

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable John C. Hayes, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEAN ALTON HOLCOMB,

APPELLANT

APPELLATE CASE NO 2017-001659

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	GENERAL SESSIONS COURT
COUNTY OF GREENVILLE	)	2014-GS-23-00817
	)	2014-GS-23-08179
	)	
	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
DEAN HOLCOMB,	)	
DEFENDANT.	)	
	)	

June 12-16, 2017
Greenville, South Carolina

B E F O R E:

THE HONORABLE JOHN C. HAYES, JUDGE.

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I N D E X

(PW) - Denotes Plaintiff's Witness

(DW) - Denotes Defense Witness

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(State's Exhibits)			
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	(Defendant's Exhibits)		
1	Incident Report	208	209
2	Copy of check		212
3	Contract		217
4	License		217
5	Letter 9/16/14	218	
6	E-mail 9/5/14	236	238
7	Incident Reports		244
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9	DVD	409	413
10	Warrant		429
11	BBB Review		431
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15	Photograph		458
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21	SLED Investigative File (Withdrawn)		
22	SLED Investigative File (Withdrawn)		623
23	State Farm Scope		697

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(Court's Exhibits)			
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All Exhibits were retained by the Clerk of Court for Greenville County.

P R O C E E D I N G S

MR. GHENT: May it please the Court?

THE COURT: We need Mr. Holcomb up here.

MR. GHENT: Yes, sir.

THE COURT: All right. State ready to proceed?

MR. GHENT: Yes, sir.

THE COURT: Mr. Holcomb, I'm going to tell you a little bit first about how we plan to proceed. I've been talking to your standby counsel. Basically, what we're going to do, we have some issues to take up outside the presence of the jury. So we will bring the jury up after we take care of some preliminary matters and impanel a jury, 12 jurors and two alternates. You have the right to strike five out of the first 20, then two out of the next sets of three to give us 14 people, 12 and two alternates.

Then, we have a -- I understand you have some motions in limine, which I have not seen, but we will deal with those. There have been some 46 people subpoenaed. The Chief Justice has issued an order for you to be required to show cause as to why those subpoenas should be honored. And Mr. Ghent, on behalf of all the persons subpoenaed, has moved to quash all those subpoenas, so we have to take care of that.

So we've got to deal with that. And we've got 16 motions to deal with, as I understand. I don't know if

1 the State has any.

2 When I impanel the jury -- I'm going to, hopefully,
3 finish this case within this week, but we're going to
4 finish it one way or the other. And I'm going to ask any
5 jurors that have any irremediable kind of issues as far as
6 going into the next week -- and I'll inform the jury
7 there's a possibility we could go into next week. We will
8 not over the weekend if that becomes the case. But I want
9 to make sure we don't have any jurors that won't be
10 available -- that we seat any jurors that won't be
11 available.

12 I also want to put on the record that over the last
13 week, I have had a telephone call from Mr. -- I think it
14 was, actually, e-mail, I take it back -- from Mr. Shealy
15 requesting, for lack of a better word, my thoughts on
16 these large number of subpoenas. I told him that I had no
17 control over who you subpoenaed and you can subpoena
18 whoever you deemed appropriate. Now, I do have the
19 obligation to, for lack a better word, maybe filter those
20 subpoenas. We'll get to that later. But I told him to go
21 ahead and do what you asked. And he did.

22 I also had a call for Leigh Coggiola from the
23 disciplinary counsel. She simply called to tell me she
24 had been subpoenaed and planned to honor it. And that she
25 read the subpoena -- it wasn't what I call a duces tecum

1 subpoena, but that you were just requesting some records
2 from the disciplinary, copies. And she informed me that
3 she was going to comply.

4 I received a call from someone on behalf of an
5 officer. I don't remember the name of who called me or
6 the name of the officer. He had a paid trip to Canada
7 starting, I think, end of last week. I told him to go
8 ahead and take his trip with the understanding that if I
9 determined that he needed to be back, he would have to
10 come back.

11 I also indirectly, we had a call from Mr. Bill
12 Nettles. He talked to my law clerk, he did not talk to
13 me. He told me he intended to comply with the subpoena,
14 but that he was going to be in New Orleans on business
15 today. I told him that if he had -- if he ended up being
16 required to attend that it wouldn't be until you got into
17 your case, so I did not think we would need him today. So
18 I told him not to cancel his business in New Orleans.

19 I also had a call from Mr. Ghent sometime Friday. We
20 did not discuss the merits of the case, he simply told me
21 that he was filing -- what he did file, which was a motion
22 to quash all the subpoenas.

23 So that's -- I don't believe any of those fall
24 technically within what we call ex parte. They did not
25 deal with the merits, the substance of the case, they were

1 procedural. Under the rule, this is the first opportunity
2 I've had and the rules require me to divulge that -- not
3 divulge it, but bring that to your attention at the first
4 opportunity, which is right this minute. So I wanted to
5 comply with that.

6 Now, earlier, there was a lady in here with a camera
7 and I believe -- I don't know for a fact, but I believe
8 she is a relative of yours. That's fine. It's not that
9 much import, but what I have done is pursuant to Rule
10 605(f)(1)(3) decided to terminate any further media
11 coverage of the case based on what I consider the
12 sensitivity of the issues.

13 And that's where we are. I will deal with the
14 subpoena issues after we get the jury impaneled.

15 Anything further from the State before we get the
16 impaneled?

17 MR. HOLCOMB: I --

18 THE COURT: Let me just tell you something. I always
19 go to the State first, then you. I'm not going to leave
20 you out.

21 MR. GHENT: Nothing, Your Honor.

22 THE COURT: Mr. Holcomb?

23 MR. HOLCOMB: I like to move to quash the subpoena,
24 please -- I mean, to quash the indictment at this point
25 before we impanel the jury.

1 THE COURT: Okay. On what basis?

2 MR. HOLCOMB: It's defective on its his face.

3 THE COURT: Which one? I've got two. I've got --

4 MR. HOLCOMB: Both.

5 THE COURT: -- one for obstruction of justice and one
6 for intimidation.

7 MR. HOLCOMB: Let me go ahead and get my paperwork
8 here and I can show you. I'm not an attorney, as
9 everyone's aware. I'm kind of winging this just because I
10 feel like I have to due to the sensitivity, the nature of
11 the charges.

12 Understood the doctrine of judicial estoppel, here's
13 the transcript from June 4th, 2015, where Mr. Ghent said
14 -- I've got a copy of the transcript here. Said a SLED
15 agent who was assigned to the case asked the entire
16 Greenville County Sheriff's Office to disqualify itself.

17 Well, on the face of the indictments, if you look at
18 the two indictments, the first two, when they were first
19 -- the initial indictment from 2014, September 2014, the
20 witnesses show Ms. Coggiola and Mr. Donohue. Then they
21 were amended on a motion for Mr. Shealy, which was noted
22 in his letter that he wrote to you, Your Honor, on June
23 the 4th, I believe, he mentions it. I've got a copy of it
24 here.

25 In his letter, he states, On June 4th, I agreed upon

1 Mr. Shealy's motion to make the indictments more definite
2 and certain regarding the charges that have been brought
3 against Mr. Holcomb. But at that time, that same hearing,
4 he said the entire Greenville County Sheriff's Office had
5 disqualified itself. SLED had signed the initial
6 indictments.

7 If you'll look at the indictments that we're facing
8 right now, it shows Greenville County Sheriff's Office as
9 the witnesses on those two. The Greenville County
10 Sheriff's Office is a building, and a building cannot
11 possibly testify. I've got federal case law on that to
12 back that up. You can't sue a building. A building,
13 certainly, can't testify before a Grand Jury. And if
14 that's the case, it's -- I would like Mr. Ghent to be held
15 to judicial estoppel. He's saying that the Greenville
16 County Sheriff's Office recused itself, then how is it
17 amending the indictment a few days later or a few weeks
18 later on the indictment's face?

19 THE COURT: Thank you.

20 Mr. Ghent.

21 MR. GHENT: Your Honor, the building may be a
22 building, but the Greenville County Sheriff's Department
23 is an office. They have officers. And that's my
24 argument. I would ask that it be denied.

25 THE COURT: Yes.

1 MR. HOLCOMB: Well, under federal -- in prison, when
2 I was in prison, I used the law library there. And I'd
3 like to note that I've have four seizures from the State,
4 copies of the Court rules. I've had two copies seized
5 from me, one from Mr. Ghent and Mr. Kindley with SLED.
6 That was on February 1st, 2016. And that's noted in
7 federal case number 116672 MGL SVH. And also, whenever I
8 left prison, I had three boxes at Ridgeland. Those are
9 some of the people on the subpoena. I had a copy of the
10 court rules with me. I had a copy of the court rules in
11 March.

12 But under federal law, I would cite case number,
13 Jones v. Lexington County Detention Center, that is 586
14 2d. 444, 451, DSC 208. And Roach v. West-Virginia
15 Regional Jail and Correctional Center, that's 74 F.3d
16 4648. And that's the Fourth Circuit 1996. So under
17 federal law, you can't sue a building and I don't believe
18 a building can testify. Thank you.

19 THE COURT: Well, I'll give that further
20 consideration. I believe the office is the entity of the
21 sheriff's department, the office and department are
22 interchangeable.

23 Additionally, these are witnesses that include a
24 victim, who allegedly was with the, quote, sheriff's
25 office, end quote, under indictment 20148179. And the

1 other was from a prosecutor in the Thirteenth Circuit
2 Solicitor's Office. And the witness was the Greenville
3 County Sheriff's Office. I believe this does not
4 constitute any grounds for the quashing of these two
5 charges.

6 These are the only two the State is proceeding on, so
7 the motion is denied.

8 MR. HOLCOMB: Thank you.

9 THE COURT: All right.

10 Anything else before we get the jury up?

11 And all the spectators -- and some of you may be
12 witnesses and not just spectators, we're going to need all
13 the seats. So we're going to have to ask that during the
14 jury selection that we have the seats available.

15 Yes, sir, Mr. Holcomb?

16 MR. HOLCOMB: One more. I'd like to question the
17 Constitutionality of the indictment process, if you don't
18 mind. Would you mind hearing me on that?

19 THE COURT: Yes, sir. I'll hear you on anything you
20 want me to hear you.

21 MR. HOLCOMB: Thank you.

22 What I would say is I've got a list of the people
23 that were indicted on the day that I was indicted on the
24 breach of trust. It was 174 names. 100 percent were
25 indicted in that case. I've tried to get information on

1 these indictments from the clerk of court, but they won't
2 -- they have not provided them for me. As Mr. Ghent
3 mentioned in one of his letters, they don't keep minutes
4 or subpoenas or anything on the Grand Jury process. So it
5 seems to be a secret process. I've asked Mr. Shealy to
6 contact the American Civil Liberties Union on my behalf.
7 There was a study done that says 99.9 percent of all
8 indictments in South Carolina are true billed.

9 So the point that I would make on that, and there's
10 case law, that at 99.9 percent, the Grand Jury process is
11 really no longer really a Grand Jury process at that
12 point. It's -- and I'm making a very specific point on
13 that. If everything's indicted, it's just a rubber stamp
14 process and there is no review of the Constitutionality of
15 the charge or probable cause or any of those things, much
16 like, I think, the warrant process is. But just thought
17 I'd give it a shot.

18 THE COURT: Well --

19 MR. HOLCOMB: And I can read the case law on that if
20 you like.

21 THE COURT: Well, I think our system, whether it's
22 perfect or imperfect, flawed or not flawed, is to
23 recognize the system under our jurisdiction prudence. I
24 cannot throw out the Grand Jury process. And so, I guess
25 your motion to quash these two indictments, also, on the

1 grounds that you're not really saying that the Grand Jury
2 process is tainted, you're saying, as I understand it, it
3 just isn't a process at all, it's just a perfunctory rush
4 standard.

5 MR. HOLCOMB: Correct. Correct.

6 THE COURT: I deny your motion to quash on those
7 grounds.

8 MR. HOLCOMB: All right. Thank you, Your Honor.

9 THE COURT: Anything else before we get the jury up?

10 MR. GHENT: Nothing from the State, Your Honor.

11 THE COURT: Mr. Holcomb, anything else before we get
12 the jury up? Keeping in mind -- I know you've got some
13 other motions and we're going to take care of those after
14 this.

15 MR. HOLCOMB: Could I have a short recess to review
16 some of this and speak with my standby counsel to kind of
17 take a look at the process we're about to go through?

18 THE COURT: Yes, sir.

19 MR. HOLCOMB: Just a short time.

20 THE COURT: Yes, sir. That's fine. Can y'all do it
21 in here or you need to step back?

22 MR. HOLCOMB: Step back there.

23 THE CLERK: Would you like for me to go ahead and
24 call for the jury?

25 THE COURT: Yeah.

1 (Pause.)

2 MR. HOLCOMB: You ask county employees, things like
3 that, if they work for the county?

4 THE COURT: I do.

5 MR. HOLCOMB: I'd really like to have a jury of just
6 citizens who are not working for the State specifically.

7 MR. GHENT: Your Honor, if I may have, I've just
8 learned --

9 THE COURT: Well, we've got jurors coming in.

10 THE WITNESS: Yes, sir. May we approach?

11 THE COURT: Well --

12 MR. GHENT: That's fine, Your Honor.

13 THE COURT: Is it something that can't wait?

14 MR. GHENT: That's fine, Your Honor.

15 THE COURT: Well, I tell you, let me step over here
16 and I'll be glad to hear you.

17 (WHEREUPON, a sidebar was held.)

18 (WHEREUPON, the jury venire panel enters the
19 courtroom.)

20 THE COURT: All right.

21 Let's get a head count, or, I guess, a whole body
22 count.

23 I'm John Hayes. I'm from Rock Hill. I'm a circuit
24 court judge. And fortunately, or unfortunately, since
25 I've been doing this for 25 years, this is my last year.

1 I have to retire this year. This is my last time, I
2 believe, in Greenville County. I've really enjoyed my
3 trips over here. I've been here quite a bit. So I'm glad
4 in my final year of work I get a chance to come over here
5 and work you.

6 This is the case of State of South Carolina vs. Deah
7 Alton Holcomb. This is Mr. Holcomb seated here. He is
8 representing himself in this case. The State is
9 represented by Mr. Russell Ghent, who is seated at the
10 other table.

11 Mr. Holcomb is charged with intimidation of a court
12 official and obstruction of justice. Intimidation of
13 court official alleges that he did that act with the
14 victim being one Sylvia Harrison, a prosecutor with the
15 Thirteenth Circuit Solicitor's Office at the time. The
16 obstruction of justice and the time period for the
17 intimidation of a court official was May 1st, 2013,
18 through June 30th, 2014.

19 The obstruction of justice alleges that Mr. Holcomb
20 impeded justice by interfering with Investigator Timothy
21 Martin with the Greenville County Sheriff's Office in the
22 discharge of his duties during the period of time of May
23 2013, through -- up to and including June of 2014.

24 Mr. Holcomb, to these charges, has entered pleas of
25 not guilty. These pleas place on the State the burden of

1 proving his guilt beyond a reasonable doubt.

2 Now, I'm going to ask you some questions somewhat
3 similar to what Judge Gravely asked you downstairs. These
4 are a little more case specific. And what I want you to
5 do is if you need to respond to any of these, except for
6 my last one, which I will treat a little differently, I
7 want you to just stand where you are and I'll have a
8 dialogue with you from here. After we get through with
9 this process, we will draw the jury and I'll tell you how
10 we do that.

11 First, are any of you related by blood or marriage,
12 or any of you a close personal friend or acquaintance with
13 Mr. Ghent and --

14 Introduce the other people at your table.

15 MR. GHENT: At the table with me is Andrew Miller, an
16 assistant with our office over in the Seventh Circuit.
17 We're both from the Seventh Circuit here to prosecute this
18 case on behalf of Walt Wilkins' office. Also, Jeff
19 Kindley of SLED. Thank you.

20 MR. HOLCOMB: I'm Dean Holcomb of New Dawn Ministries
21 and Carolina Home Renovators, LLC. I'm representing
22 myself.

23 THE COURT: Thank you, Mr. Holcomb.

24 (There was no response.)

25 THE COURT: No one stands.

1 Have any of you heard about this case from any source
2 whatsoever, or have any of you formed or expressed any
3 opinion about any matter or issue which would be involved
4 in this case? If so, please, stand.

5 (There was no response.)

6 THE COURT: No one stands.

7 Were any of you members of the Grand Jury which
8 passed on this indictment at an earlier time? If so,
9 please, stand.

10 (There was no response.)

11 THE COURT: No one stands.

12 Are any of you or a member of your immediate family
13 employed by Greenville County or by the State of South
14 Carolina? If so, please, stand.

15 All right. What I'm going to ask you to do is give
16 me your name and number and what entity you work for.

17 We'll start over here and kind of work our way
18 across.

19 PROSPECTIVE JUROR: My name is Donald Shabkie, No.
20 204. I am part time employed by South Carolina Governor's
21 School.

22 THE COURT: Okay. You can have a seat.

23 Well, let me let you stand back up. Could you, in
24 spite of that, be fair and impartial to the State and Mr.
25 Holcomb?

1 PROSPECTIVE JUROR: Yes, Your Honor.

2 THE COURT: Okay. Thank you. Now, you can be
3 seated.

4 PROSPECTIVE JUROR: I'm 209. And I work at the Myers
5 Center, charter school in Greenville County?

6 THE COURT: Could you, in spite of that, be fair and
7 impartial to the State and Mr. Holcomb?

8 PROSPECTIVE JUROR: Huh-uh.

9 THE COURT: You have to say yes or no.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay.

12 Yes, ma'am.

13 PROSPECTIVE JUROR: I'm Ann Ricker. I work for the
14 Greenville County School District. I'm No. 189.

15 THE COURT: Would you, in spite of that, be able to
16 be fair and impartial to Mr. Holcomb and the State?

17 PROSPECTIVE JUROR: Yes.

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

19 Yes, ma'am.

20 PROSPECTIVE JUROR: I'm Jacqueline Swaim, No. 216. I
21 am employed in Spartanburg County District 6. I'm a state
22 employee.

23 THE COURT: Would you, in spite of that, be able to
24 be fair and impartial to the parties to this case?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Thank you.

2 Yes, ma'am.

3 PROSPECTIVE JUROR: I'm Juror No. 233. And I'm
4 employed by the Greenville County School System.

5 THE COURT: In spite of that, would you be able to be
6 fair and impartial to the State and Mr. Holcomb?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Yes, ma'am.

9 PROSPECTIVE JUROR: I'm Elizabeth Chisholm and I work
10 for Greenville County as a kindergarten teacher.

11 THE COURT: Would you be, in spite of that, able to
12 be fair and impartial to Mr. Holcomb and the State?

13 PROSPECTIVE JUROR: Yes.

14 MR. GHENT: Your Honor, her number?

15 PROSPECTIVE JUROR: Thirty-nine.

16 THE COURT: Yes, sir.

17 I'm No. 52. I'm employed by the University of South
18 Carolina Upstate.

19 THE COURT: In spite of that, would you be able to be
20 fair and impartial?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: Thank you.

23 Yes, sir.

24 PROSPECTIVE JUROR: Seventy-five, I'm employed by
25 Spartanburg Community College.

1 THE COURT: In spite of that, would you be able to be
2 fair and impartial in this trial?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay. Thank you.

5 Yes, ma'am.

6 PROSPECTIVE JUROR: No. 15, Susan Batson, Greenville
7 County schools.

8 THE COURT: Would you still, in spite of that, be
9 able to be fair and impartial?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Okay. Thank you.

12 Yes, ma'am.

13 THE WITNESS: Kim Givens, I'm No. 87. I work for
14 Greenville County schools.

15 THE COURT: Would you be able to be fair and
16 impartial in this trial?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: All right.

19 Yes, ma'am.

20 PROSPECTIVE JUROR: I'm Donna Hendry, 106. I also
21 work for Greenville County schools.

22 THE COURT: In spite of that, would you be able to be
23 fair and impartial to Mr. Holcomb and the State?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: All right. Thank you.

1 PROSPECTIVE JUROR: I'm No. 14, I work for Greenville
2 County schools.

3 THE COURT: Your name?

4 PROSPECTIVE JUROR: Barbara Bathon.

5 THE COURT: Would you be able to be fair and
6 impartial to the State and the Defendant?

7 PROSPECTIVE JUROR: Yes, I would.

8 THE COURT: You may be seated.

9 Yes, ma'am.

10 PROSPECTIVE JUROR: Suzette Cornish, No. 49. I work
11 for Greenville County schools.

12 THE COURT: In spite of that, would you be able to be
13 fair and impartial to the State and to Mr. Holcomb?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: All right.

16 PROSPECTIVE JUROR: Brooke Childers, No. 38. I work
17 for Greenville County schools.

18 THE COURT: Would you be able, in spite of that, to
19 be fair and impartial in this case?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: All right.

22 PROSPECTIVE JUROR: Chelsea Burns, No. 29, Greenville
23 County schools.

24 THE COURT: Would you be able to be fair and
25 impartial in this trial?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: Deigha Anderson-Davis, No. 4.

4 THE COURT: Would you be able to be fair and
5 impartial in this trial?

6 PROSPECTIVE JUROR: Sure.

7 THE COURT: Thank you.

8 Now, are any of you involved in law enforcement at
9 any level, sheriff's office, Air Marshall, MP, anything
10 like that, Air Marshall, any law enforcement capacity? Or
11 are any of you or a member of your immediate family
12 involved with the prosecution of criminal cases, anything
13 like our solicitor system or U.S. Attorney, anything like
14 that? If so, please, stand.

15 (There was no response.)

16 THE COURT: No one stands.

17 Are any of you members of or contributors to
18 organizations, such as Mother's Against Drunk Drivers,
19 Students Against Drunk Drivers, Citizens Against Violence,
20 Trooper's Association, Sheriff's Association and/or
21 police? If so, please, stand.

22 (There was no response.)

23 THE COURT: No one stands.

24 Do any of you have any preconceived idea based on
25 anything, religion or philosophy or any other reason why

1 you would not be able to be fair and impartial to both the
2 State and Mr. Holcomb regarding these two charges? If so,
3 please, stand.

4 (There was no response.)

5 THE COURT: No one stands.

6 Anything further from the State other than the
7 State's witnesses -- well, let me go over that first.

8 The State may call, I don't know if they will call
9 all these witnesses, even if they do not call these
10 witnesses, their names may come up. So I want you to
11 stand if you know any of these individuals. Of course, if
12 you're related to them, please, stand. But if you know
13 any of these individuals, please, stand. Captain Mike
14 Prodan, State Law Enforcement Division; Investigator Tim
15 Martin, Greenville County Sheriff's Office; Rabbi Yassi
16 Rabinowitz; Officer Christopher Rosier, Greenville County
17 Sheriff's Office; Assistant Solicitor Sylvia Harrison,
18 Thirteenth Circuit Solicitor's Office; Mr. Robert McGinn;
19 Mr. Hal Harris, Black Bag, Inc.; Sergeant Mike Jarvis,
20 Greenville County Sheriff's Office; Lieutenant Brit Dove,
21 State Law Enforcement Division; Mr. Chris Kirkland,
22 Charter Communications; Lieutenant Jeff Kindley, State Law
23 Enforcement Division; Officer Myron Handley, Gaston County
24 Police Department; Officer Danny Osborne, Gaston County
25 Police Department; Mr. Jared Richardson.

1 Yes, sir, your name and number again?

2 PROSPECTIVE JUROR: David Damrel, 52. I'm sorry,
3 Your Honor, did you say Rabbi Yassi Rabinowitz?

4 THE COURT: I did. I may have mispronounced it.
5 It's R-A-B-I-N-O-W-I-T-Z.

6 MR. GHENT: I'm sorry, Your Honor, it is Rabinowitz.

7 THE COURT: Do you know the Rabbi?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Would that affect your ability -- if he's
10 a witness in this case, would that change your mind as to
11 being fair and impartial?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Okay. Thank you.

14 Anything further from the State?

15 MR. GHENT: Nothing further, Your Honor.

16 THE COURT: Anything further, Mr. Holcomb?

17 MR. HOLCOMB: No, sir.

18 THE COURT: Any of you know of any reason whatsoever
19 why you could not or should not serve as a fair and
20 impartial juror in the trial of this case? If so, please,
21 stand.

22 (There was no response.)

23 THE COURT: The next question, I'm going to ask you
24 to give serious thought to. There's a possibility, I
25 don't think it's a probability, but it's a possibility

1 that we will not finish this case by Friday and may have
2 to go into some part of next week. We would not work on
3 the weekend. Hopefully, we will finish this week, but,
4 obviously, justice has to be served, and therefore, we
5 have to go through the witnesses who are important and the
6 other procedural matters. If any of you have any
7 irreconcilable conflict that will prevent you from being
8 back Monday or Tuesday of next week, please stand and I'll
9 step down and come down and talk to you privately about
10 your situation.

11 (WHEREUPON, jurors stood.)

12 THE COURT: All right. Let me step down. The
13 lawyers as well as Mr. Holcomb are welcome to come up.

14 PROSPECTIVE JUROR: I'm Janie Robinson, 193. You
15 said it may go over into the next week?

16 THE COURT: Yes, ma'am.

17 PROSPECTIVE JUROR: Is it any way possible I could
18 get a letter to show my employer?

19 THE COURT: Yes, I will, certainly, do that.

20 PROSPECTIVE JUROR: Then I'm fine, Judge.

21 THE COURT: If you end up on the jury, then we'll do
22 that.

23 PROSPECTIVE JUROR: All right. Thank you.

24 THE COURT: She's going to stay with us.

25 All right. Yes, ma'am.

1 PROSPECTIVE JUROR: I just started my job and we have
2 training. I know they said I'm really not even supposed
3 to be missing, like, training or anything. I was
4 wondering if I could, like, get a note?

5 THE COURT: Yeah, I'll do you a letter -- if you
6 serve on the jury, I'll do you a letter.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: She'll stay with us.

9 MR. GHENT: What's the number?

10 THE CLERK: 222.

11 THE COURT: Yes, ma'am. Your name and number?

12 PROSPECTIVE JUROR: Robyn Campbell, Juror 36. We've
13 got vacation with my husband's family next week. But I
14 don't know if that is --

15 THE COURT: Where is it?

16 PROSPECTIVE JUROR: Gatlinburg, Tennessee.

17 THE COURT: I'm going to ask you to stay with us.

18 PROSPECTIVE JUROR: Okay. That's fine.

19 THE COURT: I hope if you serve, you'll be through
20 earlier enough in the week to drive up to Gatlinburg.
21 What hasn't been burned down.

22 PROSPECTIVE JUROR: I know. I know.

23 THE COURT: She'll stay with us.

24 Thank you.

25 Good morning. Your name and number?

1 PROSPECTIVE JUROR: Barbara Bathon, No. 14. On
2 Monday, I am suppose to take care of my grandchildren for
3 my daughter. Her husband works out of town and my husband
4 works out of town and she doesn't have anyone else to take
5 care of her children. She has a series of doctors'
6 appointments that have been scheduled for that day, on the
7 19th.

8 THE COURT: And there's nobody else?

9 PROSPECTIVE JUROR: No, sir. Because they're new in
10 town and she doesn't have anybody else except for me to
11 babysit her that day.

12 THE COURT: Okay. Make a note.

13 Go ahead and have a seat.

14 PROSPECTIVE JUROR: I'm supposed to have my wisdom
15 teeth removed next Tuesday, but I possibly could
16 reschedule that. I don't know how that works, honestly.

17 THE COURT: Well, why don't you try to reschedule it.
18 It's no fun, I can tell you that. But yeah, if you're
19 picked, just see if you can reschedule it.

20 PROSPECTIVE JUROR: Okay. Thank you.

21 THE COURT: Your name and number?

22 PROSPECTIVE JUROR: Heyward Herbert, 107.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR: I had a job offer this week and I
25 couldn't start this week because of juror duty. If it,

1 goes past next week --

2 THE COURT: It won't go past next week. It will be
3 maybe the middle of next week, but it won't go all the way
4 through next week.

5 PROSPECTIVE JUROR: So if it starts Monday, I will
6 have to come?

7 THE COURT: When are you supposed to start work?

8 PROSPECTIVE JUROR: Next Monday.

9 THE COURT: It's a new job?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: All right. I'm going to excuse you for
12 that because I don't want to disrupt this employment
13 market. So I'm going to excuse you. Just have a seat for
14 right now.

15 PROSPECTIVE JUROR: All right. Thank you.

16 THE COURT: Good morning.

17 PROSPECTIVE JUROR: Ann Ricker, 189. Next Tuesday, I
18 have an appointment for a group photograph for a magazine
19 article that's being written. So it's like if I miss it
20 --

21 THE COURT: What time is it?

22 PROSPECTIVE JUROR: Eleven.

23 THE COURT: Where is it going to be?

24 PROSPECTIVE JUROR: Downtown.

25 THE COURT: I'm going to let you stay with us and

1 we'll see if we can get you in that photograph if it comes
2 to that.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: Okay.

5 Your name again?

6 PROSPECTIVE JUROR: My name is Darice Stuart. I'm a
7 self-employed hairdresser. And I managed to reschedule
8 all my people onto next week. I do have overhead. I'm
9 paying to be here.

10 THE COURT: I'm going to excuse you since you're a
11 sole proprietor -- I mean, you're sole --

12 PROSPECTIVE JUROR: That's it. I'm it. If I'm not
13 there, they don't do it. I just stay here?

14 THE COURT: Just stay here for right now, yes, ma'am.

15 Good afternoon. Your name and number?

16 PROSPECTIVE JUROR: Greg Johnson, No. 125. My
17 situation is my mother is in Kansas, Overland Park,
18 Kansas. She's in a period of declining health. I'm
19 trying to get her to move out here. She was diagnosed at
20 the end of last week with a lung obstruction and
21 malnutrition. Right now, she's okay. I don't know --
22 when you said there was a possibility that something could
23 happen. I am her power of attorney and, basically, sole
24 provider for anything on physical health. So that's my
25 situation, sir. So I hope nothing is going to happen.

1 I'm happy to serve. But that's my situation.

2 THE COURT: Well, I'll let you stay with us. We'll
3 draw a couple of alternates. And if something comes up
4 that's dire, we can --

5 PROSPECTIVE JUROR: Thank you.

6 THE COURT: And I hope it doesn't.
7 Hey.

8 PROSPECTIVE JUROR: Donald Shabkie, 204. The summer
9 session that I work for governor's school starts next
10 week. And I mean, for what I do, I'm not replaceable.
11 And that is something that could possibly be worked out,
12 but I'm an hourly employee. But the big thing, I told the
13 Judge, I don't know what the schedule on Friday is, but I
14 have been working with -- and we open a show in Abbeville
15 and I'm playing the piano for it. And if I were not there
16 on Friday night, they would have to --

17 THE COURT: We'll make sure you're there on Friday
18 night. My wife is the former chairman of the South
19 Carolina Art Commission.

20 PROSPECTIVE JUROR: Oh, okay, great.

21 THE COURT: And we come over usually for artist fair.
22 And a couple of years ago, one of y'all's students read a
23 poem, so I'm very familiar with the governor's school. So
24 we'll make sure that you can play the piano in Abbeville.
25 At the opera house?

1 PROSPECTIVE JUROR: At the opera house, uh-huh.

2 THE COURT: We'll make sure you get there. We might
3 even go with you.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Hey.

6 PROSPECTIVE JUROR: Scott Larson, 142. I, basically,
7 travel for a living. I was supposed to be out of town
8 this week. I've got meetings that were scheduled three
9 months ago for next week.

10 THE COURT: You travel in sales?

11 PROSPECTIVE JUROR: I handle the sales department for
12 consumer health care company.

13 THE COURT: I'll excuse you. Just have a seat back
14 there. Since you've got a business commitment.

15 PROSPECTIVE JUROR: Thank you.

16 THE COURT: Good morning -- good afternoon. Your
17 name and number?

18 PROSPECTIVE JUROR: My name is Hector Aponte, Juror
19 No. 5. I work with Greenville Memorial. What we do is we
20 help patients with disability, Medicaid, funeral. I go
21 out all day and visit them to help them to do the
22 paperwork and all that stuff. I don't -- missing work a
23 week is okay, but anything besides a week is going to set
24 us behind because I'm the only one that does that for that
25 department.

1 THE COURT: Well, I'm going to let you stay with us.
2 If we go into next week, it won't be deep into the week.
3 And I'm sorry that might put things a little bit behind,
4 but I need you to stay with us. But I am understanding.

5 PROSPECTIVE JUROR: Okay. Thank you.

6 THE COURT: Members of the jury panel, what we're
7 going to do is we're going to draw our jury now. And I'll
8 tell you how we do that. Then we're going to let you go
9 until in the morning.

10 You might think, Judge Hayes says we're going to work
11 into next week, why don't we work this afternoon? We're
12 going to be working. We've got a list this long of things
13 to take care of before we, actually, start the meat of the
14 trial. So we're not -- it may sound inconsistent, but
15 it's not. I assure you, us working this afternoon, the
16 case will go much quicker when we get started in the
17 morning.

18 I will have some things to discuss with those of you
19 who end up on the jury. The State has the right to strike
20 up to five individuals. They can excuse up to five
21 individuals. Mr. Holcomb has the like right. We will
22 then draw two alternates. And on that, the State can
23 strike one, Mr. Holcomb can strike up to two.

24 If you hear your name called, simply stand where you
25 are and face the table first where Mr. Ghent is seated.

1 And he will say either present the juror or excuse the
2 juror. If you hear the words excuse the juror, simply
3 take your seat, don't leave. If you hear the words
4 present the juror, turn and face the table where
5 Mr. Holcomb is seated. He will either say swear the
6 juror, and if you hear those words, step over and have a
7 seat in the jury box. In you hear the words from Mr.
8 Holcomb excuse the juror, simply have a seat. Once we get
9 started, you will see how this goes and it usually goes
10 pretty smooth.

11 So Madam Clerk.

12 JURY SELECTION

13 THE CLERK: Juror No. 158, Stacy Maybach.

14 (Stacy Maybach, a white female, stood.)

15 THE CLERK: What says the State?

16 MR. GHENT: Please present Ms. Maybach.

17 THE CLERK: What says the Defendant?

18 MR. HOLCOMB: Excuse this juror, please.

19 THE CLERK: Please be seated. You've been excused
20 from case.

21 Juror No. 36, Robyn Campbell.

22 (Robyn Campbell, a white female, stood.)

23 THE CLERK: What says the State?

24 MR. HOLCOMB: 136?

25 THE COURT: Just 36.

1 THE CLERK: Oh, excuse me, 36.

2 MR. GHENT: Present Ms. Campbell.

3 THE CLERK: What says the Defendant?

4 MR. HOLCOMB: Present Ms. Campbell.

5 THE CLERK: Please bring your things and have a seat
6 in the jury box.

7 Juror No. 134, Alexys Kirkland.

8 (Alexys Kirkland, a white female, stood.)

9 THE CLERK: What says the State?

10 MR. GHENT: Please excuse Ms. Kirkland.

11 THE CLERK: Please be seated. You've been excused
12 from this case.

13 Juror No. 91, James Godwin.

14 (James Godwin, a white male, stood.)

15 THE CLERK: What says the State?

16 MR. GHENT: Please excuse Mr. Godwin from this case.

17 THE CLERK: Please be seated. You've been excused
18 from this case.

19 Juror No. 106, Donna Hendry.

20 (Donna Hendry, a white female, stood.)

21 THE CLERK: What says the State?

22 MR. GHENT: Please present Ms. Hendry.

23 THE CLERK: Please what says the Defendant?

24 MR. HOLCOMB: Please excuse this juror, please.

25 THE CLERK: Please be seated. You've been excused

1 from this case.

2 Juror No. 7, Arnold Ashley.

3 (Arnold' Ashley, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. GHENT: Please present Mr. Ashley.

6 THE CLERK: What says the Defendant?

7 MR. HOLCOMB: Please excuse this juror.

8 THE CLERK: Please be seated. You've been excused
9 from this case.

10 Juror No. 216, Jacqueline Swaim.

11 (Jacqueline Swaim, a white female, stood.)

12 THE CLERK: What says the State?

13 MR. GHENT: This is Ms. Swaim?

14 THE CLERK: Swaim.

15 MR. GHENT: Please present Ms. Swaim.

16 THE CLERK: What says the Defendant?

17 MR. HOLCOMB: Please seat this juror.

18 THE CLERK: Please bring your things and have a seat
19 in the jury box.

20 Juror No. 233, Debra Whatley.

21 (Debra Whatley, a white female, stood.)

22 THE CLERK: What says the State?

23 MR. GHENT: Please present Ms. Whatley.

24 THE CLERK: What says the Defendant?

25 MR. HOLCOMB: Please excuse Ms. Whatley.

1 THE CLERK: Please be seated, you've been excused
2 from this case.

3 Juror No. 130, Michael Justice.

4 (Michael Justice, a white male, stood.)

5 THE CLERK: What says the State?

6 MR. GHENT: Please excuse Mr. Justice.

7 / THE CLERK: Please be seated. You've been excused
8 from this case.

9 Juror No. 49, Suzette Cornish.

10 (Suzette Cornish, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. GHENT: Please present Ms. Cornish.

13 THE CLERK: What says the Defendant?

14 MR. HOLCOMB: Seat Ms. Cornish.

15 THE CLERK: Please bring your things and have a seat
16 the jury box.

17 Juror No. 75, David Fillion.

18 (David Fillion, a white male, stood.)

19 THE CLERK: What says the State?

20 MR. GHENT: Please present Mr. Fillion.

21 THE CLERK: What says the Defendant?

22 MR. HOLCOMB: Please present Mr. Fillion.

23 THE CLERK: Please bring your things and have a seat
24 in the jury box.

25 Juror No. 51, Daisy Cretsinger.

1 (Daisy Cretsinger, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. GHENT: Please present Ms. Cretsinger.

4 THE CLERK: What says the Defendant?

5 MR. HOLCOMB: Please present Ms. Cretsinger.

6 THE CLERK: Please bring your things and have a seat
7 in the jury box.

8 Juror No. 38, Jamie Brooke Childers.

9 (Jamie Brooke Childers, a white female, stood.)

10 THE CLERK: What says the State?

11 MR. GHENT: Please present Ms. Childers.

12 THE CLERK: What says the Defendant?

13 MR. HOLCOMB: Please present Ms. Childers.

14 THE CLERK: Please bring your things and have a seat
15 in the jury box.

16 Juror No. 222, Jazlyn Thompson.

17 (Jazlyn Thompson, a black female, stood.)

18 THE CLERK: What says the State?

19 MR. GHENT: Please present the juror.

20 THE CLERK: What says the Defendant?

21 MR. HOLCOMB: Please present the juror.

22 THE CLERK: Please bring your things and have a seat
23 in the jury box.

24 Juror No. 103, Laura Harris.

25 (Laura Harris, a black female, stood.)

1 THE CLERK: What says the State?

2 MR. GHENT: Please present the juror.

3 THE CLERK: What says the Defendant?

4 MR. HOLCOMB: Please present the juror.

5 THE CLERK: Please bring your things and have a seat
6 in the jury box.

7 Juror No. 211, Nathan Steelman.

8 (Nathan Steelman, a white male, stood.)

9 THE CLERK: What says the State?

10 MR. GHENT: Please present the juror.

11 THE CLERK: What say the Defendant?

12 MR. HOLCOMB: Please present the juror.

13 THE CLERK: Please bring your things and have a seat
14 in the jury box.

15 Juror No. 15, Susan Batson.

16 (Susan Batson, a white female, stood.)

17 THE CLERK: What says the State?

18 MR. GHENT: Please present Ms. Batson.

19 THE CLERK: What says the Defendant?

20 MR. HOLCOMB: Please present Ms. Batson.

21 THE CLERK: Please bring your things and have a seat
22 in the jury box.

23 Juror No. 29, Chelsea Burns.

24 (Chelsea Burns, a white female, stood.)

25 THE CLERK: What says the State?

1 MR. GHENT: Please present Ms. Burns.

2 THE CLERK: What says the Defendant?

3 MR. HOLCOMB: Please excuse Ms. Burns.

4 THE CLERK: Please be seated. You've been excused
5 from this case.

6 Jury No. 138, Awad Gamil Kriegel.

7 (Awad Gamil Kriegel, a white male, stood.)

8 THE CLERK: What says the State?

9 MR. GHENT: Please excuse Mr. Kriegel from this case.

10 THE CLERK: Please be seated. You've been excused
11 from this trial.

12 Juror No. 14, Barbara Bathon.

13 (Barbara Bathon, a white female, stood.)

14 MR. HOLCOMB: What was that number?

15 THE CLERK: No. 14.

16 What says the State?

17 MR. GHENT: Please present Ms. Batson.

18 THE CLERK: What says the Defendant?

19 MR. HOLCOMB: Please seat the juror, please.

20 THE CLERK: Please bring your things and have a seat
21 in the jury box.

22 Juror No. 175, Joshua Paddock.

23 (Joshua Paddock, a white male, stood.)

24 THE CLERK: What says the State?

25 MR. GHENT: Please excuse Mr. Haddock from this

1 trial.

2 THE CLERK: Please be seated. You've been excused
3 from this trial.

4 Juror No. 21, Christina Bowling.

5 (Christina Bowling, a white female, stood.)

6 THE CLERK: What says the State?

7 MR. GHENT: Please present Ms. Bowling.

8 THE CLERK: What says the Defendant?

9 MR. HOLCOMB: Please excuse Ms. Bowling.

10 THE CLERK: Please be seated --

11 Oh, he can't.

12 THE COURT: You're out of strikes, Mr. Holcomb, so
13 Ms. Bowling will be seated.

14 THE CLERK: Please bring your things and have a seat
15 in the jury box.

16 THE COURT: So now we go to alternates and you'll
17 have two strikes, Mr. Holcomb, on each of these.

18 And Mr. Ghent, you will have one.

19 THE CLERK: Juror No. 93, Nathanael Greene.

20 (Nathanael Greene, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. GHENT: Please excuse Mr. Greene.

23 THE CLERK: Please be seated. You've been excused
24 from this case.

25 THE COURT: I made a mistake. No. 14, Ms. Bathon, I

1 meant to excuse you and I wasn't clear on that. So I'm
2 going to let you -- go ahead and excuse you. That's my
3 fault. So we'll pick back up. You can have a seat back
4 out there.

5 So we're down to Christina Bowling will be number 11.
6 So we're down to one more with the panel before we get to
7 the alternates. That's my mistake and I apologize to the
8 parties and Ms. Batson.

9 THE CLERK: I'm sorry, Nathanael Greene, did you --

10 MR. GHENT: Yes, that was a strike.

11 THE COURT: Since that was my mistake, I'm going to
12 let each side have an additional strike.

13 Mr. Ghent, you've exercised yours.

14 So Mr. Holcomb, as to the regular panel, I'm giving
15 you an extra strike because I made a mistake.

16 MR. HOLCOMB: Okay. Thank you.

17 THE CLERK: Juror No. 165, Kimberly Richmond.

18 (Kimberly Richmond, a white female, stood.)

19 THE CLERK: What says the State?

20 MR. HOLCOMB: I don't see 165 on my list.

21 MR. GHENT: Please present Ms. Richmond.

22 THE COURT: Well, let's make sure.

23 Mr. Holcomb, 165 is not on mine either.

24 MR. GHENT: She's out of order, Your Honor.

25 THE COURT: She's not out of order.

1 MR. GHENT: My apologies. If you drop down on the
2 page, 163, 164, it keeps going down. She appears on down
3 the page, 165, Kimberly Richmond. I meant she's listed
4 out of order.

5 THE COURT: I see it, okay.

6 You see that, Mr. Holcomb, about halfway down the
7 page?

8 MR. HOLCOMB: Yes, sir.

9 THE CLERK: What says the Defendant?

10 MR. HOLCOMB: Please seat the juror.

11 THE CLERK: Please bring your things and have a seat
12 in the jury box.

13 That gives us 12, correct, Your Honor?

14 THE COURT: That's correct. Then we'll do the
15 alternates. Strikes one and two.

16 THE CLERK: Juror No. 140, Catherine Lagerman.

17 (Catherine Lagerman, a white female, stood.)

18 THE CLERK: What says the State?

19 MR. GHENT: Please present Ms. Lagerman.

20 THE CLERK: What says the Defendant?

21 MR. HOLCOMB: Please excuse Ms. Lagerman.

22 THE COURT: Please be seated. You've been excused
23 from this case.

24 Jury No. 89, Markia Glover.

25 (Markia Glover, a black female, stood.)

1 THE CLERK: What says the State?

2 MR. GHENT: Please excuse Ms. Glover from this trial.

3 THE CLERK: Please be seated. You've been excused
4 from this trial.

5 Juror No. 81, Desmond Foster.

6 (Desmond Foster, a black male, stood.)

7 THE CLERK: What says the State?

8 MR. GHENT: Have we used our strikes?

9 THE COURT: You don't have another for the alternate.

10 THE CLERK: That's correct.

11 MR. HOLCOMB: Please seat the juror.

12 THE CLERK: Please bring your things and have a seat
13 in the jury box.

14 THE COURT: Second alternate.

15 THE CLERK: Juror No. 118, Ashley Huffstetler.

16 (Ashley Huffstetler, a white female, stood.)

17 THE CLERK: What says the State?

18 MR. GHENT: Please present the juror.

19 THE CLERK: What says the Defendant?

20 MR. HOLCOMB: Present the juror.

21 THE CLERK: Please bring your things and have a seat
22 in the jury box.

23 THE COURT: Members of the jury panel, I appreciate
24 your help on getting this trial started. What you need to
25 do now is the bailiff will take you back down to the jury

1 assembly room and they will deal with whatever is next.

2 (WHEREUPON, the jury venire panel exits the courtroom
3 at approximately 12:41 p.m.)

4 THE COURT: Members of the jury, I'm not going to
5 administer the oath at this point. We'll start back at
6 9:30 in the morning and I will administer the oath at that
7 time. Even though you haven't been sworn in, haven't
8 heard anything about the case other than what I told you
9 are the charges against Mr. Holcomb, you are a jury panel.
10 So do not discuss or try to make up your mind until I
11 instruct you to jointly deliberate and return a unanimous
12 verdict. That will occur after all the evidence is
13 presented, the attorneys have made closing arguments and I
14 charge you the law that you have to apply in this case.

15 So don't try to make up your mind, don't discuss the
16 case amongst yourself. Don't let anyone outside the
17 courtroom discuss this case with you. If anyone tries to
18 discuss this case with you, tell them you cannot, that
19 you're serving as a juror. Report back to me if anyone
20 tries to discuss this case with you, as I will have to
21 take action against that person for trying to talk to a
22 seated juror.

23 Do not access any information about this case, about
24 me, about the lawyers, about Mr. Holcomb through anything
25 like the Cloud or Google. You've got to base your verdict

1 solely on the law and the evidence as it is developed here
2 in the trial, in the courtroom. So do not do any
3 independent research, particularly, don't use any type
4 media, obtain any information that deals with anything
5 that remotely deals with this trial.

6 Don't even go on Facebook and say to your Facebook
7 friends I'm serving as a juror this week. That seems
8 innocent enough, but somebody may respond by saying
9 something that wouldn't be appropriate for a seated juror
10 to be consuming at the time. So just stay away from that
11 while you're serving on this panel.

12 We try to work until 5:30, 6:00, that's a good time
13 to stop. Start around 9:30. Take an hour, hour and 15
14 minutes for lunch. We take a little more than an hour
15 because you have to -- there's only one place right across
16 the street to eat, so you have to go somewhere for lunch.
17 So we take a little more than an hour. We try to stop
18 around 5:30 or 6:00.

19 Don't let yourself be exposed to any news coverage,
20 if there is any. I have no idea whether this case will be
21 covered by the news media. If it is, don't watch
22 anything, listen to anything or read anything that
23 remotely deals with this trial.

24 When you return tomorrow, the two alternates will
25 always sit in those seats. I will appoint a Foreperson at

1 that time and that person will sit in the first seat on
2 the first row. Everybody else, there is no assigned
3 seating.

4 Anything else that I should go over with the jury
5 before we stop and let them go for the day, Mr. Ghent?

6 MR. GHENT: Nothing from the State, sir.

7 THE COURT: Mr. Holcomb?

8 MR. HOLCOMB: Nothing, sir.

9 THE COURT: Okay. If you'll go out this door, the
10 bailiffs will show you and tell you how to come in and out
11 while you're serving on the jury.

12 We'll see you back at 9:30 in the morning, keeping in
13 mind all those admonitions. Thank you.

14 (WHEREUPON, the jury exits the courtroom at
15 approximately 12:45 p.m.)

16 THE COURT: I think it's probably time to break for
17 lunch.

18 Anything before we break for lunch, Mr. Ghent?

19 MR. GHENT: Nothing, Your Honor.

20 THE COURT: Mr. Holcomb?

21 MR. HOLCOMB: May I speak to Mr. Shealy?

22 THE COURT: You may. You may. That's why he's here.

23 MR. HOLCOMB: Is there any chance of him sitting at
24 the table with me during this process?

25 THE COURT: That is between the two of you. I

1 appointed him standby counsel. Whatever your comfort
2 level is and his comfort level is.

3 MR. HOLCOMB: I'd feel more comfortable if he sat at
4 the table.

5 THE COURT: Mr. Shealy, in fact, asked me earlier
6 where he should sit. And I pretty much designated where
7 he is or else behind the bar, but if you feel that would
8 be more comfortable, keeping in mind what his role is.
9 He's not your coach or your lawyer. He's your standby
10 counsel to advise you if you have issues --

11 MR. HOLCOMB: Questions, right. That's right. Just
12 to help the process.

13 THE COURT: You're entirely correct.

14 MR. HOLCOMB: Yes, sir.

15 THE COURT: We'll start back at 2 o'clock.

16 Thank you.

17 MR. GHENT: Thank you, Your Honor.

18 (WHEREUPON, a lunch break was taken.)

19 THE COURT: Mr. Ghent, you're the prosecutor in this
20 case. I know we've got some motions in limine to deal
21 with, also, the issue of the subpoenas that have been
22 issued by Mr. Holcomb. Which do you believe we need to
23 address first?

24 MR. GHENT: Actually, Your Honor, the one thing, if I
25 could -- and this is -- I hope Your Honor will forgive me.

1 The last time Your Honor did it, I'm just asking the Court
2 wouldn't mind doing it again. The matter of the
3 competency, the Blair hearing.

4 THE COURT: Oh, okay.

5 MR. GHENT: I think we should go ahead and do it the
6 same way we did it before. I've got -- may I approach,
7 Your Honor?

8 THE COURT: Yes, you may.

9 MR. GHENT: I've got the report of Dr. Colbi,
10 criminal responsibility and capacity to conform. And I've
11 got the report on competency to stand trial.

12 Could the record reflect that I'm providing that to
13 the Court.

14 Would Your Honor have me mark it?

15 THE COURT: We'll mark it as a Court's Exhibit in
16 just a minute.

17 MR. HOLCOMB: Can we keep that under seal, please?

18 MR. GHENT: No objection.

19 THE COURT: All right. We'll put it under seal.

20 Do you object, Mr. Holcomb, to the Court considering
21 it?

22 MR. HOLCOMB: I do.

23 THE COURT: You object to it?

24 MR. HOLCOMB: I do. I'm competent to stand trial.

25 THE COURT: You don't question your competency?

1 MR. HOLCOMB: No, sir.

2 THE COURT: Well, I think since it appears -- and I
3 don't remember all the background on this, but I believe
4 another judge had ordered the competency hearing?

5 MR. GHENT: Yes, sir.

6 MR. HOLCOMB: Yes, sir.

7 THE COURT: All right. Since there was a competency
8 hearing held, then I have to make a determination. I find
9 based on my interactions with you and your agreement that
10 you're competent, along with this report that will be made
11 Court's Exhibit No. 1, that finds you competent to stand
12 trial, and I find that you are competent to stand trial.

13 MR. HOLCOMB: Will it be placed under seal?

14 THE COURT: It will be placed under seal as Court's
15 Exhibit No. 1.

16 MR. GHENT: No objection.

17 MR. HOLCOMB: Thank you.

18 (WHEREUPON, Court's Exhibit No. 1 was an exhibit was
19 admitted.)

20 MR. GHENT: May it please the Court?

21 THE COURT: Yes, sir.

22 MR. GHENT: The next matter I would suggest that --
23 one just follows from the other, I think would be the
24 matter of the motion to admit 404(b) evidence.

25 Actually, Your Honor, I clarify in my motion on the

1 second page that it's really strange than when they --
2 when the South Carolina Supreme Court in 1995 came up with
3 the rules of evidence, that they, at first, followed the
4 Lyle formula, although, they changed the burden of proof.
5 And a lot of people still cite State vs. Lyle, which is
6 incorrect. Because the burden is the opposite of the way
7 it is now under the South Carolina Rules of Civil
8 Procedure.

9 But, Your Honor, the rules really did not address --
10 if it was to codify rules regarding other bad acts, it did
11 not codify or address the res gestae rule, which I cite at
12 the second page of my motion, State vs. King. And I
13 believe --

14 MR. HOLCOMB: I haven't seen this motion.

15 MR. GHENT: It was served previously on counsel.

16 MR. HOLCOMB: Not 404(b), no, sir.

17 MR. GHENT: That goes back to March 17th.

18 MR. HOLCOMB: Thank you.

19 MR. GHENT: That's my only copy that I've got right
20 now. I'll see if I've got another. But that has been
21 served.

22 MR. HOLCOMB: I've not seen this.

23 MR. GHENT: Filed and served. It's, obviously,
24 clocked. I served it on counsel.

25 MR. HOLCOMB: Well, that's one of the reasons I

1 dismissed my attorney, he doesn't file paperwork in the
2 right county and I haven't seen these motions. So he
3 didn't file subpoenas in the right county. He didn't file
4 notice of appearance in the right county. And I haven't
5 seen this motion. So I really can't comment at this
6 point.

7 MR. GHENT: Your Honor, may I continue?

8 THE COURT: You may.

9 That raises an interesting point, though, something
10 that has been served on counsel of record and the client
11 or the Defendant ends up proceeding pro se. What is the
12 obligation on the State to make sure that that motion has
13 been served on the Defendant himself as opposed to
14 counsel?

15 MR. GHENT: I'll be glad to answer, Your Honor. This
16 was clocked March 17th, 2017. And it would have been
17 sent, given to counsel thereafter. That was before the
18 motion in May of 2017, May the 15th was granted.

19 That's one of the concerns I've got is that Defendant
20 has Mr. Shealy at the table. He's more comfortable. He
21 asked for that. But he's still using Mr. Shealy as his
22 whipping boy for whatever went wrong.

23 And here's the problem I anticipate. If Mr. Shealy's
24 up there and he's doing this, then he's kind of dragging
25 Mr. Shealy into a PCR claim that might arise assuming he's

1 convicted on this charge.

2 THE COURT: That may or may not be true, but we can't
3 -- we're going to have to deal with what we've got here
4 and not look down the road too far. I mean, Mr. Shealy is
5 standby counsel based on my appointment.

6 MR. GHENT: Yes, sir.

7 THE COURT: He didn't volunteer.

8 MR. HOLCOMB: May I speak on this?

9 THE COURT: Yes.

10 MR. HOLCOMB: I've written to the clerk of court
11 numerous times trying to get copies of the file. As I
12 said before, the State has seized my documents four times.
13 Jeff Kindley, Mr. Ghent here, walked into Greenville
14 County Detention Center and seized everything, religious
15 books, law books, everything.

16 MR. GHENT: I did not go into the detention center --

17 MR. HOLCOMB: Well, Jeff Kindley did.

18 And I filed a federal lawsuit on him. Those papers
19 have not been returned. So that discovery disappeared.
20 That was on the breach of trust case.

21 I go to prison. And I leave prison, I max out on the
22 24th. I pack up my boxes. I had three boxes sorted. I'm
23 allowed to have three boxes in SCDC. I spent all my time
24 in the law library, plus teaching GED classes and such as
25 that. But my spare time, I spent in the law library

1 preparing for this case. I start to head back to GCDC to
2 deal with these cases and they refuse to allow me to bring
3 two of the boxes. Greenville County Sheriff's Office says
4 I can only carry one box. They make me leave them there.

5 So I've lost my court rules twice, as a direct result
6 of State actors. I go to GCDC on the 24th, they allow me
7 to only bring this much material. They were like, only
8 whatever you can carry. You can't bring the rest of that
9 box. So they locked it up, then I can't have access to
10 it.

11 So I'm asking for these things. I'm just asking for
12 a fair chance. But Mr. Ghent wants to sit here and throw
13 names and things like that. But I haven't seen the
14 motion. I can't really comment on it. I can't get access
15 to it. My attorney --

16 And Mr. Shealy is great. I mean, you know, he's
17 fine. I'm not mad at him. I'm not trying to whip up on
18 him. I'm just trying to talk about my situation. He only
19 has a few hours to give me and I'd like to have a fair
20 chance at this. There's two lawyers sitting at this
21 table.

22 THE COURT: Mr. Ghent, let me see what you're
23 referring to.

24 MR. GHENT: Your Honor, it is a -- may I approach?

25 THE COURT: Yes, sir.

1 MR. GHENT: It is a brief motion in limine, which
2 motions in limine are subject to change. So even had the
3 Court ruled -- and I have made copies of other cases
4 anticipating there would be issues he might argue about.
5 Res gestae is simply, Your Honor, case law that says
6 whenever it's in an integral part of the entire proof of
7 the case, another offense is admissible.

8 In this case, under the case law for 404(b), there --
9 and again, he's got a copy. He can look under the
10 footnotes under 404(b). And it will show that there's
11 case law that is said that once you have a conviction of
12 record, that you don't have to -- and again, this is under
13 you think under Cutro (ph), which has been filed, served,
14 going all the way back to the very first hearing we had in
15 front of Judge Kelly. And I know that motion was served.
16 The bottom line is, with respect to this, res gestae is a
17 recognized doctrine, simple matter of balancing probative
18 value against potential for undue prejudice.

19 Here, we have don't have to go through, -- under the
20 Cutro analysis, under case law under 404(b), the fact that
21 there is a conviction and the fact that the breach of
22 trust lays the groundwork for everything that follows, it
23 is inexplicable to the jury. They will not be able to
24 understand the nature of the threats and why they were
25 made and what Officer Martin was doing and what Assistant

1 Solicitor Harrison was doing.

2 THE COURT: Tell me exactly under 404(b), which is
3 other crimes, wrongful acts, what exactly are you trying
4 to get in?

5 MR. GHENT: Your Honor, again, on the second page,
6 what I am trying to get in is the prior breach of trust.
7 The breach of trust, which was the subject of the
8 investigation. The case we tried last time. That's how
9 all of this got started. Unless I can talk about that,
10 then the investigation makes no sense. I mean, the case
11 makes no sense.

12 THE COURT: All right. Mr. Holcomb.

13 MR. HOLCOMB: Well, it's going to be prejudicial. I
14 mean, it can be just any case. Does it matter that it was
15 a conviction or not a conviction? It does talk about
16 that. And I would cite U. S. v. Gillespie, 852 F.2d 475,
17 that's a 1988 case. It says that evidence of other crimes
18 or acts is not admissible in order to prove the character
19 or in order to show action in conformity.

20 And quoting you from my trial transcript at the
21 pre-trial hearing, you mention that what they're -- when
22 they were trying to bring everything together, trying to
23 bring all the charges together, the breach of trust and
24 this alleged threat, you talked about a moment in time.
25 Was the crime committed in a moment in time? Well, the

1 breach of trust is not relevant at this point. Bringing
2 in Mr. McGinn and Jared Richardson to testify have no
3 bearing to this case.

4 THE COURT: Well, here's my ruling on this. And I'm
5 a little concerned about -- we'll get you a copy of it. I
6 know that's a dollar late and a dollar short. But I think
7 that --

8 Well, I don't have any proof of service here. You
9 got proof of service?

10 MR. GHENT: No, sir, I don't. I don't have it in my
11 file. No, sir, I don't.

12 THE COURT: Well, I don't know that I can consider it
13 unless there's proof of service.

14 MR. GHENT: Well, Mr. Shealy is in the courtroom. Is
15 Mr. Shealy saying he never got it?

16 THE COURT: Mr. Shealy is not saying anything. He's
17 standby counsel. I know this is one of those awkward
18 situations you feared you'd find yourself in, but that's
19 where we find ourselves.

20 MR. HOLCOMB: What does 404(b) say here at the
21 bottom? It says if prejudicial effects in evidence
22 substantially outweighs its probative value.

23 THE COURT: Well, I've not gotten quite there. I'm
24 on square one.

25 Can we pull the court records? Have you got the file

1 on these indictments?

2 THE CLERK: Are the indictments listed?

3 THE COURT: Yes, they're listed. I've already
4 checked that.

5 THE CLERK: Okay.

6 THE COURT: We'll pull the file and see if there's
7 proof of service is in the file.

8 MR. GHENT: Your Honor, may I point this out?

9 THE COURT: Yes, sir.

10 MR. GHENT: Even with a motion in limine, let's
11 assume it's not there, I can raise these now pre-trial.
12 There's nothing improper about that. If it was me and Mr
13 Shealy -- and again, he is required to go by the same
14 requirement -- basically, I'm supposed to be dealing with
15 another lawyer. He's got Mr. Shealy in this case.

16 And with our offices over in Spartanburg, it is not
17 uncommon for things to be handed to people, given to
18 people, left in a box for people. So I'm not saying there
19 isn't a proof of service, I just don't have one.

20 THE COURT: Well, we're going to check on that. But
21 you're making it now as a motion in limine?

22 MR. GHENT: Yes, sir.

23 THE COURT: All right. Anything further,
24 Mr. Holcomb?

25 MR. HOLCOMB: I think it's prejudicial. I think it

1 should be excluded.

2 THE COURT: Well, I'm going to make sort of a -- I'm
3 going to rule that the fact that the investigation was as
4 to the breach of trust, but unless Mr. Holcomb testifies
5 and qualifies as an impeachable offense, I'm not going to
6 allow the State to go into the conviction, simply the
7 investigation. They're two separate things.

8 MR. HOLCOMB: Thank you.

9 MR. GHENT: Then, as I understand it, the conviction
10 satisfies the requirement for admissibility, but I can't
11 say anything about the conviction?

12 THE COURT: Well, you're asking me to kind of rule
13 against myself in a way by asking me to say it qualifies
14 for not letting it in. It qualifies for impeachment.

15 I find that probative value as far as -- well, number
16 one, I'm not sure it's completely relevant because all you
17 need to prove is an investigation was taking place and
18 these people were contacted inappropriately about the
19 investigation without saying how the investigation turned
20 out. I think that's a question the relevancy of what
21 happened in that trial.

22 But I think under 404(b), if it goes to impeachment,
23 then that's a different issue. I know you don't look
24 happy.

25 MR. GHENT: No, sir, I look confused and I'm

1 nearsighted. Everybody keeps saying I look angry or
2 unhappy. I am losing my vision. I have glaucoma.

3 THE COURT: I think I'd rather say you're unhappy
4 than confused.

5 Anyway, I'll allow the fact that there was an
6 investigation and the investigation involved an alleged
7 breach of trust. And that during the investigation, these
8 things happened.

9 MR. GHENT: Okay.

10 THE COURT: I don't see the relevancy of whether he
11 was convicted of those or not. If he had been found not
12 guilty, he'd still be facing these charges.

13 MR. GHENT: That's fine, Your Honor.

14 THE COURT: Okay. What's next?

15 MR. GHENT: Your Honor, we have -- I mean, it's kind
16 of -- we are joined for trial. I had also filed a motion
17 for joinder trying the cases of Investigator Martin and
18 Ms. Harrison, Assistant Solicitor Harrison together.

19 Obviously, and again, Your Honor has the motion I
20 provided. But in terms of joinder, there's a commonality
21 to the schemes involved in each case and the facts and
22 circumstances from which they arose. The Defendant,
23 basically, meets all the requirements for joinder under
24 State vs. Cutro, regarding the threat made against
25 Mr. Martin was at the same time a threat was made against

1 Ms. Harrison. But under the circumstances, we're already
2 joined, so it's kind of moot. Your Honor has already told
3 to jury.

4 THE COURT: All right. We'll try on both
5 indictments.

6 MR. GHENT: Thank you.

7 MR. HOLCOMB: No objection.

8 THE COURT: Hopefully, one way or the other conclude
9 this matter.

10 What next?

11 MR. GHENT: Your Honor, next, I think would be most
12 significant our motion to require the Defendant to comply
13 with Rule 13 of the South Carolina Rules of Criminal
14 Procedure on subpoenas and the requirements of State case
15 law and our motion to quash the subpoenas.

16 As part of that, Your Honor, I do have and, I
17 believe, have provided it previously, the order of the
18 Chief Justice, basically, saying that the Defendant will
19 have to, as I understand the order, satisfy the
20 requirements of State V. Pope, which is 78 S.C. 264, 58
21 S.E. 815, it's a 1907 case. There must be a showing that
22 the person wanted is really a witness "in favor" of the
23 Defendant, and that his testimony would be material to the
24 Defendant's cause.

25 I got permission of any number of individuals to file

1 in behalf of the agencies that had been served, the
2 individuals who had been served. So with respect to the,
3 I think it's 47 subpoenas that were served, I am moving to
4 quash them and putting the Defendant to his burden of
5 showing that the person wanted is in each case really a
6 witness in favor of the Defendant.

7 I have attached a copy of Defendant's motion to call
8 the following State actors in support of the 16 motions
9 filed. It goes through and names people, everyone from
10 Megan Baucom, who is in prison, to the investigators, to
11 FBI Agent John Williams, former Chief Justice Jean Toal,
12 former --

13 THE COURT: All right, we're going to go through the
14 list in just a minute.

15 MR. GHENT: Yeah, that's fine.

16 THE COURT: All right. Mr. Holcomb.

17 MR. HOLCOMB: I'll be happy to do that, sir. Thank
18 you.

19 THE COURT: Let me get on my page right. Let me see
20 if I can find my notes now.

21 All right, looking at the State's motion, it cites
22 South Carolina Constitution Article One, Section 14, says,
23 quote, Any person charged with an offense shall enjoy the
24 right to have compulsory process for obtaining witnesses
25 in his favor, end quote. That provision is almost

1 identical -- well, that last phrase "to have compulsory
2 process for obtaining witnesses in his favor" merits the
3 Sixth Amendment to the Constitution of the United States.
4 The Constitution of the United States, that provision,
5 Sixth Amendment, our state, South Carolina, pursuant to
6 the 14th Amendment and that's clarified in State vs.
7 Smith, 288 S.C. 301, 1986 case. Pope makes it clear that
8 there must be a showing that the person wanted as a
9 witness is in favor of the accused and that the testimony
10 will be material.

11 So I think what we need to do is take a look at each
12 of these and go through it as quick as we can without
13 doing it in haste to anybody detriment.

14 MR. HOLCOMB: Thank you.

15 THE COURT: Be glad to hear from you.

16 Ms. Megan Halstead, sir?

17 MR. HOLCOMB: Well, Megan Halstead Baucom, the reason
18 I have her listed is for impeachment evidence as to Tim
19 Martin. My defense is based on malicious prosecution.
20 Megan Halstead Baucom did tell Tim Martin that work was
21 done --

22 THE COURT: Have you interviewed Ms. Baucom?

23 MR. HOLCOMB: No, I've never met her. And she's
24 never met me, but she was complaining of breach of trust.

25 THE COURT: How do you know what she's going to

1 testify to?

