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MAY 22 2020

S.C. SUPREME COURT

LAMONT H. SELDON #379729

1578 Clarence Coker Hwy. TB-179

Turbeville, S.C. 29162

May 20, 2020

RE: Appellate case no.

2019-000592

Justice Donald W. Beatty

Supreme Court

1231 Gervais street

Columbia, S.C. 29201

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SC Court of Appeals

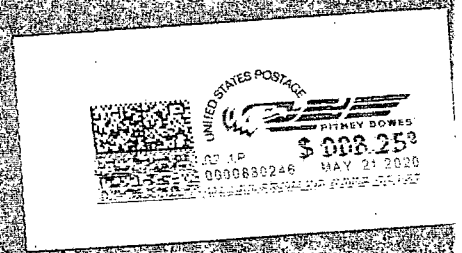
Dear Justice Beatty,

Enclosed you will find materials that I feel is significant to my request for a reduction of sentence that Judge Steven H. John renders on April 3, 2019, in the Circuit Court of Horry County. My request includes documentation of medical records regarding the capacity of the declining of my health and the severity of my condition, which said documentation came directly from ST. Jude Medical.

Please review the enclosed materials and other pertinent information regarding that of the Appeal of the Judge's sentence as well, other social increments that I have prepared for your viewing. I have not yet sent a request to the Honorable Judge, Steven H. John because I wanted to first run this amongst other things to your attention. I have copies of the transcript and briefs so no return. In the interim, I thank you in advance for your assistance and cooperation in these matters.

Respectfully submitted,
Lamont H. Seldon

Lamont, Seldon #379729 T-B-179
TURBEVILLE C.I.
MAIL ROOM
1578 CLARENCE COKER HWY.
TURBEVILLE, SC 29162



Justice Donald W. Beatty
Supreme Court Bldg.
1231 Gervais Street
Columbia, S.C. 29201

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S.C. SUPREME COURT



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MAIL ROOM
TURBEVILLE C.I.

THE S.C. DEPARTMENT OF CORRECTIONS
HAS NOT CENSORED THIS ITEM;
THEREFORE THE SCDC DOES NOT ASSUME
RESPONSIBILITY FOR ITS CONTENTS.

TURBEVILLE CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

Parameters

Page 2 of 4

Leads

	A	V
Lead Type	Bipolar	Bipolar
Pulse Configuration	Bipolar	Bipolar
Sense Configuration	Bipolar	Bipolar
Lead Monitoring	Monitor	Monitor
Lower Limit	200 Ω	200 Ω
Upper Limit	2,000 Ω	2,000 Ω
HVLI Lower Limit		20 Ω
HVLI Upper Limit		125 Ω

should not exceed 110 bpm.

Exceeding the max of 110 bpm.

ShockGuard™ Settings (Zone Configuration)

Detection Criteria

VT-1
 150 bpm/400 ms
 30 intervals

VT-2
 184 bpm/325 ms
 24 intervals

VF
 240 bpm/250 ms
 12 intervals

*240 - bpm
 beats per
 minutes.*

SVT Discrimination

On

On

Therapy

Monitor Only

ATP x3
 30.0 J/771 V
 40.0 J/890 V
 40.0 J/890 V x2

ATP x1
 36.0 J/845 V
 40.0 J/890 V
 40.0 J/890 V x4

VT Therapy Timeout

Off

SVT Discrimination

SVT Discrimination	Dual Chamber
SVT Discrimination Timeout	Off
SVT Upper Limit	Same as VF

Rate Branch
AF/A Flutter
V < A

Additional Discriminators			
Morphology		Interval Stability	
Morphology	Passive	Interval Stability	On w/AVA
Type	Far Field MD	Stability Delta	40 ms
Match	90 %	AV Association Delta	60 ms
	3 of 10	Window Size	12 intervals
Configuration	RV Coil-Can		
AutoUpdate	3 hrs		
Hysteresis	Off		

Diagnosis
 Deliver therapy only if
 the criteria in this rate
 branch indicate VT.

Sinus Tach

V = A: On
 AV Interval Delta: Off

Morphology
 Morphology Passive
 Same as V < A

Arrhythmia Onset

Chamber Onset On
 Sudden Onset Off

Deliver therapy only if
 the active criteria in
 this rate branch
 indicate VT.

VT/VF

V > A

If Ventricular Rate is
 greater than the Atrial
 Rate, deliver therapy.

Should not exceed the max which is 110 bpm.
bpm - beats per minutes.



ST. JUDE MEDICAL



Lamont Seldon ID xxx.xx.6840
Fortify Assura™ DR 2357-40Q ICD 7178676
Implanting Physician: DR GOEBEL

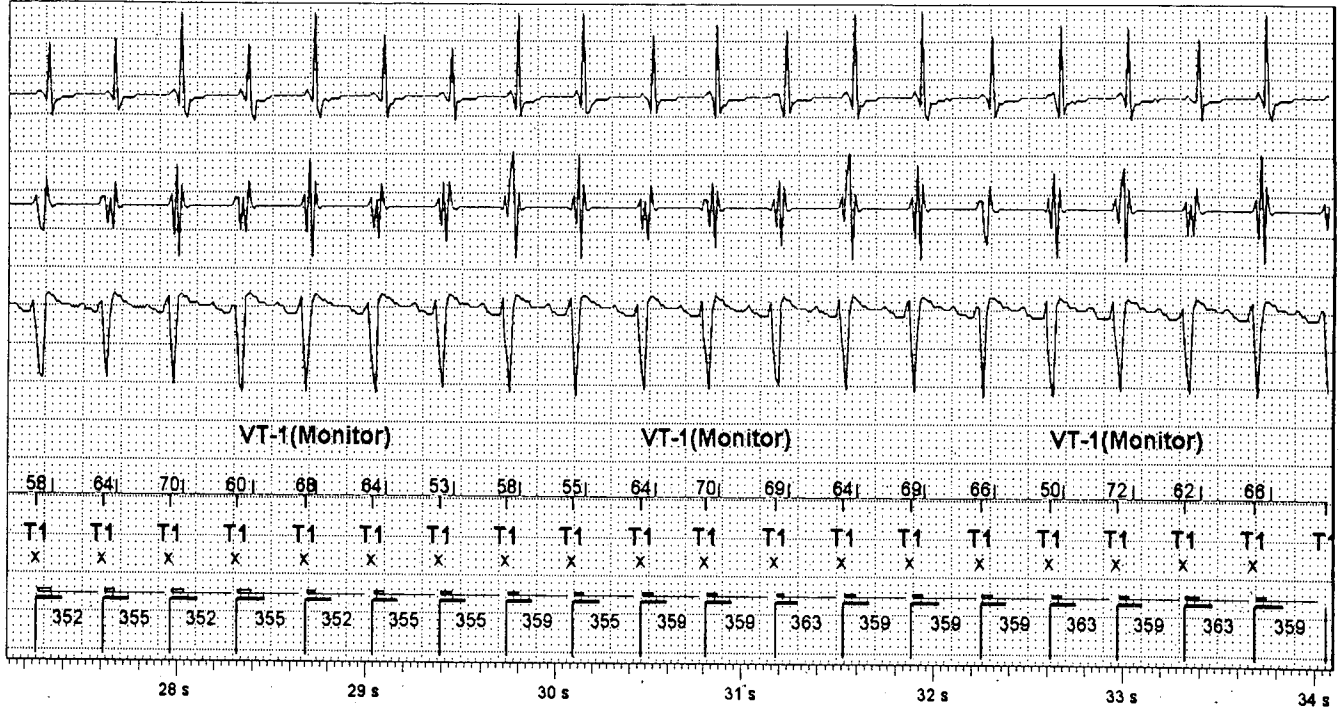
Aug 6, 2019
4:30 pm
In-Clinic

Episode: VT-1 (166 bpm / 360 ms) (Continued)

VT/VF Episode 99 of 99

Page 4 of 6

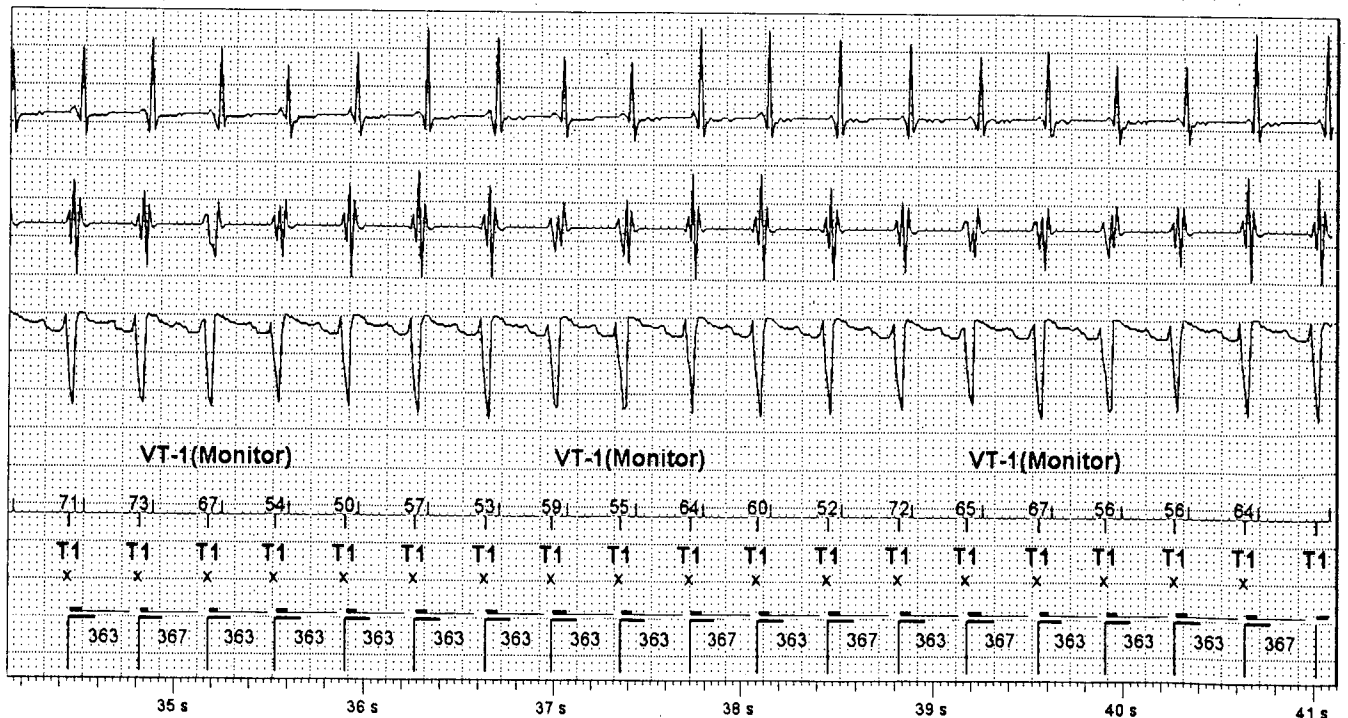
Aug 4, 2019 2:19 pm



- 1: A Bipolar AutoGain (3.5 mm/mV)
- 2: V Sense Amp AutoGain (0.6 mm/mV)
- 3: Discrimination AutoGain (1.7 mm/mV)

4: Markers

Sweep Speed: 25 mm/s



Should not exceed the max which is 110 bpm.
bpm - beats per minutes



ST. JUDE MEDICAL



Lamont Seldon ID xxx.xx.6840

Fortify Assura™ DR 2357-40Q ICD 7178676

Implanting Physician: DR GOEBEL

Aug 6, 2019

4:32 pm

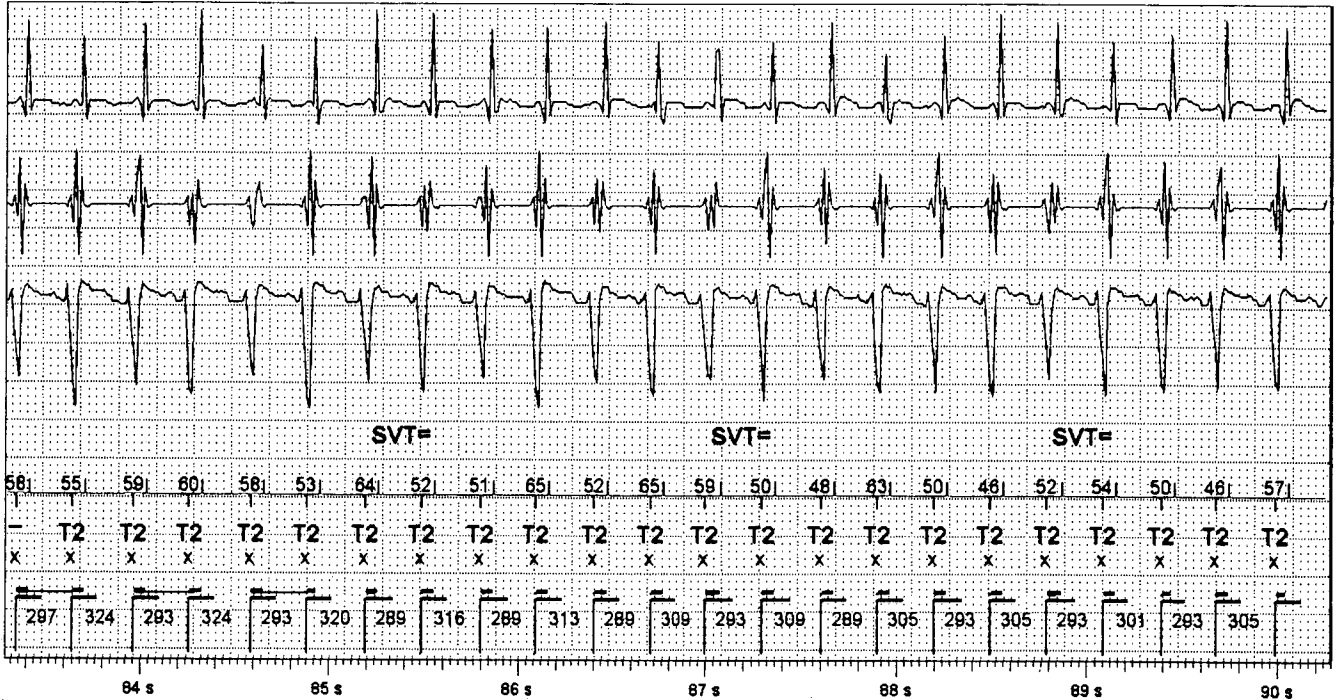
In-Clinic

Episode: SVT (190 bpm) / 315 ms (Continued)

VT/VF Episode 98 of 99

Page 8 of 12

Jul 27, 2019 9:33 pm



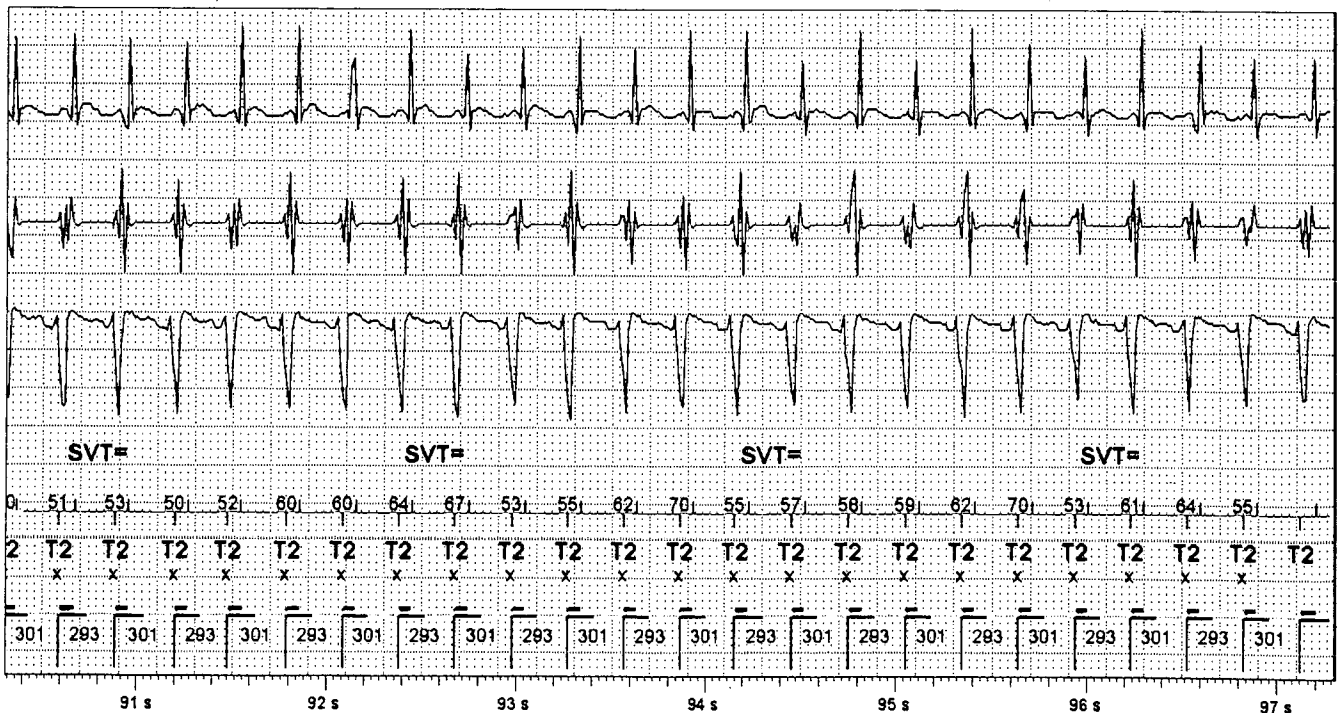
1: A Bipolar AutoGain (3.2 mm/mV)

4: Markers

2: V Sense Amp AutoGain (0.6 mm/mV)

3: Discrimination AutoGain (1.8 mm/mV)

Sweep Speed: 25 mm/s



Should not exceed max bpm which is 110 bpm.



ST. JUDE MEDICAL

Lamont Seldon ID xxx.xx.6840
Fortify Assura™ DR 2357-40Q ICD 7178676
Implanting Physician: DR GOEBEL

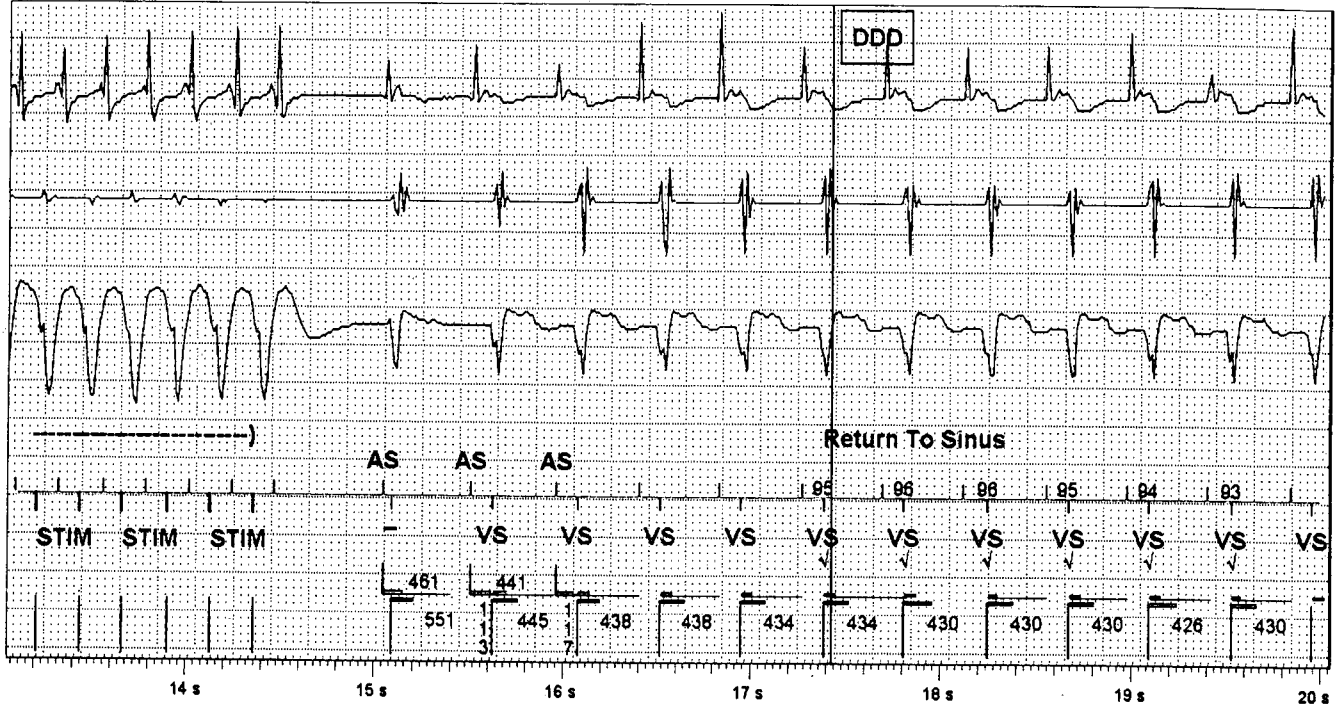
Aug 6, 2019
4:33 pm
In-Clinic

Episode: SVT Timeout (214 bpm / 280 ms) (Continued)

VT/VF Episode 24 of 99

Page 3 of 3

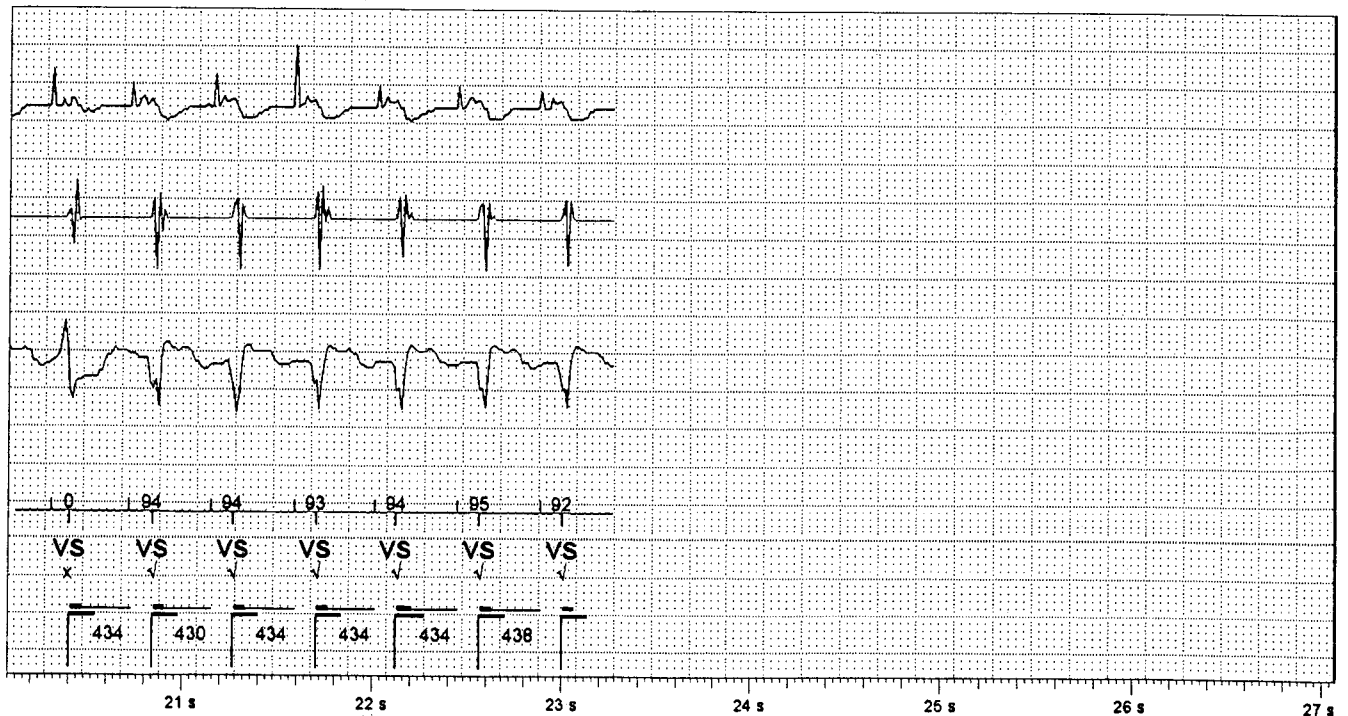
Mar 9, 2019 10:10 pm



- 1: A Bipolar AutoGain (3.0 mm/mV)
- 2: V Sense Amp AutoGain (0.6 mm/mV)
- 3: Discrimination AutoGain (1.4 mm/mV)

