

VOLUME I OF VIII

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Horry County

Apr 26 2021

Honorable Robert E. Hood, Circuit Court Judge

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

JEROME JENKINS, JR.

APPELLANT.

APPELLATE CASE NO. 2019-001280

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STATE'S EXHIBIT #51 (PHOTO), STATE'S EXHIBIT #52, (DVD 905 SUNHOUSE), STATE'S EXHIBIT #75 (DVD STATEMENT NO. 2), STATE'S EXHIBIT #76 (DVD STATEMENT NO. 3), STATE'S EXHIBIT #106 (DVD – ARROWHEAD ROBBERY), STATE'S EXHIBIT #114 (DVD OAK ST.), STATE'S EXHIBIT #144 (DVD-JENKINS STATEMENT 2), STATE'S EXHIBIT #145 (DVD-JENKINS STATEMENT 3), AND STATE'S EXHIBIT #146 (DVD-JENKINS STATEMENT 4).

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6	CHELSE WILSON	
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9	Direct Examination by Mr. Wilson.....	1998
10	RAHEEM RAY	
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12	Cross-Examination by Mr. Hixson.....	2023
13	MARSHA TENNANT	
14	Direct Examination by Mr. Wilson.....	2023
15	ETTA CARTER	
16	Direct Examination by Mr. Wilson.....	2033
17	SHERIL JOHNSON	
18	Direct Examination by Ms. Williams.....	2037
19	KIM ANDRAYSHAK	
20	Direct Examination by Mr. Wilson.....	2043
21	Cross-Examination by Mr. Hixson.....	2050
22	DOMINIQUE HASTIE	
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STATE'S EXHIBITS

GUILT PHASE

MARKED

ADMITTED

1	1	Photo	1495	1569
2	2&3	Photos	1495	1498
3	4	Aerial photo	1495	1516
4	5-36	Photos	1495	1514
5	37-42	Photos	1495	1534
6	43	Aerial photo	1495	--
7	44-48	Photos	1495	1538
8	49	Crime scene sketch	1495	1526
9	50	Photo	1495	1551
10	51	Photo	1495	1551
11	52	DVD 905 Sunhouse	1495	1568
12	53-57	Photo	1495	1564
13	58	DVD -905 robbery/shooting	1495	1570
14	59-71	Photos	1495	1569
15	72&73	Photos	1495	1589
16	74	E-mail Elliott/Lent	1495	1591
17	75	DVD Statement No. 2	1495	1593
18	76	DVD Statement No. 3	1495	1595
19	77	Autopsy report	1495	1506
20	78	SLED report	1495	1586

DEFENDANT'S EXHIBITS

(No defense exhibits were marked.)

COURT'S EXHIBITS

1	1	A-B-C form	103
2	2	Jury Type forms	114
3	3	Juror A-B-C forms	1408
4	4	Transcripts Interviews 2&3	1813

NOTE: "--" signifies that that exhibit was not admitted.

EXHIBITS (CONT.)

SENTENCE PHASE

STATE'S

MARKED

ADMITTED

100-102	Photos	1727	1730
103	Aerial Photo	1727	1740
104-105	Photos	1727	1742
106	DVD - Arrowhead robbery	1727	1759
107	Photo	1727	1756
108	Photo	1727	1756
109	DVD - Oak St. J. Daniels	1727	1779
110-113	Photos	1727	1770
114	DVD Oak St.	1727	1769
115-124	Photos	1727	1762
125-127	Photos	1727	1776
128-131	Photos	1727	1785
132&133	Fired casings	1727	1787
134	Not marked or admitted	1727	--
135	Crime scene sketch	1727	--
136-143	Photos	1727	1790
144	DVD-Jenkins Statement 2	1727	1809
145	DVD-Jenkins Statement 3	1727	1809
146	DVD-Jenkins Statement 4	1727	1811
147	Autopsy report	1727	--
147B	Manner of death para.	1727	1681
148	SLED report	1727	1796
149-151	Conviction reports	1727	1804
152	Certified copy - order	1727	--
153	SCDC disciplinary report	1727	1878
154	DVD SCDC video	1727	--
155	Envelope	1727	1948
156	Letter	1727	1943

1	SENTENCE PHASE (CONT.)		MARKED	ADMITTED
2	DEFENDANT'S			
	1	Photo	1969	
3	2	Photo	1969	
	3	Photo	1969	
4	4	CV	1969	2075
	5	Life history - Jenkins	1969	2084
5	6	Poster board	1969	2084
	7	Poster board	1969	2084
6	8	Poster board	1969	2084
	9	Envelope w/ flashdrive	2010	2011
7	10	list of interviews	2043	2079
	11	CV - Donna Maddox	2195	2277
8	12	Eval. 3-19-19	2195	--
9				
10	COURT'S EXHIBITS			
11	1	3 Transcripts interviews	1960	
	2	Convict. McKinley Daniels	1968	
12	3	Convict. James Daniels	1968	
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P-R-O-C-E-E-D-I-N-G-S

THE COURT: Please be seated. Thank you.

Okay, ladies and gentlemen, I have certain questions that I'm required to ask you by law to determine your general eligibility to serve, okay. So as I go through these questions, if you need to respond, just stand up right where you are. Do not wave at me. Do not nod at me. Do not look at your neighbor strangely. It is impossible for me to see you all, so if you need to answer, just stand up right where you are. If I ask you something that is so embarrassing that you do not want to answer in front of the entire group, then make a mental note of that question, and at the end I'll give you an opportunity to come forward and tell me or the attorneys whatever you need to tell me about that issue, okay. You are under oath. You are required to answer these questions truthfully. If you need to respond, stand up right where you are and we'll collect the information from you. These questions are all very, very simple, so just pay attention and follow along.

Here we go. Is there any member of the jury panel who is not a citizen of the United States of America?

There is no response.

1 Is there any member of the jury panel who is not
2 -- excuse me -- who is not a resident and citizen of
3 Horry County, South Carolina?

4 There is no response.

5 Is there any member of the jury panel who is
6 unable to read, write, speak or understand the English
7 language? Stand up. Don't wave at me, I already said
8 it once.

9 JUROR: I can read, but I can't write.

10 THE COURT: What is your number?

11 JUROR: 283.

12 THE COURT: What?

13 JUROR: 283.

14 THE COURT: 283?

15 JUROR: Uh-huh. I cannot write, just read a
16 little bit.

17 THE COURT: At the end, I want you to come
18 forward, okay.

19 JUROR: Oh, okay.

20 THE COURT: Any member of the jury panel who has
21 less than a sixth grade education?

22 There is no response.

23 Any member of the jury panel who has a mental or
24 physical infirmity which would keep you from rendering
25 efficient jury service? You all -- one, two, three,

1 four, five of you need to get in the line at the end.

2 Is there any member of the jury panel who has
3 been convicted by a plea or a trial in a state or
4 federal court of record of a crime punishable by more
5 than one year in prison, and your civil rights have
6 not been restored by pardon or amnesty. That does not
7 mean that you actually went to prison, it simply means
8 you could have gone to prison for more than one year.

9 Starting on the right, what is your number?

10 JUROR: 558 -- 158.

11 THE COURT: 158?

12 JUROR: Yes.

13 THE COURT: Do you have that information, Mr.

14 Hixson?

15 MR. HIXSON: I will get that, Your Honor.

16 THE COURT: Okay. When -- at the end, when I ask
17 people to form a line, get in that line.

18 Yes, sir, your number?

19 JUROR: 371.

20 THE COURT: Same thing, at the end when I ask
21 people to get in a line, just get in that line and
22 we'll discuss it up here.

23 Any member of the jury panel who is a clerk of
24 court, deputy clerk of court, constable, sheriff or
25 commissioned law enforcement officer, probate judge,

1 county commissioner, magistrate or other county
2 officer or employed within the walls of any
3 courthouse?

4 Your number?

5 JUROR: 385.

6 THE COURT: Where do you work, Ms. Watts?

7 JUROR: Horry County Sheriff's Office, but I work
8 at J. Reuben Long Detention Center.

9 THE COURT: Are you a commissioned law
10 enforcement officer?

11 JUROR: I'm not. I work in administration.

12 THE COURT: You need to stay. Thank you.

13 Your number?

14 JUROR: 54.

15 THE COURT: Ms. Calhoun, where you do work?

16 JUROR: In the auditor's office.

17 THE COURT: Where is that?

18 JUROR: In the Government Justice Center.

19 THE COURT: You need to stay.

20 Yes, sir, your number?

21 JUROR: 161.

22 THE COURT: Mr. Johnson.

23 JUROR: Yes, sir.

24 THE COURT: Where do you work?

25 JUROR: Myrtle Beach Police Department.

1 THE COURT: Are you commissioned?

2 JUROR: No.

3 THE COURT: You need to stay.

4 Is there any member of the jury panel who has
5 served on jury duty in circuit court during this
6 calendar year, from January 1 of 2019 until now; not
7 city court, not magistrate court, not traffic court,
8 not federal court, circuit court only.

9 There is no response.

10 Has anyone been a member of the Horry County
11 Grand Jury during the past several years. In Horry
12 County, the grand jury meets one day a month. You do
13 that for an entire year. You would have this very
14 vivid memory of being on the Grand Jury.

15 There is no response to that question.

16 So everyone in the room is now qualified. We now
17 move on to exemptions. An exemption does not mean
18 that you are not qualified. It means you have the
19 right to say I choose not to serve.

20 Those of you that are 65 years of age or older
21 may be exempted from jury service; however, you
22 represent a pool of tremendous talent for jury service
23 and we would urge you to serve this week if you are
24 inclined to, but if you wish to be exempted and you
25 are 65 years of age or older, you may stand at this

1 time.

2 Your number?

3 JUROR: 118.

4 THE COURT: Your age?

5 JUROR: 65.

6 THE COURT: You want to take your exemption.

7 JUROR: I have medical reasons.

8 THE COURT: Okay. 118 is excused.

9 JUROR: Thank you.

10 THE COURT: You are free to go for the week.

11 Yes, sir, tell me your number, please.

12 JUROR: 89.

13 THE COURT: You're Mr. Devaughn?

14 JUROR: Yes, sir.

15 THE COURT: And how old are you?

16 JUROR: 72.

17 THE COURT: You sure you don't want to stay?

18 JUROR: Yes, sir.

19 THE COURT: You positive?

20 JUROR: Yes, sir.

21 THE COURT: Mr. Devaughn is excused. 89 is out.

22 Yes, sir.

23 JUROR: 266.

24 THE COURT: You are Mr. Pack?

25 JUROR: Yes, sir.

1 THE COURT: And how old are you?

2 JUROR: 69.

3 THE COURT: You sure you want to leave?

4 JUROR: I hate to say so, but, yeah.

5 THE COURT: You are excused, Mr. Pack. 266 is
6 out.

7 You gentlemen are free to leave. Thank you very
8 much.

9 Next exemption involves prior jury service. If
10 you served as a juror in the calendar year 2017 or
11 2018, you may take an exemption.

12 Yes, ma'am, your number?

13 JUROR: 10.

14 THE COURT: When did you serve, Ms. Anderson?

15 JUROR: I can't remember if it was '17 or '18.

16 THE COURT: We'll pull that up. Just have a
17 seat. That is a computer system we have to pull that
18 up on.

19 Yes, sir.

20 JUROR: 218 --

21 THE COURT: Right here.

22 JUROR: 197.

23 THE COURT: 197. When did you serve, Mr. Lewis?

24 JUROR: November of 2018.

25 THE COURT: We'll check on that, just have a

1 seat.

2 Yes, sir.

3 JUROR: 218.

4 THE COURT: Mr. McCoy, when did you serve?

5 JUROR: '18.

6 THE COURT: We'll check on that, thank you.

7 Yes, sir.

8 JUROR: 321.

9 THE COURT: Mr. Sellers; is that right?

10 JUROR: Yes.

11 THE COURT: When did you serve?

12 JUROR: 2018.

13 THE COURT: Yes, ma'am.

14 JUROR: 129.

15 THE COURT: Ms. Green, when did you serve?

16 JUROR: 2018.

17 THE COURT: We'll check on all of those.

18 Someone is pulling that up for me; is that right?

19 THE CLERK: Yes, sir.

20 THE COURT: We'll pull each of those up.

21 Next exemption is for those of you that served on
22 the Horry County Grand Jury during the past five
23 calendar years. Anyone on the Grand Jury in recent
24 memory?

25 There is no response.

1 Next exemption involves those of you who have
2 legal custody of young children. This exemption has
3 several parts. All of the parts must apply to you for
4 you to be exempted from jury duty on this basis. So
5 you may be exempted from jury duty if you have a child
6 under the age of seven; that means six and below. You
7 have the principal care, custody and control of the
8 child. You also have legal custody of the child, and
9 you are unable to make arrangements for the child
10 while performing jury duty.

11 All right. Start in the front. Yes, ma'am, your
12 number?

13 JUROR: 307.

14 THE COURT: Ms. Royal, how old is your child?

15 JUROR: Three.

16 THE COURT: And do you work?

17 JUROR: On the weekends.

18 THE COURT: Who watches your child while you
19 work?

20 JUROR: My husband.

21 THE COURT: Does he work.

22 JUROR: Yahnis.

23 THE COURT: He works during the week.

24 JUROR: Yes.

25 THE COURT: And you have no other childcare

1 options?

2 JUROR: No, sir.

3 THE COURT: Who has your child right now?

4 JUROR: My nephew.

5 THE COURT: And how old is he?

6 JUROR: 21. My husband's nephew.

7 THE COURT: Mr. Hixson.

8 MR. HIXSON: Can we revisit after we see the mass

9 at the end to see the number?

10 THE COURT: At this point, Ms. Royal, have a
11 seat.

12 All right. In the far left corner.

13 JUROR: Brooke Baker, No. 15.

14 THE COURT: All right. How old is your child,
15 Ms. Baker?

16 JUROR: She's one.

17 THE COURT: And do you work?

18 JUROR: No, sir.

19 THE COURT: You don't work at all?

20 JUROR: No.

21 THE COURT: Who do you live with?

22 JUROR: I live with my fiancée.

23 THE COURT: Does he work?

24 JUROR: He does.

25 THE COURT: Where does he work?

1 JUROR: Jacobs Plumbing.

2 THE COURT: Who has your child now?

3 JUROR: My mom.

4 THE COURT: All right. Just have a seat.

5 Blue shirt, ma'am.

6 JUROR: 153.

7 THE COURT: Ms. Insch.

8 JUROR: Yes.

9 THE COURT: How old is your child?

10 JUROR: I have a three-year-old and a
11 one-year-old.

12 THE COURT: You are a graphic designer?

13 JUROR: Yeah.

14 THE COURT: Who do you work for?

15 JUROR: Plantation Resort.

16 THE COURT: Where do you go to work?

17 JUROR: So I'll go into work the morning, I take
18 him with me, my one-year-old, and my three-year-old is
19 at morning preschool. Then I go pick up my
20 three-year-old and work the rest of the day at home
21 with both of them.

22 THE COURT: Are you married?

23 JUROR: Yeah.

24 THE COURT: What does your husband do?

25 JUROR: He does -- video producer at Coastal

1 Carolina.

2 THE COURT: Who has your children now?

3 JUROR: My one-year-old is downstairs with my
4 friend in the Solicitor's Office, and the
5 three-year-old is at preschool. I have someone to
6 pick up if I go late.

7 THE COURT: You are excused. 153 is out.

8 Yes, ma'am, your number is, ma'am?

9 JUROR: 282.

10 THE COURT: How old is your child?

11 JUROR: Five.

12 THE COURT: You work at Bank of America.

13 JUROR: And my husband works at night until about
14 2:00 in the morning, so we switch off when I get done
15 with work. So if we're in a hotel room for a week....

16 THE COURT: So when do you go to work?

17 JUROR: I go to work at 8:30.

18 THE COURT: A.m.?

19 JUROR: Uh-huh.

20 THE COURT: And when do you get off at?

21 JUROR: 5 o'clock, and then we switch. He goes
22 to work from 6:00 until 2:00.

23 THE COURT: 2:00 in the morning, and then you
24 stay with the children until he goes to work, until
25 you go to work the next morning?

1 JUROR: Yes, sir. Yes, sir.

2 THE COURT: You are excused. 282 is out.

3 Orange shirt.

4 JUROR: 115.

5 THE COURT: Ms. Francis, how old is your child?

6 JUROR: One is three years old and one is one
7 years old.

8 THE COURT: You work at the U.S. Post Office?

9 JUROR: Yes, sir, city carrier assistant.

10 THE COURT: When do you go to work?

11 JUROR: Any day, Monday through Sunday.

12 THE COURT: Who watches your children?

13 JUROR: My mom.

14 THE COURT: You need to stay.

15 Your number?

16 JUROR: 175.

17 THE COURT: Mr. Kempsey.

18 JUROR: Yes.

19 THE COURT: How old is your child?

20 JUROR: Two.

21 THE COURT: Are you married?

22 JUROR: Yes.

23 THE COURT: What does your wife do?

24 JUROR: Bartender.

25 THE COURT: And you own your own irrigation

1 company?

2 JUROR: Yes, sir.

3 THE COURT: So who watches your child when you go
4 to work?

5 JUROR: When I'm at work, my wife does; and when
6 she goes to work, I have the child.

7 THE COURT: When does she work?

8 JUROR: Usually 4 o'clock.

9 THE COURT: In the afternoon?

10 JUROR: Yes, sir.

11 THE COURT: Until when?

12 JUROR: About 2:00 in the morning.

13 THE COURT: Then you're watching the child when
14 she goes to work?

15 JUROR: Correct.

16 THE COURT: You are excused. 175 is out.

17 Yes, ma'am, your number?

18 JUROR: 276.

19 THE COURT: How old is your child?

20 JUROR: It is my great grandson. He is four
21 years old and, Your Honor, I don't have legal custody
22 because I don't know where his mother is and he
23 doesn't have a dad -- he has a dad, of course, but not
24 in his life. My husband is an electrician and works
25 out of town, and I don't have anyone to watch him for

1 a week or so.

2 THE COURT: If you don't have legal custody, you
3 have to stay.

4 JUROR: Can I bring him?

5 THE COURT: No, ma'am.

6 Next exemption is primary caretaker of a person
7 who is 65 years of age or older. This person cannot
8 be left unattended and you cannot provide adequate
9 care for this person while performing jury duty.

10 Yes, sir, your number?

11 JUROR: 332.

12 THE COURT: Mr. Singleton, and who do you take
13 care of?

14 JUROR: My mother.

15 THE COURT: Does she live with you?

16 JUROR: She does now.

17 THE COURT: Who else lives in your home?

18 JUROR: Me and her.

19 THE COURT: Just you and her? And how old is
20 your mother?

21 JUROR: 88.

22 THE COURT: You are excused -- where do you go to
23 work? You're a gas journeyman, so what do you do with
24 her when she goes to work?

25 JUROR: I have a caregiver 8:00 through 5:00.

1 THE COURT: And then you're with her at night?

2 JUROR: Yes, sir.

3 THE COURT: Okay. You are excused. 332 is out.

4 Your number?

5 JUROR: 253. I have a 79-year-old mother that
6 lives with me. It is a hardship if I were to be gone
7 for a long period of time.

8 THE COURT: Who else lives with you?

9 JUROR: Fiancee.

10 THE COURT: Where do you work?

11 JUROR: I work at Waccamaw Management. He works
12 for ARS; he's commercial estimator.

13 THE COURT: Is that all of the adults that live
14 in the house?

15 JUROR: Yes.

16 THE COURT: How old is your mother?

17 JUROR: 79.

18 THE COURT: And what are her medical issues?

19 JUROR: Difficulty walking. Other than that, she
20 has cirrhosis of the liver.

21 THE COURT: Who stays with her while you are at
22 work?

23 JUROR: She's by herself.

24 THE COURT: You need to stay. Thank you.

25 Next exemption is primary caretaker of a severely

1 disabled person. This person cannot be left
2 unattended. They cannot care for themselves, and you
3 have no care for the person while performing jury
4 duty.

5 Tell me your number.

6 JUROR: 34.

7 THE COURT: Mr. Boneillo?

8 JUROR: Yes.

9 THE COURT: Who do you take care of?

10 JUROR: My daughter.

11 THE COURT: What kind of condition does she have?

12 JUROR: She has severe depression, emotional
13 problems.

14 THE COURT: All right. How old is she?

15 JUROR: 11.

16 THE COURT: Does she go to school?

17 JUROR: Yes.

18 THE COURT: Are you married?

19 JUROR: No.

20 THE COURT: Who else lives in your home?

21 JUROR: Just me and her.

22 THE COURT: And no one else?

23 JUROR: No one else.

24 THE COURT: And is she in any special classes at
25 school?

1 JUROR: No. She has someone that she can --
2 counselor or therapist at school.

3 THE COURT: Do you work?

4 JUROR: No.

5 THE COURT: You don't work at all?

6 JUROR: No.

7 THE COURT: You are a veteran?

8 JUROR: Yes, sir.

9 THE COURT: You are excused. 34 is out.

10 So the next exemption involves those of you
11 attending school or work in some capacity in a school.
12 If this is true, and this exemption applies, I can
13 transfer you to another term of court.

14 Your number?

15 JUROR: 314.

16 THE COURT: Ms. Satterfield, where do you work?

17 JUROR: Ten Oaks Middle School. I'm a secretary,
18 but the only secretary, so we don't get substitutes
19 for secretaries.

20 THE COURT: I don't think that counts. You have
21 to stay with us.

22 Yes, ma'am.

23 JUROR: 183.

24 THE COURT: Ms. Lange, where do you teach?

25 JUROR: Socastee High School.

1 THE COURT: You want to be transferred?

2 JUROR: Yes, please.

3 THE COURT: 183 will be transferred.

4 Yes, sir.

5 JUROR: 152, full-time student at Coastal

6 Carolina.

7 THE COURT: When is school out?

8 JUROR: My final exam is this Friday.

9 THE COURT: You have a final exam?

10 JUROR: My last exam is Thursday the 9th.

11 THE COURT: You are excused. Transfer him. 152
12 is out.

13 Black and white shirt.

14 JUROR: 108, I don't know if this counts, I work
15 at a preschool.

16 THE COURT: Yeah, that won't cut it.

17 Yes, ma'am.

18 JUROR: 159.

19 THE COURT: Ms. John?

20 JUROR: Yes, sir.

21 THE COURT: And I must have missed your
22 employment; what do you do?

23 JUROR: Construction coordinator at Food Lion.

24 THE COURT: Are you a student?

25 JUROR: Yes, sir, Pen Foster.

1 THE COURT: What is that?

2 JUROR: On-line school.

3 THE COURT: When do you go to school?

4 JUROR: Usually start around noon.

5 THE COURT: And go until when?

6 JUROR: Whenever. Usually whenever I work.

7 THE COURT: When is school over?

8 JUROR: I should be finished in July.

9 THE COURT: You are taking some kind of class
10 every single day?

11 JUROR: Yes, sir.

12 THE COURT: 159 is transferred.

13 Yes, sir, your number?

14 JUROR: 322. I'm a full-time student at HGTC.

15 THE COURT: When do you go to school?

16 JUROR: Every day, and it ends Friday.

17 THE COURT: Last class is on Friday?

18 JUROR: Yeah,, I have exams this week.

19 THE COURT: All right. You're excused. 322 is
20 transferred.

21 Your number?

22 JUROR: 11.

23 THE COURT: What do you do for the school
24 district?

25 JUROR: Custodian/maintenance.

1 THE COURT: You stay.

2 I didn't hear anyone, but anyone employed at the
3 Department of Corrections, at a penitentiary, you
4 literally go to prison for a job?

5 There is no response.

6 Last question is this: Is there anyone who
7 performs services for a business, commercial or
8 agricultural enterprise, which are so essential to the
9 operation of the enterprise that if you were required
10 to perform jury duty, the enterprise would have to
11 close or stop functioning?

12 JUROR: I don't know if this --

13 THE COURT: I don't -- what is your number?

14 JUROR: 58.

15 THE COURT: Ms. Cannon?

16 JUROR: Yes.

17 THE COURT: Go ahead.

18 JUROR: I'm an owner of a retail shop in Carolina
19 Forest. I have no employees. My daughter helps me
20 occasionally, but she's a full-time student at Tech.
21 She's there now, and she has an exam today at 1:30.

22 THE COURT: You don't employ anyone else?

23 JUROR: No, sir, I sure don't.

24 THE COURT: You are excused. 58 is out.

25 Yes, ma'am.

1 JUROR: 47.

2 THE COURT: Ms. Bryant?

3 JUROR: Yes.

4 THE COURT: Where do you work?

5 JUROR: Self-employed freelance illustrator.

6 THE COURT: Who do you work for?

7 JUROR: Me. I have contracts out with different
8 people that I have deadlines for.

9 THE COURT: Are you 1099 with all of them?

10 JUROR: What is that?

11 THE COURT: Are you 1099 with all of them?

12 JUROR: Yeah.

13 THE COURT: So you are not a W2 employee?

14 JUROR: Huh-huh.

15 THE COURT: You are sure?

16 JUROR: Yes.

17 THE COURT: Okay. 47 is out.

18 Yes, sir, on the right.

19 JUROR: 321.

20 THE COURT: Does he have prior jury service --
21 Mr. Sellers, you served in July of 2018; you are
22 excused.

23 JUROR: Thank you.

24 THE COURT: Melanie Anderson, No. 10, you served
25 in September of 2018. Do you want to take your

1 exemption? Thank you.

2 Eric McCoy, 218, we have no record of your
3 service at all. Thank you.

4 Where is Juror 129? Ms. Green, you served in May
5 of 2017; do you want to take your exemption?

6 JUROR: Yes, please.

7 THE COURT: Thank you. You are excused. 129 is
8 out.

9 Where is 197? Mr. Lewis, you served in November
10 of 2018; do you want your exemption?

11 JUROR: Yes, sir.

12 THE COURT: Thank you. You are excused.

13 Tell me your name.

14 JUROR: Truett.

15 THE COURT: Your number is?

16 JUROR: 374.

17 THE COURT: What do you do for a living?

18 JUROR: Owner/operator.

19 THE COURT: You employ people?

20 JUROR: I do, yes.

21 THE COURT: How many people do you employ?

22 JUROR: Right now 16.

23 THE COURT: You need to stay with us. Thank you.

24 So I told some people that need to get in line
25 that needed to get in line. Anyone else that needs to

1 get in line, form a line. If everyone can remain
2 quiet, I need to make a record of what these people
3 are saying, and so if everyone can just stay still and
4 quiet so we can make an accurate record.

5 THE BAILIFF: 128.

6 (The following conversations are had at the bench
7 with the attorneys and the judge, but out of the
8 hearing of the jury panel.)

9 THE COURT: 128. 128.

10 JUROR: I have a history of MS. Do you have a
11 note, my documentation from my doctor?

12 THE COURT: Where do you work?

13 JUROR: I used to work for a hospital in
14 Connecticut, medical transcriptioninst.

15 THE COURT: How long did you work there?

16 JUROR: 34 years.

17 THE COURT: When did you retire?

18 JUROR: When I came here, five years ago.

19 THE COURT: When were you diagnosed -- you need
20 to stay with us.

21 JUROR: Went on disability in 2014.

22 THE COURT: Okay. You need to stay with us.
23 Thank you.

24 JUROR: I can't do -- I can't do this.

25 THE COURT: You need to stay with us, ma'am.

1 Thank you.

2 THE BAILIFF: 184.

3 THE COURT: 184. 184.

4 JUROR: I have reading problems.

5 THE COURT: What kind? Did you graduate high
6 school?

7 JUROR: No.

8 THE COURT: How far did you go?

9 JUROR: Ninth grade.

10 THE COURT: And do you have any kind of
11 diagnosis?

12 JUROR: No.

13 THE COURT: What do you do for a living?

14 JUROR: Walmart.

15 THE COURT: What do you do?

16 JUROR: Overnight stocker.

17 THE COURT: How long have you done that?

18 JUROR: A year.

19 THE COURT: Are you married?

20 JUROR: Single.

21 THE COURT: Children.

22 JUROR: No.

23 THE COURT: What did you do before you worked at
24 Walmart?

25 JUROR: I was a nanny.

1 THE COURT: How long did you do that?

2 JUROR: Ten years.

3 THE COURT: And where are you from?

4 JUROR: New York.

5 THE COURT: When did you come here?

6 JUROR: Seven years ago.

7 THE COURT: And how old are you?

8 JUROR: 42.

9 THE COURT: She stays.

10 THE BAILIFF: 158.

11 THE COURT: You have a record?

12 JUROR: Yes.

13 THE COURT: What is it for?

14 JUROR: Distribution of cocaine.

15 THE COURT: Distribution of cocaine? What state
16 was it in?

17 JUROR: Horry County.

18 THE COURT: Horry County, okay. Okay. There you
19 go.

20 JUROR: January 15th.

21 THE COURT: Your number?

22 JUROR: 158.

23 THE COURT: 158 is out. Have a great day.

24 THE BAILIFF: 299.

25 JUROR: I have surgery on Wednesday.

1 THE COURT: What kind?

2 JUROR: Bariatric.

3 THE COURT: Like the big surgery?

4 JUROR: Yes, MUSC.

5 THE COURT: How long has it been scheduled for?

6 JUROR: Since beginning of April.

7 THE COURT: So you scheduled it after you got
8 this notice?

9 JUROR: No. Actually, I think it was the same
10 day or something like that.

11 THE COURT: Why are you having the surgery?

12 JUROR: I had lap band put in years ago and it is
13 causing me a lot of problems, and so he decided it was
14 time.

15 THE COURT: Do you work?

16 JUROR: Yes.

17 THE COURT: Where do you work?

18 JUROR: Jonathan Shanks Law Firm.

19 THE COURT: How long have you worked there?

20 JUROR: With Jonathan, ten years. I'm his legal
21 assistant.

22 THE COURT: And your number again?

23 JUROR: 219.

24 THE COURT: At this point, you need to stay. You
25 need to call your doctor and tell him you may not be

1 there Wednesday.

2 THE BAILIFF: 239.

3 JUROR: Good morning.

4 THE COURT: Hello.

5 JUROR: Can I request to be exempt? My son is
6 graduating law school on Monday the 15th. The clerk
7 said to get something from the law school to show that
8 (indicates).

9 THE COURT: 239. You want to take a position?

10 MR. HIXSON: I'm hoping at the end, if we have
11 three or four and we look good with numbers, I think
12 it is appropriate for you to excuse them as long as
13 you are comfortable with the numbers. I don't know
14 how many more by the end of this.

15 MS. WILLIAMS: We're fine.

16 MR. WILSON: We'll excuse him as far as we're
17 concerned.

18 THE COURT: Have a seat for right now. You keep
19 that. I have my note right here. I'm not saying yes
20 or no. Just grab a seat and let me think about it.

21 THE BAILIFF: 353.

22 JUROR: So there are two things I don't feel
23 comfortable talking about when I was back there. I
24 have a disorder which makes it hard for me to retain
25 information, especially extensive information, which

1 leads to the next thing. I technically don't have a
2 sixth grade education. I stayed in fifth grade and
3 sixth grade twice. I'm unemployed now, but worked in
4 the mall as a manager.

5 THE COURT: As a manager? You stay.

6 MR. HIXSON: What was that number?

7 THE COURT: 353.

8 Next.

9 THE BAILIFF: 265.

10 JUROR: Hey.

11 THE COURT: Hello. How are you?

12 JUROR: You have a doctor's excuse. I have
13 rectum cancer and I've gone through chemo and
14 radiation and had my rectum removed.

15 THE COURT: When did all of that occur?

16 JUROR: A year, just finishing the last few
17 years.

18 THE COURT: Do you work?

19 JUROR: I work from home at my computer.

20 THE COURT: What do you do?

21 JUROR: I consult with, like, engineers when they
22 need me. I have a hernia now, double wall hernia.
23 Everything is coming out from the midsection from all
24 the operations. I've had ten. And I'm on pain pills.
25 I have severe narcolepsy and incontinence problems,

1 and I don't want to be so disruptive, I'm sorry.

2 THE COURT: Any objection?

3 MR. WILSON: No, sir.

4 THE COURT: You are excused.

5 JUROR: Thank you, I appreciate it.

6 BAILIFF: No. 283.

7 THE COURT: Are you a citizen?

8 JUROR: Yes, I am.

9 THE COURT: How long have you been a citizen?

10 JUROR: From 2012.

11 THE COURT: What do you do for a living?

12 JUROR: Selling shoes in retail store.

13 THE COURT: Where are you from?

14 JUROR: From Russia.

15 THE COURT: How long have you lived in Horry
16 County?

17 JUROR: Eight years.

18 THE COURT: You say you do retail sales?

19 JUROR: Uh-huh, sale, shoes. Shoe department.

20 THE COURT: How long have you done that?

21 JUROR: One year.

22 THE COURT: What other jobs have you done in this
23 country?

24 JUROR: I've been in housekeeping.

25 THE COURT: Like at a hotel?

1 JUROR: Hotel, yeah.

2 THE COURT: How long did you do that for?

3 JUROR: Housekeeping? Five years or four

4 before -- altogether 12 years I'm in America.

5 THE COURT: How well do you read?

6 JUROR: Not read, not write. I use my telephone.

7 THE COURT: Oh, to communicate, to write?

8 JUROR: Yeah.

9 THE COURT: Is your phone in Russian?

10 JUROR: No. It is translate.

11 THE COURT: It will translate it?

12 JUROR: Uh-huh.

13 THE COURT: When you pull up your phone, is it in
14 Russian or English?

15 JUROR: Some English, some Russian. I can show
16 you.

17 THE COURT: Which keyboard is it set to?

18 JUROR: Two. Set up two languages. I can speak
19 very good and understand.

20 MS. WILLIAMS: She's fine.

21 THE COURT: Stay with us.

22 THE BAILIFF: 367.

23 THE COURT: Hello, Mr. Palmer?

24 JUROR: Thomas.

25 THE COURT: 260 what?

1 JUROR: 367.

2 THE COURT: Oh, 367. Mr. Thomas.

3 JUROR: Yes. Last year I've had seven surgeries.
4 Last one was seven weeks ago. It was a fissure and
5 open wound on my behind, staph, not comfortable to
6 sit. You have a thing from the doctor where they
7 think I have -- the incision where they took my kidney
8 and part of my hernia, they don't know why it hurts,
9 but when I sit 10, 15 minutes, I can hardly get up, it
10 hurts bad.

11 THE COURT: Do you work?

12 JUROR: No. I'm retired. I had to retire.

13 THE COURT: When did you retire?

14 JUROR: 2011.

15 THE COURT: You had how many surgeries in the
16 past year?

17 JUROR: Seven.

18 THE COURT: All right.

19 MR. WILSON: No objection.

20 MR. HIXSON: No objection.

21 THE COURT: You are excused.

22 JUROR: Thank you, sir.

23 THE BAILIFF: 270.

24 THE COURT: Your number?

25 JUROR: 270.

1 JUROR: I have -- I've got messed up disks in my
2 back. I'm -- I'm disabled, and if I sit more than --
3 more than an hour, the longer I sit, the worse it
4 keeps getting.

5 THE COURT: Do you work?

6 JUROR: No, sir.

7 THE COURT: When is the last time you worked?

8 JUROR: It's been about four years.

9 THE COURT: What do you do all day?

10 JUROR: I stay with my wife and I kind of help
11 her watch our grandchild.

12 THE COURT: And if you can stand up every so
13 often, is it okay?

14 JUROR: If I can stand up like maybe every 30
15 minutes, sure.

16 THE COURT: All right. Just stay with us. If
17 you actually make it on, I can put you on the back row
18 and you can stand up wherever you want. I stand up
19 all the time because I'm tired of sitting. My back
20 hurts, too. Just stay with us. He stays.

21 THE BAILIFF: 371.

22 THE COURT: This guy has a record.

23 JUROR: Convicted felon.

24 THE COURT: What are you convicted of?

25 JUROR: Burglary, grand larceny.

1 THE COURT: Iowa state?

2 JUROR: Here.

3 THE COURT: Out of this county?

4 JUROR: This county.

5 THE COURT: He says burglary and grand larceny
6 out of this county.

7 MR. HIXSON: We'll pick it.

8 THE COURT: Hold on and let me look at your rap
9 sheet and I'll let you know. If it matches, I'll
10 dismiss you. Just grab a seat for now. Your number?

11 MR. WILSON: 371.

12 JUROR: Yes, sir.

13 THE BAILIFF: 251.

14 THE COURT: Your number?

15 JUROR: 251. I originally put in I have a
16 planned vacation from this Wednesday to the following
17 Thursday, but also involves making arrangements for my
18 mom, who is in hospice here in South Carolina.
19 Besides that, if something was to happen within that
20 week, if I was chosen, I would have to be with her
21 because we are flying her back to New Jersey when she
22 does pass.

23 THE COURT: You just gave me a lot of
24 information.

25 JUROR: I have a planned vacation.

1 THE COURT: Where?

2 JUROR: New Jersey to finalize things, because I
3 sold her house and moved her down here with me. I
4 also had a concert on the weekend and coming back the
5 following Thursday bringing my mother-in-law with me.
6 When you said this would be a week-long thing, no
7 contact with the outside world, that is when that hit
8 me. I have to have contact with her every day and the
9 aides and nurses to find out what is going on.

10 THE COURT: Do you work?

11 JUROR: No. No.

12 THE COURT: Who else lives with you?

13 JUROR: My husband.

14 THE COURT: What does he do?

15 JUROR: Working at Lowe's now; retired
16 electrician.

17 THE COURT: And so you are supposed to go where
18 Wednesday?

19 JUROR: Back to New Jersey.

20 THE COURT: So do what?

21 JUROR: I have a concert planned on Friday, and
22 Sunday start tying up affairs of my mom's up there,
23 the house sale and finalizing her arrangements.

24 THE COURT: Have you provided concert tickets?

25 JUROR: Yeah, I did.

1 THE COURT: You have?

2 JUROR: I have a copy here if you would like to
3 see them. I sent a letter in. Also, I have room
4 reservations and the concert ticket (indicates).

5 (A brief pause in the proceedings.)

6 MR. WILSON: I have no objections.

7 MR. HIXSON: No, sir.

8 THE COURT: Okay. You are excused.

9 JUROR: Thank you so much.

10 THE BAILIFF: 249.

11 THE COURT: Your number?

12 JUROR: 249.

13 JUROR: I'm leaving the state tomorrow and going
14 to Illinois. I have two doctors' appointments in
15 Illinois I have to go to.

16 THE COURT: For the legal case?

17 JUROR: Worker's comp.

18 THE COURT: Yeah, you have to stay. You need to
19 stay.

20 JUROR: I have --

21 THE COURT: I've seen all of your paperwork.

22 JUROR: You have?

23 THE COURT: Yes. You need to stay. Thank you.

24 THE BAILIFF: 174.

25 JUROR: My parents are out of town this weekend

1 so I've been baby-sitting my siblings and I have to
2 pick them up from school.

3 THE COURT: You have to stay. You have to find
4 someone else. That is your parents' problem. Thank
5 you.

6 THE BAILIFF: 55.

7 JUROR: I work for Horry County Georgetown Tech
8 and it's at the end of the semester. I'm in charge of
9 verifying financial aid is paid, classes have been
10 completed so they can graduate, so we don't do any
11 federal recalculation. Everything ends on Friday,
12 so -- and then next week we start with summer semester
13 and I have to get everything pre-paid so we don't drop
14 the students' classes.

15 THE COURT: You have to stay. Thank you.

16 THE BAILIFF: 115.

17 JUROR: I was told to bring this by the clerk of
18 court. It is a notarized statement for child care.
19 I'm the sole provider, but my mom can't watch them
20 every day. I don't have anyone else to watch them on
21 the other days. There is other things that I would
22 rather not mention. I have a one-year-old son who I
23 cannot leave overnight.

24 THE COURT: You go to work every day?

25 JUROR: Not every day.

1 THE COURT: That's what you told me.

2 JUROR: My mom cannot watch them on the days she
3 is at work.

4 THE COURT: The post office doesn't let you do
5 that.

6 JUROR: No. I have to call out.

7 THE COURT: Where does your mother live?

8 JUROR: Roughly ten miles away from me.

9 THE COURT: Who else lives with you?

10 JUROR: Just me and my children, which I'm the
11 sole provider for. If I don't work, they don't eat.

12 THE COURT: You get paid if you are on jury duty.

13 JUROR: No, I'm CCI. I don't get paid if I'm on
14 jury duty, I asked them.

15 THE COURT: Every other federal employee gets
16 paid.

17 JUROR: They said I had to be a regular.

18 THE COURT: How long have you worked at the post
19 office?

20 JUROR: Two years.

21 THE COURT: What does your mom do?

22 JUROR: She just watches my kids and I pay her.

23 THE COURT: And why is it she is not available to
24 watch the kids?

25 JUROR: Fridays she has doctors' appointments for

1 her COPD.

2 THE COURT: What is your number?

3 JUROR: 115.

4 MR. WILSON: I don't have an objection.

5 MR. HIXSON: No objection.

6 THE COURT: All right. You are excused.

7 THE BAILIFF: 219.

8 JUROR: Hello. First of all, I was diagnosed
9 with heart failure and I have a pacemaker, but my
10 doctors need to -- I have to go and get my pacemaker
11 checked, and then I'm on a lot of fluid pills, so I
12 have to pee like every 45 minutes, but mostly my
13 doctors' appointments. I see my oncologist -- I had
14 cancer twice -- this week. I go every month, so it is
15 scheduled for this week on Thursday, and then my heart
16 doctor at MUSC, Dr. Craig, is scheduled for next week.

17 THE COURT: At this point, you need to stay.

18 JUROR: I want to stay.

19 THE COURT: Stay with us.

20 JUROR: What about my doctors' appointments?

21 THE COURT: It's impossible to tell you whether
22 or not you'll be up here Thursday or not, so I would
23 keep them, your Thursday appointment.

24 JUROR: Because it takes like six months to get
25 my heart doctor. I want to stay. Thanks.

1 THE BAILIFF: 32.

2 JUROR: I was involved in an elevator accident in
3 January and I'm still going to the doctors. I need
4 surgery, and that is what the holdup is, I'm waiting
5 to see whether I'll be on the jury or not.

6 THE COURT: Are you going to work every day?

7 JUROR: Yes.

8 THE COURT: You need to stay with us. Thank you.

9 JUROR: Did you need to see doctor's notes?

10 THE COURT: (Shakes head.)

11 THE BAILIFF: 307.

12 JUROR: How are you? So my nephew had to take
13 off work to watch both of my children. My daughter is
14 a transfer student. We live in Conway, but she goes
15 to a Little River school, so I drop her off and pick
16 her up every day, and I stay with my three-year-old
17 and my husband works. I have no family.

18 THE COURT: How is your nephew taking care of him
19 today?

20 JUROR: He took off of work to take care of him.

21 THE COURT: All right. How old is your daughter?

22 JUROR: Seven. She goes to Waterway in Little
23 River.

24 THE COURT: So you don't work at all?

25 JUROR: I work on weekends when I'm able to.

1 THE COURT: You are excused.

2 JUROR: Thank you.

3 THE BAILIFF: 211.

4 JUROR: I am supposed to be leaving on a cruise
5 on Friday. I e-mailed the itinerary to Lara Robinson.

6 THE COURT: Do you have it with you?

7 JUROR: I don't, that is why I e-mailed it. She
8 said to e-mail it. I can pull it up on my phone, but
9 don't have the hard copy.

10 THE COURT: Hold on, we may have it.

11 (A brief pause in the proceedings.)

12 THE COURT: Pull it up on your phone.

13 (A brief pause in the proceedings.)

14 THE COURT: Have you all seen this?

15 MR. WILSON: Yes, sir.

16 (A brief pause in the proceedings.)

17 MR. WILSON: I've seen it.

18 MR. WILSON: We don't have any objections.

19 THE COURT: Okay. You are excused.

20 MR. HIXSON: Judge this is 371.

21 THE COURT: Where is 371? 371, young gentleman.
22 You are excused, thank you very much.

23 (A brief pause in the proceedings.)

24 THE BAILIFF: 161.

25 JUROR: I misunderstood the question; I am

1 commissioned. I was just talking to the officer and
2 he said because I'm a detention officer.

3 THE COURT: Do you have the power to arrest?

4 JUROR: Yes, I do.

5 THE COURT: Where is your commission card?

6 JUROR: I can show you my ID card.

7 THE COURT: Usually detention officers do not
8 have the power to arrest.

9 JUROR: The statute states we do have the power
10 to arrest.

11 THE COURT: You have to have a commission. This
12 is not a commission, so you need to stay with us.
13 Thank you.

14 THE BAILIFF: 24.

15 JUROR: Sylvia Grate Bellamy. I have -- I'm
16 disabled.

17 THE COURT: I can't hear you.

18 JUROR: I'm Sylvia Grate Bellamy, and I'm
19 disabled.

20 THE COURT: You know the defendant?

21 JUROR: Uh-huh.

22 THE COURT: How do you know him?

23 JUROR: From a little boy.

24 THE COURT: When he was a little boy?

25 JUROR: He used to come over and he grew up, and

1 my cousin used to keep him.

2 THE COURT: Would that affect your ability to be
3 fair and impartial in this case?

4 JUROR: I don't know. I don't think I could do
5 it.

6 THE COURT: You don't think you could be fair and
7 impartial?

8 JUROR: Like I said, I knew this child from a
9 child.

10 THE COURT: You knew him like when he was a kid?

11 JUROR: Right. We used to keep him.

12 THE COURT: You used to keep him, take care of
13 him?

14 JUROR: Uh-huh.

15 MR. HIXSON: Excused.

16 MR. WILSON: No objections.

17 THE COURT: Thank you, Ms. Bellamy?

18 BAILIFF: No. 124.

19 JUROR: I work for Dr. Daniel Rosner. I'm in
20 charge of registering his patients in and out, and
21 normally we have people in case, but we're short
22 staffed. He wrote a letter.

23 THE COURT: You need to stay. Thank you.

24 THE BAILIFF: 325.

25 JUROR: Hi, sir, how are you doing? My daughter

1 graduates on May 17 from the University of South
2 Carolina. It is a graduation. I paid money to put
3 her through school.

4 THE COURT: I have two of you in the group. We
5 may be done by then. I think you stay. Let's stay,
6 and if we are still going, then I have no way of
7 knowing, but I'll have alternates in place, so we may
8 not get that far. I may be able to switch you, if you
9 even make it on. What is your number again?

10 JUROR: 325.

11 THE BAILIFF: No. 38.

12 THE COURT: What is your number?

13 JUROR: 38.

14 THE COURT: Okay.

15 JUROR: This is not -- one of the things the
16 officer in the back told me to get in line. I have
17 significant knowledge of the details of the case and I
18 don't want to be tainted or held in contempt later.

19 THE COURT: Don't say anything to anyone in any
20 way, shape or form.

21 JUROR: I may have said something on the way in
22 mentioning it was a death penalty case.

23 THE COURT: Who did you say that to?

24 JUROR: The gentleman next to me.

25 THE COURT: One person, or two?

1 JUROR: May have been -- I mentioned a different
2 detail to another.

3 THE COURT: Two people? So your number?

4 JUROR: 38.

5 THE COURT: Do you know who the two people are?

6 JUROR: The gentleman and the woman directly
7 behind him.

8 THE COURT: Gentleman in the pink and the woman
9 directly behind him?

10 (The following was had in the hearing of the jury
11 panel.)

12 THE COURT: Would the gentleman in the pink shirt
13 stand up. Tell me your number.

14 JUROR: 352.

15 THE COURT: Thank you. You may have a seat. The
16 woman behind him, stand up, please. And your number?

17 JUROR: 351.

18 THE COURT: Thank you. You may have a seat.

19 (The following is had at the bench out of the
20 hearing of the jury panel.)

21 THE COURT: Listen to me, don't say anything
22 about this case in any way, shape or form.

23 JUROR: I realize that now.

24 THE COURT: Not for discussion, you understand
25 me?

1 JUROR: Yes.

2 THE COURT: Any questions?

3 JUROR: No.

4 THE COURT: Go back and have a seat.

5 THE BAILIFF: 190.

6 JUROR: I'm a general manager at Gorden Biersch,
7 and we lost a manager last week. I have another this
8 week which leaves me, and it is just a bad time.

9 THE COURT: You have to stay.

10 JUROR: That's fine. Thank you.

11 THE COURT: We'll be there to eat.

12 THE BAILIFF: 386.

13 THE COURT: Your number.

14 JUROR: 386. My husband was recently started a
15 sole business. I do get compensated with my job up,
16 but I just want to make sure --

17 THE COURT: You need to stay.

18 Next.

19 THE BAILIFF: 189.

20 JUROR: I have three little dogs I have no one to
21 take care of if I do jury duty. I have no family. I
22 know it is stupid, but I have no family. My family is
23 two hours away, and I don't socialize with anyone. I
24 work, go home and that is my life.

25 THE COURT: You have to stay.

1 JUROR: I kind of thought that, but I thought I
2 would ask.

3 THE BAILIFF: 224.

4 JUROR: I didn't use my old man exclusion, but I
5 have surgery scheduled on the 20th and I'm sitting
6 there getting nervous.

7 THE COURT: I think you will be fine.

8 JUROR: That is fine.

9 THE COURT: I don't plan on being here on the
10 20th. Okay.

11 THE BAILIFF: 231.

12 JUROR: I had a real bad accident in October and
13 I go back and forth to MUSC, and that is really not
14 the reason, because I could probably get through with
15 that, but if we do go to trial, I teach two teams,
16 six-year-olds and 13-year-olds, and I'm the only
17 coach. Any time -- this is the last week of the
18 season. I have no one to step in and help me out, and
19 they won't have a coach. I'll just try to move all my
20 appointments back to MUSC.

21 THE COURT: You have to stay, thank you.

22 Let's go through the list. So using the numbers
23 on the left: No. 10 is out, No. 24 is out, No. 34 is
24 out. 47 is out. 58 is out. 89 is out. 115 is out.
25 118 is out. 129 is out. 152 is out. 153 is out.

1 158 is out. 159 is out. 175 is out. 183 is out.
2 197 is out. 211 is out. 218 is in. 237 is out. 251
3 is out. 265 is out. 266 is out. 282 is out. 307 is
4 out. 321 is out. 322 is out. 324 didn't show. 332
5 is out. 367 is out. 371 is out. We still have the
6 guy with the law school graduate.

7 MR. HIXSON: Two law school graduates, USC and
8 then the MS diagnosis; that is 128.

9 THE COURT: That's the one that got all mad when
10 I said to stay. How many am I down to?

11 THE CLERK: I have to go over the numbers. Right
12 now I have 123, but I think there is a few more. I
13 have to check.

14 THE COURT: What do you want to do with the law
15 school graduate?

16 MR. HIXSON: I'm not opposed to excusing him.

17 MS. WILLIAMS: I'm not opposed to it.

18 (The following was out in the hearing of the jury
19 panel.)

20 THE COURT: Mr. Mueller, please come back up
21 front.

22 MS. WILLIAMS: 239.

23 (The following was out of the hearing of the jury
24 panel.)

25 THE COURT: We're going to excuse you from

1 service in this case. Have a nice day.

2 THE COURT: You want to take a break?

3 THE CLERK: Yes, please.

4 MR. HIXSON: I didn't know the final rule on the
5 lady from Russia?

6 THE COURT: I told her she was staying.

7 I'll take a quick break, let them do what they
8 need to to see how many we have left and then bring
9 them back in here; you okay with that?

10 MR. WILSON: Yes, sir.

11 MR. RICHARDSON: Yes.

12 (The following was had in the presence of the
13 jury panel.)

14 THE COURT: Give me your attention for just a
15 second. So what we are going to do is we're going to
16 take -- figure out who is in the room and who is not
17 in the room and make sure that all of our lists match.
18 To do that, there is a bunch of computer work that
19 these wonderful ladies with the Horry County Clerk of
20 Court's Office has to do, so we'll take a ten-minute
21 break. It is 12:34. Start back at 12:45. Listen to
22 me, you are not allowed to discuss this case or
23 anything about it or anything you think you know about
24 it or anything you think you've heard about it or
25 anything else with anyone else. You are allowed to go

1 to the restroom, drink of water, but do not discuss
2 this case or anything about it with anyone in any way,
3 shape or form. We will be back in here at 12:45.
4 12:45. Thank you.

5 (A recess was taken.)

6 THE COURT: Let me make sure I have everyone back
7 in here.

8 (A brief pause in the proceedings.)

9 THE COURT: I'll ask if they heard anything about
10 the case, know anything about the case? Do we have
11 any issues with the jurors presently in the room that
12 we need to take up from the State?

13 MR. HIXSON: No. Just casual inquiry, or
14 specific inquiry?

15 THE COURT: Casual.

16 MR. HIXSON: I think that is appropriate.

17 THE COURT: Anything else from the defense as to
18 the jurors presently in the room?

19 MR. WILSON: No, sir.

20 THE COURT: So, ladies and gentlemen, I promise
21 you, I'm about to release you for lunch. I know it is
22 about time for that, just give me a few more moments
23 of your time. So what we're going to do now is the
24 group that has now left in here, and there is about
25 121 of you. I have some jurors -- and the lawyers

1 know about this -- I have some jurors who said they
2 were like a student, I have a final exam on Monday,
3 can I finish my exam and come Tuesday. So there are a
4 few more people trickling in that we know about, and
5 I'll ask them the same questions that I asked you this
6 morning when they trickle in, but I didn't want to
7 lose out on those people just because they couldn't be
8 here today.

9 So we'll take the list of 121 of you in here
10 right now and, essentially, the way -- we'll take it
11 like a deck of cards and shuffle you all. We do that
12 via computer system. We used to do it via a big wheel
13 that you would turn and have bingo balls and you had a
14 blind person that would pull out the balls. Yeah,
15 that is real life.

16 We have a computer system now, and that computer
17 system is going to take 121 of you and shuffle you and
18 basically renumber you, okay. They are going to work
19 on making that happen. Once that happens, we are
20 going to turn you into panels and then give you
21 specific times to come back. So you will get a card
22 when you leave here today, and that card is going to
23 say, you know, Juror No. X, you are to come back on
24 this day at this time, okay. Does that make sense?
25 When you come back for that set of questioning, you

1 don't need to bring anything with you. You don't need
2 to bring luggage or pack a bag or whatever else.
3 Bring whatever you normally would bring with you to
4 something like this, but you don't need to pack
5 anything. Once you come back at that time, we'll
6 bring you in and ask you questions, you know, do you
7 know the witnesses, do you know the parties, do you
8 know -- questions like that. Then, we'll determine,
9 based upon that questioning, whether you stay or
10 whether or not you are excused. Even if you stay, you
11 are going to be let go for the day and told to come
12 back in at another time. So if you actually make it
13 through that process, then I'll explain it to you and
14 give you specific things on what to do then, okay.

15 At this point in time, I'll let the State call
16 their case. Mr. Hixson, you may call your case.

17 MR. HIXSON: Thank you, Your Honor. May it
18 please the Court?

19 THE COURT: Yes, sir.

20 MR. HIXSON: Before the Court, the State of South
21 Carolina intends to call three indictments; that is
22 the State of South Carolina versus Jerome Jenkins,
23 Junior, 2015-GS-26-1757 is an indictment for attempted
24 murder. 2015-GS-26-1758, that is an indictment for
25 murder. 2015-GS-26-1759, that is an indictment for

1 armed robbery, Your Honor. These are all true billed
2 by the grand jury.

3 THE COURT: May I see copies of those, please?

4 MR. HIXSON: Yes, sir. May I approach?

5 THE COURT: Yes, sir.

6 All right. Ladies and gentlemen, the State has
7 called its case: The State of South Carolina versus
8 Jerome Jenkins, Junior. These are indictment Nos.
9 2015-GS-26-01757, 01758 and 01759. These are three
10 indictments that I hold in my hand, ladies and
11 gentlemen. These indictments are not proof of
12 anything. They are not evidence of anything. They
13 are merely the documents that give this court the
14 authority to hear this case. To these indictments,
15 Mr. Jenkins has pled not guilty and has requested a
16 trial by jury. He is presumed to be innocent under
17 our laws.

18 I'm going to read each of these indictments to
19 you. Again, these indictments are allegations. They
20 are not proof of anything, nor are they evidence of
21 anything. The first indictment is for attempted
22 murder. In this indictment, it alleges that Jerome
23 Jenkins, Junior, while acting in concert with others,
24 did, in Horry County on or about January 2, 2015, with
25 the intent to kill Jimmy Dale McZeke, attempt to kill

1 the victim with malice aforethought, either expressed
2 or implied.

3 Second indictment, ladies and gentlemen, alleges
4 armed robbery. This indictment alleges that Jerome
5 Jenkins, Junior, while acting in concert with others,
6 did in Horry County on or about January 2, 2015, while
7 armed with a deadly weapon, to wit a handgun, take and
8 carry away personal property of Bala Paruchuri, or in
9 the immediate presence of Bala Paruchuri, with the
10 intent to deprive Bala Paruchuri of possession by use
11 of force, threats or intimidation in violation of the
12 South Carolina Code of Laws.

13 The third indictment, ladies and gentlemen, is
14 for murder. This indictment alleges that Mr. Jerome
15 Jenkins, Junior, while acting in concert with others,
16 did in Horry County on or about January 2nd of 2015,
17 willfully, feloniously and intentionally kill the
18 victim, Bala Paruchuri, with malice aforethought,
19 either expressed or implied, by means of shooting, and
20 the victim did die as a proximate result thereof on or
21 about January 2nd of 2015 in Horry County.

22 Again, ladies and gentlemen, these indictments
23 are not proof of anything. They are not evidence of
24 anything. They are merely the documents that give
25 this court the authority to hear this case. To these

1 charges, Mr. Jenkins has pled not guilty and has
2 requested a trial by jury.

3 Now, what I want to do, ladies and gentlemen, is
4 give you a brief statement of the allegations in this
5 case, and I ask you to this -- one of the things -- if
6 you actually make it on this jury, one of the things I
7 will explain to you very clearly is that you are in
8 control of the facts, and I'm in control of the law.
9 The law does not allow me to tell a jury what the
10 facts are unless there is some form of stipulation
11 amongst the parties. But I have to explain the
12 allegations in the case to you because I want to find
13 out -- and we're going to question you more when you
14 come back -- about what you may have heard or what you
15 may have -- may know about the case. There is nothing
16 wrong if you have heard something about this case or
17 read something about this case or seen something about
18 this case; that is perfectly normal. What we're doing
19 is gathering information from you about what you have
20 seen or you have heard or you read or what you think
21 you know. So I have to give you a gist of what the
22 case is about, even though it is not proof of anything
23 or not evidence of anything, to see or to try to
24 trigger any response -- any memory you may have about
25 the case. You may remember nothing about the case.

1 You may have never heard of it, and that is perfectly
2 fine, too. This is an attempt to help you or jog your
3 memory.

4 The defendant in this case is charged with the
5 murder and armed robbery -- charged with murder, armed
6 robbery and attempted murder. Investigators say that
7 in January of 2015, Jerome Jenkins, Junior, acting in
8 concert with two codefendants, who are not the subject
9 of this case, robbed and killed Bala Paruchuri, the
10 owner and clerk of the Sunhouse Convenience Store on
11 South Carolina Highway 905. Weeks later, the group
12 allegedly robbed the Scotchman Gas Station on Lake
13 Arrowhead Road, and the Sunhouse store in Oak Street
14 on Conway, where the clerk Trisha Stull was shot and
15 killed. These events took place January 2, 2015 and
16 January 24, 2015 in Horry County.

17 Now, again, ladies and gentlemen, none of that is
18 evidence. None of that is proof. I have to tell you
19 the gist of what the case is about to see if you know
20 anything, if you have heard anything, if you have read
21 anything or watched anything or have any knowledge in
22 any way, shape or form about the case.

23 So at this point in time, what I -- the question
24 I want to ask the jury is: Have you seen, read or
25 heard anything about this case or have any independent

1 knowledge about this case, whatsoever? This includes,
2 but not limited to TV news reports, newspaper,
3 anything on the Internet, any conversations that you
4 may have had with somebody. I'm trying to get a gist
5 of who in the room knows something about the case or
6 thinks they know something about the case, and who
7 doesn't. If you have seen, heard, read, listened to,
8 watched or had any conversation with anyone about the
9 case, or what you think the case is about, I just want
10 you to stand up right where you are.

11 So at this point in time, we're not going to ask
12 you the detailed questions. We're just going to
13 record who you are so that when you come in to be
14 questioned later, I can remind myself to ask you those
15 questions; does that make sense? Okay. So go slow
16 because you are all in different orders. I'll collect
17 all of the juror numbers.

18 If you need to move around, that is perfectly
19 fine.

20 MR. HIXSON: Thank you, Your Honor.

21 THE COURT: Start in the right-hand corner. Tell
22 me your number.

23 JUROR: 101.

24 THE COURT: 101, Ms. Edge?

25 JUROR: Yes.

1 THE COURT: Right here to the right, tell me your
2 number.

3 JUROR: 161.

4 THE COURT: 161, Mr. Johnson; is that right?

5 JUROR: Yes, sir.

6 THE COURT: Work our way back, in the blue shirt.

7 JUROR: 349.

8 THE COURT: 349, you are Mr. Stepp.

9 JUROR: Yes, sir.

10 THE COURT: Right across.

11 JUROR: 65.

12 THE COURT: 65, you are Ms. Clayton; is that
13 right?

14 JUROR: Uh-huh.

15 THE COURT: Working our way back, in the Champion
16 shirt.

17 JUROR: 38.

18 THE COURT: Mr. Briggeman.

19 JUROR: Yes, sir.

20 THE COURT: Next to Mr. Briggeman.

21 JUROR: Louise Steward, 351.

22 THE COURT: 351, Ms. Stewart. Thank you,
23 Ms. Stewart.

24 In the striped shirt.

25 JUROR: 23, James Bellamy.

1 THE COURT: Mr. Bellamy, thank you very much, No.

2 23.

