

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra L. Jefferson, Circuit Court Judge

Case No. 09-GS-10-6730
Case Tracking Number: 2012208426

State of South Carolina, ... Respondent,

v.

Jerome Campbell
a/k/a Jerome Coaxum, ... Appellant,

RECORD ON APPEAL

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SC Court of Appeals

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JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

v.

STATE'S MOTION TO EXCLUDE JURORS

JEROME CAMPBELL,
aka
Jerome Conzum Defendant.

¹ This person is clearly a juror, the State is unsure of her name and number.

family enter the Snack Bar. One family member, identified as defendant's sister, engages Jurors numbers 63 and 70 in conversation and goes as far as giving Juror number 70 a hug. Later, another of the defendant's family appears to have given the jurors a short greeting.

4. The actions captured by the Snack Bar video belie the answers given by these jurors to the Court's clear questions regarding potential improper contact during the lunch break. More troubling than the contact is the jurors' lack of candor towards the court. The jurors' mendacity undermines any faith that these jurors can fulfill their oath fairly.

5. Had the State known of any familiarity, however slight, between these jurors and a member of the defendant's family, the State would have exercised its peremptory challenges on these jurors

WHEREFORE, the State moves that, after due proceedings had, that Jurors numbers 63 and 70 be excluded and release from jury service in this trial and that the alternates be placed in their stead.

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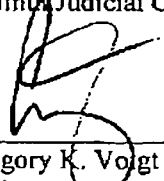
JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

Respectfully submitted,

Scarlett A. Wilson
Solicitor, Ninth Judicial Circuit

By: _____


Gregory K. Voigt
Assistant Solicitor

1 THE COURT: Okay.

2 MR. VOIGT: Thank you, Your Honor, and one of those
3 indictments is A/K/A Coaxum. I think I'm going to refer to
4 him consistently as Mr. Campbell. He has previously gone by
5 Coaxum.

6 THE COURT: Jerome Renaldo Coaxum. I don't think I to
7 need to say that.

8 MR. VOIGT: No. I just wanted to let you know I'm going
9 refer to him ---

10 THE COURT: But he goes by Jerome Renaldo Campbell for
11 our purposes?

12 MR. VOIGT: Yes, Your Honor, Jerome Renaldo Campbell.
13 (Whereupon, the bench conference ends and there is a
14 brief pause in the proceedings while the jury panel
15 enters the courtroom and counsel returned to their
16 tables.)

17 THE COURT: Could counsel approach for me, please?
18 (Whereupon, a bench conference is held off the record in
19 the presence of the jury panel, but out of the hearing of
20 the jury panel.)

21 THE COURT: Ladies and gentlemen, we are going to select
22 a jury for the case of the State of South Carolina versus
23 Jerome Renaldo Campbell. Before we begin that process --
24 Well, as part of that process we're going to go through
25 something that is called voir dire, which is simply a legal

1 term meaning that I am going to ask you some questions so that
2 the attorneys can more effectively exercise their preemptory
3 challenges in jury selection. If a question applies to you,
4 please stand and in a loud and clear voice give us your name
5 and your juror number and an answer to the question if
6 applicable and remain standing until the Court has completed
7 questioning you.

8 And we are going to select a jury for the following
9 indictments. 2009-GS-10-6730, which is an indictment for
10 assault with intent to kill and that indictment alleges as
11 follows: That in Charleston County, South Carolina, on or
12 about January 19th, [sic.] 2009, the defendant, Jerome Renaldo
13 Campbell, with malice aforethought accompanied by a present
14 ability to complete the act did attempt to commit an unlawful
15 act of violent injury to Frank Haigler, to wit: the defendant
16 did shoot at the victim several times alleging a violation of
17 the common law of South Carolina.

18 And indictment 2009-GS-10-6731, an indictment for murder
19 and that indictment alleges that in Charleston County on or
20 about January 9th, 2009, with malice aforethought Jerome
21 Renaldo Campbell did kill and murder Michael German by means
22 of shooting the victim and that Michael German did die in
23 Charleston County as a proximate result thereof on January 9th,
24 2009, alleging a violation of Code Section 16-3-10 of the
25 South Carolina Code of Laws as amended.

1 And indictment 2009-GS-10-6732, an indictment for assault
2 with intent to kill and that indictment alleges that in
3 Charleston County, South Carolina, on or about January 9th,
4 2009, the defendant, Jerome Renaldo Campbell, with malice
5 aforethought accompanied by a present ability to complete the
6 act did attempt to commit an unlawful act of violent injury to
7 Anthony German, to wit: the defendant did shoot at the victim
8 alleging a violation of the common law of South Carolina.

9 And indictment 2009-GS-10-6733, an indictment for assault
10 with intent to kill and that indictment alleges that in
11 Charleston County, South Carolina, on or about January 9th,
12 2009, the defendant, Jerome Renaldo Campbell, with malice
13 aforethought accompanied by a present ability to complete the
14 act did -- did attempt to commit an unlawful act of violent
15 injury to Michael Allen, to wit: the defendant did shoot at
16 the victim alleging a violation of the common law of South
17 Carolina and alleging all of these actions to be against the
18 peace and dignity of this state.

19 Before we begin the process of voir dire, I'm going to
20 ask counsel for the State to introduce himself, anyone who
21 will be assisting him in the trial of this case and also the
22 names of the members of his office -- of the lawyers in his
23 office and I'm going to ask counsel for the defense to provide
24 us with the same information and also have his client stand
25 and face the panel. You may proceed.

1 MR. VOIGT: Thank you very much, Your Honor.

2 THE COURT: You're welcome.

3 MR. VOIGT: My name is Greg Voigt. I'm the Assistant
4 Solicitor here in Charleston County. Assisting me today will
5 be Elizabeth Riddle. You may also see Joanne Gould, who is a
6 paralegal in our office. In and out of the courtroom you may
7 see my investigator, Ryan Kelly.

8 Some of the attorneys in our office include: the
9 Solicitor, Scarlett Wilson; the chief deputy, Bruce DuRant;
10 Spencer Compton; Stephanie Linder; Rutledge DuRant; Michael
11 Nelson; Culver Kidd; Chad Simpson; Amy Harrell; Julie
12 Cardillo; Jennifer Shealy; Shannon Elliott; Natasha Chisholm;
13 Timmy Finch; Marian Askins; Meg Haley; Jim Stack; Lindsey
14 McClain; Tyler Whitaker; Adam Young; Jessica Baldwin; Jennifer
15 McCoy; Debbie Herring-Lash; Elizabeth Gordon; Burns Wetmore;
16 and Jennifer Kinzeler. I think I got them all.

17 THE COURT: Mr. Harris?

18 MR. HARRIS: I am Stephen Harris and I'm with the law
19 firm Harris & Huge consisting of myself and my partner, Ted
20 Huge. Jason Mikell will be as co-counsel on this case. He'll
21 introduce himself in a moment and Jerome Campbell is my
22 client. Other people that would be working on this case would
23 be Avery Kepple (sp.), Jessie Cabot (sp.) and Crystal
24 Robinson.

25 MR. MIKELL: My name is Jason Mikell. I'm a solo

1 practitioner from Mount Pleasant, South Carolina. My
2 paralegal is named Sonya Blessing (sp.).

3 THE COURT: Thank you. Again, ladies and gentlemen, if a
4 question applies to you, please stand and in a loud and clear
5 voice tell us your name, your juror number, and an answer to
6 the question if applicable and remain standing until the Court
7 has completed questioning you.

8 Is there any member of the panel related by blood or
9 marriage to Jerome Renaldo Campbell, Michael Allen, Anthony
10 German, Frank Haigler, or anyone who is related to or a member
11 of -- or have any connection with Michael German? If so,
12 please stand at this time?

13 (Whereupon, no one stands.)

14 THE COURT: Does any member of the panel have a close --
15 close personal or social relationship with Jerome Renaldo
16 Campbell, Michael Allen, Anthony German, Frank Haigler or
17 anyone who is related to Michael German? If so, please stand
18 at this time.

19 (Whereupon, no one stands.)

20 THE COURT: The following are a list of potential
21 witnesses in this case. I would ask that you listen very
22 carefully. Jerome Renaldo Campbell, Charise Coaxum,
23 Christopher Robinson, Aaron Burnham, Sandra Campbell, Jordan
24 Richardson, John Tisdale, Mary Phillips, Anita Moore, Mike
25 Sherman, Richard Wiersman -- Wiersma, W-I-E-R-S-M-A, Richard

1 Burckhardt, Sergeant Scott Ray, Rene Charles, all of the
2 Charleston Police Department, Ryan Kelly, Anthony German,
3 Michael Allen, Timothy McCarthy, James Tawney, Frank Haigler,
4 Kenneth Whitler, John Roberts, all of the South Carolina Law
5 Enforcement Division, Erin Presnell, Medical University of
6 South Carolina, Joshua Briar-Ridgeway, and Joy Glover.

7 Is there any member of the panel related by blood or
8 marriage to any of the people that I have just listed or does
9 anyone have a close personal or social relationship with any
10 of these individuals? If so, please stand at this time.

11 (Whereupon, no one stands.)

12 THE COURT: Has any member of the panel ever been
13 represented by any of the attorneys involved in this case or
14 anyone with whom they practice law? If so, please stand at
15 this time.

16 (Whereupon, no one stands.)

17 THE COURT: Is there any member of the panel related by
18 blood or marriage to or have a close personal or social
19 relationship with any of the attorneys involved in this case
20 or anyone with whom they practice law? If so, please stand at
21 this time.

22 (Whereupon, no one stands.)

23 THE COURT: Is there any member of the panel related by
24 blood or marriage to or have a close personal or social
25 relationship with anyone who is employed in the Solicitor's

1 Office or anyone who is employed in the offices of Mr. Harris
2 or Mr. Mikell? If so, please stand at this time.
3 (Whereupon, one panel member stands.)
4 THE COURT: Yes, sir. Tell me your name and your juror
5 number.
6 JUROR RICHARDSON: Joseph Richardson, 215.
7 THE COURT: And who are you related to, sir?
8 JUROR RICHARDSON: Tasha Lafayette.
9 THE COURT: And where is she employed?
10 JUROR RICHARDSON: The Solicitor's Office.
11 THE COURT: And in what capacity? Do you know?
12 JUROR RICHARDSON: I do not.
13 THE COURT: Okay. Sir, as a result of this experience,
14 do you feel that you can remain fair and impartial and render
15 a fair and impartial decision in this case based solely on the
16 evidence as it will be presented and on the law as the Court
17 will instruct?
18 JUROR RICHARDSON: I do not.
19 THE COURT: Okay. Sir, you will be excused from the
20 trial of this case only. You may take your seat.
21 Has any member of the panel formed or expressed an
22 opinion about any issue or matter involved in this case? If
23 so, please stand at this time.
24 (Whereupon, no one stands.)
25 THE COURT: Is there any member of the panel aware of any

1 bias or prejudice toward either the State or the defense in
2 this case? If so, please stand at this time.

3 (Whereupon, no one stands.)

4 THE COURT: Is there any member of the panel who was a
5 member of the grand jury which issued the indictments in this
6 case? If so, please stand at this time.

7 (Whereupon, no one stands.)

8 THE COURT: Is there any member of the panel who is a
9 member of or contributor to any group which has as its primary
10 concern the promotion of law enforcement or victim's rights?
11 These groups would include but are not limited to Mothers
12 Against Drunk Driving, Students Against Drunk Driving,
13 Citizens Against Violent Crime, People Against Rape, Citizens
14 Advocating a Return to Decency in Ethics, Parents in Power to
15 Save Teens, or any other type community watch organization or
16 the Fully Informed Juror Organization. If so, please stand at
17 this time.

18 (Whereupon, no one stands.)

19 THE COURT: Is there any member of the panel who has a
20 family member who is employed with -- in any capacity with law
21 enforcement? If so, please stand at this time.

22 (Whereupon, several panel members stand.)

23 THE COURT: Yes, sir? Tell me your name and your juror
24 number.

25 JUROR JORDAN: Silvester Jordan, 122.

1 THE COURT: And which family member is it?

2 JUROR JORDAN: I have two cousins working for Charleston

3 City Police Department.

4 THE COURT: If you would, remain standing. Yes, ma'am?

5 JUROR PATTERSON: I have a cousin. I'm Juror 188. She's

6 a lawyer. Tiffany Spain (sp.) and she's a judge.

7 THE COURT: Okay, what is your name, ma'am?

8 JUROR PATTERSON: Roberta Patterson.

9 THE COURT: Okay and behind you, yes, ma'am?

10 JUROR GIVENS: I have a first cousin that's a state

11 trooper in North Charleston Police Department. Her name is

12 Charlene Gadsden.

13 THE COURT: And your name, ma'am?

14 JUROR GIVENS: Robin Givens.

15 THE COURT: And your juror number?

16 JUROR GIVENS: 70.

17 THE COURT: And yes, ma'am?

18 JUROR GADSDEN: My name is Erica Gadsden and I have a

19 cousin in the police department, Charleston Police Department,

20 Charleston police.

21 THE COURT: Charleston Police Department?

22 JUROR GADSDEN: Uh-huh.

23 THE COURT: And your name and your juror number?

24 JUROR GADSDEN: 63, Erica.

25 THE COURT: Erica?

1 JUROR GADSDEN: Gadsden.

2 THE COURT: Okay, thank you. Yes, sir?

3 JUROR SULLIVAN: I have a brother who in the Secret
4 Service.

5 THE COURT: And your name and juror number?

6 JUROR SULLIVAN: Matt Sullivan, number 259.

7 THE COURT: And I need everyone to remain standing who --
8 Thank you. As a result -- Yes, sir?

9 JUROR PORTER: Paul Porter, 205. I got a niece and
10 nephew working Charleston Police.

11 THE COURT: City or county?

12 JUROR PORTER: City.

13 THE COURT: As a result of these experiences, do you all
14 feel that you can remain fair and impartial and render a fair
15 and impartial decision in this case based solely on the
16 evidence as it will be presented and on the law as the Court
17 will instruct? If your answer is yes, please take your seat.