2 MR. HOLCOMB: Based off the evidence, that's what --
3 I'm pretty sure based off the evidence that Tim Martin put
4 together and that work started in July, so it must have
5 came from her. Or Tim Martin perjured himself further at
6 that point.

7 THE COURT: All right, Mr. Ghent, I'm not going to
8 ask you to chime in on every one of these, but do you
9 represent for purposes of this matter Ms. Holcomb -- Ms.
10 Halstead, Ms. Baucom? Not represent her, but are you
11 appearing on her behalf?

12 MR. GHENT: Your Honor, I can't say -- I mean, no.

13 THE COURT: I'm going to --

14 MR. GHENT: May I point something out, Your Honor?

15 THE COURT: Yes.

16 MR. SHEALY: If I may, Ms. Baucom wasn't served.

17 THE COURT: Than that's moot. If she wasn't served,
18 that's moot.

19 MR. SHEALY: She is not in the Greenville County
20 Detention Center or Spartanburg County Detention Center or
21 in SCDC.

22 MR. HOLCOMB: She's not?

23 MR. SHEALY: I have searched the incarcerated inmate
24 website and --

25 THE COURT: If she hasn't been served, it's moot.

1 She's not even subject to subpoena.

2 Tim Martin.

3 MR. HOLCOMB: Well, he's obviously a witness.

4 Sergeant Jarvis is Tim Martin's supervisor. I have
5 tape recordings of him. Whenever I was released from jail
6 in Gaston County on the fugitive warrant on the breach of
7 trust charge, I knew that I had been set up. I recognized
8 Tim Martin's name. I've dealt with the poker problem
9 before. The first thing that I did was I purchased an
10 audio recorder, a digital recorder and an ear bud mic and
11 I started making phone calls. And literally, every single
12 phone call I made, I recorded.

13 I talked to Tim Martin. I talked to Sergeant Jarvis.
14 I talked to Wes Smith. I talked to Jones in the internal
15 affairs in the Greenville County Sheriff's Office. I
16 talked with people in the governor's extradition office.
17 Talked with people in the solicitor's office, clerk of
18 court's office and so on. And I made all these
19 recordings.

20 I'm going to bring that up in my Brady violation
21 motion that I'm going to be talking about. But Sergeant
22 Jarvis promised that if any false statements were made
23 that he would make arrests. He's Tim Martin's supervisor.
24 He signed off on Tim Martin's documents here. I like to
25 bring him in for impeachment purposes. I think he's

1 relevant.

2 Internal affairs, Investigator Wesley Smith --

3 THE COURT: Let's go one at a time.

4 MR. HOLCOMB: Okay.

5 THE COURT: Mr. Ghent. And he's representing --

6 You're Mr. Sheek?

7 MR. SHEEK: Yes, sir, I'm Mr. Sheek. I'm general
8 counsel for Greenville County Sheriff's Office.

9 THE COURT: What the sheriff's office position?

10 MR. SHEEK: On Mr. Martin?

11 THE COURT: Well, on both of them. Mr. Martin is a
12 witness, so he's --

13 MR. SHEEK: Mr. Martin is present and can be
14 available.

15 THE COURT: What about Mr. Jarvis?

16 MR. GHENT: He's going to be called as a witness by
17 the State.

18 THE COURT: Jarvis?

19 MR. GHENT: Both Jarvis and Martin.

20 MR. SHEEK: Both are available, Judge.

21 THE COURT: Well, that's moot.

22 Okay. Investigator Wesley Smith.

23 MR. SHEEK: Investigator Smith, Your Honor, is
24 currently in Canada. Planned on returning Wednesday
25 unless I call him to come back sooner. He had a

1 preplanned and prepaid for trip when he received the
2 subpoena, I believe, on Thursday.

3 THE COURT: Okay.

4 MR. HOLCOMB: And the reason I'd like to have
5 Mr. Smith here is one, the cartoons that were made that
6 they find offensive that is mentioned in some of the
7 police reports is Wesley Smith reading a report saying
8 that Tim Martin's behavior was within compliance of the
9 Greenville County Sheriff's Office policies and
10 procedures. That it's okay for him to take a statement
11 from someone who's never met me about something that they
12 have nothing to do with, the Photo shopped evidence and
13 things of that nature.

14 THE COURT: What is that based on? What is your
15 understanding as to what Mr. Smith -- Investigator Smith
16 will testify to, what is that based on? You interviewed
17 him?

18 MR. HOLCOMB: I talked to him on the phone. He sent
19 me a letter. He's internal affairs. And I'd like to see
20 the file that was opened on Tim Martin to see that -- I
21 filed a complaint against Tim Martin's bad acts.

22 Here's my point on the State and unfair acts of the
23 State. It's okay for the State to have sets of rules.
24 It's okay for them to have unlimited amounts of paper.
25 It's okay for them to have unlimited witnesses. It's

1 unfair -- it's not okay for me to have witnesses,
2 apparently.

3 So whenever Tim Martin wants to open a case against
4 me, everybody just lines up on it. But whenever I open a
5 case up against Tim Martin --

6 THE COURT: They're entitled to have witnesses, but
7 if they're not relevant --

8 MR. HOLCOMB: But this is relevant.

9 THE COURT: You said the State can almost carte
10 blanche, they can put whoever they want. No, they're
11 bound by the rules of evidence. If they present some
12 evidence that you find objectionable under the rule, I'll
13 rule on it.

14 MR. HOLCOMB: And you just did, yes, sir.

15 THE COURT: Yes, sir.

16 MR. HOLCOMB: So I think Wes Smith is relevant. He's
17 one of the videos that are in there. And, actually, he
18 was considered the first victim in this case. If you'll
19 take a look at the police reports, the first police report
20 in Sylvia Harrison's discovery, the original discovery,
21 here on the first three pages here, I'll show you this.
22 This is where Sylvia Harrison was still handling the case.
23 This is her notice of discovery. She cites the GCSO
24 report, and it's Officer Ramon Rivera, 8/20/2013, and it
25 says: The threatening of the life of a public official --

1 it's case number 129588. And it says: Victim number two,
2 Wesley Smith.

3 Now, this case right here, this case file morphed
4 from the governor to Wesley Smith to Sylvia Harrison. And
5 it's all the same case file. But there's no notations in
6 any of the Greenville County Sheriff's Office reports that
7 I've seen that say anything about Sylvia Harrison. But
8 the indictments go there. Wesley Smith is supposedly the
9 first person that was intimidated -- or the second person
10 that was intimidated. And I'd like to bring him up and
11 present him to jury.

12 THE COURT: We'll keep in mind that he will be
13 available Thursday. For purposes of disposing of the
14 motion, if there's other reasons to quash it, we'll deal
15 with that. Right now, he's available Thursday.

16 MR. SHEEK: Would the Court like me to have him
17 present Thursday or if somebody would simply call me --

18 THE COURT: Subject to call. There's no sense in him
19 sitting over here. We may not be in Mr. Holcomb's case by
20 then.

21 MR. SHEEK: Yes, sir. I'll leave my number with your
22 clerk, if I may approach her.

23 THE COURT: The next is Magistrate Hudson.

24 MR. HOLCOMB: Yes, sir --

25 MR. GHENT: He's here.

1 THE COURT: Is he going to testify?

2 MR. HOLCOMB: That would be awesome.

3 MR. GHENT: He subpoenaed him.

4 THE COURT: Okay, well, you popped up and said he was
5 here. I mean, that's fine. I'm glad to know that.

6 Judge Hudson would have, I think -- do you have any
7 comments on him, Mr. Ghent?

8 MR. GHENT: Well, Your Honor, first of all, he's a
9 member of the judiciary. Second of all, he hasn't said
10 what he's relevant to. Third of all, Greenville County is
11 representing him. I have tried to -- I would assume.
12 He's an employee of Greenville County.

13 THE COURT: Well, is anybody here on behalf Judge
14 Hudson?

15 MR. GHENT: I would assume that I would be arguing in
16 his behalf.

17 MR. HOLCOMB: Well, I would object to that.

18 THE COURT: Let me just hear from Mr. Holcomb.

19 He has judicial immunity. And there's also a case in
20 re: Whetstone -- I don't have the cite right in front of
21 me, we'll get it for you. It indicates that judges --
22 dealing with retired judges should not be called as a
23 witness unless, what's the term, relevant and material.
24 What is Judge Hudson being called to testify to?

25 MR. HOLCOMB: Well, I've got a copy of the judicial

1 bond. Have you seen this?

2 THE COURT: No, and I don't need to.

3 MR. HOLCOMB: Well, it has to do with the condition
4 of bond, which was -- I had an order -- and I'll bring
5 that up in one of my motions momentarily -- must maintain
6 contact with Investigator Martin one time per week, may
7 leave State of South Carolina. That's an arbitrary and
8 capricious condition. I don't believe that he does that
9 for anyone else. No one else has ever heard of this
10 condition. Mr. Shealy has stated it on the record. Tim
11 Martin, a 30-year-veteran, has stated it on the record.
12 I'd like to ask him why he did that. I'd like to present
13 to the jury that I was treated differently than everyone
14 else. That my equal protection rights are being violated.

15 THE COURT: I'm going to excuse Judge Hudson. I
16 think he's protected by judicial immunity. It's a
17 collateral issue. And so I'm going to excuse him from the
18 subpoena. Now, the cite is 345 S.C. 213.

19 Now, next is Assistant Solicitor Harrison. I'm
20 assume she's testifying.

21 MR. GHENT: Yes, sir.

22 MR. HOLCOMB: Donald Smith will be next.

23 THE COURT: Attorney Donald Smith from Anderson?

24 MR. HOLCOMB: Yes, sir.

25 THE COURT: Is he present?

1 MR. SHEALY: He accepted service by fax. He told us
2 that he would be here. I can have my investigator who
3 spoke with him come and testify to that. I do have proof
4 of service.

5 THE COURT: Let's followup with him. What is his --

6 MR. GHENT: Your Honor.

7 THE COURT: Yes, sir.

8 MR. GHENT: I'd just like to point out he was fired
9 --

10 MR. HOLCOMB: He was never hired, sir.

11 MR. GHENT: There is an order relieving --

12 Your Honor, could you please explain we don't argue
13 with each other.

14 THE COURT: One at a time and direct any concerns to
15 me.

16 MR. HOLCOMB: Yes, sir.

17 MR. GHENT: Your Honor, he was briefly in the case at
18 the very first. He did -- he was relieved. I put an
19 order relieving him into the voluminous memorandum I filed
20 in Rock Hill -- excuse me, Your Honor. And in there as
21 one of the exhibits is the consent order where Mr. Smith
22 is relieved. And the Judge told him, the Defendant, to
23 get another lawyer.

24 MR. HOLCOMB: That's not accurate, Your Honor.

25 THE COURT: Well, let's don't go into all that.

1 MR. HOLCOMB: We'll cover that in the --

2 THE COURT: Well, my concern is have you interviewed
3 Mr. Smith regarding his testimony in this case?

4 MR. HOLCOMB: Well, what I need for him to verify is
5 an e-mail that he sent to me and was forwarded to my
6 sister on June 6th. And it says, and I quote: The
7 solicitor's office is going to come after you. They
8 called my office and this is what my assistant understood
9 them to say. Your client, Dean Holcomb, is in big trouble
10 with the solicitor's office. Sylvia just called and said
11 that he is hosting YouTube clips slandering Tom Martin,
12 threatening e-mails to Mr. Martin and the governor. She
13 is e-mailing you what she has, but she wanted to give you
14 a heads up that they intend to prosecute you on these
15 charges they are filing. I would strongly suggest that
16 you take that stuff down. Don't be hated worse than the
17 wrongdoer. You will hurt your civil case because the jury
18 won't feel bad for you. I'm calling the chick that made
19 those statements now. Sent from my iPhone.

20 Now, I'd like to say this on Don Smith. He was never
21 hired. That's one of the things I want to see on his file
22 because I never hired him.

23 THE COURT: That's for another forum. Seeing his
24 file, that's for another forum. You've got to show me
25 that it's material relevant --

1 MR. HOLCOMB: Well, this is relevant that the
2 solicitor was already threatening me and they were
3 creating this scenario of threats against the governor and
4 Tom Martin -- or Tim Martin, as it is here, and that the
5 solicitor's office was coming after me. How can I enter
6 this e-mail into evidence as this is malicious prosecution
7 without Don Smith?

8 THE COURT: Well, malicious prosecution --

9 MR. GHENT: It's a civil action.

10 MR. HOLCOMB: I understand.

11 THE COURT: This is not --

12 MR. HOLCOMB: Well, it's going to go to the intent,
13 that there was intent in any of these e-mails that
14 allegedly may have been threatening or considered
15 threatening and to put it in full context of what's going
16 on.

17 THE COURT: E-mails between the two of you --

18 MR. HOLCOMB: Well, what I'm saying is, and maybe I'm
19 not making myself very clear on this, is that Sylvia
20 Harrison was already coming up with a way of saying that I
21 was threatening someone, which was not true. So this is
22 impeachment. I never threatened the governor. And
23 there's no threat in e-mails to Tim Martin at this point.
24 The videos are cartoons. The one with Wes Smith and the
25 one of Tim Martin where I'm using their own voices and

1 their own letters. And if that's offensive -- I mean, if
2 that's a threatening e-mail, I want to point out, you
3 consider this threatening? This is one of the things that
4 you're going to consider threatening on these videos?

5 THE COURT: Well, let's see if those videos surface.
6 If those videos become relevant, we'll take another look.
7 But I'm going to qualify and relieve Attorney Smith from
8 appearing unless further notice. We'll see how --

9 MR. HOLCOMB: Well, I plan on introducing the videos.

10 THE COURT: Well, I'll deal with that when it comes
11 up. He will be subject to -- the subpoena will be
12 outstanding, at least, and he'll have to comply later if
13 ordered by the Court.

14 How about Donna Bearden, preliminary hearing clerk.
15 She doesn't look like she was served.

16 MR. SHEALY: Judge, she was served. At least, we
17 served her.

18 THE COURT: Okay. Tell me about her.

19 MR. HOLCOMB: Well, Donna Bearden is the lady that
20 handles preliminary hearing, recordings with her. I was
21 denied a preliminary hearing. I requested a preliminary
22 hearing. I don't believe the breach of trust would have
23 gone any further if I had been granted that hearing. And
24 Franks V. Delaware guarantees me a hearing to check the
25 veracity of the warrant.

1 MR. GHENT: May I?

2 THE COURT: Well, I don't think you have to. That's
3 not something that's relevant to this case.

4 MR. HOLCOMB: It's not relevant, okay.

5 THE COURT: So I'm going to quash the indictment for
6 Donna Bearden.

7 All right. Leanda King.

8 MR. HOLCOMB: Pro ses are not allowed. I've got an
9 audio tape of her saying that. I have Janine Shamey
10 listed in order to go over the Grand Jury list and the
11 other list that I've been processed on it and how fast the
12 indictments are done and things such as that.

13 THE COURT: Tell me again about Leanda King.

14 MR. HOLCOMB: Well, Leanda King told me on the phone
15 that pro ses were not allowed.

16 THE COURT: Well, she was just wrong.

17 MR. HOLCOMB: Well, it's taken me four years to get
18 to this point.

19 THE COURT: Well, I'm going to quash -- she's just
20 wrong. She gave you wrong information and you testify --
21 you don't have to testify. I want to make sure that
22 throughout this, you don't have to present any defense.

23 MR. HOLCOMB: I understand.

24 THE COURT: You're presumed innocent. You can call
25 who you want or you can testify as you want. And while

1 I'm on the subject, you, of course, can make an opening
2 states in the morning. Opening statement is not testimony
3 now. You will have to make your opening statement based
4 on what you anticipate the trial to show and not testify.
5 I'll tell you that tomorrow, but while we're talking about
6 it, I'll tell you now.

7 So, I'm going to quash Ms. King.

8 MR. HOLCOMB: Fair enough.

9 THE COURT: Clerk of court, Janine Shamey.

10 MR. HOLCOMB: Same thing. I mean, it was pro se,
11 Grand Jury list.

12 THE COURT: I'm going to quash that.

13 Somebody, Rivera?

14 MR. HOLCOMB: That's a Greenville County Sheriff's
15 officer who started the report, the initial threatening
16 intimidating case file. That's the first investigating
17 officer. I'd like to speak with him.

18 THE COURT: What about that, Mr. Ghent?

19 MR. GHENT: Your Honor, I have tried to subpoena --
20 actually, there are two -- I know this is going to sound
21 strange, but there are two Ramon Riveras with the
22 Greenville County Sheriff's Office. They have different
23 middle initials. So I've gone in circles previously
24 trying to serve them until it became clear, apparently,
25 that neither one of them, as best I could determine, was

1 involved in this case. That does not mean I released them
2 or would release them from the Defendant's subpoena, but I
3 gave up on them because they just don't know anything
4 about it, according to them. And I understand -- I know
5 where he's going with this.

6 THE COURT: All right. Let me hear him then.

7 MR. HOLCOMB: Well, the star number is 863 and it's
8 Ramon Rivera, so -- it's right here at the bottom. If
9 they started my report and they started the investigation,
10 how are they not relevant?

11 THE COURT: Well, if he was involved in the
12 investigation, I'm not going to quash the subpoena.

13 MR. HOLCOMB: Thank you.

14 THE COURT: Now, Betty Strom.

15 MR. HOLCOMB: Unit 614, 863 star number. It's at the
16 bottom of the report.

17 THE COURT: Betty Strom.

18 MR. HOLCOMB: I've got an e-mail, internal e-mails
19 between Sylvia Harrison and Betty Strom that may be
20 relevant. Right here, this was provided by Mr. Ghent in
21 his voluminous opposition -- 28-page opposition of me
22 being pro se.

23 But this is from Sylvia Harrison to Betty Strom to
24 Connie Loewer. And it talks about her unethical behavior.
25 I wanted to bring that up as impeachment evidence.

1 MR. GHENT: Excuse me, may I?

2 MR. HOLCOMB: Sure.

3 MR. GHENT: I beg to differ.

4 THE COURT: I can look at it and read it.

5 MR. GHENT: From Sylvia Harrison to Betty Strom, this
6 is June 28th, 2013. Not answering e-mails. If this
7 gentleman wants to be his own lawyer, then he needs to
8 follow the rules of criminal procedure. As of today, he
9 was still represented by Don Smith and it would be
10 unethical for me to contact him.

11 MR. HOLCOMB: That's not --

12 MR. GHENT: Let me finish.

13 That's not saying anybody is doing anything wrong.
14 Don, I wanted you to be aware of these threats to your law
15 licence and, Jim, for you to know the extent of Mr.
16 Holcomb's case if you were to decide to represent him.

17 So, I mean, I don't know where he's coming up with
18 this, but the main thing is the date. June 28th, 2013,
19 Your Honor, we weren't even involved in the case then.

20 MR. HOLCOMB: It goes to Sylvia Harrison and she's
21 talking about threats. The first threat with Don Smith
22 the week before I threatened the governor. I'm
23 threatening Tom Martin with some cartoons. Then she goes
24 into ethical conduct to Don Smith. And here it is, she
25 talks about it's unethical for her to contact me, yet, she

1 sent me a plea offer. She didn't send it to Don Smith.
2 She sent it to me. I sent her a letter back and it's in
3 his voluminous documents.

4 MR. GHENT: Which I sent -- these are all things that
5 I sent as a matter of discovery to counsel, to Mr. Shealy.
6 I mean, I gave as complete a disclosure as I possibly
7 could.

8 THE COURT: I'm kind of lost. What is Ms. Strom
9 going to testify to?

10 MR. HOLCOMB: Well, I'd like for her to testify that
11 e-mail was sent. If Ms. Harrison chooses not to
12 acknowledge it and Don Smith's not here, which he was CC'd
13 on it, and Mr. Bannister is not here to verify that e-mail
14 was sent, how do I put it in?

15 THE COURT: Well, let's see what Ms. Harrison --
16 let's see what Ms. Harrison says. I'll put pending
17 Harrison's testimony. If she admits it, then you won't
18 need these.

19 MR. HOLCOMB: Correct.

20 THE COURT: All right. So we won't need Strom or --

21 MR. HOLCOMB: Mr. Bannister.

22 THE COURT: Bannister.

23 And for the record, Mr. Bannister had somewhere else
24 to be. He left his card and his telephone number in case.

25 MR. HOLCOMB: Of course, he did.

1 THE COURT: But he's available. He's pending.

2 Ms. Harrison. Connie Loveless, what about her?

3 MR. HOLCOMB: I'm sorry?

4 THE COURT: Greenville Solicitor's Office, Connie --
5 not Loveless.

6 MR. HOLCOMB: Loewer maybe?

7 THE COURT: Loewer maybe.

8 MR. HOLCOMB: She was CC'd on that as well.

9 THE COURT: All right. Well, I'm not going to
10 require her to come. I'll quash her.

11 MR. HOLCOMB: I agree.

12 THE COURT: Brian Prater, who is that?

13 MR. HOLCOMB: Brian Prater was involved in a poker
14 ticket that came up. That's the other reason I need one
15 of the clerk of courts to come up, is to verify that these
16 tickets had come up. That if you'll look at the public
17 index, poker machines during the poker fight -- I've got a
18 copy of the public index here that was put in my exhibits
19 from the --

20 THE COURT: What is the poker -- I know we talked
21 about this before.

22 MR. HOLCOMB: I understand. But no, it's mentioned
23 in some of the letters. It's my theory that I've been set
24 up over the poker machine fight. And Brian Prater is
25 here -- I'm going to show more bad acts by the State.

1 Here's my situation, it appears that the State can
2 commit all kinds of violations, the State actors can
3 commit violations and there's no punishment for it, none
4 whatsoever. The State only has eyes for me, all right.

5 So here's Brian Prater. And what I'd say in this
6 warrant here is that it involves alleged bogus poker
7 tickets made out in the amount of \$205. And that's from
8 1997. Brian Prater was the officer on them. I've got a
9 newspaper article that shows that we were documenting the
10 gaming companies were in violation of RICO, but at the
11 time, according to video game machine act from 1993, it
12 was illegal to pay out \$125. So a little cricket paid out
13 \$80, regardless that it was in violation of the law, which
14 would be a criminal conspiracy charge, racketeering, but
15 they don't look into that.

16 But here's the thing, on this judicial index, 30 days
17 before -- well, that would be two months before Tim Martin
18 allegedly began this breach of trust investigation, 17
19 years later, that same charge, which had been dismissed
20 for lack of evidence, shows up on the public index as a
21 tracking sheet. So they reopen a case 17 years later --
22 let's see, 15 years later. 11/30/2012, a tracking sheet
23 was started. So -- and another one was done in 2005.

24 But I wrote the clerk of court for that file there
25 and it's blanked out. It says this case was ended due to

1 no evidence found. And then I asked for a copy of the
2 warrant and it's whited out. There's nothing on there.

3 THE COURT: Well, going back to your case being tried
4 for threatening and obstruction of justice, what does this
5 have to do with that?

6 MR. HOLCOMB: It is possible if they're willing -- if
7 agents of the state, all right -- and we're talking about
8 billionaires here. We're talking about 60 billion dollars
9 in losses in poker funds. If they're willing to doctor
10 evidence and go back and reopen cases from 2005 30 days
11 later, and Mr. Ghent can sue me two months after I'm
12 arrested on the breach of trust case --

13 MR. GHENT: I didn't --

14 MR. HOLCOMB: Well, filed paperwork with the State.

15 MR. GHENT: When's he talking about? Is he going all
16 the way --

17 MR. HOLCOMB: No, I'm going back to --

18 THE COURT: We're not talking about the poker case.

19 MR. HOLCOMB: But here's the thing, if they can do
20 this, is it possible that they could falsify one of these
21 e-mails that I may or may not have seen? I'm not sure
22 which e-mail they're going to be putting up because the
23 indictment is just so broad.

24 THE COURT: Well, depending on what the evidence
25 shows, I may revisit Mr. Prater, but as of this stage, I'm

1 going to quash the subpoena.

2 Now, we get into the next one, number 15 -- no,
3 number 16, Chief Justice Toal. The current Chief Justice
4 has issued an order that, basically, says that you would
5 have to show --

6 MR. HOLCOMB: Well, the reason I put them on there is
7 because Mr. Ghent has mentioned three or four times that I
8 had the audacity to write people and say hey, listen, I'm
9 being punished falsely by agents of the state. Tim Martin
10 is manufacturing evidence. He's involved in criminal
11 conspiracy. It goes back to these poker machines. The
12 evidence is there. And I CC'd those people, Max Cogburn,
13 William Nettles, Alan Wilson, Barbara Hinson, Lesley
14 Coggiola with the office of disciplinary counsel, Barbara
15 Seymour and Karen Cordell. And he's mentioned that I had
16 the audacity to do it, so I put them on the list.

17 THE COURT: Well, let's go back through those. What
18 you just told me is not relevant. Particularly, since it
19 was a letter you generated.

20 MR. HOLCOMB: Allegedly.

21 THE COURT: Well --

22 MR. HOLCOMB: Well, I did generate that letter.

23 THE COURT: So Chief Justice Toal was the first one
24 you mentioned, then she would be -- I would quash her
25 indictment. Cogburn, who I don't know, will be quashed,

1 Nettles, quashed, Alan Wilson, quashed --

2 MR. HOLCOMB: Well, before you quash the lawyer from
3 the office of disciplinary counsel, I'd like to know if
4 they did open files on Sylvia Harrison.

5 THE COURT: Well, I think that's --

6 MR. HOLCOMB: Because they never contacted me back on
7 anything about it.

8 THE COURT: Well, that is -- without me -- and my
9 clerk and I will double check. I don't believe that's
10 public information. I believe an open file, they can't
11 divulge absent some order from a judge higher than me.

12 MR. HOLCOMB: I got a letter from them saying that,
13 so I thought a subpoena might compel them to tell me that.

14 THE COURT: Well, I haven't gotten quite to her yet.
15 But Alan Wilson with the Attorney General's Office is
16 quashed. Barbara Hinson, I don't know, but if that's the
17 same -- she's in the same boat as Lesley Coggiola --

18 MR. GHENT: I think she's with -- Ms. Hinson is with
19 the court. I think she was under the Chief Justice's
20 order.

21 THE COURT: Barbara Seymour will be same. Karin
22 Cordell will be the same, that will be quashed.

23 Let me just be clear. You can't write somebody a
24 letter -- well, you can write it, I don't mean you can't.
25 But then you can't use that against them, so to speak, or

1 against the State, the fact that you wrote somebody a
2 letter. You might have written me a letter.

3 MR. HOLCOMB: Correct. What I'm trying to do is -- I
4 filed a complaint and I'm wondering why the complaint is
5 not handled. Once again, I filed complaints with the FBI.
6 I filed complaints with SLED. I filed complaints with Wes
7 Smith with internal affairs.

8 THE COURT: You've gone way over my head. I mean,
9 those people I've got no control over what they do. They
10 have their rules, their own regulations, their own
11 oversight. And if the FBI is not doing right, we've got a
12 President to go straighten out the FBI supposedly. I
13 don't mean that factitiously, but I can't deal with what
14 agencies did or did not do.

15 MR. HOLCOMB: Sir, I certainly appreciate your
16 patience.

17 THE COURT: All right. We've got Seymour, Cordell.
18 How about ACLU Greenville?

19 MR. HOLCOMB: Well, that was that 99 percent
20 indictment rate, where it's the rubber stamp process for
21 grand juries.

22 THE COURT: Well, I'm going to quash that, too.
23 Garrett from SLED?

24 MR. HOLCOMB: All right. Mr. Garrett, I have a
25 recorded audio, which I haven't gotten from discovery,

1 where I recorded where I talked about these things and he
2 told me to bring it up at my preliminary hearing, which I
3 was denied.

4 MR. GHENT: I'm sorry, did he say I told him that?

5 MR. HOLCOMB: No.

6 THE COURT: I thought Mr. Garrett --

7 MR. GHENT: Oh, I'm sorry.

8 MR. HOLCOMB: I talked with Mr. Garrett, Paul Garrett
9 with SLED, and he sent me to Captain Hendricks with SLED
10 to help me talk to the chief deputy about Tim Martin and
11 his investigating process or whatever you want to call
12 what he did, and manufacturing of evidence. We had
13 conversations on that. I'd like to know why SLED -- I'd
14 like to see the report if they did file one and why they
15 did not. I think I have a right to know these things.

16 THE COURT: You have a right to know, but not in the
17 context of this case. The issue here is whether or not
18 you, in fact, did what the statement said you did as far
19 as --

20 MR. HOLCOMB: The criminal act.

21 THE COURT: Criminal act, yes.

22 MR. HOLCOMB: So just a quick question. So unclean
23 hands doesn't matter? So the State can break the law --
24 an actor of the State can break the law and I'm the only
25 one that gets charged. So say, for instance, Tim Martin

1 is breaking the law, and in the process of that -- let's
2 say he commits perjury a dozen times and then I get -- I'm
3 the only one that gets charged, all those charges -- all
4 those crimes are ignored because the solicitor chooses not
5 to do those things?

6 THE COURT: If someone commits an offense, a party
7 who believes -- just like in your former breach of trust
8 case, the person who is aggrieved goes and gets a warrant
9 --

10 MR. HOLCOMB: Well, they had their daughter, who's
11 never met me.

12 THE COURT: Well, anyway, somebody gets a warrant and
13 a magistrate returns whether or not there's probable cause
14 in the warrant and it's then issued. There are ways --
15 there are a number of ways of redress available to you,
16 and I'm not your attorney --

17 MR. HOLCOMB: Right, for pretrial hearings, I got
18 you.

19 THE COURT: It may come back to visit me in the
20 future, which is fine, if it does. But there are
21 grievance avenues. Then I would think within internal
22 affairs -- I know you probably wouldn't trust them anyway,
23 but within internal affairs of the SCDC, Greenville
24 Sheriff, Bar Association, again, the FBI. There are
25 checks to all those. But sort of the adage that two

1 wrongs don't make a right, if they're wrong and you're
2 wrong, then that does not exculpate you.

3 MR. HOLCOMB: I understand. I understand.

4 THE COURT: I mean, whatever recourse you have
5 against any of these parties, you, certainly -- unless
6 there's some statute of limitations that I'm not aware of
7 that would apply within their parameters of their
8 structure, you can pursue those. But that's not for this
9 case.

10 MR. HOLCOMB: Okay. All right.

11 THE COURT: The next one I've got is another judge,
12 Judge Hill.

13 You represent Judge Hill?

14 MR. WEINBERGER: That's correct, Your Honor. Evan
15 Weinberger from South Carolina Attorney General's Office.

16 Your Honor, as the State already has correctly
17 pointed out, the standard for reviewing and quashing a
18 criminal defendant's subpoena is that the material is
19 favorable -- was material and favorable to the Defendant's
20 case. I would say like to also add to the Court's
21 attention the case you've already pointed out, In Re:
22 Whetstone, which says that a judge should not be made to
23 testify unless his testimony is both critical and can be
24 obtained by no other means.

25 Judge Hill has no independent recollection of

1 presiding over a case involving Mr. Holcomb according to
2 my conversation with him. The subpoena that was issued
3 does not indicate what, if anything, Judge Hill is being
4 subpoenaed to testify about. So we ask that you quash the
5 subpoena for lack of mitigation of what Judge Hill is
6 supposed to testify about. And because whatever he was
7 going to testify about, it's likely that the information
8 could be received from another source.

9 THE COURT: All right.

10 Mr. Holcomb, what about Judge Hill?

11 MR. HOLCOMB: Well, Judge Hill -- well, first, Judge
12 Verdin --

13 THE COURT: Yeah, I skipped her because it's my
14 understanding she hasn't been served.

15 MR. HOLCOMB: Correct. Okay.

16 MR. SHEALY: Again, she was served --

17 THE COURT: Oh, she was served?

18 MR. SHEALY: She was, yes, sir. And some of those
19 notes, I think that you have my copy of Mr. Holcomb's
20 witness list. Some of those notes are not correct.

21 THE COURT: All right, well, let's finish with Hill
22 first and then we'll go back to Verdin. That's why I
23 skipped over Verdin.

24 MR. HOLCOMB: Well, I don't -- I guess I can find the
25 order here. What I want to show on Judge Verdin and Judge

1 Hill is that -- for instance, on Judge Verdin -- and what
2 I'm trying to do is lay context to the jury, without
3 giving out my defense completely on this thing, give my
4 strategy on this, is that what may have happened was an
5 exclamation, you guys are not treating me fairly. It
6 wasn't a threat, but it was you're not treating me fairly.
7 No one in this process has treated me fairly.

8 Here in Judge Verdin's case is an order to get a
9 lawyer. And what I'd like to point out on this is this,
10 and this is where Mr. Ghent referenced Don Smith being
11 terminated and he put it in the file. And that's great
12 and it's stamped. But this was a -- I stood before Judge
13 Verdin. And in Miranda V. Arizona, it talks about you
14 give a voluntary statement to try to explain your position
15 that you don't need to hire a lawyer. If you're innocent
16 in a case, you explain your situation and you move on.

17 Well, I didn't hire Don Smith. I asked him to help
18 me get a preliminary hearing and he files paperwork.
19 Someone fired him on it, I've got recordings of the
20 conversation on it.

21 But I went to -- Sylvia Harrison called me before the
22 judge, Judge Verdin, and said she wanted me to get a
23 lawyer. So they hit me with this paper. It's an order to
24 get a lawyer. So I'm standing before the judge, this is
25 right after my accident, I'm standing on a cane. I look

1 at the judge and I say, Judge, it says here at the bottom,
2 there's a blank spot, these lines. And whenever I was
3 standing there, she said, Furthermore, the State may
4 proceed to trial on the Defendant's charges after 60 days
5 from the date of this order. And it's crossed out the 90
6 days. And I said, Judge, I don't have -- I'd rather go
7 pro se if I have a preliminary hearing. I don't think I
8 need a lawyer. I'll just present evidence that work was
9 done, so on and so on. But if not, I need 90 days to
10 raise the kind of money I need to pay for a good lawyer.
11 But then she put appoint PD's Office right there above it.

12 And then what she did was she said -- and if you'll
13 look at the dates on this, 20 minutes later, there's a
14 file that says order substituting counsel where she says,
15 Defendant consented on the record, Letitia Verdin, and she
16 signed my name or, basically, put my name on there. So
17 here's judges misbehaving.

18 Same thing with Judge Hill. What he did was he
19 ordered me to get a lawyer. He substituted counsel. It's
20 stamped before I signed the order four days before I
21 signed it. So they tell me that I'm going to have Mr.
22 Shealy here of the Spartanburg Public Defender's Office.

23 Every time I try to fire a lawyer, it takes six
24 months for me to get a hearing. It takes the clerk of
25 court two weeks to stamp my stuff. So pro ses are not

1 treated the same as attorneys. We don't have the same
2 rights and same status. And judges, once again, can
3 misbehave, but only I'm the one on trial, only I'm the one
4 that commits crimes.

5 So any explanation of putting to a jury, saying hey,
6 listen, this was not a threat. This was an exclamation,
7 possibly, of someone being upset, but it wasn't a threat.
8 And taking in total context, judges misbehaving,
9 solicitors misbehaving and so on, police officers
10 misbehaving, that's the reason.

11 THE COURT: Well, I'm going to quash both Judge
12 Verdin and Judge Hill. I've already gone over -- I'm not
13 suggesting you do anything regarding anybody. There are
14 other avenues and you have the right to appeal. You can
15 appeal my ruling. I won't be offended whatsoever because
16 that's the way the system works.

17 MR. HOLCOMB: It does.

18 THE COURT: Keeping in mind -- I'll probably tell you
19 this later since you're pro se, but whatever -- the final
20 appeal, you have to do it within 10 days after I --

21 MR. HOLCOMB: Sentence me?

22 THE COURT: Well, I'm not assuming you'll be found
23 guilty. You may be walking out of here at the end of the
24 week, then you wouldn't want to appeal, I wouldn't think.

25 MR. HOLCOMB: Correct.

1 THE COURT: But I'm quashing Judge Verdin and Judge
2 Hill. I'm not quashing them, I'm quashing --

3 MR. HOLCOMB: And we can go ahead and quash Lelia
4 Foster. If that's the case, now that I've understood
5 this, we can just go ahead and eliminate that.

6 The reason I had the GCDC folks on here was I was --
7 and I can go ahead and be real quick on this. John
8 Crangle, I was going to ask him about some of his
9 behavior, but that doesn't matter, apparently.

10 MR. CRANGLE: Your Honor, may I be excused? I'm John
11 Crangle. If he says he doesn't need me, may I be excused
12 under the subpoena?

13 THE COURT: Let him finish first.

14 MR. CRANGLE: I thought he was.

15 THE COURT: Mr. Crangle can go.

16 Good to see you again.

17 MR. CRANGLE: Thank you, Judge, you, too.

18 THE COURT: I don't know if you remember, we did a
19 mock trial competition several years ago.

20 MR. CRANGLE: Yes, sir, back in 2013.

21 Good to see you, Judge.

22 THE COURT: Mark Moyer.

23 MR. HOLCOMB: Assistant Solicitor, he's got an e-mail
24 I'd like for him to confirm.

25 THE COURT: What does the e-mail say?

1 MR. HOLCOMB: I'll have to dig that up. Denying my
2 right to a speedy trial -- or Verdin denied my speedy
3 trial and something else.

4 THE COURT: Again, there are remedies for those
5 things.

6 MR. HOLCOMB: I understand.

7 All right. Mr. Stowers, I was going to ask for a
8 protective order for the State to quit seizing my
9 documents, quit seizing my discovery, leave me alone on my
10 law books. Major Stowers has got the video where SLED has
11 taken them. He's got the video where I arrived on May
12 24th and they took my documents once again.

13 MR. GHENT: Does he want the documents that were
14 protected under the tank team return? Is he asking for
15 them?

16 MR. HOLCOMB: Please.

17 THE COURT: You you conceding those documents?

18 MR. GHENT: Absolutely. Hold on.

19 THE COURT: Well, not this second.

20 MR. HOLCOMB: But I need some way of having them at
21 GCDC. They have a policy where they don't allow them in.

22 THE COURT: When we finish up today, you make sure
23 that they are delivered. I'll do a written order to GCDC
24 allowing him to have those, unless there's some fire code
25 or some other safety reason that he's not to have them.

1 And if that's the case, then arrangements will need to be
2 made so he can review them in some safe place. I don't
3 think I need a written order, but if I need one, I'll sign
4 one saying he's to have whatever those documents. You
5 referred to them in a certain category and I'm not sure I
6 understood that.

7 MR. HOLCOMB: That's what I'm trying to get with
8 GCDC. I want a fair trial. I hope the State wants to
9 give me a fair trial. I hope Mr. Ghent wants to give me a
10 fair trial. You want to give me a fair trial. I'm asking
11 GCDC to allow me to have a room in the pods. My custody
12 level is low enough. I have no incident reports, no
13 incident reports from SCDC. I'm a model prisoner,
14 obviously. So I'd like to have a spot in the pods, which
15 is a two-man room, so I can prepare for this case and have
16 access to these boxes.

17 THE COURT: Any objection -- well, you don't
18 represent GCDC.

19 MR. HOLCOMB: That's why subpoenaed Mr. Stowers, was
20 to go over those things. I'd also like to see the videos
21 where those documents were seized because it shows -- to
22 me, it seems like the whole state has colluded, is
23 conspiring against me. Whenever I try to put together a
24 defense, my documents are seized. Do you have any idea
25 how hard it is to get copies in jail or prison? How hard

1 it is to get --

2 THE COURT: Fortunately, I do not.

3 MR. HOLCOMB: Well, it's very, very difficult.

4 THE COURT: Oh, I'm sure.

5 MR. HOLCOMB: And the books are very expensive. This
6 book is \$200. So it has to be printed from the internet
7 and sent in by somebody and that takes time. So all these
8 things are prepared. I've drained 30 ink pens to get to
9 this point.

10 THE COURT: Can you see, Mr. Ghent, I know you don't
11 represent them, but is it possible to accommodate Mr.
12 Holcomb so that he can see what he needs to see and have
13 as much privacy as can be allowed.

14 MR. GHENT: Your Honor, at this point, two problems.
15 Number one, I have spoken out of school because I
16 completely forgot that SLED's counsel is here. He needs
17 to address that. Also, the Greenville County Detention
18 Center, I can assure you at this point I do not and cannot
19 tell them what to do.

20 THE COURT: I know. I'm asking you to give a gentle
21 nudge to the extent that you can that Judge Hayes --
22 unless they -- have somebody -- who's here on behalf of
23 Greenville County? Any lawyer?

24 UNIDENTIFIED MAN: I'm assistant solicitor here, Your
25 Honor.

1 THE COURT: You represent the Greenville County
2 Detention Center?

3 UNIDENTIFIED MALE: No, Your Honor.

4 MR. SHEALY: Judge, I can tell you that we served and
5 I've got proof of service members of the Greenville County
6 Detention Center, including the director.

7 THE COURT: All right. Let's do this. I'm issuing
8 an oral order and I'd like to the extent -- I know you
9 don't represent them, Mr. Ghent -- to accommodate the
10 Court and convey to -- this gentleman standing behind you
11 may know something.

12 MR. GHENT: This is counsel for SLED, Mr. Whitset.

13 Your Honor, at this point, I would simply like to
14 clarify that I am the prosecutor on a case going to trial
15 tomorrow. Greenville County Detention Center on Friday,
16 merely to get this man his motion that I had filed, I sat
17 in the lobby for 30 minutes. They do not answer to me.

18 Now, there are people who have been helpful at times,
19 but I do not have that control. And Your Honor, at this
20 point, after what I went through Thursday and Friday, I'm
21 65 years old, there's only so much I can do.

22 THE COURT: Okay. Well, I'll take it upon myself.

23 MR. GHENT: No, sir, I'm not asking that. I'm just
24 saying can we hand that off to the Greenville County
25 Detention Center?

1 THE COURT: That's what I'm trying to do, but can't
2 find anybody that wants to handle it?

3 MR. HOLCOMB: Well, I would do it, but they won't
4 listen to me?

5 THE COURT: How about Mr. Shealy --

6 MR. HOLCOMB: Ms. Miller's here. She could possibly
7 do that for us. She could convey that the Judge ordered
8 that.

9 MS. MILLER: I'll do what I can do.

10 THE COURT: Okay. Would you do whatever you can to
11 assist Mr. Holcomb? Number one, I know you don't have the
12 documents, so I know you can't get the documents.

13 MS. MILLER: I can try to find them.

14 THE COURT: We'll try to find where his documents
15 are, see that he gets them.

16 MR. HOLCOMB: A little better housing.

17 THE COURT: I can't get you better housing.

18 But I can ask that he be placed in a situation such
19 that its beneficial -- not a two-man cell with somebody
20 looking over his shoulder or hey, what you doing buddy and
21 all that. I think he deserves at this stage some privacy,
22 if it can be done.

23 MS. MILLER: I can try.

24 MR. HOLCOMB: Thank you. That's all I'm asking.

25 Sergeant Bernard was involved in a seizure, so he's

1 dismissed. He's here with Spartanburg County. I don't
2 need him now.

3 THE COURT: Steinberg?

4 MR. HOLCOMB: Steinburg is important. He's assistant
5 solicitor. Is he here?

6 MR. GHENT: He was here earlier, Your Honor. I think
7 he spoke to you..

8 MR. HOLCOMB: Ramon Rivera report, once again. Case
9 number 129588. This case was presented to Assistant
10 Solicitor Howard Steinberg, who advised that no charges
11 would be filed. The correct disposition of this case is
12 exceptionally clear, no prosecution. And that's what
13 we're on trial for here. This charge was dismissed two
14 years ago.

15 THE COURT: The charge against you?

16 MR. HOLCOMB: What we're on trial for, correct.
17 According to this report, it was.

18 THE COURT: Mr. Steinberg?

19 MR. STEINBERG: No, sir, the charge was never
20 dismissed against him. I gave advice on that day. What
21 information we had happened after that date or on that
22 date, it was my decision, which can always be overlooked
23 and always overwritten by officers. This happened before.
24 I submit my advice, which is based on legal and sometimes
25 economic decisions about why I think a case should go

1 forward.

2 THE COURT: You were acting in your capacity as a
3 prosecutor?

4 MR. STEINBERG: I was, yes, sir.

5 MR. GHENT: But he was no longer the prosecutor, Your
6 Honor. That's the problem. If you look at the date --

7 MR. STEINBERG: I was never the prosecutor on this
8 case. I was simply --

9 MR. GHENT: He was no longer with the office that was
10 prosecuting him. We had been brought in in 2014 to take
11 over the case. This is 2015. This is a mistake. But
12 it's also totally without jurisdiction. Greenville County
13 had disqualified itself. The Greenville Solicitor's
14 Office had disqualified itself. I don't know. But I gave
15 him -- I gave his lawyer this document along with all the
16 other documents, included these documents in the notebook
17 I filed with the Court May 15th and made special note that
18 they were confusing.

19 MR. HOLCOMB: Okay. May I just address that right
20 now? He just said that the Greenville County Solicitor's
21 Office -- the Greenville County Sheriff's Office had
22 disqualified itself at that date, no longer had
23 jurisdiction. He just said that. And yet, he went to the
24 Grand Jury on those two indictments we just discussed and
25 had the Greenville County Sheriff's Office testify as

1 witnesses.

2 Once again, judicial estoppel. How can he say one
3 thing and then go to the Grand Jury and do another thing?
4 Whenever SLED took over the case, SLED should have been
5 testifying in this amended indictment. He lies to the
6 Court.

7 MR. GHENT: Your Honor, this is what goes on
8 constantly. I don't have to take that as a lawyer. And
9 somebody who's been in good standing for 37 years, simply
10 because this man is pro se, I would ask the Court to
11 please instruct him to quit using that word.

12 MR. HOLCOMB: I've only used the word --

13 MR. GHENT: No, no, he used it over and over and over
14 again up in York. Your Honor has the robe, and I
15 understand that. But I am an attorney in good standing,
16 AV rating, have been with a major firm, I don't have to
17 have that kind of thing hurled at me. And I would ask the
18 Court to please instruct him to stop it.

19 THE COURT: It's not a personal thing.

20 MR. HOLCOMB: And I don't mean it personal. I think
21 he means it personal, but it's neither here nor there.
22 Once again, the fact is --

23 MR. GHENT: A lie?

24 MR. HOLCOMB: Misstatement, all right, false
25 statement.

1 THE COURT: Well, just --

2 MR. HOLCOMB: When it's not true, then it must be
3 false.

4 THE COURT: Tell me what that e-mail --

5 MR. HOLCOMB: Once again, the Grand Jury indictments
6 --

7 THE COURT: No, the e-mail, that's what you've got
8 Steinberg here --

9 MR. HOLCOMB: Well, no, no, this is a Greenville
10 County Sheriff's Department report. He just stated to you
11 --

12 THE COURT: No, let's go back. We haven't gotten
13 through with Mr. Steinberg yet.

14 MR. HOLCOMB: Right.

15 THE COURT: What do you need him for?

16 MR. HOLCOMB: Well, he was going to testify that the
17 case was dismissed. I mean, I didn't know he didn't have
18 jurisdiction.

19 THE COURT: He's here now and saying that's not what
20 happened. So, now, we sort of had an interview of him.
21 I'm going to quash the subpoena.

22 MR. HOLCOMB: Thank you, Your Honor.

23 THE COURT: Matthew Shealy, he's here.

24 MR. HOLCOMB: He's here.

25 THE COURT: Barry Barnette, Spartanburg Solicitor.

1 MR. HOLCOMB: Talked about his 20-year offer on these
2 charges.

3 MR. GHENT: Excuse me, that's not accurate.

4 THE COURT: Start over. Start over.

5 MR. HOLCOMB: I was going to present to the jury that
6 they -- you know, basically, it's a blackmailing system
7 where they offer you 20 years suspended to five years
8 probation. That was the only offer that I've officially
9 heard.

10 MR. GHENT: Your Honor, the rules make it clear that
11 plea negotiations are not admissible in front of the jury.

12 THE COURT: Mr. Ghent's right, so I'm going to quash
13 --

14 MR. HOLCOMB: Quash Mr. Barnette. I need David
15 Hanks. Greenville County Sheriff's Office, David Hanks,
16 investigator.

17 THE COURT: All right. Anybody here on his behalf?
18 Is he here?

19 What's Mr. Hanks know about this.

20 MR. GHENT: May it please the Court, he went with me
21 and took pictures when I, as a prosecutor, came into the
22 investigation. He took photographs. Just like whenever
23 it came to the Grand Jury, there was no one else to use.
24 Neither of those individuals had been in the original
25 investigation. It was, basically, a situation where their

1 involvement was ministerial at most.

2 THE COURT: Well, I'm not going to quash Mr. Hanks.

3 MR. HOLCOMB: Once again, he --

4 THE COURT: Well, I just said -- you won.

5 MR. HOLCOMB: I understand.

6 MR. SHEALY: Judge, he's not been served. We asked
7 the Greenville County Sheriff's Office, attempted to serve
8 him. They told us they did not have him in their system.
9 I did not go with my investigator, but that's what he was
10 told.

11 THE COURT: Well, if he is served, I won't worry
12 about quashing the subpoena. But he hasn't been served,
13 so it's moot.

14 Kindley, I believe he's --

15 MR. HOLCOMB: He's here.

16 THE COURT: Yeah, he's here. He's listed by the
17 State.

18 MR. HOLCOMB: Dr. Martin -- Laura Miller is here with
19 the mental health. She just assisted me in that. I was
20 going to ask the Court to help me with receiving
21 medications as needed. I've been trying to get to see the
22 doctor. Mr. Ghent has made some deals about me not
23 complying with mental health medications as needed. I
24 can't get these medications.

25 MR. GHENT: Excuse me, could he restate that?

1 THE COURT: He just said you've made deals so he
2 wouldn't get medication.

3 MR. GHENT: No, sir. Absolutely not.

4 MR. HOLCOMB: He's made a big deal about me not
5 taking medications.

6 THE COURT: Okay, I misunderstood, too. Are you
7 getting your medication now?

8 MR. HOLCOMB: No, sir, I'm not. I'm not getting any
9 sleep aid at this point. I need some kind of sleep
10 assistance. And SCDC has not provided them, nor has
11 Greenville County.

12 THE COURT: Well, Dr. Martin, if he's involved with
13 that, he's certainly not a witness in this case.

14 MR. HOLCOMB: Well, I was going to have him testify
15 for the motions is what these guys were for. I have
16 motions asking for these things. I was calling them to
17 testify at the motion hearing, pretrial motions.

18 THE COURT: Well, we'll wait and see what comes up,
19 but I can't do anything about your medication other than I
20 think it behooves --

21 MR. HOLCOMB: Grazioso and Smith with transport.
22 They were the two officers that helped relieve me of some
23 legal boxes, two legal boxes and only allowed me to bring
24 one. I see Grazioso back here, apparently, he's relieved.

25 THE COURT: Yeah, they are -- that's another avenue.

1 I quash those subpoenas.

2 MR. HOLCOMB: Warden Cohen, Lieutenant from there,
3 Officer Davis.

4 THE COURT: They all fall in that same category?

5 MR. HOLCOMB: Yes, sir. Sergeant Baily, yes, sir,
6 all the way to 48. Israel Hollister, same thing.

7 THE COURT: Okay. Well, I'll quash all these we've
8 discussed.

9 And now, number 50, Mr. Ghent.

10 MR. HOLCOMB: I'd like to call Mr. Ghent as a witness
11 because of the 88 misstatements that were made during
12 trial that I've given you a list. They were not
13 baseball-size hail. I subpoena the newspaper to come in
14 here to testify that we never had baseball hail
15 specifically on those dates. The list is pretty long.
16 I'd like for Mr. Ghent, if he'd like to take the stand and
17 see if he would like to correct the record. I've got case
18 law to back that up.

19 THE COURT: Well, to the extent there's any problems
20 with the record, this would not be the context in which --
21 like those other things I talked about. There are methods
22 for correcting the record on appeal. Now, I don't know if
23 it's general correction. Is that case on appeal?

24 MR. GHENT: Yes, sir, it is.

25 THE COURT: There's a mechanism by way of which you

1 can have the record corrected, but that's not for this
2 case.

3 MR. HOLCOMB: Okay.

4 THE COURT: So I'm going to quash his subpoena.

5 MR. HOLCOMB: Thank you so much. So do I go to my
6 motions at this point --

7 THE COURT: I'm not favoring the State, but that's
8 just the way we do it. They've got the burden of proof.

9 MR. HOLCOMB: Of course.

10 MR. SHEALY: There are other motions --

11 THE COURT: He's got other motions?

12 MR. SHEALY: He had other subpoenas issued and
13 served. I believe there were people here for them. I
14 don't know if you want to go into those.

15 THE COURT: Who's subpoenaed that I didn't go over?

16 MR. HOLCOMB: I tried to get Google to send a
17 confirmation on some things.

18 MR. SHEALY: We weren't able to get Google.

19 MR. GHENT: Don't feel bad, they don't answer
20 anybody.

21 MR. SHEALY: There is, Judge, The State newspaper. I
22 don't know if they appeared, but we subpoenaed The State
23 newspaper, WSPA News Channel 7, WHNS TV, that's Fox
24 Carolina, WYFF News Channel 4, Greenville News, The
25 Anderson Independent Mail, The Anderson Independent Mail

1 is here. There's also a records custodian for the
2 Secretary of State for corporate records, I believe.
3 There's also somebody from the labor licensing. They were
4 served as well.

5 MR. GHENT: They provided me with a letter asking me
6 to move to quash on their behalf.

7 MR. SHEALY: And, actually, McCann of Spartanburg
8 County. I believe that covers all of those.

9 THE COURT: What are the news media, what are they --

10 MR. HOLCOMB: I was going to introduce the articles
11 where Mr. Ghent and I are in there regarding the poker
12 wars. I would like to -- I was going to present that to
13 the jury.

14 THE COURT: Well, this case --

15 MR. HOLCOMB: Is it possible that someone
16 manufactured evidence over the loss of 60 billion dollars
17 in the past 20 years or nine billion dollars, in the case
18 of his client, Mr. Collins --

19 MR. GHENT: Where is he getting these numbers from?
20 And is he accusing me?

21 MR. HOLCOMB: I'm not accusing you --

22 THE COURT: I don't think he's accusing you of
23 anything.

24 Mr. Ghent and the poker machines are not on trial?

25 MR. HOLCOMB: But is it not a defense? Is it not

1 possible this happened?

2 MR. GHENT: Possibility is not enough, Your Honor.
3 You have to have relevance, more probable than not.

4 MR. HOLCOMB: How about this, how about this, the
5 public index from my breach of trust arrest May 16, 2013,
6 and here's where Collins Entertainment sued me, Mr. Ghent
7 -- and it's updated 7/19/2013, two months later.

8 MR. GHENT: I saw this. I don't have a clue. I
9 didn't do it. Fred Collins has been dead for years. I
10 didn't update that.

11 THE COURT: Well, regardless, we're not going to try
12 the poker machines. If there's anything dealing with any
13 conduct by anybody dealing with other cases, they have to
14 be taken up in another forum.

15 MR. HOLCOMB: May I have those copies back?

16 THE COURT: Yes, sir.

17 MR. HOLCOMB: Well, personally, I believe that
18 Mr. Ghent should recuse himself considering the numbers.
19 And the reason -- where I get these numbers, Wall Street
20 Journal, The State newspaper, three billion dollars in
21 income. Collins Entertainment did 15 percent of the
22 market. That translates to 450 million dollars a year in
23 gross income. Multiply that out times 20 years, that's
24 nine billion dollars. That's a substantial loss.

25 I think that Mr. Ghent -- and I can cite the rule

1 from the rules of professional conduct here. The
2 solicitor -- the prosecutor has a special responsibility
3 to do justice and is held to the highest standards of
4 professional ethics. We will not tolerate deliberate
5 prosecutorial misconduct which threatens fundamental
6 liberty and justice. And that's State v. Quattlebaum, 527
7 S.C.2d 105. A solicitor is an officer of the court who
8 represents all the people, including the accused and he
9 occupies a quasi judicial position. And that's State vs.
10 Rayfield.

11 I move for Mr. Ghent to disqualify himself and allow
12 someone else to handle this prosecution, someone that's
13 not quite as passionate as Mr. Ghent is.

14 MR. GHENT: I am passionate, yes, I am, about any
15 case.

16 MR. HOLCOMB: That would treat me with equal dignity,
17 with equal care.

18 THE COURT: Well --

19 MR. HOLCOMB: And represent me as well.

20 THE COURT: I've always looked at recusal is not for
21 me to determine. That is for the attorney involved. So
22 it's up to Mr. Ghent if he believes there's reason -- you
23 can't force recusal -- one party can't force recusal on
24 another.

25 MR. HOLCOMB: I'm asking the Judge to help us on

1 this.

2 THE COURT: Well, I can't. That's not my business.
3 Again, I've told you -- I've gone over sort of a litany of
4 the various agencies and all to take care of those sort of
5 things. And that's for another forum, another day, if
6 anything at all.

7 MR. GHENT: Your Honor, if I may --

8 THE COURT: Well, let me finish, then you may.

9 I'm not doing anything to encourage or discourage,
10 but I'm going to quash the motion -- the subpoenas
11 relative to -- again, I don't think this case is the poker
12 machine case. And I respect your thoughts on it,
13 Mr. Holcomb, I genuinely do.

14 All right, Mr. Ghent, you want to say something?

15 MR. GHENT: Your Honor, actually, I'm sorry, but I
16 have to take issue as a former prosecutor in both State
17 and Federal courts in drug cases. Back in the 80's, there
18 were a number of cases where motions to recuse were, in
19 fact -- as a matter of fact, I think it's the Whetstone
20 case that is part of cases that presents a conflict of
21 interest where judges have recused attorneys.

22 I want to make it clear that, again, while Your Honor
23 does have a duty to fairness for him, Your Honor also has
24 a duty of fairness to me and to the State. And he is
25 throwing garbage can after garbage can of innuendo, hence

1 are outright accusations against me.

2 Your Honor does have the authority if Your Honor
3 believes that I somehow was a part of getting billions of
4 dollars -- if Fred Collins made billions of dollars, I
5 totally got ripped off representing him years ago when I
6 was working for Leatherwood, Walker, Todd and Mann in
7 private practice. Fred Collins has been dead for years.
8 Video poker, unlike what this gentleman suggest, it had
9 nothing to do -- it going out of business had nothing to
10 do with him. It had to do with Joy Time Amusement and the
11 South Carolina Supreme Court. That ended it, game, set
12 and match.

13 So he is irrelevant to what happened with video
14 poker. He's got this notion that he has this huge sense
15 of importance and he throws around, hurls at everybody
16 accusations that are absolutely trashing people right and
17 left.

18 MR. HOLCOMB: Your Honor, this is ridiculous. Once
19 again, the poker machines were updated -- the poker
20 machine ticket was updated two months before the charges
21 were issued, just out of the blue. What an interesting
22 little point there. And then this lawsuit Mr. Ghent filed
23 against me was updated two months after I was arrested.

24 MR. GHENT: I didn't file a lawsuit.

25 MR. HOLCOMB: You did file a lawsuit.

1 MR. GHENT: I did not file a lawsuit.

2 THE COURT: All right, we're loosing the decorum of
3 the courtroom and I'm not going to blame that on anybody.
4 But I've already ruled the poker machines are not relevant
5 to this case. Leaving quashing the subpoena as to the
6 news media. Now, did somebody mention McCann?

7 MR. HOLCOMB: Right. Same issue on taking of
8 documents. The State just keeps -- it's almost like the
9 State doesn't want me to have access to material to defend
10 myself.

11 THE COURT: I think I tried the best I can to take
12 care of that.

13 MR. HOLCOMB: And you did do that, yes, sir.

14 Can I have -- can we put the trial off for one day so
15 I can go over this stuff?

16 THE COURT: Well, here's what we're going to do.
17 We're going to give you plenty of time because it's not
18 quite 3 o'clock. We're going to take a break and then
19 we're going to look at your motions in limine. Then we'll
20 start back in the morning.

21 MR. SHEALY: There is one other subpoena for the
22 secretary of state corporate records --

23 THE COURT: They're public records, aren't they?

24 MS. MCGEIAN: Yes, sir.

25 THE COURT: Do you mind giving them to him? Do you

1 have them?

2 MS. MCGEIAN: I have them right here.

3 THE COURT: Yes, ma'am.

4 MS. MCGEIAN: I'm Ashley McGeian with Spartanburg
5 County. I was subpoenaed to bring in kiosk records. I
6 don't know if I'm dismissed. You still need those?

7 THE COURT: Do you have records that --

8 MS. MCGEIAN: He also has the same records. We
9 charge 25 cents a copy, but, obviously, I will give them
10 for free today.

11 THE COURT: Just leave the records with us, if you
12 don't mind. You will be relieved.

13 Okay. My clerk says I missed -- looks like I
14 overlooked Cooper, Christopher with the Greenville County
15 Sheriff's Office.

16 What's his situation, Mr. Holcomb?

17 MR. HOLCOMB: He's one of the supervisors with the
18 Greenville County Sheriff's Office.

19 THE COURT: What's --

20 MR. SHEALY: He's another one that, Judge, we asked
21 Greenville and they said they didn't have him.

22 THE COURT: While you're up, how about Julia Cole?

23 MR. SHEALY: She has retired.

24 THE COURT: How about Laura Miller?

25 MR. SHEALY: She's here.

1 THE COURT: Okay. Okay. We've already chatted with
2 Ms. Miller.

3 Beg your pardon?

4 MS. MILLER: I just didn't know what the status of my
5 -- I have records.

6 THE COURT: You have the records that he subpoenaed?

7 MS. MILLER: Yes, sir.

8 THE COURT: All right. If you would turn them over
9 to him, then you would help us with some other things, I
10 understand.

11 MS. MILLER: Yes, sir.

12 THE COURT: Thank you. You can just go ahead and
13 give him those records, then you will be excused and that
14 motion is quashed.

15 MS. MILLER: Thank you.

16 THE COURT: All right. That takes care of the
17 subpoenas. We'll take a break and then go into the
18 motions in limine. Let's take about a 15-minute break.
19 Thank you.

20 MR. GHENT: Thank you, Your Honor.

21 (WHEREUPON, a short break was taken.)

22 THE COURT: All right. You can be seated.

23 MR. GHENT: Your Honor, there's been a development.

24 THE COURT: Okay.

25 MR. GHENT: First of all, I want to say this. I

1 apologize to the Court for my intensity. I don't think I
2 did anything wrong, but I have always been passionate as
3 an advocate. We are required to provide zealous advocacy.
4 And that's all that I do. So I apologize, I meant no
5 offense to the Court. I hope Your Honor understands that.

6 THE COURT: I do.

7 MR. GHENT: Mr. Holcomb -- and he can correct me,
8 turned to me and he initiated a conversation. He asked
9 me, Is there anything we can do? I got his standby
10 counsel involved and I asked Mr. Shealy about the last
11 offer I made before we started back up. And this is
12 exactly what I told Mr. Holcomb. Part of my frustration
13 with this is if there's one thing I despise, maybe that's
14 too strong, but yeah, I'll say it, the one thing I cannot
15 stand is a wasted life. I won't use the word despise. I
16 absolutely cannot stand the extent in which in society
17 today a wasted life is taken for granted.

18 Mr. Holcomb probably has an IQ much higher than mine.
19 I am where I am by working my tail off for years to be
20 what I am. Mr. Holcomb has some God-given talent, genuine
21 talent. His cartoons show artistry -- and again, this is
22 part of the negotiations. This is not something for the
23 jury. He asks if there's something we can work out. He
24 has a God-given talent, he has a high IQ, but he insist on
25 seeing the world as being the bully rather than seeing

1 what he does to people time and again. Attack, attack,
2 attack. I am in a position where I have a job to do.

3 Now, I would simply ask if Mr. Shealy recalls what
4 the offer I made to him before this started was?

5 THE COURT: Do you recall, Mr. Shealy?

6 MR. SHEALY: Judge, I believe that it was -- it would
7 call for no additional active time. There would have been
8 five years of probation, so it would have been a -- I
9 believe it was a 20-year offer. But it was a 10-year
10 offer with no additional active time --

11 MR. GHENT: I offered 20, he countered with 10
12 concurrent, but said he still would have to sell his
13 client on it.

14 MR. HOLCOMB: Twenty years?

15 MR. SHEALY: But again, it would have been -- there
16 would be no additional active time. It would have been
17 five years probation and I believe Mr. Holcomb would have
18 had to waive his appeal rights on the breach of trust. I
19 brought that to Mr. Holcomb. Mr. Holcomb did not want to
20 do that at the time I brought it to him because, again, I
21 think the sticking point for Mr. Holcomb primarily was the
22 appeal. And I believe he would like to continue with that
23 appeal. But again, I don't know that that's what the
24 sticking point is. And, again, I'm not his lawyer.

25 So while that was the offer while I was his attorney,

1 my client at the time had rejected it. You have to talk
2 with him as to whether he still rejects it or that's what
3 they can work out or whatever.

4 MR. HOLCOMB: I didn't hear 10 or 20 years suspended
5 to five years probation.

6 The reason I'm asking -- and talk about what a bad
7 guy I am and how smart I am and all that great stuff, I
8 don't feel like I'm getting treated fairly. I feel like
9 Mr. Ghent just continues and the Court gives a wink and a
10 nod, no offense, to a SLED agent who was assigned to the
11 case, the entire Greenville County Sheriff's Office, who
12 disqualified itself, he was asked to make a more
13 definitive indictment. And then he turned around and took
14 Greenville County Sheriff's Officers and took pictures 20
15 days later of this house. Stain only last a year. They
16 took pictures three years later of stain.

17 But he sits there and says that they disqualified
18 themselves. Then they go to the Grand Jury. I still
19 can't get past that. I still can't get past that. Then
20 to sit here and say he never sued me, he sued me twice.
21 We have it on the public record. So I don't feel like I
22 can win.

23 So I'm willing to walk out time served, let it all go
24 away. I'll drop the appeal, that kind of thing, but I
25 don't think a 20-year suspended sentence because if I got

1 set up on the first charge, I'm going to get set up on the
2 next charge. I was just down in Ridgeland where everybody
3 is in prison because they didn't make probation.

4 That's not the issue, but I don't think I can win. I
5 really don't think I can win. I don't think Mr. Ghent's
6 treating me fairly. I don't think it's right that people
7 can sit on the stand and commit perjury. I don't think
8 it's right that people can make false statements. But
9 there's nothing I can do about it. There's nothing I can
10 do about it. I'm the only one that makes any mistakes.
11 I'm the only one that commits a crime. But everybody else
12 has a procedure. We can eliminate crime by 99 percent by
13 making everybody a judicial officer. Everybody becomes a
14 police officer, nobody goes to jail. That seems to be the
15 case. But I don't think I'm going to get a fair trial, I
16 really don't. I don't think Mr. Ghent's telling the
17 truth. I don't believe the Greenville County Sheriff's
18 Office disqualified itself. I don't believe he's done
19 that.

20 So I guess we can move on with pre-trial motions.
21 But I just thought I'd ask. If he was willing to let me
22 have probation in North Carolina, I'll be happy to leave.

