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SC Court of Appeals

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Court of General Sessions
The Honorable Perry M. Buckner, III

Case No.: 2019-001014

The State of South Carolina,,

Respondent,

vs.

Terek Rasheed Goodwin,

Appellant.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) CASE NO.: 2013-GS-18-00012,13,14

STATE OF SOUTH CAROLINA,)
)
)
)
 v.) TRANSCRIPT OF RECORD
)
TEREK RASHEED GOODWIN,)
)
)
DEFENDANT.)
_____)

JUNE 10 - 12, 2019
COMMENCING AT
DORCHESTER COUNTY COURTHOUSE
ST. GEORGE, SOUTH CAROLINA
BEFORE THE HONORABLE PERRY M. BUCKNER, III, JUDGE.

APPEARANCES:

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Rebecca H. Hill
Official Court Reporter

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1 THE COURT: All right. We are not in our regular
2 courtroom because Judge Murphy is going to qualify the
3 jury, and my regular court reporter Becky Hill is already
4 set up down there; so Eve's going to be our court
5 reporter for pretrial motions. And the last name -- I
6 hope I'm spelling this right -- Torres, T/o/r/r/e/s.
7 Now, she doesn't know many of you because she's
8 relatively new. So when you stand up, the first thing
9 you will do is introduce yourself, so the court reporter
10 knows who's speaking.

11 For my interns, let me tell you a couple rules.
12 The court reporter cannot take down two people speaking
13 simultaneously. Only one person speaks at a time in the
14 courtroom, so the court reporter can get the record
15 straight. I know that you feel like you can't leave your
16 table, which is why we have microphones there, but the
17 worst thing you can do for a court reporter is look down
18 at your file while you're speaking. Why? Because you
19 mumble then. Court reporters like Judge Buckner because
20 I'm not soft and quiet. I speak up. I expect my lawyers
21 to do that, so the court reporter will be able to make an
22 accurate verbatim record. All right, Eve.

23 This is three indictments: 2014-GS-18-0012,
24 charging the defendant, Terek Rasheed Goodwin, with the
25 offense of burglary first degree; also 2014-GS-18-0013,

1 charging the defendant with the offense of kidnapping;
2 and finally, 2914-GS-18-0011, charging the defendant with
3 the offense of armed robbery. I met with the lawyers
4 this morning, and I was advised there were several
5 motions, both by the State and Counsel for the defendant.
6 Since the State has the burden of proof, I'm going to
7 hear the State's motions first this morning.

8 The first motion I have in my notebook, which I
9 always prepare before trial, is the State's motion to
10 suppress evidence. The motion doesn't have any date on
11 it, which, Solicitor, you need to learn to date your
12 motions so we can identify it. It's entitled, "motion to
13 suppress evidence," and it deals with prior bad acts.
14 I'll be happy to hear from you at this time.

15 MR. SMYTHE: Thank you, Your Honor.

16 THE COURT: Mr. Smythe, identify yourself.

17 MR. SMYTHE: My name is George Smythe, from the
18 Solicitor's Office in Dorchester County.

19 THE COURT: Very well. And he spells it with a "y".
20 Do you understand that?

21 COURT REPORTER: Yes, sir.

22 THE COURT: All right, Mr. Smythe. Happy to hear
23 from you.

24 MR. SMYTHE: Your Honor, the State would seek to
25 suppress any mention by the Defense, or in questioning of

1 our victims, as to any prior bad acts. Any
2 unsubstantiated ---

3 THE COURT: This is an anticipatory motion. When do
4 you anticipate this evidence will attempt to be elicited
5 during the trial of this case?

6 MR. SMYTHE: When the Defense is cross-examining our
7 victim witnesses.

8 THE COURT: And who are your victim witnesses?

9 MR. SMYTHE: Monica and Kevin Sauls, Your Honor.

10 THE COURT: All right. So both Monica and Kevin
11 Sauls, you claim are victims in this case?

12 MR. SMYTHE: Yes, Your Honor. Monica is the victim
13 in presence, whereas Kevin is her husband, but is not a
14 victim.

15 THE COURT: And what is it that you seek to suppress
16 from the cross-examination of these victims?

17 MR. SMYTHE: Any mention of prior bad acts, which are
18 unsubstantiated, do not have convictions.

19 THE COURT: These did not result in convictions?

20 MR. SMYTHE: No, sir.

21 THE COURT: And you realize what rule governs
22 that, Mr. Smythe?

23 MR. SMYTHE: Yes, sir. Rule 608. And I --

24 THE COURT: 608(b), Mr. Smythe.

25 MR. SMYTHE: Yes, sir. Excuse me.

1 THE COURT: And what does 608(b) say, Mr. Smythe?

2 MR. SMYTHE: It says that specific instances of
3 conduct, for the purpose of attacking a witness's
4 credibility may not be proved by extrinsic evidence.
5 However, they can be asked about on cross-examination for
6 -- to probe for truthfulness or untruthfulness. However,
7 Your Honor, there are two cases in South Carolina that
8 speak about this -- this rule. They say that non-
9 convictions from a 608(b) can be asked about, but the
10 offenses and the act which may be asked about have to
11 deal with things like forgery, embezzlement crimes, that
12 speak directly to truthfulness or untruthfulness. And
13 the drug offenses or drug convictions, um excuse me -
14 drug --

15 THE COURT: So you don't think drug convictions
16 involve moral turpitude, and you don't think they affect
17 the credibility of a witness; and therefore you think
18 they are inadmissible under 608(b). Is that what you're
19 trying to tell me, Mr. Smythe?

20 MR. SMYTHE: I'm not telling you -- I'm not trying
21 to tell you under turpitude, Judge. I'm just -- I'm just
22 simply -- whether it goes to truthfulness or
23 untruthfulness of the witness. I don't believe that drug
24 -- not even convictions but drug actions; actions that
25 may involve --

1 THE COURT: You do concede that under certain
2 circumstances, prior bad acts may be elicited --

3 MR. SMYTHE: Yes, sir.

4 THE COURT: -- into evidence?

5 MR. SMYTHE: Yes, sir.

6 THE COURT: You just don't think this is the type of
7 conduct that's permitted by the rule?

8 MR. SMYTHE: No, sir.

9 THE COURT: And why do you think it's not
10 permitted?

11 MR. SMYTHE: Well, I think that it doesn't -- that
12 a drug activity, not even a drug conviction, there was no
13 arrest made, drug activity does not go to truthfulness or
14 untruthfulness on the part of the victim.

15 THE COURT: Thank you. Who's going to argue --
16 John, you going to -- identify yourself for the court
17 reporter.

18 MR. KORNEGAY: Yes, Your Honor. I'm John Kornegay
19 with the Dorchester County Public Defender's Office.

20 THE COURT: Spell your last name.

21 MR. KORNEGAY: It's K/o/r/n/e/g/a/y.

22 THE COURT: For the defendant, Mr. Goodwin.

23 MR. KORNEGAY: Your Honor, going to Rule 608, I
24 believe Section C applies in this case.

25 THE COURT: All right. Why?

1 MR. KORNEGAY: Bias, prejudice, or motive to
2 misrepresent. In this case, Your Honor, actually, in
3 testimony, we would not be questioning Monica or Kevin
4 Sauls about this. We would be questioning their lead
5 detective, Detective King. Before Detective King even
6 arrives at the residence, he learns that this residence
7 is known to other law enforcement as a place where drugs
8 are sold, a drug house.

9 THE COURT: I'm not necessarily going to allow
10 that into evidence, Counsel, but why --

11 MR. KORNEGAY: Sure.

12 THE COURT: -- should that make -- 608(c) deals
13 with bias, does it not?

14 MR. KORNEGAY: It does, Your Honor. And --

15 THE COURT: And it says a motive to misrepresent,
16 and it deals with evidence of bias may be shown to
17 impeach a witness, either by examination or by other
18 evidence.

19 MR. KORNEGAY: And I would argue, Your Honor, that
20 there's a -- there would be a clear motive to
21 misrepresent.

22 THE COURT: Why?

23 MR. KORNEGAY: If drugs are being sold out of this
24 house, and --

25

1 THE COURT: We just established that not
2 necessarily am I going to allow an officer to say this
3 was a drug house, which is purely an opinion and
4 speculative.

5 MR. KORNEGAY: I understand.

6 THE COURT: However, you injected that into your
7 argument by saying you learned that from a sheriff's
8 deputy, that doesn't mean it's admissible in the evidence
9 of this case.

10 MR. KORNEGAY: I understand, Your Honor. If the
11 victims were to testify on the stand to admit that they
12 had dealings with illegal drugs, that would be a motive
13 for them not to be forthcoming with law enforcement as to
14 potential suspects that law enforcement could've followed
15 up with, as to dealings that they have had with people
16 they believe could be suspects. And I believe that
17 that's clearly a motive not to be forthcoming, totally
18 truthful, with the prosecution if they have illegal
19 activities that they don't want disclosed to the
20 Prosecution.

21 THE COURT: Thank you very much.

22 MR. KORNEGAY: Thank you, Your Honor.

23 THE COURT: Briefly, in reply, Mr. Smythe. Be
24 seated. One lawyer stands in my courtroom at a time; one
25 lawyer speaks in my courtroom. Maybe -- and I want to

1 say this to my interns: the rudest thing you can do, and
2 lawyers do it every trial, is they disagree with what the
3 other lawyer is saying. Ash, you're not guilty of this,
4 but most of you are. They'll likely say, so they stand
5 up. That's rude. There's no reason for you to stand.
6 I'm not going to let you interrupt -- I'm not going to
7 let him interrupt you, and I'm not going to let you
8 interrupt him. When he's seated, you stand. You
9 understand?

10 MR. SMYTHE: Yes, sir.

11 THE COURT: All right.

12 MR. SMYTHE: I apologize if I --

13 THE COURT: All right. Proceed and reply,
14 briefly.

15 MR. SMYTHE: Your Honor, I don't think that a
16 mention the drug activity to law enforcement shows motive
17 on behalf of the victims in this case.

18 THE COURT: Well, and this is a motion in limine,
19 which means it wouldn't be a final ruling. I would have
20 to hear the evidence in this case in order to make the
21 final ruling. But let me tell you what I think, Mr.
22 Smythe.

23 MR. SMYTHE: Yes, sir.

24 THE COURT: First of all, 608, which is evidence
25 of conduct and bias of a witness, which Counsel for the

1 defendant points out, normally the rule does not allow
2 you to prove it by extrinsic evidence. But in the
3 discretion of the Court, it can be admitted if probative
4 of truthfulness, or untruthfulness, if it concerns the
5 witness's character; or if it concerns the character for
6 truthfulness or untruthfulness. And it's impossible for
7 me to ascertain at this point whether or not that issue
8 would be relevant for this trial. But I warn you,
9 Counsel, you are not to go there until I've allowed you
10 to open the door during cross-examination. I'll have to
11 hear the evidence. I don't think necessarily, Counsel,
12 that just because you heard from a police officer that
13 this was a drug house, which I'm not going to allow in
14 there, because I don't think that's relevant or probative
15 of anything, establishes bias for purposes of Rule
16 608(c). But I will keep an open mind, and I will listen
17 to the direct testimony of both these victims, remind me
18 David, both Monica and Kevin Sauls, and that's S/a/u/l/s,
19 Madam Court Reporter; and that's Monica with an I,
20 M/o/n/i/c/a. And I will make that decision at the
21 appropriate time. Do you understand?

22 MR. SMYTHE: Yes, sir.

23 THE COURT: Be seated, Mr. Smythe. We now go to
24 the next motion, which is defense motion. It's a motion
25 in limine dealing with the statements of the defendant,

1 basically. I'm not quite sure why this would be
2 contested, but I'm curious to find out. It's a Jackson-
3 Denno motion, and I'm assuming that the State agrees that
4 I have to have a Jackson-Denno hearing, which would be
5 required from any statement that is going to be
6 introduced in the trial of this case, but the motion says
7 that, "defendant moves the Court for the scheduling of a
8 Jackson-Denno hearing." Is this motion contested, Mr.
9 Spears?

10 MR. SPEARS: No, Your Honor. That --

11 THE COURT: Identify yourself for the court
12 reporter.

13 MR. SPEARS: Mike Spears, with the State, Your
14 Honor.

15 THE COURT: Spell your last name.

16 MR. SPEARS: S/p/e/a/r/s.

17 THE COURT: Mr. Spears, you're telling me it's not
18 contested. Does counsel for the defendant agree this is
19 an uncontested motion now, in light of Mr. Spears'
20 statement?

21 MR. CHISOLM: Your Honor, if he doesn't intend to
22 get into any of the statement, yeah. Sounds like --

23 THE COURT: That's not what he said, Mr. Chisolm.
24 He says it wasn't a contested motion and that he plans on
25 doing a Jackson-Denno hearing.

1 MR. CHISOLM: I understand.

2 THE COURT: In light of that, do you wish to be
3 heard on your motion?

4 MR. CHISOLM: Yes, sir.

5 THE COURT: All right. Let me hear from you, then.
6 I don't understand the purpose of hearing this if he
7 agrees that we need to have the Jackson-Denno hearing.

8 MR. CHISOLM: I'm sorry, I misinterpreted, Your
9 Honor.

10 THE COURT: You've misinterpreted me twice now. I'm
11 going to say it for the third time, Mr. Chisolm, because
12 you aren't listening to me.

13 MR. CHISOLM: Yes, sir.

14 THE COURT: I asked him if this motion was a
15 contested motion, because it asks for a Jackson-Denno
16 hearing. The State says it's not, they plan on having a
17 Jackson-Denno hearing if they're going to elicit a
18 statement. They never said anything about whether they
19 would or would not introduce a statement. I then asked
20 you if you needed to be heard, and you said yes. I still
21 don't understand why. Can you answer my question?

22 MR. CHISOLM: It does not, Your Honor.

23 THE COURT: Very good, Mr. Chisolm. You listened on
24 the third time. Let's turn to the next motion, which is
25 a motion to sequester witnesses. That motion is granted,

1 doesn't need to be heard. However, and I warn you on
2 this, listen carefully about sequestration. I make it
3 reciprocal in my courtroom. It applies -- now, who's
4 going to be at the table with you, other than Mr. Smythe?

5 MR. SPEARS: That would be Investigator King, Your
6 Honor.

7 THE COURT: All right. Mr. King is with Dorchester
8 County Sheriff's Office?

9 INVESTIGATOR KING: No, Your Honor. I'm with the
10 Solicitor's Office as an investigator.

11 THE COURT: All right. You're an investigator with
12 the Solicitor's Office. He's going to be their lead
13 investigator. The victims can stay under the Victims'
14 Bill of Rights, Solicitor.

15 MR. SPEARS: Yes, Your Honor.

16 THE COURT: Now, you're telling me I got two victims
17 as a result of these alleged offenses. Is that correct?

18 MR. SPEARS: Correct, Your Honor.

19 THE COURT: All right. Now, all of your other
20 witnesses, and you've given me a list with fourteen names
21 on it, signed by you, Mr. Spears. And this time you were
22 kind enough to date it, June 7, 2019. All other
23 witnesses you're going to be responsible for, and by
24 responsible I mean this: you're going to tell them where
25 they can wait.

1 MR. SPEARS: Yes, Your Honor.

2 THE COURT: We're not going on an Easter egg hunt
3 during this trial for witnesses. You will give them a
4 designated place; you will tell them you will come to
5 them; you will tell them they cannot discuss their
6 testimony with anyone else unless I authorize them to do
7 so; and you will be responsible each time you walk into
8 this courtroom for turning around, along with your
9 brother, Mr. Smythe, and looking to see if my
10 sequestration order has been violated insofar as the
11 State's witnesses are concerned. Do you understand that?

12 MR. SMYTHE: Yes, Your Honor.

13 THE COURT: You on the other side, Mr. Chisolm
14 listen carefully now, because you're having a problem
15 this morning. I don't want to go through this three
16 times on each motion. The defense tells me your only
17 witness would be the defendant. Is that correct?

18 MR. CHISOLM: That's correct, Your Honor.

19 THE COURT: Is that still true, Counsel?

20 MR. CHISOLM: That's still true, Your Honor.

21 THE COURT: All right. The defendant obviously
22 gets to stay in the courtroom, he's not sequestered. But
23 I want you to understand now, because this could affect
24 things, if you change that decision, you need to let me
25 know, because your witnesses are not allowed to come into

1 this courtroom and listen to testimony, and then you
2 decide to call a witness who has been in this courtroom
3 listening to testimony. Do you understand?

4 MR. CHISOLM: Yes, Your Honor.

5 THE COURT: The motion for sequestration is
6 granted, and it is reciprocal. It applies to both State
7 and the defendant. And Mr. Chisolm, you will be
8 responsible, along with John, you will also be
9 responsible to ascertain each time we walk into the
10 courtroom that you have no witnesses in the courtroom who
11 could possibly be called as a witness for the defendant.
12 Do you understand that responsibility?

13 MR. KORNEGAY: Yes, Your Honor.

14 THE COURT: Mr. Chisolm, you understand that
15 responsibility?

16 MR. CHISOLM: Yes, sir.

17 THE COURT: Very well. The motion for sequestration
18 is granted. And I guess I should say a little bit for my
19 interns. We have, obviously, the state rules of
20 evidence, just like you have federal rule. For those of
21 you who don't know who I'm talking to, I've got three
22 federal interns in my courtroom who are here to observe a
23 state criminal trial. Rule 615 of the State Rules of
24 Evidence governs sequestration. It says at the request
25 of a party, the Court may order witnesses excluded so

1 that they cannot hear the testimony of other witnesses,
2 and it may -- I could make the order, or make that motion
3 myself. It doesn't have to come to me from the State or
4 the defendant. The rule obviously does not include the
5 exclusion of a party, which obviously you heard,
6 obviously the defendant has the right to be present. If
7 it's a civil case it does not include an officer or
8 employee of a party who is not a natural person who has
9 been designated as their representative, like for a
10 corporation, by its attorney, and a person whose presence
11 is shown to be essential to the presentation of the
12 party's cause. You heard me ask who the investigator
13 was. I leave one lead investigator, person responsible
14 for files, so that Counsel can talk to them. Obviously,
15 the defendant is allowed to remain in. And because we
16 have in South Carolina what is known as the Victims' Bill
17 of Rights, I also permit the victims to remain in the
18 courtroom, so that they can be present to hear, even
19 though the victims are potential witnesses in the trial
20 of the case. And that's governed by Rule 615 of the
21 Rules of Evidence in South Carolina, so I wanted you to
22 learn a little bit about what's going on.

23 All right.

24 Next motion, defense motion. Motion to allow access
25 to juror criminal history reports. This motion is dated

1 June 10th, signed by Mr. Ash D. Chisolm. John, you
2 didn't sign any motions for the defendant?

3 MR. KORNEGAY: I did not, Your Honor. Mr. Chisolm
4 is --

5 THE COURT: Are you going to argue it, or Mr.
6 Chisolm's going to argue it?

7 MR. KORNEGAY: Mr. Chisolm.

8 THE COURT: Mr. Chisolm, happy to -- is this a
9 contested motion?

10 MR. CHISOLM: Yes, Your Honor.

11 THE COURT: I can't wait to hear this. All right,
12 Mr. Chisolm. Let me hear from you.

13 MR. CHISOLM: Thank you, Your Honor. May it please
14 the Court. And I've submitted the motion I need to, Your
15 Honor, but basically the motion is this. Prior to trial,
16 the Solicitor's Office routinely will prepare criminal
17 history reports for each prospective juror.

18 THE COURT: Rap sheets?

19 MR. CHISOLM: Rap sheets, Your Honor. And
20 basically this gives them information on whether they
21 would be qualified to serve as a juror, if they aren't
22 honest, or if they forget they have a conviction that
23 would disqualify them. It also provides other valuable
24 information about prior interaction with law enforcement
25 and that kind of thing.

1 And basically, the basis of my motion is this: I
2 would ask that we be allowed to look at the reports that
3 they have prepared; a clean copy, not even a copy
4 provided. I could borrow theirs prior to jury selection,
5 make notes and return it, is what I've done in the past.

6 And the reason is, basically, as an extension of
7 law enforcement they're allowed to pull these reports,
8 presumably, without cost. For us to do it, it costs -- I
9 believe SLED charges twenty-five dollars for each record,
10 plus a one-dollar convenience fee if we did it online.
11 And if we have a jury pool of a hundred jurors, we're
12 looking at twenty-five hundred, or you know, up to five
13 thousand, our typical jury we have here.

14 We do two trials a month, you know, we're looking
15 at five to ten thousand dollars. And basically, with the
16 Public Defender's Office being another taxpayer-funded
17 agency, just like the Solicitor's Office, we're basically
18 paying twice for the same thing. We're paying where we
19 don't need to pay. I wouldn't want any of their notes,
20 you know, any of their privileged, you know,
21 communication.

22 THE COURT: You know, I actually have one. You
23 have argued to me, Mr. Chisolm, that where they had taken
24 one of these, a yellow highlighter, and put it on the
25 sheets; that that was trial preparation material, and

1 should not be given to the other side. You certainly
2 aren't asking for even highlighted portions of it, if
3 done, by the very, very strategic information that I'm
4 sure the Solicitor has on the rap sheets. Is that
5 correct?

6 MR. CHISOLM: No, sir. A virgin copy.

7 THE COURT: Very well. Thank you. Mr. Spears,
8 happy to hear from you.

9 MR. SPEARS: Your Honor, when it comes to the jury
10 rap sheets, we've had this discussion with the Defense a
11 number of times before in other cases. They've been told
12 by the higher-ups in my office that they have been given
13 before, we've been allowed to see them before. But in a
14 -- I believe it was two months ago, in the last trial,
15 that was the last time we were going to do it. They have
16 access to the same sheets. They can get to them --

17 THE COURT: They have to pay for them.

18 MR. SPEARS: Yes, Your Honor.

19 THE COURT: And you don't.

20 MR. SPEARS: Yes, Your Honor.

21 THE COURT: That is a big difference, Mr. Spears.
22 And guess that? You're going to give it to them. Do you
23 understand?

24 MR. SPEARS: Yes, Your Honor.

25

1 THE COURT: And you're going to give it to them
2 before we select this jury. Do you understand?

3 MR. SPEARS: Yes, sir.

4 THE COURT: Thank you very much. That was very
5 cogent and precise and simple argument and it's
6 respectably overruled. You will provide the access to
7 counsel for defendant of the jurors' criminal history
8 reports. All right.

9 Now, that's all the motions -- well, that's not
10 true. Wait a minute. I missed one, I think, in writing,
11 I understood there was an oral motion. There is another
12 defense motion in writing. It's dated June the 10th,
13 2019. It's entitled motion to suppress evidence. This
14 motion, signed by Mr. Chisolm, says that the evidence
15 seized as a result of the defendant's cellphone records
16 was seized in violation of the Fourth Amendment, and
17 Article 1, Section 10 of the South Carolina Constitution.
18 Who's going to argue it for the defendant?

19 MR. CHISOLM: I will, Your Honor.

20 THE COURT: I'm happy to hear from you, Mr.
21 Chisolm.

22 MR. CHISOLM: Thank you, Your Honor. May it please
23 the Court?

24 MR. CHISOLM: Your Honor, I do have two search
25 warrants.

1 If I could make them a Court's exhibit, Your Honor.
2 If I may approach, too.

3 THE COURT: Absolutely.

4 MR. CHISOLM: Can I pass these to Your Honor?

5 THE COURT: Not until you show it to Counsel for
6 the State and I find out if there's any objection, Mr.
7 Chisolm. You know the rules. Any objection?

8 MR. SPEARS: None, Your Honor.

9 THE COURT: You may hand them up. They're marked
10 as?

11 MR. CHISOLM: This is, I guess Defense Exhibit 1
12 and 2, Your Honor.

13 THE COURT: All right. Let the record reflect
14 that Mr. Spears has reviewed both Defense 1 and Defense
15 2. The Defense 1 search warrant, filed December the
16 11th, 2013. Defense 2 is a search warrant which someone
17 wrote on it and circled, original, also dated December
18 the 11th, 2013. Give me a moment to take a look at them.

19 MR. CHISOLM: Yes, sir.

20 THE COURT: All right. I've taken a look now at
21 Defendant's 1 and 2. And although I've got somebody that
22 wrote original on Defendant's 2, and I'm assuming --
23 Defendant's 1 also has something written on it. It looks
24 like, my copy. It also has original written on it, but I
25 can't tell. They're both dated December the 11th, 2013.

1 I'll expect -- and you've had the chance to review both
2 of these documents, Mr. Spears?

3 MR. SPEARS: Yes, Your Honor.

4 THE COURT: All right. Let me hear from you, Mr.
5 Chisolm. Speak up for the court reporter.

6 MR. CHISOLM: Yes, sir.

7 THE COURT: Why don't you come to my microphone up
8 here and bring your file with you.

9 MR. CHISOLM: Yes, Your Honor.

10 THE COURT: Lawyers can't get away from their
11 file. I understand that.

12 MR. CHISOLM: Yes, sir. And just for the record,
13 Your Honor, the -- what's written on here is as it was
14 provided to our office in discovery. So I think that's
15 probably law enforcement's markings.

16 THE COURT: There's no objection for me to look at
17 it, from the State? I can't -- I assume you're not going
18 to testify as to who wrote on it --

19 MR. CHISOLM: No, sir.

20 THE COURT: -- you just want me to know you
21 didn't?

22 MR. CHISOLM: Yes, sir.

23 THE COURT: I understand that; go ahead. I don't
24 know who wrote on it. I just know what you handed me.

25

1 MR. CHISOLM: Yes, sir. All right, Your Honor.
2 Basically, what we have here, we've got two search
3 warrants that I --

4 THE COURT: Both of which were issued by who,
5 since I can't read their name?

6 MR. CHISOLM: I believe the actual officer was
7 Agent James King.

8 THE COURT: Not the ---

9 MR. CHISOLM: The detective.

10 THE COURT: --- judge?

11 MR. CHISOLM: Oh, Your Honor, I'm sorry. I think
12 it was Judge Patton, if I'm not mistaken. I'd have to
13 double-check that.

14 THE COURT: Was it a magistrate or a summary court
15 judge?

16 MR. CHISOLM: Magistrate, Your Honor.

17 THE COURT: All right. So two search warrants,
18 you believe both issued by a magistrate?

19 MR. CHISOLM: That's correct, Your Honor. And
20 looking at the returns, this one, she signed that and see
21 she's also the signing judge on each of them. Yes, sir.
22 And I am moving to suppress all evidence that was seized
23 as a result of these search warrants; the basis being
24 that each of these two search warrants was obtained
25 without the requisite probable cause at the time they

1 were signed off on. And some of the facts that are
2 presented, and obviously what I passed up, if I could
3 briefly go through some of those with your Honor?

4 THE COURT: Absolutely. Where do you want me to
5 look at as you go through?

6 MR. CHISOLM: Yes, sir.

7 THE COURT: Which warrant you want to take first?

8 MR. CHISOLM: Well, we can -- I'll broadly address
9 both, but the first one I will be talking about, Your
10 Honor, would be Junell Miles' the search warrant with ---

11 THE COURT: Which is Defendant's Exhibit what?

12 MR. CHISOLM: That would be Defense Exhibit 1, I
13 believe, your Honor.

14 THE COURT: All right. Have you got a copy, Mr.
15 Spears?

16 MR. SPEARS: I do, Your Honor.

17 THE COURT: Do you know which one is Defendant's
18 One?

19 MR. SPEARS: Yes, Your Honor.

20 THE COURT: Very well. Proceed, Mr. Chisolm.

21 MR. CHISOLM: Thank you, Your Honor. So
22 essentially, on December 9, 2013, there was a home
23 invasion, I guess you would say, where the victim was
24 asleep in her house. Three men came in, presented
25 weapon, or weapons, and they were masked, and they asked

1 for money. That's what the law enforcement was called
2 out to investigate, and during the course of their
3 investigation, what they learned is that the victim, or
4 the victims in this case, had received a cash settlement
5 the month prior. A fairly large sum, I believe, twenty
6 thousand dollars, sometime before Thanksgiving of 2013.
7 And that three days prior to this incident, December 6th,
8 the defendant's hus -- or the victim's husband was --

9 THE COURT: Wait, now. The incident was December
10 6th?

11 MR. CHISOLM: The incident was actually December
12 9th, Your Honor. There is a --

13 THE COURT: Hold on a second. I thought I read
14 December 6th in the indictment.

15 MR. CHISOLM: You did, Your Honor.

16 THE COURT: I did?

17 MR. CHISOLM: Oh, in the indictment?

18 WHO: On the ---

19 MR. CHISOLM: On the warrant, Your Honor?

20 WHO: --- warrant.

21 THE COURT: The indictment says December 9th, for
22 the armed robbery.

23 MR. CHISOLM: There's an error on the search
24 warrants as, I believe, December 6th might be listed for
25 both dates on there.

1 THE COURT: The search warrant that you're asking
2 me to look at right now references for the affidavit
3 portion of the search warrant December 6, 2013. Well,
4 actually, I -- yeah. But it -- the description of the
5 property sought is for December 6th through December 10th
6 ---

7 MR. CHISOLM: Yes, sir.

8 THE COURT: --- 2013.

9 MR. CHISOLM: Yes, sir. And the Solicitor's Office
10 can probably address this better than me, but I believe
11 what they would say is a typographical error, and that
12 the date of the incident was December 9th. They put on
13 here December 6th. But --

14 THE COURT: You're referring to the affidavit
15 portion?

16 MR. CHISOLM: Yes, sir. The affidavit portion.

17 THE COURT: It says that the affiant, who is with
18 the Dorchester County Sheriff's Office, responded to 110
19 Molly Drive, in Dorchester County, in regards to a
20 burglary, armed robbery. They met with Monica Sauls, who
21 stated three black males wearing masks and brandishing
22 handguns unlawfully entered a residence, demanding twenty
23 thousand dollars. Mrs. Sauls told the three offenders
24 after they threatened her life where the money was
25 located. After she told them where the cash was located,

1 they tied her up; took between fifteen and seventeen
2 thousand cash from her pocketbook.

3 Detective King obtained information from the victim
4 that she and her husband recently received a cash
5 settlement of twenty thousand. The three unknown males
6 committed this offense had knowledge of the exact amount
7 of the settlement, and knew the victim and her husband
8 did not keep a bank account.

9 Detective King obtained information that victim,
10 her brother Julian Marchant, and her husband Kevin Sauls,
11 showed the money to three co-workers, being Junell Miles,
12 on Friday, December 6th, which you tell me is actually
13 three days prior to this incident. And they also had
14 knowledge of the settlement. And what the affiant tells
15 the magistrate is, the probable cause was based on the
16 subject, Junell Miles, having prior knowledge of the
17 cash; where the victim lived; knowledge of her husband
18 not being home; and that the investigation thus far has
19 led to the probability that the person involved in the
20 incident had recent knowledge of the cash; knowledge of
21 the exact amount of cash; and the schedule of the victim.

22 And they're asking for the cellphone records for
23 (843)560-2715, a Verizon wireless cellphone number from
24 December 6th through December 10, 2013; and for all
25 incoming or outgoing call detail records, including

1 incoming and outgoing text messages, or picture messages,
2 cell tower records, all stored photographic or video
3 images, stored voicemail message, and any cell or any
4 activation, deactivation information for the given time
5 period.

6 The subject voluntarily, according to the affiant,
7 provided Detective King with the phone number. So I'm
8 assuming that that's what the magistrate was told at the
9 time of the warrant. Have I accurately stated what's in
10 the warrant that you've asked me to look at, insofar as
11 the affidavit is concerned?

12 MR. CHISOLM: That is what's in the affidavit,
13 Your Honor. I could shed a little more context on it for
14 you, though.

15 THE COURT: All right.

16 MR. CHISOLM: The three co-defendants that are
17 referenced are the three co-workers that are referenced
18 in here. On the date and the time of the robbery, they
19 were actually in the company of, I believe the victim's
20 brother, or her husband, or both. That day, they all
21 worked together, and I think -- well, they may disagree,
22 but the State may concede that they would not say any of
23 these three co-workers were involved in the actual
24 robbery, because they were in Summerville at the time.

25

1 So basically, what you've got is a situation where
2 they say three days before, you know, the victims had
3 told these people that they had some money.

4 And based on that and that alone, essentially, they
5 get search warrants for each of these co-workers' phones.
6 And essentially, I mean three days later, even if that's
7 the case, these were the only three people they told they
8 has received this settlement.

9 If they told three people that, and they told three
10 people that --

11 THE COURT: Well, now, what it says is that
12 Detective King had obtained information -- Hey Smitty,
13 I'm right here. I miss you. You can come on in here and
14 have a seat in my courtroom anytime you want to.

15 SMITTY: Yes, sir, Judge. Been doing all right?

16 THE COURT: I'm doing fine. I hope you are.

17 SMITTY: Yes, sir.

18 THE COURT: Smitty was my bailiff, ladies and
19 gentlemen, the first time I held court in Dorchester
20 County, twenty years ago. Smitty, we're -- as my sons
21 say, you and I are past the speed limit now. Mr.
22 Chisolm, what you're telling me is that, although it
23 mentions three co-workers, it does not --
24 it doesn't say anything about the identity in
25 the warrant three co-workers, other than Junell

1 T. Miles, which I assume was one of the co-workers. Is
2 that correct?

3 MR. CHISOLM: That's correct, Your Honor. The --
4 basically what you've got in the affidavit.

5 THE COURT: And it does mention the brother of the
6 victim.

7 MR. CHISOLM: Yes, sir.

8 THE COURT: Is that a co-worker, too?

9 MR. CHISOLM: Yes.

10 THE COURT: So we have Julian Marchant. It
11 mentions her husband, Kevin Sauls, S/a/u/l/s. Marchant
12 is M/a/r/c/h/a/n/t. So it mentions Miles, Marchant, and
13 Sauls, does it not?

14 MR. CHISOLM: It does, Your Honor.

15 THE COURT: Was the husband a co-worker with these
16 other individuals?

17 MR. CHISOLM: I believe so, Your Honor. Yes, sir.

18 THE COURT: All right.

19 MR. CHISOLM: So, yeah. The reason I was pointing
20 it out is, it's kind of ambiguous, because I think you've
21 got two very different things. If you've got the victims
22 tell these three people three days before the robbery,
23 we've got this money. And then, it could've been them
24 that actually did the robbery, I think, is very different
25 than they told these three people, but we know that they

1 were not the ones that committed the robbery. And the
2 warrants -- it's kind of ambiguous. It doesn't say these
3 people were excluded as actual, you know, principle
4 suspects in the crime. It doesn't say one way or the
5 other.

6 THE COURT: Between the time the affidavit is being
7 obtained and the warrant obtained, there was no way to
8 say anybody's excluded, because it's the beginning of the
9 investigation, Mr. Chisolm.

10 MR. CHISOLM: Yes, sir.

11 THE COURT: You're looking -- you have the benefit
12 of hindsight now, and you're drawing conclusions about
13 who was or who was not charged or arrested, or indicted
14 in connection with this case. What they didn't say, or
15 what was in the affidavit, and I assume you -- is that
16 they got information that these three co-workers all had
17 information which was important to the other victim at
18 the time, or the other victim believed they had that
19 knowledge, at the time of this offense. Isn't that true?

20 MR. CHISOLM: Yes. I mean, as I -- as I understand
21 it, based -- the basis for this search warrant being
22 executed is, these guys knew that there was money at
23 the house, or that the victims had money three days
24 before the robbery.

25 THE COURT: The detectives believe that whoever

1 Committed the offense at this time knew about the cash
2 settlement; knew where the cash was located in the house
3 that was being burglarized, allegedly; and knew the
4 amount, which had been shown to the three co-workers
5 prior to the date of this incident. Isn't that what the
6 affidavit says?

7 MR. CHISOLM: It does, Your Honor.

8 THE COURT: So this information from the victim,
9 and I realize it's confusing because Mr. Sauls is both a
10 victim and a co-worker. But that we had three unknown
11 black males, and allegedly they had knowledge of the
12 exact amount of the settlement; allegedly, they knew the
13 victim; and her husband did not keep a bank account.
14 Allegedly, they knew where the money was located, all of
15 which was given to this magistrate in support of the
16 warrant, to establish probable cause, to obtain the text
17 messages from the cellphone; as to this warrant,
18 cellphone number (843)560-2715. Now, in the return I'm
19 having difficulty reading the writing, so you might want
20 to help me there, Mr. Chisolm. I can't read the -- I
21 understand they got it, they seized the cellphone.

22 MR. CHISOLM: They got it, Your Honor.

23 THE COURT: I can't even read by whom, and I
24 certainly can't read the location. Can you help me
25 there?

1 MR. CHISOLM: Uh, I mean --

2 THE COURT: If you can't I understand it, but
3 you're the one that wanted to introduce this document.

4 MR. CHISOLM: Yes, sir. I included it just to
5 have a total package, but basically --

6 THE COURT: You're the architect of our dilemma,
7 Mr. Chisolm.

8 MR. CHISOLM: Yes, sir. Yes, sir. But the -- my
9 argument could be based alone on the affidavit that we've
10 been talking about.

11 THE COURT: All right.

12 MR. CHISOLM: But --

13 THE COURT: Can we go to the other one now?

14 MR. CHISOLM: Yes, sir. And if I could just add
15 one last thing about that?

16 THE COURT: Yes, sir.

17 MR. CHISOLM: I think there's a distinction if
18 you've got three days before that these three co-workers
19 have information, three days later there's a robbery;
20 versus an hour before, somebody finds out about this
21 money being in the house, and then an hour later there's
22 a robbery.

23 THE COURT: So you think time alone could
24 dissipate the argument of probable cause?

25 MR. CHISOLM: I do, Your Honor. I think --

1 THE COURT: So you think it has to be with some
2 immediacy in order for a magistrate to have issued this
3 warrant?

4 MR. CHISOLM: Yes, sir. It almost becomes stale
5 at some point because it could've been spread on to other
6 people.

7 THE COURT: I don't know that cash becomes stale,
8 Mr. Chisolm.

9 MR. CHISOLM: The information, Your Honor.

10 THE COURT: There was no information that they
11 were about to leave the country, but I understand that
12 you think time was of the essence, for purposes of
13 arguing for your client.

14 MR. CHISOLM: Yes, sir.

15 THE COURT: Anything else on that warrant before
16 we switch to the next one?

17 MR. CHISOLM: That was -- that would be all for
18 that warrant, Your Honor.

19 THE COURT: All right. You going to also argue
20 about the affidavit on the next one?

21 MR. CHISOLM: Yes, sir. I am.

22 THE COURT: Then give me a moment to review it.

23 MR. CHISOLM: Yes, sir.

24 THE COURT: One of the things that I probably
25 didn't put on the record that I need to put on the record

1 for you, Eve, is, there's also contained in the affidavit
2 we just looked at the fact that the three unknown black
3 males that entered this residence demanded twenty
4 thousand dollars, which was the exact amount of the
5 settlement that had been received by the victims earlier.
6 All right. I -- this is also, now looking at Defense
7 Exhibit Number 2, and this is also a magistrate's search
8 warrant, Mr. Chisolm?

9 MR. CHISOLM: Yes.

10 THE COURT: And this affidavit is dated December
11 the 13, 2013, in Defense Exhibit Number 2. And this is
12 signed by the affiant, I think that's Corporal?

13 MR. CHISOLM: I believe so. Detective King, I
14 believe it was. But --

15 THE COURT: It doesn't say Detective on the
16 signature line; it says CPL.

17 MR. CHISOLM: Yes, sir.

18 THE COURT: I don't think that's detective, Mr.
19 Chisolm. CPL Jay King. I've read the affidavit. I'm
20 happy to hear from you.

21 MR. CHISOLM: Yes, sir. And basically, this is
22 the search warrant that was obtained for Mr. Goodwin's
23 phone. And they got this search warrant based solely on
24 the search of Mr. Miles' phone, which we were just
25 discussing.

1 THE COURT: Now, this is -- this is the -- and I
2 should say this, on Defense Exhibit Number 2, the
3 description of the property sought is cellular telephone
4 number (843)701-6554, which is a Verizon Wireless
5 telephone number, from December 6th through December 10,
6 2013. And in the affidavit, which is different from the
7 earlier affidavit, which was Defense Exhibit Number 1,
8 Number 2 says that obviously the Sheriff's Office
9 responded -- once again, we've got the date of December
10 6th in there, but Mr. Chisolm concedes that's a
11 Scribner's error, and it should be December 9, 2013.
12 They responded to 110 Molly Drive, in Dorchester, in
13 regards to a burglary and an armed robbery.

14 The deputies met with Monica Sauls, who stated
15 three black males wearing ski masks -- or wearing masks,
16 excuse me -- brandishing handguns, unlawfully entered her
17 residence, demanding twenty thousand dollars. She told
18 the three offenders, after they threatened her life,
19 where the money was located. After she told them where
20 the cash was located, they tied her up and took between
21 fifteen thousand and seventeen thousand cash from her
22 pocketbook.

23 Detective King, who is not identified as detective on the
24 affiant line, but I assume is the person since it says
25 CPL on the affiant signature line, obtained information

1 from the victim that she and her husband recently
2 received a cash settlement for twenty thousand dollars.
3 The three unknown black males that committed this offense
4 have knowledge of the exact amount of the settlement, and
5 knew the victim and her husband did not keep a bank
6 account. Detective King obtained two separate text
7 messages from a search warrant obtained from the
8 cellphone of Junell Miles, who I previously identified
9 for you as a co-worker whom they had discussed previously
10 the amount of this settlement with; and that the subject
11 Junell Miles sent two text messages on the incident date
12 from his phone number, 560-2715, to 701 -- don't pay any
13 attention to that. That's just my phone, which, for some
14 reason, won't turn off this morning -- 701-6554, that
15 read "Y'all got more than twenty. He said y'all got
16 about twenty-seven G. And you know I need at least three
17 G." The text messages were sent by the subject Junell
18 Miles, are direct statements that the only person that
19 assisted and/or had direct knowledge of this incident
20 would have known; and that the search of 701-6554 is
21 vital to identify the person who is receiving these
22 messages from -- for the successful prosecution of the
23 case. Signed by Corporal Jay King, on December 13, 2013.
24 I think that's what it accurately states. Is that
25 correct, Mr. Chisolm.

1 MR. CHISOLM: It is, Your Honor.

2 THE COURT: All right. Tell me what you want to
3 tell me about the affidavit, since it is different from
4 Defense Exhibit Number 1. We're now dealing with Defense
5 Exhibit Number 2.

6 MR. CHISOLM: Yes, sir, Your Honor. The basis for
7 this search warrant, in the affidavit it says that text
8 messages from Junell Miles' search, we just discussed,
9 brought up these two messages that you've read into the
10 record, and that based on that, they wanted to get a
11 search of Mr. Goodwin's phone. And I'd like to talk to
12 you --

13 THE COURT: Which number is your client's number?

14 MR. CHISOLM: It would be the (843)701-6554.

15 THE COURT: All right. So it is the subject of this
16 warrant?

17 MR. CHISOLM: It is, Your Honor. And I have a few
18 points to make, Your Honor.

19 THE COURT: All right.

20 MR. CHISOLM: Basically, if you read the last line
21 here, it says -- or second-to-last line, the text
22 messages sent by the subject, Junell Miles, are direct
23 statements that only the person that assisted and/or has
24 direct knowledge of the incident, would've known.
25 Basically we're dealing with a search warrant for Mr.

1 Goodwin's phone. What's important is showing what he may
2 have done, what he may have known, that kind of thing.
3 The only thing that points out is what the sender of
4 these messages might've known; that would be Mr. Miles.
5 There's no response from this number. It's not a he
6 sends these messages off and gets a response back, no we
7 got twenty-five. I mean, there's nothing that comes back
8 from the other side. So it doesn't show anything about
9 what Mr. Goodwin may or may not have known. The second
10 point would be -- and I understand, obviously, where the
11 State's going with this when you talk about twenty G's,
12 three G's, and all that kind of thing. But I don't think
13 you can take for granted that there's other context this
14 could also make sense. You could certainly interpret
15 that, G's, as thousands of dollars, as I imagine the
16 State's going to. It could also refer to other things,
17 grams, for example.

18 THE COURT: Was Mr. Miles charged in connection
19 with this incident?

20 MR. CHISOLM: He was, Your Honor.

21 THE COURT: Has his case been disposed of?

22 MR. CHISOLM: It has not, Your Honor.

23 THE COURT: I see. Hmm. All right.

24 MR. CHISOLM: Yes, sir.

25

1 THE COURT: Is Mr. Miles anticipated to be a witness
2 in the trial of this case?

3 MR. CHISOLM: I believe he's on the witness list.

4 Now, whether or not they anticipate him, I couldn't
5 tell you.

6 THE COURT: I understand. But he's listed as a
7 witness, and therefore subject to my sequestration order
8 which you requested.

9 MR. CHISOLM: Yes, sir.

10 THE COURT: Go ahead.

11 MR. CHISOLM: So, the second point again was, what
12 you've got here, there's other context where this would
13 actually make sense about talking about something
14 entirely different. If you're saying I heard you've got
15 twenty grams of marijuana, cocaine, whatever the case may
16 be; I've heard you got twenty-seven grams, I'd like to
17 get three grams. The last point is, you know, probably
18 the most important point that I have, and that is that
19 they say Mr. Miles had information only someone involved
20 would've known. And I imagine what they're going to say
21 is that well, it shows that he knows there was a robbery.
22 These text messages, it doesn't outline in the affidavit,
23 but they are sent, I believe, roughly five or six hours
24 after the robbery. In a small community, where I think
25 you'll probably hear the testimony, this is at somebody's

1 house, on a street, flashing lights, people are talking.
2 We're talking five or six hours later, there's probably
3 lots of people that knew there had been a robbery. The
4 other thing is, they're saying well, he's got information
5 that only somebody involved would've had. But if you
6 look at the actual values here, the information in these
7 texts, if that's what it is, it's incorrect. The victims
8 say between fifteen and seventeen thousand dollars, or,
9 that that's what was taken. The text message, if you
10 interpret it as, this is thousands of dollars, says you
11 all got more than twenty, he said you all got about
12 twenty-seven G, which doesn't line up remotely close to
13 what was actually taken. There's simply nothing
14 connecting Mr. Goodwin to this crime. There's no texts
15 from him. This would be a text with incorrect
16 information sent to his phone, and I don't think it's
17 enough to support probable cause.

18 THE COURT: Thank you, Mr. Chisolm. All right,
19 Mr. Spears. You're up.

20 MR. SPEARS: Thank you, Your Honor. May it please
21 the Court?

22 THE COURT: Hold on a second. Let Mr. Chisolm be
23 seated, and you come up to my microphone and bring your
24 pad. You're not going to be able to sit by Mr. Smythe,
25 now. You're going to have to do it all by yourself.

1 MR. SPEARS: Yes, Your Honor.

2 THE COURT: Happy to hear from you.

3 MR. SPEARS: Thank you, Judge. For a quick point
4 of clarification, I do have a affidavit here, if I could
5 show it to the Defense before I have it marked?

6 THE COURT: Absolutely show it if you want me to
7 look at it. I want to know if there's any objection.

8 MR. SPEARS: Your Honor, may I have this marked?

9 THE COURT: No objection. You will mark it.

10 MR. SPEARS: Yes, Your Honor. Thank you.

11 THE COURT: State's 1, without objection.

12 (WHEREUPON, STATE'S EXHIBIT NUMBER 1, IDENTIFIED
13 AND MARKED.)

14 MR. SPEARS: May I -- may I approach, Your Honor?

15 THE COURT: You may. Let the record reflect that
16 I've been handed the affidavit of Detective Jay C. King.
17 It has an incident date of December 9, 2013, on it. It
18 has a case number of 13014468, which I assume is a
19 Dorchester Sheriff's Department case number. And it
20 contains the following information: on December 20,
21 2013, after reviewing case reports of incident, 13014468,
22 I, Detective James C. King, discovered a typo error in
23 the search warrant sent to Verizon Wireless on or after
24 12/11/2013, for the information regarding the subject
25 Tyreek Rasheed Goodwin, Junell Miles, George Lawton, and

1 John Devon Russell. The search warrant indicates that
2 the incident occurred on December the 6th, which is
3 clearly documented on the incident report, as well as the
4 warrant of December 9th, 2013, at 110 Molly Drive in
5 Dorchester County. This typo was discovered by Detective
6 Jay King, and presented to the signing judge, Katrina
7 Patton, and Katrina is with a K, K/a/t/r/i/n/a, on
8 December 20, 2013. The error was not in any way to
9 mislead such investigational purposes. Signed, Detective
10 James C. King; dated December 20, 2013. All right. Mr.
11 Spears, I've reviewed it.

12 MR. SPEARS: Judge --

13 THE COURT: State's Exhibit Number 1.

14 MR. SPEARS: And Judge, that exhibit is solely for
15 clarification purposes in regards to the dates on the
16 actual search warrants. I heard you discussing it with
17 Mr. Chisolm --

18 THE COURT: Mr. Chisolm concedes that it was a
19 Scribner's error. He's not questioning the date insofar
20 as his objection on the affidavit. He does question on
21 Defense Exhibit 2 the timing, and interestingly enough he
22 has a reverse timing argument on Defense Exhibit 1,
23 because he thinks that within a matter of hours, that the
24 community in Summerville, everyone knows about a robbery.
25 On the other side of that fence on Defense Exhibit 2, he

1 says that it wouldn't be relevant unless it was within
2 ninety minutes of the robbery. So let me hear from you
3 now, Mr. Spears.

4 MR. SPEARS: Your Honor, the State's first argument
5 in regards to Exhibit 1, Defense's Exhibit 1, which is
6 the search warrant for Junell Miles' phone, Junell Miles
7 is the co-defendant in this case. He is not being called
8 to trial today, and no one here represents him. The
9 Defense is trying to bring forward his constitutional
10 rights --

11 THE COURT: You don't think they have standing to
12 raise this argument?

13 MR. SPEARS: That is correct, Your Honor.

14 THE COURT: And why not?

15 MR. SPEARS: Because they cannot raise the
16 constitutional rights of another person.

17 THE COURT: So you think because in Defense
18 Exhibit Number 1, you think because the phone, which is
19 560-275 -- no, wait a minute -- yeah. I keep looking at
20 the number on here. This is the one that you wrote on
21 here, isn't it? Can you see it?

22 MR. SPEARS: Yeah.

23 THE COURT: All right. Defense Exhibit Number 1,
24 they're looking for 560 -- (843)560-2715, and you're
25 telling me that that has nothing whatsoever to do with

1 the defendant in his own trial? MR. SPEARS: That
2 is correct, Your Honor.

3 THE COURT: But it does have something to do with
4 the evidence that will be presented against this
5 defendant during the trial of this case; does it not, Mr.
6 Spears?

7 MR. SPEARS: It does, Your Honor.

8 THE COURT: Let me hear from you.

9 MR. SPEARS: Your Honor, in regards to the
10 challenge for probable cause in that search warrant.

11 THE COURT: Yes.

12 MR. SPEARS: The Defense states that the only
13 reason there is question was because there's allegations
14 money was shown to them. But it's clear in the probable
15 cause section of the search warrant that money was shown
16 to them. The robbers had date and time information of
17 when the victim would be alone; of how much money would
18 be in there; of where it would be. It is clear that the
19 probable cause is there to allow for a search of this
20 individual's cellphone information because he is one of
21 those individuals that had knowledge of the crime.

22 THE COURT: I can't --

23 MR. SPEARS: Of how the crime could have
24 occurred.

1 THE COURT: And Mr. Chisolm argued to me that
2 there was a six-hour window for this, and I don't find
3 that on the document. Can you help me there with the
4 timing?

5 MR. SPEARS: Your Honor, in regards to the six-
6 hour window, I believe you're speaking about when the
7 warrant was brought after the crime, or?

8 THE COURT: He argued that there was -- am I not
9 correct, Mr. Chisolm?

10 MR. CHISOLM: Your Honor, I was arguing that the text
11 messages that are referenced in this warrant were sent
12 six hours after the robbery, approximately.

13 THE COURT: All right. Well, that wouldn't be in
14 Defense Exhibit Number 1. That would be Defendant's 2.

15 MR. SPEARS: Yes, Your Honor.

16 THE COURT: I'm sorry. I didn't mean to confuse you.

17 MR. SPEARS: Oh, you're fine, Your Honor. Thank
18 you. And again, the Defense states that there was three
19 days between the showing of the money and the robbery.
20 In those three days was a weekend. The defendant had
21 knowledge -- or the individual who was the subject of
22 Search Warrant 1, had knowledge the next time the victim,
23 Ms. Sauls, was going to be alone. And that's what is
24 discussed in this probable cause here, because of date
25 and time information of -- and knowledge of her husband

1 not being home. Furthermore, your Honor, in regards to a
2 challenge on the search warrant, I believe it's State v.
3 Wesson that great deference should be given to the
4 finding of the magistrate judge. Suppression is only
5 appropriate in a few situations, when the affiant is so
6 lacking in -- of probable cause to render official belief
7 in its existence entirely unreasonable. It's clear in
8 this probable cause section here that there is enough to
9 warrant the finding to allow for the search of the phone.

10 THE COURT: Let's proceed to Defendant's 2.

11 MR. SPEARS: Your Honor, in regards to Defendant's
12 2, the State would argue a lot of the Defense's motion on
13 that is simply conjecture. As the Court noticed, it was
14 -- now there was -- the fact that there was a few days
15 between, you know, the robbery and when these messages
16 were sent to Mr. Goodwin, that word could have traveled.
17 Here, if we're accepting State's 1, Junell Miles was an
18 individual who was -- his phone was searched because
19 of --

20 THE COURT: You concede he was a co-worker?

21 MR. SPEARS: He was a co-worker --

22 THE COURT: And information was given to this
23 detective --

24 MR. SPEARS: Um-hmm.
25

1 THE COURT: -- the information about the
2 settlement, and had been given to the co-worker --

3 MR. SPEARS: Right.

4 THE COURT: -- prior to this incident? Including
5 the amount and the fact, according to the affidavit, also
6 that her husband was not at home.

7 MR. SPEARS: Correct, Your Honor. So the
8 information taken from Mr. Miles' phone, and a few hours
9 --

10 THE COURT: Now -- because the husband would be
11 working with the same people he had told about the money?

12 MR. SPEARS: That is correct, Your Honor.

13 THE COURT: I see.

14 MR. SPEARS: So this individual, who has all of
15 this knowledge and information of when and how this crime
16 could have occurred, and the crime did happen to occur in
17 that same way, has text messages to this other individual
18 in regards to, I know you've got around twenty, twenty-
19 seven G's. All right? The
20 amount of money that was taken was -- they -- the
21 suspects thought, was twenty thousand. I mean, it's
22 stated in there that the -- Mr. Miles -- I apologize,
23 Your Honor. They stated the settlement amount was twenty
24 thousand. That the information provided was --

25 THE COURT: They demanded twenty thousand.

1 MR. SPEARS: Yes, Your Honor.

2 THE COURT: The victim said that they took from
3 her pocketbook --

4 MR. SPEARS: Um-hmm.

5 THE COURT: -- between fifteen and seventeen
6 thousand.

7 MR. SPEARS: Um-hmm.

8 THE COURT: That doesn't necessarily include other
9 money located in the residence, but from the pocketbook,
10 fifteen to seventeen. And you're right, Mr. Chisolm did
11 argue that there's a difference between the amounts in
12 his argument, as to Defendant's Number 2.