18 (Whereupon, all those standing are seated and then one
19 person stands again.)

20 THE COURT: Let the record reflect -- If you're -- Are
21 you standing up because you're telling me you can't be
22 impartial or did you -- Are you ---

23 JUROR: I could.

24 THE COURT: Okay. Let me repeat. Let me say if you
25 could be fair and impartial, you can take your seat. If you

1 do not feel you can be fair and impartial, you would remain
2 standing.

3 (Whereupon, the juror is seated.)

4 THE COURT: Let the record reflect that all indicated
5 they could be fair and impartial. Is there any member of the
6 panel who has any religious, philosophical or moral beliefs
7 that would prevent them from sitting in judgment of a fellow
8 human being? If so, please stand at this time.

9 (Whereupon, no one stands.)

10 THE COURT: Is there any member of the panel who has ever
11 had what they would characterize as an unpleasant experience
12 with law enforcement that would affect your ability to be fair
13 and impartial? If so, please stand at this time.

14 (Whereupon, no one stands.)

15 THE COURT: Does any member of the panel know of any
16 reason whatsoever why he or she should not serve as a juror in
17 this case with particular emphasis being placed on your
18 ability to be fair and impartial to both the State and the
19 defense? If so, please stand at this time.

20 (Whereupon, no one stands.)

21 THE COURT: Are there any additional questions from the
22 State?

23 MR. VOIGT: None from the State, Your Honor.

24 THE COURT: From the defense?

25 MR. HARRIS: None, Your Honor.

1 THE COURT: Strikes will be ten and five. Who is going
2 to demonstrate for me? Mr. Robinson or Mr. Major? Ladies and
3 gentlemen, if your name is called, please come forward as Mr.
4 Major is doing and stand where he is standing, turn back
5 facing your -- your fellow panel members until either we seat
6 or excuse you as a juror. If you would, give the clerk your
7 undivided attention. Give us a few moments.

8 (Whereupon, there is a brief pause in the proceedings
9 while the jury list is generated, printed and
10 distributed.)

11 THE CLERK: Juror number 82, Kelly Grobmeyer, juror
12 number 82.

13 (Whereupon, a white female comes forward.)

14 THE CLERK: What say you for the State?

15 MR. VOIGT: The State would thank but excuse this juror.

16 THE CLERK: Ms. Grobmeyer, please have a seat back in the
17 audience. You've been excused from the trial of this case.
18 Juror number 42, Keith Culbreath, 42.

19 (Whereupon, a white male comes forward.)

20 THE CLERK: What say you for the State?

21 MR. VOIGT: Please present this juror.

22 THE CLERK: What say you for the defendant?

23 MR. HARRIS: Beg the Court's indulgence, Your Honor.

24 THE COURT: Mm-hmm.

25 MR. HARRIS: Please seat the juror.

1 THE CLERK: Mr. Culbreath, please have a seat in the jury
2 box. You've been selected as a juror in this case. Juror
3 number 14, Danielle Bowles, number 14.

4 (Whereupon, a black female comes forward.)

5 THE CLERK: What say you for the State?

6 MR. VOIGT: The State would thank but excuse this juror.

7 THE CLERK: Ms. Bowles, please have a seat back in the
8 audience. You've been excused from the trial of this case.
9 Juror number 107, Lorilee Hoyle, 107.

10 (Whereupon, a white female comes forward.)

11 THE CLERK: What say you for the State?

12 MR. VOIGT: Please present this juror.

13 THE CLERK: What say you for the defendant?

14 MR. HARRIS: Please seat the juror.

15 THE CLERK: Ms. Hoyle, please have a seat in the jury
16 box. You've been selected as a juror in this case. Juror
17 number 16, Alicia Brown, number 16.

18 (Whereupon, a black female comes forward.)

19 THE CLERK: What say you for the State?

20 MR. VOIGT: Please present this juror.

21 THE CLERK: What say you for the defendant?

22 MR. HARRIS: Please seat the juror.

23 THE CLERK: Ms. Brown, please have a seat in the jury
24 box. You've been selected as a juror in this case. Juror
25 number 275, Jessica Walters, 275.

1 (Whereupon, a white female comes forward.)
2 THE CLERK: What say you for the State?
3 MR. VOIGT: Please present this juror.
4 THE CLERK: What say you for the defendant?
5 MR. HARRIS: Please excuse this juror.
6 THE CLERK: Ms. Walters, please have a seat back in the
7 audience. You've been excused from the trial of this case.
8 Juror number 286, Cynthia Wilcher, 286.
9 (Whereupon, a black female comes forward.)
10 THE CLERK: What say you for the State?
11 MR. VOIGT: The State would thank but excuse this juror.
12 THE CLERK: Ms. Wilcher, please have a seat back in the
13 audience. You've been excused from the trial of this case.
14 Three strikes for the State. Juror number 63, Erica Gadsden,
15 63.
16 (Whereupon, a black female comes forward.)
17 THE CLERK: What say you for the State?
18 MR. VOIGT: Please present this juror.
19 THE CLERK: What say you for the defendant?
20 MR. HARRIS: Please seat this juror.
21 THE CLERK: Ms. Gadsden, please have a seat in the jury
22 box. You've been selected as a juror in this case. Juror
23 number 193, Alex Pearson, 193.
24 (Whereupon, a black male comes forward.)
25 THE CLERK: What say you for the State?

1 MR. VOIGT: Please present this juror.
2 THE CLERK: What say you for the defendant?
3 MR. HARRIS: Please seat the juror.
4 THE CLERK: Mr. Pearson, please have a seat in the jury
5 box. You've been selected as a juror in this case. Juror
6 number 33, Henry Cheves, 33.
7 (Whereupon, a white male comes forward.)
8 THE CLERK: What say you for the State?
9 MR. VOIGT: Please present this juror.
10 THE CLERK: What say you for the defendant?
11 MR. HARRIS: Please seat the juror.
12 THE CLERK: Mr. Cheves, please have a seat in the jury
13 box. You've been selected as a juror in this case. Juror
14 number 205, Paul Porter, 205.
15 (Whereupon, a black male comes forward.)
16 THE CLERK: What say you for the State?
17 MR. VOIGT: Please present this juror.
18 THE CLERK: What say you for the defendant?
19 MR. HARRIS: Please seat the juror.
20 THE CLERK: Mr. Porter, please have a seat in the jury
21 box. You've been selected as a juror in this case. Juror
22 number 251, Helen Spann, 251.
23 (Whereupon, a black female comes forward.)
24 THE CLERK: What say you for the State?
25 MR. VOIGT: Please present this juror.

1 THE CLERK: What say you for the defendant?

2 MR. HARRIS: Please present the juror.

3 THE CLERK: Ms. Spann, please have a seat in the jury

4 box. You've been selected as a juror in this case. Juror

5 number 52, Glenda Elayda, juror number 52.

6 (Whereupon, an Asian female comes forward.)

7 THE CLERK: What say you for the State?

8 MR. VOIGT: Please present this juror.

9 THE CLERK: What say you for the defendant?

10 MR. HARRIS: Please excuse this juror.

11 THE CLERK: Ms. Elayda, please have a seat back in the

12 audience. You have been excused from the trial of this case.

13 Juror number 115, Christina Janke, 115.

14 (Whereupon, an Asian female comes forward.)

15 THE CLERK: What say you for the State?

16 MR. VOIGT: The State would thank but excuse this juror.

17 THE CLERK: Ms. Janke, please have a seat back in the

18 audience. You have been excused from the trial of this case.

19 Four strikes for the State. Juror number 255, Stacy Stewart,

20 255.

21 (Whereupon, a white female comes forward.)

22 THE CLERK: What say you for the State?

23 MR. VOIGT: Please present this juror.

24 THE CLERK: What say you for the defendant?

25 MR. HARRIS: I beg the Court's indulgence, Your Honor.

1 THE COURT: Mm-hmm.

2 MR. HARRIS: Please seat the juror.

3 THE CLERK: Ms. Stewart, please have a seat in the jury
4 box. You've been selected as a juror in this case. Juror
5 number 259, Matthew Sullivan, 259.

6 (Whereupon, a white male comes forward.)

7 THE CLERK: What say you for the State?

8 MR. VOIGT: Please present this juror.

9 THE CLERK: What say you for the defendant?

10 MR. HARRIS: I beg the Court's indulgence for a moment.

11 THE COURT: Mm-hmm.

12 MR. HARRIS: Please seat the juror.

13 THE CLERK: Mr. Sullivan, please have a seat in the jury
14 box. You've been selected as a juror in this case. Juror
15 number 131, William Kufner, 131.

16 (Whereupon, a white male comes forward.)

17 THE CLERK: What say you for the State?

18 MR. VOIGT: The State would thank but excuse this juror.

19 THE CLERK: Mr. Kufner, please have a seat back in the
20 audience. You have been excused from the trial of this case.

21 THE COURT: The State has exhausted its strikes.

22 THE CLERK: Juror number 262, Cathy Thomas, 262.

23 (Whereupon, a white female comes forward.)

24 THE CLERK: Any challenge from the State?

25 MR. VOIGT: No challenge.

1 THE CLERK: What say you for the defendant?

2 MR. HARRIS: Please excuse this juror.

3 THE CLERK: Ms. Thomas, please have a seat back in the

4 audience. You have been excused from the trial of this case.

5 Juror number 70, Robin Givens, 70.

6 (Whereupon, a black female comes forward.)

7 THE CLERK: Any challenge from the State?

8 MR. VOIGT: No challenge.

9 THE CLERK: What say you for the defendant?

10 MR. HARRIS: Please seat the juror.

11 THE CLERK: Ms. Givens, please have a seat in the jury

12 box. You've been selected as a juror in this case. Juror

13 number 143, Julie Lowman, 143.

14 (Whereupon, a white female comes forward.)

15 THE CLERK: Any challenge from the State?

16 MR. VOIGT: No challenge.

17 THE CLERK: What say you for the defendant?

18 MR. HARRIS: Please seat the juror.

19 THE CLERK: Ms. Lowman, please have a seat in the jury

20 box. You've been selected as a juror in this case. Your

21 Honor, how many alternates?

22 THE COURT: Two, strikes are one and two.

23 THE CLERK: Picking for the first alternate. Juror

24 number 187, Laura Patrick, 187.

25 (Whereupon, a white female comes forward.)

1 THE CLERK: What say you for the State?
2 MR. VOIGT: Please present this juror.
3 THE CLERK: What say you for the defendant?
4 MR. HARRIS: Please present the juror.
5 THE CLERK: Ms. Patrick, please have a seat in the jury
6 box. You've been selected as a juror in this case. Now
7 picking for the second alternate. Strikes are one and two.
8 Juror number 184, Laura Owings, 184.
9 (Whereupon, a white female comes forward.)
10 THE CLERK: What say you for the State?
11 MR. VOIGT: Please present this juror.
12 THE CLERK: What say you for the defendant?
13 MR. HARRIS: Please excuse this juror.
14 THE CLERK: Ms. Owings, please have a seat back in the
15 audience. You have been excused from the trial of this case.
16 Juror number 132, Walter Latimer, 132.
17 (Whereupon, a white male comes forward.)
18 THE CLERK: What say you for the State?
19 MR. VOIGT: Please present this juror.
20 THE CLERK: What say you for the defendant?
21 MR. HARRIS: Please seat the juror.
22 THE CLERK: Mr. Latimer, please have a seat in the jury
23 box. You have been selected as a juror in this case. Your
24 Honor, the jury has been selected and are seated.
25 THE COURT: Any objections? Any motions regarding

1 selection of the jury from the State?

2 MR. VOIGT: None from the State, Your Honor.

3 THE COURT: From the defense?

4 MR. HARRIS: None from the defense, Your Honor.

5 THE COURT: Okay. Ladies and gentlemen, we appreciate
6 your patience. Again, I know that this is a long day for you,
7 but hopefully we'll get as much done today as possible so that
8 you will know what to expect of your week. Please know that
9 we do not take your time for granted. The bailiffs can take
10 the remaining panel up to Judge Harrington, courtroom 4C. Is
11 that correct, Mike?

12 THE CLERK: Yes, ma'am.

13 THE COURT: Thank you all. Have a great day.

14 (Whereupon, the remaining jury panel members leave the
15 courtroom at 12:05 p.m.)

16 THE COURT: Ladies and gentlemen, you have been selected
17 for the State of South Carolina versus Jerome Renaldo
18 Campbell. I need to talk with the lawyers about some
19 scheduling. If you would bear with me for a few moments, I
20 suspect we may break for lunch and then get an early start on
21 the afternoon. It's been a long morning for you all.

22 During this break, please do not discuss the case among
23 yourselves. Please don't speculate about what you think it
24 may or could be about. We appreciate your patience. If you
25 would, go with the bailiffs.

