

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Pickens County

Honorable Edward W. Miller, Circuit Court Judge

BRENT C. MCLAUREN, JR.

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2020-000632

APPENDIX

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1 State of South Carolina
2 County of Pickens In the Court of General Sessions

3
4 State of South Carolina,)
5) 2014-GS-39-0497, 0499
6 -vs-) February 17, 2015
7 Brent C. McLaurin, Jr.,)
8 Defendant.)
9 _____) Transcript of Record

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B E F O R E:

The Honorable R. Scott Sprouse, Judge

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

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Attorney for the State

John W. DeJong, Esquire
Attorney for Defendant

Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

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Motion to relieve counsel and allow
defendant to proceed pro se
Reporter's Certificate

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E x h i b i t s

For the State:

<u>Marked</u>	<u>Description</u>	<u>I.D.</u>	<u>Admitted</u>

None offered.

For the Defendant:

<u>Marked</u>	<u>Description</u>	<u>I.D.</u>	<u>Admitted</u>

None offered.

1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 1:44 p.m.)

4 THE COURT: Madam Solicitor, what have we got?

5 MS. HINTON: Thank you, your Honor. Before you is
6 Brent Christopher McLaurin. He's on the trial docket
7 under indictments 2014-GS-39-497, 498, and 499. He
8 filed a motion last week to proceed pro se and have
9 Mr. DeJong, who is currently representing him, relieved
10 as counsel. That motion was filed with Judge Hill.
11 Judge Hill requested that you be the judge to hear that
12 motion and make the decision.

13 I'll allow Mr. DeJong to go forward. I did want
14 to, before your Honor rules on his motion, just bring
15 up one thing to the Court, and that is that
16 Mr. McLaurin has never been evaluated as to any
17 competency issues. I would ask Mr. DeJong waive any
18 potential issues that he may see and that Mr. McLaurin
19 is competent to go forward on his own.

20 THE COURT: Could I see the motion, please?

21 MR. DeJONG: May it please the Court, your Honor.
22 Not to interrupt you, I drew the typewritten, and,
23 actually, I didn't style it quite right. I just did it
24 as a motion to relieve. It should have been a motion
25 to relieve and to allow the defendant to proceed pro

1 se, your Honor.

2 THE COURT: Thank you, Mr. DeJong. I'm going to
3 take just a second and look at the motion.

4 MR. DeJONG: Again, your Honor, not to interrupt
5 you, if you are into the handwritten material, that
6 covers various other motions that Mr. McLaurin has
7 filed. It's my understanding, what I have shared with
8 him, we're here today only on the representation issue.
9 I share with the Court he assured with me any motions
10 that are attached to that, he is not abandoning those
11 motions, your Honor, but is not making an effort to
12 have them heard today. We're here only on the
13 representation issue.

14 Two things. And, again, I have interrupted you
15 now grossly. But first, to respond to what Ms. Hinton
16 suggested, I have spent -- very candidly, up until
17 about last Friday, I had not spent a lot of time with
18 Mr. McLaurin, but we had the opportunity to sit in the
19 jail and freeze to death, just about, all day Friday
20 and then some more time.

21 In talking with Mr. McLaurin, your Honor, I have
22 no issue as to his competency. I just can't find any
23 issue there at all, your Honor. He seems very lucid.
24 In talking with him, he's just very adamant that he
25 wants to represent himself, and we have talked about

1 that.

2 I think the typewritten portion of that motion.
3 pretty much sets forth the history of the case, your
4 Honor, back from, I believe, July of last year when he
5 sent the handwritten note to Ms. Johnson, he considered
6 himself to be going pro se from that time forward. Of
7 course, we have talked about that, but he has never
8 either felt comfortable or fully believed that because
9 of that original order that was signed by Judge
10 Stillwell, that we represented him.

11 Again, you have pretty much read through that. I
12 have no need to rehash all of that unless you want me
13 to. We have talked at length about him representing
14 himself. Again, he is very adamant that he wants to
15 represent himself. I think certainly he has a
16 constitutional right to represent himself.

17 I share with the Court, as I shared with
18 Mr. McLaurin this morning, I had to show my ignorance
19 because I didn't know that right was as strong as it
20 is, but it is quite a strong right. So having said all
21 of that, your Honor, if you wish to voir dire
22 Mr. McLaurin, I offer him to the Court for voir dire.

23 THE COURT: Yes, sir. Would the clerk put
24 Mr. McLaurin under oath, please.

25 (WHEREUPON, the defendant was sworn.)

1 THE COURT: Okay. You are Brent C. McLaurin; is
2 that correct, sir?

3 THE DEFENDANT: That's correct, your Honor.

4 THE COURT: And you are charged with -- what's the
5 charge, Mr. DeJong?

6 MR. DeJONG: Bank -- excuse me, your Honor. Armed
7 robbery, entering an institution with intent to rob, I
8 believe, and grand larceny.

9 THE COURT: Okay. Mr. McLaurin, do you understand
10 the charges against you?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: Do you understand the maximum
13 penalties on those charges?

14 THE DEFENDANT: I'm not sure. I think it's
15 30 years.

16 THE COURT: 30 years on one. What's the maximum
17 on armed robbery?

18 MS. HINTON: It's 30, your Honor, mandatory
19 minimum of ten.

20 THE COURT: That's what I was going to say, there
21 is a mandatory minimum of jail time on the armed
22 robbery.

23 THE DEFENDANT: That's correct. That's correct.

24 THE COURT: Now, you understand that you have a
25 right to an attorney --

1 THE DEFENDANT: I do.

2 THE COURT: -- in these charges?

3 THE DEFENDANT: Yes, I do, your Honor.

4 THE COURT: And an attorney has been appointed to
5 you through the Pickens County public defender's
6 office?

7 THE DEFENDANT: If I may be heard on that issue
8 after you get done. Yes, I do understand that, though,
9 your Honor.

10 THE COURT: Okay. Now, you understand that an
11 attorney could be of benefit to you in planning your
12 trial strategy to these charges?

13 THE DEFENDANT: That's correct, your Honor.

14 THE COURT: You understand that it is inherently
15 dangerous for a person to represent himself without the
16 benefit of having an attorney in a criminal charge; do
17 you understand this?

18 THE DEFENDANT: I would answer that question by
19 saying in some cases, that's true. Not always, but,
20 yes, I agree with what you're saying, your Honor.

21 THE COURT: How old are you, Mr. McLaurin?

22 THE DEFENDANT: I am now almost 70, your Honor.
23 It's kind of funny. But 69, your Honor. I'll be 70
24 next September, this coming September.

25 THE COURT: Okay. How far did you go in school?

1 THE DEFENDANT: College education. Not graduated,
2 but I went to -- took various college courses. In 1968
3 I was sitting with a friend of mine who was going to
4 law school at Syracuse University and kind of sopping
5 up as much information as I could. So I studied law
6 since '68.

7 The first case I ever did on my own, your Honor, I
8 won. It was only a habeas corpus matter, but I won.
9 And I have won many trials on my own, so I know my way
10 around a courtroom.

11 THE COURT: Well, now, you won many trials. What
12 are you talking about?

13 THE DEFENDANT: Jury trials. I have conducted
14 jury trials before in 1987, your Honor. You could
15 check with Charles T. Malloy who would be in Rochester,
16 New York, Monroe County. He's the administrative
17 supreme court justice in Monroe county. I had a trial
18 involving seven indictments, your Honor. And I'm not
19 going to take all the credit for it. I'll give him the
20 credit, but anyway, there were seven indictments --

21 THE COURT: Let me just stop you. These are
22 trials involving you?

23 THE DEFENDANT: This particular one was, yes,
24 there was --

25 THE COURT: Okay. I don't want you to get off

1 into practicing law without a license.

2 THE DEFENDANT: No, no. It's legal. I did it
3 legally.

4 THE COURT: All right. Do you have any kind of
5 physical disability?

6 THE DEFENDANT: None, your Honor. I had a stroke
7 in 2005, but I can't see a reason why that would affect
8 me at this point.

9 THE COURT: Now, have you ever been diagnosed or
10 treated for any mental illness?

11 THE DEFENDANT: None whatsoever, your Honor.
12 I probably should have.

13 THE COURT: Mr. DeJong, you haven't seen any
14 evidence in his history of any mental illness?

15 MR. DeJONG: I have not. I think at one point in
16 time we actually discussed that. I asked him about
17 that, and I have not been able to glean any history of
18 mental illness at all, your Honor.

19 THE DEFENDANT: None, your Honor.

20 THE COURT: All right. Now, there are two charges
21 in this case?

22 MS. HINTON: Three, your Honor.

23 THE DEFENDANT: Three.

24 THE COURT: Three charges. Now, Mr. McLaurin, you
25 understand if you are convicted of these charges, they

1 could be run consecutively?

2 THE DEFENDANT: That's right.

3 THE COURT: You understand what "consecutive"
4 means?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: It means that the sentences could be
7 tacked one, you finish one --

8 THE DEFENDANT: Not concurrent, your Honor.
9 That's correct.

10 THE COURT: And that is a danger in the case. You
11 understand that?

12 THE WITNESS: That's correct, your Honor.

13 THE COURT: Okay. You have certain rights in a
14 case. You can have a jury trial. You can remain
15 silent. It couldn't be held against you. You could
16 present defenses, you could call witnesses on your
17 behalf, confront the witnesses against you. The State
18 has the burden of proving you guilty beyond a
19 reasonable doubt. Do you understand those rights?

20 THE DEFENDANT: I do, your Honor.

21 THE COURT: Okay. Now, you understand that if the
22 Court grants your request and Mr. DeJong is relieved as
23 your counsel --

24 THE DEFENDANT: Right.

25 THE COURT: -- that you would be held to the same

1 rules --

2 THE DEFENDANT: Exactly.

3 THE COURT: -- that an attorney would be?

4 THE DEFENDANT: Right.

5 THE COURT: Do you understand that?

6 THE DEFENDANT: I do, absolutely, your Honor.

7 THE COURT: You would be subject to the rules of
8 evidence.

9 THE DEFENDANT: That's right.

10 THE COURT: You would be subject to the rules of
11 criminal procedure.

12 THE DEFENDANT: That's right.

13 THE COURT: Has anyone threatened you or coerced
14 you into making this motion?

15 THE DEFENDANT: Not at all, your Honor.

16 THE COURT: Are you asking to represent yourself
17 of your own free will?

18 THE DEFENDANT: Absolutely, your Honor.

19 THE COURT: Okay. Anything further from the
20 Solicitor?

21 MR. DeJONG: Your Honor, I will say this. In
22 talking to Mr. McLaurin about this, and this certainly
23 would be up to your Honor or whoever the presiding
24 judge would be at trial. He asked me if I would sit
25 with him. I said that would be up to the presiding

1 judge. I told him I would sit with him, not in any
2 representative capacity, but only to be there to answer
3 questions if he had any questions as they came up
4 through the trial.

5 Is that a true statement?

6 THE DEFENDANT: That's correct. We're not asking
7 for hybrid defense here. The supreme court, as you
8 know, Judge, has already outlawed that. I just
9 wondered if I needed to ask a question, could I get
10 some advice. That's all.

11 THE COURT: Okay. Anything further from the
12 Solicitor?

13 MS. HINTON: Just one thing, your Honor. I know
14 that he is reserving his other motions. However, he
15 did state that there were some witnesses that he had
16 lost contact with or had wanted to contact. We just
17 want to be able to proceed next term without further
18 delay.

19 THE COURT: I'm going to take care of that.

20 MS. HINTON: Sure. Thank you.

21 THE COURT: All right. Mr. McLaurin, you're
22 absolutely sure this is what you want to do?

23 THE DEFENDANT: I am, sir. Yes, your Honor.

24 THE COURT: All right. I will grant your request
25 and --

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Motion to relieve and allow defendant to proceed pro se

13

1 THE DEFENDANT: Praise the lord.

2 THE COURT: -- I will relieve Mr. DeJong of his
3 responsibility to be your attorney. However, this is
4 subject to two conditions.

5 THE DEFENDANT: Okay.

6 THE COURT: The first is he will sit with you at
7 the table basically to answer any questions you might
8 have. He will not be the one representing you in the
9 case, but he will be there as a person that you can
10 lean on to ask questions.

11 THE DEFENDANT: Thank you, your Honor.

12 THE COURT: And, Mr. DeJong, you understand it
13 would be no representative capacity?

14 MR. DeJONG: Yes, sir. Yes, sir.

15 THE COURT: And this is subject also to the second
16 condition, that this case shall not be continued on
17 account of you not having legal counsel.

18 THE DEFENDANT: Right.

19 THE COURT: Now, this case was set for this week,
20 but, unfortunately, the ice storm hit and it has messed
21 up our jury system here today. But it will be reset,
22 I'm sure, by the Solicitor in the near future.

23 Madam Solicitor, have you got it on the next term?

24 MS. HINTON: Yes, your Honor, the week of
25 March 23rd.

1 THE COURT: So you will get notice of that.
2 You're getting notice of it today.

3 THE DEFENDANT: Right.

4 THE COURT: But it will be set, and this will not
5 be grounds for a continuance.

6 THE DEFENDANT: Fine, your Honor.

7 MR. DeJONG: Your Honor, maybe a point of
8 clarification. Obviously, Mr. McLaurin is in Pickens
9 County jail. Communication with the outside is almost
10 nil. Even with your own lawyer, I might add. As part
11 of not this representative capacity, but if he requests
12 things, then I would like the Solicitor's office to
13 know that I could be requesting some things for him.
14 Don't know what it would be at this point in time. But
15 I don't want the response, "You don't represent him
16 anymore." I don't. But at least to try to obtain
17 material for him, if that's his desire, then I would
18 like to be able to do that, your Honor.

19 (Off record discussion.)

20 THE COURT: Let me ask you this, Mr. McLaurin.

21 THE DEFENDANT: Yes.

22 THE COURT: If Mr. DeJong is authorized to receive
23 mail and notices on your behalf, my concern is that is
24 a representative capacity.

25 MR. DeJONG: I'm not asking for notices, your

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15

1 Honor. If he has a question about his discovery or
2 whatever, which he has, I'm not asking for notice, your
3 Honor. I'm just -- actually, what I'm kind of saying
4 is I'm going to be his paralegal, if that makes sense.
5 At least to try to get him what he may need, not
6 represent him.

7 THE COURT: Well, Mr. McLaurin, you will have full
8 access to Mr. DeJong for any questions that you might
9 have --

10 THE DEFENDANT: Thank you.

11 THE COURT: -- or any assistance as you represent
12 yourself in the process.

13 THE DEFENDANT: Thank you, your Honor.

14 THE COURT: Okay.

15 Anything further from either side?

16 MS. HINTON: Your Honor, I do have a proposed
17 order if your Honor would like to take a look at it.

18 THE COURT: Yes. Let me see it.

19 MR. DeJONG: And if we could just get two copies
20 of that once it's filed, Madam Solicitor, and we can --

21 THE DEFENDANT: Thank you, your Honor. And
22 welcome to the bench, your Honor.

23 (WHEREUPON, the hearing ended at 2:00 p.m.)

24 ***END OF REQUESTED TRANSCRIPT OF RECORD***

25

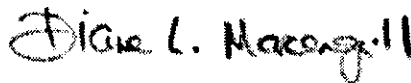
Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter
for the Tenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate, and complete transcript of record of a
portion of the proceedings had and evidence introduced
in the trial of the captioned case, relative to appeal,
in the Circuit Court for Pickens County, South
Carolina, on the 17th day of February 2015.

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

September 24, 2019



Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF
COUNTY OF PICKENS	)	GENERAL SESSIONS
-----	)	2014-GS-39-0497, 0499

STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
BRENT C. MCLAURIN,	)	
DEFENDANT	)	
-----	)	

MAY 18 - 19, 2015
PICKENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE JOHN C. HAYES, III

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

BRANDI HINTON, ESQUIRE
ASSISTANT SOLICITOR

DEFENDANT APPEARING PRO SE

JOHN DEJONG, ESQUIRE
OF COUNSEL FOR DEFENDANT

VIVIAN CROSS,
CIRCUIT COURT REPORTER

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P R O C E E D I N G S

(10:40 A.M.)

THE COURT: Sorry we had some confusion, I'm from out of town and you have to learn how -- well, they say when in Rome, do as the Romans and when in Pickens, do as the Pickenites (phonetic/(sic) do I guess. Pick- -- Pickiens (phonetic/sic), whatever.

Uh, we're starting the first trial of the week, and it is the case of The State versus Brent Christopher McLaurin; Mr. McLaurin, would you stand so the jury can see who you are?

MR. MCLAURIN: Sure---

THE COURT: Mr. McLaurin---

MR. MCLAURIN: ---good morning ladies and gentlemen.

THE COURT: ---Mr. McLaurin is charged with Grand Larceny and entering a bank with intent to commit robbery. It's alleged the events occurred on January 20, uh -- 14th day of January of 2014 here in Pickens County at the SunTrust Bank on West Cedar Rock Street here in Pickens.

To these two charges, Mr. McLaurin has plead not guilty, and his pleading of not guilty places on The State the burden of proving his guilt beyond a reasonable doubt.

1 And somewhat similar to how we did things
2 this morning, I have more questions to ask. These
3 questions have to do, uh, with your, uh, ability to be
4 a fair and impartial juror in this particular trial not
5 for your general service as a juror. Uh, I'm gonna ask
6 you to listen very carefully, and, uh, while I'm
7 thinking about it, Mr. John DeLong -- DeJong, I'm sorry
8 -- is, uh, seated with, uh, Mr. McLaurin but will not
9 be participating. He's an attorney and he is what we
10 call standby Counsel in case Mr. McLaurin, uh, who is
11 proceeding on his own, has some procedural question.

12 The State is represented by Brandi Hinton---

13 MS. HINTON: Yes, Your Honor.

14 THE COURT: ---and do you have any other
15 co-Counsel involved?

16 MS. HINTON: No, Your Honor; but seated with me
17 is Assistant Chief of Police, Travis Riggs, and
18 Detective Samuel Byers from the Pickens Police
19 Department.

20 THE COURT: All right. Now, uh, first, are any
21 of you related by blood or marriage to Mr. McLaurin or
22 Ms. Hinton? If so, please stand. (After pause) No one
23 stands.

24 Uh, do any of you know anything about this case?
25 Heard about it, read about it, seen anything about it?

1 Or, any of you have any knowledge whatsoever about this
2 case? Or, have any of you formed or expressed any
3 opinion about the matters or issues which will be
4 involved in this case? If so, please stand. (After
5 pause) No one stands.

6 Were, uh -- have any of you been represented by,
7 uh, the, uh, Public Defender's Office? And Mr.
8 McLaurin is not represented by them but has one of
9 their members seated with him. Or, with the Pickens,
10 uh -- uh, I'm sorry but, uh, Circuit Solicitor, Mr.,
11 uh, Wilkins? Uh, has anybody -- any of you been
12 associated with Mr. Walt Wilkins' office in any way
13 whatsoever? As a witness, been charged by his office,
14 or anything like that? If so, please stand. (After
15 pause) No one stands.

16 Are any of you members of or contributors to
17 organizations such as Mothers Against Drunk Drivers,
18 Students Against Drunk Drivers, Citizens Against
19 Violence -- sometimes referred to as CAVE -- Sheriffs'
20 Association, uh, Fraternal Order of Police, Troopers'
21 Association; anything -- Mothers Against Drunk Drivers,
22 anything like that? Are any of you contributors to or
23 members of those organizations? If so, please stand.
24 (After pause) No one stands.

25 Are any of you or a member of your immediate

1 family involved in law enforcement or in the
2 prosecution of criminal cases? That is, if any of you
3 have an uncle or a cousin who works for law
4 enforcement, uh, at any level or who works in some
5 prosecuting agency such as a Solicitor, or District
6 Attorney, or a Judge at any level? If so, please
7 stand.

8 Now, what I'm gonna do is go through -- and
9 I'll start over here -- and ask each of you to tell me
10 why you're standing. And your response will something
11 like, well, Uncle Joe's a sheriff's deputy or something
12 like that. So, if you will tell me, uh, your name and
13 number and why you're standing, and -- and then I'll
14 have a question to ask all of you about your ability to
15 be a fair juror.

16 THE COURT: Yes, sir?

17 MR. BRYANT SMITH: My name is Bryant Smith, I'm
18 juror number one-twenty-eight, and my son is a
19 University Police Officer at Clemson University Police
20 Department.

21 THE COURT: Yes, sir; as a good Gamecock, I'm --
22 I'm glad somebody's taking care of that place.

23 (COURTROOM LAUGHTER.)

24 THE COURT: Uh, yes, ma'am?

25 MS. LEWIS: My name's Olivia Lewis, I'm number

1 seventy-seven. I have a lot in law enforcement. I
2 have a Grandfather who is reserved Highway Patrol, a
3 uncle who is a narcotic agent, another who is a
4 correction officer in County of Pickens, a uncle who is
5 retired Highway Patrolman from Pickens County, and
6 another Uncle is also a retired Highway Patrolman in
7 County of Pickens.

8 THE COURT: Okay, but none of them are
9 associated with the City of Pickens?

10 MS. LEWIS: No; Pickens County.

11 THE COURT: Okay, thank you; just remain
12 standing. Yes, sir?

13 MR. WHISLER: I'm Bruce Whisler, juror number
14 one-fifty-three. My father was a police officer for
15 twenty years; he's now retired.

16 THE COURT: Which---

17 MR. WHISLER: That -- that was in Indiana.

18 THE COURT: Okay. All right, remain standing.
19 Yes, sir? Uh-oh, I said something bad about Clemson;
20 I'm sorry. Your name and number?

21 MR. VINSON: Jerry Vinson, uh, one-forty-five.
22 My mother works at Clemson University---

23 THE COURT: Okay.

24 MR. VINSON: ---law enforcement.

25 THE COURT: Yes -- yes, ma'am?

1 MS. MARTIN: Uh, my brother-in-law; he is a
2 Detective in Barnwell County in South Carolina and I am
3 juror number eighty-four.

4 THE COURT: Okay.

5 MS. HENDRIX: Amber Hendrix, juror sixty-two.
6 My father used to be a police officer but I have a
7 cousin who is a police officer now and lives in
8 Pickens.

9 THE COURT: Lives here in Pickens?

10 MS. HENDRIX: Well he lives in Pickens but he
11 works in Greenville.

12 THE COURT: Okay; all right. Yes, sir?

13 MS. CHAPMAN: Leah Chapman---

14 THE COURT: I mean, yes, ma'am; I'm sorry.

15 MS. CHAPMAN: -- Leah Chapman, juror number
16 twenty-five; my brother is a police officer.

17 THE COURT: All right; thank you, ma'am.

18 MS. SMITH: Kathryn Smith, number one-thirty, my
19 son is a police officer for Easley.

20 THE COURT: Easley?

21 MS. SMITH: Easley; yes, sir.

22 THE COURT: All right. Those of you who are
23 standing, if the fact that you have some relative
24 involved in law enforcement, if that fact would, uh,
25 make you unable to be fair and impartial in the trial

1 of Mr. McLaurin, please raise your right hand. (After
2 pause) No one does.

3 Thank you, you -- you can be seated. But
4 thank -- thank you for these response (sic) -- those
5 responses.

6 Were any of you members of the Grand Jury
7 which passed on these two indictments at an earlier
8 time? If so, please stand. (After pause) No one
9 stands.

10 Uh, the next question is somewhat personal
11 and I'm not gonna ask you to blurt out and tell me
12 everything about this situation if -- if -- if one
13 exists. But, have any of you, uh, been -- you or a
14 member of your immediate family -- been the victim of
15 what you would consider a violent offense -- a violent
16 crime, such as a -- a -- a theft by use of force or
17 theft by someone armed with a weapon? If so, please
18 stand. (After pause) All right, no one stands.

19 (After pause) I'm not gonna ask if any of you
20 are customers of -- of SunTrust Bank, but I will ask if
21 any of you have any financial interest in SunTrust
22 Bank. Do you work for SunTrust Bank or any of their
23 branches or do you, uh, have some sort of interaction
24 with them? That is, do you have a contract with
25 SunTrust Bank, do you deliver, uh, paper or toner or do

1 you have -- do you have any relationship whatsoever
2 business-wise or ownership-wise with SunTrust Bank? Is
3 so, please stand.

4 All right; yes, sir, your name and number?

5 MR. DANIEL SMITH: Daniel Smith, one --
6 one-twenty-nine.

7 THE COURT: All right; what's your situation?

8 MR. DANIEL SMITH: I -- I -- I bank there.

9 THE COURT: Okay. Yes, sir; your name and
10 number?

11 MR. STARNES: I'm Scott Starnes,
12 one-thirty-three. Um, I've got a mortgage -- house
13 mortgage with SunTrust.

14 THE COURT: Yes, ma'am; your name and number?

15 MS. HALL: Aris Hall, number fifty-seven. I
16 bank there.

17 THE COURT: Would the three of you -- would any
18 of you be unable to be fair and impartial because of
19 this relationship with the bank? If so, raise your
20 right hand. (After pause) No one -- no one does.
21 Thank you, you may be seated.

22 (After pause) All right; are any of you
23 related by blood or marriage to anyone who is employed
24 by -- it doesn't have to be an attorney -- in any
25 fashion whatsoever with the Thirteenth Judicial

1 Circuit? And again, that's Mr. Wilkins' office. If
2 so, please stand. (After pause) No one stands.

3 The following, uh -- I -- I've already asked
4 you about any relationships with Mr. McLaurin, but in
5 addition to -- I don't know who will be testifying, but
6 I've been given a list of potential witnesses. I'm
7 gonna ask you to stand if you know, uh -- if you --
8 particularly if you're related to, of course -- but if
9 you know and have any personal relationship with any of
10 these witnesses. It's a long list; I don't think -- I
11 don't know for sure, but I don't think all these
12 witnesses will be called, but even if they're not
13 called to testify their names may be referred to by
14 someone else. So, if you, uh -- again, it's a long
15 list, but, uh, listen very carefully. If any of you
16 are related by blood or marriage to any of these
17 individuals or a close personal friend or acquaintance
18 through church, fraternal order, anything like that,
19 please stand.

20 From the Pickens Police Department, Travis
21 Riggs, Samuel Byers, Matthew Brannan, Christopher
22 Griffin.

23 From the F-B-I, Robert Hamod -- H-A-M-O-D.

24 From the Pickens County Sheriff's Office,
25 Kristy Leopard, Captain Marvin Nix.

1 From Greenville County Sheriff's Office, D.
2 A. Hoover.

3 Unrelated to law enforcement, at least from
4 the notes I have, Pamela -- or, Pamila (sic) -- Pamila
5 Hernandez, Vikki Schulte, Tracy Batson, Katherine
6 Sexton, Abigail McHenry, Faye Padgett, Dalton Wheeler,
7 Melanie Owings, Lessie Mae Swaynham --
8 S-W-A-Y-N-G-H-A-M -- Charles Bearden, Junior, Jared
9 Bearden, Skylar Harris, Loretta Nora (sic) -- I'm
10 sorry, Loretta Rohr- -- Rohrer-Norris --
11 R-O-H-R-E-R-DASH- N-O-R-R-I-S.

12 Anyone know any of these individuals,
13 related, if so please stand.

14 All right; yes, sir, your name and number?

15 MR. PORTER: Uh, Noah Porter, one-thirteen.

16 THE COURT: All right.

17 MR. PORTER: Uh, I know Officer Riggs; I was
18 friends with his son for a while.

19 THE COURT: All right, would that affect your
20 ability to be fair and impartial in this case?

21 MR. PORTER: No, sir.

22 THE COURT: Okay; thank you, you may be seated.
23 Any further questions on behalf of The State?

24 MS. HINTON: Your Honor, I would just ask if
25 anyone has been accused or charged with a crime of

1 taking by force.

2 THE COURT: All right. I thought I kind-a asked
3 that, but I'll ask it again.

4 MS. HINTON: Thank you, Your Honor.

5 THE COURT: Have any of you been -- I asked
6 about victim, not charged so -- so I am -- I correct
7 myself.

8 Have any of you been charged with, uh, any
9 offense? You or a member of your immediate family with
10 a crime that involved taking of someone's personal
11 property by force? If so, please stand. (After pause)
12 Okay; no one is standing. Thank you.

13 MS. HINTON: Thank you, Your Honor.

14 THE COURT: Anything further, Mr. McLaurin?

15 MR. MCLAURIN: Um, not that I can think of, Your
16 Honor; thank you.

17 THE COURT: Okay. I think I've covered all
18 yours one way or the other?

19 MR. MCLAURIN: Yes you did; thank you very much.

20 THE COURT: Finally, do you know of any reason
21 why you could not or should not serve as a fair and
22 impartial juror in the trial of this particular case?
23 If so, please stand.

24 (After pause) I miss my law clerk, John
25 Alfieris. Just -- can you confirm that it's five and

1 ten?

2 MS. HINTON: Yes, Your Honor.

3 THE COURT: Okay. Strikes will be five and ten;
4 The State will be able to excuse up to five
5 individuals, Mr. McLaurin will have the right to excuse
6 up to ten individuals.

7 The way we draw jurors is as follows; your
8 name will be called and if you hear your name simply
9 stand where you are. And, Mr. McLaurin, you can come
10 around. You're gonna be looking back that way, so you
11 can reposition yourself as you deem. And, Ms. Hinton,
12 you can too.

13 If you hear your name called, just stand
14 where you are and the, uh, Solicitor will say -- Ms.
15 Hinton will say either present the juror -- if you hear
16 those words, turn and face the table where Mr. McLaurin
17 is seated -- or she will say, excuse the juror. If you
18 hear the words, excuse the juror, simply take your
19 seat. If you hear the words, present the juror, turn
20 and face the table where Mr. McLaurin is seated and he
21 will say either excuse the juror -- again, that means
22 you may take your seat -- or he will say swear the
23 juror. If you hear the words swear the juror, come
24 over here and the Bailiff or -- or someone will show
25 you where to take a seat in the jury box.

1 We have a trial by a jury of twelve jurors;
2 we'll draw an additional two alternates and on the
3 alternates the strikes will be one for The State and
4 two for the Defense.

5 All right, Madame -- Madame -- Mr. Clerk, all
6 right.

7 CLERK OF COURT: Juror number one-thirty,
8 Kathryn A. Smith.

9 (JUROR STANDS.)

10 CLERK OF COURT: What says The State?

11 MS. HINTON: Please present Mrs. Smith

12 CLERK OF COURT: And the Defense?

13 MR. MCLAURIN: (After pause) Seat, uh, the --
14 seat the witness; uh, I'm sorry, seat the juror.

15 CLERK OF COURT: If you would come forward
16 please, ma'am, and bring your belongings to have a seat
17 in the jury box.

18 (WHEREUPON, JUROR WAS SEATED IN THE JURY
19 BOX.)

20 CLERK OF COURT: Juror number fifty-eight,
21 Frances M. Hart.

22 (JUROR STANDS.)

23 CLERK OF COURT: What says The State?

24 MS. HINTON: Please present Mrs. Hart.

25 CLERK OF COURT: And the Defense?

1 MR. MCLAURIN: Please dismiss Mrs. Hart.

2 CLERK OF COURT: If you would return to your
3 seat, please, ma'am?

4 (WHEREUPON, JUROR RETURNED TO HER SEAT.)

5 CLERK OF COURT: Juror number seventeen, Linda
6 Faye Bryan.

7 (JUROR STANDS.)

8 CLERK OF COURT: What says The State?

9 MS. HINTON: Please present Mrs. Bryan.

10 CLERK OF COURT: And the Defense?

11 MR. MCLAURIN: Please dismiss Mrs. Bryan.

12 CLERK OF COURT: If you would return to your
13 seat, please, ma'am.

14 (WHEREUPON, JUROR RETURNED TO HER SEAT.)

15 CLERK OF COURT: Juror number sixty-seven,
16 Sandra A. Humphries.

17 (JUROR STANDS.)

18 CLERK OF COURT: What says The State?

19 MS. HINTON: Please present Mrs. Humphries.

20 CLERK OF COURT: And the Defense?

21 MR. MCLAURIN: Please swear Mrs. Humphries.

22 CLERK OF COURT: If you would come forward
23 please, ma'am, and have a seat in the jury box.

24 (WHEREUPON, JUROR WAS SEATED IN THE JURY
25 BOX.)

1 CLERK OF COURT: Juror number thirty-seven,
2 Autumn M. Durham.

3 (JUROR STANDS.)

4 CLERK OF COURT: What says The State?

5 MS. HINTON: Please present Ms. Durham.

6 CLERK OF COURT: And the Defense?

7 MR. MCLAURIN: Please present Mrs. Durham.

8 CLERK OF COURT: If you would come forward
9 please, ma'am, and have a seat in the jury box.

10 (WHEREUPON, JUROR WAS SEATED IN THE JURY
11 BOX.)

12 CLERK OF COURT: Juror number forty-two, Diane
13 L. Fowler.

14 (JUROR STANDS.)

15 CLERK OF COURT: What says The State?

16 MS. HINTON: Please present Mrs. Fowler.

17 CLERK OF COURT: And the Defense?

18 MR. MCLAURIN: Please seat Mrs. Fowler

19 CLERK OF COURT: If you would come forward
20 please, ma'am, and have a seat in the jury box.

21 (WHEREUPON, JUROR WAS SEATED IN THE JURY
22 BOX.)

23 CLERK OF COURT: Juror number thirty-three,
24 Zachary C. Crumpton.

25 (JUROR STANDS.)

1 CLERK OF COURT: What says The State?

2 MS. HINTON: Please present Mr. Crumpton.

3 CLERK OF COURT: And the Defense?

4 MR. MCLAURIN: Please dismiss Mr. Crumpton.

5 CLERK OF COURT: If you would return to your
6 seat, please, sir.

7 (WHEREUPON, JUROR RETURNED TO HIS SEAT.)

8 CLERK OF COURT: Juror number one-o-three,
9 Barbara L. Murray.

10 (JUROR STANDS.)

11 CLERK OF COURT: What says The State?

12 MS. HINTON: Please present Mrs. Murray.

13 CLERK OF COURT: And the Defense?

14 MR. MCLAURIN: Please dismiss Mrs. Murray.

15 CLERK OF COURT: If you would return to your
16 seat, please, ma'am.

17 (WHEREUPON, JUROR RETURNED TO HER SEAT.)

18 CLERK OF COURT: Juror number one-twenty-five,
19 Teresa M. Simpkins.

20 (JUROR STANDS.)

21 CLERK OF COURT: What says The State?

22 MS. HINTON: Please present Mrs. Simpkins.

23 CLERK OF COURT: And the Defense?

24 MR. MCLAURIN: Please present Mrs. Simpkins.

25 CLERK OF COURT: If you would come forward

1 please, ma'am, and have a seat in the jury box.

2 (WHEREUPON, JUROR WAS SEATED IN THE JURY
3 BOX.)

4 CLERK OF COURT: Juror number eight, Jeff N.
5 Barrett.

6 (JUROR STANDS.)

7 CLERK OF COURT: What says The State?

8 MS. HINTON: Please present Mr. Barrett.

9 CLERK OF COURT: And the Defense?

10 MR. MCLAURIN: Please present Mr. Barrett.

11 CLERK OF COURT: If you would come forward
12 please, sir, and have a seat in the jury box.

13 (WHEREUPON, JUROR WAS SEATED IN THE JURY
14 BOX.)

15 CLERK OF COURT: Juror number one-eleven, Robin
16 D. Phillips.

17 (JUROR STANDS.)

18 CLERK OF COURT: What says The State?

19 MS. HINTON: Please present Mr. Phillips.

20 CLERK OF COURT: And the Defense?

21 MR. MCLAURIN: Please present Mr. Phillips.

22 CLERK OF COURT: If you would come forward
23 please, sir, and have a seat in the jury box.

24 (WHEREUPON, JUROR WAS SEATED IN THE JURY
25 BOX.)

1 CLERK OF COURT: Juror number eighty-eight, Lark
2 S. McAtee.

3 (JUROR STANDS.)

4 CLERK OF COURT: What says The State?

5 MS. HINTON: Please present Mrs. McAtee.

6 CLERK OF COURT: And the---

7 MR. MCLAURIN: Please dismiss Mrs. McAtee.

8 CLERK OF COURT: Okay. If you would return to
9 your seat please, ma'am.

10 (WHEREUPON, JUROR RETURNED TO HER SEAT.)

11 CLERK OF COURT: Juror number ninety, Robert G.
12 McDaniel.

13 (JUROR STANDS.)

14 CLERK OF COURT: What says The State?

15 MS. HINTON: Please present Mr. McDaniel.

16 CLERK OF COURT: And the Defense?

17 MR. MCLAURIN: Please dismiss Mr. McDaniel.

18 CLERK OF COURT: If you would return to your
19 seat, please, sir.

20 (WHEREUPON, JUROR RETURNED TO HIS SEAT.)

21 CLERK OF COURT: Juror number one-thirteen, Noah
22 C. Porter.

23 (JUROR STANDS.)

24 CLERK OF COURT: What says The State?

25 MS. HINTON: Please present Mr. Porter.

1 CLERK OF COURT: And---

2 MR. MCLAURIN: Please dismiss Mr. Porter.

3 CLERK OF COURT: If you would return to your
4 seat, please, sir.

5 (WHEREUPON, JUROR RETURNED TO HIS SEAT.)

6 CLERK OF COURT: Juror number twenty-six, Ashley
7 R. Clark.

8 (JUROR STANDS.)

9 CLERK OF COURT: What says The State?

10 MS. HINTON: Please present Mrs. Clark.

11 CLERK OF COURT: And the---

12 MR. MCLAURIN: Please dismiss Mrs. Clark.

13 CLERK OF COURT: If you would return to your
14 seat.

15 (WHEREUPON, JUROR RETURNED TO HER SEAT.)

16 CLERK OF COURT: Juror number sixty-two, Amber
17 C. Hendrix.

18 (JUROR STANDS.)

19 CLERK OF COURT: What says The State?

20 MS. HINTON: Please present Ms. Hendrix.

21 CLERK OF COURT: And the Defense?

22 MR. MCLAURIN: Please dismiss Mrs. Hendrix.

23 CLERK OF COURT: Please -- return to your seat,
24 please, ma'am.

25 (WHEREUPON, JUROR RETURNED TO HER SEAT.)

1 CLERK OF COURT: Juror number twenty, Cameron F.
2 Bushnell.

3 (JUROR STANDS.)

4 CLERK OF COURT: What says The State?

5 MS. HINTON: Please present Mrs. Bushnell.

6 CLERK OF COURT: And the Defense?

7 MR. MCLAURIN: Please present Mrs. Bushnell.

8 CLERK OF COURT: If you would come forward
9 please, ma'am, and have a seat in the jury box.

10 (WHEREUPON, JUROR WAS SEATED IN THE JURY
11 BOX.)

12 CLERK OF COURT: Juror number forty-nine, Ryan
13 K. Gibson.

14 (JUROR STANDS.)

15 CLERK OF COURT: What says The State?

16 MS. HINTON: Please present Mr. Gibson.

17 CLERK OF COURT: And the Defense?

18 MR. MCLAURIN: Please present Mr. Gibson.

19 CLERK OF COURT: If you would come forward
20 please, sir, and have a seat in the jury box.

21 (WHEREUPON, JUROR WAS SEATED IN THE JURY
22 BOX.)

23 CLERK OF COURT: Juror number one-thirty-nine,
24 Jarod L. Todd.

25 (JUROR STANDS.)

1 CLERK OF COURT: What says The State?

2 MS. HINTON: Please present Mr. Todd.

3 CLERK OF COURT: And the Defense?

4 MR. MCLAURIN: Please present Mr. Todd.

5 CLERK OF COURT: If you would come forward and
6 have a seat in the jury box.

7 (WHEREUPON, JUROR WAS SEATED IN THE JURY
8 BOX.)

9 CLERK OF COURT: Juror number one-forty-two,
10 Jennifer D. Turner.

11 (JUROR STANDS.)

12 CLERK OF COURT: What says The State?

13 MS. HINTON: Please present Ms. Turner.

14 CLERK OF COURT: And the Defense?

15 MR. MCLAURIN: Please present Ms. Turner.

16 CLERK OF COURT: If you would come forward
17 please, ma'am, and have a seat in the jury box.

18 (WHEREUPON, JUROR WAS SEATED IN THE JURY
19 BOX.)

20 CLERK OF COURT: Juror number one-o-six, Ethan
21 T. Orr.

22 (JUROR STANDS.)

23 CLERK OF COURT: What says The State?

24 MS. HINTON: Please excuse Mr. Orr.

25 CLERK OF COURT: If you would return to your

1 seat, please, sir.

2 (WHEREUPON, JUROR RETURNED TO HIS SEAT.)

3 CLERK OF COURT: Juror number six, Dorothy R.
4 Atkins.

5 (JUROR STANDS.)

6 CLERK OF COURT: What says The State?

7 MS. HINTON: Please present Ms. Atkins.

8 CLERK OF COURT: And the Defense?

9 MR. MCLAURIN: Please present Mrs. Atkins.

10 CLERK OF COURT: If you would come forward
11 please, ma'am, and have a seat in the jury box.

12 (WHEREUPON, JUROR WAS SEATED IN THE JURY
13 BOX.)

14 THE COURT: All right, strikes on the alternate
15 will be one for The State and two for the Defense.

16 CLERK OF COURT: And two alternates, correct?

17 THE COURT: Please; yes, sir.

18 CLERK OF COURT: Okay, this will be for the
19 first alternate. Juror number eighty-five, William B.
20 Massingill the third.

21 (JUROR STANDS.)

22 CLERK OF COURT: What says The State?

23 MS. HINTON: Please present Mr. Massingill

24 MR. MCLAURIN: Please present Mr. Massingill.

25 CLERK OF COURT: If you would come forward

1 please, sir.

2 (WHEREUPON, JUROR WAS SEATED IN THE JURY
3 BOX.)

4 CLERK OF COURT: And this will be for the second
5 alternate. Juror number sixteen, Gary L. Brownlow,
6 Junior.

7 (JUROR STANDS.)

8 CLERK OF COURT: What says The State?

9 MS. HINTON: Please present Mr. Brownlow.

10 CLERK OF COURT: And the Defense?

11 MR. MCLAURIN: Please present Mr. Brownlow.

12 CLERK OF COURT: If you would come forward
13 please, sir, and have a seat in the jury box.

14 (WHEREUPON, JUROR WAS SEATED IN THE JURY
15 BOX.)

16 THE COURT: Anything from The State regarding
17 the striking of the panel?

18 MS. HINTON: No, Your Honor.

19 THE COURT: Mr. McLaurin, anything on your
20 behalf involving the striking of the panel?

21 MR. MCLAURIN: I -- I don't believe so, Your
22 Honor.

23 THE COURT: Okay; thank you. Uh, you use the
24 call-in system, Mr. Clerk?

25 CLERK OF COURT: Yes, we do.

1 THE COURT: All right; those of you who are not
2 chosen, I'm gonna allow you to leave and ask you to
3 call back tonight to the number that you were given by
4 the Clerk. You'll receive instructions; it may be to
5 call back at a certain time, it may be to report at a
6 certain time. Very important that you follow those
7 instructions. I don't say this as a threat, it's part
8 of the way -- part of what I'm required to do under my
9 job description. If you're supposed to be here and
10 you're not -- and this includes those on the panel --
11 before we can proceed, I have to have the Sheriff find
12 out why you're not here. So, uh, I don't say that as
13 any kind of scare tactic so to speak, but that's just
14 the way our system works, and...

15 But we're easy to deal with. If you are
16 supposed to be here and you have some emergency --
17 sickness or car problem or something else, let us know;
18 we can deal with that. If you have a problem that's
19 gonna -- a legitimate problem that's gonna prevent you
20 from being here, call the Clerk, let the Clerk know,
21 let the Clerk know the problem, and let the Clerk know
22 what, uh, you think as far as when you will be able to
23 report. Again, we can deal with that.

24 So, uh, unless the Clerk has something
25 different, I'm gonna allow you to leave. I'm gonna ask

1 you leave quietly so I can start talking to the, uh,
2 jurors that have been chosen.

3 Mr. Clerk?

4 CLERK OF COURT: If anyone needs a statement for
5 work for today, you can stop by my office on the first
6 floor or you can wait 'til the end of the week to get a
7 statement for the whatever days you're here.

8 THE COURT: All right; thank you, have a
9 pleasant afternoon. I hope -- I'll probably see some
10 of -- probably see you more toward the middle of the
11 week.

12 (WHEREUPON, JURY PANEL RELEASED AND DEPARTED
13 THE COURTROOM.)

14 THE COURT: Ms. Hinton, do you want to swear the
15 jurors or you want to swear 'em when they come back?

16 MS. HINTON: Your Honor, I'd ask that we do it
17 when we come back.

18 THE COURT: Okay. Members of the jury panel, we
19 have some legal matters to take care of that, uh, will,
20 uh, require us to take up the rest of the morning, so
21 I'm gonna excuse you in just a moment until two
22 o'clock.

23 Uh, when you leave this time, go out this
24 door. I believe that the Bailiffs will show you the
25 jury room and tell you how to have ingress and egress

1 to, uh, the courthouse and to the jury room while
2 you're serving as a juror.

3 When you come back, I'll have some things to
4 chat with you about, then I'll turn the case over to
5 the attorneys. And I'll tell you more about that when
6 you come back.

7 But, I do need to tell you at this time, you
8 are on this jury; even though you have not been sworn,
9 you are members of this jury. So, uh, there are
10 several things that apply.

11 One is, you are not to discuss the case among
12 yourselves or even try to make up your own mind until I
13 instruct you at the end of the trial to jointly
14 deliberate and return a unanimous verdict. Prior to
15 that time you do not have all the tools you need to
16 make a fair and reasonable decision so do not try to
17 discuss the -- discuss the case or try to make up your
18 own mind.

19 Do not let anyone outside the courtroom try
20 and discuss the case with you.

21 Don't initiate a conversation with anyone
22 about the case and do not let anyone start one with
23 you.

24 If anyone does try to discuss the case with
25 you, report that back to me, hopefully giving me that

1 person's identity because they would be, uh, in
2 violation of -- they would be in contempt of Court in
3 trying to talk the -- to a seated juror.

4 Uh, I don't know that any of you would have
5 any reason to, but do not go, while you are on this
6 trial, to the location of this -- which I told you
7 earlier was the SunTrust Bank on I think Cedar
8 Mountain...

9 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR
10 A CONFERENCE, OFF THE RECORD.)

11 (WHEREUPON, PROCEEDINGS CONTINUED.)

12 THE COURT: Cedar Rock Street. So, just
13 don't go there because this -- even though it only
14 happened a year ago -- the closing happened a year ago
15 -- uh, the allegation that this happened a year ago,
16 things may be different, and a witness may described
17 something that you've gone to take a look and check it
18 out so to speak, and something maybe changed and you
19 may be thinking oh my, well that's not the way it
20 looked to me. So don't go to the bank while you're
21 serving on this jury trial.

22 Do not let yourself be exposed to any news
23 coverage if there is any. Don't read about it, watch
24 anything, or listen to anything that could remotely do
25 with this trial. Again, your verdict must be based on

1 what you hear and see here in the courtroom.

2 Do not do any independent research and in
3 particular do not do any, uh, online or any -- use any
4 kind of electronic device or go to any google or any,
5 uh -- uh, online source to receive any information
6 about this case. About the case, about the Solicitor,
7 about Ms. Hinton, about Mr. McLaurin, about me, about
8 jury trials, about evidence -- just stay away from, uh,
9 electronic media when you're -- while you're on this
10 trial as far as doing any research. That would be
11 improper. Again, your verdict must be based solely on
12 the parties' agreed -- the parties are entitled to a
13 verdict being based solely on what you hear and see in
14 Court.

15 And I expand that to include Facebook and
16 things like that. I know it sounds like it would be
17 very innocent just to say on Facebook I -- guess what,
18 I'm serving on a jury this week. Uh, but as innocent
19 as that may sound, someone may, uh, respond to that
20 with some comment that wouldn't be healthy for someone
21 sitting on a jury trial. So, just stay away from that
22 while you're on this case.

23 Again, when you leave, the Bailiff will show
24 you how to get in and out; and when we come back, I'll
25 have the Clerk swear you in and I'll give you some

1 more, uh -- talk to you a little bit more about
2 preliminary things and then turn the case over to the
3 attorney.

4 Before you leave, Ms. Hinton, do you have
5 anything you want me to cover with the jury before they
6 go to lunch?

7 MS. HINTON: No, Your Honor.

8 THE COURT: Mr. McLaurin, do you?

9 MR. MCLAURIN: I'm sorry, Your Honor?

10 THE COURT: Do you have anything else you want
11 me to chat? When the jury comes back I'm gonna give
12 'em a fuller, uh, explanation about how we're gonna
13 proceed and what my job is, and the presumption of
14 innocence that I've already mentioned to them and
15 things like that. But...

16 MR. MCLAURIN: Yeah, I would, uh, request, Your
17 Honor, that, uh, one of the things I generally do in
18 opening statements is advise the jury -- and I know
19 this is The Court's -- but I like the jury to know they
20 have a duty -- it's not just a matter of -- but they
21 have a duty, uh, if the Defendant can show that there's
22 a tremendous amount of, uh, you know, a reasonable
23 doubt that, uh, they have to find the, uh, the
24 Defendant not guilty on the basis of, uh---

25 THE COURT: Okay; well, that -- that will be in

1 my charge---

2 MR. MCLAURIN: In the charge?

3 THE COURT: ---at the end of the trial. But for
4 right now, nothing else before they go to lunch?

5 MR. MCLAURIN: Not that I can think of, Your
6 Honor.

7 THE COURT: Okay.

8 MR. MCLAURIN: You know, one thing, Your Honor,
9 and that's just that the jury, uh, keeps a -- a very
10 open mind until they've seen all the evidence. And the
11 reason I say that is because sometimes -- and I'm at a
12 disadvantage here. We have a beautify young lady
13 that's the prosecutor, and I'm not beautiful to look
14 at, but nevertheless, we have a situation, Your Honor,
15 where -- where we want the jury to keep an open mind
16 until all of the evidence is in.

17 THE COURT: Okay. Well, I've -- I've kind of
18 tried to tell you that. And, uh, what he says is true;
19 keep an open mind. And I will charge you the law and
20 I'll go over that more, uh, when you come back with a
21 little more, uh, detailed kind of instructions at that
22 point.

23 So, have a pleasant lunch and we'll see you
24 bank here in the jury room at two o'clock. And -- now,
25 we've got some work to do and we've got to take lunch

1 too, so we may not be able to start right at two, but
2 that's my goal. So don't, uh, fuss at us if we -- if
3 we run a few minutes late because we've got some work
4 to do and we'd like to have some lunch. We -- we try
5 to start as close to two as we can.

6 Ms. Bushnell, I'm gonna ask you to be the,
7 uh, Forelady of this jury. When you come back, you'll
8 sit in this first seat here on the, uh, front row. The
9 two alternates will always sit in those two seats. And
10 as to the rest of you, there's no assigned seats, just
11 simply when you come in, uh, go to the end of the row,
12 whatever line you're in, and just have a seat. The
13 Foreperson and the alternates have the only assigned
14 seating.

15 So, have a pleasant lunch and we'll hopefully
16 get started as close to two o'clock as possible.

17 (JURY OUT, 11:15 P.M.)

18 THE COURT: The jury's out.

19 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR
20 A CONFERENCE, OFF THE RECORD.)

21 (WHEREUPON, PROCEEDINGS CONTINUED.)

22 THE COURT: Pre-trial matters on behalf of the
23 State?

24 MS. HINTON: Thank you, Your Honor. Your Honor,
25 the first issue is I'm in possession of a South

1 Carolina Court of Appeals case, State vs. Brent
2 McLaurin. It's opinion number 3483 from 2002.

3 In that case, Mr. McLaurin was allowed to
4 represent himself in a prior proceeding, a trial for
5 practicing law without a license. He then filed an
6 appeal saying the court erred in allowing him to
7 represent himself.

8 We have been through multiple judges who have
9 questioned Mr. McLaurin on his decision to represent
10 himself. I just wanted to make Your Honor aware of
11 that. And we just ask that that be confirmed on the
12 record for any appellate matters.

13 THE COURT: All right. Mr. McLaurin, you
14 understand that -- I don't know what your math -- your
15 status is as far as finances, but if you -- but you are
16 entitled to have an attorney represent you in regard to
17 this trial. If you cannot afford one, the State would
18 be required to appoint an attorney to represent you
19 with no expense to you.

20 There's a danger in you representing yourself
21 since you are not an attorney and don't know all the --
22 all the ends and outs coupled with a trial of the case
23 and the law. And there's a benefit in your having an
24 attorney. Because an attorney would know the highways
25 and pathways by which a case is processed, and know

1 things to tell the court about issues and about you,
2 that you may not think of since you're not an attorney;
3 do you understand all that?

4 MR. MCLAURIN: I do, Your Honor. But I'd like to
5 be heard also.

6 THE COURT: Okay.

7 MR. MCLAURIN: Firstly, Your Honor, the -- the
8 case that Brandi refers to was in fact appealed, but
9 not by me, and I never brought the charge. The judge
10 in that case happened to be Luke Brown. And I got
11 along very well with him, a very amicable situation.
12 Luke Brown was a fantastic judge, did a fantastic job.
13 And I personally never -- in fact, I didn't even
14 give -- I -- it sounds crazy, I realize that, but I
15 never gave the office of the appellate defender my
16 authorization to file any such claim against the court.
17 And I was perfectly satisfied with everything the court
18 did in that matter.

19 With respect to my legal qualifications, I am
20 formally trained. I have substantial legal expertise
21 and training. I'm not saying I'm great, but I'll say
22 this, I can -- know my way around the courtroom.

23 And with respect to this entire incident, if --
24 if I think Ms. Hinton is expressing concern, at some
25 point I might -- I might come forward to claim that

1 you, for instance, Your Honor, should not have
2 permitted this guy to proceed pro se, not at all true.
3 And I'll never bring that accusation or that -- not a
4 problem. So I don't see anything --

5 THE COURT: Well --

6 MR. MCLAURIN: -- or -- in fact, we will end up
7 with a copy -- if I can get the rest of it, I got -- I
8 think several -- I think I have six pages of that case.
9 If for some reason it wasn't all transmitted to me, I
10 don't know if that's Ms. Hinton's fault or some through
11 negligence of the attorney that helps me -- maybe he
12 was busy and didn't get them -- is this the entire
13 thing? Thank you. Let the record reflect, if we may,
14 Your Honor, that I now have what Mrs. Hinton purports
15 to be -- and I'll take her word for it -- the entire --
16 the entire case. And if that's -- can we give the
17 judge a case -- I mean, a copy of that so he can take a
18 look at it?

19 THE COURT: We'll -- we'll get a copy.

20 MS. HINTON: Yes, Your Honor.

21 MR. MCLAURIN: Yeah. Thank you. Judge, and we
22 may -- well --

23 THE COURT: I'm not quite through yet.

24 MR. MCLAURIN: But that's -- I'm sorry.

25 THE COURT: I mean, on the -- on the issue of

1 counsel, as I have told you, you have a right to have
2 an attorney and you have a right to have one appointed
3 if you cannot afford one.

4 As far as Ms. Hinton bringing up during trial
5 something that would indicate -- or you bringing up at
6 trial that you -- at some point in the trial, an
7 attorney needs to be appointed or something like that,
8 that -- that ship -- in a vernacular here, that ship
9 would have sailed. We've -- we're starting the trial
10 now. And you have a right to proceed pro se, but I
11 just want to make sure you're doing it freely,
12 voluntarily, knowingly, and intelligently.

13 So do you wish to have counsel -- you hadn't
14 applied for an appointment of an attorney; do you wish
15 to proceed pro se or have an attorney appointed?

16 MR. MCLAURIN: I wish to proceed pro se, Your
17 Honor. If I may be heard further, only because I've
18 been held in custody up until this point since my
19 arrest. That was January the 16th of 2014. I have
20 made vigorous attempts over the 16 months that I've
21 been in custody to hire private counsel. And the
22 problem is getting out to do so.

23 I have had several situations, and one in
24 particular, where a Judge -- Judge Alexander Macaulay
25 gave the Solicitor's Office in Pickens County up until

1 30 days to try the case, or set a bond that was
2 reasonable so I could get out.

3 And what happened is, in the meantime Judge
4 Macaulay and I had a -- I'll say a misunderstanding and
5 I filed a -- paperwork and Judge Macaulay agreed to
6 recuse himself, and I lost my ability to get out.
7 Because when I did go to court in front of one of the
8 nicest judges we have, in fact, and that would be Judge
9 Verdin, Mrs. Hinton objected to my release on the
10 ground that my bail of \$155,000 is a reasonable bail.
11 And, of course, I've always considered, and still do to
12 this day, that \$155,000 in bail is not at all
13 reasonable. And it does amount, in my opinion, to a
14 violation of the eighth amendment, in that it denies
15 the defendant the right to -- to make bail. And that's
16 where I sat.

17 So I sat there and -- and at that time, Mrs.
18 Hinton told the court that she would not be able to try
19 the case this month, but she would get somebody to do
20 so. So I -- I was happy with that, and here we are.
21 And I see that Mrs. Hinton is able to try the case. As
22 I say, I don't have a problem with that.

23 I have some other motions that I wish to make
24 when you're done, Your Honor, and when Ms. Hinton is
25 done.

1 THE COURT: Well, I'll be done if you'll just let
2 me know -- do you wish to have an attorney or proceed
3 pro se?

4 MR. MCLAURIN: No. I'm -- I'm going to go ahead
5 on and proceed pro se. If I was out, I would naturally
6 hire the attorney of my choice. I can't do that
7 because I still have the \$155,000 bond.

8 THE COURT: Well, I find that Mr. McLaurin is
9 freely, voluntarily, knowingly, and intelligently,
10 understanding the benefits of counsel and the danger of
11 self representation, exercising his right to proceed
12 pro se.

13 All right. You can have a seat now, and I'll
14 have Ms. Hinton --

15 MR. MCLAURIN: Thank you.

16 THE COURT: -- tell me what we're doing as far as
17 pretrial matters, and then we'll get to yours.

18 MS. HINTON: Thank you, Your Honor. The next
19 matter is the State would like to conduct a Jackson v.
20 Denno hearing on some statements that Mr. McLaurin
21 made. The State will have three witnesses for the
22 Jackson v. Denno hearing.

23 THE COURT: All right. Call your first one.

24 MS. HINTON: Thank you, Your Honor. The State
25 would call Travis Riggs to the stand.

1 THE COURT: While Mr. Riggs is coming up to be
2 sworn, Mr. McLaurin, you -- you -- you tell me you're
3 well versed, but I will tell you that what's called a
4 Jackson v. Denno has to do with whether or not some
5 statements you made were given freely and voluntarily.
6 And you, of course, would have a right to cross examine
7 Officer Riggs after the State does the direct.

8 But that's -- that's what -- that's the issue
9 we're on at this point. It has to do with what --
10 supposedly some statements you made at some point to --
11 to or in the presence of law enforcement.

12 TRAVIS RIGGS, having been
13 first duly sworn, testified as follows:

14 THE WITNESS: I do.

15 CLERK OF COURT: If you would, have a seat and
16 state your name for the record, please.

17 THE WITNESS: Travis Riggs.

18 MS. HINTON: And, Your Honor, if I may mark -- and
19 I'm providing Mr. McLaurin with a copy. The State is
20 going to ask to produce a redacted copy of Mr.
21 McLaurin's statements, where he references an
22 additional bank robbery in Anderson County. I don't
23 know whether Mr. McLaurin will have an objection to the
24 redacted statement.

25 MR. MCLAURIN: I'm sorry, Your Honor. I didn't

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1 hear that part about in Anderson County -- what was
2 that you said?

3 MS. HINTON: Your Honor, the -- inside Mr.
4 McLaurin's original statement, which I can provide the
5 court with, there is some reference to a bank robbery
6 in Anderson County which we are obviously not here on
7 today. The State has redacted that part of the
8 statement, and would like to proceed on the redacted
9 statement.

10 THE COURT: Do you understand that, Mr. McLaurin?

11 MR. MCLAURIN: Yes, I do, Your Honor.

12 THE COURT: Okay. Thank you.

13 MR. MCLAURIN: Thank you.

14 MS. HINTON: So, Your Honor, I will be marking the
15 redacted statement as the Court's Exhibit.

16 (Court's Exhibit No. 1 marked.)

17 **DIRECT EXAMINATION BY MS. HINTON:**

18 Q. Assistant Chief Riggs, where are you employed?

19 A. The City of Pickens Police Department.

20 Q. How long have you been at the City of Pickens
21 Police Department?

22 A. Almost 16 years.

23 Q. How long have you been there as the Assistant
24 Chief?

25 A. About four -- three or four years.

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1 Q. Did you become involved in this case involving
2 Mr. McLaurin?

3 A. Yes.

4 Q. Did you have occasion to speak to Mr.
5 McLaurin?

6 A. Yes.

7 Q. All right. The first time you spoke to Mr.
8 McLaurin, where were you?

9 A. In Greenville.

10 Q. Where?

11 A. At a hotel room.

12 Q. And that hotel room, why were you at that
13 location?

14 A. That's where Mr. McLaurin was.

15 Q. Did he reside there?

16 A. Yes.

17 Q. All right. What was your purpose in going to
18 that location?

19 A. We had an arrest warrant and a search warrant
20 for that location for Mr. McLaurin in connection to the
21 SunTrust Bank robbery.

22 Q. Did you make contact with Mr. McLaurin at the
23 Traveler's Inn in Greenville?

24 A. Yes.

25 Q. And who else was with you when you -- when

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1 y'all made that first initial contact?

2 A. Detective Byers, Chief Rodney Gregory, and a
3 lot of Greenville County -- I don't know all their
4 names.

5 Q. And anybody from the FBI?

6 A. Yes. Robert Hamod from the FBI.

7 Q. So multiple law enforcement officers?

8 A. Yes.

9 Q. Did you take Mr. McLaurin into custody at that
10 time?

11 A. Yes.

12 Q. And were his Miranda rights -- were you
13 present when his Miranda rights were read to him?

14 A. Yes.

15 Q. Did you --

16 A. No, I did not. Detective Byers read him his
17 rights -- when I put -- placed him into custody,
18 Detective Byers read the arrest warrant and read Mr.
19 McLaurin his rights.

20 Q. Okay. And was Mr. McLaurin in handcuffs at
21 that time?

22 A. Yes.

23 Q. And was he inside the hotel room or outside?

24 A. Standing outside the door way.

25 Q. At that time, did Mr. McLaurin speak with you?

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1 A. At that moment, not really. We -- I put him
2 in my vehicle, and then he spoke.

3 Q. All right. While inside your vehicle, who was
4 in there with you?

5 A. It was just me and him and the FBI agent, Rob
6 Hamod -- Bob Hamod came over and spoke to him through
7 the window in the back.

8 Q. Why did Agent Hamod come over there to speak
9 to him?

10 A. Mr. McLaurin asked for him to come over.

11 Q. Were you present when he did that?

12 A. Yes.

13 Q. Was Mr. McLaurin handcuffed at that time?

14 A. Yes.

15 Q. Where was he seated?

16 A. In my back seat of a Trailblazer.

17 Q. Is that your --

18 A. That's my police vehicle, but it is -- it's
19 not got a cage or anything.

20 Q. And when Mr. McLaurin spoke to Mr. -- or
21 sorry -- Agent Hamod and yourself, were his rights
22 reread to him?

23 A. No. But Agent Hamod did ask him if he was
24 read his rights, and he confirmed that he had been, and
25 began to speak with him.

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1 Q. And you were present for that?

2 A. Yes.

3 Q. When you took Mr. McLaurin in custody that
4 day, did he appear to be under the influence of any
5 drugs or alcohol?

6 A. No.

7 Q. Are you aware of Mr. McLaurin's education
8 level?

9 A. Not -- not exactly, no.

10 Q. Did you ever ask him about his educational --

11 A. Yeah, well, we ask, that's part of reading --
12 when we do his statements -- excuse me -- read him his
13 rights, before we take any statements, we ask him his
14 education level. And I don't recall -- I believe it
15 was some college classes, high school and some
16 college -- I don't recall though.

17 Q. Did he appear to have any mental infirmities
18 that would impair his ability to understand what was
19 going on at the time?

20 A. No.

21 Q. Did you make any promises or threats to him at
22 that time, to get him to speak with you?

23 A. No.

24 Q. How old was Mr. McLaurin at the time? Do you
25 have any idea?

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1 A. I -- I don't recall.

2 Q. What time of day did y'all arrive at the
3 Traveler's Inn?

4 A. It was -- I believe it was before lunch, just
5 before lunch.

6 Q. And that was on January 16th, 2014?

7 A. Correct.

8 Q. Can you please tell the court while in that
9 vehicle, what Mr. McLaurin's statements were?

10 A. While he was in the vehicle, he did give us
11 consent. He saw us going through his room. I told
12 him -- we gave him a copy of the search warrant. He
13 said, "You don't need that. You can look all you
14 want", but we did have the search warrant.

15 And while we were sitting there, he wanted to
16 make it clear that Skylar and Jared, two young men that
17 are involved in -- or were part of the case, he wanted
18 to be sure that they were listed as totally innocent.
19 That they had nothing to do with anything.

20 Q. Okay. Anything else that he said to you in
21 the car?

22 A. The conversation started off as just as
23 general talk. But he -- he was -- I don't know if it
24 was directed at me, or to the Agent Hamod, but he was
25 inquiring about the state vs. federal time, what all

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1 that entails.

2 Q. Any specifics as to that, or was that just a
3 general conversation?

4 A. Pretty much in general.

5 Q. And, Detective Riggs, did you have occasion to
6 speak with Mr. McLaurin later that day?

7 A. Yes.

8 Q. And where was that?

9 A. At our police department.

10 Q. Okay. And what particular room in the police
11 department?

12 A. We have an interview room.

13 Q. And in going back, was your conversation with
14 him in the car recorded?

15 A. Yes.

16 Q. Was your conversation in the interview room
17 recorded?

18 A. Yes.

19 MS. HINTON: And, Your Honor, just full
20 disclosure, the State does not intend to introduce
21 those recordings, just the officer's testimony as to
22 the statements.

23 BY MS. HINTON:

24 Q. When you spoke to him in the conference room,
25 was anybody else present with you?

1 A. I believe it was just he and I in the room.

2 Q. Was he in handcuffs at that time?

3 A. No. We unhandcuffed -- unhandcuffed at the
4 time.

5 Q. And I'm going to show you what's been marked
6 as Court's Exhibit No. 1; do you recognize what that
7 is?

8 A. Yes. That is Mr. McLaurin's statement.

9 Q. And is that a redacted version of the
10 statement?

11 A. Yes, it is.

12 Q. Okay. And I'm going to show you Court's
13 Exhibit 2; do you recognize that?

14 A. Yes.

15 Q. And what is that?

16 A. That is his Advisement of Miranda Rights.

17 Q. Okay. And what time is listed on that
18 advisement of rights?

19 A. 3:58.

20 Q. All right. And when you spoke to Mr. McLaurin
21 at 3:58, was there any change in his mental ability?

22 A. No.

23 Q. Any change in his intoxication level?

24 A. No.

25 Q. Did you make any threats or promises?

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1 A. No.

2 Q. Did you coerce him to make that statement in
3 any way?

4 A. No.

5 Q. When you take a statement from someone, do you
6 go through each of those rights listed on Court's 2?

7 A. Yes. We read each one of those and have them
8 initial beside it that we have read it to them.

9 Q. And in this case, did Mr. McLaurin do that?

10 A. Yes.

11 Q. Will you please read out to the court each
12 right that Mr. McLaurin was read -- did you read them
13 to him?

14 A. Yes.

15 Q. Each right that Mr. McLaurin was read, and
16 where he initialed?

17 A. "You have the right to remain silent.
18 Anything you say can and will be used against you in a
19 court of law. You have the right to talk to a lawyer,
20 have him or her present with you while you're being
21 questioned. If you cannot afford to hire a lawyer, one
22 will be appointed to represent you before any
23 questioning if you wish. You can decide at any time to
24 exercise these rights and not answer any questions or
25 make any statements. Do you understand these rights as

1 they have have explained to you?" And it has a box to
2 check yes or no, and Mr. McLaurin checked yes.

3 Q. Okay. And did he initial each of those
4 rights?

5 A. Yes, he did.

6 Q. Was there any indication, when you were
7 speaking with him, that he did not understand any of
8 those rights?

9 A. No.

10 Q. Did you read them prior to speaking with him?

11 A. Yes.

12 Q. Now, did he sign that form?

13 A. No.

14 Q. What -- what did he put in the signature line?

15 A. It says, "I prefer not to sign anything at
16 this time" -- it says -- "except for a one page
17 statement, I'm freely giving to Detective Assistant
18 Pickens County Police Chief Travis Riggs on 1/16/2014".

19 Q. Okay. And what is your understanding of that
20 one page, what was he referencing?

21 A. The -- his voluntary statement.

22 Q. And in the voluntary statement, does that have
23 a start time of the statement?

24 A. Yes.

25 Q. And what is that start time?

1 A. 4:04.

2 Q. And does that indicate his age?

3 A. Yes, it does.

4 Q. What was age at the time?

5 A. Sixty-eight.

6 Q. And what was the time that that statement was
7 concluded?

8 A. 4:32 p.m.

9 Q. Did he sign that statement?

10 A. Yes.

11 Q. All right. Is there any language in that --
12 first of all, what's the -- what's the caption of this
13 form?

14 A. Voluntary statement.

15 Q. Is there anything contained in the body of
16 that statement referencing Mr. McLaurin's rights?

17 A. Yes. We have them read the paragraph above.
18 If you want me to read it, I will. But it's pretty
19 much giving their rights again and telling them that
20 this is a voluntary statement.

21 Q. Okay. And then at the bottom, is there any
22 language prior to someone signing their statement?

23 A. Yes. It states that they have read each page
24 of their statement, and it it their signature, and all
25 that.

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1 Q. Did Mr. McLaurin sign that statement?

2 A. Yes.

3 Q. Did you witness that statement?

4 A. I did.

5 Q. Could you please read to the court the
6 statement that Mr. McLaurin wrote on January 16th of
7 2014?

8 A. "The following statement is true and accurate
9 to my personal knowledge. And I do know from personal
10 knowledge that two young gentlemen, to wit, Jared
11 Bearden and Skylar Harris -- Skylar are in no manner,
12 were they ever involved either directly or indirectly
13 with any illegal activity, including but not limited to
14 either any bank robbery, or the alleged bank robbery of
15 the SunTrust. Both the individuals set forth about
16 (sic) are not involved in any illegal activity. And I
17 am aware that they have no knowledge of the planning or
18 the conspiracy level type scenario involving either
19 myself or others under any circumstances. This is the
20 only statement I have at this junction connected -- or
21 contacted to give to Assistant Police Chief -- Chief of
22 Police, Detective Travis Riggs".

23 "I also told an FBI personally the same thing so
24 the FBI, Robert Hamod, (864) 232-3807 of Greenville,
25 South Carolina, an FBI agent I spoke with on this date,

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1 was adopted by myself that neither Skylar" -- I don't
2 know that -- I don't know what that word is. "By
3 myself, neither Skylar Harris nor his friend, Jared
4 Bearden, had anything to do with the robbery of any
5 bank or banks, and at no period ever planned, conspired
6 to commit on any crime of bank robbery, or any other
7 crime with me. And I do personally know the young men
8 are totally innocent of having conspired to commit or
9 assist in the commission of committing any crime" -- I
10 don't know the word -- "nor either individual herein
11 mentioned, or have any advanced knowledge alleged
12 crimes were even planned, i.e., they are innocent. Mr.
13 Travis Riggs knows" -- this -- excuse me -- "this will
14 conclude my statement given freely to Detective
15 Assistant Police Chief Mr. Travis Riggs. No additional
16 statements have been given to -- of any incriminating
17 nature. This offense did -- this officer did advise me
18 of my rights, and I freely waive the -- the right for
19 the specific purpose and intent of giving the --
20 specifically, I think it is, the herein lecture (sic)
21 date and offered to submit to a polygraph concerning
22 the same". Mr. McLaurin did not have his glasses at
23 the time he wrote this, so he was -- couldn't see very
24 well.

25 Q. Did his lack of glasses seem to affect

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1 anything other than him not being able to write this?