13 MR. SPEARS: And Judge, we would again argue,
14 that's simply conjecture on, you know, saying it could be
15 grams, or it could be anything else. But those amounts
16 are close enough, and this person who had knowledge of
17 when the crime could have occurred, and it did occur, was
18 asking for a cut of this amount. We would state the
19 probable cause is there. There's no -- there's no basis
20 for the Defense's motion to have these suppressed. It's
21 insufficient. Again, it requires it be so lacking in
22 probable cause that it must be suppressed, and that's
23 simply not the case here, Your Honor.

24 THE COURT: Thank you very much. Anything briefly
25 in reply?

1 MR. CHISOLM: Yes, sir. Your Honor, Defense
2 Exhibit Number 1, the Solicitor has pointed out that this
3 individual knew the date, the time, knew how much money
4 and where it was, and all of that. What you're looking
5 at here is, they're looking at what happened in this
6 case, and that's conjecture. He must've planned this
7 around this -- you know, around this knowledge, which
8 isn't anywhere in the case. That's just kind of what
9 their assumption is. And the argument they're basing
10 this on is kind of a two-way street, like you were
11 saying. I've argued the time is important or it isn't
12 important, how long it was. They're doing the same thing
13 with the knowledge. They're saying that on the first
14 search warrant, Mr. Miles worked with these people. He
15 knew where the victim was, where they weren't, and all
16 that stuff. He had all this knowledge himself, that's
17 why they should be able to search his phone. In the
18 second search warrant, they're saying because Mr. Miles
19 knew all this stuff, they should be able to search Mr.
20 Goodwin's phone. They say nothing about what he knew.
21 There's nothing in the warrant that shows --

22 THE COURT: There's also the content of Mr. Miles'
23 text message to that phone number that they argue gives
24 him probable cause, and not just the fact that he sent a

1 message to your client's -- or a text message to your
2 client's cellphone.

3 MR. CHISOLM: It is, Your Honor. And if they were
4 basing their search warrant for Mr. Miles' phone or for
5 his records based on knowing he sent that text, it shows
6 Mr. Miles may have known something about it. It doesn't
7 show that the recipient knew anything about it, and again
8 there was no response. It doesn't go towards what Mr.
9 Goodwin knew at all, which is the basis for my argument
10 and for probable cause to show he was involved.

11 THE COURT: Thank you. Let the record reflect
12 that I've reviewed the motion, which is in writing, and
13 to suppress the cellphone records dated June 10, 2013.
14 And what Mr. Chisolm asked me to do is suppress it based
15 on his arguments of the inadequacy of the information
16 provided, and the affidavits in both Defendant's 1 and 2.
17 I respectfully disagree. I think there is sufficient
18 probable cause, and your motion to suppress is
19 respectfully denied. All right. I'm handing you
20 Defendant's Number 1, Defendant's Number 2, State's
21 Number 1, which I used in connection with this. Did you
22 get it? Thank you. All right. That's all the written
23 motions that I have. Now I understand there's an oral
24 motion. Is that correct, from the defendant?

25 MR. KORNEGAY: That is correct, Your Honor.

1 THE COURT: Let me hear -- come on up to the
2 microphone. Identify yourself for the court reporter.

3 MR. KORNEGAY: John Kornegay with the Public
4 Defender's Office.

5 THE COURT: You know how to spell his name?

6 COURT REPORTER: Um-hmm.

7 THE COURT: All right.

8 MR. KORNEGAY: And Your Honor, this is a motion to
9 suppress a firearm that was found when Mr. Goodwin was
10 arrested at the Ashley Lodge Hotel. I'm basing this
11 motion, two parts. One, that it is not relevant to this
12 case. The arrest occurred eight days after the incident
13 in this case.

14 THE COURT: Since we have agreed now the incident
15 date was December the 9th --

16 MR. KORNEGAY: Right.

17 THE COURT: -- rather than December the 6th. So
18 when you say eight days, I'm assuming that you mean on
19 the 17th?

20 MR. KORNEGAY: That's correct, Judge.

21 THE COURT: So he was arrested on December 17, 2013.
22 And at the time of his arrest, where was he arrested?

23 MR. KORNEGAY: The arrest was at the Ashley Lodge
24 Hotel. They found that he was staying in a room at that
25 hotel, with --

1 THE COURT: Where is that located?

2 MR. KORNEGAY: I don't know.

3 THE COURT: Is that Dorchester or Charleston?

4 MR. KORNEGAY: That's Dorchester County, Judge.

5 THE COURT: So it's in Dorchester County. He's in a
6 motel-hotel room in Dorchester County, and in a search
7 incident to the arrest, a weapon was found in the room
8 that he had purchased?

9 MR. KORNEGAY: Yes, Your Honor. Where he was
10 staying.

11 THE COURT: All right.

12 MR. KORNEGAY: And in the allegations originally,
13 the only statement that we have in regards to firearms is
14 that the three masked individuals came into the house
15 with guns. There's nothing particularly identified about
16 what type of gun.

17 THE COURT: Actually, one of the affidavits says
18 handgun.

19 MR. KORNEGAY: Handgun. That's correct, Judge.

20 THE COURT: You know the difference between a
21 handgun and a rifle, don't you Mr. Kornegay?

22 MR. KORNEGAY: Yes, Your Honor.

23 THE COURT: All right.

24 MR. KORNEGAY: Other than that general description,
25 there's nothing that would identify this gun found at the

1 Ashley Lodge Hotel with that incident. My second part to
2 that argument, your Honor, is that even if your Honor
3 does find that it's relevant, we would argue that it's
4 substantially more prejudicial than probative; that it
5 would lead to speculation on the part of the jury. There
6 are no ballistics done --

7 THE COURT: Now, tell my interns why you're arguing
8 that under the rule, Mr. Kornegay.

9 MR. KORNEGAY: Sure.

10 THE COURT: I want them to learn a little bit. One
11 of them has only had one year of law school; one of
12 them's trying to decide whether to go to law school; and
13 the other one is finished law school. They're all
14 interns. Tell them why.

15 MR. KORNEGAY: So the reason I'm arguing both of
16 those rules is, first, if evidence is determined to be
17 relevant, the default position for the Court is to allow
18 it in. So if the judge decides that that is a relevant
19 piece of evidence, the default position is to let that
20 evidence in. But if he determines that it's
21 substantially more prejudicial than probative, that's
22 another avenue where he could suppress that evidence. So
23 I start with Rule 401, and then go to Rule 403.

24 THE COURT: 401 governs rules of evidence. 401
25 governs everything, is it relevant. If it is relevant,

1 then it can still be excluded, okay? If the prejudice
2 outweighs the probative value. And that's what he's
3 arguing to me now. Does everybody understand that? All
4 right. Now, when I use the term handgun, I was referring
5 to an affidavit in support of a search warrant. I was
6 not referring to the indictment. The indictment just
7 alleges deadly weapon in the burglary indictment. And
8 the indictment alleges deadly weapon in the armed robbery
9 indictment. So tell me, now, what it is -- when the rule
10 refers to prejudice, obviously any testimony is adverse
11 to your client is prejudicial, but what we're talking
12 about legal prejudice, as opposed to just not favorable
13 testimony to your client. What legal prejudice arises
14 from the introduction of this evidence, Counsel?

15 MR. KORNEGAY: Your Honor, the legal prejudice,
16 which would outweigh any probative value, would be that
17 the jury hears about a firearm, they -- the State even
18 has pictures --

19 THE COURT: Isn't that the essential element of the
20 offense of armed robbery, Counsel?

21 MR. KORNEGAY: That --

22 THE COURT: In other words, if they didn't have a
23 weapon, it would be strong-armed robbery rather than
24 armed robbery.

25 MR. KORNEGAY: Yes, sir.

1 THE COURT: Doesn't the State have the burden of
2 proving each essential element of the crimes charged?

3 MR. KORNEGAY: They do, Your Honor. But all they
4 can show is that they found a weapon. They can't tie
5 that weapon to this actual incident.

6 THE COURT: Well, now you're -- I hadn't gotten
7 that far in the trial. That's what you're telling me you
8 think the evidence is going to show.

9 MR. KORNEGAY: Well, there's no allegations that
10 any shots were fired. No ballistics were done. Eight
11 days later in a hotel room they find a fire -- a handgun.

12 THE COURT: It was a handgun?

13 MR. KORNEGAY: It was a handgun. That is
14 consistent. But other than that, there's no details
15 describing the gun that would connect it directly to that
16 incident.

17 THE COURT: Thank you very much. Let me hear from
18 you.

19 MR. SPEARS: Thank you, Your Honor. May it please
20 the Court? Judge, a quick clarification in the armed
21 robbery indictment. At the end of the paragraph, it
22 actually does say such weapon or alleged weapon is
23 described as a pistol.

24 THE COURT: I'm sorry. And I didn't read all the
25 way through it. Let me look at it. You are correct, Mr.

1 Spears. In the next to last sentence says, such weapon
2 or alleged weapon described as a pistol. Now, Mr.
3 Kornegay wants me to know what I'm going to hear in this
4 trial, and that is that you're not going to be able to
5 tie what you seized in this motel to anything in this
6 trial, because you did no testing on the weapon. And so,
7 he argues that even if relevant, which I can tell you
8 right now it is relevant, the question now becomes
9 whether the prejudice outweighs any probative value. You
10 tell me, Mr. Spears, what am I going to hear during the
11 trial of this case?

12 MR. SPEARS: Judge, I believe the handgun that was
13 found with the defendant is directly probative. One in
14 that you're going to hear testimony in regard -- from Ms.
15 Sauls that a black handgun was pointed at her by the
16 three individuals who broke into her house and committed
17 these crimes.

18 THE COURT: And is the handgun that was seized at
19 the motel black?

20 MR. SPEARS: It is black, Your Honor.

21 THE COURT: All right.

22 MR. SPEARS: Your Honor, the State's going to
23 attempt to get in fingerprint information, showing
24 that the defendant's fingerprints were on
25 the handgun that was found. The Defense is right,

1 there is no ballistics, the shots weren't fired at the
2 crime scene.

3 THE COURT: You can't do ballistics unless the
4 weapon was discharged at the scene. Mr. Kornegay knows
5 that, but he wants to take advantage of anything he
6 possibly can for his client, Mr. Spears. You have to
7 give him credit for being an advocate.

8 MR. SPEARS: I give him all the credit in the
9 world, your Honor, but the State would disagree,
10 respectfully, that it is directly probative to the crime,
11 burglary first, and specifically the armed robbery. And
12 that the chain of evidence that shows the guilt of the
13 defendant leading up to that point, eight days later,
14 because he wasn't found until eight days later, because
15 it was a long investigation, he still had a black handgun
16 on his person, with him, in this motel that he was found
17 in. I understand if your Honor wants to hear the
18 evidence that comes out at trial, but --

19 THE COURT: I absolutely do, just like I do with
20 cross-examination of the victims. I think it's
21 impossible for me to make a final ruling. Now, I will
22 tell you, Mr. Kornegay, you're going to have a hard time
23 convincing me that this is irrelevant, and you're going
24 to have a pretty big burden convincing me that the
25 prejudice outweighs the probative value. But I intend to

1 listen carefully once this testimony is elicited, and
2 I'll make a decision during the trial of the case, once I
3 hear the evidence, whether or not the pistol may or may
4 not be admitted into evidence in the trial of this case.
5 Thank you, Mr. Spears.

6 MR. SPEARS: Thank you, Your Honor.

7 THE COURT: All right. I believe that's all the
8 motions now. Is that right?

9 MR. SPEARS: To my knowledge, yes, Your Honor.

10 MR. KORNEGAY: To my knowledge, Your Honor, the
11 only question that we have with the Jackson v. Denno
12 motion is if the --

13 THE COURT: Is are we going to go ahead and do the
14 Jackson-Denno now?

15 MR. KORNEGAY: Yes, sir.

16 THE COURT: I would prefer to do it, but I don't
17 know if the State's prepared to do it.

18 MR. SPEARS: Your Honor, the State is prepared, I'm
19 just curious about the situation with the jury. Are we
20 going to leave them waiting if we do it now?

21 THE COURT: They're almost done. How many
22 witnesses you got for Jackson-Denno?

23 MR. KORNEGAY: One, Your Honor.

24 THE COURT: All right. Let me find out how much
25 longer. All right. We'll do it in the other courtroom.

1 She told the jury they could have a fifteen-minute break.
2 They're walking out right now, so I want you all to have
3 a break. We're moving to the other courtroom. Please
4 thank Ms. Torres for being our court reporter for the
5 pretrial motions. Becky Hill will be our court reporter
6 in the other courtroom, and we'll go ahead and select a
7 jury and then do Jackson-Denno before we break for lunch.
8 Thank you very much.

9 (WHEREUPON, THE COURT IS OFF THE RECORD FROM 11:45
10 TO 12:00 P.M. THEREAFTER, THE TRIAL IN THE CASE STARTS
11 AND THE FOLLOWING IS PLACED ON THE RECORD.)

12 BAILIFF: All rise. Court is in session, the
13 Honorable Judge Buckner presiding.

14 THE COURT: Thank you. Please be seated.
15 Solicitor, call your case.

16 VOIR DIRE

17 MR. SPEARS: Thank you, Your Honor. May it please
18 the Court? Your Honor, this is in the matter of State v.
19 Terek Goodwin. He is present under three indictments:
20 Indictment Number 2014-GS-18-0011, charging him with
21 armed robbery; 0012, charging him with burglary in the
22 first degree; and 0013, charging him with kidnapping. He
23 has pled not guilty to these charges, and we are
24 proceeding with trial.

25

1 THE COURT: Will you hand those to the clerk for
2 me? Thank you very much. All right.
3 Ladies and gentlemen of my jury panel, if you would give
4 me your attention.

5 First of all, let me introduce myself to you. My
6 name is Perry Buckner. I live right across the Edisto
7 River in the big city of Walterboro, South Carolina. I'm
8 a Walterboro High School graduate, a Wofford College
9 graduate, University of South Carolina Law School
10 graduate. I practiced law for twenty-five years, and
11 I've been on the bench now, gosh, you all, I hate to say
12 this, I've been on the bench now for twenty years. So
13 forty-five years of my life have been involved with what
14 I'm doing right now.

15 This young man that you see seated up here beside
16 me is David Nassrollahi. A little hard to pronounce his
17 last name, but he's the best law clerk I ever had. I
18 can't say enough good about him.

19 He is a native of Greenwood, South Carolina. He
20 went to the College of Charleston and the University of
21 South Carolina Law School. He's stayed a second year
22 with me. Most law clerks do a one-year rotation with a
23 judge. And he'll be leaving me in August, and I don't
24 know what I'm going to do when he leaves me, because I
25 feel like I'm losing a member of my own family.

1 David does a great job. If you see David walking in
2 and out during the trial, it's because the phone never
3 stops ringing. It's already rung five times. And
4 actually, my phone went off while I was doing other legal
5 matters. Once you're here, my job is to get you home in
6 a timely fashion, and I'm going to do that this week.

7 Now, I've got some good news for you. The good
8 news is that those of you out there thinking man, I'm
9 going to ask Judge Buckner if I can be excused or get
10 off. I'm going to remind you of what my mother taught me
11 years ago: Careful what you wish for, you might get it.
12 This is going to be a short week, ladies and gentlemen,
13 and I'm going to get you home early this week. If I
14 transfer you, I could easily be transferring you into a
15 multi-week term of court. Does everyone hear that out
16 there?

17 How many of you would like to stay for three
18 or four weeks in this courthouse?
19 Raise your hand for me. I don't see anyone. Well, in
20 that case, I would suggest you want to stay with Judge
21 Buckner during this term of General Sessions, because not
22 only will you get to go home early, you will be exempt
23 from jury service for three years as a result of being
24 here for a couple of days this week. Even if the
25 computer were to select you for service, you can claim

1 your exemption. So your time will not be wasted this
2 week, I want you to understand that.

3 Now, you've heard -- I assume you've also met, I
4 can't function without her, Becky Hill. She lives in
5 Walterboro, just like I do. She's our court reporter
6 this week. She does a great job for me. One of the
7 reasons we maintain quiet in the courtroom is because the
8 jury's got to be able to hear, and the court reporter's
9 got to be able to hear. If Becky can't hear, she can't
10 do her job. And her job is to make, if necessary, a
11 verbatim, or word-for-word, transcript of the proceedings
12 that are going to take place. And I've warned my lawyers
13 already, because they're -- I did it when I practiced law
14 -- one person speaks at a time in this courtroom. Becky
15 can't take down but one person speaking. She can't take
16 two simultaneously. One person stands at a time in the
17 courtroom. One person speaks at a time in the courtroom,
18 so the court reporter can hear, and the court reporter
19 can understand; so the jury can hear, and the jury can
20 understand.

21 Now, you've heard that the State has called for
22 trial the case of the State of South Carolina versus
23 Terek Rasheed Goodwin. Mr. Goodwin is charged by these
24 three pieces of paper which I hold in my hand, which we

1 call indictments. The indictments are not evidence of
2 any of the allegations contained in the indictments.

3 The indictments are simply the formal written
4 instruments by which the case is brought into this court,
5 the court of General Sessions for Dorchester County. The
6 defendant is charged with the offenses of kidnapping,
7 burglary first degree, and armed robbery. The elements
8 of those offenses, if you are selected as a juror in the
9 trial of this case, will be explained to you, by me, in
10 my charge to you on the law, which comes at the
11 conclusion of the trial of the case. So don't worry
12 about what are the elements of armed robbery; what are
13 the elements of kidnapping. My charge will explain to
14 you the elements. Your job will be to listen to the
15 evidence, and you will base your decision on the evidence
16 as it is presented during the trial of this case, when
17 both sides are present, with the right of cross-
18 examination. To these indictments the defendant has pled
19 not guilty. That places the burden on the state of South
20 Carolina to prove each of the essential elements of the
21 crimes charged beyond a reasonable doubt. And it will be
22 your duty, ladies and gentlemen, if you are selected as a
23 juror in the trial of this case, to decide whether or not
24 the State has met that burden.

1 Now, I want you to meet, since you have not seen
2 them, because I had them working while you were being
3 qualified, because I don't believe in wasting time,
4 ladies and gentlemen. So they weren't in here.
5 Normally, they would be in this courtroom during your
6 qualifications, but we were next door working, ladies and
7 gentlemen, while you were being qualified. So I want you
8 to meet the lawyers that are going to be representing
9 both the State of South Carolina, and the defendant,
10 Terek Rasheed Goodwin. First, for the State of South
11 Carolina.

12 MR. SPEARS: Thank you, Your Honor. My name is
13 Mike Spears. I'm an assistant solicitor in the Dorchester
14 County Solicitor's Office. David Pasco is our elected
15 solicitor. Other individuals in our office amongst us
16 are George Smythe; he is sitting here with me today.
17 He's another assistant solicitor. Other folks in our
18 office are Sheila Mims, Don Sorenson, Ryan Templeton,
19 Nick Young, William Baker Allen, and Virgil Dees.

20 THE COURT: Mr. Smythe, did you stand up so they
21 can see you?

22 MR. SMYTHE: Yes, sir. I did, Judge.

23 THE COURT: All right. Long as they -- this is
24 Counsel for the State of South Carolina. Counsel for the

1 defendant. Please rise, also, Mr. Goodwin. Introduce
2 your client, Counsel.

3 MR. KORNEGAY: Good morning. My name is John
4 Kornegay, and I, along with Mr. Ash Chisolm, am
5 representing Mr. Terek Goodwin. Other attorneys in our
6 office are Mark Leiendecker, John Loy, Michelle Hubrich,
7 Pierce Wehman, Mary Lamatty, Al Biggs, and Gina McAlhany.

8 HE COURT: All right, ladies and gentlemen, you've
9 now met the attorneys that are going to be trying this
10 case, both for the State of South Carolina and the
11 defendant. You've also met the defendant. Your client
12 is from where, Mr. Kornegay?

13 MR. KORNEGAY: He's from Harleyville, Your Honor.
14 Harleyville.

15 THE COURT: Hardeeville?

16 MR. KORNEGAY: Harleyville.

17 THE COURT: Harleyville, or Hardeeville?

18 MR. KORNEGAY: Harleyville.

19 THE COURT: Harleyville.

20 MR. KORNEGAY: Yes, Judge.

21 THE COURT: Dorchester County, rather than Jasper
22 County. All right. Mr. Goodwin is from Harleyville,
23 South Carolina, ladies and gentlemen. Now, I've got some
24 questions to ask you, purely to determine your
25 impartiality, to serve as a juror in the trial of this

1 case. Earlier today - Cheryl, she placed them under
2 oath, did she not?

3 MADAM CLERK: Yes, sir. I did.

4 THE COURT: All right. The clerk tells me you've
5 previously been placed under oath. I remind you, the
6 answers to your questions that you're about to give me
7 will also be under oath. When you stand, if you have to
8 stand, I'm going to ask you to identify yourself; and if
9 you know your juror number, give me your juror number.
10 If you don't we'll look it up, if you have to stand.

11 All right. Let's begin. Is any member of my jury
12 panel related by blood, connected by marriage, or a close
13 personal friend of the defendant, Terek Rasheed Goodwin -
14 - that's G, double o, d/w/i/n, of Harleyville, South
15 Carolina? If so, please stand at this time.

16 (NO RESPONSE.)

17 THE COURT: Let the record reflect no one is
18 standing. Now, you've met the attorneys for both the
19 State of South Carolina and the defendant. The gentleman
20 seated, Mr. Kornegay and -- I mean Mr. Spears and Mr.
21 Smythe, for the State of South Carolina. Is any member
22 of my jury panel related by blood, connected by marriage,
23 or a close personal friend of any of the attorneys for
24 the State of South Carolina in this case? If so, please
25 stand at this time.

1 (NO RESPONSE.)

2 THE COURT: Let the record reflect no one is
3 standing.

4 Any member of my jury panel ever been represented
5 in the past, or currently being represented by any member
6 of the circuit Solicitor's Office, that's the First
7 Judicial Circuit, and that's Calhoun, Orangeburg, and
8 Dorchester Counties; or either Mr. Spears or Mr. Smythe?
9 If you've been represented by any member of the
10 Solicitor's Office in the past, or currently, or the
11 lawyers in this case, please stand at this time.

12 (JURORS STAND.)

13 THE COURT: Yes, sir. Your name and juror number?

14 JUROR NUMBER 50: Juror Number 50. My name --

15 THE COURT: Number what?

16 JUROR NUMBER 50: 50.

17 THE COURT: You got that, Becky?

18 COURT REPORTER: Five-zero.

19 THE COURT: I'm assuming he's saying 50.

20 JUROR NUMBER 50: Yes, sir.

21 COURT REPORTER: Yes.

22 THE COURT: Pronounce your last name for me?

23 JUROR NUMBER 50: Fillerimo.

24 THE COURT: Fillerimo. Mr. Fillerimo, by whom were
25 you represented?

1 JUROR NUMBER 50: I was represented by Al Biggs.

2 THE COURT: All right. In the Solicitor's Office?

3 JUROR NUMBER 50: No, sir.

4 THE COURT: That's what I'm asking right now.

5 JUROR NUMBER 50: I'm sorry.

6 THE COURT: I'm going to get to that, though.

7 JUROR NUMBER 50: Okay.

8 THE COURT: Thank you for anticipating my question.

9 JUROR NUMBER 50: All right.

10 THE COURT: I'll give you the chance to stand a
11 little later.

12 JUROR NUMBER 50: Thank you, sir.

13 THE COURT: Thank you, sir. That tells me you're
14 listening. I appreciate that, but you're not quite there
15 yet. You're like my wife. She wants to answer questions
16 that I haven't asked yet. All right. Any member of my
17 jury panel ever been represented in the past, or
18 currently represented by any member of the First Judicial
19 Circuit Solicitor's Office? If so, please stand at this
20 time.

21 (NO RESPONSE.)

22 THE COURT: Let the record reflect, no one is
23 standing. Now, you've also met Mr. Kornegay, and also
24 Mr. Chisolm. They're with the Dorchester County Public
25 Defender's Office. The public defender is charged with

1 the responsibility of representing those individuals who
2 are accused of criminal offenses, and who are indigent
3 and unable to afford counsel.

4 Now, ladies and gentlemen, I ask, is any member of
5 my jury panel related by blood, connected by marriage, or
6 a close personal friend of either one of the attorneys
7 from the Dorchester County Public Defender's Office, that
8 are representing the defendant, Mr. Goodwin, in this
9 case? If so, please stand at this time.

10 (JUROR STANDS.)

11 THE COURT: Yes, ma'am. Name and number, please.

12 JUROR NUMBER 160: It's Sulin North, 160.

13 THE COURT: Counsel, this is Sulin North, Juror
14 Number 160. Ms. North, were you previously represented
15 by one of these attorneys?

16 JUROR NUMBER 160: No, but --

17 THE COURT: Are you related to them?

18 JUROR NUMBER 160: No, but I --

19 THE COURT: Are you a close friend of theirs? Just
20 yes or no is all I need right now. I'm cutting you off
21 intentionally.

22 JUROR NUMBER 160: Okay, no.

23 THE COURT: All right. Well, I asked, are you
24 related by blood, connected by marriage. Are you
25 connected to either one of them by marriage?

1 JUROR NUMBER 160: No.

2 THE COURT: Or a close personal friend?

3 JUROR NUMBER 160: Of those two, no.

4 THE COURT: All right. That's all I've asked so
5 far. Anyone else related by blood, connected by
6 marriage, or a close personal friend of either one of the
7 attorneys involved in the trial of this case, for the
8 defendant, Mr. Kornegay and Mr. Chisolm, please stand.

9 (NO RESPONSE.)

10 Let the record reflect, Becky, no one is standing.
11 Now, ma'am, has any member of my jury panel ever been
12 represented by either one of these individuals, or any
13 member of the Dorchester County Public Defender's Office,
14 in the past or currently? Please stand at this time.

15 (JURORS STANDS.)

16 THE COURT: Ah-ha! All right. Name and number.

17

18 JUROR NUMBER 50: Number 50.

19 THE COURT: Mr. Filori -- it's Filorimo?

20 JUROR NUMBER 50: Yes, sir.

21 THE COURT: Mr. Filorimo, by whom were you
22 represented?

23 JUROR NUMBER 50: Kyle Davis?

24 THE COURT: When he was with the Public Defender's
25 Office?

1 JUROR NUMBER 50: Yes, sir.

2 THE COURT: All right. The fact that a member of
3 the Public Defender's Office -- and that representation
4 has been concluded?

5 JUROR NUMBER 50: Yes, sir.

6 THE COURT: The fact that a member of the Public
7 Defender's Office represented you in the past and it's
8 been concluded, would that in any way keep you from
9 giving the State of South Carolina, or the defendant in
10 this case, Mr. Goodwin, a fair and an impartial trial?

11 JUROR NUMBER 50: No, sir.

12 THE COURT: Thank you, sir. You may be seated.
13 Anyone else ever been represented in the past, or
14 currently being represented, by any member of the Public
15 Defender's Office? And I'll broaden that to the First
16 Judicial Circuit. So not only Dorchester, but also
17 Orangeburg and Calhoun. Any member of First Judicial
18 Circuit Public Defender's Office, if you've been
19 represented by them in the past, or currently, please
20 stand at this time.

21 (NO RESPONSE.)

22 THE COURT: Let the record reflect, no one is
23 standing. All right. I'm going to tell you a little bit
24 about what's alleged. I told you that these indictments
25 are not evidence, and they are not evidence of any of the

1 allegations. They are just simply the formal written
2 instruments by which the case is brought into this court.
3 In the first indictment, which is 2014 at 11, charges the
4 defendant with armed robbery.

5 It alleges that on or about December the 9th, 2013,
6 in Dorchester County, the defendant, Mr. Terek Rasheed
7 Goodwin, did by use of force, threats or intimidation,
8 and while armed with a deadly weapon, or while alleging
9 either by words or action that he was armed, while using
10 a representation of a deadly weapon; or any object which
11 a person present during the commission of the robbery
12 reasonably believed to be a deadly weapon did take and
13 carry away goods and/or monies from the person or
14 presence of the victim, Monica Saul -- that's S/a/u/l --
15 with the intent to permanently deprive the victim of the
16 possession of the goods or monies.

17 In the indictment for kidnapping, 2014 at 13, it is
18 alleged that it occurred in Dorchester County, on or
19 about December the 9th, 2013. It is alleged that the
20 defendant, Terek Rasheed Goodwin, unlawfully did seize,
21 confine, inveigle, decoy, kidnap, abduct, or carry away
22 the victim, Monica Saul, without authority of law.

23 Finally, in Indictment 2014 at 12, charging the
24 defendant with the offense of burglary in the first
25 degree, it is alleged in this indictment that it occurred

1 in Dorchester County, South Carolina, on or about
2 December the 9th, 2013, that the defendant, Terek Rasheed
3 Goodwin, did willfully and unlawfully enter the dwelling
4 of Monica Saul, without consent, and with the intent to
5 commit a crime therein; and the defendant did so while
6 either armed with a deadly weapon, and physically
7 assaulted the victim. Those are the allegations in the
8 indictment. I read those to you in order to ask you
9 this: Has any member of my jury panel heard about, read
10 about, or know anything whatsoever about the facts which
11 are alleged in this case? If so, please stand at this
12 time. Let the record reflect, no one is standing.

13 I am advised that the following people are
14 potential, notice I use the word potential, witnesses in
15 the trial of this case. That doesn't mean they'll
16 actually be called, but they potentially could be called.
17 I'm going to list their names. And at the end I'm going
18 to ask you whether or not you are related by blood,
19 connected by marriage, or a close personal friend of any
20 of the potential witnesses in the trial of this case.
21 The potential witnesses in this case -- and if they are
22 present in the courtroom, when I call their names, please
23 stand so my jury can see you, as well as hear the name
24 called. Investigator James King.

25 INVESTIGATOR JAMES KING: Here, Your Honor.

1 THE COURT: He's standing in the back, ladies and
2 gentlemen. You can turn around and see Mr. King. Thank
3 you, sir. You may be seated. Sergeant Phillip Alger,
4 A/l/g/e/r. He's coming in the back door right here,
5 ladies and gentlemen. He's standing right at the back
6 door. This is Sergeant Phillip Alger. Thank you, sir.
7 Monica Sauls. Solicitor, is she in the courtroom?

8 MR. SPEARS: She is not, Your Honor.

9 THE COURT: All right. She's from where?

10 MR. SPEARS: Your Honor, she's from the Harleyville
11 area.

12 THE COURT: Harleyville?

13 MR. SPEARS: Um-hmm.

14 THE COURT: Harleyville, South Carolina. Sergeant
15 Brandon Berg, B/e/r/g. He's with what agency, Solicitor?

16 MR. SPEARS: Dorchester County Sheriff's Office,
17 Your Honor.

18 THE COURT: Dorchester County Sheriff's Department.
19 He is not present in the courtroom at this time. John
20 Russel, and it's spelled R/u/s/s/e/l; one L, two S's.
21 From where, Solicitor?

22 MR. SPEARS: Judge, I believe he's from the Saint
23 George area.

24 THE COURT: Cheryl, are you from the Saint George
25 area? Or you say Harleyville?

1 MADAM CLERK: Harleyville.

2 THE COURT: Harleyville. He's from the Saint George
3 area, ladies and gentlemen. Brian Dyer, D/y/e/r, present
4 in the courtroom. Where is he from, Solicitor?

5 MR. SPEARS: Judge, he is from the Summerville area.

6 THE COURT: Solicitor, you answer area.

7 MR. SPEARS: He's from Dorchester County.

8 THE COURT: You going to tell me the United States
9 area? Brian Dyer, from the Summerville area. Jennifer
10 Dalmida. Is Ms. Dalmida in the courtroom? Where is she
11 from?

12 MR. SPEARS: She's from Florida, Your Honor.

13 THE COURT: Florida. You know where in Florida?

14 MR. SPEARS: No, Your Honor. I do not.

15 THE COURT: George Lawton, L/a/w/t/o/n. Is Mr.
16 Lawton in the courtroom?

17 MR. SPEARS: He is not, Your Honor.

18 THE COURT: Where from?

19 MR. SPEARS: Harleyville.

20 THE COURT: Harleyville, South Carolina. You're
21 doing better, Solicitor. Sharday McFadden,
22 M/c/f/a/d/d/e/n. Where from?

23 MR. SPEARS: Summerville, Your Honor.

24 THE COURT: Summerville, South Carolina. Kevin
25 Sauls, S/a/u/l/s.

1 MR. SPEARS: Harleyville, Your Honor.

2 THE COURT: Harleyville, South Carolina. Jason
3 Will, W/i/l/l. From where?

4 MR. SPEARS: He's in North Carolina, Your Honor.

5 THE COURT: North Carolina. Junell Miles,
6 M/i/l/e/s. From where?

7 MR. SPEARS: Harleyville, Your Honor.

8 THE COURT: Harleyville, South Carolina. Chad
9 Crosby, not present. From where?

10 MR. SPEARS: Saint George, Your Honor.

11 THE COURT: Saint George, South Carolina.
12 Stephanie Stover, S/t/o/v/e/r, not present. Where from?

13 MR. SPEARS: Summerville.

14 THE COURT: Summerville, South Carolina. Terek
15 Goodwin. Stand up, Mr. Goodwin. Harleyville, South --
16 both of you lawyers sit down. Let them see Mr. Goodwin.
17 This is Mr. Terek Goodwin, Harleyville, South Carolina.
18 You may be seated, Mr. Goodwin. Any additional witnesses
19 from the state of South Carolina?

20 MR. SPEARS: None, Your Honor.

21 THE COURT: Any additional witnesses from the
22 defendant?

23 MR. KORNEGAY: No, Your Honor.

24 THE COURT: All right, ladies and gentlemen. Is
25 any member of my jury panel related by blood, connected

1 by marriage, or a close personal friend of any of the
2 potential witnesses in the trial of this case, whose
3 names I have just called? If so, please stand at this
4 time.

5 (NO RESPONSE.)

6 THE COURT: Let the record reflect, no one is
7 standing. Has any member of my jury panel ever been
8 prosecuted by a state agency here in South Carolina,
9 whether in this county or any county of the state? If
10 so, please stand at this time.

11 (NO RESPONSE.)

12 THE COURT: Let the record reflect, no one is
13 standing. Has any member of my jury panel ever been
14 employed with a law enforcement agency in South Carolina?
15 If so, please stand at this time. Let the record
16 reflect, no one is standing.

17 THE COURT: Oh, I'm sorry, ma'am. Name and juror
18 number, please.

19 JUROR NUMBER 197: My name is Sondra Smith. I am
20 Juror Number 197.

21 THE COURT: 197. And you were previously employed
22 with what agency?

23 JUROR NUMBER 197: Greenville County Detention
24 Center.

1 THE COURT: Beaufort County Detention Center.

2 That's not -- JUROR NUMBER 197: Greenville.

3 MADAM CLERK: Greenville.

4 JUROR NUMBER 197: Greenville.

5 THE COURT: Greenville.

6 JUROR NUMBER 197: Um-hmm.

7 THE COURT: All right.

8 JUROR NUMBER 197: That was like, '95.

9 THE COURT: All right. And are you presently
10 employed with any law enforcement, that's the only one?

11 JUROR NUMBER 197: No, sir.

12 THE COURT: No, sir, meaning you're not presently
13 employed with any law enforcement?

14 JUROR NUMBER 197: Correct.

15 THE COURT: But you were in '95, in Greenville?

16 JUROR NUMBER 197: Yes, sir.

17 THE COURT: The fact that you were previously
18 employed in Greenville, with the Detention Center, would
19 that in any way affect your ability to give the state of
20 South Carolina or the defendant in this case a fair and
21 an impartial trial?

22 JUROR NUMBER 197: No, sir. That would not affect
23 it.

24 THE COURT: Thank you. You may be seated. Any
25 member of my jury panel ever been employed by the

1 Solicitor's Office in the First Judicial Circuit, or the
2 South Carolina Attorney General's Office, or any
3 prosecuting agency in the state of South Carolina, in the
4 past or currently? If so, please stand at this time.

5 (NO RESPONSE.)

6 THE COURT: Let the record reflect, no one is
7 standing. Any member of my jury panel ever been employed
8 by a military prosecution or law enforcement agency? If
9 so, please stand at this time.

10 (NO RESPONSE.)

11 THE COURT: Let the record reflect, no one is
12 standing. Any member of my jury panel a member of, or a
13 contributor to, any group which has as its primary
14 concern the promotion of law enforcement or victims'
15 rights? These groups would include MADD, SADD, CAVE, or
16 CADRID. If so, please stand at this time.

17 (NO RESPONSE.)

18 THE COURT: Let the record reflect, no one is
19 standing. Any member of my jury panel related by blood
20 or marriage, or a close personal friend with the alleged
21 victims in this case, who are the Sauls family; Monica
22 Sauls, and also -- what's the husband's name, Solicitor?

23 MR. SPEARS: Kevin Sauls, Your Honor. Kevin Sauls.

24 THE COURT: Kevin Sauls? If so, please stand at
25 this time. Let the record reflect, no one is standing.

1 Any member of my jury panel formerly a member of the
2 Dorchester County Grand Jury which found the indictments
3 in this case? If so, please stand at this time.

4 (NO RESPONSE.)

5 THE COURT: Let the record reflect, no one is
6 standing. Any member of my jury formed any opinion
7 whatsoever about the facts which are alleged in this
8 case? If so, please stand at this time.

9 (NO RESPONSE.)

10 THE COURT: Let the record reflect, no one is
11 standing. Any member of my jury know of any bias or
12 prejudice they may have about the facts which are alleged
13 in this case, any of the potential witnesses involved
14 therein, in the case, or any of the lawyers or offices
15 involved in the trial of this case? If so, please stand
16 at this time.

17 (NO RESPONSE.)

18 THE COURT: Let the record reflect, no one is
19 standing. Is there any member of my jury who knows of
20 any reason whatsoever why they can't give the state of
21 South Carolina or the defendant in this case, Terek
22 Rasheed Goodwin, a fair and an impartial trial, based on
23 the evidence introduced during the trial of this case,
24 when both sides are present, with the right of cross-
25 examination? If so, please stand at this time.

1 (NO RESPONSE.)

2 THE COURT: Let the record reflect, no one is
3 standing. Any additional voir dire from the state of
4 South Carolina?

5 MR. SPEARS: None, Your Honor.

6 THE COURT: From the defendant?

7 MR. KORNEGAY: No, Your Honor.

8 THE COURT: Counsel, approach.

9 (BENCH CONFERENCE HELD OFF THE RECORD, OUT OF
10 HEARING OF JURY.)

11 THE COURT: Madam Clerk, it is my understanding,
12 after conference with the attorneys, they agree the
13 strikes are ten and five on the jury, two and one on the
14 alternates. We'll be drawing a jury and three
15 alternates. Is the State ready to proceed, and have I
16 accurately stated what occurred at the bench?

17 MR. SPEARS: That is correct, Your Honor; and the
18 State's ready.

19 THE COURT: Is the defendant ready to proceed, and
20 has the defendant agreed I've accurately stated what
21 occurred at the bench?

22 MR. KORNEGAY: Yes, Your Honor; and he's ready to
23 proceed.

24 THE COURT: Madam Clerk, would you give us the jury,
25 please?

1 MADAM CLERK: Yes, sir. One second, we'll have it
2 out.

3 THE COURT: Now, ladies and gentlemen, what's
4 happening right now, you'll notice, Cheryl Graham, who is
5 a great clerk of court, by the way --

6 MADAM CLERK: Thank you, Judge.

7 THE COURT: Well, it's the truth. We used to have a
8 big old huge -- what did you call it, Cheryl, a
9 container?

10 MADAM CLERK: Hopper. A hopper.

11 THE COURT: Where you put all the capsules -- a
12 hopper. We had a huge hopper, and we had capsules inside
13 that had screw-on top. And the clerk would reach inside
14 this huge hopper; we'd pull it out; we'd unscrew the top
15 and we'd pull out a piece of paper; and then we would
16 call out the name of the juror for our at-random
17 selection. We don't do that anymore. If you'll notice,
18 they have a computer screen in front of them. The
19 computer randomly selects the jurors now. As your name
20 is -- they don't give me a copy of what the computer's
21 done; they're going to give my law clerk, and they're
22 going to give Becky. That's it. And then they're going
23 to call out the names in the order in which the computer
24 has randomly selected names. As your name is called,
25 bring your pocketbook and if you have -- well, today you

1 might -- I don't know, we got rain forecast for here
2 today? Your umbrella, your pocketbook; if you've got a
3 raincoat, bring that with you. Come through the double
4 doors.

5 When you get up here to where Cheryl Graham is
6 seated, turn around and face back the direction I'm faced
7 in right now. The State and the Defendant will then
8 exercise what we call their pre-emptory strikes, and
9 strikes, you heard me state on the record, the strikes
10 are distributed ten for the defendant, five for the state
11 of South Carolina. We will also be drawing three
12 alternate jurors. An alternate is just as important as a
13 member of the jury. If, for some reason, a member of the
14 jury becomes ill or cannot continue, for a legal reason,
15 to serve, the alternate would take their place on the
16 jury. The alternate will be with the jury at all times
17 throughout the trial of the case.

18 Now, the computer is done its work; I now have what
19 the computer has done. No human being touches anything
20 now in the random selection of jurors. When your name is
21 called, please come down the middle aisle, turn around
22 and we'll ask each side about their decision as to
23 whether or not you are to be seated or excused from the
24 jury in the trial of this case. Madam Clerk, if you
25 would give us a jury, please.

1 MADAM CLERK: Thank you, sir. As I call your name,
2 please come forward. Juror Number 6, Kurt Bombach. What
3 says the State?

4 MR. SPEARS: Please present the juror.

5 MADAM CLERK: The Defense?

6 MR. KORNEGAY: Please present the juror -- or seat
7 the juror.

8 MADAM CLERK: Have a seat in the jury box, to your
9 left. Juror 125, Tabitha Lenz. What says the State?

10 MR. SPEARS: Please present the juror.

11 MADAM CLERK: The Defense?

12 MR. KORNEGAY: Please seat the juror.

13 MADAM CLERK: Have a seat in the jury box, to your
14 left. Juror 160, Sulin North. What says the State?

15 MR. SPEARS: Please strike the juror.

16 MADAM CLERK: You can have a seat back in the
17 audience. Juror 101, James Hersey. What says the State?

18 MR. SPEARS: Please present the juror.

19 MADAM CLERK: The Defense?

20 MR. KORNEGAY: Please excuse the juror.

21 MADAM CLERK: Have a seat back in the audience.

22 Juror 151, Barbara Mennis. What says the State?

23 MR. SPEARS: Please strike the juror.

24 MADAM CLERK: Have a seat back in the audience.

25 Juror Number 97, Savannah Huggins. What says the State?

1 MR. SPEARS: Please present the juror.

2 MADAM CLERK: The Defense?

3 MR. KORNEGAY: Please seat the juror.

4 MADAM CLERK: Have a seat in the jury box, to your
5 left. Juror 176, Samantha Richards. What sayeth the
6 State?

7 MR. SPEARS: Please present the juror.

8 MADAM CLERK: The Defense?

9 MR. KORNEGAY: Please seat the juror.

10 MADAM CLERK: Have a seat in the jury box. Juror
11 Number 50, Matthew Filorimo. What sayeth the State?

12 MR. SPEARS: Please present the juror.

13 MADAM CLERK: The Defense?

14 MR. KORNEGAY: Please excuse the juror.

15 MADAM CLERK: Have a seat back in the audience.
16 Juror Number 75, John Haley. What sayeth the State?

17 MR. SPEARS: Please present the juror.

18 MADAM CLERK: The Defense?

19 MR. KORNEGAY: Please seat the juror.

20 MADAM CLERK: Have seat in the jury box. Juror
21 Number 11, Connie Bold. What says the State?

22 MR. SPEARS: Please present the juror.

23 MADAM CLERK: The Defense?

24 MR. KORNEGAY: Please seat the juror.

1 MADAM CLERK: Have a seat in the jury box. Juror
2 Number 170, Amanda Poplin. What says the State?
3 MR. SPEARS: Please present the juror.
4 MADAM CLERK: The Defense?
5 MR. KORNEGAY: Please seat the juror.
6 MADAM CLERK: Have a seat in the jury box. Juror
7 Number 90, Erica Hobley. What says the State?
8 MR. SPEARS: Please strike the juror.
9 MADAM CLERK: Have a seat back in the audience.
10 Juror 184, Amy Smelzer. What says the State?
11 MR. SPEARS: Please present the juror.
12 MADAM CLERK: The Defense?
13 MR. KORNEGAY: Please excuse the juror.
14 MADAM CLERK: Have a seat back in the audience.
15 Juror 136, William Smart. What says the State?
16 MR. SPEARS: Please present the juror.
17 MADAM CLERK: The Defense?
18 MR. KORNEGAY: Please excuse the juror.
19 MADAM CLERK: Have a seat back in the audience.
20 Juror Number 217, Autumn Trumbo. What says the State?
21 MR. SPEARS: Please present the juror.
22 MADAM CLERK: The Defense?
23 MR. KORNEGAY: Please seat the juror.
24 MADAM CLERK: Have a seat in the jury box. Juror
25 Number 220, Candice Venson. What says the State?

1 MR. SPEARS: Please present the juror.
2 MADAM CLERK: The Defense?
3 MR. KORNEGAY: Please excuse the juror.
4 MADAM CLERK: Have a seat back in the audience.
5 Juror Number 49, Alma ??. What says the State?
6 MR. SPEARS: Please strike the juror.
7 MADAM CLERK: Have a seat back in the audience.
8 Juror Number 14, Alexander Bracy. What says the State?
9 MR. SPEARS: Please present the juror.
10 MADAM CLERK: The Defense?
11 MR. KORNEGAY: Please seat the juror.
12 MADAM CLERK: Have a seat in the jury box. Juror
13 Number 41, Rayford DeLoach. What says the State?
14 MR. SPEARS: Please present the juror.
15 MADAM CLERK: The Defense?
16 MR. KORNEGAY: Please seat the juror.
17 MADAM CLERK: Have a seat in the jury box. Juror
18 Number 63, Stephen Goodman. What says the State?
19 MR. SPEARS: Please present the juror.
20 MADAM CLERK: The Defense?
21 MR. KORNEGAY: Please seat the juror.
22 MADAM CLERK: Have a seat in the jury box. Juror
23 Number 223, David Weber. What says the State?
24 MR. SPEARS: Please present the juror.
25 MADAM CLERK: The Defense?

1 MR. KORNEGAY: Please excuse the juror.

2 MADAM CLERK: Have a seat back in the audience.

3 Juror 122, Erica ??. What says the State?

4 MR. SPEARS: Please present the juror.

5 MADAM CLERK: The Defense?

6 MR. KORNEGAY: Please seat the juror.

7 MADAM CLERK: Have a seat in the jury box.

8 THE COURT: Counsel, that's the jury. We'll now
9 select alternates. Strikes are two and one on the
10 alternates. Alternate Number 1, Madam Clerk.

11 MADAM CLERK: Juror Number 59, Trevor Gibbs. What
12 says the State?

13 MR. SPEARS: Please present the juror.

14 MADAM CLERK: The Defense?

15 MR. KORNEGAY: Please seat the juror.

16 MADAM CLERK: Have a seat in the jury box. Juror
17 Number 225, Peter Whitlock. What says the State?

18 MR. SPEARS: Please present the juror.

19 MADAM CLERK: The Defense?

20 MR. KORNEGAY: Please excuse the juror.

21 MADAM CLERK: Have a seat back in the audience.

22 Juror Number 56, Melinda Galloway. What says the State?

23 MR. SPEARS: Please present the juror.

24 MADAM CLERK: The Defense?

25 MR. KORNEGAY: Please seat the juror.

1 MADAM CLERK: Have a seat in the jury box.

2 THE COURT: Alternate Number 2.

3 MADAM CLERK: Juror Number 19, Aaliyah Brown. What
4 says the State?

5 MR. SPEARS: Please present the juror.

6 MADAM CLERK: The Defense?

7 MR. KORNEGAY: Please seat the juror.

8 MADAM CLERK: Have a seat in the jury box.

9 THE COURT: Alternate Number 3.

10 MADAM CLERK: Thank you, Judge.

11 THE COURT: Are there any matters of law pertaining
12 to the selection of the jury that need to be decided
13 before the jury is sworn, from the State of South
14 Carolina?

15 MR. SPEARS: Nothing from the State, Your Honor.

16 THE COURT: From the Defendant?

17 MR. KORNEGAY: May we approach, Your Honor?

18 THE COURT: Counsel, approach.

19 (BENCH CONFERENCE IS HELD OFF THE RECORD AND OUT OF
20 HEARING OF THE JURY.)

21 THE COURT: Are there any matters of law pertaining
22 to the selection of the jury that need to be decided
23 before the jury is sworn, from the Defendant?

24 MR. KORNEGAY: Your Honor, Counsel -
25

1 THE COURT: Pertaining to the selection of the jury,
2 Counsel?

3 MR. KORNEGAY: Not pertaining to the selection.

4 THE COURT: You all understand, that decision is
5 now final. You understand that, Solicitor?

6 MR. SPEARS: Yes, Your Honor.

7 THE COURT: As to the jury. You understand that,
8 Mr. Kornegay?

9 MR. KORNEGAY: I understand, Your Honor.

10 THE COURT: All right. Now, ladies and gentlemen,
11 I realize it's 1:20, and I realize I've kept you a little
12 late into lunchtime. We're not going to start the trial
13 yet; we've got a little bit more work to do. So I'm
14 going to let you -- first of all, I'm going to let my
15 bailiff show you where the jury room is. All right?

16 When you come back I want you to report to the jury
17 room. Don't come to the courtroom. Now, I know how
18 natural it is -- people ask me, is he on the jury? I'm
19 going to ask you please not to discuss this case; not
20 with each other, or with anybody else. So if somebody
21 tries to talk to you about the case, just tell them
22 you're on the jury, the judge said I can't discuss it.
23 If they persist in wanting to talk to you about the case,
24 you get their name and give it to me, and I'll handle
25 that problem for you, ladies and gentlemen. And I can

1 promise you that person's not going to bother you
2 anymore.

3 Now, I'm going to be mindful of your time
4 throughout the trial of this case. The only thing I ask
5 of you is you be on time; because I'm going to get you
6 home on time. You understand that? And I have to have
7 all fifteen of you before I can start. That's the three
8 alternates. Sir, you're my first alternate; ma'am,
9 you're my second; ma'am, you're my third. So you have to
10 be present. You're just as important as a member of the
11 jury. If, for any reason, a member of the jury gets ill,
12 or for some legal reason cannot continue to serve, you're
13 going to take their place. That's why you're with the
14 jury throughout the trial of the case.

15 Now, when you go to your jury room, I want you to
16 do a little bit of work. Amongst the twelve of you, not
17 my alternate because they're not on the jury yet, they're
18 alternate, I want you to select a foreperson. And here
19 are the duties of a foreperson: the foreperson presides
20 in the jury room, just like the chairperson of a
21 committee presides in a committee room. To see that each
22 and every member of my jury has a full and fair
23 opportunity to voice their opinions once deliberations
24 begin. So the foreperson acts just like the chairperson
25 of a committee. The foreperson also is the jury's

1 spokesperson out here in the courtroom, should that need
2 arise during the trial of the case. The foreperson
3 speaks for the entire jury. Lastly, the foreperson signs
4 the verdict for the entire jury, as the foreperson. So
5 the foreperson presides in the jury room once
6 deliberations begin, to see that each and every member
7 has a chance to voice their opinions. The foreperson
8 also is the spokesperson for the entire jury; and the
9 foreperson also signs or writes the verdict. And I'm
10 going to explain to you where to do it.

11 Now, remember I told you how much faith I had in my
12 law clerk back here. He's practically hidden from you
13 all. Can you all even see David over there? There you
14 go, David. Whoever is elected foreperson, David's going
15 to want to see them before you leave, after this trial is
16 over. Why? Because we're going to prepare a verdict
17 form for you. I'm going to do that, and I'm going to
18 explain all about that in my charge on the law at the
19 conclusion of the case, and the foreperson's going to
20 sign that verdict form. But David is going to have these
21 three documents right here; they're the indictments.
22 Whatever you write on the verdict form, David's going to
23 come to whoever's elected foreperson, and ask him to
24 write the exact same thing on the indictment, where it
25 says verdict, and it says foreperson of petit jury.

1 Petit juror means trial jury. And so, whatever's written
2 on the verdict form I prepare, David's going to come to
3 you. So if you're the foreperson, don't leave the
4 courtroom until you've signed the indictments, as well as
5 the verdict form. Even though we have already pronounced
6 a verdict, we need this written on the indictments,
7 because the indictments don't go to the jury. So I'm
8 going to need you to do that, and David's going to handle
9 that. Now, I don't -- David has had to run some
10 forepersons down, out on the grounds of the courthouse.
11 So I know you're going to be ready to go when it's over,
12 but remember that if you're selected foreperson. Now,
13 when you get back into the jury room, you can talk about
14 anything; the weather, because we've been starting to get
15 some rain now, thank goodness. You can talk about
16 sports; you can talk about whatever you want to talk;
17 just don't talk about this case. When you select --
18 they're going to give you a pad and a piece of paper.
19 Quickly select a foreperson from the twelve of you, not
20 my three alternates. Write the name on a piece of paper;
21 give it to my -- knock on the door, give it to my
22 bailiffs. They're going to bring it out to me. As soon
23 as you've done that, I'm going to excuse you for lunch.
24 You come back in here and I'm going to let you go to
25 lunch, because we're going to be working while you're

1 gone. So try to shorten the time that your presence
2 might be required this week. So I'll give you
3 instructions about that when you come back, just do not
4 discuss the case. Please retire to your jury room and
5 select a foreperson at this time.

6 (JURY EXITS COURTROOM AT 1:21 P.M.)

7 THE COURT: Come on up here, Solicitor and Public
8 Defender. (BENCH CONFERENCE HELD OFF THE RECORD AND
9 OUT OF HEARING OF THE JURY, 1:21 P.M.)

10 THE COURT: All right. Ladies and gentlemen, how
11 many of you out there that are here for jury duty would
12 like to stay with me this week during the trial of this
13 case, raise your hand.

14 MADAM CLERK: Unanimous.

15 THE COURT: None. Remember what I told you,
16 careful what you wish for. Guess what? I'm now going to
17 excuse each and every one of you for the rest of the
18 week. If you need a work excuse for serving on the jury
19 this week, if you'll go downstairs to the Clerk's Office,
20 we'll be happy to provide a work excuse for you. On
21 behalf of Dorchester County and this court, I want to
22 thank you for your patience and your service. If you
23 listened to me you now know that you are exempt from jury
24 service for three years as a result of being here today.
25 I hope this has been an educational experience for you.

1 Thank you. We can't have court unless we have jurors who
2 are willing to serve. Winston Churchill once said, the
3 greatest duty one can give one's country in peacetime is
4 to serve on the jury, and I believe that's true. So on
5 behalf of Dorchester County and this court, I want to
6 thank you. Have a great week. You're excused for the
7 balance of the week. Keep a smile on your face.

8 (JURY PANEL EXCUSED AT 1:22 P.M.)

9 THE COURT: All right. Let's come to order, take a
10 seat. Bring us the jury. Counsel, the jury has chosen
11 Juror Number 75, John Haley, as foreperson of the jury.
12 Any objection from the State to making the jury's note a
13 court's exhibit?

14 MR. SPEARS: None, Your Honor.

15 THE COURT: From the Defendant?

16 MR. KORNEGAY: No, Your Honor.

17 THE COURT: Court's Exhibit Number 1, without
18 objection, Madam Court Reporter.

19 (WHEREUPON, COURT'S EXHIBIT NUMBER 1, IDENTIFIED
20 AND MARKED, RECEIVED INTO EVIDENCE.)