3 In the green shirt.

4 JUROR: Debra Polka, 276.

5 THE COURT: 276, Ms. Polka.

6 Striped shirt.

7 JUROR: 364, Cindy Thibodeau.

8 THE COURT: Ms. Thibodeau, thank you very much.

9 Attorneys, if you don't hear a number or
10 something, just speak up and I'll make sure you get
11 it.

12 In the back corner.

13 JUROR: 119.

14 THE COURT: 119, that is Mr. Gartner; is that
15 right?

16 JUROR: Correct.

17 THE COURT: Thank you.

18 Start here in the blue shirt.

19 JUROR: 240.

20 THE COURT: 240, Mr. Munn.

21 JUROR: Yes.

22 THE COURT: In the green.

23 JUROR: 202.

24 THE COURT: 202, Ms. Long.

25 JUROR: Yes, sir.

1 THE COURT: Working our way back in the purple.
2 JUROR: 128.
3 THE COURT: Ms. Grassi.
4 In the brown.
5 JUROR: 221, Peggy Jo McGonigal.
6 THE COURT: 221.
7 In the white shirt.
8 JUROR: 345, Stephen Stancil.
9 THE COURT: 345, Mr. Stancil.
10 Next to him.
11 JUROR: 54, Elizabeth Calhoun.
12 THE COURT: 54, Ms. Calhoun.
13 JUROR: 267.
14 THE COURT: Mr. Palmer, 267.
15 JUROR: 338, Robert Smith.
16 THE COURT: 338, Mr. Smith.
17 Blue shirt.
18 JUROR: 356.
19 THE COURT: 356, Ms. Sunday.
20 Red shirt.
21 JUROR: 249.
22 THE COURT: 249, that is Mr. Nesta.
23 Yes, ma'am.
24 JUROR: 190.
25 THE COURT: 190, that is Ms. Leeson. Yes.

1 Sir.

2 JUROR: 160.

3 THE COURT: Mr. Johnson, 160.

4 Come to the far right on the back row.

5 JUROR: 353.

6 THE COURT: That is Mr. Strobeck, 353.

7 JUROR: 299.

8 THE COURT: You are Ms. Rodriguez.

9 In the flower shirt.

10 JUROR: 79.

11 THE COURT: 79, you are Ms. Daniels.

12 Okay, yellow shirt.

13 JUROR: 13.

14 THE COURT: Mr. Archibald?

15 JUROR: Correct.

16 THE COURT: Okay.

17 JUROR: 133.

18 THE COURT: 133, Mr. Guy.

19 JUROR: 385.

20 THE COURT: 385. Ms. Watts.

21 In the pink.

22 JUROR: 168.

23 THE COURT: 168, Ms. Jordan.

24 JUROR: 363.

25 THE COURT: 363, Ms. Tenny.

1 JUROR: 155.
2 THE COURT: 155, Ms. Jackson.
3 JUROR: Yes.
4 THE COURT: Okay.
5 JUROR: 185.
6 THE COURT: 185, Mr. Laveglia. Thank you.
7 JUROR: 32.
8 THE COURT: 32, Mr. Bodmer.
9 In the front in the stripes.
10 JUROR: 201.
11 THE COURT: 201, Ms. Loan.
12 Next to her.
13 JUROR: 145, Holmes.
14 THE COURT: Ms. Holmes, 145.
15 JUROR: 205.
16 THE COURT: Ms. Mabry.
17 JUROR: 328.
18 THE COURT: 328, Ms. Shaw.
19 JUROR: 388, Williams.
20 THE COURT: Ms. Williams, thank you.
21 JUROR: 293.
22 THE COURT: 293, Mr. Rimm.
23 JUROR: 55, Scott Callahan.
24 THE COURT: Mr. Callahan.
25 Pink shirt.

1 JUROR: 253, Sandra Ney.

2 THE COURT: Ms. Nye, 253.

3 Orange shirt.

4 JUROR: 374.

5 THE COURT: Mr. Truett.

6 JUROR: 15.

7 THE COURT: Ms. Baker.

8 JUROR: 122.

9 THE COURT: Mr. Ginac.

10 JUROR: 174, Ms. Keith.

11 THE COURT: Anyone else on that question?

12 Are we ready?

13 THE CLERK: We'll shuffle them and print it out.

14 THE COURT: What time do you want the first panel
15 to come back? It is 1:00 now.

16 MR. HIXSON: I'll leave it to Your Honor.

17 MR. WILSON: 2:00, 2:30.

18 THE COURT: You want the panel after that?

19 MR. WILSON: I think we need at least an hour or
20 hour-and-a-half.

21 MR. HIXSON: How many are we putting in there,
22 Your Honor? I know you mentioned four to six
23 pretrial.

24 MR. WILSON: If we have six, we need at least an
25 hour-and-a-half.

1 THE COURT: For today, because we've been
2 going -- let's do two panels of six and set one at
3 2:00 -- one at 2:30 and one at 4:30.

4 MR. WILSON: One at 2:30 and one at 4:00?

5 THE COURT: 4:30.

6 MR. WILSON: 4:30.

7 THE COURT: Is that okay?

8 MR. WILSON: Yes, sir.

9 MR. HIXSON: Yes, sir.

10 THE COURT: Do you have them random? We'll do
11 six.

12 (A discussion was had off the record.)

13 THE COURT: They are shuffling. Once you are
14 shuffled, I'm going to put you in groups of four, five
15 or six and I'll give you a time. So we'll call out a
16 name so you know which order you are and we'll meet
17 you at the back door and give you your card, okay.
18 That card will say you are supposed to come back at
19 whatever day and whatever time; are you with me?

20 Okay. Now, when you come back the first time,
21 just, you know, bring your purse, keys or phone.
22 Listen, I'm about to start excusing you, you know, for
23 the day, so I need everyone to pay close attention to
24 me. Y'all are not allowed to watch any news in any
25 way, shape or form. You are not allowed to read any

1 news, either in paper form or on the Internet. You
2 are not allowed to listen to news on the radio in any
3 way, shape or form. You are not allowed to discuss
4 this case or anything about it with anyone. You can
5 obviously tell your family -- they more than likely
6 know you are here for jury duty and know that, and
7 that is perfectly fine, but you can't tell them this
8 is the case, this is what the case is about or this is
9 the people involved in the case. Because what
10 happens, sometimes when you do that, someone says,
11 well, I know all about that case, let me tell you all
12 about it, right? And whatever they tell you is not
13 evidence of anything and it is not proof of anything.
14 There could be a high probability that it is not even
15 accurate. So that is why I don't want you to discuss
16 the case with anybody in any way, shape or form.

17 The other thing is this. Some people make fun of
18 me and say I'm not that technologically advanced, but
19 I live in 2019 and realize that most of you brought a
20 device with you that you can look up just about
21 anything in the world you want to on your phone. So
22 years ago when I did these cases, people, you know --
23 you didn't have that access to information on a phone.
24 You are not allowed to do any research in any way,
25 shape or form about this case. So you can't go home

1 and Google this case, look up this case or try to
2 figure out this case. You can't read the news
3 accounts about this case, okay. Trust me, I've been
4 in the news more than I care to remember, and it is
5 not always accurate. I say that jokingly, obviously.
6 You cannot do your own independent research. You
7 cannot go look up this case. You cannot go figure out
8 this case. When you come back to be questioned, one
9 of the first questions I'll ask you is have you talked
10 to anyone about the case? Have you discussed the case
11 with anyone? Have you had any contact with anyone
12 involved in the case, and have you done any research
13 on the case?

14 Now, if you've already seen something about this
15 case prior to today, that's perfectly fine. We'll ask
16 you about that and talk about that, but I don't want
17 you to go do anything between now and when you come
18 back. Everyone understand? Okay. All right.

19 Do we have a list?

20 THE CLERK: Yes, sir.

21 THE COURT: I'll give you a copy of the random
22 list. As I call your number, just stand up right
23 where you are. Number one, Angela Weidner, 386.
24 Number two, Melinda Marriott, Juror 210. Three,
25 Thomas Munn. Four, Sandi Arrovo-Martinez, No. 14.

1 No. 5, Deborah Polja. No. 6, Robert Roddy.

2 MR. HIXSON: Beg the Court's indulgence. I was
3 writing down by juror numbers.

4 THE COURT: I said the wrong numbers. We're
5 going to give you a list. Those numbers are 386, 210,
6 240, 14, 276, 298. I read the wrong number, that is
7 my fault. I apologize. We'll give you this list.

8 So you are in Panel No. 1. We're going to start
9 at 2:30 today. So you are allowed to eat lunch and do
10 whatever you want between now and 2:30. When you --
11 when they come back at 2:30, who is going to meet
12 them?

13 THE CLERK: Your Honor, if they will meet
14 downstairs in the jury pool room, so when they come in
15 just tell the security desk they need to go to the
16 jury pool room and we'll have someone down there to
17 meet them.

18 THE COURT: So you first six are going to be the
19 first six in group. You will go in order so
20 Ms. Weidner, Mr. Marriott, Mr. Munn, Mr. Martinez,
21 Ms. Polka and Mr. Roddy. So when you come back in at
22 2:30, show the deputy at security your card that says
23 2:30. They are going to put you in a jury room or
24 jury assembly room.

25 Now, when you are in that room -- and everyone

1 listen, because this will apply to all of you -- you
2 are not allowed to discuss the case with anyone,
3 anything about it in any way, shape or form. We will
4 pull you out one at a time. When we pull you out, the
5 first thing you'll do is you will have a potential
6 witness list for the case. So we'll pull you out and
7 give you the witness list and you can go through that
8 witness list. I want you to see if there is anyone
9 you know, think you know, may know, kind of know. You
10 will have the witness list, and then we'll have three
11 kinds of what I call categories for you, and I want
12 you to read and understand those three categories and
13 then bring you out here and individually question you
14 one at a time, okay.

15 So you all are excused. We'll meet you at the
16 back door and we'll give you your card and bring you
17 back at 2:30. Mr. Ropp.

18 MR. ROPP: I'll be downstairs.

19 THE COURT: This gentleman, Mr. Ropp, will meet
20 you downstairs and he'll take you where you need to
21 go, but don't discuss the case with anyone in any way,
22 shape or form. See you all back at 2:30, okay.

23 Group number two. Group number two, stand when
24 your name is called. Yvonne Jordan, 168. Scott
25 Callahan, No. 55. Angelia Shaw, 328. Steven Nathan,

1 244. Kimberly Bourne, 36. Harry Johnson, Junior,
2 161. That is everyone. So you six, everything that I
3 just said to them applies exactly to you. You will
4 come back at 4:30. You will come back at 4:30. So
5 when you come back at 4:30 they will put you in a
6 room. You are not allowed to talk about the case or
7 anything about it. And as we get to you -- the reason
8 I'm giving you these kinds of time frames is some
9 people are going to take 10 minutes. Some people are
10 going to take 20 minutes, so it is impossible for me
11 to know, so we're doing our best guess to keep it
12 moving. You six be back at 4:30 today, same building.
13 When you come in downstairs, show the deputy your
14 card. Natalie, do we have cards for them? They are
15 writing out your cards. So that will be -- you all
16 have the list now so you know what order they are in.
17 You have them, Natalie? So you can go to the back
18 door and we'll see you at 4:30.

19 You want to keep it six or smaller? Six in two
20 hours or smaller.

21 MR. WILSON: I think five or six.

22 MR. HIXSON: I'm fine to make it smaller, it will
23 save time.

24 THE COURT: So we'll do five? How much time?

25 MR. WILSON: Two hours.

1 MR. HIXSON: Yeah, five in two hours is fine;
2 otherwise, these guys have to sit if we run behind.
3 It is onerous.

4 THE COURT: Okay. So at this point in time,
5 we'll do groups of five in two-hour blocks. We will
6 start tomorrow morning at 9:00 a.m. So the next group
7 is to report tomorrow morning, Tuesday morning at 9:00
8 a.m. When your name is called, please stand. Harold
9 Coleman, Junior, Cynthia Thibodeau, Christine
10 McGinley, Ashley Watts, Crystal Jordan. So I have
11 one, two, three, four, five. So you are supposed to
12 come back tomorrow morning at 9:00 a.m. And do not
13 discuss the case in any way, shape or form with
14 anyone. When you come in, show the deputy your card.
15 They will take you into a jury assembly room and we'll
16 bring you out one at a time. 9:00 a.m. Do you all
17 five understand? Everyone is good. So that is 9:00
18 a.m. Tuesday. Thank you. You are excused for the
19 day.

20 Don't leave without your cards. We have to get
21 your card. Do you have them, Brooks?

22 DEPUTY: Yes.

23 THE COURT: Next five, stand when your name is
24 called. Glenda McCulloch, Denise Edge, Christopher
25 Johnson, James Payne, Jonathan Ginac. Did I get

1 closer?

2 MR. GINAC: Yeah.

3 THE COURT: Okay. That is one, two, three, four,
4 five. So you five -- one, two, three, four, five --
5 are at 11:00 a.m. Tuesday morning. That is tomorrow
6 morning. You are not allowed to discuss the case with
7 anyone in any way, shape or form. You are not allowed
8 to do any independent research or any contact with
9 anyone involved in the case. When you come into the
10 building tomorrow morning, bring your card. Show it
11 to them and they'll escort you to the jury assembly
12 room. Do not discuss the case and we'll bring you out
13 as soon as we need you, 11:00 a.m. Tuesday. Everyone
14 understand? Everyone look at me and give me
15 affirmative. Do not leave without your cards.

16 The next group. The next group. Everyone ready
17 to go? The next group is Louise Stewart, Sandra Ney,
18 Nicole Young-Cline, Brooke Baker, Robert Jones. One,
19 two, three, four, five. Your time is 2:00 p.m. on
20 Tuesday. 2:00 p.m. on Tuesday. Do not discuss the
21 case with anyone in any way, shape or form. Do not
22 have any contact with anyone in the case. Do not
23 read, listen to, watch or follow any news accounts
24 about the case. When you come back at 2:00 bring your
25 card and they will show you where to go. Again, don't

1 discuss the case with anyone. You are completely
2 excused. Be back tomorrow at 2 o'clock. Don't leave
3 without your cards, okay. Got them, Brooks.

4 DEPUTY: Yes, sir.

5 THE COURT: Okay. Thank you.

6 (A brief pause in the proceedings.)

7 THE COURT: The next group is Jerry Harper, John
8 Archibald, Lauren Stevens, Jack Bodmer, Linda Long.
9 You are coming back at 4:00 p.m. Tuesday. 4:00 p.m.
10 Tuesday, that is tomorrow. Do not discuss the case.
11 Do not read, watch or listen to any news. Do not have
12 any contact with the anyone involved in the case. Do
13 not do any research about the case. 4:00 p.m.
14 tomorrow. Bring your card, come back in and we'll get
15 you set up and going. Do not leave here without your
16 card. 4:00 p.m. tomorrow. Thank you.

17 The next panel is Steven Porter, Robert
18 Pickering, Jennifer Favale -- sorry if I said that
19 wrong -- Christina Tenny and Valerie Grassi. You are
20 at 6:00 p.m. tomorrow. 6:00 p.m. tomorrow is when you
21 need to be back. 6:00 p.m. Do not discuss the case.
22 Do not have any contact with anyone involved in the
23 case. Do not read, listen, watch or do any research
24 about the case. See you at 6:00 p.m. Tuesday night.

25 All right. Next group is James Truett, Roberta

1 Sloan, Lorraine Clayton, Cecilia Mabry and Jacob
2 Schuster. You all are going to be at 9:00 a.m. on
3 Wednesday. 9:00 a.m. on Wednesday. Take your card.
4 Show it to them when you enter the building. Do not
5 discuss the case. Do not do any research about the
6 case. Do not watch, read, listen to or observe any
7 news about the case. Do not have any contact with
8 anyone involved in the case. You do not need to come
9 tomorrow. You come back at Wednesday morning at 9:00
10 a.m. Thank you very much.

11 The next group is Barbara McNeese, Fredrick
12 Briggeman, Donna Huguenin, William Guy and Shannon
13 Dagrossa. Is that everybody? One, two, three, four,
14 five. Your time is 11:00 a.m. Wednesday. 11:00 a.m.
15 Wednesday. Do not discuss the case. Do not do any
16 research about the case. Do not watch, read, listen
17 to any news accounts about the case. Do not have any
18 contact with anyone involved in the case. You do not
19 need to come back today. You do not need to come back
20 tomorrow. Wednesday morning 11:00, and bring your
21 card and they'll show you where to go. Thank you very
22 much.

23 MR. HIXSON: May we approach?

24 COURT REPORTER: Did you want this on the record?

25 MR. HIXSON: It's not that big of a deal, it is

1 just a suggestion.

2 (Whereupon, a bench conference was had.)

3 THE COURT: Okay. The next panel. The next
4 panel. All right. Next panel we'll put six in the
5 next panel and next panel is Nicole Loan, Carl
6 Robbins, Tammy Montgomery, Miriam Rodriguez and
7 Stephen Stancil and Terry Gartner. Okay. You all are
8 going to come back at 2:00 p.m. on Wednesday.
9 2:00 p.m. on Wednesday. You do not need to come back
10 tomorrow. Come back at 2:00 p.m. Wednesday. Do not
11 discuss the case. Do not read any news about the
12 case. Do not watch any news in the case. Do not do
13 any independent research about the case. When you
14 come back, I want you like you are now. Bring your
15 card with you. Make sure you have your card when you
16 come back so we can show you where to go. 2:00 p.m.
17 Wednesday. Thank you very much.

18 The next panel is James Bellamy, Junior, Stephen
19 Mills, Douglas Palmer, William Rimm, Timothy Semones,
20 Rose Marie Barbour. You all are scheduled for
21 4:00 p.m. Wednesday. 4:00 p.m. Wednesday. Do not
22 discuss the case. Do not do any independent research
23 about the case. Do not watch, read, listen to any
24 news accounts about the case. Make sure you have your
25 card with you when you leave. Make sure you have your

1 card when you come back 1:00 p.m. Wednesday.

2 4:00 p.m. Wednesday. Thank you very much.

3 Next panel is Kimberly Decker, Amanda Fineran,
4 Hannah Oliveras, Jessica Leeson, Melanie Anderson,
5 Jessie Gutierrez. You all are scheduled for 6:00 p.m.
6 Wednesday. 6:00 p.m. Wednesday. You do not need to
7 come back tomorrow. You come back 6:00 p.m. Wednesday
8 night. Do not discuss the case. Do not do any
9 research about case. Do not watch, read, listen any
10 news media about the case. Make sure you take your
11 card with you. Take your card -- bring your card back
12 with you when you come back, okay. Thank you very
13 much.

14 You want me to keep going? How far do you want
15 me to go before they are on the telephone call back.

16 MR. HIXSON: I think we put them all in a panel
17 and we can always call if we fill our strikes.

18 MR. WILSON: May we approach?

19 (The following was had at the bench.)

20 MR. WILSON: No. 10, I thought No. 10 was excused
21 in that last panel?

22 MR. RICHARDSON: That's right.

23 THE COURT: Oh. Is 10 in or out?

24 THE CLERK: I have excused on my list.

25 THE COURT: What do you have? We just put her in

1 a list.

2 Stop No. 10, please, Brooks, Ms. Anderson. She
3 may have said she wanted to serve even though she had
4 an exemption.

5 Ms. Anderson, do you wish to serve or not serve?

6 JUROR: Serve.

7 THE COURT: Okay. Thank you very much. She had
8 prior jury service, but she doesn't want the
9 exemption; that is how it got messed up.

10 MR. HIXSON: Are we good with running all of the
11 panels?

12 THE COURT: You want to keep running panels?

13 MR. WILSON: Might as well wait.

14 THE COURT: We'll fill up Thursday, and anyone by
15 that point we'll put on the call back.

16 So you understand what we're discussing, at
17 points during individual questioning, we'll get to
18 enough jurors so I know how many I have to have. So
19 at some point we'll get to that number. I can't tell
20 you whether that is going to be Wednesday or whether
21 that is on Thursday, but at some point we will have
22 enough and then we will call and say you don't even
23 need to come back. So the further you are down on the
24 list, the better your chances are, but there is no
25 promise in this statement. Everyone understand that?

1 We'll create the panels as if you are coming back
2 anyway, but of course we have your contact
3 information, which is not for public dissemination.
4 There may be a point in time that you get a call that
5 says we have enough, thank you very much. But I have
6 no way of knowing at what point that will be until we
7 actually do it, all right.

8 So we are -- okay. So the next panel is Jennifer
9 Gee, Keith Negri, Terence Brister, Arisbet Gonzales,
10 Casey Owens, Fern Daniels. So your time is going to
11 be 9:00 a.m. on Thursday. 9:00 a.m. on Thursday. Do
12 not need to come back tomorrow or Wednesday. You are
13 to come back at 9:00 a.m. on Thursday. Do not discuss
14 the case. Do not do any independent research. Do not
15 watch, read, listen to any news accounts about the
16 case. Take your card with you and bring your card
17 back with you when you come back. 9:00 a.m. Thursday.
18 Thank you very much.

19 Next group is Donald Eckler, Robert Sweet, Robert
20 Smith, Michelle Lanni, Diane Randle and Andrea Davis.
21 Your time is 11:00 a.m. on Thursday. 11 a.m. on
22 Thursday. Do not discuss the case. Do not do any
23 research about the case. Do not watch, read, listen
24 to any news. Take your card with you, bring your card
25 back. 11:00 a.m. Thursday. Thank you.

1 Next panel is Wendy Wilson, Eric McCoy, Susan
2 Sunday, Elroy Vaught, Lisa Odle, Marcello Milone.
3 Your time is 2:00 p.m. on Thursday. 2:00 p.m. on
4 Thursday. You do not need to come here tomorrow. You
5 do not need to come here Wednesday. 2:00 p.m.
6 Thursday. Do not discuss the case. Do not do any
7 research. Do not watch or listen to news. Take your
8 card with you and bring your card with you when you
9 come back at 2:00 p.m. Thursday. Thank you.

10 Next panel. Next panel. Curtis Strickland,
11 Lourdes Limpasuvan, Cheri Satterfield, Matthew
12 Baliles, Ikeshia Harrington, Kevin Roscoe. Your time
13 is 4:00 p.m. on Thursday. 4:00 p.m. on Thursday. Do
14 not discuss the case. Do not do any research on the
15 case. Do not watch, read or listen to any news
16 accounts about the case. Take your card with you and
17 bring your card back. You don't need to come up here
18 tomorrow. You don't need to come up Wednesday.
19 4:00 p.m. on Thursday. Thank you very much.

20 Next panel is David Chesterfield, Patti Jackson,
21 Joshua Washington, Miracle Keith, Michael Laveglia,
22 Patricia Brown. Your time is going to be 6:00 p.m. on
23 Thursday. 6:00 p.m. on Thursday. Do not do any
24 research about the case. Do not discuss the case with
25 anyone. Do not watch any news media about the case.

1 Take your card with you. Bring your card back with
2 you when you come. 6:00 p.m. on Thursday. 6:00 p.m.
3 on Thursday. Thank you very much.

4 I'll put the rest of them on a call back. We'll
5 tell them to call back Thursday night; is that okay?

6 MR. WILSON: Yes, sir.

7 THE COURT: So if you are sitting in the
8 audience, listen very closely to me. This is very
9 important. I only have so many jurors, right. You
10 all understand that? I need you to understand we
11 started with 400 and today we're down to 121. So
12 we've been working on this process for months and
13 months and months, and anyone that needed to get out
14 of something, we had full-blown verification from them
15 and all of these kinds of things. So you are all very
16 critical. Is there a chance that I could get to each
17 of you? 100 percent. Is there a chance that I may
18 not get to any of you? Absolutely. So at this point,
19 you all are kind of on the cusp of whether or not you
20 need to come back. Here is what I'm going to have you
21 do. At this point in time, you all are to call the
22 Clerk of Court's Office. We're going to give you a
23 card with a phone number -- Thursday night after 5:00.
24 At that point in time it will have a message telling
25 you whether you need to come in on Friday or not.

1 MR. HIXSON: We'll have to put these in the
2 panels and bring them up in panels and bring them in
3 panels on the way out. If a group shows up at
4 9 o'clock --

5 THE COURT: Can we leave a message as to who is
6 to come, what time? Can a message be that long?

7 THE CLERK: Yes, sir.

8 THE COURT: So Thursday night you will call into
9 this number, which we'll provide to you. You are
10 required to call into this number. If you do not
11 call, I will send a sheriff's deputy to pick you up,
12 okay. So you are going to call in Thursday night.
13 The message may say you are not needed for this trial,
14 have a nice day. If the message does not say that, it
15 will say the following jurors are to come in and
16 they'll give you times for Friday. Just like I've
17 done in here, it will say come in Friday at 9:00 or
18 Friday at 11:00, Friday at 4:00, wherever we may be at
19 that point in time. It may be that I only need five
20 or six of you. It may be that I need all of you or
21 none of you, but at this point in time, I'll put you
22 on telephone standby. You will call in Thursday night
23 after 5 o'clock. There will be a message on the
24 machine that will tell you when and if you are needed
25 and you are required to report at that time if you are

1 -- if that is necessary at that point in time. Does
2 everyone follow me on that? So you don't need to come
3 up here Tuesday, Wednesday, Thursday. You need to
4 call in Thursday night. We'll give you a call with
5 that number. All the rules I told everyone else apply
6 to you. You are not allowed to discuss the case or
7 anything about it. Do not do any independent research
8 on the case. Do not read, watch, listen to any news
9 accounts about the case. If you do come back in, I
10 want you just like you are now. I don't want you to
11 gain extra knowledge. I'm doing this in hopes that I
12 have enough by Thursday, afternoon and hopefully by
13 Thursday afternoon we can start the trial, but if we
14 haven't, I need to have you in case we need to keep
15 going until we get to the magic number we need to
16 select a jury, okay. Does everyone understand?
17 Anyone in the room have any questions about that?
18 Yes, sir, in the back, your number?

19 JUROR: My number is 46. So we're here for the
20 rest of the week? Because I'm supposed to work in New
21 York. Is it okay to go back and I have a flight to
22 come back Friday morning, but it lands at 9 o'clock.

23 THE COURT: Let me see where you are.

24 MR. HIXSON: 112.

25 THE COURT: So even if you have to come back on

1 Friday, you would not be in the first group; so you
2 are fine. You are free to do what you need to do.
3 Follow all of the restrictions and call in Friday
4 night (sic) and it will give you a time -- you will
5 not -- I don't even know what order you are in. You
6 are not in the first group. Earliest you need to come
7 in is 11:00; does that make sense?

8 JUROR: Yes, sir.

9 THE COURT: Anyone else? All right. Do we have
10 cards?

11 THE CLERK: Renee is going to get cards for who
12 are going to call.

13 (A discussion was had off the record.)

14 THE COURT: If you will stay right here until we
15 get the cards to give you with a specific number. So
16 you all stay put. We're going to take a lunch break
17 so the attorneys can eat. But don't leave, jurors,
18 until you get a card in your hand with the phone
19 number.

20 Anything else before we break, Mr. Hixson?

21 MR. HIXSON: No, sir.

22 MR. WILSON: No, sir.

23 THE COURT: I e-mailed you all copies of the
24 witness list that my office put together, so make sure
25 you look at that and they are accurate.

1 MR. HIXSON: Yes, sir.

2 MR. WILSON: Yes, sir.

3 THE COURT: 2:30. 2:30. 2:30.

4 (A recess was taken.)

5 THE COURT: We're back on the record. A couple
6 of things before we get rolling. Number one, we had
7 two jurors that showed up after we finished this
8 morning. We told them to come back at 2:30. Do you
9 want me to bring them in and run through the
10 qualification questions with them, and if they are
11 available, add them to the end of the list?

12 MR. RICHARDSON: That is fine with the State.

13 MR. WILSON: Yes, that's fine.

14 THE COURT: Do you have the two, Brooks?

15 DEPUTY: I have one for sure.

16 THE COURT: Okay. Go ahead and send in the one.

17 (A brief pause in the proceedings.)

18 THE COURT: Okay. Come on up right here in the
19 middle. Sir, raise your right hand.

20 (GARY STALLARD, having been duly sworn,
21 testified as follows:)

22 THE COURT: Tell me your name.

23 JUROR: Gary Stallard.

24 THE COURT: Would you spell the last?

25 JUROR: S-T-A-L-L-A-R-D.

1 THE COURT: Do we have a jury number?

2 JUROR: 343.

3 THE COURT: 343. You understand you're under
4 oath?

5 JUROR: I do.

6 THE COURT: I'll ask you all of the questions
7 that I asked everyone else this morning, okay. Do you
8 know why you were not here this morning?

9 JUROR: I forgot about it, and I've got a lot of
10 things going on with one of my kids.

11 THE COURT: So we'll start with the basic
12 questions. I need to make sure you are qualified
13 first, and then we can get to any hardships or
14 extenuating circumstances you may have. So I'll go
15 quick. These are all kind of simple.

16 VOIR DIRE

17 BY THE COURT:

18 Q Are you a citizen of the United States of
19 America?

20 A Yes.

21 Q Are you a resident and citizen of Horry County?

22 A Yes, sir.

23 Q Can you read, write and understand and speak the
24 English language?

25 A Yes, sir.

1 Q Do you have more than a sixth grade education?

2 A Yes, sir.

3 Q Do you have any mental or physical issues?

4 A No, sir.

5 Q Have you ever been convicted by plea or trial in
6 a state or federal court of record of a crime
7 punishable by more than one year in prison?

8 A No, sir.

9 Q Are you a clerk of court, deputy clerk of court,
10 constable, sheriff, law enforcement officer, probation
11 judge, county commissioner, magistrate or work in any
12 courthouse?

13 A No, sir.

14 Q Have you been on jury duty in this building this
15 year?

16 A No.

17 Q Have you ever been a member of the Horry County
18 Grand Jury? They meet once a month, you do that for at
19 least a year.

20 A No, sir.

21 Q Okay. So are you over the age of 65?

22 A No, sir.

23 Q And have you served as a juror in either 2017 or
24 2018?

25 A No, sir.

1 Q Have you ever been on the grand jury before?

2 A No.

3 Q And do you have the legal custody of children
4 under the age of seven -- six and below?

5 A No.

6 Q And are you the primary caretaker of anyone that
7 is over 65?

8 A No, sir.

9 Q Are you the primary caretaker of a severely
10 disabled person?

11 A Yes, sir.

12 Q Tell me who that is.

13 A My eight-year-old son, Austin.

14 Q And I don't mean to embarrass you --

15 A You are fine.

16 Q What is his disability?

17 A He has hydrocephalitis.

18 Q What does that mean?

19 A Excess protein builds up in his brain. He has a
20 shunt.

21 Q Does that require full-time care?

22 A Yes. He has a nurse eight hours a day.

23 Q Who lives in your home?

24 A Me and his mother and two brothers.

25 Q What do you do for a living?

1 A Work as a maintenance guy for a resort in Myrtle
2 Beach.

3 Q When do you normally go to work?

4 A 9:00 to 5:00.

5 Q Who stays with your son at that time?

6 A His nurse is there and his mother is there.

7 Q And then when you come home from work, who is
8 with the child?

9 A Me, the mother and brothers.

10 Q And how old are the brothers?

11 A One is 14, one is 8.

12 Q And does your wife work outside of the home?

13 A No. She's disabled.

14 Q She's disabled? What is her disability?

15 A PTSD.

16 Q Does she have -- military?

17 A A car wreck that costed her her arm and a child
18 in 2003.

19 Q When is the last time she worked?

20 A 2014.

21 Q What did she do then?

22 A She worked like 20 hours at a gas station a week.

23 Q Let me keep on moving. You work for a company?

24 A Yes.

25 Q Are you in school at this time?

1 A No, sir.

2 Q Do you -- you do not work at the Department of
3 Corrections; is that correct?

4 A Correct, sir.

5 Q And so what is -- does the nurse come -- how many
6 days a week does the nurse come?

7 A Actually, works six days a week, depending on the
8 times.

9 Q Is there ever a time that you are not there that
10 your wife is alone with the eight-year-old?

11 A Yes, sir.

12 Q And how does that work?

13 A It works fine for me, but DSS sees it different.

14 Q DSS?

15 A Sees it different. We have a court case on the
16 23rd.

17 Q Of this month?

18 A Uh-huh.

19 Q About the care you are providing?

20 A Yes.

21 Q And, in their opinion, not providing?

22 A Correct.

23 THE COURT: Mr. Wilson, do you -- Mr. Hixson, do
24 you want to take a position?

25 MR. HIXSON: I believe he's prepared to be put in

1 the panel.

2 MR. WILSON: Your Honor, we have no objections to
3 him being excused.

4 THE COURT: You are going to be at the very end
5 of the panel. So you weren't here this morning, and I
6 explained all of this in full-blown detail, but at
7 this point in time, we've taken 121 people and put
8 them in random order. Then I'm going to question each
9 one of them individually. So you are going to be the
10 person that gets questioned No. 122. The only way I
11 make it to you is if I don't get enough out of the
12 first 121 people; does that make sense?

13 JUROR: Yes, sir.

14 THE COURT: So you are not excused from the case,
15 but you are at the very end. So here is what you --
16 he will need a card. So Thursday night after
17 5 o'clock, you are going to call this number that the
18 clerk's office is going to give you. It will tell you
19 either you don't have to serve in this case, have a
20 nice day or you need to come in Friday for individual
21 questioning; does that make sense?

22 JUROR: Yes, sir.

23 THE COURT: So you are required to call the
24 number. If it says come back whatever time on Friday,
25 you are required to come back in; you understand?

1 JUROR: Yes, sir.

2 THE COURT: And at that point in time, we'll do
3 more questions about do you know anything about the
4 case, do you know anything about the lawyers or
5 witnesses or stuff like that. Very, very basic stuff.
6 Do you follow me?

7 JUROR: Yes, sir.

8 THE COURT: Do you know anything about this case?

9 JUROR: I have no idea. I don't remember what
10 they said on the paper. It was just a case number, I
11 think.

12 THE COURT: You don't know anything about the
13 case, haven't heard anything about the case?

14 JUROR: No, sir.

15 THE COURT: If I said this is the Sunhouse
16 robberies?

17 JUROR: I have no clue what you are talking
18 about.

19 THE COURT: It is okay if you do. But here is
20 what I want you to not do. I don't want you to watch
21 any news about the case. So don't do any research,
22 don't watch local news, don't read the newspaper,
23 don't go to the local news stations or newspapers to
24 look at the news. You have enough.

25 JUROR: I don't watch the news anyway.

1 THE COURT: Don't discuss the case with anyone.
2 You can tell your wife I'm up for jury duty, but I
3 don't want you to talking with her about the case or
4 discuss it. Don't do your own research about the case
5 and then we'll have a message for you Friday night
6 when you call back in for Thursday. Thursday after
7 5:00 you'll call back in; you understand?

8 JUROR: Yes, sir.

9 THE COURT: Any questions?

10 JUROR: No, sir.

11 THE COURT: You have a card?

12 THE CLERK: Yes, sir. How many miles did you
13 come?

14 JUROR: From Myrtle Beach, that's about 15 miles,
15 I think it said, on the GPS.

16 THE CLERK: I'll put down 15 miles.

17 THE COURT: Hold on for a second. Don't bring in
18 the next one. We have one more to do. While we are
19 in here, let's go over which version of the A, B or C
20 questions we want to send back and make sure that
21 everyone has seen the combined witness list. We did
22 the witness list and we didn't put state or defense.
23 My secretary, for some unknown reason, probably
24 because I wasn't there to tell her to alphabetize by
25 first letter in the name, so they are out of any

1 recognizable order. But is everyone okay with all the
2 names on the witness list?

3 MR. HIXSON: Yes, sir.

4 THE COURT: Mr. Wilson? What I did is I took
5 both and combined them without any designation of who
6 is whose.

7 (A brief pause in the proceedings.)

8 MR. WILSON: Yes, sir, we're good.

9 THE COURT: Let's talk about the A, B or C
10 questions. So I have a version from the defense and a
11 version from the State. I'm happy to hear arguments
12 on both sides before we send this back.

13 MR. HIXSON: Our specific position is that the
14 fact that we litigated this before and actually used
15 this in three death penalty cases, and they were all
16 affirmed on the nature of the questions, so if it
17 hasn't been broken, we just ask the Court to adopt the
18 one we provided. We provided copies to the clerk of
19 court, about 150 copies, Your Honor, that are prepared
20 to go back to the jurors that are waiting.

21 THE COURT: Mr. Wilson.

22 MR. WILSON: Your Honor, my problem with the
23 suggestion that the Solicitor has, that we use that
24 particular form is, one, it does not -- there is no
25 fourth choice on there which would allow a juror to

1 say whether he or she fits in the three categories
2 that we're talking about. Give you an example. Say,
3 for instance, a particular juror is, say, Catholic,
4 for instance, and his faith says that he can never
5 impose the death penalty, but personally he believes
6 that he should or would. That is his personal belief,
7 but his religious belief prevents him from doing it.
8 So it is not clear from any of the three that the
9 Solicitor has offered to the Court. So my position is
10 that there should be a fourth, which would allow that
11 juror to explain, yeah, well, personally would I do
12 that? Yes. But because of my religious beliefs, I
13 will not or will not be able to do that. I don't
14 think that those three choices give the juror that
15 opportunity.

16 THE COURT: Mr. Hixson.

17 MR. HIXSON: That is why there is only three,
18 because you don't want to charge a jury on specific
19 mitigators. It is intended to elicit a discussion for
20 individual voir dire on other beliefs, and that is why
21 it was supported. Otherwise, we could have a specific
22 mitigator charge 12 on this list to address all of
23 these issues, and that is why there is only three.

24 THE COURT: Okay. I'll use the form presented by
25 the State. I think it accurately describes the status

1 of the law at this time and what needs to be probed
2 into for the questions of voir dire.

3 MR. WILSON: In regards to that, I would ask the
4 Court to make the exhibit that we sent the juror --
5 the type we sent a part of the record.

6 THE COURT: Let's mark that as a Court's exhibit.

7 (Court's Exhibit 1 marked.)

8 THE COURT: I'm going to bring out Mr. Ropp
9 because he will be out there in the back. I want to
10 be sure that the record is clear that he understands
11 what he should be doing and what he should not be
12 doing in his access to the jurors, and where they
13 should be and where they should not be with the
14 jurors; is that okay?

15 MR. WILSON: Yes, sir.

16 MR. HIXSON: Yes, sir.

17 THE COURT: And we'll make sure that he has the
18 right witness list.

19 What I did on the witness list, I removed the
20 indictment numbers, that way -- I think we had two
21 counts of murder when we were putting it together
22 before we understood all of that, so we're going to
23 use this version that has no indictment numbers or
24 anything else on it.

25 Okay. Mr. Ropp, let's just use the one that is

1 on one side of the page. Then do you have the A, B, C
2 forms?

3 MR. ROPP: No, sir.

4 THE COURT: Where are the A, B or C forms? Do
5 you want them to sign this and bring it in?

6 MR. HIXSON: Yes, sir.

7 MR. WILSON: Saying that they read it, yes, sir.
8 Yes, sir.

9 MR. HIXSON: Yes, sir. And indicate -- circle
10 it.

11 MR. ROPP: When they get done reading it, they
12 sign?

13 THE COURT: Yes. And we'll run through the
14 procedure so they all understand. At this point in
15 time, the first panel of six is in the back, okay.
16 They are all in a jury room. Mr. Ropp, while I
17 qualify the other jurors, is going to bring the first
18 one out -- you have the list?

19 MR. ROPP: Yes, sir.

20 THE COURT: Side note: When you go back,
21 Ms. Polka, is excused. She can leave and doesn't need
22 to come back.

23 MR. ROPP: Okay.

24 THE COURT: We determined that Juror 276,
25 Ms. Polka, had a qualifying felony conviction, so

1 she's completely and totally excused. You can remove
2 her from the group. But pull the first one out,
3 Ms. Weidner, have the A, B or C form on the desk,
4 witness list, and have her go through both.

5 MR. ROPP: Do I need to let you know when she's
6 through?

7 THE COURT: No. It will take us longer than it
8 will take her, and I'll send for her. Once we finish
9 questioning her, I'll send the juror back in the
10 hallway -- not back in the room -- and we'll discuss
11 whether or not they are qualified or not qualified,
12 and then whichever one they are, we'll bring the juror
13 back in here and inform them and tell them to call
14 back or that they are excused; is that okay with the
15 State?

16 MR. HIXSON: Yes, sir.

17 THE COURT: Is that okay with the defense?

18 MR. WILSON: It is, Your Honor.

19 THE COURT: You good, Mr. Ropp?

20 MR. ROPP: Yes, sir.

21 THE COURT: Thank you. Let's bring in -- are
22 there two out there, Brooks?

23 DEPUTY: Yes, sir.

24 THE COURT: Bring them both in.

25 (A brief pause in the proceedings.)

1 THE COURT: Come right out front. Raise your
2 right hands.

3 (MARCO SALDNA, having been duly sworn,
4 testified as follows:)

5 THE COURT: Put your hands down. Tell me your
6 names.

7 JUROR: Marco Saldna, S-A-L-D-N-A.

8 THE COURT: What is his juror number? 310.

9 Your name?

10 JUROR: Shanese Mitchner, M-I-T-C-H-N-E-R.

11 THE COURT: Your juror number?

12 JUROR: 232.

13 THE COURT: Everyone have them? Okay. And you
14 both understand you are under oath?

15 MR. SALDNA: Yes, sir.

16 MS. MITCHNER: Yes.

17 THE COURT: Answer one at a time, okay. I have a
18 few questions I need you to ask you. Answer them
19 truthfully. Mr. Saldna, answer first, and then,
20 Ms. Mitchner, answer second.

21 Are you a citizens of the United States of
22 America?

23 MR. SALDNA: Yes, sir.

24 MS. MITCHNER: Yes, sir.

25 THE COURT: Are you a citizen and a resident of

1 Horry County?

2 MR. SALDNA: Yes, sir.

3 MS. MITCHNER: Yes, sir.

4 THE COURT: Are you able to read, write, speak
5 and understand the English language?

6 MR. SALDNA: Little bit reading and writing.

7 THE COURT: We'll come back to that.

8 MS. MITCHNER: Yes, sir.

9 THE COURT: Do you have more than a sixth grade
10 education?

11 MR. SALDNA: Yes, sir.

12 MS. MITCHNER: Yes, sir.

13 THE COURT: Do you have any mental or physical
14 infirmities?

15 MR. SALDNA: No.

16 MS. MITCHNER: No, sir.

17 THE COURT: Do you have a conviction that carried
18 more than one year in prison?

19 MR. SALDNA: No, sir.

20 MS. MITCHNER: No, sir.

21 THE COURT: Are you a clerk of court, deputy
22 clerk of court, constable, sheriff, commissioned law
23 enforcement officer, probate judge or magistrate or
24 employed within the walls of any courthouse?

25 MR. SALDNA: No, sir.

1 MS. MITCHNER: No, sir.

2 THE COURT: Have you been on jury duty in this
3 building this year?

4 MR. SALDNA: No, sir.

5 MS. MITCHNER: No, sir.

6 THE COURT: Have you ever served on the Horry
7 County Grand Jury?

8 MR. SALDNA: No, sir.

9 MS. MITCHNER: No, sir.

10 THE COURT: Are you over 65?

11 MR. SALDNA: No, sir.

12 MS. MITCHNER: No, sir.

13 THE COURT: Have you served on jury duty in 2017
14 or 2018?

15 MR. SALDNA: No, sir.

16 MS. MITCHNER: No, sir.

17 THE COURT: Have you ever been on the Horry
18 County Grand Jury at all in your life?

19 MR. SALDNA: No, sir.

20 MS. MITCHNER: No, sir.

21 THE COURT: Do you have legal custody of young
22 children?

23 MR. SALDNA: Yes, sir.

24 THE COURT: How old?

25 MR. SALDNA: Legally, what do you mean? Born

1 here?

2 THE COURT: Do you have children at home?

3 MR. SALDNA: Yes.

4 THE COURT: In the United States?

5 MR. SALDNA: Yes.

6 THE COURT: How old are they?

7 MR. SALDNA: I have 15-year-old girl and 12 and
8 eight.

9 THE COURT: Okay. Do you have legal custody of
10 young children?

11 MS. MITCHNER: Yes. A one-year-old and then
12 pregnant now.

13 THE COURT: Do you work?

14 MS. MITCHNER: Yes.

15 THE COURT: Where do you work?

16 MS. MITCHNER: McDonald's.

17 THE COURT: How long have you worked there?

18 MS. MITCHNER: Ten years.

19 THE COURT: What shift do you normally work?

20 MS. MITCHNER: Morning, from 5:00 a.m. to 3:00.

21 THE COURT: Who keeps your child during that
22 time?

23 MS. MITCHNER: Daycare.

24 THE COURT: Who else lives with you?

25 MS. MITCHNER: That is it for now.

1 THE COURT: You and the child?

2 MS. MITCHNER: Yes.

3 THE COURT: At night, you are the only caregiver
4 for the child?

5 MS. MITCHNER: Yes.

6 THE COURT: Any exception from the State?

7 MR. HIXSON: No, Your Honor.

8 THE COURT: Defense?

9 MR. WILSON: No, sir.

10 THE COURT: Ms. Mitchum, you are excused. You do
11 not need to come back this week. Thank you.

12 Mr. Saldna, do you take care of anyone over 65
13 years of age?

14 MR. SALDNA: No, sir.

15 THE COURT: Do you take care of anyone that is
16 severely disabled?

17 MR. SALDNA: No, sir.

18 THE COURT: What do you do for a living?

19 MR. SALDNA: I own a restaurant.

20 THE COURT: What kind?

21 MR. SALDNA: Mexican.

22 THE COURT: Do you employ people?

23 MR. SALDNA: Yes.

24 THE COURT: How many?

25 MR. SALDNA: Eight.

1 THE COURT: Are you married?

2 MR. SALDNA: Yes, sir.

3 THE COURT: Does your wife work?

4 MR. SALDNA: For a little while. She takes care
5 of the kids after school.

6 THE COURT: She takes care of the kids after
7 school?

8 MR. SALDNA: Yes.

9 THE COURT: Great. Are you in school at this
10 time?

11 MR. SALDNA: No, sir.

12 THE COURT: And any exception to this juror?

13 MR. HIXSON: I would like to inquire on the
14 language concern.

15 THE COURT: I forgot that. Anything before I do
16 that?

17 MR. WILSON: No, sir.

18 THE COURT: How long have you lived in the U.S.?

19 MR. SALDNA: 21 years.

20 THE COURT: Okay. Good. You own your own
21 restaurant?

22 MR. SALDNA: Yes, sir.

23 THE COURT: How long have you owned your own
24 restaurant?

25 MR. SALDNA: 15 years?

1 THE COURT: So you read English for your job?

2 MR. SALDNA: Yeah. Normally, yes.

3 THE COURT: You speak English?

4 MR. SALDNA: I have to speak, yeah.

5 THE COURT: Are your children fluent?

6 MR. SALDNA: All my children born here and go to
7 school.

8 THE COURT: They speak English, all of that good
9 stuff?

10 MR. SALDNA: Yeah. Yeah.

11 THE COURT: Are you able to communicate with me
12 okay?

13 MR. SALDNA: Yeah. No problem. A little bit to
14 maybe writing. I read more than write it, yes.

15 THE COURT: You are able to do your business?

16 MR. SALDNA: Yeah. I'm able to understand
17 everything they say.

18 THE COURT: Anything else, Mr. Hixson?

19 MR. HIXSON: No, sir.

20 MR. WILSON: Nothing further.

21 THE COURT: So you missed all of this this
22 morning.

23 MR. SALDNA: I'm sorry, I forget.

24 THE COURT: What I'll do, we're at the point
25 where it is time to question the jurors individually.

1 They've all been put in random order, like they are
2 out of order; does that make sense? So I'll put you
3 at the end of the list. What that means is I'll give
4 you a card.

5 MR. SALDNA: All right.

6 THE COURT: And after 5 o'clock on Thursday, you
7 call that number. It is going to say we don't need
8 you, have a nice day, or it is going to say come back
9 in at this time.

10 MR. SALDNA: Okay.

11 THE COURT: Whatever it says, that is what you
12 have to do. Can you do all of that?

13 MR. SALDNA: Yes.

14 THE COURT: Do you know anything about this case?

15 MR. SALDNA: Nothing.

16 THE COURT: Have you read anything?

17 MR. SALDNA: No.

18 THE COURT: Seen anything?

19 MR. SALDNA: No.

20 THE COURT: Ever heard anything about it?

21 MR. SALDNA: No.

22 THE COURT: I want you the same way when you come
23 back. So don't talk about the case with anyone.

24 MR. SALDNA: No.

25 THE COURT: Don't watch local news.

1 MR. SALDNA: I don't have time.

2 THE COURT: Don't read the local news, newspaper
3 or go to websites or anything, and don't do any
4 research on the case. I want you just like this when
5 you come back.

6 MR. SALDNA: All right. Okay.

7 THE COURT: You good with that?

8 MR. SALDNA: Yes, sir.

9 THE COURT: Thank you, sir.

10 (Mr. Saldna exits courtroom.)

11 (Court's Exhibit 2 marked.)

12 THE COURT: Raise your right hand.

13 (JACOB LIVINGSTON, having been duly sworn,
14 testified as follows:)

15 THE COURT: Your name?

16 MR. LIVINGSTON: Jacob Livingston.

17 THE COURT: You know your number?

18 MR. LIVINGSTON: No, sir.

19 THE COURT: Help me out.

20 THE CLERK: 200.

21 THE COURT: 200. I have a few questions to ask
22 you. You understand you are under oath?

23 MR. LIVINGSTON: Yes.

24 THE COURT: Are you a citizen of the United
25 States of America?

1 MR. LIVINGSTON: Yes, sir.

2 THE COURT: Are you a citizen and resident of
3 Horry County?

4 MR. LIVINGSTON: Yes, sir.

5 THE COURT: Are you able to read, write and speak
6 the English language?

7 MR. LIVINGSTON: Yes, sir.

8 THE COURT: Do you have more than a sixth grade
9 education?

10 MR. LIVINGSTON: Yes, sir.

11 THE COURT: Do you have any mental or physical
12 infirmities?

13 MR. LIVINGSTON: No, sir.

14 THE COURT: Have you ever been convicted of
15 anything?

16 MR. LIVINGSTON: No, sir.

17 THE COURT: Are you a clerk of court, deputy
18 clerk of court, constable, sheriff, commissioned law
19 enforcement officer, probate judge, county
20 commissioner or work in the courthouse?

21 MR. LIVINGSTON: No, sir.

22 THE COURT: Ever been on jury duty before?

23 MR. LIVINGSTON: No, sir.

24 THE COURT: Any kind?

25 MR. LIVINGSTON: Huh-huh.

1 THE COURT: Have you ever been on the grand jury?

2 MR. LIVINGSTON: No, sir.

3 THE COURT: Are you over 65?

4 MR. LIVINGSTON: No, sir.

5 THE COURT: And you have never served as a juror
6 before?

7 MR. LIVINGSTON: No, sir.

8 THE COURT: Ever been a grand juror before?

9 MR. LIVINGSTON: No, sir.

10 THE COURT: Do you have young children?

11 MR. LIVINGSTON: No, sir.

12 THE COURT: Do you have anyone you take care of
13 over 65?

14 MR. LIVINGSTON: No, sir.

15 THE COURT: Anyone you take over that is severely
16 disabled?

17 MR. LIVINGSTON: No, sir.

18 THE COURT: Do you attend school?

19 MR. LIVINGSTON: Yes, sir.

20 THE COURT: Where?

21 MR. LIVINGSTON: Horry Georgetown Technical
22 College.

23 THE COURT: When is school over?

24 MR. LIVINGSTON: We are in finals this week.

25 THE COURT: How many more do you have?

1 MR. LIVINGSTON: Four. I have to take one
2 tonight and then one tomorrow, and then two the
3 following day.

4 THE COURT: Okay. So when is the last one?

5 JUROR: Wednesday.

6 THE COURT: You have a job?

7 MR. LIVINGSTON: Not currently.

8 THE COURT: And you don't work at the Department
9 of Corrections; is that correct?

10 MR. LIVINGSTON: No, sir.

11 THE COURT: Not self-employed?

12 MR. LIVINGSTON: No, sir.

13 THE COURT: Anything else from the State?

14 MR. HIXSON: No, sir.

15 MR. WILSON: No, sir.

16 THE COURT: So the way your schedule works out,
17 there is no way that -- let me explain this. Part of
18 this process is I have to question each juror
19 individually up here on the witness stand. We were
20 supposed to start that 30 minutes ago, but we're doing
21 this because -- for obvious reasons. There is no
22 chance that we could get to you before Friday, so you
23 can take all of your final exams and not worry about
24 this at all. Then, I'll give you a card that tells
25 you when to call back, gives you a call-back number.

1 Thursday after 5 o'clock you are going to call that
2 number. The message is either going to say we don't
3 need you, have a nice week, or it will say you need to
4 come back Friday at this specific time.

5 MR. LIVINGSTON: That sound good. Okay.

6 THE COURT: Whatever that message says, you have
7 to do; you follow me?

8 MR. LIVINGSTON: Uh-huh.

9 THE COURT: Because you will be done with finals.

10 MR. LIVINGSTON: Yes, sir, after finals.

11 THE COURT: Do you know anything about this case?

12 MR. LIVINGSTON: No, sir.

13 THE COURT: Ever heard anything?

14 MR. LIVINGSTON: No, sir.

15 THE COURT: Read, seen anything?

16 MR. LIVINGSTON: No.

17 THE COURT: If you come back on Friday, I want
18 you the same way. So don't watch or read or listen to
19 local news. Don't read the newspaper. Don't go on
20 the local news stations websites, watch them or
21 anything like that. Don't do any research on the case
22 or try to figure out what is going on. When you come
23 back, the only thing I want you is relieved you are
24 finished with all of your finals.

25 MR. LIVINGSTON: Yes, sir. I got you.

1 THE COURT: You got me?

2 MR. LIVINGSTON: Yes, sir.

3 THE COURT: Understand?

4 Mr. Hixson, anything else?

5 MR. HIXSON: No, sir.

6 MR. WILSON: No, sir.

7 THE COURT: Give him a card. Thank you very
8 much.

9 Before I forget, put on the record that I used
10 the defense's version of the allegations in the case
11 to explain to the jury kind of this is what the case
12 is about. That was essentially the version that the
13 defense submitted. So you are okay with all of that?

14 MR. WILSON: Yes, sir, that is what we submitted.

15 THE COURT: And the State understood and knew
16 that I was doing that. Okay.

17 All right. Anything you can think of before we
18 start this process?

19 MR. HIXSON: No, sir.

20 THE COURT: So I'm going to get it started and
21 kind of get what I would call the highlights, and then
22 I'll turn it over to y'all. Do you have an opinion as
23 to who goes first or second, or would you like me to
24 flip-flop?

25 MR. HIXSON: My understanding is the defense

1 counsel gets to go second.

2 THE COURT: Second.

3 MR. HIXSON: Uh-huh. That's the way I've always
4 done it.

5 THE COURT: The book says defense goes first.

6 MR. WILSON: Right.

7 THE COURT: I have had judges tell me the State
8 goes first and I've had judges tell me you switch,
9 flip in and out, state first and then defense goes
10 first. Capital punishment book says the defense goes
11 first.

12 MR. WILSON: Your Honor, we are satisfied going
13 first.

14 THE COURT: Okay. If the juror had time to go
15 through the witness list and read the form, then bring
16 in the first juror. She needs to bring her form with
17 her.

18 MR. WILSON: Your Honor -- has the Court settled
19 on a proposed wording of its initial statement to the
20 jurors as they come in?

21 THE COURT: I have blended the two of yours. So
22 I have added extra things you said. Like if he's
23 found not guilty, the case is over, and all of that
24 stuff, along with the standard stuff from the State.
25 So I think you will hear a healthy mix of both of

INDIVIDUAL JURY VOIR DIRE

1 those things.

2 (A pause in the proceedings.)

3 THE COURT: Are you Ms. Weidner?

4 JUROR: Yes.

5 THE COURT: Great. Come on in.

6 (ANGELA WEIDNER, having been duly sworn,
7 testified as follows:)

8 VOIR DIRE OF JUROR 386

9 BY THE COURT:

10 Q You are Angela Weidner?

11 A Yes, sir.

12 Q You understand you are under oath?

13 A Yes, sir.

14 Q The way this works is I'll ask you questions, and
15 then the attorneys will ask you questions. There is no
16 right or wrong answers, just the truth; does that make
17 sense?

18 A Okay.

19 Q Nothing to be nervous about. I have a standard
20 form I go down that I'll use with every single juror;
21 you with me?

22 A Yep.

23 Q Previously, this morning, I told you not to look
24 up anything about the case or talk to anyone about the
25 case or look at any news about the case, have you

INDIVIDUAL JURY VOIR DIRE

1 followed all of those instructions?

2 A Yes, sir.

3 Q We're going to all probably, more than likely,
4 ask you a few questions. None of this is done or done
5 to invade your privacy, but it is necessary due to the
6 nature of these proceedings. There are no wrong or
7 right answers, so just answer openly, honestly and
8 fully. No one is challenging you or your views, we
9 just need to understand what your views are. We are
10 probably going to ask you questions that you have never
11 probably even thought about before.

12 In this case, the State of South Carolina is
13 seeking the death penalty against the defendant,
14 Mr. Jerome Jenkins. So these trials are what we call
15 bifurcated, which means broken into two parts. The
16 first part is what we will refer to as the trial
17 phase. During this phase of the trial, the jury
18 decides whether Mr. Jenkins is guilty or not guilty of
19 the crime charged, keeping in mind that he is presumed
20 to be innocent under the law. If the jury finds that
21 Mr. Jenkins is not guilty, the case is over. That is
22 the end of the case. But if, however, Mr. Jenkins is
23 found to be guilty, then the jury would then move into
24 the second part of a trial, what we call the penalty
25 phase. In that part of the trial, the jury would

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1 decide whether Mr. Jenkins should receive the penalty
2 of life in prison without the possibility of parole,
3 or receive a penalty of death, okay.

4 Now, this indicates nothing -- the idea I'm
5 talking about sentencing indicates nothing about
6 whether or not Mr. Jenkins is guilty or not guilty of
7 the charge. He is presumed to be innocent under the
8 law, but we have to discuss these potential penalties
9 now to explain this process to you. Do you understand
10 everything I've said so far?

11 A Yes.

12 Q The defendant over there, are you related by
13 blood or marriage, close personal friends with or have
14 any connection with him or his family in any way, shape
15 or form?

16 A No, sir.

17 Q And the attorneys in this case, this is Scott
18 Hixson and Jimmy Richardson with the Solicitor's
19 Office, and Ralph Wilson, Senior, and Brana Williams.
20 Do you know any of the attorneys? Have you ever been
21 represented by them or have any connections to them at
22 all?

23 A No, sir.

24 Q I previously provided you with a witness list,
25 did you get that?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q And the question is: Are you related by blood or
3 marriage, close personal friends with, have any
4 connection in any way, shape or form to any of the
5 witnesses?

6 A No.

7 Q You don't recognize any families on there?

8 A No, I did not.

9 Q Okay. Good. Great. So if you were a juror in
10 this case, could you -- I'll go through about three
11 different things. Could you listen to the law, accept
12 and apply the law as I give it to you as the judge of
13 this court, and even though you may not agree with the
14 law or think it ought to be some other way, could you
15 follow the law as I give it to you?

16 A Is that regarding the penalty or?

17 Q Just in general. If you make it on the jury,
18 you'll hear me say I'm the judge of the law, you are
19 the judge of the facts. You have to accept the law and
20 follow it as I give it to; could you do that?

21 A Yes.

22 Q Could you decide this case based solely upon the
23 evidence that has been presented, the evidence in the
24 courtroom and disregard everything that you could have
25 seen or read about the case?

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1 A Yes, sir.

2 Q In this case, it is a criminal case. The State
3 has the burden of proving guilt. The burden of proof
4 is what we call "beyond a reasonable doubt." A
5 defendant has absolutely no burden to prove his
6 innocence; do you understand that?

7 A Yes.

8 Q Could you, depending on the facts and the
9 evidence and the law that I instruct you in a
10 particular case, find the defendant guilty or not
11 guilty?

12 A Yes.

13 Q If you were a juror in a death penalty case and
14 the jury had found the defendant guilty of murder, you
15 would then move on to the sentencing phase of the case;
16 does that make sense?

17 A Yes.

18 Q So what I'll talk to you about next are what we
19 call "aggravating circumstances" and "mitigating
20 circumstances." Aggravating circumstances are facts,
21 incidents, details or occurrence which the General
22 Assembly of South Carolina declared by statute that
23 would make things worse, that is to aggravate the
24 offense of murder. In other words, the aggravating
25 circumstance when accompanying murder increases the

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1 enormity or adds to the injury of the crime or the
2 murder; it is committed in the commission of the crime
3 okay? So that is what an aggravating circumstance is.
4 A mitigating circumstance is incidents, details or
5 occurrences which the general assembly has declared by
6 statute reduces the severity of the offense of murder.
7 It may be considered as extenuating or reducing the
8 degree of moral culpability or responsibility; does
9 that make sense?

10 A Yes.

11 Q Now, if you were a juror in that situation, the
12 sentencing phase, could you, depending on the
13 particular facts and circumstances of that case,
14 including the consideration of aggravating and
15 mitigating circumstances and the law I instruct you
16 that applies at the conclusion of the case, return a
17 sentence of life in prison depending on the
18 circumstances?

19 A Yes.

20 Q If you were a juror in that situation, could you,
21 depending on facts and circumstances including the
22 consideration of aggravating and mitigating
23 circumstances and the law I give you in relation to all
24 of that return a sentence of death, which in this State
25 is by electrocution or lethal injection?