4: Markers

Sweep Speed: 25 mm/s





Episodes Summary

Page 1 of 3

Episodes Last Cleared
 SEGMs Last Cleared

Aug 6, 2019 4:30 pm
 Jan 30, 2018 2:13 pm

Last Read

Aug 6, 2019 3:50 pm

Therapy Summary

ATP Delivered
 Shocks Delivered
 Max Energy Shocks
 Last HV Lead Impedance
 Total Aborted Shocks

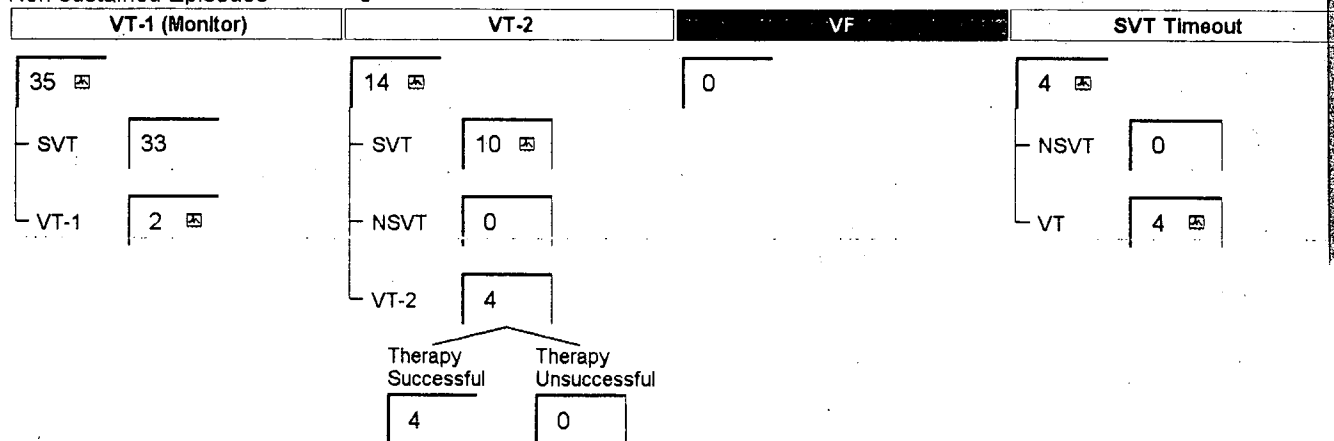
VT-1 VT-2 VF
 27 0
 0 0
 0 0
 VT-1 Zone is Monitor Only
 n/a
 0

Results of ATP Delivery

VT-1 VT-2 VF
 Episodes Terminated 0 27 0
 Episodes Not Terminated 0 0 0
 Accelerations 0 0

Episode Tree

Total VT/VF Episodes 53
 SVT Episodes 43
 Non-sustained Episodes 0



VT/VF Episodes

Date / Time	Type	Rate (bpm)	Duration (M:S)	Therapy Delivered	Alerts
Aug 4, 2019 2:19 pm	VT-1	166	00:51	(Monitor Only)	
Jul 27, 2019 9:33 pm	SVT	190	06:32		x1
Jul 25, 2019 10:07 pm	Non-sustained		00:10		
Jul 17, 2019 5:28 pm	SVT	193	03:03		x1
Jul 16, 2019 12:17 pm	SVT	190	02:47		x1
Jul 6, 2019 8:31 pm	Non-sustained		00:10		
Jul 6, 2019 4:47 pm	VT-2	193	04:49	ATP	x1
Jul 6, 2019 12:27 am	SVT	155	00:19		
Jul 6, 2019 12:26 am	Non-sustained		00:10		
Jul 3, 2019 12:20 pm	SVT	153	00:58		
Jul 3, 2019 10:21 am	SVT	155	00:24		
Jul 3, 2019 10:20 am	SVT	155	00:46		
Jul 3, 2019 10:19 am	SVT	155	00:39		
Jul 3, 2019 10:17 am	Non-sustained		00:08		
Jul 3, 2019 10:11 am	Non-sustained		00:08		
Jul 1, 2019 9:24 pm	VT-1	162	01:20	(Monitor Only)	x1
Jul 1, 2019 9:07 pm	SVT	155	00:10		

Episodes Summary

Page 1 of 3

Episodes Last Cleared
 SEGMs Last Cleared

Aug 6, 2019 4:30 pm
 Jan 30, 2018 2:13 pm

Last Read

Aug 6, 2019 3:50 pm

Therapy Summary

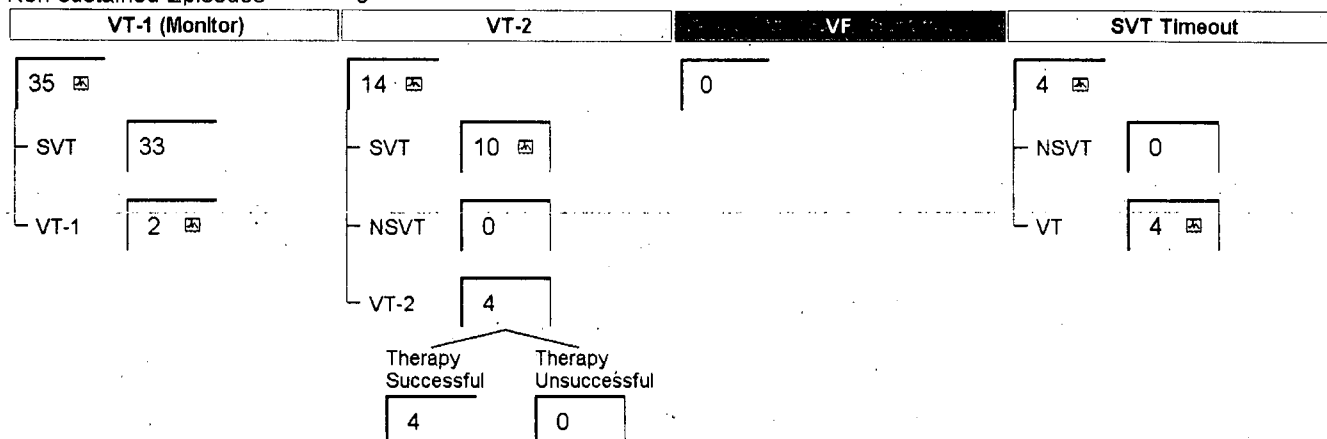
	VT-1	VT-2	VF
ATP Delivered		27	0
Shocks Delivered		0	0
Max Energy Shocks		0	0
Last HV Lead Impedance	VT-1 Zone is Monitor Only n/a		
Total Aborted Shocks	0		

Results of ATP Delivery

	VT-1	VT-2	VF
Episodes Terminated	0	27	0
Episodes Not Terminated	0	0	0
Accelerations	0	0	

Episode Tree

Total VT/VF Episodes 53
 SVT Episodes 43
 Non-sustained Episodes 0



VT/VF Episodes

Date / Time	Type	Rate (bpm)	Duration (M:S)	Therapy Delivered	Alerts
Aug 4, 2019 2:19 pm	VT-1	166	00:51	(Monitor Only)	
Jul 27, 2019 9:33 pm	SVT	190	06:32		x1
Jul 25, 2019 10:07 pm	Non-sustained		00:10		
Jul 17, 2019 5:28 pm	SVT	193	03:03		x1
Jul 16, 2019 12:17 pm	SVT	190	02:47		x1
Jul 6, 2019 8:31 pm	Non-sustained		00:10		
Jul 6, 2019 4:47 pm	VT-2	193	04:49	ATP	x1
Jul 6, 2019 12:27 am	SVT	155	00:19		
Jul 6, 2019 12:26 am	Non-sustained		00:10		
Jul 3, 2019 12:20 pm	SVT	153	00:58		
Jul 3, 2019 10:21 am	SVT	155	00:24		
Jul 3, 2019 10:20 am	SVT	155	00:46		
Jul 3, 2019 10:19 am	SVT	155	00:39		
Jul 3, 2019 10:17 am	Non-sustained		00:08		
Jul 3, 2019 10:11 am	Non-sustained		00:08		
Jul 1, 2019 9:24 pm	VT-1	162	01:20	(Monitor Only)	x1
Jul 1, 2019 9:27 am	SVT	153	00:19		
Jun 23, 2019 8:29 pm	Non-sustained		00:14		
Jun 23, 2019 8:27 pm	Non-sustained		00:10		
Jun 21, 2019 9:59 am	SVT	155	00:17		

Episodes Summary

Page 2 of 3

VT/VF Episodes (continued)

Date / Time	Type	Rate (bpm)	Duration (M:S)	Therapy Delivered	Alerts
Jun 21, 2019 9:59 am	Non-sustained		00:12		
Jun 21, 2019 9:58 am	Non-sustained		00:18		
Jun 19, 2019 9:31 pm	SVT	160	04:21		⚠ x1
Jun 19, 2019 8:27 pm	SVT	187	27:52		⚠ x1
Jun 19, 2019 7:30 pm	SVT	193	10:31		⚠ x1
Jun 17, 2019 9:38 am	Non-sustained		00:12		
Jun 15, 2019 9:21 am	SVT	164	02:25		⚠ x1
Jun 15, 2019 9:20 am	SVT	155	01:34		⚠ x1
Jun 15, 2019 8:49 am	SVT	160	05:03		⚠ x1
Jun 15, 2019 8:48 am	SVT	190	01:49		⚠ x1
Jun 10, 2019 2:05 pm	SVT	157	00:49		
Jun 10, 2019 2:04 pm	SVT	153	00:21		
Jun 8, 2019 4:39 pm	SVT Timeout	214	03:17	ATP	⚠ x3
Jun 8, 2019 4:35 pm	SVT Timeout	210	03:24	ATP	⚠ x3
Jun 8, 2019 4:32 pm	VT-2	203	02:53	ATP X 3	⚠ x2
Jun 7, 2019 8:09 am	VT-2	190	01:45	ATP X 2	⚠ x1
Jun 6, 2019 5:14 pm	SVT	190	10:09		⚠ x1
Jun 5, 2019 11:28 am	SVT	157	00:36		
Jun 5, 2019 11:27 am	SVT	157	00:25		
Jun 5, 2019 11:23 am	SVT	153	00:15		
Jun 3, 2019 9:16 am	SVT	153	00:19		
Jun 2, 2019 8:18 pm	SVT	153	06:53		⚠ x1
Jun 1, 2019 11:27 am	SVT	193	05:51		⚠ x1
Jun 1, 2019 11:24 am	Non-sustained		00:06		
May 27, 2019 9:30 am	VT-2	190	00:19	ATP	
May 26, 2019 3:17 pm	SVT Timeout	200	07:11	ATP	⚠ x2
May 26, 2019 3:09 pm	Non-sustained		00:12		
May 26, 2019 3:00 pm	SVT	200	09:59		⚠ x1
May 26, 2019 9:44 am	SVT	190	19:48		⚠ x1
May 23, 2019 9:08 am	Non-sustained		00:12		
May 22, 2019 9:30 pm	Non-sustained		00:10		
May 22, 2019 5:25 pm	Non-sustained		00:06		
May 22, 2019 12:28 pm	SVT	155	00:27		
May 20, 2019 8:18 am	SVT	157	00:27		
May 18, 2019 5:39 pm	SVT	150	00:43		
May 13, 2019 7:44 am	SVT	155	01:22		⚠ x1
Apr 14, 2019 6:14 pm	Non-sustained		00:08		
Apr 14, 2019 4:08 am	Non-sustained		00:06		
Mar 29, 2019 1:12 pm	Non-sustained		00:06		
Mar 29, 2019 1:11 pm	Non-sustained		00:08		
Mar 28, 2019 9:28 pm	Non-sustained		00:06		
Mar 23, 2019 9:00 pm	SVT	151	00:19		
Mar 20, 2019 11:50 pm	SVT	155	00:47		
Mar 20, 2019 11:44 pm	Non-sustained		00:10		
Mar 20, 2019 5:57 am	SVT	155	03:28		⚠ x1
Mar 20, 2019 5:56 am	SVT	151	00:57		
Mar 19, 2019 4:39 am	Non-sustained		00:06		
Mar 18, 2019 4:00 am	SVT	155	00:21		
Mar 18, 2019 3:59 am	SVT	151	00:33		
Mar 18, 2019 3:48 am	Non-sustained		00:10		
Mar 17, 2019 11:42 am	SVT	155	01:35		⚠ x1
Mar 16, 2019 3:31 am	Non-sustained		00:16		



Episodes Summary

Page 3 of 3

VT/VF Episodes (continued)

Date / Time	Type	Rate (bpm)	Duration (M:S)	Therapy Delivered	Alerts
Mar 10, 2019 1:56 pm	Non-sustained		00:04		
Mar 10, 2019 5:28 am	SVT	153	00:29		
Mar 10, 2019 5:00 am	SVT	155	00:43		
Mar 9, 2019 10:10 pm	SVT Timeout	214	03:29	ATP	⏏ x2
Mar 9, 2019 6:17 pm	SVT	164	01:29		⏏ x1
Mar 9, 2019 4:59 pm	Non-sustained		00:16		
Mar 9, 2019 7:24 am	Non-sustained		00:08		
Mar 8, 2019 4:07 pm	SVT	153	01:16		⏏ x1

Other Episodes

Date / Time	Type	Peak A / V Rate (bpm)	Duration (D:H:M:S)	Alerts
Jul 6, 2019 4:43 pm	AT/AF Detection	199 / 199	0:00:03:44	

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Dear Don,

I presented the SC Court of Appeals just to ensure privacy from the mailroom.

First of all I want you to know that you have always been my hero in the justice system. The second person I admired was Johnny Cockren. Anyway, I want to thank you for always giving me advice as what to do when I placed myself in miscreant situations. One thing for sure you never told me anything wrong and every word of advice or instructions you rendered got me out of every singal situation. Unfortunately for me I was unable to reach you this time although I made a number of attempts trying but especially since they plotted to get me here. Don, anytime I brought a situation to your attention I was always completely honest with you and I believe you knew this because otherwise I'm sure you wouldn't have provided me with the information to keep me in a safe haven. Please listen to me closely regarding the events that took place that put me where I am today. This charged occurred on August 29, 2016, one year after I received my pacemaker/defibrillator (dual unit) which I'm sure you can decipher that it would be impossible for me to be able to do the things they say were done. Here's what happened; I was trying to help a friend and her son get out of harms way on the morning this occurred. I had just given her \$200.00 to help her pay her rent to her uncle who lived two houses adjacent behind this man's house but also directly behind a guy name Joel house who was renting that residence at the time in question that was enclosed with a privacy fence. Several times being in

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her and her son's company we would walk through her uncle's backyard through a path coming out of the house between Joel's house and the house in question because of the privacy fence around Joel's house to go over her girlfriend's house who lived on that street but at the very corner of that street and Fifteen street. The times we walked through the path was always at night but were times that we did not have transportation. This was when my truck was in my mother's backyard because my license was suspended and I didn't have any tags or insurance. Most of the time we went back and forth to get some clothes for her and her son when we would stay at her girlfriend's house overnight. Her girlfriend is an ex-parole officer so I wasn't in bad company and our events of seeing each other was at least six months before this situation happened. Also, a gentleman name Duwayne Cox lived about 4 or 5 houses from the accuser's house at the deadend of this street. Okay, now on this occasion my friend said things might not go well with her and her uncle if she didn't have all of the money for rent which was \$350.00 and if he didn't let her (or me) give him the remainder (\$150.00) the following week that she was going to move her stuff over her girlfriend's place of residence, so prior to this I went and got my truck out of my mother's backyard so that I could assist her in need if need be. Although I knew I was taking a risk by moving my truck from momma's backyard knowing my license was suspended and not having any insurance along with dead tags I kinda felt obligated to reach out to her since we had become very close along with

her being very supportive to me by helping me and just being there for me during momma's recovery from her cancer surgery. As difficult as it was I stayed by mom side the whole time before, during and after her surgery, and throughout her whole recovery process. I did become on edge thinking that I was gonna lose my mother and I had it in my mind that mom wasn't going to leave me down here on earth by myself so I started using drugs, smoking weed, smoking crack, drinking beer, thinking that if I did enough of it that sooner or later God would bring me home before my mom, but my friend helped me with tremendous support by trying to convince me that God would give me the strength to overcome any fears regarding my mother especially since she had lost her mother a few years earlier. Her and her girlfriend did their best to try and get me to stop using but I was unaware of the powerful effect of my addiction. All of this took place way after this charge came into effect. But back to the occurrences that got me arrested. I had her drive my truck to her uncle's house because she had a license at the time. I figured the worse thing that could happen was we'd (or she) would get a ticket for expired tags and no insurance because I had the truck in mom's name so they would possibly tow the truck or let us take it back home at worse. Well, when she went into her uncle's house they got into an argument about the remainder of the rent money. She came outside and told me he slapped her and told her to tell me if I didn't move my truck from

his house that he was going to call the police. She told me to go down the street to the park and wait for her to call me after he leave to go to work so that we could move her stuff to her girlfriends house. I did as she said and called her back to let her know that I was there. She told me to sit tight and wait because for some reason he wasn't leaving like he was suppose to be doing. This was about 8:45 a.m. and as I was sitting there it seemed like forever but then I started thinking that if I kept sitting in the truck like that that the police that was driving back and forth might confront me if I stayed in the truck too long so I got out of the truck and sat on the swings for a little while to avoid being confronted by the neighborhood watch patrol officer. About 9:30 a.m. I started worrying about her so I called her again but she wasn't answering so I kept calling and texting her. Still no answer but I was a little scared and skeptical to move my truck because of my license being suspended but I didn't want to stay there too much longer and worrying about her even more then. I should have just took my behind home but because of still not knowing what was going on with her, dumb ass thoughts started going through my mind. I seen this man and his son playing in the park but I noticed that he parked right beside my truck. My truck was a white Chevy Silverado and he had a white GMC SUV. My dumb thinking said, hey I can take his tag and use it to get back to her or go home but blend into

traffic because most people that see a white 2007 Silverado pick up truck normally think it's a work truck that time of the morning. So I took his tag off his vehicle and got back into my truck. I wasn't going to put it on my truck right there where I would be seen so while I was contemplating what next to do the man came to his truck and put his son in the seatbelt and closed the door. Then he turned around to me and said can I have my tag back. I felt so dumb and stupid at that moment then my mind went blank trying to think of what to say. I was scared because he caught me and didn't know what he was going to do to me so I said; what tag? Do you wanna search my truck? He said; I know ^{what} to do, then he started dialing 911 on his cell phone. I really got scared then so I pulled off and drove away. Don, I was ^{so} scared that I started driving all around the neighborhood not knowing where I was going or where to go. I ain't been that scared since 1981, when I had to jump out of a second floor window because this female I was having sex with baby daddy came home and caught us. I didn't even know she lived with someone and I had just met her the night before at a club. It felt like that same scaredness, but then I knew where I was but didn't know where to go. I finally went over grandma Rena's house and uncle Willie calmed me down and said never go to a woman's house without knowing if she lives with someone else.

Anyway, in this situation I seen that it was trash day so I put the tag between two trash cans and got

the heck away from where I was at but I still didn't know what to do or where to go because I knew by then that the police was looking for a white pick up truck. I realize now how stupid and dumb that was and back then all I was thinking was the man would only have to pay \$600 for another tag. Well, since I was closer to her house instead of mine and with still worrying about her because I still hadn't heard from her from texting or calling me back, I called my friend Joel and asked him could I park my truck in his yard for a little while until I can contact her since he lived right behind her uncles house. He was at work but he gave me permission to park there. I backed the truck up ~~the~~ in his long driveway up against the gate and I got out and went through the path and just stood in between the trees still trying to contact her. I started pacing back and forth through the middle back yard between Joel's house and the house next door to Joel's house. I just kept calling and texting, calling and texting, but still no answer again. As I was about to turn around during my pacing back and forth I heard something and look toward the street between this middle house and the man's house who accused me of this crime. I seen him backing up a Trailer into his own driveway. Instead of trying to duck or draw any ~~any~~ suspicion to myself I immediately walked between the two houses (his and the middle house) and walked to the middle of the street. I looked at him when he got out of his

truck and I said I am waiting for Shamekia and pointed toward her uncle's house. Then I lifted up my T-shirt and shook my shorts and told him I don't have anything and told him again that I was just waiting for her. He went into his house then came right back out and stood on his porch. I knew I didn't do anything so I just stood there. About ten minutes later I decided I had better just leave so I turned toward Joel's house and started walking back towards Joel's house. This is when the police came in the direction from canal street, stopped me and ordered me to place my hands on the car. I cooperated as he patted me down and then he placed the handcuffs on me and said I was being detained because I fit the description of a person who stole a tag. My accuser walked up to us and said, officer, I had a lawn mower stolen about two weeks ago. The officer said was this the man who stole it? The man said I never seen this man before, but I know he was in my house. Other officers responded to the scene and seen my truck in Joel's driveway so they started walking towards my truck. The gentleman who I took the tag from pulled up and identified me as being the person who took his tag. The officer placed me in the patrol car and closed the door. He then came back and said where is the tag. I told him I really don't remember. He came back again and said the man don't want to press charges, all he want is his tag back. I told him we would have to ride around so that I can try and remember where I put it. We rode

around until I could finally remember where I put it. Once doing so the officer got out of the patrol car and retrieved the tag from between the two trash cans where I had put it. We drove back to ~~at~~ canal street. I remained in the car but started hyperventilating and my arrhythmia started to trigger. He immediately started given me cold water from one of his bottle waters that he had in his patrol car. My arrhythmia would not stop so he took me to Conway Medical Center. This the whole truth and nothing but the truth. Don, I never went in this man's house nor did I ever have any intention of ever going into his house. The officer transported me to J. Rueben detention center and told me I was being charge with 3rd degree burglary. My friend never responded to my calls or text because she ~~was~~ fell asleep waiting for her uncle to leave. This was indicated from my text messages once I got out of J. Rueben Long. I gave my attorney James Stanko screen shots of her text messages and she was willing to testify in my behalf. Her girlfriend was willing to testify that the man who accused me of this crime did not like black people even though she is white. Joel, who is also white was willing to testify that he gave me permission to park my truck in his driveway. Dwayne Cox and his girlfriend came outside during the mayhem and was willing to testify that they knew me and knew me to be a real close friend of Shamekia. My Attorney never subpoenaed none of my witnesses. The original

police report dispatch time states 11:47. At the lower part of the ^{report} where time of arrest indicates the time being 11:30. How can I already be arrested at 11:30 when the time of dispatch indicates 11:47? In the police report where it indicates entry or otherwise the officer checked two boxes. (1) he checked no sign of entry. (2) He also checked no sign of forced entry. If a window is broken that would indicate forced entry, right? If no window was broken or no doors were ajarred that would indicate no forced entry, right? The accuser wrote a statement initially hand written which was only a few sentences. As time went on this statement became longer and longer in type writer presentation at least three (3) additional time before trial. Also, none of the statements indicate any mention of any tools being found or mentioned at all, nor did any of the statements indicate anything about a paint roller, hitting me with a paint roller or, of me diving out of a window or following me down the street because none of this ever happened. The officer never even mentioned anything about giving me water for hyperventilating or, taking me to the hospital. They towed my truck for no reason at all because I had permission to park it in Joel's driveway and the gentleman regarding the matter regarding his tag recovered his tag whereas, my truck had no presidence involving this alleged crime. They (the state) did not allow the jury to see any of the body cams but elected to take screen shots of me for identification purposes only. If they would have shown this to the jury the jury would have seen and heard the testimony of the accuser where he never mentioned anything that he testified too on the witness stand. Perjury to say the least.

