

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

RECEIVED

Sep 10 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EDMUND A. PINCKNEY,

APPELLANT

APPELLATE CASE NO 2019-001563

RECORD ON APPEAL

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	)	2017-GS-23-02194
COUNTY OF GREENVILLE	)	2017-GS-23-02195
	)	2017-GS-23-01123
	)	2017-GS-23-01381
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
EDMUND PINCKNEY,	)	
DEFENDANT.	)	
_____	)	

February 6 and 7, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE

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CHERYL A. SMITH
Circuit Court Reporter

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P R O C E E D I N G S

WEDNESDAY, FEBRUARY 6, 2019

(WHEREUPON, State's Exhibit Numbers 1 through 18 were
marked for identification. Proceedings commenced at
10:08 a.m.)

THE COURT: Okay. I understand we've got the jury
downstairs ready to go. Anything before we bring them up?

MR. QUINN: Nothing from the defense.

MR. MOYER: No, Your Honor.

THE COURT: Okay. All right.

(Pause in proceedings.)

(WHEREUPON, the jury panel entered the courtroom at
10:14 a.m.)

THE COURT: All right. Ladies and gentlemen, welcome
up to Courtroom 4. I think for some of you it might be
your second visit. I'm glad you're back. And for those
who are new, we're happy to have you.

As I told you all on Monday, you're qualified to
serve under state law this week, and now we have to
qualify you to serve for this particular case. And so
we're going to go through a series of questions to ensure
that we arrive when the selection occurs with a fair and
impartial jury who is going to judge this case based
solely on the merits of the evidence presented in this

1 courtroom and the law presented in this courtroom. So as
2 I go through the questioning, please remember that you all
3 are still under oath and give us full, complete and
4 truthful answers to all the questions which are propounded
5 to you.

6 Before I start I'm going to introduce the case to
7 you. This is a three-count case. The first indictment is
8 the State vs. Edmund Antonio Pinckney. It's an indictment
9 for armed robbery. This indictment alleges that Edmund
10 Antonio Pinckney did in Greenville county, on or about the
11 27th day of December 2016, while armed with a deadly
12 weapon or while alleging either by action or words he was
13 armed while using a representation of a deadly weapon or
14 any object which a person present during the commission of
15 the robbery would reasonably believe to be a deadly
16 weapon, took by means of force or intimidation goods or
17 monies described as lighters, pay stub and/or clothes
18 belonging to Li'l Cricket from the person or presence of
19 Dorothy Miller.

20 The second indictment is a two-count indictment, and
21 Count 1 alleges that Edmund Antonio Pinckney did in
22 Greenville county, on or about the 27th day of December
23 2016, unlawfully injure Dorothy Miller, whereby the victim
24 suffered great bodily injury, or the act was accomplished
25 by means likely to produce death or great bodily injury.

1 Count 2 alleges that Edmund Antonio Pinckney did in
2 Greenville county, on or about the 27th day of December
3 2016, possess or visibly display a knife during the
4 commission or attempted commission of a violent crime,
5 that is, assault and battery of a high and aggravated
6 nature.

7 Now, ladies and gentlemen, to these indictments,
8 Mr. Pinckney has pled not guilty, and as such certain
9 rights attach to him which belong to each and every person
10 who is charged with a criminal offense in this country,
11 and that is that he is presumed to be innocent unless and
12 until the charging body, in this case the State of South
13 Carolina, can prove to a jury beyond any reasonable doubt
14 each and every element of each charge alleged against him.

15 I would also tell you that these indictments are
16 nothing more than they appear to be. They're just pieces
17 of paper which contain the formal charges against this
18 defendant and allow this case to wind its way through our
19 system to arrive here in court for resolution, and you
20 should take no -- make no presumption or take any
21 inference from the fact that these documents have issued.
22 They're just pieces of paper.

23 All right. Ladies and gentlemen, before I start
24 questioning, at this time I would ask the attorneys to
25 stand and introduce themselves and their client when

1 appropriate. All right.

2 MR. MOYER: My name is Mark Moyer, I will be
3 representing the State along with ---

4 MR. CONITS: Ian Conits.

5 THE COURT: Mr. Quinn.

6 MR. QUINN: Good morning. My name is Tom Quinn. I'm
7 an attorney here in town. I have the opportunity today to
8 represent Edmund Pinckney.

9 JURY QUALIFICATION

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

11 All right. Ladies and gentlemen, is there any member
12 of the jury panel who is related by blood or marriage or
13 who has a business, social or personal relationship with
14 any of the attorneys involved in this case or with anyone
15 in the 13th Circuit Solicitor's Office? If so, please
16 stand.

17 All right. Yes, sir. Your name and number, please,
18 sir.

19 JUROR NUMBER 90: I'm William Loftis, Juror
20 Number 90. I have a relationship with someone in the
21 solicitor's office.

22 THE COURT: Tell us who.

23 JUROR NUMBER 90: Ryan Holloway.

24 THE COURT: Okay. Would the fact that you have that
25 acquaintance impair your ability to be fair and impartial

1 in this case to either the State or the defense?

2 JUROR NUMBER 90: No, sir.

3 THE COURT: And could you judge this case based
4 solely on the merits of the evidence and the law presented
5 in the courtroom?

6 JUROR NUMBER 90: Yes, sir.

7 THE COURT: Thank you very much.

8 All right. Is there any member of the jury panel who
9 is related by blood or marriage or has a business,
10 personal or social relationship with either Mr. Edmund
11 Antonio Pinckney or Ms. Dorothy Miller? If so, please
12 stand.

13 (No response.)

14 THE COURT: I'm going to read a list of potential
15 witnesses in this case, and I'll need to know the same
16 about them: Jeff Horowitz, Stanley Evans, Ishma Davis,
17 Ryan Floress with the Greenville County Sheriff's Office,
18 Michael Kastner with the sheriff's office, Al Cannon with
19 the sheriff's office, William Watkins with the sheriff's
20 office, Jason Hughey with the sheriff's office, Corey
21 Chadwick with the sheriff's office, Tirissa Johnson with
22 the sheriff's office, Charles Moore with the Greenville
23 County Detention Center, Dustin Kretschmar with the
24 Greenville County Department of Public Safety. Is there
25 any member of the jury panel who is related by blood or

1 marriage or who has a business, personal or social
2 relationship with any of those potential witnesses whose
3 names I have just read? If so, please stand.

4 (No response.)

5 THE COURT: Okay. Is there any member of the jury
6 panel who has any knowledge about the events that are
7 alleged in these indictments? If so, please stand.

8 (No response.)

9 THE COURT: Is there any member of the jury panel or
10 family member or close personal friends who has ever been
11 a victim of or charged with these type of offenses? If
12 so, please stand.

13 All right.

14 JUROR NUMBER 151: Shawn Thompson, Juror Number 151.
15 My mother-in-law had a home invasion probably a couple
16 years ago where she was held at gunpoint, her purse was
17 stolen.

18 THE COURT: Okay. Would the fact that your family
19 member has that experience, would that impair your ability
20 to be fair and impartial in this case to either the State
21 or the defense?

22 JUROR NUMBER 151: No, sir.

23 THE COURT: And could you judge this case based
24 solely on the merits of the evidence and the law presented
25 in this courtroom?

1 JUROR NUMBER 151: Yes, sir.

2 THE COURT: Thank you.

3 All right. Is there any member of the jury panel who
4 has ever been -- oh, I'm sorry.

5 JUROR NUMBER 78: Curtis Kirby, Number 78. My father
6 was murdered during a robbery.

7 THE COURT: Okay. Would the fact that you have that
8 experience impair your ability to be fair and impartial in
9 this case to either the State or the defense?

10 JUROR NUMBER 78: No, sir.

11 THE COURT: And could you judge this case based
12 solely on the merits of the evidence and the law presented
13 in this courtroom?

14 JUROR NUMBER 78: Yes, Your Honor.

15 THE COURT: Thank you.

16 All right. Is there any member of the jury panel who
17 is currently or ever been employed by Li'l Cricket? If
18 so, please stand.

19 (No response.)

20 THE COURT: All right. Is there any member of the
21 jury panel who is aware of any bias or prejudice towards
22 either the State or the defense? If so, please stand.

23 (No response.)

24 THE COURT: Is there any member of the jury panel who
25 is a member of or a contributor to a group whose primary

1 concern is the promotion of law enforcement or victims'
2 rights? Examples would be MADD, SADD or CAV. If so,
3 please stand.

4 (No response.)

5 THE COURT: Is there any juror who knows of any
6 reason whatsoever why you should not serve in this case
7 with particular emphasis on your ability to judge the case
8 based solely on the law and the evidence presented in this
9 courtroom and your ability to be fair and impartial to
10 both the State and the defense? Does anyone know of any
11 reason with those factors that you should not sit?

12 (No response.)

13 THE COURT: Okay. Anything else from the State?

14 MR. CONITS: Your Honor, may we approach?

15 THE COURT: Okay.

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: All right. Anything else other than what
18 was discussed up here at the bench conference?

19 MR. MOYER: Not from the State, Your Honor.

20 MR. QUINN: Not from the defense.

21 JURY SELECTION

22 THE COURT: All right. Okay. With that, ladies and
23 gentlemen, we're ready to proceed to striking the jury.
24 So when your name is called, please stand in place and
25 await further instructions.

1 THE CLERK: Juror Number 68, Tiffany Hill.

2 (WHEREUPON, Tiffany Hill, a white female, stood.)

3 THE CLERK: What says the State?

4 MR. MOYER: Please present Ms. Hill.

5 THE CLERK: What says the defendant?

6 MR. QUINN: Please swear Ms. Hill.

7 THE CLERK: Ms. Hill, if you will please come forward
8 to the jury box.

9 Number 155, Michael Waldrop.

10 (WHEREUPON, Michael Waldrop, a white male, stood.)

11 THE CLERK: What says the State?

12 MR. MOYER: Please excuse the juror in this case.

13 THE CLERK: Sir, you may be seated.

14 Number 151, Shawn Thompson.

15 (WHEREUPON, Shawn Thompson, a white female, stood.)

16 THE CLERK: What says the State?

17 MR. MOYER: Please present Ms. Thompson.

18 THE CLERK: What says the defendant?

19 MR. QUINN: Please excuse Ms. Thompson from this
20 trial.

21 THE CLERK: Please be seated, Ms. Thompson.

22 Number 72, Sarah Ironside.

23 (WHEREUPON, Sarah Ironside, a white female, stood.)

24 THE CLERK: What says the State?

25 MR. MOYER: Please present Ms. Ironside.

1 THE CLERK: What says the defendant?

2 MR. QUINN: Please swear Ms. Ironside.

3 THE CLERK: Ms. Ironside, please have a seat in the
4 jury box.

5 Juror Number 44, Fadell Durham.

6 (WHEREUPON, Fadell Durham, a black male, stood.)

7 THE CLERK: What says the State?

8 MR. MOYER: Please excuse the juror in this case.

9 THE CLERK: Please have a seat.

10 Number 54, Jodie Gedenberg.

11 (WHEREUPON, Jodie Gedenberg, a white female, stood.)

12 THE CLERK: What says the State?

13 MR. MOYER: Please present Ms. Gedenberg.

14 THE CLERK: What says the defendant?

15 MR. QUINN: Please swear Ms. Gedenberg.

16 THE CLERK: Please come forward to the jury box.

17 Juror Number 141, Tanisha Suber.

18 (WHEREUPON, Tanisha Suber, a black female, stood.)

19 THE CLERK: What says the State?

20 MR. MOYER: Please present Ms. Suber.

21 THE CLERK: What says the defendant?

22 MR. QUINN: Please swear Ms. Suber.

23 THE CLERK: Ms. Suber, please bring your things and
24 come forward to the jury box.

25 Juror Number 98, Danell McIntyre.

1 (WHEREUPON, Danell McIntyre, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. MOYER: Please present Ms. McIntyre.

4 THE CLERK: What says the defendant?

5 MR. QUINN: Please swear Ms. McIntyre.

6 THE CLERK: Please bring your things, Ms. McIntyre,
7 and go to the jury box.

8 Juror Number 75, Ryan Justice.

9 (WHEREUPON, Ryan Justice, a white male, stood.)

10 THE CLERK: What says the State?

11 MR. MOYER: Please present Mr. Justice.

12 THE CLERK: What says the defendant?

13 MR. QUINN: Please excuse Mr. Justice from this
14 trial.

15 THE CLERK: Please have a seat, Mr. Justice.

16 Juror Number 131, Joel Sebok.

17 (WHEREUPON, Joel Sebok, a white male, stood.)

18 THE CLERK: What says the State?

19 MR. MOYER: Please present Mr. Sebok.

20 THE CLERK: What says the defendant?

21 MR. QUINN: Please swear Mr. Sebok.

22 THE CLERK: Please come forward and have a seat in
23 the jury box.

24 Juror Number 113, Joel Powell.

25 (WHEREUPON, Joel Powell, a white male, stood.)

1 THE CLERK: What says the State?

2 MR. MOYER: Please present Mr. Powell.

3 THE CLERK: What says the defendant?

4 MR. QUINN: Please swear Mr. Powell.

5 THE CLERK: Mr. Powell, please come forward to the
6 jury box.

7 Juror Number 82, James Labadie.

8 (WHEREUPON, James Labadie, a white male, stood.)

9 THE CLERK: What says the State?

10 MR. MOYER: Please excuse the juror.

11 THE CLERK: Please have a seat.

12 Juror Number 106, Douglas O'Neal.

13 (WHEREUPON, Douglas O'Neal, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. MOYER: Please present Mr. O'Neal.

16 THE CLERK: What says the defendant?

17 MR. QUINN: Please excuse Mr. O'Neal from this trial.

18 THE CLERK: Please have a seat, Mr. O'Neal.

19 Juror Number 84, Timothy Lee.

20 (WHEREUPON, Timothy Lee, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. MOYER: Please present Mr. Lee.

23 THE CLERK: What says the defendant?

24 MR. QUINN: Please excuse Mr. Lee from this trial.

25 THE CLERK: Have a seat, Mr. Lee.

1 Juror Number 65, Larry Haynes.

2 (WHEREUPON, Larry Haynes, a white male, stood.)

3 THE CLERK: What says the State?

4 MR. MOYER: Please present Mr. Haynes.

5 THE CLERK: What says the defendant?

6 MR. QUINN: Please swear Mr. Haynes.

7 THE CLERK: Mr. Haynes, please step forward to the
8 jury box.

9 Juror Number 14, Judson Boehmer.

10 (WHEREUPON, Judson Boehmer, a white male, stood.)

11 THE CLERK: What says the State?

12 MR. MOYER: Please excuse Mr. Boehmer.

13 THE CLERK: Mr. Boehmer, please have a seat.

14 Juror Number 15, Stephanie Bolden.

15 (WHEREUPON, Stephanie Bolden, a black female, stood.)

16 THE CLERK: What says the State?

17 MR. MOYER: Please present Ms. Bolden.

18 MR. QUINN: Please swear Ms. Bolden.

19 THE CLERK: Ms. Bolden, please step forward to the
20 jury box.

21 Juror Number 90, William Loftis.

22 (WHEREUPON, William Loftis, a white male, stood.)

23 THE CLERK: What says the State?

24 MR. MOYER: Please present Mr. Loftis.

25 THE CLERK: What says the defendant?

1 MR. QUINN: Please excuse Mr. Loftis from this trial.

2 THE CLERK: Mr. Loftis, please have a seat.

3 Juror Number 73, Christopher Jackson.

4 (WHEREUPON, Christopher Jackson, a black male, stood.)

5 THE CLERK: What says the State?

6 MR. MOYER: Please excuse Mr. Jackson.

7 THE CLERK: Mr. Jackson, you may be seated.

8 Juror Number 118, Roney Rice.

9 (WHEREUPON, Roney Rice, a black male, stood.)

10 THE CLERK: What says the State?

11 MR. MOYER: Please present Mr. Rice.

12 THE CLERK: What says the defendant?

13 MR. QUINN: Please swear Mr. Rice.

14 THE CLERK: Mr. Rice, if you'll please come forward
15 to the jury box.

16 Juror Number 74, Lisa Jenkins.

17 (WHEREUPON, Lisa Jenkins, a white female, stood.)

18 THE CLERK: What says the State?

19 MR. MOYER: Please present Ms. Jenkins.

20 THE CLERK: What says the defendant?

21 MR. QUINN: Please swear Ms. Jenkins.

22 THE CLERK: Ms. Jenkins, please gather your things
23 and come to the jury box.

24 Juror Number 79, James Kirk.

25 (WHEREUPON, James Kirk, a white male, stood.)

1 THE CLERK: What says the State?

2 MR. MOYER: Please present Mr. Kirk.

3 THE CLERK: What says the defendant?

4 MR. QUINN: Please swear Mr. Kirk.

5 THE CLERK: Mr. Kirk, please bring your things and
6 come to the jury box.

7 THE COURT: All right. We'll go with two, so one and
8 two on each.

9 THE CLERK: Juror Number 104, Bryant Oakley.

10 (WHEREUPON, Bryant Oakley, a white male, stood.)

11 THE CLERK: What says the State?

12 MR. MOYER: Please present Mr. Oakley.

13 THE CLERK: What says the defendant?

14 MR. QUINN: Please swear Mr. Oakley.

15 THE CLERK: Mr. Oakley, please bring your things and
16 go to the jury box.

17 Juror Number 52, Toranda Frost.

18 (WHEREUPON, Toranda Frost, a black female, stood.)

19 THE CLERK: What says the State?

20 MR. MOYER: Please present Ms. Frost.

21 THE CLERK: What says the defendant?

22 MR. QUINN: Please swear Ms. Frost.

23 THE CLERK: Ms. Frost, if you'll step forward to the
24 jury box.

25 THE COURT: All right. Any exception or objection to

1 the jury as impaneled pursuant to Batson or J.E.B. from
2 the State?

3 MR. MOYER: Not from the State.

4 MR. QUINN: Not from the defense.

5 THE COURT: Okay. All right. Ladies and gentlemen,
6 I'm pleased to tell you all that I'm sure you're happy to
7 hear that you are excused for the day and to call back
8 after 6:00. They may want you to go downstairs to the
9 jury assembly room, but at this time we would excuse you
10 all from the courtroom. Thank you very much.

11 (WHEREUPON, the remaining jury panel exits the courtroom
12 at 10:38 a.m.)

13 JURY INSTRUCTIONS

14 THE COURT: All right. Ladies and gentlemen, I want
15 to thank you all for your service this week and the
16 sacrifices each of you are making to be here. I want to
17 tell you that we have a dispute about the facts in the
18 case, this case, which can't be resolved in any fashion
19 other than to ask a jury to come up and listen to the
20 evidence presented in this courtroom and the law as I will
21 give it to you and come to a decision that resolves this
22 dispute. So we appreciate you all being here and want you
23 to know that it's really a privilege to serve on a jury.
24 It's also a heavy responsibility. So we thank you for the
25 efforts that you are making and will make.

1 I remind you again that every person charged with a
2 crime in this country is presumed to be innocent unless
3 and until they are proven guilty by the charging body, in
4 this case the State of South Carolina, beyond a reasonable
5 doubt of each and every element of each offense that is
6 charged against them. Please keep that in mind throughout
7 the course of the trial.

8 I also would remind you that the indictments which I
9 read to you are not evidence, and you should make no
10 presumption or take any inference from the fact that they
11 have issued. They are just the formal documents which
12 allow the case to wind its way through our system to
13 arrive here for a resolution.

14 Now, I break a trial into five parts so that you all
15 have a very rough procedural roadmap as to where you are
16 in the trial and what's coming next. The first part of
17 the trial I guess is going on right now, but I label it as
18 the opening statements to you from the attorneys. And the
19 opening statements are brief and nonargumentative.

20 The second part of the trial is the meat and potatoes
21 of this case and every case, and that is the presentation
22 of the evidence in the case. And the evidence will come
23 to you generally in one of three ways. The most commonly
24 thought of way in my mind is through oral testimony from
25 this witness stand. The second most common way is through

1 the introduction of tangible items or documents. And the
2 third most common way is when the parties agree that some
3 fact is so beyond dispute that you should accept it as
4 being true. And that's what we call a stipulation of the
5 parties. I don't know the combination of how the evidence
6 will come to you, but I think it will come to you in one
7 of those three ways.

8 The third part of the trial will be at the conclusion
9 of all of the evidence when it's all been presented to
10 you, the attorneys make their closing arguments to you.
11 So it's an opening statement, brief and nonargumentative,
12 and a closing argument where the attorneys advocate their
13 positions and urge you to resolve the dispute in their
14 favor.

15 The fourth part of the trial will be when I charge
16 you the law as it applies to this case.

17 And the fifth part of the trial will be when you all
18 retire to your jury room to deliberate this case and
19 resolve this dispute.

20 The parts are not of equal length, and as you can
21 imagine, generally, the second part, the presentation of
22 the evidence, is the longest part. But if you can keep
23 that in mind, you'll know where you are and what's coming
24 next.

25 I will ask you to do a number of things throughout

1 the course of the trial, but there are three main things I
2 ask you to do. The first is to keep an open mind. We go
3 through the questioning so that we have a fair and
4 impartial jury that will base its decision on the evidence
5 and the law presented and not have some predisposed notion
6 about how the case should be resolved. So please keep an
7 open mind throughout the trial of the case.

8 The second thing I ask you to do is very simple,
9 fundamental and sometimes hard. That is to pay attention.
10 If you let your mind wander off during the course of the
11 trial, you may miss a piece of testimony or the way a
12 witness answers a question on the witness stand, what we
13 call a witness's demeanor. And that might become
14 important in your deliberations, and if you had let your
15 mind wander off, you would be at a disadvantage when you
16 are discussing this case in your deliberations. So please
17 pay attention.

18 The last thing I ask you to do, and there will be
19 other things, but is to -- Lordy, my mind's gone blank --
20 not discuss the case. I've done this so many times and
21 first time I've forgotten that. Don't discuss the case
22 with anyone. That means when we break for lunch, if the
23 case goes overnight, you go home, don't talk about the
24 facts of this case with anyone, among yourselves or with
25 someone you might see, a coworker, a family member, a

1 friend if you go to lunch or tonight. You can't talk
2 about the facts of this case. You can't go do independent
3 research, and you cannot get on social media and talk
4 about it. Don't visit the scene, some location you might
5 hear about. The reason for that is even an innocent
6 comment from someone who you like and trust could have an
7 impact on your state of mind with how to resolve this
8 case, and that would not be fair to these parties, that
9 would not be fair to your fellow jurors, and most
10 particularly, it would not be fair to yourself because
11 those people aren't making the sacrifices that each of you
12 are making. And we don't care what they think. They're
13 not listening to the evidence, they're not listening to
14 the law. So don't talk about it. Let everything that you
15 need to know to resolve this case you hear in this
16 courtroom. So please keep that in mind.

17 I want to tell you that you all are the sole -- the
18 jury is the sole judge of the facts. The law does not
19 allow a trial judge to have an opinion about the facts of
20 the case, so don't think by anything I say or do
21 throughout the course of the trial that I have an opinion
22 about the facts. It is up to you all to determine what to
23 believe and what not to believe and what you consider to
24 be true and what you consider not to be true. That same
25 law makes me the sole judge of the law in the case, and

1 that means that if you have any idea as to what you think
2 the law is or what the law ought to be and it differs from
3 what I tell you the law is, throughout the case and at the
4 conclusion of the case, then you'll swear an oath in just
5 a second to set aside your own opinion and apply the law
6 precisely as I state it to you, and that ensures that
7 every person charged with a crime is tried under the same
8 law.

9 So with that, ladies and gentlemen, I'm going to ask
10 you all to stand and have our clerk administer the oath.

11 THE CLERK: Please raise your right hand.

12 (WHEREUPON, the jury was duly sworn.)

13 THE COURT: Great. Thank you all very much.

14 All right. Ladies and gentlemen, we are -- anything
15 before we start?

16 MR. MOYER: Not from the State.

17 MR. QUINN: Not from the defense.

18 THE COURT: All right. Well, then I'll turn it over
19 to you all for your opening statements.

20 OPENING STATEMENTS

21 MR. MOYER: Thank you, Your Honor. May it please the
22 Court.

23 THE COURT: Yes, sir.

24 MR. MOYER: Good morning, ladies and gentlemen. Let
25 me just introduce myself again to you. My name is Mark

1 Moyer. I, along with Ian Conits, will be representing the
2 State here in this criminal case.

3 What I'm going to do in just my brief opening remarks
4 to you, I'm going to talk just a minute about the
5 different charges that are being brought against the
6 defendant, and then I'm just going to give you a brief
7 summary of what you're going to hear in this case.

8 So as you've heard, the defendant has three -- is
9 facing three criminal charges. One of those charges is
10 armed robbery. Armed robbery is a pretty straightforward
11 charge, easy to understand. It is a type of theft, so it
12 is taking goods, property from the person of another. And
13 what makes it from a larceny to a robbery is that there is
14 some sort of violence or threat or causing of fear
15 associated with that theft. And that's what makes it a
16 robbery.

17 Now, what takes a robbery to an armed robbery is that
18 there is a deadly weapon element. Now, under the law, it
19 can even be a representation of a deadly weapon. So if
20 someone used a fake gun or a fake knife or a fake other
21 type of deadly weapon, that would be enough. So a knife,
22 a gun, any sort of weapon like that would take a robbery
23 to an armed robbery.

24 The defendant is also charged with possession of a
25 weapon during the commission of a violent crime. Now,

1 that would be having a knife or a gun while committing
2 some type of violent crime. Assault and battery of a high
3 and aggravated nature is considered a violent crime as is
4 armed robbery. And that's the third charge is an assault.
5 So an assault is essentially the unlawful application of
6 force against another person.

7 This type of assault and battery is aggravated,
8 assault and battery of a high aggravated nature, and that
9 is because of the weapon that was used in the case.
10 You're going to hear that, during the robbery that took
11 place, a weapon was used to actually assault the victim in
12 the case causing actual injury to the victim.

13 So let me tell you a little bit about this case. It
14 happened two days after Christmas 2016. It happened down
15 Augusta Road at a convenience store called Li'l Cricket
16 down near the Donaldson area of Greenville county. You're
17 going to hear that the armed robbery happened to a woman
18 by the name of Dorothy Miller. She was the clerk at that
19 Li'l Cricket. Unfortunately, you're not going to hear
20 from Ms. Miller in this trial. Ms. Miller has died. It
21 was not a result of the robbery, and you will hear a
22 stipulation to that effect. But in the interim, from when
23 this incident took place to today, she is deceased. So
24 you're not going to hear from her about what happened.

25 However, ladies and gentlemen, you are going to see

1 the robbery. There was a surveillance video, and so you
2 will see what took place to Ms. Miller. And what you will
3 see is Ms. Miller behind the counter, by all appearances
4 on a telephone. You're going to see a man walk into the
5 Li'l Cricket. And he is wearing black pants, he is
6 wearing white shoes, he has a very distinctive looking
7 coat on, two-tone brown coat, hood up, tied tightly around
8 his face. You're not going to be able to see his face
9 well enough to identify him. But you're going to see this
10 man walk into the store and walk immediately past
11 Ms. Miller as she stands behind the counter, go around the
12 back of the counter and walk right up to her and begin
13 assaulting her.

14 You will see him grab her. You will see him then
15 begin jabbing at her with an item. And you're going to
16 see him jabbing at her torso, at her arms, at her back for
17 a period of time. You're going to see him punch
18 Ms. Miller during this altercation. You're going to see
19 Ms. Miller struggling to get away, finally actually giving
20 a swing back with her arm at which point the man backs
21 away and he starts to leave the store. And as he does so,
22 as he goes by the counter, again, you will see him raise
23 his hand again, Ms. Miller back away again, and him grab a
24 packet of lighters, you know, like cigarette lighters, and
25 walk out of the store.

1 Now, you're going to hear and see other evidence in
2 this case. There will be somewhere roughly ten witnesses
3 or so who are going to come before you. What else are you
4 going to -- other evidence that will be before you? Well,
5 you're actually going to hear from Ms. Miller on a 9-1-1
6 tape. You're going to hear as she called and spoke to a
7 9-1-1 operator. You're going to hear her voice as she
8 desperately calls for help. You're going to see some
9 photographs. Fortunately, Ms. Miller was not hurt bad;
10 however, you're going to see some photographs of her body
11 where she has some puncture wounds and she has some cuts
12 that she sustained from this incident.

13 You're going to hear from a man named Stanley Evans.
14 Mr. Evans, you're going to hear, lived not too far away
15 from where this incident took place. You're going to hear
16 that police officers, with a dog trying to follow the
17 person who did this robbery, come upon Mr. Evans at his
18 house, and you're going hear Mr. Evans as he begins to
19 hear what the officers are talking about will say that he
20 had actually seen this defendant earlier that evening.
21 And you will hear him give testimony that he knows this
22 defendant, Edmund Pinckney, and that shortly before the
23 robbery, that coat that was used and that can be seen on
24 the video was the coat that he gave to Mr. Pinckney.

25 You'll hear Mr. Evans talk about how he liked to help

1 people out in the neighborhood. He'd give them food, give
2 them different things. It was a cold night. He gave a
3 man a coat. He's going to say in the video he can
4 recognize the pants that were being worn and the shoes
5 that were being worn of this defendant.

6 You're also going to hear about the arrest of this
7 defendant. You will hear that was about an hour and a
8 half after the incident, not too far away, maybe a mile,
9 mile and a half, somewhere in that vicinity, walking down
10 Donaldson Road. And you're going to hear that when he was
11 arrested, in his pockets were ten lighters. You will hear
12 that testimony as well.

13 I don't believe this is going to be a real long
14 trial. We have about ten witnesses, most of whom I think
15 will move along pretty quickly. But what I want to ask
16 you now as I finish these remarks is we appreciate you
17 being here. We want to ask you just to use your common
18 sense and your good judgment to weigh the evidence as it
19 comes before you, and then at the end of this case, we're
20 going to ask you to do justice.

21 Thank you very much.

22 THE COURT: Mr. Quinn?

23 MR. QUINN: May it please the Court.

24 THE COURT: Yes, sir.

25 MR. QUINN: Ladies and gentlemen, whether you're a

1 football fan or not, there's no way to avoid hearing about
2 the Super Bowl this last three, four weeks, whatever it's
3 been. And the interesting thing is, the Super Bowl was
4 played last Sunday, but for two or three weeks before,
5 everybody could tell you what was going to happen in the
6 game. Every talking head, every sports announcer, every
7 ex-athlete, every coach said this is the way the game's
8 going to go, this is the way the game's going to go. And
9 Las Vegas made millions of dollars because they're all
10 full of beans because nobody knows exactly what's going to
11 happen in the future.

12 Everybody's got an opinion. Everybody can tell you a
13 heck of a story. But then it turns out when you look at
14 the game, when you look at the evidence, it doesn't turn
15 out to be what's been promised to you. That's why the
16 judge mentioned these are opening statements and usually
17 very brief because you haven't seen the game yet. I can
18 get up and tell you this might happen, that might happen.
19 President Trump is going to talk tonight. Four hours
20 before they're all talking about what he's going to say,
21 know what he's going to say. He gets up and says whatever
22 he wants. Then you get to make a decision.

23 And the judge has told you at this point these are
24 opening statements, and what he wanted to give you was a
25 roadmap, that the judge breaks it down into five pieces of

1 the trial. But let me tell you the roadmap I think you
2 should also consider, and that is for your deliberations,
3 when you get to the end of this case, I'll get an
4 opportunity again to speak to you, and we'll talk about
5 the evidence, we'll talk about what you've heard, what
6 you've seen, about what the game brought to you. Then you
7 go out and deliberate. That's the roadmap I want to talk
8 about, and the judge has touched on that.

9 The beginning of that roadmap is the presumption of
10 innocence, that everyone who walks into a courtroom in the
11 United States is presumed innocent. As he sits there,
12 Edmund Pinckney is entirely innocent. If you have any
13 questions about that, you should put them out of your
14 mind. They have used different descriptions. He's
15 cloaked in innocence. But the easiest thing to tell you
16 is what you use in your normal everyday decisions. He
17 gets the benefit of the doubt. If there is two possible
18 ways to reach a decision, one for Mr. Pinckney or one
19 against, he gets the benefit of the doubt. That's what
20 presumption of innocence means. Presume everything is
21 innocent, that he has not done anything wrong, and that is
22 where you start your deliberations. And you only move
23 away from that starting point if the State has provided
24 you evidence -- evidence, not argument, not talking heads,
25 not what you're going to see, but proof from this witness

1 stand that you should remove that presumption of innocence
2 and then begin to consider whether Mr. Pinckney is
3 innocent or guilty.

4 The State still has the burden of providing evidence
5 that satisfies you, as the judge said, beyond any
6 reasonable doubt. A reasonable doubt quite simply is
7 something that causes you to hesitate to act. You may
8 think a car is going to run a red light, so even if you've
9 got green, you wait a moment because you see this guy
10 coming too quick. He stops, but that was a reasonable
11 doubt. It caused you to hesitate to act. Nothing bad
12 happened, but you said wait a second, let's think about
13 that. And this decision you're going to make is as
14 important to Mr. Pinckney as any decision about whether to
15 drive in front of a car that's going too fast that may not
16 stop for the light or the yield sign or whatever.

17 So if you hesitate, if you get to the point where
18 you're in your deliberations and you go, man, it just
19 doesn't work for me, that doesn't fit, that doesn't sound
20 right, then that's a reasonable doubt. I ask that you
21 give, as the judge has asked you to, I ask that you keep
22 an open mind because you can't know how the game is going
23 to come out until it's over. Teams win in the fourth
24 quarter or they win on last-second field goals. They do
25 all kinds of crazy things. That's why you watch the

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1 The State would now call Tirissa Johnson.

2 THE CLERK: Ms. Johnson, if you'll please place your
3 left hand on the Bible and raise your right hand.

4 WHEREUPON,

5 TIRISSA JOHNSON

6 After having been duly sworn, testified as follows:

7 THE CLERK: Please have a seat. Please state your
8 name for the record.

9 THE WITNESS: Tirissa Johnson.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q Ms. Johnson, where are you employed?

13 A At the Greenville County Sheriff's Office.

14 Q How long have you been in law enforcement?

15 A 20 years.

16 Q Has that all been with the sheriff's office?

17 A Yes.

18 Q What is your position right now?

19 A 9-1-1 research analyst.

20 Q How long have you held that position?

21 A 14 years.

22 Q And what are your responsibilities in that position?

23 A My main responsibility is pulling all emergency,
24 nonemergency recordings, phone recordings and radio
25 traffic.

1 Q Now, tell the jury what dispatchers at the call
2 center do.

3 A So the first thing to do is to answer the phone, of
4 course, and determine where emergency services are needed.
5 Then we have the what is the incident, and the who, if
6 weapons are involved and when it occurred.

7 Q Okay. And then when that information is gathered,
8 what is done with that information?

9 A It is directed to the proper agencies which could be
10 fire, EMS or different municipalities within the county.
11 And then that information, if it is sheriff's office, is
12 entered into our computer system, and the dispatchers give
13 that information out to the radio.

14 Q So are all calls that are received at the dispatch
15 center, are they all recorded?

16 A They are.

17 Q How are the calls recorded?

18 A They are digitally recorded on a computer storage
19 center, and they are all simultaneously, each position has
20 its own dedicated line.

21 Q Okay. Now, can the recording be stopped at any point
22 during the recording process?

23 A No, it cannot.

24 Q At what point does a call to 9-1-1 begin to be
25 recorded?

1 A As soon as the phone is picked up.

2 Q Now, do you or the dispatcher receiving the call or
3 anyone else have any control over how the call is recorded
4 or what part of the call is recorded as it is happening?