2 A. No.

3 Q. Did you take any other statements from Mr.
4 McLaurin?

5 A. No.

6 Q. Did you meet with Mr. McLaurin again on
7 January 23, 2014?

8 A. Yes, I did.

9 Q. Did you meet with him with anyone else at that
10 time?

11 A. Yes, Hamod, Agent Hamod from the FBI.

12 Q. Were any statements given at all during that
13 time?

14 A. No. We read him his rights, and he refused to
15 sign. But we didn't take any statements.

16 Q. Did you speak to him at all about this case on
17 that date?

18 A. Yes, we -- we -- we brought -- he kept making
19 contact with myself in reference to this case, and
20 wanted to talk to myself and Agent Hamod. So I made
21 arrangements for Agent Hamod to meet me at the Police
22 Department, and we brought Mr. McLaurin up to talk
23 about the case. We advised him of his rights. And he
24 wanted to talk about federal time and state time. He
25 did not want to say anything about the crime or

T. RIGGS -- DIRECT BY MS. HINTON

1 anything like that, so we just shut the interview down
2 and took Mr. McLaurin back to LEC.

3 Q. At any other time, did you ever speak to Mr.
4 McLaurin regarding this case?

5 A. No.

6 Q. Was there a video recording of that
7 statement -- or the -- I guess the lack thereof --
8 statement on the 23rd of January?

9 A. I believe there is.

10 Q. Were you able to retrieve that for me?

11 A. I believe so.

12 Q. Okay.

13 A. I mean, if it's there, you got it.

14 Q. If I don't have it --

15 A. Then we didn't have it.

16 Q. Do you know what would have happened to it, or
17 why you would not have kept it?

18 A. Because there was nothing on it. I -- it was
19 there, but I don't recall.

20 Q. Do you reuse the tapes that you have?

21 A. Well, it -- it records. And then after so
22 long, if you don't take it off, it's going to get
23 recorded over.

24 Q. Okay. And when would you pull certain
25 recordings over others? Why would you pull certain

1 recordings over others?

2 A. When there's something relevant, such as -- if
3 they made a statement or anything like that, through
4 the case.

5 Q. I'm going to show you Court's Exhibit No. 3;
6 do you recognize what that is?

7 A. Yes.

8 Q. What is that?

9 A. This is the rights waiver on the 23rd from Mr.
10 McLaurin.

11 Q. Is that waiver -- have the same content as the
12 waiver on January 16th?

13 A. Yes. It's exactly the same.

14 Q. Does Mr. McLaurin initial the rights on that?

15 A. Yes.

16 Q. Does he sign it?

17 A. No.

18 Q. And, again, were there any statements of any
19 incriminating nature, or other wise, made about this
20 case on January 23rd?

21 A. No, there was not.

22 Q. Approximately how long did you meet with Mr.
23 McLaurin on that date?

24 A. Not long, maybe five or ten minutes.

25 MS. HINTON: Your Honor, that's all I have for

1 this witness at this time.

2 THE COURT: Okay. Cross examination.

3 **CROSS EXAMINATION BY MR. MCLAURIN:**

4 Q. Do you recall, Chief, back in April, 2014,
5 when I entered the municipal courtroom over there at
6 the time, the Honorable Perry Gravely had been the
7 judge; and my case was called for preliminary hearing
8 at that time?

9 A. Yes.

10 Q. I'm not -- I'm not testifying here, I'm asking
11 you if these --

12 A. Yes.

13 Q. -- questions are, in fact, correct. And Judge
14 Gravely asked me if my -- my attorney was ready to go
15 in this matter. And I indicated, if I recall
16 correctly, and perhaps you do, Your Honor, I'm -- I am
17 the defendant. However, while I've made a diligent
18 effort to have an attorney here today, he was not able
19 to make it or didn't make it -- anyway. And I would
20 just rather than postpone this proceeding, it would be
21 my -- my desire to continue and I'll elect to proceed
22 pro se if there is no problem with that, Your Honor.
23 This is just by all me -- do you recall that?

24 A. No, I do not.

25 Q. Okay.

1 A. I'm not denying it, I just do not recall.

2 Q. Okay. Maybe you weren't in the court --

3 A. Right.

4 Q. -- that's possible. But in any event, do you
5 recall that I was the attorney of record pro se at that
6 time?

7 A. I believe that is correct.

8 Q. Okay. Do you recall my first question to you?

9 A. No.

10 Q. Perhaps I could refresh your memory. My first
11 question to you was, Chief, do you mind if I refer to
12 you as Chief for the purpose of this proceeding. Do
13 you recall my saying that, and you -- you answered you
14 didn't have a problem with it. And I referred to you
15 as Chief throughout the rest of the proceeding?

16 A. I -- I believe that's correct. I don't really
17 recall.

18 Q. It is, but it's okay. Do you recall all the
19 questions I asked you concerning -- or -- my questions
20 concerning the witnesses and --

21 A. I do not recall every one of your questions.

22 Q. Do you recall -- do you recall at one point in
23 time, you booked me into the county jail? I don't know
24 if you did, I think Robert Sapp did. We'll -- but in
25 any event, you were at one point in time present at the

1 time I was booked into the county jail. And at that
2 time, you did if I -- if I recall correctly -- correct
3 me if I am wrong -- take from my person \$195 of my
4 money; do you recall that?

5 A. No, I personally didn't.

6 Q. You didn't take a \$195?

7 A. I personally didn't.

8 Q. Well, is there a possibility you are incorrect
9 about that?

10 A. I -- it's possible. I don't recall.

11 Q. Well, okay.

12 A. I don't recall ever booking -- I believe it
13 was Officer Sapp or someone else that booked you in.

14 Q. Yeah.

15 A. And they take the property when they book you
16 in.

17 Q. Okay. So, you don't recall that at a later
18 point in time, I -- I requested from you whether or not
19 you had taken the money. And, if so, if the money was
20 available and may I have it back inasmuch as it's --

21 A. I do believe that I remember you calling about
22 that. I definitely remember about the vehicle. You
23 wanted the vehicle title or something to go to a
24 friend.

25 Q. Lincoln Town car?

1 A. Yes.

2 Q. Do you know who damaged that title by the way?

3 A. I didn't know it was damaged.

4 MR. MCLAURIN: Thank you for your indulgence, Your
5 Honor. Actually that's a little off track. We're
6 not -- let me -- let me get right down to the
7 statements that you made today and see if -- see how we
8 look. Okay.

9 BY MR. MCLAURIN:

10 Q. You stated, Chief, that you were present when
11 the FBI agent, Robert Hamod, was contacted by me in
12 that vehicle, your vehicle at the scene of the
13 arrest -- do you recall the scene of the arrest --

14 A. Yes.

15 Q. -- and my saying to you, Chief -- I think I
16 always called you Chief.

17 A. Right.

18 Q. Out of deference -- or whatever -- do you
19 recall that I said to you, would you be kind enough to
20 tell Robert I would like to speak to him?

21 A. Yes.

22 Q. Okay. So I know -- I won't -- I won't add
23 that. And you're stating here today, under oath, that
24 you recall -- and you know what it means to be under
25 oath -- you recall that you gave me my rights again

T. RIGGS -- CROSS BY MR. MCLAURIN

1 before I -- I elected to speak to Robert Hamod?

2 A. No, I never said that.

3 Q. You said it here today?

4 A. No, I did not.

5 Q. Well, we can ask the --

6 A. Go right ahead.

7 Q. -- your testimony to be reread. But let me
8 finish if I could -- and it might not be even important
9 at this moment -- but that's what you testified to.
10 You said --

11 A. No, I did not.

12 Q. Well, okay. You didn't say that --

13 A. I said Detective Byers read you your rights.

14 Q. That's true.

15 A. I read you your rights at the --

16 Q. That's true.

17 A. -- station.

18 Q. That's true. You did say at the station out
19 there -- but we're not talking about the rights that
20 you read me or Mr. Sam Byers read me at the door, just
21 moments after I was arrested, we're talking about
22 subsequently you did -- do you recall, you had
23 testified I think -- my question is, you had testified
24 that subsequent to Mr. Byers reading me my rights,
25 which he did do, as I went to -- to the vehicle -- I

T. RIGGS -- CROSS BY MR. MCLAURIN

1 was escorted to your vehicle?

2 A. Yes.

3 Q. While sitting in that vehicle, if I can
4 refresh your memory, did there -- let's do this again.
5 Do you recall a point or a juncture where I said to
6 you, would you be kind enough to ask the FBI agent --

7 A. Yes.

8 Q. -- there -- in fact, I said is he an FBI
9 agent?

10 A. I recall.

11 Q. Do you recall what you said to me?

12 A. I believe I went and got -- got him.

13 Q. That's correct. And do you recall then that
14 both you and he accompanied one another to the vehicle;
15 and at that time a conversation commenced?

16 A. Yes.

17 Q. Beginning with -- I can tell you exactly what
18 he said to me. He said, "Mr. McLaurin, I understand
19 you would like to speak to me; is that correct?" And I
20 said, "yes, it is, sir". And do you recall what I was
21 interested in talking to him about?

22 A. Yes. But I do recall what you're saying -- I
23 didn't say I read you your rights. Mr. Hamod asked you
24 if you had been read your rights.

25 Q. He did ask me that. And you also testified

T. RIGGS -- CROSS BY MR. MCLAURIN

1 here today that you -- if I'm not mistaken -- that you
2 read me my rights?

3 A. At that point, no. I did not testify to that.

4 Q. I don't even know why that's -- that's
5 imperative that --

6 A. You're asking the questions.

7 Q. Once you're read your rights, you're
8 Mirandized, but that's not my point. My point is you
9 don't remember testifying here today that you did say
10 that?

11 A. No.

12 Q. And that, did you -- did you recall that
13 Robert, that you -- well, you don't recall -- do you
14 recall that Robert Hamod also read me my rights before
15 he discussed anything with me?

16 A. I don't recall.

17 Q. Okay. Well, my -- the answer that -- I won't
18 answer the question. And then this goes into this
19 voluntary statement at the time that we got to the
20 police station --

21 A. Yes.

22 Q. -- are you following me?

23 A. I'm with you.

24 Q. If I'm going too fast or missing anything,
25 please slow me down. Okay. We get to the police

1 station. And do you recall saying to me, there's one
2 thing I can't understand, Brent, how these kids are
3 involved in something like bank robberies. And I said
4 to you -- I won't say what I said to you, that's not
5 proper. But let me say this: Do you recall you're
6 saying something like that to me and adding -- this is
7 the important part of this -- I don't want to sound
8 like I'm trying to trick you or anything -- "well, we
9 think we might have to -- have to charge them with
10 something" -- I don't remember the verbatim term --

11 A. It's very possible I said that, yeah. I don't
12 recall exactly, but I -- that -- I believe I said
13 something to those effects.

14 Q. And at that point in time, if my memory serves
15 me right, I believe you asked me if I would be willing
16 to give a voluntary statement which is -- as a matter
17 of fact is this one, concerning everything that this
18 statement states. And basically that those boys had
19 nothing to do with anything; do you recall that?

20 A. I do.

21 Q. And you have read this statement; is that
22 correct?

23 A. Yes.

24 Q. You know what -- what the contents are; is
25 that correct?

T. RIGGS -- CROSS BY MR. MCLAURIN

1 A. Yes.

2 Q. Okay. And let me ask you this question: I
3 know -- the reason I'm asking you this question, sir,
4 and it's not necessary that I tell you that, but I will
5 anyway -- is because you want to show -- let me leave
6 that out. It's not important. Do you recall -- or let
7 me ask you this question: In your 16 years of
8 experience as the Chief, I think -- well, four years.
9 But 16 before that, would you say it's reasonable to
10 conclude that I would patently be capable of giving you
11 a statement, stating that these two boys were never at
12 any time involved in any criminal defense, if you also
13 knew -- and I told you this -- but if you also knew
14 that those boys, since the date of that alleged bank
15 robbery, the robbery of the bank is alleged to have
16 happened on the 14th of January, 2014; is that not
17 correct?

18 A. That is the date.

19 Q. Now, if those boys were with me every day,
20 commencing on that date, up until the time of my
21 arrest -- and I know emphatically that they had nothing
22 whatsoever to do with the commission of any crime
23 whatsoever, that I would then be cognizant of that fact
24 and able to give you a truthful statement, which I did
25 do on paper, stating these boys had nothing to do with

1 any bank robbery; do you find that reasonable to
2 conclude?

3 A. I don't find it reasonable that you were with
4 them boys 24/7.

5 Q. Well, I wasn't with them 24/7, but by the same
6 token, don't you know what times on that date since
7 we're -- since you're pinpointing and -- and
8 restricting the timeframe to those specific hours, you
9 know where those boys were; is that correct?

10 A. At the time of the robbery?

11 Q. Yes.

12 A. Yes.

13 Q. Well, if those boys were in -- where were
14 those boys at the time of the robbery?

15 A. They were in the -- Nestfeathers, I guess.
16 It's an antique shop or something -- a what-not shop.

17 Q. Now, where do you get that information,
18 because they told you that's where they were?

19 A. Yes. And eye witnesses that saw them in
20 there.

21 Q. But there are no -- the eye witnesses that saw
22 them in there, have never testified as to what time
23 they saw them in there. I can show you, I have got the
24 reports right here. Everything the eye witnesses said,
25 all the depositions, I have never read where anybody

T. RIGGS -- CROSS BY MR. MCLAURIN

1 said exactly what time. In fact, this is -- the young
2 lady -- I don't know if she is a young lady -- but the
3 women that owns Nestfeathers, did she not testify that
4 she was with customers; didn't pay much attention to
5 who's coming or who's going or what times -- or what
6 times we're dealing with, so she wasn't -- she wasn't
7 paying attention to a specific timeframe unless --
8 unless the prosecutor can -- can correct us here.
9 Maybe she did, but do you --

10 MS. HINTON: Your Honor --

11 MR. MCLAURIN: -- recall her testifying to that?

12 MS. HINTON: Your Honor, I'm just going to ask him
13 to get back on track, that this relates to --

14 THE COURT: Yes. Mr. McLaurin, we have gotten a
15 little far afield. And I know you had some issues you
16 want to cover. And there may be a better time to do
17 it. Because right now, the sole question is whether or
18 not I'm going to allow the State to introduce the
19 statement that you made in the interview rooms, that
20 you just picked up the voluntary statement, and any
21 statement that you made in the patrol car at the
22 Traveler's Inn.

23 That's the sole question as to whether or not I
24 find that you were properly Mirandized, and that you
25 waived your rights, and made those statements.

T. RIGGS -- CROSS BY MR. MCLAURIN

1 MR. MCLAURIN: Well, I think --

2 THE COURT: Not the content of the statement.

3 MR. MCLAURIN: I got you. Well, a little
4 consideration to judicial economy being what it is --
5 we can -- I have no problem with that, Your Honor.
6 If -- if all -- if you want to establish that I signed
7 this statement, and that I was given my rights, I
8 realize that. There's no problem -- I don't have a
9 problem with that, Your Honor, you know -- and -- and
10 would I object to him using it -- actually, I would
11 object to anything. I'm here on trial. So I naturally
12 have -- I have to do what any attorney would do, I
13 would object to it. But I -- it's probably going to go
14 in anyway. I just wanted to get a little -- a little
15 information here and establish, for the record that,
16 yes, I know that these boys were not in any way
17 involved. But -- and as I explained to you then, I
18 know they weren't involved because they were with me.

19 THE COURT: All right. That really wasn't a
20 question. That was a statement. And I -- I can state
21 on the record, I'm convinced at this point that your
22 position is that they weren't involved, so --

23 MR. MCLAURIN: Thank you, Your Honor.

24 THE COURT: But I don't know where that's going
25 with that, but I -- I understand what -- where you're

1 coming from, at least with your position. So anyway --

2 MR. MCLAURIN: I'll rest my case at this point.

3 THE COURT: Any further questions?

4 MS. HINTON: Yes, Your Honor. And I hate to do
5 this, but I did omit one statement -- one verbal
6 statement.

7 **REDIRECT EXAMINATION BY MS. HINTON:**

8 Q. When y'all were in the conference room -- I
9 think it's at the police department on January 16th,
10 2014, did Mr. McLaurin make any statement about his
11 participation in a crime or the ability to prove this
12 crime happened?

13 A. Prove the SunTrust crime happened?

14 Q. Yes. Yes.

15 A. I -- I -- honestly I cannot say I recall.

16 Q. Do you have any notes from that conversation?

17 A. I'm sure I have a supplemental report done.
18 And like I said, there's the video of the interview.

19 MS. HINTON: Your Honor, I don't know if Your
20 Honor would allow this, but if I may lead him just
21 slightly --

22 MR. MCLAURIN: Objection, Your Honor.

23 THE COURT: Yeah, I sustain -- I sustain the
24 objection. I'm not going to let you lead. If he's
25 got -- if he needs to refresh his memory with a

1 document, we -- we do that a particular way. We don't
2 lead.

3 MS. HINTON: Yes, Your Honor.

4 THE COURT: So I sustain the objection.

5 MS. HINTON: Thank you, Your Honor.

6 BY MS. HINTON:

7 Q. In the video recording, is there a
8 conversation that occurs prior to you getting a written
9 statement from Mr. McLaurin, where y'all -- where y'all
10 discuss any potential guilt of Mr. McLaurin?

11 A. Well, I'm -- I'm sure we discussed it. I
12 don't know specifically what you're -- what you're
13 leaning toward. I mean, I was asking him if -- of
14 course, if he was guilty or not. I may not have said
15 those words or not, of which he did not deny. But I
16 asked also about the two young gentlemen. And, you
17 know, he wanted to adamantly say he was innocent --
18 they were innocent -- excuse me.

19 MS. HINTON: Your Honor, I apologize but I don't
20 think I have any other choice but to admit the actual
21 videotaped interview of Mr. McLaurin's January 16th
22 statement at this time.

23 MR. MCLAURIN: Your Honor, are we going to be able
24 to hear this now?

25 THE COURT: Well, you need to get it admitted of

1 course.

2 MS. HINTON: Yes, Your Honor.

3 MR. MCLAURIN: For the record, I would like to
4 say, Your Honor, if I may -- at no time, I don't care
5 what she's got on video, there's nothing on any video
6 that she has that you can produce at this time that
7 ever, under any circumstances, shows me admitting to
8 anybody on the face of this earth that I robbed any
9 bank.

10 THE COURT: Well, then -- then you're -- then
11 you're okay.

12 MR. MCLAURIN: Yeah. So if that's what she's
13 attempting to allude to, that's not going to happen.

14 THE COURT: Well, the question is not whether --
15 what is or is not going to happen. The question is
16 whether or not she can get this video in.

17 I -- I apparently missed the boat because I
18 thought the video was missing from earlier testimony.
19 But if she lays the proper foundation, I'll -- I'll
20 allow it in. But I -- she hasn't gotten that far yet,
21 Mr. McLaurin.

22 THE WITNESS: There was another interview on the
23 23rd, Your Honor. That's the one I -- I think that
24 she's talking about on the 16th.

25

T. RIGGS -- REDIRECT BY MS. HINTON

1 BY MS. HINTON:

2 Q. All right. Chief Riggs, to clarify, was there
3 a videotape recording of the January 16th of 2014
4 interview?

5 A. Yes.

6 Q. Were you able to produce a video recording of
7 the January 23rd of 2014 interview?

8 A. I don't believe so.

9 Q. And why is that?

10 A. I have no reason -- there was nothing on the
11 interview. He did not want to discuss anything related
12 to the case.

13 Q. And when you say that, you're referring to
14 January 23rd; correct?

15 A. Correct.

16 Q. Okay. I'm going to show you what has been
17 marked as Court's Exhibit No. 4; do you recognize what
18 that is?

19 A. Yes.

20 Q. Okay. And what is that?

21 A. This is the tape -- or excuse me -- the video
22 recording of the interview with Mr. McLaurin.

23 Q. Which interview?

24 A. The one on the 16th.

25 Q. And where were you when this interview took

1 place?

2 A. In -- at Pickens City Hall in the police
3 department downstairs in the interview room.

4 MS. HINTON: Your Honor, I'm going to try to play
5 it off of this --

6 THE COURT: Well, you've got to get it into
7 evidence first. You haven't moved it in.

8 MS. HINTON: Yeah, I'm sorry, Your Honor, if --
9 the State would, at this time, move State's 1 -- I'm
10 sorry -- Court's one, two, three and four into
11 evidence.

12 THE COURT: Any objections? Mr. McLaurin, any --

13 MR. MCLAURIN: I'm sorry, Your Honor. No
14 objection.

15 THE COURT: Okay. In without objection.

16 (Court's Exhibit Nos. 1, 2, 3, & 4 received into
17 evidence.)

18 MS. HINTON: Thank you, Your Honor. And, Your
19 Honor, if you're not able to hear it off of this
20 computer, I will get a speaker from downstairs.

21 THE COURT: Can we have the lights dimmed a
22 little. That's good. Thank you.

23 (Whereupon, a video was played in open court.)

24 MS. HINTON: Your Honor, the next about 15 minutes
25 is silence while Mr. McLaurin writes his statement.

T. RIGGS -- RECROSS BY MR. MCLAURIN

1 I'll be happy to fast forward if Your Honor wants to
2 for purposes of this hearing.

3 THE COURT: I have no problem with that, just fast
4 forward through the part that you -- he's --

5 MS. HINTON: Thank you, Your Honor.

6 (Whereupon, a video was played in open court.)

7 BY MS. HINTON:

8 Q. All right. Chief Riggs, is that your
9 recollection of your conversation?

10 A. Yes.

11 Q. Okay. And so did Mr. McLaurin make any
12 statements as to his involvement in anything?

13 A. Well, he just said that he -- you know that I
14 know that you know -- something of that -- in your
15 heart of hearts. He didn't make a direct statement
16 about this particular bank robbery, but it insinuated
17 in my opinion.

18 MS. HINTON: That's all I have at this time.

19 THE COURT: Recross?

20 **RECROSS EXAMINATION BY MR. MCLAURIN:**

21 Q. Explain to me how that's an insinuation. I
22 would like to see how your mind works; how is that an
23 insinuation?

24 A. Well, you stated that you know -- referring to
25 me --

T. RIGGS -- RECROSS BY MR. MCLAURIN

1 Q. Yes, sir.

2 A. -- that I know that you know that I know.

3 Okay. What -- what where we there for? A bank
4 robbery. I've never known you before on any other --
5 I've never met before today. So my thoughts were, it
6 was in reference to that bank robbery. You just would
7 -- not going to say it, and I understood that.

8 Q. Isn't it a fact that we had many conversations
9 that day? Do you recall any of those conversations?

10 A. In -- in the vehicle of -- of my trailblazer,
11 yes.

12 Q. Okay. I can't help how you took that, and I
13 can't -- certainly can't help what you -- what you wish
14 to consider your opinion. But I will say to you here
15 and now, in my opinion that was not an admission of
16 guilt. If I was going to admit that I committed a
17 crime, I think I would have said to you, being a police
18 officer, you know how to get that information. Well,
19 I'll give you another statement. Did I ever say I
20 would give you another statement, saying I would like
21 to give you a statement that I committed a bank
22 robbery?

23 A. No. You never said that.

24 MR. MCLAURIN: Thank you, sir. No further
25 questions, Your Honor.

1 MS. HINTON: Your Honor, that's all I have for
2 this witness.

3 THE COURT: You -- you can step down. Thank you.

4 THE WITNESS: Thank you, Your Honor.

5 MS. HINTON: Your Honor, next the State would call
6 agent Bob Hamod with the FBI.

7 ROBERT HAMOD, having been
8 first duly sworn, testified as follows:

9 CLERK OF COURT: Sir, if you would, have a seat
10 and state your name for the record please.

11 THE WITNESS: Robert Hamod.

12 **DIRECT EXAMINATION BY MS. HINTON:**

13 Q. Agent Hamod, where are you employed?

14 A. With the FBI in Greenville.

15 Q. How long have you been there?

16 A. This July it will be 24 years.

17 Q. Did you respond to the Traveler's Inn in
18 Greenville on January 16th of 2014?

19 A. Yes, I did.

20 Q. Were you responding as an FBI agent?

21 A. Yes, I was.

22 Q. Do you often respond to crimes of this nature?

23 A. Yes, I do.

24 Q. Were you present when Mr. McLaurin was read
25 his Miranda rights?

R. HAMOD -- DIRECT BY MS. HINTON

1 A. I was not.

2 Q. Okay. Were you informed ever that he was
3 Mirandized?

4 A. Yes, I was.

5 Q. Did you have occasion to speak to Mr.
6 McLaurin?

7 A. Yes, I did.

8 Q. Where was Mr. McLaurin when you spoke to him?

9 A. He was seated in one of the vehicles of the
10 Pickens Police Department.

11 Q. Okay. Was he in handcuffs at that time?

12 A. I believe he was, yes.

13 Q. Who else was present with you?

14 A. I believe it was Assistant Chief Riggs.

15 Q. And in speaking with him, did you speak about
16 his Miranda rights at all?

17 A. I don't recall if I ever did.

18 Q. Okay. Did you read him advisement of his
19 rights?

20 A. I don't think I did, no.

21 Q. Why did you come speak with him?

22 A. I just was asking him if he had any questions
23 of me. I believe the police had spoken with him
24 previously.

25 Q. Okay. Do you -- do you know if you went on

1 your own accord or if you requested to come speak to
2 him?

3 A. I -- I don't recall. I think it was -- I
4 don't recall.

5 Q. Okay. Mr. McLaurin asked earlier -- or
6 testified earlier, that he asked to speak with you; is
7 that --

8 A. Yeah, that sounds right, yes.

9 Q. In speaking with him, did Mr. McLaurin make
10 any statements to you?

11 A. He did speak with me, yes.

12 Q. Okay. Did you force him to make those
13 statements?

14 A. I did not.

15 Q. Did he appear to be under the influence of any
16 drugs or alcohol at the time?

17 A. He did not.

18 Q. Did he appear to understand what was going on?

19 A. Yes, he did.

20 Q. Okay. And no threats were made by you?

21 A. No.

22 Q. No promises?

23 A. No.

24 Q. What essentially did Mr. McLaurin speak to you
25 about?

R. HAMOD -- DIRECT BY MS. HINTON

1 A. He -- he was speaking about what was going on
2 that day also. He mentioned the two young gentlemen,
3 that they weren't involved in any of the -- any of the
4 robberies. And that he also indicated that he was
5 trying to see if he could spend the rest of his life in
6 federal prison as opposed to state prison.

7 Q. Okay. Did he make any other statements to you
8 at that time?

9 A. No.

10 Q. Did you ever speak to Mr. McLaurin again?

11 A. I did.

12 Q. Okay. When was that?

13 A. I believe it was January 23, 2014.

14 Q. Okay. Who was present when you -- when he --
15 I'm sorry -- where did you speak to him?

16 A. At the Pickens Police Department.

17 Q. And who was present at that time?

18 A. I believe it was also Assistant Chief Riggs.

19 Q. Was Mr. McLaurin advised of his rights at that
20 time?

21 A. I believe he was, yes.

22 Q. Were you present for that?

23 A. I don't recall.

24 Q. Did Mr. McLaurin appear to understand what was
25 going on at that time?

R. HAMOD -- DIRECT BY MS. HINTON

1 A. Yes, he did.

2 Q. And did he make any statements regarding this
3 incident at that time?

4 A. We were kind of going back and forth about
5 whether or not he would be able to take the charges
6 federal. And I kept trying to explain to him that for
7 us to do that, we would need his full cooperation and
8 full confession. And we ended up going back and forth
9 quite a number of times, trying to straighten that out.

10 Q. Okay. Did you ever get any full confession
11 from him?

12 A. We did not, no.

13 MS. HINTON: All right. Your Honor, I believe
14 that's all I have for this witness.

15 MR. MCLAURIN: Your Honor, firstly, just to
16 protect the record, I -- I would like to -- if the
17 court would indulge me -- I would like to say that
18 firstly, this matter involves, as you know,
19 negotiations in sentencing. So it wouldn't be
20 appropriate to put these issues before a jury under any
21 circumstances.

22 Now, with respect to anything I did, we have --
23 we have -- I don't find that anything that Robert has
24 just testified to, to be incorrect or false. I don't
25 -- it's my opinion that everything he's just testified

1 to is the way I recall it.

2 **CROSS EXAMINATION BY MR. MCLAURIN:**

3 Q. There's -- there's one statement he did make I
4 emphatically disagree with, and that's the statement
5 that you made, Robert, about my having -- correct me if
6 I'm wrong -- about my having admitted something to you.
7 If that's true, then tell us if you would, we would
8 appreciate it, what did I admit to you as far as
9 admitting the inference -- in other words, here's my
10 point. That inference that if -- let me back up a
11 little bit. Let me say that we're not in front of a
12 jury right now, so maybe the court will give me a
13 little bit of leeway here. The inference that it can't
14 be understood unless you knew more about me than you
15 do. The first time you ever met me was -- correct me
16 if I'm wrong -- January 16th; would that be correct?

17 A. That's correct.

18 Q. Okay. Now, being that that is true, I'm in
19 a -- I can't do that -- that's -- I need more in leeway
20 to get away with that one. But let me say this to you:
21 You say that today that I admitted something to you of
22 an exculpable nature, what did I admit to you? Can you
23 give us specifically what -- what did I ever say to you
24 that would admit -- let me ask the question: Did I
25 ever admit to you that I robbed a bank?

1 A. In so many words, no.

2 Q. "In so many words, no" is correct. But let me
3 ask you this question. All right. You're inferring
4 right now, well -- not in so many words, but if I dug a
5 little deeper, I could maybe build a case, and then I'm
6 aware that we could do that -- tell the jury and the
7 judge -- tell the judge, if you will -- or us, what --
8 what did I specifically say concerning my involvement
9 in that bank robbery or any other bank robbery?

10 A. On -- on which occasion are you speaking of?

11 Q. It doesn't matter. Let's talk about -- are
12 you talking about SunTrust -- I should say you're
13 asking me the question -- let's talk about SunTrust.
14 What did I ever say to you to give you --

15 A. I -- I mean on which occasion that we spoke?
16 Are you referring to the 16th or the 23rd?

17 Q. Well, we've already decided, I think, based on
18 Chief Riggs' testimony here today, that he threw the
19 tape away or he doesn't know where the tape is.
20 Anyway, there was no information useful to hear for the
21 prosecution. So I guess that's a dead issue. So I
22 guess we'll be talking about the 16th of January. That
23 seems to me that's all that's left. And if -- the 16th
24 of January is -- I can go with that; can you?

25 A. Okay. What -- the -- the conversation that we

1 had was in the vehicle. It was taped. And anything
2 that was said is on that tape.

3 Q. We've listened to the tape many, many times?

4 A. Sure.

5 Q. Yep.

6 A. Okay.

7 Q. What did I say to you -- I -- I can tell you
8 everything, but I'm not -- I can't do --

9 A. Sure.

10 Q. But anyway, what was on the tape? I ask the
11 question again, what do you recall being on -- we can
12 look at the tape. What do you recall being on the
13 tape -- did I ever say to you -- I'm sorry, let me
14 withdraw that please, Your Honor.

15 What did I say to you specifically that
16 indicates to you, if you can put that into words for us
17 here today, that told you in so many words, that I
18 robbed a bank? Tell me that.

19 A. What you said was you specifically told us
20 that -- the two boys were not involved. You stated
21 that --

22 Q. Let's stop right there if we can.

23 A. Okay.

24 Q. How did -- how did my telling you the two boys
25 weren't involved, tell you I had something to do with

1 the bank robbery?

2 A. Because if you weren't involved in the bank
3 robbery, how -- how would you know that the other two
4 boys weren't involved.

5 Q. I don't have to answer that question, but I
6 will, because they were with me at all points in time.
7 So I know that they had nothing and that's how I made
8 that -- that assumption. Now, I know these boys. I
9 know these boys are with me all day long every day.
10 These boys have never, to my knowledge --

11 THE COURT: Well, we are trailing off into the
12 boys again. Let's just ask him about the statement.

13 MR. MCLAURIN: But he -- he asked me, he did, he
14 made a statement that's -- that's the gist of the --
15 the gravamen of this particular argument is what I said
16 to Robert, that I knew the boys weren't involved. So
17 the boys are involved by -- by Robert's own admission,
18 or own -- own statement. So he kind of put the worm on
19 that hook. You know, I'm not on a fishing expedition
20 here. I'm asking specific questions, Your Honor.

21 THE COURT: Go ahead and try to stick to the
22 voluntariness of the statements.

23 MR. MCLAURIN: Okay.

24 THE COURT: Not what the boys did or did not do.

25

1 BY MR. MCLAURIN:

2 Q. Well, backing it up just a little bit more, if
3 you knew that I knew, for instance, Robert, that every
4 year in the United States 10 point something thousand
5 people are falsely convicted and sent to prison.
6 That's -- that's -- you can google that information.
7 You'll find that that's correct. Every year in the
8 United States, over 10,000 people are falsely accused
9 or innocently convicted, and still wind up in prison.
10 I can tell you how many end up dead because people have
11 made mistakes or didn't do their job right. So we know
12 that the criminal justice system isn't perfect. And
13 that's not my -- my issue here. My issue here is I
14 know that. And because I know that, maybe -- did you
15 ever stop to think that maybe as you and I were
16 talking -- I'm thinking here -- I'm 68 years old,
17 getting ready to be -- 69 actually, getting to be 70 in
18 a few months, so there's no way I could ever plead
19 guilty to a bank robbery charge.

20 MS. HINTON: Your Honor, I'm going to object
21 again.

22 THE COURT: Yeah, you're still not -- and I know
23 you're appearing pro se, and I know you got a lot you
24 want to say. But that's -- if the question is -- you
25 asked him is how did he -- how did he interpret that.

1 And how he interpreted it is what he has testified to.
2 Now, you've gone from asking him what he interpreted,
3 as to -- basically vague as to whether or not his
4 interpretation was right. And that's not at this --
5 important at this point.

6 BY MR. MCLAURIN:

7 Q. All right, Robert. You still haven't answered
8 my question -- well, I think you have. You basically
9 said when I said to you -- is this correct -- when I
10 said to you, I know those two boys are not involved in
11 that bank robbery, that that kind of -- you took that
12 to mean that's an admission that I must be? Yes or no?

13 A. It was the totality of the conversation that
14 we had in the car. The inference that you didn't want
15 to spend the rest of your life in a state penitentiary,
16 you prefer a federal penitentiary. Most people who are
17 not guilty of a crime, the first words --

18 Q. You are talking about prison -- do you notice
19 that I prefaced all those remarks -- listen to the
20 tape -- let's assume, did I say that -- that a person
21 or that an individual -- and even if I did say, if I
22 didn't want to, you know, that's -- that's a scenario,
23 that's a possibility. That's a -- let's look at all
24 the facts. When you buy a house, do you want to know
25 all the facts. When you buy a diamond ring for your

1 fiancée, do you want to know -- have as much
2 information before you as possible when you're having
3 --

4 THE COURT: You're trailing. Those are arguments
5 and you might -- you know if -- depending on where we
6 are with the jury, you may want to present those issues
7 to the jury. And it's your position that it is
8 interpretation. It's really up to the jury to
9 determine what his statements meant, not -- not the
10 FBI. That's for the jury.

11 MR. MCLAURIN: Well, I thank you for your
12 patience, Your Honor, I actually -- you have been more
13 than patient. I'm not even supposed to be -- but any
14 way, I don't believe I have any further questions from
15 this witness, because in my opinion, he has -- this is
16 his opinion. You stated an opinion. You have a right
17 to your opinion. Thank you, Robert. Have a nice day.

18 MS. HINTON: Thank you, Your Honor. We just ask
19 that he be excused for the day.

20 THE COURT: All right. You can -- I appreciate
21 your testimony and you can be excused.

22 MS. HINTON: Thank you, Your Honor. The State
23 would call Detective Byers to the stand.

24 THE COURT: Okay.

25 SAMUEL BYERS, having

1 been first duly sworn, testified as follows:

2 CLERK OF COURT: If you would, have a seat and
3 state your name for the record, please.

4 THE WITNESS: Thank you. Samuel Byers.

5 **DIRECT EXAMINATION BY MS. HINTON:**

6 Q. Detective Byers, where are you employed?

7 A. Pickens City Police Department.

8 Q. Did you also respond on January 16th of 2014
9 to the Traveler's Inn in Greenville, South Carolina?

10 A. Yes, I did.

11 Q. And did you do that to speak to a -- or to
12 arrest a Brent McLaurin?

13 A. Yes.

14 Q. Okay. And when you -- when Mr. McLaurin was
15 taken into custody, did you read him his Miranda
16 rights?

17 A. Yes, I did.

18 Q. Okay. Do you do the Miranda rights off of a
19 card or off of memory?

20 A. Off a card.

21 Q. Okay. Do you have that card with you?

22 A. Yes, I do.

23 Q. Okay. Can you read to the court the card that
24 you read to Mr. McLaurin?

25 A. Yes. "You have the right to remain silent.

1 Anything you say can and will be used against you in a
2 court of law. You have the right to talk to an
3 attorney and have him or her present with you while you
4 are being questioned. If you cannot afford to hire an
5 attorney, one will be appointed to represent you before
6 any questioning if you wish. You can decide at any
7 time to exercise these rights, and not answer any
8 questions or make any statements. Do you understand
9 each of these rights as I have explained them to you?
10 Having these rights in mind, do you wish to speak with
11 us now?"

12 Q. Did Mr. McLaurin indicate that he understood
13 his rights at that time?

14 A. Yes, ma'am.

15 Q. Did he appear to be under the influence of any
16 alcohol or drugs?

17 A. No, ma'am.

18 Q. Did anything appear to affect his ability to
19 understand?

20 A. No, ma'am.

21 Q. Okay. Did you threaten him at all to speak to
22 the police?

23 A. No, ma'am.

24 Q. In fact, did he make any statements to you?

25 A. At that time, the only thing he told me is

1 that he didn't want to speak to us.

2 Q. Okay. All right. Did your ever speak to him
3 again?

4 A. No, ma'am.

5 MS. HINTON: Your Honor, that's all I have for
6 this witness.

7 THE COURT: Do you have any questions for this
8 witness?

9 MR. MCLAURIN: I don't believe I have any
10 questions of this witness, Your Honor. Thank you.

11 THE COURT: All right. You can step down.

12 MS. HINTON: And, Your Honor, the only other
13 statements from Mr. McLaurin are the basis of a search
14 warrant that the State obtained, and we have separate
15 testimony for. I'm happy to proceed with that under
16 the Jackson v. Denno, or we can proceed to the search
17 warrant -- the validity of the search warrant and go
18 that way.

19 THE COURT: Well, let's -- let's -- concentrate on
20 Jackson v. Denno at this point. Do you have any
21 witnesses that you want to call, Mr. McLaurin, or do
22 you want to testify on this issue regarding the
23 admissibility of these statements?

24 MR. MCLAURIN: No, I'm not going to testify.

25 THE COURT: Of course, you have a right to remain

1 silent.

2 MR. MCLAURIN: I am.

3 THE COURT: If you -- if you were to testify in
4 this hearing, it would be for this hearing only. But
5 you certainly have a right to present a defense. So
6 you're going to remain -- you're not going to say
7 anything at this time, yourself, or any other witnesses
8 on this issue?

9 MR. MCLAURIN: No. I have no witnesses to put on
10 the stand at this time, Your Honor, nobody to call.
11 And I'm going to rest right here.

12 THE COURT: All right. I'm going to allow the --
13 I find that the statements are admissible. I find that
14 they were made freely, voluntarily, knowingly, and
15 intelligently by Mr. McLaurin after being advised as
16 required of his Miranda rights and his constitutional
17 rights as set forth -- or articulated through Miranda.
18 That he was told that -- particularly right at the
19 scene of the arrest, at the Traveler's Inn, and
20 subsequent at other times -- at least one other time on
21 the -- with Officer Riggs that he -- as to the charges,
22 that he is now -- he's being arrested for, which he is
23 now on trial, that he had the right to remain silent;
24 that anything he said could be used against him; that
25 he had -- in a court of law; that he had a right to

1 talk with an attorney and have an attorney present
2 during any -- any interrogation; that if he could not
3 afford one, the State would be required to appoint an
4 attorney to represent him, at no expense to him.

5 He could exercise his rights as outlined in
6 Miranda at any time; that he did not appear to be under
7 the influence, he appeared to -- of any intoxicants.
8 And he appeared to understand what was being
9 communicated to him.

10 There is no evidence that there was any threats
11 or coercion. And I find these by the preponderance of
12 the evidence, all of these questions will also be for
13 the jury's determination. Of course, they will have
14 the higher standard of having to make a determination
15 beyond a reasonable doubt.

16 So, I find that having been properly advised of
17 his rights, the defendant's statement made during -- at
18 the time of the first -- of the arrest at the
19 Traveler's Inn, and the -- his being Mirandized at that
20 time, all statements thereafter were freely,
21 voluntarily, knowingly, and intelligently entered with
22 him having been properly advised of his constitutional
23 rights and his waiving of such. So I'll allow those
24 statements in.

25 Now, we have a search warrant issue?

1 MS. HINTON: Yes, Your Honor. The State has two
2 search warrants that are certified, that we would like
3 to mark as a Court's Exhibit, and then proceed to have
4 hearings on their probable cause.

5 THE COURT: Okay.

6 (Court's Exhibits 5-A & 5-B marked for
7 identification.)

8 MS. HINTON: Thank you, Your Honor. At this time,
9 the State would call Investigator Devan Hoover with the
10 Greenville County Sheriff's Office.

11 DEVAN HOOVER, having been first
12 duly sworn, testified as follows:

13 CLERK OF COURT: If you would have a seat, and
14 state your name for the record, please, sir.

15 THE WITNESS: Devan Hoover.

16 **DIRECT EXAMINATION BY MS. HINTON:**

17 Q. Sgt. Hoover, where are you employed?

18 A. The Greenville County Sheriff's Office.

19 Q. How long have you been there?

20 A. Between my eighth and ninth year.

21 Q. Okay. Did you become involved in a case with
22 the Pickens Police Department in January of 2014?

23 A. Yes, ma'am, I did.

24 Q. Okay. Laying in front of you is Court's
25 Exhibit No. 6; do you recognize that document?

D. HOOVER -- DIRECT BY MS. HINTON

1 A. Yes, ma'am, I do.

2 Q. Okay. What is that?

3 A. That is a search warrant that I assisted in
4 obtaining for this jurisdiction.

5 Q. Okay. And where -- where was the search
6 warrant to be executed?

7 A. I believe it was 20 Chalmers Road, Number 127,
8 in Greenville county.

9 Q. Do you recognize that address as anything in
10 particular?

11 A. It is a hotel, Traveler's Inn I believe.

12 Q. Okay. Would you please provide the court with
13 the information that you gave the -- which magistrate
14 judge did you present this to?

15 A. I believe that was Judge Simmons.

16 Q. In speaking to Judge Simmons, can you provide
17 the court with probable cause that you presented to
18 obtain the search warrant?

19 A. Yes. We were advised that the suspect in this
20 case was identified as a Brent McLaurin, I believe.
21 And that they had found him at this location, taken him
22 into custody. And pertinent to the arrest for a
23 thorough investigation, they asked that we obtain the
24 search warrant.

25 Q. Okay. What probable cause did you have that

1 Mr. McLaurin was potentially involved in the incident
2 that required a search warrant?

3 A. Basically, based off of their investigation,
4 they had eye witnesses, a supervisor who was, I think,
5 currently with them at the time; advised that they had
6 made contact with him there. And, obviously, at that
7 point, they would need a search warrant.

8 Q. Okay. And what was the scope of the search
9 warrant?

10 A. They were looking for items pertinent to a
11 bank robbery.

12 Q. Okay. What items were -- do you have a return
13 on that search warrant?

14 A. I do.

15 Q. What items were seized from that?

16 A. There were two black tote bags; a Sprint L.G.
17 black and silver cell phone. A -- one black wallet,
18 miscellaneous paperwork. One white bag with torn
19 paper. One HP laptop and numerous envelopes.

20 Q. Okay. And what is the date that search
21 warrant was signed by the judge?

22 A. Sixteenth of January, 2014.

23 Q. And what date was it executed?

24 A. The 16th of 2014.

25 Q. And what is the date of the return?

1 A. The 16th.

2 Q. Were you placed under oath by Judge Simmons
3 when you gave this information?

4 A. Yes, ma'am.

5 Q. Do you have anything else to add to this
6 search warrant?

7 A. No, ma'am.

8 MS. HINTON: That's all I have from this witness,
9 Your Honor.

10 THE COURT: Mr. McLaurin, do you have any
11 questions of this witness?

12 **CROSS EXAMINATION BY MR. MCLAURIN:**

13 Q. Sir, the first time you became aware of this
14 incident was through -- was through your information
15 that an armed robbery had occurred, and they had the
16 suspect in custody?

17 A. Yes, sir. It was their agency contacting ours
18 through my supervisor, and they were asking for our
19 assistance.

20 Q. Okay. And at the time you mentioned that
21 picked up an L.G. phone, also a white bag, had two tote
22 bags -- did you say two tote bags -- black tote bags?

23 A. That is what's on the return.

24 Q. Can you tell me what was located in the white
25 bag that you picked up? You said a torn paper I

1 believe?

2 A. I don't know if that was in the bag or not. I
3 don't know, I didn't -- I was more of a stand-by type,
4 deliver the search warrant, and stood by. I didn't go
5 through the items per se.

6 Q. So, it wasn't your job then to investigate
7 what was located just -- just to -- just to pick up
8 these items? When you picked them up, did you turn
9 them over to the Pickens Police?

10 A. The -- the -- when we went there, my
11 supervisor was already there.

12 Q. Okay.

13 A. And my job was to merely obtain the search
14 warrant and deliver it to them so that it could be
15 executed.

16 Q. I got you. Thank you. I appreciate it. I
17 don't believe there is any other questions of this
18 witness, Your Honor. Thank you, sir.

19 THE COURT: You can step down.

20 THE WITNESS: Thank you, sir.

21 MS. HINTON: Thank you, Your Honor. That's all
22 that the State has as to the search warrant for the
23 hotel.

24 THE COURT: Is the search warrant in evidence, do
25 you want --

D. HOOVER -- CROSS BY MR. MCLAURIN

1 MS. HINTON: I'm sorry, Your Honor. The State
2 would like to move Court's 6 into evidence.

3 THE COURT: All right.

4 MR. MCLAURIN: What is it?

5 MS. HINTON: A copy of the search warrant.

6 THE COURT: Can I see it -- I'm sure I can, but --
7 Thank you. What does the State -- do you have any
8 other witnesses on the search warrant?

9 MS. HINTON: Not on that search warrant, Your
10 Honor. We do have another search warrant.

11 THE COURT: All right. Well, what's the issue on
12 this?

13 MS. HINTON: Your Honor, the State thinks that
14 sufficient probable cause has been established to
15 obtain the search warrant based off of the Pickens
16 investigation. If Your Honor would like to hear more
17 detailed information as to their investigation, that
18 led them to Mr. McLaurin, I'm happy to put up Detective
19 Byers for that.

20 But the State is of the opinion that the scope
21 is appropriate; that it was placed under oath; that
22 there was probable cause; that there are no timing
23 issues related to the search warrant. And so the State
24 would ask that -- that the evidence obtained through
25 that search warrant be admitted.

1 And in addition to that, I believe there's been
2 prior testimony that Mr. McLaurin himself said you
3 don't need to have a search warrant, you have my
4 permission to go into the room and search.

5 THE COURT: All right. Well, then, that's two
6 different issues, but go ahead.

7 MR. MCLAURIN: That's correct, Your Honor. No
8 objection.

9 THE COURT: Okay. Then I find that the search
10 warrant and the search made pursuant to the warrant and
11 also by consent, that there is no objection to the
12 nature of the search warrant as far as execution.

13 MS. HINTON: Thank you, Your Honor. The next
14 search warrant, the State would call Lt. Kristy Leopard
15 to the stand.

16 KRISTY LEOPARD, having been
17 first duly sworn, testified as follows:

18 CLERK OF COURT: Thank you. If you would, have a
19 seat and state your name for the record, please.

20 THE WITNESS: Lt. Kristy Leopard.

21 **DIRECT EXAMINATION BY MS. HINTON:**

22 Q. Lt. Leopard, where are you employed?

23 A. Pickens County Sheriff's Office.

24 Q. Okay. And in what capacity?

25 A. I'm a lieutenant at the detention center.

1 Q. Speak up just a little bit.

2 A. Sorry.

3 Q. Lt. Leopard, I'm going to show you what's been
4 marked as State's -- I'm sorry -- Court's Exhibit No.
5 5; do you recognize what that is?

6 A. I do.

7 Q. What is that?

8 A. It's a search warrant.

9 Q. Okay. Is that a certified true copy?

10 A. It is.

11 Q. Okay. Were you the person requesting that
12 search warrant?

13 A. Yes.

14 Q. All right. And what information did you
15 provide -- well, let me back up -- who was the judge
16 that executed that search warrant?

17 A. Judge Dow.

18 Q. And what information did you provide to Judge
19 Dow to serve as probable cause for that search warrant?

20 A. That we had some information about some mail
21 that had come in, with information potentially to alter
22 evidence.

23 Q. Okay. And how did you obtain information
24 regarding that particular piece of mail? What led you
25 to that particular piece of mail?

1 A. A phone recording.

2 Q. Okay. And let's back up a little bit, this
3 phone recording, do y'all have a system for recording
4 phone calls?

5 A. We do, yes.

6 Q. All right. And that system is called what?

7 A. Securus.

8 Q. All right. And can you tell the court a
9 little bit about how Securus works?

10 A. Yes. The inmates are allowed to use the
11 phone. And Securus tells them at the beginning of the
12 call, "this call is subject to monitoring and may be
13 recorded", so all the inmates are aware that their
14 phone calls are recorded.

15 Q. Okay. How do you identify who's making that
16 phone call?

17 A. They have a pin number that they are given,
18 and it associates the calls with the name. So I can
19 listen in and search calls by inmate names, and see all
20 the calls that they make.

21 Q. Okay. Were you able to identify this
22 particular phone call as being associated with Mr.
23 McLaurin's pin number?

24 A. Yes.

25 Q. And I know the call is attached to that search

1 warrant, but can you just tell the court a little bit
2 about that phone call, if you remember?

3 A. Yes. It was in reference to -- he had mail
4 -- sent some mail so someone in the State of Florida,
5 and he had requested that they do some things to the
6 mail. It is very important, send it back, so we kind
7 of got a little suspicious and watched for that mail to
8 come in.

9 Q. Okay. What's the date of that warrant -- I'm
10 sorry -- what's the scope of that warrant?

11 A. The scope of this warrant is that if --
12 information that may have been detrimental to this
13 case, so him altering evidence potentially.

14 Q. Did it have dates -- limited dates on it?

15 A. It did.

16 Q. And what were those limited dates?

17 A. Mailed between March 2, 2015, and March 27,
18 2015.

19 Q. Okay. Any more specificity in the scope of
20 that warrant?

21 A. It was just to -- for mail. So it was all in
22 for mail.

23 Q. All right. And what's the date that that
24 warrant was signed?

25 A. This is going to be on 5/17/2015.

1 Q. And what was the date of execution?

2 A. 5/17/2015.

3 Q. Do you have the return attached to that search
4 warrant?

5 A. Yes, we do.

6 Q. And what is the date of that return?

7 A. The date of the return is the 17th of March
8 2015.

9 Q. Okay. And did you -- what is listed on the
10 return?

11 A. Incoming mail for Brent McLaurin, Jr., from
12 Reverend Al Salmon, of 5309 Chapin Terrance, North
13 Point, Florida, 34286.

14 Q. Okay. Does that correspondence attach to that
15 search warrant?

16 A. Yes.

17 Q. Did you -- were you placed under oath at the
18 time of getting the search warrant?

19 A. Yes, I was.

20 Q. Okay. And as a side note, do you have the
21 authority to open mail at the jail?

22 A. Yes, I do.

23 Q. What is -- what gives you that authority?

24 A. All mail is searched prior to it being
25 delivered to an inmate. The only exception is legal

1 mail, that's labeled legal mail from an attorney's
2 office. We usually open it in front of an inmate and
3 search through it.

4 Q. Okay. Is that -- is there a statute that
5 gives you that authority or is it just jail policy?

6 A. It's going to be the South Carolina Department
7 of Corrections policy.

8 MS. HINTON: Your Honor, I don't think I have
9 anything else at this time.

10 THE COURT: Do you have any questions?

11 MR. MCLAURIN: Yes, I do.

12 **CROSS EXAMINATION BY MR. MCLAURIN:**

13 Q. Good afternoon, Lieutenant.

14 A. Hi.

15 Q. If this is -- is it still afternoon, Your
16 Honor? I don't know. Anyways. On the date in
17 question, you were familiar with South Carolina code
18 annotated section 17-13-140?

19 A. I do not know that by heart.

20 Q. Okay. Did you -- well, let me ask you this
21 question, what specifically -- you testified that you
22 had probable cause. And Judge Dow gave you that
23 probable cause, what was it that you gave Judge Dow
24 specifically in which Judge Dow granted you the
25 probable cause to go ahead and conduct the search?

1 A. That we had reason to believe that there was
2 going to be some mail coming in from the person that
3 you had sent it to, in reference to altering evidence.

4 Q. Now, what -- what specific information did you
5 receive that gave you reason to believe that something
6 was questionable or mysterious or illegal?

7 A. A phone call.

8 Q. And what was that -- did you hear the phone
9 call?

10 A. Yes.

11 Q. Okay. And what was it in the phone call that
12 prompted your attention?

13 A. I don't remember specifically what it was, but
14 it was just you having a conversation with whoever you
15 were speaking with -- I'm assuming it was Mr. Salmon,
16 about some very important mail and to make sure that he
17 took care of it.

18 Q. Like -- would you testify just briefly for the
19 court specifically -- I already -- I know what it was
20 and the Solicitor knows what it was -- but would you
21 testify briefly or just -- however you wish for the
22 court, what was in that -- that communication?

23 A. The mail that --

24 Q. The one I received from Al Salmon from
25 Florida?

1 A. It was you instructing him to photo-shop some
2 pictures, to blow them up different sizes, to put
3 different shoes, to make a zipper smaller, to put
4 pockets on pants that did not have pockets.

5 Q. Okay. Do you have any -- do you have any
6 working knowledge of the courtroom and procedure when
7 you're -- for instance, when you are speaking with
8 witnesses, if a witness testifies the shoes were white
9 and they looked exactly like this, and the prosecutor,
10 for instance, puts -- uses white shoes, but puts a
11 little blue in it or whatever in it, that changes it
12 somewhat and shows that -- and shows that witness that,
13 and asked him is this what you saw. All right. Maybe
14 for the purpose of seeing if that person is really as
15 positive of -- as they have testified to -- can you see
16 my point?

17 A. I'm not really sure what you're asking me.

18 Q. Well, let me ask you this question: During
19 the course of the trial, if a witness testifies this
20 person committed a crime, and he was wearing all white
21 shoes, well, would you know that -- that the recall
22 ability of all witnesses, particularly when it's a
23 situation where people are -- their minds are
24 elsewhere. They are frightened or they're nervous or
25 whatever, that they might look a picture and see, well,

1 there's a possibility it was something other than that.
2 We want to be sure. If you're going to testify -- I
3 mean, if you are going to put a person in jail for "x"
4 number of years, wouldn't you, as a defense attorney,
5 want to be sure that that witness saw what they saw?

6 A. If that involved me altering evidence, no.

7 Q. And my next point is this: Did you know for
8 sure what I was going to do with any of the photographs
9 that I had that person send me?

10 A. No.

11 Q. Okay. You didn't know. Do you know why? I
12 didn't know. John DeJong didn't know. But anyhow, are
13 you familiar -- you said you weren't familiar with
14 South Carolina Code annotated, okay, section 17-13-140?
15 Do you know specifically what you must have to go to a
16 judge and get probable cause, to get a search warrant?
17 Do you know right off the top of your head, Lieutenant,
18 what it is that you -- the prerequisite criteria for
19 that search warrant? Do you know what you must have to
20 establish probable cause?

21 A. Probable cause.

22 Q. Well, probable cause is -- that's a phrase.
23 That's -- that's terminology. What does probable cause
24 mean you have to have?

25 A. I have reasonable suspicion.

1 Q. No, it has to go beyond reasonable suspicion.
2 Did you know that? Let me tell you exactly what it
3 does. And you can have a copy of this if you want.
4 South Carolina Code annotated section 17-13-140 -- and
5 that document is currently through all legislation
6 enacted in the 2014 session of State Legislature.
7 Okay. And here's what you must have and you -- and if
8 you don't have a copy of it, you're welcome -- I'm
9 saying -- let the record reflect I'm offering the
10 Solicitor a copy. In fact, I should have done this
11 already. So I apologize for not doing so. But you're
12 certainly welcome to it.

13 This is just three. And this is what I am
14 dealing with here as three -- "property which is being
15 used or has been used in the commission of a criminal
16 offense or is possessed with the intent to be used as
17 the means for committing a criminal offense, or is
18 concealed to prevent a criminal -- an offense from
19 being discovered". And I would like for you to have a
20 copy of this. I would like you to read it. And the
21 reason I would like you to read it is because you guys
22 did not have probable cause as I told captain Riggs.
23 She didn't have any probable cause. And what I was
24 doing was perfectly legal. That's what I told him.
25 Perfectly legal what I was doing.

1 And it wasn't ever going to reach a courtroom,
2 never would have because John here who's -- you know,
3 I -- would have told me, you can't if -- and you can
4 ask him if you wish -- I intend in this case -- and
5 it's not the right time to do that, but I desire in
6 this case to have the last argument.

7 You know what that means, Kristy? That means I
8 cannot, under any circumstances, put on any evidence of
9 my own. I can't do that in a criminal court and still
10 retain my right to have the last argument. And that's
11 what I want in this case, the last argument.

12 So what I'm saying here is that you didn't have
13 probable cause to do it. You didn't know what I was
14 going to use it for. And moreover, and here's the most
15 important thing of all, it wasn't ever introduced or
16 submitted as evidence in any courtroom in the State of
17 South Carolina. So I can do anything I want with -- if
18 the attorney -- if the Solicitor here gives me
19 discovery, and I want to draw mustaches on people and
20 change their faces and clothes, and the clothing of
21 people, I can do all that. I haven't committed any
22 crime.

23 The only time I have committed a crime is when I
24 intend to commit a crime. I don't think it's a crime
25 to want to show a prospective witness, ma'am, maybe

1 you're wrong. And let you select which one do you
2 think you saw. And that's what I was doing.

3 If you looked at all of those photographs, if
4 the judge hasn't seen them, I would appreciate it if he
5 can see them. And so he see's exactly what I was
6 doing.

7 And how many times in the course of all of the
8 information that you received, did I emphatically
9 inform my friend, who was a reverend, Al -- make
10 absolutely certain that everybody stays -- remains
11 honest. I said -- I don't know how many times I said
12 it, but does that tell you I'm trying to commit a
13 criminal act?

14 Well, I'm just -- I'm just throwing out some
15 facts here. I mean, you can -- based on your opinion,
16 I know you to be an employee who does an excellent job.
17 And I believe -- and I believe you are probably the
18 most proficient person in the jail right now. You're
19 qualified. You're proficient. You do an excellent
20 job.

21 A. Thank you.

22 Q. Sometimes you're a little harder than you need
23 to do be, but you do an excellent job, and everybody
24 likes you basically. But that's all I have, except for
25 my argument to the court. I would like to argue this

1 before she rests.

2 THE COURT: Any further witnesses? Any questions
3 of this witness?

4 MS. HINTON: No, Your Honor.

5 THE COURT: Any further witnesses on this?

6 MS. HINTON: No, Your Honor.

7 THE COURT: And did you move the exhibit in?

8 MS. HINTON: Yes, Your Honor. I would move
9 State's Exhibit No. 5 -- I'm sorry -- Court's Exhibit
10 No. 5 which contains the letter, as well as the jail
11 call used to establish probable cause.

12 MR. MCLAURIN: And, Your Honor, I would object to
13 that on the ground that it far, far, far -- I emphasize
14 the word "far" -- outweighs probable worth. Not only
15 was this search warrant -- this would be tantamount to
16 allowing into evidence --

17 THE COURT: Well, this is just for this hearing.
18 And this is just a court's exhibit, I have to have it
19 into evidence in order to review it.

20 MR. MCLAURIN: Oh, I see.

21 THE COURT: So we're not -- I haven't ruled it in
22 or out yet. I'm just -- need to -- so you can step
23 down and be excused. Thank you.

24 MR. MCLAURIN: May I be seated, Your Honor?

25 THE COURT: Yes, you can. I'll be glad to hear

1 you briefly, Mr. McLaurin. Anything you want to say
2 about the admission of the -- the validity of the
3 search warrant and the admission of the things seized.

4 MR. MCLAURIN: Do you mean just -- insofar as it
5 being admitted at this time?

6 THE COURT: Right.

7 MR. MCLAURIN: No. I don't believe so, Your
8 Honor.

9 THE COURT: Well, I find -- I have reviewed the
10 affidavit and the attachments. And I find it very
11 clear that the -- a reasonable interpretation of the
12 letter to Brother Al talks about the date of the -- the
13 expected date of the trial, which is I believe actually
14 today's date; even states on one page, why am I doing
15 this -- which is instructions to create even more
16 important reasonable doubt. You can win a trial
17 without the right reasonable doubt. So I find that
18 probable cause for issuing a search warrant regarding
19 any mail coming in from Brother Al -- whatever his last
20 name is, so I'll allow it.

21 MR. MCLAURIN: Judge, does that -- that doesn't
22 mean that you have ruled that she can use it at trial
23 in front of the jury, though, does it?

24 THE COURT: Yes, it does. That's the whole
25 purpose. She can use that as evidence at trial.

1 MR. MCLAURIN: Well, may I say one other thing?

2 THE COURT: Yes, sir.

3 MR. MCLAURIN: Insofar as that -- that information
4 was never brought into a courtroom, how can it be --
5 first of all, what we have here is a case where it
6 doesn't comply with the rules because it doesn't show
7 that a crime has been committed, or it doesn't show --
8 in other words, what I'm saying, Judge, is for you to
9 admit this -- even at this time -- would mean that you
10 agree that the -- that the probable cause was found
11 before the issuing, Judge, and it wasn't.

12 THE COURT: Well, I find it was.

13 MR. MCLAURIN: Okay.

14 THE COURT: And that will give you a ground for an
15 appeal.

16 MR. MCLAURIN: Okay. Okay.

17 THE COURT: On any of these issues where you --
18 you differ from my ruling, you certainly have a right
19 to appeal.

20 MR. MCLAURIN: Okay. So that I can have an
21 objection then on my -- my objection in taking
22 exception would be for the purpose -- or the purposes
23 as described, it doesn't meet probable cause.

24 THE COURT: Exactly.

25 MR. MCLAURIN: And it certainly outweighs

1 probative value and would certainly be prejudicial
2 depending on how a jury looked at it, would be
3 prejudicial to the defendant's case.

4 THE COURT: Well, right now, the question is
5 admissibility. And I'm ruling it is admissible, and
6 you objected to that. And so that's an issue for --
7 if, in fact, you are found guilty, then you would have
8 a right to appeal. And this would be one of the issues
9 you may raise.

10 MR. MCLAURIN: Thank you, Your Honor.

11 THE COURT: All right. Thank you.

12 (Court's Exhibit No. 5 received into evidence.)

13 MS. HINTON: Your Honor, lastly -- and this is
14 just so there is no surprise to Mr. McLaurin -- and I
15 don't believe it rises to the level of Neil v. Biggers,
16 but the State will be asking Assistant Chief Travis
17 Riggs to identify Mr. McLaurin in the courtroom as a
18 person he arrested, because his appearance mainly hair
19 color, has significantly changed since his arrest.

20 THE COURT: I don't think that's a Neil vs.
21 Biggers issue, so.

22 MS. HINTON: I agree, Your Honor. Thank you.

23 THE COURT: That's all from the State? Now, do
24 you have some pretrials, Mr. McLaurin?

25 MR. MCLAURIN: I do, Your Honor. And several --

1 and several dates pursuant to Rule 5 of the South
2 Carolina Rules of Criminal Procedure. I've requested
3 various inspections and discovery matters that -- that
4 we needed to prepare for trial. And this dates back
5 as -- I just -- let the record reflect if we could,
6 Your Honor, that I just handed the prosecutor a copy
7 for herself.

8 The first one was a 22 page motion for
9 inspection and discovery dated the 16th January of
10 2015. I have it right here. And also, Your Honor --

11 THE COURT: Well, let's do them one at a time.
12 What's the issue on that?

13 MR. MCLAURIN: Well, there's is so many. May I
14 hand it up, Your Honor?

15 THE COURT: No, I don't need it. If you -- what
16 is your position -- you certainly had a right to
17 request discovery.

18 MR. MCLAURIN: Well, I did request discovery and
19 my -- my problem is that as of this date, I haven't
20 received any of my requests concerning these motions,
21 these particular requests.

22 THE COURT: Well, let me ask -- let me ask the
23 Solicitor. Have you received reciprocal -- have you
24 served -- first off, did the State ask -- ask any
25 discovery of the defense?

1 MS. HINTON: Yes, Your Honor, we always file for
2 reciprocal discovery.

3 THE COURT: All right. Now, has the State
4 complied with the requirements of Brady and Rule 5?

5 MS. HINTON: Yes, Your Honor. The State is of the
6 opinion that we have provided Mr. McLaurin with
7 everything that we have. I have asked him with
8 specificity what he's missing, and have yet to receive
9 an answer as to that.

10 THE COURT: All right. What's missing?

11 MR. MCLAURIN: Well --

12 THE COURT: They can't -- they can't -- they can't
13 respond if they don't know what you're asking.

14 MR. MCLAURIN: Well, you can't respond if you
15 don't read the motion. My question here today, right
16 now of the prosecutor, is did she receive these motions
17 I just gave them -- or gave her rather -- another
18 additional copy of both motions?

19 THE COURT: All right. Did you receive -- have
20 you received those motions?

21 MS. HINTON: Yes, I have, Your Honor.

22 THE COURT: And have you addressed them?

23 MS. HINTON: Your Honor, I have inquired through
24 Mr. DeJong, who is -- part of our correspondence -- as
25 I cannot, on the phone, communicate with Mr. McLaurin,

1 what is it that he is missing. And I have never gotten
2 an answer.

3 THE COURT: All right. That's -- that's -- what's
4 missing?

5 MR. MCLAURIN: Your Honor, I don't know how to
6 begin unless you want me to read you the whole motion.
7 A ton of stuff. And it's all in here. Would you take
8 a quick look at it, Your Honor?

9 THE COURT: I would.

10 MR. MCLAURIN: Thank you. And this -- this is a
11 nine page...

12 THE COURT: Well, I see it -- kind of help me,
13 because there's a lot in here, and I don't want to read
14 the whole thing. You want handwritten notes -- what
15 kind of drawings and images -- have you provided --
16 what exactly, I'm not sure if I can figure out what you
17 are asking, Mr. McLaurin.

18 MR. MCLAURIN: Well, I'm asking for any notes that
19 she may have had, anybody in the prosecutor's office
20 may have had with law enforcement, any forensics
21 people, any laboratory witnesses --

22 THE COURT: Okay. Have you turned over all of
23 that?

24 MS. HINTON: There are no forensics in this case,
25 Your Honor. And we do not have any handwritten notes

1 between myself and law enforcement, nor do I think Mr.
2 McLaurin is entitled to that; but there aren't any.

3 THE COURT: What about -- the next thing I see are
4 newspapers -- something about newspaper articles,
5 they're not -- they're not the custodians of newspaper
6 articles.

7 MR. MCLAURIN: That would be the news -- the press
8 article that was released as exhibit -- or not
9 exhibit -- as the first release on January 16th by the
10 Pickens Police Department.

11 THE COURT: Have you got a copy of it?

12 MR. MCLAURIN: I do.

13 THE COURT: Well, then you got a copy of it.

14 MR. MCLAURIN: Well, I have a copy of it. And
15 what I'm saying is, I would like to have the entire --
16 what I have is a police -- they took the photo out and
17 then made their own flier and put it on television.
18 What I don't have is the newspaper clipping itself. I
19 don't have a copy of that newspaper article.

20 THE COURT: Do you have a copy of the newspaper
21 article?

22 MS. HINTON: I don't, Your Honor.

23 THE COURT: All right. Well, they're not
24 custodians of the newspapers, so they don't have to
25 provide something that they are not in charge of.

1 All right. What -- what's next? I think it
2 would be quicker because you give -- it's very long and
3 it has a lot of argumentative things in it. So -- so
4 what -- what -- what --

5 MR. MCLAURIN: Where are you, Your Honor?

6 THE COURT: Well, it doesn't really matter where I
7 am. I'm just going to ask you, you just need to tell
8 me what's missing.

9 MR. MCLAURIN: Everything that I have set forth in
10 this.

11 THE COURT: Well, just catalog them for me because
12 it's -- it's -- it's very -- you just go on and on
13 about each issue. And you go to explain why you want
14 things -- I don't really care why you want them, I just
15 want to know what you want them -- what you want, not
16 why you think you're entitled to them, or why you are
17 using them, just tell me what it is you want. You said
18 you wanted the news release, and they -- they don't
19 have that. The State does not.

20 What else? Now, he does ask, it looks like,
21 criminal records of prosecution witnesses. I think he
22 would be entitled to that if they are going to testify.

23 MS. HINTON: Yes, Your Honor. And I believe the
24 rule is that prior to testifying, we have to --

25 THE COURT: Right. At the proper time.

1 MS. HINTON: We are prepared to do that.

2 MR. MCLAURIN: The results of any investigations
3 which claim any materials, accessories, computer bags
4 or other bags may have been discovered, or located or
5 otherwise secured which the prosecution intends to
6 introduce at the time of trial.

7 THE COURT: Are there any such -- any of those?

8 MS. HINTON: I'm sorry, Your Honor. I didn't
9 follow exactly what he is asking for. Is he asking
10 about the bag itself?

11 MR. MCLAURIN: Everything -- anything in that --
12 in that itemized list.

13 MS. HINTON: Your Honor, the State does have with
14 them items from the Pickens Police Department that were
15 seized in the search warrant. But we're -- we're not
16 the custodian of those either. And I don't know of any
17 request that he made to go view that evidence at the
18 Pickens Police Department.

19 THE COURT: Well, I'll allow you, prior to the
20 introduction, to -- to view -- to take a look at those.
21 It may be -- I don't know -- we're obviously going into
22 tomorrow, and it may be -- if you are not able to do
23 that at trial today, but I'll let you take a look at
24 the physical evidence that the State has that relates
25 to this charge.

1 MR. MCLAURIN: Your Honor, if I may --

2 THE COURT: When I say the State, not just the
3 prosecution, but law enforcement.

4 MR. MCLAURIN: If you could just indulge me for a
5 moment -- would this be satisfactory, Judge, if I go
6 back tonight and just make you a list, bing, bing, bing
7 bing, without all the verbiage, and give it to you
8 tomorrow; is that all right?

9 THE COURT: That -- that would help.

10 MR. MCLAURIN: Okay. If you'll -- if you'll rule
11 on that motion, then we can solve this problem. I know
12 you don't have time to wade through it all --

13 THE COURT: Well, no, I've got -- I'm here all
14 week in fact -- even if it took two weeks, we'd try it.
15 The question is not time, it's understanding. I
16 can't -- it's not a waste of time. It's not an
17 infringement on my time. But I can't respond to
18 something that I don't understand.

19 MR. MCLAURIN: Right.

20 THE COURT: All right. Are -- you are going to
21 make an itemized list of that and we'll look at it.
22 What else?

23 MR. MCLAURIN: And -- I believe that would be it.
24 My concern was what we have, I think, do you have
25 have -- my understanding is you haven't ruled on the --

1 the in-vehicle custodial inter -- well, it wasn't
2 really an interrogation, but it was a conversation
3 between the FBI agent and myself --

4 THE COURT: I -- I have ruled on everything after
5 Mr. -- Officer Byers, at the door at 127 Traveler's
6 Inn, put you on notice of your Miranda rights, that you
7 were on notice that you had those rights under the
8 fifth and sixth amendment to counsel and remain silent,
9 and that anything you gave after that time you did --

10 MR. MCLAURIN: Willingly?

11 THE COURT: Well, freely, voluntarily, knowingly,
12 and intelligently and willingly because you -- you were
13 aware of your rights.

14 MR. MCLAURIN: Okay. Thank you, Your Honor.

15 THE COURT: Anything else from the State?

16 MS. HINTON: No, Your Honor.

17 THE COURT: All right. You can give these back to
18 him. Well, we'll break for lunch. I -- we'll try to
19 get back at say 2:15. That's not quite an hour. I
20 don't know about transporting him for -- Mr. McLaurin
21 as far as being fed. He's got time -- all right.
22 Let's try to reconvene -- I've got 20 after now, so
23 let's try to reconvene 20 after 2:00.

24 MS. HINTON: Twenty after 2:00?

25 THE COURT: Yes.

1 (After lunch recess, Court reconvened.)