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1 A No.

2 Q If you are chosen, you are housed in a motel or
3 hotel during the pendency of the case. It is an
4 inconvenience to everybody -- we all know that -- but
5 is there anything exceptional in your life at this
6 point in time that would pose a serious danger to the
7 health or well-being of you or those dependent upon
8 you?

9 A No, not that I'm aware.

10 Q Now, when I asked earlier this morning about
11 whether or not you ever heard, read or seen anything
12 about the case, did you respond to that question?

13 A No, I did not.

14 Q Do you know anything about this case?

15 A No, sir.

16 Q Do you know anyone involved in the case?

17 A No, sir.

18 Q Have you heard anything about the case?

19 A No.

20 Q Read anything about the case?

21 A No.

22 Q Heard someone talking about the case?

23 A No. We only moved here two years ago.

24 Q So you didn't even live here in 2015?

25 A No.

INDIVIDUAL JURY VOIR DIRE

1 THE COURT: So what I'll do is turn you over to
2 the attorneys, and they are going to ask you a few
3 questions. Answer them openly, honestly and fully.
4 Thank you.

5 EXAMINATION

6 BY MR. WILSON:

7 Q I just have a couple of questions. You asked
8 about getting off of the panel early on?

9 A Just that I'm the only sole provider for my
10 family right now financially, so that is the only
11 hardship.

12 Q Would that distract you if you were chosen to
13 serve on this panel, would that distract you from
14 giving your full attention to this case and the
15 evidence that will be presented during the trial?

16 A Yeah. I think I would be little bit financially
17 concerned, yes.

18 Q Would it distract you to the point that you would
19 not be able to listen to His Honor's instructions to
20 the law and follow those instructions based on what he
21 tells you to do?

22 A I don't think so, no.

23 Q So you would listen to what His Honor instructed
24 you to do and follow those instructions?

25 A Yes.

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1 Q Do you have any reason that you would not follow
2 his instructions as to the law in this case?

3 A No.

4 Q Now, just so I understand, is your husband laid
5 off from work?

6 A Correct.

7 Q How many children do you have?

8 A Two.

9 Q And those children live with you, the two of you?

10 A Correct.

11 Q How old are they?

12 A Nine and 12.

13 Q So they are in school?

14 A Yes. I work from home, so I'm there when they
15 get home.

16 Q So you work from home?

17 A Yes.

18 MR. WILSON: Court bear with me one second.

19 THE COURT: Yeah. Sure.

20 MR. WILSON: Nothing else.

21 MR. HIXSON: Question for the Court. I didn't
22 know what type of juror she answered.

23 THE COURT: I'm sorry. She answered B, and I
24 have this, if you want to see it.

25 MR. HIXSON: No further questions.

INDIVIDUAL JURY VOIR DIRE

1 THE COURT: Anything else, Mr. Wilson?

2 MR. WILSON: No, sir.

3 THE COURT: So what I want you to do, there is a
4 chair out in the hallway. Hang out in the hallway.

5 JUROR: Is there a restroom?

6 THE COURT: There is. And then we'll bring you
7 back in a couple of minutes. Thank you, Ms. Weidner.

8 (Ms. Weidner exits the courtroom.)

9 MR. HIXSON: She's not qualified. She indicated
10 when you asked would you follow my instruction and
11 return a death sentence, she said no. There was no
12 equivocation. She followed that by answering as a B.
13 She's not qualified, Your Honor.

14 MR. WILSON: Your Honor, I think she is qualified
15 and I don't know that -- first of all, I'm not sure
16 she understood exactly what she was being asked and
17 she answered -- when the Court asked her whether she
18 could follow your instructions, and as I understood
19 the Court's instruction, she was to be able to
20 consider both a live and/or a death sentence in this
21 case, and I know she answered -- I do recall her
22 saying no, but I don't know that she was answering no
23 -- maybe that it is a point we need to clarify before
24 we make the ruling whether she was answering she was
25 not going to do it or couldn't do it, or can't follow

INDIVIDUAL JURY VOIR DIRE

1 the Court's instruction. I'm just not clear that that
2 is what she was actually saying.

3 THE COURT: Okay.

4 MR. WILSON: So I ask the Court to ask that
5 question of her so we're clear that that is what she
6 was saying.

7 THE COURT: I'll let you ask it so you can ask it
8 the way -- I think she got a little -- not confused,
9 but I think she got confused -- I don't think she knew
10 -- bring her back and ask her a couple more questions.
11 If you want to follow-up, you can follow-up, and then
12 I can follow-up. When she finishes in the restroom,
13 bring her back in.

14 (Ms. Weidner enters the courtroom.)

15 THE COURT: We have a couple more questions.
16 Come on back up. I think we may all have a couple
17 more, so bear with us.

18 JUROR: Okay.

19 THE COURT: You're still under oath; you
20 understand?

21 JUROR: Yes.

22 EXAMINATION

23 BY MR. WILSON:

24 Q Let me ask you. The Court was asking you earlier
25 about whether or not, one, you could follow the Court's

INDIVIDUAL JURY VOIR DIRE

1 instructions if the Court gave you certain
2 instructions, you could follow them, and you indicated
3 you could; is that correct?

4 A Yes.

5 Q And let me ask you -- His Honor also asked you
6 whether or not -- if you -- if after hearing all of the
7 evidence, if it was your view of the evidence that a
8 life sentence was to be imposed, that you could do
9 that?

10 A I believe so.

11 Q And I think the second part of that question
12 is -- he asked you which category of juror you were, A,
13 B or C, and you said -- what was your response?

14 A I was B.

15 Q What does that mean?

16 A I would not find for the death penalty.

17 Q Is that a belief you have held for a long period
18 of time, or is that something you are unsure of?

19 A I mean, based on my religion views, I don't feel
20 like I can play God, to be honest. So I would not feel
21 comfortable.

22 Q So that is based on your religion beliefs, not
23 necessarily on personal beliefs, but based on religion?

24 A Right.

25 Q What religion are you?

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1 A Christian.

2 Q And are you Baptist or --

3 MR. HIXSON: Object. You can't pursue specifics
4 relating to religion beliefs. There is case law
5 relating to that.

6 THE COURT: You can ask her what religion she is,
7 but don't go further.

8 MR. WILSON: That is all I was going to ask her.

9 Q (MR. WILSON) Which religion are you?

10 A Christian.

11 Q If the Court instructs you in order to qualify
12 and to serve on a jury, you had to be able to consider
13 life and death, you are saying to us that you cannot,
14 under any circumstances, consider death, no matter
15 what?

16 A No.

17 Q So even if the judge told you you had to, you
18 wouldn't do it?

19 A I could not, I'm sorry.

20 Q And that is based solely on your religious
21 beliefs?

22 A Yes.

23 THE COURT: Okay. You can step outside again,
24 I'm sorry for all the walking.

25 JUROR: It's often. It's exercise.

INDIVIDUAL JURY VOIR DIRE

1 (Ms. Weidner exits.)

2 MR. WILSON: This is why I asked this
3 fourth question on the questionnaire about if this is
4 not your view -- because what she's saying, as I
5 understood it, is that her belief is based on her
6 religious beliefs, not on personal beliefs, which is
7 why I wanted to ask the fourth question, because not
8 everyone falls in those three, except those are the
9 only three so you have to say I'm in the three, when
10 you are really not in the three.

11 THE COURT: She is in the three based upon her
12 religious beliefs, I can never give anyone death
13 penalty because I don't want to play God. You can
14 call it religion or personal. It is personal to her.
15 She was unequivocal that there is no circumstance
16 where she could ever impose the death penalty. I'm
17 going to disqualify her.

18 MR. HIXSON: Just to clarify. There wasn't an
19 equivocation or anything when specifically directed to
20 do it. There is clearly impairment of that juror's
21 ability to perform her duty as sworn by the Court, and
22 I concur with the Court.

23 THE COURT: Bring her back out.

24 (Ms. Weidner enters.)

25 THE COURT: Ms. Weidner, you are completely and

INDIVIDUAL JURY VOIR DIRE

1 totally done. You don't need to call back. You do
2 not need to come back. I want to say thank you very
3 much for being here and willing to serve. I know you
4 have extenuating family circumstances, and even
5 through that, you continue to be willing to serve and
6 that is having good citizens taking the situation
7 seriously and I truly appreciate that. You are
8 completely and totally done and do not need to call or
9 come back at all. Do you have things back in the
10 room?

11 JUROR: No.

12 THE COURT: You can go back out that door. Thank
13 you, Ms. Weidner.

14 (Ms. Weidner exits.)

15 All right. Bring in Ms. Marriott.

16 THE COURT: Has anyone agreed to how many we
17 need?

18 MR. WILSON: I think it is 52.

19 MR. HIXSON: I think it....

20 MR. WILSON: We have three alternates.

21 THE COURT: 12 plus 12 is 16 -- 43.

22 (Ms. Marriott enters.)

23 THE COURT: Come on up, ma'am.

24 (MELINDA MARRIOTT, having been duly sworn,
25 testified as follows:)

INDIVIDUAL JURY VOIR DIRE

1 THE COURT: For the record, I'm passing out the
2 juror's sheet to the attorneys before we start.

3 Are you Ms. Marriott?

4 JUROR: Yes.

5 THE COURT: Sorry we're running a little behind.
6 We had a couple things.

7 VOIR DIRE OF JUROR 210

8 BY THE COURT:

9 Q You are under oath; do you understand that?

10 A Yes.

11 Q So I'll ask you questions. There are no right or
12 wrong answers, just the truth. I want you to be open
13 and honest with us. When I finish talking, the
14 attorneys will be allowed to ask you questions and we
15 may come back around or may not. You are Melinda
16 Marriott?

17 A Yes, sir.

18 Q You are under oath; do you understand that?

19 A Yes.

20 Q When you left here this morning, I told you
21 not -- don't talk about the case, watch the news, don't
22 read anything, don't do research; you didn't do any of
23 that, did you?

24 A No. no.

25 Q We're going to ask you a few questions. None of

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1 this is meant to invade your privacy, but it is
2 necessary due to the nature of these proceedings that
3 we ask you questions. There are no right or wrong
4 answers, so please just answer open, honestly and
5 fully. No one is challenging you or your views. We
6 simply want to understand what your views are. We're
7 probably going to ask you questions that you've never
8 really considered or thought through before; you with
9 me?

10 A Yes.

11 Q In this case, the State is seeking the death
12 penalty against the defendant, Mr. Jenkins. These
13 trials are what we call "bifurcated." They are broken
14 into two parts. The first part is what we call the
15 "trial phase." During this phase of the trial, the
16 jury will decide whether Mr. Jenkins is guilty or not
17 guilty of the crimes that are charged, keeping in mind
18 that he is presumed to be innocent under the law. If
19 the jury finds the defendant not guilty, that would be
20 the end of the case completely. If, however, Mr.
21 Jenkins is found guilty, the jury would then move into
22 second part of the trial, which we call the "penalty
23 phase." In that part of the trial, the jury would
24 decide whether Mr. Jenkins should receive a penalty of
25 life in prison without the possibility of parole, or

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1 receive a penalty of death.

2 Now, just because I'm talking about penalty
3 doesn't mean anything. It indicates nothing about
4 whether or not Mr. Jenkins is guilty or not guilty.
5 He's presumed to be innocent under the law. We need
6 to discuss these issues, and I need to explain this to
7 you to go through the next set of questions; you with
8 me?

9 A Yes.

10 Q The defendant in this case is Jerome Jenkins,
11 Junior. Mr. Jenkins is seated over here in the cream
12 colored shirt. Are you related by blood or marriage,
13 close personal friends with, have any connection with
14 him or his family that you know of?

15 A No.

16 Q The State is represented by Mr. Scott Hixson,
17 Solicit Jimmy Richardson. Mr. Jenkins is represented
18 by Mr. Wilson and Brana Williams; are you related by
19 blood or marriage to any of them or have any connection
20 to any of them in way, shape or form?

21 A No, sir.

22 Q I gave you a list of potential witnesses in the
23 case; it was fairly long. Did you see anyone on there
24 that you knew or think you know, anyone that you are
25 related to or have any connection to at all?

INDIVIDUAL JURY VOIR DIRE

1 A No.

2 Q Okay. Great. So if you get selected as a juror
3 in this case, there are certain things you are required
4 to do. Number one, you have to listen to the law. So
5 I will be in charge of the law, then you have to accept
6 that law and apply the law as I give it to you; do you
7 believe you can do that?

8 A Yes.

9 Q And even if you disagree with the law, you are
10 required to follow it. You can't make your own ideas
11 of what the law is or what you think the law ought to
12 be. You will be required to follow the law that I give
13 you as I give it to you; could you do that?

14 A Yes.

15 Q Could you decide this case based solely on the
16 evidence that is presented in the courtroom and
17 disregard anything that you may have heard, read or
18 seen about the case?

19 A Yes.

20 Q When I asked a question earlier about have you
21 seen or heard or read anything about the case, did you
22 answer that question?

23 A That I hadn't seen anything, yes.

24 Q So have you seen anything?

25 A No. No.

INDIVIDUAL JURY VOIR DIRE

1 Q Have you read anything about the case?

2 A No.

3 Q Seen any news?

4 A No.

5 Q Have any memory of the case?

6 A We didn't live here at the time.

7 Q So you didn't even live in Horry County in
8 January of 2015?

9 A No. No. No.

10 Q And you haven't seen any local recent news about
11 the case?

12 A No.

13 Q So in every criminal case that is tried in this
14 courtroom, the State has the burden of proving someone
15 guilty. The burden of proof is what we call "beyond a
16 reasonable doubt." A defendant has no burden to prove
17 his innocence or present any evidence; do you
18 understand that?

19 A Yes.

20 Q Now, could you, depending on the facts and the
21 evidence and the law that I give you in a particular
22 case, find the defendant either guilty or not guilty?

23 A Yes.

24 Q Depending on the facts and circumstances of the
25 case?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q Could you find either one?

3 A Yes.

4 Q So I'll explain something to you. If you were a
5 juror in a death penalty case and the defendant has
6 been found guilty of murder by the jury, we would then
7 move on to the sentencing phase or penalty phase of the
8 trial; that makes sense, right?

9 A Yes. Yes.

10 Q So what I'll explain to you are two different
11 concepts in the law. One is called "aggravating
12 circumstances," one is called "mitigating
13 circumstances." Aggravating circumstances are facts,
14 incidents, details or an occurrence which the general
15 assembly or our state legislature declared by statute
16 would make something worse or aggravate it, the offense
17 which would aggravate the offense of murder. In other
18 words, the aggravated circumstance when it accompanied
19 a murder increases the enormity of the offense or adds
20 to the injury of the crime of murder; does that make
21 sense?

22 A Yes. Yes.

23 Q So the other side is what we call "mitigating
24 circumstances." These are incidents or details or
25 occurrences which the legislature or general assembly

INDIVIDUAL JURY VOIR DIRE

1 declared by statute that reduces the severity of the
2 offense of murder and may be considered as extenuating
3 or decreasing the moral culpability or moral
4 responsibility. So there is aggravating circumstances
5 and mitigating circumstances; you follow me.

6 A Yes.

7 Q So if you were a juror in that situation, the
8 sentencing phase. So we're past the first phase and
9 you are in the sentencing phase. Could you, depending
10 on the facts and circumstances, including the
11 consideration of aggravating and mitigating
12 circumstances and the law that I instruct you that
13 applies, return a sentence of life in prison, depending
14 on the facts and circumstances?

15 A Yes.

16 Q If you were a juror in that situation, could you,
17 depending on the particular facts and circumstances,
18 including the consideration of aggravating and
19 mitigating circumstances and the law that I give you,
20 return a sentence of death by lethal injection or
21 electrocution, based upon the particular facts and
22 circumstances?

23 A Yes.

24 Q If you were chosen for this jury -- it will be an
25 inconvenience to every single juror, so I understand

INDIVIDUAL JURY VOIR DIRE

1 that. You will be housed in a hotel, and I know it
2 would be a personal inconvenience. What I'm looking
3 for is does anyone else's life or does your service on
4 this jury pose a serious danger to the health or
5 well-being of you or anyone that is dependent upon you?

6 A No. Inconvenience, I mean, you know, just
7 finding child care for my grandchildren because we have
8 no other family, you know, but other than -- no. No
9 danger or anything like that.

10 Q At this point in time, what I'm going to do is
11 I'm going to turn you over to the attorneys and then
12 they will be allowed to ask you questions. Again,
13 there is no right or wrong answers. Just be honest and
14 candid. Answer their questions. Thank you very much.

15 A Thank you.

16 THE COURT: Mr. Wilson -- Ms. Williams, I
17 apologize.

18 EXAMINATION

19 BY MS. WILLIAMS:

20 Q Hi, Ms. Marriott.

21 THE COURT: I apologize, Ms. Williams.

22 MS. WILLIAMS: It's okay, Judge.

23 Q (MS. WILLIAMS) I want to be sure I understand.
24 When the judge gave you the jury types, are you Type
25 A, B or C, and you chose A?

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1 A Yes.

2 Q And A is the one that I believe a death penalty
3 should be imposed in all cases?

4 A If they are proven guilty of murder.

5 Q If it is murder of -- intentional premeditated
6 murder, correct?

7 A Yes.

8 Q That is what you are saying?

9 A Yes. Yes.

10 Q Now, the judge is going to instruct you that if
11 we get to the sentencing phase, then murder has been
12 found in the guilty phase, and as you heard, the
13 charge -- murder is premeditated, aggravated. There is
14 no doubt that it was intentional. It is not excused.
15 It is not self-defense. It is murder like we think it
16 means, right?

17 A Right.

18 Q All right. And your answer to that question is
19 that if you find that this defendant or the defendant
20 absolutely committed murder, that you would always
21 impose the death penalty if given the choice?

22 A Yes.

23 MS. WILLIAMS: Thank you.

24 MR. HIXSON: May it please the Court?

25 THE COURT: Yes, sir.

INDIVIDUAL JURY VOIR DIRE

EXAMINATION

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BY MR. HIXSON:

Q How are you?

A Fine.

Q Have you ever been through a process like this, specifically death penalty jury?

A No.

Q We're talking about heavy concepts. Would you know that -- because of that, do you know that that is not an accurate statement of the law, that if you find someone guilty of murder, that death automatically results; did you know that prior to today?

A Yeah. I mean, I know that -- I just thought I was supposed to pick whatever I thought.

Q Sure. Sure. You are exactly right. And the judge charged you and said there is no right or wrong answers. But now we're moving into there is a right and wrong answer, and what that means is the judge will instruct you on the process that you have to go through, and it is not correct to say if guilty, then death. A juror has to be able to understand mitigation and aggravation and include it all in.

MR. WILSON: Your Honor. Your Honor. I object.

Can I be heard?

THE COURT: Sure.

INDIVIDUAL JURY VOIR DIRE

1 (The following is had at the bench out of the
2 hearing of the courtroom and juror.)

3 MR. WILSON: My objection is that it is not a
4 right or wrong -- she's entitled to her opinion about
5 the death penalty. He has asked her -- which he has
6 every right to do -- but to say that it is a matter
7 what the judge charges her changes her opinion about
8 what her opinion is. That is what she gave us is her
9 opinion, not a right or wrong, and that is what he's
10 asking her.

11 MS. WILLIAMS: He said the judge is going to tell
12 you there is a right or wrong.

13 MR. HIXSON: What I'm going to say is you have to
14 follow the judge's instruction, and if you cannot
15 follow the judge's instructions --

16 THE COURT: I see what you are trying to do. I
17 think it's the way you are phrasing it that is
18 incorrect. I mean, they can find life or death based
19 upon the circumstances in the case, and the issue is
20 she just going to be for one or the other. I think I
21 understand where you are going. I think it is just
22 the way you are phrasing it.

23 MS. WILLIAMS: Correct.

24 THE COURT: Taking a little bit out of context.
25 Just rephrase where you are going. I understand. I

INDIVIDUAL JURY VOIR DIRE

1 think it is just the way you are saying it. She is
2 not in a box. We need to clarify where her opinion
3 is, because at this point she said both.

4 (The following is had in open court.)

5 Q Let me rephrase. The judge will charge you with
6 the law that you have to apply in this case, and
7 specifically he is going to charge you that you must be
8 able to consider mitigation and aggravation and come up
9 with a decision based on that. Can you follow the
10 judge's charge on the law regardless of your individual
11 personal beliefs about that?

12 A Yes.

13 Q If you find -- could you return a verdict of life
14 if the facts warranted it?

15 A Yes.

16 Q Could you return a verdict of death if the facts
17 warranted it?

18 A Yes.

19 Q Could you -- at the end, you are required to put
20 a signature on a verdict form that says I find him
21 guilty and I, one of the members of the jury, and sign
22 your name that -- to whatever sentence that might be,
23 specifically a death sentence, could you sign a verdict
24 form of death if that's what the facts warranted?

25 A Yes.

INDIVIDUAL JURY VOIR DIRE

1 MR. HIXSON: Nothing further.

2 MS. WILLIAMS: May I redirect?

3 THE COURT: Yes.

4 EXAMINATION

5 BY MS. WILLIAMS:

6 Q The solicitor asked you about signing a form, and
7 at the end of the day, if we get to the sentencing
8 phase, the jury that is impaneled has to sign a form
9 that says as an individual moral judgment, I find that
10 death is an appropriate sentence; you can sign that,
11 correct?

12 A Yes.

13 Q And at the end of the day, if the jury finds that
14 I believe in life, for any reason or no reason at all,
15 is appropriate, you could do that, right?

16 A Right.

17 Q But you told me earlier that if you found a
18 person -- you believe that if a person is guilty of
19 aggravated murder, and it is murder, murder is a bad
20 heart, bad intentions, there is no excuse, it is murder
21 as what we believe it to be, that you would then
22 sentence that death is appropriate?

23 A I misunderstood what you said. If the judge said
24 and that is what was going to be charged, I mean, yes,
25 the death penalty would be appropriate.

INDIVIDUAL JURY VOIR DIRE

1 Q I -- there is no right or wrong. I mean, it is
2 not right or wrong. We clearly need to understand.
3 What the Court and system has to figure out is how you
4 feel about the death penalty, that is the bottom line?

5 A Okay.

6 Q So what we're asking is if you are on the jury
7 and we get to the sentencing phase, that necessarily
8 means that as a member of the jury, you have found that
9 the defendant is guilty of murder with the definition
10 of murder as the judge read it to you. Then you get to
11 consider aggravation and you get to consider
12 mitigation.

13 A Right.

14 Q There is no excuse for murder if you -- per se.
15 You have found -- this is a murder trial?

16 A Right.

17 Q In that case, do you think you could truly
18 consider a life sentence?

19 A No.

20 MS. WILLIAMS: Thank you.

21 MR. HIXSON: No further questions.

22 THE COURT: So at this point in time, step out of
23 that door where Jerry is and have a seat and we'll
24 bring you back in.

25 (The juror exits the courtroom.)

INDIVIDUAL JURY VOIR DIRE

1 MR. HIXSON: She's a death prone juror,
2 mitigation impaired. I don't think she's qualified.

3 THE COURT: You agree?

4 MS. WILLIAMS: Yes, sir.

5 THE COURT: Bring her back out. I didn't even
6 ask the obvious.

7 (The juror enters the courtroom.)

8 THE COURT: Ms. Marriott, stand right there for
9 me. I want to say thank you very much for being here.
10 Thank you for your willingness to serve. You are
11 excused from the service in this case. I want to
12 personally say thank you for your sacrifice in being
13 up here today and willing to serve. So you are free
14 to go. You do not need to call back, come back and I
15 thank you very much for being willing to serve. You
16 can walk out the back door. Thank you, ma'am.

17 (Juror exits the courtroom.)

18 (Juror enters the courtroom.)

19 (THOMAS MUNN, having been duly sworn,
20 testified as follows:)

21 THE COURT: How are you?

22 JUROR: Great.

23 THE COURT: Sorry we're running a few minutes
24 behind. I'm doing my best to keep things moving,
25 okay.

INDIVIDUAL JURY VOIR DIRE

1 JUROR: Okay.

2 VOIR DIRE OF JUROR 240

3 BY THE COURT:

4 Q You are under oath; you understand that?

5 A Yes.

6 Q And the way this will work is I'll ask you
7 questions, and the attorneys will ask you some
8 questions. There is no right or wrong answers. I just
9 want you to be open, honest and truthful; you with me?

10 A Yes.

11 Q Are you Thomas F. Munn?

12 A Yes.

13 Q You are under oath; do you understand that?

14 A Yes.

15 Q Earlier today, I told you don't watch anything
16 about the case or look up anything or talk about the
17 case; have you complied with all of those instructions?

18 A Yes.

19 Q We're going to ask you a few questions. We are
20 not trying to invade privacy, but we need to ask you
21 these questions due to the nature of these proceedings.
22 There are no right or wrong answers, just answer
23 openly, honestly and fully. No one is challenging you
24 or your views, we just need to understand your views.
25 We'll probably ask you questions that you never even

INDIVIDUAL JURY VOIR DIRE

1 thought about before, so take your time.

2 Now, in this case the State is seeking a death
3 penalty against the defendant. So the defendant in
4 this case is Mr. Jerome Jenkins. These trials are
5 what we call "bifurcated," that means broken into two
6 parts. So the first part is the trial phase. During
7 this phase, the jury decides whether Mr. Jenkins is
8 guilty or not guilty of the crimes that have been
9 charged; keeping in mind that he is presumed to be
10 innocent under the law.

11 Now, if the jury finds Mr. Jenkins is not guilty,
12 the case is over and the trial is over, okay. If,
13 however, Mr. Jenkins is found guilty, then the jury
14 would move on to the second phase of the trial, which
15 is the penalty or the sentencing phase, all right.
16 That part of the trial, the jury would then decide
17 whether Mr. Jenkins should receive a penalty of life
18 in prison without the possibility of parole or receive
19 a penalty of death, okay.

20 JUROR: Yes.

21 THE COURT: The fact I'm talking about penalties
22 may apply isn't any indication of Mr. Jenkins' guilt
23 of the offense these -- he is presumed to be innocent,
24 but we have to talk about the issues on the front-end;
25 does that make sense?

INDIVIDUAL JURY VOIR DIRE

1 A Got you.

2 Q Do you know Mr. Jenkins or any member of his
3 family?

4 A No.

5 Q The lawyers in this case are Mr. Scott Hixson,
6 Solicitor Jimmy Richardson, Ralph Wilson, Senior, and
7 Brana Williams; do you know or have any relation to
8 them in any way, shape or form?

9 A No.

10 Q Now, earlier, and little awhile ago, you should
11 have gotten a big, long witness list; did you see
12 anyone on there you know?

13 A I just recognized one name, Isaac Bailey. I
14 don't know if he was the writer from Sun News.

15 Q Isaac Bailey, that is a news reporter?

16 A That is how I recognize him.

17 Q Do you know him personally?

18 A No.

19 Q You just recognized the name?

20 A From the --

21 Q News reports?

22 A Right.

23 Q You are not related by blood or marriage, close
24 personal friends or anything like that?

25 A No. No.

INDIVIDUAL JURY VOIR DIRE

1 Q Like I reckon the guy that writes in the Columbia
2 newspaper is John Monk. If I saw his name, I would
3 say, yeah, that guy; is that what you mean?

4 A Exactly.

5 Q So we'll keep moving forward here. So if you
6 were selected as a juror in this case, here are the
7 things that are required of you. Number one, you have
8 to listen to the law that I give you. Number two, you
9 would have to accept and apply the law that I give you
10 whether you agree with it or not; do you believe that
11 you are capable of doing that?

12 A Yes.

13 Q Could you decide this case based solely on the
14 evidence that has been presented in the courtroom and
15 disregard anything you may have heard, read or seen
16 about this case?

17 A Yes.

18 Q Have you heard, read, seen or know anything about
19 or do you know anything about this case at all?

20 A Just what I read in the paper, and my daughter
21 lives down the street on 905, so we discussed what
22 happened, about being street smart, why you shouldn't
23 go there, talked about the Dollar General getting
24 robbed all the time and things like that.

25 Q Do you have any personal knowledge about the

INDIVIDUAL JURY VOIR DIRE

1 case; start with that question?

2 A Personally, no.

3 Q Do you know anyone involved?

4 A Just that I've been in that store.

5 Q So you have been in the 905 store?

6 A Yes.

7 Q But you weren't there that night?

8 A No. No.

9 Q No personal knowledge?

10 A No. No. No personal knowledge.

11 Q Did you know any of store clerks?

12 A No.

13 Q You have seen this on the news?

14 A Yes.

15 Q Is that when it happened, now, in between, all
16 three?

17 A Just when it happened. I haven't seen anything
18 lately.

19 Q Back in 2015?

20 A Right.

21 Q Does that affect your ability to be fair and
22 impartial in this case?

23 A No.

24 Q Are you willing to base your decision off of the
25 evidence and the law?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q And will you do that?

3 A Yes.

4 Q And are you willing to set aside anything you may
5 have heard, read, seen or heard about on the news and
6 base your decision on the evidence that happens in this
7 courtroom and the law I give you?

8 A Yes.

9 Q Now, this is a criminal case, obviously. The
10 State has the burden of proving him guilty. So the
11 burden of proof for the State is what we call "beyond a
12 reasonable doubt." The defendant has no burden to
13 prove his innocence in any way, shape or form; do you
14 understand that?

15 A Yes.

16 Q Depending on the facts and circumstances of the
17 case, whatever the facts and circumstances -- the facts
18 and the evidence and the law in each case, could you
19 find the defendant either guilty or not guilty
20 depending on the facts and the evidence and the law?

21 A Yes.

22 Q Now, if you were a juror in a death penalty case
23 and a jury had found the defendant guilty of murder,
24 you would then move to the sentencing phase of the
25 trial; do you understand that?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q So there is two things we need to talk about.

3 One is called "aggravating circumstances" and the other
4 one is called "mitigating circumstances." Aggravating
5 circumstances are facts or incidents or details which
6 the legislator -- general assembly or state legislature
7 decided by statute that make the offense of murder
8 worse or aggravating circumstances.

9 A Yes.

10 Q In other words, the aggravating circumstances,
11 when they accompany a murder, increase the enormity or
12 adds to the injury of the offense; you follow me?

13 A Yes.

14 Q Mitigating circumstances are incidents, details
15 or occurrences which the general assembly or state
16 legislature declared by statute reduces the severity of
17 the offense of murder and may be considered as
18 extenuating or reducing the degree of moral culpability
19 or responsibility; do you understand?

20 A Yes.

21 Q So if you are a juror in that situation in the
22 sentencing phase, depending on the facts and
23 circumstances of the case, including the consideration
24 of aggravating and mitigating circumstances and the law
25 I give you, could you return a sentence of life,

INDIVIDUAL JURY VOIR DIRE

1 depending on the facts and circumstances?

2 A Yes.

3 Q If you were a juror in that situation, could you,
4 depending on the facts and circumstances of that case,
5 that would include aggravation and mitigation and the
6 law that I give you, return a sentence of death, which
7 in this state is by electrocution or lethal injection;
8 could you do that?

9 A Yes.

10 Q Serving on this jury will be an inconvenience to
11 everybody who gets sat; I understand that. Is there
12 any sort of serious danger to your health or anyone
13 that you are responsible for by you serving on this
14 jury?

15 A No.

16 THE COURT: I'll turn you over to the attorneys.
17 They are going to ask you some questions. Again, I
18 want you to be open, honest, candid with the
19 attorneys, okay.

20 EXAMINATION

21 BY MR. WILSON:

22 Q Mr. Munn, a couple of things. You said that you
23 knew Isaac Bailey as a writer for Sun News?

24 A Yes.

25 Q And do you have an opinion about his articles,

INDIVIDUAL JURY VOIR DIRE

1 the articles he is writing to Sun News?

2 A I used to enjoy his writing and I was sorry to
3 see him leave when he left.

4 Q You also said that you had some conversation with
5 your daughter about these events when they occurred?

6 A Yes.

7 Q Can you tell me a little bit about what those
8 conversations were like?

9 A Yeah. They live right down the street, so they
10 were at the convenience store a lot. I used to drive
11 home from work that way, so I would stop at the Dollar
12 Store there. When things like that happen, we talked
13 about being street smart. I'm from the city, from
14 Philadelphia and used to work in New York. I try to
15 teach them how to be street smart, what you look for,
16 what you don't look for, don't go in if you see crazy
17 things happening and what to do if you are in there and
18 something happens, you know, try to -- they have three
19 little kids, and that's about all we talked about it
20 when it happened.

21 Q Did you have any conversation about what should
22 happen to the individuals who did these things?

23 A Yes. In the sense of you say to yourself how can
24 anyone kill someone over money or over robbing
25 something? It just didn't make sense to me. We did

INDIVIDUAL JURY VOIR DIRE

1 talk about that.

2 Q And even though that was your opinion then, you
3 are saying to the Court that you can now set that aside
4 and be fair to both the State and to the defendant in
5 this particular case; is that what you are saying?

6 A If you are saying that is -- what are you saying,
7 though?

8 Q There is no right or wrong.

9 A Why would I set that aside if that is my opinion;
10 that is what I'm asking you? Is there something wrong
11 with that statement, that I teach them to be street
12 smart?

13 Q Your opinion is your opinion.

14 A Right. Why would I have to set that aside; that
15 is what I'm asking you?

16 Q Because the law requires you -- in order for you
17 to serve as a juror, that you must come in with an open
18 mind about what is to happen and to be --

19 A I'm coming in with an open mind of what you are
20 going to show me, but it did happen. Something
21 happened there, okay.

22 Q Something happened there, and whatever happened
23 there affects your opinion; is that what you are
24 saying? You are --

25 A I guess it does, yeah. I guess it does. Because

INDIVIDUAL JURY VOIR DIRE

1 another one happened down the street, right, not too
2 long after that, and then the one at Food Lion. You
3 know, yeah, I guess it would affect my opinion, yeah.

4 Q And so my question then is: Are you going to be
5 able to honestly -- and, again, there is no right or
6 wrong answer, just asking you your opinion -- are you
7 honestly going to be able to set all of that aside,
8 everything you know and everything you have discussed
9 with your daughter and what you know about this case
10 and be able to listen with an open mind and give a fair
11 and impartial trial to the State and the defendant; can
12 you do both of that?

13 A Honestly, I'm not a hundred percent sure I could.

14 Q Because it is hard to change your mind what you
15 heard and what you know?

16 A Right.

17 Q And you can't say that it wouldn't have an
18 effect?

19 A Right.

20 MR. WILSON: No other questions.

21 EXAMINATION

22 BY MR. RICHARDSON:

23 Q Mr. Munn, I'm Jimmy Richardson. Thank you for
24 coming today. Obviously, you have heard a lot and the
25 judge talked with you a good bit. I don't want to redo

INDIVIDUAL JURY VOIR DIRE

1 all of that, but just so we're all on the same page.

2 This is a two-part trial. Part one is just guilty or
3 not guilty; he did it or didn't. If you were to find
4 you were picked on this jury, the whole lot of you all
5 find he did it, he did just what they said he did, then
6 we would take a day off and then we would go right back
7 into part two, which is what is the appropriate
8 punishment. You don't know anything about the case as
9 it is except that something happened at that store?

10 A Yes.

11 Q And you don't know -- when you heard about it,
12 you didn't hear nothing about J.J. or Jerome Jenkins or
13 any of the other people, no names, it was just
14 something happened at that store?

15 A Just what I read in the paper. I didn't know any
16 of the people.

17 Q So I'm pre-assuming -- and I don't know that this
18 happens -- we're expecting that you have already found
19 guilt, and now we're into part two, because it is all
20 about do you believe that there are different
21 sentences, murder could have sentence ranges, it ain't
22 just death penalty?

23 A You know, if you are in trial and you get to the
24 point that you are confused and you don't know
25 completely -- how do I say that? If, in your mind, you

INDIVIDUAL JURY VOIR DIRE

1 are not a hundred percent sure that he's guilty....

2 Q But say you are a hundred percent sure he's
3 guilty, and the judge already talked with you about --
4 we are passed that. He is guilty. Would you be able
5 to consider some stuff that Mr. Wilson that they might
6 put up about his past?

7 MR. WILSON: Objection.

8 THE COURT: I think you can say would you be
9 willing to consider mitigating evidence.

10 MR. RICHARDSON: Yes, sir.

11 Q (MR. RICHARDSON) Mitigating things, things in
12 Mr. Jenkins' favor, you could consider that?

13 A Yes.

14 Q And you would also able to consider if the State
15 showed you stuff that made it even worse, aggravating?

16 A Yes.

17 Q You could consider that?

18 A Yes.

19 Q Now, I'm asking this because I do not know, but
20 in the south we don't see a bunch of Catholics. Is
21 there anything in Catholicism that would keep you from
22 finding for the death penalty or against it?

23 A Not in my mind.

24 Q And you believe -- your testimony here today is
25 that you could find him guilty or not guilty and then

INDIVIDUAL JURY VOIR DIRE

1 find him, depending on what the evidence was, what the
2 appropriate sentence is, life or death?

3 A Yes.

4 MR. RICHARDSON: I don't have any further
5 questions. Thank you for coming this week.

6 EXAMINATION

7 BY MR. WILSON:

8 Q Just a couple more questions so I'm clear. When
9 I asked you earlier if you could set aside your -- the
10 opinions you already have formed, and you agree with me
11 you have formed some opinions about what happened?

12 A Yeah.

13 Q And -- and -- and in order for you to consider
14 anything, you would have to give up those opinions,
15 correct? You are saying you don't know if you can do
16 that?

17 A I have an opinion formed in my mind, right.

18 MR. WILSON: Nothing else.

19 THE COURT: You want to follow up, Mr. Solicitor?

20 (A brief pause in the proceedings.)

21 EXAMINATION

22 BY MR. RICHARDSON:

23 Q Mr. Munn, tell us -- all right. About opinions
24 what exactly -- I know you said something happened at
25 the store, what exactly do you believe happened at the

INDIVIDUAL JURY VOIR DIRE

1 store?

2 A Just that it was an armed robbery and at the end
3 -- they ended up shooting the clerk. Like I said, a
4 couple weeks later a Sunhouse down the road, couple
5 weeks later a Food Lion. You form opinions in your
6 mind. You know, what is going on? Why would you kill
7 someone over money or over whatever they are taking?
8 It just doesn't make sense.

9 Q All right. Now, when you formed any of these
10 opinions -- and, again, you are right, you can --

11 A It is -- it is not an opinion. You read it. It
12 happened. It happened.

13 Q Right. But you don't have any specifics except
14 what was reported in the paper?

15 A Right.

16 Q And you don't put any of those opinions towards
17 this particular defendant? I mean, you don't know
18 anything what he did or didn't do until you hear it --

19 A Right. Right.

20 Q -- here on the stand. What I want to make sure
21 is that you can get through -- you can put all of that
22 aside and reset your brain, and just when you are
23 sitting over here, can you put that aside and listen to
24 what we can prove or can't prove against Jerome
25 Jenkins, and if you find him guilty, can you set that

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1 aside and say, listen, I didn't know about all of this
2 other stuff, I'll consider everything that is brought
3 to me?

4 A Yes.

5 Q You can do all of that?

6 MR. WILSON: Your Honor, I need a side-bar.

7 (The following was had at the bench out of the
8 hearing of the juror and open court.)

9 THE COURT: I don't think you can say they have
10 no burden to bring anything at all, you can't say --

11 MR. RICHARDSON: I'll clear it up.

12 THE COURT: What they bring to you -- they don't
13 have to prove any of that stuff. I mean, you can say
14 can you consider mitigation, can you consider
15 aggravation, but you can't make it seem like they have
16 a burden to present any mitigation at all.

17 MR. RICHARDSON: It was inartful, but I was
18 talking about mitigation.

19 MR. WILSON: I know, but even that, we don't have
20 any obligation to put up mitigation either.

21 THE COURT: Yeah. Yeah. I'm with you. I know.
22 You all need to check the way you are phrasing it.

23 Anything else?

24 MR. RICHARDSON: No, sir.

25 (The following was had in the presence of the

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1 juror and open court.)

2 EXAMINATION

3 THE COURT: We all have opinions. Let me ask you
4 a question. No one is saying that you are not
5 entitled to your opinion; does that make sense?

6 A Yes.

7 Q But this is court, and this is real life. Jury
8 trials are based upon evidence, which comes in for
9 witness testimony, which comes in through exhibits and
10 the law that the judge gives you.

11 A Yes.

12 Q It is not based upon what is in the newspaper.
13 It is not based upon what is in the nightly news. This
14 is a criminal trial. Mr. Jenkins is presumed to be
15 innocent. The burden of proof is 100 percent on the
16 State to prove his guilt to a jury beyond a reasonable
17 doubt. It doesn't matter what the newspaper says,
18 doesn't matter what the nightly news says. What
19 matters is the jurors come into this case and they are
20 willing to sit there and listen to the evidence,
21 determine what the facts are and apply those facts to
22 the law that I give them without any bias or prejudice
23 towards either the State or the defendant. So when he
24 was talking to you about your opinion, he is not saying
25 you are not entitled to your opinion, but my question

INDIVIDUAL JURY VOIR DIRE

1 is -- it is clear that during the time in questioning
2 you had an opinion about what was going on?

3 A Right.

4 Q And you don't even know that Mr. Jenkins
5 participated in anything?

6 A No. No.

7 Q Because the only thing -- you don't even have a
8 specific memory of who or what was involved?

9 A Right.

10 Q Is that correct?

11 A That's correct.

12 Q But you have an opinion about that time frame and
13 living in the community?

14 A Right.

15 Q The question is this -- what Mr. Wilson was
16 trying to ask you, can you set that opinion aside and
17 come in here and say I'm going to be fair, I'm going to
18 be impartial, I'm going to set aside -- let me finish
19 -- I'll set aside what I think I know or what I think I
20 heard or whatever, and base my decision based off of
21 the evidence and the law in this case, and I'm going to
22 do so without any bias or prejudice towards either
23 side? It is like -- the reason judges wear robes is
24 because we're not on anyone's side.

25 A Right. I understand that. And my answer is, no.

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1 I don't think I can do that.

2 Q All right. I just need -- I wanted to explain it
3 in my own words, because I want you --

4 A I understand what you are saying, but you form
5 opinions, and I don't know if it is too far gone, all
6 the different things that have happened.

7 THE COURT: Anything else?

8 MR. HIXSON: That is it.

9 MR. WILSON: Nothing further.

10 THE COURT: So I'll ask you to step outside in
11 the hallway.

12 (The juror exits the courtroom.)

13 MR. RICHARDSON: Your Honor, I think he was plain
14 in saying he can't at the time set it aside.

15 MR. WILSON: Disqualify.

16 THE COURT: Bring him back in.

17 (The juror enters the courtroom.)

18 THE COURT: We'll excuse you from your service in
19 this case. Thank you for being here and willing to
20 serve. I appreciate you taking time from your life
21 and participating with us. You do not need to call
22 back. You do not need to come back. You are excused.
23 You can walk out the back door, and have a great day.

24 (The juror exits the courtroom.)

25 THE COURT: Everyone okay? I wasn't trying to

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1 step on toes. I think he just got sideways with you,
2 so I was trying to bring it from a different
3 perspective.

4 MR. WILSON: No problem.

5 (The juror enters the courtroom.)

6 (SANDI ARROVO-MARTINEZ, having been duly
7 sworn, testified as follows:)

8 THE COURT: Tell me how to say it.

9 JUROR: Arrovo-Martinez.

10 THE COURT: I may say that wrong.

11 JUROR: That's fine.

12 VOIR DIRE OF JUROR NO. 14.

13 BY THE COURT:

14 Q You are Sandi Arrovo-Martinez?

15 A Yes.

16 Q You understand you are under oath?

17 A Yes.

18 Q Earlier, I gave you cautionary instructions about
19 not looking up the case or doing any research or
20 looking at any news or talking to anyone; have you
21 followed all of those instructions?

22 A Yes.

23 Q So we'll ask you a few questions. I'll start and
24 then the attorneys get to ask you questions. No one is
25 trying to invade your privacy. There is no right or

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1 wrong answers. I just want you to be open, honest and
2 candid with us.

3 A Okay. I can do that.

4 Q No one is trying to challenge your view or points
5 of view. We're just trying to understand what your
6 view is. We need to ask you a few questions, and
7 probably ask you things you have never thought about
8 before, so just take your time as we go through them.

9 So in this case the State is seeking the death
10 penalty --

11 A Okay.

12 Q -- against Mr. Jenkins. So that means that the
13 trial is what we call "bifurcated," that means it is
14 broken into two different parts. The first part is the
15 trial phase. In that phase the jury decides if he is
16 guilty or not guilty, keeping in mind that under the
17 law he is presumed to be innocent, as every person
18 charged with a criminal offense is.

19 If the jury finds Mr. Jenkins not guilty, the
20 case is over and we're done. If, however, the jury
21 finds Mr. Jenkins guilty, then we would move on to the
22 second part of the trial, which is called the penalty
23 phase or sentencing phase. In that part of the trial,
24 we would be -- the jury -- in that part of the trial,
25 the jury decides whether Mr. Jenkins should receive a

INDIVIDUAL JURY VOIR DIRE

1 penalty of life without parole or death. The idea I'm
2 talking about, the penalties, doesn't indicate that
3 Mr. Jenkins is guilty or not guilty. We have to talk
4 about them on the front-end to select a fair and
5 impartial jury. So he's presumed to be innocent under
6 the law; you follow me?

7 A Okay.

8 Q Now -- so are you related by blood or marriage,
9 close personal friends with, have any connection to,
10 business, social, personal or otherwise Mr. Jenkins in
11 way, shape or form?

12 A No.

13 Q Are you related by blood or marriage, close
14 personal friends with or have any connection to any of
15 the attorneys in this case, Mr. Hixson and
16 Mr. Richardson are here for the State, and Mr. Wilson
17 and Ms. Williams are here for the defense? Do you know
18 any of them or have any connection to them at all?

19 A No.

20 Q Now, when you were back in your room, I gave you
21 a list of witnesses; did you see anyone on there that
22 you know or think you know or may know or that could be
23 so-and-so?

24 A Huh-huh.

25 Q You don't know anyone at all?

INDIVIDUAL JURY VOIR DIRE

1 A No.

2 Q Great. If you were selected as a juror in this
3 case, here are things you would be required to do.
4 Number one, you are required to listen to the law. So
5 I would tell you as a juror, as a group, what the law
6 is in this case. You would be required to accept it
7 and apply it as I give it to you. You couldn't come up
8 with your own ideas of what you think it is or what you
9 think it ought to be. You would have to accept and
10 apply the law as I give it to you; do you think you
11 could do that?

12 A Uh-huh.

13 Q Now, the next question is this: Could you decide
14 this case based solely upon the evidence presented in
15 the courtroom and disregard anything you may have
16 heard, read, seen or know about the case?

17 A I haven't seen or heard anything, so, yes.

18 Q Have you ever read any news story about the case?

19 A No.

20 Q Seen a news story?

21 A No.

22 Q Anyone ever try to talk to you about it?

23 A No.

24 Q Do you know anything about it?

25 A Nope.

INDIVIDUAL JURY VOIR DIRE

1 Q Ever heard anything about it?

2 A Nope. I'm put under a rock.

3 Q That's perfectly fine. Sometimes under the rock
4 is a great place to be.

5 A Right.

6 Q So you don't know anything about the case at all?

7 A I don't.

8 Q This is a criminal case, obviously. The State
9 has the burden of proof. The burden of proof is beyond
10 a reasonable doubt. So the defendant never has any
11 burden, doesn't have to prove anything. He does not
12 ever have to prove his innocence; do you understand
13 that?

14 A I do.

15 Q So the question is this: Could you, depending on
16 the facts and the evidence and the law that I give you,
17 find the defendant either guilty or not guilty?

18 A I think so, yeah.

19 Q Depending on the facts and evidence?

20 A Yes.

21 Q Right?

22 A Uh-huh.

23 Q Now, if you were a juror in a death penalty case,
24 let's assume that the jury had already found the
25 defendant guilty of murder and we were in the second

INDIVIDUAL JURY VOIR DIRE

1 phase of the trial, the sentencing or the penalty
2 phase; you follow me?

3 A Uh-huh.

4 Q You have to say yes or no.

5 A Yes. Sorry.

6 Q That's okay. So we'll talk about two different
7 concepts: One is aggravating circumstances and one is
8 mitigating circumstances. So aggravating circumstances
9 are facts, incidents, details which the general
10 assembly -- or like our state legislature has declared
11 by a statute that makes the offense of murder worse or
12 aggravates the offense. In other words, this happened
13 when aggravating circumstances accompany the murder,
14 increases the enormity of or adds to the injury or the
15 crime of murder; with me?

16 Mitigating circumstances are just that. They are
17 incidents, details or occurrences which the state
18 legislature decided by statute that reduces the
19 severity of the offense of murder. It may be
20 considered as extenuating or reducing responsibility
21 or moral culpability; make sense?

22 A Yes.

23 Q So we are in the sentencing phase, and there are
24 aggravating circumstances and mitigating circumstances.
25 So if you were a juror in that situation and you were

INDIVIDUAL JURY VOIR DIRE

1 in the sentencing phase, could you, depending on the
2 particular facts and circumstances of that particular
3 case, including the consideration of aggravating and
4 mitigating circumstances and the law I instruct you
5 that applies to the case, return a sentence of life in
6 prison, depending on the facts and circumstances?

7 A Yes.

8 Q So if you were a juror in that situation, could
9 you, depending on the facts and circumstances,
10 including aggravating and mitigating circumstances and
11 the law that I give you, return a sentence of death in
12 that case?

13 A No.

14 Q So if you are chosen for this jury, you will be
15 housed in a hotel or motel. I know this is an extreme
16 inconvenience, but would it cause any serious danger to
17 the health or well-being of you or someone dependent
18 upon you?

19 A No.

20 THE COURT: I'll let the attorneys ask you
21 questions. Just be open, honest and candid as you
22 have been with me as they question you.

23 All right. Ms. Williams.

24 MS. WILLIAMS: Thank you, Your Honor.

25 THE COURT: You're welcome.

INDIVIDUAL JURY VOIR DIRE

EXAMINATION

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BY MS. WILLIAMS:

Q Ms. Arrovo-Martinez?

A Yeah.

Q All right. As the judge explained, if we -- if you become a part of the jury in this case, there is really two -- basically trial number one and trial two. It is like the judge said, she's taking down everything, so you have to say yes or no.

A Yes.

Q I know it is hard. But part one is -- if we get to part number 2 -- we have to get through part number one because that means that the jury found my client guilty of murder, okay?

A Yes.

Q So we get to that part, and then we get to part number two, what we call the "sentencing phase."

A Yes.

Q And this is the only situation in a capital case where the jury gets to impose a sentence of death or a sentence of life.

A Yes.

Q And in order to qualify to be on the jury, you have to be able to even consider each. It doesn't mean that you will definitely impose one, or that you have

INDIVIDUAL JURY VOIR DIRE

1 to impose one or the other, it means you have to be
2 willing to consider it, okay?

3 A Okay.

4 Q So I just want to make sure we're real plain,
5 because you said you couldn't consider it. What I want
6 to ask you is if you are on this jury and the jury has
7 definitely found my client guilty of murder and you get
8 to the sentencing, could you even consider a death
9 penalty?

10 A No.

11 Q You could not?

12 A I could not.

13 MR. RICHARDSON: No questions, Your Honor.

14 THE COURT: Step outside in the hallway, grab a
15 seat and we'll be with you.

16 (The juror exits the courtroom.)

17 MR. RICHARDSON: She was unequivocal. She's not
18 qualified.

19 MR. WILSON: We don't disagree.

20 THE COURT: All right.

21 (The juror enters the courtroom.)

22 THE COURT: Ms. Arrovo-Martinez, that is the best
23 I can do (laughing).

24 JUROR: You did good (laughing).

25 THE COURT: Thank you for your service and

INDIVIDUAL JURY VOIR DIRE

1 willing to serve. I appreciate you being here and
2 your great attitude and being patient with us. We're
3 going to excuse you from the trial of this case. You
4 do not need to call back. You do not need to come
5 back. You have my severe gratitude and thanks for
6 being here. I understand the inconvenience on your
7 life. Do you have anything back in the jury room?

8 JUROR: I don't.

9 THE COURT: You may walk out to the deputy in the
10 back, and have a wonderful day.

11 JUROR: Thank you.

12 (The juror exits the courtroom.)

13 THE COURT: Next juror is 276, which we
14 determined is disqualified based upon a felony
15 conviction, so next is 298, Robert Roddy.

16 We're going to save all of these forms and create
17 one court exhibit so they are protected; any
18 objection?

19 MR. WILSON: No, sir.

20 THE COURT: State?

21 MR. RICHARDSON: No, sir.

22 THE COURT: Okay.

23 (The juror enters the courtroom.)

24 JUROR: How are you doing today?

25 THE COURT: Doing great. Come on in.

INDIVIDUAL JURY VOIR DIRE

1 (ROBERT RODDY, having been duly sworn,
2 testified as follows:)

3 VOIR DIRE OF JUROR 298

4 BY THE COURT:

5 Q How are you?

6 A Fine.

7 Q So this is how it is going to work. I'll ask you
8 a few questions, the attorneys will ask you a few
9 questions and you just be open and honest with us.

10 A Sounds good.

11 Q There are no right or wrong answers, just trying
12 to figure out what your thoughts are.

13 A Sounds good.

14 Q You understand you are under oath?

15 A Yes, sir.

16 Q Are you Robert Roddy?

17 A Yes, sir.

18 Q Earlier today, before you left, I told you don't
19 talk about the case, don't look up anything about the
20 case, don't view any media; have you followed all of
21 those instructions?

22 A Yes, sir.

23 Q Now, we're going to ask you a few questions. No
24 one is trying to invade your privacy, but these
25 questions are necessary.

INDIVIDUAL JURY VOIR DIRE

1 A I'm an open book.

2 Q Good. There is no right or wrong answers. No
3 one is trying to challenge you or your views, just
4 trying to figure out what your views are.

5 A Yes, sir.

6 Q We'll probably ask you questions you never have
7 been asked for, never really thought about before, so
8 take your time.

9 Now, this is a -- in this case the State is
10 seeking the death penalty against the defendant, Mr.
11 Jenkins. So what that means is these trials are what
12 we call "bifurcated," or broken into two parts. So
13 the first part is what we'll call the "trial phase."
14 During a trial phase, the jury will decide whether Mr.
15 Jenkins is guilty or not guilty of the crimes alleged,
16 keeping think in mind that he, like every other
17 defendant in the entire criminal justice system, is
18 presumed to be innocent of the charges brought. If
19 the jury finds Mr. Jenkins is not guilty, that will
20 end the case completely. But if the jury finds Mr.
21 Jenkins guilty of the offenses charged, then the jury
22 would move on to the second part of the trial, which
23 is called the "penalty phase" or the "sentencing
24 phase." In that part of the trial, the jury would
25 decide whether Mr. Jenkins should receive a sentence

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1 of life without the possibility of parole, or a
2 penalty of death; do you understand that?

3 A Yes, sir.

4 Q Does that make sense?

5 A Yes, sir.

6 Q Just because we're talking about sentencing
7 doesn't mean that Mr. Jenkins did anything. He is
8 presumed to be innocent, but we have to ask these
9 questions on the front-end; you follow me?

10 A Yes, sir.

11 Q Now, Mr. Jenkins is the defendant. Are you
12 related by blood or marriage, close personal friends
13 with, have any connection in any way, shape or form?

14 A No, sir.

15 Q The lawyers in this case are Mr. Scott Hixson,
16 solicitor Jimmy Richardson, Mr. Ralph Wilson and Brana
17 Williams; do you have any connection to them or related
18 to them?

19 A No, sir.

20 Q You don't know any of them?

21 A No, sir.

22 Q Before you came in here, I gave you a long
23 witness list.

24 A Uh-huh.

25 Q Do you see anyone on there that you know, think

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1 you know, you may know, related to, anything like that?

2 A No, sir.

3 Q So you don't know any of the witnesses?

4 A No. I only moved here from Long Island about
5 four years ago.

6 Q Okay. Welcome to South Carolina.

7 A Thank you.

8 Q Let's talk about your duty and responsibilities
9 as a juror. If you were a juror in this case, the
10 expectation would be, number one, that you listen to
11 the law that I give you and, number two, that you
12 follow the law that I give you whether you agree with
13 it or not.

14 A Understand.

15 Q Can you do that?

16 A Yes, sir.

17 Q Now, this is a criminal case, so could you decide
18 this case based solely upon the evidence that is
19 presented in the courtroom and disregard anything that
20 you may have heard, read, seen or know about the case?

21 A Yes, sir.

22 Q Have you seen or do you know anything about case?

23 A No, sir.

24 Q Have you ever read anything about the case?

25 A I have not.

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1 Q Seen anything about the case?

2 A No, sir.

3 Q Know anyone involved in the case?

4 A No.

5 Q Do you know what we're talking about in regards
6 to this specific case other than what I told you this
7 morning?

8 A No, sir, just what you have explained.

9 Q Wonderful. Now, this is a criminal case, as I
10 told you. In this case the State has the burden of
11 proof, and they have to prove the defendant guilty
12 beyond a reasonable doubt.

13 A Okay.

14 Q The defendant has no burden to prove his
15 innocence or present any evidence at all; do you
16 understand all of that?

17 A Yes, sir.

18 Q So the first question is this: Could you,
19 depending on the facts and the evidence and the law
20 that I give you, find the defendant either guilty or
21 not guilty?

22 A I feel like I would be able to, yes, sir.

23 Q Depending on the facts and circumstances and the
24 law?

25 A Uh-huh.

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1 Q So imagine that you are a juror in a death
2 penalty case and the jury already found the defendant
3 guilty of murder, so we're passed --

4 A Onto sentencing.

5 Q Right. So we're on stage two; so you are with me
6 where we are?

7 A Yes, sir.

8 Q So there is two concepts I want to explain to
9 you. One is called "aggravating circumstances," the
10 second is called "mitigating circumstances." They kind
11 of make sense. Aggravating circumstances are facts or
12 incidents or details which the general assembly, which
13 is our state legislature has declared by law, that
14 makes a murder case worse, where they aggravate the
15 murder; does that make sense?

16 A Yes.

17 Q So the aggravating circumstances when they
18 accompany or go along with a murder case, they -- it
19 increases the enormity or adds to the injury of the
20 crime of murder; does that make sense?

21 A Uh-huh.

22 Q Mitigating circumstances are just as they sound.
23 These are circumstances and incidents and occurrences
24 which the general assembly or state legislature has
25 declared by law that -- excuse me -- declared by law

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1 that may reduce -- reduces the severity of the offense
2 of murder and may be considered as extenuating or
3 reducing the degree of responsibility or moral
4 culpability; you with me?

5 A Yes, ma'am.

6 Q So question number one is this: So if you are a
7 juror and you are in the sentencing phase, could you,
8 depending on the particular facts and circumstances of
9 that case, including the consideration of aggravating
10 and mitigating circumstances and the law that I give
11 you, return a sentence of life in prison based upon the
12 facts and circumstances?

13 A Yes, sir.

14 Q Again, you are a juror in a sentencing phase.
15 Could you, depending on the particular facts and
16 circumstances of that case, including aggravation and
17 mitigation and the law that I give you, return a
18 sentence of death if you believe that was appropriate,
19 based upon the facts and circumstances?

20 A Can you repeat that one more time, I'm sorry?

21 Q Sure. So if you were a juror in that situation,
22 that means you are in the sentencing phase, could you,
23 depending on the particular facts and circumstances of
24 that case, considering the aggravating and mitigating
25 circumstances and the law I give you at the conclusion

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1 of the case, could you return a sentence of death based
2 upon the facts and circumstances and the law?

3 A Yes, sir.

4 Q Now, jury service, especially in this case, is an
5 extreme inconvenience to anyone. So my question is --
6 not that it is not an inconvenience, my question is
7 does serving on this jury pose a serious danger to your
8 health or well-being or to anyone you are directly
9 responsible for?

10 A No, sir, I don't believe so.

11 THE COURT: What I'll do at this point in time is
12 I'll turn you over to the attorneys. They are allowed
13 to ask you questions, and I may have follow-up. Just
14 be open, candid as you have been with me. Thank you.

15 EXAMINATION

16 BY MR. WILSON:

17 Q Mr. Roddy, His Honor was explaining to you the
18 process and how we get to the second phase, if we get
19 there, in this process. That sentencing phase, you
20 would have already, if you were a member of the jury,
21 you would have already made a decision that the person
22 was guilty of murder, and murder is basically the
23 intentional killing of one person by another, what we
24 call malice, ill-will or hatred aforethought, so you
25 would have already found him guilty of that, which

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1 would mean they had no defense to it, it wasn't
2 self-defense, it wasn't, you know, manslaughter or some
3 lesser charge, it was murder. He did it, and you found
4 him guilty of it.

5 A Yes, sir.

6 Q And when you get to the second phase of the
7 process, you would be asked to consider both what we
8 call aggravating factors or circumstances; do you have
9 any understanding what that means?

10 A I'm going off what the judge just explained on
11 how aggravating was in a previous statement.

12 Q What is your understanding of that?

13 A Aggravating of a lesser charge, bringing it down
14 from murder to something of a lesser charge, I believe.

15 Q So you are thinking aggravating means that it
16 would somehow lessen his culpability?

17 A Can you explain culpability for me so I
18 understand the word?

19 Q Meaning it lessens his involvement or role or
20 involvement in the murder; is that what you understand?

21 A Yes, sir.

22 Q Is that what you are saying?

23 A Yes, sir.

24 Q Did you understand when His Honor was instructing
25 you as to mitigating factors or circumstances?

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1 A I believe I did.

