

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

William P. Keesley, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

QUINCY WRIGHT,

APPELLANT

APPELLATE CASE NO. 2012-212692

RECORD ON APPEAL

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State of South Carolina)
) Court of General Sessions
County of Aiken) 2012-GS-02-00718

State of South Carolina)
Plaintiff)
vs.) Transcript of Record
Quincy Wright)
Defendant)

July 16, 2012
Aiken, South Carolina

B E F O R E:

The Honorable William P. Keesley, Judge; and a jury.

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

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Lisa H. Davenport, RPR
Official Court Reporter

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1 (Whereupon, on July 16, 2012 the following
2 proceedings were held:)

3 QUINCY O. WRIGHT, after being duly sworn,
4 testified as follows:

5 MR. MILLER: Your Honor, before the court is Quincy
6 O'Neal Wright. He is charged with the crime of armed
7 robbery in a true-billed indictment 2012-GS-02-706. He's
8 additionally charged with burglary in the first degree, a
9 true-billed indictment number 2012-GS-02-718. Mr. Wright
10 is number one on the trial list for trial tomorrow. We
11 will be picking a jury in his case in the morning.

12 Your Honor, this case was on the trial list some time
13 ago and Mr. Wright came to court that day and instead of
14 coming into the courtroom he left and we had to get a
15 bench warrant for him. That was almost a month ago. He
16 has been in the Aiken County Detention Center now and we
17 are prepared and ready to go to trial on his case
18 tomorrow.

19 He has indicated through his attorney that he wishes
20 to make a motion today relative to his attorney situation.

21 MR. THOMPSON: Your Honor, may it please the court.
22 It is my understanding that Mr. Wright wanted the court to
23 be able to hear his motion to relieve me of counsel and
24 because that is not my motion I am going to leave it up to
25 him at this time.

1 THE DEFENDANT: I am going to let you be my lawyer.

2 MR. THOMPSON: Tell him.

3 THE DEFENDANT: Well, yea, I am going to let

4 Mr. Thompson be my lawyer.

5 THE COURT: Okay. So you don't wish to move to --

6 THE DEFENDANT: Yea..

7 THE COURT: -- remove him?

8 THE DEFENDANT: No, sir.

9 THE COURT: Is that your own decision made of your
10 own free will?

11 THE DEFENDANT: Yes, sir. I am going to let him be
12 my lawyer.

13 THE COURT: Okay. Thank you, sir.

14 MR. MILLER: Your Honor, all the remaining motions
15 we'll handle in the morning after the jury is selected.

16 MR. THOMPSON: Thank you, Your Honor.

17 (Whereupon, the proceedings were concluded for the
18 day and were reconvened on July 17, 2012 as follows:)

19 THE COURT: Ladies and gentlemen of the jury, please
20 give me your attention. We're about to qualify the jury
21 for a particular case. Before I embark upon that I want
22 to explain a little bit to you about the process. We're
23 going to change gears and go from the more general to the
24 more specific. What we'll be doing is we'll be focusing
25 on the individual case. I'll be asking you questions and

1 those questions are designed to obtain from you any
2 possible connection you may have to the case or anybody in
3 it, whether anybody close to you or you yourself has ever
4 been through anything similar to what's alleged in the
5 case.

6 Basically, the questions are designed to obtain
7 information with a goal of having a juror who is fair and
8 impartial. If you keep that goal in mind I think the
9 questions make more sense to you; so if you got any
10 possible connection to the case or anybody in it, if
11 anybody close to you or you yourself has ever been through
12 anything similar, if there is anything at all that might
13 affect your ability to be fair and impartial, those are
14 the kinds of things you need to discuss with me.

15 Now remember that you're under oath, please.
16 Remember that you have an obligation to be completely
17 truthful and honest with me. Remember if you have any
18 doubt about whether anything applies to you you should
19 discuss it with me and let me resolve the doubt. Give us
20 the information, please, and let us decide whether it's
21 significant or not.

22 All right. The state is calling its first case which
23 is actually two separate and distinct indictments. Each
24 of these indictments will maintain the status of being
25 separate and distinct throughout the trial. These two

1 cases are being tried together for purpose of convenience.

2 The indictments are in the case of the State versus
3 Quincy O'Neal Wright. One indictment, indictment 706,
4 charges Mr. Wright with armed robbery. The indictment
5 alleges that Quincy O'Neal Wright along with others did in
6 Aiken County on or about April 7, 2011 while armed with a
7 deadly weapon, specifically a black-in-color semiautomatic
8 pistol, feloniously take from the person or presence of
9 Tarlishea -- T-A-R-L-I-S-H-E-A -- Harris and or DeShawn --
10 D-E-S-H-A-W-N -- Hayes by means of force or intimidation
11 goods or monies of Ms. Harris described as a purse, a
12 camera, and a set of keys.

13 The other indictment charges Mr. Wright with burglary
14 in the first degree. That indictment alleges that Quincy
15 O'Neal Wright did in Aiken County along with others on or
16 about April 7, 2011 willfully and unlawfully enter the
17 dwelling of Tarlishea Harris located at
18 , South Carolina without
19 consent and with the intent to commit a crime therein and
20 while effecting entry or while in the dwelling or while in
21 immediate flight therefrom, he or another participant in
22 the crime became armed with a deadly weapon, specifically
23 a handgun. So, Mr. Wright is charged with armed robbery
24 and burglary in the first degree.

25 These indictments are not evidence. An indictment is

1 nothing more than a charging paper. It is merely the
2 formal means by which someone is charged and brought to
3 trial. You may not give an indictment any evidentiary
4 value. Upon his arraignment on these charges Mr. Wright
5 has entered pleas of not guilty. He is presumed to be
6 innocent. It is incumbent upon the State of South
7 Carolina having brought these charges to prove every
8 essential element of the charges against Mr. Wright beyond
9 a reasonable doubt.

10 Now I'll ask you questions. If any of the questions
11 apply to you or you have a doubt about whether they apply
12 to you, please stand and follow the instructions that I
13 give you.

14 All right. Is Quincy O'Neal Wright in the courtroom
15 now?

16 MR. THOMPSON: He is, Your Honor.

17 THE COURT: Mr. Wright, I need you to stand, please,
18 and turn so that the jury can see you. Face this way,
19 please. Just turn all the way around.

20 (Whereupon, the Defendant complies.)

21 THE COURT: Thank you, sir. You may be seated.

22 Is there any member of the jury panel who is related
23 by blood or marriage or connected by employment with the
24 defendant in this case Quincy O'Neal Wright? If so,
25 please stand.

1 The following persons have been identified as
2 potential witnesses. If any of these persons are present
3 at this time I need for that person to stand as his or her
4 name is called and face toward the jury. Ryan Moulton --
5 M-O-U-L-T-O-N -- North Augusta Department of Public
6 Safety. Is he here?

7 Tarlishea Harris. Would you please turn so the jury
8 can see? Thank you.

9 DeShawn Hayes. Thank you, sir.

10 Jane Wright. She is over here to my right.

11 Chris Toole of the North Augusta Department of Public
12 Safety. Thank you, sir.

13 Kevin Hayes of the North Augusta Department of Public
14 Safety.

15 Are any of you related by blood or marriage or
16 connected by employment with any of the potential
17 witnesses in the case? If so, please stand.

18 All right. I am going to have the attorneys stand
19 and face you and introduce themselves. The attorneys will
20 be participating in the trial. I'll start with the
21 prosecution.

22 MR. MILLER: My name is David Miller. I am the
23 Assistant Solicitor here in the Second Judicial Circuit.

24 MR. MCCARLEY: My name is Nick McCarley. I am an
25 Assistant Solicitor in Aiken County.

1 MR. THOMPSON: I am Barry Thompson and I am with the
2 Second Circuit Public Defender's Office.

3 MR. SMITH: My name is Andy Smith and I am also with
4 the Second Circuit Public Defender's Office.

5 THE COURT: Thank you. All right. Ladies and
6 gentlemen, I've introduced you now to Mr. Wright. The
7 attorneys have introduced themselves to you. I have read
8 to you a list of potential witnesses in the case. What I
9 need for you to do now is this: If you got any connection
10 of any kind with any of the people or any of the entities
11 involved in the case, you need to disclose that to us.
12 That includes if you are a neighbor, a friend, a social
13 acquaintance, if you attend the same church or civic
14 clubs, if you have ever been involved in a case involving
15 one of these attorneys or anyone with whom they're
16 affiliated, if you have any connection of any kind with
17 the North Augusta Department of Public Safety, any
18 connection with any person or any entity involved in the
19 case, please stand and let us know about it.

20 Yes, ma'am, what is your name?

21 THE JUROR: Mariam Toole, 173. Chris Toole -- my
22 ex-husband is his dad's brother. I don't know if that
23 means anything, but...

24 THE COURT: Mrs. Toole is juror 173. Your ex-husband
25 is related to Mr. Toole. Is there anything at all about

1 your relationship with any of those individuals or your
2 experience with them that would affect your ability to be
3 a fair and impartial juror in this case?

4 THE JUROR: No.

5 THE COURT: Do you have any doubt in your mind?

6 THE JUROR: No.

7 THE COURT: Thank you very much. Mrs. Toole is juror
8 number 173. She is eligible to serve.

9 Anybody else? Are any of you or anyone very close to
10 you like immediate family members or close personal
11 friends employed in any capacity with any law enforcement
12 agency or any prosecutorial agency -- federal, state,
13 local, or military -- or have you ever been so employed or
14 anyone close to you ever been so employed? If so, please
15 stand.

16 Your name, sir?

17 THE DEFENDANT: Murray Tillman.

18 THE COURT: Wait just a second.

19 THE CLERK: Your number?

20 THE JUROR: 170.

21 THE COURT: Mr. Tillman is 170. What is your
22 situation, please?

23 THE JUROR: My cousin did work for Aiken County and I
24 believe he still works for the City of Wagener Police
25 Department.

1 THE COURT: Is there anything at all about your
2 relationship or experience with your cousin that affects
3 your ability to be a fair and impartial juror in this
4 case?

5 THE JUROR: No, sir.

6 THE COURT: Any doubt in your mind?

7 THE JUROR: No, sir.

8 THE COURT: Do you have the power of arrest yourself?

9 THE JUROR: Sir?

10 THE COURT: Can you arrest people yourself?

11 THE JUROR: No, sir.

12 THE COURT: Thank you. 170, Mr. Tillman, is eligible
13 to serve.

14 Your name, please, sir?

15 THE JUROR: Madeline Pedley, number 126. My son---

16 THE COURT: Wait a second. Juror number 126. Ms.
17 Pedley, juror number 126. Go ahead, please.

18 THE JUROR: My son is a Pittsburg police officer.

19 THE COURT: Pittsburgh, Pennsylvania?

20 THE JUROR: Yes.

21 THE COURT: Anything at all about your relationship
22 or experiences with him that affects your ability to be a
23 fair and impartial juror in this case?

24 THE JUROR: No.

25 THE COURT: Any doubt in your mind?

1 THE JUROR: Nope.

2 THE COURT: Thank you very much. Ms. Pedley is
3 eligible to serve.

4 Yes, sir, your name?

5 THE JUROR: Juror 124, Ryne Paschall. My
6 brother-in-law is an Aiken County Deputy.

7 THE COURT: Is there anything at all about your
8 relationship or experience with him that affects your
9 ability to be a fair and impartial juror in this case?

10 THE JUROR: No, sir.

11 THE COURT: Any doubt in your mind?

12 THE JUROR: No, sir.

13 THE COURT: Mr. Paschall, 124, is eligible to serve.
14 Anybody else? Yes, ma'am?

15 THE JUROR: Number 58, Rebecca Y. Funderberg. My
16 brother-in-law---

17 THE COURT: Wait just a second.

18 THE JUROR: Okay.

19 THE COURT: Ms. Funderberg is number 58. What is
20 your situation?

21 THE JUROR: 58, yes, sir. My brother-in-law is with
22 Aiken County Public Safety -- I mean, I'm sorry, the
23 Sheriff's Office.

24 THE COURT: Anything at all about that relationship
25 or experience that affects your ability to be a fair and

1 impartial juror in the case?

2 THE JUROR: No, sir.

3 THE COURT: Any doubt in your mind?

4 THE JUROR: No, sir.

5 THE COURT: Thank you, ma'am. Ms. Funderberg, juror
6 number 58, is eligible to serve.

7 Anybody else?

8 THE JUROR: Frederick Thompson, juror 168. My
9 wife---

10 THE COURT: Hold on just a second.

11 THE JUROR: Yes, sir.

12 THE COURT: I have to write down what y'all tell me.
13 168, Mr. Thompson, go ahead, please.

14 THE JUROR: My wife is employed with the federal
15 prisons in Edgefield. She is a security officer.

16 THE COURT: Anything about that that affects your
17 ability to be fair and impartial?

18 THE JUROR: No, sir.

19 THE COURT: Any doubt in your mind?

20 THE JUROR: No doubt.

21 THE COURT: Thank you. Mr. Thompson, 168, he is
22 eligible to serve.

23 Anybody else? Yes, ma'am?

24 THE JUROR: Juror number 106. My husband is---

25 THE COURT: Wait a second. Mrs. Martin, juror number

1 106, your husband works for Edgefield federal prison?

2 THE JUROR: Yes.

3 THE COURT: Anything about that that affects your
4 ability to be a fair and impartial juror in the case?

5 THE JUROR: No.

6 THE COURT: Any doubt in your mind?

7 THE JUROR: No.

8 THE COURT: 106, Mrs. Martin, is eligible to serve.

9 Thank you. Anybody else?

10 THE JUROR: I'm not sure.

11 THE COURT: Yes, ma'am?

12 THE JUROR: I'm juror 174, Susan Toole.

13 THE COURT: All right. Hold on just a second. All
14 right. Ms. Toole is 174. Go ahead, please.

15 THE JUROR: My son is employed with the Federal
16 Government Homeland Security, Border Patrol Agent.

17 THE COURT: Okay. Anything about that that affects
18 your ability to be a fair and impartial juror in the case?

19 THE JUROR: No, sir.

20 THE COURT: Any doubt in your mind?

21 THE JUROR: No, sir.

22 THE COURT: Thank you. Ms. Toole is juror 174. She
23 is eligible to serve.

24 Anybody else? Yes, sir?

25 THE JUROR: I am 151, Christopher Sheppard. My

1 niece's husband works for the Aiken County Sheriff's
2 Department.

3 THE COURT: Your niece works for the Aiken County
4 Sheriff's Office?

5 THE JUROR: Yes, sir; Nick McClure.

6 THE COURT: Mr. Sheppard is 151. Anything about that
7 that affects your ability to be a fair and impartial juror
8 in the case?

9 THE JUROR: No, sir.

10 THE COURT: Any doubt in your mind?

11 THE JUROR: No, sir.

12 THE COURT: Thank you. 151 is eligible to serve.

13 Anybody else?

14 Are any of you members of or financial contributors
15 to any organization that has as one of its primary
16 purposes the support of law enforcement or victim's
17 rights? That would include organizations such as Citizens
18 Against Violent Crime, Mothers Against Drunk Driving,
19 Students Against Drunk Driving, any type of shelter for
20 abused persons. If you have any kind of relationship with
21 such an organization either as a member of it, financial
22 contributor to it, volunteer, anything like that, you need
23 to disclose that to us. Please stand.

24 Yes, ma'am? Ms. Toole; is that right?

25 THE JUROR: Susan Toole, 174. Member of Mothers.

1 Against Drunk Driving.

2 THE COURT: What is your connection to MADD?

3 THE JUROR: I am just a member.

4 THE COURT: Okay. Anything at all about that
5 relationship that affects your ability to be a fair and
6 impartial juror in this case?

7 THE JUROR: No.

8 THE COURT: Any doubt in your mind?

9 THE JUROR: No, sir.

10 THE COURT: Thank you. 174, Ms. Toole, is eligible
11 to serve. Anybody else?

12 THE JUROR: Mariam Toole, 174. I have been a past
13 member supporter of MADD.

14 THE COURT: Wait a second. You're 174?

15 THE JUROR: 173.

16 THE COURT: All right. You formerly were a member of
17 Mothers Against Drunk Drivers?

18 THE JUROR: I am not currently now a member, but I
19 have supported it many times in the past.

20 THE COURT: Anything about your relationship with
21 that organization that affects your ability to be a fair
22 and impartial juror in the case?

23 THE JUROR: No, sir.

24 THE COURT: Any doubt in your mind?

25 THE JUROR: No, sir.

1 THE COURT: Thank you. Ms. Toole, 173, is eligible
2 to serve.

3 Anybody else? All right.

4 Folks, I am going to pose this question. It's got
5 multiple parts to it. What I am doing is combining
6 several questions together. We're not going to talk about
7 these things in front of the whole group. If the question
8 applies to you or you have any doubt about whether it
9 applies to you, stand please and we'll talk about it over
10 here on the side. Now, again, it is multiple parts. I am
11 trying to address it from many different angles; so listen
12 carefully.

13 If any of you, any of your immediate family members,
14 any of your close personal friends, anybody very close to
15 you has ever been accused of committing an act of
16 housebreaking or burglary or accused of committing any
17 type of robbery or if anyone close to you or you yourself
18 has ever been the victim of any type of housebreaking or
19 burglary or any type of robbery, you need to let me know
20 about that. If any of you, anybody close to you, has ever
21 been accused of committing a crime involving any type of
22 stealing or larceny or if any of you have ever been a
23 victim or anybody close to you has ever been a victim of
24 such a crime, please let me know about that.

25 If any of you, anybody close to you, or you yourself

1 have ever been a victim of or accused of committing any
2 crime involving any type of violence, you need to tell me
3 about that. Form a line down here, please.

4 All right. Folks, I need for you to maintain order
5 because if there is rumbling going on in the background it
6 affects what we can do up here.

7 (Whereupon, the juror comes forward.)

8 THE COURT: What is your name again, sir?

9 THE JUROR: 170, Murray Tillman.

10 THE COURT: 170, Mr. Tillman. Go ahead.

11 THE JUROR: My sister was charged with -- I can't
12 remember exactly, but stealing something from Belk's.

13 THE COURT: Shoplifting?

14 THE JUROR: She worked there. She took a video home,
15 but she brought it back but supposedly wasn't supposed to
16 be taken [sic] or something like that.

17 THE COURT: Okay.

18 THE JUROR: My sister just got charged with pointing
19 and presenting.

20 THE COURT: The same sister?

21 THE JUROR: My second sister; two different sisters.

22 THE COURT: All of that in Aiken County?

23 THE JUROR: One in Newberry and one in Aiken County.

24 THE COURT: The pending case, is that Aiken or

25 Newberry? The one that just happened, is that Newberry or

1 Aiken?

2 THE DEFENDANT: It is Newberry. It's supposed to go
3 to court the 27th of this month.

4 THE COURT: Okay. What happened to your sister that
5 was charged with the Belk incident?

6 THE JUROR: As far as I know she's supposed to be
7 paying a fine. I really hadn't kept up with it.

8 THE COURT: Okay. Anything at all about either of
9 those experiences or your relationship with them that
10 affects your ability to be a fair and impartial juror in
11 the case?

12 THE JUROR: No, sir.

13 THE COURT: Any doubt in your mind?

14 THE JUROR: No, sir.

15 THE COURT: Thank you, sir.

16 (Whereupon, the juror returns to the jury pool.)

17 THE COURT: Mr. Tillman is 170. He is eligible to
18 serve.

19 (Whereupon, the juror comes forward.)

20 THE COURT: What's your name, sir?

21 THE JUROR: Frederick L. Thompson. 168 is the
22 number.

23 THE COURT: Okay. Mr. Thompson is 168. Go ahead,
24 please.

25 THE JUROR: Yes, sir. The victim of a home invasion

1 last year, break-in, and I had some guns that were stolen.

2 THE COURT: Okay. Was that in Aiken County?

3 THE JUROR: Yes, sir.

4 THE COURT: Did they arrest anybody?

5 THE JUROR: Yes, sir. They did last year.

6 THE COURT: What happened to the case?

7 THE JUROR: It was five gentlemen that were involved
8 and one juvenile and so they've all been charged with the
9 crime.

10 THE COURT: The case is still pending?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Is there anything at all about that
13 experience that affects your ability to be a fair and
14 impartial juror?

15 THE JUROR: No, sir. No, sir.

16 THE COURT: Is there anything at all about the fact
17 that the same prosecuting office would be involving your
18 case as involved in this case would affect your ability to
19 be fair and impartial?

20 THE WITNESS: Negative, sir. None.

21 THE COURT: So you can decide this case without
22 regard to what's happened to you?

23 THE JUROR: Yes, sir.

24 THE COURT: Any doubt in your mind?

25 THE JUROR: None whatsoever.

1 (Whereupon, the juror returns to the jury pool.)

2 THE COURT: 168, Mr. Thompson is eligible to serve.

3 (Whereupon, the juror comes forward.)

4 THE COURT: Yes, sir?

5 THE JUROR: 128, Ben Pileggi.

6 THE COURT: Okay. Mr. Pileggi is 128. Yes, sir?

7 THE JUROR: My house was burglarized back in 2002. I
8 was over on Wrightsboro Road in Augusta and also I have a
9 little brother -- my youngest brother has been in and out
10 of prison for burglary.

11 THE COURT: Any of them in Aiken County?

12 THE JUROR: No, sir.

13 THE COURT: Is there anything at all about either of
14 those situations that affects your ability to be fair and
15 impartial in this case?

16 THE DEFENDANT: No, sir.

17 THE COURT: Any doubt in your mind?

18 THE DEFENDANT: No, sir.

19 THE COURT: Thank you very much.

20 (Whereupon, the juror returns to the jury pool.)

21 THE COURT: Mr. Pileggi is 128. He is eligible to
22 serve.

23 (Whereupon, the juror comes forward.)

24 THE COURT: Yes, ma'am? What is your name?

25 THE JUROR: 191, Joanna Willis Bright.

1 THE COURT: All right. Y'all, really do have to
2 maintain order.

3 Ms. Willis Bright is 191. Go ahead, please.

4 THE JUROR: My house was broke into about three years
5 ago. Nothing ever come of it. They didn't find who did
6 it. It was an inside job. I think it was my
7 ex-daughter-in-law and I was a victim of rape when I was
8 in -- when I was in my 20's.

9 THE COURT: Was that in Aiken County?

10 THE JUROR: Yes, sir.

11 THE COURT: Was anybody arrested on that?

12 THE JUROR: No, sir.

13 THE COURT: Is there anything at all about either of
14 those experiences that affects your ability to be a fair
15 and impartial juror in this case?

16 THE JUROR: No, sir.

17 THE COURT: You can decide is the case without regard
18 to what you've been through?

19 THE JUROR: Yes, sir.

20 THE COURT: Any doubt in your mind?

21 THE JUROR: No doubt.

22 THE COURT: Thank you very much.

23 (Whereupon, the juror returns to the jury pool.)

24 THE COURT: Ms. Willis Bright is juror number 191.

25 She's eligible to serve.

1 (Whereupon, the juror comes forward.)

2 THE COURT: Yes, ma'am? What is your name?

3 THE JUROR: Number 2, Latrice Abney.

4 THE COURT: Okay. Ms. Abney is juror number 2. Go
5 ahead, please.

6 THE JUROR: I have a cousin that's in jail right now
7 for holding his family hostage. His name is James Thomas,
8 Jr.

9 THE COURT: Is that in Aiken County?

10 THE JUROR: Yea, because he was arrested in North
11 Augusta; so I guess that's Aiken County.

12 THE COURT: Are you involved in the case in any way?

13 THE JUROR: No.

14 THE COURT: Is there anything at all about that
15 experience or your relationship with your cousin that
16 affects your ability to be fair and impartial in the case?

17 THE JUROR: No.

18 THE COURT: If the same law enforcement officials and
19 the same prosecutor is involved in that case as this case,
20 would that affect your ability to be fair and impartial?

21 THE JUROR: No.

22 THE COURT: Any doubt in your mind?

23 THE JUROR: No.

24 THE COURT: Thank you very much.

25 (Whereupon, the juror returns to the jury pool.)

1 THE COURT: Ms. Abney is juror number 2. She's
2 eligible to serve.

3 (Whereupon, the juror comes forward.)

4 THE COURT: Yes, sir? What is your name?

5 THE JUROR: I am number 40, Bernard Douglas.

6 THE COURT: Mr. Douglas is juror number 40. What's
7 your situation?

8 THE JUROR: I have been a victim of a house robbery
9 and a car robbery. It's been both over 10 years.

10 THE COURT: Either in Aiken?

11 THE JUROR: Yes. One was in Aiken, North Augusta.

12 THE COURT: They arrest anybody?

13 THE JUROR: Not that I know of.

14 THE COURT: Is there anything at all about your
15 experiences that affects your ability to be a fair and
16 impartial juror in the case?

17 THE JUROR: No.

18 THE COURT: Do you have any doubt in your mind about
19 that?

20 THE JUROR: No doubt.

21 THE COURT: You can decide the case without regard to
22 your experiences?

23 THE JUROR: Yes.

24 THE COURT: Thank you, sir.

25 (Whereupon, the juror returns to the jury pool.)

1 THE COURT: Mr. Douglas is juror number 40. He is
2 eligible to serve.

3 (Whereupon, the juror comes forward.)

4 THE COURT: Yes, sir?

5 THE JUROR: 167.

6 THE COURT: Mr. Thomas?

7 THE JUROR: Yes, sir.

8 THE COURT: What is your situation?

9 THE JUROR: My father murdered my mother.

10 THE COURT: Okay. Can you hear him?

11 THE COURT REPORTER: (Nods yes.)

12 THE COURT: Was that in Aiken?

13 THE JUROR: It was in Lugoff.

14 THE COURT: Nevada?

15 THE JUROR: Lugoff.

16 THE COURT: Lugoff. Okay. I'm sorry. I am having
17 trouble hearing you. Anything about that experience that
18 affects your ability to be fair and impartial in this
19 case?

20 THE JUROR: I don't know.

21 THE COURT: You have some doubt?

22 THE JUROR: Yes, sir.

23 THE COURT: Okay. That's understandable.

24 Mr. Thomas, would that be the same situation with any
25 crime?

1 THE JUROR: I don't know, sir.

2 THE COURT: Okay. I am willing to set you aside not
3 only on this trial, but I'll let you go for the week. You
4 think that would be better?

5 THE JUROR: I don't know. I would like to hope that
6 I could be fair, but I don't know.

7 THE COURT: I am not saying that you can't be fair.
8 You can stick with us and see. I mean, there may be some
9 sort of credit card fraud or some case that comes up that
10 you might be okay on that one.

11 THE JUROR: Yes, sir.

12 THE COURT: But you need to stay for further
13 instruction. I am sorry I had to ask you that question.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Thank you, sir.

16 (Whereupon, the juror returns to the jury pool.)

17 THE COURT: Mr. Thomas is juror number 167. He is
18 set aside on the first trial.

19 (Whereupon, the juror comes forward.)

20 THE COURT: Yes, ma'am? What is your name?

21 THE JUROR: 198, Barbara Zawislak.

22 THE COURT: Zawislak?

23 THE JUROR: Uh-huh.

24 THE COURT: 198. Go ahead, please.

25 THE JUROR: Our church -- First Baptist Church of

1 Warrenville -- was burglarized last year and my husband
2 lost over \$2,000 worth of equipment.

3 THE COURT: Okay. Did they arrest anybody?

4 THE JUROR: Never could find anybody.

5 THE COURT: Anything at all about your experience
6 that affects your ability to be a fair and impartial juror
7 in the case?