5 A No, we do not.

6 Q So a call that comes in then accurately reflects the
7 conversation that takes place between the 9-1-1 caller ---

8 MR. QUINN: I'm going to object to the leading nature
9 of the question.

10 THE COURT: Yeah. Don't lead.

11 BY MR. MOYER:

12 Q Is it true -- when you have a phone call and
13 recording, is it a true and accurate record of the
14 conversation that took place?

15 A Yes, it is.

16 Q And then how are these recordings then kept?

17 A They're kept in a storage center, in a computer
18 storage center.

19 Q How long are they kept?

20 A About three years.

21 Q And are they kept in the ordinary course of operation
22 at the call center?

23 A Yes, they are.

24 Q And do your duties include responsibility for
25 maintaining the records -- these records and these phone

1 calls?

2 A It does.

3 Q And also includes coming to court and bring copies of
4 the calls with you for the purpose of introducing them
5 into a court of record?

6 A Yes, it does.

7 Q Okay. And you regularly do this?

8 A Yes, I do.

9 Q Let me take your attention to the night of December
10 the 27th, 2016. Was the recording system working properly
11 on that day?

12 A It was.

13 Q And was a 9-1-1 call made on that evening related to
14 this case?

15 A Yes, there was.

16 Q And from what address?

17 A 6726 Augusta Road, which is the Li'l Cricket.

18 Q And is that in Greenville county?

19 A It is.

20 Q Now, have you had the opportunity ---

21 MR. QUINN: Object. I object.

22 May we approach?

23 THE COURT: Okay.

24 (WHEREUPON, a bench conference was held off the record.)

25 THE COURT: Okay. You may proceed.

1 BY MR. MOYER:

2 Q All right. And have you had the opportunity to
3 review the call since it was recorded on that day?

4 A Yes, I have.

5 Q Okay. And how so?

6 A I listened to it because we save all the recordings
7 that have been previously pulled, so I listened to that
8 and then I have made another copy.

9 Q And you brought that copy with you to court today?

10 A I did.

11 Q And you made an exact copy?

12 A Yes, I did.

13 Q And so the recording that you brought is a duplicate
14 of the call that came in on December 27, 2016?

15 A That's correct.

16 Q And so the content then of that that you brought
17 fairly and accurately reflects that call?

18 A It does.

19 MR. MOYER: Your Honor, at this time the State would
20 move to have State's Exhibit Number 18 into evidence.

21 MR. QUINN: And I object based on our conversation at
22 the bench.

23 THE COURT: All right. Overruled. Go ahead.

24 (WHEREUPON, State's Exhibit Number 18 was admitted into
25 evidence.)

1 BY MR. MOYER:

2 Q Now, before we publish the disc that you brought to
3 the jury, what time was that call made?

4 A 7:38 p.m.

5 Q Now, let me ask you several questions about officer
6 involvement in the case. Do you have any documentation
7 with you that would show the times of officer involvement?

8 A Yes, I do.

9 Q What is that documentation called?

10 A It's referred to as the CAD report, which stands for
11 computer aided dispatch.

12 Q Okay. And what information is collected for a CAD
13 report?

14 A So it's the information that takes place between the
15 call taker and the caller. That information is put in
16 there to be able to be relayed to the officers on the
17 road, and it also documents timestamps, things that are
18 said over the radio and between the call taker and the
19 caller.

20 Q And is that information generated for every call for
21 which officers are dispatched?

22 A It is.

23 Q And those records are kept in the ordinary course of
24 business with the sheriff's office?

25 A Yes.

1 Q And is it a regular practice at the sheriff's office
2 and your department to make and keep those records?

3 A It is.

4 Q Do you have access to that information as a regular,
5 normal function of your job?

6 A Yes, I do.

7 Q Did you bring the CAD reports with you?

8 A Yes, I did.

9 Q So you told us that the 9-1-1 call came in at
10 7:38 p.m. Were officers dispatched to the scene?

11 A Yes, they were.

12 Q And was that done so right away?

13 A It was.

14 Q When did the first officer arrive at the scene, the
15 Li'l Cricket?

16 A That would be 7:41 p.m.

17 Q Okay. And there was a dog track that took place.
18 What time did that begin?

19 A That began at 8 p.m.

20 Q Okay. And what time was that called off?

21 A At 8:16 p.m.

22 Q Okay. Let me ask you about an Officer Watkins. What
23 time did he make a call concerning coming across a
24 suspicious person?

25 A That would be at 9:01 p.m.

1 Q And where did he call out the location to that
2 account?

3 A Donaldson Road and Mayflower Avenue.

4 MR. MOYER: Your Honor, at this time the State would
5 publish State's Exhibit Number 18.

6 THE COURT: Subject to previous objections.

7 MR. QUINN: Thank you, Your Honor.

8 (WHEREUPON, State's Exhibit Number 18, an audio recording,
9 was played in open court.)

10 MR. MOYER: I have no further questions for this
11 witness. Please answer any questions defense may have.

12 THE COURT: Cross.

13 MR. QUINN: Just a few.

14 CROSS EXAMINATION

15 BY MR. QUINN:

16 Q Can you tell from the records available to you,
17 Ms. Johnson, who the operator was on the phone?

18 A Yes, I can.

19 Q And who is that?

20 A Her name would be Jessica Smith.

21 Q And does Jessica Smith still work for 9-1-1?

22 A Yes, she does.

23 Q And is she available? She's not in the hospital or
24 traveling in Mexico or something?

25 A I don't know if she's off or if she would be working

1 today.

2 Q But she's available. She works with you five days a
3 week?

4 A Yes.

5 Q And do you recognize from your records who the EMS
6 person was on the phone?

7 A No. That I do not.

8 Q Your records do not indicate who it might have been?

9 A Not for EMS. No, sir.

10 Q Okay. Did you ask the operator that was on who she
11 might have been speaking with?

12 A No, sir.

13 Q So you don't know if the EMS person might have been
14 available.

15 A I do not.

16 MR. QUINN: I don't have any other questions. Thank
17 you.

18 MR. MOYER: Nothing further.

19 THE COURT: All right. Thank you, ma'am. You may
20 step down.

21 Excuse her from subpoena?

22 MR. MOYER: Please.

23 THE COURT: Any objection to that?

24 MR. QUINN: No objection.

25 THE COURT: Okay.

1 MR. CONITS: Your Honor, at this time the State calls
2 Jeff Horowitz to the stand.

3 THE CLERK: Mr. Horowitz, will you please place your
4 left hand on the Bible and raise your right hand.
5 WHEREUPON,

6 JEFF HOROWITZ

7 After having been duly sworn, testified as follows:

8 THE CLERK: Please have a seat. Please state your
9 name for the record.

10 THE WITNESS: It's Jeff Horowitz.

11 DIRECT EXAMINATION

12 BY MR. CONITS:

13 Q Mr. Horowitz, where do you work?

14 A I work for GPM Investments. We operate the Li'l
15 Cricket store.

16 Q Okay. And what capacity do you work there?

17 A I work as a district manager.

18 Q Okay. How long have you worked there?

19 A Two years, three months.

20 Q Okay. So were you working there in December of 2016?

21 A Yes.

22 Q Okay. And were you employed in your present capacity
23 as district manager at that time?

24 A Yes.

25 Q Was one of the stores you oversaw as district manager

1 in 2016 the Li'l Cricket located at 6726 Augusta Road?

2 A Yes. I was involved with that store.

3 Q Okay. Was that Li'l Cricket equipped with in-store
4 security cameras?

5 A Yes, it is.

6 Q Okay. Were the cameras functional on
7 December 27, 2016, around 7:38 p.m.?

8 A Yes, they were.

9 Q Okay. Who had access to the camera footage captured
10 that night?

11 A I did.

12 Q Okay. Did the sheriff's office request security
13 footage from the night of this incident?

14 A Yes.

15 Q Did you provide the sheriff's office with footage
16 from the night of this incident?

17 A Yes, we did.

18 Q Okay. When did you do that?

19 A December 28th.

20 Q So the day after the incident.

21 A The day after, yes.

22 Q Did you watch the footage as it downloaded that
23 morning?

24 A Yes.

25 Q Okay. Was there a date and timestamp on the video?

1 A Yes, there is.

2 Q Okay. Was it accurate?

3 A Yes.

4 Q I have here what has been marked as State's
5 Exhibit 1. Do you recognize this?

6 A Yes.

7 Q Okay. What is it?

8 A It's a DVD that the video was burned onto.

9 Q And how do you recognize this?

10 A We observed it in your office. Other than burning
11 initially on the -- after the incident, we watched it in
12 your office. I also watched it at the time it was being
13 made, and I've initialed it from last March when we
14 watched it.

15 Q So you initialed that disc there?

16 A Yes.

17 Q Okay. So you viewed this recording at least twice
18 since this incident.

19 A At least, yes.

20 Q Okay. Is the recording a fair and accurate portrayal
21 of the incident that took place?

22 MR. QUINN: Objection. Objection. There's no way he
23 can testify to that. He didn't witness the incident.

24 THE COURT: You can ask him if it's been altered in
25 any way, if he has any knowledge about that.

1 BY MR. CONITS:

2 Q Okay. Has this recording been altered in any way?

3 A No. It has not. No.

4 MR. CONITS: Your Honor, at this time the State
5 offers State's Exhibit 1 for admission into evidence.

6 MR. QUINN: And I object. Under the business records
7 exception, I don't believe the proper basis has been laid
8 for its foundation.

9 THE COURT: I'm going to disagree with you,
10 Mr. Quinn. I'm going to allow it in. Thank you.

11 (WHEREUPON, State's Exhibit Number 1 was admitted into
12 evidence.)

13 MR. CONITS: At this time the State will publish the
14 recording to the jury.

15 (WHEREUPON, State's Exhibit Number 1, a video, was played
16 in open court.)

17 MR. CONITS: I have no further questions for this
18 witness.

19 THE COURT: All right. Any cross?

20 MR. QUINN: None. Thank you, Your Honor.

21 THE COURT: All right. Thank you. You may stand
22 down.

23 Release this gentleman from subpoena?

24 MR. QUINN: Yes. No objection.

25 THE COURT: All right. Okay.

1 MR. MOYER: The State calls Jason Hughey.

2 THE CLERK: Mr. Hughey, please place your left hand
3 on the Bible and raise your right hand.

4 WHEREUPON,

5 JASON HUGHEY

6 After having been duly sworn, testified as follows:

7 THE CLERK: Please have a seat. State your name for
8 the record.

9 THE WITNESS: Jason Hughey.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q Where are you employed, sir?

13 A I'm currently employed with the Simpsonville Police
14 Department.

15 Q And how long have you been with the Simpsonville
16 Police Department?

17 A Off and on for the past 12 years.

18 Q Okay.

19 A In 2016 I did leave to go to the Greenville County
20 Sheriff's Office.

21 Q How long were you with the sheriff's office?

22 A 18 months.

23 Q So you've been in law enforcement for 12 years then?

24 A Approximately. Yes, sir.

25 Q Started with Simpsonville, and now you're back to

1 Simpsonville.

2 A That's correct.

3 Q What is your position now with the Simpsonville
4 Police Department?

5 A I'm currently a sergeant on uniform patrol.

6 Q What was your position with the sheriff's office in
7 December of 2016?

8 A I was a deputy on uniform patrol.

9 Q Okay. Now, were you working on the night of December
10 the 27th of 2016?

11 A I was.

12 Q Okay. So what area of the county were you working
13 back then?

14 A I worked in Area 5, which is the south end of the
15 county, Augusta Road area.

16 Q Okay. Are you familiar with the area that we've been
17 talking about here today and that Li'l Cricket?

18 A I am.

19 Q Okay. Now, did you get a call that night?

20 A I did.

21 Q And to what location?

22 A To the Li'l Cricket on Augusta Road. I believe it's
23 6726 Augusta Road.

24 Q Was it the Li'l Cricket that we just showed the video
25 of?

1 A That's correct.

2 Q And that's in Greenville county; is that ---

3 A That's correct.

4 Q What was the nature of the call when it came out?

5 A I heard an armed robbery go out over the radio, and I
6 responded to that since I was just a couple minutes away.

7 Q So you were close by then?

8 A That's correct, yes.

9 Q We've heard from the -- we've already heard testimony
10 that you were there within two to four minutes.

11 MR. QUINN: Object to the leading nature of the
12 question.

13 THE COURT: Okay. Don't lead.

14 BY MR. MOYER:

15 Q Did you travel there with lights and sirens
16 activated?

17 A I did.

18 Q Now, you mentioned you're familiar with that area.

19 A That's correct.

20 Q Let me show you State's Exhibit Number 14, which is a
21 map. Do you recognize the location that is shown in that
22 map?

23 A I do.

24 Q And you've had a chance to look at this map before
25 today?

1	A	Briefly.
---	---	----------

2 Q Yeah. Is that a true and accurate representation of
3 the layout of the roads and of the location of where the
4 Li'l Cricket is in that map?

5	A	Yes.
---	---	------

6 MR. MOYER: Your Honor, at this time we'd move to
7 have State's Exhibit Number 14 entered into evidence.

8 MR. QUINN: No objection.

9 THE COURT: Okay.

10 (WHEREUPON, State's Exhibit Number 14 was admitted into
11 evidence.)

12 BY MR. MOYER:

13 Q Let me ask you if you would just to step down
14 briefly.

15 And just so the jury can get a bit of an
16 understanding, would you show where Augusta Road is?

17 A This (indicating) is Augusta right here.

18 Q Okay. And can you show where the Li'l Cricket is?

19	A (Indicating).
----	-----------------

20 Q Is it that location -- make sure you speak up so the
21 court reporter can hear you. Is it that location that is
22 marked there on the map?

23 | A That's correct.

24 Q Okay. And how about Donaldson Road? Can you point
25 out where that is?

1 A Donaldson Road is here (indicating).

2 Q All right. Thank you. Please have a seat.

3 Okay. Now, did you meet with anyone when you got to
4 the store?

5 A I did. I met with the clerk, Ms. Miller.

6 Q What was her name?

7 A Dorothy Miller.

8 Q And have you recognized any depictions of her here in
9 the courtroom today?

10 A I did. I recognized her as the clerk on the video.

11 Q Now, where was she when you arrived at the scene?

12 A She was just on the other -- on like the customer
13 side of the register area.

14 Q So she was inside the store?

15 A She was kind of in the middle of the store.

16 Q But she was inside the store. She wasn't outside?

17 A That's correct.

18 Q Tell the jury about her emotional condition and
19 describe how she was acting.

20 A She was hysterical, just like on the phone call,
21 crying hysterically, you know. I'm pleading for
22 information to see what's going on with her, and she's
23 just -- I can't understand anything coming out of her
24 mouth because she is just so emotional. I keep trying to
25 talk to her.

1 While I'm speaking to her, I do see a couple of
2 scratches and cuts on her arms. So I went ahead and --
3 you know, went ahead and cleared the store, found if there
4 was anybody else in there that had any involvement in all
5 this stuff. And there was one lady. I just asked her to
6 leave. And then as other deputies got there, they were
7 better at talking to her and were more successful at
8 calming her down and get more information from her than I
9 was.

10 Q Okay. So what information were you able to get out
11 of her?

12 A She -- she told me that she was robbed and that she
13 had been grabbed by somebody with a box cutter. And then,
14 obviously, by looking at her, I could see that, you know,
15 there were several lacerations on her arms.

16 She said they didn't get away with any money, and
17 that was about it. And everything else was just kind of
18 garbled as she was speaking to me because, again, she's so
19 emotional. And

20 Q Okay. And so you then turned her over to several
21 other deputies to speak to?

22 A That's correct.

23 Q All right. Now, were forensics officers called to
24 come process the scene and take photographs?

25 A I'm sure they were. I didn't make that call.

1 Q Okay. How about EMS? Do you know if EMS did
2 respond?

3 A Yes, yes.

4 Q Did she require leaving with EMS, however?

5 A I don't know.

6 MR. QUINN: Objection.

7 THE WITNESS: Shortly thereafter ---

8 THE COURT: Whoa, whoa, whoa.

9 MR. QUINN: Objection. I don't believe that's his
10 decision.

11 MR. MOYER: I didn't ask him ---

12 THE COURT: No. He can testify to what he personally
13 observed.

14 BY MR. MOYER:

15 Q Did you personally observe her leaving with EMS or
16 did she stay there at the scene?

17 A I did not.

18 Q Okay. All right. So did other officers come to
19 assist then in this matter?

20 A That's correct.

21 Q Okay. And you are aware of a K-9 officer who came?

22 A I am.

23 Q We'll hear about more of that from that officer, but
24 were you able to assist or did you participate in the
25 tracking that took place with the K-9 officer?

1 A I did.

2 Q What was your roll?

3 A I was helping Master Deputy Cannon with security
4 while he ran the track.

5 Q Okay. And what does that entail?

6 A Just basically being, you know, his eyes and ears so
7 he can focus on the dog.

8 Q Okay.

9 A Just helping him out just to be another set of eyes.

10 Q All right. Now, did that lead you to speak to
11 anyone?

12 A It did.

13 Q Who was the person that it led you to speak to?

14 A It was -- I'm drawing a blank. Mr. Evans, Stanley
15 Evans.

16 Q Stanley Evans?

17 A That's correct.

18 Q And what was the location?

19 A That was [REDACTED] Drive. There's a slight curve there.
20 And they were -- he was sitting in a van parked in the
21 driveway there.

22 Q Okay. And let me ask you, I'm going to bring the map
23 over a bit closer to the jury and I'll ask you to just
24 step down and show where that location was.

25 A So we left here (indicating). We got information

1 that the suspect went -- traveled over this way
2 (indicating) to the area of Donaldson Road. So what we
3 did was we took our track over into that area. And then
4 right around Betheul Church Road and Ace Drive is where we
5 began the tracks there.

6 Q Okay. So point out Ace Drive.

7 A This (indicating) is Ace Drive here.

8 Q Okay. Do you have any rough idea how close that is
9 to the store or not?

10 A I -- I don't know. Maybe a mile as the crow flies.

11 Q Okay. All right. And that's where you spoke to
12 Mr. Evans?

13 A That's correct. At his residence.

14 Q Okay. Let me ask you to have a seat again, please.

15 Okay. Now, I'm not going to ask you about the
16 contents of the conversation with Mr. Evans until we hear
17 from him, but did that conversation lead you to look for
18 or examine anything?

19 A That's correct. While speaking with him, he stated
20 to me that a person that he knows as Antonio had come by
21 his house about three hours prior to us talking to him.
22 He said during that time he asked him for a jacket, which
23 he did provide him with a tan jacket, tan and brown
24 jacket. At that time he said, "Antonio left this," and he
25 handed me this box. And as he hands me this box, we kind

1 of look through it to see whose stuff it may be, and at
2 that time, you know, I located a pay stub from Labor
3 Finders with the name Edmund A. Pinckney on it.

4 Q And when you got that name, did you relay that
5 information to the other officers who were working on the
6 case?

7 A I did.

8 Q I'm going to show you in just a moment State's
9 Exhibit 15. Can you take a look at that, State's
10 Exhibit 15? Do you recognize what that is?

11 A I do.

12 Q What is that?

13 A That is the pay stub from Labor Finders.

14 Q Okay. Is that the pay stub that you saw that had the
15 name on it?

16 A Yes, it is.

17 MR. MOYER: Your Honor, at this time I would move to
18 have State's Exhibit 15 entered into evidence.

19 MR. QUINN: No objection.

20 THE COURT: Okay.

21 (WHEREUPON, State's Exhibit Number 15 was admitted into
22 evidence.)

23 BY MR. MOYER:

24 Q Okay. Now, after speaking to Mr. Evans, what did you
25 do at that time?

1 A At that particular time, we got as much information
2 from Mr. Evans as far as where Mr. Pinckney lived. He
3 said that he lived in a car in the area on Donaldson Road.
4 And that was it. We went back to the scene and passed
5 that information along to other deputies that were still
6 there.

7 MR. MOYER: Okay. One moment, please. Okay. Please
8 answer any questions the defense would have.

9 CROSS EXAMINATION

10 BY MR. QUINN:

11 Q So what did you find in the car on Donaldson Road?

12 A Mr. Evans and another gentleman.

13 Q I believe you said that Mr. Evans said that
14 Mr. Pinckney lived in a car on Donaldson Road?

15 A That is correct. That's what he told me.

16 Q So what did you find in the car on Donaldson Road?

17 A I didn't find a car on Donaldson Road.

18 Q Did you make any effort to locate it?

19 A No, sir.

20 Q And I believe you said that Mr. Evans provided you
21 this statement from Labor Finders?

22 A Yes, sir. It was in a box.

23 Q And do you have the box? Is it here?

24 A I don't believe so.

25 Q And that based on this document, you determined

1 Mr. Pinckney's name was Antonio?

2 A His middle name is Antonio.

3 Q But did you learn that from Mr. Evans or from this
4 document that you claimed you found?

5 A I learned that -- I learned the initial name from
6 that. As far as finding out his middle name, that was
7 through DMV online.

8 Q Okay. So Mr. Evans did or did not provide you with
9 the name Antonio?

10 A He told me that it was a person that he only knew as
11 Antonio.

12 Q Okay. And so did Mr. Evans give you any reason why
13 Mr. Pinckney would have left this at his house?

14 A No.

15 Q And did you notice that this is from months earlier,
16 from March?

17 A Yes.

18 Q Did Mr. Evans produce anything else that indicated
19 Mr. Pinckney had been in his home?

20 A No.

21 Q And was Mr. Evans alone when you spoke with him or
22 was there another person there?

23 A There was another person in the van.

24 Q Okay. Now, about what time did you arrive at the
25 Li'l Cricket?

1 A About 7:41, just a few minutes after the call came
2 out.

3 Q Okay. And were you the first officer on the scene?

4 A Yes, sir.

5 Q Okay. And did you hear the 9-1-1 operator testify
6 earlier?

7 A I do.

8 Q And do you agree that the 9-1-1 has a timestamp or
9 time memory?

10 A I do.

11 Q Okay. So we can find out exactly what time from
12 that; is that right?

13 A Correct.

14 Q So how long would you say -- and I'm not going to
15 hold you to these times. I'm asking for five, ten, an
16 hour, general times. How long were you at the Li'l
17 Cricket?

18 A Maybe 15 minutes.

19 Q And even as the first officer on the scene, you
20 cleared it that quick in 15 minutes?

21 A That's correct. A serious crime like an armed
22 robbery gets a lot of attention from other deputies in the
23 area, so as Li'l Cricket was overwhelmed with more units
24 responding to the area, I went ahead and left to go with
25 the K-9 track.

1 Q And the K-9 tracking was with -- and I'm sorry if I
2 got his rank wrong -- but Deputy Cannon?

3 A Correct.

4 Q And you went with him when the dog was tracking?

5 A That's correct.

6 Q And so when you left Augusta Road that's marked on
7 the map, you went up and on or near Ace Drive; is that
8 correct?

9 A We did. We drove to that location.

10 Q So you didn't go with Officer Cannon and the dog
11 through the streets or fields or whatever.

12 A The K-9 track actually started at Betheul Church Road
13 and Ace Drive, but we took Deputy Cannon's vehicle to that
14 area to begin the track.

15 Q So you drove from Augusta Road to Betheul Church Road
16 and Ace drive.

17 A Correct.

18 Q And that's where you began the tracking.

19 A That's correct.

20 Q How would you have known to go to that location to
21 begin the tracking?

22 A That was the information that -- and I didn't
23 identify him, but the -- there was a customer that was
24 there that supposedly saw him run to that direction.

25 Q And so rather than picking up the path with the K-9

1 at the location, you just chose randomly to go around to
2 that location, which I think you described as a mile away?

3 A As the crow flies, maybe, approximately.

4 Q Okay. So did the dog track anything from that
5 location?

6 A It did. I'm not an expert in K-9 and what they do
7 and what they smell and things, so as far as where they
8 set up and began and what they saw and all that stuff, I
9 don't know what I'm looking at so I can't testify to
10 that.

11 Q Did you go with Officer Cannon and the K-9 to another
12 location?

13 A I did.

14 Q And what was the other location?

15 A To the Ace Drive?

16 Q No. After you left Ace Drive, or did you not leave
17 Ace Drive?

18 A Once we left Ace Drive, I went back to the Li'l
19 Cricket.

20 Q Okay. And so was the K-9 used anymore after Ace
21 Drive?

22 A I don't believe so.

23 Q And you believe -- and I don't know the area. Do you
24 believe that it is a mile, I believe you said a mile as
25 the crow flies from the Li'l Cricket to the area of Ace

1 Drive?

2 A Maybe, if that.

3 Q Okay. And so about what time did you speak with
4 Mr. Evans?

5 A I'm not completely sure, but maybe around 8:00.

6 Q Okay. So roughly 20 minutes later?

7 A Sure.

8 Q As far as you know, did Ms. Miller ever leave the
9 scene of the Li'l Cricket?

10 A Not as far as I know.

11 Q And I believe you say when you arrived there, there
12 was a lady there and you asked her to leave?

13 A That's correct. She stated that she ---

14 MR. QUINN: I object.

15 MR. MOYER: He asked the question. I think he should
16 be allowed to answer.

17 MR. QUINN: My question was, was she there, not did
18 she say anything.

19 THE COURT: No, you asked "did you ask her to leave?"
20 Am I not mistaken about that?

21 MR. QUINN: I believe I asked was there a lady there
22 and did you ask her to leave.

23 MR. MOYER: I think he should be able to explain.

24 THE COURT: Well, he can answer it and we'll see if
25 it's appropriate and explain it.

1 BY MR. QUINN:

2 Q Was there another lady there that you asked her to
3 leave when you arrived there?

4 A Yes.

5 Q And I believe you described Ms. Miller as hysterical.
6 You might have used other words, but is that a fair
7 description?

8 A That's a fair description.

9 MR. QUINN: Thank you. I don't have any further
10 questions.

11 THE COURT: Any redirect?

12 MR. MOYER: Just one follow-up.

13 REDIRECT EXAMINATION

14 BY MR. MOYER:

15 Q Regarding that person, the person that was asked to
16 leave, was she a witness to the actual incident?

17 A She was not. She ---

18 MR. QUINN: Objection.

19 MR. MOYER: Your Honor ---

20 THE COURT: The door's open. Go ahead.

21 THE WITNESS: She was not. She arrived right after
22 it happened and right after the suspect left the scene.

23 BY MR. MOYER:

24 Q Okay.

25 A And so because she wasn't a witness, because she

1 didn't see anything, that's why I asked her to leave.

2 MR. MOYER: Thank you. No further questions.

3 RE CROSS EXAMINATION

4 BY MR. QUINN:

5 Q Did you obtain her name?

6 A I did not.

7 Q Did you know if anyone else obtained her name as
8 Lamica Banner?

9 A I don't know.

10 MR. QUINN: Thank you, Your Honor. I don't have any
11 other questions.

12 THE COURT: Thank you, sir. You can step down.

13 I'll tell you what. Why don't we take a short break.
14 Okay. They've been going pretty strong.

15 I'm going to ask you to do one thing during the break
16 if you can. If not, you can do it a little later. I need
17 -- I always like to give a jury the opportunity to
18 determine who they want their foreperson to be. It has to
19 be from among the first 12. The foreperson is the
20 moderator of discussions at the conclusion of the case
21 during deliberations and the jury spokesperson in court if
22 that becomes necessary. So if y'all think you can come up
23 with somebody during this break or at another break, I
24 want to give you that opportunity. If not, I can help you
25 with it.

1 So at this time we'll excuse you to the jury room.
2 Remember not to talk about the case.

3 (WHEREUPON, the jury exits the courtroom at 11:44 a.m.)

4 THE COURT: Okay. Anything? Take a short --
5 anything before we break?

6 MR. QUINN: Just that I might -- I approached the
7 bench during the testimony of the first witness whose name
8 escapes me, I'm so sorry, Tirissa Johnson ---

9 THE COURT: Tirissa Johnson.

10 MR. QUINN: --- and objected to the admission of the
11 9-1-1 tape based on business records exception and that I
12 don't believe she laid a proper foundation. On the record
13 I also objected to the introduction of the video from the
14 store that was introduced through Jeff Horowitz. I don't
15 believe he testified that it was kept in the course of
16 regularly conducted business activity and there was a
17 regular practice of that activity to make the memorandum
18 report record or data. So my objection -- I objected and
19 want the record to reflect because the Court was kind
20 enough to hear me at the bench that I objected to both of
21 those documents being introduced.

22 THE COURT: All right.

23 MR. MOYER: Just to put on the record about the
24 surveillance video, we didn't have to establish a hearsay
25 exception because it actually wasn't hearsay. All we were

1 required to do is have it authenticated, which is a very
2 low bar, and that was established and the Court so ruled.

3 The only other matter I would mention, we had the
4 issue with a juror. I don't know if that's something that
5 needs to be placed on the record or not, the juror who
6 knew Mr. Conits.

7 THE COURT: Right. And that was Juror Number 78, I
8 believe, who was not -- I will just tell you, I did strike
9 that juror, but I will tell you that the juror was so far
10 down the list, never would have gotten to him.

11 All right. We'll just take a short ten minutes or
12 so. Thank you.

13 (WHEREUPON, a recess is taken at 11:46 a.m.)

14 THE COURT: All right. Number 118 is your
15 foreperson.

16 (WHEREUPON, Court's Exhibit Number 1 was marked for
17 identification.)

18 THE COURT: Okay. Ready?

19 MR. QUINN: Yes, sir.

20 MR. MOYER: Yes, sir.

21 THE COURT: Okay.

22 (WHEREUPON, the jury entered the courtroom at 12:10 p.m.)

23 THE COURT: Okay. Mr. Rice, thank you for agreeing
24 to serve as the foreperson.

25 And I will tell you all that all of you all, if you

1 would like to, are free to take notes. I always caution a
2 jury, though, that if you're -- and it happens quite
3 frequently that people take notes during and throughout
4 the trial, just remember that if you concentrate too much
5 on taking the notes, you could end up missing a witness's
6 demeanor or some other thing, so just remember that. But
7 the important thing to remember is that if someone takes
8 written notes, their written notes have no more authority
9 in your deliberations than does another juror's
10 independent recollection.

11 Okay. So does anyone -- do we have pads?

12 THE BAILIFF: I have a few.

13 THE COURT: How many people would like to take notes?
14 Just raise your hand. Okay. We'll provide you with the
15 stuff to do it. So that looks like three. All right.

16 (WHEREUPON, Court's Exhibit Number 2 was marked for
17 identification.)

18 THE COURT: And if during the trial anyone else wants
19 to do it, just let us know.

20 Are you all good if we go ahead and start or would
21 you like to -- all right. Go ahead. Call your witness.

22 MR. MOYER: The State would call Dustin Kretschmar to
23 the stand.

24 THE CLERK: Please place your left hand on the Bible
25 and raise your right hand.

1 WHEREUPON,

2 DUSTIN KRETSCHMAR

3 After having been duly sworn, testified as follows:

4 THE CLERK: Please have a seat. And if you will,
5 please state your name for the record.

6 THE WITNESS: Dustin Kretschmar.

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q Would you spell your last name for the court
10 reporter, please.

11 A K-R-E-T-S-C-H-M-A-R.

12 Q Where are you employed?

13 A I currently own my own pet sitting business,
14 Connected Pets.

15 Q How long have you been doing that?

16 A About a year now.

17 Q Where did you work prior to that?

18 A I was with the Greenville County Forensic Division.

19 Q And how long were you in law enforcement?

20 A I was in law enforcement for ten years, in forensics
21 I was there for eight years.

22 Q And before forensics, where were you employed? What
23 did you do in law enforcement?

24 A I was on the road as a police officer down in Florida
25 for the Gainesville Police Department.

1 Q Okay. And then you worked eight years here in the
2 forensic division.

3 A Yes, sir.

4 Q Would you tell the jury what a forensics officer
5 does?

6 A We respond to a crime scene. Once a deputy gets
7 there, they'll call out a forensic technician, and we are
8 there to document and collect any evidence on scene.

9 Q And to determine what the process and what evidence
10 to get, does that require consulting with a law
11 enforcement officer ---

12 A Yes, sir.

13 Q --- personnel who are there?

14 A Yes, sir.

15 Q Okay. Let me ask you this. Let me take you to
16 December the 27th of 2016. Were you called out to the
17 location that we're here about in court today?

18 A Yes, sir.

19 Q And I know you don't have your report with you, so if
20 you need to refresh your memory, let me know. But do you
21 recall the times that ---

22 A I don't recall the times. No, sir.

23 Q Would it refresh your memory if you had a chance to
24 look at your report?

25 A Yes, sir.

1 Q Do you recognize the document that I just handed to
2 you?

3 A Yes. This is the report that I wrote for the
4 incident.

5 Q Okay. And taking a look at that, can you refresh
6 your memory and let the jury know the time that you
7 arrived at that location?

8 A I arrived on scene at 8:06 p.m.

9 Q Okay. How long were you there?

10 A I was there for about 40 minutes, 45 minutes.

11 Q And what was the location?

12 A At 6726 Augusta Road.

13 Q What is that? Is that the Li'l Cricket?

14 A Yes, sir.

15 Q Now, did you meet with Dorothy Miller while you were
16 there?

17 A I did.

18 Q Did you observe any signs of trauma to her?

19 A Yes. There were cuts on her right arm and also a
20 laceration on her neck.

21 Q Okay. Did you take photographs?

22 A I did.

23 Q You took photographs of Ms. Miller?

24 A Yes, sir.

25 Q And did you take photographs of the store itself

1 also?

2 A Yes, sir.

3 Q And on the inside of the store, what was it? Was
4 there any particular area you focused on?

5 A I focused on the area around the counter and the
6 floor around there because I was told that that's where
7 the incident occurred. There was also a lighter and a can
8 on the floor in that general area that I focused on as
9 well.

10 Q Okay. I'm going to hand you some documents that have
11 already been marked as state's exhibits. Let me start off
12 with State's Exhibit Number 2. These have already been
13 shown to the defense attorney. Can you take a look at
14 that? Do you recognize what I've handed you?

15 A Yes, sir. This is the front and side of the Li'l
16 Cricket gas station.

17 Q Okay. So that's an exterior photograph?

18 A Yes, sir.

19 Q Now I'm going to hand you State's Exhibit Numbers 3
20 through 8. Just take a look through each one of those and
21 see if you can recognize and identify what those exhibits
22 are.

23 A (Reviews exhibits) Yes, sir. These are the
24 photographs of the clerk and her injuries with the
25 lacerations to her arm and to the neck, both with and

1 without scale.

2 Q Okay. Ms. Miller?

3 A Yes, sir.

4 Q Then let me show you now State's Exhibit Numbers 9
5 through 12. Can you just take a moment and look through
6 those photographs?

7 A (Reviews exhibits) Yes, sir. These are the
8 photographs on the interior of the gas station around the
9 front counter and the lighter display.

10 Q Okay. Now, each of these exhibits that we've just
11 referred to, are they true and accurate representations of
12 what you just mentioned that they show as they looked on
13 December the 27th of 2016?

14 A Yes, sir.

15 MR. MOYER: Your Honor, at this time I would move to
16 have these exhibits into evidence.

17 MR. QUINN: No objection.

18 THE COURT: All right.

19 MR. MOYER: Make sure the record is clear, that would
20 be Exhibits 2 through 12.

21 (WHEREUPON, State's Exhibit Numbers 2 through 12 were
22 admitted into evidence.)

23 BY MR. MOYER:

24 Q We're going to display these photographs for the
25 jury's benefit. I'm going to hand you a laser pointer to

1 use to maybe describe. I think that top button will
2 activate it.

3 We're going to begin with State's Exhibit Number 2.
4 All right. Would you please explain to the jury what it
5 is that we see in State's Exhibit Number 2.