1 (Whereupon, the jury exits the courtroom at 12:07 p.m.)
2 THE COURT: You may be seated. Are there any pretrial
3 motions?
4 MR. VOIGT: None from the State, Your Honor.
5 MR. HARRIS: Your Honor, just that the witnesses in the
6 case that are non-law enforcement -- I mean Burckhardt would
7 be and ---
8 THE COURT: The case agent and the victims.
9 MR. HARRIS: The case agent and the victims.
10 THE COURT: Are you asking that the witnesses be
11 sequestered?
12 MR. HARRIS: Yes, Your Honor.
13 THE COURT: Any exception from the State?
14 MR. VOIGT: Your Honor, I'm going to call my investigator
15 first and I would ask that after he be called that he be
16 released from sequestration just to be ---
17 THE COURT: That's the case agent. We've already
18 exempted him.
19 MR. VOIGT: No, no, no, no. Ryan Kelly, my investigator
20 took some pictures, so I'm going to call him.
21 THE COURT: Oh, your investigator.
22 MR. VOIGT: So I'm going to put him up first and ---
23 THE COURT: That's Mr. ---
24 MR. VOIGT: It's just ---
25 THE COURT: That's Mr. Kelly?

1 MR. VOIGT: That's Mr. Kelly.

2 THE COURT: Okay. Any exceptions?

3 MR. HARRIS: No exceptions, Judge, except one question I
4 do have is the three victims are also three witnesses, if they
5 ---

6 THE COURT: We can't exclude them by the statute. The
7 statute gives them the absolute right to be present at all
8 proceedings.

9 MR. HARRIS: Okay.

10 THE COURT: All right, any other pretrial motions? Any
11 Jackson v. Denno? Any Biggers? Anything that I need to be
12 aware of?

13 MR. HARRIS: None, Your Honor.

14 THE COURT: Okay. That's unusual. All righty. Do y'all
15 want to break for lunch and start back like say at -- Well,
16 I'll be doing some other stuff. Two o'clock? Is that
17 acceptable? Because I've got to do some more guilty pleas. I
18 just thought about that. I was going to say 1:30, but I think
19 I'd be pushing it tight for myself.

20 MR. VOIGT: That's fine.

21 THE COURT: Is that good for y'all?

22 MR. HARRIS: That's fine.

23 THE COURT: Okay. (To bailiff) Please bring in the jury
24 for me. You ready to swear them, Mike?

25 THE CLERK: Yes.

1 (Whereupon, the jury comes into open court at 12:11 p.m.
2 after a brief discussion between the Court and other
3 counsel regarding guilty pleas to be done.)
4 THE COURT: Ladies, if you would, remain standing.
5 Ladies and gentlemen, remain standing. Raise your right hand
6 so that the Clerk can administer the oath.
7 THE CLERK: Ladies and gentlemen of the jury, once I have
8 given you this oath if you accept it, please respond by saying
9 "I do." Do you swear or affirm that you shall well and truly
10 try and a true deliverance make between the State of South
11 Carolina and the defendant at the bar whom shall have a charge
12 and a true verdict render according to the evidence and the
13 law, so help you God?
14 (Whereupon, all jury members respond with "I do.")
15 THE CLERK: If you have accepted this oath, please have a
16 seat.
17 (Whereupon, all jury members are seated.)
18 THE COURT: You may be seated. Ladies and gentlemen, as
19 I've indicated, you have been selected for the cases of the
20 State of South Carolina versus Jerome Renaldo Campbell. I'm
21 going to go ahead and give you your lunch break. We're going
22 to resume at 2:00. I know that seems like a long time, but
23 actually we're still going to be working for another thirty to
24 forty minutes before we can go to lunch and so I need to be
25 able to give adequate time to the remainder of the staff to go

1 to lunch as well and it doesn't make any sense to have you all
2 waiting during that time frame.

3 During the break, please do not discuss the case among
4 yourselves or with anyone else. Please don't speculate about
5 what you think it may or could be about. Please don't do any
6 independent research. That includes anything that could be
7 found on the internet or any other alternate source. As the
8 fact finders in this case, you are bound to decide this case
9 according to the evidence that you hear from the lips of the
10 sworn witnesses and the other evidence that will be
11 introduced.

12 Also, please do not have any contact with anyone in or
13 about the courthouse. There are a lot of witnesses in this
14 case and again, we would not want an innocent conversation to
15 be observed and misinterpreted. I hope that you all have a
16 great lunch. You will return directly to your jury room at
17 2:00. The bailiffs will show you how to do that and we will
18 see you at 2:00 at which time we will resume with opening
19 argument and instruction. Have a great lunch.

20 (Whereupon, the jury leaves the courtroom at 12:13 p.m.)

21 THE COURT: You may be seated. All right, I'll see you
22 all at 2:00.

23 MR. HARRIS: Thank you, Your Honor.

24 THE COURT: Thank you and Mr. Campbell will be taken into
25 custody as the case has been sworn and his bond has been

1 called.

2 MR. VOIGT: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 (Whereupon, there is a break in the proceedings from
5 12:13 p.m. until 2:19 p.m. When the proceedings resume
6 at 2:19 p.m., the defendant and all counsel are present,
7 but the jury is not yet present in the courtroom.)

8 THE COURT: Is the State ready to proceed?

9 MR. VOIGT: Yes, Your Honor.

10 THE COURT: Is the defense ready to proceed?

11 MR. HARRIS: Yes, Your Honor.

12 THE COURT: We apologize for the delay. We did not get
13 done with court until 1:35 and so I had to give staff adequate
14 time to collect themselves before we resumed session. I
15 understand that there is something about a juror that the
16 State wanted to bring to the Court's attention.

17 MR. VOIGT: May it please the Court, Your Honor.

18 THE COURT: Mm-hmm.

19 MR. VOIGT: My -- Member's of my client -- of my victim's
20 family were in the snack bar downstairs and saw members of the
21 jury conversing with family members and friends of the
22 defendant's. Perhaps I should wait for Mr. Campbell.

23 THE COURT: Oh, I apologize. I didn't realize he wasn't
24 up yet.

25 MR. VOIGT: Your Honor, they witnessed two members of the

1 jury conversing with a family member or friend of the Campbell
2 group that was also down there in the snack bar as well. One
3 person in that group was overheard to say, "They're on our
4 side," after she had conversed with these jurors and I -- and
5 that's all I know about it, but I'd like to bring it to the
6 Court's attention.

7 THE COURT: How are they certain they were jurors? It's
8 my understanding all the jurors left the building. They were
9 coming back in when I was leaving, just getting done with the
10 hearing.

11 MR. VOIGT: One of the jurors had a jury sticker on, Your
12 Honor.

13 THE COURT: And we're certain it was this jury and not
14 the other jury ---

15 MR. VOIGT: That was what I was ---

16 THE COURT: --- for Judge Harrington or Judge McDonald?

17 MR. VOIGT: That's what I was led to believe. It was
18 someone who was serving on this jury.

19 THE COURT: Well, I need something more specific than
20 that. That's nebulous. That doesn't tell me who it is.

21 MR. VOIGT: I believe that juror 63, Erica Gadsden, is
22 wearing a yellow shirt. The description I have is someone
23 wearing a yellow shirt and an older woman wearing a dark
24 jacket. That fits the description of Ms. Givens as best as I
25 can recollect. I believe she's juror 70. And, Your Honor,

1 the family member that overheard this -- overheard the person
2 who is present in the courtroom right now that made that
3 statement.' So I can identify the person having made the
4 statement.

5 THE COURT: I understand that, but I'm not going get into
6 tit for tat between these families.

7 MR. VOIGT: I understand.

8 THE COURT: Because, you know, what is actually said and
9 what is perceived as being said can be a totally different
10 thing. I'm going to handle it the way the law prescribes it
11 should be handled.

12 MR. VOIGT: Thank you, Your Honor. I was just trying to
13 ---

14 THE COURT: But I'm not going to get into all that.

15 MR. VOIGT: Trying to give you as much information as I
16 have been provided.

17 THE COURT: Yeah. I'm certain that that is the
18 perception, but I'm a little hesitant about that. But I'm
19 going to deal with it ---

20 MR. VOIGT: Thank you.

21 THE COURT: --- pursuant to case law very shortly. Is
22 there anything from the defense?

23 MR. HARRIS: On that issue, Your Honor?

24 THE COURT: Yes.

25 MR. HARRIS: Fair enough. I mean we don't know which

1 jurors these are or anything. Like you said, we don't know if
2 it's jurors from another jury. No one in the family came in
3 here during jury selection. So to say it was randomly
4 somebody picking and they never saw our jury, A, and there's
5 three juries. There's three hundred jurors in the building,
6 three juries were selected, but to say it may be two -- these
7 two people and select two people based on what they were
8 wearing.

9 I don't think -- I don't -- I don't believe that -- Maybe
10 these two jurors were talked to by somebody and maybe they
11 were on this jury. I mean it's a very broad accusation and I
12 mean it just happens to be two African American jurors on my
13 jury. I mean that is -- You know, it just -- I would ask that
14 if we're going to get -- If you're going to remedy this by
15 excusing jurors that we would ---

16 THE COURT: No, I'm going to do a voir dire.

17 MR. HARRIS: Okay.

18 THE COURT: Of the entire panel.

19 MR. HARRIS: Okay.

20 THE COURT: And if they answer me that they have not done
21 it, that's the end of it.

22 MR. HARRIS: Okay.

23 THE COURT: Unless there's something more specific
24 regarding the identity of these individuals. They're under
25 oath and they're under a criminal -- the -- They can be

1 criminally sanctioned for failing to follow the Court's
2 instructions and I'm going to be very adamant and I'm going to
3 make them aware that somebody -- precisely what I told you not
4 to do happened.

5 They might have been talking about the weather. I don't
6 know. Southerners tend to be very animated and have very --
7 conversations that look more intimate than they -- than they
8 actually are and for example -- I'll use myself for an
9 example. I'm very careful when I leave the secure area of the
10 building because I'm naturally a very congenial person. If I
11 see parties in the lobby and I'm on my way to the post office,
12 I'm not going to be rude. I'm going to smile.

13 MR. HARRIS: Right.

14 THE COURT: Now would that person perceive that I'm on
15 their side? Yeah, probably. They're in probably one of the
16 most stressful situations of their life, especially if it's a
17 criminal defendant and I'll like nod and hello and smile and
18 keep moving. They're going to think, ooh, the judge is on my
19 side. Not so.

20 MR. HARRIS: Okay.

21 THE COURT: Or the -- Or the victims may be congregated.
22 I'm not going to just walk by people and not say hello and be
23 congenial, but it's funny what people do versus how it is
24 perceived.

25 MR. HARRIS: Right.

1 THE COURT: And so I think it may well be that it is
2 perceived that that is what happened, but I'm not certain that
3 that is what actually happened and I'm not going to go into
4 any extensive voir dire of a jury without more than that. Now
5 I'm going to do a voir dire, however, of the panel because
6 they're required to follow my instructions and if they
7 haven't, then I'm going to -- I'll deal with that.

8 MR. HARRIS: Your Honor ---

9 THE COURT: We'll take it as it comes, but I am -- I
10 think it is appropriate that I voir dire them and make sure
11 that they followed my instructions and that nobody had any
12 inappropriate conduct -- contact with anyone in or about the
13 courthouse. Any exception from the State?

14 MR. VOIGT: None, Your Honor.

15 THE COURT: From the defense?

16 MR. HARRIS: None, Your Honor.

17 THE COURT: Please bring in the jury.

18 BAILIFF: Yes, ma'am.

19 (Whereupon, the jury enters open court at 2:26 p.m.)

20 BAILIFF: They jury is present, Your Honor.

21 THE COURT: You may be seated. Ladies and gentlemen, we
22 appreciate your patience. As I indicated to you, we were
23 going to take a brief break and actually -- Yeah, the
24 alternates -- And actually while we're doing that, why don't
25 we also do this. Number 107 is the foreperson. So why don't

1 we -- And I apologize. I meant to tell you that as you were
2 bringing them down the hallway. If we could, have her take
3 the foreperson seat. I need the two of you to switch for me,
4 switch seats.

5 Ladies and gentlemen, as I indicated prior to the lunch
6 recess, we had some other matters that we needed to take up in
7 cases unrelated to this case and as circumstances would have
8 it, we did not finish that until 1:30, 1:35, and so I had to
9 give my staff adequate time to refresh themselves and get
10 something to eat and just get a second wind. So we appreciate
11 you all being so very patient with us as we are delayed in
12 restarting the trial, but please know that we were actively
13 involved in the Court's business and we do not take your time
14 for granted.

15 Before we begin that process of opening instruction and
16 opening argument, I gave the jury strict instructions that
17 they were not to have any contact with anyone in or about the
18 courthouse who did not have a juror sticker on because, again,
19 very innocent conversations could be very easily
20 misinterpreted and misconstrued. I need to ask you all did
21 any of you during the lunch and recess have any contact with
22 anyone in or about the courthouse who did not have a juror
23 sticker on? If so, if you did, I need you to raise your right
24 hand for me.

25 (Whereupon, one juror raises her right hand.)