2 THE COURT: Thank you. You may take your seats.

3 Is the State ready to proceed?

4 MS. HINTON: We are, Your Honor.

5 THE COURT: The defense?

6 MR. MCLAURIN: Good afternoon, Your Honor.

7 THE COURT: Are you ready to proceed?

8 MR. MCLAURIN: We are, Your Honor.

9 THE COURT: Anything before the jury comes in?

10 MS. HINTON: Not from the State, Your Honor.

11 THE COURT: Mr. McLaurin?

12 MR. MCLAURIN: You know, one -- I think -- I think
13 just one mention and that is, Your Honor, I just spoke
14 with the prosecutor who told me -- well, actually she
15 told Judge Verdin on April 23rd, that one of the
16 charges in the indictment happened to be armed robbery
17 while armed with a deadly weapon.

18 Now, at that time, the prosecutor indicated to
19 the court that they wouldn't be prosecuting that
20 charge. And I asked Brandi, I said, is there a
21 possibility you could throw that out or dismiss it at
22 this time. She says, we'll, we're not going to move on
23 that, but I guess there's some kind of a procedural
24 problem, you know. And you might wonder, Judge, well,
25 why is it important -- and maybe it's not -- I don't

1 know. Maybe I'm not smart enough to know why it would
2 be.

3 But I would feel better if it was not there. As
4 long as it is there, I -- I assume that Brandi can say,
5 well, let's go ahead and try him on that anyway. I
6 mean, I don't know what's -- I can't prepare properly
7 for trial unless I know what is there and what's not --

8 THE COURT: It's not here.

9 MR. MCLAURIN: Huh?

10 THE COURT: It's not in this -- we're not doing
11 anything about that today.

12 MR. MCLAURIN: Oh.

13 THE COURT: In the future, if they decide to
14 proceed, there may be some double jeopardy issues.
15 There may be all sort of things. I -- I don't know. I
16 don't know anything about the armed robbery. Was it
17 supposedly connected with this?

18 MS. HINTON: It is, Your Honor. It's just simply
19 that we have not done a tracking sheet until the case
20 was called, we were not going to dismiss it. I have no
21 problem doing that after court today.

22 THE COURT: Okay. All right.

23 MR. MCLAURIN: All right. Thank you.

24 THE COURT: Bring in the jury.

25 (Whereupon, the jury entered the courtroom at

1 2:27 p.m.)

2 THE COURT: Now that y'all are comfortably seated,
3 I'm going to ask you to stand so the clerk can
4 administer the oath.

5 CLERK OF COURT: Again, after the oath is
6 administered, answer by saying "I will". Raise your
7 right hand.

8 (Whereupon, the jury was sworn in.)

9 CLERK OF COURT: Thank you. You may be seated.

10 THE COURT: Thank you. I appreciate your
11 patience. I did tell you, thank goodness, that we had
12 some matters to take up and that we needed to get
13 lunch, too. So, I didn't miss class in kindergarten
14 when they taught you how to tell time. We actually
15 were busy up -- we did get an hour of our lunch. But
16 we are now back starting with the more formal part of
17 the trial.

18 I told you earlier several things, and I'm not
19 going to reiterate them. They mainly were precautions
20 and I sometimes call them admonitions about what not to
21 do, research; make up your mind; discuss the case;
22 those sort of things. I'm not going to repeat those
23 every day. And I say "every day", I know we will be
24 here at least tomorrow on this trial.

25 The defendant, Mr. McLaurin, is charged with two

1 offenses that I mentioned earlier, entering a bank with
2 an intent to -- intent to robbery and grand larceny.
3 And to these two charges, he has entered pleas of not
4 guilty. His pleas of not guilty place on the State the
5 burden of proving his guilt beyond a reasonable doubt.

6 Mr. McLaurin is presumed innocent of these
7 charges and need not prove his innocence. He need not
8 prove anything. The State is required, before you
9 could convict Mr. McLaurin to either or both of these
10 charges, they must prove those charges, the elements of
11 the charges which I will talk to you about later,
12 beyond a reasonable doubt.

13 Now, in a moment, the attorneys -- the attorney
14 and Mr. McLaurin, on his own behalf, have the right,
15 but no obligation to come before you and make what is
16 called opening statements. These opening statements
17 are not evidence because the -- of course, the
18 Solicitor is not a witness and Mr. McLaurin is not
19 appearing as a witness at that time. The two of them
20 will simply give them you their kind of view on the --
21 on the case. They will be giving you an outline or a
22 blueprint of the trial. They will tell you more about
23 the facts they expect to be presented during the trial
24 than I have, because I really haven't told you much of
25 anything.

1 The -- these opening statements are just that,
2 they're not arguments. The attorneys are not -- the
3 attorney and Mr. McLaurin are not trying to convince
4 you of a verdict at this point, they are simply telling
5 you sort of their view of the case.

6 At the end of the trial, they will have an
7 opportunity to come before you and make what are called
8 closing arguments or closing statements. At that
9 point, they will be taking the evidence presented
10 through the witnesses, and the law as I charge it, and
11 at that time will be asking you to reach a certain
12 verdict. So they will be argumentative at that time,
13 this time it's not. This is simply their outlines of
14 the trial.

15 I have three primary jobs. One is I'm the
16 logistics person, to make sure one person is talking at
17 a time; that we take breaks -- the mechanical part of
18 the trial. I also rule on questions of admissibility
19 of evidence. If one side believes certain evidence is
20 admissible for your review and be part of the record;
21 and the other, based on some legal reason, rule, or
22 case law believes that evidence is not admissible, it's
23 up to me to make a determination as to whether that
24 evidence can be submitted to you for your
25 consideration.

1 My third job is that I'm the sole judge of the
2 law in this case. You must take, accept and apply the
3 law as I charge it, even if you think I charged the law
4 in error, or even if you think the law should be
5 different. Your oath requires you to take, accept and
6 apply the law as I charge it.

7 I am giving you some legal principles now.
8 Perhaps during the trial I may give you some, and at
9 the end of the trial, I will give you a concise and
10 comprehensive charge on the law that you are to apply
11 to the facts as you determine them to be.

12 Do not infer from anything that I say or do at
13 any time during this trial to be a reflection of an
14 opinion of mine on the facts. Our law does not allow a
15 trial judge to formulate or to express to a jury any
16 opinions on the facts. That is solely your job.
17 Solely your job to examine the evidence, and give to
18 the evidence the value, the weight, the effect that you
19 believe it should have.

20 During this, you may believe one witness as
21 opposed to several; several witnesses as opposed to
22 one. You may believe all, part, or none of the
23 witness' testimony.

24 Use your common sense, your sense of logic and
25 your sense of reason, and your experiences in life as

1 you analyze the evidence. As judges of the facts, you
2 necessarily must judge the credibility, that is the
3 believability of the witnesses who testify. Assessing
4 the believability, you use the things I just talked
5 about. You use the things that you, in your day-to-day
6 life find as being indicators of the truthfulness of an
7 individual, and you can use certain measures or
8 valuator.

9 Things such as one's demeanor, how they act on
10 the stand; are they hesitant or straight forward in
11 responding to questions. The consistencies and
12 inconsistencies in their testimony. Consider any bias
13 or prejudice a witness may have; that is whether the
14 witness may wish to help or hurt one side or the other.
15 And you can consider the opportunity the witness had to
16 know those things about which they testify. All these
17 things you considered, you will be able to determine
18 facts, apply the law, and your verdict will be a true
19 verdict.

20 If you cannot see or you cannot hear, let me
21 know. A voice raising gesture, or hand gesture, or a
22 nudging gesture, and I'll try to correct whatever the
23 problem is. It's not fair to submit this case to you
24 and not give you full opportunity to see and hear those
25 things that are important in the case. So let me know

1 if you are having any problems.

2 You don't need to take notes. We take notes --
3 we take breaks about every hour and a half. I find
4 that's a good break time. But everybody is different.
5 So if anybody needs a break at any time, simply raise
6 your right hand. And with no questions asked, we'll
7 take a break. And I extend that to counsel and Mr.
8 McLaurin. We would like to move the case along. But
9 if we need to break, we'll take one.

10 Now, at this time, I will turn it over to the
11 attorneys -- to Ms. Hinton for her opening statement,
12 and then -- if she wishes, then Mr. McLaurin if he
13 wishes.

14 MS. HINTON: Thank you, Your Honor. May it please
15 the court?

16 THE COURT: Yes, ma'am.

17 MS. HINTON: Mr. McLaurin.

18 MR. MCLAURIN: Thank you.

19 MS. HINTON: Ladies and gentlemen of the jury,
20 good afternoon. My name the Brandi Hinton. I am an
21 Assistant Solicitor here in Pickens County. And it's
22 my duty to prosecute people who are charged with crimes
23 in Pickens County.

24 Now, as the judge instructed you, and will
25 instruct you again, Mr. McLaurin has been indicted on

1 two charges. That does not mean that Mr. McLaurin is
2 guilty of those charges. It is merely the means to get
3 us to this courtroom today.

4 Mr. McLaurin is representing himself. He has an
5 absolute right to do that. Mr. McLaurin walks in here
6 an innocent man, but that doesn't mean that he leaves
7 here one. That's up to you. It's the State's job to
8 prove Mr. McLaurin guilty of these two charges beyond a
9 reasonable doubt. You must be firmly convinced at the
10 end of this trial that Mr. McLaurin committed those
11 offenses.

12 Now, I have briefly written down the elements of
13 the offenses, and the judge will give you the full
14 instruction of the law. The first charge is entering a
15 bank with the intent to steal or commit a robbery.
16 It's self-explanatory. You enter a bank with the
17 intent to steal by force or threats.

18 And the second charge is grand larceny. The
19 State must prove that Mr. McLaurin took property valued
20 at greater than \$2,000, and he did it with the intent
21 to permanently deprive someone of that property. In
22 this case, SunTrust Bank in Pickens.

23 Now, I want to focus real quick on what a
24 robbery is. A robbery is unique to other crimes. When
25 someone makes a determination that they are going to

1 assault someone, they probably don't think about what
2 they're going to wear, how they are going to get away
3 with it. They're probably not going to put a whole lot
4 after preparation into it. They are going to rear back
5 and punch somebody.

6 A robbery is unique in that there is a lot of
7 preparation that goes into it. You scope out the
8 location. There is a bank note. You wear a disguise.
9 You're calculated in your movements. You're calculated
10 in what you do. And the State will show you that
11 through the -- the testimony and evidence.

12 I don't think that there will be any debate that
13 the SunTrust Bank was robbed on January 14, 2014. I
14 don't know what Mr. McLaurin is going to present. But
15 it is the State's opinion that this comes down to
16 who-did-it. And the State will prove, through
17 testimony and evidence, that that person was Mr.
18 McLaurin.

19 Mr. McLaurin is not an unintelligent man. The
20 State will show through the testimony and evidence that
21 this was a well thought out crime, but there were
22 mistakes made. And those mistakes led to the identity
23 of the defendant, Mr. McLaurin.

24 I ask that throughout this trial, you remain
25 attentive. I don't think we'll be here a terribly long

1 time, but I do appreciate you volunteering your time.
2 We could not do our jobs without you. So no disrespect
3 to the judge or to law enforcement, who have dedicated
4 their time to be here as well, but you are the most
5 important one in this courtroom. Because our justice
6 system would cease to exist without people like you
7 that voluntarily come here for jury duty.

8 And I hope at the end of this trial, you realize
9 that your role, as a juror, is an important one, and
10 that you feel like your time is well spent. At the end
11 of the trial, I'll be back in front of you to
12 specifically discuss the facts and the evidence that
13 you see. But I just ask, in the meantime, that you
14 remain attentive. And we appreciate, again, your
15 sacrifice of time from your families and from your jobs
16 to be here. Thank you.

17 THE COURT: Mr. McLaurin.

18 MR. MCLAURIN: Thank you, Your Honor. Good
19 evening, ladies and gentlemen, good evening -- good
20 afternoon -- let's try that.

21 My name is Brent McLaurin, and while I do agree
22 with a great deal of what Brandi just had to tell
23 y'all, I want to correct her on a couple of minor
24 issues.

25 One, she -- thankfully, she said that Mr.

1 McLaurin is not an unintelligent person. I am trained
2 and I had legal -- formal legal education. And right
3 now, to be very frank with you, I as scared standing in
4 front of y'all, so if you think, gee, this is a humble
5 guy, I'm scared to death. And I think you would be too
6 if you saw the witness list that Mrs. Hinton, the
7 prosecutor, Chief Riggs, and his colleague, brought to
8 this courtroom today. I say I'm scared to death
9 because I am.

10 This is my life. This is not a joke. So when
11 Ms. Hinton advised y'all that this is a job that you
12 must take very, very seriously, I want you to know that
13 I'll be praying every moment of every day that you take
14 it just as seriously as you can, hopefully as seriously
15 as you would take it, each and every one of you, as if
16 your own child -- if your own family member was up
17 here.

18 Now, the next question, did I rob a bank? The
19 answer is, I think I'm here to show you by virtue of --
20 have you ever heard the saying, actions speak louder
21 than words? Well, if I robbed a bank, I could have
22 made a deal with these folks to do considerably less
23 time. I think -- I'll be frank with you -- I never
24 sought that. But I --

25 MS. HINTON: Your Honor, I'm going to object to

1 that statement --

2 MR. MCLAURIN: You could object to it.

3 THE COURT: Don't go into sentencing matters.

4 MR. MCLAURIN: Oh, okay. Right, Your Honor. All
5 the judge is saying here is I'm not allowed to discuss
6 sentencing with you.

7 But, anyway, my point is that had I elected to
8 do that, I could have easily wrote anyone in the
9 prosecutor's office a letter, to discuss that matter
10 with them. Let's get on to the reality here.

11 I am not guilty of robbing any banks. And I
12 think the evidence is going to show that. Mrs. Hinton
13 explained to each and every one here, that you are all
14 the triers of the fact exclusively. The judge doesn't
15 try the facts. You, as the jury, will be the sole
16 judge of who's right and who's wrong.

17 You are going to see in this trial some
18 evidence. I think I have already said to each and
19 every one of y'all, please wait until all of the
20 evidence is in before you decide is this guy guilty or
21 is this guy not guilty.

22 You will see in this case, because I intend to
23 bring it out, that I'm not the only suspect in this
24 case. There were many suspects. I don't know what
25 happened to the rest of them. I know some of the

1 evidence, somehow got convoluted, and I will show you
2 at that time that I have no tricks up my sleeve. Okay.

3 You will also see in this -- in this case where
4 at one point I wrote to a friend of mine, who happens
5 to be a minister, a reverend down in Florida, Al
6 Salmon. His name is going to come up in this case, and
7 you will see and you can evaluate for yourself what my
8 intentions were.

9 You'll see that I asked him to change some of
10 the discovery evidence in this case. It's true, I did.
11 But I didn't do it for an illegal reason. I did
12 because I realized that probable cause, reasonable
13 doubt is one of the most important things in any
14 criminal case, any -- any -- any lawyer that represents
15 any client can tell you, there is nothing greater on
16 his side anyway, than reasonable doubt. You must prove
17 a defendant is guilty beyond a reasonable doubt.

18 Reasonable doubt. At the end of the trial, the
19 judge will give you a charge, and the charge will
20 basically explain to you what that means. That's his
21 job, so I will let him do it. But I want you to know
22 one thing, I'm not guilty.

23 There came a point in time in this case where I
24 discussed with an FBI agent, Robert Hamod -- you will
25 meet him here -- and I said to Robert, I says, "Do you

1 realize that every year in the United States there are
2 over 10,000 people falsely convicted and put in jail".
3 That's the truth.

4 If I told you how many were -- lost their life
5 because of bad evidence -- and I'm not saying that
6 police are bad. I'm not saying some of them aren't.
7 I'm not saying that prosecutors are bad. I think Mrs.
8 Hinton fairly told you folks the truth. She's here to
9 do a job. She doesn't know me. I don't know her.

10 Mr. Riggs, right there, is becoming the Chief of
11 Police -- well, he's next in line, and I hope he does.
12 He's certainly a gentleman to me throughout this entire
13 thing. That's the man that arrested me; a great guy.
14 But that's neither here nor there. I don't believe
15 he's a crook. I don't believe he's a thief. And I
16 don't believe he's deliberately dishonest.

17 I do believe that people make mistakes. I have
18 never known one in my life that doesn't. I don't
19 consider robbing banks a mistake. But as I said, I'm
20 not guilty. You're -- you're the exclusive triers of
21 those facts. You will, in due time, come to make up
22 your own mind.

23 But I want you to know something, when this case
24 was dumped into Brandi's lap, she didn't ask for it.
25 That's her job. She just takes what comes, and that's

1 what she got, and she got me. And I turned out to be
2 probably the biggest pest she's ever had, but this is
3 my life.

4 So I'll be praying for each and every one of
5 y'all, and I hope you pay real strict attention to
6 every witness that comes on -- on this witness stand
7 because it's important for my life. And I know a lot
8 of people don't pay attention to another person's life,
9 I do. But anyway, we'll see what happens. God bless
10 y'all. Thank you for hearing what I have to say. God
11 bless you.

12 THE COURT: Call your first witness.

13 MS. HINTON: Thank you, Your Honor. The State
14 would call Faye Padgett.

15 FAYE PADGETT, having been
16 first duly sworn, testified as follows:

17 CLERK OF COURT: If you would have a seat, and
18 state your name for the record please.

19 THE WITNESS: Faye Padgett.

20 **DIRECT EXAMINATION BY MS. HINTON:**

21 Q. Ms. Padgett, good afternoon. Where are you
22 employed?

23 A. I have Nestfeathers, an art gallery and gift
24 shop about, oh, two blocks west of here.

25 Q. Are you the owner of that store?

1 A. Yes.

2 Q. How long have you owned it?

3 A. I opened in 2005.

4 Q. Do you work there every day?

5 A. Yes.

6 Q. Are you the only employee there or do you have
7 employees?

8 A. I'm the only one.

9 Q. Are you closed while you are here today?

10 A. My husband is there.

11 Q. Ms. Padgett, do you recall January 14th of
12 2014?

13 A. Yes.

14 Q. Were you working that day?

15 A. I was.

16 Q. And let me ask you if -- is Pickens, in your
17 opinion, a small town?

18 A. Yes.

19 Q. How long have you lived in Pickens?

20 A. I was born in Pickens, but moved away when I
21 was 19; moved back when we retired.

22 Q. So how long have you been back in Pickens
23 City?

24 A. 2003.

25 Q. And in owning Nestfeathers, do you often see

1 people that you know?

2 A. Yes.

3 Q. Is it rare for you to see people that you
4 don't know?

5 A. Ah, no.

6 Q. As an owner of a business, are you -- are you
7 monitoring the store while you're in -- in there?

8 A. Yes.

9 Q. For what purpose?

10 A. Um, safety, shoplifting.

11 Q. Okay. Were you monitoring the store on
12 January 14th of 2014?

13 A. Yes.

14 Q. Did you notice anyone enter the store that day
15 that you paid close attention to?

16 A. Ah, there were two young guys probably in
17 their twenties that came in. Um, they had been in a
18 couple of times before. And they went directly back to
19 one of the rooms on the lower side where we have
20 musical instruments. They had been in looking at them
21 previously.

22 Q. And were they alone? Was it just the two of
23 them?

24 A. They came in alone. But then in a few minutes
25 an older gentleman, probably early 60s, came in.

1 Q. Okay.

2 A. And went over to where they were.

3 Q. And about how long did -- did those young men
4 stay in your store?

5 A. Ah, they were there probably five or more
6 minutes before the older gentleman came in. And then
7 they were over there probably, oh, at least 10 minutes
8 together. And then all three came back to the side I
9 was in, and stopped. And the older one, I asked him
10 again, as I did when they came in, if I could help them
11 and -- when they came in, I was -- they ignored me. I
12 asked as they started to leave if I could help them.

13 The older gentleman said that the younger two
14 were wanting to buy guitars and he had to go somewhere
15 and for them to go on back over there and pick out what
16 they wanted, and he would be back to get them -- to get
17 the guitars.

18 Q. Did that older gentleman leave the store at
19 that time?

20 A. He did.

21 Q. All right. Did you see which way he went?

22 A. Ah, he went down to the right. But, you know,
23 I didn't watch him.

24 Q. Okay. I'm going to show you what's been
25 marked as State's Exhibit No. 10. Do you recognize

1 what this is?

2 A. Yes.

3 Q. What is that?

4 A. It's the location of the bank and my store.

5 Q. Okay. And is that a street view or an aerial
6 view or...

7 A. Um, I would say -- I don't know. I mean, it
8 shows the streets. It shows the location of the store
9 and also shows the location of the bank. The store's
10 here, the bank's here. That's South Catherine.

11 Q. Okay.

12 A. And this is the one the bank is on.

13 MS. HINTON: Okay. Your Honor, at this time, I
14 would like to move State's Exhibit No. 10 into
15 evidence.

16 THE COURT: Any objection?

17 MR. MCLAURIN: No objection, Your Honor.

18 THE COURT: In without objection.

19 (State's Exhibit No. 10 admitted into evidence.)

20 MS. HINTON: Thank you, Your Honor. At this time,
21 we would like to publish State's 10 to the jury.

22 BY MS. HINTON:

23 Q. Let's see if I can zoom in, Ms. Padgett. And
24 there is a laser pointer right here. Press this red
25 button down there. Can you point out to the jury where

1 your store is located?

2 A. (Witness complied.)

3 Q. Okay. And is that green dot where your store
4 is located?

5 A. Yes.

6 Q. Can you point to the jury where, if you know,
7 the SunTrust Bank is located? Is that where that blue
8 dot is?

9 A. Yes.

10 Q. Can you point to where you saw the older
11 gentleman exit and head towards?

12 A. He left the store there and then came down
13 that way.

14 Q. So he -- did he head down South Catherine
15 towards West Cedar Rock?

16 A. Yes.

17 Q. Okay. And at what point did you lose sight or
18 stop paying attention to him?

19 A. When he was about half way down in front of
20 the building.

21 Q. Okay. Can you use that laser pointer to show
22 the jury?

23 A. (Witness complied.)

24 Q. Okay. Thank you. Ms. Padgett, did you ever
25 see that older gentleman again?

1 A. No. He said he would come back to get the
2 guys, but they -- after he was gone 10 or so minutes,
3 maybe 15, they quickly left.

4 Q. Okay. And when you say "they", who are you
5 referring to?

6 A. The two young guys that came in before the
7 older one.

8 Q. And do you recall what time of day they were
9 in your store?

10 A. Mid afternoon.

11 Q. Ms. Padgett, that's all I have. Please answer
12 any questions that Mr. McLaurin may have.

13 A. Okay.

14 **CROSS EXAMINATION BY MR. MCLAURIN:**

15 Q. Good afternoon, Ms. Padgett.

16 A. Hi.

17 Q. Mid afternoon, you say approximately mid
18 afternoon, about 3:30 in the afternoon?

19 A. I -- I can't tell you the exact time, 2:30 to
20 3:30, somewhere along there.

21 Q. 2:30 or 3:30 -- with the court's permission, I
22 would like to -- let me set this up first. Do you
23 recall giving a voluntary statement on or approximately
24 the 16th -- I think it was -- day of -- no, it was
25 1/14/14 of that same day, January 14th?

1 A. Yes.

2 Q. 2004?

3 A. Yes.

4 Q. Do you recall that? Would you --

5 A. 2014.

6 Q. Fourteen, yes, ma'am. Would you be kind
7 enough to take a look at this and see if that is -- I'm
8 sure it's the truth. I just want to have you verify
9 it. Permission to approach the witness, Your Honor?

10 THE COURT: Give it to the clerk. The clerk will
11 hand it up to her.

12 MR. MCLAURIN: Okay.

13 BY MR. MCLAURIN:

14 Q. Thank you.

15 A. Yes.

16 Q. That is correct. According to this, if you --
17 do you recall stating here that -- that when the
18 gentleman left, he was driving a blue SUV, and headed
19 toward Main Street?

20 A. I did state that, but I'm not sure about the
21 car.

22 Q. But you recall seeing the gentleman -- and by
23 the way, I know it's foolish for a defense attorney --
24 or I'm not a defense attorney, by the way, but I'm here
25 representing myself and I know it's foolish. I'll

1 probably catch heck for this in about two seconds, but
2 I am the man that you met that day.

3 THE COURT: You have to answer yes or no -- is
4 that a question?

5 MR. MCLAURIN: No. I'm -- I'm explaining to Ms.
6 Padgett --

7 THE COURT: You need to ask questions.

8 MR. MCLAURIN: Yeah, that's right, I do. I have
9 to -- I'm sorry, Your Honor. I withdraw that.

10 BY MR. MCLAURIN:

11 Q. Can you identify anybody in this room as being
12 the man you did see?

13 A. Yes.

14 Q. Oh, you can?

15 A. Yes.

16 Q. Oh, am I the man you saw?

17 A. Yes.

18 Q. Oh, you're right. I was there. And by the
19 way, sorry for not getting back, and sorry for not
20 buying the guitars. I don't really know if they
21 decided to buy the guitars, didn't want to buy the
22 guitars. I think that was the understanding. They
23 were just waiting --

24 THE COURT: All right -- you just --

25 MS. HINTON: Your Honor --

1 THE COURT: -- need to ask questions.

2 MR. MCLAURIN: Oh, you're right. You're right.

3 BY MR. MCLAURIN:

4 Q. But in any event, when you saw that gentleman
5 go -- me -- you saw me a driving a blue colored --
6 could that vehicle have been a Chevrolet Silverado? Do
7 you know what a Silverado looks like --

8 A. I do, but I don't know.

9 Q. Extended cab goldish, silver color Silverado?

10 A. That I can't tell you.

11 Q. Okay. Now, would you -- using the pointer if
12 you can -- if we could ask the prosecutor to put that
13 back up on the screen. And if you can, using the
14 pointer, Ms. Padgett, if you can just -- you -- from --
15 you were viewing this from where, your store and your
16 window -- I know you said you had customers at the
17 time, so you were -- really weren't paying attention.

18 A. The, ah, whole front of the store is glass.

19 Q. Okay.

20 A. Except for some very narrow brick.

21 Q. I know your store. I know your store. Can
22 you use that pointer and kind of describe for the jury
23 and the judge, which way you saw that vehicle travel?

24 A. Ah, it was right there and then it just pulled
25 off. After that, I don't know where it went.

1 Q. But it went toward Main Street?

2 A. Ah, it could have turned down that little side
3 street. I -- I didn't really watch.

4 Q. Okay.

5 A. As I said --

6 Q. I know your statement --

7 A. It's in there.

8 Q. I know your statements -- may I -- may, with
9 your permission, may I read to you what you said
10 precisely?

11 A. Sure.

12 Q. Okay. And you'll have time to explain it.
13 We're not trying to pressure you here or anything. Say
14 what you want. "He said he would be back in a few
15 minutes, and drove off in what appeared to be a medium
16 gray" -- you're correct, gray -- "gray or blue SUV, and
17 headed toward Main Street". Does that sound accurate
18 to you?

19 A. Ah, I said SUV because it was sitting --
20 sitting up. It could have been a truck, I don't know
21 if it was a SUV or a truck.

22 Q. It was a truck.

23 A. One of the two.

24 Q. Do you know -- as I say, do you know what a
25 Chevrolet Silverado Extended cab -- probably most women

1 don't pay any attention to that -- a Z71; do you know
2 what that is?

3 A. I have no idea.

4 Q. A big body truck. It doesn't matter. But you
5 saw that vehicle from where? Where were you inside the
6 store, your store, when you saw that vehicle? By the
7 cash register?

8 A. Yes.

9 Q. Okay. So that's quite a distance. But
10 anyway, I would say -- correct me if I'm wrong -- if I
11 went and stood in the back of this jury panel right
12 here, or sat in one of those end seats, your cash
13 register, if I'm not incorrect, would be -- correct me
14 if I'm wrong -- located to the right? In other words,
15 coming in the door, would your cash register not be to
16 the right back --

17 A. Ah, it's directly in front of the door.

18 Q. Or now it's directly in front of the door?

19 A. It's where it's always been.

20 Q. Oh, it's always been there. Okay. Is there a
21 possibility that the last time I was in there, I saw
22 you standing in that area?

23 A. I typically never leave that area.

24 Q. Oh, so that's where you would have been?

25 A. Yes.

1 Q. I got you. So if you saw a vehicle leaving
2 your store from that distance, and it going left,
3 regardless of what color you assumed that that vehicle
4 was, if it went left, it would have been going toward
5 Main Street; am I correct?

6 A. Correct.

7 MR. MCLAURIN: I have no further questions, Your
8 Honor. God bless you. Thank you. And sorry for not
9 getting back.

10 THE COURT: Redirect?

11 MS. HINTON: No, Your Honor. May she be excused?

12 THE COURT: You can step down and be excused. I
13 appreciate your time.

14 THE WITNESS: Thank you.

15 THE COURT: Call your next witness.

16 MS. HINTON: Thank you, Your Honor. The State
17 would call Lessie Mae Swaynghan to the stand.

18 LESSIE MAE SWAYNGHAM, having
19 been first duly sworn, testified as follows:

20 CLERK OF COURT: If you would have a seat and
21 state your name for the record, please.

22 THE WITNESS: Lessie Swaynghan.

23 **DIRECT EXAMINATION BY MS. HINTON:**

24 Q. Ms. Swaynghan, do you live in Pickens County?

25 A. Yes.

1 Q. How long have you lived here?

2 A. Early 50s. I'm not sure.

3 Q. Okay. Do you often go to Nestfeathers in
4 Pickens City?

5 A. Yes.

6 Q. All right. Were you at Nestfeathers on
7 January 14th of 2014?

8 A. Yes.

9 Q. Where were you?

10 A. We were parked right in front of Nestfeathers,
11 where my side of the car was level with the steel -- or
12 metal shelving.

13 Q. And when you say "we", who were you there
14 with?

15 A. My husband and I.

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

17 A. William Ken Swaynham.

18 Q. And when you were there on the 14th, did you
19 ever go inside the store?

20 A. No. I set out in the car.

21 Q. Okay. Were you alone in the car?

22 A. Yes.

23 Q. Did you observe anyone in particular at
24 Nestfeathers that day?

25 A. Yes. Right after we pulled up and parked, and

1 my husband went in and was talking to his sister, it
2 was just probably five minutes or so -- not long, an
3 old black truck came out of -- from behind the
4 building, and pulled up, and a newer looking car came
5 up and pulled inside of him and paused just a second.
6 And that's when I saw three people in the vehicle. The
7 vehicle went on behind the store -- or beside the store
8 and parked, or somewhere back that way, and the older
9 car came out.

10 Q. When you -- when you say there was a vehicle
11 and you noticed --

12 A. A truck.

13 Q. -- three people in it --

14 A. Yes.

15 Q. What type of vehicle?

16 A. It was a truck, a creamy looking, newer
17 looking truck.

18 Q. And did -- were you able to see the three
19 people at all?

20 A. I saw them in it, but I couldn't tell that
21 much about them in the truck. I just knew there was
22 three people in the truck.

23 Q. Did you ever get a better look at them?

24 A. Yes.

25 Q. And when was that?

1 A. A few seconds after the truck went back there,
2 it was probably about a minute, I guess, or something -
3 it wasn't long. The two younger guys came around the
4 corner and went into the store.

5 Q. And did you see anyone else?

6 A. Well, after they went in and went to the left
7 of the building, into the left side of the store and
8 went straight back, about the time they had time to get
9 that far, then a man came from the left side of the
10 building where he had parked his truck, I guess. He
11 came around. And it did look like the same figure.
12 And he came by me and went into the store.

13 Q. And what did that man look like?

14 A. Ah, he was probably middle age or so. I'm not
15 good at details, but he was dressed neat; clean
16 looking, and had on a dark hoodie, and a like blue and
17 white like shirt and um -- looked like a white t-shirt,
18 just the v-neck part of it, I saw that. And his cuffs
19 were -- I mean, his sleeves was pushed up a little bit
20 and the cuff of the long sleeve shirt was turned back
21 over. I didn't notice any jewelry or anything.

22 Q. Okay. Were you able to tell what race he was?

23 A. White.

24 Q. And --

25 A. All three of them were white.

1 Q. Okay. And what hair color did he have? Did
2 you notice that?

3 A. I thought it was brown, light brown, medium
4 light brown.

5 Q. About what the length of his hair?

6 A. It was about -- probably about as long as
7 mine. It might not have been quite as long as mine.

8 Q. Okay. Did you see that -- did you see the two
9 young men enter the store at all?

10 A. Yes.

11 Q. And did you ever see the older man enter the
12 store?

13 A. Yes.

14 Q. Okay. Did you see any of them exit the store?

15 A. I saw the -- the older man come out and walked
16 by me, but I didn't see the younger ones. They were
17 still in the store when we left.

18 Q. All right. Tell me about the older man
19 exiting the store; did you notice anything about that?

20 A. Well, when he came out, he came out walking
21 just as fast as -- maybe a little bit faster than he
22 did when he went in. But he kept his head kind of
23 side -- that way -- and I couldn't see his face. And
24 by the time I looked at him, it was the same man I saw
25 go in. So I just watched him.

1 And he went down as far as the tree there where
2 the driveway was, going to the back of the store, to
3 the side of the store -- back of the store. He went as
4 far as that tree, and crossed over in the center of the
5 road that went down between the old Village Inn and the
6 old Carolina Tire.

7 Q. Okay. Do you know the name of that street?

8 A. Not really. I don't pay no attention to it.

9 Q. Is -- would he be exiting and heading towards
10 Main Street or towards West Cedar Rock Street; do you
11 know?

12 A. Well, he just went down, like he was going to
13 the -- let's see. How is that -- like he's going to go
14 down to -- the road that comes in front of Corner Drug
15 or whatever.

16 Q. Okay. Is that Main Street or is that a
17 different street?

18 A. That's a different street. That's not Main
19 Street.

20 Q. Okay. So did you see him walking towards Main
21 Street?

22 A. No.

23 Q. Okay.

24 A. Not -- not unless it was when he first came
25 around the corner.

L. SWAYNGHAM -- DIRECT BY MS. HINTON

1 Q. Okay. Did you see him walking away from Main
2 Street?

3 A. No. Just -- just out of the building and down
4 to the tree, and cross over.

5 Q. Okay. And you're referring to the tree
6 located by Nestfeathers; is that correct?

7 A. Yes. The one right beside the driveway.

8 Q. Okay. And then where is the Village Inn -- I
9 think you referenced that he walked between the Village
10 Inn an Carolina Tire; is that correct?

11 A. Yes. And the Village Inn is in front of
12 Nestfeathers.

13 Q. It is located directly across from
14 Nestfeathers?

15 A. Yes.

16 Q. Did you ever see him return to the store?

17 A. No. He went out of sight when he got almost
18 to -- not quite to the driveway that goes down behind
19 the bank.

20 Q. And I believe you testified that you saw
21 someone wearing a black hoodie?

22 A. That was him.

23 Q. That was -- that was the older man you were
24 describing?

25 A. Yes, uh-huh.

1 Q. And is that the same person that you were
2 saying had a white undershirt on?

3 A. Yes.

4 Q. Did you notice anything else about him?

5 A. All I saw of the white undershirt was just the
6 ribbing part of his undershirt here. And just like --
7 just almost a "V" between his shirt and the undershirt
8 part there.

9 Q. Did you notice anything about his lower body,
10 anything that he was wearing on his lower body?

11 A. Just jeans and tennis shoes.

12 Q. Ms. Swaynham, that's all I have. Please --
13 please answer any questions that Mr. McLaurin may have.

14 MR. MCLAURIN: Thank you very much.

15 **CROSS EXAMINATION BY MR. MCLAURIN:**

16 Q. Good afternoon, ma'am. If I can, I would like
17 to hand you up a statement that we have in this case,
18 and would you take a look at this and let us know if
19 that is basically correct to the best of your
20 knowledge. Thank you.

21 A. I don't read that stuff that well without a
22 magnifying glass. Oh -- I can see you standing there
23 and I can see him standing there, but I can't read
24 something that small.

25 Q. May I read it to you?

1 A. Uh-huh.

2 MS. HINTON: Your Honor, I would ask first if he
3 would ask her if he -- ask her a question. And if she
4 can't remember, then he can refresh her recollection
5 with her statement.

6 THE WITNESS: I would appreciate that.

7 MR. MCLAURIN: Okay. We can do that.

8 BY MR. MCLAURIN:

9 Q. On 1/14, ma'am, that would be the 14th of
10 January of the year '14, according to your statement it
11 states, does it not, that you're in your vehicle beside
12 Nestfeathers?

13 A. In front of Nestfeathers.

14 Q. Oh, in front of Nestfeathers. I got you.
15 Left front window. And an old dark or blue truck was
16 coming out of the drive way. And at that point, you
17 saw another vehicle enter or come out?

18 A. I -- I saw the creamy vehicle go in as the
19 black car -- I mean black truck was about to come out,
20 and it stopped and waited on the creamy truck to go
21 in -- the newer truck to go in.

22 Q. Okay. The newer truck. Yeah, it did say --
23 you said you thought it was fairly new. And that's the
24 point where you saw two -- two fellows with zipped up
25 jackets -- you described them as being hoodies; do you

1 remember hoodies?

2 A. Yes. I remember what -- what I said about the
3 hoodies, yes.

4 Q. And. And --

5 A. But that was not the point where the boys
6 came. They did not get out of the truck in front of
7 the store, or right at the edge of the store there.
8 The truck went on.

9 Q. The truck continued to go?

10 A. And park, yes.

11 Q. The boys weren't in that truck at that time or
12 they were in the truck; do you recall?

13 A. I don't understand what you're trying to say
14 there.

15 Q. Well, you're sitting in your vehicle and you
16 saw --

17 A. Yes.

18 Q. -- that Chevy Silverado, I assume that's the
19 truck you saw -- coming out?

20 A. No. I saw an old dark pickup coming out from
21 behind Nestfeathers. It stopped.

22 Q. I'm sorry. You're right. That's exactly
23 right. I've got you just backwards. You saw the truck
24 pulling in; is that correct?

25 A. I saw the newer truck after the dark truck

1 stopped.

2 Q. Right.

3 A. It just came out from behind Nestfeathers,
4 like Nestfeathers is here.

5 Q. Right.

6 A. And it came out the driveway.

7 Q. Right.

8 A. Then your truck went in like this.

9 Q. Right.

10 A. And went on. That truck then pulled out.

11 Q. Do you know who was driving that truck when it
12 went in?

13 A. Which one?

14 Q. The newer one.

15 A. I don't -- I don't know exactly who was
16 driving what. I just -- I don't know the people.

17 Q. Okay.

18 A. I just knew I saw three heads.

19 Q. Okay. But there came a point where you did
20 see the two younger guys walk past you?

21 A. Uh-huh.

22 Q. And then at some point in time after that, you
23 saw the older fellow?

24 A. Uh-huh.

25 Q. And he walked over by, you say, the Village

1 Inn?

2 A. Nothing about the Village Inn. He wasn't over
3 there.

4 Q. Oh, he wasn't.

5 A. He wasn't at the Village Inn. He was coming
6 around the corner of Nestfeathers from where the
7 parking places where.

8 Q. And, anyway, according to -- I won't say
9 "according", I'll say -- and you saw him dressed in
10 black, with a black and white striped sleeves?

11 A. No. That was the lady that went in after all
12 this other had happened.

13 Q. I got you. Let me ask you this question: Did
14 you at any point in time, see anybody go into that
15 bank -- where is the bank -- from Nestfeathers, how far
16 would that bank be -- could you have the pointer there?
17 Did she show you how to use the pointer?

18 A. No. I haven't been in here and saw anything.

19 Q. Can you help her, Pat. This gentleman is the
20 court clerk, and he'll give you a hand with it; is that
21 all right?

22 CLERK OF COURT: It's the red button right here.

23 A. I can't see -- I can't see little stuff.

24 CLERK OF COURT: Okay. She can't see the screen
25 well enough --

1 MR. MCLAURIN: I got you. Give it to me, Pat.

2 A. I see the screen, but I can't --

3 MR. MCLAURIN: Give it to me.

4 A. I can't see --

5 MR. MCLAURIN: Give it to me. Which button is it?

6 A. I can tell you where it was, but I can't...

7 MR. MCLAURIN: Okay.

8 CLERK OF COURT: She can't see it, is what she's
9 saying.

10 MR. MCLAURIN: Oh, you can't see that even --
11 okay. Not even without --

12 A. Because that's too little.

13 BY MR. MCLAURIN:

14 Q. That's okay. I'm trying to figure out how to
15 do this. From Nestfeathers, which -- which -- which
16 direction was your vehicle parked? Was it parked
17 toward Main Street or parked this way?

18 A. It was parked like we were going to go down to
19 the end of the street.

20 Q. Towards Cedar Street?

21 A. Cedar Rock or whatever that is, that goes in
22 front of Corner Drug.

23 Q. Cedar Rock, that's correct. When you saw this
24 older man, where was the last time you saw that older
25 man?

1 A. When he was right there almost at the
2 driveway.

3 Q. Of Nestfeathers?

4 A. By the bush, he was right there at the bush
5 nearly, where the driveway goes down into the bank at
6 the back of the bank.

7 Q. Now, that would be --

8 A. That's the road between the Village Inn and
9 old Carolina Tire.

10 Q. Okay. And that's the last time you saw him?

11 A. That's --

12 Q. Standing by a bush?

13 A. No, you weren't standing. You were walking.

14 Q. Well, assuming that that was me -- I don't
15 think it was -- I'm trying to figure this out. It may
16 have been. But I'm saying you saw a man standing next
17 to -- well, that's the Village Inn based on what I'm
18 thinking -- what I remember. That -- the Village Inn
19 is directly across the street from Nestfeathers?

20 A. Yes.

21 Q. And right next to -- if -- if I was to walk
22 right past the Village Inn, and came to the end of
23 Village Inn --

24 A. You weren't by -- you weren't walking real
25 close to Village Inn, you were in the center of the

1 street when you went from that tree.

2 Q. Oh, okay.

3 A. You were in the center, but you beared over to
4 the right.

5 Q. I got you.

6 A. And you were almost at that bush when you went
7 out of my sight.

8 Q. Okay. And that bush --

9 A. The bush was right there in front of you, too.

10 Q. Okay. But the bush is not located in the
11 middle of the street, is it?

12 A. No.

13 Q. So the bush would be --

14 A. Right by the driveway that goes down into the
15 bank.

16 Q. Okay. But you didn't see anybody go into the
17 bank, did you?

18 A. No.

19 Q. Okay. That's -- I have no further questions,
20 Your Honor. Thank you.

21 MS. HINTON: Nothing further, Your Honor. May she
22 be excused?

23 THE COURT: Ms. Swaynham, you can be excused. We
24 appreciate your time. Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: Call your next witness.

2 MS. HINTON: Thank you, Your Honor. The State
3 would call Loretta Rohrer-Norris.

4 LORETTA ROHRER-NORRIS, having
5 been first duly sworn, testified as follows:

6 CLERK OF COURT: If you would have a seat and
7 state your name for the record please.

8 THE WITNESS: Loretta Rohrer-Norris.

9 **DIRECT EXAMINATION BY MS. HINTON:**

10 Q. Loretta, where are you employed?

11 A. SunTrust Bank.

12 Q. Okay. How long have you been there?

13 A. Ten years.

14 Q. All right. And in what capacity are you
15 employed?

16 A. I am the regional security manager for South
17 Carolina for the mid Atlantic region.

18 Q. Okay. Tell me a little bit about what that
19 means.

20 A. I take care of our bank's investigative, our
21 physical security, um, many hats of lots of different
22 things. I am there when we have a robbery. I pull
23 video for law enforcement. I work in -- I'm the
24 liaison between the bank and law enforcement for
25 wherever the jurisdiction is.

1 Q. Okay. Do you -- does your jurisdiction cover
2 Pickens County?

3 A. Yes, it does.

4 Q. Do you have a -- or did you at -- in 2014 have
5 a branch in Pickens City?

6 A. Yes.

7 Q. Do you recall the address of that branch.

8 A. It's on West Cedar Rock.

9 Q. Okay.

10 A. I don't remember the numerics.

11 Q. That's okay. Were you contacted -- tell me
12 when a robbery occurs in a SunTrust Bank, are you
13 notified by law enforcement, or how are you notified?

14 A. I can be notified in basically two or three
15 different ways. We are all on one system for our
16 alarms through Tyco. If a robbery occurs, or something
17 happens, our branches are loaded with what we call two
18 different types of avenues. One is either a button
19 that the tellers or the personal bankers or the
20 customer service -- whoever in the bank works there
21 knows where they are -- they can hit them whether
22 they're at a desk or behind the teller line.

23 Recently, within the last four or five years,
24 we've also added another avenue, which is a \$1 bill in
25 that slot. And if it's pulled out, it trips an alarm

1 also. So if it comes in through Tyco, Tyco obviously
2 gets that. And then I get a phone call by one of their
3 people and one of their call centers, as they are
4 trying to do several different things. Or, if I don't
5 get a call, if they don't trip one of the avenues, then
6 I get a call directly from the branch.

7 Q. Okay. Do you recall whether you were notified
8 of a bank robbery on January 14th of 2014 at the West
9 Cedar Rock Street branch?

10 A. I was called by Tyco and the branch.

11 Q. Okay.

12 A. I actually got both phone calls.

13 Q. Okay. At that time, did anyone ask you to
14 pull some surveillance video for them?

15 A. It's well known that it is one of my jobs. So
16 as soon as Tyco and/or the branch calls, that's the
17 first thing I do, is pull up our video system which
18 is -- I can access anywhere that I have my laptop. And
19 I was at -- I happened to be in the office at the time,
20 so I went ahead and started pulling it. The only thing
21 I did ask from Tyco and the branch is approximately
22 what time did this occur so that I can go back, and go
23 to the beginning of wherever the person or persons are
24 coming into the bank, so that I get the full length of
25 the -- the video -- the movie, if you want to call it

1 that, for -- for law enforcement.

2 Q. Okay. And did you receive that information in
3 this case?

4 A. I did.

5 Q. All right. And do you recall what time this
6 bank robbery occurred?

7 A. At this moment in time, no. I do not
8 remember.

9 Q. Okay. Were you provided with that
10 information?

11 A. I was.

12 Q. And did you use that information to pull the
13 video?

14 A. Yes, ma'am.

15 Q. How do you -- how do you confirm that you're
16 pulling the right video?

17 A. Um, on our system, the way -- once the avenues
18 are tripped, either one, it will come up on our system
19 flashing -- not that anybody else can see it, it's not
20 shown in the branch. It's not shown anywhere else, but
21 it is shown on my avenue of the system. And it comes
22 up flashing, which we know and have been trained to
23 show that that's -- something has been pulled, a
24 robbery is in -- occurring.

25 Q. Are you familiar with -- and it may vary from

1 branch to branch, but how many camera angles there are
2 set up in a branch?

3 A. Depending on the branch, we have anywhere from
4 five to sometimes 15 different views inside a branch.
5 A lot is taken into consideration, past -- how many
6 robberies we have had in any one specific location.

7 Their score. There is -- American Banker's
8 Association has a -- an algorithm where you put in
9 where the location of the branch is, the physical
10 location, the town, the city, the whole nine yards, and
11 then they also factor in crime as it occurs within a
12 certain amount of area. We have approximately, I
13 think, probably seven or eight different camera views
14 in the Pickens branch because we haven't had a robbery
15 in the 10 years -- I want to say -- maybe one in that
16 area. So we really hadn't had a whole lot of crime per
17 se at that branch. So I think -- I want to say seven
18 to eight.

19 Q. Okay. I'm going to show you what has been
20 marked as State's Exhibit 24. Do you recognize that?

21 A. Yes, ma'am.

22 Q. Did you review that earlier today?

23 A. I did.

24 Q. Okay. And what -- what is on that?

25 A. That is the surveillance video from our

1 cameras that was provided to law enforcement that I
2 downloaded.

3 Q. Okay. And does that include the time of the
4 bank robbery at SunTrust?

5 A. Yes, ma'am.

6 Q. Is that from West Cedar Rock?

7 A. Yes, ma'am.

8 Q. Is that from January 14th of 2014?

9 A. Yes, ma'am.

10 Q. Is that a fair and accurate depiction of what
11 you viewed on your surveillance video?

12 A. Yes, ma'am.

13 Q. How can you tell whether or not that video has
14 been tampered with?

15 A. Well, one, it wouldn't be able to. The system
16 that we use in our -- in our bank, when I am
17 downloading video, it is called Variant (ph). We have
18 the ability to wrap this exact file, which is what the
19 movie in -- in laymen's terms -- what the movie is.
20 And once it's wrapped, it can't be changed.

21 Q. Okay. And have you reviewed that video to
22 ensure that nothing had been altered or changed?

23 A. Yes, ma'am, I did.

24 MS. HINTON: Your Honor, at this time, the State
25 would admit -- ask to admit to State's Exhibit No. 24

1 into evidence.

2 THE COURT: Any objection?

3 MR. MCLAURIN: No objection, Your Honor.

4 THE COURT: In without objection.

5 (State's Exhibit No. 24 admitted into evidence.)

6 MS. HINTON: And that's all I have for this
7 witness, Your Honor.

8 THE COURT: Cross.

9 **CROSS EXAMINATION BY MR. MCLAURIN:**

10 Q. On the -- on the 14th day of 2014, you say you
11 were at your branch, your office?

12 A. Yes, sir.

13 Q. Okay. So how -- what's the distance between
14 the bank and there?

15 A. The bank and my office?

16 Q. Yeah. Well, the bank that was robbed that was
17 on Cedar Rock; am I correct?

18 A. Correct.

19 Q. And you were located approximately how far
20 from that area?

21 A. My office is located in Spartanburg.

22 Q. Oh, you're quite a way -- but it doesn't
23 matter, I guess. I assume you still got the signal
24 that told you, even though you were quite a distance
25 from there, that that bank had an incident at that

1 time?

2 A. Yes.

3 Q. And you contacted the bank to verify that
4 that's precisely what was going on?

5 A. Yes, sir.

6 Q. And then what did they do from that point of
7 view, they -- this is what I'm understanding you
8 testified to, that they then transmit that data to you
9 so you can evaluate it, peruse it, and make your mind
10 up, what you had to do, or what the next procedure was?

11 A. You mean --

12 Q. Do I need to slow down?

13 A. One, you need to slow down. And, two, you
14 need -- I don't know who is who.

15 Q. Okay. You are you. And you're sitting in
16 your office. You receive the signal that that bank
17 apparently has been robbed at a certain point in time?

18 A. Yes.

19 Q. What are your -- what is the -- what is the
20 procedure that you take from there?

21 A. Well, I start downloading the video from that
22 branch.

23 Q. You don't have to go any further. So
24 downloading it gave you, on your computer, a copy or a
25 facsimile of that -- of that -- the actual occurrence

1 as it was happening in real time?

2 A. Well, we -- the Variant system pulls video
3 just like your DVR at home.

4 Q. Okay.

5 A. Okay. Because that's what we're -- we're set
6 up on.

7 Q. Okay.

8 A. We don't have video tapes anymore. We are on
9 a video system.

10 Q. Okay.

11 A. And it holds it, depending on the branch,
12 anywhere from 65 to 95 days. So any time in that --
13 that time period, I can look at that video, not
14 necessarily live, but I can always go there, look at
15 it, and determine how much video I need for whatever
16 the situation.

17 In this instance, I got the call. I know what
18 time I'm looking at for when the person pulled the
19 avenue, pulled the alarm. Whether it was pulling it
20 from the \$1s, or within their tray, or whether they hit
21 an alarm button. Okay. So, once I figured that out, I
22 watch, I keep going back, I go back, I go back, and I
23 let it go forward until I see, knowing what I know from
24 law enforcement, from being in law enforcement, and
25 from doing this job for 10 years, I know what law

1 enforcement is going to need.

2 So that is then saved to my desktop as an exe.
3 file. And then that exe. file is then copied on to a
4 CD that is provided to law enforcement.

5 Q. So am I -- am I to assume, then, at the moment
6 that you received this information, you immediately
7 contacted Pickens Police, advised them to put --

8 A. Actually I did not, sir.

9 Q. You didn't?

10 A. They contacted me -- because I know that's
11 typically what the procedure is going to be. They are
12 going to contact -- when they're -- when they're
13 arriving at my branch --

14 Q. Right.

15 A. -- I'm already in the process of the pulling
16 jpegs, which are individual pictures that are within
17 that exe. file, and I am sending them to them however
18 they need them, whether it's to a phone, to an -- an
19 email, to my branch. I have had to send them to my
20 branch. And then my branches then bring it up on their
21 computer system, and they're showing the law
22 enforcement there. And then I am wrapping that CD,
23 wrapping that -- that -- the video on that CD. And
24 either I can -- either hand deliver it depending on how
25 far away, or if it's farther away than I am basically

1 allowed to drive, I then FedEx it first overnight.

2 Q. And once it's been wrapped, it can't be
3 tampered with?

4 A. Correct.

5 Q. Okay. What time did all of this transpire or
6 occur based on what you recall? Do you know?

7 A. I don't remember what the time was at this --
8 at this point, sir. I would like have to take a look
9 and then I would be able to tell you, but I don't
10 remember right now. I do too many of them.

11 Q. Let me ask you this question if I may. Is
12 there a possibility, just something I'm throwing out
13 here, that you can make on your cell phone, a call to
14 the office, your office, and find out what time that
15 was? It's important to me probably. I don't know if
16 it is important to anyone else in the courtroom. But I
17 would like to have it. And if you could give it to the
18 Solicitor once you get it, I -- we don't have to put
19 you back on the stand. We just --

20 A. I have already gave everything to the
21 Solicitor, sir.

22 Q. Oh, you did. Excuse me.

23 MR. MCLAURIN: Do you have it?

24 MS. HINTON: Your Honor, I will be publishing the
25 video through the next witness. I believe that will

1 answer Mr. McLaurin's question.

2 MR. MCLAURIN: Well, okay. Thank you for your
3 testimony.

4 THE WITNESS: You're welcome.

5 MR. MCLAURIN: Have a good day.

6 MS. HINTON: No redirect, Your Honor. May she be
7 excused?

8 THE COURT: You can step down and be excused. We
9 appreciate your time.

10 THE WITNESS: Thank you, sir.

11 THE COURT: Call your next witness.

12 MS. HINTON: Thank you, Your Honor. The State
13 would call Tracy Batson to the stand.

14 TRACY BATSON, having been
15 first duly sworn, testified as follows:

16 CLERK OF COURT: If you would have a seat, and
17 state your name for the record please.

18 THE WITNESS: Tracy Batson.

19 **DIRECT EXAMINATION BY MS. HINSON:**

20 Q. Good afternoon, Ms. Batson. Where are you
21 employed?

22 A. SunTrust Bank.

23 Q. Okay. How long have you been there?

24 A. At that branch for four -- four years.

25 Q. Okay. And which branch is that?

T. BATSON -- DIRECT BY MS. HINSON

1 A. The Pickens branch.

2 Q. Okay. Where is that located?

3 A. 210 Cedar Rock Street, Pickens.

4 Q. Okay. What is your job over there?

5 A. I'm a teller coordinator.

6 Q. All right. And so in laymen's terms, does
7 that mean that you're sitting at one of the windows
8 when someone walks in?

9 A. I am.

10 Q. Okay. Are you in charge of taking deposits
11 and things?

12 A. Yes, ma'am.

13 Q. All right. Were you working at the SunTrust
14 in Pickens on January 14th of 2014?

15 A. Yes, ma'am.

16 Q. Do you remember that day?

17 A. Yes, ma'am.

18 Q. Okay. Can you tell me what happened?

19 A. I was at my teller window, and a gentleman
20 came in with a black hoodie on and white -- white
21 shoes, and blue jeans on. And he came in. And he
22 never said a word. He had envelopes in his hand. And
23 he got to my teller window. And like I said, he
24 presented me a note. And the note was all capitalized
25 letters. And it said "do not press any dye packs; do

1 not gave me any fake money; do not give me any -- do
2 not press your silent alarms". So I knew it was a bank
3 robbery.

4 He wanted large bills, and all large bills, \$20s
5 -- no \$20s, no \$5s or \$10s or anything. So I gave him
6 my money. I gave him -- I gave it back to him. He put
7 it in an envelope.

8 And then he gave me another envelope, with a
9 letter that he pulled out again. And he pointed at the
10 teller at the drive through. So I went over there and
11 gave her the note. And then he kept tapping on my
12 window, wanting me to come back to my teller window, so
13 I did while she was reading her note.

14 And then he handed me an envelope and pointed at
15 the teller again, and wanted me to go over there and
16 give her the envelope so that she could put the money
17 in it.

18 Q. Okay. Let's back up just a moment.

19 A. Okay.

20 Q. Where in -- and we'll review the video in a
21 second. But where, in relation to the front door, is
22 your teller window?

23 A. Right straight ahead.

24 Q. Were you able to tell -- absent from watching
25 the video, but when it first happened, were you able to

1 tell which way the person entered the bank?

2 A. There's only one way. Well, when he came in,
3 he came in from the right side.

4 Q. Okay.

5 A. It would be my right side.

6 Q. I'm going to show you what's been marked as
7 State's Exhibit 11.

8 MR. MCLAURIN: No objection, Your Honor.

9 THE COURT: Okay.

10 BY MS. HINTON:

11 Q. Do you recognize what this is?

12 A. That's my bank.

13 Q. Okay. Is this the bank at West Cedar Rock?

14 A. Yes.

15 MS. HINTON: Okay. Your Honor, at this time, the
16 State would move State's 11 into evidence, and ask for
17 permission to publish.

18 THE COURT: Entered without objection.

19 MS. HINTON: Thank you, Your Honor.

20 (State's Exhibit No. 11 admitted into evidence.)

21 BY MS. HINTON:

22 Q. There should be -- Ms. Batson, there should
23 be a laser pointer -- okay. Can you identify on
24 State's 11 where the front door is of that bank?

25 A. Right there.

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1 Q. Okay. And can you identify -- if you saw
2 which way the gentleman in the hoodie -- from which
3 side he entered?

4 A. This side.

5 Q. Okay. And what is on that side of the branch?

6 A. This is the ATM.

7 Q. Okay. All right. And I'm going to show you
8 what's been previously entered as State's Exhibit 10;
9 are you familiar with this area? Does that look
10 familiar to you?

11 A. Yeah.

12 Q. Okay. Are you able to identify the bank on
13 that?

14 A. It's right in there.

15 Q. Okay. Are you from Pickens?

16 A. I am.

17 Q. Okay. Do you live in Pickens?

18 A. Yes, ma'am.

19 Q. Okay. What is -- what would be considered the
20 bank parking lot?

21 A. For employees or for --

22 Q. Just the entire parking -- what is considered
23 the entire parking lot of the bank?

24 A. Right here --

25 Q. Okay.

1 A. And right here.

2 Q. Okay.

3 A. Right here and right here.

4 Q. All right. And then where is the drive
5 through of the bank?

6 A. Right -- right here.

7 Q. Now, when the person entered the bank wearing
8 the hoodie, what other things were they wearing? Were
9 they wearing anything else other than jeans and tennis
10 shoes like you have already testified to? Anything
11 else?

12 A. Just a black hoodie and blue jeans and white
13 shoes.

14 Q. Okay. Were you able to see the person's face?

15 A. No, ma'am.

16 Q. Why not?

17 A. Because he had on sunglasses and he had on
18 white gloves.

19 Q. Okay. What kind of black -- was it a hoodie?

20 A. It was.

21 Q. Okay.

22 A. And he had it pulled really, really tight to
23 where it always was covering, and you could tell that
24 he was like trying to keep it covered so it wouldn't
25 show his facial hair on his mustache.

1 Q. Okay. How are you able to tell that he had
2 facial hair?

3 A. Because when he was giving me the papers and
4 the envelope, it would come down just a little bit, and
5 he would like pull it back up and hold it like this
6 (indicating).

7 Q. Okay. You said he entered with envelopes,
8 what kind of envelopes?

9 A. Manila envelopes.

10 Q. Okay. What did they look like?

11 A. They were just manila envelopes that you fold
12 down, and it has the little tab thing on it.

13 Q. Okay.

14 A. That you close it with.

15 Q. Okay. And I believe you testified that he
16 handed you a note?

17 A. He did, yes, ma'am.

18 Q. All right.

19 A. He handed me two notes, one for me and then
20 one to give to the drive through teller.

21 Q. Okay. Are we talking handwritten or type
22 written notes?

23 A. Handwritten.

24 Q. All right. Anything particular about the
25 handwriting?

1 A. Yes. It was all capitalized, very neat. You
2 would almost think that it was a girl's handwriting.
3 It was neat, just everything was capitalized.

4 Q. Okay. Were you able to save that note?

5 A. No, ma'am. I put it over to the side, and he
6 was shaking his head, so I knew that he wanted his note
7 back, so...

8 Q. All right. What, if anything, did he say to
9 you during this robbery?

10 A. He never said anything.

11 Q. All right.

12 A. He just tapped on my credenza the whole time.

13 Q. Okay. I think you testified a little bit to
14 this, but tell me specifically what you remember the
15 note saying?

16 A. It just said that we are fully armed. We will
17 shoot. Do not press any silent alarms. Do not give me
18 any bait. Do not -- do not give me any dye packs. And
19 it says on there, give me all your large bills, 50s and
20 100s.

21 MR. MCLAURIN: Your Honor, I need to object here
22 if I could for a moment. May I approach? We don't
23 have to dismiss the jury. I just...

24 THE COURT: Just come around here.

25 (Whereupon, a bench conference was held.)

1 BY MS. HINTON:

2 Q. Ms. Batson, I'm sorry. You testified that --
3 I think you were testifying to what the letter said.
4 And I think you referenced that it said "we", did you
5 see anyone else in the bank?

6 A. No, ma'am.

7 Q. Okay. Do you recall what type of paper you
8 were handed?

9 A. Just a legal size, regular sheet of paper with
10 the lines.

11 Q. Okay.

12 A. Just notebook paper.

13 Q. Did you give the person in the hoodie any
14 money?

15 A. I did.

16 Q. Do you recall how much?

17 A. Over \$1,000.

18 Q. And how are you able to tally that amount? I
19 know that you may not know an exact amount other than
20 over a \$1,000 right now. But at the time of the
21 incident, how are you able to tally that?

22 A. I had to count my drawer once he left. You
23 had to count your drawer and see what you're out.

24 Q. Okay. What did you -- when you gave him this
25 money, what did you put it in?

1 A. The envelope.

2 Q. How many envelopes --

3 A. He had several envelopes with him when he
4 came, at least five.

5 Q. What was -- what did you observe his demeanor
6 to be when he --

7 A. He was very calm when he came in. He was
8 never agitive (sic). He -- I mean, he was calm. He
9 was never fidgeted. He didn't even look behind him to
10 see if anybody was coming in the bank. He was just
11 very calm.

12 Q. Okay. And did you notice any other
13 description of him? What -- what race was he?

14 A. White.

15 Q. Okay. I think you described facial hair; what
16 color?

17 A. Gray.

18 Q. Okay.

19 A. Very thin.

20 Q. Okay. Could you see any other hair?

21 A. No.

22 Q. What age would you guess if you could?

23 A. I think I -- if I recall, I think I said he
24 was probably about 60, in between 50s and 60s.

25 Q. Okay. Did you -- were you able to tell what

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1 kind of build or anything?

2 A. No.

3 Q. Tall or short?

4 A. It was short to me.

5 Q. Okay.

6 A. But I think it was because he was stooped over
7 trying to keep his sweatshirt from falling down to
8 where he could see his facial hair.

9 Q. Okay. Fat or skinny?

10 A. Medium build.

11 Q. And I put back up State's Exhibit 11, can
12 you -- did you see him exit the bank? Were you paying
13 attention to that at all?

14 A. I did not see exactly, but I will tell you
15 that I had went to the left side as soon as he left the
16 building to see -- because I have to lock -- lock
17 everything up.

18 Q. Okay.

19 A. So I did go on the left side of the bank to
20 see if he had went out that way, and there was no way
21 he could have been there. So I knew he had went out to
22 the right side.

23 Q. Okay. Can you use that laser pointer and show
24 which way you looked?

25 A. I looked this way, through the window, on the

1 -- we have a side window right there, so I looked
2 through there. And I noticed he didn't go out through
3 there. So then I went through here. But by that time
4 then, he was already gone.

5 Q. Okay. Did you notify police or did someone
6 else?

7 A. I notified Loretta.

8 Q. And is that what you're instructed to do?

9 A. Yes.

10 Q. All right. Ms. Batson, I'm going to show you
11 what's been entered as State's 24; do you recognize
12 what this is?

13 A. Yes, ma'am.

14 Q. What is that?

15 A. It's the inside of my bank.

16 Q. Okay. And I'm going to start with camera one.

17 A. Okay.

18 Q. Who is this?

19 A. That's me.

20 Q. All right. And is that your window?

21 A. It is, yes, ma'am.

22 Q. All right. And I'm going to play this -- if
23 you can just kind of as it's going, tell what's going
24 on?

25 (Whereupon, a video was played in open court.)

1 A. He's coming in the bank with his envelopes.
2 He has several envelopes, and he has a note for each
3 envelope as well. I mean, there's a different note for
4 each one.

5 There's where he keeps pulling up his hoodie,
6 trying to keep it from falling down.

7 And then at that time, I'm giving his money to
8 him and putting it in the envelope.

9 And then that's when he's taking out a different
10 note to give to the drive through teller. It's like
11 he's almost reading which one he's giving.

12 Now, he's pointing for me to give that to the
13 drive through teller.

14 Q. And what's the drive through teller's name?

15 A. Vikki Schulte. And those -- and, of course,
16 I'm walking over there with her.

17 And that's where he's tapping on my window,
18 wanting me to come back. And that's where he keeps
19 pointing at what he's wanting me to read.

20 And I'm giving her the envelope. And he's going
21 to look in it, to see if I'm putting any dye packs or
22 anything in there.

23 Q. Had you done that?

24 A. No.

25 Q. Okay. Who is this entering now?

1 A. This is the lunch room lady and her
2 granddaughter.

3 And that's where I had gave him the money from
4 Vikki's, and he's going to look in it as well. And he
5 got the note back.

6 Q. Did you attempt to save the note?

7 A. I tried. And that's where I locked my drawer,
8 and was trying to go out to -- to lock my drawer to see
9 which way he went.

10 Q. Now, is that part of your procedure to lock
11 the door?

12 A. It is.

13 Q. And prior to law enforcement arriving, did you
14 unlock the door for anyone?

15 A. No, ma'am.

16 Q. Why is that?

17 A. It's just bank policy. We can't do that. No
18 one can leave or no one could -- I mean, no one can
19 leave the building or enter the building after it's
20 been robbed.

21 Q. Who is that?

22 A. That's my branch manager, Debbie Hancox (ph).

23 Q. Was she working at a teller line --

24 A. No, ma'am. She was at her desk.

25 Q. All right. And I'm just going to -- I'm not

1 going to play the whole video, but just to identify.

2 On camera two, this is the beginning of the video, who
3 is this?

4 A. This is me -- I mean, that's me.

5 Q. And who is that?

6 A. That's the bank robber -- no, I'm sorry.
7 That's Vikki.

8 Q. Okay. All right. And then camera three, what
9 angle is this?

10 A. That's when you come in the front door.

11 Q. Camera four?

12 A. That's the front door as well.

13 Q. And then camera five?

14 A. That's the ATM.

15 Q. Okay. So, I'm going to rewind. So is there a
16 camera facing out from the ATM?

17 A. Yes, ma'am. That's actually the camera that
18 is on the ATM.

19 Q. Okay. Tracy, I think that's all I have at
20 this time. Actually -- I'm sorry. Let me, I'm going
21 to show you a few other photographs. I'm going to show
22 you State's 12, State's 13, State's 14, State's 15,
23 State's 16, and State's 17. Don't tell me what they
24 are right yet, but just look through them and see if
25 you recognize what they are. Do you recognize what

1 those are?

2 A. Okay.

3 Q. Do you know what these photos came from?

4 A. From our -- from our camera.

5 Q. Ms. Batson, State's 12 through 16, are those
6 accurate depictions of the robbery that happened on
7 January 14th?

8 A. Yes.

9 Q. And I'm just going to ask you --

10 MS. HINTON: Your Honor, at this time, the State
11 would move 12, 13, 14, 15, and 16 and 17 into evidence,
12 and ask for permission to publish.

13 MR. MCLAURIN: No objection, Your Honor.

14 THE COURT: In without objection.

15 (State's Exhibits Nos. 12, 13, 14, 15, 16, & 17
16 admitted into evidence.)

17 MS. HINTON: Thank you. Okay.

18 BY MS. HINTON:

19 Q. State's 12, Tracy -- I'm sorry, Ms. Batson.
20 What is that a picture of?

21 A. That's a picture of him giving me the notes.

22 Q. Okay. State's 13, can you identify what that
23 is?

24 A. Yes. That's him leaving the bank.

25 Q. Okay. Are those the envelopes that you were

1 describing?

2 A. Yes, ma'am.

3 Q. State's 14?

4 A. That's him leaving the bank.

5 Q. Okay. State's 15?

6 A. That's him entering the bank.

7 Q. Okay. State's 16?

8 A. That's the shoes he had on.

9 Q. Okay. And State's 17?

10 A. That's him entering the bank.

11 MS. HINTON: Your Honor, that's all I have for
12 this witness. Ms. Batson, please answer any questions
13 Mr. McLaurin may have.

14 **CROSS EXAMINATION BY MR. MCLAURIN:**

15 Q. Good afternoon, Tracy. My name is Brent
16 McLaurin. I'm sorry for the situation that happened to
17 you and I probably understand you -- you've probably
18 been informed that's the guy that did it. I hope you
19 haven't, but I am the defendant in this case and I'm
20 representing myself, and I have a few questions for
21 you. And all I can tell you is I'm sorry for what
22 happened to you. That's a situation that must have
23 incurred a great deal of fright and a great deal of
24 nervousness and a great deal of -- would I be correct
25 in saying that it was a harrowing day for you?

1 A. Yes, sir.

2 Q. Would I be correct to say that sometimes when
3 we're excited, we may not see things as they really
4 are; is that possible?

5 A. No, sir.

6 Q. Answer the questions however you wish to --

7 A. No, sir.

8 Q. I'm not trying to put words in your --

9 A. Okay.

10 Q. -- mouth. I'd like to -- I know you said that
11 the person that robbed you or that you saw rob you had
12 gray hair; is that correct?

13 A. I didn't say he had gray hair. I said he had
14 a mustache.

15 Q. A gray mustache?

16 A. Correct.

17 Q. And he appeared to be about 60 years old?

18 A. Um, somewhat, yes, sir.

19 Q. Okay. If you'll indulge me just a second
20 here. Did you say that two of your employees were
21 working that day when the -- when the robbery occurred?

22 A. Me and another lady.

23 Q. And the other lady, where was she situated in
24 the bank?

25 A. She was in her office.

1 Q. No. No. Did you say two ladies were robbed
2 that day -- not one -- is it two or one?

3 A. Me and another teller.

4 Q. And the other teller, what teller was that?

5 A. She was at the drive through.

6 Q. Okay. At the drive through?

7 A. Uh-huh.

8 Q. Okay. That's the other -- okay. I got it.
9 And you don't know which one of these -- I know one --
10 one of you two girls said that the robber had gray hair
11 and a gray mustache; do you recall? Do you recall --

12 A. I said a gray mustache.

13 Q. A gray mustache?

14 A. Uh-huh.

15 Q. Pat, if you would please, permission to hand
16 this up to the witness. If you'll take a look at that
17 picture, that's a photograph of an arrest that occurred
18 -- excuse me -- the 14th was the day the robbery
19 occurred at your bank?

20 A. Correct.

21 Q. And that would be the 16th. If you would,
22 take a look at that picture, and tell me if you see any
23 gray mustache on that guy or any mustache period? And
24 that is me.

25 A. Okay. You did this picture. I mean, there's

1 no facial hair.

2 Q. I don't think at this time -- do you recall
3 how much -- how much cash did that guy get?

4 A. Total, together?

5 Q. From you?

6 A. From me he got over \$1,000.

7 Q. From you?

8 A. Uh-huh.

9 Q. And based on what you know, are you aware that
10 any of that \$1,000 has ever been recovered?

11 A. Not that I'm aware of.

12 Q. And how much did the same robber obtain from
13 your colleague?

14 A. Altogether, there was over \$3,000 between
15 my -- my drawer and her drawer.

16 Q. Well \$3,000? \$3,400? \$3,500? \$3,600?
17 Closer to \$4,000? Closer to three; or what?

18 A. About \$3,300.

19 Q. \$3,300?

20 A. Uh-huh.

21 Q. And -- and this person never made a sound,
22 everything was hand gestures?

23 A. Correct.

24 Q. Never spoke to you?

25 A. Correct.

1 Q. Now, when you saw that mustache, how were you
2 able to see it? I think you testified --

3 A. Because the hoodie fell down.

4 Q. Okay.

5 A. And he kept trying to pull it up, yeah.

6 Q. I got you. Okay. Thank you. I don't believe
7 there will be any more questions of this witness.

8 Thank you very much, Tracy.

9 THE COURT: Redirect?

10 MS. HINTON: No, Your Honor. May she be excused?

11 THE COURT: You can step down and be excused. We
12 appreciate your time. Thank you. We'll take an
13 afternoon break until about five after 4:00. So we'll
14 have about a 10 minute break.