23 MR. GHENT: I will go back to this, Your Honor. The
24 original offer boiled down to plead to the two charges,
25 concurrent, not consecutive, which would be 10 years,

1 suspended probation for five years. Part of that
2 probation would be that, honestly, I mean it, this man
3 goes back to school and gets counseling.

4 Because I'm going to do my job.. This is about
5 general and specific deterrence. You cannot continually
6 go about operating under the assumption that the rest of
7 the world is in a conspiracy against you. At some point,
8 you become too big a threat. He crossed a line when he
9 sent those e-mails. I am willing to talk with him and his
10 attorney, if he agrees that his attorney is coming back
11 in. Otherwise, we will try the case.

12 But, I repeat, this man is going to be a wasted life
13 by his own choice. And I want to make that clear. He
14 could get counseling, medication, treatment, could go back
15 to school, continue with his art work and he can be
16 something. Rather than someone who's own sister -- and
17 she's going to love this, but I'm sorry, describes him as
18 sometimes having these delusions of grandiosity.

19 MR. HOLCOMB: I make more money than he does on the
20 streets, how am I not --

21 THE COURT: Let's just go forward and try the case.
22 If y'all work out something, we'll take a plea, but this
23 is --

24 MR. HOLCOMB: But that's just offensive, Your Honor.
25 But once again, is he going to be allowed to sit here and

1 just continue to make false statements? Did the
2 Greenville County Sheriff's Office recuse itself or not?

3 THE COURT: Well --

4 MR. HOLCOMB: That's a good question, is it not?

5 THE COURT: Well, the Greenville County -- my role is
6 to try the case.

7 MR. HOLCOMB: Correct.

8 THE COURT: And that's what I've been trying to do.
9 So I would move on to pretrial motions.

10 MR. HOLCOMB: Well, it seems 10 years in prison over
11 an e-mail -- or is it two e-mails or five e-mails or 20
12 e-mails? How many e-mails is it?

13 MR. GHENT: Threats against government officials.
14 It's not just two e-mails.

15 MR. HOLCOMB: Well, what about threats against
16 citizens by the government?

17 THE COURT: We're getting into something that's not
18 productive. You both have overnight if you want to have
19 some dialogue, but right now, I'm hired to try this case.

20 MR. HOLCOMB: Correct. Thank you. Do you want
21 motions now?

22 THE COURT: Yes, sir.

23 MR. HOLCOMB: Okay.

24 THE COURT: What's the first one?

25 MR. HOLCOMB: Motion for the Court to recognize the

1 Constitutional superiority of pro se status versus bar
2 representation or its equality.

3 THE COURT: Say that again.

4 MR. HOLCOMB: For the Court to recognize the
5 Constitutional superiority of pro se status versus bar
6 representation or its equality. Do you recognize I'm
7 pretty much equal here as an attorney?

8 THE COURT: I recognize you're equal. You said
9 superior.

10 MR. HOLCOMB: Whenever the Constitution was written,
11 it was superior at that time, wasn't it?

12 THE COURT: I'm not a Constitutional scholar, but as
13 far as I'm concerned and as far as the jury is going to be
14 concerned, there's no -- there's equality between the
15 prosecution and the defense. That's the way it's been in
16 every case I ever tried as a lawyer. So I don't believe
17 he -- I shouldn't use pronouns. I don't believe the State
18 has any superior position nor do you. I believe you're on
19 equal footing.

20 MR. HOLCOMB: Okay. Well, motion to suppress all
21 e-mails sent to Tim Martin in compliance with the order
22 issued by Judge Hudson. The order was unconstitutional.
23 It was arbitrary and capricious. It's an unheard of
24 condition. I was not a flight risk. I've never been a
25 flight risk. I turned myself in. The State -- in Miranda

1 vs. Arizona, I'm sure you're familiar with it, it talks
2 about illegitimate and unconstitutional practices get
3 their footing by solid approaches and solid deviations
4 from legal modes and procedure.

5 By Judge Hudson putting that condition of bond, he
6 deviated from the policies written within the court rules
7 and the magistrate's handbooks, from what I can find, and,
8 basically, put me on probation without a conviction.

9 And in that sense, whenever I did make a voluntary
10 statement to Tim Martin and he did further the
11 investigation, I found out that whether it's disputed on
12 how much I said was true or not, or the value of what I
13 said was true or not, there was work done. He did have an
14 incomplete case. He did have incomplete information.
15 That voluntariness stopped at that point once I made that
16 statement, the waiver of my rights. However, whenever
17 Judge Hudson ordered, that I maintain one weekly contact
18 with Tim Martin, must maintain weekly contact, he, in
19 essence, ordered me to violate my own Fifth Amendment
20 rights. He said that I couldn't keep silent, that I was
21 required to contact Martin every week.

22 And that seems to be -- it's unconstitutional Miranda
23 V. Arizona. And I would say Jackson V. Denno, State vs.
24 Moses, 702 S.C.2d 395, State vs. Goodwin, 683 S.C.2d 500,
25 State vs. Miller, 652 S.C.2d 444. The statements must be

1 voluntary and these statements were not voluntary by any
2 means. And I was not necessarily in my right mind at
3 different times, was not in the right mental conditions
4 based off medication.

5 Jackson V. Denno says this: The deep-rooted feeling
6 that the police must obey while enforcing the law, that in
7 the end, life and liberty can be as much in danger from
8 the legal methods used to convict those thought to be
9 criminals as from those acts of criminals themselves, such
10 as perjury. As reflected in the cases in the court,
11 police conduct requiring exclusion of confessions has
12 evolved from acts of clear physical brutality to a more
13 refined and subtle method of overcoming defendant's will.
14 Well, that's one way. This Court has recognized that
15 coercion can be mental as well as physical, the
16 thumbscrews can be matched by a more sophisticated mode,
17 persuasions.

18 Duckworth V. Eagan, the Court said that the suspect
19 must be told that he has a right to remain silent.
20 Actually, the Judge told me I didn't have a right to
21 remain silent. So I don't think the e-mails should be
22 included.

23 THE COURT: Mr. Ghent?

24 MR. GHENT: Your Honor, none of that provides a basis
25 for a motion to suppress those e-mails. All he had to do

1 was pick up the phone and say I'm checking in. People do
2 that all the time on probation. It's constantly done.

3 Let me finish.

4 With respect to the status of someone who is out on
5 bond, it is very similar, very close Constitutionally to
6 someone who is on probation. The circumstances of
7 probation are such that individuals have to check in. He
8 was being allowed to leave the state. He understood what
9 that meant. As a matter of fact, rather than going just
10 checking in, just checking in, it then moved to not a
11 flight risk, Timmy, not a flight risk, and --

12 Please allow me to finish.

13 Moving from there, when I was in private practice,
14 again, one of my areas that I worked in was violence in
15 the workplace. That is when the spiral of hostility
16 really started. And it continued until he sent e-mails
17 that went way past the line. And it went from frustrated
18 to angry to threatening and intimidating.

19 At that point, he was over the line. Motion should
20 be denied. Thank you.

21 THE COURT: Can I have copies of the e-mails? Do you
22 have copies of the e-mails I can be looking at? Are they
23 in this binder? I've still got the binder that you gave
24 me.

25 MR. GHENT: I've got a lot of them in that binder.

1 Your Honor, I can give them to the Court. Let's do this.
2 I'll go ahead and let Mr. Holcomb look over them.

3 MR. HOLCOMB: Were these in discovery?

4 MR. GHENT: Yes, sir.

5 MR. HOLCOMB: Even the ones that said not a flight
6 risk?

7 MR. GHENT: Yes.

8 MR. HOLCOMB: Ummm.

9 MR. GHENT: Oh, yes, they were. When -- it goes from
10 checking in to saying, I am warning you, and refers to
11 Mr. Martin and the assistant solicitor as a --

12 MR. HOLCOMB: Objection, Your Honor.

13 THE COURT: I want to see -- I'd like to see what
14 we're talking about. I'm a visual kind of guy.

15 MR. GHENT: Me, too, Your Honor. Unfortunately, the
16 optics are kind of excessive.

17 THE COURT: Okay, Mr. Holcomb.

18 MR. GHENT: The yellow highlighted ones at the back.

19 THE COURT: Mr. Holcomb.

20 MR. HOLCOMB: What I'm saying is that the statement
21 is not admissible unless it's voluntarily made. State vs.
22 Vando. We hold today that the Fifth Amendment exception
23 from compulsory self-incrimination is also protected by
24 the Fourteenth Amendment against abridgement by the State.
25 Well, Judge Hudson, Magistrate Hudson abridged my Fifth

1 Amendment rights by compelling me to talk. And that makes
2 this unconstitutional.

3 It's also a violation of equal protection.. This is
4 not something they do to everyone that's in my condition.
5 There are other people coming in from out of state being
6 arrested. They don't do that to everybody. They just did
7 it to me. We have testimony to that fact, that they don't
8 do this to everybody. They just chose it to me.

9 Overall, the purpose of equal protection provision is
10 to prevent discrimination and to assure that all persons
11 are treated equally, thereby, requiring acts of
12 legislation to apply equally to all persons within an
13 appropriate class. That's Thompson vs. South Carolina
14 Commission of Alcohol and Drug Abuse. If it applies to
15 legislation, doesn't it apply to judicial review -- I
16 mean, judicial policies or whatever, somebody's just
17 making stuff up.

18 Tim Martin whispered in the guy's ear and said, Hey
19 -- Tim Martin knew he messed up. He took a statement from
20 someone that's never met me and it was not correct. And
21 then he went and got -- then he started building a case.
22 He had no probable cause at that point. So that's why he
23 did this.

24 But we can sit here and name call me, sit there and
25 call me names all day long, but the fact is that requiring

1 me to make contact with Tim Martin -- and free speech is
2 free speech. It didn't say -- there was no condition,
3 hey, you have to be nice when you talk to Tim Martin.
4 Nowhere did it say that you had to say hey, I'm here or I
5 have to make a phone call. Did I do this? Did I do this?

6 And what may have happened was frustration over it
7 doesn't matter that Tim Martin commits perjury. It
8 doesn't matter that Sylvia Harrison supports forgery. It
9 makes no difference that misimprisoning of a felony. It
10 makes no difference that Tim Martin can Photo shop
11 evidence and SLED won't even open a case number on my
12 account. I'm the only one that can commit a sin. Little
13 Cricket doesn't commit sins, Dean Holcomb commits sins.
14 Tim Martin doesn't commit sins, I commit sins.

15 And that's the point, the statement should not be
16 included at all.

17 THE COURT: Well, what I'm looking at are letters
18 from Dean A. Holcomb, July 11th, 2013, June 9th, 2013.

19 MR. HOLCOMB: Which one is that?

20 THE COURT: Well, there's a bunch of them.

21 When was the date of bond?

22 MR. HOLCOMB: Were those with Sylvia Harrison about
23 trying to get this case taken care of and the audios?

24 THE COURT: Wait just a second.

25 MR. GHENT: Your Honor, I'm going to have to turn

1 this -- as a result of my accident, I have no feelings in
2 my hands or my legs. I'm going to have to ask if Your
3 Honor will excuse me for Mr. Miller to go through this. I
4 apologize. That's part of my frustration in dealing with
5 this. There are a lot of papers. But I will say this, if
6 I may briefly, Your Honor?

7 THE COURT: Sure.

8 MR. GHENT: Regardless of the date of bond, from that
9 point on, Mr. Holcomb may have had some infringement,
10 minimal infringement on his liberty in his opinion. And
11 that is, in fact, true. But under Miranda, in order for
12 it to apply, the Defendant has to be in police custody is
13 the very first thing. He was released from custody. He
14 was allowed to return home. The extent of his deprivation
15 of liberty was calling once a week to say I'm still in
16 North Carolina, that's it. He was allowed to return home.

17 He's got it backwards. Much more often, an
18 individual is not released on bond without a significant
19 bond. The bond in this case that was posted --

20 MR. HOLCOMB: Five thousand.

21 MR. GHENT: Five thousand.

22 Was that surety?

23 MR. HOLCOMB: Yes, sir.

24 MR. GHENT: So it costs \$500.

25 MR. HOLCOMB: Three hundred dollars.

1 MR. GHENT: Three hundred dollars to post a \$5,000
2 bond. That is a minimal, minimal.

3 THE COURT: All I asked for was the date?

4 MR. GHENT: Yes, sir.

5 MR. HOLCOMB: 5/16/2013, sir.

6 MR. GHENT: Yes, sir, my apologies.

7 MR. HOLCOMB: But plain error is error, U.S. V.
8 Hernandez at 717 F.2d 252. He just admitted that the
9 State did err and did violate my rights a little bit, but
10 not that much.

11 THE COURT: Well, I'm looking at these and I can't
12 digest this whole package. It's about an inch thick. But
13 these first ones on top are all generated on your
14 letterhead.

15 MR. HOLCOMB: Well, those were to Sylvia Harrison and
16 none of those are threatening or even considered to be
17 threatening. I don't even think that's included in the
18 intimidation. Would those be considered intimidating
19 where I'm asking why Tim Martin is not being investigated?
20 Am I on trial for those?

21 THE COURT: The ones I see are -- so which ones are
22 at issue? Only the ones you say deal with -- I'm not
23 going to issue a blanket denial of the motion. I'm going
24 to, basically, deny the motion with the understanding that
25 as these are introduced, I have to take a look at them.

1 Because some of them appear to be more than checking in.
^2 I'm looking at one, two, looks like two to Tim Martin.
3 It's from tax generator.

4 MR. GHENT: That's the one.

5 THE COURT: And it's not -- it's a warning. It's not
6 checking in. So to the extent that you went beyond
7 checking in, those are consensual statements. No one --

8 MR. HOLCOMB: But I was required to check in.

9 THE COURT: But nobody asked you a question that I'm
10 aware of -- and I'll hear what you have to ask the
11 witnesses on the stand, but I don't see anywhere where
12 anyone posed you a question that required you to start off
13 by saying "be warned". That's not even an answer to a
14 question, that's a statement. So to the extent that any
15 of these --

16 MR. HOLCOMB: Would an issue of medication, having
17 trouble with medication at that time be relevant at this
18 point?

19 THE COURT: Well, you've got to have proof of that.

20 MR. HOLCOMB: We've got the statement from Colbi
21 Sutton on that.

22 THE COURT: Say that again.

23 MR. HOLCOMB: Take a look at the criminal
24 responsibility report that's under seal.

25 THE COURT: Well, we haven't put it under seal yet,

1 but I'll take a look at that.

2 MR. HOLCOMB: I had issue with Fanapt, the drug
3 Fanapt. It was during Gaston County, I was in Gaston
4 County Mental Health. I switched from Seroquel to Fanapt
5 those exact three weeks. It caused a bit of a psychotic
6 episode. How would I introduce that into -- I don't want
7 to --

8 THE COURT: You'd have to call a qualified expert who
9 could testify.

10 MR. HOLCOMB: I'd like to call Colbi Sutton, but I
11 don't want to be declared mentally ill -- guilty, but
12 mentally ill. I want to say that it was -- any statements
13 that would have been made at that time, during that
14 period, there was a time when Fanapt was there, and I did
15 have a reaction, but there was no criminal intent. There
16 is no other --

17 MR. GHENT: May I approach to get those, Your Honor?

18 THE COURT: Well, I deny the motion. I do not feel
19 like these -- for your defense -- you don't have to -- I
20 keep wanting to emphasize, you don't have to testify, you
21 don't have to present any witnesses. You're presumed
22 innocent. The State has to prove you guilty beyond a
23 reasonable doubt. But I don't have before me any
24 information -- this report that was made October 13th,
25 2015 --

1 What was the dates on those? Was it 2013?

2 MR. GHENT: Yes, sir. Which one?

3 THE COURT: The ones -- the top one, what's the top
4 one in that package? Your letter to Dean A. Holcomb.

5 MR. GHENT: July 11, 2013.

6 THE COURT: So this was generated two years earlier.
7 And I don't know that --

8 MR. HOLCOMB: Well, not all of them are psychotic. I
9 mean, I had a psychotic episode in 2014.

10 THE COURT: Well --

11 MR. HOLCOMB: But that's what Colbi Sutton talks
12 about in there. And they reviewed my medical records.
13 There was a report done in Gaston County that I had a
14 bipolar psychotic episode.

15 MR. GHENT: We never received that.

16 MR. HOLCOMB: He's got it.

17 THE COURT: I'll take a look at this. Right now, I'm
18 denying your motion. I find that you --

19 MR. HOLCOMB: Voluntarily made the statement.

20 THE WITNESS: They were voluntary statements.

21 Will, first of all, I won't go so far as Mr. Ghent's
22 analogy to probation. I think there is a difference in
23 probation or conditions after someone has entered a plea
24 of guilty. I think you can be stricter with conditions on
25 probation than you can on bond.

1 But the request, I don't find to be unreasonable if
2 you were allowed -- I guess at your request, I don't know
3 why anybody would do it if you didn't make the request --
4 if you live in another state to check in. I don't feel
5 like that violated any Constitutional right --

6 MR. HOLCOMB: I didn't make the request, Your Honor.
7 It was imposed upon me.

8 THE COURT: I didn't say that you made it. I mean, a
9 request by the bond, by the judge, a request -- an order,
10 I'll call it.

11 MR. HOLCOMB: Right.

12 THE COURT: An order that you report in to be
13 unreasonable or in violation of your Constitutional
14 rights. To the extent that any -- even if it were a
15 violation of your Constitutional rights, to the extent
16 that it went beyond I am still in North Carolina, then I
17 find that anything you said beyond that was voluntarily
18 made.

19 Any defense that you may have as to your conditions
20 after -- to be presented to the jury for them to consider,
21 I can't consider it either that -- I'll look at this
22 report, but this report from Dr. -- the one in October of
23 2015, I mean, I'll look and see, but I don't know how I
24 would address your situation at the time in question here.
25 So I'm denying your motion to --

1 MR. HOLCOMB: To suppress the e-mails?

2 THE COURT: To suppress the e-mail, yes, sir.

3 All right, what's the next motion?

4 MR. HOLCOMB: Motion to compel Mr. Ghent to correct
5 the 88 false statements. Judges have a duty to report
6 misconduct under Rule 823, Rules of Professional Conduct,
7 and 3(d)(2), the Code of Judicial Conduct, thus to compel
8 truth is mandated and deserves reconsideration. I'd like
9 to go over those 88 statements that I don't believe is
10 right.

11 Once again, I'm the only one that can commit a sin.
12 I'm the only one. Everybody else -- and Mr. Ghent can sit
13 here and say everything he wants to. Tim Martin is going
14 to get up here on this stand and he's going to lie just
15 like he did at trial. He's going to lie just like he did
16 whenever he got the warrant. He's going to lie just like
17 he did at the Grand Jury. And yet, I'm the only one
18 that's being punished. So a little frustration gets me 20
19 years in prison.

20 THE COURT: I'm not going to go through all 88. A
21 couple of things, number one, they took place at a trial
22 last September 2016, and they have no bearing on whether
23 or not you committed obstruction of justice or
24 threatening. So I'm not going to go over all 88.

25 Again, I told you that if there are errors in the

1 record, there are ways to correct it. And me going over
2 all 88 trying to decide what's true and what's not true
3 and reviewing reports and all those things --

4 MR. HOLCOMB: Okay. How about a motion for Brady and
5 a motion for dismissal for Brady violations? I don't have
6 the audio tapes that were mentioned in these letters that
7 he's referencing. There were disks given out. They were
8 mailed to Judge Hudson. They were sent around to protect
9 them where I have recordings of Tim Martin saying this was
10 a civil case. I have --

11 THE COURT: All right. Mr. Ghent, is there anything
12 that you're aware of or have possession of -- or have
13 possession of or aware of that has not been provided that
14 would be required under Rule 5 and Brady and Brady's
15 progeny?

16 MR. GHENT: No, sir. Your Honor, we give what we
17 have... In this case, if I understand it, he's saying that
18 he tape recorded Mr. Martin.

19 Please allow me to finish.

20 If I'm misunderstanding anything, he can correct me.
21 He tape recorded Mr. Martin in telephone conversations,
22 which will would indicate to me that he was tape recorder
23 of the conversations. He would have been the individual
24 who had the recordings. I do not understand why he is
25 accusing me of hiding something he recorded, which I have

1 no idea what he's talking about.

2 There was one conversation that I believe I do have.
3 And I gave it to them. He calls, he leaves a message on
4 Mr. Martin's phone saying, 'Tim Martin, this is Dean
5 Holcomb. Give me a call, big boy. And hung up. I don't
6 know whether he called back Mr. Martin or Mr. Martin
7 called him. But if I'm not mistaken, that's it.

8 MR. HOLCOMB: There's tons -- once again, this is
9 outrageous. I mean, the letters that he's talking about,
10 I e-mailed copies of these files. The files are there.
11 Jarvis said -- I recorded everybody, Wes Smith, Tim
12 Martin, multiple times. Jarvis, Donna Bearden. I
13 e-mailed everybody these calls because it was just one
14 Constitutional violation after another. It's just over
15 and over and over again.

16 So they allegedly seize an iPad, the computer in
17 North Carolina. There were audio tapes on those as well.
18 I'd like to have those -- access to those computers and
19 those documents they're using. Can we see those? We
20 haven't seen any of those files. That would be a Brady
21 violation.

22 And in the discovery I've been given, I haven't seen
23 any of the just checking in, weekly check-in, not a flight
24 risk. Yeah, I was a bit mocking with Tim Martin, but I
25 haven't done anything threatening. So Tim Martin calls my

1 sister, who has nothing to do with roofing, in an
2 intimidating fashion. Once again, I'm the only that
3 commits a crime. I'm the one on trial.

4 So I would like to have all the recordings that are
5 available. I've been incarcerated 34 months without bond
6 on a Class E misdemeanor and a felony misdemeanor -- a
7 misdemeanor and Class E felony, 34 months without bond.
8 That's kind of ridiculous. There's people out there that
9 run over police officers that have bond.

10 That's what I don't understand. It's just
11 unconstitutional behavior from every angle of the system.
12 And he talks about me saying that I'm being oppressed.
13 Yes, I'm being oppressed. A bond is given that no one
14 else has. No bond whenever I get arrested on these
15 charges and held. Request speedy trials over and over and
16 over again.

17 The Judge is saying that, you know, that I said
18 something and I didn't, signing off on it. It's clear
19 that I didn't sign off on it. And just so on and so on
20 and so on. And it's just -- I'm just still blown away.
21 I'm still just blown away.

22 I don't know. I wonder if I'm going to be able to
23 get a fair trial. It's like -- no offense, Your Honor, I
24 mean, you said at trial when you sentenced me that you
25 didn't think I was a good candidate for probation and

1 sentenced me to active time. And I've never been
2 convicted of anything prior to this. I had a fishing
3 violation. I was a roofing salesman.

4 I'm not a bad guy. I didn't have a single complaint.
5 They didn't even complain. I had an A+ BBB rating. And I
6 go to prison for five years -- or I get a five-year
7 sentence? So if I get convicted of this, I'm going to get
8 a five-year sentence over one e-mail or two e-mails or
9 three e-mails? How many e-mails is the issue? That's
10 what I'm curious about. Is it one, two or three e-mails?
11 How many e-mails?

12 THE COURT: The State has provided --

13 What do you have in your hand, Mr. Ghent?

14 MR. GHENT: I was just going to ask, I mean, is --

15 MR. HOLCOMB: I haven't seen this.

16 MR. GHENT: That, along with all materials, has been
17 provided. We're not going to at the last minute be saying
18 -- this, this, this has been provided. I have --
19 affidavits for discovery, I do have, Your Honor.

20 MR. HOLCOMB: So ineffective assistance of counsel if
21 I'm not allowed to see this stuff and if I can't hear it.

22 THE COURT: That's for another -- I hate to keep
23 saying it, but another forum, but post-conviction relief
24 application -- post-conviction relief. But to the extent
25 that the State is stating as an officer of the court that

1 they complied with Brady and Rule 5, I find that they have
2 complied.

3 MR. HOLCOMB: See, once again.

4 THE COURT: Well, you can appeal everything I do.

5 MR. HOLCOMB: I understand. I understand. And I'm
6 not trying to be offensive, Your Honor, it's --

7 THE COURT: I know. And I --

8 MR. HOLCOMB: Does the time that I've done, the 26
9 months that I have count towards this if I'm convicted?
10 This 26 months pretrial?

11 MR. GHENT: Your Honor, that's already been counted
12 -- it would be our position that's already been counted on
13 his first conviction. If he's convicted this time, it
14 starts from scratch.

15 THE COURT: We'll worry about that at sentencing, if
16 there is one. And I don't know that there will be a
17 sentencing. The jury may acquit you. And then it would
18 be up to me to decide what's fair under all the
19 circumstances.

20 MR. HOLCOMB: All right. Motion to stop Mike Prodan
21 from testifying and whatever this Rabbi gentleman.

22 THE COURT: Who's the first one, Brodan [sic]?

23 MR. HOLCOMB: Prodan. He's an expert in victimology,
24 I understand.

25 THE COURT: Brodan, are you saying "B"?

1 MR. GHENT: Prodan.

2 MR. HOLCOMB: Captain Mike Prodan, he's going to be
3 your expert witness to support your tape?

4 THE COURT: And the Rabbi. All right.

5 Well, as to expert witnesses, until they take the
6 stand and are qualified, they're testimony is not
7 admissible. Once they are qualified in the area that
8 they're presented, if they're qualified, then they can
9 testify and the weight and credibility of their testimony
10 will be up to the jury. If they're not qualified, then
11 that ends the dialogue as far as expert.

12 What's the situation with the Rabbi?

13 MR. GHENT: The Rabbi -- I mean, this Defendant has
14 claimed repeatedly that as part of his notion of
15 victimology that he is being attacked because he's Jewish.
16 He's called law enforcement, me and everybody else Nazis.
17 He talks constantly about the Holocaust.

18 MR. HOLCOMB: Objection, Your Honor, this is --

19 THE COURT: Well, let me -- what's the Rabbi going to
20 testify to?

21 MR. GHENT: This gentleman, actually, is not Jewish.
22 He went to South Side Christian Academy by his own
23 stabling. The Rabbi is simply going to say he ain't a
24 Rabbi because this guy claims he is a Rabbi, which is a
25 teacher.

1 THE COURT: I don't know --

2 MR. HOLCOMB: Offensive. Offensive. I'm a Cabalist

3 --

4 THE COURT: -- where we would go with that. I have
5 some concerns about a Rabbi testifying as to someone who
6 calls himself and is a Rabbi. I don't know that that's an
7 issue, whether he's a Rabbi or not.

8 MR. GHENT: That's not the way I'm going to put it.
9 I'm simply going to ask him what does it take to be a
10 Rabbi.

11 THE COURT: What does that have to do with whether he
12 threatened somebody? He could have been a Methodist or
13 Lutheran or a Catholic or a Hindu or Sheek or --

14 MR. GHENT: Because of the excuse given for his
15 threats. He is a poor Jewish individual who is being
16 persecuted because he is Jewish.

17 MR. HOLCOMB: Who was psychotic at the moment.

18 THE COURT: I'll have to hear him being qualified,
19 but it appears to me the Rabbi would be more -- if that
20 comes out at some time in the case as some sort of a
21 reply. But I don't think his ethnicity, whatever it may
22 be, his religious beliefs is an issue. Again, you don't
23 have to -- anyway, I'm going to stop there.

24 MR. GHENT: Yes, sir.

25 THE COURT: All right. What else?

1 MR. HOLCOMB: So Robert McGinn is not testifying and
2 Mr. Richardson is not testifying at this point, correct?

3 MR. GHENT: Your Honor ruled that the underlying
4 circumstances, we just couldn't go into the conviction.

5 MR. HOLCOMB: But it doesn't have nothing to do with
6 the threats.

7 THE COURT: Well --

8 MR. HOLCOMB: The alleged threats.

9 THE COURT: -- I think I said the testimony has to be
10 to show what instigated the investigation, but it's going
11 to be very limited. I'm going to allow them to testify,
12 but, again, it's in the context not of the charge, but
13 what was being investigated.

14 Who is Mr. Hal Harris, Black Bag, Incorporated?

15 MR. GHENT: He is an expert who will testify in terms
16 of the timings with the Greenville County Sheriff's
17 Office. He's now in private business. He's going to
18 testify as to retrieving the computer materials, the
19 e-mail materials pursuant to a second search warrant after
20 the first one in Bessemer City. He then took that out.
21 We are then going to have an expert from Charter
22 Communications tie --

23 You want to do this? This is Mr. Miller, he's my
24 tech guy.

25 MR. MILLER: Mr. Harris is the one that performed the

1 forensic examination of the computer that was taken
2 pursuant to the second search warrant and put everything
3 on a disk from that search warrant.

4 THE COURT: So Mr. Harris is sort of a chain of
5 custody witness?

6 MR. MILLER: Somewhat. He's the one who, actually,
7 performed the examination.

8 THE COURT: Oh, he did the examination?

9 MR. MILLER: Yes, Your Honor.

10 MR. HOLCOMB: Motion to have an expert appointed for
11 the Defense to go over these findings and to see this
12 disk. I don't believe this disk was provided to us and
13 these reports.

14 MR. GHENT: (Counsel nods head.)

15 MR. HOLCOMB: Have they, Mr. Shealy?

16 MR. SHEALY: Judge, they have been. And I've shown
17 him all of those documents. I have a number of CDs
18 throughout the life of my representation of Mr. Holcomb.
19 I have played him everything that has been turned over.

20 What he asked to see last Thursday, in particular,
21 were a number of cartoons. I had with me everything else.
22 I played him the things that he asked me to play him on
23 Thursday. Those were largely the cartoons that were part
24 of, I believe, attachment number five of the SLED threat
25 analysis. It's Mr. Prodan's complete report.

1 Now, I've also -- and I had told him previously that
2 we have those. I have played him everything that we have,
3 again, throughout the life of my representation. My job
4 as standby counsel has been to play him the things that he
5 has asked me to play him. I played him those things.

6 MR. HOLCOMB: He's not played all of it. And I'm not
7 trying to get into battle with Mr. Shealy. I would like
8 to see this stuff again, please, before we go to trial.
9 I'd like to have a chance. I'm in jail.

10 THE COURT: Well, I understand --

11 MR. HOLCOMB: I'm in prison.

12 THE COURT: -- that. But we've kind of got -- you
13 are in detention and --

14 MR. HOLCOMB: Well, if no nobody answers an e-mail,
15 no one answers a letter -- and he talks about me sending a
16 note, a letter, an e-mail to counsel. He doesn't answer
17 my e-mail. It's been pending there for over two years on
18 the Greenville County website. The e-mails are not
19 answered. I've never had a letter answered by Mr. Shealy.

20 THE COURT: Well, let's go back to the issue --

21 MR. HOLCOMB: Well, I'd like to have an expert to go
22 over this as well.

23 THE COURT: Well, that should have been requested at
24 an earlier time because we're in trial now. And there are
25 provisions by way of which an expert can be retained at no

1 expense to you. But that request is not timely.

2 MR. SHEALY: And Judge, I requested a letter on May
3 the 15th when I was relieved of his representation to set
4 out all of the things he wanted me to do. I did not
5 receive such a letter.

6 MR. HOLCOMB: I sent a letter.

7 MR. SHEALY: I did not receive such a letter.

8 THE COURT: Okay. That's where we are with that.
9 It's untimely to appoint an expert at this stage of the
10 proceedings.

11 MR. HOLCOMB: May I see a report? Can somebody give
12 me a copy of a report, please?

13 THE COURT: If there are any reports, they should be
14 provided, yes, sir.

15 All right. Do you have some more motions?

16 MR. HOLCOMB: Not at this time, sir.

17 THE COURT: Okay. All right. Anything else before
18 we stop for the day and start back at 9:30? Order of
19 business at that time will be my preliminary charge.

20 MR. HOLCOMB: Can I ask for a continuance of one day
21 to go over all this, please?

22 THE COURT: No, we've got the jury drawn and this has
23 been going on since -- well over a year. I don't even
24 remember when it first started, at least, from the date of
25 the bond. No, I'm not going to continue it. I've tried

1 to make arrangements so that you can see whatever needs to
2 be seen over the overnight period. And tomorrow when we
3 stop for the day, I'll give you -- try to make like
4 arrangements for tomorrow night.

5 MR. GHENT: Your Honor, SLED has informed me they
6 have brought up the materials that were put in a
7 segregated area by the Tank Team when they determined that
8 it might bear on his legal representation. Those can be
9 delivered if Your Honor --

10 THE COURT: I think they should be, yes, sir.

11 MR. GHENT: Okay.

12 THE COURT: All right. We'll be at ease then till
13 9:30 in morning.

14 MR. GHENT: Thank you, Your Honor.

15 (WHEREUPON, the proceedings were adjourned to be
16 reconvened on Tuesday, June 13, 2017.)

17 TUESDAY, JUNE 13, 2017

18 THE COURT: State ready to proceed?

19 MR. GHENT: Your Honor, I'm going to ask for
20 something I'm trying to provide counsel -- the
21 Defendant.

22 THE COURT: Okay. All right.

23 (WHEREUPON, an off the record discussion ensued
24 between Mr. Ghent and Mr. Holcomb.)

25 THE COURT: Mr. Ghent, is the State ready?

1 MR. GHENT: Yes, Your Honor. At this time, Mr.
2 Holcomb has asked for copies of the indictments.

3 I do have a matter that I would like to attend to
4 regarding the case being transferred and the Court now
5 having jurisdiction.

6 THE COURT: All right.

7 MR. GHENT: And it has to do with us being in the
8 right place. I would show the Defendant.

9 THE COURT: All right.

10 MR. GHENT: Your Honor, at this time, I have shown
11 where the case was properly transferred. I would like to
12 have it marked as a Court's Exhibit. It went from
13 Solicitor Betty Strom's office -- or Solicitor Walt
14 Wilkins' office.

15 THE COURT: Well, you had it right, it's Betty
16 Strom's office.

17 MR. GHENT: Under signature of Deputy Solicitor Betty
18 Strom to the Attorney General's Office. The Attorney
19 General then assigned it to our office, Solicitor Barry
20 Barnette, and he assigned it to me. So I would ask to
21 have those marked as Court's Exhibit.

22 THE COURT: All right.

23 MR. GHENT: I would ask if the Defendant has any
24 other matters before we begin?

25 THE COURT: I will, too.

1 Can we mark all those -- staple them together and
2 make them one exhibit?

3 MR. GHENT: Absolutely, Your Honor.

4 THE COURT: They'll be a Court's Exhibit.

5 (WHEREUPON, Court's Exhibit No. 2 was marked as
6 evidence.)

7 THE COURT: Mr. Holcomb?

8 MR. HOLCOMB: I've got a question. Mr. Ghent wrote a
9 letter and he said that he's not going forward on the
10 intimidation of an account federal, state and political
11 Constitutional rights and privileges. If the elements are
12 the same and the situation is the same, why would we be
13 trying it separately? Why would that still be -- why
14 would it not still be presented at this trial?

15 MR. GHENT: That's very simple, Your Honor. The
16 elements are not the same. The intimidation that I'm not
17 going forward on is based upon Constitutional rights being
18 violated.

19 Ms. Harrison is a woman. She's a prosecutor. She
20 was threatened. Might as well get used to using this
21 word. I've never used it that I can recall. She was
22 referred to as a whore cunt in an e-mail that began with
23 "I am warning you".

24 THE COURT: You're telling me more than I really need
25 to know right now. Right now, you're choosing to go

1 forward on these two indictments?

2 MR. GHENT: Yes, sir.

3 THE COURT: Short answer is the State has the right
4 to call cases as they see appropriate. So he has the
5 right as the prosecutor to call whichever cases he wishes.

6 MR. HOLCOMB: Okay. So I can't make a motion to join
7 these?

8 THE COURT: Well, you can make a motion, but it will
9 be denied because we have -- you've touched on kind of,
10 actually, a sore spot between the judiciary and the
11 solicitors at this point in our history. That being that
12 the judiciary believes we ought to have more control over
13 the docket.

14 MR. HOLCOMB: Yes, sir.

15 THE COURT: We don't by statute. And I'm not going
16 to go into the whole litany of things that have occurred
17 on that front, but right now, the prosecutor has -- is
18 steering the boat.

19 MR. HOLCOMB: Okay. Well, if we're going to be
20 bringing the breach of trust into this case with the
21 witnesses that are listed, is it all right if I include
22 the 88 false statements that I filed earlier into
23 evidence?

24 THE COURT: I mean, it would be a Court's Exhibit.
25 It wouldn't be for the jury's consumption. But if you --

1 MR. HOLCOMB: Could it be?

2 THE COURT: No, it would not be. This charge -- I
3 know personalities seem to sometimes overcome the
4 underlying issues, but this case is not against Mr. Ghent,
5 it's against you.

6 MR. HOLCOMB: I understand. I understand. I'm just
7 asking on that because if we're going to talk about the
8 breach of trust case, I think it's relevant that if he's
9 bringing it into this incident -- and from my
10 understanding of what I'm, actually, on trial for is did I
11 in a particular case at a particular time try to impede an
12 investigation or intimidate or obstruct justice in the
13 pursuit of their official duties? That's, actually, what
14 I'm on trial for, correct?

15 THE COURT: Right.

16 MR. HOLCOMB: And they're laying the context of these
17 threats, these alleged threats in that for these charges
18 based off of the breach of trust investigation. Then the
19 trial is going to come and it's part of the case. And
20 I've argued not to put in a conviction --

21 THE COURT: Well, I thought I had ruled that the
22 trial is not part of the evidence that he can present,
23 but, rather, the fact that the charges were made --

24 MR. GHENT: I told the witnesses not to go into the
25 trial. I mean, they can go into the fact that there was

1 an investigation, but not the trial.

2 THE COURT: That was my ruling.

3 MR. HOLCOMB: If I'm not opposed to going in the
4 trial, because I will use the trial transcript for
5 impeachment evidence, is that going to be allowed?

6 THE COURT: Well, you can impeach and if you, what
7 lawyers call, opens the door --

8 MR. HOLCOMB: I understand.

9 THE COURT: I've ruled, basically, in your favor on
10 that. But if you --

11 MR. HOLCOMB: I understand the dangers by you ruling
12 that -- and I don't mean to interrupt. What I'm saying is
13 -- I guess I did. I didn't mean -- I apologize.

14 THE COURT: That's okay.

15 MR. HOLCOMB: What I'm saying is, is that since they
16 are bringing up the breach of trust, I would like to deal
17 with what was testified at the breach of trust, so I am
18 opening the door. And that's why I'm saying I would like
19 to put into the record the 88 false statements that I've
20 listed because it's relevant and it's also going to the
21 appeals court. So those 88 statements are relevant. That
22 what you're seeing --

23 And I've got the transcript here. I'd like to submit
24 the transcript to the jury. Would you please take a look
25 at this trial and see if this was fair, if this situation

1 happened? And for a full view of it and the 88 false
2 statements. Would that be allowed?

3 THE COURT: I'm not going to let you put the
4 transcript in. As far as what may become relevant, I'll
5 just have to see as far as how you intend to get into the
6 record under the rules of evidence the things you want.
7 Not only the 88, but anything. So I can't rule on that at
8 this point. I'll just have to see how things develop.

9 MR. HOLCOMB: Okay. I believe I made a motion
10 yesterday, it's in my list of motions, it was in the
11 motions that I filed, about having access to a razor and
12 haircut before I see the jury.

13 THE COURT: I do not remember that. And that would
14 fall within the category of what I talked about yesterday.
15 That I can't really control what the --

16 MR. HOLCOMB: The jail does. But you did get me
17 rehoused. And for the record, I did see the box. It was
18 delivered as promised, but I wasn't allowed to look at it
19 because I had a meeting with Mr. Shealy. It was moved to
20 another location in the jail. So I didn't, actually, get
21 to go through the contents to any degree. I did open a
22 couple of packets and take a look, but then I was informed
23 Mr. Shealy was there. So your call did help me get
24 rehoused instead of being in the old jail.

25 I don't even have a flex pen currently because I got

1 robbed in the old jail recently and I haven't had a chance
2 to get another one. So I don't even have access to a pen
3 to prepare at this point. And I know that's not your
4 problem, but what I'm asking is, is I do need to have some
5 help, some assistance from the Court to have a fair trial.
6 For me to look nice, to have a haircut, to be shaved.

7 If the Court rules -- if it's standard practice and
8 it's Supreme Court precedent that I not be presented in
9 orange or in jailhouse garb and shackled because it's
10 prejudicial to the jury, I think having lack of access to
11 a haircut, which I requested three weeks ago, and a razor
12 on a daily basis for this process. Because it's going to
13 look like I'm indifferent to the Court. It's just going
14 to look like I'm a sloppy person to the jury. And I would
15 like to have access for it. Could you make a phone call
16 or have somebody make a phone call?

17 THE COURT: Well, I'm going to ask -- we go through a
18 chain of authority. I don't know where that chain begins.
19 But I will, certainly, make your request and request it,
20 that's about all I can do. But I will request that you be
21 accommodated for those two things before we reconvene
22 tomorrow. Now, I don't think can do it right now. We
23 need to go forward.

24 All right. Is the State ready?

25 MR. GHENT: Yes, sir, the State's ready.

1 THE COURT: Mr. Holcomb?

2 MR. HOLCOMB: I guess I'm as ready as I'll be.

3 THE COURT: All right. Bring in the jury.

4 (WHEREUPON, the jury enters the courtroom at
5 approximately 9:45 a.m.)

6 THE COURT: Good morning, ladies and gentlemen of the
7 jury. I will ask that you, please, stand and the clerk
8 will administer the oath.

9 THE CLERK: Please raise your right hand and the
10 correct response to the oath is "I will".

11 (WHEREUPON, the jury was sworn.)

12 THE COURT: Members of the jury panel, I have
13 appointed Ms. Swaim as your Foreperson. She will be the
14 liaison between the jury and myself during the trial. She
15 will preside over the jury deliberation and, ultimately,
16 sign the unanimous verdicts.

17 These two charges, intimidation of a court official
18 and obstruction of justice, I went over briefly yesterday,
19 but they charge Mr. Holcomb with these two offenses.

20 Now, to these two offenses, he has entered pleas of
21 not guilty. His pleas of not guilty place on the State
22 the burden of proving his guilt beyond a reasonable doubt.
23 He is, under our system of law, presumed innocent of these
24 charges, need not prove his innocence, and the State must
25 prove his guilt beyond a reasonable doubt.

1 I am the sole judge of the law in this case. I have
2 three jobs primarily. One is logistical, make sure you
3 can see and hear, that we take breaks, that kind of thing.

4 Another is I rule on questions of evidence. If one
5 side believes certain evidence is admissible in your view
6 and the other side believes it is not, it's up to me to
7 determine that issue. Once I have ruled on evidence, that
8 ruling is binding on the lawyers and witnesses and you,
9 the jury.

10 And if Mr. Ghent or Mr. Holcomb make an objection,
11 don't hold that against them, that's what their job is.
12 Mr. Ghent, as attorney for the State, is supposed to
13 object if he believes something is objectionable.
14 Mr. Holcomb, representing himself, has an absolute right
15 himself. So do not hold against either one of these
16 gentlemen if they object to something going on and I have
17 to rule. Once I have ruled, that is the law of the case.

18 Now, I have a third job, to charge you on the law.
19 I'm giving you a little bit -- a few legal principles
20 right now, but during the trial, I may give you some. At
21 the end of the trial, I will give you a concise and
22 comprehensive charge on the law as you -- based on the
23 facts as you determine the facts to be. Do not infer from
24 anything I say or do at all during this trial, as I cannot
25 comment or even formulate an opinion on the facts. That

1 is solely your job. You determine the facts, apply the
2 law and you will be in a position to return a verdict.

3 Remember those admonitions I gave you yesterday about
4 not discussing the case, not letting yourself -- or not
5 initiating anything between yourself or trying in your own
6 mind to make up -- determine what the verdict should be.

7 Now, in just a moment, Mr. Ghent, on behalf of the
8 State, and Mr. Holcomb, on behalf of himself have the
9 right to come before you, they're not required, but they
10 have the right to come before you and make what we call
11 opening statements. These opening statements are not
12 evidence. At this point, the attorney for the State,
13 Mr. Ghent, and Mr. Holcomb himself are simply telling you
14 more about what this trial is about. They're giving you
15 an outline or a blueprint of the trial. But they're not
16 -- the opening statements are not testimony.

17 We try to take breaks about every hour and a half. I
18 find that's a pretty good comfort level for most people.
19 It depends on where we are with the witness, but we try to
20 take breaks about every hour and a half. But if you need
21 a break at any time, raise your right hand and with no
22 questions asked, we'll take a break.

23 And I extend that to Mr. Ghent, his co-counsel and
24 Mr. Holcomb.

25 We want to move the case along, but we're not in such

1 a hurry that we won't take a break when is needed.

2 Mr. Ghent.

3 MR. GHENT: Thank you, Your Honor.

4 OPENING STATEMENT BY MR. GHENT

5 MR. GHENT: May it please the Court. Mr. Holcomb.

6 Ladies and gentlemen of the jury, again, I am Russell
7 Ghent. Along with Andrew Miller, we are here representing
8 the State in this prosecution of the Defendant for
9 threatening an official and obstruction of justice. The
10 threatening is against Assistant Solicitor Sylvia
11 Harrison. Ms. Harrison is seated over there. And Deputy
12 Sheriff Tim Martin, investigating and attempting to
13 prosecute a case for breach of trust.

14 At the very first, I want to say that I am somewhat
15 uncomfortable here this morning for two reasons. Number
16 one, I've never prosecuted a case where an individual in a
17 serious case is representing himself. Number two, when we
18 get to the threat, I'm going to have to use some words
19 that I honestly don't use, and to my recollection, I've
20 never used one of those words. And I very uncomfortable
21 about that. I'm apologizing to you in advance because
22 most of you are women and I hope you will understand it is
23 not my words. And I hope you will excuse me.

24 Two words as we begin. Thank you. Thank for
25 honoring your duty to come here and serve as jurors. I

1 know it wasn't voluntary, but you did. You answered the
2 call and you came. And I want to say thank you at the
3 very first for being a part of this system.

4 Number two, I want to thank for answering some
5 questions that I have no doubt some of you found somewhat
6 intrusive. And I apologize, but we need to get to know a
7 little bit more about you before we can decide the
8 appropriateness of your serving.

9 And finally, I want to thank you for honoring your
10 duty to be sworn and well and truly try this case. With
11 respect to everything I have talked to you about, I've
12 talked about duty. And that is a big part of what you do,
13 what I do, what people in law enforcement do.

14 It seems that today, this is an absolute statement of
15 the obvious. We hear it all the time. We see it all the
16 time on television now. People talking about the
17 government. More often now, it's about the federal
18 government, but still complaining about government.
19 Asking why can't the government get it right? Why can't
20 people in the government listen to each other, work with
21 each other, talk with each other and do what has to be
22 done?

23 Ladies and gentlemen, in a very real sense, you are
24 now a part of the government. You're in the government.
25 You're in what we call judicial department. I, as a

1 prosecutor, am in what we call the executive department.
2 His Honor has clarified that he, as the judge, is in the
3 judicial department.

4 Judge Hayes is a judge of the law. You are here as
5 judges, too. You are what we call judges of the facts.
6 It is your job, you are tasked to work together, that is
7 your duty, to talk through with one another once the case
8 is yours for deliberation and decision. It is your duty
9 to listen to the evidence, look at the evidence and work
10 together and reach a decision. As judges of the facts,
11 your job is to decide what happened.

12 One other thing. I was in an accident years ago. I
13 have no feeling in my fingers, so at times, if I fumble,
14 I'll also have Mr. Miller handing things to me. And I
15 also don't have feeling in my legs. So if I kind of
16 wobble, I'm not drunk, okay. Those are just holdovers,
17 it's called severe peripheral neuropathy. I'm explaining.

18 You might ask yourself, what exactly makes you
19 qualified to serve as judges of the facts? That's a good
20 question. And all it takes is a very simple answer,
21 common sense, your life experiences, your sense of duty
22 and honor and honesty. A willingness, we hope, at the end
23 of this case to judge the evidence and decide the facts
24 based on only what you hear in this courtroom.

25 I am not evidence, Mr. Holcomb is not evidence. I am

1 giving you a summary of your job and what we intend to
2 prove. Also, your willingness to work together to do your
3 duty. And to show simple human respect for one another
4 and to seek out truth and honesty in what you have heard
5 and to reach a decision.

6 Let me make it clear, and I want this to be crystal
7 clear. And if anything in this case at any time makes you
8 think that I or any part of the State are saying
9 otherwise, we have the burden of proof. We have the
10 burden of proving the Defendant guilty of intimidation of
11 a court official, guilty of obstruction of justice.
12 Basically, intimidation, threatening, that means he has
13 done something that the purpose of which is to intimidate
14 a court official, Sylvia Harrison, in the pursuit of their
15 duties. Obstruction of justice is quite simply an act
16 here, threats, which impedes or attempts to impede or
17 tends to impede the effective administration of justice.

18 Whenever I say reasonable doubt is our burden, beyond
19 a reasonable doubt, that's not just any doubt, that's not
20 say so or something you hear out on the streets or
21 whatever. Beyond a reasonable doubt means that it is a
22 doubt -- beyond a doubt that a juror seeking the truth,
23 based on what they have heard in this case is satisfied
24 that guilt has been proven.

25 Now comes the really awkward part for me, okay. I'm

1 going to talk for a moment about the facts. We will prove
2 that this Defendant was arrested on a charge of breach of
3 trust, obtaining money under false pretenses. That the
4 deputy involved in the case was Tim Martin, the sheriff's
5 deputy sitting over there. Because the Defendant took an
6 amount of money, I believe it was \$4,000, from a customer
7 to replace his roof after a hail storm. This has been
8 some time ago. The work was not done. I will simply say
9 that that case is not now before you.

10 While awaiting trial on that case and out on bond in
11 North Carolina at his home, he was supposed to check in
12 with Investigator Martin on a weekly base. That was a
13 term of his bond. The prosecutor on that case, as I told
14 you, was supposed to be Sylvia Harrison. His reporting
15 began moving from checking in, checking in to spiraling
16 into hostility towards Investigator Martin and
17 Ms. Harrison. And a line was crossed.

18 On June 9th, 2014, we will prove the Defendant sent
19 an e-mail to Investigator Martin as the investigator on
20 the case, which included Solicitor Harrison. It began:
21 Be warned, contact my sister, family or friends again in
22 an effort to intimidate me and you will regret it. I
23 promise you, in the name of the most high that my response
24 will be swift, well planned, and irreversible. This is
25 your final warning. He then went on to say: You, your

1 cunt whore advocate and your Facebook butt buddies in blue
2 are about to be exposed for all who wish to see. Again,
3 my apologies, not my words.

4 Dehumanizing in the most significant degree regarding
5 Assistant Solicitor Harrison. She is a woman. She is a
6 prosecutor. You don't have to agree necessarily. I was a
7 defense attorney for 14 years after I had been a
8 prosecutor. We didn't always agree, but there was mutual
9 respect. There is no excuse, no explanation that can be
10 offered for something that reduces a professional, a woman
11 to the worst possible term, that is anatomical, at best.
12 That is totally dehumanizing. There's no excuse for it.
13 There are words that are dehumanizing and demeaning in
14 their very nature. They are intolerable. They are
15 intolerable. They are intolerable. And in this case,
16 they were an attempt to bully and to intimidate
17 Ms. Harrison and Investigator Martin.

18 As potential jurors, you came here alone. You were
19 individually selected. But now, the 12 of you are going
20 to listen to the evidence. As I've said, Judge Hayes is
21 the judge of the law. He decides for us, for example,
22 what the law is if an objection made. I don't know how
23 often I may have to object. And I hope it's not often,
24 but again, I am not in court with a lawyer.

25 The witnesses, each tell a part of the story that we

1 have to tell. With respect to the witnesses, you can
2 believe all of what they tell you, some of what they tell
3 you, or none of what they tell you.

4 Let me say this, you will notice during the trial
5 that we refer to His Honor, the Judge, as His Honor.
6 That's not sucking up to the Judge. That is custom. It
7 is our way of showing that in this day and age, justice is
8 for everybody. Men, women, black, white, whatever your
9 ethnicity, whatever the color of your skin, this is your
10 courtroom. This is your system of justice. We address
11 the Judge as Your Honor because it is our sincere hope and
12 prayer that the man and the word becomes synonymous in the
13 job that he is doing.

14 You'll notice that you're the jurors. No special
15 word there, but the word for what your ultimate decision
16 is is among the most important and respected words that
17 carries the greatest weight in what I do. That word is
18 verdict. The word verdict comes from the Latin veredicto.
19 And I just remembered I'm in a room full of teachers. So
20 I'm sitting here thinking yes, we know that Mr. Ghent. It
21 comes from the word veredicto. Latin for I speak the
22 truth.

23 At the end of it all, it does not mean I speak
24 perfection. It means I speak the truth based on what I
25 heard. I'm satisfied beyond a reasonable doubt. We, the

1 12 of us, are satisfied beyond a reasonable doubt that the
2 State has proven this man guilty beyond a reasonable
3 doubt.

4 I ask that you listen to the evidence, that you
5 watch. And at the end of it, I am confident that you will
6 be satisfied that we have proven the Defendant guilty of
7 attempting to and intimidating a government official and
8 attempting to and obstructing justice in this case. Thank
9 you so much.

10 THE COURT: Mr. Holcomb.

11 MR. HOLCOMB: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 OPENING STATEMENT BY MR. HOLCOMB

14 MR. HOLCOMB: Ladies and gentlemen of the jury, my
15 name is Dean Holcomb. I'm the Defendant in this case.
16 I'm representing myself pro se as a matter of principle.
17 I'm not going to argue whether this e-mail was sent or not
18 at this point.

19 I would like to say my mother is in the audience
20 here. My mother taught me the use of profanity is one's
21 inability to express themselves in a clear and articulate
22 manner. It's unfortunate that I have a lot of ladies on
23 the jury, or maybe it's not. I'm not going to say it's
24 unfortunate, but it's kind of put me in a little bit of a
25 panic. I'm ashamed of the use of the word. I've asked

1 Ms. Harrison to forgive me for it. I've apologized. And
2 yet, I'm still on trial.

3 I would like to say I've been held on this charge for
4 34 months --

5 MR. GHENT: Objection, Your Honor. I'd ask that that
6 be stricken.

7 THE COURT: I overrule the objection.

8 MR. HOLCOMB: Does that mean I can continue?

9 THE COURT: Yes, sir.

10 MR. HOLCOMB: I've been held for 34 months without
11 bond on this charge. You're going to see on the face of
12 the indictment that it's a Class E felony --

13 MR. GHENT: Your Honor, objection --

14 THE COURT: I sustain the objection on that. That's
15 for the Court and not for the jury.

16 MR. HOLCOMB: Okay.

17 Well, it's --

18 MR. GHENT: Your Honor, it's a misrepresentation.

19 MR. HOLCOMB: It is not a misrepresentation.

20 MR. GHENT: Yes --

21 THE COURT: Mr. Ghent.

22 MR. GHENT: Yes, sir.

23 THE COURT: Just disregard the statement about this
24 being a certain type of felony. The job for the jury is
25 to determine whether or not the State has proven

1 Mr. Holcomb guilty beyond a reasonable doubt. Anything
2 regarding sentencing or ramifications of your verdict is
3 up to me.

4 MR. HOLCOMB: I'm trying to lay the story, my story.

5 THE COURT: I understand.

6 MR. HOLCOMB: Okay. I won't go into those things.

7 What I'm saying is the Constitution has certain
8 rights. We have rights to bond. We have certain rights
9 to represent ourselves pro se. In fact, our Founding
10 Fathers put it in the Constitution because, a lot of
11 times, attorneys don't always say the right thing. They
12 don't always say what's right.

13 Mr. Ghent's talking about intolerable words. We do
14 have First Amendment rights in this country. People can
15 say things, utterances, ugly words. I regret that I've
16 ever said an ugly word. I'm sure a lot of people have
17 done things they regret. Now, does that, actually, fall
18 into criminality in this case? I don't believe it does.
19 And I don't believe the State can prove it does.

20 I would like to say some things on the government and
21 read a couple of things. This is from Miranda vs.
22 Arizona. All of us that watch TV are familiar with it.

23 I want to read a statement from Brandeis, please,
24 directly. I'm quoting Brandeis.

25 THE COURT: Well, that would be more of a closing

1 argument.

2 MR. HOLCOMB: Well, I'm just trying to set a --

3 THE COURT: Well --

4 MR. HOLCOMB: On the decency of the government. He's
5 talking about the government.

6 THE COURT: Well, again, I am the judge of the law
7 and they're the judges of the facts. I will allow you
8 some leeway, but keep in mind that right now --

9 MR. HOLCOMB: Okay. Can I just say Justice Brandeis
10 said without quoting the law?

11 THE COURT: Go ahead and we'll see where we go.

12 MR. HOLCOMB: Okay.

13 Justice Brandeis said in 1966 -- he was one of the
14 gentlemen that tried the Nuremberg trials. Decency,
15 security and liberty alike demand that government
16 officials shall be subjected to the same rules of conduct
17 that are commands to the citizens. In a government of
18 law, existence of the government will be imperiled if it
19 fails to observe the law scrupulously. Our government is
20 the potent, the omnipresent teacher. For good or ill, it
21 teaches the whole people by its example. Crime is
22 contagious. If the government becomes the lawbreaker, it
23 breeds contempt for the law.

24 I believe that's true. And that's one of the reasons
25 I'm here today to represent myself. I don't believe in

1 the system that we have in place and the jury is the
2 safeguard. You are the safeguard. Whenever the
3 government is out of balance and do things that are not
4 necessarily appropriate, you judge those facts. You judge
5 is this criminal. You judge if this happened, if this
6 falls into this line.

7 You're going to be able to evaluate the witnesses
8 that the State is going to be putting up and I'm going to
9 impeach them. They committed perjury a number of times in
10 obtaining these warrants and they're going to attempt to
11 commit perjury once again. And I will stop that. And I'm
12 going to show that to you. And I think that's very
13 important.

14 I'd like to read -- quote something that Chief
15 Justice Beatty said. A newspaper article here from 2013,
16 we have -- our Supreme Court Justice is -- Chief Justice
17 now is Chief Justice Beatty. It says that he was elected
18 to the Supreme Court in 2007. He told the audience of
19 prosecutors that they had been getting away with too much
20 for too long --

21 MR. GHENT: Your Honor --

22 MR. HOLCOMB: -- and the Court will no longer turn a
23 blind eye --

24 THE COURT: I sustain your objection on that. That's
25 not regarding the issues, what Judge Beatty's thoughts

1 are.

2 MR. HOLCOMB: Well, Judge Beatty's thoughts and my
3 thoughts are the same.

4 THE COURT: Well, you can tell them what your
5 thoughts are --

6 MR. HOLCOMB: Okay.

7 THE COURT: -- but you can't tell them what Judge
8 Beatty's thoughts are.

9 MR. HOLCOMB: Okay.

10 Well, I agree with Justice Beatty that witness
11 tampering, perjury --

12 MR. GHENT: Your Honor --

13 THE COURT: I sustain the objection.
14 You can't cite Judge Beatty.

15 MR. HOLCOMB: Right.

16 THE COURT: You weren't there. There's no audio of
17 that. You're talking about a newspaper article, which may
18 or may not be accurate, and may or may not be in full, may
19 be taken out of context. In any event, I'm going to ask
20 you to stay away from that.

21 MR. HOLCOMB: Okay. All right.

22 All right. Let's try something else. Lawyers are
23 self-regulated. They govern themselves and they're
24 self-reporting. They only report whenever they found
25 something wrong. They very rarely report whenever one of

1 them commits an act that's unethical. You go through
2 the --

3 MR. GHENT: I object to that again, Your Honor.

4 MR. HOLCOMB: I'm talking about why I'm pro se.

5 THE COURT: Again, those are things you don't know.

6 You're talking about what people do. Let's just stick to
7 the evidence in this case and what your position is as far
8 as the evidence in this case. We're not trying Mr. Ghent
9 --

10 MR. HOLCOMB: No, we're not trying Mr. Ghent. We're
11 -- well, I'm sorry, Your Honor, if you don't mind. He
12 goes into the duty of the jury and the citizens and how
13 the government does this and that. And I'm talking about
14 how the system is broken. I want to talk about --

15 THE COURT: Go ahead. We'll see where we go.

16 MR. HOLCOMB: Okay. What I want to talk about is the
17 public defender's office is only paid whenever you plead
18 guilty or you're found guilty. Ninety-nine percent of all
19 cases are plea bargains.

20 MR. GHENT: Your Honor, I'm just going to enter a
21 continuing objection to this kind of thing and I'll leave
22 it at that. Because, otherwise, we're never going to be
23 --

24 MR. HOLCOMB: Well, here's the question, here's the
25 question I would like to present to the jury and the facts

1 I'd like to present to the jury. Is it okay for people to
2 commit crimes, to violate someone's rights, and in that
3 time make a cry for help, a plea, even an ugly word, an
4 expletive, if you will, that's just completely taken out
5 of context and not put into -- I'm on trial for one word,
6 apparently.

7 So we're going to go over that. Let's just -- I
8 can't go ahead with what I had to say and why I'm
9 representing myself, what's going on with our government
10 today, what's happening with -- well, I'll just let you be
11 the triers of the fact. I'm just asking for some fairness
12 on it. Please don't put me in prison or convict me
13 because of an ugly word or one moment in time or a bad
14 time.

15 I will say that I was a roofing contractor. A
16 contract did go bad. It was a corporation, it wasn't me
17 as a person. I fell off a roof. I got some -- I
18 fractured my skull at that point. The reason the
19 corporation did go out of business was the last contract I
20 sold in South Carolina was this breach of trust with
21 Mr. McGinn.

22 And as soon as I'm released and back on the streets,
23 I fully intend to pay him back personally, just to clear
24 my name, me, personally. And I'm going to tell him that
25 as soon as I get a chance. But I don't believe his trust

1 was breached.

2 But I did fall off a roof. It's a dangerous
3 business. I fractured my skull. I'm missing my fibula in
4 my left leg. And things have been a little bit rough. I
5 have bipolar disorder, so a few things have come into play
6 on this and I feel like I'm being judged harshly.

7 But I'm going to go ahead and go over the two
8 indictments. We've got an indictment for intimidation of
9 a court official, of Ms. Harrison. And what it says here
10 is that the charge is in the discharge of her duty at A,
11 and B is intimidate and harass her in the prosecution of
12 her case and in her duties in going forward in the
13 prosecution of the criminal case against the Defendant.

14 What I would say about Ms. Harrison is, is that the
15 e-mail that's been referenced was never sent to her
16 directly. All right. So they're not even going to allege
17 that, I don't believe. Nothing that was ever sent to
18 Ms. Harrison was anything but nice and pleasant, just -- I
19 don't believe I did anything improper in any way in
20 reference to Mr. Harrison.

21 As far as Mr. Martin is concerned, Tim Martin goes,
22 it talks about in his effect, to instruct or impede him in
23 the effective administration of justice or to intimidate
24 or harass him in his continued work and preparation for
25 his prosecution in Defendant's case.

1 If this expletive was said, and it wasn't said while
2 they were in the process of doing this, or I'm trying to
3 interfere with one of their witnesses or something like
4 that, that would be obstruction of justice. I just want
5 you to be aware of that.

6 And, please, just consider not convicting me on
7 moment in time. I'd like for everyone to consider that
8 they've made mistakes in the past and that it shouldn't be
9 taken out of context. I ask you to listen to the
10 witnesses. Listen very carefully. Notice does this
11 person have a reason to do these things?

12 All right. So that's all I have to say. I wish I
13 could go into more about why I'm representing myself, but
14 please keep in mind the reason I'm not shaved is because I
15 don't have the ability to do that. My hair's not cut like
16 it should. And I'm not as prepared as I would like to be
17 just considering the circumstances. But it's been very,
18 very difficult to prepare for this case.

19 I have been hindered at every possible turn in the
20 past 34 months in every possible way. I don't even have a
21 flexible pen, which is currently in the process whenever I
22 return. It's just the conditions that I'm under. But I
23 just ask you to look at the case and read the letter of
24 the law and give us a fair ruling. Thank you.

25 THE COURT: Thank you, Mr. Holcomb.

1 Mr. Ghent, call your first witness.

2 MR. GHENT: May it please the Court, in light of the
3 opening statements, we're going to take witnesses out of
4 order. The very first witness I would call is Assistant
5 Solicitor Sylvia Harrison.

6 SYLVIA HARRISON, after being
7 duly sworn, testified as follows:

8 THE CLERK: Please be seated. State your name for
9 the record.

10 THE WITNESS: My name is Sylvia Harris Harrison.

11 MR. GHENT: May it please the Court?

12 THE COURT: Yes, sir.

13 DIRECT EXAMINATION

14 BY MR. GHENT:

15 Q Ms. Harrison, where do you work?

16 A I work for the Thirteenth Circuit Judicial Office. I
17 work in this courthouse. I started with Joe Watson. I
18 worked with Bob Aerial. Now, I work for Walt Wilkins.

19 Q Would it be fair to say that your primary area is
20 white collar?

21 A Yes, sir. I'm head of the white collar crime unit.

22 Q And as such, were you handling Mr. Holcomb's breach
23 of trust case?

24 A Yes, I was, initially.

25 Q And based on what occurred during the scope of the

1 investigation, and your preparations, and your working on
2 that case, at some point was the case transferred out of
3 your office to the attorney general and then assigned to
4 Solicitor Barry Barnette's office, in which case I wound
5 up the prosecutor?

6 A Yes, sir, that's correct.

7 Q Sylvia, Ms. Harrison, Sylvia, I'm going to ask you,
8 we've known each other for a number of years?

9 A Yes, sir, we have.

10 Q Was I also a white collar prosecutor as well as
11 violent, felony and other prosecutions?

12 A Yes, sir.

13 Q With, I believe it would have been Bill Traxler and
14 Billy Wilkins's office?

15 A Yes, sir, that's correct.

16 Q In short, you're a good bit younger than me.

17 A Well, I'll be 61 in August, so I'm not sure how much
18 younger.

19 Q I would have thought -- I didn't expect -- that's one
20 of those surprise answers. Women don't usually want to do
21 that. The bottom line is, you succeeded me in white
22 collar work?

23 A Yes, sir.

24 Q And after that, you have remained a prosecutor for
25 how many years?

1 A I started in, I believe it was 1991. Prior to that,
2 I was a computer programmer. And I stayed with the
3 solicitor's office all those years except for four. My
4 father had Parkinson's and I went and ran the family
5 business and then I came back to my true love, which is
6 criminal prosecution.

7 Q And on this particular case, it started out as a
8 routine breach of trust?

9 THE WITNESS: Your Honor, excuse me. I'm nervous.
10 I'm not used to this. This has been kind of an upsetting
11 time for me.

12 This was, actually, a small case for me. It was a
13 small amount. I'm used to handling really larger cases.

14 BY MR. GHENT:

15 Q All right. And who was the investigator again?

16 A Investigator Tim Martin.

17 Q And did you receive the file?

18 A Yes, sir, I did.

19 Q Did you review it?

20 A Of course.

21 Q And at some point, did y'all begin the investigation
22 and, to your knowledge, did either you or Mr. Martin reach
23 out to try and contact the Defendant's sister?

