DUNBAR: Your Honor, we would object to
25 that qualification as an expert.

1 THE COURT: All right. I am going to overrule
2 the objection and allow her to testify as an expert
3 in the area of cell phone analysis.

4 Ladies and gentlemen of the jury, normally a
5 person cannot give opinion testimony. Normally
6 when a person testifies, they must testify as to
7 what they saw, heard, or sensed by smell, or
8 something of that nature. However, there is an
9 exception when someone is qualified because of
10 education or experience. They are permitted to
11 give their opinion in certain areas if the Court
12 qualifies them that way.

13 This witness will be qualified in the area of
14 cell phone analysis to give opinion testimony in
15 that area. That does not mean that you must accept
16 the opinion, but it is evidence for you to use in
17 any way you see fit and give it the appropriate
18 weight and credibility you believe -- the weight
19 and credibility you believe is appropriate.

20 All right. Thank you.

21 Yes, sir, you may continue.

22 MR. CATHCART: Thank you, Your Honor.

23 BY MR. CATHCART:

24 Q In the process of this job, did you receive cell
25 phone analysis -- or cell phone records, and

1 actually the cell phone of Brian Pringle?

2 A Yes, I received the phone records.

3 Q His phone records as to his account on his phone;
4 correct?

5 A Yes, sir.

6 Q And did you do an analysis as to his phone on the
7 dates of December 17th through the 18th?

8 A I did, yes.

9 Q Could you please explain to the jury how you go
10 about doing that and what do you look for?

11 MR. CATHCART: Your Honor, if she may step
12 down from the witness stand?

13 THE COURT: That's fine.

14 (Witness steps down.)

15 A This is the way a cell tower, a cell site is
16 essentially set up on -- they look a little bit
17 different depending on what company or whatever,
18 but this is -- most of the sector is cell towers.
19 The sectors are broken down into roughly
20 120 degrees to complete a circle and depending on
21 the coverage area. The sectors are labeled A, B, C
22 or 1, 2, 3 or in some similar fashion depending on
23 the carrier.

24 Q What is the purpose of the tower itself?

25 A So, the tower itself provides service to a phone

1 for phone calls. So when a phone makes a call or
2 receives a call, it has to have some avenue for the
3 call to get to the handset, and the cell tower
4 provides that avenue.

5 Q So cell phones don't talk to each other, they go
6 through a tower to the next phone?

7 A Right, the signal goes through the tower. And so
8 the cell phone on each end of the phone call would
9 have to have a tower that was providing the service
10 to the phone.

11 This is just an example. The small red
12 pushpins are represented by the actual cell phone
13 tower, or cell site, as we call them. And then the
14 small pie-shaped pieces represent the coverage area
15 in each sector. So in this case the cell towers
16 have three sectors. And the cell phone records,
17 the call detail records that we get back from the
18 phone company will tell us which sector each phone
19 call used when the phone call was made or received.

20 Q So when the cell phone hits a sector, it is because
21 why?

22 A It hits that sector because the phone is in the
23 area that that sector provides service to.

24 Q So, like you're saying, a sector is angled like
25 this?

1 A Correct.

2 Q The cell phone would be to the front of that
3 sector; correct?

4 A Yes.

5 Q It would not be behind that sector?

6 A No.

7 Q Because that would be hitting the other sector
8 going that way?

9 A Right.

10 Q Okay.

11 A Yes, it is going to use a sector that is facing
12 where the cell phone actually is located.

13 THE COURT REPORTER: I'm sorry, I couldn't
14 hear that last answer.

15 A The sector that provides service is going to
16 provide service where the phone call -- where the
17 actual phone is actually located.

18 THE COURT: Why don't you move that microphone
19 and stick it up top where she can -- there you go.

20 All right.

21 A These are the phone records for the -- between
22 9:00 p.m. on December 17th and 11:59 p.m. on the
23 17th.

24 Q Now, if a person is not making the phone call or
25 not texting anybody, would he be hitting a cell

1 phone tower?

2 A The phone records that we receive back from the
3 company are for the cell phone, the phone calls and
4 the text messages.

5 Q So when it hits the towers, the phone is being
6 actively used?

7 A Correct, yes.

8 Q Not in their pocket, just actively -- somebody's
9 making phone calls; correct?

10 A Yes. On these records, yes.

11 Q Okay. So this is what?

12 A Okay. So this is -- the top section with the
13 numbers is showing -- these are the actual records
14 that we got back from the cell phone provider
15 pursuant to a search warrant. This provides us
16 with the phone number that is on the account in the
17 first column. The phone number that made the phone
18 call is in the second column. The call direction,
19 which is a code that's specific to this carrier.
20 In this instance, the one in that column means that
21 it's an outgoing phone call.

22 Q The locations that are mapped on here as to pin
23 pricks, what are these?

24 A The green dot down towards the bottom left is the
25 convenience store on Greystone Boulevard that was

1 robbed the night of the 17th into the 18th. The
2 blue dot in the upper right is another store that
3 was robbed. And the orange dot on the far right is
4 the Percival Road store that was robbed.

5 Q And did you analyze where the phone -- or look for
6 phone records at the times that the stores were
7 robbed?

8 A Correct. I looked at the phone records for the
9 phone calls that were around the time of the
10 robberies.

11 Q And did he make a phone call specifically when
12 these robberies occurred?

13 A No, sir.

14 Q When he was committing robberies, he wasn't on the
15 phone?

16 A Correct.

17 Q So --

18 MR. DUNCAN: Object -- I'm sorry.

19 THE COURT: Yes, sir, you said it's an
20 objection?

21 MR. DUNCAN: I'm objecting to --

22 THE COURT: Form of the question?

23 MR. DUNCAN: -- the form of the question.

24 THE COURT: All right. Sustained. Please
25 rephrase.

1 MR. CATHCART: Yes, Your Honor.

2 BY MR. CATHCART:

3 Q So his phone was not being used, you know that,
4 during the times of the robberies?

5 A Correct.

6 Q Okay. Please continue.

7 A So the times on this are in 24-hour time format.
8 So this first phone call was on December 17th at
9 2121, which is 9:21 p.m., which was the closest
10 time prior to the first robbery on the night of the
11 17th. The phone used this sector down the right
12 area. The red area is a generalized depiction of
13 the coverage area of this particular sector. The
14 direction, though, is consistent. The cell phone
15 tower, the sector that was used faces in this
16 eastern direction.

17 Q And, again, the red dot is Bradbury Drive, and that
18 be where you indicated -- you just heard testimony
19 today by his fiancée where he was that entire
20 evening?

21 A Correct.

22 Q Not using his phone?

23 A Correct.

24 Q Please continue.

25 A The second phone call on here listed at the top was

1 at 10:26 p.m; however, it was a forwarded call, it
2 was an incoming call that got forwarded, so this
3 phone company does not provide tower information on
4 forwarded calls since the handset -- the target
5 handset was not actually used for the call. It
6 didn't -- it was a forwarded call.

7 This is a second map showing similar
8 information, just for a different timeframe. So
9 this map is showing phone calls between midnight on
10 the 18th and 3:00 a.m. on the 18th. And, again,
11 the green dot, the red dot, the blue dot, and the
12 orange dot are indicative of the robbery locations
13 and the house where he was located.

14 Q Where she said he was; correct?

15 A Right, where she said he was located.

16 Q But the phone that was making calls at 12:18 and
17 2:35, was it where she said he was?

18 A No. Because of the direction of the cell site, the
19 sector that was used, the phone would have been in
20 the area pointing where the sector is pointing
21 towards.

22 Q So he would have been down here somewhere?

23 A Correct. He would have been in this southeast area
24 as opposed to northeast where the Bradbury Drive
25 address is.

1 Q So phone calls made at 1:00 o'clock, looks like,
2 and 2:35 were not at Bradbury Lane?

3 A Right, at 12:18 a.m. and 2:35 a.m. Both of those
4 phone calls used a cell sector that would provide
5 service to an area other than Bradbury.

6 Q Again, these were phone calls made when she -- you
7 heard testimony from her as well -- when she said
8 he was not making any phone calls?

9 A Correct. And both of these are outgoing phone
10 calls.

11 Q They are not Facebook?

12 A No.

13 Q They are outgoing calls?

14 A Right.

15 Q Please continue.

16 A This is a third map with a third timeframe, from
17 4:00 a.m. on the 18th of December to 6:30 a.m. on
18 the 18th of December. And, again, the green dot,
19 blue dot, and the orange dot are indicative of the
20 location of robberies and the red dot is the
21 Bradbury Drive address. The red sectors are,
22 again, showing the sector that was used during the
23 phone call as indicated above.

24 So, again, at 5:56 a.m. on the 18th, there was
25 an outgoing phone call, and that used this tower --

1 I'm sorry, this tower down here facing kind of the
2 northeast sector. And then there was an incoming
3 phone call from -- at 6:14, again, using a sector
4 that is facing away from the Bradbury Drive
5 address.

6 Q And how far -- you had that semi-circle -- or, I
7 guess, not semi-circle, but that piece of pie, how
8 far would the range go?

9 A It depends on the cell tower. It depends on the
10 needs of the area. If it is a more populated area,
11 the coverage area will be a shorter distance. A
12 more rural area could be -- the signal -- the
13 coverage area could go quite a bit further.

14 Q And if there was a cell phone tower closer to his
15 phone, which one -- one further away, which one
16 would be hit?

17 A The cell phone would use the sector, the tower that
18 is closest to the phone that provides the best
19 signal and the most direct signal. It's not going
20 to go and, you know, just choose some random tower.

21 Q So the phone, if it was at where she indicated it
22 was while he was sleeping not using it, it would
23 have been using a closer tower than the one down
24 that was used at 5:56?

25 A Yes, sir.

1 Q Please continue.

2 A And just to point out, there are -- while this red
3 area is the sector that was used, there are two
4 other sectors on this tower that face in the
5 opposite direction and other directions that
6 weren't used.

7 Q Such as the one facing where she indicated he was
8 --

9 A Correct.

10 Q -- not using the phone?

11 A Correct. And this final map is just showing all of
12 the cell sites that were used between 9:00 p.m. on
13 the 17th of December through 9:00 a.m. on the 18th
14 of December.

15 Q So each of these are calls that he made?

16 A If it says outgoing, it was a phone call that was
17 made from the target phone number, the target
18 phone. And if it's an incoming call, it says
19 incoming, incoming call. And then other, it's
20 generally maybe a forwarded call.

21 Q So when you say target number, we're talking about
22 his phone; correct?

23 A Correct.

24 Q So according to this, he made the call at 12:18,
25 outgoing; at 2:35, outgoing; at 3:02, outgoing;

1 3:03:53, outgoing; 3:04, outgoing; 3:19, outgoing;
2 3:21, outgoing; 3:36 -- again, all these
3 outgoing -- 3:37, 3:44. These are calls; correct?

4 A Correct.

5 Q 3:45, 3:45. We've got incoming at 6:14, and then
6 7:51, 7:52 from midnight on from on the 18th when
7 two of these robberies were occurring; correct?

8 A Correct.

9 Q And one was out there right before the first
10 robbery occurred that you showed in the first
11 slide?

12 A Correct, yes.

13 Q All right. Thank you. Please continue. So those
14 records you got from pulling out his phone records,
15 correct, showed the towers? If you can go ahead
16 and sit down. I believe that was the last slide,
17 was it not?