21 (JURY ENTERS COURTROOM AT 1:25 P.M.)

22 THE COURT: Come on in, ladies and gentlemen.
23 There's no assigned seating, but just slip down so
24 nobody's got to crawl over anybody. Mr. Haley, you're
25 taking the foreperson's seat?

1 FOREPERSON: Yes, sir.

2 THE COURT: Come on down to the front row and have
3 a seat by the foreperson. Congratulations, Mr. Haley, on
4 your election. That'll be your seat. Now, let me tell
5 you all something. The bailiffs are trying to help,
6 they're lining you up in the order in which you were
7 selected as alternates. But the rest of you, if you want
8 to sit by somebody, that's fine. Just line up in your
9 jury room that way and come in. But file all the way
10 down, particularly on the back row, because it's close
11 quarters, and I don't want anybody tripping and falling
12 off that thing. So they don't have to crawl all over
13 you, go all the way down in. You'll come in last because
14 that's going to be your seat, Mr. Foreman, and I
15 appreciate your service. I appreciate all of your
16 service.

17 Now, it's twenty-two minutes until 2:00 o'clock, and
18 I'm going to give you a really long break. I don't want
19 you to come back to this courtroom until 3:15. Okay?
20 And you're going to report to your jury room, because
21 I've got work I've got to do. I've got to let these
22 people have lunch, just like you; I've got to let them go
23 to the bathroom. You all have already been able to go to
24 the bathroom; we haven't been able to yet. Over the
25 break, now, please do not discuss this case with anyone,

1 amongst yourselves, or with anyone else. I don't know if
2 there will be anything on radio, television, or any
3 newspaper, anything. Please don't read such, watch such,
4 or listen to such.

5 Now, I'm going to talk to you about this in a
6 little while, when you get back. I know how everybody
7 thinks that they can't survive in this world without one
8 of these. I bet you if I asked you -- I've got three
9 interns out there. Raise your hands so they can see you
10 all out there. I'm going to -- they're with the federal
11 court; they're interns this summer. They're watching
12 you, and they're watching the lawyers in the trial. They
13 are -- some of them are in law school, some of them are
14 prospective law students. Also, I have a gentleman who
15 is a judicial observation experience. Raise your hand
16 for me. He's back there. Yes, sir. Happy to have you,
17 too. So you've got a lot of eyes on you this week.
18 They're all trying to learn what goes on in a trial of a
19 case.

20 I realize that you all think you got to have one of
21 these. Everybody thinks a cell phone is the most
22 important thing they've got now. I don't know if you
23 noticed this, but the CEO of Apple, last night on the
24 national news, said -- and this is the CEO of Apple, now
25 -- people shouldn't spend as much time as they do on

1 their cell phones; they should spend less time; they
2 should spend more time with face-to-face conversation
3 than they do looking at this.

4 Please don't try to do any research on your cell
5 phone, or on a computer, about this case, and that
6 includes any social networking website, which I'm going
7 to talk to you about. Even if you think it would help
8 you decide the case, it is improper for you to do any
9 research about the case. Okay?

10 Now, when you come back at 3:15, report to your
11 jury room. The bailiffs will tell you how to get in and
12 out of the courthouse. I'm trying to estimate the time
13 I'm going to start. I'm going to start as quick as I
14 possibly can after we finish work and lunch, too. Hope
15 everybody has a pleasant lunch. Thank you for your
16 patience. I'll see you this afternoon, later on. You
17 may leave the courtroom through this entrance at this
18 time. Thank you.

19 (JURY EXITS COURTROOM AT 1:40 P.M.)

20 THE COURT: Is there anything on the record from
21 the State before we adjourn for lunch?

22 MR. SPEARS: Nothing, Your Honor.

23 THE COURT: From the defendant?

24 MR. KORNEGAY: Yes, Your Honor. The Defense would
25 object to not being present during jury qualifications,

1 Judge. I understand that we had a conversation. Neither
2 I nor Mr. Chisolm, nor the Solicitors, to my
3 understanding, understood that we would not be present
4 when the jurors' occupation, spouse, and their spouse's
5 occupation, would be announced.

6 THE COURT: Of course, you have a member from your
7 office that took that information down and gave it to
8 you, and so did the Solicitor's Office.

9 MR. KORNEGAY: Yes --

10 THE COURT: And I ruled that you would get criminal
11 history of every juror, which you requested, and I
12 provided to you during those hearings. And you made no
13 objection to me in my chambers at 9:45 this morning, when
14 I told you I didn't want to waste time in qualifying the
15 jury when you had seven pre-trial motions, and I told you
16 we would use a separate courtroom. You raised no
17 objection, neither did the Solicitor. I don't consider
18 this objection timely, I think you've waived it. But you
19 certainly have the right to put it on the record. Thank
20 you, and be seated, Counsel.

21 MR. KORNEGAY: Thank you.

22 THE COURT: All right, ladies and gentlemen. So
23 everybody can get lunch, I want you to understand this:
24 I have a Jackson-Denno hearing yet to do, and I want to
25 do that first so we don't break the continuity of the

1 trial of the case. I want you to get lunch; it's quarter
2 of 2:00. So I'd like for you to be back here between
3 2:30 and 2:45, to start the Jackson-Denno hearing, with
4 the hope that we can finish it by 3:15.

5 In that case, bring the jury back in and get some
6 work done this afternoon, because as Mr. Kornegay finds
7 out, I don't like to sit and wait when there's work to be
8 done. I got a lot of people in the Dorchester County
9 Jail that need to be brought over here, and this trial is
10 not a case that has the -- the defendant in this case is
11 out on bond, although that bond's ended now, and
12 defendant is in custody, now that the jury is here. I
13 will swear the jury when they come back.

14 Make a note, Becky. However, I want you to
15 understand the defendant's in custody now, and I need to
16 get to the people that are in jail in Dorchester County,
17 which is the reason that I wanted to go ahead and get
18 work done; because this defendant has been out on bond.
19 And although this case is old, I wanted to get to the
20 jail cases, since I'm informed that the jail is past
21 capacity in Dorchester County. And I understand they'll
22 be bringing those cases over to me after the trial of
23 this case has been concluded.

24 I also want to put on the record that I met with
25 the lawyers for over a half hour this morning in my

1 chambers. I went over all the motions and told them that
2 I was going to let Judge Murphy, who's assigned to Common
3 Pleas, qualify the jury, and we would hear motions in the
4 other courtroom, since my court reporter, Becky Hill, had
5 already set up in this courtroom.

6 I took Judge Murphy's court reporter and used the
7 other courtroom to hear the numerous motions, most of
8 which were by the defendant, there was one by the State,
9 in the trial of this case. No objection was made to that
10 until after the fact, which is after we already began the
11 trial of this case and the selection of the jury; which
12 is why I placed on the record I didn't think the
13 objection was timely, and I told Counsel that at the
14 bench twice, but he wanted to make the objection, to put
15 it on the record. But he certainly could have objected
16 to that beforehand, and I would've certainly considered
17 that.

18 I will also put on the record the fact that a
19 member of his office sat in here and gave every bit of
20 information that he now seeks, to object to, that he was
21 denied access to. I also gave him, as a result of his
22 motion, access to the Solicitor's records, so he would
23 have that for the selection of the jury, which is the
24 reason that I didn't think the motion was timely; nor do
25 I think the defendant has been prejudiced by not being

1 present. We will start back no later than 2:45. Thank
2 you very much. Court is in recess.

3 (OFF THE RECORD AT 12:50 P.M. FOR LUNCH.)

4 (BACK ON THE RECORD AT 3:00 P.M.)

5 THE COURT: We're fifteen minutes late, thanks to
6 the crowd at lunch. Hopefully everybody got lunch; did
7 they?

8 ALL: Yes, Your Honor.

9 THE COURT: All right. The defendant made a motion
10 for a Jackson-Denno hearing, which earlier on the record,
11 I placed the fact that there was no opposition by the
12 State, in the event they elect to introduce a statement
13 by the defendant in the trial of this case. And although
14 Mr. Chisolm had some problems following my questions, he
15 finally conceded there was no need, as long as we had a
16 Jackson-Denno hearing. I intend to have that here, now.
17 Mr. Spears, you may call your first witness.

18 MR. SPEARS: Thank you, your Honor. May it please
19 the Court? State calls James King.

20 THE COURT: Both of you turn around, even with
21 this, and comply with my sequestration order; both of
22 you. Is the State satisfied that no other witnesses
23 other than who I've permitted are in the courtroom?

24 MR. SPEARS: Yes, Your Honor.

25 THE COURT: Is the defendant satisfied?

1 MR. KORNEGAY: Yes, Your Honor.

2 THE COURT: Please be seated. Your witness. Left
3 hand on the Bible, raise your right hand.

4 MADAM CLERK: If you'll state your full name, for
5 the record.

6 INVESTIGATOR JAMES KING: James Corde King.

7 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND
8 DULY SWORN, TESTIFIED AS FOLLOWS:)

9 THE COURT: Have a seat. Make yourself
10 comfortable. She's going to take good care of you.
11 She's going to even move the microphone for you. They're
12 going to give you a cup of water, at no extra charge,
13 from Dorchester County. Although, according to Mr.
14 Chisolm, what did you tell me SLED's charging you now;
15 how much per page?

16 MR. CHISOLM: With the convenience fee, it's
17 twenty-six dollars per journal?

18 THE COURT: You heard that, then?

19 INVESTIGATOR JAMES KING: I did, Your Honor.

20 THE COURT: All right. State your full name, for
21 the record. Spell your last name for Becky.

22 MR. SPEARS: Michael T. Spears, for the State.

23 THE COURT: No, the witness.

24 MR. SPEARS: Oh, Judge.

25 THE COURT: Unless you planned on testifying.

1 MR. SPEARS: I was just making sure, Your Honor.

2 INVESTIGATOR JAMES KING: My last name is King,
3 K/i/n/g.

4 THE COURT: Your witness, Counsel. Direct
5 examination.

6 MR. SPEARS: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. SPEARS:

9 A. On the early morning hours of that day, December the
10 9th, 2013, I was on my way to work and heard -- was
11 listening to our patrol channel on the radio and heard a
12 call come out to 110 Molly Drive, in reference to a home
13 invasion. I arrived at Deming Way, checked in with my
14 sergeant, and he asked me to go to the scene and help out
15 with the investigation.

16 Q. And during the course of your investigation, did you
17 take control of the investigation?

18 A. I did.

19 Q. And during that course, were you able to develop a
20 suspect?

21 A. I did.

22 Q. And how did you do this?

23 A. The development of a suspect was done by observance,
24 and also interviewing witnesses and possible -- the
25 victim herself.

1 Q. Now, who is the suspect that you were able to
2 identify?

3 A. The first suspect that was identified was Junell
4 Miles.

5 Q. All right. And was there a second one?

6 A. There was. Terek Goodwin.

7 Q. All right. And how did you develop him as a
8 suspect?

9 A. Through text messages from Junell Miles' phone.

10 Q. Was an arrest made in this case?

11 A. Yes.

12 Q. Okay. And --

13 THE COURT: Hold on just a moment. I didn't hear
14 that question. Would you repeat it for me, Mr. Spears?

15 MR. SPEARS: I apologize, Your Honor. Was an arrest
16 made in this case?

17 THE COURT: An arrest.

18 BY MR. SPEARS:

19 A. Yes.

20 Q. And when was that?

21 A. That arrest was shortly after the incident, a couple
22 or three days later.

23 Q. Okay. And where did the arrest take place?

24 A. In Dorchester County.

25

1 Q. All right. Like, do you have an address or
2 anything?

3 A. The arrest for Mr. Goodwin was at the Ashley Lodge
4 in Harleyville, within Dorchester County.

5 Q. Now, did you have the opportunity to speak with the
6 defendant in this case?

7 A. I did.

8 Q. Was that before or after he was arrested?

9 A. That was after he was arrested.

10 Q. Did you speak with him at the place of his arrest?

11 A. No, I did not.

12 Q. Can you just tell the Court, when he was arrested,
13 what happened before you were able to speak with him.

14 A. The day of the arrest, he was located at the Ashley
15 Lodge in a hotel. He was detained and arrested at that
16 point, and transported down to Deming Way, where myself
17 and another detective had an opportunity to interview
18 him.

19 Q. All right. And how long did your interview take
20 place?

21 A. It was approximately twenty to thirty minutes. It
22 was a very short interview.

23 Q. All right.

24 MR. SPEARS: Court's indulgence, Your Honor.

1 THE COURT: Hold on one second, Solicitor. I've
2 got interns out there that apparently haven't gotten into
3 the courtroom. I want to make sure they're permitted to
4 come in so they can -- I don't know exactly what happened
5 to them. You all are not keeping people from coming in
6 back there. I've got three interns, and I'm not sure
7 whether they got lost or -- I got three interns -- David
8 will find out. Go ahead, Mr. Spears. We're not going to
9 wait on them.

10 BY MR. SPEARS:

11 Q. Now, Investigator King --

12 MR. SPEARS: Your Honor, may I approach the witness?

13 THE COURT: You may.

14 BY MR. SPEARS:

15 Q. I'm showing you what's been marked as State's
16 Exhibit 2, for illustrative purposes. Do you recognize
17 this?

18 A. I do.

19 Q. What is this?

20 A. That is a written statement of Miranda form, which
21 was given to the defendant on the 17th of November, 2013.

22 Q. And was that the same date as the arrest?

23 A. That would be, yes.

24 Q. Now, was this Miranda form given to him and
25 explained to him?

1 A. Absolutely.

2 Q. Was this done before or after you spoke with him?

3 A. This was done before I spoke with him.

4 Q. Did the defendant waive every one of his rights on
5 that sheet?

6 A. Yes. He initialed them and said he understood.

7 Q. Did he do that in your presence?

8 A. He did.

9 Q. Okay.

10 MR. SPEARS: Your Honor, at this time, may I submit
11 State's Evidence 1?

12 THE COURT: As to State's 1, Counsel? Any
13 objection?

14 MR. KORNEGAY: No, Your Honor.

15 THE COURT: State's Exhibit Number 1 will be
16 admitted into evidence, for purposes of Jackson-Denno
17 hearing, without objection. Give me a moment to look at
18 it Counsel, and then you can proceed.

19 (WHEREUPON, STATE'S EXHIBIT NUMBER 1, IDENTIFIED
20 AND MARKED, ADMITTED INTO EVIDENCE)

21 THE COURT: Very well. I've had the chance to
22 review it. You want it back, for purposes of examining
23 the witness?

24 MR. SPEARS: Yes, please, Your Honor.

25 BY MR. SPEARS:

1 Q. Now, Investigator --

2 MR. SPEARS: May I approach the witness, Your Honor?

3 THE COURT: You may.

4 Q. On State's Evidence 1, can you tell the Court what
5 the first line is on that form?

6 A. Number 1 is the first of the Miranda rights: you
7 have the right to remain silent.

8 Q. Now, did the defendant waive that right?

9 A. He did.

10 Q. How do you know?

11 A. He verbally waived it and signed his initials there,
12 stating that he understood.

13 Q. And how about the second line?

14 A. Number 2 says: anything you say can and will be
15 used against you in a court of law.

16 Q. And did the defendant waive that right?

17 A. Correct. He did.

18 Q. How so?

19 A. He initialed to the left of the number two.

20 Q. And the next line?

21 A. You have the right to talk to a lawyer, and have him
22 present with you while you are being questioned.

23 Q. And did the defendant also waive that right?

24 A. He did.

25 Q. All right. How were you able to tell?

- 1 A. He initialed to the left of Number 3.
- 2 Q. And Number 4?
- 3 A. If you cannot afford to hire a lawyer, one will be
4 appointed to represent you before any questionings, if
5 you wish.
- 6 Q. Now, were these questions simply handed to him, or
7 were they read out to him, also?
- 8 A. I read them.
- 9 Q. Okay.
- 10 A. As well.
- 11 Q. And did he waive that right?
- 12 A. He did.
- 13 Q. And Number 5?
- 14 A. Number 5: you can decide at any time to exercise
15 these rights, and not answer any questions or make any
16 statements.
- 17 Q. And did he waive that?
- 18 A. He did.
- 19 Q. And Number 6?
- 20 A. The second part of this Miranda rights is a waiver
21 of rights: I have read the above statement of my rights,
22 and I understand each of those rights. And having these
23 rights in mind, I waive them and willingly make a
24 statement.
- 25 Q. And did the defendant sign that?

1 A. He did.

2 Q. Now, in your conversation -- again, let me clarify -
3 - how long did your conversation with him take?

4 A. The total time of the interview was around twenty to
5 thirty minutes.

6 Q. And was this form signed before or after?

7 A. It was signed before any questioning of him.

8 Q. Now, did you notice any signs of intoxication on --

9 A. I did not.

10 Q. And did you promise him anything for his testimony?

11 A. Absolutely not.

12 Q. Did you threaten him with anything?

13 A. No, sir.

14 Q. What did the defendant tell you when you spoke with
15 him?

16 A. I asked him -- first I asked him what his phone
17 number was, and he gave me the phone number, and he said
18 that that was his number. I asked him if anybody else
19 uses his phone, did he allow anyone else to use his
20 phone, he said no. And then I started going over a
21 series of text messages that I obtained, based on a
22 conversation between he and other people.

23 Q. And what was the phone number that you verified with
24 him?

25 A. (843)701-6554.

1 Q. And is the person you interviewed, is he in the
2 courtroom today?

3 A. He is.

4 Q. Can you show the Court where he is?

5 A. He's sitting to Mr. Chisolm's left.

6 MR. SPEARS: Court's indulgence, Your Honor. Please
7 answer any questions the Defense might have for you.

8 THE COURT: Mr. Chisolm?

9 MR. CHISOLM: Thank you, Your Honor. May it please
10 the Court?

11 CROSS-EXAMINATION

12 BY MR. CHISOLM:

13 Q. Now, Mr. King at this point?

14 A. Investigator.

15 Q. Investigator King.

16 A. Thank you, Counsel.

17 Q. It looks like from in your notes this was -- you met
18 with Mr. Goodwin the date of his arrest. Is that
19 correct?

20 A. Around that time, yes.

21 Q. And that -- would that be December 17th?

22 A. Correct.

23 Q. So about eight days after --

24 A. Correct.

25

1 Q. -- the incident? And he was arrested, you said, at
2 the Ashley Lodge?

3 A. Correct.

4 Q. And were you part of the arrest?

5 A. I was.

6 Q. Okay. And who else was involved in that?

7 A. As far as the search warrant, or as far as the
8 actual arrest of him?

9 Q. The actual arrest.

10 A. The actual arrest was conducted with assistance from
11 SLED, and some additional investigators.

12 Q. Okay. And was it a situation where you knocked on
13 the door and he came to the door, and you placed him
14 under arrest? Can you explain how he was taken into
15 custody?

16 A. He was taken into custody based on his location and
17 door being open at his hotel room being opened.

18 Q. I guess what I'm getting at is, was he -- did he
19 run, did you have to tackle him, or you --

20 A. Oh, no. No, he did not run.

21 Q. Okay. He wasn't pepper-sprayed? I mean.

22 A. Oh, no, sir.

23 Q. Okay. So he was taken into custody at the hotel,
24 and you said transported back over to Deming Way. Is
25 that right?

1 A. Correct.

2 Q. And to the -- I guess the trailer, where
3 Investigations is based?

4 A. Correct.

5 Q. And from looking at your notes, it looks like you
6 met with him, with Detective Peters. Is that right?

7 A. Correct.

8 Q. Was there anyone else present?

9 A. No, sir. There wasn't.

10 Q. Okay. And did anyone -- did anyone record this
11 interview in any way, either audio, video, anything like
12 that?

13 A. No, sir.

14 Q. Was there a reason?

15 A. We didn't have recording audio/video at that time.

16 Q. Okay. So it was just Mr. Goodwin, you, and
17 Detective Peters were the only ones in the room?

18 A. Correct.

19 Q. Okay. And if I could reference --

20 MR. CHISOLM: May I approach, Your Honor?

21 THE COURT: Certainly.

22 BY MR. CHISOLM:

23 Q. State's Exhibit 2, which Your Honor had a chance to
24 review, I believe?

25 THE COURT: I did.

1 BY MR. CHISOLM:

2 Q. Investigator King, if you look at the top right-hand
3 section of that document, could you tell me what that is,
4 some handwritten notes? Can you tell me what that is?

5 A. Yes. That's normal practice when doing Miranda. We
6 ask about level of education, highest grade completed,
7 and if they read or they -- can they read and write; and
8 any drug use.

9 Q. Okay. And can you tell me what you got in this
10 case, as far as an answer on those questions?

11 THE COURT: Speak up a little bit, Mr. Chisolm.

12 MR. CHISOLM: Yes, sir.

13 BY MR. CHISOLM:

14 Q. Can you tell me the answer you got to those
15 questions?

16 A. His highest grade of education was the tenth grade;
17 he could read and write; and he had used marijuana
18 earlier that day.

19 Q. Okay. Do you recall how much earlier he had used
20 the marijuana?

21 A. I do not, but I asked him if he was still feeling
22 the effects of the marijuana.

23 Q. And what was his answer?

24 A No.

25

1 Q. Were there any other indications that he had used
2 alcohol or other drugs of any kind?

3 A. No, sir.

4 Q. Okay. And in your notes it seems to indicate that
5 he did not provide a written statement as he continually
6 denied his involvement with the incident. Is that right?

7 A. That's correct.

8 Q. And I'm trying to figure out how to interpret that.
9 Did you try to get him a written statement making a
10 denial, or since he was denying, did you not try to get
11 it a written statement?

12 A. I asked him if he would provide a written statement
13 of his answers to me from the questions that I provided
14 to him, and he refused.

15 Q. Okay. He refused to do that?

16 A. Correct.

17 Q. Did he ever request an attorney?

18 A. He did.

19 Q. At what point during the interview?

20 A. I -- he asked for an attorney right after he said
21 someone hacked my phone.

22 Q. Okay. And did the questioning stop there, or did
23 you continue?

24 A. Absolutely.

25

1 Q. Okay. And did you ask for a written statement
2 before that or after that?

3 A. I asked for a written statement before he asked for
4 an attorney.

5 Q. Okay. All right.

6 MR. CHISOLM: If I could have one moment, Your
7 Honor.

8 THE COURT: Certainly.

9 MR. CHISOLM: Thank you. I have no further
10 questions.

11 THE COURT: Re-direct.

12 MR. SPEARS: Very briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. SPEARS:

15 Q. Investigator King, if you had seen any signs of
16 intoxication or inebriation, or if the defendant had told
17 you he was under the effects of that, would you have
18 continued the interview at that time?

19 A. Absolutely not.

20 MR. SPEARS: No more questions, Your Honor.

21 THE COURT: Re-cross, limited to re-direct.

22 MR. CHISOLM: None, Your Honor.

23 THE COURT: You may step down.

24 THE COURT: Give the exhibit, if you would, to my
25 court reporter, since you have it up there.

1 INVESTIGATOR JAMES KING: Yes, Your Honor.

2 THE COURT: Call your next witness, Mr. Spears.

3 MR. SPEARS: No more witnesses, Your Honor.

4 THE COURT: Mr. Chisolm, does the defendant wish to
5 present any evidence, for purposes of this hearing?

6 MR. CHISOLM: No, Your Honor.

7 THE COURT: Very well. Let me hear you briefly
8 since it was your motion and objection, although I
9 understand we were going to have this hearing regardless.
10 But happy to hear from you. Do you still object to the
11 statement if, in fact, they intend to elicit it, since,
12 apparently, there are some limits to what was actually
13 said during this custodial interrogation?

14 MR. CHISOLM: Yes. I don't believe I have a valid
15 basis at this point to say that it wasn't freely and
16 voluntarily given.

17 THE COURT: I very much admire that decision, Mr.
18 Chisolm. I'm sure you're trying to be an advocate for
19 your client. Let me say, first of all, that I have
20 carefully considered the evidence which has been offered
21 by the State, and the defendant chose not to present any
22 evidence.

23 This Court is convinced by a preponderance of the
24 evidence, which is the standard for Jackson v. Denno, and
25 I so find that before any alleged statement was obtained

1 from the defendant, the defendant was fully advised of
2 his rights under the Fifth and the Sixth Amendments to
3 the Constitution of the United States, and that the
4 defendant was advised of his constitutional safeguards,
5 which are required by Miranda versus Arizona. Those
6 safeguards are set forth in what Becky has now as State's
7 Exhibit Number 2, which I reviewed.

8 I believe the defendant, from the evidence,
9 knowingly and intelligently waived his rights under the
10 Fifth and Sixth Amendments to the Constitution of the
11 united States, and the constitutional safeguards required
12 by Miranda versus Arizona; and that the alleged statement
13 obtained from the defendant was freely and voluntarily
14 given, without duress, without coercion, without undue
15 influence, without reward, without promise or hope of
16 reward, without promise of leniency, without threat of
17 injury, and without compulsion or inducement of any kind;
18 and that such alleged statement, which often means it's
19 the jury's determination anyway, was the voluntary
20 product of a free and unrestrained will of the defendant.

21 I make all of those conclusions and findings by a
22 preponderance of the evidence, and I therefore find that
23 the statement is admissible into evidence in the trial of
24 this case. But I will instruct the jury that the
25 ultimate decision concerning any statement is up to them,

1 and will explain to them the parameters of that, should a
2 statement be entered into evidence during the trial of
3 the case. Do I have all my jury back?

4 BAILIFF: Yes, sir. They're here.

5 THE COURT: Everybody's here, including the three
6 alternates?

7 BAILIFF: Yes, sir.

8 THE COURT: All right. Is the State ready to
9 proceed?

10 MR. SPEARS: Yes, Your Honor.

11 THE COURT: Is the defendant ready to proceed?

12 MR. KORNEGAY: Yes, Your Honor.

13 THE COURT: You ready to swear my jury?

14 MADAM CLERK: Yes, sir.

15 THE COURT: That a girl. Wait a minute. Got a
16 note, hold on. Always something. Hurry up and wait.
17 I'm going to handle that one, David. You know that.
18 Counsel, approach.

19 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
20 HEARING OF JURY, AT 3:30 P.M.)

21 THE COURT: I got a note from the jury saying, "Can
22 we take notes during duration of the trial?" signed John
23 Haley. I think it's Haley. Right, Becky?

24 COURT REPORTER: Yes, sir.

25

1 THE COURT: Haley, H/a/l/e/y. Foreperson.
2 Obviously, I'm going to cover that in my preliminary
3 remarks, and I've told counsel. Any objection to making
4 -- and they both are satisfied I'm going to cover it --
5 any objection to making this note a Court's exhibit, from
6 the State?

7 MR. SPEARS: None, Your Honor.

8 THE COURT: From the defendant?

9 MR. KORNEGAY: No, Your Honor.

10 THE COURT: Tonda, give that to Becky. It'll be
11 Court's Exhibit Number 2, without objection.

12 (WHEREUPON, COURT'S EXHIBIT NUMBER 2, IDENTIFIED
13 AND MARKED, RECEIVED INTO EVIDENCE.)

14 THE COURT: Bring the jury, please.

15 BAILIFF: Yes, sir.

16 (JURY ENTERS COURTROOM AT 3:32 P.M.)

17 THE COURT: Watch your step on that back row, and
18 come on in. Please be seated. Madam Clerk, would you
19 please swear the jury?

20 MADAM CLERK: Yes, sir. If you will please stand and
21 raise your right hand.

22 (WHEREAS THE JURY IS SO DULY SWORN)

23 THE COURT: All right, ladies and gentlemen. Let me
24 talk to you a little bit about how we're going to
25 proceed, so that you'll have a better idea of what's

1 happening in front of you during the trial of this case.
2 First of all, I want to go through some rules with you so
3 you'll understand what I have to enforce while you're on
4 the jury. While you're selected to serve as a jury, and
5 until I excuse you, I'm not -- I've asked -- I've told
6 you this: don't discuss this case amongst yourselves, or
7 with anyone else. And I'll let you know when it's time
8 for you to discuss the case. But why are we so adamant
9 about that? I'll tell you exactly why. Because the very
10 last thing you might hear in this case might make a
11 difference to you, whether it's the argument of the
12 attorneys or the judge's charge on the law.

13 We don't allow juries to engage in what we call
14 premature deliberations, and I enforce that very
15 strictly, ladies and gentlemen, so that both sides can
16 get a fair trial in this case. I don't want you to read
17 or listen to any news reports about this case, or watch
18 any news reports. I don't know whether there will be
19 any, but please do not watch, listen, or read; radio,
20 television, or computer.

21 Please don't use a computer or a cell phone or any
22 other electronic device with communication capability
23 while you're here serving on the jury. Even though when
24 you go to lunch I know you want to check your messages
25 and that sort of thing, but none of your devices may be

1 used to obtain or to disclose to anyone else any
2 information about this case. So please don't use a
3 computer or a cell phone, or any other electronic device
4 with communication capability, or any other method, to
5 obtain or disclose information about the case when you
6 are not in court, when you're at home at night.

7 Information about this case includes things like
8 information about a party, information about an attorney,
9 information about a witness, information about a court
10 officer, a news account of the case; information
11 collected through any type -- and I appreciate you being
12 conscientious, I want you to listen. But I don't want
13 you to do any computer research about this case, even if
14 you think it would help you, on any topic that may be
15 raised, or testimony offered by any witness during this
16 case. Information collected by any juror research on any
17 topic, even if you think it might help you to decide the
18 case, is strictly prohibited. You must decide this case
19 when both sides are present, with the right of cross --
20 they have the absolute right to know what information
21 you're basing your decision on, so please don't engage in
22 any type of research about this case.

23 Don't communicate with anyone about the case on
24 your cell phone, through email, your Iphone, text
25 messaging, or by Twitter, or through any blog or website,

1 through any Internet chat room, or by way of any other
2 social networking websites, which include Facebook,
3 MySpace, LinkedIn, YouTube. All of that is strictly
4 prohibited, ladies and gentlemen, and I ask you please to
5 comply with that request; because I enforce that with the
6 contempt powers of the Court.

7 Now, before we begin this trial, I'm going to tell
8 you that this trial probably will be different from what
9 many of you expect. The truth is that most people, like
10 yourselves, do not have the time or the chance to attend
11 an actual court session, as you are doing right now. And
12 unfortunately, many of my jurors think, from watching
13 television or going to a movie, or reading in a book,
14 that trials are always filled with intense action and
15 drama. And someone will open those doors in a white coat
16 and holding a test tube up and say, I have the answer.

17 Well, ladies and gentlemen, trials can be full of
18 intense action, they can be dramatic at times, and they
19 can include riveting and entertaining circumstances.
20 While all of those things may be true at times, an actual
21 trial, unlike your television program or your movie or
22 book, is not for entertainment.

23 An actual trial, ladies and gentlemen, is a
24 fundamental part of our democracy. It is an effort to
25 make sure that justice is done between the parties before

1 the Court. And making sure that justice is done is often
2 slow. You see I'm already about twenty-five minutes
3 behind where I told you I wanted to start. It is often
4 deliberate, it is often repetitive; the exact opposite of
5 what you may have seen on television, or seen in a movie,
6 or read in a book.

7 This courtroom, ladies and gentlemen, is a place of
8 honor. It is dedicated to the protection and the
9 preservation of citizens' rights through what many people
10 have called the greatest justice system in the entire
11 world. The attorneys that are going to be appearing
12 before you, they've introduced themselves to you, they
13 are advocates for the parties they represent; the State
14 of South Carolina and the defendant. But first and
15 foremost they are officers of this court, and sometimes
16 my jurors have a misconception about that. They think
17 things can be done in the name of advocacy, which are not
18 permitted by our rules of court. Because they are
19 officers, the attorneys, first and foremost, ladies and
20 gentlemen, they took an oath just like each of you, and
21 just like I've taken an oath. And in the oath they took,
22 they also swore or they affirmed that they would uphold
23 the integrity and the fairness of our judicial system.
24 And ladies and gentlemen, you're going to expect the
25 attorneys, if you would, you should expect them to be

1 professional; you should expect them to be prepared; you
2 should expect them to be competent; and you should expect
3 them, above all, as I expect from you, to be ethical in
4 the representation of their clients' interests.

5 Remember also, ladies and gentlemen, that just as
6 the attorneys take an oath, I took an oath, you also now
7 have taken an oath. And in that oath, you swore or you
8 affirmed, ladies and gentlemen, that you would pay close
9 attention to the testimony in this case. You swore or
10 affirmed that you would consider all of the evidence in
11 this case appropriately. So you also, as jurors, just
12 like the attorneys, you're expected as jurors to be
13 professional, to be reasonable, and to be ethical in the
14 discharge of your duty as jurors.

15 Before we even begin this trial, I want to thank
16 each and every one of you. I'm going to keep my word to
17 you, now. You think I've forgotten that I was going to
18 get you home early this week; I have not. But I'm going
19 to work you before you go home. And I want to thank each
20 and every one of you for accepting this important
21 responsibility of jury service, and for your contribution
22 today to our justice system.

23 Without you, ladies and gentlemen of the jury,
24 justice cannot be accomplished in a courtroom, and I
25 thank you for that service, ladies and gentlemen.

1 We could not have justice without you. Now, ladies
2 and gentlemen, let's talk about indictments.

3 You notice David has already got the indictments,
4 that's because he's going to be looking for you, you
5 understand that? So you can put your signature on the
6 indictments. In a moment I'll finish talking to you -
7 David, hand me the indictments back, and he's that
8 conscientious. I want you to know that, because he wants
9 to make sure he knows where they are, because these are
10 the formal documents by which the charges are brought
11 into the Court. So what you need to know for right
12 now, Mr. Foreman, and ladies and gentlemen of the jury,
13 and my alternate jurors, you need to know that the case
14 we're going to try is the case of the State of South
15 Carolina versus Terek Rasheed Goodwin, who is, of course,
16 seated at the Defense table.

17 You've met him. You know he's from Harleyville,
18 seated by his attorneys over there. The defendant is
19 charged by these three pieces of paper I hold in my hand
20 which we call indictments. And they're filed in this
21 court, and he's charged with the offenses of kidnapping,
22 burglary first, and armed robbery. I've already read the
23 allegations in the indictment to you. The elements of
24 those crimes, I told you, I'm going to explain to you
25 later. Now, why do we do that? I've had jurors ask me

1 that; Judge, why don't you charge us the law at the
2 beginning? Well, I know this comes as a shock to some of
3 my jurors: I don't know what the evidence is going to be
4 in this case. How will I know what law applies to this
5 case until I hear the evidence? You haven't heard the
6 evidence, I haven't heard the evidence, and that's why we
7 charge the law at the conclusion of the case.

8 Now, I'm going to explain to you the elements of
9 each of the offenses for which the defendant is charged
10 at the conclusion of the case. What you should
11 understand that these indictments that I hold in my hand
12 are simply the charges by which the case gets to this
13 court. And there is not in any sense anything I've read
14 to you in these indictments is not evidence of the
15 allegations contained in the indictments. And you
16 notice, I'm going to give it back to David now, because
17 he'll get nervous if I keep them too long. He'll be
18 looking. Now, to these indictments, all three, the
19 defendant, Mr. Goodwin, has pled not guilty to the
20 indictments. The State of South Carolina therefore has
21 the burden of proving each of the essential elements of
22 the indictments beyond a reasonable doubt. And it will
23 be your duty, ladies and gentlemen of the jury, to
24 decide, after you hear the evidence in this case, whether
25 or not the State has met that burden.

1 It is your solemn responsibility to determine the
2 guilt or the innocence of the defendant, and your verdict
3 must be based solely, only on the evidence as it is
4 presented to you in this trial, and on the law as I
5 instruct it to you to be during the trial, and in my
6 charge to you on the law at the conclusion of the trial.

7 Now, in just a minute the Assistant Solicitor will
8 make what is called an opening statement in which he will
9 stand up and explain to you, as an advocate for the State
10 of South Carolina, the issues in this case, or at least
11 what he contends to be the issues in this case. And
12 following that, one of the attorneys for the defendant
13 will make an opening statement.

14 Now, ladies and gentlemen, I want to tell you that
15 the attorneys have worked hard to prepare the case for
16 you. But what the attorneys tell you in opening
17 statement, what the attorneys argue to you in their
18 closing argument, what the attorneys try to suggest to
19 you by questions that they ask, none of that is evidence
20 in this case.

21 The attorneys are advocates for the parties they
22 represent, either the State of South Carolina or the
23 defendant. And they certainly have a role, and I want
24 you to listen to them, because you heard me say they took
25 an oath, just like I took one and you took one. I want

1 you to pay attention to them, but what they tell you is
2 not evidence in this case.

3 Now, I told you, you had to base your decision
4 solely on the evidence in this case. So, Judge Buckner,
5 what is the evidence in this case? If the attorneys'
6 statements to me is not evidence, what is evidence?
7 Well, ladies and gentlemen, the evidence in this case is
8 going to be presented to you by the sworn testimony,
9 sworn witnesses who take an oath, just like you took an
10 oath and I took an oath, from this witness stand, under
11 oath. When the attorneys talk to you, you notice we
12 don't swear the attorneys, although there have been times
13 that maybe I should have, I will tell you they don't take
14 that oath; they take an oath as an attorney, ladies and
15 gentlemen.

16 Evidence may also take the form, ladies and
17 gentlemen, of an exhibit. Now, first it has to be marked
18 with Becky Hill, our court reporter. We keep up with
19 exhibits by numbers, so you'll hear me refer to either
20 State's Exhibit Number So-And-So, or Defense Exhibit
21 Number So-And-So. You won't see any exhibit until I've
22 had the opportunity to fulfill my job, which is that of
23 gatekeeper. I have to first decide whether or not an
24 exhibit is permitted to be introduced into evidence.
25 Once I have ruled on it, okay, and I say Defense Exhibit

1 Number 1 is in evidence, you may now publish to the jury,
2 then you will see the exhibit, and that becomes part of
3 the evidence like the sworn testimony in the trial of the
4 case.

5 Evidence may also take the form of what we call a
6 stipulation. The parties actually may agree, ladies and
7 gentlemen, that a certain fact is true, and therefore not
8 necessary to be proved to you. So they can reach a
9 stipulation or an agreement during the trial of the case,
10 and that also constitutes part of the evidence you should
11 consider in rendering your verdict in this case.

12 So evidence is sworn testimony; any exhibit, like a
13 photograph or a model that you hear me say is in
14 evidence; or any stipulation that may be entered into, in
15 the record, and I'll explain that to you if it happens
16 during the trial of this case. Now, in the consideration
17 of the evidence, you should remember that under the
18 Constitution of the state of South Carolina, you and you
19 alone, the members of this jury, are going to be the sole
20 judges of the facts in this case, based on evidence
21 introduced during the trial of the case. No one else but
22 you, the jury, will be permitted to weigh the evidence,
23 to consider the evidence. Same law that makes you, the
24 jury, the sole judges of the facts in the case, makes me
25 the sole judge of the law in the case. I cannot invade

1 your province, ladies and gentlemen. You will not hear
2 me say or tell you anything about what the facts are in
3 this case, or suggest to you what I think the evidence
4 shows or doesn't show. And you, ladies and gentlemen,
5 should not invade my province, and differ with me about
6 what the law is. Everything that I say during the
7 course of this trial, even right now as I'm speaking to
8 you, is being taken down by the best court reporter, by
9 the way, in the state of South Carolina, seated right
10 below me. She actually worked for me when I practiced
11 law. I shouldn't say that, Becky. That dates you,
12 doesn't it? I'm sorry. But she worked -- I thought so
13 much of her I hired her, and then the State hired her as
14 a court reporter. She also, ladies and gentlemen, just
15 so you know, because I like to brag about her, she can
16 sign. So if I need someone that can actually do sign,
17 language, she can do it. She plays the piano, she's the
18 choir director, and director at her church. She's a
19 multi-talented person, and she does a great job as my
20 court reporter. But she takes down every word that I
21 say, because she knows she has to make, if necessary, a
22 verbatim, or word-for-word transcript, of everything that
23 happens. And that's why -- listen, you don't hear
24 anybody talking, do you? That's so Becky can hear. And
25 if she can't hear, she can't do her job.

1 So if I make a mistake as to the law, to the
2 detriment of either party, they can appeal the case to an
3 appellate court. And if the appellate court agrees that
4 I've made a mistake on the law, they'll reverse the case
5 and send it back for a new trial. So don't any of you on
6 this jury worry about whether or not I've told you the
7 law correctly. That is somebody else's worry, which is
8 not your concern.

9 Your job is to take the law as I give it to you,
10 and apply it to the facts as you find them to be, based
11 on evidence introduced during the trial of the case;
12 which means testimony from a sworn witness, an exhibit,
13 or a stipulation. And after doing that, you will render
14 your verdict under that solemn oath that each of you just
15 took as jurors from my clerk.

16 Now, from time to time during the trial of this
17 case, you may hear -- in fact, I can almost guarantee
18 you'll hear, one of the lawyers say something like, your
19 Honor we have a question of law; your Honor, may we
20 approach the bench. Or I, myself, might ask you to step
21 to your jury room, because sometimes I might find it
22 necessary that you be excused from the courtroom for a
23 little while, while the attorneys and I discuss a matter
24 of law. Now, the reason for this is exactly what I've
25 just told you. It's because, as I've told you, you're

1 the judges of the facts in this case, and sometimes --
2 and I'm the sole judge of the law. And sometimes when
3 I'm discussing a matter of law with the attorneys, it may
4 be necessary for me to make some comment about the facts
5 or the evidence to the attorneys, and ruling on whether
6 or not a particular piece of law applies to this case.

7 So the custom in this state is, first of all,
8 you're going to see me have them come up, and I might
9 even meet them over on the side bar, and talk to them,
10 and see how long I think it's going to take. And if I
11 can't handle it in a side bar, then I might ask you to
12 step to your jury room. We're not trying to hide
13 anything from you, ladies and gentlemen. But as you
14 know, I'm not supposed to tell you anything about what I
15 think the facts are, or what the evidence suggests. So
16 the practice is to excuse you from the courtroom when
17 such discussions take place, so that in no way will you
18 be influenced by anything that I might say or do in
19 connection with the facts, in ruling whether or not a
20 particular piece of law applies to this case.

21 And in that connection, let me tell you again, and
22 I emphasize this to you, that you, ladies and gentlemen
23 of the jury, you and you alone, are the sole judges of
24 the facts in this matter, based on the evidence
25 introduced during the trial of the case. And if any of

1 you, throughout the trial of this case, should gather
2 from anything that I might say, or any mannerism I have,
3 or the tone of my voice, or whether or not I got a
4 haircut or not for court, anything that might say or do
5 during the course of this trial that you think makes you
6 conclude that I have any opinion as to the facts in this
7 case, please erase that from your mind; because as I have
8 said to you, you and you alone, the jury, are the sole
9 judges of the facts in this case.

10 Now, I'm asked this frequently: Judge Buckner, you
11 tell me I have to determine the facts from the evidence;
12 how will I know what the true facts are? Well, ladies
13 and gentlemen, part of your job in determining what the
14 facts are in this case, from the evidence, you, of
15 necessity as a jury, will have to pass upon the
16 credibility, which simply means the believability, of the
17 witnesses who are going to testify during the trial of
18 this case. It will be my responsibility to rule as a
19 matter of law as to whether certain testimony is
20 admissible at all or not. But once I've allowed the
21 testimony to be admitted into evidence in the trial of
22 this case, you, ladies and gentlemen of the jury, have to
23 determine whether to believe the testimony or not.

24 And in passing upon the credibility or
25 believability of the witnesses, you have the right as a

1 jury to take into consideration, if shown to you from the
2 evidence, the interest of any witness; the bias, if any,
3 from the witness; the prejudice, if any, of any witness;
4 the opportunity for the witness to have observed the
5 things about which he or she might testify. You may even
6 take into consideration, in judging the believability of
7 the witness, what we call the demeanor of the witness,
8 the appearance of a witness while -- you notice the
9 witness stand it located on the same side of the
10 courtroom that you're located on? That's so you can
11 observe the witness. So anything that is in evidence,
12 ladies and gentlemen, you, as a jury, have the right to
13 consider. Anything that will aid you and assist you
14 in evaluating the testimony of the witnesses who will
15 testify in this case, you have the right to consider.
16 And that means, Mr. Foreman, and that means, ladies and
17 gentlemen of the jury, that it is your duty under your
18 sworn obligation as jurors to pay close attention to the
19 witnesses; to listen to the witnesses.

20 Don't let your thoughts wander, but give strict
21 attention to the testimony in this case, so that at the
22 conclusion of all of the testimony, after the final
23 arguments of Counsel in this case and my charge to you on
24 the law that applies to this case, you will have placed
25 yourself as a juror, by listening, by observing, in a

1 position to determine what you feel the true facts are,
2 and to apply the law as I charge it to you to be, to the
3 facts as you find them to be, based on the evidence
4 introduced during the trial of the case, and thus base
5 your verdict on the evidence. Now, you must not
6 consider anything that you may have read or heard about
7 this case outside of this courtroom, whether before or
8 during this trial. And until I submit this case to you,
9 and I'll let you know when that is, until I submit it to
10 you, you must not discuss it with anyone, not even a
11 member of your own family. And after I submit it to you,
12 you must discuss it only in your jury room, with your
13 fellow jurors. It is important that each of you keep an
14 open mind and not decide the case until the entire matter
15 has been submitted to you under my instructions at the
16 conclusion of the case.

17 Now, it will be your added duty, Mr. Foreman, to
18 preside in the jury room, and to be the jury's
19 spokesperson out here in the courtroom. It will also be
20 your duty to write the verdict, but I'm going to prepare
21 a verdict form, and I'll go over that with you in my
22 charge of the law, and then David's going to bring you
23 the indictments. Whatever you write on that verdict
24 form, the exact same thing is written on the indictments,
25 and you sign your name and date it. He will show you

1 where. Now, a couple of housekeeping matters and we're
2 ready to start. If at any time -- and let me tell you, I
3 always use myself as the example, because I've shot a
4 shotgun all my life. It's something I really love to do.
5 I'm a bird hunter. So I'm always either -- starting Labor
6 Day, I'll dove hunt, and I'll quail hunt, and I'll duck
7 hunt all the way through duck season. I'm a wing
8 shooter. Unfortunately, I thought I was bulletproof when
9 I was many of you young people's age on the jury, and I
10 found out that it actually affected my hearing, which is
11 why I'm wearing hearing devices. And I talk so loud
12 right now; it's because deaf people talk loud, and I did
13 it from shooting a shotgun without ear protection, which
14 I don't let my sons do.

15 But if at any time a member of the -- don't you
16 hesitate to do this. I don't care where we are in the
17 trial, if you can't hear, raise your hand. I'll be
18 watching all fifteen of you throughout the trial of this
19 case. If you don't understand, raise your hand. Believe
20 me, Becky knows to do it if she doesn't understand. I
21 expect the same thing from you. If an exhibit is
22 introduced into evidence and I say -- you hear me say
23 it's in evidence, and you can't see the exhibit, raise
24 your hand. I want my jurors to be able to hear and to
25 see at all times throughout the trial of the case, and

1 you let me know if you can't, simply by raising your
2 hand.

3 Now, I already got your question, Mr. Foreman.
4 I've allowed jurors to take notes, but I'm going to ask
5 you not to take written notes. Why? Because I've found
6 that if the written note-taker makes an error in the
7 written notes, the notes can be harmful, rather than
8 helpful, in your jury room once deliberations begin.

9 Now, if you're worried about remembering, Becky has
10 an audio recording of the witnesses' testimony. And if
11 you tell her what portion, she can even narrow it down,
12 and we'll amplify it for you and try to play it through
13 the Court's system, so you can hear it, if you want to
14 worry about remembering. But please do not take written
15 notes.

16 Mr. Foreman, we do not allow jurors to ask
17 questions normally in the courtroom. If at any time a
18 member of the jury has a question, here is the procedure
19 we will follow: if you're not already in your jury room,
20 you will all retire to your jury room. You will write
21 the question on a piece of paper. You will then give it
22 to one of my bailiffs. They will bring it out to me, and
23 I will rule as a matter of law whether or not the
24 question can or cannot be answered, just as I would any
25 question asked by either one of the attorneys during the

1 trial of the case. You understand? Please remember, no
2 cell phones or beepers. If you got them, turn them off,
3 please, while you're on jury duty.

4 Now, I do not intend that what I've just said to
5 you for the past fifteen minutes should be construed as a
6 charge on the law in this case, because it's not that.
7 We have rules for everything, ladies and gentlemen. We
8 have rules on who speaks first, who argues first, how --
9 you wouldn't believe how many rules.

10 It's my job to enforce those rules, but I want you
11 to have a better idea of how we're going to proceed. The
12 State has the burden of proof. The State will have the
13 opening argument, the State will present its evidence
14 first. We have rules on closing argument. And this has
15 been merely an attempt on my part to briefly explain to
16 you some of the procedure that we will follow in the
17 trial of this case, so that you hopefully have a better
18 understanding as to what may be happening from time to
19 time. Nevertheless, in order to preserve everyone's
20 rights, I will give the parties an opportunity to object
21 to anything that I've said to you during these opening
22 remarks, if they have any such exceptions or objections.
23 Any objections or exceptions to the Court's remarks from
24 the State of South Carolina?

25 MR. SPEARS: No, Your Honor.

1 THE COURT: From the Defendant?

2 MR. KORNEGAY: No, Your Honor.

3 THE COURT: Ladies and gentlemen, we will now begin
4 the trial of the case. Solicitor, opening statement.
5 Mr. Smythe.

6 MR. SMYTHE: Yes, sir. Thank you, Your Honor.

7 THE COURT: Proceed.

8 MR. SMYTHE: Thank you.

9 OPENING STATEMENT

10 BY MR. SMYTHE: Good afternoon, ladies and gentlemen. My
11 name is George Smythe. I'm with the Solicitor's Office
12 in Dorchester County. I appreciate you all coming back
13 from lunch and giving us all of your attention, not only
14 to the State, but as well as to the Defendant.

15 We are here this week for the case of the State of
16 South Carolina versus Terek Goodwin. Mr. Goodwin is
17 charged, as you heard, with burglary in the first degree,
18 kidnapping, and armed robbery. I'm going to go over the
19 charges briefly, and you'll hear more about them later
20 from the judge. Burglary in the first degree in South
21 Carolina, when person breaks into a house and -- excuse
22 me -- enters a house without consent, either with -- at
23 nighttime, with a weapon, or the person reasonably thinks
24 they have a weapon. Kidnapping is the unlawful
25 confinement or taking away of a person without any

1 authority of law. An armed robbery is as it sounds: a
2 robbery where you are armed with a deadly weapon; a knife
3 or a gun, or you tell the victim of the armed robbery you
4 have a knife or a gun. But we must prove all three of
5 these beyond a reasonable doubt, and that does not mean
6 beyond any and all doubt you may have, but beyond a
7 reasonable doubt. If, at the end of this trial, after
8 you've heard from all of our witnesses, seen all of our
9 evidence, and the same from the Defense, if you are
10 firmly convinced of the defendant's guilt, you must find
11 him guilty.

12 So let's go back five and a half years ago,
13 December of 2013. Kevin Sauls, one of the victims of
14 this case, has been in a car accident and gotten a cash
15 settlement, twenty thousand dollars. He didn't put it in
16 a bank. That was a mistake. Friday afternoon, December
17 the 6th, he's at the job site, his wife comes down, the
18 money is shown to his co-workers. They had a good
19 weekend, they have a party, they get a few gifts for
20 their children for Christmas. Monday morning, December
21 9th, Kevin's at work. Monica drops the kids off at the
22 bus stop. She goes back down to the house, lays down.
23 Three men armed with guns, with masks on, break into her
24 house, hold her at gunpoint, tied her up, throw a blanket
25 over her; ask, where's the twenty thousand? Where's the

1 twenty thousand? They ransack the house, tearing it up,
2 smashing the phone, smashing any Tablets. Any
3 communications device they might have in that house,
4 smash it up. They finally find the twenty grand - or
5 excuse me, the money, they leave. In a haze, she unties
6 herself. She walks down the street; she has no phone.
7 She gets someone to call the police.

8 Now, ladies and gentlemen, we're going to prove a
9 lot of things on that witness stand. We're going to
10 prove that Terek Goodwin spoke with one of those co-
11 workers at a job site on Friday afternoon. We're going
12 to show you the evidence of his phone records, show you
13 he's beeping, his GPS up in Harleyville, where he lives.
14 And that morning he's going down to the incident
15 location, and he goes right back up. We're going to show
16 you text messages that morning, just after this incident
17 occurred, just hit a big lick, and a lick is slang for
18 robbery. We mask up, don't say anything; the cops are
19 running around. I might get a hotel room, I'm a little
20 jumpy. We're going to show you all that. After you see
21 all that, after you hear from all of our witnesses, I'm
22 confident you'll return a verdict of guilty. Thank you.

23 THE COURT: Counsel for the defendant.

24 MR. KORNEGAY: Thank you, your Honor. May it please
25 the Court?

1 THE COURT: Proceed.

2 OPENING STATEMENT

3 BY MR. KORNEGAY:

4 MR. KORNEGAY: Good afternoon, ladies and gentlemen.
5 My name is John Kornegay, and I, along with Mr. Ash
6 Chisolm, am representing Mr. Terek Goodwin. In criminal
7 trials, the Defense will often argue that a crime did not
8 happen; or in a self-defense case that a crime was
9 justified. In this case, we're not arguing that no crime
10 was committed, but we are saying that Mr. Goodwin did not
11 commit that crime.

12 Now, the State is going to present a lot of
13 evidence, and you'll hear a lot of testimony convincing
14 you that a terrible crime took place. That in 2013,
15 three masked men broke into the house, tied up the
16 victim, and took the victim's money. You'll hear about
17 their investigation where statements were made, fingers
18 were pointed, and phone conversations they'll try to tie
19 to Mr. Goodwin.

20 But I want to ask you remember, the reason we stand
21 before you today is that Mr. Goodwin has pled not guilty,
22 and I want you to consider what evidence is there from
23 the scene of the crime that points to Mr. Goodwin.

24 Now, it's very difficult, often impossible, to
25 prove a negative, to prove that you did not do something,

1 and the law recognizes this. That's why the law places
2 the burden on the State to prove guilt beyond a
3 reasonable doubt. And that's why we, as the Defense, are
4 not required to present any evidence or testimony. We
5 could sit behind that table and not say a word, and at
6 the end of this trial, if the State has not met their
7 burden, you would be required to find Mr. Goodwin not
8 guilty.

9 There's a phrase that you'll hear this week: the
10 presumption of innocence. That's a phrase that we've all
11 heard, that we all know, but it's often not something
12 that we live out in our day-to-day lives, myself
13 included. When we turn on the T.V. or open a newspaper
14 and see that a suspect in a murder case has been
15 arrested, or a bank robbery suspect, we say oh, they
16 caught the murderer, or they arrested the robber. And
17 there are no consequences to doing that in our day-to-day
18 lives, but you cannot do that this week. Unless and
19 until the State proves each element of the crimes charged
20 beyond a reasonable doubt. Mr. Goodwin is not simply not
21 guilty; he's innocent.

22 The State has brought this case, and I ask that you
23 hold them to their burden. And after considering the
24 evidence, I ask that you return a verdict of not guilty.
25 Thank you.