6 A This is the exterior photograph of the Li'l Cricket
7 gas station.

8 Q I'm going to show State's Exhibit Number 3.

9 A This is the clerk, Ms. Miller.

10 Q State's Exhibit Number 4.

11 A These are the lacerations and injuries she sustained
12 on her right arm.

13 Q Can you use the laser pointer to point those out?

14 A (Indicating) You have one laceration there, and then
15 you have another injury on the upper portion of her arm.

16 Q State's Exhibit Number 5.

17 A This is the same laceration on the lower portion of
18 the right arm with scale (indicating).

19 Q State's Exhibit 6.

20 A That is the injury on the upper portion of the right
21 arm (indicating).

22 Q So going back to State's Exhibit 4, is it shown in
23 that photograph?

24 A Yes, sir.

25 Q Will you point it out?

1 A This (indicating) is the lower laceration injury on
2 the right arm, and that (indicating) is the upper injury.

3 Q State's Exhibit 6 would be a close-up of that?

4 A Yes, sir.

5 Q Okay. Let's move to State's Exhibit Number 7.

6 A This is the left side of her neck and right there
7 (indicating) is the laceration on her neck.

8 Q State's Exhibit 8.

9 A (Indicating) It's a close-up of the same injury on
10 the left side of her neck.

11 Q Move to State's Exhibit Number 9.

12 A This is an overall image of the interior of the gas
13 station focused around the front counter.

14 Q State's Exhibit 10.

15 A That's a closer up photograph of the counter space
16 inside the gas station.

17 Q State's Exhibit 11.

18 A This is the display on the front counter where I was
19 told the lighters had been taken from.

20 Q Okay. And can you use the laser pointer to show that
21 area?

22 A Right there (indicating).

23 Q I think State's Exhibit 12 is just another photograph
24 of the counter; is that right?

25 A Yes, sir.

1 Q All right. Now, did you make any attempts to see if
2 fingerprints may have been left behind?

3 A Yes, sir. I processed the scene for latent
4 fingerprints on the interior and exterior of the front
5 entrance doorway where I was told the suspect came in and
6 left the building, also around the front countertop and
7 also the lighter that had been dropped by the suspect.

8 Q Okay. And where was the lighter? Was that on the
9 floor?

10 A It was on the floor. Yes, sir.

11 Q Now, how do you go about looking for fingerprints?
12 What is the process that you undertake?

13 A So I'll take the item and see if I can visually see
14 it without any development processes to see if there's any
15 patent fingerprints. That means you can see it with the
16 naked eye without any -- anything to develop the
17 fingerprint. Then I'll use -- depending on the type of
18 material that the item is, I'll use fingerprint powder or
19 a fuming technique, but in this case, I used fingerprint
20 powder to try to develop fingerprints on these items.

21 Q Okay. Now, in this particular case, were you able to
22 locate any fingerprints on any of those areas that you
23 checked for fingerprints?

24 A No, sir.

25 Q Now, based on your training and experience, what

1 factors come into play on whether fingerprints are found
2 or not at the scene?

3 A There are several factors that come into play when it
4 comes to fingerprints. It depends on the material of the
5 item that you're trying to fingerprint, whether it's
6 porous or not. It will depend on the individual handling
7 it, whether they secrete more oil than normal or less oil
8 than normal, depending on the time of year what -- if it's
9 cooler outside, you might not have the oils necessary to
10 leave a good fingerprint, and also how they handle it. If
11 they're moving the item around a lot in their hands, then
12 they might leave something behind but not enough detail to
13 make an identifiable match.

14 Q Okay. Again, based on your training and experience,
15 is it a rare phenomenon that fingerprints aren't found on
16 the scene?

17 A No, sir.

18 Q It's not?

19 A It's not uncommon.

20 MR. MOYER: Okay. One moment please. Would you
21 please answer any questions the defense may have.

22 THE WITNESS: Yes, sir.

23 CROSS EXAMINATION

24 BY MR. QUINN:

25 Q Mr. Kretschmar, the name tag was ripped off of

1 Ms. Miller's uniform; is that correct?

2 A Yes, sir.

3 Q And you found that in the store; isn't that right?

4 A Yes, sir.

5 Q And did you fingerprint it?

6 A No, sir.

7 Q And why didn't you?

8 A I don't recall.

9 Q Were you told -- well, let me ask it this way. I see
10 you took some photographs of the outside. Did you try to
11 take a footprint or find if there were any footprints
12 outside?

13 A My normal protocol is to do an exterior examination
14 of the scene. I don't know specifically where I looked
15 outside, but I did not find any footprints to further
16 process.

17 Q And one of the other things you look at at crime
18 scenes is for DNA now; isn't that correct?

19 A Yes, sir.

20 Q Did you seize Ms. Miller's uniform top, jacket,
21 shirt, whatever it was and investigate it for DNA matches?

22 A No, sir.

23 Q Did you seize anything to investigate for DNA
24 matches?

25 A No, sir.

1 MR. QUINN: I don't have any other questions. Thank
2 you.

3 MR. MOYER: No further questions. Thank you.

4 THE COURT: All right. You may stand down.

5 MR. CONITS: Your Honor, at this time the State calls
6 deputy William Watkins to the stand.

7 THE CLERK: If you will please place your left hand
8 on the Bible and raise your right hand.

9 WHEREUPON,

10 WILLIAM WATKINS

11 After having been duly sworn, testified as follows:

12 THE CLERK: Please have a seat. Please state your
13 name for the record.

14 THE WITNESS: William Watkins.

15 DIRECT EXAMINATION

16 BY MR. CONITS:

17 Q Deputy Watkins, where do you work?

18 A The Greenville County Sheriff's Office.

19 Q And in what capacity?

20 A I'm a K-9 handler for the directed patrol unit right
21 now.

22 Q How long have you worked there?

23 A Since May of 2011.

24 Q Okay. So you were working at the sheriff's office in
25 December of 2016.

1 A That's correct.

2 Q And were you doing what you're doing now then?

3 A I was a K-9 handler in K-9 services, yes.

4 Q Okay. So were you on shift on December 27, 2016,
5 around 7:38 p.m.?

6 A I was. Yes, sir.

7 Q Did you respond to the Li'l Cricket on 6726 Augusta
8 Road soon thereafter?

9 A I did. Yes, sir.

10 Q Why?

11 A For an armed robbery that had just occurred. And --
12 yes, sir.

13 Q Okay. Doesn't have to be the exact time. Around
14 what time did you get there?

15 A I do not recall exactly the time. It was shortly
16 afterwards.

17 Q Shortly thereafter?

18 A Yes, sir.

19 Q And what was going on when you got there?

20 A Upon my arrival I -- or while I was en route, I was
21 advised that the suspect had left on foot which prompted
22 my response. Due to having a dog, if somebody runs from a
23 store, then we generally respond in order to attempt to
24 locate any suspects.

25 Q So you get to the location of this incident pretty

1 soon after it happened. How long did you stay there?

2 A How long did I stay at this actual store?

3 Q At the Li'l Cricket.

4 A Just long enough time to gather the suspect
5 information, the description, and then we began to locate
6 the last known for a track.

7 Q Okay. So you got a description when you were there.

8 A Yes, sir.

9 Q Okay. What was that description?

10 A It was a tan and brown coat with dark black pants and
11 -- yes.

12 Q Okay. So at that point you leave the incident
13 location. Where do you go?

14 A We moved up to closer to -- close to Ace Drive where
15 somebody from the -- one of the witnesses who had chased
16 the suspect said that he had lost sight of him.

17 Q Do you mind stepping down and pointing it out on the
18 map?

19 A Yes, sir.

20 Q If you could just point out to the jury.

21 A The store's right here (indicating). We came up ---

22 THE COURT: Keep your voice level up, please, sir.

23 THE WITNESS: Yes, sir.

24 The store is right here (indicating). We came up and
25 went up Betheul Church. And somewhere in the vicinity of

1 right around in here (indicating) was the -- where the
2 witness had last seen the suspect on foot. So we moved to
3 this location to begin the start of the track.

4 Q And who were you with?

5 A I was with Deputy Cannon.

6 Q Okay. Did you do -- who did the track? Who was
7 tracking?

8 A Master Deputy Al Cannon.

9 Q Okay. So you were in your car?

10 A I was covering him. I was -- I was acting as cover.
11 Being an armed robbery, not knowing if any weapons of any
12 sort or what weapons outside of the edge weapons, we
13 generally take a couple people with us to cover us as K-9
14 handlers because our focus is on the dog and using that
15 dog to locate the suspect and not necessarily our
16 surroundings. So that's the cover team's job.

17 Q Did you have any in-car body cam footage from this
18 incident?

19 A I did not.

20 Q Why is that?

21 A I was in a -- I didn't have a body camera at the
22 time, and then the patrol vehicle that I was in, the
23 in-car camera was not functioning at that time.

24 Q Okay. So from your starting point of where you and
25 Deputy Cannon start tracking, where do you go next on the

1 map?

2 A Yes, sir. So we came up (indicating), and then we
3 came up Ace Drive and worked down to the hook in the road
4 at around Ace Drive.

5 Q Okay.

6 A Right around this area right in here (indicating).

7 Q Okay. And what happens once you get to that point?

8 A That's when we made contact with the two individuals
9 in the vehicle on the corner there.

10 Q Okay. And you spoke with them?

11 A I did not personally. No, sir.

12 Q You did not.

13 A I do not.

14 Q Deputy Cannon did?

15 A Deputy Cannon did. Yes, sir.

16 Q Okay. So Deputy Cannon speaks with Mr. Evans. What
17 do you do next?

18 A At that point, once the track had been called and we
19 were no longer actively tracking, they were continuing to
20 speak with -- with those gentlemen, I moved back to my
21 vehicle and began to BOLO the area. That's "be on the
22 lookout." So we had a basic suspect description, and I
23 got back in my patrol vehicle and continued to ride around
24 the area looking for the suspect that we had been given a
25 description of.

1 Q And so you stopped the track and did the BOLO is what
2 you just said?

3 A That's correct.

4 Q Why is that? Why did that happen?

5 A Deputy Cannon can probably explain that the best with
6 his dog.

7 Q Okay. So where do you go next?

8 A I began to rove the area.

9 Can I grab my report?

10 Q Yeah. Absolutely.

11 A Do you want me to stay up here or stand back down
12 there?

13 Q Well, I'm going to refer to the map again, so if you
14 don't mind.

15 A I began to rove the area on Donaldson Road and the
16 surrounding areas.

17 Q Okay.

18 A So Donaldson Road is right here (indicating). So I
19 began to kind of work back around in this general
20 vicinity.

21 Q Okay.

22 A And then I believe the previous person had advised
23 that -- at 9:01 I called out on the radio with an
24 individual at Donaldson Road and Mayflower.

25 Q Okay. So you're driving down Donaldson Road, and

1 what do you observe around 9:00?

2 A I observe a male subject who roughly fit the
3 description. As I passed -- he's walking up Donaldson and
4 I'm driving the opposite direction. As I pass, I watch
5 this individual in my rear-view mirror. They altered
6 their gait and path and continued to look over their
7 shoulder as I drove past.

8 Q Okay. And you can have a seat.

9 A Okay.

10 Q Thank you. And you might need to -- if you need to
11 refer to your report, that's fine.

12 What was the man you came upon, what was he wearing?

13 A (Reviews document) He was wearing the dark -- the --
14 basically matching the description, the dark clothing.

15 Q If I could direct you to the bottom of page ---

16 MR. QUINN: I object.

17 THE COURT: Whoa, whoa, whoa.

18 MR. QUINN: I object.

19 THE COURT: Object to what?

20 MR. QUINN: That he's going to direct him where on
21 the report. I think it's as leading as can be.

22 THE COURT: Okay.

23 MR. QUINN: He's got his report in front of him.

24 THE COURT: Don't lead. Don't lead.

25 You've just got to state your objection, Mr. Quinn.

1 Go ahead.

2 BY MR. CONITS:

3 Q So what was the defendant wearing when you came upon
4 him?

5 A Wearing black pants and a blue shirt with a white
6 undershirt.

7 Q Okay. And that matched the description you had been
8 given.

9 A That's correct.

10 Q Okay. So what does the defendant do? When you're
11 coming upon him, what happens? What do you observe?

12 A Once I turned around, I noticed that he continued to
13 look over his shoulder at me as I drove past, and -- and
14 then that's due to him meeting the description, being in
15 the general area, I exited my vehicle and made contact
16 with the gentleman.

17 Q Okay. So you said he looks at you. He sees you.
18 And does he alter his path or does he ---

19 A He altered his gait and path of travel upon the sight
20 of my marked patrol vehicle.

21 Q So he sees your marked vehicle and he changes the
22 path he's going in?

23 A Correct.

24 Q Okay. So what do you do as a result of that?

25 A I then advise the dispatch of my location and begin

1 -- or got out and made contact with the suspect, or that
2 individual.

3 Q Okay. Did you ask for his name?

4 A I did. Let's see. During that time -- in between
5 that time, that's when I was advised of a suspect name,
6 that Mr. Pinckney, that Mr. Cannon had been able to
7 locate through the pay stub that had already been
8 discussed.

9 So I began to speak with the subject. He advised his
10 name was Edmund Pinckney. This was consistent with the
11 name that Master Deputy Cannon had given out earlier. So
12 yes, sir.

13 Q Did you get a verbal consent to search his person?

14 A I did. I asked Mr. Pinckney if he had any weapons on
15 his person. He advised no. I then conducted a pat down,
16 located no weapons. I then asked him if there was
17 anything illegal on his person. He advised no. I then
18 asked if I could verify this, and he advised yes, that I
19 could, giving verbal consent to search his person.

20 Q And what did you find?

21 A I found nine NASCAR lighters that were all brand new
22 with the barcodes still on the side.

23 Q Okay.

24 A And one lighter in his left pocket.

25 Q So there was nine in the right and one on the left?

1 A That's correct.

2 Q Okay. What's been marked State's Exhibit 13, what is
3 this?

4 A Those are the NASCAR lighters that were located in
5 Mr. Pinckney's pockets.

6 Q Those are the lighters that you found on Edmund
7 Pinckney.

8 A That's correct.

9 MR. CONITS: Okay. Your Honor, at this time the
10 State offers State's Exhibit 13 for admission into
11 evidence.

12 THE COURT: Any objection?

13 MR. QUINN: Yes. Unless he took the picture or can
14 testify that it's authenticated, I object.

15 THE COURT: Authenticate it.

16 BY MR. CONITS:

17 Q Is it a fair and accurate portrayal of the brand-new
18 NASCAR lighters that you found in Edmund Pinckney's
19 pocket?

20 A That's correct. Yes.

21 MR. CONITS: Your Honor, at this time the State moves
22 to have the evidence introduced.

23 MR. QUINN: Same objection.

24 THE COURT: Where did the photo come from?

25 MR. CONITS: One moment.

1 BY MR. CONITS:

2 Q Was a photograph taken of the lighters in your
3 presence?

4 A Yes.

5 Q And is this a fair representation of the lighters?

6 A Yes.

7 MR. CONITS: Your Honor, at this time the State moves
8 to have State's Exhibit 13 into evidence.

9 MR. QUINN: No objection.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit Number 13 was admitted into
12 evidence.)

13 BY MR. CONITS:

14 Q And, again, Deputy Watkins, these are the lighters
15 you found on Edmund Pinckney that night?

16 A That's correct. Yes, sir.

17 Q As you testified earlier, you came upon -- across
18 Edmund Pinckney on Donaldson Road on the night of this
19 incident.

20 A That's correct.

21 Q Is the man you came across that night in this room
22 here today?

23 A He is. Yes, sir.

24 Q Could you please point him out.

25 A Yes, sir. He's wearing a white shirt. He's sitting

1 right there (indicating), sir.

2 MR. CONITS: No further questions.

3 THE COURT: Okay. Cross.

4 CROSS EXAMINATION

5 BY MR. QUINN:

6 Q The lighters, was the picture taken by forensics?

7 A I do not recall who took the picture.

8 Q So you're driving down Donaldson Road; is that
9 correct?

10 A I was. Yes, sir.

11 Q Would you agree that Donaldson Road is a fairly main
12 road in that area?

13 A I mean, it's a traveled road. Yes, sir.

14 Q Well-traveled road at 8:00 at night?

15 A I mean, at 8:00 at night . . .

16 Q Okay. If he had been on Byron Court, would he have
17 been less noticeable than if he was on Donaldson Road?

18 A I can't see the map, sir. I'm not sure.

19 Q Please feel free to come around. I'm sorry. I
20 thought you might have known the area better than I do.

21 So you're on Donaldson Road, this road here
22 (indicating); is that correct?

23 A That's correct. Yes, sir.

24 Q If he had been on Byron Court, would it have been
25 less likely he'd be visible?

1 A I believe so. Yes, sir.

2 Q Or Vermont Drive or any of these smaller roads off to
3 the sides?

4 A Less visible in what shape? There's no lighting on
5 Donaldson Road that I'm aware of, sir.

6 Q You had your lights on in your vehicle, didn't you?

7 A That's correct. Yes, sir.

8 Q Okay. And there were other cars on that road; isn't
9 that right?

10 A I -- I don't remember at that moment in time if I was
11 the only vehicle traveling down Donaldson.

12 Q Have you ever patrolled that area before?

13 A I have. Yes, sir, I have.

14 Q So you agree Donaldson Road is more well trafficked
15 than Cedar Avenue or Farley Avenue.

16 A I would agree with that. Yes, sir.

17 Q Okay. And so he's walking down Donaldson Road when
18 you come into contact with him; is that right?

19 A That's correct.

20 Q You can have a seat.

21 And, Officer, you say he altered his gait; is that
22 correct?

23 A That is correct, sir.

24 Q Did he run?

25 A No, sir.

1 Q Did he hide?

2 A No, sir.

3 Q Punch you? Resist arrest in any way?

4 A No, sir.

5 Q And you asked him his name and he told you his name
6 is Edmund Pinckney; is that correct?

7 A That is correct.

8 Q And is that his correct name?

9 A That is correct.

10 Q Okay. He told you that he had no weapons on him and
11 you could search him, and you did; is that correct?

12 A That's correct.

13 Q Did you find any weapons?

14 A No, sir.

15 Q Okay. You asked him if he had anything illegal on
16 him, and he told you no; isn't that correct?

17 A Yes, sir. That's correct.

18 Q All right. And that's when you found the lighters;
19 is that right?

20 A That is correct.

21 Q So he gave you his correct name, correct? Is that
22 right?

23 A That is correct.

24 Q Did not run from you; is that right?

25 A That's correct.

1 Q Did not hide from you?

2 A Yes, sir.

3 Q Did you take from him the brown jacket with tan hood?

4 A I did not. No, sir.

5 Q Did you take from him a box cutter or any other
6 weapon?

7 A No, sir.

8 Q When you were tracking on Ace Road, Ace Drive,
9 whichever it is, I'm sorry, did the dog turn toward
10 Donaldson Road and want to go up Donaldson Road?

11 A I can't testify to that dog. That's not my working
12 dog, sir.

13 Q I thought you were covering.

14 A I was. I'm not watching the dog. My job is to cover
15 the surrounding area and the handler. The handler's job
16 is to read the dog, sir.

17 Q So wherever the dog went, you would have gone as
18 cover for the officer handling the dog, right?

19 A That is correct.

20 Q So did the officer handling the dog take you up
21 Donaldson Road?

22 A Up to Donaldson Road?

23 Q Yes, sir.

24 A No, sir.

25 Q He took you to some location on Ace Drive; isn't that

1 right?

2 A That is correct.

3 Q And the description that was originally given was a
4 black man wearing a tan and brown coat with black pants, I
5 believe you said, right?

6 A I believe so. Yes, sir.

7 Q So you didn't find the tan and brown coat?

8 A No, sir.

9 Q And later some other description is given of black
10 pants and a blue shirt; is that right?

11 A That is correct. Yes, sir.

12 Q And do you remember where that description came from?

13 A I believe that came from one of the two gentlemen
14 sitting in the van, sir.

15 Q The dog who tracked you to?

16 A On Ace Drive.

17 MR. QUINN: I don't have any other questions. Thank
18 you.

19 THE COURT: Anything else?

20 MR. CONITS: No further questions.

21 THE COURT: All right. Thank you, sir. You may
22 stand down.

23 THE WITNESS: Thank you, sir.

24 THE COURT: How long is your next witness?

25 MR. CONITS: Ten, 15.

1 THE COURT: Okay. Call him.

2 MR. CONITS: At this time the State calls deputy Ryan
3 Floress.

4 THE CLERK: Mr. Floress, please place your left hand
5 on the Bible and raise your right hand.

6 WHEREUPON,

7 RYAN FLORESS

8 After having been duly sworn, testified as follows:

9 THE CLERK: Please have a seat. Please state your
10 name for the record.

11 THE WITNESS: Ryan Floress.

12 DIRECT EXAMINATION

13 BY MR. CONITS:

14 Q Deputy Floress, where do you work?

15 A Greenville County Sheriff's Office, uniform patrol.

16 Q Okay. How long have you worked there?

17 A Roughly two and a half years.

18 Q Okay. So you were working there December of 2016?

19 A Yes, sir.

20 Q And were you on uniform patrol at that time?

21 A Yes, sir.

22 Q Okay. Were you on shift on December 27, 2016, around
23 7:38 p.m.?

24 A Yes, sir.

25 Q Did you respond to Li'l Cricket on Augusta Road?

1 A Yes, sir.

2 Q How long did it take you to get there, roughly?

3 A Ballpark, in seven, maybe five minutes after it
4 happened.

5 Q Were there any other officers there when you arrived?

6 A Yes, sir.

7 Q Who was there?

8 A I know that Deputy Hughey was there.

9 Q Okay. Did you make contact with Deputy Hughey?

10 A Briefly.

11 Q Okay. Did you meet with the victim in this case
12 after you talked with Hughey?

13 A Yes, sir.

14 Q Okay. What did you observe when you met with Dorothy
15 Miller?

16 A She was crying, she was terrified, she was
17 hysterical. Deputy Hughey put it pretty well when you
18 couldn't understand a word she was trying to say.

19 Q Okay. She was hysterical.

20 Was she screaming anything to you?

21 A Very quickly she would say that she had been stabbed
22 several times, that she'd been robbed.

23 Q Okay. Deputy Floress, on the night of this incident,
24 did you collect the clothes that Edmund Pinckney was
25 wearing when he was arrested?

1 A I did.

2 Q Okay. Did you check them into Property and Evidence?

3 A Yes, sir.

4 Q Okay. What time did you check the clothes into
5 Property and Evidence?

6 A I put them into Property and Evidence at 12:12 a.m.
7 on December 28th.

8 Q Okay. So late that night.

9 A Yes, sir.

10 Q Just for the jury's benefit, is Property and Evidence
11 a secure location?

12 A Absolutely. Yes, sir.

13 Q Okay. I couldn't go walk around in there on my own.

14 A No, sir.

15 Q How are items checked out of Property and Evidence?

16 A Whenever you put an item into Property and Evidence,
17 it's assigned with an item number, and each item number
18 gets its own specific barcode. They're scanned. We check
19 them out that way.

20 Q Okay. Did you pick up the clothes that Edmund
21 Pinckney was wearing the night he was arrested this
22 morning and bring them here to the courthouse?

23 A Yes, sir.

24 Q Okay. I'm going to have you open this box and look
25 in there to make sure it's the clothes that you placed

1 into Property and Evidence.

2 A (Witness complies.)

3 Q Are those the clothes?

4 A Yes, sir.

5 Q Okay. And how do you know these are the defendant's
6 clothes that you collected that night?

7 A I was, obviously, the one that put them in Property
8 and Evidence, and it's all the same clothes he was wearing
9 when I observed him that night.

10 MR. CONITS: Okay. Your Honor, at this time the
11 State moves to have Exhibit 17 admitted into evidence.

12 MR. QUINN: I have no objection to the clothes.
13 There are other items in the box. I would object to any
14 other items that have not been testified about.

15 THE COURT: Is there anything else in the box?

16 MR. CONITS: They're -- it's what's in his pockets
17 and shoes.

18 THE COURT: Well, go through that. Just authenticate
19 they were there when they were seized.

20 BY MR. CONITS:

21 Q What was in Mr. Pinckney pocket on the clothes that
22 you collected that night that you checked into Property
23 and Evidence?

24 A It was a pay stub for Mr. Pinckney.

25 Q And were his shoes included with his clothing that he

1 was wearing that night?

2 A Yes, sir.

3 MR. CONITS: Okay. Your Honor, at this time the
4 State moves to have Exhibit 17 admitted into evidence.

5 THE COURT: All right. Any objection?

6 MR. QUINN: No objection.

7 THE COURT: Okay.

8 (WHEREUPON, State's Exhibit Number 17 was admitted into
9 evidence.)

10 BY MR. CONITS:

11 Q Could you please show each piece of clothing to the
12 jury.

13 A (Witness complies.)

14 Q Thank you.

15 Deputy Floress, that night, ten NASCAR lighters were
16 found in the defendant's pocket when he was arrested.
17 What happened to those lighters?

18 A A Property and Evidence sheet was completed for those
19 lighters. Due to the fact that they belong to the store,
20 I authorized them to be released back to Ms. Miller. She
21 signed it and I gave them back to her.

22 MR. CONITS: Okay. No further questions.

23 CROSS EXAMINATION

24 BY MR. QUINN:

25 Q So when you say that the box contained what was in

1 his pockets, it didn't contain everything that was in his
2 pockets; is that right?

3 A I wasn't the one that searched him, so I couldn't
4 testify to that.

5 Q So you don't know what was in his pockets when he got
6 searched?

7 A Not all the contents. No, sir.

8 Q Now, were you there at the store when EMS came and
9 saw Ms. Miller?

10 A I believe so, sir. Yes, sir.

11 Q And was she transported by EMS?

12 A No, sir.

13 Q As far as you remember, was she provided any
14 treatment by EMS?

15 A Not that I can recall. No, sir.

16 Q And do you remember that you spoke with Ms. Miller
17 that night?

18 A Yes, sir.

19 Q And did she tell you that she elbowed the subject and
20 punched the subject in the head one time with her fist?

21 A Yes, sir.

22 Q You obviously saw Mr. Pinckney that night because you
23 got his clothing; isn't that correct?

24 A Yes, sir.

25 Q Did you observe any injuries to Mr. Pinckney?

1 A No, sir.

2 Q I noticed that in the box there is no brown jacket
3 with a tan hood. Was one recovered?

4 A No, sir.

5 Q I also noticed in the box there's no weapon or
6 anything similar to a weapon. Was one of those recovered?

7 A No, sir.

8 Q You don't have a K-9 unit, do you?

9 A Do I have a dog?

10 Q Yes, sir.

11 A No, sir.

12 MR. QUINN: Okay. I don't have any other questions.
13 Thank you.

14 THE COURT: All right. Anything?

15 MR. CONITS: Nothing, Your Honor.

16 THE COURT: All right. You can step down. Thank
17 you.

18 All right. Ladies and gentlemen, we're going to
19 break for lunch. As I told you, I'll ask you to be back
20 at 2:30. Please remember not to discuss the case, don't
21 do independent research, and we'll see you at 2:30. Have
22 a good lunch. Thank you. Everybody else remain seated,
23 please. Remain seated while the jury exits, please.

24 (WHEREUPON, the jury exits the courtroom at 12:55 p.m.)

25 THE COURT: All right. Anything before we break?

1 MR. MOYER: No, Your Honor.

2 MR. QUINN: No.

3 THE COURT: All right. See you at 2:30.

4 (WHEREUPON, a recess is taken at 12:56 p.m.)

5 THE COURT: Are you ready to go?

6 MR. MOYER: Yes, sir. I would like one matter to put
7 on the record before we get started.

8 THE COURT: Yeah.

9 MR. MOYER: I would just like to make a motion based
10 on the doctrine of fair response about opening the door to
11 a line of questioning about the identification that was
12 made by the victim. My concern is that the defense
13 questioning of the officer about not attempting DNA
14 testing on the clothing of the victim, that line of
15 questioning had the effect on the finder of fact of
16 leaving an impression about the adequacy of the
17 investigation. And I think that would leave the jury in
18 an unfair posture and an unfair account of what happened
19 in the fact that there was a positive identification that
20 was done within an hour and a half of the actual
21 incident. And so I think the jury would be at that
22 disadvantage.

23 In the alternative, I would -- if the door has not
24 been completely opened to that line of questioning yet, I
25 would argue that -- I mean, it's one thing to question the

1 evidence that we are putting in and the adequacy and
2 sufficiency of the evidence that's there, but to go into
3 questions about what else officers have not done I would
4 argue would open the door to the further line of
5 questioning, oh, well, just explain what all was done in
6 the investigation that included an identification by a
7 victim. So . . .

8 THE COURT: So what are you asking me?

9 MR. MOYER: I'm asking you, first off, if you would,
10 if -- if you would allow us to offer evidence of the
11 identification, and if not, I guess just put the Court on
12 notice that should there be any other questions, that will
13 be the objection that we will make, that it is misleading
14 under Rule 403 to go into questions about what -- about --
15 you know, about things the officers could have done but
16 didn't do.

17 THE COURT: Well, I think -- well, Mr. Quinn, what do
18 you have to say?

19 MR. QUINN: Well, my questions clearly came from the
20 video where you can see that whoever the attacker is touch
21 Ms. Miller, wrestled with her. And so I questioned
22 whether they took whatever, I believe it's an outer shirt,
23 if they took that into evidence. It doesn't go at all to
24 an identification. I think it's certainly a proper
25 question for a forensic person.

1 I have not tried to get into anything about what
2 statements she made, what comments she made. Everybody
3 just testified she was hysterical, and I had one officer
4 verify that, yes, that's the word he would use. So I
5 certainly don't think I've opened the door to the extent
6 that I might. I've been admonished, and I will try to be
7 even more careful, but I don't think I've opened the door
8 to anything the victim in this case had to say.

9 THE COURT: Okay. I mean, I don't think he has at
10 this point either. He's aware of it, and so there we
11 are.

12 MR. MOYER: Thank you, Your Honor.

13 THE COURT: Anything else?

14 MR. MOYER: Nothing else from the State.

15 THE COURT: Okay.

16 MR. QUINN: Nothing from the defense.

17 THE COURT: Okay.

18 (WHEREUPON, the jury entered the courtroom at 2:43 p.m.)

19 THE COURT: All right. Ladies and gentlemen, welcome
20 back. We are ready to resume.

21 All right. Mr. Moyer.

22 MR. MOYER: Thank you, Your Honor. May it please the
23 Court. The State calls Al Cannon.

24 THE CLERK: Mr. Cannon, if you'll please place your
25 left hand on the Bible and raise your right hand.

1 WHEREUPON,

2 JAMES "AL" CANNON

3 After having been duly sworn, testified as follows:

4 THE CLERK: Please have a seat. Please state your
5 name for the record.

6 THE WITNESS: James Alton Cannon, III. However, I go
7 by Al.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q And you work for the Greenville County Sheriff's
11 Office?

12 A That is correct. I've been employed with the
13 Greenville County Sheriff's Office for 18 years, 14 of
14 which have been in K-9.

15 Q Okay. The last 14 years you've been in K-9?

16 A That's correct. I'm a master deputy in the K-9
17 Services Unit.

18 Q Okay. Now, tell the jury a little bit about what a
19 K-9 officer does, what your duties are.

20 A Well, in the county of Greenville, we provide K-9
21 services for every deputy within the county in addition to
22 any and all municipalities within the county. Also, we
23 provide K-9 assistance to the South Carolina Highway
24 Patrol, SLED and Federal agencies as well.

25 Q And what kind of work does a K-9 do?

1 A Well, I currently work what we call a dual-purpose
2 K-9. Okay. So pointy-eared dog. He's a Shepherd. He is
3 trained and certified in two things, hence dual: human
4 odor and narcotic odor.

5 Q Okay. And so does your dog -- out of those two
6 different areas, would you say your dog does more of one
7 or the other or is it pretty much a 50-50 split, would you
8 say?

9 A You know, I would -- I would have to say that we do a
10 lot of both. It's just a ton of both odors. There are
11 different areas having to do with human odor as well as
12 narcotic odor where it's a vehicle drug sniff, an area
13 drug sniff, a building drug sniff, what have you. So
14 probably similar in number of calls that we go to
15 involving those two areas.

16 Q Okay. What is your dog's name?

17 A My current dog's name is Rudy.

18 Q How long have you had Rudy?

19 A I've had Rudy for right about three years now. I had
20 to retire a 13-year-old Belgian Malinois in the early part
21 of '16 and acquired K-9 Rudy.

22 Q Okay. So you've had two dogs in your 14 years or ---

23 A No, sir. I've had -- I started out with a hound. I
24 then went to a single-purpose German Shepherd when I
25 worked criminal interdiction on Interstate 85. I then

1 moved to a dual-purpose dog, again, human odor and
2 narcotic odor. And we then moved to Nero and had Nero for
3 a long time until he had to be retired based off of his
4 health. And then Rudy.

5 Q Okay. Well, let me ask you about this case. Were
6 you called out to the Li'l Cricket on Augusta Road on
7 December 27th of 2016 with regards to this case?

8 A Yes.

9 Q Okay. And you had your dog with you. You had Rudy
10 with you?

11 A That's correct.

12 Q Okay. So would you tell the jury a little bit about
13 the training you and Rudy have ---

14 A Absolutely. When a K-9 position becomes available at
15 the Sheriff's Office, we hold a board and we have a
16 tryout. It's not too often that we have a spot become
17 available.

18 So once a handler is selected, we then go, we have
19 several vendors in the United States where we acquire
20 these dogs. We do extensive testing up at these vendors.
21 Depending on how many positions we have available,
22 obviously, is how many dogs we're going to acquire. We
23 might look at 50, and out of those 50, we might dwindle
24 that down to about 20. We might do some night testing and
25 then make our selection based off of that.

1 Once that dog is selected, the handler and that dog
2 go to a 600-hour class that is put on at Greenville
3 County. We happen to have a master trainer, a certified
4 master trainer through the North American Police Work Dog
5 Association, which is a nationally recognized
6 organization. And they're right at around -- I think the
7 last time I checked was right around 81 or 82 master
8 trainers in the US, and we happen to have one.

9 So handler and dog are put through a 600-hour class,
10 at which point, they are -- they are certified in house
11 and then they certify nationally through the North
12 American Police Work Dog Association, and they are then
13 put on the road.

14 Q Okay. So Rudy was certified then?

15 A That's correct.

16 Q And you're certified?

17 A Yes. Me and Rudy went through a 200-hour class based
18 on the fact that I'm a veteran handler and Rudy had
19 already been with a former handler. So as far as the
20 imprinting the dog on narcotic odor, human odor and all
21 that has already been done. The dog's not green, meaning
22 that he's, you know, not trained in anything. So it's
23 more of the bond between me and the dog and me to learn
24 that dog's behavior changes in both on a narcotic-odor
25 side and human-odor side.

1 Q Okay. How often is the certification?

2 A Certification is yearly.

3 I did forget to mention, we train once a day every
4 week on a Wednesday for maintenance training to work on
5 things that might come up during the course of my
6 handler's duties during the workweek to maintain their
7 training.

8 Q Okay. And then you have to get recertified every
9 year?

10 A That's correct. We do not -- now, let me -- North
11 American Police Work Dog Association is not affiliated
12 whatsoever with the Greenville County Sheriff's Office.
13 They do not care whether or not we pass or fail.

14 If we fail, that dog is then pulled from service, put
15 in remedial training, might have -- would have a second
16 chance. They then fail again, we look at other measures
17 having to do with possibly either it being the handler, or
18 if it's the dog, we get rid of the dog.

