

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Sumter County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHAUNCEY A. WRIGHT,

APPELLANT

APPELLATE CASE NO 2019-001407

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 12-15, 2019	1
JURY VOIR DIRE	5
JURY SELECTION.....	16
OPENING STATEMENT BY MR. FINNEY	54
OPENING STATEMENT BY MR. ROUTZONG	60
TESTIMONY	
MICHAEL MCCOY.....	61
TIMOTHY KIRVEN	72
SEEMA AZAD.....	83
KENNY PATEL	92
HERMAN EDWARDS	151
BRIDGETTE WELLS	166
MEGAN GETER.....	173
CHARLES BONNER.....	184
JENNIFER THOMAS	208
CRYSTAL FORD.....	230
DEVANG PATEL	236
CHANEA LUMPKIN.....	262
THE STATE RESTS	269
COLLOQUY WITH THE DEFENDANT ON HIS RIGHT TO TESTIFY.....	269
MOTION FOR DIRECTED VERDICT.....	271

RULING OF THE COURT	275
CLOSING ARGUMENT BY MR. FINNEY	280
CLOSING ARGUMENT BY MR. ROUTZONG.....	294
CHARGE ON THE LAW	300
RECHARGE ON THE LAW	315
VERDICT	318
SENTENCING	322
INDICTMENTS AND SENTENCE SHEETS.....	323
CERTIFICATE OF COUNSEL	327

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER } COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
STATE,)

v.) TRANSCRIPT OF RECORD
18-GS-43-01140
CHAUNCEY A. WRIGHT,)
DEFENDANT.)

August 12-15, 2019
Sumter, South Carolina

B E F O R E :

THE HONORABLE R. FERRELL COTHRAN, JR., JUDGE;
AND JURY

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

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Solicitor

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Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

INDEX

	Page
Call of the case	7
Qualifying of jury panel	7
Striking of the jury	18
Pretrial motions	24
Preliminary remarks by the Court	52
Opening remarks by Mr. Finney	56
Opening remarks by Mr. Rouzong	58
Michael McCoy:	
Direct examination	63
Cross-examination	67
Redirect examination	71
Timothy L. Kirven:	
Direct examination	74
Seema K. Azad:	
Direct examination	83
Cross-examination	86
Kamieshkumar Patel:	
Direct examination	92
Cross-examination	133
Herman Edwards:	
Direct examination	152
Cross-examination	165
Bridgette Wells:	
Direct examination	167
State's Exhibit No. 31 played	169
Megan Geter:	
Direct examination	174
Charles S. Bonner:	
Direct examination	185
Cross-examination	199
Redirect examination	201
Recross-examination	206
Jennifer Thomas:	
Direct examination	208
Crystal Ford:	
Direct examination	230
Devang Patel:	
Direct examination	237
Cross-examination	258
Chanea Lumpkin:	
Direct examination	262
State Exhibit No. 41 played	267
Right of defendant to testify	270
Directed verdict motion	272
Closing remarks by Mr. Finney	281
Closing remarks by Mr. Routzong	295

Charge to the jury	301
Question from the jury	316
Sentence of the Court	322

E X H I B I T S

STATE'S:

No.	Description	I.D./EVD.
1	Photo of entrance	40/132
2	Photo of victim	40/150
3	Photo of cash in register	40/150
4	Photo of blood on floor	40/150
5	Photo of blood on floor	40/150
6	Photo of hallway to restrooms	40/189
7	Photo of area of cash register	40/150
8	(Withdrawn)	
9	Photo of front side of register	40/150
10	Photo of walkway	40/150
11	Photo of inside of store	40/150
12	Photo of front door entrance	40/150
13	Photo of store front and pumps	40/150
14-17	(Photos withdrawn)	
18	Photo of door from inside of store	40/150
19	(Withdrawn)	
20	Photo of floor showing blood	40/150
21	Photo of floor showing blood	40/190
22	Photo of register	40/190
23	(Withdrawn)	
24	(Withdrawn)	
25	Photo of receipt machine	40/150
26	Photo of transaction	40/150
27	Photo of person at entrance	40/150
28	Photo of person exiting store	40/150
29	Photo of person in black with mask	40/150
30	Photo of person in black leaving store	40/150
31	Body cam and video	49/150
32	Calendar	49/281
33	Aerial map	49/281
34	Aerial map	49/281
35	CD -- store videos	84/97
36	Receipt	90/129
37	Photo lineup	119/121
38	Photo lineup	119/121
39	Lineup form	119/121
40-A	Admission form	227/232
40-B	Discharge form	227/232
41	Jail phone calls	262/265

DEFENDANT'S:

1 Investigative report	139

COURT'S:

1 Note from the jury	318

1 THE COURT: Mr. Solicitor, you may call
2 your case.

3 SOLICITOR FINNEY: Thank you. Good
4 morning, Your Honor.

5 THE COURT: Good morning.

6 SOLICITOR FINNEY: The State of South
7 Carolina calls indictment number 2018-GS-43-1140,
8 the State versus Chauncey Antonio Wright, indictment
9 for armed robbery and attempted murder, true billed
10 by the grand jury of Sumter County. Your Honor,
11 I've already handed up my witness list.

12 THE COURT: Okay. Ladies and gentlemen of
13 the jury panel, we're about to begin the trial of
14 the State versus Chauncey Wright. Is there any
15 member of the jury panel connected by blood or
16 marriage, close personal friends, or social
17 relations with Mr. Wright, if so, please stand.

18 Okay. Yes, sir, tell me your name and
19 number.

20 PROSPECTIVE JUROR: My name is Jonathan
21 McCray. My number is 109.

22 THE COURT: Okay. And how do you know
23 Mr. Wright?

24 PROSPECTIVE JUROR: Me and Mr. Wright,
25 I've known him for several years. We used to work

1 together at Pilgrims Pride.

2 THE COURT: Okay. And the fact that you
3 — how often do you see him?

4 PROSPECTIVE JUROR: I don't see him now;
5 but at that time, then on it was every day because
6 we was working together Sunday through Thursday.

7 THE COURT: And it's how many years ago
8 was this?

9 THE WITNESS: I'm not quite sure the
10 years. I would say maybe three or four years ago.

11 THE COURT: Would that affect your ability
12 to be fair and impartial to both the State and Mr.
13 Wright?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: So you could be fair?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Okay, thank you, sir.

18 Yes, sir.

19 PROSPECTIVE JUROR: Jammie Vaughn, 171,
20 and he's my cousin, blood cousin.

21 THE COURT: Okay. How often do you see
22 him?

23 PROSPECTIVE JUROR: At family functions
24 until this happened.

25 THE COURT: Okay, I'll excuse you then on

1 this trial. You stay with me. Those who don't get
2 selected here I'm gonna send you to the other
3 courtroom and you can on another.

4 Yes, sir.

5 PROSPECTIVE JUROR: Deshawn James, number
6 87.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: We used to work
9 together.

10 THE COURT: How long ago?

11 PROSPECTIVE JUROR: Two years ago, three
12 years ago.

13 THE COURT: Would that affect your ability
14 to be fair and impartial?

15 PROSPECTIVE JUROR: No, sir, I wouldn't
16 want to be a part of it.

17 THE COURT: Tell me -- you don't think you
18 can be fair?

19 PROSPECTIVE JUROR: I mean, I could, but I
20 don't want to be a part of it.

21 THE COURT: So you don't want to serve on
22 this jury?

23 PROSPECTIVE JUROR: (No verbal response.)

24 THE COURT: All right, I'll excuse you
25 from this jury, but you got to stay with me 'cause

1 you may be on the next one. You're number 87?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Mr. James?

4 THE POTENTIAL JUROR: Yes, sir.

5 THE COURT: Okay. Anyone else?

6 (There was no response.)

7 THE COURT: All right, I'm gonna read a
8 list of potential witnesses in this case and I need
9 to know whether you're connected by blood or
10 marriage, close personal friends, or social
11 relations with any of these potential witnesses.
12 Mr. Kenny Patel, Dave Patel, Megan Geter, Bridgette
13 Wells, Charles Bonner, Michael McCauley, Jeff
14 Hoffer, Jaquan Commander, Marvin McBride, Theresa
15 Zeutaman, Jennifer Thomas, Cory Dingle, Tim Kirven,
16 Audrey McDonald, Crystal Ford, Chanae Lumpkin,
17 Michael McCoy, Scott Bonner, Dianne Commander, and
18 Michelle McDonald. Any member of the jury panel
19 connected by blood or marriage, close personal
20 friends, or social relations with any of those
21 potential witnesses, if so, please stand.

22 (There was no response.)

23 THE COURT: All right. The State is being
24 represented by the Solicitor Ernest A. Finney, the
25 Defense by Michael Routzong. Any member of the jury

1 panel connected by blood or marriage, close personal
2 friends, social relations, or have been represented
3 by either two of these attorneys, if so, please
4 stand.

5 (There was no response.)

6 THE COURT: Has any member of the jury
7 panel ever worked in a convenience store or retail
8 establishment, if so, please stand.

9 (There was no response.)

10 THE COURT: Any member of the jury panel
11 ever been a victim of an armed robbery, if so,
12 please stand.

13 (There was no response.)

14 THE COURT: Any member of the jury panel
15 ever been a law enforcement officer or have a member
16 of your immediate family employed as a law
17 enforcement officer in local, state, or federal
18 level, if so, please stand.

19 Okay, yes, ma'am.

20 PROSPECTIVE JUROR: My name is Natasha
21 Oaks-West, juror number 127. My husband is the
22 senior investigator with the Sumter County Sheriff's
23 Office.

24 THE COURT: Currently?

25 PROSPECTIVE JUROR: Yes, sir.

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

3 PROSPECTIVE JUROR: No, sir, it wouldn't.

4 THE COURT: Okay, thank you, ma'am.

5 Yes, ma'am.

6 PROSPECTIVE JUROR: I'm Shannon
7 McCullough, 110. My cousin is a detective for the
8 State troopers in Vermont.

9 THE COURT: Okay. Would that affect your
10 ability to be fair and impartial?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Thank you, ma'am.

13 Yes, sir.

14 PROSPECTIVE JUROR: I'm Charles Daughrity,
15 48. My brother-in-law and nephew are both officers.

16 THE COURT: Okay. And they're not any of
17 the names I called out in this case. Would that
18 affect your ability to be fair and impartial in this
19 case?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Thank you, sir.

22 Yes, ma'am.

23 PROSPECTIVE JUROR: My stepfather is a
24 police officer in Nashville, Tennessee.

25 THE COURT: Would that affect — what's

1 your number?

2 PROSPECTIVE JUROR: My number is 73,
3 Balinda Hargrove.

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

6 PROSPECTIVE JUROR: No, sir.

7 THE COURT: Thank you. Any member of the
8 jury panel or member of your immediate family, or
9 close personal friends involved in the Solicitor's
10 Office or in any prosecutor's office in the state or
11 local government or federal government, if so,
12 please stand?

13 (There was no response.)

14 THE COURT: Any member of the jury panel a
15 financial contributor or a member of the State Law
16 Enforcement Officers Association, State Troopers
17 Association, or the Fraternal Order of Police, if
18 so, please stand?

19 (There was no response.)

20 THE COURT: Any member of the jury panel a
21 financial contributor or volunteer any victim
22 support organizations, if so, please stand?

23 (There was no response.)

24 THE COURT: Any member of the jury panel
25 or a member of your immediate family ever been a

1 victim of an assault or violent crime, if so, please
2 stand?

3 PROSPECTIVE JUROR: Would you repeat that
4 again?

5 THE COURT: You ever -- you or a member of
6 your immediate family ever been a victim of an
7 assault or a violent crime, if so, please stand.

8 PROSPECTIVE JUROR: Yes, sir. Two -- in
9 2012 I found my own son and my nephew murdered.
10 Janice Chatman, number 40.

11 THE COURT: Okay. Now tell me again what
12 your situation is.

13 PROSPECTIVE JUROR: In 2012 I found my own
14 son and nephew murdered in Sumter County.

15 THE COURT: Okay. Would that affect your
16 ability to be fair and impartial juror?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Thank you, ma'am.

19 Yes, ma'am.

20 PROSPECTIVE JUROR: I was in a military
21 sexual trama because ---

22 THE COURT: Okay, what's your number?

23 PROSPECTIVE JUROR: 183.

24 THE COURT: Would that affect your ability
25 to be fair and impartial?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Thank you, ma'am.

3 Yes, ma'am.

4 PROSPECTIVE JUROR: Number 175, my cousin
5 was murdered in 2017.

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

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Thank you.

10 SOLICITOR FINNEY: I'm sorry, what was
11 that last juror number?

12 PROSPECTIVE JUROR: 175.

13 SOLICITOR FINNEY: Thank you.

14 THE COURT: Any member of the jury panel
15 form or express an opinion about any of the issues
16 or matters involved in this case?

17 (There was no response.)

18 THE COURT: This case allegedly
19 occurred -- what date, Mr. Solicitor?

20 SOLICITOR FINNEY: April 2018, Your Honor,
21 April 6th.

22 THE COURT: Okay. And what location?

23 SOLICITOR FINNEY: The Station store in
24 Mayesville, South Carolina.

25 THE COURT: Okay. Anybody know anything

1 about this case at all? Anybody read anything in
2 the newspaper or social media, on the internet, or
3 anything about this case, if so, please stand?

4 Let me talk to you up here.

5 (WHEREUPON, potential juror 109 and
6 counsel approached the Bench for an
7 off-the-record discussion.)

8 THE COURT: You got somebody else? Come
9 up here please, sir. I already excused you, right?

10 PROSPECTIVE JUROR: Yeah, you already
11 excused me.

12 THE COURT: All right, that's fine, I
13 don't need you.

14 Any member of the jury panel aware of any
15 bias or prejudice either towards the State of South
16 Carolina or this Defendant, if so, please stand?

17 (There was no response.)

18 THE COURT: Any member of the jury panel
19 served on the grand jury that heard this case, if
20 so, please stand?

21 (There was no response.)

22 THE COURT: Any member of the jury panel
23 due to religious or moral reasons unable to sit in
24 judgment of your fellow man, if so, please stand?

25 (There was no response.)

1 THE COURT: Any member of the jury panel
2 know any reason whatsoever they can't give the State
3 of South Carolina or this Defendant a fair and
4 impartial trial, if so, please stand?

5 (There was no response.)

6 THE COURT: Any member of the jury panel a
7 friend on Facebook or any other social media with
8 any of the witnesses, potential witnesses in this
9 trial, if so, please stand?

10 (There was no response.)

11 THE COURT: Any further questions from the
12 State?

13 SOLICITOR FINNEY: If it please the Court,
14 would you ask the panel whether they have any family
15 members or have ever had the occasion to be charged
16 with a crime of violence or an assault?

17 THE COURT: Any member of the jury panel
18 ever been charged or a member of your immediate
19 family ever been charged with a crime of violence,
20 if so, please stand.

21 All right, I've already excused you, thank
22 you.

23 Anyone else?

24 (There was no response.)

25 THE COURT: Okay. Any further questions

1 from Defense?

2 MR. ROUTZONG: No, Your Honor.

3 THE COURT: All right, if you will give us
4 a jury. It will be five and ten.

5 MR. ROUTZONG: May we approach, Your
6 Honor.

7 THE COURT: Yes, sir.

8 (WHEREUPON, counsel approached the
9 Bench for an off-the-record discussion.)

10 THE CLERK: Ladies and gentlemen of the
11 jury, as I call your name this morning I'd like for
12 you to come up to the podium, turn and face the back
13 door. Bring all your belongings with you please.

14 Juror number 124, Philip Mouradjian (white
15 male). What say the State?

16 SOLICITOR FINNEY: Please swear the juror.

17 THE CLERK: What say the Defense?

18 MR. ROUTZONG: Please excuse
19 Mr. Mouradjian.

20 THE CLERK: Have a seat back in the jury
21 panel please, sir.

22 Juror number 106, Cesteen [sic] Martin
23 (black female). What says the State?

24 SOLICITOR FINNEY: Please swear the juror.

25 THE CLERK: What say the Defense?

1 MR. ROUTZONG: Please seat Ms. Martin.

2 THE CLERK: Have a seat, ma'am.

3 Juror number 48, Charles Daughrity (white
4 male). What say the State?

5 SOLICITOR FINNEY: Please swear the juror.

6 THE CLERK: What say the Defense?

7 MR. ROUTZONG: Please excuse
8 Mr. Daughrity.

9 THE CLERK: Have a seat back in the jury
10 panel please, sir.

11 Juror number 22, Marsha Brayson [sic]
12 (black female). What say the State?

13 SOLICITOR FINNEY: Please swear the juror.

14 THE CLERK: What say the Defense?

15 MR. ROUTZONG: Please seat Ms. Bracey.

16 THE CLERK: Have a seat in the jury box
17 please, ma'am.

18 Juror number 159, Randolph Smith (black
19 male). What say the State?

20 SOLICITOR FINNEY: Please swear the juror.

21 THE CLERK: What say the Defense?

22 MR. ROUTZONG: Please seat the juror.

23 THE CLERK: Have a seat in the jury box
24 please, sir.

25 Juror number 128, Ryan Owens (white male).

1 What say the State?

2 SOLICITOR FINNEY: Please swear the juror.

3 THE CLERK: What say the Defense?

4 MR. ROUTZONG: Please sweat Mr. Owens.

5 THE CLERK: Have a seat in the jury box
6 please, sir.

7 Juror number 24, Julius Bradley (black
8 male). What say the State?

9 SOLICITOR FINNEY: Please swear the juror.

10 THE CLERK: What say the Defense?

11 MR. ROUTZONG: Please seat Mr. Bradley.

12 THE CLERK: Have a seat in the jury box
13 please, sir.

14 Juror number 52, Tontiana [sic] Dudley.
15 What say the State?

16 SOLICITOR FINNEY: Please swear the juror.

17 THE CLERK: What say the Defense?

18 MR. ROUTZONG: Please seat Ms. Dudley.

19 THE CLERK: Have a seat in the jury box
20 please, ma'am.

21 Juror number 34, Brian Burns (black male).
22 What say the State?

23 SOLICITOR FINNEY: Please swear the juror.

24 THE CLERK: What say the Defense?

25 MR. ROUTZONG: Please seat Mr. Burns.

1 THE CLERK: Have a seat in the jury box
2 please, sir.

3 Juror number 6, Julia Ardis (white
4 female). What say the State?

5 SOLICITOR FINNEY: Please swear the juror.

6 THE CLERK: What say the Defense?

7 MR. ROUTZONG: Please seat Ms. Ardis.

8 THE CLERK: Have a seat in the jury box
9 please, ma'am.

10 Juror number 136, Cleveland Prescott
11 (white male). What say the State?

12 SOLICITOR FINNEY: Please swear the juror.

13 THE CLERK: What say the Defense?

14 MR. ROUTZONG: Please seat Mr. Prescott.

15 THE CLERK: Juror number 90, Tamara
16 Johnson (black female). What say the State?

17 SOLICITOR FINNEY: Please swear the juror.

18 THE CLERK: What say the Defense?

19 MR. ROUTZONG: Please seat Ms. Johnson.

20 THE CLERK: Juror number 3, Anthony Alston
21 (black male). What say the State?

22 SOLICITOR FINNEY: Please swear the juror.

23 THE CLERK: What say the Defense?

24 MR. ROUTZONG: Please seat Mr. Alston.

25 THE CLERK: Have a seat in the jury box

1 please, sir.

2 Juror number 45, Marsha [sic] Cooper
3 (black female).

4 PROSPECTIVE JUROR: Marissa.

5 THE CLERK: Marissa. What say the State?

6 SOLICITOR FINNEY: Please swear the juror.

7 THE CLERK: What say the Defense?

8 MR. ROUTZONG: Please seat Ms. Cooper.

9 THE CLERK: Have a seat in the jury box
10 please, ma'am.

11 Juror number 79, Jeffrey Hobday (white
12 male). What say the State?

13 SOLICITOR FINNEY: Please swear the juror.

14 THE CLERK: What say the Defense?

15 MR. ROUTZONG: What number was that again?

16 THE CLERK: 79.

17 MR. ROUTZONG: 79. Please seat

18 Mr. Hobday.

19 THE CLERK: Have a seat in the jury box
20 please, sir.

21 Juror number 141, Wayne Richburg (white
22 male). What say the State?

23 SOLICITOR FINNEY: Please excuse the juror
24 from this trial.

25 THE CLERK: Have a seat back in the jury

1 room please, sir.

2 Juror number 96, David Kirby (white male).
3 What say the State?

4 SOLICITOR FINNEY: Please swear the juror.

5 THE CLERK: What say the Defense?

6 MR. ROUTZONG: Please seat Mr. Kirby.

7 THE CLERK: Have a seat in the jury box
8 please, sir.

9 All the jurors have been chosen, Your
10 Honor.

11 THE COURT: Thank you, sir.

12 Are there any matters of law pertaining to
13 the selection of the jury on behalf of the State?

14 SOLICITOR FINNEY: None from the State.

15 THE COURT: On behalf of Defense?

16 MR. ROUTZONG: No, Your Honor.

17 THE COURT: Okay.

18 (WHEREUPON, counsel approached the

19 Bench for an off-the-record discussion.)

20 THE COURT: Ladies and gentlemen, I've got
21 some legal matters I need to take up outside of your
22 presence before we get started with the actual
23 testimony in this case. I'm gonna send you to lunch
24 and ask you to come back at 2:30. When you come
25 back you'll come straight to the jury room.

1 Now during lunch don't do any research,
2 don't Google anybody, don't talk to anybody about
3 this case. Everything you know about this case I
4 need you to learn about in this courtroom so it's
5 important that you don't talk to anybody about this
6 or do any research. If you have an emergency over
7 lunch you need to call the Clerk's office and let
8 them know because if not, I expect all 14 of you to
9 be back at 2:30. And if you don't come back and you
10 don't call, then I'm gonna send the sheriff looking
11 for you so I need you to be back here 'cause I can't
12 get started until all of you get here. Or if you
13 have some emergency and you can't make it, you need
14 to call and let us know and we'll wait on you or
15 send you some help. I'll see you at 2:30.

16 (WHEREUPON, the jury was removed from the
17 courtroom.)

18 THE COURT: Okay. Now y'all have any
19 legal matters we're gonna take up now? Are we ---

20 SOLICITOR FINNEY: Well, we have this
21 Jackson versus Denno hearing on the statement of the
22 defendant. It's not the first piece of evidence.

23 THE COURT: Right.

24 SOLICITOR FINNEY: I also have a video, a
25 body cam video from the first witness that will be

1 at 2:30. I can show that to you now. I need about
2 ten minutes to set up it up and it takes about --
3 the relevant portion is eight minutes long.

4 THE COURT: Okay. Do you want to do that
5 now or go ---

6 SOLICITOR FINNEY: I mean, if he's
7 objecting to it ---

8 THE COURT: Are you objecting---

9 SOLICITOR FINNEY: ---I guess we need to
10 do it now.

11 THE COURT: I assume based on our prior
12 conversation he's objecting to the body cam video.

13 MR. ROUTZONG: Yes, sir.

14 THE COURT: Now, and his objection to the
15 statement of defendant seemed to be there was a
16 number of statements in prior crimes that he
17 objected to that, and some statement in there about
18 smoking marijuana that I assume he objected to.
19 I've listened to a large portion of it. It was
20 clear from what I watched that he was in custody and
21 it was a result of an in-custodial interrogation.
22 He was given his rights on the videotape. He
23 expressed that he understood those rights. He
24 initialed the paperwork and signed off on them. So
25 as far as that's concerned, the statement from what

1 I heard was freely and voluntarily given; but we can
2 play it and see. But parts of it may not be
3 admissible because there is object-- I assume he's
4 still objecting to prior crimes and other things so
5 it's gonna take some redaction to get it out ---

6 SOLICITOR FINNEY: Yes, sir.

7 THE COURT: ---down to what may or may not
8 be pertinent in this case. But I mean, I haven't
9 watched the whole tape, but I haven't seen anything
10 so far unless Mr. Routzong knows that something
11 happened during the tape that changed his position
12 from being freely and voluntarily given, was there
13 any undue coercion that I had seen. And of course,
14 I'll go watch the rest of it; but you know of
15 anything that the police did that would change the
16 circumstances as far as it being freely and
17 voluntarily given. Now that doesn't mean it's all
18 admissible. Now I hadn't seen -- it was clear that
19 they read him his rights and it was clear that he
20 appeared to understand those rights and that there
21 was no coercion or intimidation or anything that I
22 watched. Do you know of anything else?

23 MR. ROUTZONG: There is -- I'm gonna find
24 the exact time here, Judge. He requests a lawyer at
25 9:05. That's when she talks about when you're under

1 arrest for armed robbery, you asked for a lawyer.
2 She stays there and she keeps eliciting conversation
3 from him, she shuffles papers. Around I think what,
4 the idea is he's requested a lawyer and she's
5 hanging around, and he does keep talking.

6 SOLICITOR FINNEY: Judge, I don't have a
7 problem stopping the tape when he requests a lawyer.

8 THE COURT: Okay. Anything else?

9 MR. ROUTZONG: Do you want to hear
10 everything about this video? I thought the idea we
11 talked in chambers is he was gonna redact it down to
12 what he felt was relevant, then we would go far
13 there.

14 THE COURT: Right, and that's true. The
15 video of this confession -- my understanding if we
16 had a Jackson v. Denno hearing we can put that
17 entire tape in. But from what I listened to it
18 appeared, especially that it was freely and
19 voluntarily given. Having said that, the parts of
20 it are not admissible and so I assume that he was
21 gonna redact out the parts that either y'all agreed
22 were admissible or redact down, you know, redact out
23 those statements that he made about prior crimes and
24 then if you want me to review it at that point I
25 can. But it does appear to be at this point

1 anything I saw that he wasn't given his rights or
2 Miranda was violated. And you say he asked for a
3 lawyer and you said after that he'd have stopped it
4 all so. Now you certainly can redact that and get
5 it to what you both agree; and if you don't agree,
6 if he wants to put something in that you disagree
7 with I can rule on that at that time.

8 MR. ROUTZONG: It seems to me easier the
9 procedure would be to redact it because there's more
10 objectionable things than anything that's
11 potentially admissible.

12 THE COURT: Okay.

13 MR. ROUTZONG: That seems to me ---

14 THE COURT: You want to do that,
15 Solicitor?

16 SOLICITOR FINNEY: When you say redact,
17 everything is on a CD and as the CD is playing both
18 counsel will know when the objectionable material is
19 getting ready to be played so that we can mute it.
20 'Cause they're sitting in a room.

21 THE COURT: I know.

22 SOLICITOR FINNEY: Two people are sitting
23 in a room so all we have to do is mute it for the
24 ten seconds that he objects to it and let the tape
25 keep going. That's what I propose to do.

1 THE COURT: Okay. Well, at that point
2 somebody's got to write down the times.

3 SOLICITOR FINNEY: He's already got his
4 times and I can confirm it. We can look at the tape
5 tomorrow afternoon when court is in recess.

6 THE COURT: Okay. I mean, that's fine
7 with me. You know, if you can -- either you have to
8 stop it and start it or do, or redo the entire tape
9 and have one that's totally redacted and nothing but
10 it play straight through. And I understand that
11 takes some computer skills.

12 SOLICITOR FINNEY: I don't know that I
13 have those skills or the resources to do it. I
14 think as long as the defendant doesn't say something
15 about marijuana or something about being fired from
16 a job, we can mute it and keep on going.

17 THE COURT: Right. And he talks about
18 some other robbery charge. He starts out ---

19 SOLICITOR FINNEY: He has a prior robbery
20 charge that he mentions. We can ---

21 THE COURT: Right, that's got to go.

22 SOLICITOR FINNEY: Yes, sir.

23 THE COURT: Okay.

24 SOLICITOR FINNEY: We can keep that out.

25 THE COURT: Okay. Now as far as the body

1 cam video is concerned ---

2 SOLICITOR FINNEY: I need ten minutes to
3 set it up.

4 THE COURT: Okay. And my understanding
5 you were going to redact part of the end of it. His
6 objection was it was more prejudicial than
7 probative. I can look at it and see, whatever. You
8 want to set it up now, we can watch it? It's eight
9 minutes long.

10 SOLICITOR FINNEY: Give me ten minutes
11 I'll set it up.

12 THE COURT: Okay. Now the other tape that
13 you gave me, they're with jailhouse calls?

14 SOLICITOR FINNEY: Yes, sir.

15 THE COURT: And what part of that -- I
16 hadn't listened to that yet 'cause we couldn't get
17 the computer to work. How long is that or what's
18 involved in that?

19 SOLICITOR FINNEY: Two things, there are
20 calls from the defendant to his family members, one
21 of which, or two of which are on the witness list.
22 His girlfriend Michelle and his momma, I can't
23 remember her name right now.

24 THE COURT: Okay.

25 SOLICITOR FINNEY: Dianne Commander.

1 Those calls will become relevant if those witnesses
2 are called to the stand, and I can identify the
3 dates for you right before they testify.

4 THE COURT: Okay. You -- well, are you
5 planning on calling those witnesses to the stand?

6 SOLICITOR FINNEY: I don't think so.

7 THE COURT: Okay. So how do you want --
8 you have any objection to those calls?

9 MR. ROUTZONG: I don't know which ones
10 he's referring to. The Solicitor told me on Friday,
11 I want to say, that we would be able to figure all
12 that out I think between now and tomorrow. That's
13 what I heard on Friday.

14 SOLICITOR FINNEY: Well, he's ---

15 THE COURT: Y'all want to do, fine. If
16 not, I'll be glad to rule on any of those individual
17 calls that the Solicitor thinks is relevant and I
18 can rule on those at that time.

19 SOLICITOR FINNEY: All right, sir.

20 THE COURT: Okay. Is there anything else
21 we need? I'll watch this tape right now, then we'll
22 go to lunch and come back. Is that what y'all's
23 plan? So the only thing right now issue is the two,
24 the body cam video of the responding officer, right?

25 MR. ROUTZONG: There's also probably, I'm

1 assuming without knowing, that the State is going to
2 present -- since he's, as I said, he always shows a
3 victim of, a photograph of the victim in the case
4 every time he does a bond hearing. I'm assuming he
5 intends to admit certain photographs. I don't know
6 what they would be.

7 SOLICITOR FINNEY: They would be the same
8 photographs that were agreed to in the last trial,
9 Your Honor.

10 THE COURT: Okay.

11 SOLICITOR FINNEY: They were marked by the
12 court reporter and I got custody of them.

13 THE COURT: And you want to go over those
14 and look at them? Are you objecting to them, or you
15 want me to rule on?

16 MR. ROUTZONG: Anything, Your Honor, that
17 displays the wounds of the victim in a prejudicial
18 way. I know he has a right to substantiate that
19 there were wounds.

20 THE COURT: Okay.

21 MR. ROUTZONG: The question is, are the
22 photographs, is their probative value outweighed by
23 the unfair prejudicial nature of them in the sense
24 of inflaming the jury's passions or suggesting a
25 conclusion to the jury.

1 THE COURT: Okay.

2 SOLICITOR FINNEY: Hold on a second.

3 THE COURT: So do y'all know specific
4 items that you object to? If you'll look at them
5 and object to them I'll rule on each one of them
6 right now versus just a blanket of all pictures of
7 the victim.

8 MR. ROUTZONG: If you'd like, Your Honor,
9 while they're setting that up I can do that.

10 THE COURT: Okay.

11 MR. ROUTZONG: And look at it and then ---

12 THE COURT: All right, we can do that. So
13 you're setting up the body cam right now?

14 SOLICITOR FINNEY: I'm going to get the --
15 you want to see it in here?

16 THE COURT: I can.

17 SOLICITOR FINNEY: I can bring it to your
18 office, then we'd all have to sit around your
19 screen. Either way you want to do it is fine.

20 THE COURT: I can do it right here. It
21 doesn't matter to me.

22 SOLICITOR FINNEY: I'll have it set up in
23 ten minutes.

24 THE COURT: Okay. Well, ultimately you
25 might as well set it up in here if you're gonna

1 ultimately play it to the jury if it comes in.

2 SOLICITOR FINNEY: Yes, sir, that's right.

3 (Pause.)

4 SOLICITOR FINNEY: That's 1, 2, 3, 4, 5,
5 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
6 20, 21, 22, 23, 24, 25, those were, come at the
7 first trial. If Your Honor please, back in May the
8 first time we tried this, at the start of this case
9 the State marked 25 color photographs and we would
10 seek to introduce those today. In addition, we have
11 five other color photographs and the Defense has a
12 motion.

13 THE COURT: So these are five additional
14 photographs that you introduced —

15 SOLICITOR FINNEY: Some of the 25 that we
16 marked he objects to today. And the five new ones
17 that are not marked he may have an objection.

18 THE COURT: Okay. So what are these right
19 here? These the ones you object to?

20 MR. ROUTZONG: Yes, Your Honor, that's
21 number — that's State's number 2, number 4, number
22 5, number 6, number 8, number 9, number 19, 20, 21,
23 23, and 24.

24 THE COURT: Okay. All right, Mr.
25 Solicitor, you want to — all the rest of those you

1 agree to?

2 MR. ROUTZONG: I have no objection to the
3 rest of them, Your Honor.

4 THE COURT: Okay. And I assume your
5 objection is that the prejudicial value outweighs
6 the probative.

7 MR. ROUTZONG: That's correct, Your Honor.

8 THE COURT: Okay. Now do you want to talk
9 about what probative value these have?

10 SOLICITOR FINNEY: I'll be glad to.

11 THE COURT: I mean, obviously, there's
12 some prejudicial or you wouldn't be offering them;
13 but it's got to be some probative value. Just
14 simply show them for, you know, inflame the jury,
15 you got -- you either got to have somebody's gonna
16 testify something they show is probative.

17 SOLICITOR FINNEY: Let me just go through
18 the numbers.

19 THE COURT: Okay.

20 SOLICITOR FINNEY: Number 2, Your Honor,
21 is a picture of Mr. Patel, the victim, to show the
22 extent of his injuries and the swelling on his body
23 as he was being taken into the emergency room at the
24 hospital.

25 THE COURT: Okay. Which is within an hour

1 after the assault. Number 4, Your Honor, is a color
2 picture. It also is the same color picture as
3 number 24. I don't think we need both of them. The
4 reason we're asking for this one is to not only show
5 the amount of bloodshed that the victim sustained,
6 but also that he was beaten hard enough that it
7 beat -- that a tooth, a tooth is shown in the
8 photograph and it shows the significance or the
9 severity of the beating he took.

10 THE COURT: Okay.

11 SOLICITOR FINNEY: So I will withdraw 24
12 because it shows the same thing as number 4 in your
13 hand.

14 THE COURT: Okay.

15 SOLICITOR FINNEY: Number 5 is another
16 view of that same area. It just shows it further
17 out. It also shows number 5, his earpiece that he
18 was wearing at the time he was assaulted. It shows
19 it knocked on the floor in the area of the tooth.

20 THE COURT: Okay.

21 SOLICITOR FINNEY: Number 6 is a picture
22 of the hallway of the inside, and it shows the
23 proximity to the men's restroom where this assault
24 occurred and that's going to be something that we
25 need to show that he was asked by the robber to come

1 into the bathroom because the trash was filled; and
2 when he went into the bathroom that's when he was
3 beaten.

4 THE COURT: Okay.

5 SOLICITOR FINNEY: Number 8 shows an area
6 of the store where there's a lot of bloodshed and
7 it's just information that shows in the area of the
8 store that the jury should be able to see on the
9 video and get some reference to. This area is a
10 seating area where clients come in and sit down and
11 have lunch, and it's between the cash register and
12 the bathroom where the assault occurred. So just
13 for the reference of the jury to give them some idea
14 that ---

15 THE COURT: So it's my understanding that
16 the assault occurred in that location?

17 SOLICITOR FINNEY: The assault occurred in
18 the bathroom to the left of this location. The cash
19 register where the robbery occurred is to the right
20 of this location.

21 THE COURT: So how did the blood get
22 there?

23 SOLICITOR FINNEY: Because he was detained
24 there by the first citizen witness who came in. He
25 was made to sit down there while they waited for the

1 ambulance to arrive.

2 THE COURT: Okay. So that blood was after
3 the fact.

4 SOLICITOR FINNEY: Well, it was all after
5 the beating.

6 THE COURT: I understand that, but the
7 beating didn't occur there.

8 SOLICITOR FINNEY: No, it did not occur
9 there.

10 THE COURT: That's where he ended up
11 waiting on the police to come.

12 SOLICITOR FINNEY: Yes, sir. And you get
13 a better view of this — this, you get a party view
14 of State's Exhibit Number 8 on the video we're
15 getting ready to show you.

16 THE COURT: Okay. Well, all right. Okay.

17 SOLICITOR FINNEY: And Judge, for the sake
18 of the argument, 8 which is what we're talking
19 about, is a closeup of 9 which is a closeup of the
20 same table area and so is 19, all three of those. I
21 don't need all three of those. I can take one of
22 the three.

23 THE COURT: Let me see 9. Okay. I don't
24 know that you need that one.

25 SOLICITOR FINNEY: I withdraw number 19.

1 THE COURT: Okay.

2 SOLICITOR FINNEY: The next one, Your
3 Honor, is number 20 and number 21 showing the same
4 area of the store which is a different area. It's
5 behind the cash register area, and it shows blood on
6 the floor there where the victim went there in an
7 effort to get back to — as he came out of the
8 bathroom he went back to check on his cash register
9 as the robber was stealing scratch-off tickets.

10 THE COURT: Okay. You got any objection
11 to these?

12 MR. ROUTZONG: We object to all of them,
13 Your Honor.

14 THE COURT: All right. Well, assuming
15 that he's gonna testify to where he went, there's
16 not very much blood on the floor at all in these
17 two. But if he's gonna corroborate his statement,
18 now assume, you know, when he gets on the stand it
19 depends on if he doesn't say anything about going
20 back there; but if he does, I'll let those in to
21 corroborate that. You know, I don't think, I think
22 assuming that the probative value — the numbers,
23 number 8 is probably and, I haven't heard the
24 testimony yet, but I'm somewhat sketchy about number
25 8 coming in. Number 9 is the testimony is such it

1 becomes pertinent about whether -- number 9 may be
2 admissible, but it's gonna depend on the testimony
3 of the witness. I don't know that you need 8 and 9,
4 and 9 is less prejudicial than 8. If the beating,
5 you know, had occurred on 8 on like you showed the
6 tooth and everything else, that'd be one thing. May
7 be admissible, but I need to see what the testimony
8 is going to be.

9 SOLICITOR FINNEY: Well, if I can have 9
10 I'll withdraw 8. I mean, it shows the same.

11 THE COURT: Okay. And 9 may can come in
12 if there's any testimony to that effect.

13 SOLICITOR FINNEY: All right.

14 THE COURT: But you know, I got to hear
15 what the testimony is gonna be whether, how
16 probative it is.

17 SOLICITOR FINNEY: All right.

18 THE COURT: But I think -- do you want to,
19 as far as, I think 2, 4, 5 and 6 can come in 'cause
20 their probative value, I understand that. But you
21 know, I've had plenty of murder pictures come in of
22 the victim, the probative value. The fact 2, 4, 5
23 and 6 are in. 8's not. 9 may be in. And 20, 21
24 behind the register, assuming the testimony he went
25 back there to open it as well.

1 SOLICITOR FINNEY: All right, Judge. And
2 also there was a number 23, but I'll withdraw 23
3 because it shows the same thing as number 5, the
4 earpiece and the tooth so 23 is withdrawn.

5 THE COURT: Okay.

6 SOLICITOR FINNEY: And I withdraw 8 and
7 I'm gonna ask you to let 9 stay in, and you can rule
8 on that when you're ready.

9 THE COURT: 9 may come in. It's according
10 to the testimony to that effect, it's probative, you
11 know. If not, okay.

12 SOLICITOR FINNEY: All right. Now you
13 have five other photographs for the defense counsel
14 to look at, tell me what he thinks about those.