8 THE JUROR: I'm not sure.

9 THE COURT: So you have some doubt?

10 THE JUROR: Uh-huh.

11 THE COURT: I'll set you aside on this trial. Just
12 stay with us for other cases.

13 (Whereupon, the juror returns to the jury pool.)

14 THE COURT: Mrs. Zawislak is juror number 198. She
15 is set aside on the first trial.

16 (Whereupon, the juror comes forward.)

17 THE COURT: Yes, sir?

18 THE JUROR: 124, Ryne Paschall.

19 THE COURT: Okay, Mr. Paschall. 124. Go ahead,
20 please.

21 THE JUROR: Before I was born my grandparents were a
22 victim of burglary. The persons involved were never
23 caught and recently in my neighborhood my close family --
24 my father's side were victims of robbery -- not home
25 invasion, but they stole things that were outside of the

1 home and the persons have not been caught yet.

2 THE COURT: All right. Is there anything about
3 either of those experiences or relationship with anyone in
4 them that affects your ability to be fair and impartial in
5 this case?

6 THE JUROR: No, sir.

7 THE COURT: Have any doubt in your mind?

8 THE JUROR: No, sir.

9 (Whereupon, the juror returns to the jury pool.)

10 THE COURT: Mr. Paschall, juror 124, he is eligible
11 to serve.

12 (Whereupon, the juror comes forward.)

13 THE COURT: Yes, ma'am? What is your name?

14 THE JUROR: Deborah Waters, 181.

15 THE COURT: Ms. Waters is 181. Go ahead, please.

16 THE JUROR: My son was a victim of an armed robbery
17 when he was 16 and worked in Wagener.

18 THE COURT: Working where?

19 THE JUROR: Wagener Pizza Stop.

20 THE COURT: Okay. They arrest anybody?

21 THE JUROR: I don't think they ever caught them.

22 THE COURT: Anything at all about your relationship
23 with him or that experience that affects your ability to
24 be fair and impartial in this case?

25 THE JUROR: I don't think so.

1 THE COURT: You have any doubt?

2 THE JUROR: No, sir.

3 (Whereupon, the juror returns to the jury pool.)

4 THE COURT: Ms. Waters is 181. She's eligible to
5 serve.

6 (Whereupon, the juror comes forward.)

7 THE COURT: Yes, ma'am? What is your name, please?

8 THE JUROR: Brittany Williams.

9 THE COURT: Williams?

10 THE JUROR: Yes, sir.

11 THE CLERK: 186.

12 THE COURT: 186. Ms. Williams, go ahead, please.

13 THE JUROR: My house was broken into twice and my dad
14 godmother's house was broken into and---

15 THE COURT: Wait a second. Your house was broken
16 into twice and what?

17 THE JUROR: My dad's godmother -- her house was
18 broken into and she was robbed.

19 THE COURT: Your dad's what?

20 THE JUROR: Godmother.

21 THE COURT: Your dad's godmother's house was broken
22 into twice as well?

23 THE JUROR: Her house was broken into and she was
24 robbed.

25 THE COURT: So the robbery happened at a different

1 time?

2 THE JUROR: Yea.

3 THE COURT: Okay. Did they arrest anybody on any of
4 these cases that you know of?

5 THE JUROR: No, sir.

6 THE COURT: Even your two?

7 THE JUROR: No, sir.

8 THE COURT: How long ago was the incidents involving
9 your house?

10 THE JUROR: The last one was in like February and the
11 one before that was when I was still in college; so that
12 was probably like a year ago.

13 THE COURT: Okay. Is there anything about any of
14 those experiences that affects your ability to be a fair
15 and impartial juror in the case?

16 THE JUROR: No.

17 THE COURT: Any doubt in your mind?

18 THE JUROR: No.

19 THE COURT: All right. Thanks very much.

20 (Whereupon, the juror returns to the jury pool.)

21 THE COURT: 186, Ms. Williams, is eligible to serve.

22 (Whereupon, the juror comes forward.)

23 THE COURT: Yes, ma'am?

24 THE JUROR: Number 50, Lucy Fabrick.

25 THE COURT: Ms. Fabrick is juror number 50. Yes,

1 ma'am?

2 THE JUROR: I was the victim of I guess you'd say
3 theft. A young man who worked for me stole my credit
4 cards and a few other items from my house.

5 THE COURT: They arrested him?

6 THE JUROR: Yes, sir.

7 THE COURT: What happened to the case?

8 THE JUROR: He went through first offender's program
9 and is now fine.

10 THE COURT: Aiken County?

11 THE JUROR: Yes, sir.

12 THE COURT: Anything at all about that experience
13 that affects your ability to be fair and impartial?

14 THE JUROR: No, sir.

15 THE COURT: Any doubt about your ability to be a fair
16 and impartial juror in the case?

17 THE JUROR: No, sir.

18 THE COURT: Thank you, ma'am.

19 (Whereupon, the juror returns to the jury pool.)

20 THE COURT: Ms. Fabrick is juror number 50. She is
21 eligible to serve.

22 (Whereupon, the juror comes forward.)

23 THE COURT: Yes, ma'am? What is your name, please?

24 THE JUROR: Number 93.

25 THE COURT: Ms. Lawrence, juror number 93. What is

1 your situation?

2 THE JUROR: I just wanted you to know I have been two
3 times a victim of robbery: One in my house and one person
4 when I was in the streets. They break in my house. It
5 was kind of scary and my personal on the streets -- they
6 take my purse.

7 THE COURT: Did they arrest anybody on either case?

8 THE JUROR: No. They ran away.

9 THE COURT: Were either of these in Aiken County?

10 THE JUROR: Yes. One was in Aiken County.

11 THE COURT: Is there anything at all about that
12 experience -- any of those experiences -- that would
13 affect your ability to be a fair and impartial juror in
14 this case?

15 THE JUROR: No, sir.

16 THE COURT: Do you have any doubt in your mind?

17 THE JUROR: No, sir.

18 THE COURT: Thank you.

19 (Whereupon, the juror returns to the jury pool.)

20 THE COURT: Ms. Lawrence is 93. She's eligible to
21 serve.

22 (Whereupon, the juror comes forward.)

23 THE COURT: Yes, sir?

24 THE JUROR: Ian Cook.

25 THE COURT: Mr. Cook is juror 32. Go ahead, please.

1 THE JUROR: My cousin shoplifted.

2 THE COURT: Aiken County?

3 THE JUROR: Augusta.

4 THE COURT: Anything at all about that that affects
5 your ability to be fair and impartial?

6 THE JUROR: No.

7 THE COURT: Any doubt in your mind?

8 THE JUROR: No.

9 THE COURT: Thank you.

10 (Whereupon, the juror returns to the jury pool.)

11 THE COURT: Mr. Cook, juror number 32, he is eligible
12 to serve.

13 (Whereupon, the juror comes forward.)

14 THE JUROR: Andrew Williamson, number 190.

15 THE COURT: Mr. Williamson is 190. Go ahead, please.

16 THE JUROR: When I was a teenager my parents' house
17 where I was living was broken into. They stole seven
18 motorcycles. Nobody was ever arrested. Around the same
19 time period my uncle's house was broken into in the same
20 area and several firearms were stolen.

21 THE COURT: Either of those in Aiken County?

22 THE JUROR: Both of them.

23 THE COURT: Did they arrest anybody?

24 THE JUROR: No.

25 THE COURT: Okay. You're 22 now; so how long are we

1 talking about?

2 THE JUROR: Probably six or seven years.

3 THE COURT: Anything at all about those experiences
4 that will affect your ability to be fair and impartial as
5 a juror in this case?

6 THE JUROR: No.

7 THE COURT: Any doubt in your mind?

8 THE JUROR: No.

9 THE COURT: Do y'all work on motorcycles?

10 THE JUROR: What's that?

11 THE COURT: Do you work on motorcycles?

12 THE JUROR: I used to work at Aiken Motorcycle.

13 THE COURT: Y'all had seven motorcycles?

14 THE JUROR: I actually had about 10 at that time.

15 THE COURT: All right. Thank very much.

16 (Whereupon, the juror returns to the jury pool.)

17 THE COURT: Mr. Williams is juror number 190. He is
18 eligible to serve.

19 (Whereupon, the juror comes forward.)

20 THE COURT: Yes, sir. What is your name, please?

21 THE JUROR: Christopher Sheppard.

22 THE COURT: 151. Go ahead, please, Mr. Sheppard.

23 THE JUROR: You asked if we ever been burglarized?

24 THE COURT: Yes, sir.

25 THE JUROR: I was burglarized I want to say from 12

1 to 15 years ago. Charles McCarty was one of the guys.

2 They actually caught him. I actually caught him.

3 THE COURT: What happened to him?

4 THE JUROR: He was actually put in jail and one of
5 the guys I think committed suicide while he was in jail.

6 THE COURT: Anything at all about that experience
7 that affects your ability to be fair and impartial as a
8 juror in the case?

9 THE JUROR: I don't think so.

10 THE COURT: Any doubt?

11 THE JUROR: (Witness shakes head.)

12 THE COURT: Okay. Thank you, sir.

13 (Whereupon, the juror returns to the jury pool.)

14 THE COURT: Mr. Sheppard is 151. He's eligible to
15 serve.

16 (Whereupon, the juror comes forward.)

17 THE COURT: Yes, ma'am? Tell me your name.

18 THE JUROR: Elizabeth Manci, 103.

19 THE COURT: Okay. Ms. Manci is 103. What's your
20 situation?

21 THE JUROR: I don't know if this counts or not. My
22 best friend -- someone tried to steal her car from Augusta
23 mall a few years back. He had a gun. She ended up
24 throwing her keys and he ran away.

25 THE COURT: Anything at all about that experience

1 that affects your ability to be a fair and impartial juror
2 in the case?

3 THE JUROR: No.

4 THE COURT: Any doubt in your mind?

5 THE JUROR: No.

6 THE COURT: Thank you very much.

7 (Whereupon, the juror returns to the jury pool.)

8 THE COURT: 103, Ms. Mancini, is eligible to serve.

9 (Whereupon, the juror comes forward.)

10 THE COURT: Yes, ma'am? Your name?

11 THE JUROR: Cassie Fitts, number 53.

12 THE COURT: Fifty-three. What is your situation,
13 please?

14 THE JUROR: My mother and stepfather were robbed at
15 gunpoint in their home the week before Christmas.

16 THE COURT: Do they live in Aiken County?

17 THE JUROR: Yes, sir.

18 THE COURT: Have they arrested anybody?

19 THE JUROR: No arrests have been made.

20 THE COURT: Anything at all about that experience or
21 relationship with them that affects your ability to be
22 fair and impartial in the case?

23 THE JUROR: No, sir.

24 THE COURT: Any doubt in your mind?

25 THE JUROR: No, sir.

1 THE COURT: Thank you very much.

2 (Whereupon, the juror returns to the jury pool.)

3 THE COURT: Ms. Fitte is juror number 53. She's
4 eligible to serve.

5 (Whereupon, the juror comes forward.)

6 THE COURT: Yes, sir? What is your name?

7 THE JUROR: Carol Bryant, 23.

8 THE COURT: Ms. Bryant, juror number 23. Go ahead.

9 THE JUROR: My grandson -- he stole several things
10 from Walmart and family members and nothing ever happened;
11 so when he stole from me I pressed charges against him
12 hoping I could help him see the light.

13 THE COURT: Yes, ma'am. And what happened to him?

14 THE JUROR: He came to court here and he was -- they
15 made him do an essay, write an essay and community
16 service. He was only 14 at the time.

17 THE COURT: So it was family court?

18 THE JUROR: Yes.

19 THE COURT: Anything at all about your relationship
20 with him or that experience that affects your ability to
21 be fair and impartial as a juror in the case?

22 THE JUROR: No.

23 THE COURT: Any doubt in your mind?

24 THE JUROR: No.

25 THE COURT: Thank you very much.

1 (Whereupon, the juror returns to the jury pool.)

2 THE COURT: Ms. Bryant is juror 23. She's eligible
3 to serve.

4 (Whereupon, the juror comes forward.)

5 THE COURT: Yes, sir? What is your name, please?

6 THE JUROR: Eric Nobles, 120.

7 THE COURT: Okay. Mr. Nobles is 120. What is your
8 situation?

9 THE JUROR: I have -- my cousin Andrew Terrell
10 Jenkins was incarcerated for breaking into the bus company
11 right up here off of Pendleton Street.

12 THE COURT: Breaking into the what?

13 THE JUROR: Breaking into the bus company on
14 Pendleton Street. He got charged here and federal court
15 guilty.

16 THE COURT: Where is he now?

17 THE JUROR: He doesn't get out until 2014. He's in
18 Kentucky.

19 THE COURT: He is in federal prison?

20 THE JUROR: Yes.

21 THE COURT: All right. You say you had another
22 situation?

23 THE JUROR: I also have a cousin named Brandon Hicks.
24 He was in -- He committed a shooting.

25 THE COURT: Okay.

1 THE JUROR: He was convicted guilty in this court.

2 THE COURT: Okay.

3 THE JUROR: He gets out at 2016.

4 THE COURT: All right. Anything at all about either
5 of those relationships or experiences that affects your
6 ability to be fair and impartial as a juror in the case?

7 THE JUROR: I believe so.

8 THE COURT: Okay. I'll set you aside on this case.
9 Just have a seat back there.

10 (Whereupon, the juror returns to the jury pool.)

11 THE COURT: Mr. Nobles is 120. He is set aside on
12 the first trial.

13 (Whereupon, the juror comes forward.)

14 THE COURT: Yes, ma'am? What is your name, please?

15 THE JUROR: Leona K. Asbill, number 7.

16 THE COURT: Ms. Asbill is juror number 7. Go ahead.

17 THE JUROR: I had a niece that committed a robbery
18 and stole firearms.

19 THE COURT: Aiken County?

20 THE JUROR: Yes.

21 THE COURT: How long ago?

22 THE JUROR: 2011.

23 THE COURT: Is her charge still pending?

24 THE JUROR: I'm not sure of that.

25 THE COURT: Okay. Anything at all about that

1 experience or your relationship with anyone in the case
2 that affects your ability to be fair and impartial?

3 THE JUROR: No.

4 THE COURT: Any doubt in your mind about your ability
5 to be a fair and impartial juror?

6 THE JUROR: No.

7 THE COURT: Thank you, ma'am.

8 (Whereupon, the juror returns to the jury pool.)

9 THE COURT: Ms. Asbill, juror number 7. She's
10 eligible to serve.

11 (Whereupon, the juror comes forward.)

12 THE COURT: Yes, ma'am?

13 THE JUROR: Marynell Parker, 123.

14 THE COURT: Ms. Parker is 123. Go ahead, please.

15 THE JUROR: I have a stepson that is accused of
16 domestic violence.

17 THE COURT: He has a pending charge?

18 THE JUROR: Yes, he does.

19 THE COURT: Aiken County?

20 THE JUROR: No, sir. It is in Indianapolis.

21 THE COURT: Anything at all about that experience or
22 relationship with him that affects your ability to be fair
23 and impartial in this case?

24 THE JUROR: No.

25 THE COURT: Any doubt in your mind?

1 THE JUROR: No.

2 THE COURT: Thank you.

3 (Whereupon, the juror returns to the jury pool.)

4 THE COURT: Ms. Parker is juror 23. She's eligible
5 to serve.

6 (Whereupon, the juror comes forward.)

7 THE COURT: Yes, ma'am?

8 THE JUROR: 174, Susan Toole.

9 THE COURT: 174, Ms. Toole. Go ahead.

10 THE JUROR: I've been in -- We've had eight bank
11 robberies at our bank. I have been involved with six of
12 them.

13 THE COURT: Did they arrest somebody in each of them?

14 THE JUROR: Not all of them.

15 THE COURT: Were they all armed robberies?

16 THE JUROR: Yes.

17 THE COURT: And all occurred in Aiken County?

18 THE JUROR: Yes.

19 THE COURT: Were they all in North Augusta? Where do
20 you work -- what city?

21 THE JUROR: Clearwater.

22 THE COURT: Are any of them pending?

23 THE JUROR: Probably not.

24 THE COURT: Were you involved in any of the cases
25 yourself? Did you have to testify in any of them or

1 anything like that?

2 THE JUROR: No.

3 THE COURT: Is there anything at all about those
4 experiences that affects your ability to be a fair and
5 impartial juror in this case?

6 THE JUROR: No.

7 THE COURT: Do you have any doubt in your mind?

8 THE JUROR: No.

9 THE COURT: Okay. Were you the teller they
10 approached on any of them?

11 THE JUROR: Yes, sir.

12 THE COURT: On six of them?

13 THE JUROR: Yes, sir.

14 THE COURT: Okay. So, six times they actually came
15 up to you?

16 THE JUROR: Uh-huh.

17 THE COURT: And you can decide the case without
18 regard to your prior experience?

19 THE JUROR: I feel like I can.

20 THE COURT: Any doubt?

21 THE JUROR: Not in this particular case, I don't
22 think so.

23 THE COURT: Thank you, ma'am.

24 (Whereupon, the juror returns to the jury pool.)

25 THE COURT: Ms. Toole is 174. She's eligible to

1 serve.

2 (Whereupon, the juror returns to the jury pool.)

3 THE COURT: Yes, sir? Your name?

4 THE JUROR: Marzullo; 107, Kevin Marzullo.

5 THE COURT: Mr. Marzullo is 107. Go ahead.

6 THE JUROR: I got a brother that's pending a warrant
7 right now for child support.

8 THE COURT: Okay.

9 THE JUROR: This will be the second. He was arrested
10 the first time.

11 THE COURT: Okay.

12 THE JUROR: He was released to pay and the only thing
13 I can say is I support him 100 percent.

14 THE COURT: Okay.

15 THE JUROR: The reason is they wouldn't let him out
16 of jail; so how could he pay his child support? So we had
17 to bail him out. I got another brother that two counts of
18 wire fraud. One was in excess of \$1 million the other one
19 something else.

20 THE COURT: Anything about those experiences or
21 relationship with these folks that would affect your
22 ability to be fair and impartial as a juror?

23 THE JUROR: Possibly because I support my family.

24 They got a lot of baggage and did wrong; so -- Let's put
25 it this way. We've been through a lot, but it's -- I feel

1 very uncomfortable in the situation right now.

2 THE COURT: Would that be true in any criminal case?

3 THE JUROR: Probably. I am just not, you know,
4 because I support them.

5 THE COURT: Sure.

6 THE JUROR: In this situation, I don't know. I never
7 been in this situation. I have been through it enough
8 with those two, you know what I'm saying?

9 THE COURT: Well, child support is not a criminal
10 case.

11 THE JUROR: Yea, but they put him in jail.

12 THE COURT: I am not trying -- I am not trying to
13 justify anything. I am telling you it's not criminal. It
14 is a civil contempt. You pay the money and you can get
15 out. That's a family court thing, but I am going to set
16 you aside and you're free to go.

17 THE JUROR: But the thing was they wouldn't release
18 him until he paid the 100 percent.

19 THE COURT: That's the way they do it.

20 THE JUROR: So they didn't give him an opportunity
21 and that really ticked me off, you know, because if he had
22 had the opportunity to get out -- I'm in the same
23 situation, you know, because I've seen so much that's
24 happened with them, you know; so --

25 THE COURT: Yes, sir.

1 THE JUROR: -- I don't know what to say.

2 THE COURT: All I want you to do is be honest and I
3 appreciate---

4 THE JUROR: I am just being straight up and down with
5 you because you're honest with me.

6 THE COURT: Yes, sir. Mr. Marzullo, if that affects
7 you on any case there is no need for you to stay or come
8 back.

9 THE JUROR: I think it would.

10 THE COURT: Okay. 107, Mr. Marzullo, is excused on
11 this and all other cases.

12 You need to check with those other ladies down there.

13 (Whereupon, the juror returns to the jury pool.)

14 THE COURT: Have any of you formed or expressed any
15 opinions about this case? If so, please stand.

16 Are any of you aware of any interest, bias, or
17 prejudice that you might have for or against the state,
18 for or against the defendant Mr. Wright, for or against
19 anyone or any entity involved in the case? If so, please
20 stand.

21 Can each of you give both the State of South Carolina
22 and the Defendant Quincy O'Neal Wright a fair and
23 impartial trial? If you know of any reason why you
24 cannot, please stand now.

25 Do any of you know anything at all about this matter?

1 Do you have any knowledge whatsoever about the underlying
2 factual allegations? Has anybody talked to you about it?
3 Have you ever heard any conversations about it? To the
4 best of your knowledge have you heard, seen, or read
5 anything through any media outlet or any other source? If
6 so, please stand.

7 All right. With regard to the voir dire that was
8 submitted I have covered number one. Number two I think
9 I've sufficiently covered. I didn't do it to the extent
10 that was requested. Number three I am not going to ask.
11 Number four I've covered. Number five I've covered and
12 number six I've covered.

13 Further questions from the state?

14 MR. MILLER: None from the state, Your Honor.

15 THE COURT: Further questions from the defense?

16 MR. THOMPSON: Nothing further from the defense, Your
17 Honor.

18 THE COURT: Do you want me to mark this as an exhibit
19 and take exception to me not asking the questions that
20 were posed?

21 MR. THOMPSON: Please, Your Honor.

22 THE COURT: All right. The defense excepts to the
23 failure to question.

24 (WHEREUPON, Court's Exhibit No. 1 was marked for
25 identification only.)

1 THE COURT: All right. The jury panel is qualified.
2 Now, ladies and gentlemen, the way that we select
3 juries in criminal court is the computer randomly draws a
4 list of names and the clerk will read out a name. If it
5 is your name, you need to gather up your personal
6 belongings. You need to come down front and stand -- Can
7 you walk around here and show them where to stand?

8 THE BAILIFF: Yes, sir.

9 (Whereupon, the bailiff complies.)

10 THE COURT: Just stand right there just like that
11 facing back in the direction so I am looking straight at
12 your back.

13 Thank you, ma'am.

14 When you get down here the clerk is going to ask
15 questions and the state's attorney and the defense
16 attorney and based on their responses you'll be told
17 whether to have a seat in the jury box or return to your
18 seat in the courtroom; so that's why you need to bring
19 your personal belongings because your next stop may be
20 over here.

21 The strikes are five for the state and ten for the
22 defense.

23 Madam Clerk, give us a jury, please.

24 THE CLERK: As I call your name please come forward
25 to the bench, turn and face the rear, please. Juror

1 number 171, Melissa Tindall. (White Female)

2 What say you for the state, Mr. Solicitor?

3 MR. MCCARLEY: Please present the juror.

4 THE CLERK: What say you for defense?

5 MR. THOMPSON: Please seat the juror.

6 THE CLERK: Have a seat in the jury box to your left

7 please. Juror number 63, Henry Goodwin. (Black Male)

8 What say you for the state, Mr. Solicitor?

9 MR. MCCARLEY: Please present the juror.

10 THE CLERK: What say you for the defense?

11 MR. THOMPSON: Please seat the juror.

12 THE CLERK: Have a seat in the jury box to your left,

13 please. Juror number 91, Beverly Latham. (White Female)

14 What say you for the state, Mr. Solicitor?

15 MR. MCCARLEY: Please seat the juror. Please present

16 the juror. I apologize.

17 THE CLERK: What say you---

18 MR. THOMPSON: Please seat the juror.

19 THE CLERK: Have a seat in the jury box to your left,

20 please. Juror number 90, Sharon Knight. (White Female)

21 What say you for the state, Mr. Solicitor?

22 MR. MCCARLEY: Please present the juror.

23 THE CLERK: What say you for defense?

24 MR. THOMPSON: Please seat the juror.

25 THE CLERK: Thank you. Have a seat in the jury box.

1 Number 168, Frederick Thompson. (Black Male)

2 What say you for the state, Mr. Solicitor?

3 MR. MCCARLEY: Please present the juror.

4 THE CLERK: What say you for defense?

5 MR. THOMPSON: Please excuse Mr. Thompson.

6 THE CLERK: Return to your seat, please, sir. Juror

7 number 134, Laurie Proctor. (White Female)

8 What say you for the state, Mr. Solicitor?

9 MR. MCCARLEY: Please present the juror.

10 THE CLERK: What say you for defense?

11 MR. THOMPSON: Please seat Ms. Proctor.

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

13 ma'am. Juror number 124, Ryne Paschall. (White Male)

14 What say you for the state, Mr. Solicitor?

15 MR. MCCARLEY: Please present the juror.

16 THE CLERK: What say you for defense?

17 MR. THOMPSON: Please excuse this juror.

18 THE CLERK: Return to your seat, please, sir. Juror

19 number 11, Erica Barnes. (Black Female)

20 What say you for the state, Mr. Solicitor?

21 MR. MCCARLEY: Please present the juror.

22 THE CLERK: What say you for defense?

23 MR. THOMPSON: Please seat the juror.

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

25 ma'am. Juror number 98, Donald Lipani. (White Male)

1 What say you for the state, Mr. Solicitor?

2 THE JUROR: Please present the juror.

3 THE CLERK: What say you for defense?

4 MR. THOMPSON: Please seat this juror.

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

6 Juror number 14, Jewell Beard. (White Female)

7 What say you for the state, Mr. Solicitor?

8 MR. MCCARLEY: Please present the juror.

9 THE CLERK: What say you for defense?

10 MR. THOMPSON: Please seat this juror.

11 THE CLERK: Have a seat in the jury box, please

12 ma'am. Juror number 157, Sharon Smedley. (White Female)

13 What say you for the state, Mr. Solicitor?

14 MR. MCCARLEY: Please excuse the juror for the trial

15 of this case.

16 THE CLERK: Return to your seat, please, ma'am.

17 Juror number 165, Shannon Swartz. (White Female)

18 What say you for the state, Mr. Solicitor?

19 MR. MCCARLEY: Please present the juror.

20 THE CLERK: What say you for defense?

21 MR. THOMPSON: Please seat this juror.

22 THE CLERK: Thank you. Have a seat in the jury box.

23 Juror number 61, Gayle Garrison. (White Female)

24 What say you for the state, Mr. Solicitor?

25 MR. MCCARLEY: Please present the juror.

1 THE CLERK: What say you for the defense?

2 MR. THOMPSON: Please excuse this juror.

3 THE CLERK: Return to your seat, please, ma'am.

4 The state has exhausted one strike, defense three.

5 Juror number 53, Cassie Fitte. (White Female)

6 What say you for the state, Mr. Solicitor?

7 MR. MCCARLEY: Please present this juror.

8 THE CLERK: What say you for defense?

9 MR. THOMPSON: Please excuse this juror.

10 THE CLERK: Return to your seat, please, ma'am.

11 Juror 170, Murray Tillman, Jr. (White Male)

12 What say you for the state, Mr. Solicitor?

13 MR. MCCARLEY: Please present the juror.

14 THE CLERK: What say you for defense?

15 MR. THOMPSON: Please excuse this juror.

16 THE CLERK: Return to your seat, please, sir. Juror

17 number 123, Marynell Parker. (White Female)

18 What say you for the state, Mr. Solicitor?

19 MR. MCCARLEY: Please present the juror.

20 THE CLERK: What say you for defense?

21 MR. THOMPSON: Please seat this juror.

22 THE CLERK: Have a seat in the jury box, please,

23 ma'am. Number 151, Christopher Sheppard. (White Male)

24 What say you for the state, Mr. Solicitor?

25 MR. MCCARLEY: Please present the juror.

1 THE CLERK: What say you for the defense?

2 MR. THOMPSON: Please excuse this juror.

3 THE CLERK: Return to your seat, please sir.

4 The state has exhausted one strike, defense six.

5 Juror number 65, James Gregory. (White Male)

6 What say you for the state, Mr. Solicitor?

7 MR. MCCARLEY: Please present the juror.

8 THE CLERK: What say you for defense?

9 MR. THOMPSON: Please seat Mr. Gregory.

10 THE CLERK: Thank you. Have a seat in the jury box.

11 Juror number 106, Barbara Martin. (Black Female)

12 What say you for the state, Mr. Solicitor?

13 MR. MCCARLEY: Please present the juror.

14 THE CLERK: What say you for the defense?

15 MR. THOMPSON: Please excuse this juror.

16 THE CLERK: Return to your seat, please, ma'am.

17 Juror 169, John Thompson. (White Male)

18 What say you for the state, Mr. Solicitor?

19 MR. MCCARLEY: Please excuse this juror from the

20 trial of this case.