24 A Yes, we did. E-mails were coming in rampantly to me.
25 Videos were being posted on YouTube. Things were getting

1 way out of hand for just a case that was so small. It was
2 highly unusual.

3 I mean, I've been prosecuting over 20 years. I
4 probably move 500 warrants a year. I've never, ever had
5 anything like this happen. I believe I also talked to his
6 attorney at the time, Don Smith, and asked, you know, can
7 you rein your client in. I mean, I'm just not used to
8 these e-mails. I'm not used to these phone calls. I'm
9 not used to this sort of harassment on, basically, a
10 \$4,000 case.

11 Q As a result of that, do you recall whether or not --
12 I think it was Mr. Smith?

13 A Yes, sir.

14 Q Did he get off the case?

15 A Yes, sir, he did. I don't know the circumstances
16 around it, but he did.

17 Q Did he then -- was he then succeeded by another
18 lawyer?

19 A He was. I brought Mr. Holcomb into court and ask
20 that he be required to get an attorney. He had indicated
21 to me that this case was going to be a trial. And he was
22 court ordered and got a public defender, Mr. John Crangle.

23 Q A young lawyer?

24 A Very prominent lawyer.

25 Q Well, my point is that --

1 A Yes.

2 Q Did he remain on the case for a very long time?

3 A I believe he did. For a good amount of time, yes.

4 Q And what happened with respect to him?

5 A I believe Mr. Holcomb asked for him to be relieved.
6 Then a public defender was appointed for him out of the
7 Spartanburg area.

8 Q And Mr. Matt Shealy then took over for the public
9 defender's office out of Spartanburg?

10 A Yes, sir, that's correct. But at that time, the case
11 had been reassigned to Spartanburg. I had nothing to do
12 with it.

13 Q And all of this, in addition to other things, took a
14 period of time, correct?

15 A Oh, yes, sir. Of course.

16 MR. GHENT: Your Honor, at this time, if the witness
17 will excuse me, could the record show that I am providing
18 Mr. Holcomb a copy of a document?

19 I would have it marked as State's Exhibit No. 1.

20 THE COURT: For ID? For identification?

21 MR. GHENT: Yes, sir.

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

24 MR. GHENT: And in light of the opening, we offer it.

25 THE COURT: Any objection?

1 MR. HOLCOMB: Offer?

2 THE COURT: He's offering it into evidence.

3 MR. HOLCOMB: Yes, sir, for State's Exhibit No. 1,
4 the e-mail?

5 THE COURT: No objection?

6 MR. HOLCOMB: No objection.

7 THE COURT: All right. In without objection.

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

10 MR. GHENT: Approach the witness?

11 THE COURT: Yes, sir.

12 BY MR. GHENT:

13 Q You ever seen that document before, Ms. Harrison?

14 A Yes, sir, I have.

15 Q Is that the e-mail that was passed on after Tim
16 Martin received it?

17 A Yes, sir. Mr. Martin thought that I needed to know
18 what was going on, what was being said.

19 Q And you reviewed it?

20 A Yes, sir, I did.

21 Q Would you please read the very first e-mail?

22 THE COURT: Let me interject. I'm going to ask that
23 you stand at the podium.

24 MR. GHENT: Oh, yes, sir.

25 THE COURT: And when documents are handed up, I'm

1 going to ask the bailiff --

2 If somebody needs to hand up a document, if you'll
3 come get it and take it to the witness.

4 MR. GHENT: Certainly, I understand, Your Honor, and
5 I appreciate it. It will keep me from wobbling.

6 THE WITNESS: It starts off, it's from Morit Holcomb,
7 from a tax generator, millions and millions, to J.T.
8 Martin, a civil servant sucking the public teat.

9 Timmy, be warned, contact my sister, family or
10 friends again in an effort to intimidate me and you will
11 regret it. I promise you in the name of the most high
12 that my responses will be swift, well planned and
13 irreversible. This is your final warning. Your 25 years
14 plus crusade campaign is now over to hurt me. Never again
15 will I submit to fascist with kindness or respect for your
16 offices. You, your cunt whore advocate and your Facebook
17 butt buddies in blue are about to be exposed for all who
18 wish to see. Worldwide media coverage, I guarantee it.

19 You want me to keep going?

20 BY MR. GHENT:

21 Q Yes, ma'am.

22 A Okay. Your web and media career is about to
23 embarrass you even more than a couple of blurbs from the
24 past. What a career.

25 And then he cites a WSPA story.

1 What are you trying to accomplish in the above
2 article? Are you encouraging crime, for bigger budgets,
3 overtime, justify your existence? Have you considered
4 suicide? You should and will. I am so dangerous my
5 enemies kill themselves. Research Young Road, Bessemer
6 City, North Carolina suicide June/July 2013 for one
7 example. My only weapon ancient rituals and the Kabbalah.
8 By Monday morning, this song will be dedicated to you.

9 And then there's something on YouTube.

10 You're keeping in step in the line, parentheses,
11 police action. Got your chin held high and you feel fine.
12 Shameful for breaking the Ninth Commandment, perjury,
13 forgery, false statements, violator of many state and
14 federal laws. What you have done is a hate crime. Cause
15 you do what you're told by poker machine operators. But
16 inside your heart is black and it is hollow. Your faith
17 is empty and without fruits. And why not? Want proof?
18 What is yours, Sylvia, the lying cunt whore, Smith, et
19 cetera. God's name is a title. Christ is a title. What
20 is the Creator of the universe's name? Not many letters
21 in the first name that spoke the first word that created
22 existence? Hint, it's not Jehovah, Yewah, et cetera.

23 I have forgotten more about your religion than you,
24 your asshole friends, your ministers or their national
25 leaders will ever know and I can prove it mathematically,

1 sacred math, theomatics, Kabbalah, et cetera. Plaintiff
2 considers you and your daughters and children playing with
3 matches, however extremely well armed and dangerous. I
4 declare your time is over for now. Even South Carolina is
5 waking up. The good old boy system time is over.

6 So just how deep do you believe? Plaintiff does not
7 question you and yours friends devotion to God as you
8 understand Him. Will you bite the hand that feeds?
9 Obviously. Will you chew until it bleeds? Obviously.
10 It's been over one year, shitheads.

11 Can you get up off your knees? Stay there, servant.
12 Dare not stand before your masters with pride. You were
13 born to serve and I am your superior in every way, except
14 before our South Carolina courts. Are you brave enough to
15 see this? I don't think so, or you would confess and
16 officially apologize to me and others. Do you want to
17 change? Confess the crimes you and your cunt bitch
18 Facebook buddy have and are committing against me or you
19 will regret it. Psalm 109, last warning.

20 What if this whole crusade's a charade? Antiemetic,
21 evangelizing. Fuck you and all your butt buddies in blue.
22 Behind it, there's a price to be paid. Psalm 109. For
23 the blood which we dine, justified in the name of the holy
24 and the divine. You assholes believe you're right. So
25 did Hitler's minions and their actions were all within the

1 policy and procedures of the German government and it was
2 all fucking legal.

3 Did Professor Wes Smith not say it was legal to forge
4 evidence and take a complaint from a meth head who was in
5 prison at the time the work was done on her family's home.
6 Megan owns nothing of value, nor ever paid taxes. Now,
7 she is pregnant with her fourth ward of the state.

8 Just how deep do you believe? Will you bite the hand
9 that feeds? Will you chew until it bleeds? Can you get
10 up off your knees? Are you brave enough to see? Do you
11 want to change it? So naive, I keep holding onto what I
12 believe, but I can see I keep holding on and on and on and
13 on. Will you bite the hand that feeds you? Will you stay
14 down on your knees? Will you bite the hand that feeds
15 you? Will you stay down on your knees? Will you bite the
16 hand that feeds you? Will you stay down on your knees?
17 Will you bite the hand that feeds you? Will you stay down
18 on your knees? Will you bite the hand that feeds you?
19 Will you stay on your knees? Will you bite the hand that
20 feeds you? Will you stay down on your knees? One last
21 time, will you bite the hand that feeds you? Will you
22 stay down on your knees? Will you --

23 Q Thank you.

24 A Sorry.

25 MR. GHENT: If the bailiff could return that to me.

1 I would like to have another document that I am providing
2 to Mr. Holcomb.

3 MR. HOLCOMB: No objection.

4 THE COURT: In without objection. Will that be No.
5 2?

6 MR. GHENT: Yes, sir.

7 (WHEREUPON, State's Exhibit No. 2 was admitted into
8 evidence.)

9 MR. GHENT: Your Honor, may I address the witness?
10 Do you need any water?

11 THE WITNESS: No, I'm okay.

12 MR. GHENT: Without objection, Your Honor, this is
13 in?

14 THE COURT: It is.

15 BY MR. GHENT:

16 Q You are now looking at a copy of Psalm 109, are you
17 not?

18 A Yes, sir, I am.

19 Q Would you please read the first 10 verses of Psalm
20 109 from the Bible?

21 A Hold not thy peace, O God of my praise; for the mouth
22 of the wicked and the mouth of the deceitful are opened
23 against me and they have spoken against me with a lying
24 tongue. They compassed me about also with words of hatred
25 and fought against me without a cause. For my love they

1 are my adversaries, but I give myself unto prayer. And
2 they have rewarded me evil for good and hatred for my
3 love. Set thou a wicked man over him and let Satan stand
4 at his right hand. And when he shall be judged, let him
5 be condemned and let his prayer become sin. Let his days
6 be few and let another take his office. Let his children
7 be fatherless, and his wife a widow.

8 Q Those last two verses, would you agree, refer to
9 death?

10 A Of course.

11 Q In the box, does it explain that I believe the word
12 --

13 MR. HOLCOMB: Objection.

14 BY MR. GHENT:

15 Q In the box, what does it say regarding --

16 MR. HOLCOMB: Objection.

17 THE COURT: What is the box?

18 MR. GHENT: It is the same document that I just gave
19 him. It's a box that clarifies the nature of the Psalm.
20 That is in.

21 THE COURT: Okay. It's in evidence.

22 BY MR. GHENT:

23 Q Please read what it says. What sort of Psalm is this
24 referred to?

25 A It's a vengeful Psalm.

1 Q Is it imprecatory? Is that the word?

2 A Yes, sir.

3 Q And it is a Psalm calling on God's vengeance, and
4 based on the last two verses, to kill?

5 A Yes, sir. Section D says: The righteous indignation
6 of those who love God is justifiable against injustice,
7 malevolence, lawlessness and especially against apathy
8 toward religion. It, basically -- it says all sinners
9 should be punished pretty much by death.

10 Q If I may have the document back. The e-mail, just to
11 clarify, was passed along to you?

12 A Yes, sir, I received it. I went immediately after
13 reading that Psalm to my boss.

14 Q Which is whom?

15 A Walt Wilkins.

16 Q Solicitor for the Thirteenth Circuit?

17 A Yes, sir, Solicitor Wilkins.

18 Q Did you feel intimidated?

19 A Not only intimidated, I was scared.

20 Q Threatened?

21 A Threatened. I left town. I went to Texas to see my
22 sister. I left town.

23 Q In your entire career, Ms. Harrison, Assistant
24 Solicitor Harrison, as a woman, as a professional, as a
25 person, have you ever had somebody send something like

1 that directed at you?

2 A No, sir. Not in 25 years have I ever received
3 something that scared me like that, to where I would not
4 prosecute a case. I've never had that happen.

5 Q Did you come back to Greenville?

6 A Yes, sir, I did.

7 Q After you were contacted by Solicitor Wilkins?

8 A Solicitor Wilkins called me when I was at my sister's
9 in Houston. I was in her driveway, it's a circular
10 driveway --

11 MR. HOLCOMB: Objection, hearsay. We don't have Mr.
12 Wilkins here to testify.

13 THE COURT: I sustain the objection.

14 MR. GHENT: Well, she's just saying where she is. We
15 haven't gone into what he said.

16 MR. HOLCOMB: Well, she's talking about the
17 conversation.

18 THE COURT: I sustain the objection. She can say
19 where she was, but she can't go into the conversation.

20 THE WITNESS: I was at my sister's house waiting for
21 a lot of this to be analyzed.

22 BY MR. GHENT:

23 Q And after your conversation, did you come back?

24 A Yes, sir, I did.

25 Q And after that, did the case remain in your circuit?

1 A No, sir, it was transferred out. But I will tell
2 you, after I came back, I moved my brother in. I slept
3 with a gun under my pillow.

4 MR. GHENT: Your Honor, at this time, with the
5 bailiff's assistance, I would ask that these be published
6 to the jury?

7 THE COURT: The bailiff can give them to the jury and
8 the jury can circulate them.

9 MR. GHENT: May I have one moment, Your Honor?

10 THE COURT: Yes, sir.

11 (Pause.)

12 MR. GHENT: Thank you, Ms. Harrison. Please answer
13 any questions the Defendant has.

14 THE WITNESS: Yes, sir.

15 MR. HOLCOMB: May we have a restroom break?

16 THE COURT: Yeah, that's fine. We'll take a morning
17 break. It's pretty close to time anyway, so we'll take a
18 15-minute break.

19 MR. HOLCOMB: Thank you.

20 THE BAILIFF: Please remain seated until the jury
21 leaves.

22 THE COURT: All right. Thank you.

23 (WHEREUPON, the jury exits the courtroom at
24 approximately 10:39 a.m.)

25 THE COURT: You can step down, Ms. Harrison. You can

1 step down. Just don't have any conversations about the
2 case with anybody.

3 THE WITNESS: Yes, Your Honor.

4 THE COURT: I know you know the rules.

5 THE WITNESS: It's rare that I'm sitting here.

6 THE COURT: I understand.

7 We'll take about a 15-minute break. Thank you.

8 MR. GHENT: Thank you, Your Honor.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: Bring in the jury.

11 We'll follow the same pattern. Stay behind the
12 podium. If you have anything to hand the witness or the
13 jury, we'll let the bailiff take care of it.

14 MR. HOLCOMB: Yes, sir.

15 (WHEREUPON, the jury enters the courtroom at
16 approximately 11:00 a.m.)

17 THE COURT: You may proceed, Mr. Holcomb.

18 MR. HOLCOMB: I can go ahead and go?

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. HOLCOMB:

22 Q Ms. Harrison, do you remember on October 10th, 2014,
23 when we were before Judge Verdin and I was on video at a
24 bond hearing?

25 A Yes, I do.

1 Q You remember when I said I was sorry and asked you to
2 forgive me?

3 A No, I've never heard that.

4 Q Okay. I'd like to take this opportunity to say I'm
5 sorry for my words and ask you to forgive me.

6 A This will be the first time.

7 Q Well, I did say it. It's on the record. I'm not
8 trying to be confrontational.

9 I'd like to ask her to read from the Rules of
10 Professional Conduct. It's Rule 407, Rules of
11 Professional Conduct, Rule 3.8. I'd like for her to read
12 Special Responsibilities of a Prosecutor, may I have her
13 read that?

14 MR. GHENT: Objection, Your Honor.

15 THE COURT: Let me see what -- just hand it to the
16 bailiff and the bailiff will hand it up to me.

17 MR. HOLCOMB: Oh, the bailiff, yes, sir.

18 MR. GHENT: Your Honor, could the podium be moved
19 over? I can't see the witness the way he's standing.

20 THE COURT: You're the one that put it there.

21 MR. GHENT: Yes, sir, but it was for me.

22 THE COURT: Okay.

23 Which section?

24 MR. HOLCOMB: It's under rules -- it's on the
25 right-hand side, it's Special Responsibilities of a

1 Prosecutor. It's 1A, part A. It kind of gives a preface
2 of this because we're all lay people here.

3 THE COURT: All right. Mr. Ghent, have you seen what
4 he's referring to?

5 MR. GHENT: No, sir.

6 THE COURT: 3.8(a), I think it is.

7 MR. HOLCOMB: 407.

8 MR. GHENT: I'd like to be heard.

9 THE COURT: Well, do you object?

10 MR. GHENT: Yes, sir, I do.

11 THE COURT: I sustain the objection.

12 MR. HOLCOMB: Okay. That's fine.

13 BY MR. HOLCOMB:

14 Q Ms. Harrison, you've testified that you prosecute 500
15 cases a year. And you've been doing this for how many
16 years?

17 A About 20.

18 Q About 20 years. So you've prosecuted 10,000 cases in
19 your career or so?

20 A Warrants. Not people, but warrants.

21 Q Okay. 10,000 warrants. Do you remember my case in
22 particular, the details of it?

23 A Yes, sir, I do.

24 Q Every detail of it?

25 A No, not every detail because once I told the threats

1 to my boss, the case was immediately transferred away from
2 me to another solicitor --

3 Q What day --

4 THE COURT: Let her finish. Give her an opportunity
5 to answer.

6 THE WITNESS: So no -- I mean, I remember the general
7 allegations, but the case, because of the threats that you
8 made to me, it was given to another prosecutor. And then
9 eventually conflicted out to Spartanburg County.

10 BY MR. HOLCOMB:

11 Q So when you -- before we go into the beginning of
12 this when you handled this case, okay, and what led up to
13 that e-mail -- these e-mails and videos and so on. But
14 it's your testimony now that you got the e-mail on June
15 9th and it was forwarded from Tim Martin and not from me
16 directly. You didn't get an e-mail from me directly?

17 A No, the e-mail was from Mr. Martin. I can't recall
18 the exact date, but that sounds correct.

19 Q And just out of curiosity, out of these 10,000
20 warrants you've processed, has anybody called you an ugly
21 word before?

22 A No, not that I'm aware of, no, sir.

23 Q In 20 years as a prosecutor, nobody has ever said
24 anything ugly to you?

25 A That's what I'm testifying to under oath. They may

1 have been unhappy with the sentence. Typically, you're
2 upset with the defense attorney, but not me.

3 Q So no one has ever said anything ugly to you in 20
4 years?

5 A Ugly?

6 Q Yes.

7 A My momma.

8 Q But no defendant?

9 A No, sir. Nothing like what you said, no, sir, never.

10 Q Well, it was sent to Tim Martin allegedly. Okay. So
11 it's your testimony that the e-mail was not sent to you,
12 it was sent to Tim Martin, so it was forwarded from him.
13 So, technically, it would be hearsay, wouldn't it?

14 A No.

15 Q Okay. All right. So then when the e-mail was
16 received on June 9th, you immediately sent it off for
17 analysis. You sent that to SLED?

18 A No, sir, I did not. Once again, I told you that I
19 gave it to my boss, Solicitor Wilkins. He is the one who
20 sent it to SLED.

21 Q Okay. For analysis. Okay. And at that point, is it
22 your understanding that SLED took over the case, the
23 breach of trust and the threatening?

24 A SLED took over the case?

25 Q For investigating?

1 A To investigate this case, yes, not the breach of
2 trust. The breach of trust had already been indicted and
3 assigned to another attorney.

4 Q So once it's indicted, the investigation is pretty
5 much over at that point?

6 A It depends, varies case by case.

7 Q But as a general rule, it is? Once it's indicated,
8 the facts of the case are laid out --

9 A No, sir, I can't say that that's a general rule.

10 Q That's fine.

11 A It depends on the case.

12 Q Okay. But on simple cases, it generally is?

13 A Once again, that just varies case by case.

14 Q Okay. You said you went to Texas. So you went to
15 Texas, like, June 10th, June 12th, sometime that week?

16 A Yes.

17 Q You immediately ran for Texas?

18 A Well, I didn't run, I flew.

19 Q Okay. Great.

20 A But I went to see my sister. We felt like as a
21 family that was the best place for me.

22 Q How long were you there?

23 A About five days.

24 Q About five days, okay.

25 And at that point, the threat -- this case had been

1 transferred to SLED and SLED was handling the
2 investigation from that point on, they did an analysis.
3 And then it conflicted out. So you were completely out of
4 the case at that point as a prosecutor or as an
5 investigator?

6 A Yes.

7 Q And that's your testimony?

8 A Yes. Other than SLED talking to me about the case, I
9 was not investigating the case. Other than being --
10 answering their questions.

11 Q Or prosecuting the case? Were you prosecuting the
12 case?

13 A No, sir, I was not.

14 Q What date did you stop -- so you had nothing to do
15 with the prosecution of this case here?

16 A I can't recall the date that Mr. Wilkins transferred
17 it to someone else.

18 Q Right. But what I'm saying is, you had nothing to do
19 with the prosecution of the case that we're at trial now
20 for?

21 A No. Another attorney prosecuted your case.

22 Q Okay. And what is the definition of perjury?

23 A Lying under oath.

24 Q Okay. Great. Is that a crime?

25 A It depends on the circumstances, but yes, it can be.

1 Q Under what circumstances would it not be a crime?

2 A For example, perhaps, on your driver's license, if
3 you lied about your weight.

4 Q Okay. That's great.

5 A That would not be considered perjury.

6 Q Okay. Let's go ahead and go back just to clarify.
7 It's your testimony that on June 9th, you received an
8 e-mail that was forwarded from Tim Martin. It terrified
9 you. You contacted your boss. Your boss contacted SLED
10 and an investigation began. Someone else handled the
11 prosecution from that point and you only handled the
12 prosecution of the breach of trust case, which you,
13 basically, at that point --

14 A I --

15 Q And that was conflicted out as well?

16 A I handled your breach of trust case up until the
17 point of having it indicted by the Grand Jury. I got
18 these e-mails, I turned them over to my boss. My boss
19 said, Sylvia -- well, I won't tell you what my boss said.
20 At that point, the case was transferred to another
21 attorney. It was conflicted out to Spartanburg County.

22 Q Which attorney was that?

23 A Asher Watson.

24 Q Asher Watson. So Asher Watson became the prosecutor?

25 A I think he maybe had it maybe a small amount of time

1 before it went to Spartanburg County.

2 Q But he didn't handle the Grand Jury process?

3 A No, sir, I did.

4 Q Okay. Oh, you handled the Grand Jury process?

5 A I submitted the case to the Grand Jury. I'm not
6 present with the Grand Jury.

7 Q But you -- so you handled processing this case that
8 we're in trial now for the first time you submitted it to
9 the Grand Jury?

10 A I'm sorry, I don't understand the question.

11 Q The case that we're at trial now, you submitted it to
12 the Grand Jury?

13 A These cases, no, sir. I thought you were talking
14 about your breach of trust case.

15 Q Okay. Okay, great.

16 A No, these cases, no.

17 Q Can I see State's Exhibit 1, please?

18 A It could be on these, yeah. I don't know.

19 THE COURT: Let him see it.

20 BY MR. HOLCOMB:

21 Q Let's see here. Where it says -- okay, one, two
22 three, four, okay.

23 MR. HOLCOMB: May I approach the witness and have her
24 read just one sentence, please?

25 THE COURT: Just hand it --

1 MR. HOLCOMB: Right here? Okay.

2 Right above my Monday morning song, the last
3 sentence, would you ask her to read that, please?

4 THE COURT: You want her to read it out loud or read
5 it to herself?

6 MR. HOLCOMB: Yes, sir.

7 BY MR. HOLCOMB:

8 Q Ms. Sylvia, please read that into the record, please.

9 A My Monday morning song dedicated to you and your
10 friends --

11 Q No, no, the sentence before that.

12 A My only weapon prayer, ancient rituals and the
13 Kabbalah.

14 Q All right. So my only weapon -- I've stated my only
15 weapon was ancient ritual, prayer and Kabbalah. So you
16 were afraid of someone praying you to death? Is that what
17 you're testifying to?

18 A No, I was afraid of -- the Psalm that you quoted, I
19 was afraid of when you used the word irrevocable. I don't
20 --

21 Q Please just stick to the question.

22 THE COURT: Let her finish her answer.

23 THE WITNESS: And when you say ancient rituals, that
24 goes back to the Psalm. It went back to the death
25 sentences.

1 BY MR. HOLCOMB:

2 Q Okay. Well, that's -- I don't want to go into
3 theology here, but an imprecatory prayer, it's a prayer --

4 MR. HOLCOMB: May I see State's Exhibit 2, please?

5 THE COURT: All right.

6 BY MR. HOLCOMB:

7 Q Okay, here it is. All right. Would you please read
8 verses one through three of Psalm 109, please?

9 A Hold not thy peace, O God of my praise; for the mouth
10 of the wicked and the mouth of the deceitful are opened
11 against me and they have spoken against me with lying
12 tongue. They encompass me about also with words of hatred
13 and fought against me without a cause.

14 Q Thank you. All right. I want to hand you Tim
15 Martin's police report in the breach of trust case. This
16 is dated 1/31/2013. It's two pages. I'd like you to read
17 the narrative there, please.

18 MR. HOLCOMB: And I'd submit this as Defendant's
19 Exhibit 1.

20 MR. GHENT: Objection.

21 THE COURT: Objection?

22 MR. GHENT: May I see it?

23 That's Mr. Martin's report.

24 MR. HOLCOMB: Well, it was part of her case that she
25 handled.

1 THE COURT: Well, hand it to the bailiff. Let me
2 look at it first.

3 MR. GHENT: Your Honor, Mr. Martin will be called as
4 a witness.

5 THE COURT: Okay. Take one thing at a time.

6 MR. HOLCOMB: It's laying a foundation from the
7 beginning of the case.

8 THE COURT: One thing at a time.

9 All right. Hand this back to Mr. Holcomb.

10 You want the witness to have that at this point?

11 MR. HOLCOMB: I do. And I'd like to have it as
12 Defendant's Exhibit 1.

13 THE COURT: Well, we'll mark it for ID, Defendant's
14 Exhibit 1 for ID at this point.

15 Hand it to the witness, please.

16 MR. HOLCOMB: I'd like her to read the narrative,
17 please.

18 THE COURT: No, it's not in evidence. You've got to
19 lay a foundation to get it into evidence. It's just in
20 for identification.

21 MR. HOLCOMB: Okay. Well, Psalm 109, Verse 1, it
22 talks about Oh, Lord, my God, hear my praise. The mouth
23 of the deceitful and the wicked have conspired against me.
24 This is the first step of the breach of trust case that
25 she handled.

1 And what I'm trying to show and I'm trying to lay
2 context for it --

3 THE COURT: It's not so much what you're trying to
4 show, it's whether or not you can get this piece of
5 evidence into evidence.

6 MR. HOLCOMB: Well, I would like to put it in
7 evidence.

8 THE COURT: Well, you've got to lay a foundation.
9 You want to have a chat real quick with Mr. Shealy?

10 MR. HOLCOMB: Thank you.

11 (Pause.)

12 MR. HOLCOMB: All right. I'll take that back. My
13 apologies. I'm new at this. I've never done this before.
14 Hope to never do it again.

15 BY MR. HOLCOMB:

16 Q All right. Let's try it this way. So it's my
17 understanding that when Tim Martin took a statement from
18 Megan Halstead Baucom in the breach of trust case, Megan
19 Halstead Baucom was the complainant in that case. I've
20 got --

21 MR. HOLCOMB: Can I have her read the definition of a
22 complainant or could you give me the definition of
23 complainant?

24 MR. GHENT: Your Honor, I would object. All this is
25 assuming facts not in evidence.

1 MR. HOLCOMB: Not yet.

2 THE COURT: Well, the report and all the warrants are
3 in evidence.

4 MR. GHENT: Thank you, Your Honor.

5 MR. HOLCOMB: I'm sorry. I'm sorry.

6 THE COURT: As far as complainant, it states there's
7 nothing in the record concerning who was the complainant.

8 MR. HOLCOMB: Okay. How about, she's testified to
9 seeing videos and e-mails, that e-mails and videos were
10 sent around. Can I present one of the videos to the jury
11 as evidence? Some of the videos?

12 THE COURT: Well, you've got to -- we call it laying
13 a foundation. You've got to lay a foundation for items
14 that you put into evidence. Any visual, documents or any
15 audio, or visual representations, other than the witness on
16 the stand, it has to be what we call a foundation laid.
17 And that's why I suggest that you might want to talk to
18 Mr. Shealy a moment or two.

19 MR. HOLCOMB: Okay. I'm going to try that again.
20 Thank you.

21 (Pause.)

22 MR. HOLCOMB: My apologies to the jury. My apologies
23 to everyone. Let me try this again. I'm learning as I go
24 here.

25 BY MR. HOLCOMB:

1 Q Ms. Harrison, in your review of the breach of trust
2 case, did you see an incident report from Tim Martin?

3 A Yes, I did.

4 Q And in that report, did you see that the complainant
5 was Megan Halstead Baucom?

6 A I did.

7 Q What is the definition of complainant?

8 A Basically, the person who comes to law enforcement
9 and makes the complaint against someone. It's my
10 understanding that Ms. --

11 Q Well, just, please, stick to the question. So the
12 complainant is someone that goes to law enforcement and
13 makes a complaint against a crime or something that's been
14 done to them?

15 A Not necessarily them. She came because her parents
16 were in the hospital, so she reported it for them. That
17 you had not -- you had taken their money and not put on a
18 roof.

19 Q That's not exactly accurate.

20 MR. HOLCOMB: Can I present her -- now that I've laid
21 the foundation that this was in the case file and she's
22 reviewed it, can I present it as evidence now?

23 THE COURT: Well, there is a way.

24 That's No. 1 for ID, hand it to the witness. Just go
25 ahead and hand it to the witness.

1 I think it's already been marked.

2 THE COURT REPORTER: No, sir, it hasn't.

3 THE COURT: It hasn't?

4 THE COURT REPORTER: No, sir.

5 THE COURT: Okay. Hand it back to the court
6 reporter. And this will be Defense for ID No. 1.

7 MR. HOLCOMB: One.

8 THE COURT: Okay. Defendant's Exhibit No. 1.

9 (WHEREUPON, Defendant's Exhibit No. 1 was marked for
10 identification.)

11 MR. GHENT: May I see it, please?

12 THE COURT REPORTER: May I mark it, please?

13 THE COURT: Show it to Mr. Ghent.

14 Mr. Ghent, keep in mind that she can't mark an
15 exhibit and take testimony or comments at the same time.

16 MR. GHENT: I apologize.

17 (Pause.)

18 MR. GHENT: Your Honor, I believe it's hearsay.

19 THE COURT: Well, I'm going to allow it as ID at this
20 point. Hand it to the witness.

21 MR. HOLCOMB: Thank you.

22 BY MR. HOLCOMB:

23 Q Do you recognize that as being from the case file?

24 A Yes, it appears to be in the case file.

25 Q That would be the first report that started the whole

1 process?

2 A This was four years ago, five years ago, I can't be
3 certain.

4 Q Well, looking at the narrative, does it look like
5 that's where the case began?

6 A It appears so.

7 Q All right. Would you please read that narrative into
8 the record?

9 THE COURT: It's still not into evidence. Are you
10 offering it into evidence?

11 MR. HOLCOMB: I would like to offer it into evidence.

12 MR. GHENT: Your Honor, at this point, rather than --
13 that's fine.

14 THE COURT: I'll allow it into evidence without
15 objection.

16 MR. HOLCOMB: Thank you, Mr. Ghent.

17 (WHEREUPON, Defendant's Exhibit No. 1 was admitted
18 into evidence.)

19 THE COURT: Ask her again.

20 BY MR. HOLCOMB:

21 Q Would you please read the narrative?

22 A Suspect was given -- it was brought in by Megan

23 Halstead Baucom. Suspect was Dean Alton Holcombe.

24 Suspect was given a Bank of Travelers Rest check number

25 1040, account ending in 0220 to replace the victim's roof.

1 Suspect cashed the check and never replaced the roof. The
2 amount of the check was \$4,295.03.

3 Complainant Baucom, the stepdaughter of McGinn, came
4 into the LEC to file the report for Mr. McGinn. Baucom
5 provided me with documents and the back of the check made
6 out to Carolina Home Renovations, Holcomb's company.
7 Holcomb signed his name on the back of the check. I
8 checked with the LLR and Holcomb is the registered agent
9 for Carolina Home Renovations, registration number is
10 54106. I attempted to make contact with Holcomb by
11 calling the apartment complex at --

12 Q That's good.

13 A Okay.

14 Q Well, that's fine.

15 MR. HOLCOMB: So what I'd like to do is I'd like to
16 enter the check and the license, No. 1 and No. 2.

17 THE COURT: You've got to enter it through the
18 witness.

19 BY MR. HOLCOMB:

20 Q Take a look at this check, please.

21 MR. HOLCOMB: I'm sorry, do I just ask the bailiff?
22 Do I just do it that way?

23 THE COURT: Yes.

24 BY MR. HOLCOMB:

25 Q Does that appear to be the check from the case file?

1 That was the exhibit that was in the trial?

2 MR. GHENT: Objection.

3 THE WITNESS: No, I do not believe it is.

4 BY MR. HOLCOMB:

5 Q You don't believe that's the check?

6 A I believe that's just the front of the check, but not
7 the back of the check.

8 Q Do you believe that's the front of the check?

9 A Possibly, but I --

10 Q Does it appear to be the check described in that
11 narrative?

12 A No. It doesn't have the back of the check, so I
13 can't tell you for sure.

14 Q I'm asking you does it appear on the front -- does
15 that appear to be the front of the check described in the
16 narrative, written to Carolina Home Renovators?

17 A I can't be sure without having the back of the check.

18 MR. GHENT: Your Honor, based on what --

19 THE COURT: He hasn't offered it into evidence yet.

20 MR. GHENT: I understand, but I think he's going
21 there based on --

22 THE COURT: Let's wait until he gets there.

23 MR. GHENT: I was going to say based on what he's
24 just said, I won't object to that, but not based on this
25 witness.

1 THE COURT: Do you want it in evidence, Mr. Holcomb?

2 MR. HOLCOMB: I'd like it into evidence.

3 THE COURT: In without objection.

4 (WHEREUPON, Defendant's Exhibit No. 2 was admitted
5 into evidence.)

6 MR. HOLCOMB: I would like to hand her Exhibit No. 2.

7 BY MR. HOLCOMB:

8 Q Is that a check from Robert McGinn, check number
9 1040, written to Carolina Home Renovators?

10 A It is.

11 Q Okay. Thank you.

12 MR. HOLCOMB: Please hand this to her.

13 BY MR. HOLCOMB:

14 Q Ms. Harrison, there's a -- I just ask the bailiff to
15 present that to you.

16 MR. HOLCOMB: I'd like to enter it into evidence, but
17 it's an exhibit at this point.

18 THE COURT: What you need to do --

19 MR. HOLCOMB: I got you.

20 THE COURT: What you need to do is ask do you
21 recognize this --

22 MR. HOLCOMB: Thank you. Thank you, Your Honor.

23 BY MR. HOLCOMB:

24 Q Do you recognize that as being a license that may
25 have been in the case file? And it's license 105104 as

1 described --

2 MR. GHENT: He's testifying. She can read it.

3 BY MR. HOLCOMB:

4 Q Will you please read it and tell me what that is?

5 THE COURT: Wait, wait. I'm sorry. Ask her if she
6 recognizes -- she can't put -- you can't put stuff into
7 evidence through a witness unless the witness can identify
8 it.

9 MR. HOLCOMB: Okay.

10 THE WITNESS: This, I cannot identify as being in my
11 case file.

12 BY MR. HOLCOMB:

13 Q Does Exhibit 1 in the narrative describe a license
14 where he checked the LLR website?

15 A Yes.

16 Q What is the license number?

17 A 54106.

18 Q And the piece of paper in your hand, No. 3, what is
19 the license number on that?

20 A 54106. It's the registration number.

21 Q For a license with the LLR? It's at the top. It
22 shows on the website.

23 A Okay.

24 Q If you'll notice, there's stamps on there with the
25 case file --

1 MR. GHENT: Objection.

2 THE COURT: You have to ask a question.

3 BY MR. HOLCOMB:

4 Q Do you notice that there are stamps at the top with a
5 case number on it?

6 A Yes, there's stamps from the trial.

7 Q Okay. Is there a stamp on there, a bate stamp or a
8 date stamp saying as the one from the check? Is it
9 similar to that? You see there's a date stamp on the
10 right, it has February 5 -- or what does it say?

11 A It looks like it's bate stamped February 5th, 2013,
12 21 and then 49.

13 Q And then at the top of that, at the top right,
14 there's a stamp. Do you see that number up there? It's a
15 13 something?

16 A Is that the exhibit number?

17 Q No, the case number, the 13?

18 A Oh, 11973?

19 Q Right. And that corresponds with the report that
20 you're looking at, No. 1, correct?

21 A Yes, it does.

22 Q Okay. So would you notice down there on the
23 left-hand side, it has my name and it has a bond that says
24 bonded until?

25 THE COURT: Let me stop you.

1 Any objection?

2 MR. GHENT: Yes, sir.

3 THE COURT: All right. Overruled. It's in evidence
4 over objection.

5 Now, you can ask her about it.

6 MR. HOLCOMB: Thank you, Your Honor.

7 BY MR. HOLCOMB:

8 Q What does it say there underneath my name about
9 bonding?

10 A Your bond expires 11/14/2012.

11 Q Okay. About six months after the --

12 A Uh-huh.

13 Q Okay. All right.

14 MR. GHENT: Could I ask that be read again? He
15 stated six months after.

16 MR. HOLCOMB: I'm sorry. I'm sorry. I'll come back
17 to that.

18 MR. GHENT: No, sir, I would like for her to be
19 allowed to read it again.

20 THE COURT: Well --

21 MR. HOLCOMB: Okay, please, read that again.

22 THE COURT: Wait a minute.

23 Mr. Ghent, you'll have recross -- I mean, redirect.

24 BY MR. HOLCOMB:

25 Q What does the date say on there? I was licensed and

1 bonded. What are the dates I was licensed and bonded?

2 Please read those into the record.

3 A Looks like it was issued on August 22nd, 2011. Your
4 bond expires November 14th, 2012. The other specialty
5 license expired 6/30/2013.

6 Q Thank you.

7 MR. HOLCOMB: Would you please hand this to him,
8 please. I'd like to enter this as Exhibit 4.

9 THE COURT: First, lay the foundation.

10 MR. HOLCOMB: Lay the foundation.

11 THE COURT: Ask her if it's something she has
12 knowledge of.

13 BY MR. HOLCOMB:

14 Q Please take a look at this contract -- this proposal,
15 it's not a contract. Do you recognize that from the case
16 file? Do you see the case number on the top right?

17 A Yes.

18 Q You see the date stamp on the right-hand side?

19 A I do.

20 Q Okay. Does that appear to be the contract that's
21 mentioned in Exhibit 1?

22 A I believe so.

23 Q Okay.

24 MR. HOLCOMB: I would like to enter that as evidence,
25 please.

1 THE COURT: Any objection?

2 MR. GHENT: At this point, no, Your Honor. Based on
3 his previous representations to the Court, no.

4 THE COURT REPORTER: Judge, I need to mark both of
5 those.

6 THE COURT: All right. I apologize.

7 MR. HOLCOMB: Is it normally this slow to put
8 evidence in?

9 (WHEREUPON, Defendant's Exhibit Nos. 3 and 4 were
10 admitted into evidence.)

11 THE COURT: It's just the way we have to do it.

12 MR. HOLCOMB: Yes, sir. Thank you. I'm just going
13 to go ahead and hand her three pages from the scope and
14 ask her to take a look at those and see if those appear to
15 be from the case file as well. Bate stamps on there as
16 well as the case numbers.

17 BY MR. HOLCOMB:

18 Q Please take a look at those. The case number is on
19 the top. Right on the first two, then you're going to
20 turn the page and it's going to be on the side of them.

21 A No, I do not recognize these.

22 Q Do they appear to be from the case file?

23 A I have no idea. You have to remember, once you made
24 your threats towards me, this case was transferred to
25 another circuit. And I -- at that point, they handled the

1 case.

2 Q So a few days after this alleged threat was made --
3 the e-mail from Tim Martin that scared you so bad?

4 A The one that threatened my life, yes.

5 Q All right. With prayer?

6 THE COURT: Let's don't get into dialogue.

7 MR. HOLCOMB: Okay. Can I enter those as defense
8 exhibits?

9 THE COURT: She cannot identify them, so I have to
10 say no, but you can have them marked.

11 MR. HOLCOMB: Very well.

12 THE COURT: You can have them marked as
13 identification. She's not able to identify them, so they
14 can't come into the record for the jury's consideration,
15 but they're in for identification.

16 MR. HOLCOMB: Okay. Maybe I should just enter them
17 as exhibits when Tim Martin testifies then if that's okay.

18 THE COURT: That's fine with me.

19 MR. HOLCOMB: Thank you, Your Honor. Thank you.

20 (WHEREUPON, Defendant's Exhibit No. 5 was marked for
21 identification.)

22 BY MR. HOLCOMB:

23 Q All right. So let go into things that you do have
24 direct knowledge of. Ms. Harrison, do you recall right
25 after this case began and I sent you -- I was trying to

1 represent myself. Do you remember that? I tried to get
2 rid of Don Smith? Do you recall that Don Smith was an
3 attorney for me? Do you recall that?

4 A Yes, I do recall Mr. Smith representing you at one
5 time.

6 Q Do you recall me not being happy with Don Smith and
7 the way he was handling things? I was trying to get a
8 preliminary hearing, do you remember that?

9 MR. GHENT: Objection to testifying, Your Honor.

10 THE COURT: Just ask questions. Ask if she knows
11 these things.

12 BY MR. HOLCOMB:

13 Q All right. Let's start over again on this. Let's
14 just start over again on this. So if Tim Martin -- let me
15 lay some foundation for this. Tim Martin took a statement
16 from someone that's never met me, a complainant -- if Tim
17 Martin took a statement from someone that's never met me,
18 who was in prison at the time that work was going on at
19 the home, would she be qualified as a witness?

20 A Of course.

21 Q She's a witness to something she couldn't have seen
22 while she was in prison?

23 A She was representing her parents who were in the
24 hospital at the time.

25 Q Well, that's hearsay. We don't know that.

1 A But as their daughter, I think she would have direct
2 knowledge of whether or not her parents had put a roof on
3 their home or not. Yes, I think she would be a good
4 witness.

5 Q Does she have the right to testify, though, is my
6 question?

7 A To what she has within her direct knowledge, of
8 course.

9 Q Did she have any direct knowledge of this job?

10 A I don't know. Once again, this case was taken from
11 me and given to someone else. I did not prosecute the
12 case.

13 Q Well, in order to -- so starting -- when -- since
14 you've handled 10,000 white collar crimes -- how many of
15 those are breach of trust?

16 A Probably 60 percent. I'm just guessing.

17 Q 60 percent? Do you recall American Shingle?

18 A The name is familiar, but I can't recall each and
19 every case that I have prosecuted. I mean, I prosecuted a
20 serial killer, I could recall that one. But as far as
21 every breach of trust for people that have paid for roofs
22 and not gotten them, we would be here for a long time.

23 Q All right. Let's try to stick with what we're
24 saying. Can you define trust for us?

25 MR. GHENT: Objection, Your Honor.

1 THE COURT: Well, I overrule the objection.

2 THE WITNESS: Within the context of breach of trust?

3 BY MR. HOLCOMB:

4 Q Yes.

5 A When you entrust someone with your own funds for your
6 benefit and then if they were to convert those funds to
7 their own use, that would be breach of trust. But the
8 trust would be, for example --

9 Q No, I didn't ask you that, please.

10 THE COURT: You asked her for the definition.

11 BY MR. HOLCOMB:

12 Q Okay. Go ahead.

13 A For example, if I gave you a check for a roof and you
14 did not put the roof on the home, you would be guilty of
15 breach of trust if you kept that money for your own good.
16 Same thing with any kind of trust relationship.

17 Q Okay. So once the money -- you're talking about in a
18 trust, so let's see if we understand this, the jury and I
19 understand what you're talking about.

20 A It's not a trust as in a trust that is created by an
21 attorney to manage funds. It's more of a lay person's
22 version of trust.

23 Q Right. Right. Well, here's the question, once that
24 money was written to Carolina Home Renovators, LLC, okay,
25 and not me personally -- there is a difference between a

1 person and a corporation, isn't there?

2 A No, not necessarily.

3 Q So legally, a corporation has the same rights as a
4 person, correct?

5 A Correct. And you can prosecute a corporation or you
6 can prosecute an individual.

7 Q So once the check is written to a corporation or a
8 person for a business contract, okay, once that check is
9 written to that person, and that money goes into that
10 account, whether it's a person or a business account, does
11 that money belong to that person that has that account,
12 are they allowed to use that money for purposes for that
13 company?

14 A No.

15 Q No?

16 A No. They are to use it for the purposes of which
17 they were given. That is hence, the trust. Do not trust.
18 -- otherwise, it would be considered a loan.

19 Q No, whenever somebody sells you a car or they sell
20 you a product or a service --

21 MR. GHENT: Objection, Your Honor. He's arguing with
22 the witness.

23 THE COURT: Well --

24 MR. HOLCOMB: I'm trying to clarify.

25 THE COURT: -- he's clarifying the question. I'll

1 overrule the objection.

2 BY MR. HOLCOMB:

3 Q So whenever that money goes into a trust, whenever it
4 goes to a business, the business is allowed to pay for
5 employees to do work, they're allowed to cover insurance
6 cost, gas cost, things like that, or it all has to go to
7 exactly what it says? You can't allocate it out?

8 A No, you can't.. If you're entrusted with your funds
9 specifically to do a specific job for a specific person
10 and you do not use their funds to do that, it is a breach
11 of trust. Contractors are notorious for co-mingling
12 funds. And then the last person who they give the money
13 to to build a house is the one that gets stuck. That's
14 why it's called a breach of trust. They've entrusted you
15 with specific funds to do a specific task and when you
16 convert that to your own use, you have breached my trust
17 and kept my money.

18 Q Okay. Can you take a look at the contract again,
19 please. Is that Exhibit 2 or 3? That's 3, right? 4?

20 A Uh-huh.

21 Q The contract, that's Exhibit 4; is that right?

22 A Exhibit 3.

23 Q Okay. Can you tell me -- it shows the contract --
24 what does it say, proposal or contract at the top?

25 A It says proposal.

1 Q It says proposal, okay.

2 Okay. Are you familiar with the fact that in
3 construction, whenever someone is doing home improvements,
4 we don't know what we're going to get into until we're
5 there, so those things often change? Are you aware of
6 that?

7 A (There was no response.)

8 Q For instance, whenever you're tearing off a roof and
9 you find rotten plywood -- and it's written down at the
10 bottom there about \$45 a sheet or whatsoever it is. That if
11 we find rotten wood, we have to replace that wood. Can you
12 see that, it's a proposal, not a contract? It's not binding
13 specifically on that? Do you see that, that it's a proposal
14 for work?

15 A Yes, but once money exchanges hands --

16 Q I'm not --

17 A -- you have the trust.

18 Q No doubt about that. I believe people should trust
19 people with money, but that's not the question. The
20 question is, is that a proposal or a contract?

21 A I assume it's a proposal because it says proposal on
22 top.

23 Q Okay. Thank you. And down at the bottom, there's a
24 handwritten section. What does that say?

25 A Handwritten section?

1 Q It's written in hand. It's something written in
2 hand.

3 A Exterior repairs, stain siding, deck, patio door. Is
4 that what you're referring to?

5 Q Yes, ma'am. And? And?

6 A And then there's a South Carolina --

7 Q No, it should be -- please read the rest --

8 MR. GHENT: Objection, Your Honor. He asked her to
9 read it. She can finish it.

10 THE COURT: Just read it.

11 BY MR. HOLCOMB:

12 Q Does it say paint door, also?

13 THE COURT: You asked her to read.

14 Just read what it says.

15 THE WITNESS: Yes, I just said that:

16 BY MR. HOLCOMB:

17 Q Would you read it again, please, so we can be clear?

18 A Stain the siding and deck and paint door.

19 Q Okay.

20 A Exterior repairs.

21 Q Thank you. So the contract is, actually, for a metal
22 roof replacement and exterior repairs, painting a door, a
23 deck, staining a deck, siding and a door; is that correct?

24 A That's what the proposal is for?

25 Q That's what it says? Is that what it says?

1 A Yes.

2 Q It does. So that contract includes other work other
3 than a roof; is that correct? That proposal?

4 A That proposal looks like what you wrote.

5 Q Okay. So that proposal was -- the \$4,295 was paid
6 for a roof and exterior repairs; is that correct?

7 A It appears that you got \$4,295.03 to start as a down
8 payment on the proposal, which you say is not a contract.

9 Q Well, it's a proposal for -- well, it's a contract
10 and a proposal. Okay.

11 MR. HOLCOMB: Would you please present her with this?
12 This is the warrant.

13 BY MR. HOLCOMB:

14 Q Ms. Harrison, do you recognize that as the warrant
15 from the breach of contract?

16 A Yes, this is your arrest warrant.

17 Q Okay. Would you mind reading the description of the
18 warrant there to me, the statement there?

19 A Defined as evidence indicating the Defendant and the
20 crime. The Defendant is a registered agent for Carolina
21 Home Renovations located in Greenville. Defendant took a
22 payment of \$4,295.03 in the form of a Bank of Travelers
23 Rest check, number 1004, from the victim. The Defendant
24 was going to replace the victim's roof. The Defendant
25 signed the back of the check and cashed the check.

1 Defendant did not do any of the work.

2 Q Okay. So it says Defendant never did any of the
3 work, but it doesn't mention -- it talks about the roof.
4 Why doesn't it mention the repairs? Wouldn't that be to
5 make it more complete? In your job as a prosecutor,
6 wouldn't you want your officers --

7 MR. GHENT: Objection, Your Honor, she --

8 THE COURT: She doesn't know -- you're asking her
9 something she doesn't know --

10 MR. HOLCOMB: Okay.

11 BY MR. HOLCOMB:

12 Q Let's try this again. Okay. Exhibit No. 3, would
13 you take a look at that again, the proposal? On the top
14 right-hand corner above the dates, there's a handwritten
15 section that says something. Would you please read that?

16 A It says, Work started in July.

17 Q Okay. If Investigator Tim Martin wrote that in his
18 own handwriting, if he wrote it in his handwriting, and he
19 testified to that at trial, that he wrote that in his own
20 handwriting, and taking a look at the warrant that I just
21 gave you, where it said Defendant never did any of the
22 work, would that appear that there was perjury committed
23 in obtaining that warrant?

24 A No.

25 Q Why not?

1 A I wasn't at your trial.

2 Q I understand. What I'm asking you is if Tim Martin
3 said work started in July, and then he wrote in a warrant
4 that work was never -- never did any of the work, would
5 that be perjury in that warrant?

6 A No, it would not.

7 Q Why not?

8 A He based his warrant on what was brought in by the
9 affiant. But if I remember correctly, there was minimal,
10 maybe \$50 worth of work that was done. Minimum, if
11 anything. And then other people were brought in to finish
12 the job. They, basically, paid twice.

13 Q Okay. Would it surprise you that at trial that the
14 Defendant -- that the alleged victim, Mr. McGinn,
15 testified that a day, day and a half worth of work was
16 done?

17 A I don't know. I wasn't there.

18 Q Well, I'm asking you would that surprise you?

19 A If he testified to that, he testified to it. I don't
20 know if it would surprise me.

21 Q If Tim Martin knew that work was done prior to
22 getting that warrant and he said that work never was done,
23 that would not be perjury?

24 A I mean, Mr. Martin --

25 Q Well, we'll move on.

1 A Mr. Martin goes with what he knows at the time the
2 warrant is signed. If facts change, they change, but that
3 wouldn't mean it's perjury.

4 Q Okay. Great. Great. All right. So I was not happy
5 with Don Smith as representing me. I requested a -- so
6 the warrant is issued. I'm arrested on this breach of
7 trust on a fugitive warrant. And do you know when
8 Mr. McGinn was, actually, spoken to?

9 A No, that would be under the law enforcement's
10 investigation.

11 Q All right. But do you recall the speed that you
12 indicted this case on?

13 A The speed?

14 Q How long does it usually take for you to indict?

15 A Depends on the type of case. If I -- first of all, I
16 review my cases. A lot of cases never make it. I dismiss
17 cases that I don't think are worthy. Next, I review cases
18 to see if they are going to be pleas or if they're going
19 to go to trial. You indicated your case wanted to go to
20 trial, so it went to the Grand Jury sooner than most other
21 cases would go because I was prepping for trial. Our
22 Grand Juries are backed up. I didn't want to wait six
23 months to get a case indicted.

24 Q So you recognized that I wanted a fast and speedy
25 trial?

1 A That's what you had said in some of your e-mails and,
2 also, what Mr. Smith indicated to me.

3 Q Okay. That's why the speed of the indictment. Okay,
4 great. So fast and speedy trial was requested in 2013 --

5 A No, sir. No, sir. You did not file a speedy trial
6 motion. That was just what I had heard.

7 Q Okay, that's great. How fast is a fast and speedy
8 trial supposed to be?

9 A You're asking me average trial time or --

10 Q No, how fast would a fast and speedy trial be?

11 A There's numerous amounts of case law on that.
12 There's no finite time.

13 Q No, but as a general rule, how long do y'all consider
14 --

15 MR. GHENT: Your Honor, asked and answered.

16 THE COURT: I sustain the objection.

17 BY MR. HOLCOMB:

18 Q All right. So you testified to Mr. Ghent that after
19 I terminated my arrangement with Don Smith or was in the
20 process of trying to -- well, before we get there. I'm
21 sorry, before we get there.

22 MR. HOLCOMB: Here's a plea offer. I'd like for her
23 to take a look at that.

24 MR. GHENT: Your Honor, I ask that the jury be sent
25 out.

1 THE COURT: You object to this?

2 MR. GHENT: Yes, sir.

3 THE COURT: I sustain the objection.

4 Let the jury go to the jury room for a minute. Well,
5 it will be more than a minute, but five minutes.

6 (WHEREUPON, the jury exits the courtroom at
7 approximately 11:46 a.m.)

8 THE COURT: Yes, sir.

9 MR. GHENT: Your Honor, at this point, the Defendant
10 has repeatedly crossed the line that the Court said that
11 we couldn't cross. We weren't supposed to go into the
12 trial. I left it alone. So that's now opened. He has
13 now opened the door to that. With respect to his last
14 question, once again, he is, essentially, over and over
15 and over and over again opening and going into it.

16 At this point, Your Honor, I'd like clarification
17 because he's already let it be known that he's been tried.
18 He's suggested to the jury that he's been held without
19 bond. He went to prison, he was convicted. He was
20 convicted, as a matter of fact, if I'm not mistaken, in
21 this very courtroom. So he has kicked the door that Your
22 Honor closed to the State wide open.

23 I just want to clarify. And it seemed like a good
24 time in that last question. Because it's already too
25 late. But I have -- the State, the victim, the people

1 have rights, too. And he has gone where the Court said,
2 Mr. Ghent, don't go there.

3 THE COURT: All right. Mr. Holcomb.

4 MR. HOLCOMB: It's my understanding this morning I
5 said it was okay that we were opening that door. I asked
6 if I could put in the trial transcripts, that I was going
7 to be bringing it up. Now, he's badgering, beating up on
8 me. I've already mentioned it.

9 THE COURT: All right. So the line I drew, which was
10 drawn in favor of Mr. Holcomb.

11 MR. HOLCOMB: Right. I crossed it.

12 THE COURT: You crossed it, so the State can cross
13 it, too.

14 MR. HOLCOMB: That's fine. They're welcome. I
15 invited them.

16 MR. GHENT: How far can I go at this point?

17 MR. HOLCOMB: All the way.

18 THE COURT: All the way.

19 MR. GHENT: Thank you.

20 MR. HOLCOMB: Bring it on.

21 THE COURT: All right. Bring in the jury.

22 (WHEREUPON, the jury enters the courtroom at
23 approximately 11:49 p.m.)

24 THE COURT: You may proceed.

25 BY MR. HOLCOMB:

1 Q Ms. Harrison, are you Facebook friends with Tim
2 Martin, or were you?

3 A I believe so.

4 Q Okay, great. Jeff Kindley?

5 A Oh, yes.

6 Q Mike Jarvis.

7 A Yes, Mike.

8 Q Okay. Mr. Ghent?

9 A I don't believe so.

10 Q Okay, great. All right. So we're just going to
11 leave the breach of trust case alone at this point. Let's
12 go back to June 9th, 2014, and the e-mail that upset you
13 over prayer and a Bible verse being referenced. You
14 stated that your boss sent SLED to take over the case; is
15 that correct?

16 A My boss sent your e-mails and your threats to SLED to
17 investigate. They did not take over the breach of trust
18 case. The breach of trust case was handled in Spartanburg
19 and tried by Mr. Ghent.

20 Q Okay. But at that point, you were no longer involved
21 in the breach of trust case?

22 A No, sir, I was not.

23 Q And you're testifying that you had nothing to do with
24 the prosecution or the indictment of the threatening or
25 the intimidating; is that correct?

1 A I may have helped Mr. Ghent navigate. I may have
2 signed some indictments for him to present because we were
3 in Greenville County and we needed a Greenville County
4 solicitor. I can't recall everything four years ago.

5 Q But you weren't handling the case?

6 A The case where I'm the victim?

7 Q Correct.

8 A Of course not.

9 Q Okay. May I present -- take a look at these two
10 item, please.

11 MR. GHENT: May I?

12 MR. HOLCOMB: Oh, please.

13 I'd like to enter these --

14 THE COURT: Just hand them to the witness.

15 MR. HOLCOMB: Please hand them to the witness.

16 BY MR. HOLCOMB:

17 Q Ms. Harrison, what is that document? Do you
18 recognize that document to John Crangle, my second
19 attorney?

20 A (There was no response.)

21 Q What's the date on it?

22 THE COURT: Let her take time to look at it. You
23 asked her a question, wait till she answers it.

24 THE WITNESS: Oh, this is a copy of discovery that
25 was given to John Crangle. But as you can see, it's not

1 signed. It was reproduced by my paralegal because it's
2 just easier in my office not to reinvent the wheel and
3 have my paralegal give the information to Mr. Crangle.

4 BY MR. HOLCOMB:

5 Q Okay. So that's discovery on the threatening and
6 intimidating a court official case that we're on trial for
7 currently, correct?

8 A Correct.

9 Q And you just testified that you were not involved in
10 something that you were the victim, of course. Isn't that
11 what you just testified to?

12 A It automatically comes out when my paralegal creates
13 these documents with my name on them. I don't that I
14 signed it. There's no signature on here. I mean, that's
15 just the way our system works. If my paralegal creates my
16 document, it's comes out in my name.

17 Q Ms. Harrison, what I'm asking you is, you testified
18 that you weren't handling the threatening or intimidating
19 of a court official case?

20 A For prosecution, no.

21 Q Correct. And handling discovery to the attorney, it
22 wasn't conflicted out to the Seventh Circuit then, was it,
23 if you were handling it?

24 A No, I was not handling my own case. We were merely
25 providing documents that we already had here in Greenville

1 to your public defender, who was also here in Greenville,
2 as a courtesy to the kind people in Spartanburg that took
3 over this case. I wasn't handling it. My paralegal was
4 producing and giving documents.

5 Q Okay. So you're saying at that point that it was
6 conflicted out to Spartanburg?

7 A I'd have to look at the exact date.

8 Q Well --

9 MR. HOLCOMB: Can we put that into evidence, please.

10 THE WITNESS: My signature is not on the document.

11 MR. GHENT: Based on her response and based on the
12 question, I don't think it's relevant.

13 THE COURT: Well, I sustain the objection.

14 All right. You want to mark it as whatever number it
15 is for identification?

16 MR. HOLCOMB: Please.

17 THE COURT: Let her mark it.

18 (WHEREUPON, Defendant's Exhibit No. 6 was marked for
19 identification.)

20 MR. HOLCOMB: Just leave it on the table?

21 THE COURT: No, it's identification. The court
22 reporter keeps it.

23 MR. HOLCOMB: Thank you.

24 Would you please present her with those?

25 BY MR. HOLCOMB:

1 Q Do you recognize that e-mail correspondence?

2 A Yes, I do.

3 Q All right. Would you read the --

4 MR. GHENT: May I see the e-mail?

5 MR. HOLCOMB: Sorry.

6 THE COURT: Just let Mr. Ghent see it.

7 (Pause.)

8 MR. GHENT: Your Honor, the only part of the e-mail
9 that is sent by Ms. Harrison, she can certainly read, but
10 the first two parts are from the Defendant's attorney,
11 John Crangle, to Deputy Solicitor Betty Strom.

12 THE COURT: Well, do you object to the introduction
13 of that document?

14 MR. GHENT: Yes, because it's a single page.

15 THE COURT: I understand.

16 Mr. Holcomb, you can take it back.

17 MR. HOLCOMB: Well, can I take the bottom half of it
18 off, the bottom part of it and let her read that into the
19 record?

20 THE COURT: I'm not going to give you directions.
21 You can talk to Mr. Shealy, if you wish.

22 MR. HOLCOMB: Your Honor, I just spoke with my
23 standby counsel. I was wondering if Ms. Harrison could
24 read that into the record, please, the pertinent part?

25 THE COURT: Well, it's got to be in evidence before

1 she can read it. They objected and I sustained the
2 objection.

3 MR. HOLCOMB: Can I just put that part into evidence
4 by taking it off and taping it somehow onto a piece of
5 paper putting it into evidence?

6 THE COURT: You object to the bottom half?

7 MR. GHENT: Your Honor, it is part of three different
8 conversations.

9 THE COURT: It's a chain? It's an e-mail chain?
10 That is can you read one without --

11 MR. GHENT: Your Honor, to move things along, let's
12 have it marked as Defendant's whatever in evidence without
13 objection.

14 MR. HOLCOMB: Thank you.

15 (WHEREUPON, Defendant's Exhibit No. 6 was admitted
16 into evidence.)

17 THE COURT: The witness has the document. You may
18 proceed.

19 BY MR. HOLCOMB:

20 Q Okay. Would you read the bottom -- what was the date
21 on that, that e-mail?

22 THE COURT: What exhibit is that?

23 THE WITNESS: Six.

24 September 5th, 2014.

25 MR. GHENT: Your Honor, we said the whole thing. We

1 agreed to putting the whole thing in.

2 THE COURT: Okay. The whole thing is in.

3 MR. HOLCOMB: It starts at the bottom, sir.

4 THE COURT: Just answer his question.

5 THE WITNESS: Okay. It's from the Deputy Solicitor
6 Betty Strom. I'm CC'd. It's from John Crangle. Please
7 schedule the motion to be relieved for next Friday. I
8 can't consent to any mental evaluation, of course, but
9 y'all are free to bring that up. Thanks, John.

10 This is from Betty and she CC'd me, Tim Martin as
11 victims. John, I will gladly look into it and see what I
12 can do. We've conflicted out this case. It's out because
13 the fact that Sylvia is a victim in some of them. I do
14 think an evaluation is in order, so when you bring him up
15 before the Judge on the motion to be relieved, I will
16 address that with the Judge. Are you good for next week's
17 bond motion date? I know it might be a little sooner, but
18 can you do it Friday? That will work for me. Let me know
19 what you need to do to get on next week's motion calendar.

20 And then this is from me to everybody: John, the
21 only thing I would consent to is a mental evaluation.
22 Because of the pending charges where Tim and I are
23 victims, I need to ask who should handle the motion. I'll
24 let you know when I know something.

25 MR. HOLCOMB: Can I enter that as an exhibit?

1 THE COURT: That's already in.

2 BY MR. HOLCOMB:

3 Q What number is that?

4 A Six.

5 Q Thank you, Ms. Harrison. And what was the date on
6 those e-mails?

7 A September 4th.

8 Q September 4th. So you're active in the investigation
9 that we're on trial for at that point?

10 MR. GHENT: What year?

11 THE WITNESS: I'm sorry, 2014.

12 BY MR. HOLCOMB:

13 Q So September 4th, 2014, you were active in the
14 investigation, you were active in the prosecution of the
15 case that you just testified to that you quit being part
16 of in June of 2014; is that correct?

17 MR. GHENT: Objection, argumentive.

18 THE WITNESS: Well, once again --

19 I'm sorry, sir.

20 BY MR. HOLCOMB:

21 Q Here's --

22 THE COURT: Reask the question.

23 BY MR. HOLCOMB:

24 Q Earlier you said that you went to Texas out of fear
25 for your life for five days around June 14th, 2014. That

1 you got the e-mail forwarded to you from Tim Martin and it
2 just terrified you to such a point that you had to run to
3 Texas and buy guns and stuff -- or a gun and --

4 MR. GHENT: Judge, I object to the repeated ridicule
5 --

6 MR. HOLCOMB: I'm sorry.

7 MR. GHENT: -- of run to Texas. She's already said
8 she took a jet.

9 MR. HOLCOMB: Okay. Fine. Fine.

10 BY MR. HOLCOMB:

11 Q So earlier you said that on June 9th, you received an
12 e-mail from Tim Martin?

13 A I did.

14 Q Okay. And you took a plane to Texas to visit your
15 brother and that you were upset --

16 A My sister.

17 Q Okay, sister. But you left. So that's around June
18 14th. And that the cases were conflicted out in
19 Spartanburg at that time?

20 A Well, I left it in my boss's hands. The date they
21 were conflicted out, I do not know the exact date.

22 Q But earlier, you said that they were conflicted out?

23 A Yes, yes, they were. I mean, Mr. Ghent tried your
24 breach of trust case.

25 Q But they were conflicted out in June and that you

1 were off the case. You said that you had nothing to do
2 with it, as the victim. Of course not. Did you say that?

3 A I said did I prosecute the case as the victim. No,
4 of course not. I would not be assigned to prosecute a
5 case where I was the victim.

6 Q No, I asked if you were involved in the prosecution,
7 the process?

8 MR. GHENT: Argumentative.

9 THE COURT: No, I'll allow the question.

10 THE WITNESS: To the extent I was a victim and they
11 would ask me would I consent to your bond. They would ask
12 me how I felt about things. Whether I still feared for my
13 life. I was involved that way. If we could help
14 Spartanburg, our office as a whole help Spartanburg get
15 information.

16 At that time Mr. Crangle was on the case. His office
17 is one floor below. My paralegal would assist him in
18 anything we could for discovery. But as far as me
19 personally investigating and prosecuting that case, no,
20 not the breach of trust. And no, I was not prosecuting
21 the case where I was the victim.

22 BY MR. HOLCOMB:

23 Q Yes or no, did you testify earlier to the fact that
24 you were no longer involved in the prosecution of the
25 case?

1 A As being a prosecutor, correct.

2 Q Yes or no, please?

3 A No, I was not the prosecutor on the case or
4 prosecuting the case.

5 Q Were you involved in prosecuting -- involved in
6 prosecuting the case, involved in the prosecution process
7 after June 15th?

8 A No. But I may have directed other people to be
9 involved in the -- in assisting whoever needed help from
10 my office.

11 Q So directing someone is not being involved in the
12 process?

13 A Not directly, I would not say so. We have over 150
14 people in our office.

15 Q I'm confused in the sense that the cases were
16 conflicted -- you testified that the cases were conflicted
17 out, but you testified that you're directing the
18 discovery?

19 A I don't investigate anything.

20 Q Right.

21 A I will assist if I have discovery in one of my
22 paralegals process of facilitating that to go to the
23 defense attorney that is prosecuting your your case.