18 A Yes, sir.

19 (Witness returns to witness stand.)

20 Q I show you what has been marked State's
21 Exhibit Number 58. Do you recognize what that is?

22 A Yes, sir.

23 Q What is it?

24 A That's the PowerPoint that I did.

25 Q That we just went through?

1 A Yes.

2 Q And with the exception of the last two pages,
3 describe what those are.

4 A The second to the last page is just a list of all
5 the phone calls the night of the 17th into the 18th
6 from 9:00 p.m. to about 8:00 a.m. And the second
7 is a list of the text messages that went to and
8 from -- the carrier for this phone doesn't provide
9 tower or location information for text messages.

10 Q But these were all the text messages that were made
11 to and from his phone?

12 A Correct.

13 Q During this same period of time?

14 A Yes.

15 Q So when the Defense witness indicated he was never
16 making any phone calls and was at a location that
17 obviously the phone would not hit, towers -- or was
18 not hitting the tower where it should be if he was
19 there, he made one, two, three, four, five, six,
20 seven, eight, nine, 10, 11, 12, 13, 14, 15, 16, 17,
21 18, 19, had calls in or out to him; correct?

22 A Yes.

23 Q And one, two, three, four, five, six, seven, eight,
24 nine, 10, 11, 12, 13, 14, 15 text messages in or
25 out; correct?

1 A Correct.

2 Q During all that --

3 MR. CATHCART: At this time, the State seeks
4 to introduce State's Exhibit No. 58.

5 THE COURT: Any objection to the exhibit?

6 MR. DUNCAN: No objection to that exhibit.

7 THE COURT: All right, that will be entered
8 without objection.

9 (WHEREUPON, State's Exhibit No. 58 was
10 admitted into evidence.)

11 BY MR. CATHCART:

12 Q During all these calls, all these text messages,
13 according to the cell phone tower analysis, the one
14 place you know he wasn't was where the Defense
15 witness, his fiancée, the woman who doesn't want
16 anything to happen to him, said he was?

17 A Correct. The phone calls made from that location
18 should not have used the cell towers that were used
19 during that time.

20 Q And this phone wasn't sitting in one location
21 either, it was moving around?

22 A No. The multiple -- if I may?

23 Q Yes.

24 A The use of multiple towers is generally indicative
25 that a phone moved between phone calls, not that it

1 moved during a phone call necessarily, but that it
2 was moving, however so slightly, but it was using
3 multiple towers, which is generally indicative that
4 the phone was not staying in one spot.

5 Q Because he didn't use -- or his phone was not used
6 during the robberies, we don't know exactly where
7 his phone was -- or it doesn't show on the towers
8 where he was during those robberies?

9 A Correct.

10 Q But we do see that whole night long where he
11 wasn't; correct?

12 A Correct.

13 Q Thank you. No further questions. Please answer
14 any questions from Defense counsel.

15 CROSS-EXAMINATION

16 BY MR. DUNCAN:

17 Q Good morning.

18 A Good morning.

19 Q And I'm going to ask you maybe to do the same, if
20 you don't mind standing, so I can see your
21 PowerPoint as well, and you can too.

22 (Witness steps down.)

23 Q Do you mind going back to your -- to the 12/17
24 9:00 p.m. to midnight, I think it was? That's the
25 one, yes. So just so -- I was trying to follow

1 your testimony about this. There was one phone
2 call at 9:21 p.m. from this sector down here; is
3 that correct?

4 A Yes, sir.

5 Q And that sector -- you recall the initial robbery,
6 you know the time of that?

7 A Yes, sir. It was 11:30, around 11:30 p.m.

8 Q 11:30 p.m., and that was at 8550 Farrow Road over
9 here; correct?

10 A Correct.

11 Q And this call here is only indicating that the
12 phone that belonged to Mr. Pringle was down in this
13 sector, which is in the Colonial Drive, Hollywood
14 Hills area of Columbia? Can you tell me where that
15 tower is?

16 A I can.

17 Q Please do.

18 A That cell tower is located at 1301 Columbia College
19 Drive.

20 Q Okay. So the red -- well, the red line is -- I'm
21 sorry. I touched it and it moved. Sorry. Don't
22 be touching it. The red line that you have on here
23 is where the phone call actually was, or is that
24 the tower? Help me understand that.

25 A The red line with the box with the time in it is

1 just a label for that sector.

2 Q Okay. So the tower itself, as you describe, is at
3 Columbia College Drive?

4 A Yes, sir. The tower itself is located at the
5 vertex of the two lines.

6 Q I see. So that sector -- as you described earlier,
7 that sector of phone calls made from behind there
8 are facing or going to the vertex or going to that
9 Columbia College tower; is that right?

10 A When --

11 Q Is that too simple?

12 A When the phone made or received a phone call using
13 that sector -- in this particular instance, when
14 that phone made a phone call, the phone would have
15 used the sector that provides service in that
16 shaded coverage area. So the phone would have been
17 in that shaded area. And, again, this is a -- the
18 shaded area is indicative of the generalized
19 coverage area. The sector points in a direction.
20 And so based off of that, we can have an estimated
21 area of -- not estimated area, we have a -- we know
22 which direction that sector was pointing, so we
23 know the phone is going to be in the direction that
24 sector is pointing. The phone's not going to be
25 behind that sector because then another sector

1 would provide service to that for that phone call.

2 Q And that's the only phone call -- you have a
3 forwarded phone call that -- you explained that,
4 but you wouldn't have had a record of that from
5 that provider?

6 A Right, this provider does not provide the location
7 of the phone on forwarded calls.

8 Q So there was one phone call between 9:00 p.m. and
9 midnight from that phone?

10 A From that phone, yes, there was one. And there was
11 one phone call received by the phone.

12 Q And, otherwise, what Ms. Seaburn testified to
13 earlier about being at 330 Bradbury Drive at around
14 10:30 at night, you have no way of knowing that?
15 You have no way of knowing that from that
16 information? You know, a phone call is at 9:20,
17 9:21 -- 2121 is 9:20?

18 A 9:21.

19 Q 9:21. And that is the last call that was received
20 by that phone or went out from that phone before
21 midnight; right?

22 A Correct. That was the last phone call that that
23 phone made before midnight that night.

24 Q All right. Can you flip to the next one? And then
25 that's going to be from midnight to 3:00 a.m. And

1 there are two calls -- those are outgoing calls?

2 A Yes, sir.

3 Q Outgoing calls at 12:18 a.m.; is that right?

4 A Yes, sir.

5 Q And at 2:35 a.m. and showing where they're -- the
6 numbers that are dialed. And can you tell me where
7 that tower location is?

8 A That tower is located at 6407 Fairfield Road.

9 Q Fairfield Road, okay. So, gotcha. And, Ms. Houck,
10 do you recall what time the second robbery
11 occurred?

12 A It occurred approximately 2:10 a.m. on the 18th.

13 Q 2:10 a.m. And that was at Greystone Boulevard?

14 A Yes, sir.

15 Q Nothing from your records indicate that this phone
16 was ever anywhere down near Greystone Boulevard?

17 A The records indicate that no phone calls were made
18 for that cell site in the area.

19 Q And if you could one more time to Number 3. And
20 that's -- these calls are going to be from -- you
21 asked for them from 4:00 a.m. to 6:30 a.m., is that
22 the way you broke -- I mean, why you broke it down
23 that way?

24 A Right, I just broke it down for that timeframe,
25 yes.

1 Q Okay. And in that timeframe, there is a call --
2 both of them are around 6:00 a.m., 5:56 and 6:14;
3 right?

4 A Correct.

5 Q And the one at 6:14 is from that same tower as
6 before the Fairfield Road tower?

7 A Yes, sir.

8 Q All right. So that's the one we just talked about.
9 And the second one, 5:56, is -- can you tell me
10 where that tower is?

11 A That tower is located at 3315 Two Notch Road.

12 Q Okay. All right. And 3315 Two Notch Road?

13 A Yes, sir.

14 Q All right. And, again, the robbery that occurred
15 on Percival Road, do you recall the time of that?

16 A Approximately 5:48 a.m.

17 Q 5:48 a.m. And that's over -- Percival Road, on the
18 far right-hand side. And, again, your -- there's
19 nothing in your -- in the records you received that
20 indicates this telephone was ever near Percival
21 Road?

22 A Not between 4:00 and 6:30 a.m., didn't use a tower
23 there.

24 Q All right. I tell you what, click to your next
25 slide if you would, please.

1 And that, as the Solicitor indicated, that
2 shows any and every outgoing, other, any kind of
3 call coming to that phone between 9:00 p.m. and
4 9:00 a.m. on 12/17 to 12/18?

5 A Correct.

6 Q And the towers that were used or -- and you've
7 shown them individually, but now they're all mapped
8 together showing three sectors?

9 A Correct.

10 Q Okay. And those sectors again are on Columbia
11 College Drive?

12 A (Nods affirmatively.)

13 Q Fairfield Road and Two Notch Road?

14 A Yes, sir.

15 Q All right. If you don't mind clicking back to the
16 one right before.

17 A (Witness complies.)

18 Q And, Ms. Houck, as the Solicitor asked you, you
19 can't place Mr. Pringle at any of the locations
20 from his cell phone records. And all you are able
21 to do is determine that phone calls were made from
22 the particular sectors that you indicate, that
23 phone calls either were made or received?

24 A From the sectors indicated.

25 Q Okay.

1 MR. DUNCAN: All right. I think that's all
2 the questions I have.

3 THE COURT: All right. Anything else from the
4 State?

5 MR. CATHCART: Just a few questions, Your
6 Honor.

7 REDIRECT EXAMINATION

8 BY MR. CATHCART:

9 Q Mr. Pringle's phone did not make or receive a phone
10 call, despite multiple texts and phone calls, when
11 each of these robberies occurred; correct?

12 A Correct.

13 Q During the robberies, his phone was silent?

14 A Correct.

15 Q But all night long, his phone was not?

16 A Correct.

17 Q And all night long, his phone was certainly not
18 with his fiancée?

19 A Correct.

20 MR. CATHCART: No further questions.

21 THE COURT: All right. Ma'am, you may step
22 down.

23 Any objection to this witness being excused?

24 MR. CATHCART: None from the State, Your
25 Honor.

1 MR. DUNCAN: No.

2 (Witness steps down and is excused.)

3 THE COURT: All right. Call your next
4 witness.

5 MR. CATHCART: That is the extent of the
6 State's reply, Your Honor.

7 THE COURT: All right. Ladies and gentlemen
8 of the jury, the State has rested as to its
9 rebuttal witnesses. At this time you have received
10 all of the evidence in this case, and so we will --
11 the next step is closing arguments and the charge
12 on the law. However, there is a matter of law that
13 I need to take up outside of your presence. So I'm
14 going to send you all out for a moment, and then I
15 will bring you back with instructions as to lunch
16 and the rest of the afternoon. We'll figure that
17 out.

18 You have heard all the evidence. Please do
19 not discuss the case, though, because you have not
20 had the arguments -- heard the arguments of the
21 parties and you do not have the law, and until you
22 receive that you cannot begin your deliberations.

23 So I am going to send you all back into the
24 jury room for a brief moment, and then we'll
25 receive you back in here with further instructions.