My Attorney never presented any of this information to the jury. And how come it took them three years to bring this case to trial? Doesn't this violate the Speedy trial act that states all matters are to be resolved in the time frame of 180 days? 5 times the amount of 180 days is how long they took to bring this matter to trial. Den, now I want to tell you why they trump these false charges against me. During July of 2017 I met this young lady name Keisha Burroughs, who is a white female now at the age of 40 years old. Her birthday is on the same day as mom birthday. We had a relationship that was one I have never had in life before. We never ever wanted to be apart from one another and out of all the women I have been with throughout my life I never got tired of wanting to be around her. She felt the same way too. Even during several times that I had to go to the hospital to be admitted for my heart condition she would always make a way to be with me during my stay, even if she wasn't with me during admission she would find a way to get there even if she had to hitch hike. And no matter how many days I had to stay in the hospital she would stay right there with me day and night without ever leaving my side except for X Rays or things of that nature. Well, her brother Cody Burroughs is a police officer for Harry County but he hated the fact that we loved being together all the time. He went as far as to disown her and took the house keys off of her key ring while she was sleep just to stop her entry back into his place of residence. She lived with him,

her mother and, her four year old daughter. When she left one day to come spend time with me she didn't realize the keys were off of her key ring. After spending time with me and returning home she could not get in. She called me and told me what he had done and she was crying and in a state of disarray. I told her to come back to me so we can figure something out. Mom let her come live with us. But mom would make her sleep in the guess room while I slept in my room. Even grandma Rena liked her. Anyway, ~~He~~ claimed abandonment on her through D.S.S. and took her child away from her when he was the one who kicked her out of their place and wouldn't allow her to see her daughter. That didn't stop us from being together so he got with solicitor Christopher Helms and got him to use any means necessary to convict me and have me incarcerated so that we wouldn't be together. His trick worked because I haven't heard from her since last year and now I'm the one who is suffering because of love and being punished for something that I did not do. Don, in the name of Jesus, I swear to you I never been in this mans house and never had any intentions of breaking into this mans house who said I did things that never happened.

Don, everyone, including you, Angie, Pat, Grandma Rena, and even Mayor Barbara Blain Belkemy know how close me and my mom are, and know how much I love her and will do anything I can for her. I am the only one out of all her children who has always been there with her

Through everything and she is the same way toward me. Duayne or Darryl wasn't even there for her when she had her cancer surgery but I was there ever step of the way. It took them over a year or more to even come see her after her surgery. One day she ~~my~~ had gotten very weak and I had to carry her to her room. She said, son I don't know if I am gonna make it this time. That broke me down. I told her that night that you are not gonna leave me down here on earth by myself and if need be I will go before you. That's when I started to use drugs very heavy. I wanted her to bury me, not me bury her. I guess that's just the love I have for my mother. She has always been there for me no matter what. My father abused me all of my younger life beating me with extension cords, sticks, bricks and whatever else he could get his hands on. When I was ten years old he threw me up against a tree and broke my ribs. At 14 years old he beat me so bad with an extension cord that he knocked me out and when I woke back up he was still beating me just because I couldn't stay still or stay in my seat in class. My work assignments would be done and at that time I didn't know why I couldn't keep still until I was diagnosed as high per active syndrome. A.D.H.D. is what it is now called, but mamma always tried to protect me. I was born deformed with 6 fingers on both hands, I had many surgeries for different things but I'm

still here by the grace of God. My mom is about to have another kind of surgery that she don't want to go through with because just the other day she told me that if she have the surgery she don't have anyone who will take care of her like she know I would if I was there. These were her words not mine. All I'm saying is damn the woman I was in love with because I can get another woman. What I can't get is another mother. Maybe this is man child syndrome. Don, if there is anything that you can do to help me I would greatly appreciate it and I know she would too. If nothing more can you at least put in a good word for me regarding the judge in this case to at least grant me credit time served for the 151 days I spent in J. Rueben Long Detention center while I was awaiting to make bond. These days were offered to me during a plea agreement if I took 5 years. I did not want plead guilty to something that I did not do so I wanted to go to trial. Since I still got the same sentence of 5 years can I still receive these credits of 151 days applied to my sentence. I'm sending you a copy of my appeal briefs and a copy of my transcript so that you can review it and with that said you can see how much they were in Kahoots to lock me up, and that I did not do what their saying. Now I don't have a father but I still look up to you as a father figure and a hero of justice. I have followed your carrier for a lot of years when I did that long stretch of incarceration. I even remember reading that

you were considered as being a renegade when it came to prosecutorial misconduct. The article stated that you will not allow the misconduct of prosecutors to put people in prison for wrongfully tried cases. I believe it was the Washington Post article during the 1990's.

Don, in closing, I am also sending you some poetry.

All of which is my own creations. Father's Day is up and coming, Dad... There are a couple for Angie for belated Mother's Day too... I have also created some personalized ones for your enjoyment, with hopes that you find them delightful, of which are creations with your name, Angie's name, and of course your last name too. I did these especially for you with different subjects in mind. Maybe even for your anniversary but what I regret is that I am unable to do my own personalized backgrounds for you because of not having access to a computer. I have been working on a poetry book for several years now called "Pieces Of Life" which I have tried to touch many subjects. Oprah Winfrey is who I was trying to help me publish. I corresponded with her once through Email but this was also taken away from me when they took my freedom away. I will still pursue this once I do get home. I just wanna make ^{mom} proud of me before one of us leaves this world. Thank you for your time in this matter Mr. Don. Please tell me how you like my poetry.

~~Shirley~~
~~Lamont H. Seldon~~

Don, this incident/alleged crime happened in your old neighborhood over there by Bellacinos restaurant, IGA etc... The older motel homes. I point this out to you for two reasons. (1) The state tried to imply that I had no reason to be in this neighborhood except for the reason to burglarize this mans house and that clearly I was a long ways from my residence at 911 Forest loop rd. When they questioned the officer he told them it was at least 10 miles away from momma's house. Now you know that's a lie. Maybe 2 1/2 miles but deffinatly not 10 miles. Number (2) reason is that with it being your old neighborhood you are very much aware that this is an absolute Flood area during bad storms etc... but also are aware of the building structure in the 60's that these houses where not built with windows being 4" Feet high from the ground, especially because of flooding. This is what the man stated in the transcript. Now he also said that as he was sticking his key in the front door that he could see someone in the back bedroom. These house in that area have living room front windows beside the front door. How is it possible to be able to see anything in any other room other than the living room from viewing from the front door or living room window? And to bring something else to your attention, in his initial statement to the police he said that he seen me come/walk from between the two houses and stopped in the middle of the street and stood there like I didn't have a care in the world. So how is it possible for him to beat me with a paint roller, and how can I jump out of a 6" Ft. window if you just seen me walk between the two houses when you get out of your truck?

And how come I didn't have any paint on me if you beat me with a paint roller? And why didn't I have any cuts or bruises on my if I just jumped out of a broken window. He demonstrated with his arms how a diver would dive while he was on the witness stand. And I had only a T-shirt and a pair of shorts on I would have been treated at the hospital, right? Don't in your mind just visualize a person or even an ~~olympic~~ olympic diver/swimmer diving out of a window ^{with} a heavy skill saw in one hand and a heavy duty sander in the other hand without getting hurt. I don't think it can be done at all because of balance. And with my heart condition it is impossible for me to even fight anymore let alone dive out of a window. I only have 9% percent heart muscle tissue remaining. I have to be very careful with moving the wrong way to prevent my arrhythmia from triggering. Hell, I can't even do anything so strenuous like running or anything else that will take away my breath. I can't even having to stop for a few minutes. I can't even have sex but for 3 to 5 minutes without having to stop to catch my breath. I'm just letting you know it is impossible to do a lot of things with this pacemaker that seems like it don't work all the time. I have come close to 440 bpm for a duration of two hours before it stopped. It has slammed me to the ground 3 times already since it was implanted... These people in the department of corrections won't even treat me. I been to the hospital twice since this stay of incarceration by way of ambulance because my bpm exceed 287 bpm. I was never present during the jury selection. We were in a waiting room.

I am only here by the grace of God. They won't even give me aspirin on a daily basis as required by my heart doctor and they still haven't provided me with my monitor which I am supposed to have by my bed at night. I was receiving shot injection therapy when I was home that helped me keep my breath from running out so fast but they refuse to give me that at all. All they do is make you fill out a sick call request and when you report to sick call all they do is check your vitals, charge you five dollars out of your own personal money that your family struggles to send you, then send you back to your cell. They charge \$5.00 every time you go to sick and don't do nothing at all so I just don't go anymore. Like I said, I'm here by the grace of God.

In the interim, please review all of the information provided. Sorry that this letter is so long but I just wanted you to know everything instead of keep on writing you. Whatever you can do for me Don I will greatly appreciate it. Happy Father's Day"

Sincerely,
Samuel H. Nelson

P.S. Does it matter if I was present during the jury selection? I was not present at all. They called me and mom and my girlfriend in after the jury selection. They had us wait in a wait room. over →

How can I have a jury of my peers if I am ^{not} present during the jury selection. When you read voir dire it seems like I'm there but I wasn't. And they only had one black juror out of the whole 12 and neither alternate were black either. They made a case against me in a fraudulent manner. They rehearsed or coerced the accuser and the officer just to win the case. So the officer and Mr. Harrelson perjured themselves on the witness stand under oath. Mr. Harrelson's daughter was never on the scene, nor was she included as a witness in the motion of discovery, so she also perjured herself as well, right? The Maps or map that they blew up to present to the jury was also never included in the motion of discovery. It was first brought to my attention during trial. My attorney did nothing to object to any of this. From the very beginning he kept advising me to plead guilty but I refused because I was and still am ~~innocent~~ innocent of this crime. Don he would actually get mad and red in the face everytime I told him I did not want to plead guilty to something that I did not do. I even asked him a number of times could I have another public defender represent me or get a continuance so that I could obtain a private attorney but he would say no to the replacement of him and would say it wasn't going to make any difference if I obtained private counsel because nothing was going to change. He would never return any of my phone call to him and he never investigated my case or called my witnesses or anything before trial. Don, I just wanted to point out all these matters to you to see ~~exactly~~ where I stand in this miscarriage of justice. Please give me some incentive... please!!

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

V.

LAMONT SELDON,

RESPONDENT

APPELLANT

APPELLATE CASE NO 2019-000592

ANDERS BRIEF OF APPELLANT

TAYLOR D GILLIAM
Appellate Defender

South Carolina Commission on Indigent Defense
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PO Box 11589
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ATTORNEY FOR APPELLANT

RECEIVED

MAY 22 2020

S.C. SUPREME COURT

RECEIVED

MAY 27 2020

SC Court of Appeals

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in failing to direct a verdict in Appellant's favor on the charge of second degree burglary, where the state presented no evidence to corroborate the homeowner's claim that Appellant was in his home with the intent to commit a crime?

STATEMENT OF THE CASE

Appellant was indicted by an Horry County grand jury on November 17, 2016 for burglary in the second degree. R. 92. He proceeded to trial before the Honorable Steven H. John and a jury on April 3, 2019. R. 1. James D. Stanko represented Appellant; Christopher D. Helms appeared on behalf of the state. After a one-day trial, the jury found Appellant guilty as indicted. R. 85, ll. 10 – 14. Judge John sentenced Appellant to ten years' incarceration suspended upon the service of five years. R. 89, l. 12 – R. 90, l. 4.

This appeal follows.

STANDARD OF REVIEW

“A case should be submitted to the jury when the evidence is circumstantial ‘if there is any substantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced.’” State v. Bostick, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). “Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt.” Id. “Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error.” Id. at 139, 708 S.E.2d at 776-777. “On appeal of the denial of a directed verdict of acquittal, [an appellate court] must look at the evidence in the light most favorable to the state.” Id. at 139, 708 S.E.2d at 777; see also State v. Hepburn, 406 S.C. 416, 429 753 S.E.2d 402, 409 (2013). If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court’s denial of the directed verdict motion. Hepburn, 406 S.C. at 416, 429 S.E.2d at 409.

ARGUMENT

The trial court erred in failing to direct a verdict in Appellant's favor on the charge of second degree burglary, where the state presented no evidence to corroborate the homeowner's claim that Appellant was in his home with the intent to commit a crime.

Relevant facts

On August 29, 2016, Richard Harrelson saw a man standing in his house holding a sander and skill saw. R. 47, l. 1 – R. 50, l. 25. Harrelson was in the process of renovating his home. Id. Harrelson hit the man three times with a paint roller before the man dove out of the house and away from the property. Id.; R. 53, l. 25 – R. 54, l. 9. Harrelson then called 911; an officer arrived and arrested the man. Id. During Appellant's trial, Harrelson identified him as the man who was inside his house. Id.

Harrelson did not inform law enforcement about Appellant allegedly holding the two power tools. R. 54, ll. 10 – 19. He remembered to advise the officer of his successful attempt to “beat [Appellant] with [the paint] roller.” R. 54, ll. 3 – 22. Notably, at the time of his trial, Appellant was down to “about nine percent of his cardiac muscle being actually functioning.” R. 88, l. 14 – R. 89, l. 9. A potential juror was excused from his trial because she had treated him at the hospital with regards to his pacemaker. Nonetheless, Harrelson compared Appellant's dive out the window to that of an Olympic diver. R. 54, ll. 3 – 9.

Harrelson's daughter, Tammy, testified at Appellant's trial as well. She indicated that she was with him ten minutes before he supposedly found Appellant in his home. R. 57, ll. 9 – 23. By the time she arrived at Harrelson's house, law enforcement had already arrived and

stopped Appellant on the street. Id. She offered no testimony regarding Appellant's alleged entry into the home or brief possession of two power tools.

Vili Schwenke, an officer with the City of Conway Police Department, arrived at Harrelson's house in response to the call. R. 34, ll. 1 – 24. He arrested Appellant based on Harrelson's description and charged him with burglary in the second degree. R. 34, l. 25 – R. 35, ll. 20. Appellant was taken to the Horry County jail. R. 40, ll. 8 – 11.

After the state presented the testimony of these three witnesses during its case-in-chief, Appellant moved for a directed verdict. R. 59, l. 24 – R. 61, l. 1. The trial judge denied the motion. R. 61, l. 2 – R. 62, l. 11. Appellant renewed his motion before the jury was charged. R. 66, ll. 19 – 20. The trial court again denied the motion. R. 66, l. 21 – R. 67, l. 4.

Discussion

"A defendant is entitled to a directed verdict when the State fails to present evidence of the offense charged." State v. Heath, 370 S.C. 326, 329, 635 S.E.2d 18, 19 (2006). A trial court considering a motion for directed verdict is concerned with the existence or nonexistence of evidence, not with its weight. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). "A person is guilty of burglary in the second degree if the person enters a dwelling without consent and with intent to commit a crime therein." S.C. Code Ann. § 16-11-312(A).

Schwenke failed to corroborate Harrelson's contentions. As a result, the unsubstantiated allegations were insufficient to send the case to the jury. On cross-examination, Schwenke admitted that he arrested Appellant after Harrelson pointed him out. R. 42, ll. 6 – 11. Other than Harrelson's verbal claim, Schwenke did nothing to investigate or verify the assertion that Appellant had been in the house. Schwenke straightforwardly remarked that he did not take any

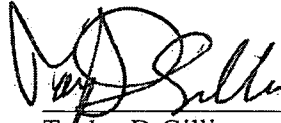
pictures. R. 42, l. 12 – R. 43, l. 23. He did not go into Harrelson's home. He did not take any fingerprints. He did not check for DNA. Id.

No video surveillance was available in the area. Id. Further, Schwenke did not request that the Conway Police Department's Crime Scene Unit send a crime scene specialist to the scene. Id. Schwenke noted that he had the ability to investigate further but did not do so. Id. Additionally, Schwenke's report did not contain any mention of Appellant holding tools in Harrelson's home. R. 45, ll. 10 – 12. As such, Schwenke never confirmed that a sander and skill saw were present in the home.

The case should not have been sent to the jury. The Conway Police Department did not conduct any sort of follow-up investigation, and the evidence as a result was insufficient to survive the directed verdict stage.

CONCLUSION

Appellant respectfully requests this Court reverse his conviction based upon the trial court's error in failing to direct a verdict in his favor.

A handwritten signature in black ink, appearing to read "Taylor D. Gilliam", written over a horizontal line.

Taylor D Gilliam
Appellate Defender

ATTORNEY FOR APPELLANT

This 2nd day of January, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAMONT SELDON,

APPELLANT

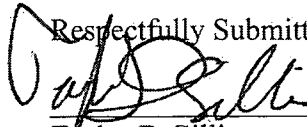
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Lamont Seldon states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Steven H. John, which was held on April 3, 2019, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, He asks the Court to relieve him as counsel for Lamont Seldon.

Respectfully Submitted,



Taylor D Gilliam
Appellate Defender
ATTORNEY FOR APPELLANT

This 2nd day of January, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Steven H. John, Circuit Court Judge

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LAMONT SELDON,

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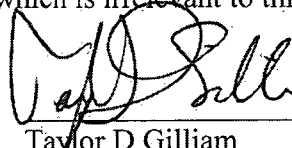
**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment;
- (2) Entire trial transcript dated April 3, 2019.

I certify that this designation contains no matter which is irrelevant to this appeal.

January 02, 2020



Taylor D Gilliam
Appellate Defender

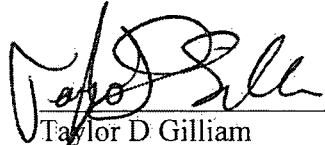
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ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 02, 2020.


Taylor D. Gilliam
Appellate Defender

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
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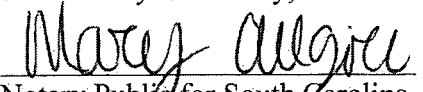
APPELLANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon William M. Blitch, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter have been served on Lamont Seldon, 379729, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 2nd day of January, 2020.


Taylor D. Gilliam
Appellate Defender
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 2nd day of January, 2020.

 (L.S)
Notary Public for South Carolina
My Commission Expires: May 12, 2027.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 22 2020

Appeal from Horry County

S.C. SUPREME COURT

Honorable Steven H. John, Circuit Court Judge

THE STATE,

v.

LAMONT SELDON,

APPELLANT

RECEIVED
MAY 27 2020
RESPONDENT,
SC Court of Appeals

APPELLATE CASE NO. 2019-000592

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY)

2016-GS-26-05131

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

April 3, 2019

LAMONT SELDON,)

Defendant.)

B E F O R E:

Honorable Steven H. John
Horry County Courthouse
Conway, South Carolina

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

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VOIR DIRE

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JURY SELECTION

4

1 APRIL 3, 2019 @ 11:40 A.M

2 (REPORTER'S NOTE: Jury Venire enters courtroom @ 11:40 A.M.)

3 THE COURT: You may be seated. Thank you.

4 All right. Solicitor, Mr. Stanko, y'all come up here for
5 just one second, please.

6 (REPORTER'S NOTE: Bench conference is held off the record in
7 the presence of but outside the hearing of the jury.)

8 VOIR DIRE:

9 THE COURT: All right, ladies and gentlemen, we are going
10 to pick the case of the State of South Carolina versus Lamont
11 Seldon. Now, the State of South Carolina has charged Mr.
12 Seldon with the crime of burglary second degree, non-violent.
13 Now, I'm going to read to you some information that's in the
14 indictment. I'm gonna remind you or tell you, the indictment
15 is merely the charging document, the document which brings the
16 matter to court. It is not evidence; it cannot be considered
17 by anyone as evidence. The only reason I'm reading this to
18 you is to see if you happen to know anything about this case.

19 So, the state has charged the defendant, Mr. Lamont
20 Seldon, that he did in Horry County on or about August 29th,
21 2016, enter without consent and with the intent to commit a
22 crime therein the dwelling of Richard Harrelson located at [REDACTED]
23 [REDACTED] Street in Conway, South Carolina in violation of
24 the Code of Laws for South Carolina, 1976, as amended. So, is
25 there any member of the jury panel that knows anything about

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JURY SELECTION

5

1 this case, has any information about this particular matter,
2 you did to bring to the Court's attention at this time?

3 Yes, ma'am. First, if you just tell me your name --
4 stand up.

5 JUROR 79: Okay.

6 THE COURT: Tell me your name and your juror number?

7 JUROR 79: Jessica Deeb, 79.

8 THE COURT: All right. Very good. Come up here and talk
9 to me.

10 Counsel?

11 (REPORTER'S NOTE: Bench conference is held off the record in
12 the presence of but outside the hearing of the jury. Juror 79
13 excused by the Court.)

14 THE COURT: All right. The possible or the potential
15 witnesses in this case are Richard Harrelson, Vili, V-I-L-I
16 ---

17 MR. HELMS: Schwenke, Your Honor.

18 THE COURT: --- Schwenke, S-C-H-W-E-N-K-E, and Tammy
19 Harrelson, and Lamont Seldon. Is there any member of the jury
20 panel that's related by blood or marriage, close personal
21 friends, acquaintances of, knows any of these possible or
22 potential witnesses? If so, please stand.

23 (REPORTER'S NOTE: No response.)