21 THE CLERK: Return to your seat, please, sir. Juror

22 23, Carol Bryant. (White Female)

23 What say you for the state, Mr. Solicitor?

24 MR. MCCARLEY: Please present the juror.

25 THE CLERK: What say you for defense?

1 MR. THOMPSON: Please seat this juror.

2 THE CLERK: Have a seat in the jury box, please,
3 ma'am. That's 12 jurors.

4 THE COURT: We'll draw an alternate. Strikes are one
5 for the state and two for the defense.

6 THE CLERK: Thank you. Juror number 13, Kristie
7 Bates Lawrence. (Black Female)

8 What say you for the state, Mr. Solicitor?

9 MR. MCCARLEY: Please present the juror.

10 THE CLERK: What say you for defense?

11 MR. THOMPSON: Please seat this juror.

12 THE CLERK: Thank you. Have a seat in the jury box.

13 THE COURT: Draw another alternate. The strikes are
14 one for the state, two for the defense.

15 THE CLERK: Juror 191, Joanna Willis Bright. (White
16 Female)

17 What say you for the state?

18 MR. MCCARLEY: Please present this juror.

19 THE CLERK: What say you for defense?

20 MR. THOMPSON: Please excuse this juror.

21 THE CLERK: Return to your seat, please, ma'am.

22 Juror 109, Anh Tam Masterson. (Asian Male)

23 What say you for the state, Mr. Solicitor?

24 MR. MCCARLEY: Please present this juror.

25 THE CLERK: What say you for defense?

1 MR. THOMPSON: Please seat this juror.

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

3 THE COURT: Are there any matters to take up

4 including composition of the jury from the state?

5 MR. MILLER: Nothing from the state, Your Honor.

6 THE COURT: From the defense?

7 MR. THOMPSON: Nothing from the defense, Your Honor.

8 THE COURT: All right. Ms. Proctor, where are you?

9 You're going to be the foreman of the jury. When you come
10 back in just be the last person to come in. Follow the
11 bailiff's instructions.

12 Does the foreman sit on this end?

13 THE BAILIFF: Yes, sir.

14 THE COURT: You'll be seated on the end chair on the
15 first row throughout the trial. The two alternates
16 usually sit on either of those two chairs on that end.
17 The rest of you folks may sit anywhere you like in the
18 jury box. We had an incident in Lexington County where a
19 lady broke her ankle; so it kind of bothers me when I see
20 people walking across each other. I prefer if you have a
21 favorite chair that you space yourselves out here and slip
22 in and get your favorite chair and not walk across each
23 other.

24 Now, I am going to have to send you back into the
25 jury room while I get my bearings and find out what issues

1 that we need to take up before we'll be ready for you
2 folks. There's always issues in every trial that we don't
3 reach until we get to this stage; so I have to talk to the
4 lawyers and make sure that I've got the best estimate
5 about how long it'll be before we can get started before
6 the jury.

7 I am going to send you back here with this
8 instruction. Do not discuss this case in any way at all.
9 Do not talk about the people involved in the case, the
10 type of case that's alleged to be. Don't discuss the case
11 in any manner whatsoever. You may talk about other
12 subjects, but nothing at all that relates to this case in
13 any way.

14 If you have cellphones, turn them off. Don't use
15 them during the break, but if you need to make a phonecall
16 tell the bailiff and the bailiff will escort you to where
17 you can make a phonecall. What I anticipate happening is
18 you'll be back there maybe 10 minutes at the most. I'll
19 bring you back out here. You'll be on your own for a
20 lunch break -- maybe an extended break. It depends. If
21 it is going to be a real extended break we'll start in the
22 morning with you folks and we'll stay here and work.

23 Okay. If you'll just follow the bailiff, she'll take
24 you back to the jury room.

25 (Whereupon, the jury exited the courtroom at 12:43

1 and a break was taken.)

2 (Whereupon, the jury came into open court at
3 approximately 12:48.)

4 THE COURT: All right. Ladies and gentlemen, it
5 looks like the soonest I'll be able to start with the jury
6 is 2:30; so I am going to talk to you for five minutes,
7 maybe as much as 10, but I'll let you go. You'll be on
8 your own for lunch and I need you back in the jury room at
9 2:30. When you come back the bailiff will show you how to
10 report and where to report. You don't come into this
11 courtroom until I send for you; so report where she tells
12 you to report.

13 Before I let you go I have to give you some
14 instructions. One is just to echo what I told you
15 earlier. You're not to discuss this case in any way among
16 yourselves until I tell you to; so don't discuss the case
17 in any way whatsoever. You can tell a family member or
18 friend or someone else that you're on a jury, but you
19 can't go beyond that; so you cannot discuss this case with
20 anybody else until this week is over and you've been
21 discharged from any possible jury that you might sit on;
22 so you have to be able to tell your family your boss or
23 whoever that you're on the jury, but you cannot discuss
24 the case. You can't tell what kind of case it is, who is
25 in it, anything at all. If anybody attempts to contact

1 you and discuss the case with you, please report that to
2 me so that I can deal with it.

3 I never know if there is going to be media coverage
4 of a trial or not; so I have no idea if there is going to
5 be any media coverage of this one. Do not let yourself be
6 exposed to media coverage. If you are inadvertently
7 exposed to any media coverage of this trial, get away from
8 it and then report to me at the first opportunity what you
9 may have seen, heard, or read through the media.

10 Now, I need to give you an instruction about what we
11 call independent investigation. When you come back after
12 your break you'll be placed under a different oath.
13 You'll be placed under an oath of a trial jury and in that
14 oath you're going to promise us that you'll decide this
15 case based on the evidence and the law and those things
16 will come to you in this courtroom. Now, I want you to
17 use your common sense. Bring that with you, but the law
18 and the evidence comes in the courtroom.

19 Now, what I mean by independent investigation is --
20 I'll use civil court instead of criminal court as an
21 example. In the old days I used to tell jurors like if
22 there was a wreck and it was a question of who ran the red
23 light, I would tell them don't go out to that intersection
24 and look around. That's independent investigation. We
25 have means to have a jury taken to a place to look around

1 if they need to, but we also have protections built into
2 the system so we know if the intersection has changed or
3 anything has been added to it or taken from it, things
4 like that.

5 Well, those protections go away if we just have
6 jurors out there as mavericks looking at what they want to
7 look at. I had to tell jurors in the old days now if you
8 got access to a law library or legal dictionary don't go
9 look up terms. Don't go look up law. Well, when the
10 internet hit it got to be a whole new ballgame because you
11 have access through the internet to thousands and
12 thousands of law libraries.

13 My job is to tell you the law. They put me here to
14 explain to the jury the law that applies to the case.
15 Now, if I don't get it right, there are protections built
16 into the system, but if you go out doing your own research
17 we're never going to know if you got it right or not.
18 Don't do it. One of my favorite expressions is a little
19 bit of knowledge is a dangerous thing; so a person can
20 read a perfectly valid principal of the law but unless
21 they have the training, the education, and the experience
22 they're not likely to know that that has to be read in
23 context with 50 other laws; so that's why I am here -- to
24 tell you the law. So, don't look up law. Don't do any
25 independent investigation. Don't go on the internet and

1 look up any names, do any word searches. Don't do
2 anything at all that relates in this case to anything in
3 this case.

4 Now, also, with the advent of the internet and the
5 advent of social media -- and, actually, I am a fan of
6 social media. I enjoy it. It is about the only way I
7 know what's going on with my friends is through one of
8 those social media outlets, but while I am a fan of it I
9 also know there are dangers associated with it and
10 sometimes people don't think before they get on social
11 media.

12 Now, when I tell you that you cannot discuss the case
13 or anybody in it that also means you can't go during a
14 break and pull out your smart phone and say something
15 about I got drawn on a jury and make some comment. Don't
16 do it. You're going to be told in a moment you're not to
17 talk about court officials. The example I always use is
18 it is inappropriate for you to go on your smart phone and
19 tweet that judge is an idiot. Now, if you think I'm an
20 idiot at the end of the trial you can tweet away. There
21 is nothing I can do about it, but doing those kinds of
22 things would be the same as if you walked out that door to
23 a throng of people and just started talking about the
24 case; so avoid social media. Don't do those things. Just
25 use your common sense.

1 Now, I am almost through, but this has gotten to be
2 such a concern that the Chief Justice has actually entered
3 an order and we have to read something to you -- every
4 jury in every case now. It became necessary because of
5 the social media issues, but also because of some more
6 sinister things that took place in other states. Nothing
7 happened in South Carolina, but some of those real
8 high-profile cases that take place in some of these other
9 states where jurors get picked and then they become
10 celebrities and they get book deals and they do all kinds
11 of things like that, those people were doing things that
12 were causing a whole lot of problems for the integrity of
13 the judicial system.

14 So, I am supposed to read these things to you. I
15 told you in kind of ordinary language what's in here.
16 This is more legalistic, but I am supposed to read it
17 because the chief says read it and if the chief says do
18 it, I'm going to do it. All right. I will only do this
19 one time. I won't read it to you again.

20 You are not to discuss this case with others
21 including other jurors except as otherwise authorized by
22 the court. You're not to read or listen to any news
23 reports about the case. You're not to use computer, a
24 cellphone, or any other electronic device with
25 communication capabilities while attending a trial or

1 during deliberations. You may use such devices during
2 lunch breaks or extended breaks, but you cannot use them
3 to obtain or disclose information that's prohibited.

4 You're not permitted to use a cellphone, a computer,
5 or any other electronic device with communication
6 capabilities or any other method to obtain or disclose
7 information about a case when you're not in court and
8 information about a case includes but is not limited to
9 the following kinds of things: Information about a party,
10 about a witness, about an attorney, or about a court
11 officer, any news accounts of the case, any information
12 collected through juror research on any topics raised or
13 any testimony offered by any witness, and any information
14 collected through juror research on any other topic that a
15 juror might think would be helpful in deciding the case.

16 So, with those admonitions, folks, that's all I am
17 going to tell you about independent investigation. Don't
18 do it and don't talk about the case until I tell you to,
19 and then only among yourselves until the week is
20 completely over.

21 Now, when you come back this afternoon I expect about
22 as close to 2:30 as I can I'll get you out here. We'll
23 go -- we usually try to take a break about every hour, a
24 short break -- 10 minutes -- and then we should break for
25 the day between 5 and 5:30 like I told you; so for

1 planning purposes that's as much as I know about how your
2 day is likely to go.

3 The last thing before I let you go is this: If you
4 have some true emergency that arises that prevents you
5 from being here, please have someone call the clerk's
6 office and let us know what's going on because I cannot do
7 anything until I account for all 14 of you; so if you're
8 not here at 2:30, I send people to find you; so please let
9 us know if you have some true emergency that prevents you
10 from being here.

11 All right. Thank you so much. Follow the bailiff.
12 I look to see you at 2:30.

13 (Whereupon, the jury exited the courtroom at 12:58.)

14 THE COURT: Now, ladies and gentlemen, when you leave
15 the courtroom please be careful that you don't have any
16 contact with the jurors. These jurors will be going into
17 the same common areas that you're going into; so make sure
18 you're not talking about the case or anything related to
19 the case in such a way that would be overheard by a juror.
20 If you go to a restaurant make sure you check around and
21 see that no jurors are close enough to hear what you're
22 saying if you're going to be talking about the case.
23 We're in recess until 2 o'clock. We're going to do
24 pretrial hearings at 2 o'clock.

25 (Whereupon, a lunch break was taken.)

1 (WHEREUPON, State's Exhibit Nos. 1 - 3 were marked
2 for identification only.)

3 MR. MILLER: We actually have a Denno hearing and a
4 motion in limine. We'd like to address the motion in
5 limine first because I believe it'll be brief if that
6 suits.

7 THE COURT: Go ahead.

8 MR. MILLER: Your Honor, this is a case involving an
9 alleged home invasion and armed robbery. The defendant
10 has given a statement which the court will hear at the
11 Jackson v Denno hearing and for that reason and for other
12 reasons we believe that the defense intends to question
13 the victim or victims -- actually, it would be Ms. Harris
14 and Mr. Hayes -- about them possessing marijuana and we
15 would simply move in limine to prohibit that under Rule
16 403 as it not being relevant to the case that we're here
17 about today and I think we would agree that they could ask
18 about the night in question, but talking about times prior
19 to and times after that we don't believe it has any
20 relevance and it would only serve to confuse the jury as
21 far as what the case is actually about which is April 7 of
22 2011 and the home invasion that occurred then.

23 THE COURT: Mr. Thompson?

24 MR. THOMPSON: Your Honor, may it please the court.
25 Our position is that it's entirely relevant to ask about

1 other cases -- other times where my client has gone to his
2 apartment to buy marijuana in that it goes to the
3 defendant's state of mind. It goes to reason why he is
4 there in the first place. It is my understanding his
5 testimony is going to be that he's gone several times to
6 Mr. DeShawn Hayes' house to buy marijuana; that he does
7 this all the time; that he's been there several times with
8 the unnamed co-defendant to buy marijuana from DeShawn
9 Hayes and that it goes to show that he was there to go buy
10 marijuana from DeShawn Hayes and in so doing that it's
11 completely relevant to his state of mind and we would
12 object to any restrictions on our ability to talk to
13 Mr. Hayes about the interactions that he's had before with
14 my client.

15 THE COURT: Solicitor, anything else?

16 MR. MILLER: Nothing, Your Honor.

17 THE COURT: Motion in limine is denied. Are you
18 ready to do the Denno hearing?

19 MR. MILLER: Yes, sir.

20 THE COURT: All right. Call your first witness.

21 MR. MCCARLEY: Thank you, Your Honor. The state
22 calls Investigator Chris Toole.

23 CHRIS TOOLE, after being duly sworn, testified
24 as follows:

25 THE CLERK: Have a seat in the witness box and state.

1 your name, spelling your last.

2 THE WITNESS: Investigator Chris Toole; T-O-O-L-E.

3 IN-CAMERA DIRECT EXAMINATION

4 BY MR. MCCARLEY:

5 Q Thank you, sir. Where do you work?

6 A North Augusta Public Safety.

7 Q What is your position there, sir?

8 A I am an investigator.

9 Q How long have you been there?

10 A In investigations or?

11 Q Total.

12 A Fifteen years.

13 Q And how long as an investigator?

14 A Eleven months.

15 Q Okay. What are your duties as an investigator, sir?

16 A Investigate crimes and follow up on crimes that have
17 been reported to the city, interviews of witnesses and
18 suspects.

19 Q Okay. Do your duties include taking videotaped
20 statements?

21 A Yes, sir.

22 Q Did you take a videotaped statement from Quincy
23 Wright on January 20, 2012?

24 A Yes, sir.

25 Q Okay.

1 THE COURT: What date?

2 MR. MCCARLEY: January 20, 2012, Your Honor.

3 THE COURT: Go ahead.

4 Q Prior to his statement to you did you advise the
5 defendant of his Miranda Rights?

6 A Yes, I did.

7 Q Does the North Augusta Department of Public Safety
8 use a standard waiver sheet for Miranda Rights?

9 A Yes, sir.

10 MR. MCCARLEY: Permission to approach, Your Honor.

11 THE COURT: Yes, sir.

12 Q What I am handing you has been marked State's Exhibit
13 No. 3. Do you recognize that document, sir?

14 A Yes, sir.

15 Q And what is it?

16 A It is the Miranda warning form for the City of North
17 Augusta.

18 Q Do you mind, please, sir, reading us that document?

19 A Miranda Warning. You have the right to remain
20 silent. Anything you say can and will be used against you
21 in a court of law. You have the right to talk to an
22 attorney and have him present with you while being
23 questioned. If you cannot afford to hire a lawyer one
24 will be appointed to represent you before any questioning
25 if you wish. You can decide at any time to exercise these

1 rights and not answer any questions or make any
2 statements. I, Quincy O. Wright, have been advised of my
3 rights to counsel under the Fifth Amendment of the
4 Constitution of the United States and the Miranda decision
5 of the United States Supreme Court by Investigator C. F.
6 Toole who has been identified as a law enforcement officer
7 and as a member of the North Augusta Department of Public
8 Safety, North Augusta, South Carolina. Do you understand
9 each of these rights I have explained to you? Having
10 these rights in mind, do you wish to talk to us at this
11 time without an attorney present? And it was signed by
12 Mr. Wright.

13 Q Okay. And what date, again, was that?

14 A January 20, 2012.

15 Q Is that an original or a copy, sir?

16 A This is a copy.

17 Q Okay. Does that copy fairly and accurately reflect
18 the way it looked on January 20, 2012?

19 A Yes, sir.

20 Q Are there any additions, subtractions, or alterations
21 from the original?

22 A No, sir.

23 MR. MCCARLEY: Okay. Your Honor, the state now moves
24 to have that placed in evidence for the purpose of this
25 hearing.

1 THE COURT: It is marked for ID?

2 MR. MCCARLEY: Yes, Your Honor, it is. It's State's
3 Exhibit No. 3.

4 THE COURT: Madam Court Reporter, is it marked for
5 ID?

6 THE COURT REPORTER: It's marked.

7 THE COURT: All right. I'll consider it -- Do you
8 have something?

9 MR. THOMPSON: Your Honor, I'd just like to look at
10 it at the appropriate time.

11 THE COURT: Go ahead.

12 (Whereupon, the attorneys conferred.).

13 THE COURT: I'll consider it as being in evidence for
14 the purpose of this hearing. Y'all go ahead.

15 MR. MCCARLEY: Thank you, sir.

16 Was that Miranda waiver presented to the defendant?

17 THE WITNESS: Yes.

18 Q Was that Miranda waiver read and explained to the
19 defendant?

20 A Yes.

21 Q Okay. Did the defendant then initial and waive his
22 Miranda rights of his own free will?

23 A Yes.

24 Q Did the defendant voluntarily waive his right to have
25 an attorney present?

1 A Yes.

2 Q Did you coerce the defendant in any form or fashion
3 into making this statement?

4 A No, sir.

5 Q What, if anything, did you promise the defendant in
6 exchange for that statement?

7 A Nothing.

8 MR. MCCARLEY: Now, again, Your Honor, permission to
9 approach.

10 THE COURT: Yes, sir.

11 Q I am handing you what's been marked State's
12 Exhibit 2. That's a DVD?

13 A Yes, sir.

14 Q Do you recognize that DVD?

15 A Yes, sir.

16 Q How do you recognize it, sir?

17 A It is the DVD that I made and made copies for y'all.

18 Q Okay. Have you watched this video?

19 A Yes, sir.

20 Q Is it a true and accurate copy of the video as it was
21 taken on January 20, 2012?

22 A Yes, sir.

23 Q And that video is of the defendant making a statement
24 to you?

25 A Yes, sir.

1 MR. MCCARLEY: Your Honor, the state now moves to put
2 that into evidence for the purposes of this hearing and to
3 publish it to the court.

4 THE COURT: Any objection?

5 MR. THOMPSON: Without objection.

6 THE COURT: State's Exhibit No. 2 will be considered
7 by the court in the Denno hearing.

8 (Whereupon, the videotape is played.)

9 MR. MCCARLEY: Your Honor, the state holds the
10 Defendant Quincy O'Neal Wright did knowingly, voluntarily,
11 and intelligently waive his right to counsel and did
12 knowing, voluntarily, and intelligently give his statement
13 to Investigator Toole.

14 THE COURT: Cross?

15 MR. THOMPSON: Nothing from the defense, Your Honor.

16 THE COURT: You may step down. Any other witnesses
17 from the state?

18 MR. MCCARLEY: No, sir, Your Honor.

19 THE COURT: Any witnesses from the defense?

20 MR. THOMPSON: Not on this issue, Your Honor.

21 THE COURT: All right. You wish to be heard?

22 MR. THOMPSON: Your Honor, the only parts of this
23 statement that I would object to are not necessarily on
24 voluntariness. They're on 403 grounds. I would submit to
25 the court that the end of this statement where all he's

1 doing is just hooking him up with the restraints is
2 unnecessary. It's not part of the -- it's not part of the
3 actual statement and it's more prejudicial than probative
4 to show them hooking him up with restraints.

5 Your Honor, I would also move to suppress the
6 statements by the police about where he says I know you
7 were involved in this. I would also move to suppress any
8 statements by the police about other charges in Georgia,
9 but other than that I don't object to the statement on
10 voluntariness grounds.

11 THE COURT: Solicitor?

12 MR. MCCARLEY: Nothing further from the state, Your
13 Honor.

14 THE COURT: I was having trouble understanding what
15 he was saying. What other charges in Georgia?

16 MR. THOMPSON: Your Honor, it is my understanding
17 that in the statement he -- Mr. Wright starts to make some
18 kind of -- he questions the officer about "So if I finish
19 here, am I finished over in Georgia," or something. It is
20 my understanding that he was arrested on some type of
21 misdemeanor charge in Georgia at the time that he actually
22 comes to make this statement and I would just object to
23 any of that being heard by the jury.

24 THE COURT: I thought I heard him say -- the officer
25 say something about he's finished across the street. Is

1 that what they're talking about?

2 MR. MILLER: Yes, sir.

3 MR. MCCARLEY: Yes, sir.

4 THE COURT: What do you mean across the street?

5 MR. MCCARLEY: Investigator Toole may be able to
6 speak to that.

7 THE COURT: I mean, if he said across the river I'd
8 understand it, but across the street---

9 MR. THOMPSON: Then I'll withdraw it, Judge. If what
10 they mean is across the street if that's in between like
11 CID and the other holding cell, then I would withdraw any
12 objection.

13 MR. MCCARLEY: Would you like to hear from
14 Investigator Toole on this, Your Honor?

15 THE COURT: Not unless I've got something to rule on.

16 MR. THOMPSON: I'll withdraw it, Your Honor.

17 THE COURT: And the other part was, "I know you're
18 involved in this?" You want that to be excluded?

19 MR. THOMPSON: Yes, Your Honor. It is my
20 understanding that that is at the very beginning of the
21 tape.

22 THE COURT: Do you wish to be heard?

23 MR. MCCARLEY: Yes, sir. Your Honor, I understand
24 it's the defense's responsibility to have a redacted copy
25 ready. They were provided this months ago for this

1 hearing.

2 MR. THOMPSON: And, Your Honor, our position would be
3 that the redaction of this would be very easy to start it
4 after that statement is made and to end it before he
5 starts hooking him up in restraints.

6 THE COURT: All right. Let me rule on the Denno
7 matter first. If there is nothing further, the court has
8 carefully considered all the evidence that's been offered
9 and is convinced that the state has met the requisite
10 burden of proof, and, in fact, the court finds that it's
11 established beyond a reasonable doubt that before the
12 alleged incriminating statement was obtained from the
13 defendant that he was fully advised of his rights under
14 the Fifth and Sixth Amendments to the Constitution of the
15 United States and the defendant was advised of the
16 constitutional safeguards required in the Miranda versus
17 Arizona and its progeny.

18 The defendant was specifically advised the
19 substantial equivalent if not the exact language that he
20 was entitled to the right to remain silent prior to any
21 interrogation. He was told that he had a right to remain
22 silent; that if he waived that right and made a statement
23 that the statement could and would be used against him in
24 the court; that he had the right to an attorney -- if he
25 could not afford one, that one would be appointed for him;

1 that he had the right to have the attorney present with
2 him at all times during all interviews and interrogations;
3 that he had the right to stop at any time and ask to
4 exercise any of these rights; that he could consult with
5 his attorney during the interrogation or before.

6 The court finds that the state has established that
7 the defendant knowingly and intelligently waived his right
8 related to the Fifth and Sixth Amendments of the
9 Constitution and Miranda. The court finds that the state
10 has established that the alleged incriminating statement
11 was obtained from the defendant freely and voluntarily
12 without duress, without coercion, and without undue
13 influence and without reward or promise or hope of reward
14 or promise of leniency, without any threat and without
15 compulsion or inducement of any kind against the
16 defendant. It was the voluntary product of the
17 defendant's own free and unconstrained will and if the
18 proper foundation is established before the jury the
19 statement will be allowed to be presented to the jury.

20 Now, with regard to the other objections I take these
21 to be in limine motions. In limine motions are always
22 preliminary motions, preliminary rulings. They can change
23 depending upon the court's understanding of the evidence
24 at the appropriate time. The objection is lodged in terms
25 of Rule 403 that basically provides that even if evidence

1 is relevant it can be excluded. The statement about, "I
2 know you're involved in this," the motion to suppress that
3 is denied. I don't see anything there that violates Rule
4 403.

5 With regard to putting him in restraints I don't
6 think that's a major issue, but I agree if we can avoid
7 showing him in restraints we should; so the state is going
8 to have to redact that. I don't accept that the defendant
9 has the obligation to redact the state's evidence. I
10 think that's the state's responsibility.

11 Anything else, gentlemen?

12 MR. MCCARLEY: Nothing from the state, Your Honor.

13 THE COURT: You all can get together and see if you
14 can agree on a point in time. I don't know when you plan
15 to play this, but if you can agree you can even stop it at
16 the appropriate place.

17 MR. MILLER: We'll have somebody working on that,
18 Judge.

19 MR. THOMPSON: Your Honor, the only other pretrial
20 motion I would have would be to sequester witnesses.

21 THE COURT: Do y'all wish to be heard on that?

22 MR. MCCARLEY: No, sir.

23 THE COURT: The chief investigating officer can stay
24 in the courtroom. The victims can stay in the courtroom
25 throughout the trial. The other witnesses will be

1 sequestered.

2 MR. MILLER: Your Honor, that would mean Mr. Wright's
3 mother would be the only one that would be subject to the
4 sequestration order.

5 THE COURT: Y'all want her sequestered?

6 MR. THOMPSON: If the state is planning on calling
7 her as a witness, I believe that's probably appropriate.

8 THE COURT: Y'all explain that to her during the
9 break. Anything else?

10 MR. MILLER: We'll take care of that, Judge.

11 THE COURT: The court is in recess for five minutes.
12 (Whereupon, a break was taken.)

13 THE COURT: Is the state ready for the jury?

14 MR. MILLER: We are.

15 THE COURT: Is the defense ready for the jury?

16 MR. THOMPSON: We are, Your Honor.

17 THE COURT: Bring them in, please.

18 (Whereupon, the jury came into open court at
19 approximately 2:40.)

20 THE COURT: All right. Ladies and gentlemen, the
21 first thing I need to do is have you placed under the oath
22 as the trial jury. I need you to stand, please, and raise
23 your right hand as the clerk administers your oath.

24 (Whereupon, the jury was sworn at 2:41.)