1 All right. Yes, sir?

2 MR. CATHCART: May it please the Court?

3 THE COURT: Yes, sir.

4 CLOSING ARGUMENT

5 MR. CATHCART: Good afternoon. We're here
6 today because on a 6-hour period back in December
7 of 2015, this man went on a spree. He went from
8 place to place to place and committed the exact
9 same strong armed robbery. And for that reason, he
10 is charged with, been indicted for and before you
11 on three counts of strong armed robbery.

12 Strong armed robbery is the taking of
13 something from another person by use of force or
14 intimidation. It's a difference between armed
15 robbery, there's no weapon involved. All there was
16 was force used and intimidation.

17 And I believe even in Defense counsel's
18 opening statement, he's not saying that isn't what
19 we're talking about, he's just trying to say it's
20 not what the strong armed robbery is, but his guy
21 is not the one who did it.

22 Proof, as he also stated, is on us. And
23 that's the way it should be. A person is accused
24 of doing something like this, accused of committing
25 a crime, it's up to the State to prove beyond a

1 reasonable doubt, proof that leaves you all firmly
2 convinced of his guilt such that you think that's
3 he's the one who did it, if you're firmly convinced
4 based upon the witnesses on the stand that he is
5 the man who committed all three of these crimes.

6 We showed evidence by putting forth witnesses
7 on the stand and through them, the evidence on the
8 stand. You heard from each of those victims. You
9 heard from Ms. Craft. Ms. Craft, who said that she
10 was scared to death. She quit that night because
11 of what occurred here. And that the person was as
12 close as I am with my face to my hand who did that
13 to her is that man. Any doubt? No doubt
14 whatsoever. She picked him out of a photo line-up.
15 That was provided to her and said, Are you sure? A
16 thousand percent. Positive. And then she pointed
17 to him in the courtroom today -- yesterday and said
18 that is the man who did it to her. You saw how it
19 affected her, how she still feels about what
20 occurred.

21 She not only was able to do that, but she was
22 asked, Well, something else happened that same
23 night, you recognize this guy? Yeah, that's the
24 same guy, that's the guy who did it.

25 And, ladies and gentlemen, I don't want to

1 show you the videos again. Y'all will have the
2 opportunity to take these videos back in the
3 courtroom -- I mean, back in the jury room and
4 review them again. But it's the same person who
5 did one, two, three.

6 Again, I don't think this Defense counsel
7 contests that, he's just saying that person isn't
8 his guy. And that's what we have to prove. Not
9 that it didn't occur, not that it's the same guy
10 who did it, not even that he was driving the same
11 car each time. It's shown in all the videos. But
12 just not his guy, not his car.

13 I point out to you also this was the same
14 picture that was shown not only to Ms. Craft, but
15 also to Ms. Larson, who knows him by name and
16 sight. Met with him multiple times. Said, Yeah,
17 that's that guy. That's Mr. Pringle. I know
18 Mr. Pringle. I'm looking at his picture right
19 there. I know him.

20 Investigator Isenhoward, who knows him, knows
21 him, looked at the picture, looked at the other
22 videos. Yeah, that's the guy I know, Brian
23 Pringle. That's him.

24 Again, Agent Larson saw multiple pictures of
25 him. Again, good views of him, straight from the

1 pictures, person who committed this crime -- as
2 Ms. Craft said, the person who committed that crime
3 is the same person who robbed her on Farrow Road.
4 You'll see from the video on the Percival Road one,
5 same T-shirt, same writing on the back, same guy.
6 The only difference at that time, instead of
7 wearing the little beanie cap, pink hat, wearing
8 this hat. His hat. His fiancée said, yes, hers,
9 he wears it too.

10 But that robbery was not the only one. He
11 went, he grabbed the money. And then just a couple
12 of hours later, whenever he needed to get him some
13 more money -- found in his car, I submit to you, is
14 the reason why. After he spent the money that he
15 stole from the first places, he needed some more
16 money because he spent it up, he smoked it up.

17 He goes to the next store and he does the
18 exact same thing, exact same MO, same guy, same
19 car, and commits the same kind of robbery. Again,
20 this time, Ms. Sumter. And Ms. Sumter, again, on
21 that next video, which is a much clearer video,
22 shows his face much more. She testifies that same
23 MO, he gets a honey bun, comes up to the register.
24 You see her have to step up to her little platform
25 and goes up to the register. And, yeah, he looks a

1 little bit smaller, because she's standing above.
2 And she gets robbed the exact same way. Looks at
3 him, says she can pick him out of a photo line-up,
4 but when they provide a photo line-up, they provide
5 this one, clean-shaven men, bald, no hat.

6 And I submit to you, ladies and gentlemen, if
7 you see somebody, even if he's close, even if he's
8 committed a crime, he has a hat on, full beard, and
9 then you're presented this, you're not going to be
10 able to pick him out of a line-up, which she did
11 not. But she's honest, she cannot pick out of a
12 photo line-up.

13 And I will submit to you when you go back in
14 the jury room and able to look at them, I submit to
15 you it will be pretty hard for y'all to pick him
16 out of a photo line-up even though he's been
17 sitting here in front of y'all the past three days,
18 from this one.

19 So she is provided with one that had beards
20 and she is able to pick him out. She says
21 50 percent sure, but then when she sees him
22 yesterday, No doubt, that's the man who did it.

23 And there's no doubt he is also the guy who
24 committed the next one, because the guy who
25 committed this one drives the same car, wearing the

1 same shirt. He just switches out his hat to this
2 one.

3 Now, the State did try -- when the police go
4 to any crime scene, they try to get evidence. It
5 is not guaranteed you are going to get any, but you
6 at least try. And so they did. They swabbed the
7 areas and the areas on there, did not get DNA. But
8 as the DNA officer -- the investigator told you,
9 just because he's excluded from the sample does not
10 mean he's not there. It just means no DNA was on
11 those two swabs that happened. He is not excluded
12 from the scene, he is not excluded from the crime.
13 But you can positively identify him from the
14 pictures, from the video, as the witnesses did, as
15 the people who know him.

16 When you have something that does hold DNA
17 well, such as the hat he was wearing in the third
18 one, the hat that was found in his car, you do get
19 it, even though it's a mixture, because it's
20 something that will hold the DNA.

21 Now, y'all were here. It's not been a long
22 case. You heard all the witnesses in this case. I
23 submit to you look to the credibility of those
24 witnesses. All the victims who were here, they
25 don't know Mr. Pringle. One of them, the final

1 one, couldn't even pick him out, didn't try,
2 because she wasn't looking at him. You can watch
3 the video to see. She was talking to a cook. She
4 was looking out the window. And saw he had a hat.
5 But the video shows that the person who robbed her
6 is the same person who robbed the other two. Look
7 to her credibility as a witness.

8 Look to Ms. Sumter's credibility as a witness.
9 She testified what occurred, did not elaborate.
10 Even on the photo line-up said, 50 percent, that's
11 the guy.

12 Ms. Craft's testimony on the witness stand,
13 One thousand percent that's man who did this to me.
14 She's not looking for any guy who did it to her,
15 she's looking for the man who did and that was the
16 man. She picked him out of the photo line-up. She
17 was looking at him right there, right now.

18 And then look to three separate officers,
19 Caldwell, Isenhoward, Larson, who know him, who
20 pick him out, That's the guy. I know him, it's
21 Brian Pringle.

22 Now, one piece of evidence I did not put in my
23 case in chief is because the phone records don't
24 show where he was when he was doing these robberies
25 because if you watch the video, he wasn't on the

1 phone. The only way it hits on a tower is if
2 you're actively using the phone. And since he was
3 not on the phone and I can't place him there, I
4 wasn't going to plan on using him. But the Defense
5 put up a defense of his fiancée.

6 His fiancée testified that the man she loved,
7 the man she doesn't want anything to happen to was
8 with her that night, all night. And other than his
9 phone beeping from Facebook, so we know the phone
10 was there with him that night. According to her,
11 he made no calls. He made no texts. We know
12 that's not true because his phone made up to 15
13 calls. The phone made over 15 texts. And the
14 PowerPoint presentation shows that all the calls
15 were made from 9:00 o'clock before this all started
16 happening to 7:00 in the morning after all these
17 robberies occurred. I can't tell you where he was
18 when -- that he was exactly where the robbery
19 occurred because he wasn't on the phone, but I can
20 tell you one thing for sure, that he and his phone
21 wasn't where she said it was.

22 That's why we look to credibility of
23 witnesses. She said they were there, never on the
24 phone. Well, he was on the phone and well
25 definitely the phone never was there. All the cell

1 towers are hit coming down that way. If it is
2 going up that way, her house is closer here, it
3 would have been hitting on that, the expert said.
4 All his texts, all his phone, he was out there down
5 in there. That is what we can prove. But we know
6 for a fact that she wasn't up there.

7 Now, as I stated, it is not a question in this
8 case, at least from Defense counsel, who said in
9 opening that these are three strong armed
10 robberies. Taking something from another by use of
11 force or intimidation. That happened. The same
12 guy did all three. All we're talking about here is
13 identity. And the Defense is saying that he didn't
14 do it. It's up to me to prove that he did. As I
15 stated, we have done that by all of the evidence
16 that we have put before you. You can watch the
17 videos and see it for yourself. And listen to the
18 people who know him, who recognize him. Any of the
19 people who don't know him can say that's him.
20 That's man who did it. That's the man who made me
21 quit my job that night. Two of them did, because
22 of what happened.

23 The State has proved beyond any doubt that he
24 is guilty of these crimes. We merely ask that
25 y'all find him guilty.

1 Thank you.

2 CLOSING STATEMENT

3 MR. DUNCAN: Good afternoon, ladies and
4 gentlemen.

5 May it please the Court?

6 I'm back a day after speaking with you the
7 first time, and my position on behalf of my client
8 is the same, that the State has the wrong guy. The
9 State went down the wrong path after its initial --
10 in its initial investigation and then stopped. And
11 Lieutenant Isenhoward said that yesterday on the
12 stand. This -- these incidents happened on
13 December 17th late at night, 11:30 at night,
14 Thursday, December 17th, and over the next 6-hour
15 period. And that was it. That is the window of
16 time that we are talking about, we're looking at.
17 And Lieutenant Isenhoward said yesterday that
18 sometime in the middle of the next week, I think on
19 Tuesday, the 22nd, that Brian Pringle was developed
20 as a suspect. And I said, Well, Lieutenant, what
21 about other suspects? Did you look into some other
22 suspects? And he said, No, I didn't have to. You
23 know, the case was closed. It was Mr. Pringle. I
24 know it was Mr. Pringle. End of story.

25 Well, I submit to you that developing

1 Mr. Pringle as a suspect may get you the first --
2 you know, get you the first step of probable cause
3 in making an arrest, but it doesn't get you to
4 beyond a reasonable doubt such that a jury of your
5 peers, 12 men and women of Richland County, can
6 convict you. The State has not met that burden.
7 Again, Lieutenant Isenhoward's testimony is we --
8 you know, we got what we need and we found the guy.
9 And we -- by Christmas Eve, you know, less than a
10 week, six days later, we had our man, end of story.
11 End of story.