15 (Whereupon, the jury left the courtroom at 3:52
16 p.m.)

17 (After a recess, court reconvened.)

18 THE COURT: Is the State ready?

19 MS. HINTON: I am, Your Honor. Just out of
20 curiosity in calling my witnesses, how late does Your
21 Honor want to go today?

22 THE COURT: What you got?

23 MS. HINTON: Well, if I can, I have two -- what
24 will be fairly quick witnesses. And then Detective
25 Byers will be the next witness. He would be a little

1 lengthy. So I don't know if Your Honor wants to do all
2 three or just the two quick ones, or -- they're here so
3 it doesn't make any difference to the State, Your
4 Honor.

5 THE COURT: Well, how -- where will that put us
6 for tomorrow?

7 MS. HINTON: That will leave us with six witnesses
8 for tomorrow, Your Honor.

9 THE COURT: Okay.

10 MS. HINTON: And that would likely be the State's
11 case.

12 THE COURT: That's if you just take two this
13 afternoon?

14 MS. HINTON: If I take all three this afternoon.

15 THE COURT: Let's -- let's go ahead and try to do
16 all three.

17 MS. HINTON: Okay. Thank you, Your Honor.

18 THE COURT: Bring in the jury.

19 (Whereupon, the jury entered the courtroom at
20 4:12 p.m.)

21 THE COURT: Call your next witness.

22 MS. HINTON: Thank you, Your Honor. The State
23 would call Vikki Shulte.

24 VIKKI SHULTE, having been
25 first duly sworn, testified as follows:

1 CLERK OF COURT: If you would have a seat and
2 state your name for the record please.

3 THE WITNESS: My name is Vikki Shulte.

4 **DIRECT EXAMINATION BY MS. HINSON:**

5 Q. Ms. Shulte, where are you currently employed?

6 A. Moes South West Grill.

7 Q. Okay. What do you do over there?

8 A. I'm a manager.

9 Q. All right. Were you ever employed at SunTrust
10 Bank?

11 A. Yes.

12 Q. Which branch?

13 A. Pickens.

14 Q. Okay. Where is that located?

15 A. On, gosh, I don't remember now -- on Cedar
16 Rock.

17 Q. Okay. How many branches does Pickens have?

18 A. One.

19 Q. How long were you employed at the Pickens
20 branch?

21 A. About a year and a half.

22 Q. Okay. Were you employed there in January of
23 2014?

24 A. Yes.

25 Q. Do you remember that day?

1 A. Yes.

2 Q. Okay. Can you tell me what happened that day?

3 A. I can. Tracy and I were there. We were the
4 only tellers there at the time. I had just helped a
5 client at the window and they had driven off, and there
6 was another car waiting to come through. I turned
7 around because Tracy had greeted someone and there was
8 someone at her window.

9 When I looked, there was a man at her window
10 with a black hoodie on and the bottom part folded up
11 over his mouth. And Tracy had two envelopes. She
12 brought one over to me. There was a letter. And it
13 had instructions on it for what to do.

14 Q. Okay. What kind of envelopes were they?

15 A. Manila envelopes.

16 Q. Okay. Can you describe what those looked
17 like?

18 A. Just a typical manila envelope, like a mailing
19 envelope.

20 Q. Okay. Was there anything inside the envelope?

21 A. There was just a letter written on the -- I
22 believe it was notebook paper.

23 Q. Can you recall anything that was on that
24 letter?

25 A. I just remember there were some parts that

1 were highlighted. It was very lengthy. It was very
2 detailed, not to look at the man in the window; not to
3 speak; to just put the 100s, 20s and 50s in the
4 envelope.

5 Q. Okay. Is that what you did?

6 A. Yes.

7 Q. About how much money did you hand over that
8 day?

9 A. I want say it was about \$1,000, maybe less.

10 Q. Is Tracy -- are y'all -- when y'all at
11 SunTrust, were y'all the same -- I guess employment
12 level, or was one of y'all in charge?

13 A. No. Tracy was the teller coordinator.

14 Q. Okay. All right. So would she be in charge
15 of keeping track of what's in the drawers and all that?

16 A. We're each responsible for our own, but she
17 does have to -- to make sure what's in there.

18 Q. Okay. Let's go back to the person at the
19 window in the hoodie, were you able to see that person
20 at all?

21 A. Just what I could make out of his face, just a
22 little bit.

23 Q. Okay. What race was he?

24 A. He seemed to be white.

25 Q. Okay. Did you see any hair color?

1 A. Just a very little bit. What I saw was gray.

2 Q. Okay. And where was that hair color?

3 A. I believe it was some facial hair and then
4 just a little bit about the eye brows and around the --
5 the forehead.

6 Q. Okay. Were you able to tell what age the
7 person was?

8 A. He looked to be around 60 or 65.

9 Q. And the note, what type of paper was it
10 written on?

11 A. I believe it was notebook paper.

12 Q. And do you remember how it was written, was it
13 handwritten or type written?

14 A. It was handwritten, and medium size letters,
15 not tiny, but not huge. And there was a good bit
16 written on it. And it was very neat. It was very
17 detailed.

18 Q. You said there was a good bit written on it,
19 what do you mean by that?

20 A. It was the entire sheet of paper was written
21 on, so much that I didn't have time to read -- to read
22 the whole thing.

23 Q. Okay. I'm going to show you what's been
24 entered as State's 24. This is the second camera
25 angle, do you recognize the people in that camera

1 angle?

2 A. Yes.

3 Q. Who is that?

4 A. The one on the right is Tracy, and the one on
5 the left is me.

6 Q. Okay. So what window were you working that
7 day?

8 A. The one on the left, the drive through.

9 Q. Okay. So that's the drive through window?

10 A. Yes, ma'am.

11 Q. Okay. I'm going to play this video for you.

12 If you will kind of narrate what's going on as it
13 plays. (Pause.) I don't think it's actually doing
14 anything, so let me try again. Let's try again.

15 (Whereupon, a video was played in open court.)

16 A. Okay. This is where I heard Tracy say
17 "welcome to SunTrust", I believe. And I had a car that
18 was getting ready to pull in, but they had stopped to
19 fill out a slip.

20 And then when I looked, I realized what was
21 going on, that he had handed her the envelopes. And he
22 pointed at me and told her to bring one to me.

23 Q. Did you ever hear him speak?

24 A. No, he never did. And Tracy was putting her
25 money in the envelope.

1 When I turned around to look at him, he shook
2 his head at me so I turned back around.

3 And then Tracy brought the other envelope to me.

4 Q. Okay.

5 A. She showed me the letter and then that car
6 pulled up.

7 And there I was trying to read the letter.

8 Q. Were you able to keep the letter?

9 A. No. There Tracy was giving him back the
10 envelopes.

11 Q. How long were you able to observe him?

12 A. Not very long, maybe less than 30 seconds.
13 The note was very adamant that we should not look at
14 him or talk to him.

15 Okay there, we with are putting the money in the
16 envelope. And he asked for the letter back.

17 Q. And how did he do that if he didn't speak?

18 A. He pointed, he motioned. Then Tracy pushed
19 her button.

20 Q. When you say "pushed her button", what does
21 that button do; do you know?

22 A. It's supposed to be a call button.

23 Q. And that call goes to?

24 A. I believe it goes to the police Department,
25 and they would close it down.

1 Q. Without violating any security at the bank,
2 what are you instructed to do when someone -- what's --
3 what's your standard procedure if you're being robbed?

4 A. To do what they ask us to do, but to try to
5 press the button, the call button.

6 Q. Okay. And were you able to do that in this
7 case?

8 A. No.

9 Q. Okay. Ms. Shulte, I believe that's all I
10 have. Please answer any questions that Mr. McLaurin
11 may have.

12 A. Okay.

13 **CROSS EXAMINATION BY MR. MCLAURIN:**

14 Q. Good afternoon.

15 A. Good afternoon.

16 Q. Boy, I'm terribly sorry -- I'm not the guy
17 that did this -- I'm sorry that it happened.

18 A. Thank you.

19 Q. And while we're on that subject, that's a very
20 nerve-racking situation, I'm sure?

21 A. Yes, it is.

22 Q. And you were nervous at the time?

23 A. We were.

24 Q. Can I show you a statement, and tell me if
25 based on what you recall, if that's basically true --

1 A. Sure.

2 Q. Pat, would you be kind enough to give this to
3 the witness. Thank you.

4 (Document handed to witness.)

5 A. Yes, this looks to be true.

6 Q. That is correct?

7 A. Yes, sir.

8 Q. And if you would, take a look at this
9 photograph, please. Thank you. You can hand that one
10 back, if you would. I appreciate it. Based on what
11 Tracy said to you -- or let me ask the question -- I
12 withdraw that question. Did Tracy tell you how much
13 money was taken from her?

14 A. No.

15 Q. She didn't tell you --

16 MS. HINTON: Objection, hearsay.

17 MR. MCLAURIN: I beg your pardon?

18 THE COURT: She answered the question.

19 MR. MCLAURIN: Yeah. That it's hearsay. I'm
20 sorry.

21 BY MR. MCLAURIN:

22 Q. Do you know how much, altogether how much cash
23 was taken from that bank on that day?

24 A. No.

25 Q. You don't know?

1 A. I don't.

2 Q. But you do know -- I think your testimony
3 was -- a \$1,000 was taken from you?

4 A. I don't remember if it was \$1,000 or less.

5 Q. Around about that figure. And you had only 30
6 seconds to view the -- the party that robbed you?

7 A. Right.

8 Q. I have a picture I would like you to take a
9 look at. Let the record reflect that I'm handing you a
10 picture of a suspect. And that is the bank robbery
11 suspect and that is a photograph from January the 14th,
12 at about 3:00 p.m, 3:30 p.m. somewhere about that; do
13 you recall that being the approximate time?

14 A. Yes.

15 Q. Your bank was robbed?

16 A. Yes.

17 Q. Would you take a look at that, and tell me in
18 your opinion, is that the person that you saw that day?

19 A. It is.

20 Q. It is. And that's the person that handed you
21 the envelopes?

22 A. Yes.

23 Q. Okay.

24 MR. MCLAURIN: I don't believe I have any more --
25 any more questions at this time. Thank you. Thank you

1 for your time.

2 THE WITNESS: Thank you.

3 MR. MCLAURIN: You're welcome.

4 THE COURT: Any redirect?

5 MS. HINTON: No, Your Honor. May she be excused?

6 THE COURT: You can step down and be excused. We
7 appreciate your time. Thank you.

8 Call your next witness.

9 MS. HINTON: Thank you, Your Honor. The State
10 would call Mike Hughes.

11 MIKE HUGHES, having been first
12 duly sworn, testified as follows:

13 CLERK OF COURT: Thank you, sir. If you would,
14 have a seat and state your name for the record.

15 THE WITNESS: Mike Hughes.

16 **DIRECT EXAMINATION BY MS. HINSON:**

17 Q. Officer Hughes, where are you employed?

18 A. Pickens City Police Department.

19 Q. How long have you been there?

20 A. October will be three years.

21 Q. Okay. What do you do over at the Pickens
22 Police Department?

23 A. Um, um, road patrol, answer calls, the
24 property evidence custodian. I help out in forensics.
25 I lock armor; marijuana analysis.

M. HUGHES -- DIRECT BY MS. HINSON

1 Q. Okay. And as part of being in charge of
2 property and evidence, tell me what all that entails?

3 A. Taking all the property from various crimes,
4 calls and log them into evidence, and store them for
5 court.

6 Q. Okay. Do people often bring evidence to you
7 to be stored?

8 A. Yes, ma'am.

9 Q. In other words, do you go out on every scene
10 to collect the evidence?

11 A. No, ma'am.

12 Q. Is there anybody else in your office that's
13 also in charge of evidence?

14 A. Detective Sam Byers.

15 Q. Is he present today?

16 A. Yes, ma'am.

17 Q. Is he seated with me?

18 A. Yes, ma'am.

19 Q. Did you -- did you have occasion to take in
20 some evidence on a Brent McLaurin?

21 A. Yes, ma'am.

22 Q. All right. Tell me a little bit about the
23 procedures that you put in place to ensure that
24 evidence is not tampered with?

25 A. When I get the evidence, it's secured in a

1 locker. There's a set of lockers that have individual
2 locks on them, pad locks. Once I -- I'm the only one
3 that has a key and Detective Byers is the only one that
4 has a key. When I get the evidence in, I log it. I
5 check what's on the property evidence form, to what I'm
6 taking in. I also enter it into our log track computer
7 system, and then I log it into the evidence room.

8 Q. Okay. How do you identify evidence being
9 associated with a particular case?

10 A. Typically with the property and evidence
11 sheet, and also if the property is marked itself.

12 Q. Okay. And then do you identify whether or not
13 you are the one who took it in?

14 A. Yes, ma'am.

15 Q. How do you do that?

16 A. By signature and initials.

17 Q. Okay. I'm going to show you what has been
18 marked as State's Exhibit No. 1, and have you look at
19 that.

20 A. Yes, ma'am. I took this evidence in on
21 February 12th of this year.

22 Q. Okay. Can you -- can you identify whether or
23 not that evidence has been tampered with?

24 A. No, ma'am, it has not.

25 Q. And how do you know that?

1 A. Because I'm the one who sealed it.

2 Q. Okay. Okay. I'm going to show you what's
3 been marked as State's Exhibit No. 6; did you take that
4 into evidence?

5 A. Yes, ma'am.

6 Q. Okay. How do you know that?

7 A. I'm the one who sealed it. My initials and
8 date.

9 Q. Has that been tampered with at all?

10 A. No, ma'am.

11 Q. Let me show you State's Exhibit No. 7; did you
12 take that into evidence?

13 A. Yes, ma'am.

14 Q. And how do you know that?

15 A. By the date and my initials.

16 Q. Okay. Has that been tampered with at all?

17 A. No, ma'am.

18 Q. I'm going to show you State's Exhibit 3; did
19 you take that into evidence?

20 A. Ah --

21 Q. Did you originally take that into evidence?

22 A. Yes, ma'am, I did originally.

23 Q. Okay. Has that one been tampered with?

24 A. No, ma'am. It's been sealed by Detective Sam
25 Byers on 5/13 of this year.

1 Q. Okay. I'm going to show you what's been
2 marked as State's Exhibit No. 2; how do you know that
3 that is associated with this case?

4 A. This is the tag that I put on it.

5 Q. Okay. And what is the number on that?

6 A. The case number is 2014-00278. And under the
7 sticker, it stays State's Exhibit No. 2.

8 Q. Okay. Now, just to clarify, a lot of those
9 items are labeled as this year, 2015, just a few months
10 ago -- I believe you said February?

11 A. Yes, ma'am.

12 Q. Does that mean that that's when those items
13 came into evidence?

14 A. Yes, ma'am. When I -- when I took them in
15 possession.

16 Q. Okay. Would they have been stored in evidence
17 by someone else up unto that point -- up until that
18 point?

19 A. It would have been Detective Sam Byers.

20 Q. Okay.

21 A. I received those from him.

22 Q. Okay. But the date on these would mean that
23 you sealed them at that time; is that correct?

24 A. Yes, ma'am.

25 MS. HINTON: Your Honor, I believe that's all I

1 have for this witness.

2 MR. MCLAURIN: Thank you.

3 **CROSS EXAMINATION BY MR. MCLAURIN:**

4 Q. Sir, would you -- for my benefit, repeat your
5 name again?

6 A. Mike Hughes.

7 Q. Mike Hughes.

8 A. Yes, sir.

9 Q. Let me ask you a question, Mike, are you
10 familiar with this case? Have you read about it and
11 looked at some of the case files concerning the robbery
12 and everything that happened that day?

13 A. No, sir. I'm just concerned about the
14 evidence. When I get it in, I log it, put it into
15 evidence and make sure it's proper.

16 Q. May I ask you, do you have any recollection or
17 know what date this allege or I -- I withdraw the word
18 "alleged" -- I'm sure there was a robbery that happened
19 on the day that these two girls said it did. What date
20 did that robbery occur; do you know?

21 A. I do not, no, sir.

22 Q. How long have you been with the Pickens Police
23 Department, sir?

24 A. Since October 26th or 29th of 2012.

25 Q. Two thousand --

1 A. Twenty-sixth -- yes.

2 Q. Okay. What we have here -- and let the record
3 reflect, if we could, Your Honor, that I'm holding a
4 plethora of what appears to be manila envelopes; is
5 that correct, Officer?

6 A. Yes, sir.

7 Q. And in -- do you have any idea why these
8 envelopes would be involved in this case?

9 A. No, sir.

10 Q. I recognize -- well, I won't even --- I'm not
11 going to say that. But you have no idea why -- why
12 these envelopes are even in this case?

13 A. No, sir. When I get evidence in, I just log
14 it all the same.

15 Q. And according to the digits on the front, it
16 says "two", which would be February 12th, the year '15?

17 A. Yes, sir.

18 Q. More than a year after the robbery. Where did
19 these come from?

20 A. They were in this bag originally when I
21 received them.

22 Q. Well, can you hand these back to him, Pat,
23 please. And the same thing with this pad and this
24 green pad -- I noticed that they're sealed. Are they
25 sealed for a reason?

1 A. Yes, sir.

2 Q. Okay. Do you know where -- where these came
3 from?

4 A. The --

5 Q. Do you have any idea where these came from?

6 A. No, sir. They were in the evidence locker and
7 I put them in evidence.

8 Q. Who is the officer who put these in your
9 evidence locker?

10 A. I would have to see the property and evidence
11 form, sir.

12 Q. Do you have it with you today?

13 A. No, sir, I do not.

14 Q. Can we ask the Solicitor if she has any
15 intention of bringing forth that officer so I can cross
16 examine him --- or examine him I mean?

17 THE COURT: I can't ask her who she's calling.

18 MR. MCLAURIN: I know --

19 BY MR. MCLAURIN:

20 Q. You don't know who the officer was?

21 A. As far as I know, Detective Sam Byers. It's
22 his initials on this evidence tape, sir.

23 MR. MCLAURIN: Do you have any intention of using
24 that in this case --

25 THE COURT: Well -- well, you -- you just need to

1 ask this witness questions.

2 MR. MCLAURIN: Well, this witness has already
3 answered, they don't know, Your Honor. And I'm
4 wondering if I can determine through -- or somebody
5 make me privy here --

6 THE COURT: Well, --

7 MR. MCLAURIN: Just wait and see what happens?

8 THE COURT: Yes.

9 A. When I -- when I originally sealed this, I
10 just saw it -- when I originally sealed this was
11 February 12th of 2015.

12 BY MR. MCLAURIN:

13 Q. That's correct. That's the date I read, and
14 I'm just wondering why it happened.

15 A. Yes, sir.

16 Q. Are you basically just ordered by maybe the
17 chief or somebody else in your office to go get this
18 evidence or get that evidence, and you take orders; in
19 other words?

20 A. Yes, sir.

21 Q. You don't ask questions?

22 A. Pretty much. I --

23 Q. I don't have a problem with it. I'm just
24 wondering why it is there.

25 A. Yes, sir.

1 Q. And based -- I don't think I have any more
2 questions. But thank you for coming.

3 THE WITNESS: Yes, sir. Thank you.

4 THE COURT: Any redirect?

5 MS. HINTON: No, Your Honor. May he be excused?

6 THE COURT: You may be excused. You can step down
7 and be excused. Please take your time. Call your next
8 witness.

9 MS. HINTON: Thank you, Your Honor. The State
10 would call Detective Sam Byers to the stand.

11 SAMUEL BYERS, having been
12 first duly sworn, testified as follows:

13 CLERK OF COURT: Thank you, sir. If you would
14 have a seat and state your name for the record.

15 THE WITNESS: Detective Samuel Byers.

16 **DIRECT EXAMINATION BY MS. HINSON:**

17 Q. Detective Byers, where are you employed?

18 A. Pickens City Police Department.

19 Q. How long have you been there?

20 A. I started February 2003.

21 Q. Okay. Have you always been a detective?

22 A. No, ma'am.

23 Q. How long have you been a detective?

24 A. I started as a detective in late October of
25 2011.

1 Q. Did you have occasion to respond to the
2 Suntrust Bank in Pickens City on January the 14th of
3 2014?

4 A. I did.

5 Q. Why did you respond to that location?

6 A. We got a radio call of a panic hold-up alarm
7 at the bank.

8 Q. Okay. And what does that mean?

9 A. It's an indication that someone has pressed a
10 button that they are being held up.

11 Q. When you got to the SunTrust Bank, what's the
12 first thing that you did?

13 A. When I arrived at the bank, the first thing
14 that I did was went inside to see if -- what was going
15 on, to see if it was a false alarm.

16 At that time, I was informed by two other
17 officers that it was not. And I went back outside to
18 secure the scene, rope off the scene.

19 Q. And what does it mean to secure the scene?

20 A. What I do is I take police tape, rope off the
21 scene so that no one can come in or leave until the
22 time that we have assessed everyone on the scene.

23 Q. And what's the purpose of that?

24 A. To determine who's a witness or who's a victim
25 or maybe even a suspect at that time.

S. BYERS -- DIRECT BY MS. HINSON

1 Q. Okay. I'm going to show you State's Exhibit
2 11; what is that a picture of?

3 A. That is a picture of the SunTrust Bank located
4 on West Cedar Rock Street.

5 Q. Is that before or after you secured the scene?

6 A. That is after.

7 Q. And how can you tell?

8 A. The police tape that is strapped across the
9 front.

10 Q. Is this bank located in Pickens County?

11 A. Yes, it is.

12 Q. And when you got there, was the suspect on
13 scene?

14 A. No. He was not on scene.

15 Q. Did you receive a description of what the
16 suspect looked like?

17 A. Yes, we did.

18 Q. Okay. Did you view the video of the robbery
19 at any point?

20 A. Later on -- not when I got there on scene. At
21 a later point in time, I was able to watch the video,
22 but I was still at the bank.

23 Q. Did you speak to anybody when you got to
24 SunTrust?

25 A. I spoke to several individuals when I got to

1 the bank.

2 Q. Were you able to determine if any money was
3 taken?

4 A. Yes. There was money taken from the bank.

5 Q. And were you able to determine an amount of
6 money that was taken?

7 A. The information I was given initially, on
8 scene, was \$3,995.

9 Q. And how did you come about that information?

10 A. The tellers had did a till count. At that
11 time, they stated that this was the amount of money
12 that they should have had. This was how much they had
13 in there, so they subtracted the amount and that's how
14 they came up to the determination of the total amount.

15 Q. Were you able to get any fingerprints from the
16 scene?

17 A. No, no fingerprints were lifted from the
18 scene.

19 Q. And why is that?

20 A. When we were able to watch the video, we
21 noticed that the individual was wearing gloves. Also
22 from my witness statements, that he was wearing gloves,
23 we did not -- we knew that there was not going to be
24 any fingerprints through the gloves, so we didn't
25 bother to try to take any.

1 Q. I believe you were present when the video of
2 SunTrust was played, was that the same video that you
3 viewed?

4 A. Yes, that was.

5 Q. And is that what you used to assist you in
6 gathering information about a suspect?

7 A. Yes, it was.

8 Q. Did you talk to anybody else in the area or
9 did you stay solely at the bank?

10 A. I stayed at the bank until we cleared the
11 scene.

12 Q. After you cleared the scene, did you go speak
13 to anybody else?

14 A. I left and went back to the police department
15 and spoke with the Assistant Chief Riggs.

16 Q. Did he also respond to the scene; do you know?

17 A. He came to the scene originally. But then he
18 left after we received an initial description from
19 officers on scene, that had spoke to witnesses. And he
20 left to go look in the immediate area for the
21 individual described.

22 Q. Did -- were you able to develop any leads in
23 this case?

24 A. Yes. We were able to develop leads after a
25 period.

1 Q. And what -- without getting into hearsay,
2 what -- what led you to -- to start getting phone calls
3 about potential suspects?

4 A. That evening, after I left the bank and went
5 back to the Police Department, Assistant Chief Riggs
6 and myself put together a small flyer that was sent out
7 to the local newspapers and media, so that we could try
8 to get information out and assistance, to try to locate
9 the person in the video.

10 Q. And did that press release include a photo?

11 A. Yes, it did.

12 Q. And what did that -- that photo show?

13 A. It showed an individual -- if I recall
14 correctly -- standing at the window of the bank at the
15 time where Ms. Batson was located and working.

16 Q. Okay. And in that video, are you able to see
17 anything that that suspect was wearing?

18 A. In the video, at the time, when he comes in,
19 you notice that he is wearing a black hoodie with white
20 letter writing across the front of the hoodie. You can
21 also notice that he is wearing -- I would say bright
22 blue -- but it's kind of like newer blue jeans. And
23 then also you will notice that there is white tennis
24 shoes.

25 Q. Of these leads that y'all received, how many

1 leads did you investigate?

2 A. We received -- I can recall two leads right
3 off hand. And we started looking into the first one
4 and just didn't have any corroborating evidence to go
5 further with it.

6 Q. Okay. Did you eventually get a lead that you
7 felt was a valid lead?

8 A. Yes, we did receive one.

9 Q. And how -- how long after the press release
10 did you receive that lead?

11 A. We received the lead on January 15th in the
12 evening hours, after I had already went home.

13 Q. And in response to that lead, did you speak to
14 anybody about that lead?

15 A. Yes, I did.

16 Q. Okay. Who did you speak to?

17 A. I spoke to two individuals, a Skylar Harris
18 and Jared Bearden.

19 Q. Based off of that conversation, did you
20 develop a suspect?

21 A. Yes, we did.

22 Q. And what was the name of that suspect?

23 A. Brent McLaurin.

24 Q. And were you able to determine a location for
25 Mr. McLaurin?

1 A. Yes, we were.

2 Q. And where -- where was that location?

3 A. The Traveler's Inn off of Augusta Road in
4 Greenville.

5 Q. Did you go to that location?

6 A. Yes, I did.

7 Q. Did anybody else go to that location?

8 A. Yes.

9 Q. Who else?

10 A. From the Pickens Police Department, Chief
11 Gregory, Assistant Chief Riggs and myself went.

12 Q. Okay. Any other agencies accompany you?

13 A. Yes. Greenville County Sheriff's Office had
14 officers on scene; also a FBI agent responded.

15 Q. I'm going to show you what's been marked as
16 State's Exhibit 18; do you recognize that?

17 A. Yes, I do.

18 Q. Can you tell the jury what that is?

19 A. That is a picture of us making the arrest at
20 the Traveler's Inn.

21 MS. HINTON: Your Honor, at this time, the State
22 would move State's Exhibit 18 into evidence, and ask
23 for permission to publish to the jury.

24 THE COURT: Any objection?

25 MR. MCLAURIN: No, I don't -- no objection, Your

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1 Honor.

2 THE COURT: In without objection.

3 MS. HINTON: Thank you, Your Honor.

4 (State's Exhibit No. 18 admitted into evidence.)

5 BY MS. HINTON:

6 Q. Detective Byers, are you in that picture
7 anywhere?

8 A. Yes, I am.

9 Q. Okay. And which one are you?

10 A. I have my back to the camera. I have the
11 black vest on with "Police" across it, wearing the
12 light green shirt.

13 Q. Okay. And I believe there is a laser pointer
14 up there -- do you see one?

15 A. Yes.

16 Q. Can you point to where Mr. McLaurin is in that
17 photo?

18 A. (Witness complied.)

19 Q. Okay. And can you describe what Mr. McLaurin
20 was wearing?

21 A. At that time, he was wearing a white t-shirt,
22 blue jeans and white tennis shoes.

23 Q. Did you enter his room at the Traveler's Inn?

24 A. Not immediately.

25 Q. Okay. Why not?

1 A. We had asked Greenville County to obtain a
2 search warrant.

3 Q. Okay. And did Greenville County obtain a
4 search warrant for you?

5 A. Yes, they did.

6 Q. Okay. And what information did -- or did you
7 provide information to them in order to obtain that
8 search warrant?

9 A. Yes, I did.

10 Q. When you got to the room at the Traveler's
11 Inn, was Mr. McLaurin inside?

12 A. Yes, he was.

13 Q. Okay. Tell me a little bit about what
14 transpired when y'all arrived on scene?

15 A. We arrived on scene. Greenville County was
16 already standing by waiting for us to arrive on scene.
17 We had an arrest warrant for Mr. McLaurin. We got on
18 scene, they went up, knocked on the door. He came to
19 the door, and they asked him to step out. He stepped
20 out at that time. He was advised that there was a
21 warrant for his arrest. He was placed under arrest and
22 read his Miranda rights.

23 Q. Okay. And who read him his Miranda rights?

24 A. I did.

25 Q. Do you read those rights from memory or do you

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1 have something that tells you what to read?

2 A. I have a card that I read them from.

3 Q. Do you have that on your possession right now?

4 A. Yes, I do.

5 Q. Could you pull that out for us. (Pause.)

6 Could you please read to the jury the rights that you
7 read to Mr. McLaurin?

8 A. Yes. "You have the right to remain silent.
9 Anything you say can and will be used against you in a
10 court of law. You have the right to talk to an
11 attorney and have him or her present with you while you
12 are being questioned. If you cannot afford to hire an
13 attorney, one will be appointed to represent you before
14 any questioning if you wish. You can decide at any
15 time to exercise these rights and not answer any
16 questions, or make any statements. Do you understand
17 each of these rights as I have explained them to you?
18 Having these rights in mind, do you wish to talk with
19 us now?"

20 Q. At that point in time, did Mr. McLaurin
21 indicate that he wanted to speak to you?

22 A. No.

23 Q. What was Mr. McLaurin's demeanor when he --
24 when he was taken into custody?

25 A. He didn't seemed panicked, very calm. Just

1 not resistant, not argumentative with us.

2 Q. Now, this photograph was from what date? Do
3 you recall?

4 A. This photograph was taken on January 16, 2014.

5 Q. Okay. So slightly more than a year ago?

6 A. Yes.

7 Q. Okay. Now, does Mr. McLaurin look the same
8 today as he does in that picture?

9 A. No, he does not.

10 Q. Okay. What's the difference?

11 A. One noticeable difference is his hair is gray,
12 and it looks like a little more reddish brown there.

13 Q. Okay. Did Mr. McLaurin have any facial hair,
14 did you notice, when you arrested him?

15 A. No.

16 Q. When you entered the Traveler's Inn, what was
17 the state of the room?

18 A. There was a lot of stuff cluttered in the
19 room; multiple things on the bed; multiple piles of
20 clothes in there. Just a different assortment of
21 things all over the room. Food, clothes, notebooks,
22 just stuff everywhere.

23 Q. Okay. And let's be clear, did you find a
24 hoodie in that room?

25 A. No, I did not.

1 Q. Did you find sunglasses in that room?

2 A. No, I did not.

3 Q. Did you find gloves in that room?

4 A. No, I did not.

5 Q. Did you find a bank note in that room?

6 A. No, I did not.

7 Q. Did you find money in that room?

8 A. No, I did not.

9 Q. Did you take some items from that room into
10 evidence?

11 A. Yes, I did.

12 Q. Okay. There is some testimony that this
13 evidence was logged in February of 2015, where would
14 this evidence have been prior to that time?

15 A. We have a secure room that is behind locked
16 doors. It's called the Property and Evidence Room.
17 That's where we store evidence for safekeeping.

18 Q. Okay. So was this items -- were these items
19 stored safely prior to February of 2015?

20 A. Yes, they were.

21 Q. Okay. Have these items been tampered with at
22 all?

23 A. No, they were not.

24 Q. I'm going to show you what's been marked as
25 State's Exhibit No. 2; do you recognize this item?

1 A. Yes, I do.

2 COURT REPORTER: Could you repeat the number?

3 BY MS. HINTON:

4 Q. State's 2. And what is this item?

5 A. A laptop bag.

6 Q. Okay. And where did this item come from?

7 A. It was taken from room 127 at the Traveler's
8 Inn.

9 Q. Was that Mr. McLaurin's room?

10 A. Yes.

11 MS. HINTON: Your Honor, at this time, the State
12 would like to admit State's Exhibit No. 2 into
13 evidence.

14 MR. MCLAURIN: No objection, Your Honor. I don't
15 understand it, but no objection.

16 THE COURT: In without objection.

17 MS. HINTON: Thank you, Your Honor.

18 (State's Exhibit No. 2 admitted into evidence.)

19 BY MS. HINTON:

20 Q. Next I'm going to show you State's Exhibit No.
21 3; do you recognize what that is?

22 A. Yes, I do.

23 Q. What is that?

24 A. That is a green spiral notebook.

25 Q. Okay. What kind of -- have you opened this

1 and observed the paper inside this?

2 A. Yes, I have.

3 Q. Okay. What kind of paper is inside this legal
4 notebook?

5 A. White notebook paper.

6 Q. Okay. Does it have any lines on it?

7 A. Yes, it does.

8 Q. Okay. Did you ever count the number of pages
9 in this legal notebook?

10 A. No, I did not.

11 MS. HINTON: Your Honor, at this time, the State
12 would like to move State's Exhibit No. 3 into evidence.

13 MR. MCLAURIN: Your Honor, normally I have no
14 objection, but as -- as the prosecutor can plainly show
15 you and the jury and everyone else, this is a sealed
16 envelope. And we still don't understand the
17 significance of what's -- what is in a notebook. How
18 does a notebook prove anything? Can we open it and
19 inspect it?

20 THE COURT: Not -- not at this time, but do you
21 object to it coming into evidence?

22 MR. MCLAURIN: Yeah, I'm going to object to it,
23 Your Honor.

24 THE COURT: All right. I'll allow it in over
25 objection.

1 (State's Exhibit No. 3 admitted into evidence.)

2 MS. HINTON: Thank you, Your Honor.

3 BY MS. HINTON:

4 Q. Next I'm going to show you what's been marked
5 State's Exhibit No. 6; do you recognize what these are?

6 A. Yes.

7 Q. What is that?

8 A. It is a stack of manila folders.

9 Q. And where did that come from?

10 A. That was also taken from room 127 at the
11 Traveler's Inn.

12 Q. Do you see any other manila envelopes such as
13 these in the courtroom?

14 A. Yes.

15 Q. Where do you see them?

16 A. Mr. McLaurin has them with his paperwork.

17 MS. HINTON: Your Honor, at this time, the State
18 would move State's Exhibit No. 6 into evidence.

19 MR. MCLAURIN: Again, Your Honor, if people would
20 just cooperate, I just want to know what the
21 significance -- I don't understand --

22 THE COURT: At this point -- at this point, you
23 are objecting?

24 MR. MCLAURIN: I'm going to have to. I don't know
25 what's going on here.

1 THE COURT: I overrule your objection. In without
2 objection -- again over objection.

3 MR. MCLAURIN: I have no idea what that is.

4 (State's Exhibit No. 6 admitted into evidence.)

5 MS. HINTON: Thank you, Your Honor.

6 BY MS. HINTON:

7 Q. The next item is State's Exhibit No. 7; do you
8 recognize this item?

9 A. Yes, I do.

10 Q. And what is that?

11 A. A razor.

12 Q. And where was that item located?

13 A. It was located in the laptop bag that was
14 removed from room 127 of the Traveler's Inn.

15 Q. Okay.

16 MS. HINTON: Your Honor, at this time, the State
17 would move State's 7 into evidence.

18 MR. MCLAURIN: Again, objection, Your Honor.

19 THE COURT: All right. Allowed in over objection.

20 MS. HINTON: Thank you, Your Honor.

21 (State's Exhibit No. 7 admitted into evidence.)

22 BY MS. HINTON:

23 Q. Next, State's Exhibit No. 8; do you recognize
24 this item?

25 A. Yes, I do.

1 Q. And what is that?

2 A. It is a yellow metal watch.

3 Q. Okay. Where did that item come from?

4 A. It was taken from the -- room 127 of the
5 Traveler's Inn.

6 Q. And now -- who logged that item into evidence?

7 A. I did.

8 Q. And how do you know that you logged that one
9 in?

10 A. That's my handwriting on the front of the
11 evidence -- the chain of custody.

12 Q. Okay. Can you tell whether or not that has
13 been tampered with?

14 A. The seal is in tact and not smeared, so it has
15 not been tampered with.

16 MS. HINTON: Okay. Your Honor, at this time, the
17 State would move State's 8 into evidence.

18 MR. MCLAURIN: And, again, objection, Your Honor.

19 THE COURT: I sustain the objection at this point
20 on the watch.

21 MS. HINTON: Okay.

22 BY MS. HINTON:

23 Q. Let me start with State's Exhibit No. 2; did
24 you take this item into evidence?

25 A. Yes, I did.

1 Q. Why did you take that into evidence?

2 A. It was indicated that Mr. McLaurin was in
3 possession of a laptop bag.

4 Q. When?

5 A. When we spoke to some individuals.

6 Q. But when was he in possession of it?

7 A. During the time that they were at the
8 Nestfeathers.

9 Q. Okay. Would that be on January the 14th of
10 2014?

11 A. Yes.

12 Q. Okay. State's Exhibit No. 3, why did you take
13 that into evidence?

14 A. The information given to us by the bank
15 tellers was that the note was written on white notebook
16 paper.

17 Q. State's Exhibit No. 6, why did you take that
18 into evidence?

19 A. The manila envelopes was taken into custody
20 because the bank tellers had indicated to us that the
21 bank robber used manila envelopes to collect the cash.

22 Q. And was that confirmed when you watched the
23 video?

24 A. Yes.

25 Q. State's 7, why did you take that into

1 evidence?

2 A. The razor was taken into evidence because at
3 the time the tellers indicated that the person had a
4 mustache. And the time we arrested Mr. McLaurin, he
5 did not have a mustache.

6 Q. State's Exhibit No. 8, why did you take that
7 into evidence? Do you see what I have?

8 A. The watch -- any clothing that was worn during
9 the time of the robbery, that we found at the location,
10 we take to try to corroborate with the video.

11 MR. MCLAURIN: I don't have any objection to any
12 of this, Your Honor. So I withdraw any objection at
13 this point. I just wanted to know what was the reason
14 for it.

15 THE COURT: All right. The watch is in without
16 objection.

17 MR. MCLAURIN: Yeah, I don't have an objection.

18 MS. HINTON: Thank you, Your Honor.

19 (State's Exhibit No. 8 admitted into evidence.)

20 BY MS. HINTON:

21 Q. Lastly, I'm going to show you State's Exhibit
22 No. 1; do you recognize that item?

23 A. These are shoes that were collected from Mr.
24 McLaurin after he was arrested.

25 Q. Okay.

S. BYERS -- DIRECT BY MS. HINSON

1 MR. MCLAURIN: Without objection.

2 THE COURT: All right. In without -- are you
3 moving them in?

4 MS. HINTON: Yes, Your Honor.

5 THE COURT: In without objection.

6 (State's Exhibit No. 1 admitted into evidence.)

7 BY MS. HINTON:

8 Q. Detective Byers, where did those -- were those
9 located in the room?

10 A. Mr. McLaurin was wearing those.

11 Q. Can you see Mr. McLaurin wearing those in that
12 picture right there, which is State's 18?

13 A. Yes.

14 Q. Okay. Are those the same shoes in State's
15 Exhibit 18 that you collected right there?

16 A. Yes, they are.

17 Q. Okay. And what was the significance of you
18 collecting those?

19 A. The video of the bank robber was wearing white
20 tennis shoes at the point in time he entered and left
21 the bank.

22 Q. Okay. Detective Byers, have those shoes been
23 tampered with at all?

24 A. No, they have not.

25 Q. Okay. Detective Byers, at this time, could

1 you please open State's Exhibit No. 1?

2 A. (Witness complied.)

3 Q. Would you please remove those shoes from that
4 bag?

5 A. Yes, ma'am.

6 MS. HINTON: Your Honor, at this time, I would
7 like to remark the shoes as opened as State's Exhibit
8 No. 1.

9 THE COURT: You can't have two number ones, can
10 you?

11 MS. HINTON: They will -- they will go back in the
12 bag, Your Honor. I just didn't want any confusion on
13 the record. I'm having to just refer them as State's
14 1.

15 THE COURT: You can't have two ones.

16 MS. HINTON: Okay.

17 THE COURT: That's all I'm going to tell you on
18 that.

19 MS. HINTON: That's fine. If Your Honor doesn't
20 mind, we'll just place them back in the bag.

21 THE COURT: I don't mind.

22 MS. HINTON: Okay. Thank you, Your Honor.

23 BY MS. HINTON:

24 Q. Detective Byers, I'm going to show you State's
25 13, 15, 16, and 17; do you mind taking a look at those?

1 A. Yes, ma'am.

2 Q. Do you recognize what those are?

3 A. Yes, ma'am.

4 Q. And what are they?

5 A. They are still images taken from the video of
6 the bank robbery that occurred on January 14th --

7 Q. Okay.

8 A. -- 2014.

9 Q. Okay. Focusing on State's 13, and focusing
10 specifically on the shoes, what is it about those shoes
11 in that photograph that made you believe that those are
12 the same shoes that Mr. McLaurin was wearing?

13 A. In this particular photograph, what caught my
14 eye is the white tennis shoes. Right in the bridge,
15 there is a darkened area.

16 Q. Okay. And could you use the laser pointer to
17 point out that darkened area that you are referring to?

18 A. Right there.

19 Q. Next, I'm going to show you State's 15; again
20 focusing on the shoes, what in particular in that photo
21 led you to believe that those are the same shoes that
22 Mr. McLaurin had on that day?

23 A. The indication was the markings on the back of
24 the shoes. It was white tennis shoes with dark
25 markings on the back.

1 Q. Okay. And State's Exhibit 16, what is the
2 significance of that?

3 A. It is a larger image of the shoes, showing the
4 detail of the writing -- or the image on the back of
5 the shoes is darker. It appears to be words.

6 Q. And, lastly, State's Exhibit 17; what is the
7 significance of that picture in relation to Mr.
8 McLaurin's shoes that he was wearing that day?

9 A. The darker centers of the soles.

10 Q. Aside from taking these items into evidence,
11 did you ever have any other conversations with Mr.
12 McLaurin?

13 A. No, I did not.

14 Q. Did that conclude your involvement in this
15 case?

16 A. Yes, it did.

17 Q. Okay.

18 MS. HINTON: Your Honor, I believe that's all I
19 have for this witness.

20 THE COURT: Mr. McLaurin.

21 MR. MCLAURIN: Leave that on a minute, Brandi.
22 Where -- where are the shoes?

23 MS. HINTON: They're right there.

24 MR. MCLAURIN: Brandi, do me a favor...

25 (Off record discussion concerning screen.)

1 MR. MCLAURIN: Let me do it this way, Pat, if you
2 can, give this one to Detective Byers.

3 **CROSS EXAMINATION BY MR. MCLAURIN:**

4 Q. Would you do me a favor, Detective Byers,
5 first of all, take these sneakers in your hand for a
6 moment, if you will. Have these things been cleaned --
7 thank you. I appreciate that. All right. With
8 respect to the photo that you're looking at, is there
9 a -- what -- is that State's Exhibit -- what is it?

10 A. The picture or the shoes, sir?

11 Q. No. The -- the exhibit itself; what is it
12 marked?

13 A. The picture is State's Exhibit 16.

14 Q. Oh, 16. Okay. I have 15 here. You have 16.
15 We've got 18 and 13. It doesn't matter what order we
16 put them in, does it?

17 A. No, sir.

18 Q. Okay. So you're stating for the record that
19 that is 16?

20 A. Yes, sir.

21 Q. Would you -- would you go to those sneakers
22 and show me exactly, and show the jury and the judge,
23 what's the significance of those and those sneakers?

24 A. The matching images, the dark markings on the
25 back of the white sneakers.

1 Q. The dark markings state Court Classic; is that
2 correct?

3 A. On the shoes, State's Exhibit 1.

4 Q. Okay. No further questions. Would you do the
5 same thing for us with exhibit 13, please. It is 13,
6 Pat. Let me have that if you will. If you can, I'm
7 waiting for you to elaborate.

8 A. Okay. State's Exhibit, like I said before,
9 that the darker area of the bridge, near the sole of
10 the arch is what caught my eye. And the darker area
11 right in here.

12 Q. Oh, I got you.

13 A. It matched on the pictures.

14 Q. Okay. Okay. While you're on that -- on that
15 particular -- on that particular point, do you mind if
16 I make a point -- no, it's not argumentative.

17 THE COURT: Right.

18 MR. MCLAURIN: Yeah, I can't make the point right
19 now. Thank you. And let's give you another one.
20 Thanks, Pat. I appreciate it.

21 BY MR. MCLAURIN:

22 Q. And what are we looking at?

23 A. This is the State's Exhibit 16 again.

24 Q. Again? I gave you the wrong one. Okay. If
25 you think these things don't drive you a little bit --

1 you know. Okay. You're on which -- which one now?

2 A. This is State's Exhibit 15.

3 Q. Fifteen. Okay. And, again, would you
4 elaborate? What is it that you see that's significant
5 to 15?

6 A. The significance to me that I can see here is
7 the back of the shoes with the dark emblem or dark
8 circle --

9 Q. Okay. We have one left, if you don't mind,
10 Detective, that's 18. Thanks, Pat. I don't know what
11 I would do without you. Can you elaborate?

12 A. On these shoes?

13 Q. Yes, sir.

14 A. I can't see the back of the shoes. The only
15 thing I can see from this side angle of the shoes would
16 be the arch again, on this foot.

17 Q. Okay. So it's basically the same thing as 16?

18 A. Yes, sir.

19 Q. Thank you. I appreciate that, Detective.
20 I'll be right back. If I can, Pat, let me -- get the
21 sneakers. I want to bring them back to the jury.

22 Thank you. Is that okay, Your Honor?

23 Do you know anything that you could testify to
24 here today about the one -- well, first of all, let me
25 back up for a moment. You stated that at the bank --

1 let's forget about the bank. I withdraw that question,
2 Your Honor.

3 At my motel room, okay, did you -- were you
4 aware of the reason that I was at that motel room?

5 A. Was I -- I don't understand your question.

6 Q. Did either Skylar Harris or Jared Bearden, did
7 they indicate to you, in fact, -- I won't -- I
8 won't -- did they indicate to you on December 30th that
9 they had taken me to my new house? I had leased a
10 house; do you know about that?

11 A. No, sir.

12 Q. You don't know anything about my purchasing a
13 German Shepherd puppy from Germany. And because of
14 that, the landlord decided at the last minute --

15 MS. HINTON: Your Honor, I'm going to object. The
16 State doesn't know anything about this.

17 MR. MCLAURIN: He doesn't what?

18 THE COURT: You -- you -- you just --

19 MR. MCLAURIN: He has a right to explain, Your
20 Honor.

21 THE COURT: Well, I know, but you explained it.

22 MR. MCLAURIN: Can I rephrase it?

23 THE COURT: Yes.

24 BY MR. MCLAURIN:

25 Q. Did Skylar Harris, at any point in time,

1 indicate to you that the prospective landlord of my new
2 house stated because of the dog, I couldn't move in?

3 MS. HINTON: Objection. Hearsay.

4 THE COURT: Well, he's -- go ahead and answer
5 please.

6 A. No, you did not.

7 BY MR. MCLAURIN:

8 Q. Okay. Are you aware of any situation which
9 made it necessary for me on that date, since I moved
10 out of one house, and put a deal together on a new
11 house, that I couldn't move in because of the purchase
12 of a puppy? And that's what forced me to go and rent,
13 at \$800 a month, a motel room for -- for a month, so I
14 could put another deal together on another house that I
15 wanted to purchase with owner financing; did you know
16 anything about that?

17 A. No, I did not.

18 Q. Okay. What I notice you testified today that
19 when you went to my motel room, you found it to be, I
20 think you said, unkempt or sloppy or not neat -- or
21 something -- did you say that?

22 A. Disorganized.

23 Q. Well, you're right, it was disorganized. I
24 was in the process of moving out, but that's --
25 that's -- I'm sorry. I withdraw that as testimony.

1 You can't do that. Do you know anything about that?

2 A. No, sir.

3 Q. Okay. In any event, I think you testified
4 here today that when you came, you came to arrest me
5 for a bank robbery?

6 A. I came to arrest you for the warrants that we
7 had.

8 Q. Okay. And you testified also that you -- that
9 you obtained those warrants, did you not, on the basis
10 of probable cause; did you say that?

11 A. We -- the warrant request was submitted to the
12 judge. The judge submitted the warrants based on the
13 information provided, probable cause.

14 Q. Well, I don't mean to be rude to you, sir,
15 today, but this is the second time probable cause has
16 entered this picture. And I'm wondering what probable
17 cause -- probable cause -- let me back up. Did you --
18 did you -- isn't it a fact that you guys had, after
19 this bank robbery, six or seven suspects, yes or no; is
20 that true?

21 A. No, sir.

22 Q. You didn't have six or seven suspects?

23 A. I didn't --

24 Q. So, if I can go and pull out of my file folder
25 right now six or seven suspects, based on what you guys

1 said -- I didn't say it -- based on what you gentlemen
2 said, and I can show them to you, you would be able to
3 tell me if they were, in fact, suspects or not?

4 A. Yes.

5 Q. Isn't it a fact that people immediately after
6 that -- that robbery, called you to say I know who did
7 it. It was my cousin. It was my nephew. It was my
8 niece. It was this, that, and the other. Everybody on
9 -- is that not true?

10 A. We received one phone call in regards to a
11 suspect.

12 Q. To a suspect? Is this your testimony here
13 today; a suspect?

14 A. Well, one aside from you.

15 Q. From me? I'll get to that in a moment.

16 MR. MCLAURIN: Your Honor, may we have a slight
17 recess? I just want to go through and -- I have got a
18 stack of suspects here that these gentlemen and --
19 Detective Byers, I don't mean to be rude to you,
20 disrespectful. I want you to understand that. But you
21 do know what it -- what testifying falsely, after
22 you've been sworn, amounts to; do you not?

23 A. Yes, sir.

24 Q. And I don't believe you would do that, would
25 you?

1 A. No, sir.

2 Q. Is it possible that you could work in that
3 police department and not know -- and you're working on
4 this particular bank robbery, and not know that you
5 have got suspects all over the place and have already
6 called you -- does the name Jerry Sanders ring a bell
7 to you?

8 A. Yes, sir.

9 Q. Was he a suspect?

10 A. He was information -- that's the other phone
11 call that I told you we was provided.

12 Q. How about the lady that at the --

13 MR. MCLAURIN: Your Honor, I don't know of a way
14 to do it but --

15 THE COURT: Well, we are going to finish up with
16 this witness today, and you'll have an opportunity to
17 go over those tonight, and we'll see where we are in
18 the morning.

19 MR. MCLAURIN: My question here is how am I going
20 to get from this witness the information that I need to
21 show that there's -- there's something not right here.
22 How can you possibly have --

23 THE COURT: I -- I can't -- I can't help you with
24 that.

25 MR. MCLAURIN: I know you can't.

1 THE COURT: All I can do is ask you to ask
2 questions, and he -- he has to answer them, as you
3 pointed out, under oath.

4 MR. MCLAURIN: I'm just saying if I can go to my
5 file, I've got -- I've got the evidence right here.
6 And I'd like to -- not necessarily impeach him, but I
7 have got the evidence to show you, that you worked at
8 the police department, why can't we -- why can't we --
9 we show you and have you testify to all these other
10 witnesses that were involved -- and incidentally, you
11 say I was a witness at that time?

12 A. No, sir. I didn't say you was a witness.

13 THE COURT: You went -- you were using the word
14 "suspect" a minute ago, and now you're talking about
15 "witnesses". They are two different things.

16 MR. MCLAURIN: I meant to say -- that's right.
17 I'm just -- I'm so nervous and so frustrated by this
18 thing. It's been going on forever, Your Honor.

19 BY MR. MCLAURIN:

20 Q. But anyway, let me say this: You stated on
21 this witness stand just moments ago that I became a
22 suspect?

23 A. Yes, sir.

24 Q. Okay. And I became a suspect when? When you
25 received a phone call from a Charles Bearden, who is

1 the father of Jared Bearden, stating verbatim, "we gave
2 Brent a ride in that area. We were in that area" --

3 MS. HINTON: Your Honor, I'm going to object to
4 the form.

5 MR. MCLAURIN: Did you state that --

6 THE COURT: Hold on.

7 MR. MCLAURIN: Huh?

8 THE COURT: It's hearsay now, but I'm -- I'm not
9 sure I understand your question.

10 MR. MCLAURIN: We intend to put him on the stand,
11 Your Honor. The prosecutor will tomorrow.

12 THE COURT: Well, then you can ask him those
13 questions.

14 MR. MCLAURIN: Okay.

15 THE COURT: He can't testify --

16 MR. MCLAURIN: Okay.

17 THE COURT: He can't answer --

18 MR. MCLAURIN: I got you. I understand. Thank
19 you, Your Honor.

20 THE COURT: Okay.

21 BY MR. MCLAURIN:

22 Q. Is it true that Charles Bearden at some point
23 in time, called you to tell you guys, my son drove
24 Brent McLaurin to that area?

25 A. Yes.

1 Q. Is it true that he told you that he drove me
2 to that area because I told --

3 MS. HINTON: Your Honor, again, I'm going to
4 object to hearsay.

5 THE COURT: Yeah. I sustain the objection.

6 MR. MCLAURIN: What was the -- I got you.

7 BY MR. MCLAURIN:

8 Q. What was the reason -- what was the reason,
9 sir, he told you he gave me a ride to that area?

10 MS. HINTON: Objection, Your Honor. That's the
11 same --

12 THE COURT: Yeah, I sustain the objection. That's
13 the same -- basically the same question.

14 MR. MCLAURIN: In other words, you're just not
15 going to let anything of a hearsay nature come in. I
16 see. But, Your Honor, I'm asking him what he was told.
17 That's not hearsay, what he was told.

18 THE COURT: Yes, it is.

19 MR. MCLAURIN: Oh, because --

20 THE COURT: If somebody -- if somebody else said
21 it, it's hearsay.

22 MR. MCLAURIN: Okay. I'm just trying to figure
23 out how to do this, but I want that information. But
24 anyway.

25

1 BY MR. MCLAURIN:

2 Q. So in any event, you don't know how much money
3 was actually taken from the bank?

4 A. The -- like I said before, the initial
5 investigation -- the initial information that we was
6 given, was \$3,995 as to what was put into the report.

7 Q. Okay. Now, how much of that \$3,995, or
8 whatever it was, did you find in my room that day?

9 A. In your room?

10 Q. Yes, sir.

11 A. None, Your Honor.

12 Q. And when you guys came there, I didn't
13 have any -- I didn't have a clue what's going on. Do
14 you remember, I was having lunch and I said, "What's
15 going on? Oh, you're under arrest." I said, "For
16 what?" You said for "Bank robbery". Do you recall
17 that?

18 A. No, sir. I don't recall what you said
19 whenever they knocked on the door and you came to the
20 door.

21 Q. You don't recall what was said? You gave me
22 my rights?

23 A. Yes, sir. I walked up and I read you the
24 warrant that we had entered into NCIC, and that we
25 arrested you on. And then I read you your Miranda

1 rights. And at that time, you told me that you didn't
2 want to talk to us and they placed you in the car. I
3 didn't have any further conversation --

4 Q. Why would I talk to you when you're telling me
5 you're going to arrest me for a bank robbery? That's
6 one -- isn't it true that at that point in time, I said
7 to you, "What bank robbery"; do you recall?

8 A. No, sir.

9 Q. What do you recall? Why don't you testify to
10 that.

11 A. I recall that I walked up and I read the
12 arrest warrant that we had entered into NCIC. After
13 that time, I pulled the card out of my pocket and read
14 Miranda rights. When I asked him if he wanted to talk
15 to us, he stated "no". They took him and placed him in
16 the back seat of Assistant Chief Riggs patrol vehicle.

17 Q. You found no money at my -- at my
18 accommodations there?

19 A. No, sir.

20 Q. Did you find any weapons of any sort?

21 A. No, sir.

22 Q. No. Did you find any bank notes or robbery
23 notes?

24 A. No, we did not find any.

25 Q. So why do we have all of the envelopes here?

1 What are they -- what are they supposed to show, that a
2 person uses envelopes? I use them all the time. What
3 is the nature of that? What was the reason for that?
4 Can you explain that?

5 A. The reason we took the envelopes was, like I
6 stated before, the information given to us by the
7 witness that they was at the scene, and that we also
8 observed on the video. So, therefore, based on the
9 search warrant, looking for items related to it, we
10 took those envelopes.

11 Q. Detective, you're an -- an intelligent guy.

12 A. Thank you, sir.

13 Q. How many of those envelopes do you think
14 exists in the United States of America?

15 A. I -- I'm sure more than I can count.

16 Q. Any idea? More than we can both count. Is
17 there any evidence to show that that is even the same
18 brand of envelope that they -- let me back up here if I
19 can withdraw that, Your Honor.

20 Did you guys not hear from the tellers that this
21 guy that walked in and robbed them, took the envelopes
22 out of there; whatever envelopes they had, is that
23 true?

24 A. Yes.

25 Q. That's the way I heard it. Now, if that's the

1 case, how do you have an envelope to match the envelope
2 that left that bank with -- with these envelopes that
3 you say -- I imagine they did. I don't know. I'll
4 take your word for it. I keep envelopes all the time.
5 And this one happens to have my car information. I had
6 just purchased a car and that's the information on the
7 car -- I don't --

8 MS. HINTON: Your Honor, I'm going to object to
9 the form again.

10 THE COURT: Yeah.

11 MR. MCLAURIN: Okay. You're right. You're right.

12 THE COURT: You just need to stick with questions.

13 MR. MCLAURIN: I withdraw it. The form is off.
14 Do you understand what he's saying? Nothing wrong with
15 the question -- I'm just not asking it right. That's
16 because I'm nervous. Sorry.

17 BY MR. MCLAURIN:

18 Q. But anyhow. What, if any, real tangible
19 evidence -- you came and arrested me because you said
20 you had probable cause that I committed a bank robbery.
21 And correct me if I'm wrong -- is that probable cause
22 based only on the fact that Skylar Harris or Mr.
23 Bearden or Jared Bearden, who is Mr. Bearden's son,
24 told you -- called you and told you, "we gave Brent a
25 ride to that area" -- is that correct -- or explain

1 however you want.

2 A. Not based on a phone call.

3 Q. Based on a phone call?

4 A. Not based on a phone call.

5 Q. Well, if it wasn't based on a phone call, and
6 you testified here today that it wasn't based on any
7 money found on me; it wasn't based on any photographs
8 of me being in a bank; and it wasn't based -- and the
9 tellers never saw anybody -- they don't know who robbed
10 that bank, those two boys have testified they don't
11 even know -- and you're going to hear that testimony
12 again --

13 MS. HINTON: Your Honor, again --

14 THE COURT: No, you can't tell --

15 MR. MCLAURIN: I know. I know. I know. But
16 you're going to hear the testimony. But I know. I'm
17 sorry, Your Honor. And I withdraw that. But I know
18 you know because you had to talk to them boys and you
19 had to have heard --

20 THE COURT: Well, we have got to stay away from
21 those boys. If they're -- if they're going to testify,
22 they are going to testify.

23 MR. MCLAURIN: That's right. That's exactly
24 right. I just don't understand, and I think when I'm
25 looking to you for, and also to Chief Riggs -- is just

1 a reasonable concise answer.

2 BY MR. MCLAURIN:

3 Q. Why did you arrest me when you have all these
4 witnesses and there's no probable cause? I don't know
5 -- what is your probable cause? I think that's what
6 I'm really getting at here. What probable -- can you
7 explain to this jury and this judge whatever it is you
8 want to say, just tell us what was the probable cause
9 out of the millions of people that live in America, I
10 can't get a ride from my friends because somebody owes
11 me money, and you can't tell me why you arrested me --

12 MS. HINTON: Your Honor, again, I'm going to
13 object to the form.

14 THE COURT: Well, are you just asking him -- cut
15 to the -- are you asking this witness why the Pickens
16 Police Department arrested you for this crime?

17 MR. MCLAURIN: But he won't answer the question.

18 THE COURT: No. Well, you haven't never asked it
19 that way.

20 MR. MCLAURIN: Okay.

21 BY MR. MCLAURIN:

22 Q. Why did the Police Department of Pickens
23 arrest me and charge me with a bank robbery?

24 A. Because in the interview, we received
25 corroborating information.

1 Q. What corroborating information? I think we
2 are getting somewhere now, Your Honor. It has been a
3 long time.

4 A. Are you asking me to testify to some hearsay?

5 MR. MCLAURIN: I can't -- he's smart.

6 THE COURT: Well, he's not asking you to --

7 MR. MCLAURIN: You should have been a lawyer.

8 THE COURT: But if that's what it takes to answer
9 the question he ask, then -- then he -- then you are
10 entitled to answer questions. But if you -- the answer
11 has to be based on hearsay, then it has to be.

12 A. The information provided to us by Jared and
13 Skylar was not information that was released in the
14 news, to the media at the time I had them come into the
15 police department and speak to us. They gave us
16 detailed information about the case.

17 Q. Do you realize, Detective, that I personally
18 with that lawyer sitting right there, John DeJong, sat
19 and watched everything those boys ever had to say to
20 you? We've got it all on video, every one of those
21 interrogations were taped. We've watched everything.
22 And I didn't hear one word -- in fact, I can't say that
23 -- I didn't hear one single word out of either one of
24 those boys' mouths that indicated they're giving you,
25 by something they said at least, any probable cause to

1 even suspect me -- well, you might suspect -- but of
2 robbing a bank. Nothing, nothing whatsoever. I don't
3 understand --

4 MS. HINTON: Your Honor, again, I'm going to
5 object to --

6 THE COURT: Well, you are telling us your
7 perspective. That's --

8 MR. MCLAURIN: Okay. I think what the judge --

9 THE COURT: That's not a question.

10 MR. MCLAURIN: I'm sorry, Your Honor.

11 BY MR. MCLAURIN:

12 Q. The question is, you already testified to it.
13 What specifically -- what specific corroborating -- you
14 know what the word corroborating means, I know. You
15 use it every day in your profession.

16 What corroborating evidence did either one of
17 them boys give you to make you come to my -- and
18 interrupt my lunch and just arrest me and charge me
19 like this? What -- what -- what corroborating
20 evidence, not opinions, evidence -- what evidence did
21 they give you?

22 A. They were at the Nestfeathers at the time of
23 the bank robbery.

24 Q. And that means they robbed -- that I robbed a
25 bank because they were there at that time. I was

1 there -- never mind. I can't say that.

2 Based on that, you arrested -- well, I think
3 we've got the answer we wanted finally, Your Honor.
4 And I'm sorry because I'm the one that delayed this.
5 So I have to apologize to every member of this jury for
6 tieing you up, tieing you -- but I just wanted to get
7 to the bottom of this. And that's your answer. So, in
8 other words, you didn't really have any probable cause
9 at all and I am sitting the way I am, worrying about my
10 life --

11 MS. HINTON: Objection, Your Honor.

12 MR. MCLAURIN: You're right. Boy, I'm telling
13 you. Let me -- this is crazy. I think I am going to
14 wrap this up.

15 BY MR. MCLAURIN:

16 Q. Detective, I'm sorry if I have indicated to
17 you that I'm showing no disrespect. I don't mean to.
18 But anyhow, you have a tough job to do I'm sure. I
19 just don't want to be -- I'm not going to get there.
20 I'm going to wrap it up. I just -- one thing I want to
21 make clear, you never at any point in time, found me to
22 be in any possession -- or in possession rather, of any
23 monies that came from any bank robbery; is that true?

24 A. Yes, sir.

25 Q. At no point in time did you ever find me to be

1 in possession of any robbery notes, nothing like that?

2 A. None were located.

3 Q. And yet you come and arrest me. How many
4 people do you arrest, would you say on an average,
5 every year based on what you know to be a fact and you
6 find out later we've made a mistake?

7 MS. HINTON: I object, Your Honor --

8 THE COURT: I sustain the objection.

9 MR. MCLAURIN: You sustain that one. I'm sorry,
10 Your Honor. I can't win here today.

11 BY MS. HINTON:

12 Q. But no money?

13 MS. HINTON: Your Honor, asked and answered.

14 THE COURT: Yeah, you've -- you've --

15 MR. MCLAURIN: No weapons.

16 A. No, no weapons were found.

17 MR. MCLAURIN: Okay. Have a nice day. God bless
18 you.

19 THE COURT: Any redirect?

20 MS. HINTON: Just one quick question, Your
21 Honor -- two quick questions.

22 **REDIRECT EXAMINATION BY MS. HINTON:**

23 Q. Detective Byers, how many bank robberies have
24 you worked in your time as a law enforcement officer?

25 A. This would be the second.

1 Q. Okay. How many bank robberies have occurred
2 in your jurisdiction while you have been a police
3 officer?

4 A. This would --

5 MR. MCLAURIN: Objection, not relevant, Your
6 Honor.

7 THE COURT: I sustain -- I sustain the objection.

8 MR. MCLAURIN: Not relevant.

9 BY MS. HINTON:

10 Q. And that prior bank robbery that you worked,
11 were manila envelopes used?

12 A. No.

13 MR. MCLAURIN: That's not also relevant, Your
14 Honor.

15 MS. HINTON: That's all I have.

16 THE COURT: I sustain the objection. Strike --
17 strike that, the question and answer.

18 MS. HINTON: Thank you, Your Honor. May he be
19 excused?

20 THE COURT: Recross?

21 MR. MCLAURIN: No. I would just say for the
22 record, Your Honor, that both of -- I wanted to hear
23 what Brandi had to say, but both of her questions are
24 not germane and not relative to this case. This is the
25 only case we're, you know --

1 THE COURT: You're entirely right.

2 MR. MCLAURIN: Thank you, Your Honor.

3 THE COURT: You can step down and be excused. We
4 appreciate your time -- or are you going to stay as --
5 you can stay or go. Thank you.

6 THE WITNESS: I'll stay to the end of today, Your
7 Honor.

8 THE COURT: All right. Well, jury panel, it is
9 about 5:20. We are going to stop until 9:30. Have a
10 pleasant evening. Keep in mind those admonitions that
11 I have given you about not discussing the case or
12 accessing any information, or googling anything, or any
13 of those sort of things, and we'll see you back at
14 9:30. Have a pleasant evening.

15 (Whereupon, the jury left the courtroom at 5:22
16 p.m.)

17 THE COURT: Mr. McLaurin and Ms. Hinton, any
18 requests to charge, please have ready for me in the
19 morning, if you would. And I don't know that there are
20 any lesser included of either one of these. But I just
21 want to be made aware of any requests to charge that
22 either one of you have, so -- but we may get this to
23 the jury tomorrow afternoon, or around lunch time.
24 Thank you.

25 MS. HINTON: Thank you, Your Honor.

1 (Whereupon, the hearing recessed for the day.)

2 * * * P R O C E E D I N G S * * *

3 TUESDAY, MAY 19, 2015

4
5 THE COURT: All right.

6 MS. HINTON: Your Honor, just to put on the
7 record, Mr. McLaurin requested that we review an Arby's
8 video surveillance tape, which I had previously
9 communicated that there was no evidence pertaining to
10 this crime on that tape. I had to download a special
11 program through our IT department to get that to play
12 for Mr. DeJong of that. Mr. McLaurin wanted to view
13 that tape, as well as the copy that I have provided to
14 John previously.

15 We -- viewed both -- both tapes. I think Mr.
16 McLaurin is satisfied that there is nothing on it
17 relating to -- to him or anyone else that will testify
18 today, so I wanted to put that on the record. And it
19 is also my understanding that Mr. McLaurin intends to
20 withdraw his motion -- his Brady violation motion that
21 he brought up earlier.

22 THE COURT: All right.

23 MR. MCLAURIN: Everything the prosecutor has just
24 advised the court, Your Honor, is absolutely correct.
25 I will withdraw the -- as you recall yesterday, I

1 indicated to you that if you give me two more hours,
2 I'll put a list together of all the things I felt were
3 missing. I went over them and we don't need them, and
4 I just decided to withdraw the motion.

5 THE COURT: Okay.

6 MR. MCLAURIN: And I advised Mrs -- Ms. Hinton of
7 that fact this morning. And as Ms. Hinton indicated to
8 the court, we did just come from her office where we
9 viewed the -- the evidence and the -- or the lack of
10 evidence, I should say. And we're satisfied that --
11 that this is a -- that issue -- we're satisfied. Thank
12 you, Your Honor.

13 I do -- if -- if I may, Your Honor, I have a
14 couple of motions. One, we have a couple of witnesses
15 coming up. One is Skylar Harris. As -- as the
16 prosecution -- the prosecutor can tell you. And he's
17 involved with another young fellow, and that fellow is
18 Jared Bearden. And both of these boys are friends. In
19 fact, I was -- at the time of this incident, friends
20 with them. And because of the relationship and
21 everything, and their involvement in this case, I would
22 appreciate it if we can sequester both of those
23 witnesses, so they're not in the courtroom --

24 THE COURT: They will be sequestered.

25 MR. MCLAURIN: Thank you, Your Honor.

1 THE COURT: I think that it's prudent -- even
2 without the motion, the witnesses apparently have been
3 pretty much sequestered, because I've seen them coming
4 in the door. But make sure they are sequestered, not
5 only from the -- from the courtroom, but from each
6 other.

7 MR. MCLAURIN: And one other issue, Your Honor, if
8 we may, and that's -- I realize that Chief Riggs here
9 is the prosecuting officer, and I don't have a problem
10 with him sitting in. But, however, with respect to his
11 colleague, Samuel --

12 THE COURT: Byers.

13 MR. MCLAURIN: Pardon me?

14 THE COURT: Byers.

15 MR. MCLAURIN: Yeah. If we could sequester that
16 gentleman, and -- I'd appreciate that, also. I don't
17 have a problem -- because he's testified in this case
18 and --

19 THE COURT: I'll order that he be sequestered
20 also.

21 MR. MCLAURIN: Thank you, Your Honor. I
22 appreciate it.

23 THE COURT: Bring in the jury.

24 (Whereupon, the jury entered the courtroom at
25 9:55 a.m.)

1 THE COURT: Good morning. I know you probably are
2 convinced that I don't know how to tell time. But one
3 of the jurors can vouch, that we were here at 9:30.
4 Because we rode up in the elevator with them.

5 But the -- we had a little wrinkle that came up
6 that I felt that if we could iron it out before we
7 started into the testimony, it would make the case go
8 quicker and smoother, and we wouldn't have to take a
9 break later.

10 So I went ahead and took some of some business
11 in this case in order that we could move right along at
12 this point. So I apologize for keeping you, but we
13 were doing work that would make the case go smoother.
14 Call your next witness.

15 MS. HINTON: Thank you, Your Honor. The State
16 would call Skylar Harris.

17 SKYLAR HARRIS, having been
18 first duly sworn, testified as follows:

19 CLERK OF COURT: If you would, have a seat and
20 state your name for the record, please.

21 THE WITNESS: Skylar Harris.

22 **DIRECT EXAMINATION BY MS. HINTON:**

23 Q. All right. Skylar, speak up just a little bit
24 for me. Okay.

25 A. Skylar Harris.

1 Q. Skylar, where are you from?

2 A. Piedmont.

3 Q. Have you always lived there?

4 A. Yes, ma'am.

5 Q. Who do you currently live with?

6 A. My girlfriend.

7 Q. All right. How old are you?

8 A. Nineteen.

9 Q. Okay. Do you know Brent McLaurin?

10 A. Yes, ma'am.

11 Q. Okay. Slide up -- slide a little bit closer
12 to the microphone. How do you know Mr. McLaurin?

13 A. I had taken my friend, Jared Bearden, to the
14 hospital, and he walked up to me and asked me about my
15 car. And he asked me if I liked working on cars and
16 stuff.

17 Q. Okay. And what was it about working on cars
18 that he wanted to know?

19 A. He was just asking me, because -- he was
20 asking me about my radio and stuff in it. And he said
21 could I do that, and tried to offer me a job, and said
22 he was going to get his own automotive business.

23 Q. Did that business have a name?

24 A. California Dream Cars, I think.

25 Q. And do you remember when you met him?

1 A. No, ma'am.

2 Q. Were you in Pickens on January 14th of 2014,
3 Pickens City?

4 A. Yes, ma'am.

5 Q. Okay. Who was there with you?

6 A. Jared Bearden and Brent.

7 Q. Is Brent McLaurin in the courtroom today?

8 A. Uh-huh, yes, ma'am.

9 Q. Okay. When you went to Pickens on January
10 14th of 2014, who drove?

11 A. Me.

12 Q. What were you driving?

13 A. My step dad's 1500 Silverado.

14 Q. Okay. What color is that Silverado?

15 A. It's like a goldish silver.

16 Q. Who was in the passenger seat?

17 A. Brent.

18 Q. Who was in the back.

19 A. Jared.

20 Q. Is it a two or a four door?

21 A. It's a crew cab.

22 Q. And who told you to go to Pickens that day?

23 A. Brent asked us to take him because he -- he
24 asked us to take him to go see one of his friends,
25 because he said his friend owed him money. And he said

1 said he would fill up our gas tank if we took him.