24 THE COURT: Very good. Is any member of the jury panel
25 that either you yourself or a member of your immediate family,

State v. Lamont Seldon - 2016-GS-26-05131
JURY SELECTION

6

1 has ever had any matters of any kind worked on, touched,
2 handled in any way by the Fifteenth Circuit Solicitor's
3 Office. That's the prosecuting office that covers Horry and
4 Georgetown Counties? If so, please stand?

5 (REPORTER'S NOTE: No response.)

6 THE COURT: Any member of the jury panel that's related
7 by blood or marriage, close personal friends, acquaintances of
8 anybody employed at the Fifteenth Circuit Solicitor's Office,
9 the prosecuting office in Horry or Georgetown County? If so,
10 please stand.

11 Yes, ma'am, your name and juror number, please, ma'am?

12 JUROR 23: My name is Shelley Bishop, Juror Number 23.

13 THE COURT: All right. And who do you know, please,
14 ma'am?

15 JUROR 23: My father-in-law, Dean Bishop.

16 THE COURT: All right. And what does he do?

17 JUROR 23: He works under the Fifteenth Circuit
18 Solicitor's Office.

19 THE COURT: The Fifteenth Circuit Solicitor's Office?
20 All right. Very good. Can you give to the State of South
21 Carolina and to the defendant a fair and impartial trial; can
22 you be a fair and impartial juror in this case?

23 JUROR 23: Yes, sir.

24 THE COURT: Thank you very much.

25 Anyone else?

State v. Lamont Seldon - 2016-GS-26-05131
JURY SELECTION

7

1 (REPORTER'S NOTE: No response.)

2 THE COURT: All right. Is any member of the jury panel,
3 either you yourself or a member of your immediate family has
4 ever had any matters of any kind handled by the Fifteenth
5 Circuit Public Defender's Office, that's either here in Horry
6 County or in Georgetown County? If so, please stand.

7 (REPORTER'S NOTE: No response.)

8 THE COURT: Any member of the jury panel that's related
9 by blood or marriage, close personal friends, acquaintances of
10 anybody employed at the Fifteenth Circuit Public Defender's
11 Office either in Horry County or Georgetown County?

12 (REPORTER'S NOTE: No response.)

13 THE COURT: Very good. Is there any member of the jury
14 panel that you believe you have any kind of personal,
15 political, religious, philosophical belief that you believe
16 would prevent you from being a fair and impartial juror? If
17 so, please stand.

18 (REPORTER'S NOTE: No response.)

19 THE COURT: Is there any member of the jury panel either
20 you yourself or a member of your immediate family ever been in
21 law enforcement; so for yourself, you would have been in the
22 law enforcement in the past or you have an immediate family
23 member who is now in law enforcement or in the past in law
24 enforcement? If that applies, please stand at this time.

25 All right. Yes, ma'am, right there in the center?

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JURY SELECTION

8

1 JUROR 372: 372, Lori Varvaro. My husband is a retired
2 police officer.

3 THE COURT: And where from, please, ma'am?

4 JUROR 372: Prince William County, Virginia.

5 THE COURT: All right. Can you give to the State of
6 South Carolina and to the defendant a fair and impartial
7 trial; can you be a fair and impartial juror in this case?

8 JUROR 372: I can.

9 THE COURT: Thank you very much.

10 Yes, ma'am, right next to her?

11 JUROR 79: 79 again, Jessica Deeb. Two uncles are state
12 troopers in New York.

13 THE COURT: All right. I set you aside from this case so
14 you don't have to answer any more of these questions.

15 JUROR 79: That's what I thought.

16 THE COURT: Thank you very much. That's all right.
17 Thank you.

18 Yes, ma'am, you have to tell me your name and juror
19 number every time?

20 JUROR 23: Shelley Bishop, Juror Number 23. My father-
21 in-law is currently in law enforcement and my husband and
22 brother-in-law are both formerly in law enforcement.

23 THE COURT: Okay. And so, can you identify your father-
24 in-law is where now?

25 JUROR 23: He's under the Fifteenth Circuit Solicitor's

State v. Lamont Seldon - 2016-GS-26-05131
JURY SELECTION

9

1 Office.

2 THE COURT: Okay. And then the other two were where?

3 JUROR 23: At J. Reuben Long.

4 THE COURT: All right. Very good. Can you give to the
5 State of South Carolina and to the defendant a fair and
6 impartial trial; can you be a fair and impartial juror in this
7 case?

8 JUROR 23: Yes, sir.

9 THE COURT: Thank you very much.

10 Yes, ma'am, name and juror number please?

11 JUROR 36: Number 36, Christina Budd. My father was a
12 sheriff's deputy in New York.

13 THE COURT: All right, ma'am. Can you give to the State
14 of South Carolina and to the defendant a fair and impartial
15 trial; can you be a fair and impartial juror in this case?

16 JUROR 36: Yes.

17 THE COURT: Thank you very much, ma'am.

18 Yes, ma'am?

19 JUROR 403: Juror Number 403, Teresa York.

20 THE COURT: Yes, ma'am?

21 JUROR 403: I have two first cousins that is in law
22 enforcement.

23 THE COURT: Okay. And where are they in law enforcement
24 at, please?

25 JUROR 403: Columbia, South Carolina.

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JURY SELECTION

10

1 THE COURT: All right, ma'am. Can you give to the State
2 of South Carolina and to the defendant a fair and impartial
3 trial; can you be a fair and impartial juror in this case?

4 JUROR 403: Yes, sir.

5 THE COURT: Thank you very much, ma'am.

6 All right. I'm gonna ask whether or not you yourself or
7 a member of your immediate family is a member of any kind of
8 victim's rights or law enforcement support organization. Let
9 me just give you -- I'm gonna give you a couple of examples.
10 This is not an exhaustive list of any kind, I'm just trying to
11 give you a couple of examples here: Mothers Against Drunk
12 Driving, Citizens Against Violent Crime, South Carolina Law
13 Enforcement Officers Association, South Carolina Sheriffs
14 Association, just some kind of victim's rights or law
15 enforcement support organization. If so, please stand.

16 (REPORTER'S NOTE: No response.)

17 THE COURT: All right. Very good.

18 All right. So, the next question, ladies and gentlemen,
19 I'm gonna ask whether you yourself or a member of your
20 immediate family has ever been the victim of a crime. Now, I
21 am not going to ask you what occurred. I do not want you to
22 volunteer any information to me about what occurred. The
23 question will be straightforward: Was it yourself or a family
24 member? And then I'll ask the qualification question. Is
25 there any member of the jury panel, either you yourself or a

State v. Lamont Seldon - 2016-GS-26-05131
JURY SELECTION

11

1 member of your immediate family ever been the victim of a
2 crime? If so, please stand.

3 All right. Very good. Yes, sir, on the end, your name
4 and juror number, please?

5 JUROR 154: Christopher Hodges, Number 154.

6 THE COURT: Yourself or a family member?

7 JUROR 154: Family member.

8 THE COURT: Can you give to the State of South Carolina
9 and to the defendant a fair and impartial trial; can you be a
10 fair and impartial juror in this case?

11 JUROR 154: Yes, sir.

12 THE COURT: Thank you very much.

13 Yes, ma'am, I have to have your name and juror number
14 again.

15 JUROR 403: Teresa York, Juror Number 403.

16 THE COURT: Yes, ma'am, yourself or a family member?

17 JUROR 403: Myself.

18 THE COURT: Okay. Very good.

19 JUROR 403: Cousins.

20 THE COURT: All right. So, yourself and family members?

21 JUROR 403: Yes.

22 THE COURT: All right. Can you give to the State of
23 South Carolina and to the defendant a fair and impartial
24 trial; can you be a fair and impartial juror in this case?

25 JUROR 403: Yes, sir.

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JURY SELECTION

12

1 THE COURT: Thank you very much, ma'am.

2 Yes, ma'am, in the center?

3 JUROR 50: Jacqueline Carroll, Number 50.

4 THE COURT: All right, ma'am, and yourself or a family
5 member?

6 JUROR 50: Myself and mother.

7 THE COURT: Can you give to the State of South Carolina
8 and to the defendant a fair and impartial trial; can you be a
9 fair and impartial juror in this case?

10 JUROR 50: Yes, sir.

11 THE COURT: Thank you very much.

12 All right. I'm going to ask you what I classify, ladies
13 and gentlemen, as my general or catchall question. Do you
14 know of any reason, have any question in your mind, any doubt
15 in your mind, that you believe you cannot give to the State of
16 South Carolina and to the defendant a fair and impartial
17 trial, that is for any reason whatsoever, you believe you
18 cannot be a fair and impartial juror? If so, please stand.

19 (REPORTER'S NOTE: No response.)

20 THE COURT: Very good.

21 Further questions from the state?

22 MR. HELMS: Nothing, Your Honor.

23 THE COURT: From the defense?

24 MR. STANKO: None, Your Honor.

25 THE COURT: All right. Very good.

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BY THE COURT

13

1 JURY SELECTION:

2 THE COURT: All right, ladies and gentlemen, how the
3 process is going to go forward is your names have been drawn
4 in a random order, not by alphabetical order or numerical
5 order or anything like that, just a random program, computer
6 program that puts your names in. The Clerk of Court is going
7 to call out one of your names. If and when your name is
8 called, you will stand up, you will come around, you will come
9 forward to a place basically right in front of Ms. Kay, the
10 court reporter. You will turn and face to the back of the
11 courtroom. At that point in time, the clerk's representative
12 will ask of the state to present or excuse the juror. After
13 that, the clerk's representative will ask the defense, seat or
14 excuse the juror. If you are excused by either the state or
15 the defense, you go back and have a seat from whence you came.
16 If you are presented by the state, you are seated by the
17 defense, the clerk will instruct you to go over to the jury
18 box, have a seat in the jury box as a member of this
19 particular jury. So, with that...

20 CLERK: Juror 143, Shawn Healey.

21 What say the state?

22 MR. HELMS: Please present the juror.

23 CLERK: Defense?

24 MR. STANKO: Please seat the juror.

25 CLERK: Please be seated in the jury box.

State v. Lamont Seldon - 2016-GS-26-05131
BY THE COURT

14

1 Juror Number 333, Edward Smalls.
2 What say the state?
3 MR. HELMS: Please present the juror.
4 CLERK: Defense?
5 MR. STANKO: Please seat the juror.
6 CLERK: Please be seated in the jury box.
7 Number 369, Tina Turner..
8 MR. HELMS: I'm sorry, what was that number?
9 CLERK: 369..
10 What say the state?
11 MR. HELMS: Please excuse the juror from the trial of
12 this case..
13 CLERK: You're excused from this particular case.
14 78, Matthew Day.
15 What say the State?
16 MR. HELMS: Please present the juror.
17 CLERK: Defense?
18 MR. STANKO: Please seat the juror.
19 CLERK: Please be seated in the jury box.
20 Juror Number 228, Adam Lyons.
21 What say the state?
22 MR. HELMS: Please present the juror.
23 CLERK: Defense?
24 MR. STANKO: Please excuse the juror.
25 CLERK: You're excused from this particular case.

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BY THE COURT

15

1 386, Emily Ward.
2 What say the state?
3 MR. HELMS: Please present the juror.
4 CLERK: Defense?
5 MR. STANKO: Please seat the juror.
6 CLERK: Please be seated in the jury box.
7 101, Laurel Fazio.
8 What say the state?
9 MR. HELMS: Please present the juror.
10 CLERK: Defense?
11 MR. STANKO: Please seat the juror.
12 CLERK: Please be seated in the jury box.
13 Number 13, Eugenie Barry.
14 What say the state?
15 MR. HELMS: Please excuse the juror from the trial of
16 this case.
17 CLERK: You are excused from this particular case.
18 43, Deborah Campbell.
19 What say the state?
20 MR. HELMS: Please present the juror.
21 CLERK: Defense?
22 MR. STANKO: Please seat the juror.
23 CLERK: Please be seated in the jury box.
24 Number 36, Christina Budd.
25 What say the State?

State v. Lamont Seldon - 2016-GS-26-05131
BY THE COURT

16

1 MR. HELMS: Please present the juror.
2 CLERK: Defense?
3 MR. STANKO: Please excuse the juror.
4 CLERK: You are excused from this particular case.
5 309, Joe Richardson.
6 What say the state?
7 MR. HELMS: Please present the juror.
8 CLERK: Defense?
9 MR. STANKO: Please seat the juror.
10 CLERK: Please be seated in the jury box.
11 233, Salvatore Marchese.
12 What say the state?
13 MR. HELMS: Please present the juror.
14 CLERK: Defense?
15 MR. STANKO: Please seat the juror.
16 CLERK: Please be seated in the jury box.
17 Number 50, Jacqueline Carroll.
18 What say the state?
19 MR. HELMS: Please present the juror.
20 CLERK: Defense?
21 MR. STANKO: Please excuse the juror.
22 CLERK: You're excused from this particular case.
23 372, Lorie Varvaro.
24 What say the state?
25 MR. HELMS: Please present the juror.

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BY THE COURT

17

1 CLERK: Defense?
2 MR. STANKO: Please seat the juror.
3 CLERK: Please be seated in the jury box.
4 Number 259, Sharon Mitchell.
5 What say the state?
6 MR. HELMS: Please excuse the juror from the trial of
7 this case.
8 CLERK: You're excused from this case only.
9 22, Jennifer Bierner.
10 What say the state?
11 MR. HELMS: Please present the juror.
12 CLERK: Defense?
13 MR. STANKO: Please seat the juror.
14 CLERK: Please be seated in the jury box.
15 Number 341, Sherry Smith.
16 What say the state?
17 MR. HELMS: Please present the juror.
18 CLERK: Defense?
19 MR. STANKO: Please excuse the juror.
20 CLERK: You're excused from this particular case.
21 181, Nicholas Johnson.
22 What say the state?
23 MR. HELMS: Please present the juror.
24 CLERK: Defense?
25 MR. STANKO: Please seat the juror.

State v. Lamont Seldon - 2016-GS-26-05131
BY THE COURT

18

1 CLERK: Please be seated in the jury box.
2 THE COURT: You got another one.
3 CLERK: I'm sorry.
4 389, Anna Weaver.
5 What say the state?
6 MR. HELMS: Please excuse the juror.
7 CLERK: You're excused from this particular case.
8 Number 23, Shelley Bishop.
9 What say the state?
10 MR. HELMS: Please present the juror.
11 CLERK: Defense?
12 MR. STANKO: Please excuse the juror.
13 CLERK: You're excused from this particular case.
14 115, Cynthia Giacin.
15 What say the state?
16 MR. HELMS: Please present the juror.
17 CLERK: Defense?
18 MR. STANKO: Please seat the juror.
19 CLERK: Please be seated in the jury box.
20 THE COURT: All right. We'll have one alternate
21 gentlemen. It will be 1 and 2 as the strikes.
22 MR. HELMS: Yes, sir.
23 CLERK: Juror Number 154, Christopher Hodges.
24 What say the state?
25 MR. HELMS: Please present the juror.

State v. Lamont Seldon - 2016-GS-26-05131
BY THE COURT

19

1 CLERK: Defense?

2 MR. STANKO: Please excuse the juror.

3 CLERK: You're excused from this particular case.

4 Juror Number 403, Teresa York.

5 What say the state?

6 MR. HELMS: Please present the juror.

7 CLERK: Defense?

8 MR. STANKO: Please excuse the juror.

9 CLERK: Juror Number 190, Melissa Keck.

10 What say the state?

11 MR. HELMS: Please present the juror.

12 CLERK: Defense?

13 MR. STANKO: Please seat the juror.

14 CLERK: Please be seated in the jury box.

15 THE COURT: Now, ma'am, you are the alternate in this
16 particular matter. Thank you, ma'am.

17 All right. Any objections to the jury empaneled from the
18 state?

19 MR. HELMS: None, Your Honor.

20 THE COURT: From the defense?

21 MR. STANKO: None, sir.

22 THE COURT: Very good. I find the jury has been properly
23 empaneled pursuant to *Batson vs. Kentucky* and *JEB vs. Alabama*.

24 BY THE COURT:

25 THE COURT: All right, ladies and gentlemen, I'm gonna

State v. Lamont Seldon - 2016-GS-26-05131
MOTIONS

20

1 ask that you go to your jury room in just a minute and I'm
2 gonna ask that you select your foreperson for this particular
3 jury.

4 Now, a foreperson's duties and responsibilities. If
5 we're here in the courtroom and the jury needs attention to
6 some matter, the witness needs to speak up or the lawyers or
7 whatever it is, the foreperson raises their hand, gets the
8 Court's attention. If you're back in the jury room, there
9 will be a pad and pen provided to you. Write out a note, sign
10 it, give it to the deputy or the bailiff, they'll bring it to
11 the Court, and we'll handle the matter, whatever it is. When
12 we have gone through the evidentiary portion of the trial,
13 heard all the witnesses that might testify in this particular
14 case, if there's any kind of documentary or physical evidence
15 that might be received; I don't know, there may or may not be
16 in this particular case, but when we're done with the
17 evidentiary portion of the trial, we'll have the closing
18 arguments of the attorneys. After that, I will give you the
19 law that you will apply to the facts and evidence you've heard
20 and then I submit the case to you, give the case to you for
21 your deliberations and unanimous decision in this particular
22 matter.

23 Now, the foreperson, whoever you've selected, they're
24 gonna act like the chairperson at a meeting, guide the
25 discussions if necessary. Now, the foreperson's voice and

State v. Lamont Seldon - 2016-GS-26-05131
MOTIONS

21

1 vote carries no more weight than any other member of the jury,
2 but it's equal in that regard, but somebody needs to remain in
3 charge, guide discussions, if necessary. If a question comes
4 up, again you write out that note, sign it, give it to the
5 deputy or bailiff, it will come to me and we'll handle the
6 matter, whatever it is.

7 The final duty and responsibility of the foreperson is
8 once the jury has well and truly deliberated, you have reached
9 your unanimous verdict in this particular matter, the
10 foreperson will take the verdict form that the Court will
11 provide to you, check the appropriate block or write or out
12 the appropriate word, thereafter sign your name as the
13 foreperson indicating that indeed is the unanimous verdict of
14 each and every member of the jury in this particular case.

15 So, knowing the duties of the foreperson, please go to
16 your jury room.

17 Now, Ms. Keck, as the alternate, you can vote on the
18 foreperson, but the alternate can't be the foreperson.
19 Everybody else is eligible.

20 Y'all go to the jury room, select your foreperson, knock
21 on the door and let the deputy or the bailiff know, please.

22 Thank you.

23 (REPORTER'S NOTE: Jury exits courtroom @ 12:04 P.M.)

24 THE COURT: All right. Gentlemen, we'll reconvene at
25 1:30 and commence the case. The other case, the jury is

State v. Lamont Seldon - 2016-GS-26-05131
BY THE COURT

22

1 deliberating, there's questions they have so we'll have to
2 handle that, but we'll do that in the interim.

3 The members of the jury panel that were not selected for
4 this particular case, I'm gonna excuse you from your service
5 for this week. You've earned your exemption from coming back
6 to Circuit Court jury duty for the next three years. You can
7 tell the clerk of court you've served in Circuit Court. Your
8 local Magistrate, City Judge, Federal Judge, sends for you,
9 you got to go see them, you just don't have to come see us for
10 the next three years.

11 So, with that, you are now excused. Thank you very much.
12 (REPORTER'S NOTE: Jury Venire exits courtroom.)

13 RECESS - 12:06 P.M.

14 *****OFF THE RECORD*****

15 (On the Record - 1:38 P.M.)

16 (REPORTER'S NOTE: The following takes place outside the
17 presence of the jury.)

18 MOTIONS:

19 THE COURT: All right. Is the state ready to proceed in
20 the State of South Carolina versus Lamont Seldon?

21 MR. HELMS: We are, Your Honor.

22 THE COURT: Defense?

23 MR. STANKO: Yes, sir.

24 THE COURT: All right. Very good.

25 MR. STANKO: Your Honor, we do have one pretrial matter

State v. Lamont Seldon - 2016-GS-26-05131
BY THE COURT

23

1 that ---

2 THE COURT: Okay. Very good. I'll be glad to hear from
3 you.

4 MR. STANKO: Your Honor, I just have a motion in limine.
5 I don't imagine Mr. Helms will even address it but there was
6 an issue while the police were on the scene related to a
7 stolen license plate that has nothing to do with the case.
8 Because it was a portion of the report, we would just ask that
9 the state not make any mention of that in light of of the fact
10 that it would be significantly prejudicial to the defendant in
11 this case.

12 THE COURT: Was that anything the state was intending to
13 elicit?

14 MR. HELMS: Absolutely not, Your Honor.

15 THE COURT: All right.

16 MR. HELMS: There's a whole -- on the body cam video,
17 there's a lot of that talk I think about that kind of stuff.

18 THE COURT: All right, sir.

19 MR. HELMS: So, to resolve that, what I'm electing to do
20 is I've got still shots that will be authenticated by the
21 officer from his body cam.

22 THE COURT: Okay.

23 MR. HELMS: The whole point of playing the body cam would
24 just to be to identify the defendant, not the substance of
25 what he said. I don't plan to do *Jackson v. Denno* or anything

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24

1 like that.

2 THE COURT: Okay.

3 MR. HELMS: So, to eliminate any objectionable material,
4 that's how I'll try to do all that.

5 THE COURT: All right. So, any problem with that, Mr.
6 Stanko?

7 MR. STANKO: None whatsoever, Judge.

8 THE COURT: All right. Very good.

9 RECESS - 1:43 P.M.

10 *****OFF THE RECORD*****

11 (On the Record - 1:54 P.M.)

12 BY THE COURT:

13 THE COURT: Thank you very much. You may be seated.
14 Thank y'all.

15 All right. The jury was in the assembly room downstairs.
16 So, that was a good thing.

17 All right. So, is the state ready to proceed?

18 MR. HELMS: We are, Your Honor.

19 THE COURT: And the defense?

20 MR. STANKO: Yes, sir.

21 THE COURT: Very good. Ask the jury to come in, please.

22 Counsel, they selected Juror Number 78 as the foreperson.

23 MR. HELMS: Yes, Your Honor.

24 THE COURT: Juror Number 78.

25 (REPORTER'S NOTE: Jury enters courtroom @ 1:56.)

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1 THE COURT: All right, ladies and gentlemen, the very
2 first thing that we're going to do in this particular case is
3 the clerk's representative is going to administer your oath to
4 you so if you would all please stand at this time.

5 CLERK: Please raise your right hand to be sworn.

6 (REPORTER'S NOTE: Jury is duly sworn.)

7 THE COURT: Is there any member of the jury panel that
8 did not just affirmatively take the oath as given by the
9 clerk's representative? If so, please stand.

10 No juror having stood, I find the jury properly sworn in
11 this matter.

12 All right, ladies and gentlemen, I told you at the --
13 when we were qualifying the jury, that the State of South
14 Carolina has charged the defendant, Mr. Lamont Seldon, with
15 the crime of burglary second degree non-violent. And I remind
16 you again that I read to you the allegation or the charge in
17 the indictment and again reminding you, that's not evidence,
18 can't be considered by you as evidence in the case. That will
19 come from the witness stand, people testifying to you under
20 oath in this particular matter. There may be the introduction
21 of maybe some kind of physical or documentary evidence that
22 may be introduced by the state. But that will be the evidence
23 that you will consider in this case.