1 THE COURT: Call your first witness.

2 MR. SPEARS: Thank you, your Honor. State calls
3 Monica Sauls.

4 THE COURT: Come around here and put your left hand
5 on the Bible and raise your right hand for me, please,
6 ma'am.

7 MADAM CLERK: If you'll state your full name, for
8 the record?

9 MONICA SAULS: Monica Lynn Sauls.

10 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND DULY
11 SWORN, TESTIFIED AS FOLLOWS:)

12 MADAM CLERK: Thank you.

13 THE COURT: Now, Ms. Sauls, be seated and make
14 yourself comfortable. They're going to bring you a
15 little cup of water right there for you to use, and that
16 microphone's going to amplify your voice. You have a
17 weak voice, and I need you to speak up. You see that
18 gentleman right now on the back row back there? I want
19 him to be able to hear every word you say. Do you
20 understand?

21 MONICA SAULS: Yes, sir.

22 THE COURT: All right. State your full name. Speak
23 up for me and spell your last name for the court
24 reporter.

25 MONICA SAULS: Monica Sauls, S/a/u/l/s.

1 THE COURT: Very good. Talk just like that and use
2 my microphone. Your witness, Counsel. Direct
3 examination.

4 MR. SPEARS: Thank you, your Honor.

5 DIRECT EXAMINATION

6 BY MR. SPEARS:

7 Q. Good afternoon, Monica.

8 A. Hey.

9 Q. Monica, can you tell the jury how old you are?

10 A. Thirty-six.

11 Q. And where do you live?

12 A. In live at 3036 Road, in Reevesville.

13 Q. And how long have you lived there?

14 A. I've been there about three years now.

15 Q. Are you married?

16 A. Yes, sir.

17 Q. How long?

18 A. Nineteen years.

19 Q. You got any kids?

20 A. Two.

21 Q. What -- how old are they?

22 A. My oldest just graduated high school, and then I
23 have a fourteen-year-old.

24 Q. Okay. Do you work right now, Monica?

25 A. No, sir.

1 Q. Okay. Now, going back to the time around December
2 of 2013, now where did you live back then?

3 A. I lived in Dorchester.

4 Q. Do you remember the address, by any chance?

5 A. It was 110 Molly Road, Dorchester.

6 Q. Okay. And about how long had you lived there?

7 A. I had lived there probably about four or five years.

8 Q. Okay. And was it just you, or?

9 A. It was my family.

10 Q. Got you. Your husband and your kids. Anyone else
11 in the family?

12 A. No, sir.

13 Q. All right. Now, around that time, were you working
14 back then?

15 A. No, sir.

16 Q. Okay. Did your family come into any money?

17 A. Yes, sir.

18 Q. Can you just tell the jury where that came from?

19 A. My husband had gotten into a car accident, and we
20 had got his settlement from the accident.

21 Q. And did you -- did you put that money in a bank, by
22 any chance?

23 A. No, sir.

24 Q. Now, how much was it?

25 A. It was twenty thousand when we got it.

1 Q. Do you recall if you and your husband showed that to
2 anybody?

3 A. Yes.

4 Q. And let's say going back to about December 6th of
5 2013, do you recall if you showed it anyone on that day?

6 A. Yes, sir.

7 Q. Do you remember who?

8 A. The guys that work with my husband.

9 Q. How many of them?

10 A. It was three of them.

11 Q. Um-hmm. Do you remember any of their names?

12 A. George, Junell, and -- George, Junell, and I can't
13 remember the other one.

14 Q. That's fine. Now, what did you all do after you all
15 showed them the money? Did you just keep the twenty
16 thousand with you?

17 A. Yeah, we had -- you know, I went Christmas shopping
18 for the boys, and we had a little party that Friday
19 night.

20 Q. Okay. What all did you get for the boys that
21 weekend?

22 A. We had got them new Tablets. My son wanted a Chrome
23 Book, so we got him one of those.

24 Q. Um-hmm. All right. Now, can you tell the jury what
25 happened that following Monday, starting that morning?

1 A. Yes, sir. That morning me and my family woke up as
2 usual. We did our thing, you know, in the morning. We
3 all got up. My kids got ready for school, my husband got
4 ready for work. He left for work and my kids left for
5 school, and I was going to lay back down after they left
6 because I had to go get a piñata for my kids for school.
7 And I woke up and --

8 THE COURT: Ms. Sauls, take a moment. I've got a
9 tissue right in front of you, take a swallow of that
10 water.

11 BY MR. SPEARS:

12 A. When I woke up there was three guys in the living
13 room.

14 THE COURT: Hold on, ma'am. You've got to slow
15 down for me a little bit, so they can hear you and
16 understand you.

17 BY MR. SPEARS:

18 A. It was three guys I woke up to in my living room.
19 They had guns. They just snatched me up and throw me on
20 the floor and tied me up. They demanded the money. I
21 told them where the money was, and when they tied me up
22 they put a blanket over me. And I thought they were
23 going to -- I really thought I was going to be dead. And
24 I begged them, I begged them not to hurt me -- I told
25 them if you have kids you'll understand. And whenever

1 they left, I tried to get undone, and I did. I was in a
2 tee-shirt and shorts and came out the back door. I ran
3 to my neighbor's, and nobody came to the door. And I
4 went down 78, and a bus driver that I know was turning,
5 and she stopped for me.

6 Q. Now, Monica, did you see any of their faces?

7 A. No, sir.

8 Q. And why was that?

9 A. They had masks on.

10 Q. Okay. Were they armed with any weapons?

11 A. Yes, sir.

12 Q. What kind?

13 A. A pistol.

14 Q. Okay. Do you remember what color that was?

15 A. Black.

16 Q. Okay. Now, how did they get into the house?

17 A. Through the door.

18 Q. All right. Did you have any bruising from when they
19 threw you down?

20 A. Yes, sir.

21 Q. Okay. And what did they ask you?

22 A. They just asked me where the money was.

23 Q. Did they know how much there was?

24 A. They asked for the exact amount.

25 Q. And what were they asking for?

1 A. The twenty thousand.

2 Q. All right. Now, did they do anything else while
3 they were in your house? I mean ---

4 A. They just tied me up, and I could hear them busting
5 stuff up in the kitchen.

6 Q. What -- what all did they break?

7 A. The Tablets and cell phones.

8 Q. Um-hmm. After they had left and you were able to
9 get untied, were you able to use any of your phones to
10 call 911?

11 A. No.

12 Q. Okay.

13 MR. SPEARS: Court's indulgence, Your Honor? Your
14 Honor, may I approach the witness?

15 THE COURT: You may.

16 BY MR. SPEARS:

17 Q. Ms. Sauls, I'm showing you what's been marked as
18 State's Exhibit 1.

19 A. Yes, sir.

20 Q. Do you recognize this?

21 A. That's the 911 call.

22 Q. And how do you recognize that?

23 A. I heard it and I initialed and signed the date on it

24 Q. Now, is that a fair and accurate representation of
25 the 911 call you participated in on that date?

1 A. Yes, sir.

2 Q. All right.

3 MR. SPEARS: Your Honor, at this time State would
4 request --

5 THE COURT: As to State's Exhibit 1?

6 MR. KORNEGAY: No objection, Your Honor.

7 THE COURT: Ladies and gentlemen of the jury,
8 State's Exhibit Number 1 will be admitted into evidence
9 in the trial of this case, without objection. State's 1
10 is in evidence. You may publish to the jury.

11 (WHEREUPON, STATE'S EXHIBIT NUMBER 1, 911 CD
12 IDENTIFIED AND MARKED, ADMITTED INTO EVIDENCE.)

13 MR. SPEARS: Thank you, Your Honor. May I approach
14 the witness?

15 THE COURT: You may.

16 (STATE'S EXHIBIT NUMBER 1 RECEIVED INTO EVIDENCE AND
17 PUBLISHED TO THE JURY.)

18 BY MR. SPEARS:

19 Q. Now, Monica, did you talk with law enforcement that
20 day?

21 THE COURT: Just a moment. Mr. Smythe?

22 MR. SMYTHE: Sir?

23 THE COURT: The CD to the court reporter.

24 MR. SMYTHE: Yes, sir.

25 MR. SPEARS: Thank you, Your Honor.

1 BY MR. SPEARS:

2 Q. Now, Monica, did you talk with law enforcement that
3 day?

4 A. Yes, sir.

5 Q. Were you able to identify any of the people that
6 broke into your house that day?

7 A. No, sir.

8 Q. Okay. Monica, please answer any questions the
9 Defense might have for you. Okay?

10 THE COURT: Mr. Kornegay?

11 MR. KORNEGAY: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. KORNEGAY:

14 Q. Good afternoon, Ms. Sauls. I just have a few
15 questions for you. So your husband had received a
16 settlement from a civil suit. Is that correct?

17 A. Yes, sir.

18 Q. That check had been cashed. Is that correct?

19 A. Yes, sir.

20 Q. So the Friday before this incident, you went to your
21 husband's work site?

22 A. Yeah.

23 Q. And you had the settlement with you?

24 A. Um-hmm.

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

1 BY MR. KORNEGAY:

2 A. Yes.

3 Q. And there were co-workers there, and I know you
4 mentioned that there were three co-workers?

5 A. Yes, sir.

6 Q. And they basically just observed what -- what you
7 had with you. Is that right?

8 A. Yes, sir.

9 Q. They weren't the only people to know about the
10 settlement, though. Is that correct?

11 A. Yes, sir. Other than my family.

12 Q. Members within your family knew about it?

13 A. Yeah.

14 Q. Your brother knew about it?

15 A. Um-hmm.

16 Q. Your husband?

17 A. Just -- yeah, my family.

18 Q. Okay. And you had a -- you had a party that night.
19 Is that correct?

20 A. Um-hmm.

21 Q. And why did --

22 THE COURT: You have to say yes or no, ma'am, not
23 um-hmm.

24 BY MR. KORNEGAY:

25 A. Yeah.

- 1 Q. Invited people over?
- 2 A. Just a couple.
- 3 Q. Just a couple?
- 4 A. Like my brother and his wife.
- 5 Q. Any other friends?
- 6 A. No. Just my family.
- 7 Q. Does the name Travis Moultrie ring a bell?
- 8 A. I heard of him.
- 9 Q. Okay.
- 10 A. Yeah.
- 11 Q. Was he -- do you recall at -- today do you recall if
- 12 he was there at that party?
- 13 A. No.
- 14 Q. You don't recall?
- 15 A. Unh-unh. No.
- 16 Q. Okay. Going to the day of the burglary, you said
- 17 that three masked men broke into the house?
- 18 A. Yes, sir.
- 19 Q. You weren't able to identify them because of the
- 20 masks. Is that correct?
- 21 A. Yes, sir.
- 22 Q. Okay. But somebody was saying that they were
- 23 looking for twenty-thousand dollars?
- 24 A. Yes, sir.
- 25 Q. Which was the amount of the settlement?

1 A. Yes, sir.

2 Q. Is that correct?

3 A. Mm-hmm.

4 Q. And that led you to believe that at least one of
5 these individuals knew you?

6 A. Yeah. Yes, sir.

7 Q. And you -- back on December 13th, a few days later,
8 you were able to speak with Detective King. Is that
9 right?

10 A. Yes, sir.

11 Q. And speaking with Detective King, you told him that
12 you may have heard that voice before. Do you recall
13 that?

14 A. No, sir.

15 Q. Okay. You never had any action -- interactions with
16 Mr. Goodwin?

17 A. No, sir.

18 Q. You did not know him?

19 A. No, sir.

20 Q. Is that correct?

21 A. No, I did not know him.

22 Q. He was not at the work site?

23 A. No, sir.

24 Q. And he's obvious -- he's not a member of your
25 family?

1 A. No, sir.

2 Q. Okay.

3 MR. KORNEGAY: Court's indulgence. Nothing further.
4 Thank you.

5 THE COURT: Redirect?

6 MR. SPEARS: None, Your Honor.

7 THE COURT: You may step down. Watch your step on
8 the stairs. You can take your water, unless you don't
9 want to take it with you. You can take it with you.

10 MONICA SAULS: Okay.

11 THE COURT: Call your next witness.

12 MR. SPEARS: State calls Kevin Sauls.

13 THE COURT: Come around and be sworn, please. Left
14 hand on the Bible, and raise your right hand.

15 MADAM CLERK: Would you please state your name, for
16 the record?

17 KEVIN SAULS: Kevin Sauls.

18 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND
19 DULY SWORN, TESTIFIED AS FOLLOWS:)

20 MADAM CLERK: Thank you.

21 THE COURT: Mr. Sauls, I need you to speak up.
22 That microphone's going to amplify your voice. Please
23 don't shake your head or nod your head, and don't say uh-
24 huh, unh-unh. Yes or no.

25 KEVIN SAULS: Yes, sir.

1 THE COURT: Speak up so my juror at the end of the
2 row can hear you. State your full name, spell your last
3 name for the court reporter.

4 KEVIN SAULS: Kevin Sauls, S/a/u/l/s.

5 THE COURT: Very good. Speak up. Direct
6 examination.

7 MR. SPEARS: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. SPEARS:

10 Q. How old are you, Kevin?

11 A. I'm thirty-six.

12 Q. And where do you live?

13 A. I stay at 336 Conley Farms Road.

14 Q. All right. And are you married?

15 A. Yes.

16 Q. To whom?

17 A. Monica Sauls.

18 Q. All right. Kevin, let's go back to December of
19 2013. Where did you work at that time?

20 A. I worked for Lowcountry Tree Service.

21 Q. All right. And about how long had you worked there?

22 A. I worked there for about five years.

23 Q. Okay. Can you name some of your co-workers there?

24 A. John, George, Junell, Trey.

25

1 Q. Okay. You remember any of their last names, by any
2 chance?

3 A. No, I don't remember their last names.

4 Q. Got you. Now, who was your boss at that time?

5 A. Chad.

6 Q. All right. Now, around that time, did you receive a
7 settlement?

8 A. Yes.

9 Q. Okay. And for how much?

10 A. Twenty thousand dollars.

11 Q. Did you show that to any of your co-workers on
12 December 6th?

13 A. Yes, I did.

14 Q. Can you please tell the jury who you showed that to?

15 A. I showed that to John, George, and Junell.

16 Q. Okay. And did you spend any of that money over the
17 weekend?

18 A. Yes, sir. I did.

19 Q. Okay. I believe we've already heard that testified
20 to. Can you tell the jury what you recall happening on
21 the morning of December 9th of 2013, that Monday?

22 A. I remember getting up that morning. I got the kids
23 dressed, me and my wife, and fed the kids, and got out,
24 cranked my truck up, work truck up, get ready to go to
25 work. Kissed my wife goodbye and left to go off to work.

1 Got to the job site, and no sooner than I got to the job
2 site I had got a phone call stating that my wife, Monica
3 Sauls, had just been robbed. So I jump in the truck,
4 take off, get back to her quick as I can. Find a bunch
5 of police there, check on my wife to make sure everything
6 was okay.

7 Q. All right. And where were your kids at that time?

8 A. They were in school.

9 Q. Did you talk with police that day?

10 A. I had spoken with Detective King.

11 Q. All right. And do you recall what you told him in
12 that conversation?

13 A. I sure don't.

14 Q. I understand. Did you do any follow-up interviews
15 with Detective King? Were you able to identify who
16 committed this crime in any way, shape, or form?

17 A. No.

18 Q. Okay. Did you see anyone?

19 A. No.

20 Q. Okay.

21 MR. SPEARS: Court's indulgence, Your Honor.

22 BY MR. SPEARS:

23 Q. Please answer any questions the Defense might have
24 for you.

25 A. Okay.

1 CROSS-EXAMINATION

2 BY MR. KORNEGAY:

3 Q. Good afternoon, Mr. Sauls.

4 A. Good afternoon.

5 Q. I just have a couple questions. You were present
6 that Friday before, when your wife brought the cash
7 settlement to the work site?

8 A. Yes, sir.

9 Q. Is that correct? And the people who knew about this
10 settlement were essentially your co-workers?

11 A. Yes, sir.

12 Q. And family members. Is that right?

13 A. Yes, sir.

14 Q. And that Friday night, there was a party - an Oyster
15 roast at your house?

16 A. Yes, sir.

17 Q. Do you recall?

18 A. Yes, sir.

19 Q. Do you recall Travis Moultrie being present at that
20 party?

21 A. No, sir. I do not.

22 Q. Do you recall who was there?

23 A. I know my sister-in-law was there, I know my
24 brother-in-law was there.

25 Then, my little sister ---

1 --- my little sister was there, my brother, a couple
2 other people. I mean, I really don't --

3 Q. You don't remember everybody?

4 A. Yeah, everybody, I don't remember.

5 Q. Okay. Thank you.

6 MR. KORNEGAY: Nothing further. Thank you.

7 THE COURT: Be seated. Redirect?

8 MR. SPEARS: None, Your Honor.

9 THE COURT: You may step down.

10 KEVIN SAULS: All right.

11 THE COURT: Call your next witness.

12 MR. SPEARS: Thank you, Your Honor. State calls
13 Sergeant Phillip Alger.

14 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND
15 DULY SWORN, TESTIFIED AS FOLLOWS:)

16 THE COURT: State your full name, and spell your
17 last name for the court reporter.

18 SERGEANT PHILLIP ALGER: It's Sergeant Phillip
19 Alger, and my last name is spelled A/l/g/e/r.

20 THE COURT: Speak up for me, if you would, Sergeant.
21 Your witness, Counsel. Direct examination.

22 MR. SPEARS: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. SPEARS:

25 Q. Good afternoon, Sergeant Alger. How are you?

1 A. Good morning, sir. How are you?

2 Q. Where are you employed, sir?

3 A. With Dorchester County Sheriff's Office.

4 Q. And how long have you been with the Sheriff's
5 Office?

6 A. Approximately eighteen years.

7 Q. And what is your position there; what are some of
8 your duties?

9 A. My position currently is, I'm a road patrol sergeant
10 assigned to Team 2, and I oversee the operations of three
11 different zones.

12 Q. And so, you were working with the Sheriff's Office
13 back in December of 2013?

14 A. Yes, sir.

15 Q. Do you remember responding to a home invasion in
16 December of 2013?

17 A. Yes, sir.

18 Q. Could you tell the jury about what you responded to?

19 A. Yes. It was December the 9th, 2013, at
20 approximately 8:22 a.m. Dispatch put out the call for
21 service in reference to a possible burglary in progress.
22 Myself, Deputy Will, and Deputy Peterson responded to 110
23 Molly Road, which is located in Dorchester and Dorchester
24 County. Once on the scene, I made contact with the
25 victim in this case, Mrs. Monica Sauls, whom was at the

1 corner of 78 and School Street, while Deputy Will and
2 Deputy Peterson responded to the incident location, to do
3 the protective sweep at the residence. While I was there
4 I got to speak with Mrs. Sauls briefly about the
5 incident.

6 Q. And what kind of state was she in?

7 A. She was very panicked, upset, and was shaking.

8 Q. Did you go inside the house?

9 A. I don't recall going inside the house. After I
10 spoke with her, I responded to the scene to be sure that
11 the scene was secured, the crime scene tape was around
12 the barriers, and a crime scene log was started, as a
13 supervisory role in the investigation.

14 Q. Yes, sir. Did you do anything else after speaking
15 to the victim and securing the location?

16 A. I notified my sergeant and lieutenant and they
17 responded to the scene, and they called Detective Byrd
18 and Detective Anderson to the crime scene. They
19 responded to process the scene, and Detective King came
20 out and spoke with the victim.

21 Q. Thank you.

22 MR. SPEARS: May I have one moment, Judge?

23 Q. Sergeant Alger, after you went and secured the
24 scene, the incident location, did anybody go in and out
25 of that location without your consent?

1 A. Not that I'm aware of. Anybody who was inside that
2 crime scene tape should have been noted on the crime
3 scene log, that I think Deputy Will completed.

4 Q. Thank you. Please answer any questions the Defense
5 might have.

6 THE COURT: Cross-examination.

7 MR. KORNEGAY: Thank you.

8 CROSS-EXAMINATION

9 BY MR. KORNEGAY:

10 Q. Good afternoon, Sergeant.

11 A. Afternoon.

12 Q. So you were one of the first officer's on-scene. Is
13 that right?

14 A. Yes, sir.

15 Q. Okay. And was your job basically to secure the
16 area?

17 A. Yes, sir. That's part of my role as the responding
18 deputy was, like I said, to gather information from the
19 victim; gather any suspect information and put that on
20 radio broadcast for the incoming units to respond.

21 Q. Did you see anybody standing around the residence as
22 you approached?

23 A. Not that I recall, sir.

24 Q. It was just officers?

25 A. Yes, sir.

1 Q. Okay. Were you able to take any -- document any
2 forensic evidence: fingerprints, blood, anything like
3 that?

4 A. No, sir. What happens when you have a major
5 incident, once we call crime scene detectives, they come
6 out and that's their specialty. So they conduct all the
7 forensic investigations on-scene.

8 Q. So you basically speak with people on-scene, and
9 then other officers come in, and will document any
10 forensic evidence?

11 A. Correct. Basically I'll get the preliminary -- the
12 preliminary investigation, and then do a scene security.

13 Q. Okay. But you said that there weren't any other
14 people on-scene, other than officers?

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

16 Q. Okay. Thank you.

17 MR. KORNEGAY: Nothing further.

18 THE COURT: Redirect?

19 MR. SPEARS: None, Your Honor.

20 THE COURT: As to this witness, may he be excused?

21 MR. SPEARS: Yes, sir.

22 THE COURT: Any objection?

23 MR. KORNEGAY: No objection.

24 THE COURT: Call your next witness.

25 MR. SMYTHE: Your Honor, may we approach?

1 THE COURT: Counsel, approach.

2 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
3 HEARING OF THE JURY.)

4 THE COURT: Okay, ladies and gentlemen, we are going
5 to stop here for the afternoon. I told you was going to
6 be mindful of your time here this week. In the morning,
7 I want you here by 9:30. I'm going to try to start at
8 9:30.

9 Now, sometimes we run into problems and have to take
10 up things, but as close to 9:30 I'll start as I can. But
11 I can't start unless all fifteen of you are here.
12 Somebody runs into an emergency, you all need to call the
13 Clerk's Office. You need to ask for Tonda Westbury, or
14 you ask for Cheryl Graham. Let them know what your
15 emergency is, if you can't be here at 9:30.

16 If one of you is late, that means every single
17 person that you see in this courtroom; myself, my law
18 clerk, probation, the bailiffs, the clerk, the defense
19 counsel, the Solicitor's Office, we all have to sit and
20 wait 'til everybody's present, alternates and jurors. So
21 please be on time, so I can get you home on time, as I'm
22 doing today, keeping my word to you. Over the overnight
23 recess, please do not discuss the case. Report to your
24 jury room in the morning. Be ready to go at 9:30 a.m. in
25 the morning. Thank you for your patience today. You are

1 now excused until 9:30 a.m. tomorrow morning. You may
2 leave the courtroom at this time. Everyone else remain
3 seated while the jury is leaving.

4 (JURY EXITS COURTROOM AT 4:30 P.M.)

5 THE COURT: Anything on the record from the state of
6 South Carolina before we adjourn for the evening?

7 MR. SPEARS: Nothing other than the bond matter for
8 the defendant, Your Honor.

9 THE COURT: Well, defense counsel and I have already
10 discussed that at the bench earlier today, but I did not
11 put it on the record, Mr. Spears. Defense Counsel
12 understands that the jury's been sworn, the bond ends,
13 the defendant is in custody. Isn't that correct, Mr.
14 Kornegay?

15 MR. KORNEGAY: That's correct, Your Honor.

16 THE COURT: All right. Anything on the record
17 outside the presence of the jury, from the defendant?

18 MR. KORNEGAY: No, Your Honor.

19 THE COURT: All right. Because I anticipate,
20 according to Mr. Spears, that we're going to finish the
21 testimony in the trial of this case by 3:30 tomorrow
22 afternoon. So that all my people that are here,
23 including Major over there, want to plan for tomorrow,
24 including Tonda, we're going to start at 9:30, and we're
25 going to stop at 3:30 tomorrow. The reason is that I

1 have a medical appointment at 4:00 o'clock if David will
2 drive fast enough to get me there, which he's good at
3 doing when I ask him to do, and I'll represent him when
4 he does that, because he needs representation when I ask
5 him to do that; although I'm sure Mr. Chisolm would be
6 willing to join me. Have a good night everyone.

7 (WHEREUPON, THE COURT IS IN RECESS IN THE TRIAL OF
8 THIS CASE; THEREAFTER, THE NEXT MORNING, JUNE 8, 2019,
9 THE FOLLOWING IS HELD ON THE RECORD AT 9:30 A.M.)

10 THE COURT: I want to put on the record that
11 yesterday morning before the trial started, the lawyers
12 in this case and I had motions. There was one motion in
13 pre-trial, by Mr. Kornegay, which involved a gun.

14 The motion dealt with an objection on -- come on in.
15 Happy to have you. The motion dealt with an objection on
16 relevancy, and that the probative value outweigh -- or
17 the prejudice value outweighed the probative value.

18 I'm not sure at what point today that issue will
19 arise; however, the solicitor, Mr. Spears, has assured me
20 that he will approach the bench with Mr. Kornegay, and
21 advise me before he goes into that area.

22

23 So I'll have an opportunity to hear Mr. Kornegay's
24 objection, if necessary, and ultimately rule on whether
25 or not the gun is or is not admissible. Have I

1 accurately stated what occurred in chambers, insofar as
2 the solicitor is concerned?

3 MR. SPEARS: Yes, Your Honor.

4 THE COURT: Insofar as counsel for the defendant is
5 concerned?

6 MR. KORNEGAY: Yes, Your Honor.

7 THE COURT: Very well. In that case, would you
8 bring us the jury, please? Turn around, Mr. Spears, and
9 tell me that my sequestration order has been complied
10 with and you are telling me, on behalf of the State, that
11 no one in this courtroom is not allowed to be in here.

12 MR. SPEARS: Judge, the only witness in here is the
13 first witness I'm going to call.

14 THE COURT: That's permissible. Mr. Kornegay, you
15 turn around and tell me you've complied with witnesses
16 for the defendant?

17 MR. KORNEGAY: Yes, Your Honor.

18 THE COURT: Very well. Let the record reflect,
19 Becky, that my sequestration order has been complied
20 with. Bring the jury.

21 (JURY ENTERS COURTROOM AT 10:00 A.M.)

22 THE COURT: Good morning. Good morning, Mr.
23 Foreman.

24 FOREPERSON: Good morning, sir.
25

1 THE COURT: Good morning, ladies and gentlemen.
2 Now, you're sitting right there saying, Judge Buckner
3 told me to be here at 9:30, and here it is 10:00 o'clock.
4 Weren't you, Mr. Foreman?

5 FOREPERSON: Yes, sir.

6 THE COURT: Yes. Well, just as I told you, in
7 trials things arise. And I had a matter of law that we
8 had to discuss this morning, and we've gotten that
9 resolved, hopefully to shorten the time that your
10 presence will be required. So we were not smoking
11 cigarettes and drinking coffee in the back room, like you
12 all probably thought we were doing. I want to thank all
13 of you for being on time this morning; I want to thank
14 you for your service and your patience. You have to have
15 a little -- I told you that real trials are often slow,
16 they're often repetitive, they're often deliberate.
17 They're exact opposite of what you may have seen in a
18 movie or in a book, because things come up; things that
19 are completely unanticipated. And we have to deal with
20 those when they arise, so thank you for your patience.
21 We'll now continue with testimony in the trial of this
22 case. Solicitor, you may call your next witness.

23 MR. SPEARS: Thank you, your Honor. State calls
24 Chad Crosby.

25

1 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND DULY
2 SWORN, TESTIFIED AS FOLLOWS:)

3 THE COURT: Mr. Crosby, make yourself comfortable up
4 there, and she's going to -- all right. Push that
5 microphone down to your height, it's going to amplify
6 your voice. You've got a fresh cup of water in front of
7 you if you need to take a sip of water. I need you to
8 speak up so the gentleman and the lady on the end of my
9 jury box and hear and understand each word that you
10 speak. Now, the microphone will amplify -- you don't
11 have to get right on top of it. In fact, I turn mine off
12 because I talk loud enough that they can hear me. But
13 very often I have people in the courtroom who want to
14 speak very soft.

15 CHAD CROSBY: Got you.

16 THE COURT: And when they do that, then the jury
17 looks at me. So speak up for me. State your full name,
18 spell your last name for the court reporter.

19 CHAD CROSBY: Chad Andrew Crosby, C/r/o/s/b/y.

20 THE COURT: Very good. Your witness, Solicitor.
21 Direct examination.

22 MR. SPEARS: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. SPEARS:

25 Q. Mr. Crosby, where are you from?

1 A. Saint George, originally.

2 Q. And what do you do for a living?

3 A. I own Lowcountry Tree Service.

4 Q. How long have you owned that?

5 A. Since '04.

6 Q. Okay. Do you know Kevin and Monica Sauls?

7 A. I do.

8 Q. How do you know them?

9 A. Kevin is a former employee that I would consider to
10 be a friend.

11 Q. Now, Mr. Crosby, let's just quickly go back to the
12 morning of December 9th, in 2013. Can you tell the jury
13 what you remember happening that morning?

14 A. To the best of my recollection, sure. Yes, sir.
15 We came to our lot that was located on Palmer Road in
16 Summerville, as normal.

17 And as I was coming in, Kevin was coming out in a
18 very quick manner. And I called him or he called me, one
19 of the two, trying to see what was going on. And he had
20 advised me that he was on the way back to his wife, who
21 had just been attacked or held captive by some gentleman
22 for I don't know how long of a time. It was a very brief
23 conversation we had.

24 Q. Now, Mr. Crosby, did you call 911 after that?

25 A. I did.

1 MR. SPEARS: Court's indulgence, Your Honor. May I
2 approach the witness, Your Honor?

3 THE COURT: Yes, you may.

4 BY MR. SPEARS:

5 Q. Mr. Crosby, do you recognize this? This is State's
6 Evidence Number 1. Do you recognize that disc?

7 A. I do.

8 Q. And what is on that disc?

9 A. A recording of the 911 call.

10 MR. SPEARS: Your Honor, may I publish? This is
11 already State's evidence.

12 THE COURT: It's already -- are you talking about
13 State's Number what?

14 MR. SPEARS: 1, Your Honor.

15 THE COURT: It's in evidence. You may publish.

16 (STATE'S EXHIBIT NUMBER 1, PUBLISHED TO THE JURY AT
17 10:20 A.M.) BY MR. SPEARS:

18 Q. Mr. Crosby, please answer any questions the Defense
19 might have for you.

20 A. Yes, sir.

21 THE COURT: Cross-examination.

22 MR. KORNEGAY: Thank you, Your Honor. May it please
23 the Court?

24 CROSS-EXAMINATION

25 BY MR. KORNEGAY:

1 Q. Good morning.

2 A. Good morning.

3 Q. It's Mr. Crosby. Is that right?

4 A. That's correct.

5 Q. And could you tell me again the name of your
6 business?

7 A. Low Country Tree Service.

8 Q. And is that what's on your shirt today?

9 A. I believe it is.

10 Q. Okay. How long have you had that business?

11 A. Since 2004.

12 Q. Okay. Great. And how many employees do you have?

13 A. I would honestly have to go and count them right
14 this minute, but less than ten.

15 Q. Under ten? And back in 2013, do you remember how
16 many employees you had then?

17 A. I do not.

18 Q. Do you remember on the date of the incident, do you
19 remember -- are these the only employees you had: George,
20 John, and Junell? Are there any other employees you had
21 back then besides then?

22 A. I'm sure there were.

23 Q. There were? And looking through -- you met with
24 Detective King on the date of the incident. Is that
25 correct? And -- seated right here. Do you remember him?

1 A. That's sounds correct, yes.

2 Q. He asked you some questions, what you knew about
3 what happened, that kind of thing. And do you remember
4 giving him a statement, or talking to him about the cash
5 settlement that you described on that call?

6 A. I do. I remember that conversation in detail, no,
7 but I'm certainly not denying that it took place.

8 Q. Okay. And obviously you knew about the cash
9 settlement before all this happened. Is that correct?

10 A. Very vaguely. It wasn't my business.

11 Q. Sure. But I mean --

12 A. I just knew of it, correct.

13 Q. Do you know how long you had known about it?

14 A. No idea.

15 Q. You don't remember if it was two or three days
16 before, or a month before?

17 A. I have zero idea how long it was in advance. I just
18 knew that there was a legitimate civil case of some sort.
19 Don't even know exactly what all that entailed. I'm sure
20 I may have at the time, but again, it wasn't my business,
21 and it was immaterial to me.

22 Q. I got you. But was it your understanding the guys
23 that you employed knew about this settlement as well? It
24 wasn't just you; is that right?

25

1 A. I had no reason to think they knew or didn't know
2 anything.

3 Q. Okay. And when you met with Detective King, do you
4 remember talking to him about a black male that lived
5 next door named Ted?

6 A. Again ---

7 THE COURT: Just a moment. Yes, sir.

8 MR. SPEARS: May we approach, Your Honor?

9 THE COURT: Counsel, approach. Side bar.

10 (BENCH CONFERENCE, OFF THE RECORD, OUT OF HEARING
11 OF THE JURY.)

12 THE COURT: Proceed. For the record, Becky, the
13 objection is withdrawn.

14 BY MR. KORNEGAY:

15 Q. All right, Mr. Crosby. I'm trying to remember my
16 exact question, I might have to rephrase it. Do you
17 remember when you spoke with Detective King back on, I
18 believe that would be December 9th of 2013? I guess, did
19 you speak to him at the scene on Molly Drive? Is that
20 right?

21 A. I would only presume that whatever you documented
22 would be accurate. I honestly can't say for sure.

23 Q. No, I understand. But did he interview you at the -
24 - on Molly Drive? He didn't take you --

25 A. I have no earthly idea.

1 Q. Do you recall going back to the investigation, like

2 --

3 A. I don't recall going back to headquarters on that,

4 no.

5 Q. Okay.

6 A. I would presume that would've been a conversation
7 we'd have had wherever we ran into each other.

8 Q. Okay. Do you remember saying anything to him about
9 the black male named Ted, the black male that lived next
10 door?

11 A. I don't remember anything about a name, but you
12 bringing up that conversation took place does ring a
13 familiar bell; but that would've been secondhand
14 information, because I would've had no firsthand
15 knowledge of who lived next door, or what they do or
16 don't do.

17 Q. Okay. Do you remember who you got the information
18 from, then?

19 A. No idea.

20 Q. Okay. All right.

21 MR. KORNEGAY: If I could have one moment, Your
22 Honor.

23 THE COURT: Yeah.

24 MR. KORNEGAY: Thank you. I have no further
25 questions.

1 THE COURT: Redirect?

2 MR. SPEARS: None, Your Honor.

3 THE COURT: As to this witness?

4 MR. SPEARS: May he be excused?

5 THE COURT: Any objection, Counsel?

6 MR. KORNEGAY: None, Your Honor.

7 THE COURT: Mr. Crosby, you may step down. You're
8 excused from the trial of this case, and you may leave
9 the courtroom.

10 CHAD CROSBY: Thank you very much.

11 THE COURT: Thank you. Call your next witness,
12 Solicitor.

13 MR. SPEARS: Your Honor, State calls Sharday
14 McFadden.

15 THE COURT: Come right on up here. Come to this
16 lady right here to be sworn, please.

17 MADAM CLERK: And state your name, for the record.

18 SHARDAY MCFADDEN: Sharday McFadden.

19 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND
20 DULY SWORN, TESTIFIED AS FOLLOWS:)

21 THE COURT: Ms. McFadden, how are you this morning?
22 They're going to give you some water, and that
23 microphone's going to amplify your voice.

24 I need you to speak up, now, so everybody on the
25 jury can hear you. Do you understand? You can't nod

1 your head; you have to say yes or no, for the court
2 reporter.

3 SHARDAY MCFADDEN: Yes.

4 THE COURT: You got to speak up. You have a real weak
5 voice, so I want you to use that microphone. State your
6 full name, and spell your last name, for the court
7 reporter.

8 SHARDAY MCFADDEN: My name is Sharday McFadden. My
9 last name is M/c/f/a/d/d/e/n.

10 THE COURT: Very good. Use that voice and speak up.
11 Your witness, Counsel. Direct examination.

12 DIRECT EXAMINATION

13 BY MR. SPEARS:

14 Q. Good morning, Sharday.

15 A. Good morning.

16 Q. Sharday, can you tell me how old you are?

17 A. Twenty-four.

18 Q. And where do you work?

19 A. At McDonald's.

20 Q. Do you have any children?

21 A. Yes, I have two.

22 Q. What are their names?

23 A. Skylea and Demonte.

24 Q. And how old is Skylea?

25 A. She's five.

- 1 Q. And Demonte?
- 2 A. He's one.
- 3 Q. Now, who's Skylea's father?
- 4 A. Terek Goodwin.
- 5 Q. Are you currently in a relationship with Terek
- 6 Goodwin?
- 7 A. No.
- 8 Q. Were you a relationship with him back in 2013?
- 9 A. Yes.
- 10 Q. Sharday, back in 2015, were you in an accident?
- 11 A. Yes.
- 12 Q. Can you tell the jury what happened?
- 13 A. No.
- 14 Q. Can you tell the jury what happened after the
- 15 accident?
- 16 A. No.
- 17 Q. Are you having any memory issues from the accident?
- 18 A. Yes.
- 19 Q. Now, were you in the hospital after the accident?
- 20 A. Yes.
- 21 Q. Do you recall about how long?
- 22 A. No.
- 23 Q. Now, in regards to the memory issue, is it full-on
- 24 amnesia, or do you just have trouble remembering things?
- 25 A. I don't know.

1 Q. Do you have a clear memory of times before the
2 accident, or do you have trouble remembering?

3 A. I just -- I don't remember. I just -- certain
4 things I don't remember.

5 Q. Now, Sharday, do you recall if you were with Terek
6 Goodwin the day he was arrested?

7 A. Yes.

8 Q. Were you at a house, or a hotel?

9 A. A hotel.

10 Q. Okay.

11 MR. SPEARS: Your Honor, may we approach briefly?

12 THE COURT: Counsel, approach.

13 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
14 HEARING OF THE JURY.)

15 THE COURT: Objection is withdrawn. Proceed. Ask
16 a question, direct examination.

17 BY MR. SPEARS:

18 Q. Now, Sharday, my last question was, were you at a
19 hotel the day Mr. Goodwin got arrested. Did you own a
20 gun at that time?

21 A. No.

22 Q. Okay. Do you remember speaking with Investigator
23 King around that time?

24 A. Yes.

25 Q. Okay.

1 MR. SPEARS: Madam Court Reporter, may I have this
2 marked?

3 COURT REPORTER: Sure.

4 (WHEREUPON, STATE'S EXHIBIT NUMBER 44, IDENTIFIED
5 AND MARKED.)

6 MR. SPEARS: Court's indulgence, Your Honor?

7 BY MR. SPEARS:

8 Q. Now, Sharday, I'm going to be showing you what's
9 been marked as State's Exhibit 44, for illustrative
10 purposes only.

11 MR. SPEARS: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 BY MR. SPEARS:

14 Q. Now, Sharday, do you remember writing a statement on
15 that day?

16 A. Yes.

17 Q. And is that your handwriting on that statement?

18 A. Yes.

19 Q. What phone number did you write down as your number
20 on that day?

21 A. (803) 387-1924.

22 Q. And was that a 4 at the end?

23 A. Excuse me?

24 Q. Was that a 4 at the end there?

25 A. That's what it looks like.

1 Q. Okay. Now, do you remember in your statement what
2 you told Detective King at that time?

3 A. No.

4 Q. Can you read over that statement you wrote and
5 refresh your memory?

6 A. Junell Miles told Terek Goodwin --

7 MR. KORNEGAY: Objection, Your Honor.

8 THE COURT: Counsel.

9 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
10 HEARING OF THE JURY.)

11 BY MR. SPEARS:

12 Q. Now, Sharday ---

13 THE COURT: Hold on. Let me get them all back to
14 their seats. I'll make a record of that at the
15 appropriate time. Proceed.

16 BY MR. SPEARS:

17 Q. Sharday, can you just read the statement to refresh
18 your memory, and then tell us what you said at that time?
19 But you can't read it directly from the statement.

20 A. Well, if I can't read it, then I don't remember what
21 was said.

22 Q. All right. Does that refresh your memory at all?

23 A. No.

24 Q. All right. MR. SPEARS: Your Honor, in -- may we
25 approach? She can't ---

1 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
2 HEARING OF THE JURY.)

3 THE COURT: Move along.

4 BY MR. SPEARS:

5 Q. And one last time, Sharday. If you look at the
6 statement, does that recall any bit of your conversation
7 with Detective King on that day?

8 A. No.

9 Q. Now, did you speak with Mr. Terek Goodwin at all
10 before you all had that hotel together?

11 A. I can't remember.

12 Q. Did he tell you anything in regards to a crime he
13 might have committed?

14 MR. KORNEGAY: Objection, Your Honor. Calls for
15 hearsay.

16 THE COURT: Sustained.

17 BY MR. SPEARS:

18 Q. In your conversations, do you have any knowledge of
19 a potential burglary that might've occurred?

20 A. I can't remember.

21 Q. How about a jug or a lick that might've happened?

22 A. I can't remember.

23 Q. In regards to Mr. Goodwin getting any sort of money?

24 A. I can't remember.

25 MR. KORNEGAY: Objection, Your Honor.

1 It's leading the witness.

2 THE COURT: Hold on a second. Counsel, approach.

3 (BENCH CONFERENCE HELD OFF THE RECORD OUT OF HEARING
4 OF THE JURY.)

5 THE COURT: One at a time.

6 THE COURT: Step back. Objection overruled. Ask a
7 question, direct examination.

8 MR. SPEARS: Thank you, Your Honor.

9 BY MR. SPEARS:

10 Q. Now, Sharday, in looking at that statement, I
11 noticed you only looked at about the first page. Can you
12 take a little bit of time and read every page of that,
13 please? Does this refresh any of your memory of your
14 conversation with Detective King?

15 A. No.

16 Q. Okay. Please answer any questions the Defense might
17 have for you.

18 MR. SPEARS: Your Honor, may I approach and grab the
19 exhibit?

20 THE COURT: It was marked just for identification?

21 MR. SPEARS: Just for identification, Your Honor.

22 THE COURT: You're going to have to give it to
23 Becky.

24 THE COURT: Cross-examination.

25 MR. KORNEGAY: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. KORNEGAY:

3 Q. Good morning, Ms. McFadden. Thank you for being
4 here. I know this is going back to 2013, and there are
5 some memory issues there. Back at that time, you were in
6 a relationship with Mr. Goodwin. Is that correct?

7 A. Correct.

8 Q. Do you recall back around December 2013 any issues
9 that he was having with his phone?

10 A. I can't remember.

11 Q. And what were the natures -- what was the nature of
12 your injuries in the car wreck you went through?

13 A. I can't remember.

14 Q. You don't remember?

15 MR. KORNEGAY: Nothing further. Thank you, Your
16 Honor.

17 THE COURT: Redirect.

18 MR. SPEARS: None, Your Honor.

19 THE COURT: As to this witness?

20 MR. SPEARS: May she be excused?

21 THE COURT: Any objection?

22 MR. KORNEGAY: No objection.

23 THE COURT: Very well. Ms. McFadden, you may step
24 down from the witness stand, and you're excused from the
25 courtroom. Call your next witness.

1 MR. SPEARS: Your Honor, the State would call
2 Stephanie Stover.

3 THE COURT: Stephanie Stover.

4 MR. SPEARS: And Your Honor, one last time, may we
5 approach?

6 THE COURT: You may.

7 (BENCH CONFERENCE HELD OFF THE RECORD OUT OF HEARING
8 OF THE JURY.)

9 THE COURT: All right. Tonda, would you please
10 swear the witness?

11 MADAM CLERK: Yes, sir. If you would place your
12 left hand on the Bible, and raise your right hand, and
13 state your name for the record.

14 STEPHANIE STOVER: Stephanie Stover.

15 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND DULY
16 SWORN, TESTIFIED AS FOLLOWS:)

17 MADAM CLERK: Have a seat.

18 THE COURT: Good morning to you.

19 STEPHANIE STOVER: Good morning.

20 THE COURT: I want you to speak up through that
21 microphone, it's going to amplify your voice, so my
22 gentleman and lady down at the end of the jury box can
23 hear you. You don't have to get right on top of it, but
24 just speak up and it'll make your voice louder so they
25 can hear you.

1 Would you begin by stating your full name and
2 spelling your last name for the court reporter?

3 STEPHANIE STOVER: Yes, sir. It's Stephanie Lee
4 Stover, S/t/o/v/e/r.

5 THE COURT: All right. Ms. Stover, just speak up
6 for me. Your witness, counsel. Direct examination.

7 MR. SPEARS: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. SPEARS:

10 Q. Ms. Stover, where do you work?

11 A. I'm a homemaker right now.

12 Q. And where did you work back on 2013?

13 A. With the Dorchester County Sheriff's Office.

14 Q. And what department did you work in there?

15 A. The crime scene unit.

16 Q. All right. Can you just tell the jury a general
17 idea of what your duties were in crime scene?

18 A. Sure. We would get called to a scene. We would
19 photograph; do our documentation; look for evidence;
20 maintain integrity of the evidence; bring it back to the
21 office; process; send away what needed to be sent away
22 for further processing, if it's something we didn't do;
23 make sure chains of custody stayed intact.

24 Q. Now, did you respond to Ashley Lodge Hotel on
25 December 17th of 2013?

1 A. I believe so, yes.

2 Q. Now, do you recall why there was a search of the
3 hotel?

4 A. I do not.

5 Q. All right. Is the crime scene unit generally
6 informed of why they've been called to a spot?

7 A. No. When you're on call, your phone rings and they
8 tell you where to go, and you show up.

9 Q. And did you perform a search of that hotel?

10 A. I did.

11 Q. Okay.

12 THE COURT: Counsel, do you wish to be heard?

13 MR. KORNEGAY: I do, Your Honor.

14 THE COURT: All right. Ladies and gentlemen of the
15 jury, I have to take up a matter of law. It won't be
16 long, ladies and gentlemen. Please do not discuss the
17 case. I'll be right back with you. Please retire to
18 your jury room. You stay right there, Ms. Stover.
19 You're fine.

20 (JURY EXITS COURTROOM.)

21 THE COURT: Let the record reflect that I heard a
22 motion yesterday. And I can't remember whether Mr.
23 Kornegay or Mr. Chisolm -- Mr. Kornegay argued it, and it
24 involved the admission of a gun. My recollection was
25 that there has been testimony at the time of the arrest

1 of the defendant in the motel or hotel room, that a black
2 pistol was found. And the Defense objected to the
3 introduction of it, on the basis, first, of relevancy;
4 and they also took the position under 404 -- and they
5 also took the position that even if relevant, if the
6 Court were to find it relevant, they believe that the
7 prejudice of admitting it outweighed its probative value.
8 Have I accurately stated your argument, Mr. Kornegay?

9 MR. KORNEGAY: You have, Your Honor.

10 THE COURT: All right. I told them that I was
11 going to make a final ruling on this once I heard the
12 preliminary testimony of the witness that the State
13 sought to introduce, and Mr. Spears did exactly as he
14 promised. He advised you and me that he was at the point
15 in the trial where he intends to introduce this evidence,
16 to give you an opportunity now to object to it. I asked
17 you if you wanted to be heard in front of the jury, and
18 you said you did. Let the record reflect the jury has
19 been excused from the courtroom, so that I can hear this
20 matter. Mr. Kornegay, I'm happy to hear from you at this
21 time.

22 MR. KORNEGAY: Thank you, Your Honor. May it please
23 the Court? Your Honor, the testimony that's about to be
24 elicited, the State will -- seeks to put in a handgun
25 that they would tie to Mr. Goodwin. This handgun --

1 THE COURT: All right. Let me make sure I
2 understand this. This witness, Ms. Stover, is the person
3 that actually located the gun in the hotel room. Is that
4 correct?

5 MR. KORNEGAY: That's my understanding, Your Honor.

6 THE COURT: Is that correct, Solicitor?

7 MR. SPEARS: That is correct, Your Honor.

8 THE COURT: All right. So she found the gun in the
9 hotel room on the day that the defendant was arrested in
10 the hotel room?

11 MR. SPEARS: That's correct, Judge.

12 THE COURT: And she found what has been described to
13 me earlier as a black gun, which was a pistol. Is that
14 right?

15 STEPHANIE STOVER: I believe so. I would have to
16 look at the search warrant. Search warrant return to
17 know exactly --

18 THE COURT: I don't want you to say any more. I
19 just want to make sure I understand.

20 MR. KORNEGAY: Yes, sir.

21 THE COURT: I've got a predicate now. You tell me
22 your objection, Mr. Kornegay.

23 MR. KORNEGAY: Yes, sir. This search happened
24 eight days later. It's at a different location. The
25 Ashley Lodge Hotel ---

1 THE COURT: This was the day of arrest?

2 MR. KORNEGAY: The day of arrest.

3 THE COURT: The incident happened on December the
4 9th, 2013?

5 MR. KORNEGAY: That's correct.

6 THE COURT: And now we're talking about December the
7 17th?

8 MR. KORNEGAY: That's correct, Judge.

9 THE COURT: All right. And this happened in
10 Dorchester County, I believe at a motel in -- didn't they
11 tell me it was Harleyville?

12 MR. SPEARS: That is correct, Your Honor.

13 THE COURT: All right.

14 MR. KORNEGAY: Your Honor, there is nothing -- other
15 than the fact that this is a black handgun, there is
16 nothing unusual or distinctive. It's not a fifty-caliber
17 Smith and Wesson revolver or something that would stand
18 out as unusual that could be tied to this incident.

19 Other than the fact that it's located near Mr. Goodwin at
20 the time of his arrest, there's nothing that ties it to
21 the December 9th incident. And we would ask, for those
22 reasons, that it be found not relevant. If your Honor
23 does find it relevant ---

24 THE COURT: That's not quite correct, Mr. Kornegay.

25 MR. KORNEGAY: Okay.

1 THE COURT: We had testimony of Ms. Sauls, and Ms.
2 Sauls testified that three -- I don't know if she said
3 males or not, because she said they had ski masks. But
4 anyway, three males with guns broke into her home. Now,
5 I agree with you that as far as the specificity of
6 testimony, but there is something that relates it back to
7 the incident of December the 9th, 2013, which is already
8 in evidence in the trial of this case.

9 MR. KORNEGAY: Yes, Your Honor. The fact that it is
10 a gun, a black handgun, that's ---

11 THE COURT: A handgun?

12 MR. KORNEGAY: Black handgun. Correct.

13 THE COURT: She said -- I think the solicitor asked
14 Ms. Stover -- and I don't want to misquote testimony, so
15 you correct me if I'm wrong, and I can have Ms. Hill ---

16 MR. KORNEGAY: Right.

17 THE COURT: He asked her whether it was a rifle or
18 handgun, and she said a handgun. And we're now talking
19 about a handgun. Isn't that correct?

20 MR. KORNEGAY: That's correct, Judge.

21 THE COURT: All right.

22 MR. KORNEGAY: That's correct. But simply labeling
23 something a black handgun, that does not narrow the scope
24 much in terms of firearms, and in terms of this specific
25 firearm as being involved in that incident, especially

1 when it's found over a week later in a different
2 location. There -- no shots were fired, according to the
3 allegations, so no ballistics testing could be done.

4 THE COURT: Well, there can't be any ballistics
5 testing unless shots were fired.

6 MR. KORNEGAY: Right.

7 THE COURT: And you know that, Mr. Kornegay.

8 MR. KORNEGAY: So there's nothing other than that
9 description to tie it to this case. And I would argue
10 that that description is not sufficient for this to be
11 relevant. If Your Honor does find it relevant,
12 I would argue that it's substantially more prejudicial
13 than probative.

14 THE COURT: Thank you very much.

15 MR. KORNEGAY: Thank you, Judge.

16 THE COURT: I understand your argument. That was
17 clear and concise. Mr. Spears?

18 MR. SPEARS: Thank you, Your Honor. The State would
19 disagree, first off in regards to the relevance of the
20 gun. The indictment in this case for the armed robbery
21 says that a pistol was used. It's directly relevant.

22 THE COURT: It's the essential element of the
23 offense of armed robbery with which you've charged the
24 defendant that you have to prove that a deadly weapon, or
25 the representation of a deadly weapon, was used in the

1 robbery. Is it not, Solicitor? I think I said that on
2 the record during the motion argument that you're
3 required to prove each element of the offense, including
4 the elements of armed robbery, burglary first, and
5 kidnapping.

6 MR. SPEARS: That is correct, Your Honor.

7 THE COURT: All right. I understand that. So you
8 think it's relevant. Now, Mr. Kornegay says even if it's
9 relevant, and he says it lacks specificity.

10 MR. SPEARS: Um-hmm.

11 THE COURT: My recollection testimony, which he
12 agreed, is that Mrs. Sauls got on the witness stand
13 yesterday. She testified that -- did she say males,
14 three males?

15 MR. SPEARS: If I recall ---

16 THE COURT: I know it's in the affidavit of the
17 officer that I reviewed, but I don't recall whether Ms.
18 Sauls said it. So I don't want to misquote it.

19 MR. SPEARS: Judge, if I recall, she said something
20 along that either men or guys, or some term denoting male
21 gender.

22 THE COURT: All right.

23 MR. SPEARS: I don't want to mislead the Court, but
24 I believe she --

25 THE COURT: She said she couldn't identify

1 any of them because they had on masks. And she said
2 that they had weapons, and she described it as a handgun
3 rather than rifles?

4 MR. SPEARS: Yes, Your Honor.

5 THE COURT: Did you not ask a witness earlier in
6 this trial what color the handgun was?

7 MR. SPEARS: I asked Ms. Sauls what color the
8 handgun was.

9 THE COURT: And she responded that it was black?

10 MR. SPEARS: Yes, Your Honor.

11 THE COURT: All right. So I have the fact of a
12 handgun, and that it was black. And that I now have this
13 witness, Ms. Stover, who finds a handgun in the room in
14 Harleyville, in the motel where the defendant had
15 purchased a room, as I understand it.
16 And the previous witness, Ms. McFadden, was with him at
17 the time of the arrest, in which a black handgun was
18 found in the room by Ms. Stover. Is that basically
19 where I am now?

20 MR. SPEARS: That is, Your Honor.

21 THE COURT: And Mr. Kornegay thinks that even if
22 it's relevant, because of the lack of specificity, that
23 the prejudice outweighs its probative value. Tell me the
24 State's position on that.

25 MR. SPEARS: Judge, one more thing in regards to Ms.

1 McFadden is, apparently the one thing that she did
2 remember was that she didn't have a handgun that day.

3 THE COURT: She did testify she did not own a gun.

4 MR. SPEARS: In regards to the probative value,
5 this goes directly to the charges in the case that the
6 State is attempting to prove. That this man was
7 found with a black handgun is a -- three males broke in
8 with black handguns, is direct evidence to show that he
9 was potentially in possession of one.

10 I think it's a matter for the jury to decide
11 whether he was the individual that busted into the
12 incident location. But I believe the probative value,
13 to allow the jury to make that decision, far outweighs
14 any sort of prejudicial effect.

15 THE COURT: Thank you. Please be seated. All
16 right. I've listened to this twice now, so I want to
17 make sure I'm clear. First of all, I find that it is
18 relevant. And I understand, Mr. Kornegay, your argument
19 on specificity completely. And very often, law
20 enforcement doesn't get specificity that would be
21 required, obviously, beyond a reasonable doubt, which is
22 the standard for a jury; and certainly you have an
23 opportunity to argue that, and to point out to the jury
24 what you feel shows a lack of specificity. However, I do
25 not believe that the prejudice outweighs its probative

1 value, and therefore your objection is respectfully
2 overruled, and I will permit the solicitor to seek the
3 introduction of the gun through this witness.