2 Q. Okay. And how did you know where to go?

3 A. He told us.

4 Q. When you say "he", who is he?

5 A. Brent McLaurin.

6 Q. Okay. Did you pick him up that day?

7 A. From the hotel he was staying at, yes, ma'am.

8 Q. Do you know which hotel that is?

9 A. I think it's Traveler's Inn or something like
10 that.

11 Q. Okay. When you got to Pickens, where did you
12 go?

13 A. We drove around some, and then we stopped at
14 Hardee's and grabbed something to drink.

15 Q. Okay. And then when you say you drove around
16 some, tell me a little bit more about that.

17 A. He just -- he told us that -- I think we came
18 out on the main road back there first. And he told us
19 he -- he kept on telling us where to turn and stuff.
20 And me and Jared got tired of riding around, wasting
21 gas, so we just pulled over at Nestfeathers and went
22 inside and started looking around.

23 Q. Okay. When you got to Nestfeathers, where did
24 you park?

25 A. In the back.

1 Q. Okay. Is it -- is it a parking lot or a
2 street, or what's back there?

3 A. It's like a little parking lot behind it.

4 Q. Did you go in Nestfeathers?

5 A. Yes, ma'am.

6 Q. Who went in with you?

7 A. Me, Jared Bearden, and Brent.

8 Q. Okay. Did Brent come in at the same time as
9 you or later?

10 A. He walked in a few seconds after us.

11 Q. Okay. Did you all leave Nestfeathers at the
12 same time?

13 A. Yes, ma'am.

14 Q. Okay. Did Brent stay in Nestfeathers the
15 entire time y'all were in Nestfeathers?

16 A. No, ma'am.

17 Q. Okay. Tell me about that.

18 A. He said he had to go meet his friend outside,
19 and we told him okay. And he walked out. And he
20 walked toward the right, like back toward the truck.

21 Q. Okay. Did Brent ever come back into
22 Nestfeathers?

23 A. No, ma'am.

24 Q. Okay. Why did you end up leaving
25 Nestfeathers?

1 A. He called I think Jared's phone, and told us
2 that he was ready to go.

3 Q. Okay. And when he said he was ready to go,
4 where did you meet him?

5 A. He was already at the truck when me and Jared
6 walked back.

7 Q. Okay. Was he in the truck or outside the
8 truck?

9 A. He was sitting in the passenger seat.

10 Q. When you left -- I'm sorry -- did you leave
11 Nestfeathers once you got back in the car?

12 A. Yes, sir -- I mean, yes, ma'am.

13 Q. Did you see anything as you were leaving
14 Nestfeathers?

15 A. Well, as we was walking -- me and -- as me and
16 Jared was walking out, the police officers was going by
17 us.

18 Q. Okay. And were they on foot or --

19 A. They was in the cars.

20 Q. All right. Did they have their lights on?

21 A. Yes, ma'am.

22 Q. Did they have their sirens on?

23 A. Yes, ma'am.

24 Q. Did you know why their lights and sirens were
25 on?

1 A. No, ma'am.

2 Q. Did Mr. McLaurin say anything to you about
3 that?

4 A. No, ma'am.

5 Q. When you got in the truck, how was Mr.
6 McLaurin acting?

7 A. Kind of sketchy like, let's get out of here.
8 Because after me and Jared got in the truck, he just --
9 he said "go" like -- he didn't scream it, but he said
10 it kind of loud.

11 Q. Okay. Did you have any idea why he told you
12 that at the time?

13 A. No, ma'am.

14 Q. When you left Nestfeathers, where did you go?

15 A. We took a left, back on to the main road out
16 here. And then we came down to the red light at
17 McDonald's and took a right.

18 Q. Okay. And did you ever -- did you take Mr.
19 McLaurin back to the Traveler's Inn?

20 A. Yes, ma'am.

21 Q. Prior to taking him back, did y'all make any
22 stops?

23 A. We stopped at Hardee's.

24 Q. All right. Which Hardee's did you stop at?

25 A. I think it's the first one.

1 Q. Okay.

2 A. On the right.

3 Q. Do you know what road it was on?

4 A. No, ma'am.

5 Q. When you got to Hardee's -- why did you stop
6 at Hardee's?

7 A. He told us to pull around back. He had to
8 throw something away in -- in like two grocery bags
9 tied up. I couldn't see what was in it, but he threw
10 it in a dumpster in the back.

11 Q. Okay. And to be clear, did you see Mr.
12 McLaurin in a black hoodie that day?

13 A. Um, I think he was wearing -- like a turtle
14 neck t-shirt type thing.

15 Q. Okay. Did you see him in sunglasses that day?

16 A. No.

17 Q. Did you see him with gloves on that day?

18 A. No, ma'am.

19 Q. What did you see him wearing on his lower
20 body, if you saw anything?

21 A. I think he was wearing blue jeans and white
22 tennis shoes.

23 Q. Did you make other -- any other stops on your
24 way back to Traveler's Inn?

25 A. We stopped at the Spinx right there in

1 Powdersville to get gas.

2 Q. Okay. Who paid for your gas?

3 A. Brent did.

4 Q. That night, where did you stay?

5 A. We stayed at Jared's house.

6 Q. When you dropped Mr. McLaurin off at
7 Traveler's Inn, how long did you stay there?

8 A. About 10 minutes.

9 Q. Did you ever have occasion to go talk to
10 somebody at the Pickens Police Department?

11 A. Well, me and Jared stayed at his house. And
12 the next day we seen it on the news, and we kind of
13 thought it was sketchy because we was there at that
14 same time. And we went and told Jared's dad, and he
15 called the Pickens Police Department.

16 Q. Okay. And then did you go talk to them?

17 A. Yes, ma'am.

18 Q. And did you tell them what you told us here
19 today?

20 A. Yes, ma'am.

21 Q. Did Mr. McLaurin ever try to contact you after
22 you dropped him off at Traveler's Inn?

23 A. I think he tried to contact me and Jared.

24 Q. All right. How many times?

25 A. I couldn't tell you. It was several times.

1 Q. Did you answer?

2 A. Yes, ma'am, I think we -- I answered one time.

3 Q. Did he say anything about what happened?

4 A. No, ma'am. He was just asking us to come
5 over.

6 Q. Okay. Did you go over there?

7 A. No, ma'am.

8 Q. Skylar, that's all the questions I have for
9 you. Okay. Answer anything that Mr. McLaurin has.

10 A. All right.

11 MR. MCLAURIN: If the court will indulge me just a
12 second, I'm looking for those tapes --

13 THE COURT: All right.

14 MR. MCLAURIN: -- at issue of what they had, Your
15 Honor.

16 (Pause.)

17 **CROSS EXAMINATION BY MR. MCLAURIN:**

18 Q. How are you doing, Skylar. Now, you testified
19 here today to a couple of things. Do you remember
20 back -- I want to take you right back to January
21 16th -- do you recall that day? The 16th of January --
22 I'm sorry, the 14th of January, the day that I, in
23 fact, called you and asked you if you could come down
24 and take me to Pickens. I had to meet a friend, to get
25 some money; do you remember that day?

1 A. Yes, sir.

2 Q. Okay. Now, on that day, is it a fact -- well,
3 you just testified to it -- when I -- when I, in fact,
4 called you guys, what did I say to you when I called
5 you on the phone, after leaving the area and telling
6 you I'll be right back in a few minutes -- I'm going to
7 meet my friend; how long was I gone?

8 A. Um --

9 Q. The best -- the best you can remember.

10 A. Fifteen or 20 minutes.

11 Q. Fifteen or 20 minutes. Didn't you tell the
12 police at that time that I was gone perhaps five
13 minutes, maybe seven minutes or 10 minutes at the most?

14 A. I'm not sure. It was a long time ago.

15 Q. It was a long time ago, but this is important.
16 Okay. A person's life is involved here. I want to
17 know the best you can recall, how long I was gone?
18 From the time I -- you guys were looking at guitars; is
19 that correct?

20 A. Yes.

21 Q. Okay. Now, I says, give me a few minutes,
22 I'll be right back; do you recall that?

23 A. Yes.

24 Q. Let me do this here, Skylar. If you could,
25 Pat, these are -- let the record reflect, Your Honor,

1 that I'm showing Skylar Harris at this point two
2 statements that he made -- both to Chief Riggs on the
3 date of the 16th of January in the morning,
4 approximately 8:00 in the morning -- 10:00 in the
5 morning -- well, I'm sorry. I withdraw that.

6 One, according to the time the Picken's Police
7 Department has him started, would be 3:16 p.m. And the
8 other -- the other one, that was 1/21 and 1/16 -- let's
9 do the 1/16 first, Your Honor. I'll do it that way.
10 And the time started, the interrogation was 11:00 a.m.
11 in the morning. Would you hand that up to him, Clerk?
12 I appreciate it.

13 MS. HINTON: Your Honor, at this time, the State
14 would object as that's hearsay. It's not proper
15 impeachment testimony. If he wants to ask him about a
16 statement, he can ask him about a specific part of the
17 statement. And I believe that Mr. McLaurin needs to
18 introduce these statements into evidence if he intends
19 to ask the witness about them.

20 MR. MCLAURIN: I'm not introducing anything into
21 evidence, Your Honor. What I'm --

22 THE COURT: You can -- you can use it to impeach
23 his testimony by -- I think you -- under the rule, you
24 told him what time and date and place. I think
25 that's -- that's covered under the rule as a predicate,

1 to ask him questions about that statement. You've
2 asked him today what -- on direct, he testified as to
3 the time he felt you were gone from Nestfeathers. So
4 if there's something different in that statement, you
5 can impeach him, not the whole statement, just that.

6 MR. MCLAURIN: If you'll indulge me a moment, Your
7 Honor. The purpose of my asking this witness to
8 examine and peruse these two statements is only for the
9 purpose of refreshing his memory, not to introduce any
10 evidence. As you notice, Your Honor, throughout this
11 trial, so far I haven't -- I've been careful not to
12 introduce one piece of evidence.

13 THE COURT: I understand that. But in order to
14 refresh his memory, you've got to show that his memory
15 needs refreshing. And right now, the only issue that I
16 see that -- that maybe falls into that category, is
17 whether you were gone from Nestfeathers 15 or 20
18 minutes, or five to seven minutes.

19 MR. MCLAURIN: I got you.

20 THE COURT: So -- so I think you can home in and
21 show if -- if it was an inconsistency in that statement
22 and what he testified to, you can show that.

23 MR. MCLAURIN: I got you. We'll withdraw the
24 introduction. I'll do it a different way. Thank you,
25 Judge.

1 Let the record reflect, Your Honor, I'm looking
2 at a statement -- a voluntary statement signed by this
3 witness, Skylar Bearden Harris on the date of January
4 the 16th, 2014. Would you have an objection to my --
5 I'm asking the Solicitor, if she'll have any objection
6 to my reading a line at a time -- well, let me ask you
7 this question.

8 BY MR. MCLAURIN:

9 Q. According to your statement, you and your
10 friend -- your friend, meaning Jared?

11 A. Yes.

12 Q. Okay. "Woke up. Brent called us, asked us
13 for a ride to meet a friend for some money"; is that
14 correct?

15 A. Yes.

16 Q. Do you recall making that statement?

17 A. Yes.

18 Q. Okay. At that point, both you and Jared
19 agreed and did come and pick up Brent McLaurin at the
20 motel; is that correct?

21 A. Yes.

22 Q. At that point, rode up to Pickens, Brent was
23 waiting on his friend; is that correct? Do you recall
24 making that statement, Skylar?

25 A. Yes.

1 Q. Okay. Jared and I got tired of wasting
2 gas" -- by the way, who put the gas in the truck; do
3 you recall?

4 A. When? When?

5 Q. That morning.

6 A. I do not recall.

7 Q. You don't recall who put gas in that truck?
8 Do you recall when I spoke to you, I said, "I'll be
9 happy to put gas in that vehicle" --

10 THE COURT: You're testifying now.

11 MR. MCLAURIN: Well, I'm asking him a question,
12 Your Honor.

13 THE COURT: No, you're not. You're not.

14 MR. MCLAURIN: I see. I see.

15 BY MR. MCLAURIN:

16 Q. Do you recall how much gas I put in that
17 truck?

18 A. No, I do not.

19 Q. Would it -- would you recall that any time I
20 ever asked you if we could borrow your dad's
21 Silverado -- your step dad, I mean -- that I always put
22 \$45 in? And at the end of the day, I also put another
23 \$45 in; is that correct?

24 A. No, it's not.

25 Q. It's not correct?

1 A. No.

2 Q. Okay. How much gas did I usually put in the
3 truck?

4 A. It was probably about \$20.

5 Q. \$20? You don't recall my ever putting \$45
6 worth of gas in that vehicle?

7 A. No.

8 Q. Do you recall the day you moved me?

9 A. Yes.

10 Q. That was on December 30, 2014?

11 A. Yes.

12 Q. Do you recall that -- that day we began early
13 in the morning?

14 MS. HINTON: Your Honor, I'm going to object.

15 THE COURT: Yeah, I sustain the objection.

16 MR. MCLAURIN: The objection then is the
17 phraseology and the way I'm --

18 THE COURT: The objection is going over something
19 that's not relevant to what happened on the 14th.

20 MR. MCLAURIN: Oh, but it is very much relevant,
21 yes. I'm going to tie it up, Your Honor. Trust me, I
22 will.

23 THE COURT: I'll let you go forward then if you're
24 going --

25 MR. MCLAURIN: I'm going to tie it up.

1 BY MR. MCLAURIN:

2 Q. The purpose of that meeting and that occasion
3 was -- correct me if I'm wrong -- to purchase a home;
4 is that correct? Do you recall that?

5 A. Yeah.

6 Q. Do you recall my meeting with a landlord that
7 day? We waited -- do you recall waiting for the
8 landlord to arrive?

9 A. Yes.

10 Q. The landlord arrived, do you recall us having
11 some discussion concerning a dog I had purchased from
12 Germany?

13 A. Yes.

14 Q. Okay. Do you recall that the landlord -- do
15 you know what the word reneged means?

16 A. No, I do not.

17 Q. Well, that means we had a deal, and now the
18 deal is off because -- did you recall the reason that
19 he -- he changed his mind about that renting -- or
20 leasing the house to me; do you recall -- recall what
21 the reason was?

22 A. No, I do not.

23 Q. Okay. To refresh your memory, do you recall
24 that -- that he indicated he had problems with former
25 tenants and because of that he asked --

1 MS. HINTON: Your Honor, I'm going to object on
2 relevance.

3 THE COURT: Yeah. It's got to have relevance and
4 you're getting into some hearsay also. I know it
5 doesn't -- I'm not sure what the truth of the matter
6 asserted, but you told me it ties in, so I think it
7 doesn't --

8 MR. MCLAURIN: It does.

9 THE COURT: Then I'll sustain the objection.

10 BY MR. MCLAURIN:

11 Q. Do you recall there being a problem between
12 the landlord's opinion and my opinion concerning
13 whether the dog would stay outside or inside?

14 A. No, I do not.

15 Q. You don't remember any of that. But you do
16 recall that at some point in time, we -- at some point
17 in time, it was obvious I couldn't rent the house
18 because the landlord wasn't satisfied with the deal; do
19 you remember that?

20 A. Somewhat.

21 Q. Based on what you recall, what was the reason
22 we left?

23 A. Because you wasn't allowed to have a dog
24 there, I think.

25 Q. To not sleep in the house; do you recall that?

1 A. I'm not sure --

2 Q. It's okay if you don't. In any event, we
3 left. I then went to the bank; do you recall that?

4 A. Uh-uh.

5 Q. You don't recall we left and I went to the
6 bank -- to go get some money? Do you remember you and
7 Jared sat --

8 THE COURT: When you ask him a question -- when
9 you ask him a question, give him a chance to answer.

10 MR. MCLAURIN: Yes.

11 THE COURT: The question was, do you remember then
12 going to the bank; yes or no?

13 A. No.

14 BY MR. MCLAURIN:

15 Q. Do you recall on that day that we spent hours
16 and hours driving all over the place, attempting to
17 locate another house that I could lease? Do you
18 remember any of that, recall any of that?

19 A. Yes.

20 Q. Okay. And about 7:00, almost 8:00 on the
21 evening of New Year's Eve, January -- I'm sorry,
22 December 30, 2014, I finally went and paid to move into
23 this motel; do you remember that?

24 A. Yes.

25 Q. Okay. Do you remember after which, you and --

1 both you and Jared came, and I spent time teaching both
2 you and Jared how to play guitar?

3 A. Yes.

4 Q. Do you remember there came a time when -- when
5 I purchased a guitar for you and for Jared, and an
6 amplifier for you and Jared because you guys were doing
7 so well playing, I said, "you need a guitar of your own
8 to go home and play with"?

9 A. Yes. We didn't ask you for it. You got it
10 for us, so.

11 Q. That's correct. It doesn't matter whether you
12 asked or not, you didn't ask. I didn't say that. But
13 do you also recall wanting -- wanting to work at
14 California Dream Cars?

15 A. Yes.

16 Q. Okay. Do you recall that I was looking for a
17 location for California Dream Cars? And at the same
18 time, I was also looking for a home to purchase?

19 A. Yes.

20 Q. Okay. Do you recall that any time I did ask
21 you for a -- to take me anywhere -- and by the way, why
22 I was asking you to take me anywhere when I had my own
23 vehicles? You know, I had the Cadillac; do you not?
24 You know I had a Z 28 Camero and also a Lincoln Town
25 Car -- well, I bought the Lincoln Town Car. You were

1 with me when I bought it; is that correct?

2 A. The Town car, yes.

3 Q. Okay. The Cadillac you weren't -- I didn't
4 even know you when I bought the Cadillac. But anyway,
5 if I had three cars, and I did, why is it that I asked
6 you for transportation, or if you could help me go here
7 or there; do you recall?

8 A. No, sir.

9 Q. Okay. Do you recall that I told you that I
10 had to have my licenses renewed, and I needed a new
11 birth certificate. And I had just ordered a birth
12 certificate -- do you remember that? Do you remember
13 telling this police officer that I was waiting on a
14 birth certificate so I could show the Department of
15 Motor Vehicles that I had the birth certificate so I
16 could get my new license?

17 A. You didn't have a license, that's why my step
18 dad --

19 Q. I said -- excuse me -- I said, do you recall
20 my telling you that?

21 A. No.

22 Q. You don't recall. Did you tell this police
23 officer, in fact, that that was the reason that I
24 didn't have a license at the time? Just answer the
25 question honestly. If you don't remember, say you

1 don't recall.

2 A. I don't.

3 Q. It's okay. On the morning of the 14th, take
4 your time before you answer these questions, Skylar.
5 Take your time, think, and tell the truth. That's all
6 I'm asking you to do, be honest. Don't let this
7 officer or --

8 MS. HINTON: Your Honor --

9 THE COURT: All right. You -- you -- all you can
10 do -- he's under oath.

11 MR. MCLAURIN: I know that.

12 THE COURT: He has to tell the truth.

13 MR. MCLAURIN: Got you.

14 THE COURT: So just ask questions.

15 MR. MCLAURIN: Got you. Okay.

16 BY MR. MCLAURIN:

17 Q. My point is that you think for yourself and
18 you do what you always do. All right. Answer the
19 questions honestly. Don't make up or fabricate --

20 MS. HINTON: Your Honor, again --

21 THE COURT: I've already said, just ask him the
22 question. He's under oath. He's bound by law to
23 answer truthfully.

24 MR. MCLAURIN: Got you. I'm sorry, Your Honor. I
25 do withdraw that last --

S. HARRIS -- CROSS BY MR. MCLAURIN

1 BY MR. MCLAURIN:

2 Q. Let me ask you this question: Has somebody in
3 this case, up to this point -- let me back up. I
4 withdraw that. Is it a fact that you told this officer
5 -- this is -- do you know who this officer is?

6 A. Yes.

7 Q. Who is that officer?

8 A. He's a chief, I think.

9 Q. Assistant Chief?

10 A. Yes.

11 Q. Travis Riggs; does that help you out any?

12 A. Yes.

13 Q. Okay. Do you recall on the 16th of January of
14 2014, you and Jared going down and speaking to this
15 officer in his office; do you recall that?

16 A. Yes.

17 Q. Okay. Do you recall on that date your telling
18 this officer, that on that date I was wearing -- they
19 asked you what was this man wearing on the date that he
20 took you to Pickens, and you stated to them, he was
21 wearing a turtle neck, a dark colored, long sleeve
22 turtle neck; do you recall that?

23 A. Yes.

24 Q. Okay. Because that's what you just told the
25 Solicitor here this morning. Okay. Let me ask you

1 this question: Going back to Nestfeathers, okay, the
2 best -- the best that you could recall, how long was I
3 gone when I left? I says, "I'll be right back". How
4 long was I gone?

5 A. I'm not sure. It's between 10, 15, 20
6 minutes, somewhere right in there. I'm not sure.

7 MR. MCLAURIN: Excuse me one second, Your Honor.

8 (Pause.)

9 BY MR. MCLAURIN:

10 Q. Again, I ask you, do you recall telling Chief
11 Riggs on that day, and an FBI agent that was also in
12 that room with you guys, that Brent was gone maybe
13 five, seven, ten minutes at the tops; is it possible
14 that you did say that?

15 A. Yes.

16 Q. So that's possible. You don't recall, but
17 it's possible; is that correct?

18 A. I'm not sure. It was a long time ago.

19 Q. I got you. Okay. Have you ever seen me rob a
20 bank?

21 A. No.

22 Q. Have you ever seen me or have I ever asked you
23 to do anything in all the time I knew you, that was
24 illegal?

25 A. No.

1 Q. Okay. Basically our friendship involved your
2 working for my new corporation when I got it set up; is
3 that correct or not correct?

4 A. Yes.

5 Q. Okay. Because of that, your mother -- do I
6 know your mother?

7 A. Yes.

8 Q. Your mother always trusted us in the same
9 company, no problem; is that correct?

10 A. No.

11 Q. No? When did she stop distrusting me? This
12 is new. But anyway, when did she stop distrusting
13 me -- oh, when the bank robbery thing came up?

14 A. No. She's -- she's never trusted you.

15 Q. Never trusted me? For what reason? Why would
16 she not trust me?

17 A. Because she thought you was sketchy.

18 Q. Sketchy? What does sketchy mean?

19 A. I'm not sure. It's -- she just didn't like
20 the way you act and you seemed weird and stuff.

21 Q. I'll leave that alone, Your Honor. That's --
22 I have no idea what this is all about. This is all new
23 to me. But anyway -- but you never saw me rob a bank,
24 never talked to you about robbing banks? You have
25 already testified that on that particular day --

1 MS. HINTON: Your Honor, I'm going to ask that he
2 ask a question.

3 THE COURT: Yeah, just --

4 MR. MCLAURIN: Okay.

5 THE COURT: You've strung pretty much three
6 questions together --

7 MR. MCLAURIN: I withdraw -- I withdraw it.

8 THE COURT: -- questions -- so just one question
9 at a time.

10 MR. MCLAURIN: I withdraw that remark, Your
11 Honor -- or the last question.

12 BY MR. MCLAURIN:

13 Q. According to -- to the statement you gave
14 police, Skylar, my -- my understanding based on what
15 I'm reading here reading, being your statement to the
16 police -- correct me if I'm wrong -- is that you saw a
17 video in the morning after waking up at your house, and
18 you were afraid that you might be involved in
19 something?

20 A. I mean, I was in the area.

21 Q. What did you see on the news, may I ask?

22 A. It told us about there was a robbery at
23 SunTrust in Pickens.

24 Q. Did it show a picture of -- of the suspect
25 robber?

1 A. I'm not sure.

2 Q. You don't recall seeing a picture?

3 A. I'm not sure.

4 Q. Have you ever seen a picture of that robber
5 that you're aware of?

6 A. Yes. The Chief showed me one.

7 Q. We -- we know that. We have it on video. Did
8 you know that -- that the video of your interrogation
9 at that police department is all -- is all in the file?
10 We have it. We've seen what you said. Did you know
11 that?

12 A. Yes.

13 Q. You knew that we had that?

14 A. I didn't know y'all -- y'all had that, but I
15 knew that -- I talked to the policeman.

16 Q. You talked to several policemen; do you recall
17 that?

18 A. Yes. I talked to the Chief and FBI agents.

19 MR. MCLAURIN: Excuse me one second, Your Honor.
20 Indulge me a second please, Your Honor.

21 (Pause.)

22 BY MR. MCLAURIN:

23 Q. Skylar, do you recall -- everybody makes
24 mistakes, but do you recall an evening that we were
25 driving -- I don't even remember where we were going --

1 and your car's brakes went out, and you went through a
2 light and made a left hand turn --

3 MS. HINTON: Objection, relevance.

4 THE COURT: I sustain the objection, unless it
5 happened on that particular day.

6 MR. MCLAURIN: Yeah. I don't recall the day
7 either, Your Honor.

8 BY MR. MCLAURIN:

9 Q. Do you recall being pulled over by a police
10 sergeant?

11 MS. HINTON: Objection, relevance.

12 THE COURT: Well --

13 MR. MCLAURIN: Well, it is relevant --

14 THE COURT: Whoa, whoa, whoa --

15 MR. MCLAURIN: Yeah, it's applicable to the case,
16 Your Honor.

17 THE COURT: Well, if it happened on the day and in
18 the time frame, it's relevant. If it happened on some
19 other time, I sustain the objection.

20 MR. MCLAURIN: If it happened on some other time?

21 THE COURT: I sustain the objection.

22 MR. MCLAURIN: Okay. The objection is sustained.

23 BY MR. MCLAURIN:

24 Q. Are you familiar with a statement that I gave
25 the police clearing both you and Jared of any

1 wrongdoing in this matter?

2 A. I've seen pictures from the police, and I'm
3 not sure if I've seen -- I'm not sure if I've seen the
4 statement.

5 Q. Do you recall telling the police that the only
6 reason you called them is you thought you would be in
7 some kind of trouble because you saw a bank robbery was
8 -- and you thought there might be a problem here?

9 A. No. It seemed weird because we was at that --
10 that place at that time.

11 Q. At approximately the same period. That's what
12 you said?

13 A. Yeah.

14 Q. And that's the reason you decided to call the
15 police; is that correct?

16 A. Yes.

17 Q. Did you realize at that time that the police
18 had many suspects that they had been looking at, or
19 talking with, and that it called them to report a bank
20 robbery, and people in their family and people who were
21 friends that -- stated that they were involved; did you
22 know that?

23 A. Uh-uh.

24 Q. Well, let me ask you this question: What made
25 you think you were in any trouble?

1 A. I didn't.

2 Q. You testified here this morning, did you not,
3 that a police officer drove down the street -- do you
4 recall coming back to the truck and telling me, "Brent,
5 you see that? Jared started running when he sees a
6 police car"; do you recall telling me that?

7 A. No.

8 Q. You don't recall telling me that?

9 A. No.

10 Q. You don't recall telling me -- or my telling
11 you, if he didn't do anything, what's the problem? Why
12 are you so, you know, what's -- what's it matter? You
13 don't remember that?

14 A. I'm not sure.

15 Q. You told the prosecutor that I was nervous. I
16 wasn't a bit nervous, but you told the prosecutor that.
17 Why -- why would you say that? Did you know that --
18 that Jared -- I'm not even going to go there. We'll
19 get to that in a minute. But let me ask you this
20 question: Why would you even say to -- to a prosecutor
21 or a police officer that I was nervous about anything?
22 I wasn't nervous about anything --

23 MS. HINTON: Your Honor --

24 THE COURT: You can't say whether --

25 MR. MCLAURIN: Got you.

1 THE COURT: -- you were or were not nervous. You
2 ask him why he said it.

3 MR. MCLAURIN: Yeah, why did you say it, Skylar?

4 A. Because I have never been in a courtroom
5 before.

6 MR. MCLAURIN: Oh, I got you. Okay.

7 BY MR. MCLAURIN:

8 Q. So, you're feeling about the same way I'm
9 feeling then, you're pretty -- you're pretty much
10 scared out of your wits; is that right --

11 THE COURT: He -- he can't know if he's feeling
12 like you do.

13 MR. MCLAURIN: I know it. I know it.

14 BY MR. MCLAURIN:

15 Q. But what you're saying, though, is that you're
16 nervous right now?

17 A. Yes. Because I've never been in a courtroom.
18 I've never been in trouble a day in my life.

19 MR. MCLAURIN: Believe me. I understand where
20 you're coming from. I'm sorry.

21 THE COURT: Just ask questions, and move along.

22 MR. MCLAURIN: Boy, oh, boy. My problem, Judge,
23 is I don't know --

24 THE COURT: Well, you -- you -- ask questions.
25 You don't need to be addressing me. Because right now

1 we are in the part of the trial where evidence is
2 presented. And I'm not part of that process --

3 MR. MCLAURIN: That's right.

4 THE COURT: Unless somebody objects or gets out of
5 line, and you're not out of line --

6 MR. MCLAURIN: That's right.

7 THE COURT: I don't mean to say it like that. But
8 you don't have a dialogue with me while -- while you're
9 interrogating a witness.

10 MR. MCLAURIN: Exactly. And I'm sorry, Your
11 Honor.

12 BY MR. MCLAURIN:

13 Q. When you saw the police car, did that police
14 car continue -- where did you see the police car go?

15 A. I mean, it went past me.

16 Q. Past you? Where were you?

17 A. I was walking out of Nestfeathers.

18 Q. Okay. So you come out of Nestfeathers -- can
19 we put up a picture of Nestfeathers -- where is the
20 video -- you got it? The video is not in, is it?
21 Brandi, where is the video --

22 (Off record discussion.)

23 MS. HINTON: Your Honor, I don't know what he's
24 asking for.

25 MR. MCLAURIN: Well, the same video we had in

1 yesterday that we used when Ms. Padgett was here.

2 Remember, we had it. This one.

3 (Off record discussion.)

4 BY MR. MCLAURIN:

5 Q. Do you know how to use that pointer, Skylar?

6 A. No.

7 Q. Take that red button --

8 THE COURT: It's like a remote control on a TV.

9 MR. MCLAURIN: Do you see the button on the
10 bottom -- the little red button.

11 (Pause.)

12 BY MR. MCLAURIN:

13 Q. Skylar -- let's do it this way -- Skylar, do
14 you see this blue dot right here?

15 A. Yeah.

16 Q. Okay. That's the SunTrust Bank. Okay. Do
17 you see right here, this green dot?

18 A. Yes.

19 Q. You got that?

20 A. Yes.

21 Q. Okay. Your vehicle -- all right -- the
22 Silverado, on that day, according to your testimony --
23 the testimony that you gave Mr. Riggs -- would have
24 been parked in the back parking lot of Nestfeathers.
25 All right. Do you -- do you remember telling Chief

1 Riggs that?

2 A. Yes.

3 Q. That you parked in the back?

4 A. Yes.

5 Q. Okay. And parked in the back, went into
6 Nestfeathers?

7 A. Okay.

8 Q. And looked at some guitars; do you recall
9 that?

10 A. We went in and started looking, and then we
11 seen the guitars in the back. And we walked back there
12 and started looking at them...

13 Q. Okay.

14 COURT REPORTER: I'm sorry. I can't hear you.
15 Can you speak up just a little bit?

16 A. We went in Nestfeathers and we was looking
17 around. And we seen the guitars in the back, and
18 that's when we went back there and started looking at
19 them.

20 BY MR. MCLAURIN:

21 Q. Okay. And at that time, did you see any
22 guitars you were interested in purchasing?

23 A. We was just looking.

24 Q. Okay. At some point in time, you testified
25 that you saw a police car go by; is that correct?

1 A. Yes.

2 Q. Okay. Now, the time that you say you saw the
3 police car go by -- take that pointer -- do you know
4 how to use the pointer now?

5 A. Yes.

6 Q. Okay. Go ahead and use it, and show what --
7 what the travel -- what the route was that the police
8 officer was traveling when you saw him?

9 A. Is the green dot Nestfeathers?

10 Q. No. The blue dot -- I'm sorry -- wait a
11 minute. What did we do here.

12 CLERK OF COURT: You turned it upside down.

13 MR. MCLAURIN: I sure did. You're talking about
14 you're nervous. Okay.

15 BY MR. MCLAURIN:

16 Q. Come back to Nestfeathers for a second with
17 your dot -- put your pointer on Nestfeathers --

18 A. Is it the green one?

19 Q. Yes, sir. The green one. And if you can --
20 okay. Show us where you saw the police car?

21 A. It came out, and the police car came down this
22 road right here, besides Nestfeathers.

23 Q. Okay. So, in other words, then you didn't see
24 the police officer anymore?

25 A. No.

1 Q. Okay. Do that one more time if you will.
2 That's Nestfeathers, the green dot. Okay. Now, the
3 front door of Nestfeathers would be approximately
4 where?

5 A. Right here.

6 Q. Right there. Okay. Now, take that dot, if
7 you will for a second, Skylar, and go right back to
8 your truck -- pretend that dot is you and Jared, and go
9 right there, and go all the way back to where your
10 truck was parked -- if you can do that for us?

11 A. We walked along the side walk, around. And we
12 went back to the truck.

13 Q. Okay. Now, again, show us -- and the judge
14 and the jury -- where you saw, for the first time, when
15 you first saw a police car come down that street?

16 A. We came out the door and we was walking down
17 the side walk right here at the front, and the cop came
18 down that street right there.

19 Q. Okay. Now --

20 A. By us.

21 Q. Now, when he -- bring that out one more time
22 to the end of this street right here; is that where you
23 saw them?

24 A. No. We seen him come straight by.

25 Q. Okay.

1 A. Down this road.

2 Q. Okay. But take that dot and go -- here's my
3 question. You might wonder why I'm asking you the
4 question. Where did that cop go from there?

5 A. I'm not sure because I walked around the
6 corner to the truck.

7 Q. So you didn't see where he went when he got to
8 end of that block?

9 A. No.

10 Q. You didn't see whether he went left or right?

11 A. No.

12 Q. Okay.

13 THE COURT: We'll take care of that.

14 BY MR. MCLAURIN:

15 Q. At that point, did y'all leave?

16 A. When?

17 Q. When you saw the police car go by?

18 A. We walked around to the back of the truck.

19 Q. You walked around to the back of the truck.
20 My point is, when you're all back in the truck, did
21 y'all leave?

22 A. Yeah.

23 Q. Okay. According to your testimony -- correct
24 me if I'm wrong -- you went to Main Street -- do you
25 know where Main Street is in Pickens?

1 A. The road behind us?

2 Q. Out of Nestfeathers, left -- if you go left,
3 you go to Main Street; is that Main Street? I mean, is
4 that where you recall going?

5 A. Yeah, we took a left, and then we took a
6 right.

7 Q. Keep talking. Where did you go from there?

8 A. To the McDonald's red light and took a right.

9 Q. To the McDonald's?

10 A. Down here at the red light.

11 Q. And where did you go from there?

12 A. We took a right at the red light.

13 Q. Where did you go from there?

14 A. Back toward Powdersville.

15 Q. Back towards the motel?

16 A. Yeah.

17 Q. Okay. So what you're testifying to is from
18 the Nestfeathers, you drove back to the motel, came in
19 for a few minutes; is that correct?

20 A. Yes.

21 Q. Okay. Ten, 15 minutes?

22 A. Yes.

23 Q. Left, and says, "Brent, we'll see you later"?

24 A. Yes.

25 Q. Have you ever told either this police officer

1 or any other police officer that we were friends?

2 A. I can't remember.

3 Q. Well, you can remember now, were we friends
4 before this robbery thing happened, or you got it in
5 your mind that there was a robbery -- let me ask you
6 this question: Were we, in fact, friends?

7 A. You were going to offer me a job.

8 Q. That has nothing to do with anything, whether
9 I offered you a job or not. Yes, I offered you a job
10 --

11 THE COURT: All right. Just -- the question is,
12 did he consider you and he friends.

13 BY MR. MCLAURIN:

14 Q. Did you consider me your friend?

15 A. (Pause.)

16 Q. Well, you did or you don't --

17 A. At first --

18 Q. Huh?

19 A. When we first met, I was helping you move.

20 Q. Let's deal again, if we can, with your reasons
21 for calling the police. You went to Jared's dad; is
22 that correct?

23 A. Yes.

24 Q. And you said, "Listen, we happen to be in that
25 area", is that correct -- "and a robbery occurred that

1 we saw on the news"; is that correct?

2 A. Yes.

3 Q. Okay. And you became frightened?

4 A. No. It seemed sketchy, so we called --
5 because we was there at that point in time, and we
6 didn't know.

7 Q. You didn't know what, Skylar? What was it
8 that you didn't know? You didn't know if I had
9 something to do with it?

10 A. Yeah, we didn't know if you had something to
11 do with it or not. That's why we called.

12 Q. Well, okay. Jared is going to testify to the
13 same thing. That's not the point. The point is, the
14 reason -- correct me if I'm wrong -- don't let me put
15 any words in your mouth. You tell me what the truth
16 is. Were you under the impression at that time that
17 there's a possibility that because you were in that
18 area at the same time you saw a police video -- or on
19 the news, that stated there was a bank robbery in that
20 area, that somehow you might be involved or got
21 yourself in some kind of trouble, and not even doing
22 anything wrong -- is that -- is that the way you felt
23 at that time?

24 A. Yes. I felt like we was in that point in
25 time, and it was the same point in time that was on the

1 news. And we called and talked to the police chief.

2 Q. How many times, Skylar, in the time that I
3 have known you, have I asked you, Skylar, can you be
4 here at 9:00 in the morning, or 10:00 in the morning.
5 And you'd be there at maybe 12:00? And I'm not saying
6 you always did that. But I'm saying -- is it true that
7 a lot of times you oversleep and don't come -- is it
8 true that you don't -- let me ask that question
9 first -- or I'm going to get the judge mad at me -- is
10 it true that a lot of times you don't pay attention to
11 times? Yes or no?

12 A. Do I pay attention to the time?

13 Q. No, sir. That's not the question. The
14 question is, are there many times in your life where
15 you don't pay attention -- you're not punctual -- do
16 you know what the word "punctual" means?

17 A. No.

18 Q. Well, punctual means if I say to you, Skylar,
19 you have got to be here at 9:00 in the morning, very
20 important, because if you're not here at 9:00 in the
21 morning, then we can't get things done that we need to
22 get done. You did testify that I had offered you a
23 job?

24 A. Yes.

25 Q. Okay. Automobile detail work; is that

1 correct?

2 A. Yes.

3 Q. Okay. And also putting in car stereos; is
4 that correct?

5 A. Yes.

6 Q. You were putting in stereos just about every
7 day; isn't that correct?

8 A. Not every day.

9 Q. Well, every chance you got?

10 A. Yes.

11 Q. You enjoy working on cars?

12 A. Yes.

13 Q. Did you understand at that time -- and I think
14 I told you -- these are the kind of people I want
15 working to for me, people that know what they're
16 doing -- did I tell you that, competent, and like doing
17 what they're doing?

18 A. Yes.

19 Q. Why like doing what you're doing because if
20 you like doing what you're doing -- do you agree with
21 this -- then it's not really work? Does that make
22 sense?

23 A. Not really.

24 Q. It doesn't make sense. Think about it. It
25 will. But anyway, it's not -- it's not necessary that

1 you answer that question right here, right now. What
2 is -- what is necessary is that you need to understand
3 that I was always your friend --

4 MS. HINTON: Your Honor, I object.

5 THE COURT: Yeah, that's testifying now.

6 MR. MCLAURIN: Okay. Okay. You can't testify.

7 BY MR. MCLAURIN:

8 Q. And I understand your being frightened. If
9 you ask this gentleman after the trial to give you a
10 copy of the statement --

11 MS. HINTON: Your Honor, I'd object --

12 THE COURT: I -- I sustain the objection.

13 BY MR. MCLAURIN:

14 Q. You didn't know -- let me ask you this
15 question -- you didn't know that I immediately
16 understood why you called the police; did you know
17 that? That man there is your friend. He told me.
18 Okay. He's scared to death. He also -- I can't tell
19 --

20 MS. HINTON: Your Honor, I --

21 THE COURT: Yeah.

22 MR. MCLAURIN: I got it. I got I. I got it.

23 BY MR. MCLAURIN:

24 Q. But, in any event, you've already testified
25 you never saw me rob anybody; did you?

1 A. No.

2 Q. No. Neither -- I can't tell you that. But
3 anyway. Are you working now?

4 A. What does this have to do --

5 THE COURT: Well, I think -- it really doesn't --

6 MR. MCLAURIN: He's going to be a lawyer if he
7 hangs around you.

8 THE COURT: No, it really doesn't -- it's not
9 relevant, but I'll -- I sustain the -- are you working
10 now?

11 A. Yes.

12 MR. MCLAURIN: It doesn't matter, Skylar. You're
13 frightened and want to get out of here, I am too. But
14 anyway, God bless you. And I just want you to know I'm
15 not mad at you. You did what you thought --

16 MS. HINTON: Objection, Your Honor.

17 THE COURT: I sustain the objection. That's not a
18 question.

19 MR. MCLAURIN: God bless you. Have a good life,
20 Skylar. No further questions.

21 MS. HINTON: Just one follow-up, Your Honor.

22 **REDIRECT EXAMINATION BY MS. HINTON:**

23 Q. Skylar, when you were hanging around
24 Nestfeathers, and you said you saw the police cars go
25 by?

1 A. Yes, ma'am.

2 Q. Was Brent already in the truck when you
3 rounded to corner?

4 A. Yes, ma'am.

5 MS. HINTON: That's all I have, Your Honor.

6 THE COURT: Recross?

7 MR. MCLAURIN: Yeah, just one.

8 **RECROSS EXAMINATION BY MR. MCLAURIN:**

9 Q. And the reason that I was in the truck, as I
10 called you, when I left Nestfeathers, did I tell you
11 I'm going to meet my friend, be back as soon as
12 possible?

13 A. Yes.

14 Q. Did you see me when I -- did you see which way
15 I went and when I went?

16 A. I think you went out to the right.

17 Q. You think that, but you don't know that, do
18 you? Do you or don't you?

19 A. I think you went out to the right, like toward
20 back to the truck.

21 Q. Back to the truck. What makes you think that?
22 Why didn't you testify to that before or state that
23 before? You never told the police that. Why is it
24 coming up now, that you think that, when you didn't
25 testify to that before?

1 A. I told Brandi that.

2 Q. You told who that?

3 A. Brandi.

4 Q. Brandi?

5 A. Yeah.

6 Q. You told her you thought I went to the right?

7 A. Yes.

8 Q. She asked you that question?

9 A. Yes.

10 Q. Why -- I'm going to ask you the question
11 again, why did you think I went to the right?

12 A. I mean, I really wasn't paying attention, but
13 it seemed like --

14 Q. So you don't know then, do you? Do you? I'm
15 asking you a question. Do you know which way I went;
16 yes or no?

17 A. It's hard to remember.

18 Q. Well, you've just answered that question two
19 different ways and said the same thing, did you not?
20 You said -- I asked you, do you remember -- how do you
21 know that I went to the right. And you told Brandi I
22 did. But now you're telling us that you don't
23 remember, and it's hard to recall. So I'm asking you
24 again -- this is for the third time -- which way did I
25 go and do you know that for a fact?

1 A. Well, me and Jared was talking and I glanced
2 --

3 Q. Sir, excuse me.

4 A. -- and seen --

5 MS. HINTON: Your Honor, I'm going to ask that he
6 be allowed to answer.

7 THE COURT: Let him -- let him answer the
8 question.

9 MR. MCLAURIN: He -- okay. Go ahead and answer.

10 A. I was talking to Jared, and I glanced and seen
11 you walk toward -- out the door, toward the right.
12 That's why I said I thought you went to the right.

13 Q. That's amazing the way that testimony just
14 changed; isn't it?

15 MS. HINTON: Objection, Your Honor.

16 THE COURT: All right. That's a comment --

17 MR. MCLAURIN: You're right.

18 THE COURT: That's not inappropriate. Disregard
19 that.

20 BY MR. MCLAURIN:

21 Q. Let's back up a second. The first time I
22 asked you if you knew, as a matter of fact, Skylar,
23 which way I went when I left Nestfeathers, you said, "I
24 really can't remember"; is that correct?

25 A. Um --

1 Q. It's correct or it isn't, Skylar? There's no
2 ah, it's correct or it isn't?

3 MS. HINTON: Your Honor, the witness has testified
4 he thought he went to the right. He has explained it.
5 I believe the question has been sufficiently answered.

6 THE COURT: I sustain the objection. He's
7 testified as to what he thought.

8 MR. MCLAURIN: What he thought is correct, Your
9 Honor. And, of course, Brandi wants to stick to the
10 right because she likes that --

11 THE COURT: Well, no, no, no --

12 MR. MCLAURIN: She likes that scenario.

13 THE COURT: You've got to quit making these
14 comments about who thinks what. Just ask questions.
15 That's where we are.

16 MR. MCLAURIN: And I've asked the questions and
17 you've answered it. Let me ask you this question: Is
18 it possible, in your mind, that I went to the left and
19 people saw me go to the left --

20 MS. HINTON: Objection, Your Honor.

21 MR. MCLAURIN: -- and testified to that? I can
22 ask that question, Brandi --

23 THE COURT: I'll -- I'll let you ask him.

24 THE WITNESS: Could you ask it again?
25

1 BY MR. MCLAURIN:

2 Q. Yes, sir. Is there a possibility, in your
3 mind, that I went -- left Nestfeathers, went to the
4 right -- I mean, went to the left, and people know that
5 to be a fact and they have already told the police that
6 they saw that happen?

7 A. I'm not sure.

8 MR. MCLAURIN: Well, no further questions.

9 THE COURT: He -- he wouldn't know what other
10 people --

11 MR. MCLAURIN: I know. Yeah, but he just answered
12 anyway, Your Honor. He said "I'm not sure". Okay.
13 But anyway. Have a good day, Skylar. God bless you.

14 THE COURT: You can step down and be excused. We
15 appreciate your time. Thank you. You can leave if you
16 would like. Call your next witness.

17 MS. HINTON: The State calls Jared Bearden, Your
18 Honor.

19 JARED BEARDEN, having been
20 first duly sworn, testified as follows:

21 CLERK OF COURT: Thank you, sir. If you would,
22 have a seat and state state your name for the record.

23 THE WITNESS: Jared Bearden.

24 **DIRECT EXAMINATION BY MS. HINSON:**

25 Q. Jared, where are you from?

1 A. Pelzer, South Carolina.

2 Q. Speak up just a little bit.

3 THE COURT: Yeah, slide up a little.

4 A. Pelzer, South Carolina.

5 BY MS. HINTON:

6 Q. All right. And have you always lived in
7 Pelzer?

8 A. No, ma'am. Well, I grew up about the first
9 eight years of my life in Iva.

10 Q. Okay. Did you move to Pelzer after that?

11 A. Yes, ma'am.

12 Q. Do you still live in Pelzer?

13 A. Yes, ma'am.

14 Q. Who do you live with?

15 A. My mom and dad.

16 Q. All right. How old are you?

17 A. Eighteen.

18 Q. Do you know who Brent McLaurin is?

19 A. Yes, ma'am.

20 Q. How did you meet Brent McLaurin?

21 A. My buddy took me to Hill Crest Memorial
22 Hospital, and we met him there. And then he was
23 supposedly giving us a job, so we went and helped him
24 move, and that's kind of how I --

25 Q. Okay. When you say "your buddy", who are you

1 talking about?

2 A. Skylar Harris.

3 Q. Okay. Did you see Skylar at the courthouse
4 today? Is he here?

5 A. Yes.

6 Q. What was -- do you remember the name of the
7 place where y'all were supposed to work?

8 A. California Dream Cars.

9 Q. Now, were you with Brent McLaurin on January
10 14th of 2014?

11 A. Um, I'm not really sure what day.

12 Q. Okay. Did you -- did you ever come to Pickens
13 with Brent McLaurin?

14 A. Yes, ma'am.

15 Q. Okay. Who else came with you?

16 A. Skylar Harris.

17 Q. All right. Do you recall the date that y'all
18 came?

19 A. No, ma'am.

20 Q. All right. When you came -- was that the only
21 time y'all had come to Pickens?

22 A. Yes, ma'am, other than like coming up here for
23 this.

24 Q. Okay. When you came to Pickens, whose car
25 were you in?

1 A. Jeffrey's step dad, Jeffrey's truck.

2 Q. Okay. Who is Jeffrey?

3 A. Skylar's step dad -- I know I said Jeffrey's

4 --

5 Q. That's okay. Just make sure you speak up.

6 What kind of car is that?

7 A. It's a Chevy Silverado.

8 Q. What color?

9 A. Tannish, gold color.

10 Q. Who was driving?

11 A. Skylar.

12 Q. Did y'all go pick anybody up that day?

13 A. Brent.

14 Q. Where did you pick him up?

15 A. The hotel.

16 Q. Do you remember what the hotel was?

17 A. Traveler's Inn.

18 Q. When you picked him up at the hotel, where --
19 where did y'all go?

20 A. To -- we left the hotel and went by -- well,
21 we come up here and we stopped by the Arby's, right
22 there.

23 Q. Okay.

24 A. And then we left the Arby's, and went -- we
25 rode around the block and stopped by Nestfeathers.

1 Q. Okay. When you rode around the block, how
2 many times did you go around the block?

3 A. I would say maybe four to six times.

4 Q. Okay. And how did you know how -- how did you
5 know where to go?

6 A. I mean, he was telling us where to turn.

7 Q. Who is he?

8 A. Brent.

9 Q. Did y'all ever make any stops in Pickens?

10 A. We stopped by Arby's and Nestfeathers.

11 Q. Okay. When you got to Nestfeathers, did you
12 go inside?

13 A. Yes, ma'am.

14 Q. Who went inside with you?

15 A. Me, Skylar, and Brent walked in for a short
16 amount of time.

17 Q. Okay. Did he ever leave?

18 A. Yes, ma'am.

19 Q. Did you leave when he left?

20 A. No.

21 Q. Did Skylar leave when he left?

22 A. No, ma'am.

23 Q. When he left, what did you and Skylar do?

24 A. We was looking at the guitars.

25 Q. Okay. Is that at Nestfeathers?

1 A. Yes, ma'am.

2 Q. Did you eventually leave Nestfeathers?

3 A. Yes, ma'am.

4 Q. Why did you leave Nestfeathers?

5 A. Because Skylar said he had met his friend,
6 that he was ready to go, so we left.

7 Q. And who is he?

8 A. Brent.

9 Q. When you left Nestfeathers, did you see
10 anything in particular?

11 A. Well, whenever we left -- whenever we was
12 walking out the door, and like going back to the truck,
13 I mean, I seen the cops come by, but I was -- I mean, I
14 didn't know it was -- I figured somebody was having a
15 bad day.

16 Q. Okay. And when you walked out of
17 Nestfeathers, which -- where did you go?

18 A. I took a right out of the door. And then I
19 took a right beside the building where the truck was.

20 Q. Okay. Where -- where was the truck?

21 A. It was to the left, like in the parking lot
22 toward the -- I mean, I guess. I don't know how to say
23 it exactly.

24 Q. Okay. I'm going to show you State's 10, and
25 if that green dot here is Nestfeathers -- there should

1 be a laser pointer up there -- is there a little remote
2 control that says laser down at the bottom -- where was
3 the truck parked?

4 A. We were about right there.

5 Q. Okay. When you left Nestfeathers, and walked
6 out, where was Brent?

7 A. He was already in the truck.

8 Q. Okay. Did -- how is Brent acting when he got
9 in the truck?

10 A. I mean, he was -- he wasn't really acting too
11 different.

12 Q. Okay. Did he say anything?

13 A. He just told us to go.

14 Q. Okay. Did you leave at that point?

15 A. Yes, ma'am.

16 Q. When Brent originally got in the truck at
17 Traveler's Inn, did he have anything with him?

18 A. A black laptop bag.

19 Q. Okay. Could you tell what was in that laptop
20 bag?

21 A. It was closed up other than about 3 inches of
22 the top of a yellow envelope.

23 Q. Okay. Did you know what that yellow envelope
24 was for?

25 A. No, ma'am.

1 Q. And I realize you said you only saw the top of
2 it, but I'm going to show you State's 6. And I realize
3 these are enclosed, but is that a type of envelope you
4 saw?

5 A. Yes, ma'am.

6 Q. When y'all left Nestfeathers, did you go
7 anywhere else?

8 A. We stopped by Hardee's, I -- I think that was
9 the name of the restaurant.

10 Q. Okay. Do you know which Hardee's you stopped
11 at or what street?

12 A. I'm not very familiar with this area, so I
13 couldn't tell you.

14 Q. That's okay. Where -- why did you stop at
15 Hardee's?

16 A. He told us to pull in. And we pulled in
17 there, and he got out with a bag that was -- you
18 couldn't really see through it, though, but he went and
19 threw that away. And then he got back in the truck and
20 we left.

21 Q. And when you say "he", who are you referring
22 to?

23 A. Brent.

24 Q. Did you stop anywhere else on the way back?

25 A. We dropped him off back at Traveler's Inn, and

1 then went back to my house.

2 Q. Okay. Did you stay at your house that night?

3 A. Yes, ma'am.

4 Q. Did anybody stay with you?

5 A. I'm pretty sure Skylar stayed the night that
6 night.

7 Q. All right. Did you ever have occasion to
8 speak to police about you being in Pickens?

9 A. Yes, ma'am. I told my dad and then he called.

10 Q. Okay. Why did you say something to your dad
11 about being in Pickens?

12 A. Because I seen on the news where it said that
13 the bank -- the SunTrust right there got robbed. And I
14 seen where they said something about two accomplices.
15 And I got to thinking that -- I mean, that was about
16 the same time we was up here. And, I mean, I didn't
17 really know Brent, so I mean -- not too good. And I
18 mean, I wanted -- I figured better safe than sorry. I
19 didn't want to get wrapped up in it, too.

20 Q. Okay. Did -- after you dropped Brent off at
21 the Traveler's Inn, the day after y'all were in
22 Pickens, did he ever try to make contact with you?

23 A. After I done talk to my dad and like -- let
24 the -- we called the detectives, he was trying to
25 contact us and we never did -- me and Skylar neither

1 talked to him once we talked to the officers.

2 Q. Okay. About how many times did he try to
3 contact you?

4 A. He tried to call me I would guess between 10,
5 15 times.

6 Q. And was this before or after you saw it on the
7 news?

8 A. That was after I seen it on the news.

9 Q. One last question, when you dropped Mr.
10 McLaurin off at the Traveler's Inn, how long did you
11 stay there?

12 A. Maybe five minutes, 10 minutes.

13 Q. Jared, I don't have any further questions.
14 Please answer anything that Mr. McLaurin may have.

15 A. Yes, ma'am.

16 **CROSS EXAMINATION BY MR. MCLAURIN:**

17 Q. Good afternoon, Jared. I'm going to have you
18 look at a video just for a second. And take a --
19 there's a pointer right there. And do you know how to
20 operate that? Do you see the bottom on that little
21 button that goes across diagonal, the red one?

22 A. Yes.

23 Q. Okay. If you push that, it will bring the --
24 where did this picture go. Right here. Let me record
25 reflect I'm putting in exhibit -- State's Exhibit 10,

1 once again, Your Honor. Go ahead and fire that thing
2 up. If you can, Jared, hit that -- that's
3 Nestfeathers, the green -- do you see that green right
4 here? There you go. Okay. Do you know where the
5 front door is on Nestfeathers from -- from what you're
6 seeing right there?

7 A. Yes.

8 Q. Okay. Point that -- right on the front door,
9 if you will. I appreciate it.

10 A. It's right there.

11 Q. Okay. Now, you said you see -- put it back on
12 there. You said you seen a police car come by; do you
13 recall that?

14 A. Yes, sir.

15 Q. Do you not -- okay. When you saw the police
16 car, if you will, take that -- take that little pointer
17 and show us a trajectory -- in other words, show us the
18 line of travel of that police car, the best that you
19 can remember -- if you'll do that for us?

20 A. Me and Skylar come by the door, and we was
21 walking back this way. And the cop car come turning
22 off of that road, coming up through there.

23 Q. Okay. So the copy -- which way did the cop
24 come from?

25 A. This -- he come -- like turned on to this

1 road.

2 Q. Yeah.

3 A. He turned that way.

4 Q. And he went that way?

5 A. Yes, sir.

6 Q. Okay. Now, when you saw that police car, do
7 you recall at some point in time, you being panicked
8 for a second and just kind of ran for a second; do you
9 remember that?

10 A. No.

11 Q. You don't remember that?

12 A. No.

13 THE COURT: Make sure you talk into the
14 microphone.

15 A. I'm sorry.

16 THE COURT: What was the answer to the last
17 question?

18 BY MR. MCLAURIN:

19 Q. My question is, you don't remember just for a
20 moment when you saw that police car -- take yourself
21 back to that time, if you can -- do you remember, just
22 for a moment, being like a little bit uneasy --

23 A. I mean, I was wondering why there was a bunch
24 of cop cars hauling, moving pretty fast by us, but --

25 Q. There was a bunch of cop cars or one cop car?

1 A. I mean, there was two or three, but the one
2 that got -- that turned right there, come up through
3 there, and all you seen was like two more go past that
4 way.

5 Q. Past which way?

6 A. Down that way.

7 Q. Well, they went that way?

8 A. Well, two of them went that way. And then I
9 seen one turn down that road.

10 Q. But you don't remember, at that point -- do
11 you remember just panicking for a second for whatever
12 reason --

13 A. Well, I mean, I wasn't panicked. I was
14 curious of why there was cops everywhere.

15 Q. I think you answered that. Okay. Do you
16 remember when you came back to the truck -- let me back
17 up for a second if I may. I withdraw that, Your Honor.
18 I'm going to back up for a second. Do you remember
19 when -- do you remember my being there in the truck,
20 and I left -- no, I'm sorry -- just -- just tell us,
21 the best way you remember, what happened from the time
22 we all left the truck -- or did we all leave the truck
23 together?

24 A. Whenever we left the truck, whenever we first
25 pulled up at Nestfeathers, we all three got out, walked

1 into Nestfeathers, for five to ten minutes maybe. Then
2 you walked out, was going to meet your friend
3 supposedly to get the money. And then me and Skylar
4 stayed in there, was looking at guitars. You called
5 Skylar's phone maybe five or ten minutes after you
6 left, and said that you had met your friend and you was
7 ready to go.

8 We -- me and Skylar, at that time, we was
9 leaving, we told the lady at the front desk bye.
10 Walked out the front door, took a right, and we seen
11 the cop cars going every which direction. And then we
12 walked back to the truck and got in, and you was
13 already in the truck.

14 Q. Good. Do you remember -- do you recall having
15 said to Chief Riggs, or one of the police officers over
16 there, that I had called you and said, "I'm ready to go
17 whenever you are"?

18 A. You didn't call me, you called Skylar's phone.

19 Q. That's okay. But do you recall telling the
20 police that when I did call, I said, "I'm ready
21 whenever you are" -- that's my point, "whenever you
22 are"?

23 A. I mean, I'm pretty sure -- I mean, I didn't
24 talk to you over the phone, so I'm not 100 percent
25 positive on that, sir.

1 Q. You don't recall what you told the police, is
2 that what you're saying? We have it on video. We have
3 a video of that, you know that; right?

4 A. Yes, sir.

5 Q. Okay. And I'm saying that on video, that was
6 exactly what --

7 THE COURT: Well, the -- the video would be the
8 best evidence of that.

9 MR. MCLAURIN: Yeah.

10 BY MR. MCLAURIN:

11 Q. That you told this gentleman here -- correct
12 me if I'm wrong -- I want you to understand, I'm not
13 trying to put any words in your mouth. You testify
14 honestly, the way you remember things. Okay?

15 A. Okay.

16 Q. Did you tell Chief Riggs, "Brent called us to
17 say he was ready whenever we are" -- do you recall
18 telling that officer that -- those exact words,
19 "whenever you're ready"?

20 A. Yeah.

21 Q. Do you remember that?

22 A. Yes.

23 Q. Okay. Do you remember -- did I -- by the way,
24 did I ever tell you I'm going to rob a bank?

25 A. No.

1 Q. I never told you that, did I?

2 A. No.

3 Q. Let me ask you this question: Do you remember
4 that day ever seeing me with -- forgot -- hold on.

5 MR. MCLAURIN: Excuse me one second, Your Honor.

6 BY MR. MCLAURIN:

7 Q. Do you ever recall that day seeing me with
8 \$4,000 -- I mean \$3,995?

9 A. Not that I recall.

10 Q. Do you ever recall seeing me on that day with
11 a -- with a bunch of envelopes?

12 A. The -- I did see envelopes whenever we first
13 picked you up from Traveler's Inn, and --

14 Q. Stop --

15 A. -- and it was hanging about that far
16 (indicating) out of the top of your laptop bag.

17 Q. You saw envelopes?

18 A. Yellow envelopes.

19 Q. Are you positive of that?

20 A. Yes, sir.

21 Q. And they were in my -- in my -- you say my
22 laptop bag?

23 A. I mean, I guess that's what kind of bag it
24 was. It was about a foot tall, 2-foot wide, and about
25 that wide (indicating) and it had one zipper --

1 Q. Okay.

2 A. -- I mean, I could see that much.

3 Q. Let me ask you this question -- I have no
4 idea, you tell me, why is that -- you answered the
5 question. Why is it that this is the first time
6 ever -- we've got all your police statements, have them
7 all. We have everything you said to the police
8 concerning this matter. And until this morning, you
9 have never previously told neither this officer or any
10 other officer, including Robert Hamod, that was the FBI
11 gentleman that interviewed you -- we watched the
12 interview. Never once did you ever mention to any one
13 of these officers I saw Brent with envelopes. Here you
14 are this morning, and all of a sudden you saw
15 envelopes?

16 A. I told -- I let Brandi know a -- a while ago
17 that I seen the envelopes.

18 Q. How long is a while ago?

19 A. Roughly the time before the last time I come
20 up here.

21 Q. When was that? I didn't know you were up here
22 before. What time did you come up here? I know --

23 A. I mean, I'm not exactly sure. I don't keep
24 track of my days like this.

25 Q. You were -- you were here on January the 16th,

1 to my knowledge -- tell me if I'm wrong, was the last
2 time you were up here. And at that time, correct me if
3 I'm wrong, you were with Chief Riggs and Robert Hamod?

4 A. No. That wasn't the last time I was up here,
5 because I've been up here several times since then.

6 Q. What were the occasions of those coming up
7 here several times after that?

8 A. To talk to Brandi. I mean, she had questions
9 for me.

10 Q. Did you call her or did she call you?

11 A. She let us know that we was supposed to be up
12 here.

13 Q. That -- let you know that you were supposed to
14 go down and see her?

15 A. Yeah.

16 Q. At her office?

17 A. Well, if you want to get technical about it,
18 --

19 Q. I do.

20 A. She let Aleisha know, and Aleisha let's me
21 know whenever I'm supposed to be up here.

22 Q. Aleisha?

23 A. Yes.

24 Q. Jared, who is Aleisha? Do you see her in the
25 courtroom today?

1 A. Yes.

2 Q. Where is she?

3 A. Right over there.

4 Q. Would Aleisha raise her hand, please -- I
5 don't -- oh, you're talking about the Skylar's mom.

6 A. Yes. That's Aleisha.

7 Q. Oh, I know Aleisha --

8 THE COURT: All right. Well, that's not --

9 MR. MCLAURIN: Okay. Anyway. Anyway.

10 BY MR. MCLAURIN:

11 Q. This is amazing. So she called you and said
12 she wanted to speak to you, and that's Brandi, the one
13 you know as Brandi?

14 A. Well, Brandi called Aleisha, and told Aleisha
15 that she needed to speak with us. So that's why we
16 came up here previously.

17 Q. So when she spoke to you, did she ask you,
18 "did you ever see Brent with any envelopes"; is that
19 correct?

20 A. Yeah.

21 Q. Okay. So until you spoke to Aleisha -- I
22 mean, until you spoke to Brandi here, envelopes weren't
23 a part of your dialogue; were they?

24 A. Well, I mean at first I didn't figure that you
25 robbed a bank, so I wasn't really putting all the

1 puzzle pieces together in my head until I figured,
2 well, it might be serious here.

3 Q. Unless she said to you -- wait a minute. Wait
4 a minute. You said now you're thinking because of what
5 they're telling you that this -- is this correct --
6 that, oh, this might be serious here?

7 A. Well, I mean, I wasn't really piecing together
8 everything like, well, he had this and this. I mean, I
9 wasn't paying attention to it. I wasn't looking at it
10 as you was about to do go something crazy. I mean, I
11 was looking at it, we was giving him a ride to go meet
12 his friend. I mean, I wasn't looking for every little
13 detail like that.

14 Q. Back up to, if you will, Jared -- back up if
15 you will, just for a moment to the date in question,
16 that would be January the 14th. Okay. Okay. Back to
17 January 14th, that was the day there was a bank robbery
18 at that location. Did you realize at any time since
19 that the -- that the police in Pickens had many
20 suspects? Did you know that?

21 A. I -- I was not aware.

22 Q. You weren't aware of that. No, of course you
23 weren't. You didn't know that -- and I wasn't even --
24 do you know what made Brent McLaurin a suspect?

25 A. I --

1 Q. Would you be shocked if I told you, you did
2 that? Do you know why? Would you be shocked to know
3 that?

4 A. I mean, I kind of -- I didn't know really.

5 Q. The reason that you called the police and the
6 only reason -- correct me if I'm wrong -- you were
7 scared; is that right?

8 A. Well, I seen where the news said that they
9 were looking for the two accomplices, and it was around
10 the same time --

11 Q. That's --

12 A. -- we was up here, me and Skylar were the two
13 -- I mean, we was young. And it said two young
14 accomplices, so --

15 Q. I knew it.

16 A. I got a little --

17 Q. The police -- the police -- what they put on
18 the news told you a bank robbery happened; is that
19 correct?

20 A. Yes.

21 Q. And you saw that, and they mentioned in that
22 that there is believed to be two younger accomplices
23 waiting up the block; is that correct?

24 A. Yes.

25 Q. And you guys figured -- do not allow me to put

1 one word in your mouth. All I want here is the truth.
2 I don't want you to lie about nothing, just tell the
3 truth.

4 A. I'm not lying.

5 Q. I know you're not because I have never known
6 you to be a liar. Okay. Did you guys know, by any
7 chance -- let me say -- you realize then that what's
8 happening -- well, I'm not going to say it that way.
9 I'll be in serious trouble if I do. You do realize
10 that when Brandi called you -- well, you have already
11 testified that she asked you, did you see Brent with
12 any envelopes; that's correct?

13 A. Yeah. I mean, that's not the only thing she
14 called me up here to ask me --

15 Q. What else did she want to know if you had
16 seen? Did she ever ask you --

17 MS. HINTON: Your Honor, I'm going to object --

18 THE COURT: Yes. Let him finish his answer --

19 MR. MCLAURIN: Okay.

20 THE COURT: Before --

21 MR. MCLAURIN: -- finish that statement if you
22 will.

23 A. You done made me forget what I was saying now.

24 BY MR. MCLAURIN:

25 Q. I'll -- I'll refresh your memory. I don't

1 have a problem. I'm not forgetting what --

2 A. Can you ask -- can you ask me the question
3 again?

4 Q. Certainly, I would be happy to. What I was
5 asking you, is did she also ask you what else Brent
6 had?

7 A. When she asked me what all you were wearing,
8 what you had with you, and where we took you; where we
9 dropped you off.

10 Q. Well, we have seen the video of you and the
11 police, so we know what you told them. And that's
12 okay. We don't feel that you lied. We do know -- but
13 I can't say that. You did tell the police, in fact
14 this gentleman right here, Mr. Riggs, did you not, that
15 when you got back to the truck, he asked you, "did
16 Brent seem to be nervous or anything, did he want you
17 to hurry up and get out of there" -- and this is after
18 seeing the police. You said, "no, he was as cool as a
19 cucumber".

20 A. I mean, he -- you wasn't acting all -- I mean,
21 like, I'm trying to think of a --

22 Q. Like there was any problem at all?

23 A. Yeah, I mean, you was acting like you was
24 whenever we left you.

25 Q. That's exactly right. And I was also

1 dressed -- this is important -- I was dressed exactly
2 --

3 THE COURT: All right. You can't --

4 MR. MCLAURIN: Wait a minute. Wait a minute.

5 THE COURT: No, no --

6 MR. MCLAURIN: Was I dressed --

7 THE COURT: No, you wait a minute.

8 MR. MCLAURIN: Okay.

9 THE COURT: Let me speak. You can't testify as to
10 how you were dressed. You can ask him, but you can't
11 say I was this and I was that unless you --

12 MR. MCLAURIN: Yes, Your Honor.

13 THE COURT: Unless -- that's testimony.

14 MR. MCLAURIN: You're right.

15 THE COURT: That's not a question.

16 MR. MCLAURIN: You're right.

17 BY MR. MCLAURIN:

18 Q. Jared, when -- when you guys came out, got
19 back in that vehicle in the truck, do you recall that I
20 was dressed the same way I was when you left?

21 A. I mean, yeah. As I recall, you were.

22 Q. Okay. You did. So we know what you testified
23 to, but -- and you testified -- correct me if I'm
24 wrong -- that I was wearing a dark --

25 MS. HINTON: Your Honor, again, I'm going to

1 object.

2 MR. MCLAURIN: We've got the testimony.

3 MS. HINTON: And, Your Honor, I'm going to ask him
4 to put it in if he wants to ask him about it.

5 MR. MCLAURIN: No, she wants me to put evidence
6 in. I'm not putting --

7 THE COURT: No, just ask him what he recalls you
8 wearing. And if he made an inconsistent statement,
9 then you've got to go through the process of showing it
10 to him, not --

11 MR. MCLAURIN: That's right.

12 THE COURT: Not challenging him.

13 MR. MCLAURIN: That's right.

14 BY MR. MCLAURIN:

15 Q. Brandon (sic), to the best of your
16 recollection, when you came back to the vehicle, was I
17 wearing the same thing clothes that I wore when I got
18 out of the vehicle?

19 A. My name is Jared; but yes, as I recall you
20 were.

21 Q. Is it a fact that you told the police officer
22 and Robert Hamod, the FBI agent in this case, that I
23 was wearing a dark colored shirt?

24 A. You was wearing a dark colored shirt, blue
25 jeans and white -- and it seemed like darker colored

1 tennis shoes.

2 Q. Okay.

3 MR. MCLAURIN: I don't believe I have any further
4 questions, Your Honor. Thank you, Jared. And nice --

5 A. You're welcome.

6 Q. -- nice to see you again.

7 MS. HINTON: One follow-up, Your Honor.

8 **REDIRECT EXAMINATION BY MS. HINTON:**

9 Q. Jared, do you recall what color you said was
10 also on his white tennis shoes?

11 A. If I had to guess between -- it would be a
12 dark blue or a black.

13 Q. Okay. Do you remember giving a statement to
14 Officer Riggs at 10:00 in the morning on January 16th
15 of 2014?

16 A. Yes, ma'am.

17 Q. Okay. Do you recall in that statement -- or
18 is there any where in that statement where you
19 identified what color tennis shoes Mr. McLaurin had on
20 that day?

21 A. Yes, ma'am.

22 Q. Okay. Now that you reviewed that, do you
23 recall what you told police, the color the tennis shoes
24 were?

25 A. They were white with blue.

1 MS. HINTON: That's all I have, Your Honor.

2 THE COURT: Recross?

3 MR. MCLAURIN: Yeah. I guess it -- you know, may
4 I see that?

5 (Discussion off-record.)

6 MR. MCLAURIN: I have got a copy of that, no
7 further questions. I think there was -- no, I'm not --
8 I'm not going to go there. Have a good day, Brandon.
9 Thank you. No further questions.

10 THE COURT: You can be excused, Mr. Bearden. I
11 appreciate your time.

12 MS. HINTON: Your Honor, just for scheduling, the
13 next witness might take a little while, so --

14 THE COURT: All right. Why we don't we take our
15 break now. I was going to try to get through one more
16 witness, but if it's going to be a lengthy one, now
17 would be a good time. But we'll break until 11:30.

18 MS. HINTON: Thank you, Your Honor.

19 THE COURT: So we'll see everybody back at 11:30.

20 (Whereupon, the jury left the courtroom at 11:17
21 a.m.)

22 (Whereupon, after a recess, court reconvened.)

23 THE COURT: Is the State ready?

24 MS. HINTON: Yes, Your Honor.

25 THE COURT: Mr. McLaurin, are you ready? Bring in

1 the jury.

2 MR. MCLAURIN: Yes, Your Honor.

3 (Whereupon, the jury entered the courtroom at
4 11:38 a.m.)