24 Now, to that indictment, to that charge that the state
25 brought, levied against the defendant, the defendant has pled

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1 not guilty. That has put the burden of proof in this case
2 upon the State of South Carolina to prove the defendant guilty
3 beyond a reasonable doubt. The state has the burden in this
4 case. The defendant has no burden. The defendant has nothing
5 to show to you. The defendant, when he pled not guilty to the
6 crime, was presumed innocent and that presumption of innocence
7 stays with him unless and until you believe from the facts and
8 evidence presented, the state has proven to you the guilt of
9 the defendant beyond a reasonable doubt.

10 How the case will proceed. When I get done with these
11 brief comments to you, we'll have the opening statements of
12 the attorneys. After that, we'll have the presentation of
13 witnesses, I don't believe this to be a very long matter. I'm
14 certain that we will conclude it tomorrow sometime. With the
15 presentation of the evidence, after that, we have the closing
16 arguments of the attorneys, then the charge on the law and
17 then I'll submit the case to you, give the case to you for
18 your deliberations and unanimous decision.

19 I'm gonna ask you, do not talk about this case until I
20 give it to you at the very end. If you would discuss the case
21 beforehand, you'd be discussing it before you've heard all of
22 the evidence in the case, you've heard all of the evidence and
23 before you know the law that you have to apply to the facts
24 and evidence you've heard. You'll have all the time that you
25 deem necessary to properly talk about the case at the end when

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1 I give it to you. So, please do not discuss the case until I
2 give it to you at the end.

3 During the course of the trial, the attorneys might raise
4 an objection, a motion or something of that matter. That's
5 about one of my duties, governing the conduct of the trial.
6 If I rule on that matter in your presence and I don't send you
7 back to the jury room to more fully discuss it with the
8 attorneys, please remember, I'm about the job of deciding what
9 is proper for you to hear. I do not judge the evidence;
10 that's gonna be your job. You're listening to the facts and
11 evidence. It will be your job to judge the credibility, that
12 is the believability, of the witnesses that come before you.
13 If I make a decision, it's only whether or not you should hear
14 it or not. How you view it; that's going to be completely up
15 to you.

16 Your job, judging credibility and believability. If
17 you're questioning how do I do that, you do it every single
18 day of your life. Somebody tells you something, you're
19 automatically judging whether or not you believe them. Use
20 your good common sense. You use your good judgment you use in
21 conducting your own affairs. Apply that good common sense to
22 the facts and evidence you hear and listen to the law that I
23 give it to you again and then make your decision, did the
24 state prove the defendant guilty beyond a reasonable doubt or
25 not. That's going to be your decision.

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1 Opening statements, closing arguments by the attorneys,
2 important. Opening statements, they're introducing what they
3 believe will happen during the course of the trial; closing
4 arguments are comments of what has happened, but it's not
5 evidence. The evidence is people coming before you and
6 testifying under oath as to what they know about this
7 particular matter. That's the evidence you make your decision
8 upon whether or not the state has proven the defendant guilty
9 beyond a reasonable doubt.

10 All right, Solicitor.

11 OPENING BY HELMS:

12 MR. HELMS: Thank you, Your Honor.

13 Y'all, I got bad news and I got good news. The bad news
14 is you were chosen for jury duty. The good news is, like the
15 Judge told you, this is not gonna take long; one way or
16 another, whether you believe what I show you today or not,
17 this will not take long. Most General Sessions cases -- I've
18 had them last three weeks. I promise, this ain't one of them.
19 It won't take long because all I've got to show you is on
20 August 29th, 2016, that defendant right there violated the
21 sanctity of Mr. Harrelson's home, violated his privacy of Mr.
22 Harrelson's home, violated his safety and his home by breaking
23 into it without consent and with the intent to commit a crime
24 inside of it. That's what burglary is.

25 You're gonna hear some testimony, that's evidence. What

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1 I'm telling you is not evidence, like the Judge said, what he
2 says, defense counsel says, Mr. Stanko, is not evidence. I'm
3 gonna give you the evidence from the witness stand. You're
4 gonna hear evidence that Mr. Harrelson owns a home in Conway.
5 A lot of you would probably be familiar with the area the home
6 is located in. You're gonna hear testimony that on August
7 29th, he came back to that home to do some work on it, and
8 when he got there he sees that man inside of it and he
9 confronts him. He opens the door with quickness, he confronts
10 him, there's an altercation there, he has his tools in his
11 hand, the defendant has Mr. Harrelson's tools in his hand,
12 power tools, very expensive items. And as he confronts him,
13 he jumps out the window. Then you're gonna hear that Mr.
14 Harrelson called 911, gave a very detailed description of the
15 defendant and based on that description, whenever law
16 enforcement arrived, Officer Billy Schwenke of the Conway
17 Police Department, just feet from the house, placed him under
18 arrest. That's it.

19 You're gonna hear from Officer Schwenke. You're gonna
20 hear from Mr. Harrelson. There ain't a whole lot else you
21 need to hear. Now, it's gonna be your decision to determine
22 whether or not you believe those gentlemen, whether or not
23 they're credible, whether they have a reason to come here
24 today and be sworn under oath and lie to you.

25 A lot of people think burglary means guns a blazing. It

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1 means somebody kicks in your door in the middle of the night
2 with a shotgun, points it at your head, ties you up, puts all
3 your stuff in a bag, maybe beats you up a little. And while
4 that is burglary, burglary is actually simpler than that. And
5 the Judge is gonna give you the law when this is over with and
6 he's gonna tell you, burglary, like I just said, is entering
7 the residence of another without consent with the intent to
8 commit a crime. And you'll be the judge whether or not he
9 intended to commit a crime when he had those tools in his
10 hand, when he broke the window as he entered, whether or not
11 he was guilty as he tried to flee the scene.

12 The defense may harp on some things. They may try and
13 draw attention to the fact that we didn't get DNA, we don't
14 have fingerprints, or video surveillance. I tell you what
15 else we don't have; we don't have facial recognition software
16 in this case or drone footage. You know why? Because I don't
17 need it. We didn't need it. Mr. Schwenke didn't need it when
18 he arrested the defendant because he had the description. And
19 Mr. Harrelson is gonna tell you, he came and said, yes, that's
20 the man who was just in my home seconds ago. It's that
21 simple.

22 Y'all are judges of the facts. See if you believe what I
23 put up or not. And if you believe these men, if you believe
24 what they tell you, you believe it when they testify that the
25 defendant's truck was parked three houses down, but he lives

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1 10 miles across town. Not only does he not live in Mr.
2 Harrelson's place, he doesn't have permission to park his
3 truck where his truck is parked. But you'll be the judge of
4 that. And if you believe all that at the end of the
5 testimony, I will ask you to find him guilty of what he's
6 guilty of in burglary in the second degree.

7 THE COURT: Mr. Stanko?

8 MR. STANKO: Thank you, sir.

9 OPENING BY STANKO:

10 MR. STANKO: Ladies and gentlemen, as you heard, this is
11 not gonna be a very lengthy trial. It's highly possible we'll
12 get through this afternoon. You're probably only gonna hear
13 from two different people. Just because this trial doesn't
14 take a long time, does not mean that it's not extremely
15 important to Lamont Seldon. It's his life we're talking about
16 and he's certainly facing some time.

17 Now, it is going to be the state's burden, as he told
18 you, to prove beyond a reasonable doubt that Mr. Seldon did in
19 fact commit this. You even heard him give you the elements of
20 what a burglary second non-violent is. He is going to have to
21 prove all of those elements to you. As you've heard from the
22 Judge, as you've heard from Mr. Helms, that standard is beyond
23 a reasonable doubt.

24 Now, let me go ahead and break that down for you. In a
25 civil trial, you have a different standard of evidence. Say

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1 you get in a car wreck and you take that to trial and you have
2 to show a jury that the other person was at fault. That
3 standard is called a preponderance of the evidence. If you
4 imagine the scales of justice, lady justice with a blindfold
5 on, the scales out on both sides. A preponderance of the
6 evidence simply means you just have to tip that ever so
7 slightly in your favor and you've done enough to meet that
8 burden. This is criminal court; this is General Sessions
9 Court. It's a felony charge. Here that standard is much
10 higher. Again, we've called it beyond a reasonable doubt. If
11 you imagine those same scales again, rather than simply
12 tipping it in the state's side, they have to send it almost
13 all the way down, beyond a reasonable doubt. It has to be a
14 significant showing that there's almost no doubt in your mind
15 that he committed it.

16 Ladies and gentlemen, I want you -- I want you to listen
17 to the witnesses that take the stand. I want you to listen to
18 what they -- to what they have to say. I want you to be very
19 critical of what you hear. But, even more importantly than
20 that, I want you to consider what you don't hear from them.

21 Now, ladies and gentlemen, I submit to you, the state is
22 not going to be able to meet that burden, that they're not
23 going to be able to put up enough evidence to show you beyond
24 a reasonable doubt that Mr. Seldon did in fact commit this
25 crime.

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1 Ladies and gentlemen, we are asking you to return a
2 verdict of not guilty.

3 Thank you.

4 THE COURT: All right, Solicitor, your first witness
5 please, sir.

6 MR HELMS: Thank you, Your Honor, at this time, the state
7 would call Officer Vili Schwenke.

8 THE COURT: All right, sir. Please come around, sir, if
9 you would be the clerk's representative at the corner up here,
10 please, sir.

11 CLERK: Please raise your right hand and place your left
12 hand on the Bible.

13 VILI JESSIE SCHWENKE, HAVING BEEN
14 DULY SWORN TESTIFIES AS FOLLOWS:

15 CLERK: State your name for the Court and spell your last
16 name.

17 MR. SCHWENKE: My name is Vili Jessie Schwenke, V-I-L-I,
18 J-E-S-S-I-E, S-C-H-W-E-N-K-E.

19 THE COURT: Go ahead, Solicitor.

20 MR. HELMS: Thank you, Your Honor.

21 DIRECT EXAMINATION OF VILI JESSIE SCHWENKE BY MR. HELMS:

22 Q: Sir, where are you employed?

23 A: City of Conway Police Department, sir.

24 Q: How long have you been employed with the City of Conway?

25 A: About 19 years.

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1 Q: What do you do for the City of Conway?

2 A: Mainly patrol the city.

3 Q: Okay. And what does patrolling the city entail; what
4 does that require?

5 A: To respond to all kind of calls for service, include
6 burglaries, shopliftings, mental health assistance, motorist
7 accidents.

8 Q: Okay. So, you respond when a crime is alleged?

9 A: All kind.

10 Q: Okay. Fair enough. Were you working in this capacity on
11 August 29th of 2016?

12 A: Yes, sir.

13 Q: And what were you doing that day?

14 A: I was writing a report of a stolen property.

15 Q: Okay. Did you have an opportunity when you were writing
16 that report to respond to a burglary?

17 A: As I was writing report, I received a call of a burglary
18 in progress and I was near the area, yes, sir.

19 Q: And did you respond to that burglary in progress?

20 A: Yes, sir; I did.

21 Q: And where did you respond to?

22 A: [REDACTED] [REDACTED]. 703 15th Court.

23 Q: Is that in Conway, is [REDACTED] 703 15th Court in Conway?

24 A: In the City of Conway, yes.

25 Q: Okay. When you arrived, tell me what happened next, what

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1 did you see?

2 A: I was coming down McKeithan Avenue, I was about to make a
3 left turn going toward 15th Court. And immediately to my
4 right I saw the defendant was walking on the sidewalk on a
5 cell phone talking. Everything about him fit exactly what the
6 victim was giving to 911 dispatch, he have it on at the time,
7 and I make a quick right, stopped my patrol car, and I exited
8 the patrol car. I was about to walk up to him and in less

9 than about two minutes, the victim pulled up next to me and
10 said that's him, the defendant. *If you review the body cam you will see that the man was never driving a truck. He walked from his house 2 houses away.*
11 Q: And that person is the defendant sitting at that table?

12 A: He sitting right over there.

13 Q: Based on that identification that the victim made and
14 based on the description that the defendant fit, did you place
15 him under arrest?

16 A: I did.

17 Q: And did you charge him with a crime?

18 A: Yes, sir; I did.

19 Q: What crime did you charge him with?

20 A: Burglary second.

21 Q: Okay. I'm now showing you what's been marked for
22 identification purposes as State's Number 5.

23 May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 MR. HELMS: Thank you, sir.

The man that pulled up beside the officer patrol car was the man I took the tag from not the man that accused me of breaking into his house. Can you, as an officer of the court retrieve this body cam video to see the proof and the lies in this matter? Please Please do to see the truth.

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1 BY MR. HELMS:

2 Q: Now, I know it's a map, but do you recognize that map?

3 A: Yes, sir.

4 Q: And just tell us what that is a map of, generally?

5 A: The City of Conway.

6 Q: And is that a fair and accurate aerial map of the City of
7 Conway?

8 A: Yes, sir.

9 Q: And you've seen this map before?

10 A: Yes, sir.

11 Q: Okay. And has it been altered in any way since you saw
12 the map?

13 A: No.

14 MR. HELMS: Your Honor, at this time, I would seek to
15 enter State's 5 into evidence.

16 THE COURT: Any objection?

17 MR. STANKO: Without objection, sir.

18 THE COURT: All right. So, it's in evidence without
19 objection, you may publish.

20 MR. HELMS: Thank you, Your Honor.

21 STATE'S EXHIBIT NUMBER 5

22 ADMITTED INTO EVIDENCE

23 BY MR. HELMS:

24 Q: Mr. Schwenke, I want to show you this map, State's 5, and
25 ask you to point out to this jury where you responded, if you

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1 can, that day?

2 A: Right here, [REDACTED] 703 15th Court

3 Q: All right. Now, I'm gonna ask you another question as it
4 concerns this map while we're up here. Did the defendant give
5 law enforcement an address of where he lived?

6 A: Yes.

7 Q: What address did you determine the defendant lived at?

8 A: [REDACTED] Road. 911 Forest loop rd.

9 Q: Okay. Now, point to that location?

10 A: Right here (indicating).

11 Q: How far between that address, 911 Forest [REDACTED] Road and
12 703 is it?

13 A: In the straight line, approximately about nine miles.

14 Q: About nine miles. Did you also have an opportunity --
15 did y'all have an opportunity to locate the defendant's truck?

16 A: Yes, we did.

17 Q: And can you tell me about where the defendant's truck was
18 that day?

19 A: It was parked roughly about 75 meters from the victim's
20 house. It was backing into another residence.

21 Q: It was parked at another residence, you said?

22 A: Yes, sir.

23 Q: So, it wasn't parked at the defendant's residence -- at
24 the victim's residence?

25 A: No, it did not.

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1 Q: And it wasn't obviously wasn't parked at his house nine
2 miles away?

3 A: No, sir.

4 Q: You're saying it was parked about 75 ---

5 A: About 75 meters.

6 Q: Away from the victim's home?

7 A: From the victim's, to the right.

8 MR. HELMS: May I?

9 THE COURT: Yes, sir.

10 BY MR. HELMS:

11 Q: Just tell me yes or no. I want you to look through these
12 photographs and I'm showing you now what's been marked for
13 identification as State's 1 through 4. Tell me if you know
14 what those pictures are.

15 A: The first one is a picture of the defendant.

16 Q: Hang on. Just in general what they are; what are these
17 pictures of?

18 A: Pictures off my body camera.

19 Q: Okay. So, your body camera was activated that day?

20 A: Yes, sir.

21 Q: And these pictures are still shots from your body camera?

22 A: Yes.

23 Q: And are they fair and accurate representations of the
24 scene as you saw it that day?

25 A: Yes, sir.

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1 Q: Have they been altered in any way?

2 A: No, sir.

3 MR. HELMS: Your Honor, I would seek to enter State's 1
4 through 4?

5 THE COURT: All right, sir. Any objection to State's 1
6 through 4?

7 MR. STANKO: Without objection.

8 THE COURT: They are in evidence without objection, you
9 may publish if you so choose.

10 MR. HELMS: Thank you, Your Honor.

11 STATE'S EXHIBIT NUMBER 1 THROUGH 4

12 ADMITTED INTO EVIDENCE

13 BY MR. HELMS:

14 Q: Officer, I want to show you each one, one at a time, and
15 tell me what this is. What is that a picture of?

16 A: Of the defendant.

17 Q: And is that the same defendant that you arrested that
18 day?

19 A: Yes, sir.

20 Q: And is that the same defendant that's sitting in the
21 courtroom today?

22 A: Sitting right there.

23 Q: All right. I'm showing you now, State's 2?

24 A: That's a still picture on my body camera of me speaking
25 to the victim.

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1 Q: Is this when the victim identified the defendant?

2 A: Yes, sir.

3 Q: And those are self-explanatory, so we won't go into that.

4 But, I'm going to publish these now to the jury.

5 THE COURT: You may do so.

6 MR. HELMS: Thank you.

7 BY MR. HELMS:

8 Q: After you arrested the defendant, based on the
9 description and the identification, after you located his
10 truck, what did you do?

11 A: I transport him to Horry County Jail.

12 Q: Please answer any questions the defense may have.

13 THE COURT: Cross examination?

14 MR. STANKO: Thank you, Your Honor.

15 CROSS EXAMINATION OF VILI JESSIE SCHWENKE BY MR. STANKO:

16 Q: So, when you arrived on scene, what was the first thing
17 you saw?

18 A: I saw the defendant walking on 15th Court talking on a
19 cell phone.

20 Q: You said him on Mr. Seldon walking and talking on a cell
21 phone.

22 A: Sir?

23 Q: You said you saw that man walking, talking on his cell
24 phone?

25 A: Yes, sir.

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- 1 Q: Okay. All right. You approached him then?
- 2 A: Yes.
- 3 Q: Okay. Did he make any attempts to run from you?
- 4 A: Excuse me?
- 5 Q: Did he make any attempt to run from you?
- 6 A: No, sir; he did not.
- 7 Q: Okay. Did he -- did he attempt to fight you?
- 8 A: No, sir; he did not.
- 9 Q: Okay. Did he in fact do anything to elude you or to
- 10 resist any arrest?
- 11 A: No, sir; he did not.
- 12 Q: Okay. All right. And at that point, you placed him in
- 13 handcuffs?
- 14 A: Yes, sir; I did.
- 15 Q: Okay. After that, you told him why he was under arrest?
- 16 A: Burglary.
- 17 Q: Okay. You told him that he was under arrest for
- 18 burglary?
- 19 A: Yes, sir.
- 20 Q: Did he -- did he confess to it at that point?
- 21 A: To another officer.
- 22 Q: I'm sorry?
- 23 A: No, not to me.
- 24 Q: All right. Now, at any point, did he make mention to you
- 25 that he was not in that house?

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1 A: No, he did not say that to me.

2 Q: Okay. And again, you're testifying that he -- that he
3 did not confess to you about, about anything related to this
4 burglary?

5 A: No, sir.

6 Q: Okay. All right. Now, you were initially called out
7 there because a victim called you and said that someone was in
8 his home?

9 A: Yes, sir.

10 Q: Okay. And that person pointed out Mr. Seldon?

11 A: Yes.

12 Q: Now, after that point, did you do anything to corroborate
13 what he had said?

14 A: The victim's story.

15 Q: Exactly. Did you -- did you do anything to follow up on
16 that?

17 A: No, sir.

18 Q: Okay. You didn't take any pictures?

19 A: No, sir.

20 Q: Okay. Did you go to the victim's home?

21 A: No, sir; I did not.

22 Q: All right. You, you didn't -- and again, as we heard
23 earlier, you didn't dust for any fingerprints?

24 A: No, sir; I did not.

25 Q: Obviously, you didn't -- you didn't check for any DNA or

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1 anything like that?

2 A: No, sir; I did not.

3 Q: Okay. And we've -- I believe we've already established
4 there was no video surveillance in that area?

5 A: No, sir; I did not.

6 Q: Okay. Now, you work for the Conway Police Department,
7 correct?

8 A: Yes, sir.

9 Q: Now, does the Conway Police Department, do they have a
10 Crime Scene Unit?

11 A: Yes, sir; we do.

12 Q: Okay. And they have -- they have detectives with that
13 unit?

14 A: Yes, sir.

15 Q: Okay. Do they have crime scene specialists?

16 A: We have a crime scene specialist, but we process our own
17 scene. We have fingerprint kits in our patrol car that we
18 patrol.

19 Q: All right. So, you -- so, you had the ability to -- to
20 investigate further?

21 A: Yes, sir; we do.

22 Q: Okay. And you chose not to investigate further?

23 A: Because I did not go to the victim's house, sir.

24 Q: Okay. Did anybody go by the victim's house?

25 A: There was another officer there at the victim's house,

1 sir.

2 Q: Okay. All right. Now, you mentioned that the truck was,
3 I believe you said, 75 yards away?

4 A: Yes, sir.

5 Q: Okay. All right. And did the -- did Mr. Seldon, at any
6 point, mention to you that he had parked at that house because
7 he was visiting a man named Joel?

8 A: No, sir; I did not.

9 Q: You don't recall him telling you that?

10 A: No, sir.

11 Q: Okay. All right. Now, you went to, probably about 19
12 years ago, you went to the South Carolina Criminal Justice
13 Academy?

14 A: Yes, sir; I did.

15 Q: Okay. At that academy, they taught you how to respond to
16 a scene?

17 A: Yes, sir.

18 Q: All right. They taught you the importance of, of filling
19 out a report?

20 A: Yes, sir.

21 Q: They taught you that when you're filling out a report,
22 you put as much detail in that as you can?

23 A: Yes, sir.

24 Q: Okay. Now, you mentioned in your testimony that -- that
25 the victim told you that Mr. Seldon was holding tools?

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1 A: No, he did not.

2 Q: Earlier, just a few minutes ago, you testified saying
3 that Mr. Seldon was holding tools?

4 MR. HELMS: Objection, Your Honor, that's not what he
5 testified to.

6 THE COURT: All right. Why don't you just ask him
7 another question?

8 MR. STANKO: Understood. Okay.

9 BY MR. STANKO:

10 Q: So, you were not told that the victim that Mr. Seldon was
11 holding anything in that house, correct?

12 A: No, sir; he did not.

13 Q: Okay. All right. And, and once again, neither --
14 neither you nor anyone from your agency ever went to that
15 actual incident location, correct?

16 A: Like I say, sir, there was another officer at the house.
17 I was with him at the location where I locate him at.

18 Q: Okay. Fine. Your Honor, no further questions.

19 THE COURT: Any redirect?

20 MR. HELMS: No, Your Honor.

21 THE COURT: All right, sir. Do you wish the witness to
22 be excused?

23 MR. HELMS: I would.

24 THE COURT: Any objection?

25 MR. STANKO: No, sir.

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1 THE COURT: All right, sir, you're released from your
2 subpoena, you may go back to your regular duties, sir.

3 Thank you.

4 All right. Your next witness, Solicitor?

5 MR. HELMS: At this time, Your Honor, the state would
6 call Mr. Richard Harrelson?

7 THE COURT: All right, sir. Mr. Harrelson, if you'd come
8 around and again, meet the clerk's representative right here
9 at the corner, sir.