4 I also, Becky, want to put a couple of things on
5 the record while I have the jury out. First of all, we
6 had, during the testimony of Ms. McFadden, we had quite a
7 discussion and the Defense withdrew any objection to
8 asking Ms. McFadden whether or not she owned a gun, to
9 which she was -- her memory was good enough to remember
10 that she did not own a gun. We then got into a situation
11 in which the solicitor sought to introduce through Ms.
12 McFadden, in front of the jury, statements of the
13 defendant, to which the Defense objected on hearsay. I
14 sustained the objection initially. I then brought
15 Counsel to the bench. I learned from the solicitor that
16 the defendant -- or that the witness, Ms. McFadden, had
17 given a statement in which she said the defendant told
18 her he had committed the offense. I informed the
19 solicitor that I felt that was an exception to the
20 hearsay rule as an admission against interest by a party
21 opponent, and therefore would permit it if the witness
22 could remember that such a statement was made. When the
23 solicitor attempted to ask Ms. McFadden about whether or
24 not such a statement was made as an exception to the
25 hearsay rule, the witness responded she had no memory of

1 making any statement. In fact, Ms. McFadden had no
2 memory of anything the Defense counsel asked her, also,
3 on cross-examination. And I wanted there to be a record
4 of what occurred in the side bar during those
5 conferences. Bring us the jury, please, ma'am.

6 (JURY ENTERS COURTROOM.)

7 THE COURT: Mr. Foreman, thank you; ladies and
8 gentlemen, thank you for your patience. As I told you,
9 we have to deal with matters. We will now continue with
10 the testimony in the trial of this case. This witness,
11 Mrs. Stover, has been sworn, and this is direct
12 examination. Solicitor, please proceed. Direct
13 examination, consistent with my ruling.

14 MR. SPEARS: Thank you, Your Honor. May I approach
15 the witness, Your Honor?

16 THE COURT: You may.

17 BY MR. SPEARS:

18 Q. Now, Ms. Stover, I'm showing you what's been
19 marked as State's Exhibit 35. Can you look at this
20 without publishing it to the jury, please? And what --

21 A. Is it okay if I take my chain out?

22 THE COURT: You need a knife or scissors?

23 STEPHANIE STOVER: No, sir.

24 BY MR. SPEARS:

25

1 Q. And can you look in State's 35? Did you collect
2 this item from the Ashley Lodge Hotel ---

3 A. I did.

4 Q. --- on this -- okay. And is this the same item
5 that you collected? Has it been changed in any
6 discernable way?

7 A. No.

8 MR. SPEARS: Your Honor, at this time I would
9 request State's 35 into evidence.

10 THE COURT: Any objection?

11 MR. KORNEGAY: No, Your Honor.

12 THE COURT: Ladies and gentlemen of the jury,
13 State's Exhibit Number 35 will be admitted into evidence
14 in the trial of this case, without objection. You may
15 publish to the jury.

16 MR. SPEARS: Thank you, your Honor.

17 (WHEREUPON, STATE'S EXHIBIT NUMBER 35, IDENTIFIED
18 AND MARKED, ADMITTED INTO EVIDENCE.)

19 BY MR. SPEARS:

20 Q. Ms. Stover, can you please show the jury what's --

21 THE COURT: Is it -- has it got a lock on it?

22 MR. SPEARS: It is locked.

23 STEPHANIE STOVER: It is.

24 THE COURT: Ladies and gentlemen, State's Exhibit 35
25 is being shown to you.

1 It has a lock on it, so it is in a safe position.

2 BY MR. SPEARS:

3 Q. And what else is in that box?

4 A. There's a magazine and some ammunition.

5 Q. Can you tell me, does that ammunition -- can you
6 publish that to the jury?

7 A. All right. Ms. Stover, could you please answer any
8 questions that the State -- the Defense might have for
9 you?

10 A. Yes, sir.

11 MR. SPEARS: I'll grab the evidence, Judge.

12 THE COURT: Cross-examination.

13 MR. KORNEGAY: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. KORNEGAY:

16 Q. Good morning, Ms. Stover.

17 A. Good morning.

18 Q. Just a few questions. The -- you were on scene at
19 the Ashley Lodge Hotel. Is that right?

20 A. I believe so. Yes.

21 Q. And do you remember what day that search was?

22 A. I would have to look at my search warrant.

23 Q. It --

24 A. I'm not going to even guess at a date.

25 Q. Do you have a search warrant available to you?

1 A. I do not.

2 Q. Okay. Do you recall from that search who all was
3 staying in that room?

4 A. No, sir, I don't.

5 Q. Were you the first officer on scene?

6 A. No, I was not.

7 Q. Okay. How many officers would you say were on scene
8 that day?

9 A. I don't recall.

10 Q. Okay.

11 A. Without looking at notes or a CAD log, I wouldn't be
12 able to tell you that.

13 Q. Did you write a report in regards to this search?

14 A. Normally, I do.

15 Q. Normally, you do? Do you recall if you did or not?

16 A. I do not recall.

17 Q. Okay.

18 MR. KORNEGAY: Court's indulgence.

19 BY MR. KORNEGAY:

20 Q. Would it refresh your recollection if I showed you
21 the search warrant?

22 A. Yes, sir.

23 MR. KORNEGAY: May I approach, Your Honor?

24 THE COURT: You may. Counsel, hand it to her.

25 BY MR. KORNEGAY:

1 A. Thank you.

2 THE COURT: Then, let her have a chance to review
3 it, and then you ask her any question you desire, cross-
4 examination.

5 BY MR. KORNEGAY:

6 Q. Have you had a chance to review the warrant, Ms.
7 Stover?

8 A. I went over it, yes.

9 Q. Can you tell a date of when that was executed?

10 A. December 17th.

11 Q. December 17th.

12 THE COURT: Give us the year, please.

13 BY MR. KORNEGAY:

14 A. I'm sorry. 2013.

15 Q. Thank you.

16 MR. KORNEGAY: I have no further questions. May I
17 approach?

18 THE COURT: Redirect?

19 MR. SPEARS: None, Your Honor.

20 THE COURT: As to this witness?

21 MR. SPEARS: May she please be excused, your Honor?

22 THE COURT: Ms. Stover, you may step down. You're
23 excused from the trial of this case, and you may leave
24 the courtroom.

25 STEPHANIE STOVER: Thank you.

1 THE COURT: Mr. Foreman, ladies and gentlemen of the
2 jury, I'm going to take my mid-morning break at this
3 point and let you stretch your legs. I know I've sent
4 you to your jury room, but I've got to let the people
5 here have a break, as well as my jury. I'll be back with
6 you just as soon as I possibly can. Please do not
7 discuss the case. You have not heard all of the evidence
8 in the case. Talk about anything else. Smile, I promise
9 I'm going to get you home early. But don't talk about
10 the case. Thank you. You may retire to your jury room
11 at this time.

12 (JURY EXITS COURTROOM.)

13 THE COURT: We'll take our mid-morning break at
14 this point.

15 (WHEREUPON, THE COURT IS IN A BRIEF RECESS.

16 THEREAFTER, COURT RESUMES AND THE FOLLOWING IS HELD ON
17 THE RECORD.)

18 THE COURT: Call your next witness, Solicitor.

19 MR. SPEARS: Your Honor, the State calls Brandon
20 Berg.

21 THE COURT: Please come forward to be sworn.

22 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND DULY
23 SWORN, TESTIFIED AS FOLLOWS:)

24 MADAM CLERK: Have a seat.

25 THE COURT: Good morning to you.

1 STEPHANIE STOVER: Good morning.

2 THE COURT: I want you to speak up through that
3 microphone, it's going to amplify your voice, so my
4 gentleman and lady down at the end of the jury box can
5 hear you. You don't have to get right on top of it, but
6 just speak up and it'll make your voice louder so they
7 can hear you. Would you begin by stating your full name
8 and spelling your last name for the court reporter?

9 THE COURT: Please spell your last name for the
10 court reporter.

11 MR. BERG: Yes, Your Honor. It's Brandon Berg,
12 B/e/r/g.

13 THE COURT: Your witness, Solicitor.

14 MR. SMYTHE: Thank you, Your Honor.

15 THE COURT: Direct examination.

16 MR. SMYTHE: Thank you.

17 DIRECT EXAMINATION

18 BY MR. SMYTHE:

19 Q. Sergeant Berg, where are you employed?

20 A. Dorchester County Sheriff's Office.

21 Q. And how long have you been employed there?

22 A. I've been with the Sheriff's Office for ten years,
23 just about.

24 Q. And where -- what is your position at the Sheriff's
25 Office?

1 A. Now, I'm a sergeant in the crime scene unit. I
2 mainly work in latent fingerprints.

3 Q. How long have you been involved with the crime scene
4 unit?

5 A. I've been in crime scene for six years now.

6 Q. Were you in crime scene back in December of 2013?

7 A. I was.

8 Q. And in December of 2013, did you have the
9 opportunity to respond to Molly Drive for a home
10 invasion?

11 A. I did.

12 Q. Could you please tell the jury what you responded
13 to?

14 A. I received a call in reference to a home invasion at
15 110 Molly Road, in Dorchester County. Responded out to
16 the scene, found it be secured with crime scene tape.
17 Met with the supervisor on-scene at that time. It was a
18 Sergeant Benton. He advised me that a home invasion had
19 occurred. The victim was lying on a bed in the living
20 room. Suspects had forced their way into the residence,
21 tied her up, and emptied out her purse and stole money;
22 destroyed her cell phones; and fled the scene.

23 Q. And so, to go back a little bit, what are some of
24 the duties of a crime scene investigator? Could you go
25 over that a little bit with the jury?

1 A. Our job is to respond out to scenes. Our main --
2 one of our main things is documentation, photographing
3 all of our scenes; making sure we're telling the story
4 for anybody who would view it after. Then it's locating
5 and identifying pieces of evidence. After that's done,
6 preserving those pieces of evidence, possibly be
7 processed later on in the lab. All of those items would
8 be collected, taken back to our evidence room and
9 secured, to be analyzed at a later time.

10 Q. Sergeant Berg, I'm ---

11 MR. SMYTHE: May I approach the witness, your
12 Honor?

13 THE COURT: You may.

14 BY MR. SMYTHE:

15 Q. I'm handing you what's been marked as State's
16 Exhibits -- these things -- excuse me.

17 THE COURT: Hold on a second. Show them to Defense
18 Counsel --

19 MR. SMYTHE: Yes, Your Honor.

20 THE COURT: -- before you show them to the witness.
21 Are they all marked, Solicitor?

22 MR. SMYTHE: Yes, Your Honor.

23 Q. Sergeant Berg, I'm showing you what's been marked as
24 State's Exhibit 4 through 26. Would you please take a
25 moment and review those?

1 A. Yes, sir. Yes.

2 Q. What are State's Exhibit 4 through 26?

3 A. These are some of the photographs that I took on
4 scene that day.

5 Q. Are those a fair and accurate representation of the
6 scene as you found it on December 9, 2013?

7 A. They are.

8 MR. SMYTHE: Approach? Permission to publish,
9 Judge?

10 THE COURT: As -- is this 4 through 26 inclusive?

11 MR. SMYTHE: Yes, sir.

12 THE COURT: As to State's Exhibits 4 through 26
13 inclusive, Counsel?

14 MR. KORNEGAY: No objection, your Honor.

15 THE COURT: Ladies and gentlemen of the jury,
16 State's Exhibits 4, obviously 5, 6, 7, 8, right up
17 through 26, including 4 and 26, will be admitted into
18 evidence in the trial of this case, without objection.
19 They are now in evidence, you may now publish, Solicitor.

20 MR. SMYTHE: Thank you, your Honor.

21 THE COURT: Just pull that screen up for me. And
22 there's a screen to your right, as well as in front. Can
23 everybody see a screen?

24 (WHEREUPON, STATE'S EXHIBIT NUMBERS 4 THROUGH 26,
25 IDENTIFIED AND MARKED, ADMITTED INTO EVIDENCE.)

1 BY MR. SMYTHE:

2 Q. Can you please tell the jury what we see here?

3 A. That is a picture as I was approaching the scene and
4 made it to the residence.

5 THE COURT: What number was it?

6 MR. SMYTHE: That was State's 4, Your Honor.

7 THE COURT: All right.

8 MR. SMYTHE: This is State's --

9 THE COURT: Give the next number, for the record.

10 MR. SMYTHE: Yes, sir.

11 BY MR. SMYTHE:

12 Q. Sergeant Berg, this is State's 5. Can you tell me
13 what you see here, please?

14 A. Yes. This is photograph I took. I was able to meet
15 with the victim on-scene once I arrived there, and
16 document some of the injuries that she had advised she
17 had obtained.

18 Q. And these are injuries to the victim?

19 A. Yes.

20 MR. SMYTHE: Next, Your Honor, showing State's 6.

21 Q. Can you please tell the jury what we see in this
22 picture?

23 A. That's another photograph of the victim and possible
24 injuries.

25 Q. Do we see anything of note?

1 Can you describe injuries that you see in this?

2 A. Yes. Appears to be some rings around her wrist.

3 Could be consistent with something being placed around
4 them.

5 Q. Next I'm showing you what's been marked -- what's in
6 evidence as State's 7. Please tell the jury about this
7 picture.

8 A. Another photograph of the victim that I collected.
9 Again, you can see what appears to be a ring, again, that
10 could be consistent with something being placed around
11 her extremity.

12 Q. And now we can see it a little better.

13 A. Right.

14 Q. Can you describe the ring that you see there??

15 A. Yes. You can see clearly around her wrist there,
16 some bruising and redness. A little bit could be around
17 her ankle there. The main part of being where her wrist
18 is right under the tattoo there?

19 Q. Now I'm showing you what's in evidence as State's
20 Exhibit 8. What do we see here?

21 A. Yes. Appears to be a scratch. It's again, another
22 picture of took of the victim on-scene. It appeared she
23 was bleeding.

24 Q. Sergeant, I'm going to show you now what's been
25 marked as -- or it's in evidence as State's Exhibit 9.

1 A. Yes.

2 Q. What do we see here?

3 A. This is the front porch and the front-door entry of
4 the residence.

5 Q. Moving on here to State's Exhibit 10, tell the jury
6 what we see here.

7 A. Yes. This is a shoe impression that I located. As
8 I approached the front door, I could see two -- well,
9 there was one impression on the door in mud, and there
10 was another one at the -- on the floor, right as you
11 enter, at the front door. This was one of those
12 impressions there.

13 Q. Showing you -- showing you State's Exhibit 11. Is
14 that just a closer-up photo?

15 A. It is.

16 Q. Now, moving to State's Exhibit 12. Tell the jury
17 what you see here.

18 A. This is basically a photograph of just as I entered
19 the front door, the living room area where the victim
20 alleged that she was sleeping at the time the incident
21 took place.

22 Q. Are we also seeing State's 13?

23 A. This is another photograph just panned-over view of
24 the last photograph I took.

25 Q. What do we see in State's 14?

1 A. That is a purse that -- that's the one the victim
2 alleged the suspects had went through. That was laying
3 on the bed.

4 Q. Now showing you State's 15. Please tell the jury
5 what you see here.

6 A. This is one of the cell phones. There were several
7 cell phones the victim alleged that the suspect had
8 taken. Somebody had taken some items and destroyed them
9 on-scene. I photographed, documented some of those
10 electronic devices on the floor. This is one of those.

11 Q. Okay. State's 16.

12 A. Again, another electronic device.

13 THE COURT: What exhibit number?

14 MR. SMYTHE: That's 16, Your Honor.

15 BY MR. SPEARS:

16 Q. And going to 17.

17 A. Again, another electronic device that was alleged
18 destroyed during the incident.

19 Q. And 18, what do we see here?

20 A. Another electronic device that was destroyed.

21 Q. And going to State's 19.

22 A. This is an umbrella view of the floor where,
23 obviously, several of the devices were located.

24 Q. Sergeant, what do we see in State's 20?

25

1 A. This is a -- well, obviously a hole in the wall.

2 This was -- we had to back out to collect this.

3 This was a -- another electronic device that was
4 thrown through the wall here. That's the picture of the
5 entry into the wall.

6 Q. And what do we see in State's 21?

7 A. In order to collect the phone, we had to cut this
8 piece out of the wall. I cut it out and was able to
9 retrieve the electronic device.

10 Q. That's the same wall as the picture we saw earlier?

11 A. That's the same one. Correct.

12 Q. Moving on to State's 22. What do we see here,
13 Sergeant?

14 A. That is a -- appears to be some kind of electronic
15 device with a power cord.

16 Q. Is there any significance to the power cord?

17 A. Yes. The victim, again, alleged that she was tied
18 up. This item was allegedly used in that.

19 Q. Moving on to State's 23, what do we see here?

20 A. This is several tire impressions were located
21 outside. It was a rainy, drizzly day. It was pretty
22 muddy outside and there were some impressions that
23 appeared to be left in haste, according to how it looked
24 to me. This was one of those shoe impressions that I
25 scaled and documented, photographing.

1 Q. Sergeant with regard to -- regards to the foot
2 imprint in the door, were you able to make a mold of that
3 print?

4 A. Well, we use what's known as gel lifts on somewhat
5 the same principle as if you're trying to lift a
6 fingerprint, more or less. What these are, they're --
7 they're of full gelatin, and what you do is you place
8 them on top of an impression, say, made in dirt or
9 anything like that, that we just want to pull from the
10 surface instead of having to process it first. A gelatin
11 lift was used on this, and the shoe impression was
12 collected by that.

13 Q. Were you able to match that to any known prints?

14 A. No.

15 Q. With regard to the tire mark, were you able to take
16 a similar gel lift from that?

17 A. It's different with the impressions. We have to a
18 cast for that. And yes, tire tracks were collected on-
19 scene.

20 Q. And were you able to make a match from that gel you
21 made, or that casting you made, to any --

22 A. No.

23 Q. -- known standards?

24 A. No -- no match.

25 MR. SMYTHE: Could I have one moment, Your Honor

1 I have no further questions, Sergeant Berg. Would
2 you please answer any questions the Defense might have?

3 BRANDON BERG: Yes, sir.

4 THE COURT: Cross-examination.

5 MR. KORNEGAY: Thank you, your Honor.

6 CROSS-EXAMINATION

7 BY MR. KORNEGAY:

8 Q. Good morning, Sergeant Berg.

9 A. Good morning, sir.

10 Q. So going back to December 9th, you responded to the
11 scene with other officers. Is that correct?

12 A. That's correct.

13 Q. And part of your duties was to gather any evidence
14 that you saw, document evidence. Is that correct?

15 A. Correct.

16 Q. So you would be looking for things like
17 fingerprints, blood, DNA?

18 A. Correct.

19 Q. Generally.

20 A. Generally, yes.

21 Q. And you gathered a lot of items, I believe you
22 testified to, that were broken?

23 A. Yes.

24 Q. Within the residence?

25 A. Yes.

1 Q. Multiple cell phones, a Kindle, a cord, all that
2 potentially would have forensic evidence. Is that right?

3 A. Yes.

4 Q. Were those items tested?

5 A. I know that the phones were fingerprinted. Yes.

6 Q. Were you able to gather any fingerprints off the
7 phones?

8 A. Oh, yes. There were some fingerprints that were
9 turned in.

10 Q. And were you able to ---

11 A. I believe.

12 Q. --- test those fingerprints?

13 A. I didn't do those fingerprints at the time. That
14 was another latent print examiner. He's not in the
15 Sheriff's Office any more.

16 Q. Okay. Have you looked at those fingerprints since
17 that time?

18 A. I haven't.

19 Q. Did you have access to the original fingerprint
20 report, the examination?

21 A. I didn't.

22 Q. And do you recall that one of those fingerprints,
23 the examiner said that a comparison may be possible?

24 A. Yes.

25 Q. And when did you examine these fingerprints?

1 A. A couple weeks -- a few weeks ago.

2 Q. In preparation for trial?

3 A. Yes.

4 Q. Okay. And what was your conclusion?

5 A. Well, at that time I was able to identify one
6 fingerprint. That wasn't from a cell phone, though.

7 Q. Not from a cell phone?

8 A. Correct.

9 Q. Did you document that in your report?

10 A. I did.

11 MR. KORNEGAY: May I approach, your Honor?

12 THE COURT: You may.

13 BY MR. KORNEGAY:

14 Q. Could you identify that document for me, Sergeant
15 Berg?

16 A. I can. This appears to be the final page of a
17 latent print report.

18 Q. And of those prints, did you find any that you
19 examined that you decided that a comparison was possible?

20 A. Yes.

21 Q. Could you identify which print?

22 A. I don't have the rest of the report in front of me,
23 so I'd have to look.

24 Q. Okay. It might help if I give you the original
25 report?

1 A. It would.

2 Q. Okay.

3 MR. KORNEGAY: May I approach, Your Honor?

4 BY MR. KORNEGAY:

5 Q. And could you identify that document for me,
6 Sergeant Berg?

7 A. Yes. This is another latent print report.

8 Q. Okay. Could you take a look at that first latent
9 print that was examined?

10 A. These are -- yeah. Yes, sir.

11 Q. And is that latent print one that you later examined
12 a couple weeks ago?

13 A. Again, I'd have to look in my report to know for
14 sure.

15 Q. Are they identified in any way?

16 A. (LOOKING.)

17 Q. Like --

18 A. On here?

19 Q. Yes.

20 A. They are. They're notated what digital image they
21 are?

22 Q. And do you have that same digital image in your
23 report?

24 THE COURT: Just a moment. Is there an objection?

25 Counsel, approach.

1 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
2 HEARING OF THE JURY.)

3 THE COURT: Objection withdrawn.

4 BY MR. KORNEGAY:

5 Q. Sergeant Berg --

6 THE COURT: Proceed, cross-examination.

7 BY MR. KORNEGAY:

8 Q. Sergeant Berg, to clarify, you have two reports in
9 front of you. One another examiner conducted soon after
10 the incident; and then one that you conducted a couple
11 weeks ago.

12 A. There was actually -- yes. But this is only a
13 partial report of what I did.

14 Q. Okay.

15 A. This is only the last page. There's like, two or
16 three other pages for this.

17 Q. Okay. My question is in regards to those two pages.
18 You said that there is a digital number next to the
19 print?

20 A. Yes, yes.

21 Q. On those first two print -- on the first print on
22 both pages --

23 A. Yes.

24 Q. -- is that not the same digital number?

25 A. Yes, it appears -- yes, the same numbers.

1 Q. So would that be the same print?

2 A. Yes.

3 Q. Okay. The first examiner concluded that a
4 comparison may be possible.

5 A. Right.

6 Q. Is that right?

7 A. Yes.

8 Q. And then, a couple weeks ago, as you were preparing
9 for trial, you examined it, and you decided no comparison
10 was possible?

11 A. Yes.

12 Q. Is that right?

13 A. That's correct.

14 Q. Okay.

15 MR. KORNEGAY: May I approach, your Honor?

16 BY MR. KORNEGAY:

17 A. I'm sorry. I didn't follow you.

18 Q. In regards to the items, other than the
19 fingerprints, which we just discussed, was any blood,
20 DNA, anything like that found on those items that was of
21 forensic value?

22 A. No. Not that I'm aware, no.

23 Q. Did you test those items for touch DNA?

24 A. I can't remember if I did or not with those.

25 Q. And could you explain to the jury briefly what

1 touch DNA is?

2 A. Touch DNA is basically exactly as the name would
3 imply. When you touch an object, some of the residue on
4 your hands can transfer to that item, possibly what's
5 known as touch DNA behind your DNA.

6 Q. And you mentioned a couple other pieces of evidence
7 earlier, a tire case that you collected?

8 A. Correct.

9 Q. Was that of any evidentiary value? Did you follow
10 up with that?

11 A. That would've been anything that I would've tried to
12 locate another car, or a tire. I collected the evidence,
13 and I hold it until we get something to compare that to.

14 Q. Who would be the person that would follow up with
15 that evidence?

16 A. If -- like, a lead detective would be -- they would
17 try to locate a vehicle.

18 Q. Okay.

19 A. Maybe send it up to SLED to have it compared against
20 that impression of the tire.

21 Q. So that wouldn't have been your decision?

22 A. Correct.

23 Q. Okay. You mentioned a gelatin lift ---

24 A. Yes.

25 Q. --- that was done on two footprints.

1 A. Yes.

2 Q. And one was on the front door; the other was just by
3 the door. Is that correct?

4 A. Correct.

5 Q. And you collected those. Those were sent off to
6 SLED. Is that correct?

7 A. I believe they were.

8 Q. Okay.

9 A. I don't have the documents in front of me.

10 Q. That wouldn't have been your decision, but you
11 believe another -- Detective King would've sent it off to
12 SLED?

13 A. To send an item off initially, we likely would have
14 spoken about that and sent it off.

15 Q. Okay.

16 MR. KORNEGAY: May I approach, your Honor?

17 THE COURT: You may.

18 BY MR. KORNEGAY:

19 Q. Could you identify that document, Sergeant Berg?

20 A. I can. It's a South Carolina Law Enforcement
21 Division report for the gelatin lifts.

22 Q. Okay. And in the -- in SLED's examination of that,
23 were they able to provide you with any evidentiary value?

24 A. According to the report here, it shows the results
25 of a partial footwear impression. Again, just reading

1 from the report here, and asked to submit known
2 standards. Basically, no foot -- shoe prints -- or shoes
3 to compare those to.

4 Q. And after Mr. Goodwin was arrested on these charges,
5 did you follow up with that and see if there was a match
6 there?

7 A. No. I don't -- I don't even think we had his shoes,
8 I don't think.

9 Q. Could you have gotten his shoes?

10 A. At the time that he was arrested? There had been --
11 I guess we could have, but there would've been no way
12 that -- to indicate that he'd be wearing those same exact
13 shoes that he was wearing on that day.

14 Q. Did you try to compare it?

15 A. I wouldn't have compared it.

16 Q. Okay.

17 A. But I don't even think -- I don't even know if we
18 had the shoes, number one. Number two is, I wouldn't
19 have done the comparison myself, it would've went up to
20 SLED.

21 Q. That wouldn't have been your decision?

22 A. What's that?

23 Q. To compare?

24 A. No. Well ---

25 Q. Okay.

1 A. --- I, yeah, I would. But I mean, we could've sent
2 them off there for a comparison, had we had shoes that we
3 knew could have been compared to it.

4 Q. So until you had shoes that you knew were involved
5 in the incident, you weren't going to send shoes up to
6 SLED?

7 A. Right. Until we had some -- some good information
8 that it.

9 Q. Did you check the size, size of the shoes?

10 A. No, I didn't.

11 MR. KORNEGAY: May I approach? Thank you. Court's
12 indulgence.

13 BY MR. KORNEGAY:

14 Q. Just for clarification, Sergeant Berg, if you had
15 wanted to send items up to SLED to be tested, or test
16 these items for DNA, would that have been your decision,
17 or Detective King's decision?

18 A. I would've tested them for DNA. That would've been
19 my decision.

20 Q. And sending items to SLED?

21 A. Sending items to SLED would've been -- had we had
22 known standards there to us, I'm sure we would have
23 discussed it; and yes, I would've had a say in whether
24 those items went up or not.

25 Q. And you chose not to do either of those things?

1 A. I don't recall.

2 Q. Thank you.

3 MR. KORNEGAY: I have no further questions.

4 THE COURT: Redirect?

5 MR. SMYTHE: No redirect, your Honor.

6 THE COURT: As to this witness?

7 MR. SMYTHE: May he be excused, please?

8 THE COURT: Any objection, Counsel?

9 MR. KORNEGAY: No objection, your Honor.

10 THE COURT: You may step down from the trial of this
11 case, Mr. Berg, and you are excused from the trial of
12 this case. Leave -- you didn't get any exhibits. You
13 got the photographs? Where are they, Counsel?

14 MR. KORNEGAY: Should be right up here, your Honor.
15 Yes.

16 THE COURT: 4 through 26, Becky?

17 COURT REPORTER: Got them.

18 THE COURT: Call your next witness.

19 MR. SPEARS: Your Honor, may we briefly approach?

20 (BENCH CONFERENCE HELD OFF THE RECORD, OUT OF
21 HEARING OF THE JURY.)

22 THE COURT: It is now twelve minutes to 12:00.

23 And because I'm -- and what you don't understand that
24 goes on in a courtroom, and I don't tell you because I
25 don't bother you with logistics, but we have all sorts

1 of problems with transportation of people, some that are
2 having to come by various modes of transportation. And
3 for that reason, I need to stop at this time. I'm going
4 to finish the testimony today, I want you all to
5 understand that. We won't finish the trial today, but
6 we'll finish all the testimony, I believe, today, based
7 on my best estimate. And we need to stop at this point
8 for lunch. All right? Over the lunch break, Counsel,
9 will you be ready -- it's twelve 'til 12:00. You be
10 ready to go at 1:30?

11 MR. SPEARS: Yes, Your Honor.

12 THE COURT: And you can finish it today?

13 MR. SPEARS: Yes, Your Honor.

14 THE COURT: And you will do as I requested at the
15 bench, Mr. Kornegay?

16 MR. KORNEGAY: Yes, Your Honor.

17 THE COURT: Please do that when we break. All
18 right. Now, ladies and gentlemen, it is my anticipation
19 that we will come back at 1:30. We will finish all the
20 testimony in the trial of this case. And I'm going to
21 get you home early this afternoon, and we'll finish the
22 actual trial with argument and charge in the morning.
23 All right? Now, the weather forecast is that we're going
24 to get some pretty heavy rain starting, coming in later
25 on tonight, and really pretty heavy rain tomorrow.

1 So I want you to anticipate that in travel, because I
2 want everybody to be safe coming tomorrow. I don't know
3 how much they're predicting, I think it's like 2.5 inches
4 and 2.4 inches. Truth of the matter is, on my sunflower
5 field I need all the rain I can get; because they're
6 drooping right now, so I'm thankful for it, although it
7 seems it's always too dry or too wet, particularly when
8 you're a pretend farmer like I am.

9 I hope everybody has a pleasant lunch. Be back in
10 your jury room at 1:30. Please do not discuss this case
11 amongst yourselves, or with anyone else. Thank you so
12 much for your patience. You may retire for your lunch
13 break at this time.

14 (JURY EXITS COURTROOM AT 11:50 A.M. AND THE
15 FOLLOWING IS HELD ON THE RECORD.)

16 THE COURT: All right. We're going to stop at this
17 point. Solicitor has assured me that he thinks he can
18 finish his case today, and the defendant does not
19 anticipate, although they're going to consult with their
20 client, about putting up some additional evidence today
21 so we can complete the testimony.

22 So we're going to stop now at ten minutes to 12:00,
23 because I have a witness coming in by airport, landing in
24 Charleston, and has to be transported here. And I
25 understand that, and that witness should be here by 1:30,

1 but the plane hadn't gotten in this morning. So we'll
2 start back at 1:30. I will need, at some point, and we
3 can do this first thing in the morning, remember my
4 deadline of 3:30 today for requests to charge, numbered
5 and exchanged between Counsel. It is my intention to
6 have a charge conference, but because of my appointment
7 this afternoon I don't know how much time we'll have
8 after we finish the testimony between then and 3:30. And
9 whether we need to schedule in the morning, we'll see how
10 things go with the witnesses. We're in recess until
11 1:30.

12 MR. KORNEGAY: Yes, sir.

13 THE COURT: Thank you very much. Court's in recess.

14 (OFF THE RECORD AT 11:51 A.M.) (BACK ON THE RECORD
15 AT 1:30 P.M.)

16 THE COURT: Is the Solicitor ready to proceed?

17 MR. SPEARS: We are, Your Honor.

18 THE COURT: Is the defense ready to proceed?

19 MR. KORNEGAY: Yes, Your Honor.

20 THE COURT: Bring us the jury, please.

21 (WHEREUPON, THE JURY ENTERS THE COURTROOM AT 1:32
22 P.M. AND THE FOLLOWING IS HELD ON THE RECORD.)

23 THE COURT: Solicitor, call your next witness.

24 MR. SPEARS: Your Honor, the State calls Ms.
25 Jennifer Almida to the stand.

1 THE COURT: Please come forward to be sworn.

2 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND
3 DULY SWORN, TESTIFIED AS FOLLOWS:)

4 THE COURT: Good afternoon. Now, we need to be
5 able to hear you and understand you. I need you to speak
6 up. Don't shake your head or nod your head. The court
7 reporter can't take that down; I need a yes or no. No
8 uh-huh, unh-unh. Yes or no. You can hear me, can't you?

9 JENNIFER DALMIDA: Yes.

10 THE COURT: All right. I want them to be able to
11 hear you, just like you can hear me. You understand?

12 JENNIFER DALMIDA: Yes.

13 THE COURT: Would you begin by stating your full
14 name, and spelling your last name for the court reporter?

15 JENNIFER DALMEDA: Yes. Jennifer Dalmida,
16 D/a/l/m/e/d/a.

17 THE COURT: Your witness, Counsel. Direct
18 examination.

19 MR. SMYTHE: Thank you, your Honor.

20 DIRECT EXAMINATION

21 BY MR. SMYTHE:

22 Q. Good afternoon, Ms. Dalmida.

23 A. Good afternoon.

24 Q. Where are you employed, ma'am?

25 A. Verizon Wireless.

1 Q. And what is your position with Verizon?

2 A. I'm a senior analyst.

3 Q. How long have you been with Verizon?

4 A. Eleven years.

5 Q. And what are some of your duties as a senior analyst
6 there?

7 A. I'm a custodian of records, so I basically interpret
8 any type of network records that we produce, in
9 compliance to search warrants, court orders, or
10 subpoenas.

11 Q. Okay. Could you tell the jury a little bit about
12 the records that you keep? How long do records stay on a
13 cell phone?

14 A. So we keep various types of records. We have call
15 detail records, so any type -- anytime one of our
16 subscribers makes or receive a call on our network, that
17 information is kept for a rolling twelve months. We also
18 have text information that's kept, so we keep a portion
19 of that for twelve months; and we also have text content
20 that's kept for up to seven to ten days.

21 Q. As far as calls go, what kind of information are you
22 able to access in those records?

23 A. On the call detail report, it would indicate the
24 switch that processed the call, as well as the cell tower
25 that the call initiated and terminated on, as well as the

1 date, time, and who placed the call, and who received the
2 call.

3 Q. When you say who placed the call, you obviously mean
4 which number placed the call. Is that correct?

5 A. Correct.

6 Q. And the number that received the call?

7 A. Correct.

8 Q. With regards to texts, are you able to access the
9 content of the texts, the specific wording that was used?

10 A. Yes.

11 Q. And you're able to access the time?

12 A. Correct.

13 Q. Are you able to access any location information from
14 -- from this content?

15 A. The call detail report, we do capture cell tower
16 information.

17 Q. Okay. And can you tell the jury a little bit about
18 the cell tower information, how it is used. Is it for
19 the whole call? Could you tell us about that?

20 A. So any type of -- any type of -- anytime a call hits
21 our network, whether it's an incoming or an outgoing
22 call, on our subscriber call detail report, we will
23 track the tower that the call initiated on, so it's the
24 tower the call began on, and the tower the call ended
25 on.

1 So we don't track any type of hand-off process
2 before. It's just where the call started, where the
3 call ended.

4 Q. And in regards to where the call started, if
5 someone sends a call, you're able to map it to a fairly
6 specific location?

7 A. So what we have in our call detail report is, we
8 have tower information. So it would indicate the cell
9 tower number that the call initiated on. With that
10 information you can go to a cell site key, which would
11 provide you with the physical address and the latitude
12 and longitude of that specific cell tower.

13 Q. Okay. So you're able to tell -- are you able to
14 tell the time the call was made?

15 A. Yes.

16 Q. And the texts?

17 A. Yes.

18 Q. Okay. You're able to tell the time, information,
19 and location of -- of calls and texts?

20 A. Of calls, yes.

21 Q. Okay. Did you receive a search warrant in this
22 case, from 2013, in December of 2013?

23 A. Yes. Verizon did.

24 Q. Okay.

25

1 MR. SMYTHE: May I approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 BY MR. SMYTHE:

5 Q. Ms. Dalmida, I'm showing you what's been marked for
6 display purposes as State's Exhibit 40. Could you review
7 that for a second, please?

8 THE COURT: One number?

9 MR. SMYTHE: Yes, sir.

10 THE COURT: Consisting of how many pages?

11 MR. SMYTHE: I believe it's four pages, Your Honor.

12 THE COURT: Is that right?

13 JENNIFER DALMIDA: Yes, sir.

14 THE COURT: All right. Exhibit 40, four pages.
15 Proceed, Solicitor.

16 BY MR. SMYTHE:

17 Q. Have you had time to review that?

18 A. Yes.

19 Q. Are you able to tell which numbers, which phone
20 numbers, were requested, from looking at that
21 information?

22 A. Yes.

23 Q. Which phone numbers were those?

24 A. The records we produced were for target telephone
25 number (843)560-2715; and (843)701-6554.

1 MR. SMYTHE: May I approach? May I approach the
2 witness, Your Honor?

3 THE COURT: You may.

4 BY MR. SMYTHE:

5 Q. Ms. Dalmida, I'm now showing you what's been marked
6 as State's 2 and 3. Can you tell me what those are?

7 A. These are an electronic copy of the records that we
8 provided.

9 Q. And those are the two numbers that you just
10 mentioned for the search warrant, correct?

11 A. Yes.

12 Q. How do you know that those are for the numbers?

13 A. I had a chance to review these docu -- these CD's,
14 and I also initialed and dated them.

15 Q. Are those a fair and accurate representation of the
16 information gained from the two numbers you were
17 subpoenaed to provide for the State?

18 A. Yes.

19 MR. SMYTHE: I'd like to enter these into evidence,
20 Your Honor.

21 MR. KORNEGAY: Your Honor, we would renew our pre-
22 trial objection.

23 THE COURT: Counsel, approach.

24 (BENCH CONFERENCE HELD OFF THE RECORD.)

25 THE COURT: Let the record reflect that earlier

1 in this trial I took up a matter of law, which Counsel
2 has advised me he's renewing, the basis upon which
3 that matter of law was made to the Court.

4 I have ruled on that matter, so the objection is
5 overruled. You may proceed as to these exhibits.

6 MR. SMYTHE: At this time, Your Honor, I would --

7 THE COURT: And Counsel has advised me there is no
8 new matter that has not already been placed on the record
9 as a basis for the objection. Is that correct, Mr.
10 Kornegay?

11 MR. KORNEGAY: That's correct, Your Honor.

12 THE COURT: All right.

13 MR. SMYTHE: Your Honor, at this time I would ask
14 that State's 2 and 3 be admitted into evidence.

15 THE COURT: Ladies and gentlemen of the jury,
16 State's Exhibit's 2 and 3 will be admitted into evidence
17 in the trial of this case, over objection. 2 and 3 are
18 now in evidence. You may now publish to the jury.

19 (WHEREUPON, STATE'S EXHIBIT NUMBERS 2 AND 3,
20 IDENTIFIED AND MARKED, ADMITTED INTO EVIDENCE.)

21 MR. SMYTHE: May I approach?

22 Thank you, Your Honor.

23 BY MR. SMYTHE:

24 Q. One question I don't think I asked about.

25

1 The information you received, you said you received
2 date and time information from cell phone records?

3 A. Yes.

4 Q. What standard of time is it kept in? Is it
5 Eastern Standard, or UTC time?

6 A. As it pertains to these records, they're in Eastern
7 time.

8 Q. Okay.

9 MR. SMYTHE: May I have one moment, Your Honor?

10 BY MR. SMYTHE:

11 Q. Ms. Dalmida, I have no further questions. Please
12 answer any questions that the Defense might have. Thank
13 you.

14 CROSS-EXAMINATION

15 BY MR. KORNEGAY:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. I just have a few questions. You work as a senior
19 analyst for Verizon. Is that correct?

20 A. Yes.

21 Q. And you've discussed a lot about data that you're
22 able to recover. Based on the data that you're able to
23 recover, you're not able to see who's actually using the
24 phone, are you?

25 A. Correct. We're not.

1 Q. And going to cell towers, cell towers cover area of
2 land. Do you know roughly the distance from a cell tower
3 that a signal can be picked up?

4 A. So in terms of range in urban areas, the distance
5 can be anywhere up to five miles. In more rural areas
6 the distance is greater, so you can get coverage within
7 seven miles.

8 Q. And when you receive data about the cell tower, you
9 can't pinpoint within that area exactly where the signal
10 is coming from. Is that right?

11 A. Correct.

12 MR. KORNEGAY: Court's indulgence.

13 MR. KORNEGAY: Nothing further. Thank you.

14 THE COURT: Counsel, approach.

15 MR. KORNEGAY: Yes, sir.

16 THE COURT: Hold on, Ms. Dalmida. I'm going to get
17 you done.

18 (BENCH CONFERENCE, OFF THE RECORD, OUT OF HEARING OF
19 THE JURY.)

20 THE COURT: Step back. Redirect.

21 MR. SMYTHE: Yes, Your Honor. Briefly.

22 REDIRECT EXAMINATION

23 BY MR. SMYTHE:

24

25

1 Q. Ms. Dalmida, with regards to the cell phone towers,
2 you say the sectors can be as much as seven miles wide in
3 rural areas?

4 A. Correct.

5 Q. If someone were to drive from the southern part
6 of the state on I-95, in South Carolina, to the northern
7 part of the state, making calls and ending calls, all the
8 way up that highway, would you be able to reasonably
9 track where that person was going?

10 A. I mean, on one call or separate calls?

11 A. On separate calls, many different calls throughout -
12 - would you be able to see different towers that they hit
13 off of?

14 A. The initiated -- the initiated tower will differ, so
15 you will notice different tower numbers.

16 Q. Okay.

17 MR. SMYTHE: No further questions, Your Honor.

18 THE COURT: Re-cross, limited to redirect.

19 MR. KORNEGAY: Nothing further, Your Honor.

20 THE COURT: As to this witness, Solicitor?

21 MR. SMYTHE: May she be excused, Your Honor?

22 THE COURT: Any objection?

23 MR. KORNEGAY: No objection.

24 THE COURT: Ms. Dalmida, you may step down
25 from the witness stand, and you're excused from

1 the trial of this case, and you may leave the
2 courtroom.

3 JENNIFER DALMIDA: Thank you.

4 THE COURT: Thank you. Call your next witness.

5 MR. SPEARS: Your Honor, the State calls
6 Investigator James King.

7 MADAM CLERK: Please place your left hand on the
8 Bible, and raise your right hand, and state your name for
9 the record.

10 INVESTIGATOR JAMES KING: James C. King.

11 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND
12 DULY SWORN, TESTIFIED AS FOLLOWS:)

13 THE COURT: Mr. King, you know what to do.

14 INVESTIGATOR JAMES KING: Yes, Your Honor.

15 THE COURT: Spell the last name for her.

16 INVESTIGATOR JAMES KING: My last name is King,
17 K/i/n/g.

18 THE COURT: Your witness, Counsel. Direct
19 examination.

20 MR. SPEARS: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. SPEARS:

23 Q. Investigator King, where do you work?

24 A. I currently work for the Solicitor's Office,
25 Dorchester County, First Circuit.

1 Q. And about how long have you worked there?

2 A. Since February of this year.

3 Q. Can you just give the jury some idea of your work
4 history before your job at the Solicitor's Office?

5 A. Sure. In 2008, I was hired by the Dorchester County
6 Sheriff's Office as a patrol deputy. That entailed me
7 being a deputy assigned to calls in this area, the
8 Dorchester upper area: Harleyville, Reevesville, Saint
9 George area. 2010, I was asked by the CID captain to
10 come to investigations, and become an investigator, and
11 he assigned me to this area. I was up here for roughly
12 two years, three years, and I moved down to Summerville,
13 where I moved into narcotics. And then eventually I went
14 over to -- I got a job offer to work at Colleton County
15 as -- for a raise -- as investigations over there. From
16 there, I was approached by Police Services, the
17 Department of Corrections, as an internal investigator,
18 for another raise. I worked there shortly, and shortly
19 after that I was approached by the Solicitor's Office to
20 become an investigator for this area.

21 Q. Now, Investigator, where did you work -- what was
22 your state of employment in 2013?

23 A. I was assigned to the criminal investigations
24 division in Dorchester County at the time.

25 Q. And can you just tell the jury some of your

1 basic duties as a detective in the criminal
2 investigations unit?

3 A. Yeah. The criminal investigations division, my
4 workload was general investigations. I would also help
5 out with major case crimes, including homicides, child
6 abuse, sometimes the higher-level misdemeanor cases,
7 including breach of trust. But any investigation that's
8 done by detectives is an extension of patrol has taken.
9 They've gone to a certain point where they can't go any
10 more, and they need more time, and that's where a
11 detective or an investigator will come in.

12 Q. Investigator King, did you participate in an
13 investigation on December 9th of 2013?

14 A. I did.

15 Q. And what were the alleged crimes that led to that
16 investigation?

17 A. We received information from the victim, Ms. Sauls,
18 that three men had come inside her residence, had taken a
19 quantity of money. It was a home invasion. I was the
20 detective, and I responded to the scene.

21 Q. Could you please tell the jury your initial actions
22 when you first got to the scene?

23 A. Yes. As an investigator, it's important when you
24 first arrive on-scene, is to observe. I am in charge of
25 taking notes of what I can see and what I can perceive of

1 what has happened, as it's going on in real time. Part
2 of my training and experience is not to pull up
3 immediately at the location, but to sit in an area where
4 I can see everything that may be going on, so I can
5 observe anything, any movements by people, who they're
6 talking to, what's going on with patrol. I'm the final
7 person that's going to make the records in my
8 investigation of what may have happened.

9 Q. And when you were looking at the scene on that day,
10 was there anyone other than law enforcement there?

11 A. Yes, there was.

12 Q. Can you tell the jury who?

13 A. Yes. I observed Mr. Chad Crosby, who was a boss for
14 the victim, Mr. Kevin Sauls, and his three co-workers
15 were there as well.

16 Q. And who were those co-workers?

17 A. The co-workers were identified as John Russell,
18 Junell Miles, and George Lawton.

19 Q. Can you tell the jury how they were acting?

20 A. Yes. When I pulled up, Mr. Crosby and his three co-
21 workers, Lawton, Miles, and Russell, were standing in
22 front of me, roughly about ten or fifteen yards. I
23 pulled up in my unmarked vehicle, with my blue lights on,
24 indicating that I was with law enforcement. They were
25 looking at Molly Drive, facing away from me at the time,

1 and when I pulled up I parked, and I pulled my notepad
2 out to record my time that I arrived on-scene, and what I
3 had -- what I was looking at, at the time. As soon as
4 I pulled up, Mr. Miles, who I identified later, turned
5 around and looked at my direction, and made a furtive
6 movement.

7 In other words, when he saw me, he quickly and abruptly
8 turned away and would not face me again.

9 Q. Now, whom did you speak with at the scene?

10 A. The first person that I spoke with at the scene as
11 far as the witnesses would go would be Ms. Sauls.

12 Q. And who did you speak with after that?

13 A. Later, I spoke with Kevin, and I later -- and I
14 spoke with Mr. Chad Crosby.

15 Q. Now, were you able to identify any assailants at
16 that time?

17 A. No. We didn't have any information, other than what
18 the victim had reported earlier.

19 Q. Any sort of a description of who you might be
20 looking for?

21 A. Yes. We did have a slight description of the three
22 individuals that had entered the residence unlawfully at
23 110 Molly, and I attempted to contact further assistance
24 for a K-9 unit, to possibly track where they had left
25 the scene and may had fled on foot, which is part

1 of my investigation as well.

2 Q. Now, did you receive any evidence from the crime
3 scene: a footprint, a tire track mold?

4 A. I noticed it, and I did speak with crime scene about
5 a footprint impression that was located on the door,
6 which was consistent with what the victim said as far as
7 the door being kicked in. I did not see the foot -- the
8 tire impressions until later, after the scene had been
9 cleared by crime scene.

10 Q. During the course of your investigation, were you
11 able to find any standards to compare those to?

12 A. No, I was not able to.

13 Q. Was there any ballistics at the scene, like a shell
14 casing or bullet fragments?

15 A. No, there was not.

16 Q. Were there any fingerprints from the scene that were
17 you able to verify to a suspect?

18 A. No, I was unable. When I spoke with crime scene,
19 there was no determination on any fingerprints.

20 Q. Now, let's move on to the next day. That's December
21 10th of 2013. Who did you speak with on that day?

22 A. On December 10, 2013, which would've been the
23 following day, I interviewed the co-workers:
24 Mr. Lawton, Mr. Russell, and Mr. Miles.

25

1 Q. And during your interviews with them, can you
2 describe to the jury just how they were acting,
3 without going into what they said, but how
4 they were acting?

5 A. Sure. Mr. Lawton and Mr. Russell were very calm.
6 Their demeanor was not suspicious at all.

7 I interviewed Mr. Miles, and he was extremely nervous the
8 whole time.

9 Q. What did you do after you spoke with these three co-
10 workers?

11 A. I obtained their phone numbers and information about
12 what they had possibly seen.

13 Q. And let me go back just a second. Why did you speak
14 with those three co-workers?

15 A. I spoke with those co-workers as part of my
16 investigation. After speaking with Ms. Sauls and
17 advising of the amount of money that had been taken, when
18 the money had been shown to other people, and how soon
19 the money had quickly been stolen, I spoke to them in
20 direct law about what they may have seen, or what they
21 may have talked to.

22 Q. Did you find anything -- and I'm sorry if I've
23 already asked this -- did you issue search warrants?

24 A. I did.

25 Q. And what did you request in those search warrants?

1 A. I requested information regarding phone calls and
2 text message, cell phone tower data, in reference to the
3 investigation that I had done so far.

4 Q. And the text message and phone call information was
5 for what three individuals?

6 A. George Lawton, Junell Miles, and Mr. John Russell.

7 Q. Did you find anything on George Lawton or John
8 Russell's warrant return? Or I'm sorry. Did you get
9 anything back from Verizon after you had issued those
10 search warrants?

11 A. I did.

12 Q. And did you find anything to further your
13 investigation from George Lawton or John Russell's phone?

14 A. Absolutely.

15 Q. On George Lawton or John Russell's?

16 A. Oh, no. On Mr. Lawton's and Mr. Russell's phone, I
17 did not find anything. My correction.

18 Q. And did you find anything that would further your
19 investigation on Junell Miles'? And I'm sorry to keep
20 interrupting myself. What information did you have to
21 provide to Verizon to get that phone information?

22 A. So I have to provide them with phone calls -- or
23 with the phone numbers of the target numbers that I'm
24 looking for. I also have to provide them on why, and
25 what exactly I'm looking for.

1 Q. And what phone number did you provide Verizon for
2 Junell Miles' records?

3 A. The number was (843)560-, I believe it was 2715.

4 Q. And did anything in those records further your
5 investigation?

6 A. Yes, it did.

7 Q. Can you tell the jury what?

8

9 A. I found a text message that was in parallel
10 investigation with what I was looking for.

11 Q. And can you kind of explain what that means without
12 going into hearsay? Just --

13 A. Yes. I found information that I was able to obtain
14 another search warrant for, that discussed details that
15 only the person that would have known about the crime
16 would have known.

17 Q. Now, where did that lead your investigation?

18 A. That led to a search warrant of a phone number that
19 Mr. Miles was speaking with.

20 Q. And do you recall that phone number?

21 A. I do. That number was (803)701-6554.

22 Q. And did you issue a search warrant for that number?

23 A. I did, to Verizon.

24 Q. Now, I'm showing you what's been marked as State's
25 45, for identification purposes only.

1 MR. SPEARS: May I approach the witness, Your Honor?

2 THE COURT: You may.

3 BY MR. SPEARS:

4 Q. Can you double-check the number that you sent for
5 that search warrant?

6 A. Yes. This search warrant indicates that I was
7 looking for (843)701-6554.

8 Q. And just for clarification you initially said --

9 A. Yeah, I had said 803 earlier.

10 Q. Did you get a return from this search warrant?

11 A. I did.

12 Q. Now, moving on to December 12th of 2013, did you
13 have the opportunity on that day to review the records
14 from the search warrant on that phone number?

15 A. I did.

16 Q. Were you able to formulate an idea of who that
17 number belonged to?

18 A. I was.

19 Q. Were you able later to confirm that?

20 A. I was.

21 Q. And whose number was that?

22 A. That was the phone number of the defendant, Mr.
23 Terek Goodwin.

24 Q. And is Mr. Goodwin in the courtroom today?

25 A. He is.

1 Q. Would you please point him out for the jury?

2 A. He's sitting left of his counsel.

3 Q. How were you able to later confirm whose phone
4 number that was?

5 A. Through an interview with Mr. Goodwin.

6 Q. Now, when you got the phone information from there,
7 the text message detail, was that in chronological order?

8 A. No, it was not.

9 MR. SPEARS: Court's indulgence, Your Honor. May I
10 approach the witness?

11 THE COURT: Been pre-marked?

12 MR. SPEARS: Yes, Your Honor.

13 THE COURT: You may approach?

14 INVESTIGATOR JAMES KING: Counsel, will you bring me
15 my glasses?

16 MR. SPEARS: Yeah.

17 INVESTIGATOR JAMES KING: I don't see as well up
18 close any more.

19 BY MR. SPEARS:

20 Q. Now, Investigator, I'm showing you what's been
21 marked as State's Exhibit 37.

22 A. Thank you. Yes, I recognize these documents.

23 Q. Okay. What are those documents brought from?

24 A. This is the result from the search warrant for Mr.
25 Goodwin's phone.

1 Q. And that search warrant already been admitted as
2 State's Evidence 2?

3 A. Correct.

4 Q. All right. And you initially testified that the
5 cell phone records were not in chronological order.

6 A. They were not.

7 Q. What have you done with State's 37 here?

8 A. So basically, at that point, when I received the
9 records, it was important for me to start with a
10 timeline, because I knew what time the incident had
11 occurred, and my investigation would have led me to put
12 these in the correct order, including the time and the
13 date.

14 Q. And again, just for clarification purposes, are
15 these, all of these messages, from the search warrant
16 return from Verizon for that number?

17 A. They are.

18 MR. SPEARS: Your Honor, at this time I'd request
19 State's 37 to be placed into evidence.

20 THE COURT: What number?

21 MR. SPEARS: It's 37, Your Honor.

22 THE COURT: As to 37?

23 MR. KORNEGAY: No objection, Your Honor.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibit Number 37 will be admitted into evidence

1 in the trial of this case, without objection. State's 37
2 is in evidence. You may publish to the jury.

3 (WHEREUPON, STATE'S EXHIBIT NUMBER 37, IDENTIFIED
4 AND MARKED, ADMITTED INTO EVIDENCE.)

5 MR. SPEARS: Thank you, Your Honor.

6 BY MR. SPEARS:

7 Q. Now, Investigator, when you received these
8 documents and you look through them, can you tell the
9 jury what you keyed in on during your investigation?

10 A. Yes. So at that point when I received, and I knew
11 exactly what I was asking for because I had asked Verizon
12 for it, I'm looking for text messages about details of
13 the incident, and the crime that I was investigating.
14 Specifically, I'm looking for the phone number, the date
15 and time, and exactly what the text message says.

16 Q. Now, in looking through those, were you a -- and
17 looking through not just those, but the entirety of the
18 return on the search warrant, were you able to identify
19 in your investigation who that phone belonged to?

20 A. I was.

21 Q. Furthermore, in the text messages, were you able to
22 identify any of the phone numbers who their text messages
23 were sent to?