15 THE COURT: Okay.

16 SOLICITOR FINNEY: These are photographs
17 of taken from the videotape that we're going to try
18 to introduce to the jury. They show still frames of
19 the defendant coming in the store on April the 4th
20 and still frames of the robber coming in and leaving
21 the store on April 6th.

22 MR. ROUTZONG: I don't have any objection
23 to those.

24 THE COURT: Okay.

25 SOLICITOR FINNEY: And also, there's one

1 photograph of the defendant purchasing or getting a
2 pack of rolling papers on April 4th. Any objection
3 to that?

4 MR. ROUTZONG: No, sir.

5 THE COURT: Okay.

6 SOLICITOR FINNEY: So these are five
7 additional photographs I'd like marked.

8 THE COURT: Okay. Those are in without
9 objection.

10 (WHEREUPON, State Exhibits Nos. 1 through
11 30 were marked for identification and State Exhibits
12 Nos. 8, 23, and 24 were withdrawn.)

13 SOLICITOR FINNEY: Judge, as far as your
14 notes are concerned, 20 and 21 ---

15 THE COURT: Are in.

16 SOLICITOR FINNEY: All right, thank you,
17 sir. I just want to put them in order.

18 SOLICITOR FINNEY: And this is the body
19 cam of the first responder on April 6th, 2018.

20 THE COURT: Okay.

21 (Playing of body cam video begins.)

22 SOLICITOR FINNEY: This part is the
23 evidence tape and starts taping up the scene.

24 SOLICITOR FINNEY: Five minutes later the
25 ambulance arrives. They put Mr. Kenny in the

1 ambulance and that's when there's a little bit of
2 discussion between the people there, the
3 Investigator Jennifer Thomas, and there's a little
4 bit of conversation that I would like the jury to
5 hear about Kenny knowing who assaulted him and I'll
6 see if I can pull that up.

7 (Playing of body cam video continued.)

8 SOLICITOR FINNEY: This is the part.

9 (Playing of body cam video continued.)

10 SOLICITOR FINNEY: Judge, I'm gonna go a
11 little bit further.

12 (Playing of body cam video continued.)

13 SOLICITOR FINNEY: That was it. I'll back
14 it up just a little bit.

15 THE COURT: She says he says he knows who
16 it is, she's trying to get a translator here.

17 SOLICITOR FINNEY: Right.

18 (Playing of body cam video continued.)

19 THE COURT: Okay, all right. Yes, sir,
20 you want to tell me what your position is?

21 DEFENSE: Your Honor, the State can elicit
22 that testimony from the victim himself during the
23 trial. Clearly that video tape is hearsay, Your
24 Honor.

25 THE COURT: I don't know -- let's talk

1 about the first part of the tape first, not the last
2 part. From the time he comes in till he, they break
3 it and he goes to the tape. Do you have any
4 objection to that?

5 MR. ROUTZONG: I do.

6 THE COURT: And what objection?

7 MR. ROUTZONG: Your Honor, I'm gonna quote
8 from State v. Torres here which is my overall
9 objection to both the photographs. I know you've
10 already ruled on that, but just to put it on the
11 record.

12 THE COURT: Okay.

13 DEFENSE: And I'll read from it, Your
14 Honor. It says photographs -- and by extension
15 videos I would argue, that's not in the opinion but
16 by extension -- calculated to arouse the sympathy or
17 prejudice of the jury should be excluded if they are
18 irrelevant or not necessary to substantiate material
19 facts or conditions. And that's a cite from State
20 v. Rosalyn. Under rule 403 evidence may be excluded
21 if its probative value is substantially outweighed
22 by the danger of unfair prejudiced. To be
23 classified as unfairly prejudicial photographs --
24 and I would argue by extension videos -- must have a
25 tendency to suggest a decision. Your Honor, the

1 solicitor himself and I'm wanting him to say that
2 was on number 8 -- that might have been withdrawn.
3 Number 8 you're not letting in. But he kind of,
4 even though that's the one he let, that you told him
5 he couldn't bring in; but he said the very first
6 thing there's bloodshed. That's what he told the
7 Court just a few minutes ago. That's what all the
8 video is about. There's nothing, there's nothing in
9 the sense of making it more likely or probable that
10 he committed a crime from any of those video. And
11 that's what I think you ought to look for, Judge.
12 What is it that makes it more likely that he
13 committed that crime based on what you hear or see
14 on any of those videos or the photographs? It makes
15 it look -- with one photograph and testimony you can
16 establish, okay, a crime was committed and -- matter
17 of fact, you don't need any photographs or video.
18 You can have testimony from a doctor that says, yes,
19 this injury was sustained. The victim can get up
20 and say, oh, yes, I got hit on the head horribly
21 with a, with some kind of a tool and I guess they're
22 going to allege it's an iron bar. The question is,
23 Judge, does any of this make it more likely or is it
24 evidence that he committed that crime. And then
25 viewing it from that light, Your Honor, does any

1 probative value that is established outweigh the
2 unfair prejudicial nature and that's my objection,
3 Your Honor.

4 THE COURT: Okay. You want to respond to
5 that, Solicitor?

6 SOLICITOR FINNEY: Just briefly. This is
7 an attempted murder. The jury needs to know that
8 this was not a assault and battery third degree.
9 This man laid in wait. We have video of him outside
10 the store waiting for the parking lot to clear
11 before he went in with an iron rod and tried to, we
12 believe, subdue the store clerk not by tying him up
13 and telling him to be quiet, but by beating him down
14 on the floor. The blood, the tooth, the earpiece,
15 the amount of blood that he lost, all goes to the
16 maliciousness of the injury. It all goes to the
17 severity of the beating and it goes to the mental
18 state of whoever did this. We have to prove the
19 crime first. The crime is attempted murder. Then
20 we have to prove the identity of the perpetrator
21 which we will do by other video by circumstances
22 that occurred in the store over the fourth, the
23 fifth, and the sixth, and the testimony of this
24 victim who can remember the man who robbed him.

25 THE COURT: Okay. And I think, you know,

1 solicitor, you have to prove that a crime occurred.
2 He's charged him with attempted murder and the
3 severity of it, and I don't think that the first
4 part of that video the prejudicial value outweighs
5 the probative and I'll allow that in. Now the
6 statement about he knows who did it, it was a
7 different situation in that that clearly is hearsay;
8 and whether it falls under one of the exceptions or
9 not, I hadn't, you know, I don't know that yet. I
10 don't know other than, you know, because I assume
11 the officer's getting that information from somebody
12 in the ambulance so.

13 SOLICITOR FINNEY: Yes, sir. The
14 defendant [sic] told his manager Dave in the red
15 shirt here because Dave was having to translate for
16 him to make sure he could understand what was going
17 on.

18 THE COURT: That probably -- if it comes
19 in it would come in better through him than through
20 this 'cause this is hearsay on hearsay. He's told
21 ---

22 SOLICITOR FINNEY: Dave is standing right
23 there.

24 THE COURT: But I didn't hear him say, she
25 says it, so the victim told it to him and he told it

1 to her.

2 SOLICITOR FINNEY: Yes, sir.

3 THE COURT: So.

4 SOLICITOR FINNEY: And it would be an
5 excited utterance from the person who spoke.

6 THE COURT: Right, but you got to
7 establish the time frame and whether he's still
8 under the influence of the event. And so the fact
9 that it went to him -- it may come in under the
10 translator, but 'cause he's got, you know, he's told
11 her so that, that's double. I just don't know if it
12 needs to come, if it comes in at all it needs to
13 come in under the translator.

14 SOLICITOR FINNEY: All right, sir.

15 THE COURT: So that part of the video
16 won't come in.

17 SOLICITOR FINNEY: All right, sir.

18 MR. ROUTZONG: Based on the incident
19 report, Judge, since we can't see it, that's
20 somewhat inexact because what the incident report
21 says is that Dave Patel assisted in the translation.
22 I'm not, that's not a quote, but Thomas -- this is.
23 Thomas asked Dave to translate, he knew who the
24 suspect was; and he said yes. but that was with a
25 slight nod of the head, that wasn't a verbal yes or

1 whatever the word is in the language so that's a
2 little, I mean, Your Honor, you're asking for --
3 they're asking you to allow an interpretation of
4 body language.

5 THE COURT: I understand and at this point
6 none of it is in. You know, I'm not saying that's
7 in period. It's just not coming in through this
8 video what I've seen. You know, if he gets on the
9 stand and testifies you object to hearsay, it may
10 not come in then. I hadn't heard enough to get in.
11 They got to establish -- it is clearly hearsay. a
12 nod of the head can be hearsay; it doesn't have to
13 be verbal. But it's clearly hearsay so the question
14 is whether it comes in under one of the exceptions.
15 At this point I hadn't heard enough of one of the
16 exceptions that it come in under that; but it may, I
17 hadn't heard from the interpreter of what the
18 situation is. I mean, in the time frame it could
19 clearly be that he was still under the influence of
20 his injuries and that, you know, it may come in
21 under excited utterance. You know, it's got the
22 three criteria. You know, the statement must be
23 related to the starting event or condition. The
24 statement must have been made while declarant was
25 under the stress of the excitement, and the stress

1 of the excitement must be caused by the start of the
2 event or condition. Those are the three criteria,
3 okay.

4 SOLICITOR FINNEY: All right.

5 THE COURT: All right. So anything else?

6 SOLICITOR FINNEY: No, sir, not at this
7 point.

8 THE COURT: All right.

9 MR. ROUTZONG: One of the things that need
10 to be redacted they can't do that now.

11 THE COURT: I understand. So we'll break
12 for lunch and come back and deal with those.

13 MR. ROUTZONG: Yes, sir.

14 SOLICITOR FINNEY: The redactions on what?
15 You're talking about Chauncey Wright's interview?

16 MR. ROUTZONG: That's correct.

17 SOLICITOR FINNEY: We're gonna do that
18 tomorrow, Judge, while you're on break because all I
19 want to do this afternoon is opening statements and
20 call McCoy whose body cam we just saw.

21 THE COURT: Okay. All right, then I'll --
22 you need me hear before I'll be back long before
23 2:30. If y'all need something I'll be in chambers.

24 SOLICITOR FINNEY: All right.

25 THE COURT: If not, I'll see you at 2:30.

1 SOLICITOR FINNEY: Just for the record
2 while we're all here can I go ahead and mark this
3 CD, the body worn camera, the CD?

4 THE COURT: Right, you can, but understand
5 the jury's not going to be able to take it back
6 unless you're gonna redact that end out of it.

7 SOLICITOR FINNEY: All right.

8 THE COURT: Unless, you know ---

9 SOLICITOR FINNEY: I can do that. I can
10 redact the other part out.

11 THE COURT: Yeah, okay.

12 SOLICITOR FINNEY: All right.

13 THE COURT: The jury can come out here,
14 and we can play it to them; but if you want it to go
15 to the jury room that can't go. Okay.

16 SOLICITOR FINNEY: I'll have to redact.

17 (Whereupon, a lunch break was taken.)

18 (WHEREUPON, State Exhibits No. 31, 32, 33,
19 and 34 were marked for identification only.)

20 THE COURT: All right, we ready?

21 SOLICITOR FINNEY: Yes, sir.

22 THE COURT: Bring me the jury please, sir.

23 (WHEREUPON, the jury was returned to the
24 courtroom at approximately 2:32 p.m., and
25 the following proceedings commenced in

1 open court.)

2 THE COURT: You may swear them in.

3 THE CLERK: Ladies and gentlemen, please
4 stand and raise your right hand.

5 (WHEREUPON, the jury was sworn at 2:32
6 p.m.)

7 THE COURT: Ladies and gentlemen, I'm
8 going to briefly explain to you your duties and how
9 this process will go. And this is not a charge on
10 the law. At the end of case I will charge you on
11 the law that you're to apply in this case. The
12 defendant in this case has been charged with the
13 crime of armed robbery and attempted murder, and I
14 will explain to you at the end of the case what the
15 definitions of those charges are and the law that
16 you're to apply. Now he's been indicted at this
17 point and to that indictment he's entered a plea of
18 not guilty; and therefore, it passes the burden upon
19 the State of South Carolina to prove each and every
20 element of that indictment to you beyond a
21 reasonable doubt. Your job is to listen to the
22 evidence in this case and determine what the facts
23 are. My job is to rule upon the admissibility of
24 that evidence, what evidence under our rules you're
25 allowed to hear, and charge you on the law. I'm not

1 allowed to have an opinion about the facts. It is
2 up to you and you alone to determine what the facts
3 are in this case; and in making that determination,
4 you will make that from the evidence that you
5 receive in this case.

6 And basically the evidence is gonna come
7 to you in three forms. First of all, through sworn
8 testimony. Witnesses will get on this stand under
9 oath and testify to you as to what they observed and
10 what they saw. And your job is to listen closely to
11 that testimony and listen to that evidence and
12 determine what part of that evidence you think is
13 credible and what part of that evidence is the truth
14 in this case. It's important that you pay close
15 attention. I'm going to try to stop every hour,
16 hour-and-a-half to take a break, and I try not to
17 stop in the middle of a witness' testimony; but
18 sometimes that testimony is way too long and we have
19 to. Having said that, I need all 14 of you to pay
20 close attention; and if you're uncomfortable, for
21 any reason and you need a break, you can't pay
22 attention. So if you need a break simply raise your
23 right hand, I'll stop the trial, we'll take that
24 break, we'll come back, and continue with the
25 testimony 'cause it's important that you get it

1 right. If you make a mistake it is very hard to
2 correct that mistake. If I make a mistake, at some
3 other time and some other place that will be
4 reviewed, but it's important that you listen real
5 close to this case. I need fair and open minded
6 jurors whose gonna listen to all the evidence and
7 reach a verdict that's proper in this case.

8 The other way you may receive evidence is
9 through exhibits that are introduced, photographs,
10 or documents in this case. And the third way that
11 you may get evidence is stipulations of the
12 attorneys. Sometimes in trials there's a fact or an
13 issue that both sides agree on, that we agree that
14 this is the fact or this is the issue in the case
15 and they stipulate to that fact. But those are
16 basically the three ways you receive evidence in a
17 case.

18 Now in a few minutes the attorneys are
19 gonna get up and make an opening statement to you.
20 The State has the burden of proof and they go first.
21 And their statement is not evidence. They're simply
22 gonna explain to you what this case is about and
23 what they think the evidence is gonna show in this
24 case. After the trial is over they'll make a
25 closing argument to you, and they will argue to you

1 as to what they think the evidence shows or does not
2 show in this case. Then I will charge you on the
3 law and you'll go back and reach a verdict in this
4 case after you've heard all the evidence and the
5 arguments of the attorneys.

6 Now, it's important throughout this
7 process that you don't discuss this with anybody.
8 You know, you can't talk about it to somebody you
9 see in the hall. You can't talk about it when you
10 get home tonight. And I know it's gonna be hard not
11 to. You're sitting there listening to a case, you
12 get home tonight at supper and your whole family is
13 gonna want to know what you've been doing all day
14 and you're gonna want to tell them. But if they're
15 anything like my family, they're gonna have an
16 opinion as to what you ought to do. They haven't
17 heard the facts in this case and you have and so you
18 got to make that decision based on what you hear in
19 this courtroom. You can't even talk about it among
20 yourselves; and I know many times jurors think,
21 well, that doesn't make any sense, Judge. After
22 we've heard one witness, two witnesses, and we go on
23 a break, why can't we talk about what that witness
24 said. And the reason I don't want you to is because
25 if you do at the beginning of the case, then you're

1 gonna want to justify and defend that opinion you
2 had at the end of case to your fellow jurors. And
3 it's only when you hear all of the evidence of the
4 case, when you have the law, that you're to form an
5 opinion and express that opinion. That's why I
6 don't want you to talk about it because many times a
7 decision you hear from the first witness may be
8 wrong and you'll want to defend that later on to
9 your fellow jurors. And it's important that you
10 don't do that. The system works when we do it
11 right, and both sides are entitled to a fair, open
12 minded, impartial jury that's gonna listen to the
13 evidence in this case and reach a verdict that's
14 proper in this case. So if you'll pay close
15 attention, the attorneys are going to make an
16 opening statement and we'll begin the testimony.

17 Mr. Solicitor.

18 SOLICITOR FINNEY: May it please the
19 Court, Your Honor. Ladies and gentlemen, my name is
20 Chip Finney and I have been a lawyer since 1981, and
21 I have been working in this courthouse and in the
22 courthouse, the old courthouse, since that time.
23 I'm very proud to have been elected solicitor about
24 eight years ago and served this community along with
25 the other three counties in this circuit. Sumter is

1 part of the circuit that has Bishopville, Manning,
2 and Kingstree. And my job is make sure that
3 criminal cases get reviewed by my lawyers, to get
4 them prepared so that we can bring them to court so
5 that the judges and juries across this circuit,
6 across this state, can hear them. I am especially
7 glad to be here today because I have a great support
8 team working with me today. Investigator Jennifer
9 Thomas, especially investigator Gwen Herod, and
10 officers like McCoy and other people are helping us
11 bring this case to court.

12 In April of 2018 as you will see on this
13 State's Exhibit 32, April 2018, something very, very
14 important happened on the 6th day, Friday evening
15 around 7:30 in the evening. What happened was that
16 a young man named Kamleshkumar Patel was working his
17 job at a place called The Station. The Station is a
18 convenience store on the side of the road in
19 Mayesville. State's Exhibit number 34 shows a
20 aerial view of The Station. If you're looking at
21 this aerial view the store sits right on the
22 highway. If you're going west you go into Sumter.
23 If you go east you'll be going to Florence. That's
24 76 there, Florence highway. They sell gas. They
25 sell kerosene. They sell sodas and some of the best

1 fried chicken you ever want to see. The man who's
2 running that store is sitting over there in that
3 blue shirt. We call him Kenny, Kenny Patel.

4 He was working the store that night by
5 himself; and at some point that evening, a tall man
6 with dark clothing and a hat and gloves on both
7 hands came in. That man had armed himself with an
8 iron bar about 12 to 14 inches long, and that man
9 came in and he waited until the store cleared and
10 then he went in the bathroom. And when he didn't
11 hear anymore customers talking to Kenny he opened
12 the store, the bathroom door and said, Kenny, he
13 said something -- he didn't say Kenny. He said,
14 come here, I want to show you something. And Kenny
15 went into that bathroom and he got hit over and over
16 and over with that metal bar to the point where he
17 was severely injured. Now I'm not telling you what
18 I think happened. I'm gonna show you video from
19 inside the store that night of Kenny getting beat
20 up. After the man thought Kenny was down on the
21 floor, couldn't stop him from robbing the store, the
22 man went to the cash register and emptied the cash
23 register of all the bills except the one dollar
24 bills. He left all the one dollar bills. Then he
25 went about 4 or 5-feet away from the regular cash

1 register and he got into the lottery cash register
2 and took all the money from the lottery sales that
3 day. But the man, he didn't stop there. He went
4 around the corner to where the lottery tickets were
5 being held or stored and he stole a handful of
6 lottery tickets. All of this is on video.

7 There's also one other thing on the video.
8 When that man with his hat on and his dark clothes
9 and his gloves, when he came in the store that night
10 Kenny was standing by the door. Kenny spoke to him
11 'cause Kenny knew him. And Kenny and him talked
12 about two seconds and then the man went on in the
13 store, and Kenny went on back to the cash register
14 'cause he all that night, Friday night, he was
15 selling tickets, he was selling drinks. Kenny was
16 working, doing what he needed to do to support
17 himself and his family.

18 The reason I'm very glad to be here today
19 is because I get to help people like Kenny. Trouble
20 came looking for Kenny; Kenny didn't go looking for
21 trouble. Kenny was doing what all of us are
22 expected to do, get up in the morning, work hard,
23 take care of our families. Every now and then,
24 especially in my job, every day almost, somebody
25 brings trouble to your door. And if I can help that

1 young man, I'm gonna do my best; and the way I'm
2 gonna do it, is I'm gonna show you every piece of
3 evidence. I'm gonna bring you every witness that
4 these investigators have found and they found a lot,
5 because these investigators, they don't go home at
6 5:00. At 7:30 when the ambulance was called to get
7 Kenny to the hospital, they had just started their
8 day and they worked all throughout the night to put
9 the pieces together to find out who that man was
10 that did this to this young man.

11 Over the next two or three days we're
12 gonna lay out every piece of evidence that we've
13 been able to come up with. This comes down, ladies
14 and gentlemen, to respect. You know, this morning
15 when you came in the room downstairs and we met you
16 and got to see you, one of the things that lawyers
17 look for as to being whether you're gonna be a good
18 juror is how do you respect the process. Are you
19 ready to come in and say, oh, judge, I can't do that
20 this week, this is not that important to me, I got
21 other things going on. Because if you have that
22 attitude, you're not the right person for the jury.
23 The way you dress is important to a lawyer to look
24 at to say, hum, that person knew she was coming to
25 court, knew he was coming to court, wanted to be

1 respectful. The man who did this to Kenny Patel had
2 no respect for the law, for the community, or for
3 that man's trying to do what he set out to do that
4 day. We have charged him with armed robbery because
5 he had a weapon. He used the weapon and he stole
6 hundreds of dollars and those lottery tickets.
7 That's the definition of armed robbery.

8 Attempted murder is an act of violence
9 against a person who could have died from it, but he
10 didn't. If he had died it wouldn't be attempted
11 murder, it would be murder. That's how serious this
12 case is. And when you hear about the injuries and
13 the rehab that Kenny has had to go through, you will
14 understand. This is not an assault and battery.
15 This is an attempt to take a life for a few hundred
16 dollars and some lottery tickets. And the man that
17 we've charged is Chauncey Wright.

18 There's one more thing that you need to
19 know. It's not just a situation of Kenny seeing the
20 man on Friday the 6th of April. You're gonna find
21 out that the same man that Kenny talked to at the
22 door that night before he got beat up and robbed,
23 that same man was in the same store on April the
24 4th, two days before. And it's not what I'm telling
25 you, I got the video to show it. Please do what the

1 judge says. Listen to the witnesses, listen to the
2 evidence, and I'm firmly convinced that at the end
3 of this case you will find that Chauncey Wright is
4 guilty of armed robbery and attempted murder. Thank
5 you.

6 THE COURT: Mr. Routzong.

7 MR. ROUTZONG: Thank you, Your Honor,
8 Mr. Finney. Good afternoon everybody. My name is
9 Michael Routzong, the attorney representing
10 Chauncey. And I appreciate Mr. Finney's service and
11 I appreciate law enforcement's service, but it ain't
12 about them. As you're sitting there right now in
13 those chairs this afternoon you have to have the
14 presumption that they're wrong because what does it
15 mean to presume somebody's innocent. It means they
16 have to be wrong, they have to be mistaken if you're
17 gonna take that concept seriously. You have to
18 start out with a clean slate and listen to the
19 evidence. He talked about evidence and I'll be
20 brief. It really only comes down to one thing. Can
21 a man who is severely injured filtering information
22 through another person be believed, was it tainted.
23 You're gonna hear about other folks seeing somebody
24 leave the store in a Ford F150. What I'm telling
25 you right now is Chauncey Wright was not the person.

SW - M. MCCOY - DIRECT

1 in that store and they can't prove it. And I ask
2 you to listen to all the evidence. And remember,
3 until all the evidence is in, he's innocent. Thank
4 you very much.

5 SOLICITOR FINNEY: We call Mike McCoy to
6 the stand.

7 THE COURT: All right. If you'd come
8 around please, sir, and place your left hand on the
9 Bible and raise your right.

10 THE CLERK: Place your left hand on the
11 Bible, raise your right hand. State your full name,
12 sir.

13 THE WITNESS: Michael McCoy.

14 **WHEREUPON,**

15 **MICHAEL MCCOY,**

16 having been duly sworn by the Clerk, testified
17 as follows:

18 THE CLERK: Step around, sir. State your
19 full name and spell last name for the record please,
20 sir.

21 THE WITNESS: Michael McCoy, M-C-C-O-Y.

22 **D I R E C T E X A M I N A T I O N**

23 BY SOLICITOR FINNEY:

24 Q. Officer McCoy, tell the jury where you're
25 employed.

SW - M. MCCOY - DIRECT

1 A. Employed with the Sumter County Sheriff's
2 Office.

3 Q. And are you a patrol officer?

4 A. I'm a lieutenant over our shift.

5 Q. All right, sir. So you are over the
6 patrol officers that work for the sheriff?

7 A. Yes.

8 Q. All right. How long have you been in law
9 enforcement?

10 A. Eighteen years.

11 Q. All right, sir. And in 2018 in the month
12 of April were you still doing the kind of job that
13 you're doing now?

14 A. Yes.

15 Q. All right, sir. Did you have occasion to
16 receive a call as you were out on patrol on
17 April 6th to respond to The Station in Mayesville,
18 which is a convenience store?

19 A. Yes.

20 Q. Is that part of your normal district that
21 you patrol?

22 A. It is. I was actually — I live out in
23 that area, and I was actually heading home when the
24 call actually came out.

25 Q. Do you remember what time roughly the call

SW - M. MCCOY - DIRECT

1 came out?

2 A. It was around 7:30 p.m. It was just
3 before 8:00.

4 Q. All right. And you're familiar with The
5 Station, you've been there before?

6 A. Very.

7 Q. Do you know Kenny Patel?

8 A. I do.

9 Q. All right, very good. Now as part of your
10 job, when you get a call and you have to respond do
11 you wear a camera, a body camera?

12 A. Yes.

13 Q. And do you activate the camera when you
14 are called out to a scene for responding to a crime?

15 A. Yes, prior to arrival I will activate it.

16 Q. And did you have on a body camera? Did
17 you activate it the night when got to The Station?

18 A. Yes.

19 Q. When you got to The Station were you by
20 yourself or with other officers?

21 A. I was by myself.

22 Q. All right, sir. And that video that comes
23 from the body camera, have you provided it to my
24 office so that we can show it in court today?

25 A. Yes.

SW - M. MCCOY - DIRECT

1 Q. All right, sir. I'm gonna ask you to look
2 at this. I may stop it and ask you a question;
3 otherwise, we're gonna start the video.

4 MR. ROUTZONG: Your Honor, prior to the
5 tape being played I renew my objection.

6 THE COURT: Okay. It's noted for the
7 record.

8 (State Exhibit No. 31 is played.)

9 SOLICITOR FINNEY: Judge, the video is
10 good, but I don't have audio.

11 THE COURT: I see that.

12 SOLICITOR FINNEY: We got it, Judge.

13 (Playing of State Exhibit No. 31 continued.)

14 BY SOLICITOR FINNEY:

15 Q. Mr. McCoy, do you recognize this scene?

16 A. Yes.

17 Q. Where is this at?

18 A. This is The Station in Mayesville.

19 Q. All right, sir. And these three people
20 that are in the screen here shot now, are those the
21 people there that night when you walked in the door?

22 A. Yes.

23 Q. All right. We're gonna see if it plays
24 now.

25 (Playing of State Exhibit No. 31 continued.)

SW - M. MCCOY - DIRECT

1 BY SOLICITOR FINNEY:

2 Q. All right, Officer McCoy, you've arrived
3 and you've got a little bit of information. What
4 are you getting ready to get out the trunk of your
5 car?

6 A. At that point what I'm getting ready to
7 get out of my truck, I've got some crime scene tape
8 to kind of rope off the actual scene myself.

9 Q. So you'll be outside doing, putting up the
10 tape?

11 A. Yes.

12 Q. All right, sir. And the gentleman that
13 was inside, did you recognize him?

14 A. Mr. Patel?

15 Q. Yes, sir.

16 A. Yes.

17 Q. And he was the man you knew before?

18 A. Yes.

19 Q. All right. And he stayed inside with the
20 two ladies?

21 A. Yes.

22 Q. All right. The gentleman that had the
23 yellow T-shirt on that walked outside with you, he
24 was on his way home, he was leaving then; is that
25 right?

SW - M. MCCOY - DIRECT

1 MR. ROUTZONG: Your Honor, these are all
2 leading questions, one right after the other.

3 THE COURT: Okay. You let him testify,
4 just ask some questions.

5 BY SOLICITOR FINNEY:

6 Q. Okay. What happened to the man in the
7 yellow shirt?

8 A. The gentleman that was in the yellow shirt
9 in the video, once I arrived on scene thought maybe
10 you could see in the video, he was actually just
11 passing through going home. He actually lived in
12 Lynchburg and he just stopped at the store normally
13 like he normally does, and he was at the scene prior
14 to my arrival.

15 Q. All right, sir. Now after you, I heard
16 you on your radio while we were listening to this
17 tape. Tell us what you were doing.

18 A. Well, once I initially arrived on scene
19 and seen the severity of Mr. Patel's face injuries,
20 I actually notified our dispatch -- the code that
21 you heard was 1059 -- just the injuries of his face.
22 I thought at first it was actually a gunshot wound,
23 but later on found out it was some type of object
24 that he was assaulted with. Basically just giving
25 information out to other responding deputies, giving

SW - M. MCCOY - DIRECT

1 information to dispatch to update the system as far
2 as what the scene was, whether we could pass on any
3 type of information EMS that's responding to render
4 aid to Mr. Patel.

5 Q. Now one of the ladies in the video was
6 giving him some help to his head. She was talking
7 to you about information, what she had seen; is that
8 correct?

9 A. Yes.

10 Q. And what was that information?

11 MR. ROUTZONG: Objection.

12 THE WITNESS: Even prior to the
13 information he gave me ---

14 MR. ROUTZONG: He's asking her -- he's
15 asking the deputy to tell what she said. Hearsay,
16 Your Honor.

17 SOLICITOR FINNEY: I'm asking as an
18 investigator he was trying to put together the
19 pieces.

20 THE COURT: I understand that, but it's
21 technically the ---

22 SOLICITOR FINNEY: Let me rephrase the
23 question.

24 THE COURT: Rephrase it, yes.

25 BY SOLICITOR FINNEY:

SW - M. MCCOY - CROSS

1 Q. Did you receive information from the
2 witnesses inside the store about what they had seen
3 when they got there?

4 A. Yes.

5 Q. And did you put that information out on
6 the radio?

7 A. Dispatch put it out to us and responding
8 unit, yes.

9 Q. All right, sir. And what kind of
10 information did you put out?

11 A. The information that initially came out on
12 the call was the actual person arrived on scene.
13 They observed a male, black male subject leaving the
14 store in a truck as they were entering the store.
15 And that's the information that dispatch bolo'd out
16 to us prior to getting there. That's what they
17 observed at that time.

18 Q. All right. So by the time you got there
19 that same information was given to you?

20 A. Yes.

21 Q. All right. And you confirmed it to the
22 radio again?

23 A. I did.

24 Q. All right, sir. How long would you say
25 you stayed at the store that evening?

SW - M. MCCOY - CROSS

1 A. I'd say three hours at least.

2 Q. All right, sir. Did you call for an
3 ambulance to come to the store?

4 A. No, dispatch did.

5 Q. All right, sir. And were you there when
6 the ambulance got there?

7 A. Yes.

8 Q. All right. Do you know an officer -- EMS
9 person Kirven, Tim Kirven?

10 A. I heard of the name, yes.

11 Q. All right. Do you remember if you saw him
12 that night?

13 A. Yes, I think someone appeared, yes.

14 SOLICITOR FINNEY: I don't have anything
15 further. I pass the witness to the Defense.

16 **C R O S S - E X A M I N A T I O N**

17 BY MR. ROUTZONG:

18 Q. Good afternoon, sir. I think I heard you
19 testify that this happened at 7:30, that'd be in the
20 evening.

21 A. It was in the ---

22 Q. Are you sure about that?

23 A. It was in the latter part of, between 7:30
24 and before 8:00.

25 Q. Can you tell us what a CAD report is?

SW - M. MCCOY - REDIRECT

1 A. CAD report?

2 Q. Yes, sir.

3 A. It's just information that basically
4 what's on calls for service. When any type of call
5 comes into dispatch system they log it.

6 Q. So if somebody calls in, that's the
7 record, that's the official record of when an event
8 happened when they called in?

9 A. Sometime. Sometimes it might be off a
10 couple of minutes or...

11 MR. ROUTZONG: Your Honor, I'd like to
12 approach the witness with a copy of the CAD report.

13 THE COURT: Okay.

14 BY MR. ROUTZONG:

15 Q. Do you know what that is?

16 A. At the top it has CAD operation report.

17 Q. What time does it say on there that it was
18 called in?

19 A. It shows it was printed on April the 8th
20 at 9:30 p.m.

21 Q. When was the call received?

22 A. I'm not sure. You might have to point
23 that out. I'm not familiar with this document.

24 Q. There at the top, time received.

25 A. There's a highlighted area that says date

SW - M. MCCOY - REDIRECT

1 and time received.

2 Q. What time is that?

3 A. It's saying April the 6th at 20:35, which
4 is 8:35?

5 Q. So that'd be the time that they received
6 the call?

7 A. Yes, that's what they got on your
8 document.

9 Q. So that'd be right around the time this
10 event happened?

11 A. Yes.

12 MR. ROUTZONG: Thank you, Your Honor.

13 SOLICITOR FINNEY: If it please the Court.

14 **REDIRECT EXAMINATION**

15 BY SOLICITOR FINNEY:

16 Q. What county is the store The Station in?

17 A. Sumter County.

18 Q. And you normally patrol that area around
19 the store?

20 A. Yes.

21 Q. Are you familiar with these reports by the
22 Sumter County Sheriff's Department?

23 A. I am.

24 Q. What is that report?

25 A. This is the incident investigation report

SW - T. KIRVEN - DIRECT

1 which is the, our document through the Sheriff's
2 Office.

3 Q. And does it have a time on it?

4 A. Yes.

5 Q. What time?

6 A. Just below the case number 1801847, date
7 and time of report was April 6th around 20:35.

8 Q. And what time is that in civilian time?

9 A. 8:35.

10 Q. About 8:35, and that's in the evening?

11 A. Yes.

12 Q. All right, sir. You said 7:30. The
13 report says 8:30?

14 A. Yes, it's 8:30.

15 Q. All right. Nothing further. Thank you.

16 THE COURT: You can step down.

17 THE WITNESS: Thank you, sir.

18 SOLICITOR FINNEY: May he be excused?

19 THE COURT: Any objection?

20 MR. ROUTZONG: No objection, Your Honor.

21 THE COURT: Yes, sir.

22 THE CLERK: Place your left hand on the
23 Bible, raise your right hand. State your full name.

24 THE WITNESS: Timothy Kirven.

25 WHEREUPON,

SW - T. KIRVEN - DIRECT

1 TIMOTHY L. KIRVEN,
2 having been duly sworn by the Clerk, testified
3 as follows:

4 THE CLERK: Step around, sir. State your
5 full name and spell your last name for the record
6 please, sir.

7 THE WITNESS: Timothy Louis Kirven, Jr.,
8 K-I-R-V-E-N.

9 **D I R E C T E X A M I N A T I O N**

10 BY SOLICITOR FINNEY:

11 Q. Mr. Kirven, tell the ladies and gentlemen
12 of the jury where you work.

13 A. So, my full-time job I work as a medevac
14 helicopter at Sumter airport. I've been doing that
15 for like six years. I'm also a paramedic here in
16 Sumter County. I've been a paramedic for a little
17 over 20.

18 Q. All right, sir. And during the 20 years
19 have you been certified to be a paramedic?

20 A. Yes, sir.

21 Q. All right. And do you respond to
22 emergencies where help is needed to be done?

23 A. That's what we do every day, sir.

24 Q. All right. And were you doing that on
25 April the 6th, 2018, in Sumter County?

SW - T. KIRVEN - DIRECT

1 A. Yes, sir.

2 Q. Do you remember responding to a call at
3 The Station which is a store on 76 going towards
4 Florence?

5 A. Yes, sir, very well.

6 Q. All right, sir. And can you give us a
7 little bit of background as to what you remember
8 about the call and what you found when you got
9 there.

10 A. So, what I remember was, was the store
11 clerk was there. We pulled up on the scene. The
12 reason why I know the area very well 'cause that's
13 where I'm from, Mayesville, so I live there. So
14 when I pulled up on the scene, never met the store
15 clerk before 'cause I don't really go to that store
16 but. Two females met us at the door, said the store
17 clerk is inside. We walked in and saw at the time
18 Mr. Patel, who we didn't know at the time, profusely
19 bleeding from the face. Blood was everywhere.
20 It — described as a murder scene, that's what it
21 looked like.

22 Q. Okay. I'm gonna show you what's been
23 marked as State's Exhibit Number 2 and ask if you
24 can identify it.

25 A. Yes, sir. That's him.

SW - T. KIRVEN - DIRECT

1 Q. That's Mr. Patel?

2 A. Yes, sir.

3 Q. Is that the condition that you saw him in
4 on the evening when you got there?

5 A. Well, that looks better now than what
6 'cause I cleaned him up, but there was blood
7 everywhere so he looks better now than what
8 originally.

9 Q. Very good. And ---

10 MR. ROUTZONG: Objection, Your Honor,
11 foundation. He hasn't laid any foundation for that
12 photograph.

13 SOLICITOR FINNEY: We went through this
14 pretrial. We went through this pretrial. They were
15 all admitted.

16 THE COURT: Yeah, they're in evidence.

17 MR. ROUTZONG: Your Honor, well, I don't
18 know if you want to have this discussion right now.

19 THE COURT: Come up here.

20 (WHEREUPON, counsel approached the
21 bench for an off-the-record discussion.)

22 BY SOLICITOR FINNEY:

23 Q. Investigator Kirven, when you got to the
24 scene and you saw Mr. Patel was he still inside the
25 store?

SW - T. KIRVEN - DIRECT

1 A. Yes, sir.

2 Q. I want to show you what's been marked as
3 State's Exhibit Number 2. Can you tell where that
4 picture was taken?

5 A. In the back of the ambulance.

6 Q. That's your ambulance?

7 A. Yes.

8 Q. Now when you got there that night were you
9 alone driving the ambulance or you had a crew?

10 A. I have a partner.

11 Q. Two of you?

12 A. Yes, sir.

13 Q. All right. So you and the partner would
14 have responded in the ambulance and at some point he
15 was placed in the ambulance?

16 A. Yes, sir, we placed him in the ambulance,
17 yes, sir.

18 Q. And in the process of cleaning him up what
19 would you have been doing based on what you see in
20 that picture?

21 A. Vitals. He's on a cardiac monitor; you
22 can tell by the leads. IV, a tourniquet right
23 there. I mean, just standard care, just. So, it's
24 basically we had to clean his face 'cause he was
25 just saturated in blood to see what the extent of

SW - T. KIRVEN - DIRECT

1 the injuries were.

2 Q. I understand.

3 A. So we had to clean him up and, you know,
4 the bandages and stuff to help kind of control the
5 bleeding and stuff.

6 Q. Does this picture reflect him and his
7 condition, the condition he was in, after you
8 cleaned him up and put the medical equipment on him?

9 A. Yes, he looks better now than what he did
10 when we like -- he was just covered in blood on his
11 face.

12 Q. All right.

13 A. So that's actually -- he looks better
14 there than what he did originally when we got on
15 scene, correct.

16 Q. All right.

17 SOLICITOR FINNEY: Your Honor, I would ask
18 to publish number, State's Number 2 to the jury.

19 THE COURT: Okay. It is in objection or
20 over -- it is in evidence over defense counsel
21 objection.

22 MR. ROUTZONG: And not only on the
23 foundation, that's been cured, Your Honor, but as to
24 my pretrial motion.

25 THE COURT: Right, and it's noted. I

SW - T. KIRVEN - DIRECT

1 understand; it's protected.

2 (WHEREUPON, State Exhibit No. 2
3 was admitted into evidence.)

4 BY SOLICITOR FINNEY:

5 Q. Can you tell the ladies and gentlemen of
6 the jury what kind of condition he was in terms of
7 his consciousness, ability to speak, things like
8 this?

9 A. So Mr. Patel, he was a little, he was a
10 difficult patient in saying that we had a very,
11 very -- he spoke very, very, limited English.