12 Now, I think you had Lieutenant -- excuse me,
13 Investigator Truluck did go to the impound yard the
14 first week of January and found -- searched a
15 vehicle, searched this vehicle, that is,
16 Mr. Pringle's. There's no question about that,
17 that that is Mr. Pringle's vehicle that's in the
18 impound yard at Richland County because when he was
19 arrested, his vehicle was towed and taken there.
20 And in that vehicle, this cap was found, a
21 camouflaged cap that Ms. Seaburn testified belonged
22 to her, but no question it was found in
23 Mr. Pringle's vehicle and Mr. Pringle wore this
24 cap.

25 The link in logic that the State wants you --

1 requires you to make in order to find Mr. Pringle
2 guilty on that basis is that, Well, this cap, that
3 has to be the cap that's in a video at the Percival
4 Road store at 5:00 a.m. on December 18th. And I
5 submit to you that that's not enough.

6 Now, this cap is not as common as a University
7 of South Carolina baseball cap here in Columbia,
8 but it's not the -- you know, the one and only.
9 It's not a unique article of clothing or unique
10 head gear such that it is, so to speak, the smoking
11 gun in this case.

12 I submit to you that during the initial stage
13 of this investigation, you had Investigator Truluck
14 assigned to a case and Investigator Allison
15 Fitzgerald from the City of Columbia is assigned to
16 a case and now Lieutenant Isen -- Kevin Isenhoward
17 got the third case or assigned the third case to
18 his own unit the week of Christmas.

19 And, again, I think Lieutenant Isenhoward
20 said, Wait a minute, I've got a hunch, I've got a
21 theory, let me check on this. And he went down
22 that path. And, unfortunately, he carried the
23 other investigators down that same path. And a
24 full investigation was not done because they
25 thought they had their guy.

1 But I submit to you that when the
2 investigation was ongoing, those first few days,
3 and the City of Columbia investigator,
4 Ms. Fitzgerald, went to see Kimberly Sumter and
5 Ms. Sumter couldn't pick out a person in the photo
6 line-up that Ms. Fitzgerald showed her. She said
7 she just -- she didn't feel comfortable, didn't
8 know. And I heard the rest of her testimony, and I
9 will get to that a moment, but in her initial
10 statement she didn't know -- she couldn't see the
11 person who committed the crime in her store on that
12 day.

13 And, significantly, she said, as opposed to
14 the first clerk, Ms. Craft -- Ms. Craft had said,
15 you know, I didn't have access to the parking lot,
16 the cameras. I mean, it's not in realtime, so she
17 wasn't watching the camera. By the time the
18 individual that robbed her store at 8550 Farrow
19 Road, by the time she got to the door, all she saw
20 was some headlights. So she wasn't able to tell
21 what kind of vehicle or any -- she couldn't testify
22 about that, couldn't give any information about
23 that, but Ms. Sumter could. And Ms. Sumter said, I
24 read on the vehicle that it was a Geo, a Geo
25 Tracker. It used to be made by Chevrolet. But a

1 Geo Tracker vehicle. And read those words, read
2 the word Geo on the back.

3 Now, I will -- I concede that Brian Pringle,
4 the vehicle in Exhibit 47 and others also, but this
5 vehicle that is in the impound yard, a Suzuki
6 Sidekick, looks similar to a Geo. But it doesn't
7 have the word Geo written on the back. And nobody
8 bothered with that. They -- you know, it didn't
9 fit -- it didn't fit the theory of the case. It
10 didn't -- when they said, well -- Lieutenant
11 Isenhoward says Brian Pringle, well, it turns out
12 Brian Pringle doesn't own a Geo, so Ms. Sumter must
13 have been wrong. Well, why was Ms. Sumter wrong?
14 Why was Ms. Sumter's memory of the event wrong and
15 Ms. Craft's memory of the event was solid? I
16 submit to you it's not they just -- they picked one
17 and went with Lieutenant Isenhoward's theory. And
18 I submit to you that that theory was wrong then and
19 it's wrong now.

20 The only -- the person who identified
21 Mr. Pringle as the culprit was Ms. Torah Craft, the
22 only person in the store. And she -- and you're
23 going to have -- I'm going to call your attention
24 to this one, but I ask you to look at it as you go
25 back in your jury room. This is State's Exhibit

1 Number 7, and it has the writing on it, so it will
2 be easy to find. This is the same man who robbed
3 me, Torah A. Craft. And that is from the Greystone
4 location. It says S -- has an S in the background,
5 says S-Mart over on Greystone Boulevard and where
6 Ms. Sumter was the clerk.

7 Again, I absolutely agree that that person is
8 the same person who robbed Torah Craft. I just
9 absolutely submit to you that that person is not
10 Brian Pringle. And I would ask you to examine that
11 picture, State's Exhibit 7 that Ms. Craft signed
12 and State's Exhibit 46, which is Mr. Pringle's
13 booking photo on December 24th. So a photo from
14 December the 17th and a photo from December the
15 24th. And look at it, look at those people.
16 You've had more opportunity in the last day to look
17 at Mr. Pringle, and please do.

18 Mr. Pringle, please stand again. I know you
19 did yesterday, but.

20 (Defendant stands.)

21 MR. DUNCAN: Mr. Pringle can't change his
22 height. He can change his weight a little bit,
23 obviously, but has not significantly changed --
24 he's put on a few pounds in the last 18 months, but
25 he's a 6-foot tall, 210-pound fellow in this

1 photograph, in this booking photo. And that is
2 what Investigator Truluck had on his warrant. He
3 said, you know, I get that from a driver's license
4 information, but it is generally correct as to
5 Mr. Pringle. So, again, I would ask you to look at
6 the photo.

7 (Defendant seated.)

8 MR. DUNCAN: Look at the photos, look at the
9 video. The video quality, as we saw it yesterday,
10 I mean, it's -- I'm not critical of the convenience
11 stores. I mean, they are -- it is what it is. The
12 quality is not the best. I mean, it's certainly
13 not, you know, what you see on TV, but you can see
14 the individual. And Ms. Craft testified that she's
15 5'7". You had a chance to see her. She looked
16 like a relatively tall lady. And then Ms. Sumter
17 said she was taller. Ms. Sumter was 5'9". So --
18 but I submit to you that when you look at the
19 video -- and you'll have that back in evidence and
20 get a chance -- and if you look at the video from
21 the Greystone Boulevard location, there's an angle
22 where you can see -- and I'm not talking about when
23 she's at the counter, I'm talking about when she's
24 next to the perpetrator -- that Ms. Sumter is
25 bigger, is taller than the perpetrator.

1 You know, our problem, my problem as the
2 Defense lawyer -- the State has the burden of
3 proving this case, but my problem is, how do I
4 prove a negative? How do I prove that Mr. Pringle
5 is not present, that he's not the person? You
6 know, I can -- I can tell you that out of three
7 clerks who were held up on the night in question,
8 that only Torah Craft was able to identify the
9 perpetrator. And, again, I don't think she's
10 trying to be wrong. I think her memory, I think
11 her opportunity to see the person was such that
12 she's just mistaken, she is mistaken about it. And
13 the other two people, Ms. Sumter and Ms. Kimberly
14 Strother, Ms. Strother said she never got a visual.
15 She never looked at the guy's face. She just --
16 she didn't know. She couldn't say. And then
17 Ms. Sumter says -- first time, she says, I don't
18 know. Second time, she says, 50/50. And I
19 absolutely submit to you that 50/50 is not enough.
20 50/50 -- and I think the State would concede that.
21 I think the State will say if that's all they had
22 as to that incident, if the only thing they had was
23 Ms. Sumter going 50/50, then that's not good
24 enough.

25 And I submit to you that really that was the

1 point at which you could pick one way and go
2 looking for a suspect, suspects, or you zero in on
3 Brian Pringle. And, again, I'm not -- I'm not
4 telling you, and Mr. Pringle certainly is not
5 claiming -- he and I have talked about this. It's
6 not a conspiracy. I'm not telling you that the
7 Richland County Sheriff's Department or the City of
8 Columbia was out to get Mr. Pringle. I simply say
9 that they didn't explore other possibilities after
10 about five days. -- There was a BOLD issued, Be On
11 The Lookout For, and a warrant was issued on
12 December 23rd by Richland County. The next thing
13 that happens is on Christmas Eve, another warrant
14 is issued by the City of Columbia, and that's
15 pretty much the end of the case. It's pretty much
16 the end of the investigation.

17 You know, attempts were made. The State said,
18 We went looking. You know, we gathered evidence,
19 we collected what we could, and, you know, we
20 weren't able to get any fingerprints that were
21 usable.

22 And DNA -- but this is another significant
23 point that I would ask you to consider. When it
24 came to DNA, they collected DNA, or tried to, and
25 they had a mixture, according to Investigator

1 Barron's testimony, but he was only asked to look
2 as to Brian Pringle. And what he could say is that
3 Brian Pringle is excluded from that DNA. So I get
4 a little movement there. Like, well, the DNA man
5 says my man is excluded, he's not in the mix, so
6 that sounds pretty good. But I understand, I
7 understand that proving -- I don't have to prove
8 it, but you want to hear something. I've got the
9 State telling me -- I have the State telling you
10 that this is your guy, you should convict him, you
11 should find him guilty of these three crimes, and
12 I'm left with, Well, how do I prove that he was not
13 there? How do I show that he is not there?

14 Well, his fiancée says she was with him on the
15 night of December 17th. You know, Mr. Cathcart and
16 Ms. Houck testified regarding some cell phone
17 records, which, again, as the Solicitor concedes,
18 that cell phone information doesn't prove anything
19 in regard to the robberies, but it indicates that
20 Mr. Pringle was using a telephone. And Ms. Seaburn
21 said, Well, he was with me, he wasn't using the
22 telephone. He might have had -- he had some
23 Facebook pings. He had -- those kind of things
24 went off all the time.

25 Well, I didn't ask Ms. Seaburn, maybe I should

1 have, I didn't ask Ms. Seaburn what time she went
2 to sleep that night and, you know, during what
3 period of the night she was asleep. Mr. Pringle
4 used the telephone at some time during the night.
5 You know, that doesn't make him guilty. That does
6 not advance the State's case.

7 You know, I think Ms. Seaburn -- I submit to
8 you Ms. Seaburn's testimony is accurate to the time
9 period that she was awake with Mr. Pringle on the
10 17th.

11 And I further submit that the State cannot,
12 they cannot meet their burden of proof of proving
13 beyond a reasonable doubt that Brian Pringle is the
14 perpetrator for any of these three incidents.

15 I said it yesterday morning, Brian Pringle is
16 a bigger guy than the individual in this photograph
17 that is State's Exhibit 7, that this is the same
18 man who robbed me, Torah A. Craft. And I would ask
19 you just to keep in mind the burden of proof beyond
20 a reasonable doubt and think about that there is no
21 burden of proof on my client and how difficult it
22 would be for anyone to disprove, to say, you know,
23 that wasn't me. I -- you know, how do I prove
24 that? How can I prove that it wasn't me at those
25 gas stations? They don't have any DNA. They don't

1 have fingerprints. They've got kind of grainy
2 video. I sure hope that the video is good enough
3 or the photos are good enough that it will clear
4 me.