5 THE COURT: All right. Call your next witness.

6 MS. HINTON: Thank you, Your Honor. The State
7 would call Agent Robert Hamod to the stand.

8 ROBERT HAMOD, having been
9 first duly sworn, testified as follows.

10 CLERK OF COURT: Thank you, sir. If you would,
11 have a seat and state your name for the record, please.

12 THE WITNESS: Robert Hamod.

13 **DIRECT EXAMINATION BY MS. HINTON:**

14 Q. Agent Hamod, where are you employed?

15 A. With the FBI in Greenville.

16 Q. How long have you been with the FBI?

17 A. This July will be 24 years.

18 Q. Do you have a specific area that you cover?

19 A. We cover the upstate area.

20 Q. Okay. What does that include?

21 A. We have seven counties that we cover out of
22 Greenville, Pickens County, Greenville County, Oconee
23 County, Anderson County, Abbeville and Laurens.

24 Q. Okay. Did you assist the Pickens Police
25 Department with a bank robbery on January 14, 20 -- I'm

1 sorry -- on January 16th, 2014?

2 A. I believe it was the 14th.

3 Q. Okay. I'm sorry. The original incident on
4 the 14th?

5 A. Yes. Yes, I did.

6 Q. Did you follow-up with the Pickens Police
7 Department on January 16th of 2014?

8 A. Yes, I did.

9 Q. And thank you for correcting me. When you
10 followed up with them, where -- where did y'all go?

11 A. Originally we -- we met at the Pickens Police
12 Department. We spoke to several witnesses. Then based
13 on the information that we had obtained, I believe, the
14 Pickens Police Department was able to obtain an arrest
15 warrant for Mr. McLaurin. He was located in Greenville
16 at a motel on South Pleasantburg. Myself and another
17 agent that was with me at the time responded to that
18 area first while the Pickens detectives were obtaining
19 the warrants.

20 We met with the Greenville County Sheriff's
21 investigators that were assisting them, and we awaited
22 the arrival of the warrants.

23 Q. Okay. Once you got the warrants, what
24 transpired at the -- at the -- what was the name of the
25 motel; do you remember?

1 A. I believe it was the Travel Inn, or something
2 along those lines, on South Pleasantburg on 85.

3 Q. Okay. What transpired when you got there?

4 A. We awaited the arrival of the detectives from
5 Pickens County with the warrants. Once they arrived, a
6 hasty plan was made for the Greenville County, the --
7 the investigators went to the motel and arrested Mr.
8 McLaurin.

9 Q. Okay. And when he was arrested, were you
10 present when his rights were read to him?

11 A. I don't recall being present, but I was
12 informed that his -- his Miranda rights were read to
13 him.

14 Q. Okay. Did you ever speak to Mr. McLaurin
15 about this case?

16 A. Yes, we did eventually.

17 Q. Okay. Why did you speak to him?

18 A. It's my recollection that he asked to speak to
19 me. He had some questions for me.

20 Q. Okay. Where was he when you spoke to him?

21 A. He was seated in a Pickens Police Department
22 vehicle.

23 Q. Okay. Who was present there with you when
24 that conversation took place?

25 A. It was Assistant Chief Riggs.

1 Q. Anyone else?

2 A. Other than Mr. McLaurin, no.

3 Q. Okay. And did you force Mr. McLaurin to say
4 anything to you?

5 A. No, I did not.

6 Q. Did you make him any threats or promises?

7 A. I did not.

8 Q. Did he appear to understand what was going on
9 when she was speaking to you?

10 A. Yes, he did.

11 Q. Did you have any concerns about his mental
12 ability?

13 A. No, I did not.

14 Q. Did you think that he was under the influence
15 of drugs or alcohol?

16 A. No, I did not.

17 MR. MCLAURIN: All right. Your Honor, I'm going
18 to object to this -- can we have a brief bench
19 conference?

20 THE COURT: Yes.

21 (Whereupon, a bench conference was held.)

22 BY MS. HINTON:

23 Q. So, Agent Hamod, I think you were testifying
24 as to whether or not Mr. McLaurin appeared to be under
25 the influence of any drugs or alcohol?

1 A. He did not.

2 Q. Are you trained, as an FBI agent, to look for
3 those sorts of things?

4 A. Yes.

5 Q. And when you spoke to Mr. McLaurin, can you
6 tell the jury what your conversation with him was?

7 A. We entered into what I would consider
8 negotiations. He was trying to explain to me that he
9 was desiring to be put into the federal system, and he
10 was wanting to find out what exactly he needed to do to
11 have that occur.

12 Q. Okay. Did he make any other statements to
13 you?

14 A. He mentioned that the two young gentlemen that
15 were associated with him, it was Jared Bearden, I
16 believe, and Skylar Harris, had absolutely nothing to
17 do with the bank robbery.

18 Q. Okay. Had you told Mr. McLaurin the names of
19 the two boys?

20 A. No, I did not.

21 Q. Anything else that Mr. McLaurin said to you
22 that day pertaining to this case?

23 A. No.

24 Q. Agent Hamod, I think that's all I have.
25 Please answer any questions Mr. McLaurin may have.

CROSS EXAMINATION BY MR. MCLAURIN

Q. Hi, Robert. You testified here this morning that -- I want to make sure -- in fact, if you will, retestify, if you will, exactly what I said to you and how we met?

A. It is my recollection that -- that you asked to speak to me. We were in the process of executing a search warrant on the motel room at the time.

Q. Yes, sir.

A. I went back to the vehicle.

Q. Right.

A. And asked if you had any questions. You then spoke to me about your age, the situation that you were in.

Q. How old did I tell you I was?

A. I believe you mentioned you were either 68 or 69 at the time.

Q. Okay.

A. And you mentioned the fact that given your age and the severity of this offense, that whatever sentence you might obtain in something like this, was probably going to be a life sentence for you. And that you felt that it would probably be more comfortable for you if you ended up in a federal prison, as opposed to a state prison. And you were asking me questions about

1 how we needed to go about making that happen.

2 Q. Okay. Having said that, is it not also
3 true -- there's a couple of areas that I want to
4 discuss with you right now. Isn't it also true that
5 there came a point in time where I said to you -- I
6 won't give it to you verbatim, because I don't
7 recall -- but the gist of it, I do recall, do you
8 recall my saying to you something concerning -- at the
9 rate we're living these days, right now, there are
10 approximately, every year, 10,000 plus innocent people
11 convicted of crimes they didn't commit and end up in
12 prison, and that's the reason that I'm so interested in
13 this particular dialogue?

14 A. I don't recall you saying that.

15 Q. You don't recall I ever said anything like
16 that?

17 A. I do not recall.

18 Q. Do you ever recall that I said -- do you
19 mind -- when you say I met -- never mind. Isn't it a
20 fact that you were there when this gentleman and -- and
21 Samuel -- do you know Samuel -- Sam Byers?

22 A. Yes, we have met.

23 Q. Okay. Is it a -- were you there when Chief
24 Riggs and Mr. Byers arrested me?

25 A. Yes, I was.

1 Q. You were there and visually seen what was
2 going on?

3 A. Yes.

4 Q. Do you remember that I would say absolutely
5 nothing to these guys concerning whether I had anything
6 to do with anything or not?

7 A. It was my understanding that you did not make
8 a statement to them.

9 Q. None whatsoever, did I?

10 A. No.

11 Q. Isn't it a fact that you and I months later --
12 not months later -- I think weeks later met in Chief
13 Riggs' office?

14 A. Yes, we met on January 23rd.

15 Q. Okay. Were you aware that Chief Riggs was
16 here yesterday, and in a closed proceeding, already
17 testified to what I said and what I didn't say?

18 A. Yes.

19 Q. You were aware that he was here yesterday and
20 testified?

21 A. Yes, I was aware of that.

22 Q. Thank you. Okay. Are you also aware that I
23 gave absolutely no statement at that time, and he
24 testified I did neither to you or to him; do you recall
25 that?

1 A. On which date are we talking about?

2 Q. We're talking about -- you would know better
3 than I do. I have got a record of it. But it was
4 sometime after the 16th, which was the date of arrest;
5 am I right?

6 A. Yes. Again, we had a meeting on January 23rd.

7 Q. That's the day I'm talking about.

8 A. Yes. It was yourself, Assistant Chief Riggs,
9 and myself.

10 Q. That's correct.

11 A. We had a meeting. We had a number of
12 conversations that was similar to what had occurred in
13 the vehicle. I left a couple of times and I made
14 several phone calls during that meeting to --

15 Q. I don't know if you did or not. But anyway --

16 A. Sure.

17 Q. -- that's your testimony. Okay.

18 A. I'm telling you my recollection of what
19 happened. I made several telephone calls to one of the
20 Assistant United States attorneys on your behalf, and
21 in an attempt to resolve this situation.

22 Q. What do you mean by 'resolve the situation'?

23 MS. HINTON: Your Honor, I'm going to object at
24 this point.

25 MR. MCLAURIN: What -- Your Honor, he testified

1 that that's what he's doing. I have a right to ask
2 what he meant by "resolve it".

3 THE COURT: I overrule the objection.

4 MR. MCLAURIN: Are you sustaining the objection?

5 THE COURT: Overrule.

6 MR. MCLAURIN: Overrule. So I guess -- rephrase
7 the question -- or do you want me to ask it --

8 THE COURT: No.

9 A. No, your question is fine. On several
10 occasions I went out to the common area, outside of
11 your hearing. I made a phone call to one of the
12 Assistant United States attorneys in an effort to
13 attempt to get this matter transferred into the federal
14 system.

15 What the sticking point was, was the fact that
16 you wanted a guarantee that we would take this matter
17 federal. And the Assistant United States attorney did
18 not want to take the matter federal until we had a full
19 cooperation on your part, so we were kind of at
20 loggerheads over who would blink first as to where we
21 go.

22 BY MR. MCLAURIN:

23 Q. Well, I don't recall any of that. But let me
24 say this: If this is -- assuming that what you just
25 told this jury and this judge is, in fact, the truth,

1 why didn't you make that telephone call right there and
2 not as you testified, "walk out of the room" in your
3 exact words -- correct me if I'm wrong -- were out of
4 your hearing? Why would you do that if what you're
5 saying is the truth, sir?

6 A. The reason why I stepped out of the room was
7 because I didn't want you to hear my conversation that
8 I was having with the Assistant U.S. Attorney.

9 Q. Why would you not want me to hear what you're
10 talking about if what you hear -- or what you're saying
11 pertained to me? I don't understand that. That
12 doesn't make any sense to me. Does it to you, sir?

13 THE COURT: You're -- you're baiting now. You
14 just ask him his reason.

15 MR. MCLAURIN: Yeah.

16 BY MR. MCLAURIN:

17 Q. What was your reason for walking -- well, he
18 told us the reason Your Honor.

19 THE COURT: Well, I know, but you asked him again.

20 BY MR. MCLAURIN:

21 Q. Again, let me rephrase -- I won't rephrase --
22 I'll just ask you the same way. If you're telling me
23 the truth -- let me ask another question. When you
24 arrest people -- and you're an expert at this -- I
25 don't know anything about it, compared to you anyway.

1 When you arrest people, would you read for the jury and
2 for this judge exactly what the Miranda rights consist
3 of and what do you advice every person you arrest?

4 A. I don't happen to have a --

5 Q. A card?

6 A. No. I don't carry a card with me.

7 Q. Do you know it by heart?

8 A. I -- I know the gist of it, and I'm afraid to
9 say that to the jury. But, basically, the bottom line
10 what we have all heard on the television, you have the
11 right to remain silent, and anything you say can be
12 used against you in a court of law.

13 Q. If you can -- that's correct. Okay. Sir,
14 you're being placed under arrest for bank robbery.
15 Anything you say can and will be used against you in a
16 court of law. That's exactly the words verbatim; am I
17 not correct?

18 A. You're correct.

19 Q. Okay. Now, do you, in your opinion, do you
20 think that -- to a guy with some education, maybe a
21 college education or two, or a couple degrees or
22 whatever -- but in other words, something between here
23 and here -- do you think he gets that -- that -- the
24 drift of those words, Robert? Do you think that he,
25 when he's told that, then that tells him keep your

1 mouth shut because he's just told you, he's given you a
2 warning --

3 MS. HINTON: Your Honor, I'm going to object at
4 this point.

5 THE COURT: Yeah. I sustain the objection because
6 you're asking his opinion as to anybody that has
7 any intellectual -- as I understand the question, any
8 degree of intellectual capacity, what they would
9 understand, and he can't testify to that.

10 MR. MCLAURIN: You're right. I'm sorry, Your
11 Honor.

12 BY MR. MCLAURIN:

13 Q. Would you, in your opinion, you know me well
14 enough at least to make any kind of an assessment as to
15 whether I understand my rights?

16 A. The first time I met you was on the 16th. It
17 was in a conversation that we had, you seemed to be
18 competent.

19 Q. Well, many people are competent. What do you
20 consider -- did I -- did you -- in your opinion, did
21 you say, well, Brent, is a pretty intelligent guy or an
22 educated guy; was that your opinion?

23 A. That was my opinion, yes.

24 Q. Okay. Just those words verbatim, anything --
25 anything means what, means anything? Anything at all;

1 is that correct?

2 A. Yes.

3 Q. Okay. Anything you say to us can and will be
4 used against you in a court of law.

5 A. Yes.

6 Q. Okay. Now, in your opinion, if I assume that
7 to mean -- even if I say something positive, I'm going
8 to be in trouble here and it's going to get turned
9 around and against me, would you think that that makes
10 sense to you?

11 A. That is not what that means.

12 Q. Okay. Well, what -- what could it possibly
13 mean other than anything you say can and will --
14 anything means anything -- can and will be used against
15 you in a court of law.

16 A. Yes. The -- the meaning of that also is if
17 you give any kind of exculpatory information, I am
18 required to provide that to the court and yourself.

19 Q. Robert, are you familiar with Miranda vs.
20 Escobedo, and who Miranda was, and when that -- when
21 that law came into effect?

22 A. Yes, I am aware of it.

23 Q. What year did it all happen?

24 A. I believe it was back in the 60s.

25 Q. It was. Does 1964 sound right to you?

1 A. I -- I cannot say the exact year, but I know
2 it was in the 60s.

3 Q. Have you ever read that case?

4 MS. HINTON: Objection, relevance.

5 THE COURT: I sustain the objection.

6 BY MR. MCLAURIN:

7 Q. Tell us what that law states?

8 A. The law requires that when a person is in
9 custody, and is being interrogated, that before the
10 interrogation begins, they are required -- law
11 enforcement is required to provide the Miranda warnings
12 to that person. And that they have to knowingly waive
13 those rights and to provide a statement. If they
14 don't, then the statement is inadmissible.

15 Q. Correct. Let me ask you this question: Were
16 you there -- well, you already testified to this -- you
17 were then there when I was Mirandized -- or, no, you
18 weren't there, you testified, when I was Mirandized?

19 A. Yes, I was not there.

20 Q. Okay. And you also -- correct me if I'm wrong
21 -- did not re-Mirandize me after I was Mirandized?

22 A. I did not.

23 Q. Okay. And you know the law on that?

24 A. Yes.

25 Q. It doesn't have to be, isn't that right? If

1 you are Mirandized, you are Mirandized?

2 A. Correct.

3 Q. Okay. Now, when I first spoke to you, isn't
4 it a fact -- in fact, isn't it a fact if we can back up
5 a little bit, that you handed me your card, and said
6 you've -- you've already testified that I did not want
7 to speak to police about this matter, because they had
8 just charged me with -- with an armed robbery of a
9 bank; is that correct?

10 A. Yes.

11 Q. Okay. And yet you handed me your card. You
12 said, you know we can do some things and make some
13 things happen here to make your life a little easier,
14 or something to that effect. I don't recall -- do you
15 recall something similar to that?

16 A. Yes, that sounds right.

17 Q. That certainly does sound right. And you
18 handed me your card, and said contact us and -- if we
19 can be of the some assistance here, we would be. And
20 then -- correct me if I am wrong -- I went to the
21 vehicle, sat in the vehicle, and then asked if I can
22 speak to you for a second?

23 A. Yes.

24 Q. Okay. I asked Chief Riggs, "Chief, that's an
25 FBI agent", as I was looking at your car -- I had you

1 come over and began asking you questions, what
2 specifically are you talking about. And if -- do you
3 recall my words -- we have it on tape if you want to
4 peruse it. Do you recall my saying to you, if a
5 gentleman -- if I -- I don't know if I used that word
6 "gentleman", I said if someone did want to, as you put
7 it, cooperate with you, what are you talking about, or
8 what can you do? And -- and is it possible to make
9 things go away or -- or for a person to be in this
10 prison rather than this prison or this system rather
11 than this system. And at that point, is that all the
12 truth based on what you recall?

13 A. Yes.

14 Q. Okay. Did I ever say to you, "I'm the guy
15 that robbed that bank"?

16 A. No, you did not.

17 Q. Okay. Did I ever indicate to you that there
18 came a point, I think you know this, that they were --
19 Greenville Police was on their way to conduct a search
20 of that motel room that I was staying in; do you
21 recall -- or do you know, Robert, that I told this
22 gentleman right here, what are they waiting for? He
23 said -- well, wait a minute, I'm testifying. Can't do
24 it.

25 MR. MCLAURIN: I'm sorry, Your Honor, I withdraw

1 that.

2 BY MR. MCLAURIN:

3 Q. Do you recall -- let me just ask the question:
4 Do you recall that somebody advised me that police were
5 coming to effect a search warrant. I told them, you
6 don't need a search warrant, just go ahead and whatever
7 it is you want, go ahead and go in the -- in the hotel
8 room and do what you have to do; do you recall that or
9 do you know that?

10 A. Yes.

11 Q. Praise the Lord. Anyway. Did I -- and you
12 say to me now -- well, you've already testified to
13 that, too -- I never advised you that I was -- is there
14 a law against -- you would be aware of this. You are
15 smarter than I am if you're an FBI agent. I don't even
16 claim to have half the knowledge you have, Robert. But
17 let me ask you this question: In your opinion, is
18 there any law that you're aware of, that subjects me
19 or -- to any penalty -- let me use that word if I
20 could -- to any penalty because I'm interested to know
21 what could you do if this, or this, or this, or this,
22 or this should happen, is there any law for me --
23 against my asking you that question?

24 A. No.

25 Q. Okay. And -- and assuming -- I withdraw that

1 question. Let's go back to another question I asked
2 you here, because I don't understand it and maybe you
3 can enlighten me, and maybe you can -- maybe elaborate
4 a little bit. But, why, if you are talking about we
5 want to do something for you, Brent, but we have to go
6 out of the room to do it, and you've got a -- you had a
7 cell phone in your pocket; did you not?

8 A. I did.

9 Q. I know you did because you had it on the desk
10 there. But I'm saying -- why would you -- if you are
11 doing business with another man, why would you have to
12 go behind closed doors to do something -- do you think
13 that that made me suspect you -- oh, excuse me --

14 MS. HINTON: Objection, Your Honor.

15 THE COURT: I sustain. He can't decide what any
16 of his actions made you think.

17 MR. MCLAURIN: Rephrase the question.

18 BY MR. MCLAURIN:

19 Q. Why did you not want me to hear what you were
20 saying on this end of the line, if you're talking to
21 your superior, who I take it was -- I know it was --
22 well, it was -- anyway, a superior -- who would that
23 be? Who were you going to call? Saying you were going
24 to call?

25 A. I spoke with an Assistant United States

1 attorney.

2 Q. United States attorney.

3 A. She, technically, is not my superior. I don't
4 work for the U.S. Attorney's Office. I work for the
5 FBI. The U.S. Attorney's Office prosecutes federal
6 cases in federal court.

7 We work in cooperation with them in order to get
8 our cases prosecuted, so I was speaking with her. She
9 would fill the same position as -- as Ms. Hinton does
10 in -- in this particular court. And that -- I was just
11 informing her of what was going on with this particular
12 case.

13 Q. Okay. But we still don't have our answer,
14 Robert. My answer again -- if you -- if you don't
15 mind, I don't have a problem with you talking to the
16 jury. But if I'm asking you the questions, let's --
17 let's keep this -- if you want to glance at any member
18 of the jury, I don't have a problem with that. But,
19 you know, I'm asking you the questions and I'm trying
20 to get at the bottom of this.

21 What I'm saying to you is, you're not giving us
22 the answer that I'm looking for. My answer (sic) is,
23 why did you have to go out there, if you've got a phone
24 here, and you're telling me we can do something for
25 you, Brent, if the situation went south -- and I didn't

1 say they had gone south, I just said --

2 MS. HINTON: Objection, Your Honor.

3 MR. MCLAURIN: Okay.

4 THE COURT: Yeah.

5 MR. MCLAURIN: I got you, Your Honor. I'm sorry.
6 I withdraw that.

7 BY MR. MCLAURIN:

8 Q. Is it -- just answer the question: Why did
9 you have to go out there and do all that if you're
10 saying we're going to do something to try to help me --
11 help me do what? I'm just saying, I'm looking for
12 options --

13 THE COURT: You -- let's just stop. You ask a
14 question and then you trail into something else. The
15 question, as I see what you're trying to ask him is,
16 why did you, instead of making the phone call in the
17 presence of myself, Mr. McLaurin, why did you decide
18 you needed to go out of earshot?

19 MR. MCLAURIN: Exactly, Your Honor.

20 THE COURT: All right. Now, what's the answer to
21 that?

22 A. Because I didn't want you to hear what I was
23 saying.

24 BY MR. MCLAURIN:

25 Q. Why didn't you want me to hear it?

1 A. Because I was trying to convince her to go
2 ahead and prosecute this case federally.

3 Q. You were trying to convince her?

4 A. Yes.

5 Q. Why couldn't you do that in my presence if
6 that's what you were going?

7 A. Because some of the things I wanted to say, I
8 didn't want to say in your presence.

9 Q. So you're being dishonest with me?

10 A. No. I didn't want you to hear my conversation
11 with a prosecutor.

12 Q. Again, I ask you, why not?

13 A. Because what I had to say to her was none of
14 your business.

15 Q. Well, what is none of my business. It's my
16 business now. I'm in a courtroom and I'm asking you
17 the question.

18 A. And I answered it. I had something I wanted
19 to say to her. It was outside the need of you to know.

20 MR. MCLAURIN: Your Honor, if you don't -- if you
21 don't disagree with this witness saying it's one of
22 your business to a question that I'm asking him, in the
23 furtherance -- it's my life at stake here. And I just
24 want to know from this witness what the truth is. And
25 if we need -- well, I'll ask the court to declare you a

1 hostile witness, Robert. If -- I don't want to do
2 that, but I will do that.

3 THE COURT: Well, he's not a hostile witness.
4 He's certainly an adverse witness to your position, and
5 you have a right to lead, which you have been doing.
6 But I think his testimony as to -- there were certain
7 things he wanted to talk about outside of your
8 presence. I think the inquiry ends there. I think he
9 has told you why.

10 MR. MCLAURIN: What he's told me is, it's none of
11 my business why he wanted to go out -- and I know you
12 heard that, Your Honor, I believe -- I say that
13 respectfully.

14 THE COURT: And I think that answers your
15 question.

16 BY MR. MCLAURIN:

17 Q. Then your answer is, it's none of my business?

18 A. That is not what I said. As far as it goes
19 with this, what my conversation was with the U.S.
20 Attorney's Office at the time we were having that
21 conversation, was none of your business.

22 Q. Well, I'm sorry that I don't agree with that,
23 Robert. But I'll leave it alone at this point, and
24 just make that argument to the jury at a later point in
25 time. Do you recall -- do you recall my saying at some

1 point to you, I don't recall verbatim, but at some
2 point do you ever recall my saying basically we have a
3 situation in this country where you just don't know
4 what's going to happen tomorrow with respect to these
5 cases. And naturally I'm concerned; do you recall?

6 A. I don't recall that.

7 Q. Anything -- huh?

8 A. I don't recall anything like that.

9 Q. You don't recall any of that. Okay. Now, you
10 do recall, however, and you testified that you did hand
11 me a card and voluntarily said to me, call me if we can
12 do anything at all to help you resolve this situation?

13 A. Yes, I did.

14 Q. You do recall that I was, at that point in
15 time, just arrested moments ago, pretty much in a
16 frightened state?

17 A. Yes. You were just recently arrested.

18 Q. But I never, in all the time that you and I
19 have known each other, said to you, "I robbed that
20 bank"?

21 A. No, you did not.

22 MR. MCLAURIN: Thank you. No further witnesses,
23 Your Honor. Oh, wait a minute. I do. I'm sorry, Your
24 Honor. I did have one more witness (sic).
25

1 BY MR. MCLAURIN:

2 Q. I think you said you do remember my giving the
3 police consent to search the property where I was
4 living at the time?

5 A. I believe you said that we were allowed to go
6 in there. You didn't have a problem with that. But we
7 did wait for the search warrant to be signed in
8 Greenville County, which it has to be --

9 Q. You're right. That's right.

10 A. And --

11 Q. I don't have a problem with it.

12 A. And then -- then we went in based on the
13 search warrant, not your consent to go into that motel
14 room.

15 MR. MCLAURIN: Okay. Thank you. I appreciate it.

16 MS. HINTON: One question, Your Honor.

17 **REDIRECT EXAMINATION BY MS. HINTON:**

18 Q. Mr. McLaurin asked you if you recall him being
19 frightened; what was his demeanor that you observed
20 when he was arrested?

21 A. It was not my observation that he was
22 frightened at all. He seemed to be calm and know
23 exactly what was going on.

24 MS. HINTON: No further questions.

25 THE COURT: Recross?

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1 MR. MCLAURIN: No, Your Honor.

2 THE COURT: You -- you can step down and be
3 excused. We appreciate your time. Thank you. Call
4 your next witness.

5 MS. HINTON: Your Honor, the next witness is
6 Travis Riggs.

7 TRAVIS RIGGS, having been
8 first duly sworn, testified as follows:

9 CLERK OF COURT: Thank you. If you would, have a
10 seat and state your name for the record.

11 THE WITNESS: Travis Riggs.

12 **DIRECT EXAMINATION BY MS. HINTON:**

13 Q. Assistant Chief Riggs, where are you employed?

14 A. Pickens City Police Department.

15 Q. How long have you worked at Pickens City?

16 A. Almost 16 years.

17 Q. How long have you been the Assistant Chief?

18 A. About four years.

19 Q. Okay. Were you the Assistant Chief back in
20 2014?

21 A. Yes.

22 Q. Okay. Did you have occasion to respond to the
23 SunTrust Bank on January 14th of 2014?

24 A. I did.

25 Q. Okay. And why did you respond to that

1 location?

2 A. Excuse me. I was on my way home. I had been
3 in training that day, and I heard dispatch give out a
4 panic hold-up alarm over the radio. So I turned around
5 and came back in to SunTrust Bank.

6 Q. Do you recall what time that call came out?

7 A. I believe it was approximately 15:18, which is
8 3:18 p.m.

9 Q. Okay. Do you have any idea how long before
10 that this robbery had occurred?

11 A. It was minutes.

12 Q. Okay. When you responded, were you the only
13 person to respond?

14 A. No. We had a couple of road officers that
15 were patrolling the town. They responded and also
16 Detective Byers responded. Later, I -- once I got on
17 scene, I also called another officer in to help secure
18 the scene.

19 Q. Okay. When -- when responding to a bank
20 robbery in this case, did you activate your sirens and
21 blue lights?

22 A. Yes.

23 Q. When you got to the SunTrust Bank, what did
24 you do?

25 A. I immediately went in, spoke with Detective

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1 Byers who was on the scene. I got him to start
2 securing the area, and get witness statements started.
3 I spoke to Sgt. Brannon. He gave me a brief
4 description of what the tellers had said the suspect
5 was wearing and looked like.

6 I immediately got back in my vehicle and
7 patrolled the surrounding areas for that suspect -- for
8 any suspect that may match that description.

9 Q. Okay. And in patrolling the area that day, on
10 the 14th, did you get out with anybody during that
11 patrol?

12 A. Honestly, if it was a white male, I got out
13 with them.

14 Q. Okay. And that date, were you able to find
15 anyone who connected to the robbery?

16 A. No.

17 Q. Because you couldn't find anybody connected to
18 the robbery, what else did you do?

19 A. Well, immediately after that, we went back to
20 the -- well, I -- I have started going around to all
21 the businesses in the area, asking for -- if there was
22 any witnesses at the time, if they had any store video
23 or anything or -- I started in the inner, and working
24 my way out, to about a two block area, seeing if
25 anybody saw anything.

1 Q. Okay. And without telling me what they said,
2 were there people that were able to provide you with
3 some information?

4 A. Yes.

5 Q. Okay. Did you obtain statements from those
6 people?

7 A. I did.

8 Q. Who were those people?

9 A. Faith Padgett, a -- I think it's Vikki
10 Swaynham. We got statements, of course, from the
11 tellers and from a lady that was using the ATM at the
12 bank.

13 Q. Okay. And let me ask you about Ms. Swaynham
14 and Ms. Padgett, did they testify in here earlier
15 yesterday?

16 A. They did.

17 Q. And when you went to speak to them, is it your
18 policy to go tell them everything that you know at that
19 time?

20 A. Oh, absolutely not.

21 Q. And why is that?

22 A. We hold certain information back just so if
23 someone confesses or tells us something, we know if
24 it's the truth or not.

25 Q. Okay. When you went and met with Ms. Padgett

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1 and Ms. Swaynham on the 14th -- or spoke to them on
2 the 14th, did you tell them the description of the
3 person you were looking for?

4 A. No, I did not.

5 Q. Okay. Did they provide you with statements in
6 this case?

7 A. Yes.

8 Q. Okay. When were those statements written; do
9 you recall?

10 A. That day.

11 Q. Would that be on the 14th?

12 A. Yes.

13 Q. Did you release anything to the media
14 regarding this case?

15 A. Yes. We got a picture from the bank of the
16 suspect leaving. And due to the statements Ms. Padgett
17 gave, we did release a press statement.

18 Q. Okay. And what time would that press
19 statement run?

20 A. It was late evening. We didn't make it -- I
21 don't think we made the 6:00 news, it was later.

22 Q. So that would -- would that have been --

23 A. The 14th.

24 Q. Okay. Would that have been before you talked
25 to Ms. Padgett and Ms. Swaynham?

1 A. I'm sorry?

2 Q. In other words, were Ms. Padgett and Ms.
3 Swaynham aware of the press release when you spoke to
4 them?

5 A. No.

6 Q. Okay. I'm going to show you what has been
7 marked as State's Exhibit 10. It is already in
8 evidence. And if you'll grab that laser pointer.
9 There was prior testimony about -- by Ms. Swaynham
10 about the Village Inn, can you point out to the jury
11 where the Village Inn is?

12 A. Yes. This is the Village Inn Restaurant right
13 here.

14 Q. Okay. There is also prior testimony about
15 Carolina Tire; can you point out where that is?

16 A. This is the -- what used to be the Carolina
17 Tire. It has been numerous businesses now, but that
18 was Carolina Tire for years.

19 Q. Okay. So if the testimony was that someone
20 left Nestfeathers, and walked between Carolina Tire and
21 Village Inn, which way would they travel?

22 A. According to the testimony, they would have
23 came out this way, walked down, and across and walked
24 between Carolina Tire and Nestfeathers.

25 Q. Okay. Is that -- is that -- what's the name

1 of that street?

2 A. I believe it's Elm (ph) Street -- it's just a
3 little cut through. There's hardly any traffic on
4 that.

5 Q. Okay. Can you read the street name on this?

6 A. No, I can't.

7 Q. Okay. Let me bring it closer to you.

8 A. Earl.

9 Q. Now, let me let you look at it, and you can
10 tell me the name of it.

11 A. There's two little streets. Yeah, Irwin.

12 Q. Okay. And then can you point out on State's
13 10, where the SunTrust Bank is?

14 A. Yes. The blue dot here.

15 Q. Okay. There's also some testimony about a
16 large bush in the parking lot; are you familiar with
17 the parking lot of SunTrust?

18 A. Pretty much so.

19 Q. Okay. Where -- where would that be located?

20 A. Well, the -- the large bush would be probably
21 this here because these are trees.

22 Q. Okay.

23 A. These two. And I'm not sure about those, but
24 it would have to be one of these.

25 Q. All right. And which one is Nestfeathers?

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1 A. The green dot.

2 Q. All right. After you released a press
3 statement, did you receive any calls about this
4 situation?

5 A. Ah, I personally did not, but our department
6 did. We got a call from the Sheriff's Office about
7 someone calling in saying that --

8 Q. Don't tell me what they said.

9 A. Okay.

10 Q. But was that a -- was -- did that lead ever
11 pan out?

12 A. No.

13 Q. Was that even close to what you were looking
14 for?

15 A. No.

16 Q. Okay. Did anyone contact your agency in
17 particular?

18 A. Yes. We -- one of our officers received a
19 phone call about a gentleman that we checked out.

20 Q. Okay. Did you check that lead out?

21 A. Yes.

22 Q. Okay. Did they pan out?

23 A. No.

24 Q. Okay. Was there any information that
25 corroborated that lead?

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1 A. No.

2 Q. Did you receive any other phone calls at your
3 agency about this case?

4 A. Yes.

5 Q. Okay. Did you speak with anybody about that?

6 A. Yes.

7 Q. All right. Did that develop you a suspect?

8 A. That did develop us a suspect.

9 Q. Okay. What was it about that situation --
10 without telling me what anybody said -- that was unique
11 to the others?

12 A. It matched the description. It matched the
13 time. Everything that was going on at that certain
14 time, matched what other witnesses had told us.

15 Q. Okay. In response to what you found out,
16 through that communication, what did you do?

17 A. We called for -- we asked them to come to the
18 police department and give an official statement.

19 Q. Okay. And once you spoke to them, what did
20 you do next?

21 A. After we spoke with them, we presented all of
22 our findings to a judge for an arrest warrant.

23 Q. And who did you get an arrest warrant for?

24 A. Mr. Brent McClennan -- McLaurin.

25 Q. Okay. And is he seated in the courtroom

1 today?

2 A. Yes.

3 Q. Where is he?

4 A. Sitting right there in the navy blue jacket,
5 red and blue tie.

6 MS. HINTON: And for the record, he pointed out
7 the defendant.

8 BY MS. HINTON:

9 Q. Did you go find Mr. McLaurin?

10 A. Yes, we did.

11 Q. And where did you go find him?

12 A. Traveler's Inn Motel in Greenville.

13 Q. Did you ask for assistance by anybody?

14 A. Absolutely. We -- we had already been in
15 contact with the FBI on the day of the robbery. But we
16 also called Greenville County Sheriff's Office because
17 we needed a search warrant for that -- we wanted to get
18 a search warrant for that motel room, so we asked them
19 for assistance.

20 Q. Okay. Why do you have to get a search warrant
21 from Greenville?

22 A. It's out of our jurisdiction.

23 Q. Did you make contact with Mr. McLaurin at that
24 location?

25 A. Yes, I did.

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1 Q. Okay. I'm going to show you what's been
2 entered as State's 18. Can you tell me what that's a
3 picture of?

4 A. It's a picture of -- right after we arrested
5 Mr. McLaurin outside of his room.

6 Q. Okay.

7 A. That's room 127. That's the door, Mr.
8 McLaurin, myself, Detective Byers from Greenwood.
9 That's Agent Hamod.

10 Q. Okay. And when he was arrested, was he read
11 his Miranda rights?

12 A. Yes.

13 Q. Did you do that?

14 A. No.

15 Q. Who did that?

16 A. Detective Byers.

17 Q. Were you present when he did that?

18 A. Yes.

19 MR. MCLAURIN: I'm sorry, Your Honor. I just
20 missed that -- present when I did what?

21 MS. HINTON: I asked detective or -- Assistant
22 Chief Riggs if he was present when Detective Byers read
23 you your Miranda rights.

24 MR. MCLAURIN: Thank you. Thank you, Your Honor.

25

1 BY MS. HINTON:

2 Q. Assistant Chief Riggs, when y'all arrested Mr.
3 McLaurin, tell me a little bit about how that happened,
4 not post arrest warrant -- when y'all arrive here, what
5 happened?

6 A. When we arrived, the Greenville investigators
7 were already there. They were kind of keeping an eye
8 on it, to make sure he didn't leave before we were --
9 we got there. We got there. One of the -- I went to
10 the door. One of the Detective or investigators from
11 Greenville knocked on the window. Mr. McLaurin opened
12 the door. I asked him to step out, and we arrested him
13 for -- for bank robbery.

14 Q. Okay. What was Mr. McLaurin's demeanor when
15 he saw you at the door?

16 A. He was very quiet the whole time.

17 Q. Okay. Did he seem frightened at all?

18 A. It's hard to say. He was quiet.

19 MR. MCLAURIN: Objection to that, Your Honor, for
20 the same reasons you advised me. If this gentleman is
21 not a psychologist or a psychiatrist, then I assume
22 we're asking him --

23 THE COURT: He just said --

24 MR. MCLAURIN: Just on the basis of his --

25 THE COURT: All right. Well, I --

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1 MR. MCLAURIN: -- experience.

2 THE COURT: -- sustain the objection. Disregard
3 what he was quiet about.

4 MR. MCLAURIN: Thank you.

5 MS. HINTON: Thank you, Your Honor.

6 BY MS. HINTON:

7 Q. Once Mr. McLaurin was taken into custody,
8 where did he go?

9 A. He went in the back of my vehicle.

10 Q. Okay. Did you sit with Mr. McLaurin in that
11 vehicle?

12 A. I was in the driver's seat.

13 Q. Okay. Where was he?

14 A. In the back seat.

15 Q. All right. Was he handcuffed at that time?

16 A. Yes, he was.

17 Q. All right. Did Mr. McLaurin want to talk to
18 you at that time?

19 A. He -- he didn't say to me personally, when
20 we -- on the outside, when Detective Byers read him his
21 rights, he asked him if he wanted to say anything. He
22 said, not right now, or no, or something to that
23 effect. I don't recall exactly word -- but he said he
24 didn't want to talk at that time. He got into the
25 vehicle. And we sat there for a little while, and then

1 he began a conversation with me.

2 Q. Okay. He ever ask you if he could speak to
3 anyone?

4 A. Yes, he did speak to the FBI agent.

5 Q. Did you retrieve the FBI agent at that time?

6 A. I did.

7 Q. Were you present for their conversation?

8 A. Yes.

9 Q. What was the gist of their conversation?

10 A. Just as Agent Hamod testified to, the gist was
11 federal time vs. state time and prosecution, and who --
12 what jurisdiction and things of that nature.

13 Q. Okay. Did you see Agent Hamod make any
14 threats or promises to Mr. McLaurin to get him to talk
15 to him?

16 A. No.

17 Q. Did Mr. McLaurin appear to be under the
18 influence of any drugs or alcohol at that time?

19 A. No.

20 Q. Did he appear to have any mental infirmities
21 that prevented his ability to understand what was going
22 on?

23 A. No.

24 Q. After you left the Traveler's Inn with Mr.
25 McLaurin, where did y'all go?

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1 A. We went back to the city police department.

2 Q. Okay. At that time, where did you put Mr.
3 McLaurin?

4 A. We went into our interview room.

5 Q. Okay. Let me show you State's 19 and State's
6 9.

7 MR. MCLAURIN: No objection, Your Honor.

8 THE COURT: In without objection.

9 MS. HINTON: Thank you, Your Honor.

10 (State's Exhibits Nos. 9 & 19 admitted into
11 evidence.)

12 BY MS. HINTON:

13 Q. Do you recognize these items?

14 A. I do.

15 Q. Okay. What are those?

16 A. One is the Miranda -- Advisement of Miranda
17 Rights, and the other is a voluntary statement by Mr.
18 McLaurin.

19 Q. Okay. And at what point did Mr. McLaurin
20 execute that waiver of rights, was that at the
21 Traveler's Inn or back at the police station?

22 A. No, this one was at the police station.

23 Q. Okay. Who was in there with you when that
24 happened?

25 A. I -- just myself and Mr. McLaurin, I believe,

1 in the actual room. They were -- detectives and Agent
2 Hamod and all were outside. They could have came in
3 and out, but I believe it was just myself and Mr.
4 McLaurin at that time.

5 Q. Okay. Again, did you make any threats or
6 promises for him to give that statement?

7 A. No.

8 Q. Did you go through any rights with him?

9 A. I did the Advisement of Miranda Rights here,
10 located here.

11 Q. Is that State's 19?

12 A. I'm sorry?

13 Q. Is that State's 19?

14 A. Yes. State's 19.

15 Q. Can you read to the jury what's contained in
16 State's 19?

17 A. It has the date, the time, the name, location.
18 Then it has a question. It says, "I have completed
19 blank years of school". He put 12. Mr. McLaurin put a
20 plus because he has had more schooling than just the 12
21 years.

22 Then the rights go on, "You have the right to
23 remain silent. Anything you say can and will be used
24 against you in a court of law. You have the right to
25 talk to a lawyer and have him or her present with you

1 while you're being questioned. If you cannot afford to
2 hire a lawyer, one will be appointed to represent you
3 before any questioning if you wish. You can decide at
4 any time to exercise these rights and not answer any
5 questions or make any statements. Do you understand
6 these rights as they have been explained to you?" And
7 there is a box to check yes or no. He had checked yes.
8 He also has initialed each one of those as I read those
9 to them. Here then there is waiver of rights paragraph
10 below that.

11 Q. Okay. And did Mr. McLaurin sign that waiver
12 of rights paragraph?

13 A. No. He -- he -- he did not put his signature.
14 It says preferred -- he wrote "preferred not to sign
15 anything at this time, except the one page statement
16 I'm freely giving to Detective Assistant Pickens County
17 Police Chief Travis Riggs".

18 Q. Okay. And then State's 9, what is that?

19 A. This is a voluntary statement that Mr.
20 McLaurin wrote.

21 Q. Okay.

22 A. Right at the time of the Miranda.

23 Q. What's the title at the top of that?

24 A. Voluntary statement.

25 Q. Okay. And are there any rights contained in

1 that as well?

2 A. Yes. There is a paragraph before you start
3 writing, stating the same rights.

4 Q. Okay.

5 A. And that this is a -- voluntarily given, free
6 will.

7 Q. All right. And then at the bottom of that
8 piece of paper, what does it say?

9 A. It says, "I have read each statement
10 consisting of however many pages" -- each page -- which
11 this is one -- "each page bears my signature and
12 corrections, and bears my initials. I certify the
13 facts contained herein are true and correct.
14 Further -- I further certify that I made no requests
15 for the advice or presence of a lawyer before or during
16 any part of this statement, nor at any time before it
17 was finished, did I request the statement to be
18 stopped. I did -- also declared that I was not told or
19 prompted what to say in this statement". And then his
20 signature.

21 Q. All right. Did you witness that statement?

22 A. I did.

23 Q. What was the start time of that statement?

24 A. Four -- 04:00 p.m.

25 Q. Okay. What was the end time?

1 A. 4:32 p.m.

2 Q. Did Mr. McLaurin have any difficulties writing
3 that statement?

4 A. Yes. He didn't have his -- I don't know if
5 they're reading glasses or regular glasses, but he
6 didn't have any. And he was having a hard time
7 writing. He did ask if we had some, but we did not.

8 Q. Okay. And I believe that is actually a
9 redacted copy of the statement?

10 A. Yes, it is.

11 Q. Okay. And that is agreed upon between myself
12 and Mr. McLaurin. Will you please read to the court --
13 I'm sorry -- to the jury the statement of Mr. McLaurin?

14 A. "The following statement is true and is
15 accurate to my personal knowledge, and I do know from
16 personal knowledge that two young gentlemen, to wit:
17 Jared Beardon and, two, Skylar Harris, are in no
18 manner, nor were they ever involved either directly or
19 indirectly with any illegal activity, including but not
20 limited to either any bank robbery, or the alleged bank
21 robbery of the SunTrust. Both the individuals set
22 forth about -- above are not involved in any illegal
23 activities. And I'm aware they have no knowledge of
24 the planning or any conspiracy level type scenario in
25 volunteering -- involving either myself or others under

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1 any circumstances. This is the only statement I have
2 at this junction connected to give to Assistant Police
3 Chief of Pickens Detective Travis Riggs. I also told
4 the FBI precisely the same thing. So the FBI, Robert
5 Hamod, (864) 232-3807 of Greenville, South Carolina, an
6 FBI agent I spoke with on this date, was advised by
7 myself that neither Skylar Harris nor Skylar's friend,
8 Jared Bearden had anything to do with the robbery of
9 any bank or banks. And at no period ever planned,
10 conspired to commit the crime of bank robbery or any
11 other crime with me. And I do personally know the
12 young men are totally innocent of having conspired to
13 commit or -- or assisted in any of the commission or
14 committing of any crimes" -- I don't know that word --
15 nor "did either individuals herein mention -- mention
16 have any advanced knowledge of alleged crimes were even
17 planned, i.e. they are innocent. This would conclude
18 my statement given freely to Detective Assistant
19 Pickens Police Chief Mr. Travis Riggs. No additional
20 statement has been given of any incriminating nature.
21 This officer did advise me of my rights and I freely
22 waive them -- waive the right for the specific purpose
23 and intent of giving precisely the herein" -- lecture
24 data -- I'm not sure what it says -- "and offer to
25 submit to a polygraph concerning the same".

1 Q. When you spoke to -- did that conclude his
2 written statement?

3 A. I'm sorry?

4 Q. Does that conclude his written statement?

5 A. Yes, I'm sorry.

6 Q. And after, of course, sometime during that
7 statement, did he make any verbal statements to you?

8 A. At the police Department?

9 Q. Yes.

10 A. Yeah. He -- he told me that I was perceptive
11 and intelligent, and that even though I may not can
12 prove it, I know that he knows that I know.

13 Q. Okay.

14 A. That was his words.

15 Q. Okay. Prior to you speaking to Mr. McLaurin,
16 did you tell him any time at the Traveler's Inn, the
17 name of the boys?

18 A. At the Traveler's Inn?

19 Q. Yes.

20 A. No, I did not.

21 Q. Who first offered up their name in y'all's
22 conversation?

23 A. Mr. McLaurin.

24 Q. Okay. And did you intentionally not call the
25 boys by name?

1 A. Yes.

2 Q. And why is that?

3 A. To see what he would -- if he would say
4 anything.

5 Q. Okay.

6 MR. MCLAURIN: I'm sorry -- excuse me. I don't
7 understand what the -- the gist of that conversation
8 was, your question and --

9 THE COURT: What was the question and answer
10 again?

11 MS. HINTON: Your Honor, the question I believe
12 was -- was there a reason why you didn't provide the
13 boys' names. And he said that he wanted to see what he
14 would say --

15 A. Right. I wanted to hear what Mr. McLaurin
16 would say without us providing him information.

17 THE COURT: And your objection?

18 MR. MCLAURIN: I just don't understand exactly --
19 provide the names of what is my question.

20 MS. HINTON: Your Honor, I would ask that he save
21 that for cross examination.

22 MR. MCLAURIN: Okay. Yeah. Okay.

23 THE COURT: I overrule the objection.

24 MR. MCLAURIN: I'm sorry.

25

1 BY MS. HINTON:

2 Q. Assistant Chief Riggs, there was some
3 conversation about a trip to Hardee's, was there ever
4 any investigation done at the Hardee's?

5 A. Yes. It was a -- I believe two days after the
6 robbery, roughly, when we found out that they had
7 stopped --

8 MR. MCLAURIN: Objection, Your Honor. It's not a
9 part of the case any longer. There was no evidence at
10 all.

11 THE COURT: I overrule the objection.

12 MR. MCLAURIN: Okay.

13 A. That we determined that on the travel after --
14 immediately after they left Nestfeathers, that they
15 went and stopped at a trash dumpster in the back of
16 Hardee's. We believe it to be the Hardee's in Easley.
17 We did go out there and look, and look into the
18 dumpster, but it had already been taken.

19 Q. Okay. And was there a dumpster at the
20 Traveler's Inn?

21 A. Yes.

22 Q. Was that ever searched?

23 A. Yes.

24 Q. Did that reveal any evidence in this case?

25 A. No.

1 Q. Assistant Chief Riggs, I don't have anything
2 further. Please answer any questions that Mr. McLaurin
3 may have.

4 **CROSS EXAMINATION BY MR. MCLAURIN:**

5 Q. Good afternoon, Chief.

6 A. Good afternoon.

7 Q. Do you recall yesterday we had a -- we had a
8 session where you testified at length; do you recall
9 that?

10 A. Yes.

11 Q. And what you testified to at that time?

12 A. Yes.

13 Q. Okay. If we could, first of all, I think that
14 you testified to a question concerning an interview
15 that you, I, and FBI Robert Hamod -- the date I'm
16 wanting to say January 23rd; do you recall that?

17 A. Yes.

18 Q. Of 2014?

19 A. Yes.

20 Q. You were there. You were present. Is it a
21 fact that you've already testified to that particular
22 meeting?

23 A. I don't recall which we -- we discussed all
24 the meetings yesterday.

25 Q. Well, we only met that once; am I correct?

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1 A. I'm sorry?

2 Q. I'm sorry. I didn't mean to interrupt you.

3 Go ahead and finish your --

4 A. I don't recall which ones we -- what we
5 discussed with each one.

6 Q. I don't understand what you mean by each one.
7 Let me refresh your memory. We had two meetings, one
8 in the vehicle at the time of the arrest. I think,
9 Robert, did he not testify here today that I had asked
10 him -- asked him a few questions about procedure; how
11 the FBI does things?

12 A. Yes.

13 Q. Okay. And then there was another occasion
14 where Robert said, contact us if you have any more
15 inquiries, and I did. Do you recall that, were I asked
16 you -- did I speak to him --

17 A. Yes.

18 Q. Okay. Now, at the time that I did speak to
19 him, you were there; is that correct?

20 A. Yes.

21 Q. And you recall that date, and what I said and
22 what I didn't say?

23 A. You'll have to be more specific. I don't
24 recall every word that came out of your mouth. No, I
25 do not.

1 Q. That's acceptable. Did -- at any time -- I
2 think you've already testified to this -- I never --
3 no, no. I'm asking you a question. I'm sorry, Your
4 Honor. Did I ever tell that man I robbed a bank?

5 A. No, you did not.

6 Q. Thank you. Now, the other question that I
7 have -- that I want to concern ourselves with here for
8 just a moment, is you were here yesterday, were you
9 not, and viewed the testimony of some of the witnesses
10 that appeared in this case?

11 A. Yes.

12 Q. Okay. One of those witnesses was -- was a
13 young -- well, I'm sorry, not a young -- but she was an
14 older lady. But her name was Lessie Mae Swayger --
15 Swaygert --

16 A. Swaynham.

17 Q. Pronounce it again.

18 A. Swaynham.

19 Q. Swaygle?

20 A. Swaynham.

21 Q. Okay. Now, you do recall -- did you watch
22 the -- the candor of what this witness had to testify
23 and how she answered questions?

24 A. I watched her. I don't understand what you
25 mean by --

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1 Q. Well, do you know what candor means? Do --

2 MS. HINTON: Your Honor, I'm going to object to
3 this line of questioning.

4 THE COURT: I sustained the objection.

5 MR. MCLAURIN: Okay.

6 THE COURT: I told the jury that they can assess
7 the demeanor in their deliberation --

8 MR. MCLAURIN: That's correct.

9 THE COURT: But that is different --

10 MR. MCLAURIN: You're right.

11 BY MR. MCLAURIN:

12 Q. Let me ask you this here: Do you recall when
13 I asked the clerk, Pat, would you be kind enough to
14 hand Ms. Swayger (ph) that pointer so she can mark
15 certain areas on that board for the jury to --

16 A. Yes.

17 Q. -- assess -- do you recall that she said "I
18 can't see"?

19 A. Yeah. She said she couldn't see the dot. It
20 was too small.

21 Q. And she couldn't see the board and she
22 couldn't see even --

23 A. No. She said she could see the board, she
24 just couldn't see the small dots.

25 Q. Do you recall -- basically, do you recall that

1 she testified as to the things she saw outside of the
2 -- outside of the area that she was parked at, meaning
3 Nestfeathers, and couldn't remember seeing a vehicle
4 pull out with two -- the Silverado, I assume we were
5 talking about -- and she couldn't tell whether an older
6 fellow was driving that Silverado, or if two youngsters
7 were driving --

8 MS. HINTON: Your Honor, I'm going to object. I
9 think that we are pitting one witness against the --

10 THE COURT: Yeah. This is what we call pitting
11 one witness against another. He can't testify
12 regarding what another witness has testified. That --
13 that witness, Ms. Swaynham's testimony stands on its
14 own. His stands on his own. Officer -- Assistant
15 Chief Riggs, if there is any discrepancy, you can
16 certainly call to it the jury's attention at the proper
17 time. But you can't have two witnesses trying to, what
18 we call pit the witnesses against each other; that is
19 having one witness basically assess what the other
20 witness has testified to. That's not -- that's not the
21 witness' job. That's the jury's job.

22 MR. MCLAURIN: Thank you, Your Honor. Thank you
23 for your patience.

24 BY MR. MCLAURIN:

25 Q. Chief, do you recall in April of 2014, we had

1 a preliminary hearing in front of the Honorable Robin
2 Graver (ph); do you recall that?

3 A. Perry Gravel (ph).

4 Q. Perry Gravel.

5 A. I don't recall. I -- I know we did, but I
6 don't recall much about it to be honest with you.

7 Q. Do you recall that I -- that I subpoenaed you
8 as -- well, I didn't have to subpoena you, you were
9 there as a witness?

10 A. Yeah, I was there already.

11 Q. Uh-huh. Do you recall at that time, I asked
12 the judge after hearing from you, that you had probable
13 cause for that arrest; do you remember any of that
14 testimony?

15 A. I don't remember what you said. But,
16 obviously, I did, because it got waived up.

17 Q. Okay. Do you recall looking in your folder
18 and not being able to find anything specific concerning
19 that?

20 A. Absolutely not.

21 Q. You don't recall that?

22 A. No.

23 Q. Okay. I don't think -- I don't think -- may
24 I -- just indulge me just one second, Your Honor. I
25 don't think I have anything further, Chief. That --

1 that will do it for the Chief, Your Honor. Thank you.

2 THE COURT: Redirect?

3 MS. HINTON: No, Your Honor.

4 THE COURT: All right. Chief, you can step down
5 and have a seat with counsel.

6 THE WITNESS: Thank you, sir.

7 THE COURT: It will be a good time for lunch?

8 MS. HINTON: Your Honor, we have one more witness
9 and then that will be the State's case, so...

10 THE COURT: Will that be an extremely long
11 witness?

12 MS. HINTON: Potentially, Your Honor.

13 THE COURT: Okay. Well, let's take lunch. We'll
14 take lunch until 2:00. Have a pleasant lunch. We will
15 see you back and try to start as promptly at 2:00 as we
16 can. Thank you.

17 (Whereupon, the jury left the courtroom at 12:39
18 p.m.)

19 (After a lunch recess, court reconvened.)

20 THE COURT: Is the State ready to proceed?

21 MS. HINTON: Yes.

22 THE COURT: Is the defense ready to proceed?

23 MR. MCLAURIN: Your Honor, do you have any problem
24 with my sitting here?

25 THE COURT: No. No.

1 MR. MCLAURIN: Thank you.

2 MS. HINTON: Your Honor, I'm sorry, I do have one
3 matter. I've handed Mr. McLaurin the State's next
4 exhibit that we intend to introduce. I informed him
5 that that is not the entire letter that he sent because
6 I believe the State is under the impression that some
7 of it is hearsay. I asked him to review that and see
8 if he had any objection to what the State was leaving
9 out. I don't know if he does or not.

10 MR. MCLAURIN: No objection, Your Honor.

11 THE COURT: Okay.

12 MS. HINTON: Thank you, Your Honor.

13 THE COURT: All right. Bring in the jury.

14 (Whereupon, the jury entered the courtroom at
15 2:04 p.m.)

16 THE COURT: The jury is seated. Call your next
17 witness.

18 MS. HINTON: Thank you, Your Honor. The State
19 would call Lt. Kristy Leopard.

20 KRISTY LEOPARD, having been
21 first duly sworn, testified as follows:

22 CLERK OF COURT: Thank you, ma'am. If you would
23 have a seat and state your name for the record, please.

24 THE WITNESS: Lt. Kristy Leopard.

25 **DIRECT EXAMINATION BY MS. HINTON:**

1 Q. Lt. Leopard, where are you currently employed?

2 A. At the Pickens County Sheriff's Office in the
3 detention center.

4 Q. Okay. And what are some of your jobs as a
5 lieutenant over at the detention center?

6 MR. MCLAURIN: Excuse me, Your Honor. Can we,
7 again -- I'm sorry -- have a quick bench conference?

8 THE COURT: Yes.

9 (Whereupon, a bench conference was held.)

10 BY MS. HINTON:

11 Q. I'm sorry. Lt. Leopard, what are some of your
12 jobs as lieutenant over the detention center?

13 A. I supervise four different shifts. Our main
14 -- my main duty is the protection and safety and
15 security of officers in the jail.

16 Q. Okay. Do y'all have an internal phone system
17 at the jail?

18 A. We do.

19 Q. How does that work?

20 A. It's a system called Securis, so inmates are
21 given a pin number when they come to jail. And that
22 pin number allows them to make phone calls. So they
23 have to put in their pin number to call their family or
24 friends. And they're told at the beginning of the
25 phone call, that the calls may be monitored and

1 recorded, so they're aware that all of their phone
2 calls are monitored or recorded.

3 We can listen to those calls for any reason and
4 no reason, just to randomly monitor any kind of
5 information that might be going through inmate's
6 conversations that might be a security risk to our
7 jail, so we can listen to phone calls on a regular
8 basis.

9 Q. Okay. And as you know, we had a bench
10 conference, so if you'll answer just directly what I
11 ask you.

12 A. Okay.

13 Q. Did you ever, in any occasion, review a jail
14 call of Mr. McLaurin's?

15 A. Yes.

16 Q. And in that call, did you have any concern at
17 that -- that point?

18 A. Yes.

19 Q. And what led you to be concerned about that
20 particular call?

21 A. There was a phone conversation in reference to
22 altering some evidence -- some potential discussion
23 about that.

24 Q. Okay. As a result of that phone call, what
25 did you do?

1 A. We got a search warrant for some of his mail.

2 Q. Okay.

3 A. And we looked at that mail and found what the
4 phone call was about.

5 Q. Okay. Were you able to determine who that
6 phone call was made to?

7 A. Yes.

8 Q. And who was that?

9 A. It was a guy that he called Brother Al.

10 Q. Okay. I'm going to show you State's 21.

11 A. Okay.

12 Q. If you'll flip through that as it's several
13 pages, and tell me whether or not you recognize that
14 document?

15 A. I do.

16 Q. Okay. What is that document?

17 A. This is the letter that Mr. McLaurin sent out
18 to the person by the name of Al Salmon.

19 Q. Okay. Is that the letter that you obtained
20 through the search warrant?

21 A. Yes.

22 Q. Okay. And can you describe to the jury just
23 kind of in general what is contained in that letter?

24 A. It's --

25 Q. I'm sorry.

1 MS. HINTON: Before you do that -- Your Honor, at
2 this time, the State would move State's 21 into
3 evidence.

4 THE COURT: All right. Over objection -- based on
5 earlier rulings, it is in evidence over objection.

6 MR. MCLAURIN: No objection, Your Honor.

7 THE COURT: No objection?

8 MS. HINTON: Okay. Thank you, Your Honor.

9 THE COURT: It's in without objection.

10 MS. HINTON: All right.

11 (State's Exhibit No. 21 admitted into evidence.)

12 BY MS. HINTON:

13 Q. Lt. Leopard, will you please give a brief
14 overview to the jury about what's contained in that
15 letter?

16 A. Yes. This is a letter that he had written to
17 someone in Florida. And in this letter, there were
18 several requests to photo shop some pictures, to alter
19 some of the evidence that would be coming up in his
20 case.

21 Q. Okay. And specifically, what type of
22 alterations -- first -- let me back up. Is the picture
23 that was being requested to be altered attached to that
24 letter?

25 A. Yes, it is.

1 Q. Okay. And specifically what kind of
2 alterations was Mr. McLaurin asking for?

3 A. He had specifically asked that the person take
4 this and have it the photo shopped to add some legs to
5 a picture, to add some shoes to a picture, and to --
6 there was some talk about sunglasses and adding pockets
7 to pants that did not have pockets, and alter the size
8 of the zippers on the pair of pants.

9 Q. And as far as the shoes, more specifically,
10 what was he requesting be done to the shoes?

11 A. He had asked that -- to find the sneaker,
12 mostly white, but with lots of color highlighted or red
13 sides or blue. He wanted the soles to be red, and to
14 have a design over the white writing.

15 Q. Was there -- was there any requests to alter
16 the photo other than altering the suspect's body in the
17 photo?

18 A. Let's see. He wanted to alter the sunglasses,
19 the highlighting on the sunglasses.

20 Q. Okay.

21 A. To put that in different places.

22 Q. What about -- flip to the picture if you can
23 for me. Are there words at the bottom of that photo?

24 A. Yes.

25 Q. Okay. Are there -- was there any request in

1 that letter to alter the words on the bottom of that
2 photo?

3 A. Yes.

4 Q. And what was that; do you recall?

5 A. Oh, to -- he just wanted the words at the
6 bottom removed.

7 Q. Okay. This letter, once you obtained it, did
8 you put that letter into evidence?

9 A. Yes, I did.

10 Q. Did it remain in evidence?

11 A. Yes, it did.

12 Q. Did you bring to it the courthouse?

13 A. Yes.

14 Q. Has anybody, to your knowledge, altered or
15 changed that letter at all?

16 A. No.

17 Q. Lt. Leopard, that's all I have. Please answer
18 any questions Mr. McLaurin may have.

19 A. Okay.

20 **CROSS EXAMINATION BY MR. MCLAURIN:**

21 Q. Lt., you were aware, were you not, at the time
22 of that incident, I was representing myself?

23 A. No, I was not aware of that.

24 Q. You weren't aware of that. Okay. Would it
25 make any difference to you if you did know that I was

1 representing myself?

2 A. No.

3 Q. Okay.

4 MR. MCLAURIN: Two ways we can do this, Your
5 Honor. I would need to read -- did you know -- let me
6 ask this question.

7 BY MR. MCLAURIN:

8 Q. Did you know that it's not a crime -- anything
9 I did there, it is not a crime? And I admit --
10 anything you want to ask, I admit to having done that
11 for the purpose of creating reasonable doubt for the
12 purpose --

13 MS. HINTON: Your Honor, I'm going to object --

14 THE COURT: Yes. Don't -- don't --

15 MR. MCLAURIN: I know.

16 THE COURT: -- go into why you are asking a
17 question. Just ask the question.

18 MR. MCLAURIN: Okay.

19 BY MR. MCLAURIN:

20 Q. Do you personally know what my reasons were
21 for asking Al and -- did you know that Al is a
22 minister?

23 A. No.

24 Q. He is. But anyway. A good friend of mine.
25 But I asked that he do several things. I asked that

1 he -- you're probably aware of the criminal process, am
2 I correct to say that?

3 A. What criminal process?

4 Q. The court process and how things work in the
5 courtroom, when a -- when you -- for instance, when you
6 are arguing, you want to show that a witness is
7 absolutely positive that what they're testifying to or
8 about is accurate to the best of their ability to
9 recall exactly what they see -- see? Am I being
10 correct in stating that?

11 A. I assume not.

12 Q. Is the copy that you have there the
13 prosecutor's copy?

14 A. This is the original.

15 Q. That's the original?

16 A. It's in evidence.

17 MR. MCLAURIN: Excuse me, one second, Your Honor.
18 If you'll indulge me.

19 BY MR. MCLAURIN:

20 Q. Kristy, if you can, starting at page one --
21 I'm going to go through my copy of -- you can -- you
22 can confirm with the prosecutor. It's the same thing
23 that you have. I'm going to set this right here. And
24 what I'm going to do for the court's record, I'm going
25 to mark every place, within the context of this

1 document, that I emphatically say to Al Salmon, be
2 absolutely --

3 MS. HINTON: Your Honor, I'm going to object to
4 the form.

5 THE COURT: Yeah, don't -- you -- you -- just ask
6 a question about the letter, not what you did. The
7 letter speaks for itself.

8 MR. MCLAURIN: Okay. Well, the jury is going to
9 see this.

10 THE COURT: Yes, I know.

11 MR. MCLAURIN: It's good. Okay. I won't -- I
12 won't go there. What I am going to do, however, is
13 while I'm -- while I'm reviewing this, I'm pretty good
14 at multitasking. I know you are. But while I'm doing
15 this, if you don't mind, I'd like to ask you a couple
16 of other questions.

17 BY MR. MCLAURIN:

18 Q. One of the questions is, at the time --

19 MR. MCLAURIN: In fact -- Your Honor, can I
20 approach just briefly? I noticed something that's
21 going to make a big difference here. And I think the
22 prosecutor and --

23 THE COURT: You can -- I think you just need to
24 ask questions.

25 MR. MCLAURIN: It's important that we --

1 THE COURT: I think I know what you're talking
2 about.

3 MR. MCLAURIN: Oh, okay. Okay.

4 THE COURT: We'll take a look at that before --

5 MR. MCLAURIN: -- got you --

6 THE COURT: Before the jury starts deliberating.

7 MR. MCLAURIN: That would be all right.

8 BY MR. MCLAURIN:

9 Q. My question to you is, you knew at the time,
10 did you not, that one of the charges that the
11 prosecutor and the police brought against me was bank
12 robbery; did you know that?

13 A. That's what you were in our jail for, yes.

14 Q. Okay. Now, did you also -- were you also --
15 well, can you tell me what the charges are
16 specifically?

17 A. No.

18 Q. Do you have a copy of that any place?

19 A. No.

20 Q. Do you have a phone with you right now?

21 A. I do.

22 Q. Is Mr. -- is Captain Nix (ph) here?

23 A. No--

24 Q. He's not on the floor anywhere?

25 A. No.

1 Q. Can you contact him anywhere?

2 THE COURT: She's not -- I'm not going to let her
3 contact somebody --

4 MR. MCLAURIN: Oh, you can't do that.

5 THE COURT: No. That's completely out of the
6 realm of --

7 MR. MCLAURIN: It is very -- very important, very
8 crucial to this defense, Your Honor, that --

9 THE COURT: I'm not -- I don't know -- I can't get
10 in your mind, of course, where you are going. But, no,
11 she's not going to start calling people. The witness
12 can't, no.

13 MR. MCLAURIN: How else will we find --

14 THE COURT: I have no idea where you're going or
15 what you want to do, but she's on the stand. You've
16 got a right to cross examine her. She's not making any
17 telephones calls. She has got to testify on the basis
18 of what she knew the minute she walked in that door
19 before she took the stand.

20 BY MR. MCLAURIN:

21 Q. And you weren't aware of the exact charges
22 brought against me?

23 A. No. I'm not aware of the exact charges of
24 most anyone in our jail. That's not pertinent
25 information to me. It's not my case.

1 Q. No, that's true.

2 MR. MCLAURIN: I think what we'll do, Your Honor,
3 you've already indicated that the jury can and will see
4 this. Okay. I'll just -- I'll make the case at this
5 point.

6 BY MR. MCLAURIN:

7 Q. Are you aware from reading this letter, that
8 on many occasions in this letter -- do you see, since
9 you have the document before you right now, where I
10 told Al make absolutely certain everybody stays honest?

11 A. No. I'm not aware of that.

12 Q. Please take time and -- many, many times in
13 that letter, and see if you find that?

14 A. I've read this several times, and I don't -- I
15 don't see that in here unless you would like to point
16 it out to me.

17 Q. Well, I have been having a hard time pointing
18 anything out.

19 A. I mean, right here it says, "retype the
20 following very short" --

21 Q. No, I'm just referring --

22 A. I'm not sure what you're saying.

23 Q. I can tell you where to go to find it.

24 A. Okay.

25 Q. Let me find it myself. There's so many

1 instances where I did state that, I think. It just
2 dawned on me that -- that several pages of this have
3 been -- have been withdrawn by the prosecutor and I'm
4 wondering --

5 MS. HINTON: Your Honor, I'm going to object to
6 that.

7 MR. MCLAURIN: Well, I did it -- there was no
8 objection on my part.

9 MS. HINTON: Your Honor, I would ask to take this
10 matter up privately.

11 THE COURT: Let me let the jury go to the jury
12 room just a minute.

13 (Whereupon, the jury left the court at 2:14.)

14 THE COURT: Yes, ma'am.

15 MS. HINTON: Your Honor, prior to the jury coming
16 in, I made sure that Mr. McLaurin was heard on the
17 documents that were removed as the State believed that
18 they were hearsay. He had no objection to that.

19 Now, in front of the jury, he has insinuated to
20 them that I have removed portions of the letter that
21 are pertinent. If he wants to introduce to -- which I
22 am very aware that he does not want to put anything in
23 evidence. If he wants to introduce that remaining
24 document, he may do that. But I do not think that it
25 is fair that he gets to argue to the jury that I have

1 taken out evidence --

2 THE COURT: Well, I'm going to say -- I'm going to
3 tell him do not argue that because knowing -- you have
4 to go on the evidence that's in the record. I know you
5 want to save closing arguments for last. So I'm
6 certainly not going to suggest that you put something
7 in. But if it's in, and it's agreed upon, you cannot
8 make a statement -- which is what you did -- as opposed
9 to asking questions implicating -- that has some
10 implication that the prosecution is hiding something.
11 And so I -- I think that was an inappropriate comment.
12 And you're stuck with -- well, not struck with, but the
13 record is confined to what you -- what was admitted and
14 without objection is now in the record.

15 MR. MCLAURIN: Right.

16 THE COURT: And if you do determine that you want
17 to put some evidence in, and want to put in the
18 balance, that's fine. But that will be the only way
19 you can do that.

20 MR. MCLAURIN: Right.

21 MS. HINTON: Your Honor, I would ask when the jury
22 returns, that you would strike that last statement from
23 the record.

24 MR. MCLAURIN: Can you tell me exactly what the
25 statement -- because I don't recall. I would certainly

1 apologize.

2 THE COURT: It was just -- you -- you said
3 something to the effect that there are some pages
4 missing that are pertinent. And I -- I don't remember
5 all -- but then you turned to the Solicitor as if to
6 imply or convey -- whether you meant to or not -- it
7 conveyed to me is, hey, where are the missing pages.
8 That would be the -- probably the way the jury would
9 interpret that. So, I'll have to cure that. That
10 wasn't a question anyway. So --

11 MR. MCLAURIN: I would be -- Your Honor, in fact,
12 I apologize to both the Solicitor and will apologize to
13 the jury --

14 THE COURT: No, don't apologize to the jury.

15 MR. MCLAURIN: Okay.

16 THE COURT: Don't go there.

17 MR. MCLAURIN: Okay.

18 THE COURT: I'll take care of whatever needs to be
19 taken care of with the jury.

20 MR. MCLAURIN: Okay. All right. It was not
21 intentional though.

22 THE COURT: I'm not --

23 MR. MCLAURIN: Just so you know.

24 THE COURT: I'm not saying it was.

25 (Whereupon, the jury entered the courtroom at

1 2:25.)

2 THE COURT: Members of the jury panel, I'm going
3 to ask you -- I'll direct you to disregard any
4 statement that Mr. McLaurin made regarding any missing
5 pages. You will be basing, whatever your verdict is in
6 this case, on what is in the record. What is in
7 evidence, which would be the testimony and the
8 exhibits, not something that may or may not exist and
9 not in the record. You have to base your decision on
10 the record. So disregard any statements about anything
11 missing. Go ahead.

12 BY MR. MCLAURIN:

13 Q. Were you at the time of your seeking that
14 search warrant, were you -- were you aware that there
15 are certain requirements for doing so?

16 A. Yes.

17 Q. Do you specifically know what those
18 requirements are?

19 A. I took it before a judge. I had probable
20 cause, reasonable suspicion. The judge agreed with me;
21 gave me the search warrant.

22 Q. Okay. Do you know based on -- did you read
23 the requirements of obtaining a search warrant, under
24 what circumstances or criteria you may do that?

25 A. No.

1 Q. Okay.

2 MR. MCLAURIN: And, of course, I'm not allowed to
3 let her read this, am I, Your Honor, without -- I don't
4 want to introduce --

5 THE COURT: The only thing -- the only thing that
6 you can -- anything that's actually in the record, you
7 can ask her about.

8 MR. MCLAURIN: Okay. That material is in the
9 record.

10 BY MR. MCLAURIN:

11 Q. You don't know basically -- let me rephrase
12 that, Your Honor. Do you know what the specific
13 criteria was that you obtained that search warrant
14 upon?

15 A. Yes. The fact that we believe that you were
16 attempting to alter evidence.

17 Q. Okay. And do you agree with me, that if -- if
18 I have evidence in a case, that's my case before it
19 goes to court, I have a right to do anything I want to
20 do with that?