24 Q Okay. Great.

25 THE COURT: Let Mr. Ghent see them first.

1 MR. HOLCOMB: Oh, sorry.

2 MR. GHENT: Your Honor, they should be stapled,
3 marked as a single document.

4 MR. HOLCOMB: Thank you.

5 MR. GHENT: In terms of an objection, at this point,
6 to move things along, I will handle this on redirect.

7 THE COURT: All right. No objection.

8 First, you've still got to have some foundation.

9 MR. HOLCOMB: Okay.

10 BY MR. HOLCOMB:

11 Q Going back to the unsigned e-mail to John Crangle
12 that your paralegal was directed to send or accidentally
13 sent or whatever regarding discovery in the case that
14 we're at currently, the charges that we're at currently,
15 does that appear to be the three incident reports that
16 were referenced in that, three unsigned? The three
17 reports by Mr. Ramon Rivera, his three reports dated
18 8/30/2013; is that correct?

19 A Could be. I would say, yes.

20 Q Okay. Can I ask you another question --

21 THE COURT: Well, before you get there. There's no
22 objection, let's get them marked as Defendant's Exhibit
23 No. 7 or No. 8, whatever we're on. Staple them together.

24 (WHEREUPON, Defendant's Exhibit No. 7 was admitted
25 into evidence.)

1 MR. HOLCOMB: Thank you, Your Honor.

2 BY MR. HOLCOMB:

3 Q Would you go to Page 2, please?

4 A (The witness complies.)

5 Q On the top left-hand side, who does it say the victim
6 is? Victim number two?

7 A Says --

8 Q I'm sorry. I'm sorry. Let me ask the question. Let
9 me rephrase that, if you don't mind. On Page 1 of that
10 document -- which exhibit is that?

11 A Seven.

12 Q Seven. Thank you. Who does it say the victim is on
13 there?

14 A Timothy Martin.

15 Q Go to the next page. Who does it say the victim is
16 there?

17 A Wesley Smith.

18 Q Okay. So originally -- the original -- the case that
19 you sent to John Crangle concerning what we're on trial
20 here, the original, the second victim was Wesley Smith.
21 Can you explain why that is?

22 A No, I don't. I don't -- I don't know why it says
23 Wesley Smith.

24 Q Would you read the narrative from Page 1 into the
25 record, please? Page 1. Okay.

1 A On January 31st, 2013, a breach of trust warrant,
2 113011973, was filed in this office. The victim in this
3 case was Robert McGinn and the Defendant was Dean Alton
4 Holcomb, Jr. An arrest warrant 2013A2330202932 was
5 subsequently obtained for Mr. Dean Alton Holcomb, Jr. and
6 he was placed on the NCIC. He was arrested in North
7 Carolina where he resides and charged with fugitive from
8 justice based on the NCIC hit. He posted bond on the
9 fugitive warrant. Mr. Holcomb refused to sign the waiver
10 of extradition. He was notified this agency was currently
11 in the process of obtaining a governor's warrant so he
12 could be brought back to face the charges.

13 And on 5/20/2013, he arrived at the LEC and turned
14 himself in and agreed to speak with Investigator Martin,
15 who is the lead investigator on this case. Mr. Holcomb,
16 Jr. signed a waiver of rights and the interview was taped.

17 After the interview, he was placed under arrest and
18 placed in the Greenville County Detention Center. During
19 the course of this investigation, Jared Richardson was
20 also interviewed as a witness in the case. I'll leave out
21 the dates of birth. Also, victim, Robert McGinn was also
22 interviewed. Both subjects were interviewed on 5/28/2013.

23 Since this date, the Defendant in this case, Mr.
24 Holcomb, has sent several e-mails and articles to Sergeant
25 Jarvis and Investigator Martin. In these e-mails, he

1 accuses them of covering for the victims in the case. He
2 also makes references to the criminal past of the
3 complainant. He claims he was falsely imprisoned. He
4 taunts and tries to belittle Sergeant Jarvis and
5 Investigator Martin. In numerous letters and e-mails, he
6 also refers to the complainant as MMMM, Megan Meth-Making
7 Momma.

8 From the first letter on 5/28/2013 to the present,
9 Mr. Holcomb appears to have become more agitated and
10 defiant. During the Greenville County Sheriff's Office,
11 Sargent Jarvis and Investigator Martin to sue him for
12 slander. Mr. Holcomb claims to have been told by Judge
13 Hudson as a condition of his bond to maintain weekly
14 contact with Investigator Martin.

15 As previously mentioned, Mr. Holcomb appears to take
16 the weekly opportunity to question the proceedings of his
17 case and mail motions and petitions not only to the
18 solicitor's office, but to the clerk of court, Judge
19 Hudson, Judge Cagle, Judge Foster as well as Governor
20 Nikki Haley asking for his case to be dismissed and the
21 Greenville County Sheriff's Office to be investigated.

22 I was also able to find a letter written by
23 Investigator Wes Smith and sent to Mr. Holcomb. In this
24 letter, Investigator Smith explains to Mr. Holcomb how
25 this case had been forwarded to him. He continues to

1 explain to him how the circuit solicitor was working on
2 obtaining a governor's warrant for his extradition to
3 Greenville County. He also told Mr. Holcomb that he had
4 been reentered in the NCIC as a wanted person pending the
5 service of these outstanding arrest warrants. In this
6 letter, Mr. Holcomb is told the case and the allegations
7 he made have been reviewed and, according to law and
8 policies, none of his complaints were sustained.

9 Since then, Mr. Holcomb has sent links to existing
10 YouTube videos to Investigator Martin and continues to
11 make more videos and post them on YouTube. The latest
12 video, which was posted today, 8/19/2013, is a slide show,
13 which is pretty quiet except for clips and a photo of
14 Investigator Martin or the comments to Investigator Smith
15 and photos of the complainant and the sounds of gunshots.
16 The complainant and the sounds of gunshots appear on the
17 show.

18 These sound effects coupled with the photos posted on
19 the video as well as the previous correspondence led
20 Investigator Martin and Investigator Smith to believe
21 threats were being made against their life. Since photos
22 of the complainant are also shown on this video during the
23 gunshots, it also appears to attempt to intimidate the
24 complainant, who is also a witness for the State -- that
25 the State is being made.

1 There is another one entitled OPF2, in which you can
2 see Mr. Holcomb's face. And he claims to receive a
3 certified letter from Greenville County Sheriff's Office.
4 When he opened the letter, it said, Plead guilty or you
5 are going do die. It also says, Suicide on the next trip
6 to jail..

7 After reading all the correspondence Mr. Holcomb sent
8 Investigator Martin and Sergeant Jarvis, I saw he
9 misspelled several things. On the letter this office
10 supposedly sent to him, your was also misspelled, Y-O-U-R.
11 The handle for the use in postal is the Noble Tin Man.

12 Q Okay. Thank you. You did an excellent job. So on
13 8/30/2014; is that correct? 8/30/2014?

14 A Yes.

15 Q Okay. And that's what, over two and a half months
16 after you were upset over the Psalm 109 incident, the
17 e-mail. And that's the same case number as this
18 indictment on, the same warrant number is the warrant
19 number on than issue; is that correct? I can show you.
20 I'll just do the one that you have. Right here. And it
21 references the warrant number in that case, does it not?
22 That a warrant was issued?

23 A I don't have a warrant for obstruction of justice.

24 Q No, I meant -- well, here's what I'm asking. So if
25 that's -- that's the case on the threatening and

1 intimidating file that you sent to John Crangle, that's
2 your discovery at that point in that letter that was sent
3 from your paralegal and that you confirmed. All right.
4 It was 8/30.

5 How come there's no mention in the police report and
6 in the discovery that was provided under Brady V. Maryland
7 and Rule 5, why is it that two months later, there is no
8 mention of this e-mail that upset you so bad?

9 A I believe because SLED was handling my case as
10 opposed to Greenville County Sheriff's Office.

11 Q Well, if SLED was handling the case, why don't they
12 have an investigative file in there at that point? Since
13 you were handling the prosecution of that case, why would
14 SLED's report not be in there?

15 MR. GHENT: Objection, she can't answer that.

16 THE COURT: She can't answer that. I sustain the
17 objection.

18 BY MR. HOLCOMB:

19 Q Well, what I'm confused about is Greenville County
20 has a report that it was filed on 8/30, so SLED was not
21 handling the investigation at that point, were they?

22 MR. GHENT: Objection, Your Honor.

23 THE COURT: I sustain the objection. You're reaching
24 a conclusion, you're not asking a question.

25 MR. HOLCOMB: Okay.

1 THE COURT: She's already testified that from her
2 perspective under oath, SLED was handling it.

3 MR. HOLCOMB: Okay.

4 BY MR. HOLCOMB:

5 Q So does it appear based on that data that Greenville
6 County Sheriff's Office was also handling this
7 investigation?

8 A Of the threats against me?

9 Q Yes.

10 A I'm going to be real honest. I turned this over to
11 my boss, Walt Wilkins, and let him handle it how he saw
12 fit. I didn't -- this is something I really didn't want
13 to be in the middle of. I mean, I don't think you have a
14 clue how bad this has been. I don't think you understand.

15 Q I do.

16 A No, you don't.

17 THE COURT: All right. We're getting into an
18 exchange now. Just ask the next question.

19 BY MR. HOLCOMB:

20 Q The question I'm asking is that that is the warrant
21 -- that's the information that got the indictment and the
22 warrant numbers were based off of those reports there?

23 A I can't answer that. I don't have direct knowledge
24 of that.

25 Q Did you testify to the Grand Jury on this?

1 A No, sir.

2 Q Okay.

3 A No one testifies to the Grand Jury except the officer
4 presenting the case.

5 Q Did you happen to see any of the videos that they
6 were talking about?

7 A I saw a few, a couple.

8 MR. HOLCOMB: May I present this to the -- I'd like
9 to present the video that's mentioned in that police
10 report, please?

11 THE COURT: She's not going to know what's on there.
12 I mean, you're just showing a disk.

13 MR. HOLCOMB: Can I show the video that was in the
14 report?

15 MR. GHENT: No, sir. Objection.

16 THE COURT: I sustain the objection.

17 MR. HOLCOMB: Okay.

18 Where's the report? Oh, would you like to see this.

19 MR. GHENT: Your Honor, the letter has been altered
20 and we would object to it. I have a more specific
21 objection.

22 MR. HOLCOMB: It's highlighted, but it's the same
23 letter.

24 MR. GHENT: It's highlighted. That is an alteration
25 of the document.

1 THE COURT: I sustain the objection.

2 You want to mark it for identification?

3 MR. HOLCOMB: No, I was wondering if I could get
4 another copy?

5 Mr. Ghent, would you provide me with a copy?

6 THE COURT: Well, that's not his role. Let's just go
7 forward.

8 MR. HOLCOMB: Can I get a copy of this from you
9 somehow?

10 Well, I have two letters that I would like to present
11 to the witness to verify. There's nothing threatening in
12 them. I was going to have her read them into the record,
13 but both of them are highlighted to show important points.

14 MR. GHENT: Objection, Your Honor. He is describing
15 the document --

16 THE COURT: I sustain your objection.

17 MR. HOLCOMB: Okay. All right.

18 BY MR. HOLCOMB:

19 Q Ms. Harrison, so did you receive any e-mails from me
20 or any correspondence, any letters from me directly?

21 A I received at one point so many things from you,
22 including things that were sent Federal Express, I blocked
23 you.

24 Q Did you receive any letters from me?

25 A I did. I received a couple things Federal Express

1 that I never opened.

2 Q Prior to Don Smith being my attorney, you wouldn't
3 open the letters?

4 A No, sir.

5 Q You wouldn't recognize a pro se defendant -- before
6 there was any issues, you wouldn't open the letters from
7 me?

8 A Before there were -- in the beginning, yes, I
9 probably would have looked at your letters. But once
10 things got out of control, no, sir, I did not open
11 anything you sent me FedEx or any letters. No, sir, I did
12 not open them.

13 Q I'm not understanding, you weren't upset with
14 anything until the June 9th letter, correct, 2014?

15 A The e-mails?

16 Q Correct.

17 A Well, to be honest, I was upset all along with what
18 was happening, but nothing had gone directly toward me.
19 The threats against law enforcement bothered me.

20 Q Prior to June 9th, there was a threat?

21 A Well, the videos and the things that you were saying
22 to Mr. Martin, that bothered me because I was directly
23 involved in that case. I did get one or two letters from
24 you. And then everything escalated and I stopped reading
25 it.

1 Q Okay. So just a moment ago, you said you wouldn't
2 open a package, but now you're saying you got two letters
3 from me?

4 MR. GHENT: And she clarified it.

5 MR. HOLCOMB: Okay. Thank you. Well, thank you.
6 Thank you.

7 MR. GHENT: You're welcome.

8 BY MR. HOLCOMB:

9 Q So what you're saying is that -- were those letters
10 threatening, the letters I sent you?

11 A I don't recall. It's been a few years. I don't have
12 them and I didn't keep them.

13 Q Did they go in a file somewhere?

14 A I'm sure I handed them off to Mr. Ghent when he
15 prosecuted you for the breach of trust.

16 Q Okay. Thank you. How many -- in your breach of
17 trust, you talk about lawyers handling trust accounts.
18 How many attorneys have you prosecuted for breach of
19 trust?

20 MR. GHENT: Objection.

21 THE COURT: I sustain the objection. That's not
22 relevant to this case.

23 MR. HOLCOMB: Okay.

24 BY MR. HOLCOMB:

25 Q In these videos, where you just read the report where

1 it talks about the threatening or the tampering of
2 evidence video that was sent that they heard the gunshots
3 and Megan, the meth-making mom, referring back to that
4 statement there where I'm accusing Tim Martin of altering
5 evidence, did you notice -- did you take a look at those
6 allegations? Did you, actually, take a look at the
7 evidence and go, goodness, he might be right, that this
8 paper was doctored and modified in some fashion?

9 A No -- well, I did look at the evidence and no, it
10 wasn't modified. And as we all know, you were found
11 guilty at trial, so.

12 Q Correct. So you did look at the evidence that I did
13 talk about being modified; is that correct?

14 A Correct. And I found no validity in any of your
15 statements.

16 Q None?

17 A None.

18 Q Okay. But if Tim Martin had altered documents, that
19 would be a crime; is that correct?

20 A He --

21 MR. GHENT: Your Honor, objection.

22 THE COURT: Yeah, I sustain the objection. There's
23 no evidence that he did.

24 BY MR. HOLCOMB:

25 Q All right. Can you see -- so Tim Martin -- so back

1 to the breach of trust case that you were handling. Tim
2 Martin took a statement from someone on behalf of her
3 parents. She told him some work was done. He wrote it on
4 a contract. Procured a warrant that basically described
5 things, left certain things out, got a few things right,
6 few things wrong in that warrant. Stated that work was
7 never done --

8 MR. GHENT: Objection.

9 THE COURT: Yeah, you're characterizing something --

10 MR. HOLCOMB: Right, right, right. Okay. Okay.

11 THE COURT: Ask a question --

12 MR. HOLCOMB: Okay. Okay.

13 THE COURT: This witness can't say stuff was left
14 out --

15 MR. HOLCOMB: If --

16 THE COURT: -- and things like that.

17 BY MR. HOLCOMB:

18 Q If Tim Martin had written an incomplete warrant and
19 it was not accurate, would that be illegal?

20 A No. No. We send things to the Grand Jury. What we
21 base the trial on and what this trial was based on was the
22 wording in the indictment. Quite often, warrants are
23 incomplete, especially white collar warrants about how
24 much has been taken. But if it's factually based --

25 Q That's not what I'm asking. What I'm saying is if he

1 never spoke to the alleged victim and the information is
2 incorrect, did he have probable cause to make the arrest?

3 A I can't judge whether he had probable cause or not.
4 I just know that there was enough to indict your case with
5 the Grand Jury, so 12 out of the 18.

6 Q What percentage of cases are indicted with true bill?

7 MR. GHENT: Objection.

8 THE COURT: I sustain the objection. That's not
9 relevant to this trial. ✓

10 BY MR. HOLCOMB:

11 Q How long does testimony generally last on a true
12 bill?

13 MR. GHENT: Objection.

14 THE COURT: I sustain the objection. That's not
15 relevant to this trial.

16 BY MR. HOLCOMB:

17 Q So probable cause is not needed, a person -- is it
18 typical for an investigator to make a warrant and an
19 arrest without talking to the alleged victim?

20 MR. GHENT: Objection, Your Honor. At this point,
21 I'd ask that we be heard outside the presence of the jury.
22 This is important.

23 THE COURT: All right. Why don't we go ahead and
24 break for lunch. It's about 12:30. We'll break until 2
25 o'clock. Because we have obviously have work to do in

1 here while the jury is out. So we'll break until 2
2 o'clock.

3 (WHEREUPON, the jury left the courtroom at
4 approximately 12:27 p.m.)

5 THE COURT: Yes, sir, Mr. Ghent. The jury has been
6 excused.

7 MR. GHENT: Your Honor, the second case, I don't have
8 it right in front of me, but I cited it yesterday, quoted
9 from it yesterday in the arguments on the motions. And
10 that's why I don't have it in front of me because we went
11 through the motions yesterday. And I read from it about
12 when an individual is given the right to represent
13 himself. He still has to respect the dignity of the
14 courtroom and abide by the rules of the Court, the law.

15 Your Honor, at this time, I want to clarify the
16 record what is going on. This is a ploy. The Court, I
17 would ask -- I would ask the Court to reconsider the
18 decision to allow him to represent himself because this is
19 what he is doing. He is making me object repeatedly in
20 front of the jury because he is repeatedly testifying and
21 avoiding cross-examination. And that was his entire ploy.
22 He is repeatedly putting in things that after his first
23 trial he knows well he cannot get into. He has seen the
24 system work. It is -- I would ask that he sit down while
25 I'm arguing.

1 It is always someone else's fault. It's Megan. It's
2 the gentleman whose roof was not put on. It's the
3 investigating officer, Tim. It's the prosecutor. It's
4 his attorney. It's his attorneys. It is the Court, the
5 system. He has already acknowledged to the jury that he
6 was charged, arrested, convicted after being tried. He's
7 acknowledged all of that. He is abusing the right to
8 self-representation. Faretta and its progeny do not allow
9 that.

10 We, the people, are allowed certain respect, too.
11 And I am imploring the Court to either have Mr. Shealy
12 step in and take over, which I know is going to open up a
13 problem, so I know the ruling there. Or -- and I know the
14 Court can't do this either because the Court can't act for
15 me -- but with me repeatedly objecting while he is doing
16 exactly what he knows he can't do. He cannot avoid
17 testifying by testifying in his role as counsel. He's
18 putting in things repeatedly. He is not stupid. He is
19 devious as can be. But everyone winds up the victim, but
20 him. He is the responsible party. I would ask that the
21 Court, please, instruct him to quit badgering this witness
22 and to limit himself to questions within the issues and
23 the rules of court because he is required to do that under
24 Faretta, under its progeny.

25 The very next case made it clear, hey, we granted a

1 rule. The case involved a conflict of interest. And
2 that's where the Court clarified. If was a major drug
3 case and the Court said no. We understand what you're
4 playing and we're not going to allow it to happen.

5 When you abuse a right, your rights end where others'
6 rights begin. She is the victim. She's not just a
7 prosecutor, she is a victim. And this man is a serial
8 abuser of the system, of people, individuals, citizens.
9 He is someone who absolutely has no respect for this
10 system of justice. I would ask that he be instructed to
11 stay within the rules and to quit testifying because it's
12 wearing me out to keep having to jump up and down and keep
13 him in line with the rules. Thank you, Your Honor.

14 THE COURT: Yes, sir, Mr. Holcomb.

15 MR. HOLCOMB: I'm not going to call him any names.
16 I'm not going to talk about abuse on his part. I'm doing
17 the best I can. All right. I'm not trying to badger the
18 witness. What I'm trying to get in -- trying to
19 understand is it appears as a layperson that she has made
20 false statements to the tribunal. That she said she
21 recused herself and then -- the jury's not here, I think I
22 can say this now. I mean, it appears that she said that
23 she was not involved in the prosecution and yet, she's
24 sending stuff. That she was -- that she left for Texas,
25 then she came back and the case had been conflicted out.

1 But it had not conflicted out until October. I've got a
2 document on it, but it's not to her, but she's still
3 active in the case.

4 So to a layperson, to a layperson -- and we're
5 talking about -- I can't bring up the 88 false statements
6 that Mr. Ghent made because that's -- it's on the list.
7 Because it's an appeal issue.

8 On the current trial that we're at now, I've got an
9 attorney, a very savvy attorney sitting up here saying
10 she's never had anybody use ugly language to her in 20
11 years. She's never -- I can't ask her about if she ever
12 prosecutes attorneys for breach of trust, but it's
13 contractors. She's going through and she's telling me
14 that it's okay for an officer to do certain things.

15 But she's, basically, telling us that she didn't
16 handle the case and she was directly involved in passing
17 out discovery. And that discovery had conflicting
18 information in there and there no explanation for it. The
19 victim changed from Wesley Smith to Sylvia Harrison
20 magically. And there's no paper trail at that point. And
21 that's when I was arrested. I was held without bond at
22 that point. And she went to a bond hearing at that point
23 in her role as a victim. And she's playing different hats
24 as well.

25 He talks about being unfair for me, but Ms. Harrison

1 is sitting here talking about how she wasn't involved in
2 the prosecution and yet, she was. You see the documents
3 there. And she's involved in discovery.

4 So I'm looking at the only police report that I've
5 seen concerning the threatening and intimidating of a
6 court official is that one right there. I haven't seen a
7 report from SLED. I've seen a threat analysis, but I
8 haven't seen an actual police report, an actual report
9 from SLED. So I guess they're just running off the
10 Greenville County Sheriff's Office.

11 Once again, I'm going back to the same things. Mr.
12 Ghent testified that the Greenville County Sheriff's
13 Office recused itself and yet, here they are handling it.
14 So they took -- they sent it over to SLED for analysis,
15 but SLED had not ended the prosecution because Greenville
16 County issued the warrant. Greenville County did the
17 arrest. Greenville County did the testimony -- well, SLED
18 did the testimony to the Grand Jury, but Greenville County
19 was handling the investigation at that point.

20 And on the warrants that I'm here on currently, the
21 indictments that I'm in here currently on, the second
22 victim was Wesley Smith and not Ms. Harrison. There is no
23 police report that I've seen where Ms. Harrison is said to
24 be a victim. And I was arrested on those police reports,
25 those police reports right there mention these two arrest

1 warrant numbers and this indictment that I'm on and the
2 victim was supposedly Wesley Smith. Now, it's magically
3 Ms. Harrison. And she's testified she couldn't open
4 documents and then she did see documents. And she
5 reclarifies herself, but I'm the bad guy. I'm the bad
6 guy.

7 Here's my position.. I believe that Tim Martin has
8 committed a crime. I believe he altered evidence. I was
9 upset about it. I believe that the bond was
10 unconstitutional. And I don't believe anybody is willing
11 to talk about that. I don't believe an attorney is
12 willing to talk about that. Did you alter this evidence?
13 Did you commit this perjury? And as soon as Mr. Tim
14 Martin gets on the stand, we're going to go over what was
15 said at trial and what he's going to be saying here. I'm
16 just going to try to show that he's telling false
17 statements.

18 Same thing with Ms. Harrison. I'm saying that she's
19 committed a false statement. How much clearer can it be?
20 She said she wasn't handling prosecution and then they're
21 handling the prosecution. She's involved in it. A mental
22 health evaluation has nothing -- a victim's rights does
23 not allow them to say hey, listen, I need to have this
24 guy's mental health evaluated or being involved in the
25 process.

1 And for her to sit there and say it was conflicted
2 out, it was not conflicted out until after the indictment,
3 until after she had been handling paperwork. And I have
4 an issue with that. And I think attorneys do protect each
5 other. I do think prosecutors do scratch each other's
6 back. I do think that the machine itself -- because we
7 never here --

8 THE COURT: You're getting way off of what -- I'm not
9 going to appoint an attorney to do that. I'll have to
10 stop the trial. And I don't think Mr. Ghent --

11 MR. HOLCOMB: Yes, sir, I understand.

12 THE COURT: -- wants me to do that. And I'm not
13 going to appoint Mr. Shealy because of some of the
14 concerns that Mr. Holcomb has already addressed about --

15 MR. HOLCOMB: Can you see where that would upset me
16 that it appears that she's giving false statements?

17 THE COURT: I'm not the finder of fact. I told the
18 jury I don't form any opinions about --

19 MR. HOLCOMB: Thank you. So you're -- and I'm going
20 to try to keep it down. I've got a few more questions for
21 her and then I'll be done with this.

22 THE COURT: We've broken for lunch. If you've got a
23 few more questions, we'll finish up and then it will be
24 redirect. So have your next witness available at 2:00.

25 MR. GHENT: I will. And Your Honor, on redirect, in

1 two questions to the witness, I will clarify.

2 THE COURT: Well, you don't need to telegram what
3 you're going to do.

4 MR. GHENT: Oh, I want him to know.

5 THE COURT: Well, you don't have to tell me.
6 We'll break until 2:00.

7 MR. GHENT: Thank you, Your Honor.

8 (WHEREUPON, a lunch break was taken.)

9 THE COURT: Before we get the jury in, I understand
10 there was an issue with a cell phone. I think that's been
11 resolved. We have a cell phone. I don't know if we have
12 all the cell phones. Nobody is supposed to have cell
13 phones in the courtroom. I don't even bring mine in the
14 courtroom.

15 MR. GHENT: It wasn't resolved, Your Honor.
16 Actually, it's rather significant. I believe that it was
17 taken into custody. The Defendant's sister, yesterday --
18 the Court had, as I understand it and recall, had
19 addressed the matter. She had something to record and
20 tape all of the proceedings. And it was clarified.

21 THE COURT: We checked in the record and, apparently,
22 I said no media. I did not say no audio or video, but I'm
23 saying that now.

24 MR. HOLCOMB: Your Honor, on May 15th, I made a
25 motion for a blog for New Dawn Ministries and Operation

1 Lost Trust Two, which is one of the websites that are
2 mentioned in this case. I'd like to still maintain the
3 blog under the First Amendment.

4 THE COURT: Well, you can. I've got nothing to do
5 with that. But I terminated -- I granted the rule in
6 front of them and pursuant to the rules --

7 MR. HOLCOMB: Okay, well, we're not trying to violate
8 that.

9 THE COURT: I, apparently, granted somebody -- in any
10 event, based on, particularly like things that have been
11 going on today, the sensitivity of this case, I determined
12 that there would be no coverage by the media. The lay
13 people are not allowed to do it anyway, so.

14 MR. GHENT: Exactly. And she is and she was. And
15 that was the ruling of the Court. I would ask that the
16 cell phone be taken into custody.

17 THE COURT: We have it. We already have it.

18 MR. GHENT: Yes, sir. And I was going to say, these
19 people post anything and everything on YouTube. Now, we
20 can't stop that, but the rules say you can't be recording
21 in here. Your Honor's ruling says that. So I would ask
22 that the phone be kept.

23 THE COURT: We're not going to keep it overnight.
24 But if it's brought in tomorrow, it will be --

25 MR. GHENT: How do we get it off?

1 MR. HOLCOMB: Thank you, Your Honor.

2 THE COURT: Huh?

3 MR. GHENT: How do we get what she recorded -- she
4 was recording earlier today.

5 THE COURT: I don't know that we can get it off. I
6 don't know that -- we want to make sure that the cell
7 phone is now off. Is the cell phone off at this point or
8 is it still recording?

9 MR. HOLCOMB: She doesn't have it.

10 MS. TESO: I don't have it.

11 THE COURT: I'm not saying you have it. We have it.
12 We don't want it to be -- my plan is to have the clerk
13 control it until the end of the day.

14 MS. TESO: Yes, sir.

15 THE COURT: We don't want it recording.

16 MS. TESO: I understand. I'm sorry. I thought there
17 was only no video. I put my camera in the car. I was not
18 aware --

19 THE COURT: I'm just saying is your phone off? Is it
20 recording?

21 MS. TESO: You have my phone. And I will delete that
22 out. It was just for my personal -- I have not posted
23 anything on the internet about this case.

24 THE COURT: How can we tell if it's off now?

25 MS. TESO: You have it. (

1 THE COURT: Let's just put it somewhere outside the
2 courtroom.

3 MS. TESO: I mean, y'all can delete the app. It's an
4 app. You can delete it if you like.

5 MR. GHENT: I would ask for that.

6 THE COURT: All right. I don't know how to do that.

7 MR. GHENT: I don't either.

8 THE COURT: We'll take care of that. Let's get the
9 jury working. Let's put that somewhere safe.

10 MR. HOLCOMB: Your Honor, can I ask a question before
11 the jury comes in?

12 THE COURT: Yes.

13 MR. HOLCOMB: I was wondering if I could get the
14 address for Rhonda Jane Cole? I'd like to subpoena her
15 and we don't have her contact information. I understand
16 SLED interviewed her and there's a report. I'd like to
17 bring her in as a witness. And I need to get a subpoena
18 issued and I don't have her contact info. It was seized
19 by SLED. They've got the iPad with her information on it.
20 So I'd like to have that information.

21 THE COURT: Who is it and what does she have to do --

22 MR. HOLCOMB: Ronda Jane Cole is the girl that Tim
23 Martin and I both dated years ago. And it may come up.

24 MR. GHENT: She has denied that she dated him.

25 MR. HOLCOMB: She has not denied that, and I have a

1 recording of it. She's not going to deny that. She
2 didn't deny it in the report.

3 THE COURT: Well, if we have her address, we'll
4 provide it. I don't have it.

5 MR. HOLCOMB: Well, SLED has it. I'd like to have it
6 given to Mr. Shealy.

7 THE COURT: For the record, I never dated her.
8 We'll see what we can do about that.

9 MR. GHENT: Thank you, Your Honor.

10 THE COURT: Yes, sir, Mr. Shealy?

11 MR. SHEALY: Judge, I have requested that information
12 from Mr. Ghent. The reason we're asking if you would
13 allow the issue is, I've got my investigator outside.
14 He's working on it. If you want me to issue it, I will
15 issue it. If you don't want me to, I won't.

16 There's also a subpoena that's been issued to the
17 Better Business Bureau and they are here right now. I
18 believe Mr. Ghent wanted to be heard on that. Those are
19 the only two subpoenas that have been issued.

20 MR. GHENT: They were subpoenaed to bring in records
21 of American Shingle. They have nothing to do with this
22 case. I supposed what he's wanting to show is that we
23 didn't prosecute somebody else. Again, I'm not the
24 prosecutor over here. Therefore, he's being singled out.
25 It doesn't mean that.

1 MR. HOLCOMB: It does mean that.

2 MR. GHENT: It doesn't meant that.

3 MR. HOLCOMB: It does mean that. And that's what I'd
4 like to present as a defense, if you don't mind. I'd like
5 to present that. And I'd like to talk to Tim Martin about
6 that, you know, eight million dollars where it's done in
7 first checks and no work was done on American Shingle, or
8 more than that. I think they did 35-million dollars in
9 seven states. They weren't charged in Greenville County.
10 Over a thousand incidents were reported to the BBB about
11 what Carolina Home Renovators was accused of. And I'd
12 like to use that as impeachment evidence.

13 I'm going to ask him did anybody report for American
14 Shingles or Grace Homes or any of the other homes that are
15 there, or any of the tens of thousands of reports done on
16 the BBB and why was it just me that a non-investigation
17 was done. So that's why I would like to have the BBB.

18 THE COURT: I'm going to quash the Better Business or
19 the American Shingles. Whether they were prosecuted or
20 not or whether other cases were prosecuted or not is not
21 relevant as to -- homing in on what the issue is here is
22 whether or not --

23 MR. HOLCOMB: Right, in that particular point in
24 time.

25 THE COURT: Right. So I'm going to quash that

1 indictment. And I can go ahead and tell you, as far as
2 the girl that supposedly everybody dated, we'll get her in
3 here if we can through subpoena and then I'll find out --
4 maybe let you make a proffer as to what relevance it may
5 have.

6 MR. HOLCOMB: Okay. Can I have some of -- his
7 investigator help me with Alleandro Gonzalez, the
8 gentleman that the contract for Carolina Home Renovators
9 was sold to?

10 THE COURT: He's your standby. I don't know what
11 comfort level he has as far as --

12 MR. HOLCOMB: We're wondering if he didn't leave the
13 country.

14 MR. SHEALY: Judge, I ask Mr. Holcomb if he could
15 provide me an address for Mr --

16 MR. HOLCOMB: Alleandro Gonzalez. But can we not do
17 it on the computer and look him up? It was on Whitehorse
18 Road.

19 MR. SHEALY: Well, I'll look --

20 THE COURT: Okay. Mr. Shealy says he'll try to find
21 out.

22 Let me go ahead and cover one more issue and you can
23 be thinking about it. Mr. Shealy's wife has a procedure
24 on Friday. He's standby counsel. Mr. Holcomb, I'd like
25 to proceed Friday later than lunchtime, but we have to let

1 Mr. Shealy go for his wife's procedure. So he would not
2 be here for that portion. I won't do that -- I'd like to
3 have your position on going forward Friday if Mr. Shealy
4 is unavailable.

5 MR. HOLCOMB: Mr. Shealy has got to go take of his
6 wife's situation, but I'd rather for him to be here and
7 carry it over to Monday. But I think we'll be done by
8 Friday.

9 THE COURT: Okay. All right. Well, we'll see where
10 we are.

11 MR. HOLCOMB: And I have a motion to quash the
12 officers from Gaston County PD, two officers coming up,
13 for them to verify whether a search warrant was issued or
14 not. Have we not already established that these e-mails
15 were sent or not sent? And two officers coming in from
16 Gaston County is just going to be more prejudicial than
17 probative. And the fact that I'll waive that this stuff
18 was brought in or that was found. We don't need two
19 officers standing up there in uniform showing more power
20 of the State against me. I mean, I don't see what they're
21 going to testify to.

22 MR. GHENT: If that's the case, I'm -- Your Honor, I
23 merely was attempting to cover all bases. If he's
24 agreeing that the e-mails were sent by him, then it's
25 covered.

1 MR. HOLCOMB: Well, that e-mail.

2 MR. GHENT: Well --

3 MR. HOLCOMB: If he's going to do Charter
4 Communications, then I don't think we need any officers.
5 I think Charter Communications can cover that the e-mails
6 were sent.

7 MR. GHENT: Charter Communications will cover that
8 they came from there, but I want to make sure that they --
9 we are covered that they came from his computer seized in
10 that search.

11 MR. HOLCOMB: I'll concede that. I'll concede that.

12 THE COURT: All right. So do we need to bring
13 Charter Communications?

14 MR. GHENT: I'm sorry?

15 THE COURT: Is anybody from Charter Communications
16 going to --

17 MR. GHENT: Yes, Mr. Chris Kirkland.

18 THE COURT: Oh, I don't need to talk to him. I don't
19 even need to see him. I just ask, Mr. Ghent, simply a
20 question. You've got listed a Mr. Kirkland from Charter
21 Communications. Is he available?

22 MR. GHENT: Yes, sir.

23 THE COURT: Okay. Well, he didn't have to stand up.
24 All you had to do was tell me. You're an officer of the
25 court.

1 MR. GHENT: This is Captain Shealy, he may go?

2 THE COURT: Based on the stipulations, it's my
3 understanding you can go.

4 MR. GHENT: And these two ladies from the Better
5 Business Bureau, they may go?

6 THE COURT: Yes.

7 MR. GHENT: Thank you.

8 THE COURT: Bring in the jury.

9 MR. GHENT: Your Honor, he has now shown me a letter
10 that does not have in it the highlighting. But it also
11 has in it discussion of the plea negotiations. So if I
12 might, can we wait, get started with the jury and address
13 that later on?

14 THE COURT: Well, we need to proceed. Of course,
15 plea negotiations are not allowed in cases in which
16 negotiations take place. Are these plea negotiations
17 dealing with the current case?

18 MR. GHENT: They're dealing with the obtaining money
19 and breach of trust case.

20 MR. HOLCOMB: Which is already ended, so those plea
21 negotiations are irrelevant. They're moot.

22 THE COURT: You object to that?

23 MR. GHENT: Your Honor, as I understand at this
24 point, Your Honor's previously ruling has been mooted. It
25 is now -- he has conceded he was convicted in front of the

1 jury.

2 MR. HOLCOMB: And so --

3 THE COURT: Wait, wait, wait. But do you object to
4 letting this -- the other content of the letter, you're
5 okay with?

6 MR. GHENT: Well, the rule says it can't come in, any
7 plea negotiations. But Your Honor, at this point, to move
8 it, let's do it.

9 THE COURT: All right. Bring in the jury and we'll
10 do it.

11 THE BAILIFF: Your Honor, Your Honor may I approach?

12 THE COURT: Yes.

13 (WHEREUPON, the bailiff had an off the record
14 discussion with the Court.)

15 THE COURT: I've just been informed that Juror 222
16 has just found out that her grandmother has been taken to
17 the ICU. So I'm going to excuse her and seat one of the
18 alternates.

19 Any objection from the State?

20 MR. GHENT: None from the State.

21 THE COURT: Mr. Holcomb?

22 MR. HOLCOMB: No, sir.

23 THE COURT: Just tell her she's excused.

24 Now, we have an interesting way we do things in
25 criminal court. In criminal court, we draw lots from the

1 alternates. I'm going to write the two alternate's names,
2 Foster and Huffstetler, have the clerk pick one of these
3 pieces of paper out of my hand. And that will be Foster,
4 No. 81, will now be on the jury. So tell Ms. Desmond
5 Foster that she is now on the jury and that Ms. Thompson
6 is excused. Thank you.

7 MR. GHENT: Your Honor?

8 THE COURT: Yes, sir.

9 MR. GHENT: I would ask that while we're doing that,
10 I misspoke, I would ask the Court to look at these two
11 letters that he wants to get in. I do renew my objection
12 for good reason. Exactly what I argued before we recessed
13 --

14 THE COURT: Let me see them if you want me to see
15 them.

16 MR. GHENT: Yes, sir. It's self-serving --

17 THE COURT: Let me look at them.

18 (WHEREUPON, Court's Exhibit No. 3 was marked for
19 identification only.)

20 THE COURT: Mr. Ghent, your objection to these is
21 July 9th, 2013, July 11th, 2013 letters under the
22 letterhead of Dean A. Holcomb?

23 MR. GHENT: Number one, they are hearsay. They are
24 self-serving statements of the Defendant. Number two,
25 exactly what I was arguing before we went to lunch, he is

1 trying to get in through his questioning of a witness
2 everything that he would have to answer under
3 cross-examination. So I object to them and ask that they
4 be excluded.

5 THE COURT: Yeah, I sustain the objection.

6 MR. HOLCOMB: If I agreed to testify, would they --

7 THE COURT: Well, we'll see then. But I'm not --

8 MR. HOLCOMB: Can I recall Ms. Harrison if I need to?

9 THE COURT: Well, I'm not going to make any rulings
10 on where we are until we get there.

11 MR. HOLCOMB: Well, can I ask her did she receive
12 those letter and does she recall seeing those letters?

13 THE COURT: No, I'm ruling they're not --

14 MR. HOLCOMB: The question did she receive those
15 letters? Whether the content -- I'm not asking about the
16 content. And those letters were provided --

17 MR. GHENT: They're irrelevant if he's not asking
18 about the content.

19 MR. HOLCOMB: No, did she receive letters that were
20 nonthreatening is relevant.

21 THE COURT: Well again, that's -- the question of
22 whether or not they're threatening or not means getting
23 into the body and what they say. I sustain the objection.
24 If there's another way you can try, that's fine. But as
25 to this witness, I'm sustaining the objection. I only

1 have so many hands.

2 MR. GHENT: Your Honor, finally, he has already
3 stipulated or admitted or said he was convicted, tried and
4 convicted. I have here the two indictments that I would
5 like to hand up. I would like to hand up the indictments
6 and the verdict form of the two charges we tried last
7 year. And I would like to offer those into evidence once
8 I am --

9 THE COURT: We're not quite there yet. Because the
10 case is in his hands right now.

11 MR. GHENT: Yes, sir. Well, I just didn't want to
12 have to send the jury out yet again. That's all, Your
13 Honor. Your Honor has them. Your Honor knows what I'll
14 be talking about, so that's fine. Thank you.

15 THE COURT: Bring in the jury.

16 (WHEREUPON, the jury enters the courtroom at
17 approximately 2:23 p.m.)

18 THE COURT: You're Ms. Foster?

19 JUROR: Yes, sir.

20 THE COURT: You're now on the jury panel. I excused
21 Ms. Thompson, I believe it was. She had a family
22 emergency. That's why we have alternates.

23 Just a short lesson in court procedure, in civil
24 court -- it just happens that you were the first one
25 drawn. In civil court, we go first and second alternates.

1 In criminal court, we actually draw lots. We put both of
2 the alternates' names on pieces of a paper and have the
3 clerk draw one. That's how you ended up here.

4 You may proceed.

5 CONTINUED CROSS-EXAMINATION

6 BY MR. HOLCOMB:

7 Q Ms. Harrison, just a couple more questions. We were
8 talking earlier about your handling of the breach of trust
9 case. And I asked you about whether personhood and
10 corporations are still people. Would it have mattered in
11 the prosecution of me in that case if it would have been
12 considered a corporation?

13 MR. GHENT: Objection, Your Honor.

14 THE COURT: I sustain the objection.

15 BY MR. HOLCOMB:

16 Q Ms. Harrison, just one more time. So you did receive
17 mail from me, that you quit taking mail and e-mail, you
18 blocked me sometime in 2013. You refused packages from
19 FedEx, which you did receive a letter or two from me that
20 were nonthreatening. Found that Don Smith -- I fired Don
21 Smith, would you consider those e-mails or letter -- that
22 letter threatening?

23 A In my opinion, everything I've received from you or
24 seen from you has been threatening. Either to me or
25 someone else.

1 Q So whenever I was talking about pro se, you considered
2 that threatening?

3 A The way the things were delivered, the fact that you
4 recorded e-mails, a number of e-mails --

5 Q Well, that's not what I'm asking you, ma'am. I'm
6 asking you did I send you anything threatening directly in
7 a letter?

8 A No, just the e-mail from -- I'd have to see -- but
9 the things I saw that you sent to the other officers, the
10 things I saw you sent to Wes Smith, Tim, the e-mails to
11 me, yes, it was all threatening.

12 Q I didn't send it to you, though?

13 A No, but it was communicated directly to me because --

14 Q I'm not asking you that, ma'am, please?

15 A No, it was not sent directly to me, but it was
16 communicated to me.

17 Q So the e-mail on June 9th was not sent directly to
18 you?

19 A No, you can see it was sent to Investigator Martin.

20 Q Okay. Well, thank you.

21 THE COURT: Any redirect?

22 MR. GHENT: Yes, sir.

23 REDIRECT EXAMINATION

24 BY MR. GHENT:

25 Q Ms. Harrison?

1 A Yes, sir.

2 Q Just a very few questions. The last question about
3 whether it was sent directly, there's no question at that
4 point that Tim Martin was working with the sheriff's
5 office and with you on this case?

6 A That is correct. Of course, yes.

7 MR. HOLCOMB: Objection, Your Honor. He's asking her
8 to speculate. I mean, I have no way of knowing -- she had
9 no way of knowing whether I knew the case had been
10 transferred or not.

11 THE COURT: No, I thought the question was was Tim
12 Martin working on the case at that time.

13 MR. HOLCOMB: With Sylvia Harrison. I had no idea if
14 she was still on the case at that time.

15 THE COURT: Well, she can testify from her
16 perspective whether she was still working on this case or
17 not. You did go into that line of questioning. I'm kind
18 of confused on it myself.

19 Go ahead.

20 MR. GHENT: Your Honor, may I have the exhibits,
21 Court's Exhibits that have to do with the transfer of the
22 case to the Attorney General's office.

23 THE COURT: I guess they're with the court reporter.
24 I don't have them.

25 MR. GHENT: Thank you, ma'am.

1 I would ask that they now be marked as a State's
2 Exhibit. Just one exhibit.

3 THE COURT: Any objection?

4 MR. HOLCOMB: I'm sorry?

5 THE COURT: That document that placed the case from
6 the 13th to the Seventh Circuit office.

7 MR. HOLCOMB: No objection.

8 THE COURT: All right. In without objection.

9 (WHEREUPON, State's Exhibit No. 3 was admitted into
10 evidence.)

11 MR. GHENT: May it please the Court?

12 BY MR. GHENT:

13 Q I'm going to ask the bailiff to hand you these
14 documents. They're already in evidence. They provide
15 dates, communications. The top document, please tell the
16 jury who that's from and to whom it goes.

17 A The top document is from John McIntosh, the Chief
18 Deputy Attorney General in Columbia, October 13th --
19 excuse me, it was from Betty C. Strom to John McIntosh,
20 Chief Deputy Attorney General in Columbia, October 13th,
21 2014.

22 Q 2014, October?

23 A Yes, sir.

24 Q And that was sending the case to the Attorney
25 General?

1 A Yes, sir, for reassignment.

2 Q The next letter, who is that from?

3 A That is from Barry Barnette, the solicitor in
4 Spartanburg County, to Betty Strom, our deputy solicitor
5 saying that I assigned the case to Assistant Solicitor
6 Russel Ghent for review.

7 Q And what is the date of that?

8 A March 3rd, 2015.

9 Q And the next letter?

10 A This is to -- I think it's a copy -- it looks like a
11 copy of the other letter from March 3rd from Barry
12 Barnette assigning Assistant Solicitor Russell Ghent to
13 the --

14 Q And the letter after that?

15 A October 16th, 2014. It's to Betty Strom, Deputy
16 Solicitor in my office, who's my boss.

17 Dear Betty, this is to acknowledge your letter dated
18 October 13th. And he had forwarded it to the Honorable
19 Barry Barnette and it's signed by John McIntosh, Chief
20 Deputy Attorney General.

21 Q So these documents establish the -- when -- if I may?

22 A Yes, sir.

23 Q Of the case being transferred?

24 A Yes, sir.

25 MR. GHENT: Your Honor, I offer it for publication

1 for the jury.

2 THE COURT: All right.

3 BY MR. GHENT:

4 Q Now, the Defendant made a great deal about things
5 that you did. When a case is transferred, especially when
6 one investigation becomes two, there is a certain amount
7 of wrapping up that is involved, is there not?

8 A Of course, yes, sir.

9 Q And when this happens, one of the problems is -- is
10 there any kind of clear infrastructure between one
11 solicitor's office and another solicitor's office as to
12 taking over, who does what, when?

13 A No, sir, there really isn't any established
14 procedures.

15 Q But at the time that the case was transferred to
16 Solicitor Barnette, the case was, at least, either wrapped
17 up or wrapping up in Greenville, correct?

18 A Correct. And it would have remained under my
19 initials until it had been assigned to someone in another
20 circuit. It would have gone from my initials SPH to CON,
21 conflict, which would explain why certain things were sent
22 directly to me.

23 Q And because there is no infrastructure, there is no
24 general way -- I don't have the power simply to walk over
25 into Greenville and say hey, I think I'm going to

1 prosecute a case?

2 A No, sir, you don't.

3 Q Our power, as assistant solicitors, solicitors is
4 limited to the circuits in which we serve; is that
5 correct?

6 A Yes, sir, that's correct.

7 Q And your circuit is Greenville and Pickens?

8 A Yes, sir.

9 Q And Seventh Circuit is neither.

10 A Correct.

11 Q Now, with respect to that wrapping up procedure,
12 would the same thing reasonably have been taking place at
13 the Greenville County Sheriff's Office in dealing with
14 SLED?

15 A I would assume so.

16 Q As a matter of fact, there are certain tasks that --
17 have you ever heard of the word ministerial as opposed to
18 substantive as a lawyer?

19 A Yes, sir.

20 Q Ministerial, basically, means perfunctory procedural
21 things that are not necessarily exercises of discretion,
22 that is somebody says you go do this, correct?

23 A Yes, sir.

24 Q Substantive or procedural would mean someone is
25 exercising their discretion to go do this, correct?

1 A Yes, sir.

2 Q With the indictments that you have seen, do you know
3 whether or not I, as the prosecutor brought in on the
4 case, reviewed the cases myself?

5 MR. HOLCOMB: Objection, how would she know that?

6 THE COURT: I sustain the objection.

7 MR. GHENT: Well, she can answer yes or no.

8 THE COURT: Well, I sustained the objection.

9 MR. GHENT: Yes, sir.

10 BY MR. GHENT:

11 Q With respect to submission of cases to the Grand
12 Jury --

13 MR. HOLCOMB: Objection, I can't go into that.

14 MR. GHENT: I said submission, not what happens.

15 THE COURT: Well, I'll allow the question. Go ahead.
16 Overruled.

17 BY MR. GHENT:

18 Q Who brought the indictments upon which we're now at
19 trial, was it you?

20 A Who brought them?

21 Q Yes.

22 A I had them prepared. The breach of contract was
23 presented by Investigator Martin. And the other
24 indictments were -- I believe you were involved in the
25 preparation, but they were actually prepared here in

1 Greenville County and presented by SLED. But I was not in
2 the Grand Jury proceedings.

3 MR. GHENT: Your Honor, may I see the indictments?

4 BY MR. GHENT:

5 Q I show you the indictment for obstruction of justice,
6 public record, public document, court document, and the
7 indictment for intimidation of a court official. Whose
8 signature is on those indictments?

9 A Mr. Ghent, that's your signature.

10 Q Thank you.

11 A Your signature's on both.

12 MR. HOLCOMB: May I see them, please?

13 MR. GHENT: Yes.

14 BY MR. GHENT:

15 Q Please read the date the indictment reads.

16 A The obstruction of justice is June 30th, 2015. The
17 intimidation of a court official is July 28th, 2015.
18 That's when they were presented to the Grand Jury.

19 Q And were they true billed?

20 A Yes, sir, they were. One in the July term and one in
21 the June term.

22 Q And those are the indictments upon which we are now
23 at trial, correct?

24 A Yes, sir.

25 Q With respect to the words used by Mr. Holcomb, that

1 his words to you and Mr. Martin were ugly --

2 MR. HOLCOMB: Objection, they were not to her.

3 MR. GHENT: He used them in cross-examination.

4 MR. HOLCOMB: I did not.

5 MR. GHENT: Whenever he cross-examined her, he used
6 ugly, upset, rather than what they are?

7 MR. HOLCOMB: Objection. The e-mail was to Tim
8 Martin, it wasn't to her.

9 THE COURT: He's not talking about the e-mail, he's
10 talking --

11 Ask the question again.

12 BY MR. GHENT:

13 Q When Mr. Holcomb questioned you, he used such terms
14 as ugly about the words or that they upset you about the
15 words or that you ran away to Texas. Are those fair
16 descriptions of the words or what you did?

17 A I did run away to Texas. I think that's probably a
18 fair description. I left my home because I didn't feel
19 safe. But those words to me are beyond ugly. Ugly words
20 are used often, but I've never had to see a word along
21 with the whore word used about me ever, ever.

22 Q And this was in a threat?

23 A Yes, sir, I was the only woman that was assigned to
24 prosecute this case, so I'm not sure who else he could
25 have possibly meant to be made to.

1 Q Well, finally, he attempts in his questioning to say
2 he didn't send them to you. You're aware the last
3 president of the United States was an African-American?

4 A Yes, sir, President Obama.

5 Q Are you aware of whether or not threats against
6 President Obama had to actually get to him to be
7 actionable?

8 MR. HOLCOMB: Objection.

9 THE COURT: I sustain the objection.

10 MR. GHENT: Thank you. No further questions.

11 THE COURT: All right. Any recross?

12 MR. HOLCOMB: Yes.

13 RECROSS-EXAMINATION

14 BY MR. HOLCOMB:

15 Q Ms. Harrison, you testified that I asked for a fast
16 and speedy trial in 2013 when I was first arrested, in
17 June of 2013. And the fact that the indictment shows that
18 -- the true bill shows that I was taken to trial in 2016,
19 does that seem like a long time to you for a fast and
20 speedy trial?

21 A You did not make a speedy trial motion. You told me
22 that you had wanted a trial.

23 MR. HOLCOMB: Objection --

24 Q Well, Mr. Crangle made a fast and speedy trial
25 motion?

1 A Then he probably did not make it to me at that point
2 because I was not prosecuting the case.

3 Q Well, Judge Verdin turned it down. I'm sorry, you
4 testified that you were prosecuting the case until --

5 MR. GHENT: Your Honor, he's testifying and
6 arguing --

7 BY MR. HOLCOMB:

8 Q No, no, what I'm saying is if Mr. Crangle made the
9 motion for a speedy trial and you were handling the case
10 until it was transferred in -- Mr. Ghent got it in 2015,
11 that's two years later, or right at two years later, and
12 Mr. Crangle had made the motion before Judge Verdin?

13 A At that time, Mr. Holcomb, I knew that the case had
14 been referred to the Attorney General. I was waiting for
15 it to be reassigned. I -- after your threats, I didn't
16 want to have anything to do with this case.

17 Q Okay, that's -- you keep saying those words. What I'm
18 asking it --

19 A Well, that's the truth.

20 Q Is two years a long time for a fast and speedy trial?
21 Three years, is that a long time?

22 A Not necessarily, no.

23 Q No.

24 MR. HOLCOMB: Thank you. No further questions.

25 MR. GHENT: Your Honor, redirect on what he just

1 asked.

2 THE COURT: No, no, you've had redirect. We don't
3 have a re-redirect.

4 You can step down.

5 Call your next witness.

6 MR. GHENT: The State calls Chris Rosier.

7 THE CLERK: Raise your right hand.

8 CHRIS ROSIER, after having been
9 duly sworn, testified as follows:

10 THE CLERK: Please be seated and state your name for
11 the record.

12 THE WITNESS: My name is Chris Rosier.

13 DIRECT EXAMINATION

14 BY MR. GHENT:

15 Q Where are you employed, sir?

16 A Greenville County Sheriff's Office.

17 Q How long have you been so employed?

18 A Fifteen years.

19 Q You recall -- what division are you in?

20 A I'm in the support division.

21 Q And do you recall -- what does that entail?

22 A I'm actually within -- the support division, I'm
23 actually, in the warrants office. I serve criminal
24 warrants all day long. Also, with that, we're also tasks
25 with going and picking up individuals from other prisons,

1 other agencies and so forth like that and bring them back
2 to Greenville County to have warrants served on them.

3 Q And do you recall going to pick up the Defendant,
4 this gentleman, on an arrest warrant, fugitive warrant in
5 2013?

6 A I do.

7 Q And where did you go, do you recall?

8 A Went to, actually, Transylvania County, I believe
9 it's right inside Brevard.

10 Q And did you pick him up there?

11 A We did.

12 Q Take him into custody?

13 A We did.

14 Q Did you bring him back?

15 A We did.

16 MR. HOLCOMB: Objection, Your Honor. What does this
17 have to do with the case at hand?

18 MR. GHENT: It's how he got back here?

19 MR. HOLCOMB: Well, the fact that I was arrested and
20 brought to Greenville?

21 THE COURT: Let me let the jury go out just a minute.
22 Let me let the jury go out.

23 (WHEREUPON, the jury exits the courtroom at
24 approximately 2:43 p.m.)

25 THE COURT: Mr. Ghent, I've been doing this 25 years.

1 You've been doing it longer than I have. I've never known
2 a need to testify as to how somebody is apprehended.

3 MR. GHENT: Well, I'm not testifying as to how he was
4 apprehended, just how he got here. He's from North
5 Carolina.

6 THE COURT: But he's here.

7 MR. GHENT: And the threats were made in North
8 Carolina.

9 THE COURT: I don't see any real nexus. I overrule
10 your objection. I'm having trouble finding any probative
11 value as to -- I mean, he's here. I'm just lost, quite
12 frankly, as to why you need to elicit that testimony. But
13 I'll allow it.

14 MR. GHENT: Well, I'll stop my questioning there,
15 Your Honor.

16 MR. HOLCOMB: Your Honor, the reason I'm against it
17 is, once again, it's more State actors with uniforms and
18 badges and guns and such against me. I'm such a bad guy
19 that he needs -- I'm hearing --

20 THE COURT: Well, will you stipulate that you're
21 here?

22 MR. HOLCOMB: Yes, sir.

23 THE COURT: All right. I think that takes care of
24 it.

25 MR. GHENT: But he did not return voluntarily, Your

1 Honor.

2 THE COURT: That's not the issue. That's an
3 inappropriate issue.

4 MR. HOLCOMB: I signed a waiver --

5 MR. GHENT: Flight can be evidence of intent and
6 guilt.

7 THE COURT: Flight can show -- is that the reason
8 you're putting this in?

9 MR. GHENT: I would argue that it would go towards
10 guilty knowledge and intent. I honestly did not
11 anticipate this being an issue because until he just
12 stipulated regarding the search warrants, I figured we
13 were going to be up to our ears for a while talking about
14 North Carolina.

15 THE COURT: All right.

16 MR. HOLCOMB: The warrants weren't even issued until
17 after I was arrested in North Carolina. So I can't fly
18 from something I don't know about. And I waived
19 extradition. I volunteered to come down. I'm not trying
20 to fight anything. I didn't know there were any arrest
21 warrants. Nobody called me on the phone and said hey, Mr.
22 Holcomb, you've got arrest warrants. I can't read
23 somebody's mind. And to have an officer sit there and say
24 hey, he's out here guilty mind because we arrested him in
25 North Carolina is ridiculous.

1 THE COURT: Well, he's just going to testify he went
2 and got him. What's that got to do with why he had to do
3 that?

4 MR. GHENT: I will stop at that, Your Honor.

5 MR. HOLCOMB: Thank you.

6 THE COURT: All right. Bring the jury back in.

7 (WHEREUPON, the jury enters the courtroom at
8 approximately 2:46 p.m.)

9 MR. GHENT: No further questions, Your Honor.

10 MR. HOLCOMB: I have no questions for this witness,
11 Your Honor.

12 THE COURT: Mr. Ghent said he had no further
13 questions. Mr. Holcomb says he has no questions for this
14 witness. So I'm going to allow him to step down and be
15 excused.

16 Thank you for your time.

17 Call your next witness.

18 MR. GHENT: Call Robert McGinn.

19 THE CLERK: Mr. McGinn, please, come forward, place
20 your left hand on the Bible, raise your right hand.

21 ROBERT MCGINN, after being duly
22 sworn, testified as follows:

23 THE CLERK: Please be seated and state your name for
24 the record.

25 THE WITNESS: My name is Robert McGinn.

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DIRECT EXAMINATION

BY MR. GHENT:

Q Mr. McGinn, tell the jury what you do for a living.

A I'm a general contractor, public utilities.

Q Do you know Mr. Holcomb?

A Yes.

Q Did you enter into an agreement with him to -- for him to replace your roof?

A Yes, I did.

MR. HOLCOMB: Objection, Your Honor. He entered into an agreement with Carolina Home Renovators, not me personally.

THE COURT: Well, I overrule the objection. You can cross-examine him on that.

MR. HOLCOMB: Thank you.

BY MR. GHENT:

Q Did you talk with Mr. Holcomb?

A Yes, I did.

Q Did you enter into an agreement with Mr. Holcomb and his company?

A Yes, I did.

Q And did he tell you how much you would have to pay to begin?

A Yes.

Q Did it include repairs on the outside of the house?

1 A Yes.

2 Q Did it include staining the side of the house?

3 A Yes.

4 Q Did it include damage by hail to the top of the
5 house?

6 A Yes.

7 Q And was the amount that was agreed to a little bit
8 over \$4,000?

9 A Yes.

10 Q Did you appear here in court last year and testify
11 against him?

12 A It was this year, I believe, but yes.

13 Q It was in 2016.

14 A Okay.

15 Q Did you testify against him?

16 A Yes.

17 MR. GHENT: And Your Honor, may I go forward with the
18 Court's ruling?

19 THE COURT: Yes, sir.

20 BY MR. GHENT:

21 Q Were you in court throughout the trial?

22 A Yes, sir.

23 Q Did you hear the verdict?

24 A I did not. I was not there for the verdict, but I
25 did find out it was guilty.

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

2 THE COURT: Well, get the bailiff to take it up.

3 BY MR. GHENT:

4 Q Is that the verdict form?

5 A Yes, sir.

6 Q And Mr. Holcomb was, in fact, found guilty?

7 A Yes, sir.

8 MR. GHENT: Your Honor, I would submit this is a
9 self-authenticating document. I would ask to publish this
10 to the jury.

11 THE COURT: Any objection?

12 MR. HOLCOMB: No objection.

13 THE COURT: Is it marked?

14 MR. GHENT: No, sir, it's not. My apologies.

15 (WHEREUPON, State's Exhibit No. 4 was admitted into
16 evidence.)

17 BY MR. GHENT:

18 Q Mr. Holcomb [sic], who was the prosecutor on the
19 case?

20 A (There was no response.)

21 Q Who was the prosecutor on the case?

22 A You were.

23 Q You testified; is that correct?

24 A Yes.

25 Q And he was found guilty?

1 A Yes.

2 Q And in terms of what has happened today in court,
3 have you been in the courtroom?

4 A Yes.

5 Q Many of the things that he has been complained of
6 about you and others --

7 MR. HOLCOMB: Objection.

8 THE COURT: Don't go into what others.

9 BY MR. GHENT:

10 Q About you?

11 A And my family members?

12 Q Yes, sir.

13 A Yes, sir.

14 Q You heard all that?

15 A Oh, yeah.

16 Q Did he began posting on YouTube comments about your
17 daughter?

18 A Yes.

19 Q Did he start referring to her as Megan the
20 meth-making momma?

21 A Yes.

22 Q Is your daughter in prison?

23 A She was, yes.

24 Q All right. For drugs?

25 A Yes.

1 Q Who is raising her two children?

2 A I'm raising three of them.

3 Q Three of them?

4 A Yes, sir.

5 Q Is she back in prison for drugs now?

6 A Not currently, no.

7 Q Does she have a methamphetamine addiction?

8 A Oh, yes. Yes.

9 Q Was there a reason why you sent her to file the
10 incident report?

11 A Yes, her mother and I were both sick at the time.

12 Q How sick?

13 A Pretty sick. I had several complications. I just
14 got back from Emory University, but no diagnosis. They
15 diagnosed me with pharynx esophagus and several
16 complications, which required extensive surgery. And my
17 wife had her second hip replacement --

18 Q I'm sorry, you're going to have to slow down. I
19 couldn't understand that. Your wife what?

20 A She's had several complications through our whole
21 marriage, 27 years.

22 MR. HOLCOMB: Objection, Your Honor. How is this
23 relevant to this case?

24 THE COURT: Well, it -- I overrule the objection. I
25 think it has to do with -- I overrule the objection. I

1 think it's relevant.

2 BY MR. GHENT:

3 Q At any rate, your wife's condition is such that she
4 was not able to come either, or go to the jail?

5 A Correct.

6 Q Does she have trouble talking?

7 A Yes.

8 Q Does she have trouble walking?

9 A Yes.

10 Q Does she ever have trouble standing straight?

11 A Yes.

12 Q Is her head constantly bent in one position?

13 A Yes.

14 Q So after the report was filed by her, did
15 Investigator Martin then take over the case as far as you
16 know?

17 A Yes.

18 THE COURT: You're used the pronoun her. The last
19 female you talked about was his wife.

20 MR. GHENT: Yes, sir.

21 BY MR. GHENT:

22 Q When your daughter filed the report, after she filed
23 that report?

24 A Yes, sir.

25 Q Did Investigator Tim Martin investigate the case?

1 A Yes.

2 Q And take a statement from you?

3 A Yes.

4 Q And all that resulted in further investigation and a
5 prosecution; is that correct?

6 A Yes.

7 Q And the result of that prosecution is that the
8 Defendant was found guilty?

9 A Yes.

10 Q Of both obtaining money under false pretenses and
11 breach of trust in this courtroom last year; is that
12 correct?

13 A Yes.

14 MR. GHENT: Thank you. No further questions.

15 THE COURT: Mr. Holcomb, cross?

16 MR. HOLCOMB: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. HOLCOMB:

19 Q First of all, would it surprise you that I intend to,
20 whenever I'm on the streets, to make good on the \$4,295 --

21 MR. GHENT: Objection, Your Honor.

22 MR. HOLCOMB: Would it surprise you?

23 THE COURT: I overrule the objection.

24 THE WITNESS: Yes, it would surprise me.

25 BY MR. HOLCOMB:

1 Q It would surprise you?

2 A Yes.

3 Q Well, okay. Were you aware at the time whenever you
4 sent the fax -- you did send a fax brought up in the case,
5 you sent it to Claudia Whitt. Did you refer to her as a
6 business partner?

7 A Yes.

8 Q So were you aware of Kenny Sawyer? Did you know
9 there was another member of the company? You mentioned
10 him in the fax.

11 A He was not listed in the Better Business Bureau. I
12 don't think he's in that fax.

13 Q Well --

14 A I'll look at it, but I'm pretty sure I'm right.

15 Q Well, let me --

16 MR. GHENT: May I see it?

17 MR. HOLCOMB: Sure.

18 BY MR. HOLCOMB:

19 Q It doesn't mention him. You're right. You're
20 correct. But you knew Claudia Whitt was a member of
21 Carolina Home Renovators, LLC, it was a corporation; is
22 that correct?

23 A LLC is a limited liability company, isn't it?

24 Q Yes, sir.

25 A That's not the same as a corporation.

1 Q Sir?

2 A That's not the same as a corporation, is it?

3 Q I believe it is.

4 MR. HOLCOMB: Mr. Bailiff.

5 Q Now, let's go over the documents that -- is that Ms.
6 Megan Baucom's handwriting there with Claudia and my name
7 on it?

8 A No.

9 Q Is that your wife's?

10 A No, it's my secretary's.

11 Q Your secretary wrote that?

12 A Uh-huh.

13 Q Okay. And what does it say on there as the
14 corporation? Does it list me as a person -- did you look
15 me up on the BBB or did you look up Carolina Home
16 Renovators, LLC?

17 A Carolina Home Renovators, LLC.

18 Q But it doesn't have me listed on the BBB?

19 A No.

20 Q Okay. If you'll see the date there, it says on the
21 right-hand side of the date, it has a date there. What is
22 the date on that?

23 A Fifth of February, 2013.

24 Q Okay. Great. That's one of the documents that
25 Ms. Baucom took to Investigator Tim Martin?

1 A I guess so.

2 Q When she filed this complaint?

3 A I don't really know. I'm assuming she did.

4 Q Well, that's one of the documents listed in there?

5 A Okay.

6 Q And she took insurance paperwork. Do you know --

7 MR. HOLCOMB: I'm going to present these three items.

8 And Your Honor, can I list that as a Defense Exhibit
9 right there and publish that to the jury, the BBB item,
10 please?

11 THE COURT: Any objection?

12 MR. GHENT: Your Honor, I'll ask what's the relevance
13 of this. I'm a little confused. We've already been to
14 court over all this.

15 THE COURT: I sustain the objection. I don't think
16 BBB relating has anything to do with this witness's -- I
17 sustain the objection. You can make it a Court's Exhibit.

18 MR. HOLCOMB: I can make it a Court's Exhibit?

19 THE COURT: A Court's Exhibit, but not for the jury,
20 but for the purposes of preserving the record.

21 MR. HOLCOMB: Okay.

22 THE COURT: Let the court reporter -- hand her the
23 one dealing with the Better Business Bureau. Just hand it
24 to the court reporter and let's take a minute while she
25 marks it.

1 (WHEREUPON, Court's Exhibit No. 4 was marked for
2 identification only.)