25 THE COURT: I need to go through and explain to you

1 how the case will begin. I won't go through all of the
2 stages, but I'll tell you how we get started and then I'm
3 going to give you some instructions you have to follow
4 throughout the trial. The first thing you're going to
5 hear will be the opening statements of the attorneys.

6 In the opening statements the attorneys are not
7 permitted to engage in what we call argument. An opening
8 statement can extend into an introduction, an overview, an
9 outline, but it can't go into what we call argument. When
10 the opening statements are finished then I will recognize
11 the solicitor to present the state's case.

12 The state brought these two charges and the state has
13 the entire burden of proof. The state has to prove every
14 essential element of each offense charged beyond a
15 reasonable doubt; so I'll recognize the state to present
16 evidence in an attempt to meet that burden. When the
17 state finishes presenting its case in chief, the solicitor
18 will inform me that the state rests. At that point
19 whether you've been in the courtroom one minute or one
20 hour I have to send you out of the courtroom. I have to
21 discuss legal issues with the attorneys, and when you come
22 back after that break I'll tell you where we go from
23 there, but those are the landmarks you can look for as we
24 get started.

25 Now, it's really important that you understand some

1 things. First, that oath that you just took was one in
2 which you promised us that you're going to decide the case
3 based on the evidence and the law; so you need to know
4 where those things come from. The evidence comes from the
5 sworn testimony of witnesses.

6 Evidence can also come in the form of exhibits. An
7 exhibit can be anything tangible that's marked in the
8 record. It can be a document, a map, a photograph, a
9 video, anything tangible. If something is an exhibit
10 you'll have it with you in the jury room when you decide
11 the case to look at as much as you need; so evidence comes
12 in the form of testimony from the witnesses and exhibits.

13 What the lawyers say is not evidence. I want you to
14 pay close attention to the attorneys. They facilitate the
15 introduction of the evidence, but what comes out of their
16 mouths is not evidence. The evidence comes from the
17 witnesses and the exhibits. There is one exception to
18 that rule about what the lawyer say not being evidence. I
19 won't tell you about it unless it arises in the trial, but
20 if I does I'll explain it to you.

21 The law as I mentioned the you earlier is going to
22 come from me. It is my job to decide the law that applies
23 to a case and tell it to the jury at the end of the trial.
24 Now, it's also important that you understand that there
25 are two judges in this courtroom. I'm the judge of the

1 law. You're the only judge of the facts.

2 My job as the judge of the law is to do what I just
3 told you -- tell you the law at the end of the case. I
4 also preside over the trial. I maintain order and I rule
5 on legal issues as they arise. You're the other judge.
6 You're the only judge of the facts. Only you are going to
7 get to decide such things as whether evidence is
8 believable or not. Only you get to decide such things as
9 what weight, if any, evidence should have. Those things
10 are entirely your prerogative and I'm not going to invade
11 your province.

12 Now, to explain to you a little bit about how our
13 roles differ, I just want to give you an example that I
14 think illustrates it pretty well. From time to time
15 during this trial one side or the other may feel that the
16 other side is trying to put something before the jury
17 that's not within the rules that the jury can see and if
18 an attorney feels that the other side is trying to present
19 that evidence, then that lawyer has taken an oath just
20 like you and I have taken an oath and that lawyer has an
21 obligation to stand up and raise an objection.

22 Now, if an attorney raises an objection, I may send
23 you out of the courtroom to decide the issue. If I do,
24 don't worry about what we're doing out here. Just let me
25 do my job. Don't think anybody is trying to hide anything

1 from you. I just -- the reason I send you out of the
2 courtroom is because I can deal with it quicker if you're
3 not sitting over there. When you come back in or if I
4 make the ruling while you're sitting there, if I sustain
5 the objection, that means that I have agreed that that
6 thing does not fit within the rules where the jury can see
7 and since it doesn't you disregard it. Put it out of your
8 mind, but if I overrule the objection, then I allow it to
9 come before you.

10 What I want to explain to you is that in making those
11 rulings it will not cross my mind to think about whether
12 that thing is believable or not because that's not my job.
13 I won't think about whether that thing should carry any
14 weight or how much weight if I think it should carry any.
15 That's not going to enter my mind because that's not my
16 job. What I'm doing is looking very narrowly as the judge
17 of the law to decide whether I think that thing fits
18 within the rules for the jury to consider. If I think it
19 does, I'll let it come before the jury and then the jury
20 decides whether it's believable and the jury decides what
21 weight, if any, to put on it; so you and I have different
22 roles in this process and I am not going to invade your
23 province just like you're going to have to accept the law
24 as I give it to you because I determine the law that
25 applies to the case.

1 Now, while you've promised us that you're going to
2 decide this case based on the evidence and the law -- and
3 you have to do that -- I'm not telling you to leave your
4 common sense at home. We want you to use your common
5 sense. Use your sense of logic and reason and your good
6 judgment. It just makes good common sense that you keep
7 an open mind about the case and you don't make up your
8 mind until you've heard all the evidence and you know what
9 law applies to the cases. So, there is a rule that I have
10 already mentioned to you. It's hard to follow, but you
11 must follow it. That rule is you're not to discuss the
12 cases among yourselves until I tell you to.

13 Again, don't talk about the people, the subject
14 matter of the case, anything at all related to the case
15 until I tell you to begin your deliberations and then we
16 wait on you. That rule is hard to follow because you 14
17 folks may feel you have little in common except you all
18 live in Aiken County and you all got picked on this case;
19 so human nature is going to be that if you walk out of
20 this room the logical thing you're going to want to talk
21 about is what you just saw or what you just heard. You
22 have to resist that temptation, not talk about the case
23 until I tell you to.

24 Quickly, to reiterate those other things, don't
25 discuss the case with anybody else until the week is over

1 and you've been discharged from the jury. If anybody
2 attempts to contact you and discuss the case with you
3 report it to me so I can deal with it. If there is any
4 media coverage of the trial get away from it. Don't let
5 yourself be exposed any further and report to me what you
6 saw, read, or heard to me. Don't do an independent
7 investigation. I am not going to go through that whole
8 thing. You know what that means.

9 Now, the last thing. I want to thank you. Folks, if
10 this case is like every other case I try I can almost
11 promise you it'll be hurry up and wait. I can also
12 promise you that if you're waiting we're working. There
13 will never be a situation where we're out here goofing off
14 and you're back there waiting on us. That will not
15 happen. I'll do everything in my power not to waste your
16 time.

17 If I see that some of these matters are going to take
18 longer to decide than I anticipated, I'll try to let you
19 move around, not be cramped up in that room so much back
20 there, but all I can do is just promise you that we will
21 not be wasting your time. We'll not be goofing off. I
22 thank you very much for your being here.

23 All right. To honor my commitment to you now I am
24 going to be quiet. I am going to invite your close
25 attention to the opening statements.

1 Which of you is going to make the opening?

2 MR. MILLER: I will, Your Honor.

3 THE COURT: All right. Mr. Miller, you're recognized
4 for your opening statement.

5 OPENING STATEMENT

6 MR. MILLER: Thank you, Your Honor, defense counsel.
7 May it please the court.

8 THE COURT: Yes, sir.

9 MR. MILLER: Ladies and gentlemen. Good afternoon.
10 I am David Miller as I introduced myself before. This is
11 Nick McCarley and we are here representing the State of
12 South Carolina in the case against Quincy Wright. I'm not
13 going to get too much into the case because the fact of
14 the matter is you're about to hear all about it. I will
15 promise you two things, though.

16 Number one, none of you are going to become
17 celebrities or write book deals about this trial. It's
18 not that kind of trial. It's not something that is going
19 to garner big headlines, but it is very, very important.
20 It is important to us as the state. It is important to
21 the victims Ms. Harris and Ms. Hayes -- Excuse me,
22 Ms. Harris and Mr. Hayes -- and it is important to the
23 Defendant Mr. Wright.

24 Ladies and gentlemen, this is not going to be a long
25 trial, but it is extremely important to the people that

1 are in this courtroom. For that reason I am going to ask
2 one thing of you. One thing -- and that is that you
3 focus. Focus on what you hear. Focus on the evidence
4 that is presented because at the end of the case the judge
5 is going to tell you what the law is and if you've paid
6 attention to the witnesses, if you've paid attention to
7 the evidence when you get back in that jury room you're
8 going to know what happened and it is going to be very,
9 very workable for you to apply what you collectively
10 determined happened to the law that the judge gives you,
11 and when you do that you're going to return a verdict that
12 says that Quincy Wright is guilty of burglary first and
13 armed robbery.

14 Why? Because Quincy Wright went in to the house that
15 Mr. Hayes and Ms. Harris lived in without permission with
16 the intent to commit a crime. He was going to rob them.
17 You'll hear about another gentleman who is only identified
18 as Frank. Everybody agrees Frank is the one that had the
19 gun. You'll hear from both of the victims Frank was the
20 one that had the gun. While Frank held us at gunpoint on
21 the floor of our home Quincy Wright was going through the
22 bedroom to take stuff.

23 You'll hear them tell you that one of the last things
24 that Quincy Wright took was Tarlishea's purse that had
25 their phone in it; so they had to wake up their 3-year-old

1 who is asleep in the other room and walk to a gas station
2 so they could call the police. That's what they did.

3 You might think to yourself why didn't they just walk
4 to the neighbor's house and use the neighbor's phone?

5 Ladies and gentlemen, that's because Quincy Wright was
6 their neighbor. They lived in a duplex and he lived next
7 door. They knew exactly who it was that had robbed them.

8 We all suffer consequences for our actions -- all of
9 us. Sometimes we do things that are hard and we're
10 rewarded for doing things that are hard and sometimes we
11 take the easy way out and it comes back and gets us for
12 taking the easy way out. There are consequences to our
13 actions.

14 Quincy Wright is here today so that we can prove to
15 you that there are consequences to his actions on April 7
16 of 2011. When you go into someone's house and your
17 partner holds the people at gun point so you can go
18 ransack the bedroom looking for things to steal, there are
19 consequences to that. And he may be really upset about
20 it. He may be sorry about it. He may not care. I don't
21 know, but it's not up to him what consequence he faces.
22 It is up to you what consequence he faces for his actions;
23 so, again, I ask you to focus, pay attention to the
24 witnesses, hear what they're saying and then you'll know
25 what the facts are.

1 The judge will talk to you. He's already mentioned
2 it a little bit. Apply your common sense to it. Think
3 about what's the motive for these people to lie? Are they
4 telling the truth or not? Why would they be lying about
5 this? Consider all of that. You'll know who is telling
6 the truth. When you know what the facts are, you'll be
7 able to apply them to the law that the judge gives to you
8 and you'll be able to come back confidently and return a
9 verdict that Quincy Wright is guilty on both of these
10 crimes. Thank you.

11 THE COURT: Thank you, Mr. Miller.

12 Mr. Thompson, you're recognized for your opening
13 statement.

14 MR. THOMPSON: Thank you, Your Honor.

15 OPENING STATEMENT

16 MR. THOMPSON: May it please the court.

17 THE COURT: Yes, sir.

18 MR. THOMPSON: Mr. Miller, Mr. McCarley.

19 I want to thank you for your time and I realize it's
20 valuable to you and I'll try to be brief. An opening
21 statement is a chance to give you guys some kind of road
22 map of where I think the evidence is going to go and maybe
23 some landmarks. Like Mr. Miller I am not going to get
24 into all of the details in the case because, frankly,
25 you're about to hear all the details again and I don't

1 really think they'll be that difficult for you to follow.

2 This is the type of case it's not going to be that
3 complicated. There are no expert witnesses. There's not
4 going to be any scientific forensics. There's not going
5 to be any facts or figures and mountains of receipts to go
6 through or any kind of financial -- nothing like that.
7 This is going to be a case about two different stories and
8 you're going to hear two different stories.

9 You're going to hear one story from Ms. Harris and
10 Mr. Hayes and you're going to hear another story from --
11 you're going to hear another story from Mr. Wright. It is
12 two different stories. I think you're going to find that
13 they're going to be very different. The two stories are
14 going to be radically different. They're going to have
15 some things in common and some things they're not.

16 I think at the end of the case the judge is going to
17 tell you that if at the end of this case if you really
18 don't know who to believe that you're going to have to
19 find in favor of Mr. Wright because in this country
20 Mr. Wright does not have to prove that he's not guilty.
21 The burden is not on him. The state has to prove beyond a
22 reasonable doubt that he's guilty; so that's one of the
23 landmarks I want you to look for in that I want to
24 encourage you to realize that they have to prove beyond a
25 reasonable doubt that what Quincy is telling is not true.

(Tarlishea Harris-Direct by Mr. McCarley)

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1 The second thing I want to call your attention to is
2 that the state goes first and it's real tempting to the
3 first time you hear something you latch onto that and
4 decide, oh, well, that must be true, and I want to
5 encourage you to not make up your mind about what you
6 think about the facts of this case until you've heard both
7 sides. I want to encourage you to wait until the end
8 after both sides have rested when you've heard all the
9 testimony then you're going to have to make up your own
10 mind and you're going to have to decide for yourself what
11 you think is true. If you can't decide, you should rule
12 in favor of the defendant. So, wait until the end.
13 Remember that the state has the burden of proof. I'm
14 looking forward to talking to you at the end of this case.
15 Thank you.

16 THE COURT: Thank you, Mr. Thompson. Call your first
17 witness, Solicitor.

18 MR. MCCARLEY: Thank you, Your Honor. The state
19 calls Tarlishea Harris.

20 TARLISHEA HARRIS, after being duly sworn,
21 testified as follows:

22 THE CLERK: Have a seat in the witness box stating
23 your full name spelling your last name for the court.

24 THE WITNESS: My name is Tarlishea Harris;
25 H-A-R-R-I-S.

DIRECT EXAMINATION

1

2 BY MR. MCCARLEY:

3 Q Tarlishea, how are you doing, ma'am?

4 A I'm fine.

5 Q How long have you lived here in Aiken County?

6 A About two and a half years.

7 Q Okay. Where are you from originally?

8 A Ohio.

9 Q Why did you move down here?

10 A To go to school, get my RN license.

11 Q Who do you live with here in Aiken County?

12 A I'm head of household; by myself.

13 THE COURT: I'm sorry. I didn't understand. What
14 did you say?15 THE WITNESS: I'm head of household. I'm head of
16 household. I was living with my mother, though.

17 Q Okay. Do you live with Mr. Hayes?

18 A Yes.

19 Q Okay. Do y'all have any children together?

20 A Two.

21 Q Okay. How long have you and Mr. Hayes been together?

22 A Nine years.

23 Q Okay. How old are y'all's children?

24 A I have a 4-year-old and an eight month.

25 Q Okay. And do you have a job, ma'am?

1 A Yes.

2 Q Where do you work?

3 A NHC. It's---

4 Q What does NHC stand for?

5 A National Healthcare.

6 Q What do you do there, ma'am?

7 A I'm a CNA.

8 Q Okay. And CNA stands for?

9 A Certified Licensed Nurse.

10 Q Okay. Thank you, ma'am, and how long have you been
11 working there?

12 A Two and a half years.

13 Q All right. Now let's talk about April 7, 2011. Do
14 you remember that night, ma'am?

15 A Yes.

16 Q Why do you remember that night?

17 A That was the night that we were robbed.

18 Q Who robbed you, ma'am?

19 A Quincy Wright.

20 Q Is Quincy Wright in the courtroom?

21 A Yes.

22 Q Would you please point him out?

23 A He is sitting over there with the white shirt on.

24 Q Okay. Please let the record reflect that the witness
25 has identified positively Quincy Wright.

1 THE COURT: It is noted that she identified the
2 Defendant. Go ahead.

3 Q Ma'am, how do you know Quincy Wright?

4 A Living next door. I really don't know him.

5 Q Okay. When you say living next door, what do you
6 mean by living next door?

7 A We had moved to a duplex and he was currently living
8 there before we had moved in.

9 Q Okay. Permission to approach, Your Honor?

10 THE COURT: Yes, sir.

11 Q I am handing you what's been marked State's Exhibit
12 No. 1. Do you recognize what's depicted in that
13 photograph, ma'am?

14 A Yes.

15 Q Okay. And what is that?

16 A A truck and a duplex.

17 Q Okay. Is that the duplex that you lived in with
18 Mr. Hayes and your two children on April 7, 2011?

19 A Yes.

20 Q Does that accurately depict where y'all lived at that
21 time?

22 A Yes.

23 MR. MCCARLEY: Okay. Your Honor, the State moves to
24 put that picture State's Exhibit No. 1 into evidence and
25 publish it to the jury.

1 THE COURT: Any objection?

2 MR. THOMPSON: Without objection, Your Honor.

3 THE COURT: Mark it in evidence, please, ma'am.

4 You may publish it to the jury after it's marked.

5 (Whereupon, State's Exhibit No. 1 was admitted into
6 evidence.)

7 Q Just to make sure we're all on the same page, that
8 red truck right there, do you recognize that?

9 A Yes.

10 Q Okay. Whose red truck is that?

11 A That was the landlord's truck.

12 Q Okay. Now, we just explain to the jury that you
13 lived next door -- that you lived in that duplex.

14 A Yes.

15 Q All right. If you wouldn't mind bringing that up and
16 showing the jury where you lived as opposed to where
17 Mr. Wright lived.

18 A I was here on the left and Quincy Wright was on the
19 right.

20 MR. MCCARLEY: You can have your seat back. You're
21 fine.

22 Q Do you remember the address --

23 A Yes.

24 Q -- of that duplex?

25 A Yes.

1 Q What was it, ma'am?

2 A 600 Buena Vista.

3 Q What city is that in?

4 A North Augusta.

5 Q Is that in Aiken County?

6 A Yes.

7 Q Now let's talk specifically about the events of that
8 night, okay? You told me already you remembered that
9 night?

10 A Yes.

11 Q Please explain to the jury what happened that night
12 and why you remember it.

13 A Okay. Well, why I remember it because it was -- it
14 was scary. It was scary. I was scared. There was a
15 knock at the door and I said who is it and he answered
16 Quincy; so automatically I went and I got Deshawn, but
17 Deshawn was coming from the back from the bathroom and I
18 was going towards that way; so as he was opening the door
19 I just heard a thud and I turned around and he was on the
20 ground and---

21 Q Who was on the ground, ma'am?

22 A Deshawn was on the ground.

23 Q Okay.

24 A And Frank, the guy that entered the house with

25 Quincy, he made him lay down and then he came over to me

1 and told me to lay down.

2 Q Now, when you said he, who is telling people to lay
3 down?

4 A Frank.

5 Q Okay. Now, how do you know this Frank person?

6 A I don't.

7 Q Had you ever seen him before?

8 A No.

9 Q How do you know his name?

10 A After everything had happened we had tried to call
11 our cellphones and they answered and that's what they said
12 his name was.

13 Q Okay. Go ahead, ma'am.

14 A Okay. So after he told us to lay down, get on the
15 ground, he went to our room and through our closets while
16 Quincy stood over Deshawn and I could just hear Deshawn
17 like, Don't hurt my baby mama, she's pregnant, and why are
18 you doing this, and he just kept asking like, Where it's
19 at? Give it up. We're not going to hurt nobody. Give it
20 to us. Give it up.

21 Q Did Frank have anything with him when he came through
22 the door?

23 A A gun.

24 Q Okay. What did that gun look like?

25 A I don't even know.

1 Q Was it a --

2 A Silver.

3 Q -- pistol? Was it a shotgun?

4 A Pistol.

5 Q Okay.

6 A Pistol.

7 Q All right.

8 A Handgun.

9 Q Okay. So at this point y'all are on the floor.

10 Frank is in the back of the house with the handgun --

11 A Uh-huh.

12 Q -- and Quincy is standing over Deshawn. What happens
13 next?

14 A He couldn't find what he was looking for so he came
15 back out and he went over to Deshawn and he got in his
16 face again like, Where it's at? Give it up, like that or
17 whatever.

18 Q Did you have any idea what he was talking about --
19 Where it's at? Give it up.

20 A No.

21 THE COURT: Y'all are losing me in the he's.

22 THE WITNESS: I'm sorry. Frank. Frank came back out
23 and Frank was asking Deshawn to give it up, where it's at
24 with the gun in Deshawn's face and at that time I guess
25 Quincy was telling him, They ain't got nothing. They

1 ain't got nothing. Let's go. So, he said, Don't call the
2 police. He---

3 Q When you said he said, who said this?

4 A Quincy. Quincy told us not to get the police
5 involved. Quincy took our cellphones, took the car keys,
6 my purse and then---

7 Q What was in your purse, ma'am?

8 A My wallet, social security cards, bank cards, just
9 very important information.

10 Q Okay. And were you, in fact, pregnant at the time?

11 A Yes, I was.

12 Q Okay. And you had a 3-year-old as well?

13 A Yes.

14 Q Where was the 3-year-old?

15 A My 3-year-old was in the same room I was in. He was
16 just -- he was sleep. He was laying down.

17 Q Okay. Now they have your purse. What happens then?

18 A They ran out the door. After they took everything
19 they ran out the door. We get up. I get my son up. We
20 get dressed to walk to the gas station, got some change.

21 Q Why did you go to the gas station, ma'am?

22 A So that we could use the phone because they had
23 stolen our cellphones.

24 Q Okay. And did you, in fact, call the police when you
25 got to the gas station?

1 A Yes.

2 Q Okay. Did they come?

3 A Yes.

4 Q Okay. What did you tell them?

5 A I told them everything that happened.

6 Q Did you tell them who robbed you?

7 A Yes.

8 Q Did you tell them who broke into your home?

9 A Yes.

10 Q And who was it, ma'am?

11 A Quincy Wright and his accomplice Frank.

12 Q Ma'am, wait just a second, okay? Please answer any
13 questions these gentlemen have for you, okay, ma'am?

14 A Yes.

15 THE COURT: Cross.

16 CROSS-EXAMINATION

17 BY MR. THOMPSON:

18 Q Ms. Harris, did Mr. Wright ever have a gun that you
19 remember?

20 A No. I never seen him with a gun.

21 Q Okay. And your back was turned when people initially
22 came in the house; correct?

23 A No. I was coming from the back as Deshawn was
24 getting knocked on the floor.

25 Q Okay. So as Deshawn was opening the door where were

1 you?

2 A Coming from the back by the bathroom, coming out the
3 bathroom.

4 Q Okay. So you were coming from the back of the house?

5 A Yes.

6 Q Okay. And you didn't -- because you were in the back
7 of the house you didn't hear anything that was said as
8 Deshawn opened the door; correct?

9 A I just heard a thud. I didn't hear any -- just, Lay
10 down, get down.

11 Q Okay. So you didn't hear anything about the
12 conversation that took place when he opened the door;
13 correct?

14 A I don't -- You said the conversations?

15 Q Right. When Deshawn opened the door, you couldn't
16 hear anything that was being said in between Deshawn and
17 anybody outside; correct?

18 A Wrong. Not correct. Can I explain how the house is
19 set up? When you first walk in the door and where I was
20 coming from my bedroom because you have to go through my
21 bedroom to get to the bathroom --

22 Q Right.

23 A -- okay? I heard him say, Lay down. Get down. I
24 heard the door boom. I heard that. I'm standing right
25 here. I am coming from the back as this is happening.

1 Q Right, but before the door opened could you hear
2 anything that they were talking about?

3 A No.

4 Q No. Thank you. Who do you claim took your
5 pocketbook again?

6 A Quincy.

7 Q Do you remember giving a statement to the police on
8 April 7, 2011 about this incident?

9 A Yes.

10 Q Who did you tell -- What did you say in the statement
11 about who took your pocketbook?

12 A They ran off with my pocketbook. They ran off with
13 my purse. I just assumed it was Quincy because he was the
14 last person to leave the house with everything.

15 Q You just assumed that?

16 A That he took my purse?

17 Q You just assumed that?

18 A He was the last person to leave. Frank was already
19 out the door.

20 MR. THOMPSON: I beg the court's indulgence.
21 Permission to approach the witness.

22 THE COURT: All right.

23 Q Ms. Harris, do you recognize this paper?

24 A Yes.

25 Q Can you tell me what this paper is?

- 1 A This is the statement form. It is a statement of --
- 2 Q Right.
- 3 A -- what happened.
- 4 Q Whose statement is it?
- 5 A Mine.
- 6 Q And in this statement can you tell me who you
- 7 identify as the second guy that comes in?
- 8 A Quincy.
- 9 Q Quincy is the second guy and the first guy is who?
- 10 A Frank.
- 11 Q Okay. And I want you to look down one, two, three,
- 12 four, five, six, seven lines down. Do you see the
- 13 sentence that starts with, While first guy? Do you see
- 14 that?
- 15 A Yes, I do.
- 16 Q Can you read what you wrote in your statement --
- 17 A Yes.
- 18 Q -- from there to the end of the statement?
- 19 A Okay. "While the first guy searched our house
- 20 saying, Give me the money when we -- when he seen we
- 21 didn't have any more in the house he took my purse."
- 22 Q And that's referring to the first guy?
- 23 A Right.
- 24 Q Right?
- 25 A Right.

1 Q Okay. Would it be accurate to say that in your
2 statement that you say that Frank took your purse?

3 A Yes.

4 Q Because he's the first guy; correct?

5 A Yes.

6 Q Okay. Your Honor, I'd like to -- Well, I'll pass on
7 that. I beg the court's indulgence.

8 THE COURT: Yes, sir.

9 MR. THOMPSON: No further questions.

10 THE COURT: Redirect.

11 MR. MCCARLEY: Very briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. MCCARLEY:

14 Q Tarlishea, was Quincy in your house that night?

15 A Yes.

16 Q Did you invite him in your house that night?

17 A No.

18 Q Was he actively participating in the robbery and
19 burglary that occurred that night?

20 A Yes.

21 MR. MCCARLEY: No further questions, Your Honor.

22 THE COURT: Recross.

23 MR. THOMPSON: Nothing further, Your Honor.

24 THE COURT: Thank you, ma'am. You may step down.

25 Call your next witness.

1 MR. MCCARLEY: Thank you, Your Honor. The state
2 calls Deshawn Hayes.

3 DESHAWN HAYES, after being duly sworn, testified
4 as follows:

5 THE CLERK: Have a seat in the witness box stating
6 your full name spelling your last for the court.

7 THE WITNESS: My name is Deshawn Hayes; H-A-Y-E-S.

8 DIRECT EXAMINATION

9 BY MR. MCCARLEY:

10 Q Deshawn, how long have you lived in Aiken County,
11 sir?

12 A About two years.

13 Q Where are you from originally?

14 A Ohio.

15 Q Okay. And why did you move down here?

16 A Because my girlfriend came down here. She had our
17 kids; so I wanted to be with them.

18 Q Okay. And how long have you been together with your
19 girlfriend?

20 A Nine years.

21 Q What's that?

22 A Nine years.

23 Q Okay. Where do you work, sir?

24 A At McDonalds.

25 Q And where is that McDonalds located?

1 A North Augusta.

2 Q How long have you worked there?

3 A It's going on two years -- going on two years.

4 Q Thank you, sir. Let's talk about April 7, 2011 now.

5 Do you remember that day, sir?

6 A Yes, sir.

7 Q Why do you remember that?

8 A Because that's the day Quincy Wright and his friend
9 came into our house and held us at gun point.

10 Q Is Quincy in the courtroom today?

11 A Yes, sir.

12 Q Would you please point him out?

13 A He is over there in the white shirt.

14 Q Please let the record reflect that the witness has
15 positively identified Quincy Wright.

16 THE COURT: It is noted that he pointed to the
17 Defendant. Go ahead.

18 Q What address were you living at on April 7, 2011?

19 A 6700 Buena Vista.

20 Q Okay. What city is that in?

21 A North Augusta.

22 Q Okay. What county is North Augusta in?

23 A Aiken County.

24 Q Thank you, sir. You already told me that you
25 remember that night. Could you please explain to the jury

1 why you remember that night?