12 Q. Yes, sir.

13 A. So what little bit of English we could get
14 out of him was very, very limited. But he was
15 alert, he was able to walk around at the scene; but
16 like I said, he was just covered in blood. So it
17 was a couple of factors in there. His injuries, we
18 didn't know what the extent of his injuries were
19 because we weren't able to -- the translation,
20 'cause he spoke very little English. Also, I can
21 remember his family coming there also, but they
22 spoke very little English either to try to
23 translate, you know. We knew he was hit with
24 something. We knew a hand didn't cause his
25 injuries, but even his family was so broken English

SW - T. KIRVEN - DIRECT

1 we couldn't so...

2 Q. Was a decision made by you and your
3 partner on the ambulance to have him transported to
4 a hospital?

5 A. Yes, sir. We Medevaced him out.

6 Q. Tell the jury what that means.

7 A. So we have protocols we follow, severity
8 of injury and stuff. He needed a -- plastic surgery
9 is considered a, facial trauma and stuff is
10 considered a very, very life threatening injury.
11 Also with the severity of the injuries you worry
12 about your head. We didn't know if he lost
13 consciousness. We assumed he did from his injuries.
14 So he falls on our protocols he has to go to a truma
15 center. Tuomey is not able to handle those types of
16 injuries whatsoever so he had to go to a truma
17 center. That's why the decision to medevac him out
18 was made 'cause he fell into our parameters of our
19 protocol.

20 Q. And just because I'm not sure I heard you
21 say that, when you say medevac what is he put on?

22 A. He's put on a helicopter.

23 Q. And how far -- did the helicopter have to
24 come to the store?

25 A. Yes, it came right near by the store. We

1 had to run the helicopter.

2 Q. And did you actually load him on to the
3 helicopter?

4 A. Yes, yes.

5 Q. Do you have any responsibility after he's
6 on the helicopter?

7 A. Nope, he's all theirs.

8 Q. And where did he go to?

9 A. I believe he went to McLeod if I'm not
10 mistaken.

11 Q. Okay. All right, very good. I don't have
12 anything further. Answer any questions Defense may
13 have.

14 A. Yes, sir.

15 MR. ROUTZONG: Your Honor, I do not have
16 any questions.

17 SOLICITOR FINNEY: Your Honor, may we
18 approach?

19 THE COURT: Yes, sir.

20 (WHEREUPON, counsel approached the
21 bench for an off-the-record discussion.)

22 THE COURT: Ladies and gentlemen, our next
23 witness won't be able to be here until 9:30 in the
24 morning so we're gonna have to quit for the day on
25 this testimony. I'm gonna send you home and ask you

1 to return back at 9:30 in the morning and remind you
2 the same thing I told you before lunch. Don't talk
3 about this to anybody, don't do any research, don't
4 Google anything. And if you -- and I need all of
5 you back at 9:30 in the jury room. If you have an
6 emergency tonight please call us and let us know; if
7 not, I'll see all of you in the morning. Thank you.

8 (WHEREUPON, the jury was removed from the
9 courtroom at 3:20 p.m.)

10 THE COURT: Anything else we need to deal
11 with today?

12 SOLICITOR FINNEY: No, sir, I don't think
13 so. I'm gonna be prepared tomorrow when you leave
14 at 12 to get with Mr. Routzong and get the
15 objectionable parts to Chauncey Wright's statement
16 marked on the tapes so that we can mute the tape
17 when that is played and that will be ready to go
18 Wednesday morning when we get back in court.

19 THE COURT: Okay.

20 SOLICITOR FINNEY: And I'll probably have
21 five or six more witnesses on Wednesday.

22 THE COURT: Okay.

23 SOLICITOR FINNEY: We'll be pretty close
24 to finishing our case.

25 THE COURT: All right, sounds good. I'll

SW - S. AZAD - DIRECT

1 see y'all in the morning at 9:30.

2 (Court adjourned at 3:21 p.m. and resumed on August
3 13, 2019.)

4 (WHEREUPON, counsel approached the
5 Bench for an off-the-record discussion.)

6 (WHEREUPON, State Exhibit No. 35 was
7 marked for identification only.)

8 SOLICITOR FINNEY: Judge, I would propose
9 to go ahead and call Ms. Azad, the translator, and
10 ask her a few questions, get it stipulated that
11 she's qualified to do the translating.

12 THE COURT: Okay. You got any objection
13 to that?

14 MR. ROUTZONG: No, sir.

15 THE COURT: All right.

16 SOLICITOR FINNEY: Ms. Azad.

17 THE COURT: And you can -- we'll swear her
18 in as a witness right now, you ask her questions.

19 SOLICITOR FINNEY: Yes, sir.

20 THE COURT: And then if she's qualified
21 he'll swear her in as an interpreter.

22 SOLICITOR FINNEY: Ms. Azad, right here
23 please.

24 THE CLERK: Place your left hand on the
25 Bible, raise your right hand. State your full name

SW - S. AZAD - DIRECT

1 please.

2 THE INTERPRETER: Seema Kan Azad.

3 **WHEREUPON,**

4 **SEEMA K. AZAD,**

5 having been duly sworn by the Clerk to translate,
6 testified as follows:

7 THE CLERK: Step around please.

8 THE COURT: Ms. Azad, I need you also --
9 right now you're not testifying as a translator,
10 you're testifying as a witness so I need you to
11 swear that you will answer the questions truthfully
12 that the Solicitor asks you. Okay? You solemnly
13 swear to do that?

14 THE INTERPRETER: Yes.

15 THE COURT: And 'cause -- if you're
16 qualified he's already given you the oath to testify
17 in front of the jury, okay.

18 Mr. Solicitor.

19 **D I R E C T E X A M I N A T I O N**

20 BY SOLICITOR FINNEY:

21 Q. Have a seat. Ms. Azad, would you like
22 some water?

23 A. No, I'm fine.

24 Q. Okay, very good. Tell the judge your full
25 name please.

SW - S. AZAD - DIRECT

1 A. My full name is Seema Kan Azad, but the K
2 is just like a initial letter, mostly not written in
3 full. It will be Seema K. Azad.

4 THE COURT: And Azad is spelled A-Z-A-D?

5 THE INTERPRETER: Yes, it's A-Z-A-D.

6 BY SOLICITOR FINNEY:

7 Q. Where do you reside?

8 A. I live in Charlotte, North Carolina.

9 Q. And have you lived there for a long time?

10 A. 38 years.

11 Q. All right. And educationally were you
12 trained in this country or in another country?

13 A. I was trained for interpretation in this
14 country.

15 Q. Yes.

16 A. And I also go for the seminars and
17 workshop that I needed to keep our skill.

18 Q. Certification?

19 A. Yeah, for certification. So I have done
20 that. And my educational, I do my master's that was
21 done in my country; and when I came to Charlotte I
22 have done a few courses like in software, how to
23 type, and all that stuff. So I have gone, I have
24 them back too, then I chose to be interpreter and I
25 went through a lot of training.

SW - S. AZAD - CROSS

1 Q. How long have you been interpreting?

2 A. More than 20 years.

3 Q. All right. And have you testified in
4 court before in other legal proceedings?

5 A. Yes, I have.

6 Q. All right. Have you done so in South
7 Carolina as well as North Carolina?

8 A. Mostly in North Carolina, South Carolina
9 also. I don't remember the exact name of the city
10 where I did; but North Carolina I know mostly I go
11 to Asheboro, Raleigh, Gastonia, all these places.

12 Q. All right. Are you able to simultaneously
13 translate?

14 A. I, yes, I am.

15 Q. All right. And in your -- you actually
16 work for a company and the company is contacted to
17 set up your court appearances?

18 A. Yes, we work like as a contractor.

19 Q. Yes.

20 A. And we had, the company have all our
21 information and everything, and whenever they need
22 us they call us.

23 Q. And what is the name of the company?

24 A. It's Niki's International.

25 Q. All right. I'm gonna ask if you might

SW - S. AZAD - CROSS

1 answer any questions from the defense lawyer.

2 A. Sure.

3 **C R O S S - E X A M I N A T I O N**

4 BY MR. ROUTZONG:

5 Q. Good morning, Ms. Azad. Are you related
6 to anyone that's, any one of these folks that are
7 part of this proceeding?

8 A. No, sir, no.

9 Q. Okay.

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

12 THE COURT: Okay.

13 SOLICITOR FINNEY: I would ask the Court
14 to accept Ms. Azad as a translator.

15 BY SOLICITOR FINNEY:

16 Q. Ms. Azad, just for the record, do you
17 speak Hindi?

18 A. I speak Hindi. I speak about five
19 languages: Hindi, Urdu, Punjabi, Bangladeshi, Pasto
20 (ph).

21 Q. Have you met Kenny Patel who is the young
22 man who's going to testify in this case?

23 A. I just met him.

24 Q. And have you had a chance to speak with
25 him in your native language?

1 A. Yes, I did.

2 Q. Do you believe that you can translate his
3 answers to my questions into English for this court
4 today?

5 A. Yes, I do.

6 THE COURT: Okay. Any objection to her
7 from Defense?

8 MR. ROUTZONG: No objection, Your Honor.

9 THE COURT: Okay. The Court so finds that
10 she's a certified translator.

11 THE WITNESS: Thank you.

12 SOLICITOR FINNEY: All right.

13 THE COURT: Do you want her to sit up
14 front or you want her to stand, have her stand?

15 SOLICITOR FINNEY: I would like for her to
16 sit. We'll need another chair.

17 THE COURT: Put her right there on the
18 corner. Does that work better?

19 THE COURT REPORTER: Yes.

20 SOLICITOR FINNEY: We're gonna put you in
21 this chair right here.

22 THE WITNESS: Okay.

23 THE COURT: That way she can — would you
24 be able to hear her without her facing you, Frances?
25 If she faces the jury will you be okay?

1 THE COURT REPORTER: Yes, sir.

2 THE COURT: You just need to keep your
3 voice up and that way she can get all this on the
4 record, okay.

5 THE INTERPRETER: Okay. Thank you.

6 THE COURT: All right, we're ready for the
7 jury. Bring me the jury please, sir.

8 SOLICITOR FINNEY: Your Honor please, we
9 have a exhibit that's gonna be marked. It's a store
10 receipt. It's gonna be part of the testimony and
11 I'm asking it to be marked at this time.

12 THE COURT: Any objection? Have you seen
13 that? Any objection?

14 MR. ROUTZONG: I haven't looked inside the
15 envelope, Your Honor. I know what he's talking
16 about.

17 THE COURT: Okay.

18 (WHEREUPON, State Exhibit No. 36 was
19 marked for identification only.)

20 (WHEREUPON, the jury was returned to the
21 courtroom at and the following
22 proceedings commenced in open court.)

23 THE COURT: Ladies and gentlemen, the
24 bailiff said that some of y'all had inquired about
25 taking notes. And I normally don't allow my juries

1 to take notes unless it's a really long,
2 complicated, usually civil case dealing with a lot
3 of complicated issues. And here's the reason why.
4 It's important that you pay close attention not only
5 to what the person says, but the demeanor and the
6 body language of that person so you need to be
7 watching the witness to determine what part of that
8 testimony, if any or all that you believe. So it's
9 important at many times when you're taking notes
10 you're looking at your notes and you're not looking
11 at the person, and many times we convey information
12 through our body language as to whether, how we're
13 talking. And then the other, many times somebody is
14 a very good note taker and takes down everything,
15 and then when you get back to the jury room all of
16 you rely on that one person's notes. And it's
17 important for both sides that all twelve of you
18 agree and that's, therefore, sometimes taking notes
19 doesn't work very well. In those complicated cases
20 that I do allow juries to take notes, I tell them
21 you can't share your notes with anyone else. It's
22 simply your notes to help you remember certain
23 details. But it's in — this is a relatively short
24 case and I think you will be able to determine all
25 issues without taking notes and that's why I do

1 that. So I want you to not only to pay attention to
2 the words you hear, but the demeanor and the body
3 language of the people talking 'cause that helps you
4 decide, you know, in the testimony in this case and
5 evidence to determine a verdict that speaks the
6 truth so that's why I ask you not to take notes,
7 okay.

8 Mr. Solicitor, you may call your next
9 witness.

10 SOLICITOR FINNEY: If Your Honor please,
11 could I ask the Court to qualify the name Herman
12 Edwards as a potential witness tomorrow?

13 THE COURT: Okay. Herman Edwards is a
14 potential witness in this case. Herman Edwards is
15 from Lynchburg?

16 SOLICITOR FINNEY: That's right.

17 THE COURT: Do any of you know Mr.
18 Edwards? You do? How long have you known him?

19 THE JUROR: I've known Mr. Edwards all
20 about twelve years. We worked together at Alstron
21 about twelve years.

22 THE COURT: Okay. Are you a regular juror
23 or alternate?

24 THE JUROR: Excuse me?

25 THE COURT: Are you an alternate or a

SW - K. PATEL - DIRECT

1 regular juror? I don't -- do you know whether you
2 are? Tell me your name.

3 THE JUROR: Julious Bradley, 24.

4 THE COURT: Okay, all right. The fact
5 that Mr. Edwards may be a witness in this case,
6 would that affect your ability to be fair and
7 impartial?

8 THE JUROR: None at all.

9 THE COURT: Okay. Well now, do y'all want
10 to --

11 SOLICITOR FINNEY: May we approach.

12 THE COURT: --talk to me about this?

13 (WHEREUPON, counsel approached the
14 bench for an off-the-record discussion.)

15 THE COURT: The Herman Edwards you know,
16 was that the same man that was in the video
17 yesterday?

18 THE JUROR: Had on the yellow T-shirt.

19 THE COURT: Yes, sir. Okay, thank you.

20 SOLICITOR FINNEY: If Your Honor please,
21 give me a moment to cut this computer on. If Your
22 Honor please, we call Kenny Patel to the stand.

23 THE COURT: Okay.

24 THE CLERK: State your full name.

25 THE WITNESS: Kamieshkumar Patel.

SW - K. PATEL - DIRECT

1 (Translator Azad begins simultaneous translation.)

2 WHEREUPON,

3 **KENNY K. PATEL,**

4 having been duly sworn by the Clerk, testified
5 as follows:

6 THE CLERK: Step around, sir. State your
7 full name and spell your last name.

8 THE WITNESS: Kamieshkumar Patel.

9 **DIRECT EXAMINATION**

10 BY SOLICITOR FINNEY:

11 Q. Spell the last name please.

12 A. P-A-T-E-L.

13 Q. Good morning, Mr. Kenny.

14 A. Good morning.

15 Q. Tell the ladies and gentlemen how old you
16 are?

17 A. Thirty-five.

18 Q. And how long have you lived in South
19 Carolina?

20 A. Three years.

21 Q. All right. And are you a married man?

22 A. Yes.

23 Q. And do you have children?

24 A. Yes.

25 Q. All right, how many children?

SW - K. PATEL - DIRECT

1 A. One.

2 Q. All right. And what is your occupation?

3 A. I work in the store and what I work is
4 required in the store like making deposits and other
5 stuff around the store, arranging, putting things
6 away. I do all of that.

7 Q. And what is the name of the store?

8 THE WITNESS: The Station.

9 THE INTERPRETER: Gas Station.

10 BY SOLICITOR FINNEY:

11 Q. And where is it located?

12 A. In Mayesville.

13 THE INTERPRETER: Manuel?

14 THE WITNESS: Mayesville.

15 BY SOLICITOR FINNEY:

16 Q. Mayesville?

17 THE INTERPRETER: Yeah.

18 BY SOLICITOR FINNEY:

19 Q. All right. And that's in Sumter County?

20 A. Yes.

21 Q. And how long have you worked there at The
22 Station?

23 A. Three years.

24 Q. All right. And who is your boss at The
25 Station?

SW - K. PATEL - DIRECT

1 A. Dave Patel.

2 Q. And do you see Dave Patel in this, in the
3 court today?

4 A. Yes.

5 Q. Point him out please.

6 A. (Indicating.)

7 SOLICITOR FINNEY: Dave, please stand up.

8 BY SOLICITOR FINNEY:

9 Q. And this is the man you work for?

10 A. Yes.

11 Q. Very good. So this is State's Exhibit
12 Number 34, it's a photograph. Do you know what's in
13 this photograph?

14 A. It's the map, the picture of the store.

15 Q. All right. This is a, this is a aerial
16 view of the store taken from the overhead?

17 A. On this side in the corner is the store.

18 Q. All right. And do you know the name of
19 the highway in front of the store?

20 A. Yeah, Florence highway.

21 Q. All right, very good. And you've been
22 working at this store for three years?

23 A. Yes.

24 Q. Do you normally work certain hours or do
25 your hours change?

SW - K. PATEL - DIRECT

1 A. The times of working are always different.

2 Q. All right. And back in April of 2018 on
3 April the 6th, 2018, did you work at the store then?

4 A. Yes.

5 Q. Did you have the occasion on Friday,
6 April 6th, to be robbed while you were working the
7 store?

8 A. Yes.

9 Q. All right. As a result of the robbery did
10 you suffer any injuries?

11 A. Yes.

12 Q. Inside the store that you operate are
13 there cameras that take pictures of what's going on
14 inside the store?

15 A. Yes.

16 Q. And do you run that, those cameras all the
17 time?

18 A. Yes.

19 Q. All right.

20 SOLICITOR FINNEY: Beg the Court's
21 indulgence.

22 BY SOLICITOR FINNEY:

23 Q. Do you recognize the picture that's on the
24 screen in front of you?

25 A. Yes, I recognize it.

SW - K. PATEL - DIRECT

1 Q. Do you recognize the picture that's on the
2 screen in front of you?

3 A. Yes.

4 Q. And what is that on the screen?

5 A. This is the inside of the store.

6 Q. All right. And what is that, in the
7 picture what is that?

8 A. On the left is those lottery tickets and
9 the papers that when the customers come there right
10 on and this is for the lottery tickets. On the
11 right side is the incense and cookies and stuff.

12 Q. And what is in the middle of the picture
13 there?

14 A. This is the door.

15 Q. Is it t he only door for people to come in
16 and go out of the store?

17 A. Yeah, this is the door.

18 Q. All right, very good.

19 SOLICITOR FINNEY: Your Honor, at this
20 point I have several videos of inside the store
21 taken by cameras that operated on a regular basis
22 there, and they are on a disk marked State's Exhibit
23 Number 35 and I would ask that State's Exhibit 35 be
24 allowed to be published to the jury.

25 THE COURT: Any objection?

SW - K. PATEL - DIRECT

1 MR. ROUTZONG: No objection, Your Honor.

2 THE COURT: Okay, it's in without
3 objection.

4 (WHEREUPON, State Exhibits Number 35 was
5 admitted into evidence.)

6 BY SOLICITOR FINNEY:

7 Q. I'm gonna run the video. Up in the corner
8 do you see some writing on the screen up on the
9 left-hand side?

10 A. Yes.

11 Q. And it says -- what does it say?

12 A. It's camera number two.

13 Q. Okay. And you have several different
14 cameras in the store?

15 A. Yes.

16 Q. What time do you usually close the store
17 at this time when you were working back in April of
18 2018?

19 A. 9:00.

20 Q. In the evening?

21 A. Yeah, at the evening.

22 Q. And on this day when you were working was
23 anybody else working in the store with you?

24 A. No, nobody was there.

25 Q. All right. And did you have occasion to

SW - K. PATEL - DIRECT

1 help several different customers the night that you
2 were robbed, people came in and out of the store?

3 A. Yes.

4 Q. All right. If you don't mind I'm gonna go
5 to 7:28:37 on this disk. This is 7:28:38. Is this
6 the front door of your store?

7 A. Yes.

8 Q. And do you recognize the man that's
9 walking in the store?

10 A. The person who came to rob the store, this
11 is him.

12 Q. All right. And tell the jury -- I know
13 they can see it, but tell the jury what you saw when
14 he walked in as far as what he was wearing.

15 A. He was wearing a black color coat, white
16 gloves, and a black hat on the head. And it was a
17 warm night, it's summertime, and he was wearing
18 stuff that he was wearing like gloves and a coat.

19 Q. All right. I'm just gonna let it run a
20 second here. In this picture at 7:28:40 do you see
21 somebody else in that picture? Who is that in the
22 red shirt?

23 A. That was me.

24 Q. All right. So you were standing near the
25 front door when the man came in?

SW - K. PATEL - DIRECT

1 A. I was there at that time when he came in
2 and I asked him a question. I said, Chuck, are you
3 going to pay for what you got last time?

4 Q. All right. So you called him by a name?

5 A. Yes.

6 Q. And what was the name you called him?

7 A. Chuck.

8 Q. Chuck, all right. And you asked him a
9 question?

10 A. Yes.

11 Q. And what was the question?

12 A. I asked him if you, are you going to pay
13 for the roll of paper today.

14 Q. And did he answer you?

15 A. Yes.

16 Q. What did he say?

17 A. He said yes.

18 Q. This man that you saw in the store on the
19 Friday, April 6th, had he been in the store
20 previously?

21 A. Yes.

22 Q. When was he in the store before this
23 Friday night?

24 A. Two days before.

25 Q. All right. And did you have a

SW - K. PATEL - DIRECT

1 conversation with him two days before?

2 A. Yes.

3 Q. Did you speak at length with him about
4 other matters?

5 A. Yeah, it was a long conversation.

6 Q. And what was the conversation about on
7 Wednesday, two days earlier?

8 A. My car was a little damaged at that time.
9 At that time my car was a little damaged so I was
10 asking whoever I could to get to somebody, a
11 mechanic who could fix that problem. And when I
12 asked him the same thing he said that, yeah, he has
13 an uncle who works on cars.

14 Q. Did you show him a picture of the car?

15 A. Yes.

16 Q. Where was the picture?

17 A. It was in my cell phone.

18 Q. All right. And have you seen a video of
19 the conversation between you and the man that you
20 talked with about fixing the car? Have you seen a
21 video? Is that inside the store?

22 A. Yes, inside the store.

23 Q. All right. Now let's go back to Friday
24 night. After this man in the hat came in the store
25 what did you do then?

SW - K. PATEL - DIRECT

1 THE INTERPRETER: He would like the
2 question to be explained again.

3 BY SOLICITOR FINNEY:

4 Q. Okay. Did you do -- what did you do after
5 the man came in the store? Did you do anything
6 right then?

7 A. He was just walking. He was going around
8 the store. And I had, there was another customer so
9 I had to attend that customer.

10 Q. And these are other customers coming in
11 the store now?

12 A. Yeah, yes.

13 Q. All right. So while the man in the hat
14 was in the store other customers came in?

15 A. Yes.

16 Q. And did the man in the hat, did he ever
17 buy anything that night in the store?

18 A. He was just taking his rounds. He did not
19 buy anything.

20 Q. All right. Now two other men have come in
21 the store on the video. Did you, do you remember
22 waiting on them or serving?

23 A. Yes.

24 Q. All right. And when the man in the hat
25 attacked you, were you alone in the store with him

SW - K. PATEL - DIRECT

1 or was it just the two of you?

2 A. No, nobody was there.

3 Q. Nobody was there, all right. Do you know
4 who this lady is?

5 A. Yes.

6 Q. And when you saw her that night had you
7 already been robbed?

8 A. Yes, I was already robbed.

9 Q. So was she the first person in the store
10 after the robbery?

11 A. After the robbery and the assault, when
12 the guy went out of the door I followed him. I was
13 feeling really dizzy, but I went after him and then
14 there was somebody and I told them that -- I pointed
15 towards the guy and I said that he's the one who
16 robbed me. And then I, I don't remember anybody,
17 but then I came in, and then I came in is when this
18 lady entered the store.

19 Q. All right, very good. I want to ask you
20 to look at the picture and see if you can tell me if
21 you see the man who robbed you leave the store. Is
22 that the man in the hat that robbed you?

23 A. Yes.

24 Q. I'm just gonna back it up just a little
25 bit. Is that the man after he has robbed you?

SW - K. PATEL - DIRECT

1 A. Yes.

2 Q. Do you see something in his hands?

3 A. He has like a stick or something in his
4 hand.

5 Q. And did he use that stick during the
6 robbery?

7 A. I did not see the stick when he came in.
8 But when he came to the robbery he hit me with that
9 stick and it felt really heavy and my head started
10 hurting and I started feeling dizzy, and he hit me
11 more than a few times.

12 Q. All right. Now I'm gonna try to show you
13 another camera inside the store, okay. Now
14 Mr. Kenny, is this a -- up in the corner on the
15 left-hand side what does it say on this screen?

16 A. Camera number six.

17 Q. And so this is a different camera inside
18 the store?

19 A. Yes.

20 Q. All right. And is that you in the red
21 shirt working behind the counter?

22 A. Yes.

23 Q. All right. I'm gonna move the time up to
24 7:28. All these people in the store, are they
25 customers?

SW - K. PATEL - DIRECT

1 A. Yes.

2 Q. Do you see yourself in this picture,
3 Mr. Kenny?

4 A. Yes, I do, by the table.

5 Q. And where are you standing?

6 A. By the table.

7 Q. All right. Tell us in this, in this
8 picture, are you going to the front door now?

9 A. Yes.

10 Q. All right. Where is the bathroom area in
11 this store?

12 A. It's in the left side in the corner. The
13 first door is the office and after that is the
14 bathrooms.

15 Q. All right. Now on the left side of the
16 picture do you see the man in the black hat?

17 A. Yes.

18 Q. Is he wearing the gloves then?

19 A. Yes.

20 Q. And here comes a man, another, a customer?

21 A. Yes.

22 Q. All right. Let's watch the video for a
23 few minutes.

24 (Pause while video plays.)

25

SW - K. PATEL - DIRECT

1 BY SOLICITOR FINNEY:

2 Q. Where does the man in the white shirt go?

3 A. Yeah, he went to the men's room.

4 Q. All right.

5 (Continue playing of video.)

6 BY SOLICITOR FINNEY:

7 Q. The man in the hat and the gloves, is he
8 still in the store?

9 A. Yes.

10 (Continue playing of video.)

11 BY SOLICITOR FINNEY:

12 Q. Do you see the man in the hat and the
13 gloves now?

14 A. Yes.

15 Q. Where did he go?

16 A. He went to the men's room too.

17 Q. All right. As far as you know was he
18 alone in the men's room?

19 A. Yes.

20 Q. All right. This man in the gray shirt, is
21 he a customer?

22 A. Yes.

23 Q. And what are you pulling off now, Kenny?

24 A. I'm taking the tickets.

25 Q. Lottery tickets?

SW - K. PATEL - DIRECT

1 A. Yes, lottery tickets .

2 Q. And do you keep the lottery money in a
3 different cash register from the regular money?

4 A. Yes, it's separate.

5 Q. All right. Has the man come out of the
6 bathroom yet, Kenny, the man in the hat?

7 A. No.

8 Q. Is there anyone else inside the store at
9 this point besides you and the man in the bathroom?

10 A. No.

11 Q. Now what's happening?

12 A. He came and he asked me that the trash is
13 too full in the bathroom, and I went there to empty
14 it out. That is when he came and he hit me on my
15 head first and then on my face.

16 Q. And that, when he hit you where were you,
17 in what room were you in?

18 A. I was in the bathroom.

19 Q. All right. Once you got hit did you go on
20 the floor?

21 A. Yes.

22 Q. And what happened to the man that hit you
23 in the black hat?

24 A. He went towards the registers and started
25 pulling the money out.

SW - K. PATEL - DIRECT

1 Q. All right. Do you see him pulling money
2 out now?

3 A. (Answering in his language.)

4 Q. And now he's pulling ---

5 THE COURT REPORTER: Wait, I didn't get a
6 translation to what he said.

7 THE INTERPRETER: Yes, please.

8 BY SOLICITOR FINNEY:

9 Q. All right.

10 A. Yes. When I came out of the bathroom he
11 was at the register, then he went to the other side
12 and was pulling the money out and at that time I was
13 feeling kind of dizzy.

14 Q. The man who robbed you, is he now in the
15 picture?

16 A. He was right in front of me.

17 Q. All right. And I'm gonna start it back.
18 Does he stop and talk to you at this point?

19 A. He was asking me to move out of his way
20 and then he just ran out of there.

21 Q. All right. When he ran out did he have
22 the cash and the tickets with him?

23 A. Yes.

24 Q. All right. Do you need some more water?

25 THE INTERPRETER: I have some.

SW - K. PATEL - DIRECT

1 BY SOLICITOR FINNEY:

2 Q. Can you tell what the camera number is on
3 this one?

4 A. It's number seven.

5 Q. And where is it located?

6 A. It's on the outside of the store.

7 Q. All right. And it would be showing, what
8 does it show in the -- on the screen there, what is
9 that in that camera?

10 A. There are two cars and there's one car
11 towards the left that is moving on.

12 Q. And do you sell gasoline at the station?

13 A. Yes.

14 Q. All right. I'm gonna start this one and
15 let's watch this one for a while.

16 (Pause while State Exhibit 35 is played.)

17 BY SOLICITOR FINNEY:

18 Q. I have to go to the next screen. That
19 lady in the screen, is she going in the same front
20 door we were looking at in the other camera?

21 A. Yes.

22 Q. I'm gonna move the frame to 7:28.

23 (Pause while State Exhibit 35 continues.)

24 BY SOLICITOR FINNEY:

25 Q. Do you see someone in the frame now?

SW - K. PATEL - DIRECT

1 A. Yes.

2 Q. And who is that that you saw in the frame?

3 A. It's the same person.

4 Q. The person with the black bat and the
5 gloves?

6 A. Yes.

7 Q. At the time he goes in the store are there
8 any cars in the parking lot?

9 A. In the left side corner it is my car that
10 is parked and then just one car moves in.

11 Q. So now we see two cars have pulled in
12 after the man with the hat went, walked in?

13 A. Yes.

14 Q. Let's watch this for a little while.

15 (Pause while State Exhibit 35 plays.)

16 BY SOLICITOR FINNEY:

17 Q. So Kenny, after this last customer leaves
18 in the car, are you alone in the store with the man
19 in the black hat?

20 A. Yes.

21 (Pause while State Exhibit 35 plays.)

22 BY SOLICITOR FINNEY:

23 Q. I'm gonna move it up to 7:34 on the video.
24 Are there any cars in the parking lot now?

25 A. Nothing beside my car.

SW - K. PATEL - DIRECT

1 Q. All right, very good. Now this truck that
2 pulls in, you see the truck?

3 A. Yes.

4 Q. Do you recognize the truck?

5 A. No, I don't know.

6 Q. And what do you see under the porch area
7 there?

8 A. It is when he left after he beat me up and
9 holding the money and stuff that he got from the
10 store.

11 Q. That's the man who robbed you leaving the
12 store?

13 A. Yes.

14 Q. Let's watch the rest of it.

15 (Pause while State Exhibit Number 35 continues.)

16 BY SOLICITOR FINNEY:

17 Q. What's happening here, Kenny?

18 A. I have -- as soon as he left I tried to go
19 behind him and that is when I was getting out of the
20 store is this person shows up, and I tell him that
21 that's person who just left is the one who hit me.
22 At that moment my head was hurting a lot so this is
23 all I told him.

24 Q. The man who's at the door now, did he ever
25 come inside the store?

SW - K. PATEL - DIRECT

1 A. Later on he did.

2 Q. Later on. Did you tell him which way the
3 robber went?

4 A. When I was going after the robber is, that
5 is when this man had come in and he did come inside
6 the store.

7 Q. Later on?

8 A. Yeah.

9 Q. Okay. Let's roll the tape.

10 (Pause while State's Exhibit Number 35 continues.)

11 BY SOLICITOR FINNEY:

12 Q. Is that the same man that you had just
13 talked to?

14 A. Yes.

15 Q. Did you tell him to get in his truck and
16 go look for the robber?

17 A. All I said to him when I saw him that
18 somebody had hit me and robbed me and he went this
19 way.

20 Q. All right. Now the man in the truck is
21 gone and now there's a white car. Do you know this
22 car?

23 A. When the person came inside the store is
24 when I found out who he is.

25 Q. Okay. So this lady that's going in the

SW - K. PATEL - DIRECT

1 store now, do you know her?

2 A. Yes.

3 Q. How do you know her?

4 A. She comes to the store every day.

5 Q. All right. And was she the first lady
6 that come inside and help you that night after the
7 robbery?

8 A. Yes.

9 Q. All right. Now do you want to take a
10 break? You need to ask the judge for a few minutes?
11 You want to take a break or are you all right?

12 A. Yeah.

13 Q. Take a break?

14 A. Yeah.

15 SOLICITOR FINNEY: May we have ten
16 minutes, Your Honor?

17 THE COURT: Okay. Ladies and gentlemen,
18 we'll take a ten minute recess. I'll send you to
19 the jury room. Don't discuss the case yet.

20 (WHEREUPON, the jury was removed from the
21 courtroom.

22 THE COURT: I assume, Solicitor, she knows
23 he can't discuss this testimony while he's out
24 there. Okay, we'll be in recess ten minutes.

25 (WHEREUPON, a recess was taken from the

SW - K. PATEL - DIRECT

1 proceedings.)

2 (WHEREUPON, the jury was returned to the
3 courtroom at 11:06 a.m. and the following
4 proceedings commenced in open court.)

5 THE COURT: You ready to proceed,
6 Mr. Solicitor?

7 SOLICITOR FINNEY: Thank you, Your Honor.

8 BY SOLICITOR FINNEY:

9 Q. Mr. Kenny, after you were robbed on April
10 the 6th did you call anybody on your cell phone?

11 A. When he, the robber left, I called my
12 boss. He was the first one that I called, Dave.

13 Q. Okay. And did you report to Dave what had
14 happened?

15 A. I only called my boss Dave from my phone
16 and then the lady comes in, and she's the one who
17 called the police.

18 Q. Very good. Now I want to show you a
19 picture. It's marked State's Exhibit Number 7 and
20 ask if you can identify what's in it.

21 A. This is the register where the stuff, the
22 groceries that people buy is to this register. Or
23 he had like the phone cards, the calling cards, and
24 this is the register that we use for lottery.

25 Q. All right. So you have two cash registers

SW - K. PATEL - DIRECT

1 to hold money?

2 A. Yes.

3 Q. State's Exhibit Number 7. And the big
4 cash register in the middle of the picture is for
5 your regular money and the one on the left is for
6 your lottery money?

7 A. Yes.

8 Q. And did the robber take the money out of
9 both cash registers?

10 A. Yes.

11 Q. Now State's Exhibit Number 25, can you
12 tell us what this is with the paper in the top of
13 it?

14 A. This is the register that no sale. It's,
15 you press the button and it opens up. This is like
16 the label prices.

17 Q. Okay. And if I were to come in the store
18 and purchase something, would you give me a receipt
19 for my purchase?

20 A. Yes.

21 Q. And would it come off this machine in
22 State's Exhibit Number 25?

23 A. Yes.

24 Q. And do you usually give your customers a
25 receipt when they make a purchase?

SW - K. PATEL - DIRECT

1 A. Yes.

2 Q. All right. Now on the night of the
3 robbery, tell the ladies and gentlemen about the
4 injuries that you sustained. What kind of injuries
5 did you sustain to your body?

6 A. He hurt me on the head with something that
7 felt very hard and then he had something on his hand
8 that he punched me in the face in the eye or. And I
9 was punched on the jaw and then on the head too many
10 times and two, I lost two of my teeth on the side.

11 Q. All right.

12 A. And my eye was injured and it caused me a
13 lot of pain and I felt very dizzy.

14 Q. All right. State's Exhibit Number 5.

15 MR. ROUTZONG: Your Honor, we object to
16 publishing Number 5 for the reasons we stated during
17 the hearing.

18 THE COURT: Okay. I will overrule your
19 objection based on our prior conversation.

20 MR. ROUTZONG: Thank you, Your Honor.

21 BY SOLICITOR FINNEY:

22 Q. In State's Number 5 do you see anything in
23 this picture?

24 A. When I was hit I fell to the floor. This
25 is the blood that was coming out of me and my

SW - K. PATEL - DIRECT

1 blue-tooth got off of my ear.

2 Q. Do you see in this picture your tooth on
3 the floor?

4 A. Yeah, I can see it in the blood.

5 Q. How many teeth did you lose?

6 A. Two.

7 Q. State's Exhibit Number 2. Were you
8 treated by emergency medical services that night
9 after the robbery?

10 A. Yes.

11 Q. Is this a picture of you in the ambulance?

12 A. Yes.

13 Q. State's Exhibit Number 2. When you were
14 in the ambulance how were you feeling?

15 A. At that time in the ambulance I was
16 feeling very dizzy and my head was hurting a lot.

17 Q. All right. Did you remember seeing Dave
18 at the ambulance that night?

19 A. I, at that time my face was very swollen,
20 my eyes was shut, I could see very little. And I
21 saw Dave and I asked him to come and come to my
22 side.

23 Q. All right. And did you talk to Dave about
24 what had happened inside the store?

25 A. Yeah. I said at that time I could not

SW - K. PATEL - DIRECT

1 talk. I just held his hand and let him sit beside
2 me.

3 Q. All right. Do you remember being asked if
4 you knew who did the robbery?

5 MR. ROUTZONG: Judge, that's hearsay,
6 object to that.

7 SOLICITOR FINNEY: I'm laying a
8 foundation.

9 THE COURT: The question was did you ask
10 Dave?

11 SOLICITOR FINNEY: No, I'm ask-- the
12 question was do you remember being asked whether or
13 not he knew who did the robbery, who was the robber.

14 THE COURT: I'll overrule it. He can
15 answer that question.

16 BY SOLICITOR FINNEY:

17 Q. Do you remember being asked while you were
18 in the ambulance whether you knew the robber?

19 A. I do not remember anybody asking me
20 anything at that time. I was just lying down and
21 what was going through my mind was I was thinking
22 about my wife who was pregnant at that time and I
23 was scared and Dave was just sitting beside me.

24 Q. All right. Now you went to the hospital
25 by helicopter; is that correct?

SW - K. PATEL - DIRECT

1 A. Yes.

2 Q. And how long did you have to stay in the
3 hospital?

4 A. Three weeks.

5 Q. Three weeks. And after you were released
6 from the hospital tell the jury about your
7 treatment. Have you had to go back for the doctor
8 over?

9 A. Twice a week I used to go and it was the
10 doctor who was involved in my treatment, the dentist
11 and eye doctor, and also they had put some plates in
12 my head so for that I had to go twice a week to see
13 the doctor.

14 Q. Are you still being seen by the doctors
15 now?

16 A. Yeah, my -- the treatment for my eye is
17 still going on.

18 Q. All right. Tell us about your eye. What
19 happened, what is going on with your eye now?

20 A. I had to go to plastic surgery for my eye
21 and I had -- I'm wearing glasses now which I never
22 wore before and I have difficulty seeing. I cannot
23 see very clearly. And when I'm driving, sometimes I
24 have double vision.

25 Q. All right. You told us earlier that the

SW - K. PATEL - DIRECT

1 man in the black hat and the gloves had been in the
2 store two days earlier.

3 A. Yes.

4 Q. Did you tell the police officers that
5 information when you went to the hospital?

6 A. Yes.

7 Q. Did the police officers come to your
8 hospital room and show you pictures of suspects in
9 the robbery?

10 A. Yes.

11 SOLICITOR FINNEY: Beg the Court's
12 indulgence.

13 BY SOLICITOR FINNEY:

14 Q. Do you remember a police officer named
15 Bonner coming to your hospital room to show you
16 pictures?

17 A. Yes.

18 Q. I want to show you, -- it hasn't been
19 marked. I'd like to mark it.

20 (WHEREUPON, State Exhibits Nos. 37 through
21 39 were marked for identification only.)

22 BY SOLICITOR FINNEY:

23 Q. I'd like to show you what's been marked as
24 State's Exhibit Number 37. Do you recognize that
25 photo lineup what's shown to you in the hospital?

SW - K. PATEL - DIRECT

1 A. Yes.

2 SOLICITOR FINNEY: I move 37 into
3 evidence.

4 MR. ROUTZONG: Without objection, Your
5 Honor.

6 THE COURT: Okay, it's in without
7 objection.

8 (WHEREUPON, State Exhibit No. 37 was
9 admitted into evidence.)