3 THE COURT: You may proceed.

4 BY MR. HOLCOMB:

5 Q All right. Mr. Ghent just asked you about the hail
6 storm. How large was the hail that happened at the house?
7 Was it baseball size? Was it pea size? Golf ball size?
8 What would you say?

9 A Pretty big, I'm sure.

10 Q Okay. Do you recall in 2012, did your company have
11 an accident that made the news? Did something happen at
12 your corporation that made the news?

13 A Yeah, a guy got killed. That has nothing to do with
14 you beating me out of my money for my roof, sir.

15 Q It does. Because I fell off the roof as well.

16 MR. GHENT: Objection, Your Honor.

17 THE WITNESS: Listen --

18 THE COURT: Wait just a minute. Just ask questions
19 --

20 MR. HOLCOMB: If he'll just answer questions.

21 THE COURT: Well, he can answer them and if it's
22 objectionable Mr. Ghent will --

23 MR. HOLCOMB: Okay.

24 THE COURT: I sustain the objection as to what
25 happened to an employee of his.

1 MR. HOLCOMB: Okay.

2 BY MR. HOLCOMB:

3 Q But at the time that the contract was signed on May
4 28th, 2012, did I see your wife, did I meet your wife?
5 Are you aware?

6 A I don't know if you did or not.

7 Q So I wouldn't have known that she had any health
8 conditions at that point. I dealt directly with you,
9 correct?

10 A Yeah.

11 Q Thank you on that. And then -- so you wait seven
12 months. You didn't go to get a -- you didn't go to the
13 bonding company or -- there was a bond with the company.
14 You were aware the company was licensed and bonded. You
15 testified to that at trial, correct?

16 A Yeah, I think you said the bond was expired earlier
17 today?

18 Q I didn't say that.

19 THE COURT: Well, he's testifying, so that's his
20 answer.

21 BY MR. HOLCOMB:

22 Q Well, did you look in to see if there was a bond?

23 A No.

24 Q Would you be surprised if there was a bond six months
25 after?

1 A No.

2 MR. GHENT: Your Honor, could he clarify six months
3 after what?

4 MR. HOLCOMB: May I see the documents we put into
5 evidence to show him real quick that go with that bonding,
6 the licensing, please?

7 THE COURT: Which number are they?

8 MR. HOLCOMB: I'm not sure. It may be -- it's the
9 LLR. I can show him. It's in the blue right here.

10 THE COURT: Just hand him all the ones in blue and
11 let him sort it out.

12 MR. HOLCOMB: Thank you.

13 I want to hand him this, please.

14 BY MR. HOLCOMB:

15 Q I'm going to hand you this. And I'd like to hand you
16 the contract as well. Mr. McGinn, what's the date on the
17 contract?

18 THE COURT: What exhibit number is that?

19 THE WITNESS: Now, this is what you called a proposal
20 earlier.

21 MR. HOLCOMB: Proposal, yes, sir.

22 THE COURT: What's the blue sticker number?

23 THE WITNESS: 613173.

24 THE COURT: Okay. Thank you.

25 THE WITNESS: May 25th.

1 BY MR. HOLCOMB:

2 Q May 25th, 2012?

3 A Uh-huh.

4 Q Okay. Would you take a look at the LLR sheet and
5 what exhibit number is that at the top?

6 A Which number are you looking for.

7 Q On the blue sticker.

8 A Four.

9 Q Exhibit No. 4?

10 A Uh-huh.

11 Q What does it say on the bonding there?

12 MR. GHENT: Your Honor, at this time, I'd object.

13 How does he know this?

14 THE COURT: It's in evidence. I'll overrule the
15 objection.

16 THE WITNESS: Bond on file.

17 BY MR. HOLCOMB:

18 Q For when?

19 A Expires 11/14/2012.

20 Q So that would be, what, about six months after the
21 contract?

22 A Yeah, close.

23 Q My question, why didn't you try to get the bond? I
24 mean, you're a license bonded contractor that does big
25 county contracts?

1 A That was out of my park.

2 Q Okay. You didn't file a complaint with the Better
3 Business Bureau against Carolina Home Renovators?

4 A I did.

5 Q You did?

6 A Yeah.

7 Q But it doesn't indicate on the documents.

8 A I did, so help me God. I did.

9 MR. HOLCOMB: Can I show him that?

10 THE WITNESS: I filed a complaint with them.

11 Q I was not aware of that. All right. So whenever
12 Megan came -- so Megan was in prison from what time to
13 what time?

14 A I have no idea.

15 Q But she was in prison when the work was done -- or
16 when the contract --

17 A I'm not even sure about that. What work?

18 Q Well, you testified a day, day and a half was done at
19 trial.

20 A Yeah, 400 bucks worth.

21 Q Well, that would be for a civil court to decide the
22 amount?

23 A They've already decided.

24 Q No, they haven't.

25 THE COURT: Whoa, whoa, everybody just wait. There

1 hasn't been a civil trial. So let's don't bring up any
2 type of civil matters. This case is not about that.

3 BY MR. HOLCOMB:

4 Q So yes or no, did you testify that a day, day and a
5 half worth of work was done?

6 A I did.

7 Q Thank you. And Megan came out of prison at some point,
8 October, November of 2012?

9 A There again, I'm not sure of those dates.

10 Q But she wasn't present during that year, 2012; is
11 that correct?

12 A I'm not even sure about that. She's been in and out
13 of jail since she was 18.

14 Q Okay. And did you call the police department,
15 concerning this case?

16 A No, she went down there.

17 Q So she went down there?

18 A Yeah.

19 Q So did she have a relationship with Tim Martin or
20 does she know these guys?

21 A No.

22 Q So she just -- she wasn't at the house the time this
23 work was done. She's been in and out of prison. You
24 weren't sure if she was there or not?

25 A I'm not sure if she was there or not when the work

1 was done.

2 Q Was she living there at the time?

3 A I assume so. Every time she's been out of jail,
4 she's lived with us.

5 Q No, but at the time the work was done, was she living
6 there?

7 A There again, I don't know.

8 Q Okay.

9 A You keep asking the same question.

10 MR. HOLCOMB: Thank you. No further questions.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MR. GHENT:

14 Q The bottom line is was the roof replaced?

15 A No.

16 Q Was there any significant amount of work made?

17 A My estimate is \$400.

18 Q And you paid him \$4,000?

19 A \$4,295.03, I think.

20 Q And you tried to contact him?

21 A Several times for several months, yes.

22 Q As a matter of fact, did you try to contact him
23 through his employment?

24 MR. HOLCOMB: Objection, Your Honor.

25 THE COURT: Sustain the objection.

1 BY MR. GHENT:

2 Q But at any rate, you were in court, you testified
3 previously?

4 A Yes, sir.

5 Q And he was convicted?

6 A Yes.

7 MR. GHENT: Thank you.

8 THE COURT: Recross?

9 MR. HOLCOMB: No, thank you.

10 THE COURT: All right. Step down. You can be
11 excused. We appreciate your time, Mr. McGinn.

12 Call your next witness.

13 MR. GHENT: The State calls Tim Martin.

14 THE COURT: Why don't we do this, I anticipate this
15 will be a fairly lengthy witness.

16 MR. GHENT: Yes, sir.

17 THE COURT: So why don't we take the afternoon break,
18 take about a 15-minute break.

19 (WHEREUPON, the jury left the courtroom at
20 approximately 3:07 p.m.)

21 (WHEREUPON, a short break was taken.)

22 MR. GHENT: Your Honor.

23 THE COURT: I've got something before that.

24 The phone -- we're going to take the app off, but we
25 need a pin to do it. We don't want to know the pin, so

1 we're going to give the phone to --

2 What's your name for the record?

3 MS. TESO: Tiffany Teso.

4 THE COURT: All right. If you'll just --

5 MS. TESO: You've got to turn it on.

6 THE COURT: It's on?

7 MS. TESO: It's still in the process of turning on.

8 Hold on one second.

9 THE COURT: All right.

10 MS. TESO: It's still turning on.

11 THE COURT: Okay. You can show her which app you're
12 talking about.

13 MS. TESO: Yes, sir.

14 MR. SHEALY: Judge, prior to the jury --

15 THE COURT: Wait.

16 MR. HOLCOMB: May I see the exhibits?

17 THE COURT: Everybody chill just a minute.

18 MR. HOLCOMB: Okay, sorry.

19 THE COURT: All right. Now, the question is who goes
20 first. Mr. Ghent, you look like you had something to say
21 and Mr. Shealy had something to say.

22 MR. GHENT: I was just pointing to my mouth saying --
23 mouthing I didn't say a word yet. So I'll let Mr. Shealy.

24 MR. SHEALY: Thank you, Your Honor. Prior to the
25 jury coming in, I have received a telephone number from

1 the State. We have got my investigator calling Ms. Cole
2 to see if she would provide a address. They did not have
3 an address, they just had a phone number. I have sent my
4 investigator to go and give her a call. He should be back
5 here momentarily to see if she would provide us an
6 address.

7 I have done a Google search for her. I have not
8 found an address for her. We believe that that will be --
9 I mean, we're doing the best that we can, Judge. We're
10 asking her for it, but I can't tell you what the results
11 will be. I would ask that if you would like to hear from
12 my investigator when he comes back --

13 THE COURT: We can do that later, maybe at the end of
14 the day and see where we are.

15 MR. SHEALY: Okay.

16 THE COURT: Yes, sir, Mr. Holcomb.

17 MR. HOLCOMB: May I put these back on the exhibit
18 table?

19 THE COURT: Yes, just give them to Mr. --

20 MR. HOLCOMB: Can I look at those and write the list
21 down? I got messed up on my list a little bit.

22 THE COURT: Sure. Sure.

23 Anything from the State before the jury comes in?

24 MR. HOLCOMB: I'm still looking for Exhibit 5. I
25 don't see it over there. I may have it in my stack here.

1 THE COURT REPORTER: Exhibit 5, Defendant's Exhibit
2 No. 5 was for ID only, so it's not over there.

3 MR. HOLCOMB: And that was the BBB?

4 THE COURT REPORTER: No, sir. Defendant's Exhibit
5 No. 5 was for ID only and it was a pile of letters, I'm
6 assuming that transfer the case. And the one you're
7 talking about, the BBB, that was not a Defendant's
8 Exhibit, that's a Court's Exhibit 4 and it would not be
9 over there either.

10 THE COURT: All right. Bring in the jury.

11 Wait, wait, whoa, whoa.

12 That's why I asked, Mr. Ghent.

13 MR. GHENT: Your Honor, I was just going to clarify
14 for the record that Mr. Holcomb and I have discussed it,
15 the two letters that he wanted to get in --

16 THE COURT: I did let them in.

17 MR. GHENT: Yes, sir. I have stipulated it because
18 he has indicated that the e-mails off his computer can
19 come in. I would assume that these, also, came off his
20 computer.

21 Is that a fair assumption, sir?

22 MR. HOLCOMB: Yes, sir.

23 MR. GHENT: So it's kind of horse trading. I'll
24 withdraw my objection to the two letters coming in. And I
25 will put everything in in one fell swoop with the next

1 witness, who's going to Tim Martin.

2 THE COURT: Okay.

3 MR. HOLCOMB: Can -- I think on the witness stand,
4 there's a BBB report and a few other things up there
5 still.

6 THE COURT: There are a couple of things.

7 MR. HOLCOMB: May I see those, please?

8 THE COURT: You want to look at them?

9 MR. HOLCOMB: Yes, sir. I just want to make sure
10 they're in the right spot and get them off the table
11 there, I guess.

12 There was a BBB report that Mr. McGinn just had. We
13 didn't put that into exhibits? Before the jury comes in,
14 can I find those documents?

15 THE COURT REPORTER: Sir, I think this is what you're
16 looking for.

17 MR. HOLCOMB: Oh, thank you.

18 THE COURT REPORTER: However, I need that because
19 that's a Court's Exhibit.

20 MR. HOLCOMB: Can I get a copy? Because I want to
21 make it a Defendant's Exhibit because I'll be presenting
22 it to Mr. Martin in a different context. So I'd like to
23 introduce this as a Defense Exhibit.

24 THE COURT: Well, you can use that.

25 MR. HOLCOMB: I can use that for now?

1 THE COURT: Well, let me ask April.

2 Will that make things confusing since it's already a
3 Court's Exhibit?

4 THE COURT REPORTER: No, sir, they've already done
5 that and that's perfectly fine. I just need to keep it
6 until he presents it as a Defense Exhibit.

7 THE COURT: You can at a later time have it properly
8 identified and it can be turned into a Defense Exhibit.

9 MR. HOLCOMB: Thank you.

10 THE COURT: State ready for the jury?

11 State ready now?

12 MR. GHENT: I just want to confirm that we're on the
13 same page, so to speak.

14 State's ready, Your Honor.

15 THE COURT: Mr. Holcomb, you ready for the jury?

16 MR. HOLCOMB: I am, Your Honor.

17 THE COURT: All right. Bring in the jury.

18 (WHEREUPON, the jury enters the courtroom at
19 approximately 3:36 p.m.)

20 THE COURT: Call your next witness.

21 MR. GHENT: The State calls Investigator Tim Martin
22 with the Greenville County Sheriff's Office.

23 THE COURT: Come up and be sworn.

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

1 TIM MARTIN, after being duly
2 sworn, testified as follows:

3 THE CLERK: Please be seated and state your name for
4 the record.

5 THE WITNESS: My name is Tim Martin.

6 MR. GHENT: May it please the Court?

7 THE COURT: Yes, sir.

8 DIRECT EXAMINATION

9 BY MR. GHENT:

10 Q Mr. Martin, you're employed with the Greenville
11 County Sheriff's Office?

12 A I am.

13 Q Were you so employed in January of 2013?

14 A I was.

15 Q Did you, at that time, work in an investigative
16 capacity?

17 A I was.

18 Q Please tell the jurors how long you've been with the
19 Greenville County Sheriff's Office?

20 A Thirty-one years.

21 Q And in 2013, did you review an incident report and as
22 a result of that, did you investigate and then take
23 action?

24 A I did.

25 Q All right.

1 MR. GHENT: Your Honor, I'm going to try to go a
2 little bit slower with these, if I may.

3 Could the record reflect that I'm showing them first
4 to Mr. Holcomb?

5 And it might save time, I'm going to show him
6 everything that I intend to put in. It's several pages.
7 I anticipate he'll probably -- well --

8 MR. HOLCOMB: Are these going to be State Exhibits?

9 MR. GHENT: Yes, sir.

10 MR. HOLCOMB: It seems -- I just want to check on --
11 these are a little out of order. You want to put them in
12 order?

13 MR. GHENT: Your Honor, I'm going to go ahead and --
14 if there's no objection, I'm going to piecemeal these and
15 have them marked separately as exhibits.

16 THE COURT: Any objection?

17 MR. HOLCOMB: No objection.

18 THE COURT: All right. In without objection. Let's
19 take a minute and go ahead and get them marked.

20 MR. HOLCOMB: What exhibits are they?

21 THE COURT: She'll tell you.

22 (WHEREUPON, State's Exhibit Nos. 5 through 18 were
23 marked for identification only.)

24 THE COURT: You may proceed.

25 MR. GHENT: May it please the Court?

1 THE COURT: Yes, sir.

2 BY MR. GHENT:

3 Q Mr. Martin, there have been a number of questions
4 asked, you've been in the courtroom, about investigation,
5 your integrity. For that reason I'm going to go through
6 these exhibits. And rather than having them marked as
7 one, I'm going to go through them individually.

8 MR. GHENT: Your Honor, if I may, State's Exhibit 5
9 -- and again, it's my understanding they have been marked
10 and they are without objection.

11 MR. HOLCOMB: The warrant is State's Exhibit No. 5?

12 MR. GHENT: Yes, the warrant is State's Exhibit No.
13 5.

14 (WHEREUPON, State's Exhibit Nos. 5 through 18 were
15 admitted into evidence.)

16 BY MR. GHENT:

17 Q Is that the arrest warrant that was taken out for the
18 arrest of Dean Holcomb?

19 A Yes, sir.

20 Q And was it taken out after information was received
21 from one Megan Holcomb?

22 A Yes, sir.

23 MR. HOLCOMB: Objection, Baucom.

24 BY MR. GHENT:

25 Q Excuse me, Meagan Baucom.

1 A Yes, sir, and Mr. Ghent.

2 Q Okay. You served the warrant ultimately on
3 Mr. Holcomb?

4 A I didn't personally serve him, but I was there when
5 it was served.

6 Q Okay. And Ms. Baucom was the individual who came
7 down and filed the original complaint?

8 A She provided me with documents filed in the original
9 complaint, yes, sir.

10 MR. GHENT: Your Honor, we would offer it. And I
11 would ask that it be published to the jury.

12 THE COURT: Those are all in without objection, so it
13 can be published.

14 MR. GHENT: Yes, sir.

15 BY MR. GHENT:

16 Q I now show you State's Exhibit No. 6 and ask if that
17 is the next page reflecting your investigation?

18 A Yes, sir.

19 Q What is the date on that page?

20 A The date of the incident or the date the report was
21 written?

22 Q The date the report was written.

23 A 1/31/2013.

24 Q And when, again, was the incident?

25 A It ranged from 5/25/2012 to 1/31/2013.

1 Q Okay. And again, that is a part of the report that
2 you prepared in the course of your investigation and the
3 ultimate arrest of Dean Holcomb on the original charges of
4 breach of trust with fraudulent intent and obtaining money
5 under false pretense; is that correct?

6 A Yes.

7 MR. GHENT: We would offer it at this time and ask
8 that it be published -- I understand it's already been
9 admitted. I'm sorry, Your Honor. We ask that it be
10 published to the jury.

11 THE COURT: Yes, sir.

12 BY MR. GHENT:

13 Q I show you State's Exhibit No. 7, a document that has
14 already been admitted into evidence. Would you please
15 publish the narrative that you put in there?

16 A I'm spoke with the leasing manager and he advised me
17 that Holcomb had skipped out several months ago without
18 paying his rent. I have not been able to make contact
19 with Holcomb. I will go before a Magistrate to sign a
20 warrant.

21 Q So you did, in fact, seek to find Mr. Holcomb?

22 A Yes.

23 Q And that was at some apartments where he had rented
24 an apartment in Greenville County?

25 A The Paddocks, yes, sir.

1 Q The Paddock Club Apartments?

2 A Yes, sir.

3 MR. GHENT: I would offer that -- I would ask that
4 that be published to the jury at this time?

5 THE COURT: All right.

6 MR. GHENT: Your, may I have a moment? I apologize.
7 I thought it was turned off. Rules are rules. It's an
8 old style, Your Honor.

9 THE COURT: All right. Go ahead.

10 MR. GHENT: My apologies.

11 THE COURT: Accepted.

12 BY MR. GHENT:

13 Q All right. The next entry, State's Exhibit No. 8, is
14 that also a part of your investigative file?

15 A Yes, sir.

16 MR. GHENT: I ask that that be published to the jury.

17 MR. HOLCOMB: What's the date on that?

18 BY MR. GHENT:

19 Q The date on that, sir?

20 A 2/13/13.

21 Q State's Exhibit No. 9, what is the date on that and
22 what is your entry on that?

23 A 4/15/13. I went before Magistrate Hudson and signed
24 above warrant on the suspect. I replaced the warrant in
25 the warrants.

1 Q State's Exhibit No. 10. Please read the narrative.

2 A Warrant served 2932, breach of trust, Judge Hudson.

3 Holcomb was picked up in North Carolina on warrant and

4 charged as a fugitive from justice. Holcomb will be

5 extradited back to Greenville and placed in detention.

6 That was 5/2/13.

7 Q State's Exhibit No. 11. Please read the narrative on
8 that and the date.

9 A Warrant signed, Hudson. Holcomb was picked up in
10 North Carolina on warrant and charged as a fugitive from
11 justice. North Carolina never sent the agency a signed
12 waiver of extradition that allowed him to make bond on my
13 NCIC hit. Holcomb is still on NCIC. That was 5/7/13.

14 Q If we could have just a minute with that. In short,
15 in North Carolina, he was actually picked up on a warrant,
16 apparently, alleging he was a fugitive and was allowed to
17 make bond on that?

18 A Yes.

19 Q That is, not a normal course of procedure, is it?

20 A No, sir.

21 Q So that's a concession that I just handed you for the
22 jury to see that we don't make any claims that the
23 criminal justice system is always perfect?

24 A Correct.

25 Q All right.

1 MR. GHENT: Ask that that be published to the jury.

2 BY MR. GHENT:

3 Q I would ask you, Investigator Martin, during this
4 period of time, did you and Mr. Holcomb talk on the phone?
5 Did he call you?

6 A Yes, he did.

7 Q Were you under the impression that he was recording
8 you?

9 A Yes.

10 Q Did you discuss with him the charges that he go
11 through his position on things?

12 A I allowed him to vent. I would not tell him a whole
13 lot about the case over the phone because the warrant
14 hadn't been served on him.

15 Q Did you explain to them that certain things just
16 can't be provided until the discovery process in a case?

17 A Correct, yes.

18 Q Did you threaten him?

19 A No.

20 Q Did you remain polite with him?

21 A Yes, sir.

22 Q Did you tell him -- did he ask about coming back to
23 South Carolina?

24 A I don't remember if he ever asked me about coming
25 back to South Carolina.

1 Q Did he ask you about talking with you, meeting and
2 talking with you?

3 A Yes. Yes.

4 Q And did you make any promises to him as to what would
5 be the outcome of those talks?

6 A No. I told him that if he showed up to talk with me
7 that he would be arrested and then we could talk.

8 Q State's Exhibit No. 12. Please publish the narrative
9 for the jury.

10 A 5/16/2013. On 5/16/2013, at 7:30 in the morning
11 while working the front desk, the listed suspect walked
12 into the LEC and turned himself in. He was walked over to
13 the detention and placed in the detention. That's by, I
14 guess, one of desk officers. And that was 5/16/13.

15 Q Okay.

16 MR. GHENT: Ask that that be published.

17 BY MR. GHENT:

18 Q I would ask that you review this document, which is
19 State's Exhibit No. 13.

20 A Okay.

21 Q Go ahead and read the narrative.

22 A After Holcomb turned himself in to the front desk of
23 the law enforcement center, he agreed to speak to me.

24 Holcomb signed the waiver of rights form. Holcomb agreed
25 to a taped interview.

1 Holcomb discussed his case with me, advised me that
2 he had done work on McGinn's house. Holcomb advised me
3 that he had hired a crew to stain the wood side of
4 McGinn's house. Holcomb advised me that the roof was not
5 done because McGinn did not pay his \$1,000 deductible on
6 his insurance policy. Holcomb advised me that he had
7 purchased stain for the house and would get me receipts.

8 Holcomb asked me if I could get copies of the
9 insurance stuff. I made contact with McGinn and asked him
10 if I could get copies of all the insurance paperwork. I
11 had some of the insurance paperwork, but Holcomb advised
12 me that there should be more than what I had.

13 Holcomb advised me the work and labor costs that was
14 done on the house minus the roof was close to \$4,295. I
15 asked McGinn if there was any work done to the house and
16 he advised me that some staining was done to the front of
17 the house, about \$300 worth.

18 That was 5/20/13.

19 Q Thank you.

20 MR. GHENT: I ask that the jury be provided that.

21 BY MR. GHENT:

22 Q Before talking with him, State's Exhibit 18 --

23 MR. HOLCOMB: State's Exhibit what?

24 MR. GHENT: Eighteen.

25 Your Honor, could the record reflect I've just

1 explained that 17, 16, 15 and 14 are duplicates of those
2 that have already gone in? My apologies.

3 BY MR. GHENT:

4 Q Go ahead.

5 A Yes, sir. This is a waiver of rights form. It's got
6 Mr. Holcomb's initials on the left side and his signature
7 under the waiver of rights itself, along with mine.

8 MR. GHENT: I would ask that that be provided to the
9 jury as well.

10 BY MR. GHENT:

11 Q Now, let's go back to the insurance forms that
12 Mr. Holcomb claimed to you were the reason why he did not
13 put the roof on. Were you in court in his trial for
14 breach of trust and obtaining money under false pretenses?

15 A Yes, sir.

16 Q Did you testify in that case?

17 A I did.

18 Q Were you in court for the whole case?

19 A I was.

20 Q Did you hear a representative from Mr. McGinn's
21 insurance company testify?

22 A I did.

23 Q Did I provide him with a copy of the documents that
24 were given to Mr. Holcomb?

25 A Yes.

1 Q Did one of those documents address the matter of
2 deductibles?

3 A Yes.

4 Q And did that document not make clear that deductibles
5 have nothing to do with the repairs?

6 A Correct.

7 Q All a deductible is is an amount that the insured
8 agrees he will be responsible for?

9 A Correct.

10 Q And the rest is a matter of the insurance company; is
11 that correct?

12 A Yes.

13 Q Were you in court and did you hear the insurance
14 company testify, the representative testify as to the
15 check that was provided to Mr. Holcomb --

16 A Yes.

17 Q -- excuse me, to Mr. McGinn?

18 A Yes, sir.

19 Q And after that check was provided, did Mr. McGinn
20 testify that he wrote Mr. Holcomb a check?

21 A Yes, sir.

22 Q In short, Mr. Holcomb's claim regarding the
23 deductible was completely bogus, was it not?

24 A Yes, sir.

25 MR. HOLCOMB: Objection, Your Honor. They're mis --

1 THE COURT: I sustain the objection. Rather than
2 putting a label on it, just let the jury be concerned
3 about the facts, not what Mr. McGinn called it.

4 MR. GHENT: Yes, sir.

5 MR. HOLCOMB: May I approach on this? I have another
6 objection with what was just asked? It's relevant.

7 MR. GHENT: I'll withdraw the question. Your Honor
8 has ruled.

9 THE COURT: All right.

10 All right. Let me let the jury go to the jury room
11 for just a minute. Let's see what we can take up.

12 (WHEREUPON, the jury left the courtroom at
13 approximately 4:04 p.m.)

14 THE COURT: All right. The jury is dismissed.

15 MR. HOLCOMB: Okay. My objection -- and this was
16 brought up at trial and I don't think Mr. Shealy
17 understood or Mr. Ghent understands or Mr. Martin
18 understands what the insurance was saying on this
19 deductible. The \$1,000 deductible, actually, goes to a
20 contractor. That money is not a part -- the total value
21 of the project is there. So let's say it's a \$5,000
22 project --

23 THE COURT: Let me stop you real quick. I'm not
24 concerned about how all that works. He's testifying as to
25 what was presented at the trial. Whether it was correct

1 or not is not --

2 MR. HOLCOMB: I'd like to think I have a right that
3 he presents accurate information what an insurance
4 deductible is and how it's structured and what it does.
5 To say that it's not relevant or wasn't a part of the deal
6 is --

7 THE COURT: Well --

8 MR. HOLCOMB: -- misleading. It's misleading the
9 jury.

10 MR. GHENT: Actually, it was determined that he
11 misled the jury previously.

12 MR. HOLCOMB: I misled the jury?

13 THE COURT: Let's don't -- we're not bickering.

14 I understand your position. You can develop what you
15 want on cross-examination with this or any other witness.
16 But they're testifying as to what happened in the previous
17 trial --

18 MR. HOLCOMB: What he remembers happening.

19 THE COURT: -- which, originally, I said we weren't
20 going into, but that ship has sailed. So, whether their
21 theory is wrong or right would be something that you could
22 show through cross-examination.

23 MR. HOLCOMB: Thank you.

24 THE COURT: All right. Bring the jury back in.

25 MR. SHEALY: Your Honor, prior to bringing them back

1 in, I've got -- can we hear from my investigator so I can
2 -- I've got another subpoena request from Mr. Holcomb.

3 THE COURT: Okay.

4 MR. SHEALY: I would like to have my investigator go
5 attempt to serve this. He has spoke -- or he has left a
6 message for Ms. Cole. She has not called him back as of
7 yet. If you would like to hear from him, you can hear
8 from him --

9 THE COURT: I trust you as an officer of the court.

10 MR. SHEALY: Otherwise, I would like to send him one,
11 back to Spartanburg, but, also, to serve this -- or
12 attempt to serve this subpoena.

13 THE COURT: Okay.

14 MR. SHEALY: So if I may be excused momentarily?

15 THE COURT: All right. Bring in the jury.

16 Mr. Ghent, I refrained to point this out in front of
17 the jury, but I do see some irony in the phone issue.

18 MR. GHENT: My apologies, Your Honor. It is a very
19 old phone. It is capable of doing that. I apologize.

20 THE COURT: That's all right. I just wanted to note
21 the irony.

22 MR. GHENT: So noted. Thank you, Your Honor.

23 MR. SHEALY: Judge, I need to correct the record.
24 She did call back and she told us she would not provide
25 her address.

1 THE COURT: Okay.

2 (WHEREUPON, the jury enters the courtroom at
3 approximately 4:07 p.m.)

4 THE COURT: Mr. Ghent, you may proceed.

5 MR. GHENT: Thank you, Your Honor.

6 BY MR. GHENT:

7 Q Investigator Martin, was Mr. Holcomb's statement
8 recorded while he was in custody? Was that preserved in a
9 tape recording?

10 A Yes, sir.

11 Q Did he understand that to be the case?

12 A Yes, sir.

13 THE COURT: You need to speak up a little bit,
14 please.

15 THE WITNESS: Yes, sir.

16 BY MR. GHENT:

17 Q And you have made no promises to him whatsoever?

18 A No.

19 Q You did read him his Miranda rights, that's already
20 been established; is that correct?

21 A Yes.

22 Q After the statement he gave you, did you oppose his
23 release on bond?

24 A No.

25 Q Was there any problem in him securing a release on

1 bond?

2 A No, not that I know of.

3 MR. GHENT: Your Honor, at this time, could the
4 record reflect I'm providing Mr. Holcomb with a copy of
5 the bond document.

6 I would ask to have them marked as State's Exhibits
7 independently and that, at this time, without objection,
8 they be offered.

9 THE COURT: Any objection?

10 MR. HOLCOMB: No objection.

11 THE COURT: All right. Let's take a minute while
12 they're getting marked.

13 (WHEREUPON, State's Exhibit Nos. 19 through 21 were
14 admitted into evidence.)

15 BY MR. GHENT:

16 Q I would ask the witness to review.

17 MR. GHENT: We've offered and they've been admitted,
18 Your Honor? /

19 THE COURT: Yes, without objection.

20 What numbers?

21 THE COURT REPORTER: Nineteen through 21.

22 MR. GHENT: Nineteen through 21.

23 THE COURT: Okay.

24 BY MR. GHENT:

25 Q Investigator Martin, 19, is that the first page of

1 the bond?

2 A Yes.

3 Q Twenty is the second page?

4 A Yes, sir.

5 Q And the third page is the actual bond security
6 itself?

7 A Yes, sir.

8 Q On the second page, does it have a condition
9 regarding the bond and contact with you? You'll have to
10 look down.

11 A Yeah, I see it. Must maintain contact with
12 Investigator Martin one time per week. May leave State of
13 South Carolina.

14 Q So the requirement of making contact with you, was
15 that your idea?

16 A I think it was bounced up between me and the judge.
17 But, ultimately, he made the decision.

18 Q All right. That's his decision?

19 A Correct.

20 Q His condition? He has the authority to do that?

21 A Yes, sir.

22 Q And as a result of that, the Defendant was released
23 from your custody and allowed to return to his home in
24 North Carolina; is that correct?

25 A Yes, sir.

1 MR. GHENT: Your Honor, at this time, we would ask to
2 publish those to the jury.

3 BY MR. GHENT:

4 Q Now, we begin through a series of e-mails.

5 MR. GHENT: Which have been stipulated to, Your
6 Honor; is that correct?

7 MR. HOLCOMB: Yes, sir.

8 THE COURT: Yes.

9 BY MR. GHENT:

10 Q All right. I am going to show you an e-mail that I
11 will first ask that it be marked as State's Exhibit No.
12 22.

13 (WHEREUPON, State's Exhibit No. 22 was admitted into
14 evidence.)

15 BY MR. GHENT:

16 Q State's Exhibit No. 22, Investigator Martin, is that
17 an e-mail from Dean Holcomb to you?

18 A Yes, sir. And Wes Smith and Laura Jones and Sergeant
19 Jarvis.

20 Q All right. Would you please read that?

21 A Is this the Megan who made the complaint against me?
22 If so, I'm curious how could person in SCDC from March
23 2012 to October 2012 make a complaint on an insurance
24 restoration job done in Travelers Rest, South Carolina, in
25 June 2012? Is she an owner of the home or on the

1 insurance policy? Does she have POA for the McGinns? Did
2 she -- did you say on Monday, the 20th, that you had not
3 actually spoken to McGinns, homeowner victim, only with
4 Megan -- only with Megan until you spoke with Mr. McGinn.
5 After my arrest and he said something like the stain job
6 wasn't worth them \$300.

7 I would appreciate if you could have the discovery
8 process ASAP, whatever your schedule will allow. My
9 preliminary hearing should be no later than June the 5th.
10 I would like -- I would really like to be prepared. I am
11 an Eagle Scout. I am only about 90 minutes away. Heck, I
12 will buy lunch. Coal Fired Bistro is really good on
13 Poinsett Highway. Not a bribe. I don't want to break any
14 rules, just trying to be pleasant in an unpleasant
15 situation.

16 Well, I'm off to check on my amigos. Have a great
17 day. Thanks, Dean Holcomb, pro se litigant, Defendant.

18 Q All right. As near as you've been able to determine
19 through one prior trial, the investigation and everything
20 else, there's no question, and the Defendant himself has
21 never questioned the fact, but has made a great deal of
22 the fact that the individual who came down and took out an
23 incident report, an incident report, not an arrest
24 warrant, an incident report in a case which you
25 investigated and then you determined that the standard for

1 arrest had been met. What is the standard for an arrest?

2 A Probable cause.

3 Q Probable cause. Not beyond a reasonable doubt, but
4 probable cause?

5 A Probable cause.

6 Q And you were satisfied that that had been met?

7 A Yes.

8 Q And the bond released him and that was one of the
9 contacts you got from him; is that correct?

10 A Yes, sir.

11 MR. GHENT: I would ask that the jury have that. I
12 would ask that this be marked as State's Exhibit No. 23.

13 THE COURT: You've shown that to Mr. Holcomb?

14 MR. GHENT: Yes, sir.

15 MR. HOLCOMB: Yes, sir.

16 May I ask what the date was on the e-mail to Jarvis,
17 Jones, Exhibit No. 22, what was the date on that? I'm
18 sorry.

19 THE FOREPERSON: May 22nd, 2013.

20 MR. HOLCOMB: May 22nd. Thank you.

21 MR. GHENT: I'm trying to call them out as we go,
22 Your Honor.

23 I asked to have marked as State's Exhibit -- and as
24 stipulated; all these can come in -- May the 28th, 2013.

25 THE COURT: State's Exhibit No. 23.

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

3 BY MR. GHENT:

4 Q Was that a check-in?

5 THE WITNESS: Yes, sir.

6 MR. GHENT: I'd ask to offer that to the jury.

7 THE COURT: Without objection?

8 MR. HOLCOMB: Without objection, yes, sir.

9 (WHEREUPON, State's Exhibit No. 23 was admitted into
10 evidence.)

11 MR. GHENT: Your Honor, at this time, the next e-mail
12 is several pages. I would ask that they be marked as a
13 single exhibit. State's Exhibit No. 24.

14 (WHEREUPON, State's Exhibit No. 24 was admitted into
15 evidence.)

16 BY MR. GHENT:

17 Q I show you a document that has been offered and
18 marked as State's Exhibit No. 24. Who is that to and is
19 that an e-mail?

20 A It was forwarded to me by Sergeant Jarvis.

21 Q But it went to Sergeant Jarvis?

22 A Yes.

23 Q All right. If you would, would you please turn it
24 over, look at the pages and tell the ladies and gentlemen
25 of the jury what it's about?

1 THE COURT: What number is it?

2 THE WITNESS: Twenty-four.

3 MR. HOLCOMB: What's the date on it?

4 THE WITNESS: The 29th of May.

5 MR. GHENT: At this time, I have stapled them
6 together, Your Honor. I know it's a little bit confusing,
7 but I think I'm wearing out the court reporter. So I
8 apologize.

9 BY MR. GHENT:

10 Q Go ahead.

11 A Subject matter, operation lost trust, to Jarvis --

12 Q I'm not asking that you read the entire thing. Just
13 read it over and tell the ladies and gentlemen of the jury
14 what it's about as best you can. If you have to read it
15 to get a better understanding, that's fine.

16 A Basically, he is trying to discredit Sergeant Jarvis
17 for backing me on my decision with this case. And he,
18 also, goes after Wes Smith, who works in internal affairs.

19 Q What is internal affairs?

20 A They investigate officers, the decisions and things
21 that we do.

22 Q Improprieties?

23 A Yes, sir.

24 Q Or alleged improprieties?

25 A Yes. He has all these little quotes that he puts in

1 stuff all the time. Then he tries to come up with the
2 right to inform a the ground of arrest by section
3 17-13-50.

4 Q I'm going to stop you right there because this has
5 been gone on over and over again. That particular
6 section, it refers to -- you ever seen Law and Order?

7 A (There was no response.)

8 Q Detective?

9 A Yes, sir.

10 Q Have you ever seen Law & Order?

11 A Yes, sir.

12 Q Have you ever seen at the end where they solve the
13 crime and they say, such and such, as they cuff them,
14 you're under arrest for blank?

15 A Yes.

16 Q Was there any question when Mr. Holcomb came down to
17 meet with you after talking with you on the telephone,
18 what he was under investigation for?

19 A No, sir, there was no doubt.

20 Q Did you in your review of the Miranda form -- you got
21 his consent. And did you go over the claim that had been
22 made for breach of trust with fraudulent intent and
23 obtaining money under false pretense?

24 A Yes.

25 Q Yes or no?

1 A Yes.

2 Q Did he understand that?

3 A I thought he did.

4 Q And he was then under arrest for that?

5 A Correct.

6 Q And yet, he is arguing that you should be arrested
7 under that statute?

8 A Yes, sir.

9 Q Thank you.

10 MR. GHENT: At this time, Your Honor, I would ask
11 that be published to the jury.

12 I would ask that this be marked as State's Exhibit
13 No. 25, as a single document. He's already seen them all.

14 THE COURT: Any objection?

15 MR. HOLCOMB: No objection.

16 THE COURT: In without objection.

17 (WHEREUPON, State's Exhibit No. 25 was admitted into
18 evidence.)

19 MR. HOLCOMB: What's the date on it?

20 MR. GHENT: Wednesday, May 29th.

21 It is my understanding it is now offered in and is
22 into evidence?

23 THE COURT: Correct.

24 BY MR. GHENT:

25 Q All right. I show you State's Exhibit No. 25 and ask

1 you who it's from, who it's to? And beneath "thank for
2 your reply", please read it to the jury in terms of the
3 response.

4 A Evidently this was sent to Sergeant Jarvis, who
5 forwarded it to me. May 29th, 2013, subject matter, South
6 Carolina vs. Dean A. Holcomb, from Dean Holcomb --
7 altonholcomb@gmail.com.

8 Thank you for the reply. I disagree with the
9 interpretation of 17-13-50. I would like to point out
10 prior to the warrant being served by virtue of process, he
11 gave me a false statement on May 13th, 2013, when he said,
12 They told me you didn't do any of the work. And I've
13 already talked to them several times and they said that
14 the work was done on the house. It was the roof. I will
15 forward you the e-mail.

16 Part 2, The homeowner, Robert nor Tina McGinn, had
17 any actual -- homeowners, Robert or Tina McGinn had not
18 actually spoken with Detective Martin prior to my arrest.
19 And he states on May 20th, please listen to the third
20 e-mail and the reply.

21 Q All right. Let me stop you right there. The jury
22 can read the rest from itself. The bottom line is, Mr.
23 Holcomb, as has been established by now, is not an
24 attorney?

25 A No, sir.

1 Q He is not a criminal lawyer, he's not an
2 investigator; is that correct?

3 A That's correct, sir.

4 Q But he was telling you, him being a resident in North
5 Carolina, what a South Carolina statute meant that has
6 applied to law enforcement for decades; is that correct?

7 A That's correct.

8 MR. GHENT: I would ask that be provided to the jury.

9 Next, Your Honor, I would ask to have an e-mail dated
10 July 1st, 2013, several pages, marked as a single exhibit,
11 State's Exhibit No. 26. And it is in evidence.

12 THE COURT: In without objection.

13 (WHEREUPON, State's Exhibit No. 26 was admitted into
14 evidence.)

15 MR. GHENT: I, at this time, would ask that the
16 record reflect that I am passing State's Exhibit No. 26 to
17 the witness.

18 BY MR. GHENT:

19 Q I would ask him the date again, who it was to and who
20 it is from?

21 A This went to -- this was on July the 1st, 2013. This
22 was sent from me to Sylvia Harrison. Basically, I am just
23 -- I am still not a flight risk. This is what --

24 Q Excuse me, can you clarify did it come from Dean
25 Holcomb?

1 A Yes, it did. The original came from Dean Holcomb and
2 then I forwarded it.

3 Q Thank you. Go ahead.

4 A I am still not a flight risk. Call or e-mail if you
5 need me. Have a great Fourth. I thought I would share
6 this with you. I don't think about people behind their
7 back -- I don't talk about people behind their backs.
8 State vs. Holcomb, South Carolina e-mail, Ms. Sylvia
9 Harrison, Mr. Watson and Mr. Watts. I hope you all have a
10 great Monday, especially considering the holiday
11 celebrating our freedom from tyrant. I would like one of
12 my prosecutors to please answer a couple of questions.
13 Please, I prefer Ms. Sylvia Harrison, the head of white
14 collar prosecution, correct? ASAP.

15 Q Now, I'll stop you there. I'll ask you, did the
16 Defendant go through Don Smith as a lawyer?

17 A Yes, sir.

18 Q Did he go through a number --

19 MR. HOLCOMB: Objection.

20 MR. GHENT: I'm just clarifying, Your Honor, at this
21 point.

22 MR. HOLCOMB: Tim Martin doesn't have any knowledge
23 of whether I had an attorney or not.

24 MR. GHENT: He's already established he was in court.
25 I said did he go through.

1 THE COURT: I overrule that objection. There's been
2 some testimony to that effect. You can take it up on
3 cross.

4 BY MR. GHENT:

5 Q He went through Mr. Smith, Mr. Crangle, now,
6 Mr. Shealy, as lawyers. And again, he now has his wish
7 and he is representing himself, correct?

8 A Correct.

9 Q And in this -- did you detect in this a noticeable
10 development in how heated these e-mails were, yes or no?

11 A Yes.

12 MR. GHENT: Please pass that to the jury, a one-page
13 e-mail dated July 9th, Exhibit 27, State's Exhibit No. 27.

14 THE COURT: Any objection?

15 MR. HOLCOMB: No objection.

16 THE COURT: In without objection.

17 (WHEREUPON, State's Exhibit No. 27 was admitted into
18 evidence.)

19 BY MR. GHENT:

20 Q I will ask again, who is that from, who is it to?

21 A From Dean, dean@federalcontractorsusa -- or the U.S.,
22 sent to Sylvia Harrison. And she forwarded it on to me
23 and Sergeant Jarvis, Sheriff Paul Grant, FBI, the
24 Charlotte office.

25 Says, Sylvia, here is my reply to your plea offer

1 sent on June the 28th, 2013. One of three e-mails.
2 Please start with a reply to I did not -- I did my best to
3 make this easy via e-mail. Also, sent next day mail.
4 Have a great day, Dean Holcomb, pro se litigant,
5 Defendant.

6 MR. GHENT: I ask that be circulated to the jurors.
7 That would be State's Exhibit No. 28. Ask to have it
8 marked.

9 (WHEREUPON, State's Exhibit No. 28 was admitted into
10 evidence.)

11 BY MR. GHENT:

12 Q Mr. Martin, you do understand as tedious as this is
13 --

14 THE COURT: Wait. Did she mark them?

15 THE COURT REPORTER: I was.

16 BY MR. GHENT:

17 Q Mr. Martin, you do understand as tedious as this is,
18 this is a part of the process. In the 30 years you have
19 been a law enforcement officer, that is not the first time
20 you've testified, is it?

21 A No, sir.

22 Q And you understand that as tedious as this may be, it
23 is a part of the process of putting what we have to in
24 front of the jury?

25 A Yes.

1 Q Now, State's Exhibit No. 28, from Dean to who?

2 A Jamie, clerk of court, and Tim Martin. Forward
3 Sylvia Harrison has ethics three-quarter. And it's from
4 dean@federalcontractors.us.

5 Q Federal contractors?

6 MR. HOLCOMB: Objection, Your Honor. Objection.

7 THE COURT: I thought it was already in without
8 objection?

9 MR. HOLCOMB: Well, it is, but if we're going to
10 enter it, can we have the other -- that's part three of
11 four. I mean, we have one, two and four. So that they
12 see the whole context.

13 THE COURT: Well, cross -- whatever records you think
14 you need can be brought in on cross.

15 MR. GHENT: Please pass that to the juror at this
16 time, it's in evidence. I would ask to have this document
17 already admitted as State's Exhibit No. 29.

18 (WHEREUPON, State's Exhibit No. 29 was admitted into
19 evidence.)

20 MR. HOLCOMB: Your Honor, when he's putting documents
21 into evidence, can he tell me the date so I can write it
22 down? I don't know which e-mails. Just give me some
23 weeks. I didn't get the last two dates.

24 MR. GHENT: This is July 15th.

25 THE COURT: What number?

1 MR. GHENT: It is 29.

2 MR. HOLCOMB: And the one before that?

3 MR. GHENT: July 11th, 2013.

4 The next document is an e-mail from one Morit
5 Holcomb, upstatejews4jesus@aol.com, July 22nd, 2013. Ask
6 to have it marked.

7 THE COURT: In without objection?

8 MR. HOLCOMB: Yes, sir.

9 (WHEREUPON, State's Exhibit No. 30 was admitted into
10 evidence.)

11 BY MR. GHENT:

12 Q State's Exhibit 30, who is that from?

13 A Morit Holcomb, upstatejews4jesus.

14 Q To whom?

15 A To me.

16 Q Please read it to the jury.

17 A I'm still not a flight risk. Call me if you need me.
18 Do you really eat paste? I would have guessed sniffing
19 glue more likely, but to each his own. Regarding crayons,
20 I love them, too. Crayons and cocktail make a great party
21 -- for a great party. I would guess pound for pound more
22 art is created with crayons than any other medium ever in
23 the history of the world. Crayons are in every country in
24 the world, just like Coca-Cola. After completing my
25 mining of FaceBook, Four Square, Tweeter, Craig's List,

1 YouTube for GCSO, copper and gold. Get it. I have a
2 couple of suggestions I would like to share based on this
3 research.

4 Q Let's stop you right there. Again, what is the date
5 of that?

6 A July the 22nd, 2013.

7 Q 2013?

8 A Yes, sir.

9 MR. GHENT: At this point, Your Honor, I would like
10 to have that handed to the jury.

11 THE COURT: All right.

12 BY MR. GHENT:

13 Q I want to go back to State's Exhibit No. 1. It's
14 already in.

15 Sir?

16 THE COURT: Mr. Sims.

17 MR. GHENT: I'm sorry, I'll wearing you out. Well,
18 I'm going to question him. That's already in. Would you,
19 please?

20 BY MR. GHENT:

21 Q What's the date on that one?

22 A June the 9th, 2014.

23 Q And were you in the courtroom earlier when
24 Ms. Harrison read that?

25 A Yes, sir.

1 Q And it was sent to you?

2 A Yes, sir.

3 Q And it deals with both you and Ms. Harrison?

4 A Yes, sir.

5 Q I'm going to ask you, please, publish that to the
6 jury.

7 A From Alton Holcomb, altonholcomb@gmail.com, Monday,
8 June the 9th, 2014.

9 MR. HOLCOMB: Objection. Hasn't this already been
10 given to the jury?

11 THE COURT: Well, it's State's Exhibit No. 1, and I
12 don't know whether that's been given to the jury or not,
13 but he's asking him to read it. He has a right to do
14 that.

15 THE WITNESS: Subject, From a tax generator, millions
16 and millions, to J. T. Martin, a civil servant sucking the
17 public teat.

18 Timmy, be warned, contact my sister, family or
19 friends again in an effort to intimidate me and you will
20 regret it. I promise you in the name of the most high
21 that my response will be swift, well planned and
22 irreversible. This is your final warning. Your
23 25-plus-year crusade campaign is now over to hurt me.
24 Never again will I submit to the fascist --

25 Q Excuse me, do you mean fascist?

1 A Fascist, I'm sorry. With kindness or respect for
2 your office. You, your cunt whore advocate and your
3 Facebook butt buddies in blue are about to be exposed for
4 all who wish to see.

5 Your web and media history is about to embarrass you
6 even more than your couple of blurbs from the past. What
7 a career.

8 What are you -- are you trying to accomplish in th
9 above article? Encouraging crime? For bigger budgets?
10 Overtime? Justify your existence? Have you considered
11 suicide? You should and will. I am so dangerous, my
12 enemies kill themselves. Research Young Road, Bessemer
13 City, North Carolina, June to July 2013 for one example.
14 My only weapon prayer, ancient rituals and --

15 Q I want to stop you and back up. Please read the two
16 sentence just before that.

17 A You should and will. I am so dangerous, my enemies
18 kill themselves. Research Young Road, Bessemer City,
19 North Carolina.

20 Q Bessemer City, North Carolina, as I believe I
21 established earlier, that is where he lived?

22 A Yes, sir.

23 Q Did you understand the two sentences to be linked?

24 A Yes, sir.

25 Q That is, someone there had found his wrath?

1 A Yes.

2 Q Did you consider that an attempt to interfere in you
3 doing your duty?

4 A Yes, sir.

5 Q Did you interfere -- did you interpret that to be an
6 attempt to stop you from continuing in the investigation
7 in the case?

8 A Yes, sir.

9 Q Did you consider that to be a substantial and
10 significant threat?

11 A Yes, sir.

12 Q In 30 years, have you ever gotten anything like that?

13 A No, sir. I've had drunks threaten me on the road,
14 but that's about it.

15 Q Okay.

16 MR. GHENT: Again, that is already in. If you would,
17 sir.

18 BY MR. GHENT:

19 Q At that point, is it fair to say that the tone and
20 the tenure of the dealings with Mr. Holcomb had changed
21 significantly?

22 A Yes, sir.

23 MR. GHENT: At this point, would ask to have -- I'm
24 sorry, I have no feeling in my fingers. I don't know how
25 many pages that is, but marked as one.

1 And what is the date on that?

2 THE COURT REPORTER: July 27th, 2014.

3 (WHEREUPON, State's Exhibit No. 31 was marked for
4 identification.)

5 BY MR. GHENT:

6 Q Please read the first page.

7 THE COURT: What number is this?

8 THE WITNESS: This is 31.

9 THE COURT: In without objection?

10 MR. HOLCOMB: I have it listed as 32, so. That's the
11 27th or the 22nd?

12 THE WITNESS: The 27th of 2014.

13 MR. HOLCOMB: It's No. 32?

14 THE WITNESS: State's Exhibit No. 31.

15 MR. HOLCOMB: Okay. Thank you.

16 BY MR. GHENT:

17 Q Please read it. Who's it from?

18 A Alton Holcomb, altonholcomb@gmail.com to me.

19 Q To you?

20 A Rabbi Mortorious Gura, upstatejews4jesus@aol.com.

21 Subject, Not a flight risk. Jerusalem post is writing
22 about you and Nazi Greenville. Calling your superior
23 soon. Excuse my French, go fuck yourself. Executing --

24 Q Excuse me, is that your words?

25 A What I just said --

1 Q Well, I understand, but let's clarify it. I'm sorry,
2 but read what he says?

3 A Go fuck yourself. Executing an action soon to have
4 you and Sylvia cunt whore and Prosecutor Wes Smith
5 investigated for hate crimes. Top that, you fucking
6 retard, not retarded. Watch this. Then he's got all
7 these YouTube posts.

8 Q Okay. At this point, again, by now, were you
9 considering Mr. Holcomb -- did you consider this to be a
10 threat?

11 A Yes, sir.

12 Q Did you consider it to be an attempt to obstruct your
13 investigation and going forward with Ms. Harrison in the
14 prosecution of his case?

15 A Yes, sir.

16 MR. GHENT: Ask that the jury have that.

17 Previously agreed to. August the 4th.

18 MR. HOLCOMB: All right.

19 MR. GHENT: Let the record reflect I'm providing that
20 to the court reporter.

21 (WHEREUPON, State's Exhibit No. 32 was admitted into
22 evidence.)

23 MR. GHENT: I ask that it be handed up to Mr. Martin.

24 THE WITNESS: From Morit Holcomb,
25 upstatejews4jesus@aol.com. This was August the 4th, 2014.

1 BY MR. GHENT:

2 Q Please read it.

3 A Addressed to me, Wes Smith and the sheriff and Mike
4 Jarvis.

5 THE COURT: What number?

6 THE WITNESS: 32.

7 This is my 64th weekly check-in. Should I wear a
8 star upon my chest when visiting Greenville? Is there a
9 special tax to not be hassled? Are you guys building
10 ovens, sparking firing squads? What's your preferred
11 method of execution? I will not pay for my train ticket.
12 I will not be going gently. Do you get my sweetheart?
13 This is a beta site much cleaned up to do, but it should
14 do the trick. New and improved videos coming, too. Jay
15 Spot is doing a story on Greenville News and the Nazi
16 fascist that called it home. Enjoy. Please comment and
17 share. Have a great week. See you in the courts. Dean
18 Holcomb, the Rabbi Dean Holcomb.

19 Q And underneath the Rabbi Dean Holcomb, continue.

20 A New Dawn Ministries and Psalm 109.

21 Q Again, that Psalm is already in evidence. Beneath
22 that?

23 A If I am not to be myself, who will be for me? But if
24 I am only for myself, what am I? If not now, then when?
25 And that Ms. Shonie (ph), I can't pronounce the last name.

1 MR. GHENT: I ask that be provided to the jury.

2 THE COURT: Okay.

3 BY MR. GHENT:

4 Q Having received these e-mails over the period of time
5 that you did, did you have any clue what you were dealing
6 with?

7 A No, sir.

8 Q Did these seem extremely strange to you?

9 A Very much so..

10 Q And I would ask again, have you ever received
11 anything like this?

12 A No. And I started researching and I come to the
13 conclusion he was on the verge of being a sovereign
14 citizen.

15 Q But did you determine any evidence that he was a
16 sovereign citizen?

17 A All the stuff he had been throwing out --

18 Q I understand, but did you determine, yes or no?

19 A No.

20 MR. HOLCOMB: Objection. That's expert testimony.

21 THE COURT: Well, I sustain the objection as to what
22 he thought he may be becoming.

23 This trial has to do with the issue of whether or not
24 Mr. Holcomb did something to obstruct justice and
25 intimidate the prosecutor, not whether he was -- his

1 status as whether or not he was a sovereign citizen or
2 not, so I strike that from the record.

3 MR. GHENT: Thank you.

4 MR. HOLCOMB: Thank you.

5 BY MR. GHENT:

6 Q Were you aware of whether he had any serious
7 previously diagnosed mental conditions?

8 A No, sir.

9 MR. GHENT: Your Honor, the two letters that he has
10 previously -- Mr. Holcomb, excuse me, has previously
11 indicated he wants in. I have agreed that I will allow
12 them to be put in and I will simply let Mr. Holcomb put
13 them in. I'll leave them here on the podium.

14 At this point, if I might have one moment, Your
15 Honor?

16 THE COURT: Yes, sir.

17 MR. GHENT: Your Honor, I will clarify again, it's my
18 understanding from the stipulation that Mr. Holcomb has
19 made clear these e-mails came from his computer, came from
20 him. He's not contesting that?

21 MR. HOLCOMB: I'm not.

22 THE COURT: He says he's not.

23 MR. GHENT: Thank you.

24 THE COURT: You said you're going to leave those
25 letters up there?

1 MR. GHENT: Yes, sir.

2 THE COURT: Mr. Holcomb, cross.

3 MR. HOLCOMB: Your Honor, may I have a moment for a
4 restroom break?

5 THE COURT: All right. We'll take a restroom break.

6 MR. HOLCOMB: Can we --

7 THE COURT: Well, let me let the jury go out for a
8 break and we'll chat while they're out if we need to.

9 THE BAILIFF: Please remain seated until the jury
10 leaves.

11 THE COURT: Whoa, whoa, whoa. Make sure they don't
12 take any exhibits into the jury room quite yet.

13 (WHEREUPON, the jury left the courtroom at
14 approximately 4:57 p.m.)

15 THE COURT: We'll take about a 10-minute break and
16 come back with any issues we need to talk about.

17 MR. HOLCOMB: What I was going to ask is what time do
18 you think we're going to be breaking tonight? I really
19 need to get -- I need to eat and I also need to take some
20 medication.

21 THE COURT: Well, I would like to -- I plan to stop
22 around 6:00, that would give us another hour.

23 MR. HOLCOMB: Would it be okay if we cut a little bit
24 early? We're taking a 10-minute break. So do the 45
25 minutes and start again tomorrow?

1 THE COURT: Yeah, we'll go until about quarter till
2 or around 6:00.

3 MR. HOLCOMB: What I'm saying is, normally, at GCDC,
4 they do med pass and if I miss it, I might --

5 THE COURT: What time is that?

6 MR. HOLCOMB: Not too long.

7 MR. GHENT: I understand what he's talking about.
8 Based on that, I agree -- I have no objections. Also, in
9 light of the stipulations, this has shortened things up.
10 I cannot make promises, Your Honor, but I think we will
11 finish this week.

12 THE COURT: You want to just stop for the day then?

13 MR. HOLCOMB: I think we should.

14 THE COURT: Okay. Well, let's just stop for the day
15 and then we'll back at 9:30.

16 MR. HOLCOMB: I guess we'll be talking to Mr. Martin
17 for a few minutes.

18 MR. GHENT: Nobody can talk to him. He's still on
19 the stand. I mean, he's still under oath. I didn't
20 understand what he was saying, but we're not talking to
21 Mr. Martin overnight. He understands that. I'm not sure
22 what he said.

23 MR. HOLCOMB: No, no, no, what I was trying to say
24 was that I would cross-examine him in the morning.

25 THE COURT: In the morning.

1 MR. HOLCOMB: Yes, sir.

2 THE COURT: Tell the jury whenever they're ready to
3 come back, back bring them back. Cut their break a little
4 short.

5 MR. GHENT: Your Honor, could I ask one question
6 before they come back?

7 THE COURT: Yes.

8 MR. GHENT: He has indicated he's not interested in
9 the videos. The only video I'm interested in showing is
10 going to be the one where he is the narrator. He's got
11 the camera on himself and he's talking. It's not terribly
12 long. The other videos, we could be here who knows how
13 long. I would just ask if he will stipulate to that video
14 coming in. The one where he e-mailed or YouTubed or
15 whatever, I don't know.

16 MR. HOLCOMB: I'd like to know what date that video
17 was.

18 THE COURT: Just figure out what the date is.

19 MR. GHENT: Yes, sir.

20 MR. HOLCOMB: Could I have a few minutes with Mr.
21 Shealy in the morning to take a look at that?

22 MR. GHENT: No objection.

23 THE COURT: Certainly.

24 MR. HOLCOMB: Can I ask the State to not object to me
25 submitting some videos, such as the tampering of evidence

1 video that's mentioned in the police report that they
2 found threatening --

3 THE COURT: Let's wait until we let the jury go.

4 (WHEREUPON, the jury enters the courtroom at
5 approximately 5:04 p.m.)

6 THE COURT: I know that was a short break. We had a
7 dialogue with Mr. Ghent and Mr. Holcomb and we've decided
8 it would probably be better -- it's almost 5:00. Rather
9 than take a break, then come back and go to 6:00, it's
10 probably better to go ahead and stop for the day and start
11 back at 9:30. So we're going to stop for the day and
12 start back at 9:30 in the morning.

13 Have a pleasant evening.

14 (WHEREUPON, the jury exits the courtroom at
15 approximately 5:05 p.m.)

16 THE COURT: The jury has been dismissed.

17 You can go back and have a seat, Mr. Martin.

18 What's the issue about the videos?

19 MR. GHENT: Your Honor, the question I had is whether
20 or not he would agree to our playing one video, in which
21 he went through -- and we've given him, I think, a copy.

22 Haven't we given him a copy?

23 MR. MILLER: Yes, it's in there.

24 MR. GHENT: It's been provided to him. I believe he
25 now has facilities that he can review it. I believe, as I

1 understood what he was saying, is that there is, I
2 believe, one of the cartoons that he wants put in.

3 MR. HOLCOMB: No, there's a few. And I don't have
4 facilities to view it. I'd have to rely upon Mr. Shealy.
5 And it would be unfair for him to stay until after I get
6 the medication and all this kind of stuff, and eat. I
7 missed dinner last night --

8 THE COURT: Well, why don't we just stop and in the
9 morning --

10 MR. HOLCOMB: Take a minute to look at the video and
11 know the date that he's specifically --

12 THE COURT: Find out what --

13 MR. HOLCOMB: -- so I can know --

14 THE COURT: Let's do that. Because I don't want to
15 put you in that position.

16 MR. HOLCOMB: Thank you for being so nice to me
17 today. And sorry about any etiquette breaches I've done
18 to anybody.

19 What I'd like to put in is the e-mail that was sent
20 out there. It had Jarvis's name listed. I'd like to play
21 the video that that was the link on there. He put the
22 e-mail in.

23 THE COURT: Any objection to that?

24 MR. GHENT: No, sir:

25 MR. HOLCOMB: There's links on there. And there's a

1 tampering with evidence video that I made. That's what
2 caused the initial threatening of a public official file
3 to be opened up where she testified -- where Ms. Harrison
4 testified that -- you know, that was the file that I put
5 to her to go over from Mr. Ramon Rivera. This is that
6 video I'd like to put in there. And I'd like to put the
7 Tim Martin cartoon in, the first cartoon that started all
8 this, if that's all right. Maybe the Wes Smith cartoon.
9 The Jarvis, the Wes Smith, the Tim Martin and the
10 tampering of evidence video.

11 MR. GHENT: Can we look at those tomorrow, Your
12 Honor? I don't know how long --

13 MR. HOLCOMB: They're relatively short. They're a
14 couple of minutes.

15 MR. GHENT: Your Honor, right now, we're on track to
16 finish this thing.

17 THE COURT: Y'all work that out and in the morning,
18 we'll see which ones you agree. And if I have to rule on
19 any, I'll rule. If not, if you work it out, that's fine.

20 MR. GHENT: Could I ask one last thing?

21 THE COURT: Yes, sir.

22 MR. GHENT: I sincerely apologize. I also know the
23 irony. May I have my phone back?

24 THE COURT: Let me think about that. No, you can
25 have your phone back.

1 MR. GHENT: Thank you, Your Honor.

2 THE COURT: We're going to give you your phone back,
3 too.)

4 Have a pleasant evening. We'll see you back at 9:30
5 in the morning.

6 (WHEREUPON, proceedings were adjourned for the day to
7 be reconvened on Wednesday, June 14, 2017).

8 WEDNESDAY, JUNE 14, 2017

9 THE BAILIFF: It's my understanding, Judge, they're
10 bringing him. He's getting changed out.

11 THE COURT: Thank you. I got that message. I
12 appreciate you keeping me up to date.

13 THE BAILIFF: Yes, sir.

14 THE COURT: Good morning, Mr. Holcomb. I'm sorry you
15 had some medical issues this morning. I'm glad to see
16 you're -- are you ready to go?

17 MR. HOLCOMB: Well, can I discuss that? And I would
18 like to clear the courtroom.

19 THE COURT: Okay. We'll clear the courtroom -- other
20 than Mr. Ghent, Mr. Miller, your counsel and necessary
21 personnel. We'll clear the courtroom.

22 MR. HOLCOMB: So I can discuss that.

23 THE COURT: Sure.

24 I'm going to let my law clerk stay.

25 MR. HOLCOMB: My sister and mother can stay as well.

1 THE COURT: Oh, yeah.

2 Yes, sir.

3 MR. HOLCOMB: Your Honor, I can't thank you enough
4 for not being mad at me at this point. You don't seem to
5 be mad at me. Motion number seven that we made in the
6 pretrial motions that I sent in, I asked motion to compel
7 GCDC to cease denying the Defendant access to medical
8 care, requested medical care. I've got bipolar disorder
9 with psychotic features. What I would say about that, I'm
10 still competent to stand trial. I'm still competent to
11 handle my defense. I have a fairly high IQ, as Mr. Ghent
12 noted. And I am fairly sharp.

13 THE COURT: I've read over, and read over again this
14 morning the mental health and it notes the issues that you
15 have. And I also have seen you and understand that you
16 are mentally sharp.

17 MR. HOLCOMB: I'm sorry, I didn't hear you?

18 THE COURT: Mentally sharp and very intelligent.

19 MR. HOLCOMB: Thank you, sir. And I'm fishing for
20 compliments, I'm just --

21 THE COURT: I'm not throwing them out either. I'm
22 sincere.

23 MR. HOLCOMB: Thank you. What I want to say is that
24 the condition that I have, I consider it no different than
25 diabetes, if somebody was denied access to insulin or

1 something like that. Or they have, you know, hypoglycemia
2 or whatever, conditions that can actually be handled.

3 And my condition is handled very well and managed
4 with certain medications in a certain way at a certain
5 time. This is my -- and I'm not going to sit here and
6 fight with Mr. Ghent today, but I'm not against everybody.
7 99 percent of everybody I deal with in the system is
8 fantastic. Nice people, honest, honorable in every way.
9 Greenville County Detention Center has the best doctor
10 I've ever seen. I've been hospitalized 16 times, I think.
11 He is -- Greenville County Detention Center's Dr. Martin
12 is the best doctor I've ever had. He's the most
13 compassionate. He listens better. He has a private
14 practice. But he's fantastic.

15 But these are my records that I requested from
16 Greenville County Detention Center. What I'm trying to
17 say is whenever I left Greenville County Detention Center
18 to go to prison, they pulled me off all medications at
19 SCDC. Took about seven weeks for me to see a doctor. And
20 when I did, I was given medication that made me sick. So
21 I eventually quit taking it because it kept making me sick
22 and they never allowed me to see another doctor.

23 Nelson Mullins out of Columbia, who handled the TR
24 vs. SCDC lawsuits -- I'm not sure if you're familiar with
25 that --

1 THE COURT: I was not involved with those. I think
2 it was Judge Baxley. But I'm familiar with the case.

3 MR. HOLCOMB: You're familiar with the case. Well,
4 Nelson Mullins has handled my case. They've been my
5 advocate in dealing with SCDC on getting medications
6 taken. But the medications that are handled at Greenville
7 County Detention Center are different than the medications
8 that are handled at Ridgeland. Totally different. Two
9 different ways of handling things. They don't offer
10 Seroquel, an anti-psychotic. They don't offer the seizure
11 medications that I need from my falling off the roof where
12 I fractured my skull. I have an anti-seizure medication
13 and that come from Charlotte. So I'm on this cocktail.

14 Whenever I came from prison -- that's what I was
15 asking is, I came from prison on the 24th of last month.
16 And I've got a little calendar put together here. But I
17 had asked to see Dr. Martin. Laura Miller came to see me,
18 the therapist, but I needed to see the doctor.