2 A I remember that night because I had got a text from
3 Quincy asked me did I know where to find some marijuana
4 at; so I told him, yea. So, he stated that what he wanted
5 or whatever. I said I don't have it. I can call and see
6 if somebody can get that to you.

7 Q Who did you call?

8 A I called a friend named Ben.

9 Q Okay.

10 A Ben came over. He waited for about 30 minutes. Then
11 he left.

12 Q What time of day was this? About what time did Ben
13 come over?

14 A Probably about eight.

15 Q Okay. Eight at night?

16 A Yes.

17 Q Okay. Then Ben was there for 30 minutes?

18 A Yes.

19 Q About 30 minutes. Then what happened?

20 A So I texted Quincy back and told him like the
21 marijuana here.

22 Q Okay.

23 A So if you want it, come get it.

24 Q Okay.

25 A So he never texted back, never called back or

1 nothing.

2 Q Okay.

3 A So Ben left. So when Ben left it was like around
4 8:30 or 8:45, somewhere up in there. So at this time I am
5 getting ready to lay down and just chill for the rest of
6 the night. So I was in the bathroom. So she said
7 somebody at the door. So I was going to the door. I seen
8 it was Quincy at the door. I didn't see nobody else. So
9 I didn't even open the door all the way. I just like
10 cracked the door. I was like, What's up? He was like --
11 he started to say something but then I looked to my left
12 and I seen the dude with the gun, Frank.

13 Q Okay.

14 A I seen Frank with the gun. So I backed up at that
15 time and put my hands up and laid on the floor. That's
16 when Frank came in. He told her to get down and then
17 Quincy came in and locked the door.

18 Q Okay.

19 A So at that time I am just on the floor like, Man,
20 what you want? Like why are you doing this? You know
21 what I'm saying? He like, Where it's at? Where it's at?

22 Q Now, he's saying, Where it's at, what do you take
23 that to mean?

24 A The marijuana.

25 Q Okay. Did you have any marijuana in your house?

1 A No, I didn't.

2 THE COURT: Y'all are still losing me in the he's.

3 THE WITNESS: Quincy was asking me, Where is the
4 marijuana? Where is the marijuana? At this time Quincy
5 is in the kitchen. Frank is in the room --

6 Q Okay.

7 A -- in the closet looking for the marijuana, I guess.

8 Q Okay.

9 A So I'm like, Man, I don't have nothing. I don't have
10 nothing.

11 Q Why would they think you had marijuana?

12 A Because I told them that it was here.

13 Q Okay. Now, do you smoke marijuana, sir?

14 A Yes, sir.

15 Q Okay. Do you deal marijuana?

16 A No, sir.

17 Q Are you a drug dealer?

18 A No, sir.

19 Q Okay. So what happens now that they're both in your
20 house and one is looking around and one -- Who is looking
21 around and who is holding you and Tarlishea?

22 A At this time I am on the floor; so I ain't trying to
23 move. I ain't trying to let them know that I am trying to
24 get up and run or do nothing. So Quincy -- he walked
25 through the kitchen. Then he walked through the living

1 room. He is looking at stuff like seeing what he want to
2 take, I guess, and Frank is in the room going through the
3 closet.

4 Q In which room, Dashawn?

5 A In our bedroom.

6 Q Okay.

7 A He is in the room going through the closet. He is
8 throwing shoe boxes everywhere. At that time he found a
9 pistol I had; so he's like, Oh, I know it's in here. I
10 know it's in here somewhere. I know it's in here. So,
11 Quincy came back out the living room talking about, Where
12 it's at, man? Y'all don't want to get hurt. Just let me
13 know where it's at. Where it's at? I was like, I don't
14 have nothing. I don't have nothing.

15 Q Okay. Now, at this point you're telling me Frank has
16 two guns?

17 A He didn't have two guns on me --

18 Q Right.

19 A -- but he left with my pistol.

20 Q Okay.

21 A So he had two guns.

22 Q Okay. So they're both back in the living room with
23 y'all and then what happens?

24 A Frank went back into the room to finish looking for
25 stuff; so Quincy is walking around the living room. He

1 like, Man, don't call the police. I'm not sure who
2 grabbed the purse, but I think it was Quincy who grabbed
3 the purse. He grabbed our phones talking about, Don't
4 call the police.

5 Q Okay.

6 A Quincy was the first one to leave out the house and
7 the dude with the gun named Frank, I guess -- he just
8 stood at the door for a minute like he wanted to shoot me;
9 so I am just still laying there. You know what I'm
10 saying? I am still laying there. So he finally leave out
11 and close the door. That's when we got up and got
12 everything together.

13 Q What time of night was it that you heard the knock at
14 the door and Tarlishea told you to come to the door?

15 A Like around 9:30 or 9:45.

16 Q Okay. Was it dark outside?

17 A Yes.

18 Q Okay. Now, let's go back just a little bit. Okay.
19 You said you called Ben; is that correct?

20 A Yes.

21 Q Okay. And you told Ben because Quincy asked you to
22 bring you some marijuana. What did you hope to get out of
23 that deal?

24 A Nothing.

25 Q If Quincy had come and gotten that marijuana, what

1 was Ben going to give you?

2 A Ben was going to give me nothing.

3 Q What was Quincy---

4 A Probably a handshake and say I'll see you later or
5 I'll talk to you later.

6 Q And how do you know Ben?

7 A Ben was just -- he was somebody I came in contact
8 with when I got down here because he had marijuana.

9 Q Okay. Now, you said they left the house. What did
10 you then do?

11 A As soon as they closed the door I got up. I went to
12 the cabinet. I had like a .25 in there.

13 Q When you say a .25, what's that?

14 A It is a pistol. It is a handgun.

15 Q Okay.

16 A I grabbed that and I got---

17 Q Why did you go grab that handgun?

18 A Because I didn't know if they was still outside or
19 not, you know. We was on our way out to -- about the
20 leave out the door and I didn't know if they had stayed
21 out there or not.

22 Q All right.

23 A It was dark.

24 Q Then what did you do next?

25 A Well, after we got our kid together we left out the

1 house because we ain't had no way to lock the door or
2 nothing. We just left and walked to the gas station,
3 called the police.

4 Q Okay. So you called the police from the gas station?

5 A Yes.

6 Q Did the police come?

7 A Yes, sir.

8 Q Okay. Did you tell them what happened?

9 A Yes, sir.

10 Q Did you tell them who came into your home?

11 A Yes, sir.

12 Q Who did you tell them came into your home?

13 A Quincy Wright and one of his friends.

14 Q Please answer any questions these gentlemen have for
15 you, okay, Dashawn?

16 A Yes, sir.

17 MR. THOMPSON: If it please the court, Mr. Miller,
18 Mr. McCarley.

19 CROSS-EXAMINATION

20 BY MR. THOMPSON:

21 Q Mr. Hayes, you testified earlier that you know where
22 to find the marijuana; right?

23 A Yes, sir.

24 Q That you set up this deal in your home with this
25 third party; correct?

1 A Yes, sir.

2 Q But you weren't going to get anything out of this and
3 you're not a drug dealer. You just set up this deal for
4 your house?

5 A Yes, sir.

6 Q Okay. Have you ever sold marijuana?

7 A No, sir.

8 Q Have you ever had marijuana in your possession?

9 A Yes, sir.

10 Q Other than this incident?

11 A Yes, sir.

12 Q Okay. The -- You also stated you sent a text message
13 to Quincy inviting him over to your house to sell him
14 marijuana; correct?

15 A I was not selling him the marijuana. I was letting
16 him know that it was there.

17 Q But you sent him a text message to invite him over to
18 your house to buy marijuana; correct?

19 A Yes, sir.

20 Q Okay. And so it's not a mystery or surprise to you
21 when Quincy shows up to buy marijuana; correct?

22 A Yes, sir, it was.

23 Q Even though you had invited him that surprised you
24 for him to show up?

25 A Yes, sir.

1 Q Okay. You said that Quincy was the first person to
2 leave the house; correct?

3 A The first person out the door, yes, sir.

4 Q But you were here earlier when Ms. Harris testified;
5 right?

6 A Yes, sir.

7 Q And you heard her testify --

8 A Yes, sir.

9 Q -- that that is not true; right?

10 A Yes, sir.

11 Q Okay. Was Quincy Wright your neighbor at the time
12 that this all happened?

13 A No, sir.

14 Q Okay. Why do you say that?

15 A Because he had moved for a couple of days prior to
16 this.

17 Q So before this he had moved and he was gone; correct?

18 A Excuse me?

19 Q Before this he had moved and he was gone. He was not
20 your next door neighbor; right?

21 A Yes, sir.

22 Q Do you know where he moved to?

23 A With his girlfriend.

24 Q Do you know where that was?

25 A In Graniteville.

1 Q Okay. So if you were to send him a text message and
2 say, hey, come over to the house and buy marijuana it
3 wouldn't be unreasonable for it to take him a little bit
4 of time to get from Graniteville over to your house in
5 North Augusta; correct?

6 A I'm not sure, sir, because there is no telling if he
7 was there at Graniteville at that time.

8 Q Fair enough.

9 I beg the court's indulgence.

10 THE COURT: Yes, sir.

11 MR. THOMPSON: I have no further questions.

12 THE COURT: Redirect?

13 MR. MCCARLEY: Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. MCCARLEY:

16 Q Deshawn, do you smoke marijuana?

17 A Yes, sir.

18 Q Do you sell marijuana?

19 A No, sir.

20 Q Have you ever sold marijuana?

21 A No, sir.

22 Q If Quincy Wright had marijuana would you expect him
23 to share it with you?

24 A No, sir.

25 Q Would you share it with him?

1 A I did on like two occasions.

2 Q Now, Mr. Thompson asked you if it surprised you that
3 he came to your house that night after you had sent that
4 text message. Why did it surprise you?

5 A Because, for one, I texted him like as soon as the
6 guy got there. For him to take an hour or maybe 30
7 minutes to get there wouldn't be -- I mean, it would be
8 kind of unnormal [sic] because he is from the
9 neighborhood. He knows the area. He's always in the
10 area.

11 Q Okay. So why were you surprised when he did show up?

12 A Because it was late. It was like -- it was late. It
13 was like wasn't nobody there. He didn't call and say he
14 was coming or nothing like that.

15 Q Okay. To the best of your recollection did Frank or
16 Quincy leave your house first?

17 A Let me tell you. She was in the living room.

18 Q When you say she?

19 A Tarlischea Harris was in the living room on the floor;
20 so she don't know who left out first. I'm in the kitchen
21 in front of the door.

22 Q Okay.

23 A I seen him walk out first. The dude was standing
24 there. Frank was standing there with the gun on me.

25 Q Okay.

1 A He acting like he wanted to shoot it but he didn't.

2 Q Okay.

3 A So I know who left out.

4 Q Now, Quincy Wright had moved out. On April 7, 2011
5 Quincy Wright had moved out; correct? He no longer lived
6 next door to you?

7 A Yes, at that time.

8 Q How many -- how long was it before that he had moved
9 out?

10 A Maybe like three or four days.

11 MR. MCCARLEY: No further questions for this witness,
12 Your Honor.

13 THE COURT: Recross?

14 MR. THOMPSON: Nothing further, Your Honor.

15 THE COURT: Thank you, sir. You may step down.

16 Ladies and gentlemen, please give me your attention.

17 I am going to give you what's known as a limiting
18 instruction and you must follow this. There's been
19 admitted into the trial of this case evidence related to
20 allegations that the defendant was involved in using
21 illegal drugs. At this point I am going to give you
22 what's known as a limiting instruction. I charge you that
23 this evidence of other crimes, wrongs, or acts related to
24 the use of illegal drugs is not admitted to prove the
25 character of an accused to commit the offenses for which

1 he is charged. In other words, the fact that a defendant
2 may have been involved in some other wrongful act or bad
3 act such as the use of drugs cannot be used to prove that
4 he had a character to commit burglary or armed robbery.

5 This evidence was admitted for a limited purpose and
6 if you conclude it true you can only use it for the
7 limited purposes for which it was admitted. This evidence
8 was admitted for you to evaluate the limited issues of the
9 credibility of the state's witnesses and the defendant's
10 intent and motive related to the events that are alleged
11 to have occurred. If you determine that the evidence is
12 true you may give it such weight as you determine it
13 should receive, but only for the limited purposes for
14 which it was admitted.

15 Y'all need to put anything on the record?

16 MR. MILLER: Nothing from the state, Your Honor.

17 MR. THOMPSON: Nothing from the defense, Your Honor.

18 THE COURT: Call your next witness.

19 MR. MILLER: Your Honor, the state rests.

20 THE COURT: All right. Ladies and gentlemen, I told
21 you that when the state rests I have to discuss legal
22 issues with the attorneys. This typically takes about 20
23 minutes. Let me talk with them and see where we are. It
24 may be that I have to recess for the day. I won't know
25 until I talk to them. Don't discuss the case.

1 (Whereupon, the jury exited the courtroom at 3:30.)

2 THE COURT: Motions?

3 MR. THOMPSON: Your Honor, at this time the defense
4 would move for a directed verdict in general on this case
5 and that even in the light most favorable to the state the
6 state has not met its burden of proof in this matter. We
7 would also in a separate motion move to have the burglary
8 first charge -- be found not guilty of the burglary first
9 charge on directed verdict insomuch as Mr. Wright was
10 invited over to the home.

11 The testimony from Mr. Hayes is that he was invited
12 over to the home to buy marijuana. As such, he's an
13 invitee at the residence regardless of what happens
14 afterwards that he ends up being invited to the home. He
15 doesn't enter without consent and we would move to have
16 directed verdict on the burglary issue.

17 THE COURT: Does the state wish to be heard?

18 MR. MILLER: Your Honor, the court is well aware of
19 the burden to take the evidence in the light most
20 favorable to the state. Both Tarlischea Harris and Deshawn
21 Hayes have testified that they did not invite Quincy into
22 the house that night and that he was not invited whenever
23 he did commit this crime. Certainly, if he gained entry
24 into the house by deceit or trick it would still be -- it
25 would still be a crime and it would still be the crime for

1 which he is charged.

2 We would submit, Your Honor, that, in fact, Quincy
3 came over and knocked on the door so that exactly what
4 would happen did happen. Mr. Harris opened up the door
5 because he knew Quincy and that allowed Frank who was
6 never invited even under the defense's theory to then
7 force entry into the house while armed with a deadly
8 weapon and in the night time. Your Honor, when taking the
9 evidence in the light most favorable to the state the
10 state would respectfully allege that all of the elements
11 of both offenses have been met.

12 THE COURT: There are jury issues that have been
13 presented. Motions respectfully denied.

14 Mr. Wright, I have to go over some things with you
15 now. I have to go over these things with everybody who's
16 on trial whether they're on trial for murder or for a
17 traffic offense. I need your responses under oath.

18 QUINCY WRIGHT, after being duly sworn, testified
19 as follows:

20 THE COURT: Mr. Wright, we've reached the stage of
21 the trial where the state has rested and the next thing
22 that would happen is that the defense is given an
23 opportunity to present evidence for your -- for the jury
24 to consider. Do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, in that regard if you want to call
2 any witnesses in your behalf you may call those witnesses.
3 If you choose to testify yourself you may testify, but no
4 one can force you to testify. You have an absolute right
5 to remain silent and nobody can force you to take that
6 witness stand. Do you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: If you choose not to testify I am going
9 to tell the jury that they cannot hold your silence
10 against you in any way; that they're not to discuss it in
11 the jury room. They're not to let it enter their minds
12 in making the decision of whether you're guilty or not
13 guilty. Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, if your side offers no evidence at
16 all; that is, nobody testifies on your behalf, you don't
17 testify, and no exhibits are admitted on your behalf, then
18 your lawyer gets to make the last argument to the jury.
19 Otherwise, the state's attorney makes the last argument to
20 the jury. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: This decision about whether you testify
23 or not, it's your decision to make and yours alone. I
24 expect that you might confer with family members or
25 friends or anyone whose opinion you value on important

1 decisions, but ultimately it's your call. You're the one
2 who is on trial and you're the one who has to make the
3 decision about whether you testify or not. Do you
4 understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Does he have a prior criminal record that
7 would subject him to impeachment?

8 MR. MILLER: Yes, Your Honor. He has resisting
9 arrest adjudication as delinquent in 2006.

10 THE COURT: Rule 609 of the South Carolina Rules of
11 Evidence provides that where an accused is the witness
12 that evidence of a prior crime conviction shall be
13 admitted if the court determines that the probative value
14 of admitting the evidence outweighs its prejudicial effect
15 to the accused. The court is not able to make that
16 finding; therefore, Mr. Wright, what I have ruled is that
17 if you take the witness stand the state is not going to be
18 allowed to ask you about that prior conviction for
19 resisting arrest unless you in some way open the door to
20 it. Do you understand what I mean?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I'll give you an example of what I mean
23 by opening the door. You can talk to your attorneys to
24 get more information about it if you need. There have
25 been some cases where I've made a ruling that the state

1 could not ask about a prior criminal record of a defendant
2 and then I've had the defendant get on the stand and say
3 things like I never been arrested. I have never been in
4 trouble with the law. Well, that opened the door because
5 they had, in fact, been arrested and they had, in fact,
6 been in trouble with the law and so the defendant himself
7 opened the door to allow that to come in, but unless
8 something like that happens I'm not going to allow them to
9 bring up your prior criminal record. Do you understand
10 that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, today are you under the influence of
13 any type of medication or substance that adversely affects
14 your thinking?

15 THE DEFENDANT: No, sir.

16 THE COURT: Do you suffer from any kind of physical
17 or mental conditions that adversely affect your ability to
18 think clearly?

19 THE DEFENDANT: No, sir.

20 THE COURT: So you're clear-headed today and you know
21 what you're doing?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Has anybody exercised any undue influence
24 or any improper conduct over you to get you to choose to
25 testify or not testify? Anybody twisted your arm or told

1 you you got to do something?

2 THE DEFENDANT: No, sir.

3 THE COURT: Have you understood everything that I've
4 been over with you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: I am going to give you a chance to think
7 about it and talk to your lawyers in a minute, but right
8 now what I want you to understand is I am going to go
9 ahead and make the findings. I am going to find that you
10 understand that you have a right to testify; you have a
11 right not to testify. If you choose not to testify I'm
12 going to tell that jury they cannot hold your silence
13 against you in any way at all. You understand that the
14 decision about whether you testify is your decision to
15 make and yours alone. You understand that if you offer no
16 evidence whatsoever from the defense your lawyer makes the
17 last argument to the jury.

18 You understand that if you choose to testify I'm not
19 going to allow the state to ask you about your prior
20 criminal record. I am going to find that whatever
21 decision you have made you made it knowingly, you
22 understand all of those things, intelligently, and
23 willfully, freely, and voluntarily; so if anybody does
24 attempt to improperly influence you, you let me know right
25 away. All right?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. We'll be at ease for 5 or 10
3 minutes. Y'all let me know.

4 MR. THOMPSON: Your Honor, could I maybe have 15 to
5 allow me to consult with him and use the facilities?

6 THE COURT: You can have -- I just wanted -- the
7 Chief Justice really doesn't want us arguing and charging
8 after 4 o'clock; so we're coming right up on 4 o'clock.
9 We'll go ahead and take the break. I just was going to
10 let the jury go, but we can wait. We're at ease for 15
11 minutes.

12 (Whereupon, a break was taken.)

13 THE COURT: Does the defense wish to offer evidence?

14 MR. THOMPSON: We do, Your Honor. We are going to
15 call Mr. Wright.

16 THE COURT: Are you ready for the jury?

17 MR. THOMPSON: Yes, Your Honor.

18 THE COURT: Is the state ready?

19 MR. MILLER: The state is ready, Your Honor.

20 (Whereupon, the jury came into open court at
21 approximately 4:08.)

22 THE COURT: All right. Ladies and gentlemen, the
23 next step in the trial is that the defense is given the
24 opportunity to present evidence for you to consider. This
25 does not change the burden of proof. The burden of proof

1 remains with the state throughout the entire trial, but
2 the defense is given an opportunity to present evidence
3 for you to consider in deciding whether the state has met
4 its burden of proof or failed to meet its burden of proof.

5 Mr. Thompson, you're recognized to call your witness.

6 MR. THOMPSON: Thank you, Your Honor. May it please
7 the court.

8 THE COURT: Yes, sir.

9 MR. THOMPSON: The defense calls Mr. Quincy Wright.

10 QUINCY WRIGHT, after being duly sworn, testified
11 as follows:

12 THE CLERK: Have a seat in the witness box stating
13 your full name spelling your last for the court.

14 THE WITNESS: My name is Quincy Wright.

15 DIRECT EXAMINATION

16 BY MR. THOMPSON:

17 Q Quincy, where do you live?

18 A I stay with my mother.

19 Q Okay. And where does your mother live?

20 A Carolina Springs Road.

21 Q And what town is that?

22 A North Augusta, South Carolina.

23 Q Okay. And had you ever at any time -- like you've
24 heard testimony earlier had you ever been neighbors of
25 Deshawn Hayes --

1 A Yes, sir.

2 Q -- and Tarlishea Harris?

3 A Yes, sir.

4 Q How do you know Dashawn?

5 A I used to stay next door to him and we used to play
6 basketball at Summerfield.

7 Q And have you ever bought marijuana from Dashawn?

8 A Yes, sir.

9 Q Approximately how many times?

10 A Over five times.

11 Q Okay. You also heard earlier some testimony about
12 this guy named Frank. How do you know Frank?

13 A I met him at the gas station one day and he asked me
14 could I give him some marijuana and I got him some one
15 day.

16 Q And where did you get the marijuana from that you
17 were giving Frank?

18 A From Dashawn.

19 Q Okay. Do you know Frank's last name?

20 A No, sir.

21 Q Would it be fair to say that you and Frank aren't
22 really close?

23 A No, sir; not really.

24 Q Okay. Do you know where Frank lives?

25 A No, sir.

1 Q How would you get in touch with Frank?

2 A He called me.

3 Q Okay. The night that this all happened or the day,
4 afternoon that this all happened can you tell the jury --
5 tell the jury what happened.

6 A Okay. I was in the neighborhood in Crestlyn and
7 Frank had called me. He asked me could I get some
8 marijuana. I was like, yea, let me call somebody and I
9 called Deshawn. Deshawn told me to come on. So I had
10 called Frank and told him, you know, like come get me so
11 he came and got me. Deshawn texted me and he was like,
12 Where you at? I called. I am like, I'm on the way. So
13 as we pull up I get out the car, knocked on the door---

14 Q Let me interrupt you for just a second. So Dashawn
15 knew you were coming?

16 A Yes, sir.

17 Q You had actually called him on the phone?

18 A Yes, sir.

19 Q And he knew you were coming?

20 A Yes, sir.

21 Q And he expected to sell you marijuana; correct?

22 A Yes, sir.

23 Q Okay. Now, you were setting up this deal to buy
24 marijuana for Frank; correct?

25 A Yes, sir.

1 Q Tell me, Quincy, be honest with the jury and tell me
2 what's in it for you? Why are you setting up the
3 marijuana deal for Frank?

4 A I make -- Every time he come I make a couple of
5 dollars from it and he smoke a blunt with me.

6 Q Tell the jury how you make money off buying marijuana
7 for Frank.

8 A He comes and spends \$60 every time and I make 15 and
9 I come to him and spend \$45 and he buy a blunt from Frank
10 -- not Frank, but Deshawn and Frank smoke a blunt with me.

11 Q So Frank comes and gives you money; correct?

12 A Yes, sir.

13 Q He gives you \$60. You would go over to Deshawn's
14 house?

15 A Uh-huh.

16 Q And buy marijuana from Deshawn; right?

17 A Yes, sir.

18 Q And you paid Deshawn about how much for the
19 marijuana?

20 A Forty-five dollars.

21 Q So 45; so that leafs 15 bucks for you; correct?

22 A Yes, sir.

23 Q So, number one, you get some money out of this
24 deal --

25 A Yes, sir.

1 Q -- and, number two, you said Frank lets you smoke
2 marijuana with him; right?

3 A Yes, sir.

4 Q And that's the reason why you do this?

5 A Yes, sir.

6 Q Approximately how many times had you gone over to
7 Deshawn's house to buy marijuana and get some money with
8 Frank?

9 A About four or five times.

10 Q Okay. I interrupted you earlier. Tell me that night
11 again. You had talked about you and Frank had gotten all
12 the way there. Tell me what happened when you got to
13 Deshawn's house?

14 A I knocked on the door. Deshawn came to the door. He
15 said, Come in. Before I got ready to walk like across the
16 threshold Frank pulled out a gun and ran inside the house.

17 Q Were you expecting Frank to have a gun?

18 A No, sir.

19 Q Were you expecting Frank to do anything crazy?

20 A No, sir.

21 Q Were you expecting Frank to rob anybody?

22 A No, sir.

23 Q What were you expecting to happen?

24 A Just get the weed and leave.

25 Q Okay. When Frank ran in with the gun what did you

1 do?

2 A I stood there for a second and I ran.

3 Q Why did you run?

4 A That ain't my type of party. I don't do stuff like
5 that, sir.

6 Q Okay. So you ran away after you saw the gun;
7 correct?

8 A Yes, sir.

9 Q Did you ever go in the house?

10 A No, sir.

11 Q Not that night?

12 A No, sir.

13 Q Did you ever stand over anybody threatening them?

14 A No, sir.

15 Q Did you ever go search the house?

16 A No, sir.

17 MR. THOMPSON: I have no further questions for this
18 witness. Please answer any questions that the prosecution
19 has.

20 THE COURT: Cross.

21 MR. MILLER: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. MILLER:

24 Q Mr. Wright, you recall giving the police a statement
25 on January 20 of 2012 about this incident?

1 A Yes, sir.

2 Q And you didn't tell the police the story you just
3 told on the stand, did you?

4 A Yes, I did, but not in that format. I was shaken
5 [sic] up when they talked to me.

6 Q You were what?

7 A I said I was shaken up when they had talked to me.

8 Q Okay. So you testified today. Are you shaken up
9 today?

10 A No, sir.

11 Q Okay. So you testified today you bought marijuana
12 from the victim on five occasions and then you testified
13 that you bought marijuana for Frank from the victim on
14 five occasions -- four or five occasions. So, does that
15 mean nine total times that you bought marijuana from him
16 or every time you bought marijuana for from him it was for
17 Frank?

18 A No, not every time.

19 Q Okay. Well, how many times was it?

20 A It was about four or five times for Frank from him.

21 Q Okay.

22 A And the rest for myself.

23 Q Okay. So you're at a gas station and a guy you don't
24 know comes up and says, Can you buy weed for me?

25 A Uh-huh.

1 Q Does that happen to you a lot?

2 A No, sir. It was just...

3 Q Were you wearing a shirt that said I'm a drug dealer?

4 A No, sir.

5 Q Why would he come up to you and just ask you out of
6 the blue at a gas station if you can buy marijuana for
7 him?

8 A I guess he knows -- he probably thought I know where
9 it was at.

10 Q Okay. And, so, it's your testimony that on four or
11 five occasions this Frank guy -- you don't know his last
12 name; correct?