5 And, ladies and gentlemen, that's where we
6 are. I mean, I got down the path of Lieutenant
7 Isenhoward saying, This is where we're going and
8 this is the guy. And, again, I submit to you that
9 that's not his call. He doesn't get to make the
10 call. He can make the call as to an arrest, but
11 now when it comes time for the burden of proof, it
12 is with the 12 of you.

13 And please examine the evidence, look at the
14 photos, look at the video. Remember -- remember
15 the lady's testimony, remember Ms. Sumter's
16 testimony, Geo on the back of this vehicle. Not a
17 similar-looking Jeep Suzuki that Brian Pringle
18 drives. And that this cap was taken out of it from
19 the impound yard.

20 Thank you for your time. I ask that you to
21 return a verdict of not guilty as to the charges
22 for Mr. Pringle.

23 THE COURT: Any reply?

24 MR. CATHCART: Just a bit.

25 REBUTTAL CLOSING ARGUMENT

1 MR. CATHCART: The only testimony from Defense
2 counsel's witness, Ms. Seaburn, is that her fiancé
3 was not on the phone that night. That's the only
4 evidence. I understand now it is, gosh, I wish she
5 said something different, but she didn't. The only
6 evidence is that he was not on that phone. And
7 even if he started to get on that phone, the
8 evidence as testified by the expert is that phone
9 wasn't by that house. The phone was making calls,
10 it was making calls all night long, but it was not
11 at the house and it was moving all through downtown
12 Columbia from place to place. That's what the
13 evidence shows as to these phone calls.

14 Defense counsel wants to say that the case was
15 made up just upon the theory and then they stopped.
16 No. They developed Brian Pringle as a suspect
17 based upon the investigator's expertise and
18 experience. And when he saw the video, he goes,
19 Oh, hey, yes, it's Brian Pringle. He saw the
20 stills to this, he saw the other two videos, and he
21 knows him. He saw him, That's Brian Pringle.

22 The other officer who was here, John Caldwell,
23 knows him by name and sight. Looks at the video,
24 Yeah, Brian Pringle.

25 Agent Larson knows him by name and sight, the

1 guy that did it, doing the robbery, It's Brian
2 Pringle.

3 Two separate eyewitnesses not only picked him
4 out of a photo line-up, point to him in this
5 courtroom and say, That's Brian Pringle. What
6 other person are we looking for? We know this guy.
7 The car that was driven at all three of these
8 locations, Oh, well, heck, it's the same car as
9 Brian Pringle's. A Geo Tracker and Suzuki Sidekick
10 are the same car. It's like a Mercury Sable and a
11 Mercury Taurus -- I mean, a Ford Taurus. And the
12 car that he's driving happened to have the hat in
13 it that was used in the final robbery.

14 The evidence all points to his crime. People
15 who know him see him in the video. I'll tell you
16 to look at the video again if you wish. The people
17 who don't know him, who are robbed by him, point
18 him out, That's the guy who did it. And the only
19 evidence that Defense counsel is saying exonerates
20 him is not true, it's not credible. And he tries
21 to change it in his closing because it doesn't make
22 sense with the evidence that's provided.

23 The Defendant committed all three of these
24 acts. The State has proved it beyond a reasonable
25 doubt. I ask that y'all find him guilty of all

1 three of these charges.

2 JURY CHARGE

3 THE COURT: All right, ladies and gentlemen of
4 the jury, you have heard all of the evidence. You
5 have heard the arguments of the parties. It is now
6 my responsibility to charge you as to the law in
7 this case.

8 I remind you that during this trial, you and I
9 have certain duties to perform. As a trial judge,
10 it is my responsibility to preside over the trial
11 of this case, and I also have the duty to rule on
12 the admissibility of evidence offered during this
13 trial.

14 You are to consider only the competent
15 evidence before you. If there was any testimony
16 ordered stricken from the record in this case
17 during this trial, you must disregard that
18 testimony. You are to consider only the testimony
19 which has been presented from the witness stand,
20 any exhibits which have been made a part of the
21 record in this case, and any stipulations of
22 counsel.

23 I have the additional duty to charge you the
24 law applicable to this case. As the presiding
25 judge, I am the sole judge of the law of this case

1 and it is your duty as jurors to accept and apply
2 the law as I now state it to you. If you already
3 have any idea as to what the law is or what the law
4 ought to be and it does not agree with what I now
5 tell you the law is, you must abandon this idea
6 because you are sworn to accept the law and apply
7 the law exactly as I state it to you.

8 In every case tried in this court before a
9 jury, the jury becomes the sole and exclusive judge
10 of the facts in a case. A trial judge cannot
11 state, comment on, or make any statement to a trial
12 jury about the facts in a case.

13 Since you, the jury, are the sole judges of
14 the facts in a case -- in this case, you are not to
15 infer from what I have said during the progress of
16 this trial in ruling upon the admissibility of
17 evidence or otherwise or anything that I say now
18 during the course of this instruction to you that I
19 have an opinion about the facts in this case. The
20 law does not allow me to have an opinion about the
21 facts in this case. This is a matter solely for
22 you, the jury, to determine. As jurors, it is your
23 duty to determine the effect, value and weight of
24 the evidence presented to you during this trial.

25 There are two types of evidence which are

1 generally presented during a trial: Direct
2 evidence and circumstantial evidence.

3 Direct evidence is the testimony of a person
4 who claims to have actual knowledge of a fact, such
5 as an eyewitness. It is evidence which immediately
6 establishes the main fact to be proved.

7 Circumstantial evidence is proof of a chain of
8 facts and circumstances indicating the existence of
9 a fact. It is evidence which immediately
10 establishes collateral facts from which the main
11 fact may be inferred. Circumstantial evidence is
12 based on inference and not on personal knowledge or
13 observation. The law makes absolutely no
14 distinction between the weight or value to be given
15 to either direct or circumstantial evidence, nor is
16 a greater degree of certainty required of
17 circumstantial evidence than that of direct
18 evidence.

19 You should weigh all the evidence in the case.
20 After weighing all the evidence, if you are not
21 convinced of the guilt of the Defendant beyond a
22 reasonable doubt, you must find the Defendant not
23 guilty.

24 You must determine the credibility of
25 witnesses who have testified in this case.

1 Credibility simply means believability. It becomes
2 your duty as jurors to analyze and evaluate the
3 evidence and determine which evidence convinces you
4 of its truth.

5 In determining the believability of witnesses
6 who have testified in this case, you may believe
7 one witness over several witnesses or several
8 witnesses over one witness. You may believe a part
9 of the testimony of a witness and reject the
10 remaining part of the testimony of that same
11 witness. You may believe the testimony of a
12 witness in its entirety or reject the testimony of
13 a witness in its entirety. You may consider
14 whether the witness has exhibited to you any
15 interest, bias, prejudice or other motive in this
16 case. You may also consider the appearance and
17 manner of a witness while on the witness stand.

18 We earlier talked about expert witnesses. The
19 Rules of Evidence ordinarily do not permit
20 witnesses to testify to opinions or conclusions.
21 An exception to this rule exists for witnesses we
22 call expert witnesses. A witness, who by education
23 and experience, has become an expert in some art,
24 science, profession, or calling may state an
25 opinion as to relevant and material matters in

1 which the witness claims to be an expert and may
2 also state the reason or reasons for the opinion.

3 You should consider any expert opinion
4 received in evidence in this case and, like any
5 other evidence, give it the weight you think it
6 deserves. If you decide that the opinion of an
7 expert witness is not based on sufficient education
8 and experience, or if you conclude that the reasons
9 given in support of their opinion are not sound, or
10 that the opinion is outweighed by other evidence,
11 you must disregard the opinion entirely. An expert
12 witness's testimony is to be given no greater
13 weight than that of other witnesses simply because
14 the witness is an expert. Further, you are not
15 required to accept an expert's opinion, even though
16 it is not contradicted.

17 Ladies and gentlemen of the jury, the
18 indictment in this case charges the Defendant --
19 the indictments charge the Defendant with three
20 counts of strong arm robbery. I remind you that
21 the fact that the Defendant was arrested, charged,
22 and indicted in this case is not evidence in this
23 case and cannot be considered by you as evidence of
24 guilt in this case, nor does it create any
25 presumption or inference of guilt. This document

1 is simply the formal written instrument which
2 contains the charge made against the Defendant. It
3 is the formal document by which this case is
4 brought into court.

5 The Defendant in this case has pled not guilty
6 to the indictment, and that plea puts the burden on
7 the State to prove the Defendant guilty. A person
8 charged with committing a criminal offense in South
9 Carolina is never required to prove himself
10 innocent. I charge you that it is an important
11 rule of law that the Defendant in a criminal trial,
12 no matter what the seriousness of the charge may
13 be, will always be presumed to be innocent of the
14 crime for which the indictment was issued unless
15 guilt has been proven by evidence satisfying you of
16 that guilt beyond a reasonable doubt.

17 This presumption of innocence does not end
18 when you begin your deliberations, but it
19 accompanies the Defendant throughout the trial
20 until you reach a verdict of guilt based on
21 evidence satisfying you of that guilt beyond a
22 reasonable doubt.

23 The presumption of innocence is like a robe of
24 righteousness placed upon the shoulders of the
25 Defendant, which remains with the Defendant until

1 it has been stripped from the Defendant by evidence
2 satisfying you of the Defendant's guilt beyond a
3 reasonable doubt. The presumption of innocence is
4 not a mere legal theory. It is not just a legal
5 phrase. It is a substantial right to which every
6 Defendant is entitled unless you, the jury, are
7 satisfied from the evidence of the Defendant's
8 guilt beyond a reasonable doubt.

9 What is reasonable doubt in the law? A
10 reasonable doubt is the kind of doubt that would
11 cause a reasonable person to hesitate to act.

12 The State has the burden of proving the
13 Defendant guilty beyond a reasonable doubt. Some
14 of you may have served as jurors in civil cases
15 where you were told that it is only necessary to
16 prove that a fact is more likely true than not
17 true, such as by the greater weight or
18 preponderance of the evidence.

19 In criminal cases, the State's proof must be
20 more powerful than that. It must be beyond a
21 reasonable doubt. Proof beyond a reasonable doubt
22 is proof that leaves you firmly convinced of the
23 Defendant's guilt. There are very few things in
24 this world that we know with absolute certainty.
25 And in criminal cases, the law does not require

1 proof that overcomes every possible doubt.

2 If, based on your consideration of the
3 evidence you are firmly convinced that the
4 Defendant is guilty of the crime charged, you must
5 find the Defendant guilty.

6 If, on the other hand, you think there is a
7 real possibility that the Defendant is not guilty,
8 you must give the Defendant the benefit of the
9 doubt and find him not guilty.

10 An issue in this case is the identification of
11 the Defendant as the person who committed the
12 crimes charged. The State has the burden of
13 proving identity beyond a reasonable doubt. You
14 must be satisfied beyond a reasonable doubt of the
15 accuracy of the identification of the Defendant
16 before you may convict the Defendant.