2 Q Do you understand the difference between the two?

3 A I think so. Honestly, I feel like I don't, but I
4 think that is more nervous, to be honest.

5 Q I'm not trying to trick you. I'm trying to see
6 if you understood. When you say there are aggravating
7 factors and mitigating factors, aggravating are things
8 that might make it worse; for instance, if there is
9 something -- another murder or another robbery or some
10 other bad crime that the person committed, then that
11 would be brought in as an aggravating fact, bad conduct
12 of some type.

13 A Now, I understand.

14 Q Mitigating is just the opposite, something you
15 would consider that would lessen.

16 A The charge.

17 Q It wouldn't change the murder, but in deciding
18 what your sentence is, you want to take those things
19 into consideration.

20 A Yes, sir.

21 Q Can you take those things into consideration?

22 A Yes, sir.

23 Q You are saying to us that you could give
24 meaningful -- not just consideration, but you can give
25 meaningful consideration even if you have found the

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1 person guilty in the first phase of the trial of the
2 murder, when you got to the sentencing phase, you could
3 give meaningful consideration to both mitigating and
4 aggravating factors?

5 A I feel I would be able to, yes, sir.

6 Q And you wouldn't automatically do one or the
7 other?

8 A No, sir.

9 Q In the little form you had back there in the back
10 you said that you are Juror No. C?

11 A Yes, sir.

12 Q The third one on that list?

13 A Yes.

14 Q What is your understanding what that means?

15 A You sit there and think about all of the
16 processes and everything presented to you and not just
17 jumping to a conclusion from something else that you
18 thought of, out of influence or something of that
19 nature. You actually are putting a thought, paying
20 attention to what the judge says, both sides and really
21 taking information in and processing a thought for
22 yourself.

23 Q I noticed in your questionnaire you indicated you
24 are a security guard or you had done security guard
25 work, or you do it now?

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1 A No. I did that probably close to 15 years ago.

2 Q What do you do now?

3 A Operation managers for Belk at Myrtle Beach Mall.
4 I run back-of-the-house, deal with trucks, processing
5 merchandising, clothes, taking care of the floor, basic
6 operations of the store.

7 Q Let me ask you in regards -- how long have you
8 been doing that?

9 A Two years.

10 Q And you said you come from Ohio?

11 A No, sir, Long Island, New York.

12 Q How long have you been here?

13 A Approximately four years. I moved in 2015.

14 Q Do you know when in 2015?

15 A June.

16 Q June of 2015?

17 A Yes, sir. Before my birthday.

18 Q And to the best of your recollection, you don't
19 know anything about this case? You hadn't heard
20 anything about it?

21 A Honestly, I try to avoid the news because it is
22 really depressing, so I try to avoid the news.

23 Q When you got your jury notice to come to court,
24 did any of the other employees or people at work ask
25 about which case you were coming to be on?

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1 A I had no idea what case. Only thing I knew that
2 was different from what I was used to on Long Island --
3 I never got a questionnaire packet. Everything up
4 there was a phone call in and you find if you come in
5 the next day. So I mentioned to a few people at work
6 that I've got a questionnaire that I'm not used to and
7 had to fill out and hand back in.

8 Q You understand that if you serve on this jury, in
9 a death case, that you have the right to have your own
10 opinion about what you think the evidence presents?

11 A Absolutely. Yes, sir.

12 Q And in having your own opinion, you understand
13 that the other 11 members of the jury are entitled to
14 their opinions on the evidence?

15 A Yes, sir.

16 Q And you would abide by that?

17 A Yes, sir.

18 Q And you would not bully them about their --

19 A I'm very strong that everyone is entitled to
20 their own opinion.

21 MR. WILSON: Nothing else. Thank you.

22 JUROR: Thank you. Have a good day.

23 EXAMINATION

24 BY MR. RICHARDSON:

25 Q Mr. Roddy?

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1 A Yes, sir.

2 Q I'll skip a little along. We're going to assume
3 at this stage -- we're trying to figure out and make
4 sure you are a C juror. We're going to assume that
5 you, along with the other 11, already found Mr. Jenkins
6 guilty of murder.

7 A Say that one more time.

8 Q We're going to assume for purposes of this
9 hearing that we are in part two of this trial.

10 A Okay.

11 Q So that means you have already found him guilty
12 of murder. We're going to -- you may very well hear
13 mitigation that lessens -- that looks good for Mr.
14 Jenkins. You may very well hear aggravation that looks
15 bad towards Mr. Jenkins. So what I want to make sure
16 is that you go into part two saying I can listen to
17 everything. I can be fair to everybody. If the case
18 calls for life imprisonment, I can do that. If the
19 case calls for the death penalty, I can do that; you
20 agree with that statement?

21 A Absolutely.

22 Q It is a heavy part of the thing, but at the end
23 of it, if you have found him guilty and if you, along
24 with everybody else, says, hey, this is one of those
25 death penalty cases where the death penalty is

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1 appropriate, you would basically be signing that death
2 sentence; could you do that?

3 A Yes, sir.

4 MR. RICHARDSON: Thank you. No further
5 questions.

6 THE COURT: Hold on one second.

7 EXAMINATION

8 BY MR. WILSON:

9 Q Just so I'm clear, and I think we covered it, but
10 we'll go over it again to make sure. You understand
11 that if we get to the second phase of the trial, as the
12 solicitor already indicated, and as I indicated to you
13 earlier, you already would have found the defendant
14 guilty of murder in the first part?

15 A Correct.

16 Q And that means it wasn't self-defense, it wasn't,
17 you know, of necessity or anything else. It was
18 murder, which means there was no defense to it, just
19 plain intentional murder.

20 A Yes, sir.

21 Q And when you are in the second phase, you are
22 saying even under those circumstances that after having
23 made that decision you can consider both life without
24 parole -- possibility of parole, and you can consider
25 death; is that what you are saying?

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1 A Yes.

2 Q And you can give meaningful consideration to both
3 of those options, even after having made that initial
4 decision that it was, in fact, murder?

5 A Absolutely.

6 Q And even after hearing aggravating and mitigating
7 factors?

8 A Yes, sir.

9 Q And you also understand you can give life for
10 absolutely no reason except for mercy, if that is what
11 you want to do?

12 A I did not know that, but thank you.

13 THE COURT: All right. Step out in the hallway
14 and we'll be back with you in a second, sir.

15 (The juror exits the courtroom.)

16 MR. RICHARDSON: The State believes that this is
17 our first qualified juror.

18 MR. WILSON: I think he's qualified.

19 THE COURT: Yeah. I believe that he's completely
20 unequivocally qualified. He said in his own words,
21 without any true prompting from any of us, that he
22 could listen to the facts and circumstances, sit there
23 fairly and impartially and make the decision based
24 upon the facts and circumstances as presented, and I
25 find that he was really the first person we had that

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1 was unequivocal about -- that he didn't flip-flop.
2 That is the way he came in the room, and at the end of
3 all of the questioning.

4 When do you want me to tell him to come back, or
5 do you want me to start calling back? What is your
6 thought process on that?

7 MR. HIXSON: Call back at the same time with the
8 panel.

9 THE COURT: Thursday night?

10 MR. HIXSON: Is that where we are?

11 THE COURT: That is what we ran the -- have him
12 call Wednesday night, because I don't want to lose
13 him. I mean, we can tell him Wednesday, but getting
14 in touch with all of them again is too much.

15 Let's bring him back.

16 (The juror enters the courtroom.)

17 THE COURT: Mr. Roddy, give me about two minutes
18 of your undivided attention. So you are going to be
19 deemed qualified in this case. This does not mean that
20 you are going to be on this jury; does that make sense?

21 JUROR: Yes, sir.

22 THE COURT: So I have to get to so many qualified
23 jurors and then we'll bring everyone back and then
24 we'll go through the process of selecting who is
25 actually on the jury and who is not on the jury. Here

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1 is what I need you to do. Don't discuss this case in
2 any way, shape or form. Two, don't research the case.
3 Three, don't have any contact with anyone involved in
4 the case. Four, you are not to watch, read, listen to
5 any local news media. If you want to watch the
6 national media, that is fine, no local.

7 JUROR: I only watch Sports Center anyway.

8 THE COURT: You are perfectly fine with Sports
9 Center. Here is what we will have you do. You don't
10 need to come back tomorrow. You don't need to come
11 back on Wednesday. Starting on Wednesday night, we're
12 going to have you call in. We're going to give him a
13 number. That message on Wednesday night, it will say
14 one of two things. One, it can say call back in
15 Thursday night. Or, two, it could say you need to
16 show up Thursday at X time. Then the message
17 hopefully by Thursday says you need to show up at X
18 time. When you come back, you need to bring a
19 suitcase with your clothes for a week. If you bring
20 any electronic devices, the agents responsible for you
21 will take them. So what I would do is write down any
22 potential numbers. People don't have numbers
23 memorized anymore. So make a list of phone numbers,
24 primary care physician, people that live in your home,
25 anyone that you may potentially need while you are

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1 with us. Bring any medicines on a daily basis or
2 whatever you need to function. We'll provide the
3 lodging, food, all of that good stuff, but the basic
4 necessities that you need. When you come back -- so,
5 eventually, the message will say come back on this
6 day, at this time. When you come back, leave your
7 suitcase in your car. The reason is because -- just
8 because you come back, doesn't mean you are on. If
9 you actually make it on, then we'll coordinate getting
10 the luggage to the hotel and all of that. But there
11 is a chance you won't make it on, and then you would
12 have brought it in for no reason. Are you with me on
13 what we're doing?

14 JUROR: Yes, sir.

15 THE COURT: Any questions?

16 JUROR: No, sir, I don't believe so.

17 THE COURT: Thank you very much for being here
18 today, being patient and willing to serve. You are to
19 start calling back Wednesday after 5:00.

20 JUROR: Wednesday after 5:00. Thank you.

21 (The juror exits the courtroom.)

22 THE COURT: We have six people outside that did
23 not show up this morning. I'm thinking about telling
24 them to come back in the morning; everyone okay?

25 MR. RICHARDSON: Yes, sir.

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1 MS. WILLIAMS: Yes, sir.

2 THE COURT: Tell all six they need to be here
3 tomorrow morning at 9 o'clock. Take a short break.

4 (A recess was taken.)

5 THE COURT: Okay. Get the next one.

6 (The juror enters the courtroom.)

7 THE COURT: Hey, Ms. Jordan, come over here.

8 (YVONNE JORDAN, having been duly sworn,
9 testified as follows:)

10 VOIR DIRE OF JUROR 168

11 BY THE COURT:

12 Q Are you okay if I stand up? We need to ask you a
13 few questions. Do you understand you are under oath?

14 A (Witness nods head.)

15 Q You have to answer out loud.

16 A Yes.

17 Q Are you Yvonne Jordan?

18 A Yes, sir.

19 Q We're going to ask you a few questions. No one
20 is trying to invade your privacy. We're trying to
21 figure your views on certain subjects. There is no
22 right or wrong answers, just answer honestly and fully.
23 We'll ask you things that you might have never thought
24 about before, so take your time, that is perfectly
25 fine. Answer out loud.

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1 A All right.

2 Q In this case, the State is seeking -- I forgot
3 something. When you left earlier I told you don't look
4 up anything about the case, don't read the news, don't
5 talk about the case; did you follow those instructions?

6 A Yes, sir.

7 Q Okay. Great. In this case, the State is seeking
8 the death penalty against the defendant. So these
9 trials are what we call "bifurcated" or broken into two
10 parts. The first part is the trial phase. During this
11 phase of the trial, the jury will decide whether or not
12 Mr. Jenkins is guilty or not guilty of the crimes that
13 he's charged with; you follow me?

14 A Yes, sir.

15 Q Now, keep in mind that he's presumed to be
16 innocent under the law; you understand that?

17 A Uh-huh.

18 Q Now, if the jury finds Mr. Jenkins is not guilty
19 then that ends the case, completely over; you
20 understand that?

21 A Yes, sir.

22 Q If, however, the jury finds Mr. Jenkins is
23 guilty, we move on to the second phase of the trial or
24 the sentencing or the penalty phase, and in this phase
25 of the trial, the jury will decide whether or not Mr.

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1 Jenkins would receive a penalty of life without the
2 possibility of parole, or a penalty of death; does that
3 make sense?

4 A Yes, sir.

5 Q Just because we're talking about punishment
6 doesn't mean that Mr. Jenkins did anything; he is
7 presumed to be innocent. The burden of proof is upon
8 the State to prove his guilt to a jury beyond a
9 reasonable doubt; you understand that?

10 A Yes.

11 Q Now, Mr. Jenkins is the defendant in the case.
12 Are you related by blood or marriage, close personal
13 friends with or have any connection with Mr. Jenkins in
14 any way, shape or form?

15 A No, sir.

16 Q The prosecutor in this case is Mr. Hixson and
17 Mr. Richardson, and the defense attorneys are Mr.
18 Wilson and Ms. Williams. Are you related to them, have
19 any connection or know them or is any business
20 connection to any of them at all?

21 A I know Mr. Wilson.

22 Q How do you know Mr. Wilson?

23 A We used to live together, go to church together.

24 Q How long ago was that?

25 A Well, I seen him Sunday.

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1 Q You see him at church on Sunday?

2 A Uh-huh.

3 Q Would that affect your ability to be fair and
4 impartial in this case?

5 A No, not really.

6 Q Are you willing to base your decision on the
7 evidence and the law?

8 A Yes.

9 Q And would you do so?

10 A Yes.

11 Q Earlier, before you came out here, you should
12 have gotten a list of witnesses; did you get that?

13 A Yes, sir.

14 Q Did you see anybody on this that you know or
15 think you know or might know or related to?

16 A I think I know her.

17 THE COURT: She's handing me a sticky note which
18 says Genar Faulk, G-E-N-A-R, F-A-U-L-K.

19 Q Is that a man or a woman?

20 A That is a woman. I know her by her husband, if
21 that is the right one.

22 Q How do you know -- Genar is a woman?

23 A Uh-huh.

24 Q How do you know her?

25 A Well, I know her by her husband, if that is the

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1 right one.

2 Q If that is the same person?

3 A Yes.

4 Q And with her being a witness in the case, would
5 that affect your ability to be fair and impartial?

6 A No, sir.

7 Q Are you willing to base your decision on the
8 evidence and the law?

9 A Yes, sir.

10 Q Now, anyone else on that list you may know?

11 A No, sir.

12 Q Now, if you become a juror in this case, there is
13 things that we'll ask you to do. One of them is listen
14 to the law that I give you and to accept and apply the
15 law as I give it to you; are you capable of doing that?

16 A Yes, sir.

17 Q Are you willing to set aside your own opinion as
18 to what the law ought to be or what you think the law
19 should be and base your decision on what the law is?

20 A Yes, sir.

21 Q Now, could you decide this case based solely upon
22 the evidence that is presented here in this courtroom
23 and disregard anything you may have heard, read or seen
24 about this case?

25 A Say what now?

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1 Q Have you heard, read or seen anything about this
2 case?

3 A Well, I read and heard stuff on TV.

4 Q What is your source of information?

5 A Well, I heard that they got the guy and the name
6 when they said it. I read in the paper that he talked
7 to detectives or something saying he didn't do it, or
8 whatever.

9 Q So is your source of information the news media?

10 A You can say, yeah.

11 Q Have you heard anything from anyone individually
12 that tried to talk to you about the case or say
13 anything about the case?

14 A No, sir. No, sir.

15 Q So you have either seen the news or read the
16 newspaper about the case?

17 A Right.

18 Q And did that occur back when the case allegedly
19 happened, or more recently, or more in between?

20 A In between.

21 Q Do you have any specific personal knowledge about
22 the case?

23 A No.

24 Q Do you know anyone involved in the case?

25 A No.

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1 Q You have no personal knowledge about the case at
2 all?

3 A No.

4 Q So my question is can you disregard whatever you
5 heard from the news and base your decision in this case
6 on the evidence that is presented in the courtroom and
7 the law that I give you?

8 A Yes, sir.

9 Q Now, this is a criminal case, obviously. The
10 State has the burden of proof, and the burden of proof
11 is beyond a reasonable doubt. A defendant never has to
12 prove his innocence or present any evidence at all; do
13 you understand that?

14 A Yes.

15 Q Now, the next question is this: Could you,
16 Ms. Jordan, depending on the facts and the evidence and
17 the law in the case determine whether a defendant is
18 guilty or not guilty?

19 A Yes, sir.

20 Q So depending on the facts and circumstances,
21 could you find a defendant either guilty or not guilty
22 depending on the evidence, facts and the law?

23 A Yes, sir.

24 Q As I go into this next phase of questioning,
25 we're going to assume that you are a juror in the case,

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1 okay; with me?

2 A Yes, sir.

3 Q And the jury has already found the defendant
4 guilty of murder. So we're through phase one and we're
5 in phase two, what is the appropriate punishment; do
6 you follow me where we are?

7 A Yes, sir.

8 Q In my hypothetical?

9 A Yes, sir.

10 Q So there are two things I need to explain to you,
11 "aggravating circumstances" and "mitigating
12 circumstances." So they are just like they sound.
13 Aggravating circumstances are facts, incidents, details
14 which our state legislature, general assembly has
15 determined by statute that make a murder case worse or
16 they aggravate or make worse a murder case; does that
17 make sense?

18 A I don't get that.

19 Q Let me explain it again. Aggravating
20 circumstances, right, think about what you think of
21 with the word "aggravate" to mean.

22 A Uh-huh.

23 Q Like an aggravating child, he makes the
24 situation --

25 A Worse.

INDIVIDUAL JURY VOIR DIRE

1 Q Okay. You follow me?

2 A Yes.

3 Q So aggravating circumstances are facts,
4 incidents, details or occurrences which the
5 legislature -- that is the people that make the laws --
6 have declared by a law that make murder cases worse;
7 they aggravate the situation. Those are in the law.

8 A Yes, sir.

9 Q So in other words, when you take the murder case
10 and aggravating circumstances, it increases or adds to
11 the injury of the murder because of the aggravating
12 circumstances; does that make sense?

13 A Yes.

14 Q The second term is called "mitigating
15 circumstances." Mitigating are incidents, details or
16 occurrences which our legislators have said by statute
17 that these mitigating circumstances reduce the severity
18 of the offense of murder and may be considered as
19 extenuating or reducing the degree of moral culpability
20 or responsibility. So if aggravating makes it worse,
21 then mitigating reduces their responsibility; does that
22 make sense?

23 A Yes, sir.

24 Q So imagine you are a juror in that situation.
25 You are in the sentencing phase, so the person has

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1 already been found guilty and your determination is
2 what is the appropriate sentence, okay. So could you,
3 based upon the particular facts and circumstances of
4 that case, including aggravating circumstances and
5 mitigating circumstances and the law that I give you,
6 return a sentence of life in prison based upon the
7 facts and circumstances and the law?

8 A Yes.

9 Q The second part is could you in that same
10 situation, depending on the particular facts and
11 including the aggravating and mitigating circumstances,
12 and the law that I give you, return a sentence of death
13 based upon the facts and circumstances and the law?

14 A No, sir.

15 Q If you are chosen for this jury, you will be
16 housed in a hotel during trial. It is an extreme
17 inconvenience to everyone; I understand that. My
18 question is: Would that situation pose a serious
19 danger to your health or to the health of someone you
20 take care of during that time?

21 A Well, me and my mother live together, and where
22 we live at, I wouldn't let her stay at the house by
23 herself.

24 Q Do you have siblings?

25 A Just me and her.

INDIVIDUAL JURY VOIR DIRE

1 Q What would you do with her? How old is she?

2 A She's 83.

3 Q And so you never go on vacation?

4 A No.

5 Q You never leave her alone?

6 A No.

7 Q Not at all?

8 A No, I go to work and back.

9 Q Where do you work?

10 A AVX.

11 Q What is that?

12 A Manufacturing.

13 Q What shift do you work?

14 A Day shift.

15 Q What are those times?

16 A 7:00 to 3:00.

17 Q So she stays at home then?

18 A Yes.

19 THE COURT: Mr. Wilson, Ms. Williams.

20 MS. WILLIAMS: Thank you, Your Honor.

21 EXAMINATION

22 BY MR. WILLIAMS:

23 Q Ms. Jordan, as the judge said, there is really no
24 right or wrong answers here. We have to figure out
25 what your opinions are if you are placed on a jury,

INDIVIDUAL JURY VOIR DIRE

1 okay?

2 A Yes, ma'am.

3 Q And back there you were given a jury type sheet,
4 you filled out the question are you A or B or C type,
5 and I believe you put C, death penalty is appropriate
6 in some cases?

7 A I have to have the facts on C.

8 Q Yes. It says, I believe that the death penalty
9 is appropriate in some cases of intentional
10 premeditated murder where there is no justification,
11 but I would need to hear both the aggravating and
12 mitigating factors before I can arrive at an
13 appropriate penalty; right?

14 A Right.

15 Q And I don't want to put words in your mouth, but
16 what I'm hearing you say is that if you are seated on
17 this jury and we get to the sentencing phase, what that
18 means is this jury already found the defendant guilty
19 of murder. As we defined it, it is an aggravated,
20 malice aforethought, there was no excuse for it, it
21 wasn't self-defense, wasn't an accident. It was
22 murder. That means you are on that jury and the jury
23 has determined that, and now we're at the sentencing
24 phase. What the jury has to decide is if the jury
25 wants to give death, or if the jury wants to give life.

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1 We just are double checking and making sure that if you
2 are on that jury and you get to part two, you can
3 listen and you can really consider a death penalty or a
4 life penalty, right?

5 A Right.

6 Q And whatever your opinion is, it is your own
7 personal moral judgment, right?

8 A Right.

9 Q And you can stick with yours. It is not a
10 majority. You wouldn't let anyone sway you, right?

11 A Right.

12 Q And you won't try to bully someone else into what
13 they think, right?

14 A Right.

15 Q You can listen to -- even the worse of
16 circumstances you can still give life, right?

17 A Right.

18 MS. WILLIAMS: Thank you, Ms. Jordan.

19 EXAMINATION

20 BY MR. HIXSON:

21 Q Good afternoon, ma'am. I'll follow up on a
22 couple of questions relating to -- I think the judge
23 did a pretty good job describing the process of what
24 aggravation is, things that make things worse and
25 things that make things better. We want to understand

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1 where you are with it, and I want to be sure if there
2 was anything confusing about the question that the
3 judge asked you when you said you wouldn't be able to
4 return a death verdict. You said, no, I won't do that;
5 is that still the way you feel about it?

6 A Uh-huh.

7 THE COURT: Answer out loud.

8 A Yes.

9 MR. HIXSON: No further questions.

10 THE COURT: Go ahead.

11 EXAMINATION

12 BY MS. WILLIAMS:

13 Q I want to clarify. I just asked you -- you
14 marked Juror C, which said that you do believe that in
15 some cases the death penalty could be appropriate,
16 correct?

17 A In some cases.

18 Q Correct. Which means you don't have to put a
19 death penalty, right?

20 A Right.

21 Q You just have to consider it?

22 A Right.

23 Q And you are telling the Court that you can
24 consider it?

25 A I consider death penalty?

INDIVIDUAL JURY VOIR DIRE

1 Q You can consider it if the facts and
2 circumstances in your mind thought that it was
3 appropriate, you could impose it, right?

4 A If I think it is death, yeah. Yeah.

5 Q That's right. It isn't mandatory, but you could
6 consider it?

7 A Right.

8 MS. WILLIAMS: Thank you.

9 MR. HIXSON: I think the record is pretty clear.

10 EXAMINATION

11 BY THE COURT:

12 Q I asked you earlier could you consider, based
13 upon the facts and circumstances and the law
14 considering aggravating and mitigating factors, impose
15 the death penalty if the facts and evidence warranted
16 it, and you said no.

17 A Right, no.

18 Q Now you said yes.

19 A The death penalty, I don't believe in death
20 penalty. If I go through anything, I say life.

21 Q Here is my question, and you are entitled to your
22 opinion, that is fine. That is what we're trying to
23 figure out. So there is no right or wrong answer.
24 What I need to know is this: Can you sit through a
25 trial fairly and impartially, without any bias or

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1 prejudice towards either side, and if the facts and
2 circumstances and the law warrants a life sentence,
3 could you give someone a life sentence?

4 A I don't know.

5 Q If the facts and circumstances of the case,
6 including the aggravation and the mitigation and the
7 law that I give you warrant a death sentence, in your
8 opinion, could you give a death sentence?

9 A No.

10 THE COURT: You can step outside.

11 (The juror exits the courtroom.)

12 THE COURT: Ms. Williams.

13 MS. WILLIAMS: It is our position that she is
14 qualified. Quite honestly, she's giving flip-flop
15 answers, but she plainly said she could consider
16 death, and even when he was talking to her, she said
17 in the right circumstance, yes, and then when the
18 judge -- when Your Honor followed up with her, she
19 got, I think, a little -- she said she didn't even
20 know if she could impose life. It is our position
21 that in order to qualify as a juror, you have to
22 consider it, and I believe she plainly told me she
23 could consider it in the right circumstances, Your
24 Honor.

25 THE COURT: Mr. Hixson.

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1 MR. HIXSON: This is an Elmore One (phonetic)
2 situation. A brief equivocation based on an Elmore,
3 there was a concern over the level of understanding
4 the juror had understanding the questions asked, and I
5 think there is ample record of confusion on the
6 record, including to the point that she admitted being
7 mitigation impaired -- that she couldn't consider
8 mitigation, may not be able to do life. If that comes
9 in, that is reversible error there. I asked her
10 directly to clarify the question -- when you told the
11 judge you cannot ever use the death penalty, did you
12 understand that question? Yes. Is that still your
13 answer? Yes. She is not qualified as a result of
14 those. No question that she indicated she could not
15 do it, and she seemed to not understand and indicate
16 that she was also mitigation impaired. So both sides
17 of the coin. And a brief equivocation is not
18 sufficient to change that, Your Honor.

19 THE COURT: Bring her back in.

20 (The juror enters the courtroom.)

21 THE COURT: Ms. Jordan, I will say thank you very
22 much for your time. I'm going to excuse you from the
23 trial of the case. You do not need to come back or
24 call back here. You are completely and totally done.
25 You can go right out this back door.

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1 (The Juror exits the courtroom.)

2 THE COURT: I find, for the record, that although
3 she did go back and forth, she's -- more times than
4 not she stated that she could not impose the death
5 penalty or consider the death penalty. I think once
6 the question was posed to her in the way it was posed
7 to her, that she -- at one point -- I think she
8 hesitated whether or not she could even give someone a
9 life sentence, much less give someone a death
10 sentence. So I find her to be disqualified over the
11 defense's objection. All right.

12 (A brief pause in the proceedings.)

13 (The juror enters the courtroom.)

14 (SCOTT CALLAHAN, having been duly sworn,
15 testified as follows:)

16 VOIR DIRE OF JUROR 55

17 BY THE COURT:

18 Q Good afternoon, Mr. Callahan. We have a few
19 questions to ask you. You understand you are still
20 under oath?

21 A Yes, sir.

22 Q I told you don't discuss the case, don't watch
23 any news media, don't do any research on the case; have
24 you abided by all of that?

25 A Yes, sir.

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1 Q We're going to ask you a few questions. Nothing
2 is meant to invade your privacy, but it is necessary
3 due to the nature of these proceedings. There is no
4 right or wrong answers. We want you to just be open,
5 honest and candid. No one is challenging you or your
6 views. We're just trying to figure out what your views
7 are. So we're probably ask you questions you never
8 considered before, so take your time and if you have --
9 just be patient as we go through.

10 In this case, the State is seeking the death
11 penalty against the defendant, Jerome Jenkins. What
12 that means is that the trial is what we call
13 "bifurcated," or broken into two pieces. So the first
14 case is what we refer to as the "trial phase" of the
15 case. In that trial phase, the jury will determine
16 whether or not Mr. Jenkins is guilty or not guilty of
17 the crimes that he has been charged with, keeping in
18 mind, under the law, he is presumed to be innocent, as
19 every single defendant in this country is presumed to
20 be innocent. So if at the conclusion of that phase of
21 the trial Mr. Jenkins is found not guilty, the case is
22 over and the trial is over, okay. If, however, Mr.
23 Jenkins is found guilty, then the jury would move into
24 what is called the second phase or second part of the
25 trial, which we call the "penalty phase" or

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1 "sentencing phase." In that phase, the jury would
2 decide whether or not the appropriate punishment is
3 life without the possibility of parole, or a penalty
4 of death. Does that all make sense?

5 A Yes, sir.

6 Q Just because we're talking about sentencing
7 doesn't mean that Mr. Jenkins did anything.

8 A Right.

9 Q We just have to talk about it on the front-end to
10 understand it. He's presumed to be innocent. The
11 burden of proof is upon the State to prove its guilt
12 beyond a reasonable doubt.

13 A Yes, sir.

14 Q You with me?

15 A Yes, sir.

16 Q Do you know Mr. Jenkins in any way, shape or
17 form?

18 A No, sir.

19 Q Are you related to him by blood or marriage or
20 have any connection to him or his family at all?

21 A Not to my knowledge.

22 Q And the attorneys in this case are Mr. Scott
23 Hixson, Solicit Richardson, Mr. Ralph Wilson and Brana
24 Williams; do you know any of them or have any
25 connection to any of them in way, shape or form?

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1 A Mr. Richardson came to our church one time for a
2 men's thing and he spoke.

3 Q Did you speak to him that night?

4 A I don't believe so.

5 Q Do you have any connection with him outside of
6 seeing him in that event?

7 A No, sir.

8 Q And before you came in here you should have
9 gotten a list of potential witnesses?

10 A I did.

11 Q Did you see anyone that you know or think you
12 know or could know?

13 A Names -- I told the bailiff that I didn't
14 recognize any names. I'm better with faces.

15 Q But no name stuck out as I know that person or in
16 business with that person or that is my cousin or uncle
17 or anything like that?

18 A No. No. No.

19 Q Okay. Good. So if you get selected as a juror
20 in this case, there are things that we'll ask you to
21 do. One, you have to listen to the law that I give
22 you. Two, you have to accept and apply the law as I
23 give it to you if you agree with it or not; does that a
24 make sense?

25 A Yes.

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1 Q So you would be sworn to accept the law and apply
2 it as I give it to you; do you believe you could do
3 this?

4 A Yes, sir.

5 Q I asked earlier this morning, but have you read
6 anything or seen anything about this case?

7 A It was earlier -- I think this morning or
8 yesterday they were talking about how the other two had
9 been -- one I think got life, and the other got 47
10 years, other than that....

11 Q Where did you get that information?

12 A The news. I was watching the weather and it
13 included it.

14 Q So you were watching the news in the normal
15 course of business, whatever it may be, and they
16 mentioned this case?

17 A Uh-huh.

18 Q And they mentioned two other people and their
19 sentences?

20 A Yes.

21 Q So let me ask you a few questions. Do you have
22 any personal knowledge about this case?

23 A No, sir.

24 Q Do you know anyone involved in the case?

25 A I do not. My wife -- I don't know if she talked

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1 to the young lady at the Sunhouse on Oak Street. She
2 teaches at Homewood. I don't know if my wife taught
3 the child of the lady who passed away or not, but she
4 mentioned that awhile back.

5 Q But do you know the person?

6 A No, sir.

7 Q Do you even know that your wife knew her?

8 A Not to my knowledge, no, sir.

9 Q And so your sources of information is the news
10 media?

11 A Uh-huh.

12 Q Have you and the wife talked about the case at
13 all?

14 A No.

15 Q How did you know about your wife teaching the
16 girl?

17 A It is just something that sticks in your head.

18 Q From years ago?

19 A Whenever the event happened.

20 Q So back at the time of the allegations, she
21 said --

22 A Right, the child goes to my school.

23 Q Got you. We're just gathering information.

24 There is no right or wrong answers, just figuring where
25 you are. Has anyone talked to you about the case in

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1 any way, shape or form?

2 A No, sir.

3 Q You have no personal knowledge about the case?

4 A No.

5 Q And so you saw the news within the past 24, 48
6 hours?

7 A Yes, sir.

8 Q And I guess you heard about the case when it
9 allegedly occurred?

10 A Right.

11 Q Is that fair?

12 A Yes, sir.

13 Q So my first question for you is this, keeping in
14 mind you have heard information about the case or read
15 information about the case, none of that is evidence of
16 anything. None of that is proof of anything. Can you
17 disregard that information and base your decision on
18 the evidence that occurs in this courtroom and the law
19 I give you?

20 A Yes, sir.

21 Q Now, this is a criminal case. The State has the
22 burden of proof of proving the defendant guilty. The
23 burden for the State is beyond a reasonable doubt. The
24 defendant doesn't have to prove anything. The
25 defendant doesn't have to say anything in any way,

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1 shape or form because no one ever has to prove
2 themselves innocent; you understand that?

3 A Yes, sir.

4 Q My next question is this: Could you, depending
5 on the facts and the evidence and the law, in any
6 particular case, find the defendant either guilty or
7 not guilty?

8 A Yes.

9 Q Depending on the facts and circumstances?

10 A Yes.

11 Q So we'll go on to the next few questions. So if
12 you were a juror in a death penalty case, and the jury
13 found the defendant guilty of murder -- so we're
14 through the first phase; you follow me?

15 A Yeah.

16 Q You then move off to what we call the sentencing
17 phase; does that make sense?

18 A Yes.

19 Q I need to explain two different terms to you.
20 One is called "aggravating circumstances" and one is
21 called "mitigating circumstances." They are kind of in
22 line with their names. So aggravating circumstances
23 are facts, incidents or occurrences which our state
24 legislature has made -- has declared to be a law that
25 makes murder cases worse.

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1 A Okay.

2 Q Or they aggravate the situation; does that make
3 sense?

4 A Yes.

5 Q So in other words, when you take the murder with
6 the aggravating circumstances, the injury of the crime
7 of murder is worse or heightened; does that make sense?

8 A Yes.

9 Q So the opposite side of that is mitigating
10 circumstances. So these are incidents, details or
11 occurrences which our legislature has written the law
12 that says these are the specific mitigating
13 circumstances and they reduce the severity of the
14 offense of murder and may be considered as extenuating
15 or reducing the degree of moral culpability or
16 responsibility; you follow me?

17 A Yes.

18 Q So we have aggravating circumstances and
19 mitigating circumstances. So we're still in this if
20 you were a juror in the sentencing phase, okay, the
21 question is: Could you, depending on the facts and
22 circumstances of that particular case, that would
23 include consideration of aggravating and mitigating
24 circumstances, considering both, and the law that I
25 give you at the conclusion of the case, return a

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1 sentence of life in prison, depending on the facts and
2 circumstances that were presented to you?

3 A I believe so.

4 Q So if you were a juror in that situation --
5 again, you are in the sentencing phase of the trial --
6 could you, depending on the facts and circumstances of
7 an individual case, which would include aggravating and
8 mitigating circumstances and the law that I give you,
9 return a sentence of death depending on the facts and
10 circumstances of the case?

11 A Can I ask a question?

12 Q Sure.

13 A I'm assuming with this scenario you just asked
14 that the aggravated proof, facts, would be greater than
15 the mitigating to give this?

16 Q That is a fair question. Let me explain it to
17 you. What I'm trying to figure out is -- in the
18 scenario I'm giving you, the person already has been
19 convicted of murder.

20 A Okay. Right.

21 Q The only issue before the jury is what is the
22 appropriate sentence. The question is not what would
23 you do. The question is could you, based upon the
24 facts and circumstances and whatever aggravation may be
25 there and whatever mitigation may be there, consider

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1 all of that and the facts and circumstances and return
2 a sentence of either life or death depending on the
3 facts and circumstances of each particular case? Not
4 this case, but any case. Are you willing to consider
5 the facts and circumstances, aggravation and the
6 mitigation, and follow the law that I give you and
7 could you consider either one?

8 A Yes.

9 Q Does that answer your question without answering
10 your question (laughing)?

11 A Yes.

12 Q I can't go into what will be there and what will
13 not because I don't know, and you don't know.

14 A Right. Right.

15 Q So that is why I can't give you that; does that
16 make sense?

17 A Yes.

18 Q I understand jury duty is an extreme
19 inconvenience. This particular jury duty is even more
20 at a heightened level of inconvenience, and I
21 understand that. You told us about your employment at
22 Horry County Georgetown Tech and you have major things
23 due this week and next week, and I understand that.
24 What I'm -- my question is: Would your jury service
25 pose a serious danger to the health or well-being of

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1 you or anybody that is directly dependent upon you?

2 A No.

3 THE COURT: I'll turn you over to the attorneys
4 and I'll have you answer their questions openly,
5 candidly and honestly.

6 JUROR: Yes, sir.

7 THE COURT: Okay.

8 MR. WILSON: May I get that?

9 THE COURT: Oh, yes, sir. Yes, sir. It is right
10 here. I'm sorry, I thought you saw it.

11 MR. WILSON: Thank you, sir.

12 THE COURT: You are very welcome.

13 JUROR: I think I circled A, but it probably
14 should have been C after speaking with the judge.

15 EXAMINATION

16 BY MR. WILSON:

17 Q You circled A, which says: One, who once the
18 crime of murder has been proved by the State beyond a
19 reasonable doubt, and while in the sentencing phase
20 considering punishment feels that he or she must give
21 the death penalty in each and every case. This juror
22 simply feels that once a murder has been committed,
23 that the death penalty is the only appropriate
24 punishment no matter what the circumstances of the
25 case.

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1 This is the form that -- and you circle A meaning
2 that was your opinion?

3 A Right. Correct.

4 Q Have you long since held your opinion? Has this
5 been your opinion regarding the death penalty?

6 A The death penalty is a very serious thing and it
7 is not one to take lightly. You would have to --
8 whenever he was asking his questions, referring back to
9 that, I would be C instead of A. I don't have an
10 opinion that once he was found guilty, they are always
11 guilty and they need to be put to death. That is not
12 what I meant by that at all. Could I give life
13 imprisonment? Sure, I could. I just -- I've never
14 been through this before, so the first thing comes to
15 your mind. The Bible also teaches an eye for an eye,
16 and that came to my mind whenever I was circling that
17 also.

18 Q Eye for an eye is in the Bible, and you believe
19 the Bible?

20 A Yes, sir, I do.

21 Q And you believe that you are bound by what is in
22 the Bible?

23 A Yes, sir, I do.

24 Q And that is an opinion that you have had for a
25 long time?

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1 A Yes, sir.

2 Q Is that opinion going to change?

3 A No, sir.

4 Q Is there anything that we can say today that is
5 going to change your opinion, that according to the
6 Bible, an eye for an eye, and this would be an eye for
7 an eye, meaning death for a death, because that is
8 essentially what it means when you say eye for an eye,
9 a life for a life, or death for a death?

10 A If he's proven guilty, or if the defendant is
11 proven guilty, I would say I would feel like I would
12 have to.

13 Q Feel compelled to give him the death penalty?

14 A Yes.

15 Q Once he is found guilty of murder and an
16 aggravating factor, you would feel compelled to give
17 him death no matter what else came out about him?

18 A Correct.

19 MR. WILSON: No other questions.

20 EXAMINATION

21 BY MR. RICHARDSON:

22 Q Just to ask a couple of questions on that and,
23 again, we're just assuming that part one he already has
24 been found guilty of murder. Obviously, there is all
25 different forms of murder. Some are a lot worse than

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1 others. I guess in one sense, if you are dead, you're
2 dead, but some can be worse than others.

3 A Right.

4 Q What we want to make sure is you can recognize
5 there are different murders. Some are worse than
6 others, even though both situations they are dead and
7 that is where the aggravation comes in and mitigation
8 comes in.

9 A Right.

10 Q What the judge was talking to you about is it is
11 the law, you would have to be able to listen to
12 everything that comes, not only in part two, but in
13 part one, but more specifically part two; could you
14 listen to everything that came forward to you and make
15 your determination solely on what you heard from that
16 witness stand?

17 A This is when we're in the sentencing phase?

18 Q Yes, sir. Yes, sir.

19 A I guess that is where the mitigation evidence or
20 information would have reduced it from being a death
21 penalty, I'm assuming?

22 Q Yes, sir.

23 A I can see both sides, but if he's convicted of
24 murder -- and I may not be answering this question
25 right.

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1 THE COURT: I want you to say what is on your
2 mind. Don't qualify it. If you want to say
3 something, say it.

4 JUROR: Okay.

5 A Mitigating or aggravating, if he's been convicted
6 of murder, he's been found guilty, he should be
7 punished in the same aspect as the crime is committed.
8 So I would have to say if he was already found guilty,
9 then I would feel obligated to go with the death
10 penalty, and I would not be able to -- just from never
11 going through this in my life, I've never been....

12 Q (MR. RICHARDSON) We certainly understand, and
13 the majority of people haven't done jury duty, much
14 less a death penalty.

15 A Right.

16 Q But we appreciate your honest answers.

17 MR. RICHARDSON: That is all I have, Your Honor.

18 MR. WILSON: Nothing further.

19 THE COURT: Mr. Callahan, step right out that
20 door and we'll be right back with you.

21 (The juror exits the courtroom.)

22 MR. RICHARDSON: I don't believe he is qualified.

23 MR. WILSON: I don't either.

24 (The juror enters the courtroom.)

25 THE COURT: Thank you very much for your service

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1 this week. Thank you for your service to the
2 community and the important work you do there. I have
3 one of those students that needed one of those loans,
4 so I sincerely appreciate all the hard work. We'll
5 excuse you from the trial of the case. Thank you for
6 being open and honest, that is what we need from
7 people, so I sincerely appreciate that. You do not
8 need to call back or come back. You are free to go
9 about your life. Thank you. It was a pleasure to
10 meet you.

11 (The juror exits the courtroom.)

12 MR. WILSON: Your Honor, I need to hand it back
13 to you.

14 THE COURT: Did you see it before?

15 MR. WILSON: He showed it to me, but I wanted to
16 read it.

17 THE COURT: That's no problem. If you want it,
18 let me know. They should be showing it to you.

19 MR. WILSON: And he did. He did.

20 THE COURT: Okay. Great.

21 (The juror enters the courtroom.)

22 (ANGELIA SHAW, having been duly sworn,
23 testified as follows:)

24 VOIR DIRE OF JUROR 328

25

INDIVIDUAL JURY VOIR DIRE

1 BY THE COURT:

2 Q Are you Ms. Shaw?

3 A Yes.

4 Q I need to ask you a few questions. You have to
5 pull up to the microphone and get comfortable. You
6 have a little bit of an accent and I had trouble
7 understanding you earlier. I think I got it, but speak
8 slow.

9 A Yes, sir.

10 Q Are you Angelia Shaw?

11 A Yes, sir.

12 Q Do you understand that you are under oath?

13 A Yes, sir.

14 Q And earlier today I told you don't talk to anyone
15 about the case, don't watch the news don't do any
16 research; have you followed all of those rules?

17 A Yes, sir.

18 Q We're going to ask you a few questions. None of
19 them are meant to invade your privacy, but they are
20 required because of the nature of the proceedings.
21 There are no right or wrong answers. We want you to be
22 open, honest and candid with us.

23 A Yes, sir.

24 Q No one is going to be challenging your view or
25 points of view, we just need to understand what your

INDIVIDUAL JURY VOIR DIRE

1 view is on things, so we are going to ask you questions
2 that you probably have never been asked before, okay?

3 A Yes, sir.

4 Q Now, in this case the State is seeking the death
5 penalty against the defendant, Jerome Jenkins. These
6 trials are what we call "bifurcated," which means
7 broken into two parts. So the first part is what we'll
8 call the "trial phase." During the trial phase, the
9 jury decides whether or not Mr. Jenkins is guilty or
10 not guilty of the crimes that have been charged,
11 keeping in mind he's presumed to be innocent of the
12 crimes that have been charged against him; you
13 understand that?

14 A Yes, sir.

15 Q So if the jury finds Mr. Jenkins is not guilty,
16 that is the end of the case and it is over; you follow
17 me?

18 A Yes, sir.

19 Q If the jury determines that Mr. Jenkins is
20 guilty, then the jury would then move on to the second
21 part or second phase of the trial, which we call the
22 "penalty phase" or the "sentencing phase." In that
23 part of the trial, the jury -- not the judge, but the
24 jury -- would determine whether Mr. Jenkins should
25 receive a sentence of life without parole, or receive a

INDIVIDUAL JURY VOIR DIRE

1 penalty of death; does that all make sense?

2 A Yes, sir.

3 Q Just because we're talking about sentencing

4 doesn't mean that Mr. Jenkins did anything. He's

5 presumed to be innocent, but we have to talk about

6 these issues now in order to seat a fair and impartial

7 jury; does that make sense?

8 A Yes, sir.

9 Q Are you related by blood or marriage or close
10 personal friends or have any connection with him or his
11 family?

12 A No, sir.

13 Q The attorneys in this case are Mr. Scott Hixson,
14 Mr. Jimmy Richardson, Mr. Ralph Wilson and Ms. Brana
15 Williams; do you know any of them or have any
16 relationship with them or have any connection to any of
17 them at all?

18 A No, sir.

19 Q I gave you a witness list?

20 A Yes, sir.

21 Q Is there any witnesses, people, you may know?

22 A I know them.

23 Q You know them?

24 A Yes, sir.

25 Q So you know Betty McAlister?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q And Itina Faye Ray Jenkins -- is that one or two
3 people?

4 A I'm not sure if it is the same person, but the
5 name Itina Jenkins, I worked with before.

6 Q So you worked with an Itina Jenkins?

7 A Yes, but I don't know if that is the person.

8 Q And then Faye Ray Jenkins, is that the same
9 person?

10 A I don't know about Faye Ray. When we were
11 together, it wasn't Itina Jenkins, so I don't know.

12 Q That's okay. We're just gathering information.
13 And then you have Tiffany McAlister?

14 A Yes, sir.

15 Q Girl or boy?

16 A Girl.

17 Q And you know her?

18 A Yes, sir.

19 Q How do you know these people?

20 A Well, Betty McAlister, she is a manager. I
21 worked with her for ten years. Tiffany is her
22 daughter. She comes to the job to visit her sometimes.

23 Q You know both of them?

24 A Yes, sir.

25 Q If you saw them out on the street, would you stop

INDIVIDUAL JURY VOIR DIRE

1 and say, hey, how are you doing?

2 A I would say hey.

3 Q But you would make conversation?

4 A For Betty. We work together for ten years, so we
5 would stop and talk.

6 Q So you know her?

7 A Yes.

8 Q And you know her daughter?

9 A She comes to the job, but not like to see her in
10 the street to talk to her.

11 Q So you recognize --

12 A I would say hi, but not to have a conversation.

13 Q And Itina Jenkins?

14 A I would talk to her if I see her.

15 Q How do you know her?

16 A I worked with her before. I supervise her
17 before.

18 Q What type of work have you been doing throughout
19 your life?

20 A I was a nurse back home in my country.

21 Q Where is that?

22 A Jamaica. When I came here, I started to do
23 housekeeping and I become a supervisor, and I'm there
24 for ten years.

25 Q Supervisor for Marriott?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q Marriott Hotels?

3 A Marriott Vacations.

4 Q Worldwide?

5 A Yes.

6 Q And you have been doing that ten years?

7 A Yes, sir.

8 Q So would the fact that you know these people have
9 an impact on your ability to be fair and impartial?

10 A No, sir.

11 Q Are you willing to base your decision off of the
12 evidence and the law?

13 A Yes, sir.

14 Q Now, some of the things or one of the things
15 you'll be asked to do if you get selected on this jury,
16 you will have to listen to the law and follow the law
17 that I give you, whether you agree with it or not; can
18 you do that?

19 A Yes, sir.

20 Q Have you heard anything or read anything about
21 this case or has someone mentioned something about this
22 case in any way, shape or form?

23 A I just saw it on the news, but never read it,
24 never talked to someone about the case.

25 Q Was that back when it allegedly occurred, or more

INDIVIDUAL JURY VOIR DIRE

1 recently?

2 A I think I saw it on the news three times recently
3 and when it just happened on another time after. I
4 think this was about three times I saw it on the news.

5 Q Do you have any personal knowledge, you know
6 personally?

7 A No, sir.

8 Q Do you know anyone involved in the case?

9 A No, sir.

10 Q Can you set aside what you saw on the news and
11 base your decision on the evidence that is presented in
12 the courtroom and the law I give you?

13 A Yes, sir.

14 Q This is a criminal case. The State has the
15 burden of proof. It is their responsibility to prove
16 his guilt beyond a reasonable doubt. The defendant
17 never has to prove himself innocent or say anything at
18 all; do you understand that?

19 A Yes, sir.

20 Q So could you, depending on the facts and
21 circumstances and the evidence and the law I give you,
22 in any case, find a person guilty or not guilty,
23 depending on the facts and circumstances?

24 A Yes, sir.

25 Q I want you to imagine if you were a juror in a

INDIVIDUAL JURY VOIR DIRE

1 death penalty case and the jury already decided that
2 the defendant was guilty of the murder. You are now in
3 the sentencing phase of the trial; does that make
4 sense?

5 A Can you repeat?

6 Q Sure. So imagine that you are a juror in a
7 murder case. The jury has already decided that the
8 defendant is guilty of the murder and you are now in
9 the second phase of the trial -- remember I told you
10 the trial would be in two parts -- and you are in the
11 sentencing phase. Can you imagine that scenario for
12 me, just think about it?

13 A Yes, sir. Yes, sir.

14 Q So I need to explain two terms to you. One is
15 called "aggravated circumstances." One is called
16 "mitigating circumstances." Aggravating circumstances
17 are facts and incidents and details which the general
18 assembly has declared by law that make a murder case
19 worse, or they aggravate the murder case. These are
20 facts and circumstances that accompany a murder case
21 that increase the enormity of or adds to the injury of
22 the crime of murder; does that make sense?

23 A Yes, sir.

24 Q Like a child that aggravates you, they make the
25 situation worse. There are certain factors under the

INDIVIDUAL JURY VOIR DIRE

1 law that says this murder case is worse because of an
2 aggravating factor; does that make sense?

3 A Yes.

4 Q Likewise, in the law, there are mitigating
5 factors. Those are incidents and facts and occurrences
6 which our legislature has said they reduce the severity
7 of the offense or they mitigate the severity of the
8 offense and may be considered extenuation or reducing
9 the degree. So you have aggravating and mitigating.
10 So I have two questions for you. If you were a juror
11 in the sentencing phase of a case, could you, depending
12 on the facts and circumstances of that case, including
13 the aggravation and the mitigating circumstances and
14 the law I give you, could you return a sentence of life
15 in prison based upon the facts and circumstances?

16 A I could considering the facts.

17 Q Second question. You are a juror in that
18 situation again, could you, depending on the facts and
19 circumstances, including aggravating circumstances and
20 mitigating circumstances and the law that I give you,
21 at the end of the case, could you return a sentence of
22 death depending on the facts and circumstances of each
23 case?

24 A I'm not sure, no. No. I'm not sure about the
25 death.

INDIVIDUAL JURY VOIR DIRE

1 Q So you are not sure if you could do it?

2 A The death.

3 Q Would you consider it?

4 A I could.

5 Q Could you consider it based upon the facts and
6 circumstances of the case?

7 A Yes.

8 Q Would being on this jury constitute any extreme
9 danger to your health or the well-being of anyone that
10 is directly dependent upon you?

11 A It depends.

12 Q Go ahead.

13 A I mean based on life.

14 Q No. No. I'm talking -- if you make it on this
15 jury you are going to be sequestered, that means you
16 are in a hotel room.

17 A Yes, sir.

18 Q So will that affect your health in some way,
19 shape or form? Like extreme, like you are not going to
20 get the dialysis that you need or someone that you are
21 directly responsible for isn't going to get the care
22 they need because you are with me instead of with them?

23 A Oh, no, sir.

24 Q That is a no?

25 A Yes, sir, no.

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1 THE COURT: All right. Answer the questions from
2 the attorneys.

3 EXAMINATION

4 BY MS. WILLIAMS:

5 Q Hi, Ms. Shaw. As the judge said, there is no
6 right or wrong answer. This is really for us to find
7 out your opinion. We're all entitled to our own
8 opinions and our own individual moral judgments, right?

9 A Yes, ma'am.

10 Q And you told the judge that if you were on a jury
11 and the jury had found murder and then would consider
12 death or consider life, that you could consider a life
13 sentence, right?

14 A Yes, ma'am.

15 Q And you could consider a death sentence if you
16 found it to be the right thing, right?

17 A I told the judge that I wasn't sure that I could,
18 but I would think about it.

19 Q That's the question. I believe the judge is
20 going to instruct you you don't have to do death. In
21 fact, the judge will say you can give life for any
22 reason or no reason at all, but as long as you can
23 consider it, that there is some circumstance out there
24 that you can think of, that it is bad enough that you
25 could consider giving the death penalty, then that is

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1 what we need to know.

2 A I couldn't give it, but he says if I would think
3 about it. In my opinion, thinking about it, but not to
4 say I agree to give it.

5 Q I want to be sure I understand. I don't want to
6 put words in your mouth.

7 A Yes, ma'am.

8 Q So we have to make sure that if you get on this
9 jury and if we get to sentencing and guilt has been
10 found, the jury will have decided that J.J. is guilty
11 of murder.

12 A Yes, ma'am.

13 Q And then you have to think about imposing the
14 death penalty.

15 A Like I told the judge, I couldn't say I agree to
16 give the death penalty.

17 THE COURT: Say that again. I lost you.

18 A So sentencing to life, I would consider that, but
19 the death penalty, based on my religion, I couldn't.

20 Q (MS. WILLIAMS) You could not?

21 MS. WILLIAMS: Beg the Court's indulgence.

22 (A brief pause in the proceedings.)

23 Q (MS. WILLIAMS) In the questionnaire that we had
24 that you think the death penalty would always be or
25 never be or you would consider it, you marked C?

INDIVIDUAL JURY VOIR DIRE

1 A What I understood from it, it is saying -- if I
2 read it -- I don't remember not by looking it, but
3 looking at it, maybe I misunderstood it.

4 MS. WILLIAMS: Your Honor, may I approach?

5 Q (MS. WILLIAMS) I'm going to hand you a blank
6 one. This is not the one you signed, but this is a
7 blank copy of what it is?

8 THE COURT: I'm sorry. I didn't say it loud
9 enough. Of course you may approach.

10 (A brief pause in the proceedings.)

11 A So what I didn't understand, they talk about the
12 two circumstances, the life sentence and the death
13 penalty, so when I read this, this C, that is my
14 understanding, unless I misunderstood that it was
15 saying all three of them basically was like going into
16 same direction. But, C, I mean, I didn't know if I
17 misunderstood what he was saying. It said or life, so
18 I misunderstood it because three of them was basically
19 saying the same.

20 Q (MS. WILLIAMS) Well, if you look at A, I believe
21 that is the death penalty is the only appropriate
22 sentence, okay?

23 A Yes.

24 Q And B is the death penalty is never appropriate,
25 no matter what. And C is you can think about one or

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1 the other.

2 A I don't know about appropriate, but for death
3 penalty, I couldn't agree to.

4 MS. WILLIAMS: Thank you, ma'am.

5 MR. HIXSON: No, sir.

6 THE COURT: Ms. Shaw, step outside. We'll be
7 right back with you.

8 (The juror exits the courtroom.)

9 MR. HIXSON: She's not qualified, Your Honor.
10 Two points just the mere ability to consider under
11 Plath versus Arnold, just mere ability to consider it,
12 but never actually vote for the death penalty is
13 insufficient to qualify. So we are throwing around
14 can you consider it, but I wanted to establish it for
15 the record because we talked about that a lot. But
16 she clearly indicated that she would not be able to do
17 that.

18 MS. WILLIAMS: I think she plainly stated that
19 based on her religion, she couldn't impose the death
20 penalty, which would disqualify her.

21 (The juror enters the courtroom.)

22 THE COURT: We'll excuse you from the service in
23 this case. Thank you very much for being here and
24 being willing to serve. You do not need to call back
25 or come back. You are completely totally done, and

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1 have a wonderful evening. Thank you.

2 MR. WILSON: Before you bring the next juror, I
3 have a matter. I know the Court ruled on this, and
4 I'm bringing this to the Court's attention because
5 this is like the second or third juror that came that
6 had some misunderstanding about what the three types
7 when they come in here. I think she's a clear example
8 of that, which is why we had proposed the fourth
9 different version that we would ask the Court to look
10 at. The concern is that when they read that, there is
11 a lot of legalese in this copy that the State has
12 offered, and I think that some of the jurors are
13 having some difficulty understanding the legal
14 language that is contained in the document. When we
15 drafted ours, we tried to make it a little more people
16 friendly, lay people friendly, so they would have a
17 better understanding or grasp what it is they were
18 saying. I just think that it is confusing to some
19 jurors. Not all of them, because I think there is
20 some that clearly understand what they were signing.
21 But I think that there has been two or three who has
22 had some difficulty understanding it, and because of
23 that, they get confused. When they get in here they
24 have a totally different perspective of what it is
25 once they hear what we are saying. I just, you know,

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1 raise my objection again or renew my objection to the
2 use of the State's version of the three types.

3 MR. HIXSON: Your Honor has been extraordinarily
4 patient allowing counsel to continue to discuss and
5 expose any misunderstandings, and Your Honor's
6 discussion with them explaining new legal concepts and
7 everything else. That questionnaire is doing -- not
8 the questionnaire, but the ABC questions are doing
9 exactly what it was intended to do, which was to
10 elicit conversation on their understanding, and that
11 is why it is legalese, because the jury charges get
12 more legal as we advance down the road of litigation,
13 Your Honor.

14 THE COURT: I think the form is doing exactly
15 what it was intended to do, which is to perk their
16 minds up to make them listen and pay attention and for
17 you all to be able to flesh out through your
18 questioning issues that came up and whatnot. I don't
19 believe anyone is abused in their ability to question
20 anyone today, but at this point in time, I think
21 through your questioning and through the forms and
22 through my opinion, we're making their minds perk up
23 enough. They are thinking about things that probably
24 absent 6 o'clock today they never thought about
25 before.

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1 So at this point in time, I'll keep using it. I
2 think we're getting down to where people are and where
3 people feel and we're creating an environment where
4 they are comfortable in expressing themselves
5 regardless of how they feel, I mean, to the State's
6 benefit and to both the defense's benefit. There has
7 been -- I mean, the one guy that came in, you know, he
8 went from an A to a C back to an A. So I think that
9 at this point the conversation is going on and the
10 responses -- I think people really are coming in and
11 we're creating an environment. It is not like you are
12 attacking or beating up on them. They feel
13 comfortable in what they say. I think by the end of
14 all of it, we're getting people's true and real -- the
15 one juror that we qualified, I think we asked him
16 every way to Sunday, you know, and he stuck to his
17 guns. He could clearly explain himself and why he
18 felt that way.

19 So at this point in time, I'll overrule your
20 objection. I think the form is working. We had
21 people that came in and I write what everybody is. We
22 had a healthy mixture of what they walked in with and
23 we only have one qualifying. So I would say it is
24 probably working.

25 All right. Bring them in.

INDIVIDUAL JURY VOIR DIRE

1 (The juror enters the courtroom.)

2 THE COURT: Are you Mr. Nathan?

3 JUROR: Yes, sir.

4 (STEVEN NATHAN, having been duly sworn,
5 testified as follows:)

6 VOIR DIRE OF JUROR 244

7 BY THE COURT:

8 Q Are you Steven Nathan?

9 A Yes, sir.

10 Q You realize you are under oath?

11 A Yes, sir.

12 Q Earlier today I told you don't talk to anyone
13 about the case, don't watch any news media, don't do
14 research; have you followed all of that?

15 A Yes, sir.

16 Q We all need to ask you questions.

17 A Okay.

18 Q And no one is trying to invade your privacy, but
19 we have to go through these issues in these cases.

20 There are no right or wrong answers. I want you to be
21 open, honest and candid.

22 A All right.

23 Q No one is attacking you or your views, we just
24 need to understand what your views are. We'll probably
25 ask you questions you never really thought about before

INDIVIDUAL JURY VOIR DIRE

1 or even really considered, so take your time.

2 A All right.

3 Q Now, in this case the State is seeking the death
4 penalty against the defendant, Jerome Jenkins?

5 A Okay.

6 Q So these trials are what we call "bifurcated,"
7 which means they are broken into two parts. The first
8 part is what we call the "trial phase." In the trial
9 phase, the jury will decide whether Mr. Jenkins is
10 guilty or not guilty of the crimes that have been
11 charged.

12 A All right.

13 Q Keeping in mind he's presumed to be innocent of
14 the charge, just like every defendant in this country
15 is.

16 A All right.

17 Q So at the end of the trial, if the jury finds Mr.
18 Jenkins not guilty, case is over; got it?

19 A Yes.

20 Q If the jury, however, finds Mr. Jenkins is guilty
21 of the crimes charged, then we move on to what we call
22 the second phase of the trial, which is the "sentencing
23 phase" or the "penalty phase"?

24 A Okay.

25 Q At that point in time, the jury -- not the judge

INDIVIDUAL JURY VOIR DIRE

1 -- the jury determines what the appropriate punishment
2 is, either life in prison without possibility of
3 parole, or death.

4 A Okay.

5 Q Now, just because we're talking about penalties
6 doesn't mean that Mr. Jenkins did anything, we just
7 have to talk about it on the front-end in order to
8 select a fair and impartial jury; you with me?

9 A Yes, sir.

10 Q So in regards to that, are you related by blood
11 or marriage, close personal friends with or have any
12 connection to Mr. Jenkins in any way, shape or form?

13 A No.

14 Q The attorneys in this case are Mr. Scott Hixson,
15 Solicitor Richardson, Mr. Ralph Wilson and Brana
16 Williams; do you know any of them, have any connection
17 with or ever been represented by them?