21 A. No.

22 MS. HINTON: Your Honor, I'm going to object to
23 that --

24 THE COURT: Yeah, I -- I sustain the objection.
25 Again, what you may or may not do with evidence is not

1 an issue here. The issue here is what evidence is in
2 the record.

3 MR. MCLAURIN: Yes, Your Honor. I agree with you
4 there.

5 THE COURT: Thank you.

6 MR. MCLAURIN: But what I'm trying to establish is
7 whether or not this witness had the prerequisite legal
8 probable cause. She just testified to this jury --

9 THE COURT: Well, no --

10 MR. MCLAURIN: That she believed I was committing
11 a crime.

12 THE COURT: Well, I -- no, I don't believe that
13 was what her testimony was. And as far as any --
14 whether or not entertaining the search warrant, any
15 legal criteria has been met, that's already been dealt
16 with, and that's not for the jury. That's a question
17 for someone else.

18 MR. MCLAURIN: Okay.

19 THE COURT: So it's not a question of did she get
20 this information properly. It's whether she -- the
21 question is not the basis of the obtaining of the
22 search warrant, except for the fact that she's already
23 testified as to why she did it. But the legality of
24 the search warrant is not an issue for the jury.

25 MR. MCLAURIN: Okay, sir.

1 THE COURT: That's been taken care of.

2 MR. MCLAURIN: Okay.

3 BY MR. MCLAURIN:

4 Q. So then, basically, the testimony is that you
5 are under the impression -- or your opinion was that a
6 crime was being committed?

7 A. I had reasonable suspicion to believe that you
8 were going to attempt to alter evidence.

9 Q. Okay. Were you aware that that has never been
10 introduced to the court at that point?

11 A. What wasn't introduced?

12 Q. The evidence -- the evidence that you're
13 talking about obtaining through a search warrant in the
14 mail, it has never been introduced in court?

15 A. I do not know anything about what was going on
16 with your court case prior to this.

17 Q. You do know that you obtained that information
18 that you have in front of you through the mail?

19 A. Yes.

20 Q. As a result of the search warrant that you
21 obtained?

22 A. Okay.

23 Q. Okay. Now, whether it was obtained lawfully
24 or unlawfully, let's make that not an issue here. The
25 judge has already ruled on that. But let me say this:

1 You have records of when people go to court and when
2 their -- you know, would you know that, that we are
3 going back a long time now -- but would you -- would
4 you know when a person has been to court?

5 A. No.

6 Q. You couldn't make a simple phone call from the
7 jail --

8 A. I could, but why would I?

9 Q. Well, you would to determine if that evidence
10 that you're talking about there, had been actually
11 introduced in a courthouse?

12 A. The way it works, is they call me and tell me
13 to bring people to court. I bring them to court. When
14 they tell me they're done, I pick them up and take them
15 back. I'm not interested in people's court cases.
16 That's above my realm of responsibilities.

17 MR. MCLAURIN: Okay. I'm going to leave it alone.
18 It doesn't matter, Your Honor. But anyway, have a nice
19 day, Kristy. Thank you.

20 THE COURT: Any redirect?

21 MS. HINTON: No, Your Honor.

22 THE COURT: You can step down and be excused. We
23 appreciate your time. Thank you. Call your next
24 witness.

25 MS. HINTON: That's the State's case, Your Honor.

1 THE COURT: All right. Members of the jury panel,
2 the State is telling us they are resting. That is, the
3 State is telling it has presented the evidence it
4 intends to present. So we have to take up matters of
5 law outside your presence at this time. We will go
6 ahead and take a -- based on my anticipation of where
7 we are headed, we will go ahead and take a refresher
8 break for about 12 to 15 minutes.

9 And after we get through with what we have got
10 to do, then we'll be ready for you. So it will be 12
11 to 15 minutes. All right.

12 (Whereupon, the jury left the courtroom at 2:31
13 p.m.)

14 THE COURT: Anything from the State?

15 MS. HINTON: No, Your Honor. I believe now would
16 be the appropriate time for Mr. McLaurin's motion.

17 THE COURT: You think so, huh. I've done this
18 before.

19 MS. HINTON: I'm sorry, Your Honor. I didn't mean
20 that to you -- just to remind him. I apologize.

21 THE COURT: I wanted to make sure you didn't have
22 anything.

23 MS. HINTON: No, I don't. I apologize.

24 THE COURT: Mr. McLaurin, you --

25 MR. MCLAURIN: Can you update me a minute?

1 THE COURT: Well, she has rested, which means
2 we're at the stage where you can make motions if you
3 wish.

4 MR. MCLAURIN: We rest, Your Honor.

5 THE COURT: Okay. So you don't want to -- have
6 any motion to make?

7 MR. MCLAURIN: No, sir.

8 THE COURT: And you're not going to present any
9 defense?

10 MR. MCLAURIN: No, Your Honor.

11 THE COURT: Okay. All right. Then the -- we'll
12 go into closing arguments. The State will have to go
13 first. Mr. McLaurin, you can go last.

14 MR. MCLAURIN: Thank you, Your Honor.

15 THE COURT: Any changes -- any requests on the
16 charges?

17 MS. HINTON: Just one from the State, Your Honor.
18 Under the grand larceny, on page eight, I believe it
19 must be valued at \$2,000 or more as opposed to \$1,000.

20 THE COURT: Okay. I haven't even looked at, but
21 I'll get my clerk to.

22 MS. HINTON: Okay. Thank you. Other than that,
23 no objection, Your Honor.

24 MR. MCLAURIN: No objection, Your Honor. All
25 right.

1 THE COURT: Well, Mr. McCants -- McLaurin, I do
2 need to make sure you understand that you do have a
3 right to go forward and present testimony, if you wish.
4 If you have any prior record -- if you testify and if
5 you have any prior record, the State can ask you about
6 any prior record that carried over a year in jail that
7 you may have in the last 10 years, or any offenses
8 which involve what the law refers to as moral
9 turpitude; that is stealing, defrauding, dishonesty.
10 They can ask you if you have any record about that.
11 And if they do -- if you do testify and -- you've
12 indicated you're resting -- but I want to make sure you
13 understand you have this right.

14 If they were to present any such testimony or
15 any evidence, I would tell the jury that your prior
16 record could be used only regarding your credibility,
17 and not as any indication that you committed this
18 offense.

19 If you exercise your right to remain silent, I
20 will tell the jury you have done that. That you have
21 an absolute right to remain silent. The State has a
22 burden of proving you guilty beyond a reasonable doubt.
23 And you don't have to prove anything, and you're
24 presumed innocent. Do you have any questions about
25 that?

1 MR. MCLAURIN: No, I don't, Your Honor.

2 THE COURT: All right. And you are exercising
3 your right to remain silent?

4 MR. MCLAURIN: I am, Your Honor.

5 THE COURT: You are presenting no testimony --
6 evidence or testimony?

7 MR. MCLAURIN: That's correct, Your Honor.

8 THE COURT: All right. We'll have closing
9 arguments. I'm going to make that one change. We will
10 send back verdict forms rather than the indictments.
11 We'll take a short break. And I would like for each of
12 you to restrict your -- your arguments to -- I would
13 like to say 30 minutes, but I'll give you 40 -- 40
14 minutes each.

15 MS. HINTON: Yes, Your Honor. Thank you.

16 THE COURT: All right. Let's take about a five
17 minute break.

18 (Whereupon, after a recess, court reconvened.)

19 MS. HINTON: Your Honor, I do have one matter
20 before the jury comes in.

21 THE COURT: Okay.

22 MS. HINTON: I have noticed on defense table --
23 and I don't know Mr. McLaurin's intention with his
24 drawing -- but he's drawn a house labeled "death
25 house". I would object to him putting that --

1 THE COURT: That objection is sustained. This
2 case -- this case doesn't carry the death.

3 MR. MCLAURIN: Okay. My -- my -- just so you
4 know, Your Honor, my -- the point I was making -- and I
5 was going to explain it to the jury -- is that if you
6 send a prisoner to jail for two years or 100 years, to
7 him it's still death. And that's my -- I was going to
8 -- may I stipulate to that?

9 THE COURT: Well, you can argue that -- well, I
10 don't know, I've never had anybody -- that's certainly
11 not part of the record.

12 MR. MCLAURIN: No. We didn't testify to anything
13 --

14 THE COURT: I think anything to do with
15 sentencing, that's something that's been established by
16 the legislature. And it's -- a two year sentence is
17 not a death -- a death penalty sentence, so I'm not
18 going to allow you to go into that kind of argument.

19 MR. MCLAURIN: Do you have a problem with the use
20 of the word "death" then in the portrayal of this
21 picture? Can I show it to Your Honor?

22 THE COURT: I don't need to see it because death
23 is not -- nobody was hurt, nobody was killed. You're
24 not facing the death penalty. Death has nothing to do
25 with the issues in this case. The case is whether or

1 not you committed this offense.

2 Sentencing has nothing to do with it. If you
3 were going to get the death penalty, it really wouldn't
4 be appropriate to argue that at this stage. This has
5 to do with guilt. Sentencing is up to me. This is not
6 a death penalty case where you -- the jury sentences
7 you, as I'm sure you already know.

8 So I'm going to instruct -- and you can make
9 whatever it is you want as part of the -- a court's
10 exhibit, to have in the event of an appeal. But I'm
11 not going to allow you to argue anything about
12 sentencing, which would include the effect that even a
13 two year sentence would have on the defendant.

14 It doesn't matter. The legislature said if you
15 commit this offense, you're going to be subject and
16 exposed to this amount of time. That's the way the
17 system works. It's not -- it's not a death note.

18 You just have to argue the facts. I know it's
19 -- you're pro se, but you've been very bright and very
20 intuitive on the issues here, and very wise in your use
21 of your objections, and very wise in your use of the
22 strategy of not presenting evidence.

23 Quite frankly, most -- many pro ses slip up and
24 present something that they don't really intend to. So
25 you have done an excellent job in representing yourself

1 to this point.

2 But the arguments you make to the jury must be
3 based on the evidence. You cannot argue -- you can
4 argue your perspective of what the evidence shows, but
5 you cannot argue -- you cannot convert your argument
6 into a form of testimony.

7 MR. MCLAURIN: I'll remove it because that's your
8 ruling, Your Honor. May I have an objection still --

9 THE COURT: Certainly. Yes.

10 MR. MCLAURIN: Just for protecting the record,
11 that's all. Thank you, Your Honor.

12 MS. HINTON: Your Honor, one final thing I did
13 redact State's 21. And I don't believe Mr. McLaurin
14 has any objection to the redactions.

15 THE COURT: All right. For the record, that has
16 to do with the date.

17 MS. HINTON: That's correct.

18 THE COURT: And the issue about how long he had
19 been incarcerated?

20 MS. HINTON: Correct. Thank you.

21 MR. MCLAURIN: Your Honor, I'm terribly sorry.
22 Again, I missed that. I --

23 THE COURT: We were just confirming the change in
24 that date that you had pointed out to me --

25 MR. MCLAURIN: Oh.

1 THE COURT: While you -- while you pointed to what
2 I -- I knew what -- what your issue was as soon as I
3 saw you start pointing and say, "we have a problem
4 here", and we corrected that.

5 MR. MCLAURIN: You are perceptive. Thank you,
6 Judge.

7 THE COURT: Okay. Thank you.

8 MR. MCLAURIN: Can I take this time, if I can,
9 just to say to you, I have been extremely nervous
10 throughout this trial. I think you know that. And
11 it's a great deal more difficult than people probably
12 assume or think, when you're representing yourself.
13 It's a tremendous weight to have on you. And it's very
14 difficult sometimes to stay focused.

15 Perhaps the reason why we have the old adage a
16 man who represents himself, has a fool for an attorney.
17 I don't know. But anyway. I did want to say -- take a
18 moment to say thank you very much and I do appreciate
19 the fact that you have been absolutely a Godsend to me.
20 I was -- I was expecting a -- a very tough and rough
21 and -- everybody I talk to, said you are a wonderful
22 judge to work in front of until it comes time for
23 sentencing. But you're good. And I want to say God
24 bless you. If you gave me a million years if I'm
25 convicted, I deserve it. But with respect to -- thank

1 you very much. And I mean that from the bottom of my
2 heart.

3 THE COURT: I understand. And I appreciate the
4 courtesies that both Ms. Hinton and you have shown
5 throughout this trial.

6 MR. MCLAURIN: Thank you, sir.

7 THE COURT: Bring in the jury.

8 (Whereupon, the jury entered the courtroom at
9 2:53 p.m.)

10 THE COURT: Members of the jury panel, when you
11 went out, the State had rested, which meant the case
12 shifted over. The defenses had a right to present
13 defenses if they wished. Mr. McLaurin has determined
14 that he is resting also, that he is not presenting any
15 evidence.

16 Therefore, we reach a point in the trial where
17 you will hear the closing arguments of the attorneys.
18 I have asked them each to not exceed 30 to 40 minutes
19 on their closings.

20 The State will open with its closing argument.
21 And then Mr. McLaurin will have the last and final
22 argument. Then I will charge you the law that you are
23 to apply to the facts.

24 If the arguments go to any great length of time,
25 we will take a break before I charge you. But that's

1 where we are now with that stage of the proceeding
2 where the arguments will take place, and then the
3 change. And then it will be in your hands for
4 deliberation. Ms. Hinton.

5 MS. HINTON: Thank you, Your Honor. May it please
6 the court?

7 THE COURT: Yes, ma'am.

8 MS. HINTON: Mr. McLaurin.

9 MR. MCLAURIN: Thank you very much.

10 MS. HINTON: Ladies and gentlemen of the jury,
11 this was a perfectly planned robbery until it went
12 terribly wrong. Mr. McLaurin had thought of everything
13 in his preparation for his robbery of the SunTrust Bank
14 on January 14, 2014.

15 He scoped out the location. He had the boys
16 circle around the block as he told them which way to
17 go. He had a get away car, whether they knew it or
18 not, waiting down the road.

19 He had notes stuffed in manila envelopes. He
20 had a hoodie. It was very distinct, as you will see in
21 the pictures, that he could easily take off. He wore
22 sunglasses. He brought gloves. This was the perfect
23 robbery until it went terribly wrong.

24 The testimony of Jared Bearden and Skylar Harris
25 was that they dropped Brent McLaurin off, he asked them

1 to pull into the Hardee's. At the Hardee's parking
2 lot, he took a bag that they could not see into, and
3 dumped it in a dumpster. He had the perfectly planned
4 robbery.

5 But there was a problem, Mr. McLaurin couldn't
6 get rid of his pants or his shoes because that would be
7 obvious. If he comes back to the car with no shoes,
8 then something is weird. Mr. McLaurin forgot to get
9 rid of those shoes.

10 Mr. McLaurin also did not anticipate that Faye
11 Padgett and Lessie Swaynham would be as observant as
12 they were. Lessie Swaynham unbeknownst to her, being
13 very observant, observed Mr. McLaurin take his path to
14 the SunTrust Bank where he eventually robbed it.

15 Mr. McLaurin, according to Ms. Swaynham, exited
16 Nestfeathers, wearing a hoodie and jeans and tennis
17 shoes, and headed down between the Village Inn and
18 Carolina Tire. She lost sight of him at the bush
19 behind the SunTrust Bank.

20 By Mr. McLaurin's own admissions, he was in
21 Pickens that afternoon. Mr. McLaurin puts himself
22 there between 3:00 and 3:30. According to Assistant
23 Chief Travis Riggs, the robbery took place about 3:15
24 on that day -- 3:15 in the afternoon. That coincides
25 with what Skylar Harris and Jared Bearden told you was

1 about the time that all -- that they hung out in
2 Nestfeathers when Mr. McLaurin left to meet a friend to
3 get some money.

4 Mr. McLaurin also forgot to get rid of his
5 manila envelopes. By Mr. McLaurin's own admission, he
6 used manila envelopes for everything. That was what he
7 said on cross examination. You can see at Mr.
8 McLaurin's table today, they are covered in manila
9 envelopes. Those manila envelopes are in evidence,
10 multiple manila envelopes. You will see these same
11 manila envelopes in State's 24, which is the bank
12 robbery video.

13 And Jared Bearden saw Mr. McLaurin enter the car
14 with a laptop bag. And inside that laptop bag, Jared
15 Bearden saw manila envelopes. It is the State's
16 contention that Mr. McLaurin brought that laptop bag
17 because that's what he needed to hide the evidence that
18 he had in this case.

19 That's what he needed to hide his hoodie, his
20 glasses, and his gloves. That's what he needed to
21 stick those grocery bags in so that he could dump the
22 evidence on his way out. That's what he needed to put
23 the manila envelopes, which had the bank notes, in
24 there.

25 The testimony, I won't go through all of it, but

1 to highlight a few points, I want to focus mainly on
2 Faye Padgett and Lessie Swaynham, because they have
3 nothing to gain or lose by this case. They don't know
4 Mr. McLaurin. Nestfeathers wasn't robbed. They just
5 saw what they saw.

6 And the judge will tell you that you can focus
7 on the credibility of witnesses. You can determine
8 what motive they have to lie, whether or not they have
9 any reason to make up these stories.

10 And I asked Chief Riggs, did you tell them
11 anything prior to them giving you statements? Had the
12 press release gone out? And the answer was no. And
13 the reason that's important is because that proves that
14 their testimony was not altered by what Assistant Chief
15 Riggs already knew. He made sure he didn't tell them
16 that information.

17 Tracy Batson and Vikki Shulte, they can't tell
18 you exactly who robbed the bank that day. They know
19 that it was an older gentleman. I believe the
20 testimony was between the ages of 50 and 60. That he
21 had, I believe, they said gray hair. He kept trying to
22 cover up what appeared to be facial hair. He had on a
23 hoodie, and he was very calm. And that he handed them
24 saying we are armed, no dye packs, no bait money.

25 Mr. McLaurin has said on multiple occasions

1 during this trial that he's terrified, that this is his
2 life on the line. I would imagine Vikki Shulte and
3 Tracy Batson were pretty terrified too. They went to
4 work on January 14th having no idea that they would be
5 robbed that day. There are victims in this case, but
6 it's not Mr. McLaurin.

7 Mr. McLaurin didn't know that the boys were
8 going to turn on him. He wanted very badly for Skylar
9 to say that he was his friend. I don't know why that
10 is so important to Mr. McLaurin, but he never
11 anticipated that these boys would call the police. But
12 when they found out that there were two accomplices,
13 and they were in the area at the same time, and they
14 saw that picture, they were nervous. They thought that
15 they had something to do with this bank robbery, so
16 they told their dad. And their dad called police, and
17 they did what they should have done. They went and
18 gave a statement to them about it. And that led police
19 to Brent McLaurin.

20 And when they got to Brent McLaurin, what does
21 he have? The shoes. These shoes become the smoking
22 gun in this case. These shoes are distinct. These
23 shoes are visible in the video. And you will have the
24 still frames and you will have an opportunity to review
25 the video if you want. You will also have these shoes

1 back there with you.

2 Detective Byers testified that those were the
3 shoes that he took off of Mr. McLaurin on the day that
4 he was arrested. We went through still frames of these
5 shoes, State's 13 where you can see the arches in those
6 shoes. State's 15, where you can see two words on the
7 back of those shoes. Now granted you can't make out
8 what they were -- are, but there are two words in blue
9 writing.

10 State's 16, a close-up of those shoes where you
11 can see a circle outline around the back of them. And
12 State's 17, where you can see that the bottom of those
13 shoes have a different color.

14 Mr. McLaurin also made a couple of statements in
15 this case. I want to briefly review those statements.
16 And the written statement is in evidence. The first
17 thing that he told Assistant Chief of Police, Travis
18 Riggs, is that you may not be able to prove it, but I
19 know that you know. Ladies and gentlemen, that is an
20 admission. He wanted to know about state vs federal
21 time. He's very emphatic that the boys are innocent,
22 and I want to focus on that, especially in his written
23 statement.

24 He said that he does know from personal
25 knowledge -- personal knowledge means that you know

1 something for a fact. The boys were not involved in
2 any illegal activity. And he's aware that they have no
3 knowledge of the planning involving himself or others,
4 and that they at no time, ever planned or conspired to
5 commit the crime of bank robbery or any other crime
6 with me.

7 And most compelling, they didn't have any
8 advanced knowledge that these crimes were even planned.
9 Ladies and gentlemen, that written statement is a
10 confession. Mr. McLaurin is not a dumb man. I told
11 you that at the beginning of this trial. But Mr.
12 McLaurin can't help but talk. And that's exactly what
13 he did. He talked. He had to say something. And Mr.
14 McLaurin thought if he didn't say I -- I did this, then
15 that was okay. But he did, in so many words, do this.

16 Real briefly, I want to go over specifically
17 some of the pieces of evidence and explain to you why
18 they are important. Some of these items may seem like
19 something you may have in your house. But these are
20 pieces of a bigger puzzle, and the reason they are
21 important is because each piece proves something.

22 State's 3, the green spiral notebook. Vikki
23 Shulte and Tracy Batson testified that the notes were
24 written on a legal pad with lined paper. In Mr.
25 McLaurin's hotel room was a legal pad, with lined

1 paper.

2 The laptop bag, Jared Bearden testified that Mr.
3 McLaurin entered the car with this laptop bag with
4 manila envelopes sticking out of it.

5 The razor, there was testimony that he had a
6 small mustache when he was present in the bank. When
7 he was arrested, he did not have one. A razor is
8 important because that was his opportunity to shave his
9 mustache.

10 The watch, this watch is important because as
11 you can see, in the photographs of Mr. McLaurin at the
12 teller window, there's a watch. And that watch in the
13 photo has a dark line around the band, similar to
14 what's in that photo.

15 One final thing, Mr. McLaurin left -- left
16 Nestfeathers and he went right. He tried really hard
17 to see if Skylar Harris would say anything else. But
18 Skylar Harris said, I think you went right, which is
19 what Lessie Mae Swaynghan said. He went right. I
20 watched him travel between Village Inn and Carolina
21 Tire and head towards the bank.

22 As you will notice, you can see in the video,
23 the bank robber enters from that side of the bank, and
24 he also exits from that side, and heads back that way.
25 That's important because that's where his get-away car

1 was.

2 When Skylar Harris and Jared Bearden walked out
3 of Nestfeathers, the police were everywhere. They had
4 sirens on, they had lights on. And when they get back
5 to the truck, Brent is already in there. That's
6 significant because the bank robbery had to have
7 occurred before the police were called. I think
8 Assistant Chief Riggs said that it was a two to three
9 minute delay in them getting the call out. That gave
10 Mr. McLaurin enough time to get back to that truck.

11 And what does he say when Skylar Harris and
12 Jared Bearden get in that truck? Go. Because he had
13 to get away. And which way did they go, what was their
14 testimony, that they took a left out of the
15 Nestfeathers parking lot. They went away from the
16 bank. They went towards Main Street. They drove from
17 Main Street to McDonald's, took a right at the light at
18 the McDonald's.

19 I don't know what Mr. McLaurin will get up here
20 and present to you. I unfortunately don't get the last
21 word. Like any good woman, I wish I did. But I ask
22 that you hold on to what I've said.

23 And I told you that Mr. McLaurin walked in here
24 an innocent man, but I told you that that didn't mean
25 that he left here as one. The State had to prove Mr.

1 McLaurin guilty beyond a reasonable doubt, not behind
2 -- beyond any doubt, but beyond a reasonable doubt.
3 You must be firmly convinced of his guilt. Either Mr.
4 McLaurin is the most unlucky man in the entire world,
5 or he committed this bank robbery.

6 You have been incredibly patient and I thank you
7 for that. And I ask that you return the only true
8 verdict in this case, and that is guilty on grand
9 larceny, and guilty on entering a bank with intent to
10 steal. Thank you.

11 (Pause.)

12 MR. MCLAURIN: I assume --

13 THE COURT: It's your turn, yes, sir.

14 (Pause.)

15 THE COURT: There's a stand here.

16 MR. MCLAURIN: Yeah, but I want to get it close so
17 that every juror has an opportunity to see it, Your
18 Honor. We can try this -- is anyone here having a
19 difficult time --

20 THE COURT: You can't ask questions of the jury.

21 MR. MCLAURIN: I just wanted to know -- can you
22 ask, judge, if they're --

23 THE COURT: No. No.

24 MR. MCLAURIN: -- seeing.

25 THE COURT: If -- if anybody, like I said at the

1 first of the trial, if you're having trouble seeing,
2 give me a signal and I'll correct it.

3 MR. MCLAURIN: Oh boy. I think, firstly, what I
4 probably should do is ask -- Judge, once again,
5 anybody -- can everybody see that?

6 THE COURT: Can everybody see the exhibit? Okay.
7 They are nodding in the affirmative.

8 MR. MCLAURIN: Firstly, I would like to say that
9 the prosecutor did a really great job. The only
10 problem is none of it is based on anything that's
11 factual. One of the things that -- that she stated is
12 that these shoes are, in fact, evidence.

13 First of all, I don't know -- as a matter of
14 fact whether these shoes are even the shoes that I had
15 at the time that I was arrested. They may be. I can't
16 say yes or no. I don't remember. I do know that
17 during the period of time that I was in jail, a police
18 officer from the Pickens Police Department came --

19 THE COURT: Now, you're testifying. You can't
20 testify. I have told you -- I have cautioned you about
21 that before. You cannot testify.

22 MR. MCLAURIN: Let's see if we can't put these on
23 the -- where is the video. Let me see that pointer a
24 minute, Pat, please. We have got it -- yeah, please.
25 Thank you.

1 THE COURT: Now, with the exhibit there, I'm not
2 sure they all can see.

3 MR. MCLAURIN: Oh, that makes sense. Let me move
4 this out of everybody's way. As the prosecutor just
5 testified to y'all --

6 THE COURT: No, she didn't testify.

7 MR. MCLAURIN: Or as she just argued, these
8 sneakers proved a critical point of the big problem in
9 this case, because these sneakers according to her, are
10 the same sneakers worn by whoever the bank robber is.
11 And I ask you to be the judge of that.

12 If you can, pay attention to that area, can
13 everybody see where the pointer is? Okay. And then
14 compare it, when I put these sneakers back to that area
15 and see if, in your opinion, we have the same pattern.
16 And I can say respectfully that we do not.

17 There's not only a distinct difference, there is
18 an entirely, completely different difference. And,
19 again, I say to you, I don't know anything about those
20 sneakers. They could be the ones that I had. I don't
21 know.

22 Would everybody take these here, if you will,
23 and pass them around?

24 THE COURT: They're going to be in the jury room.

25 MR. MCLAURIN: Okay.

1 THE COURT: Let's just leave them there for right
2 now, so they won't be distracted. If they're trying to
3 look at that and listen to you, it's a little
4 confusing.

5 Additionally, if I could, I would like to go
6 through this just briefly. What I have done here is
7 color coded in red for the jury's convenience, one,
8 two, three, corresponds with one, two, three as you see
9 on this information here. Okay. When you do that, I
10 would appreciate it if each and every one of you go
11 over the testimony in your own minds that you heard
12 these witnesses testify to, and I ask you to apply to
13 it your sense, your common sense, and your judgment,
14 and your consideration.

15 First of all, the police never found any money.
16 Everything that's here, everything that I have put
17 there, is deliberately put there so you'll understand
18 the minute you read it, yes, he's right. That
19 testimony never came from the witness stand.

20 You heard Jared testify, and you heard Skylar
21 testify. They didn't know, weren't sure, didn't know
22 if the police went this -- or they knew what way the
23 police went, didn't know which way I went. Okay. It
24 doesn't matter.

25 Never traced or connected a dime of the money

1 that I had on my person at the time I was arrested to
2 any bank robbery. Never did. Never seen a speck of
3 evidence in this courtroom that shows that the police
4 in this case have ever traced one dime of any money to
5 me or put it in my possession.

6 Ladies and gentlemen, I respectfully submit to
7 each and every one of you that goes directly to
8 reasonable doubt. I think you already understand from
9 what Judge Hayes has explained to you, we have a law in
10 the State of South Carolina, unlike many states, that
11 when a Defendant enters a courtroom accused any of
12 criminal act -- it doesn't matter what the act is --
13 until -- until the prosecution proves beyond a
14 reasonable doubt that that defendant committed that
15 crime, you must find that Defendant not guilty.

16 Again, I remember when I first approached this
17 jury and asked y'all to please consider the facts,
18 consider everything before you make any decision. I
19 realize it was probably difficult to do in a case like
20 this, because there were times that things didn't look
21 very well. There were times when people were
22 testifying in crazy ways. Okay.

23 But anyway, I can't tell you what to believe
24 about that testimony, I can only show what the facts
25 are. So if I have stated here, you have my word, it is

1 a fact, and it's a fact that y'all saw. You saw it
2 with your own eyes. And those are the questions that I
3 ask you, when you get in the deliberation room, to look
4 at these facts.

5 This is not a smoke screen. I didn't blow any
6 smoke screen. And I don't know why anyone would have.
7 I suspect that we have a case here that started off as
8 a simple circumstantial evidence case. You heard
9 testimony that these boys saw a news release by the
10 Pickens County Police Department, which stated on the
11 date in question a bank was robbed in that area,
12 approximately a block away from the Nestfeathers.

13 There's discrepancies in which way people say I
14 went. That doesn't matter. And I'll show you why in a
15 moment. But anyway. Let's continue on with this
16 information and you, again, I say, be the judge of
17 that.

18 Okay. Never a trace. We got there. Not a
19 single witness -- think about it -- was there one
20 single witness that -- that testified in this case that
21 was able to testify to you folks that's the man I saw
22 in that bank. This is the man that robbed me.

23 And I ask you, do you remember when I first
24 approached you, I said, would you want to put me -- I
25 realize I am not related to y'all -- but would you want

1 to put me in prison on the basis of -- of what -- what
2 you think may have happened? What you may assume may
3 have happened, or would you want real facts? If I'm
4 going to put that man in prison --

5 MS. HINTON: Objection, Your Honor.

6 MR. MCLAURIN: -- you need to prove that to me.

7 THE COURT: Yeah.

8 MR. MCLAURIN: Yes, sir. I'm dealing, Your Honor,
9 with the issue of proof beyond a reasonable doubt.

10 THE COURT: I understand that. I understand that.
11 Just what is convicted, whether -- whether the jury is
12 going to convict you or not.

13 MR. MCLAURIN: Oh, I got you. Okay. In any
14 event, all I ask you to do -- and I ask you again -- I
15 asked you then and I ask you now, if you wouldn't -- if
16 you would not put your son, your daughter, your
17 granddaughter, your grandson, your husband, your wife
18 in prison on the basis --

19 MS. HINTON: Your Honor, objection.

20 THE COURT: No, I sustain the objection. You
21 can't argue -- you can't ask them to put themselves in
22 your place.

23 MR. MCLAURIN: I think you know what I'm saying.
24 Anyway, I'll re -- reiterate, there wasn't one single
25 witness in this case -- not one single witness, nobody,

1 not a single witness that said that man robbed any
2 bank, or anybody else for that matter.

3 You heard me say to Braden, you heard me say to
4 -- Jared -- or Skylar, did you ever see me a rob anyone
5 or any bank? No. Did I ever discuss with you any type
6 of a criminal offense? No. And what was your reason
7 for telling dad this incident took place or happened
8 about the same time that we were there -- or maybe they
9 said at the same time -- or around or about that time.
10 Well, if that's what they said, I can't take what they
11 thought back. I can show you the reason, because they
12 testified what the reason was. They saw it on the
13 news.

14 And they saw the part on the news that stated --
15 I didn't see it myself by the way -- but they saw the
16 news that two youngsters -- or younger people were
17 thought to be involved in waiting up the street.
18 That's a great reason, I think, to give any youngster a
19 reason to be scared out of his wits. I would be scared
20 myself, if I was somewhere in a vicinity and police
21 were in that vicinity and did, in fact, arrest
22 somebody. I would be extremely frightened.

23 No bank money was ever found. Nobody testified
24 that there was any bank money. It certainly was never
25 anything found on me. Any weapons found on me, not

1 one.

2 Also, I think you recall from a police
3 officer -- and this is one of the gentleman that -- if
4 you recall I asked him -- did I give you guys, when you
5 came and interrupted my lunch, my permission to go
6 ahead and search whatever you want. If you want to go
7 in and search, by all means, go in and search. They
8 said they had to wait for a search warrant. I didn't
9 have a problem with that, -- well, I did. But I did
10 for other reasons.

11 But they went in and searched and nothing was
12 found. And when I said nothing, n-o-t-h-i-n-g,
13 nothing. Yet they still arrested me.

14 Do you remember that I had a witness up here --
15 in fact, his name was Samuel Byers, the police
16 detective. And I said Lieutenant Byers, I says, "Can
17 you tell me at this point, right here and now why you
18 arrested me? Well, we thought we had probable cause".
19 I said, "Thought you had probable cause? What probable
20 cause did you have? Can you tell us? Well, I
21 thought -- I know that. You just testified to that,
22 sir. What I'm asking you is what specific probable
23 cause did you have to arrest me and charge me with a
24 bank robbery? That's all I'm asking you. I'm not
25 trying to put words in your mouth". Do you recall that

1 I said that to that man?

2 Well, I certainly did. He couldn't answer the
3 question. And to this day, he still hasn't. So I hope
4 that you won't go into deliberation room and say, we
5 think Brent McLaurin robbed a bank, because I hate to
6 have to deal with that nightmare on the basis of what
7 someone thinks. I want somebody to say, well, Brent,
8 we've got evidence, and let us show you evidence. I
9 have heard everything the prosecutor said about this
10 case, and she swears up and down all this stuff is
11 evidence. And I tell you emphatically not one speck of
12 that is evidence. And I'm going to show you why in a
13 minute.

14 I've got -- we have a time limit, by the way,
15 and I can't be as long -- I would like to be here about
16 two hours. You don't want to be here two hours, and
17 I'm going to do my best to accommodate you. But the
18 judge has already told us we have 40 minutes about to
19 argue, and I'm going to try to do it as expeditiously
20 and quickly as possible. Because, I, too, want this to
21 end.

22 But, anyhow, never one single admission. I know
23 that you ladies and gentlemen saw whether it was the
24 FBI -- and by the way, the FBI did everything in his
25 power -- they have a motive. This is what they do.

1 They win cases. They arrest people and they want to
2 back it up with a "we won that case". They don't care,
3 in my opinion, whether you're innocent or guilty. But
4 I won't say they don't -- some of them don't.

5 And I'll say this, I don't know what Robert
6 Hamod's motives were specifically, but I do know from
7 speaking with that man, that you heard my friend,
8 Skylar, when he testified today as to his mother --
9 well, my mother didn't care for you. I said, your
10 mother didn't care for me? This is the first I ever
11 heard of that. And then I realized -- then I realized
12 why he said it. I turned around and there was Aleisha
13 sitting right back there and that's why Skylar -- I
14 told John -- that explains that. His mother is there.

15 And after this -- this bank robbery situation, I
16 think any mother would be very upset because she
17 probably has been led to believe that this guy must
18 have had something to do with it, otherwise why did
19 they arrest him? You would be surprised how many
20 Americans think like that. If you are involved with
21 any police confrontation or situation, you must have
22 done something.

23 I have always maintained my complete innocence
24 since day one. They testified to that. The police
25 told you that. Did the police ever tell you, we've got

1 facts that prove that Brent is our man? Never. There
2 was not one speck of evidence from that witness stand
3 that even remotely showed or demonstrated that to be a
4 fact. I ask you to consider that.

5 There were, as I said, many suspects in this
6 case, and everybody knows it. I don't know what they
7 did with the suspects. It doesn't matter. There were.
8 So it wasn't like Brent is the only suspect. I just
9 happen to be in the -- and the prosecutor is correct, I
10 happen to be the unfortunate one that was arrested and
11 falsely charged with a crime I had nothing to do with
12 it. That's all there is to it.

13 The State dismisses one of the most serious
14 charges -- or didn't prosecute me on -- there were
15 three charges, bank robbery --

16 MS. HINTON: Your Honor, I'm going --

17 THE COURT: I sustain the objection. This -- what
18 we are dealing with today is whether or not the State
19 has proven beyond a reasonable doubt Mr. McLaurin, as
20 to the two charges, grand larceny and entering a bank
21 with intent to steal --

22 MR. MCLAURIN: Do you want me to strike that from
23 the --

24 THE COURT: Strike it.

25 MR. MCLAURIN: Okay. I'm also stating that the

1 police rushed to judgment to make an arrest. That's
2 for you to decide. There are many very serious
3 discrepancies in the witnesses' testimony. All of the
4 witnesses, including many of our police witnesses,
5 FBI -- for instance, Jared, Skylar, and the rest of the
6 folks that testified here before y'all today -- not one
7 witness -- agreed, not one -- think about this, not one
8 of these witnesses that came forth agreed with the
9 witness -- or what the -- the suspect actually looked
10 like.

11 Did you notice that they stated that the suspect
12 was wearing a Gap -- a Gap athletic shirt, a hoodie --
13 in fact, they said. Everybody that testified -- in
14 fact, let me reword that. Not one of the people that
15 did testify in this case testified to any hoodie. I
16 don't know if it's in evidence -- is the hoodie in
17 evidence to your knowledge?

18 THE COURT: You just -- you can't ask -- you --

19 MR. MCLAURIN: Judge, do we have a hoodie in
20 evidence?

21 THE COURT: Well, you can look and see what's in
22 evidence.

23 MR. MCLAURIN: Huh?

24 THE COURT: You can look and see what's in
25 evidence.

1 MR. MCLAURIN: Yeah. I just want to see if the
2 hoodie is in there. I think this is it. Showing this
3 to the jury wouldn't constitute admitting evidence at
4 this point?

5 THE COURT: No. No.

6 MR. MCLAURIN: Thank you, Judge. If I can, ladies
7 and gentlemen, I would like to pass this around for you
8 to see -- this is, according to what I believe to be
9 the truth in this case, I don't know. I wasn't there.
10 But anyway, this is what was -- has been testified to,
11 that this is the person -- this is the suspect.

12 And I also ask you, since nobody identified
13 me -- everybody -- every one of these witnesses have
14 seen this picture -- every one of them. And not one of
15 them, including Jared, including Skylar, who were going
16 to work for me, who I have done nothing to harm in any
17 way, ever testified I identified that as being Brent.
18 Why is that so? I'll tell you why. Because they have
19 seen this -- and not one of them -- you think the
20 police would not have testified if he said that that
21 was you.

22 There's not one person, not one -- if you find
23 one, tell me who it is because I haven't heard it from
24 the witness stand. And I hope, by the way, that you're
25 not upset with me. And I hope, by the way, that you

1 won't go back and deliberate and find me guilty because
2 I had a hard day today. I had a very hard day. Why
3 wouldn't I?

4 We had a wonderful day yesterday. And the
5 Solicitor saw that. And do you think the Solicitor
6 didn't say, listen, we're having a hard time here. We
7 better get on the ball and that's why they have been
8 treating me very badly today, in my opinion. And if
9 I'm wrong, I will apologize to this young lady. But
10 she did make one accusation to me. And I apologized to
11 her for that. She said I made an allegation against
12 her that -- and it wasn't an allegation --

13 MS. HINTON: Your Honor, I'm going to object.

14 MR. MCLAURIN: And I apologized to her --

15 THE COURT: That has got nothing to do with the
16 determination of your --

17 MR. MCLAURIN: I got you, Your Honor. And I
18 apologize. I did apologize.

19 Anyway, if you would, please, take this here for
20 just a moment, pass it around, and just ask yourselves
21 one question, if you will, why is it that not one of
22 these witnesses that came in the courtroom today,
23 particularly Jared -- you know, the two young boys?
24 They are friends of mine. They came here. And not one
25 of them said, that's Brent. Did we hear one of our

1 police officers say that was Brent? Not one of them
2 said it.

3 Vikki and Tracy, the two unfortunate bank
4 tellers who were, I'm sure robbed, never said -- and
5 they saw me. I'm here talking to these folks. Did
6 they ever say I recognize you now? Not one of them
7 said that. Why not? You answer that question in your
8 own minds and tell me what you think.

9 As I say, I have nothing to hide. I don't have
10 any tricks up my sleeve. And take a good look. We
11 have had hundreds of people looking, and everyone
12 agrees, you can't tell who that is.

13 Also, one of the bank tellers at the time of the
14 robbery said the person appeared to have -- take a good
15 look and compare it with me -- do your best. They said
16 the -- the suspect appeared to have an olive
17 complexion. And you'll also notice that that guy --
18 whoever he is -- has an almost flat nose. Another
19 person says he looks like he may be even a light
20 skinned African American and I disagree with that --

21 MS. HINTON: Objection, Your Honor --

22 THE COURT: Well, I -- I don't recall any
23 testimony on that --

24 MR. MCLAURIN: No. No. I was going to explain
25 that --

1 THE COURT: No. You -- if -- if it's not in the
2 record, you can't talk about it.

3 MR. MCLAURIN: Oh, I got you. Take your time,
4 ma'am. But anyway, my point is Skylar -- and you guys
5 heard from Skylar, he was here. And you also heard
6 from Jared and -- Jared Bearden, and he was here. You
7 also -- you didn't hear from his daddy for some reason,
8 didn't use him. I don't know why.

9 But anyway, look at that picture all you want.
10 And if you can see that's me, then you are a lot better
11 than anybody else I know of, including two boys that I
12 was with every day of the week. So whatever.

13 Sometimes in life we put ourselves -- I don't
14 know how many times you can each and individually say
15 this has happened in my own life -- if it hasn't
16 happened to you, you -- I don't know what to say
17 except -- maybe you haven't had the same great life
18 I've had up until now, but I'll tell you one thing: We
19 all make mistakes. And one of the mistakes that I have
20 made isn't robbing a bank. And another one of the
21 mistakes I have made -- and this is a mistake -- is
22 being in the wrong place at the wrong time.

23 I just happened to be in an area where
24 unfortunately two innocent tellers were, by someone,
25 robbed of their money. But again I say, that wasn't

1 me.

2 Are we through with that picture -- oh, it's
3 back there. Thank you. So there was not one witness
4 that testified in this case that ever came here and
5 testified that anyone wore a Gap athletic t-shirt. Not
6 one.

7 We don't have one witness, not a single one,
8 that came and testified to that. Do you think that out
9 of all these people that we would have at least one
10 witness out of all the witnesses -- we had 25 or 26
11 witnesses I think in this case. Not one of them said,
12 "That's Brent". Did any one of the police officers say
13 we located that specific shirt.

14 Our prosecutor here wants to make you believe
15 that that wrist watch that that guy has got on is the
16 same wrist watch that they have in property -- or had
17 in property. I don't know that they have it in
18 evidence right now. How do we know that? Has any
19 serial number been taken off of that? Has the serial
20 number with the watch that guy is wearing ever been
21 compared?

22 Do we even know that the brand -- the watch that
23 I do have, I can show -- well, it's going to be in
24 evidence -- is a Timex. We don't know what kind of
25 watch that guy has got on. The prosecutor just said,

1 that's the same watch. And this is the thing that is
2 really going to kill Brent, going to put Brent in
3 prison.

4 Well, the truth of the matter is we don't know
5 that and that's not in evidence, like much of the other
6 things that the prosecutors put in evidence, like all
7 of these -- all of these manila folders. Have you
8 noticed the prosecutor made a big deal about manila
9 folders today. Oh, look, Brent uses manila folders. I
10 already told you I do. Yes, I do. And everything I
11 do, I always keep manila folders.

12 I -- I can't testify -- or I would -- and you
13 know I have a reason, and I use them, so does every
14 other American. And I have a right to use them if you
15 want to. They haven't taken that right away yet.

16 Well, I use manila folders. And they haven't
17 even proven that those manila folders are the same
18 ones.

19 But one of the interesting things about this
20 case, ladies and gentlemen, you are the triers of fact.
21 You're the exclusive -- it's up to you what you think.
22 You can think anything you want to think.

23 Who did we hear from today that came as a
24 witness, and testified under oath, that he saw on the
25 day of the robbery, in fact -- I had in my tote bag,

1 according to him manila folders. I said, this is
2 amazing. I have in my tote bag manila folders. Why is
3 it that never, ever, ever until this day in time, did
4 he ever come forth and tell anybody anything about any
5 manila folders. I just had the -- the Chief of -- the
6 Assistant Chief of Police, a fine man I have known him
7 since last January. He has always been decent to me.
8 And in deference to him, I will say that. He has
9 always been a polite, decent man to me.

10 But I'll say this to you also: Do you think he
11 would not have testified to that in -- he's been on the
12 stand twice in the last two days, never once mentioned
13 it. Never once testified that Brent was seen
14 wearing -- never heard that, so I don't know what's
15 going on and I'll let you decide what you think is
16 going on.

17 I do know this, I know that when a prosecutor --
18 I have already told you this -- when a prosecutor gets
19 a case, and that case is basically nothing but
20 circumstantial evidence, that prosecutor gets a little
21 bit concerned when they think we may lose this case --

22 MS. HINTON: Objection, Your Honor.

23 THE COURT: Yes. I sustain the objection. You
24 don't go into what the prosecutor thinks.

25 MR. MCLAURIN: Okay. But you do notice, do you

1 not, that yesterday everything seemed to just fly right
2 along in a nice smoothe -- and everything went fine.
3 And here we are today, and people are -- for some
4 reason -- very concerned all the way around.

5 I'm concerned because I have a right to be
6 concerned. It's my life that is at stake. That's why
7 I'm concerned. Would you not also be?

8 Let me say -- well, believe it or not, I have
9 written this and don't even -- I never saw -- I don't
10 know what that says -- well, you figure it out if you
11 can. I will pray that you do because I can't, so that
12 doesn't say too much about my penmanship here today.

13 Not a single suspect testified the defendant
14 ever was even seen wearing any hoodie. So not only do
15 we not have the gap athletic, but even a hoodie -- do
16 you recall anybody coming here and saying, Brent had or
17 wore a hoodie. I never heard it. And I was the trier
18 of the evidence. I was here every day trying all of
19 these people. It is not easy if you think it is.

20 It is a very difficult job to focus. And it's
21 just like every two seconds somebody's -- he doesn't
22 like what you're doing, and maybe I'm violating the
23 rule, not meaning to, but if I did, sorry.

24 Anyhow -- oh, how many witnesses do you guys
25 remember -- and excuse me if anyone here doesn't like

1 the term guys -- I just do that. Anyway, but you,
2 ladies and gentlemen, if anybody here remembers or
3 recalls that many of our witnesses, I think, a total of
4 three, that came here and testified the man that robbed
5 me -- no, it was two. The man that robbed me -- no, I
6 think we had a total of three witnesses that said the
7 man that robbed me had gray hair. One of the things
8 that I don't think you all know, or didn't know at the
9 time, is at the time of this incident, my hair was
10 black. We've got pictures --

11 MS. HINTON: Objection, Your Honor.

12 THE COURT: Yeah, I sustain the objection. You
13 can talk about the way you appeared in the photos in
14 evidence, but you can't testify as to what color your
15 hair was at any time because you hadn't -- it's not in
16 evidence.

17 MR. MCLAURIN: The picture is not in evidence,
18 Your Honor?

19 THE COURT: Well, it is. But you can refer to it.

20 MR. MCLAURIN: Oh, okay. You'll see the picture.
21 And you'll see the date that that picture was taken was
22 January 16th, dark hair.

23 I probably don't want you to know that I'm a
24 pretty vain person and I have a problem with gray hair,
25 because I just want to recapture a bit of my youth. So

1 I dye my hair regularly. I don't like gray hair. On
2 some people, it looks great. But it doesn't look great
3 when I look in the mirror.

4 The Arby's video that was mentioned on several
5 occasions --

6 MS. HINTON: Objection, Your Honor.

7 MR. MCLAURIN: Here we go.

8 THE COURT: That has not been mentioned at all.

9 MR. MCLAURIN: Oh, it wasn't mentioned. In other
10 word -- okay. We are -- we are not using it. Cross it
11 off, Judge?

12 THE COURT: Yeah, I mean, it's not in evidence.

13 MR. MCLAURIN: Ladies and gentlemen, anywhere you
14 see this crossed off, just don't read -- let me take
15 that off with a black marker.

16 THE COURT: Well, you don't really need to worry
17 about that. That's not going back with them when they
18 deliberate.

19 MR. MCLAURIN: Oh, it's not?

20 THE COURT: Just move on along. No, they don't
21 get that.

22 MR. MCLAURIN: Okay.

23 THE COURT: I mean, that's a audio -- a visual
24 aid. Okay.

25 MR. MCLAURIN: I think I have already testified --

1 or rather argued this point that both Skylar and
2 Jaretin -- Jared rather testified that on the date I
3 had a dark shirt and a turtle neck. I don't think
4 anybody here would mistake a turtle neck for a hoodie
5 to begin with, or for that matter, this particular
6 hoodie that had the Gap athletic -- I think it was --
7 written across the front of it. I don't know, but I'll
8 let you decide what you think.

9 So, again, I say, no evidence Brent ever robbed
10 anyone. No criminal intent proven by any of our
11 witnesses. That's a necessary prerequisite. Nobody
12 proved any criminal intent on my part, whatsoever.
13 Never showed any juror here that I'm guilty of
14 committing any act that was criminal. All we had is
15 allegation after allegation after allegation after
16 allegations.

17 What's an allegation? It's an opinion based on
18 theories, possibly theorems. You all know what a
19 theorem is. Well, -- and I don't know. But for
20 whatever reason, people testified to what they want to
21 testify to. People remember what they see, when they
22 see it, and maybe they remember it correctly. Maybe
23 they don't.

24 Let me ask you a question: Would you want to
25 make the mistake of putting a person in prison --

1 MS. HINTON: Judge, objection.

2 MR. MCLAURIN: Here we go.

3 THE COURT: That's -- that's not an appropriate
4 argument.

5 MR. MCLAURIN: No problem. I think I have already
6 said that those shoes are not the shoes that you see in
7 that video.

8 That video, I'm assuming -- because I don't
9 know -- but that video, I'm assuming, is the video
10 taken on January 14th of the fellow -- of the suspect
11 in that particular bank robbery.

12 As I say, I don't know who robbed that bank, but
13 those shoes are definitely not those shoes. You can
14 see it for yourself.

15 By the way, may I ask a question, Your Honor?

16 THE COURT: No.

17 MR. MCLAURIN: I can't at this point?

18 THE COURT: No.

19 MR. MCLAURIN: Okay. I think, as concerning the
20 watch, I think I have already argued this point to you.
21 That particular watch -- the one I have anyway -- is a
22 Timex. And there are millions of them. They are not
23 expensive, \$30 at Wal-Mart.

24 That watch that that guy has got on, unless I go
25 through this thing again -- I don't -- I never got

1 close enough to it to even see if I can tell what kind
2 of watch it is, so I don't know what it is.

3 On this side -- I think -- I'd like to take out
4 this where I say here, the prosecutor fabricates
5 evidence concerning the file folders. Let me just say
6 --

7 MS. HINTON: Judge --

8 MR. MCLAURIN: That I apologize -- hold on. I'm
9 just not going to accuse you of nothing that I'm not
10 positive of. I will say --

11 THE COURT: Don't accuse her of anything.

12 MR. MCLAURIN: I'm not accusing her of nothing.
13 I'm apologizing for wording it this way, Your Honor.
14 But we still have the argument is -- or should be that
15 the prosecutor improperly introduced that evidence --

16 MS. HINTON: Your Honor --

17 THE COURT: I sustain --

18 MR. MCLAURIN: Oh Jesus.

19 THE COURT: I sustain the objection.

20 MR. MCLAURIN: Praise the Lord.

21 THE COURT: The judge decides whether evidence was
22 proper or improper. I made rulings on the evidence.
23 And if it came in, it came in with my approval.
24 Whether I'm right or wrong is for someone else to
25 decide, not the jury.

1 MR. MCLAURIN: Okay. Let us -- let us reword
2 that. Let us say that -- that evidence is non evidence
3 because there's no proof that those file folders had
4 anything to do with me or the property that was, in
5 fact, borrowed by the police to build their case. It
6 had nothing to do with me. And we don't even know if
7 those are the same type of file folders that were used
8 by the robber in that robbery. Don't have a clue.

9 Let me see if I've got this -- so the bottom
10 line -- and I've got a lot more, but let me see if I
11 can go back to this video here a second --

12 THE COURT: Just so you know, you've got about 10
13 more minutes.

14 MR. MCLAURIN: Okay, Judge. Excuse me just a
15 second. (Pause.)

16 Ladies and gentlemen, all I can say at this
17 point is, we've already explained reasonable doubt to
18 you. It's the law. It's not what we do as a matter of
19 opinion, if we are on a jury, it's a matter of how we
20 treat one another as citizens.

21 And I think the Judge has already properly and
22 eloquently explained it to you, when any defendant
23 walks in this courtroom -- it doesn't matter who you
24 are. It doesn't matter -- if you're an American
25 citizen and you're accused of a crime, you have the

1 right to be tried under the tenants of reasonable --
2 the prosecution must -- it doesn't say the prosecution
3 can -- the prosecution may -- it says the prosecution
4 must find you guilty beyond a reasonable doubt.

5 Okay. The judge will, again, at the end of the
6 trial read that to you. But he's presumed to be 100
7 percent innocent when he walks into the courtroom,
8 cloaked as he is, in this reasonable doubt -- I mean in
9 this presumption of innocence.

10 So if we all walk into a courtroom with a
11 presumption that we are innocent until we are proven
12 guilty, you have to be -- we must be proven guilty
13 beyond a reasonable doubt.

14 I don't know what we're going to do with all of
15 this, and I've got probably another 30 that I could add
16 to it -- I didn't have, as I say, two and a half hours.
17 But with the 40 minutes that we are given here today, I
18 hope and I pray that each and every one of you will
19 look at this situation very carefully -- because this
20 is not a joke. This is not a game where we have got to
21 win.

22 There's a lot of games that Americans play. And
23 it's all about winning. It has nothing to do with the
24 ethics. It has nothing to do with what our heavenly
25 father might say. It has nothing to do with nothing,

1 but I have got to win. In my opinion, that's a pretty
2 sick philosophy and that's exactly the way I'll state
3 it, and that's exactly the way I believe it.

4 If you believe you have got to win, and to heck
5 with the next guy, you know, it's just like people --
6 their house is on fire, and they don't realize if his
7 house or her house is on fire, it's your/our liberty
8 that's at stake. So get over there and help that
9 person. That's a great way to look at it.

10 But what we have here, the rest of this says, if
11 you can't read it, presume to be innocent of any
12 criminal behavior or acts until the prosecution proves
13 to each one of you that this defendant committed the
14 crimes outlined in the indictment.

15 If the defendant can show, even one or two
16 reasonable doubt issues, it is more than enough --
17 given the circumstances -- it is more than enough to
18 find the defendant not guilty. That's our system of
19 law. It doesn't say any reasonable doubt. It says
20 beyond a reasonable doubt.

21 So as intelligent -- and you -- by the way, and
22 I thank you for your great patience. You have been
23 more than patient. You have been very observant. You
24 have always taken time to show me respect and listen.
25 And I see who's listening and whose not. And I thank

1 each and every one of you. You have no idea how
2 sincerely I mean that.

3 But, in any event, the law of South Carolina is
4 this, as a juror, you have a sworn duty and mandated by
5 our state law and an obligation as a matter of law, to
6 find a criminally accused Defendant -- that's what I am
7 standing before all of you right now -- I'm a
8 criminally accused -- it doesn't say a criminally found
9 guilty, it's says criminally accused. I have -- I have
10 been accused of committing a crime as you know. Okay.

11 But you are, under the law, obligated to find --
12 find not guilty as charged, unless and until the
13 State's prosecutor proves beyond a reasonable doubt
14 that this defendant committed the alleged criminal act
15 or acts.

16 And the manila envelopes, the razor, and all of
17 the other evidence, including these sneakers -- and
18 those sneakers, for instance, don't have anything to do
19 with the offense of that bank robbery. You can see it
20 for yourself. Just compare them and you'll see I'm
21 right.

22 So why they brought them here, I don't know. I
23 can't answer for them. I can't testify for them. But
24 I know one thing, I know if you go in there and you
25 pray about this issue, you'll find the facts, if I

1 haven't shown them to you already.

2 And in wrapping up, again, I want to say in this
3 particular case, what we would need if this was -- and
4 it is a real life -- a real live scenario, this is a
5 bulldozer I drove here. And to get rid of all the
6 probable cause that does exist in this case right now,
7 the fact that nobody said Brent did it. Nobody said
8 Brent wore this. Nobody said no money, this, that, and
9 the other -- I have already said. I have argued that.
10 We would need -- this is a Caterpillar. I'm sorry,
11 guys -- I'm not a great artist -- but that is a
12 Caterpillar. And you need to jump on that Caterpillar,
13 start her up, (indicting sound), and pull it over here
14 and head down that path to this prison we have got at
15 the back, before you can put anybody in prison --

16 MS. HINTON: Your Honor, objection to the
17 prison --

18 MR. MCLAURIN: Here we go.

19 MS. HINTON: -- thing again.

20 THE COURT: All right. I overrule your objection.

21 MR. MCLAURIN: To eliminate the reasonable doubt.
22 You overruled that, Judge?

23 THE COURT: Yes.

24 MR. MCLAURIN: God bless you. To over -- to
25 put -- to put that person in prison, in this case, me.

1 Can any of you drive that bulldozer? Any of you?
2 Caterpillar? Do we have a Caterpillar driver? Not
3 one? Nobody can drive a Caterpillar? Well, I'm in
4 trouble --

5 THE COURT: You can't ask them questions.

6 MR. MCLAURIN: Ha, ha, ha, I'm joking around. I
7 said, well, I'm in trouble.

8 But anyway, somebody needs to learn how to drive
9 a Caterpillar and somebody needs to pull that
10 Caterpillar around here, and start the engine, and
11 head -- and head -- what these are, one, two, three,
12 four, five -- these little round ones, by the way, I
13 forgot to tell you this -- I'm so -- do you think I'm
14 not nervous and frightened? You have no idea.

15 But anyway, these represent garbage cans. One
16 through 12, those are all garbage cans. The same type
17 we use in our homes. And these are trash bags. So
18 what we need to do is get this bulldozer and get a nice
19 clean path. Once that path is clean, then we can find
20 the defendant guilty, and we can say our prosecutor did
21 a fantastic job, eliminated all -- all the -- the
22 reasonable doubt that exists in a crime.

23 In my -- I'm getting ready to go here. Give me
24 another half minute, Judge. My last thing that I want
25 to say to y'all is some day, you might be on the

1 highway driving to your family's home for Christmas,
2 Easter, Thanksgiving dinner -- this could happen in
3 reality. And you might say, gee, that guy showed us
4 all this reasonable doubt that exists in this case, and
5 I still voted to find him guilty on the basis of the
6 accusations that were brought against him. And I
7 wonder if that happened -- as I already told you --
8 over 10,000 people are falsely convicted in this once
9 great country that we once lived in and -- every year.
10 And a number of others end up dead because people made
11 the wrong decisions in juries.

12 I hope that nobody on this jury -- because we
13 did our best to pick a jury that we felt would give us
14 a fair and honest -- we don't want to deny them the
15 same thing that we want you to give us. Okay.

16 By the way, in closing -- John, would you stand
17 up and say hi? This is John DeJong. He is the head
18 public defender of the County of Pickens. He used to
19 be a prosecutor, 12 years he spent as a prosecutor.
20 He's a fantastic guy --

21 THE COURT: You -- you -- you have introduced him.
22 Let's --

23 MR. MCLAURIN: Okay.

24 THE COURT: That's got nothing to do with it.

25 MR. MCLAURIN: Okay. I think the Judge is saying,

1 Brent, let's close it up and I'm going to do that, and
2 I know my man here wants to get home and eat a steak
3 with his children -- are you married --

4 THE COURT: No.

5 MR. MCLAURIN: God bless you all. Listen, I
6 really appreciate your time. You have no idea how much
7 I appreciate each and every one of your time. I thank
8 you from the bottom of my heart for the great respect
9 you have shown me. And I'll -- I'll keep you in my
10 prayers, and God bless y'all. All I ask you to do is
11 go in the jury room, go in the -- and deliberate, and
12 bring back the verdict that we need in this case. God
13 bless y'all. Have a good day.

14 THE COURT: Somebody take the exhibit.

15 Members of the jury panel, I appreciate the
16 attention you have given all of us to this point. I am
17 now going to ask you to give me your attention for a
18 few more minutes, and I'm going to charge you the law
19 as you are to apply to the facts as you determine them
20 to be.

21 Mr. McLaren -- McLaurin is charged with the two
22 separate offenses. They arrive out of one incident,
23 entering a bank with intent to steal, and grand
24 larceny. Each indictment charges a separate and
25 distinct offense. You must decide each indictment

1 separately on the evidence and the law applicable to it
2 uninfluenced by what you decide on the other
3 indictment.

4 Mr. McLaurin can be convicted or acquitted on
5 both, or neither of the offenses. And you will be
6 asked to write a separate verdict on each indictment
7 for each indictment.

8 Now, the fact that there are two charges is not
9 important. You don't judge a criminal case based on
10 how many charges exist, but whether or not the State
11 has proven as to a charge that person's guilt beyond a
12 reason doubt.

13 Now, as to these two charges, Mr. McLaurin, as
14 would be any one charged in our system with any
15 offense, is presumed innocent of these two charges.
16 This presumption of innocence is a substantial right.
17 It is a substantial part of our legal system. It is
18 not just a legal theory or mere legal phrase, but as I
19 said, a substantial right.

20 Presumption of innocence attached on Mr.
21 McLaurin's behalf at the time he was arrested, has
22 remained with him as his case has been processed
23 through our court system. Presumption of innocence in
24 Mr. McLaurin's favor remains at this moment, and
25 continues to remain in his favor as you deliberate.

1 The presumption of innocence in Mr. McLaurin's
2 favor is removed if and when -- and only if and when
3 you find that the State has proved his guilt beyond a
4 reasonable doubt.

5 The presumption of innocence has been analogized
6 to a robe of righteousness placed about the defendant's
7 shoulders and remains on -- and remains in the -- that
8 Defendant's favor until the evidence presented by the
9 State satisfies a jury -- here that, of course, be you
10 of that person's guilt beyond a reasonable doubt.

11 Now, the State is not required to prove one's
12 guilt beyond all -- beyond every doubt, but beyond a
13 reasonable doubt.

14 A reasonable doubt has been described by our
15 court system as the kind of doubt that would cause a
16 reasonable person to hesitate to act. If the State has
17 proof -- has the burden of proving Mr. McCants --
18 McLaurin guilty beyond a reasonable doubt of one or
19 both of the charges.

20 Proof beyond a reasonable doubt is proof that
21 leaves you firmly convinced of his guilt. There are
22 very things in our world that we can know with absolute
23 certainty, and our law does not require absolute
24 certainty.

25 If, based on your consideration of the evidence,

1 you are firmly convinced that Mr. McCants -- I keep
2 saying McCants -- I apologize -- Mr. McLaurin is guilty
3 of the offense for which he is charged, one or both,
4 you would find him so.

5 If, on the other hand, you think there is a real
6 possibility that he is not guilty of a charge, you
7 would give him the benefit of that reasonable doubt and
8 find him not guilty. He is entitled to any reasonable
9 doubt you have as to any issue in this case.

10 I remind you that I'm the sole judge of the law
11 in this case, and you must take, accept, and apply the
12 law as I charge it. This is true even if you think I
13 charged the law in error, or even if you think the law
14 should be different. Your oath requires you to take,
15 accept, and apply the law as I charge it.

16 You are not to consider any matter which I have
17 asked you to disregard during this trial. You're to
18 consider only the competent evidence before you, and
19 you're to consider only the testimony presented from
20 the witness stand, and from any exhibits which have
21 been produced and are a part of the record. That is a
22 way of saying that you are bound, in your
23 consideration, by the record that exists in this trial,
24 and nothing outside of that record.

25 In addition to charging you the law, I remind

1 you that you have to take, accept, and apply it as I
2 charge you. You're not to infer from anything I say or
3 do at any time, or anything I have said or done at any
4 time during this trial, as indicating an opinion of
5 mine on the facts. Our law does not allow the trial
6 judge to formulate or express to a jury any opinion on
7 the facts.

8 It is solely your job, as the trial jury in this
9 case, to examine the evidence, give to the evidence,
10 the effect, the value, the weight, and the truth you
11 believe the evidence should have. During this, you may
12 believe one witness as opposed to several. You may
13 believe several witnesses as opposed to one. You may
14 believe all, part, or none of a witness' testimony.

15 In analyzing the evidence, use your common
16 sense, your sense of logic, your sense of reason. Use
17 your experiences in life. As judges of the facts, you
18 necessarily must judge the credibility, that is the
19 believability of the witnesses who have testified.

20 In assessing credibility, believability, use the
21 things I have just talked about. Use the things that
22 you, in your day-to-day life, find as being indicative
23 of truthfulness, and you can use certain evaluators.
24 That is, how a witness acts on the stand. Are they
25 hesitant, straight forward. Look at their demeanor.

1 Are they hesitant or straight forward in answering
2 questions.

3 Consider the opportunity a witness had to know
4 those things for which the witness testified. And you
5 can consider whether a witness has any reason to help
6 or hurt one side or the other; that is, any bias or
7 prejudice.

8 The fact that Mr. McLaurin exercised his
9 constitutional right to remain silent cannot and must
10 not, and is not to be in any way used by you against
11 him. You cannot hold that against him in any way
12 whatsoever.

13 Anyone in our system has a constitutional right
14 to remain silent. As I told you several times, Mr.
15 McLaurin is presumed innocent. He need not prove his
16 innocence. The State must prove, before you can
17 convict Mr. McLaurin, his guilt beyond a reasonable
18 doubt. So in exercising his right to remain silent
19 cannot be used by you, in any fashion, whatsoever. The
20 fact that he exercised that right cannot be discussed
21 by you among yourselves while you are deliberating, and
22 cannot be even utilized in your own analysis of the
23 evidence in applying the law and determining your
24 verdict.

25 In cases such as this, there are generally two

1 types of evidence which are presented, direct and
2 circumstantial evidence. Direct evidence is evidence
3 which directly proves the existence of a fact. Direct
4 evidence does not require the jury to make any type of
5 deduction.

6 Circumstantial evidence is proof of a chain of
7 facts and circumstances which indicate the existence of
8 a fact. Crimes may be proven by circumstantial
9 evidence. Our law makes no distinction between the
10 weight or value to be given either direct or
11 circumstantial evidence.

12 However, to the extent the State relies on
13 circumstantial evidence, all of the circumstances must
14 be consistent with each other, and when taken together
15 points conclusively to the guilt of the accused beyond
16 a reasonable doubt.

17 If these circumstances merely portray a
18 defendant's behavior as suspicious, the State's proof
19 has failed. The State has the burden of proving the
20 defendant, Mr. McLaurin, guilty beyond a reasonable
21 doubt. And that duty rest with the State regardless of
22 whether it relies on direct evidence, circumstantial
23 evidence, or a combination of the two.

24 In this state, in this case, you have heard
25 testimony about certain statements that Mr. McLaurin

1 made after he was arrest -- arrested. These are
2 alleged statements that have been admitted into this
3 evidence by me, as I have determined they are
4 admissible.

5 However, I instruct you that you make the
6 ultimate decision of whether or not he, in fact, made
7 those statements. And if you decide he did make the
8 statement, you must determine whether the statement was
9 made by him voluntarily, and of his own free will.

10 This means that the statement must have been
11 made not -- not because of any pressure, force, fear,
12 threat, coercion, or intimidation, or based on any hope
13 or promise of leniency or reward of any kind.

14 In determining whether a statement was
15 voluntary, you should consider both the characteristics
16 of the defendant and the details of any questioning.
17 Some of the factors you may consider in determining
18 whether or not a statement -- you can determine the
19 statements were made by him, if they were made freely
20 and voluntarily.

21 You may consider his age, his education or lack
22 of education; his mental ability or capacity; his
23 intelligence; place and length of any detention or
24 questioning; and nature of any questioning; and the
25 advice or lack thereof of his constitutional rights,

1 including but not limited to, his right to remain
2 silent. His right to -- or his understanding that any
3 statement that he made could be used against him in a
4 court of law.

5 That he had the right to have a lawyer present.
6 And if he could not afford one, the State would appoint
7 an attorney to represent him without cost. And that he
8 could stop making a statement at any time.

9 You must carefully consider all of the
10 surrounding circumstances before you give any weight to
11 any alleged statement. The State has a burden of
12 proving beyond a reasonable doubt that an alleged
13 statement was made by the defendant and was made
14 voluntary. If you determine that it was, you may give
15 the statement any further consideration you deem
16 proper. You decide what weight, if any, should be
17 given to the alleged statement.

18 If you determine the allege statement was not a
19 free and voluntary statement of Mr. McLaurin, you
20 should not consider the statement to any degree
21 whatsoever, to any degree at all.

22 As to the charges, he is charged with entering a
23 bank with intent to steal. In order to establish Mr.
24 McLaurin's guilt as to entering a bank with the intent
25 to steal, the State must prove that he entered a

1 building or a part of a building, occupied as a bank,
2 with the intent to steal money, securities for money or
3 property.

4 The State must also prove that the defendant
5 intended to steal by means of force, intimidation, or
6 threats. In order to establish criminal liability,
7 criminal intent is required. Criminal intent is always
8 a matter that must be determined by you, as the jury,
9 from the circumstances surrounding the situation.

10 There is no way, of course, to prove to a
11 mathematical certainty or no medical science that
12 can -- can dissect or indicate or show us what is in a
13 person's brain; nor can one -- is there any way we can
14 with mathematical or scientific certainty determine
15 what a person had in their mind.

16 So our law says that criminal intent may be
17 inferred from the circumstances as are shown to have
18 existed. That is how you make a determination of
19 whether or not the element requiring intent is present.

20 It is not necessary to establish intent by
21 direct and positive evidence, but intent may be
22 established by inference in the same way as other
23 facts, by taking into consideration the acts of the
24 defendant and all the facts and circumstances of the
25 case.

1 Criminal intent is a mental state, a
2 consciousness of wrong doing. It is up to you to
3 determine what -- if you determine that Mr. McLaurin
4 was involved in this, you must determine if he had any
5 intent to do wrong. And it is up to you to determine
6 what a defendant, here Mr. McLaurin, intended to do
7 based on the circumstances shown to have existed.

8 Criminal intent can arise from action or a
9 failure to act. Criminal intent may rise from
10 negligence, recklessness or an inference -- or an
11 indifference -- I'm sorry -- to duty or to consequences
12 that are considered by the law to be the equivalent of
13 criminal intent.

14 The State must prove that he entered a bank with
15 the intent to steal in order for you -- beyond a
16 reasonable doubt, before he can be convicted as to that
17 charge.

18 The second charge is grand larceny. Here the
19 State must prove beyond a reasonable doubt that Mr.
20 McLaurin took and carried away the property of another,
21 against that person's will and without consent of that
22 person. The State must prove beyond a reasonable doubt
23 that he intended to permanently deprive the owner of
24 that property.

25 Finally, the State must prove as to this charge

1 the value of the thing taken was \$2,000 or more. And
2 again, the State must prove those elements beyond a
3 reasonable doubt.

4 I am -- just in a moment go over with you, Madam
5 Forelady, the verdict forms. Before that, I have a few
6 more things to tell you.

7 First, your verdict must be unanimous. All 12
8 jurors must agree on your verdict before you authorize
9 the forelady to write the verdict on your behalf.

10 Your verdict cannot be based on passion,
11 prejudice, sympathy, public opinion, or matters outside
12 of the record. If, while you are deliberating, you
13 have a question, please write it down. Send it out. I
14 will confer with Mr. McLaurin and Ms. Hinton. And
15 after I confer with them, I can respond to your note.

16 It may be that I can write an answer on the note
17 and return it to you to be read in the jury room. If I
18 do that, keep the note and return it with the evidence
19 and exhibits because that has to be part of the record.

20 It may be that I'll have to bring you in -- here
21 in the courtroom and answer your question. You can
22 have testimony replayed if you wish. I can recharge
23 you any part or all of the law if you wish. We do
24 not -- I do not send in a written charge on the law,
25 but I will be glad to bring you back here in open

1 court, charge -- or recharge you on any part or all of
2 the law.

3 When you have reached a verdict, Madam Forelady,
4 knock on the door, tell the bailiff. I will not be
5 starting any other work today, so I should be able to
6 send for you promptly. Let the jury -- let the bailiff
7 know when you have reached a verdict, and we will send
8 for you as promptly as we can.

9 When you first go into the jury room, do not
10 start deliberating. I have to go over with the
11 attorneys -- with attorney for the State, Ms. Hinton,
12 and Mr. McLaurin, personally, my charge and make sure I
13 made no error. Because I have told you, you have to
14 follow it to the letter.