17 Identification testimony is an expression or
18 belief or impression by a witness. You must
19 determine the accuracy of the identification of the
20 Defendant. You must consider the believability of
21 each identification witness in the same way as any
22 other witness. You may consider whether a witness
23 had an adequate opportunity to observe the offender
24 at the time of the offense. This will be affected
25 by things like how long or short a time was

1 available, how far or close the witness was, the
2 lighting conditions, and whether the witness had
3 the chance to see or know the person in the past.
4 Are you satisfied that the identification made by
5 the witness subsequent to the offense was a product
6 of his own recollection? You may take into account
7 both the strength of the identification and the
8 circumstances under which the identification was
9 made. If the identification by the witness may
10 have been influenced by the circumstances under
11 which the Defendant was presented to him for
12 identification, or her for identification, you
13 should scrutinize the identification with great
14 care. You may also consider the length of time
15 that lapsed between the occurrence of the crime and
16 the next opportunity of the witnesses to see the
17 Defendant as a factor bearing on the reliability of
18 identification.

19 You may take into account any occasion in
20 which the witness failed to make an identification
21 of the Defendant or made an identification that was
22 inconsistent with his or her identification at
23 trial.

24 Finally, you must consider the credibility of
25 each identification witness in the same way as any

1 other witness, consider whether he is truthful, and
2 consider with he had the capacity -- or he or
3 she -- had the capacity and opportunity to make a
4 reliable observation on the matter covered in his
5 or her testimony.

6 Once again, I instruct you the burden of proof
7 on the State extends to every element of the crimes
8 charged and, thus, specifically includes the burden
9 of proving beyond a reasonable doubt the identity
10 of the Defendant as the person who committed the
11 crimes.

12 If, after examining the testimony, you have a
13 reasonable doubt as to the accuracy of the
14 identification, you must find the Defendant not
15 guilty.

16 In order to establish criminal liability,
17 criminal intent is required. For example, the
18 mental state required to be proven by the State for
19 a particular crime might be purpose, intent,
20 knowledge, recklessness, or criminal negligence.
21 Criminal intent must be proven by the State beyond
22 a reasonable doubt. Criminal intent is always a
23 matter that must be determined by the jury from the
24 circumstances surrounding the situation. There is
25 no way to prove intent to a mathematical certainty.

1 This is no way medical science can dissect a
2 person's brain and determine what the person had in
3 mind. So the law says that criminal intent may be
4 inferred from the circumstances shown to have
5 existed. This is how you make a determination of
6 whether or not the element requiring intent was
7 present. It is not necessary to establish intent
8 by direct and positive evidence, but intent may be
9 established by inference in the same way as any
10 other fact by taking into consideration the acts of
11 the parties and all the facts and circumstances of
12 the case.

13 Criminal intent is a mental state, a conscious
14 wrongdoing. It is up to you to determine what the
15 Defendant intended to do based on the circumstances
16 shown to have existed. Criminal intent can arise
17 from action or a failure to act. It may arise from
18 negligence, recklessness, or an indifference to
19 duty or to consequences that is considered by the
20 law to be equivalent of criminal intent.

21 Ladies and gentlemen of the jury, as I
22 previously stated to you, the Defendant in this
23 case is charged with three counts of strong arm
24 robbery. In order to prove this offense, the State
25 must prove beyond a reasonable doubt that the

1 Defendant took personal property from the person or
2 presence of another person.

3 Property is in the presence of a person if it
4 is within a person's reach, inspection,
5 observation, or control so that the person could,
6 if not overcome with violence or prevented by fear,
7 keep possession of the property. The State must
8 also prove beyond a reasonable doubt that the
9 Defendant carried the property away intending to
10 permanently deprive the owner of the property and
11 to keep the property for the Defendant's own use.

12 The slightest removal of the property or the
13 complete possession of the property even for an
14 instant by the Defendant is sufficient to show a
15 taking and carrying away of property. The taking
16 and carrying away of the property must have been
17 done with violence or by putting the owner of the
18 property in fear of violence.

19 In this case, the Defendant has raised a
20 Defense of alibi. In order to establish an alibi,
21 it must be shown that the Defendant was at another
22 specified place at the time the crime was committed
23 and that it was therefore impossible for the
24 Defendant to have been at the scene of the crime.
25 Mere denial of presence at the scene of a crime

1 does not constitute an alibi.

2 There is no burden on the Defendant to prove
3 an alibi. The burden is on the State to prove
4 beyond a reasonable doubt that the Defendant was
5 actually present at the scene of the crime,
6 actually participated in it and was not somewhere
7 else. In other words, the State has the burden of
8 disproving the Defendant's alibi defense.

9 Ladies and gentlemen of the jury, in this case
10 the Defendant did not testify. I instruct you and
11 emphasize to you that the fact that the Defendant
12 did not testify is not a factor to be considered by
13 you in any way in your deliberations and your
14 consideration of the question of the guilt or
15 innocence of the Defendant. It must not be
16 considered by you in any manner whatsoever. A
17 Defendant has a constitutional right to remain
18 silent and the assertion of this right must not be
19 considered by you in any of your deliberations.

20 I repeat, under the oath that you took, you
21 are to draw no conclusion whatsoever from the fact
22 that the Defendant in this case did not testify.
23 The fact that this Defendant did not testify should
24 not even be discussed in the jury room. The burden
25 of proof, as I stated to you, is on the State. The

1 Defendant is not required to prove his innocence.
2 The burden of proof remains on the State to prove
3 guilt beyond a reasonable doubt.

4 Ladies and gentlemen of the jury, the State
5 and the Defendant are entitled to the individual
6 opinion of each juror on the issues of fact in this
7 case. It is the duty of each of you to consider
8 and weigh all of the evidence in this case and from
9 such evidence to determine, if you can, the
10 question of guilt or innocence of the Defendant.

11 There is nothing peculiarly different in the
12 way a jury should consider the evidence in a
13 criminal case from that in which all reasonable
14 persons treat any question depending upon evidence
15 presented to them. You're expected to use your
16 good sense, consider the evidence in the case for
17 only those purposes for which it has been admitted
18 and give it a reasonable and fair construction in
19 the light of your common knowledge of the natural
20 tendencies and inclinations of human beings.

21 Your verdict in this case will be one of two
22 forms. If, from the evidence and the law, you find
23 that the Defendant is not guilty, you will circle
24 or check not guilty on the verdict form that I will
25 give you. And, Madam Forelady, you will sign your

1 name.

2 If, on the other hand, you find that the
3 Defendant is guilty based upon the evidence and the
4 law which you have heard, you will circle guilty or
5 check guilty on the verdict form. And, Madam
6 Forelady, you will sign your name.

7 Your verdict must be unanimous. It must be
8 guilty or not guilty. The law requires that a jury
9 verdict be unanimous, which means that all jurors
10 must agree. The only two forms of verdict are
11 guilty or not guilty.

12 Madam Forelady, once the jury reaches a
13 verdict of not guilty or guilty, please circle it
14 on the verdict form or check it on the verdict form
15 and sign under the verdict to signify that what you
16 have circled is the verdict of all the jurors.
17 Then you will knock on the door and notify us that
18 you have reached a verdict in this case.

19 I have three verdict forms. As we have
20 stated, there are three indictments in this case.
21 And to make it clear, we wrote down the address of
22 each incident location as to each indictment.

23 So it reads on the first one, it is
24 2016-GS-40-1776, State of South Carolina, County of
25 Richland, State of South Carolina v. Brian Pringle,

1 Defendant, in the Court of General Sessions of the
2 Fifth Judicial Circuit.

3 Verdict form. As to Indictment
4 Number 2016-GS-40-01776, parentheses Pop's store at
5 8550 Farrow Road, Columbia, South Carolina, 29203,
6 it says: We, the jury, by unanimous consent, find
7 the Defendant -- and then there is a line there for
8 guilty, and further down there's a line for not
9 guilty.

10 You can check or circle that, Madam Forelady.
11 You will sign your name and date it, and then let
12 the bailiff know you have reached a verdict in your
13 deliberations.

14 As to the second form, it says: As to
15 Indictment Number 2016-GS-40-1777, and it says this
16 is the Exxon gas station at 321 Greystone
17 Boulevard, Columbia, South Carolina, 29210. And it
18 reads the same: We, the jury, by unanimous
19 consent, find the Defendant either guilty or not
20 guilty. You will circle that. You will sign your
21 name and date it.

22 And then the third verdict form reads: As to
23 Indictment Number 2017-GS-40-1803, Pop's Shell gas
24 station at 1909 Percival Road, Columbia, South
25 Carolina, 29223: We, the jury, unanimously find --

1 by unanimous consent find the Defendant guilty or
2 not guilty. Please sign and date your name, Madam
3 Forelady.

4 At that time you will knock on the door and
5 inform the bailiff that you have reached a verdict.
6 And then we will receive you back in the courtroom
7 for publication of that verdict.

8 I am going to send you all back into the jury
9 room. Your lunch is supposed to, if we timed it
10 right, be here in about three minutes. It may be
11 back there already. There are some matters of law
12 that I need to go over with the lawyers before you
13 can begin your deliberations, so you may want to
14 wait a second before you start eating if your lunch
15 is back there. But then you can begin your
16 deliberations once you, Madam Forelady, once you
17 receive the verdict forms. We've got to get you
18 the exhibits. There's a laptop, it is clean, it
19 has nothing on it, if you would like to look at the
20 videos and -- There's a 9-1-1 tape? There is a
21 9-1-1 tape and videos that are in evidence. We'll
22 have that back there for you on a laptop. So we'll
23 bring the laptop, the verdict forms, the exhibits.
24 And then once you receive the instruction from the
25 bailiff to begin your deliberations, you may begin.

1 But, until then, do not begin just in case I have
2 to bring you all back out here.

3 All right. Thank you.

4 And if you can keep the alternates in the
5 hallway.

6 (WHEREUPON, the jury retires to the jury
7 room at 1:29 p.m.)

8 THE COURT: Any objections or exceptions to
9 jury charge from the State?

10 MR. CATHCART: None from the State, Your
11 Honor.

12 THE COURT: Anything from the Defense?

13 MR. DUNCAN: No objection, Your Honor.

14 THE COURT: All right, so I do need to let you
15 put your motions on the record now that we're done.
16 But if you all want to go ahead and take a look at
17 the verdict forms, take a look at the exhibits,
18 make sure they're all there, then we can go ahead
19 and get them started. Take a look at the computer.

20 Have you had a chance, Mr. Duncan, to verify
21 that that is --

22 MR. DUNCAN: I have not.

23 (Pause.)

24 (WHEREUPON, the following occurred at
25 1:37 p.m.)

1 (WHEREUPON, Court's Exhibit No. 3 was
2 marked for identification only.)

3 THE COURT: Back on the record. That is
4 Court's Exhibit 3. The jurors have asked for
5 witness testimony already. I don't think it was
6 the forelady, just one person wrote a note and
7 asked. So I explained to them that the -- they
8 asked for a transcript, and I told them there is no
9 transcript, but there is audio. If they wish to
10 have it heard, they can just write on there what
11 they wish heard and we'll play it back.

12 With that being said, the two alternates are
13 outside and I need to excuse them.

14 So, Mr. Barefoot, will somebody grab the
15 bailiff? I'm not sure what they are doing.

16 (Alternates enter courtroom.)

17 THE COURT: All right. And our alternates are
18 Mr. Pope and Mr. Salley; is that right?

19 (Nods affirmatively.)

20 THE COURT: I want to thank you on behalf of
21 everyone here for your service here this week. As
22 you can see, matters arise here in Richland County
23 that cannot be resolved, and that's why we must
24 turn to our fellow citizens in the community to
25 help us resolved the issues here.