18 A No. No.

19 Q Nothing?

20 A No.

21 Q Now, before you came in here you should have
22 gotten a witness list.

23 A Uh-huh.

24 Q Did you recognize anyone whose name is on there?

25 A No, sir.

INDIVIDUAL JURY VOIR DIRE

1 Q No, you don't know anyone?

2 A No.

3 Q Not related to anyone?

4 A Nothing.

5 Q Okay. Great. Now, if you get selected as a
6 juror in this case, there is things that we'll ask you
7 to do.

8 A Okay.

9 Q One, we'll ask you to listen to the law that I
10 give you and accept it and apply it as I give it to
11 you.

12 A Okay.

13 Q Do you believe you can do that?

14 A Yes, sir.

15 Q That means you can't make up your own concept of
16 what the law is or what you think the law ought to be.
17 You have to follow the law that I give you; are you
18 okay with that?

19 A Yes, sir.

20 Q Do you know anything about this case?

21 A No.

22 Q Have you heard anything about it?

23 A No, Your Honor.

24 Q Read anything about it?

25 A No.

INDIVIDUAL JURY VOIR DIRE

1 Q Seen any news reports?

2 A No.

3 Q Know anyone involved in the case?

4 A No.

5 Q So you don't know anything other than what I told
6 you this morning?

7 A That's it.

8 Q So can you base your decision in this case on the
9 evidence that comes in this courtroom and the law that
10 I give you?

11 A Yeah.

12 Q This is a criminal case, and that means the
13 burden of proving the defendant's guilt is on the State
14 to prove his guilt beyond a reasonable doubt. He
15 doesn't have to prove anything. He doesn't have to say
16 anything because no one ever has to prove their
17 innocence in this country; do you understand that?

18 A Yes.

19 Q Could you, depending on the facts and the
20 evidence and the law in a particular case, not in this
21 case, but in a particular case, could you, depending on
22 what the facts and circumstances in the law is in that
23 case, find somebody guilty or not guilty?

24 A Through the facts.

25 Q Based facts and evidence and the law?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q You could find one or the other?

3 A Yes. Yes, sir.

4 Q If you were an actual juror in a death penalty
5 case, and if the jury found the defendant guilty -- so
6 remember I talked about two phases? Phase number one
7 is over. The jury, in my fact pattern I'm giving you,
8 has already determined that the defendant in that case
9 is guilty. So you understand at that point we move on
10 to phase two, the sentencing phase?

11 A Uh-huh.

12 Q Let me explain these terms. One is "aggravating
13 circumstances," one is "mitigating circumstances."

14 A All right.

15 Q So aggravating circumstances makes things worse;
16 does that logic follow with you?

17 A Yeah.

18 Q So they are circumstances or facts or incidents
19 or details which our legislature, the people who make
20 our laws, had determined that those facts aggravate or
21 make worse the crime of murder. There is a specific
22 list of aggravating factors.

23 A Okay.

24 Q So when you take the aggravating circumstance
25 along with the murder, it increases the jury of the

INDIVIDUAL JURY VOIR DIRE

1 crime of murder, makes it worse.

2 A Yes.

3 Q The flip side is mitigating circumstances. These
4 are incidents, details or occurrences which the general
5 assembly, our legislature has written in the law, that
6 these circumstances reduce the severity of the offense
7 of murder. It may be considered as extenuating or
8 reducing the degree of moral culpability or
9 responsibility. Do you need me to say it again?

10 A No, I kind of understand.

11 Q So you have mitigating and aggravating
12 circumstances, and they are defined in the law. So if
13 you were a juror, and you were in a sentencing phase of
14 a death penalty trial, could you, depending on the
15 facts and circumstances of the case, including
16 aggravating and mitigating circumstances and the law --
17 could you hear all of that information and follow the
18 law I give you, and based upon your consideration of
19 that, sentence someone to life without parole,
20 depending on the facts and circumstances?

21 A Depending on the facts and over death sentence.
22 It is hard to say. More or less, you commit murder,
23 you should get the death sentence. That is a hard
24 thing to factor between the two.

25 Q So the second question is: Depending on the

INDIVIDUAL JURY VOIR DIRE

1 facts and circumstances and the aggravating and
2 mitigating, could you give someone the death penalty?

3 A I would say more or less the death penalty.

4 Q Back to the life without parole question. Could
5 you, based upon the facts and circumstances, and the
6 aggravation and mitigation, ever sentence someone to
7 life without parole, depending on the facts and
8 circumstances of that case?

9 A It is hard to say, but, no. No.

10 Q All right. If you served as a juror -- and I
11 know it is an extreme inconvenience, I understand, but
12 would anyone's health or well-being be affected by you
13 being here with me instead of with them?

14 A No.

15 THE COURT: I'll turn you over to the attorneys.
16 Go ahead.

17 EXAMINATION

18 BY MR. WILSON:

19 Q How are you?

20 A Good. Yourself?

21 Q I'm pretty good. I need to ask a couple of
22 things. Everybody has an opinion about everything, and
23 you are entitled to your opinion, just like we are.
24 Everyone has a right to have their own opinions; you
25 agree with that?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q And your opinion about the death penalty, have
3 you held that opinion for a long time?

4 A I mean, it is just something -- someone commits
5 murder, they should get what they give.

6 Q They should get what they give, and that is a
7 belief you have held for awhile?

8 A Yes.

9 Q And that is not going to change today or
10 tomorrow, is it?

11 A No.

12 Q That is your belief, and a firm belief you have,
13 and you have held that for a period of time?

14 A Yes, sir.

15 MR. WILSON: Nothing else.

16 MR. HIXSON: No questions, Your Honor.

17 THE COURT: Thank you. Step outside. We'll be
18 back with you.

19 (The juror exits the courtroom.)

20 THE COURT: Anything from the State?

21 MR. HIXSON: No, sir.

22 THE COURT: Defense.

23 MR. WILSON: Not qualified, Your Honor.

24 THE COURT: All right.

25 (The juror enters the courtroom.)

INDIVIDUAL JURY VOIR DIRE

1 THE COURT: Mr. Nathan, we'll excuse you from the
2 service in this case. Thank you very much for being
3 here. Thank you for your willingness to serve. You
4 do not need to call back or come back. You are free
5 to go. Just go right where the deputies are, they'll
6 take you out. Thank you very much.

7 (The juror exits the courtroom.)

8 THE COURT: Okay.

9 (The juror enters the courtroom.)

10 THE COURT: Ms. Bourne.

11 (KIMBERLY BOURNE, having been duly sworn,
12 testified as follows:)

13 THE COURT: My favorite movie.

14 JUROR: I get that all the time.

15 THE COURT: You doing okay?

16 JUROR: Yes.

17 THE COURT: You are Kimberly Bourne?

18 JUROR: Yes, sir.

19 VOIR DIRE OF JUROR 36

20 BY THE COURT:

21 Q You are under oath.

22 A Yes, sir.

23 Q I told you don't talk to anyone about the case,
24 don't watch the news, don't do any research; have you
25 followed all of that?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q We need to ask you questions, so I'll ask you
3 some questions and the attorneys will ask you
4 questions. No one is trying to invade your privacy,
5 but we have to go through this stuff. There is no
6 right or wrong answers. Be open, honest and candid
7 with us. No one is challenging you or your views. We
8 just need to understand what your views are. Some of
9 these questions you never thought about before, so if
10 you need a moment, take a moment. That's perfectly
11 fine.

12 Let's talk about what is going on. So in this
13 case, the State is seeking the death penalty against
14 the defendant, Mr. Jenkins.

15 A Okay.

16 Q So these trials are what we called "bifurcated,"
17 which is a big, fancy word for "broken into two parts."
18 Part one is what I call the trial phase. In the trial
19 phase, the jury decides whether or not Mr. Jenkins is
20 guilty or not guilty of the offenses charged. Keep in
21 mind, he is presumed innocent.

22 A Until proven guilty.

23 Q Exactly right. If he's found not guilty, the
24 case is over; got it?

25 A Yes, sir.

INDIVIDUAL JURY VOIR DIRE

1 Q If he is found guilty, then the case is moved to
2 the second phase, which we call the sentencing phase or
3 the penalty phase. In that phase of the trial, the
4 jury -- not the judge -- determines whether the
5 appropriate sentence is life without the possibility of
6 parole, or death; you follow me?

7 A Yes, sir.

8 Q Just because we're talking about sentencing
9 doesn't mean Mr. Jenkins did anything, but I have to
10 talk about it now in order to seat a fair and impartial
11 jury; you with me?

12 A Yes, sir. Yes, sir.

13 Q In that same regard, are you related by blood or
14 marriage, close personal friends with or have any
15 connection to Mr. Jenkins in any way, shape or form?

16 A No, sir.

17 Q The attorneys in this case are Mr. Scott Hixson,
18 Solicitor Richardson, Ralph Wilson and Brana Williams;
19 do you know any of them?

20 A No.

21 Q Ever been represented by them?

22 A No.

23 Q Have any connection to them at all?

24 A No, sir.

25 Q We gave you a list of witnesses before you came

INDIVIDUAL JURY VOIR DIRE

1 in here, did you have time to go through that?

2 A Yes, sir.

3 Q Did you see anyone on there that you know?

4 A No, sir.

5 Q So no one that you have any kind of connection to
6 at all?

7 A No, sir.

8 Q Now, if you serve on this case, one of the things
9 that we're going to ask you to do is to listen to the
10 law that I give you, and accept and apply the law that
11 I give you whether you agree with it or not; is that
12 something you can do?

13 A Yes, sir.

14 Q Do you know anything about this case?

15 A No, sir.

16 Q Have you read anything about it?

17 A No.

18 Q Heard anything about it?

19 A No.

20 Q Seen anything about it? Anyone try to talk to
21 you about it?

22 A Huh-huh, no.

23 Q So if you are a juror in this case, could you
24 base your decision solely on the evidence that comes in
25 during the case and the law that I give you?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q Do you understand that this is a criminal case
3 and the State has the burden of proof. It is their
4 responsibility to prove the defendant guilty beyond a
5 reasonable doubt. The defendant never has to prove his
6 innocence or say anything at all; do you understand
7 that?

8 A Yes, sir.

9 Q Let's move on to more specific questions. So
10 could you -- depending on the facts and the evidence
11 and the law, of any case, if you were a juror in any
12 criminal case, could you, depending on the facts,
13 evidence and the law, find a person either guilty or
14 not guilty, depending on the facts and the evidence?

15 A Yes, sir.

16 Q Now, if you were a juror in a death penalty
17 case -- so imagine if you are a juror in a death
18 penalty case and the jury had already determined that
19 the defendant was guilty of murder. So phase number
20 one is over. So the next phase is the sentencing
21 phase.

22 A Yes.

23 Q So I need to explain these two terms to you. One
24 is called "aggravating circumstances" and one is called
25 "mitigating circumstances." So aggravating

INDIVIDUAL JURY VOIR DIRE

1 circumstances are facts, incidents, details or
2 occurrence which our legislature -- that is the people
3 who make our laws -- have determined -- there is a list
4 of these are aggravating circumstances for murder
5 cases. They make murder cases -- these aggravating
6 circumstances can make murder cases worse, if one or
7 any of them exist; does that make sense?

8 A Yes, sir.

9 Q Like an aggravating child?

10 A I have one, yes.

11 Q I'm with you. So you follow that?

12 A Yes.

13 Q So mitigating circumstances are the opposite. So
14 these are facts and circumstances, occurrences that our
15 legislature, the people who write our laws, have
16 written a law that says these are the mitigating
17 circumstances for a murder case, they reduce the
18 severity of the offense of murder and may be considered
19 reducing the degree of responsibility. So aggravating
20 circumstances make things worse, and mitigating
21 circumstances reduce the severity of the offense; you
22 follow me?

23 A Yes, sir.

24 Q So if you were a juror in that situation, and
25 that situation is the sentencing phase, could you --

INDIVIDUAL JURY VOIR DIRE

1 depending on the particular facts and circumstances of
2 that case, and considering aggravating and mitigating
3 circumstances and the law that I give you --
4 considering all of that, could you give someone a
5 sentence of life in prison?

6 A Yes, sir.

7 Q Now, if you were a juror in that situation, which
8 would be the sentencing phase, depending on the
9 particular facts and circumstances of the case,
10 considering the aggravating and mitigating and the law
11 that I give you, could you, based upon all of that
12 information, give someone a death sentence depending on
13 the facts and circumstances of the case?

14 A Yes.

15 Q This trial is going to be an inconvenience for
16 jurors, that is an understatement, so I understand
17 that, but my question is: Does you being with me,
18 being sequestered and at the courthouse, pose an
19 extreme health risk to you or to anyone that you are
20 responsible for?

21 A No, sir.

22 THE COURT: I'm going to turn you over to the
23 attorneys and they'll ask you questions. You have
24 been very open and candid and honest, just do the same
25 thing with them, and I may follow up or may not.

INDIVIDUAL JURY VOIR DIRE

1 JUROR: Yes, sir.

2 THE COURT: Ms. Williams.

3 MS. WILLIAMS: Thank you.

4 EXAMINATION

5 BY MS. WILLIAMS:

6 Q Hi, Ms. Bourne?

7 A Hi.

8 Q We have to ask you questions, and as the judge
9 said, this is a no-judgment zone. We just want to find
10 out opinions. What I want to ask you is if you get put
11 on this jury and we get to a sentencing phase, what
12 that will mean is that the jury has already found the
13 defendant guilty of murder. Murder is -- making sure I
14 say it -- aggravated -- with malice aforethought, a
15 term of art for South Carolina, but basically means
16 there is no defense for it. It is not self-defense, it
17 is not an accident. The jury found it was intentional
18 and had evil heart and it was murder. Then we move to
19 the sentencing phase. What we want to know is if --
20 say you are on this jury, and you are part of a jury
21 that has found the defendant guilty of aggravated
22 intentional murder, could you consider or would you
23 think that giving the death sentence is the only
24 appropriate sentence?

25 A I would definitely have to hear both sides, which

INDIVIDUAL JURY VOIR DIRE

1 I know I'll probably hear both sides, but more than
2 likely, yes.

3 Q So what you are telling me is that while you
4 would consider both sides, that really more than likely
5 you would lean towards the death penalty?

6 A Yes.

7 Q And maybe the defendant would have to give you a
8 reason?

9 A Yes, ma'am.

10 Q And that is just really the way you feel about
11 it, right?

12 A Yes, ma'am.

13 Q And that is what you believe?

14 A Yes, ma'am.

15 Q And as the judge said, the judge will tell you
16 what the law is, and the law is, really, you are
17 supposed to set everything aside and kind of hear what
18 you hear in this courtroom, and then you make an moral
19 judgment about what is right, but you just told us what
20 you think is right, right?

21 A Well, I think if you have it in your heart to
22 murder somebody, and I've always grown up you did the
23 time. You do the crime, you do the time.

24 Q We thank you for that. And there is no judgment,
25 whatsoever. That is what we're saying, you are telling

INDIVIDUAL JURY VOIR DIRE

1 us that if we're in a sentencing phase, and that means
2 -- that means you have found, as part of that jury,
3 that there have been unanimous votes that says the
4 defendant is guilty of murder, malice aforethought,
5 intentional. The State is going to show aggravating
6 circumstances -- presume they are out there -- what you
7 are telling us, basically, is that the death penalty is
8 the right thing to do?

9 A Yes, ma'am.

10 MS. WILLIAMS: Beg the Court's indulgence.

11 (A brief pause in the proceedings.)

12 Q (MS. WILLIAMS) As we said, that is your
13 opinion --

14 A Yes, ma'am.

15 Q And always has been your opinion?

16 A It's not always been an opinion.

17 Q Tell me about that.

18 A I see -- like you said, everybody is innocent
19 until proven guilty. If you are guilty, then, yes, I
20 do believe in the death penalty. If you are found not
21 guilty, then you should be free. That is my opinion.

22 Q And that is the opinion that you have?

23 A Yes, ma'am.

24 Q And no one is supposed to change it, right?

25 A No, ma'am.

INDIVIDUAL JURY VOIR DIRE

1 MS. WILLIAMS: Thank you.

2 EXAMINATION

3 BY MR. HIXSON:

4 Q Good evening. How are you?

5 A Good. How are you?

6 Q Not bad. Not bad. Thank you for asking. Have
7 you been through one of these qualifications processes
8 before?

9 A No. This is my first time.

10 Q Lot to take in?

11 A It is, yes, sir.

12 Q Did you have an understanding what the judge was
13 asking you, about this bifurcated process? You know
14 what that means? Because a death penalty is totally
15 different that you first make a decision, and then we
16 take a break and then make a second decision. So I
17 want to focus on the discussions of the second
18 decision.

19 A Right.

20 Q Do you understand that there is no such thing in
21 South Carolina, under South Carolina law, as an
22 automatic death penalty? Do you understand that? In
23 other words, if you do A, you must get B?

24 A I did not, no.

25 Q And so when the judge is asking you specifically

INDIVIDUAL JURY VOIR DIRE

1 questions about if you get to the point that you are on
2 a second part, there is no automatic straight to B.
3 The second part will determine what the appropriate
4 sentence is; do you understand that?

5 A I believe so.

6 Q The reason I ask you those questions is because
7 when Ms. Williams asked you about your firmly-held
8 beliefs, you said if you are found guilty, you should
9 be punished?

10 A Right, I do. I do believe that.

11 Q That, generally speaking, yes. But now on a
12 death penalty, that punishment is a separate process to
13 talk about.

14 A Okay.

15 Q Do you see what I mean?

16 A Yes, sir.

17 Q Specifically as it relates to your questionnaire,
18 did you mark yourself as a C juror?

19 A Yes.

20 Q What is your understanding -- if you remember,
21 there was a bunch of legalese -- but explain to the
22 Court what you think a C juror is.

23 A Well, what I read, I feel like -- what I thought
24 it meant was facts. You see the facts, and then like
25 you do here in court, and everybody does their talking,

INDIVIDUAL JURY VOIR DIRE

1 then I believe if the facts are there and if you are
2 guilty, you are guilty. If you are not, you're not. I
3 mean under the law, that is what I understood. I might
4 not understand it. I'm sorry. Like I said, this is my
5 first time.

6 Q Sure. Let me see if I can describe it a
7 different way. Guilty is totally separate from
8 penalty. You can be guilty, but the second part of the
9 trial discusses penalty. That is what we're trying to
10 talk about. For the judge's hypothetical that he put
11 up was to say assume that he was guilty. Let's just
12 assume he was guilty. So let's just talk about
13 penalty. And under the State of South Carolina, the
14 judge will tell you what the law is and say you need to
15 consider -- be able to consider aggravating stuff, bad
16 stuff, and you need to consider good stuff, you know
17 mitigating stuff, things not as bad. The judge will
18 instruct you on that, give you -- say you have to
19 follow this. The question I have for you is: Will you
20 follow the judge's instructions on the law in that
21 regard?

22 A Yes, sir.

23 Q Will you do what the judge tells you to do?

24 A Yes, sir.

25 Q Will you always vote for the death penalty if a

INDIVIDUAL JURY VOIR DIRE

1 man is guilty?

2 A Yes.

3 MR. HIXSON: No further questions, Your Honor.

4 MS. WILLIAMS: No follow-up.

5 THE COURT: You can step outside.

6 JUROR: Thank you.

7 (The juror exits the courtroom.)

8 MR. HIXSON: She's not qualified.

9 MR. WILSON: We agree, not qualified.

10 (The juror enters the courtroom.)

11 THE COURT: Even though you have the best last

12 name of the day, we'll excuse you from the service.

13 You don't need to call back or come back. You are

14 totally free to go. Thank you for your patience with

15 us today. Do you have anything left in the jury room?

16 JUROR: No.

17 THE COURT: Walk on out to the deputies and

18 they'll escort you out.

19 JUROR: Thank you.

20 (The juror exits the courtroom.)

21 (The juror enters the courtroom.)

22 (HARRY JOHNSON, JR., having been duly sworn,

23 testified as follows:)

24 VOIR DIRE OF JUROR 161

25

INDIVIDUAL JURY VOIR DIRE

1 BY THE COURT:

2 Q Mr. Johnson, we're actually running on time, as
3 hard as that might be to believe. I appreciate your
4 patience and bearing with us. So we'll jump right into
5 what we need to.

6 A Yes, sir.

7 Q Are you Harry Johnson, Junior?

8 A I am.

9 Q Do you understand you are under oath?

10 A Yes, sir.

11 Q This morning I told you don't talk to anyone
12 about the case, don't discuss the case, don't do any
13 research on the case, don't listen to any news on the
14 case; have you followed all of those instructions?

15 A Yes, sir.

16 Q So we'll ask you questions. I'll start and then
17 the attorneys will go, okay.

18 A All right.

19 Q No one is trying to invade your privacy, but we
20 need to ask you these questions to understand your
21 opinions.

22 A Yes, sir.

23 Q There is no right or wrong answers, just need you
24 to be honest, open and candid with us. No one is
25 trying to challenge you or your views, we just need to

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1 understand what your views are. Now, we'll ask you
2 questions you probably never thought about before. So
3 if you need a moment before you answer, that is
4 perfectly fine. In this case, the State is seeking the
5 death penalty against Mr. Jenkins.

6 A Okay.

7 Q What that means is that the trial is bifurcated.
8 That is just a big way of saying "broken into two
9 parts." Part number one is what we call the "trial
10 phase." During that phase, the jury will determine
11 whether or not Mr. Jenkins is guilty or not guilty,
12 keeping in mind, as you well know, the defendant is
13 presumed to be innocent of the crimes charged in this
14 country; you understand that?

15 A Yes, sir.

16 Q So if the defendant is found not guilty, the case
17 is over. If the defendant is found guilty, then we
18 move on to what we call the second phase of the trial,
19 which is the sentencing or the penalty phase; do you
20 understand that?

21 A I do.

22 Q In that phase of the trial, the jury, not the
23 judge, will decide whether or not the appropriate
24 sentence is life in prison without parole, or the death
25 sentence.

INDIVIDUAL JURY VOIR DIRE

1 A Okay.

2 Q Just because we're talking about sentences
3 doesn't mean that Mr. Jenkins did anything. The burden
4 is upon the State to prove his guilt beyond a
5 reasonable doubt; you understand that?

6 A Yes, sir.

7 Q Now, are you related by blood or marriage, close
8 personal friends with or have any connection to Mr.
9 Jenkins in any way, shape or form?

10 A I do not.

11 Q Are you -- the attorneys in this case are
12 Mr. Scott Hixson, Solicitor Richardson, Ralph Wilson
13 and Brana Williams; do you have any connection to any
14 of them in way, shape or form?

15 A I do not.

16 Q I gave you a list of potential witnesses; did you
17 see that list before you came in here?

18 A I did.

19 Q Anyone on there that you know, think you know,
20 may know, work with or have any connection to at all?

21 A No, sir.

22 Q Now, in this case one of the things that I will
23 ask you to do is to listen to the law that I give you
24 and accept and apply the law that I give you, whether
25 you agree with it or not; are you capable of doing

INDIVIDUAL JURY VOIR DIRE

1 that?

2 A I am.

3 Q Have you heard anything about this case, read
4 anything about this case, know anything about this case
5 or think you know anything about this case?

6 A Yeah. I received an e-mail or BOLO, still shots.
7 I've been reading up on the case.

8 Q When was that?

9 A Right after it happened.

10 Q So back in January -- early 2015?

11 A Yes, sir.

12 Q Since then, have you heard anything about the
13 case, read anything about the case?

14 A I have not.

15 Q Have you seen any news media about the case?

16 A I have not.

17 Q Were you involved in the case at all?

18 A No, sir.

19 Q Did you work on the case?

20 A No.

21 Q Were you involved in the case?

22 A No.

23 Q Were you involved in the arrest, booking or
24 anything else?

25 A Out of our jurisdiction.

INDIVIDUAL JURY VOIR DIRE

1 Q So didn't have anything to do with where you
2 worked?

3 A No.

4 Q But you saw an e-mail?

5 A A BOLO.

6 Q Did you respond to that in any way, shape or
7 form?

8 A No.

9 Q Did you have any information to provide about
10 that in any way, shape or form?

11 A No.

12 Q Did you know anyone related to the BOLO at all?

13 A No, sir.

14 Q Now, taking in mind the information you just told
15 me, can you disregard the information you just told me
16 and base your decision in this case solely on the
17 evidence that is presented here in this courtroom and
18 disregard anything that you may have heard or seen
19 about the case?

20 A Yes.

21 Q This is a criminal case; you understand that?
22 The burden of proof is upon the State. The burden of
23 proof upon the State to prove the defendant guilty
24 beyond a reasonable doubt. The defendant doesn't have
25 to prove anything at all. He doesn't have to prove his

INDIVIDUAL JURY VOIR DIRE

1 innocence. He doesn't have to say anything. Do you
2 understand all of that?

3 A Yes, sir.

4 Q Now, could you, depending upon the facts and
5 evidence and the law that I would give you, in any
6 case, find a person either guilty or not guilty, based
7 upon the facts and the evidence and the law?

8 A Yes, sir.

9 Q Now, if you were a juror in a death penalty case
10 and the jury had already found the defendant guilty of
11 murder, we would then move on to what is called the
12 "sentencing phase;" do you understand that?

13 A Yes.

14 Q I need to explain two terms. One is called
15 "aggravating circumstances," one is called "mitigating
16 circumstances." They are just what they sound like.
17 So aggravating circumstances are facts or incidents or
18 occurrences that our legislature -- that is the people
19 who make our laws -- have written a law that says these
20 aggravating circumstances make a murder case worse,
21 there is a list; do you understand that?

22 A Yes, sir.

23 Q So these aggravating circumstances when they
24 accompany a murder, they make it worse or they add to
25 the jury, you follow that logic?

INDIVIDUAL JURY VOIR DIRE

1 A I do.

2 Q The flip side is what we call mitigating
3 circumstances. These are facts or circumstances or
4 details which the general assembly, state legislature,
5 decided that these specific mitigating factors reduce
6 the severity of the offense of murder and may be
7 considered as extenuating or reducing the degree of
8 culpability or responsibility; make sense?

9 A Yes, sir.

10 Q So you can have both.

11 A Uh-huh.

12 Q You with me?

13 A I am.

14 Q Now, if you were a juror in the sentencing phase
15 of a death penalty case, could you, based upon the
16 particular facts and circumstances of the case, which
17 would include aggravation and mitigating circumstances,
18 and the law that I give you, return a sentence of life
19 in prison, based upon the facts and circumstances?

20 A I'm capable of that.

21 Q Could you in that same situation being a juror,
22 in the sentencing phase of a case, depending upon the
23 facts and circumstances of the case, including you
24 considering aggravating and mitigating circumstances
25 and the law that I instruct you that applies to the

INDIVIDUAL JURY VOIR DIRE

1 case, could you return a sentence of death, depending
2 upon the facts and circumstances of the case and the
3 law?

4 A I can.

5 Q Every juror that gets chosen in this case, it
6 will be an extreme inconvenience upon their life, so I
7 understand that. My question is: Would you being with
8 me, that means sequestered during this trial, pose a
9 serious danger to your health or the well-being of you
10 or anyone that is directly dependent upon you?

11 A No, uh-huh.

12 THE COURT: I'm going to turn you over to the
13 attorneys for questioning. Be open, candid and honest
14 with them, please.

15 Ms. Williams.

16 MS. WILLIAMS: Thank you.

17 EXAMINATION

18 BY MS. WILLIAMS:

19 Q Good evening.

20 A How are you doing?

21 Q Okay. We are here, and as the judge said, there
22 is no right or wrong. This is to figure out where you
23 are. What we're going to have to talk about is -- it's
24 real important to talk about the sentencing phase,
25 which means if you get put on this jury, the jury of 12

INDIVIDUAL JURY VOIR DIRE

1 of you will have already unanimously voted that this
2 defendant is guilty of murder. You know, that is
3 malice aforethought, intentional. There is no
4 accident, no mistake, no excuse; it is murder, right?

5 A Yes, ma'am.

6 Q Then you get to hear about mitigating
7 circumstances and you'll get to hear about aggravating
8 circumstances, okay. What I want to ask you is if you
9 are a juror that has found that a defendant is guilty
10 of intentional malice, you know, deliberate murder, is
11 the death penalty the only appropriate sentence?

12 A It is not.

13 Q It's not. And you would be willing to consider
14 both sides, right?

15 A Yes.

16 Q And it's okay that you believe in your opinion,
17 and you are able to form an opinion, right?

18 A I am.

19 Q And if you have your opinion, you want everyone
20 else to respect it, correct?

21 A Yes, ma'am.

22 Q And you would respect everyone else's?

23 A Yes, ma'am.

24 Q And the judge will tell that, when it comes to
25 the sentencing phase, the jury can give life for any

INDIVIDUAL JURY VOIR DIRE

1 reason, or for no reason at all, right?

2 A Yes, ma'am.

3 Q And knowing that, you could consider it and you
4 would be okay with a life and/or a death sentence,
5 right?

6 A I will.

7 Q And once you get your independent, moral
8 judgment, you won't let anyone change it, right?

9 MR. HIXSON: Objection to that. That is an
10 argument -- it is inappropriate at this time --

11 THE COURT: Move on from that issue.

12 MS. WILLIAMS: Beg the Court's indulgence. That
13 is all I have.

14 THE COURT: Anything from the State?

15 EXAMINATION

16 BY MR. RICHARDSON:

17 Q Mr. Johnson, at the end of the guilty and penalty
18 phase, if you, along with the other jurors, determine
19 that the death penalty was the appropriate sentence,
20 you realize you would have to sign that sentencing
21 form?

22 A Yes, sir.

23 Q Would you have any problem doing that if that was
24 the appropriate sentence?

25 A I would not.

INDIVIDUAL JURY VOIR DIRE

1 MR. RICHARDSON: No further questions.

2 THE COURT: If you would step just outside.

3 We'll be right back with you.

4 (The juror exits the courtroom.)

5 MR. RICHARDSON: I believe Mr. Johnson is a
6 qualified juror.

7 MS. WILLIAMS: Your Honor, it is our position
8 that given his employment and employer, and that he
9 actually works at the Myrtle Beach Detention Center,
10 that he is not qualified to serve as a juror based on
11 employment.

12 THE COURT: Has your client ever been to Myrtle
13 Beach Detention Center?

14 (A brief pause in the proceedings while Ms.
15 Williams confers with Mr. Jenkins.)

16 MS. WILLIAMS: He was locked up one time during
17 bike week at Myrtle Beach Detention Center.

18 MR. HIXSON: He was specifically voir dired on
19 whether he knew -- I apologize, Your Honor.

20 THE COURT: I promise, I'll let you talk.

21 MS. WILLIAMS: He said that it was like 2012.
22 According to this juror's questionnaire, he was an
23 employee there for over seven years.

24 MR. WILSON: 2011.

25 THE COURT: I'll find him qualified. He answered

INDIVIDUAL JURY VOIR DIRE

1 all of the questions directly, very candid in his
2 response. He was unequivocal. He said he could
3 listen to both sides. He testified under oath he did
4 not know Mr. Jenkins. He did testify that he saw a
5 BOLO in the case years ago, and I don't believe that
6 that rises to the level of disqualification. He did
7 not work on the case, was not involved in the arrest,
8 didn't process him through it. He was a detention
9 officer in a different jurisdiction than the one who
10 originally arrested Mr. Jenkins. So I'll find him
11 qualified. That is number two. Bring him back in.

12 (The juror enters the courtroom.)

13 THE COURT: I'm going to determine that you are
14 qualified to serve in this case. Here is what that
15 means. That doesn't mean you are on the jury. What
16 I'm going to do is keep going through this process
17 until I get my magic number of jurors, and then I will
18 bring that group back in. At that point in time, then
19 you will know whether or not you are on the jury or
20 not on the jury. So just because you are qualified
21 doesn't mean you are specifically on.

22 Here is what you are to do. Number one, you are
23 not allowed to discuss this case or anything about it
24 with anyone. Number two, you are not allowed to do
25 any research about this case. You can't go look up

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1 something or figure out something. Three, you are not
2 to watch any local news in any way, shape or form, not
3 Sun News media, TV news, radio news. When you come
4 back, I want you just like you are now; you with me?

5 JUROR: All right.

6 THE COURT: You do not need to come up here
7 tomorrow. You do not need to come up here on
8 Wednesday. Starting Wednesday night, after 5:00, call
9 back to this number that Ms. Elvis is about to hand
10 you. That number Wednesday night after 5:00 is going
11 to say one of two things. It could say call back
12 Thursday night after 5:00. If it does, do whatever
13 you want to during the day, just follow my
14 restrictions. It could say -- at some point in time
15 it is going to say come back on this day at this time.
16 When you come back the next time, when the message
17 tells you to come back, you need to come back with a
18 suitcase packed for a week. Do not bring any
19 electronic devices or telephones or anything else.
20 Any numbers, phone numbers, you think you need to have
21 with you, you need to write them down on a sheet of
22 paper and bring them with you. Do not bring your
23 luggage in the courthouse. Leave your luggage in your
24 car, because when you come back up here I'm going to
25 have so many of you in the room and we're going to

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1 strike who gets put on the jury and who doesn't. So
2 if you don't make it on the jury, you are free and
3 allowed to go home. But if you do, then you need your
4 luggage with you; follow me?

5 JUROR: I do.

6 THE COURT: Any questions?

7 JUROR: Do not.

8 THE COURT: So start calling Wednesday night
9 after 5:00 and listen to the instructions. Thank you
10 very much, Mr. Johnson. You can go out that back
11 door.

12 (the juror exits the courtroom.)

13 THE COURT: Any from the State before we break?

14 MR. HIXSON: No, sir.

15 MR. WILSON: No, sir.

16 THE COURT: We have six coming in at 9:00 that
17 I'm going to put in a line and fly through those
18 qualification questions, just like the other ones, and
19 then we'll jump into the next one on the list. So
20 everybody okay with everything? I know you made
21 objections for the record, but generally speaking,
22 we're moving quickly and question the people like you
23 need to.

24 MS. WILLIAMS: Yes, sir.

25 MR. HIXSON: Uh-huh.

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1 THE COURT: We made it so much further than
2 Lexington. It was 3:30 on Tuesday before they ever
3 started questioning one juror. We may only have two,
4 but we're pushing through and making it through, and I
5 think everyone is doing a good job. You know, we're
6 fettering out where they are and where they are not.
7 So I think that is the overall goal, that we have
8 people who really want to listen to the case, hear the
9 case and circumstances, listen to the evidence and
10 follow the law and are not coming into it one way or
11 the other. So I think we're doing -- the evidence of
12 having been through 12 and have two, I think that is
13 evidence of that.

14 We'll start at 9:00 in the morning. Until we get
15 the jury we'll keep working these hours until the jury
16 is set, but let's start at 9:00 in the morning,
17 qualify those six and then move right on. Everyone
18 good?

19 MS. ELVIS: It would be a few more than six
20 because we have some coming back that were going to
21 start.

22 THE COURT: Whoever is here -- the other thing is
23 the extra jurors that were not picked in the trial for
24 today, I have done an order authorizing them to be
25 qualified. They have filled out the questionnaires.

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1 They filled them out this morning. I told the clerk's
2 office they are to send y'all all of those
3 questionnaires now. That should have happened today
4 or tomorrow -- will happen tomorrow.

5 MS. ELVIS: Yes, sir.

6 THE COURT: We'll have them on a Thursday night
7 call back in case we need them and qualify them and
8 keep moving forward.

9 MR. HIXSON: Do we have a list of the names of
10 the people here tomorrow morning so we can pull the
11 questionnaires for them?

12 THE COURT: It is on the list of -- oh, you are
13 talking about qualifications? I will have them to you
14 in the morning before 9:00.

15 MR. HIXSON: So I can pull questionnaires.

16 THE COURT: Once we have a list of who is coming,
17 we need to let them know to pull questionnaires.

18 You good?

19 MS. WILLIAMS: Yes, sir.

20 THE COURT: The 9 o'clock.

21 **(The proceedings for MAY 6, 2019 concluded. The**
22 **following proceedings took place on MAY 7, 2019.)**

23 THE CLERK: Do you both have all of your
24 questionnaires for panel three?

25 MR. RICHARDSON: Yes, ma'am, we do.

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1 JUROR: Yes.

2 THE COURT: Are these the people here now?

3 THE CLERK: Yes, sir.

4 THE COURT: Any of them not fill out
5 questionnaires?

6 THE CLERK: We already have them.

7 THE COURT: Okay. We're on the record, South
8 Carolina versus Jerome Jenkins. Mr. Jenkins is
9 present with his attorney, and the State is present.
10 We had jurors come in this morning that have not been
11 generally qualified, so we'll qualify them first. So
12 let's bring them in, please.

13 DEPUTY: All at one time, Your Honor?

14 THE COURT: Yes, sir.

15 (A brief pause in the proceedings.)

16 THE COURT: Okay. Good morning, I'm Robert Hood,
17 the circuit court judge assigned to preside over this
18 trial. You are here today for purposes of jury
19 qualifications. I need to get each of your names and
20 know who you are.

21 Your name, sir?

22 JUROR: Peeples.

23 JUROR: Christine Barry.

24 JUROR: Taurus Stanley.

25 JUROR: Rebecca Alvarez.

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1 THE COURT: Do we have her number? She's not on
2 the list?

3 THE CLERK: No. 9.

4 JUROR: Trevor Fitch.

5 JUROR: Karen Roberts.

6 THE COURT: Do we have her number? 295.

7 JUROR: John Campbell.

8 THE COURT: He's 56.

9 JUROR: Taylor Cribb.

10 THE COURT: Taylor Cribb.

11 JUROR: Charlie Willis, 390.

12 DEPUTY: We have one more.

13 THE COURT: Potential juror? Go get him. I only
14 want to do this once today.

15 Does everyone know who is in front of me?

16 JUROR: Yes, sir.

17 MR. HIXSON: Can we go down the list with jury
18 numbers, I'm having a difficult time?

19 THE COURT: The gentleman in the red shirt is
20 Juror 271. Ms. Barry is Juror 27. Mr. Stanley is
21 346. Ms. Alvarez is Juror No. 9. Mr. Fitch is
22 No. 113. Ms. Roberts is No. 295. Ms. Cribbs -- with
23 an S?

24 JUROR: No, just C-R-I-B-B.

25 THE COURT: Ms. Cribb is Juror 75. Ms. Willis is

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1 Juror 390.

2 MR. HIXSON: This must be 59?

3 THE COURT: You are?

4 JUROR: Campbell.

5 THE COURT: 56. And your name?

6 JUROR: Eve Corsi, C-O-R-S-I.

7 THE COURT: She's No. 70.

8 Everyone raise your right hands.

9 (The potential jurors were duly sworn and
10 testified as follows:)

11 THE COURT: Lower your hands. I'll ask you these
12 questions. These questions are meant to elicit very
13 simple answers. These are simple questions to
14 determine your general qualifications to serve as a
15 juror, so if I ask a question and you need to answer
16 it, I need you to raise your hand instead of everyone
17 answer every single time. If you need to answer,
18 raise your hand and I'll let you answer the question,
19 okay? Everyone understand? Nod if you do.

20 All right. Any member of the jury panel who is
21 not a citizen of the United States of America?

22 Is there any member of the jury panel who is not
23 a resident and citizen of Horry County?

24 Is there anyone who is unable to read, write,
25 speak or understand the English language?

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1 Does anyone have less than a sixth grade
2 education?

3 Does anyone have a mental or physical infirmity
4 which would keep you from rendering jury service?

5 Ms. Corsi.

6 JUROR: I have a lot of medical issues. I can't
7 drive. I have limited vision. I have MS for many
8 years, and I have a letter from my physician
9 concerning that.

10 THE COURT: Do you work.

11 JUROR: No. No.

12 THE COURT: When is the last time you worked.

13 JUROR: 2004.

14 THE COURT: I'm going to review a letter from her
15 physician. Hold on one second, if you would, Deputy.

16 (A brief pause in the proceedings.)

17 THE COURT: Would you show that to the attorneys
18 for me, please. Stay with us for a moment, okay.

19 Anyone else on the mental or physical infirmity?

20 Has anyone been convicted by a plea or a trial in
21 a state or federal court of record for a crime
22 punishable more than one year in prison and your
23 rights have not been restored by pardon or amnesty?

24 THE COURT: Mr. Stanley, 346.

25 Mr. Hixson, do you have that information?

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1 MR. HIXSON: I do not. We'll get that.

2 THE COURT: What were you convicted of, Mr.

3 Stanley?

4 JUROR: Pistol without a license, drug charges.

5 THE COURT: Did any of it carry more than one
6 year in prison, not that you went to prison, but you
7 could have gone to prison more than one year.

8 JUROR: Uh-huh.

9 THE COURT: What state was that?

10 JUROR: Gun charge was in Georgia, and the drug
11 charge was in South Carolina.

12 THE COURT: All right. Stay with us for just a
13 second and we'll check that information. Keep
14 answering the questions if they apply.

15 JUROR: Okay.

16 THE COURT: Anyone a clerk of court, deputy clerk
17 of court, constable, sheriff or other commissioned law
18 enforcement officer, probate judge, county
19 commissioner, magistrate or other county officer or
20 employed within the walls of the courthouse?

21 Any member of the jury panel who served on jury
22 duty in circuit court -- that is this building -- this
23 year, January 1, 2018 until now?

24 Has anyone ever been a member of the Horry County
25 Grand Jury? The Horry County Grand Jury meets once a

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1 month, one day a month, and you do that for an entire
2 year. You would have this very vivid memory of being
3 on the grand jury.

4 So everyone is qualified. We'll move on to
5 exemptions. First exemption is for those of you that
6 are 65 years of age. Anyone 65 or older?

7 Next concerns prior jury service. Did anyone
8 serve as a juror in circuit court in 2017 or 2018?

9 Next exemption involves those of you who served
10 on grand jury. The grand jury meets once a month,
11 maybe one day a month for at least a year, sometimes
12 eight months. Anyone ever be on the grand jury?
13 Okay.

14 Next exemption involves those of you who have
15 legal custody of young children. So here are the
16 rules. They all have to apply. So you may be exempt
17 from jury service if you have a child under the age
18 seven, that means six and below. You are the legal
19 custodian of the child, you also have the principal
20 care, custody and control of the child and you are
21 unable to make arrangements for the child while
22 performing jury duty; anyone on the child exemption?

23 Now, does anyone take care of another person who
24 is 65 years of age or older?

25 So you are Ms. Barry?

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1 JUROR: Yes, sir.

2 THE COURT: Who do you take care of?

3 JUROR: I will be. My mother is getting ready to
4 have her hip replaced.

5 THE COURT: When is that?

6 JUROR: The 20th.

7 THE COURT: We'll be done, so you are fine.
8 Ms. Roberts?

9 JUROR: Yes, sir. I take care of my mother.

10 THE COURT: How old is she?

11 JUROR: 85.

12 THE COURT: What is her condition?

13 JUROR: She was in the hospital yesterday. We
14 don't think she has any more appointments for about
15 two weeks, but after that, she will have more
16 appointments with the oncologist.

17 THE COURT: Does she live with you?

18 JUROR: No, sir. About a half mile away.

19 THE COURT: Do you live -- what part of Horry
20 County?

21 JUROR: Garden City.

22 THE COURT: Who else lives with you?

23 JUROR: My husband.

24 THE COURT: At this point you know of no
25 appointments over the next two weeks?

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1 JUROR: No, sir. They said it would be at least
2 two weeks.

3 THE COURT: All right.

4 Yes, ma'am, you are Ms. Willis? Who do you take
5 care of?

6 JUROR: My mother.

7 THE COURT: How old is she?

8 JUROR: 87.

9 THE COURT: Does she live with you?

10 JUROR: Yes.

11 THE COURT: Do you work?

12 JUROR: I work from home.

13 THE COURT: What do you do?

14 JUROR: Blue Cross Blue Shield.

15 THE COURT: So you literally stay at home with
16 your mom all day?

17 JUROR: Yes, sir.

18 THE COURT: Does anyone else live with you?

19 JUROR: My father, who is 80.

20 THE COURT: Your father also is up in years. Are
21 there any other adults in the home?

22 JUROR: No, sir.

23 THE COURT: Any objection from the State?

24 MR. HIXSON: No, sir.

25 MS. WILLIAMS: None, Your Honor.

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1 THE COURT: Ms. Willis, you are done. You do not
2 need to come back in or call again.

3 Anyone other than Ms. Roberts and Ms. Barry?
4 Does anyone else take care of a person who is severely
5 disabled? This is regardless of age, but someone that
6 can't take care of themselves or can't be left
7 unattended? They have to have constant
8 around-the-clock care. Ms. Alvarez.

9 JUROR: After my mother had open-heart surgery on
10 Wednesday, she lives in Pennsylvania. I just got back
11 yesterday, so I just so happened to be in town when
12 you guys called me, but I'm -- my sister and I are
13 taking turns, and I have to go back.

14 THE COURT: When is that.

15 JUROR: Hopefully -- I don't have an exact
16 schedule, but hopefully in the next week or so.

17 THE COURT: At this point, you need to stay with
18 us.

19 Anyone else have an autistic child or something,
20 someone severely disabled?

21 Is that Mr. Stanley?

22 MR. HIXSON: Yes, sir.

23 THE COURT: Mr. Wilson, would you like to see Mr.
24 Stanley's criminal history?

25 JUROR: Yes, sir.

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1 THE COURT: You are Taures Travelle Stanley
2 (phonetic)?

3 JUROR: Yes, sir.

4 THE COURT: I just stopped at the first thing I
5 had seen.

6 (A brief pause in the proceedings.)

7 THE COURT: Mr. Stanley, you are disqualified
8 from service in this case. Thank you very much for
9 being here and your willingness to serve. You are
10 excused. You do not need to call or come back in.

11 JUROR: I'm pretty good now?

12 THE COURT: Yes, you are good. Have a nice day.

13 Anyone attend school, or work at a school?

14 Ms. Cribb, where do you go to school?

15 JUROR: Horry County Georgetown Technical.

16 THE COURT: When are your classes over?

17 JUROR: I just finished spring semester, but I'm
18 starting summer May 20th.

19 THE COURT: So we'll be done by then, so you are
20 okay.

21 JUROR: Perfect.

22 THE COURT: Anyone else on the school?

23 Anyone work at the Department of Corrections at a
24 penitentiary?

25 Let's figure out what you do for a living. Tell

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1 me what you do for a living. Tell me what you do for
2 a living and if you are married, tell me what your
3 spouse does. Mr. Peeples.

4 JUROR: Own a heating and air conditioning
5 company.

6 THE COURT: Do you employ people or work by
7 yourself.

8 JUROR: I have employees.

9 THE COURT: How many do you employ?

10 JUROR: 19.

11 THE COURT: Are you married?

12 JUROR: No, sir.

13 THE COURT: And then Ms. Cribb, you work for EMS?

14 JUROR: Ms. Barry. I'm Christine Barry.

15 THE COURT: I'm sorry.

16 JUROR: You are fine.

17 THE COURT: My names are out of order. Who do
18 you work for?

19 JUROR: Horry County Fire Rescue. I'm a captain.

20 THE COURT: Are you married?

21 JUROR: Separated.

22 THE COURT: What did he do?

23 JUROR: He works for Horry County Fire Rescue.

24 THE COURT: Thank you.

25 Mr. Stanley is out. So then Ms. Alvarez.

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1 JUROR: I work for Santee Cooper as a rep,
2 customer service rep.

3 THE COURT: Are you married?

4 JUROR: No.

5 THE COURT: And where is Mr. Fitch? What do you
6 do give.

7 JUROR: New York Army National Guard, and that's
8 pretty much it.

9 THE COURT: Are you married?

10 JUROR: No.

11 THE COURT: Thank you.

12 And Ms. Roberts, what do you do?

13 JUROR: Retired school teacher.

14 THE COURT: Are you married?

15 JUROR: Yes, sir.

16 THE COURT: What does your husband do?

17 JUROR: Retired sales.

18 THE COURT: Thank you.

19 Mr. Campbell, what do you do?

20 JUROR: Roofing.

21 THE COURT: Are you married?

22 JUROR: No.

23 THE COURT: And then, Ms. Cribb, what are -- you
24 are a student. Do you work at all?

25 JUROR: I work full time at Belk, shoe sales

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1 specialist.

2 THE COURT: Are you married?

3 JUROR: No, single.

4 THE COURT: Thank you. And then we excused
5 Ms. Willis, so she's out. Ms. Corsi is disabled,
6 okay. What is the State's position on Ms. Corsi.

7 MR. HIXSON: We have no objection to her being
8 excused.

9 MR. WILSON: No objections.

10 THE COURT: Ms. Corsi, you are excused. You may
11 leave. Thank you very much.

12 JUROR: Thank you very much.

13 THE COURT: Do you need a ride home?

14 JUROR: My husband is there.

15 THE COURT: Thank you for bringing her, sir. So,
16 ladies and gentlemen, this is the case of the State of
17 South Carolina versus Jerome Jenkins, Junior. Mr.
18 Jenkins has been indicted by the Horry County Grand
19 Jury for one charge of murder, one charge of attempted
20 murder and one charge of armed robbery. These
21 allegations -- again, these indictments are not proof
22 of anything. They are not evidence of anything. They
23 are just documents that give this court the authority
24 to hear his case; does that make sense? He's presumed
25 to be innocent under the law as every single person is

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1 that is charged with a crime in South Carolina and in
2 this country. I need to tell you a little bit what
3 the allegations are to see if you know anything about
4 this case, if you have heard anything about the case,
5 read anything about the case or have any knowledge
6 about it, okay.

7 So the allegations in this -- again, these are
8 allegations. This is not proof, this is not evidence,
9 but the allegations are that he is charged with murder
10 and armed robbery and attempted murder. The State
11 alleges that January of 2015 he, in concert with his
12 two codefendants, who are not the subject of this
13 case, robbed and killed Bala Paruchuri, the owner and
14 clerk of the Sunhouse Convenience Store on South
15 Carolina Highway 905.

16 Weeks later, the group allegedly robbed the
17 Scotchman on Lake Arrowhead Road, and the Sunhouse
18 Store on Oak Street in Conway where the clerk, Trisha
19 Stull, was also shot and killed. These events took
20 place between January 2 and January 24th of 2015 in
21 Horry County. These are allegations. This is not
22 proof. This is not evidence, but I have to tell you
23 this is what the gist of the case is about to see if
24 you know anything about it, if you have read anything,
25 if you have heard anything about it, anything like

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1 that. Has anyone seen anything, heard anything or
2 read anything about the case? If you have, raise your
3 hand. Mr. Peeples.

4 JUROR: If I do, I don't remember.

5 THE COURT: That's fair. It was a long time ago.
6 Ms. Barry.

7 JUROR: Yes, sir.

8 THE COURT: You remember the case?

9 JUROR: Just working for the fire department I
10 remember the call.

11 THE COURT: You remember the call. Did you
12 respond to the call?

13 JUROR: No, sir.

14 THE COURT: So you were not at any of the scenes?

15 JUROR: No, sir.

16 THE COURT: Do you know -- at this point, this is
17 a very generic question, do you know anyone involved
18 in this case at this point, that you know of?

19 JUROR: I'm sure I know the people that
20 responded, but I can't tell you who they are, at the
21 moment.

22 THE COURT: You don't know that that was X that
23 definitely went to the call and talks about it all the
24 time?

25 JUROR: No.

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1 THE COURT: Here is what we're going to do,
2 ladies and gentlemen. Mr. Hixson, you agree that Ms.
3 Willis and Ms. Corsi and Mr. Stanley are out; is that
4 right?

5 MR. HIXSON: That is my understanding. I agree.

6 THE COURT: Mr. Wilson, do you also agree that
7 those three are out?

8 MR. WILSON: Yes, sir.

9 THE COURT: So my plan is to have the computer
10 shuffle these ones that are left and then add them to
11 the end; is that okay with the State?

12 MR. HIXSON: Yes, and I believe that reflects
13 what the record was pretrial.

14 THE COURT: Is that okay with the defense?

15 MR. WILSON: Yes, sir.

16 THE COURT: Can you shuffle them? Let me explain
17 what we're doing -- are they outside?

18 THE CLERK: Yes, sir.

19 THE COURT: They have to sit and wait, I'm not
20 dealing with them. SLED can come in, but the two
21 jurors, we'll deal with them later.

22 Let me explain what we're doing. If you were
23 here yesterday, you would have known all of this. So
24 yesterday I ended up with about 121 people. I have
25 taken that 121 people and put them in a completely

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1 random order so you all have juror numbers. The juror
2 numbers are all mixed up; does that make sense? And
3 then I bring in the jurors one at a time and I
4 question them a little bit more about the case, all
5 right. I let them see a witness list, and we get to
6 question them, and that happens one person at a time.

7 So I'm going to put you seven at the end of the
8 list. So that means there is 120 something people in
9 front of you before you can ever be called. I'm going
10 to put all seven of you completely in random order so
11 I won't have any control who goes first and second and
12 last, okay.

13 So at this point in time, the jurors that are
14 that far down the list are on, what I call, a
15 call-back system. So when you leave here today, you
16 will be given a card. That card is going to say --
17 give you a phone number. You are supposed to call
18 back Thursday night after 5 o'clock. Do what you want
19 for the rest of today. Do what you want to do all day
20 Wednesday, all day Thursday. Thursday after 5 o'clock
21 you need to call that number. It will have one of two
22 messages. One message can be we have enough jurors
23 and you are completely and totally done and never need
24 to come back, or the other message is you need to come
25 in at a specific time. We give you -- like it will

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1 say you need to come in Friday at 4 o'clock, or
2 whatever time it may say. Whatever that message says,
3 that is what you need to do. Then if you need to come
4 back up here, we'll bring you up here and ask you
5 questions.

6 All of you told me, except Ms. Barry, that you
7 don't know anything about this case, and that is
8 perfectly fine. When you come back, I want you the
9 same way. So to do that, here are the rules that you
10 have to follow between now and then. Number one,
11 don't discuss this case or -- don't discuss this case
12 with anyone in any way, shape or form, especially
13 Mr. Barry. Don't even tell them at the station what
14 it is, the case.

15 JUROR: Yes, sir.

16 THE COURT: Because if anyone is going to come
17 into contact about the case, it is you.

18 Don't talk to anyone about the case. Just say
19 I'm being considered for jury duty, and nothing else.
20 Number two, don't read, watch, listen to any local
21 news at all. Because the local news is all running
22 stories on this from the newspaper to the telephone
23 people, and I don't want you to watch the local news
24 or read because I don't want you to have any outside
25 influence. We want jurors who don't know about the

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1 case. It is fine if you saw a news story in the past
2 or something, but don't go and look up anything or do
3 any research or try to figure out what this case is
4 about. Don't have any contact with anyone involved in
5 the case, but you are allowed to do what you want to
6 do the rest of today, all day tomorrow, all day
7 Thursday and we'll have a message for you that we
8 either need you to come back, or we have enough.

9 Once I go through the 120, once I get to a number
10 we need, we just stop; does that make sense? So there
11 is a chance you do not have to come back. There is
12 also a chance you have to come back. There is no way
13 for me to know at this point in time who is qualified
14 and who is not, but that is the plan. Everyone
15 understand? Anyone have any questions about it? All
16 right. And you have a card, Madam Clerk?

17 THE CLERK: If you will walk out the back door
18 and the clerk's office will give you your slips.
19 Thank you.

20 You need me to swear your guys in?

21 DEPUTY: Yes, sir.

22 THE COURT: If you would state your name for the
23 record.

24 JUROR: Kenneth Graham Williamson, Junior.

25 JUROR: Brandon Jamal Land (phonetic).

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1 JUROR: Charles Coach, Junior.

2 THE COURT: Raise your right hands.

3 (Whereupon, the deputies were sworn to keep
4 the jurors in their care as ordered by the Court.)

5 THE COURT: Thank you very much.

6 Do you need anything else now?

7 DEPUTY: No, we're good right now.

8 THE COURT: We'll keep you posted, but at this
9 point we've been through 12, and we have two. So
10 we're going to jump into the next panel. We'll let
11 you know.

12 Do you want to -- before we shuffle the seven, do
13 you want to add the ones that came in at the end of
14 the day and shuffle them, too?

15 MR. HIXSON: I'm fine.

16 THE COURT: Or you want to wait -- we can wait
17 until we do the other two. Let's wait until we get
18 all of the stragglers done, and then we'll shuffle
19 that whole group; is that okay?

20 MR. WILSON: Yes, sir.

21 MR. HIXSON: Yeah, that's fine. That's fine.

22 THE COURT: Keep a list of who they are, and once
23 we get all of the stragglers done, then we'll shuffle
24 them; does that make sense?

25 MR. WILSON: Yes, sir.

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1 THE COURT: Anything from the State before we get
2 rolling?

3 MR. HIXSON: No, sir.

4 THE COURT: Anything from the defense?

5 MR. WILSON: No, sir.

6 THE COURT: All right. Bring in the first one.

7 (The juror enters the courtroom.)

8 (HAROLD KOHLMANN, having been duly sworn,
9 testified as follows:)

10 VOIR DIRE OF JUROR 179

11 BY THE COURT

12 Q How are you?

13 A Doing great.

14 Q You are Mr. Kohlmann, Junior?

15 A I do.

16 Q You understand you are under oath?

17 A Yes, sir.

18 Q Yesterday when you left, one of the things I told
19 you was don't look up anything about the case, don't
20 watch any news, don't talk to anyone about the case;
21 have you followed those instructions?

22 A Absolutely, yes, sir.

23 Q Now, what is going to happen at this point is
24 we're all going to ask you questions. None of these
25 are meant to invade your privacy, but they are

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1 necessary because of the nature of the proceedings.
2 There are no wrong or right answers, so please just
3 answer the questions openly, honestly and fully. No
4 one is challenging you or your views, we just need to
5 understand what your views are. We'll probably ask you
6 questions that, frankly, you have never thought about
7 before, okay?

8 A Okay.

9 Q So take your time. There is no rush and we'll
10 jump right into it.

11 A Yes, sir.

12 Q Now, in this case the State is seeking the death
13 penalty against the defendant, Jerome Jenkins. What
14 that means is that the trials are what we call
15 "bifurcated," which means broken into two parts. So
16 the first part is what we will call the trial phase.
17 During this trial phase, the jury will decide whether
18 Mr. Jenkins is guilty or not guilty of the crimes that
19 have been charged, keeping in mind that he is presumed
20 to be innocent under the law; do you understand that?

21 A Yes, sir.

22 Q Now, if the jury finds Mr. Jenkins not guilty,
23 then the case is over; does that make sense?

24 A Yes, sir.

25 Q If the jury finds Mr. Jenkins guilty, we move on

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1 to the second phase of the trial, which is what we call
2 the penalty phase or the sentencing phase of the trial;
3 does that make sense?

4 A Yes, sir.

5 Q Now, during the sentencing phase of the trial,
6 the jury -- not the judge, but the jury -- will
7 determine whether the appropriate sentence is life
8 without the possibility of parole, or the death
9 penalty; does that make sense?

10 A Yes, sir.

11 Q Keeping in mind just because we are talking about
12 sentencing doesn't mean -- indicates nothing about
13 whether or not Mr. Jenkins is guilty or not guilty. He
14 is presumed to be innocent, but we have to talk about
15 these topics before we start the trial; does that make
16 sense?

17 A Yes, sir.

18 Q Now, are you related by blood or marriage, close
19 personal friends with or have any connection to Mr.
20 Jenkins in any way, shape or form?

21 A No, sir.

22 Q Now, the attorneys in this case are Scott Hixson,
23 who is right there standing up, Solicit Richardson,
24 Mr. Ralph Wilson and Ms. Brana Williams; do you have
25 any connection to them in any way, shape or form?

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1 A No.

2 Q Now, before you came in here you should have been
3 given a witness list. It had a bunch of names. Were
4 you able to see that list?

5 A Yes, sir.

6 Q Did you recognize anyone's name on there?

7 A No, sir.

8 Q Do you have any connection to any of the
9 witnesses that you know of?

10 A No, sir.

11 Q Very good. Now, if you become a juror in this
12 case, one of the things that you are going to be
13 required to do is to accept the law that I give you and
14 to follow the law that I give you, whether you agree
15 with it or not; is that something you believe you can
16 do?

17 A Yes, sir.

18 Q Now, have you -- have you heard anything about
19 this case? Do you know anything about the case? Have
20 you read anything about the case or seen anything about
21 the case from any source of information?

22 A The only thing I know about the case is what you
23 told us yesterday.

24 Q So you have no personal knowledge about the case?

25 A No, sir.

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1 Q Have you ever seen a news report about the case?

2 A I don't recall hearing or seeing.

3 Q So you don't know anything about the case other
4 than the allegations that I told you yesterday?

5 A Yes.

6 Q Now, can you or could you decide this case based
7 solely upon the evidence that comes in in the courtroom
8 and the law that I give you?

9 A Absolutely.

10 Q Now, this is a criminal case, obviously. The
11 State has the burden, so it is the State's
12 responsibility to prove the defendant guilty. The
13 burden for the State is beyond a reasonable doubt. A
14 defendant never has to prove anything or prove his
15 innocence in any way, shape or form; do you understand
16 that.

17 A Yes, sir.

18 Q Now, I'm going to go through questions, and I
19 want you to imagine if you were a juror in a case. The
20 first one is if you were a juror in any criminal case,
21 could you, depending on the facts and the circumstances
22 and the evidence and the law that I give you, in that
23 particular case, could you find the defendant either
24 guilty or not guilty?

25 A Yes, sir.

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1 THE COURT: Where is his form?

2 DEPUTY: Sir, I put it on the desk.

3 THE COURT: It is where?

4 DEPUTY: It is the top one.

5 THE COURT: I'm sorry.

6 Did you all see his form?

7 MR. HIXSON: Yes, sir.

8 THE COURT: Okay.

9 Q So now we are going to switch. If you were a
10 juror in a death penalty case -- the jury has already
11 determined that the defendant is guilty of murder; so
12 phase one is over. Do you understand at that point in
13 time we would go into phase two?