13 A No, sir.

14 Q And what is his phone number?

15 A It is in my old phone.

16 Q Where is your old phone?

17 A I don't have it. The night when all that happened I
18 ran and I dropped it.

19 Q Okay. Let's talk about that. Let's skip ahead.

20 A Uh-huh.

21 Q You saw the gun and you ran?

22 A Yes, sir.

23 Q Okay. Wouldn't you agree with me that you saw Frank
24 go into that house with a gun in his hand?

25 A Yes, I did see him with that.

1 Q That night Frank went into that house with a gun in
2 his hand; correct? And you ran?

3 A Yes, sir.

4 Q Where?

5 A I ran back to my neighborhood right to my mother's
6 house.

7 Q Does your mother have a phone?

8 A Yea, she had a phone.

9 Q Did you call the police?

10 A No.

11 Q But you just saw Frank go into somebody's house
12 uninvited with a gun. You didn't think that was something
13 maybe law enforcement should be notified of?

14 A It wasn't my place of business. The only thing---

15 Q It wasn't your place of business?

16 A No, sir.

17 Q Okay. So let's go back to Frank.

18 A Uh-huh.

19 Q What kind of car does he drive?

20 A He drives an Altima.

21 Q Nissan?

22 A Yea, a newer model.

23 Q Okay. What is the license plate on it?

24 A I don't know that.

25 Q Okay. And where does he live?

1 A Last time I heard he said he stayed in Georgia, but
2 that, really, I don't know.

3 Q Okay. Where is he from?

4 A He said he was from Florida.

5 Q Do you know anybody who hangs out with him?

6 A No, sir.

7 Q Okay. Now, correct me I'm wrong, but your testimony
8 is you knock on this door to this house --

9 A Uh-huh.

10 Q -- and when the door opens Frank runs in with a gun;
11 correct?

12 A Yes, sir.

13 Q So you run; correct?

14 A Yes, sir.

15 Q And shortly after that you found out that the police
16 were looking for you, didn't you?

17 A Yes, sir.

18 Q And you ran into Frank again, didn't you?

19 A Yes, sir.

20 Q Tell the jury what happened when you ran into Frank
21 after this all happened.

22 A Okay. I was walking down the road one day going to
23 Gas Plus and I seen a car that looked like his. He pulled
24 up on me. He let down the window like, What's up? I was
25 like, Nah, man, you got me messed up. The police are

1 looking for me on some stuff that you did and then he was
2 like, Man, I'm about ready to go or whatnot. I was like,
3 Nah, before you go what's this a purse my mama keep
4 talking about that they said I got a purse or something.

5 Q Did your mom know that Ms. Tarlishea -- did your mom
6 know Tarlishea, the victim?

7 A No. She just know they stayed next door.

8 Q Okay... Why was your mom talking to you about the
9 purse? That's what I am trying to get at.

10 A Because they contacted my mother. Her and the
11 landlord contacted my mama and said something about I had
12 a purse --

13 Q Okay.

14 A -- which I didn't have a purse.

15 Q Okay. What happened next?

16 A Okay. He had told me he was like, Are you talking
17 about this purse right here? He handed it to me and I
18 left walking back to my mama's house. Then I had left
19 from there and I had told my people to take the purse
20 there to the house and tell my mother that it's there or
21 whatnot. That's what happened.

22 Q So that's when you contacted the police?

23 A No. My mother had contacted them.

24 Q Okay. So you know that Frank has according to your
25 story gotten you involved in an armed robbery. You know

1 the police are looking for you and according to your story
2 you know the person that actually did the crime is this
3 Frank guy and he is standing there with you in a gas
4 station pulled up in the car. Did you write down his tag
5 number?

6 A No, sir.

7 Q Did you go inside and tell somebody, hey, if there is
8 any video out there I want to see it so I can show it to
9 the police and show that this guy even exists?

10 A No, sir.

11 Q What steps did you take to identify the man who had
12 the police looking at you for armed robbery?

13 A I had asked him let me see a book to see was he in
14 there. They never showed me none. I asked for a lie
15 detector test. They never showed me none either -- gave
16 me none either.

17 Q But your mom ended up with the victim's purse;
18 correct?

19 A Yes.

20 Q And you would agree with me, wouldn't you, that a
21 burglary occurred in that house that night? Somebody went
22 into that house with the intent to commit a crime.

23 A Uh-huh.

24 Q I'm sorry?

25 A I said yes, sir.

1 Q Okay.

2 A But I had nothing to do with it.

3 Q And you would admit that Frank was armed when that
4 happened; correct?

5 A What did you say now?

6 Q Armed with a pistol.

7 A Yes, sir.

8 Q What kind of pistol was it?

9 A It was a black handgun.

10 Q Okay. But it's your testimony that here today that
11 you never went into the house; correct?

12 A Yes, sir.

13 Q And you never told them not to call the police, did
14 you?

15 A I never got to talk to them. I seen him ran in there
16 with the gun I ran. There wasn't no sense in me going in
17 there.

18 Q Ran away because it was none of your business?

19 A It was not my business with him robbing that man.

20 Q Okay.

21 A I had nothing to do with that.

22 Q Well, at the point whenever the police are looking
23 for you to question you about it, isn't it your business
24 then?

25 A Yes, but at the same time I was scared, too, sir.

1 Q Scared? Of the mystery man Frank?

2 A No, it wasn't that. They talking about I robbed
3 them. Robbing -- that's a very bad charge right there. I
4 had nothing to do with that.

5 Q So you don't know Frank's phone number. You don't
6 know his last name. You don't know where he lives, but it
7 is your testimony that four or five times he would just
8 show up and give you money and tell you to go buy
9 marijuana?

10 A He didn't show up. He called me.

11 Q Okay. How many times had Frank been over to
12 Deshawn's house?

13 A Four or five times.

14 Q What did he need you for? If your story is true that
15 he had been at the house four or five times so that you
16 could hand Deshawn money and Deshawn according to you
17 would give him marijuana, why involve you in the
18 transaction at all?

19 A Okay. The last time like I told you when I got the
20 purse back supposed to have been he had said something
21 about the dude shorted me on some marijuana and he called
22 him several times and he didn't pick up; so he used me --
23 me not knowing that all that went on to the end.

24 Q But that's the story that you told the police back in
25 January of 2012.

1 A Yes.

2 Q At that time you told the police the whole reason
3 that you were over there that night wasn't to buy
4 marijuana; it was because of the fact that Frank told you
5 that Deshawn had shorted him on some marijuana?

6 A See, first of all, it didn't go like that. They
7 misunderstood me. You didn't hear what I said. I said I
8 was shaken [sic] up.

9 Q All right. Let me see if we can get this straight.
10 Just tell us which story you're going with. Are you there
11 to buy marijuana or are you there because Frank was short?

12 A We was coming there to buy marijuana.

13 Q Okay. That's your story today?

14 A Yes, sir.

15 Q Okay. That wasn't your story to the police on
16 January 20, though; right?

17 A Sir?

18 Q That wasn't your story to the police on January 20;
19 correct?

20 A I said that, but it wasn't in that format. Like I
21 said, I was shaken [sic] up.

22 MR. MILLER: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MR. THOMPSON: Very briefly, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. THOMPSON:

2 Q Quincy, when did you find out anything or anybody
3 tell you anything about Frank being shorted on some kind
4 of deal with Deshawn?

5 A The day I had got the purse back.

6 Q So after all this happened?

7 A Yes, sir.

8 Q And you didn't know anything about this shorting
9 thing before -- when the incident actually happened you
10 didn't know about that, right?

11 A No, sir.

12 Q Okay. Were you questioned by the police after you
13 met Frank and got the pocketbook back?

14 A Yes, sir.

15 Q Okay. So that was -- that was after; so you knew
16 about this story about Frank being shorted when you talked
17 to the police; correct?

18 A Yes, sir.

19 Q Okay. And you told the police everything you knew;
20 correct?

21 A Yes, sir.

22 Q Okay. But at the time that all this happened you
23 didn't know anything about that; correct?

24 A Right, sir.

25 Q Okay. I beg the court's indulgence.

1 THE COURT: Yes, sir.

2 Q Mr. Miller asked you about why did Frank need you.

3 Tell me why Frank just didn't deal with Deshawn directly.

4 A I don't know. I guess he had it on his mind the
5 whole time.

6 Q But you didn't know anything about that?

7 A No, sir.

8 Q Okay. Did Frank know Deshawn real well?

9 A No, sir.

10 Q You believe Deshawn would have dealt with him if
11 Frank had just come in off the street and talked to him?

12 A I don't think so.

13 Q Okay. I have no further questions.

14 THE COURT: Recross.

15 MR. MILLER: No further questions, Your Honor.

16 THE COURT: Thank you, sir. You may step down.

17 Any further witnesses for the defense?

18 THE DEFENDANT: No, sir.

19 THE COURT: I am asking the lawyer.

20 MR. THOMPSON: I apologize, Your Honor.

21 THE COURT: Any further witnesses for the defense?

22 MR. THOMPSON: Nothing further from the defense, Your
23 Honor. The defense rests.

24 THE COURT: Any reply?

25 MR. MILLER: No, Your Honor.

1 THE COURT: All right. Ladies and gentlemen, you now
2 have all the evidence that you're going to have to decide
3 these cases. There are two stages that remain in this
4 trial: The closing arguments and the charge where I tell
5 you the law. The instructions that we're under are that
6 we're not supposed to go into these next two stages after
7 4 o'clock in the afternoon absent some really extenuating
8 circumstances.

9 Now, actually where we are in the trial is that I'm
10 at another point where I've got to discuss legal issues
11 with the attorneys; so I am going to let you folks go on
12 and ask you to be back here tomorrow at 10:30. I know
13 that's a little late, but I don't need you here until
14 10:30. We'll work on the stuff we have to work on. We'll
15 meet again in the morning before you get here and by 10:30
16 we should be ready to let you come in and hear the final
17 closing arguments of the attorneys and then I'll tell you
18 the law; so you'll get the case tomorrow morning.

19 I appreciate your service here today. Hope you have
20 a pleasant evening. I need you in the jury room at 10:30
21 in the morning. Don't call that number. You'll get
22 confused. Just be here at 10:30.

23 (Whereupon, the jury exited the courtroom at 4:30.)

24 THE COURT: Are there any motions?

25 MR. THOMPSON: Your Honor, at this time the defense

1 would renew our motion for directed verdict.

2 THE COURT: All right. Once again, there are jury
3 issues and the motion is respectfully denied.

4 MR. THOMPSON: Thank you.

5 THE COURT: What I would like to do is -- y'all run a
6 lot faster than I thought. I thought I would have tonight
7 to work on my charge. What I would like to do is get your
8 e-mail address and e-mail to you a draft of the charge and
9 have you meet me in the morning at 10 o'clock to discuss
10 anything you want to talk about with the charge.

11 MR. MILLER: Certainly, Your Honor.

12 MR. THOMPSON: Absolutely.

13 THE COURT: All right. Now, what about do you want
14 to try another case? Do you want the bring the jury back
15 in?

16 MR. MILLER: No, sir. We keep them on standby, have
17 them call in Wednesday evening after six. I don't
18 anticipate that we will be trying anything else. I think
19 we got a pretty full week for the rest of the week.

20 THE COURT: All right. And, now, the sequestered
21 witness, is she still sequestered?

22 MR. THOMPSON: Your Honor, if we may, she is not and
23 at the appropriate time I'd like to ask the court if
24 before they take my client back into custody if he could
25 hug the sequestered witness.

1 THE COURT: Where are the security people? Can he
2 hug his mama?

3 (Whereupon, the proceedings were concluded for the
4 day and were reconvened on July 18, 2012 as follows:)

5 THE COURT: I distributed last night a proposed
6 charge by e-mail. Now I want to hear any input you have
7 regarding the charge from the state.

8 MR. MILLER: Thank you, Your Honor. May it please
9 the court. On page eight of your proposed charge there is
10 a recap of the indictments. The third paragraph one
11 indictment alleges that Quincy O'Neal Wright did while
12 armed with a deadly weapon. The state would point out
13 that the indictment as it was true billed by the grand
14 jury actually alleges that Quincy O'Neal Wright along with
15 others did while armed with a deadly weapon and because we
16 have never alleged that Mr. Wright was the one in
17 possession of the pistol we would ask that that be
18 inserted into the proposed charge at that point.

19 Likewise, Your Honor, in the last paragraph on that
20 page the other indictment charges the defendant with
21 burglary in the first degree. It is alleged that the
22 defendant -- we would ask that along with others be
23 inserted before willfully and unlawfully in conformity
24 with the indictment as it was true billed by the Aiken
25 County Grand Jury.

1 THE COURT: All right. That's fine.

2 MR. MILLER: And aside from those two requested
3 changes, Your Honor, the state has no other objections to
4 the requested charge.

5 THE COURT: Mr. Thompson?

6 MR. THOMPSON: Nothing from the defense, Your Honor.

7 THE COURT: All right. Do y'all have anything I can
8 do between now and when the jury gets here?

9 (Whereupon, a break was taken.)

10 THE COURT: Is the state ready for the jury?

11 MR. MILLER: We are, Your Honor.

12 THE COURT: Is the defense ready?

13 MR. THOMPSON: Yes, Your Honor.

14 (Whereupon, the jury came into open court at
15 approximately 10:37.)

16 THE COURT: All right. Ladies and gentlemen, as I
17 told you yesterday there are two stages that remain in the
18 trial: The closing arguments and the charge. In the
19 closing arguments the attorneys are permitted to use the
20 art of advocacy to attempt to get you to see things as
21 they would like you to see them on behalf of their
22 respective positions. This does not change the burden of
23 proof. The burden of proof remains with the state
24 entirely, but the defense will make a closing statement
25 and the state will make a closing statement for you to

1 evaluate in deciding whether the state has proven the
2 defendant guilty or failed to prove the defendant guilty
3 beyond a reasonable doubt.

4 Now, the way this works is since the state has the
5 burden of proof the state gets to go last. So the defense
6 counsel will make closing argument -- you don't want to
7 open, do you?

8 MR. MILLER: No, Your Honor.

9 THE COURT: The defense counsel will make closing
10 argument and then the state's attorney will make the
11 closing argument. I always take a break between when they
12 stop and when I tell you the law. My part is going to be
13 about 24 minutes to explain to law to you; so I always
14 take a brief recess between the arguments and the charge.
15 Sometimes we take a break between the two arguments. It
16 just depends on how things are going. So we'll play it by
17 ear. I invite your close attention.

18 Mr. Thompson, are you going to make the closing
19 argument?

20 MR. THOMPSON: Yes, sir, Your Honor.

21 THE COURT: You're recognized for your closing
22 argument.

23 MR. THOMPSON: Thank you, Your Honor. May it please
24 the court, Mr. Miller, Mr. McCarley.

25

CLOSING STATEMENT

1 MR. THOMPSON: I will wander all over the place if I
2 don't have that to hold me still.

3 (Whereupon, Mr. Thompson moves the podium.)

4 MR. THOMPSON: Ladies and gentlemen of the jury, I
5 told you at the beginning of this that I thought this case
6 was going to be pretty simple and I still think that. I
7 want to talk a little bit about the character of the
8 evidence that you saw first and then I want to talk about
9 maybe applying it to a couple of points that I think are
10 important about the law.

11 Let's talk about the state's case first. The first
12 witness that you saw was Mrs. Tarlishea Harris. She
13 testified different from Mr. Deshawn Hayes. She testified
14 different from her own sworn statement that she had given
15 earlier. I would submit to you -- and I don't mean to be
16 rude about this, but I have to say this. She either
17 doesn't know what she's talking about, she doesn't
18 remember, or she's lying -- one of the three.

19 Mr. Deshawn Hayes -- he stated that he invited
20 Mr. Quincy to come over for a drug deal. An hour later,
21 though, when Quincy shows up he testified that he doesn't
22 have any idea why Quincy is there. He also says that he's
23 not a drug dealer even though he is setting up drug deals
24 in his house with his children present for -- but he's not
25 getting any kind of benefit out of this and he's not -- he

1 is just doing it maybe out of the goodness of his heart to
2 just try to help people that want to buy marijuana.

3 This is just not credible. These are not credible
4 witnesses and, frankly, I would argue that you should not
5 believe them. At the worst they're lying and at the best
6 they're simply not credible. Mr. Miller is likely to ask,
7 well, why would they lie? This one is easy. They're
8 lying because they're angry. Somebody -- Frank came over
9 to their house with a gun and robbed them. They think
10 that Quincy -- mistakenly think that Quincy had something
11 to do with it and so they're angry with Quincy. Now, I
12 don't necessarily blame them for that, but they're just
13 wrong.

14 Let's talk about Quincy for a minute and, again, I'm
15 trying to focus right now on credibility. Quincy didn't
16 have to testify. He's not required to do that. He has
17 the right to remain silent. We could have stopped this
18 case after the state only put up these two incredible
19 witnesses. We could have stopped, but Quincy came and
20 testified anyway.

21 I'm not here to tell you that Quincy is a saint. By
22 his own admission he's actively engaged in the drug
23 culture and buying drugs. What I am here to tell you is
24 that I think he told the truth. Pieces of this that I
25 think Mr. Miller might be interested in us discussing --

1 the way that he met Frank. In Mr. Miller's neighborhood
2 nobody comes up to you and just says, hey, I'm interested
3 in buying some marijuana. Would you like to buy
4 marijuana? Can you help me buy marijuana? That may not
5 happen to Mr. Miller. That may not happen in Mr. Miller's
6 neighborhood, but it happens in Quincy's neighborhood.

7 Why would -- why would Quincy be going over to
8 Deshawn's house? Well, you heard Quincy tell you. He
9 goes over to Deshawn's house because he buys drugs from
10 Deshawn all the time, and I want you to remember that
11 because it makes a difference in his state of mind as to
12 why is he -- why is he doing this? Why is he going over
13 to Deshawn's house? He is going over there because he's
14 interested in participating in a drug deal.

15 Why does Frank meet him? Why is Quincy involved in
16 this drug deal? Well, Frank doesn't know Deshawn. You
17 heard him say that Quincy is Deshawn's neighbor. Deshawn
18 knows Quincy and is comfortable with Quincy coming and
19 buying drugs from him. That's why Quincy is there.

20 What's in it for Quincy? Why would Quincy help them?
21 Money. Every time Quincy does this he makes money. He
22 makes 15 bucks and he gets to smoke marijuana. That might
23 not be a wonderful thing and I am not saying that's not
24 against the law, but it doesn't make you an armed robber
25 or a burglar and in Quincy's neighborhood that's a pretty

1 good day. When he can go and he can make some money and
2 smokes marijuana, that's what he wants to do. Again, I'm
3 not saying he is a saint, but, again -- but it doesn't
4 make him a burglar or a robber either.

5 Also, the police all the time talking about motives
6 and, frankly, I would argue to you that Quincy has a
7 better motive for this to continue than he does to try to
8 do anything to disrupt it. Every time there is a drug
9 deal here Quincy makes money and gets marijuana and it's
10 in Quincy's best interest for this to continue so that he
11 can keep making money and smoking marijuana.

12 Why does he get the pocketbook back? You're going to
13 hear them talk about this pocketbook. He meets Frank. He
14 is angry with Frank. Frank has gotten him into a lot of
15 trouble. He is trying to get out of the middle of this
16 mess and he confronts Frank about this pocketbook and
17 Frank says, well, if you're so all fired up about giving
18 the pocketbook, here; you give it back.

19 I want you to remember -- that that sounds a little
20 weird, but I want you to remember that in Tarlishea
21 Harris' testimony she called the phone in her pocketbook
22 after it got taken and did Quincy answer the phone? No.
23 Who answered the phone? Frank did. Frank had the
24 pocketbook because Frank took the pocketbook. Now, what
25 does that mean? That means Quincy is telling you the

1 truth. He doesn't get this pocketbook until he gives it
2 back.

3 You also -- during this cross examination you heard
4 Mr. Miller go into a lot of detail about, well, why didn't
5 you come forward and talk to the police and tell them --
6 okay, that may be what you do in Mr. Miller's neighborhood
7 if you're Mr. Miller, but in Quincy's neighborhood if
8 you're wanted for armed robbery, if there is an arrest
9 warrant for you for armed robbery and if you're somebody
10 that's constantly in the drug culture anyway, he doesn't
11 have real warm fuzzy relationships with the police. He is
12 he is not gonna go talk to the police about stuff.

13 The other thing I want you to remember is that if you
14 remember I cross examined Mrs. Tarlishea Harris with her
15 own testimony because she had made -- she made a sworn
16 statement earlier. She lied and wasn't consistent with
17 her earlier statement, but she had made a sworn statement.

18 Well, you heard Mr. Miller say that Quincy had done
19 the same thing -- that Quincy had a videotaped statement
20 and I'm quite sure that if Quincy had testified different
21 from his earlier statement just like I cross examined
22 Mrs. Tarlishea Harris with her statement that you may have
23 seen maybe a great big TV appear out of a box in this room
24 with fold-out speakers and you would have possibly seen --
25 you possibly would have seen this statement that was made,

1 but you didn't see it. Why? I think it's fair for you to
2 infer that the reason why is because he told the truth.
3 He said exactly the same thing that he said earlier. I
4 submit to you Quincy is not a saint, but he's credible and
5 he told the truth.

6 So let's talk about now some -- a little bit of the
7 elements of these crimes. The judge is going to read to
8 you for about 24 minutes. He is going to read to you this
9 law and I don't want to get into all that. I just want to
10 draw your attention to just a couple of pieces of it.
11 There is no testimony from anyone that Quincy ever had a
12 weapon. The only way that they can tie him into some kind
13 of theory that he committed armed robbery is for him to be
14 part of some kind of common plan with Frank.

15 The only bad guy in this story that we both agree on
16 is Frank. They have to prove, though, beyond a reasonable
17 doubt. They have to prove that he was part of some kind
18 of plan or that he had some kind of intent to go and help
19 Frank rob these people and you heard Quincy say he didn't
20 have any plan -- His plan was to go buy drugs. That's
21 Quincy's plan: Go buy drugs and make 15 bucks from Frank.

22 You heard him say he didn't know anything about any
23 kind of guns or any kind of robbery that was going to
24 happen and that when -- when Frank rushes in with this gun
25 Quincy thinks, oh, insert your favorite expletive here,

1 and then he does one of the most intelligent things that
2 he's done in this whole story: He runs away. He didn't
3 want to have anything to do with any kind of guns or
4 robberies.

5 He doesn't have the intent to commit any kind of
6 armed robbery. He doesn't have the intent to commit any
7 kind of burglary. He's not there to do that. He's just
8 there to buy drugs from somebody that he buys drugs from
9 all the time.

10 The other piece of this -- burglary you're going to
11 hear the judge talk about has another little element to
12 it. One of it is that you have to enter into the home,
13 you know, with the intent to commit a crime and without
14 permission to enter. Now, you heard Quincy say I never
15 went into the house. I went to the door. I knocked on
16 the door because I was there for the drug deal. When the
17 gun came out, I didn't go in the house. I took off. I
18 submit to you that he didn't go in the house and because
19 he didn't go in the house he can't be guilty of burglary.

20 Even -- He didn't go in the house, but even if he had
21 gone in the house, he's there with consent of Deshawn
22 Hayes. Deshawn Hayes comes to the door. They've talked
23 on the phone about him coming over for a drug deal.
24 Deshawn Hayes opens the door inviting him in. He's not
25 there without consent to be there even if he had gone

1 inside, which he didn't.

2 I want to remind you, though, that the burden of
3 proof is not on Quincy. He doesn't have to prove that
4 he's innocent. He didn't have to prove -- he didn't have
5 to come testify. He doesn't have to prove that. The
6 state has to prove beyond a reasonable doubt that he's
7 guilty. Ladies and gentlemen I submit to you that they
8 haven't and that the law would require you to find him
9 innocent or at least not guilty.

10 I also want to call your attention to evidence that
11 you didn't see. You didn't see any police officer testify
12 in this case whatsoever. You didn't hear them talk about
13 any kind of investigation. You didn't hear about any
14 fingerprints on any items inside this lady's purse. You
15 didn't hear about any fingerprints inside the house. The
16 only evidence you heard in this entire case from the state
17 was two incredible witnesses. That's the only evidence
18 you heard on behalf of the state. Now it could be that
19 the reason why we didn't hear about a police investigation
20 -- because there was one because they took earlier
21 statements and they did videotaped statement -- There was
22 an investigation. I am not saying that there wasn't one,
23 but why didn't you hear about it?

24 Well, it could be that all the police officers are
25 out chasing Frank or I think it's pretty safe to infer

1 that the real reason why we didn't hear about this
2 investigation, why you didn't hear about any other
3 evidence about this is because there's not any. It
4 doesn't exist. There's no other evidence implicating
5 Quincy in any kind of crimes. It's not there.

6 The burden of proof is not on Quincy. The burden of
7 proof is on the state and if the only thing they've got is
8 testimony of two uncredible witnesses I would argue to you
9 that the law requires you to find him not guilty. I'm
10 sorry about that, but we don't have enough evidence to
11 convict him.

12 Last, but not least, I want talk about -- a little
13 bit about reasonable doubt. The judge is going to tell
14 you that reasonable doubt -- that in order to overcome
15 reasonable doubt you have to be firmly convinced that he's
16 guilty -- not that he might be guilty, not that he
17 possibly could be guilty, but you have to be firmly
18 convinced on the testimony of only two uncredible
19 witnesses. You have to be firmly convinced that he's
20 guilty or else you have to find him not guilty.

21 I would submit to you that we have to find him not
22 guilty and I would ask that you do that. Thank you for
23 your time.

24 THE COURT: Thank you, Mr. Thompson.

25 Solicitor, you're recognized for your closing

1 argument.

2 MR. MILLER: Thank you, Your Honor.

3 CLOSING STATEMENT

4 MR. MILLER: You know, ladies and gentlemen, I know
5 it doesn't always look like it, but we actually prepare
6 for these arguments and we put ourselves in this mindset
7 of we're going to get up and this is what we're going to
8 say and, quite frankly, I like being the last one to
9 argue. It really gives me a chance to address some things
10 that are said by opposing counsel. The problem with it is
11 that inevitably I get to wrapped up in something that
12 opposing counsel says I jump up and that's the first thing
13 I do is respond to him instead of going through it and
14 trying to explain it to you the way I had it laid out and
15 I am going to succumb that to again because Mr. Thompson
16 has said repeatedly the only evidence you have is these
17 two witnesses. That's just not true.

18 You've got his own client from the stand and if we
19 want to put credibility at issue, which we do, his client
20 is who sinks his client. His client said from that
21 witness stand, yes, a burglary occurred that night. His
22 client said from that witness stand, yes, there was a
23 pistol, and, yes, an armed robbery occurred. The only
24 difference in the testimony of Tarlishea and Deshawn and
25 Quincy Wright is Quincy Wright wants you to believe that

1 when he saw a gun he ran away and he didn't go into the
2 house, and, ladies and gentlemen, I submit to you that the
3 state has proven not only from our witnesses but also from
4 Quincy Wright's own mouth he was there, the burglary
5 occurred, the armed robbery occurred, there was a gun
6 involved which makes the burglary a burglary first. When
7 the judge tells you about the elements, he'll tell you
8 that if one of the participants in the burglary is armed
9 with a deadly weapon that makes it burglary first. He
10 said all that. You don't even have to listen to anything
11 that they said. He said all that.