1 THE COURT: Okay. Yes, ma'am? Tell me your name and
2 your ---

3 JUROR STEWART: When I was at lunch. Stacy Stewart. I
4 was at lunch.

5 THE COURT: And who did you speak with?

6 JUROR STEWART: I don't -- Some gentlemen was having
7 lunch. I mean I didn't speak about this.

8 THE COURT: You were at lunch in the courthouse or
9 outside the courthouse?

10 JUROR STEWART: Outside.

11 THE COURT: Okay, but you do not know it to be someone
12 involved in this case?

13 JUROR STEWART: No.

14 THE COURT: Okay. Is there anyone else who had any
15 contact with anyone in or about the courthouse, either in the
16 snack bar or any other parts of the building that did not have
17 a juror sticker on and you had any interaction with them?

18 (Whereupon, there is no further response from any of the
19 jury members.)

20 THE COURT: Okay. Let the record reflect that the
21 response was negative. I need to reinforce the Court's
22 instruction. Again, very innocent conversations can be
23 misinterpreted and misconstrued. There are many parties. As
24 you can see, the gallery is full with members of the victim's
25 family, as well as victim's -- I mean as members of the

1 defendant's family who are here to watch these proceedings, as
2 well as other individuals who are just interested in the court
3 process.

4 I need for you all to be aware that reports have been
5 made to the Court that conversations took place in the snack
6 bar otherwise with members of -- with differing parts of
7 members of the family and that there was a perception that the
8 jury might be inclined or already predisposed regarding this
9 case. Again, I don't have any independent information that
10 that is accurate. However, I will reinforce that even an
11 innocent conversation can be easily misinterpreted.

12 Emotions run very high during a trial. As you are well
13 aware, the allegations in this case are significant and
14 perception becomes reality. So I would ask that you very
15 stringently follow my instructions and have no conversation
16 with anyone in or about the courthouse who does not have a
17 blue juror sticker on. Again, I would not want an innocent
18 conversation to be observed by a third party and misinterpret
19 it. And again, just having a friendly conversation about
20 nothing related to the case could be very easily
21 misinterpreted. A smile, a handshake, a laughter or otherwise
22 can be very easily misinterpreted.

23 So I would ask that you strictly abide by those
24 instructions. Otherwise if you don't, I would have to do what
25 is called an individual voir dire of each juror. That's very

1 time consuming and can also result in a mistrial, which as you
2 could all imagine would be a gross waste of your time as well
3 as the Court's resources.

4 So if necessary, every morning I will voir dire the panel
5 regarding whether you followed the Court's instructions, that
6 being not only about contact but also about information
7 outside of the proceedings whether it be on the internet,
8 newspaper or any other media outlet because it is very
9 important. It is essential that your impartiality as twelve
10 individual citizens sitting as the fact finders in this case
11 never be questioned because the integrity of the process is
12 paramount and it must be maintained. Okay? So I hope that
13 each of you and I have no doubt that each of you will follow
14 the Court's instructions accordingly. Any exceptions from the
15 State?

16 MR. VOIGT: None from the State, Your Honor.

17 THE COURT: From the defense?

18 MR. HARRIS: None, Your Honor.

19 THE COURT: Ladies and gentlemen, we're about to try the
20 case of the State of South Carolina versus Jerome Renaldo
21 Campbell. What I will now say is intended to serve as an
22 introduction to the trial of this case. These remarks are not
23 a charge on the law of this case and just so that you know,
24 charge and instructions are interchangeable terms. Charge is
25 a legal term of ours which means instructions. So when you

1 hear me use the term charge, that simply means instructions.

2 These remarks are not a charge on the law. I will
3 instruct you on the law applicable to this case at the end of
4 the trial before you retire to consider your verdict. This is
5 merely an explanation of the procedure that we will follow in
6 the trial of this case so that you may better understand what
7 may be happening.

8 During the course of this trial, you will be given the
9 opportunity to take notes and the bailiffs are going to pass
10 out the notebooks to you and the pens. There is a white
11 sticker on the front of each notepad. Please write your juror
12 number on that sticker so that you will be able to identify
13 very easily which notepad belongs to you. I will give you
14 some additional instructions regarding note taking near the
15 end of this instruction.

16 The defendant is charged by four separate indictments
17 filed in this court with the crimes of assault with intent to
18 kill, three counts, and murder, one count, the elements of
19 which I will explain to you later. The indictments, ladies
20 and gentlemen, are simply the formal charge or charges by
21 which the case is brought into court and it is not in any
22 sense evidence of any of the allegations they may contain.

23 The defendant has pled not guilty to the indictments.
24 The State therefore has the burden of proving each of the
25 elements of the indictments beyond a reasonable doubt and it

1 will be your duty, ladies and gentlemen, to decide whether the
2 State has met that burden or not.

3 Your purpose as jurors is to find and determine the
4 facts. You are the sole judges of the facts. If at any time
5 I make any comment regarding the facts, you must disregard it.
6 You are to determine the facts from the testimony you hear and
7 the other evidence introduced in court. It is up to you to
8 determine the inferences which you feel may be properly drawn
9 from the evidence. It is especially important that you
10 perform your duty of determining the facts diligently and
11 conscientiously because ordinarily there is no way to correct
12 an erroneous determination of facts made by a trial jury.

13 On the other hand and with equal emphasis, the same law
14 that makes you the judges of the facts makes me the judge of
15 the law. The law as given by the Court is the only law you
16 may consider. You must accept and follow it even though you
17 may disagree with it. I cannot tell you what the facts are
18 and you cannot disagree with the Court about what the law is
19 or what the law should be.

20 Your responsibility, ladies and gentlemen, is to take the
21 law as I instruct it and apply it to the facts as you find
22 them from the testimony of the witnesses and the other
23 evidence that will be introduced during the course of this
24 trial. After doing that, you will render your verdict, a true
25 and just verdict, under the solemn oath that you have taken as

1 jurors in this case.

2 Until I advise you to begin your deliberations, you must
3 not discuss this case with anyone. That includes your fellow
4 jurors, your friends, your family members or anyone involved
5 in the case. After the case is submitted to you, you must
6 discuss it only in the jury room with your fellow jurors.

7 The attorneys and the parties in this case have been
8 advised that they should not speak with you at all. So if you
9 see anyone involved in the case around the courthouse, in a
10 local restaurant or even in the garage or on the street and
11 they don't speak with you, please don't think they're being
12 unfriendly. They are simply following the Court's
13 instructions. Again, we would not want an innocent
14 conversation to be misinterpreted or misconstrued.

15 During the trial, you're not to read, listen to or watch
16 any news reports about this case. That includes anything that
17 could be in the newspaper, on radio, television or internet
18 and you're not to do any independent research regarding any
19 fact or issue in this case on the internet.

20 You must not consider anything that you may have read or
21 heard about this case outside the courtroom, whether before or
22 during the trial. It is important and essential that you
23 maintain an open mind and not decide any issue in this case
24 until all of the evidence has been presented, the parties have
25 made their closing arguments and I have instructed you on the

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2 (Whereupon, the proceedings continue beginning at 10:40
3 a.m. The defendant and all counsel are present, but the
4 jury is not yet present in the courtroom.)

5 THE COURT: What are the names of the -- of the
6 defendant's family members, their surnames?

7 MR. HARRIS: Their surnames, Your Honor?

8 THE COURT: Mm-hmm.

9 MR. HARRIS: There's Coaxum.

10 MR. CAMPBELL: Coaxum.

11 MR. HARRIS: Campbell and Ladson.

12 THE COURT: And what are the surnames of the victim's
13 family?

14 MR. VOIGT: German, Your Honor. We also as a part of my
15 motion would like to submit the ---

16 THE COURT: I didn't ask that question. I asked a very
17 direct question and I'm seeking a direct answer.

18 MR. VOIGT: Yes, Your Honor.

19 THE COURT: What are the last names of the victim's
20 family?

21 MR. VOIGT: German, Your Honor.

22 THE COURT: And that is the only surname?

23 MR. VOIGT: March and Bobo, Your Honor.

24 THE COURT: M-A-R-C-H?

25 MR. VOIGT: Yes.

1 THE COURT: And Bobo, B-O-B-O?

2 MR. VOIGT: Yes.

3 THE COURT: So their surnames then are German, March and
4 Bobo?

5 MR. VOIGT: Yes, Your Honor.

6 THE COURT: Who are the other individual surnames that
7 you mentioned in your opening argument, Mr. Voigt?

8 MR. VOIGT: Frank Haigler, Your Honor, and Michael Allen.

9 THE COURT: Those are the only additional names that you
10 mentioned?

11 MR. VOIGT: Of the lay witnesses, yes, ma'am.

12 THE COURT: You didn't mention German?

13 MR. VOIGT: I did mention German, Your Honor. I would
14 have thought that that would have -- would have occurred.

15 THE COURT: So the only names you mentioned in your
16 opening argument were Haigler, Allen and German?

17 MR. VOIGT: Yes. I also -- I highlighted Coaxum and
18 Ladson as well as part of my presentation to demonstrate the
19 defendant's relationship to several witnesses.

20 THE COURT: And those are all the last names that you
21 used in your opening argument?

22 MR. VOIGT: Including ---

23 THE COURT: Haigler, Allen, German, Coaxum and Ladson?

24 MR. VOIGT: As well as Campbell.

25 THE COURT: Campbell. I knew there was one that I

1 couldn't remember. And what is the last name of the
2 defendant's sister?

3 MR. HARRIS: One is Coaxum and one is Ladson.

4 THE COURT: Okay. The State may proceed with its motion.

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

6 THE COURT: Let me ask another preliminary question. I
7 apologize. Mr. Harris, have you had an opportunity to watch
8 the video that was procured from the snack bar?

9 MR. HARRIS: I have not, Your Honor.

10 THE COURT: Is there a reason Mr. Harris has not been
11 provided with a copy of the video?

12 MR. VOIGT: I called Mr. Harris as I detailed your clerk,
13 Your Honor, at approximately 8:45 to 9 o'clock this morning
14 and offered him the opportunity to view the video before we
15 went to court. Mr. Harris informed me that he would rather
16 take it up once we got to court.

17 THE COURT: When did you procure a copy of the tape?

18 MR. VOIGT: I believe that a copy was procured by someone
19 in my office yesterday afternoon.

20 THE COURT: Was there a reason you didn't turn it over
21 then?

22 MR. VOIGT: I hadn't viewed it. I was unaware of the
23 contents then. When I left the office at 5:30, it was not
24 available to me.

25 THE COURT: Say that one more time?

1 MR. VOIGT: When I left the office at 5:30 yesterday, it
2 was not available to me. I did not see it ---

3 THE COURT: So you did not. When did you watch it?

4 MR. VOIGT: I watched it when I came to the office this
5 morning at approximately 8:30.

6 THE COURT: Okay. Is there a reason you have not watched
7 the video yet, Mr. Harris?

8 MR. HARRIS: Your Honor, I was going to come here and
9 watch it today. I assumed we would watch it. I didn't find
10 out about it until this morning. I didn't get the motion
11 until I walked in here at court. I got here at 9:30 in order
12 to get a shirt and tie to my client because they told my
13 client's wife at 8:30 that the attorney has to give it to
14 them.

15 THE COURT: That's correct.

16 MR. HARRIS: So I came down -- I left my home. I had to
17 take my mother to the airport and I apologize that delayed me
18 this morning. I got here at 9:30 as soon as I could. You
19 know, we were told we were starting at 10. I was hoping to --
20 I thought we could either go to chambers to watch the video
21 because I'm assuming it's only 25 seconds long.

22 THE COURT: No, it's a lot longer than that. The
23 operative portion is fairly short, but the entire video is
24 much longer than that.

25 MR. HARRIS: Okay, but I didn't have -- I mean I got a

1 motion while I was -- I was asked while in court if I got a
2 motion. Because I was here, I didn't have the accessability
3 to print it or to respond to it. So that's what I'm -- You
4 know, it was -- it happened between 8:45 and 9:30 this
5 morning. You know, that's a 45 minute window.

6 I didn't have time to ge from North Charleston to here
7 and watch the video in time and again, I thought we were
8 starting at 10 o'clock, which would have been 30 -- it would
9 only have given me 30 minutes when I got here. I didn't have
10 time to write a motion or a response or anything like that
11 because like I said, Your Honor, this is something that came
12 up this morning.

13 THE COURT: And what time did you file your motion, Mr.
14 Voigt?

15 MR. VOIGT: It was officially filed, Your Honor. I sent
16 my legal assistant down to the Clerk of Court's office and the
17 date -- the time stamp is 9:54. I believe that I sent a copy
18 to your clerk approximately 20 to 25 minutes earlier than that
19 and that would have been the same copy that Mr. Harris would
20 have received. I also sent an amended copy a couple minutes
21 later because I realized I had the wrong indictment numbers on
22 my motion.

23 (Whereupon, the Court has a brief conference with the law
24 clerk regarding the time of the transmission of the
25 motion.)

1 MR. VOIGT: And I sent the amended copy to Mr. Harris,
2 too, and when I walked into the courtroom this morning, I
3 placed a written copy on counsel's table and informed Mr.
4 Harris that I had filed a motion.

5 THE COURT: Do you have the ability to let Mr. Harris
6 watch? Do you want to watch the video now?

7 MR. HARRIS: I'd like to. I would like to before we -- I
8 mean you just ---

9 THE COURT: Could you all give Mr. Harris the opportunity
10 to watch the video?

11 MR. VOIGT: I believe that you have the video. May I
12 approach?

13 (Whereupon, there is a break in the proceedings while
14 defense reviews the snack bar surveillance video.)