19 Q Okay. And have you and Rudy kept up on your
20 certifications?

21 A That's correct.

22 Q And Rudy was certified in December of 2016?

23 A Yes.

24 Q Now, you may have told me this, but what breed is
25 Rudy?

1 A I'm sorry?

2 Q What is the breed of dog?

3 A Rudy is a German Shepherd.

4 Q A German Shepherd. Okay.

5 And is that a commonly used breed for this type of
6 work?

7 A Yes, it is.

8 Q Okay. And so that breed would be known for its
9 accurate, acute power of scent and smell ---

10 A Yes.

11 Q --- jobs like you described.

12 Okay. Now, has Rudy been proven reliable both
13 through training and through actual field experience on
14 tracking?

15 A Yes, he is.

16 Q Now, so the tracking team, have you been on a
17 tracking team for this entire 14 years?

18 A Yes, sir.

19 Q Okay.

20 A To elaborate a little bit on that is if we have
21 multiple dogs working at any particular moment in time
22 where we would respond to a situation such as an armed
23 robbery where reports of the suspect has fled on foot, it
24 is not uncommon for the other handler who is not going to
25 be using their dog at that point to join my cover team.

1 Q Okay. We heard some testimony from a couple officers
2 who were with you that night.

3 A That's correct.

4 Q Deputy Watkins.

5 A I had three cover units that night.

6 Q Okay. And that ---

7 A He -- go ahead.

8 Q Sorry. I didn't mean to interrupt you.

9 A No, sir.

10 Hughey, Deputy Hughey, who I believe is with
11 Simpsonville now, Deputy Watkins who is a K-9 handler as
12 well, and a Kalu, Deputy Kalu as well.

13 Q And that's normal for scenarios like this one?

14 A Yes. With an armed suspect, yes. The more the
15 merrier.

16 Q And you're focusing on the dog.

17 A That's correct.

18 Q You have to have other officers to be there for ---

19 A That's right. To be my eyes outside of the
20 parameters of my dog.

21 Q Okay. Well, without getting into the weeds too
22 terribly much, can you give the jury an idea of how a dog
23 would track somebody?

24 A Sure. The dog -- our dogs are trained to track the
25 freshest source of human odor that we put that dog on in

1 an area. Okay. What the dog is smelling is your odor,
2 human odor. And everybody's odor is different, just like
3 a fingerprint. Your fingerprints are different than who
4 you're sitting next to. There's also a little bit of fear
5 scent mixed in with that as well.

6 Now, skin rafts are what we call dead skin cells.
7 Every time you walk around, you are shedding dead skin
8 cells. Those skin cells hold your human odor. You can't
9 see them, but they're there. So that's what the dog is
10 tracking.

11 Q Okay. So it's not necessarily a particular person,
12 but it would be the freshest scent in the particular area
13 where you're doing ---

14 A That's correct.

15 Q Okay. Now, so in this case here that we are talking
16 about here today, did you and Rudy do a track?

17 A Yes, we did.

18 Q And I think it's already been testified to some, but
19 can you tell us where it started and why you started at
20 the particular place you started?

21 A Absolutely. Look, when -- when a call like this
22 comes out, the seriousness of it, I try to beat the next
23 deputy to get there because my first priority is the
24 safety of the victim, the safety of any other innocent
25 people that might be there, and then the suspect. There

1 were deputies who arrived before me who ensured the safety
2 of the victim and then made sure that the other people
3 that might have been there were safe as well. Now we're
4 looking at the suspect.

5 I respond directly to the Li'l Cricket. When I got
6 there, there were other deputies there. I don't exactly
7 know how long it took me to get there, but I responded
8 very quickly, blue lights and sirens. As soon as I got
9 the call or heard it go out, I responded without delay.

10 As soon as I arrived there, I was given information
11 in regards to a suspect description which consisted of a
12 black male who had a brown jacket with a hood on it who
13 was also wearing black pants.

14 I also learned that a patron had chased this suspect
15 as he left the front door on foot. So he ran after this
16 guy. He then stopped, came back to the gas station, got
17 into his Jeep and then, again, pursued this running
18 suspect. He was not there when I first responded there,
19 however, this individual did return. I spoke to him
20 briefly.

21 Now, in regards to tracks, time is of the essence,
22 okay, because we're already put under the eight ball
23 because they're ahead of us, the suspect. They've got a
24 head start, if you will.

25 So my objective then when I'm talking about whether

1 or not I'm going to put my dog on the ground to track
2 somebody is to get that dog on the ground as quick as I
3 can and, obviously, to give us a better opportunity to
4 capture this individual.

5 So briefly talking with this individual once he got
6 back, I found that he followed the guy in his Jeep and
7 lost sight of him at the intersection of Betheul Church
8 and Ace Drive.

9 Q So is that the area where you started your track?

10 A Because it was the last known sighting, that's why we
11 moved from the Li'l Cricket to the intersection of Betheul
12 Church and Ace Drive.

13 Q And you drove over to that location, correct?

14 A That's correct.

15 Q You and the other deputies?

16 A Yes.

17 And it was not a very faraway distance either,
18 because I told my cover guys to get on my running boards.
19 Now, I'm not going to take them guys two or three miles
20 away with them on my running boards. That's too
21 dangerous.

22 Q Do you have a rough estimate about how far?

23 A You know, between a half mile and maybe three
24 quarter.

25 Q Okay. And can you point out on the map -- just step

1 down and point out on the map where you started the track?

2 A All right. Obviously, you all know that this is the
3 filling station here, the convenience store. It's the
4 Li'l Cricket. This is Donaldson Road. This is Augusta
5 Road here. You come out here, and this is Betheul Church.
6 And Ace Drive is right here (indicating throughout).

7 Q Okay. I think it says Ace Drive on the map.

8 A Yes, it does.

9 Q So that's it. What is that road? Is it a straight
10 road or is it ---

11 A No. It actually dog legs to the left.

12 Q Okay.

13 A So if I'm standing at the intersection and I'm
14 walking down Ace Drive, it will dog leg to the left and
15 then come back down onto Donaldson Road (demonstrating).

16 Q Okay. Now, you call out. When you start to track,
17 you call out when you start?

18 A Yes. Again, with my cover team, I followed this
19 white male in the Jeep over here (indicating). Once we
20 got to where he stopped and said, "Hey, this is where I
21 last saw him," I said, "All right. Where exactly did you
22 see him -- last see him running?"

23 He said, "Up the middle of Ace Drive."

24 I did not get this individual's name because my
25 primary objective is to get that dog on the ground as

1 quick as possible. That is the other deputies' job to do
2 that.

3 Q So then you called out to dispatch when you -- at the
4 time you were starting out the dog track, is that right,
5 so they can record that on the CAD?

6 A On the CAD report, on the CAD printout ---

7 Q Yeah.

8 A --- that should be on there as well as the fact that
9 I gave a series of K-9 callouts or an avenue for a
10 peaceful surrender.

11 Q Right. And then when you finished the track, you
12 called into dispatch and let them know when you finished
13 as well, right?

14 A Yes.

15 Q So the times we heard testified to from being 8:00 as
16 a start time to 8:16, that would accurately reflect when
17 you began and ended the track there on Ace Drive.

18 A That -- that's correct.

19 Q Okay.

20 A And, again, that goes into also the time it takes for
21 the dispatcher to hear it. She might be in the middle of
22 something or he might be in the middle of something, and
23 then they've got to actually get on the keyboard and type
24 that in. So it might be a little bit off.

25 Q Now, was the weather conducive to track on that

1 night? Was it raining or snowing?

2 A Well, it was very cold.

3 Q Does that affect the track?

4 A It does. Environmental conditions does affect human
5 odor.

6 Q Okay.

7 A The cold, if it's cold versus heat, heat will
8 disperse human odor a lot quicker than cold air.

9 Q So the scent can remain longer.

10 A That's correct. The scent will stay put a lot longer
11 in colder weather than it will in hot weather.

12 Q All right. Now, when you got out there at that
13 intersection -- I'll try to pronounce it -- Betheul, I
14 think, or Betheul ---

15 A Betheul.

16 Q --- and Ace, did Rudy pick up a scent?

17 A Yes. Once I arrived there, I retrieved K-9 Rudy from
18 the back of my patrol vehicle, and I equipped him with his
19 tracking harness and a 15-foot lead. That is the
20 equipment that I track with that dog on.

21 Q Okay.

22 A That point, you know, again, you know, everything's
23 going real quick. I'm like, look, man, tell me exactly
24 where on Ace Drive did you last see him. He told me he
25 was running up the middle of Ace Drive.

1 Q Okay. And is that around the area where you picked
2 up the ---

3 A Yes. What I did was I downed Rudy. I put him in a
4 down. And he has an actual tracking command.

5 Okay. So after I gave this series of K-9 callouts --
6 and we do this in order to give the suspect, if he's
7 close, an opportunity to surrender. We have to do that.
8 I would rather that happen.

9 So after that was done without a response, I gave
10 Rudy his command to track. As soon as I did that, he
11 immediately picked up a track. And the reason why his
12 behavior changes on a track is that his head is down, his
13 tail actually is -- is wagging, and it has a very wide
14 wagging distance, and it shortens when he gets out of odor
15 and then goes back to a long side to side as he gets back
16 into it.

17 Q Okay. Now, can you tell -- when a dog is following a
18 track, can you tell directionality? In other words, can
19 you tell, absent all of the factors, just based on your
20 dog, whether the person that's being followed was going
21 which direction?

22 A Yes. I -- yes. It's based on a straightaway track
23 and when he negotiates turns. If he comes up to a turn,
24 he might give a little bit of a head check right to left.
25 I'm going to note that. If he doesn't stick it right off

1 the bat, then I'm going to note that. If we continue
2 going straight and his head comes up and starts to move
3 like this (demonstrating), then my experience with this
4 dog is that I have overshot a turn. So then what I would
5 do is bring that dog back where I noted that head check
6 and cast him in that direction and see if he then
7 continues to that last turn.

8 Q Got you. Now, can you tell whether the person that
9 is being followed, whether that person was walking towards
10 you or away or just that it was the most recent scent?

11 A Most recent scent.

12 Q Okay. So the person can be going either direction.

13 A Yes. That's called like a backtrack.

14 Q Okay. Well, tell the jury how far you went along Ace
15 Drive and what caused you to stop.

16 A We didn't know. We didn't go too far. Something
17 that I do and my guys do is if we encounter anybody that
18 might be walking in the area during a track, we like to
19 talk to them, anybody in the community. They might -- we
20 do that to benefit us. They might have some information
21 to give us. They might have seen the person that we're
22 tracking, they might know something about them.

23 So I -- we're tracking right down the middle of Ace
24 Drive and we noted there were two individuals off to my
25 right out in a van that was sitting inside the van. I

1 downed Rudy out in the middle of Ace Drive where we all
2 stopped, and these two gentlemen got out, and we started
3 to speak with these people.

4 Q Okay. Now, the two gentlemen you're talking about,
5 they're here in the courtroom?

6 A They are, yes.

7 Q These two men sitting ---

8 A Stanley Evans is there with a nice plaid shirt on.

9 Q And then the other gentleman sitting next to him?

10 A To his right. I'm sorry. His left. Excuse me.

11 Q And so you spoke to them at that time?

12 A That's correct.

13 Q And was there anything about your conversation with
14 them that led you to stop your dog track at that time?

15 A Yes. I stopped Rudy in the middle of Ace Drive.
16 Number [REDACTED] Drive is a trailer that sits perpendicular,
17 if you will, off of Ace Drive, and it sits way back off
18 the road a little bit. So I almost caught myself yelling
19 at this guy, at which time he started to walk towards us.
20 Stanley.

21 Q Out of the van?

22 A Out of the van. Once he got out, he walked up
23 towards us.

24 Q Okay.

25 A At that point, I asked him if he had seen anybody

1 running through the area. He told me that he had not. He
2 also told me that just before we got there, there was a
3 car that left across the street. He told us about that.

4 It was at that point that information was revealed to
5 him that we were -- or told to him that we were looking
6 for a black male, kind of short with black pants on and a
7 brown coat jacket with a hood on it. He quickly came
8 back. It was about two or three hours before we were at
9 -- where we were at this particular time that he knew of a
10 -- knows a guy by the name of Antonio who was basically a
11 transient who lives in the area, and that he furnished
12 him, gave him a brown coat with a hood on it.

13 Q Okay. And is that when you also -- we heard
14 testimony about the box with the paperwork.

15 A Yes.

16 Q And so was that what led to Deputy Hughey going
17 through the box and getting State's Exhibit -- I can't
18 remember the number, but that Labor Finders receipt?

19 A That's correct.

20 You know, when we're out talking with people on
21 tracks, we evaluate the information that we're getting.
22 If we're not getting any -- any -- any credible
23 information, we're going to continue to track. I'm going
24 to then tell my dog his tracking command again.

25 When I was hearing about this brown coat with a hood,

1 that kind of piqued my interest here.

2 And he then made mention of this box. He said that
3 after he'd given this guy by the name of Antonio, he says
4 he goes by Antonio, this jacket, that Antonio had asked
5 Stanley to hold a box of his that belonged to him. And
6 Stanley said it was just inside his trailer front door.

7 At this time, I figured that, look, this information
8 that we're getting is pretty good, so good that I
9 decided ---

10 MR. QUINN: Objection. It's not proper for one
11 witness to testify about the credibility of another.

12 THE COURT: Yeah. He can't vouch for credibility.

13 MR. MOYER: Okay. So -- sorry. I didn't mean to
14 interrupt you.

15 BY MR. MOYER:

16 Q So in other words, based on the information that you
17 were receiving, you focused your attention on what was
18 taking place there at [REDACTED] Drive.

19 A That's correct. Based on the information, I decided
20 to stop the track.

21 Q Okay.

22 A And I returned to my Tahoe, which was not far away.
23 I secured Rudy back in my patrol car and then drove back
24 up to [REDACTED] Drive.

25 Q Okay. Then you dealt with Mr. Evans and spoke to him

1 and spent some time there.

2 A That's correct.

3 Q Okay. Now -- and so that's where we heard testimony
4 about -- got the name of Edmund Pinckney. Did y'all get
5 that information to the other deputies who were searching?

6 A Yes, we did.

7 Q Now, later, we heard testimony about the arrest of
8 the defendant. Did you go to that location ---

9 A Yes, I did.

10 Q --- about the time of the arrest?

11 A I heard Deputy Watkins get out with a black male
12 individual. Donaldson Road and Mayflower, I believe is
13 the area, which is not too far away. Not far away at all.

14 Q Do you have an estimate about that location as far as
15 the distance to the convenience store, Li'l Cricket?

16 A From Donaldson and Mayflower?

17 Q Yes. From where the ---

18 A Between three quarters and a mile.

19 Q Okay. And so you went over to that location then?

20 A Absolutely. To back him up.

21 Q Okay. Was he talking to an individual at that time?

22 A He was.

23 Q Was he talking to somebody?

24 A He was talking to an individual who had I believe a
25 blue shirt on. He had some dark pants on.

1 Q Okay. And you saw the clothes as it was introduced
2 into evidence a short time ago?

3 A Yes.

4 Q Is that the clothing that the man was wearing?

5 A Yes.

6 Q And is that man here in the courtroom, the man that
7 Deputy Watkins was ---

8 A Yes, he is.

9 Q Would you point him out to the jury?

10 A He is that gentleman right there (indicating) with
11 the white shirt on sitting next to his attorney.

12 Q So you're referring to the defendant in this case,
13 Edmund Pinckney?

14 A Edmund Pinckney. That's correct.

15 Q Okay. Now, tell us about the clothes. You've seen
16 the video with the jacket that was worn.

17 A Uh-huh.

18 Q Was the defendant wearing that coat, that brown coat
19 that was described?

20 A No, he was not.

21 Q Okay. Was a weapon, any kind of box cutter or knife
22 or anything found on him?

23 A No.

24 Q Now let me ask you, you testified you've been a
25 deputy for 18 years. Have you had a lot of experience

1 with cases of this nature of a robbery and having to go
2 out and search for a suspect shortly after that incident
3 took place?

4 A Yes, I have.

5 Q Can you give us an idea of how frequently you have
6 come across scenarios like this?

7 A Hundreds and hundreds, maybe -- maybe -- maybe a
8 thousand.

9 Q Now, based on your experience, is it uncommon for a
10 suspect in a scenario like this to have altered his
11 appearance in some way regarding clothing after an
12 incident like this takes place?

13 A Yes, it is.

14 Q It is common or uncommon that that takes place?

15 A It is -- that is very -- it's common to see somebody
16 adjust their appearance or ditch something. I've had it
17 happened to me personally by running after somebody.
18 Taking their shirt off, that's very common.

19 Q And you said he ditched something. That was my next
20 question. What about weapons? Is it common or uncommon,
21 in your experience in all these cases that you've worked,
22 for a weapon to have been ditched or -- in an interval of
23 time that's gone by?

24 A Yes. In addition to the armed robberies that we go
25 to, we also go to a bunch of article searches for weapons,

1 items used in crimes. Again, those items hold human odor
2 which my dog is certified to locate via his nose. So it's
3 very common that we go out to put our dogs on the ground
4 to search for articles, things that people have ditched.

5 Q Okay. One moment please.

6 Let me just make sure, I'm not sure I was quite clear
7 on one question. Now, when you stopped the track there at
8 [REDACTED] Drive, had Rudy come to a conclusion of the track
9 or did you stop Rudy from continuing on the track?

10 A No. I gave him -- I stopped him from tracking by
11 downing him, by giving him another command to down.

12 Q Okay.

13 A And, in fact, while speaking with Stanley, I gave my
14 dog his heel command where we then started to walk just a
15 little bit close to the right side of the road so I didn't
16 have to yell at Stanley. That heel command, again, takes
17 him out of the tracking command.

18 MR. MOYER: Okay. Thank you. Please answer any
19 questions defense may have.

20 CROSS EXAMINATION

21 BY MR. QUINN:

22 Q Officer Cannon, do you have a copy of your incident
23 report available to you?

24 A Yes, I do.

25 Q I wonder if you'll look at it for me, please. I

1 believe it's one page; is that correct?

2 A It is.

3 Q I wonder if you'll look in the ninth line. And this
4 incident report was written by you; is that correct?

5 A Yes.

6 Q Okay. It was written on December 30th, I believe,
7 2016?

8 A Yes, it was.

9 Q So much closer to the time of the incident?

10 A Correct.

11 Q And does not your incident report say, and I'm trying
12 to quote now, "He started tracking up Ace Drive all the
13 way to the end where he stopped in front of [REDACTED] Drive"?

14 A Yes.

15 Q And "he" in that case is Rudy, your dog; isn't that
16 right?

17 A Yes. He -- that -- that was all of us. But, yes, it
18 does say "he."

19 Q All of you stopped in front of [REDACTED] Drive because
20 that's where Rudy stopped, right?

21 A Well, I downed Rudy. That's -- that's when he
22 stopped.

23 Q And you testified to this jury about extensive
24 experience in this area, extensive training, extensive
25 credentials -- there's the word I'm looking for -- and

1 you're saying that there's not a difference between you
2 stopping him or he stopping? Isn't that a crucial
3 difference if you call off the track or if the dog finds
4 the end of the trail?

5 A Absolutely. The dog will bite at the end of the
6 trail.

7 Q So when you wrote in your report two years ago that
8 he stopped in front of [REDACTED] Drive, "he" being your dog,
9 you're saying that it wasn't right?

10 A No. He stopped. He did stop in the middle of Ace
11 Drive when I downed him.

12 Q But those words, that explanation "where I downed
13 him" is not in your report, is it?

14 A No, it's not.

15 Q Don't you think that would be crucial because it is a
16 difference?

17 A I believe it's -- I probably should have put that in
18 there. Absolutely.

19 MR. QUINN: Okay. Nothing further. Thank you.

20 THE COURT: All right. Thank you. You can step
21 down.

22 THE WITNESS: Thank you, Judge.

23 MR. MOYER: The State calls Stanley Evans.

24 THE CLERK: Mr. Evans, if you could place your left
25 hand on the Bible and raise your right hand.

1 WHEREUPON,

2 STANLEY EVANS

3 After having been duly sworn, testified as follows:

4 THE CLERK: Please have a seat. State your name for
5 the record.

6 THE WITNESS: Stanley Evans.

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q All right. Mr. Evans, I'm going to stand over here
10 and back behind this bench, make sure if I can hear you, I
11 think the jurors can. Make sure you speak into the
12 microphone so everybody can hear what you have to say.

13 Stanley Evans is your name.

14 A Yes.

15 Q Okay. How old are you, Mr. Evans?

16 A 56.

17 Q You're from Greenville?

18 A Yes.

19 Q You grew up here and lived here all your life?

20 A Yes.

21 Q And you went to Southside High School.

22 A Southside High.

23 Q Southside High School?

24 A Yes.

25 Q All right. Where did you live in December of 2016?

1 A [REDACTED] Drive.

2 Q [REDACTED] Drive?

3 A Uh-huh.

4 Q Okay. And you saw everybody pointing at that map.

5 A Yeah.

6 Q Is that the location where you live?

7 A I don't know anything about a map.

8 Q Okay. You don't. All right. But you lived at
9 [REDACTED] Drive.

10 A Yes.

11 Q Do you remember seeing that officer on the night of
12 December 27th?

13 A Yes.

14 Q Came by your house?

15 A Yes.

16 Q Okay. I'll get that out in just a minute.

17 Now, how long had you been there?

18 A I think about eight years.

19 Q About eight years. Okay.

20 Now, as far as your employment right now, you do home
21 health care; is that right?

22 A I do home health care.

23 Q What's the company called?

24 A Provided Health Care.

25 Q What do you do? How does that -- what kind of work

1 do you do?

2 A I help to do the housekeeping, change clothes and
3 cook dinner. And I only have one patient, and that's him.

4 Q Okay. And that's -- when you say "him," you're
5 talking about the gentleman ---

6 A Ishma, yes. I work for him.

7 Q We have to be real careful we don't talk over each
8 other ---

9 A Okay.

10 Q --- because this lady is taking our -- everything
11 down.

12 So what is his name?

13 A Ishma Davis.

14 Q How long have you been taking care of Mr. Davis?

15 A Three years.

16 Q Does he live there with you?

17 A Yeah. He live there, yeah.

18 Q Okay. And what is the particular ailment that causes
19 him to need 24-hour care?

20 A He had a stroke.

21 Q He had a stroke. Okay.

22 And so what all sort of things do you do to take care
23 of ---

24 A Everything. Wash clothes. Everything. Just name
25 it.

1 Q Okay. Now, before you started doing the home health
2 care, you worked at JP Stevens; is that right?

3 A Yeah. JP Stevenson.

4 Q How long did you work there?

5 A I worked there for 15 years. Before that I worked at
6 Hot Totch [phonetic] before they closed down.

7 Q Okay. All right. Well, let's talk about that night,
8 December the 27th of 2016. Do you remember the police
9 officers coming by your house that night?

10 A Yes.

11 Q Now, how did you know that police were in the area?
12 Did you hear sirens?

13 A I didn't hear no sirens.

14 Q Okay. So what was it? Did you see something? Did
15 you hear something?

16 A No. We just sitting in the van. We sit in the van
17 every day because he smokes cigarettes. And we was
18 sitting in the van, and all of them came up.

19 Q All of who?

20 A All the officers.

21 Q Do you remember them having a dog?

22 A Yeah.

23 Q Okay. And so you said you were sitting in a van.

24 A Yeah. A van.

25 Q Okay. Is that something you ---

1 A We do every day.

2 Q You do that every day.

3 A Yeah.

4 Q Every single day?

5 A Every single day.

6 Q Do you still do that?

7 A Rain, sleet or snow.

8 Q I'm sorry. Say that again?

9 A Rain, sleet or snow.

10 Q Okay. And how long do you spend outside there in the
11 van?

12 A Probably about nine hours. We'll come -- we'll come
13 in, fix some lunch or breakfast, and then we go back out.

14 Q Okay. And you said he smokes?

15 A Yeah. That's what he's been doing all morning.

16 Q Okay. All right. So you say you saw police officers
17 and a dog.

18 A Uh-huh.

19 Q You could tell they were police officers?

20 A Yeah.

21 Q Is it pretty dark out there?

22 A No. I've got a light on my house.

23 Q Okay. And you were able to see?

24 A Yeah. We seen him when he come up the street.

25 Q So when you saw the police officers walking by, what

1 did you do?

2 A I walked out to talk to them.

3 Q Okay.

4 A That was it.

5 Q Did Mr. Davis stay in the ---

6 A He stayed in the van because he walk with a cane and
7 he's in a wheelchair.

8 Q Was he in a wheelchair back then?

9 A Yeah. He still is.

10 Q He still is. Okay.

11 So he stayed in the van?

12 A He stayed in the van, and the officer went over to
13 talk to him, too.

14 Q Okay. And you got out and spoke to the officer?

15 A Yeah. I talked to all of them.

16 Q So before the officers came by, did you know anything
17 had gone wrong at the Li'l Cricket?

18 A No. We were wondering what was going on. That's
19 when I went and asked.

20 Q Okay. Now -- so did the police officer start asking
21 you questions?

22 A Yes.

23 Q At some point while they were asking you questions,
24 did you realize they were talking about somebody you knew?

25 A No.

1 Q Okay. So what led you to understand that?

2 A The jacket. Because when he said something about a
3 jacket, a brown jacket, I had just gave him a brown jacket
4 a few hours earlier.

5 Q Okay. Well, let's stop there for one moment. When
6 you say you gave him a brown jacket, who did you give a
7 brown jacket?

8 A Antonio.

9 Q Antonio?

10 A Yeah. That's him right there (indicating).

11 Q You pointed over there to the defendant?

12 A Yeah.

13 Q So the defendant Edmund Pinckney?

14 A Yeah. Something like that.

15 Q So he went by Antonio?

16 A Yeah. That's all I knew him. I didn't know the
17 Pinckney. All I know was -- all I know, his name was
18 Antonio.

19 Q Okay. Now, had you ever seen him before that day?

20 A Yeah.

21 Q How often would you see him?

22 A Every other day.

23 Q About every other day?

24 A About every other day.

25 Q And where would you see him?

1 A He'll come up to the house and we'll sit and drink.

2 Q Sit and drink?

3 A Yeah.

4 Q And would he stay there for a long time when he'd
5 come by?

6 A Sometimes. Sometimes he did.

7 Q Okay. Did you ever have him inside the house?

8 A Yeah. He'd been in my house before.

9 Q Okay. Did you ever have dinner together or lunch or
10 anything like that?

11 A Well, we had dinner one time together. I think one
12 thing, yes.

13 Q Okay. So now let's get back to this brown -- to this
14 jacket you were talking about.

15 A Yeah.

16 Q You heard the officer say something about a jacket.

17 A Yeah.

18 Q And why did that click something in your ---

19 A When he said -- when he said brown, I said, "Yeah. I
20 just gave out a brown jacket."

21 Q Tell me about that brown jacket.

22 A The brown jacket was a light brown with a hood on the
23 back of it.

24 Q Now, were you in here when we showed the video of the
25 robber?

1 A Yeah, yeah.

2 Q Did you recognize anything in that video?

3 A The only thing I recognized was his shoes and the
4 black pants.

5 Q Okay. What about the coat that was ---

6 A The coat he had on, yeah.

7 Q Did you recognize that coat?

8 A I recognized the coat because it was mine.

9 Q All right. Now, how long had you had that coat?

10 A Well, I got it from the Sumpter [phonetic] Church. I
11 probably had it about three years.

12 Q Okay. You actually may be a little too close to the
13 microphone now, so maybe just back up just a bit. There
14 you go.

15 A All right.

16 Q So you got it -- about how long had you had it?

17 A About three years.

18 Q About three years.

19 And so had you worn it before?

20 A Yeah. That's the reason I got it from the church,
21 remember.

22 Q Okay. Was it a cold night?

23 A Yes. It was cold out there.

24 Q So when the defendant came by, Mr. Pinckney came by,
25 whose idea was it for him to have the coat?

1 A Me.

2 Q Okay. Was there any -- did he have a coat when he
3 came over?

4 A He didn't have a coat.

5 Q And did he seem cold or ---

6 A It was cold. We sit -- we always sit out in the
7 cold. I was telling you that earlier.

8 Q So you gave him the coat.

9 A Yeah. I gave it to him.

10 Q Did you ever get that coat back?

11 A No.

12 Q Did you ever see it again after you gave it to ---

13 A I never seen it again after that day.

14 Q After that day?

15 A I said after that -- when he came up after I gave it
16 to him that day, I haven't seen him since.

17 Q Okay. You haven't seen him since either?

18 A (Shakes head negatively.)

19 Q Now, did you know where he was staying or living or
20 anything?

21 A Well, he had stayed -- excuse me. He had stayed over
22 at my house a couple times, and he stayed around the
23 street in the car somewhere around the street.

24 Q Okay. Do you remember where that car was?

25 A About two streets over from my house.

1 Q About two streets over?

2 A Yeah. If you're going out to Betheul, it's the next
3 -- next street over.

4 Q Was it his car?

5 A No.

6 Q Do you know whose car it was?

7 A I don't know whose car it was.

8 Q Was he still staying in it? Well, let me ask you
9 this. There's been some talk about a box that had some
10 things in it that you showed the officer.

11 A I still have that.

12 Q When did you get that box?

13 A I got it that day or the day before that.

14 Q Okay.

15 A Yeah.

16 Q Do you remember telling the officers he ---

17 A Yeah. I let them come in the house and look at it.

18 Q Okay. Do you remember telling the officers you gave
19 it to him that day?

20 A Yeah. I think -- I think I did say that day, yeah.

21 Q And did you see the officers take something out of
22 the box?

23 A No.

24 Q You didn't?

25 A I just let them look at everything.

1 Q You let them look at it.

2 A (Nods head affirmatively.)

3 Q Now, what all kind of stuff is in the box?

4 A He's got a T-shirt and all kind of paperwork.

5 Q Kind of paperwork stuff?

6 A And socks.

7 Q Did he say why he was giving you the box?

8 A He didn't have nowhere to put it.

9 Q What about that car?

10 A The car, I don't know anything about the car. I just
11 know the car was over there.

12 Q No. I mean the car he had been staying in.

13 A Oh, I don't know anything about the car. I just know
14 he was staying in the car.

15 Q Okay. So -- but he brought the box to your house.

16 A Yeah.

17 Q And he left it there with you.

18 A Yeah.

19 Q All right. What was he wearing that day when he came
20 over?

21 A A white T-shirt and a pair of black pants and some
22 tan looking tennis shoes.

23 Q Okay. Now, have you seen the video that we played
24 today?

25 A Yeah, yeah.

1 Q And the video, you've also had a chance to look at it
2 a time or two ---

3 A Uh-huh.

4 Q --- in our office, right?

5 A Yeah.

6 Q Do you recognize the pants that ---

7 A Yes.

8 Q --- the first robber is wearing?

9 A I sure do.

10 Q Tell me about that.

11 A It was black, like looked like jeans.

12 Q How did they compare to the pants that he was wearing
13 on the day he came by to give ---

14 A They're the same pants.

15 Q The same pants?

16 A Yeah.

17 Q What about the shoes?

18 A The shoes, because he didn't have any more clothes
19 besides that.

20 Q How often would he wear those pants?

21 A I can't tell you that long. I know it was a long
22 time.

23 Q Okay. I mean, would he wear those pants a lot?

24 A Yes.

25 Q What about the shoes?

1 A The shoes, yes.

2 Q Okay. I'm going to show you some shoes that are in
3 evidence right now.

4 A Those are it. Those are it.

5 Q What do you mean those are it?

6 A Those are the shoes he had on. That's the shoes he's
7 been wearing.

8 Q You recognize these shoes?

9 A Yeah. It's the same shoes.

10 Q Give me one moment here. We're going to show --
11 publish State's Exhibit Number -- Mr. Evans, we're going
12 to show the surveillance video on the screen. I want you
13 to pay attention to it.

14 A Okay.

15 Q I'm going to ask you a couple questions after.

16 (WHEREUPON, State's Exhibit Number 1, a video, was played
17 in open Court.)

18 BY MR. MOYER:

19 Q Can you see it okay, Mr. Evans?

20 A Uh-huh.

21 (WHEREUPON, State's Exhibit Number 1, a video, continues
22 to play in open court)

23 THE WITNESS: Now you see the shoes.

24 (WHEREUPON, State's Exhibit Number 1, a video, continues
25 to play in open court.)

1 THE WITNESS: Now you see his face. Now I see his
2 face.

3 (WHEREUPON, State's Exhibit Number 1, a video, continues
4 to play in open court.)

5 THE WITNESS: And that's his face.

6 (WHEREUPON, State's Exhibit Number 1, a video, continues
7 to play in open court.)

8 BY MR. MOYER:

9 Q You made a comment. Do you recognize anything?

10 A Uh-uh. I know it's his face.

11 Q You recognize his face?

12 A Face and shoes.

13 Q You recognize the shoes. How about the coat?

14 A The coat, that's my coat.

15 Q That's the coat that you gave him that day?

16 A That's the coat I gave him.

17 MR. MOYER: Okay. Okay. Mr. Evans, please answer
18 any questions that the defense has.

19 THE WITNESS: Yes, sir.

20 CROSS EXAMINATION

21 BY MR. QUINN:

22 Q Mr. Evans, you admit that the jacket in the video is
23 yours?

24 A Yes.

25 Q And that you had had it for three years.

1 A Yes.

2 Q And that that day, two or three hours before, you
3 just decided to give it away?

4 A No. I wasn't trying to give it away. He was cold.

5 Q You weren't trying to give it away?

6 A I gave him a coat because he didn't have -- he didn't
7 have a coat.

8 Q And you had another code besides ---

9 A I've got plenty of coats.

10 Q So you have plenty of coats.

11 A I've got plenty of coats. I go to different churches
12 and get them.

13 Q Okay. And you just stack them up in the house and
14 keep them available?

15 A Yeah. Uh-huh.

16 Q But you agree that that coat had been yours for three
17 years.

18 A Yes.

19 Q Okay. And you say in this video you can see the face
20 of the person who committed this crime.

21 A Yeah. You can look at the -- you can look at the --
22 when he had turned, you can see his face.

23 Q And you say that that's Mr. Pinckney's face.

24 A Yes. It sure is.

25 Q And you recognize the shoes he was wearing.

1 A Yes, uh-huh.

2 Q Can you tell me what kind of shoes they are?

3 A I don't know what kind of shoes they are, sir. I
4 just know he only had one pair of shoes.

5 Q So how do you recognize them? From -- just tell me
6 what ---

7 A Okay. By looking at him, when he turned her, you can
8 see the shoes down there.

9 Q I know you can see the shoes.

10 A Okay.

11 Q But tell me -- just like you can see my shoes ---

12 A Yes.

13 Q --- how would you recognize these shoes as opposed to
14 any other kind of shoe?

15 A I can recognize. They're black.

16 Q And you say that you knew Mr. Pinckney before this
17 day.

18 A Sure do.

19 Q About how long had you known him?

20 A I can't put a point in time on it.

21 Q All right.

22 A I know just a few months, so maybe longer.

23 Q And did you -- you say that sometimes he would come
24 over and you two would sit and drink.

25 A Yeah.

1 Q Had you two done that that day?

2 A Yeah. Earlier.

3 Q And had you had anything more to drink after he left?

4 A I sure did.

5 Q And it was your idea for him to have the coat, you
6 said.

7 A Yes.

8 Q Now, apparently, you had never been to this car that
9 you say he was living in; is that right?

10 A Uh-huh. That's right.

11 Q But it was two streets over?

12 A Yeah.

13 Q And so do you have any idea why he would leave a box
14 at your house if where he was staying was only two
15 streets ---

16 A As I said earlier, he didn't have anywhere to put it.
17 He don't have -- he didn't have a home, anywhere to go.

18 Q But if he was living in the car, couldn't he have put
19 it in the car?

20 A It wasn't his car. Nobody know that he was living in
21 the -- in that car.

22 Q Okay. So nobody would have bothered him if they
23 didn't know he was living in the car?

24 A Well, the guy that lives there, he might have known
25 he was living in the car. But me, I didn't -- I just know

1 he was living in it.

2 Q And you say the box had in it a T-shirt, socks and
3 all kinds of paper.

4 A All kinds of paperwork. All kinds of paperwork.

5 Q And the box had been in your house a few days or the
6 day before? Or maybe that day. I'm sorry.

7 A It might have been -- it might have been that -- that
8 day. It was early that day because we was out there
9 drinking.