24 A. I did.

25 Q. I believe in State's 37, around 4:00 a.m. --

1 A. I have 4:00 a.m. in front of me, Counsel.

2 Q. Can you tell the jury what that text message says?

3 THE COURT: Counsel, excuse me. 4:00 a.m., on what
4 date?

5 MR. SPEARS: Judge, that would be on December 9th of
6 2013.

7 THE COURT: All right.

8 BY MR. SPEARS:

9 A. Yes. This text message is log written as December
10 the 9th, 2013, at 4:27 and thirty-seven seconds a.m. And
11 the text sent says, "I love you, Sharday."

12 Q. Now, in your investigation, were you able to
13 identify who Sharday was?

14 A. I was.

15 Q. And who is that?

16 A. Ms. Sharday McFadden.

17 Q. And what was her relationship at that time to the
18 defendant?

19 A. She and the defendant have a child in common.

20 Q. All right. Now, if you could go forward to about
21 9:00 a.m., on December 9th of 2013.

22 A. I have 9:00 a.m. in front of me.

23 Q. And quick clarification, Investigator. In State's
24 37, are those text messages from any date other
25 than December 9th of 2013?

1 A. No, they are not. They are all from the 9th of
2 December, 2013.

3 Q. Can you please tell the jury some of the text
4 messages that you found around that time?

5 A. At 9:30 a.m. and sixteen seconds, on the date of
6 the incident, with the cell phone number of the
7 defendant, I received a text on this piece of paper that
8 says, "can't say, but I got plenty of money; bout to car
9 shop." The next message -- and these are in
10 chronological order -- at 9:32 a.m.; "lol," which is
11 laughing out loud, "probably get a room later to calm
12 down my nerves, jumping."

13 MR. SPEARS: Your Honor, may I approach the witness?
14 May I approach the witness, Your Honor?

15 THE COURT: You may.

16 BY MR. SPEARS:

17 Q. The initial text messages from 9:00 a.m.?

18 A. The first one was at 9:28 a.m. and thirty-seven
19 seconds. And the text message read, "okay, I just hit a
20 real big lick; please don't mention nothing to nobody at
21 all, 'cause the police probably riding by now."

22 Q. And can you explain to the jury, in your work
23 history in law enforcement, what is a lick?

24 A. Yes.

25 Oftentimes, people refer to robberies or

1 burglaries, and they're commonly referred to as a lick,
2 l/i/c/k.

3 Q. And what time was the incident date -- what was
4 the incident time when Monica Sauls was attacked?

5 A. It was roughly around 8:00 a.m.

6 Q. And again, what time was that text message?

7 A. This text message was recorded at 9:28 a.m. and
8 thirty-seven seconds, on the 9th of December, 2013.

9 Q. And who was that text message to?

10 A. This text message was to his child's mother, Ms.
11 Sharday McFadden.

12 Q. And can you proceed through the next few text
13 messages?

14 A. Yes. After that message, and I've already spoken on
15 this, "can't say but I got plenty of money, bout to buy -
16 - bout to car shop." "Laughing out loud, probably get a
17 room later to calm down my nerves, jumping." "Yeah, that
18 why I woke up early, w/r/d," which is short for word, "no
19 rest feel like." "No one know, never scared, just jumpy
20 and amp'd up I do this shit." And then, at 9:35 sends
21 the text, "I'm going to look around for a home asap for
22 rent in the cut, somewhere for now." 9:38, "I got you."
23 9:43, "no, it's because I love you, and that I know I was
24 going to do my thug. In case something was to happen.
25 Feel me?" 9:51, "please don't say shit to no one at all

1 because them crackers got the police riding. Don't say
2 nothing." At 9:53 and thirty seconds, "tell her hi."
3 9:55 and twenty-five seconds, "I know but let me text you
4 in a few." At 9:55 and fifty-nine seconds Mr. Goodwin
5 sends a text that says, "no we mask up." 9:57 he says,
6 "yeah." And then it goes into 10:00 o'clock.

7 Q. If you want to go forward to about 11:12 a.m.

8 A. I'm not sure that I have 11:12 here. I have 10:27,
9 and then the next one's 11:57.

10 Q. All right. If we could go forward to around 1:48
11 p.m. of that day.

12 A. Okay.

13 Q. 1:48 p.m. I'm sorry.

14 A. I have a text message at 1:48 and five seconds, on
15 the date of the 9th of December 2013. It says "Yeah, I
16 gotta let shit die down, just chill."

17 Q. And following that -- and who is that text message
18 to?

19 A. That would be the number of Ms. Sharday McFadden.

20 Q. And at 1:49 p.m.?

21 A. 1:49 p.m. and twenty-two seconds, "don't mention
22 nothing, play dumb 'cause lots of cops involved."

23 Q. And who was that to?

24 A. That was to a 922 number.

25 Q. How about at 1:51?

1 A. At 1:51, Mr. Goodwin texted: "money, money, money."

2 Q. And following that, there was a text at 2:15.

3 A. At 2:15 and thirty-two seconds, which on the records
4 it's military time, it would be 14:15 and thirty-two
5 seconds. "Don't text about that any more. It's too
6 serious, delete all texts."

7 Q. And who was that to?

8 A. That would be to Ms. McFadden.

9 Q. Following that at 8:57 p.m.?

10 A. At 20:57 and twenty-seven seconds, on December the
11 9th, 2013, military time, at 8:57, a text was sent by Mr.
12 Goodwin to Ms. McFadden: "you always know, just don't say
13 nothing at all. Police investigating probably, w/r/d."

14 Q. And at 9:01 if you could tell us that text message,
15 but you take out any expletives that might be in there.

16 A. Sure. "No tie at all, just a no one got hurt; but
17 police probably trying to lock and (expletive) up. If
18 people talk, nobody knows."

19 Q. And at 9:02?

20 A. 9:02? "Man, chill on this phone; I'll explain in
21 person."

22 Q. Thank you, Investigator. Now, I'll give you a
23 second to get all that back together.

24 A. Thank you.

25

1 Q. Now, in your search warrant return from Terek
2 Goodwin's phone, were you able to find cell phone tower
3 information on there?

4 A. I was.

5 Q. And with that information, is there a fair amount,
6 or were you able to shorten that a little bit?

7 A I was able to shorten it in reference to the
8 approximate time of the incident that occurred
9 at 110 Molly Drive.

10 MR. KORNEGAY: Your Honor, may we approach?

11 THE COURT: Counsel, approach.

12 (BENCH CONFERENCE OFF THE RECORD.)

13 MR. SPEARS: Your Honor, may we approach again?

14 (BENCH CONFERENCE, OFF THE RECORD.)

15 MR. KORNEGAY: Court's indulgence, Your Honor.

16 THE COURT: Yes. Ladies and gentlemen, a matter of
17 law came up that requires some adjustment, and I'm giving
18 them a moment to do that. Please bear with me. Stay in
19 the courtroom. I'm not sending you anywhere, but I need
20 to give them a little time in light of my ruling, to make
21 matters consistent with my ruling. Show it to Counsel
22 when you're finished.

23 BY MR. SPEARS:

24 Q. Now, Investigator King, with all this information
25 that you've testified to that you've found, in regards to

1 the -- to your investigation, were you able to form
2 probable cause for an arrest warrant?

3 A. I was.

4 Q. And did you issue arrest warrants?

5 A. I did.

6 Q. Who did you issue those arrest warrants for?

7 A. Mr. Junell Miles, and Mr. Terek Goodwin.

8 Q. Were you able to make an arrest of Mr. Goodwin?

9 A. I did.

10 Q. And where was that?

11 A. Located at the Ashley Lodge in Harleyville, South
12 Carolina, within Dorchester County.

13 Q. Was anyone else in the hotel?

14 A. There was.

15 Q. And who was that?

16 A. Ms. Sharday McFadden.

17 Q. Did you speak with Ms. McFadden after the arrest was
18 made?

19 A. I did.

20 Q. Now, Investigator, I'm showing you what's been
21 marked as State's 27 through 34.

22 MR. SPEARS: May I approach the witness, Your Honor?

23 THE COURT: Inclusive?

24 MR. SPEARS: Inclusive, Your Honor.

25 THE COURT: You may approach.

1 BY MR. SPEARS:

2 Q. Investigator, do you recognize these?

3 A. I do.

4 Q. And how do you recognize them?

5 A. This is the hotel room in which the defendant was
6 arrested.

7 Q. Now, Investigator -- I'll give you a chance to look
8 through all those.

9 A. I'm good, thank you.

10 Q. Are these photos a fair and accurate representation
11 of the hotel as it was at the time of Terek Goodwin's
12 arrest?

13 A. Very.

14 MR. SPEARS: Your Honor, I would request --

15 THE COURT: As to 27 through 34, inclusive, Counsel?

16 MR. KORNEGAY: No objection, Your Honor.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibits 27, 28, 29, 30, 31, 32, and 33, and 34,
19 will be admitted into evidence in the trial of this case,
20 without objection. They're in evidence. You may now
21 publish to the jury.

22 (WHEREUPON, STATE'S EXHIBIT NUMBERS 27 THROUGH 34,
23 IDENTIFIED AND MARKED, ADMITTED INTO EVIDENCE.)

24 MR. SPEARS: Thank you, Your Honor. May I approach
25 the witness?

1 THE COURT: You may.

2 BY MR. SPEARS:

3 Q. Investigator, this is State's Exhibit -- State's
4 Evidence 27. Can you just give the jury an idea of what
5 we're looking at here?

6 A. Yes. That would be a picture captured on the day of
7 the arrest of Mr. Goodwin, at the Ashley Lodge Hotel.

8 Q. Is there any specific importance to the open door?

9 A. Yes. There's a lot of importance of the open door.
10 First of all, when law enforcement approaches an area in
11 which they can see, we're able to see things in plain
12 view, including people, and dangerous weapons.

13 Q. Now, I'm showing you State's 28. What are we
14 looking at here?

15 A. That would be the inside of the hotel room of Mr.
16 Terek Goodwin, where he was located.

17 Q. And State's 29?

18 A. That's a black book bag, and what I can see here,
19 that was located in the -- in the hotel room of Mr.
20 Goodwin.

21 Q. Now, State's Exhibit 30?

22 A. That's a black-in-color firearm, handgun.

23 Q. And is that the same firearm that Detective Stover
24 testified to earlier today?

25 A. That's the exact same firearm.

1 Q. Is this where it was found within the hotel room
2 that Terek Goodwin was arrested in?

3 A. That was where it was found.

4 Q. Now, State's 31?

5 A. This is the wallet and driver's license of --

6 THE COURT: Wait a minute, we -- okay. We got it
7 back.

8 BY MR. SPEARS:

9 A. The wallet --

10 THE COURT: We need just a moment. Can you
11 adjust the focus on the picture?

12 MR. SPEARS: Yes, Your Honor.

13 THE COURT: Can everyone see that on the jury?
14 Proceed, Counsel. I'll let you finish answering the
15 question now.

16 INVESTIGATOR JAMES KING: Thank you, Your Honor.

17 BY MR. SPEARS:

18 A. That is the South Carolina driver's license that was
19 issued to the defendant, Mr. Terek Goodwin, inside a
20 black wallet.

21 Q. Now, State's 32?

22 A. This is a ripped piece of paper that we located
23 inside the room, with a series of numbers and letters,
24 with the name Skylea.

25

1 Q. And I'm sorry, these are a little out of sequence,
2 but this is State's 33. Just give the jury an idea of
3 what they're looking at on this one.

4 A. Yeah. This is a typical motel room in which you
5 would find a night stand that two occupants would share
6 together.

7 Q. And in the bottom of that night stand?

8 A. Black-in-color handgun.

9 Q. And in State's 34?

10 A. That's a close-up of the handgun that was located in
11 the room with Mr. Terek Goodwin, upon his arrest.

12 Q. Now, Detective, you previously testified to
13 communications between the number that belonged to Junell
14 Miles and the number that belonged to Terek Goodwin. And
15 in regards to the call log on the search warrant, from
16 the phone you pulled from Terek Goodwin, you testified
17 that you were able to kind of bring the call log down to
18 a simpler size, sample size?

19 A. Yes.

20 Q. Now, Investigator, I'm showing you what's been
21 marked as State's Exhibit 40.

22 MR. SPEARS: May I approach, Your Honor?

23 THE COURT: You may. This is State's Exhibit what?

24 MR. SPEARS: 40, Your Honor.

25 Exhibit 40.

1 THE COURT: 40, Counsel, you've been shown the
2 proposed exhibit?

3 BY MR. SPEARS:

4 Q. Is this the document you created from the
5 information you got from the Verizon search warrant, now
6 marked as State's Evidence 2?

7 A. Yes, it is.

8 Q. Okay. And do you recognize the phone numbers, any
9 phone numbers, on that document?

10 A. Yes. I recognize two.

11 Q. And what two numbers do you recognize? Whose
12 numbers are they, we'll say?

13 A. One of the numbers that I recognize would be the
14 defendant's number at (843)701-6554. And the other would
15 be Mr. Miles, (843)560-2715.

16 Q. Now, were you able, from the information that
17 Verizon provided you, are you able to see when the call
18 was made?

19 A. Yes. When I received the search warrant back, it
20 comes in a spreadsheet, which is, this is an exact copy
21 of the spreadsheet. Inside the middle columns, Verizon
22 Wireless provides the date and time of that phone call.

23 Q. And are you able to see whose number is making the
24 call?

25 A. I am.

1 Q. Can you tell the jury about the timeline of phone
2 calls between Terek Goodwin and Junell Miles on December
3 9th of 2013?

4 A. Yes. The first one that I see is around 6:00 -- it
5 is 6:24 a.m., on December the 9th, 2013. The call to and
6 from Mr. Terek Goodwin and Mr. Miles.

7 Q. All right. And just go through the calls you see.
8 Who is it from, who is it to, and what time did it
9 happen?

10 A. At 6:24, there were calls back and forth to their
11 cell phones. They continue on 6:27, 6:35, 7:47. There's
12 one at 7:49 a.m. in the morning. And another at 7:57
13 a.m.

14 Q. And what time did the robbery take place, again?

15 A. The robbery took place roughly around 8:00 in the
16 morning. I do see another call that they made. I
17 apologize. There was another call that was made from
18 Terek to Mr. Miles at 8:50 a.m., on December the 9th,
19 2013.

20 Q. And how soon after that did he send that text to
21 Sharday McFadden about hitting a big lick?

22 A. At 9:39 a.m., the text messages earlier, there was a
23 text to Ms. McFadden.

24 Q. Now, out --

25 MR. SPEARS: Court's indulgence, Your Honor.

1 A. I need to make a correction. I misread this number.
2 The 8 -- number at 8:50 is not a number that I recognize,
3 for the record.

4 Q. I understand. Thank you for clarifying.

5 A. I saw two numbers
6 that I didn't see. I apologize.

7 Q. We'll get you some better glasses.

8 A. Yeah, thank you.

9 Q. Now, after an arrest was made at the Ashley Lodge
10 Hotel, did you get the chance to speak with the
11 defendant?

12 A. I did.

13 Q. Okay. Did you give him his Miranda rights?

14 A. I did --

15 Q. Did you read him his Miranda rights?

16 A. I did.

17 Q. Okay. Did the defendant speak with you about your
18 investigation?

19 A. He did.

20 Q. And can you tell the jury just a little bit about
21 that conversation?

22 A. Yeah. Mr. Goodwin was transported from the Ashley
23 Lodge Hotel on the 17th down to 212 Denning Way, which is
24 our -- was our office at CID.

1 He was approached and asked if he would like to speak
2 with me. He said yes. He was walked over to CID, and I
3 spoke with him and started asking him some very simple
4 questions.

5 Q. What did you ask him?

6 A. The first question I asked him was what his phone
7 number was.

8 Q. And were you able to verify the phone number you
9 expected to be his?

10 A. Yes. He verified the number that I had received
11 the text messages from as (843)701-6554.

12 Q. What else occurred in your conversation with him?

13 A. I asked him specifically if anyone else used or
14 borrowed his phone at any time.

15 Q. And what did he tell you?

16 A. He told me no.

17 Q. Well, what did you ask him after that?

18 A. I showed him a series of text messages that I'd gone
19 over earlier, and asked him if he could explain those.

20 Q. And what did he tell you?

21 A. He said, who is talking to my baby mama like that?
22 And, someone must've hacked my phone.

23 Q. After that, did the interview continue?

24 A. No.

25 Q. Did you see any reason to ask him more questions?

1 A. Not at that point.

2 MR. SPEARS: Court's indulgence, Your Honor.

3 BY MR. SPEARS:

4 Q. Investigator King, please answer any questions that
5 the Defense might have for you.

6 A. Yes, sir.

7 THE COURT: Photographs to the court reporter that
8 you used?

9 MR. SPEARS: Yes, Your Honor.

10 THE COURT: Let him do that first.

11 INVESTIGATOR JAMES KING: Yes, Your Honor.

12 THE COURT: Were both of those admitted?

13 INVESTIGATOR JAMES KING: Yes.

14 MR. SPEARS: I'm sorry, Your Honor?

15 THE COURT: Were either one of those admitted?

16 MR. SPEARS: Both of those, Your Honor.

17 THE COURT: All right. Give those to the court
18 reporter if they've been admitted. You take back what
19 was not offered.

20 MR. SPEARS: Yes, Your Honor.

21 THE COURT: Very well. Cross-examination.

22 MR. KORNEGAY: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. KORNEGAY:

25 Q. Good afternoon, Investigator.

1 A. Good afternoon, Counsel.

2 -----

3 Q. Investigator King, formerly Detective King. Is that
4 correct?

5 A. Correct.

6 Q. You now work for the Solicitor's Office, but back in
7 2013 you were working with the Sheriff's Department?

8 A. Correct.

9 Q. You were the lead investigator on this case. Is
10 that correct?

11 A. I was.

12 Q. And as lead investigator, you were basically running
13 the show, as far as what other officers would pursue, in
14 leads or collecting forensic evidence. Is that correct?

15 A. Yes. Based on what I was doing at the time, I also
16 have to listen to what all of the officers are providing
17 as well.

18 Q. So you would have access to all of their witness
19 statements, any evidence that they gathered, you would
20 have access to those reports?

21 A. I would.

22 Q. Okay. And you wrote a report yourself in this case.
23 Is that correct?

24 A. I did.

1 Q. So on December 9, 2013, you were called to the
2 incident location. You weren't the first officer on-
3 scene. Is that right?

4 A. That's correct.

5 Q. There were other officers already processing the
6 scene?

7 A. Correct.

8 Q. You had a general description, three black males
9 wearing masks?

10 A. Correct.

11 Q. As potential suspects?

12 A. Brandishing a firearm.

13 Q. And while on the scene, you were able to speak with
14 some witnesses or potential witnesses? Is that right?

15 A. Correct.

16 Q. You learned that there was a neighbor named Ted, who
17 was not home, that should have been home at the time. Is
18 that correct?

19 A. He was home.

20 Q. He was home?

21 A. I did speak with him. According to my investigative
22 notes.

23 Q. Did you put that in your report?

24 A. I did.

25 MR. KORNEGAY: May I approach, Your Honor?

1 THE COURT: You may.

2 BY MR. KORNEGAY:

3 Q. I'm showing you Page 2. Could you identify that
4 document?

5 A. This would've been Page 2 of my investigative report
6 as I typed it.

7 Q. And I believe the relevant content is in the middle
8 of that page, where you learned that there was a neighbor
9 that was supposed to have been home, but that was not
10 home?

11 A. Yes. It says --

12 Q. ---

13 A. -- it says that, according to the person that I
14 spoke with, he was not at home. It should be according -
15 -

16 Q. Okay.

17 A. -- to Mr. Sauls.

18 Q. And does it say that you went over and checked that
19 out?

20 A. Yes. The person that they're referring to is Terry
21 Gillium. Ted is his nickname.

22 Q. Okay. So Mr. Gillium was home, but that was not the
23 person -- the name that you were provided was a nickname?

24 A. --

25 Q. Is that what you're testifying to?

1 A. I'm testifying to the knowledge that I have of Mr.
2 Terry Gillium. People commonly refer to him as Ted.

3 Q. Okay.

4 MR. KORNEGAY: May I approach?

5 THE COURT: You may.

6 BY MR. KORNEGAY:

7 Q. So you were able to speak to Mr. Gillium?

8 A. I did.

9 Q. And did he inform you that there was a party at that
10 house a couple days prior?

11 A. After I asked him, he did.

12 Q. He confirmed that?

13 A. He did.

14 Q. Okay. He said that they were having people over?

15 A. Yes.

16 Q. And you confirmed that with the residents there, Mr.
17 and Mrs. Sauls. Is that right?

18 A. Yes.

19 Q. And they provided you a name of a black male that
20 was in attendance at that party. Isn't that right?

21 A. They did.

22 Q. Travis Moultrie?

23 A. I believe I do remember that.

24 Q. Did you ever speak with Travis Moultrie about this
25 incident?

1 A. I did not.

2 Q. There were a couple other potential suspects that
3 Arose in your investigation. You speak of a person
4 Named Marty. Is that right? With the nickname of Marty?

5 A. Correct.

6 Q. Were you ever able to follow up on that nickname and
7 figure out who Marty referred to?

8 A. Through some investigation, I did, was able to
9 determine who I thought it might be.

10 Q. Did you ever get a chance to interview that
11 individual?

12 A. No, I did not.

13 Q. As a part of your investigation, the residence was
14 searched for any forensic evidence. That would include
15 blood, DNA, fingerprints, footprints. Is that correct?

16 A. Correct.

17 Q. Okay. And some forensic evidence was found. Isn't
18 that right?

19 A. As far as what?

20 Q. A footprint?

21 A. Yes.

22 Q. Two footprints?

23 A. Yes.

24 Q. Is that right?

1 A. Yes, yes. It was a footprint, as Detective Berg
2 testified earlier, he noticed what he believed to be a
3 footprint on the front door.

4 Q. Were you able to collect any DNA evidence?

5 A. I don't collect DNA.

6 Q. Would somebody under you have collected DNA?

7 A. No one under me specifically collects DNA. That's a
8 job for crime scene, as Mr. Berg would've testified
9 earlier.

10 Q. So you -- does your department have the capability
11 to collect DNA?

12 A. Yes. They did at the time.

13 Q. If you thought that that may have been available as
14 potential evidence in the case, could you have ordered
15 that, or asked for that?

16 A. Well, when I speak to crime scene about ordering or
17 asking about it, those guys usually know what we're
18 looking for. When they enter a house, and with their
19 experience and knowlèdge, as they testified to earlier,
20 they're looking to locate items that would be beneficial,
21 to eliminate or help with the case.

22 Q. Your officers collected a lot of items that were --
23 look like broken cell phones, a Kindle; broken or handled
24 in some way. Were those items ever tested for DNA?

1 A. Those are not my officers. They are the guys that
2 work for crime scene. They don't work for me. And to my
3 knowledge about any DNA being collected and tested, I
4 have none.

5 Q. Okay. Do you have access to their reports as
6 the lead investigator?

7 A. I do.

8 Q. Are you able to request for them to pursue different
9 avenues of investigation?

10 A. I can, yes.

11 Q. You didn't do that --

12 A. I did not.

13 Q. -- in that regard?

14 A. I did not.

15 Q. Okay. There were some fingerprints that were
16 collected. Is that right?

17 A. There were some impressions collected. I don't know
18 if they were identified as an actual fingerprint or not.

19 Q. And those fingerprints would have been analyzed at
20 your office, the Dorchester County -- is able to examine
21 finger -- potential fingerprints collected?

22 A. Yeah, in crime scene.

23 Q. Okay.

24 THE COURT: All right. Let's move along, Counsel.

25 MR. KORNEGAY: Your Honor, may we approach?

1 THE COURT: Yes.

2 (BENCH CONFERENCE HELD OFF THE RECORD.)

3 THE COURT: Step back. Cross-examination. Proceed.

4 MR. KORNEGAY: Thank you, Your Honor.

5 BY MR. KORNEGAY:

6 Q. We were discussing different forensic evidence,
7 Investigator King. And as I mentioned earlier, a few
8 finger -- potential fingerprints were retrieved from the
9 residence. Is that right?

10 A. Yes. To my knowledge, yes it was.

11 MR. KORNEGAY: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. KORNEGAY:

14 Q. And that's -- could you identify that?

15 A. Yes.

16 Q. This is a document that was prepared by a detective
17 at the time. His name was Sorro. Sorro had placed a
18 document in the file as the results of comparison from
19 the incident location.

20 Q. And for that first digital image that was collected,
21 doesn't he conclude that a comparison may be possible?

22 A. Yes. In his second line, he does state a comparison
23 may be possible.

1 Q. And that was before anyone -- a suspect had
2 developed, that that examination was done; or can you
3 tell from that document? It may not be on it.

4 A. He signed off on the document on the 13th.

5 Q. Okay.

6 A. But Mr. Goodwin was not under arrest at that time.

7 Q. And when Mr. Goodwin subsequently arrested, did you
8 Goodwin's fingerprints would match that fingerprint?

9 A As always, as a lead detective, I speak to my crime
10 scene guys and I ask them, "If you guys can get a print,
11 get one; if I get a suspect, you'll know who they are,
12 and they're available to you."

13 Q. So did you follow up with Mr. Goodwin's
14 fingerprints?

15 A. That would not have been what I -- I would've
16 actually physically followed up. I explained that I
17 would talk to the detectives about doing so. If they
18 didn't --

19 Q. This was a general --

20 A. -- if they didn't, they didn't. But I would've
21 spoken to them about it.

22 Q. Okay. So it was just a general expectation that
23 they're to follow up and let you know if there is a
24 match?

25 A. Correct.

1 Q. Okay.

2 MR. KORNEGAY: May I approach the witness?

3 THE COURT: You may.

4 MR. KORNEGAY: Thank you.

5 BY MR. KORNEGAY:

6 Q. Also in the forensic evidence, a couple of gelatin
7 lifts were collected of shoe prints. Is that correct?

8 A. Correct. According to Mr. Berg's testimony, yes.

9 Q. Are you familiar -- have you observed those prints
10 since that was taken?

11 A. No.

12 Q. You never were able to view those when Mr. Berg
13 had taken them, Sergeant Berg?

14 A. When they -- when I talked to Mr. Berg, he said
15 we've got some gel lifts of some impressions and
16 stuff; if you can get me a comparison I'll do something
17 with them.

18 Q. Okay.

19 MR. KORNEGAY: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. KORNEGAY:

22 Q. Could you identify that document, Detective --
23 Investigator King?

24 A. Yes. This is a South Carolina Law Enforcement
25 Division document from forensic services laboratory.

1 This is indicating that Mr. Brandon Berg would have sent
2 this footwear results to them.

3 Q. Does it say in that document that once a suspect
4 develops that a comparison may be possible?

5 A. Yes. It says, "Please submit known shoes for
6 further examination," exactly what it says.

7 Q. And after Mr. Goodwin was arrested, did you ever
8 follow up with that report to see if any of his shoes
9 would match those lifts?

10 A. No, sir. I did not.

11 Q. When did you leave the Sheriff's Office to go to the
12 Solicitor's Office?

13 A. I didn't leave the Sheriff's Office to go to the
14 Solicitor's Office.

15 Q. When did you leave law enforcement to go to the
16 Solicitor's Office?

17 A. I'm still in law enforcement.

18 MR. KORNEGAY: May I approach?

19 BY MR. KORNEGAY:

20 A. If you would ask another way, I'll tell you the
21 answer.

22 Q. When did you leave the Dorchester County Sheriff's
23 Department?

24 A. I left roughly 2016.

25 Q. And this arrest happened in 2013?

1 A. Correct.

2 Q. You spoke to several people in this case, witnesses
3 and potential suspects. Did you ever record any of those
4 conversations?

5 A. No, sir.

6

7 Q. Was that because of a decision on your part, or why
8 would you have not recorded those conversations?

9 A. There wasn't really a decision. As far as speaking
10 with the defendant, there was not -- there wasn't a
11 camera or audio available for me at the time. And then,
12 that was just not normal practice that we used at that
13 time in 2013. I was not issued a body camera, like
14 patrol would be issued.

15 Q. So the department was not issuing equipment.
16 Did you -- I'm assuming even back in 2013, cell phones
17 had cameras. You had the ability to record
18 conversations?

19 A. Yes, I would've had the ability, but that's not --

20 Q. Okay.

21 A. -- wasn't standard practice for us at the time.

22 Q. And speaking with Mr. Goodwin, he consistently
23 denied any involvement. Isn't that right?

24 A. Yes, he did.

25 MR. KORNEGAY: Court's indulgence.

1 BY MR. KORNEGAY:

2 Q. If we could, just go to the day of Mr. Goodwin's
3 arrest. Were you present that day?

4 A. I was.

5 Q. And the individuals in that room, there were three
6 individuals standing there, weren't there?

7 A. Not to my knowledge. I know that I made contact
8 with three individuals.

9 Q. Okay. And could you give us the names of those
10 three individuals?

11 A. One was Ms. McFadden. Another was a young white
12 male. I can't remember exactly his name. You could
13 refresh my memory. As well as the defendant, Mr.
14 Goodwin.

15 Q. It was a young white male?

16 A. I believe I made contact with a young white male. I
17 don't remember anybody else being in the hotel.

18 MR. KORNEGAY: May I approach, Your Honor?

19 THE COURT: You may. Show it to Counsel. Show him
20 where, Counsel. You may.

21 BY MR. KORNEGAY:

22 Q. It's in the top paragraph?

23 A. Okay. Thank you. Yes. I do remember the suspect
24 now.

25 Q. And what was his name?

1 A. Jerian.

2 Q. And does that refresh your recollection that he was
3 a black male?

4 A. Yeah, I think so.

5 Q. Okay.

6 A. Yeah.

7 Q. And in arresting Mr. Goodwin, you found the wallet
8 on his person?

9 A. I don't believe I found the wallet.

10 Q. You didn't -- you did not find the wallet?

11 A. The wallet was found inside the hotel room.

12 Q. Okay.

13 MR. KORNEGAY: May I approach, Your Honor?

14 THE COURT: Anything further, Counsel?

15 MR. KORNEGAY: Nothing further, Your Honor.

16 Thank you.

17 THE COURT: Leave my exhibits, take your file.

18 Redirect?

19 MR. SPEARS: Very briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. SPEARS:

22 Q. Investigator King, just specifically, as to the
23 arrest, would your report refresh your recollection --

24 A. It would.

25 THE COURT: You may approach, Counsel.

1 MR. KORNEGAY: Thank you.

2 BY MR. KORNEGAY:

3 Q. Referring to the top ---

4 THE COURT: Don't ask a question and block my jury's
5 view. Step back.

6 MR. KORNEGAY: Yes, sir.

7 THE COURT: Now, you can ask a question.

8 BY MR. KORNEGAY:

9 Q. This is just referring to that top paragraph.

10 A. Yes.

11 Q. Is that --

12 A. It says, three -- Goodwin was located walking out of
13 Room 116. He was inside, walking out.

14 Q. And then, do you see, later in that paragraph, where
15 they were actually arrested or detained?

16 A. The -- it says just the subjects were detained in a
17 champagne-in-color.

18 Q. Thank you.

19 MR. KORNEGAY: May I approach, Your Honor?

20 THE COURT: You may. Anything further, Counsel, on
21 re-cross?

22 MR. KORNEGAY: Nothing further, Judge.

23 THE COURT: All right. That's it, Solicitor. You
24 may step down.

25 INVESTIGATOR JAMES KING: Thank you, Your Honor.

1 THE COURT: Thank you.

2 INVESTIGATOR JAMES KING: Yes, sir.

3 THE COURT: Call your next witness.

4 MR. SPEARS: Your Honor, at this time the State
5 would rest.

6 (STATE RESTS.)

7 THE COURT: Are there any matters of law I need to
8 take up at this time?

9 MR. KORNEGAY: Yes, Your Honor.

10 THE COURT: Mr. Foreman and ladies and gentlemen of
11 the jury, I need to take up a matter of law. I'll be
12 right back with you just as quick as I can. Please
13 retire to your jury room. Please do not discuss the
14 case.

15 (JURY EXITS COURTROOM.)

16 THE COURT: Mr. Kornegay and Mr. Spears, when
17 we started this trial, I announced to the courtroom that
18 I have the best law clerk that I've ever had.
19 He has now redeemed himself once again, and has located
20 the cases, which I knew I had, which he could not find.
21 I don't know if you all realize how much I put my law
22 clerks through, but he -- I actually started this box --
23 pick it up for them, David. I started this box over
24 twenty years ago, and it contains recurring issues that
25 occur in the trial of a civil or criminal case, and it

1 has a folder for things that happen, Mr. Smythe, over and
2 over again, like what questions you should ask a record-
3 keeper. And I had a trial in Jasper County which
4 involved the exact same issue, except they brought from
5 Florida the cell phone expert from Verizon. She flew in
6 from Miami, and went through all kinds of things, and
7 then they excused her. And then they sought to put the
8 investigator with the Solicitor's Office up to explain
9 the effect of cell phone towers after her testimony, to
10 which I got an objection, and to which I'm going to give
11 you the federal cases, both in 2016, which these
12 excellent interns over here have. They work with the law
13 clerks for Judge Norton, who happened to be -- his law
14 clerks were with me for this trial. And they immediately
15 pulled these federal cases. I have to give them credit
16 for finding it, which I have kept in my folder, and which
17 now, thanks to Tonda, I have been able to retrieve, which
18 I will give you all, so that when poor old Mr. King gets
19 on the witness stand, Mr. Spears, and you stretch him out
20 to become a cell tower expert, you will know that the
21 courts have ruled on that issue. And although Mr. King
22 is an excellent investigator, he is not necessarily a
23 qualified expert in cell phone towers, which you sought
24 to make him in the trial of this case, which is exactly
25 the subject these cases I will provide you cover. Mr.

1 Kornegay, I'm ready to hear from you now. The State has
2 rested.

3 MR. KORNEGAY: Thank you, Your Honor. At this point
4 the Defense would renew all of our pre-trial motions, for
5 purposes of the record, and we would also ask the Court
6 for a directed verdict.

7 THE COURT: Mr. Spears, you want to be heard on
8 directed verdict?

9 MR. SPEARS: Your Honor, as Your Honor knows, it
10 requires just a scintilla of evidence, so the jury might
11 find their guilt. It's a matter for the jury. We have
12 evidence that he had a black gun seen at the scene. He
13 was in conversation with someone who knew the amount of
14 money that was taken and demanding that certain amount of
15 money. He was in constant contact right before the
16 incident happened, and he texts his girlfriend saying, I
17 just hit a big lick; which the investigator testified
18 that means armed robberies, burglaries, the general term
19 used for those things. We would say that there is
20 evidence that needs to be weighed by the jury in this
21 matter.

22 THE COURT: Thank you. Counsel, the standard I'm
23 required to use at directed verdict stage, your motion
24 for directed verdict is respectfully denied. As to your
25 pre-trial motions, I decline to change any of my rulings

1 which I placed on the record at pre-trial, and reaffirmed
2 during the trial of this case. Please come forward.
3 Tonda, please swear the defendant.

4 MADAM CLERK: Yes, sir.

5 THE COURT: Bring your client, Mr. Kornegay. Mr.
6 Chisolm, you come stand by him. You want to stand up
7 every time he stands up. I'll let you come stand by him
8 now.

9 MADAM CLERK: If you'll please raise your right
10 hand, and state your name, for the record.

11 DEFENDANT GOODWIN: Terek Goodwin.

12 THE COURT: You got to speak up.

13 DEFENDANT GOODWIN: Terek Goodwin.

14 THE COURT: Keep your hand up, Mr. Goodwin.

15 (WHEREUPON, THE WITNESS, BEING FIRST CALLED AND DULY
16 SWORN, TESTIFIED AS FOLLOWS:)

17 THE COURT: That microphone -- put it down.
18 That microphone in front of you, you got to speak up so
19 Becky can pick this up. You don't have to get right on
20 top of it, but you've got to talk like I'm talking. You
21 understand, Mr. Goodwin?

22 DEFENDANT GOODWIN: Yes, sir.

23 THE COURT: All right. Mr. Goodwin, at this time
24 I'm going to explain to you certain of your rights. If
25 you do not understand anything that I say, you let me

1 know. If you want me to explain something in further
2 detail, you let me know. Do you understand?

3 DEFENDANT GOODWIN: Yes, sir.

4 THE COURT: No, sir? Yes or no; don't nod your
5 head.

6 DEFENDANT GOODWIN: Yes, sir. Yes, Your Honor.

7 THE COURT: All right. We've now reached the stage
8 of the trial where you may present your defense. You
9 have the right to testify on your own behalf. However,
10 no one can make you testify. In the event you have a
11 record for any conviction involving dishonesty or false
12 statement, or for a crime punishable by imprisonment of
13 more than one year, and this court determines that the
14 probative value of admitting this evidence outweighs its
15 prejudicial effect to you, the Solicitor would be able to
16 introduce this record, for impeachment purposes, to
17 attack your credibility or your believability. If you
18 elect not to take the witness stand, I will charge the
19 jury in my charge on the law in this case that they are
20 not to give the fact that you did not testify any
21 consideration whatsoever, and there is to be absolutely
22 no prejudice to you because you did not testify. You
23 have the constitutional right to remain silent. The
24 burden of proof in this case is on the state of South
25 Carolina, to prove your guilt beyond a reasonable doubt.

1 Solicitor, does Mr. Goodwin have a criminal record that
2 you would seek to impeach him with should he testify?

3 MR. SPEARS: Yes, Your Honor.

4 THE COURT: What is it?

5 MR. SPEARS: He's got a 2003 possession of a stolen
6 pistol.

7 THE COURT: Is that the only one?

8 MR. SPEARS: And a 2001 carrying a weapon on a school
9 property.

10 THE COURT: Well, both of those, I believe,
11 are more than ten years.

12 MR. SPEARS: Yes, Your Honor.

13 THE COURT: Which would be governed by?

14 MR. SPEARS: It would be governed by ---

15 THE COURT: Come on, Solicitor. You're going
16 to make me find it, aren't you? 609. 609(b) says
17 evidence of conviction under this rule is not admissible
18 if a period of more than ten years has elapsed since the
19 date of conviction or the release of the witness from the
20 confinement imposed for the conviction, whichever is the
21 later date; unless the Court determines, in the interest
22 of justice, that the probative value of conviction
23 supported by specific facts and circumstances
24 substantially outweighs its prejudicial effect.

1 However, evidence of a conviction more than ten
2 years old is calculated therein is not admissible, unless
3 the proponent gives to the adverse party sufficient
4 advance notice of intent to use such evidence, to provide
5 the adverse party the opportunity to contest the use of
6 such evidence. Have you notified counsel for the
7 defendant of your intention to do so?

8 MR. SPEARS: Yes, Your Honor.

9 THE COURT: Very well. There is the issue of
10 that, Mr. Goodwin, and I would have to decide, based on
11 that, whether or not -- based as I told you, the
12 probative value of your conviction for possession of a
13 stolen weapon, supported by sufficient facts and
14 circumstances, and I assume they have to authenticate it,
15 substantially outweighs its prejudicial effect in order
16 for it to be admissible, only for the purpose of
17 attacking your credibility or your believability. Do you
18 understand that?

19 DEFENDANT GOODWIN: Yes, Your Honor.

20 THE COURT: All right. Now, the matter of
21 whether -- have you understood everything I've told you
22 so far?

23 DEFENDANT GOODWIN: Yes, Your Honor.

1 THE COURT: The matter of whether or not you
2 testify in this case will be left entirely up to you. It
3 is not your lawyers' decision. Do you understand that?

4 DEFENDANT GOODWIN: Yes, sir.

5 THE COURT: It is your decision. You
6 certainly can talk to your lawyers, they're here to give
7 you advice, but it's not their decision. They don't make
8 this. This is solely your decision. Do you understand
9 that?

10 DEFENDANT GOODWIN: Yes, sir.

11 THE COURT: Have you decided whether or not
12 you wish to testify in the trial of this case?

13 DEFENDANT GOODWIN: I've decided.

14 THE COURT: You have decided?

15 DEFENDANT GOODWIN: Not to testify.

16 THE COURT: You decided not to testify. And
17 is that your decision?

18 DEFENDANT GOODWIN: That's my decision, Your
19 Honor.

20 THE COURT: Anyone force you into that
21 decision?

22 DEFENDANT GOODWIN: Not at all, Your Honor.

23 THE COURT: You made that decision of your own
24 free will and accord?

25 DEFENDANT GOODWIN: Yes, sir, Your Honor.

1 THE COURT: And it wasn't your lawyers'
2 decision, it was your decision?

3 DEFENDANT GOODWIN: My decision.

4 THE COURT: And it's your decision not to
5 testify in the trial of this case?

6 DEFENDANT GOODWIN: Yes, Your Honor.

7 THE COURT: Thank you very much. You may
8 return to your seat.

9 Mr. Kornegay, does the State --
10 I mean, does the Defendant intend to present any
11 evidence, now that the State has rested?

12 MR. KORNEGAY: No, Your Honor.

13 THE COURT: All right. Now, you're both going
14 to need to meet with me about State versus Beaty, and
15 that is Beaty 1 and 2, since we have two State versus
16 Beaty, B/e/a/t/y. Both of you already should have read
17 them. It came out over a year and a half ago. But if
18 you haven't, my law clerk, once again, will give them to
19 you, so that you understand. And the reason for this,
20 ladies and gentlemen, so you know what I want in a
21 federal intern, we have a rule in South Carolina for
22 closing argument in a civil case. We have no rule for
23 closing argument in a criminal case. Isn't that odd?
24 The Supreme Court can promulgate a rule, but if the
25 legislature doesn't approve that rule it doesn't become

1 law. The Supreme Court, two years ago, promulgated a
2 criminal rule for closing argument. The legislature
3 refused to accept it, and therefore we're left with State
4 versus Beaty, which is an interpretation of the history
5 of our law on closing argument, because we have no rule
6 of criminal procedure that deals with closing argument
7 like we do the rules of civil procedure. I wanted you
8 all to learn that since that's not true in most states.
9 You okay over there, Sallie?

10 BAILIFF SALLIE: Yes.

11 THE COURT: Okay. I wanted to make sure. All
12 right. Bring us the jury.

13 (JURY ENTERS COURTROOM AT 3:18 P.M.)

14 THE COURT: All right. Mr. Foreman, ladies and
15 gentlemen of the jury, you have heard the evidence from
16 the State of South Carolina. We will now hear from the
17 defendant. Mr. Kornegay?

18 MR. KORNEGAY: Your Honor, the Defense rests at
19 this time.

20 THE COURT: Ladies and gentlemen, you've heard all
21 of the evidence in this case. It's now about 3:20.
22 We'll finish this case, because if I tried to do it now I
23 would keep you here too late, we'll finish this case in
24 the morning. I want you to report to your jury room --

1 I'm going to let you sleep thirty minutes later -- 10:00
2 a.m. in the morning.

3 Over the overnight recess, please do not discuss
4 the case with anyone. Now, although you've heard the
5 evidence in the case, you've not heard the closing
6 arguments of the attorneys, or my charge to you on the
7 law that applies to this case. So please don't try to
8 engage in any premature discussion or deliberation about
9 the case. I will tell you when it's time for you to
10 deliberate. I'm going to get you home early, and I'll
11 get you home early this week. Thank you for your
12 patience. Thank you for your service to Dorchester
13 County, and to this Court. You may leave the courtroom
14 at this time. Report to your jury room by 10:00 a.m. in
15 the morning. Thank you. Everyone else remain seated
16 while the jury is leaving.

17 (JURY EXITS COURTROOM AT 3:30 P.M.)

18 THE COURT: All right, Solicitor. Anything on --
19 I -- you all know that I got to leave in nine minutes
20 because of a 4:00 o'clock medical appointment. However,
21 I want you here in the morning no later than 9:30. We
22 need to do a charge conference, so that you can tailor
23 your arguments to my charge. My law clerk is going to
24 send you tonight -- Tonda's going to make copies if you
25 want, but it's so simple -- a verdict form and a rough

1 draft of a proposed charge. I will go over that charge
2 with you in my chambers at 9:30 in the morning. I expect
3 you to be here. Any questions about that from the
4 Solicitor's Office?

5 MR. SPEARS: None, Your Honor.

6 THE COURT: From the counsel for the
7 defendant?

8 MR. KORNEGAY: No, Your Honor.

9 THE COURT: This court's in recess until 10:00
10 a.m. tomorrow morning. My lawyers are to be in my
11 chambers at 9:30. Thank you very much. David's going to
12 give you copies of the law that neither one of you knew.

13 (OFF THE RECORD AT 3:50 P.M.) (BACK ON THE RECORD
14 AT 9:30 A.M.)

15 THE COURT: Thank you for your patience, ladies and
16 gentlemen. We're running behind because of a charge
17 conference that I held with the lawyers this morning.
18 Let me go over some things before the jury comes out, so
19 everybody knows.

20 First of all, ladies and gentlemen, I love for
21 people to come. I've got my interns here, and appreciate
22 having all of my federal interns here, and got one of my
23 dearest friends, Sheriff L.C. Knight's in the courtroom.
24 He's got his grandson with him, and I'm happy to have
25 you, Troy. One of the things, obviously, I don't allow,

1 I don't allow any outbursts of any kind. This jury
2 deserves respect, regardless of whether you agree or
3 disagree with the verdict. And if you feel you can't
4 control your emotions, then I'm going to ask you when we
5 publish the verdict, ladies and gentlemen, that you step
6 out of the courtroom. Because if anybody has any kind of
7 outburst, I'm going to enforce that with the contempt
8 powers of this court. I do not allow anyone, no
9 clapping, no kind of emotional outbursts of any kind.
10 Whatever this jury does, I'm going to respect their
11 verdict, and I expect you to do likewise. Now, in our
12 meeting this morning we went over many things. One, we
13 went over closing argument. Because of State versus
14 Beaty, the State's going to have the first argument;
15 because the defendant did not put up any evidence in the
16 trial of this case, the defendant gets the final reply
17 argument, because the defendant did not put up any
18 evidence. Mr. Spears is going to argue for the State.
19 He will argue first. Who's going to argue for the
20 Defense?

21 MR. KORNEGAY: I am, Your Honor.

22 THE COURT: Mr. Kornegay's going to argue for
23 the Defendant, and he will argue last. The lawyers have
24 requested twenty minutes. I have told them that I would
25 give them twenty minutes. When they have argued fifteen

1 minutes, they will hear the familiar, tap, to tell them
2 they have five more minutes to wrap it up. No, I don't
3 sit people down if they go over a little bit, but we're
4 trying to be respectful of the jury's time. We've
5 already kept them in the jury room thirty minutes this
6 morning. We also went over my entire request to charge.
7 I went over every single thing I intend to charge. And
8 the lawyers are now satisfied, I believe, with the charge
9 that I'm going to give. I've changed my direct and
10 circumstantial evidence charge at the request of Mr.
11 Chisolm this morning. I've also changed my burglary
12 first definition charge to comply with the statute. Are
13 there any other requests to charge or objections to the
14 charge, from the State?

15 MR. SPEARS: None, Your Honor.

16 THE COURT: Have I accurately stated what
17 occurred in chambers, insofar as the State is concerned?

18 MR. SPEARS: Yes, Your Honor.

19 THE COURT: Are there any other objections to
20 the charge, from the defendant?

21 MR. KORNEGAY: No, Your Honor.

22 THE COURT: Have I accurately stated what
23 occurred in chambers, insofar as Counsel for the
24 defendant is concerned?

25 MR. KORNEGAY: Yes, Your Honor.

1 THE COURT: Is the State ready to proceed?

2 MR. SPEARS: State's ready, Your Honor.

3 THE COURT: No one comes in or out while the lawyers
4 argue, I charge the jury. So if you need to use the
5 restroom, you're going to have to get out now. Everybody
6 understand that? I don't want the jury looking at people
7 going in and out. Very good. All right. I think we're
8 ready to begin, then. Ma'am, would you bring us the
9 jury, please?

10 (JURY ENTERS COURTROOM AT 10:30 A.M.)

11 THE COURT: Good morning, ladies and gentlemen.

12 (RESPONSES FROM JURY.)

13 THE COURT: Good morning.

14 THE COURT: Good morning, Mr. Foreman.

15 FOREPERSON: Good morning, sir.

16 THE COURT: And I know you know it's 10:35. Let me
17 tell you, we started at 9:25, so we started over an hour
18 ago. Had a number of things. Had to go over my entire
19 charge that I'm going to give you later this morning with
20 the lawyers, so that we could get it right, ladies and
21 gentlemen. I've also gone over the order of argument,
22 because unfortunately we don't have a rule in South
23 Carolina for closing argument in a criminal case. We
24 have some case law, but not a rule of criminal procedure,

1 like we do in civil court. We have a rule for closing
2 argument in civil court, but not criminal.

3 All of those things had to be worked out, and that's
4 why. I know you all think we're smoking cigarettes and
5 drinking coffee, and eating chocolate and bon-bons, but
6 that's not what we were doing. We were working, and I
7 want to thank you for your patience and your service to
8 Dorchester County. As I told you before we started,
9 without you, ladies and gentlemen, the jury, justice
10 cannot be accomplished in the courtroom, and I appreciate
11 that.

12 Now, you're going to hear the final arguments of
13 the attorneys. And after they finish arguing, Mr.
14 Foreman, you look around to your peers, your folks, your
15 brothers and sisters, and if you all want to take a
16 bathroom break after that, because that'll probably take
17 about forty or forty-five minutes, before I charge you,
18 I'll be glad to give you a bathroom break. Just let me
19 know whether you want to take a break or go right -- and
20 my charge will probably take about twenty-five minutes.
21 I want you to listen carefully to the lawyers. There's
22 not going to be anybody coming in any doors, not going to
23 be anybody moving around. We're going to maintain quiet
24 so you can listen to the lawyers. And although this is
25 argument and not evidence, the lawyers have worked hard

1 to prepare their case on both sides. I want you to give
2 them your strict attention, and I want you to listen
3 carefully to my charge on the law. Thank you. I'm sure
4 each of you will do that. Solicitor?

5 MR. SPEARS: Thank you, Your Honor. May it please
6 the Court?

7 THE COURT: Proceed.

8 CLOSING ARGUMENT

9 MR. SPEARS:

10 MR. SPEARS: Good morning, ladies and gentlemen.

11 (RESPONSES FROM JURY.)

12 MR. SPEARS: As you all heard at the beginning of
13 this trial, my name is Mike Spears. I'm the
14 representative for the State in this matter. I want to
15 start by thanking you all for being here, being here this
16 entire week. The job of a juror is difficult, and it's
17 not easy to be away from your family, and everyone in
18 this courtroom understands that fact. But without your
19 participation here today, I mean the entire justice
20 system would come to a screeching halt, and it is truly
21 appreciated. Your time is appreciated, and your
22 attention is.

23 So now, we're at the point of the case where all of
24 the evidence has been submitted, all of the evidence

1 marked here and all of the evidence that was stated on
2 the record through testimony.

3 We're at closing arguments. There's going to be no
4 new evidence, we can only go over what has been presented
5 to you; because as jurors, as finders of the fact, you
6 look at the evidence that's been presented and determine
7 what happened on December 9th of 2013.

8 And I just appreciate a little bit more of your
9 patience with us, because this has been a little bit of a
10 convoluted case.

11 I can understand with the way some of this evidence
12 has been presented was confusing at first, and then it
13 came together, and I'd like to start with the law. You
14 were read the indictments; you were read the charges that
15 are against Mr. Terek Goodwin over there. We're going to
16 start with burglary in the first degree. The judge is
17 going to charge you with this law at the end of the case,
18 but for now I'm going to give you a brief preview to help
19 with the context in going over all this evidence again.
20 All right?

21 In South Carolina, to be guilty of a burglary in
22 the first degree, it states that it is unlawful to enter
23 a dwelling of another, without consent, with intent to
24 commit a crime therein; and in doing so must be armed

1 with a deadly weapon, or pistol, or assault the person
2 therein. Okay?

3 Much like if an individual, or three individuals,
4 kicked in a door, entered without consent, threatened
5 somebody with a deadly weapon, and stole money. That
6 would satisfy burglary in the first degree.

7 Now, armed robbery is the taking of another's
8 property with intent to permanently deprive while using
9 the threat of force or a deadly weapon, such as a pistol.
10 Okay? So, say, taking someone's twenty grand, with the
11 threat of -- and again, this is locked, but with the
12 threat of a black handgun. That would be an armed
13 robbery.

14 Now, kidnapping is to unlawfully confine or seize
15 another indi -- another person, I'm sorry -- to confine
16 or seize another person without authorization of law.
17 All right. Now, fining -- confining or seizing is to
18 take a hold of someone, to limit, to restrict. Like if
19 you tied someone up with a -- an extension cord. All
20 right. And we're going over this, and I'm showing you
21 the evidence that's applicable to this law, but as we
22 heard in openings, this -- the Defense isn't really going
23 to say that nothing happened to Monica. I think
24 everybody in this courtroom knows that Monica Sauls was
25 attacked on that day. It's a case of who attacked her,

1 and that's what I'd like to go through, spend most of our
2 time talking about.

3 I've got a burden of proof in this case. I need to
4 prove this case beyond a reasonable doubt. And the judge
5 is going to tell you, that doesn't mean that it has to be
6 proven beyond any and all doubt. Okay. Not any and all
7 doubt, but a reasonable doubt. It's what would cause a
8 reasonable person to hesitate to act. All right? Now
9 remember, the judge is going to tell you that the law
10 doesn't require proof beyond an absolute certainty.
11 There's few things in life we can be absolutely certain
12 about, and that's not the burden the State has. Okay?
13 It's simply a reasonable doubt. If you are firmly
14 convinced at the end of this trial that the defendant
15 committed the alleged acts, then you must find him
16 guilty.

17 So we've already briefly touched on it, but on
18 December 9th of 2013, Monica was attacked. She got on
19 the stand and she told you, and you could tell it was
20 still clearly affecting her. She told you what happened.
21 Kevin had left. He had gone to work with his co-workers,
22 and she had taken her kids to the school bus just down
23 the road, and she went back inside, she went to sleep.

24 Now, the Friday before, her and Kevin had been
25 showing off this recent settlement that they got, the car

1 wreck he had gotten a settlement for; they were showing
2 it to his co-workers. And I think it was just a happy
3 moment and a bit of excitement. They showed it to John
4 Russel, George Lawton, and Junell Miles. When Monica
5 went to sleep -- oh, sorry, but you -- you heard Ms.
6 Sauls say that she doesn't recall showing it to anyone
7 else but family. All right? There's questions about who
8 was at the Oyster roast later, you know, who possibly
9 could have seen it.

10 She only remembers family members; Kevin only
11 remembers family members, and those three individuals.
12 Even Kevin's boss Chad, who testified, he remembers the
13 settlement, but he doesn't remember the amount. He
14 remembers he came into some money, but doesn't -- he
15 doesn't recall being shown the cash. They didn't have a
16 bank account, so it was cash. But then, Monica was
17 attacked.

18 She was attacked right when she was alone. Three
19 men kicked open the door, wearing masks, with black
20 handguns, saying, where is the twenty thousand? Where is
21 the specific amount of money that they just so happened
22 to have? Now, she didn't get a good look at them; they
23 were wearing masks. They had guns but they didn't fire
24 them, so there wasn't any ballistics there. There's no
25 indication from what she said that anyone got cut or bled

1 on anything. I'm going somewhere with this. I'm sorry
2 if I'm being abstract. But they committed this crime in a
3 way that there was no witness there who could identify
4 them. They even put a towel over her head. You heard
5 her say that anytime that she looked over, they told her
6 to look away and threatened her with the gun.

7 They broke the cell phones; they threw one into a
8 wall. I mean, it's not the linchpin of the case, but
9 it's an interesting point just showing that -- I mean,
10 they had to cut open the wall just to get the phone out.