15 MR. VOIGT: Your Honor, Mr. Harris has reviewed ---

16 (Whereupon, the Court makes a gesture to stop Mr. Voigt
17 from speaking further at that time.)

18 MR. VOIGT: Thank you very much.

19 THE COURT: I'll inquire of him when I'm ready.

20 (Whereupon, there is a brief break in the proceedings.)

21 THE COURT: Mr. Harris, have you had an opportunity to
22 review the video?

23 MR. HARRIS: I have, Your Honor.

24 THE COURT: And Mr. Voigt, you were going to say
25 something more than that?

1 MR. VOIGT: Yes, Your Honor, and I apologize.

2 THE COURT: Certainly.

3 MR. VOIGT: In furtherance of the State's motion, Your
4 Honor, the State would offer two statements that were
5 collected by my office from Tiffany Peacock and Trenell
6 German, the contents of which were what I relayed to the Court
7 yesterday which got this started about the observations of the
8 family members in the snack bar and I've -- Mr. Harris has
9 reviewed those and I would offer those as -- in addition with
10 the video as Court's 1, 2 and 3.

11 THE COURT: Any exception?

12 MR. HARRIS: No exception, Your Honor.

13 THE COURT: You may proceed.

14 COURT REPORTER: It would be 2, 3 and 4. We already have
15 a 1.

16 MR. VOIGT: As a Court's exhibit?

17 COURT REPORTER: Yes.

18 MR. VOIGT: Okay.

19 (Whereupon, the DVD video is marked as Court's Exhibit
20 Number 2 and the two affidavits are marked as Court's
21 Exhibits Number 3 and 4.)

22 MR. VOIGT: For the record, Your Honor, there will be 2
23 as the video, 3 as the statement of Trenell German and 4 as
24 the statement of Tiffany Peacock.

25 Your Honor, as I set out in my motion, I believe that the

1 procedure employed by the Court yesterday to determine the
2 truthfulness of whether or not such contact had occurred
3 involved voir dire to the general jury panel. One of our
4 jurors volunteered that she had had a conversation at a
5 sandwich shop, although the contents of that conversation were
6 innocent and I believe we all -- we all believed that. The
7 two ladies though that I had brought to the Court's attention
8 ---

9 THE COURT: Actually you were very vague about who it was
10 and your motion is a bit misleading because you identify two
11 jurors, but you did not -- by their number, but you did not do
12 that on yesterday.

13 MR. VOIGT: Yesterday, Your Honor ---

14 THE COURT: You indicated someone in a yellow shirt,
15 which I -- I knew who that juror was, but you indicated
16 another juror who you really could not identify and you had a
17 very vague description of her.

18 MR. VOIGT: And ---

19 THE COURT: So to the extent that it is stated in the
20 motion that you actually brought with specificity those jurors
21 to the Court's attention is a bit misleading. So that needs
22 to be corrected for the record.

23 MR. VOIGT: And I would be happy, Your Honor, to go back
24 in the transcript of all of my remarks yesterday.

25 THE COURT: You don't need to because I've already

1 reviewed it. You may proceed.

2 MR. VOIGT: Thank you, Your Honor. I believe I named
3 Miss Gadsden by name and I believe, as I have done in my
4 motion, to the best extent possible I believe that the other
5 juror's name is Robin Givens, a name that I supplied in open
6 court to you, Your Honor. I did that because I know she's a
7 juror. I can recognize her as a juror, but in my notes
8 sometimes I -- I don't know which one of these people is
9 which. Miss Gadsden I could clearly identify because of the
10 bright yellow shirt and I -- I did give you that name
11 yesterday to the best extent I could.

12 Neither one of those ladies raised their hands to
13 indicate a conversation. I watched the ladies from where my
14 vantage point was. I observed nothing unusual about the juror
15 that I would call Ms. Givens for lack of a better term or
16 juror number 70, but Miss Gadsden clearly looked out into the
17 audience into the ---

18 THE COURT: I watched her the entire time and frankly,
19 she was avoiding my eyes and she looked toward the bailiffs.
20 So I would have to tell you that I don't find particular
21 veracity in that statement because I deliberately watched
22 both. I watched her specifically because you identified her
23 as having a yellow shirt on.

24 MR. VOIGT: Thank you, Your Honor. Nevertheless, I sat
25 on this chair and I believe that for a brief period of time,

1 not during the entire time that the Court was addressing those
2 jurors, I observed Miss Gadsden look out in that general
3 vicinity and that's -- that's -- and I'm not going to go any
4 further than that, but ---

5 (Whereupon, counsel for the State indicates the gallery
6 behind the defense table when pointing and stating
7 "general vicinity.")

8 THE COURT: I would caution you not to.

9 MR. VOIGT: Thank you, Your Honor, but that was an
10 observation which I will stand by. Nevertheless, neither one
11 of the ladies raised their hands. I believe that the Court
12 gave them the opportunity to give an innocent explanation were
13 there one for any of that, for any of the conversation. The
14 conversation is clearly captured on the video. It is not a --
15 the kind of innocent thing that the Court went to at length
16 and described to the jury about, you know, a congenial
17 greeting of sorts. I think that the conversation was more
18 than that.

19 It belies the fact -- you know, it belies their
20 indication to the Court that no conversation took place.
21 Ordinarily, had there been an innocent explanation and an
22 admission to such, there would be no way of asserting that
23 they were anything other than impartial and I believe the case
24 law indicates that where there has been -- where a juror has
25 deliberately misled the Court, and I believe the actions of

1 those two jurors indicate that they have, that they are not to
2 be given the same presumption of impartiality.

3 I think that the conduct of jurors should be free from
4 all extraneous and improper influences. I believe that they
5 should be impartial. I believe that the case law is clear on
6 that and I believe that they have demonstrated to the Court
7 that they cannot be that way and I would ask that you remove
8 them from the case in this matter.

9 THE COURT: Mr. Harris, would you like to respond?

10 MR. HARRIS: Thank you, Your Honor. May it please the
11 Court.

12 THE COURT: Yes, sir, you may proceed.

13 MR. HARRIS: Your Honor, I -- This was brought to our
14 attention, as it was, Your Honor, right after lunch. I -- And
15 I'm not -- I did the same thing you're talking about because I
16 knew exactly which one they were talking about. I knew one
17 they said was in a yellow shirt, one person, and the person
18 that was in that video was not in the courtroom after lunch
19 because when I brought that -- when it was brought to my
20 attention, I asked what ---

21 THE COURT: What person are you referring to?

22 MR. HARRIS: They say it's his sister, but it's not.
23 It's a cousin and I don't think she's in the courtroom today.

24 THE COURT: I need you to be more specific for the
25 record. When you say you're referring to "that person was not

1 in the courtroom", what do you mean?

2 MR. HARRIS: The person on the video. Let me get her.

3 THE COURT: You're saying the person depicted on the
4 video ---

5 MR. HARRIS: On the video.

6 THE COURT: --- was not in the courtroom after lunch?

7 MR. HARRIS: Right.

8 THE COURT: Okay. Now I'm clear what you're saying.

9 MR. HARRIS: Okay.

10 THE COURT: You may continue.

11 MR. HARRIS: And, Your Honor, two things. One, if this
12 was more than -- you know, there is no audio on this video. I
13 argue this was no more than a passing I know you, hey, what's
14 going on, because no one had seen this jury pool and I'm not
15 saying that excuses any of the jurors of saying I didn't have
16 a conversation. No one had seen this jury pool. We picked
17 the jury and then they went to lunch.

18 If someone in the family had said -- had walked up and
19 said there's some jurors that's on this jury, let me walk up
20 and talk to them, what my explanation from their family was
21 when the person they said they walked up, they recognized
22 them, they waved their hand, they said I'm not supposed to
23 talk to jurors. They didn't -- they said they didn't have a
24 word to speak with the person in the yellow shirt.

25 So therefore, I can understand how you -- On the video,

1 you don't see -- you see the person leaning in and talking to
2 the person on the right. There's nothing that's been shown to
3 us that shows that these two jurors know each other in such an
4 intimate way that they're going to know the same group of
5 friends or anything to that aspect.

6 You know, like I said, it would be something that we need
7 to talk to the jurors individually I believe because I think
8 the one in the yellow shirt, Ms. Gadsden, would say I'm
9 sitting at a table having lunch with a fellow juror because I
10 can't talk to anybody else and this person walks up and talks
11 to the person sitting here.

12 Like I said, there's no audio on this video, so you can't
13 tell if she's talking to the person in the yellow shirt. Just
14 from the -- me watching it a few minutes ago, it doesn't look
15 like she's talking to the person in the yellow shirt, but I
16 also say that I -- we don't know that this is anything more
17 than a innocent hey, I know you from somewhere. They didn't
18 know this person was on this jury. I mean that's what I'm
19 saying. No one had seen this jury before the afternoon
20 session because we sent them directly to lunch and nobody came
21 in the courtroom.

22 So I'd ask Your Honor -- and also to try to -- you know,
23 we have a juror that's already trying to get off the jury
24 once. We don't know if he's going to get off tomorrow if he
25 happens to know somebody that we talk about or that we bring

1 in here. If we excuse two jurors today and one tomorrow,
2 we've got a mistrial built in already at eleven jurors. So we
3 don't know because the gentleman said he could not be
4 impartial if he knew the family. So if we come in tomorrow
5 and he says, oh, yeah, I played basketball with this witness
6 and I can't be impartial, then we've got eleven jurors.

7 So if -- if Your Honor is going to grant a motion to
8 excuse jurors, the only person that shows on that video
9 clearly that is talking to a person, a relative of my family,
10 would be Ms. Givens, juror 70, and again, she comes in with a
11 jacket on and we don't know if it's clear that she had a juror
12 badge on or not. So the only person we see a juror badge on
13 is Miss Gadsden, who has on a yellow shirt.

14 So I'd ask that if Your Honor is going to excuse one that
15 you excuse Ms. Givens based on that you can see somebody
16 talking to her, but we don't know what that conversation
17 entails. Thank you.

18 THE COURT: You're welcome. I've had the opportunity to
19 watch the video. I've watched it several times and the
20 operative portions several times, which spans a fairly short
21 period. It appears from the video that some members and I
22 don't know whether they are members of the defendant's family,
23 I take that for granted based on what has been represented to
24 the Court, walk into the snack bar and make contact with a
25 juror who is -- they're sitting at a round table.

1 Her back is facing the camera. You really cannot see
2 her. The only way you would be able to identify her is the
3 fact that she walked in -- into the snack bar and you see
4 where she is seated with the young lady with the yellow shirt
5 who is facing toward the camera.

6 A person walks in and a comment it looks like is made and
7 she stands back and does a gesture with her hands almost like
8 -- almost like surprised to see the person. They interact,
9 which you cannot really see that interaction except for one
10 perspective on camera. There's been a representation that
11 hugging took place. There is absolutely no indication of any
12 hugging on the video and based on my perspective, there is no
13 interaction with the young woman in the yellow shirt with
14 anyone. If anything, she -- she is quiet. She goes -- You
15 see her get up as everyone is leaving, put her stuff in the
16 garbage can and then exit with a group of people.

17 And I looked very carefully to see if anyone could
18 observe anyone making statements. It's just really -- It sort
19 of -- It befuddles me a little because I'm a -- I'm trying to
20 figure out and I looked at it objectively to see when a
21 statement could have been made. There is a large group of
22 people, clearly all known to one another, who are leaving the
23 snack bar at the same time -- point in time. Other than that,
24 there's no interaction with them and they're so far away you
25 would not be able to hear what they're saying even though

1 there's no audio on the -- on the video itself.

2 But what's troubling to me, however, is that once the
3 Court gave the instruction that you're not to have any
4 interaction with anybody that doesn't have a juror sticker on,
5 there's clearly interaction with -- I don't know the juror's
6 number and I'm going to have to conduct some additional
7 inquiry of them, is that clearly there is some interaction
8 with a member of the defendant's family and a juror and that
9 was clearly prohibited and should not have taken place.

10 Now I asked the question about the -- the surnames
11 because I wanted to see if we had mentioned them during voir
12 dire and if there had been some deliberate concealment on the
13 part of any of the jurors during that process and when I
14 looked back through the witness lists that were propounded to
15 the Court, let me see, there was a Charise Coaxum that was
16 listed as a witness, a Sandra Campbell. Sandra Campbell.
17 Aaron Burnham.

18 Of the last names that were surnames, there was a Coaxum
19 and there was a Ladson. No, I'm sorry. There was Coaxum,
20 Campbell. There was no mention of a Ladson and then on the
21 State's list -- There was on the defendant's list a -- a
22 Robinson, but that's the GSR person, I assume some expert that
23 they have retained. There was a Burnham and there was a
24 Richardson. However, there was no mention of those names to
25 me by counsel when I asked.

1 On the State's list, again the surnames German, Allen,
2 McCarthy, Tawney, Haigler, Glover, but not -- but certainly
3 German and Ladson were mentioned and Campbell were listed as
4 potential surnames and while those -- while the particular
5 individuals may not have been listed and I believe that I
6 asked what the defendant's sisters' last names were, they said
7 Coaxum and Ladson. While their first names may not have been
8 mentioned, I don't know that there would have been any
9 indication without a mention of first names of a juror
10 listening to that information.