10 Q So nobody would have taken anything out of that box
11 before the police got it.

12 A No.

13 Q And you say that the pants in the video are the same
14 pants Mr. Pinckney was wearing.

15 A Sure is.

16 Q Okay. Now, assuming they're black, which is the
17 description you gave ---

18 A Right.

19 Q --- can you tell me what makes those different from
20 any other black pants or black jeans?

21 A I looked at the belt that's around it, because that's
22 the only belt he had.

23 Q Okay. So you recognize the belt ---

24 A Yes.

25 Q --- not the pants.

1 A Belt and the pants.

2 Q Okay. Well, then can you tell me what's distinctive
3 about the pants?

4 A They're only black, sir. I don't -- I can't just
5 tell you what kind of pants they are.

6 Q Okay. But can you tell me what made them
7 distinctive? Did they have a mark on them or paint on
8 them or a decoration on them?

9 A No. They didn't have decoration. They was dirty.

10 Q Okay. And could you tell that they were dirty in the
11 video?

12 A Yes.

13 Did you notice the T-shirt, too?

14 Q In the video?

15 A No. When he was right there and they showed it out
16 here. That's the same T-shirt.

17 Q It's the same T-shirt he was wearing ---

18 A That day.

19 Q Okay. Under his coat. Under the coat you gave him.

20 A Under the coat, yes.

21 Q And did you give him a weapon of any sort?

22 A No.

23 Q Did you ask him to go get lighters for you?

24 A No. I don't even smoke.

25 Q Now, had you been to this Li'l Cricket before?

1 A Yes. It's right down the street from my house.

2 Q And about how far would you say it is from your
3 house?

4 A I have no idea.

5 Q Can you give me an idea if you drive if it takes a
6 minute or ten minutes, sir?

7 A Well, I always get my (unintelligible) detectors at
8 the store.

9 Q And so did you know Ms. Miller? Had you met before?

10 A Never. I ain't never seen her.

11 MR. QUINN: Never seen her.

12 Beg the Court's indulgence.

13 THE COURT: Yeah.

14 BY MR. QUINN:

15 Q Did you know Mr. Pinckney's sister?

16 A Yes. I knew his sister.

17 Q And how long did you know his sister?

18 A I've been knowing her for years. She's at the end of
19 the street on Donaldson Road.

20 Q Okay. And is that how you met?

21 A Yes, yes.

22 MR. QUINN: All right. I don't have any other
23 questions. Thank you.

24 MR. MOYER: No further questions. Thank you.

25 THE COURT: All right. Thank you. You can step

1 down.

2 THE WITNESS: Thank you, sir.

3 MR. MOYER: Ishma Davis. Beg the Court's indulgence
4 for a moment.

5 THE COURT: Yeah.

6 THE CLERK: Please raise your right hand and place
7 your left hand on the Bible.

8 WHEREUPON,

9 ISHMA DAVIS

10 After having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please be seated. State your
12 name for the record.

13 THE WITNESS: My name is Ishma Davis.

14 DIRECT EXAMINATION

15 BY MR. MOYER:

16 Q Okay. Mr. Davis, I'm just going to have a couple of
17 questions for you today, okay? Thank you.

18 Let me start. You're 44 years old; is that right?

19 A Yes. 45 now.

20 Q You're 45 now?

21 A Yes.

22 Q Can you pull that microphone up just a bit, make sure
23 -- we want to make sure the jury can hear you.

24 A Yes. I'm 45 now.

25 Q Okay. You're from Greenville?

1 A Yes.

2 Q You went to Wade Hampton High School; is that right?

3 A That's correct.

4 Q And then a little bit of Greenville Tech?

5 A Yes.

6 Q All right. And you were in the military for a time
7 period?

8 A Two years.

9 Q And which branch of the military?

10 A The Navy.

11 Q In the Navy. Okay.

12 And then after that you worked in restaurants and
13 that sort of thing here?

14 A That and a little bit of light industrial work.

15 Q Okay. Now, you had a stroke in 2014; is that right?

16 A Yes. That's correct.

17 Q Okay. And that's what has led you to live -- to have
18 Mr. Evans take ---

19 A Care of me, yes.

20 Q So he takes care of you 24 hours a day?

21 A Yes.

22 Q Is he around you all the time?

23 A Yes, he is.

24 Q Okay. Now, I'm just going to ask you a couple
25 questions about the night of December the 27th of 2016,

1 okay? Do you remember when the police came by that
2 night?

3 A I remember a little bit of it. Not much.

4 Q Okay. Where were you when the police came by?

5 A I was sitting in the van with Stan.

6 Q And who were you with?

7 A I was with Stanley.

8 Q You were with Stan. How long had you been out there
9 in the van with Stanley?

10 A We were there for a few hours, probably all day.

11 Q All day?

12 A All -- most of the day until late in the evening.

13 Q Most of the day?

14 A Yes. About five or six, seven hours. It was a long
15 time.

16 Q And would y'all go out and sit in the van pretty
17 regularly?

18 A Yes. We do that all the time.

19 Q Do you still do that?

20 A Yes.

21 Q Okay. Did you see -- do you know the defendant
22 Edmund Pinckney?

23 A Not -- not -- a little bit. Not much.

24 Q Okay. Had you -- I'm sorry. I didn't mean to speak
25 over you. Had you ever seen him at your house before?

1 A Yes.

2 Q Would he come by every once in a while?

3 A Yes, he did.

4 Q Now, on the day this happened, did you see when he
5 and Stanley spent time together or were you not there?

6 A I was -- I was laying -- I was in the bed at one
7 time.

8 Q Okay. So you didn't see any interaction.

9 A No. Not much. I don't remember.

10 Q Okay.

11 A That was a while back.

12 Q And had you ever seen that brown coat that was in the
13 video?

14 A Yes. I wore it a couple times.

15 Q You've worn it a couple times?

16 A Yes.

17 Q So was it Stanley's coat?

18 A Yes, it is.

19 Q All right. One moment please.

20 Okay. So just to make sure we're clear on one thing,
21 before the police showed up, how long had you and Stanley
22 been sitting there in the van?

23 A Probably about most of the day. We sat there about
24 two or three hours, or probably -- maybe four.

25 Q Okay. Somewhere between two and four hours?

1 A Yes. I kept going in and out.

2 Q Okay. Who was going in and out?

3 A Me.

4 Q In and out of the house?

5 A Yes.

6 Q How long would you go in the house?

7 A Maybe five or ten minutes, get something to drink,
8 because I'll use the bathroom.

9 Q Okay. Other than that, just the two of y'all sat in
10 the van?

11 A Yes.

12 MR. MOYER: All right. Okay. Please answer any
13 questions the defense may have.

14 MR. QUINN: I don't have any questions, Your Honor.
15 Thank you.

16 THE COURT: All right. Thanks, sir. You may step
17 down.

18 THE WITNESS: That's it?

19 THE COURT: That's it.

20 (WHEREUPON, State's Exhibit Number 19 was marked for
21 identification.)

22 MR. CONITS: At this time the State calls Charles
23 Moore.

24 THE CLERK: Mr. Moore, please place your left hand on
25 the Bible and raise your right hand.

1 WHEREUPON,

2 CHARLES MOORE

3 After having been duly sworn, testified as follows:

4 THE CLERK: Please have a seat. State your name for
5 the record.

6 THE WITNESS: Charles Moore.

7 DIRECT EXAMINATION

8 BY MR. CONITS:

9 Q Officer Moore, where do you work?

10 A Greenville County Detention Center.

11 Q Okay. And what do you do up there?

12 A I'm a project manager. I am custodian of records of
13 the jail call system. I manage that.

14 Q Okay. So what does that involve?

15 A I monitor the system, all calls going out of the
16 facility. I administer accounts to fellow officers or
17 investigators as the logistics manager sees fit. And I
18 also listen to calls and conduct investigations per
19 Greenville County policy.

20 Q So you listen to the calls made by inmates as part of
21 this -- from the jail?

22 A Yes.

23 Q Okay. Could you explain to the jury how an inmate
24 would go about placing the call?

25 A Whenever they are first entering the facility, they

1 have to be booked in. Without being booked in, they
2 cannot use the phone system. After they're booked in,
3 they receive their first call, and before they can use the
4 call, even before that, they have to enroll their voice
5 using a series of voice prompts made by the system to
6 record it to recognize their voice. And then from there
7 they can make regular calls throughout the facility.

8 Q So they have to set up an account?

9 A Yes. Set up an account using their six digit PAC
10 number that's given to them upon booking.

11 Q Okay. Who all has -- within the sheriff's office,
12 who has access to the system? I assume there's different
13 levels of access, but who has access to it?

14 A There are different levels. Generally, most users
15 are labeled as investigators. I'm an administrator, and I
16 give anyone an account that the district manager approves,
17 so that can -- it's anywhere -- it's at least 50 to
18 100 people within the sheriff's office.

19 Q Okay. And could you, I guess, describe more your
20 role as an administrator?

21 A What I do as administrator is I manage the system
22 itself regarding the calls, I make on-site repairs, I also
23 -- when I -- when I give out accounts to fellow officers
24 or investigators, after you set up them individually per
25 person, I also manage any kind of technical difficulties

1 they might have when accessing the site.

2 Q What's the name of the system that you use over at
3 the sheriff's office?

4 A It's called Secure Call Platform through Securus
5 Technologies.

6 Q Okay. And is that all web-based?

7 A Yes.

8 Q Okay. So can calls or information related -- so I
9 guess the Securus system, could you explain to the jury
10 briefly how that system works?

11 A Every inmate in the facility is assigned an account
12 that's based upon their six-digit PAC number. They are
13 authorized to make collect calls and debit calls as well
14 as free calls to the Public Defender's Office throughout
15 the facility. They are supposed to be the only ones
16 accessing their own account individually. It depends on
17 where they're housed at and their own personal information
18 they have.

19 Q Okay. Can calls or information related to those
20 calls be altered or changed?

21 A No.

22 Q Okay. You said inmates should be making calls from
23 their own accounts. Is that what you just said?

24 A Yes.

25 Q Okay. But is it fairly common for inmates to make

1 calls on other inmate's accounts?

2 A It is pretty common. Inmates have been known to use
3 their accounts for profiteering purposes, you know, trade
4 an account for some canteen or a food tray. They've also
5 been -- there have also been instances of theft where some
6 inmates can mimic a voice to gain access and then place
7 calls to whoever they want using their own debit funds,
8 the phone call funds, and I investigate those as well
9 personally.

10 Q Okay. So what is required for an inmate to make a
11 call on another inmate's account?

12 A They need their six-digit PAC number and they need a
13 four-digit PIN that's issued to them when they're booked
14 in as well. It's they use all ten digits when accessing
15 the account. And they also need to have the first and
16 last name of the individual. And then usually the system
17 asks for a first and last name or they're asked for the
18 phrase "United States."

19 Q Was the system working properly on January 25, 2017?

20 A Yes.

21 Q I have what has been marked here State's Exhibit 19
22 for purposes of identification. Do you recognize this?

23 A Yes.

24 Q How do you recognize it?

25 A By my initials, and it's a disc that I made

1 personally.

2 Q Okay. And you had a chance to review what's on this
3 disc?

4 A Yes.

5 Q Okay. What is it?

6 A It's a jail call made on the date as it's labeled on
7 January 25, 2017.

8 Q Okay. And whose account is this call placed from?

9 A If I'm correct, I think that would be Edmund
10 Pinckney, right? Or is that another call?

11 Q The call you're referring to is a call made on
12 January 28th.

13 A 28th. Okay.

14 Q That call's made from Mr. Pinckney's account. Was
15 this call made from another inmate's account?

16 A Right. It's from another inmate whose name I don't
17 recall at this time.

18 Q Okay. But regardless, it was not from Edmund
19 Pinckney's account. This jail ---

20 A Correct.

21 Q --- this January 25, 2017, call.

22 A Right. It was not made by Edmund Pinckney. Well, it
23 was -- it wasn't accessed by Edmund Pinckney, but Edmund
24 Pinckney is on the call.

25 Q Okay. So let's just -- this is a call made by Edmund

1 Pinckney ---

2 A Yes.

3 Q --- on another inmate's account.

4 A Correct.

5 Q Okay. And how do you know that?

6 A Reviewing the call, I recognize the voice as during
7 the actual phone call itself, not the access as Edmund
8 Pinckney utilizing a separate program on Securus call --
9 secure call platform called Investigator Pro. I also used
10 that program to determine that it was him by referencing
11 his enrollment call with this call to the voice matching.

12 Q Okay. And so what you have there in front of you,
13 State's Exhibit 19, is it a fair and accurate copy of what
14 was said on the recording?

15 A Yes.

16 MR. CONITS: Okay. Your Honor, at this time the
17 State offers Exhibit 19 for admission as evidence and
18 request to publish it to the jury.

19 MR. QUINN: I have no objection.

20 THE COURT: Okay.

21 (WHEREUPON, State's Exhibit Number 19 was admitted into
22 evidence.)

23 (WHEREUPON, State's Exhibit 19, an audio recording, was
24 played in open court.)

25 MR. CONITS: I have no further questions.

1 THE COURT: Cross.

2 CROSS EXAMINATION

3 BY MR. QUINN:

4 Q Do you know how many phone calls Mr. Pinckney made
5 from the detention center?

6 A Not off the top of my head I don't.

7 Q Did you speak with the inmate whose account this was,
8 Donald someone, about this call?

9 A No, I didn't.

10 Q So when you talked about that sometimes they trade
11 things to use different people's accounts, you don't know
12 if that happened in this case, do you?

13 A I don't.

14 Q Did you identify the other party to the phone call?

15 A I believe it was identified prior, but I did confirm
16 that it was the other party regarding the phone system. I
17 compared the enrollment calls to the voices in the calls.

18 Q So do you know the phone number that was called or
19 the person at that phone number who answered?

20 A Not off the top of my head, and I generally don't
21 investigate that aspect of the phone calls.

22 Q You weren't asked to in this case.

23 A No, sir.

24 MR. QUINN: Thank you. I don't have any other
25 questions.

1 THE COURT: Anything else?

2 MR. CONITS: No, Your Honor.

3 THE COURT: All right. Thanks. You can step down.

4 MR. MOYER: Your Honor, at this time the State rests.

5 THE COURT: All right. Ladies and gentlemen, I need
6 to discuss a couple of legal matters with the attorneys.
7 This is probably a good time for an afternoon break. So
8 please retire to your jury room. Don't discuss the case.
9 Get back with you in just a couple of minutes. Thank you.

10 (WHEREUPON, the jury exits the courtroom at 3:57 p.m.)

11 THE COURT: Okay. Any motions?

12 MR. QUINN: Yes, Your Honor. I'd make a motion for a
13 directed verdict at this time. I believe that the Court
14 should find based on the evidence that's been presented to
15 you it merely raises at best a suspicion of guilt that is
16 insufficient to compel us to go forward.

17 THE COURT: Okay. Denied.

18 Mr. Pinckney, please stand and raise your right hand.

19 MR. QUINN: Your Honor, might I interrupt? And I'm
20 so sorry. May I speak with him for a few minutes before
21 you question him? I know you're going to ask him about
22 his ---

23 THE COURT: Right to testify.

24 MR. QUINN: I didn't know if you were going to ask
25 him whether he would testify or not.

1 THE COURT: No, no, no. I will certainly not do
2 that.

3 MR. QUINN: Thank you.

4 (WHEREUPON, EDMUND ANTONIO PINCKNEY is duly sworn.)

5 THE COURT: Okay. You can put your hand down.

6 I want you to understand you have an absolute
7 constitutional right to testify in your own defense.

8 DEFENDANT PINCKNEY: Yes, sir.

9 THE COURT: You have an equal absolute constitutional
10 right not to testify and it cannot be held against you.

11 DEFENDANT PINCKNEY: Yes, sir.

12 THE COURT: Whether or not you do testify is a --
13 oftentimes involves decisions of a strategic nature
14 involving trial strategy.

15 DEFENDANT PINCKNEY: Yes, sir.

16 THE COURT: It also, I would tell you, I've been
17 informed that you have a prior criminal history that the
18 State would likely be allowed to examine you about.

19 DEFENDANT PINCKNEY: Yes, sir.

20 THE COURT: Okay. But I want you -- I tell every
21 person in your position to discuss this with their
22 attorney. I'm going to give you a few minutes to do that.
23 And I urge you to pay close attention to what he tells
24 you.

25 DEFENDANT PINCKNEY: Yes, sir.

1 THE COURT: And I urge you to give strong
2 consideration to whatever recommendation he makes, but in
3 the end, the constitutional right belongs to you.

4 DEFENDANT PINCKNEY: Yes, sir.

5 THE COURT: And it is your decision.

6 DEFENDANT PINCKNEY: Yes, sir.

7 THE COURT: Do you have any questions you want to ask
8 about it?

9 DEFENDANT PINCKNEY: Yes, sir. I sure do.

10 THE COURT: Just about the right to testify.

11 DEFENDANT PINCKNEY: Yeah. That's the only thing I
12 can ask you about?

13 THE COURT: Yeah.

14 DEFENDANT PINCKNEY: No. That's all right. I'm
15 good.

16 THE COURT: Okay. I would ask you to retire now with
17 your attorney, discuss it. We'll take about a ten, 15
18 minute break. Thank you.

19 (WHEREUPON, a recess is taken at 4:00 p.m.)

20 THE COURT: Mr. Pinckney, have you made a decision?

21 DEFENDANT PINCKNEY: Yes, sir.

22 THE COURT: Okay. And what is it?

23 DEFENDANT PINCKNEY: I'm going to testify.

24 THE COURT: Okay. Please tell us the impeachable
25 offenses.

1 MR. MOYER: May of 2009, shoplifting; July 2009,
2 petit larceny.

3 THE COURT: Whoa. Hold up. All right. Go ahead.

4 MR. MOYER: October 2009, shoplifting. These are all
5 third and above. October 2010, shoplifting; October 2011,
6 shoplifting; September 2014, shoplifting.

7 THE COURT: Okay. All right. Those all sound like
8 they fit under the rules.

9 MR. QUINN: I would object and ask you to find them
10 more prejudicial than probative.

11 MR. QUINN: Okay. Thank you. Denied.

12 Okay. Ready? Let's go.

13 (WHEREUPON, the jury entered the courtroom at 4:14 p.m.)

14 THE COURT: All right, ladies and gentlemen.

15 Mr. Quinn?

16 MR. QUINN: May we approach for just a moment?

17 (WHEREUPON, a bench conference was held off the record.)

18 MR. QUINN: Thank you, Your Honor. The defense would
19 call Edmund Pinckney to the stand.

20 THE COURT: All right. Come around and be sworn.

21 THE CLERK: Please place your left hand on the Bible
22 and raise your right hand.

23 WHEREUPON,

24 EDMUND ANTONIO PINCKNEY

25 After having been duly sworn, testified as follows:

1 THE CLERK: Please take a seat. State your name for
2 the record.

3 THE WITNESS: Edmund Antonio Pinckney.

4 DIRECT EXAMINATION

5 BY MR. QUINN:

6 Q Mr. Pinckney, I would like for you to speak up real
7 loud, okay, so everybody can hear us.

8 Mr. Pinckney, how old are you?

9 A I'm 52.

10 Q And where were you raised up?

11 A Charleston County.

12 Q And is that still home for you or were you living in
13 Greenville in 2016?

14 A Yeah. I moved to live with my sister two
15 thousand ---

16 Q About when did you do that?

17 A Back in '13.

18 Q 2013?

19 A Yes, sir.

20 Q And who's your sister?

21 A Annette [phonetic] Wilson. She died last year. Had
22 cancer.

23 Q Before she passed away, where did she live?

24 A Right on Donaldson Road.

25 Q And can you give me an idea of what the cross street

1 might have been on Donaldson, what it was near?

2 A Right across -- matter of fact, right across from the
3 police station.

4 Q Okay. And how far would that be from Ace Drive that
5 we keep talking about?

6 A Right on the next street.

7 Q So did your sister live in the neighborhood of Ace
8 Drive?

9 A Yes, sir.

10 Q Do you know, did she know anybody that lived on that
11 Street?

12 A Mr. Stanley.

13 Q Okay. When you say "Stanley," can you tell me his
14 last name, please.

15 A Stanley Evans.

16 Q And how did you come to meet Stanley Evans?

17 A Well, when I first moved up here, he came out, y'all
18 calling my sister name. And I was sitting on her porch.
19 And I told her somebody out there hollering, calling your
20 name. She told me -- she came to the door and he came in.
21 And that's how I met him. I met him through my sister.

22 My sister introduced us, and that's how I met the
23 individual, you know, once I got up here in Greenville.

24 Q And do you know what relationship there was between
25 your sister and he? Were they friends? acquaintances?

1 neighbors?

2 A Well, he knew my nephews, my two nephews. They'd be
3 around in the neighborhood. That's how my sister really
4 got to meet him, through them. And that's how I got --
5 got to know him.

6 Q And so was that right when you first came in 2013, or
7 can you tell me about when?

8 A Yeah. I met him in '13, and he had -- we had went
9 around to his house. He had -- he had a little cookout.
10 We was drunk, hanging around eating and drinking. That's
11 how we get -- we got acquainted. That's how I got to
12 really know him.

13 Q And during that time you knew him, from 2013 to '16,
14 did you ever go by his house?

15 A Well, I left -- I left him up here. I left. I went
16 to Columbia, and then I moved to Spartanburg, then I came
17 back up here. I came back up here again. My sister and I
18 moved. She had moved from off Donaldson. She stays on
19 the west side. She been staying over there. But I was
20 living with somebody else down the street down by the Li'l
21 Cricket. I was living down there.

22 Q Okay. When was that? When did you come back up to
23 Greenville?

24 A In '16.

25 Q Okay.

1 A Yes, sir.

2 Q So what was your relationship with Mr. Evans in 2016?

3 A Well, first I was living with a woman on down the
4 street. And me and her had break up. We had break up,
5 and I went to his house to use the telephone. And after
6 that he let me -- he let me -- let me stay there with him.
7 I was staying there from the 20th of December '16 until
8 the day I got locked up.

9 Q So you stayed there for a week or so before you got
10 locked up?

11 A Yes, sir. Yes, sir.

12 Q And what, if anything, did you have at his house?

13 A I had my clothes. My clothes still there. My
14 clothes and my box and all my -- all my paperwork and
15 stuff still there.

16 Q And did you have one box or more than one box at his
17 house? Or what was ---

18 A Well, I had a bag. I had a bag, too. I had a bag
19 with my clothes in there. I had a big trash bag with my
20 clothes in there, and I had a box with a lock with all my
21 paperwork and stuff, check stubs and stuff. I was at ---

22 Q And what else ---

23 A Excuse me. I was at Turning Point before I -- before
24 I -- when I first came back up here, I was staying at
25 Turning Point. And when I met the female I was living

1 over there in Donaldson Center, I moved -- I leave Turning
2 Point and I moved in with her. And after -- after I got
3 -- after me and her break up, I went down there so I could
4 use the telephone, and he told me I could stay with him.
5 That's how my -- that's how my box with my paperwork and
6 stuff ended up at his house, you know.

7 All this stuff about me being homeless and living in
8 a car, that's a lie. The man let me live in his house. I
9 don't know what he's telling these people but he -- it's
10 me on this video, man, I ain't never been homeless, you
11 know. I could go back home to Charleston if that be the
12 case, you know. I mean, I ain't no -- I know some more
13 people around the neighborhood. But I ain't never been
14 homeless, you know.

15 Q So were you ever living in a car ---

16 A No, sir.

17 Q --- on Donaldson Road?

18 A No, sir.

19 Q Did you ever have any of your property stored in some
20 car on Donaldson Road?

21 A No, sir. All my stuff is still at his house.

22 Q Now, on December 27th ---

23 A Yes, sir.

24 Q --- were you at Stanley's house?

25 A Yeah. I was there that morning. Yeah. I stayed

1 there. I woke up there. I stayed there.

2 Q Do you remember what y'all did that day?

3 A Yeah. We got up. He cooked us some food. We eat
4 some breakfast. Then another dude came. He had asked to
5 move a refrigerator at his house, put it outside, this man
6 down the street, right down the street that fix
7 refrigerators and had another refrigerator for him. And
8 we put that on the back of the man truck. He paid us \$20,
9 and I left.

10 After I left there, I went -- I went out in the
11 street and I started -- I -- I use drugs. I went down the
12 street, and I was getting high, me and the dude who I'm
13 helping move the refrigerator. And I was down the street
14 drinking to another dude I know named Donnie. He's dead.
15 He's dead, too. He died while I was in here. But I was
16 down at his house drinking, you know. And that's where I
17 was at.

18 Q Did you ever go to the Li'l Cricket that day,
19 December 27th?

20 A No, sir.

21 Q Did you attack Ms. Miller at the Li'l Cricket?

22 A No, sir.

23 Q Did you know Ms. Miller?

24 A No, sir.

25 Q Had you been in that Li'l Cricket before?

1 A Yeah. I done live around there. When I first moved
2 to Greenville, me and my nephew went back there. But
3 mostly we go to the Breakers up top, you know. Go out
4 there.

5 Q Did you ever have any trouble with Ms. Miller or
6 anybody else in the Li'l Cricket?

7 A No, sir.

8 Q Now, you talked about Turning Point, you talked about
9 using drugs.

10 A Yes, sir.

11 Q Have you got a drug problem?

12 A Yeah.

13 Q And what's your drug of choice?

14 A Crack and alcohol. I like to drink.

15 Q And I believe you said you were drinking on
16 December 27th; is that right?

17 A Yes, sir.

18 Q Can you tell the jury how much you had to drink? Do
19 you remember?

20 A Well, see, with Stanley, he got a big bottle. He
21 keep a bottle. I mean, I was drinking. Me and him was
22 drinking, and then we put the refrigerator out on the
23 man's truck, and I left. Like I said, I left and went --
24 after he gave me the \$20, went up the street and got some
25 drugs. And I was at this dude named Donnie house sitting

1 over there drinking most of the day. That's where I was
2 at.

3 Q And you say after you got paid for the refrigerator,
4 did you go -- did you become involved with narcotics that
5 day?

6 A Yeah. I went -- I went -- I left from Stanley house
7 and went and bought some drugs.

8 Q What kind of drugs did you buy?

9 A Crack.

10 Q And while you were at the crack house, did you get
11 anything else besides drugs?

12 A Well, I -- well, I traded off. I traded off. I
13 traded off a piece of crack for some lighters. That's how
14 -- that's how I ended up with the lighters.

15 Q Did you steal the lighters?

16 A No. Hu-uh. I traded off from a fellow who was in
17 the crack house. Him and his girl was in there. I traded
18 them off. I gave a little piece of crack for -- for some
19 lighters.

20 Q And why did you want the lighters?

21 A The lighters run out, you know, as soon as you have
22 them.

23 Q When you use crack, do you need a lighter?

24 A You need a lighter.

25 Q And is it common for crack addicts to have lighters

1 in their pocket?

2 A Yes, sir.

3 Q Now, when you left Stanley's that day, how were you
4 dressed?

5 A I had on my sweatshirt and my pants.

6 Q And the pants, are they the black pants that we've
7 got in the box?

8 A Yeah. They're all black. Them blue -- these are --
9 those are blue Dickies.

10 Q Okay. Were you wearing a jacket when you left?

11 A No.

12 Q Did you ever get a jacket from Stanley?

13 A Never needed no jacket.

14 Q Did you that day ever wear a brown jacket with a
15 hood?

16 A No, sir.

17 Q Did the police ever find you with a brown jacket with
18 a hood?

19 A No, sir.

20 Q When you left Stanley's that day, did you leave with
21 a weapon?

22 A No, sir.

23 Q Did the police ever find you with a weapon that day?

24 A No, sir.

25 Q Now, you've been in trouble with the law before in

1 the last ten years, haven't you?

2 A Yes, sir.

3 Q And you have a number of shopliftings, I believe five
4 shopliftings and a petit larceny in the last ten years?

5 A Yes, sir.

6 Q That you've been convicted of?

7 A Yes, sir.

8 Q Now, tell me about this telephone call that they
9 played from the jail. Who were you talking to and what
10 was that all about?

11 A I was talking to my -- I was talking to my
12 cousin-in-law. He stays in Greer. I was calling him to
13 let him know I was locked up and he's come by the jail and
14 bring me some money. And he was asking me why I was
15 locked up for, and I was just telling him why I was locked
16 up for. And my lawyer -- the other lawyer I had, she was
17 telling me, said they was saying that was a confession
18 that I committed a crime because I was telling him why I
19 was locked up for.

20 Q Okay. So you were just describing what you were
21 locked up for?

22 A Yeah.

23 Q Is that what you're saying? Okay.

24 Did the police ask you about this that night, the
25 night of December 27th?

1 A If anybody been over to the jail and ask me that?

2 Q Well, did the police ask you when they stopped you on
3 the street?

4 A Well, he stopped me -- he stopped me and asked me my
5 name, and I told him my name. Asked if he could search
6 me. I let him search me. Found some lighters in my
7 pocket. And then -- and then he tried to ask me did I
8 actually see what happened to the jacket. I told him I
9 ain't never had no jacket, you know. And that's when
10 everything gone from there to jail, you know. The whole
11 -- this whole case is crazy, you know. To me it is.

12 Q Do you remember them asking you about drugs that
13 night and you talking to them about buying crack?

14 A Yeah. He asked me if I -- they asked me if I used.
15 I told him -- asked me why I had the lighters, I tell him
16 I smoke crack.

17 Q And you told him that the night they stopped you on
18 the street.

19 A Yes, sir.

20 Q Did you run from the officer that night?

21 A No.

22 Q Assault him?

23 A No, sir.

24 Q Try to hide away?

25 A No, sir.

1 Q Did you ever see a dog that night? Did a dog ever
2 come track you down?

3 A No, sir.

4 Q Did you see a German Shepherd chasing you or trailing
5 you?

6 A No, sir.

7 MR. QUINN: I don't have any other questions. Thank
8 you, Mr. Pinckney. You'll have to answer any questions
9 the solicitor has.

10 THE COURT: All right. Cross.

11 CROSS EXAMINATION

12 BY MR. MOYER:

13 Q So Mr. Pinckney, then, on that phone call that was
14 played here, that was you talking. That was your voice.

15 A Yeah.

16 Q And you used somebody else's account. Is there a
17 reason for that?

18 A I didn't have -- at the point -- at that point when I
19 made the call, I didn't have any money, and this gentleman
20 I met, he, I believe, from -- he's from Simpsonville, he
21 made a phone call for me. He let me use his account. He
22 dialed the number. I gave him the number. And he's the
23 one I used his account to make the call to Tony.

24 Q Okay. But you made a lot of calls on your own
25 account.

1 A No.

2 Q You call people using your own PIN number a lot of
3 times, didn't you?

4 A Yeah. Now. Yeah. Once I got some money.

5 Q Right.

6 A Because you have to ---

7 Q You have money put -- I'm sorry. I didn't mean to
8 interrupt you.

9 A Yes, sir. Once I got some money I put on my account,
10 then I made some calls. Otherwise, I couldn't make none,
11 not on my account.

12 Q Okay. Both before that phone call and after that
13 phone call, you would call on your own account; isn't that
14 right?

15 A Excuse me?

16 Q You had -- on both -- this phone call that we just
17 played ---

18 A Yes, sir.

19 Q --- that you used somebody else's account ---

20 A Yes, sir.

21 Q --- both after that phone call and before that phone
22 call, you used to call on your own account; isn't that
23 true?

24 A No. Because I didn't never have no money. I
25 couldn't -- I couldn't make no calls. See, they give you

1 one free call.

2 Q Okay.

3 A Okay. Once they give you the free call, if you don't
4 have money on your account, you can't make a call.

5 Q So, I mean, is it possible that you were making that
6 phone call on someone else's account so you were hoping
7 nobody would find out it was you because you were going to
8 talk -- you mentioned what had happened?

9 A No, sir.

10 Q Because on the phone call you said "I cut somebody,"
11 didn't you?

12 A No. I ain't say I cut somebody. I told them they
13 say I cut somebody.

14 Q Okay. Well, it speaks for itself. I think we'll
15 play it again at some point. But the man you were
16 speaking to, you said it was your cousin, right?

17 A No. It was a friend of mine.

18 Q I'm sorry. It was a friend of yours.

19 And he said, "What did they say you did?" and your
20 answer was, "I cut somebody."

21 A No. I didn't say that. I said, "They said I cut
22 somebody."

23 Q Okay. We'll see.

24 Now, you also, you mentioned you were from
25 Charleston.

1 A Yes, sir.

2 Q You lived in Charleston. You talked about Charleston
3 style on that deal. What does that mean?

4 A That was she said -- that was he said ---

5 Q Yeah.

6 A --- say I did it Charleston style.

7 Q What does that mean?

8 A You've got to ask him.

9 Q Okay.

10 A You'll have to ask Tony. I don't know. He just said
11 that because, you know, while you live there in
12 Charleston, there's a lot of violence, and that's what he
13 probably was referring to.

14 Q Okay.

15 A That that's how -- why I was charged with ---

16 Q Something?

17 A Yeah. Something violent. You know what I'm saying?
18 In that -- in that instance, anyway.

19 Q Something like that would be Charleston style.

20 So then when he asked you about it, you said, "I cut
21 somebody," you didn't go into your explanation about being
22 at this crack house and all of that other stuff. You
23 didn't tell him all that, did you?

24 A No.

25 Q Okay. Now, let me ask you a little bit about that

1 night. First off, the clothes that are in evidence in
2 that box, there's no question they're the clothes you were
3 wearing that day; isn't that true? Did you see when the
4 officer pulled the clothes out of this box, the tennis
5 shoes?

6 A But I want to know where my jacket at.

7 Q Yeah. But these shoes, they were the shoes you were
8 wearing, right?

9 A Like I'm saying, yeah, my paperwork, I said -- they
10 said I had a jacket. They said I had on black jeans. I
11 ain't got no black jeans in there.

12 Q Okay.

13 A Where's the black jeans?

14 Q Well, let's go through that. They're your tennis
15 shoes, right?

16 A Where's -- where's the black jeans?

17 Q What about that?

18 A That's not jeans.

19 Q They're black, aren't they?

20 A No. They're blue.

21 Q You think that's blue?

22 A That is blue.

23 Q All right.

24 A I knew because I bought them.

25 Q Okay. You think that color's blue?

1 A It is.

2 Q All right. How about that belt? That's the belt you
3 had on that day, right? You had all these clothes on when
4 the police arrested you, didn't you?

5 A Hu-uh.

6 Q These weren't your clothes?

7 A No.

8 Q Where did they come from?

9 A I don't know.

10 Q Did you hear the testimony from the officer that they
11 came ---

12 A I got my paper from the jail.

13 Q Well, where's your clothes?

14 A I got my black jeans. And my jacket, where's that?

15 Q Okay.

16 A You got the same thing I got.

17 Q Yeah.

18 A So where is it?

19 Q Well, you heard the testimony. The officer said
20 they're the clothes that you wear.

21 A I don't got anything to do with what the officer
22 said. I'm asking you because y'all are the one that had
23 it in evidence.

24 Q Okay. Well, see, I ask you questions. You don't get
25 to ask me questions, okay?

1 A Yes, sir. Yes, sir.

2 Q So you're telling me right now those clothes aren't
3 the clothes you were wearing that night?

4 A No, sir.

5 Q So where are the clothes you were wearing?

6 A I don't know. I want to know.

7 Q You don't know? You don't know where they are?

8 A No, sir.

9 Q Okay. So the officer made all that up?

10 A I don't know.

11 Q Now, you saw the video.

12 A You saw it.

13 Q Those pants in that box, they look a lot like the
14 pants that were on the video.

15 A I don't know. You're just telling me. I'm just
16 telling you what my paperwork says. I know what I had on
17 when I went to jail, but you don't have it in there.