10 BY SOLICITOR FINNEY:

11 Q. Do you recognize any of these people as
12 being the suspect of the man, the man who robbed
13 you?

14 A. Not in this.

15 Q. All right. And you told the police
16 officer none of these men were the person that
17 robbed you?

18 A. Yes.

19 Q. All right. Later on did the officer Mr.
20 Bonner come back and see you again with another
21 lineup?

22 A. Yes.

23 Q. State's Exhibit number 38.

24 MR. ROUTZONG: Without objection, Your
25 Honor.

SW - K. PATEL - DIRECT

1 THE COURT: All right, it's in without
2 objection.

3 (WHEREUPON, State Exhibit No. 38 was
4 admitted into evidence.)

5 BY SOLICITOR FINNEY:

6 Q. And did you look at this lineup and
7 identify the man who robbed you?

8 A. Yes, sir.

9 Q. And what number was the man in this lineup
10 that you identified?

11 A. Three.

12 Q. Number three. And you told police officer
13 Bonner that number three was the man that had come
14 in the store?

15 A. Yes.

16 Q. All right. And did you also sign a
17 statement called a witness lineup identification
18 form?

19 A. Yes.

20 Q. And is that your signature on the bottom
21 of the form?

22 A. Yes.

23 Q. And what date did you sign it?

24 A. April 7.

25 Q. What year?

SW - K. PATEL - DIRECT

1 A. '18, 2018.

2 Q. At what time?

3 A. 8:35.

4 Q. 8:35 in the evening?

5 A. Evening.

6 Q. On April 7th?

7 A. Yeah, April 7, '18.

8 MR. ROUTZONG: Your Honor, we object to
9 number 39. He's already testified that the person
10 that's circled in number 38 I think, Exhibit Number
11 38 from the State, is the person that he picked out
12 of this lineup so we object to that, Your Honor.
13 It's hearsay.

14 THE COURT: Okay, I'll allow it over your
15 objection. It is -- based on his testimony it is
16 his signature and his X, right?

17 SOLICITOR FINNEY: Yes, sir, his signature
18 ---

19 THE COURT: It's not something the police
20 did, okay.

21 (WHEREUPON, State Exhibit No. 39 was
22 was admitted into evidence.)

23 BY SOLICITOR FINNEY:

24 Q. Who made the X on Exhibit 39, who made the
25 X?

SW - K. PATEL - DIRECT

1 THE INTERPRETER: He did.

2 BY SOLICITOR FINNEY:

3 Q. All right. Now in Exhibit 38 you picked
4 out number three?

5 A. Yes.

6 Q. You had seen number 3, you had seen this
7 man in the store?

8 A. Yes.

9 Q. All right. How many times had you seen
10 him in the store?

11 A. Two days before the robbery I had seen
12 him. He had come and he had also talked to me, and
13 then two days later it was him and who came and
14 committed the robbery.

15 Q. Was he dressed the same way on the night
16 of the robbery as he was two days earlier?

17 A. No, it was different.

18 Q. Did you tell the police officers when you
19 picked him out of the lineup that there was -- that
20 he had been in the store two days earlier?

21 A. Yes.

22 Q. All right. And did you later see a video
23 from two days earlier, the police showed you the
24 video, to ask you to identify the man who you're
25 talking about?

SW - K. PATEL - DIRECT

1 A. (No interpretation.)

2 THE INTERPRETER: (Speaks to witness.)

3 THE WITNESS: When the police asked me and
4 the video on the video the picture, the video of the
5 person, I told the police that this was the guy and
6 he had always, he has also come in the store two
7 days prior to the robbery.

8 BY SOLICITOR FINNEY:

9 Q. All right.

10 MR. ROUTZONG: Mr. Finney, can we
11 approach, Your Honor.

12 THE COURT: Yes.

13 (WHEREUPON, counsel approached the
14 bench for an off-the-record discussion.)

15 THE COURT: Did he just ask you a
16 question?

17 THE INTERPRETER: Did he?

18 THE COURT: Yes, did he ask you a
19 question? During that translation it appeared he
20 asked you something. Can you tell us what he asked
21 you.

22 THE INTERPRETER: Yeah, he asked me --
23 first he said that what was that so I repeated that.
24 That was a question, like, he said what was that,
25 and I repeated that. And in case he had asked me he

SW - K. PATEL - DIRECT

1 did not understand, I would ask him to repeat the
2 question.

3 THE COURT: Okay, thank you.

4 THE INTERPRETER: You are welcome.

5 BY SOLICITOR FINNEY:

6 Q. Mr. Kenny, I'm gonna show you a video from
7 the store April 4, 2018. Do you recognize that man?

8 A. Yes.

9 Q. And how do you recognize him?

10 A. This is the same person who came and
11 robbed me.

12 Q. All right. And this picture was taken in
13 the store that you worked in?

14 A. Yes.

15 Q. And this was two days before the robbery?

16 A. Yes.

17 Q. All right. I want to show you another
18 video from the same night. Mr. Kenny, is this
19 another camera in the store?

20 A. Yes.

21 Q. What is the camera number shown in the
22 upper left corner?

23 A. Number five.

24 Q. All right. And do you see the man that we
25 were just talking about that entered the store, do

SW - K. PATEL - DIRECT

1 you see him in this picture?

2 A. Yes.

3 Q. And who is the gentleman in the purple
4 shirt?

5 A. This is me.

6 Q. All right. Let me run the video for just
7 a minute. This is 7:36:31. Do you remember talking
8 to this gentleman this day?

9 A. Yes.

10 Q. And did he have on a hat or gloves?

11 A. No.

12 Q. And was there anything that stopped you
13 from seeing his face and what he looked like?

14 A. I could clearly see him.

15 Q. What are you doing now in the picture?

16 A. I was showing -- my car has some damage
17 and at that time that was when I was talking to him
18 I asked him if he knew somebody who could work on my
19 car and that is when I was trying to show him the
20 picture of my car.

21 Q. All right. During all the time that he
22 was at the counter talking to you were you helping
23 anyone else with purchases?

24 A. No.

25 Q. It was just you and him?

SW - K. PATEL - DIRECT

1 A. Yes.

2 Q. Do you remember how long you stayed in
3 this position and talked to him that day?

4 A. I don't exactly remember how long, but it
5 was a long conversation because I showed him all the
6 pictures of the damage on my car and I also asked
7 him if he knew somebody who worked, could work on
8 that and he said his uncle can help him, he works on
9 cars. And he was telling me that the uncle will see
10 the damage and give him the estimate for the cost.

11 Q. All right. During this conversation on
12 this day did he ask you to make a purchase in your
13 store?

14 A. He asked me if he could get something now
15 and pay for it later, and I said, yeah, that is
16 fine, what is it that you need. He said that I need
17 a roll of papers, and this was the purchase then.

18 Q. And are you going to let him have the
19 papers? Do you allow him to have the papers, you
20 give him the papers and he gets them?

21 (Interpreting, then witness speaks with
22 interpreter.)

23 THE INTERPRETER: I'm going to explain the
24 question to him.

25 (Interpreting.)

SW - K. PATEL - DIRECT

1 THE INTERPRETER: He did purchase the
2 paper on the promise of paying later.

3 BY SOLICITOR FINNEY:

4 Q. All right, let's show the video. I'm
5 gonna have to go to the next slide. All right, beg
6 the Court's indulgence.

7 (Pause.)

8 BY SOLICITOR FINNEY:

9 Q. All right. In this picture, Kenny, are
10 you talking with him and he's talking to you about
11 what he sees on the phone?

12 A. Yes.

13 Q. I'm gonna fast forward to 7:38. You all
14 are still talking at 7:34?

15 A. Yes, we talked for a while.

16 Q. All right. I'm gonna go to 7:38.

17 SOLICITOR FINNEY: Beg the Court's
18 indulgence, I'm having difficulty.

19 BY SOLICITOR FINNEY:

20 Q. Let me show you what's been marked as
21 State's Exhibit Number 26 and ask if you can
22 identify the two people in that picture.

23 A. It's me and the person who robbed.

24 Q. All right. Are you doing anything in this
25 picture that you can identify? What are you doing?

SW - K. PATEL - DIRECT

1 A. I'm giving him the roll of papers.

2 Q. All right. And so the cameras that you
3 had inside the building, they were running that day?

4 A. Yes.

5 Q. And that's when you gave him the pack of
6 papers that he asked for?

7 A. Yes.

8 Q. All right, State's Exhibit 26.

9 MR. ROUTZONG: That was without objection,
10 Your Honor.

11 THE COURT: Okay.

12 (WHEREUPON, State Exhibit No. 36 was
13 admitted into evidence.)

14 BY SOLICITOR FINNEY:

15 Q. When you gave him the pack of papers did
16 he pay you anything?

17 A. No.

18 Q. And after you gave him the pack of papers
19 did you ring up a receipt on your register?

20 A. Yes, I did make a receipt for that and for
21 the price of that papers that he got, and I put it
22 on the side of my work area.

23 Q. Why did you save the receipt on the side
24 of your work area?

25 A. Whenever a customer who buys something and

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1 pays later, we make the receipt and we put it on the
2 side in the work area so we know that this, the
3 people who owe us, and when they come back to pay we
4 know that, or what is on that receipt.

5 Q. I want to show you what's been marked as
6 State's Exhibit Number 36. Can you identify that?

7 A. This is the receipt, the papers he bought;
8 and as usual, I put his name and put the receipt on
9 the side.

10 Q. How did you know his name?

11 A. Yeah. I asked him his name because
12 normally I would write the name on the receipt and
13 he told me his name and I wrote it and I put it on
14 the side.

15 Q. What name did he tell you that he, his
16 name?

17 A. Chop.

18 Q. Chop. And what did -- and is that what
19 you wrote on here?

20 (Interpreting, witness speaking with interpreter.)

21 BY SOLICITOR FINNEY:

22 Q. And he left -- is that your writing ---

23 THE COURT REPORTER: What ---

24 THE INTERPRETER: He told me his name and
25 I just wrote it down.

SW - K. PATEL - DIRECT

1 (Interpreting to witness.)

2 THE INTERPRETER: Yes.

3 BY SOLICITOR FINNEY:

4 Q. And did you put this, you put this ticket
5 on the wall next to your work area?

6 A. Yes.

7 THE COURT: Are you offering that into
8 evidence?

9 SOLICITOR FINNEY: I did.

10 MR. ROUTZONG: Number 36 without
11 objection, Your Honor.

12 THE COURT: Okay.

13 BY SOLICITOR FINNEY:

14 Q. After you put the ticket on the side of
15 the cash register did Chop leave the store?

16 A. Yes, he left.

17 Q. And when did you see him again after he
18 left the store with the papers?

19 A. After two days.

20 Q. And the next time you saw him how was he
21 dressed?

22 A. When I saw him the next time he was
23 wearing a black hat and a black jacket or coat and
24 was wearing white gloves on his hands.

25 Q. And did you get a good look at him when

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1 you saw him wearing the gloves and the hat?

2 A. Yes.

3 Q. Showing you State's Exhibit Number 1, is
4 that you and the man in the black hat the night of
5 the robbery?

6 A. Yeah. This is me on this side and the
7 other side is that same person.

8 MR. ROUTZONG: Number 1 without objection,
9 Your Honor.

10 THE COURT: Okay.

11 (WHEREUPON, State Exhibit No. 1 was
12 admitted into evidence.)

13 BY SOLICITOR FINNEY:

14 Q. Kenny, the man in the black hat that came
15 in your store and the man who got the rolling papers
16 from you, do you see him today?

17 A. Yes.

18 Q. Do you see him today?

19 A. Yes.

20 Q. Point him out please.

21 A. (Indicating.)

22 Q. That's the man that called, that said his
23 name was Chop?

24 A. Yes.

25 SOLICITOR FINNEY: Beg the Court's

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1 indulgence.

2 BY SOLICITOR FINNEY:

3 Q. I don't have anything further, Kenny.
4 Answer any questions the defense lawyer may have.

5 **CROSS-EXAMINATION**

6 BY MR. ROUTZONG:

7 Q. Good morning, sir.

8 A. Good morning.

9 Q. I noticed that sometimes you answer the
10 solicitor's question in English before it was
11 translated.

12 A. I understand a little bit of English and I
13 can -- it's limited so I would prefer to tell my
14 answer to the, to her, so she could talk, to talk on
15 my behalf.

16 Q. And you said -- you testified that you had
17 a conversation with Mr. Wright when the transaction
18 that was on credit, you had a conversation with him
19 about fixing your automobile?

20 A. Yes.

21 Q. And that conversation was in English?

22 A. I did talk to him in English and my
23 English is limited so whatever I would understand
24 when he was talking to me, I would answer to him.

25 Q. Okay. You testified that when the person

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1 came in the front door you called him Chuck.

2 A. It is -- I, the name when he told me his
3 name and because of my language and how I decipher
4 the sound or the word, this is how I heard him and I
5 thought his name was, this is how I wrote him, Chop.

6 Q. In fact, I think it's on the -- if I can
7 find it up here. On State's number, Exhibit Number
8 36 it's actually written on the top of that receipt;
9 isn't that correct?

10 A. Yes.

11 Q. And Chop is not Chuck.

12 A. In my mind how I received his name is how
13 I wrote it and this is it sounded to me at that
14 time.

15 Q. Very good. You testified that you don't
16 remember being asked anything in the ambulance, is
17 that true?

18 THE INTERPRETER: He said at that time I
19 was really hurt and I don't remember exactly if
20 somebody asked me something.

21 BY SOLICITOR FINNEY:

22 Q. Okay. So you can't say if you told anyone
23 that you knew who did this to you while in the
24 ambulance, can you?

25 A. I don't exactly remember what I, if I had

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1 told that to someone or not because I was in a lot
2 of pain and I just don't remember much from that
3 time.

4 Q. And you don't remember nodding your head
5 yes then to anything anybody asked you because you
6 don't remember anybody asking you anything?

7 A. I really was in a lot of pain at that
8 time, and I don't remember nodding my head or saying
9 anything or I, I have no recollection of anything at
10 that time. I was just lying down and all I could
11 feel was a lot of pain in my head.

12 Q. You, do you admit or deny asking
13 Investigator Bonner how you got to the hospital?

14 A. I only remember that when they were
15 putting me in the helicopter is I could see out a
16 little bit out one of my eye and that is when I
17 realized that they are putting me in helicopter.
18 This is all I remember.

19 Q. But my question was do you admit or deny
20 telling Investigator Bonner, or asking Investigator
21 Bonner, how did I get to the hospital?

22 A. I really don't remember.

23 Q. Do you admit or deny telling Investigator
24 Bonner that you did not know who robbed you?

25 A. The second day of I saw Officer Bonner and

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1 he -- that is when he showed me some pictures and
2 that is when I talked to him.

3 Q. Okay. But my question was, do you admit
4 or deny telling Investigator Bonner that you don't
5 know who robbed you?

6 A. What I told Officer Bonner that this is
7 the man when he showed me the picture, and I told
8 him that he had also been to my store two days prior
9 to the robbery.

10 Q. Okay. I asked a very specific question
11 though. Do you admit or deny, yes or no, do you
12 admit or deny telling Investigator Bonner you did
13 not know the person that robbed you?

14 (Pause.)

15 THE INTERPRETER: He wants me to repeat
16 the question to him.

17 (Interpreting.)

18 (Attorneys confer.)

19 THE WITNESS: At this time I really cannot
20 remember if I said that or I did not.

21 BY MR. ROUTZONG:

22 Q. Okay. I just have one more question. I'm
23 gonna show you what's been admitted as State's
24 Number 37 and Number 38. Other than Mr. Wright, do
25 you know anybody else on that photo lineup?

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1 THE INTERPRETER: Just on the front, the
2 page on the top or you want me to ask him for both
3 the pages?

4 MR. ROUTZONG: Both pages.

5 THE INTERPRETER: Okay.

6 (Interpreting.)

7 THE WITNESS: No.

8 BY SOLICITOR FINNEY:

9 Q. So if you're mistaken and the police
10 showed you this lineup that they created, of course
11 you would pick out Mr. Wright, he's the only one you
12 know.

13 SOLICITOR FINNEY: Objection to the form
14 of the question.

15 THE COURT: Okay. Rephrase that.

16 MR. ROUTZONG: Okay.

17 THE COURT: Just don't say of course. Ask
18 him.

19 BY MR. ROUTZONG:

20 Q. The police gave you those photo lineups?

21 A. Yes.

22 Q. You don't know anyone else on the photo
23 lineup?

24 A. I only know the person who committed the
25 robbery.

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1 Q. So if you're mistaken and the police give
2 you this lineup, my question is: Of course you
3 would pick out Mr. Wright, he's the only person you
4 know. Isn't that correct?

5 A. I picked him because he was the one who
6 robbed me.

7 MR. ROUTZONG: Your Honor, I don't have
8 any other questions.

9 THE COURT: Okay.

10 SOLICITOR FINNEY: Nothing further, Your
11 Honor.

12 THE COURT: All right, you can step down.

13 Ladies and gentlemen, we're gonna have to
14 stop for the day 'cause I've got to be in another
15 court in Columbia so we will start back at 9:30 in
16 the morning. Don't discuss this case with anyone or
17 allow anyone to discuss it with you. Don't do any
18 research, don't read anything. I'll see you at
19 9:30. If you have an emergency call us. Thank you.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 12:04 p.m.)

22 THE COURT: Okay. We'll be in recess till
23 9:30 in the morning.

24 (WHEREUPON, the proceedings were concluded
25 for the day to be reconvened on August

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1 13, 2019.)

2 (WHEREUPON, Defense Exhibit No. 1 was
3 marked for identification only.)

4 THE COURT: All right, we need to put on
5 the record about the evidence issue?

6 SOLICITOR FINNEY: Your Honor, just for
7 the record I wanted to go through some of the
8 photographs so that everybody can be on the same
9 page. State's Exhibit 1, 2, 3, 4, 5, 6, 7, 10, 11,
10 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 25, 26, 27,
11 28, 29, 30, 37 and 38 are all requested by the State
12 to be admitted into evidence.

13 THE COURT: Okay. And it's a handful of
14 the photographs that the Defense objected to. Some
15 of those you withdrew, but there's others that I
16 said could go in based on evidentiary issues. So
17 what are the ones that you objected to? Do you
18 remember?

19 MR. ROUTZONG: Yes, sir. I objected to
20 number 2, number 4, number 5, number 6, number 8,
21 number 9, number 20.

22 THE COURT: 9 was withdrawn now.

23 MR. ROUTZONG: Yes, sir, I'm just reading
24 the whole thing.

25 THE COURT: I'm sorry, go ahead.

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1 MR. ROUTZONG: Number 20, number 21,
2 number 23 and number 24. The State has agreed to
3 withdraw number 8, number 23, and number 24 is my
4 understanding.

5 SOLICITOR FINNEY: And number 9 too.

6 THE COURT: Number 9, 8, 23 and 24?

7 MR. ROUTZONG: Just to clear up the
8 record, Judge, I don't think any, I'm objecting to
9 any of the other photographs coming in. The
10 photographs that are remaining that I object to, but
11 you've already ruled on that are gonna come in, but
12 I'm gonna need to make a contemporaneous objection
13 so I'm asking the solicitor to go ahead and
14 authenticate those photos with the witness and then
15 ask those to be admitted and then I'm going to make
16 my objection so it's contemporaneous.

17 THE COURT: Okay. And you had, you had
18 contemporaneously objected to none of these when
19 they came in so 'cause I let them in over your
20 objection when they put them up. Now, I didn't...

21 MR. ROUTZONG: What I have, the ones that
22 I —

23 THE COURT: You objected to 2 and 3 I
24 thought was my recollection.

25 MR. ROUTZONG: I didn't object to number

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1 3. I objected to number 2, number 5.

2 THE COURT: Right.

3 MR. ROUTZONG: And I objected to number 39
4 which I think was a video or something maybe. Oh,
5 no, that was that ---

6 THE COURT: Number 3. Number 3 was
7 sustained. You objected to that contemporaneous and
8 I let it in.

9 MR. ROUTZONG: And number 39. I objected
10 to those.

11 SOLICITOR FINNEY: The only question I
12 have, Your Honor, is that some of these photographs
13 -- for example, number 21. I don't know that I'm
14 gonna ask the witness what's in number 21 because I
15 already relied on the fact that it was admitted and
16 then the jury can just watch it or look at it when
17 they -- but if he wants me to get a witness to
18 corroborate what 21 is, I will go through, until you
19 tell me I've checked the blocks on all of them.

20 THE COURT: So we can, you can -- those
21 photographs that you're not gonna go over with the
22 witnesses, but you, you move into evidence at this
23 time 'cause I thought we'd done that.

24 MR. ROUTZONG: Just to clear up the
25 record, Your Honor, if it's not those ones that I

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1 just said, I don't have any objection to. For
2 example, anything that's ---

3 THE COURT: 21 you said he was going to
4 put, he was going to submit to the jury so you
5 objected to it. If he -- if you're gonna show it to
6 the jury and he's objecting to it you're gonna have
7 to put it through some witness 'cause there's no way
8 to get it, you know.

9 SOLICITOR FINNEY: But my question is, if
10 I don't pick up 21 to show it to a witness because I
11 thought it was already admitted.

12 THE COURT: I understand, but those that
13 y'all agreed on that are already admitted you don't
14 have to do that.

15 SOLICITOR FINNEY: But that's what 21 was.
16 I thought that's what 21 ---

17 THE COURT: No, he said he didn't agree to
18 21. That's what he just told me.

19 SOLICITOR FINNEY: Yeah, I understand but
20 ---

21 THE COURT: So ---

22 SOLICITOR FINNEY: ---he told you earlier
23 that he didn't have any objection to the photographs
24 that were marked and submitted and that's why they
25 were marked and submitted.

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1 MR. ROUTZONG: That is not what I said.

2 SOLICITOR FINNEY: Like number 13, number
3 13 is a picture of the outside of the store. I'm
4 not gonna show that to a witness, but now he wants
5 me to show it to a witness before he gets it into
6 evidence.

7 THE COURT: Now he hadn't objected to 13.
8 He just only wants those that he's objected to.

9 SOLICITOR FINNEY: Well, I don't know
10 which ones he objected to.

11 MR. ROUTZONG: He said 2, 4, 5, 6, 20 and
12 21.

13 A good rule of thumb, Mr. Finney, if it's
14 got gore and blood in it I'm objecting to it, and
15 those are the ones I enumerated. And anything else
16 ---

17 THE COURT: Those he's objected to ---

18 SOLICITOR FINNEY: All right, for example,
19 the store owner is gonna be shown number 5 because
20 there's damage to the wall so you want me to clear
21 it with you?

22 THE COURT: No, that is already in. He
23 objected to it because you asked him about the two
24 so he contemporaneously objected to that and that's
25 clean; we don't have to go there.

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1 SOLICITOR FINNEY: But that's number 5.
2 That was on the list you just gave me.

3 MR. ROUTZONG: It was already in, sir.

4 THE COURT: I understand that. But you,
5 what you did is actually put that in front of a jury
6 and he authenticated -- I mean, in front of the
7 witness.

8 SOLICITOR FINNEY: Right.

9 THE COURT: He authenticated it and he
10 objected and I overruled it so that's in. So he can
11 contemporaneously object ---

12 SOLICITOR FINNEY: But with another
13 witness do you want me to go through the same
14 process so you can object contemporaneously to the
15 next witness who looks at this? I'm just asking.

16 MR. ROUTZONG: That's already in so I
17 don't object to it and it's already ruled on.

18 THE COURT: Yeah, that's number 5 is in.

19 SOLICITOR FINNEY: Well, you just gave me
20 5 ---

21 THE COURT: 2, 4, 5 is in 'cause he's
22 objecting contemporaneously.

23 SOLICITOR FINNEY: But 2 is in also.

24 MR. ROUTZONG: 2 is in as well.

25 THE COURT: Right, he objected to that.

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1 SOLICITOR FINNEY: I can take that off the
2 list.

3 THE COURT: That's off the list.

4 SOLICITOR FINNEY: 5 is off the list.

5 THE COURT: 5 is off the list.

6 SOLICITOR FINNEY: What else?

7 THE COURT: 4 and 6.

8 SOLICITOR FINNEY: Okay, here's 6 and
9 here's 4.

10 THE COURT: What's 4?

11 SOLICITOR FINNEY: This is 4. This is 6.

12 THE COURT: Okay. And this is just a
13 closeup of the one you showed.

14 SOLICITOR FINNEY: That's correct.

15 THE COURT: And but you didn't necessarily
16 show that. That's just a closeup.

17 SOLICITOR FINNEY: That's a closeup view
18 of what's in number 5.

19 THE COURT: Okay.

20 SOLICITOR FINNEY: Because I wanted people
21 to be able to see the two. You can't see the two
22 very well in 5.

23 THE COURT: And so what's your position
24 on, I mean, it's the same and I've ruled 2 in.
25 That's just, I mean, 5 in so 2 is gonna come in too.

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1 SOLICITOR FINNEY: That's just a closeup.
2 4 is a closeup of 5.

3 THE COURT: Okay.

4 MR. ROUTZONG: So what you're arguing is
5 this one is in because this is a closeup of that one
6 so that's what you're arguing.

7 THE COURT: That's what he's moving in.

8 MR. ROUTZONG: Judge, I'm gonna object to
9 this one and I'm gonna object to it because of my
10 previous objection in the fact I think it's not
11 arguing the chain with ---

12 SOLICITOR FINNEY: Just put it on the
13 record ---

14 MR. ROUTZONG: Well, I got to do it
15 contemporaneously.

16 SOLICITOR FINNEY: 4.

17 MR. ROUTZONG: So ---

18 THE COURT: Well, he's offering it right
19 now so you just contemporaneous your objection.

20 MR. ROUTZONG: But he's, if this is a
21 closeup he's authenticated it so you can ---

22 THE COURT: He has offered it and I'll --
23 you objected and I've overruled your objection and
24 it's in so your record should be complete. It's
25 contemporaneous right now and he's already

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1 authenticated it. Okay.

2 MR. ROUTZONG: If this is a closeup of
3 that, then I agree it's authenticated and I object
4 to it so because of prior objection and because it's
5 cumulative .

6 THE COURT: The record is covered on that.

7 SOLICITOR FINNEY: And number 6 I will ask
8 the witness to authenticate it and then I will ask
9 counsel to make a ---

10 MR. ROUTZONG: No, you just ask him to
11 admit it and then I'll object.

12 SOLICITOR FINNEY: All right, very good,
13 we can do that.

14 THE COURT: What about 20 and 21 now?

15 SOLICITOR FINNEY: This is 20 and this is
16 21, and I mean, there's, you know, those are --
17 there's 18 and ---

18 MR. ROUTZONG: If it's not one of those we
19 ---

20 THE COURT: It's not a whole lot of going
21 on drops of blood on the floor.

22 MR. ROUTZONG: I'm just gonna -- you
23 authenticate these, ask them to be admitted, and
24 I'll object.

25 SOLICITOR FINNEY: I would ask the Court

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1 to admit 20 and 21 as inside of the store areas that
2 are important because they show where the cash
3 registers are.

4 THE COURT: Who took those pictures?

5 SOLICITOR FINNEY: These pictures were
6 taken by the crime scene investigator.

7 THE COURT: All right. So what I'm trying
8 to say is the witness, what witness are you planning
9 on authenticating with?

10 SOLICITOR FINNEY: See, that's the point.
11 I already thought they were in so I wasn't going to
12 bring the crime scene photographer to show that he
13 took pictures that night.

14 MR. ROUTZONG: I don't, I'm not trying to
15 help you out.

16 SOLICITOR FINNEY: But I can get a witness
17 from law enforcement to say that photographs were
18 taken and put in the investigative report, and these
19 are the photographs that were in the investigative
20 report.

21 MR. ROUTZONG: As long as they can say
22 that they accurately depict ---

23 THE COURT: All they've got to say -- you
24 don't have to have a person took the pictures. He's
25 just got to have somebody to say he was there, I was

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1 there, that's a very accurate representation of what
2 I saw that night.

3 SOLICITOR FINNEY: And I just want you to
4 understand that because of what we did on Monday ---

5 THE COURT: I understand.

6 SOLICITOR FINNEY: I thought they were all
7 in so now I've got, before I sit down tomorrow and
8 tonight I've got to have a witness talk about each
9 one of the photographs.

10 THE COURT: You don't have to talk about
11 6, 20 and 21.

12 SOLICITOR FINNEY: No, sir, because
13 there's plenty of photographs in here ---

14 THE COURT: No, they're already in; he
15 hadn't objected to them. He's not objecting to
16 them.

17 MR. ROUTZONG: If it's not one of these I
18 don't object to it because they're just photographs
19 of the store of the incident that night so I'm --
20 and this has blood in it so I'm going to object to
21 it.

22 THE COURT: There's only three you got to
23 get somebody to talk about.

24 SOLICITOR FINNEY: All right.

25 THE COURT: The rest of them are in.

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1 SOLICITOR FINNEY: Is it 6, 20, and 21?

2 THE COURT: That's it.

3 SOLICITOR FINNEY: All right. I'm gonna
4 set those apart then.

5 THE COURT: Okay.

6 MR. ROUTZONG: So what we have left is
7 number 6, number 20, and number 21.

8 SOLICITOR FINNEY: All right, I'll take
9 care of those.

10 MR. ROUTZONG: And those you authenticate,
11 ask to be admitted, and I'm gonna object and I'll
12 have my contemporaneous objection.

13 SOLICITOR FINNEY: Okay, very good. All
14 right.

15 THE COURT: All right, we ready for the
16 jury?

17 SOLICITOR FINNEY: Yes, sir, go ahead and
18 get the jury.

19 (WHEREUPON, State Exhibits Nos. 2 through
20 5, 7, 9 through 13, 18, 20, 25 through 31
21 were admitted into evidence.)

22 THE COURT: Okay, bring me the jury.

23 (WHEREUPON, the jury was returned to the
24 courtroom and the following proceedings
25 commenced in open court.)

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1 THE COURT: Ladies and gentlemen, I
2 realize you've been back there 45 minutes, but I had
3 some legal matters that hap -- and that happens in
4 every trial that I just had to deal with outside of
5 your presence so. I know many times y'all don't
6 think I've got a clock, but I'm conscious of it. I
7 just, that's just the way it happens.

8 Mr. Solicitor.

9 SOLICITOR FINNEY: Good morning, Your
10 Honor. Good morning, ladies and gentlemen. We call
11 Mr. Herman Edwards to the stand. And Your Honor,
12 may we, let me bring a matter to the Court's
13 attention.

14 (WHEREUPON, counsel approached the
15 bench for an off-the-record discussion.)

16 THE COURT: Go ahead and swear him.

17 THE CLERK: Place your left hand on the
18 Bible, raise your right hand. State your full name,
19 sir.

20 THE WITNESS: Herman Edwards.

21 WHEREUPON,

22 HERMAN EDWARDS,
23 having been duly sworn by the Clerk, testified
24 as follows:

25 THE COURT: Mr. Bradley.

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1 (Juror Bradley and counsel approach the Bench for an
2 off-the-record discussion.)

3 THE COURT: I'm gonna excuse you, okay.

4 (Juror Bradley was excused from further service on
5 the jury panel.)

6 THE CLERK: State your full name and spell
7 your last name for the record.

8 THE WITNESS: Herman Edwards,
9 E-D-W-A-R-D-S.

10 **DIRECT EXAMINATION**

11 BY SOLICITOR FINNEY:

12 Q. Good morning, Mr. Edwards.

13 A. Good morning, sir.

14 Q. Tell the ladies and gentlemen of the jury
15 where you reside.

16 A. I reside in Lynchburg, South Carolina.

17 Q. And have you lived there for a while?

18 A. Yes.

19 Q. All right. Did you grow up there as a
20 young man, Lynchburg?

21 A. I grew up in Elliott.

22 Q. Elliott, all right. Now Lynchburg, is
23 that in Lee County or Sumter County?

24 A. Lee County.

25 Q. All right, sir. And tell the ladies and

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1 gentlemen of the jury a little bit about you. I
2 know some things about you, but I want you to tell
3 the ladies and gentlemen about you. Were you --
4 after school did you go to work or did you go in the
5 military?

6 A. I went in the military.

7 Q. Tell us how long you served.

8 A. 24-and-a-half years.

9 Q. What branch?

10 A. Army.

11 Q. All right, sir. And when you got out did
12 you continue to be associated with the military?

13 A. No, I retired in 2002.

14 Q. All right. Did you go in the Guard?

15 A. No, I -- that was it. 2002, that was it.

16 Q. After retirement what did you do for a
17 living?

18 A. I went to work.

19 Q. Where?

20 A. I went to Alstron in Bethune,
21 A-L-S-T-R-O-N, Alstron.

22 Q. What kind of work was that?

23 A. I was a machine operator.

24 Q. All right, sir. And you did that for
25 years?

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1 A. Yes.

2 Q. And then after that did you go to another
3 job?

4 A. No, I did not.

5 Q. All right, sir. Are you retired now?

6 A. Sure enough is.

7 Q. All right. Now in April of last year,
8 2018, did you have occasion to stop by The Station
9 convenience store in Mayesville, South Carolina?

10 A. Yes, I do.

11 Q. Tell the ladies and gentlemen what
12 happened that night. Just a little bit, not the
13 whole story, just, what do you remember about that
14 night?

15 A. You know, I'm getting kind of old. I
16 can't recall like I was when I was younger, but I,
17 when I went -- I went to the store that night and I
18 went in the store and that guy (pointing).

19 Q. Who's seated?

20 A. Yeah.

21 Q. Which guy?

22 A. The one right there.

23 Q. What shirt does he have on?

24 A. The big guy with the striped shirt on.

25 Q. The blue shirt?

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1 A. Yeah.

2 Q. All right, sir.

3 A. And I walked in the store and I see the
4 bloods and stuff.

5 Q. All right, sir.

6 A. And before I walk in the store somebody
7 ran by me and then I walk on in the store I seen him
8 bleeding.

9 Q. All right.

10 A. And he told me, he was telling me to go
11 see where the guy went.

12 Q. And did you go try to see the guy?

13 A. Yes, I did. I went down, I went the wrong
14 way. I went the street behind the store I believe.

15 Q. Yes, sir.

16 A. But he went across the neighbor's, you
17 know, where the houses and stuff is.

18 Q. The guy that you saw, can you describe him
19 to the jury.

20 A. I sure can't.

21 Q. All right. Do you know how he was
22 dressed?

23 A. He was, he -- not really. He just, he ran
24 by me so fast, sir, I couldn't see him.

25 Q. Did you see anything that would, that you

SW - H. EDWARDS - DIRECT

1 can describe to the jury to say what he had on?

2 A. I think he had on a hoodie, a black
3 hoodie, I think, I don't, if that's right.

4 Q. Now what kind of vehicle were you driving
5 that night?

6 A. I say I was driving a Cadillac Escalade
7 which I had, but I wreck it prev-- I mean, I didn't
8 wreck it. A long distance truck wrecked it for me.
9 And I was driving a 2007 Nissan Fairmont.

10 Q. What color was it?

11 A. Black.

12 Q. What is that kind -- is that a car?

13 A. That's a truck.

14 Q. A truck, all right. Now do you know,
15 you've been to that place before, The Station?

16 A. Several times.

17 Q. You stop in there and do your business?

18 A. (No verbal response.)

19 Q. Did you know the man in the blue shirt?

20 A. Yes, I do.

21 Q. Did you know his name?

22 A. No, I didn't know his name.

23 Q. Okay. But you had been a customer?

24 A. Yeah, yeah.

25 Q. All right. And when you went in the store

SW - H. EDWARDS - DIRECT

1 that night or you were going to the store that
2 night, was it -- do you remember what kind of night
3 it was? Was it a weekend or weeknight, do you
4 remember?

5 A. I don't really remember.

6 Q. And do you remember if it was daylight or
7 nighttime?

8 A. Night.

9 Q. Nighttime, all right. Now I, did you know
10 that there were cameras at the store?

11 A. No, I ain't had no reason to know about
12 that.

13 Q. This is State's Exhibit Number 35 and this
14 is a video from outside the store. I'm gonna play
15 it for you. I want you to watch it. Is your screen
16 on?

17 A. Yes, it is.

18 THE COURT: Yes.

19 BY SOLICITOR FINNEY:

20 Q. All right, the screen's on.

21 THE JUROR: Nine is not again.

22 THE BAILIFF: It's on now.

23 SOLICITOR FINNEY: This is camera 7, Your
24 Honor, and it's -- I'm just gonna let it run; it
25 doesn't take too long. I think I got the wrong

SW - H. EDWARDS - DIRECT

1 shot. Let me stop this. I think it's the other
2 camera still.

3 BY SOLICITOR FINNEY:

4 Q. I want you to watch, Mr. Edwards, and see
5 if you see the black truck you were driving drive up
6 in the camera.

7 (Exhibit Number 35 was played.)

8 BY SOLICITOR FINNEY:

9 Q. You see something? Is that your truck?

10 A. Yes, it is.

11 Q. All right. What kind of truck is that?

12 A. Nissan '07, Pathfinder.

13 Q. All right. Let me stop it right there.

14 So you've gotten out of the truck.

15 A. Right. Yes.

16 Q. Do you see a man in the bottom of that
17 picture?

18 A. Yes.

19 Q. Did you see him that night?

20 A. I didn't see him, but I seen some gloves
21 or I seen the gloves and that's all I know.

22 Q. Was he walking away from you?

23 A. Yes.

24 Q. Do you know how he was walking away?

25 Slow? Fast?

SW - H. EDWARDS - DIRECT

1 A. Fast.

2 Q. All right. And could you kind of describe
3 his build, what kind of build did you see?

4 A. He was, he was about, he was a little bit
5 taller than I am I think.

6 Q. All right.

7 A. And he was slender build.

8 Q. All right. So you're getting out of your
9 truck walking to the front door and this guy is
10 walking away from you. All right, at this point did
11 you realize anything was going on?

12 A. No, I did not.

13 Q. All right, let's show the video. Is that
14 you walking to the door?

15 A. Yes. Yes, it is.

16 Q. Now you didn't go in?

17 A. No, I did not.

18 Q. Why not?

19 A. Because he came to the door and he was
20 telling me to go that way. He told me to go that
21 way, but I went the, I went that way.

22 Q. So you ran looking for the man?

23 A. Yes.

24 Q. Okay.

25 A. Then ---

SW - H. EDWARDS - DIRECT

1 Q. How did the man that met you at the door,
2 how did he look? The man who met you at the door,
3 how did he look?

4 A. Bloody up. He was real bloody.

5 Q. Where was the blood coming from?

6 A. All in his face and stuff.

7 Q. All right. Now after you ran down the
8 side of the building did you go out in the field?

9 A. No, I, I went past the store to the gravel
10 area what they got to the right. I went past there.
11 I didn't see nothing.

12 Q. Okay. Did you come back ---

13 A. Yes.

14 Q. ---and get in your truck?

15 A. Yes. And then I went by the gravel road,
16 the pavement road by the store. I went down that
17 way looking for him and I didn't see him.

18 Q. Look at the video again. I've got the
19 last two minutes of this video.

20 A. Okay.

21 Q. Tell me when you see yourself.

22 A. That's me right there.

23 Q. That's you?

24 A. Yeah. I'm going to my truck.

25 Q. All right. Now when you get in your truck

SW - H. EDWARDS - DIRECT

1 do you notice any other people coming in the store?

2 A. No, I did not. I was the only truck
3 there.

4 Q. All right. You didn't notice that white
5 car that just pulled in?

6 A. No, my -- I was focused on going like he
7 told me trying to find out who that was.

8 Q. And when you got in your truck you went
9 behind the store?

10 A. I went out on the side of the store.

11 Q. Right.

12 A. Where they got a car wash right there, I
13 turned between the store and the car wash, that
14 pavement road.

15 Q. All right, let me show you State's Exhibit
16 Number 34. You're from the army. You probably know
17 how to read a map. If told you this is State's
18 Exhibit 34 and this is the gas pumps in front of the
19 store, this is the Florence highway, could you show
20 the jury which way you drove in your truck when you
21 left that -- from the front of the store? Which way
22 did you go?