14 A Yes, sir.

15 Q Which would be what is the appropriate penalty;
16 does that make sense?

17 A Yes, sir.

18 Q Now, I need to explain two terms to you. One is
19 called "aggravated circumstances," one is called
20 "mitigating circumstances," and they really follow what
21 their names imply. So aggravating circumstances are
22 facts, incidents and details which our legislature has
23 declared by law that make murder cases worse. They
24 aggravate the situation. So there is a list in the law
25 that says these are aggravating factors in murder cases

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1 that make the crime worse or adds to the injury of the
2 crime of murder; does that make sense?

3 A Yes.

4 Q Like an aggravating child, you know what I mean?
5 Now, the opposite of that is mitigating circumstances.
6 Mitigating circumstances are incidents, details and
7 occurrences which our legislature has determined by
8 law -- there's a list of them -- that reduces the
9 severity of the offense of murder by considering --
10 considering extenuating circumstances or reducing the
11 degree of culpability or responsibility. So you could
12 have both; does that make sense?

13 A Yes.

14 Q So the question is this: If you were a juror in
15 that situation, and "in that situation" means the
16 sentencing phase of a murder case, could you, depending
17 on the particular facts and circumstances of that case,
18 including the aggravation and the mitigation and the
19 law that I give you, return a sentence of life in
20 prison, depending on the facts and circumstances?

21 A Yes.

22 Q Could you return a sentence of death depending on
23 the facts and circumstances of that case?

24 A Yes.

25 Q Now, I understand that jury service, especially

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1 in this case, is an extreme inconvenience. My question
2 to you is: Would your service in this case pose a
3 serious danger to your health or the health of someone
4 who you are directly responsible for?

5 A It wouldn't.

6 Q Wouldn't?

7 A No.

8 THE COURT: So I'll turn you over to the
9 attorneys now and they'll ask you a few questions, and
10 I want you to be open, honest and candid with them in
11 your responses. Thank you very much.

12 JUROR: Thank you, Your Honor.

13 EXAMINATION

14 BY MR. WILSON:

15 Q Is it pronounced Kohlmann?

16 A Kohlmann, like the cooler. Coleman cooler,
17 spelled different.

18 Q I just have a couple of questions for you. Let's
19 go back. I understand you were with the New York
20 Police Department for a substantial period of time?

21 A 27 years.

22 Q And your wife was also with the New York Police
23 Department?

24 A Yes, sir.

25 Q And were you both commissioned officers when you

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1 were there during that period of time?

2 A Yes.

3 Q And did you at some point give up your
4 commission?

5 A I retired.

6 Q My question is: Did you give up your commission?
7 Can you keep your commission after you retired?

8 A I don't know. I've never heard the expression
9 "commission." I don't know what you mean.

10 Q You were licensed to make arrests by the State of
11 New York?

12 A Right.

13 Q Has that license ever been revoked or taken back,
14 to your knowledge?

15 A Never taken back. Just when you retire, you lose
16 that status of the police officer with arrest powers
17 and stuff.

18 Q So you are saying that you lost the power to
19 arrest simply because you retired, not because the
20 State of New York revoked or took back your license to
21 arrest?

22 A No. They never -- other than retiring, my status
23 was never taken away from me. I'm not sure what the
24 question means. When you retire, you are no longer a
25 police officer. If I was a teacher and retired as a

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1 teacher, I can no longer teach in school unless I was
2 recertified. So once I left the New York Police
3 Department, I didn't follow law enforcement anymore.

4 Q When you were New York Police Department, did you
5 have certification periods every year or every three
6 years or five years or once you became a police
7 officer? Were you certified for the length of time
8 that you were there? How did that work?

9 A You became a police officer and you were a police
10 officer until you retired. The only time you have to
11 be certified or anything is at the range you have to be
12 certified twice a year, but schooling or anything, no.

13 Q And now let me ask you, when I was reading over
14 your questionnaire, I noticed that you said you work
15 with the -- as a volunteer with the Horry County Police
16 Department?

17 A No. My wife works with the Horry County Police
18 Department as a volunteer on the cold case squad.

19 Q How long has she been doing that?

20 A About a year or so.

21 Q And -- but you don't work with her with that?

22 A No, sir.

23 Q That is something she does. Now, let me ask you
24 about your views on the death penalty. I noticed that
25 you checked on your form, you checked C, which says,

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1 One who although the crime of murder has been proved by
2 the State beyond a reasonable doubt, and while in the
3 sentencing phase, considering punishment would not have
4 his or her mind made up in advance concerning
5 punishment. This juror would need to hear the facts
6 and circumstances in aggravation and in mitigation
7 before they could make the decision regarding
8 punishment. This juror could be -- could base -- this
9 juror could, based on the facts presented by the State
10 and the defendant, bring in a verdict of death or life
11 imprisonment.

12 What is your understanding of that?

13 A Well, sometimes things happen and there's
14 circumstances that make it worse or not as bad. Say
15 someone assaulted someone -- say there was three people
16 that assaulted someone. One person really didn't, he
17 just happened to be there, and/or with them, but not
18 involved in the assault. It might be different than
19 culpability that the person -- you know, two people
20 assaulting should get a higher penalty than the one
21 person just standing there and didn't assault someone.

22 Q Okay. Let me ask it this way. In -- in regard
23 -- there is no right or wrong answer. Your opinion is
24 your opinion. You are entitled to whatever opinion you
25 feel comfortable with. I just need to know what the

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1 opinion is. Could you -- let me back up and start it
2 this way.

3 Do you understand that this is what we call a
4 bifurcated trial or two-part trial; you understand
5 that?

6 A Yes, sir.

7 Q Do you understand that in that process, what that
8 would mean is that in the first phase of the trial, His
9 Honor was explaining to you you would have already
10 found the person guilty of the crime of murder,
11 correct?

12 A Right.

13 Q And murder would be the intentional killing of
14 one person by another with what we call malice
15 aforethought, ill-will, hatred, heart void of socially
16 duty, that kind of conduct. So you would have already
17 found the person guilty of murder, and before you could
18 even consider the death penalty, you would also have
19 had to found the existence of at least one aggravating
20 circumstance, correct? You understand that one
21 aggravating circumstance that the State would have to
22 have proven to your satisfaction beyond a reasonable
23 doubt? You would have take -- find all of that before
24 you could even consider death; do you understand that?

25 A Yes.

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1 Q So once you have found that this person committed
2 the murder and an aggravating circumstance, are you
3 saying even under those circumstances, you could still
4 give that person a life sentence?

5 A If there was other mitigating circumstances, yes.

6 Q So if there were other mitigating circumstances
7 -- now you understand this is not self-defense, there
8 is no self-defense, there is no insanity, no defense,
9 whatsoever, to the crime of murder, that person is
10 found guilty by you and your 11 other members of your
11 jury panel of that, you are saying even in spite of
12 that, after you made that determination, you are still
13 open and can give a life sentence if you think that is
14 appropriate; is that what you are saying?

15 A Yes. Yes.

16 Q The opinion you have about the death penalty, is
17 this something you felt for a long time, or just
18 something you never thought about until today or kind
19 of -- how did you get to that opinion?

20 A Well, being in law enforcement, I've already
21 testified in murder trials and stuff like that. It is
22 something you think about. I know people who have been
23 accused of crimes and have been convicted of it, and
24 they never did it. So people make mistakes, police
25 officers make mistakes, lab technicians make mistakes,

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1 so sometimes it is more to the story to -- than you see
2 at first blush. I know what you are saying, the trial
3 is over and now we have to sentence the person, but if
4 there is mitigating circumstances, it is possible they
5 can be convicted of murder, but you are not as culpable
6 as other people may be.

7 Q When you say "mitigating circumstance," what is
8 your understanding?

9 MR. HIXSON: Objection. He is not allowed to get
10 into specific mitigators and the layperson's
11 understanding of what statutory mitigators are. The
12 question is improper.

13 THE COURT: Sustained. Go ahead, put it on the
14 record.

15 MR. WILSON: All right.

16 Q Let me ask you this. In regards to your opinion
17 on the death penalty, it is my understanding that your
18 position is that even after you have found the person
19 guilty of the murder without any defense, whatsoever,
20 in the trial phase of the case, correct --

21 A Yes.

22 Q -- that you are saying that you would still be
23 able to give a life sentence if you thought that is
24 what should be appropriate, even though there were no
25 mitigating circumstances?

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1 MR. HIXSON: Again, I object to that. Mitigation
2 is a penalty phase issue, not guilty phase issue and
3 the question is confusing in that we're talking about
4 legal defenses to guilt; that's been decided. The
5 second phase is a discussion of mitigation and
6 aggravation, and the question is not bifurcated, but
7 the process is. It is not intentionally misleading,
8 but I ask to rephrase.

9 MR. WILSON: No, sir, it is not misleading. I
10 disagree. In fact, he is entitled, if it is his
11 opinion to give a life sentence for no reason,
12 whatsoever. So he can answer that question. I don't
13 see how that is misleading in any way, whatsoever.

14 THE COURT: Step outside of that door one minute,
15 Mr. Kohlmann.

16 (The juror exits the courtroom.)

17 THE COURT: Here is the problem, and I've let you
18 do it and they haven't objected, but at this point you
19 are sitting up here saying it's not self-defense, it's
20 not insanity, it is not all of these things, none of
21 which are going to be said in the penalty phase in any
22 way, shape or form. The case law is very clear that
23 you cannot go into specific mitigating factors with
24 the jurors. You can say, can you consider the
25 mitigation or can you consider the aggravation, but

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1 you are sitting there -- I mean you said self-defense
2 somewhere between three and five times. Self-defense
3 is not a mitigating factor. Self-defense is an
4 affirmative defense in the guilt phase of the trial
5 and you can't go into specific mitigating factors,
6 just like they can't go into specific aggravating
7 factors with the jurors. You can't get up here and
8 say could you consider whether or not the defendant
9 has no criminal history, if that were true, because
10 that is not allowed. The issue is are they willing to
11 consider aggravation and/or mitigation as instructed
12 by the Court, and you're talking about concepts that
13 apply in the guilt phase and mixing them with the
14 penalty phase, and that is where -- you are saying,
15 you know, this isn't a self-defense case now, and that
16 may be true, but the issue is self-defense is not a
17 mitigating factor to begin with. Even if self-defense
18 was a mitigating factor, you couldn't ask that
19 question.

20 MR. WILSON: Judge, my --

21 THE COURT: I understand they can give him life
22 for no reason at all. They can give him life out of
23 mercy, but you can't go into the specifics -- you are
24 intermixing factors that don't intermix.

25 MR. WILSON: Your Honor, my question was -- my

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1 question to the juror was what was his understanding
2 of mitigation, and the reason that I asked that
3 question is because as we have gone through this
4 process, a number of jurors have been confused about
5 what that means, and I don't know that this juror
6 understood what mitigation really is. That is why I
7 asked that question.

8 THE COURT: That is not the purpose of this
9 inquiry. The purpose of this inquiry is will he
10 follow the law that I give him, whether he agrees with
11 it or not. So it is not for him to determine what he
12 thinks mitigating factors are and what mitigating
13 facts aren't. The issue is can the juror follow the
14 law of mitigating factors that I tell them and apply
15 it, whether they agree with it or not, without any
16 bias or prejudice. So his opinion on what mitigating
17 factors are doesn't really matter.

18 MR. WILSON: Your Honor, I understand what the
19 Court is saying. I take exception to that, because I
20 think it does matter what his understanding of
21 mitigation is.

22 THE COURT: Show me one case that says that. You
23 don't have one, because it doesn't exist. The issue
24 is can the juror follow the law. I'm going to tell
25 him what the law of mitigating factors is. His own

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1 opinion about what they are, doesn't matter. Because
2 his idea of mitigating factors could be a mitigating
3 factor that doesn't even exist. If he wants to use
4 his own opinion to give someone life, he can do that.
5 I understand the law says that, but the issue is can
6 he follow the law of what aggravation and mitigating
7 factors are, not can he make up in his own mind at
8 this point in time what they are.

9 MR. WILSON: Your Honor, I have not asked this
10 juror to tell me whether he can make up his mind at
11 this point in time as to whether there are mitigating
12 factors or even what these mitigating factors are;
13 that is not what I asked him. I understand the
14 Court's ruling, and I won't belabor it because I put
15 my piece on the record, but it is not what I asked
16 him. I think I have a right to probe of what this
17 juror's understanding is, because his opinion -- we're
18 asking him for his opinion, and I'm trying to find out
19 what that opinion is and what it is based on, and I
20 understand your ruling.

21 (A brief pause in the proceedings.)

22 MR. WILSON: I understand the Court's position,
23 and I would just like to cite Morgan versus Illinois,
24 which basically says that a response that would you
25 follow my instructions -- would the juror follow my

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1 instructions is insufficient in order to have the
2 juror -- to qualify the juror. Simply because the
3 juror says he will follow the instructions of the
4 Court, that alone is not sufficient.

5 THE COURT: But that is not all that this juror
6 said. This juror said he will follow the instructions
7 of the Court, and the guy said I've been a police
8 officer, I've seen cases where people got convicted of
9 things and they didn't even do it. So I understand
10 that just because you get convicted of something
11 doesn't mean that there is one automatic sentence,
12 that it can go either way, and he's willing to listen
13 to all of it and make the decision.

14 Anything else?

15 MR. WILSON: No, sir.

16 MR. HIXSON: Just a few things. 16-3-20(d) is
17 the statute that controls specific voir dire for you,
18 for the Court, and specifically the inquiry is into
19 bias or prejudice, it's not into opinion. We have
20 talked a lot about opinion over and over again,
21 because I don't think it is used as a term of art, but
22 the defendant continues to voir dire them on an
23 opinion. Opinion under Smart one, the first Smart
24 case, is not probe. You can have opinions on a
25 capital jury. You can have strongly held opinions,

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1 but the question is can you set them aside and perform
2 your duties as a juror.

3 THE COURT: The case law says you can know that
4 the person has previously received the death penalty
5 and still be seated on the jury.

6 MR. HIXSON: That is correct. That is why the
7 statutory inquiry is under prejudice and bias, not
8 opinion. I don't want to jump up and down on opinions
9 and things. The specific question that the Court --
10 that the State had was because the question was
11 presenting it to the juror -- respective juror that
12 there was no mitigation, there was nothing left, the
13 only thing left was guilt, no mitigation, no reason to
14 stand there, would you give him life, and that is an
15 accurate instruction on the law. If the defendant had
16 said do you understand you can give mercy for no
17 reason at all, would you be able to do that, that is a
18 correct statement of the law, but it is an incorrect
19 statement of law that there would be nothing for you
20 to consider, that is a hypothetical. Under South you
21 are not allowed to put a lot of hypotheticals in, and
22 that is why we objected to that specific question,
23 Your Honor.

24 THE COURT: Anything else?

25 All right. Bring him back in.

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1 (The juror enters the courtroom.)

2 THE COURT: Come on back in, Mr. Kohlmann. You
3 are still under oath; you understand?

4 JUROR: Yes, sir.

5 THE COURT: You may continue.

6 MR. WILSON: Thank you, Your Honor.

7 Q Mr. Kohlmann, let me ask you. I was going
8 through your form and I saw that you put on here that
9 you had a bumper sticker that said 'The Thin Blue
10 Line;" what does that mean?

11 A That is just -- let's other police officers know
12 that I'm also a police officer -- or retired police
13 officer.

14 Q Let other police officers know that you are a
15 retired police officer.

16 Now, does the fact that you are a police officer
17 in any way impact your opinion in this particular
18 case, or will it or can it or does it?

19 A I think it impacts it in that I probably make a
20 better juror than most people.

21 Q You would make a better juror than most people.

22 Now, "The Thin Blue Line," help me understand
23 what that is. That "Thin Blue Line" we're speaking
24 of, is that a thin blue line between the public and
25 police and law enforcement, or is that a thin blue

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1 line just law enforcement? I don't quite understand
2 what that is. If you would, help me understand when
3 we say thin blue line, what we're talking about?

4 A It is more like the police officers is like the
5 sheepdog. The people are the sheep, and then there are
6 the wolves. We keep the wolves away from the sheep.

7 Q So you are -- you consider yourself a dividing
8 line between the good people and the bad people?

9 A We protect those that cannot protect themselves.

10 Q And do you feel like that is some obligation on
11 your part to do that as a police officer -- a former
12 police officer?

13 A Absolutely. That is why I became a police
14 officer.

15 Q And you still feel that way to this day; do you
16 not?

17 A Absolutely. If I saw someone get assaulted, I
18 would help them.

19 Q And that opinion about your duty to protect those
20 who can't protect themselves is a long, held belief
21 that you had for the 27 years that you were in law
22 enforcement, and it's a belief that you have today?

23 A Absolutely.

24 Q And nothing that I say here today is going to
25 change that opinion, is it?

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1 A No.

2 Q Anything the solicitor says today is not going to
3 change it, is it?

4 A No.

5 Q Is there anything that His Honor will tell you,
6 even if he tells you about the law or instructs you
7 about law, that will change your opinion?

8 A That I will protect people that can't protect
9 themselves? I will always do that till my last dying
10 breath.

11 Q Let me ask you this. If you were on a jury of
12 any type, and you have your opinion about what you
13 think the evidence shows and what your position is, you
14 would be comfortable with whatever your decision is and
15 your opinion is; is that correct?

16 A Yes.

17 Q Now, would you allow other people on the jury to
18 have their own opinions?

19 A Absolutely.

20 Q And would you try to force them or bully them
21 into having your opinion?

22 A I would never try to bully them. I would reason
23 with them. We would possibly debate about things.
24 Sometimes people, myself included, might not really
25 understand it until we talk about it, sit down and it

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1 might come to light what really happened.

2 Q Are you employed now at all?

3 A Not right now.

4 Q What is the last job you have had?

5 A I worked -- well, I do Uber once in awhile, but I
6 work for Piedmont Airlines unloading and loading into
7 planes.

8 Q You said earlier that your wife works for Horry
9 County or is a volunteer, I think is your words, that
10 she's a volunteer for the Horry County Police
11 Department, and you are aware that it is the Horry
12 County Police Department that is the investigating
13 agency in this particular case?

14 A I didn't know that.

15 Q You didn't know that?

16 A No.

17 Q Until today, you didn't know that?

18 A No, I didn't know who was investigating. There
19 was a list of names, the places where they work, there
20 was various different areas of law enforcement on those
21 pages.

22 Q You said that your wife works cold cases for the
23 Horry County Police Department and that she's been
24 doing that for a year?

25 A Approximately a year or so, yes.

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1 Q And do you know what cold cases she works on?

2 A No.

3 Q Do you know which detectives or officers at the
4 Horry County Police Department that she works with?

5 A No, sir.

6 Q Do you know Detective Greg Lent?

7 A No.

8 (A brief pause in the proceedings.)

9 Q You said that your job or you felt like you
10 needed to protect the sheep from the wolves; is that
11 right?

12 A It's an example, yes.

13 Q So in -- in a death case, you could give life to
14 a wolf?

15 MR. HIXSON: Objection.

16 THE COURT: Sustained.

17 MR. WILSON: No other questions.

18 THE COURT: State.

19 EXAMINATION

20 BY MR. HIXSON:

21 Q We talked about the bifurcated process, guilty
22 phase, and if he comes back guilty, we talked about
23 penalties. I think you said a couple of times to the
24 Court you are willing to listen to mitigation and
25 aggravation and return a verdict after you have

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1 considered that; is that correct?

2 A Yes.

3 Q And if, in fact, you came back with the jury and
4 the jury came back for a guilty verdict and recommended
5 death to the Court, you would have to sign the verdict
6 form indicating a sentence of death; would you be able
7 to affix your signature to that form?

8 A Absolutely.

9 MR. HIXSON: No further questions.

10 THE COURT: You can step outside for a moment.
11 Thank you.

12 (The juror exits the courtroom.)

13 MR. WILSON: I submit and challenge this juror
14 for cause. First of all, I think the fact, one, that
15 his wife works with the Horry County Police
16 Department, the very department that has handled this
17 case from day one for the last four years, she's been
18 working out there for at least a year, I find it
19 almost incredible, to be honest with this Court, that
20 this juror, who is a former police officer of 27
21 years, would say that he doesn't know any of the
22 police in Horry County when his wife works there and
23 has been there for over a year handling cold cases,
24 that's the first problem I have.

25 Second, this juror indicated that he is a

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1 sheepdog and that his job or position is that it is
2 his responsibility, as part of this blue line, to
3 protect the sheep from the wolves. I find that,
4 first, offensive; but, secondly, I think that it is a
5 bias on his part that he brings with him. He
6 indicated to this Court that he will not change that
7 opinion, that is his opinion, that he is comfortable
8 with it and he is not going to change that opinion no
9 matter what I say, no matter what the Solicitor says,
10 no matter what the Court says. He is very clear, and
11 I think that it is a bias that he brings into this
12 trial if he sits on this jury. If he sits on this
13 jury, it is a bias that he will have towards this
14 particular defendant because the defendant is what --
15 in his version -- the wolf. He is the bad guy. He is
16 the guy that committed some atrocious act against a
17 defenseless person. I submit it is a bias and that he
18 ought not be permitted to serve in that for cause.

19 THE COURT: Mr. Hixson.

20 MR. HIXSON: Yes, Your Honor. Initially, all of
21 the qualification questions, including asking if he
22 knew any witnesses on the list, he was unequivocal
23 when he said no. The State understands what the cold
24 case unit is, and that is made up of retirees that
25 meet once a month with the administrative staff folks.

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1 So, intuitively -- and I'm not making representations
2 to the Court, but it is not a line that a police
3 officer deals with, especially the fact that we're
4 talking about being here one year, and this thing
5 happened in 2015, as Your Honor is well perceived on
6 the history of this case.

7 There is no question that we are all entitled to
8 our biases. The question is under Witherspoon and
9 Wainwright is does that substantially impair his
10 ability to perform his duties, and he was unequivocal
11 both times, if not three times, that Mr. Wilson and
12 the Court asked him would you be willing to balance
13 those interests, mitigation and aggravation, and
14 return a verdict that speaks life or death. Every
15 single time he said, yes, I would be willing to do
16 that.

17 In addition, his understanding of that, he
18 brought up a point that as a police officer he has
19 seen people wrongfully accused, and as such, I'm more
20 than willing to balance it.

21 I would take exception to the mischaracterization
22 of what his opinion was, and that is I would think a
23 universal belief of all of us that we want to protect
24 the innocent from those that would do harm to them.
25 He did not characterize Mr. Jenkins as a wolf; Mr.

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1 Wilson tried to do that and I objected. He never said
2 any disparaging about that, and I would hope that we
3 would all want to protect those that cannot protect
4 themselves. That is what he said was a fundamental
5 belief that he had, not that he would be mitigation
6 impaired or not be able to balance those interests and
7 return a verdict that spoke the truth based on the
8 facts presented to him, and as such, we believe he is
9 death qualified.

10 THE COURT: I find he is qualified. He walked in
11 a C, walked out a C. He stuck to his beliefs. He
12 said as clear as can be there are facts and
13 circumstances in all cases that need to be considered
14 and looked at, and there are things that can make
15 things worse, and there are things that can make
16 things better. It is his responsibility to take all
17 of those into consideration, and he said that he
18 clearly could take all of those into consideration
19 without any bias or prejudice. His whole thin blue
20 line and the wolf protecting the sheep, I mean, you
21 know, he sees it as his duty to help people who can't
22 help themselves, but I do not believe that it leads to
23 any bias or undue influence or anything else. He said
24 very clearly in the beginning and throughout that he
25 would listen to the testimony, that he would follow

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1 the law and that there are extenuating circumstances
2 in every case and everyone has a right to have those
3 considered before sentencing.

4 Bring him back in.

5 (The juror enters the courtroom.)

6 THE COURT: Thank you very much for your time
7 this morning. I'm going to find you are qualified in
8 this case. That does not mean you will be on the
9 jury, okay. So the procedure at this point in time is
10 I'll release you, and you are free to go. You will be
11 given a call-back number in a second, and you are to
12 start calling that number Wednesday night after
13 6 o'clock, then that number will have a message on it.
14 It may say one of two things: Either you need to call
15 back Thursday night, or you need to come in Thursday
16 and it will give you a time to come in.

17 When you come back, you need to bring with you a
18 suitcase that has a week's worth of clothing, any
19 medication you may take on a normal basis, books or
20 magazines or anything like that you want to read, and
21 also a list of any phone numbers that you may need in
22 case of an emergency because you don't need to bring
23 any electronics with you when you come back. When you
24 come back to the courthouse, leave your suitcase in
25 your car because we're still going to put all 43 of

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1 you in the room and then -- just because you are here,
2 doesn't mean you will actually make it on the jury.
3 If you do make it on the jury, the agents will help
4 you with your luggage and stuff. If you don't you,
5 you are allowed to get in your car and go back home;
6 does that make sense?

7 JUROR: Yes.

8 THE COURT: Any questions?

9 JUROR: No.

10 THE COURT: You are still to follow the
11 instructions of do not discuss this case with anyone
12 in any way, shape or form. Do not watch any news
13 media about this case. Do not do any research, and do
14 not have any contact with anyone involved in the case.
15 Can you do all of that?

16 JUROR: Absolutely, yes.

17 THE COURT: Thank you. Ms. Elvis will give you
18 the number. Have a nice day. Thank you.

19 JUROR: Thank you.

20 (A brief pause in the proceedings.)

21 THE COURT: Okay. Next one.

22 (The juror enters the courtroom.)

23 THE COURT: We're running a little behind, I
24 apologize.

25 (CYNTHIA THIBODEAU, having been duly sworn,

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1 testified as follows:)

2 VOIR DIRE OF JUROR 364

3 BY THE COURT

4 Q You are Ms. Thibodeau?

5 A Yes, sir.

6 Q You are under oath; do you understand that?

7 A Yes, sir.

8 Q So I'll ask you questions and the attorneys will
9 ask you a few questions and we'll kind of pow-wow for a
10 bit, all right; you understand you are under oath?

11 A Yes, sir.

12 Q When you left here yesterday I gave you
13 instructions not to talk about the case with anyone,
14 not to do any research about the case, not to do any --
15 watch any news or anything; have you followed all of
16 those instructions?

17 A Yes, sir, I have.

18 Q So we're going to ask you a few questions. None
19 of this is meant to invade your privacy, but we need to
20 ask you questions. There are no wrong or right
21 answers, I just want you to answer openly, honestly and
22 fully.

23 A Okay.

24 Q No one is challenging your view or your points of
25 view, we just need to understand what your view is.

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1 We'll probably ask you questions you never thought
2 about before, so just take your time and answer them.

3 A Okay.

4 Q Now, in this case the State is seeking the death
5 penalty against Mr. Jenkins. So what that means is
6 that this trial will be what we call "bifurcated" or
7 broken into two parts. The first part is what we call
8 the trial phase. In the trial phase, the jury will
9 determine whether Mr. Jenkins is guilty or not guilty
10 of the crimes charged.

11 A Okay.

12 Q Does that make sense?

13 A Uh-huh.

14 Q And you understand under the law, he's presumed
15 to be innocent?

16 A Yes, sir.

17 Q As every person charged with a criminal offense
18 is.

19 A Yes, sir.

20 Q So if we go through the trial phase and he is
21 found not guilty, the case is over. If we go through
22 the trial phase and he is found guilty, we move on to
23 the second trial, which is what we call the "sentencing
24 phase" or "penalty phase," okay. In that second trial,
25 the issue will be for the jury to determine what is the

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1 appropriate sentence, life without the possibility of
2 parole, or is the appropriate sentence the death
3 penalty?

4 A Yes, sir.

5 Q Does that make sense?

6 A Yes, sir.

7 Q You understand?

8 A Everything, yes, sir.

9 Q Okay. Now, are you related by blood or marriage,
10 close personal friends with or have any connection to
11 Mr. Jenkins at all?

12 A No, sir.

13 Q The attorneys in this case are Scott Hixson,
14 Solicitor Richardson, Ralph Wilson and Brana Williams;
15 do you have any connection to any of them in any way,
16 shape or form?

17 A Mr. Wilson.

18 Q How do you know him?

19 A His daughters came through my school, Black Water
20 Middle School. I know him because his girls came to my
21 school, and his wife.

22 Q Would that affect your ability to be fair and
23 impartial in this case?

24 A It should not, no.

25 Q And are you willing to base your decision on the

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1 evidence and the law I give to you?

2 A Yes, sir.

3 Q Great. Now, you have a list of potential
4 witnesses?

5 A Yes, sir.

6 Q And you have been through that. They have
7 written them down here: Chip Small, Dr. John Chanaga
8 (phonetic), Etta Green Carter, Genar Faulk, Judy Beard,
9 Molly Lout, Richard Avery, Rick Dusenbery and Shirley
10 Higgins?

11 A Yes.

12 Q So walk me through how you know each of those
13 people.

14 A I am a retired educator here in Horry County, and
15 I know most of those because they are educators
16 themselves. I either taught with them, principal with
17 them or knew their father. In the case of Rick, I knew
18 Sam. So mostly through educationally situations. Now,
19 Rich Avery and Chanaga were soccer coaches of my son.
20 Soccer was big in my family.

21 Q So the majority you know from work or your work
22 in education?

23 A Yes.

24 Q And some of them you know better than others?

25 A Correct. I know Molly and Judy quite well

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1 because I was a middle school principal, and so was
2 Judy. Molly worked at the district office, so we all
3 worked well. So, yes, some more than others.

4 Q And some -- like I know all of my kids' soccer
5 coaches and you communicate with them and that kind of
6 thing.

7 A Yes.

8 Q Would any of those relationships -- they kind of
9 run the spectrum of, yeah, I know who that is, to I
10 really know that person -- would any of those
11 relationships affect your ability to be fair and
12 impartial in this case?

13 A No, sir.

14 Q Are you willing to listen to the evidence and
15 decide what the facts are and follow the law that I
16 give you?

17 A Yes, sir.

18 Q Now, if you get selected as a juror in this case,
19 one of the things you are required to do is to follow
20 the law that I give you and accept that law whether you
21 agree with it or not.

22 A Yes, sir.

23 Q Is that something you believe you can do?

24 A To the best of my ability I will do that.

25 Q Do you know anything about this case? Have you

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1 heard anything about this case, read anything about
2 this case, seen anything about this case at all?

3 A Yes.

4 Q Tell me what that is.

5 A When this occurred a couple years -- I live on
6 Oak Street, but on the other end of Oak Street, okay.

7 Q Okay.

8 A I seen it because it was in the news. It was on
9 TV, and I watch local news, read Sun News. That is my
10 paper I read. And the other way is I used to take my
11 daughter there, used to go there, stop in and get
12 drinks or whatever, she and her husband.

13 Q At the?

14 A At the store where this situation occurred. And
15 so she and I talked about it. It was scary for me that
16 she used to stop in there and get drinks and had my
17 grandbaby, and that kind of thing. So it was a little
18 strange. But it was a couple years ago. That is all I
19 know.

20 Q Have you seen any news media about it recently?

21 A No, sir.

22 Q So you saw news media accounts about the case
23 when it allegedly occurred?

24 A When it first came out, yes.

25 Q And you discussed it with your daughter?

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1 A Yes.

2 Q Because you knew --

3 A Yes. She and her husband would stop in there to
4 get drinks or whatever.

5 Q And you talked about it?

6 A Yeah. Just the fact that I was glad she wasn't
7 in there when this occurred.

8 Q And there is no right or wrong answer, we're just
9 gathering information; does that make sense?

10 A Yes, it does.

11 Q So the question is: Can you decide this case
12 based solely on the evidence that is presented here in
13 the courtroom and disregard anything you may have
14 heard, read, seen or learned about the case from the
15 news media?

16 A Yes.

17 Q This is a criminal case; you understand that?

18 A Yes.

19 Q The State has the burden of proving guilt beyond
20 a reasonable doubt. The defendant is presumed to be
21 innocent. He doesn't have to prove anything. He
22 doesn't have to say anything because the burden of
23 proof is on the State; do you understand that?

24 A Yes, sir.

25 Q Could you, depending on the facts and

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1 circumstances and the evidence and law in a particular
2 case, find a person either guilty or not guilty
3 depending on the facts and the evidence and the law?

4 A Yes.

5 Q So if you were a juror in a death penalty case
6 and the jury already found the defendant guilty of
7 murder -- so part one is over; you follow me?

8 A Yes, sir.

9 Q We then move to the sentencing phase; does that
10 make sense?

11 A Yes, sir.

12 Q So I need to explain two terms to you. These are
13 called "aggravating circumstances" and "mitigating
14 circumstances." Aggravating circumstances are facts or
15 details, incidents which our general assembly, our
16 legislature, declared by law that these aggravating
17 circumstances aggravate or make worse the offense of
18 murder; does that make sense?

19 A Uh-huh.

20 Q So, in other words, aggravating circumstances,
21 when they accompany a murder, increase the enormity or
22 adds to the injury of murder. This is done by statute,
23 by law; does that make sense?

24 A Yes.

25 Q The flip side is "mitigating factors." These are

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1 details or occurrences which our general assembly,
2 state legislature, has declared by law that they reduce
3 the severity of the offense of murder and may be
4 considered as extenuating or reducing the degree of the
5 responsibility or moral culpability; you understand
6 that?

7 A I understand, yes, I do.

8 Q So the question is this: If you were a juror in
9 that situation, and what I mean "in that situation,"
10 you are in the sentencing phase of a murder trial. If
11 you were a juror in a sentencing phase, could you,
12 depending on the particular facts and circumstances of
13 that case, including the consideration of aggravating
14 and mitigating circumstances and the law that I
15 instruct you at the conclusion of the case, could you
16 return a sentence of life in prison based upon the
17 facts and evidence and the law?

18 A I could.

19 Q Could you return a sentence of death based upon
20 the facts and the evidence and the law?

21 A Let me think a minute.

22 Q Sure. Take your time.

23 (A brief pause in the proceedings.)

24 A Yes, I could. Do you.

25 Q Do you want me to ask it again?

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1 A No.

2 Q I understand jury service is an extreme
3 inconvenience, in this case particularly. My question
4 is: Would your service on this jury pose a serious
5 danger for your health or the health of anyone that you
6 are directly responsible for?

7 A Could you define what you mean by "danger"?

8 Q Yeah. So if you make it on this jury, you will
9 be sequestered. Probably the earliest we would start
10 is probably Friday, and you would be sequestered; that
11 means you are staying in a local hotel, we'll provide
12 you with food and all of that stuff. So would you,
13 personally -- like if you were on dialysis and had to
14 go to dialysis every day, would there be a danger to
15 you to be sequestered in a jury or a danger to anyone
16 that you are directly responsible for?

17 A Not a danger.

18 Q It would be an inconvenience?

19 A Inconvenience, but not a danger.

20 Q I understand that.

21 A Yes, sir.

22 Q You understand the difference between the two?

23 A Yes. Yes.

24 THE COURT: I'll turn you over to the attorneys,
25 and they will ask you questions. Just be open, honest

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1 and candid with them, and then we'll keep moving
2 forward.

3 JUROR: Okay.

4 EXAMINATION

5 BY MS. WILLIAMS:

6 Q Good morning, Ms. Thibodeau.

7 A Good morning.

8 Q It is interesting, this is the only time we
9 actually get to talk during this scenario. You get to
10 talk with the State, the judge and me. If you are
11 seated on the jury, the trial begins and we don't get
12 to talk to you. This is not a judgment zone at all.
13 It is just to try to figure out what you are thinking,
14 and because this is a capital case, what it necessarily
15 means is -- as the judge said -- there is part one, or
16 trial one, where the jury will find -- if you are a
17 part of the jury will find the defendant guilty of
18 murder. Murder, as the judge will explain to you, it
19 is the killing of another with malice aforethought. A
20 term of art, but basically with hatred in your heart,
21 intentional. Then we get to the sentencing phase. In
22 the sentencing phase, the jury, and the jury alone, is
23 the one that decides if a life penalty is to be
24 imposed, or a death penalty is to be imposed, okay?
25 A Yes, ma'am.

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1 Q You are with me?

2 A Yes, ma'am.

3 Q By necessity, it means if you get to the death
4 penalty, the sentencing phase, that murder has been
5 found.

6 A Okay.

7 Q And what I want to ask you is what is your
8 thoughts on the death penalty as the only appropriate
9 penalty for that kind of defendant?

10 A How I feel about it in deciding death, if I were
11 to do that?

12 Q Yes.

13 A I don't believe in taking a life, but if you take
14 a life, there has to be a punishment. Some crimes are
15 so horrible that I think about the families that are
16 left behind. I go back to my daughter. Had she been
17 in that store with my grandbaby, I wouldn't be sitting
18 here, obviously. I'm a parent, so I'm sitting and
19 thinking someone's child was taken that day or that
20 night, you know. So as much as my faith says to
21 forgive and turn the other cheek, I wouldn't be able to
22 do that. I feel sometimes crimes are so horrible that
23 they deserve the death penalty, I do. But I would have
24 to have all of the facts. That is not something to
25 take lightly. Because on the other hand, that could be

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1 my child sitting there and someone is judging them.

2 Q Thank you for being honest, because what the
3 judge will tell you, when we go through this, if we get
4 to the sentencing phase, is that death is never
5 required. There is aggravating circumstance that the
6 State will prove. There are mitigating things that you
7 will hear.

8 A Yes.

9 Q And then each individual juror makes their own
10 moral judgment about what they think is appropriate;
11 can you do that?

12 A Oh, yes, ma'am.

13 Q And I'm going to ask you this, because lots of
14 times when we do the guilt phase, 12 people have to
15 vote for guilty.

16 A Yes, ma'am.

17 Q When we get to a sentencing phase, each person
18 makes their own individual judgment. If 12
19 individually agree, as oxymoron as that is, then the
20 death sentence will be imposed. The judge is going to
21 tell you that a person doesn't have to -- a juror is
22 never required to find death, that it can be for any
23 reason, for no reason at all, simply mercy. Do you
24 think you can do that if that is what you thought was
25 your own individual moral judgment?

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1 A Yes.

2 Q And the other thing I think is important, because
3 like I said, this is the only time we get to talk at
4 all, the Court lets you know that the factors that you
5 hear, they are not really competing, okay. You hear
6 it, you give any weight you want to, anything you want
7 to give it to, and then you make a decision, right?

8 A Yes, ma'am.

9 MS. WILLIAMS: I beg the Court's indulgence.

10 (A brief pause in the proceedings.)

11 MS. WILLIAMS: Thank you.

12 THE COURT: Yes, sir.

13 MR. HIXSON: Thank you, Your Honor.

14 EXAMINATION

15 BY MR. HIXSON:

16 Q Good morning. How are you?

17 A Fine.

18 Q I want to talk about your friendships. I call
19 them bias, but bias sometimes is a bad word. I don't
20 mean it that way. Have you ever been through a process
21 like this before, talking about that you're relatively
22 close to potentially being on a death penalty jury?

23 A No, sir. Only been on one other jury and it was
24 a car accident many years ago.

25 Q There are heavy conversations we have at this

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1 point, so that is why we're taking time with you. You
2 answered the question pretty directly with the Court,
3 and that was after this jury panel -- if they find the
4 defendant guilty of murder, we go to phase two, and we
5 hear a bunch other information, potential aggravation,
6 potential mitigation, and then you guys have to come up
7 with a sentence based on that information. I think you
8 said you would listen to the instructions, and then you
9 could return a life sentence?

10 A Uh-huh.

11 Q And then you paused for awhile when the question
12 was asked if you listened to all of this stuff
13 aggravation and mitigation, could you return a sentence
14 of death.

15 A Uh-huh. Yes.

16 Q The question I have now, knowing all the folks
17 you know involved in this, would the fact that you may
18 have to see those people in the coming days that would
19 ask you about your jury service, are you comfortable
20 facing them with a decision and standing by the
21 decision that you made, whatever it be, life or death?

22 A The potential witnesses that I know?

23 Q The friends you said.

24 A Oh, yeah.

25 Q You would have to say this is what happened, and

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1 this is why?

2 A Absolutely.

3 Q Thank you for that. Last question. At the very
4 end, say you and the other jurors come back and
5 recommend death. You submit that recommendation to the
6 Court. You have to actually sign the verdict form with
7 your name on the bottom saying that you, as one of the
8 members of the jury panel, vote for the death of this
9 defendant; can you take that pen and sign that verdict
10 form for death?

11 A If everything proves to the guilt, and
12 aggravating versus mitigating, then, yes. Yes.

13 MR. HIXSON: Thank you. No further questions.

14 EXAMINATION

15 BY MS. WILLIAMS:

16 Q Ms. Thibodeau, you just said if it is aggravating
17 versus mitigating; what do you mean by that?

18 A I'm going based on what he said. If aggravating
19 is the more extreme information -- if I feel based
20 on -- again, you said it was my opinion, based on what
21 I hear, I give it the weight, then, I mean, if someone
22 kills another person, how did you describe, malice in
23 their heart; is that what you said?

24 Q Yes, ma'am. The term of art is "malice
25 aforethought."

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1 A I'm trying to understand all of this.

2 THE COURT: You are fine.

3 A Malice, you go in there and you kill somebody
4 then, yeah. Again, my religious beliefs, I'm torn
5 because I know what I believe religiously, but I'm
6 thinking if that was my daughter -- I keep
7 visualizing -- had she been there at that moment in
8 time with my grandson, could she have been -- maybe
9 she's buried now, so you take the life of someone.

10 Q I appreciate that.

11 A This is really -- you know, it is hard because
12 you are going through with a lot of different people.
13 This is new for me. This is really hard.

14 Q Let me ask you. That belief -- and, listen,
15 everyone is entitled to their belief, but that is your
16 true heart feeling, correct?

17 A Uh-huh.

18 Q And you had that feeling for a long time?

19 A I have. I just keeping thinking if that were my
20 daughter, you know. What if it was my daughter or
21 grandchild, you know, how would I feel? How would I
22 feel knowing someone went in there and murdered my
23 child because they are working in a store?

24 Q If you are honest, that is going to be very, very
25 difficult for you to put aside?

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1 A I'm trying to be, because I try to be fair and
2 listen, but, yeah, I mean, it's kind of scary to me.

3 Q And I understand that. And I guess what I want
4 the judge and for us to know -- and it is okay, it is
5 okay if it is real to you, but do you really think you
6 can block that out of your mind and focus on what you
7 hear and what the judge says?

8 A I would do everything in my power to block any of
9 that out of my mind, but I'm human. I would try very
10 hard to do that, you know. I don't know how to answer
11 you. I would do my absolute best, because this person
12 is innocent until proven guilty just like -- he's
13 innocent until proven guilty, so I would have to do all
14 I could to block that out of my mind and listen to the
15 facts.

16 Q I got that, but what I want you to understand is
17 if we get to the sentencing phase, guilty is already
18 found.

19 A Okay.

20 Q We're not talking about guilty.

21 A He's guilty; he did it. No one questions this is
22 the person that did it.

23 Q Correct. Correct. Yes, ma'am. That is where we
24 are in the sentencing phase, and that is what I'm
25 asking you about being able to truly put that aside?

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1 A I can't answer you that. I don't know. Because
2 I've never been there. I've never been in this place,
3 and I don't know. I can't answer what I don't know.

4 Q That's fine.

5 A Sorry.

6 THE COURT: You don't need to apologize.

7 EXAMINATION

8 BY THE COURT:

9 Q So the question is this: We're in the sentencing
10 phase. The jury, which you would have been a member
11 of, already determined that the defendant is guilty of
12 the crime charged.

13 A Right.

14 Q The question is this: During the sentencing
15 phase, can you listen to the evidence, listen to the
16 facts, consider the aggravating circumstances, if any,
17 consider the aggravating circumstances, consider the
18 mitigating circumstances and follow the law that I give
19 you, and if you believe it is appropriate, give a
20 sentence of life?

21 A Yes.

22 Q And if you believe it is appropriate, depending
23 on the facts and circumstances, could you give a
24 sentence of death?

25 A Yes, I believe I can.

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1 Q Depending on what, in your mind?

2 A The facts and the directions we are given. May I
3 ask you a question?

4 Q Sure. I may not be able to answer it.

5 A So you finished part one; he's found guilty. Do
6 all the jurors agree that he's guilty, everyone has to
7 agree?

8 Q Yes. Yes. In order to convict anyone of any
9 crime in the State of South Carolina, even a traffic
10 ticket. You know, these laws are applied -- so think
11 of a speeding ticket you may have gotten in your life.
12 If you went to trial on that, all the jurors would have
13 to agree. So for us to be in a sentencing phase, all
14 12 jurors have been able to deliberate, consider the
15 evidence, talk about the evidence, go through it, have
16 as long a conversation as they want about it, and all
17 12 would have had to agree that he is guilty of the
18 crimes charged, or the person in our scenario is guilty
19 of crimes charged, and then we would stop if that
20 occurred. We take a break and then come back and start
21 the sentencing phase of the trial. The issue in the
22 sentencing phase is not is he guilty or not guilty, the
23 issue is what is the appropriate punishment.

24 A Punishment for that.

25 Q My question is: Can you listen to all of the

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1 information in the sentencing phase and consider the
2 evidence and follow the law that I give you and return
3 a verdict of either life without the possibility of
4 parole, or the death penalty, based upon the facts and
5 circumstances that were presented?

6 A And I'm saying, yes, I believe I can do that for
7 either. During the sentencing phase, does every person
8 have to agree, or is there -- how does that work?

9 Q Yes. Yes.

10 A Everyone, again, is unanimous?

11 Q It has to be unanimous to impose the death
12 penalty, and all 12 of those people -- if the death
13 penalty was imposed, all 12 of those people would have
14 to sign the form.

15 A Okay.

16 Q But it does not have to be unanimous to give
17 someone life without the possibility of parole.

18 A Signing the form is difficult for me. The
19 thought of doing that. Of course someone putting
20 someone to death is horrid to me.

21 Q Sure.

22 A I'm conflicted, quite honestly, because to take a
23 life is something I can't even understand. I can't
24 even go deer hunting with my family because I can't do
25 that. To take a human life, I can't even imagine.

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1 THE COURT: All right. Step outside.

2 JUROR: All right. Thank you.

3 (The juror exits the courtroom.)

4 THE COURT: What is your position?

5 MR. HIXSON: Kind of going back and forth four
6 times through that process there. She's repeatedly
7 said I'll do the best, I'll try and indicates kind of
8 an eye for an eye, and comes back full circle. As a
9 result, we have reverse Witherspoon. We have another
10 Wainwright problem. I don't think she's qualified,
11 because either way, that is a rich environment for an
12 appellant process because you can argue both sides
13 without a single problem, and as a result, I don't
14 believe she's qualified, Your Honor.

15 MS. WILLIAMS: It is our position that she is
16 disqualified for cause. She flat out said she
17 couldn't set aside her feelings.

18 MR. WILSON: We agree.

19 THE COURT: Okay.

20 (The juror enters the courtroom.)

21 THE COURT: We are going to excuse you from the
22 service of this case. I want to say thank you very
23 much for being here. Thank you for being here and
24 yesterday and coming in. You are free to go. You
25 don't need to call back. You do not need to come

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1 back. Do you have any belongings in the jury room?

2 JUROR: Oh, no, sir.

3 THE COURT: You can walk right out that back
4 door. Have a wonderful day. Thank you very much.

5 (The juror exits the courtroom.)

6 DEPUTY: It will be a minute. The person is in
7 the restroom.

8 (A brief pause in the proceedings.)

9 (The juror enters the courtroom.)

10 (CHRISTINE MCGINLEY, having been duly sworn,
11 testified as follows:)

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13 BY THE COURT:

14 Q You are Ms. McGinley?

15 A Yes.

16 Q Okay. Give me a quick second.

17 (A brief pause in the proceedings.)

18 Q Do you understand you are under oath?

19 A Yes, I do.

20 Q And you are Christine McGinley?

21 A Correct.

22 Q When you left here the other day, I told you
23 don't talk about the case, don't do any research about
24 the case, don't look up anything about case, don't
25 watch any news; have you followed all of those

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1 instructions?

2 A I personally did not look anything up.

3 Q Did you follow the other instructions?

4 A Well, my husband, when I said it is a murder
5 case, he did say I saw it on the news.

6 Q Did he say anything else to you about it?

7 A He said I thought that case was already
8 completed, because -- he said he thought there was
9 already a conviction, and I said don't tell me anything
10 else.

11 Q Did you watch any news about it?

12 A No.

13 Q And have you ever seen any news about it before?

14 A I don't remember it, no.

15 Q Have you ever heard anything about it before?

16 A No.

17 Q Now, we're going to ask you a few questions, and
18 we're not trying to invade your privacy, but we have to
19 ask these questions due to the nature of the
20 proceedings. There are no right or wrong answers, just
21 answer honestly, openly and fully. No one is
22 challenging your views, we just need to understand your
23 views. We'll probably ask you questions you never
24 thought about before, so take your time. In this case,
25 the State of South Carolina is seeking the death

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1 penalty against Mr. Jenkins. These cases are
2 bifurcated, that means they are broken into two parts.
3 The first part is the trial phase. In that trial
4 phase, the jury's decision is the defendant guilty or
5 not guilty of the crimes charged, okay?

6 A Okay.

7 Q Keeping in mind, every defendant charged with a
8 crime in this country is presumed to be innocent; you
9 understand that?

10 A Yes.

11 Q So if the jury finds Mr. Jenkins not guilty, then
12 the case is over.

13 A Okay.

14 Q If the jury, however, finds Mr. Jenkins guilty,
15 we move on to what is called the "sentencing phase" or
16 the "penalty phase" of the trial. In that penalty
17 phase, it is the jury's responsibility to determine the
18 appropriate sentence, either life without the
19 possibility of parole, or the death penalty; do you
20 understand that?

21 A I understand.

22 Q Just because we're talking about penalties
23 doesn't mean that Mr. Jenkins did anything. He is
24 presumed to be innocent under the law, but we have to
25 talk about these issues on the front-end instead of the

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1 back end; does that make sense?

2 A Absolutely.

3 Q Do you know Mr. Jenkins or have any relationship
4 to him in any way, shape or form?

5 A I do not.

6 Q The attorneys in this case are Scott Hixson,
7 Solicitor Richardson, Ralph Wilson and Brana Williams;
8 do you have any connection to any of them?

9 A I do not.

10 Q You were previously given a witness list before
11 you came in here; is that right?

12 A Yes.

13 Q See anyone on there you know, you think you know,
14 may know?

15 A Do not.

16 Q One of the things that you'll be required to do
17 if you are selected as a juror is to follow the law
18 that I give you and to apply the law and follow the law
19 whether you agree with it or not; are you capable of
20 doing that?

21 A I am.

22 Q You have heard information about this case from
23 your husband the other day and then you don't have any
24 other independent knowledge about case; is that
25 correct?

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1 A No.

2 Q Can you set aside what you heard from your
3 husband and base this case solely upon the evidence
4 that is presented in this courtroom and disregard
5 anything that your husband may have said?

6 A I can.

7 Q You understand what your husband said is not
8 evidence of anything, it is not proof of anything?
9 Does he have any personal knowledge about the case?

10 A No.

11 Q Right. So you understand the difference in what
12 happens in court and the evidence that is presented,
13 then what you may hear on the news or something else?

14 A Absolutely.

15 Q All right. Now, could you, depending on the
16 facts and the evidence and the law that I give you,
17 find a defendant either guilty or not guilty, depending
18 on the facts and the evidence?

19 A Yes.

20 Q If you are a juror in a death penalty case, and
21 if the jury had already found the defendant guilty of
22 murder -- so let's say part one is over. So you are on
23 the jury. The jury decided and they found the
24 defendant guilty of murder; do you understand at that
25 point we would move on to the sentencing phase or

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1 penalty phase?

2 A Yes.

3 Q So I need to explain two terms to you. The first
4 is called "aggravating circumstances." Aggravating
5 circumstances are facts or incidents which our
6 legislature -- people who make our laws -- have
7 determined make murder cases worse, or they aggravate
8 the situation. In other words, when they accompany a
9 murder case, it adds to the injury of the crime or the
10 murder, or it makes it worse; does that make sense?

11 A Yes.

12 Q And there is a law, and it lists these, for the
13 aggravating circumstances.

14 A Okay.

15 Q Now, the flip side is called mitigating
16 circumstances, and mitigating circumstances is just
17 like the name suggests, laws created by our general
18 assembly that say these mitigating circumstances reduce
19 the severity of the offense of murder and may be
20 considered as extenuating or reducing the degree of
21 moral culpability or responsibility. So they go
22 against each other; does that make sense?

23 A Yes.

24 Q So consider for a moment with me this. If you
25 were a juror in the sentencing phase of a murder trial,

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1 so part one is over and the jury determined the
2 defendant is guilty for the crime of murder and you are
3 in the sentencing phase, so could you, as a juror,
4 depending on the particular facts and circumstances of
5 that case, including considering the aggravating
6 circumstances and the mitigating circumstances and the
7 law I give you at the conclusion of the case, could you
8 return a sentence of life in prison without the
9 possibility of parole?

10 A Yes.

11 Q And could you also consider -- could you also
12 return a sentence of the death penalty, depending on
13 the facts and circumstances?

14 A I guess that is where I don't have my answer.
15 I'm not sure. I would have to be overwhelmingly
16 convinced.

17 Q Could you take the facts and circumstances,
18 aggravation and the mitigation, and the law that I give
19 you in the sentencing phase and return a sentence of
20 the death penalty if you believe it is appropriate in
21 that particular case?

22 A If that is what the law states, then I guess I
23 would, yes.

24 Q Could you also return a sentence of life if you
25 believe that to be appropriate?

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1 A Yes.

2 Q This trial will be an extreme inconvenience for
3 everyone on the jury, so I understand that. My
4 question is: Does being on this jury pose a serious
5 danger or -- to the health or well-being of you or
6 anyone that directly is dependent on you?

7 A No.

8 THE COURT: I'll turn you over to the attorneys
9 and they'll ask you questions. Be open and honest and
10 candid, and I'll come back to you.

11 MR. WILSON: Thank you.

12 EXAMINATION

13 BY MR. WILSON:

14 Q I need to ask you a few questions about your
15 opinions, if that is okay?

16 A Okay.

17 Q Now, His Honor explained to you that when we
18 start talking about the penalty phase, that would mean
19 that you and the other 11 members of the jury panel had
20 already found the defendant or the person guilty of
21 murder. Murder would be the intentional killing of one
22 person by another with malice aforethought. So you
23 would have already found that unanimously as a jury
24 before we could even go to the second part of the
25 trial.

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1 A Correct.

2 Q When you get to that second part of the trial,
3 you would then be asked -- and I'm talking about the
4 jury would be asked to come up with a sentence. The
5 only other two possibilities is life without parole, or
6 death. Those are the only two choices when we get to
7 the second phase; you with me?

8 A I'm with you, yes.

9 Q Now, in talking to the Court earlier, you said
10 that you could come back with a life sentence, if that
11 is your view of the evidence after hearing all of the
12 evidence and testimony, both mitigating and
13 aggravating, if that were your view, you could come
14 back with a sentence of life?

15 A Correct.

16 Q And then His Honor asked you about whether or not
17 you could come back with a sentence of death after
18 having heard all of the evidence and testimony, if that
19 were your view of the evidence; is that correct?

20 A Correct.

21 Q And could you do both, if that were your view of
22 the evidence and testimony?

23 A Here is what I don't know about the law. Is
24 there a set criteria that says if it is this, it's the
25 death penalty? If it's this, it is life without

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1 parole? Is there a set guideline?

2 Q That is a good question. The law does not tell
3 you what to do. You are going to be the jury. You
4 will decide. His Honor will instruct you as to what
5 the rules are, what the law says, but as a jury, you
6 will decide. You will be the judge to decide what the
7 sentence is and you have -- as a juror -- as a juror,
8 you could come back with life for no reason at all
9 other than just an act of mercy, if that is what you
10 decide. As long as that is your opinion based on the
11 facts and the law as His Honor gives it to you and the
12 circumstances, if that is your view and that is what
13 you want to do, you could do that. The law doesn't
14 tell you which verdict you have to come back with or
15 which sentence. That is a moral decision you will have
16 to make.

17 A I think I would have an incredibly tough time
18 giving anyone a life sentence -- a death penalty.

19 Q Let me ask you this way. If His Honor told you
20 that while you are saying it is difficult to come back
21 with a death sentence, are you saying that you could
22 never do that, or you are saying if the facts are bad
23 enough, in your mind, based on your opinion, that you
24 could do it, if in your mind you were satisfied that it
25 was deserving?

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1 A I don't think taking another life is going to
2 help bring back the other, so I don't think I would say
3 death penalty. Sorry.

4 Q Let me ask you this. You checked box C. You
5 checked box C, which means one who although the crime
6 of murder has been proved by the State beyond a
7 reasonable doubt, and while in the sentencing phase,
8 considering punishment would not have his or her mind
9 made up in advance concerning the punishment. This
10 juror would need to hear the facts and circumstances
11 and aggravation and mitigation before he or she could
12 make the decision regarding punishment. This juror,
13 based on the facts presented by the State and the
14 defendant, bring in a verdict of death or life
15 imprisonment; is that the one you chose?

16 A That is.

17 Q Okay.

18 A I guess I was thinking, you know, objectively. I
19 was going to be told if the facts come out, it is this,
20 this is a death penalty. If it is this, this is a life
21 sentence. But now you are making me aware that it is
22 not that way. It is not black and white.

23 Q Right. It is your decision based on your moral
24 view of what the evidence and aggravating and
25 mitigating circumstances and the law that His Honor has

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1 given you. Let me ask you this way. If His Honor
2 gives you instructions as to what you are supposed to
3 do, can you follow his instructions?

4 A Yes.

5 Q Will you follow his instructions?

6 A Yes.

7 Q And when you get to that point in the case where
8 you have to make a decision in the sentencing phase, if
9 you have to make a decision in the sentencing phase as
10 to life, and as I explained to you earlier, you can
11 give life for any reason, or no reason, if that is what
12 your moral view of the evidence suggests, or you, as a
13 juror, can consider death; are you saying you cannot
14 ever consider death, or is it going to depend on the
15 facts and circumstances?

16 A Depends -- probably depends on the facts, but
17 most likely -- I can't say a hundred percent, but most
18 likely I would choose a life sentence before death
19 penalty.

20 Q Are you saying that the signing -- when you sign
21 this, that you were confused; is that what you are
22 saying?

23 A Well, not confused. I thought we were going to
24 be given a set criteria. If you meet this criteria, it
25 is this. If it is this, it's that. I'm willing to be

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1 objective, but I can't sit here and say a hundred
2 percent either way that I would say, yes, death penalty
3 or no.

4 Q That is only fair. You haven't heard any
5 evidence or testimony, so we wouldn't expect you to
6 tell us today what you would do. There is no way to
7 know what you would do. There is no way for us to know
8 or you to know because you haven't heard the testimony
9 and the evidence. But the question is: Can you
10 listen -- can you come in with an open mind and listen
11 to all of the evidence and testimony produced, both
12 aggravation and mitigation, and then make a decision
13 based on your view?

14 A Absolutely.

15 Q Of what the evidence is. And if your view of the
16 evidence is that death is appropriate, you could do
17 that? If your view is that life is appropriate, you
18 could do that? Or if you decide that life, for no
19 reason at all, other than an act of mercy, you could do
20 that? Could you do that?

21 A I could do that.

22 MR. WILSON: Okay. No other questions.

23 EXAMINATION

24 BY MR. RICHARDSON:

25 Q Doctor, I'm Jimmy Richardson. Thank you for

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1 being here today. I know you are probably busy and
2 have other places you can be. How long have you been a
3 doctor?

4 A 15 years.

5 Q And do you have a set standard of patients, or do
6 people come in at Little River?

7 A It is a large community, so it's combined. We
8 have about 30 providers mixed with physicians and nurse
9 practitioners, but I have some regular patients.

10 Q I see. When you were talking -- and I'm not
11 going to hold you to it -- first of all, this is
12 probably the first time you've ever been on a death
13 penalty case?

14 A 100 percent. Very nervous.

15 Q Don't be nervous. This lady is taking it all
16 down. You have a judge sitting beside you, nothing to
17 worry about. But that is probably the first
18 questionnaire that you ever had to look at to determine
19 what kind of juror you would be and, obviously, you
20 said coming into it, you believed that there was a set
21 standard, that if I find -- if two and two equals four,
22 then obviously that changed. You said a couple of
23 times I don't think taking another person's life fixes
24 anything. I get that. So would it be fair to say --
25 and I do not want to put words in your mouth, but how

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1 long have you given much thought to the death penalty?

2 In the last few years?

3 A Not at all.

4 Q How about through church? I know you listed you
5 are Catholic, do you have any views from church that
6 would sway you one way or the other?

7 A Of course being Catholic they are anti-death
8 penalty, but being a doctor, you've learned that we
9 can't inflict our religious views into -- mix that in
10 medicine. I assume I can't do that with the law.

11 Q Very good. When you say, though, I don't believe
12 that taking a life actually brings anything back, is
13 that a pretty firm conviction?

14 A I'm just thinking, honestly. I have to hear
15 something extremely overwhelming in this case for me to
16 say, yes, death penalty seems like a fair verdict.

17 Q The reason we ask the tough questions --

18 A That may come, and I don't know, I'm just
19 thinking right now. It would have to be very
20 overwhelming.

21 Q But you understand -- you get that part one would
22 mean you have already found -- all 12 of you would have
23 found that he, in fact, did this. I find him guilty of
24 murder. He did what he said he did. Part two is, for
25 lack of a better term, we're going to say other things

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1 that are going to be aggravating, and you may hear
2 through all of this things that may be mitigating,
3 which would make this crime not quite as bad, you know,
4 reasons that make it less bad. At the end of all of
5 that, and this is kind of heavy, but this is why we ask
6 the question early, if you and all of the other 11
7 decide this is bad, this is a death penalty, they are
8 going to pass to you a piece of paper and you will
9 actually have to sign your name saying I want this guy
10 to die as a result of what he did. So we ask all of
11 these questions to say, if I hand you this pen and that
12 piece of paper, can you put the doctor's name on that?