18 Q Okay.

19 A So where is it?

20 Q Pants in that -- what I'm asking you is the pants in
21 that ---

22 A That's not jeans. If I had on a black pair of black
23 jeans, you don't know the difference between jeans and a
24 pair of khakis?

25 Q Once again, I ask you the questions.

1 A I'm just asking.

2 Q You have to -- you answer.

3 A Yes, sir. Yes, sir.

4 Q So I'm just saying the black jeans in that box look
5 like the black jeans that we saw on that video of the guy
6 who did the robbery, don't they?

7 A No, sir.

8 Q In your opinion they don't.

9 A No, sir.

10 Q How about those white shoes?

11 A I don't know.

12 Q You don't think those white shoes look like the white
13 shoes ---

14 A No, sir.

15 Q --- that we saw on that person who's robbing?

16 A No, sir.

17 Q How about the coat? Did you ever see that coat
18 before?

19 A No, sir.

20 Q You never saw -- you never saw Stanley or Ishma with
21 that brown coat?

22 A No, sir.

23 Q Never did?

24 A No, sir. Sure didn't.

25 Q And you say you were staying with them.

1 A I stayed there a whole week.

2 Q Okay. And so your testimony is you never saw that
3 before until you saw that video?

4 A Yes, sir.

5 Q All right. So let's talk a little bit -- so your
6 sister lived in that neighborhood.

7 A Yes, sir. Right up the street from him.

8 Q Now, did she live actually -- was it a house on Ace
9 Drive at the intersection?

10 A No. She lives right on Donaldson Road.

11 Q Okay. You used to go over into that neighborhood
12 quite a bit, this neighborhood where Stanley and Ishma
13 lived.

14 A Yeah. I was living there.

15 Q Okay. And you knew other people who lived around
16 there, right?

17 A Yes, sir.

18 Q Other people in the houses around there.

19 A Yes, sir. Yes, sir.

20 Q So you used to go over there quite a bit.

21 A Yes, sir.

22 Q Okay. And so there's no question that was -- that
23 box of stuff that Stanley showed the officers, that was
24 your box of papers and clothes.

25 A Yes. He still has the box at his house.

1 Q And so that Labor Finders receipt ---

2 A That's mine.

3 Q --- that was yours.

4 A Yes, sir.

5 Q Okay. So your testimony is that that day then, you
6 were over at Stanley and Ishma's house.

7 A I stayed there.

8 Q Okay.

9 A I woke up there.

10 Q Okay. And then at some point your testimony is you
11 left and you went somewhere and smoked crack.

12 A Yeah.

13 Q Who -- how many -- where is this house that you went
14 and smoked crack at?

15 A Right down the street.

16 Q On which street?

17 A On Betheul.

18 Q On Betheul?

19 A Yes, sir.

20 Q Okay. Around what time did you go over there?

21 A I don't know. Around -- about 10:00 that morning.

22 Q About 10:00 that morning.

23 A Yes, sir.

24 Q And how many people were over at that house?

25 A I don't -- I don't really know because it's got

1 different rooms in it. I don't know who all was in the
2 house, you know what I mean? But that front where I was
3 at, a few people.

4 Q Okay. So there were people in different rooms in the
5 house?

6 A Yes, sir.

7 Q You didn't see everybody in the house?

8 A No, sir.

9 Q You were open with us about having a crack problem.

10 A Yes, sir.

11 Q And so you were there from 10:00 that morning until
12 -- how long were you there?

13 A About an hour.

14 Q From 10:00 in the morning till 11:00 in the morning?

15 A Yeah. About an hour.

16 Q So what did you do after 11:00 in the morning?

17 A Sitting around.

18 Q Sitting where?

19 A Sitting around, be on his porch. He's got a house --
20 he's got a house with a porch on it. Everybody be sitting
21 outside.

22 Q Sitting on whose porch?

23 A On the dude house where I been at getting high.

24 Q The place where you were getting high?

25 A Yes, sir.

1 Q Did you do any more crack after 10:00 -- from 10:00
2 to 11:00?

3 A No, sir.

4 Q So you only smoked crack from 10:00 to 11:00.

5 A No. I say I smoked some, and then we was -- I was
6 sitting outside on his porch.

7 Q Okay. And then you sat there from 11:00 until when?

8 A I went across the street into this dude named Donnie
9 house, and we started drinking over there. I was over
10 there for a little while.

11 Q Okay. Did you do any more crack over there?

12 A Nah. I was drinking.

13 Q Drinking. And how long were you there drinking?

14 A Most of the day. Most of the rest of the day.

15 Q The rest of the day?

16 A Yeah.

17 Q So how'd you end up walking down Donaldson Road that
18 night?

19 A I was down to this girl house I knew. Stay -- she
20 stay on Mayflower, as a matter of fact, on a couple trails
21 back. She used to stay there. She don't stay there no
22 more, but I was back to her house. And I was -- I just
23 leave from there. And I hit back on Donaldson. I was
24 going to the V Spot, and he stopped me. That's when the
25 officer stopped me.

1 Q What's the V Stop?

2 A It's a convenience store right off Augusta.

3 Q Why were you going there?

4 A I know somebody who used to work there.

5 Q Why did you want to go there, though?

6 A Well, I used to go to actually help this female. She
7 work -- she work at night. And she used -- we'd come out
8 there and help her. I used to clean up the parking lot
9 for her, and she -- she used to pay me. I used to go over
10 there and help her.

11 Q Okay. So let me get this straight. So you went over
12 to the crack house about 10:00. You smoked crack from
13 10:00 to 11:00.

14 A Uh-huh.

15 Q And then you went across the street to someone's
16 house and you were drinking.

17 A Yes, sir.

18 Q And what's that gentlemen's name?

19 A It was Donnie -- Donnie Mosley. He's dead now.

20 Q Donnie Mosley.

21 A Yes, sir.

22 Q It was just you and Donnie Mosley?

23 A No. A few other people was over there, too.

24 Q Some friends of yours?

25 A Well, two live around the neighborhood. You always

1 come over there and sit in his yard and drink.

2 Q Okay. And then you stayed there how long?

3 A Most of the day.

4 Q Okay. And then at some point you left there and you
5 went over to this girl's house on Mayflower.

6 A Yeah.

7 Q And who was the girl that you went and saw?

8 A She name -- her name Felicia. She don't stay there
9 no more.

10 Q Felicia?

11 A Uh-huh.

12 Q Okay. So was she your girlfriend?

13 A No. A friend of mine.

14 Q A friend of yours?

15 A She wasn't a girlfriend, but she a friend of mine.

16 Q Okay. Did you drink? Or did you do anything over
17 there?

18 A Well, I went over there because I had helped her --
19 her daddy move a couch in her house, but he has some more
20 -- some more work. He had tell me to come back by and
21 check -- check with him because he had wanted me to come
22 by and do their yard. I landscape, too. But he told me,
23 he said he'd get back with me. That's when I left from
24 there. I was going to the V Spot ---

25 Q Okay.

1 A --- when police stopped me.

2 Q So he was over there, too.

3 A Yeah.

4 Q That was her dad.

5 A Yeah. Her -- not -- no little girl. Felicia also
6 was there, yeah. That was her daddy.

7 Q Okay.

8 A He was -- he lived there with her.

9 Q What's his name?

10 A Mr. Fred.

11 Q Mr. Fred. They still live around Greenville?

12 A Nah. I don't know -- I don't know where they're
13 living at now, but they don't live in that trailer no
14 more. I know that.

15 Q Okay. So you talked to us about how, when the police
16 officer came down Donaldson Road and stopped you, you told
17 him that you had all those lighters in your pocket because
18 of smoking crack. You didn't tell him you had been over
19 at that girl's house, did you?

20 A They didn't ask me that.

21 Q Well, don't you think it would have been important to
22 tell him if there had just been a robbery? Don't you
23 think you would have said, hey, listen, I was just at this
24 girl's house. Let's go over there and talk to her?

25 A Well, you're saying the robbery did happen.

1 Q A robbery just happened. You didn't ---

2 A I wasn't there when that robbery happened.

3 Q But you knew you were being arrested because of a
4 robbery, right?

5 A Yeah.

6 Q So you didn't think of telling the officer, hey,
7 listen, I was just over at this girl's house and her dad's
8 house. We can just go over there and ask them? You
9 didn't tell him that, did you?

10 A No.

11 Q Okay. And you didn't tell him about where you were
12 drinking earlier in the day with that other guy.

13 A Who, Donnie?

14 Q You didn't tell him about that either, did you?

15 A Yeah. They know that. I was down at Donnie's house.

16 Q So why in the world -- so you're saying you traded a
17 piece of crack cocaine for all of those lighters.

18 A Yeah.

19 Q Why in the world would you need ten lighters?

20 A Why in the world I need ten?

21 Q Ten lighters.

22 A Because you run out. When you run out, I got another
23 one. See, that's what you do -- well, you wouldn't know.
24 You don't use crack. People who use crack, they trade
25 lighters off for crack. You know what I mean? In my

1 profession, when I was getting high like that, I would
2 trade a piece of crack for a lighter. You know what I
3 mean? Late at night when the stores are closed, then if I
4 got some lighters, somebody got some crack, I can trade --
5 I can trade a lighter for a piece of crack.

6 Q Okay. You trade a piece of crack for a lighter. Why
7 in the world would you want ten lighters?

8 A It's not that I wanted ten lighters. I just had got
9 a good -- I got a good deal for it.

10 Q You didn't have any crack on you when you were
11 arrested. The officer didn't arrest you for having crack
12 or anything, so it wasn't like you were going off to smoke
13 crack.

14 A I still had my lighters still.

15 Q So you still had ten lighters just -- just what?
16 Just for the future?

17 A No. I was going to the store. Once I -- once I
18 leave from there, when I finish doing my job with her, I'd
19 have had some money, so I probably could have buy me a
20 piece of crack when I get back.

21 Q Well, you didn't have any -- oh, so you were going to
22 buy more crack?

23 A I'm just saying once I go up there and do a little
24 job for that girl and she'd have paid me, I'd have
25 probably had some money. If I wanted to buy a piece of

1 crack, I could have.

2 Q Yeah. So if you didn't have any crack and you
3 weren't going to smoke crack, why did you need ten
4 lighters?

5 A It's not that I needed ten lighters. I had ten
6 lighters on me.

7 Q Okay. And so were you going to smoke more crack that
8 night?

9 A No. Not right at that time.

10 Q Were you planning on smoking crack the next day?

11 A I don't know. I might have.

12 Q So is it true then that -- like I said, you've been
13 open with us about your crack addiction. I mean, crack,
14 you know, I assume you've had it for quite a while. Is
15 that -- I mean, have you had a crack addiction for ---

16 A Oh, yeah. For years.

17 Q For years?

18 A Uh-huh.

19 Q Okay. It's hard to kick that habit, isn't it?

20 A Yes, it is.

21 Q It's very hard.

22 A Oh, yeah.

23 Q A lot of people who go to rehab for years and they
24 still can't beat it; isn't that true?

25 A I relapse. I did.

1 Q Relapse?

2 A I was -- I was -- I was at Turning Point. That's
3 where I was at, Turning Point, because I was -- I was
4 trying to keep from getting high, but I stumbled. When I
5 left Turning Point and moved in with a woman and I -- I
6 started back getting high. And that was my downfall. I
7 started back getting high. That's why I ended up leaving
8 her and I ended up going down and staying with Stan. And
9 he trying to lie on me telling me he give me some jackets,
10 but that's ---

11 MR. MOYER: Objection.

12 BY MR. MOYER:

13 Q All right. You're getting off on -- let's stick with
14 this.

15 A It's -- it's -- it's -- ain't nothing but lies.
16 That's all it is.

17 Q Okay. But what I'm asking you, though, and what
18 you've been open with me about, it's an extremely hard
19 thing to get over, a crack addiction. It's very -- it is
20 -- it will engulf your life, won't it? It's very ---

21 A Yeah. If you let it.

22 Q And so when somebody has been smoking crack, they're
23 going to want to get more crack, aren't they?

24 A Some people.

25 Q A lot of people, right?

1 A So what are you trying to say?

2 Q When somebody wants crack that bad, they will do
3 pretty much anything they can do to get money so they can
4 buy more crack; isn't that true?

5 A I don't know. I couldn't tell you that.

6 Q You can't tell me that? You don't -- isn't it true,
7 Mr. Pinckney, that you wanted crack so bad that you went
8 to that Li'l Cricket and you walked behind the counter and
9 you pulled that knife or that box cutter or whatever type
10 of instrument it was and you were going to do whatever it
11 took to get money out of that cash register so you could
12 buy more crack? Isn't that true?

13 A No, sir.

14 Q That's not what took you over there that night, that
15 addiction?

16 A (No answer.)

17 MR. MOYER: I have no further questions. Thank you.

18 THE WITNESS: Thank you.

19 THE COURT: Redirect?

20 MR. QUINN: None. Thank you, Judge.

21 THE COURT: All right. You can stand down.

22 MR. QUINN: The defense would rest.

23 THE COURT: Okay. I'm not sure they heard you.

24 The defense rested. Do you have anything in reply?

25 MR. MOYER: I'm sorry, Your Honor. I didn't hear

1 you. No. We have nothing in reply.

2 THE COURT: All right. Ladies and gentlemen, a
3 quarter of 5:00, and we have now completed the first two
4 parts of the trial. The first part, opening statements;
5 second part, presentation of the evidence; third part,
6 closing arguments. We're not going to start those
7 tonight. We're going to break for the evening, I ask
8 y'all to be back at 10:00 in the morning.

9 Let me just say it's human nature to want to talk
10 about it. Not just your human nature, but whoever you're
11 going to see tonight is going to want to know about it
12 because they're not doing it. They're not up here. They
13 don't have to make the sacrifices you're making. They
14 just want to learn about it. And that is completely
15 understandable. But as I said, even an innocent comment
16 from someone who you like and trust might impact your
17 state of mind, and what we're protecting by you all not
18 talking about are rights that belong to every single one
19 of us, okay? Let's protect it. So don't talk about it,
20 don't get on the Internet, don't go down to the
21 neighborhood that you've heard about. None of that.

22 Y'all have a great night tonight and we'll see you
23 back at 10:00 in the morning.

24 (WHEREUPON, the jury exits the courtroom at 4:45 p.m.)

25 THE COURT: Any motions?

1 MR. QUINN: I need to renew my motion for a directed
2 verdict based on the same grounds.

3 THE COURT: Same ruling.

4 JURY CHARGE CONFERENCE

5 THE COURT: All right. Any request to charge that
6 y'all can think of?

7 MR. QUINN: Not sitting here, Your Honor. No, sir.

8 I would ask the Court to consider -- and I'm sorry.
9 I'm not prepared to argue this. I never thought we'd get
10 this far today. Whether lesser-included assault charges
11 would be appropriate, whether receiving stolen goods would
12 be appropriate because the best evidence the State has got
13 is his possession of what they claim are the stolen
14 lighters. So I would ask for a charge on receiving stolen
15 goods.

16 THE COURT: I don't know. You've got that guy who
17 says it was your defendant in the video.

18 MR. QUINN: Right. That doesn't mean the jury has to
19 believe him. And I believe they can find that they don't
20 believe this eyewitness, who's not an eyewitness, but an
21 eyewitness to the video yet say but he had the stolen
22 lighters in his pocket so we think he's guilty of some
23 crime, and it's receiving stolen goods.

24 MR. MOYER: I ---

25 MR. QUINN: So I would ask you to consider that.

1 MR. MOYER: Sorry. I didn't mean to interrupt.

2 That would not be a lesser included, so we would --
3 receiving stolen goods.

4 THE COURT: Yeah. I don't think that's right. y'all
5 do a little research on that for the morning.

6 MR. MOYER: I think we would concede to A&B first
7 should probably be charged as a lesser included of ABHAN,
8 elements of ---

9 THE COURT: You want a charge on identification?

10 MR. QUINN: Yes, sir.

11 THE COURT: Yeah. What about this alibi thing that
12 you were talking about?

13 MR. QUINN: Well, I need to look. I believe that the
14 alibi charge that could be available in this case
15 basically says the defendant claims to be somewhere else,
16 not that he has -- not that the burden has shifted to him
17 to prove it, but that he claims he has to be somewhere
18 else and the State always has to prove that the defendant
19 is the person who committed the crime.

20 THE COURT: That's correct.

21 MR. QUINN: And I would ask for that charge.

22 THE COURT: Well, we'll think about it. Y'all think
23 about that.

24 All right. Anything about a statement? I mean, we
25 didn't get into any statement of the defendant.

1 MR. QUINN: No, sir, we did not.

2 THE COURT: Okay.

3 MR. QUINN: Well, let me just say I asked him whether
4 he told the police that night I believe about whether he'd
5 been using crack. I don't believe that justifies the
6 charge, but ---

7 THE COURT: Yeah. I don't -- all right.
8 Circumstantial evidence?

9 MR. QUINN: Yes, sir.

10 THE COURT: Yes? No? What?

11 MR. QUINN: Yes, sir. I think so.

12 MR. MOYER: I mean, I think just the standard charge
13 of circumstantial evidence and -- is no different from any
14 other type of evidence. I can't remember exactly how it's
15 worded.

16 THE COURT: Well, my charge comes right out of the
17 case.

18 MR. MOYER: Okay.

19 MR. QUINN: That there are two kinds of evidence and
20 one's not -- yes, sir.

21 THE COURT: All right.

22 MR. MOYER: Okay. I don't have a problem with that.

23 THE COURT: Okay.

24 MR. QUINN: The only other thing I had noted pretrial
25 was a possible charge for third-party guilt, but I don't

1 think that's appropriate at this point.

2 THE COURT: Okay. Y'all think about it overnight.

3 So armed robbery, possession of a weapon during the
4 commission of a violent offense, and A&B first; is that
5 right?

6 MR. MOYER: I'll look at that again, Your Honor. But
7 I think there's definitely evidence that a deadly weapon
8 was used based on the injuries and his actions and the
9 victim's 9-1-1 call. So I would like to maybe reserve
10 just taking a look at the law again.

11 THE COURT: I'm not sure assault and battery first.
12 I mean, I think either they buy either it's not him or
13 it's whoever. If they think it's him, he did it with a
14 weapon, a deadly weapon.

15 MR. QUINN: Well ---

16 THE COURT: Y'all take a look at that tonight. Think
17 about it.

18 MR. QUINN: I will. I'm not sure that the nature of
19 the injuries is sufficient to justify it as a deadly
20 weapon, but ---

21 THE COURT: Cut on the neck.

22 MR. QUINN: A scratch.

23 I'll look at it, Judge. I'm with Mr. Moyer. I'd
24 like to reserve to discuss that again with you in the
25 morning.

1 THE COURT: Okay. Why don't y'all just be up here
2 about 9:30 and we'll try and get all that squared away.

3 MR. QUINN: Thank you, Judge.

4 THE COURT: All right. See y'all in the morning.

5 (WHEREUPON, proceedings concluded at 4:50 p.m., to be
6 reconvened Thursday, February 7, 2019.)

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1 THURSDAY, FEBRUARY 7, 2019

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3 (WHEREUPON, proceedings reconvened at 9:51 a.m.)

4 JURY CHARGE CONFERENCE

5 THE COURT: Okay. What do y'all want to tell me?

6 MR. QUINN: As far as the request to charge, Your
7 Honor, I looked further into the question of whether
8 receiving stolen goods could be charged, and I will
9 concede that it is not a lesser-included offense of
10 anything that's charged in the indictment.

11 THE COURT: Okay.

12 MR. QUINN: So I doubt it's appropriate.

13 As far as assault and battery is concerned, I would
14 ask the Court -- and I know Mr. Moyer will want to address
15 the Court on this. I would ask the Court to at least
16 submit assault and battery in the first degree, which I
17 believe fits on all points. I would ask the Court to
18 consider assault and battery in the second degree
19 considering that the injury to Ms. Miller could be
20 considered a moderate bodily injury. So I would ask the
21 Court for charges on assault and battery first and second.

22 THE COURT: Well, kind of an issue with committed
23 during a robbery, right?

24 MR. QUINN: Well, and that's why it's clearly on
25 point, I think, with the first, but the statute

1 specifically says assault and battery second is a lesser
2 included of assault and battery first, so I would ask the
3 Court to submit it based on the moderate bodily injury.

4 THE COURT: But it doesn't say it's a lesser included
5 of aggravated assault, right?

6 MR. QUINN: No. I think it does.

7 THE COURT: I'm sure it could be considered that.

8 MR. QUINN: It says assault and battery second degree
9 is a lesser-included offense as defined in (C)(1), assault
10 and battery of a high and aggravated nature and attempted
11 murder. So I do believe it's 16-3-600(D)(3). I think
12 that's going to be right. So I believe it is a lesser
13 included and would ask for that charge.

14 Finally, might I inquire of the Court, I have heard
15 your reasonable doubt charge. We've tried cases before,
16 Judge. But I don't remember. My belief is as part of
17 your charge you say a reasonable doubt can arise from the
18 evidence or lack of evidence. I'm asking the Court ---

19 THE COURT: Yeah. That's right. Same thing I've
20 done for 16 years.

21 MR. QUINN: Thank you.

22 THE COURT: Same thing Henry Floyd did. Okay.

23 MR. MOYER: Regarding assault and battery second,
24 just because it charges a lesser included doesn't mean it
25 has to automatically be charged. For example, involuntary

1 manslaughter and voluntary manslaughter are lesser
2 includes of murder, and it just depends on the facts that
3 come out at trial.

4 The facts here are that this definitely happened
5 during a robbery or a theft, which is assault and battery
6 first. So I don't think there's any question -- I don't
7 think there's any factual dispute that the assault took
8 place during that, so I think the inquiry would end as
9 assault and battery first degree.

10 Now, whether that should be charged, aggravated
11 assault and battery, the circumstance here would be the
12 act is accomplished by means likely to produce death or
13 great bodily injury. I guess the question would be is it
14 a jury argument about whether that assault is likely to
15 produce death or serious bodily injury. I'm hesitant to
16 argue too much against that just to create a question for
17 the appellate courts because the jury could have a
18 question about whether it was likely or not, so we don't
19 really have an issue with A&B first being charged.

20 THE COURT: Okay. And quickly tell me. Is
21 aggravated assault and battery a violent offense? It is,
22 is it not?

23 MR. MOYER: It is violent and serious.

24 MR. QUINN: Yes.

25 THE COURT: How about A&B first? It's not.

1 MR. MOYER: It is not. It's nonviolent and not
2 serious.

3 MR. QUINN: That's correct.

4 THE COURT: All right. The only other thing then,
5 I'm not going to charge A&B second. I just don't see it
6 being in the facts of the case even in the light most
7 favorable to your client.

8 The other question would be alibi.

9 MR. MOYER: Your Honor, I think that should be
10 charged based on our research on the issue.

11 THE COURT: Okay. All right. So what I've got then
12 is, let's see here, duties of the judge and jury, the
13 arrest not -- indictment not evidence, multiple charges,
14 credibility, prior record of the defendant, presumption of
15 innocence, reasonable doubt, circumstantial evidence,
16 alibi, identification, armed robbery, possession of a
17 weapon during the commission of a violent crime, which
18 I'll charge after all the -- and then aggravated assault
19 and battery which is pretty brief, and then assault and
20 battery first. Anything else?

21 MR. QUINN: Not that I'm aware of, Your Honor.

22 THE COURT: Okay.

23 (Pause in proceedings.)

24 (WHEREUPON, the jury entered the courtroom at 10:06 a.m.)

25 THE COURT: All right. Ladies and gentlemen, welcome

1 back. I hope y'all had a pleasant evening.

2 As I told you yesterday afternoon that we completed
3 the first two parts of the trial, so all of the evidence
4 that's going to be presented is before you. There will be
5 no more evidence presented, and we are now ready to move
6 forward into the closing arguments of these attorneys.
7 And you all paid great attention throughout the course of
8 this trial. I ask you to continue to do so through these
9 closing arguments. Okay.

10 CLOSING ARGUMENTS

11 (WHEREUPON, State's Exhibit 1, a video, was played in open
12 court.)

13 MR. CONITS: Ladies and gentleman, the man in that
14 video that we just watched, he is armed with a blade. We
15 know that from these pictures here, and we know that from
16 the man's actions in that video.

17 The man in that video approaches Dorothy Miller from
18 behind, he grabs her and he stabs at her neck. Her neck.
19 Dorothy then turns around, and he proceeds to stab her in
20 the chest and in the stomach, and then he goes for her
21 neck again. He punches her. This was a vicious attack,
22 ladies and gentlemen. And for what? Well, it turns out
23 that this was all for a pack of NASCAR lighters. That's
24 right. A pack of NASCAR lighters. That's what he takes.

25 Ladies and gentlemen, what you just watched, that's

1 assault and battery, assault and battery of a high and
2 aggravated nature. It's armed robbery. It's possession
3 of a weapon during the commission of a violent crime.
4 That's clear.

5 The question in this case is whether the male on that
6 video is the man sitting in that (indicating) chair. And
7 the answer to that question, based on the evidence
8 presented to you over the course of this trial, is yes.
9 Here is why. Stanley Evans watched the video, too,
10 yesterday, and he testified that the man in that video is
11 the man right there (indicating), Edmund Pinckney, the
12 defendant. Stanley was able to ID him because he knows
13 him. The defendant was homeless at the time of this
14 incident, and he would come by Stanley's house from time
15 to time. In fact, he came by a few hours before this
16 incident and he left a box of his own personal property at
17 Stanley's house. It was December when this happened. It
18 was cold, and the defendant was homeless. So Stanley gave
19 him a coat on that winter day, the coat we just saw in
20 that video.

21 Stanley testified yesterday to taking care of those
22 who are struggling, and him giving Edmund Pinckney that
23 coat on that day is another example of him doing exactly
24 that.

25 Now, I know that video is not HD quality. I know

1 that. But Stanley doesn't need HD quality to ID Edmund
2 Pinckney in that video. He knows him. He watched the
3 video, and he says it's him.

4 And why would Stanley lie? These guys got along.
5 They were friends. How much would you have to hate
6 someone to frame them? Here we have no evidence that they
7 didn't get along. There's no reason to lie. Stanley
8 liked the defendant. The defendant yesterday said he was
9 a nice guy.

10 Stanley told officers on the night of this incident
11 that the defendant was wearing black pants, a blue shirt
12 and a white undershirt when he stopped by his house
13 earlier that day. And what was the defendant wearing when
14 officers arrested him that night? Black pants, a blue
15 shirt and a white undershirt, exactly what Stanley told
16 them.

17 The defendant, on the other hand, yesterday, he
18 denied that the clothes in this box right here are his.
19 Ladies and gentlemen, we had officers testify that the
20 clothes in that box right there are the clothes that
21 Edmund Pinckney was wearing that night. Stanley said the
22 same thing. These clothes were taken into Property and
23 Evidence a little after midnight on the night of this
24 incident, and Deputy Floress, he testified that Property
25 and Evidence is a secure facility. It's one that you or

1 I, we couldn't just walk into. The clothes remained in
2 Property and Evidence until they were brought to the
3 courthouse yesterday. It's documented.

4 Now, either these seasoned and experienced officers
5 at the sheriff's office who worked this case and they
6 testified before you yesterday decided to conspire and lie
7 along with Stanley Evans, Ishma Davis against Edmund
8 Pinckney, or those are Edmund Pinckney's clothes and he
9 was not telling you the truth about those clothes
10 yesterday.

11 Now, why would Edmund Pinckney want to distance
12 himself from those clothes, those pants and those shoes?
13 Are the clothes being -- it's because they're the clothes
14 that were being worn by the robber in that video we just
15 watched. Stanley said yesterday the white shoes in the
16 video were the shoes in that box. Those were his friend's
17 only pair of shoes, and he recognized them. Again, why
18 would Stanley lie about that?

19 Now, I want to take a moment to emphasize what Deputy
20 Al Cannon said, testified to earlier yesterday. Deputy
21 Cannon said the K-9 track led them past Stanley's house,
22 not to it. That is a key distinction here.

23 Ishma Davis, he took the stand and he said he was
24 with Stanley at that house for about two to four hours
25 before the K-9 officers arrived. Deputy Cannon tracked by

1 Stanley's house about 38 minutes after the robbery took
2 place. That means that Stanley Evans was at his house
3 when the defendant robbed the Li'l Cricket.

4 Deputy Cannon called out to Stanley while K-9 Rudy
5 was on his track in hopes of getting helpful information.
6 And that's exactly what he got. Stanley provided Deputy
7 Cannon with information that eventually led to the arrest
8 of the person who did this, Edmund Pinckney.

9 Now, one of your roles as jurors is to determine the
10 credibility of the people who testified in this case.
11 Edmund Pinckney, he had been convicted six times for
12 stealing in the past ten years. Yesterday he looked at
13 the clothes he was wearing when he was arrested and he
14 said those are not his.

15 Now, while we're on the subject, let's talk about the
16 arrest. Deputy Watkins, he testified that the defendant
17 altered his path when he saw his marked patrol vehicle.
18 Now, why would he do that? The answer to that is he had
19 just committed an armed robbery. Now, the defendant was
20 no longer wearing the coat when officers came upon him.

21 Now, here's a question. Why would a homeless man get
22 rid of a jacket when he doesn't have another jacket in the
23 middle of wintertime? Because that coat -- the answer to
24 that question is because that coat went from being a warm
25 gift to evidence of guilt the second Edmund Pinckney began

1 stabbing Dorothy Miller on that video. So he got rid of
2 it.

3 Deputy Cannon yesterday, he testified it's not
4 uncommon for someone on the run to get rid of some
5 clothing, to change his appearance. Edmund Pinckney
6 pulled up the hood of that coat to try to limit his
7 exposure inside that Li'l Cricket because he knew he was
8 on camera. And he got rid of the coat the second he took
9 off.

10 And where is the blade? Well, he got rid of that,
11 too.

12 So yes, the defendant did get rid of the coat, he got
13 rid of the blade, and officers never recovered those
14 items. But a pack of brand-new NASCAR lighters, as you
15 saw on that video, were stolen from the Li'l Cricket
16 during that robbery. And what do officers find on that
17 guy right there (indicating) on that same night an hour
18 and 20 minutes later? Ten brand-new NASCAR lighters in
19 his pockets. These right here.

20 And the lighters that I just showed you, those are
21 the lighters from the Li'l Cricket. How do we know? They
22 still had the sales stickers on them, so they were new.
23 The officer said they were photographed, which they were,
24 and they were returned to Dorothy Miller, the victim in
25 this case. She would have had to identify them to return

1 them.

2 MR. QUINN: Objection. May we approach?

3 THE COURT: Yeah. Come on.

4 (WHEREUPON, a bench conference was held off the record.)

5 THE COURT: Okay.

6 MR. CONITS: Dorothy Miller would have had to
7 identify these lighters right here in order for those --
8 these lighters to be returned to the Li'l Cricket as they
9 were.

10 What does the defendant say about these lighters?
11 He's testified yesterday that he got them at a crack house
12 and that he was there around 10:00 in the morning on the
13 day of this incident. That is more than nine hours before
14 these were stolen. That's when he says he got them.

15 Ladies and gentlemen, the State does not have to
16 prove motive in this case, but the defendant gave it to us
17 yesterday. He testified that he had a crack problem, and
18 people who have a crack problem want more crack. In fact,
19 he testified he was smoking crack and drinking alcohol on
20 the day of this incident, so he wanted money from that
21 register in the Li'l Cricket. But Dorothy Miller, as we
22 saw in that video, she fought back. She didn't give in to
23 him. She even threw something at him on his way out.

24 So Edmund Pinckney, he didn't get the money he needed
25 for crack that night, but aside from money, people who

1 smoke crack, well, they need lighters, so he grabbed a
2 pack of lighters on his way out. These right here.

3 Now, the defendant said yesterday he did not do this.
4 He was at someone else's house during the robbery. I
5 believe he said he was at two different houses around the
6 time this took place, and he was just leaving the second
7 house and walking down Donaldson Road when the officers
8 came upon him. Now, why didn't he say anything to the
9 officers that night about these people at the houses that
10 he was at that could have cleared his name? Why? Well,
11 it's because he wasn't at either of those houses. He was
12 at the Li'l Cricket when this robbery took place. He's
13 had two years now to think about this, and that's what he
14 came up with yesterday.

15 And then there's this jail call on January 25, 2017.
16 The person -- and I do want to take a second and
17 apologize. I know when that was played yesterday it was a
18 little unclear as to what was being said, but I'm going to
19 explain that today. The person the defendant is speaking
20 with who's speaking in a much louder voice than the
21 defendant, he carefully asked, "now, what are they
22 claiming you done?" And does the defendant say they are
23 saying I blah, blah, blah? No. Does the defendant say
24 they've got the wrong guy, but they're saying I blah,
25 blah, blah? No. He just says he did it. He says, and I

quote, "I cut somebody." He admits to it less than a month after this incident took place. But yesterday he testified that he said in that phone call, quote, they said I cut somebody. Well, we've got it right here. Let's listen to it.

(WHEREUPON, State's Exhibit 19, an audio recording, was
played in open court.)

MR. CONITS: "I cut somebody." That's what he said.

Ladies and gentlemen, the State bears the burden in every criminal trial to prove its case beyond a reasonable doubt. Not beyond all doubt, but a reasonable doubt. That means if you are firmly convinced of Edmund Pinckney's guilt, you must find him guilty. And the evidence introduced over the course of this trial shows that the man in that video is Edmund Pinckney.

Now, just as my colleague Mr. Moyer promised in his opening statement, I ask that you do justice. Thank you.

MR. QUINN: If it please the Court.

THE COURT: Yes, sir.

MR. QUINN: What if I told you there had been a robbery, and the police went to the scene and decided they were going to get a dog track. They didn't tell you about all the credentials the dog had, all the training, hours and hours of training and one day every week of training, and this dog was with a master handler who's been doing

1 this for years and years. And he tracked from the robbery
2 to an address at [REDACTED] Drive. And when the police talked
3 to the person at [REDACTED] Drive, they said, "Look, we've had
4 a robbery." And what we can see from the video more than
5 anything else is the fellow's wearing a coat. Brown coat,
6 tan hood, that's how it's been described. Y'all can see
7 it. And the fellow the police are talking to goes, "Hey,
8 that's my coat. Had it for three years. Now, I gave it
9 away two or three hours ago, so I don't have it right
10 now." You'd understand, of course, why the police
11 searched his house, why they would say do you mind if we
12 look and see if we can find this coat? Or would you think
13 when the person just said, hey, sorry, gave that coat
14 away. Sure, I may be the same size as the fellow in the
15 video, same race as the fellow in the video, same sex as
16 the person in the video, but it's not me, but that might
17 not be the end of the police investigation. But it was in
18 this case. We'll come back to that.

19 This case stinks just as bad as this telephone call
20 they're trying to make much of. Mr. Conits, who I assure
21 you was not the person at the Li'l Cricket that night,
22 just stood up in front of you and said "I cut somebody"
23 five, six times. Did he cut somebody? No. So just
24 because you say those words, don't you think you'd want to
25 know the context of those words, who you were talking to?

1 This telephone call, who's the person on the other
2 end of the call?

3 Well, we don't know. We didn't bother to look it up.

4 Well, you keep track of all these phone calls, don't
5 you? Phone numbers and stuff?

6 Yeah. We've got all that but we didn't bother to
7 look.

8 Mr. Moyer asked the custodian of records has he made
9 lots of phone calls.

10 He's made lots of phone calls.

11 And y'all monitor every one of them, don't you?

12 Monitor every one of them.

13 Any of them have a confession in them? Any one of
14 those phone calls come forward with a confession? Any
15 other inmate in the jail, anybody come forward and saying
16 do you know that Edmund Pinckney told me he committed this
17 crime?