19 And here's the problem, it took them -- what they did
20 was they sent -- they have an outside source that does the
21 pills. Because they have a lawsuit on that where they
22 were getting pills mixed up on some people. They were
23 giving cancer medication to different people. But what
24 happened is they ordered the medication that I was on
25 whenever I left eight months ago to go to prison at the

1 same levels I was at. So I haven't -- and those started
2 on Wednesday. They arrived at GCDC on Wednesday. What I
3 did was I tried to take a little bite of the Seroquel to
4 try to calm down and didn't want to take anything else
5 because it was going to make me so sedate that I couldn't
6 -- it will take a week for me to adjust to that, at least.
7 And I didn't want to put this trial off.

8 I've been asking for a fast and speedy trial for four
9 years on the breach of trust. Since I arrived 34 months
10 ago and held without bond, I've been asking for a fast and
11 speedy trial. I've been trying to fire my lawyers for
12 three years. I've tried not to have a lawyer for four
13 years. I've done my best to get to this stage. I think
14 I'm doing pretty well for a pro se litigant. I'm excited
15 about it.

16 But the medications that I'm taking is putting me at
17 a huge disadvantage, so I'm not taking them at this point.
18 I'm having an issue where the stress of this getting to me
19 and I can't rest. I've slept maybe two hours the past
20 four days. And that's where the psychosis would kick in.
21 Basically, what happens is if you don't sleep, you start
22 dreaming. That's where I see Nazis everywhere or whatever
23 and have these different things happen. And I think I'm
24 dreaming whenever I'm awake, if that makes any sense.

25 But they've told me -- GCDC -- I just talked to Ms.

1 Livingston, she's the director of mental health for
2 Greenville County Detention Center. She just spent a few
3 minutes with me, not 10, 15 minutes before I got here.
4 She came in and talked to me. You're welcome to call her,
5 but she won't give her opinion because she's not a doctor.
6 But Dr. Martin has agreed to come in tomorrow. He will be
7 here tomorrow afternoon.

8 And all I'm going to ask him for is something to help
9 me sleep and then we'll worry about the bipolar disorder
10 -- because that's what I need. If I can sleep, I can
11 handle this without any problem. But I'm not getting any
12 sleep and I can't focus on anything whenever I get back
13 and it's cycling. I can't get past the certain stage on
14 something and it might affect me at trial.

15 So that's what I'm asking. I'd like to postpone this
16 for two days till I see the doctor and then see where we
17 are on that. But I don't want to get rid of the jury. I
18 love my jury. I love all these teachers at this point.

19 So that's all I have to say on the mental health.

20 THE COURT: Well, I agree with you that people
21 sometimes don't think of mental health the same way they
22 think of cancer and other issues. You appear to be lucid
23 and competent. And we do have this jury. I can't really
24 put the trial off. I can -- we can go forward today with
25 the understanding that you need to see the doctor. And

1 we'll try to make arrangements to have Dr. Martin
2 available as promptly as possible.

3 MR. HOLCOMB: Well, he's coming in tomorrow
4 afternoon. He's coming in to see me. He's clearing out
5 his schedule to come in and see me, to help me tomorrow.

6 THE COURT: What time, do you know?

7 MR. HOLCOMB: She said it was after lunch. But she
8 said he's cleared his schedule. His practice is in
9 Anderson. But right now, I'm on a manic high. I haven't
10 -- you can ask my sister on this. I'm on a manic high. I
11 may appear lucid, but I'm not prepared because I can't
12 focus and I didn't get a chance to really rest. I took
13 the medication at 9:00.

14 One more thing I'd like to say on that. At GCDC, let
15 me describe how things are handled there for court
16 hearings. At 9 o'clock, med pass comes, so they give me
17 this highly sedative medication. Razors come in at 11:30,
18 12 o'clock. After count comes in, you get a razor. So at
19 9 o'clock, I'm given a sedative. Then you start to lay
20 down around 10:00. Then 11:30, 12:00, 12:30, you're given
21 a razor. You shave, then you lay back down. Then at 4
22 o'clock in the morning, they come and get you for
23 transport to court, which is only a five-minute drive.
24 But they take you -- at 4 o'clock in the morning, they
25 take you down and stick you another cell. They wake you

1 up at that point. And you're sitting in that cell until 7
2 o'clock count. At some point, you get breakfast and then
3 you're given the medications. You're given the
4 medications again at 6:30. Then I come to court. They
5 usually transport us at 8:30. So it's four and a half
6 hours where I'm woken up if I'm on these medications and
7 sitting on a concrete bench or floor. So, in essence,
8 what I'm getting is three hours sleep with the way things
9 are going now. And it's based off of GCDC.

10 All I'm asking for is a fair trial and I'm asking for
11 -- I know you don't want to put the jury off, but these
12 are the things I'm running through. And you do have the
13 ability to do these things. You do have the ability to
14 write an order. You do have the ability to say hey, take
15 Mr. Holcomb at 8 o'clock in the morning and put him in
16 transport and get him here by 9 o'clock. You've got an
17 hour to do that. I have a shower at 7:00, shave at 7:15.
18 All these things are capable of being done. And leave him
19 alone from that point. And it wouldn't interfere with the
20 jail whatsoever. Just me. I'm the only guy on trial.

21 And they don't do this normally. This is not -- I'm
22 not asking you to set law for everybody else. I'm just
23 saying for me to have a fair trial, I'd like to talk to my
24 doctor about how I get through this. And I do think I'm
25 doing well in the trial. So I'm not trying to -- but your

1 interpretation of me being completely even operating -- I
2 would say with the speed of my mouth and whenever I'm on
3 the Napodium (ph), I'm missing things. I'm not at the
4 pace I'd like to be.

5 I'm an expert at in-home sales. I'm a
6 neurolinguistics programmer. I know how to play some word
7 -- I know what I'm doing. I'm selling something to the
8 jury is what I'm going to end up doing. But being in this
9 state now with only two hours sleep and not having the
10 proper medications that I've asked for repeatedly. I
11 mean, we're talking about three weeks I've been asking for
12 some help. And no one seems to be giving it. It's all
13 the State. The State seems to be giving me unfair
14 treatment.

15 I'm going to get some water.

16 THE COURT: Mr. Ghent.

17 MR. GHENT: Your Honor, we were moving along
18 yesterday. Mr. Holcomb asked to represent himself. I
19 would point out to the Court, I asked that there be an
20 exception recognized under the Faretta decision. This is
21 another example of Mr. Holcomb taking the position that
22 the world --

23 MR. HOLCOMB: Objection. I mean, it's not in front
24 of the jury, but I just said the GCDC is great.

25 MR. GHENT: If I may finish. The world has to bend

1 to his will. We all have to accommodate things. I can't
2 control GCDC. Regarding the doctor, all this could have
3 been anticipated. Should have and would have been
4 anticipated. He asked to represent himself knowing full
5 well the very issues, which I included in the hearing in
6 York May the 15th.

7 So I ask that if he needs a couple of hours to
8 collect himself or something, that's one thing. But to
9 put off the trial -- this trial can be completed this
10 week. I intend to. I would ask the Court to allow us to
11 go forward. And that's all I have to say.

12 THE COURT: All right, sir.

13 MR. HOLCOMB: Well, Your Honor, once again, I'd like
14 to make note that I don't call me Mr. Ghent names. He's
15 called me devious and making these assertions as me
16 thinking the whole world is against me. I'm not saying
17 that. I'm just asking for fairness. It seems fair that
18 he has an eight-hour -- he gets to sleep eight to 10 hours
19 a night. He gets access to research. He has an
20 assistant, another attorney sitting in the second chair
21 that's sitting there pulling -- this is the only case
22 they're working on, so it's two against one, basically.

23 Mr. Shealy is doing assistance. I mean, he's doing a
24 great job as standby counsel. I have no problem with that
25 at this point. But for me not to be able to sleep because

1 of the conditions of the State. And I didn't put these --
2 to be put under the assumption that I'm innocent, presumed
3 innocent under pretrial detention, it seems that I'm being
4 hindered. And all it takes is listen, we're going to let
5 this guy have access to the doctor he's requesting -- and
6 I did anticipate it, that's why I made motions on it. And
7 I did anticipate it, that's why I asked for it as soon as
8 I arrived in GCDC. Listen, I need to see Dr. Martin. I
9 need to get these medications as soon as possible. I told
10 Laura Miller that. You can call her back. But the day I
11 arrived, she came and saw me -- well, she came and saw me
12 the next day and she saw me the day after that. That's
13 what I'm saying, listen, I need to see Dr. Martin.

14 Because what he did was I'm taking the medications
15 that took two years to get to the levels that they're at.
16 They start at this level and they tricate (ph), I think
17 that's the right word, all the way up. They increase them
18 a little bit. It goes from 100 milligrams to 150
19 milligrams to 200 milligram or whatever. And this
20 medication, they've got me at what it took 26 months to
21 get to. Over that is what I'm starting at now. And I
22 really need to be at a smaller dosage. And the only
23 person that can do that is Dr. Martin. And he will be
24 here tomorrow.

25 If I had a heart attack, the trial would be

1 postponed. If I broke my leg, broke my neck, broke my
2 nose, whatever the case may be, if I was in surgery right
3 now, this trial would be delayed. If I was in a diabetic
4 coma, this trial would be delayed.

5 So I think it's the same issue and I'm asking you to
6 look at it in the same standard. Thank you, Your Honor.

7 MR. GHENT: I would point out, Your Honor, that
8 yesterday at the end of day, Your Honor was ready to press
9 ahead until 6:00. It was the Defendant that expressed
10 concern about missing his meds check. 'I recognize that
11 concern. I consent. These are the same meds that he is
12 now saying don't work, they're no good.

13 Hold it, please allow me to finish.

14 I recognize that he was making a representation that
15 was a priority. And to go down, be there, have his meds
16 that he, as I understood it, said he needed. I suggested
17 why don't we go ahead and continue the case until
18 tomorrow. That means today. And the Court then exceeded
19 to his concerns over getting his meds, which I concurred
20 with him in. So I don't know how much more I can try to
21 work with him.

22 But again, we're three-quarters of the way through a
23 trial. All I'm trying to say when it comes to the world,
24 it doesn't operate around him. He doesn't control the
25 system nor do I. Thank you, Your Honor.

1 MR. HOLCOMB: What I would say, as I said earlier,
2 I'm not taking this as required -- as prescribed. I'm
3 biting them off. They're allowing me to do that. The med
4 techs are doing this. And that's who I saw earlier. I've
5 seen a med tech. I've seen a nurse. And I saw a
6 therapist, the head of therapy that, basically, works with
7 Dr. Martin on the therapy end of this stuff. I didn't
8 make any representations that I'm going to take them all
9 as prescribed. I said, listen, I need to get there on
10 these issues, I'm having a medical issue.

11 The last thing, and I wrote it down, that Mr. Ghent
12 said to Mr. Martin was looking at the e-mails from all
13 these different personalities from that psychotic episode
14 that Ms. Colbi describes in her sealed thing, the
15 psychotic features of my condition was is this mental
16 health, is he crazy? It went from sovereign citizen to
17 being is this a mental health issue? And Mr. Ghent and
18 Mr. Martin agreed that it was a mental health issue.

19 MR. GHENT: No, sir, what I did was I backed off from
20 the sovereign citizen. I felt like that testimony was
21 inappropriate and Your Honor agreed.

22 MR. HOLCOMB: Well, that's not what I'm saying. The
23 last thing you talked about -- the last thing Mr. Ghent
24 was speaking of was about mental health. That is what
25 they closed on with Mr. Martin was mental health.

1 MR. GHENT: No, sir, what I was showing was
2 progression --

3 MR. HOLCOMB: Can we look at the record on this?

4 THE COURT: Couple things, the court reporter has to
5 take these things down, so one person at a time. The
6 Court's concern -- and I am not diminishing your situation
7 at all. I know mental health issues are not treated as, I
8 hate to use the word important, I'm not sure -- are not
9 sometimes looked at on the same level as cancer, heart
10 disease, diabetes, some of the things you mentioned. I
11 understand that. And I understand your concerns.

12 However, what it boils down to for the Court to
13 decide where we are now is a question of competency. I
14 have found that your are competent. And from everything I
15 have heard this morning, I still believe you are, in fact,
16 competent to go forward with the trial. I will see what
17 we can do to have Dr. Martin come here tomorrow afternoon
18 to see you as opposed to having to be transported back and
19 forth. But I find that based on your presentation this
20 morning that you are still competent to go forward.

21 And while you do not feel like you're at 100 percent,
22 the issue for the Court is competency and I find that you
23 are competent. So we're going to go forward with the
24 trial.

25 MR. HOLCOMB: All right. I would like to object to

1 that.

2 THE COURT: I understand.

3 MR. HOLCOMB: Is there a policy that if I was to file
4 -- I talked to standby counsel on this. Do I go to the
5 appeals court to appeal this order at this point? Or how
6 would I do that? Would that put a stay on this?

7 THE COURT: You could ask for a supersedeas.
8 Mechanically, how you would do that, I do not know because
9 you're here, you're incarcerated. I guess you could draw
10 up a request for supersedeas and ask Mr. Shealy to fax it
11 to or e-mail it to one of the Justices. There may be one
12 here on the premises. I know we've got two Justices on
13 the Supreme Court who are Greenville residents.

14 So, yes, there is a way and it's called -- I would
15 think called supersedeas. And I certainly am not offended
16 if that's what you seek.

17 MR. HOLCOMB: I think I should because if the only
18 issue is competency versus fairness -- and that's what I
19 think we're talking about is fairness, because I've been
20 spending the past eight hours trying to get medical help,
21 plus all this time since the 24th of last month to try to
22 get medical help. And I've got this volume of stuff here.
23 And it's not me trying to delay anything. It's the State
24 failing to do their job. And I'm taking the burden. I'm
25 -- the State's -- the State, not doing what it's mandated

1 to do under state and federal law is impairing me. It's
2 hindering me and it's hurting me from having a fair trial.

3 But I would ask that this be put off until tomorrow
4 and let me get some sleep after sitting in a cell without
5 any -- waiting on medical care to see a doctor -- to see a
6 med tech that doesn't do anything. And to not -- I need
7 to have some rest since I haven't had any time here. I am
8 asking for that consideration.

9 Can we have the cross-examination of Tim Martin
10 tomorrow in the morning, starting where we left off today?
11 Have a fresh day tomorrow. Let me have one day. One day
12 is all I'm asking. One day. And if he wants to bring up
13 an opposition of that, but I'm asking for one day over my
14 medical condition. That's all I'm asking, one day to
15 speak with Dr. Martin tomorrow.

16 THE COURT: If you don't speak to Dr. Martin until
17 tomorrow afternoon, then it turns out to be two days.

18 MR. HOLCOMB: Well, if he comes here at 4 o'clock or
19 5 o'clock, towards the end of the day and we can request
20 that. He usually comes in at 3:00, 2:00, 3:00, somewhere
21 in that neighborhood from what I've experienced with him
22 and he works through 8 o'clock. He's going to see 60
23 inmates or something like that. He's going to go through
24 everybody tomorrow that he's got on the list.

25 What they do is they put everybody in a big holding

1 tank and he spends 15 minutes with them and then they
2 bring another round in. So we can ask Ms. Livingston if
3 she'll schedule -- Dr. Martin wouldn't have any problem
4 with this, coming in tomorrow afternoon at 5 o'clock, 6
5 o'clock. I don't have any problem with it.

6 THE COURT: Well --

7 MR. HOLCOMB: If I see him at the jail, I don't have
8 a problem with it. He doesn't have to come to court and
9 interfere at all.

10 THE COURT: Well, I've made my ruling that we will go
11 forward. Like I say, you can get Mr. Shealy to write up
12 for you or you write up what's called a motion for
13 supersedeas to supercede my oral order that the case will
14 go forward based on my finding of competency.

15 MR. SHEALY: I've never done that, Judge. I'd like
16 to step out and figure out how to do that. I want to be
17 present -- if y'all are going on with the trial, I've got
18 to figure out how to do this.

19 THE COURT: All right. Well, basically -- I never
20 have either, but I think what it entails is the
21 preparation of a document setting forth what I ruled,
22 setting forth why that ruling was not -- it's almost a
23 mini instant appeal, that Judge Hayes has ruled so and so,
24 based on my findings of competence to move forward.

25 MR. HOLCOMB: Due to the conditions of medical --

1 THE COURT: Right, due to medical conditions, the pro
2 se litigant asked the Court to issue a supersedeas.

3 THE WITNESS: Yes, sir. Do you want me to do that
4 here or can I step out?

5 THE COURT: You can step out.

6 MR. HOLCOMB: Can I take a few minutes -- have two
7 hours to help him write this thing? He's standby counsel.
8 I'd like to assist in writing this because it's my issue
9 and I would like to help draft that. And it's going to
10 take two hours to do that. Would that be all right, Your
11 Honor?

12 THE COURT: It shouldn't take two hours.

13 MR. HOLCOMB: Well, an hour, or whatever it is.

14 THE COURT: We're going to go forward and --

15 MR. SHEALY: I can draft something, Judge, and have
16 it printed up and give him --

17 THE COURT: I think the rules talk about supersedeas
18 somewhere. I'm not a hundred percent sure.

19 We're going to order lunch for the jury today so we
20 can move on forward.

21 MR. HOLCOMB: Can I -- the lunch is in there. Have
22 y'all eaten?

23 THE COURT: No, no. We will try to finish Tim Martin
24 and then break for lunch. And we'll bring lunch in so we
25 don't have to consume so much time.

1 And I can't help you other than I'll look through the
2 rules myself and see if I can find what I'm talking about.

3 All right. Other than that --

4 MR. HOLCOMB: Are we at the place where Tim Martin is
5 still --

6 THE COURT: Subject to cross-examination?

7 MR. HOLCOMB: So his testimony is done at this point?

8 THE COURT: No, he's subject to you cross-examining
9 him?

10 MR. HOLCOMB: Right. The State has rested on --

11 THE COURT: Yeah.

12 All right. Let's bring them in.

13 MR. HOLCOMB: Can I have just a few minutes to
14 prepare for that because I've been dealing with my medical
15 issues? Can I have a few minutes to go over this
16 paperwork before I see him? Just a few minutes. I don't
17 even have a pen with me.

18 THE COURT: We'll start back -- have Mr. Martin ready
19 at noon and I'll tell the bailiffs to have the lunch for
20 the jury to come in around 1:30. If we're not through
21 with cross-examination by then, they'll just have to wait
22 for lunch.

23 MR. GHENT: Your Honor, the rules for supersedeas are
24 found at South Carolina Rules -- Appellate Court Rules 241
25 and 246.

1 THE COURT: All right. So we'll be at ease until
2 12:00, then we'll start back --

3 MR. HOLCOMB: Can I address another issue before we
4 go, please?

5 THE COURT: Certainly.

6 MR. HOLCOMB: I'd like to address the issue of my
7 sister being intimidated by -- intimidating my witness,
8 which is my sister. If you'll notice in the e-mail that's
9 been brought up as the threatening e-mail, the Psalm 109
10 verse that was read into the record with Ms. Harrison, it
11 talks about contact my sister again.

12 Yesterday, from what I understand -- my sister is
13 here to testify on this matter, but she was -- she was --
14 you gave an order on the 15th that we could record the
15 thing and then it was taken away. I think that was
16 because Sylvia Harrison on the victim's rights law
17 recently ruled against it because of sensitivity or
18 somebody made a motion to that effect.

19 THE COURT: In essence, yes.

20 MR. HOLCOMB: So that's my understanding of what
21 happened because I wasn't here for any motions on that or
22 hearing or anything regarding why that was taken away.
23 But she decided -- we're fine with that.

24 THE COURT: I hate to interpret you, but I'm giving
25 you time to prepare.

1 MR. HOLCOMB: Well, I understand --

2 THE COURT: If this can wait, it ought to wait.

3 MR. HOLCOMB: I'm trying to get there. What I'm
4 talking about is my sister was hindered -- and Tim Martin
5 was the one that went over and pointed out that she was
6 recording on the phone. He intimidated her. She felt
7 intimidated. He has a process to go talk to bailiffs on
8 these things. We have bailiffs to address these things.
9 For Mr. Ghent, Tim Martin and other officers to go over
10 and deal with policing my sister on an issue like that
11 seems to be intimidating a witness.

12 She felt intimidated. Her friend felt intimidated,
13 who was a journalist major, and did some other things. My
14 mother felt intimidated. And I think that's intimidation
15 of a witness. I'd like for them to cease talking to my
16 sister --

17 THE COURT: I'll make sure they do. I'll issue an
18 order.

19 MR. HOLCOMB: And they told her that -- she mentioned
20 that other people in here are using cell phones --

21 THE COURT: No, if I catch anybody using a cell
22 phone, they'll --

23 MR. HOLCOMB: I know we're going into that. You gave
24 me that amount of time. What I'm saying is that my sister
25 has been hindered more than once. When she tried to get

1 documents of the newspapers out there, she's had officers
2 following her. She's been having this issue on a regular
3 basis. Is there some kind of order you can put out that
4 says hey, leave her alone. She doesn't want to get set
5 up.

6 She's almost afraid to even come here and testify.
7 This is a college -- a former college professor. She's an
8 artist. She's not a hindrance to anybody. She's not a
9 drug person, but she's scared to be here.

10 THE COURT: I'll issue an order. If anybody
11 violates, they'll be in contempt of court.

12 MS. TESO: Judge, my husband was contacted by
13 Transylvania police. My brother-in-law is a former police
14 officer in Transylvania and they're mocking my brother and
15 made it feel like I would be getting --

16 THE COURT: I don't know if I can --

17 MS. TESO: I know you don't know anything about that,
18 but I'm telling you that they're technically intimidating.

19 THE COURT: I believe you. I'm not dismissing that.
20 I've got no jurisdiction in North Carolina, but I can take
21 care of the people in this courtroom.

22 MS. TESO: Well, I would like to ask that whoever
23 works for the prosecution that was sitting behind me
24 yesterday and mocking and giggling and whispering.

25 THE COURT: I'll make them sit on the other side of

1 the courtroom.

2 MS. TESO: Please. And I asked them who they were.

3 THE COURT: You're eating into your brother's time.

4 MS. TESO: Well, Your Honor, I'm just saying I'm
5 scared to be here at this point.

6 THE COURT: Well, I'm going to tell them to leave you
7 alone, directly or indirectly. Anybody that's not
8 associated with Mr. Holcomb to sit on the other side.

9 MS. TESO: Thank you.

10 MR. HOLCOMB: So I've lost 15 -- I've cut -- five
11 minutes is cut my time to prepare?

12 THE COURT: I'll give you five more, but that was
13 your choice. And I know you felt compelled to do it.

14 MR. HOLCOMB: Thank you for ruling in my favor on it.
15 I do appreciate it.

16 THE COURT: I'll give you five more minutes.

17 MR. HOLCOMB: May I take a pen in the room since I
18 don't have a flexi pen?

19 THE COURT: I can't get into security. That bothers
20 me, I'm a little -- or you can sit there --

21 MR. HOLCOMB: I'll sit here.

22 THE COURT: -- with Mr. Shealy. I authorize as long
23 as we have security in here, he can utilize his time.

24 MR. HOLCOMB: Thank you.

25 MR. GHENT: Your Honor, you want us to step outside?

1 THE COURT: We can do that. Everybody, but security.

2 SECURITY OFFICER: I'll let him take a pen.

3 THE COURT: Mr. Ghent, they're going to let him take
4 a pen.

5 MR. GHENT: I'm going to step to the restroom.

6 THE COURT: Tell the jury to be ready at 12:00.

7 (WHEREUPON, a short break was taken.)

8 THE COURT: Before we get started, I'm going to
9 require that anyone who is not associated, that is
10 relative of or friend of or here on behalf of Mr. Holcomb
11 is to sit my left, your right as you come in.

12 Additionally, no one within the sound of my voice or
13 anyone who is associated with anyone within the sound of
14 my voice is to in any way contact Ms. Teso, this young
15 lady with the black outfit on, nor Ms. Holcomb, that is
16 Mr. Holcomb's sister and mother, there's to be no contact.

17 When I say anyone associated with those few within
18 the sound of my voice, I mean, anyone who is associated,
19 just what I say. By that, I mean, tell other people
20 associated with if they're so inclined to have some type
21 of contact with those two individuals that they better not
22 do it because they will be in trouble with me.

23 I also want to emphasize a rule that I think is
24 stated on the front entrance about phones. Just deposit
25 them somewhere, don't bring them into the courtroom. If

1 you have them right now, make sure they're off. In the
2 future, just find some depository for cell phones before
3 you come in. I think what's good for the gander is good
4 for the goose. And we've done that as to people
5 associated with Mr. Holcomb and with everybody.

6 Anything else before the jury comes in -- well, I
7 always go to the State. Not because I like him better,
8 but just because he's got the burden of proof.

9 MR. GHENT: Your Honor, Mr. Holcomb asked about
10 putting the video of him on YouTube where he's just
11 talking. I had not planned to do it at this point. He
12 has asked me -- I don't know if he's asking me to go ahead
13 and do it or what?

14 MR. HOLCOMB: I mean, I believe the record will
15 reflect that that's where we closed at, that he was going
16 to put the video in. We have made stipulations.

17 THE COURT: Is it marked?

18 MR. HOLCOMB: No, but we are discussing it. It was
19 okay for me to put the cartoons in. We were in discussion
20 on it with the other counsel --

21 I'm sorry, what's your name, sir?

22 MR. MILLER: Miller, Andrew Miller.

23 MR. HOLCOMB: Mr. Miller. We were -- he and I were
24 discussing it and Mr. Ghent was. It's my understanding he
25 was putting a video in and the defense had not finished

1 his direct examination. If he has, then so be it. But he
2 did agree to let me put the cartoons in.

3 MR. GHENT: Well, it was my understanding he asked
4 about two or three of the videos. I -- actually, I think
5 it was one. But not all of them, because it's seven
6 hours, something like that. And the video that was put on
7 YouTube was I think maybe 30 minutes. I did not agree to
8 seven hours of video. And we can put them in at some
9 point if we've got an agreement and play them for the
10 jury. But I'd like for it to get clear what we're both
11 agreeing to.

12 THE COURT: All right. Would the State tell us what
13 you think you're agreeing to?

14 MR. GHENT: I think we're agreeing that we, the
15 State, would put in the Defendant on camera, on YouTube
16 speaking about his case, law enforcement, everything else,
17 his philosophy, everything. That's, actually, about 30
18 minutes. He made a number of videos that were put on
19 YouTube that run at -- my recollection, it could be like
20 seven hours. We had not agreed to that. We were talking
21 at the end of the day.

22 THE COURT: All right. You clear on that. All
23 right.

24 MR. HOLCOMB: I'm not asking to put seven hours of
25 video in. What I'm asking for is -- and I'd like to go

1 over the list there of the exhibits and write them down
2 because it's really hard for me to write them down. I
3 don't have the list that it's clear of what I'm going to
4 be presenting to Mr. Martin. Mr. Martin's
5 cross-examination is extremely important. I'd like to
6 have those to keep the flow going in front of the jury.

7 THE COURT: All right. Would you take the exhibits
8 --

9 MR. HOLCOMB: I need to write down what they are and
10 the exhibit numbers. Here's what I want to do on the
11 videos --

12 THE COURT: Wait a minute. These are very important.
13 They're in the record.

14 MR. HOLCOMB: Correct.

15 THE COURT: Exhibits get lost, we've got problems.

16 MR. HOLCOMB: Yes, sir. And I, certainly, don't want
17 them lost.

18 THE COURT: Which ones you want?

19 MR. HOLCOMB: The Defense at this point, yes, sir,
20 and then I'd like to have the State.

21 But the videos I want to put in is the threat -- the
22 one that's put in there is the report from Ramon Rivera
23 that Ms. Harrison, I showed her the police report that
24 talks about the video. That was the initial investigation
25 that we're here on that was filed by Mr. Ramon Rivera.

1 And Wes Smith was listed as the victim number two instead
2 of Ms. Harrison. It mentions a video called -- it's about
3 tampering with evidence. Has a gunshot in it where Mr.
4 Martin called and said he's a video --

5 THE COURT: That's the one you're talking about?

6 MR. HOLCOMB: That's the one I want to put in.

7 MR. GHENT: Your Honor, at this point, this was a
8 very brief exchange. And it was not in agreement on that.
9 We were talking. I did not anticipate that things would
10 get this long to get started this morning. But he
11 mentioned that he would like to put in a couple of the
12 videos. I said not seven hours, and he said no, no --

13 THE COURT: All right. Let me just -- I have to
14 decide what he can put in.

15 He doesn't have to agree. Mr. Ghent doesn't have to
16 agree. So what you can agree on, let's agree on.
17 Otherwise, I'll rule on it.

18 MR. HOLCOMB: Can we do it in-camera and then go
19 ahead and see what we can do?

20 THE COURT: Yes. Yes.

21 MR. HOLCOMB: The videos that I'd like to put in are
22 these. And I'd like for Mr. Martin to comment on it.
23 This is the video that they said was threatening. In the
24 police report --

25 THE COURT: I'm going to try to cut this short.

1 MR. HOLCOMB: Can we please play this one?

2 THE COURT: Have you seen this one? Do you know
3 which one he's talking about?

4 MR. GHENT: I've seen all of them. I don't know
5 which one he's talking about.

6 MR. HOLCOMB: Let's go ahead and do it in-camera.

7 THE COURT: Well, how long does it take?

8 MR. HOLCOMB: It's not very long. These are short.
9 These are like one minute. This is three, four, five
10 minutes. This is not even close -- not even a half hour,
11 I don't believe. I don't think they're 15 minutes --

12 THE COURT: Well, let's see which ones.

13 MR. HOLCOMB: I think they're like a minute, minute,
14 minute, the cartoons are --

15 THE COURT: Here's another issue. The only videos
16 that would be relevant would be ones that were seen by the
17 alleged victims.

18 MR. HOLCOMB: Right, and that's the ones that they
19 were sent and those are the ones that are mentioned. The
20 Jarvis video, it's mentioned in the list. And the e-mails
21 that they're talking about, those are the links that
22 they're talking about.

23 THE COURT: If it was something -- if it was a video
24 that was seen by either of the victims, then I think
25 that's relevant.

1 MR. GHENT: And I understand that, Your Honor. And
2 they also saw the video of him talking on YouTube, the
3 same area that I think would be relevant.

4 MR. HOLCOMB: Well, he should have put that in -- if
5 I may speak. He should have done that whenever he had his
6 witness on direct examination.

7 MR. GHENT: He had already agreed to that, Your
8 Honor.

9 MR. HOLCOMB: But you just gave -- you just turned
10 the witness over to me, so now the ball's in my court,
11 right?

12 MR. GHENT: No, sir.

13 MR. HOLCOMB: Is it not?

14 MR. GHENT: No, sir. No, sir.

15 THE COURT: Yes, it is, Mr. Ghent. You finished.
16 Except for if there's been an agreement, that agreement is
17 going to be enforced by the Court.

18 MR. GHENT: Your Honor, what happened was there was a
19 stipulation. Hal Harris was going to put these in. He
20 stipulated that the things that came off of the computer,
21 it was my understanding the other videos could come in.
22 We have not yet agreed on anything. And when we left it
23 yesterday, he was saying he would not have any problem
24 with just putting in his video. But now he's changing it
25 to all of the cartoons. So no, I didn't agree with that.

1 MR. HOLCOMB: Your Honor, you just -- I'm sorry, if I
2 may. Let's see if I understand what's happening here.
3 You just agreed that every video that was referenced in
4 the e-mails is relevant to --

5 THE COURT: No, no, I didn't agree to that. If you
6 sent 20 references and they only watched one, then they
7 couldn't have been threatened by the other 19.

8 MR. HOLCOMB: Correct. But they talk about videos.
9 And this is the one that -- there was a police report
10 filed --

11 THE COURT: That's what I'm saying. If there's
12 evidence that the victim saw it, it's relevant. If not,
13 it's not relevant.

14 MR. HOLCOMB: Thank you. And he did -- we did have
15 an agreement at that point yesterday and that's what I was
16 just asking him to clarify. Did you say that you were
17 done with this witness or are you going to play the
18 videos? He said no. He said, you know, it's done. Go
19 ahead, Mr. Holcomb, and do your thing.

20 And now I'd like to show the videos in camera or are
21 we going to play it in front of the jury? Because he
22 agreed on that.

23 Now, I'd like to play this, which is the Wes Smith
24 cartoon, which they talked about --

25 THE COURT: Let's do it this way. Let the witness

1 come back on the stand.

2 Mr. Martin, back up on the stand, you're still under
3 oath. And we'll take.

4 How long are these? You say just a few minutes?

5 All right. We've got the witness on the stand.
6 We're going to --

7 Mr. Holcomb, this is going to be what we call a
8 proffer. That's an in-camera, you showing -- ask him the
9 questions -- not full cross-examination. We're going to
10 do that before the jury. This has to do with whether that
11 particular video is admissible.

12 MR. HOLCOMB: Okay. May I see the Defense exhibits,
13 please?

14 THE COURT: Yes, sir.

15 MR. HOLCOMB: Thank you.

16 THE COURT: Okay. Would you hand this to Mr. Martin,
17 please.

18 MR. HOLCOMB: Okay.

19 CROSS-EXAMINATION (IC)

20 BY MR. HOLCOMB:

21 Q Mr. Martin, do you remember filing that report, the
22 complaint on that date to Mr. Rivera about threatening
23 videos, the video that you think was threatening or would
24 you like to read it into the record?

25 A The last two paragraphs on there about the gunshot

1 video?

2 Q I mean, it's a whole page. If you want to read the
3 whole thing, you can.

4 A Let me just look through it.

5 (Pause.)

6 A Okay.

7 Q Okay. And on Page 2 at the top left-hand corner, who
8 does it say the victim is, the threatening the life of a
9 public official?

10 A Wes Smith.

11 Q Wes Smith. Does it say anything about Sylvia
12 Harrison in there?

13 A Not listed.

14 MR. GHENT: What's the date of that, Your Honor?

15 THE WITNESS: This one is 8/20/2013.

16 THE COURT: What's the exhibit number?

17 THE WITNESS: I'm sorry. Seven.

18 MR. HOLCOMB: Exhibit No. 7. Thank you.

19 I'm sorry, am I supposed to hand that to Mr. Ghent
20 before I present it? I guess I should, shouldn't I?

21 I'm sorry. I didn't mean to break protocol.

22 BY MR. HOLCOMB:

23 Q So on 8/20/2013, that's about -- a little less than
24 three months after the arrest -- no, three months and four
25 days after the arrest; is that correct? I was arrested on

1 May 16th of 2013, does that sound correct?

2 A That sounds right.

3 Q So this is about three months later. And you filed a
4 report saying that I was -- that you found the videos
5 threatening to your life because it had some gunshot sounds
6 in it; is that correct?

7 A Yes.

8 Q Okay. At that point -- and you're aware that I had
9 been contacting internal affairs from before I even turned
10 myself in concerning the investigation; is that correct?

11 A Correct.

12 Q Wes Smith, who is the head of the internal affairs,
13 correct?

14 A Yeah. He's not the head of it, but he does work for
15 them, yes.

16 Q He's one of them?

17 A Yes.

18 Q Is Mr. Wes Smith a personal friends of yours?

19 A He was my training officer when I first started.

20 Q Thirty years ago?

21 A Yeah.

22 Q Okay. Great. And Facebook friends, y'all fish, that
23 type of thing?

24 A No.

25 Q But y'all are Facebook friends?

1 A I didn't even know he knew that I was on Facebook. I
2 don't even have pictures on Facebook.

3 Q No, is Wes Smith a Facebook friends of yours?

4 A He is on the friends list, but I don't go to Facebook
5 that often. That's why I don't even have pictures on
6 there.

7 Q Well, that's not the question. The question is, is
8 Wes Smith a friend of yours on Facebook?

9 A He is on my friends list.

10 Q Thank you. All right. So the video --

11 MR. HOLCOMB: I would like to put the video in.

12 BY MR. HOLCOMB:

13 Q At what point -- so once you filed the police report
14 saying that I was threatening the life of a public
15 official and that you felt intimidated and threatened, at
16 that point, did you -- is that when SLED took over the
17 case?

18 A After these reports were written, then we had a
19 discussion with SLED and then they started their own
20 investigation, yes.

21 Q Okay. But you've testified at trial that SLED took
22 over the case?

23 A Correct.

24 Q SLED took over the breach of trust case?

25 A No.

1 Q I've got a transcript that says something otherwise.
2 May I show you? This is Page 217 of the trial transcript.
3 And I'd like for you to note 217, SLED took over the case?
4 You asked him that.

5 THE COURT: Well, you need to --

6 MR. HOLCOMB: I thought I was supposed to show him
7 first.

8 THE COURT: You are. You are. I was just trying to
9 help him get through that.

10 MR. GHENT: Your Honor, I disagree with his
11 characterization of the testimony, but we are in camera.

12 MR. HOLCOMB: I'm sorry?

13 THE COURT: Right now, just hand it up to the witness
14 and ask him, if you're using it to impeach him.

15 THE WITNESS: Well, here's Page 216 and 217 of the
16 trial transcript. Would you like to see 216 as well?

17 MR. GHENT: Uh-huh.

18 THE CLERK: Take a look at them together. I'd like
19 for him to read those into the record.

20 MR. GHENT: Okay.

21 MR. HOLCOMB: Mr. Bailiff, would you, please?

22 MR. GHENT: Your Honor, shouldn't those be marked for
23 identification?

24 MR. HOLCOMB: They should. Please.

25 THE COURT: That's fine. Usually, with impeachment,

1 we don't necessarily mark a deposition of the trial
2 testimony.

3 MR. HOLCOMB: Well, I'd like to mark it because I'd
4 like to present it to the jury at some point.

5 THE COURT: Clip them together and mark them as a
6 Court's Exhibit.

7 BY MR. HOLCOMB:

8 Q No, I'd like you to read those into the record,
9 please. Starting with Mr. Ghent asking you questions --
10 it's only a few lines. So down at the bottom, it says,
11 Direct examination of Tim Martin. Do you see that? Page
12 216? Because you have my copy. I don't have an extra
13 copy here. Would you read that into the record, please,
14 what Mr. Ghent asked you and your replies? And you're
15 only going to go a few lines. I'm saying maybe 10 lines
16 that you're going to be reading into the record.

17 A You're talking about where it says "were you removed
18 from this case"?

19 Q I'm asking you to read starting where Mr. Ghent is on
20 216. I don't want you to edit it, please. Would you
21 please just read how it started out. It's only 10, 12
22 lines. Please just read where Mr. Ghent asked you a
23 question, please read the question.

24 A Start with number one?

25 Q No, you're at the top. It says, "Mr. Ghent, direct

1 examination". Go down about three-quarters of the page.

2 A Where it says "direct examination"?

3 Q Correct. Start at that line.

4 A Mr. Martin, where do you work?

5 Greenville County Sheriff's Office was the answer.

6 Question: You go by Tim?

7 And the answer was, I do.

8 Question: Where [sic] you the first investigator on
9 this case?

10 I was.

11 Were you removed from the case for doing anything
12 improper -- or doing anything improper and reprimand or
13 anything otherwise by way of discipline?

14 No, sir, the answer.

15 Who took over the case from you?

16 Answer, SLED did.

17 Q Okay. Stop right there. That's the breach of trust
18 case. And you just told me SLED did not. If I'm not
19 mistaken, you just told me SLED did not take over the
20 breach of trust case; is that correct?

21 A They didn't.

22 Q They didn't?

23 A No.

24 THE COURT: All right. Let me interrupt.

25 Let's get to the --

1 MR. HOLCOMB: Okay. Well, that's what I --

2 THE COURT: Whoa, whoa. Let's get to the
3 admissibility of this video.

4 MR. HOLCOMB: Right, right, right. But that's part
5 of this -- that's part of my question. That's part of my
6 defense, is at what point did SLED take over the case
7 based on that testimony at the trial of the breach of
8 contract.

9 THE WITNESS: This is the only thing SLED took over,
10 the threats.

11 BY MR. HOLCOMB:

12 Q At the trial whenever you said that you didn't do
13 anything improper, that SLED took over, they didn't take
14 over the breach of trust case?

15 A No, they did not.

16 MR. HOLCOMB: So Your Honor, I don't understand
17 because here's the question -- can I explain this without
18 the jury being here? The reason I think it's relevant is
19 because, as we talked about, it's whether I committed a
20 crime in this specific amount of time and did I obstruct
21 justice when he was investigating? If he wasn't
22 investigating and SLED took over the case, then I couldn't
23 obstruct justice if he was no longer investigating the
24 case.

25 THE COURT: That has nothing to do really with the

1 admissibility of the --

2 MR. HOLCOMB: Okay, so that's what this hearing is
3 about.

4 THE COURT: The hearing is just so you can determine
5 --

6 MR. HOLCOMB: Okay. Okay, great. Well, let me put
7 the video in.

8 BY MR. HOLCOMB:

9 Q Mr. Martin, so you -- I can take those two forms
10 back. Those two -- no, the two that's not labeled. Thank
11 you. We're going to put the video in. So you called the
12 police on me; is that correct? And said you found the
13 video threatening your life and all that. I'm going to
14 show the video here. This is the one with the gunshots.
15 It's the only one with any gunshots.

16 So let me see if I understand, if we remember right,
17 if our memory is the same. The reason I've been
18 contacting Wes Smith was that I was upset -- and everybody
19 talked about this whole trial, the reason I contacted SLED
20 -- see if this is correct. I contacted Wes Smith and Paul
21 Grant with SLED, and everybody else, the FBI --

22 MR. GHENT: Objection, he's testifying.

23 MR. HOLCOMB: I'm not testifying. I'm asking -- and
24 we're not even in front of the jury.

25 MR. GHENT: It doesn't matter.

1 THE COURT: I think the best thing is to let's see if
2 this is what he saw.

3 MR. HOLCOMB: Let's see the video. How do we put
4 this thing --

5 THE COURT: I'm going to ask Mr. Miller's help. I
6 understand we might need the lights down a little bit.

7 (WHEREUPON, a video was played.)

8 BY MR. HOLCOMB:

9 Q Mr. Martin, what does it say right there on the blue
10 arrow?

11 A Wes Smith, head of internal affairs for Greenville
12 County Sheriff's Office.

13 Q Okay. Can you see what it says over there? I think
14 I've got a copy of it somewhere, but can you see what Wes
15 Smith said and Mr. David Hanks said in reply?

16 A I can't read that.

17 Q Okay. I have a copy of it somewhere. Oh, you can
18 come over here on the laptop and take a look. Would you
19 read that into the record what it says right there?
20 That's off of Facebook. That's your Facebook page; is
21 that correct?

22 A Yes, but I still can't read it.

23 THE COURT: All right. Let me -- the issue is
24 admissibility.

25 MR. HOLCOMB: Right.

1 THE COURT: So the question really is --

2 BY MR. HOLCOMB:

3 Q Is this the video that you filed the police report
4 on? Is this the threatening, the gunshot video?

5 A Yes.

6 Q It is?

7 A Yes.

8 Q Thank you.

9 MR. HOLCOMB: I'd like to submit this in evidence.

10 THE COURT: All right. I find it's admissible.

11 MR. HOLCOMB: Can we have this marked as an exhibit?

12 THE COURT: Yes, sir.

13 We can have the lights back on.

14 BY MR. HOLCOMB:

15 Q The very first video that was sent to Tim Martin
16 that's mentioned --

17 MR. HOLCOMB: I want to ask him if he remember this
18 video. This was the very first one.

19 THE COURT: That's fine. Let's take care of all of
20 it.

21 MR. HOLCOMB: It won't take but a second.

22 Mr. Bailiff, could you have this marked?

23 (WHEREUPON, Defendant's No. Exhibit 8 was marked for
24 identification only.)

25 THE COURT: Remember while she's marking it, you

1 can't be talking.

2 MR. GHENT: Your Honor ruled, but we have no
3 objections.

4 (WHEREUPON, a video was played.)

5 THE COURT: Let me stop you for a second.

6 BY MR. HOLCOMB:

7 Q Do you remember that video, Mr. Martin?

8 A Yes.

9 MR. HOLCOMB: Okay. I'd like to put that into
10 evidence.

11 THE COURT: It's admissible.

12 MR. HOLCOMB: Okay. Thank you.

13 THE COURT: It's in evidence. Get that marked, too.

14 MR. HOLCOMB: Did --

15 THE COURT: You've got to be quiet while she marks.

16 (WHEREUPON, Defendant's Exhibit No. 9 was marked for
17 identification only.)

18 BY MR. HOLCOMB:

19 Q Let's see if you remember this video here.

20 THE COURT: Let's take it one at a time.

21 MR. HOLCOMB: I'm trying not to be too nervous, Your
22 Honor. Sorry.

23 MR. SHEALY: Judge, if I may just for a logistical
24 issue, what we're going to do with respect to any videos
25 that he is allowed to play, we're going to just make a CD

1 with those. Because a lot of these cartoons are with
2 other things that may not be admissible. So we will
3 prepare a Defense Exhibit CD that will --

4 THE COURT: Comply with --

5 MR. SHEALY: And I've got a laptop.

6 THE COURT: That's fine.

7 MR. HOLCOMB: Thank you.

8 BY MR. HOLCOMB:

9 Q All right. I'm going to show you -- I've got two Wes
10 Smith videos. These are really short. I'll just play 30
11 seconds of it and see --

12 THE COURT: Yeah, show it enough -- all we need is
13 enough for him to say he did see it or not see it.

14 MR. HOLCOMB: And then jury will see it in its
15 totality? We won't interrupt the video --

16 THE COURT: Yeah, yeah. Right now, it's
17 admissibility.

18 MR. HOLCOMB: Okay. Yes, sir. Sorry, sir.

19 (WHEREUPON, a video was played.)

20 THE WITNESS: Yes.

21 MR. HOLCOMB: Thank you.

22 THE COURT: That's admissible.

23 MR. HOLCOMB: I'm trying to find the -- okay, there
24 we go.

25 (WHEREUPON, a video was played.)

1 BY MR. HOLCOMB:

2 Q Do you remember that?

3 A Yes.

4 THE COURT: Okay, it's admissible. It's in evidence.

5 MR. HOLCOMB: Thank you. How do I get back to the
6 library on this thing? I'm trying to just go to the next
7 video and close that out. You see what I'm saying?

8 Perfect. Okay. This is Mr. Jarvis.

9 (WHEREUPON, a video was played.)

10 MR. GHENT: Your Honor, this is the one we agreed to.

11 THE COURT: Okay. You can stop it. It's in.

12 MR. HOLCOMB: I'm sorry?

13 THE COURT: It's in by consent.

14 MR. HOLCOMB: Thank you.

15 (WHEREUPON, a video was played.)

16 BY MR. HOLCOMB:

17 Q Do you remember this?

18 MR. GHENT: Your Honor, can we go a little bit
19 farther into these?

20 THE COURT: Well, we can. The question is --

21 BY MR. HOLCOMB:

22 Q Do you remember it, Mr. Martin?

23 A There were several like this. I don't remember which
24 one this is.

25 (WHEREUPON, the video continued to play.)

1 BY MR. HOLCOMB:

2 Q Okay. Do you remember that?

3 A Yeah.

4 MR. HOLCOMB: Okay. In without objection?

5 THE COURT: Well, I don't know about without
6 objection.

7 MR. GHENT: Without objection.

8 THE COURT: Okay.

9 MR. HOLCOMB: I didn't mean to copy it.
10 Here's another Martin call.

11 (WHEREUPON, a video was played.)

12 BY MR. HOLCOMB:

13 Q Do you remember that, Mr. Martin? Did you see it?

14 A Hold on.

15 Q Oh, I'm sorry.

16 A Okay, yeah.

17 Q You remember that?

18 A Yes.

19 THE COURT: I'll allow it into evidence. Get all
20 these marked at some point.

21 (WHEREUPON, a video was played.)

22 BY MR. HOLCOMB:

23 Q Do you remember that?

24 A Yes.

25 THE COURT: Any objection?

1 MR. GHENT: No, sir.

2 THE COURT: All right, in without objection.

3 MR. HOLCOMB: That all the videos at this point.

4 THE COURT: All right. Let's take a second, settle
5 down a minute and let the court reporter -- hand them to
6 her in the order they were presented and she will mark
7 those exhibits.

8 (WHEREUPON, Defendant's Exhibit Nos. 8 and 9 were
9 admitted into evidence.)

10 MR. HOLCOMB: Would you please give those to
11 Mr. Martin, please? Oh, I need to show it to Mr. Ghent.

12 THE COURT: We're back on the record?

13 MR. HOLCOMB: Yes, sir.

14 THE COURT: I'm asking the court reporter.

15 THE COURT REPORTER: Yes, sir.

16 THE COURT: All right. Those have been admitted. So
17 looks like it's time to bring the jury back in.

18 MR. HOLCOMB: Okay. Well, I was going to have him
19 put this into evidence, one more item, before we start
20 back.

21 THE COURT: Is there any objection to it?

22 MR. GHENT: Well, I mean, if it's already in.

23 MR. HOLCOMB: No, this hasn't been put into evidence?

24 THE WITNESS: It's an e-mail to Tim Martin.

25 MR. GHENT: I would object unless he can show how it

1 ties to --

2 THE COURT: That's what we're getting ready to do.
3 That's why we've got in camera. Let's take care of that.

4 MR. HOLCOMB: Okay. Would you please give that to
5 Mr. Martin?

6 BY MR. HOLCOMB:

7 Q Mr. Martin, would you please -- what's the date on
8 that e-mail?

9 A July 8th, 2014.

10 Q 7/8/14?

11 A Yes.

12 Q Okay. Who is it to and who's it from?

13 A From Alton Holcomb to Claudia Whitt, Tim Martin and
14 mangusoperationlosttrust2.org and megus@emci.gur.

15 Q Dot guru?

16 A Guru.

17 Q Okay. Thank you. And what is that e-mail? What is
18 the subject line?

19 A Looks like it says, Hi, Alton. Someone recently used
20 your password to try to sign into your Google account.

21 Q Okay. Thank you. Do you remember seeing that?

22 A I remember seeing something like this, yes.

23 MR. HOLCOMB: I'd like to enter that into evidence.

24 THE COURT: Any objection?

25 MR. GHENT: Your Honor, I object. That has to do

1 with Google. He has yet to tie it to Mr. Martin.

2 THE COURT: Well, I sustain the objection. We'll
3 make it a Court's Exhibit. It's also, according to my
4 calculations, unless I've got something wrong, he said
5 7/8/14. The time period of intimidation is May 2013 to
6 June 2014, so this would be not within the time period as
7 alleged in the indictment. So we'll make it a Court's
8 Exhibit.

9 MR. HOLCOMB: Oh, okay. Well, thank you.

10 (WHEREUPON, Court's Exhibit No. 5 was marked for
11 identification only.)

12 THE COURT: Ready for the jury?

13 MR. GHENT: Your Honor, may I redirect him on one
14 thing?

15 THE COURT: You can, but this was an in camera to
16 decide whether to admit it into evidence, which I've done.
17 But go ahead.

18 MR. GHENT: That's fine.

19 THE COURT: I don't want to curtail anything. I
20 don't know why you need to examine on things I've already
21 admitted.

22 MR. GHENT: That's fine.

23 THE COURT: All right. Bring in the jury.

24 You can keep your seat.

25 MR. HOLCOMB: Your Honor, before we bring the jury

1 in, can I go over the list of evidence that I'm going to
2 be handing him? We were going to go over that list and
3 write it all down before they come in.

4 THE COURT: Just tell them to wait right in the hall
5 for just a second.

6 Why don't we go ahead and get that out of the way.
7 Take about a half an hour and let them eat. I know that's
8 a tight schedule for the rest of us. But rather than get
9 in here and do a half hour, 45 minutes, I'm going to go
10 ahead and let the jury eat lunch. It's a quarter to 1:00
11 now. We'll start back about a quarter after 1:00 or close
12 thereafter. So we'll be at ease until around 1:15.

13 You can step down.

14 MR. HOLCOMB: Thank you, Your Honor.

15 MR. GHENT: You're still on the stand and cannot talk
16 to anyone.

17 THE COURT: Correct. He understands that, I believe.

18 MR. GHENT: Thank you.

19 (WHEREUPON, a lunch break was taken).

20 THE COURT: Back on the record, Mr. Shealy is making
21 copies --

22 MR. HOLCOMB: He's making copies. We need to fix
23 that paragraph so it can be sent to the Supreme Court for
24 the ruling for today. It's an issue for today.

25 THE COURT: Mr. Martin, come back up on the stand.

1 (Witness takes the stand.)

2 THE COURT: Can you go ahead and start your
3 cross-examine or do you need to wait on Mr. Shealy?

4 MR. HOLCOMB: I'd like to wait on Mr. Shealy. This
5 is a supersedeas. I mean, it's kind of relevant. I don't
6 know if it will help at this point. I'm not trying to be
7 difficult, Your Honor.

8 THE COURT: I understand. I understand.

9 MR. HOLCOMB: Can I make a motion for a bond
10 reduction?

11 THE COURT: Not during the middle of the trial, no.

12 (Pause.)

13 THE COURT: Mr. Shealy, Mr. Holcomb wanted to make
14 some correction to the e-mail and then we'll get started.

15 MR. SHEALY: Yes, sir.

16 MR. HOLCOMB: Your Honor, he's fixing that and he's
17 going to have to print it out. Can I take a break at some
18 point for him to sign that or do I have to wait until 3
19 o'clock or 4 o'clock whenever I'm finished with Mr. Martin
20 or can I have a break?

21 MR. SHEALY: Judge, my brother-in-law works at the
22 public defender's office in Greenville. I'm going to
23 e-mail that to him, have him print it out. He'll bring it
24 up here and I'll get it to him to sign it. I have spoken
25 with Mr. Duddick several times with appellate defense as

1 to who he will need to serve.

2 THE COURT: When he brings it in, we'll let you stop
3 for a moment and sign it.

4 MR. HOLCOMB: Okay. And it will be stamped, put in
5 the record and there will be copies made?

6 MR. SHEALY: We'll make the service arrangements we
7 need to make.

8 MR. HOLCOMB: Thank you.

9 THE COURT: All right. Let's bring in the jury.

10 MR. HOLCOMB: May I get that from Mr. Martin, please?

11 (WHEREUPON, the jury entered the courtroom at
12 approximately 1:30 p.m.)

13 THE COURT: Usually, I'm saying good morning, but
14 this is good afternoon. And I'm sure all of you think I
15 missed that class in kindergarten that taught you how to
16 tell time. I really didn't. We had some matters come up
17 that I had to take care of outside your presence. And I
18 thought I'd take care of all of them, although it took
19 longer than I had anticipated, before we brought you in
20 rather than have little things crop up and have to go in
21 and out and in and out. So we've been working. And I
22 apologize if that infringed on your time, but sometimes
23 these things happen.

24 But we're back in gear with Mr. Martin on the stand.
25 Mr. Ghent, on behalf of the State, has finished his direct

1 examination. He is now subject to cross-examination by
2 Mr. Holcomb.

3 You may proceed.

4 MR. HOLCOMB: Thank you.

5 CROSS-EXAMINATION

6 BY MR. HOLCOMB:

7 Q Mr. Martin, I want to ask you just a few questions.
8 Can you tell us a little bit about your background? How
9 long have you been with Greenville County Sheriff's
10 Office?

11 A Thirty-one years.

12 Q Thirty-one years. Okay. Did you go to college?

13 A I did.

14 Q What did you major in?

15 A Counseling.

16 Q Counseling. Okay. Great. In 31 years, you've
17 worked -- you used to work in the district, as they call
18 it, down on Highway 25; is that correct?

19 A I did.

20 Q Did you interact with me at that time?

21 A If I did, I don't remember. But it's a very good
22 chance if you were in convenience store, I probably did.

23 Q Okay. Great. So in 2013, you took a statement from
24 a Ms. Megan Baucom. It's Defendant's Exhibit No. 1. It's
25 your incident report. Can you take a look at this,

1 please?

2 A (The witness complies.) Defendant's Exhibit No. 1.
3 Go ahead.

4 Q Would you mind reading the first part of that
5 narrative, please? Would you read the narrative in there,
6 the first paragraph, please?

7 THE COURT: Is that Defendant's Exhibit No. 1 or
8 State's Exhibit No. 1? Is it red or blue?

9 MR. HOLCOMB: Blue.

10 BY MR. HOLCOMB:

11 Q I'm sorry. Who does it list as the complainant at
12 the top?

13 A Megan Baucom.

14 Q And what is a complainant, your understanding of a
15 complainant?

16 A Complainant is the one that comes in and files the
17 complaint. Most of time, they're victims, also, but it
18 doesn't have to be that way. They can file a complaint
19 for somebody else.

20 Q Okay. So then down there, it says the alleged victim
21 is?

22 A Alleged victim is Robert McGinn.

23 Q Okay. Would you read the first paragraph of your
24 narrative? This is your report. And what's the date on
25 that report?

1 A 1/31/13. |

2 Q 1/31/13. Okay. Great. Would you please read that
3 first paragraph?

4 A Items stolen. Suspect was given a Bank of Travelers
5 Rest check 1040, account 0200, to replace victim McGinn's
6 roof. Suspect Holcomb cashed the check and never replaced
7 Mr. McGinn's roof, which amounted to \$4,295.03.

8 Complainant Baucom, who is the stepdaughter of McGinn,
9 came into the LEC to file a report for McGinn. Baucom
10 provided me with documents and a copy of the check made
11 out to Carolina Home Renovators, Holcomb's company.
12 Holcomb signed his name to the back of the check. I
13 checked with the LLR. Holcomb is a registered agent of
14 Carolina Home Renovations. The registration number is
15 54106. I attempted to make contact --

16 Q No, thank you, right there.

17 MR. HOLCOMB: All right. I would like to publish
18 that to the jury for their --

19 MR. GHENT: Your Honor, I'd ask that he be allowed to
20 finish.

21 MR. HOLCOMB: That's fine. That's fine.

22 BY MR. HOLCOMB:

23 Q Please finish reading.

24 A I attempted to make contact with Holcomb by calling
25 the apartment complex at [REDACTED] Rocky Creek Road, [REDACTED] I

1 spoke with the leasing manager and he advised me that
2 Holcomb had skipped out several months ago without paying
3 his rent. I have not been able to make contact with
4 Holcomb. I will go before a Magistrate and sign a
5 warrant.

6 Q Okay. So let's go over the documents from Ms. Megan
7 Baucom. I'm going to hand you Defendant's Exhibit Nos. 2
8 and 3 and 4. If you'll take a look at those, please.

9 A (The witness complied.)

10 Q All right. What's Exhibit No. 2?

11 A It's the check.

12 Q Okay. Turning it up, you're going to see the case
13 number. There's a stamp on the top right-hand side.
14 Would you take a look at that? That's a case number that
15 you guys put into evidence; is that correct?

16 A Yes.

17 Q Then down on the right, there's a date stamp,
18 correct?

19 A Yes.

20 Q Okay. Then there's another number on the other side.
21 What is that number? It's 2/20/13. Do you see that?
22 Looks like there's two date stamps. One's dot matrix and
23 one's like a --

24 A I have no idea what that is.

25 Q You never noticed that on a document before?

1 A Not this particular one.

2 Q No, no, I mean on any documents you've dealt with?

3 A Unless it's done when it goes through records, I
4 don't know.

5 Q Okay. But that was one of the documents that Ms.
6 Baucom gave you at that time based on the date stamp
7 because -- when it's dated stamped -- here's the question.
8 When do they date stamp that? Do you date stamp it when
9 she hands it to you or do you date stamp it a couple days
10 later?

11 A I don't date stamp anything.

12 Q But does that appear -- based on that report, that
13 appears to be one of the documents that Ms. Baucom
14 provided you? The check you made the report on, that's
15 the check that was mentioned in the report?

16 A Yeah, it's missing the backside of the check.

17 Q Right, but that's the front of the check.

18 A Yes.

19 Q Is that correct?

20 A Yes.

21 Q All right. Let's go ahead and take a look at the
22 contract. Okay. It's also got a -- at the top of it,
23 does it have the case number at the top?

24 THE COURT: What number?

25 MR. HOLCOMB: Defendant's Exhibit No. 3.

1 BY MR. HOLCOMB:

2 Q Defendant's Exhibit No. 3?

3 A Yeah, it's got the case number on it.

4 MR. HOLCOMB: And at this time, may I have the
5 bailiff please publish the check to the jury?

6 BY MR. HOLCOMB:

7 Q Okay. So, we're looking at the contract. And it's
8 -- well, it's a proposal contract, slash, proposal
9 contract. What date is that?

10 A The proposal?

11 Q Yes, sir, what date is that written?

12 A This says 5/25/12.

13 Q 5/25/12. And who are the sales people on that, does
14 it say?

15 A Dean and Jared.

16 Q Thank you. All right. Going down, the first thing
17 is that it's a contract for a roof, for a metal roof; is
18 that correct?

19 A Correct.

20 Q And it says -- is it to go over shingles or remove
21 shingles? Right there next to Greentree Metal to the
22 right. Do you see that?

23 A It says metal roof replaced with Greentree Metal.

24 Q Okay. All right. Going down, you're going to see
25 some handwriting down there at the bottom. And what does

1 that say?

2 A Exterior repair.

3 Q Okay.

4 A Stain and siding and deck, paint door.

5 Q Okay. All right. So in your 31 years as an officer
6 -- and what division do you work at currently?

7 A Criminal investigations.

8 Q What does that mean? What do you in that department?

9 A We do all the investigating. The long-term extensive
10 investigations, whether it be financial, homicide,
11 robbery, different things, you know, crimes against
12 children, all that stuff comes under investigations.

13 Q So you're like a detective that we see on TV? You're
14 like the CSI guy, you're the Law & Order guys that run
15 around and check sex crimes and all that kind of stuff?
16 In real life, you're that guy?

17 A You could say that.

18 Q Is that what we think?

19 A Yeah.

20 Q As an investigator, are details important to you?

21 A Yes, sir.

22 Q Are facts important to you?

23 A Yes, sir.

24 Q Okay. So when you're looking at that contract, you
25 see that it says there were exterior repairs on that; is

1 that correct?

2 A Correct.

3 Q Then up on the top right-hand corner above where it
4 says Dean and Jared with the date of 5/25/2012, there's
5 something else handwritten up there. What does that say?

6 A Work started in July.

7 Q Oh. Do you have any idea who put that on there?

8 A Probably me. Looks like my handwriting.

9 Q It does?

10 A Uh-huh.

11 Q Would you like to see the trial transcript where you
12 testified that it was your handwriting? Would you like to
13 clarify that?

14 A No, I'm saying it does look like my handwriting?

15 Q I'm asking you is that your handwriting?

16 MR. GHENT: Your Honor, he's answered the question.

17 MR. HOLCOMB: No, he says he thinks --

18 THE COURT: He hasn't directly answered it.

19 THE WITNESS: It's my handwriting.

20 BY MR. HOLCOMB:

21 Q Thank you. All right. So Ms. Megan Baucom brought
22 in that document, the check, and the LLR. Did she bring
23 that in or did you print that out?

24 A No, I printed that out.

25 Q You printed it out. And that's the LLR sheet?

1 A Yes, sir.

2 Q Okay. Would you take a look at that and read what --
3 what does it say about licensing there? Was I licensed at
4 the time that contract was done? On the LLR. We're going
5 to Defendant's Exhibit No. 4, I believe.

6 A Yes. It says expired 6/30/13.

7 Q So for 13 months after that contract, I was licensed;
8 is that correct?

9 A Yeah, except the bond expired.

10 Q Okay. How long after that?

11 A 11/12/12 is when the bond expired.

12 Q So about six months later; is that correct?

13 A Yeah.

14 Q Okay. So back to what you do in criminal
15 investigations. And when we talked, do you remember us
16 talking -- and you've heard some of the audio where I've
17 recorded our conversations where you talked about how you
18 handled million of dollars cases. And you've mentioned
19 that at trial, that you bring in forensics examiners and
20 things like that. Would this be considered a big case or
21 a little case, in your opinion?

22 A Very small.

23 Q Very small. Okay. Does a small case deserve as much
24 attention as a large case?

25 A Yes.

1 Q It does. Okay. Thank you. In this case, did you
2 leave your office at any point concerning this
3 investigation?

4 A To do what?

5 Q To investigate?

6 A No.

7 Q You did not? And why would that be?

8 A Because Mr. McGinn provided me pictures and
9 everything, so I didn't need to go out.

10 Q Before or after the warrant was issued?

11 A It was before. We talked on the phone and then he
12 sent me -- e-mailed me some pictures. And that's what I
13 had in my case file that was entered into the first trial.

14 Q So just to be clear, you're saying that before you
15 got the warrant, the arrest warrant --

16 MR. HOLCOMB: And I have a copy of it here. And I
17 would like to enter this into evidence.

18 Would you like to take a look?

19 MR. GHENT: No objection.

20 MR. HOLCOMB: We've already got a copy, the State has
21 a copy. Can I put it in as a Defense Exhibit?

22 THE COURT: You can.

23 MR. HOLCOMB: Okay. I'd like to enter this as a
24 Defense Exhibit, please.

25 THE COURT: Let's get it marked.

1 (WHEREUPON, Defendant's Exhibit No. 10 was admitted
2 into evidence.)

3 THE COURT: All right.

4 BY MR. HOLCOMB:

5 Q All right. What's the date of that warrant, sir?

6 A 5/25/12.

7 Q 5/25/12? That's exhibit --

8 A No, wait a minute, wait a minute. That's not right.

9 Q Where you sign it with the Magistrate, it's
10 underneath the narrative.

11 A No, this is 4/12/13.

12 Q 4/12/13. Okay. So the warrant was signed on
13 4/12/13; is that correct?

14 A Right. So 5/25 is the beginning incident date.

15 Q Okay. But you signed the warrant before the
16 Magistrate? You went and swore that narrative to the
17 Magistrate; is that correct, at that time?

18 A Correct.

19 Q Would you -- all right, moving on. Just to clarify
20 -- I'm writing this stuff down to make sure I have it. So
21 you're testifying that Mr. McGinn e-mailed you two
22 pictures -- how many pictures did he e-mail you?

23 A Two. One of the siding and then one of the roof.

24 Q Okay, so two pictures. Were those the same two
25 pictures that were presented at trial?

1 A The beginning, yes.

2 Q Okay. Those are the two pictures presented at trial.
3 And those were presented to you -- Mr. McGinn e-mailed
4 those to you prior to that warrant being issued?

5 A Yeah.

6 Q Okay, great. Just so we're clear on that. Now, I'm
7 going to go back to some of the documents here from --
8 take a look at this and --

9 MR. HOLCOMB: Let me show this to Mr. Ghent.

10 I need the -- I'm sorry. We have a BBB paper that
11 was in there for review that was not put in the Defense
12 Exhibits.

13 THE COURT: Yes. Be quiet while she finds it.

14 MR. HOLCOMB: Yes, sir.

15 No, the BBB that we presented to Mr. McGinn. Is that
16 -- it was not allowed.

17 Excuse me one moment, everybody, I'm sorry.

18 (Pause.)

19 MR. HOLCOMB: Could you give this to Mr. Martin,
20 please? Thank you.

21 BY MR. HOLCOMB:

22 Q Thank you. Is that one of the documents Ms. Baucom
23 presented to you and that you mentioned in the report
24 based on the date stamp on the right and the case number?