23 A. I went to the right.

24 Q. You went to the right?

25 A. Yeah.

SW - H. EDWARDS - DIRECT

1 Q. And did you stay on the Florence highway
2 or did you turn?

3 A. I went on the gravel. Then there's a -- I
4 don't know whether Florence highway or what, but it
5 might be.

6 Q. The highway that was in front of the store
7 ---

8 A. Yeah.

9 Q. ---is the Florence highway.

10 A. I didn't, I didn't, that's not -- yeah.

11 Q. Yeah, that's 76.

12 A. Yeah, but now ---

13 Q. If you took, if you took this road you'll
14 be going to Lynchburg; wouldn't you?

15 A. Right, but I didn't take that road, I took
16 the other road.

17 Q. All right. The side road?

18 A. Yes.

19 Q. And you went down this side road?

20 A. Yeah.

21 Q. How far did you go down?

22 A. I went down to the brick house down there.

23 Q. Did you turn around when you got to the
24 brick house?

25 A. Yes, I did.

SW - H. EDWARDS - DIRECT

1 Q. Did you see the man that ---

2 A. No, I did not.

3 Q. You didn't see anybody?

4 A. No.

5 Q. What did you do after you turned around at
6 the brick house?

7 A. I came back to the store.

8 Q. Back to the store?

9 A. Right.

10 Q. Did you go in the store?

11 A. Yes.

12 Q. All right.

13 SOLICITOR FINNEY: If Your Honor please,
14 I'm gonna substitute this disk number 35 for another
15 disk that we have in evidence.

16 THE COURT: Okay.

17 SOLICITOR FINNEY: It will take me a
18 minute to set it up. This is State's Exhibit 31.

19 (State Exhibit Number 31 was played.)

20 BY SOLICITOR FINNEY:

21 Q. All right, sir. Mr. Herman.

22 A. Yes, sir.

23 Q. Is that you in the yellow shirt and
24 baseball cap on the side of that picture?

25 A. That's me in the yellow shirt and an army

SW - H. EDWARDS - DIRECT

1 cap, not baseball cap.

2 Q. Army cap, I'm sorry.

3 A. Just respect, that's all.

4 Q. Appreciate you, sir. Did you know this
5 lady in the white jacket there that you were at the
6 table with?

7 A. No, I never paid, I never paid any
8 attention.

9 Q. But you don't think, I mean, you didn't
10 know her?

11 A. No, I didn't know her.

12 Q. Okay. And at the time that the officer
13 walked in, he was wearing a camera. I don't know if
14 you know that. that's where these pictures are
15 coming from. But have you ever seen this before?

16 A. Yeah, I seen them on television.

17 Q. Okay. Were you on television?

18 A. Yes. Yes, I was.

19 Q. All right. Now when she was talking to
20 the officers she told the officers she saw a man run
21 from the store and get in a black truck and leave
22 real quick.

23 A. Yeah.

24 Q. Did you know she was talking about you?

25 A. I wish I did.

SW - H. EDWARDS - CROSS

1 Q. Let me just play this.

2 A. Yeah, I knew she was talking about me.

3 Q. So you didn't know she was talking about
4 you being in the black truck?

5 A. I sure didn't.

6 Q. All right. But you were standing right
7 there listening to her.

8 A. Yeah.

9 Q. Now you didn't see, you didn't get a good
10 look at the man with the gloves?

11 A. No. No, I did not.

12 Q. After you talked with the officer on this
13 video you told the officer you were going on home to
14 Lynchburg?

15 A. Yes.

16 Q. All right. And that's what you did?

17 A. Exactly what I did.

18 Q. All right, sir. I want you to answer any
19 questions the defense lawyer may have for you.

20 A. Okay.

21 C R O S S - E X A M I N A T I O N

22 BY MR. ROUTZONG:

23 Q. Good morning, sir.

24 A. Good morning.

25 Q. I just wanted to make sure I heard you

SW - H. EDWARDS - CROSS

1 correctly. You didn't see that man and you can't
2 identify him.

3 A. No, I cannot.

4 Q. The only thing you know is pretty much
5 what you saw when you began to walk in the store?

6 A. That's right.

7 Q. And what you were told?

8 A. No, I wasn't told. I said what I seen.

9 Q. Yes, sir. What I'm saying is -- we'll
10 just leave it at that. Thank you so much.

11 A. All right.

12 SOLICITOR FINNEY: I ask that the witness
13 be allowed to leave.

14 THE COURT: Any problem?

15 MR. ROUTZONG: Without objection, Your
16 Honor.

17 THE COURT: Okay.

18 SOLICITOR FINNEY: Thank you, sir. We
19 call Ms. Bridgette Wells.

20 THE CLERK: Place your left hand on the
21 Bible, raise your right hand. State your full name.

22 THE WITNESS: Bridgette Wells.

23 WHEREUPON,

24 BRIDGETTE WELLS,

25 having been duly sworn by the Clerk, testified

SW - B. WELLS - DIRECT

1 as follows:

2 THE CLERK: Step around please, ma'am.
3 State your full name and spell your last name for
4 the record please, ma'am.

5 THE WITNESS: Bridgette Wells, W-E-L-L-S.

6 D I R E C T E X A M I N A T I O N

7 BY SOLICITOR FINNEY:

8 Q. Good morning.

9 A. Good morning.

10 Q. Ms. Wells, tell the ladies and gentlemen
11 where you live.

12 A. In Mayesville, South Carolina.

13 Q. All right. And how long you lived there?

14 A. Pretty much all my life.

15 Q. All right. What do you do for a living?

16 A. I'm a school improvement coordinator.

17 Q. In what county?

18 A. Clarendon school district.

19 Q. Very good. Are you starting school today?

20 A. No, I work all summer, but school began
21 for the teachers on Monday.

22 Q. Tell the ladies and gentlemen where you go
23 to shop when you're near your house in Mayesville.

24 A. At Bill, I don't know the name of it. We
25 call it Bill Road.

SW - B. WELLS - DIRECT

1 Q. Bill Road?

2 A. Uh-huh.

3 Q. Is this a picture of Bill Road right here
4 on State's Exhibit Number 34? Can you tell from the
5 overhead picture?

6 A. That is.

7 Q. All right. You buy gas there?

8 A. No.

9 Q. Okay. How long you been shopping there?

10 A. Thirty years I guess.

11 Q. All right. Did you know the young man who
12 was running the store, Kenny?

13 A. Kenny.

14 Q. Patel?

15 A. Yes.

16 Q. You know Kenny by name?

17 A. Yes.

18 Q. All right. So I have two disks to show
19 you; but since this one is in the computer, I'm
20 gonna show this one, State's Exhibit 31. You had
21 occasion to go to The Station back in April of 2018,
22 April 6th?

23 A. Yes.

24 Q. And who were you with?

25 A. My momma and my children.

SW - B. WELLS - DIRECT

1 Q. And your children?

2 A. Uh-huh.

3 Q. What did you go to The Station for?

4 A. To get some gas.

5 Q. All right. And what time of day and night
6 was it?

7 A. It was late at night.

8 Q. Okay. You saying ---

9 A. Well, hold on, wait, I didn't get gas. My
10 mom was going to get gas.

11 Q. You were with her?

12 A. I was just a passenger, yes.

13 Q. You were a passenger?

14 A. Yeah.

15 Q. All right. Do you remember the night that
16 Kenny got beat up and robbed?

17 A. I do.

18 Q. And you went in The Station that night?

19 A. I did.

20 Q. All right. I want to show you the next
21 part of this video that the officer took when he
22 came in the store.

23 (Exhibit Number 31 was shown.)

24 BY SOLICITOR FINNEY:

25 Q. Is that you, Ms. Bridgette, in the video

SW - B. WELLS - DIRECT

1 right there?

2 A. Yes.

3 (Continued playing of Exhibit Number 31.)

4 BY SOLICITOR FINNEY:

5 Q. Is that you, Ms. Bridgette?

6 Q. All right. Now you had been in the store
7 how long before the officer got there?

8 A. I don't recall. I can't tell you a time
9 frame. It was a good while though.

10 Q. A few minutes?

11 A. Yeah.

12 Q. After the officer got there he talked to
13 you?

14 A. Uh-huh.

15 Q. He talked to the lady in the white jacket?

16 A. Uh-huh, yes.

17 Q. Other people came?

18 A. But they didn't come in the store, they
19 were outside.

20 Q. All right. How about the ambulance?

21 A. Yes.

22 Q. Did you have to stay there for a long time
23 after the officer got there?

24 A. Yes.

25 Q. Did you end up giving a statement to the

SW - B. WELLS - DIRECT

1 officers?

2 A. Yes1

3 Q. All right. Now I'm gonna stop this one
4 and show you the other video. This is State's
5 Exhibit Number 35.

6 (State Exhibit Number 35 shown.)

7 BY SOLICITOR FINNEY:

8 Q. Ms. Bridgette, would you tell the ladies
9 and gentlemen when you see your family vehicle pull
10 up.

11 (Pause.)

12 THE WITNESS: That's the vehicle right
13 there.

14 BY SOLICITOR FINNEY:

15 Q. What kind of vehicle is that?

16 A. Chevy Tahoe.

17 Q. Tahoe?

18 A. Uh-huh.

19 Q. And who's driving?

20 A. My mother.

21 Q. All right. The lady that just got out the
22 white car that went in the store, did you know her?

23 A. I didn't know her.

24 Q. Okay. How far away from this store do you
25 live?

SW - B. WELLS - DIRECT

1 A. Maybe six, seven, eight miles.

2 Q. And do you live with your mom?

3 A. I do not.

4 Q. Okay, so she has her house. Is she in
5 Mayesville?

6 A. Yes.

7 Q. And you have your house in Mayesville?

8 A. Yes.

9 Q. Now if you would, tell the ladies and
10 gentlemen if you see your mom in this picture.

11 A. That's my mom right there coming up.

12 Q. That's your mom?

13 A. Uh-huh.

14 Q. Okay. Tell the ladies and gentlemen of
15 the jury when you see yourself in the picture.

16 A. That's me.

17 Q. All right. Now your mom never went in the
18 store?

19 A. No.

20 Q. Why did you get up and go in the store?

21 A. Because I wanted to help Kenny. My mom
22 looked through the window and she saw what was going
23 on so she got back in the truck and told me to go
24 help Kenny.

25 Q. And that's you going in?

SW - M. GETER - DIRECT

1 A. Yes.

2 Q. When you went in that's when we saw you on
3 the other tape where the color pictures were.

4 A. Yes.

5 Q. And you stayed there for a long time
6 after?

7 A. Yes.

8 Q. All right. I think that's all. Thank
9 you, ma'am. Answer any questions Defense may have.

10 MR. ROUTZONG: No questions, Your Honor.

11 THE COURT: Thank you. You can step down.

12 SOLICITOR FINNEY: May the witness be
13 excused?

14 THE COURT: Any objection?

15 MR. ROUTZONG: Without objection, Your
16 Honor.

17 THE COURT: Okay, thank you, ma'am.

18 SOLICITOR FINNEY: We call Ms. Megan
19 Geter.

20 THE CLERK: Place your left hand on the
21 Bible, raise your right hand. State your full name.

22 THE WITNESS: Megan Geter.

23 WHEREUPON,

24 MEGAN GETER,

25 having been duly sworn by the Clerk, testified

SW - M. GETER - DIRECT

1 as follows:

2 THE CLERK: Step around please, ma'am.
3 State your full name and spell your last name for
4 the record please, ma'am.

5 THE WITNESS: Megan Geter. My last name
6 is spelled G-E-T-E-R.

7 BY SOLICITOR FINNEY:

8 Q. Good morning, Ms. Geter. Tell us where
9 you live.

10 A. Mayesville.

11 Q. And how long have you lived there?

12 A. Pretty much all my life.

13 Q. All right. And what do you do for a
14 living?

15 A. I'm a security officer at Continental
16 Tire.

17 Q. And how long have you been there?

18 A. Almost a year.

19 Q. All right. And where do you live?

20 A. Third Street.

21 Q. All right. I'm gonna show you a map of
22 the area of the store. Do you know where The
23 Station store is in Mayesville?

24 A. Yes, sir.

25 Q. And have you shopped there?

SW - M. GETER - DIRECT

1 A. Yes.

2 Q. Frequently?

3 A. Yes.

4 Q. Do you know Kenny?

5 A. I do.

6 Q. Do you know Dave?

7 A. I do.

8 Q. All right. I want to show you what's
9 marked as State's Exhibit 33 and ask you to point
10 out for the jury, if you could, can you see where
11 you live or -- let me see. This is State's Exhibit
12 33. Do you see where the store is or where you
13 live?

14 A. I see where I live.

15 Q. All right, where do you live?

16 A. Here on Third Street.

17 Q. All right. And how far away is that, as
18 the crow flies how far is that to the store?

19 A. About three minutes.

20 Q. All right. And do you know where the
21 store is?

22 A. Yes. The store is somewhere here.

23 Q. Yes, ma'am, that's it right there. And
24 you to the store often?

25 A. Yes.

SW - M. GETER - DIRECT

1 Q. All right. Now, thank you. You had
2 occasion to be in the store on April the 6th the
3 night Kenny got robbed?

4 A. Yes.

5 Q. You've seen him in the video. I want you
6 to show -- I want to show you this from State's
7 Exhibit, I believe it's 31. No, it's 35, State's
8 Exhibit 35. You testified, or told the officer
9 inside the store that you saw a man running across
10 the parking lot and getting in a black truck.

11 A. I did.

12 Q. Is that what you saw?

13 A. I did.

14 Q. When you came to the store were you
15 driving? What were you driving?

16 A. A white Honda Accord.

17 Q. Okay. And you were coming to the store to
18 make some purchases?

19 A. Yes.

20 Q. All right. After you went in the store
21 what was the first thing you saw?

22 A. Kenny standing up.

23 Q. How did he look?

24 A. Really, really bad. I don't, I couldn't
25 see his eyes.

SW - M. GETER - DIRECT

1 Q. All right. And you assisted him?

2 A. Yes.

3 Q. All right. Do you remember seeing the man
4 with the yellow T-shirt on?

5 A. I, yes.

6 Q. He came in the store?

7 A. Yes.

8 Q. And did he -- what did he do?

9 A. When I came in he was trying to explain
10 that he couldn't find it out -- pretty much that he
11 went out to look for the guy, but he didn't see
12 anything.

13 Q. All right. And how long was it before the
14 first officer got there?

15 A. Seemed like forever. Maybe 20 minutes, if
16 that long.

17 Q. All right. When you see this video did
18 you know Mr. Edwards when you met him later on in
19 the store?

20 A. No, I just remember seeing his face in the
21 store every now and then when we go in.

22 Q. And when this truck pulls off out of this
23 picture how long is it you pulling in right there so
24 it was about the same time?

25 A. Yeah, I literally saw him running to the

SW - M. GETER - DIRECT

1 truck.

2 Q. So you saw him running to the truck?

3 A. I did.

4 Q. Got in the truck and the truck left.

5 A. Uh-huh.

6 Q. And then you went in and saw Kenny?

7 A. Yes.

8 Q. And what was your thought at that time?

9 A. That the truck that pulled out did
10 whatever happened to Kenny.

11 Q. All right. Let me just show you this.
12 All right. Did you ever see this man with the
13 gloves on?

14 A. No, sir.

15 Q. All right. Did Kenny ever talk to you
16 that night about the man with the gloves on?

17 A. No.

18 Q. Okay. Was Kenny saying much of anything
19 that night?

20 A. Not really, no.

21 Q. All right. After the police got there you
22 gave them your information?

23 A. Yes.

24 Q. All right. Did there come a time when not
25 that night but later on, a day later, you had a

SW - M. GETER - DIRECT

1 chance to talk to the police?

2 A. Yes.

3 Q. And did they ask you to look at some
4 video?

5 A. They did.

6 Q. Did they show you this video of the man in
7 black coming out of the store that night?

8 A. No.

9 Q. Okay. And did they, they have other video
10 for you to watch?

11 A. Yes.

12 Q. Did you watch it at The Station or
13 downtown at law enforcement?

14 A. The Station.

15 Q. At The Station. And who was there when
16 you were watching the video?

17 A. David and ---

18 Q. This David?

19 A. Yes.

20 Q. Okay, David.

21 A. David and, I think her name is Jennifer.

22 Q. Jennifer Thomas?

23 A. Yes, Ms. Thomas.

24 Q. And when you watched that video were you
25 able to identify the man in the video that you were

SW - M. GETER - DIRECT

1 watching? And I'm not talking about this video, I'm
2 talking about the video you were watching at the
3 store.

4 A. The video at the store is clear. It's
5 more clear ---

6 Q. All right.

7 A. ---than this one.

8 Q. Let me change this. This is camera five.
9 Do you recognize the man in the purple shirt?

10 A. Yes.

11 Q. Who is that?

12 A. That's Kenny.

13 Q. Kenny?

14 A. Uh-huh.

15 Q. And is this the video you saw with
16 Jennifer Thomas?

17 A. Yes, sir.

18 Q. And was that the store, the same store,
19 you were in the same store watching the video?

20 A. Yes.

21 Q. And did they ask you to identify this man
22 in the, on the left side?

23 A. Yes.

24 Q. And who is that?

25 A. That's Chauncey.

SW - M. GETER - DIRECT

1 Q. And how long have you known him?

2 A. Chauncey is young -- he's a lot younger
3 than I am. I don't think he was in Mayesville that
4 long at this point in his life. I don't know
5 whether he was back and forth, but I don't know him
6 like that. Just from seeing him in the
7 neighborhood, would speak and, you know, talk every
8 now and then; but I didn't know him know him. He's
9 a lot younger than I am.

10 Q. And you told the officers -- you know when
11 you were at the store looking at the video?

12 A. Do I know when?

13 Q. In terms of the robbery took place on the
14 6th.

15 A. Uh-huh. The next day.

16 Q. The next day?

17 A. Yes.

18 Q. On the 7th?

19 A. Yes.

20 Q. All right. When you identified that as
21 Chauncey did the officers ask you to take them
22 somewhere?

23 A. Yes.

24 Q. Where?

25 A. Chauncey's mother's house.

SW - M. GETER - DIRECT

1 Q. All right. And do you know where that is?

2 A. I don't know what street or anything, but
3 I have a visual of how to get there.

4 Q. And did you get in the car with the
5 officers and go there?

6 A. Yes.

7 Q. All right. Now Chauncey's mother, does
8 she live in the area where you live?

9 A. Yes.

10 Q. Is it on this map State's Exhibit 33?
11 Show us again where you live.

12 A. Here on Third Street.

13 Q. All right. And where does she live?

14 A. She lives, it's a street once you turn on
15 Third Street it's actually two ways to get there,
16 but it's a street once you turn on Third Street. I
17 think it's Avenue C. I'm not sure, but it's like
18 walking distance.

19 Q. Walking distance from your house?

20 A. Yes.

21 Q. Okay, very good. And you took the
22 officers there.

23 A. Yes.

24 Q. Did you go inside the house or you just
25 pointed it out?

SW - M. GETER - DIRECT

1 A. No, didn't go inside.

2 Q. All right. And then when you left there
3 with the officers, left Chauncey's mother's house,
4 where did you go?

5 A. She took me back to the store where my car
6 was.

7 Q. And you went home?

8 A. Yes.

9 Q. All right. How did you, how did it work
10 out that you were at the store the next day on the
11 7th?

12 A. David called me and said that the
13 investigator was down and wanted me to come and look
14 at a video.

15 Q. All right. After you saw the video and
16 you went to Chauncey's mother's house you came back,
17 you were gone, did you have any further involvement
18 in the case?

19 A. No.

20 Q. Okay.

21 A. No.

22 Q. All right. And then our office called you
23 and asked you to come to court today?

24 A. Right.

25 Q. All right. Nothing further. Answer any

SW - M. GETER - DIRECT

1 questions Defense may have.

2 MR. ROUTZONG: I don't have any questions,
3 Your Honor.

4 THE COURT: Okay. Thank you, ma'am.

5 SOLICITOR FINNEY: Thank you, ma'am. We
6 ask that the witness be excused.

7 THE COURT: Any problem?

8 MR. ROUTZONG: No objection.

9 THE COURT: Okay.

10 SOLICITOR FINNEY: We call Mr. Scott
11 Bonner.

12 THE CLERK: Place your left hand on the
13 Bible and raise your right hand and state your full
14 name, sir.

15 THE WITNESS: Charles Scott Bonner.
16 WHEREUPON,

17 **CHARLES BONNER,**
18 having been duly sworn by the Clerk, testified
19 as follows:

20 THE CLERK: Step around, sir. State your
21 full name and spell your last name for the record
22 please, sir.

23 THE WITNESS: Charles Scott Bonner,
24 B-O-N-N-E-R.

25 **DIRECT EXAMINATION**

SW - M. GETER - DIRECT

1 BY SOLICITOR FINNEY:

2 Q. Good morning, Mr. Bonner.

3 A. Good morning.

4 Q. Tell the ladies and gentlemen where you
5 work.

6 A. I work for the Sumter County Sheriff's
7 Office.

8 Q. How long have you been in law enforcement?

9 A. Over 13 years.

10 Q. All right, sir. And what is your
11 specialty, so to speak, in law enforcement?

12 A. I work for investigations and I work in
13 the special victim's unit division of
14 investigations.

15 Q. Have you been doing that for a number of
16 years?

17 A. Yes, sir.

18 Q. All right. Taking your attention to
19 April 2018, the incident of the robbery and beating
20 of Mr. Patel.

21 A. Yes, sir.

22 Q. Were you called out to that scene?

23 A. Yes, sir, I was.

24 Q. And who was assisting you that night as
25 far as investigations?

SW - M. GETER - DIRECT

1 A. That was Senior Investigator Thomas. We
2 were, we were on-call that week and I was the
3 secondary backup investigator for on-call.

4 Q. All right. We've seen some video,
5 probably have seen you in the video. Were you there
6 when Kenny was loaded into the ambulance?

7 A. No, sir, I wasn't.

8 Q. All right. Was Investigator Thomas there
9 when Kenny got in the ambulance?

10 A. I believe so.

11 Q. So she would have briefed you later on
12 about what happened?

13 A. That is correct. She called me out to
14 come assist. She was the primary investigator and I
15 was her backup so she called me out to help her.

16 Q. All right. We understand from testimony
17 that Friday night around 7:30, 8:30, about 8:30 the
18 police were called and then there was a big
19 response. Did you go out to the scene that night?

20 A. I did.

21 Q. Was Kenny still there or had the
22 helicopter?

23 A. He was not. He was already gone by the
24 time I got there.

25 Q. All right. Did you and the Investigator

SW - M. GETER - DIRECT

1 Thomas and other officers start looking for
2 suspects?

3 A. That's correct.

4 Q. All right. And what was -- could you just
5 summarize for the jury what was your first job, so
6 to speak, what was the first task, how did you start
7 going about looking for the suspects?

8 A. So I got information as well as a lot of
9 people about this male running from the store and
10 then get into a black truck and then going down the
11 certain road next to The Station so I got into my
12 car. There was, I believe, a phone call about the
13 house that inevitably ended up turning around in
14 saying they saw somebody turn around their house so
15 I went over and talked to the family there at the
16 house. They had heard through the neighborhood that
17 something happened over at The Station. They were
18 terrified because someone turned around in their
19 yard. I gathered the information. It looked like a
20 newer vehicle, possibly a truck. Came back to The
21 Station, then started look around for any kind of
22 evidence. We started, I believe there was pictures
23 that was taken by special, I mean, correction, crime
24 scene. And then we started searching around with
25 the canine as well.

SW - M. GETER - DIRECT

1 Q. All right, sir. Do you know -- were you
2 at The Station when the crime scene investigators
3 were taking the pictures?

4 A. Yes, sir.

5 Q. All right. What I want to do is show you
6 three photographs. State's Exhibit Number 6, did
7 you go to The Station that night to observe what was
8 there?

9 A. I did.

10 Q. All right. Can you tell us what's in
11 State's Exhibit Number 6?

12 A. This is the back end of The Station where
13 it's leading into the back door and also the
14 restrooms.

15 Q. All right, sir. And is there evidence of
16 a crime in that area?

17 A. There is.

18 Q. Tell us what it is.

19 A. There's blood all over the floor and it
20 looks like in the wall and I believe I see an
21 earpiece on the floor as well.

22 Q. All right, what about the wall?

23 A. There's blood on the wall.

24 Q. Very good.

25 SOLICITOR FINNEY: Your Honor, we move 6

SW - M. GETER - DIRECT

1 in.

2 MR. ROUTZONG: Objection, Your Honor,
3 based on the arguments we made during the pretrial
4 and also that this is cumulative evidence, Your
5 Honor.

6 THE COURT: Okay, I'll overrule your
7 objection. I'll allow it in.

8 (WHEREUPON, State Exhibit No. 6 was
9 admitted into evidence.)

10 BY SOLICITOR FINNEY:

11 Q. The next one is State's Exhibit Number 20.
12 Can you tell us what's in that picture.

13 A. Yes, sir, there's -- this is inside where
14 the, you see the floor inside The Station. You do
15 see blood on the floor as well and I believe this is
16 close to where the, close to where that hallway, but
17 it's behind the cash register.

18 Q. All right, sir. And when you look at 20
19 would you also look at 21 and tell me is 20 a
20 closeup picture of what you see in 21?

21 A. That is correct.

22 Q. All right, sir. And do you see the cash
23 registers in Number 21?

24 A. Yes, sir, you do.

25 Q. All right. So those are basically the

SW - M. GETER - DIRECT

1 same pictures, one is a closeup?

2 A. That's correct.

3 Q. All right.

4 SOLICITOR FINNEY: Your Honor, we move 20
5 and 21 into evidence.

6 MR. ROUTZONG: Objection, Your Honor, for
7 identical reasons.

8 THE COURT: Okay, it's in over your
9 objection.

10 (WHEREUPON, State Exhibits Nos. 21 and 22
11 were admitted into evidence.)

12 BY SOLICITOR FINNEY:

13 Q. Now Investigator Bonner, after you left
14 the store that night did you have occasion to go to
15 the hospital to see Kenny?

16 A. I did.

17 Q. And what time would you say you arrived
18 over there?

19 A. This was the next day, that Saturday.

20 Q. All right.

21 A. Being on-call, on day call I had some
22 other issues to take care of for law enforcement
23 that morning; but then that's when I was notified to
24 go to the hospital, also obtain some information to
25 give to the victim to see if he can identify

SW - M. GETER - DIRECT

1 anybody.

2 Q. All right. So you had some information
3 Saturday morning that you wanted to go and talk to
4 Kenny about?

5 A. That's correct.

6 Q. All right. And was this information
7 concerning a suspect?

8 A. That is correct.

9 Q. All right. And what is your procedure
10 that you follow when you go and talk to a victim
11 like Kenny about a suspect? Did you take something
12 with you?

13 A. Yes, sir, I did.

14 Q. What was that?

15 A. I took a SLED six person photo lineup that
16 we accumulated through the community of a person.

17 Q. All right. And when you say SLED, your
18 office, Sumter County sheriff doesn't put the lineup
19 together?

20 A. That's correct. The SLED, State Law
21 Enforcement Division out of Columbia, we give them
22 the, all the information on a possible suspect or a
23 person of interest for a six person photo lineup.
24 We give their -- if we have a driver's license
25 number, date of birth, everything identifying that

SW - M. GETER - DIRECT

1 person in particular for a six person photo lineup.
2 We give that information to them and then they
3 generate a SLED six person photo lineup so it
4 doesn't have anything to do with us making this SLED
5 lineup.

6 Q. All right, sir. I want to show you an
7 exhibit, Exhibit Number 37, and ask if you can
8 identify it.

9 A. Yes, sir, I can.

10 Q. All right, tell us what it is.

11 A. This is the SLED six person photo lineup
12 that I generated Saturday morning or I had SLED
13 generate for me when I gave them all the information
14 and the reason why I needed that information.

15 Q. And how many suspects are in that lineup?

16 A. There are six persons on this.

17 Q. But how many are people that you are
18 interested in?

19 A. There's only one.

20 Q. All right. And the other people are just

21 ---

22 A. They're generated to make them look close
23 to as much as possible look like the person that we
24 asked for.

25 Q. All right. This is 37.

SW - M. GETER - DIRECT

1 SOLICITOR FINNEY: I believe it's in, Your
2 Honor.

3 MR. ROUTZONG: I agree it's in, Your
4 Honor.

5 THE COURT: Okay. It's in without
6 objection.

7 BY SOLICITOR FINNEY:

8 Q. And so you went to see Kenny at the
9 hospital. What hospital was he at?

10 A. This was Florence, the hospital in
11 Florence.

12 Q. All right. And did you see Kenny?

13 A. I did.

14 Q. Was he able to talk with you?

15 A. A little bit, yes, sir.

16 Q. All right. And did you show him this
17 lineup with the suspect in it?

18 A. I did.

19 Q. And was he able to identify anybody in
20 State's Exhibit Number 37?

21 A. He could not.

22 Q. All right. Did you report that
23 information to Jennifer Thomas back in Sumter?

24 A. I did.

25 Q. All right. As a part of your

SW - M. GETER - DIRECT

1 investigation, when you left that day you had talked
2 to Kenny. Did Kenny tell you anything about the guy
3 who had beat him up and robbed him?

4 A. Yes. After I showed him that SLED six
5 person photo lineup he advised that the suspect who
6 came in, came in days before.

7 Q. How many days before?

8 A. I believe it was two days, that Wednesday.

9 Q. All right.

10 A. Or two or three days.

11 Q. And with that information what did you do?

12 A. I called Investigator Thomas. Kenny also
13 advised that there was a name that was written down
14 on a piece of paper. I believe that there was some
15 sort of exchange for some sort of rolling papers.
16 He did not have the money so some sort of credit so
17 he wrote down his name on this piece of paper and
18 told me exactly where this piece of paper was for
19 the officers to look near the cash register.

20 Q. And you relayed that information to
21 Jennifer Thomas?

22 A. That's correct.

23 Q. Did you go to The Station camera system to
24 look for that video or did Jennifer Thomas do that?

25 A. I believe Investigator Thomas did it.

SW - M. GETER - DIRECT

1 Q. All right. At the time you left Florence
2 and came back to Sumter?

3 A. That's correct.

4 Q. Do you remember going back to the hospital
5 a second time to see Kenny later on?

6 A. I do.

7 Q. Was it on the seventh, the next day?

8 A. Yes, sir.

9 Q. So you made two trips?

10 A. I made two trips that day.

11 Q. The second time you went back did you have
12 any information from Jennifer relative to the store
13 and the rolling papers and the man who bought the
14 rolling papers?

15 A. I did. Through her investigation and
16 talking with the community and getting some
17 investigative notes, you know, started, with the
18 name that was given by Kenny and the investigation
19 that she was doing it came out to be a name of
20 Mr. Chauncey Wright that was acquired. That's when
21 I then sent SLED another six person photo lineup for
22 the name of Chauncey Wright and the date of birth
23 and his driver's license information. At that time
24 SLED sent back another six person photo lineup with
25 six persons on it looking somewhat identifying each

SW - M. GETER - DIRECT

1 other. That's when I then went up to Florence back
2 to see Kenny to see if he can identify the person
3 who robbed him and assaulted him that night.

4 Q. All right. I want to show you what's been
5 marked as State's Exhibit Number 38 and ask if you
6 can tell the ladies and gentlemen what that is.

7 A. This is that SLED six person photo lineup
8 where he did identify Mr. Chauncey Wright.

9 Q. All right, and which number was Mr.
10 Wright?

11 A. Number 3.

12 Q. And what did you ask Kenny to do to
13 identify Mr. Wright?

14 A. I identified him to -- I advised him to
15 circle the person who robbed him and assaulted him
16 that night. Circle the picture with the number,
17 it's up under it.

18 Q. And is there a name written by that
19 picture?

20 A. Yes.

21 Q. What is that name?

22 A. I believe it says Chuck.

23 Q. All right. And who wrote that?

24 A. That would be Kenny.

25 Q. All right.

SW - M. GETER - DIRECT

1 SOLICITOR FINNEY: Your Honor, I move 38
2 in.

3 THE COURT: It's ---

4 MR. ROUTZONG: It's already in, Your
5 Honor.

6 THE COURT: Yeah, it's my understanding
7 it's in without objection.

8 BY SOLICITOR FINNEY:

9 Q. So this is the second lineup you took to
10 Florence?

11 A. That's correct.

12 Q. And Mr. Kenny in the hospital identified
13 the man who robbed him?

14 A. Yes, sir.

15 Q. As number 3.

16 A. Yes, sir.

17 Q. And he wrote down the name Chuck?

18 A. Yes, sir.

19 Q. All right. Did you also take a form
20 called a witness lineup identification form to
21 Kenny?

22 A. Yes, sir.

23 Q. Tell the ladies and gentlemen why you do
24 that.

25 A. So this is the form that as soon as I hand

SW - M. GETER - DIRECT

1 this to him, as soon as they make an identifying, a
2 positive identifying mark on the six person photo
3 lineup I give this piece of paper to them. It also
4 has a list of numbers, one through six, which is a
5 list of numbers on the six person photo lineup for
6 them to mark which number they chose and also a date
7 and sign that piece of paper that they chose that
8 said number.

9 Q. All right. And what number was marked on
10 this form Number 39?

11 A. This is marked number 3.

12 Q. All right. And did Kenny Patel sign it?

13 A. He did.

14 Q. And date it and put the time on it?

15 A. Yes, sir. I put the date and time on it;
16 he signed it.

17 Q. All right, very good.

18 SOLICITOR FINNEY: I move 39 into
19 evidence.

20 MR. ROUTZONG: I think it's already.

21 THE COURT REPORTER: It's already in.

22 SOLICITOR FINNEY: Thank you. Beg the
23 Court's indulgence.

24 BY SOLICITOR FINNEY:

25 Q. Investigator, please answer any questions

SW - C. BONNER - CROSS

1 Defense may have.

2 A. Yes, sir.

3 **CROSS-EXAMINATION**

4 BY MR. ROUTZONG:

5 Q. Good morning, Investigator Bonner. How
6 are you?

7 A. I'm blessed. How are you?

8 Q. I feel kind of blessed myself, still
9 kicking at least.

10 A. That's right.

11 Q. I really only got one question, pretty
12 specific. When you went up to see Mr. Kenny, as we
13 all know now, when you went up to see Mr. Kenny he
14 told you when you asked him after showing the
15 in-store video, you asked him do you recognize the
16 suspect and you -- and he told you no. Do you admit
17 or deny that?

18 A. I don't recall that.

19 Q. Let me ask you this. When you as a law
20 enforcement person as an investigator, you create
21 reports and that kind of stuff, incident reports,
22 investigative reports? You write down in a
23 narrative form everything that happened during your
24 investigation or the essential things that happened;
25 is that correct?

SW - C. BONNER - CROSS

1 A. In my reports, yes.

2 Q. Okay. Did you read Jennifer Thomas'
3 investigative report?

4 A. Here lately, yes, sir.

5 Q. Okay. Did you ask her to alter anything
6 in it?

7 A. No, sir, that's her report.

8 Q. Did you tell her anything wasn't true?

9 A. I would hope so.

10 Q. Okay. So you read it and you didn't tell
11 her, hey, something is wrong in here. You didn't
12 tell her that?

13 A. I did not.

14 Q. Okay. I have something up here that's
15 marked for identification purposes as Defense Number
16 1. I'm just gonna ask you to read this and see if
17 you recognize what this is. I'm just gonna
18 underline it. I'm just gonna ---

19 MR. ROUTZONG: If I can approach, Your
20 Honor.

21 THE COURT: Yes, sir.

22 BY MR. ROUTZONG:

23 Q. I just ask you to read that underlined
24 portion of it.

25 A. (Pause.) Okay.

SW - C. BONNER - REDIRECT

1 Q. Does that refresh your memory?

2 A. Yes.

3 Q. Okay. So I'll ask you again, when you
4 showed the in-store video he told you he didn't know
5 who that, the suspect was?

6 A. From the video I showed, he could not
7 recognize who that was at the time.

8 Q. And obviously the video is the video of
9 the person who perpetrated this armed robbery and
10 this attack on him?

11 A. Allegedly so, yes, sir.

12 MR. ROUTZONG: Your Honor, I don't have
13 any other questions.

14 SOLICITOR FINNEY: May I just ask a couple
15 of questions.

16 **REDIRECT EXAMINATION**

17 BY SOLICITOR FINNEY:

18 Q. That's not your report?

19 A. No, sir, it's not.

20 Q. You didn't write it?

21 A. No, sir, I did not.

22 Q. Okay. So let's go back because I want to
23 make sure the steps are clear. You went to see
24 Kenny on the 7th, took him the first lineup?

25 A. That's correct.

SW - C. BONNER - REDIRECT

1 Q. He didn't identify anybody?

2 A. He did not identify anybody.

3 Q. Did he tell you some information about the
4 suspect who robbed him relative to the rolling paper
5 man?

6 A. Yes. Whenever I showed him the six person
7 photo lineup, the first six person photo lineup
8 where he did not identify anybody in that six person
9 photo lineup as the person who assaulted him, and
10 that's whenever he told me about the rolling papers
11 where the person who did assault him came in several
12 days before and that's where he wrote down the name
13 Chuck. And in the, I guess on the piece of paper
14 and told us where to look for it. That's when I
15 advised Investigator Thomas, hey, this is the
16 information that he just gave me. We then started
17 investigation that way as well.

18 Q. All right. So Investigator Thomas found
19 the paper that was marked ---

20 A. Correct.

21 Q. ---Chuck, and she also looked at video of
22 the man who came in the store two days earlier?

23 A. That is correct.

24 Q. Based on that and other information, you
25 developed Chauncey Wright and put him in the second

SW - C. BONNER - REDIRECT

1 lineup?

2 A. That is correct.

3 Q. And on the same day you went back to see
4 Kenny and got a verification of Chauncey Wright?

5 A. Correct. It was a very quick verification
6 as well. Whenever he saw Mr. Chauncey Wright in
7 that six person photo lineup he identified him right
8 away.

9 Q. All right. When you went to talk to Kenny
10 at the hospital, did you ask him if the man had his,
11 the robber had his face covered?

12 A. Yes.

13 Q. What did he tell you?

14 A. He said yes.

15 Q. He said his face was covered?

16 A. Well, he had stuff on his head.

17 Q. Okay, a hat?

18 A. Right.

19 Q. But could he see his face?

20 A. I can't remember that answer to the
21 question.

22 Q. All right. And so after, relative to the
23 question Mr. Routzong asked you, did you show
24 Chauncey video from the store?

25 A. I did. The first time I went there with

SW - C. BONNER - REDIRECT

1 the first six person photo lineup I did show a
2 video. It was of the surveillance video of him, the
3 suspect, outside the store. I believe ---

4 Q. The suspect outside the store?

5 A. Correct. I believe it was next to some
6 gas tanks.

7 Q. Okay. And then while you were there for
8 that meeting with Kenny he told you about the man
9 with the rolling papers who had been in the store
10 too?

11 A. That's correct. And for clarification,
12 the video that I did show him with him outside the
13 gas tanks, the video camera was far away. I'm not
14 sure if it was shown or not; but it was not, you
15 know, I just asked him if he identified the person
16 in that video and that's where the note came from.

17 Q. All right, sir. Let me show you that
18 video please and see if you can identify it.

19 MR. ROUTZONG: Your Honor, can we
20 approach.

21 THE COURT: Yes, sir.

22 (WHEREUPON, counsel approached the
23 bench for an off-the-record discussion.)

24 BY SOLICITOR FINNEY:

25 Q. Officer, does that look like the video you

SW - C. BONNER - REDIRECT

1 showed Kenny?

2 A. Yes, sir, it is.

3 Q. And you all got this from The Station
4 after Kenny didn't see anybody in the first lineup?

5 A. That's correct. That same time whenever I
6 showed him the lineup, I can't remember if it was
7 before or after. Shortly thereafter I showed him
8 this video and then shortly thereafter before,
9 that's when he told me about the rolling paper.

10 Q. All right. I don't think this is too
11 long. I'm just gonna -- we haven't seen it so I'm
12 just gonna let it run for a second. Did you confirm
13 that this kerosene tank that's shown in the picture
14 is outside The Station?