18 What was the question? The question was what are
19 they accusing you of. And I'm sorry. That may not be the
20 exact words. What are they claiming you done? And he
21 says, "I cut somebody." That's what they're claiming. So
22 what are you claiming you done? I cut somebody. Now,
23 what are they claiming you done? I cut somebody. Ladies
24 and gentlemen, that is the claim of the State, isn't it?
25 Isn't that exactly what they're claiming, that they're

1 claiming that Edmund Pinckney went into this Li'l Cricket
2 and stabbed somebody?

3 So all Edmund Pinckney was doing, unfortunately, on a
4 phone that the police want to say it means something else,
5 was telling the truth. That's what he was accused of.
6 That is what he's accused of. That's what they're asking
7 you to find him guilty of. And they want to make that
8 phone call his confession. That's it, ladies and
9 gentlemen. You listen to those three words, he's guilty.
10 Really.

11 When we talk about reasonable doubt, do you have a
12 reasonable doubt that that's what the phone call is? That
13 it's a confession, that it's an admission that he
14 committed this crime? That's what a reasonable doubt is.
15 A reasonable doubt is something that makes you go wait a
16 second. The judge is going to describe it as a hesitation
17 to act, that it makes you go I'm not sure about that. In
18 this entire case, there's all kinds of holes that we're
19 going to talk about.

20 Two other pieces of evidence were provided to you:
21 the 9-1-1 call in which poor Ms. Miller, and there's no
22 question Ms. Miller did nothing in this case except get
23 assaulted by somebody who I don't know what they were
24 doing, but eventually steal these lighters going out, and
25 the video.

1 Now, this case is over two years old, two years and
2 two months old. Why didn't they do something about
3 augmenting this video, blowing it up? And that may sound
4 silly, but we'll talk a whole lot about Mr. Evans. He
5 came in and says, "I can recognize his face." Well,
6 Mr. Moyer got up in opening statement as the solicitor and
7 said, "You can't see his face in the video." But
8 Mr. Evans claims he can. Well, why didn't they blow that
9 piece up? Why didn't they? Mr. Evans says he saw the
10 video several times. Why didn't they stop it at the place
11 he says he can see the face and blow it up? It may not be
12 perfect, but they certainly have got to be able to amplify
13 it. They've got pretty pictures.

14 I almost hurt myself when Mr. Conits in closing
15 argument said, "And these are the lighters," because I was
16 looking down. I couldn't believe we were suddenly going
17 to have lighters. Where are the dang lighters? This
18 whole case is about a theft of material that the police
19 took and just gave them back, said, "Here, you can have
20 them. They're yours."

21 Mr. Conits says that there are tags on these lighters
22 to prove they belong to Li'l Cricket. I challenge all 12
23 of you to see if any of you remember that testimony. I
24 challenge you to see if any of these pictures show sales
25 tags or show that they belong to Li'l Cricket, or that you

1 can see in the video how many NASCAR lighters were there
2 or even if they were these NASCAR lighters. Why didn't
3 they augment that picture where he goes over to the rack
4 and picks them up so we could count how many lighters
5 there are?

6 If you watch the video again, if you believe it's
7 beneficial to you, note that he picks them up, there's a
8 rack like this, and there must be lighters in one corner.
9 And I'm not trying to tell you which corner it is. But he
10 picks it up by grabbing it, and the whole thing comes with
11 him. And you can see that much of it is empty. I don't
12 even know if there's room for ten lighters there. Where
13 did that number come from? We know that at least there
14 were 11 because one was dropped in the store. But how do
15 we even know how many numbers there were? How come nobody
16 has testified from Li'l Cricket that, yeah, we use these
17 numbers, you know, sales prices and barcodes for inventory
18 purposes? We know what we sold. Why didn't somebody
19 tell, yeah, we went back to Li'l Cricket, and we took that
20 little light that they show you when you zip things
21 through and it blinks how much you owe? And I'm sorry I
22 don't know the name of it. Why didn't they say, yeah, we
23 took them back and we ran them over there and sure enough,
24 all of them came from Li'l Cricket, from that Li'l
25 Cricket?

1 How many NASCAR lighters are there in the world? How
2 many crack addicts using it who use lighters, NASCAR
3 lighters? How many people who smoke so much that we sit
4 out in a van on a cold day for five or six or seven hours
5 so he can smoke? How many people like that might use
6 lighters?

7 And so when they search -- oh, that's right. They
8 didn't search Mr. Evans' vehicle, they didn't search him,
9 they didn't search the car, so we don't know if they had
10 lighters. But that -- not important.

11 This photograph, the only photograph of the lighters
12 that's been submitted, does not in any way identify that
13 they belong to Li'l Cricket. There is no evidence in the
14 record, none, as to how many lighters had been there,
15 whether these lighters were, in fact, belonging to Li'l
16 Cricket or that store and if they were taken by
17 Mr. Pinckney. And I encourage you in every case to share
18 your collective memory as to what you heard from
19 testimony, what you believe of the witnesses, but I
20 encourage all of you to discuss that issue of is there any
21 proof that these lighters belonged to Li'l Cricket.

22 A reasonable doubt can come from evidence or from the
23 lack of evidence. Evidence is this telephone call. I
24 don't think it proves anything, but you got -- at least
25 you got to hear it. A lack of evidence would include the

1 lighters. Where are they? It would be nice to be able to
2 pass them around, say could one hand cover ten of them.
3 Are they too big? Or you can cover 15. We can't do any
4 of that. We don't have them. That's what would be a lack
5 of evidence, or in this case there are lots of missing
6 pieces of evidence.

7 Let's do the obvious ones. Where in the world is the
8 coat? And where in the world is the weapon, whatever the
9 weapon was? It has gone from a box cutter to a blade to
10 whatever. Ms. Miller was clearly assaulted with
11 something. The person does not have a closed fist,
12 they're not sticking their -- he's got a weapon. Whatever
13 it is, there is a weapon involved.

14 And maybe you could say, well, the dog is not that
15 bright. The dog is pretty good, but he's not that good.
16 He just can't find the coat. But Al Cannon gets up and
17 testifies at great length about article searches, and we
18 very commonly search for articles. So why didn't they
19 take the dog? They know what path this fellow supposedly
20 used to escape because they have a witness who says -- and
21 this says Betheul and I'm sorry if I mispronounced the
22 word. They know that he supposedly went this direction
23 because that's where they start the search is up there.

24 And it would have been nice to have heard from that
25 witness, I suspect. I suspect most jurors would have

1 liked somebody who chased the fellow to say I knew he was
2 a young man because I couldn't catch him. I knew he was
3 an old guy because he was slowing down. I knew he was
4 this big or that small. I knew he knew the area or he
5 didn't because he ran into things. I knew something about
6 him. He threw his coat down. He threw down the lighters.
7 He did -- it would be nice if you have what we consider to
8 be an eyewitness to bring him to court. Except that the
9 officers didn't bother to get his name. This man who
10 puts, in theory, himself in jeopardy by chasing somebody
11 who was just robbed and hurt somebody else, police don't
12 even get his name. This Good Samaritan just gets told
13 thanks, and take care of yourself. Go on. Get out of
14 here. No name, no phone number, no witness for a jury to
15 hear. We would call that missing evidence or the lack of
16 evidence that might help for a reasonable doubt.

17 What about the woman in the store? The first officer
18 on the scene says, "I came in. There was a woman in the
19 store. She said she didn't see anything. I said, 'You
20 can go ahead and go.'" That's really not how you
21 interview a witness. Did you see anything? No. Get out
22 of here. You at least say can we have your name and phone
23 number. We may want to follow up with you. We may
24 develop something that we will have a question for you
25 about how long you were here, when did you get here, did

1 you see him run out, did you see him chasing this -- maybe
2 the answers to all those would be no, but that's what we
3 call a missing witness. You've got two eyewitnesses to
4 this case, but you don't have two eyewitnesses to this
5 case.

6 They don't search with the dog for the coat or the
7 weapon. They don't even -- and I'm sorry. I'm going to
8 pick on the police now. Sometimes that gets me in
9 trouble. But these guys have got this dog. They can't
10 wait to get this dog out of the car and track him. He did
11 a pretty good job.

12 They jump on the running boards. They don't have
13 their own cars, but they jumped on the running boards and
14 they all ride together along down the road. Why didn't
15 one of them, because I don't know why it takes three
16 police officers to protect one, why didn't one of them get
17 off and go back down the path that the fellow had run to
18 see if anything had been dropped, to see if there was a
19 wet spot where you might have gotten footprints, to see
20 what direction the person might have gone, to see what, if
21 anything, was out there? That's not done.

22 Forensic evidence is missing. They don't look for
23 footprints. They come to the scene. They know because
24 Ms. Miller is there that there's been contact with
25 somebody. And that's what DNA is all about.

1 Fingerprints, they claim they looked. It was never
2 established whether he, the forensic person, had been able
3 to see the video to know where the person had gone in the
4 store, but he claims he found no fingerprints or forensic
5 evidence in the store. But DNA is touching, touching.

6 They don't take her overcoat, overblouse, whatever it
7 is to see if maybe they can develop something. Maybe
8 there was nothing there, but maybe there was and
9 Mr. Pinckney could be sitting here saying that's not my
10 DNA. That's Stanley Evans' or somebody else's DNA. But
11 that's not gathered, and you're just supposed to ignore
12 it. Just forget it, okay?

13 Find Mr. Pinckney guilty because he says these aren't
14 his clothes and he's got a crack problem. That's it.
15 That's their evidence. That's what they want you to make
16 the case on. We can't prove he was in there. We don't
17 have any evidence he was in there. No forensic evidence,
18 no physical evidence. The eyewitnesses, yeah, we don't
19 bother to bring them because we didn't identify who they
20 were.

21 They don't bring in the 9-1-1 operator who may
22 perhaps have understood Ms. Miller better, although I
23 think everyone described her hysterical so the 9-1-1 call
24 is difficult to listen to. It could be because of volume
25 and because of the injury she's just suffered.

1 They don't bring EMS personnel. The judge is going
2 to talk to you about degrees of assault and battery, that
3 even if someone is assaulted, we have everything from
4 attempted murder to assault and battery in the third
5 degree and lots in between, and the judge is going to talk
6 to you about the difference of those. And so it would
7 have been nice to have perhaps have had, and you're making
8 a decision, the EMS person to come here and say, well,
9 that is indicative of a cut from a box cutter, or this is
10 indicative from a scrape from some other type wound.

11 And why didn't they look under Mr. Pinckney's
12 fingernails to see -- and you've got pictures of the
13 marks. You can see that some of them to her neck and to
14 her arm might be fingernails scratches. Now, I don't know
15 that they are. But, again, how hard is it to say
16 Mr. Pinckney, you're under arrest. We need you to come
17 with us. And we're going to just scrape under your
18 fingernail read quick. We're going to give that to
19 forensics and say tell us what that is if there's
20 anything. But no. We're done once Stanley Evans tells us
21 somebody else did it.

22 Let's talk about Mr. Pinckney. Mr. Pinckney
23 supposedly robs the Li'l Cricket at 6726 Augusta Road.
24 And this map is very helpful in that it shows you there
25 are woods, lots and lots of woods, lots and lots of

1 smaller roads that you could go down if you wanted to hide
2 from the police. But no. Mr. Pinckney, this mastermind
3 who discards the coat and discards the weapon but keeps
4 the stolen items in his pocket is walking down Donaldson
5 Road, which I daresay is the second most well-traveled
6 road after probably Augusta Road in this area. He is
7 walking on the side of Donaldson Road. The officer gets
8 up and says, "He changed his gait." And I'm sorry. I
9 don't remember the second word. His pace or something,
10 but that he altered the way he was walking.

11 Officer, did he run?

12 Nah. He didn't run.

13 Did he lie to you about his name?

14 No, he didn't.

15 Resist arrest?

16 No, he didn't.

17 You asked him if he had any weapons on him. He told
18 you no and you searched him, right?

19 I did.

20 And you didn't find any weapons, did you?

21 No. Didn't find any weapons. He was telling me the
22 truth about that.

23 And you asked him if he had anything illegal on him,
24 and he said no; isn't that right?

25 That's right.

1 And you patted him down. What did you find?

2 I found lighters. But he didn't know those lighters
3 were illegal because he had bought them at a crack house.
4 He hadn't stolen them. This is the mastermind that the
5 solicitor tells you he had enough sense to get that coat
6 and hide it, had enough sense to hide the blade. But,
7 hey, here are the lighters that I just stole. Really? Is
8 that not something that makes you hesitate and question
9 the State's presentation that there's enough evidence to
10 say beyond any reasonable doubt, because that's the
11 standard, that Mr. Pinckney is guilty?

12 Why didn't they look for -- if they believe Stanley
13 Evans, why didn't they look for the car on Donaldson Road
14 that Edmund Pinckney is supposed to be living in? If
15 you're going to hide something that's important to you,
16 the coat, the weapon, why wouldn't you look where the
17 person stays? Nobody's ever found this car. Nobody's
18 ever looked for this car. Nobody's ever known what, if
19 anything, is in that car.

20 Officer Cannon is your dog trainer -- dog tracker.
21 I'm sorry. And it apparently is going to become important
22 what happened at [REDACTED] Drive with Rudy the dog. In his
23 closing argument, Mr. Conits says that the dog, in fact,
24 went past [REDACTED] Drive and they went back. Again, you
25 trust your own memories about what the testimony was.

1 Mr. Cannon says that he -- on the witness stand that he
2 stopped Rudy at [REDACTED] Drive, said "wait," "down,"
3 whatever the command is. And then I took his report,
4 Officer Cannon's report, said, "Officer Cannon, do you got
5 a copy?"

6 "I do."

7 "Didn't you write this report two or three days after
8 the incident?"

9 "I did."

10 "And doesn't it say," and I quoted to him and I'm
11 quoting to you, "he started tracking up Ace Drive all the
12 way to the end where he stopped in front of [REDACTED] Drive?"
13 Where Rudy stopped. Not where the officer told him to
14 stop. This is an officer of 16, 17 years, I forget how
15 long he'd been on, that might know something about writing
16 reports, that might know when you're talking about your
17 dog and how he's tracking. And remember, he, the officer,
18 paid so much attention, he needs people to protect him
19 because he doesn't look around. So he needs other
20 officers to protect him while he's working his dog.
21 Don't you think he might know the difference between "I
22 said stop" or "he stopped"? Because they are two
23 completely different things when you're tracking. His
24 report was he stopped in front of [REDACTED] Drive where they
25 find Stanley Evans.

1 Ladies and gentlemen, I'm certainly afraid of missing
2 something, which is why I do this from notes. I keep
3 getting told that good lawyers don't need notes, so I
4 haven't made that yet. I am undoubtedly going to forget
5 something. It happens in every case. I'm sure it's
6 happened to Mr. Conits this morning. You sit down as an
7 attorney and you go, dang, I meant to say that. Why
8 didn't I think of that? That's why we encourage you all,
9 please, to share amongst yourselves. Don't feel like
10 you're limited to whatever points we raise. You may think
11 there was something important in the case that I haven't
12 mentioned, not because it wasn't important but because I
13 have a page of notes and I'm trying to make sense of them
14 and I've missed something. That's also why,
15 unfortunately, I stand in front of you silent sometimes,
16 which actually might be the way most people would like
17 lawyers.

18 All right. Let's talk about Mr. Evans. The reason
19 that the government gives you that you are supposed to
20 convict Mr. Pinckney is Stanley Evans. Haven't given you
21 any physical evidence, haven't given you eyewitness, they
22 haven't given you any forensic evidence. They haven't
23 found anything except the lighters to indicate that he was
24 -- he, Mr. Pinckney, was involved in this crime. And
25 Mr. Pinckney, in fact, tells the officers the truth when

1 he gets stopped. They want to use against Mr. Pinckney
2 that he gets on the stand and tells you the truth that
3 he's a crack addict. Had that come out before he
4 testified? Absolutely not. But unfortunately, it's the
5 truth for him. And so he's going to get up and tell you
6 even bad things about himself, that he's a crack addict.
7 Has he been in trouble before? He has. You heard he's
8 got shoplifting convictions. Anything like this? Was
9 there any talk of an armed robbery conviction in the last
10 ten years? Any talk of assaulting anybody in the last ten
11 years? Any reason given why somebody would do this to
12 Ms. Miller?

13 When you first look at this case, it looks almost
14 personal, looks like maybe you were looking for an
15 ex-boyfriend or something like that because it makes not a
16 lick of sense. But there's no evidence, no motive given
17 except that he's a crack addict. So we should round up
18 all the crack addicts in Greenville county every time we
19 have a problem and that's enough. You're a crack addict,
20 you're guilty.

21 Mr. Evans, according to Mr. Evans, he's a heck of a
22 fellow. He gives things to the poor. He goes to churches
23 and takes those jackets and brings them home and keeps
24 them at home. Now, why are you doing that if you want to
25 give help to the poor? Why are you taking things from

1 churches and putting them in your trailer and I believe
2 his phrase was stacking them up and keeping them from
3 other people who might need it? Beyond me, but perhaps
4 the jury can make sense of it.

5 And supposedly, he keeps this coat, this particular
6 coat for three years. In three years he hasn't found
7 somebody else to give it, hasn't found somebody who needs
8 it in Greenville county, hasn't found somebody who might
9 be cold. And he admits that coat is his for three years.
10 But just before this robbery I gave that coat away and so
11 it's not mine, it's Edmund Pinckney's. Even though they
12 don't find it with Mr. Pinckney, there is no evidence that
13 it's ever been on Mr. Pinckney.

14 There is no proof of Mr. Evans' statement that he is
15 a Good Samaritan helping the poor, helping people by
16 passing things out. He, in fact, 24 hours a day,
17 according to the testimony, is caring for Mr. Davis. So
18 when he has time to do this, how he's out in the streets
19 doing this, they want to say -- "they" being the State,
20 Mr. Conits particularly since he did closing argument --
21 there's no reason not to believe Stanley Evans. Well,
22 yeah, there is. Because Mr. Evans wants to amplify his
23 testimony so there can't be any questions about it.
24 Mr. Evans gets on the stand, and he says that it was my
25 idea for him to take this coat. He didn't ask for it.

1 Wasn't as if this master criminal was figuring I'll hide
2 under some other guy's coat, I'll bring it back to
3 Stanley's house, and that way the police will have the
4 coat right there. Bingo. There you go. I'm helping the
5 cops and I'm getting out.

6 Now, Stanley gets up and says, "It was my idea for
7 him to take the coat." So there's no evidence that
8 Mr. Pinckney asked for or wanted this coat.

9 There is a box in Mr. Pinckney's house with this -- I
10 think it's a W-2 or a pay stub from March, so from nine
11 months earlier, that has Mr. Pinckney's name on it. So
12 Mr. Pinckney has worked some. And where's the box? This
13 box supposedly had other things in it, all kinds of paper.
14 Where are they? What do they say? Would they be helpful?
15 Probably not. No more helpful than this which is just a
16 piece of garbage. It doesn't prove anything. Why would
17 he want to leave this piece of paper, or why is this
18 important to him to put in a box in the house? There's no
19 evidence of that, no proof of that, no even argument as to
20 that. The pay stub doesn't prove anything but that they
21 knew each other, which Mr. Pinckney admits, took the
22 witness stand, said, "Oh, yeah. I knew him. Met him
23 through my sister. Known him a long time."

24 Mr. Evans, though, gets on the stand and says, "Yeah.
25 I know the coat because the coat's mine. I know these

1 pants because I recognize these pants."

2 And I said, "Well, Mr. Evans, what made them
3 distinctive?" And I may not have been clear, but these
4 are -- ladies and gentlemen, you'll see the label. It
5 speaks for itself. These are Dickies, pants, jeans,
6 slacks, whatever word you use. I have no idea how many
7 millions of these have been made. What evidence is there
8 that they are, in fact, the ones in the video? What marks
9 do they have on them? This one has a large stain on the
10 knee, but I haven't heard any testimony as to a stain in
11 the State's case.

12 And he says, "I recognize the shoes." And if you
13 look at the video, I encourage you to look and see if
14 these shoes somehow can be identified as matching, okay?
15 Obviously, you have it available to you if you want to
16 look.

17 Well, that might be enough, one would hope, that he
18 could say I see the jacket and I see those things. No.
19 Not for Mr. Evans who gets up and says, "I can see the
20 belt he had on, and I know that belt." Can't see the belt
21 on the video. It's covered by the jacket. Can't see any
22 belt.

23 Nope. That's not enough. That T-shirt they pulled
24 out, I know it's his T-shirt. Really? I asked him about
25 their relationship. These gentlemen are not anything more

1 than friends, at least as far as we know by the evidence.
2 How do you know his T-shirt? How can you identify it?
3 And he says he saw it on the video when none of that is
4 available on the video.

5 So Mr. Evans wants to be sure that Mr. Pinckney gets
6 convicted of this. He says, Mr. Evans, that I recognize
7 his face, Mr. Pinckney's face when the solicitor in
8 opening statement gets up and says, "Cant see his face."
9 Everybody looks at the video, goes, "Can't see his face."
10 There is no way to see his face on the video. But now
11 Mr. Evans can see it better than any of us, and the 12 of
12 you can decide whether you see a face on the video, or a
13 belt, or an undershirt, or whether there's anything other
14 than Mr. Evans' word to tie Mr. Pinckney to this crime.

15 I'm not a prosecutor. I don't get paid to get up and
16 say this person did this, this person did that and have an
17 obligation to prove it, and I could not prove that
18 Mr. Evans did this. But when I started, I asked you what
19 would you think if I told you there was a robbery and the
20 police officers tracked the person to Ace Drive, and the
21 person at Ace Drive admitted it was his coat, and he fit
22 the description of the robber, would you as police
23 officers walk away, not search, not investigate, not do
24 anything else but just when he says "not me, somebody
25 else" and then that's it? There is no more investigation

1 done?

2 I can't prove Mr. Evans committed this crime. It's
3 not my obligation. My obligation is to point out to you
4 the problems the government has. That video shows what it
5 shows. They can't find the coat or have not made any
6 effort to. Can't produce the weapon. There is no
7 evidence that the lighters that are only in this picture
8 because we don't have them even belong to Li'l Cricket.
9 There is no evidence of tags or what the tags look like in
10 the evidence that's before you or any proof that they even
11 belong to Li'l Cricket or how many lighters were stolen.
12 Were they looking for ten or six or 90? There's no
13 evidence of that.

14 This telephone call, he answers the fellow's
15 question. He must be guilty because he used those words.
16 I'm afraid Mr. Conits used them again. He's going to be
17 in trouble for answering a phone call, or what are you
18 claiming Mr. Pinckney did. That's silly.

19 The 9-1-1 call doesn't help at all. Poor Ms. Miller
20 is just hysterical.

21 There is no physical evidence, there is no forensic
22 evidence, there is no confession. Mr. Pinckney's speaking
23 with the police and the attitude he brought to the police
24 was the same any of you would have. Officer, I stop right
25 here and talk to you. Nope. Didn't do anything illegal.

1 You want to search me? Go ahead and search me. Nope.
2 Nothing illegal. No weapon, no jacket, no nothing to tie
3 me to the crime.

4 Mr. Pinckney is innocent of this crime. Your verdict
5 in this case should be not guilty. You are supposed to
6 look and determine whether this case has been proven by
7 the State beyond any reasonable doubt. You don't have to
8 have three of them, six of them, not any. If there's
9 anything in this case that causes you to hesitate, your
10 verdict should be not guilty. I believe all 12 of you,
11 when you consider this evidence collectively and
12 individually, you will hesitate and your verdict will be
13 not guilty.

14 THE COURT: All right. Mr. Conits.

15 MR. CONITS: I'll be brief, Your Honor.

16 To extend the football analogy that Mr. Quinn used in
17 his opening statement yesterday, it's really easy to be a
18 Monday morning quarterback. I do it. I think I could be
19 a pretty good football player on Mondays. But Edmund
20 Pinckney was placed under arrest about an hour and a half
21 after this robbery took place, so a lot of things happened
22 in a really short time. And what the defense is asking
23 you to do, they're asking you to look at hypotheticals,
24 what could have been done. Looking back, what else could
25 have been done? I'm not asking you to do that.

1 What I'm asking you to do is look at these clothes,
2 these shoes, these pictures, these lighters that were
3 stolen from the Li'l Cricket. The jail call, I'm asking
4 you to listen to that. I'm asking you to look at that
5 video, and I'm asking you to think about what everyone who
6 took that stand said. That's what I'm asking you to do.
7 This is evidence that includes a jail call where Edmund
8 Pinckney admits he did it. It's Stanley Evans, a guy who
9 knows him, is friends with him saying this is the guy in
10 that video. And it's this (indicating) guy right here who
11 was in possession of what we know are the stolen lighters
12 that were checked -- they were given back to Dorothy
13 Miller because those were the lighters that were at the
14 Li'l Cricket that this guy right here (indicating) took.

15 So I'm not asking you to look at hypotheticals. I'm
16 asking you to look at this evidence and to use your common
17 sense and do justice.

18 Thank you.

19 CHARGE ON THE LAW

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, during this trial you and I have certain duties to
22 perform. As the trial judge, it's my responsibility to
23 preside over the trial of the case and to rule on the
24 admissibility of the evidence that's offered during the
25 trial. It's also my duty to charge you the law applicable

1 to the case, and it is your duty as jurors to accept and
2 apply the law as I now state it to you. If you think you
3 have any idea as to what the law is or what the law ought
4 to be and it differs from what I now tell you the law is,
5 you have sworn an oath to set aside your own opinion and
6 apply the law precisely as I state it to you.

7 I also remind you that in every case tried in this
8 court before a jury, the jury is the sole and exclusive
9 judge of the facts, so please don't think by anything I
10 said or did throughout the course of the trial that I have
11 such an opinion. I do not. It's up to you.

12 I, again, instruct you that the fact that the
13 defendant was arrested, charged and indicted is not
14 evidence of guilt. Those are just the formal documents
15 which contain the charges and allow the case to wind its
16 way through our process to arrive here in court.

17 The indictments in the case allege three different
18 offenses. There are two indictments. And one, the first
19 indictment, alleges armed robbery, and the second
20 indictment alleges two counts: one, assault and battery
21 of a high and aggravated nature, and the second count,
22 possession of a weapon during the commission of a violent
23 crime. Each of those counts contains a separate and
24 distinct offense, and you must decide each count and each
25 indictment separately on the evidence and the law

1 applicable to it uninfluenced by your decision as to any
2 other count of any indictment, and the defendant may be
3 convicted or acquitted on any or all of the counts of
4 these two indictments.

5 Now, necessarily, you must determine the credibility
6 or believability of the witnesses who have testified, and
7 it becomes your duty as jurors to evaluate the evidence
8 and determine which evidence convinces you it is true.
9 And in determining the believability of the witnesses, you
10 may believe one witness over several or several over one,
11 you may believe the testimony of a witness in its entirety
12 or you may believe part or reject that same testimony in
13 its entirety, you may believe a part of the testimony of a
14 witness and reject the remaining part, whatever
15 combination that you all feel comfortable with. You may
16 also consider whether the witness has an interest in the
17 result of the trial, whether the witness is prejudiced
18 towards either the State or the defendant, the opportunity
19 for the witness to have seen the matters and things about
20 which the witness has testified and the way the witness
21 acts on the witness stand, or what we call a witness's
22 demeanor.

23 Now, you have heard evidence that the defendant was
24 convicted of a crime other than the one for which he is
25 now on trial. This evidence may be considered by you if

1 you conclude it is true only in deciding whether the
2 defendant's testimony is believable and for no other
3 purpose. You must not consider the defendant's prior
4 record as any evidence of the defendant's guilt of the
5 charge that is being tried today.

6 Now, the defendant has pled not guilty to these
7 indictments, and that plea puts the burden on the State to
8 prove the defendant guilty. A person charged with
9 committing a criminal offense in South Carolina is never
10 required to prove themselves innocent, so I charge you it
11 is a cardinal and a signal rule of our law that a criminal
12 defendant will always be presumed to be innocent of the
13 crime for which an indictment has issued unless guilt has
14 been proven by evidence satisfying you the jury of guilt
15 beyond a reasonable doubt.

16 Now, reasonable doubt is the kind of doubt which
17 would cause a reasonable person to hesitate to act, and it
18 may arise in the evidence which is in the case or from the
19 lack or absence of evidence in the case, and you the jury
20 must determine whether or not reasonable doubt exists as
21 to the guilt of the defendant.

22 Now, in a trial there are two types of evidence which
23 are generally presented: direct evidence and
24 circumstantial evidence. Direct evidence directly proves
25 the existence of a fact and does not require deduction.

1 Circumstantial evidence is proof of a chain of facts and
2 circumstances indicating the existence of the main fact.
3 And crimes may be proven by circumstantial evidence.

4 The law makes no distinction between the weight or
5 value to be given to either direct or circumstantial
6 evidence; however, to the extent that the State relies on
7 circumstantial evidence, all of the circumstances must be
8 consistent with each other, and when taken together, point
9 conclusively to the guilt of the accused beyond a
10 reasonable doubt. If the circumstances merely portray the
11 defendant's behavior as suspicious, the proof has failed.

12 The State has the burden of proving the defendant
13 guilty beyond a reasonable doubt, and the burden rests
14 with the State whether the State relies on direct
15 evidence, circumstantial evidence or some combination of
16 the two.

17 The defendant has raised the defense of alibi, and in
18 order to establish an alibi, it must be shown that the
19 defendant was at another specified place at the time the
20 crime was committed and that it was therefore impossible
21 for the defendant to have been at the scene of the crime.
22 Mere denial of presence at the scene of a crime does not
23 constitute an alibi. I would tell you that there is no
24 burden on the defendant to prove an alibi. The burden is
25 on the State to prove beyond a reasonable doubt that the

1 defendant was actually present at the scene of the crime,
2 actually participated in it, and was not somewhere else.

3 Now, an issue in the case is the identification of
4 the defendant as the person who committed the crime
5 charged. The State has the burden of proving identity
6 beyond a reasonable doubt, and you must be satisfied
7 beyond a reasonable doubt of the accuracy of the
8 identification of the defendant before you may convict
9 him. Identification testimony is an expression of belief
10 or impression by a witness. You must determine the
11 accuracy of the identification of the defendant, and you
12 must consider the believability of each identification
13 witness in the same way as any other witness, and you may
14 consider whether the witness had an adequate opportunity
15 to observe the offender at the time of the offense. This
16 will be affected by things like how long or short a time
17 was available, how far or close the witness was, the
18 lighting conditions and whether the witness had the chance
19 to see or know the person in the past.

20 Once again, I instruct you the burden of proof on the
21 State extends to every element of the crime charged, and
22 this specifically includes the burden of proving beyond a
23 reasonable doubt the identity of the defendant as the
24 person who committed the crime.

25 The defendant is charged with armed robbery. In

1 order to prove this offense, the State must prove beyond a
2 reasonable doubt that the defendant took personal property
3 from the person or presence of another person. Property
4 is in the presence of a person if it is within the
5 person's reach, inspection, observation or control so that
6 the person could, if not overcome with violence or
7 prevented by fear, keep possession of the property.

8 The State must also prove beyond a reasonable doubt
9 that the defendant carried the property away intending to
10 permanently deprive the owner of the property and to keep
11 the property for the defendant's own use. The slightest
12 removal of the property or the complete possession of the
13 property, even for an instant by the defendant, is
14 sufficient to show a taking and carrying away of the
15 property.

16 The taking and carrying away of the property must
17 have been done with violence or by putting the owner of
18 the property in fear of violence.

19 And finally, the State must prove by a reasonable
20 doubt -- beyond a reasonable doubt, excuse me, that the
21 defendant was armed with a deadly weapon during the
22 robbery or alleged either by action or words he was armed
23 while using a representation of a deadly weapon or any
24 object which a person present during the commission of the
25 robbery would reasonably believed to have been a deadly

1 weapon. And a deadly weapon is any article, instrument or
2 substance which is likely to cause death or great bodily
3 harm, and whether an instrument has been used as a deadly
4 weapon depends on the facts and circumstances of each
5 case.

6 The following would be examples of instruments which
7 may be deadly weapons: a pistol, a shotgun, a rifle, a
8 dirk, a dagger, a knife, a sling shot, metal knuckles, a
9 razor, gasoline, a fire bomb or a Molotov cocktail and
10 lighter fluid. And a gun may be a deadly weapon even if
11 it is not operating.

12 The defendant is also charged with possession of a
13 weapon during the commission of or attempt to commit a
14 violent crime. The State must prove beyond a reasonable
15 doubt that the defendant was in possession of or visibly
16 displayed a knife in this case during the commission of a
17 violent crime.

18 In order to find the defendant guilty of possession
19 of a weapon during the commission of a violent crime, you
20 must first find the defendant guilty of either committing
21 a violent crime or attempting to commit a violent crime.
22 Under our law armed robbery and assault and battery of a
23 high and aggravated nature are violent crimes.

24 Now, the defendant is also charged with assault and
25 battery of a high and aggravated nature, so a person

1 commits the offense of assault and battery of a high and
2 aggravated nature if the person unlawfully injures another
3 person and great bodily injury to another person results,
4 or the act is accomplished by means likely to produce
5 death or great bodily injury, and great bodily injury
6 which causes a substantial risk of death or which causes
7 serious permanent disfigurement of protracted -- or
8 protracted loss of impairment of the function of a bodily
9 member or organ.

10 If you find that the defendant is not guilty of
11 assault and battery of a high and aggravated nature, you
12 must also then consider assault and battery in the first
13 degree, a lesser-included offense. A defendant would be
14 guilty of assault and battery in the first degree if a
15 person commits the offense of assault and battery --
16 excuse me. A person commits the offense of assault and
17 battery in the first degree if the person unlawfully
18 offers or -- excuse me -- offers or attempts to injure
19 another person with the present ability to do so and the
20 act either is accomplished by means likely to produce
21 death or great bodily injury or occurred during the
22 commission of a robbery, burglary, kidnapping or theft.
23 And great bodily injury which causes a substantial risk of
24 death or which causes serious permanent disfigurement or
25 protracted loss or impairment of the function of a bodily

1 member or organ, that is the definition of great bodily
2 injury.

3 Now, ladies and gentlemen, there are two possible
4 verdicts which you may come to with respect to each of
5 these potential charges. We have prepared a verdict form
6 which we'll send back into the jury room with you which I
7 think will be self-explanatory, but if you don't
8 understand it, please let me know and I will make sure
9 that it is comprehensible.

10 There's no order, no importance in the order in which
11 I state these verdicts. One has to go first. The two
12 choices you have with respect to each separate count are
13 guilty or not guilty. Each count must stand or fall on
14 the merits of the evidence and the law applicable to it.

15 I will tell you that your verdict must be unanimous.
16 All 12 of you must agree on each individual case, and your
17 verdict cannot be based on sympathy, passion, prejudice,
18 emotion or any other consideration not in evidence in the
19 case. You have no friends to reward, you have no enemies
20 to punish.

21 Now, Mr. Foreman, we're going to excuse you all to
22 your jury room at this time, ask you not to begin
23 deliberating just yet. I've got to go over this charge
24 with the attorneys to make sure I didn't misstate or omit
25 something. But when the evidence comes back to you with a

1 verdict form, you all may begin your deliberations.

2 So at this time I would excuse everyone except for
3 Ms. Frost and Mr. Oakley.

4 (WHEREUPON, the jury exits the courtroom at 11:10 a.m.)

5 THE COURT: This is always the hard part for me.
6 I've asked you all to come up here, make these sacrifices,
7 sit through the trial. You're just as qualified as each
8 of those 12 folks, and I knew it was going to go overnight
9 and it's not infrequent that something happens to jurors,
10 and so if we hadn't had you to replace, to step in, then
11 we would have to try the whole thing over again. So thank
12 you for your service. I'm sorry I can't let you go
13 deliberate. And you all are free to go, stay, whatever
14 you'd like to do.