11 It is possible that they did not recognize -- because the
12 whole family was not in here during jury selection, it is
13 possible that they may have recognized one another later, but
14 certainly it should have been disclosed in voir dire when the
15 Court asked did you have any interaction with anyone during
16 the lunch and recess. Certainly you should have disclosed
17 that we saw -- Just out of an abundance of caution, you should
18 have disclosed we saw some people in the -- in the break room
19 and it is possible that I know them and I need to disclose
20 that. And I find it troubling that that was not disclosed
21 because it is not only the actual propriety that we must all
22 exercise, it is the appearance because perception is reality
23 and -- and I said that on yesterday that I was not going to
24 get into sort of a tit for tat because --

25 I'll give you a short story from Seinfeld. As George

1 Costanza would say, if I believe it, it's not a lie. So in
2 other words, if I perceive it, it's real to me. So I don't --
3 I believe that the people who say they overheard that
4 perceived that they heard that, although the video does not
5 support it because there's no way you can tell what is being
6 said or not being said and maybe I'm just naïve, but I can't
7 imagine I would say something that inculpatory when people I
8 know are walking through me where they can hear it.

9 But then, you know, stranger things have happened. But I
10 have no way of independently judging that because there is no
11 audio on the video and I don't know what was said. I just
12 know the logistics. I've been in that snack bar. The --
13 Although I go down there, I've been in there very rare times,
14 it's a large, vacuous area. I don't -- You know, there are --
15 I was surprised at how many people were down there having
16 lunch, how much court staff has lunch down there. I was
17 really shocked.

18 But I don't know that from where they were sitting, which
19 is way on the end by these windows, if you could hear what
20 somebody is saying way at the end of the door. Now there was
21 some people sitting at what I guess you could consider a lunch
22 counter of sorts, but where the talking would have been taking
23 place is when you see members of the victim's family walking
24 through members of the defendant's family and there does not
25 appear to be any discussion going on at that time.

1 Do I believe that's the perception? Yeah, absolutely, I
2 believe that's the perception and that is why I strictly gave
3 the instruction not to have any interaction with anyone and I
4 may have to instruct the jury not to have lunch in the snack
5 bar at all because there's too many people milling around the
6 courthouse and people do look very different in the courthouse
7 than they look in a courtroom.

8 But I'm going to voir dire the individual jurors and then
9 we'll see where we go from there because I need some answers
10 and I don't need somebody else's perception. I need their
11 answers about what actually took place and who they interacted
12 with and it is correct that -- and I don't know. I'll have to
13 take Mr. Harris' word for it that these individuals that may
14 have had interaction were not in the courtroom after lunch,
15 which may well have signaled this particular juror's memory or
16 not signaled it. In her mind, I don't know, she may have
17 interacted with somebody that she didn't know was involved in
18 the case, somebody she may have seen after a number of years,
19 an acquaintance or otherwise.

20 But since I knew of the specific juror that was
21 identified, the young lady in the yellow, I specifically
22 looked at her while I was talking and at no time did I see her
23 avert her eyes. If anything, she was trying not to look at
24 me. She was looking down at the floor. She looked over at
25 the bailiffs, but I was observing her specifically because I

1 wanted to know and make an independent judgment about whether
2 she was being misleading or not or whether in fact she had
3 some contact.

4 But the video very clearly shows her not really -- She's
5 more of a -- She's just in -- She's there because she's eating
6 lunch with this other lady, but I don't really see her having
7 anything other than ordinary social hospi -- I mean if the
8 person that I guess you could say liberally waved at her, it
9 would have been really rude for her not to have waved back or
10 to have acknowledged it in some way.

11 Which is the same observation I made on yesterday which
12 is why I avoid the public areas of this courthouse because I'm
13 a social -- I'm not going to be rude to somebody if they say
14 hi to me. I'm not going to not speak to them, but I also am
15 cognizant enough to know that if I see a criminal defendant or
16 if I see a victim's family and I exercise ordinary social
17 hospitality, they're going to misinterpret that. They're
18 going to be like, the judge smiled at me, the judge waved at
19 me and -- and frankly, I'm not going to remember who I waved
20 at or smiled at because my mind is 20 miles away doing
21 something else. It's on to the next thing, but I'm not going
22 to be rude to somebody as I'm walking through the courthouse
23 and I don't think anybody else would be either, but could that
24 be very easily misinterpreted? Absolutely.

25 Mr. Robinson, I need you to get -- I need you to get

1 juror number 63 for me, Miss Gadsden, and juror number 70,
2 Miss Givens, and have them stand outside in that hallway for
3 me, please.

4 (Whereupon, there is a brief pause in the proceedings
5 during which the Court views a portion of the video
6 again.)

7 THE COURT: Okay, could you bring in Miss Givens first?

8 BAILIFF: Miss Givens?

9 THE COURT: Pardon me?

10 BAILIFF: Miss Givens?

11 THE COURT: Yeah, number 70, Miss Givens.

12 (Whereupon, juror number 70, Miss Givens, is brought into
13 the courtroom.)

14 BAILIFF: Number 70, Miss Givens.

15 THE COURT: Hi, Miss Givens, how are you?

16 JUROR: Fine.

17 THE COURT: If you would, state your name for the record,
18 please.

19 JUROR: Robin Givens.

20 THE COURT: Miss Givens, I want to ask a question. Were
21 you in the snack bar on yesterday having lunch downstairs in
22 the courthouse?

23 JUROR: Mm-hmm.

24 THE COURT: And who did you have lunch with?

25 JUROR: Number 63, I can't remember her name.

1 THE COURT: Okay and while y'all were having lunch, did
2 some people come into the snack bar that you recognized?
3 JUROR: Yeah, a girl.
4 THE COURT: And who was that?
5 JUROR: I can't remember her name.
6 THE COURT: Where do you know her from?
7 JUROR: James Island.
8 THE COURT: Okay and when you say you know her from James
9 Island, what do you know of her from James Island?
10 JUROR: We -- I know her through another friend of mine
11 that lives on James Island.
12 THE COURT: Okay. When you say you know her through
13 another friend of yours, what -- how would you characterize
14 that?
15 JUROR: We've hung out together a few times.
16 THE COURT: You mean with the person you said hello to?
17 JUROR: Mm-hmm.
18 THE COURT: Okay. When you say you hung out, what do you
19 mean?
20 JUROR: We went to birthday parties together, like that.
21 THE COURT: Okay. Have you seen -- How long ago was
22 that?
23 JUROR: Last year in like June or July or something like
24 that.
25 THE COURT: Have you seen her since then?

1 JUROR: No, not since then before yesterday, no.

2 THE COURT: Okay and would you consider her a close

3 friend of yours?

4 JUROR: No.

5 THE COURT: Do y'all talk on the phone or have any

6 interaction other than the birthday party and when you saw her

7 yesterday?

8 JUROR: No.

9 THE COURT: And do you know her name?

10 JUROR: I can't recall her name. She named after a

11 champagne or a wine or something. Oh, I can't recall her

12 name.

13 THE COURT: Okay. What -- Tell me in your own words what

14 happened when she -- when you were sitting in the snack bar on

15 yesterday?

16 JUROR: We hailed each other.

17 THE COURT: When you say you hailed each other, tell me

18 what that means?

19 JUROR: Hi, how you doing, I ain't seen you in a long

20 time.

21 THE COURT: Mm-hmm.

22 JUROR: Stuff like that.

23 THE COURT: Were you surprised to see her?

24 JUROR: Yeah, mm-hmm.

25 THE COURT: To your knowledge, is she involved in this

1 case at all?

2 JUROR: Not to my knowledge.

3 THE COURT: Okay. Did you all have any discussion about
4 this case?

5 JUROR: No.

6 THE COURT: Did you all -- What did you all -- Other than
7 what you said, what else did you say?

8 JUROR: Then we just started talking about the friend I
9 told you about.

10 THE COURT: The friend in common that you have?

11 JUROR: Yeah, mm-hmm.

12 THE COURT: And then what else did you talk about?

13 JUROR: And she spoke about her -- that she moved in with
14 her grandmother.

15 THE COURT: Okay.

16 JUROR: That was it.

17 THE COURT: And again I ask did you in any way have any
18 interaction or discussion about this case?

19 JUROR: No.

20 THE COURT: Did you talk about the facts and
21 circumstances of this case?

22 JUROR: Oh, no, uh-uh.

23 THE COURT: To your knowledge, was she -- is she related
24 in any way to the defendant?

25 JUROR: Not to my knowledge.

1 THE COURT: Is she in any way related to the victims in
2 this case?

3 JUROR: Not to my knowledge.

4 THE COURT: Okay and did you hear the Court's
5 instructions not to speak to anyone that did not have a juror
6 sticker on?

7 JUROR: Yes, I did.

8 THE COURT: Okay and you just -- you forgot, is that what
9 you're saying?

10 JUROR: Yes.

11 THE COURT: Okay, because you saw what you considered to
12 be an old acquaintance? Is that an accurate statement?

13 JUROR: Just somebody to see from my neighborhood was
14 just ---

15 THE COURT: It was just that?

16 JUROR: Yeah, that was just that.

17 THE COURT: Okay and if you would, stand back in the
18 hallway -- Well, actually I need to ask this question. As a
19 result of that interaction, do you feel that you can remain
20 fair and impartial in this case?

21 JUROR: Yes.

22 THE COURT: Do you feel that you can render a fair and
23 impartial verdict in this case?

24 JUROR: Yes.

25 THE COURT: Do you feel that you can render a fair and

1 impartial verdict based solely on the evidence as it will be
2 presented and on the law as the Court will instruct?

3 JUROR: Yes.

4 THE COURT: Okay. Ma'am, if you would stand out in the
5 hallway please and do not discuss what we have discussed in
6 any manner whatsoever.

7 JUROR: Okay, thank you.

8 THE COURT: You're welcome.

9 (Whereupon, the juror leaves the courtroom with the
10 bailiff.)

11 THE COURT: Are there any additional questions in voir
12 dire for the juror from the State?

13 MR. VOIGT: No, Your Honor.

14 THE COURT: From the defense?

15 MR. HARRIS: None, Your Honor.

16 THE COURT: Is there any statements regarding whether
17 this juror should be excused or whether the juror should be
18 retained from the State?

19 MR. VOIGT: I would just reaffirm my motion.

20 THE COURT: Well, you need to be more specific than that.
21 You've heard voir dire now. I need to know if there is any
22 indication because you have the burden of proof to prove to me
23 that she can't be fair and impartial and that somehow she's
24 violated the Court's instructions.

25 MR. VOIGT: I believe Your Honor was very clear in voir

1 dire yesterday and in fact in today's voir dire she clarified
2 that, but it does not change in any way the fact that she
3 misled the Court yesterday.

4 THE COURT: Well, how did she mislead me yesterday?

5 MR. VOIGT: You asked that same sort of question about
6 contact with somebody other than someone with a juror badge
7 yesterday ---

8 THE COURT: Mm-hmm.

9 MR. VOIGT: --- and you had a different answer from her
10 yesterday ---

11 THE COURT: Mm-hmm.

12 MR. VOIGT: --- or a non-answer, which is I believe the
13 way the Court structured the voir dire would have been an
14 answer in the affirmative that she had not had such a
15 discussion. I don't believe that today's answer in any way
16 changes the fact that she was not entirely forthright with the
17 Court yesterday and because of yesterday's answer, she's not
18 entitled to any presumption of impartiality.

19 THE COURT: Mr. Harris?

20 MR. HARRIS: Your Honor, I don't believe that it was an
21 intentional omission on her part. I think it's like -- just
22 like she said. If a person says no name, it's an acquaintance
23 from a while back, like you said, it looked like somebody
24 waves their hands up like, oh my God, I haven't seen you in a
25 long time. It's been years.

1 I think she cleared it up today. We didn't say -- It's
2 not like we came to her and said we've got you on video, why
3 are you lying? You asked her clearly today were you in the
4 snack bar yesterday? Yes. Did you talk to someone yesterday?
5 Oh, yeah, I did.

6 It's kind of like it wasn't -- I don't think it was an
7 intentional omission on her part. I don't think she was
8 trying to mislead or deceive the Court. I think she didn't
9 think I saw a good friend of mine and I didn't realize that --
10 you know, she hadn't seen anybody in this courtroom at that
11 time.

12 So I'd ask that she remain on the panel. She told you
13 clearly she can be fair and impartial. She doesn't even know
14 the person's name. She said it might be after a wine or a
15 champagne. It's a passing acquaintance that she hasn't seen
16 in a year.

17 THE COURT: Bring in Miss -- Miss Gadsden for me, please.

18 BAILIFF: Miss Gadsden?

19 (Whereupon, juror number 63 is brought into the courtroom
20 by the bailiff.)

21 THE COURT: Tell me your name, ma'am, for the record?

22 JUROR: Erica Gadsden.

23 THE COURT: How are you doing this morning?

24 JUROR: Fine.

25 THE COURT: Miss Gadsden, did you have lunch with Miss

1 Givens yesterday in the lunch bar?

2 JUROR: No.

3 THE COURT: In the snack bar? Do you know who Miss

4 Givens is?

5 JUROR: No.

6 THE COURT: Okay. She's the lady that you came down the

7 hallway with. Did you have lunch with her yesterday?

8 JUROR: With her?

9 THE COURT: Yes, ma'am.

10 JUROR: Yeah.

11 THE COURT: So you don't know her name?

12 JUROR: No.

13 THE COURT: Okay. Y'all just sat in the snack bar

14 yesterday and had lunch?