1 And so I do want to thank you all for your
2 service on behalf of the State, on behalf of the
3 Defendant, and on behalf of the Court and the court
4 staff.

5 You all were selected as alternates. As you
6 see, all of the other jurors have returned, and you
7 will not have to participate any further.

8 All right. So I am going to release you. You
9 are more than welcome to stick around if you would
10 like to see what they are going to do. Your lunch
11 should be here like in the next five minutes if you
12 want to wait on that. If not, Officer Barefoot
13 will eat it. If you don't want it, someone will
14 eat it, I assure you.

15 But I do want to thank you again, and you are
16 free to leave. If you do not wish to leave, you
17 can, like I said, hang around. You're free to talk
18 about the case with anyone except for those 12
19 people back there. And I hope you have -- I'm
20 releasing you for the week. She says you're done.
21 All you have to do is sign some paperwork and
22 you're free to go.

23 Thank you.

24 (Alternates excused at 1:40 p.m.)

25 THE COURT: All right. Any motions?

1 MR. DUNCAN: Your Honor, I would renew the
2 motions for a directed verdict that were made at
3 both the close of the State's evidence and the
4 close of our case as well on the same grounds that
5 the State has not met its burden of proof and that
6 a directed verdict of not guilty should be entered
7 pursuant to Rule 19.

8 THE COURT: Any response?

9 MR. CATHCART: Just the same response that we
10 made as to the other two motions. Nothing has
11 changed as to evidence and have it go forward to
12 the jury.

13 THE COURT: All right. I will respectfully
14 renew the Defendant's motion for directed verdict.
15 As I have stated earlier, there is a sufficient
16 amount of evidence in the record for the jury to
17 consider the issue of fact as to innocence or guilt
18 in this case. I will leave it to the jury to make
19 that decision.

20 All right. Thank you.

21 Now, you can take him down to get lunch.

22 If you are going to leave -- because I
23 wouldn't be surprised -- if you're going to go
24 somewhere just give to my law clerk your cell phone
25 number so can get you back in here if we have a

1 question.

2 We will be in recess.

3 (WHEREUPON, the jury was instructed to
4 begin deliberations at 1:42 p.m.)

5 (WHEREUPON, the following occurred at
6 3:20 p.m.)

7 THE COURT: All right. So it is my
8 understanding have a verdict. I would ask that for
9 those of you in the audience, regardless of what
10 the verdict is, one way or the other, please no
11 outbursts. If you feel as if you cannot control
12 yourself, I ask that you leave out of the
13 courtroom.

14 We will bring the jurors in and -- so there
15 should be three verdict forms, Mr. Bowen.

16 (WHEREUPON, the jury came into open
17 court at 3:22 p.m.)

18 THE BAILIFF: The jurors are all present, Your
19 Honor.

20 THE COURT: Madam Forelady, it is my
21 understanding that you all have reached a verdict;
22 is that correct?

23 THE FORELADY: Yes, Your Honor, we have a
24 unanimous verdict.

25 THE COURT: All right. If you can hand the

1 verdict forms to the bailiff, that would be great.

2 (Forelady complies.)

3 THE COURT: All right. I will ask the clerk
4 to publish the verdicts.

5 THE CLERK: State of South Carolina, County of
6 Richland v. Brian Pringle, as indictment to
7 2016-GS-40-1776, Pop's store at 8550 Farrow Road,
8 Columbia, South Carolina 29203: We, the jury, by
9 unanimous consent, find the Defendant guilty.
10 Signed Number 13, Jennifer Augustine, Foreperson,
11 July 12th, 2017.

12 State of South Carolina v. Brian Pringle, as
13 to Indictment Number 2016-GS-40-1777, Exxon gas
14 station at 321 Greystone Boulevard, Columbia, South
15 Carolina, 29210: We, the jury, by unanimous
16 consent, find the Defendant guilty. Signed Number
17 13, Jennifer Augustine, Foreperson, July 12th,
18 2017.

19 State of South Carolina v. Brian Pringle, as
20 to Indictment Number 2017-GS-40-1803, Pop's Shell
21 gas station at 1909 Percival Road, Columbia, South
22 Carolina, 29223: We, the jury, by unanimous
23 consent, find the Defendant guilty. Signed Number
24 13, Jennifer Augustine, Foreperson, July the 12th,
25 2017.

1 Madam Forelady, were these your verdicts and
2 the verdicts of the entire jury?

3 THE FORELADY: Yes.

4 THE CLERK: Thank you.

5 THE COURT: All right. Anything else from the
6 jurors before I release them? Anything from the
7 State?

8 MR. CATHCART: No, Your Honor.

9 THE COURT: Anything from the Defense?

10 MR. DUNCAN: No, Your Honor.

11 THE COURT: All right, ladies and gentlemen of
12 the jury, I do want to thank you for your service
13 here this week.

14 As you can see, there are matters that come up
15 here in Richland County every week that cannot be
16 resolved by the attorneys or by the Court, and that
17 is when we have to turn to 12 citizens like you to
18 assist us in resolving matters here at the Court.

19 So I do want to thank you for your service
20 here this week and let you know that on behalf of
21 the State, the Defense, and the Court and the court
22 staff that we appreciate your work here and your
23 attention here this week.

24 Just a couple of things. I am going to
25 release you for the week. I believe the clerk may

1 have some paperwork for you for those of you who
2 need work excuses. You will not have to serve -- I
3 don't know if Judge Manning told you this, you will
4 not have to serve in this court for another three
5 years unless you choose to do so. Of course, you'
6 are not protected -- this does not protect you from
7 federal court or magistrate or city court, but it
8 does protect you from having to serve up here for
9 three years.

10 If you would like to -- I assume, we're going
11 to go forward with sentencing. Is the State
12 prepared to go forward with sentencing today?

13 MR. CATHCART: We are, Your Honor.

14 THE COURT: If you would like to hang around
15 for sentencing, you are more than welcome to do so.
16 If you would like to leave, you are more than
17 welcome to leave. You can discuss the case now.
18 You can do whatever research you want to do on your
19 phone. The case is over. You can talk about it
20 with your family, each other, or you don't have to
21 talk about it at all.

22 Once again, thank you for being here.

23 Anything else I need to go over with them?

24 THE CLERK: I think that's it.

25 THE COURT: Thank you. She said she will meet

1 you all in the back. If anyone wants to come back
2 in for sentencing, you can.

3 (WHEREUPON, the jury was excused at 3:26
4 p.m.)

5 THE COURT: Any motions from the State?

6 MR. CATHCART: None from the State, Your
7 Honor.

8 THE COURT: From the Defense?

9 MR. DUNCAN: Your Honor, I would seek a
10 verdict of not guilty on the same basis as I made
11 at the close of the evidence and -- at the close of
12 the State's case and the close of the evidence.

13 THE COURT: All right. You are asking for a
14 motion for directed verdict and a motion for a new
15 trial?

16 MR. DUNCAN: Yes, ma'am, that's right.

17 THE COURT: Any -- and that's based on your
18 earlier objections as to entering the crack pipe --

19 MR. DUNCAN: I'll say it on the record. The
20 admission of the crack pipe over my objection, the
21 testimony of the probation officer that I sought to
22 have excluded.

23 THE COURT: And I think there was an objection
24 to the expert witness.

25 MR. DUNCAN: And the qualifying of Ms. Houck

1 as an expert and accepting her testimony as an
2 expert witness regarding the cell phone analysis
3 that she gave.

4 THE COURT: All right. Yes, sir?

5 MR. CATHCART: Your Honor, as to new trial
6 and/or set aside the verdicts, I believe there was
7 ample evidence to go forward to the jury.

8 As to his prior objections, I believe your
9 ruling on them was all proper and we can proceed on
10 to sentencing.

11 THE COURT: Your motion to set aside the
12 verdict and also motion for new trial is denied.
13 Based on -- and I think I gave the reasons earlier
14 as to the -- and cited the case as to the admission
15 of the crack pipe. And also the Court extensively
16 looked at the case law and the testimony of the
17 probation agent and found that -- because identity
18 was at issue, was the issue in this case -- that
19 the probative value of the probation agent's
20 identification of the Defendant outweighed the
21 prejudicial effect of her working at probation.
22 And we also tailored the conversation to not get
23 into any prior record or stating that he was
24 actually on probation.

25 So for those reasons, again, I will deny the

1 motion as to -- I guess that was 404(b) and 403, as
2 to probation agent, and then as to the crack pipe.

3 As to the 702, testimony by experts, 701, this
4 Court did do an analysis and determined that based
5 on the proffered testimony that Ms. Houck was
6 qualified to testify as an expert in cell phone
7 analysis based on her training and work that she's
8 done for the last five years in cell phone
9 analysis.

10 Therefore, I will respectfully deny the motion
11 as to the expert witness, the motion for a new
12 trial and motion to set aside the verdict.

13 All right. I think that's everything. Thank
14 you.

15 I'll be glad to hear from the State if you all
16 are prepared to go forward with sentencing at this
17 time.

18 MR. CATHCART: We are, Your Honor. You heard
19 the facts in the case. You heard the stuff that
20 also the jury did not hear, which was the fact the
21 reason the officers knew him is because they've
22 been prosecuting him for the past -- since 2007.
23 That would be his first strong armed robbery, which
24 he does this exact same thing.

25 In 2008, he got another strong armed robbery,

1 just a year after the first one. He was sentenced
2 at that time to six years.

3 When he gets out in 2011, he commits another
4 strong armed robbery. Same facts. Same kind of
5 things, same victims. At that time in 2011 he got
6 sentenced to five years.

7 2013, he was sentenced -- or convicted of
8 petit larceny. But a month later, he commits an
9 attempted strong armed robbery. And a month after
10 that, he commits a purse snatching, which he pled
11 down to purse snatching. For the attempted strong
12 armed robbery and the purse snatching, he received
13 a sentence of 10 years, suspended on 20 months, and
14 four years probation. And that probation continues
15 hanging over his head, started February of 2015.
16 He didn't make it through a year of his four years
17 of probation before he commits three more of these.

18 He is just not stopping. He gets out, he
19 commits these crimes. He terrorizes these ladies.
20 One of them is still unemployed. I'm not saying
21 she's unemployed because of this, but each one of
22 them quit their jobs after this.

23 As to originally doing this, as to his first
24 2007 strong armed robbery, he didn't get jail time.
25 I think that might be an appropriate response, but

1 when he did it again, he got six years. I think
2 that also was an appropriate response. The fact
3 that he keeps on doing it, he did six prior to
4 these, now he has three more, he is up to nine. I
5 think he needs a sentence that will be in excess of
6 what he's looking at being revoked on his
7 probation.

8 THE COURT: Where is probation? We need to
9 get probation in here.

10 On his record, he has a strong armed robbery
11 and purse snatching dating back to 2007?

12 MR. CATHCART: Yes. Back to '95, he has
13 fraudulent check; a DUS in '97; a DUS, open
14 container, and simple possession of marijuana in
15 '98. And then it just goes to this.

16 THE COURT: All right. Mr. Duncan, let me
17 have you and your client come up.

18 (Defendant and counsel approach.)