15 Thank you very much.

16 All right. Anything?

17 MR. MOYER: Not from the State.

18 MR. QUINN: No request for additional or ---

19 THE COURT: Okay. All right. Y'all go through the
20 evidence, and we'll show you the verdict form before we
21 send it.

22 (Pause in proceedings.)

23 THE COURT: All right. I've just handed the
24 attorneys a copy of the proposed verdict form. Any
25 objections?

1 MR. QUINN: Thank you for letting us review it.

2 My only objection, Your Honor, is to the last -- the
3 second page, the instruction on the second page which
4 designates you must consider lesser-included offense of
5 assault and battery in the first degree, however, if you
6 find the defendant guilty, you need not consider the
7 lesser-included offense, and then it mentions those words
8 again. I object to the words "lesser included" as it may
9 sound to the jury like it's going to be a reduced sentence
10 or somehow beneficial to the defendant to be convicted of
11 that. I think it lowers the standard of proof that they
12 have to apply. I think it should just say, "If you find
13 the defendant not guilty of assault and battery of a high
14 and aggravated nature, you must consider assault and
15 battery first degree," and take out the words "the
16 lesser-included offense" everywhere that they are in
17 the ---

18 THE COURT: Yeah. The other thing is I think we
19 probably ought to add, "If you find the defendant guilty
20 of assault and battery high and aggravated, you need not
21 consider assault and battery in the first degree."

22 MR. QUINN: Right. Because it just says "guilty."
23 It doesn't say what charge.

24 THE COURT: Yeah. Just take out "lesser included"
25 and then put in the actual charges.

1 Any objection to that? I think it's probably
2 more ---

3 MR. MOYER: No. We don't have an objection.

4 THE COURT: Okay.

5 (WHEREUPON, a recess is taken at 11:17 a.m., and the jury
6 begins deliberating.)

7 THE COURT: Got a note from the jury. "May we
8 request a laptop for view video and audio." That was one.
9 Two, "left- or right-handed"?

10 So we're going to get them -- does the -- how is the
11 video played? On a laptop? I mean the audio.

12 MR. QUINN: Laptop. Same thing.

13 THE COURT: Same thing?

14 MR. QUINN: Yes, sir.

15 THE COURT: Okay. And, Mary, we have the court -- we
16 have one?

17 THE CLERK: Yes, sir. Yeah. It's right there.

18 THE COURT: Okay. We've got a specific laptop
19 provided by the clerk's office.

20 And I don't know what they mean left-handed or
21 right-handed. I can guess, but I think we'll have to
22 bring them back in, just ask them.

23 Okay. Let's bring them.

24 (WHEREUPON, the jury entered the courtroom at 11:33 a.m.)

25 THE COURT: Okay. Ladies and gentlemen, I've got

1 your note. Question Number 1, may we request a laptop for
2 view video and audio. The answer is yes. We've got one
3 that's provided by our clerk of court unrelated to either
4 the prosecution or the defense. Our bailiffs can show you
5 how to operate it. Okay. Correct?

6 Okay. Number 2, the question left- or right-handed.
7 I'm unsure what you mean by that. But let me just -- and
8 I don't want you to speak in here, but if you need to
9 further clarify that after I tell you the next little bit,
10 please do write it down and be specific. But I will tell
11 you that all of the evidence that has been presented is
12 already in the record and we cannot add or subtract any
13 evidence that's already before you. It is inappropriate
14 after the close of the case to put any more evidence in
15 the record. So whatever's in there is in there. Now, if
16 that answers your question, great. If it does not, be
17 specific, tell me what you want, we'll do the best we can,
18 all right?

19 You all are excused. Thank you.

20 (WHEREUPON, the jury exits the courtroom at 11:35 a.m.)

21 (WHEREUPON, Court's Exhibit Number 3 was marked for
22 identification.)

23 THE COURT: Why don't y'all just hang around for a
24 minute and see if they have something else.

25 (WHEREUPON, a recess is taken at 11:35 a.m.)

1 (WHEREUPON, the jury entered the courtroom at 12:54 p.m.)

2 THE COURT: All right. Mr. Foreman, I understand
3 you've reached a verdict.

4 JURY FOREPERSON: Yes, Your Honor.

5 THE COURT: Okay. Thank you. Would you hand it to
6 the bailiff for us. Thank you, sir.

7 All right. Would you please publish.

8 VERDICT

9 THE CLERK: In case numbers 2016A2330211818 and
10 2016A2330211819, the State of South Carolina vs. Edmund
11 Antonio Pinckney, Number 1, as to indictment
12 2017-GS-23-001381, the charge of armed robbery, we the
13 jury find the defendant not guilty.

14 Number 2, as to the indictment 2017-GS-23-001123,
15 Count 1, the charge of possession of a weapon during the
16 commission of a violent crime, we the jury find the
17 defendant not guilty.

18 Number 3, as to the indictment 2017-GS-23-001123,
19 Count 2, the charge of assault and battery of a high and
20 aggravated nature, we the jury find the defendant not
21 guilty.

22 As to the charge of assault and battery in the first
23 degree, we the jury find the defendant not guilty.

24 And this is signed by the foreperson, Mr. Roney Rice.

25 Ladies and gentlemen of the jury, if you agree this

1 is the verdict that you reached in your deliberation room,
2 please raise your right hand.

3 (WHEREUPON, all jurors raised their right hands.)

4 THE CLERK: Thank you.

5 THE COURT: All right. Anything further from the
6 jury from the State?

7 MR. MOYER: No, Your Honor.

8 THE COURT: From the defense?

9 MR. QUINN: No, Your Honor.

10 THE COURT: All right. Mr. Foreman, ladies and
11 gentlemen of the jury, I want to thank you for your
12 service, for the sacrifices you've made to be up here.
13 You're a great jury. You've worked really hard, paid
14 great attention, and we appreciate everything you've done
15 to get this matter resolved. Here it is Thursday mid-day,
16 and guess what? I'm cutting you loose for the rest of the
17 week. I know you appreciate that.

18 JURY FOREPERSON: So kind.

19 THE COURT: Yeah. And you're free to talk about it
20 with whoever you want to. If someone talks to you and
21 they bother you about it, let us know and we will have --
22 we're not going to have anybody be harassed or intimidated
23 because of your service.

24 So with that, ladies and gentlemen, thank you again,
25 and hope you have a pleasant weekend. Thank you.

1 (WHEREUPON, the jury exits the courtroom at 12:57 p.m.)

2 THE COURT: All right. Anything further?

3 MR. MOYER: He has two other pending cases.

4 THE COURT: Yeah.

5 MR. MOYER: So I don't know if you're going to be
6 around for a minute, maybe we try to talk about disposing
7 of his other charges.

8 THE COURT: All right. Well, go talk if you want to.

9 (WHEREUPON, trial proceedings concluded at 12:58 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina, on
14 the 6th and 7th day of February, 2019.

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

17
18 January 7, 2020

19
20
21 *Cheryl A. Smith*

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2017-GS-23-02194
COUNTY OF GREENVILLE	)	2017-GS-23-02195
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
EDMUND PINCKNEY,	)	
DEFENDANT.	)	
_____	)	

February 7, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE

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

L. MARK MOYER, ESQ.
Attorney for the Plaintiff

THOMAS J. QUINN, ESQ.
Attorney for the Defendant

CHERYL A. SMITH
Circuit Court Reporter

INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

(There were no witnesses called.)

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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(There were no exhibits introduced.)

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 1:00 p.m.)

THE CLERK: Your Honor, this is Indictment Number 2017-GS-23-002194, the State vs. Edmund Antonio Pinckney, indicted for shoplifting, pleading to the same; and 2017-GS-23-002195, Mr. Edmund Antonio Pinckney, indicted for shoplifting, pleading to the same.

THE COURT: All right.

WHEREUPON,

EDMUND ANTONIO PINCKNEY

After having been duly sworn, testified as follows:

MR. MOYER: Now, the recommendations are going to be for 771 days time served for each.

THE COURT: All right. In the last 24 hours, have you had any drugs, alcohol or medication?

DEFENDANT PINCKNEY: No, sir.

THE COURT: Have you ever been treated for substance abuse or mental illness?

DEFENDANT PINCKNEY: Yes, sir.

THE COURT: What?

DEFENDANT PINCKNEY: I've been for substance abuse.

THE COURT: When?

DEFENDANT PINCKNEY: Back in '16.

MR. QUINN: In 2016 he was at Turning Point for some

1 time.

2 THE COURT: All right. Are there any competency
3 issues, Mr. Quinn?

4 MR. QUINN: None, Your Honor.

5 THE COURT: All right. This first indictment alleges
6 Greenville County, September 26, 2016, with two prior
7 property offense convictions, you shoplifted Bud Light
8 from Li'l Cricket. It carries ten years. Do you
9 understand that?

10 DEFENDANT PINCKNEY: Yes, sir.

11 THE COURT: The next one alleges Greenville County,
12 September 27, 2016, you, with two prior property offense
13 convictions, shoplifted Bud Light from Spinx, and that
14 carries another ten years; do you understand that?

15 DEFENDANT PINCKNEY: Yes, sir.

16 THE COURT: How do you want to plead to it?

17 DEFENDANT PINCKNEY: I plead guilty, sir.

18 THE COURT: Is that your free and voluntary decision?

19 DEFENDANT PINCKNEY: Yes, sir.

20 THE COURT: The State is making a recommendation.
21 I'm not bound to follow the recommendation. Do you
22 understand that?

23 DEFENDANT PINCKNEY: Yes, sir.

24 THE COURT: Okay. You understand you have an
25 absolute right to a trial by jury where you'd be presumed

1 to be innocent unless and until the State could prove you
2 guilty beyond any reasonable doubt of each and every
3 element of each offense that you're charged with. You
4 have a right to confront and cross-examine the witnesses
5 and the evidence put up against you by the State, you'd
6 have a right to compel in court all relevant and competent
7 evidence in your own defense or you can remain silent,
8 your silence cannot be held against you and you can never
9 be compelled to incriminate yourself. Do you understand
10 all those rights?

11 DEFENDANT PINCKNEY: Yes, sir.

12 THE COURT: Do you want to give them all up to enter
13 this plea?

14 DEFENDANT PINCKNEY: Yes, sir.

15 THE COURT: Are you guilty?

16 DEFENDANT PINCKNEY: Yes, sir.

17 THE COURT: Are you totally and completely satisfied
18 with your attorney?

19 DEFENDANT PINCKNEY: Yes, sir.

20 THE COURT: Do you have any complaints you want to
21 make about the way you've been treated in these cases?

22 DEFENDANT PINCKNEY: No, sir.

23 THE COURT: And do you know what the evidence is the
24 State has?

25 DEFENDANT PINCKNEY: Yes, sir.

1 THE COURT: All right. Tell me about it, Mr. Moyer.

2 MR. MOYER: Thank you, Your Honor. May it please the
3 Court. Don't really have anything else to add other than
4 what is added in the indictments on each of those dates.
5 He stole beer, kind of just beer grabs, and left the
6 convenience stores without paying on both of those
7 occasions.

8 THE COURT: All right. Which Li'l Cricket?

9 MR. MOYER: It was the Li'l Cricket on Augusta Road
10 where this incident from ---

11 THE COURT: The same one.

12 MR. MOYER: Yes, sir.

13 THE COURT: Okay. And what date did the trial just
14 occur?

15 MR. QUINN: December 27th.

16 THE COURT: December 27th. Okay. Of 2016, right?

17 MR. MOYER: Yes, sir.

18 THE COURT: All right. True?

19 DEFENDANT PINCKNEY: Yes, sir.

20 THE COURT: What's his criminal history?

21 MR. MOYER: It's very lengthy, Your Honor, going back
22 to 1983. To summarize, he has 11 convictions for
23 larcenies and shopliftings; he has assault with a deadly
24 weapon in '83, unlawful possession of a weapon in '83;
25 1985, aggravated assault and battery; 1987, possession of

1 a pistol; '88, burglary third degree; 1992, possession of
2 crack; 1995, resisting arrest, concealed weapon, drug
3 paraphernalia; 1996, ABHAN; 1997, simple assault,
4 resisting arrest; 1998, concealed weapon, trespassing;
5 1999, distribution of crack, distribution of crack near a
6 school; 2001, distribution of crack and resisting arrest;
7 2005, simple assault. And then like I said, 11 different
8 larcenies and shopliftings over those same -- that same
9 amount of time.

10 THE COURT: Okay. All right. Anything you want to
11 tell me?

12 MR. QUINN: He's been in jail since
13 December 27, 2016. I would ask the Court to go along with
14 the State's recommendation.

15 THE COURT: Anything you want to tell me?

16 DEFENDANT PINCKNEY: No, sir. The only thing I want
17 to say is I'm -- I'm -- make Turning Point so I can get
18 back to working, sir.

19 THE COURT: Okay. Well, an incredible record. I'm
20 going to give you ten years on each and run them
21 concurrent. Good luck.

22 (WHEREUPON, proceedings concluded at 1:06 p.m.)
23
24
25

1 CERTIFICATE OF REPORTER
2

3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)
5
6

7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina, on
14 the 7th day of February, 2019.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.
17

18 January 7, 2020
19
20

21 *Cheryl A. Smith*

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE THIRTEENTH CIRCUIT
COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

Vs.)

EDMUND A. PINCKNEY)

MOTION FOR RECONSIDERATION OF SENTENCE
2017GS2302194 and 2017GS2302195

19 FEB 7 PM 2:16
Paul Wickensimer COC BUL SC

Thomas J. Quinn, counsel for Edmund A. Pinckney, respectfully requests the Court reconsider the sentence imposed on Mr. Pinckney on February 7, 2019.

In support of his Motion Mr. Quinn would proffer that Edmund A. Pinckney was found not guilty of Armed Robbery, Assault and Battery of a High and Aggravated Nature, Assault and Battery in the First Degree and Possession of a Weapon during the Commission of a Violent Crime by a jury on February 7, 2019 (2016GS2330211814, 818 and 819).

Immediately after that verdict was pronounced Mr. Pinckney pled guilty to two counts of Shoplifting 3rd or above. The solicitor described each as "beer grabs" and recommended time served (771 days). Mr. Quinn joined in the request for a time served sentence.

The trial involved an incident that had occurred at the Lil Cricket on Augusta Road on 12/27/16. The judge noticed that one of the shopliftings occurred at a Lil Cricket and questioned the solicitor if the shoplifting occurred at the same store where the incident Mr. Pinckney had been tried for and found not guilty occurred and what date the incident in the trial occurred (seemingly to see if it was the same date or close to the date involved in the trial). Even though Mr. Pinckney had been found not guilty it would reasonably appear the judge considered those accusations in determining his sentence.

Even in the face of the solicitor's recommendation the judge imposed a ten (10) year sentence concurrent.

Counsel believes the court may have been inappropriately swayed by considering the accusations on which Mr. Pinckney was found not guilty as evidenced by the questions noted above.

RECEIVED

SEP 13 2019

SC Court of Appeals

Therefore on behalf of Mr. Pinckney, Mr. Quinn respectfully requests the Court reconsider the sentence imposed on these indictments.

Thomas J. Quinn

Thomas J. Quinn

Counsel for Edmund A. Pinckney

109 Laurens Road, 4-D

Greenville, SC 29607

864-232-9590

attytquinn@msn.com

Greenville, SC
February 7, 2019

) IN THE COURT OF GENERAL SESSIONS
) THIRTEENTH JUDICIAL CIRCUIT

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history which included four (4) shoplifting convictions, four (4) convictions for property offenses 3rd or subsequent, and five (5) convictions for entry on another's land after notice all in the last ten (10) years. At the time of the plea, the Defendant was in his mid-50s and his criminal record spanned over the majority of his adult life and included multiple convictions for similar acts of shoplifting and other property offenses. Taking all of these factors into consideration, the Court determined that going along with the Assistant Solicitor's recommendation of time-served would not satisfy the interests of justice in this case.

The Defendant alleges in his motion that the Court was "inappropriately swayed" by the similarity in the factual basis between one of the Defendant's shoplifting charges and the allegations underlying the Defendant's trial charges for Armed Robbery, ABHAN, Assault and Battery First Degree, and POWDCVC. The only similarity between the shoplifting charge and the Defendant's trial charges is that both incidents were alleged to have occurred at the same Lil Cricket convenience store on Augusta Road. The Defendant states in his motion that the Court's inquiry into where and when the two shoplifting charges occurred indicated that the Court improperly took into consideration the allegations presented during the Defendant's trial when determining the Defendant's sentence for the shoplifting charges. The South Carolina Supreme Court has stated that "a judge must be permitted to consider any and all information that reasonably might bear on the proper sentence for a particular defendant." In re M.B.H., 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010). The Court's inquiry regarding the time and location of the two shoplifting incidents and the Assistant Solicitor's response that the two incidents occurred back-to-back on the night of September, 26, 2016, clearly falls into the category of information that may reasonably bear up on the proper sentence. The Court was particularly concerned with the Defendant's extensive criminal history that included numerous property offenses as well as the fact that these were back-to-back instances of shoplifting in one night. The Court's plain consideration of the Defendant's criminal history coupled with the factual basis for the pleas does not amount to prejudice toward the Defendant.

It is well-settled that a trial court has broad discretion in giving sentences within the statutory limits. Brooks v. State, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997). The Defendant's criminal record clearly established his eligibility for a potential maximum sentence of

ten years based on the enhancement statute for certain property offenses. S.C. Code Ann. § 16-1-57 (2018) ("A person convicted of an offense for which the term of imprisonment is contingent upon the value of the property involved must, upon conviction for a third or subsequent offense, be punished as prescribed for a Class E felony."); S.C. Code Ann. § 16-1-20(A)(5) (2018) (noting the punishment for a Class E felony is not to exceed ten years). The Court's sentence is within the statutory limitations and moreover, the Defendant was properly informed of the fact that pleading pursuant to a recommendation by the State did not mean that the Court was required to impose the recommended sentence and the Defendant could potentially receive a ten-year sentence.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the Defendant's Motion for Reconsideration of Sentence is hereby DENIED.

IT IS SO ORDERED.


The Honorable Edward W. Miller
Thirteenth Circuit Court Judge

Greenville, South Carolina

Dated: 9/7/19

DOCKET NO. 2017-GS-23-
LMM 002194
The State of South Carolina
County of Greenville

COURT OF GENERAL SESSIONS
September
TERM 2017

THE STATE

vs.

EDMUND ANTONIO PINCKNEY

WITNESSES

R D May

Greenville County Sheriffs Office

9/28/2016

ARREST WARRANT NUMBER

2016A2330209285

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

2877

SHOPLIFTING
(SENTENCING PURSUANT TO § 16-01-0057)

VIOLATION § 16-13-0110

FILED

MAR 30 2017

Clerk of Court
Greenville County

Foreperson of Petit Jury
Date:

ENTERED

-007 JEP

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 SHOPLIFTING
 (SENTENCING PURSUANT TO § 16-01-0057)

At a Court of General Sessions, convened on

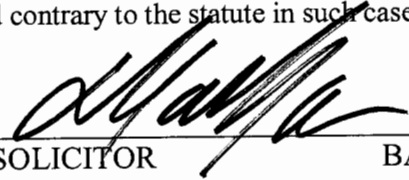
SEP 26 2017

the Grand Jurors of Greenville

County present upon their oath:

That EDMUND ANTONIO PINCKNEY did in Greenville County, on or about the 26th day of September, 2016, willfully and unlawfully take possession of, carry away, transfer to another person or from one area of a store to another area; alter, transfer, or remove the label or price tag or any other marking which aids in determining value affixed to any merchandise; transfer from its container to another container; and or willfully conceal certain merchandise to wit: Bud Light valued at less than Two Thousand Dollars displayed, held, stored, or offered for sale by LIL CRICKET, with the intent of depriving said merchant of the possession, use, or benefit of such merchandise without paying the full retail value. This is in violation of §16-13-0110 and §16-01-0057 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 64155

DOCKET NO. 2017-GS-23-
LMM 002195

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September TERM 2017

THE STATE

vs.

EDMUND ANTONIO PINCKNEY

WITNESSES

W G Bowers

Greenville County Sheriffs Office

9/27/2016

ARREST WARRANT NUMBER
2016A2330209245

ACTION OF GRAND JURY
TRUE BILL


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

FILED

MAR 30 2017

Clerk of Court
Greenville County

Indictment for

2877

SHOPLIFTING
(SENTENCING PURSUANT TO § 16-01-0057)

VIOLATION § 16-13-0110

ENTERED
ACCT 

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 SHOPLIFTING
 (SENTENCING PURSUANT TO § 16-01-0057)

At a Court of General Sessions, convened on

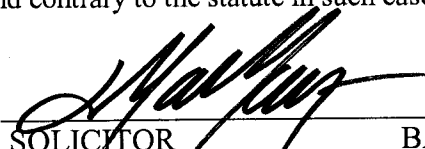
SEP 26 2017

the Grand Jurors of Greenville

County present upon their oath:

That EDMUND ANTONIO PINCKNEY did in Greenville County, on or about the 27th day of September, 2016, willfully and unlawfully take possession of, carry away, transfer to another person or from one area of a store to another area; alter, transfer, or remove the label or price tag or any other marking which aids in determining value affixed to any merchandise; transfer from its container to another container; and or willfully conceal certain merchandise to wit: Bud Light valued at less than Two Thousand Dollars displayed, held, stored, or offered for sale by SPINX, with the intent of depriving said merchant of the possession, use, or benefit of such merchandise without paying the full retail value. This is in violation of §16-13-0110 and §16-01-0057 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 64155

DOCKET NO. 2017-GS-23-001123
 AMENDED IGC
 The State of South Carolina
 County of Greenville

COURT OF GENERAL SESSIONS

May TERM 2018

THE STATE

vs.

EDMUND ANTONIO PINCKNEY

NOT GUILTY

Indictment for

3411 and 0549

ASSAULT AND BATTERY OF A HIGH AND
 AGGRAVATED NATURE and POSSESSION OF
 A WEAPON DURING THE COMMISSION OF A
 VIOLENT CRIME

VIOLATION §16-03-0600 and §16-23-0490

WITNESSES

R.A. Floress

Greenville County Sheriffs Office

12/27/2016

ARREST WARRANT NUMBER

2016A2330211814 and 2016A2330211819

ACTION OF GRAND JURY
 TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
 NATURE and POSSESSION OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **MAY 22 2018** the Grand Jurors of Greenville

County present upon their oath:

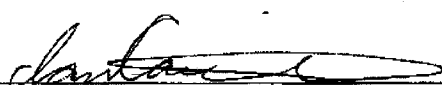
COUNT 1 — ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

That EDMUND ANTONIO PINCKNEY did in Greenville County, on or about the 27th day of December 2016, unlawfully injure Dorothy Miller whereby the victim suffered great bodily injury or the act was accomplished by means likely to produce death or great bodily injury. This is in violation of §16-03-0600 of the South Carolina Code of Laws (1976) as amended.

COUNT 2 — POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That EDMUND ANTONIO PINCKNEY did in Greenville County, on or about the 27th day of December 2016, possess or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Assault and Battery of a High and Aggravated Nature. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 102675

001381

DOCKET NO. 2017-GS-23-LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September TERM 2017

THE STATE

vs.

EDMUND ANTONIO PINCKNEY

NOT GUILTY

WITNESSES

R A Floress

Greenville County Sheriffs Office

12/27/2016

ARREST WARRANT NUMBER

2016A2330211818

ACTION OF GRAND JURY
THREE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

FILED

FEB 23 2017

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on

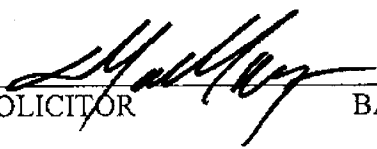
SEP 26 2017

the Grand Jurors of Greenville

County present upon their oath:

That EDMUND ANTONIO PINCKNEY did in Greenville County, on or about the 27th day of December 2016, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as lighters, paystub, and/or clothes belonging to Li'l Cricket from the person or presence of Dorothy Miller. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 64155

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

Edmund Antonio Pinckney

AKA:

Race: BLACK Sex: M Age: 53

DOB: [REDACTED] SS#: [REDACTED]

Address: 24 Bruce Rd

City, State, Zip: Greenville, SC 29605-4836

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Shoplifting (3rd Property Offense)

IN THE COURT OF GENERAL SESSIONS 0-207 years

INDICTMENT/CASE#: 2017GS2302194

A/W#: 2016A2330209285

Date of Offense: 9/26/2016

S.C. Code § : 16-13-0110

CDR Code #: 2877

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-13-0110 of the S.C. Code of Laws, bearing CDR Code # 2877

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature] 102675 Edmund Pinckney Thomas J. Quinn 04616
 Comits, Jan SC Bar# Defendant QUINN, THOMAS J. SC Bar#
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 771☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. DKS

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: SmithPaul S. Winkens

Presiding Judge

Judge Code: 2130

Sentence Date: 2-7-19

COUNTY OF Greenville
 STATE VS.
Edmund Antonio Pinckney

AKA:

Race: BLACK Sex: M Age: 53DOB: [REDACTED] SS#: [REDACTED]Address: 24 Bruce RdCity, State, Zip: Greenville, SC 29605-4836DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Enhancement (3rd Property Offense) - Stop/Fine 3rd or aboveINDICTMENT/CASE#: 2017GS2302195A/W#: 2016A2330209245Date of Offense: 9/27/2016S.C. Code § 16-13-0110CDR Code #: 2877

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-13-0110 of the S.C. Code of Laws, bearing CDR Code # 2877
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature]
Clerk, Jan

102675

SC Bar#

Defendant

Thomas J. Quinn
QUINN, THOMAS J.

Attorney for Defendant

04616

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 7 7/10 DAYS
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75

TOTAL

\$128.75

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter:

Paul B. WickensamerC. Smith

Presiding Judge

Judge Code:

Sentence Date:

21302-7-19

ARREST WARRANT

2016A2330209285

STATE OF SOUTH CAROLINA

County/ ☐ Municipality of

Greenville

THE STATE

against

Edmund Antonio Pinckney

Address: 24 Bruce Rd

Greenville, SC 29605-4836

Phone:

SSN: [REDACTED]

Sex: M

Race: B

Height: 5' 9"

Weight: 150

DL State: SC

DL #: [REDACTED]

DOB: [REDACTED]

Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriff's Office

Prosecuting Officer: R D May - 1151

Offense: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

16-01-0057)

Offense Code: 2877

Code/Ordinance Sec: 16-13-0110(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Edmund Pinckney

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant R D May

who

being duly sworn deposes and says that defendant Edmund Antonio Pinckney

did within this county and state on or about 9/26/2016 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

AFFIANT HAS A WRITTEN STATEMENT FROM A WITNESS, IMPLICATING THE DEFENDANT IN A SHOPLIFTING INCIDENT. THE DEFENDANT DID TAKE 3 PACKS OF BUD LIGHT BEER BELONGING TO THE LITTLE CRICKET GAS STATION, PASSING ALL POINTS OF SALE, WITH THE INTENT OF DEPRIVING THE MERCHANT OF FULL RETAIL VALUE. THE DEFENDANT'S CRIMINAL HISTORY INDICATES AT LEAST TWO PRIOR CONVICTIONS WHERE THE TERM OF IMPRISONMENT IS CONTINGENT UPON THE VALUE OF PROPERTY INVOLVED. THIS OFFENSE DID OCCUR IN GREENVILLE COUNTY, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address 4 McGehee Street

Greenville, SC 29601-

Affiant's Telephone (864)271-5210

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/26/2016

defendant Edmund Antonio Pinckney

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenville

) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 9/28/2016

Judge's Address (L.S.)

Law Enforcement Center

Greenville, SC 29601-2256

Judge's Telephone (864)467-5303

James J. Hudson

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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ARREST WARRANT

2016A2330209245

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE 16-166744

against

Edmund Antonio Pinckney

Address: 24 Bruce Rd

Greenville, SC 29605-4836

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriff's Office

Prosecuting Officer: W G Bowers - 1172

Offense: Shoplifting / Value \$2000 or less (Enhancement per

16-01-0057)

Offense Code: 2877

Code/Ordinance Sec: 16-13-0110(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to

defendant Edmund Pinckney

on 7/27/16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions

305 E. North Street

Greenville County Courthouse

Greenville, SC 29601-2120

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant W G Bowers

being duly sworn deposes and says that defendant Edmund Antonio Pinckney

did within this county and state on or about 9/27/2016

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars: Greenville

violate the criminal laws of the

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

who

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

The affiant has video and a written statement from the defendant showing that on September 26, 2016 the defendant Edmund

Antonio Pinckney did take possession of and carry away 2 cases of Bud Light valued at \$2,000 or less, merchandise of Spinx,

located at 1519 White Horse Rd, with the intention of depriving the merchant of such merchandise without paying

the full retail value. The affiant also found the defendant in possession of the cases of beer. The defendant has at least two prior

convictions for this offense. This offense did occur in Greenville County SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address

4 McGehee Street

Greenville, SC 29601-

Affiant's Telephone (864)271-5210

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/27/2016 defendant Edmund Antonio Pinckney

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenville

) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or

her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as

soon thereafter as is practicable

Sworn to and subscribed before me

on 9/27/2016

Judge's Address

20 McGehee Street

Greenville, SC 29601-

Judge's Telephone

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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Signature of Issuing Judge

James F. Hicks III

Judge Code: 7203

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RETURN WARRANT TO:

Greenville General Sessions

305 E. North Street

Greenville County Courthouse

Greenville, SC 29601-2120

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STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Greenville

ARREST WARRANT

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2016A2330211814 1/3/17

Personally appeared before me the affiant R A Floress who
being duly sworn deposes and says that defendant Edmund Antonio Pinckney violate the criminal laws of the
did within this county and state on or about 12/27/2016 County/ ☐ Municipality of Greenville)
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenville)
in the following particulars:

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Greenville

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Edmund Antonio Pinckney
Address: 24 Bruce Rd
Greenville, SC 29605-4836
Phone: SSN: [REDACTED]
Sex: M Race: B Height: 5 9 Weight: 150
DL State: SC DL #: [REDACTED]
DOB: [REDACTED] Agency ORI #: SC0230000
Prosecuting Agency: Greenville County Sheriff's Office
Prosecuting Officer: R A Floress - S00212
Offense: Murder / Attempted Murder

[Signature]

Signature of Affiant

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Greenville

Offense Code: 3410
Code/Ordinance Sec: 16-03-0029
This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
is to be arrested and brought before me to be
dealt with according to the law.

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

on or about 12/27/2016 defendant Edmund Antonio Pinckney

RETURN
A copy of this arrest warrant was delivered to
defendant Edmund Pinckney
on 12-27-16 Greenville

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Signature of Constable/Law Enforcement Officer
[Signature] Greenville

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me)
on 12/27/2016)
Judge's Address 20 McGehee Street
Greenville, SC 29601-2210
Judge's Telephone (864)467-2402
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
Judge Code: 7185

RETURN WARRANT TO:
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

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ARREST WARRANT

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

2016A2330211819

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

1-16-222221

against

Edmund Antonio Pinckney

Address: 24 Bruce Rd

Greenville, SC 29605-4836

Phone:

SSN:

Sex: M Race: B Height: 5 9 Weight: 150

DL State: SC DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriff's Office

Prosecuting Officer: RA Floress - S00212

Offense: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Edmund Pinckney

on 12-27-16

2016A2330211819

Signature of Constable/Law Enforcement Officer

2016A2330211819 E46

RETURN WARRANT TO:

Greenville General Sessions

305 E. North Street

Greenville County Courthouse

Greenville, SC 29601-2120

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant RA Floress

being duly sworn deposes and says that defendant Edmund Antonio Pinckney

did within this county and state on or about 12/27/2016

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars:

violate the criminal laws of the

Greenville

who

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

This affiant has probable cause per a written statement that the defendant had possession of an edged weapon during the commission of a violent crime. The defendant maintained possession of an edged weapon to commit Armed Robbery and Attempted Murder. This offense occurred within the primary jurisdiction of Greenville County.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address

4 McGee Street

Greenville, SC 29601-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/27/2016

defendant Edmund Antonio Pinckney

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 12/27/2016

Signature of Issuing Judge

Ernest Michael Patrick O'Brien Sr.

Judge Code: 7185

Judge's Address

20 McGee Street

Greenville, SC 29601-2210

Judge's Telephone

(864)467-2402

Issuing Court:

☒ Magistrate

☐ Municipal

☐ Circuit

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ARREST WARRANT

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

2016A2330211818

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

1-16-222221

against

Edmund Antonio Pinckney

Address: 24 Bruce Rd

Greenville, SC 29605-4836

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 150

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC02300000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: R A Floress - S00212

Offense: Robbery / Armed Robbery, robbery while armed or

allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Edmund Pinckney

12-27-16

Raney Greene

*1949 E40

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions

305 E. North Street

Greenville County Courthouse

Greenville, SC 29601-2120

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AFFIDAVIT

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Personally appeared before me the affiant R A Floress

being duly sworn deposes and says that defendant Edmund Antonio Pinckney

did within this county and state on or about 12/27/2016

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars:

Greenville

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

This affiant has probable cause per a written statement that the defendant did use an edged weapon to force the victim to hand over merchandise by threatening to use the edged weapon to cause bodily harm. The victim sustained bodily injury from an edged weapon, which was used by the defendant to rob the victim. This affiant located the merchandise missing from the victim on the defendant's person shortly after this offense occurred. This offense occurred within the primary jurisdiction of Greenville County.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

Affiant's Address

4 McGee Street

Greenville, SC 29601-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/27/2016

defendant

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 12/27/2016

(L.S.)

Signature of Issuing Judge

Ernest Michael Patrick O'Brien Sr.

Judge Code: 7185

Judge's Address

20 McGee Street

Greenville, SC 29601-2210

Judge's Telephone

(864)467-2402

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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BAIL PROCEEDING
FORM I

STATE OF SOUTH CAROLINA

IN THE Greenville General Sessions

COUNTY OF Greenville

JFB

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

Pinckney, Edmund Antonio

NAME OF DEFENDANT

Offense Charged: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)-[2016A2330209245, 2016A2330209285]

IT IS HEREBY ORDERED

I

That the above named defendant be released from custody on his own recognizance without surety on the condition that he will personally appear before the designated court at the place, date, and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without permission of the court and be of good behavior

II

That the above named defendant be released from custody upon recognizance without surety executed by him
Appearance Recognizance Without Surety

On the 7th day of November 2016, personally appeared before the undersigned judge the defendant named above who acknowledged himself indebted to the State of South Carolina, in the sum of 10,000.00 dollars, to be levied on his real and personal property for the use of the State if the defendant shall fail in performing the conditions of the Order

III

That the defendant will notify the court promptly if he changes his address from the one contained in this Order and will comply with the following other conditions of release: Per order for bail - No contact with victim

IV

That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on December 02, 2016 at 9:00 o'clock, A M.
at Greenville General Sessions - 305 E. North Street/Greenville County Courthouse/Greenville, SC 29601-2120 / (864) 467-874-8647
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case unless otherwise ordered by the court

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, _____
at _____

If no final disposition is made during that session the defendant shall appear at such other times and places as ordered by the court

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order a warrant for my arrest will be issued

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court the trial will proceed in my absence

It has been explained to me that if I fail to appear before the court as required a warrant for my arrest will be issued

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF JUDGE

DATE

SIGNATURE OF DEFENDANT

24 Bruce Rd

ADDRESS

Greenville, SC 29605-4836

CITY/STATE/ZIP

SOCIAL SECURITY NUMBER

TELEPHONE

(SC)

DRIVER'S LICENSE OR ID NUMBER

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED

Original Copy For The Trial Court - Copy For The Defendant

FILED
NOV 10 2016
Clerk of Court
Greenville County

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/ Victor R. Seeger

Victor R Seeger
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED
Sep 10 2020
SC Court of Appeals

This 10th day of September, 2020.