15 If I have made an error, I will bring you back
16 in and correct it. If not, I will send in the exhibits
17 and the verdict forms I'm going to go over with you in
18 just a moment, and the bailiff will tell you to start
19 deliberating.

20 Do not start deliberating -- you really don't to
21 get too comfortable again, because I may have to send
22 for you. Mr. Masingill and Mr. Brownlow, if the two of
23 you will stay in here when the jury goes out this time.

24 On the verdict forms, there is one for each
25 indictment, and there is one for entering a bank with

1 intent to steal, and one for grand larceny. There are
2 two options on each. The order they are in is of no
3 importance. And I always put them in the same order
4 and I have to put one in front of the other, just
5 because that's what you have to do. But the fact that
6 one is first, second -- the second does not give any
7 greater weight to either.

8 If you determine as to the charge of entering a
9 bank with intent to steal, that the State has failed to
10 prove Mr. McLaurin guilty of that offense, you will put
11 an "x" or check mark, Madam Forelady, in front of the
12 first sentence that says, "We find the defendant not
13 guilty of entering a bank with the intent to steal".

14 If you find the State has, on the other hand,
15 proven his guilt beyond a reasonable doubt of that
16 offense, you will put a check on the second line that
17 says, "We find the defendant guilty of entering a bank
18 with intent to steal".

19 The verdict form on grand larceny is basically
20 the same. The first says, "We find the defendant not
21 guilty of grand larceny", check or "x" that if the
22 State has failed to convince you unanimously of his
23 guilt as to grand larceny beyond a reasonable doubt.
24 The second line says, "We find the defendant guilty of
25 grand larceny", and you would put an "x" or check mark

1 in front of that sentence if that is the unanimous
2 decision of the jury as to that charge.

3 And the -- a line, Madam Forelady, for you to
4 sign indicating the verdict -- the unanimous verdict of
5 the jury.

6 I'm going to let you go into the jury room for
7 just a moment and -- let you go to the jury room now.
8 Don't start deliberating. If I have to bring you back
9 in, it will be very prompt. The two alternates will
10 stay in here.

11 (Whereupon, the jury left the courtroom at 4:14
12 p.m.)

13 THE COURT: I'll be with the two of you in just a
14 moment. Anything from the State regarding the charge?

15 MS. HINTON: No, Your Honor.

16 THE COURT: Mr. McLaurin, anything from you
17 regarding the charge?

18 MR. MCLAURIN: No. We're very happy with the
19 charge. Thanks a lot, Judge. We appreciate it. Thank
20 you.

21 THE COURT: All right. We will be at ease. If --
22 we'll send the verdict forms and the exhibits back, and
23 tell the jury to start deliberating.

24 The two of you, if you'll be back -- you can
25 feel free to leave. You can stick around if you wish,

1 but you can feel free to leave and be back at 9:30 in
2 the morning. We have more trials to start on. So you
3 are feel to leave for today, but be back at 9:30.

4 Did I say 9:00 or 9:30 -- I'm sorry.

5 CLERK OF COURT: The jurors be back at 9:00.

6 THE COURT: 9:00. Be back at 9:00. You may be
7 excused yourself at this point.

8 (Whereupon, the alternate jurors were excused.)

9 THE COURT: And I want to thank Ms. Hinton and Mr.
10 McLaurin, I want to thank you both for your courtesy
11 during this trial.

12 MR. MCLAURIN: I'm sorry?

13 THE COURT: I appreciate the courtesies to me
14 during the trial.

15 MR. MCLAURIN: You're great.

16 THE COURT: All right. We will be at ease.

17 (Whereupon, the jury began deliberating at 4:17
18 p.m.)

19 (Whereupon, the court was in recess.)

20 THE COURT: All right. Bring in the jury.

21 (Whereupon, the jury entered the courtroom at
22 5:18 p.m.)

23 THE COURT: Madam Forelady, your verdict, if
24 you'll hand it to the bailiff, and he'll hand it to me.

25 CLERK OF COURT: This is indictment number

1 2014-GS-39-497, the State vs. Brent Christopher
2 McLaurin. We find the defendant guilty of entering a
3 bank with intent to steal.

4 Indictment 2014-GS-39-499, State vs. Brent
5 Christopher McLaurin, we -- we find the defendant
6 guilty of grand larceny. If this is your verdict, and
7 it's still your verdict, so say you -- so say you all
8 by raising your right hand.

9 CLERK OF COURT: Thank you very much.

10 THE COURT: All 12 confirmed. All right.
11 Anything from the State before the jury is dismissed?

12 MS. HINTON: No, Your Honor.

13 THE COURT: Mr. McLaurin, anything from the jury
14 before it is dismissed?

15 MR. MCLAURIN: No, Your Honor, not that I can
16 think of.

17 THE COURT: All right. I'll let you go back to
18 the jury room for just a minute. The clerk will speak
19 to you just a moment. And also, Madam Forelady, I also
20 have to get you to sign the actual indictments. So if
21 you'll step back in the jury room just a minute.

22 He'll also tell you that while we really
23 generally appreciate all your help today, we are going
24 to need you back at 9:00 in the morning.

25 JUROR: Really?

1 THE COURT: Really. (Laughter). Yeah, what you
2 talking about, Willis.

3 (Whereupon, the jury was dismissed at 5:18.)

4 THE COURT: All right. While we're waiting for
5 the clerk to come back, anything from you, Mr.
6 McLaurin, now that the jury has been dismissed?

7 MR. MCLAURIN: Not that I can think of, Your
8 Honor.

9 THE COURT: All right. As soon as the Clerk gets
10 back, we'll talk about sentencing.

11 (Pause.)

12 THE COURT: Mr. DeJong, you might can help me with
13 this. I know he has been in jail since the 16th of
14 January of last year. Do we have somebody to figure
15 out the dates, how long -- how many days?

16 MR. DEJONG: I have not, Your Honor, I can. Ms.
17 Hinton might know the exact dates.

18 MS. HINTON: I don't, Your Honor. If I may use my
19 phone, I can do it.

20 THE COURT: You may.

21 MS. HINTON: Thank you.

22 MR. DEJONG: That's what I would have to do, too.

23 MS. HINTON: Your Honor, I have 489 days.

24 (Pause.)

25 THE COURT: All right. Madam Solicitor?

1 MS. HINTON: Yes, Your Honor.

2 THE COURT: Tell me about any prior record Mr.
3 McLaurin may have.

4 MS. HINTON: Yes. Thank you, Your Honor. Out of
5 California, 1972, prostitution. Out of New York, 1962,
6 petit larceny; 1965, burglary third degree; 1966,
7 burglary third degree; 1975, two counts of endangering
8 the welfare of a child; 1979, three counts of forgery
9 second degree; 1983, sexual abuse third degree; 1983,
10 endangering the welfare of a child; 1988, criminal
11 possession of stolen property fifth degree.

12 And then, Your Honor, out of South Carolina,
13 from 1990 armed robbery and burglary second degree,
14 which he was sentenced to 40 years.

15 THE COURT: How many?

16 MS. HINTON: Forty.

17 THE COURT: Anything else from the State
18 involving sentencing?

19 MS. HINTON: The only thing that I would add, Your
20 Honor, is this a grand larceny enhancement based off of
21 his prior record. So we would ask that Your Honor
22 impose the -- impose the enhancement statute, Your
23 Honor.

24 THE COURT: All right. Mr. McLaurin, do you
25 understand that means --

1 MR. MCLAURIN: Yes, I do.

2 THE COURT: -- rather than carrying five years,
3 since it's your third property offense, it would carry
4 up to 10?

5 MR. MCLAURIN: Yes, sir.

6 THE COURT: All right. Now, I'll be glad to hear
7 from you regarding what sentence I should impose.
8 The -- you were incarcerated in this state back in
9 1990. We are here about offenses that happened in
10 2014. When did you get released from that armed
11 robbery?

12 MR. MCLAURIN: July the 1st, Your Honor, of 2013.

13 THE COURT: Out of your 69 years, how many years
14 have you actually spent in jail?

15 MR. MCLAURIN: Well, 23 years on the 40 year
16 sentence, Your Honor. Before that, I did a seven year
17 sentence, in which I did, I think, three years. I went
18 back on a parole violation, and did another couple of
19 years.

20 And before, I think, it was another five year
21 sentence for forgery in New York State, out of which I
22 did probably three years, somewhere in the vicinity of
23 that many years. I don't know, Your Honor.

24 THE COURT: All right.

25 MR. MCLAURIN: And various periods of time -- many

1 of the -- the offenses that Brandi, the prosecutor,
2 advises the court of were either excluding the armed
3 robbery matter, or either misdemeanors or some have
4 been dismissed. But there were a number of the ones
5 that Brandi mentioned were misdemeanors, with the
6 exception of the armed robbery and the forgery. That
7 was a felony.

8 THE COURT: Anything else -- anything you want to
9 say regarding sentencing?

10 MR. MCLAURIN: I just pray that this court -- I
11 have already heard that you're one of the hardest guys
12 to come -- come before on a sentencing matter, and
13 particularly with a prior record.

14 I guess I'm just going to have to say what I
15 have already said, thank you very much for everything
16 that you've done to make this as easy as possible for
17 me. And I do appreciate it.

18 And -- and I can't think of anything further
19 that I wish to add except that I stand before you, hope
20 for mercy, and not I -- I think it will do much good.
21 As I say, at my age, even a lot of mercies -- mercy
22 rather is not going to help.

23 THE COURT: Well, I understand that. It's a shame
24 that someone -- you are a very bright individual. It's
25 a shame that that brightness didn't shine in a

1 different --

2 MR. MCLAURIN: I agree, Your Honor.

3 THE COURT: Because you have done what I consider
4 a -- almost served a life sentence on the installment
5 plan. And you are correct, even if I gave you a --
6 keeping in mind that between the offenses, you are
7 facing up to 40 years in jail.

8 MR. MCLAURIN: Right now?

9 THE COURT: Yeah. You are facing up to 40. And
10 -- and I always regret -- I know I do have the
11 reputation, as you say, for being somewhat strict in my
12 sentencing. But in cases like this, I hate to say it,
13 but to me they almost beg strictness.

14 You endangered -- scared the -- two young ladies
15 out of their wits. And fortunately no one was hurt.
16 Took advantage of two very gullible -- I hate to say
17 that -- but they were very gullible young men to help
18 you effectuate this incident.

19 So my sentence on the entering a bank with
20 intent to steal is 30 years. On the property, because
21 it's enhanced, is 10 years. And they will run
22 concurrent. I'll give you credit for 489 days you have
23 already served. Thank you.

24 MR. MCLAURIN: A forty year sentence, Your Honor?

25 THE COURT: No, 30.

1 MR. MCLAURIN: A 30 year sentence?

2 THE COURT: Yeah, 10 -- 30, and 10 to run
3 concurrent.

4 MR. MCLAURIN: Thank you, Judge.

5 MS. HINTON: Thank you, Your Honor.

6 THE COURT: All right. We'll be at ease. We have
7 got the jury coming back at 9:00 in the morning, so we
8 will see everybody, including the jury, at nine in the
9 morning.

10 MS. HINTON: Thank you, Your Honor.

11 THE COURT: I thank everybody.

12 MS. HINTON: Thank you, Judge.

13 (Whereupon, the hearing adjourned.)

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CERTIFICATE OF REPORTER

I, SHARON D. JONES, CERTIFIED COURT REPORTER,
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE,
ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF
THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF
GENERAL SESSIONS FOR THE COUNTY OF PICKENS, SOUTH
CAROLINA, ON THE 18th, 19TH, and 20TH OF MAY, 2015.

I DO FURTHER CERTIFY THAT I AM NEITHER OF
KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

8.8.15

Sharon D. Jones

SHARON D. JONES,
CERTIFIED COURT REPORTER

FORM 5

STATE OF SOUTH CAROLINA)

County of Pickens 2018 AUG -6 A 9 55)

IN THE COURT OF COMMON PLEAS

Brent C. McLauren CLERK OF COURT
Full name and prison number (if any) of Applicant)2018-CP-39- 852

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lieber Correctional Institution
Post Office Box 205, Ridgeville, S.C. 29472
2. Name and location of Court which imposed sentence Pickens County Court
of General Sessions, Pickens South Carolina 29671
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2014-GS-39-0497 (25 years)

- (b) 2014-GS-39-0498 (20 years)
- (c) 2014-GS-39-0499 (10 years)
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) May 19, 2015
- (b) May 19, 2015
- (c) May 19, 2015
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty Not guilty(went to trial)
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Denied
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. August 2017
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unknown
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
 (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) ~~Ineffective assistance of pre-trial counsel, Ineffective assistance of Appellate counsel, denied Fifth, Sixth, and Fourteenth Amendment rights and denied~~
 (b) ~~protections of the S.C. Constitution Article I, §§3 and 14 and also Article~~
 (c) ~~XII, §§2, abuse of discretion by the trial court and prosecutorial misconduct.~~

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) ~~Counsel's performance during the pre-trial stage and Appellate counsel's conduct~~
 and performance was both unreasonable and prejudicial. Stickland v. Washington, Counsel's acts
 and or omissions include, but are not limited to the following: See Brief.
 (b) _____
 (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? no
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
 (d) any other petitions, motions or applications in this or any other Court? no

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 i. _____
 ii. _____
 iii. _____
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. _____
 ii. _____
 iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) _____
- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? yes Public defender
- (b) your trial, if any? no
- (c) your sentencing? no
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes, Office of Indigent Defense
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Unknown
- ii. _____
- iii. Robert M. Pachak Esq.
- (b) the proceedings at which each such attorney represented you:
- i. _____
- ii. _____
- iii. _____

19. State clearly the relief you seek in filing this application:

Conviction and sentence overturned and charges dismissed

2018 AUG -6 A 9:55

20. Are you now under sentence from any other court that you have not challenged?

no

CLERK OF COURT
DORCHESTER COUNTY
SOUTH CAROLINA

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Dorchester)

VERIFICATION

I, Brent C. McLauren Jr., being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Brent C. McLauren Jr.

SWORN to and subscribed before me this 17th
day of July, 2018.

Luchean Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

2018 AUG -6 A 9:55
**APPLICATION TO PROCEED WITHOUT PAYMENT
 OF COSTS AND AFFIDAVIT
 IN SUPPORT THEREOF**

I, CLERK OF COURT
McLauren Jr., hereby apply for leave to
 proceed in this action without prepayment of fees or costs or security therefor. In support of my
 application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Brice C. McLauren Jr.
 Applicant

SWORN or affirmed to and subscribed before me this
17th day of July, 2018.

Ludham Bryant
 Notary Public

My Commission Expires: May 26, 2020

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Brent C. McLauren Jr. #166894
Applicant,

Case No.:

2018-CP-39- 852

Vs.

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

Applicant's Brief, Amended
Issues and Memorandum of law

State of South Carolina,

Respondent.

This matter comes before the Court by way of an Application for Post-Conviction Relief filed by the Applicant pro se.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to the order of commitment issued by the Clerk of Court for Pickens County. The Applicant was indicted by a Pickens County Grand Jury for the crimes of Entering A Bank With Intent To Steal/Robbery (2014-GS-39-0497), Armed Robbery (2014-GS-39-0498), and Grand Larceny (2014-GS-39-0499). Applicant's appointed counsel was, Mr. John DeJong, Esq. and on May 18-19, 2015, the Applicant proceeded to trial before the Honorable John C. Hayes. III, At the close of Applicant's trial the jury returned a verdict of guilty. The trial court sentenced the Applicant to a term of imprisonment for (30) years and (10) years.

A timely Notice of Appeal was filed and Applicant's appeal was initiated by the South Carolina Commission on Indigent Defense (SCCID) where he was represented by Robert M. Pachak Esq. Following the submission of an Ander's Briefs, the South Carolina Court of Appeals denied Applicant's appeal.

Thereafter, on August 1, 2018, Applicant filed his Application for Post-Conviction Relief. In his application the Applicant alleges that he is being held in custody unlawfully based on the following grounds:

CONSTITUTIONAL VIOLATIONS

The Applicant was denied his Fifth, Sixth, and Fourteenth Amendment Rights under the Constitution of the United States. The Applicant was also denied the protection of Article 1, §14 of the South Carolina Constitution.

INEFFECTIVE ASSISTANCE OF COUNSEL

1. My attorney failed to conscientiously discharge his professional responsibilities while handling my case.
2. My attorney failed to act as a diligent conscientious advocate on my behalf.
3. My attorney did not have my best interest in mind while he was employed as my professional advocate.
4. My attorney failed to serve my cause in good faith.
5. My attorney neglected to do the necessary investigations to properly prepare for my case.
6. My attorney did not try to have my case settled in a manner that would have been to my best advantage.
7. My attorney, knowing that I was illiterate to the legal process and complexities of a trial as well as the fact that I was an elderly man with numerous health issues, and that I did not fully understand the consequences involved.
8. My attorney never consulted with me about the possible consequences of proceeding to trial.
9. My attorney failed to file any effective pre trial motions on my behalf.
10. My attorney failed to inform me of the dangers associated with self-representation

11. Because of my attorney's gross neglect and numerous mistakes and legal errors, Applicant has been subjected to unjust trial and conviction.

INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

1. My appellate attorney failed to raise several preserved meritorious issues on appeal that there was a reasonable probability would have change the outcome of my appeal.

2. My appellate attorney failed to raise and argue the trial courts failure to grant a direct verdict where the evidence presented at trial was insufficient to sustain a conviction and where the circumstantial evidence was so weak that it should not even raised a mere suspicion of guilt, leaving the jury to speculate which is prohibited by law.

3. Because of my appellate attorney's gross neglect, many meritorious issues in my case have now been forever lost or considered to be waived, thereby, denying Applicant of a "full and complete bite at the apple" causing the Applicant to be denied fundamental due process of law and effective assistance of appellate counsel.

CONCLUSION

Applicant's counsel's representation was not within the range, or scope of competence demanded by Strickland and its progeny.

A convicted defendant's claim that his counsel's assistance was so defective and deficient as to require reversal of conviction, requires that the defendant show that the deficient performance prejudiced the defense or the appeal so as to deprive the defendant of a fair trial or appeal. Sosebee v. Leeke, 362 F.2d 221. see also Butler v. State, 286 S.C. 441, 334 S.E.2d 813.

Dated: July 27, 2018.

s/ Brent C. [Signature]

Brent C. McLauren, Jr. #166894

L.C.I. Wando Unit D-182

Post Office Box 205

2018 AUG -6 A 9:55 Ridgeville, South Carolina 29472

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

July, 27, 2018

Re: Post-Conviction Relief(McLauren vs. State)

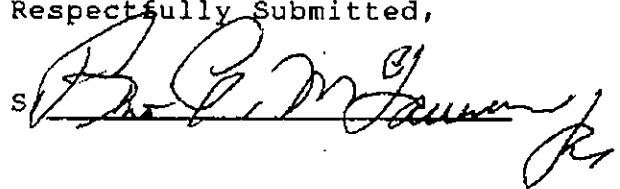
Dear Clerk,

Enclosed please find my Application and Amendment to my Application for Post-Conviction Relief to be filed in the above referenced case.

Please return to me a time and date stamped copy of this filing for my records.

Thank you very much for your assistance in this matter. With best regards and kind wishes always.

Respectfully Submitted,


s/ Brent C. McLauren, Jr.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF PICKENS	)	IN THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Brent C. McLauren, Jr., #166894	)	Case No.: 2018-CP-39-852
	)	
Applicant,	)	
	)	RETURN, PARTIAL MOTION
v.	)	TO DISMISS, AND MOTION
	)	FOR MORE DEFINITE
State of South Carolina,	)	STATEMENT
	)	
Respondent.	)	

The State of South Carolina (Respondent), making its Return to the Application for Post-Conviction Relief filed on August 6, 2018, would respectfully show this Court:

I. Procedural History

Brent C. McLauren, Jr., (Applicant) is presently incarcerated by the South Carolina Department of Corrections pursuant to orders issued by the Pickens County Clerk of Court. On January 14, 2014, the SunTrust Bank in Pickens was robbed by a man wearing a black hoodie. One witness saw Applicant before the robbery with two younger men in a store near the bank, and other witnesses saw the younger men and an unidentified older man. Police later identified Applicant as a suspect after speaking to the two younger men from the store and acquired a search warrant for the search of his room at a local motel. The police took some items from the room but did not find any money.

During its June 2014 term, the Pickens County Grand Jury indicted Applicant for grand larceny (2014-GS-39-0499), entering a bank with the intent to commit robbery (2014-GS-39-0497), and armed robbery (2014-GS-39-0498). Applicant proceeded to trial as a *pro se* defendant, with John W. DeJong, Esquire, serving as standby counsel at trial. Assistant Solicitor

for the Thirteenth Judicial Circuit Brandi Batson Hinton, Esquire, prosecuted the case. On April 19, 2015, the Solicitor's Office dismissed the charge of armed robbery. On May 18, and May 19, 2015, Applicant appeared before the Honorable John C. Hayes, III, and a jury and was convicted after a jury trial on the charges of grand larceny and entering a bank with the intent to steal. Judge Hayes sentenced Applicant to thirty years for entering a bank with the intent to steal and to ten years for grand larceny, with the two sentences running concurrently. Applicant filed an appeal, which was eventually dismissed on October 11, 2017.

II. Current Application for Post-Conviction Relief

In his Application for Post-Conviction Relief, Applicant alleges that he is being held in custody unlawfully based on:

1. Constitutional Violations
 - a. Fifth Amendment to the United States Constitution
 - b. Sixth Amendment to the United States Constitution
 - c. Fourteenth Amendment to the United States Constitution
 - d. Article 1, Section 3 of the South Carolina Constitution
 - e. Article 1, Section 14 of the South Carolina Constitution
2. Ineffective Assistance of (Trial) Counsel.
 - a. "My attorney failed to conscientiously discharge his professional responsibilities while handling my case."
 - b. "My attorney failed to act as a diligent conscientious advocate on my behalf."
 - c. "My attorney did not have my best interest in mind while he was employed as my professional advocate."
 - d. "My attorney failed to serve my cause in good faith."
 - e. "My attorney neglected to do the necessary investigations to properly prepare for my case."
 - f. "My attorney did not try to have my case settled in a manner that would have been to my best advantage."
 - g. "My attorney, knowing that I was illiterate to the legal process and complexities of a trial as well as the fact that I was an elderly man with numerous health issues, and that I did not fully understand the consequences involved."
 - h. "My attorney never consulted with me about the possible consequences of proceeding to trial."

- i. "My attorney failed to file any effective pre trial motions on my behalf."
- j. "My attorney failed to inform me of the dangers associated with self-representation."
- k. "Because of my attorney's gross neglect and numerous mistakes and legal errors, Applicant has been subjected to unjust trial and conviction."
- 3. Ineffective Assistance of (Appellate) Counsel
 - a. Failed to raise issues on appeal
- 4. Prosecutorial Misconduct

Applicant prays for relief in the form of "reversal of conviction."

Attached to this Return and incorporated by reference are records of the Pickens County Clerk of Court regarding the subject conviction and this application. Applicant's records from the South Carolina Department of Corrections will be provided once they become available to Respondent. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III. Response to Applicant's Claims of Constitutional Violations

Applicant puts forth multiple claims about alleged violations of his rights under the United States Constitution and the South Carolina Constitution. Respondent submits these claims should be summarily dismissed for failing to state a cognizable claim upon which relief can be based. *See* S.C. Code Ann. §17-27-10 to -160. An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint;
or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or

other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20(A).

Because an application for post-conviction relief is not a substitute for a direct appeal of trial court error, and because of the modern simplification of criminal jurisdiction jurisprudence in South Carolina, the overwhelming majority of cognizable claims fall under the broad umbrella of “ineffective assistance of counsel,” a contention under the Sixth Amendment to the Constitution of the United States. See *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (“Allegations of trial court error are not cognizable on PCR.”); *State v. Gentry*, 363 S.C. 93, 101, 610 S.E.2d 494 499 (2005) (“Circuit courts obviously have subject matter jurisdiction to try criminal matters.”).

These claims do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Post-conviction relief is only proper when the application collaterally attacks the validity of the conviction or sentence. *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Therefore, Respondent moves for summary dismissal of Applicant’s claim of constitutional violations pursuant to S.C. Code Ann. § 17-27-70(c) (2003).

IV. Response to Claim of Ineffective Assistance of Trial Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, the applicant must prove “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. 441, 334 S.E.2d 813.

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney

performance is measured by its “reasonableness under professional norms.” *Cherry*, 300 S.C. at 117, 385 S.E.2d at 625 (citing *Strickland*). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

The United States Court of Appeals for the Fourth Circuit has held “[t]he Sixth Amendment does not require a court to grant advisory counsel to a criminal defendant who chooses to exercise his right to self-representation by proceeding *pro se*.” *United States v. Lawrence*, 161 F.3d 250, 253 (4th Cir. 1998); *see also United States v. Mikolajczyk*, 137 F.3d 237, 246 (5th Cir. 1998) (holding that, as the defendant “had no right to standby counsel, it seems unlikely that standby counsel’s failure to assist could be a violation of his Sixth Amendment rights”); *United States v. Bova*, 350 F.3d 224, 226 (1st Cir. 2003) (noting that the defendant did not have the right to both “represent himself and to enjoy the benefit of standby appointed counsel”) (emphasis in original). The Fourth Circuit further noted there was no error in limiting the scope of standby counsel’s responsibilities, noting that “[p]lacing reasonable limits on the advice to be given by standby counsel that the court was under no obligation to provide in the first instance does not constitute an abuse of discretion.” *Lawrence*, 161 F.3d at 253. Therefore, Petitioner cannot now claim his Sixth Amendment right to effective counsel was violated when, at his insistence, his appointed counsel was relieved and remained merely as standby counsel during the trial. As Petitioner failed to set forth a valid claim that his “conviction or the sentence was in violation of the Constitution

of the United States or the Constitution or laws of this State,” the PCR judge did not err in finding he did not allege a claim that is cognizable under the Uniform Post-Conviction Procedure Act. *See* S.C. Code Ann. § 17-27-20(a) (2003).

As Applicant proceeded to trial *pro se*, Respondent submits that Applicant is not now entitled to challenge his conviction and sentence through the PCR process on the ground of ineffective assistance of counsel. Therefore, Respondent moves for summary dismissal of Applicant’s claim of constitutional violations pursuant to S.C. Code Ann. § 17-27-70(c) (2003).

V. Response to Claims of Ineffective Assistance of Appellate Counsel

Applicant alleges the ineffective assistance of appellate counsel. A defendant is entitled to effective assistance of appellate counsel. *Southerland v. State*, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999). Although appellate counsel is required to provide effective assistance of counsel, “appellate counsel is *not* required to raise every non-frivolous issue that is presented by the record.” *Thrift v. State*, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) citing *Jones v. Barnes*, 463 U.S. 745, 103 S.Ct. 3308, 77 L.Ed.2d 987 (1983). “For judges to second-guess reasonable professional judgments and impose on ... counsel a duty to raise every ‘colorable’ claim suggested by a client would disserve the very goal of vigorous and effective advocacy...” *Jones*, 463 U.S. at 754, 103 S.Ct. 3308.

Generally, in analyzing a claim of ineffective assistance of appellate counsel, the Court applies the *Strickland* test just as it would when analyzing a claim of ineffective assistance of trial counsel. *See Southerland v. State*, 337 S.C. 610, 616, 524 S.E.2d 833, 836 (1999). Thus, in this case, we ask 1) whether appellate counsel’s performance was deficient, and 2) whether Respondent was prejudiced by appellate counsel’s deficient performance. *Bennett v. State*, 383 S.C. 303, 309, 680 S.E.2d 273, 276 (2009). To prove prejudice, the applicant must show that, but for counsel’s

errors, there is a reasonable probability he would have prevailed on appeal. *Anderson v. State*, 354 S.C. 431, 434, 581 S.E.2d 834, 835 (2003). The Respondent submits that the Applicant cannot satisfy either requirement of the *Strickland* test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record may not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See *Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983).

VI. Motion for a More Definite Statement

Applicant alleges that he is being held in custody unlawfully based on a vague allegation of prosecutorial misconduct. However, Applicant fails to set forth with specificity the facts and circumstances upon which this claim is based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon Applicant to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965).

Applicant has failed to state with any specificity the specific facts giving rise to this claim. Additionally, this allegation are not supported by any other additional information in the application. Respondent moves pursuant to Rule 12(e), SCRCF, to require Applicant to provide a more definite statement his allegation of prosecutorial misconduct. The Uniform Post-Conviction Procedure Act requires applicants to "specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Furthermore, Rule 8(a), SCRCF, requires all civil pleadings include "a short and plain statement of the facts showing that the pleader

is entitled to relief.” Therefore, Respondent moves to require Applicant to file an amended application well in advance of the hearing scheduled in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the application.

VII. Discovery Issues

Applicant must specify any claims that he intends to raise at the post-conviction relief evidentiary hearing. Any claims not specifically laid out in this post-conviction relief application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. *See also* Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has retained counsel, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRPC. *Pro se* filings will not be considered at the post-conviction relief hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. *See* Rule 15(a), SCRPC.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VIII. General Denial of Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

IX. Conclusion

WHEREFORE, Respondent requests that this Court summarily dismiss Applicant's claims of constitutional violations and ineffective assistance of trial counsel, convene an evidentiary hearing on the claims of ineffective assistance of appellate counsel, and require Applicant to provide a more definite statement as to his claim of prosecutorial misconduct.

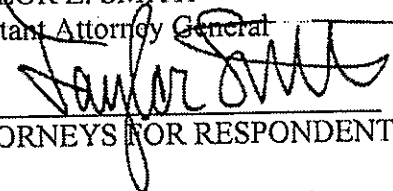
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

TAYLOR Z. SMITH
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

March 19, 2019

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

BRENT C. MCLAURIN, 166894)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

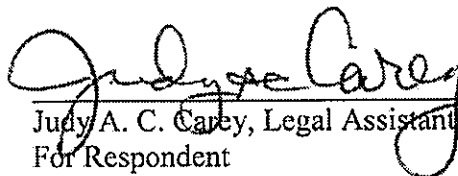
2018-CP-39-0852

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return, Partial Motion to Dismiss, and Motion for More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Don A. Thompson, Esquire
107 Smithwood Court
Simpsonville, SC 29681

DATED this 20th day of March, 2019.


Judy A. C. Carey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF COMMON PLEAS

BRENT C. McLAURIN,

APPLICANT,

-VS-

STATE OF SOUTH CAROLINA,

RESPONDENT.

2018-CP-39-00852

TRANSCRIPT OF RECORD

OCTOBER 22, 2019
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE EDWARD W. MILLER

APPEARANCES:

ATTORNEY FOR APPLICANT:

RODNEY RICHEY, ESQ.

ATTORNEY FOR RESPONDENT:

TAYLOR SMITH
ASSISTANT ATTORNEY GENERAL

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>

(No Exhibits Were Presented During This Hearing)

1 **THE COURT:** Okay.

2 **MR. SMITH:** May it please the Court? This is the matter
3 of McLaurin v. State, case number 2018-CP-39-852. Mr.
4 McLaurin is presently incarcerated at SCDC pursuant to orders
5 of commitment from the Pickens County Clerk of Court. The
6 charges stem from an armed robbery of the SunTrust Bank in
7 Pickens in January of 2014.

8 During its June 2014 term the Pickens County Grand Jury
9 indicted Mr. McLaurin for grand larceny, entering a bank with
10 intent to commit robbery and armed robbery. He proceeded to
11 trial as a pro se defendant. And Mr. John DeJong served as
12 quasi standby counsel. And Ms. Brandi Hinton prosecuted the
13 case.

14 In April of 2015 the solicitor's office dismissed the
15 charge of armed robbery. May 18th of '19 Mr. McLaurin
16 appeared before Judge Hayes and was convicted after a jury
17 trial of grand larceny and entering a bank with intent to
18 steal. Judge Hayes sentenced Mr. McLaurin to 30 years for
19 entering a bank and ten for grand larceny with the two
20 sentences running concurrently.

21 An appeal was filed on Mr. McLaurin's behalf. It was
22 dismissed in October of 2017. Since then he has filed an
23 application for post conviction relief raising multiple
24 issues.

25 I can go through them for the record; Alleging violations

1 of his constitutional rights under the United States and the
2 South Carolina Constitutions, alleging ineffective of trial
3 counsel for failure to discharge professional
4 responsibilities, failure to act in the -- as a diligent
5 conscientious advocate, failure to have Mr. McLaurin's best
6 interest in mind, failure to serve the cause in good faith,
7 failure to do the necessary investigations to prepare for the
8 case, failure to have the case settled in a manner that would
9 have been to Mr. McLaurin's advantage, failure of counsel to
10 know that Mr. McLaurin was illiterate to the legal process and
11 complexities of trial as well as the fact that he was an
12 elderly man with health issues and did not understand the
13 consequences involved, counsel failed to consult with Mr.
14 McLaurin about the consequences preceding the trial, counsel
15 failed to file pretrial motions, counsel failed to inform Mr.
16 McLaurin of the dangers of self-representation.

17 And he also alleges counsel's gross neglect, and numerous
18 mistakes and legal errors resulting in unjust trial and
19 conviction. He also raised the claim of ineffective
20 assistance of appellate counsel for failure to raise issues on
21 appeal and alleged prosecutorial misconduct.

22 To some of the issues, Your Honor, the State has moved to
23 dismiss and responded to others. And the State has also moved
24 for a more definite statement as to some of the allegations.
25 And I just would ask before we start taking testimony that we

1 narrow down the issues we're going forward on today because
2 the State may want to be heard on some of those motions, Your
3 Honor.

4 **THE COURT:** All right. What are we going forward on?

5 **MR. RICHEY:** Thank you, Your Honor. Your Honor, the
6 allegations that the State read to the Court, we're going on
7 those allegations saying that Mr. DeJong was ineffective in
8 doing his pretrial investigation, which led my client to
9 ultimately try the case himself.

10 As to appellate counsel, Your Honor, we're not going to
11 raise any issues as to appellate counsel because it was an
12 Anders brief and the record being preserved properly is the
13 issue.

14 So that's -- we're going to go forward on those issues, I
15 think. And I told the attorney general my position is that
16 because of counsel's conduct pretrial forced Mr. McLaurin to
17 represent himself. That was the issues we're going to raise.

18 **THE COURT:** Forced him to represent himself.

19 **MR. RICHEY:** Yes, sir.

20 **THE COURT:** All right. You good with that?

21 **MR. SMITH:** Well, ---

22 **THE COURT:** Sounds like one issue.

23 **MR. SMITH:** Well, Your Honor, ---

24 **THE COURT:** Failure to investigate.

25 **MR. SMITH:** Even on that issue, I think I would still

1 move to dismiss. In this case Mr. McLaurin was pro se. And
2 I'm not aware of any case law saying that, you know, counsel's
3 ineffectiveness can force you to go to trial pro se.

4 The case law dealing with pretrial errors of counsel deal
5 with situations in which the defendant pleads guilty instead
6 of proceeding to trial because he's afraid of what will happen
7 at trial due to counsel's errors. In this case, Mr. McLaurin
8 actually went to -- went before Judge Sprouse in February of
9 2015. And I believe that transcript is included in Your
10 Honor's packet.

11 **THE COURT:** Yeah.

12 **MR. SMITH:** But he affirmatively waived his right to
13 counsel after a pretty extensive hearing on the matter,
14 indicated that, you know, he wanted to do this for reasons
15 that he felt it would be to his advantage to go on his own.

16 And I would just say, Your Honor, that I believe just as
17 a matter of law this is -- ineffective assistance of trial
18 counsel is not something he's even entitled to a hearing on.
19 And so I guess if that's his only issue, we would just move to
20 dismiss entirely since he was pro se.

21 And we would rely on that record from that hearing to
22 show that he was aware of the dangers of self-representation.
23 Judge Sprouse made sure of that. So that's our motion, Your
24 Honor.

25 **MR. RICHEY:** Your Honor, I would say that he does have a

1 right to a hearing on his lawyer's representation. I mean, he
2 had a lawyer for an extended period of time, Mr. DeJong. And
3 my client also stated -- he told me that he did not believe
4 Mr. DeJong properly talked to him about the dangers of
5 representing himself.

6 I understand there's a transcript from Judge Sprouse on
7 that. I understand that. But he said based on his talks with
8 counsel that he didn't get a fully [sic] understanding.

9 And I do believe that the representation has to be
10 effective at all points. And I'll just say my client's
11 position is because of what was done pretrial, he just felt he
12 had no other alternative but to try the case.

13 **THE COURT:** He didn't ask for DeJong to be replaced.

14 **MR. RICHEY:** Yes, sir.

15 **THE COURT:** He just asked to represent himself.

16 **MR. RICHEY:** I understand. And, Your Honor, I think at
17 that point his -- in talking to him, his feeling about the
18 representation, he didn't believe -- because he had to go back
19 through the PD's office to get appointed counsel.

20 **THE COURT:** Nah, it'd have gone through the clerk's
21 office.

22 **MR. RICHEY:** No, no. I'm saying that he just felt based
23 on what the representation was from the PD's office that he
24 was going to get something similar to that. That's his
25 position on it. That's his position. And I would just say --

1 I would ask the Court to let him present some evidence prior
2 to deciding on this motion.

3 **THE COURT:** He has stated under oath in the transcript
4 with respect to his legal qualifications he was formally
5 trained, he had substantial legal expertise and training. He
6 did admit that he wasn't saying he was great. But he said he
7 knew his way around the courtroom.

8 **MR. RICHEY:** Yes, Your Honor. But he had ---

9 **THE COURT:** He wants another bite at the apple. He had a
10 bite with DeJong. He could have got -- he could have asked
11 for a 608 counsel.

12 **MR. RICHEY:** Your Honor, I don't think he -- I think he
13 did not understand that -- I know what he said on the
14 transcript, that he knew his way around the court, but I think
15 he maybe embellished that a little bit. But he just ---

16 **THE COURT:** Some grandiose ideas?

17 **MR. RICHEY:** Yeah. He embellished ---

18 **THE COURT:** Self-aggrandizement.

19 **MR. RICHEY:** A little bit too much. I'll just put it
20 that way.

21 **THE COURT:** Well, he had formal training.

22 **MR. RICHEY:** Well, the formal training he had was not law
23 school.

24 **THE COURT:** What was it?

25 **MR. RICHEY:** It wasn't anything that -- it wasn't any

BRENT McLAURIN - DIRECT EXAMINATION BY MR. RICHEY

10

1 competent training.

2 **MR. SMITH:** And, Your Honor, if I may? I'll also direct
3 the Court's attention to page 35 of the actual trial
4 transcript. The trial court goes through this issue again.
5 Judge Hayes goes through it with Mr. McLaurin before trial
6 begins.

7 And Mr. McLaurin reiterates several of these things that
8 he said in this earlier hearing. And I believe in there he
9 even affirms that if this goes to trial he won't raise an
10 issue of improper Faretta warnings if it comes up in court
11 again later. But we'd just rely on the record from both of
12 those hearings.

13 **THE COURT:** I will let you put up brief testimony with
14 respect to the pretrial investigation by DeJong.

15 **MR. RICHEY:** Thank you, Your Honor.

16 **THE COURT:** Brief.

17 **MR. RICHEY:** Yes, sir.

18 **THE COURT:** Well, what's he going -- he can't -- can he
19 ---

20 **MR. RICHEY:** He's in a wheelchair.

21 **THE COURT:** --- walk? Let's let him do it right there.
22 Put that microphone right up to him.

23 **Direct Examination by Mr. Richey:**

24 Q. Sir, will you state your name, please?

25 A. Brent McLaurin.

BRENT McLAURIN - DIRECT EXAMINATION BY MR. RICHEY

11

1 Q. And, sir, are you in the Department of Corrections right
2 now?

3 A. Yes.

4 Q. Okay. And just briefly, have you had any health problems
5 since you've been down there?

6 A. Yes.

7 Q. And that's been three strokes, is that correct?

8 A. Yes.

9 Q. Okay. And has that affected your memory any?

10 A. Yes.

11 Q. Okay. Let me take you back to your case. Do you
12 remember John DeJong representing you?

13 A. Yes.

14 Q. And at the time he represented you did you have
15 discussions with him about your case?

16 A. Yes.

17 Q. And was those -- was those discussions in regards to the
18 investigation of your case?

19 A. Yes, I believe so.

20 Q. Did he -- did he do an -- did he investigate any of the
21 facts in your case to your knowledge?

22 A. I don't know.

23 Q. Okay. Did you talk to him about any investigation?

24 A. Yes.

25 Q. Did you request him to do one?

BRENT McLAURIN - DIRECT EXAMINATION BY MR. RICHEY

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1 A. Yes.

2 Q. Okay. And based off your conversations with him was that
3 investigation done?

4 A. I can't -- now I can't go back and -- and recite for you
5 what the conversations -- those conversations may have
6 amounted to.

7 Q. Well, let me just ask you this question. Do you believe
8 he done a pretrial investigation?

9 A. No. I don't think he was interested particularly in my
10 case.

11 Q. Okay. And is that -- was that the reason why you decided
12 to try your own case?

13 A. Yes.

14 Q. Okay. And you have these affidavits about your health,
15 is that correct?

16 A. Yes.

17 Q. And these are from people at the Department of
18 Corrections. You feel like that you've had three strokes and
19 the Court needs to know about your health situation, right?
20 Correct?

21 A. Yes.

22 Q. Okay.

23 **MR. RICHEY:** And, Judge, I've got these affidavits. I
24 showed them to the attorney general. And I'll just tell the
25 Court my client wants the Court to be aware of his health

BRENT McLAURIN - DIRECT EXAMINATION BY MR. RICHEY

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1 situation. He's got three affidavits.

2 (Pause)

3 **MR. SMITH:** Well, Your Honor, the State would object to
4 these affidavits, but for different -- for different reasons
5 for each one. Just for the record, there's one here from a --
6 it looks like retired Master Sergeant Michael Collum (ph.).
7 And he essentially opines that he believes that Mr. McLaurin
8 is suffering from Alzheimer's. There's no date. It's not
9 been notarized. And there's nothing in here about the
10 qualifications of this man to provide his opinion other than
11 the fact that he says he's a former combat medic.

12 There's a second letter from someone named Letimus Bong
13 (ph.). Doesn't seem there's any indication in this letter
14 about the identity of the author of the letter. It's not --
15 it's not been notarized.

16 The letter gives legal opinions about legal remedies
17 available to Mr. McLaurin and discusses the fact that this
18 person believes he's suffering from dementia. And I would
19 just object to relevance on that again.

20 And there's a third letter, again, it has not been
21 notarized from someone who's supposedly Pastor Russell Rice
22 giving the opinion that Mr. McLaurin is in a bad environment
23 in the prison and that his mental health has deteriorated.

24 And just all around the board, I don't think these people
25 are qualified to give opinions. I don't believe there's

BRENT McLAURIN - CROSS-EXAMINATION BY MR. SMITH

14

1 enough information here to even authenticate these letters.

2 And I would object to relevance.

3 **THE COURT:** Okay.

4 **MR. SMITH:** These all deal with his condition after being
5 tried.

6 **THE COURT:** I sustain that objection.

7 **MR. SMITH:** Thank you.

8 **THE COURT:** All right. Go ahead.

9 **MR. RICHEY:** Thank you.

10 **Direct Examination by Mr. Richey Continued:**

11 Q. Answer any questions of the attorney general.

12 **Cross-examination by Mr. Smith:**

13 Q. Mr. McLaurin, do you recall going in front of Judge
14 Sprouse before your trial and informing him that you wanted to
15 go to trial on your own?

16 A. Yes, sir.

17 Q. Okay. And do you recall he questioned you pretty
18 extensively about that?

19 A. Yes, sir.

20 Q. Okay. And you told him that's what you wanted to do, you
21 wanted to try your own case?

22 **MR. RICHEY:** Judge, I'm going to object to this. I think
23 the issue was about the investigation, not -- I think we -- I
24 think the Court established that he represented himself, but
25 we don't -- that the testimony was just -- limited to the

BRENT McLAURIN - CROSS-EXAMINATION BY MR. SMITH

15

1 investigation. That's why I didn't go into any of that.

2 MR. SMITH: Well, Your Honor, some of this testimony may
3 be pertinent should the Court grant the application.

4 THE COURT: Yeah, it might be.

5 MR. SMITH: Your Honor, I'll wrap it up pretty quick.

6 THE COURT: Yeah, okay.

7 MR. SMITH: Okay.

8 **Cross-examination by Mr. Smith Continued:**

9 Q. And, Mr. McLaurin, at that time you didn't tell Judge
10 Hayes the reason you wanted to do that was because you didn't
11 think Mr. DeJong was not prepared, right?

12 A. I don't recall exactly what I may have said.

13 Q. Okay. What kind of preparation did you want your
14 attorney to do that he did not do?

15 A. I don't know how to answer that question.

16 THE COURT: Okay.

17 Q. Well, let me see if I can rephrase it. Is there
18 something you wanted him to do that he didn't do?

19 A. Yes. I wanted to feel that I had competent counsel at my
20 side and that he was interested in handling my case. As it
21 turned out, the majority of witnesses that were there that
22 could have testified on my behalf did not testify and did not
23 testify favorably for me, although they could have. For
24 instance, there were many witnesses that never -- never came
25 to testify favorably on my behalf that could have testified.

BRENT McLAURIN - CROSS-EXAMINATION BY MR. SMITH

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1 I'll give you an example. In the last days I think it
2 was there was many witnesses that were supposed to come to
3 testify that could have easily testified that I wasn't even in
4 the bank. And many of them -- witnesses -- well, I'll give
5 you a better example of what I'm saying. The majority of
6 witnesses didn't even remember seeing me in that bank that
7 day. So there are very -- there are no witnesses, in fact,
8 ever testified that I participated in the robbery.

9 So I think when you get right down to it, you have a case
10 where no witnesses ever testified that I robbed a bank. And
11 to this day I don't know of a single witness that testified
12 that I robbed a bank or had any, you know, involvement in that
13 situation whatsoever.

14 Q. Thank you, Mr. McLaurin.

15 MR. SMITH: No more questions, Your Honor.

16 MR. RICHEY: Your Honor, if I could ---

17 THE COURT: Do you have any more questions of this
18 witness?

19 MR. RICHEY: No, sir.

20 THE COURT: Okay.

21 MR. RICHEY: I think if I could ask Mr. DeJong one
22 question ---

23 THE COURT: One question.

24 MR. RICHEY: Yes, sir.

25 THE COURT: One question.

1 MR. RICHEY: Yes, sir.

2 THE COURT: You calling him to the stand?

3 MR. RICHEY: Yes, sir.

4 **MR. DeJONG:** Your Honor, before I take the witness stand
5 I would like for you to know this is the extent of my voice.
6 I will try to get as close to the microphone as I ---

7 **THE COURT:** I've heard the rumor. Come on around. You
8 don't have to worry about me. You've got to worry about Ms.
9 Hudgins.

10 MR. DeJONG: That's who I was worrying about, Your Honor.

11 THE COURT: Okay.

12 **MADAM CLERK:** Would you please place your left hand on
13 the Bible and raise your right hand.

14 John DeJong, being duly
15 sworn testified as follows;

16 **MADAM CLERK:** Thank you. You may be seated.

17 Direct Examination by Mr. Richey:

18 Q. Sir, did you talk to Mr. McLaurin about the investigation
19 you done?

20 A. I don't know that I talked about an investigation that
21 was done. We had many, many conversations. From the very
22 outset he wanted to represent himself. And my role quickly
23 went into a role of providing him with copies of cases and
24 other legal research that he asked me to get for him.

25 As far as contacting any witnesses, I don't recall that

JOHN DeJONG - CROSS-EXAMINATION BY MR. SMITH

18

1 he ever asked, nor did I ever talk to any witnesses.

2 Q. Thank you. Answer any questions the attorney general has
3 for you.

4 Cross-examination by Mr. Smith:

5 Q. Mr. DeJong, what reason did Mr. McLaurin give for wanting
6 to represent himself?

7 A. It goes back more almost to the very beginning of
8 representation, he was not happy. Initially he had been, by
9 court order, somebody from the public defender's office was
10 named in there to represent him. He was unhappy when I
11 changed that representation, told him he couldn't choose his
12 own lawyer. That's when he started on the issue of self-
13 representation.

14 He shared with me that he had tried a case on his own
15 before, that he had won that case and was quite familiar with
16 the law. So it wasn't that it -- all of a sudden he wanted to
17 represent himself. That was an ongoing issue with him.

18 I don't know if that answers your question or not, but
19 there was nothing in our relationship that I'm aware of that
20 said -- would have forced him to want to represent himself.

21 Q. Did you ever share with him your opinion of the
22 consequences of his representing himself?

23 A. I did. Yes, sir.

24 Q. What did you tell him?

25 A. Probably something along the lines of a person that

JOHN DeJONG - CROSS-EXAMINATION BY MR. SMITH

19

1 represents himself has a fool for a lawyer and an idiot for a
2 client. Probably a few more words than that.

3 Q. Okay. At this time did you have any reason to question
4 his mental ability?

5 A. I did not.

6 Q. Okay. Did he give you any indication that he didn't
7 understand your advice on the dangers of self-representation?

8 A. He did not.

9 Q. Okay. If he had decided that he did want you to
10 represent him after all, would you have done so?

11 A. Certainly.

12 Q. Would you have done an investigation at that point?

13 A. I would have to the extent that it was possible to
14 investigate. Yes, sir.

15 Q. Okay. After you were relieved as counsel, what was your
16 role after that point?

17 A. That was put on Judge Sprouse's order. It wasn't -- I
18 think it was referred to earlier as quasi standby. But my
19 opinion was it was not really quasi standby, it was for me to
20 be there to answer or assist him as he needed assistance.

21 Q. Okay. Would you have described your role as similar to
22 that of a paralegal?

23 A. Pretty much. Yes, sir.

24 Q. Thank you.

25 **MR. SMITH:** No more questions, Your Honor.

1 THE COURT: All right. You can have ---

2 MR. RICHEY: Hold on.

3 (Whereupon Mr. Richey was speaking with his client)

4 THE COURT: All right. Anything?

5 MR. RICHEY: We got no other questions for him.

6 THE COURT: Thank you, Mr. DeJong.

7 MR. DeJONG: Thank you, Your Honor.

8 THE COURT: You got anything else?

9 MR. RICHEY: No, sir.

10 **THE COURT:** You got anything?

11 **MR. SMITH:** Your Honor, if the State doesn't have to put
12 up a case, we'd just rely on its cross and its argument from
13 earlier.

14 **THE COURT:** Yeah. I'm going to dismiss this. This
15 application is totally without merit. He represented himself.
16 And there's no evidence presented that Mr. DeJong fell below
17 any standard of reasonable competence. And so I deny it.

18 (Hearing Ended at 11:46 am)

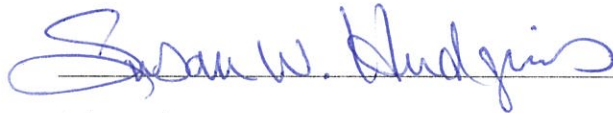
19 (End of Requested Transcript of Record)

Certificate of Reporter

I, The undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Pickens County, South Carolina, on the 22nd day of October 2019.

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

August 22, 2020



Circuit Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF PICKENS) ~~3029~~ THE THIRTEENTH JUDICIAL CIRCUIT
2020 FEB 18 P 3029

Brent C. McLauren, Jr., #166894,

Case No. 2018-CP-39-852

Applicant
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before this Court by way of an Application for Post-Conviction filed on August 6, 2018, by Brent C. McLauren, Jr. (Applicant). The State (Respondent) filed its return on March 22, 2019, in which it moved to dismiss some of the grounds raised by Applicant and moved for a more definite statement. An evidentiary hearing in the matter was held before the undersigned on October 22, 2019, at the Greenville County Courthouse. Applicant was present and was represented by Rodney W. Richey, Esquire. Respondent was represented by Assistant Attorney General Taylor Z. Smith of the South Carolina Attorney General's Office. At the hearing, Applicant testified on his own behalf and called John W. DeJong, Esquire, as a witness. Following a thorough review of the record in its entirety and the testimony and evidence presented at the evidentiary hearing, this Court finds that Applicant has failed to meet his requisite burden of proof and denies this application.

PROCEDURAL HISTORY

Applicant is presently incarcerated by the South Carolina Department of Corrections pursuant to orders issued by the Pickens County Clerk of Court. During its June of 2014 term, the Pickens County Grand Jury indicted Applicant for grand larceny (2014-GS-39-0499), entering a bank with the intent to commit robbery (2014-GS-39-0497), and armed robbery

(2014-GS-39-0498). Assistant Solicitor Brandi Batson Hinton, of the Thirteenth Circuit Solicitor's Office, prosecuted the case on behalf of the State. On April 19, 2019, the State dismissed the indictment for armed robbery. On May 18-19, 2015, Applicant proceeded to a jury trial with the Honorable John C. Hayes, III, presiding. Applicant was tried as a pro se defendant after the Honorable R. Scott Sprouse granted Applicant's motion to relieve DeJong as counsel and proceed as a pro se defendant, finding Applicant was aware of the dangers of self-representation and of the benefits of having legal representation. State v. McLaurin, No. 14-GS-39-497 (Pickens, S.C., Ct. General Sessions, February 17, 2015).¹ At the conclusion of trial, the jury convicted Applicant of grand larceny, for which Judge Hayes sentenced Applicant to imprisonment for ten years, and entering a bank with the intent to steal, for which Judge Hayes issued a sentence of imprisonment for thirty years, with both sentences running concurrently.

Applicant filed a notice of appeal on May 22, 2015. Appellate Defender Robert M. Pachak represented Applicant on appeal, and filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and a petition to be relieved as counsel. On March 21, 2017, Applicant filed a pro se brief. The Court of Appeals affirmed the conviction and relieved Pachak as appellate counsel. State v. McLaurin, 2017-UP-376 (S.C. Ct. App. filed October 11, 2017), cert. denied, State v. McLaurin, S.C. Sup. Ct. Order dated November 2, 2017. The Remittitur was issued on November 22, 2017.

CURRENT PROCEEDING

On August 6, 2018, Applicant, filed an application for post-conviction relief, in which he alleged that he was being held in custody unlawfully based on the following grounds:

¹ At trial, Judge Hayes discussed with Applicant his status as a pro se defendant, and then found Applicant freely, voluntarily, knowingly, and intelligently understood the benefits of having legal representation and the dangers of self-representation, and that Applicant desired to proceed with trial as a pro se defendant.

1. Constitutional violations
 - a. Fifth Amendment to the United States Constitution
 - b. Sixth Amendment to the United States Constitution
 - c. Fourteenth Amendment to the United States Constitution
 - d. Article One, Section Three of the South Carolina Constitution
 - e. Article One, Section Fourteen of the South Carolina Constitution
2. Ineffective assistance of trial counsel
 - a. "My attorney failed to conscientiously discharge his professional responsibilities while handling my case."
 - b. "My attorney failed to act as a diligent conscientious advocate on my behalf."
 - c. "My attorney did not have my best interest in mind while he was employed as my professional advocate."
 - d. "My attorney failed to serve my cause in good faith."
 - e. "My attorney neglected to do the necessary investigations to properly prepare for my case."
 - f. "My attorney did not try to have my case settled in a manner that would have been to my best advantage."
 - g. "My attorney, knowing that I was illiterate to the legal process and complexities of a trial as well as the fact that I was an elderly man with numerous health issues, and that I did not fully understand the consequences involved."
 - h. "My attorney never consulted with me about the possible consequences of proceeding to trial."
 - i. "My attorney failed to file any effective pre trial motions on my behalf."
 - j. "My attorney failed to inform me of the dangers associated with self-representation."
 - k. "Because of my attorney's gross neglect and numerous mistakes and legal errors, Applicant has been subjected to unjust trial and conviction."
3. Ineffective assistance of appellate counsel
 - a. Failed to raise issues on appeal
4. Prosecutorial misconduct

At the start of the evidentiary hearing before the undersigned on October 22, 2019, Respondent requested that Applicant specify for the record the grounds upon which he would move forward. Applicant affirmatively abandoned all allegations in the application, and stated that he would move forward upon one ground only: that DeJong was constitutionally ineffective for failing to conduct an adequate pre-trial investigation, which forced Applicant to represent

himself at trial. This Court finds that all allegations other than this one have been expressly waived and abandoned by Applicant and they will not be addressed in this order.

Denial of Respondent's Motion to Dismiss

After Applicant narrowed the action to a single issue, Respondent moved to dismiss pursuant to S.C. Code Ann. § 17-27-20(a) (2003) and § 17-27-70(c) (2003), arguing that there was no genuine issue of material fact and that Respondent is entitled to the summary dismissal of the application for post-conviction relief because, even if Applicant's allegations are true, they do not support a claim for post-conviction relief, as Applicant appeared pro se after knowingly, voluntarily, and intelligently waiving his right to counsel.

On February 17, 2015, Applicant and DeJong appeared before Judge Sprouse, and DeJong informed Judge Sprouse that Applicant was adamant that he wanted to represent himself in the case going forward and that DeJong had no reason to question Applicant's mental competency. After being sworn, Applicant affirmed to Judge Sprouse that he understood that it could be beneficial for him to have the counsel of an attorney. Applicant affirmed that he understood that it is inherently dangerous for a defendant to represent himself, although he disagreed with Judge Sprouse that it is inherently dangerous in all cases. Applicant informed Judge Sprouse that he had been studying law informally since 1968, that he had prevailed on a petition for the writ of habeas corpus, and that he knew his "way around a courtroom" because he had won many trials. Applicant assured Judge Sprouse that he did not have any mental health issues or physical disabilities that would prevent him from effectively representing himself. Applicant affirmed to Judge Sprouse that he understood that he would be held to the same standard as an attorney if he were to represent himself. Both Applicant and DeJong asked Judge Sprouse to allow DeJong to sit with Applicant during his trial, not in a representative capacity.

Applicant brought up on his own that he was not seeking hybrid-representation. When Judge Sprouse informed Applicant that he would grant his request to proceed as a pro se defendant, Applicant responded, "Praise the lord." Judge Sprouse allowed DeJong to continue to assist Applicant before trial due to the fact of Applicant's incarceration, which DeJong described at that hearing as his being a paralegal to Applicant. Judge Sprouse's order made it clear that DeJong was no longer representing Applicant. State v. McLaurin, No. 14-GS-39-497 (Pickens, S.C., Ct. General Sessions, February 17, 2015).

At the start of Applicant's trial, Judge Hayes questioned Applicant about his desire to proceed as a pro se defendant. Applicant affirmed to Judge Hayes that he understand that there are dangers in self-representation and that his case could benefit from having the advice of counsel. Then Applicant informed Judge Hayes that Applicant had formal legal training, "substantial legal expertise", and that he knew his way around a courtroom. Applicant's answers to Judge Hayes indicated that he would have preferred to hire private counsel if he had been able to avoid the \$155,000.00 bail, but that he preferred to proceed pro se over allowing an appointed attorney to represent him if he could retain private counsel.

Before this Court, Respondent argued that there is no controlling case law in which trial counsel has been found to have been ineffective based upon an applicant's decision that he had no choice other than to represent himself at trial due to the performance of trial counsel; instead, Respondent argued that authorities, such as Strickland v. Washington, 466 U.S. 668 (1984), and Hill v. Lockhart, 474 U.S. 52 (1985), allow an applicant to seek post-conviction relief if he maintains that his counsel's deficiency forced him to plead guilty rather than facing trial. Respondent maintained that, in reliance on United States v. Lawrence, 161 F.3d 250 (4th Cir. 1998) ("[t]he Sixth Amendment does not require a court to grant advisory counsel to a criminal

defendant who chooses to exercise his right to self-representation by proceeding pro se”), United States v. Mikolajczyk, 137 F.3d 237 (5th Cir. 1998) (holding that, as the defendant “had no right to standby counsel, it seems unlikely that standby counsel’s failure to assist could be a violation of his Sixth Amendment rights”), and United States v. Bova, 350 F.3d 224 (1st Cir. 2003) (nothing that the defendant did not have the right both to “represent himself and to enjoy the benefit of standby appointed counsel”), Applicant’s decision to move to relieve his counsel and proceed as a pro se defendant precludes Applicant from maintaining an application for post-conviction relief solely based upon a claim of the ineffective assistance of trial counsel.

Applicant argued that he was entitled to a PCR hearing because DeJong represented Applicant for a period of time before Applicant moved to proceed as a pro se defendant, and Applicant believed he had no choice but to represent himself due to DeJong’s failure to conduct a proper investigation. Upon questioning from this Court about Applicant’s affirmations to Judge Sprouse that Applicant had formal legal training and knew his way around a courtroom, Richey answered that he suspected that Applicant did not understand the consequences of proceeding as a pro se defendant and that Applicant may have embellished his legal ability.² Respondent cited the trial transcript, in which Judge Hayes again questioned Applicant before the start of trial about the dangers of self-representation, and noted that Applicant affirmed to Judge Hayes that he wanted to proceed to trial as a pro se defendant and stated that he would not later claim that he was not given proper warnings about the dangers.

² Of note, the State brought to the attention of Judge Hayes at trial, before Judge Hayes found Applicant was aware of the dangers of self-representation, the fact that Applicant had previously been convicted of practicing law without being admitted by the South Carolina Supreme Court as an attorney in this State. During that trial, Applicant also proceeded as a pro se defendant. State v. McLauren, 349 S.C. 488, 563 S.E.2d 346 (S.C. Ct. App. 2002).

This Court denied Respondent's motion for the summary dismissal of the application and required the parties to proceed to an evidentiary hearing on Applicant's claim of ineffective assistance of counsel based upon DeJong's failure to conduct an adequate pre-trial investigation.

Testimony at PCR Hearing

Applicant first testified on his own behalf at the PCR hearing. He testified that he has suffered three strokes while being imprisoned within SCDC, and that the strokes have affected his memory. He remembered DeJong's representing him and that they had discussions about Applicant's criminal case. He testified that DeJong investigated the facts of Applicant's case and that Applicant asked him to investigate. When asked if Applicant believed, based upon the conversations with DeJong, that DeJong had actually done the investigation requested by Applicant, Applicant answered that he could not remember the content of their conversations. He then testified that he did not believe that DeJong had done any pre-trial investigation because DeJong was not interested in Applicant's case, and that Applicant therefore decided to try his own case. Applicant also testified that he wanted this Court to know of his deteriorating health condition while in SCDC.

On cross-examination, Applicant admitted that he had appeared before Judge Sprouse in advance of his trial and requested that he be allowed to proceed as a pro se defendant, and affirmed to this Court that Judge Sprouse questioned him extensively about that request. Applicant testified that he did not remember being questioned by Judge Hayes immediately before his trial about his status as a pro se defendant. When asked if there was some investigation Applicant wanted DeJong to do that he did not do, Applicant answered that he wanted competent counsel who would have been interested in handling his case. He testified that the majority of the witnesses who testified at trial did not provide favorable testimony for him, although he said that

they could have done so. He testified that there were many witnesses who could have provided favorable testimony but who did not show up at trial. He testified that these witnesses could have established that Applicant was not in the bank at the time of the robbery and that a majority of the witnesses did not remember seeing Applicant in the bank on the day of the robbery. He testified that there were no witnesses who were able to testify at trial that Applicant participated in the robbery.

Applicant also called DeJong as a witness. DeJong testified that he did not remember any conversations with Applicant about DeJong's conducting an investigation, but admitted that he and Applicant had many conversations. He testified that, from the very beginning of his representation, Applicant informed DeJong that he wanted to represent himself. DeJong testified that his role quickly transformed from that of an attorney into the role of a support person, and that he would provide legal cases and other legal research to Applicant upon Applicant's request. He testified that he did not remember Applicant asking him to contact any witnesses.

On cross-examination, DeJong testified that Applicant made it clear at the beginning of DeJong's representation that Applicant was not happy with him. He testified that Applicant was not happy when he was appointed to represent Applicant. He testified that Applicant told him that he had previously defended himself in a trial with success, and that Applicant was quite familiar with law. He testified that Applicant's desire to represent himself was an ongoing desire with Applicant, and that it did not come about suddenly during the representation. He testified that there was nothing in his conversations with Applicant that would have caused Applicant to feel that he had to represent himself. He testified that he explained to Applicant the dangers of self-representation, and summarized his advice to Applicant by repeating the phrase, "He who represents himself has a fool for a client." He testified that he did not have any interactions with

Applicant that caused him question Applicant's mental health or led him to suspect that Applicant did not understand the dangers of self-representation. He testified that he would have done as much investigation as possible if Applicant had decided that he wanted DeJong to continue the representation. When asked if he would describe his role at Applicant's trial as "standby counsel", DeJong testified that his role did not reach even that level. In his mind, he was essentially a paralegal to Applicant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has thoroughly reviewed the record in its entirety, including the transcript from Applicant's trial before Judge Hayes and the hearing on the motion to relieve counsel before Judge Sprouse. Additionally, this Court heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to scrutinize their credibility. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Applicant, like all other defendants, has a right to the assistance of effective counsel as provided by the Sixth Amendment to the United States Constitution. Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). Applicant has the burden of proving the allegations in his post-conviction relief action, and when alleging that trial counsel was constitutionally ineffective, he must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that it cannot be relied upon as having produced a just result." Strickland, 466 U.S. at 686. In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's

performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced Petitioner such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. 668. Moreover, Strickland does not require a finding of ineffectiveness merely for deviation from some rigid rule of representation. Rather, Strickland requires the post-conviction relief applicant to prove “counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” Id. at 697. Therefore, the function of the post-conviction relief court is to determine if “in light of all the circumstances, the identified acts or omissions were outside the wide range of professional competent assistance” required of a criminal defense attorney. Id. at 690.

Based on this standard set forth above, and the reasoning below, this Court finds Applicant has failed to meet his requisite burden of establishing any constitutional ineffectiveness of counsel. The allegations are addressed fully below:

Counsel was constitutionally ineffective for failing to conduct an adequate pre-trial investigation.

Applicant argues that DeJong performed an inadequate pre-trial investigation, and that this deficiency left Applicant with no choice but to represent himself as a pro se defendant at trial. A defense attorney has a duty to undertake reasonable investigations or to make a decision that renders a particular investigation unnecessary. Strickland, at 691. Thus, “[a] criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State.” McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). A defense attorney’s “[f]ailure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result.” Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (citing Kibler v. State, 267 S.C. 250, 227 S.E.2d 199 (1976)). An applicant alleging that his attorney failed to prepare for the case must show how additional preparation would have resulted in a different outcome. Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997). Moreover, counsel’s decision not to investigate should be assessed for reasonableness under all the circumstances with heavy deference to counsel’s judgment. Simpson v. Moore, 367 S.C. 587, 597, 627 S.E.2d 701, 706 (2006). “[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel’s challenged conduct on the facts of the particular case, viewed as of the time of counsel’s conduct.” *Id.* at 690; Bagwell v. State, 410 S.C. 259, 265, 763 S.E.2d 630, 633-34 (Ct. App. 2014).

This Court finds that Applicant has failed to establish any deficiency in DeJong's preparation for trial. DeJong testified that he began acting as an assistant for Applicant almost as soon as he was appointed, and that this practice was formalized in Judge Sprouse's order. Since Applicant had been adamant from the beginning of DeJong's representation that he did not want to continue the attorney-client relationship, DeJong testified that he did not do much preparation for trial. Applicant was unable to articulate at the PCR hearing any specific preparation or investigation that DeJong did not do that he should have done. Instead of putting before this Court evidence of DeJong's lack of preparation, Applicant speculated as to what some witnesses would have said at trial had they been called; however, since Applicant did not produce these witnesses at the PCR hearing, his speculation as to their usefulness in his defense is not sufficient to meet his burden in this action. Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (instructing that an applicant for post-conviction relief "must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness's failure to testify at trial.") (citing Pauling v. State, 331 S.C. 606, 503 S.E.2d 468 (1998)). At any rate, Applicant was representing himself at the time of trial, and had been a pro se defendant for approximately two months before trial began. By that point, the failure to acquire favorable witnesses for trial would have been his own.

This Court finds that Applicant's allegation that DeJong's alleged failure to investigate was the motivating factor in Applicant's decision to proceed to trial as a pro se defendant is not credible in light of the record and DeJong's testimony at the PCR hearing. Applicant's answers to both Judge Sprouse and Judge Hayes indicate that Applicant wanted to proceed as a pro se defendant because he trusted his legal ability over that of his appointed attorney. Applicant

rebuffed the attempts of the courts to appoint a different attorney in place of DeJong, which shows that Applicant was not motivated by dissatisfaction with DeJong or DeJong's performance.

This Court finds that counsel was not constitutionally ineffective for failing to conduct an adequate pre-trial investigation as Applicant has failed to show any deficiency in DeJong's performance and any resulting prejudice. As such, this allegation is denied and dismissed with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application is denied and dismissed with prejudice.

This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt of this Order by counsel of record to secure the appropriate appellate review. See Rule 203 and 243, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for post-conviction relief is denied and dismissed with prejudice; and

2. Applicant shall remain in the custody of the State within the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 31 day of January, 2020.

Edward W. Miller
EDWARD W. MILLER
Presiding Judge

Granville, South Carolina

2020 FEB 18 P 3:30
CLERK OF COURT
BICKEN COUNTY
SOUTH CAROLINA

WITNESSES

Travis Riggs

Pickens Police Department

1/17/2014

ARREST WARRANT NUMBER

2014A3920700009

ACTION OF GRAND JURY

TRUE BILL

Date JUN 17 2014

VERDICT

Guilty

Comerton J. Gushnell

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-0497

WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 17 2014

TERM 2014

THE STATE

vs.

BRENT CHRISTOPHER MCLAURIN

Indictment for

0257

ENTERING BANK WITH INTENT TO ROBBERY

VIOLATION § 16-11-0380(A)

Certified Copy

Harold P. Vetter

Clerk of Court
Pickens County, SC

Dated Aug 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
ENTERING BANK WITH INTENT TO ROBBERY

At a Court of General Sessions, convened on **JUN 17 2014** the Grand Jurors of Pickens

County present upon their oath:

That BRENT CHRISTOPHER MCLAURIN did in Pickens County, on or about the 14th day of January, 2014, enter the SUNTRUST BANK, located at 210 W. Cedar Rock Street, Pickens, South Carolina with intent to steal money and/or securities for money, either by force intimidation and/or threats. This is in violation of §16-11-380 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Walker

Clerk of Court
Pickens County, SC

Dated *Aug 2018* *mb*

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

[Signature]
SOLICITOR

WITNESSES

Travis Riggs

Pickens Police Department

1/16/2014

ARREST WARRANT NUMBER

2014A3920700008

ACTION OF GRAND JURY

TRUE BILL

Date

JUN 17 2014

Christopher D. Byers
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-0498
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 17 2014

TERM 2014

THE STATE

vs.

BRENT CHRISTOPHER MCLAURIN

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330(A)

Certified Copy

Harold P. Veltrop

Clerk of Court

Pickens County, SC

Dated *July 22, 2014*

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)

INDICTMENT FOR
 ARMED ROBBERY

At a Court of General Sessions, convened on

JUN 17 2014

the Grand Jurors of Pickens

County present upon their oath:

That BRENT CHRISTOPHER MCLAURIN did in Pickens County, on or about the 14th day of January, 2014, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: cash from the person or presence of tellers of SUNTRUST BANK. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Walker

Clerk of Court
 Pickens County, SC

Dated *Aug 2018 MS*

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

[Signature]

SOLICITOR

WITNESSES

Travis Riggs

Pickens Police Department

1/17/2014

ARREST WARRANT NUMBER

2014A3920700010

ACTION OF GRAND JURY

TRUE BILL

Date

JUN 17 2014

Christopher O Byers
Foreperson of Grand Jury

VERDICT

Guilty

Carmen Bushnell
Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-0499

WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 17 2014

TERM 2014

THE STATE

vs.

BRENT CHRISTOPHER MCLAURIN

Indictment for

3587

GRAND LARCENY
SENTENCING PER 16-01-0057
VIOLATION § 16-13-0030(B)

Certified Copy

Harold P. Veltrop

Clerk of Court

Pickens County, SC

Dated *Aug 20 2014*

ms

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)

INDICTMENT FOR
 GRAND LARCENY
 SENTENCING PER 16-01-0057

At a Court of General Sessions, convened on
 County present upon their oath:

JUN 17 2014

the Grand Jurors of Pickens

That BRENT CHRISTOPHER MCLAURIN did in Pickens County on or about the 14th day of January, 2014, feloniously take and carry away the personal property of SUNTRUST BANK to wit: cash, with a total value of more than Two Thousand Dollars with the intent to deprive the owner permanently of such property. This is in violation of §16-13-0030 and 16-01-0057 of the South Carolina Code of Laws (1976) as amended.

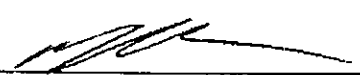
Certified Copy

Harold P. Walker

**Clerk of Court
 Pickens County, SC**

Dated *Aug 2018*

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


 SOLICITOR