10 CLERK: Please raise your right hand and place your left
11 hand on the Bible.

12 RICHARD HARRELSON, HAVING BEEN DULY
13 SWORN TESTIFIES AS FOLLOWS:

14 CLERK: Please state your name for the Court and spell
15 your last name.

16 MR. HARRELSON: I'm Richard Harrelson, H-A-R-R-E-L-S-O-N.

17 DIRECT EXAMINATION OF RICHARD HARRELSON BY MR. HELMS:

18 Q: Mr. Harrelson, do you own a house in Conway?

19 A: Yes, I do.

20 Q: What's the address of that house?

21 A: [REDACTED] [REDACTED] . 703 15th Court.

22 Q: Did you own that house back in 2016?

23 A: Yes, I did.

24 Q: Specifically, the end of August, 2016?

25 A: Yes, I did.

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1 Q: Did you go to that house on August 29th, 2016?

2 A: Yes, I did.

3 Q: I want you to tell this jury what you saw when you went
4 to that house?

5 A: I come around the corner talking with my daughter and I
6 backed my truck in the driveway, and as I got out and I went
7 in the house to -- you know, I'd been remodeling the house. I
8 had bought it from -- it's my family home. I'd bought from my
9 brothers and sister. I was remodeling sanding the floors and
10 as I reached to stick my key in the door, I could see through
11 the picture window and that gentleman there was in the back
12 bedroom and had a sander and a skill saw in his hands.

13 Q: I'm sorry, say that again, he had what?

14 A: He had a sander and a skill saw in his hand.

15 Q: Thank you.

16 A: And so I opened the door and I went in there and when I
17 went in the front door, there was a paint roller handle in the
18 corner and I went through the back door and I tried to hit him
19 with it and I hit the ceiling and hit the wall, but I hit him
20 three times before he got out the window. He went out the
21 window, walked around the corner of the house, I ran out the
22 front door and grabbed my phone out of the truck and called
23 the police and I was -- and he didn't attempt to run away, he
24 just -- just walked like a Sunday walk to the sidewalk and
25 walked down the street. He walked down the street to a

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1 portable toilet that was on a construction site. And he
2 turned around and came back and I'm there on the telephone
3 watching him and calling the police, you know, telling them
4 where he's at and what he's doing. That's when the officer
5 came up the middle of the -- came up one street and I was in
6 my truck following him down the street and ---

7 Q: Now, the officer, was it this officer?

8 A: That officer right there.

9 Q: Yes, sir.

10 A: And he told me to go back to my house and that's when he
11 arrested the gentleman.

12 Q: What did you tell the officer?

13 A: I told him he was in my house, you know, stealing my
14 tools.

15 Q: You told him who was in your house to take your tools?

16 A: That gentleman right there.

17 Q: Now, you said you got called ---

18 A: I didn't know his name.

19 Q: You said you called 911, right?

20 A: Yes, I did.

21 Q: And you gave a description to the 911 dispatcher?

22 A: Yes, I did.

23 Q: I'm gonna show you what's been entered into evidence as
24 State's 1 through 4 and I want you to take a look at those
25 photographs real quick for me.

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- 1 A: Okay.
- 2 Q: All right. Now, does that person fit the description you
3 gave the 911 dispatcher?
- 4 A: Yeah, that's him.
- 5 Q: And is that the person that broke into your house on
6 August 29th?
- 7 A: Yes, it is.
- 8 Q: And is that person in this courtroom today?
- 9 A: Sitting right there.
- 10 Q: Now, you said he had -- if I can hold those, sir; thank
11 you. You said he had some tools in his hand. I want you to
12 tell me one more time what they were?
- 13 A: A four-inch belt sander in one hand. I had a table, a
14 fold-out plastic table in the middle of the room, I was
15 sanding the floors and had everything up off of the floor.
- 16 Q: I'm sorry?
- 17 A: He had a sander in his hand and skill saw in the other
18 hand, a blue Makita SKILSAW.
- 19 Q: Whose sander and SKILSAW were those?
- 20 A: Mine.
- 21 Q: Were they expensive items?
- 22 A: Yes, sir. The belt sander costs about \$400 and the
23 SKILSAW was about 125.
- 24 Q: Okay. Did Mr. Seldon have permission to be in your home
25 that day?

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- 1 A: No, he didn't.
- 2 Q: Was anything broken?
- 3 A: When I got back to the house, one bedroom window was
4 broken and I surmised that it -- I don't know, but I just
5 surmised he tried to get in, but the pane was only about that
6 tall. So, someone stacked up some flue liners for a fireplace
7 under the bathroom window and they pulled the rubber part out
8 of the screen and tried to get in it. And eventually, whoever
9 that was couldn't get in it, so they went down to the bedroom
10 window and slid that up and got in.
- 11 Q: That first window, you said it was broken though?
- 12 A: Yes, sir.
- 13 Q: The actual glass pane?
- 14 A: The glass pane was broken in it.
- 15 Q: Was that pane broken when you left the house?
- 16 A: No, it wasn't.
- 17 Q: So, the door was locked?
- 18 A: Yes, sir.
- 19 Q: And you had to unlock the door to get in the house?
- 20 A: Absolutely.
- 21 Q: You know if the windows were locked?
- 22 A: I would think that they were locked.
- 23 Q: Were you doing any painting?
- 24 A: Yes, I was painting in the house, painting windows,
25 sanding floors, doing drywall repairs.

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1 Q: About how long did this entire interaction take?

2 A: Oh, God, the whole thing from the time I walked -- time I
3 backed my truck in the driveway and walked in the door, by the
4 time he walked down the street, I would say the whole thing
5 didn't last five minutes. The part where he was in the house
6 probably didn't last a minute. I mean, it was all -- I ran
7 over right then and he ran right out.

8 Q: Let's talk about that part where he was in the house; you
9 said you actually engaged him physically?

10 A: Yeah, I hit him with a paint roller.

11 Q: About how far away from him when you hit him with the
12 paint roller was he?

13 A: Oh, he was on the other side of the table, like four feet
14 away and the paint roller was too long and I hit the ceiling,
15 so I shortened it up and ---

16 Q: And how did he exit the house?

17 A: Just sailed right out the window.

18 Q: Did he have a cane?

19 A: No.

20 Q: Did he have a walker?

21 A: No.

22 Q: Wheelchair?

23 A: No.

24 Q: Crutches?

25 A: No.

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1 Q: Did he seem physically fit to you?

2 A: When he sailed out that window, he did.

3 Q: Did you jump out the window?

4 A: Probably.

5 Q: Was it a second floor window?

6 A: No, sir; it was first floor.

7 Q: Okay. The person you pointed out to Officer Schwenke, is
8 that the same person who is in the courtroom today?

9 A: Yes, it is.

10 Q: Is that the same person that's in these photographs?

11 A: Yes, it is.

12 Q: Did he burglarize your home?

13 A: Yes, he did.

14 Q: Please answer any questions Mr. Stanko has?

15 THE COURT: Cross examination?

16 CROSS EXAMINATION OF RICHARD HARRELSON BY MR. STANKO:

17 Q: At what point during that interaction there did you call
18 911?

19 A: When I got out the front door.

20 Q: Okay.

21 A: I had to go to my truck and get my phone.

22 Q: Understood. All right. And when you were on the phone
23 with 911, you gave a -- you gave a description to them?

24 A: Yes, I did.

25 Q: Okay. Where was -- where was Mr. Seldon while you were

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1 giving that description?

2 A: Walking across my front yard on the sidewalk and he made
3 a left and walked down the sidewalk.

4 Q: So, at the time you called 911, Mr. Seldon was outside
5 your house?

6 A: Yes, he was.

7 Q: And you gave them the description of the person on the
8 street there?

9 A: Uh-huh, (affirmative response).

10 Q: Okay. All right. At any point, did you call 911 while
11 you were still inside the house?

12 A: No, the whole thing didn't last but 30 seconds probably,
13 you know, it was over in a minute

14 Q: Okay. And you mentioned earlier that -- that you hit him
15 with a paint roller?

16 A: Yeah.

17 Q: Okay. Was that a brand new paint roller?

18 A: No, that was an old one; I was painting in the house, you
19 know.

20 Q: Okay.

21 A: Leaning up in the corner, it was an older one; I don't
22 think it was new.

23 Q: Had you used it recently?

24 A: Oh, I had been painting in the house a few days before.

25 Q: All right. Now, you testified that he -- that he dove

1 out the window, correct?

2 A: Yes, sir.

3 Q: Was that a -- was that like you would see in a pool,
4 somebody arms out, just head straight in?

5 A: Yeah. Yeah. The Olympics were on a couple of nights
6 before and the Olympic diving was on and I'm thinking to
7 myself -- it just flashed, damn, that guy must have watched
8 the Olympics. He just -- he was trying to get away from me.
9 I was trying to beat him with that roller.

10 Q: Okay. All right. Now, you mentioned that he had a couple
11 of tools on him as well, correct?

12 A: He had them in his hands.

13 Q: Okay. You didn't tell the police about those tools, did
14 you?

15 A: Well, I didn't really think about it. He was in my house
16 and, you know, I said he was stealing my stuff. I mean, I
17 didn't really -- I don't really know if I got into detail
18 about it or not, I just said he was in my house stealing my
19 stuff.

20 Q: Did you tell police that you had hit him with the paint
21 roller?

22 A: I think I did.

23 Q: Okay. Let me ask you this, the -- so, it's a one-story
24 home?

25 A: Yeah.

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RICHARD HARRELSON - CROSS BY STANKO

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- 1 Q: Okay. About how high off the ground would you say is the
2 window; is it here, is it here?
- 3 A: About like the rail here, not real tall.
- 4 Q: So, probably about three or four feet?
- 5 A: Yeah.
- 6 Q: Does that sound okay? Okay. All right. When he dove
7 out the window, you ran out to your truck, correct?
- 8 A: Yeah.
- 9 Q: All right. So ---
- 10 A: I watched him when he -- when he got up, he went beside
11 the house and I ran out the front door to my truck to get my
12 phone.
- 13 Q: Okay. And this bedroom that you're talking about, it's
14 a back bedroom?
- 15 A: Very back corner; yes, sir.
- 16 Q: Okay. And where was your truck located that you ran out
17 to?
- 18 A: In the front yard.
- 19 Q: Okay. So, you had to run through the house?
- 20 A: Yes, sir.
- 21 Q: You had to run out the front door?
- 22 A: Yes, sir.
- 23 Q: Okay. All right. Now, how close would you say you were
24 from him while you were on the phone with 911?
- 25 A: About like from here to the last lady on the jury.

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RICHARD HARRELSON - CROSS BY STANKO

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1 Q: Okay.

2 A: The house is only 40 feet long, you know and 28 feet
3 wide, you know.

4 Q: Okay. So, this would be about ---

5 A: Yes, he was walking beside the end of the house; as you
6 came back up your front driveway. You know, I would've
7 thought that -- my thinking was, you know, he was gonna run
8 but he was just walking abeyance the house and walked away.

9 Q: Okay. Prior to that day, had you ever met Mr. Seldon?

10 A: No.

11 Q: Never seen him before in your life?

12 A: No..

13 Q: Okay.

14 MR. STANKO: Nothing further, Your Honor.

15 THE COURT: All right. Any redirect?

16 MR. HELMS: None, Your Honor.

17 THE COURT: All right, sir, you may step down.

18 Thank you very much.

19 MR. HARRELSON: Thank you.

20 THE COURT: Further witnesses on behalf of the state?

21 MR. HELMS: Your Honor, we would like to call Tammy
22 Harrelson.

23 THE COURT: All right, sir. Ms. Harrelson, come around,
24 ma'am, and just again, meet the clerk's representative right
25 here at the corner first, please, ma'am.

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TAMMY HARRELSON - DIRECT BY HELMS

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1 CLERK: Please raise your right hand and place your left
2 hand on the Bible.

3 TAMMY HARRELSON, HAVING BEEN DULY
4 SWORN TESTIFIES AS FOLLOWS:

5 CLERK: State your full name to the Court please and
6 spell your last?

7 MS. HARRELSON: I'm Tammy Harrelson, H-A-R-R-E-L-S-O-N.

8 DIRECT EXAMINATION OF TAMMY HARRELSON BY MR. HELMS:

9 Q: Ms. Harrelson, I can't believe but help to notice that
10 you have the same last name as Mr. Harrelson. Are y'all
11 related?

12 A: Yeah, he's my father.

13 Q: Were you with him at any time on August 29th, 2016?

14 A: Yeah, I was with him about 10 minutes prior to this
15 happening.

16 Q: And did you also go to [REDACTED] 703 15th Court?

17 A: Yes, sir. We live five houses apart. I was going over
18 to his house to help him do some work in his house.

19 Q: And did you go to his house?

20 A: Yes, sir.

21 Q: What did you see when you got there?

22 A: The police officer there had stopped that gentleman and
23 my dad was coming down the road.

24 Q: When you say that gentleman, you're talking about the
25 defendant?

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TAMMY HARRELSON - CROSS BY STANKO

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1 A: Yes, sir.

2 Q: Did you see any trucks that day?

3 A: Yeah, my father's because he had followed him down the
4 road, and I saw that gentleman's truck two houses over from my
5 house.

6 Q: Had you ever seen that truck before?

7 A: No, sir.

8 Q: And how long did you live there?

9 A: I've been there 20 years.

10 Q: Is that a strictly residential neighborhood?

11 A: Yes, sir.

12 Q: No Burger Kings or warehouses or commercial buildings?

13 A: No, pretty much all the same neighbors since I've been
14 there.

15 Q: So, the traffic you see in that neighborhood generally
16 belongs to residents?

17 A: Yes, sir.

18 Q: And again, have you ever seen the defendant before?

19 A: No, sir.

20 Q: Had you ever seen his truck before?

21 A: No, sir.

22 Q: Please answer any questions the defense may have.

23 THE COURT: Cross examination?

24 CROSS EXAMINATION OF TAMMY HARRELSON BY MR. STANKO:

25 Q: You said you had never seen his truck before, correct?

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TAMMY HARRELSON - CROSS BY STANKO

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1 A: Yes, sir.

2 Q: Okay. Have there ever been trucks or vehicles in that
3 neighborhood that you didn't recognize?

4 A: No, not really because they're usually all the same
5 people.

6 Q: Okay. So, every vehicle that's come into that
7 neighborhood, you've known exactly who it is?

8 A: No, I can't say that.

9 Q: All right. And you don't know -- you certainly --
10 sitting there today, you can't say why any individual would
11 come to the neighborhood, correct?

12 A: No, not really.

13 Q: You certainly can't get inside somebody's head to
14 determine why that is?

15 A: No.

16 Q: Okay. All right.

17 MR. STANKO: Your Honor, nothing further.

18 THE COURT: All right. Very good.

19 Any redirect?

20 MR. HELMS: No, Your Honor, we just ask she be released?

21 THE COURT: All right. You may step down, ma'am. If you
22 wish to leave, you may do so.

23 Further witnesses from the state?

24 MR. HELMS: With that, Your Honor, the state rests.

25 THE COURT: All right. Very good.

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1 All right. The state rests at this point in time. Mr.
2 Stanko, are there motions by the defense at this point in
3 time?

4 MR. STANKO: Yes, Your Honor.

5 THE COURT: All right. Very good. All right, ladies and
6 gentlemen, at the end of the state's presentation of any
7 general sessions or criminal case, there are matters of law
8 that I have to take up with the attorneys at that point in
9 time. We do it in every case and I need to do it at this
10 point in time and I have to do outside your presence. So, if
11 you'd please go to your jury room. Remember, don't talk about
12 the case at this time.

13 Thank you very much.

14 (REPORTER'S NOTE: Jury exits courtroom @ 2:35 P.M. The
15 following takes place outside the presence of the jury.)

16 MOTIONS:

17 THE COURT: All right, Mr. Stanko, motions by the
18 defense?

19 MR. STANKO: Yes, Your Honor, we'd make a motion for a
20 directed verdict. The only testimony without being
21 corroborated in any way came from one witness, who just says
22 that he saw him in there. They -- without anything further
23 corroborating those particular sets of facts from the state, I
24 do not believe that they have met their burden and, therefore,
25 we would ask that the -- at this time the Court find a

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1 directed verdict.

2 THE COURT: All right. Very good. In a motion for a
3 directed verdict, the Court looks at the existence or non-
4 existence of evidence. Not looking at its weight,
5 believability, credibility, just whether or not the evidence
6 exists. The defendant would be entitled to a directed verdict
7 when the state would fail to produce evidence of the offense
8 charged. Now, I am not required to look at the evidence and
9 exclude any reasonable hypothesis. If the evidence exists, as
10 I do believe it does exist in this case, the case should go
11 forward for a resolution.

12 In a motion for a directed verdict, I'm charged with the
13 duty of looking at the evidence in the light most favorable to
14 the non-moving party, here that is the non-moving party is the
15 state. So, you look at the evidence in the light most
16 favorable to the -- to the state. Clearly, there is direct
17 evidence by an eyewitness, Mr. Richard Harrelson, identifying
18 the defendant in his home in the possession of items that did
19 not belong to him, that belonged to the homeowner. The
20 homeowner states that he does not have permission to be there,
21 he had never seen the defendant before, the arresting officer
22 arrests the defendant in close proximity of the residence, the
23 homeowner immediately identifies to the officer that the
24 defendant is the individual that was in his home uninvited,
25 taking items that belonged to the homeowner. Ms. Harrelson

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1 further sees the defendant shortly thereafter in the custody
2 of the police officer. Neither Ms. Harrelson know or Mr.
3 Harrelson know the defendant, they've never seen him before,
4 they've never seen his vehicle before. It's clear that the
5 residence that he gave that's his residence is located, as the
6 officer said, in a straight line, which obviously, you
7 couldn't get to it by a straight line, but by a straight line
8 nine miles away. There is no evidence that he had any reason
9 to be there. And again, there's clear direct evidence that he
10 was committing a crime in the house of the homeowner. The
11 directed verdict motion is denied.

12 Further motions by the defense?

13 MR. STANKO: Nothing further, sir.

14 THE COURT: All right, sir. We're gonna take a short
15 break. If you would, talk to your client, Mr. Stanko, about
16 his right to testify. When we resume, I will talk to him
17 about his constitutional rights and inquire whether or not he
18 wants to testify in this case. We'll take a short break at
19 this time.

20 Thank you very much.

21 MR. STANKO: Thank you, sir.

22 **RECESS - 2:39 P.M.**

23 *****OFF THE RECORD*****

24 **(On the Record - 2:55 P.M.)**

25 THE COURT: You can be seated. Thank you.

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LAMONT SELDON - BY THE COURT

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1 MR. STANKO: Your Honor, may I approach?

2 THE COURT: Yes, sir. All right. Very good. Good deal.
3 All right.

4 All right. Mr. Seldon, if you'd remain standing, please,
5 sir, if you don't mind.

6 Place him under oath, please.

7 CLERK: Please raise your right hand.

8 LAMONT SELDON, HAVING BEEN DULY SWORN

9 TESTIFIES AS FOLLOWS:

10 THE COURT: Mr. Seldon, at this point in time, I'm going
11 to explain to you certain of your constitutional rights. If
12 at any point in time, you don't understand me, you've got a
13 question, you want to say something to your attorney, you got
14 to indicate that to me. You can tell him, raise your hand,
15 somehow you got to indicate it to me. Okay? Do you
16 understand that?

17 MR. SELDON: Yes, sir.

18 THE COURT: All right. Very good.

19 We've reached the stage of the trial where you can
20 present your defense. You can call witnesses, you yourself
21 can testify if you want, but you have the right to claim the
22 protection given to you by the Fifth Amendment to the
23 Constitution of the United States of America. That states
24 that no person shall be compelled in any criminal case to be a
25 witness against themselves. Meaning, nobody can make you

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LAMONT SELDON - BY THE COURT

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1 testify, you can testify if you want to, but nobody can make
2 you; do you understand that, sir?

3 MR. SELDON: Yes, sir.

4 THE COURT: All right. Very good. Now, you understand
5 that if you decide to testify, first, it's your decision, but
6 you'll be subject to the same rules you just saw other
7 witnesses come before the Court. They were -- you would be
8 examined, questioned by your attorney, you'd be cross examined
9 by the state as to any matters the Court deems relevant.

10 Is there a prior record?

11 MR. HELMS: There is, Your Honor.

12 THE COURT: All right.

13 MR. HELMS: Starting back in -- well, he's got a burglary
14 in 1980, a housebreaking in '87, an A&B first in '03, an ABHAN
15 in 2012.

16 THE COURT: Okay. All right. So the ABHAN in 2012
17 certainly would be -- fall within the time limit and is a
18 serious crime. So, I would allow the state to ask Mr. Seldon
19 if he had been convicted of the crime of assault and battery
20 high and aggravated nature on that prior occasion, whenever
21 that was.

22 So, the state would be allowed to ask you that question.
23 The other ones, I would find they're too remote in time so
24 that the state would not ask you about those. But the state
25 could ask you about assault and battery high and aggravated

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LAMONT SELDON - BY THE COURT

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1 nature. Do you understand that?

2 MR. SELDON: Yes, sir.

3 THE COURT: All right. If you decide to testify, it's
4 your decision. Okay?

5 MR. SELDON: Yes, sir.

6 THE COURT: You've got to make that decision. You can
7 get the advice from your attorney, you listen to him, you make
8 a decision whether or not you want to testify in this case.
9 You understand that?

10 MR. SELDON: Yes, sir.

11 THE COURT: If you decide not to testify, I will tell the
12 jury they can't give that fact any consideration. I'll tell
13 them they can't talk about in the jury room, they can't use it
14 mentally, it's not a part of this case. Do you understand
15 that?

16 MR. SELDON: Yes, sir.

17 THE COURT: All right, sir. Do you understand what we've
18 talked about?

19 MR. SELDON: Yes, sir.

20 THE COURT: Before I ask you what you want to do, do you
21 want to ask your attorney any questions?

22 MR. SELDON: Yes, sir.

23 THE COURT: Go ahead.

24 All right, Mr. Seldon, did you have the opportunity to
25 talk to your attorney?

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1 MR. SELDON: Yes, sir.

2 THE COURT: Do you wish to testify in this case?

3 MR. SELDON: No, sir.

4 THE COURT: All right. Very good. You can have a seat.

5 Thank you very much.

6 BY THE COURT:

7 All right. Mr. Stanko, your client has decided to
8 exercise his constitutional rights regarding his testimony in
9 this case. Will there be presentation from the defense of
10 other evidence?

11 MR. STANKO: Your Honor, there will not. At this time,
12 the defense does rest its case.

13 THE COURT: All right. So, very good. With that -- hold
14 on one second.

15 MR. STANKO: Yes, sir.

16 MOTIONS:

17 THE COURT: Do you wish to renew your motion for a
18 directed verdict?

19 MR. STANKO: I do, sir, based on obviously the same facts
20 as before?

21 THE COURT: All right, sir, very good. Regarding your
22 renewed motion for directed verdict, I'm not gonna go through
23 the standard I just stated just a couple of minutes ago, nor
24 the reasons or rationale, but what I will do is reaffirm all
25 of the comments and the ruling I made. I do find there is

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CHARGE CONFERENCE

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1 more than sufficient evidence if that evidence is believed by
2 the jury to convict the defendant of the crime charged. So,
3 I'm gonna respectfully decline to grant your motion for --
4 your renewed motion for a directed verdict.