25 A Yes.

1 Q Okay. Great.

2 MR. HOLCOMB: Now, I'd like to enter that in as
3 State's Exhibit No -- I'd like to enter that into evidence
4 as an exhibit.

5 MR. GHENT: Did he refer to it as State's Exhibit?

6 MR. HOLCOMB: No, no, Defendant's Exhibit, I'm sorry.
7 Blue sticker.

8 MR. GHENT: That's fine.

9 THE COURT: Without objection. Let's get it marked.

10 MR. HOLCOMB: Okay. Great.

11 And what exhibit number would that be?

12 THE COURT REPORTER: 11.

13 (WHEREUPON, Defendant's Exhibit No. 11 was admitted
14 into evidence.)

15 MR. HOLCOMB: I'd like to enter these three pages as
16 one exhibit.

17 MR. GHENT: Could we see them?

18 MR. HOLCOMB: Yes, sir.

19 THE COURT: Any objection?

20 MR. GHENT: No objection.

21 THE COURT: Okay. In without objection. Let's get
22 it marked.

23 MR. GHENT: Your Honor, they're marked as Court's
24 Exhibits. Could we go ahead and have them marked as
25 Defendant's Exhibits?

1 MR. HOLCOMB: Right, sticker over this thing. That's
2 from the trial.

3 (WHEREUPON, Defendant's Exhibit No. 12 was admitted
4 into evidence.)

5 BY MR. HOLCOMB:

6 Q All right. Mr. Martin, would you take a look at
7 that? It's got the case number on it and that's page 1.
8 Describe what that is, please?

9 THE COURT: And that's Defendant's Exhibit No. 11?

10 THE WITNESS: Twelve.

11 MR. HOLCOMB: It's Defendant's Exhibit No. 12 and
12 it's three pages.

13 THE WITNESS: It's the State Farm insurance scope.

14 BY MR. HOLCOMB:

15 Q Okay. And what is that page doing? Is it
16 specifically written to Mr. McGinn or is that something
17 that's probably written to every homeowner in the State
18 Farm claims process?

19 A Well, it's got Robert McGinn's name typed in on the
20 left side.

21 Q The question is, does it look like a form letter or
22 is it very specific to Mr. McGinn?

23 A It's a form letter.

24 Q It's a form letter. And Page 2 of Defendant's
25 Exhibit No. 12, what is that?

1 A That's an example.

2 Q It's an example? A sample?

3 A A sample page, yes.

4 Q And it's, basically, showing somebody how to
5 understand this scope; is that correct?

6 A Correct.

7 Q As a professional investigator, would you say that's
8 a complicated process to understand that?

9 A From looking at this, it doesn't appear to be.

10 Q Would you like to read the front page and tell me
11 that -- answer the question. Back to the State Farm
12 explaining what we're reading. Would you like to read
13 that to the jury where everybody can hear it, please?

14 A When you have a covered structured damage claim to
15 real estate or real property, you should know we want you
16 to receive quality repair, work to restore the damages to
17 your property. We will provide you with a detailed
18 estimate of the scope of the damage and cost of repairs.
19 Should the contractor you select have questions concerning
20 the estimate, you should contact your claims
21 representative directly.

22 Depending upon the complexity of your repair, our
23 estimate may not include an allowance for general
24 contractor's overhead and profit. If you have any
25 questions regarding general contractor's overhead and

1 profit and where a general contractor's services are
2 appropriate for your loss, please contact your claims
3 representative before proceeding with repairs.

4 There may be building codes, ordinances, laws and
5 regulations that affect the repair of your property.

6 These items may or may not be covered by your policy.

7 Please contact your claims representative if you have any
8 questions regarding the coverage which may be available
9 under your policy.

10 If you select a contractor whose estimate is the same
11 as or lower than our estimate based on the same scope of
12 damages, we will pay based upon their estimate. If your
13 contractor's estimate is higher than others, you should
14 contact your claims representative prior to beginning
15 repairs. State Farm cannot authorize any contractor to
16 proceed with work on your property. Repairs should be
17 proceeded only with your authorization.

18 State Farm does not guarantee the quality of
19 workmanship of any contractor or guarantee the work will
20 be accomplished within a specific time frame. It is
21 understood that a contractor is hired by you, our insured,
22 and that they work for you, not State Farm. If you have
23 any questions, you need additional information regarding
24 your claim, please contact your claim representative
25 immediately.

1 Q Okay. Great. So based on that, the sample page, as
2 a professional investigator of 31 years, you're basically
3 CSI, you know, Law & Order, do you think you could
4 understand that scope?

5 A I think if I sat down and read it, I could, yes.

6 Q Have you ever said you didn't understand it? It was
7 Greek to you. Have you ever something to that effect,
8 that you couldn't have understood it?

9 A I don't remember if I said that before or not.

10 Q Okay. But is it possible you might have said that it
11 was Greek to you.

12 A I don't know why I would have said that, but I don't
13 know. I do not know.

14 Q So it's possible that you may have said it was Greek
15 to you at trial? Just to be clear, I'm not trying to
16 badger you. So it's unlikely that you would have said it
17 was Greek to you?

18 MR. GHENT: He didn't say that, Your Honor.

19 THE COURT: Well, just don't --

20 MR. HOLCOMB: Please.

21 All right. Great. One more thing -- and I've got a
22 certified copy here from the State when we subpoenaed this
23 from the State. And here is a business registration. I'd
24 like to present this to Mr. Ghent.

25 MR. GHENT: I object.

1 MR. HOLCOMB: You object to a certified copy of the
2 Secretary of State --

3 THE COURT: Let's first present it to the witness and
4 ask him to identify it.

5 MR. GHENT: That's not the problem, Your Honor.

6 THE COURT: Huh?

7 MR. GHENT: That's not the problem. I'd like him to
8 read where the corporation's home office is. That's not
9 the same company.

10 MR. HOLCOMB: Well, it is, sir.

11 THE COURT: Can I get control of this case?

12 MR. GHENT: Yes, sir.

13 THE COURT: I'm going to let him show it to the
14 witness first and then I'll decide after looking at it.

15 MR. GHENT: Yes, sir.

16 MR. HOLCOMB: I'm going to hand two of those items up
17 to Mr. Martin.

18 BY MR. HOLCOMB:

19 Q Mr. Martin, do you recognize what those documents
20 would be? Do you see what they are? What is the document
21 you have in your hand?

22 A Hold on, let me read it first. Well, this document
23 says --

24 THE COURT: He just asked you if you can identify it,
25 yes or no?

1 THE WITNESS: Can I? I don't know.

2 BY MR. HOLCOMB:

3 Q What is the document, sir?

4 A It's the State of South Carolina Secretary of State
5 Articles of Organization.

6 Q Okay. For what corporation?

7 A Carolina Home Renovators.

8 Q And the address on there?

9 A [REDACTED] Rocky Creek Road.

10 Q Okay. Great. And who does it say the registered
11 agent is? It's the next thing that's typed in, the fill
12 in the blank.

13 A I can't read your handwriting.

14 Q No, it's not a handwritten thing. It's typed in
15 there.

16 A You're talking about InCorp Services?

17 Q Yes, sir. What does it say above that?

18 A Initial agent for service of process is.

19 Q Okay. Is? Who is it?

20 A It InCorp Services, Inc.

21 Q So that's the registered agent, correct?

22 A Correct.

23 Q Okay. Great.

24 MR. GHENT: Objection, that is not correct, Your
25 Honor.

1 MR. HOLCOMB: Well, hold on.

2 THE COURT: Well, he asked this witness a question.
3 You're not the witness, Mr. Ghent.

4 MR. GHENT: Yes, sir, but what I'm saying is he's not
5 competent to answer that.

6 THE COURT: Well, he's reading off the document.
7 You're going to have redirect to correct any errors that
8 may be existing.

9 Go ahead.

10 MR. HOLCOMB: Okay. I just don't -- he's not
11 competent to understand, okay. Sorry.

12 BY MR. HOLCOMB:

13 Q What is the next page there? That's from the
14 website. What is the next page sitting next to you?
15 That's from the website. What is that right there?

16 A Right there?

17 Q Yes, sir. What does that say?

18 A Business entitles online.

19 Q Okay.

20 A Entities, I'm sorry. I can't see this. Go ahead.

21 Q Is that from the South Carolina Secretary of State as
22 well?

23 A That's what it has on the top of the page, yes, sir.

24 Q Okay. And what is the name of the corporation on
25 there?

1 A Carolina Home Renovators.

2 Q Okay. And underneath that, it says registered agent.
3 Who does it say?

4 A InCorp Services, Inc.

5 Q Okay. Thank you.

6 MR. HOLCOMB: I'd like to publish those as a State's
7 Exhibit -- or Defendant's Exhibit No. 13. Staple together
8 all three pages, please.

9 MR. GHENT: Subject to our objection.

10 THE COURT: Well, let me see it.

11 THE WITNESS: There's something typed --

12 THE COURT: No, don't, don't, don't.

13 THE WITNESS: You can see it.

14 THE COURT: All right. What's the objection?

15 MR. GHENT: Your Honor, it appears to be a
16 corporation registered in Lexington County, if I'm not
17 mistaken.

18 MR. HOLCOMB: All right. If I may comment on that?

19 THE COURT: No, no, you're not.

20 MR. HOLCOMB: Sorry.

21 THE COURT: Over objection, I'll allow it in.

22 MR. GHENT: Yes, sir.

23 MR. HOLCOMB: Thank you.

24 THE COURT: Just a second while I get the court
25 reporter to staple the three together and have it marked.

1 (WHEREUPON, Defendant's Exhibit No. 13 was admitted
2 into evidence.)

3 THE COURT: All right. You may proceed.

4 MR. HOLCOMB: Okay. Give that to Mr. Martin, please.

5 BY MR. HOLCOMB:

6 Q Just hold onto that for a second. All right. So
7 looking at the list of items, let me just make sure what
8 Megan brought you. She brought you a copy of the BBB.
9 You printed out the licensing and registration, which
10 shows that a bond was filed. What's the purpose of a
11 bond, Mr. Martin?

12 A It's, basically, an insurance policy that you have to
13 cover if they -- if you don't do what you're supposed to
14 do, they can actually go and retrieve the bond and get
15 most of their money back, if not all of their money back.

16 Q okay. So as the contractor, as an individual person
17 holding the license from the State for Carolina Home
18 Renovators, I was bonded at that time. And if anything went
19 wrong, they could get the bond up to that amount, correct?

20 A I suppose. I've never done it, but I suppose that's
21 what that's for, yes, sir.

22 Q But that's your understanding of what being licensed
23 and bonded is for, correct?

24 A That's my understanding.

25 Q All right. So, in your course -- how many times have

1 you dealt with contractors taking money and things like
2 that in your career, would you estimate?

3 A A lot.

4 Q How many of them are licensed and bonded?

5 A Most of them are not.

6 Q Most of them are not?

7 A Not.

8 Q Okay. So 1/13/2013, what is that, seven months after
9 the contract was written or the proposal was done, Megan
10 Baucom came in and filed a complaint for her parents,
11 okay, seven months later. And you have an A+ BBB rating.
12 You have a licensed bonded contractor and three pages of a
13 13-page scope; is that correct? Just the first three
14 pages?

15 A Yeah.

16 Q Okay. Let's go back to the scope for one second.
17 Let's go to the third page of the scope. The insurance
18 scope, which is Defendant's Exhibit No. 12.

19 A Okay.

20 Q All right. Looking at that, what is that? What is
21 that page describing? What is it?

22 A It's giving the address of Mr. McGinn. It's giving
23 the deductible. It's giving the date of loss, date of
24 inspection, the claim number and line item total,
25 materials, sales tax, replacement costs, less

1 depreciation, less deductible and net cash value payment.

2 Q Okay. Now, where is the -- all the other documents
3 have the case number in the top right-hand corner, right
4 here like that. Where is your case number on that
5 document, sir?

6 A On the side.

7 Q Okay. Is it about the same size or is it smaller?

8 A It's smaller, it looks like.

9 Q It is. Okay.

10 A Uh-huh.

11 Q And then down at the bottom -- and this number here,
12 the date stamp, this one right here, where is that number?

13 A I don't have that page.

14 Q No, no, no, I'm asking about the number. You know,
15 there's a number, the date stamp that says
16 5-February-2013. Just sticking with the third page of
17 Defendant's Exhibit No. 12.

18 A Down at the bottom.

19 Q Yes, sir. It's down at the bottom and not on the
20 side, right?

21 A Correct.

22 Q Then that number that you're not aware of, that
23 S/IBB, that number, where is it at?

24 A At the top left.

25 Q Okay. In comparing the second page and the third

1 page, do you see how it's dog eared where you've had it on
2 the copy machine, and it's stapled together? Do you see
3 how that it is? Do you see the black corner? As an
4 investigator, right there at top --

5 A Yeah, I see it.

6 Q -- see the sample?

7 A Yeah.

8 Q And compare that to the two dog ears. Apparently,
9 these documents were -- when you entered them into
10 evidence -- when Megan Baucom came in, these three pages
11 appear to be stapled together. As an investigator, would
12 you agree to that?

13 A Looks like it, yes, sir.

14 Q Okay. But there's 10 pages missing. Did we not
15 learn that later on after 1/31?

16 A I think you told me there was pages missing.

17 Q Did you testify that Mr. McGinn had to bring in extra
18 documents at trial after that date?

19 A I don't remember.

20 Q Okay.

21 A I do not remember.

22 Q Would you be surprised that you testified to that at
23 trial?

24 A I don't remember what happened.

25 Q Okay. We'll go over that in a minute. So based on

1 those dates, those are the documents that Ms. Baucom
2 brought you, was the BBB, A+ rating BBB with zero
3 complaints, no complaints filed, licensed and bonded where
4 if a person is upset, they could have gone to the State
5 and gotten \$5,000 if they had evidence of malfeasants of
6 some sort; is that correct?

7 A Say that again.

8 Q At the time that Megan Baucom came in, you have a A+
9 BBB rating document -- and let's go back to that document.
10 The BBB rating, that's Defendant's Exhibit No. 11. Let me
11 take a look at that. All right. There's two names
12 written on the side there. What are those two names?

13 A Dean Holcomb and Claudia Whitt.

14 Q Okay. Who is Ms. Claudia Whitt?

15 A I suspect it's your partner.

16 Q A business partner, correct?

17 A Correct.

18 Q In a corporation. You can't have an LLC with just
19 one person. That would be a sole proprietorship, correct?

20 A Correct.

21 Q So you knew that Claudia Whitt was a partner in that
22 corporation; is that correct?

23 A From seeing the other material, yes.

24 Q So can you tell me why a warrant wasn't issued on
25 Claudia Whitt?

1 A Because nobody had ever seen Claudia Whitt. At
2 least, they told me they had never seen her. They had
3 spoke to her, but they saw you there doing -- supposedly
4 getting the stuff together to do the work. And they dealt
5 with you.

6 Q Okay. But in a corporation, it's not just an
7 individual. You realize that a corporation is not -- that
8 has personhood, correct? Everybody has heard that in
9 society, that a corporations are, basically, people; is
10 that correct?

11 A Could be.

12 Q Could be? Okay. So you've never heard corporations
13 have rights and free speech --

14 A Oh, they do. They do.

15 Q So what you actually are talking about here is, at
16 least, two humans and one corporation; is that correct?

17 A Correct.

18 Q So those two people -- at least, those two people, if
19 not more, own that corporation; is that correct?

20 A Correct.

21 Q Okay. So on 1/31/2013, Megan Baucom -- do you know
22 where Megan Baucom happened to be on May 25th, 2012?

23 A No, sir.

24 Q Have I given you any indication of where she might
25 have been during 2012 in any of our dealings?

1 MR. GHENT: Objection, Your Honor. Relevance.

2 THE COURT: I sustain the objection.

3 MR. HOLCOMB: I'd like to submit this into evidence.

4 It's got a case number on the right from discovery.

5 MR. GHENT: Your Honor, it's already gone into
6 evidence.

7 MR. HOLCOMB: It's relevant to the question I just
8 asked. It's relevant to the situation. It's relevant to
9 the video that we're about to see.

10 THE COURT: Wait just a minute.

11 MR. GHENT: That doesn't bear on the date. It's
12 already into evidence. Please, it's already into
13 evidence.

14 THE COURT: That document is already into evidence?

15 MR. GHENT: No, sir. It's already into evidence that
16 she served time.

17 MR. HOLCOMB: That's not the question.

18 THE COURT: See if the witness can identify it.

19 BY MR. HOLCOMB:

20 Q Mr. Martin, on the top right-hand corner, do you see
21 the case number stamped there on the top?

22 A Yes.

23 Q Is that the same case number as the other case
24 numbers?

25 A Yes.

1 Q On the right-hand side, what's the date?

2 A I can't read it.

3 Q Could it be June 4th, 2013?

4 A This says 641413, so I don't know which one's right.

5 Q Well, those are the Greenville County Sheriff's
6 Office numbers. But is that a part of the case file,
7 apparently?

8 A Apparently, yes.

9 Q Have you seen that document and it's got your case
10 number on it?

11 A Yes, it is.

12 Q Okay. Down at the bottom there, it's from Facebook,
13 it's got a post on it on Megan Baucom's website, the
14 complainant of this warrant in this case. What does it
15 say down there that's enlarged? It's a clip from it.
16 What does it say?

17 A I'm incarcerated at SCDC until October 1st, 2012.

18 Q October the 1st, 2012. So according to Ms. Baucom's
19 website, she was incarcerated in -- and what date was that
20 that she posted that? March, was that?

21 A Sixteen.

22 Q March 16th, 2012, right?

23 A Correct.

24 Q All right. So based off of that information -- and
25 there's some other articles in there. Would you read a

1 couple of those headlines to us, please?

2 THE COURT: It's not in evidence. You can't do that
3 until it's in evidence.

4 MR. HOLCOMB: Okay. Okay.

5 BY MR. HOLCOMB:

6 Q All right. So, basically, in your case file,
7 Ms. Baucom, according to her Facebook, at the time this
8 contract was written was in prison; is that correct?

9 A Yeah.

10 Q Okay. So she had no personal knowledge of this
11 contract; is that correct?

12 A Correct.

13 Q Okay. Great.

14 MR. HOLCOMB: I would like to enter that as Exhibit
15 14, Defendant's Exhibit No. 14.

16 MR. GHENT: Your Honor, I would ask the Court -- that
17 is a document he generated.

18 THE COURT: Yeah, let me see it.

19 MR. HOLCOMB: But it's also put into evidence.

20 THE COURT: Don't argue between each other.

21 MR. HOLCOMB: Sorry, sir.

22 THE COURT: I sustain the objection. I'll make it a
23 Court's Exhibit for later purposes.

24 MR. GHENT: Thank you, Your Honor.

25 THE COURT: I'm not going to allow it into evidence.

1 MR. HOLCOMB: Okay.

2 THE COURT: Let's get the court reporter to mark it.

3 (WHEREUPON, Court's Exhibit No. 6 was marked for
4 identification only.)

5 THE COURT: All right. You may proceed.

6 MR. HOLCOMB: One second, please.

7 Your Honor, the jury, I apologize. I've learned that
8 if I underline something to highlight it, I can't enter it
9 into evidence, even if it is a police report. So Mr.
10 Shealy, my standby counsel, is going to try to help me
11 find this document. This is kind of important for the
12 next conversation.

13 MR. GHENT: Your Honor, if I may help, I think it's
14 with the State's Exhibits.

15 MR. HOLCOMB: Okay. May I see the State's Exhibits
16 for a second to find this document, please? The whole
17 pile.

18 Thank you, sir.

19 (Pause.)

20 MR. HOLCOMB: Okay. Thank you so much.

21 BY MR. HOLCOMB:

22 Q This is State's Exhibit No. 13. It's your police
23 report from 5/20/2013 -- well, I'll let you identify it.

24 I'm not a lawyer, I'm a home improvement salesman. Mr.

25 Martin, what is that?

1 A State's Exhibit No. 13.

2 Q And it's a Greenville County Sheriff's Department
3 report; is that correct?

4 A It's a South Carolina report, yes.

5 Q And it's a part of this case?

6 A Yes.

7 Q What's the date on that?

8 A 5/20.

9 Q 5/20. May 20th --

10 A 2013.

11 Q -- 2013. A year after this home improvement contract
12 was done, correct?

13 A Correct.

14 Q Would you read that into the record, please?

15 A After Holcomb turned himself in at the front desk of
16 the law enforcement center, he agreed to speak to me.
17 Holcomb signed a waiver of rights form. Holcomb agreed to
18 a taped interview. Holcomb discussed his case with me
19 advising me that he had done work on McGinn's house.
20 Holcomb advised me that he had hired a crew to stain the
21 wood siding on McGinn's house. Holcomb advised me that
22 the roof was not done because McGinn did not pay his
23 \$1,000 deductible on his insurance. Holcomb advised me
24 that he had purchased stain for the house and would get me
25 receipts. Holcomb asked me if I could get copies of the

1 insurance scope.

2 I made contact with McGinn and asked him if I could
3 get copies of all the insurance paperwork. I had some of
4 the insurance paperwork, but Holcomb advised me that there
5 should have been more paperwork than what I had. Holcomb
6 advised me that work and labor costs that was done on the
7 house minus the roof was close to \$4,295.03. I asked
8 McGinn if there was any work done to the house and he
9 advised me that some staining was done to the front of the
10 house, about \$300 worth.

11 Q Okay. So you didn't have all the insurance
12 paperwork. On 1/31, you didn't have the complete scope,
13 the missing 10 pages until after I was arrested; is that
14 correct?

15 A Yes, sir.

16 Q Okay. And you didn't officially write anything about
17 Mr. McGinn, talking with him until 5/20, after I was
18 arrested; is that correct?

19 A That is correct.

20 Q So normally in your investigation, do you not
21 document when you talk to folks?

22 A I do, but I don't put everything.

23 Q I understand. I mean, there's a lot of details. But
24 the devil is in the details, correct?

25 A It didn't understand what you said.

1 Q Details are important in investigating a crime; is
2 that correct?

3 A Yes.

4 Q All right. And the fact that you didn't have a
5 complete insurance scope, that's important, too, isn't it,
6 to the case?

7 A I did, but I didn't know that at the time.

8 Q Right, you didn't know at the time that you issued
9 the warrant that it was an incomplete scope; is that
10 correct?

11 A That's correct.

12 Q All right. So back to the original report. Let me
13 see if I understand correctly. Megan Baucom comes in, all
14 right. This is not her home. She was in the prison at
15 the time this work was done on the home. And she comes in
16 and she brings you an A+ BBB rating. You look it up on
17 the LLR, you find out it's licensed and bonded. So no
18 complaints had been filed with the State or with BBB at
19 this time. So about seven, eight months after the case.
20 So the following year, we're going into the new year. So
21 for May, she doesn't actually have any knowledge. And she
22 told you that some work was done in July; is that correct?

23 A Yes.

24 Q Okay. Pertaining to that contract, she told you that
25 work was done in July?

1 A Correct.

2 Q And the reason she probably got that wrong is because
3 she wasn't there, correct?

4 A I'm not sure. I don't know.

5 Q Well, it would make sense, if you're not a witness to
6 something, you probably don't have the correct
7 information; is that correct?

8 A That's possible.

9 Q It is likely?

10 A Could be. I don't know what she was thinking.

11 Q No, no, what I'm asking you is if you're not a
12 witness to something and you're making a statement, is it
13 likely you're probably going to get things wrong?

14 A Probably, yes.

15 Q Okay. And it's your job to investigate those things,
16 correct?

17 A Yes.

18 Q So at that point -- so then you called an apartment
19 complex and you ask them if I was there. Did you make any
20 phone calls, did you send an e-mail to anybody at
21 Carolinahomerenovators.com? Or did you make a phone call,
22 did you call that 800 number or the 704 or 864 number?

23 A I had the brochure in my notebook, so I'm pretty sure
24 I tried the number.

25 Q Well, you're pretty sure, but you didn't put it in

1 your notes. You put that you contacted the apartment
2 complex, but you didn't --

3 A Again, I don't put everything in my notes.

4 Q I understand. But you did put in your notes that you
5 couldn't make contact with me?

6 A Correct.

7 Q And the only thing you put in there was that I
8 allegedly skipped out on the rent; is that correct?

9 A When I called, that's what they told me.

10 Q And they used those exact words?

11 A Yes, sir.

12 Q It is possible that the reason that the rent was not
13 paid at this place was because I fell off a roof and
14 fractured my skull? Is that possible?

15 MR. GHENT: Objection, Your Honor.

16 THE COURT: I sustain the objection. He doesn't know
17 what's possible in that regard.

18 MR. HOLCOMB: All right. I'd like to present this,
19 if you don't mind. It's also got a stamp date in the case
20 file.

21 MR. GHENT: No objection.

22 THE COURT: In without objection.

23 (WHEREUPON, Defendant's Exhibit No. 14 was admitted
24 into evidence.)

25 THE COURT: Okay.

1 BY MR. HOLCOMB:

2 Q Mr. Martin, does that have the same case number stamp
3 in the top right-hand corner?

4 THE COURT: What number?

5 THE WITNESS: Fourteen.

6 BY MR. HOLCOMB:

7 Q And does that have the same case number at the top
8 right?

9 A Yes.

10 Q Okay. And it's got a date stamp on the right-hand
11 side just like everything else, but it's June 4th?

12 A Yes.

13 Q So that's like two weeks after you talked to the
14 McGinns for the first time officially?

15 A No, I talked to him before 14-June --

16 Q No, that's not what I'm asking you. That came in
17 after -- you were doing some more investigating on
18 Carolina Home Renovators --

19 A Right.

20 Q -- and me? After you talked to Mr. McGinn, you
21 actually looked up Charlotte's Better Business report.
22 What is that? Is that a Charlotte Better Business Bureau
23 report?

24 A Yeah.

25 Q And what does it say? What rating is it?

1 A A minus.

2 Q Does it say anything about complaints in the past
3 three years?

4 A It doesn't have any complaints.

5 Q So no complaints in three years, correct?

6 A Right.

7 MR. HOLCOMB: I'd like to see the arrest warrant for
8 this. Is it in the State's Exhibits? May I see the
9 State's Exhibits one more time, please?

10 THE WITNESS: I have it right here.

11 BY MR. HOLCOMB:

12 Q Oh, you have the arrest warrant. Okay, I'm sorry.
13 And what exhibit is that?

14 A Ten.

15 Q All right.

16 THE COURT: Defendant's Exhibit No. 10.

17 MR. HOLCOMB: Defendant's Exhibit No. 10. Okay.
18 Defendant's Exhibit No. 10.

19 BY MR. HOLCOMB:

20 Q So the last sentence on that, it talks about -- that
21 warrant says, once again, it says Defendant was going to
22 replace victim's roof. Defendant took \$4,295. Defendant
23 signed the check and cashed the check. Does it say those
24 things?

25 A Yes.

1 Q And it says Defendant never did any of the work. Is
2 that true?

3 A Doing the work on the roof.

4 Q No, no, I meant on the whole contract. The \$4,295
5 was also for exterior repairs; is that correct?

6 A Yes.

7 Q And Ms. Baucom told you that work was done and she
8 just got the month wrong; is that correct?

9 A I'm not catching what you're saying now.

10 Q At trial, Mr. McGinn testified that two men worked at
11 his home for a day, day and a half?

12 A Correct.

13 Q Doing stain?

14 A Right.

15 Q You have pictures of some of that stain?

16 A Right.

17 Q Is that correct?

18 A Yes.

19 Q All right.

20 MR. HOLCOMB: Mr. Ghent has color photos, may I see
21 those, please? No, just the ones that Mr. Martin put on.

22 BY MR. HOLCOMB:

23 Q See those right there. Those are the ones you took
24 three years later.

25 MR. HOLCOMB: Do you have another one of these?

1 MR. GHENT: No, sir. I want them all.

2 MR. HOLCOMB: Okay, that's fine. That's fine.

3 MR. GHENT: Thank you.

4 MR. HOLCOMB: Do you have the other one that he took?
5 He said he took two pictures.

6 MR. GHENT: I don't have it right now. If I can find
7 it, I'll give it to you.

8 MR. HOLCOMB: That's fine.

9 Okay. He's entering these in without objection, so
10 I'd like to put these in as Defendant's Exhibits Nos. 15,
11 16 and 17, please -- 15 and 16, we can staple the two
12 together there.

13 (WHEREUPON, Defendant's Exhibit Nos. 15 and 16 were
14 admitted into evidence.)

15 MR. HOLCOMB: May I see them before you give them to
16 the witness, please?

17 Can I make an objection on this? I just noticed the
18 detail here. May I show him the detail --

19 THE COURT: You --

20 MR. HOLCOMB: It's important.

21 THE COURT: You just put them in evidence, they're in
22 evidence.

23 MR. HOLCOMB: Okay. Fair enough.

24 BY MR. HOLCOMB:

25 Q All right. I'm going to show Defendant's Exhibit No.

1 15. Is that one of the pictures that Mr. McGinn brought
2 you?

3 A Yes.

4 Q What's the date on that?

5 A 5/28/13.

6 Q 5/28/13. And that's what, over a month after the
7 warrant was issued?

8 A No, wait a minute. This -- I had the front view of
9 the house. This is the corner of the house.

10 Q Right. I tried to get it. I don't have it in my
11 documents at this time.

12 MR. GHENT: Your Honor, all photographs were put in
13 evidence at the first trial. I am looking to see if I can
14 find it, but this first trial has already taken place.

15 THE COURT: I understand that. Let's deal with what
16 we've got.

17 BY MR. HOLCOMB:

18 Q All right. So there's one picture. Is that one of
19 the two pictures?

20 A I don't remember the corner of the house. All I had
21 was the front of the house.

22 Q And part of the side?

23 A Yeah, I don't remember this window ever being in any
24 of my pictures.

25 Q All right. Well, it's in State's Exhibits. The

1 State has it in their evidence. Does that look like
2 something that --

3 A It looks like the color of the house and the style,
4 yeah.

5 Q And that could be one of the pictures from 2013 that
6 you had showing the side and the front?

7 A I remember the front. I don't remember the side.
8 I'm telling you that.

9 Q Okay.

10 A But this looks like the house.

11 Q Okay. And it's likely, since the State has it, that
12 it's there, correct?

13 MR. HOLCOMB: If we're going to put them in, I'd like
14 to have the rest of the pictures. You took 56 pictures.

15 MR. GHENT: Excuse me?

16 MR. HOLCOMB: Thank you.

17 MR. GHENT: In light of that, you mind if I saw
18 those?

19 MR. HOLCOMB: Of course.

20 MR. GHENT: May I see those?

21 MR. HOLCOMB: They're the duplicates of what you've
22 got. So what we're going to do is put all the pictures
23 that were taken in 2015.

24 THE COURT: The question is whether or not the State
25 agrees they're admissible.

1 MR. HOLCOMB: Do I need to add these as another
2 exhibit?

3 THE COURT: Yes, sir.

4 Any objection from the State?

5 MR. GHENT: No, Your Honor.

6 THE COURT: Just mark those separately. When I say
7 separately, I mean separate from the others.

8 MR. HOLCOMB: Right. There's one, two, three, four,
9 five pages. And that's going to be Exhibit 17.

10 THE COURT: I'll ask the court reporter how best
11 should they be?

12 THE COURT REPORTER: We can mark them collectively as
13 one exhibit, Judge.

14 THE COURT: Thank you. That's what we'll do.

15 (WHEREUPON, Defendant's Exhibit No. 17 was admitted
16 into evidence.)

17 MR. HOLCOMB: I'll take those.

18 BY MR. HOLCOMB:

19 Q Mr. Martin, so does Greenville County Sheriff's
20 Office in your job as investigator, do they provide you
21 with an automobile and gas?

22 A Yes.

23 Q They do. Okay. And what's the address on
24 Mr. McGinn's home?

25 A It's up in Travelers Rest.

1 Q It is in Travelers Rest. On what road?

2 A Beaver Dam Road.

3 Q That's a pretty popular road in Travelers Rest, isn't
4 it? Most people know where it is, would you say? Would
5 you guess?

6 A I could look it up.

7 Q Do you know where it is?

8 A I don't know right off the top of my head, no.

9 Q How big is Travelers Rest? How many people you think
10 live there? Is it a big town? A small town?

11 A It's a growing town.

12 Q Where do you live, Mr. Martin?

13 A That's none of your business.

14 Q Do you live in Travelers Rest?

15 A I'm not telling you. That's my own personal stuff
16 and I'm not --

17 THE COURT: I sustain his right to it. That's not an
18 issue in this trial.

19 MR. HOLCOMB: Okay.

20 BY MR. HOLCOMB:

21 Q Well, how far is Travelers Rest from Greenville
22 County Sheriff's Office?

23 A I don't know.

24 Q Would you say 10 miles? Five miles?

25 A I don't know.

1 Q Would you say it's less than 15 miles?

2 A You can keep asking me. I'm going to keep telling
3 you I don't know.

4 Q Okay. So, normally, in a criminal investigation, do
5 police officers take the pictures or do other people take
6 pictures?

7 A I always have -- in a case like this, I tell the
8 victim, bring me four pictures showing me -- if you had
9 damage that you were wanting someone to come fix, then
10 bring me pictures of what they did, if they did anything.
11 So I get those pictures from them. Because they know
12 exactly what happened and what was supposed to be done.
13 And that's my typical practice in doing construction cases
14 like this.

15 Q Is that Greenville County Sheriff's policy to do it
16 that way?

17 A It's not everybody's policy. It's just the way I do
18 it.

19 Q Okay. So it's your policy?

20 A I wouldn't consider it a policy. It's just the way I
21 do things. It's not written down in stone.

22 Q Okay. So whenever you're -- so you're sitting at the
23 office and you have a car --

24 A Right.

25 Q -- provided by the State and you're an investigator?

1 A Right.

2 Q And somebody comes in and says hey, there's a crime
3 that's been committed over here in this part of town.
4 Because the crime doesn't happen in your office. So what
5 I'm trying to understand and if you can explain this to
6 me, isn't actually the alleged victim or their daughter or
7 whatever doing the investigating for you?

8 A We have duties -- as far as crime investigators, we
9 have walk-in duty. Which we have to stay at the law
10 enforcement center several days a week and catch people
11 coming in the front door that have crimes of this sort.
12 So unless it comes from a road officer that writes up the
13 report or they come in to the front desk, that's how we
14 collect all of our reports.

15 Q Or a phone call?

16 A Or a phone call.

17 Q Okay. So would you say most of the time, you're in
18 your office?

19 A Ninety percent of the time, we're in the office.

20 Q So it's kind of like a drive-in service?

21 A Kind of.

22 Q Drive-in investigations. Okay. So in a proper
23 investigation of an actual crime, okay, normally, police
24 go out and take pictures; is that correct?

25 A Correct.

1 Q All right. In this case here, this particular breach
2 of trust case, you were at trial, did they take pictures
3 that were presented? Other than those pictures there,
4 were other pictures taken by the Greenville County
5 Sheriff's Office?

6 A Yeah.

7 Q Do you know who took those pictures? Do you remember
8 who testified?

9 A I think Dave Hanks.

10 Q David Hanks with Greenville County Sheriff's Office?

11 A And Mr. McGinn, I think.

12 Q That's correct. You're correct. Do you know how
13 many years after this complaint was filed or how many
14 years after the contract these pictures were taken?

15 A I don't know.

16 Q All right. Well, I'd like to present you with
17 Defendant's Exhibits 16 and 17.

18 A Okay.

19 Q That's 56 pictures that were presented to the jury at
20 the trial, correct?

21 A Correct.

22 Q Of Mr. McGinn's home? Well, we don't know. You've
23 never been there, so you really don't know if it Mr.
24 McGinn's home?

25 A Never been there. I won't tell you a lie about that.

1 Q Would you tell me a lie about anything else?

2 A No, sir.

3 Q Okay. What is the date on the -- Defendant's Exhibit
4 No. 16, what is the date on the camera, the pictures on
5 there?

6 A These haven't been entered in.

7 Q What do you mean they haven't been entered in?

8 A Oh, I didn't see the back. You said 16?

9 Q Yes, sir. There's a date stamp on the camera.
10 What's the date on there?

11 A This says '07, 2007.

12 Q 2007, wow. And then Defendant's Exhibit No. 17, what
13 is the front page of those?

14 A 2015.

15 Q What's the date on there?

16 A 6/25.

17 Q 6/25/2015. So David Hanks also works in your office,
18 correct?

19 A Yes.

20 Q Do you remember if he testified that he worked with
21 you every day?

22 A He does.

23 Q All right. So he works with you every day?

24 A Yes.

25 Q So when he went to investigate this case, he actually

1 went to the home and took pictures, it appears, correct?

2 A Yes, sir. Well, he didn't investigate this case. He
3 just went and took pictures because Mr. McGinn wanted --
4 they wanted to make sure we had everything for trial, so
5 he went and took some more pictures?

6 Q Correct. Okay. That's fine. But that's three years
7 and one month to the day from the contract being written;
8 is that correct? 37 months to the day?

9 A Yes.

10 Q From the original contract?

11 A You just don't understand. All I've got to have is
12 probable cause to get a warrant. I don't have to have --

13 Q Sir, I'm not asking you to explain probable cause.

14 A Okay.

15 Q I'm asking you is that 37 months to the day that they
16 took pictures?

17 A Yes.

18 Q All right. Do you know how long stain lasts?

19 A No, I don't have any stain on anything.

20 Q Would you guess how long it last? Do you think it
21 last three years?

22 A I don't know how long it last.

23 Q Do you think it would fade or shadow over 37 months?

24 A I'm not a stain expert, Mr. Holcomb.

25 Q Well, does it seem fair to take pictures of an

1 alleged crime scene 37 months later? Is that normal in
2 criminal investigations?

3 A No, but it shows the work never was done.

4 Q How does it show that, sir?

5 A Because you can see where the stain was put on the
6 house and where it wasn't.

7 Q Well, here's the question I would ask. That's your
8 conclusion as a professional?

9 A I'm not a professional.

10 Q No, as a professional investigator?

11 A Yes.

12 Q That's your conclusion?

13 A Yes.

14 Q That those pictures show that stain was not put on
15 the home in 2012?

16 A Yes.

17 Q And that's your professional opinion?

18 A Yes.

19 Q Well, let me ask you this. Is it possible that stain
20 was added after that fact, between 2012 and 2015?

21 MR. GHENT: Objection, calls for speculation.

22 THE COURT: Yeah, you can't --

23 MR. HOLCOMB: Can't speculate?

24 THE COURT: -- speculate.

25 MR. HOLCOMB: All right.

1 BY MR. HOLCOMB:

2 Q Can you see how a person would get upset about a
3 warrant being issued that said work was never done and
4 work was done?

5 MR. GHENT: Objection, Your Honor.

6 THE COURT: Well, I sustain the objection. It's not
7 --

8 MR. HOLCOMB: Okay. All right. All right. All
9 right.

10 THE COURT: It's not a proper question --

11 BY MR. HOLCOMB:

12 Q Just so the jury understands, just so the jury
13 understands. And we're about to go into video, I'm going
14 to show a video here and I'm going to ask if you remember
15 seeing this. So you've testified that you talked to
16 McGinn before you got the warrant when you had those
17 pictures; is that correct?

18 A We had talked on the phone.

19 Q And you had pictures; is that correct?

20 A His wife was in bad shape.

21 Q I'm not asking you that, sir. Okay. And I don't
22 know that and you don't know that because you never met
23 them.

24 A He told me. And he's brought her down to the office
25 before --

1 Q I'm sorry, sir, before or after the warrant? All
2 right. Here's the question, Mr. Martin --

3 THE COURT: Let him answer. You asked him -- he said
4 his wife had been there and you said --

5 MR. HOLCOMB: I got you. I got you.

6 THE COURT: -- before or after --

7 MR. HOLCOMB: I got you. I got you.

8 BY MR. HOLCOMB:

9 Q So in 4/12 -- when you first took the stand, I asked
10 you that on 4/12/2013 when you issued the warrant, you
11 said -- and this nice lady here has put it into the record
12 that you spoke with McGinn and he e-mailed you two
13 pictures. Is that correct?

14 A Yes.

15 Q So please explain to me and the jury how he e-mailed
16 you pictures from 5/28/2013, a month and 16 days into the
17 future?

18 A This is not one of the pictures I had.

19 Q It's what the State has.

20 A Well, you know, they're all in the case that you got
21 convicted on and they're in the evidence locker, okay.

22 Q Correct. And there were no false statements made?

23 A No.

24 Q Okay.

25 MR. HOLCOMB: Bear with me one moment, please.

1 (Pause.)

2 MR. HOLCOMB: Okay. I'd like to present -- this is
3 from the trial transcript. Would you like to have the
4 cover page to get a reference from the trial? This is the
5 transcript --

6 MR. GHENT: Your Honor, this is not the way it's
7 done. He can ask a question about it. If he --

8 MR. HOLCOMB: Would you like to take a look at this
9 -- would you like to take a look at Page 216 of the trial
10 transcript?

11 THE COURT: I sustain the objection.

12 MR. GHENT: He can ask a questions and if there's a
13 problem --

14 MR. HOLCOMB: Okay, let me ask this.

15 BY MR. HOLCOMB:

16 Q Mr. Martin, when did SLED take over the breach of
17 trust case?

18 A They did not.

19 Q They did not. Okay. Okay. Let's go ahead and take
20 216 and 217 from the trial transcript on the case that I
21 was convicted on. Would you read --

22 THE COURT: No, it's not in evidence, so you --

23 BY MR. HOLCOMB:

24 Q Would you take a look at Page 17 --

25 MR. HOLCOMB: Oh, I would like to submit that into

1 evidence, please, as Defendant's Exhibit 19.

2 THE COURT: This witness has -- to get it in through
3 this witness, this witness has to knowledge that he
4 recognizes it.

5 BY MR. HOLCOMB:

6 Q Do you recognize that as the transcript from the
7 trial?

8 A Yes.

9 Q Okay.

10 MR. HOLCOMB: I'd like to enter that as Exhibit No.
11 18 for the Defense.

12 MR. GHENT: He can question the witness regarding
13 whether his memory has now been refreshed.

14 BY MR. HOLCOMB:

15 Q Now that your memory has been refreshed, what do you
16 say about SLED being --

17 MR. HOLCOMB: Can I ask him to read it?

18 THE WITNESS: You know, I don't know which case this
19 is.

20 THE COURT: You just ask him if he remembers making a
21 certain statement at the prior trial.

22 MR. HOLCOMB: Okay. And that's evidence --

23 THE COURT: If he says he did -- just let me finish.

24 MR. HOLCOMB: Okay.

25 THE COURT: If he agrees that he did say it, then

1 that ends it.. If he says I did not say it and you have
2 evidence that he did say it, then you show it to him and
3 say what page and line number that shows that he said
4 something different at trial.

5 MR. HOLCOMB: Yes, sir. Thank you.

6 BY MR. HOLCOMB:

7 Q Mr. Martin, did you say that SLED took over the case
8 at the breach of trust trial on September 6th through 8th,
9 2016, before the Honorable John C. Hayes, III, here where
10 I was Defendant?

11 A This says I did.

12 Q It does say you did?

13 A Correct.

14 Q SLED took over the case?

15 A But SLED did not take over the case. Evidently, I
16 misunderstood.

17 THE COURT: His question now has to do with what's on
18 that piece of paper.

19 THE WITNESS: Correct.

20 THE COURT: The question was did you at that time say
21 it, not whether it was right or wrong.

22 THE WITNESS: According to this piece of paper, I
23 said it.

24 BY MR. HOLCOMB:

25 Q So SLED did not take over the case is your testimony

1 today. And that's different than your testimony was at
2 the breach of trust trial; is that correct?

3 A There's two cases here, a breach of trust and then
4 the threats. They took over the threats.

5 Q Hold on. But you're giving two different statements,
6 are you not? Are you not giving two different testimonies
7 as to -- at the breach of trust trial, you were asked did
8 SLED take over the case. And you answered how on Page 217?

9 A It says yes.

10 Q So do you believe the trial transcript is
11 incarcerate?

12 A I'm not saying that anybody lied. I'm just saying
13 that SLED did not take that over. I'm the one that
14 prosecuted that case with Mr. Ghent.

15 Q So why would you say at trial that SLED took it over?

16 A I don't know. And you know because I was the head --

17 Q I'm not asking --

18 A -- witness up here testifying against you during that
19 whole trial.

20 Q Okay, that's fine.

21 THE COURT: He acknowledged he said something.

22 MR. HOLCOMB: I got you. That's Defendant's Exhibit
23 No. 18. I'd like to put that into evidence.

24 THE COURT: Any objection?

25 MR. GHENT: None.

1 THE COURT: Okay. We'll mark it as Defendant's
2 Exhibit No. 18.

3 (WHEREUPON, Defendant's Exhibit No. 18 was admitted
4 into evidence.)

5 THE COURT: Just put it over on the table, I believe
6 right now.

7 You can go ahead.

8 MR. HOLCOMB: Okay. Thank you. Well, I'd like to
9 put that into the pile with the others for Mr. Martin.

10 THE COURT: All right. Hand it back to the witness.

11 MR. HOLCOMB: Bear with me one moment. I've got a
12 lot of questions there.

13 BY MR. HOLCOMB:

14 Q All right. So you're testifying that in -- 1/31 --
15 on January 31st, 2013, when you started this investigation
16 on the breach of trust and you filed a report, that Megan
17 Halstead Baucom, a woman that was in prison, has never met
18 me, came in and made a complaint on behalf of her parents.
19 And that she told you the work was done in July. You had
20 an A+ BBB rating. You had a bond and license where
21 somebody could have gone and gotten their money back if
22 they had just called the State and said hey, I've got this
23 situation and this is what happened. I sued the gentleman
24 and here's the thing. I've got an order from the court
25 and I'd like to collect this bond. And they didn't do

1 that and it expired. And you decided not to go take the
2 pictures, you allowed somebody else to do it. And you
3 testified that before you got the warrant that you had
4 talked to Mr. McGinn; is that correct?

5 MR. GHENT: Your Honor, I cannot follow what he just
6 asked. That is a massive compound question.

7 MR. HOLCOMB: Okay. Sorry. Sorry. Sorry.

8 BY MR. HOLCOMB:

9 Q But that was the evidence that you had for probable
10 cause. So probable cause is someone that's never met me
11 and was not there and that gives you enough probable cause
12 to arrest someone?

13 A Yes, sir.

14 Q Okay. All right.

15 A I continued to build my case all the way up to date
16 of trial.

17 Q I understand. I understand. And why did David Hanks
18 take the pictures if it was your case?

19 THE COURT: I hate to interrupt, but you're getting
20 repetitious. He's already testified that he had that
21 taken --

22 BY MR. HOLCOMB:

23 Q Okay. You said you had the statement -- this is Page
24 234; is that correct?

25 BAILIFF: 235.

1 MR. HOLCOMB: 235, okay.

2 THE COURT: Hand it to the witness and let's see
3 where we're headed with this.

4 BY MR. HOLCOMB:

5 Q So on Page 235 --

6 THE COURT: Well, remember, you have to ask him first
7 did he make a certain statement at a certain time. And
8 then if he says something different from what's in -- what
9 he said at trial, then you can show him where he testified
10 differently at trial.

11 MR. HOLCOMB: Okay.

12 THE COURT: Of course, he can't testify -- I don't
13 know what's on that particular piece of paper. He can't
14 address what other people said.

15 MR. HOLCOMB: Correct. Correct.

16 BY MR. HOLCOMB:

17 Q Is that your testimony, Mr. Martin, apparently, from
18 the trial transcript?

19 A Give me a chance to look over it.

20 (Pause.)

21 A Okay. Yes.

22 Q Okay. So what does it say -- Mr. Shealy asked you
23 about when you got the warrant at Line 10, would you read
24 that -- start at Line 12 -- or tell me, does that refresh
25 your memory? Did you say you didn't get the warrant until

1 after you had the statements?

2 A I had talked with him and got the statements. And --

3 THE COURT: What he wants you to do now is read what
4 you testified to?

5 THE WITNESS: Okay. All right. And at that point,
6 what documents did you have?

7 I had the statements from the McGinns and I --
8 basically, that was enough to me. Once I got the
9 statements from them that was explaining everything, I
10 felt like I had probable cause to sign the warrants. I
11 told them that I still needed to get all the scopes, the
12 insurance stuff in for the case to be able to be tried on.

13 Okay.

14 BY MR. HOLCOMB:

15 Q Okay. Great. All right. So you were waiting on the
16 statements from McGinn in order to get the warrant. Is that
17 what you testified at trial on?

18 A That's what I testified.

19 Q All right.

20 MR. HOLCOMB: Can we see the Defense Exhibits in the
21 pile that he has there, please?

22 BY MR. HOLCOMB:

23 Q Would you go back to your statement from 5/28, your
24 police report, 5/28/2013? I believe that would be --

25 A It's not in here.

1 Q It's not? State's Exhibit No. 14 maybe?

2 A This is all blue.

3 Q All right.

4 MR. HOLCOMB: Would you give this to Mr. Martin,
5 please?

6 BY MR. HOLCOMB:

7 Q So the next to the last page is your statement from
8 5/20, the GCSO report, 5/20?

9 THE COURT: What year?

10 MR. HOLCOMB: 2013.

11 BY MR. HOLCOMB:

12 Q It's the next to the last page in there, State's
13 Exhibit No. 17 or 18. Which State Exhibit is that?

14 A Seventeen.

15 Q Okay. State's Exhibit No. 17, it's got the
16 narrative --

17 A Oh, these are all different ones --

18 Q The one we're talking about is 5/20/2013 report.

19 A Okay.

20 Q Would you read that again, please?

21 A I made contact with McGinn and asked him to give me
22 copies of all the insurance paperwork. I have some
23 insurance paperwork, but Holcomb advised me that there
24 should be more paperwork than what I had. Holcomb advised
25 me that the work and labor cost that was done would reach

1 close to \$4,295. I asked McGinn again if there was any
2 work done. He advised me some stain was done on the front
3 of the house, but about \$300 worth.

4 Q Okay. Thank you. So in the warrant, you decided --
5 so at times, in your Tim Martin style of investigation,
6 you decide whenever you're going to write down things.
7 And things come up in trial four or five years later,
8 isn't that why we have police reports and why we have
9 supplemental reports?

10 A Yeah. That's it. But every officer and investigator
11 do things differently. We don't all do the same thing.

12 Q Correct. But you left out pertinent information. So
13 in the warrant, it should have said, should have said --
14 to be more accurate, should have described that -- on the
15 warrant, it says that Defendant is the registered agent of
16 Carolina Home Renovations. And we've already looked at
17 the Secretary of State and it says Carolina Home
18 Renovators, which is a different thing than who was in the
19 warrant. It's Incorporation Services the registered
20 agent, okay. So that's inaccurate. All right. It says
21 the Defendant cashed the check --

22 THE COURT: All right. You're starting to testify
23 now. Let's ask a question.

24 BY MR. HOLCOMB:

25 Q Does it not show that it's inaccurate? Is the

1 warrant accurate concerning who the registered agent for
2 Carolina Home Renovators is? Please take a look at the
3 warrant.

4 A (The witness complies.) Is that under your stuff or
5 their stuff?

6 Q I think it's their stuff. The warrant's No. 5,
7 State's Exhibit No. 5, in red.

8 THE COURT: Mr. Sims, do you think you can find --
9 he's got it.

10 THE WITNESS: It says Carolina Home Renovations.

11 BY MR. HOLCOMB:

12 Q Okay. And that's different than what the proposal
13 says, isn't it?

14 A No, I have Carolina Home Renovations on this
15 contract.

16 Q On the contract?

17 A Yes.

18 Q It says Carolina Home Renovations?

19 A Yes.

20 Q May I see that contract, please?

21 A Oh, wait a minute. Renovators.

22 Q Okay.

23 A Renovators, I'm sorry.

24 Q Those are two separate companies.

25 A Okay.

1 Q Carolina Home Renovations is registered in Charlotte,
2 North Carolina.

3 THE COURT: All right. You're --

4 MR. HOLCOMB: Sorry. Sorry. Sorry. Sorry.

5 BY MR. HOLCOMB:

6 Q So the warrant is not accurate to what the contract
7 says, is it?

8 A There could be typos, I guess so.

9 Q So that's an incorrect statement --

10 A It was my whole understanding that it was
11 renovations, not renovators, but, evidently, I just read
12 it wrong.

13 Q Okay. So you misread the brochure? You misread the
14 proposal; is that correct?

15 A Yes.

16 Q Okay. So that's not accurate. The company is
17 Carolina Home Renovators or Carolina Home Renovations?
18 What should be on the warrant, sir?

19 A Renovators.

20 Q So that sentence is inaccurate; is that correct?

21 A Yes.

22 Q So one sentence in the warrant is incorrect so far.
23 Does it go on to talk about who the registered agent is?

24 A Yes.

25 Q All right. Who is the registered agent on that

1 warrant?

2 A Defendant, which is you?

3 Q Okay. Do you have paper from the Secretary of State
4 and who does that say that the registered agent is?

5 A You and Claudia.

6 Q No, it does not.

7 THE COURT: Don't argue with the witness.

8 MR. HOLCOMB: Sorry. Sorry.

9 BY MR. HOLCOMB:

10 Q Going back to the Secretary of State, it's two pages,
11 Defendant's Exhibit No. 13. Defendant's Exhibit No. 13 in
12 blue?

13 A Wait a minute. It is.

14 Q That's the license, sir. That's different. I'm
15 asking you about the corporation. That's me as a person.

16 A Well, what's the difference?

17 THE COURT: No, don't. Just --

18 BY MR. HOLCOMB:

19 Q The difference is --

20 A I am not going to be confused by you. I don't care
21 what you do.

22 Q I'm not trying to confuse you --

23 THE COURT: Right now, he's just asking you a
24 question.

25 BY MR. HOLCOMB:

1 Q Please find Exhibit 13.

2 A All right.

3 Q Okay. Who does it say that the registered agent is?

4 A InCorp Services.

5 Q Okay. And that's from the South Carolina Secretary
6 of State? And that's for Carolina Home Renovators, not
7 Renovations; is that correct?

8 A Correct.

9 Q All right. So --

10 A But I never requested this. I don't know where this
11 came from because I never requested it.

12 Q I subpoenaed it. But the question is, the Secretary
13 of State says that InCorp Services is the actual
14 registered agent of Carolina Home Renovators. So does
15 that make -- it doesn't say Dean Holcomb, does it? On the
16 Secretary of State stuff, sir.

17 A This is what I did.

18 Q I understand.

19 A According to Secretary of State, yeah. But I didn't
20 go by that, I went by the LLR.

21 Q Does the LLR say that I'm the registered agent?

22 A It says, Dean Holcomb, Carolina Home Renovations, [REDACTED]
23 Rocky Creek Road, [REDACTED]

24 Q Okay. Great. So whenever I got my license, I was
25 representing Carolina Home Renovations. There's two

1 separate corporations, sir. Does that make sense?

2 MR. GHENT: Objection, Your Honor. He's testifying.

3 THE COURT: You're testifying --

4 BY MR. HOLCOMB:

5 Q Does that make sense? Could there be two separate
6 corporations?

7 A Yes.

8 Q Did you look into that?

9 A No.

10 Q Did you check with the Secretary of State on Carolina
11 Home Renovators?

12 A Not Renovators.

13 Q Okay. Would it have made sense in your investigation
14 from the office to look into that?

15 A Home Renovations, when I pulled the LLR, that's what
16 I looked for.

17 Q I understand. But listen, what I'm asking you is
18 whatever you -- you got the warrant based off the
19 contract, correct?

20 A Right.

21 Q The contract's what in question. The proposal is
22 what's in question, correct?

23 A Well, after looking at the contract when I got this
24 from LLR, I thought either they made a typo or you had
25 done something else. That's why I went with what the LLR

1 had.

2 Q Which one's more likely, the corporation that's
3 collecting the money and putting it into the bank --

4 MR. GHENT: Objection.

5 THE COURT: I sustain the objection.

6 MR. HOLCOMB: Okay.

7 BY MR. HOLCOMB:

8 Q So is it accurate based on the Secretary of State --
9 and I'm not asking if you made a mistake or not, I'm not
10 asking you to admit fault. What I'm asking you is that
11 sentence that Dean Holcomb is the registered agent for
12 Carolina Home Renovators, the issue at hand, is that
13 sentence correct and accurate in that warrant?

14 A According to the Secretary of State, you're not the
15 registered agent.

16 Q Okay. So that's an inaccurate sentence according to
17 the Secretary of State; is that correct?

18 A According to the Secretary of State.

19 Q Okay. Thank you. The sentence that you said the
20 Defendant signed the check, cashed the check, signed the
21 back of the check and cashed the check, is there a
22 difference between -- in your professional opinion as a
23 white collar criminal investigator, is there a difference
24 between cashing a check and depositing a check?

25 A It's still going into an account and it's still

1 coming out of the victim's bank. The money is still being
2 pulled from the victim's account.

3 Q Well, that's not my question, sir. Is there a
4 difference between cashing a check and depositing a check?

5 A Yes.

6 Q What does cash a check mean?

7 A You get cash, turn cash right away.

8 Q Hundreds of dollars?

9 A Sometimes.

10 Q So that would be a lot of money? It would be a
11 pretty good size pile of money? \$4,000 would be a nice
12 little --

13 A Not necessarily, not that much.

14 Q It would be, at least, 40 one hundred dollars bills,
15 correct? 42, at least, 42 bills?

16 A Yes.

17 Q Plus the 95, so it would be what, 50 bills? All
18 right. So -- but you have no evidence that that check was
19 cashed, do you?

20 A I have your signature on the back of the check.

21 Q No, but it was deposited --

22 MR. GHENT: Objection, badgering. Quibbling over
23 what a word means.

24 MR. HOLCOMB: I'm not quibbling, sir. This is
25 important that that's not accurate --

1 THE COURT REPORTER: Judge, a record is not being
2 taken right now.

3 THE COURT: Well, it can't be with everybody talking.

4 THE COURT REPORTER: Thank you.

5 THE COURT: Mr. Ghent, what's your objection?

6 MR. GHENT: He is badgering the witness by over and
7 over quibbling over what a word means.

8 THE COURT: Well, go ahead. Ask him.

9 BY MR. HOLCOMB:

10 Q On the back of the check, do you have any evidence
11 that it was deposited or cashed?

12 A Provide me with a copy of the back of the check.

13 THE COURT: I think what he was asking do you know
14 whether it was deposited or whether it was cashed?

15 BY MR. HOLCOMB:

16 Q Is there any way of knowing that --

17 A If I see the back of the check, I could probably tell
18 you because it would say deposit only.

19 Q Correct. Okay. We're going to try to find it.

20 MR. HOLCOMB: Could everybody bear with me a minute?

21 MR. GHENT: Your Honor, I can and will establish that
22 on redirect.

23 MR. HOLCOMB: That's fine.

24 THE COURT: That's not appropriate, Mr. Ghent.

25 MR. GHENT: Yes, sir.

1 THE COURT: To say that in front of the jury at this
2 stage. Don't do that again.

3 All right. We'll take an afternoon break rather than
4 spending 10 minutes trying to find this. It might not
5 take that long, it might take two minutes. But it's time
6 to take a break anyway. So we'll take our afternoon
7 break.

8 (WHEREUPON, the jury exits the courtroom at
9 approximately 2:58 p.m.)

10 THE COURT: Mr. Ghent, it's not appropriate to get up
11 before the jury and say what you're going to establish at
12 a later point through this witness or another witness.

13 MR. GHENT: I apologize, Your Honor. The problem
14 I've got is that we were all in the courtroom and we -- I
15 will go back over -- I'm not going to retry the case, but
16 he knows full well that we brought in the woman from the
17 bank who established that it was deposited.

18 THE COURT: Well, that's --

19 MR. HOLCOMB: He should testify.

20 THE COURT: Wait a minute, we've got to go on the
21 record in this case.

22 MR. GHENT: I understand.

23 THE COURT: But you don't get up in front of the jury
24 and say 'I'm going to do so and so on cross-examination.

25 MR. GHENT: I apologize.

1 THE COURT: I'm going to do that with my next witness
2 or something.

3 MR. GHENT: I apologize.

4 THE COURT: Accepted. Accepted.

5 All right. You can step down. We'll take about a 10
6 to 15-minute break.

7 (WHEREUPON, a short break was taken.)

8 MR. HOLCOMB: Before we call in the jury, I was
9 talking to Mr. Shealy that maybe I don't need to do the
10 water because I'm going to see the doctor. I've made it
11 through the day. I didn't know how bad. I think I've
12 done okay and kept the Court going. So your rule applies,
13 obviously, but I think I would have done better if I had
14 had a little more rest.

15 Is there any way I can have Mr. Shealy write an order
16 for GCDC to let me sleep until -- or not transport me out
17 of here until 8 o'clock in the morning?

18 THE COURT: He can prepare an order and I'll sign it,
19 but I can't promise that they'll obey it.

20 MR. HOLCOMB: All right. Thank you.

21 THE COURT: Bring in the jury.

22 (WHEREUPON, the jury enters the courtroom at
23 approximately 3:19 p.m.)

24 THE COURT: All right. You may proceed.

25 MR. HOLCOMB: One moment, please.

1 BY MR. HOLCOMB:

2 Q All right. Mr. Martin, we've gone through the
3 evidence as best we could and we found the two checks --
4 copies of the front and back of the check. I'd like you
5 to take a look at that, please.

6 Any objection?

7 MR. GHENT: No, sir. I'd ask it be marked as a
8 single exhibit, stapled together.

9 MR. HOLCOMB: Stapled together. Okay, that's fine.
10 Can we mark that as an exhibit without objection?

11 THE COURT: Defendant's Exhibit whatever number it is
12 in without objection.

13 (WHEREUPON, Defendant's Exhibit No. 19 was admitted
14 into evidence.)

15 BY MR. HOLCOMB:

16 Q All right. Mr. Martin, is that the check -- it's the
17 case number on the top right; is that correct, and the date
18 on the left?

19 A Yes.

20 Q And does Page 2 of Defendant's Exhibit No. 19, does
21 it have a copy of the back of the check?

22 A Yes.

23 Q All right. Can you see underneath it -- it's all
24 kind of fuzzy, but can you see possibly where it was
25 stamped and audited to go into the machine?

1 A It hasn't been stamped.

2 Q It hasn't been stamped?

3 A No. So this gives me no further than it was.

4 Q So you have no evidence that it wasn't cashed or
5 deposited, correct?

6 A I don't. All I know is that it was signed and it
7 went through the bank. It would have across here deposit
8 only in this way, which would have been stamped on the
9 back of the check.

10 MR. HOLCOMB: I'd like a moment to go through the
11 bank records because it was deposited. We're looking for
12 the check.

13 MR. GHENT: Your Honor, so long as I can go through
14 it -- the check went through the bank.

15 MR. HOLCOMB: The check was deposited?

16 MR. GHENT: Yes, sir.

17 MR. HOLCOMB: Thank you. That's what I was saying --

18 THE COURT: Wait, wait, wait. When a party is
19 stipulating, that means they're agreeing on a fact.
20 They're agreeing that the check was deposited.

21 MR. GHENT: And I apologize for my earlier statement
22 now that we've got the whole thing in. Again, my
23 apologies.

24 THE COURT: Move on to something else.

25 MR. HOLCOMB: Thank you. And we didn't need to be so

1 difficult.

2 BY MR. HOLCOMB:

3 Q So going back to the warrant, so deposited the check
4 would be more accurate than cashed the check in that
5 sentence, correct?

6 A It makes no difference.

7 Q It does make a difference --

8 A It makes a difference to you, but --

9 THE COURT: Whoa, whoa, whoa, y'all are arguing now.

10 MR. HOLCOMB: We're not trying to argue.

11 THE COURT: You've got to take his answer. You can
12 tell the jury --

13 BY MR. HOLCOMB:

14 Q The question is when it said the Defendant signed the
15 back of the check, cashed the check, is that accurate?

16 A I could have put cash deposit, but I didn't.

17 Q The question is, yes or no, the sentence the
18 Defendant cashed the check, is that accurate?

19 A For you, no.

20 Q So it's not accurate, correct?

21 A For you, no.

22 Q Okay. All right. All right. So the first sentence
23 is the affiant has evidence implicating the Defendant in
24 this crime. What evidence out of all this paperwork would
25 you say is the evidence implicating the Defendant?

1 A All of it.

2 Q Is that not pretty much evidence of a typical
3 business if it was -- if it would have been replaced,
4 would that be evidence of a crime?

5 A I don't get what you're saying.

6 Q Based on the check, the BBB, the licensing, the
7 license bonded contractor, in your experience that most
8 crimes of this nature that you prosecute are not licensed
9 and bonded, what evidence is there that shows a crime was
10 committed?

11 A The check.

12 Q The check is evidence of a crime?

13 A Because it was cashed and the work was never done.
14 The roof was never put on the house.

15 Q No, no, that's not what I'm asking. Is the check
16 evidence of a crime?

17 A For my purposes, it is. When it's been negotiated or
18 cashed or deposited without the work being done.

19 Q All right. So in your professional opinion, the
20 check is evidence of a crime?

21 A Yes.

22 Q In the last sentence in the warrant, it says never
23 did any of the work. Is that accurate?

24 A The warrant says --

25 Q The last sentence.

1 A Yeah, but it talks only about putting a roof on the
2 house.

3 Q And as an investigator, is it your right -- do you
4 owe a duty to the alleged perpetrator for fairness to do
5 an investigation?

6 A And that's why I went through due diligence to try to
7 get in touch with you and talk to you about it, but I
8 couldn't.

9 Q Okay. By contacting the landlord. Did you make any
10 other efforts to contact me?

11 A He didn't know where you went or anything.

12 Q Well, he wasn't there talking to you, was he?

13 A Yeah, the people that run that apartment complex.

14 Q No, no, did you make any other efforts to find me?
15 You're a police officer. Did you make any other efforts?

16 A Yeah.

17 Q Such as?

18 A Tried to make contact with your sister.

19 Q Well, that was after the arrest, correct?

20 A No, I talked to -- I don't know if it was the
21 landlord or some --

22 Q I understand. I understand. But did you look at
23 Facebook or any of the other medias or call any numbers or
24 send any e-mails out?

25 A I know I tried to get some --

1 Q Did you send an e-mail out?

2 THE COURT: When you ask a question, give him time to
3 answer.

4 MR. HOLCOMB: Okay.

5 THE WITNESS: No, did not.

6 BY MR. HOLCOMB:

7 Q Is there an e-mail listed on the Better Business
8 Bureau? Would you take a look at that evidence, please?
9 Let me get a number for you. The BBB would be 11,
10 Defendant's Exhibit No. 11. The blue ones.

11 A There is an e-mail on there.

12 Q It is. There is an e-mail. What is it?

13 A It says dean@carolinahomerenovators.com.

14 Q Okay. Is there an e-mail in the proposal? How about
15 the brochure?

16 THE COURT: Just ask one question at a time.

17 MR. HOLCOMB: Sorry, sir.

18 THE WITNESS: Now, this says
19 www.carolinahomerenovators. I mean, you've got so many
20 different things.

21 THE COURT: Just -- we'll never get through --

22 BY MR. HOLCOMB:

23 Q So the question is -- so we've established you didn't
24 make any phone calls, go on Facebook or look at anything
25 else except talking to the landlord at that apartment