13 A Probably not.

14 Q It's not a bad answer. I mean, we just want to
15 be sure. It is a heavy thing, you know. We don't want
16 to get to the end and say, well, we should have known
17 something else, so that is why I ask those tough
18 questions. Mr. Wilson and the judge said there is no
19 right or wrong answer, that is why we are asking all of
20 this stuff. I appreciate your honesty. Are you pretty
21 firm in that answer, that it would be very hard for you
22 to sign your name to a death sentence?

23 A Yes.

24 Q Do you think you could overcome that?

25 A Like I said, I don't know any facts yet. If

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1 something is presented that is just so overwhelming,
2 there is a small chance, but I would have to say it is
3 probably small.

4 Q I got you. This isn't a test. We're not going
5 to keep all of this, but if you had a chance to go back
6 and look at that again, would you say that you were an
7 A or a B?

8 A I wouldn't. I think I would still choose C. I
9 think I can be very objective, that is something
10 important and I do every day.

11 Q Understand. That is the ultimate question, if
12 you can sign that, and other people sign it, can you
13 sign it? If you say when we get to that point, if 11
14 people sign it, I can't sign it?

15 MR. WILSON: Your Honor. Your Honor, I have an
16 objection.

17 THE COURT: Okay.

18 MR. WILSON: You want me to say it?

19 THE COURT: Give me the general category.

20 MR. WILSON: Well, my objection is his -- what
21 he's saying to the juror is that her signing -- that
22 if the other 11 people signed it, then her signing
23 that, she would have to sign that and --

24 THE COURT: I agree. We need to rephrase that
25 question. I understand where you are going. I think

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1 just the way you are giving it. Rephrase the
2 question.

3 Q (MR. RICHARDSON) All right. Let me clarify what
4 I was talking about. Earlier, when we talked about
5 this, you understand in part two you can find for the
6 death penalty and you can find for life imprisonment
7 and you can find life, even though there is nothing
8 that would justify that except straight-up mercy.
9 That is why defense -- you'll never be told you have
10 to sign this. But if you go along with the death
11 penalty, you would have to sign basically that death
12 warrant. See what I'm saying?

13 MR. WILSON: You know, I apologize, but I object
14 again. It is not a death warrant.

15 THE COURT: Sustain that objection. Let me ask a
16 question. Here's the question. When you came in
17 here, you were a C. I'm going to put this in my
18 terms. A person that comes in and checks C says I'm
19 going to listen to the facts, I'm going to listen to
20 the circumstances in the sentencing phase, whatever
21 comes out, comes out, okay. I don't even know what
22 that is; does that make sense?

23 JUROR: Yes.

24 THE COURT: So it is possible for you to know
25 what that is, okay. But I'm going to listen to the

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1 facts and circumstances fairly and impartially. We're
2 not determining if someone is guilty or not guilty;
3 that part is over. But I'm going to listen to the
4 facts and circumstances fairly and impartially and
5 listen to any aggravation that may be there, listen to
6 any mitigation that may be there, considering all of
7 that, I'm going to listen to what the judge tells me
8 the law is, and I'm willing to follow that law,
9 whatever it may be. In criminal court, there is no
10 two plus two equals four; that doesn't exist.

11 A It would be nice.

12 Q Yeah. Welcome to my world. But it doesn't
13 exist. You are willing -- the question is, is the
14 juror -- any juror, not just you, everybody is getting
15 the same questions -- any juror willing to listen to
16 the facts, follow the law that I give them and then
17 make their decision on the sentence based upon the
18 facts and circumstances and the evidence and the law?

19 A Absolutely.

20 Q So if the facts and circumstances warranted it,
21 in your opinion, could you sentence someone to life
22 without parole?

23 A I guess I could then, yes.

24 Q If the facts and circumstances and the evidence
25 and the law warrant it, in your opinion, could you sign

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1 your name on that form and sentence someone to death?

2 A I guess if the facts supported all of that
3 objectively, I could.

4 THE COURT: Anything else?

5 MR. RICHARDSON: Yeah, one other question.

6 Q (MR. RICHARDSON) Any preconceived notions you
7 bring in, would that substantially impair you from
8 being able to find one way or another? Do you think
9 you could set those aside, the feelings that you have
10 either one way or the other, and just listen to the
11 facts?

12 A I believe so.

13 MR. RICHARDSON: That is all I have, Your Honor.

14 THE COURT: You want follow-up?

15 MR. WILSON: Nothing further.

16 THE COURT: Step outside and we'll be back with
17 you in a moment.

18 (The juror exits the courtroom.)

19 MR. RICHARDSON: Your Honor, I believe she's
20 qualified.

21 MR. WILSON: She's qualified.

22 THE COURT: All right. Bring her back in.

23 (The juror enters the courtroom.)

24 THE COURT: All right. I'll find that you are
25 qualified in this case. Just because you are

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1 qualified does not mean you will be on this case.

2 There is still a whole other selection process we have
3 to go through. Here is what we'll do. For now, you
4 are completely and totally done. We'll give you this
5 slip of paper here. Starting tomorrow night after
6 5 o'clock, you call this phone number.

7 JUROR: Okay.

8 THE COURT: The message is going to say either
9 call back tomorrow night, call Thursday after 5:00 or
10 it may say come in on Thursday or Thursday night. It
11 may say come in on Friday. I don't know how long it
12 is going to take me to get to the number I need; does
13 that make sense?

14 JUROR: That does.

15 THE COURT: So I'll have you call back. You can
16 go about your normal life and do what you need until
17 the message comes in the next day at this time. When
18 you come back, you need to bring with you a suitcase
19 packed for a week. Bring any medications that you may
20 need and anything else, books or materials you want to
21 read, or anything like that, and any phone numbers you
22 may need, because you are not allowed to make -- bring
23 electronic devices or computers. Since you are a
24 doctor, I think what I'll -- if you actually make it
25 on the jury, we'll cross this bridge when we get

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1 there. I don't know that you will be on the jury;
2 does that make sense?

3 JUROR: It does.

4 THE COURT: If you are, more than likely I'll
5 create a phone number for your office and your
6 patients to be able to call into the agents that are
7 in charge of you to get you if someone has a medical
8 emergency and no one else can deal with it. If it is
9 someone that you specifically know, because it is
10 appropriate for you to have contact with that person
11 about their medical issues or advice for emergencies
12 that come up.

13 JUROR: Right.

14 THE COURT: In your medical life, so we'll take
15 care of that.

16 JUROR: Okay.

17 THE COURT: So when you come back, bring your
18 cell phone with you and we'll work along with it.

19 JUROR: And my computer?

20 THE COURT: Yeah. I won't let the average juror
21 bring them, but you can, and before -- if you make it
22 on the jury, and I don't know if you will, but if you
23 do, we'll process all of that with the guys in charge
24 of you and figure how we'll make it work in a safe
25 environment. We just have to make sure you don't have

INDIVIDUAL JURY VOIR DIRE

1 any outside influences about the case, but you can
2 still take care of the medical things.

3 JUROR: Thank you.

4 THE COURT: So when you come back, don't bring
5 your suitcase in here, leave it in your car. Because
6 you come back, that doesn't mean you will be selected.
7 If you are not, you can leave. If you are, we'll
8 coordinate all of that. There is your card. Thank
9 you.

10 Let's take a short break. We'll put the
11 qualifications on the record real quick when she
12 slides out.

13 (The juror exits the courtroom.)

14 THE COURT: I find she's qualified. She came in
15 as a C, and we all had an opportunity to question her,
16 and I believe that she -- that she can consider the
17 facts and circumstances, the mitigation, the
18 aggravation and could return either sentence based
19 upon what she listened to be appropriate at the time,
20 so I'll find that she's qualified.

21 Take a short break and let everyone go to the
22 restroom.

23 (A recess was taken.)

24 THE COURT: All right. Let's bring in the next
25 one.

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1 (The juror enters the courtroom.)

2 (ASHLEY WATTS, having been duly sworn,
3 testified as follows:)

4 VOIR DIRE OF JUROR 384

5 BY THE COURT:

6 Q You are Mr. Watts?

7 A Yes, sir.

8 Q How are you?

9 A Good. How are you?

10 Q Good. How old are you?

11 A 18.

12 Q Do you understand you are under oath?

13 A Yes, sir.

14 Q And yesterday when you left here I told you to
15 not talk about case with anyone, don't watch any news
16 media about the case, don't do any research; did you
17 follow all of those instructions?

18 A Yes, sir.

19 Q Now, we're going to ask you a few questions. No
20 one is trying to invade your privacy, but these
21 questions are necessary due to the nature of this case.
22 No one will be challenging your views or point of view,
23 we just need to understand what your views are. We'll
24 probably ask you questions that you never really
25 thought about before, okay?

INDIVIDUAL JURY VOIR DIRE

1 A All right.

2 Q First thing I need to explain to you is how this
3 trial will work. So in this case the State is seeking
4 the death penalty against the defendant, Mr. Jenkins.
5 So this means that the trial is what we call
6 "bifurcated," and "bifurcated" is a big word meaning
7 "broken into two parts." So the first part is what we
8 call the "trial phase." In the trial phase, the jury
9 will decide whether or not Mr. Jenkins is guilty or not
10 guilty of the crimes that have been charged. So he's
11 presumed to be innocent under the law; have you heard
12 of that before?

13 A Yes, sir.

14 Q So every defendant in this country is presumed to
15 be innocent; you understand that?

16 A Yes, sir.

17 Q And at the end of the trial, if he is found not
18 guilty, then the case will be over. It will be done.
19 If, however, the jury -- that means all 12 of the
20 jurors agree -- that he is guilty of the crimes
21 charged, then we would move into what is called the
22 sentencing phase or penalty phase, which is a separate
23 trial; does that make sense?

24 A Yes.

25 Q During trial number two, the jury wouldn't be

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1 determining whether or not he is guilty or not guilty,
2 they've already determined that, but they would be
3 determining what is the appropriate punishment; is the
4 punishment life without the possibility of parole, or
5 is the appropriate punishment the death penalty, does
6 that make sense?

7 A Yes, sir.

8 Q Now, just because we're talking about sentencing
9 doesn't mean that Mr. Jenkins did anything.

10 A Yes.

11 Q He is presumed to be innocent, but we have to
12 talk about these issues on the front-end instead of the
13 back-end; does that make sense?

14 A Yes, sir.

15 Q Do you know Mr. Jenkins? Are you related to him
16 in any way, shape or form?

17 A No, sir.

18 Q The attorneys are Mr. Hixson, Mr. Richardson, Mr.
19 Wilson and Ms. Williams; do you know them or have any
20 relation to them in any way, shape or form?

21 A No, sir.

22 Q You saw a witness list before you came in here?

23 A Yes, sir.

24 Q Did you have a chance to go over that?

25 A Yes, sir.

INDIVIDUAL JURY VOIR DIRE

1 Q Were there any names of people you know or think
2 you know?

3 A Yeah. Um, I went to school with a boy named
4 Devonte Simmons, but it could be someone else.

5 Q Where did you go to school?

6 A Green Sea.

7 Q So that is a Devonte Simmons you know from Green
8 Sea High School. And then a Tatiana Sharod?

9 A Yeah. I want to say I went to school with a girl
10 named that, but I could be wrong. I just think the
11 name is familiar.

12 Q So let's kind of create categories of how we know
13 people. Some people you know -- we'll use Jerry.
14 Jerry, I know him. He works at the courthouse and
15 every time I hold court here, Jerry is here. I always
16 speak to him and say hey, but I don't know Jerry's
17 phone number, never had a meal together, we don't hang
18 out together or text, but I speak to him and I'm
19 friendly with him. On the flip side, my law clerk, who
20 works for me, I know her phone number, see her every
21 day, we eat together, I know about her life. So I know
22 both of them, but I know them differently; does that
23 make sense?

24 A Yeah, it makes sense.

25 Q What category would you put these two people in?

INDIVIDUAL JURY VOIR DIRE

1 A Like, I've talked to them before, but I don't
2 personally know them.

3 Q So you talk to them and know who they are, but
4 you are not best friends and hanging out with them all
5 the time?

6 A Yeah.

7 Q So if they were witnesses in this case, would
8 that affect your ability to be fair and impartial to
9 both sides?

10 A No.

11 Q Now, if you become a juror in this case, one of
12 the things we ask you to do is listen to the law I give
13 you and follow the law I give you, whether you agree
14 with it or not; is that something you can do?

15 A Yes, sir.

16 Q Do you know anything about this case, have you
17 heard anything or read anything or seen anything about
18 this case?

19 A No, sir.

20 Q Do you have any independent knowledge about this
21 case?

22 A No, sir.

23 Q Have you ever seen any news media about this
24 case?

25 A No, sir.

INDIVIDUAL JURY VOIR DIRE

1 Q So could you base your decision in this case upon
2 the evidence that is presented in this courtroom and
3 the law I give you?

4 A Yes, sir.

5 Q Do you understand that this is a criminal case
6 and the State has the burden of proving the defendant
7 guilty beyond a reasonable doubt; do you understand
8 that?

9 A Yeah, I understand.

10 Q That means the defendant doesn't have to prove
11 anything. He doesn't have to say anything. The burden
12 is on the State to prove his guilt beyond a reasonable
13 doubt; do you understand that?

14 A Yes, sir.

15 Q So we're going to switch gears now. Could you,
16 depending on the facts and the circumstances and the
17 evidence and the law in any particular case, find a
18 person either guilty or not guilty, depending on the
19 facts, circumstances and the law?

20 A Depending on the facts and all of that?

21 Q Yes.

22 A Yes.

23 Q So now we'll switch phases.

24 A All right.

25 Q So if you were a juror in a death penalty case,

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1 and if the jury had already determined that the
2 defendant was guilty of murder, do you understand that
3 we would move into a sentencing phase?

4 A Yes, sir.

5 Q So the jury already decided this person is guilty
6 of murder and we're starting the sentencing phase.

7 A Got it.

8 Q There is two terms I need to explain to you; one
9 is called "aggravating circumstances," those are facts,
10 incidents, details that the legislature -- the people
11 who make our laws -- have determined, by law, that make
12 murder cases worse, or aggravate; does that make sense?

13 A Yes.

14 Q Mitigating circumstances are just the opposite.
15 They are incidents, details or occurrences which our
16 general assembly -- the people who make our laws --
17 have said, by law, these mitigating circumstances
18 reduce the severity of the offense, that means they
19 reduce the moral culpability or responsibility in the
20 offense; do you understand that?

21 A Yes.

22 Q So if you were a juror in that situation, that
23 means you are in the sentencing phase of a trial, could
24 you, depending upon the facts and circumstances of that
25 case, including the consideration of the aggravating

INDIVIDUAL JURY VOIR DIRE

1 and mitigating circumstances and the law that I give
2 you, could you return a sentence of life in prison?

3 A Yes.

4 Q Could you return a sentence of death depending on
5 the facts and circumstances shown to have existed?

6 A Yes, sir.

7 Q If you are asked to be on this jury, it is an
8 inconvenience to you, and I understand that, it is for
9 everybody --

10 A Yeah.

11 Q But does you being on the jury pose any serious
12 dangers to your health?

13 A No, sir.

14 Q I'm going to turn you over to the attorneys.
15 They are going to ask you a few questions, and we'll
16 come back to you at the end, okay?

17 A All right.

18 THE COURT: Ms. Williams.

19 EXAMINATION

20 BY MS. WILLIAMS:

21 Q Good morning, Mr. Watts.

22 A Good morning.

23 Q My name is Brana Williams, and I, along with
24 Ralph Wilson, represent J.J. Jenkins in this case. As
25 the judge just explained to you, this case is unique.

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1 In our judicial system, it is the only time where if we
2 get to the sentencing phase that the jury decides on
3 sentencing. The judge normally does it, but this is
4 the jury's decision. Because of that, this is like the
5 only time we, as lawyers, get to talk to jurors. So I
6 want to take a minute and talk to you about your
7 opinions and your beliefs and your thoughts, okay.

8 Let's assume or let's take this hypothetical
9 case. If you are part of the jury and the jury finds
10 J.J. guilty of murder, which in South Carolina the
11 judge will tell you is called the killing of another
12 with malice aforethought, which is basically like a
13 legal term, as they will say, evil heart, it's
14 intentional, okay. The jury has found the defendant
15 guilty of murder, so now we are on the sentencing
16 phase. There are two possible sentences: Life
17 without the possibility of parole, or death, okay?

18 A All right.

19 Q Are you with me?

20 A Uh-huh.

21 Q Let's suppose that you are on this jury and you
22 are part -- already found him guilty. Now we are
23 talking about the death sentence. Tell me what your
24 thoughts and feelings are about the death penalty.

25 A How I feel about it?

INDIVIDUAL JURY VOIR DIRE

1 Q Yes.

2 A If it's got to be done, it's got to be done.

3 That is how I look at it. Kind of like if you are
4 proved guilty, an eye for an eye.

5 Q So if you are a part of -- are you telling me --
6 and I'm not putting words in your mouth, and what you
7 think is perfectly fine, but I want to make sure I
8 understand. You are telling me that if you are a part
9 of a jury that has found someone guilty -- because if
10 you get to a sentencing phase there is no doubt about
11 the guilt, malice aforethought is there, you and the
12 other 11 jurors have decided that, then we're on
13 sentencing; would the death penalty be the only
14 appropriate punishment?

15 A No. Life in prison could work, too.

16 Q Sorry?

17 A Life in prison.

18 Q Yes.

19 A That could work.

20 THE COURT: He said that could work.

21 A Yes, sir.

22 Q (MS. WILLIAMS) You said an eye for an eye?

23 A You kill someone, you get the death penalty.

24 Q So are you telling me that you believe that if
25 someone kills someone intentionally, they get the death

INDIVIDUAL JURY VOIR DIRE

1 penalty?

2 A Yes, intentionally.

3 Q Intentionally?

4 A Yes. Yes, ma'am.

5 Q So that is a belief you have?

6 A Yes, ma'am.

7 Q And how long have you felt that way?

8 A For a long time.

9 Q Could anyone change the way you think about that?

10 A Probably not, no, ma'am.

11 Q And even if the judge instructs you on the law,
12 you are going to believe and have your opinions, right?

13 A Yes, ma'am.

14 Q I just --

15 MS. WILLIAMS: Pardon me for one moment.

16 (A brief pause in the proceedings.)

17 Q (MS. WILLIAMS) Making sure. So you just told me
18 that is your opinion, an eye for an eye?

19 A Uh-huh.

20 Q And that is what you thought for a long time. Is
21 anyone going to make you change that?

22 A No, ma'am.

23 Q And that is what you are sticking to?

24 A Yes, ma'am.

25 MS. WILLIAMS: That is all I have.

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1 MR. HIXSON: No questions, Your Honor.

2 THE COURT: Step right outside.

3 (The juror exits the courtroom.)

4 MR. HIXSON: He's not qualified. He said he
5 won't consider anything but the death penalty.

6 MS. WILLIAMS: We agree; he's not qualified.

7 THE COURT: All right.

8 (The juror enters the courtroom.)

9 THE COURT: Mr. Watts, you are completely done.
10 You do not need to come back or call back. Thank you
11 very much for your service and being here and willing
12 to serve. I appreciate young men like you being up
13 here and willing to serve, that is a big commitment.
14 So thank you very much, but you are completely and
15 totally done, and have a great day. You can go right
16 out the back door.

17 (The juror exits the courtroom.)

18 (CRYSTAL JORDAN, having been duly sworn,
19 testified as follows:)

20 VOIR DIRE OF JUROR 166

21 BY THE COURT:

22 Q You are Ms. Jordan?

23 A I am.

24 Q Sorry we're running a bit behind. You are under
25 oath; do you understand that?

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1 A Yes, sir.

2 Q When you left here Monday, I said don't talk
3 about the case, no research on the case, don't watch
4 any news media; did you do all of that?

5 A No, sir.

6 Q You didn't do?

7 A I didn't do none of that. I don't watch TV
8 during the day anyway.

9 Q I don't either. So we'll ask you a few
10 questions. No one is trying to invade your privacy,
11 but we need to ask you these questions. There is no
12 right or wrong answers. Just be open, honest and
13 candid.

14 A Okay.

15 Q No one is going to be challenging you or your
16 views, we just need to understand what your views are.
17 A lot of these questions you probably never thought
18 about or processed through, so take your time as we go
19 through.

20 A Okay.

21 Q In this case the State is seeking death penalty
22 against Mr. Jenkins. What that means is because of
23 that, the trial is what we call "bifurcated," which is
24 a fancy word for -- means "broken into two parts." So
25 part one is what we call the "trial phase." In the

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1 trial phase, the jury will determine whether or not the
2 defendant is guilty or not guilty of the charges; does
3 that make sense?

4 A Uh-huh.

5 Q You have to answer out loud.

6 A Yes.

7 Q So you understand that all defendants are
8 presumed to be innocent unless and until proven guilty?

9 A Yes, sir.

10 Q So if he is found not guilty at the end of the
11 first part, then the case is over, okay.

12 A Yes, sir.

13 Q But if he is found guilty at the end of the trial
14 phase, then we move on to the second phase, which is
15 called the "sentencing phase" or the "penalty phase."
16 In that phase, the jury -- not the judge -- would
17 determine what the appropriate sentence is, either life
18 without parole or the death sentence. Just because
19 we're talking about sentencing doesn't mean that Mr.
20 Jenkins did anything at all. He's presumed to be
21 innocent, but we have to talk about these issues on the
22 front-end instead of the back-end.

23 A Yes, sir.

24 Q Now, do you know Mr. Jenkins or are you related
25 to him in any way, shape or form?

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1 A No, sir.

2 Q The attorneys in this case are Mr. Hixson and
3 Mr. Richardson and Mr. Wilson and Ms. Williams; do you
4 know any of them or have any relationship with them?

5 A No, sir.

6 Q Did you see the witness list before you came in
7 here?

8 A Yes, sir.

9 Q Did you have time to go over that?

10 A Yes, sir.

11 Q Did you see anyone on there that you know or
12 think you know, may know?

13 A No, sir.

14 Q Nothing at all?

15 A Nope.

16 Q Great. One of the things we'll ask you to do, if
17 you are selected on this jury, is you have to listen to
18 the law that I give you, and you have to accept it and
19 apply it as I give it to you, even if you don't agree
20 with it; do you understand that?

21 A Yes, sir.

22 Q Are you capable of doing that?

23 A Yes, sir.

24 Q Do you know anything about this case, have you
25 heard anything, read anything or seen anything about it

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1 ever?

2 A No, sir.

3 Q So when I told you about the allegations
4 yesterday --

5 A That was the first time.

6 Q News to you?

7 A First time.

8 Q You have no connection to the case at all?

9 A No, sir.

10 Q You haven't seen anything or read anything since
11 then?

12 A No, sir. No, sir.

13 Q Could you base your decision in this case solely
14 on the evidence presented and the law that I give you?

15 A Yes, sir.

16 Q This is a criminal case.

17 A Yes, sir.

18 Q And it's the State's burden of proving guilt.

19 The burden of proof for the State is beyond a
20 reasonable doubt. The defendant doesn't have to prove
21 anything. He doesn't have to prove his innocence. He
22 doesn't even have to say anything; do you understand
23 all of those concepts?

24 A Yes, sir.

25 Q Now, do you -- and I'm going to move on to what I

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1 call "examples." Could you, depending on the facts and
2 the evidence and the law that I would give you, in any
3 particular case, could you find the defendant either
4 guilty or not guilty, depending upon the evidence and
5 the law?

6 A Depending upon the evidence and law, yes, sir.

7 Q Now, if you were a juror in a death penalty case,
8 and if the jury had already determined that the
9 defendant was guilty of murder, so you are a juror in
10 my example and you all have determined that the
11 defendant is guilty of murder.

12 A Okay.

13 Q Do you understand that we would move into then
14 the sentencing phase and would basically start a whole
15 new trial just about sentencing?

16 A Okay.

17 Q You understand that?

18 A Yes.

19 Q So I need to explain two terms, what is called
20 "aggravating circumstances" and what is called
21 "mitigating circumstances."

22 A Okay.

23 Q They really mean what they say. So aggravating
24 circumstances are facts, incidents or details that our
25 state's legislature- people who make our laws -- have

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1 determined by law that these types of situations
2 aggravate the offense of murder or make it worse; does
3 that make sense?

4 A Yes, sir.

5 Q The flip side is what we call "mitigating
6 circumstances," and those are facts and evidence and
7 incidents and details, which the same state legislature
8 has determined reduce the severity of the offense of
9 murder, may either reduce the moral culpability or
10 responsibility, and it is written into the law; does
11 that make sense?

12 A Yes.

13 Q So here is the question: If you were a juror in
14 the sentencing phase of a death penalty case, could
15 you, depending on the particular facts and
16 circumstances, including aggravating and mitigating
17 circumstances and the law that I give you, could you
18 return a sentence of life in prison?

19 A Yes.

20 Q Could you also return a sentence of the death
21 penalty, depending upon the facts and circumstances
22 that existed?

23 A Yes.

24 Q I understand this will be an extreme
25 inconvenience for everyone on the jury, but my question

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1 to you is would being on this jury pose a serious
2 danger to your health or the health of anyone that you
3 are directly responsible for?

4 A No, sir.

5 THE COURT: I'll turn you over to the attorneys.

6 EXAMINATION

7 BY MR. WILSON:

8 Q Ms. Jordan, His Honor was explaining to you what
9 the law is and what your duties would be if you were a
10 juror. I understand when you nod your head, but the
11 court reporter needs to take it down.

12 A Yes, sir. I'm a little nervous.

13 THE COURT: You have water. Just take a deep
14 breath. You are perfectly fine. You are doing fine.
15 Stay with us and take a deep breath.

16 Q (MR. WILSON) Let me say to you whatever your
17 opinions are, your opinions, you are entitled to your
18 opinions and no one is challenging your opinions, we
19 just need to ask you questions about those opinions
20 that you have.

21 A Yeah. Okay.

22 Q Okay?

23 A Okay.

24 Q All right. Now, in regards to serving on a death
25 penalty case, you never served on a death penalty

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1 case -- or have you served on any kind of criminal case
2 before?

3 A No, sir.

4 Q His Honor explained to you that as we go through
5 this process the defendant in all cases is presumed to
6 be innocent?

7 A Yes, sir.

8 Q And until and unless a jury decides otherwise,
9 that is the way it remains.

10 A Yes, sir.

11 Q And then that proof would have to be beyond a
12 reasonable doubt.

13 A Yes, sir.

14 Q Then, and only then, would we get to what we call
15 the "penalty phase" of the trial.

16 A Yes.

17 Q Which is where I want to go now with you, and
18 let's talk about that. In that penalty phase of the
19 trial, you, as one of the jurors, would hear all of the
20 evidence and testimony and you would be required or
21 obligated, if you will -- maybe a better word is to
22 make a decision about life or death based on your
23 personal view of what the evidence presented.

24 A Yes, sir.

25 Q And do you think you could do that?

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1 A I could.

2 Q And once you formed your opinion, could you -- do
3 you know that once you made up your mind and you were
4 satisfied that this is what your opinion was, that you
5 would be able to hold on to your opinion and not be
6 swayed by other people's opinions?

7 A I would be able to hold on to my own opinion,
8 yes, sir.

9 Q And as we go through this process, if you were on
10 that same jury and you had your opinion and the other
11 folks had their opinions, would you try to bully them
12 or force them to change your opinion to match theirs?

13 A No, sir.

14 Q Would you be comfortable with just your hanging
15 onto what your opinion was?

16 A Yes, sir.

17 Q Let me ask you, His Honor asked you whether or
18 not you could give death if you thought that was the
19 appropriate sentence based on your view of the evidence
20 and testimony and after his charge on the law, if you
21 could vote for death, if that is what you believe the
22 appropriate sentence based on your moral belief of the
23 evidence that you found?

24 A Yes, sir.

25 Q And you are saying that you could do that?

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1 A Yes, sir.

2 Q And by the same token, he asked you if you could
3 also, based on the evidence and testimony, could you
4 vote for a life sentence if you thought that was the
5 appropriate sentence?

6 A Yes, sir.

7 Q And that is in spite of the fact that you would
8 have already found the person guilty of murder, which
9 is the intentional killing of one person by another?

10 A Yes, sir.

11 Q So even though the murder was an intentional
12 killing, you would still be able to make that decision
13 for life if that is what you thought was appropriate?

14 A Yes, sir.

15 Q Now, I have one more thing. In regards to
16 serving on this jury, or any jury, do you have any
17 personal biases or reasons that might interfere with
18 your ability to be fair both to the State and to this
19 defendant?

20 A No, sir.

21 MR. WILSON: No other questions.

22 EXAMINATION

23 BY MR. HIXSON:

24 Q Let's assume one last thing. Say you're on the
25 jury and you all decided that Mr. Jenkins was guilty of

INDIVIDUAL JURY VOIR DIRE

1 murder. We take a break and we kind of do it all over
2 again, but we're talking about the penalty now.

3 A Okay.

4 Q After hearing all of that, let's say that you all
5 agree and that you bring back a verdict of death, a
6 sentence of death.

7 A Okay.

8 Q At that point in time the individual jurors are
9 to sign the sentence basically that you all agree that
10 this is a death sentence, you take a pen and put your
11 signature on that line; could you do that?

12 A I could.

13 MR. HIXSON: Nothing further.

14 THE COURT: You can step right outside and we'll
15 be back with you.

16 (The juror exits the courtroom.)

17 MR. HIXSON: Qualified.

18 MR. WILSON: She's qualified.

19 THE COURT: I find she's qualified. She answered
20 the questions correctly when she walked in the door.
21 She stayed with that answer. She didn't waiver from
22 it. She has virtually no knowledge about this case in
23 any way, shape and form and knows no one involved and
24 is willing to listen to the facts and the evidence and
25 follow the law. I find she's a qualified juror.

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1 (The juror enters the courtroom.)

2 THE COURT: I'm going to determine that you are
3 qualified to serve. That does not mean you are on the
4 jury. So here is what you need to do at this point.
5 For the rest of today, do whatever you want to do.
6 Tomorrow you do whatever you want to do. Starting
7 tomorrow night, we'll give you a card that has a
8 number on it to call in. Now, tomorrow night that
9 message may say just call back Thursday night, because
10 I don't know how long this process is going to take;
11 does that make sense?

12 JUROR: Yep.

13 THE COURT: At some point in time that message
14 will say show up tomorrow at X time. When that
15 message goes out, pack a bag for a week, any medicines
16 you may need, any kind of materials you may want to
17 read. You do not need to bring any electronic devices
18 or computers or tablets. Bring a list of phone
19 numbers for emergency contacts. Most people don't
20 memorize phone numbers anymore. Write those down and
21 who they are in case there is an emergency. Then,
22 when you come back, just leave your suitcase in your
23 car. Just because you come back doesn't mean that you
24 will be on the jury. You certainly could or could
25 not, but if you make it, then the agencies will be

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1 helping you maneuver all of that. If you don't make
2 it, you are allowed to leave, but don't watch any news
3 about this case. Don't research the case. Don't talk
4 to anyone or let anyone talk to you about the case.

5 JUROR: Yes, sir.

6 THE COURT: Give her a card, Ms. Elvis. Thank
7 you very much.

8 (The juror exits the courtroom.)

9 (The juror enters the courtroom.)

10 (GLENDA McCULLOCH, having been duly sworn,
11 testified as follows:)

12 VOIR DIRE OF JUROR 219

13 BY THE COURT:

14 Q Ms. McCulloch, how are you?

15 A I'm doing good. How about you?

16 Q Great. Sorry we're running behind. We're going
17 as fast as we can.

18 A That's okay.

19 Q You understand you are under oath?

20 A Yes.

21 Q And the other day when you left, I told you don't
22 talk about the case, don't do research or watch the
23 news; have you followed those instructions?

24 A Yes.

25 Q We'll ask you some questions. I get to ask you

INDIVIDUAL JURY VOIR DIRE

1 questions. The attorneys will ask you questions.
2 There is no right or wrong answers, just answer openly.
3 No one is here to challenge you or your views, we're
4 just trying to determine what your views actually are.
5 We'll probably ask you questions you never have been
6 asked before, so take your time. In this case, the
7 State of South Carolina is seeking the death penalty
8 against Jerome Jenkins. Because of that, the trial is
9 what we call bifurcated, which is a fancy word for
10 "broken into two parts." So part number one is what we
11 call the "trial phase." In the trial phase, the jury
12 will determine whether Mr. Jenkins is guilty or not
13 guilty of the offenses that have been charged; does
14 that make sense?

15 A Yes.

16 Q You understand that all of the defendants in the
17 entire country are presumed to be innocent of the
18 charges that are brought?

19 A I do.

20 Q Does that make sense to you?

21 A Yes.

22 Q At the end of the trial phase, if the jury
23 determines Mr. Jenkins is not guilty, the case is over.
24 But if the jury determines he is guilty, we'll move
25 into what we call the "sentencing phase" or the

INDIVIDUAL JURY VOIR DIRE

1 "penalty phase." In that phase of the trial, the
2 jury -- not the judge -- the jury will determine the
3 appropriate sentence, in this case, life without the
4 possibility of parole, or the death sentence; does all
5 of that make sense?

6 A Yes, sir.

7 Q Just because we're talking about sentencing
8 doesn't mean Mr. Jenkins did anything. He is presumed
9 to be innocent, but we have to talk about these issues
10 now as opposed to finding them out later.

11 A Correct.

12 Q Do you know Mr. Jenkins or have any relationship
13 to him in any way, shape or form?

14 A No, sir.

15 Q The attorneys in this case are Mr. Hixson,
16 Solicitor Richardson, Mr. Wilson and Ms. Williams. Do
17 you know any of them or have a connection to any of
18 them?

19 A No, sir.

20 Q You were given a witness list?

21 A Yes.

22 Q Did you see that?

23 A I did.

24 Q Did you recognize anyone's name on there?

25 A No, sir.

INDIVIDUAL JURY VOIR DIRE

1 Q Anyone you think you may know?

2 A No, sir.

3 Q Very good. One of the things that you will be
4 asked to do if you get selected on this jury is to
5 listen to the law that I give you and to follow it and
6 apply it whether you agree with it or not; is that
7 something you can do?

8 A Yes, sir.

9 Q Now, have you heard anything about this case,
10 read anything about this case or seen anything about
11 this case ever?

12 A No, sir.

13 Q Did anyone ever talk to you about the case?

14 A No, sir.

15 Q Do you have any connection to anyone in any way,
16 shape or form?

17 A No, sir.

18 Q Could you base your decision in this case solely
19 on the evidence that comes in the courtroom and the law
20 that I give you?

21 A Yes, sir.

22 Q This is a criminal case; you understand that?

23 A Yes, sir.

24 Q That means the State has the burden of proving
25 the defendant's guilt beyond a reasonable doubt. The

INDIVIDUAL JURY VOIR DIRE

1 defendant doesn't have to prove anything. He doesn't
2 have to say anything, because the burden is on the
3 State; do you understand that?

4 A Yes.

5 Q Could you -- and I'm going to go over some
6 examples with you. First, could you, depending upon
7 the facts and the evidence and the law that I give you
8 in any case, could you find the defendant guilty or not
9 guilty depending upon the facts and the evidence and
10 the law?

11 A Yes, sir.

12 Q So let's assume you were a juror in a death
13 penalty case. The jury has already determined that the
14 defendant is guilty of murder. So remember I said
15 there is two phases, phase one is you all voted and you
16 agreed that the defendant is guilty of murder. Do you
17 understand we then move into a sentencing phase; does
18 that make sense?

19 A Uh-huh.

20 Q Answer out loud.

21 A Yes, sir.

22 Q So there is two terms I need to explain to you.
23 One is "aggravating circumstance" and one is called
24 "mitigating circumstances." They really sound like
25 what they mean. So aggravating circumstances are

INDIVIDUAL JURY VOIR DIRE

1 facts, incidents, details or occurrences that our
2 general assembly -- that means men and women that make
3 our laws -- have determined by law the circumstances
4 aggravated or make a murder worse; does that make
5 sense?

6 A Yeah.

7 Q Now, the flip side is mitigating circumstances,
8 and these are details, incidents with which the
9 legislature -- the people that make our laws --
10 determined by law these types of circumstances reduce
11 or mitigate the circumstances in this and the severity
12 of the offense to lessen the degree of moral
13 culpability or responsibility, and they are written in
14 the law. So you can have both; does that make sense?

15 A Yes.

16 Q Here is the question. If you were a juror and
17 you were in the sentencing phase of a case, so phase
18 one is over and we're in phase two, could you,
19 depending upon the particular facts and circumstances
20 of that case, including considering the aggravating and
21 mitigating circumstances and the law I give you, could
22 you return a sentence of life in prison, depending upon
23 the facts and evidence and the law?

24 A Yes.

25 Q Could you return a sentence of death depending

INDIVIDUAL JURY VOIR DIRE

1 upon the facts and the evidence and the law?

2 A Yes.

3 Q I understand that this jury service is an extreme
4 inconvenience for all jurors, but my question to you is
5 if you are selected to be on this jury, would it impose
6 a serious risk of harm to your health or the health of
7 anyone you are responsible for?

8 A No, sir.

9 Q I'll turn you over to the attorneys. Be open and
10 honest and candid with them just as you have been with
11 me.

12 EXAMINATION

13 BY MS. WILLIAMS:

14 Q Good afternoon, Ms. McCulloch.

15 A Good afternoon.

16 Q I'm Brana Williams, and it will be me and
17 co-counsel, Ralph Wilson, that represents J.J. Jenkins
18 in this trial. As the judge told you, this is not to
19 judge you. This is really kind of an unique
20 experience, and it is really during the time during
21 this we get to talk to you. After this talk, every
22 time forward we'll be talking at you, but you don't get
23 to respond.

24 A Okay.

25 Q So what we would like to do or have to do at this

INDIVIDUAL JURY VOIR DIRE

1 point is kind of get your thoughts, feelings and your
2 opinions on certain things.

3 A Okay.

4 Q So let's talk about -- as the judge said we have
5 a hypothetical where you are on a jury, and this is a
6 two-part question. So the first part is all 12 vote
7 guilty of murder. Murder, as the judge will tell you,
8 is the international killing of another with malice
9 aforethought, which is basically a legal term which
10 means evil heart, intentional.

11 A Uh-huh.

12 Q So we're at a place where the 12 of you have
13 already decided this person is guilty of murder,
14 intentional murder. Then we have to look at two
15 possible sentences: Life without parole, or a death
16 sentence. Can you tell me if you think -- what are
17 your thoughts and feelings about the death penalty
18 being the only appropriate sentence for that kind of
19 defendant?

20 A Well, the death penalty is extreme and I would
21 have to rely on the facts and everything to make sure
22 that he intentionally meant to kill someone or not.
23 I'm for it if he planned it and that is exactly what
24 happened and he went through with it. I think people
25 deserve what they've done in their mind, that is what

INDIVIDUAL JURY VOIR DIRE

1 they planned on doing from the beginning. I know a lot
2 of people have rage in them, and it comes and goes, and
3 some is worse than others, and I've seen it. Somebody
4 might get hurt, but not intentionally did it, you know,
5 at the moment. So I'm not for the death penalty at
6 that particular point if the State can't prove that he
7 didn't set out to do it purposely.

8 Q So I want you to understand on this jury, I'm
9 talking about it takes 12 people to decide guilt, and
10 to decide guilt on murder, you have to say that the
11 defendant is guilty with malice. He did it with
12 malice. He did it with a bad heart, intentionally, and
13 you have decided that. Now, we're at the sentencing
14 phase. So that part is done. Do you -- I want to be
15 sure I'm hearing you correctly that in that case, the
16 death penalty is the only appropriate sentence for that
17 kind of defendant?

18 A Yes.

19 Q So your opinion is perfectly fine. We have
20 talked to a lot of people, and they have a lot of
21 different opinions. I want to make sure that that
22 really -- that is your opinion?

23 A Yes.

24 Q And that is your opinion for a long time?

25 A Yes.

INDIVIDUAL JURY VOIR DIRE

1 Q And so with it being your opinion, are you likely
2 to change it any time soon?

3 A No.

4 Q And even if the judge tells you what the law is
5 and the law is different than your opinion, it will
6 remain your opinion, correct?

7 A Based on the facts, yes.

8 Q And what -- I know I sound like I'm belaboring,
9 but we want to be clear. What you are telling me is if
10 it is intentional, that you believe that the death
11 penalty is the only appropriate punishment?

12 A Yes.

13 MS. WILLIAMS: Thank you.

14 EXAMINATION

15 BY MR. HIXSON:

16 Q Have you ever been through a process like this?

17 A No.

18 Q Let's talk about some things. Ms. Williams asked
19 a fair amount about your opinions. We all have
20 opinions. Everyone has opinions, and it is absolutely
21 great and fine to have opinions. When we get into a
22 jury situation, the real question is can you follow the
23 instructions that the judge gives you, set aside
24 opinions and listen to facts to rely on facts and not
25 rely on opinions; do you understand the question?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q So my understanding -- paraphrased, my
3 understanding is you have an opinion about how you feel
4 about an intentional murder. The question I have is
5 can you listen to -- let me back up and preface by
6 saying there is no automatic, one plus one that the
7 judge will say you have to find two; that never exists.
8 So the judge will tell you there is no part of the law
9 that says if you find intentional killing, you must
10 find this. In fact, the judge will tell you you have
11 to come to your own individual decision based on the
12 facts; that is his instruction. You already answered
13 that you can follow the Court's instructions about
14 considering life; is that correct? Sorry, you have to
15 answer. I can rephrase the question.

16 THE COURT: You do need to answer out loud.

17 A Okay.

18 Q (MR. HIXSON) What I'm trying to get at is you
19 have your opinions, you have your own thoughts; would
20 you be able to set aside your own opinions and
21 thoughts, listen to the law that the judge tells you
22 to apply, listen to the facts that you will hear from
23 the witness stand and come to a conclusion based on
24 those and not based on your personal opinion?

25 A Yes.

INDIVIDUAL JURY VOIR DIRE

1 Q Could you bring back a verdict of life if you
2 heard facts that told you -- that made you believe that
3 that was the appropriate sentence; could you come back
4 with life?

5 A No.

6 Q Can you conceive of any situation where after
7 hearing aggravation and mitigation in the penalty
8 phase -- in the State of South Carolina, you can give
9 mercy to an individual for no reason, whatsoever, just
10 because you believe that you want to do it. It is
11 something from the giver, not the receiver. Can you
12 see a fact pattern that you would believe life would be
13 the appropriate sentence?

14 A No.

15 MR. HIXSON: Nothing further.

16 THE COURT: Step right outside. We'll be back
17 with you.

18 (The juror exits the courtroom.)

19 MR. HIXSON: Not qualified.

20 MS. WILLIAMS: We submit she's not qualified.

21 THE COURT: All right.

22 (The juror enters the courtroom.)

23 THE COURT: Thank you very much for being here
24 today and yesterday. Thank you for your candor with
25 us on the witness stand. I know that wasn't pleasant,

INDIVIDUAL JURY VOIR DIRE

1 but it was necessary and you are excused from the
2 service in this case, that means you do not need to
3 come back or call back, you are completely done. Have
4 a wonderful day. Thank you for your service. If you
5 have anything back in the jury room, you can go out
6 the back door. You are done. Thank you very much.

7 (The juror exits the courtroom.)

8 (The juror enters the courtroom.)

9 (DENISE EDGE, having been duly sworn, testified
10 as follows:)

11 VOIR DIRE OF JUROR 101

12 BY THE COURT:

13 Q Thank you for being patient with us. Do you
14 understand you are under oath?

15 A Yes.

16 Q Great. And when you left here yesterday, I told
17 you don't talk about the case, don't listen to the
18 news, don't do any research; did you follow those
19 instructions?

20 A Yes, I did.

21 Q Here is what will happen. We're all going to ask
22 you questions, and I'm going to go first. I want you
23 to be open, honest, candid with us. No one is trying
24 to challenge you or your views. We're trying to figure
25 out what your views are.

INDIVIDUAL JURY VOIR DIRE

1 A Okay.

2 Q A lot of these questions you probably didn't
3 think about before, and that is fine. So just take
4 your time, okay?

5 A Okay.

6 Q Now, in this case the State is seeking the death
7 penalty against Mr. Jenkins. Because of that, what
8 that means is the trial is bifurcated or broken into
9 parts. So the first part will be what we call the
10 "trial phase." The issue is whether or not Mr. Jenkins
11 is guilty or not guilty of the crimes that have been
12 charged. You understand defendants are presumed to be
13 innocent; do you understand that?

14 A Uh-huh.

15 Q Say yes or no.

16 A Yes.

17 Q Good. So now if the jury finds Mr. Jenkins is
18 not guilty, the case is over; does that make sense?

19 A Yes.

20 Q If the defendant -- if the jury finds that Mr.
21 Jenkins is guilty, then we move to the second phase,
22 sentencing or penalty phase. In that phase, the jury
23 -- not the judge -- determines whether or not the
24 appropriate sentence is life without parole or the
25 death penalty; does all of that make sense?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q Now, just because we're talking about penalty
3 doesn't mean that Mr. Jenkins did anything. He's
4 presumed to be innocent, but I have to explain these
5 terms and things before we start the trial; does that
6 make sense?

7 A Yes.

8 Q Do you know Mr. Jenkins or are you related to him
9 in any way, shape or form?

10 A No.

11 Q The attorneys in this case are Mr. Hixson,
12 Mr. Richardson, Mr. Wilson and Ms. Williams; do you
13 know or have any relationship with any of them in any
14 way, shape or form?

15 A No.

16 Q You were given a witness list prior to coming in
17 here; is that correct?

18 A Yes, sir.

19 Q Did you read that list?

20 A Yes.

21 Q Do you know anyone on that list or think you know
22 them or may know them?

23 A Not by name.

24 Q That's fair enough.

25 A Right.

INDIVIDUAL JURY VOIR DIRE

1 Q Now, one of the things I'll ask you to do if you
2 become a juror on this case is you have to listen to
3 the law that I give you and accept it and apply it
4 whether you agree with it or not; do you believe you
5 can do that?

6 A Yes.

7 Q Do you know anything about this case? Have you
8 heard anything about it, seen anything about it, read
9 anything about it or talked to anyone about it?

10 A I think I heard something about it like when it
11 happened, but I'm not sure.

12 Q That's perfectly fine, and there is nothing wrong
13 with that, I just need to explore. Is this more
14 recent, or closer to when the act allegedly occurred?

15 A When it happened.

16 Q What was your source of information: A person,
17 news, local TV? What was your source of information?

18 A News.

19 Q Watching the news?

20 A Yeah.

21 Q And do you even remember what it said?

22 A I'm not sure. I'm thinking like two situations.
23 I don't know which one it is.

24 Q Do you have any personal knowledge about the
25 case?

INDIVIDUAL JURY VOIR DIRE

1 A I don't know.

2 Q Do you know anyone involved in the case?

3 A I work at Hick's and one time -- someone got
4 arrested, I don't know if it is the same guy. I don't
5 know.

6 Q You don't even know that person's name?

7 A I know it's something.

8 Q Do you remember?

9 A It started with an "S."

10 Q That it is all you remember?

11 A Uh-huh.

12 Q To your knowledge, it was not Jerome Jenkins?

13 A No. No, it wasn't him.

14 Q You work at Hess?

15 A Hicks' at Coastal University.

16 Q What do you do there?

17 A Cook.

18 Q So the question is: Can you set aside anything
19 you may have heard or not heard about this case and
20 base your decision on the evidence and the law that I
21 give you?

22 A Yes.

23 Q Are you willing to do that?

24 A Yes.

25 Q Do you understand that this is a criminal case?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q The State has the burden of proving the defendant
3 guilty beyond a reasonable doubt; do you understand
4 that?

5 A Yes.

6 Q A defendant never has to prove anything or say
7 anything or prove his innocence; can you follow all of
8 those concepts of law?

9 A Yes.

10 Q So I'll ask you what I call "example questions."
11 Could you, depending on the facts and circumstances of
12 a particular case, and the law that I give you, could
13 you find a person either guilty or not guilty,
14 depending on the facts and the circumstances and the
15 evidence and the law?

16 A Yes.

17 Q Now, we'll move into another example. So if you
18 were a juror in a death penalty case, and if the jury
19 had already determined that the defendant is guilty of
20 murder -- remember I talked about two phases, so phase
21 one is over. All 12 jurors agreed that the defendant
22 is guilty of murder. We move on to the sentencing
23 phase; does that make sense?

24 A Uh-huh. Yes.

25 Q Now, I need to explain two terms to you. One is

INDIVIDUAL JURY VOIR DIRE

1 called aggravating circumstances, one is called
2 mitigating circumstances. Aggravating circumstances
3 are facts, incidents, details which our state
4 legislature has determined by law that they make a
5 murder case worse, they aggravate the murder case; you
6 follow that logic?

7 A Yes.

8 Q The flip side is mitigating circumstances. These
9 are facts incidents, occurrences which our state
10 legislature decided reduce the severity of a murder
11 case and reduce the degree of moral culpability or
12 responsibility; does that make sense?

13 A Yes.

14 Q So assume you were a juror in that situation,
15 meaning the sentencing phase of a death penalty trial,
16 could you, depending upon the facts and the
17 circumstances of that case, including aggravating
18 circumstances and mitigating circumstances and the law
19 that I give you, could you, depending on the particular
20 facts and circumstances, return a sentence of life in
21 prison without the possibility of parole?

22 A Yes.

23 Q Could you also return a sentence of a death
24 penalty based upon the facts and circumstances shown to
25 have existed?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q For every juror that gets seated on this case, it
3 is going to be an extreme inconvenience, okay. My
4 question to you is: Would being on this jury pose a
5 serious risk of health to you or anyone that you are
6 directly responsible for?

7 A No.

8 THE COURT: I'll turn you over to the attorneys
9 so they can ask you questions. Be open and honest and
10 candid with them.

11 EXAMINATION

12 BY MR. WILSON:

13 Q How are you today?

14 A Fine.

15 Q I need to ask you a few questions, if I can. And
16 please understand, Ms. Edge, that you are entitled to
17 your opinions, whatever they are, all right. We're not
18 trying to argue with you or change your opinions, we
19 just want to know what they are, okay?

20 A Okay.

21 Q Let me ask you -- His Honor was asking you
22 earlier -- first, let me ask you, you describe yourself
23 as a Juror C; is that correct, that third one?

24 A Yeah.

25 Q And what is your understanding of that? When you

INDIVIDUAL JURY VOIR DIRE

1 say you are a "C," what does that mean to you?

2 A I would hear out what went on and I would make my
3 own decision whether it is death or whether it is life.

4 Q So you could listen to all of the evidence and
5 all of the testimony and hear both aggravating and/or
6 mitigating facts, and then decide for yourself whether
7 it is life or death?

8 A Yes.

9 Q You could do either, depending on your view of
10 what you thought the evidence produced; is that fair?

11 A Yes.

12 Q And do you have -- let me explain this to you.
13 Do you understand that as a juror you could give life
14 for no reason at all if that is what you wanted to do,
15 just as an act of mercy, that the law allows you to do
16 that, if you wanted to do that; do you understand that?

17 A Yes.

18 Q And you also understand as a juror in this type
19 of case, after hearing the aggravating and mitigating
20 facts and after His Honor's instructions on the law,
21 you will have to make a personal decision about life or
22 death?

23 A Yes.

24 Q Once you make that decision, would you be able to
25 hold on to that decision based on your own moral view

INDIVIDUAL JURY VOIR DIRE

1 on what the evidence was, no matter what the other
2 jurors say or do?

3 A Yes.

4 Q And if at the end of the case you decide that you
5 were going to vote for death, would you be able to sign
6 a form that would be handed to you saying that you
7 voted for death; could you sign that if that were your
8 opinion?

9 A Yes.

10 Q And if you were voting for life, you would be
11 able to say that as well?

12 A Yes.

13 MR. WILSON: No other questions. Thank you.

14 EXAMINATION

15 BY MR. RICHARDSON:

16 Q Ms. Edge, I have your packet here. I see that
17 Christianity is important to you. Have you formed any
18 opinions based on that with regard to the death
19 penalty, based on your Christianity?

20 A I don't understand the question.

21 Q Based on your religion, which you listed as
22 Christian Holiness, and I'm not Holiness, so I don't
23 know, so what I'm asking you is is there anything from
24 your religion that would sway you one way or the other
25 to either consider the death penalty or life

INDIVIDUAL JURY VOIR DIRE

1 imprisonment?

2 A I have to hear the case, but, yes, I do have
3 religion.

4 Q Good. Very good. But you could listen to both
5 sides of it, aggravating circumstances and mitigating
6 circumstances, and then come to a conclusion one way or
7 the other?

8 A Yes.

9 Q And if that conclusion with you and the rest of
10 the jurors was the death penalty, and Mr. Wilson asked
11 you this, they would pass a piece of paper that you
12 would have to sign your name to; would you be
13 comfortable doing that, signing if you chose to do
14 death, along with the rest of the jurors? If you chose
15 to go with the death penalty, would you be able to sign
16 that paperwork? That is what we'll ask you to do.

17 A It is going to be my opinion, or I got to do what
18 they do?

19 Q No, you have your own opinion and you have to
20 sign --

21 A Yes.

22 Q You would be able to sign it if that was your
23 opinion?

24 A Yes.

25 MR. RICHARDSON: Nothing further.

INDIVIDUAL JURY VOIR DIRE

1 THE COURT: Step right outside and we'll be right
2 back with you.

3 (The juror exits the courtroom.)

4 MR. RICHARDSON: We believe she's qualified.

5 MR. WILSON: She's qualified.

6 THE COURT: I find she's qualified. She came in
7 as a "C." She answered the questions without
8 equivocation. She's gone through them. She wants to
9 listen to the facts and circumstances of the case.
10 She doesn't know anything about the case or anyone
11 involved in the case, and I believe she's qualified.

12 Bring her back in.

13 (The juror enters the courtroom.)

14 THE COURT: Ms. Edge, I'll determine that you are
15 qualified to serve in this case; that doesn't mean
16 that you will actually be on the case, but you could
17 be, all right. So this is how it is going to work
18 from this point forward. You can leave today. You do
19 not need to come back here today or come back here
20 tomorrow. Tomorrow night after 5 o'clock you are to
21 call into a number I'm about to give you. Listen to
22 the instructions at that point in time. That
23 instruction may say call back Thursday after 5:00, or
24 it may say come back up here. At some point it will
25 say come back up here on this date. When that

INDIVIDUAL JURY VOIR DIRE

1 happens, you need to come back. When you come back,
2 you need to bring a week's worth of clothes with you,
3 bring anything you want to read, medications you want
4 to take, list of emergency phone numbers, because you
5 will not need to bring any electronic devices, cell
6 phones or tablets with you. When you come back up
7 here, leave your suitcase in your car. Just because
8 you come back doesn't mean you will be sat on the
9 jury. We're going to give you that name -- or that
10 number here in a second. You are not allowed to talk
11 to anyone about the case. Don't let anyone talk to
12 you. You are not allowed to do any research about
13 the. You are not allowed to watch any news accounts
14 about the case. Do you understand all of that?

15 JUROR: Yes.

16 THE COURT: All right. Thank you, ma'am.

17 (The juror exits the courtroom.)

18 (The juror enters the courtroom.)

19 (CHRISTOPHER JOHNSON, having been duly sworn,
20 testified as follows:)

21 VOIR DIRE OF JUROR 160

22 BY THE COURT:

23 Q All right. Are you Mr. Johnson?

24 A Yes, sir.

25 Q Sorry we're running behind. Do you understand

INDIVIDUAL JURY VOIR DIRE

1 you are under oath?

2 A Yes, sir.

3 Q The other day I told you not to watch anything
4 about the case, don't do any research, don't talk to
5 anyone about the case; did you follow all of that?

6 A Yes.

7 Q I'll ask you some questions. I'll go first and
8 then the attorneys. No one is trying to invade your
9 privacy, we're just trying to figure out what your
10 views are. We want you to be open, honest and candid.

11 A Okay.

12 Q We'll probably ask you some things you never
13 heard before, so if you need to take your time, that it
14 is perfectly fine.

15 Now, in this case the State is seeking the death
16 penalty against Mr. Jenkins. What that means is --
17 the trial is called "bifurcated," which is a fancy
18 word for "broken into two parts." The first part is
19 the trial phase, where the jury determines whether or
20 not Mr. Jenkins is guilty or not guilty of the
21 offenses that have been charged.

22 A Yes, sir.

23 Q You understand that defendants in this country
24 are presumed to be innocent --

25 A Yes.

INDIVIDUAL JURY VOIR DIRE

1 Q -- unless and until proven guilty?

2 A Yes, sir.

3 Q So at the end of the trial phase, if the jury
4 finds Mr. Jenkins is not guilty, the case is over.

5 If at the end of the trial the jury determines
6 Mr. Jenkins is guilty, then we move on to what is
7 called the "sentencing phase" or the "penalty phase."
8 In that phase of the trial, the jury has already
9 determined guilt. That phase of the trial is the jury
10 determining what is the appropriate sentence; is it
11 life without parole, or is it the death sentence.

12 A Yes.

13 Q Just because we're talking about sentences
14 doesn't mean that Mr. Jenkins did anything. He is
15 presumed to be innocent, but we have to talk about them
16 on the front-end to work through these issues.

17 A Yes.

18 Q Do you know Mr. Jenkins or are you related to him
19 in any way, shape or form?

20 A No.

21 Q The attorneys in this case are Mr. Hixson, Mr.
22 Richardson, Mr. Wilson and Ms. Williams; do you know
23 any of them or have any relationship to any of them?

24 A No.

25 Q You have -- you saw a witness list in the back?

INDIVIDUAL JURY VOIR DIRE

1 A Yes.

2 Q And we have a sticky note that says you know
3 Derek Robinson?

4 A Hopefully -- just by name a Derek Robinson.

5 Q You know a person named that?

6 A Yes.

7 Q What does that person do for a living?

8 A Last time I knew, he was a counselor. I don't
9 know where exactly.

10 Q When is the last time you had any contact with
11 him?

12 A Five, six years ago.

13 Q How good of a friends were you?

14 A We played basketball at Coastal.

15 Q But it's been awhile?

16 A Yes, sir.

17 Q This is not someone you see every day?

18 A No. No.

19 Q Or you are working with or anything?

20 A No. No.

21 Q If he was a witness in this case, would that
22 affect your ability to be fair and impartial in the
23 case?

24 A No.

25 Q If you make it on the jury, one of the things

INDIVIDUAL JURY VOIR DIRE

1 we'll ask is that you listen to the law that I give you
2 and you follow it, whether you agree with it or not; is
3 that something you believe you can do?

4 A Yes.

5 Q Now, have you heard, read or seen any news
6 accounts about this case?

7 A I remember when it actually happened. Yeah, I do
8 remember.

9 Q I'll call it "your source of information;" was
10 your source of information a person?

11 A News.

12 Q Watching the news, reading, which one?

13 A News -- watching news, newspaper.

14 Q So just the general news media?

15 A Yes.

16 Q Do you remember anything about the specifics
17 about what was in the news?

18 A Not exactly. I just remember, you know, the
19 first incident at Sunco (sic), at that facility. I
20 remember that aspect, but details, no.

21 Q Do you have any personal knowledge, things you
22 really know about the case at all?

23 A No. No.

24 Q Know anyone connected to the case?

25 A No, not that I know of.

INDIVIDUAL JURY VOIR DIRE

1 Q Great. Now, the question is: Can you take --
2 the news accounts you heard were back when it allegedly
3 occurred, not more recently; is that right?

4 A Yeah. Exactly.

5 Q So the question is: Can you set aside whatever
6 you may have heard on the news and base your decision
7 on the evidence and the law that comes in this
8 courtroom?

9 A That would be difficult. It is nothing related
10 directly to this particular case, it is more someone
11 personally tied years prior. I lost -- a friend of
12 mine lost their significant other under a similar
13 situation.

14 Q And because of that, are you not capable of being
15 fair and impartial?

16 A No. I personally -- no. I don't see how I
17 could, considering....

18 THE COURT: Step out in the hall for a second.
19 We'll be right back with you.

20 (The juror exits the courtroom.)

21 MR. HIXSON: I was trying to speed it up, sorry.

22 THE COURT: This is the first one that we've had
23 that said this, so I sent him out so we can discuss
24 what procedure we want to question him about that. Do
25 we want to determine that he's qualified? What I'm

INDIVIDUAL JURY VOIR DIRE

1 hearing him saying is he cannot be fair and impartial
2 because he's had a friend who has been through a
3 similar situation and that keeps him from being fair
4 and impartial.

5 MR. HIXSON: And I wanted to add he was an "A"
6 juror.

7 THE COURT: He did answer as an "A" juror.

8 MR. WILSON: Based on his answer -- and I don't
9 believe we need to go into detail -- but he made it
10 clear he has an issue.

11 THE COURT: Yeah, something related to cases like
12 that.

13 MR. WILSON: I'm good with excusing him.

14 (The juror enters the courtroom.)

15 THE COURT: Thank you very much for your service.
16 Thank you for being here yesterday and today. I'll
17 excuse you from the service in this case. You don't
18 need to come back, nor do you need to call back. Best
19 of luck, and thank you very much.

20 (The juror exits the courtroom.)

21 (JAMES PAYNE, having been duly sworn,
22 testified as follows:)

23 VOIR DIRE OF JUROR 270

24 BY THE COURT:

25 Q You are Mr. Payne?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q We're running behind, I apologize. We're trying
3 to go as fast as possible. Are you James Payne?

4 A Yes, sir.

5 Q You understand you're under oath?

6 A Yes, sir.

7 Q The other day when you left I told you don't talk
8 about the case, don't watch any news, don't do any
9 research on the case; did you follow all of that?