12 The defense in this case is very simple. Let's try
13 to make the insignificant significant. Let's try to make
14 the irrelevant relevant. I'm going to ask you to do
15 something, ladies and gentlemen. I am going to ask you to
16 pay very, very close attention to the Judge's charge and
17 if you hear these five words on the Judge's charge on the
18 law -- if you hear these five words I want you to go back
19 there and I want you to find Quincy Wright not guilty,
20 both charges. If you hear the judge say during his charge
21 on the law, Unless it's a drug dealer. I can stand up
22 here and say that to you for one reason and one reason
23 only. It's not there.

24 When the legislature tells us that we are no longer
25 going to consider armed robberies of drug dealers a crime,

1 we will quit prosecuting people that rob drug dealers, but
2 until that time if you commit an armed robbery in this
3 state we're going to prosecute you for armed robbery. It
4 doesn't matter who it is you robbed and here is why
5 they're making such a big deal out of it. They want to
6 try to paint Deshawn with this brush as being a drug
7 dealer so that you'll say it's not a big deal that Deshawn
8 got robbed and the reason that we haven't gone through
9 hours and hours of testimony to prove that Deshawn is not
10 a drug dealer is because we don't have to prove that
11 Deshawn is not a drug dealer.

12 You heard his testimony. You may think that Deshawn
13 has sold drugs before. He testified that he had. That's
14 fine. It's not an element in the case. You can think
15 that. It's not a fact that you as a jury have to decide.
16 The judge is going to tell you in his charge -- one of the
17 very first things he says in his charge is you as the
18 judges of the facts have to judge people's credibility and
19 when you talk about judging credibility what do we mean?

20 Ladies and gentlemen, you do it every day. You do it
21 with your children. You do it with your spouse or your
22 significant other. You do it with your co-workers. But
23 you know those people. You really have a chance to kind
24 of weigh what their history is and you have some basis for
25 just making a snap judgment, but you know who else you do

1 it with? You do it with people who come into your place
2 of business. You do it with clients. You do it with
3 people that you meet on the street. You're constantly
4 judging people's credibility and that's what you have to
5 do here today.

6 So, how do you do it? Well, one way that you do it
7 is you look at their demeanor, and I was particularly
8 struck by this. Yesterday when Tarlishea was on the stand
9 she was angry when Mr. Thompson was cross examining her.
10 She was angry because she was answering questions from the
11 attorney for a guy that put a gun to her head. She was
12 mad. What else do we know about this crime? Well, there
13 was a purse stolen. That's the big discrepancy in
14 Mr. Thompson's case. The big discrepancy is who went out
15 the door first and who had the purse in their hand, by the
16 way.

17 Ladies and gentlemen, we could have had Tarlishea and
18 Deshawn sit down and go over their statements until every
19 single thing that they stated was just like that and it
20 would have come off as being just like that. It would
21 come off as being rehearsed. It would have been
22 rehearsed. That -- Let me figure. April. It's now July.
23 So, 16 months later give or take that she doesn't remember
24 which one of them ran out the door first. Is that
25 something significant? It's not. It's not. That's what

1 I was talking about earlier: Attempt to make the
2 insignificant seem significant.

3 The crucial facts: There was an armed robbery.
4 There was a burglary. There were two people involved:
5 Frank and Quincy. But you heard the testimony that
6 Deshawn was closer to the door and Tarlishea was farther
7 away from the door. How exactly is it that Frank is
8 holding a gun on these two people in the room that aren't
9 next to each other while he's going through and ransacking
10 the bedroom? How does that work out?

11 Now even Quincy says the only person there besides
12 him and these two was Frank; so how exactly does that
13 work? How do they get held at gunpoint while somebody
14 else is going through the bedroom? I'll tell you how it
15 happened. There were two people there. Quincy went
16 through the bedroom while Frank was holding them at
17 gunpoint.

18 Mr. Thompson talks about this drug culture. Oh, this
19 drug culture. Quincy didn't go to the police because
20 Quincy is part of the drug culture and you don't do that
21 in Quincy's neighborhood. I want to bring up two points
22 about that. First of all, Quincy's neighborhood.
23 Quincy's neighborhood -- he lived in the other side of the
24 duplex from these people until a couple of days before
25 this incident happened. His neighborhood is Deshawn's

1 neighborhood, but Deshawn went to the police. If you
2 believe that Deshawn is in this big drug culture the way
3 that Quincy says he is then why is it that Deshawn didn't
4 have any hesitation in going to the police?

5 Why would that be? Either, A, Deshawn doesn't live
6 in the same neighborhood which we know that's not true,
7 or, B, it's because Deshawn is really not a part of this
8 big part of this drug culture that he is a part of. He
9 smokes marijuana. He said that from the stand.

10 Ladies and gentlemen, as much particularly on behalf
11 of the state as I would like to for it to be, this is not
12 CSI. Why didn't we call any police officers? Because the
13 police weren't there. They weren't there when it
14 happened. Why didn't they take fingerprints off of the
15 purse? You heard Quincy's testimony. Quincy got the
16 purse, gave it to his mom, his mom gives it back. Come
17 on. Really? There is going to be fingerprints on the
18 purse that have any kind of value at all? If Quincy's
19 fingerprints were on it he'd say of course my fingerprints
20 were on it. I gave it to my mom to give back to
21 Tarlishea.

22 The same thing with the house. Oh, he goes five, six
23 times, nine times. I never really could figure that out
24 how many times he's allegedly went over and bought
25 marijuana from Deshawn. So what if a fingerprint of his

1 is in the house? He's got his built-in fingerprint excuse
2 right there. The police do this all the time. The police
3 respond to these types of calls all the time. The police
4 evaluate whether or not there is any realistic and
5 reasonable chance that they're going to be able to recover
6 physical evidence and when there really is just not any
7 chance they're going to they don't, because you know what?
8 If the police officer had tried to recover a fingerprint
9 and not been able to, they would have gone, whoa, whoa;
10 there is no fingerprints.

11 The people who were there are the people who
12 testified. The people who were there are the ones that
13 were up on this stand. The people who were there were not
14 the people that were afraid to go to the police.

15 The second point about that is he keeps talking about
16 Quincy's neighborhood versus Mr. Miller's neighborhood.
17 Ladies and gentlemen, this occurred in Aiken County. This
18 is everybody's neighborhood. This was not in Southwest
19 Atlanta. This was not in Chicago. This wasn't even in
20 Augusta. This was in North Augusta, South Carolina in
21 Aiken County. This whole Quincy's neighborhood versus
22 Mr. Miller's neighborhood -- it's okay for things like
23 this to happen in Quincy's neighborhood because this is
24 what people expect. No, it is not. It is not what people
25 expect. It is not acceptable for any reason to ambush

1 somebody.

2 Oh, the consent issue. Well, he invited Quincy over.
3 If he invited Quincy over for dinner and Quincy came in
4 and robbed him is that consent? He says, oh, Quincy -- he
5 invited Quincy over to buy marijuana. It doesn't make any
6 difference. Here is what does make a difference. What
7 makes a difference -- and the judge will talk to you about
8 it in his charge when he's talking about burglary first --
9 the unlawful entry can be gained by trick. I am going to
10 go over to Deshawn's house and I am going to knock on the
11 door and when I do Frank will be crouched down there with
12 the pistol and when Frank goes in with the pistol and
13 takes control of the room and makes sure he has got
14 everybody under control I am going to run in behind him
15 and I am going to start finding what we want to find.

16 Intent. Ladies and gentlemen, if he went in the
17 house and he went through the bedroom, intent -- You can
18 determine intent by his actions. Oh, he went into the
19 house and he went through the bedroom and Frank is in the
20 other room with the gun pointed at the people, but he
21 didn't have any intent to rob them. Doesn't work.
22 Doesn't work.

23 The judge is going to talk to you about something
24 called accomplice liability and accomplice liability is
25 pretty straightforward. He is going to tell you that a

1 person can be found guilty of a crime if he commits the
2 crime or if he actively participates in the commission of
3 the crime. So, when you think about accomplice liability
4 and you think about the two offenses charged what you are
5 left with is this: Did the burglary first occur? Yes.
6 Quincy testified to it. Unlawful entry into a home by
7 Frank. Say it was an unlawful entry into the home by
8 Frank. Unlawful entry into the home. Quincy is a
9 participant in it active and right there.

10 Home is part of the -- dwelling house is a big part
11 of that. You've heard testimony. There is nobody that's
12 questioning the fact that this was a duplex where they
13 lived. That's a dwelling house where you lay your head --
14 and during the entry into the home or while inside or when
15 you're leaving one of the participants is armed with a
16 deadly weapon. Okay. Burglary first. We got it. No
17 problem.

18 Armed robbery. You take somebody's stuff by force
19 and by violence or by threat of force and violence and at
20 the time that you're taking their stuff you're holding a
21 gun to them or a deadly weapon. In this case we allege it
22 is a gun. Okay. We got that one, too.

23 Why did Quincy take the purse back? Quincy took the
24 purse back because the last thing that he said to them
25 before he went out the door was, Don't call the police.

1 Well, by Quincy's own statement from the stand when he saw
2 Frank he knew the police were looking for him and he was
3 mad. He was so angry at Frank for getting him involved in
4 this that he told Frank he needed that purse back because
5 Tarlishea was making contact with his mom and telling his
6 mom that Quincy had robbed him; so he got the purse back
7 from Frank, gives it to his mom so his mom can give it
8 back to Tarlishea. So angry at Frank.

9 What did he do to identify Frank? What did he do to
10 come up with a description of Frank that would actually be
11 worth something? A guy that drives a Nissan Altima that
12 used to live in Florida but might live in Georgia now and
13 he is a black guy. You're going to need to be a little
14 more specific than that, and yet that's the description
15 that he gives. That's who Frank is. That's who the guy
16 is that he buys drugs for according to his story. He
17 doesn't know anything about Frank. All I know is the kind
18 of car he drives, but, ladies and gentlemen, he was so
19 angry at him for getting him involved in this. So angry
20 and he did nothing. Nothing at all. Why?

21 I think it's safe for you to infer the reason that he
22 did nothing is because the last thing he wants to happen
23 is to have Frank found because if Frank is found and Frank
24 says, all right, you got me, Quincy went in the house with
25 me, too, all of a sudden it will be three people's word

1 against Quincy. He doesn't want Frank found because he
2 knows what Frank will say if Frank tells the truth. Frank
3 is going to say he was an active participant in it the
4 same way that Deshawn did, the same way that Tarlishea
5 did.

6 Speaking of Frank, who brought Frank to Deshawn's
7 house that night? Quincy. I mean, it is just terrible
8 luck that Quincy loses his cellphone with Frank's phone
9 number in it as he's scurrying away from the house that
10 night. That's what his testimony was. It is terrible
11 luck that he didn't think to get Frank's phone number
12 again from him when he saw him a couple of days later to
13 get the purse back. That make any sense to you?

14 Weigh the credibility of the witnesses. Quincy says
15 Frank doesn't know Deshawn. That's the reason why he
16 needs me to go buy drugs, but Quincy knows Deshawn.
17 Quincy knows Deshawn; so that's the end according to
18 Quincy. Okay? But then -- and there was a lot of
19 discussion back and forth, but then on the stand he goes,
20 well, actually, Frank had bought drugs from Quincy early
21 -- Excuse me, Frank had bought drugs from Deshawn earlier
22 in the day and Frank had gotten shorted on the drugs and
23 so that's why we were going back. Really?

24 And you heard me ask him -- and there is a reason why
25 we didn't put the video up; because he admitted when I

1 asked him that's not the story you told the police on
2 January 20 of 2012. January 20 of 2012. Again, my math
3 is terrible so I am going to say eight months and make it
4 a round number. Eight months later -- I was messed up
5 when I talked to the police on January 20 of 2012. I was
6 shook up. I actually had to get somebody to tell me what
7 that was after court was yesterday because I never could
8 understand him. I asked about five times. He was shook
9 up. That's why he couldn't get his story straight to the
10 police on January 20, eight months after it happened, and,
11 yet, his attorney is jumping on Tarlishea because the same
12 night that the incident happened she misused a pronoun in
13 her written statement when she was saying who left with
14 the purse.

15 Quincy was shook up; so let's give him the benefit of
16 the doubt. What did he say? What he said was that Frank
17 had been shorted and that they were going over to
18 Deshawn's house and Frank was going to confront Deshawn
19 about being shorted earlier in the day. Here's the
20 problem with that story. Let's think about that. He says
21 I didn't know that at the time. I learned that later on.
22 Okay. So you didn't know at the time that Frank had
23 bought drugs from Deshawn earlier in the day. So you go
24 over to the house to buy drugs. Frank's already got
25 drugs, but Frank had been shorted earlier in the day. I

1 didn't find that out until later on. Which one is it?

2 If the true story is the one he told the police on
3 January 20, then why didn't he testify to that yesterday
4 until he got cross examined? Because that story doesn't
5 sound as good. Because if you hear that story coming from
6 him which eventually you did, then you know that there is
7 no logical reason that Frank needs Quincy because Frank
8 can buy drugs from Deshawn without Quincy's involvement.

9 The whole thing is hog wash because the fact of the
10 matter is Deshawn wasn't selling him drugs. Quincy knew
11 that. Quincy hadn't bought drugs from Deshawn and you
12 know what? I'm falling into the same trap. It doesn't
13 matter.

14 The questions that you have to answer are: Was there
15 and armed robbery? Was in a burglary first? Who did it?
16 And the only, only way you can reach a conclusion other
17 than Quincy Wright is guilty of both charges -- the only
18 way you can reach that conclusion is to say I believe
19 Quincy Wright when he says when he saw the gun he turned
20 around and ran away. That's the only way you can get
21 there because Quincy Wright told you he did all the other
22 stuff.

23 What is the motivation to lie? Mr. Thompson says
24 they're lying because they're angry. Quincy Wright is
25 looking at burglary first and armed robbery convictions.

1 Who's got the greater motivation to lie? Why even tell
2 the police that Quincy Wright was involved in it? They
3 could have just told the police, hey, Quincy Wright came
4 over and the guy that was with him came in and robbed us.
5 Find Quincy Wright and you'll find the guy that came in
6 and robbed us. Let the police handle it. That's never
7 been what they said. Never once.

8 From day one, from minute one that the police got
9 there they were telling the police it was Quincy Wright.
10 It was Quincy Wright. He was in our home. So they had
11 just been robbed at gunpoint and they are gathering up
12 their child and they're walking to the gas station so that
13 they can call the police and they just make up this story?
14 Pretty consistent story to be made up in that amount of
15 time. Quincy had from April 7 of 2011 until January 20 of
16 2012 to come up with his story and you know what? His
17 story changed from January 20 until July 17. His story
18 changed anyway. Theirs didn't. Who do you believe?

19 Ladies and gentlemen, some societies value the rule
20 of force. We value the rule of law. All the police
21 officers and all the prosecutors and, quite frankly, all
22 the defense attorneys and judges don't make one bit of
23 difference without you because without a jury we don't
24 have our system of law.

25 The word verdict comes from a Latin word veredicto.

1 It means to speak the truth. The truth in this case is
2 that Quincy Wright went into the home of Tarlishea and
3 Deshawn and held them with Frank at gunpoint while they
4 ransacked the house and told them not to call the police
5 and then left. That is the truth. The truth is that
6 Quincy Wright is guilty of burglary first and guilty of
7 armed robbery. I would ask that you very carefully listen
8 to the judge's charge on the law and I'd ask that you
9 enter the jury room and consider the evidence that you've
10 heard and do what your conscience tells you to do in this
11 case. You have seen the witnesses. You heard from the
12 witnesses. You know the motivations and you know I think
13 who is telling the truth and who is lying.

14 If Quincy Wright went in that house he is guilty. If
15 he went in that house and he participated in these crimes
16 with Frank he is guilty and when you go back and you
17 consider all the evidence in this case you're going to
18 know that he went into that house and he participated in
19 these crimes. Thank you.

20 THE COURT: Thank you, Solicitor.

21 Ladies and gentlemen, I am going to need you ask you
22 to step back in the jury room while I get some things
23 printed and get ready. Don't discuss the case.

24 (Whereupon, the jury exited the courtroom at 11:23
25 and a break was taken.)

1 THE COURT: During the charge please stay still and
2 stay quiet. Don't do anything to distract the jury.
3 Absent an emergency I expect you to stay in your seats,
4 not be moving around, not be making any sounds. Bring the
5 jury in.

6 (Whereupon, the jury came into open court at
7 approximately 11:47.)

8 JURY CHARGE

9 THE COURT: Members of the jury, all the evidence has
10 been presented. You've heard the arguments of counsel and
11 now it's time for me to instruct you on the law that
12 applies to the case. Please continue to pay close
13 attention during this next stage.

14 First, you need to understand some basic ground
15 rules. You the jury members are the sole judges of the
16 facts. You decide all the issues of fact. You alone
17 determine the truth of the evidence, it's effect, it's
18 value, and it's weight. You alone judge the credibility
19 of witnesses; in other words, whether or not a witness'
20 testimony is believable.

21 Now, in evaluating the testimony of the witnesses you
22 may believe all that a witness said or none of it. You
23 may believe part of what a witness said and not believe
24 the balance. You may believe one witness against many or
25 many against one. You may consider any interest, bias, or

1 prejudice that you feel that a witness has in the case.
2 You may consider the demeanor and the appearance of the
3 witness and the opportunity for knowledge that the witness
4 had. You may consider the lack of evidence presented by
5 the state. You may consider whether a witness has been
6 consistent or inconsistent, but you're not to exercise
7 these considerations arbitrarily.

8 What I want you to do is to use your common sense.
9 Use your sense of logic and reason in your good judgment.
10 It is not proper for me to give you a charge on the facts
11 of the case. I am not permitted to convey to you an
12 impression as to what, if any, personal opinions I may
13 develop about a case or the facts of a case as it goes
14 along; so if during any stage of the trial you develop an
15 impression that I got a personal opinion about the fact
16 you must remove that totally from your mind. You're the
17 sole judges of the facts.

18 Now, I am the judge of the law that applies to the
19 case and under your oath you must accept and apply the law
20 as I give it to you. That means if you have conflicting
21 ideas about what the law is or what it should be you must
22 abandon those. I give you the law. You apply it to the
23 facts as you determine them to be and in that way you
24 reach your verdict.

25 It is also my job to decide what evidence is

1 admissible. If I rule something inadmissible or told you
2 to disregard something, you're not to consider those
3 things in arriving at your verdicts. You must follow any
4 limiting instruction that I gave you. You're to consider
5 the competent evidence before you. You're to consider the
6 testimony of the witnesses and the exhibits that have been
7 admitted in the trial.

8 All right. I need to explain to you that there are
9 two types of evidence generally presented during a trial.
10 There is direct evidence and there's circumstantial
11 evidence. Now, direct evidence is evidence of direct
12 perception including the testimony of a person who asserts
13 or claims to have actual knowledge of a fact such as an
14 eye witness. Circumstantial evidence is proof of a chain.
15 It is proof of a chain of facts and circumstances
16 indicating the existence of a fact.

17 Now, the law makes absolutely no distinction between
18 the weight or value to be given to either direct evidence
19 or circumstantial evidence, nor is a greater degree of
20 certainty required of circumstantial evidence than of
21 direct evidence. What you need to do is weigh all the
22 evidence in the case and after weighing all the evidence
23 if you're not convinced of the guilt of the defendant
24 beyond a reasonable doubt you must find him not guilty.

25 Now, the defendant in this case, Mr. Wright, is

1 presumed to be innocent. This is no mere legal theory.
2 It is a fundamental and substantial right to which
3 everyone is entitled. It's been described as being like a
4 robe of righteousness that's placed around an accused and
5 it remains with him through every stage of the trial. It
6 continues to exist after you go back to your jury room to
7 deliberate so that he is presumed to be innocent unless
8 and until you, the jury, determine that the state has
9 proven him guilty beyond a reasonable doubt.

10 A defendant is not required to prove his innocence.
11 He's not required to prove anything at all. The burden is
12 on the state to prove the guilt of the defendant beyond a
13 reasonable doubt and it's required that every essential
14 element of an offense charged be proven by the state
15 beyond a reasonable doubt. That does not mean that the
16 state has to prove the guilt of the defendant beyond all
17 doubt or beyond every doubt. The appropriate standard is
18 proof beyond a reasonable doubt.

19 Now, some of you may have served as jurors in civil
20 court and if you have you know that the burden of proof in
21 civil court is a lesser standard. It requires proving
22 that something is probable. It is more likely than not.
23 That's called the greater weight or preponderance of the
24 evidence, but in a criminal court setting such as we're in
25 now the standard is much higher and the proof must be much

1 stronger than what's required in civil court. The burden
2 of proof in criminal cases such as the ones that are
3 before you is proof beyond a reasonable doubt.

4 So what do I mean by that? Proof beyond a reasonable
5 doubt is proof that leaves you firmly convinced of the
6 defendant's guilt. There are few things in the world that
7 we know with absolute certainty and in criminal cases the
8 law does not require proof that overcomes every possible
9 doubt. If based on your consideration of the evidence you
10 are firmly convinced that the defendant is guilty of a
11 crime charged, then you are to find him guilty of that
12 crime.

13 If, on the other hand, if after reviewing the entire
14 case you think there is a real possibility that he is not
15 guilty, then you must give him the benefit of the doubt
16 and you must find him not guilty on that charge. There is
17 no obligation on the part of the defendant to raise any
18 doubt or any other possibility. He is presumed to be
19 innocent and the state has the entire burden of proof and
20 the state has to prove to you that Mr. Wright is guilty to
21 the exclusion of any other real possibility.

22 Now, to prove the defendant guilty of a crime the
23 state has to prove to you beyond a reasonable doubt that
24 he acted with criminal intent. The criminal intent
25 required for burglary and for armed robbery is that the

1 defendant must have acted knowingly to commit those
2 crimes. To act knowingly means to act with knowledge, to
3 act consciously, not accidentally. It is an intentional
4 act, a willful act.

5 The state has to prove to you that the defendant
6 knowingly and intentionally engaged in burglary to prove
7 him guilty of that offense. Likewise, the state has to
8 prove to you that the defendant knowingly and
9 intentionally engaged in armed robbery to prove him guilty
10 of that offense. The state has to prove to you that
11 Mr. Wright acted willfully to engage in the illegal
12 conduct alleged and intended the resulting crime.

13 Now, intent, obviously, is a mental state. It may be
14 shown by the acts and conduct of the defendant and other
15 circumstances from which you may naturally and reasonably
16 infer intent, but the state has to prove and establish the
17 necessary criminal intent on the part of the defendant
18 beyond a reasonable doubt in order for him to be convicted
19 of any crime.

20 Now, I need to explain to you the concept known as
21 accomplice liability. What that means is that a person
22 can be guilty of a crime either by directly perpetrating
23 it himself or by being present at the scene of the crime
24 and aiding, abetting, and assisting in the commission of
25 the crime. That term of accomplice liability encompasses

1 that concept. It is sometimes referred to as the hand of
2 one is the hand of all. A person who was present at the
3 scene of a crime and intentionally or through a common
4 plan aided, abetted, and assisted in the commission of
5 that crime through some overt act is guilty as an
6 accomplice.

7 Now, to be liable as an accomplice the defendant must
8 have knowledge of the other person's illegal conduct and
9 aid, abet, or assist in its commission. Mere presence at
10 the scene of a crime is not sufficient to establish guilt
11 as an accomplice; so a defendant's mere presence where a
12 crime is being committed or mere association with a person
13 who commits a crime does not make a defendant an
14 accomplice or an aider or abettor. To be proven to be an
15 accomplice the state has to prove to you that the
16 defendant engaged in a willful, intentional, and knowing
17 act of aiding, abetting, and assisting in the commission
18 of a crime charged with the defendant being present when
19 the crime was being committed. It is not necessary for
20 the state to prove that the defendant knew the exact means
21 or the full extent of what was transpiring. It is not
22 necessary that there be any kind of formal agreement, but
23 it has to be proven to you that Mr. Wright knew that the
24 specific crime alleged was being committed; that is, that
25 he knew that all the essential elements of the offense

1 were occurring and that he intentionally and knowingly
2 aided the commission of the crime through a joint effort.

3 Now, intentionally means to act willfully; intending
4 the result that actually occurs; not something that occurs
5 by accident or involuntarily. To aid means to help, to
6 promote the course of, or accomplishment of, to give
7 support to or to give assistance to. To abet means to
8 encourage or support and to assist is a term that you
9 should give it's plain and ordinary meaning.

10 Now when I refer to the term accomplice throughout
11 the remainder of this charge you should consider that I
12 mean that all the conditions of accomplice liability must
13 be proven by the state to have been met as I've explained
14 them to you.

15 All right. Now let's turn to the specific charges
16 that are alleged in this trial. As you know there are two
17 separate indictments, each of which has to be evaluated
18 separately on its own merit or lack of merit. They are
19 separate and distinct charges. I read the indictments to
20 you at the beginning of the trial. Both indictments
21 allege that the incident occurred in Aiken County on or
22 about April 7, 2011.

23 One indictment alleges that Quincy O'neal Wright
24 along with another did while armed with a deadly weapon,
25 specifically a black semiautomatic pistol, feloniously

1 take from the person or presence of Tarlischea Harris by
2 force or intimidation goods or moneys of Ms. Harris
3 described as a purse, camera, and set of keys in violation
4 of the law against armed robbery. The other indictment
5 charges the defendant with burglary in the first degree.
6 It is alleged that the defendant along with others
7 willfully and unlawfully entered the dwelling of Tarlischea
8 Harris in Aiken County without consent and with the intent
9 to commit a crime therein and while effecting entry or
10 while in the dwelling or in immediate flight therefrom he
11 or another participant in the crime became armed with a
12 deadly weapon, specifically a handgun.

13 Now, I remind you that indictments have no
14 evidentiary value. An indictment is nothing more than a
15 formal means by which someone is charged and brought to
16 court. It is a charging paper. It's not evidence and you
17 may not accord an indictment any evidentiary value.

18 Now, both indictments allege that the offense
19 occurred in Aiken County, South Carolina and the state has
20 to prove that to you. The state has to prove that the
21 crime occurred in this county in order for you to convict
22 the defendant of any crime.

23 Now, first, I am going to cover with you the law
24 related the armed robbery. Armed robbery is using force,
25 threats, or intimidation while armed with a deadly weapon

1 to unlawfully take and carry away personal property of
2 another with the intent to deprive the owner of possession
3 of the property. In order to prove this offense the state
4 has to first prove to you beyond a reasonable doubt that
5 the defendant or an accomplice of his took personal
6 property from the person or presence of the person named
7 in the indictment. In order for property to be considered
8 to be in the person -- excuse me, in the presence of a
9 person it must be within the person's reach, inspection,
10 observation, or control so that the person could keep
11 possession of it if that person was not overcome with
12 violence or prevented by fear.

13 The state also has to prove to you beyond a
14 reasonable doubt that the defendant or an accomplice
15 carried away the property intending to permanently deprive
16 the owner of the property and to keep the property. The
17 taking and carrying away of the property must have been
18 done with violence or by putting the owner of the property
19 in fear of violence.

20 Finally, the state has to prove to you beyond a
21 reasonable doubt that the defendant or an accomplice who
22 was present and aiding, abetting, and assisting in the
23 commission of the robbery was armed with a deadly weapon
24 during the robbery. A deadly weapon is any article,
25 instrument, or substance likely to cause death or great

1 bodily harm and here it is alleged that the deadly weapon
2 was a pistol.