11
12 That was when they were ransacking the house. There's
13 the hole that it went in through.

14 Now, Monica, she -- after they left she got out of
15 her binds, and she called 911. She got her friend to
16 call 911 that she saw down the street. You heard the
17 call. I won't play it again. That's not the centerpiece
18 of this case. When police responded, they did what they
19 could. They tried to find DNA. There wasn't any
20 indication that there was any there; blood or touch.

21 They looked for fingerprints and when one -- those
22 fingerprints were reviewed, one crime scene detective
23 thought there might be ridge detail there, but then they
24 were reviewed again and it wasn't. It just wasn't there.
25 They had the boot print on the door, which, you know it's

1 a pretty vague boot print, too. But they still collected
2 it, they still looked for it.

3 They did their best to try to ascertain what they
4 could get from that crime scene. They got tire tracks.
5 They put a little gelatinous mold of tire tracks that
6 they could possibly, possibly, get. One important fact,
7 if you remember, I'm skipping ahead a little bit, but in
8 these text messages that Mr. Goodwin sent, he immediately
9 told someone the day of the crime, after the crime
10 occurred, that he's got a lot of money. He's going to
11 get a new car. It's kind of hard to compare a tire track
12 when cars have changed. Now, I want to be clear about
13 this, we're not -- we're not in an episode of CSI. Law
14 enforcement did what they could at the scene to find
15 information that they could. It was a thorough
16 investigation.

17 Sometimes crime scenes don't have perfect evidence.
18 Sometimes there's not a videotape. Rarely is there a
19 video of a crime happening. Sometimes investigations has
20 to be made. That's why there's detectives. That's why,
21 now-Investigator but then-Detective King, has a job. He
22 doesn't just say, hmm, okay, and walk off. He comes to
23 the scene, and the first thing he sees other than law
24 enforcement are John, George, and Junell standing there.

1 And you heard him say that something caught his eye
2 about Junell; he called it a furtive movement, but then
3 he kind of explained. Junell gives the movement -- when
4 he sees the detective walking up, and that was enough to
5 catch Detective King's, Investigator King's, eye. So we
6 go from there.

7 He goes through the scene, he does everything we
8 just spoke about. Really can't ascertain any sort of a
9 suspect at that point in time, until the next day when he
10 meets with those three people, and again he does what a
11 detective should so. He not only talks with them, but he
12 looks at how they're acting. He looks at their
13 movements, their -- you know, how quickly their
14 answering, everything. John and George seem fairly calm,
15 sedated, whatever, nothing too suspicious. He still gets
16 their phone records anyways, just in case, because he's
17 doing his due diligence.

18 But Junell -- Junell was talking too fast; Junell
19 was avoiding questions; Junell was antsy, barely able to
20 sit down. It furthered his suspicion from that first
21 spot, and then he got Junell's cell phone number, too.

22 Now, John and George's cell phone data kind of went
23 with what Detective King thought: nothing really
24 suspicious there. But Junell's. And this is in
25 evidence, it's going back there with you, and it's got

1 his cell phone number right there. Junell had text
2 messages to another number the day of the incident, after
3 the inci -- after the robbery happened, and that was to
4 this number, Terek Goodwin's number. And if you can't
5 see it, I'm sorry. This is State's Exhibit 2. I know
6 the light reflects oddly sometimes. Those text messages,
7 there's two of them, say: "I know they got more than
8 twenty; I need at least three g's of that." That was
9 enough to lead the detective to that number, because
10 here's a guy who knew about the amount of cash, after a
11 woman was robbed and the people were asking for that
12 specific amount, who was acting furtive and suspicious,
13 and then he's texting someone, "I'm going to need a cut
14 of that."

15 So that leads us right over to Terek Goodwin's
16 phones. And that's when he found all of these. And on
17 this disc for Terek's phone, there's about four day's
18 worth of data on there. But these are the printouts of
19 the messages that he sent on December 9th, before and
20 after the robbery occurred. Before the robbery, as you
21 heard the detective say, it was about 4:00 a.m., he sends
22 a message to a number, (803)87 -- 387-1921, "I love you
23 Sharday"; Ms. McFadden. So now we know what Sharday's
24 number is.

1 And then, at 9:00 o'clock, keep in mind, the
2 robbery happened around 8:30 in the morning, after
3 everybody had gone to work and the kids had gone to
4 school. 9:30 -- sometime between 8:30 and 9:00, but at
5 9:28 a.m.: "Okay, I just hit a real big lick; please
6 don't mention nothing to nobody at all; the police are
7 riding by now." And you heard all of these. One that I
8 found very, very interesting, I mean there was: "can't
9 say, but I got plenty of money -- got plenty of money, by
10 the way." I'm going to get a room later. He was
11 arrested in the motel. "No, no, never scared, just jumpy
12 and amped up; I do this shit." "Please don't say shit;
13 them crackers got police riding.
14 Don't say nothing." Now, I think it's pretty clear, I
15 don't have to tell you that Ms. Sauls is a white lady.
16 All right? Just think about the context of what these
17 messages are saying, just beyond the fact that he hit a
18 lick, or Detective King told you a lick meaning a
19 robbery. It's a general term, burglary, the taking of
20 something. But look just beyond the fact that the lick
21 happened, and look at the context of the messages: the
22 crackers got the police riding. All right? So we know
23 the race of the person that he performed this lick on.
24 "No, we mask up. We masked up."

1 Three masked men came into Monica Sauls' house.
2 Not just about the masks, he says, "We masked up." All
3 right? Circumstantial evidence, yes; but pieces of the
4 puzzle coming together. He says later: "I got money,
5 money, money." What else did they take from Monica? He
6 tells her they didn't kill anybody. Or he's actually
7 asked by Ms. McFadden in here, because you've got some of
8 his receiving text messages in here, did you kill
9 anybody; and he says "No, didn't kill anyone. Nobody got
10 hurt."

11 Monica, she had a bruise on her arm, yes. But in
12 the context of an armed robbery with guns, by the person
13 who committed it, I would say this would probably count
14 as not hurt, when asked if he killed anybody. Now, these
15 messages were to Sharday McFadden. At the time, they
16 were in a relationship. You heard her say that she
17 remembered that. At the time -- not at the time -- she's
18 still his baby mama. All right? She's still the mother
19 of his child. But they're no longer in a relationship;
20 they've moved on.

21 She actually does have genuine memory issues, but
22 there are things that she does remember.

23 She remembers being at the motel with him when he
24 was arrested. She remembers the fact that she didn't own
25 a gun when her -- she remembers talking with Detective

1 King. And I -- I saw her just like you all up there.
2 She -- she couldn't look up. She looked scared to me.
3 Looked genuinely scared. But she couldn't remember what
4 she told Detective King, try as she might. She tried,
5 she tried four times, and I felt kind of bad asking her
6 again.

7 But she tried, she couldn't do it. But what did
8 Terek say when he got confronted with those text
9 messages, when Detective King was talking to him?

10 Well, one, he confirmed his phone number. Two, when
11 confronted with those messages, he said, "Somebody must
12 have hacked my phone."

13
14 Now, I'm going to -- I said it before and I'm going
15 to say it again, ladies and gentlemen, this is not an
16 episode of CSI. This is the real world we live in. Is
17 he saying that somebody got on his phone, sent text
18 messages, and then got off, just after he says, "I love
19 you Sharday," at 4:00 a.m., by the way? Now,
20 I'm running a little long, and I appreciate your patience
21 with me. I mentioned before, this is really involving
22 circumstantial evidence. Okay? Now, State's Exhibit 40
23 here is another piece of our puzzle. Okay? This is the
24 cell phone calls right before, around -- right before the
25 robbery occurred. Okay? These are the calls, you can

1 see, the number on this side right there, that's the
2 number from the phone that they got the information from.

3 Now, you've got your outgoing number right there --
4 I'm sorry. You've got your -- the number who made the
5 call right here, and it's got the time right there.
6 Okay? Now, when you're looking at this, I appreciate you
7 doing a little investigative work yourself on there, look
8 at the two numbers on these disks: Terek Goodwin and
9 Junell Miles. I don't expect you to know them by heart.
10 Somehow, Detective King did, but I don't expect you all
11 to know that, too. But look at the calls that happen
12 right before the incident; the calls the defendant made
13 with the person who knew when Monica was going to be
14 alone at the house, because he's going to work, Junell's
15 going to work, with her husband.

16 All right?

17 And when it comes to Junell, don't -- Junell was
18 charged, too. His day in court's going to come. Not
19 here today, but you heard Investigator King, he also got
20 arrest warrants for his arrest. Circumstantial evidence
21 is a chain of facts proving the existence of evidence.
22 According to the law, that is -- that it's good evidence.
23 It is to be treated with the same weight as direct
24 evidence. Circumstantial evidence, a chain of facts
25 proving a point, should be treated with the same weight

1 as a video; should be treated with the same weight as if
2 Monica was able to stand up and say, I know who did it.
3 She couldn't, but it should be. If you put an elephant
4 in a room with a little field mouse, and you give them a
5 barrel of peanuts, and you lock the room with no other
6 way in or out, and you come back five minutes later and
7 that barrel of peanuts is gone, circumstantial evidence
8 is going to tell us it was the elephant that did it.
9 Okay? It's a chain of facts that can lead you to the
10 establishment of a fact.

11 Ladies and gentlemen, step by step. The money was
12 shown to Junell Miles on December 6th. He knew the
13 amount. Junell Miles made multiple calls to and got
14 calls from Terek Goodwin on December 9th, right before
15 the incident happened. Three masked men came in there.
16 Afterwards, Terek Goodwin says, "I just hit a big lick;
17 we masked up; I got money, money, money; bout to go buy a
18 new car." They were carrying a black gun. It was found
19 with them in the motel.

20 Chain of facts show that he had the knowledge;
21 spoke with the person who could have given him that
22 specific knowledge right before it happened; talked about
23 hitting a lick just afterwards; and claimed facts that
24 are specific to the incident that happened then. It was
25 a white person they robbed. They masked up. There were

1 multiple people, we did it. The chain of facts prove
2 that Terek Goodwin is guilty of burglarizing -- burglary
3 in the first degree; robbing Ms. Sauls, and tying her up
4 and kidnapping her. Step-by-step, piece-by-piece, the
5 evidence comes together. Thank you.

6 THE COURT: Exhibits to the court reporter. Mr.
7 Kornegay?

8 MR. KORNEGAY: Thank you, Your Honor. May it please
9 the Court?

10 THE COURT: Proceed.

11 CLOSING ARGUMENT

12 BY MR. KORNEGAY:

13 Good morning, ladies and gentlemen.

14 (GOOD MORNING RESPONSES FROM JURY.)

15 MR. KORNEGAY: Thank you for your time and your
16 attention this week. Mr. Goodwin has been waiting for
17 this day since 2013. And it will now be your job to weigh
18 the evidence, and to hold the State to their burden of
19 proving guilt beyond a reasonable doubt.

20 As you heard, a reasonable doubt is any doubt that
21 would cause a reasonable person to hesitate to act. The
22 best way for me to illustrate this is to use this bar in
23 front of you. Around this side, you have absolute
24 innocence. All the way over here is absolute guilt.

1 Now, it would probably be obvious to you that proof
2 beyond a reasonable doubt would not reside over here.
3 But even as you move over here, just beyond the halfway
4 point, if you were to decide that it's more likely than
5 not true that Mr. Goodwin is guilty, that is still not
6 proof beyond a reasonable doubt.

7 The State in a criminal trial is held to that
8 standard, which would be approaching this area of the
9 spectrum over here.

10 Now, let's go over the evidence of this case. It's
11 not difficult to find glaring areas of doubt in this
12 case. The State has had enough time to investigate, to
13 have their evidence tested. This incident was over five
14 and a half years old. I think we know why they didn't
15 have the evidence tested. After they found these text
16 messages that they felt fit their theory of the case,
17 they drew our conclusion for us: he must be guilty.

18 In a day and age when we rely on our cell phones
19 daily, it's easy for us to place too much weight on
20 technology. They're called mobile phones for a reason.
21 Anyone can pick up a phone and use it. They're not
22 tethered to a specific location or a person. Cell phones
23 can be taken or hacked. And you heard the witness from
24 Verizon testify that just because you have data from a

1 cell phone number doesn't mean you can prove who was
2 using that cell phone.

3 But unfortunately, in this case, instead of
4 pursuing leads on potential suspects, or following up on
5 evidence that had already been sent to SLED for
6 examination, they shut down their investigation after
7 they had set their sights on Mr. Goodwin. The State has
8 brought this gun, hoping that you'll draw the same
9 assumption that they're making, that a gun found eight
10 days later in a different location, with no unique or
11 unusual characteristics, would have to be a firearm used
12 in the incident. The solicitor stated that law
13 enforcement did what they could at the scene, and that
14 may be true. You heard testimony about how they gathered
15 evidence. My concern is what they did after that day,
16 December 9, 2013. You heard from Sergeant Berg, as well
17 as lead Investigator King. They had a tire print cast
18 taken from the scene of the crime. After Mr. Goodwin was
19 arrested, did they follow up and try to tie that to him?
20 No. They had shoe prints that were tested; sent off to
21 SLED. Did they try to connect those to Mr. Goodwin, even
22 if just to check to see if his shoes were the same size?
23 No. Did they check the items that were recovered: broken
24 cell phones, a broken Kindle? Did they check those for
25 touch DNA? No.

1 They have potential fingerprints, one of which when
2 first tested, the examiner decided that a comparison may
3 be possible, once a suspect is found. But did they
4 follow up after Mr. Goodwin was arrested? Not until over
5 five and a half years later, when preparing for this
6 trial, they have another examiner who then concludes that
7 -- let me find the exact words -- that that print now
8 lacks sufficient quality for comparison.

9 Why leave all of this evidence untested over the
10 last five and a half years? Have they not had enough
11 time, or could it be they got the wrong man?

12 This is not proof beyond a reasonable doubt, ladies
13 and gentlemen. And as you go back to the jury room and
14 turn in your secret ballots, or however you decide to
15 vote, I ask that you consider the evidence that we
16 could've had before us today and return a verdict of not
17 guilty. Thank you.

18 THE COURT: All right. Ladies and gentleman,
19 Mr. Foreman, would the jury like a break, or would you
20 like for me to go ahead and charge? Is everybody okay?
21 (FOREMAN NODS TO GO AHEAD.)

22 JURY CHARGE

23 THE COURT: All right. All right, ladies and
24 gentlemen, Mr. Foreman. It's now my duty to charge you
25 on the law of this case. State of South Carolina has

1 charged the defendant, Terek Rasheed Goodwin, with armed
2 robbery, kidnapping, and burglary in the first degree, in
3 these three indictments which I hold in my hand, ladies
4 and gentlemen.

5 I remind you first of all that the fact that the
6 defendant was arrested, the fact that the defendant was
7 charged, the fact that the defendant was indicted, is not
8 evidence in this case. Nor does it create any
9 presumption or inference of guilt. These documents that
10 I hold in my hand, these indictments, are simply the
11 formal written instruments which contain the charges made
12 against the defendant. They are the formal documents by
13 which this case is brought into this court, the Court of
14 General Sessions of Dorchester County.

15 To these indictments, ladies and gentlemen, the
16 defendant has pled not guilty. And that plea of not
17 guilty puts the burden on the state of South Carolina to
18 prove the defendant guilty beyond a reasonable doubt. A
19 person charged with committing a criminal offense in
20 South Carolina is never required to prove himself
21 innocent.

22 I charge you, ladies and gentlemen, that it is an
23 important rule of law that the defendant in a criminal
24 case, no matter what the seriousness of the crime may be,
25 will always be presumed to be innocent of the crime for

1 which the indictment was issued, unless guilt has been
2 proven by evidence satisfying you of that guilt beyond a
3 reasonable doubt.

4 The presumption of innocence, ladies and gentlemen,
5 does not end when you begin your deliberations. But it
6 accompanies the defendant throughout the trial, until
7 you, the jury, reach a verdict of guilt based on evidence
8 satisfying you of that guilt beyond a reasonable doubt.
9 The presumption of innocence is not just a legal theory.
10 It is not just a legal phrase. It is a substantial right
11 to which every defendant is entitled, unless you, the
12 jury, are satisfied from the evidence of the defendant's
13 guilt beyond a reasonable doubt.

14 Now, what is a reasonable doubt in the law? A
15 reasonable doubt, ladies and gentlemen, is the kind of
16 doubt that would cause a reasonable person to hesitate to
17 act. The State has the burden of proving the defendant
18 guilty beyond a reasonable doubt. Some of you may have
19 served in the past as jurors in a civil case, like a
20 contract case or a wreck case. Those are examples of
21 civil cases. You were told in that case it is only
22 necessary to prove that a fact is more likely true than
23 not true, in a civil case. We call that burden of proof
24 in a civil case by the greater weight, or preponderance
25 of the evidence.

1 In a criminal case such as the case here, the
2 State's proof must be more than in a civil case, it must
3 be beyond a reasonable doubt. Proof beyond a reasonable
4 doubt is proof that leaves you, ladies and gentlemen,
5 firmly convinced of the defendant's guilt. Now, ladies
6 and gentlemen, there are very few things in this world
7 that any of us know with absolute certainty, and in
8 criminal cases the law does not require proof that
9 overcomes every possible doubt. If, based on your
10 consideration of the evidence, you are firmly convinced
11 that the defendant is guilty of the crime or crimes
12 charged, you must find the defendant guilty.

13 On the other hand, if you think there's a real
14 possibility that the defendant is not guilty from the
15 evidence presented at the trial of this case, you must
16 give the defendant the benefit of the doubt, and find the
17 defendant not guilty. I remind you, ladies and
18 gentlemen, that during this trial, you and I have had
19 certain duties to perform. As the trial judge, it has
20 been my responsibility to preside over the trial of this
21 case. I also have the duty to rule, as you saw
22 frequently in this trial, to rule on the admissibility of
23 evidence often during the trial. You are to consider,
24 ladies and gentlemen, in your deliberations, only the
25 competent evidence before you, and I explained to you in

1 my opening remarks what evidence was: testimony from the
2 witness stand; any exhibits which have been introduced
3 into evidence; or any stipulations, if there were any,
4 that may have occurred during the trial of this case.

5 If you heard me say that any testimony was ordered
6 stricken from the record in this case during the trial,
7 you must disregard that testimony.

8 You are to consider only the testimony which has
9 been presented from this witness stand; any exhibits
10 which have been made a part of the record; and you heard
11 me say, in evidence, meaning you can consider it; and if
12 there were any, any stipulations of Counsel or agreement
13 between the parties.

14 In addition to those duties, ladies and gentlemen,
15 as the trial judge I have the additional responsibility
16 or duty to charge you the law that applies to this case.
17 As the presiding judge, I'm the sole judge of the law of
18 this case, and ladies and gentlemen, I remind you again,
19 it is your duty as jurors to accept and to apply the law
20 as I now state it to you.

21 If any of you have any pre-conceived ideas or
22 opinions about what you think the law is, or what you
23 feel the law ought to be, and it does not agree with what
24 I now tell you the law is you must abandon your pre-
25 conceived ideas, your pre-conceived opinions, because

1 each of you took an oath; and in that oath you swore or
2 affirmed to this court that you would accept the law as I
3 charge it to you to be, and apply the law to the evidence
4 as you find it to be; and you would accept and apply the
5 law exactly as I now state it to you.

6 In every case tried before this court with a jury,
7 the jury becomes the sole and the exclusive judge of the
8 facts in the case, based on the evidence introduced
9 during the case. The trial judge, such as myself, cannot
10 intimate, cannot state, cannot comment on, a trial judge
11 cannot make any statement to a trial jury about the facts
12 or the evidence in a case.

13 Since you, ladies and gentlemen of the jury, are
14 the sole judges of the facts in this case, you are not to
15 infer from what I have said during the progress of this
16 trial and ruling upon the admissibility of evidence or
17 otherwise, or anything that I say now during the course
18 of this instruction to you, that I have any opinion
19 whatsoever about the facts in this case. This is a
20 matter solely for you, ladies and gentlemen. The law
21 does not allow me to have an opinion about the facts in a
22 case.

23 As jurors, then, it is your duty to determine from
24 the evidence the effect, the value, the weight, and
25 ultimately the truth, as I told you at the outset, the

1 credibility, the believability of the evidence that's
2 been presented during the trial of this case.

3 Now, ladies and gentlemen, like many things in the
4 law, we have names for the different types of evidence
5 which has been presented during the trial. There are two
6 types of evidence that are generally presented in a
7 trial. We call these types of evidence generally direct
8 evidence and circumstantial evidence. Let me illustrate
9 for you.

10 Direct evidence, and sometimes you have this,
11 although it's an example of it, direct evidence is the
12 testimony of a person who claims to have actual knowledge
13 of a fact, such as an eyewitness to an event. Direct
14 evidence is evidence which immediately establishes the
15 main fact to be proven. Circumstantial evidence, as
16 contrasted with direct evidence, is proof of a chain of
17 facts and circumstances indicating the existence of a
18 fact.

19 Circumstantial evidence, ladies and gentlemen, is
20 evidence which immediately establishes collateral facts
21 from which the main fact may or may not be inferred.
22 Circumstantial evidence, ladies and gentlemen of the
23 jury, is based on inference, and not on personal
24 knowledge or personal observation. The law makes
25 absolutely no distinction between the weight or the value

1 to be given to either direct evidence or circumstantial
2 evidence; nor is a greater degree of certainty required
3 of circumstantial evidence than of direct evidence.

4 However, to the extent the State relies on
5 circumstantial evidence in the trial of the case, all of
6 the circumstances must be consistent with each other, and
7 when taken together point conclusively to the guilt of
8 the accused beyond a reasonable doubt. If these
9 circumstances merely portray the defendant's behavior as
10 suspicious, the proof has failed.

11 The State has the burden of proving the defendant
12 guilty beyond a reasonable doubt. The burden rests with
13 the State, regardless of whether the State relies on
14 direct evidence, circumstantial evidence, or some
15 combination of the two; direct and circumstantial
16 evidence.

17 You, ladies and gentlemen of the jury, when I
18 instruct you to do so, you should weigh and consider all
19 the evidence in this case, both direct and circumstantial
20 evidence.

21 After weighing and considering all of the evidence
22 in this case, if you are not convinced of the guilt of
23 the defendant beyond a reasonable doubt, you must find
24 the defendant not guilty.

1 On the other hand, after weighing and considering
2 all the evidence in this case, both direct and
3 circumstantial, if you are convinced of the guilt of the
4 defendant beyond a reasonable doubt, you must find the
5 defendant guilty.

6 Necessarily, you must determine the credibility of
7 the witnesses who have testified in this case.
8 Credibility, as I told you at the outset, simply means
9 believability. It becomes your duty as jurors to analyze
10 from the evidence, it becomes your duty as jurors to
11 evaluate the evidence that's been presented, and
12 determine which evidence convinces you of its truth.

13 In determining the believability of the witnesses
14 who have testified in this case, you, as the jury, have
15 the right to believe one witness over several witnesses,
16 or several witnesses over one witness. You may believe a
17 part of the testimony of a witness, and reject the
18 remaining part of the testimony of that same witness.
19 You may believe the testimony of a witness in its
20 entirety, or you may reject the testimony of a witness in
21 its entirety. You may consider whether any witness has
22 exhibited to you any interest, any bias, any prejudice,
23 or other motive in this case.

24 You may also consider -- I told you this when I
25 talked to you about believability and credibility at the

1 outset -- you may consider what we call the demeanor of
2 the witness, the appearance of the witness while the
3 witness is on the witness stand; the manner of the
4 witness while the witness is on the witness stand.
5 Anything that is in evidence, ladies and gentlemen, you,
6 as the jury, have the right to consider in evaluating and
7 weighing the credibility or the believability of the
8 witnesses who have testified during the trial of this
9 case.

10 Now, I charge you, ladies and gentlemen, and
11 instruct you that the fact that the defendant in this
12 case did not testify is not a factor to be considered by
13 you in any way in your deliberations, and in your
14 consideration of the question of the guilt or innocence
15 of the defendant. It must not be considered by you in
16 any manner whatsoever in your jury room. A defendant,
17 every defendant, has the constitutional right to remain
18 silent, and the assertion of this right must not be
19 considered by you in your deliberations. I repeat, under
20 that oath which each of you took, you are to draw no
21 conclusion whatsoever from the fact that the defendant in
22 this case did not testify. The fact that the defendant
23 in the case didn't testify should not even be discussed
24 in your jury room.

1 The burden of proof, as I have stated to you
2 already, is on the State of South Carolina. The
3 defendant is not required to prove his innocence. The
4 burden of proof remains on the State of South Carolina to
5 prove the defendant guilty beyond a reasonable doubt.

6 Now, I charge you, ladies and gentlemen, that a
7 statement alleged to have been made by the defendant has
8 been admitted into evidence during the trial of this
9 case. While the Court has determined as a matter of law
10 that the statement is admissible, I instruct you now and
11 charge you that you make, as a jury, the ultimate
12 decision of whether or not the defendant made any
13 statement. If the defendant did make the statement, or
14 you find from the evidence the defendant made the
15 statement, you must determine, also, whether the
16 statement was made by the defendant voluntarily, and of
17 his own free will.

18 This means that the statement was not caused by
19 pressure, force, fear, threats, coercion, or
20 intimidation; or by hopes or promise of leniency, or
21 reward of any kind. In determining whether any statement
22 was voluntary, you should consider both the
23 characteristics of the defendant, the details of the
24 questioning. Some of the factors you may consider, if
25 entered into evidence in the trial of this case, would be

1 the age of the defendant; the defendant's education; the
2 defendant's mental ability or capacity; the defendant's
3 intelligence; the defendant's background and environment;
4 the place and length of detention; the nature of the
5 questions; the place; or the advice or lack thereof,
6 ladies and gentlemen, to the defendant of his
7 constitutional rights, including but not limited to: the
8 right to remain silent; that any statement could be used
9 against him in a court of law; the right to have a lawyer
10 present; that if he could not afford a lawyer, a lawyer
11 would be appointed to represent him without any cost; and
12 that he could stop making a statement at any time.

13 You, ladies and gentlemen, must carefully consider
14 all of the surrounding circumstances from the evidence in
15 this case before you give any weight to an alleged
16 statement. The State has the burden of proving beyond a
17 reasonable doubt that the alleged statement was
18 voluntary. If you determine it was voluntary as a jury,
19 you may give the statement any further consideration that
20 you deem proper. You must decide as a jury what weight,
21 if any, should be given to any alleged statement. If you
22 determine the statement was not the free and voluntary
23 statement of the defendant, you should not consider the
24 statement at all.

1 Now, I charge you, ladies and gentlemen, we have in
2 the law a doctrine called the hand of one is the hand of
3 all. If a crime is committed by two or more people who
4 are acting together in committing a crime, the act of one
5 is the act of all. A person who joins with another to
6 commit an unlawful act is criminally responsible for
7 everything done by the other person which happens as a
8 probable or natural consequence of the acts done in
9 carrying out the common plan and purpose.

10 For example, two people can be guilty of killing
11 another person, when only one of the two had a gun.
12 There was only one bullet, and only one of the two fired
13 the shot that caused the death. If two or more people
14 are together, acting together, assisting each other in
15 committing the offense, the act of one is the act of all;
16 or as it is sometimes said, the hand of one is the hand
17 of all.

18 Now, prior knowledge that a crime is going to be
19 committed without more is not sufficient to make a person
20 guilty of that crime. Mere knowledge that a person is
21 going to commit a crime, even if the defendant is present
22 when the crime is committed, is not sufficient to convict
23 the defendant, as a principal. Guilt as principal is
24 shown by actual or constructive presence at the scene as

1 a result of prior arrangement; or a common scheme or
2 plan.

3 Therefore, a finding of a prior arrangement plan,
4 or prior-arranged plan, or a common scheme is necessary
5 for a finding of guilt. The State must prove beyond a
6 reasonable doubt by competent evidence the theory of the
7 hand of one is the hand of all, or the act of one is the
8 act of all.

9 A principal in a crime is one who either actually
10 commits the crime, or who is present, aiding, abetting,
11 or assisting in committing the crime. When a person does
12 an act in the presence of and with the assistance of
13 another, the act is done by both, where two or more
14 acting with a common plan, or intent, or present at the
15 commission of a crime. It does not matter who actually
16 commits the crime; all are guilty. The hand of one is
17 the hand of all. Present at the commission of a crime
18 means to be sufficiently near, to aid and abet and assist
19 in the commission of the crime.

20 However, mere presence at the scene of the crime is
21 not sufficient to convict one as a principle on the
22 theory of aiding and abetting. Criminal intent is also a
23 necessary element, that there must have been a common
24 design or intent to commit the crime; and the crime must

1 have been committed pursuant thereto with the person
2 aiding and abetting by some overt act.

3 Intent, ladies and gentlemen, means intending the
4 result which actually occurs, not accidentally or
5 involuntarily. Intent may be shown by the acts and
6 conduct of the defendant, based on evidence introduced
7 during the trial of the case. The State must prove the
8 elements beyond a reasonable doubt.

9 Now, I charge you again, ladies and gentlemen, I
10 charged you on the hand of one is the hand of all, I
11 charge you that mere presence at the scene is not
12 sufficient to prove someone guilty of a crime.

13 A defendant's presence where a crime is being
14 committed, or the mere presence with the person who
15 commits the crime does not make a defendant an
16 accomplice, or an aider or abettor of the person
17 committing the crime. The burden is on the State to
18 prove every element of the crime charged.

19 If you find, after reviewing all the evidence, that
20 the State has proved the defendant was only present at
21 the scene of the crime, and that they have not proved
22 beyond a reasonable doubt any other participation in the
23 crime, then you must find the defendant not guilty. The
24 law is that proof of at the scene of the crime is not
25 sufficient to find someone guilty.

1 I charge you, ladies and gentlemen, that in every
2 criminal case, in order to establish criminal liability,
3 or criminal responsibility, criminal intent is required.
4 Let me give you some examples of that. It's the mental
5 state required to be proven by the State for a particular
6 crime. It might be purpose, it might be intent, it might
7 be knowledge, it might be recklessness, it might be
8 criminal negligence. Those are just examples of criminal
9 intent.

10 Criminal intent must be proven by the State beyond
11 a reasonable doubt. Criminal intent is always a matter
12 that must be determined by the jury, from the
13 circumstances surrounding the situation, based on
14 evidence introduced during the trial of the case.

15 Now, ladies and gentlemen, as I told you earlier,
16 there is no way to prove intent to a mathematical
17 certainty. There is no way that medical science can
18 dissect a person's brain and tell what that person had in
19 mind.

20 So the law says, ladies and gentlemen, that
21 criminal intent may be inferred from the circumstances
22 shown to have existed, based on the evidence introduced
23 during the trial of the case. This is how you as a jury
24 make the determination of whether or not any element in
25 any crime requiring intent was present. It is not

1 necessary to establish intent by direct or positive
2 evidence, as if a person speaks words expressing his
3 intent. Intent may be established by inference in the
4 same way as any other fact, by taking into consideration
5 the acts of the parties, and all the facts and

6 circumstances of the case, based on the evidence
7 introduced during the trial of the case.

8 Criminal intent is a mental state, ladies and
9 gentlemen; it is a conscious wrongdoing. It is up to
10 you, based on the evidence, to determine what the
11 defendant intended to do, based on the circumstances
12 shown to have existed in this trial of this case, from
13 the evidence presented during the trial of this case.

14 Now, ladies and gentlemen, Mr. Foreman, you see I'm
15 getting ready to take the three indictments now, and you
16 see what I'm doing. I'm just putting my hand behind them
17 because he knows exactly what to do with them. He's
18 going to want to see you with those indictments.

19 There are three different offenses in this case
20 against the defendant, Terek Rasheed Goodwin. The
21 charges are, the defendant is charged in one indictment,
22 Indictment 2014 at 11, for armed robbery of Monica Sauls.
23 Defendant, Terek Rasheed Goodwin is charged in Indictment
24 Number 2014 at 12, for burglary first degree in the
25 dwelling of Monica Saul, allegedly, in the indictment.

1 The defendant, Terek Rasheed Goodwin, is charged in
2 Indictment 2014 at 13, for the kidnapping of Monica Saul.
3 Each charge is a separate and distinct offense. You must
4 decide each charge separately, on the evidence and the
5 law that applies to it, uninfluenced by your decision on
6 any other charge.

7 You will be asked to write, and I have prepared for
8 you, Mr. Foreman, I'm going to go over a separate verdict
9 of guilty or not guilty on each charge, or for each
10 charge, following the instructions on my verdict form. I
11 will now define the offenses for you.

12 Number one: the defendant is charged with the
13 offense of armed robbery. I order to prove this offense,
14 the State of South Carolina must first prove beyond a
15 reasonable doubt the defendant took personal property
16 from the person or presence of another person.

17 Property is in the presence of a person if it's
18 within the person's reach, inspection, observation, or
19 control, so that the person, if not overcome with
20 violence or prevented by fear, keep possession of the
21 property.

22 The State, for armed robbery, must also prove
23 beyond a reasonable doubt that the defendant carried the
24 property away, intending to deprive the owner of such
25 property, and to keep the property for the defendant's

1 own use. The slightest removal of the property, or the
2 complete possession of the property, even for an instant
3 by the defendant, is sufficient to show a taking and
4 carrying away of the property.

5 The taking and carrying away of the property must
6 have been done with violence, or by putting the owner of
7 the property in fear of violence, for the offense of
8 armed robbery. Finally, for armed robbery, the State
9 must prove beyond a reasonable doubt that the defendant
10 was armed with a deadly weapon during the robbery.

11 A deadly weapon, ladies and gentlemen, is any
12 article, instrument, or substance which is likely to
13 cause death or great bodily harm. Included within the
14 offense of armed robbery is the lesser-included offense
15 of common-law robbery, sometimes referred to as strong-
16 armed robbery. If you find the State has failed to prove
17 beyond a reasonable doubt that the defendant committed
18 armed robbery, you may consider whether the State has
19 proven beyond a reasonable doubt that the defendant
20 committed common-law robbery.

21 In order to prove common-law, or strong-armed
22 robbery, the State must prove beyond a reasonable doubt
23 the defendant took the personal property from the person
24 or presence of another person, without the person's
25 consent, and carried it away.

1 As I charged you earlier, property is in the
2 presence of a person if it is in the person's reach or
3 inspection, observation or control, so that the person
4 could, if not overcome with violence or prevented by
5 fear, retain possession of their property.

6 The State must prove that the person carried -- or
7 that the defendant carried the property away with the
8 intent to permanently deprive the owner of the property,
9 and to convert the property to the defendant's own use.
10 The slightest removal of the property, or the complete
11 possession of the property, even for an instant by the
12 defendant, is sufficient to show a taking and carrying
13 away of the property.

14 The taking and carrying away of the property must
15 have been done with violence, or by putting the owner of
16 the property in fear of violence. So the only difference
17 between common-law, strong-armed robbery and armed
18 robbery is the use of a deadly weapon, as far as the
19 elements of the offenses. There is no element of a
20 deadly weapon in common-law or strong-armed robbery. I
21 charge you that the defendant in this case is charged
22 with the offense of burglary in the first degree. First
23 degree burglary: the State must prove beyond a reasonable
24 doubt that the defendant entered a dwelling without
25 consent. A dwelling is any building or portion of a

1 building in which a person ordinarily sleeps. A building
2 is a dwelling, even if the residents are temporarily
3 absent from the building.

4 In order to prove the defendant entered the
5 dwelling, the State does not have to show that even the
6 defendant's entire body entered the dwelling. The
7 smallest entry is sufficient. It may be any part of the
8 body, such as a hand or a foot, or even an instrument.

9 In addition, the State does not have to prove that
10 force was used to gain entry. So the State first has to
11 prove for first degree burglary beyond a reasonable doubt
12 the defendant entered a dwelling without consent. If a
13 person enters a dwelling by using deception, if a person
14 uses a dwelling by using tricks or misrepresentation to
15 get consent to enter, this is an entry without consent,
16 based on evidence introduced during the trial of the
17 case.

18 Next, for burglary first degree, the State must
19 prove beyond a reasonable doubt the defendant
20 intended to commit a crime, either a felony or a
21 misdemeanor, at the time of the entry into the dwelling
22 without consent. The mere entry into a dwelling without
23 consent is not
24 burglary. If the intent to commit a crime is forged
25 after the entry, it is not burglary.

1 On the other hand, if the defendant intends to
2 commit a crime at the time of the entry, it is burglary,
3 even if the intent was abandoned after the entry into the
4 dwelling. It does not matter that the intended crime was
5 even completed. Intent may be shown, ladies and
6 gentlemen, as I charged you, by acts and conduct of the
7 defendant, and other circumstances, based on evidence
8 introduced during the trial of the case.

9 Finally, for burglary first, the State must prove
10 beyond a reasonable doubt that when entering, while in
11 the dwelling, or when fleeing, the defendant was armed
12 with a deadly weapon.

13 A deadly weapon is any article, instrument, or
14 substance which is likely to cause death or great bodily
15 harm; or the State must prove beyond a reasonable doubt
16 when entering, while in the dwelling, or when fleeing,
17 the defendant displayed what appeared to be a knife, a
18 pistol, a revolver, a rifle, a shotgun, a machine gun, or
19 any other firearm; or when entering the dwelling, the
20 State must prove while entering, while in the dwelling,
21 or when fleeing, the defendant caused physical harm,
22 physical injury, to a person who was not a participant in
23 the crime, for burglary first.

24 I charge you lastly, ladies and gentlemen, the
25 defendant is charged with the offense of kidnapping. And

1 I need to explain this for you, because very often I find
2 people can get confused about this because of the way our
3 state defines this offense and the statute.

4 The State must prove beyond a reasonable doubt that
5 the defendant knowingly and unlawfully seized, confined,
6 inveigled, decoyed, kidnapped, abducted, or carried away
7 another person, without authority of law. To do a thing
8 unlawfully is to do it willfully against the law.

9 Knowingly, ladies and gentlemen, means knowledge,
10 consciously, not accidentally. Seize means to take hold
11 of suddenly, forcibly. Confine means to limit, to
12 restrict, or enclose within bounds, to imprison, or shut
13 or keep in. Inveigle means to lure, entice, or lead
14 astray by false representation or a promise. Decoy means
15 to lure by or as if by decoy -- a decoy is something to
16 entice a person into a trap. Kidnap is to remove a
17 person against his will by unlawful force, or by fraud.
18 Abduct means to carry off secretly, or by force, for an
19 illegal purpose. Carry away means simply to remove.

20 Now, let me emphasize to you here, the State does
21 not have to prove the defendant did all of these things.
22 If you find beyond a reasonable doubt that the defendant
23 did any one of these things, you may find the defendant
24 guilty of kidnapping. And that is, the State must prove
25 beyond a reasonable doubt that the defendant knowingly

1 and unlawfully seized, confined, inveigled, decoyed,
2 kidnaped, abducted, or carried away another person,
3 without authority of law.

4 Something done without authority of law is
5 something which the law does not sanction, the law does
6 not permit, the law does not condone or provide
7 justification for.

8 Now, ladies and gentlemen, I charge you this
9 because I want to make sure you understand that
10 kidnapping does not have to be for any personal or
11 monetary gain, for any illegal purpose, but may be for
12 any reason whatsoever.

13 Now, Mr. Foreman and ladies and gentlemen of the
14 jury, I've prepared a verdict form for you. Pay
15 absolutely no attention to the order in which I wrote the
16 forms of verdict. I obviously had to write one before
17 the other, so the order has no significance whatsoever.

18 You will see that I've done -- I've written the
19 style of the case for you, Mr. Foreman. It's got State
20 of South Carolina, County of Dorchester, in the court of
21 General Sessions, First Judicial Circuit.

22 I put the indictment numbers, I put the style of
23 the case. State of South Carolina versus Terek Rasheed
24 Goodwin. I put verdict form. I listed him as the
25 defendant.

1 Question one: we, the jury, by unanimous consent,
2 find the defendant, Terek Rasheed Goodwin, on the charge
3 of armed robbery in Indictment 2014-GS-18-00011, and the
4 first form of verdict is guilty of armed robbery. If
5 that be your form of verdict, Mr. Foreman, you would
6 place a checkmark on the line beside that form of
7 verdict.

8 The second form of verdict under "Question Two" is
9 not guilty of armed robbery. If that be your form of
10 verdict, Mr. Foreman, you would place a checkmark on the
11 line beside that form of verdict. You must find one form
12 of verdict or the other. You cannot check both, Mr.
13 Foreman; either guilty or not guilty of armed robbery.

14 If you decide that the State has not convinced you
15 beyond a reasonable doubt of the proof of the guilt of
16 the defendant for the offense of armed robbery, you may
17 consider whether or not the State has proven beyond a
18 reasonable doubt defendant is guilty of the offense of
19 the lesser-included offense of common-law or strong-armed
20 robbery. I gave you instruction, I said, if you find the
21 defendant, Terek Rasheed Goodwin, guilty of armed
22 robbery, do not answer Question Two, which is the strong-
23 armed robbery, lesser-included offense question.

24 If you find the defendant, Terek Rasheed Goodwin,
25 not guilty of armed robbery, you must answer Question

1 Two. Question Two is, we, the jury, by unanimous
2 consent, find the defendant, Terek Rasheed Goodwin, on
3 the charge of common-law robbery.

4 The first form of verdict under Question Two is
5 guilt of common-law robbery. If that be your form of
6 verdict, Mr. Foreman, you would check on the line beside
7 that form of verdict. The second form of verdict under
8 Question Two is not guilty of common-law robbery. If
9 that be your form of verdict, you would check the line
10 beside that form of verdict. You must -- if you answer
11 Question Two, you must find one form of verdict or the
12 other, you cannot find both; either guilty or not guilty
13 of common-law robbery.

14 Question Three: we, the jury, by unanimous consent,
15 find the defendant on the charge of burglary first
16 degree, in Indictment 2014-GS-18-00012. And the verdict
17 is either guilty of burglary first degree, or not guilty
18 of burglary in the first degree. The first form of
19 verdict is guilty, you would you place a checkmark on the
20 line beside that form of verdict.

21 The second form of verdict under "Question Three"
22 is not guilty of burglary first degree. If that be your
23 verdict, you would check on the line beside that form of
24 verdict. You must find one form of verdict or the other
25 for "Question Three." You cannot find both. It must be

1 either guilty or not guilty of burglary in the first
2 degree.

3 "Question Four": we, the jury, by unanimous
4 consent, find the defendant, Terek Rasheed Goodwin, on
5 the charge of kidnapping, in Indictment 2014-GS-18 at 13,
6 and this deals with kidnapping, the first form of verdict
7 under "Question Four" is guilty of kidnapping. If that
8 be your form of verdict, you would check on the line
9 beside that form of verdict. The second form of verdict
10 under "Question Four" is not guilty of kidnapping. If
11 that be your form of verdict, the foreman would check for
12 the entire jury on the line beside that form of verdict.

13 Mr. Foreman, you will then sign your name on the
14 verdict form, where it says Foreperson; and you would
15 fill in the date. I've already put June 2019 on here,
16 and at the bottom I wrote in italics for you, please
17 indicate your findings on the appropriate line, and
18 certify the findings with the foreperson's signature.

19 When you have reached a verdict you will knock on
20 the jury room door, inform my bailiffs that you've
21 reached a verdict. We will then bring you back out in
22 the courtroom to publish the verdict. Now, ladies and
23 gentlemen, your verdict must be unanimous. That is, it
24 must be the verdict of each and every one of you. All
25 twelve of you must agree on a verdict.

1 Mr. Foreman, I remind you that even when you come
2 back, after you fill out the verdict form, my law clerk,
3 who is the best law clerk I ever had, David, right back
4 here -- and he is, ladies and gentlemen. I can't brag
5 about him enough, ladies and gentlemen. He stayed --
6 most law clerks only stay one year with a judge. I think
7 I had -- I hate to say this because this dates me, and my
8 sons love to tell me how old I am. They call it way past
9 the speed limit, Dad. But David's been with me for two
10 years, and if I could, I'd keep him until the day I
11 retired. He's great.

12 But I have seen him -- I've seen him chase a
13 foreperson across the courthouse lawn to get them to sign
14 the indictments, so do not leave. Whatever you write on
15 this verdict form, David's going to want you to write on
16 the indictments the exact same words, and sign your name
17 and date it, you understand, on all three indictments.
18 The verdict form will be with you in the jury room.
19 David has the indictments out here.

20 Mr. Foreman and ladies and gentlemen of the jury,
21 I've now charged you on the law to help guide you to a
22 fair and a just result in this case. You're the judges
23 of the facts, based on the evidence, and based on your
24 determination of the facts in this case, and the law as
25 I've explained it to you.

1 You're soon going to begin your deliberations.
2 You've been selected, each of you, as fair and impartial
3 jurors. You took an oath, and you swore or affirmed that
4 you would fairly and impartially try and determine the
5 facts of this case, based on the evidence introduced
6 during the trial of this case. And when you comply with
7 your oath, ladies and gentlemen, no one can criticize
8 your verdict. You are to decide this case based solely
9 on the testimony from that witness, along with any
10 exhibits.

11 Now, we've got several exhibits that required -- you
12 notice you had all these little screens and things.
13 Dorchester is very proud of their screen; they should be.
14 You ought to see what I have in some counties, ladies and
15 gentlemen.

16 I have a screen that's about this big, and it's
17 about forty, fifty feet away from the jury, and they've
18 all got glasses on, trying to look at it, and it's just a
19 pleasure to have this courtroom. I'm proud of Dorchester
20 for having it.

21 But we also have some exhibits which require you to
22 come back into the courtroom in order to play the
23 exhibits, should you so desire. Every other exhibit,
24 other than what you need equipment for, will be with you

1 in your jury room, including your verdict form. All
2 right.

3 So you are to decide this case based solely on the
4 testimony in the case. That's testimony from the witness
5 stand and the exhibits in this case, and if there were
6 any, stipulations in this case.

7 Now, I charge you, ladies and gentlemen, you must
8 decide this case without any bias, without any prejudice,
9 toward either party, either the State or the defendant.
10 You cannot allow yourself to be governed by prejudice for
11 or against any person; you can't allow yourself to be
12 governed by public opinion, or by any other arbitrary
13 factors, such as emotion.

14 Both the defendant and the State of South Carolina
15 have the absolute right to expect that each of you on
16 this jury will carefully and impartially consider all of
17 the evidence in this case, and that you will follow the
18 law as I have instructed it to you to be in reaching your
19 verdict in this case.

20 Now, Mr. Foreman and ladies and gentlemen of the
21 jury, I'm going to ask you to step to your jury room. Do
22 not begin your deliberations yet. I may have to call you
23 back for one final explanation. When it is time for you
24 to begin your deliberations I will, by the bailiff, send
25 my verdict form in to you, along with all the exhibits

1 that you can actually look at in the jury room. And if
2 you need to look at any other ones, all you have to do is
3 let me know, and I will bring you back in the courtroom
4 and use the equipment, just as you did during the trial,
5 for anything you need to see or hear, where you need
6 additional equipment. But do not begin your
7 deliberations until I instruct you to do so by sending in
8 the verdict form and the exhibits.

9 My alternate jurors, I want you to stand up now for
10 me, my three alternates. I want to tell you how much I
11 appreciate your service. You heard me thank the jury.
12 All a judge can ask of a jury is that you listen, that
13 you pay attention. And I watched all fifteen of you
14 during this trial, and each of you did that, and that's
15 all a judge can ask of a jury. No one became sick, or
16 for some reason could not continue to serve. This
17 concludes your service on the case, and on behalf of
18 Dorchester County and this court, I want to thank you
19 very much for your service. Do all of you have your
20 possessions with you? Nobody left anything in the jury
21 room, did they? You did? Tell the bailiff, she'll go
22 get it. What is it?

23 JUROR: My keys and my phone and my purse.

24 BAILIFF: I will get it, Judge.

1 THE COURT: Got a purse in there. All right. She
2 will get that for you. This concludes your service not
3 only for this case, this concludes your service for the
4 week. I told you I was going to get you home early; I've
5 got a lot of non-jury matters. Soon as I finish with you
6 all, ladies and gentlemen, I promise you they've got an
7 awful lot of matters they want me to take care of that
8 don't involve the jury. So I'll be here long after
9 you've gotten home. Remember I told you this was a good
10 week for you to have been selected? Because this would
11 not be a multi-week term of court. Is that it?

12 THE COURT: Now, has everybody got everything? Now,
13 if anybody needs a work excuse, Tonda?

14 MADAM CLERK: They can get that downstairs, in the
15 Clerk's Office.

16 THE COURT: This excellent person right here, and you
17 hear me refer to her as Ms. Tonda Westbury; she does a
18 great job. She says all you need to do is go downstairs
19 to the Clerk's Office, and you can get a work excuse from
20 being on the jury this week. We're going to mail you
21 that exorbitant check that we pay you at the address we
22 sent your summons. How much are we paying them for?

23 TONDA WESTBURY: Twenty-five dollars per day.

24 THE COURT: That's more than four out of my five
25 counties pay, even though I agree that's not enough. But

1 that's more than four to five counties in my circuit pay.
2 They pay twenty. And we will be mailing you a check for
3 your service, and I thank you. You may leave the
4 courtroom at this time, you're excused. You cannot go
5 back in the jury room. Have a great day. Did we treat
6 you okay? Were we good to you? Did you learn something?
7 Did we cause any problems? I'm always looking for a way
8 to make it better. You got any suggestions? I got thick
9 skin. Tell me if we did something wrong. We treat you
10 all right? Thank you, have a nice day. Godspeed.

11 ALTERNATE JURORS EXIT COURTROOM.)

12 THE COURT: All right, ladies and gentlemen. Please
13 retire to your jury room, and I'll let you know in a few
14 minutes whether you need to come back. Don't discuss the
15 case until I instruct you to do so.

16 (JURY EXITS COURTROOM AT 11:55 A.M.)

17 THE COURT: Any exceptions or additions to the
18 charge, from the State of South Carolina?

19 MR. SPEARS: None, Your Honor.

20 THE COURT: Any exceptions or additions to the
21 charge, by the Defendant?

22 MR. KORNEGAY: No, Your Honor.

23 THE COURT: I'm going to ask you both to come
24 forward, go through the exhibits. Certify on the record
25 that you're satisfied that the court reporter has all the

1 exhibits. Let's stipulate which exhibits remain in the
2 courtroom for which they will need equipment to play, and
3 which go to the jury room, and that you have no objection
4 to the bailiff taking the verdict form and the exhibits
5 in to the jury, and telling the jury they may now
6 commence their deliberations.

7 MR. SPEARS: We don't have to send the bullets back,
8 just the gun. But it's also locked, so.

9 THE COURT: Is the key in that lock in that box?

10 MR. SPEARS: Ms. Westbury -- Madam Clerk has the
11 key.

12 THE COURT: If the key -- they can't -- Sheriff
13 Knight can tell you, any law enforcement officer can tell
14 you, they cannot load that gun with that lock in there.
15 But I don't like sending -- now I'm going to tell you all
16 this. Eighteen years ago, I didn't realize I needed to
17 lock the weapon. I sent a pistol to a jury with bullets
18 in the envelope, and they loaded the entire magazine in
19 the jury room, to see if it would work.

20 MR. SPEARS: Wow.

21 THE COURT: And since then, I have never sent a
22 weapon without a lock in it. And I don't like sending
23 the bullets. But if you all can't agree, it's in
24 evidence, it goes back.

25 MR. KORNEGAY: Judge, I don't really have a

1 strong objection.

2 I don't really see why they need the bullets. The
3 bullets don't ---

4 THE COURT: It's in evidence. You should've
5 objected to that when it was introduced.

6 MR. KORNEGAY: No, I was ---

7 THE COURT: That was part of it. That's passed. So
8 there's not an objection to it, it's whether you all
9 agree not to do it. If one side wants it, it goes back.

10 MR. KORNEGAY: Judge, I'd like them ---

11 THE COURT: Because it's evidence.

12 MR. KORNEGAY: Judge, I'd like them to go back.

13 THE COURT: Hmm?

14 MR. CHISOLM: I'd like them to go back.

15 THE COURT: All right.

16 MR. CHISOLM: That's fine.

17 THE COURT: Well, Mr. Chisolm, nice try, but you
18 need to make the timely objection to that. And that was
19 not done at the time of introducing the gun on that
20 ground that the bullet shouldn't go back.

21 But, I frankly think the jury is safe, because we've
22 got a lock and they can't load the gun, Mr. Chisolm. I
23 know your concern is just the safety of the jury,
24 however, I think they're safe. My law enforcement
25 officers in the courtroom tell me they can't load it.

1 Are you all satisfied the court reporter has all the
2 exhibits?

3 MR. SPEARS: Yes, Your Honor.

4 THE COURT: You have any objection to the
5 bailiff taking the verdict form, which I've prepared and
6 explained to the jury, and the exhibits, into the jury
7 room and telling the jury they may now commence their
8 deliberations?

9 MR. SPEARS: None, Your Honor.

10 THE COURT: What exhibits do you want to remain here
11 in the courtroom?

12 MR. SPEARS: Exhibits 1, 2, and 3, Your Honor, must
13 be played in the courtroom.

14 THE COURT: That's State's 1, 2, and 3?

15 MR. SPEARS: State's 1, 2, and 3.

16 THE COURT: All right. Mr. Kornegay, do you have
17 any objection to the bailiff taking the verdict form and
18 telling the jury -- along with the exhibits, and telling
19 the jury they may now commence their deliberations?

20 MR. KORNEGAY: No objection, Your Honor.

21 THE COURT: Do you agree that State's 1, 2, and 3 --

22 MR. KORNEGAY: Your Honor, if I may ---

23 MR. SPEARS: I do ---

24 THE COURT: Hold on a second, now. Let me ask him
25 first, and then you can interrupt. Do you agree State's

1 1, 2, and 3 should remain here, because they don't have
2 the equipment to play it in the jury room?

3 MR. KORNEGAY: I do, Your Honor.

4 THE COURT: All right. Now you can tell me, Mr.
5 Spears.

6 MR. SPEARS: Your Honor, I mis-spoke and I
7 apologize, but the -- I would request that State's 2 and
8 3 go back, because they are referenced in my closing,
9 having the phone number to which they have the
10 information on them, for the jury to see.

11 THE COURT: Oh, that's right. You did argue that.

12 MR. SPEARS: Yes, Your Honor.

13 THE COURT: All right. They can't play it, you
14 understand --

15 MR. SPEARS: I understand that, sir.

16 THE COURT: -- they'd have to bring it out here?

17 MR. SPEARS: Yes, Your Honor.

18 THE COURT: He did show them in his argument the
19 numbers on there, so I'll allow 2 and 3 to go back,
20 and 1 will stay back. Do you understand that, Mr.
21 Kornegay?

22 MR. KORNEGAY: I understand, Your Honor.

23

24 THE COURT: I'd do the same thing if you had done
25 it, but I don't think you were as interested in the text

1 messages as the State was. Would that be a fair
2 statement?

3 MR. KORNEGAY: That's accurate, Your Honor.

4 THE COURT: Yeah, I would think so. All right.
5 Please give the exhibits to my -- you all have a -- We
6 don't have that many.

7 MR. KORNEGAY: Not that many, Your Honor.

8 THE COURT: The biggest thing is all the stuff from
9 Verizon, isn't it? The photographs and -- all right. So
10 the only thing the court reporter is keeping is Exhibit
11 what?