10 A Yes, sir.

11 Q Now, we'll ask you a few questions, I'll start,
12 and then the attorneys will go. There are no wrong or
13 right answers. I want you to answer openly, honestly
14 and fully. No one is challenging you or your views,
15 just trying to figure what your views are. We'll
16 probably ask you things you never thought about, so
17 take your time as we go through it.

18 In this case the State is seeking the death
19 penalty against the defendant, Jerome Jenkins. That
20 means that the trial is called "bifurcated," that is
21 just a big word for "broken into two different parts."
22 The first part is the trial phase, and in that phase
23 the jury will determine whether or not Mr. Jenkins is
24 guilty or not guilty of the crimes that have been
25 charged. Of course, all of the defendants in America

INDIVIDUAL JURY VOIR DIRE

1 are presumed to be innocent of the crimes that have
2 been charged; you understand that?

3 A Yes, sir.

4 Q So at the end of the trial phase, if the jury
5 says he's not guilty, case is over. At the end of the
6 trial phase, if the jury says he's guilty, then we will
7 move on to what we call the "sentencing phase" or the
8 "penalty phase." In that part of the trial, the
9 jury -- not the judge -- the jury will determine what
10 is the appropriate sentence, either death or life
11 without the possibility of parole; does all of that
12 make sense?

13 A Yes, sir.

14 Q Now, just because we're talking about penalty
15 doesn't mean that Mr. Jenkins did anything or that they
16 could prove he did everything, but we have to talk
17 about it on the front-end as opposed to the back end.
18 Are you related to Mr. Jenkins in any way, shape or
19 form? Do you have any connection to him or know him at
20 all?

21 A No, sir.

22 Q The attorneys in this case are Mr. Hixson,
23 Mr. Richardson, Mr. Wilson and Ms. Brana Williams; are
24 you related to them or have any connection to them in
25 any way, shape or form?

INDIVIDUAL JURY VOIR DIRE

1 A No, sir.

2 Q You were previously given a witness list, did you
3 have time to go through that?

4 A Yes, sir.

5 Q Did you see anyone on there you knew, thought you
6 know, may know, could know, anything like that?

7 A No, sir.

8 Q Great. Now, if you get accepted in this case,
9 one of the things you have to do is listen to the law
10 that I give you and you have to accept it and apply the
11 law I give you whether you agree with it or not; does
12 that make sense?

13 A Yes, sir.

14 Q Have you heard, read or seen anything about this
15 case?

16 A The only thing I did see is yesterday I was
17 watching a show and it flashed real quick that they are
18 picking the jury, and it went off.

19 Q Did it say anything about the facts of the case?

20 A No, sir.

21 Q Do you know anything about the facts of the case?

22 A The only thing I know about it is where it
23 happened.

24 Q Where is that?

25 A At the corner of Red Bluff and 905.

INDIVIDUAL JURY VOIR DIRE

1 Q How do you know that?

2 A When it flashed up, it showed.

3 Q The intersection?

4 A Yes, sir, and I happen to live close to there.

5 Q You live close to there?

6 A Yes, sir.

7 Q So do you remember when the incident occurred?

8 A No, sir.

9 Q And, approximately, how long have you lived near
10 there?

11 A Been there for a year.

12 Q So back in January of 2015, did you live there?

13 A No, sir.

14 Q Fair enough. Can you set aside anything that you
15 may have heard, read or seen about the case and base
16 your decision on the evidence and the law that comes in
17 this courtroom?

18 A Yes, sir.

19 Q Do you understand this is a criminal case and the
20 State has the burden of proof to prove the defendant
21 guilty beyond a reasonable doubt; do you understand
22 that?

23 A Yes, sir.

24 Q You understand the defendant never has to prove
25 himself innocent or present any evidence at all?

INDIVIDUAL JURY VOIR DIRE

1 A Right.

2 Q I'll ask you some examples. So the first example
3 is this. Could you, depending upon the facts and the
4 evidence and the law, could you find a defendant in a
5 particular case either guilty or not guilty?

6 A Yes, sir.

7 Q Depending upon the facts and circumstances?

8 A Yes.

9 Q So if you were a juror in a death penalty case,
10 and if the jury had found the defendant guilty of
11 murder, you would move on to the sentencing phase of
12 the trial; do you understand that?

13 A Yes, sir.

14 Q So I need to explain two things to you. One is
15 called "aggravated circumstances." Aggravating
16 circumstances are facts, incidents and details which
17 the general assembly -- the people that make our
18 laws -- have determined, by law, that these
19 circumstances make worse, that is they aggravate the
20 offense of murder; follow me?

21 A Yes, sir.

22 Q The second group is called mitigating
23 circumstances, and it is the opposite. Mitigating
24 circumstances are incidents, details or occurrences
25 which the legislature has decided, by law, to reduce

INDIVIDUAL JURY VOIR DIRE

1 the severity of the offense of murder, and may be
2 considered as extenuating or reducing the degree or
3 moral culpability or responsibility; do you understand
4 that?

5 A Yes, sir.

6 Q So here is the example. If you are a juror in
7 the sentencing phase of a death penalty case, could
8 you, depending upon the particular facts and
9 circumstances of that case, including aggravating
10 circumstances and mitigating circumstances and the law
11 that I give you, could you, based upon the facts and
12 circumstances, return a sentence of life in prison
13 without parole?

14 A Yes, sir.

15 Q Could you also return a sentence of death based
16 upon the facts and circumstances?

17 A I feel bad, but, yes, sir.

18 Q If you had to serve on a jury, would this pose
19 any serious danger to your health or the health of
20 anyone who is dependent upon you?

21 A No, sir.

22 THE COURT: I'm going to turn you over to the
23 attorneys. Be open and honest and candid with them
24 just as you have been with me, okay.

25 EXAMINATION

INDIVIDUAL JURY VOIR DIRE

1 BY MS. WILLIAMS:

2 Q Good afternoon, Mr. Payne.

3 A Good afternoon.

4 Q My name is Brana Williams, and me, along with
5 Ralph Wilson, are Representing J.J. Jenkins in this
6 trial. As the judge told you, this is actually an
7 unusual situation where we get to talk to jurors
8 because it is the nature of the case. It is the only
9 time that we all -- the lawyers and the judge -- get to
10 talk to you. If you are seated on the jury, basically
11 we talk to you, but you don't get to talk back, so what
12 we're doing now is finding out your thoughts, opinions
13 and feelings about things. There is no right, no
14 wrong; it's okay. We just have to know what it is.

15 A Right.

16 Q In this particular case, what I want you to talk
17 about is -- let's get a hypothetical. You are seated
18 on a jury and we get to part two of the kind of trial
19 we are at, part two has to be done. By that, what I
20 mean, is that the defendant is found guilty of murder.
21 Eleven jurors, including you is 12, all unanimously
22 decide that, yes, this defendant is guilty of murder.
23 The judge will tell you that when you kill someone with
24 malice aforethought -- a term of art the judge will
25 explain -- it means intentional, evil heart. So if we

INDIVIDUAL JURY VOIR DIRE

1 are at phase two, phase one the 12 of you already
2 decided malice, intentional, yes, it was murder; are
3 you with me?

4 A Yes, ma'am.

5 Q I do that because I have to take it down so we
6 have to say yes or no out loud.

7 A Okay.

8 Q Now, we are at the second phase. Can you tell me
9 what your thoughts and feelings are, like the death
10 penalty for that kind of defendant?

11 A You mean during the -- I would hear things just
12 so mean and evil, that you killed somebody, could I see
13 the death penalty if you killed a person just out of
14 hatred or pure evil or something?

15 Q What I want you to understand, if you know -- you
16 may not know this -- is this the first time you have
17 been on a death penalty jury, in this kind of
18 circumstance?

19 A Right.

20 Q And we're putting a lot of information, so it's
21 okay, and I appreciate you asking.

22 A Yeah.

23 Q So what I'm asking you about is, absolutely, you
24 get to part two of this type of trial. Part one is
25 done. Part one is the jury unanimously found the

INDIVIDUAL JURY VOIR DIRE

1 defendant is guilty beyond a reasonable doubt of
2 murder, killing another with malice aforethought. It
3 was done. There is no doubt about it.

4 Then we get to part two. The State is going to
5 present aggravating circumstances, and the defendant
6 may or may not present mitigating circumstances. They
7 are exactly what they sound like.

8 A Right.

9 Q Then, at that point, the 12 of you have already
10 decided this is a murderer. What I want to know is
11 what do you think -- do you think the death penalty is
12 the only appropriate punishment for that kind of
13 murder?

14 MR. HIXSON: Objection. I know we let this go a
15 bit, but I believe it is a misstatement of the law
16 that is contradicted to what Your Honor's instruction
17 will be on the penalty phase, so I object related to
18 beliefs on issue of law.

19 MS. WILLIAMS: My response is under Morgan we
20 have a right to voir dire, and we have to determine if
21 what a potential juror's views are, so if it would
22 make them so biased or unbiased to --

23 THE COURT: Rephrase the question.

24 MS. WILLIAMS: Yes, sir.

25 Q (MS. WILLIAMS) Mr. Payne, if we are in phase

INDIVIDUAL JURY VOIR DIRE

1 two, phase one happened. The 12 decided that murder
2 was murder, and as the judge defines it, a killing of
3 another human with malice aforethought. Malice, all
4 right. We get to phase two. We're already there.
5 There was a murder with malice. The State will
6 present aggravating circumstances. The defendant may
7 or may not present mitigating circumstances. The
8 judge will tell you that South Carolina law never
9 requires the death penalty, that the sentencing is in
10 the hands of 12 individual jurors and you have to
11 follow your own moral judgment within the terms of the
12 law.

13 A Right.

14 Q So what I want to know is given that --
15 hypothetically, you are at phase two. We've found
16 murder.

17 A Right.

18 Q What do you feel about the death penalty in that
19 case? I get that we don't know the facts.

20 MR. HIXSON: That is my objection.

21 THE COURT: You asked the same exact question.

22 MR. HIXSON: Exactly. How do you feel about the
23 death penalty is, once again, contrary to the statute
24 limiting on bias and prejudice. The whole question is
25 also prefaced by there are no wrong answers, which

INDIVIDUAL JURY VOIR DIRE

1 elicit a contradiction for them to follow your
2 instruction; that is my objection.

3 MS. WILLIAMS: Let me try to rephrase it in the
4 fact that I'll tell you --

5 Q (MS. WILLIAMS) Mr. Payne, the Court will
6 instruct you, and you said you can follow the Court's
7 instructions?

8 A Yes, ma'am.

9 Q Don't take what my word is for the law. I give
10 you my version. The State will you give their version
11 and hopefully they're the same, but the judge will tell
12 you the law, and I believe that the judge will tell you
13 that South Carolina never requires a death sentence.

14 A Right.

15 Q That a juror can follow their own moral judgment
16 based on the facts and circumstances as they see it and
17 make a determination if they think a life penalty is
18 appropriate or a death penalty is appropriate?

19 A Yes, ma'am.

20 Q So what I want to talk about is what you have
21 said. In your questionnaire, you were Southern Baptist
22 and were in the Army, but now you are disabled?

23 A I'm not disabled from the Army.

24 Q Got it. I'm sorry, I misphrased that. You were
25 in the Army, no longer there, and you are currently

INDIVIDUAL JURY VOIR DIRE

1 disabled because of back issues?

2 A Yes, ma'am.

3 Q And you are a Southern Baptist?

4 A Yes, ma'am.

5 Q Is there any opinion based on your religion that
6 you would have formed about the death penalty?

7 A No, ma'am. I think each situation -- I mean,
8 whatever the judge tells me what I have to go by, that
9 is what I would follow. I wouldn't override that law
10 just because I feel something a certain way. You know
11 you asking awhile ago how do you feel -- how would you
12 feel about this, that is a hard thing to answer because
13 I hadn't heard no stories. I don't know how I would
14 feel about it until after I heard both sides.

15 Q Mr. Payne, that is all we can ask, because as the
16 judge told the other jurors, he doesn't really know
17 what is going to be presented either. I'm glad you
18 said that, because once you hear all of the facts and
19 make your decision, you can stick by that, right?

20 A Yes, ma'am.

21 Q And you understand that if that is your
22 decision -- as I said, in the guilt phase, 12 people
23 have to unanimously vote guilty. In the sentencing
24 phase, it is a different way. It's like all 12 have
25 to --

INDIVIDUAL JURY VOIR DIRE

1 MR. HIXSON: Objection to the unanimity
2 arguments. Based on this qualification of voir dire,
3 there is specific problems encouraging holdouts and
4 all of that, that is the concern I have about the
5 penalty phase and the unanimity. It is outside the
6 scope of voir dire.

7 THE COURT: Mr. Payne, step outside for a second.

8 (The juror exits the courtroom.)

9 THE COURT: Go ahead.

10 MR. HIXSON: The specific argument in questioning
11 gets really close to you hold on to your decision.
12 That argument is set up as encouraging holdouts. I
13 haven't been objecting as far as you hold your
14 opinion, you won't let anyone shake your opinion, but
15 when you start to get into the description of you are
16 going to hold on that in the face of unanimity and not
17 negotiate, that is contrary to Your Honor's
18 instructions to give and take through the deliberation
19 process. So once that statement is made, it is too
20 late. I'm not sure if she was going that far, but
21 we've been very close to it repeatedly, Your Honor,
22 and I didn't want to say that in front of the witness.

23 THE COURT: I know.

24 MS. WILLIAMS: I have no intention of telling a
25 person they didn't have to -- even though I believe

INDIVIDUAL JURY VOIR DIRE

1 Morgan and Witherspoon are quite clear that a person
2 doesn't have to explain their opinion, but it is not
3 that they don't deliberate. I had no intention. Not
4 going to say that.

5 THE COURT: Can we stop saying the same thing
6 over and over again?

7 MS. WILLIAMS: Yes, sir.

8 THE COURT: Yes, ma'am.

9 (The juror enters the courtroom.)

10 MS. WILLIAMS: That is all I have. Thank you.

11 MR. HIXSON: No questions.

12 THE COURT: Step outside one more time.

13 (The juror exits the courtroom.)

14 MR. HIXSON: He's qualified.

15 MS. WILLIAMS: We believe the juror should be
16 sufficiently qualified.

17 THE COURT: He says he wants to hear the facts
18 and circumstances and base his decision upon that and
19 is willing to follow the law without bias or
20 prejudice.

21 Bring him out.

22 (The juror enters the courtroom.)

23 THE COURT: At this point in time, I'll determine
24 that you are qualified to serve. That does not mean
25 you will be selected, but you could be. So what we'll

INDIVIDUAL JURY VOIR DIRE

1 do is give you a slip of paper, and that slip of paper
2 has a phone number on it. On that slip of paper, you
3 will need to call that number tomorrow night after
4 5 o'clock. The message could say call back Thursday
5 after 5:00, but at some point it will say come in the
6 next day at a certain time. When you come back, you
7 need to bring a suitcase packed with a week's worth of
8 clothes, any medications that you may take. Do not
9 bring any electronic devices or cell phones. Bring
10 any phone numbers you may need for emergency, go ahead
11 and write all of those down so you can have them with
12 you if you need it. Bring reading materials, that is
13 fine, too. When you come back, leave your suitcase in
14 your car. Just because you come back, doesn't mean
15 you are selected. If we need to move your stuff, we
16 can do so.

17 You are not allowed to discuss this case with
18 anyone in any way, shape or form. You are not allowed
19 to do research about case and you are not allowed to
20 watch, read or listen to any news; do you understand
21 all of that?

22 JUROR: Yes, sir.

23 THE COURT: Thank you very much.

24 (Juror exits the courtroom.)

25 (JONATHAN GINAC, having been duly sworn,

INDIVIDUAL JURY VOIR DIRE

1 testified as follows:)

2 VOIR DIRE OF JUROR 122

3 BY THE COURT:

4 Q How do you say the last name?

5 A Ginac.

6 Q You are under oath; you understand that?

7 A Yes, sir.

8 Q You are Jonathan Ginac?

9 A Yes, sir.

10 Q The other day when you left I told you don't talk
11 about the case, don't read or investigate about the
12 case, do any research about the case; have you followed
13 those instructions?

14 A Yes, sir.

15 Q We'll ask you a few questions. I'll go first.
16 There are no right or wrong answers, just answer the
17 question openly, honestly and fully. No one is
18 challenging you or your views, just trying to
19 understand what your views are. We'll probably ask you
20 questions you never thought about before, so take your
21 time if you need to answer, okay. First thing I want
22 to explain to you is how this case will work. So in
23 this case, the State is seeking the death penalty
24 against the defendant, Mr. Jenkins. What that means is
25 the trials are bifurcated, which means broken into two

INDIVIDUAL JURY VOIR DIRE

1 parts. The first part is the trial phase. During the
2 trial phase, the jury determines whether or not Mr.
3 Jenkins is guilty or not guilty of the offenses that
4 have been brought; do you understand that?

5 A Yes.

6 Q And you also understand in America all of the
7 defendants are presumed to be innocent unless and until
8 proven guilty?

9 A Yes, sir.

10 Q So at the end of that trial, if the defendant is
11 proven to be found not guilty, the case -- there is no
12 second part. If, on the other hand, the defendant is
13 found to be guilty of the crimes that are charged, then
14 we would move off to the second phase of the trial,
15 which is the sentencing phase or the penalty phase. In
16 that penalty phase, the jury -- not the judge -- would
17 determine what the appropriate sentence was, either
18 life without the possibility of parole, or the death
19 penalty; do you understand that?

20 A Yes, sir.

21 Q Now, just because we're talking about sentencing
22 doesn't mean that Mr. Jenkins did anything or that the
23 State can prove he did anything. We have to talk about
24 these things on the front-end to hash out these issues
25 before we start; does that make sense?

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir.

2 Q So if you make it on the jury, one of the things
3 you will be expected to do -- sorry. Do you know Mr.
4 Jenkins, related to him in any way, shape or form?

5 A No, sir.

6 Q The attorneys in this case are Scott Hixson,
7 Jimmy Richardson, Ralph Wilson and Brana Williams; are
8 you related to any of them or have any connection to
9 any of them in any way, shape or form?

10 A Not to my knowledge.

11 Q You were given a witness list in the back room?

12 A Yes, sir.

13 Q Did you know anyone's whose name you may know,
14 could know, know at all?

15 A No, sir.

16 Q One of the things you will have to do if you are
17 selected on this trial is you have to listen to the law
18 that I give you and accept it and apply it as I give it
19 to you whether you agree with it or not; do you believe
20 you can do this?

21 A I could try.

22 Q If you have any preconceived idea of what the law
23 is or what you think the law ought to be, you will be
24 required under your oath to abandon your own idea and
25 base your decision solely off of the evidence and law

INDIVIDUAL JURY VOIR DIRE

1 that I give you; are you capable of doing that?

2 A Yes, sir.

3 Q So have you heard, read or seen any information
4 about this case?

5 A Yes, sir, I have.

6 Q Tell me about that.

7 A It was in the Harold.

8 Q Is that a newspaper? When?

9 A Last week or week before.

10 Q Did you read that article?

11 A I did.

12 Q What information do you remember from that
13 article?

14 A The Scotchman Lake Arrowhead and then Sunhouse
15 off of 905, the other two people have -- that were
16 committing was guilty. There was a note going through
17 the prison system where he admitted that he committed
18 the crime, something about drugs, something about him
19 not being the gunner or being told. There was a lot in
20 that article; it was like two pages.

21 Q Prior to that, did you know anything about the
22 case?

23 A I did. I remember when it happened. I was
24 looking to move in the area of Lake Arrowhead and had a
25 buddy that lived around the corner from Sunhouse on

INDIVIDUAL JURY VOIR DIRE

1 905.

2 Q So you saw the news accounts back when they
3 allegedly occurred; is that right?

4 A Yes, sir.

5 Q Do you have any personal knowledge about the
6 case?

7 A No.

8 Q Do you know anything that you can come in here
9 and testify to about the case?

10 A No, sir.

11 Q Do you know anyone personally involved in the
12 case?

13 A No, sir.

14 Q The question is this: Taking the information
15 that you have seen, heard, read about the case, can you
16 disregard that information and base your decision
17 solely on the evidence that occurs in the courtroom and
18 the law that I give you?

19 A I would love to say yes, but human nature.

20 Q So this is the way we explain this. It is
21 appropriate to tell me this stuff, and it is
22 appropriate for people to read and listen to the news.

23 A Absolutely.

24 Q The difference is what the news media says is not
25 evidence.

INDIVIDUAL JURY VOIR DIRE

1 A Yes, sir. No proof.

2 Q Does that make sense?

3 A Uh-huh.

4 Q It is not admissible in court in any way, shape
5 or form. This trial is based upon evidence. Evidence
6 is witnesses that testify from the witness stand and
7 any documents or pictures or exhibits which were
8 admitted, and the law that I give the jury. So I
9 understand you have seen or read all of that, and that
10 is perfectly fine that you have all of that
11 information, but my question is: Can you set that
12 aside and say I'm going to make my decision in this
13 case based upon the evidence that happens in the
14 courtroom and the law that the judge gives me, and not
15 on what I read in the newspaper?

16 A I probably could.

17 Q You understand the difference?

18 A Yes.

19 Q I can't erase your memory; does that make sense?

20 A Yes.

21 Q But if you made it into the jury room and you
22 were deliberating -- so when I tell the jury to
23 deliberate, one of the things I say is carefully
24 consider the evidence and talk about it and discuss it,
25 and in a calm, courteous and thorough manner. So if

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1 you are talking in that room about what you read in the
2 newspaper, you are not talking about the evidence; does
3 that make sense?

4 A Yes, sir.

5 Q I understand I can't erase it from your mind, but
6 that doesn't mean you have to consider it as evidence.
7 Your outsources, which are not admissible in court, so
8 you believe you can do that?

9 A Yes, sir.

10 Q This is a criminal case, and the State has the
11 burden of proving the defendant guilty, standard of
12 proof -- the burden of proof, excuse me, is beyond a
13 reasonable doubt. Defendants don't have to prove
14 anything. They don't have to prove their innocence.
15 They are presumed to be innocent under the law; you
16 understand all of that?

17 A Yes, sir.

18 Q Could you -- and I'll ask you what -- I'll give
19 you example questions. Could you, depending on the
20 facts and the evidence and the law that I give you,
21 could you find a defendant in a particular case, not
22 this case, but any case, could you find the defendant
23 either guilty or not guilty, depending upon the facts
24 and evidence?

25 A Yes, sir.

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1 Q So if you were in a death penalty, and he was
2 already found guilty of murder, we move on to the
3 sentencing phase; does that make sense?

4 A Yes, sir.

5 Q So I need to explain two concepts one is called
6 "aggravating circumstances." Aggravating circumstances
7 are facts and incidents and details that our
8 legislature -- that is the people who write the laws --
9 our legislature determined by statute that these
10 aggravating circumstances make the crime of murder
11 worse where they aggravate the crime; does that make
12 sense?

13 A Yes, sir.

14 Q The flip side is "mitigating circumstances."
15 These are circumstances that our legislature has
16 determined and written into law that reduce the
17 severity of a murder case or reduce the moral
18 culpability or responsibility of an individual by law;
19 do you understand that?

20 A Yes, sir.

21 Q So the question is this. If you were a juror in
22 the sentencing phase of a death penalty case, could
23 you, depending upon the particular facts and
24 circumstances of that case, including aggravating
25 circumstances and mitigating circumstances and the law

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1 that I give you, could you return a sentence of life in
2 prison without the possibility of parole?

3 A Yes, sir.

4 Q Could you return a sentence of death based upon
5 the facts and circumstances shown?

6 A Yes, sir.

7 Q If you actually get selected on this jury, will
8 it impose a severe danger to your health or the
9 well-being of anyone who is directly dependent upon
10 you?

11 A No, sir.

12 THE COURT: I'll turn you over to the attorneys
13 to ask you questions.

14 JUROR: Yes, sir.

15 EXAMINATION

16 BY MR. WILSON:

17 Q How are you today, sir?

18 A It's been a day. How about you?

19 Q Pretty good, I guess. Long day. I need to ask
20 you a couple of things. One, you said you read an
21 article in the Horry Independent recently?

22 A Could have been Horry Independent or the Harold.
23 We get it at work.

24 Q You said an article?

25 A Yes, sir.

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1 Q And it was a very detailed article about what
2 they say happened?

3 A Yes, sir.

4 Q Is that a fair statement?

5 A I would say it is fair, yes.

6 Q And you read all of that information, you read
7 the entire article?

8 A Yes, sir.

9 Q You said you had a friend who lived near one of
10 the places that had been a victim; is that correct?

11 A Lives around the corner from the Sunhouse on 905.

12 Q And you also said, as I understood it, that you
13 were considering moving over to the Arrowhead area, and
14 so you were particularly interested in this because of
15 all of that?

16 A Yes, sir.

17 Q And so did you kind of keep up with it from the
18 time it happened until you read the last article?

19 A I kept up with it, I would say, through 2016, I
20 think when one of the other trials was going on, but it
21 really has completely left my mind until I saw that
22 article a week or two ago.

23 Q When the other trial was going on, did you know
24 that -- did you read articles about that as well?

25 A Mostly just on talk radio I was hearing about it.

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1 Q Is that on 99.5?

2 A Yes.

3 Q Is that the station you listen to most often?

4 A Usually, just on lunch break.

5 Q Let me say this. Everyone is entitled to their
6 own opinions. There is no right or wrong opinions,
7 just opinions. Everyone has them and we can disagree
8 what opinions are, but you are entitled to whatever
9 opinion is, and there is no right or wrong answer for
10 your opinion, it is just what your opinion is. Now,
11 you checked -- when you were in the jury room, you were
12 sent this sheet with three things and you checked off
13 "A"; is that correct?

14 A Yes, sir.

15 Q And in checking off "A," are you saying -- "A"
16 is -- I'll read it to you so we're clear: One, who
17 once the crime of murder has been proven by the State
18 beyond a reasonable doubt, and while in the sentencing
19 phase considering punishment, feels that he or she must
20 give the death penalty in each and every case.

21 Are you saying there that once a murder is proven
22 beyond a reasonable doubt in the trial phase, that
23 when you get to the sentencing, it is an automatic
24 death; is that what you are saying as far as you are
25 concerned as a juror?

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1 A I would say that is one way to wrap it up in a
2 nutshell.

3 Q Well, I want to hear what your opinion is.

4 A I just think that maybe the law and punishment
5 should be more finite and rigid, where it really seems
6 like it isn't nowadays.

7 Q I'm not clear. It should be?

8 A Finite and rigid. We have one person who will
9 commit murder and they get 15 years. We have one
10 person who commits murder and they get life or the
11 death penalty. It just seems like it is a very
12 subjective way of punishment.

13 Q What I'm asking you -- because I'm not -- I'm
14 interested in what you are saying. What I'm trying to
15 find out from you is if you are actually an "A" juror
16 who says that one who wants -- once the murder is
17 proven to your satisfaction beyond a reasonable doubt,
18 once it is proven that it was an intentional murder,
19 not talking about defensible case, but an intentional
20 killing without justification, once you reach that
21 conclusion and it is your vote, murder, guilty, are you
22 automatic -- do you then decide that based on that,
23 based on your form here, that your response is to
24 automatically death penalty?

25 MR. HIXSON: Objection. That is an inaccurate

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1 statement of law. We talked about it is a bifurcating
2 process. There is nothing automatic in the law in
3 South Carolina, and that is our objection to the
4 question, makes it seem like there is one automatic
5 decision.

6 THE COURT: Sustain. Rephrase the question.

7 MR. WILSON: Can I be heard outside of the
8 presence of the juror?

9 THE COURT: Sure. Step outside, Mr. Ginac.

10 (The juror exits the courtroom.)

11 MR. WILSON: I knew I used the word "automatic"
12 and I shouldn't have used that word, but when you read
13 "A" -- when you read "A" under these three categories
14 that we have given to these jurors, it clearly says --
15 this is not my words, these are the words that says
16 once the crime of murder has been proven beyond a
17 reasonable doubt, and while the sentencing phase
18 considering punishment, feels that he or she must give
19 the death penalty in each and every case. If that is
20 not automatic, what other word we want to use is fine,
21 but it says "in each and every case." This is their
22 form, not mine.

23 MR. HIXSON: That is right. That is why they do
24 it in the jury room. That is why the first question
25 is: Have you ever been through this process and do

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1 you understand there is no such thing as an automatic
2 death penalty. There is no such thing as guilty,
3 death. The reason why Your Honor instructs and
4 questions them for a period of time before we do is to
5 let them understand that whatever your preconceived
6 notions of this process is not true, that there is a
7 bifurcated process, guilty and then penalty, and
8 you'll hear things on that side. The problem is it is
9 a misleading question to go through that and tell them
10 there is no wrong answer and instruct them against
11 what Your Honor had just instructed them. It is
12 misleading, makes them believe there is an automatic
13 and as a result it triggers a misleading answer
14 immediately. It is okay to ask about A question, B
15 question, C question, but to say if you vote guilty
16 and you have no other recourse, are you going to vote
17 death? Of course, because that is the only answer to
18 the question the way it is structured. That is why it
19 is misleading, by saying there is nothing else out
20 there, guilty, and you have no other recourse, what
21 are you going to do? They do have recourse, it is
22 called the penalty phase, mitigation/aggravation, and
23 the question makes it sound like they have no other
24 recourse.

25 MR. WILSON: If that is the Solicitor's position,

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1 then this question never should have been asked of any
2 of these jurors, because this question specifically
3 says "in each and every case." Once you have decided
4 that this person is guilty of murder, it is in every
5 case. "Each and every," those particular words. This
6 is written by the State, and for them to say, well,
7 yeah, we put that in there, but you can't ask about
8 that --

9 THE COURT: He didn't say you can't ask, but it
10 is a misstatement of the argument made. He is
11 saying -- that is why I said rephrase your question,
12 because it is the way you are asking the question.
13 You can ask him about him saying that he's an "A."
14 What you can't do is give him this impression that his
15 only choice under the law is to sentence someone to
16 death.

17 MR. WILSON: Judge, that is exactly what he says.

18 THE COURT: No. I know what the man said. You
19 are confusing the issues. The way you are asking the
20 question is you are telling him the law says he's got
21 to give someone the death penalty. You are not -- you
22 can ask him about the question, that is why I said
23 rephrase. It is the way you are phrasing the
24 questions that leads to a non-responsive result. You
25 can say, Did you answer A? Yes. Why did you answer

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1 A? Let them explain themselves.

2 MR. WILSON: Yes, sir. I could do that.

3 THE COURT: You can say, Is there any situation
4 that you can imagine that you could give someone mercy
5 and give them life without parole? No.

6 MR. WILSON: Can I ask him this -- can I ask him
7 what is written in this statement?

8 THE COURT: You already have asked him that.

9 MR. WILSON: No, sir, I never got a response
10 because the solicitor objected to it. What I was
11 trying to ask him, and the only thing I did -- only
12 thing I did was I used the word "automatic" instead of
13 "each and every case."

14 THE COURT: The problem is -- and this is the
15 general problem with the defense questioning at this
16 point, is that there is an entire paragraph of lead-up
17 information that has nothing to do with the question
18 that then makes the question impermissible. It is all
19 -- there is three to four sentences of lead-up of
20 saying all of these things to try to make the person
21 say what you want them to say, and then you ask the
22 question. It is the lead-up -- the fact he checked
23 "A," everyone knows -- you can ask him, Did you check
24 "A"? Yeah. Why did you check "A"? You all go
25 through the lead-up like this is it not self-defense,

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1 this isn't insanity and all of these things, and then
2 ask a question. One, it is frankly confusing, you
3 know. You know and I know and everyone in the room --
4 other than the juror -- knows that the death penalty
5 is not automatic.

6 MR. WILSON: Yes, sir, your Honor. I hear you.
7 That's the problem -- I'm not belaboring this, and I
8 apologize, I'm not trying to....

9 THE COURT: No, I'm fine. I'm fine.

10 MR. WILSON: I think I'm entitled to ask him
11 about what he put in here when he says what -- to ask
12 him what he means when he says "each and every case."

13 THE COURT: Yes, you are allowed to ask him that.
14 I'm not stopping that.

15 MR. WILSON: That is what I was asking him, other
16 than the fact that I used the word "automatic."

17 THE COURT: That is not what you asked him. You
18 can ask him -- you checked "A," what do you mean by
19 that? What does that mean to you?

20 MR. HIXSON: That's right. Very quickly. There
21 is a whole discussion of bifurcating explaining, and
22 after that, all options are precluded through no
23 self-defense, there is nothing to offer, the only
24 thing left is this, won't you come back then and that
25 is an accurate statement of law -- that is what I mean

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1 by it is misstating and creating an observation that
2 it is automatic. What else am I supposed to do? It
3 is misleading that it is an accurate statement of law
4 versus what the judge just charged, that is my
5 objection.

6 THE COURT: I mean, we have replies that say an
7 eye-for-an-eye, replies that have said my religion
8 makes me opposed, my religion makes me for it. You
9 know, y'all are allowed to ask these questions as to
10 why they are in the category they are in, but it is
11 the way the questions are being phrased that sets up a
12 scenario where the person has no choice but to answer
13 one way. It is like asking the guy on the witness
14 stand, Do you still beat your wife, right? There is
15 no right answer to that question. So that is why I
16 said I don't have a problem questioning him being an
17 "A," but it is the way they are being phrased that is
18 putting the jurors in a box, when in reality, if they
19 make it on the jury, they are not in a box.

20 MR. WILSON: I hear you loud and clear, and I
21 take exception to the Court's position on this, and I
22 do so respectfully. I just believe that asking this
23 juror -- and if I'm hearing you correctly, you are
24 saying I can't ask him whether or not in each and
25 every case where he has decided that there was murder

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1 that he would give death; am I hearing that correctly
2 that I can ask that?

3 THE COURT: You can or cannot?

4 MR. WILSON: Can. Can I ask that?

5 THE COURT: Yes.

6 MR. WILSON: And -- all right. I'll ask that.

7 THE COURT: All right.

8 (The juror enters the courtroom.)

9 THE COURT: You are still under oath.

10 JUROR: Yes, sir.

11 Q (MR. WILSON) Let me ask you: If once you have
12 determined that a person is guilty of intentional
13 murder, would you at that point in each and every case
14 give death?

15 A I think that is what is demanded of me, is it
16 not?

17 Q I'm just asking you.

18 A Yes. Yes, sir.

19 Q And let me ask you about your views with the
20 death penalty in general. Have you given a lot of
21 thought to what your opinion is about the death
22 penalty?

23 A Yes, sir.

24 Q And what is that?

25 A Well, my opinion the whole sentencing phase kind

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1 of is archaic. If you are going to have death
2 penalty -- how many women actually get put to death in
3 this state compared to men? It is not being applied
4 equally. I'm not banging my fist on a drum, yeah, kill
5 them all, that is not what I'm saying. If the letter
6 of the law demands, might as well follow it.

7 MR. WILSON: Bear with me one second.

8 (A brief pause in the proceedings.)

9 MR. WILSON: One other thing.

10 Q (MR. WILSON) You were saying earlier that you
11 thought that the law was archaic and that it was not
12 treating people equally; is that what you are saying?

13 A The sentencing phase.

14 Q Why is that your belief; where does it come from?

15 A It is the way it is implied. My example was
16 women getting the death penalty versus men getting the
17 death penalty and how much does it happen by
18 comparison. Why is it one person can speed 20 miles
19 over the speed limit and they get ticket for \$500, and
20 the next person gets a warning?

21 Q You understand the law does not require you to
22 vote for the death penalty?

23 A Yes, sir.

24 Q You understood that?

25 A I understand that, yes, sir.

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1 Q Are you still an "A" juror?

2 A What did you say?

3 Q Are you -- do you still consider yourself an "A"
4 juror, in that "A" group, the group I just read to you?
5 I'll read it. Do you still consider yourself an "A"
6 juror who is one who once the crime of murder has been
7 proved by the State beyond a reasonable doubt, and
8 while in the sentencing phase considering punishment,
9 feels that he or she must give the death penalty in
10 each and every case. This juror simply feels that once
11 a murder has been committed, the death penalty is the
12 only appropriate punishment no matter what the
13 circumstances of the case; is that still you?

14 A Yes, sir.

15 MR. WILSON: Thank you.

16 MR. HIXSON: No questions, Your Honor.

17 THE COURT: Step right outside.

18 (The juror exits the courtroom.)

19 MR. HIXSON: He's not qualified. I just would
20 like to note the continued misunderstanding about what
21 the law mandates, and I might ask Your Honor to
22 conclude that in your allocution relating that there
23 is never a situation where the law mandates
24 punishment, but that's just for the Court's
25 edification. He's not qualified.

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1 MR. WILSON: I agree he is not qualified. Your
2 Honor, again, you know -- I know, and I apologize if
3 I'm belaboring all of this, but he raised this issue a
4 number of times now, these three questions are really
5 confusing; they are.

6 THE COURT: I'm really confused. I'm at a moment
7 of completely baffled. The guy walked in here as a an
8 "A," which basically means he's in favor of the death
9 penalty, right? He just got determined unqualified,
10 so you don't even have to waste a strike. So how is
11 that sheet not moving you in the direction of getting
12 rid of the people you want out?

13 MR. WILSON: It is not that. That's not my
14 point, because it is. I'm not saying --

15 THE COURT: The guy walked in "A," walked out an
16 "A," and even over the State's objection, which I
17 sustained, he still admitted he was an "A" and been
18 deemed unqualified. I would assume that that juror
19 being deemed unqualified was a victory for the defense
20 as opposed to the State getting up and trying to
21 rehabilitate and move him towards a "C." I don't
22 know -- I mean, for the majority of the people that
23 we've disqualified, out of 21, that is what has
24 happened. I don't understand how the form is making
25 anything worse for anyone. I want you to put it on

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1 the record. I mean, put it -- say it so I can create
2 a record, I just don't understand how in the case of
3 that particular juror how the system didn't just work
4 in the defendant's favor. The guy came in and said
5 basically if you kill intentionally, you should get
6 the death penalty, and I deemed him unqualified.

7 MR. WILSON: You are right -- at the end of the
8 process, that is correct, it did. But that is not
9 really where I'm going. Anyway, I withdraw that
10 particular objection for this particular juror.

11 THE COURT: Okay. You don't have an objection to
12 the juror?

13 MR. WILSON: Oh, no, sir. No, sir. No, sir. I
14 withdraw the objection of the A, B and C categories in
15 regards to this juror.

16 THE COURT: I mean, in my opinion, the A, B and C
17 are to spark the conversation. We've had plenty of --
18 I mean we've had one, two, three, four, five, six,
19 seven -- at least seven people who came in here and
20 said they are a "C" that we've determined are
21 disqualified, one way or the other, that have turned
22 and said I can only vote for life or I can only for
23 death. I mean, you know, we've been through 22
24 people, and a third of the people said they are a C
25 and they've been disqualified. So I think -- the A, B

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1 and C form is what it is. It is a jumping off point
2 for where they are and what they are thinking. It
3 also gives them an opportunity to answer the question
4 outside of our presence and outside of the pressures
5 of coming in here and being sworn in and facing y'all,
6 and we're getting people to come in and change stories
7 and move around and move in one direction and move in
8 another.

9 At this point, I think the form is working. My
10 issue as to the way the question was asked to this
11 specific juror was how it was phrased, not that you
12 can't question him on the facts that he was an "A," it
13 was in the phrasing. Bring him back in.

14 MR. HIXSON: Can I add one small point? After
15 Mr. Wilson rebooted his question, the first thing --
16 the first response was don't I have to invoke -- isn't
17 that what the law is, that I have to move forward on a
18 specific verdict of death? I bring that for the
19 record, moving forward, that is the nature of a
20 misunderstanding, and even after being told and
21 redirected and asked again, he said, yes, I vote for
22 death, isn't that what the law demands. I use that to
23 highlight the confusion that the questions are
24 creating, and particularly as a foundation for Your
25 Honor to address those questions, if need be.

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1 THE COURT: Bring him back in.

2 (The juror enters the courtroom.)

3 THE COURT: We'll excuse you from service in this
4 case. You do not need to call back in or come back.
5 You are totally done. Have a great day. Thank you
6 very much.

7 (The juror exits the courtroom.)

8 THE COURT: Anything before lunch?

9 MR. HIXSON: No, sir.

10 THE COURT: Start at 2:30.

11 (A lunch recess was taken.)

12 THE COURT: Thanks. Take your seats.

13 Do you have those jurors outside? Bring them in.

14 Can you get the name of the woman with the baby?

15 DEPUTY: Yes, sir.

16 (A brief pause in the proceedings.)

17 THE COURT: I'm Robert Hood. I'm a resident
18 circuit court judge and I have been appointed by the
19 chief justice to preside over this case, and I need
20 all of your names. So starting from the left, your
21 name.

22 JUROR: Effrem.

23 THE COURT: Juror 105.

24 JUROR: Clay Brittain.

25 THE COURT: Juror 41.

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1 JUROR: Emma Addock.

2 THE COURT: She is Juror No. 2.

3 JUROR: Timothy Bartles.

4 THE COURT: Timothy Bartles is from Judge
5 McKinon's panel, but he's here so I'll ask him the
6 questions. Juror 16 from that panel.

7 JUROR: Alyssa Ruisi, R-U-I-S-I.

8 THE COURT: Do we know her number?

9 THE CLERK: 309.

10 THE COURT: And your name?

11 JUROR: Jeremy Canfield.

12 THE COURT: No. 57.

13 JUROR: Michelle Harvey.

14 THE COURT: Raise your right hands.

15 (The aforementioned potential jurors, having
16 been duly sworn, testified as follows:)

17 THE COURT: I'll ask you questions to determine
18 your general eligibility to serve.

19 MR. HIXSON: What was the last one's number?

20 THE COURT: 138.

21 I'll ask you general questions to determine your
22 general eligibility to serve. If a question applies
23 to you, just raise your hand.

24 Is there anybody that is not a citizen of the
25 United States of America?

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1 Is there anyone not a resident and citizen of
2 Horry County?

3 Is there anyone unable to read, write, speak or
4 understand the English language?

5 Anyone have less than a sixth grade education?

6 Anyone have a mental or physical infirmity which
7 keeps you from rendering efficient jury service?

8 All right, Ms. Ruisi.

9 JUROR: I'm medicated.

10 THE COURT: Do you work?

11 JUROR: I do. I work seven days a week.

12 THE COURT: What do you do?

13 JUROR: Body piercer.

14 THE COURT: All right. You're qualified.

15 Anyone on the jury panel ever been convicted by a
16 plea or trial in a state or federal court of record of
17 a crime punishable by more than one year in prison and
18 rights have not been restored by pardon or amnesty?

19 Anyone a clerk of court, deputy clerk of court,
20 sheriff, constable or other commissioned law
21 enforcement officer, probate judge, county
22 commissioner or employed within the walls of any
23 courthouse?

24 Anyone been on jury duty in this building this
25 year, January 1 of 2019 until now?

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1 Anyone on the Horry County Grand Jury during the
2 past several years? The grand jury meets once a
3 month. You meet one day a month, do that for at least
4 a year. You would have this good memory of being on
5 the grand jury.

6 Everyone in the room is qualified. We move on to
7 exemptions. An exemption does not mean you are not
8 qualified. It means you have a right to say I choose
9 not to serve. The first exemption is for those of you
10 that are 65 years of age or older; does that apply to
11 anyone?

12 Next exemption concerns prior jury service. If
13 you have served as a juror in 2017 or 2018, you can
14 take an exemption; does that apply to anyone?

15 Anyone ever been on the Horry County Grand Jury
16 in their life?

17 Next exemption involves those of you who have
18 legal custody of young children, you may be exempted
19 from jury if you have a child under the age of seven,
20 you have the legal custody of the child, you have the
21 principal, care, custody and control of the child and
22 unable to make arrangements for the adequate care of
23 the child while performing jury duty; anyone on that
24 one?

25 Okay.

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1 Anyone that is the primary caretaker of someone
2 who is 65 years of age or older?

3 Anyone that is the primary caretaker of a
4 severely disabled person?

5 Does anyone work at a school or attend school?

6 Mr. Effrem, where do you work?

7 JUROR: Coastal Carolina University; I am
8 faculty.

9 THE COURT: When are classes over?

10 JUROR: I had final exam this morning.

11 THE COURT: Is that your last class?

12 JUROR: Yes, sir.

13 THE COURT: Are you teaching summer semester?

14 MR. JARRETT: July. And I have a conference in
15 Asia the end of June.

16 THE COURT: We'll be done way before then. If
17 we're here the end of June, my hair will be completely
18 white.

19 Anyone employed at the Department of Corrections
20 at a penitentiary?

21 So you are a faculty professor.

22 JUROR 105: Yes, sir.

23 THE COURT: Are you married?

24 JUROR 105: Yes, Your Honor.

25 THE COURT: And what does your wife do?

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1 JUROR 105: She works in the hospital, service
2 department.

3 THE COURT: Great. Mr. Brittain.

4 JUROR: yes, Your Honor.

5 THE COURT: What do you do for a living?

6 JUROR: Retired.

7 THE COURT: What are you retired from?

8 JUROR: Practicing law.

9 THE COURT: Are you married?

10 JUROR: Yes.

11 THE COURT: What does your wife do?

12 JUROR: Practices law.

13 THE COURT: You are retired?

14 JUROR: Yes, Your Honor.

15 THE COURT: And then, Ms. Adcock, what do you do?

16 JUROR: Project manager at Pivotal.

17 THE COURT: And what is that?

18 JUROR: You are in charge of dispatching
19 technicians to like Apple stores.

20 THE COURT: Okay. Good. Good. Are you married?

21 JUROR: Yes.

22 THE COURT: And what does he do?

23 JUROR: He is a manager at Walgreens.

24 THE COURT: Mr. Bartles, what do you do?

25 JUROR: Tattoo artist at Porkchop Tattoo Studio

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1 on Seaboard Street.

2 THE COURT: Do you work at the same place? That
3 is a joke. Are you married?

4 JUROR: No.

5 THE COURT: And then, Ms. Ruisi, you do piercing.

6 JUROR: Yes.

7 THE COURT: Are you married?

8 JUROR: No.

9 THE COURT: And then, Mr. Canfield, what do you
10 do for a living?

11 JUROR: Supervisor at Home Depot.

12 THE COURT: Are you married?

13 JUROR: No.

14 THE COURT: And, Ms. Harvey, what do you do for a
15 living.

16 JUROR: Myrtle Beach Police Department and
17 support staff for dispatch.

18 THE COURT: So you work -- support the dispatch?

19 JUROR: I'm a dispatcher.

20 THE COURT: You are a dispatcher?

21 JUROR: Yes.

22 THE COURT: Are you married?

23 JUROR: Separated.

24 THE COURT: What did he do?

25 JUROR: Security.

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1 THE COURT: Are you a commissioned law
2 enforcement officer at all?

3 JUROR: No.

4 THE COURT: Do you have the power to arrest?

5 JUROR: No.

6 THE COURT: So this takes us to State versus
7 Jerome Jenkins, Junior. Mr. Jenkins has been indicted
8 by the Horry County Grand Jury for one charge of
9 murder, one charge of attempted murder and one charge
10 of armed robbery. To those charges, he pled not
11 guilty. That plea puts the burden of proof upon the
12 State to prove his guilt to a jury beyond a reasonable
13 doubt. What I need to do is give you a brief synopsis
14 of the allegations in the case. This is not evidence.
15 This is not proof. Again, these are the allegations,
16 but I have to tell you a little bit to see if you know
17 anything about it or heard anything about it or read
18 anything about it and figure what, if anything, you
19 may know.

20 So the allegations are this: That Mr. Jenkins in
21 this case is charged with murder, armed robbery and
22 attempted murder. Investigators allege that in
23 January of 2015 that he, along with two codefendants
24 who are not the subject of this case, robbed and
25 killed Bala Paruchuri, the owner and clerk of the

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1 Sunhouse Convenient Store on South Carolina Highway
2 905. Weeks later, the group allegedly robbed the
3 Scotchman on Lake Arrowhead Road and the Sunhouse
4 Store on Oak Street in Conway where the clerk, Trisha
5 Stull, was shot and killed. These events took place
6 allegedly between January 2 of 2015 and January 24 of
7 2015 in Horry County.

8 As I told you before, this is not proof of
9 anything. This is not evidence of anything. This is
10 the allegations that the State is making in this case.

11 So does anyone know anything about this case at
12 all? Anyone ever read anything about the case, watch
13 news about the case or have any personal knowledge
14 about the case?

15 And the answers to those questions are no.

16 Any objection to these being qualified from the
17 State?

18 MR. HIXSON: No, sir.

19 THE COURT: From the defense?

20 MR. WILSON: None, Your Honor.

21 THE COURT: So let me tell you where we are in
22 the process. So we started this process yesterday
23 morning at about 10 o'clock, and then after I
24 determine -- we started with 400 people. We made it
25 down to about 121, and then we took that 121 and

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1 turned them into -- we shuffled them. So you all have
2 numbers between 1 and 400. So the people that were
3 left, I put them in a completely and totally random
4 order. At that point in time, I put them in groups,
5 and then I bring them back one at a time and question
6 them individually about the case here in the
7 courtroom. So we are in the middle of doing that. We
8 made it through 22 jurors already. So you all -- what
9 is going to happen is this is about -- there is a
10 handful of other people that I qualified first thing
11 this morning. So we put all of you in your own group
12 and we're going to shuffle you to get you completely
13 out of order and then put you at the end of the list.
14 So there is 121 people on the list. There is going to
15 be more than that because I'll put you all at the end
16 of the list. So that means, one, you will be free to
17 go, go about your business today. You do not have to
18 come up here Wednesday, and you do not have to come
19 here Thursday. Thursday night after 5 o'clock, we're
20 going to give you a phone number to call. That phone
21 number will say one of two things. One, you are not
22 needed for this case, have a nice day. If I have
23 enough jurors by Thursday, that is what the message
24 will say; does that make sense? If I don't have
25 enough, then the message will say you need to come in

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1 on Friday or Saturday at this time to be questioned.
2 So if I get the magic number I need between now and
3 Thursday night, y'all won't have to show back up at
4 all, but if the message says you have to come back,
5 you have to come back. Once you come back, that still
6 doesn't mean you are qualified. We have to ask you a
7 series of questions, which is what I'm in the middle
8 of doing now to determine whether or not you are
9 qualified for this specific case. Do you know the
10 lawyers? Do you know the parties? Do you know the
11 witnesses? All of those questions. Even if you make
12 it through that qualification, that doesn't mean that
13 you will be on the jury. That means you are eligible
14 to be on the jury. So that is kind of the process.

15 Now, y'all have told me that you don't know
16 anything about the case. When you come back, that is
17 exactly how I want you. To accomplish that, here is
18 what you have to do: One, don't discuss this case or
19 anything about it with anyone. Two, do not watch,
20 read or listen to any local news in any way, shape or
21 form. This case is on the news every time the news is
22 on, so you can't watch, read or listen to the local
23 news at all. If you want to watch the national news
24 stuff, that is fine. Don't read newspapers or any
25 paper form. Three, don't do any research on this

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1 case. We don't have to have jurors that know nothing
2 about the case, that is not a requirement, but it is
3 nice to have people that don't know anything about the
4 case to come in here like an open book.

5 Last thing I'll tell you is if you make it on
6 this jury, you will be sequestered. You will be
7 sleeping in a hotel room that the county will be
8 paying for, okay, and you will have a team of people
9 assigned that will feed you and take care of you and
10 all of that stuff. So if you actually make it that
11 far, you'll be explained that in more detail, but
12 those are the tentative details now. So do what you
13 want to today, tomorrow and Thursday. Thursday night,
14 you call back in, and that message will tell you
15 specially to come back at this time. When you come
16 back, come back like you are now. I may determine you
17 are not qualified when you sit through the questions,
18 or you may. If you are, I'll tell you to leave so
19 there is time to do all of the other things at that
20 point in time.

21 Does everyone understand everything I said?
22 Anyone have any questions for me at this point in
23 time?

24 Anything else from the State as to these jurors.

25 MR. HIXSON: No, sir.

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1 THE COURT: From the defense?

2 MR. WILSON: Nothing, Your Honor.

3 THE COURT: You have a sheet to give them.

4 MS. ELVIS: Yes, I do.

5 THE COURT: Thank you. Have a nice afternoon.

6 In the next group, Ms. Baker has an extremely small
7 child, like a one-year-old child. I'm asking can we
8 take her out of order -- not in jury selection, but
9 just out of this group to deal with that issue?

10 MR. WILSON: No objection.

11 THE COURT: Bring in Ms. Baker. Do you want me
12 to start with child care issues?

13 MR. WILSON: Yes, sir.

14 MR. HIXSON: Yes, sir.

15 (The juror enters the courtroom.)

16 (BROOKE BAKER, having been duly sworn,
17 testified as follows:)

18 VOIR DIRE OF JUROR 15

19 BY THE COURT:

20 Q You are under oath; you understand that?

21 A Yes, sir.

22 Q You are more embarrassed about her than we are,
23 so it is okay.

24 What is going on with your child care situation?

25 A I'm a stay-at-home mom. My mom watched her

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1 yesterday for me, but she had to take off of work.

2 Q So your mom helped you yesterday?

3 A She couldn't help me anymore.

4 Q Do you work at all?

5 A No, sir. I had to quit my job because of
6 childcare.

7 Q Are you married?

8 A No, I'm engaged.

9 Q What adults live in the house?

10 A Just my fiancée and I.

11 Q What does he do for a living?

12 A Plumber.

13 Q Are there any other children in the home?

14 A His two daughters, just on the weekends.

15 Q They come by on the weekends?

16 A Uh-huh.

17 THE COURT: What is the State's position?

18 MR. HIXSON: No problem excusing her.

19 MR. WILSON: No objection.

20 THE COURT: We'll excuse you completely from this
21 case. Thank you for coming back up here. I
22 appreciate your willingness and willing to serve and
23 doing, but sometimes these situations happen and we
24 understand. So you can go out the back door thank you
25 very much.

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1 JUROR: Thank you.

2 (The juror exits the courtroom.)

3 THE COURT: So 351 will be the next one. This is
4 my friendly reminder that 351 is one of the people
5 that 38 said he said something to. I did not question
6 -- No. 38 said he said something to 351 and 352, so I
7 did not question them. I will, but if you would like
8 to question them -- her or him, whichever one this is,
9 that is fine.

10 Yes, sir Jerry.

11 (The juror enters the courtroom.)

12 (LOUISE STEWART, having been duly sworn,
13 testified as follows:)

14 VOIR DIRE OF JUROR 351

15 BY THE COURT:

16 Q Are you Ms. Stewart?

17 A I am.

18 Q Do you understand you are under oath?

19 A I do.

20 Q When you left me yesterday, I said don't talk
21 about the case, don't discuss the case, don't look up
22 any news or do any research on the case; have you
23 complied with all of that?

24 A I have.

25 Q What is going to happen over the next few minutes

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1 is we're all going to ask you questions. None of them
2 are meant to embarrass you, but it is just what we have
3 to do due to the nature of these proceedings. There
4 are no wrong or right answers. Just answer openly,
5 honestly and fully. No one is challenging your views
6 or point of view, we just need to understand what your
7 views are. We'll probably ask you questions you have
8 never really thought about before, and that is okay
9 too. Just be open and honest with us.

10 In this case the State is seeking the death
11 penalty against Mr. Jenkins. What that means is that
12 the trial would be or could be in two phases. So
13 phase one is what we call the "trial phase." In the
14 trial phase, the jury would determine whether or not
15 Mr. Jenkins is guilty or not guilty of the crimes that
16 have been charged. You understand that all defendants
17 are presumed to be innocent in this great nation and
18 great country we live in, unless and until proven
19 guilty beyond a reasonable doubt. So at the end of
20 the trial, what I'll call trial one or the trial
21 phase, if Mr. Jenkins is found not guilty, then the
22 case is over. But if Mr. Jenkins is found guilty by
23 the jury, we then move to the sentencing phase or
24 penalty phase. In that phase of the trial, it would
25 be the jury's responsibility to determine what

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1 sentence is appropriate, either the death sentence or
2 life without the possibility of parole; does all of
3 that make sense?

4 A Yes, sir.

5 Q Just because we're talking about penalties
6 doesn't mean Mr. Jenkins did anything.

7 A Yes.

8 Q He is presumed to be innocent under the law.

9 A Yes.

10 Q I have to talk about these things ahead of time
11 to work through these issues; does that make sense?

12 A Yes, sir.

13 Q Do you have any relationship with Mr. Jenkins in
14 any way, shape or form or know him or any of his
15 family?

16 A No, sir.

17 Q The attorneys are Mr. Hixson, Mr. Richardson, Mr.
18 Wilson and Ms. Williams; do you have any connection or
19 knowledge about any of them?

20 A No.

21 Q You were given a witness list; did you have an
22 opportunity to review that?

23 A Yes. I recognized one name, Melissa Bilca. I
24 work in a medical office in Conway. I'm not a
25 100 percent sure, but that name is familiar. She

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1 possibly could have been a patient of our practice. I
2 wouldn't know her to know her outside of maybe the
3 possibility that I helped her as a medical assistant.

4 Q You did exactly the right thing by telling us.
5 We try to figure out what those relationships are, if
6 any. There are varying degrees of relationships, as
7 you know and understand. So you think she could be
8 potentially a patient at a facility that you work at,
9 but do you have any true personal friendship or
10 relationship with her?

11 A No, sir. No, sir. And the only way to be a
12 hundred percent certain that she was a patient is for
13 me to go back to my office and have it checked.

14 Q Got it. And what is your position in the
15 facility?

16 A Medical assistant. I work with Dr. Joseph
17 Papotta.

18 Q So even if she was called as a witness, would
19 that affect your ability to be fair and impartial to
20 both sides?

21 A No, sir. No, sir, but I do need to tell you that
22 Dr. Joseph Papotta is the medical director at J. Reuben
23 Long. That wasn't asked of me at any point, but I
24 thought it would be important. I don't think he had
25 any contact with him, and he never discusses anything

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1 that happens at the prison.

2 Q Do you ever go there to treat people?

3 A No. No. I talk to the nurses at the prison when
4 there is someone in the infirmity that needs something,
5 and I relay that message to Dr. Papotta, but I'm not
6 familiar.

7 Q One of the nurses from the detention facility may
8 call you and say we need to get a message to the
9 doctor, so-and-so needs "X" or this?

10 A Exactly. I give the message from the nurse to
11 Dr. Papotta, and he gives me the order to call the
12 infirmity and speak to the nurse, if they needed blood
13 pressure or anything like that.

14 Q But you don't have any direct contact with
15 whoever may be housed at J. Reuben Long?

16 A No, I have no business there. I don't go there
17 at all.

18 Q Great. Thank you. That is what I would have
19 wanted you to do, so I appreciate that.

20 A Sure.

21 Q So we'll move on to more questions. So if you
22 were a juror in a criminal case, in any criminal case,
23 one of the things that is required is that you have to
24 listen and accept the law I give you, whether you agree
25 with it or not; does that make sense?

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1 A Yes.

2 Q You can't come in with your own ideas what the
3 law is or ought to be, you have to take and follow the
4 law I give you, whether you agree with it or not; is
5 that something you are capable of doing?

6 A Yes.

7 Q Have you previously heard anything, seen
8 anything, read anything or have any knowledge about the
9 case?

10 A I haven't had much knowledge until yesterday.

11 Q And the juror --

12 A Unfortunately, I sat next to the gentleman who
13 knew the entire case. As soon as Mr. Jenkins' name was
14 announced --

15 Q Listen, I'm going to say this to you, and all the
16 attorneys would say this, you haven't done anything
17 wrong. You didn't pick who you sat next to.

18 A I was blown away.

19 Q What we need to know -- and this is -- you are
20 not at fault or in trouble, we just need to know the
21 information that you were provided, and one of the
22 reasons we do this one at a time is that you can see
23 there is no other jurors, no one else in here to tell.
24 Let's go back. Prior to yesterday, what did you know
25 or think you knew about the case?

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1 A I remember hearing on the news about the case. I
2 remember just hearing that it was a murder and there
3 were several gentlemen involved, just basic stuff like
4 that.

5 Q Just on the normal newscast?

6 A Yeah, whatever, on local news.

7 Q Fair enough. So you didn't really know anything
8 prior to coming in here about the case that you had on
9 your own personal knowledge?

10 A No, sir.

11 Q Is that correct?

12 A That's correct.

13 Q If I had asked you Monday morning the names of
14 the people alleged in the case, could you tell me?

15 A Maybe in 2015, but not now, no.

16 Q Tell us what happened when you had this
17 interaction with Juror No. 38.

18 A So as soon as you announced Mr. Jenkins' name and
19 the type of trial it was going to be, he just basically
20 looked over and said, Oh, my gosh, I know everything
21 about this case, and he said the convenient store
22 murder, and so forth. He said that -- then there was a
23 juror I believe who stood up who worked at J. Reuben
24 Long Detention Center, and he said something about, oh,
25 she would know about him trying to escape from the

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1 jail. I had never heard that on the news, so I didn't
2 know. I kind of looked at him. I was trying to pay
3 attention to you, and he was shoving this stuff in my
4 ear, so I didn't catch all of it. But, basically, just
5 told me things that I really hadn't heard before about
6 that, trying to possibly escape from the prison. I did
7 not know that. I mean, the only thing I did know is a
8 woman was murdered, from what I remember in 2015 -- or
9 a man -- I couldn't even tell you. It was an odd name,
10 but I don't even know if it was a woman or a man that
11 died.

12 Q Fair enough. Anything else about that
13 conversation?

14 A Not that I recall.

15 Q Again, you didn't do anything wrong in any way,
16 shape or form. We're just gathering information; does
17 that make sense?

18 A Absolutely.

19 Q So do you understand that what that gentleman
20 told you, and whatever has been on the news or hadn't
21 been on the news, that none of that is evidence in any
22 way, shape or form?

23 A Yeah, I understand that.

24 Q So when we come to court, we swear in witnesses,
25 people sit where you sit, swear to tell the truth, we