15 A. Yes, sir. If you look at the front of The
16 Station, if you're standing at the gas pumps looking
17 at the front door, it's to the right of the right of
18 the convenience store.

19 Q. If you're looking at the front of the
20 store?

21 A. If you're looking at the front it's at the
22 right-hand side so this would be where that tank
23 that says kerosene will be on the wall, the
24 right-hand wall.

25 Q. Okay. And this is the information --

SW - C. BONNER - RECROSS

1 This is the video you showed Kenny?

2 A. That's correct.

3 Q. All right, sir. And based on that video
4 he could not identify the man in that picture?

5 A. That's correct.

6 Q. All right. All right, sir, thank you.
7 That's all I have.

8 **RECROSS-EXAMINATION**

9 BY MR. ROUTZONG:

10 Q. You're alleging that the person beside
11 that kerosene tank, that's the same person who
12 committed this crime against Mr. Kenny in that
13 store; is that correct?

14 A. That was the information I was given that
15 night.

16 Q. When you -- when you were talking with Mr.
17 Kenny in the hospital how were you communicating
18 with him?

19 A. Through words.

20 Q. Do you speak his language?

21 A. I speak English.

22 Q. So did you have an interpreter?

23 A. Sometimes I did, but he can speak English
24 as well at some points.

25 Q. So who was the interpreter?

SW - C. BONNER - RECROSS

1 A. Mr. Dave.

2 Q. Okay. Thank you, Investigator Bonner.

3 A. You're welcome.

4 SOLICITOR FINNEY: Thank you, Investigator
5 Bonner.

6 THE WITNESS: You're welcome.

7 SOLICITOR FINNEY: Your Honor, can we take
8 a break?

9 THE COURT: Okay. We'll take a ten minute
10 break. Ladies and gentlemen, don't discuss the case
11 yet. I'll get you back out in a few minutes.

12 (WHEREUPON, the jury was removed from the
13 courtroom at 11:22 a.m.)

14 THE COURT: All right, we'll take a
15 recess.

16 (WHEREUPON, a recess was taken from the
17 proceedings.)

18 THE COURT: Bring me the jury please, sir.

19 (WHEREUPON, the jury was returned to the
20 courtroom at 11:40 a.m., and the following
21 proceedings commenced in open court.)

22 SOLICITOR FINNEY: May it please the
23 Court, we call Ms. Jennifer Thomas to the stand.

24 THE CLERK: Place your left hand on the
25 Bible and raise your right hand. State your full

SW - J. THOMAS - DIRECT

1 name.

2 THE WITNESS: Jennifer Thomas.

3 WHEREUPON,

4 **JENNIFER THOMAS,**

5 having been duly sworn by the Clerk, testified
6 as follows:

7 THE CLERK: Step around please, ma'am.
8 State your full name and spell your last name for
9 the record please, ma'am.

10 THE WITNESS: Jennifer Thomas,
11 T-H-O-M-A-S.

12 **DIRECT EXAMINATION**

13 BY SOLICITOR FINNEY:

14 Q. Good morning, Investigator.

15 A. Good morning, Solicitor.

16 Q. Tell the ladies and gentlemen where you're
17 working.

18 A. I work at the Sumter County Sheriff's
19 Office.

20 Q. And how long have you been in law
21 enforcement?

22 A. Going on 15 years.

23 Q. All right. And what do you do at the
24 Sumter County Sheriff's Office?

25 A. I'm a criminal investigator. I'm actually

SW - J. THOMAS - DIRECT

1 assigned to auto theft, but I do work various crimes
2 such as this when we're on-call.

3 Q. And did you get a call to be the on-call,
4 the first responding investigator on April the 6th,
5 2018, at The Station in Mayesville?

6 A. Yes, sir.

7 Q. And had you been to this place before to
8 The Station?

9 A. Yes, I have.

10 Q. Did you know Kenny before he got robbed?

11 A. Yes, sir.

12 Q. Okay, good. When you responded to The
13 Station that night do you remember what time you got
14 there?

15 A. Shortly after 8:30.

16 Q. All right. And did you have occasion to
17 see Kenny there?

18 A. I did.

19 Q. And did you have a chance to talk with him
20 or what?

21 A. Yes, sir. It seems like on the scene at
22 The Station in Mayesville the victim Kenny in this
23 case, he was in the back of an ambulance at this
24 point and I went to the back of the ambulance to
25 talk to him to try to find out who did this to him.

SW - J. THOMAS - DIRECT

1 Q. All right. Was he responsive?

2 A. He was alert. They had wrapped his head
3 and everything to stop the bleeding. I asked Kenny
4 if he knew who did this to him, and he nodded his
5 head as in a yes motion.

6 MR. ROUTZONG: Objection, Your Honor.

7 THE COURT: Okay.

8 MR. ROUTZONG: Hearsay. Without an
9 exception.

10 THE COURT: I'll sustain the objection.

11 SOLICITOR FINNEY: All right, sir.

12 BY SOLICITOR FINNEY:

13 Q. Would you look at State's Exhibit Number 2
14 and tell us what you see in this picture.

15 A. Yes, sir. That is Kenny and that is the
16 photograph I took of him in the back of the
17 ambulance.

18 Q. All right. And this would have been --
19 how long had you been on scene when this photograph
20 was taken?

21 A. Not long.

22 Q. This is State's Exhibit Number 2. Not
23 long?

24 A. Not long, sir.

25 Q. Did you see Kenny leave the scene by

SW - J. THOMAS - DIRECT

1 airplane that night, by helicopter?

2 A. I didn't see him leave in the actual
3 helicopter itself.

4 Q. Did you go to the hospital with Kenny that
5 night?

6 A. I did not.

7 Q. What did you do?

8 A. We notified our crime scene to come out to
9 make note of all the notifications that we need to
10 as investigators. Also, we try to canine track to
11 see if we can possibly locate the suspect, and I was
12 part of that track. We were unsuccessful in running
13 canine to locate a suspect. Then the next thing was
14 trying to get the video to actually see who the
15 suspect might be and put that video out to the
16 public as anybody that can recognize who this
17 individual was to contact the Sheriff's Office.

18 Q. All right. And the video that we've been
19 playing in court this week was on the system inside
20 the store?

21 A. That is correct.

22 Q. And you saw that that night?

23 A. Yes, sir, I did.

24 Q. All right. Were you able to get images of
25 the suspect?

SW - J. THOMAS - DIRECT

1 A. Sergeant McCauley over our crime scene and
2 Lieutenant Monahan were able to get that vehicle and
3 get it downloaded and put that information out to
4 the public.

5 Q. All right.

6 SOLICITOR FINNEY: Beg the Court's
7 indulgence.

8 BY SOLICITOR FINNEY:

9 Q. In the video did you have an opportunity
10 to see the man who did the beating of Kenny come in
11 the store, walk around the store, and actually do
12 the beating and leave the store?

13 A. Yes, sir, I saw the video. He was outside
14 near a kerosene tank kind of hiding down waiting for
15 people to make sure he wasn't seen going in and out
16 of the store. Next he works his way into the front
17 door of the store and he makes a left and goes
18 through the aisles to try to hide; but you also see
19 Kenny -- at the same time that he goes in the door
20 Kenny is almost at that door where they meet face to
21 face, and that's where he asked him about the, if he
22 was gonna pay for the rolling papers.

23 Q. All right. The pictures that we have of
24 the man in the hat and the gloves, 29, State's
25 Exhibit 29 and 30, I want to show them to you and

SW - J. THOMAS - DIRECT

1 ask you if that's the same images that came -- these
2 images here came off the video?

3 A. Yes, sir, those are still shots from the
4 video.

5 Q. All right. Were you able to determine
6 whether or not those shots showed you that the man
7 was armed with some type of stick, weapon, bar?

8 A. Yes, sir. It clearly shows an object in
9 his hand that's long, slender.

10 Q. And what exhibit is that?

11 A. This is number 30, sir.

12 Q. Is that him entering or exiting?

13 A. That's him leaving.

14 Q. Okay. And this is, 29 is a picture of him
15 entering?

16 A. Yes, sir.

17 Q. All right, very good. Based on the
18 information that was on the video you downloaded the
19 video and took it back to your office?

20 A. Sergeant McCauley, Lieutenant Monahan,
21 those were the ones that actually got the video.

22 Q. All right. Now as your investigation
23 continued, did you start looking for suspects?

24 A. Yes, we did.

25 Q. All right. And did you get information

SW - J. THOMAS - DIRECT

1 from the community from other places that you
2 developed a suspect?

3 A. That night after the canine track was
4 unsuccessful we began being proactive in that area
5 trying to, you know, get out with people who saw
6 anything that night. We weren't able to develop a
7 suspect at that time.

8 Q. All right.

9 A. The next day, however, I got information
10 from Sheriff Dennis, gave me a phone call and stated
11 that somebody, a unknown, well, anonymous individual
12 had contacted him and told him that it was possibly
13 a Marvin ---

14 MR. ROUTZONG: Hearsay, Your Honor,
15 objection.

16 THE COURT: Sustained.

17 BY SOLICITOR FINNEY:

18 Q. All right. So based on the information
19 and your investigation did you develop a suspect?

20 A. Yes, we did.

21 Q. All right. And what did you do to
22 followup with that suspect's identification?

23 A. So at that point I contacted my on-call
24 partner during the daytime would have been
25 Investigator Bonner, and I notified him of

SW - J. THOMAS - DIRECT

1 information that we had obtained to put together a
2 SLED photo six person photo lineup to go and show
3 the victim over in the hospital.

4 Q. Did you have anything to do with the
5 lineup being put together?

6 A. No, I did not.

7 Q. Did you see the lineup to see who was in
8 the lineup before Bonner took it to the hospital?

9 A. I did not.

10 Q. All right. So State's Exhibit Number 37,
11 the first lineup Bonner put together, you didn't
12 have anything to do with it?

13 A. That's right.

14 Q. Bonner took it from Sumter from the law
15 enforcement to the hospital?

16 A. That is correct.

17 Q. All right. When he got there did you hear
18 from Bonner as to whether Kenny could identify
19 anybody in State's Exhibit 37?

20 A. I did, and that's when Investigator
21 Bonner, he called me and he said that he did not
22 fit ---

23 MR. ROUTZONG: Objection, Your Honor,
24 hearsay.

25 THE COURT: Okay.

SW - J. THOMAS - DIRECT

1 BY SOLICITOR FINNEY:

2 Q. Don't say what Bonner said. Based on what
3 Bonner told you, did you understand whether Kenny
4 picked anybody out of that lineup?

5 A. No. Kenny did not pick anybody out of the
6 first lineup.

7 Q. Was there additional information that
8 Mr. Bonner related to you that came from Kenny?

9 A. Yes. That two days prior the person that
10 robbed him was in the store and he got credit for
11 rolling papers and that beside the register that
12 there would be a receipt with a name of Chop or
13 Chuck written on it.

14 Q. All right. And did you then go to The
15 Station to get that information to get that video
16 and that receipt?

17 A. Yes, sir, I did.

18 Q. All right. Let me show you — beg the
19 Court's indulgence. So you went back to The Station
20 on Saturday?

21 A. Yes, sir.

22 Q. And you went — was Dave there with you?

23 A. Yes, Dave came shortly after I got there.

24 Q. All right, very good. Did you watch this
25 video of Kenny and this customer in the tan suit?

SW - J. THOMAS - DIRECT

1 A. I did. Once we got the receipt for the
2 rolling paper I asked Mr. Dave Patel if the times
3 and the date that were on that receipt paper, if he
4 could go back on the camera and pull up who that
5 was, and that's what we did.

6 Q. All right. Now I've stopped this at
7 7:38:03. Can you tell us what you see on that
8 frame?

9 A. It looks like Kenny is passing over the
10 rolling papers to Mr. Wright.

11 Q. All right. And let's let it run from that
12 point on. What does, what does Mr. Wright do?

13 A. He takes them. It looks like he's having
14 a conversation with Kenny.

15 Q. All right. And then what does Mr. Wright
16 do?

17 A. And then it looks like he leaves.

18 Q. And what does Kenny do?

19 A. Kenny is getting the receipt paper to
20 write the name on it. And as you can tell right
21 there he's got it down, he's got his pen and he's
22 writing his name at the top of the receipt paper and
23 putting it on that wall.

24 Q. The name of the customer?

25 A. Right, the name of the customer.

SW - J. THOMAS - DIRECT

1 Q. All right. And then what does Kenny do
2 with the receipt?

3 A. He placed it on the side wall right there.
4 As you see where he just stuck it over to the
5 right-hand side.

6 Q. And then Kenny starts working with another
7 customer?

8 A. That is correct.

9 Q. All right. Thank you, ma'am. Let me show
10 you, you retrieved that video from the store?

11 A. We're watching the video and during that
12 time trying to locate the suspect. Once he located
13 Mr. Dave Patel, myself and a customer, Megan Geter,
14 one of the first ones that was on scene also, for
15 the incident was actually in the store the next day
16 and we asked her if she knew who it was and she
17 watched the video with us and she said that's
18 Chauncey and his momma lives ---

19 MR. ROUTZONG: Hearsay, Your Honor,
20 objection.

21 BY SOLICITOR FINNEY:

22 Q. Did she identify the man in the tan suit
23 in the video?

24 A. She said his name was Chauncey and she
25 could ---

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1 MR. ROUTZONG: Objection, Your Honor.

2 THE COURT: Okay. I understand, but she's
3 already testified to that. Go ahead.

4 BY SOLICITOR FINNEY:

5 Q. So as a result of that information coming
6 from the store, customer, and the video, did you go
7 look for the person who had been identified?

8 A. Yes, sir.

9 Q. And how did you go about doing that?

10 A. I had -- the patrol officer that were
11 actually working on the shift that evening, I met
12 with them at The Station and I briefed them on what
13 we had at this time. I contacted Investigator
14 Bonner to put together another lineup once we got
15 that information to do another SLED photo lineup and
16 take it over to the hospital to show him. And then
17 in the meantime, officers would be on the lookout as
18 person of interest along with the vehicle the
19 suspect would be in.

20 Q. All right. Now let me stop and just go
21 through one step at a time. The second six person
22 lineup exhibit, State's Exhibit Number 38, did you
23 have anything to do with putting this together?

24 A. No, sir.

25 Q. Investigator Bonner did that at your

SW - J. THOMAS - DIRECT

1 request?

2 A. That is right, yes, sir.

3 Q. And in this lineup State's Exhibit Number
4 38 was a picture of Chauncey Wright?

5 A. Yes, sir, number three.

6 Q. Okay. And you weren't with Bonner when he
7 went to the hospital to show this to Kenny?

8 A. I was not.

9 Q. All right. Did you get information after
10 Bonner talked to Kenny that someone had been
11 identified in the lineup?

12 A. Yes.

13 Q. And what information did you receive?

14 A. Investigator Bonner contacted me by phone
15 and said that he had selected Mr. Wright out of the
16 lineup.

17 Q. Okay. Now let me just take you back a
18 second.

19 A. Yes, sir.

20 Q. State's Exhibit 36, can you identify that
21 for the jury?

22 A. Yes. This is the receipt for the rolling
23 papers that I took out the store whenever I went
24 back.

25 Q. You took it out of the store and put it in

SW - J. THOMAS - DIRECT

1 evidence?

2 A. Yes, sir.

3 Q. All right. And where was it located in
4 the store?

5 A. Exactly where you see on the video where
6 he put it on that side wall by the register.

7 Q. All right. And on that paper is there a
8 name written?

9 A. Yes.

10 Q. What name?

11 A. Chap.

12 Q. Okay. Now after you had the
13 identification of Mr. Wright, you had the lineup,
14 did you go about the process of trying to find Mr.
15 Wright?

16 A. That is correct.

17 Q. All right. And was he located and taken
18 into law enforcement custody?

19 A. Yes. So after I met with the shift at The
20 Station when the incident happened and briefed them,
21 a couple of officers left there and actually came
22 upon them traveling on Liberty Street.

23 Q. And what kind of vehicle were they in?

24 A. They were in his girlfriend's vehicle, a
25 white Nissan Ultima that matched.

SW - J. THOMAS - DIRECT

1 Q. And tell me why the white Ultima is
2 important to this case.

3 A. Because that was the vehicle that he was
4 in when he went to get the rolling papers on credit
5 two days prior.

6 Q. And how do you know that?

7 A. Because it's on video.

8 Q. Okay. And an arrest warrant charging
9 Mr. Wright was issued at that time? After he was
10 stopped in the white car and you got him into
11 custody later on an arrest warrant was issued.

12 A. Yes, sir. Yes, sir, that's correct.

13 Q. All right.

14 SOLICITOR FINNEY: Beg the Court's
15 indulgence.

16 BY SOLICITOR FINNEY:

17 Q. All right. Investigator, besides seeing
18 the white car on the video did you get any
19 information about what kind of car Mr. Wright
20 usually drove from Kenny?

21 A. Yes, sir.

22 Q. And what did Kenny tell you?

23 A. That he usually drove the girlfriend's car
24 to the store.

25 MR. ROUTZONG: Objection, Your Honor.

SW - J. THOMAS - DIRECT

1 THE COURT: All right, I'll sustain that.
2 BY SOLICITOR FINNEY:

3 Q. All right. As part of your investigation
4 did you get an understanding from talking to the
5 people around the store as to whether Mr. Wright was
6 a regular customer at that store?

7 A. Yes, sir.

8 Q. And did you see the video of, from the
9 store, of the man who was hanging around the
10 kerosene tank before the store was robbed?

11 A. Yes, sir.

12 Q. And did that man have on the same clothing
13 and appearance as the man who beat Kenny and robbed
14 him?

15 A. Yes, sir.

16 Q. Can you tell us from your investigation
17 whether you went over to that area of the store
18 where the kerosene tank is? Did you go over there
19 and look around there?

20 A. Yes, sir.

21 Q. All right. Is there anything you can tell
22 us about being able to see into the store from that
23 area?

24 A. There's windows at the front of the store.
25 It would be hard for him if he was behind the tank.

SW - J. THOMAS - DIRECT

1 I think he was more or less probably clearing the
2 parking lot, the outside view from what I could see.

3 Q. All right. And from what you could see on
4 the video did he go in the store when there were
5 cars in the parking lot?

6 A. No, there were no cars in the parking lot
7 at that time.

8 Q. All right. And did he attack, the man who
9 did the robbery, did he attack Kenny when there was
10 anybody else in the store?

11 A. No, there was nobody else in there.

12 Q. Thank you. Answer any questions Defense
13 may have.

14 A. Yes, sir.

15 MR. ROUTZONG: I don't have any questions,
16 Your Honor.

17 THE COURT: Okay.

18 You can step down.

19 SOLICITOR FINNEY: Ask the witness be
20 excused.

21 THE COURT: Any objection?

22 MR. ROUTZONG: Without objection, Your
23 Honor.

24 THE COURT: Okay.

25 SOLICITOR FINNEY: I ask the Court to

1 take a lunch recess at this time.

2 THE COURT: Okay. So she won't be here
3 till 2?

4 SOLICITOR FINNEY: Yes, sir.

5 THE COURT: You can't start back till 2?
6 All right, ladies and gentlemen, we'll go to lunch
7 and ask you to be back in the jury room by 2:00.
8 Don't discuss the case yet. If you have an
9 emergency, call us. Thank you.

10 (WHEREUPON, the jury was removed from the
11 courtroom at 12:04 p.m.)

12 THE COURT: Anything we need to do before
13 we break for lunch?

14 SOLICITOR FINNEY: No, Your Honor.

15 THE COURT: Okay. See y'all at 2:00.

16 (WHEREUPON, a lunch break was taken from the
17 proceedings.)

18 (WHEREUPON, counsel approached the
19 bench for an off-the-record discussion.)

20 (WHEREUPON, State Exhibits Nos. 40-A and
21 40-B were marked for identification
22 only.)

23 THE COURT: I had the clerk pick up two
24 names of alternates in some kind of container and
25 draw one out. Mr. Hobday got drawn out so he will

1 seat since we lost a juror. He will be the next
2 juror and Mr. Kirven will still be the alternate.
3 We'll only have one alternate. I'll tell Mr. Hobday
4 when he comes in he's moved up.

5 SOLICITOR FINNEY: All right, sir. Judge,
6 I have got, I think it's three witnesses left. I
7 have a medical director of records from McLeod
8 Hospital right now to be followed by Dave Patel who
9 is the owner of the store and the operator of the
10 video that we've been looking at. And then the last
11 one will be Ms. Lumpkin from the Sumter/Lee jail to
12 talk about some phone records that she has provided
13 the lawyers with phone calls from Mr. Chauncey
14 Wright. One of them was April 25th, 2018, and one
15 was June the 11th, 2018. Those calls I would like
16 for her to testify about and counsel has an
17 objection I think.

18 THE COURT: Okay.

19 MR. ROUTZONG: I listened to the phone
20 calls they want to put in, but my understanding is
21 the only -- what they want to demonstrate to the
22 jury is that he identifies himself as Chap, and I
23 don't know that I have any objection to that part of
24 it if that's all they want to say. The rest of it
25 is not, I mean, you name the rule: 401, 402, 403,

1 801(d)(2). You name it, Judge, there's a lot of
2 hurdles that they have to, I guess to quote
3 Shakespeare or legals fall down before they can get
4 all those jailhouse calls in. Some of them are ---

5 THE COURT: They tell me they only want to
6 put in two.

7 SOLICITOR FINNEY: Of course, we don't
8 know what's gonna happen after today. He may put
9 his client on the stand and ---

10 THE COURT: Well, I understand. This is
11 just direct applies to whole different ball game.

12 SOLICITOR FINNEY: Yes, sir.

13 THE COURT: So.

14 SOLICITOR FINNEY: What I would like to do
15 is have this lady introduce the system that they use
16 at the jail, say that it is, they having a waiver so
17 to speak, whatever you say on this line can be used
18 against you in court. She's gonna tell all that
19 because she may not be here tomorrow if I need to
20 play more phone calls.

21 THE COURT: Okay. Do you plan on playing
22 any today?

23 SOLICITOR FINNEY: Yes, two phone calls
24 and I only want the first 10 or 15 seconds when he
25 introduces himself as Chop.

1 MR. ROUTZONG: As long as that's all they
2 play, Your Honor, I don't think we have any
3 objection.

4 THE COURT: Okay.

5 MR. ROUTZONG: And as long as he
6 authenticates it with the person from the jail.

7 THE COURT: Okay.

8 SOLICITOR FINNEY: What it will require is
9 another disk. We have the jail phone calls on
10 another disk that has not been put into evidence yet
11 so I'm going to ---

12 THE COURT: You can do that now or you
13 call her.

14 SOLICITOR FINNEY: If you give me one
15 second, Your Honor, I'd like to go ahead and mark it
16 now.

17 THE COURT: Now this disk that you're
18 offering, is the only thing on this disk, this
19 evidence or the other thing?

20 SOLICITOR FINNEY: Everything on the disk
21 is Chauncey Wright's phone record from the jail, but
22 the only ones I'm gonna introduce are the two
23 introductions from today.

24 THE COURT: So the only reason I'm saying
25 that, they need, I don't know -- if the jury wants

1 to hear evidence after they get, they're gonna have
2 to come out here.

3 SOLICITOR FINNEY: That's correct.

4 THE COURT: If you don't have it broken
5 where they won't have access to something that's in.
6 Even though you're putting the whole disk in, only
7 portions of it are actually in evidence so the jury
8 can't listen to it in the jury room. Okay, so you
9 ready for the jury?

10 SOLICITOR FINNEY: I'm ready for the jury.

11 THE COURT: Okay, bring me the jury.

12 (WHEREUPON, the jury was returned to the
13 courtroom at approximately 2:10 p.m., and
14 the following proceedings commenced in
15 open court.)

16 SOLICITOR FINNEY: May it please the
17 Court.

18 THE COURT: Mr. Hogday, you have been
19 moved from an alternate to a regular juror 'cause I
20 lost one of my jurors so now you're one of the
21 original 12. Okay. I had two alternates for this
22 case. I lost one of my regulars so you got moved up
23 into a regular position and now Mr. Kirven is my
24 only alternate. If I lose another one Mr. Kirven
25 will move up.

SW - C. FORD - DIRECT

1 SOLICITOR FINNEY: May it please the
2 Court, we call Crystal Ford.

3 THE CLERK: Place your left hand on the
4 Bible, raise your right hand. State your full name.

5 THE WITNESS: Crystal Ford.
6 WHEREUPON,

7 **CRYSTAL FORD,**
8 having been duly sworn by the Clerk, testified
9 as follows:

10 THE CLERK: State your full name and spell
11 your last name for the record please, ma'am.

12 THE WITNESS: Crystal Brown Ford, F-O-R-D.

13 **DIRECT EXAMINATION**

14 BY SOLICITOR FINNEY:

15 Q. Good afternoon, Ms. Ford.

16 A. Hi.

17 Q. Tell the ladies and gentlemen of the jury
18 where you work.

19 A. I work at McLeod Regional Medical Center
20 in Florence.

21 Q. And tell us what your duties are there.

22 A. I am the director of medical records.

23 Q. All right. And pursuant to a subpoena
24 from our office did you bring medical records for
25 Kenny Patel to court today?

SW - C. FORD - DIRECT

1 A. I did.

2 Q. All right. Would you look at these
3 documents and tell us -- they've been marked 40-A
4 and 40-B -- whether those are the records?

5 A. Yes, they are.

6 Q. All right. And where were those records
7 maintained?

8 A. In the medical record department at McLeod
9 Regional Medical Center.

10 Q. All right. And pursuant to your normal
11 business practice you keep those records in case
12 they're needed for sessions like this in court?

13 A. Yes.

14 Q. All right. Tell us the dates that you
15 have brought covering his admission at the hospital?

16 A. Okay. Mr. Patel presented in the
17 emergency room it looks like late on April 6th, of
18 2018, and was discharged from the hospital on
19 April 13th, 2018.

20 Q. All right. At this time I would ask those
21 records be admitted.

22 MR. ROUTZONG: I don't have an objection,
23 Your Honor.

24 THE COURT: Okay, they're in without
25 objection. Thank you.

SW - C. FORD - DIRECT

1 (WHEREUPON, State Exhibits Nos. 40-A
2 and 40-B were admitted into evidence.)

3 BY SOLICITOR FINNEY:

4 Q. The records for the admissions for
5 Mr. Patel, could you look at that admissions report
6 and tell us what it says in terms of -- I want to
7 ask you some questions.

8 A. An admission and diagnosis?

9 Q. Yes, ma'am.

10 A. Okay. Admission diagnosis on Mr. Patel is
11 status post assault for the face and head with blunt
12 object. Concussion with brief loss of consciousness
13 less than 31 minutes, soft tissue laceration of the
14 right frontal scalp, non-displaced right frontal
15 scalp fracture, a comminuted fracture of the right
16 face centered at the maxilla, segmented and
17 comminuted fracture of the right zygomatic arch,
18 comminuted fracture of the nasal bone, right
19 maxillary hard, plate fracture involving
20 displacement of dentition, right inferior orbital
21 floor blowout fracture, non-displaced left lateral
22 maxillary sinus wall fracture, and laceration to the
23 right super-orbital soft tissue of the right cheek
24 jaw.

25 Q. All right. And those were details that

SW - C. FORD - DIRECT

1 were reported on the 6th of ---

2 A. April.

3 Q. ---April.

4 A. Yes.

5 Q. Now where was he placed when he got to the
6 hospital? In what unit?

7 A. What unit was he placed in in admission?
8 Well, he came through the emergency room and then he
9 was placed in ICU.

10 Q. All right. In ICU, is that the -- tell us
11 where in the level of care, where is that?

12 A. That's the highest level of care. That's
13 intensive care.

14 Q. Intensive care?

15 A. Yes.

16 Q. And would that be related to the injuries
17 he sustained?

18 A. Yes.

19 Q. All right.

20 MR. ROUTZONG: Objection, Your Honor. Can
21 we approach.

22 (WHEREUPON, counsel approached the
23 bench for an off-the-record discussion.)

24 THE COURT: Yes, sir.

25 BY SOLICITOR FINNEY:

SW - C. FORD - DIRECT

1 Q. Ms. Ford, how long do the reports show
2 that Mr. Patel was in ICU?

3 A. I'll have to find that in the record. I'm
4 not sure how many days.

5 Q. All right. You're not sure?

6 A. No, sir, I'm not sure.

7 Q. Let me rephrase the question.

8 A. It will take me a while to figure that
9 out.

10 Q. Upon his discharge from the hospital what
11 day was that on?

12 A. His discharge date was April the 13th.

13 Q. And upon his discharge from the hospital
14 was he allowed to go home?

15 A. His discharge disposition was home.

16 Q. Yes. On the discharge summary do you have
17 a report of his condition at the discharge?

18 A. Discharge diagnosis?

19 Q. Yes, ma'am.

20 A. Yes.

21 Q. Could you tell us what that says please.

22 A. Discharge diagnosis is status post-assault
23 to face and head with blunt object, concussion with
24 brief loss of consciousness less than 31 minutes,
25 soft tissue laceration to the right frontal scalp,

SW - C. FORD - DIRECT

1 non-displaced right frontal skull fracture,
2 comminuted fracture to the right face centered at
3 the maxilla, segmental and comminuted fracture of
4 the right zygomatic arch, comminuted fracture to the
5 nasal bone, right maxillary hard, palate fracture
6 involving displacement of dentition, right inferior
7 orbital floor blowout fracture, non-displaced left
8 lateral maxillary sinus wall fracture and laceration
9 to the right super-orbital soft tissue at the right
10 cheek jaw.

11 Q. All right. And after finding those,
12 reporting those findings, the doctor advised that he
13 was okay to go home?

14 A. Yes. Discharge disposition was home, yes.

15 Q. Now at that point those records end?

16 A. Yes.

17 Q. If he came back for other treatment they
18 would be in other records?

19 A. Yes. If he came back to McLeod Regional
20 Medical Center they would be in other records, yes.

21 Q. All right. But all of these records are
22 from April the 6th through ---

23 A. April the 13th.

24 Q. The 13th?

25 A. Yes.

1 Q. All right. Thank you, ma'am. I don't
2 have any further questions. Answer any questions
3 Mr. Routzong has.

4 MR. ROUTZONG: Your Honor, I have no
5 questions.

6 THE COURT: Okay.

7 SOLICITOR FINNEY: Thank you for coming,
8 Ms. Ford. I would ask she be excused.

9 THE COURT: Any objection?

10 MR. ROUTZONG: Without objection, Your
11 Honor.

12 THE COURT: Okay. Thank you, ma'am.

13 SOLICITOR FINNEY: We call Dave Patel.

14 THE CLERK: Place your left hand on the
15 Bible, raise your right hand. State your full name.

16 THE WITNESS: Devang Patel.

17 WHEREUPON,

18 **DEVANG PATEL,**

19 having been duly sworn by the Clerk, testified
20 as follows:

21 THE CLERK: Step around, sir. State your
22 full name and spell you last name for the record
23 please, sir.

24 THE WITNESS: Devang Patel, P-A-T-E-L.

25 THE COURT REPORTER: Spell your first

SW - D. PATEL - DIRECT

1 name for me please.

2 THE WITNESS: D-E-V-A-N-G.

3 **DIRECT EXAMINATION**

4 BY SOLICITOR FINNEY:

5 Q. Good afternoon, Mr. Patel.

6 A. Good afternoon, sir.

7 Q. Tell the ladies and gentlemen of the jury
8 where do you reside?

9 A. Sumter.

10 Q. All right. How long have you lived here?

11 A. Since 2008.

12 Q. Very good. And are you married?

13 A. Yes, sir.

14 Q. Family?

15 A. Yes, sir.

16 Q. All right. Tell us what you do as your
17 occupation.

18 A. I own a convenience store.

19 Q. All right. And is that the store in
20 Mayesville?

21 A. Yes, sir.

22 Q. Is it called The Station?

23 A. Yes, sir.

24 Q. How long have you owned it?

25 A. Since 2014.

SW - D. PATEL - DIRECT

1 Q. All right, sir. And as part of owning The
2 Station have you made improvements to the business
3 since you bought it?

4 A. Yes, sir, a lot.

5 Q. All right. Was one of those improvements
6 a security camera system?

7 A. Yes, sir.

8 Q. All right. Now who works for you at The
9 Station?

10 A. I have Kenny Patel works for me. I have
11 his wife work for me, and then I have a lady in the
12 kitchen that works for me.

13 Q. All right. And does Kenny and his wife,
14 do they work together at the same time or different
15 shifts?

16 A. Sometime they're together, depending on my
17 schedule.

18 Q. Okay. And back in April of 2018 was Kenny
19 Patel working the shift, one of the shifts at your
20 store?

21 A. Yes, sir.

22 Q. All right. Now how do you know Kenny?

23 A. I know him through one of my good friend.

24 Q. All right. And how long has he worked for
25 you?

SW - D. PATEL - DIRECT

1 A. Since three years now.

2 Q. Three years now, all right. So back in
3 2018 he had been there for about two years.

4 A. Yes, sir.

5 Q. Was he full-time?

6 A. Yeah, you can say that, yes.

7 Q. And what was some of his duties that you
8 gave him to do at the store?

9 A. Attend to customer, make deposit, make
10 orders, and whatever else needs to be done.

11 Q. Okay. And how is he doing in that job?

12 A. He was doing great.

13 Q. Did you have occasion to get a call from
14 Kenny the night of April 6th, 2018?

15 A. Yes.

16 Q. And as a result of that call what did you
17 do?

18 A. I got in the car and went to the store.

19 Q. And do you know what time it was that you
20 got the call and you started driving to the store?

21 A. It was somewhere around 8:00. I don't
22 know exact time, but it was around 8:00.

23 Q. Do you know what, back then, what time the
24 store closed?

25 A. 9:00.

SW - D. PATEL - DIRECT

1 Q. Okay. Let me ask you, inside the store --
2 let me show you a picture. Do you maintain a cash
3 register for your sales and also for your lottery?

4 A. Yes, sir.

5 Q. State's Exhibit number 7, I want to show
6 you this picture and ask you is that a fair
7 description of the interior of your store as it was
8 back in April 2018?

9 A. Yes, sir, it's still the same.

10 Q. All right. And tell the ladies and
11 gentlemen of the jury which cash register do you use
12 for your main purchases?

13 A. This one.

14 Q. All right. And which one is the lottery?

15 A. Right here.

16 Q. Now how do you open the cash drawer for
17 the regular machine in the center of the picture?

18 A. There's a key on the top that say no sale.
19 Once you hit that key the drawer will open.

20 Q. All right. And when the drawer opens does
21 it look like what you see in State's Exhibit Number
22 3?

23 A. Yes.

24 Q. All right.

25 A. And I was surprised when you had the no

SW - D. PATEL - DIRECT

1 sale key, people that works in the gas station, that
2 person will know to hit that key to open the drawer.

3 Q. People who work in the gas station?

4 A. Yes, sir.

5 Q. And on the night in question -- well,
6 let's get to that in a minute. This is what the
7 inside of the cash drawer looks like once that
8 receipt, once that button is pushed ---

9 A. Uh-huh.

10 Q. ---and the drawer opens?

11 A. Yes, sir.

12 Q. Do you also keep money, different money so
13 to speak, in the lottery cash register on the side?

14 A. Yes, sir.

15 Q. All right. And how does that cash
16 register open?

17 A. That opened with the key.

18 Q. This is State's Exhibit Number 7. State's
19 Exhibit Number 3. It opens with a key. Is the key
20 kept in that lottery machine?

21 A. Yes, sir.

22 Q. So how do you manipulate the key to get
23 the ---

24 A. Normally we have the key hanging all the
25 time 'cause we have a lot of in and outs; and when

SW - D. PATEL - DIRECT

1 we close at night, then we take the key out.

2 Q. I see, all right. Now do you also have --
3 did you respond to the store that night?

4 A. Yes, I did.

5 Q. Did you talk to Kenny when you got there?

6 A. Yes.

7 Q. Where was he?

8 A. He was in the ambulance.

9 Q. All right. And what condition was he in?

10 A. He was -- when I saw him there was blood.
11 His mouth was swole up. I was barely trying to make
12 out what he was saying. Then he -- only thing that
13 I made out of him he said he knew ---

14 MR. ROUTZONG: Objection, Your Honor.

15 THE COURT: All right.

16 MR. ROUTZONG: Hearsay.

17 BY SOLICITOR FINNEY:

18 Q. Very good. So he wasn't talking very
19 much?

20 A. No.

21 Q. Okay. When you left the ambulance Kenny
22 left?

23 A. No, Kenny asked me to go with him.

24 Q. Okay, and did you follow the ambulance or
25 did you know where he was going?

SW - D. PATEL - DIRECT

1 A. No. Actually he flew and then I asked Ms.
2 Thomas where they were taking them and they told me
3 they were taking him to McLeod in Florence.

4 Q. Right.

5 A. So I Googled the address and I went in the
6 car.

7 Q. All right. So you went to McLeod that
8 night when he was admitted?

9 A. Yes, sir.

10 Q. All right. When was the next time you
11 were back at The Station?

12 A. I came back around, I guess midnight, but
13 everyone was gone by the time I got there.

14 Q. Okay. And did you go in The Station?

15 A. No, I didn't have the key 'cause I left
16 the key with one of my friends so they could clean
17 up and lock the door.

18 Q. All right. When you went back in The
19 Station the next time was it Saturday?

20 A. Saturday morning, yes.

21 Q. Did you go with some other people?

22 A. No, I ---

23 Q. Did you go with Jennifer Thomas?

24 A. I went with Ms. Jennifer too, but I went
25 there earlier prior to that.

SW - D. PATEL - DIRECT

1 Q. So you were there when she got there?

2 A. No. When she call me I left to get
3 something and then I told her I'm coming back to
4 meet you there. So I got there maybe five minutes
5 later.

6 Q. All right. Do you remember what time it
7 was about when you met with Jennifer at The Station
8 on Saturday?

9 A. I think it was after 2:00 if I'm remember
10 correctly.

11 Q. Okay. I want to ask you, do you remember
12 seeing the inside of your cash register on either
13 the night of the robbery or the next day?

14 A. Yes.

15 Q. All right. And was -- I'm showing you
16 State's Exhibit Number 3. Is that the condition
17 that the cash drawer was left in?

18 A. Yes, sir.

19 Q. And what did you note to the law
20 enforcement that was missing?

21 A. I think there was five dollar bill, ten
22 dollar bill, 20-dollar bill, and whatever if we had
23 a hundred that was missing.

24 Q. All right. Were any of the ones taken?

25 A. No.

SW - D. PATEL - DIRECT

1 Q. And the change was left in the drawer?

2 A. Correct.

3 Q. All right. But all of the larger
4 denominations were taken; is that correct?

5 A. I didn't hear you.

6 Q. All the large denominations? Everything
7 but the ones were taken?

8 A. Yes.

9 Q. All right. Was there anything else that
10 was noted by you that was taken by the robber that
11 night?

12 A. The lottery ticket.

13 Q. All right. Do you know how many lottery
14 tickets?

15 A. It was close to seven or ten ticket.

16 Q. Somewhere between seven to ten?

17 A. Seven to ten tickets. And there was all
18 ten dollar tickets.

19 Q. All ten dollar tickets?

20 A. Yes.

21 Q. Now in your examination of the store,
22 inside the store, was there evidence of a crime
23 there?

24 A. I saw blood. I saw one of his teeth
25 followed by the bathroom. I see his earpiece. And

SW - D. PATEL - DIRECT

1 then he was looking for me so I went out with him
2 and took the car and went to the McLeod.

3 Q. Okay. I want to show you what's in
4 State's Exhibit Number 6. Tell the ladies and
5 gentlemen what you see in that picture.

6 A. I see his blue-tooth, the blood, and
7 there's blood on the wall too.

8 Q. All right. And is this inside your
9 station?

10 A. Yes, sir.

11 Q. And where's the men's room?

12 A. It's right here.

13 Q. Point it out please, sir.

14 A. Right here.

15 Q. At the end of the hall?

16 A. At the end of the hall.

17 Q. Now while I'm thinking about that I'll get
18 back to that in a minute. This is State's Exhibit
19 Number 5. Is that a closeup picture of what you see
20 in number 6?