19 THE COURT: I'll hear from probation, and then
20 we'll hear from Mr. Duncan so he can respond at the
21 same time.

22 Is he coming?

23 THE BAILIFF: Yes, ma'am.

24 THE COURT: Anything else from the State or
25 any of your officers?

1 MR. CATHCART: I don't believe so, Your Honor.
2 I just want to point out he was developed as a
3 suspect because he does this so much, when they
4 heard how it happened, they knew who did it. The
5 fact Isenhoward said, Well, heck, I thought he was
6 still in jail. I mean, seven, eight, nine -- I
7 mean, there's reason it could be concurrent
8 sentences and it could be consecutive.

9 THE COURT: What now?

10 MR. CATHCART: There's a reason there could be
11 concurrent sentences and there's a reason there
12 could be consecutive sentences. Your Honor, I
13 would point out when you get up to seven, eight,
14 and nine, this might be time to start giving
15 consecutive sentences.

16 THE COURT: All right.

17 Yes, sir, Mr. Smith?

18 MR. SMITH: May it please the Court, Your
19 Honor? Mr. Pringle was on probation for attempted
20 robbery, Indictment 13-GS-40. The sentence date
21 was February 2nd, 2015, with an end date of
22 February 3rd, 2019. The sentence was 10 years,
23 upon the service of 20 months, and four years
24 probation. A special condition was pay a fine of
25 \$132 to the Clerk of Court, participate in NA or

1 any other drug treatment program, complete 100
2 hours of public service, with substance abuse
3 counseling. He was reporting up to the date of
4 arrest and the charges -- the violations were these
5 charges he is in court for today.

6 THE COURT: All right.

7 Yes, sir, Mr. Duncan?

8 MR. DUNCAN: Thank you. Your Honor. Your
9 Honor, you know, we -- I respect the jury's verdict
10 in this case; however, obviously Mr. Pringle has
11 adamantly denied his involvement in these three.
12 And I understand what has happened here today, but
13 he has been sitting -- he has been incarcerated
14 since Christmas Eve 2015 on these charges. So, you
15 know, he has served a substantial amount of time
16 while awaiting trial on these charges. I guess --
17 I haven't calculated the days, but that's 18 --
18 closing in on 19 months of time that he has done.

19 I -- certainly, as I listened to Mr. Smith,
20 and I thought -- I thought the basis of the
21 probation violation was only the pending charges,
22 only the charges that he has been tried for the
23 last two days, so he was reporting as required to
24 probation. I think he -- you know, he had drug
25 tests that he was passing as he was required to do.

1 Again, his family -- he has a lot of family
2 support. They have been here throughout the trial.
3 He has his mom, closest to me, Ms. Carolyn Myers,
4 his fiancé, Ms. Mary Seaburn, and his uncle,
5 Mr. Don Franklin, are all here. And he's had other
6 friends and family here this week.

7 Again, you know, I can say that I thought -- I
8 think, I thought and I still think that Mr. Pringle
9 had turned a corner at the time he went to court in
10 February of 2015 and, you know, entered a plea at
11 that time and was given -- you know, had a
12 significant 10-year sentence hanging over his head.
13 And, again, it certainly appeared from everything
14 that I was hearing from his family, you know, he
15 was causing no problems, was not having -- he
16 had -- as Mr. Cathcart has told you, I guess the
17 jury heard just, you know, a little bit of that in
18 regard to a crack pipe.

19 But certainly, going back in time, Mr. Pringle
20 is now 45 -- he's 45 years old. If you look at his
21 record, it is somewhat unique in that he was pre --
22 didn't have much at all until he was about 35 years
23 old, 34 or 35, around 2006, and he developed a
24 crack habit. I mean, no question about that, that
25 that's what led him down the path of committing any

1 crimes. And he had -- you know, he's had this
2 problem up until 2013 when he was arrested in June
3 of 2013. And, again, from that point on, I believe
4 that Mr. Pringle had turned over a new leaf. He
5 was working. You know, he was -- after getting out
6 of Alvin S. Glenn last February, he maintained a
7 job throughout the rest of the year of 2015, worked
8 various jobs at Columbia Country Club -- it's not
9 Columbia Country Club --

10 THE DEFENDANT: Cobblestone.

11 MR. DUNCAN: Cobblestone.

12 And where else, I'm sorry?

13 THE DEFENDANT: I did floor and landscaping,
14 siding, roofing. Anything I did requires
15 certificate. I worked almost 12 hours a day from
16 6:00 in the morning until 11:00, 12:00 o'clock at
17 night doing any kind of side things trying to start
18 my own business. That's how I was able to purchase
19 my Jeep. I used my Jeep to work for, that's why I
20 had all the things in the back of my Jeep. I had
21 my beanie cap from when I was doing landscaping.

22 I don't know when I had time to get high. I
23 understand why I was considered a suspect. I
24 really do. I understand why it came to that. But
25 that's not who I am anymore and it's not what I was

1 doing anymore. It wasn't me. I understand that
2 the case went the way it did, but on that day, on
3 the 23rd, I was leaving the house. I was working
4 on to try to get into -- because the VA was helping
5 me out. I was working. I wasn't getting high. I
6 was doing what I was supposed to be doing. I don't
7 know what else I can say.

8 The guys that were here, I was going to the
9 Word of God every Wednesday and Sunday. These
10 people I never knew before February. And they took
11 four or five hours out of their day to come down
12 here and check on me because I wasn't showing the
13 attributes of a junkie. People don't take time out
14 of their schedules to come down and support you
15 when you are doing things that I used to do. I
16 know who I am. I know who I serve. And I know I
17 will be all right from this day forward. Because I
18 was doing what I was asked to be done. I was in my
19 purpose. Things will change, and I have changed.

20 THE COURT: All right. Thank you.

21 MR. DUNCAN: Your Honor, again, I understand
22 what the Solicitor has said here today from the
23 State's standpoint. However, the crimes, these
24 offenses and what we saw, you know, what was on the
25 video -- and, again, Mr. Pringle denied that, but

1 we've got to deal with it. Nobody was hurt.
2 Throughout, there was no weapon -- never a weapon,
3 never any threat of a weapon, that is at no point
4 in time. Going back to times when Mr. Pringle has
5 come into this court and pled guilty, there has
6 never been any accusation, any allegation of a use
7 of a weapon. It has always been what the
8 investigators testified to as till tapping, you
9 know, reaching in a cash register, taking the
10 money. And, again, had always been to support a
11 drug habit.

12 I would -- I would certainly seek a -- I would
13 seek a sentence that -- certainly I would ask that
14 Mr. Pringle be given a fairly short sentence given
15 his age. I don't -- I know what was hanging over
16 his head was 10 years on a probation revocation. I
17 don't think -- I don't think he needs that much
18 time. I don't think he needs that much time, by
19 any means. And, Your Honor, we would ask that you
20 take into account the family support that he has
21 and the lack of any violent crimes in his -- on his
22 record and sentence him accordingly.

23 His family may wish to speak. I'm not --
24 Ms. Myers has indicated she would, if you would
25 hear from her.

1 THE COURT:

2 All right. On Indictment Number 16-GS-40-1776
3 and 16-GS-40-1777, 17-GS-40-1803, sir, you will be
4 sentenced to the State Department of Corrections
5 for 14 years. The sentences will run concurrent.
6 You will be given credit for the 567 days that you
7 have served. I put on here the addiction treatment
8 unit. Hopefully they will get you in and get you
9 some help. And, sir, if -- when you get out,
10 hopefully you will be the changed person that your
11 mother has said that she thought that you were. If
12 not, you're going to be spending -- you already
13 know that the police know who you are. If not,
14 you're just going to end up spending the rest of
15 your life in the Department of Corrections. That's
16 where it's going.

17 All right. That will be sentence of the
18 Court.

19 Thank you.

20 MR. CATHCART: Thank you, Your Honor.

21 MR. DUNCAN: Thank you, Your Honor.

22 THE COURT: Oh, I'm sorry. Probation, revoke
23 the eight years and four months, terminate, convert
24 fees and fines to a civil judgment. .

25 (WHEREUPON, the proceedings were

379

WITNESSES

(S) Cris Truluck
- Richland County Sheriff

ARREST WARRANT NUMBER

2015A4010204177

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

APR 14 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS4001776

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2016

67

THE STATE
vs.

Brian Everett Pringle

Indictment for
ROBBERY / COMMON LAW ROBBERY,
STRONG ARM ROBBERY

SC Code: 16-11-0325
CDR Code: 0137

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 13, 2016, the
Grand Jurors of Richland County present upon their oath:

ROBBERY/STRONG ARM ROBBERY

That Brian Everett Pringle did in Richland County on or about December 12, 2015, take personal property from or in the immediate presence of POPS STORE with the intent to deprive him/her of possession through the use of force, threats of force, or intimidation, and did carry away the property taken, in violation of the Common Law crime of Strong Arm Robbery.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

381

WITNESSES

(S) Allison Claire Fitzgerald
- Columbia Police Department

ARREST WARRANT NUMBER

2015A4021602929

ACTION OF GRAND JURY

TRUE BILL

Sharon Whaley
Foreperson of Grand Jury
Date:

APR 15 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS4001777

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2016

67

THE STATE
vs.

Brian Everett Pringle

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ROBBERY / COMMON LAW ROBBERY,
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After being fully advised as to my
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Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 13, 2016, the
Grand Jurors of Richland County present upon their oath:

ROBBERY/STRONG ARM ROBBERY

That Brian Everett Pringle did in Richland County on or about December 18, 2015, take personal property from or in the immediate presence of EXXON GAS STATION with the intent to deprive him/her of possession through the use of force, threats of force, or intimidation, and did carry away the property taken, in violation of the Common Law crime of Strong Arm Robbery.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Kevin Isenhoward
- Richland County Sheriff Dept

ARREST WARRANT NUMBER**DP17060****ACTION OF GRAND JURY****TRUE BILL**

Foreperson of Grand Jury

Date:

MAR 17 2017

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS4001803**The State of South Carolina****County of****Richland****COURT OF GENERAL SESSIONS****MARCH TERM 2017****67****THE STATE****vs.****Brian Everett Pringle**

Indictment for
ROBBERY / COMMON LAW ROBBERY,
STRONG ARM ROBBERY

SC Code: 16-11-0325**CDR Code: 0137**

After being fully advised as to my
 legal rights, I hereby waive presentment
 to the Grand Jury.

Defendant

I
 hereby appear in my own proper person and plead
 guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on MARCH 16, 2017, the
Grand Jurors of Richland County present upon their oath:

ROBBERY/STRONG ARM ROBBERY

That Brian Everett Pringle did in Richland County on or about December 18, 2015, take personal property from Shell Gas Station or in the immediate presence of Kimberly Strother with the intent to deprive him/her of possession through the use of force, threats of force, or intimidation, and did carry away the property taken, in violation of the Common Law crime of Strong Arm Robbery.

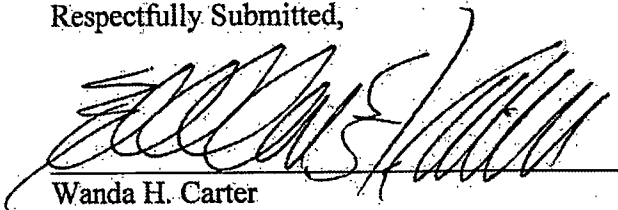
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DAN JOHNSON, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 30th day of July, 2018.