5 CHARGE CONFERENCE:

6 THE COURT: All right. With that, then is the state
7 ready, we're going to talk about the charge in just a second,
8 but is the state ready to proceed into closing arguments and
9 the charge to the jury?

10 MR. HELMS: Yes, sir.

11 THE COURT: Defense?

12 MR. STANKO: Yes, Your Honor.

13 THE COURT: Very good. Well, let's talk about the
14 charge. Basically, what, you know, what we'll do is obviously
15 talk to the jury about things we always talk to the jury
16 about, credibility, believability, direct and circumstantial
17 evidence. I will, as I indicated, the -- tell the jury that
18 the fact the defendant did not testify is not a factor to be
19 considered by them in any way and emphasize that fact to them.
20 The identification of the defendant was made by the victim in
21 this matter, so I will charge the law about identification and
22 their role in deciding the accuracy of that identification.
23 The presumption of innocence that we briefly talked about
24 before and I'll re-emphasize that to them; reasonable doubt,
25 the kind of doubt that would cause a reasonable, ordinary

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CHARGE CONFERENCE

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1 person to hesitate to act. And then second degree burglary,
2 the state has to prove beyond a reasonable doubt the defendant
3 entered the dwelling without consent, that being a building or
4 portion of a building which a person ordinarily sleeps. In
5 order to prove the defendant entered the dwelling, the state
6 does not have to show the defendant's entire body entered the
7 dwelling, the smallest entry is sufficient. The state has to
8 prove beyond a reasonable doubt the defendant intended to
9 commit a crime, either a felony or a misdemeanor, at the time
10 of the entry. To be guilty of burglary, the mere entry
11 without consent is not burglary if the intent to commit a
12 crime is formed after; it's not -- on the other hand, if the
13 defendant intended to commit a crime at the time of the entry,
14 it's a burglary even if the intent was abandoned after the
15 entry. It does not matter that the intended crime was not
16 completed. And, intent is shown by the acts and conduct of
17 the defendant and other circumstances from which you can
18 naturally and reasonably infer intent. So, that's my
19 intention.

20 The verdict form is very straightforward. Burglary
21 second degree; on the charge of burglary second degree, we,
22 the jury, by unanimous consent find the defendant, two
23 choices, not guilty or guilty.

24 Any additions or any changes requested by the state?

25 MR. HELMS: No, sir.

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CHARGE CONFERENCE

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1 THE COURT: From the defense?

2 MR. STANKO: No, Your Honor.

3 THE COURT: All right. Very good.

4 So, that's my intention, gentlemen. Are you ready for
5 the jury, do you want a couple of minutes or ---

6 MR. HELMS: I'm ready anytime, Judge.

7 THE COURT: Defense?

8 MR. STANKO: I'm ready, sir.

9 THE COURT: Very good. Ask the jury to come in, please.

10 And, gentlemen, the clerk is going to hand you a copy of
11 the verdict form just so that you have it.

12 MR. HELMS: Thank you, Your Honor.

13 THE COURT: When the jury comes in, Mr. Stanko, I will
14 ask the status of the case from the defendant and you tell me
15 the defense rests.

16 MR. STANKO: Very good, sir.

17 THE COURT: Very good.

18 And gentlemen, obviously, since there was no presentation
19 by the defense, the state would open its full and complete
20 argument and then the defense will give their argument.

21 Okay?

22 MR. STANKO: Very good, sir.

23 (REPORTER'S NOTE: Jury enters courtroom @ 3:05 P.M.)

24 BY THE COURT:

25 THE COURT: All right. Mr. Stanko, the status of the

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CLOSING BY HELMS

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1 case from the defense?

2 MR. STANKO: Your Honor, at this time, the defense rests.

3 THE COURT: Very good. All right, ladies and gentlemen,
4 we have concluded the evidentiary portion of this trial.

5 There will be no more presentation of evidence to you in this
6 particular case. What remains are the closing arguments of
7 the attorney and then I will give you the charge on the law.
8 I'll just remind you again, closing arguments are not
9 evidence. You've heard all the evidence already, but the
10 closing arguments are important. They are each side's
11 summation to you of what they believe and what they're asking
12 you to do as a result of your unanimous verdict in this
13 particular matter. So, I would ask you to give your attention
14 to the state and the defense.

15 Solicitor?

16 MR. HELMS: Thank you, Your Honor.

17 CLOSING BY HELMS:

18 MR. HELMS: I told you it wasn't going to take long and I
19 didn't. In fact, this might be the fastest General Sessions
20 trial I've ever been a part of.

21 I had to present to you enough evidence to prove beyond a
22 reasonable doubt he committed burglary. So, I did. Could I
23 have presented to you more? I could always present more.
24 There's always something else to present, but I've met the
25 burden. How did I meet the burden? You have heard from three

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CLOSING BY HELMS

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1 people; not one, not two, but three people that said that that
2 man right there was the one that did it.

3 Now, Mr. Harrelson is the one that puts him in his house.
4 You have to determine, as the jury, whether you believe that
5 man or not, whether he had a reason to get up here and lie to
6 you about somebody he testified he does not know and has never
7 seen before or since he burglarized his home.

8 How do we know he committed burglary? And I'm gonna be
9 brief, y'all, because this ain't going to take long either.
10 Entering the dwelling of another; he testified it's my
11 dwelling, he's another. So, we have it. He testified he
12 entered it, so we have that. Entering the dwelling of another
13 without consent. Mr. Harrelson, did you give Lamont Seldon
14 permission to enter your home? No. Without consent. So,
15 we're almost there. Entering the dwelling of another without
16 consent.

17 And with the intent to commit a crime therein. How do we
18 know Lamont Seldon intended to commit some kind of crime when
19 he entered Mr. Harrelson's home? Well, let's look at the
20 facts. His truck ain't parked in the driveway of the home, he
21 wasn't there to visit, he wasn't there to redecorate, he was
22 hiding his presence in that home; so he parks three houses
23 down. You heard that testimony from Vili Schwenke and both of
24 the other two Harrelsons. He's hiding his presence. He
25 doesn't enter through the back door or the front door, y'all,

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CLOSING BY HELMS

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1 he tries to go through one window and can't get in, so he
2 actually goes through the window he can get in. When's the
3 last time you've entered your home through a window or anybody
4 else's for that matter? You don't, unless you're trying to
5 hide your presence. And why are you trying to hide? Because
6 you're breaking the law.

7 Then Mr. Harrelson testified when he comes in, what's he
8 see the man doing? He's got his saw and sander in his hand,
9 hundreds and hundreds of dollars' worth of tools in his hands.
10 Folks, he had finishing the woodworking job Mr. Harrelson was
11 doing; he's stealing his tools. And the only reason he didn't
12 go take -- get to take those tools is because Mr. Harrelson
13 came home. Do you think Lamont Seldon was happy to see that
14 man come to his house and confront him with a broomstick or
15 whatever it was? No, because he's trying to steal from him.
16 And then, how do we top it off? He flees out the window. He
17 doesn't say, wait, Mr. Harrelson, I'm sorry, or sir, I'm
18 sorry, I'm in the wrong house, or you know, I'm with A&B
19 Construction Company, I'm here to help you. No; he runs. Why
20 does he run? Because he's breaking the law, he's trying to
21 steal that man's stuff. He's already committed one crime when
22 he broke the window, but the crime he intended to commit
23 inside the home is larceny. Common sense tells you that and
24 that's why you're here. That's why we asked y'all to come
25 here because we need folks with common sense. That's what

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CLOSING BY STANKO

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1 you're to use whenever you're deliberating. This is common
2 sense; it's not rocket science. Ask yourself when you go back
3 there. Ask each other, did that man enter the home? They all
4 say he did. Did he do it without consent? They all say he
5 didn't have consent. Did he intend to commit a crime? Yeah,
6 he intended to steal the tools, folks.

7 This is not a complicated case, so I'm not gonna waste
8 any more of your time. I thank you for your attention today.
9 Come to a just verdict. Do what you took an oath to do.
10 Weigh the evidence and, if you determine that what you heard
11 from that witness stand, like I told you earlier is true, you
12 have to find that man guilty of burglary in the second degree.

13 THE COURT: Mr. Stanko?

14 MR. STANKO: Thank you, sir.

15 CLOSING BY STANKO:

16 MR. STANKO: You know, Mr. Helms started this off saying
17 it's -- well, just telling you that none of these people had
18 any reason to lie. I don't believe they are lying. I believe
19 they're mistaken. This is a case of mistaken identity. It
20 was not Mr. Seldon that was in that house.. You heard
21 testimony from the police officer from Conway Police
22 Department. He told you that he showed up on the scene, heard
23 the dispatch from 911, somebody was disgruntled. You heard
24 the victim say it was that guy. He went over and locked him
25 up, said that's good enough for me. I don't need to

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CLOSING BY STANKO

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1 investigate anything further, I don't need to take
2 fingerprints, I don't even need to go around the side of the
3 house to have a look at this window they claim was broken took
4 no pictures of anything that happened there. Didn't even have
5 a look at the tools that the victim claimed he had in his
6 hands. Had he done all that, had he corroborated those
7 things, maybe we're in an entirely different situation. It
8 could've been that he wasn't there; it could've been that he
9 was. But because the Conway Police Department took no
10 investigative action beyond just showing up and putting
11 handcuffs on Mr. Seldon, we simply don't know.

12 Now, you heard from Mr. Harrelson that when he confronted
13 Mr. Seldon, when he confronted the person who was inside his
14 home, he ran over and hit him with a paint roller. He said it
15 was a paint roller that he had been using. And then
16 immediately after that, Mr. Seldon dove out of the window head
17 first parallel with the ground, full on dive out of the window
18 at a height that was at least as high as this rail right here
19 perhaps even higher.

20 Now, Mr. Helms put into evidence multiple pictures.
21 Pictures that were taken as screenshots from the officer's
22 body camera immediately after that scene. Certainly well
23 before anyone would have had an opportunity to change clothes,
24 clean themselves up, anything like that. Take a look at those
25 pictures. You know what you're gonna see? You don't see any

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CLOSING BY STANKO

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1 grass stains, you don't see any dirt, you don't see any
2 bruising, and you don't see any paint or anything even close
3 to that on Mr. Seldon's person.

4 Now, you heard from the police officer that when they
5 approached him, he didn't run, he didn't try to fight, he did
6 nothing like that. Certainly not the actions of a man who
7 believes that he's about to be arrested for a felony. The
8 police officer went over, put cuffs on him, and they had a
9 civil conversation.

10 Now, just backing up a little bit. You heard from the
11 victim that he called 911 after he ran through his house, lost
12 sight of the person who he said was in his house, and when he
13 came outside he saw Mr. Seldon on the street. So, he calls
14 911 at that point. The description he gives 911 is of Mr.
15 Seldon on the street. It was only at that point that he
16 actually identified him, that he actually said it's this
17 person, corn rows, light-skinned black male. He gives that
18 description observing the person who is on the street. I
19 mean, that would certainly bias any description given because
20 he keeps eyes on the person on the street until police get
21 there.

22 And I told you before, this is not a case where I believe
23 the victim or the police officer are lying. I believe they
24 were mistaken. He gets outside and sees Mr. Seldon on the
25 street and that's the person that he identifies.

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CLOSING BY STANKO

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1 Now, you heard from the officer that the victim, at the
2 time, never mentioned anything about the tools. The first
3 time to hear about it was today. You know, and getting back
4 to the officer, as I said, he never goes in, never takes any
5 pictures, takes any fingerprints, anything very, very basic,
6 basic investigative steps that he could have done. He even
7 told you, he certainly could have. There were multiple
8 officers on scene, he could've done all that. He did nothing.

9 You know, as you heard, the statute states unlawful entry
10 to the dwelling of another with the intent to commit a crime
11 inside. Well, if you can't corroborate, if you can't back up
12 or even fully explain and prove that somebody had the intent
13 to commit a crime inside, or even that that's the person who
14 was inside, you simply cannot find that person guilty.

15 Now, here in this area, especially Myrtle Beach, why do
16 people come down here? A lot of people come here for golf.
17 So, if you're out playing golf with your buddies, you hit a
18 ball real close to the hole, what do they say? That a gimme;
19 just go ahead and pick it up, you earned it. In General
20 Sessions Court, that's not enough. Like I said before, beyond
21 a reasonable doubt. You have to be firmly convinced, there
22 has to be no hesitation in your mind that somebody is guilty
23 or else you cannot find them guilty.

24 This is extremely important to Mr. Seldon, and you simply
25 cannot do the state's job for them. They put up what they

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CHARGE TO JURY

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1 believed was enough. Now, I've known Mr. Helms for several
2 years, I have great respect for him, I just happen to believe
3 he's mistaken in this case. Mr. Seldon did not commit this
4 crime. I'm asking you to find him not guilty.

5 CHARGE TO JURY:

6 THE COURT: All right, ladies and gentlemen, it's my duty
7 and responsibility to give you the law that you will apply to
8 the facts and evidence in this case. If you came into the
9 courtroom with any preconceived ideas of what the law is, you
10 will disregard that and take the law as I now give it to you.

11 I told you at the beginning, you've got to judge the
12 credibility and believability of the witnesses that came
13 before you and testified. You can believe one witness, you
14 can believe several, you can believe a portion of what a
15 witness says, you can disregard another portion of it, you
16 could disregard it in its entirety the testimony of a
17 particular witness if you got a good sound reason for doing
18 so. You look at their opportunity for knowledge, how did they
19 come about that information that they gave you from the
20 witness stand. You can, if you wanted to, judge their
21 demeanor, how did they appear when they testified before you
22 in this particular case. You don't have any friends to
23 reward, you don't have any enemies to punish, your verdict
24 can't be the result of any kind of passion, prejudice, or
25 sympathy.

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CHARGE TO JURY

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1 Direct and circumstantial evidence are basically two
2 types of evidence that are presented in virtually every single
3 criminal case that's tried. Direct evidence, that's the
4 testimony of a person who claims to have actual knowledge,
5 what I saw, what I heard, what took place in my presence.
6 Circumstantial evidence is a chain of facts indicating the
7 existence of a fact. The state relies on circumstantial
8 evidence to the extent that it does. The circumstances have
9 to be consistent with each other and, when taken together,
10 point conclusively to the guilt of the accused beyond a
11 reasonable doubt.

12 The defendant in this case did not testify. That is not
13 a factor to be used by you in any determination in this case.
14 You may not talk about it in the jury room, you may not use it
15 mentally to make a decision in this case. Everyone has the
16 constitutional right to remain silent and that right cannot be
17 used against them in any criminal proceeding.

18 The burden of proof, as I told you, is upon the State of
19 South Carolina, remains upon the State of South Carolina at
20 all times to prove the defendant guilty beyond a reasonable
21 doubt.

22 There is the matter of identification of the defendant as
23 the person who committed the crime. Obviously, the state,
24 since it has the burden of proof, has the burden of proving
25 the identity of the defendant, that's the person who committed

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CHARGE TO JURY

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1 the crime, beyond a reasonable doubt, and you have to be
2 satisfied beyond a reasonable doubt of the accuracy of the
3 identification of the defendant before you can convict the
4 defendant of the crime charged. Obviously, identification
5 testimony, that's an expression of belief or impression by a
6 witness and you determine its accuracy by looking at the
7 opportunity that the person had to make their observation, did
8 they have an adequate time to make that determination, how
9 long or short the time was, how far or close they were to the
10 person, whether they had ever seen them, known them in any
11 way. And again, you understand, as with all issues, the state
12 has the burden of proving the identification of the defendant
13 as the person who committed the crime beyond a reasonable
14 doubt.

15 To the crime charged, I told you the defendant pled not
16 guilty. That put the burden on the State of South Carolina.
17 The defendant is presumed innocent. The defendant carries
18 that presumption of innocence with him all the way, even now,
19 carries with him unless and until you believe the state has
20 proven the defendant guilty beyond a reasonable doubt. Other
21 than that, he is presumed to be innocent of the crime for
22 which he has been charged.

23 This is not just some legal theory or just some legal
24 phrase; it's a substantial right to which this defendant,
25 which every defendant is entitled unless you, the jury, are

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CHARGE TO JURY

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1 satisfied from the evidence presented to you of the guilt of
2 the defendant beyond a reasonable doubt.

3 So, what's reasonable doubt? The kind of doubt that
4 would cause an ordinary, reasonable person to hesitate to act.
5 Proof beyond a reasonable doubt is proof that leaves you
6 firmly convinced of the defendant's guilt. Now, there are
7 very few things we can know with absolute certainty and the
8 law doesn't require the State of South Carolina to give you
9 that kind of proof. But what is required is the state must,
10 based upon your consideration of the evidence, present
11 evidence to you, and based upon your consideration of that
12 evidence, you are firmly convinced the defendant is guilty of
13 the crime charged, you must find him guilty. On the other
14 hand, based upon the evidence presented, you are not firmly
15 convinced the defendant committed the crime, you must give him
16 the benefit of the doubt and find him not guilty.

17 The defendant is charged with second degree burglary. To
18 prove second degree burglary, the state must first prove
19 beyond a reasonable doubt that the defendant entered a
20 dwelling without consent. A dwelling is any building or
21 portion of a building in which a person ordinarily sleeps. A
22 building can be a dwelling even if the residents are
23 temporarily absent from the building. In order to prove the
24 defendant entered the dwelling, the state does not have to
25 show that the defendant's entire body entered the dwelling; a

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CHARGE TO JURY

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1 small -- smallest entry is sufficient. It can be a part of a
2 body, such as a hand or a foot or even an instrument. And in
3 addition, the state does not have to prove that force was used
4 to gain entry.

5 Second, the state must prove beyond a reasonable doubt
6 that the defendant intended to commit a crime either a felony
7 or a misdemeanor at the time of the entry to be guilty of
8 burglary. Entry into a dwelling without consent alone is not
9 burglary. Intent to commit a crime formed after entry is not
10 burglary. On the other hand, if the defendant intended to
11 commit a crime at the time of entry, it is burglary even if
12 the intent was abandoned. It does not matter that the
13 intended crime was not completed..

14 How do you show intent? Intent is shown by acts and
15 conduct of the defendant and any other circumstances from
16 which you could naturally and reasonable infer intent.

17 That, ladies and gentlemen is the law, the law that you
18 need to apply to the facts and evidence you've heard. Now, I
19 have prepared for you a verdict form. Very straightforward.
20 Caption of the case, burglary second degree. On the charge of
21 burglary second degree, we, the jury, by unanimous consent,
22 find the defendant, there's two choices -- I put one before
23 the other, don't assign anything to that -- not guilty or
24 guilty. There's a place for you to sign, Mr. Foreperson,
25 after your jury has well and truly deliberated and reached

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BY THE COURT

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1 it's unanimous decision on this charge of burglary second
2 degree.

3 I said unanimous and it means exactly what you think it
4 means, 12/0, not 11/1, 10/2, any combination thereof.
5 Whatever the verdict is, whatever it is, it must be unanimous.

6 So, Mr. Foreman, you check the appropriate block, you
7 sign your name, you are telling the Court each and every
8 member of the jury agrees that that's their verdict. So, if
9 called upon after the verdict is read by the clerk's
10 representative, you are called upon to raise your right hand
11 to affirm the verdict, all members of the jury would be able
12 to do so.

13 What I'm gonna ask that you do, Mr. Foreperson, is take
14 your jury to the jury room, except madam alternate, you'll
15 stay with us. All the other members of the jury will
16 accompany the foreperson to the jury room. Now, do not, do
17 not begin your deliberations until the bailiff hands to you
18 the verdict form and those exhibits that were entered in this
19 case. When the bailiff hands those to you, you may begin your
20 deliberations.

21 Mr. Foreman, take your jury to the jury room, please.

22 (REPORTER'S NOTE: Jury exits courtroom @ 3:26 P.M.)

23 BY THE COURT:

24 THE COURT: All right. Is there any reason from the
25 state or the defense that the Court should not excuse the

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BY THE COURT

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1 alternate from her duties and responsibilities at this time?

2 MR. HELMS: No, Your Honor.

3 MR. STANKO: None, Your Honor.

4 THE COURT: All right. Ma'am, I appreciate your service
5 in this case. Your job was to step in the shoes of one of the
6 other members of the jury if they couldn't go forward if they
7 got ill or something happened. Honestly, it happens too much
8 on a regular basis. It just didn't happen in this case. I'm
9 gonna excuse you from your jury duty for the rest of the week.
10 You're done. You've earned an exemption for three years
11 coming back to Circuit Court, but you know, Magistrate, City
12 Judge, Federal Judge calls, you got to go see them; you just
13 don't have to see us for the next three years. All right?
14 Thank you for your service. I appreciate it.

15 (REPORTER'S NOTE: Alternate exits courtroom @ 3:27 P.M.)

16 THE COURT: All right. Exceptions, deletions, additions
17 to the charge from the state?

18 MR. HELMS: None, Your Honor.

19 THE COURT: From the defense?

20 MR. STANKO: None, sir.

21 THE COURT: All right. Y'all look at the exhibits and
22 make sure we've got all the exhibits, proper exhibits going to
23 the jury please, gentlemen.

24 (REPORTER'S NOTE: Counsel review and consent to exhibits to
25 be submitted to jury.)

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BY THE COURT

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1 MR. HELMS: Yes, sir.

2 THE COURT: All right. Very good. Thank you very much.
3 All right. So, if we can -- you want to hand the verdict
4 form and those exhibits to the bailiff somebody. Somebody do
5 that, hand those to the bailiff and then tell them to begin
6 their deliberations.

7 All right. We'll be at ease until the jury needs us.
8 Mr. Seldon is delivered back into the custody and control of
9 the Sheriff's Office. Thank you very much.

10 MR. STANKO: Thank you, sir.

11 (REPORTER'S NOTE: Deliberations commence at 3:28 P.M.)

12 **RECESS @ 3:28 P.M.**

13 *******OFF THE RECORD*******

14 **(On the Record - 3:57 P.M)**

15 THE COURT: All right. You may be seated. Thank you
16 very much.

17 All right. I understand the jury has reached a verdict
18 in the case versus Lamont Seldon.

19 Is the state ready to receive it?

20 MR. HELMS: We are, Your Honor.

21 THE COURT: Defense?

22 MR. STANKO: Yes, sir.

23 THE COURT: All right. Obviously, everyone understands
24 that the jury's verdict will be received with respect and
25 silence. Thank you very much.

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VERDICT OF JURY

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1 Ask the jury to come in, please.

2 (REPORTER'S NOTE: Jury enters courtroom @ 3:58 P.M.)

3 VERDICT OF JURY:

4 THE COURT: All right. Mr. Foreman, has the jury reached
5 a verdict in this matter?

6 JUROR 78: Yes, Your Honor.

7 THE COURT: All right. Could you hand the verdict form
8 to the clerk's representative please, sir?

9 You may publish the verdict.

10 CLERK: Indictment number 2016-GS-26-05131, State of
11 South Carolina, County of Horry versus Lamont Seldon. On the
12 charge of burglary second degree, we, the jury, by unanimous
13 consent, find the defendant guilty. Signed by foreperson,
14 Matthew Day, dated April 3rd, 2019.