21 A. Yes, sir.

22 Q. All right. And you're saying that you see
23 what's on the floor?

24 A. His teeth.

25 Q. Yes.

SW - D. PATEL - DIRECT

1 A. His earpiece.

2 Q. Yes.

3 A. Blood.

4 Q. Yes.

5 A. And I saw there was a damage on the wall
6 as well.

7 Q. All right. When you say damage on the
8 wall what are you referring to?

9 A. Right here if you look that piece right
10 here.

11 Q. That damage to the wall was not there?

12 A. It wasn't there.

13 Q. What do you attribute that to come from?

14 A. Through that robbery.

15 Q. All right. And the damage to the wall was
16 right there at the same place where the blood and
17 the teeth and the earpiece was?

18 A. Correct.

19 Q. All right. And that damage to the wall
20 wasn't there before?

21 A. It wasn't there before.

22 Q. All right. Now I want to show you a
23 video.

24 A. Okay.

25 Q. Did you have occasion to look at the video

SW - D. PATEL - DIRECT

1 from your system with Jennifer Thomas on Saturday
2 afternoon?

3 A. Yes, sir.

4 Q. And what was it that Jennifer Thomas asked
5 you to pull up on the video?

6 A. We got that receipt.

7 Q. Yes.

8 A. And then we got the time off that receipt
9 and then we was pulling up that video and, plus, the
10 Friday night video.

11 Q. Did you know that Kenny had put a receipt
12 on the wall?

13 A. Yes.

14 Q. You knew that before Jennifer asked for
15 it?

16 A. 'Cause as soon as Mr. Bonner was there,
17 'cause I was calling Kenny every hour to make sure
18 and I was talking to the nurse and then I got a
19 chance to talk to Kenny and Kenny said I told
20 Mr. Bonner, but if ---

21 MR. ROUTZONG: Your Honor, objection.

22 BY SOLICITOR FINNEY:

23 Q. Okay. So---

24 A. He told me what to look for basically.

25 Q. So you knew about the receipt?

SW - D. PATEL - DIRECT

1 A. Yes, sir.

2 Q. And did you find the receipt on the wall?

3 A. Yes, sir.

4 Q. All right. And is this the receipt that
5 you found, State's Exhibit Number 36?

6 A. Yes, sir.

7 Q. All right. Does it have writing on it?

8 A. Yeah, Chap.

9 Q. All right. Did you know whose writing
10 that is?

11 A. Kenny.

12 Q. All right. Now when you went and looked
13 at the video -- let me load it please. Did you see
14 video of a man outside of your station --

15 A. Yes.

16 Q. --on the night of the robbery?

17 A. Yes, by the kerosene tank.

18 Q. By the kerosene tanks. And did you see
19 what the man was wearing?

20 A. Yes, sir.

21 Q. All right. And you looked at this with
22 Investigator Thomas?

23 A. Yes, sir.

24 Q. All right. Whose car is that parked in
25 the picture?

SW - D. PATEL - DIRECT

1 A. That's Kenny car.

2 Q. Kenny's car?

3 A. Yes, sir.

4 Q. Does he always park it there?

5 A. Yes, sir.

6 Q. Now on this side of your building where
7 the kerosene tank is, is there a window that ---

8 A. Yes, there's a window right by the picnic
9 table. It's a big window you can -- through that
10 window our cash register and our front area.

11 Q. All right. You can see inside the store?

12 A. Yes, sir.

13 Q. This is not gonna last very long. I want
14 to just stop it right here by the picnic table.
15 Right in this area?

16 A. Right there, yeah. Right there there's a
17 window there.

18 Q. Right where this gentleman with the gloves
19 is?

20 A. Yes, sir.

21 Q. There's a window for him to look inside?

22 A. Yes, sir. And he can see the cash
23 register and the lottery.

24 Q. All right. Very good. After you got the
25 note off the wall did you give it to somebody?

SW - D. PATEL - DIRECT

1 A. Me and Jennifer. Jennifer had ---

2 Q. She took possession of it?

3 A. Yes, sir.

4 Q. All right. And she also was able -- was
5 she able to get the video of the purchase of papers
6 or the transaction with the papers two days before?

7 A. Yes, sir.

8 Q. All right. Was somebody else in the store
9 with you and Jennifer when you looked at that video?

10 A. I think there was other, couple other
11 people was there. I don't know their name, but
12 they're from Sheriff's Department.

13 Q. Okay. Did you have somebody from the
14 community to ---

15 A. Yes.

16 Q. ---identify the man in that video from
17 April the 4th?

18 A. Megan, yes.

19 Q. And you were there when she identified
20 him?

21 A. Yes, sir.

22 Q. All right. And police took that
23 information?

24 A. Yes, sir.

25 Q. All right. And do you know how many, how

SW - D. PATEL - DIRECT

1 much money was taken from your store on the night of
2 the robbery?

3 A. It was 1,837-dollars if I'm remembering
4 correct.

5 Q. All right. Now after you showed Jennifer
6 the video and she left, you left, how long was it
7 before Kenny got out of the hospital?

8 A. Six days I believe, sir.

9 Q. All right. And after he got out of the
10 hospital did he go home?

11 A. Yes.

12 Q. All right. What was his schedule that
13 involved you after he got out?

14 A. We was going to go see doctor every day.
15 The reason he wanted to come back ---

16 Q. In what city?

17 MR. ROUTZONG: Objection, Your Honor.

18 BY SOLICITOR FINNEY:

19 Q. In what -- I'm sorry.

20 MR. ROUTZONG: He's talking about somebody
21 else's reasons.

22 THE COURT: Okay.

23 SOLICITOR FINNEY: I'll try to rephrase
24 the question.

25 THE COURT: Yes, that wasn't responsive to

SW - D. PATEL - DIRECT

1 the question.

2 BY SOLICITOR FINNEY:

3 Q. In what city did you go to the doctor
4 every day?

5 A. Florence.

6 Q. And how did he get there?

7 A. I was taking him every day.

8 Q. All right. Was it the same doctor every
9 day or different doctors?

10 A. It was three doctors. We have to go see
11 different doctor.

12 Q. How long did that process go on?

13 A. At least two-and-a-half weeks and then we
14 got — we have to go twice a week for a week or so,
15 and then we got down to a week, once a week
16 appointment.

17 Q. All right. Was Kenny working during this
18 time?

19 A. No, sir.

20 Q. All right. And after you were taking him,
21 as you were taking him each day, can you relate to
22 us, to the jury, what kind of condition he was in?

23 A. So when we driving to the hospital, every
24 time he will ask me, Dave, how much long time before
25 I get better, when can I start eating. And every

SW - D. PATEL - DIRECT

1 time he talk to me I could see the tears coming out
2 of his eyes. And he was worried about his wife
3 'cause they was trying hard to have a baby, then
4 they had a miscarriage, then her wife was pregnant
5 second time and she was I think five months pregnant
6 so he was worried about his wife and his kids big
7 time.

8 Q. Okay.

9 A. But Kenny went through the pain. He will
10 tell me in the car, Dave, I cannot sleep at night,
11 every time I try to go to sleep I see somebody
12 beating me up so he been through a lot of stuff.

13 MR. ROUTZONG: Your Honor, I have to
14 object. He's recounting what somebody has told him.

15 THE COURT: I understand. I'll sustain
16 the objection.

17 MR. ROUTZONG: He's allowed to talk about
18 what he observed, Your Honor.

19 BY SOLICITOR FINNEY:

20 Q. All right. Let me ask you a question,
21 there was testimony earlier today that Investigator
22 Bonner came to the hospital, showed Kenny a lineup.

23 A. Uh-huh.

24 Q. And Kenny did not pick anybody out of the
25 first lineup.

SW - D. PATEL - DIRECT

1 A. Correct.

2 Q. Were you there then?

3 A. I wasn't there the first time.

4 Q. All right. The second time he came back
5 were you there when he was shown the second lineup?

6 A. I wasn't there the second time. But I was
7 on my way there, but he got there before I did.

8 Q. Okay. Now do you remember a time when an
9 officer was in your store and he took a video of
10 your computer in your store?

11 A. Yes.

12 Q. All right. Tell the ladies and gentlemen
13 how does the computer work in your store as far as
14 what that officer was doing that day.

15 A. So we was playing -- we have 32 camera.
16 We was playing all that 32 camera on nineteen inch
17 TV, and he was recording those on his phone while we
18 was playing.

19 Q. So the video --

20 A. So he record 32 camera in the phone while
21 32 is playing.

22 Q. And how big was the image on the screen
23 that you're talking about? You said it's a 19-inch
24 screen.

25 A. Yes, basically 19-inch.

SW - D. PATEL - DIRECT

1 Q. Is it bigger than the screen in front of
2 you?

3 A. Little bit bigger than that.

4 Q. Okay. And on that screen there would have
5 been 32 cameras running?

6 A. 32 camera, yes.

7 Q. So you never stopped the system and pulled
8 up just one camera?

9 A. No, 'cause we was trying to go figure out
10 what, which angle he went, where he came from at the
11 same time.

12 Q. And so when the officer was taking the
13 video to show Kenny of what was going on, he took a
14 picture of the screen in your ---

15 A. He was recording on his phone.

16 Q. Okay. Did you ever see the recording ---

17 A. Yes.

18 Q. ---on his phone?

19 A. Yes.

20 Q. What was the quality of it?

21 A. It wasn't that great. It was worser than
22 what we seeing here.

23 Q. All right. Give me a minute please. Let
24 me ask you a question. On some of these videos --
25 I'll just pull up one.

SW - D. PATEL - DIRECT

1 A. Okay.

2 Q. There is a date at the bottom.

3 A. Yes, sir.

4 Q. And a time.

5 A. Yes, sir.

6 Q. Can you tell the ladies and gentlemen
7 about the time. Is that the time that the video was
8 shot?

9 A. No. When the time changed I usually
10 forget to change that time on my system so we have
11 to go hour ahead of this time so it will be 8:22.

12 Q. All right.

13 A. 'Cause of the time change reason.

14 Q. And just to make sure ---

15 A. Same with the receipt.

16 Q. Same with the receipt?

17 A. Yes, sir.

18 Q. Okay. So there -- what time is that
19 receipt printed on your machine?

20 A. 8:31.

21 Q. For what day?

22 A. 4/4/18. So this one did get changed by
23 itself. The time did get changed by itself.

24 Q. Okay, on the machine.

25 A. Yes, sir.

SW - D. PATEL - CROSS

1 Q. But not on the camera?

2 A. No, in camera we have to do it manually.

3 Q. I see. And this is a -- this State's
4 Exhibit Number 36 is the receipt from your store?

5 A. Yes, sir.

6 Q. On April the 4th?

7 A. Yes, sir.

8 Q. For how much money?

9 A. \$1.50.

10 SOLICITOR FINNEY: Beg the Court's
11 indulgence. Thank you. Nothing further.

12 **CROSS-EXAMINATION**

13 BY MR. ROUTZONG:

14 Q. Good afternoon, Mr. Patel.

15 A. Good afternoon.

16 Q. You've seen Mr. Wright in your store
17 frequently; haven't you?

18 A. Yes.

19 Q. I'm just a little bit -- I'm not gonna ask
20 too many questions. I just want to make sure --
21 we're talking about a lot of videos, and I kind of
22 want to get straight in my mind which ones we're
23 talking about. So on the night of this incident, is
24 that the night that you and that officer and he was
25 taking the photographs on his camera, is that the

SW - D. PATEL - CROSS

1 same night?

2 A. No, we did that on Saturday. We didn't
3 did it on Friday night.

4 Q. Okay. And what time on Saturday did you
5 do that?

6 A. I believe, sir, it was around two, but I
7 don't remember exact time.

8 Q. And you were looking to -- you were
9 looking at basically the same things that we've been
10 looking at?

11 A. No, you're looking at single camera. We
12 was looking at 32 camera at one time.

13 Q. But it's the video we have came from the
14 same video group that you were looking at?

15 A. No. When we download that to their
16 camera, I mean their USB port, we actually download
17 one camera at a time.

18 Q. The one video that we have -- we have
19 several -- but one of them, all of those came from
20 the same group that you were looking at, all of
21 them, they came one at a time from that group?

22 A. Correct.

23 Q. Okay. And the video that you helped
24 Senior Investigator Thomas with, this is the one
25 that shows -- I don't know where he put it. But

SW - D. PATEL - CROSS

1 it's the one that shows the receipt and the
2 transaction about the rolling papers, and when did
3 that happen?

4 A. On the 4th, April the 4th. The time was
5 ---

6 Q. I'm sorry, I didn't, I didn't ask my
7 question correctly. I mean, when was that video
8 downloaded? It was after you looked at the first
9 video with the police officer and he was doing all
10 the camera stuff.

11 A. I don't remember if we download that first
12 or the other one first.

13 Q. Well, who came to you first asking you to
14 look at the video?

15 A. Miss Jennifer.

16 Q. Okay. When did the other officer come and
17 look at it with you?

18 A. No, when we was looking I think the other,
19 other officer have came when, so we looked at it
20 together. I wasn't there Friday night to show that
21 camera. I was trying to explain them over the phone
22 how to operate that system.

23 Q. Okay. But when you went, when you and the
24 officers were there, okay, and you're looking at the
25 video, my question is, that's the first videos that

SW - D. PATEL - CROSS

1 you guys were looking at and then you looked at the
2 other video with the rolling papers; is that right?

3 A. Correct. I'm not sure which one we looked
4 at first, but we did looked at both of them.

5 Q. Okay.

6 MR. ROUTZONG: I don't have anything else,
7 Your Honor.

8 THE COURT: Anything else, Solicitor?

9 SOLICITOR FINNEY: I just want to make one
10 clarification.

11 BY SOLICITOR FINNEY:

12 Q. Kenny -- on Friday night you were on your
13 way to the hospital?

14 A. Yes.

15 Q. But you had a phone conversation with law
16 enforcement officer?

17 A. No, I was telling my friend 'cause he had
18 a similar system so he can operate my system.

19 Q. And he operated the system at your store
20 for the law enforcement officers?

21 A. Yes, sir.

22 Q. And that was Friday night?

23 A. Friday night.

24 Q. And then Saturday you had a meeting with
25 Jennifer Thomas?

SW - C. LUMPKIN - DIRECT

1 A. Yes.

2 Q. And you looked at it ---

3 A. Yes.

4 Q. ---yourself?

5 A. Yeah.

6 Q. Nothing further.

7 THE COURT: Thank you, sir. You can come
8 down.

9 SOLICITOR FINNEY: I ask the witness be
10 excused.

11 MR. ROUTZONG: No objection, Your Honor.

12 THE COURT: Okay.

13 SOLICITOR FINNEY: We call Ms. Chanea
14 Lumpkin.

15 (WHEREUPON, State Exhibit No. 41 was
16 marked for identification only.)

17 WHEREUPON,

18 **CHANEA LUMPKIN,**
19 having been duly sworn by the Clerk, testified
20 as follows:

21 THE CLERK: State your full name and spell
22 your last name for the record please, ma'am.

23 THE WITNESS: Chanea Lumpkin,
24 L-U-M-P-K-I-N.

25 BY SOLICITOR FINNEY:

SW - C. LUMPKIN - DIRECT

1 Q. Good afternoon, Ms. Lumpkin.

2 A. Good afternoon.

3 Q. Tell us where you work please, ma'am.

4 A. Sumter County Detention Center.

5 Q. And what are your duties there?

6 A. I am the administrative captain there at
7 the detention center.

8 Q. Do you all have a phone call system at the
9 Sumter jail?

10 A. Yes, sir, we do.

11 Q. And do you have certain regulations and
12 rules that it runs by?

13 A. Yes, sir.

14 Q. Do you allow inmates to use the phone to
15 make calls to the outside community?

16 A. Yes, sir.

17 Q. And what rules and regulations do they
18 have to follow, what notices are they given in terms
19 of them making phone calls?

20 A. Well, everyone has access to the phone
21 system. Of course, all of that is done during
22 recreation hours and that can vary depending on the
23 housing unit that the person is in and their
24 classification level. The access that they have, of
25 course, is dependent upon whether or not they have

SW - C. LUMPKIN - DIRECT

1 funds on their account. If an individual does have
2 funds on their account then, of course, they have
3 the opportunity to use, to utilize the phone system.
4 It can be done one or two ways. If family places
5 money on to the account the person has the choice of
6 going to the phone system and actually purchasing
7 what's called debit phone time. The second option,
8 the individual's family can actually set up an
9 account through the third party phone system; and
10 once that account is set up, it will allow the
11 person to make calls out to their family and
12 friends.

13 Q. Are the calls limited in terms of minutes?

14 A. Usually they're 15 minute phone calls.

15 Q. All right. That's pretty standard?

16 A. That's pretty standard.

17 Q. And for a 15 minute phone call you are
18 charged a certain amount of money?

19 A. Yes, sir.

20 Q. Did my office request that you look into
21 the phone records of Mr. Chauncey Wright?

22 A. Yes, sir.

23 Q. And did you prepare a disk with his phone
24 calls from 2018 from the Sumter jail?

25 A. Yes, sir.

SW - C. LUMPKIN - DIRECT

1 Q. All right. And did you provide that to
2 our office?

3 A. I did, yes, sir.

4 Q. All right. This is a disk marked State's
5 Exhibit 41 and it has phone calls on it.

6 SOLICITOR FINNEY: We would ask to be
7 allowed to put that in evidence.

8 MR. ROUTZONG: Your Honor, I object as to
9 anything other than what we discussed outside the
10 presence of the jury, subject to those exclusions,
11 Your Honor.

12 THE COURT: Okay. Mr. Solicitor, you're
13 only offering to the jury those things we discussed
14 prior?

15 SOLICITOR FINNEY: Yes, sir.

16 THE COURT: Okay.

17 SOLICITOR FINNEY: The introductions.

18 (WHEREUPON, State Exhibit No. 41 was
19 admitted into evidence.)

20 BY SOLICITOR FINNEY:

21 Q. As part of the jail system does an inmate
22 who's using the phone system have to identify
23 himself when making a call to the receiver of the
24 call?

25 A. That is correct.

SW - C. LUMPKIN - DIRECT

1 Q. And normally you're asked for your name?

2 A. Normally it is name.

3 Q. All right. And you all have a recording
4 of every phone call that made at that jail?

5 A. We do, yes, sir.

6 Q. On April the 16th, 2018, at 14:14 hours,
7 did Mr. Wright make a phone call -- I'm sorry,
8 that's the wrong one. On April 25th, 2018, at 13:10
9 hours did Mr. Wright make a phone call?

10 A. Yes, sir.

11 Q. All right. I'm gonna load the disk and
12 see if we can get it. On the screen is your screen
13 on?

14 A. Yes.

15 Q. The first phone call that was recorded and
16 made was on 4/16/18?

17 A. 4/16/18 at 14:14 hours.

18 Q. And I'm gonna pull this down to show all
19 of the calls that were made. As far as this exhibit
20 is concerned the last call that was made was
21 6/18/18?

22 A. Yes, sir.

23 Q. All right. Now I'm gonna ask you to go to
24 the call 4/25/18 at 13:10 hours. That's the first
25 phone call he made on the 25th; is that correct?

SW - C. LUMPKIN - DIRECT

1 A. Yes, sir.

2 Q. Please listen to this.

3 (State Exhibit Number 41 was played.)

4 BY SOLICITOR FINNEY:

5 Q. The first voice you heard is a woman's
6 voice. What is that?

7 A. That is the general identifier that comes
8 from the inmate phone system.

9 Q. It's part of the system?

10 A. It is part of the system, correct.

11 Q. And after that you heard a voice?

12 A. Yes, sir.

13 Q. Was that part of the system or was that
14 someone else?

15 A. That was someone else.

16 Q. Who was that?

17 A. That is the inmate.

18 Q. All right. I would like to just replay
19 that because just a few seconds. What did you hear
20 the name that was said by the inmate?

21 A. Chop.

22 Q. Now later on on June the 11th, 2018, at
23 14:00 hours, there was a call made by this inmate?

24 A. Yes, sir.

25 Q. Is that the same system voice?

1 A. That is the same system, yes, sir?

2 Q. And did you hear the inmate say a word?

3 A. Yes, sir.

4 Q. What did you hear?

5 A. I could not make out the second part.

6 Q. Let me back it up.

7 (Re-played.)

8 BY SOLICITOR FINNEY:

9 Q. Let me play it one more time. It's three
10 seconds long.

11 (Re-played.)

12 THE WITNESS: I can't make out the second
13 part. It's relatively low.

14 BY SOLICITOR FINNEY:

15 Q. Low?

16 A. Yes.

17 Q. Okay. I don't have anything further. I
18 would ask you to answer any questions Mr. Routzong
19 may have.

20 A. Yes, sir.

21 MR. ROUTZONG: I don't have any questions,
22 Your Honor.

23 THE COURT: Okay. You can step down.

24 SOLICITOR FINNEY: Can the witness be
25 excused?

1 THE COURT: Any objection?

2 MR. ROUTZONG: Without objection, Your
3 Honor.

4 SOLICITOR FINNEY: Your Honor, give me a
5 moment please. Your Honor, the State of South
6 Carolina rests.

7 THE COURT: Okay. Ladies and gentlemen, I
8 need you to go to the jury room for a minute. I
9 need to take up some matters of law. I'll get you
10 back out just as quick as I can. Don't discuss the
11 case yet.

12 (WHEREUPON, the jury was removed from the
13 courtroom at 2:53 p.m.)

14 THE COURT: Okay. Anything? Any matters
15 of law we need to deal with?

16 MR. ROUTZONG: Your Honor, would you be
17 okay if I take a ten minute break.

18 THE COURT: Okay.

19 MR. ROUTZONG: And I'll move for directed
20 verdict at that time.

21 THE COURT: All right. Before you do that
22 let me talk, can I talk to your client a minute?

23 MR. ROUTZONG: Yes, sir.

24 THE COURT: Mr. Wright, if you would,
25 stand up and raise your right hand please, sir.

1 WHEREUPON,

2 **CHAUNCEY WRIGHT,**

3 having been duly sworn by the Court, testified as
4 follows:

5 THE COURT: Mr. Wright, the State has
6 rested. Now comes the time in this trial where you
7 have an opportunity to put up evidence. You also
8 have an opportunity to testify. But you don't have
9 to put up anything, the State has the burden of
10 proof in this case and you don't have to prove
11 anything. And if you choose not to testify, I would
12 instruct the jury that they cannot hold that against
13 you in any way. They can't even discuss that in the
14 jury room. However, if you decide to testify you'll
15 be treated like any other witness, and you'll be
16 subject to cross-examination and possible
17 impeachment. I don't know whether you have a
18 criminal record or not. If you do and it qualifies
19 under our rules, that may come out. And we can deal
20 with that if you do, but your decision to testify is
21 your decision. You have a constitutional right to
22 remain silent. And your lawyer can advise you as to
23 what he thinks you should or should not do, but it
24 is ultimately your decision. You understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You got any questions you want
2 to ask me concerning those rights?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay. And during this break
5 you can talk to your lawyer and decide whether
6 you're willing to testify or not testify. You
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay, we'll be in recess ten
10 minutes.

11 (WHEREUPON, a recess was taken from the
12 proceedings.)

13 SOLICITOR FINNEY: We're ready.

14 MR. ROUTZONG: Your Honor, at this time
15 the Defense moves for directed verdict in favor of
16 defendant acquittal. Your Honor, he's charged with
17 attempted murder and armed robbery viewing light --
18 viewing the evidence in a light most favorable to
19 the State, the State has failed to demonstrate that
20 there was an attempt to murder Kenny Patel. Your
21 Honor, you've seen the video. Clearly, if there was
22 an attempt to actually murder there was plenty of
23 opportunity behind the counter, back in the
24 bathroom, several seconds behind the cashier's
25 counter. It's a specific intent offense. The State

1 has to demonstrate specific intent to murder
2 Mr. Patel. They failed to do that, Your Honor.

3 As to the attempted robbery, there's no
4 competent evidence in a light most favorable to the
5 State, there's no competent evidence that there was
6 a deadly weapon used, Your Honor. There was
7 testimony of two things. Kenny Patel testified that
8 it was a stick. Jennifer Thomas testified that it
9 was an iron object or iron bar. I can't remember
10 exactly which one it was, but she's assessing that,
11 Your Honor, from her observations of the videotape
12 and that is not competent evidence for the finder of
13 fact to consider, Your Honor.

14 THE COURT: Okay. You want to address
15 that, Mr. Solicitor?

16 SOLICITOR FINNEY: Your Honor, please, I
17 believe there is ample evidence of preparation by
18 the defendant. If you view the outside laying in
19 wait beside the kerosene pumps, he waited till the
20 store was cleared. He already prepared himself by
21 dressing to hide his identity and fingerprints.
22 There is evidence that he had a weapon with him. He
23 brought it in to the store and is shown in the
24 picture as he exited the store. The victim himself
25 said it was a heavy metal. He said it was a heavy

1 bar or object that hit him multiple times. The fact
2 that he was incapacitated and couldn't stop the
3 robbery does not make it attempted robbery. It is
4 an armed robbery and the injuries have been stated
5 by a number of witnesses that it was very serious,
6 required emergency airlift, and we believe that
7 there's sufficient evidence from the jury to find
8 this defendant guilty on both charges as indicted.

9 THE COURT: Okay. And ---

10 MR. ROUTZONG: Can I respond, Your Honor,
11 real quick?

12 THE COURT: Yes, sir.

13 MR. ROUTZONG: What the Solicitor said
14 would be true of any crime. Often, you know, a
15 strong arm robbery people lay to wait. A regular
16 larceny people lay in wait. I think the testimony
17 by the real witness in this case was that it was a
18 stick. The injuries, Your Honor, are consistent
19 with assault and battery high and aggravated nature,
20 even assault and battery of the first degree. The
21 State has to allege and prove and offer evidence
22 that he specifically intended to murder Mr. Patel.
23 He just wasn't successful. The State hadn't done
24 that, Your Honor.

25 THE COURT: Okay. As far as armed robbery

1 is concerned, one of the elements that the State
2 must prove beyond a reasonable doubt that the armed
3 robbery was done with a deadly weapon; and a deadly
4 weapon is any article, instrument, or substance
5 likely to cause death or great bodily injury. And
6 the weapon used in this case clearly caused great
7 bodily injury. It doesn't have to be a gun or a
8 knife or shotgun or anything else. Any instrument
9 that can cause death or great bodily injury I think
10 qualifies under the law and, therefore, I'm gonna
11 deny your motion on armed robbery.

12 As far as attempted murder, you know,
13 there's obviously video that's evidence in this
14 record that the assailant in this case beat
15 Mr. Patel severely with an object, which caused
16 severe head trauma to him. He was in intensive care
17 at least six days; it could have caused death. And
18 based on the evidence the jury could determine
19 whether he had specific intent to kill him based on
20 the assault that occurred in the bathroom. Now
21 having said that, based on the rest of the evidence
22 they may determine, but it goes to the weight of the
23 evidence in what they think important, the fact that
24 on that video after he assaulted the victim in this
25 case he went to the cash register and took the money

1 out and at that time the victim was standing there
2 and he just told the victim to move and he did not
3 assault him further, which he could have killed him.
4 But I think the standard is at the time of the
5 assault is there any evidence with intent to kill;
6 and the fact, based on his injuries he could have
7 clearly died from hemorrhaging to the brain in this
8 particular case so I will -- I think there's enough
9 evidence in this case and what weight the jury gives
10 that is up to them. I'll allow it to go to the jury
11 on both counts.

12 Having said that, what about the charge in
13 this case? Well, I guess as far as you get to the
14 charge conference, do you intend to put up any
15 evidence?

16 MR. ROUTZONG: No, Your Honor.

17 THE COURT: Okay. So I will charge armed
18 robbery and attempted murder. Any other charges
19 either side requests?

20 MR. ROUTZONG: Your Honor, I spoke with
21 Mr. Finney and we were gonna talk to you about maybe
22 having the jury come in, I would rest, and then
23 renew my motion, and then start back again at 9:30,
24 Your Honor, tomorrow morning since it's getting a
25 little bit late. We got to charge ---

1 THE COURT: So you want to deal with all
2 potential charges then?

3 MR. ROUTZONG: And that will give me a
4 chance to talk with Mr. Wright about assault and
5 battery high and aggravated nature and assault and
6 battery first degree, so on, so forth.

7 THE COURT: Okay. Does that suit you,
8 Solicitor?

9 SOLICITOR FINNEY: That suits me, Your
10 Honor.

11 THE COURT: Okay. Well, I'll bring the
12 jury in, you can rest. I'll send them home today
13 and we'll start back at 9:30 in the morning and
14 we'll argue and charge in the morning, okay.

15 MR. ROUTZONG: Thank you, Your Honor.

16 THE COURT: Bring me the jury.

17 (WHEREUPON, the jury was returned to the
18 courtroom at approximately 3:15 p.m., and
19 the following proceedings commenced in
20 open court.)

21 THE COURT: Okay. Mr. Routzong.

22 MR. ROUTZONG: Your Honor, the Defense
23 rests.

24 THE COURT: Okay. Ladies and gentlemen,
25 you have heard all the evidence that you're going to

1 hear in this case. The next part of this trial is
2 the closing arguments of the attorneys and I will
3 charge you on the law. The only problem with that,
4 if I do that this afternoon you won't get home till
5 about five. Once I give you the case you can't go
6 home till you decide so we'd probably better off
7 quitting for the day as far as you are concerned and
8 start back at 9:30 in the morning and at 9:30 in the
9 morning you will hear the closing arguments of the
10 attorneys, I will charge you on the law, and give
11 you this case to decide. In the meantime, don't
12 discuss it, don't allow anyone to discuss it with
13 you and don't do any research. I'll see you back at
14 9:30 in the morning and if you have an emergency
15 please call us. If not, I expect to see all 13 of
16 you. Thank you.

17 (WHEREUPON, the jury was removed from the
18 courtroom at 3:17 p.m.)

19 THE COURT: Okay. You want to wait till
20 morning to decide on charges?

21 MR. ROUTZONG: Yes, sir.

22 THE COURT: Okay.

23 SOLICITOR FINNEY: Your Honor please, I do
24 have a matter for the Court and Mr. Routzong. I was
25 looking at some exhibits and discovered that we have

1 four photographs in evidence that show two metal
2 bars and two countryside scenes where lottery
3 tickets were found, and I never discussed this with
4 the witnesses and I think it could cause the jury
5 confusion because the metal bars that were taken
6 into custody were checked by SLED. No DNA was found
7 on them, and so I don't want to confuse the jury and
8 I would ask at this point to withdraw...

9 MR. ROUTZONG: 14, 15, 16, 17.

10 THE COURT: What's your position?

11 MR. ROUTZONG: That would be a great idea,
12 Your Honor. I didn't ---

13 THE COURT: I've never seen those
14 photographs.

15 MR. ROUTZONG: But it's partially my fault
16 because I'm the one that said I'm okay with
17 everything but the blood and...

18 SOLICITOR FINNEY: I withdraw these.

19 MR. ROUTZONG: Thank you, Your Honor.

20 (State Exhibits 14 through 17 were withdrawn.)

21 MR. ROUTZONG: Your Honor, if it please
22 the Court, at this time I renew my motion for
23 directed verdict, Your Honor, based on my prior
24 motion.

25 THE COURT: Okay. And I understand, I'll

1 deny your notion for the same reason I did a few
2 minutes ago. Now, in the morning both sides need to
3 decide what y'all want to charge. You know, he's
4 been indicted for attempted murder and armed robbery
5 so there are some lesser included offenses to
6 attempted murder and I need to decide if, you know,
7 the State wants to charge on those and Defense wants
8 to or not, okay.

9 SOLICITOR FINNEY: All right, sir.

10 MR. ROUTZONG: We'll be ready tomorrow,
11 Your Honor.

12 THE COURT: Okay. I'll see y'all at 9:30
13 in the morning.

14 (WHEREUPON, the proceedings were concluded
15 at 3:20 p.m. and reconvened on August 15,
16 2019.)

17 SOLICITOR FINNEY: Judge, just for the
18 record, we have three large posters. I just want to
19 make sure everybody is clear they're in evidence
20 without objection.

21 THE COURT: Okay.

22 SOLICITOR FINNEY: I think — do you have
23 the numbers 32 and 33 and 34?

24 THE COURT: Okay.

25 (WHEREUPON, State Exhibits Nos. 32, 33,

1 and 34 were admitted into evidence.)

2 THE COURT: Anything else before I bring
3 the jury in?

4 SOLICITOR FINNEY: No, Your Honor.

5 THE COURT: All right, bring me the jury.

6 (WHEREUPON, the jury was returned to the
7 courtroom at approximately 9:44 a.m., and
8 the following proceedings commenced in
9 open court.)

10 THE COURT: All right, Solicitor.

11 SOLICITOR FINNEY: Good morning, Your
12 Honor, thank you.

13 Good morning, ladies and gentlemen. I
14 just told Ms. Herod it felt like Friday for some
15 reason, but we're not at Friday yet. I want thank
16 you all for giving us your time and your attention
17 this week. This is a very important matter. As you
18 know, we consider the cases that we handle very
19 important up here. Community safety is something
20 that law enforcement agents that I work with every
21 day are out there risking themselves every day and
22 we treat these cases seriously. When I was a young
23 lawyer a long time ago I used to tell the jury about
24 how the jury system was formulated because I thought
25 it was very important for you to realize you're not

1 just sitting here doing this kind of just for me and
2 the judge and Mr. Routzong. This is really part of
3 a legal system in our country. It developed way
4 back in England before we even had a United States.
5 The king back then developed a system where people
6 who would get in trouble would have to answer for
7 their charges by having people in the community come
8 together and decide whether or not he was guilty of
9 stealing a cow or stealing a chicken or whatever.
10 And the way that this developed was the people in
11 the community knew him best or knew her best; and
12 they could decide based on the evidence and based on
13 the character and based on the reputation, they
14 could decide whether this person should be punished
15 or not. And over the years and over centuries the
16 jury system has evolved. We now have a lot more
17 rules. There's a lot things about this case that
18 you don't get to know because the rules say it
19 doesn't matter what Mr. Wright was doing in 2017 or
20 2016 or 2015; that's not important. What matters is
21 what Mr. Wright did on April the 6th, 2018, and they
22 don't want you to be concerned with anything else.

23 That's also the reason why Mr. Wright
24 doesn't have to say anything in this courtroom. He
25 has rights. The burden is on the State of South

1 Carolina to prove each and every element of the
2 crime of attempted murder and armed robbery. I am
3 going to tell you that there is a standard that the
4 judge is gonna tell you in a few minutes. It's
5 called beyond a reasonable doubt. You've probably
6 heard this if you've looked at TV shows about
7 lawyers. Beyond a reasonable doubt, Your Honor,
8 they didn't prove him guilty beyond a reasonable
9 doubt. A reasonable doubt is a doubt that would
10 make you hesitate to act. If you get up in the
11 morning and you're going to work, you're busy,
12 you've seen the news, you got your keys, you got to
13 say good-bye to everybody, you get in the car, and
14 you get to the first red light and you said, did I
15 turn the coffee pot off? If you got a reasonable
16 doubt about it, you're gonna turn around and go back
17 'cause you care about that house and you don't want
18 anything to happen. That's a reasonable doubt. But
19 guess what, on the other side of that the judge is
20 gonna tell you that if you are firmly convinced that
21 Chauncey Wright was the man in the black hat and the
22 gloves and he came in and he beat the you know what
23 out of Kenny and he robbed all that money out of
24 that cash register and took the time to get some
25 lottery tickets before he left the door, if you are

1 firmly convinced, then you go back in that jury room
2 and you say: As to the crime of attempted murder,
3 guilty; as to the crime of armed robbery, guilty,
4 and you've done your job. Then it becomes the
5 judge's job to sentence him.

6 I'm very, very happy to have worked with
7 everybody this week. It is a blessing from where I
8 started in 1981 as a lawyer when we opened our law
9 office I had a typewriter. I was so proud. The
10 first money I made I had to buy my secretary a new
11 typewriter and we had to type everything one page at
12 a time and if we made a mistake we had to start
13 over. Now we got all these computers and we got all
14 these videos. The videos have helped us so much
15 because people now expect it. You see it on TV
16 every night. Videos every night you see on TV. You
17 want to see what I'm talking about when I'm telling
18 you things.

19 Let me show you just a little bit of
20 video. This is going to be camera four from the
21 night of the robbery at the front door of The
22 Station. I'm sorry, let's start a little earlier
23 than that. This is camera four on the side of the
24 store where you see the man in the hat and the man
25 in the gloves. He's got on a long jacket. It's

1 July the 6th. Everybody else, have you noticed
2 everybody else who came in the store that night and
3 how they were dressed? T-shirts, short sleeve
4 shirts, this man is covered up. He wants to make
5 sure his identity is concealed as much as possible.
6 He's hanging out in an area where he can see the
7 front parking lot. He can see if anybody is in the
8 store, and he can see if anybody is coming and going
9 because he is planning a robbery. He's got his
10 gloves. He's got his object to hit the man with.
11 He's got his hat on. He's not gonna leave any
12 fingerprints. He's gonna get in and he's gonna get
13 out as soon as he can. Planning.

14 The judge is gonna tell you for the charge
15 of attempted murder one of the key elements is
16 malice. Malice means hatred, evilness, wantonness
17 is the legal words we use. Malice can be proved by
18 planning, by waiting undercover in the darkness in
19 the corner. That shows that man's mind. He's
20 prepared himself. He's planned the crime. He's
21 waiting for the opportunity to jump this man in the
22 store and beat him up and take his money. Malice.
23 That's the proof of attempted murder.

24 The same evening a few minutes later the
25 man and the hat is gonna come through the front

1 door. He knows by now that there's no cars in the
2 parking lot and this is his opportunity. Do you see
3 him? I'm gonna back that up and watch it again.
4 You see him kind of fidgeting like he's doing
5 something with his hands? Watch it closely 'cause
6 it's, it doesn't take long on the camera. As you
7 can see, no customers coming in the store. You see
8 he stops right there and he adjusts. He's putting
9 his weapon away. And guess who he meets right there
10 at the front door. Kenny. What does he do? He
11 tries to turn his back on Kenny 'cause he doesn't
12 want Kenny to see his face, but Kenny recognizes him
13 and Kenny says something important to him. Hey,
14 Chop, you gonna pay that bill you owe me today?
15 Hey, Chop, you gonna pay that bill you owe me from
16 the other day when you were in here? You recognize
17 that once this video starts this man Chop goes to
18 another place in the store. Kenny goes back to work
19 behind the counter. And then within a minute or so
20 some other people come in the store so Chauncey
21 Wright can't do anything until the store is closed,
22 he has to wait. While he's waiting looking at the
23 doughnuts, looking at the chips, whatever, he's not
24 at the counter. He's not trying to buy anything.
25 He's not trying to talk to Kenny. He needs for that

1 store to clear so he can take that thing out from up
2 under his jacket and he can make his plan, he can
3 rob that store. The customers come in and so he
4 decides he's gonna go in the bathroom and wait. And
5 after he waits in the bathroom and the store is
6 cleared, he opens the door.

7 Go to camera six. At 7:30, that was Kenny
8 making a phone call. Let me back it up to 7:30:52,
9 got to go to the other camera. This is Kenny
10 waiting for that man to come out the bathroom 'cause
11 he's the only person in the store, only person in
12 the store with Kenny. You're gonna see the door to
13 the bathroom open in a minute and he's gonna call
14 Kenny in the bathroom. Right there. Then once he
15 gets Kenny down on the floor he goes directly to the
16 cash register, takes out all the twenties, all the
17 tens, and all the fives, loads them in his pocket.
18 Then he goes to the lottery machine, opens it. And
19 just for good measure, before he makes his getaway
20 he's got to go around to the lottery tickets and get
21 him some scratch-offs. Kenny has not gotten back so
22 he's trying to find his phone. He picks up the
23 stick that he beat Kenny with and he holds it out
24 and he says, get out of my way.