15 JUROR: Yes, ma'am.

16 THE COURT: Okay and during lunch did anybody come up to

17 your table or did you interact with anybody during lunch while

18 you all were having lunch?

19 JUROR: Uh-uh.

20 THE COURT: Okay. Did anybody come up and speak to Miss

21 Gavins -- I mean Miss Givens?

22 (Whereupon, the juror nodded her head.)

23 THE COURT: I need you to tell me yes or no.

24 JUROR: Yes.

25 THE COURT: Okay and did you have any part in that

1 conversation?

2 JUROR: I might have just asked her if I know her from

3 someplace and stuff.

4 THE COURT: I'm sorry? Say that one more time.

5 JUROR: I asked her if I know her from someplace. That's

6 it.

7 THE COURT: And what was her response?

8 JUROR: No.

9 THE COURT: Okay and did you have any further contact

10 with anybody else in the snack bar during lunch?

11 JUROR: No, ma'am.

12 THE COURT: Other than Miss Givens?

13 JUROR: No, ma'am.

14 THE COURT: Okay. Is there a reason you didn't indicate

15 yesterday after lunch when I asked if you'd had any

16 interaction with anyone in or about the courthouse who didn't

17 have a juror sticker on?

18 JUROR: No.

19 THE COURT: I can't hear you.

20 JUROR: No.

21 THE COURT: Okay. Do you know any members of the

22 victim's family in that -- in this case, that being anyone who

23 is a member of Michael German's family?

24 JUROR: No, ma'am.

25 THE COURT: Do you know anyone that is a member of Mr.

1 Campbell's family?

2 JUROR: No, ma'am.

3 THE COURT: Okay. Ma'am, is there -- after the
4 interaction that you had in the snack bar, that being someone
5 asking if you knew them or not, do you feel that you can
6 remain fair and impartial?

7 JUROR: Fair.

8 THE COURT: I can't hear you.

9 JUROR: Fair.

10 THE COURT: Okay. Do you think you can render a fair and
11 impartial decision in this case?

12 JUROR: Yes.

13 THE COURT: I can't hear you.

14 JUROR: Yes.

15 THE COURT: Do you feel you can render a decision based
16 solely on the evidence as it will be presented and on the law
17 as the Court will instruct?

18 JUROR: Yes.

19 THE COURT: You tell me ---

20 JUROR: Yes.

21 THE COURT: Okay. If you would, step out into the
22 hallway for me and please do not discuss anything that we've
23 discussed with anyone.

24 JUROR: Okay.

25 THE COURT: Thank you.

1 (Whereupon, the juror leaves the courtroom.)

2 THE COURT: Any additional questions from the State?

3 MR. VOIGT: No, Your Honor.

4 THE COURT: From the defense?

5 MR. HARRIS: None, Your Honor.

6 THE COURT: Any argument from the State regarding the

7 witness?

8 MR. VOIGT: Your Honor, based on the witness' comments to

9 the Court today, as well as the difference in the video

10 evidence between this juror and the juror we previously

11 discussed, the State would withdraw its motion as to this

12 juror.

13 THE COURT: Any exception from the defense?

14 MR. HARRIS: No exception, Your Honor.

15 THE COURT: Okay. I am going to -- and I -- I watched

16 the video. As a matter of fact, I was going to watch it again

17 in light of what's been disclosed because I wanted to make

18 sure I was accurate, but the video does really -- it really

19 shows the same affect that the juror exercised today as

20 yesterday. She has a pretty flat affect, like I don't know.

21 She's young, I guess. I don't want to cast any aspersions on

22 her character, but she's a typical young person. She's just

23 sort of like I'm sort of here and that's pretty much how she

24 was acting on the video, almost like I'm just sort of a

25 peripheral part of this situation, just trying to get through

1 it basically and she doesn't really have any interaction with
2 anyone.

3 Now I really don't have any concerns about Miss Givens'
4 impartiality. She's indicated she can be fair and impartial
5 and she can render a fair and impartial decision. But I am
6 troubled I guess and I use that word very lightly because I'm
7 really not troubled by the fact that she didn't disclose when
8 I asked the question because she's a typical juror. They just
9 don't -- The things we think are important they don't think
10 are important and I really don't think she had any intention
11 to mislead the Court and there would have been no reason for
12 her to have disclosed the individuals in voir dire because
13 they weren't in the courtroom and their names specifically
14 were not mentioned and in addition to that, she indicated I
15 really don't even know this person's name. I just know she
16 has the name of a wine or champagne or something.

17 I do think that the interaction was innocent. I really
18 don't think it amounts to anything, but out of an abundance of
19 caution I'm going to excuse her just because I don't want
20 there to be any perception that whatever verdict is rendered
21 that it was not fair and impartial. But I really think that
22 anything she did was innocent. I don't even think she really
23 knows the woman. I think it's one of those things because you
24 can tell on the video the lady is very shocked that she sees
25 her. She's like -- It's almost like, oh, that's you, I

1 haven't seen you in a long time. There is no indication that
2 they discussed anything about this case.

3 I have no reason to question that she would mislead the
4 Court about it, but perception as I've indicated is often
5 reality for people and I'm going to dismiss her just out of --
6 And we still have two alternates, so I don't think we're in
7 any jeopardy of losing -- Well, you never know. Stranger
8 things have happened. People get sick and other things. I
9 hope I didn't just speak something horrible over my case --
10 over the case. Stranger things have happened, but we'll -- we
11 should be able to get through the rest of this trial hopefully
12 still having twelve jurors remaining and being able to
13 continue to try the case.

14 If you could bring out Miss -- let's see here, I can't
15 remember this lady's number, number 70, Miss Givens for me,
16 please.

17 BAILIFF: Miss Givens?

18 (Whereupon, juror number 70, Robin Givens, is brought
19 into the courtroom.)

20 THE COURT: Miss Givens, out of an abundance of caution,
21 I do not believe you have misled the Court in any way. I
22 believe you have been candid and I believe the person you
23 interacted with in the snack bar was an innocent interaction
24 with somebody you hadn't seen in a while. But out of an
25 abundance of caution, I'm going to excuse you as a juror in

1 this case so that there can never be any question regarding
2 the impartiality of the verdict. We appreciate your candor
3 and your time.

4 JUROR: Yes, ma'am.

5 THE COURT: And I know you're probably happy to go. You
6 can go on back to work.

7 JUROR: I am.

8 THE COURT: You have a good day. I would ask that you
9 not discuss this, however, with anyone.

10 JUROR: Okay.

11 THE COURT: And you're free, of course, to discuss your
12 experience as a juror at the conclusion of the week when
13 everyone is excused, but I would just ask that you call the
14 jury information line after 6 o'clock this evening for further
15 instructions and you have a wonderful day.

16 JUROR: You, too. Thank you.

17 THE COURT: You're welcome, ma'am.

18 JUROR: Woooo.

19 THE COURT: She's ready to go.

20 (Whereupon, juror number 70 is excused from the jury and
21 leaves the courtroom.)

22 BAILIFF: Judge, do you want the second juror?

23 THE COURT: Actually, you can leave her in the hall and
24 you can bring the rest of the panel down the hall for me. Ms.
25 Shealy, did they figure out -- Ms. Shealy left? She probably

1 got tired.

2 MR. HARRIS: Your Honor?

3 THE COURT: Mm-hmm.

4 MR. HARRIS: For the record, can I just -- I mean object
5 to the ---

6 THE COURT: You've noted your exception.

7 MR. HARRIS: Okay.

8 THE COURT: Yeah.

9 MR. HARRIS: I just wanted to note my exception for the
10 record.

11 THE COURT: You've already noted your exception for the
12 record when you made your argument.

13 MR. HARRIS: Thank you.

14 THE COURT: You're welcome.

15 (Whereupon, Ms. Shealy enters the courtroom and has a
16 brief discussion with the Court regarding another
17 matter.)

18 THE COURT: You can give that to the court reporter.

19 THE LAW CLERK: What about the statements?

20 THE COURT: Oh, no, she can have those as well.

21 (Whereupon, Court's Exhibits 2, 3 and 4 are passed to the
22 court reporter.)

23 THE COURT: Who is the State's next witness?

24 MR. VOIGT: Dr. Presnell, Your Honor.

25 THE COURT: Is she here?

1 MR. VOIGT: Yes, she is.

2 THE COURT: Could you get her so that we don't have to
3 hunt for her?

4 MR. VOIGT: My investigator has gone to get her.

5 THE COURT: Thank you, sir, appreciate it.

6 (Whereupon, the bailiff returns to the courtroom to
7 indicate the jury is present in the hall.)

8 THE COURT: Ready? Wait a minute, wait, wait, wait.
9 Where is Dr. Presnell?

10 (Whereupon, the witness enters the courtroom.)

11 THE COURT: Dr. Presnell, if you could, come on up front
12 for me, please, so that you'll be ready to be sworn when the
13 jury comes in. I appreciate you being so patient with us.
14 You can bring in the jury, Mr. Robinson.

15 (Whereupon, the jury enters open court at 11:41 a.m.)

16 THE COURT: Oh, we're supposed to do it by lot. I just
17 realized that. Approach for me, please. I completely forgot
18 about that.

19 BAILIFF: The jury is present, Your Honor.

20 THE COURT: You may be seated.

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

23 THE COURT: I completely forgot about that.

24 MR. VOIGT: About what?

25 THE COURT: According to statute, you're supposed to seat

1 the alternates by lot. So I'm going to get them to put the
2 two names in a box. We need to juggle them up and have
3 somebody pick one. Where did Mike go?

4 MR. VOIGT: I can get somebody to do it.

5 THE COURT: I forgot to do something. I'm sorry. You
6 know we're supposed to pick the alternate by lot. Do you have
7 like two slips of paper we can just ---

8 THE CLERK: I can make one.

9 THE COURT: Would you do that for me real quick? And
10 then y'all can stand back. Do you want the numbers?

11 THE CLERK: No, no.

12 THE COURT: Okay.

13 (Whereupon, the bench conference ends and a tissue box
14 with two slips of paper is prepared for drawing the
15 alternate juror and the drawing is made by the clerk.)

16 THE COURT: Number 132 will be seated. If you could --
17 if y'all could slide -- from this way slide down for me one
18 and then have -- Mr. Latimer, if you would come be seated
19 right in this first chair for me? Thank you so much.

20 Ladies and gentlemen, I hope that you all had a pleasant
21 and restful evening. We appreciate your patience. We have
22 had to deal with some matters of law this morning that took us
23 a little bit longer than we anticipated. As you all are now
24 aware, Mr. Latimer has now been seated as a member of the
25 panel and he is no longer an alternate but a member of your

DIRECT EXAMINATION OF DR. SUSAN ERIN PRESNELL BY MR. VOIGT

1 twelve. We have for legal reasons sufficient to the Court had
2 to remove number 70, one of your fellow jurors, and I will get
3 into some further instructions regarding that before we retire
4 for the luncheon recess.

5 I will -- We will now resume the testimony and I would
6 ask that you give the attorneys your undivided attention. You
7 may proceed.

8 THE CLERK: Do you swear or affirm that your testimony
9 will be the truth, the whole truth and nothing but the truth,
10 so help you God?

11 DR. PRESNELL: Yes, sir.

12 THE CLERK: Be seated. If you would, please state your
13 full name and spell your last name for the record.

14 DR. PRESNELL: My name is Susan Erin Presnell, P-R-E-S-N-
15 E-L-L and I do apologize I have a cold, so I'll try to not
16 cough too much.

17 THE COURT: You may proceed.

18 MS. RIDDLE: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 DR. ERIN PRESNELL, being first duly sworn,
21 testifies as follows:

22 DIRECT EXAMINATION

23 BY MS. RIDDLE:

24 Q: Dr. Presnell, please tell us about your current job
25 title?

1 MR. VOIGT: Yes, Your Honor.

2 THE COURT: Okay. Now that the defense has rested their
3 case, are there any motions?

4 MR. HARRIS: From the State, Your Honor?

5 MR. VOIGT: Not from the State, Your Honor.

6 THE COURT: From the defense, are there any motions?

7 MR. HARRIS: Your Honor, I would renew all previous
8 motions and objections.

9 THE COURT: Again, the Court would deny the motions based
10 on its previous ruling. Without belaboring time, the Court is
11 concerned with the existence or non-existence of evidence and
12 not its weight and there is direct and substantial
13 circumstantial evidence reasonably tending to prove the
14 defendant's guilt and therefore, the motion is denied.

15 Enjoy your break. I'll see y'all in about ten minutes.
16 It is 11:19, so I guess -- Well, you might as well just round
17 it out to 11:30.

18 MR. VOIGT: Thank you, Your Honor.

19 MR. HARRIS: Thank you, Your Honor.

20 (Whereupon, there is a break in the proceedings from
21 11:20 a.m. until 11:43 a.m.)

22 THE COURT: Is the State ready to proceed?

23 MR. VOIGT: Yes, Your Honor.

24 THE COURT: Is the defense ready to proceed?

25 MR. HARRIS: Yes, Your Honor.

1 lunch, it should arrive by 12:30. So what I'm going to do, I
2 need to debate a little bit about what I'm going -- how --
3 what we're going to do. I might let you all just go walk
4 around for 30 minutes and then when your lunch comes, you'll
5 -- you know, you can eat and then we can resume with the
6 proceedings, but if you all could indulge me for a moment
7 while I figure that out, I appreciate it. During this break,
8 please do not discuss the case and please leave your notepads
9 in your seats.