15 Ladies and gentlemen of the jury if this is your verdict,
16 so signify by raising your right hand.

17 BY THE COURT:

18 THE COURT: All jurors having affirmed their verdict by
19 the raising of their right hand.

20 Does the state wish the jury polled?

21 MR. HELMS: No.

22 THE COURT: Does the defense wish the jury polled?

23 MR. STANKO: No, Your Honor.

24 THE COURT: Thank you very much.

25 As to the jury itself, is there any reason the Court

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MOTIONS

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1 should not excuse the jury from the state?

2 MR. HELMS: Absolutely not.

3 THE COURT: From the defense?

4 MR. STANKO: None, sir.

5 THE COURT: Mr. Foreman, ladies and gentlemen of the
6 jury, I want to thank you for your service in this case. You
7 did exactly what the Court asked you to do, that is to listen
8 to the facts and evidence, follow the law, and then reach a
9 unanimous verdict. You have done so and I appreciate your
10 service. I am excusing you for the balance of the week for
11 your jury service this particular week. You've earned an
12 exemption from coming back to Circuit Court for three years.
13 Obviously, City Judge, County Judge, Federal Judge calls you,
14 you got to go see them, you just don't have to come see us for
15 the next three years.

16 With that, you are now excused. Thank you very much.

17 (REPORTER'S NOTE: Jury exits courtroom @4:00 P.M.)

18 THE COURT: Motions by the defense?

19 MOTIONS:

20 MR. STANKO: Your Honor, the defense would move for a new
21 trial based upon a verdict going against the weight of the
22 evidence.

23 THE COURT: All right, sir. Very good.

24 All right. In this particular matter, regarding a motion
25 for the new trial, the ruling I previously made said that

State v. Lamont Seldon - 2016-GS-26-05131
SENTENCING

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1 there was sufficient evidence to submit the case to the jury
2 for their determination. I believe and reaffirm that there
3 was competent evidence presented in this case. It was the
4 jury's job to judge credibility and believability. They've
5 done so and I would respectfully decline to grant your motion
6 for a new trial.

7 Any other motions?

8 MR. STANKO: No, Your Honor.

9 THE COURT: All right. Very good.

10 SENTENCING:

11 THE COURT: The state ready to proceed with sentencing?

12 MR. HELMS: We are, Your Honor.

13 THE COURT: All right. Do you have the verdict form, I
14 mean the sentencing form?

15 All right, Solicitor, I'll be glad to hear from you, sir?

16 MR. HELMS: Yes, sir, Your Honor. First and foremost,
17 housekeeping, the only thing I didn't check on there was
18 serious or most serious, I'm forgot which one.

19 THE COURT: Non-violent would be -- burglary second
20 degree is neither.

21 MR. HELMS: Okay. Okay.

22 THE COURT: Regarding non-violent. Violent would be
23 different, but non-violent is neither. Very good.

24 MR. HELMS: Your Honor, the only thing I'd like to put on
25 the record is Mr. Seldon's criminal record, this is not his

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SENTENCING

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1 first foray into burglary. He's got two convictions for that,
2 but that was back in the 80's. More recently, he's got
3 assault and battery first degree, 2003; an ABHAN in 2012; and
4 he's been rearrested multiple times for magistrate level
5 offenses since he bonded out on these charges. Furthermore,
6 he's got a number of pending charges with our office. We
7 elected to try this one first. I'm not sure exactly how we're
8 gonna proceed on those remaining charges after today. Frankly
9 just depending on how this develops. I don't think the
10 victims wish to say anything to the Court and that's the
11 state's presentation.

12 THE COURT: All right. Very good.

13 Mr. Stanko?

14 MR. STANKO: Thank you, Your Honor. Mr. Seldon is 58
15 years old. He does have -- he does have four children who are
16 all grown. Your Honor, he is on -- he's not working because
17 he is on disability. He's a high school graduate, who did
18 serve four years honorably in the United States Army.

19 Your Honor, the main reason why -- why a plea offer
20 wasn't entertained in this or other cases was because, as you
21 heard from the juror that did wind up getting excused, he has
22 some fairly significant health problems in his life. He has a
23 pacemaker right now. He tells me he's down to about nine
24 percent of his cardiac muscle being actually functioning.
25 Your Honor, I know at the end of a trial it is typically not

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SENTENCING

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1 the Court's position to allow for something like probation,
2 but I'm asking Your Honor to consider that based upon the fact
3 that he simply would not be able to get the medical care that
4 he would need if he is sent to Department of Corrections.
5 Your Honor, I would certainly understand if a sizeable
6 sentence was hung over his head, but I'm asking Your Honor, to
7 consider allowing him to go into probation so that he may
8 remain with his family for whatever time he does have left,
9 sir.

10 THE COURT: Thank you very much.

11 MR. STANKO: Thank you, sir.

12 THE COURT: All right. 2016-GS-26-5131 State of South
13 Carolina, County of Horry versus Lamont Seldon. Regarding
14 this particular matter, burglary second degree, non-violent,
15 several things. Taking into consideration the defendant's
16 prior record, some of it in the distant past, obviously some
17 of it more recent and more serious. It was somewhat unusual
18 that a potential member of the jury happened to be a nurse
19 with the hospital and stated she could not be a member of the
20 jury because she was involved in his care regarding his
21 pacemaker. So, there is -- obviously that is the case and Mr.
22 Seldon, I think from all appearances, is not the same man that
23 he was when this occurred on August 29th of 2016. All that
24 being said, though, I do not find him to be a good candidate
25 for probation. I do not find that he should receive a

State v. Lamont Seldon - 2016-GS-26-05131
SENTENCING

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1 probationary sentence. What I am gonna do in this case is the
2 defendant is committed to the State Department of Corrections
3 for a determinate term of 10 years provided upon the service
4 of five years, the balance is suspended.

5 Thank you very much.

6 MR. STANKO: Thank you, Your Honor.

7 MR. SELDON: Your Honor, may I address the Court?

8 (REPORTER'S NOTE: Defendant confers with counsel.)

9 THE COURT: All right. We'll be at ease until the jury
10 returns a verdict in the State versus Kimberly Ruth.

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

12 THE COURT: Thank you very much.

13 ADJOURNED - 4:06 P.M.

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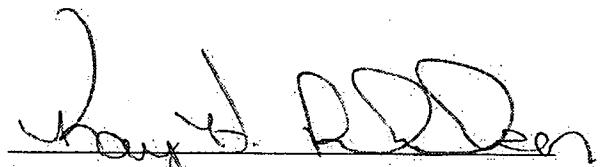
State v. Lamont Seldon - 2016-GS-26-05131
CERTIFICATE OF COURT REPORTER

91

C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina v. Lamont Seldon, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on April 3, 2019.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

A handwritten signature in black ink, appearing to read "Kay H. Richardson", is written over a horizontal line.

Kay H. Richardson

Official Court Reporter

June 20, 2019.

WITNESSES

Dale Long Conway Police Department

Dale Long

ARREST WARRANT NUMBER

2016A2620400763
CDR: 0080 16-11-0312
DOA: 8/30/2016

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

NOV 17 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-26- **05131**

The State of South Carolina

County of Horry

Christopher D. Helms
16H04675

COURT OF GENERAL SESSIONS

November, 2016 TERM

THE STATE

vs.

Lamont Seldon
B/ M
[REDACTED] Rd
Conway, SC 29527-5020
DOB: [REDACTED]
SSN: [REDACTED]

ATTORNEY: *James Stanko*

Indictment for

**BURGLARY
SECOND DEGREE**

CRIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2016 NOV 23 AM 8:24

MELOAN HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

RENEE S. LAVIS
 CLERK OF COURT
 HORRY COUNTY, SC

CERTIFIED COPY

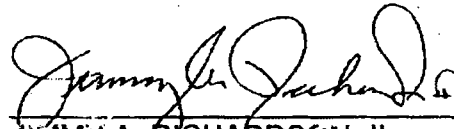
At a Court of General Sessions, convened on November 17, 2016, the Grand Jurors of Horry County present upon their oath:

BURGLARY, SECOND DEGREE
NON-VIOLENT

CDR: 0080 16-11-0312

That Lamont Seldon did in Horry County on or about August 29, 2016, enter without consent and with the intent to commit a crime therein, the dwelling of Richard Harrelson, located at [REDACTED] Street Conway, in violation of Section 16-11-0312, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

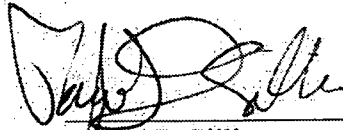


JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

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,



Taylor D Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of January, 2020.

RECEIVED

MAY 27 2020

SC Court of Appeals

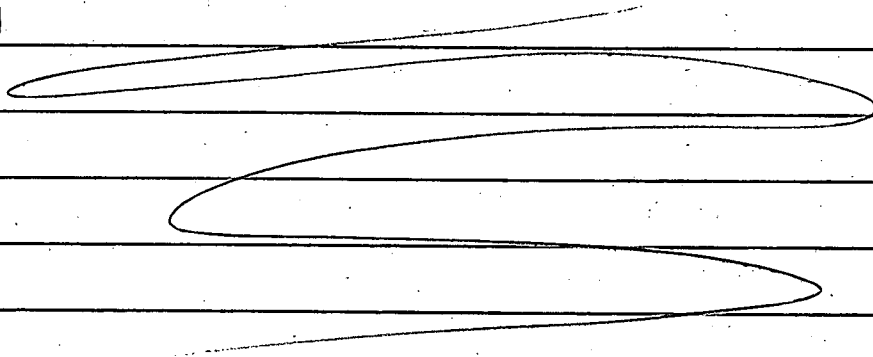
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MAY 22 2020

S.C. SUPREME COURT

Poetry

presentation



I even have one for the corona virus called;
"Concerns Calling"

Once I do get home I would like the opportunity to still do the personalized backgrounds for each and every one of these poems that I have created for you and angie like I have done with these other ones I have already done, if you or Angie haven't already done so. I really want your honest opinion on all of the work I've done. Henry said I am one of the greatest poets of this time. I don't take the credit, I just give God the glory.

"A LOVE FOR A FATHER"

*Father, you are to me a great inspiration,
and I say this to you without hesitation.*

*It is you who is the family's backbone,
And without your support we'd be all
alone.*

*Your struggling has made things right for us,
but saying that we love you is just not enough.*

*You lay down strong values for your child to
learn,
but when trouble is near you show great
concern.*

*A child might sometimes be wrong in its
ways,
but you will come to its rescue without a
delay.*

*You are my father and my best friend too,
and I am truly thankful for all that you do.*

*Just being who you are means a lot to me,
and I will follow your footsteps, for this you
will see.*

*This festive occasion is picked just for you,
so I hope you enjoy it with all that you do.*

"HAPPY FATHER'S DAY"

"My Great Dad"

From birth until now you've shown me a thing or two, so to want to follow your footsteps should be no surprise to you.

Aspiring for that special prize which is to make you proud of me,
with hopes and wishes for dreams to come true that this will one day be.

Tough love was sometimes a part of your operation, which made me give you my complete cooperation.

Heavenly father, thank you for this one great man who I can call my dad,
please keep him safe with guarded hands for this will make me glad.

Encouragement from you is a thing that keeps me strong,
especially during those awful times when I did something wrong.

Remembering you always in a very special way, which brings me to this greeting of

"HAPPY FATHER'S DAY"

Written by:
Lamont H. Seldon

"A Praise for Mothers"

Mom's are really the backbone
of every household, but this is the part
of the story that is always left untold.
Oftentimes they aren't even recognized
for all the things they do,
but when a problem comes about
they are the first ones we go running to.
Trying to understand us with their
warm and loving embraces,
while wiping our tears from our
sad and weary faces.
Her love is never hidden and is
abundantly so clear,
yet we still question why she
is always so near.
Everyday she deserves honor, respect,
and thanksgiving,
so give her these things now
while she is still living.
Remember that without a mother there
would never be a you,
so treat her with real kindness so
God can bless you too...

Written by:

Lamont H. Seldon

"A MOTHER'S LOVE"

**MOM, FROM BIRTH UNTIL NOW YOU'VE TAUGHT
ME A THING OR TWO,
AND THIS IS WHY I APPRECIATE ALL THE THINGS
THAT YOU DO.
UNDERSTAND THAT I NEVER MEANT TO CAUSE
YOU ANY PAIN,
SO I WANT WHAT WE HAVE TO ALWAYS REMAIN.
REALIZING NOW HOW IMPORTANT YOU ARE
TO ME,
MAKES THINGS MORE CLEARER FOR ME TO SEE.
I LOVE YOU FOR BEING THAT ONE SPECIAL
MOM,
BECAUSE AFTER THE STORMS YOU WERE
ALWAYS MY CALM.
EVERYDAY I SAY A PRAYER ESPECIALLY FOR
YOU, WHILE THANKING GOD ALSO FOR HIS
BLESSINGS TOO.
LOVE FROM YOU HAS BEEN LIKE NO OTHER,
BUT I GUESS THIS IS WHY I CALL YOU MY
MOTHER ...**

Written by:

Lamont H. Saldon

"Concerns Calling"

Sure you don't know the difference between me and a
whole in the wall,
But I only want to wish you well and that's why I am
making this call.

Fate makes some very strange turns and you know this
to be true,
But what has happened to you I'm not ashamed to say
I've shedded a tear or two.

It could have been far worse but don't you know that
you are God's child.
Maybe He just wanted you to think about Him for
awhile.

Wishing you a speedy recover with all my might and
heart,
So don't you forget your dreams in life because they are
never shattered apart.

Now there's no need to worry and there is sure no need
to fear,
Because God is really in your life and I guess you know
He's near...

Written by:
Lamont H. Seldon

"We Can Still Achieve"

Don't ever give up on your goals or your dreams because they still can be achieved.

Our accomplishments in life comes without failure because to succeed you first must believe.

No need to worry about the if I would've, could've, should've things of the past because they are gone and we can't turn back the hands of time.

All of the things that we can't never change are the things that we will leave behind.

Life's greatest achievement is to have the ability to be able to overcome.

Determination with dedication is the only way that you will ever get anything done...

Written by:
Lamont H. Seldon

"My Angel - Delight"

Angels don't fly away;
Once you give them a reason
to stay.

No rubies, diamonds, pearls, or,
gold have as much value as my
love for you,

but rest assure my beautiful
because there's a standing
novation for ~~ther~~ things that
you do.

God has given me an angel to
love forever,

while my love just grows
stronger each day we're together.

Each time I gaze into your
eyes I see magic that's only
meant for me,

which has made me the best
man who ^{can} ever be.

Lord, thank you dearly for an
outstanding wife,
who I shall cherish and love
for the rest of my life.

An angel that has been a
delight so far,
so I thank you again for my
shinning star...

Written by:
Lamont H. Seldon

"My Gavel With Love"

Days and nights continue their cycle with every minute of every hour,
and it becomes evident that our love grows stronger but only because of a higher power.

Our Heaven Father has provided us with good health, adorable children, and fortune so that we can enjoy a life of pleasure,

But He done this for us because our love is so true and our faithfulness has proven beyond all measure.

Nothing else in this world can't even come close to the insurmountable love that we share,
and if you do your research on historical's love mates you will find that none can compare.

Amorie is what you have always been to me and still being my beautiful Queen,
and I thank you so much with all of my heart for fulfilling all of my dreams.

Loving you has been my favorite joy throughout my entire life,
and I am so glad that you have been chosen to be my precious wife.

During the course of my life you have become the greatest part,
and with all the love that you have given me it shall remain deep within my heart...

Written by:
Lamont H. Seldon

"Uphold The Scales Of Justice"

Balancing the scales of justice means that the truth of all laws will be spoken, and that nothing shall intercede with this or allow these laws to be broken.

Every tongue must speak the whole truth toward each other, regardless of how they may feel about one another.

Affirmative action must be a requirement if either the prosecution or the defense is in violation, because all mankind shall be protected without any means of discriminatory degradation.

The higher justices will stand together because they were sworn in under oath for the dignity and laws of legislation, but with respect to our forefather's declaration of the emancipation proclamation.

Therefore, they must uphold the laws of this entire nation, with "IN GOD WE TRUST" solutions for every given situation.

You wonder why they are called the Supreme Justice's; it's because they are under God's laws too which is supreme to all with justification but in the manner with their opinions being justified subjectively. So when any litigation comes before them they can not be bias, prejudice, or judgemental and shall never render any judgement objectively.

Written by:
Lamont H. Seldon

"My Love & Joy With You"

Because of you my life has changed but in a way of
of great perfection,
but it was simply because of the love you gave that
kept me in the right direction.

Each decision that I had to make to become who I wanted
to be you partook of them and then you lead the way,
which really made things much easier for me including
when we went to pray.

Accepting me to be your life long mate gave me a
greater strength which made me the man I became,
but without your love and continuing support my life
just wouldn't be the same.

Together we have experienced this incredible journey of
love without any fear of ever being apart,
because the Lord above has kept us in sync so that
we could follow the love in our hearts.

This threshold of love we will continue to build but
only with our Father above, because without including Him in we would never have
known the true power of our love.

You are a cherished gift that has been sent to me and
now my life is complete,
so I extend to you my love and gratitude because
to me your love is unique.

Written by:

Lamont H. Seldon

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

REQUEST TO STAFF MEMBER

TO: NAME:	TITLE:	DATE:
INMATE'S NAME:		SCDC #:
INSTITUTION:		LIVING QUARTERS:
DISPOSITION BY STAFF MEMBER:		
DATE:	SIGNATURE:	

Our Daily Prayer Within

Daily blessing that we receive should be shared with one another,
because one of God's greatest commandments is that we show love toward each other.

Our Father in Heaven, we give praises to your name,
and we seek you first so that victory is ours to claim.

No other god shall we put before you or speak against your authority,

nor shall we ever attempt to re-write your commandments with written words of forgery.

A life with you is where we wish and hope to one day be.

especially since you have prepared for us such a beautiful place to see.

Let Amen and Hallelujah together be praises toward you instead of only just one,

because you are worthy of both and even more for the work that you have done.

Doing the work of your will be done is what we must continue to do,
so we thank you Lord, Oh Heavenly Father, for keeping us close to you...

Written by:
Lamont H. Seldon

"Soulmate's Laws In Loveland"

According to the laws of Loveland true soulmate's you will become or try to be, and upon your arrival a certificate of love shall be presented but definitely not for free.

Not a penny, nickel, dime or, dollar is never a contingency but a payment is somehow required which is something that must be done, while the only condition of payment that will be due is just two hearts that's beating as one.

Grants for admission will be issued to those who have not yet reached the level of true soulmateness, but your final debt will be paid in full once two hearts become closer with a degree of full greatness.

Electrifying results will be effectively felt once true soulmate's souls have become one together while falling into love's submission, then you will have reached a higher greatness of love than you have ever felt before without anyone else's consent or permission.

Laws of affection will now provide the greatest love of perfection with no reason for any correction, because both souls will be entwined together becoming both of each other's possession.

After the completion of these laws in Loveland you shall remain there forever but only in total bliss, because there is no other place of soulmate's greatness that can compare to a place like this...

Written by:
Lamont H. Seldon

Leaps & Bounds



BACKJUMP
 BALOTADE
 BOUNCE
 BOUND
 BREAK
 CAPER
 CLEAR
 CURVET
 DANCE
 DART

DIVE
 EXULT
 FALL
 FLY
 GIVE
 HOP
 HURDLE
 JUMP
 LAUNCH
 LEAPFROG

LOPE
 LUNGE
 OVER
 POUNCE
 PRIME
 RAMP
 RISE
 SALTARY
 SALTATE
 SCOPE

SKIP
 SKIT
 SPANG
 SPRING
 STEND
 STOT
 SUBSAULT
 VAULT
 WALLOP
 WIND

"God's Help is Here"

**MY LIFE HAS HAD SOME TROUBLED TIMES BUT
GOD HAS BROUGHT ME THROUGH,
AND ONCE YOU GIVE YOUR LIFE TO HIM HE'LL
DO THE SAME FOR YOU.**

**ANOTHER DAY WITHOUT HIS HELP CAN SURELY
BRING YOU GRIEF,
BUT WHEN YOU START TO GIVE HIM PRAISE IS
WHEN YOU'LL FIND RELIEF.**

**REGARDING ANY CIRCUMSTANCE THE LORD IS
ALWAYS NEAR,**

**AND IF YOU KNEEL AND PRAY TO HIM HIS
ANSWERS WILL BE CLEAR.**

**GOD CAN OPEN DOORS FOR YOU AS LONG AS
YOU BELIEVE,**

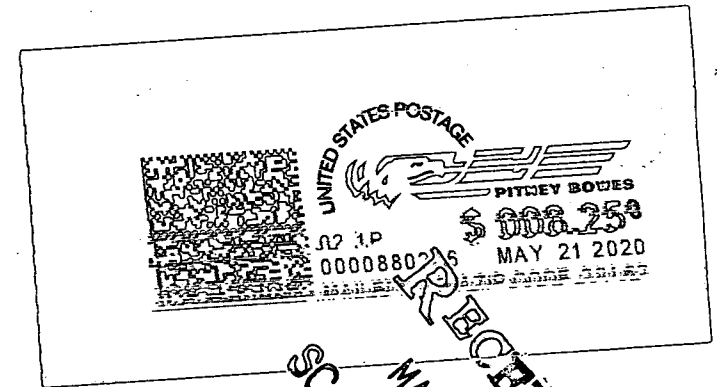
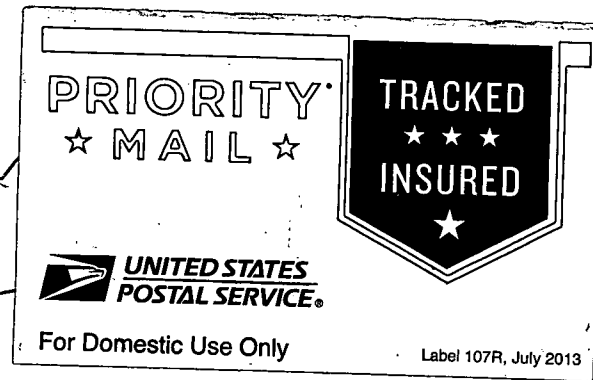
**BUT KEEP IN MIND THAT LOVE FROM HIM IS
WHAT WE WILL RECEIVE.**

**OUR FAITH IN GOD IS WHAT WE NEED TO KEEP
THIS HOPE ALIVE,**

**AND LEARNING HOW TO TRUST IN HIM IS HOW
YOU WILL SURVIVE ...**

Written by:
Lamont H. Seldon

amount Seldon #379729 TB-179
TURBEVILLE C.I.
MAIL ROOM
1578 CLARENCE COKER HWY.
TURBEVILLE, SC 29162



Justice Donald W. Beatty
Supreme Court Bldg.
1231 Gervais street
Columbia, S.C. 29201

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MAY 22 2020

S.C. SUPREME COURT

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MAY 21 2020

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TURBEVILLE C.I.