25 You know, there's a saying that a good

1 lawyer told me a long time ago that we all have the
2 power to choose. We can choose to go to work today
3 or not go to work. We can choose to be good today
4 or not to be. We have the power to choose every
5 day. You have the power to follow the rules, go to
6 work, be a good person, or you have the power to
7 choose I'm gonna steal some stuff. I don't have any
8 money, when things are bad I'm gonna go steal some
9 money. The power to choose is the greatest power we
10 have. When somebody chooses to break the law
11 there's consequences. That's why we're here today.

12 You can either let fear stop you from
13 doing things that happen to you or you can get up
14 and push through it. I want to thank Kenny for
15 getting up off that bathroom floor, pushing through
16 it and saying I'm not gonna let this get to me, I'm
17 gonna keep on going. He went back to try to protect
18 his stuff behind the counter. He went back and
19 faced that man even though he didn't have a weapon
20 and even though he had been beat up. And even more
21 important, when he got to the hospital later on that
22 night, even though he couldn't talk and he couldn't
23 half see, he tried to cooperate with law
24 enforcement. He tried to show them or tell them
25 what was, what was going on and who it was that beat

1 him up 'cause Kenny knew. Kenny always knew who
2 this guy was. Thank goodness Kenny showed you
3 something about being a credible person 'cause when
4 they brought that first lineup for him to see, he
5 said, no. Exhibit number 37, the guy that robbed
6 me, he's not in there. He said, I know who robbed
7 me, it's not this guy because this was some people
8 or a suspect that law enforcement had heard might be
9 involved with the robbery. But no, Kenny didn't go
10 for that; he said, I know who did it. So he told
11 the officer go back to the store, look on the side
12 of the wall, I put the receipt up because this guy
13 had been in the store two days earlier and he didn't
14 have any money so I looked out for him, I gave him
15 the papers and he told me his name and I wrote it on
16 the receipt.

17 Camera five, two days earlier. There's
18 Chauncey Wright. How do we know that? Because the
19 lady, Megan who helped Kenny that night recognizes
20 him, knows who he is, lives in the community with
21 him. If you go to 7:38 -- let me just talk about
22 this for a minute. Kenny spent over eight minutes
23 talking to Chauncey that day on Wednesday. Lights
24 in the store, nobody's wearing a hat, no opportunity
25 to mistake anything. He talks to the man for a long

1 time. At 7:38:03 after the conversation for about
2 eight minutes Chauncey wants some papers. What does
3 Kenny do? Hands him the papers. Watch this now.
4 Watch what Chauncey does. He starts to go and Kenny
5 asked him a question. And then he leaves. He
6 doesn't know what Kenny is doing right now. Making
7 the receipt, taking it out of the machine, taking an
8 ink pen, writing his name on it. And then what does
9 Kenny do? Opens the drawer and gets some tape, and
10 before he helps the next customer Kenny puts it on
11 the side of the wall to remind him, Chop owes me
12 1.50, I looked out for him. So in the hospital when
13 the man said, no, those guys in that first lineup,
14 that's not the guy, go back and look on that tape
15 from Wednesday, go look at that receipt that I put
16 on the, his name is on the receipt. The police
17 officers get that information. They come up with
18 another lineup. They take it back to the hospital.
19 These are the two forms that he fills out saying
20 number three Chauncey Wright is the man that robbed
21 me. That's the man who beat me up, took that money.
22 Attempted murder is the charge that you
23 need to be concerned with because that's what
24 Chauncey Wright tried to do that night. Under the
25 law of South Carolina the judge is going to tell you

1 that you have the right to consider two other
2 charges after you consider attempted murder. I told
3 you a minute ago that if you are firmly convinced
4 that Chauncey Wright wanted to rob that store and he
5 wasn't gonna let Kenny stop him, that he was gonna
6 beat him until he got what he wanted, that fits the
7 definition of attempted murder because there was
8 malice, there was a plan, and he carried out the
9 plan because he inflicted serious bodily injury on
10 Kenny. But the law allows you to think about lesser
11 charges: Assault and battery of a high and
12 aggravated nature, or what we call under our
13 statutory law, assault and battery in the first
14 degree. The judge will tell you what those charges
15 are. It's the same thing. It's assault and battery
16 of a high and aggravated nature. But if you believe
17 like I believe that Kenny was beaten mercilessly and
18 severely and he could have died from his injuries
19 and that man over there didn't care, then it's
20 attempted murder. He attempted to do what he
21 started out to do, what he had planned to do. The
22 seriousness of his injury is shown here in the
23 medical records. The lady who talked to you
24 yesterday about the 11 different things that they
25 found wrong with Kenny and how severe the injuries

1 were, the fractures, broken this, broken that. In
2 these reports they talk about things like swelling.
3 They talk about soft tissue injury. They talk about
4 his jaw having to be wired. They talk about his
5 nose being broken. They talk about his orbital bone
6 around his eye having to be fixed with plastic
7 surgery. They talk about his brain, the skull was
8 so cracked up they had to put plates in. That's
9 what he lives with every day and he will live like
10 that for the rest of his life. That is attempted
11 murder. But you have the right as a jury to
12 consider two other charges: Assault and battery of
13 a high and aggravated nature or assault and battery
14 first degree.

15 I will tell you that I believe after
16 listening to the evidence and watching the video you
17 should be firmly convinced that he's guilty as
18 charged of attempted murder. There's no question
19 that the second charge of armed robbery took place
20 here. When he brought that object that he used to
21 beat Kenny with and he got Kenny down on the floor,
22 he had committed the beating that is required under
23 the armed robbery statute, to hurt somebody and then
24 take their property. You saw it on the video.

25 Here's the question for you today. Is the

1 man in the picture that came in and robbed Kenny
2 that night, State's Exhibit Number 29, the man in
3 the hat, the man in the gloves, the man in the
4 jacket, the man that was hiding behind the kerosene,
5 the man who came in and saw Kenny at the front door,
6 is that the same man who came in the store two days
7 earlier and got the rolling papers.

8 Proximity. Think about this 'cause common
9 sense -- you don't have to go to law school to be on
10 a jury. Common sense tells you that proximity to
11 the store -- Mayesville is a quiet little community
12 ten miles out. This is a aerial photograph, State's
13 Number 33. Here's the store. There's nothing
14 outside there but farm land except for this little
15 community. And guess where Chauncey Wright lives.
16 Right there in that community where most of the
17 people who go to the store live. Proximity. He
18 knew where the store was. He's been in the store
19 many times. Kenny told the police officers, not
20 only do I know who he is, but I know what he'll be
21 driving because he comes over here all the time in
22 that little white sedan. And when they arrested him
23 the day after the robbery what car was he in? The
24 little white sedan.

25 The identification of the man is critical

1 and Kenny told you there was no question in his mind
2 he knew who the man was, he got the man's name. He
3 saw the man again the night of the robbery. He told
4 the officer that as soon as he could. There was a
5 statement by one of the witnesses that he couldn't
6 identify in the hospital a cell phone picture of the
7 man who robbed the store. They had the video. They
8 showed it to Kenny in the hospital. They say in the
9 reports that he couldn't identify the report. He
10 couldn't identify the man in the video. I believe
11 that he couldn't see the video because his eyes were
12 swollen full of blood or whatever. I believe that
13 the phone was too small and the video was too
14 unclear. The first opportunity that he had to look
15 at the video when he wasn't in the hospital was
16 after the fact that he had already told the police I
17 know who did it, go back to the store and get the
18 video of the man who bought the rolling papers and
19 look on the wall because I got that receipt that he
20 doesn't know anything about and it's got his name on
21 it.

22 Last point. The name that he gave Kenny,
23 Chauncey, gave Kenny in the store was Chop. Kenny
24 wrote down on the paper. Where did you hear that
25 name begin? Coming from the defendant's mouth when

1 he called from the jail. He said to the answering
2 system that he had to talk to, that his name was
3 Chop. The date of that call was April 25th, 2018.
4 It was at 13:10 hours. He didn't do it just once.
5 He did it again on June the 11th, 2018, at 14:00
6 hours. I want you to be firmly convinced. You
7 should be firmly convinced because we have brought
8 you every piece of evidence. We have brought you
9 every videotape that we think that shows something
10 important, and we have shown you that this case is
11 tight. You'll be firmly convinced when you go back
12 there. Talk to one another to reason together to,
13 talk together, to consider the evidence. Most
14 importantly, listen to the judge's instructions on
15 the law. And after all of that, we believe without
16 hesitation your verdict should be guilty on both
17 counts. Thank you.

18 MR. ROUTZONG: Good morning, everyone. I
19 want to join with Mr. Finney in thanking you all.
20 I've been paying attention, as I should, like you
21 guys are doing, and you guys have paid careful
22 attention to everything that was said and Mr. Wright
23 and I appreciate that very much. And I wanted to
24 just start off by reading something to you. This is
25 from a South Carolina case. It says a defendant is

1 not required to prove his innocence. The burden of
2 proof remains on the State to prove guilt beyond a
3 reasonable doubt. That's something you've heard
4 many times as you've been here; you've heard it all
5 your life. I'm not telling you anything new. But
6 here's something that's a little bit unique perhaps
7 in South Carolina. It says the presumption of
8 innocence is like a robe of righteousness placed
9 about the shoulders of the defendant which remains
10 with the defendant until it has been stripped from
11 the defendant by what you may ask. It's not
12 Mr. Finney's statements. It's not what you think
13 may have happened, what you're, what you imagine may
14 have happened. It says until it has been stripped
15 from the defendant by evidence.

16 Ladies and gentlemen, I submit to you that
17 the most important piece of evidence for you to
18 consider was spoken in that chair by Investigator
19 Bonner. And what did he say? When I asked him do
20 you admit or deny that Mr. Patel told you he
21 couldn't identify the suspect, after refreshing his
22 memory he said yes. Ladies and gentlemen, I submit
23 to you now what Mr. Finney said about that
24 situation, I want you to know that's not in
25 evidence. There was no testimony by anyone up there

1 who said, well, I couldn't see very well. That is,
2 there's been no testimony to that, there's no
3 evidence to that. He said, Investigator Bonner said
4 he told me I don't know who the suspect is. That's
5 what he said. There's some corroboration of this, I
6 think, if you think about it. When Mr. Patel was
7 sitting there and you saw the body camera and he's
8 sitting there and he's bleeding and Megan Geter is
9 holding ice to his head and she's talking about,
10 well, there was this guy in a Ford F150, he ran out
11 the door. She goes on and on telling the police
12 officer what she thought. Mr. Patel is sitting
13 there and he doesn't say, no, he doesn't say, he
14 doesn't say it wasn't the guy in the Ford F150. And
15 most importantly, he doesn't do this or ask somebody
16 to do this. He doesn't ask anybody or say anything
17 to anybody in that store at the moment. When
18 everybody wants to know who it is he doesn't get
19 this or ask somebody to get it for him and say,
20 look, this is the person right here. That didn't
21 happen.

22 Ladies and gentlemen, I don't have to try
23 to figure out what really happened and I don't have
24 to prove anything; but I want you to know it made me
25 wonder when Dave Patel was up there and I asked him

1 and you could tell how he hurt for his friend, the
2 anger and the frustration he felt. I mean, you
3 could feel the pain when he was testifying. And I
4 asked him, it took a while, he didn't want to really
5 say it. I said, did you watch the videos? He says,
6 well, I can't remember which one I did first. But
7 we do know, we have testimony that he went to
8 Florence hospital McLeod, and he was the translator.
9 He testified that he knew the defendant, had been in
10 the store many times. Can any of us say during that
11 translation whether or not he suggested it to the
12 man who did not know and told Investigator Bonner I
13 don't know who the suspect is. Can any of us say he
14 wasn't, he's not the one that suggested it and then
15 all this happened. I don't know. It made me
16 wonder; that's why I asked him the question. 'Cause
17 I, you know, part of what I got to do is try to make
18 sure I can reconcile everything, what's going on
19 here.

20 You know, ladies and gentlemen, the most,
21 some of the most important witnesses who should have
22 been over here sitting down at this chair, if the
23 State had this evidence would be, yes, Mr. Finney,
24 when we searched the car we found clothes with blood
25 and when we tested it there was Mr. Patel's DNA on

1 it; or we found clothes consistent with the
2 perpetrator of this crime; or, yes, Mr. Finney, when
3 we did -- which Jennifer Thomas testified that we
4 had a dog track team. And the testimony is he ran
5 out on the side of the building; and Mr. Finney made
6 a big point of saying, well, Mr. Wright lives in
7 close proximity to the store and I guess, therefore,
8 he must have done it. You didn't hear an officer
9 with a canine team saying, yes, we tracked this, we
10 did this track, and we went over here and, you know,
11 the dog goes this way, the dog goes that way, and we
12 followed it all the way to Mr. Wright's house. You
13 didn't hear that witness either. You didn't hear
14 the witness that said when we searched this car or
15 searched this house we found lottery tickets that we
16 could know came from the store and was stolen at the
17 time. Those are the witnesses you didn't hear from,
18 and the reason is they don't have that evidence.

19 Ladies and gentlemen, you can look over at
20 Mr. Wright. He's a very slightly built man. Look
21 at the man in this photograph, look how stocky he
22 is. Let me just simply say, if you believe
23 Investigator Bonner, then you can't believe the rest
24 of this story. Ladies and gentlemen, I'm gonna
25 close by just simply saying, you know, it's been

1 a -- something we've all said for a long time that a
2 picture's worth a thousand words. Ladies and
3 gentlemen, sometimes it's only worth two. Not
4 guilty. Thank you very much.

5 THE COURT: Anything else?

6 SOLICITOR FINNEY: May we approach.

7 THE COURT: Yes, sir.

8 (WHEREUPON, counsel approached the
9 bench for an off-the-record discussion.)

10 THE COURT: All right, ladies and
11 gentlemen, the next thing that's gonna happen is I'm
12 gonna charge you on the law. Before I do that I
13 need you to go to the jury room and select a
14 foreperson. That person has no greater vote than
15 anybody else. They will simply preside over
16 deliberations and sign the verdict form. That
17 person needs to be from the twelve, not the
18 alternate. If you will go to the jury room, select
19 the foreperson, take whatever break you need and
20 notify the bailiff. When you've done that I'll
21 bring you back out and charge you on the law. Okay?

22 (WHEREUPON, the jury was removed from the
23 courtroom at 10:25 a.m.)

24 THE COURT: We'll be in recess till we get
25 word from the jury.

1 (WHEREUPON, a recess was taken from the
2 proceedings.)

3 THE COURT: We ready for the jury? Bring
4 me the jury.

5 (WHEREUPON, the jury was returned to the
6 courtroom at approximately 10:38 a.m.,
7 and the following proceedings commenced
8 in open court.)

9 THE COURT: Y'all have selected a
10 foreperson, Mr. Austin?

11 THE FOREPERSON: Yes, sir.

12 THE COURT: Okay. Okay, Ladies and
13 gentlemen, now that you've heard all of the evidence
14 in this case as well as the arguments of both the
15 solicitor and the defendant, I'm going to charge you
16 on the law that you're to apply in this case. Under
17 our Constitution and Code of Laws only you, the
18 jury, can find the facts in this case. I am not
19 permitted to indicate to you in any way that I have
20 an opinion about the facts so if I've said anything
21 or done anything throughout this trial that you
22 think I have an opinion about the facts, you're to
23 disregard that 'cause you and only you are to
24 determine what the facts are in this case. And that
25 same Constitution, the same Code of Laws that makes

1 you the exclusive judge of the facts, it makes me
2 the exclusive judge of the law so if you have an
3 opinion about what you think the law is or what the
4 law should be and it differs from what I now tell
5 you the law is, you're to disregard that opinion and
6 accept the law exactly as I give it to you.

7 The fact that this defendant was arrested,
8 charged, and indicted in this case is not evidence
9 in this case and cannot be considered by you as
10 evidence of guilt in this case, nor does it create
11 any presumption or inference of guilt. The
12 indictment is simply a formal written instrument
13 that contains the charges against this defendant and
14 serves as the document that processes this through
15 the court system.

16 To that indictment the defendant has
17 entered a plea of not guilty and that casts the
18 burden upon the State of South Carolina to prove
19 each and every element of the indictment to you
20 beyond a reasonable doubt. A person charged with
21 committing a criminal offense in South Carolina is
22 never required to prove himself or herself innocent,
23 and I instruct you and emphasize to you the fact
24 that the defendant did not testify in this case is
25 not a factor that can be considered by you in any

1 way in your deliberations or in your consideration
2 of the question of guilt or innocence in this case.
3 It must not be considered in any manner whatsoever.

4 The defendant has a constitutional right
5 to remain silent, and by exercising that right it
6 cannot be held against him in any way. You can't
7 even discuss it in the jury room if he didn't
8 testify in this case. It is an important rule of
9 law of this country that a defendant in every
10 criminal trial will always be presumed innocent of
11 the crime for which he or she is charged in the
12 indictment unless and until his guilt has been
13 proven by evidence that satisfies you of that guilt
14 beyond a reasonable doubt.

15 The presumption of innocence is not a mere
16 legal theory; it is not just a legal phrase. It is
17 a substantial constitutional right to which every
18 defendant is entitled. The presumption of innocence
19 accompanies the defendant from the time he's charged
20 and throughout the trial until you reach a verdict
21 of guilt based upon evidence that satisfies you of
22 that guilt beyond a reasonable doubt. A reasonable
23 doubt is a doubt which makes an honest, sincere,
24 conscientious juror hesitate to act. Proof beyond a
25 reasonable doubt must be proved of such a convincing

1 character that a reasonable person would not
2 hesitate to rely upon it and act upon it in the most
3 important of his or her own affairs. Proof beyond a
4 reasonable doubt can also be described as proof that
5 leaves you firmly convinced of defendant's guilt.

6 Now there are very few things in this
7 world we know with absolute certainty. In a
8 criminal case the law does not require proof that
9 overcomes every possible doubt. If based on your
10 consideration of the evidence you're firmly
11 convinced the defendant is guilty of the crime
12 charged, you must find him guilty. If on the other
13 hand you think there's a real possibility that he is
14 not guilty, you must give him the benefit of that
15 doubt and find him not guilty.

16 Now in determining what the facts are in a
17 case you must necessarily pass upon the credibility,
18 which simply means the believability of the
19 witnesses, and give them the value or the weight to
20 their testimony that you think it deserves. You
21 alone must decide force and effect of the truth of
22 that testimony. In making these decisions there are
23 many things that you should and may take into
24 consideration such as the appearance of the witness
25 on the stand, sometimes referred to as the demeanor

1 of the witness. Was the witness forthright or
2 hesitant, was the witness' testimony consistent or
3 did it contain discrepancies, what was the ability
4 of the witness to know the facts about which he or
5 she testified, did the witness have a reason or
6 cause to be biased and prejudiced in favor of the
7 testimony he or she gave. Was the testimony of the
8 witness corroborated and made stronger by other
9 evidence and testimony, or was it made weaker or
10 impeached by such other evidence and testimony. As
11 jurors you have a right to believe a small portion
12 of a witness's testimony and disregard the larger or
13 vice versa. You may believe all the witness'
14 testimony or none. You may believe the testimony of
15 a single witness against that of many or the other
16 way around.

17 Now there are two types of evidence which
18 are generally presented during a trial: Direct
19 evidence and circumstantial evidence. Direct
20 evidence directly prove the existence of a fact and
21 does not require deduction. Circumstantial evidence
22 is proof of a chain of facts and circumstances
23 indicating the existence of a fact. Crimes may be
24 proven by circumstantial evidence and the law makes
25 no distinction between the weight or value to be

1 given either direct or circumstantial evidence.
2 However, to the extent that the State relies on
3 circumstantial evidence, all the circumstances must
4 be consistent with each other and when taken
5 together point conclusively to the guilt of the
6 accused beyond a reasonable doubt. If these
7 circumstances merely portray the defendant's
8 behavior as suspicious the proof fails. The State
9 has the burden of proving the defendant guilty
10 beyond a reasonable doubt and this burden rests with
11 the State regardless of whether the State relies on
12 direct evidence, circumstantial evidence, or a
13 combination of the two.

14 Now criminal intent is a necessary element
15 of each crime that must be proven beyond a
16 reasonable doubt. Criminal intent is always a
17 matter that must be determined by the jury from the
18 circumstances surrounding the situation. There's no
19 way to prove intent to a mathematical certainty.
20 There's no way medical science can dissect a
21 person's brain and determine what he or she had in
22 mind. So the law states criminal intent may be
23 inferred from the circumstances shown to have
24 existed both before and after the fact. This is how
25 you, the jury, make a determination of whether or

1 not the elements requiring intent was present.
2 Criminal intent is a state of mind that operates
3 jointly with an act or omission in the commission of
4 a crime.

5 Criminal intent is a mental state of
6 conscious wrongdoing so it is up to you, the jury,
7 to determine what the defendant intended based on
8 the circumstances shown to have existed. And I tell
9 you the State must prove criminal intent as beyond a
10 reasonable doubt just as the State must prove
11 everything beyond a reasonable doubt.

12 Now the defendant is charged with the
13 crime of armed robbery. In order to prove this
14 offense of armed robbery the State must first prove
15 beyond a reasonable doubt that the defendant took
16 personal property from the person or presence of
17 another person. Property is in the presence of a
18 person if it is within the person's reach,
19 inspection, observation, or control so that the
20 person could, if not overcome with violence or
21 prevented by fear, keep possession of the property.
22 The State must also prove beyond a reasonable doubt
23 the defendant carried the property away with the
24 intent to permanently deprive the owner of the
25 property and to keep the property for the

1 defendant's own use. The slightest removal of the
2 property or the complete possession of the property
3 ,even for an instant, by the defendant is sufficient
4 to prove taking or carrying away of the property.
5 Taking and carrying away of the property must have
6 been done with violence by putting the owner of the
7 property in fear of violence.

8 Finally, the State must prove beyond a
9 reasonable doubt that the defendant was armed with a
10 deadly weapon during the robbery. A deadly weapon
11 is any article or instrument or substance which is
12 likely to cause death or great bodily harm. Whether
13 an instrument has been used with a deadly weapon
14 depends on the facts and circumstances of each case.
15 The following are instruments which may be deadly
16 weapons: A pistol, a shotgun, a knife, a dirk, a
17 dagger, a slingshot, metal knuckles, razor,
18 gasoline, fire bomb, Molotov cocktail, lighter
19 fluid, and a gun may be a deadly weapon even if it
20 is not operating.

21 Now a fist or a hand is not normally
22 considered a deadly weapon. However, under some
23 circumstances depending on the manner and means that
24 it's used and wounds inflicted, and other relevant
25 factors, a hand or fist may be considered a deadly

1 weapon; and it is up to you to decide in this case
2 or in each case beyond a reasonable doubt whether a
3 deadly weapon was used. Ordinary objects may become
4 deadly weapons if when the facts show that they been
5 used to inflict serious bodily harm or death.

6 Whether a toy gun which has the appearance of and/or
7 would cause one to believe it is a real gun could be
8 used as a deadly weapon and this is a factual
9 question to be determined by you, as well as a
10 beebee gun.

11 Now, the defendant is also charged with
12 attempted murder. In order to prove this crime the
13 State must prove that defendant attempted to kill
14 another person with malice aforethought either
15 express or implied. Malice is hatred, ill will, or
16 hostility toward another person. It is the
17 intentional doing of a wrongful act without just
18 cause or excuse and with the intent to inflict
19 injury and under circumstances of law will infer an
20 evil intent. Malice aforethought does not require
21 that malice exists for any particular time before
22 the fact is committed, but malice must exist in the
23 mind of defendant just before or at the time the act
24 is committed. Therefore, there must be a
25 combination of previous ill intent and the act.

1 Malice aforethought may be express or
2 inferred. These terms "express" and "inferred" do
3 not mean different kinds of malice, but merely the
4 manner in which the malice may be shown to have
5 existed. That is either by direct evidence or
6 inferred from the facts and circumstances which are
7 proved. Express malice is shown when a person
8 speaks words which express hatred or ill will for
9 another or when a person prepared beforehand to do
10 the act which was later accomplished; for example,
11 lying in wait for a person or in any other acts of
12 preparation going to show that the deed was within
13 the defendant's mind would be express malice.

14 Malice may be inferred from conduct
15 showing a total disregard for human life. If the
16 facts are proven beyond a reasonable doubt
17 sufficient to raise an inference of malice to your
18 satisfaction, this inference would be simply an
19 evidentiary evidence to be considered by you along
20 with all the other evidence in this case and you
21 give it the weight that you think it deserves.

22 Now a specific intent to kill is an
23 element of attempted murder. Intent means intending
24 the results which actually occur, not accidentally
25 or involuntary. Intent may be shown by act and

1 conduct of the defendant and other circumstances
2 from which you may naturally infer intent. Now the
3 defendant -- a lesser included offense of attempted
4 murder is the crime of assault and battery of a high
5 and aggravated nature. Assault and battery of a
6 high and aggravated nature is when a person
7 unlawfully injures another person and great bodily
8 injury to another person results or the act is
9 accomplished by means likely to produce great bodily
10 injury. Now great bodily injury means bodily injury
11 which causes substantial risk of death or which
12 causes serious and permanent disfigurement or
13 protracted loss or impairment of the function of a
14 bodily member or organ.

15 Now a lesser included offense of assault
16 and battery of a high and aggravated nature is the
17 offense of assault and battery in the first degree.
18 Assault and battery in the first degree is when
19 offers or attempt to injure another person with the
20 present ability to do so and the act is either
21 accomplished by means likely to produce death or
22 great bodily injury or occurred during the
23 commission of a robbery, a burglary, a kidnapping,
24 or theft.

25 Now Mr. Foreman, I've had my law clerk

1 type up a possible verdict form in this case. Now
2 you ladies and gentlemen were selected to be fair
3 and impartial jurors and you're not here to reward
4 your friends or punish your enemies. You're in here
5 — our system of justice would not tolerate that.
6 You have been selected by both the State and this
7 Defendant to be fair and impartial, and it is
8 important that you apply the law as I give it to you
9 and consider the facts in this case and reach a
10 verdict in this case. Now the possible verdict form
11 that you have and I'll pass it down to you before
12 you go out, is the caption of the case: State of
13 South Carolina versus Chauncey Antonio Wright. One,
14 for the charge of armed robbery: We, the jury,
15 unanimously find the defendant guilty or not guilty.
16 For the charge of attempted murder: We, unanimously
17 find the defendant guilty or not guilty.

18 Now attempted murder has two lesser
19 included offenses under that. If you find the
20 defendant is not guilty, if you find the State has
21 not proven beyond a reasonable doubt that the
22 defendant is guilty of attempted murder, you should
23 consider whether the State has proven beyond a
24 reasonable doubt that the defendant is guilty of
25 assault and battery of a high and aggravated nature.

1 If you find that the State has not proven the
2 defendant guilty of assault of a high and aggravated
3 nature, you may consider whether the defendant has,
4 I mean, whether the State has proven the defendant
5 guilty of the lesser included offense of assault and
6 battery in the first degree.

7 And so, when filling out the verdict form
8 as far as armed robbery is concerned, if the State
9 has proven beyond a reasonable doubt, then you would
10 check guilty. If you find the State has not proven
11 that crime beyond a reasonable doubt you're to check
12 not guilty.

13 When you go to number two, if the State
14 has proven beyond a reasonable doubt the charge of
15 attempted murder, when you check guilty you stop
16 right there. If you check not guilty there, then
17 you will determine whether the State has proven
18 beyond a reasonable doubt assault and battery of a
19 high and aggravated nature. If you find the State
20 has proven that and you check guilty, you stop
21 there. If you find the State has not proven that
22 crime beyond a reasonable doubt, then you consider
23 assault and battery in the first degree. And if you
24 find they've proven that, you check guilty; if not,
25 it's not guilty.

1 Now the order that we put these in you're
2 to draw no conclusions from whatsoever. We had to
3 put them in some order. I've got to — and when
4 you've reached a verdict it must be unanimous in
5 that all twelve of you must agree. If, you know, if
6 for any reason you, one of you have to be excused,
7 you need to go to the restroom or anything, Mr.
8 Foreman, you stop talking the case 'cause you can
9 only talk about it when all twelve of you are
10 present in the room. When that person returns
11 you'll continue to deliberate. Like I say, when
12 you've reached a verdict and it must be unanimous,
13 knock on the door. The bailiff will bring you out
14 and we'll receive the verdict. Now I've got to go
15 over, I may have left something out from the law
16 when I charged you so I'm gonna send you to the jury
17 room and confer with these lawyers. If I've left
18 something out I'll bring you back out and charge you
19 further. If I've covered all the law on this case,
20 then I will send the verdict form along with the
21 evidence; and once you receive the evidence in this
22 case, that means you can start your deliberations.

23 Now if you have a question you must write
24 that question down on a piece of paper, give it to
25 the bailiff, and I'll bring you back out and attempt

1 to answer that question. Having said that, I cannot
2 answer a question of fact. I can only answer a
3 question of law. If you have a legal question, you
4 need me to explain my charge to you any further,
5 then I can do that; but I can't reopen this case and
6 present more facts to you. So if you got a question
7 of facts I can't, I can't answer that question. I
8 can only answer questions of law, okay. So if
9 you'll go to the jury room. I'll either bring you
10 back out in a minute and charge you further or I'll
11 send all the paperwork in.

12 Now there's certain evidence in this case
13 that are videos and on disks and everything else. I
14 don't think y'all got the capability in that room to
15 watch them so if you want to see any of that
16 further, I'll have to bring you back out here and
17 play it here for you. But you simply let the
18 bailiff know that you want to look at one of the
19 disks or whatever, and I can bring you back out and
20 I'll play it to you in the room, okay. All right,
21 if you'll go to your room.

22 (WHEREUPON, the jury was removed from the
23 courtroom at 11:00 a.m.)

24 THE COURT: Are there any exceptions,
25 deletions on behalf of the State?

1 SOLICITOR FINNEY: None, Your Honor.

2 THE COURT: On behalf of Defense?

3 MR. ROUTZONG: No, sir.

4 THE COURT: All right, if y'all will get
5 together and be sure all the evidence is here. And
6 here's the verdict form you can take.

7 (Attorneys review exhibits.)

8 THE COURT: We'll be in recess till we
9 hear something.

10 (WHEREUPON, a recess was taken from the
11 proceedings.)

12 THE COURT: I got a question. "We'd like
13 to see the law on attempted murder and assault and
14 battery of a high and aggravated nature." So I was
15 going to bring them back out and charge them on
16 that.

17 (WHEREUPON, the jury was returned to the
18 courtroom at approximately 11:35 a.m., and the
19 following proceedings commenced in open court.)

20 THE COURT: Mr. Foreman, I got a note that
21 y'all want, you want to see the law on attempted
22 murder and assault and battery high and aggravated
23 nature; is that right?

24 THE FOREPERSON: Just re-explain it again,
25 Your Honor.

1 THE COURT: All right, I'll do that. And
2 those are only two you need at this point, right?

3 THE FOREPERSON: Yes, sir.

4 THE COURT: In attempted murder the State
5 must prove beyond a reasonable doubt that the
6 defendant intended to kill another person with
7 malice aforethought either expressed or implied.
8 Malice is hatred, ill will, or hostility toward
9 another person. It is the intentional doing of a
10 wrongful act without just cause or excuse with the
11 intent to inflict an injury and under circumstances
12 of law would infer evil intent. Malice aforethought
13 does not require that malice exist for any
14 particular time before the act is committed, but
15 malice must be existing in the mind of the defendant
16 just before and at the time the act is committed.
17 Therefore, you must -- there must be a combination
18 of previous ill intent and the act. Malice
19 aforethought may be expressed or inferred; and these
20 terms expressed and inferred do not mean different
21 kinds of malice, but merely the manner in which the
22 malice may be shown to have existed. That is either
23 by direct evidence or by inference and from the
24 facts and circumstances which are proved. Expressed
25 malice is shown when a person speaks words or

1 express hatred or ill will for another or when the
2 person prepares beforehand to do the act which was
3 later accomplished, for example, lying in wait for a
4 person or any other acts of preparation going to
5 show that the deed was within the defendant's mind
6 would be expressed malice. Malice may be inferred
7 from the conduct showing a total disregard for human
8 life.

9 Now assault and battery of a high and
10 aggravated nature. A person commits the offense of
11 assault and battery high and aggravated nature when
12 the person unlawfully injures another person and
13 great bodily injury to another person results and
14 the act or an act is accomplished by means likely to
15 produce death or great bodily injury. And great
16 bodily injury means bodily injury which causes a
17 substantial risk of death or which causes serious
18 permanent disfigurement or protracted loss or
19 impairment of the function of a bodily member or
20 organ. Okay. Anything else?

21 THE FOREPERSON: No, sir.

22 THE COURT: All right, if you'll go back
23 and continue deliberations we will wait to hear from
24 you.

25 (WHEREUPON, the jury was removed from the

1 courtroom at 11:39 a.m.)

2 THE COURT: All right. We'll be in recess
3 till we hear from them.

4 (Court's Exhibit Number 1, note from the
5 jury, was marked and made a part of the
6 record.)

7 (WHEREUPON, a recess was taken from the
8 proceedings.)

9 THE COURT: All right, bring me the jury.
10 (WHEREUPON, the jury was returned to the
11 courtroom at approximately 11:54 a.m.,
12 and the following proceedings commenced
13 in open court.)

14 THE COURT: Mr. Foreman, I understand
15 y'all have arrived at a verdict.

16 THE FOREPERSON: Yes, sir.

17 THE COURT: Is it unanimous?

18 THE FOREPERSON: Yes, sir.

19 THE COURT: If you'd pass it up please,
20 sir.

21 (Verdict form tendered to the Court.)

22 THE COURT: All right, you may publish the
23 verdict.

24 THE CLERK: The State of South Carolina,
25 County of Sumter, The State versus Chancey [sic]

1 Antonio Wright, defendant. In the Court of General
2 Sessions of the third judicial court, case number
3 2018-GS-43-1140. Verdict form: Number one, for the
4 charges of armed robbery, we, the jury, unanimously
5 find the defendant guilty. Number two, for the
6 charges of attempted murder, we, the jury,
7 unanimously find the defendant guilty.

8 THE COURT: Okay.

9 THE CLERK: Signed, Anthony Austin, date
10 8/15/19.

11 THE COURT: Right. Anything from the
12 State before I dismiss the jury?

13 SOLICITOR FINNEY: I just ask the jury to
14 accept our appreciation for their work this week.
15 Thank you, Your Honor.

16 THE COURT: Anything from Defense?

17 MR. ROUTZONG: Nothing from Defense, Your
18 Honor.

19 THE COURT: Okay. Ladies and gentlemen, I
20 appreciate your service this week. We don't have
21 another trial we're gonna start so this will
22 conclude your jury service. I hope you have a great
23 week. Thank you.

24 (WHEREUPON, the jury was removed from the
25 courtroom at 11:57 a.m.)

1 THE COURT: Okay, you got any paperwork
2 for me?

3 SOLICITOR FINNEY: All right.

4 THE COURT: Do you have prior record?

5 SOLICITOR FINNEY: If Your Honor please,
6 Mr. Wright has never been convicted of anything in
7 general sessions court. He has one old pending file
8 with our office from 2013. It was a strong arm
9 robbery and we allowed him to go into pretrial, but
10 he failed the drug test in pretrial. He was kicked
11 out of pretrial and so that case is still on my
12 desk. And in the intervening time, this charge
13 arose and because of the impact to the victim we
14 elected to go forward with this charge first.

15 THE COURT: Okay.

16 SOLICITOR FINNEY: Now I will tell the
17 Court that on July 25th there was a riot at the
18 local detention center in Sumter. Mr. Wright has
19 been charged with inciting a riot as a result of
20 activities on that day, and he was charged with that
21 about a week ago and denied bond so he does have
22 that pending charge to deal with also.

23 THE COURT: Okay. Anything else? Do you
24 want me to hear from anybody else?

25 SOLICITOR FINNEY: Just from the

1 standpoint of the victim, Mr. Kenny Patel has
2 written a letter. He would just ask the Court to,
3 ask you to present that letter to you and for you to
4 review it before you pass sentence.

5 THE COURT: All right. You want to tell
6 me anything?

7 MR. ROUTZONG: Your Honor, Mr. Wright is
8 24 years old. His mom and dad are here in the
9 courtroom, Antonio Wright and Dianne Commander.
10 Your Honor, we'd ask you to consider the minimum of
11 ten years concurrent on each charge, Your Honor.

12 THE COURT: Okay, thank you.

13 SOLICITOR FINNEY: If Your Honor please,
14 may I just say for the record there was a charge
15 also made against Mr. Wright of possession of a
16 weapon during a violent crime. My staff attorneys
17 advised me that the stick or metal object may not
18 have been considered under that statute a weapon and
19 so we dismissed that case and proceeded on with the
20 other two; but I would like the Court to remember
21 the seriousness of the wounds that he inflicted on
22 Mr. Kenny. It was just really totally unnecessary
23 and has had a big impact on Mr. Kenny's life. We
24 obviously are gonna ask the Court to impose a
25 significant sentence. I would ask the Court to

1 consider imposing consecutive time because the
2 beating was so unnecessary. Obviously the robbery
3 was the main focus of the defendant that evening,
4 and there hasn't been any apparent feeling of, you
5 know, working this out or apologizing or giving the
6 victim any kind of concern and so we ask that the
7 Court to consider all those things.

8 THE COURT: Okay. And I have taken those
9 in consideration and I've taken in consideration the
10 fact he doesn't have a prior conviction for this
11 crime was serious and the injuries he incurred,
12 caused on this defendant were serious. And anyway,
13 on attempted murder the sentence of the Court is
14 you're committed to the State Department of
15 Corrections for a term of 20 years. On the armed
16 robbery the sentence is 18 years. They're to run
17 concurrent with each other, and I've given you
18 credit for whatever time you served.

19
20 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
21
22
23
24
25

WITNESSES

Charles S. Bonner Sumter County Sheriff

Jennifer M. Thomas Sumter County Sheriff

DOCKET NO. 2018-GS-43-1140

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

December TERM 2018

THE STATE

VS.

CHAUNCEY ANTONIO WRIGHT

ARREST WARRANT NUMBER

2018A4310100293 2018A4310100302

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 12/16/18

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

Armed Robbery

Attempted Murder

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

324

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR
Armed Robbery
Attempted Murder

At a Court of General Sessions, convened on December 6, 2018 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE
ARMED ROBBERY

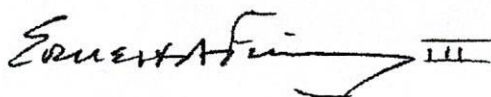
That on or about **April 6, 2018**, in Sumter County, South Carolina, the Defendant, **Chauncey Antonio Wright**, at 4580 Florence Highway in Mayesville, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Kamleshkumar Patel with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws, 1976, as amended.

COUNT TWO
ATTEMPTED MURDER

That **Chauncey Antonio Wright** did in Sumter on or about **April 6, 2018**, with intent to kill, attempt to kill another person, Kamleshkumar Patel, with malice aforethought, either express or implied, by beating the victim about the head and face with a blunt object; in violation of Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor



ARRO2.DOT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
STATE VS.
Chauncey Antonio Wright

AKA:

Race: Black Sex: M Age: 24

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Sumter, SC 29153-7330

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

E. Finney
Solicitor2019
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk

James C. Campbell

Court Reporter:

Frances B. Ray

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2018-GS-43-1140

A/W#: 2018A4310100293

Date of Offense: 4/6/2018

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

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Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

326

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
 STATE VS.
Chauncey Antonio Wright

AKA:

Race: Black Sex: M Age: 24DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Sumter, SC 29153-7330DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Attempted Murder

INDICTMENT/CASE#: 2018-GS-43-1140A/W#: 2018A4310100302Date of Offense: 4/6/2018S.C. Code § : 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

EATINNEY JR
Solicitor2019
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

James C. CampbellFrances B. Ray

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2144Sentence Date: Aug. 15, 2019

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

RECEIVED

May 19 2020

SC Court of Appeals

s/ Kathrine Hudgins

Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of May, 2020.