10 (Whereupon, the jury leaves the courtroom at 11:59 a.m.

11 While the jury is exiting, the sound of a cell phone
12 ringer is heard.)

13 THE COURT: Was that a phone? Was that your phone?

14 MR. HARRIS: I don't have a phone on me.

15 THE COURT: That's okay. You may be seated. Now that
16 the State has rested, are there any motions?

17 MR. VOIGT: None from the State, Your Honor.

18 THE COURT: Any from the defense?

19 MR. HARRIS: Your Honor, I'll just again renew my motions
20 from before and objections.

21 THE COURT: And the Court will mark those renewed and
22 denied based on its previous ruling.

23 (Whereupon, there is a break in the proceedings as the
24 Court confers with the clerk regarding the lunch
25 delivery.)

1 THE COURT: You may be seated. Madam Forelady, is it
2 correct the jury has reached a verdict?
3 MADAM FORELADY: Yes, ma'am.
4 THE COURT: You can give the verdict forms to the bailiff
5 for me, please.
6 MADAM FORELADY: Okay.
7 THE COURT: Thank you, ma'am. Sir, if you would, stand
8 for the publication of the verdict.
9 THE CLERK: The verdict forms in the matter of The State
10 of South Carolina versus Jerome Renaldo Campbell, defendant.
11 As to Indictment Number 2009-GS-10-6730, we the jury by
12 unanimous consent find the defendant guilty of assault with
13 intent to kill involving Frank Haigler, signed by the
14 foreperson of the jury on January 27, 2012. Ladies and
15 gentlemen of the jury, if this was your verdict, please raise
16 your right hand.
17 (Whereupon, all jurors raise their right hand.)
18 THE CLERK: Thank you. Please let the record reflect
19 that all twelve jurors raised their right hand. As to
20 Indictment Number 2009-GS-10-6731, we the jury by unanimous
21 consent find the defendant guilty of murder, signed -- signed
22 by the foreperson of the jury on January 27, 2012. Ladies and
23 gentlemen of the jury, if this was your verdict, please raise
24 your right hand.
25 (Whereupon, all jurors raise their right hand.)

1 THE CLERK: Thank you. Please let the record reflect
2 that all twelve jurors raised their right hand. As to
3 Indictment Number 2009-GS-10-6732, we the jury by unanimous
4 consent find the defendant guilty of assault with intent to
5 kill involving Anthony German, signed by the foreperson of the
6 jury on January 27, 2012. Ladies and gentlemen of the jury,
7 if this was your verdict, please raise your right hand.

8 (Whereupon, all jurors raise their right hand.)

9 THE CLERK: Thank you. Please let the record reflect
10 that all twelve jurors raised their right hand. As to
11 Indictment Number 2009-GS-10-6733, we the jury by unanimous
12 consent find the defendant guilty of assault with intent to
13 kill involving Michael Allen, signed by the foreperson of the
14 jury on January 27, 2012. Ladies and gentlemen of the jury,
15 if this was your verdict, please raise your right hand.

16 (Whereupon, all jurors raise their right hand.)

17 THE CLERK: Thank you. Please let the record reflect
18 that all twelve jurors raised their right hand.

19 THE COURT: Is there any request to poll the jury from
20 the State?

21 MR. VOIGT: None from the State, Your Honor.

22 THE COURT: From the defense?

23 MR. HARRIS: None, Your Honor.

24 THE COURT: You may take your seats. Madam Forelady,
25 ladies and gentlemen, we thank you for your time and your

1 attention to this matter. I hope that jury service has been
2 educational for you. I say it during jury qualification and
3 people often chuckle that real court is nothing like Judge
4 Judy, Judge Joe Brown or the Peoples Court and it is not and I
5 hope that you all from this experience learned how very
6 valuable you are to the system and that it could not operate
7 without individuals being willing to donate their time to us
8 because really that's what you do. Our system is the only
9 system where twelve individuals sit as fact finders and apply
10 a very complicated set of laws to those facts and render
11 verdicts.

12 You are welcome to discuss this case if you would like.
13 By the same token, if someone should persist in trying to
14 speak with you and it makes you feel uncomfortable, please
15 make us aware of it so that we can take the appropriate action
16 to protect your privacy.

17 If you need a work excuse before you leave today, you can
18 get those on the first floor of the Clerk of Court's office on
19 the Circuit Court side. Any of the deputy clerks at any of
20 those windows can give you a work excuse. Otherwise, they
21 will be mailed to you along with your checks.

22 We will hear post-trial motions and sentencing
23 immediately following this proceeding. If there is anyone
24 that wants to stay for sentencing, please make the bailiffs
25 aware of it and we'll bring you back into the courtroom and

1 seat you in the jury box for that purpose.

2 You are excused with the Court's profound thanks. If you
3 would, go with the bailiffs.

4 (Whereupon, the jury leaves the courtroom at 2:02 p.m.
5 The Court briefly leaves the bench to personally thank
6 the jurors in the hall. Several jurors return to the
7 courtroom and are seated in the jury box.)

8 THE COURT: You may be seated. Are there any post-trial
9 motions for the State?

10 MR. VOIGT: None from the State, Your Honor.

11 THE COURT: From the defense?

12 MR. HARRIS: Your Honor, I would reiterate and renew all
13 objections during the trial and all motions made during the
14 trial.

15 THE COURT: The Court would note those motions and deny
16 them based on its previous rulings. Are we ready? Do we have
17 sentencing sheets?

18 MR. VOIGT: I'm signing those as we speak, Your Honor.

19 THE COURT: Did you want to say something, Mr. Harris?

20 MR. HARRIS: No.

21 THE COURT: Okay.

22 (Whereupon, there is a brief pause in the proceedings.)

23 MR. VOIGT: Your Honor, I have a question.

24 THE COURT: Sure.

25 MR. VOIGT: And as to the AWIKs ---

1 sentencing?

2 MR. VOIGT: None, Your Honor.

3 (Whereupon, there is a brief pause in the proceedings.)

4 SENTENCE

5 THE COURT: Sir, if you would, stand for sentencing. I
6 think that we've all heard the facts and circumstances of this
7 case and there's no need for the Court belaboring it by making
8 any protracted comments, but I think that both Mr. Voigt and
9 Mr. Harris had summed it up by saying that this is just an
10 utter tragedy, young lives just gone and without any ability
11 really to recoup them because irregardless of what the Court
12 does today, the fact of any sentence --

13 South Carolina -- And it's been interesting to me of late
14 the way our system is perceived because most people are not
15 educated about it and they don't realize that South Carolina
16 is unlike most states in terms of our sentencing structure.
17 So whatever sentence Mr. Campbell receives today will have the
18 net effect of a life sentence irregardless because he will
19 serve it at 85% and at his age, he will be inordinately -- He
20 would have reached a fairly -- because his life expectancy, as
21 much as we don't like like to think about it, is only another
22 41 years. So as a practical matter, the net effect of
23 whatever the Court does today really at some point becomes a
24 nullity because it all has the same net effect when you look
25 at the way our system is structured.

1 However, having made that observation, sir, I find it
2 appropriate under the circumstances that on each of the
3 offenses, that being assault with intent to kill, which is
4 Indictment 2009-GS-10-6732, 2009-GS-10-6730 and 2009-GS-10-
5 6733, that you be sentenced to the State Department of
6 Corrections for a period of ten years.

7 On the offense of murder, which is Indictment 2009-GS-10-
8 6731, you are sentenced to the State Department of Corrections
9 for a period of thirty years.

10 These sentences will run concurrent with one another.
11 You'll get credit for any time that you have served. That
12 will be calculated and applied by the Department of
13 Corrections.

14 I have not heard anything regarding any addictions or
15 other things such that it would be necessary for the Court to
16 order the treatment unit. However, I would encourage you,
17 sir, and again, the Court takes no posture about this or
18 regarding this, that if you know the identity of these other
19 individuals, that you would be forthcoming and provide that
20 information to the State, at least for the benefit of the
21 closure of this family.

22 Thank you very much. Thank you, gentlemen, for a well-
23 tried case. Have a good weekend and if y'all would make sure
24 the court reporter has all of the evidence so that it can be
25 secured in the evidence locker in the event of an appeal.

1 (The trial ended at 2:25 p.m.)
2 --- END REQUESTED TRANSCRIPT ---
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SOLICITOR'S OFFICE
NINTH JUDICIAL CIRCUIT

WITNESS STATEMENT

Statement of Tranelle German
Date of Birth: 07/21/1986 SSN: [REDACTED] 6243
Home Address: [REDACTED]
Home Telephone#: 843 818 9838 Work Telephone#: [REDACTED]
Employer/Occupation: Verizon Wireless / CSR
Date of Statement: 1/23/2012 Time of Statement: 3:20
Location: Court house
RE: _____

At this time, I, Tranelle German, desire to make the following voluntary statement:

I witness Candace Hudson speaking with the juror with a yellow shirt, heavy ~~dark~~ set female looks to be about 24, African-American, they talked for about 2 mins.

Q - How do you know they were Jurors?

A - As Jurors were coming out to go in court room first time she had on blue/white juror sticker

Q - How do you know ms ^{Gilson} ~~Candace~~?

A - She the mother of my sister in law and ~~great~~ sister of Jerome Campbell

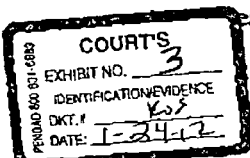
Q - Where did this conversation take place?

A - Court room snack bar.

I have made the following statement freely and voluntarily without fear, threat, promise, reward or hope of reward of any kind.

Witness: [Signature] Signed: [Signature]

This is to confirm that the signature above is my own and that before I made my signature I read or had read to me the foregoing statement consisting of 2 page(s). My signature appears on each page. A true copy has been given to me this _____ day of _____, 200__.



Page ____ of ____

Statement of _____

Q - DESCRIBE THE TUNOR IN QUESTION
THE BEST YOU CAN.

A - ~~She~~ SHE'S an African American female
on the heavier side she has on a yellow
shirt (bright) she has diamond heart earring
in her ears, she has pink nail polish, (on nails)
she looks to be 24.

I have made the following statement freely and voluntarily without fear, threat, promise, reward or hope of reward of any kind.

Witness: _____

Signed: _____

This is to confirm that the signature above is my own and that before I made my signature I read or had read to me the foregoing statement consisting of 2 page(s). My signature appears on each page. A true copy has been given to me this ____ day of _____, 200__.

SOLICITOR'S OFFICE
NINTH JUDICIAL CIRCUIT

WITNESS STATEMENT

Statement of Tiffany Pearce
Date of Birth: 7-26-81 SSN: [REDACTED] 4759
Home Address: [REDACTED] Summerville SC 29485
Home Telephone#: 864-631-7298 Work Telephone#: _____
Employer/Occupation: State of SC
Date of Statement: 1-23-2012 Time of Statement: _____
Location: Courthouse.
RE: Campbell trial

At this time, I, Tiffany Pearce, desire to make the following voluntary statement:

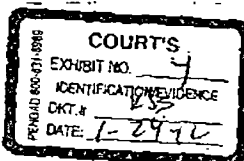
I did on 1-23-2012 observe two of the jury members. The conversation appeared to last approx 2-4 min, and it appeared that the jurors and the [REDACTED] family of the defendant knew each other. During the conclusion of the conversation I observed a black female with a brown jacket + pants casual sweat suit making the statement "I have them on our side". I proceeded to ask Trunelle "I thought we could not have contact with the jury." She stated that she thought the same and that she would speak with Mrs. Forcel. The two jury members that I observed were both black females, one heavier set with a yellow screen print type

I have made the following statement freely and voluntarily without fear, threat, promise, reward or hope of reward of any kind.

Witness: [Signature]

Signed: [Signature]

This is to confirm that the signature above is my own and that before I made my signature I read or had read to me the foregoing statement consisting of 2 page(s). My signature appears on each page. A true copy has been given to me this _____ day of _____, 200__.



Page ____ of ____

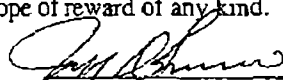
Statement of shirt. The other had long wavy

hair and a heavy jacket that was dark in color.

This conversation took place in the courthouse snack bar
approx. 1:20 PM on 1-23-2012.

I have made the following statement freely and voluntarily without fear, threat, promise, reward or hope of reward of any kind.

Witness:



Signed:



This is to confirm that the signature above is my own and that before I made my signature I read or had read to me the foregoing statement consisting of 2 page(s). My signature appears on each page. A true copy has been given to me this ____ day of _____, 200__.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra L. Jefferson, General Sessions Court Judge
09-GS-10-6730

Case Tracking Number: 2012208426

The State of South Carolina, ...Respondent,

v.

Jerome Campbell
a/k/a Jerome Coaxum Appellant,

**PROOF OF SERVICE OF RECORD ON APPEAL
AND CERTIFICATE OF COUNSEL PURSUANT TO
RULE 210(G) AND SUPREME COURT ORDER DATED AUGUST 13, 2007**

I certify that I have served the Record on Appeal and Certificate of Counsel Pursuant to Rule 210(g) and Supreme Court Order Dated August 13, 2007 upon the Respondent's counsel by depositing a copy of it in the United States Mail, postage pre-paid, on February 20, 2013, addressed as follows:

Donald J. Zelenka
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SIGNATURE PAGE TO FOLLOW

RECEIVED

FEB 22 2013

SC Court of Appeals

Respectfully submitted,

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