12 MR. SPEARS: 1, Your Honor.

13 THE COURT: No. She says 2.

14 COURT REPORTER: No, I'm sorry. 1.

15 THE COURT: 1? All right. She's keeping Exhibit 1;
16 and State's Exhibits 2 and 3 are going to the jury, even
17 though they can't play the CD's. You got everything now?

18 COURT REPORTER: Yes.

19 THE COURT: Tell the jury they may now commence
20 their deliberations. Counsel, approach.

21 (BENCH CONFERENCE HELD. WHEREUPON, THE COURT
22 TURNS TO OTHER NON-JURY MATTERS. THEREAFTER, AT 1:12
23 P.M., THE FOLLOWING IS HELD ON THE RECORD.)

24 THE COURT: Defendant is now present in the
25 courtroom. The jury is outside. I received two

1 different questions in writing from the jury. I called
2 Counsel to my chambers about each of the questions, and
3 we've agreed on a procedure as to how to respond. I'm
4 going to outline this for the record before we bring the
5 jury in, because needless to say, my lawyers were not
6 able to agree on certain things and were able to agree on
7 others. One of the things I want my interns to learn
8 from this is, judges can't comment about the facts to a
9 jury. You've heard me say that repeatedly. Nor can they
10 comment on the weight of the evidence. It's absolutely
11 forbidden, and it's a reversible error. Unless the
12 lawyers agree, the jury obviously is struggling in this
13 case because the evidence requires equipment in the
14 courtroom, and the written evidence does not completely
15 coincide with what's on the CD. And that, I think, and
16 the lawyers agree in part, raises the questions that
17 we've had. And so, they want to try to assist the jury
18 in some way without any comment on the weight of the
19 evidence and be neutral. What has now been marked
20 without objection as to Court's Exhibit Number 3 is the
21 first question. Does the record of text messages for the
22 defendant have incoming text messages from Ms. McFadden?
23 The lawyers both agree that there is evidence of that in
24 the record. However, I'm not -- just want to point that
25 out and let you know how they're going to answer it. If

1 so, could we have a printout of them? Can we get
2 printouts of text messages to and from Goodwin and Junell
3 Miles? Once again, the lawyers agree that such is in
4 evidence. However, they have agreed that the answer to
5 that questions, both questions, are, you must decide this
6 case based on the evidence presented. However, if you
7 need -- and this brings up the problem that we had right
8 at the end of the trial -- Mr. Spears insisted that I
9 send two exhibits that are CD's, that cannot be played in
10 the back, back to the jury, because during his closing
11 argument he pointed out to them what was written on it.
12 And he wanted them to have the writing on the CD in the
13 jury room. So their answer is: however, if you need to
14 examine any evidence using courtroom equipment, that can
15 be arranged at any time. Have I accurately stated what
16 was agreed on as to Court's Exhibit Number 3, from the
17 State?

18 MR. SPEARS: Yes, Your Honor.

19 THE COURT: From the defendant?

20 MR. KORNEGAY: Yes, Your Honor.

21 THE COURT: Next, we got what is now marked
22 Without objection as Court's Exhibit Number 4: can we
23 see, s/e/e, testimony about who Marty is, Investigator
24 King's testimony while Defense was questioning him? Both
25 of these questions are signed by the foreman, John Haley.

1 As to this question, it is my intention to bring the
2 jury back, tell them my excellent court reporter, Becky
3 Hill, has located a portion of testimony, and Defense
4 Counsel and Solicitor agree as to any bench conference
5 she can fast-forward so that -- you can't hear the bench
6 conference, it's just -- on the tape if you play the
7 audio, and she can fast-forward that.

8 Is that correct, from the State?

9 MR. SPEARS: Yes, Your Honor.

10 THE COURT: Correct, from the defendant?

11 MR. KORNEGAY: Yes, Your Honor.

12 THE COURT: About letting the court reporter fast-
13 forward it. As to that, I'll tell the jury: do you want
14 to hear just the portion of Investigator King's testimony
15 in which the -- and they say -- in which the name Marty
16 is raise; or do you want to hear Investigator's testimony
17 -- Investigator King's testimony, both direct and cross-
18 examination? We'll do whatever you desire. You can have
19 as little or as much as you want. Have I accurately
20 stated what occurred insofar -- in chambers, insofar as
21 answering that question, from the State?

22 MR. SPEARS: Yes, Your Honor.

23 THE COURT: From the defendant?

24 MR. KORNEGAY: Yes, Your Honor.

25 THE COURT: All right.

1 With that, is there anything else before I bring the
2 jury, from the State?

3 MR. SPEARS: Nothing from the State.

4 THE COURT: Hold on. I got another question.
5 Counsel, approach.

6 (BENCH CONFERENCE, OFF THE RECORD AND OUT OF THE
7 PRESENCE OF THE JURY.)

8 THE COURT: Becky?

9 COURT REPORTER: Yes, sir?

10 THE COURT: Mark Court's Exhibit Number 5, without
11 objection; is that right, Solicitor?

12 MR. SPEARS: That is correct, Your Honor.

13 THE COURT: Is that right, Mr. Kornegay?

14 MR. KORNEGAY: That's right, Your Honor.

15 THE COURT: We now have a third question from the
16 jury. Can we get judge's guidance on what constitutes
17 the charges? And I'm going to ask them if they want me
18 to re-publish to them that section of my charge dealing
19 with the three charges that are involved in charging this
20 defendant. And both the State and the defendant agree
21 that that is an appropriate response to that question.
22 Is that correct, from the State?

23 MR. SPEARS: Yes, Your Honor.

24 THE COURT: Is that correct, from the defendant?

25 MR. KORNEGAY: Yes, Your Honor.

1 THE COURT: All right. Do you all want me to
2 include, before I get to -- uh-oh, now where did my armed
3 robbery charge go? David? Where is armed robbery?

4 LAW CLERK: Right here.

5 THE COURT: Do you all want me to include the charges
6 if they ask for it? I begin the charge before I get to
7 the substantive charges of armed robbery, common-law
8 robbery, burglary first, and kidnapping. I explain to
9 them what I call my -- I explained to you all in
10 chambers, my multiple charges charge. It says that
11 they're unaffected by any -- do you want that; that's the
12 lead-in to it, or just the charges?

13 MR. SPEARS: Judge, I'd request the multiple charges
14 charge.

15 THE COURT: Do you have any problem with that?

16 MR. KORNEGAY: I don't have a problem with
17 that, Your Honor.

18 THE COURT: All right.

19 Let the record reflect, I begin with multiple
20 charges and then charge armed robbery, strong-armed
21 robbery or common-law robbery, burglary in the first
22 degree, and kidnapping. All right. With that, unless
23 they bring us another question before I can get them out,
24 I think we're ready. State ready?

25 MR. SPEARS: State's ready, your Honor.

1 THE COURT: Defense ready?

2 MR. KORNEGAY: Yes, Your Honor.

3 THE COURT: Bring us the jury.

4 (JURY ENTERS COURTROOM AT 1:20 P.M.)

5 THE COURT: Mr. Foreman, ladies and gentlemen of the
6 jury, I've received all your notes, and there are certain
7 rules we have to follow in regard to that. So I'm going
8 to take them in the order in which you have presented the
9 questions to me, and understand that I'm limited as to
10 what can and cannot be said in response to questions. I
11 told you that before we started the trial. All right.

12 What's now been marked as Court's Exhibit Number 3,
13 without objection, reads -- I believe I'm reading it
14 correctly, but you let me know, Mr. Foreman, because I
15 assume this is your writing. Is that right?

16 FOREPERSON: Yes, sir.

17 THE COURT: Does the record of text messages
18 For the defendant have incoming text messages from Ms.
19 McFadden? If so, could we have a printout of them? Can
20 we get printouts of text messages to and from Goodwin and
21 Junell Miles?" Signed, John Haley. Have I accurately
22 read your question?

23 FOREPERSON: Yes, sir.

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, you must decide this case based on the evidence

1 presented during the trial of the case. As I told you, I
2 cannot make any comment to you about the evidence in the
3 case.

4 Now, you are the sole judges of the facts in this
5 case. However, if you need to examine any evidence using
6 courtroom equipment, which you don't have back there, and
7 we sent some exhibits to you which require equipment, by
8 agreement of Counsel. If you need to use courtroom
9 equipment, that can be arranged at any time. All you
10 have to do is make that request to me in writing. All
11 right. Do you understand my answer?

12 FOREPERSON: Yes, sir.

13 THE COURT: All right. Now I'm going to turn
14 to what is your second question, which has been marked
15 without objection as Court's Exhibit Number 4.

16 Can we see testimony about who Marty is;
17 Investigator King's testimony while defense was
18 Questioning. Signed, John Haley.

19 Have I accurately read your question?

20 FOREPERSON: Yes, sir.

21 THE COURT: All right. And now, I need to ask you
22 this for purposes of that. Do you want to hear
23 Investigator King's entire testimony? And we'll play as
24 much or as little of any witness's testimony the jury
25 wants. Or just the portion of the testimony on cross-

1 examination, according to your note, that involves the
2 name Marty?

3 FOREPERSON: Sir, I believe it was just from the
4 part that involved Marty, to find out who that individual
5 was.

6 THE COURT: All right. Madam Court Reporter, would
7 you please -- now, we don't make -- you said, "see," in
8 your question. We do not have video, this will be an
9 audio recording made by the court reporter.

10 Madam Court Reporter, would you publish the portion
11 that you believe involves what the jury is asking the
12 question about?

13 COURT REPORTER: Give me just a few seconds, Judge.

14 THE COURT: All right. She's got to cue it up for
15 you because you asked for an excerpt. She's really good
16 at doing this, ladies and gentlemen, but she gets real
17 nervous when I ask her to do this, because she wants to
18 make sure she gets it right. So let's give her a moment.

19 COURT REPORTER: Sometimes my computer does not want
20 to cooperate.

21 THE COURT: You tell me when you're ready. You take
22 all the time you need.

23 COURT REPORTER: Okay. My computer is slow going
24 back, but it's almost there.

25 THE COURT: That's fine.

1 COURT REPORTER: I think sometimes the rain makes it
2 slower.

3 THE COURT: All right. She is ready to play.

4 (WHEREUPON, THE REQUESTED PORTION OF AUDIO IS
5 PUBLISHED TO THE JURY.)

6 THE COURT: Mr. Foreman, has the excerpt played by
7 the court reporter answered your question?

8 FOREPERSON: Yes, sir.

9 THE COURT: All right. Your third question to me,
10 which has been marked Court's Exhibit Number 5, without
11 objection, states, I believe: can we get judge's guidance
12 on what constitutes the charges? Would you like for me
13 to repeat only the portion of my charge that includes the
14 charges against the defendant; is that
15 what you're asking me?

16 FOREPERSON: Yes, sir.

17 THE COURT: All right.

18 THE COURT: As I told each of you earlier, the
19 indictments in this case allege different offenses
20 against the defendant. The charges are, number one: the
21 defendant, Terek Rasheed Goodwin, is charged in
22 Indictment Number 2014 at 11, for armed robbery of Monica
23 Sauls. The defendant, Terek Rasheed Goodwin is charged
24 in Indictment 2014 at 12, for burglary first degree of
25 the dwelling of Monica Sauls.

1 And the defendant, Terek Rasheed Goodwin, is
2 charged in Indictment 2014, 13, for the kidnapping of
3 Monica Sauls. Each charge is a separate and distinct
4 offense. You must decide each charge separately on the
5 evidence and the law as I have charged it to you to be,
6 that applies to it, uninfluenced by your decision as to
7 any other charge.

8 And as I told you and explained to you, and gave
9 you the verdict form, you will be asked to write a
10 separate verdict of guilty or not guilty for each charge,
11 following the instructions on your verdict form. I will
12 now define again for you the offenses. Defendant is
13 charged with armed robbery.

14 In order to prove this offense, the State must
15 first prove beyond a reasonable doubt that the defendant
16 took personal property from the person or presence of
17 another person. Property is in the presence of a person
18 if it is within the person's reach or control, or
19 inspection or observation, so that the person could, if
20 not overcome with violence or prevented by fear, keep
21 possession of the property.

22 The State must also prove for armed robbery beyond
23 a reasonable doubt that the defendant carried the
24 property away intending to permanently deprive the owner
25 of the property, and to keep the property for the

1 defendant's own use. The slightest removal of the
2 property or the complete possession of the property, even
3 for an instant by the defendant, is sufficient to show a
4 taking and carrying away of the property. The taking and
5 carrying away of the property for armed robbery must also
6 have been done with violence, or by putting the owner of
7 the property in fear of violence.

8 Finally, the last element of armed robbery the
9 State must prove beyond a reasonable doubt that the
10 defendant was armed with a deadly weapon during the
11 robbery. A deadly weapon is any article, instrument, or
12 substance which is likely to cause death or great bodily
13 harm. I told you that included within the offense of
14 armed robbery is the lesser-included offense of common-
15 law or strong-armed robbery. If you find the defendant
16 not guilty of armed robbery, you will need to answer the
17 question on your verdict form of whether or not the
18 defendant is guilty or not guilty of the lesser-included
19 offense of strong-armed robbery. Strong-armed or common-
20 law robbery is a lesser-included offense of armed
21 robbery.

22 If you find the State has failed to prove beyond a
23 reasonable doubt that the defendant committed armed
24 robbery, you may consider whether the State has proven
25 beyond a reasonable doubt that defendant committed

1 common-law robbery, or strong-armed robbery; same thing,
2 just different terms for the same offense.

3 In order to prove common-law robbery, the State must
4 prove beyond a reasonable doubt that the defendant took
5 the personal property from the person or presence of
6 another person, without that person's consent, and
7 carried it away; once again, just with armed robbery.
8 Property is in the presence of a person if it within that
9 person's reach, inspection, observation, or control, so
10 that the person could, if not overcome with violence or
11 prevented by fear, retain possession of the property.

12 The State must show that the defendant carried the
13 property away with the intent to permanently deprive the
14 owner of the property, and to convert the property to the
15 defendant's own use. The slightest removal of the
16 property, or the complete possession of the property,
17 even for an instant by the defendant, is sufficient to
18 show a taking and carrying away of the property. The
19 taking and carrying away of the property must have been
20 done with violence, or by putting the owner of the
21 property in fear of violence. I told you that the only
22 difference between armed robbery and strong-armed robbery
23 or common-law robbery was the possession of a weapon
24 during the robbery. Otherwise, the elements are the
25 same, but as an additional element for armed robbery, and

1 that is possession of a weapon. The defendant is also
2 charged with first degree burglary.

3 The State must first prove beyond a reasonable
4 doubt that the defendant entered a dwelling without
5 consent. A dwelling is any building or a portion of a
6 building in which a person ordinarily sleeps. A building
7 constructed as a dwelling that has never been occupied
8 cannot be considered dwelling, for purposes of a
9 burglary. But a building is a dwelling, even if the
10 residents are temporarily absent from the building.

11 In order to prove that the defendant entered the
12 dwelling, the State does not have to show, as I charged
13 you earlier, that the defendant's entire body entered the
14 dwelling. The smallest entry is sufficient. It may be
15 any part of the body, such as a hand or a foot, or even
16 an instrument.

17 In addition, the State does not have to prove that
18 force was used to gain entry for burglary. If a person
19 enters a building by using a trick, by using deception,
20 or misrepresentation to get consent to enter, this is an
21 entry without consent.

22 Next, the State must prove beyond a reasonable
23 doubt that the defendant intended to commit a crime,
24 either a felony or a misdemeanor, any crime, at the time
25 of the entry. The mere entry into a dwelling without

1 consent is not burglary. If the intent to commit a crime
2 is forged after the entry, it is not burglary.

3 On the other hand, if the defendant intended to
4 commit a crime at the time of the entry, it is burglary,
5 even if the intent was abandoned after the entry into the
6 dwelling. It does not matter then that the intended crime
7 was not completed, for purposes of burglary.

8 As I instructed you in my charge to you on criminal
9 intent, intent may be shown by acts and conduct of the
10 defendant from evidence introduced during the trial of
11 the case.

12 Finally, the State must prove beyond a reasonable
13 doubt for burglary in the first degree that when
14 entering, while in the dwelling, or when fleeing
15 from the dwelling, the defendant was armed with a
16 deadly weapon or explosive.

17 A deadly weapon is any article, instrument, or
18 substance which is likely to cause death or great
19 bodily harm; or the State must prove beyond a
20 reasonable doubt when entering the dwelling or when
21 fleeing, the defendant displayed what appeared to be a
22 knife, pistol, revolver, rifle, shotgun, machine gun,
23 or other firearm; or the State must prove beyond a
24 reasonable doubt when entering, while in the dwelling
25 when fleeing, the defendant caused physical injury

1 to a person who is not a participant in the crime.

2 The Defendant is also charged with the offense of
3 kidnapping. The State must prove beyond a reasonable
4 doubt that the defendant knowingly and unlawfully either
5 seized or confined, or inveigled, or decoyed, or
6 kidnaped, or abducted, or carried away another person
7 without authority of law. To do a thing unlawfully is to
8 do it willfully against the law. Knowingly, for purposes
9 of kidnapping, means with knowledge, consciously, not
10 accidentally. Seize means to take hold of suddenly or
11 forcibly. Confine means to limit, restrict, or enclose
12 within bounds; to shut or keep in or imprison. Inveigle
13 means to lure, to entice, to lead astray by false
14 representation, as if to entice a person into a trap.
15 Kidnap is to remove a person against his or her will by
16 unlawful force, or by fraud. Abduct means to carry off,
17 secretly or by force, for an illegal purpose. Carry away
18 simply means to remove. The State does not have to prove
19 that the defendant did all of these things.

20 Instead, if you find from the evidence beyond a
21 reasonable doubt that the defendant did any of these
22 things, you may find the defendant guilty of kidnapping.
23 That is, the defendant knowingly and unlawfully either
24 seized or confined, or inveigled, or decoyed, or
25 kidnaped, or abducted, or carried away another person

1 without authority of law. Something done without
2 authority of law is something which the law does not
3 sanction, permit, condone, or provide justification for.

4 I charge you, ladies and gentlemen, that a
5 kidnapping does not have to be for any personal or
6 monetary gain, for any illegal person?? A kidnapping --
7 or any legal purpose. The kidnapping can be for any
8 purpose whatsoever.

9 Mr. Foreman, I have now charged you the portion of
10 my charge dealing with the three offenses for which the
11 defendant is charged, including the lesser-included
12 offense for armed robbery, or common-law or strong-armed
13 robbery. Have I answered the jury's question as to this
14 question?

15 FOREPERSON: Yes, sir.

16 THE COURT: Mr. Foreman, ladies and gentlemen, of the
17 jury, if you have any further questions or need for any
18 further, please write it on a piece of paper and send it
19 out to me by the foreman. Please retire to your jury
20 room and continue your deliberations.

21 (JURY EXITS COURTROOM AT 1:30 P.M.)

22 THE COURT: Any exceptions or additions to the
23 Court's charge to the jury in response to the questions,
24 from the State of South Carolina?

25 MR. SPEARS: None, your Honor.

1 THE COURT: From the defendant?

2 MR. KORNEGAY: No, Your Honor.

3 THE COURT: All right. Counsel, I'm going to give
4 Becky all three of the questions that we've given the
5 jury. The record speaks for the responses, and they are
6 all marked as Court's exhibits, without objection. Is
7 that correct, Solicitor?

8 MR. SPEARS: Yes, Your Honor.

9 THE COURT: Correct, Mr. Kornegay?

10 MR. KORNEGAY: Yes, Your Honor.

11 THE COURT: My lawyers in the case we're trying,
12 please approach the bench.

13 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
14 HEARING OF THE JURY.)

15 THE COURT: First of all, Mr. Chisolm, I'm going to
16 make this note a Court's exhibit. It'll be Number 6.
17 Any objection?

18 MR. CHISOLM: No, sir.

19 THE COURT: Solicitor, any objection to Court's
20 Exhibit Number 6?

21 MR. SPEARS: None, sir.

22 THE COURT: Without objection, Becky.

23 COURT REPORTER: Okay.

24 THE COURT: Now, who's going to run the equipment?
25 You all agree the Solicitor is? You want to go over and

1 run it, Mr. Chisolm? I'll let you put your finger on the
2 button right beside the Solicitor's, since you all
3 haven't agreed on anything else. Well?

4 MR. CHISOLM: Your Honor, I ---

5 THE COURT: Do you want to punch the button with the
6 solicitor?

7 MR. CHISOLM: I mean, I can run it, Your Honor. I
8 don't have a problem with him running it, either.

9 THE COURT: All right.

10 MR. CHISOLM: I mean, it's just scrolling.

11 THE COURT: Mr. Spears, come get it. Stand right
12 here because I'm going to tell the jury and then hand it
13 to you, and you run the equipment. John, you can go over
14 there while he runs it. And if you think he's doing
15 something improper you tell me to stop. Bring us the
16 jury.

17 (JURY ENTERS COURTROOM AT 2:05 P.M.)

18 THE COURT: Mr. Foreman, I got a note from you that
19 reads, I believe: we would like to view the contents of
20 the CD with Junell Miles' text messages. Have a read
21 that correctly?

22 FOREPERSON: Yes, sir.

23 THE COURT: My understanding is they're contained on
24 both State's Exhibit 2 and 3. You want to hear all or
25 portions?

1 FOREPERSON: We wanted to see the text messages
2 immediately before the incident, and after.

3 THE COURT: Counsel, approach. Give me a moment,
4 now.

5 (BENCH CONFERENCE HELD OFF THE RECORD AND OUT OF
6 HEARING OF THE JURY.)

7 THE COURT: Mr. Foreman, I'm giving them a minute
8 because they're going to have to use the equipment in
9 order to try to answer what they believe is your
10 question. Just before and after. Is that right?

11 FOREPERSON: Yes, sir.

12 THE COURT: All right.

13 FOREPERSON: And it would be conversations between -
14 --

15 THE COURT: I can't make any other comment other
16 than what you've asked me. I've got to stop -- you got
17 another question, though, you write it down and send it
18 to me. You haven't hesitated to do so, so far.

19 FOREPERSON: All right.

20 MR. SPEARS: Ready, Your Honor.

21 THE COURT: You ready? Ladies and gentlemen, we're
22 now going to try to respond to the question that the
23 foreman has explained to me. Please listen carefully.
24 Screen to your right, or in front of you.

25 (JURY BEGINS WATCHING EXHIBIT NUMBERS 2 AND 3.)

1 THE COURT: You ready to move on?

2 FOREPERSON: Yes, sir.

3 THE COURT: Mr. Foreman?

4 FOREPERSON: Yes, sir.

5 THE COURT: Solicitor, they're ready to move on.

6 FOREPERSON: We're ready, sir.

7 THE COURT: Is there anything else?

8 MR. SPEARS: Nothing, your Honor.

9 MR. KORNEGAY: No, Your Honor.

10 THE COURT: All right. Mr. Foreman, have we
11 answered your question?

12 FOREPERSON: Yes, sir.

13 THE COURT: I'll ask you to return to your jury
14 room. You can just leave them up; we'll take care of
15 them. And continue your deliberations. We're going to
16 keep -- ladies and gentlemen, just so you understand,
17 Counsel, you wanted the exhibit back in the jury room; or
18 are you all satisfied to leave it out here, in case they
19 want to see anything else?

20 MR. SMYTHE: We're satisfied with whatever the jury
21 likes, judge.

22 THE COURT: You satisfied?

23 MR. KORNEGAY: I am, Your Honor.

1 THE COURT: We'll keep these exhibits out here. You
2 have the rest of them back there. Please continue your
3 deliberations.

4 (JURY EXITS COURTROOM.)

5 THE COURT: Any exceptions or additions to the
6 Court's comments to the jury, from the State?

7 MR. SPEARS: None, your Honor.

8 THE COURT: From the defendant?

9 MR. KORNEGAY: No, your Honor.

10 THE COURT: All right, Counsel.

11 (OFF THE RECORD AT ??) (BACK ON THE RECORD AT ??)

12 THE COURT: Please be seated. Solicitor, counsel for
13 the defendant, I understand from the bailiffs that the
14 jury has reached a verdict. Anything from the State
15 before we publish the verdict?

16 MR. SPEARS: Nothing, Your Honor.

17 THE COURT: From the defendant?

18 MR. KORNEGAY: No, Your Honor.

19 THE COURT: Now, ladies and gentlemen, I'm happy for
20 everyone to stay when we publish this verdict, but I will
21 not tolerate any outbursts. There will be no clapping,
22 there we be no ha! No sounds. This jury deserves
23 respect. They've worked hard in the trial of this case.
24 If you can't control your emotions, leave this courtroom
25 now, because I will enforce that rule with the contempt

1 powers of this court. Everyone understand that? Very
2 well. No one in or out, Smitty. Bring us the jury,
3 please.

4 BAILIFF: Yes, sir.

5 (JURY ENTERS COURTROOM.)

6 THE COURT: Has the jury reached a verdict?

7 FOREPERSON: We have, sir.

8 THE COURT: If you would give it my clerk, please.

9 MADAM CLERK: Do you want to see it first, Judge?

10 THE COURT: Yes.

11 MADAM CLERK: Thank you.

12 THE COURT: You may publish the verdict.

13 MADAM CLERK: Yes, sir. In the matter of State of
14 South Carolina versus Terek Rasheed Goodwin, we, the
15 jury, by unanimous consent, find the defendant, Terek
16 Rasheed Goodwin, on the charge of armed robbery, on
17 Indictment 2014-GS-18-00011, not guilty of armed robbery.

18 We, the jury, by unanimous consent, find the
19 defendant, Terek Rasheed Goodwin, on the charge of
20 common-law robbery, guilty of common-law robbery.

21 We, the jury, by unanimous consent, find the
22 defendant, Terek Rasheed Goodwin, on the charge of
23 burglary first degree, in Indictment 2014-GS-18-00012,
24 guilty of burglary first degree.

1 Number four: we, the jury, by unanimous consent,
2 find the defendant, Terek Rasheed Goodwin, on the charge
3 of kidnapping in Indictment 2014-GS-18-00013, guilty of
4 kidnapping.

5 Signed by foreperson, John Haley, dated June 12,
6 2019.

7 THE COURT: Ladies and gentlemen of the jury, if
8 this be your verdict as published by the Clerk of Court,
9 please signify by raising your right hand. Thank you.
10 Let the record reflect twelve hands were raised in
11 response to my question. Counsel for the defendant, is
12 there anything further from this jury before I excuse the
13 jury?

14 MR. KORNEGAY: Nothing from the defense, Your Honor.

15 THE COURT: Mr. Foreman and ladies and gentlemen of
16 the jury, I want to thank you for your service. This
17 concludes your service for the week, and if you listened
18 to me you also know that you are exempt now from jury
19 service for three years, if the computer were to select
20 you during the next three years for jury service, by
21 virtue of your service this week.

22 If anyone needs a work excuse from serving on the
23 jury this week, all you need to do is go down -- you've
24 got them upstairs. Well, my bailiff's already got them
25 for you, so we'll provide work excuses. We're going to

1 be mailing you -- and here comes my law clerk. I told
2 you he wasn't going to miss you.

3 We're going to be mailing each of you a check,
4 which Tonda tells me is twenty-five dollars for each day
5 you've been here. I don't want anybody to get too
6 excited about the amount of money they're going to
7 receive. We'll mail that to the same address we sent
8 your summons.

9 Now, ladies and gentlemen, before I excuse you I
10 want you to understand what's going to take place. The
11 foreman is obviously writing the same things -- and
12 David, on the armed robbery he's going to have to put
13 guilty of common-law, strong-armed. He's going to have
14 to write that in, because it's not on the indictment. I
15 want you to understand that sentencing is my province,
16 not yours.

17 Sentencing is going to take place in this case
18 immediately. If you'd like, you can stay in your jury
19 box; you can go downstairs and have a seat in the
20 courtroom. We invite you to stay if you'd like to say.
21 It's a public proceeding. We're happy for you to do so.
22 You certainly don't have to stay if you don't want to.
23 Many times, my jurors want to stay because they want to
24 see sentencing. You may find that you learn things that
25 you didn't learn at the trial by staying for sentencing.

1 On the other side of that fence, we've kept you this
2 week, and I promised you I'd get you home early and on
3 time. We got it, David?

4 LAW CLERK: Yes, sir.

5 THE COURT: Good deal. I told you he'd come to
6 you, Mr. Haley. He doesn't like to have to chase them
7 across the parking lot, and I appreciate you signing your
8 name on the indictments. So your check's in the mail,
9 they have excuses for work excuse.

10 Now, is there anybody on the jury -- I never can
11 answer a question. You all didn't understand all the
12 rules. When you ask a question of the judge during a
13 trial, a judge can't comment. I can't say, "Oh, yeah,
14 that's in evidence, and it's right here," because that's
15 commenting on the evidence. And that's why I can only
16 just direct you as to what you ask me, because I can't
17 make any comment to you. You all understand? It's
18 frustrating for me, too. I'd like to say, "Oh, yeah, I
19 know exactly what you're talking about; I can show you
20 where Mr. Miles' text messages are." However, I can't do
21 that. And believe me, the lawyers are right to say,
22 they're doing their job for their client.

23 So I want you to understand why, maybe if you
24 thought, "Gosh, Judge Buckner's being real formal about
25 telling me to write everything down." I have to have a

1 chance to rule on any question that you ask, just like I
2 would any question asked by either one of the attorneys.
3 Now, did we treat you okay?

4 FOREPERSON: Yes, sir.

5 THE COURT: Did we?

6 (RESPONSES FROM JURY.)

7 THE COURT: I'm always looking for a way to improve
8 how we handle the jury. Anybody have a problem, or got a
9 suggestion to me as to how I can improve it? You tell
10 me, because I can promise you I'll try to make it better.
11 Don't be hesitant when you get home and you say, "Man,
12 they kept me too long." Or "Man, Judge Buckner didn't
13 start on time." Or, "He told me to be there and he made
14 me wait, and I had to wait all the time." And that is
15 the frustrating part of our job. You don't know how many
16 times I finally get to the end of a situation, and then I
17 find out that my jurors are still using the bathroom.
18 And I have to wait, or find out that the defendant's not
19 present; or one of the lawyers has gone to the bathroom;
20 or my bailiffs are not there because they've been asked
21 to go to another courtroom.

22 So there's so many things that can affect the
23 timing of a trial. We try to keep it moving once you're
24 here, because we realize you've left your home, you've
25 left your jobs, you've left your family. We understand

1 you didn't ask for this service. We subpoenaed you to
2 come, and we try to be mindful of your time.

3 All I can do -- you heard me tell the alternate
4 jurors -- all a judge can do is watch the jury, and
5 that's what I did. And each one of you listened and
6 listened carefully, and that's all I can ask of a jury.
7 On behalf of Dorchester County and this Court, I want to
8 thank you for your service. Without you, ladies and
9 gentlemen, justice cannot be accomplished in a courtroom,
10 and I thank you very much for your service in this case.

11 Now, anybody have a question or a problem they want
12 to tell me about? Now is the time. I know you want to
13 get home, but now is the time to help me make it better.
14 If anybody's got a question or a problem, let me know.
15 Don't be bashful. You're not bashful at home, are you?
16 I can promise you, the people in my house aren't. They
17 tell me -- you know what my wife's favorite line is? My
18 jurisdiction ends at the doorstep. You understand that?
19 Anybody had a question or a problem? With that, then, I
20 thank you for those people that want to leave, get a work
21 excuse, you can leave at this time. If you want to stay
22 for sentencing, you can stay in your seat, or come and
23 have a seat in the courtroom, either way. Thank you very
24 much. You're excused now for the balance of the entire
25 week.

1 (JURY DISMISSED?? EXIT COURTROOM??)

2 THE COURT: Counsel, post-trial, post-verdict
3 motions, from the defendant.

4 MR. KORNEGAY: Your Honor, we would just renew our
5 previous motions from the trial.

6 THE COURT: And for the reasons I stated at the
7 close of the State's case, and in the pretrial motions
8 prior to the trial, I respectfully decline to change my
9 rulings.

10 MR. KORNEGAY: Thank you, Your Honor.

11 THE COURT: Solicitor, please prepare a sentence
12 sheet, and please come forward with your client for
13 sentencing. You already got it?

14 MR. SPEARS: Yes, Your Honor. May I approach?

15 THE COURT: David, you got the indictments?

16 LAW CLERK: I gave them back to Tonda.

17 THE COURT: All right. Before we begin, and for
18 purposes of my jurors, I want to hear from you, Mr.
19 Kornegay, and obviously from the defendant; and obviously
20 I'll hear from any of the victims if they want to be
21 heard in connection with this. I want my jurors to be
22 able to hear. I want everybody -- we'll at least agree --
23 -- first of all, kidnapping is a max of thirty years. Do
24 you agree, Solicitor?

25 MR. SPEARS: Yes, Your Honor.

1 THE COURT: Mr. Kornegay?

2 MR. KORNEGAY: Yes, Your Honor.

3 THE COURT: Burglary first is up to life
4 imprisonment, not less than fifteen years. You agree,
5 Solicitor?

6 MR. SPEARS: Yes, Your Honor.

7 THE COURT: You agree?

8 MR. KORNEGAY: I do, Your Honor.

9 THE COURT: Common-law robbery, Solicitor. I mean,
10 common-law -- yeah, common-law robbery.

11 MR. SPEARS: Up to fifteen, Your Honor.

12 THE COURT: Do you agree it's fifteen?

13 MR. KORNEGAY: I do, Your Honor.

14 THE COURT: And you agree that both burglary
15 first and kidnapping are violent? You are sure they are
16 most serious?

17 MR. SPEARS: Yes, Your Honor.

18 THE COURT: And defense?

19 MR. KORNEGAY: Yes, Your Honor.

20 THE COURT: David, is burglary first and kidnapping
21 a no-parole offense?

22 MR. SPEARS: I believe burglary first is. I'm not
23 sure about the kidnapping, Your Honor.

24 THE COURT: David?

25 LAW CLERK: I believe it is.

1 THE COURT: So it's fifteen years max on the
2 strong-armed robbery; thirty years max on the kidnapping;
3 and up to life, not less than fifteen years, on the
4 burglary first. Is that correct, Solicitor?

5 MR. SPEARS: Yes, Your Honor.

6 THE COURT: Is that correct, Mr. Kornegay?

7 MR. KORNEGAY: That is, Your Honor.

8 THE COURT: Kidnapping is a no-parole offense. All
9 right. Now, I've heard the evidence in this case. But
10 Solicitor, in order to give them a chance to respond,
11 I'll be happy to hear anything you'd like to tell me.
12 Obviously the jury doesn't know anything -- the defendant
13 did not testify in this case, and I charged the jury they
14 were not to give that any consideration. I obviously
15 would want them to know his prior record, and I'm happy
16 to hear from any victims that want to tell me anything
17 they want to tell me.

18 MR. SPEARS: Thank you, Your Honor. May it please
19 the Court?

20 THE COURT: Yes, sir.

21 MR. SPEARS: Your Honor, I've been told that the
22 victims, Kevin and Monica Sauls, do not wish to speak,
23 but they wish to me to relay to the Court the request for
24 the max, the maximum sentence on each charge.

1 Judge, in regards to a record, this was expressed
2 before, but I think it bears repeating. His two charges
3 are a 2001 carrying a weapon on school property, and a
4 2003 possession of a stolen pistol; both involving a
5 weapon, also which was included in this crime, too.
6 There's serious concern about the dangerous nature of
7 this crime. We reflect the victim's request on this.
8 I'll leave it to the Court's discretion other than that.

9 THE COURT: Well, Solicitor, is the State
10 recommending a sentence? I understand what the victims
11 want. I certainly understand Ms. Sauls and the situation
12 she faced here. And I've listened carefully to her
13 testimony, and certainly know what's been presented. Is
14 there anything else you want to tell me, for purposes of
15 sentencing, from the State?

16 MR. SPEARS: Judge, if the State was going to
17 recommend anything, we would request nothing less than
18 thirty years.

19 THE COURT: Very well. Mr. Kornegay, I'm happy now
20 to hear from you.

21 MR. KORNEGAY: Thank you, Your Honor. May it please
22 the Court? Your Honor, Mr. Goodwin is thirty-six years
23 old. He has two kids, a ten-year-old and a five-year-
24 old. In school he went through the tenth grade. Most
25 recently, Judge, Mr. Goodwin has been working at Billy's

1 Tires. I've actually spoken with his employer multiple
2 times. He tells me he's an excellent worker; that he's
3 worked his way up to being a supervisor there. He
4 actually wrote me a letter for a previous court motion,
5 but if I could pass that up to Your Honor.

6 THE COURT: Any objection, Solicitor?

7 MR. SPEARS: No, Your Honor.

8 THE COURT: You want to mark it as an exhibit, John?

9 MR. KORNEGAY: Yes, Your Honor. I could.

10 THE COURT: Becky, mark it Defendant's Number 1, for
11 purposes of sentencing, without objection. I'm being
12 handed on the stationery of Billy's Tires in Saint George
13 a letter that is typed in the name at the bottom, Billy
14 Adams. It's written on behalf of the defendant Terek
15 Goodwin.

16 MR. KORNEGAY: And Your Honor, just to clarify, he
17 wrote that letter because Mr. Goodwin was on a curfew
18 while out on bond. He never had any issues while out on
19 curfew, but because of the hours, Mr. Adams was
20 requesting that the Court modify that curfew in order to
21 spend more hours working for him.

22 THE COURT: All right. So that everyone in the
23 courtroom understands what Mr. Kornegay is telling me,
24 Mr. Goodwin was out on bond. Bond was set at three
25 hundred thousand dollars, by Judge Dixon. He was

1 required to have GPS monitoring. And according to this
2 letter, which is their Exhibit Number 1, he -- this is
3 telling me that he worked for Billy's Tires in Saint
4 George. It's on the Charleston Highway, and he was a
5 supervisor, and their hours of operation were 7:00 a.m.
6 to 11:00 p.m., and that he needed to be available for
7 both shifts.

8 However, the GPS monitoring, the ankle bracelet on
9 his leg, prevents him from being because he had a curfew,
10 to be where needed. And it would be a great benefit to
11 the business and to his boss, who is Mr. Adams, who
12 signed this letter, if it could be removed so he could do
13 his job to the fullest. He did not believe he was a
14 flight risk, which was one of the conditions we look at
15 for bond. And he has been doing the job for him for the
16 past two years, and he says he's the best employee that
17 he has.

18 All right, Mr. Kornegay. I've read your exhibit.
19 What else you want to tell me?

20 MR. KORNEGAY: Thank you, Your Honor. I would just
21 point out to the Court that Mr. Goodwin has several
22 friends and family in court today supporting him. I have
23 spoken to them. They do not want to address Your Honor,
24 but I would just like to note for the Court's --
25

1 THE COURT: I'm aware that his family has sat behind
2 him during the trial of this case.

3 MR. KORNEGAY: And Your Honor, we understand the
4 State is requesting thirty years, and I understand -- and
5 Mr. Goodwin understands that the least he could get today
6 is fifteen years. We would ask for any consideration
7 that you feel like you can give Mr. Goodwin.

8 THE COURT: Mr. Goodwin, I'll be happy now to hear
9 from you. Is there anything you'd like to tell me prior
10 to sentencing? I'm happy to hear from you.

11 DEFENDANT GOODWIN: No, Your Honor. No, sir.

12 THE COURT: All right. Anything further, Mr.
13 Kornegay?

14 MR. KORNEGAY: Nothing, Judge.

15 THE COURT: Anything further, Solicitor?

16 MR. SPEARS: Nothing, Your Honor.

17 THE COURT: Now, let me say to the people in the
18 courtroom, obviously Mr. Goodwin faces a sentence of up
19 to life imprisonment for burglary first, because that's
20 the highest degree of burglary in our state. And even
21 though the jury and Mr. Kornegay and Mr. Chisolm have
22 already discussed this, ladies and gentlemen, they know
23 that burglary first can be reached even when the verdicts
24 are not inconsistent. Meaning you can find him guilty of
25 strong-armed robbery, and still find him guilty of

1 burglary first, because an assault on a person that was
2 not a participant in the crime gets you to burglary
3 first. You don't have to use a deadly weapon, and you
4 found no deadly weapon was involved for robbery. And I
5 wanted to point that out to you, that's the reason I
6 explained that in my charge to you.

7 On the other side of that fence, I have case here
8 which was a home invasion of Ms. Sauls. I can't think of
9 anything that requires greater sanctity greater than
10 one's home. We all like to think that we are safe when
11 we are in our home. We all like to believe that we're
12 safe from someone coming in our home and putting a gun on
13 us, and taking our property from us. And I do
14 understand, Ms. Sauls, although you asked me for the max,
15 which is life imprisonment, I also understand, Ms. Sauls,
16 that I have to take into account his prior record. And
17 you see he has a record involving a gun. Stolen pistol,
18 right, Solicitor?

19 MR. SPEARS: Yes, Your Honor.

20 THE COURT: And what was the other one?

21 MR. SPEARS: Possession of a weapon on school
22 property.

23 THE COURT: And possession of a weapon on school
24 property. All of those things are factors. I take into
25 consideration what Mr. Kornegay properly pointed out,

1 that his boss says he's the best employee he's got, while
2 he's been out on bond. He hasn't had any problems while
3 he's been out on bond. All of those factors go into
4 deciding what type of sentence.

5 I don't blame any victim for wanting the maximum
6 sentence when their home was invaded, because I dare say
7 that most people feel that way. On the other side of
8 that fence, I also have to listen to both sides of this
9 equation, because there are always factors, both pro and
10 con, in sentencing. That is not the province of the
11 jury. That's my job, ladies and gentlemen. All right.

12 First of all, on Indictment 2014-GS-18-00013, the
13 State versus Terek Rasheed Goodwin, the jury found him
14 guilty of kidnapping, and I believe there was ample
15 evidence to support that verdict, the sentence of the
16 Court is defendant is committed to State Department of
17 Corrections for a term of thirty years.

18 On Indictment 2014-GS-18-00012, burglary first
19 degree, the sentence of the Court is defendant is
20 committed to the State Department of Corrections for a
21 term of thirty years.

22 On Indictment 2014-GS-18-00011, common-law robbery
23 was the jury's verdict. The sentence of the Court is
24 defendant is committed to the State Department of
25 Corrections for a term of fifteen years. Sentences will

1 run concurrent to each other. The defendant is to given
2 credit for time that is served, pursuant to South
3 Carolina Code Section 24-13-40. That is to be calculated
4 and applied by the South Carolina Department of
5 Corrections. Thank you very much. This concludes this
6 matter. Tonda, give this to Court Reporter. This is
7 Defendant's Number 1, for sentence sheet.

8 THE COURT: Becky, let the record reflect that on
9 Indictment 2014-GS-18-0013, which was the indictment for
10 kidnapping, I'm making a note on the sentencing sheet
11 that it is not a sexually-related offense. I have shown
12 that to counsel for the defendant and counsel for the
13 State. They're both in agreement that that is the
14 appropriate language placed on there. This concludes the
15 matter. Thank you very much for your service. Everyone
16 else remain seated while the rest of my jurors are
17 leaving.

18 (JURY EXITS COURTROOM AT 4:00 P.M.)

19 THE COURT: The defendant's in custody. If you
20 need to step up and step out, do so now. Court's still
21 in session. We're going forward.

22 (THIS COMPLETES THE TRIAL IN THIS CASE.)
23
24
25

STATE OF SOUTH CAROLINA)

)

CERTIFICATE

COUNTY OF COLLETON)

I, REBECCA H. HILL, Official Court Reporter for the Judicial Department of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had in the hearing of the captioned case, in the Court of General Sessions for Dorchester County, South Carolina, on the 10th through 12th day of June 2019.

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

June 4, 2020

Rebecca H. Hill

Rebecca H. Hill
Official Court Reporter

STATE OF SOUTH CAROLINA

401

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester
 STATE VS.
Terek Rasheed Goodwin
 AKA:
 Race: BLACK Sex: M Age: 36
 DOB: SS#
 Address:
 City, State, Zip: Harleyville, SC 29448-3513
 DL#: SID#

INDICTMENT/CASE#: 2014GS180011A/W#: 2013A1810301010Date of Offense: 12/9/2013S.C. Code §: 16-11-330(A)CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Common Law Robbery, Strong Arm Robbery☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-325 of the S.C. Code of Laws, bearing CDR Code # 0137☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

102370
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014GS1800013; 2014GS1800002☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$
 § 14-1-206 (Assessments 107.5%) \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$
 Proviso (Public Def/Probation) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 14-1-213 (Drug Court Surcharge) \$150 \$
 § 50-21-114 (BUI Breath Test Fee) \$50.00 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$ 3.75

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

Judge Code: 2122Sentence Date: 6/12/2014

WITNESSES

J King

Dorchester County Sheriff
13-014468

ARREST WARRANT NUMBER
2013A1810301010

Arrested: December 18, 2013

ACTION OF GRAND JURY

TRUE BILL

Richard O'Leary
Foreperson of Grand Jury
Date: April 3, 2014

VERDICT
GOVERNMENT COMMON LAW ROBBERY
[Signature]
6-12-2014

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS180011

The State of South Carolina
County of DORCHESTER

COURT OF GENERAL SESSIONS

April 7, 2014 TERM

THE STATE
vs.

Terek Rasheed Goodwin

Indictment for
ARMED ROBBERY

SC Code: 16-11-330(A)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

402

2014 APR -3 PM 2:39
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

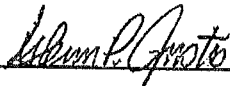
INDICTMENT
2014GS180011

At a Court of General Sessions, convened on April 7, 2014 the Grand Jurors of
Dorchester County present upon their oath:

ARMED ROBBERY

That on or about December 9, 2013, in Dorchester County, the defendant, Terek Rasheed Goodwin did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim, Monica Saul, with the intent to permanently deprive the victim of possession of the goods or monies. Such weapon or alleged weapon described as a pistol. This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

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


Glenn P. Justis, Solicitor

STATE OF SOUTH CAROLINA

404

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester
STATE VS.Terek Rasheed GoodwinINDICTMENT/CASE#: 2014GS180012A/W#: 2013A1810301011Date of Offense: 12/9/2013S.C. Code § 16-11-311CDR Code #: 0079

AKA:

Race: BLACK Sex: M Age: 36DOB: SS#

Address:

City, State, Zip: Harleyville, SC 29448-3513DL#: SID#*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary - First Degree☒ CONVICTED OF or ☐ PLEADS

SENTENCE SHEET

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 102370
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014GS1800011; 2014GS00013☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$300
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL \$ 128.75Clerk of Court/ Deputy Clerk: Cheryl GrahamCourt Reporter: Rebecca Hodge

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.Presiding Judge: [Signature]Judge Code: 2122 Rebecca M. BucherSentence Date: 6/12/2019

WITNESSES

J King

Dorchester County Sheriff

13-01468

ARREST WARRANT NUMBER
2013A18T0301011

Arrested: December 18, 2013

ACTION OF GRAND JURY

TRUE BILL

Rachel Henderson
Foreperson of Grand Jury
Date: April 3, 2014

VERDICT

Guilty
[Signature]
6-12-2014

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS180012

The State of South Carolina
County of DORCHESTER

COURT OF GENERAL SESSIONS

April 7, 2014 TERM

THE STATE
vs.

Terek Rasheed Goodwin

Indictment for

BURGLARY - FIRST DEGREE

SC Code: 16-11-311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

405

Witness:

C.C.C. PLS. AND G.S.

FILED - RECORD...

2014 APR -3 PM 2:39

CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

INDICTMENT
2014GS180012

At a Court of General Sessions, convened on April 7, 2014 the Grand Jurors of
Dorchester County present upon their oath:

BURGLARY - FIRST DEGREE

That in Dorchester County, South Carolina, on or about December 9, 2013, the
Defendant, Terek Rasheed Goodwin, did willfully and unlawfully enter the
dwelling of Monica Saul, without consent and with the intent to commit a crime
therein and the defendant did armed with a deadly weapon and physical
assaulted the victim. This offense being a violation of Section 16-11-311 of the
South Carolina Code of Laws, as amended.

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



Glenn P. Justis, Solicitor

STATE OF SOUTH CAROLINA

407

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dorchester
 STATE VS.
Terek Rasheed Goodwin
 AKA:
 Race: BLACK Sex: M Age: 36
 DOB: SS#:
 Address:
 City/State/Zip: Harleyville, SC 29448-3513
 DL#: SID#:

INDICTMENT/CASE#: 2014GS180013A/W#: 2013A1810301012Date of Offense: 12/9/2013S.C. Code §: 16-3-910CDR Code #: 0095

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Kidnapping☒ CONVICTED OF or ☐ PLEADSin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

102370
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014GS180012; 2014GS180011☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(U) (Vehicle Assessment)	\$40/ea

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk Cheryl GrahamCourt Reporter: Rebecca Hill

SCCA/217 (04/2018)

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: NOT A SEXUALLY
 RELATED OFFENSE☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge J. L. B.Judge Code: 2122 Perry M. TuckerSentence Date: 9/12/2019

DOCKET NO. 2014GS180013

The State of South Carolina
County of DORCHESTER

WITNESSES

J King

Dorchester County Sheriff

13-014458

ARREST WARRANT NUMBER
2013A1810301012

Arrested: December 18, 2013

ACTION OF GRAND JURY

TRUE BILL

Michael Harbison
Foreperson of Grand Jury
Date: April 3, 2014

VERDICT

GUILTY
[Signature]
6-12-2014

Foreperson of Petit Jury
Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

408

2014 APR -3 PM 2:39
CLERK OF COURT
DORCHESTER COUNTY

THE STATE
vs.

Terek Rasheed Goodwin

Indictment for
KIDNAPPING

SC Code: 16-3-910

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

INDICTMENT
2014GS180013

At a Court of General Sessions, convened on April 7, 2014 the Grand Jurors of
Dorchester County present upon their oath:

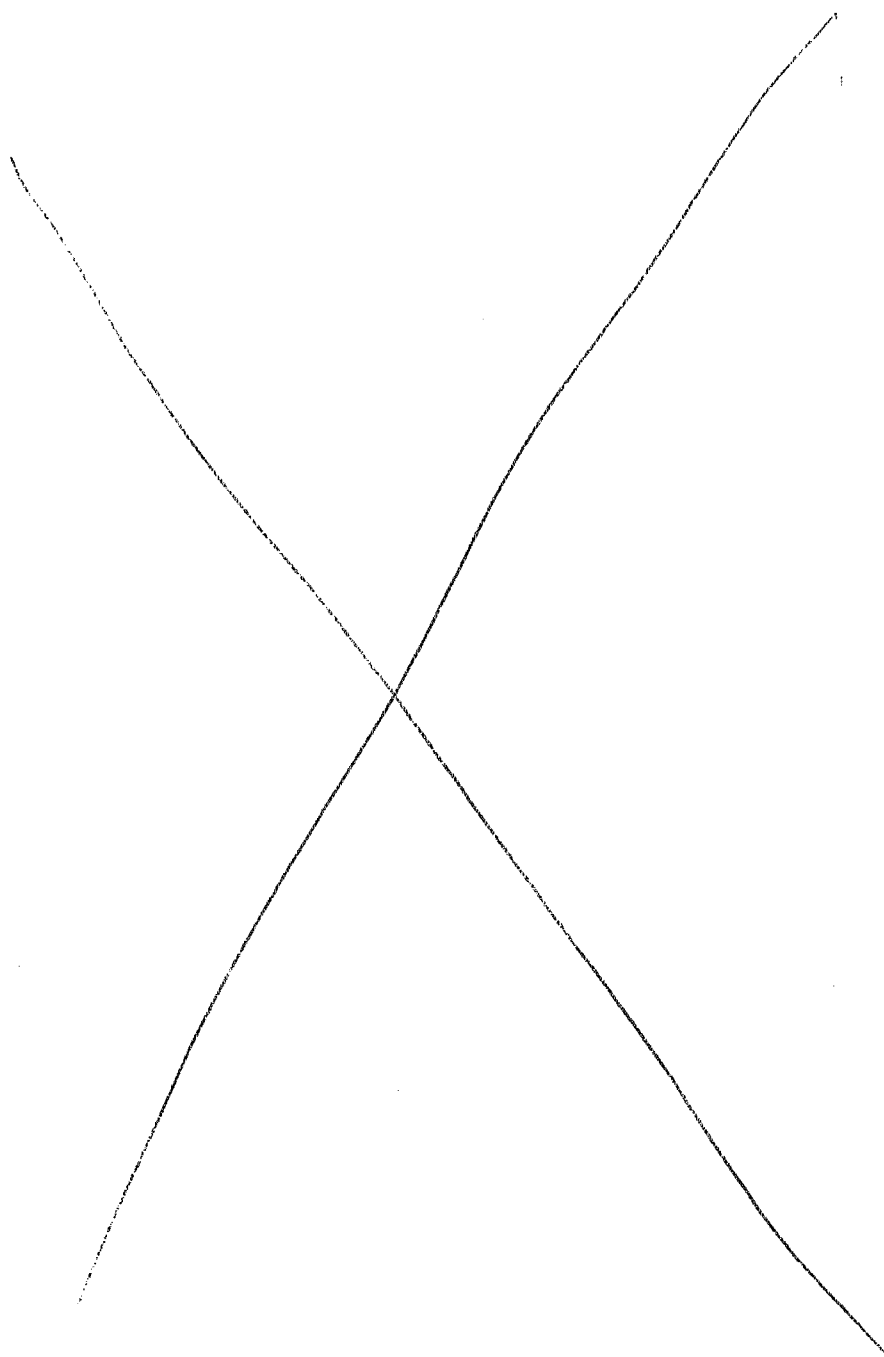
KIDNAPPING

That in Dorchester County, South Carolina, on or about December 9, 2013, the
Defendant, Terek Rasheed Goodwin, unlawfully did seize, confine, inveigle,
decoy, kidnap, abduct or carry away the victim, Monica Saul, without authority of
law. This offense in violation of Section 16-03-910, of the South Carolina Code of
Laws, as amended

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



Glenn P. Justis, Solicitor



STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions
The Honorable Perry M. Buckner, III

Case No.: 2019-001014

The State of South Carolina,,

Respondent,

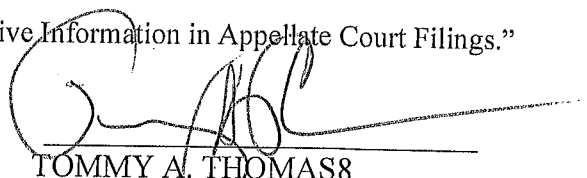
vs.

Terek Rasheed Goodwin,

Appellant.

CERTIFICATE OF COUNSEL

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



TOMMY A. THOMAS8

Bar No.: 005536

Post Office Box 88

Irmo, SC 29063

(803) 732-5507

March 17 2021

ATTORNEY FOR APPELLANT

WILLIAM M. BLITCH, JR., ESQ.
S.C. Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

ATTORNEY FOR RESPONDENT

RECEIVED

Mar 17 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

CASE NO.: 2019-001014

State of South Carolina, ...Respondent.

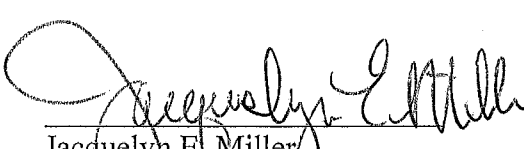
vs.

Terek Goodwin #295362,.....Appellant,

CERTIFICATE OF SERVICE

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Appellant, does
hereby certify that I emailed a copy of the Record on Appeal to:

William M. Blitch, Jr., Esq.
Office of Appellate Defense
P.O. Box 11589
Columbia, SC 29211
wblitch@scag.gov


Jacquelyn E. Miller
Secretary to Tommy A. Thomas
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Irmo, SC
March 17, 2021