3 Now, next I am going to go through the law related to
4 burglary in the first degree. Burglary in the first
5 degree is willfully and unlawfully entering a residence
6 without consent and with the intent to commit a crime
7 therein. If the defendant or an accomplice who was aiding
8 -- excuse me, present and aiding, abetting, and assisting
9 in the commission of the burglary was armed with a deadly
10 weapon. So, to prove the defendant guilty of burglary in
11 the first degree the state must prove to you that
12 Mr. Wright either as a principal or as an accomplice did
13 the following things: First, entered a dwelling without
14 consent. To enter the dwelling without consent means to
15 enter without the consent of the person in lawful
16 possession of the dwelling or to enter by use of
17 deception, artifice, trick, or misrepresentation to obtain
18 the consent to enter from the person in lawful possession.
19 A dwelling is any building in which a person ordinarily
20 sleeps.

21 Next the state must prove to you that the entry was
22 done with the intent to commit a crime inside the
23 dwelling. The mere entry into a dwelling without consent
24 is not burglary. The dwelling -- excuse me. The entry
25 into the dwelling must be made with the intent to commit a

1 crime once inside the dwelling. Now intent may be shown
2 by acts and conduct of the defendant and other
3 circumstances from which you may naturally and reasonably
4 infer the necessary intent.

5 Finally, to be burglary in the first degree the state
6 has to prove to you that the defendant or an accomplice
7 who was present and aiding, abetting, and assisting in the
8 commission of the burglary was armed with a deadly weapon
9 while entering the dwelling or while in the dwelling or
10 while in immediate flight from the dwelling.

11 The last thing I need to tell you about the law is
12 that the defendant is entitled to every reasonable doubt
13 arising in the entire cases. If upon any issue of fact
14 essential to a conviction you have a reasonable doubt as
15 to how that should be resolved you have to resolve that
16 doubt in favor of the defendant. If upon reviewing an
17 entire case you have a reasonable doubt as to whether the
18 defendant has been proven guilty, then he is entitled to
19 that doubt and a verdict of not guilty as to that charge.

20 On the other hand, if upon reviewing an entire case
21 if you find that the state has proven every essential
22 element of its case against the defendant on that charge
23 beyond a reasonable doubt, it is equally your duty to find
24 the defendant guilty of that particular charge. That's
25 the law.

1 Folks, when you go back to the jury room to decide
2 the case you're going to have with you the exhibits
3 submitted in the trial and you're going to have with you
4 these verdict forms. On these forms you're going to tell
5 us your decision in each case. Now you'll see that there
6 are two separate verdict forms. We have is two separate
7 and distinct indictments. Again, each has to be evaluated
8 on its own merits or lack of merit separately and
9 distinctly.

10 You have one verdict form for the armed robbery
11 charge. You have one for the burglary in the first degree
12 charge. I'm supposed to tell you that you're not to infer
13 from the order in which I state the options that I'm
14 trying to suggest one form of verdict over another. The
15 truth is I did these forms at a computer school for judges
16 in sometime in 1990's. I just change the names and case
17 numbers; so, long before I ever knew anything about this
18 this form basically was done.

19 Now, what you'll see when you look at the verdict
20 form you'll see that the caption is at the top. It reads
21 on this one, "As to the charge of armed robbery we the
22 jury unanimously find the defendant," and you have two
23 options. You may find the defendant not guilty or you may
24 find the defendant guilty of armed robbery. The other
25 verdict form caption is the same except the case number is

1 different and it reads, "As to the charge of burglary in
2 the first degree, we the jury unanimously find the
3 defendant," and you have two options. You may find the
4 defendant not guilty or you may find the defendant guilty
5 of burglary in the first degree.

6 Madam foreman, part of your job is to record the
7 verdicts form. I think I you'll find these forms to be
8 self-explanatory. Just check the option chosen by the
9 jury and sign your name on the signature line on each
10 form.

11 Folks, how you go about taking your votes, how you go
12 about your deliberations, all of that is entirely in your
13 discretion subject to this requirement: The verdicts have
14 to be unanimous. All 12 must agree before the foreman can
15 record your verdict. You cannot do anything to change the
16 requirement that your verdict be unanimous. So,
17 understand that in order for something to be a verdict, it
18 must be the unanimous decision of all 12 people on the
19 jury.

20 When you come back into the courtroom and your
21 verdict is read you can be asked if it was your verdict
22 and if it is still your verdict. You can be asked that
23 individually; so make sure you understand that it has to
24 be a unanimous verdict.

25 When you have reached your verdict -- Do y'all still

1 use that light system?

2 THE CLERK: Yes, sir.

3 THE COURT: They got lights over here. They'll
4 explain that to you. I don't know. Most places you knock
5 on the door. So, do what they tell you about letting them
6 know -- the bailiffs know when you got a verdict.

7 Folks, I have told you probably a dozen times not to
8 discuss the case until I tell you to. It's not time yet.
9 The law says that I have to go over with you -- I'm sorry;
10 go over with the attorneys what I just went over with you
11 and that's just common sense. We don't want you back
12 there deciding the cases using the wrong law. So if I
13 said something wrong I need to be told that and correct
14 it.

15 The truth is that I actually e-mailed this charge to
16 the lawyers last night about 9 o'clock. We met before you
17 came in. We've already been over all this, but as you
18 probably can tell I don't read the charge verbatim. A lot
19 of it I have just committed to memory and so sometimes I
20 say things and don't even know I said it; so the lawyers
21 don't get to stand up and object when I'm talking. They
22 have to wait until I ask them if they have an objection;
23 so here's the thing that will happen. If I feel like I
24 need to bring you out to clarify something on the charge,
25 I will, but if I'm satisfied with what I've told you I

1 will send the verdict forms into the jury room and the
2 exhibits. The bailiff will bring the alternate out.
3 It'll just be the 12 of you in there with the door shut.
4 When it's just the 12 of you and the door is shut and you
5 got those forms and exhibits, you start talking about the
6 case. You don't need to wait another second, but don't
7 talk about it until then.

8 When your food gets here they'll bring it in to you.
9 I need the alternate to go in now. Like I said, we'll
10 bring you out right before the jury starts deliberations.
11 Thank you very much, ladies and gentlemen. You may retire
12 to the jury room.

13 (Whereupon, the jury exited the courtroom at 12:10.)

14 THE COURT: All right. Please state for the record
15 exceptions, additions, or objections to the charge from
16 the state.

17 MR. MILLER: None from the state.

18 THE COURT: From the defense.

19 MR. THOMPSON: Nothing from the defense, Your Honor.

20 THE COURT: Gentlemen, the verdict forms are here. I
21 need you to check those. Make sure they're okay.

22 MR. MILLER: Judge, I'll have to get the evidence
23 together here.

24 THE COURT REPORTER: That's it.

25 THE COURT: All right. Are y'all satisfied?

1 MR. MILLER: Yes, sir.

2 MR. THOMPSON: Yes, sir.

3 THE COURT: All right. Madam Bailiff, I need you to
4 bring the alternate out.

5 (Whereupon, the jury begins to deliberate at 12:13.)

6 THE COURT: All right. Mr. Masterson and Ms. Bates;
7 is that correct?

8 THE JUROR: Yes.

9 THE COURT: Folks, we made it through the case
10 without losing any of the other jurors; so your jury duty
11 is over. You don't have to call in. You don't have to
12 come back. I thank you very much. I do want to explain
13 to you that in about half the cases I do I have to use at
14 least one alternate. It's pretty commonplace and once we
15 swear the jury and start the trial that's when jeopardy
16 attaches under the double jeopardy clause and I have to
17 continue with the case; so that's why I need some people
18 sitting over there in case we lose one of the other
19 jurors.

20 So, we made it through this one without having to use
21 you folks. They've ordered your food. We'll be happy to
22 make a place available for you to eat or when it gets here
23 you can take it with you, but you're free to go. You have
24 an exemption from jury duty for 2012, '13, and '14 state
25 court, civil or criminal. Since you actually sat on a

1 jury you're disqualified for a year; so try to remember
2 when you served.

3 I used to be able to go back and talk to the jurors
4 to get questions, comments, criticism, or complaints from
5 them, but we've had some issues in some other counties.
6 We've been instructed to quit doing that. I hate it
7 because I got a lot out of it and I felt like I could
8 explain some things to the jurors and they got some things
9 out of it, but I can't do it. If you have some serious
10 complaint you want to raise, just write me a letter and
11 I'll address it. Thank you very much. You're free to go
12 and you can talk to whoever you want to talk to.

13 We're at ease on this case pending a verdict.

14 (Whereupon, a lunch break was taken.)

15 THE COURT: I received a note from the jury asking if
16 I can explain the two types of evidence. I'm assuming
17 they want to be recharged on direct evidence and
18 circumstantial evidence. That's what I intend to do.

19 Anything from the state?

20 MR. MCCARLEY: Nothing from the state, Your Honor.

21 THE COURT: The defense?

22 MR. THOMPSON: Nothing from the defense, Your Honor.

23 THE COURT: Thank you. Bring the jury.

24 (WHEREUPON, Court's Exhibit No. 2 was marked for
25 identification only.)

1 (Whereupon, the jury came into open court at
2 approximately 1:40.)

3 THE COURT: Madam foreman, I received a note from the
4 jury asking that I explain the two types of evidence. Is
5 that the request?

6 THE FOREPERSON: Yes, sir.

7 THE COURT: Ladies and gentlemen, there are two types
8 of evidence generally presented during a trial. There is
9 direct evidence and there's circumstantial evidence.
10 Direct evidence is evidence of direct perception including
11 the testimony of a person who asserts or claims actual
12 knowledge of a fact such as an eye witness.
13 Circumstantial evidence is proof of a chain. It's proof
14 of a chain of facts and circumstances indicating the
15 existence of a fact.

16 Now the law makes absolutely no distinction between
17 the weight or value to be accorded to either direct
18 evidence or circumstantial evidence, nor is a greater
19 degree of certainty required of circumstantial evidence
20 than of direct evidence. What you need to do is to weigh
21 all the evidence in the case and if after weighing all the
22 evidence you're not convinced of the guilt of the
23 defendant beyond a reasonable doubt, you must find him not
24 guilty.

25 That's the charge on direct and circumstantial. If

1 you need anything else, let me know. Thank you.

2 (Whereupon, the jury exited the courtroom at 1:41.)

3 THE COURT: Exceptions, additional objections to the
4 charge from the state?

5 MR. MCCARLEY: Nothing from the state, Your Honor.

6 THE COURT: Defense?

7 MR. THOMPSON: Nothing from the defense, Your Honor.

8 THE COURT: Thank you. We're at ease pending a
9 verdict.

10 (Whereupon, a break was taken.)

11 THE COURT: I received a note from the jury that
12 reads, "Was the purse returned before the January 20, 2012
13 questioning of Quincy Wright?" Obviously, that's asking
14 for a fact issue to be presented. I cannot tell the jury
15 anything about the facts of the case.

16 Now, if the attorneys agree for me to write the
17 answer on this or bring the jury out and tell the answer,
18 then that's fine. If not, the only thing I can do is tell
19 them that they have a right to request that some or all of
20 the testimony be replayed. I don't know if it's in the
21 testimony or not, quite frankly.

22 MR. MILLER: It is, Your Honor. It was brought up
23 during the cross examination of Mr. Wright and I don't
24 have any problem with agreeing with Mr. Thompson that the
25 purse was returned prior to January 20 of 2012.

1 Mr. Wright testified to that fact and it wasn't even
2 really close. I mean, he said it was within a couple of
3 days after the incident and that was in evidence.
4 Otherwise, we can find the specific portion of
5 Mr. Wright's testimony where he talks about that, but I
6 don't have any objection to answering the question in the
7 affirmative.

8 MR. THOMPSON: Your Honor, again, unless the court
9 thinks that this is somehow inappropriate I don't have a
10 problem with the court just issuing a one-word answer yes
11 and be done with it.

12 THE COURT: All right. Bring the jury in.

13 (Whereupon, the jury came into open court at
14 approximately 2:17.)

15 THE COURT: Madam foreman, I received a question from
16 the jury that reads: "Was the purse returned before the
17 January 20, 2012 questioning of Quincy Wright?" Is that
18 the jury's question?

19 THE FOREPERSON: Correct.

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, as I explained to you the judge is not permitted to
22 comment on the facts. I can't discuss facts with the jury
23 and because that's not my job, quite frankly, I only
24 listen for certain things during the trial, but in this
25 instance the attorneys have both agreed that I can answer

1 the question on their behalf. The answer is yes.

2 All right. That is not coming from me. The
3 attorneys agree that the answer to the question is yes.

4 All right. Thank you.

5 (Whereupon, the jury exited the courtroom at 2:18.)

6 THE COURT: Any exceptions, additions, or objections
7 to the instruction to the jury?

8 MR. MILLER: No none from the state.

9 MR. THOMPSON: None from the defense, Your Honor.

10 THE COURT: Thank you. We're at ease pending a
11 verdict.

12 (WHEREUPON, Court's Exhibit No. 3 was marked for
13 identification only.)

14 (Whereupon, a break was taken.)

15 THE COURT: I received a note from the jury: "We
16 have a unanimous decision on one charge. We cannot come
17 to common ground on the second charge. Please advise."
18 What I intend to tell the jury is that I do not want to
19 know which case they have the decision on, which case they
20 do not. I do not want to know at this stage what their
21 verdict is on the one they have agreement on. I am going
22 to give them an Allen charge on whichever case it is that
23 they have not been able to reach a unanimous decision on.
24 If they cannot reach a unanimous decision just send me a
25 note and we'll go from there.

1 Do y'all have any other input?

2 MR. MILLER: Nothing from the state, Your Honor.

3 MR. THOMPSON: Nothing from the defense, Your Honor.

4 THE COURT: There was a request at the side that I
5 ask for the split. I never do that and I am pretty sure
6 we're not supposed to. Sometimes they send it out. One
7 of the concerns is if I know the split and I give an Allen
8 charge it can be deemed to be coercive to the jurors who
9 are in the minority. For all I know there is only one in
10 minority. I have no idea if they decided not guilty on
11 one case or guilty on one case -- no idea what the split
12 is. I know it might help y'all to know as far as if you
13 were going to negotiate something, but I got to do my job
14 and y'all have to do yours; so I'm sorry I can't help you
15 out.

16 Bring the jury in.

17 (Whereupon, the jury came into open court at
18 approximately 4:20.)

19 THE COURT: All right. Madam foreman, I received the
20 note from the jury that reads: "We have a unanimous
21 decision on one charge. We cannot come to common ground
22 on the second charge. Please advise."

23 Ladies and gentlemen, I appreciate the way you did
24 this note. You did it exactly the way you're supposed to.
25 I do not want to know at this stage which case you have

1 reached a verdict on. I do not want to know at this stage
2 what verdict you reached, whether it was not guilty or
3 guilty. I'm going -- when I get a note from a jury that
4 indicates that they have not been able to reach a
5 unanimous decision on a case I'm -- I give what's called
6 an Allen charge. Allen is just the name of some defendant
7 in a case; so we call it an Allen charge and I am going to
8 give you this instruction and ask you to attempt to
9 continue to deliberate. If you cannot reach a unanimous
10 verdict on that charge, just send me a note. Let me know.

11 So, you asked me to advise you. That's the advice.
12 That's what I am supposed to do is give you an Allen
13 charge; so here we go.

14 Members of the jury, I am going to give you an
15 additional charge which is by way of further instruction
16 on trying to reach a verdict. Hopefully, you can make
17 another effort and reach a verdict in the case. As I've
18 already told you you're the sole judge of the facts and as
19 the judge of the law I'm not permitted to even give you a
20 hint as to how I might feel about any factual matters in a
21 case. Certainly, I could not give you any hint as to what
22 verdict that I might think should be entered in a case.
23 It's my duty to state the law after the case and that's
24 what I have attempted to do.

25 I can tell you this, however, that when a matter is

1 in dispute it's not always easy for two people to agree;
2 so when 12 are asked to agree it becomes, obviously,
3 correspondingly more difficult, but it is important that
4 litigation be ended if it can be ended without a single
5 one of you doing violence to your own conscience. No
6 juror is expected to give up an opinion based on reasoning
7 satisfactory to that juror merely for the purpose of being
8 in agreement and I want to be understood on that.

9 You're not called upon often to try cases. There are
10 46 circuit judges and some retired judges and our work,
11 basically, involves presiding over trials every day and
12 from that experience I can tell you that it's unusual --
13 it is almost unheard of for a jury to go out and promptly
14 return with a verdict. That's what will be happening if
15 jurors were normally in agreement to begin with.

16 At the same time, we do normally get a verdict and
17 what that means is that it's customary for jurors to
18 disagree at first, but the fact that we normally are able
19 to get a verdict also means that after reasonable persons
20 lay aside any extraneous matters and determine to decide
21 the case on the law and the evidence they are able to
22 fashion a common understanding and to write a verdict.
23 It's never been intended that the verdict of a jury should
24 be the verdict of any one person. On the other hand, the
25 verdict of the jury is the collective reasoning of all

1 persons put together and in that way it can be said that
2 jury service is sometimes described as a matter of give
3 and take. We have a jury for the benefit of collective
4 wisdom, collective thought, and collective reasoning.

5 Now, it's your duty as I'm sure you've been doing to
6 tell the other jurors how you feel about the case and why
7 you think as you do and the other jurors have the
8 corresponding duty to exchange their views with you and
9 you should listen to each other and give each other's
10 thought such meaning as you deem appropriate.

11 If you do not agree on a verdict it does not mean
12 that anybody wins. It just means that at some future term
13 of court before some other judge perhaps that another jury
14 will come and sit where you're sitting. The same
15 participants will come and the same lawyers will come
16 presumably they will ask basically the same questions and
17 get the same answers and we'll go through the whole
18 process again, and I have no reason to think that there
19 are 12 citizens of Aiken County more capable of solving
20 this controversy than you are; so I am going to ask you to
21 deliberate further to see if you can reach a verdict, but
22 I want to close by reminding you of what I said in the
23 opening and that is that while it's important that
24 litigation be ended it should be ended in a form of a
25 verdict where no juror does conscience. -- I'm sorry; does

1 violence to his or her own conscience. No juror is
2 expected to give up an opinion based on reasoning
3 satisfactory to that juror merely for the purpose of being
4 in agreement.

5 So, with that added instruction, ladies and
6 gentlemen, I ask you to retire to the jury room,
7 deliberate further. If you cannot reach a verdict, send
8 me a note. Thank you.

9 (Whereupon, the jury exited the courtroom at 4:26.)

10 THE COURT: Please state for the record exceptions,
11 additions, or objections to the Allen charge from the
12 state.

13 MR. MILLER: None from the state, Your Honor.

14 THE COURT: From the defense.

15 MR. THOMPSON: None from the defense, Your Honor.

16 THE COURT: Thank you very much. We're at ease
17 pending a verdict.

18 (WHEREUPON, Court's Exhibit No. 4 was marked for
19 identification only.)

20 (Whereupon, a break was taken.)

21 THE COURT: I received a note from the jury that
22 reads: "One charge unanimous. One charge split." I'll
23 bring the jury out and see if they think any further
24 effort would be any good, if they want a break, or if they
25 want to come back tomorrow. If they tell me they're

1 hopelessly deadlocked, then I'll have to declare a
2 mistrial in that case and receive the verdict in the other
3 case. Bring the jury in.

4 (Whereupon, the jury came into open court at
5 approximately 4:47.)

6 THE COURT: All right. Madam foreman, I received a
7 note from the jury that reads that you have one charge on
8 which you're unanimous and one charge on which you're
9 split.

10 THE FOREPERSON: Yes, sir.

11 THE COURT: With regard to the charge that you have
12 not been able to reach a verdict on, there's a statute in
13 South Carolina that provides that once a jury tells me the
14 second time that they have not been able to reach a
15 unanimous verdict then the only way I can have the jury
16 continue to deliberate is if the jury tells me that they
17 want to. So, I offer to the jury if you want to take a
18 break, if you want to come back in the morning, anything
19 like that, but if you tell me you're hopelessly deadlocked
20 now and you don't believe it will do any good to
21 continue -- I just need you to tell me whether you think
22 it would do any good.

23 THE FOREPERSON: I don't think so.

24 THE COURT: You feel like the jury is hopelessly
25 deadlocked?

1 THE FOREPERSON: I think so, yes, sir.

2 THE COURT: Now, have you a verdict on one case?

3 THE FOREPERSON: Yes, sir.

4 THE COURT: Would you pass that verdict form up?

5 THE FOREPERSON: Just that one?

6 THE COURT: Yes, ma'am. At this point just that one.

7 (Whereupon, the verdict form was given to the Court.)

8 THE COURT: All right. This is State of South

9 Carolina, County of Aiken, in the Court of Genera

10 Sessions, the State versus Quincy O'neal wright, case

11 number 2012-GS-02-718. As to the charge of burglary in

12 the first degree we the jury unanimously find the

13 defendant guilty of burglary in the first degree, signed

14 by the foreman.

15 Ladies and gentlemen of the jury, if I have
16 accurately stated your verdict that is guilty of burglary

17 in the first degree, would you please signify by raising

18 your right hand. Do it again. All 12 hands are raised.

19 All right. So you have not been able to reach a

20 verdict on the armed robbery charge?

21 THE FOREPERSON: Correct.

22 THE COURT: Are there any matters to take up prior to
23 the jury being discharged from the state?

24 MR. MILLER: Nothing from the state, Your Honor.

25 THE COURT: From the defense?

1 MR. THOMPSON: Nothing from the defense, Your Honor.

2 THE COURT: The court declares a mistrial in the
3 armed robbery charge.

4 Ladies and gentlemen, I am going to ask you to step
5 back in the jury room while I deal with some issues out
6 here. I can't let you go quite yet. Don't discuss the
7 case now. All right? Just -- Y'all are probably tired of
8 talking about it anyway. Just don't talk about the case.
9 Leave those with us.

10 (Whereupon, the jury exited the courtroom at 4:51.)

11 THE COURT: Are there any motions?

12 MR. MILLER: None from the state, Your Honor.

13 THE COURT: Any motions from the defense?

14 MR. THOMPSON: I beg the court's indulgence, Your
15 Honor.

16 THE COURT: Yes, sir.

17 You got a sentencing sheet?

18 MR. MILLER: We do, Your Honor.

19 THE COURT: Motions?

20 MR. THOMPSON: Your Honor, at this time I'd like to
21 make a motion for a new trial on the basis that, you know,
22 the state's case was that Mr. Wright had gone into the
23 home to commit armed robbery; that if he didn't commit the
24 armed robbery there wouldn't be any basis for a crime
25 inside the home and as a result we'd like to make a motion

1 for a new trial on the basis that they could not have
2 found him guilty of burglary without finding him guilty of
3 armed robbery.

4 THE COURT: All right. Any other motions?

5 MR. THOMPSON: Nothing further, Your Honor.

6 THE COURT: All right. The motion is denied. I
7 understand the argument about being an inconsistent
8 verdict, but the jury had all the evidence and they could
9 find the defendant guilty of the burglary in the first
10 degree. The motion is denied. There is sufficient
11 evidence in the record to allow the jury to reach this
12 verdict and not reach a verdict on the other case.

13 All right. Do you have anything else on sentencing,
14 Solicitor?

15 MR. MILLER: Your Honor, we don't have anything else
16 on sentencing.

17 THE COURT: Mr. Thompson, are you going to tell me
18 anything related to sentencing? I need the sentencing
19 sheet.

20 MR. THOMPSON: Your Honor, could I have a brief
21 moment to talk to my client about the sentencing sheet and
22 also to discuss this with him?

23 THE COURT: Sure. We're at ease.

24 (Whereupon, a break was taken.)

25 THE COURT: All right. I mentioned earlier about

1 inconsistent verdicts. There really wasn't a second
2 verdict -- just one, but the rule against inconsistent
3 verdicts I think was abolished in 1991.

4 All right. What do you want to tell me about
5 sentencing, Mr. Thompson?

6 MR. THOMPSON: Your Honor, may it please the court.
7 My client is 21 years old. He went to the tenth grade at
8 North Augusta High School. He works part time in
9 landscaping. He has a 3-year-old little girl who he's
10 actively involved in her life. Whatever the jury thought
11 about what he was intending to do in the home it was
12 obviously armed robbery, and, Your Honor, his mother, his
13 girlfriend, and his brother have been here in the
14 courtroom to support him pretty much all week long.

15 His record, Your Honor, is really not that bad. We'd
16 like to ask that the court consider possibly a 15-year
17 sentence in this matter.

18 THE COURT: Mr. Wright, you can tell me anything
19 you'd like. Generally, at this stage the lawyers
20 discourage their clients from saying a whole lot because
21 anything you say is going to be taken down. If you make
22 any kind of admission now it is going to be taken down.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: But I don't want to discourage you. If
25 you want to say anything particularly about sentencing I'd

1 be happy to let you say it.

2 THE DEFENDANT: The only thing I can say is just try
3 to be lenient on me. I got a little girl I got to go back
4 home to. That's all.

5 THE COURT: Mr. Wright, you have a very narrow window
6 of opportunity, a very short timeframe in which to file an
7 appeal. I encourage you to tell Mr. Thompson to file your
8 notice of appeal.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: It has to be in writing. It has to be
11 done promptly; so you need to go ahead and get that filed.
12 If you don't file it in time, then you're going to be
13 denied your right to appeal. Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: They have an office in Columbia that has
16 attorneys that handle appellate defense.

17 I attempted to sit up here and say what scenarios I
18 could envision the jury might have come up with. I could
19 think of about two or three of what his knowledge was at
20 the time of the entry as opposed to after -- if they
21 believe one version of the facts about what transpired
22 thereafter and there being a gun inside the dwelling.
23 There was also testimony about a gun being taken from the
24 dwelling. So, now it specified a gun in the indictment so
25 I am going by the one specified in the indictment. I

1 still think there is evidence to support the jury's
2 verdict.

3 MR. THOMPSON: Yes, Your Honor.

4 THE COURT: And any motion for new trial would be
5 denied.

6 MR. THOMPSON: Yes, Your Honor.

7 THE COURT: All right. Mr. Wright, it is no pleasure
8 sentencing folks. I really hope -- I hope things go well
9 for you. The sentence is that you be committed to the
10 South Carolina Department of Corrections for 20 years plus
11 costs and assessments. You'll be given credit for jail
12 time under Section 24-13-40. The department will
13 calculate and apply it. Restitution is deferred. Pay
14 your court cost within 180 days of being released from
15 prison. Good luck to you, sir.

16 THE DEFENDANT: Yes, sir.

17 MR. THOMPSON: Thank you, Your Honor.

18 THE COURT: All right. Bring the jury back in. The
19 defendant is out of the courtroom. I don't think it is
20 necessary for him to be here.

21 MR. THOMPSON: Your Honor, may I make one more
22 motion?

23 THE COURT: Let me take care of this.

24 (Whereupon, the jury came into open court at
25 approximately 5:05.)

1 THE COURT: All right. Ladies and gentlemen, I just
2 had to check and make sure I didn't need you anymore and I
3 don't; so you're through with the jury service. You don't
4 have to call in. You don't have to come back. You have
5 an exemption from jury duty for 2012, '13, and '14. Since
6 you actually sat on a jury you're disqualified for a year;
7 so try to remember when you served.

8 I really appreciate your service. You, obviously,
9 approached your duties very seriously and I watched you
10 throughout the trial. You paid close attention and I
11 really appreciate your service.

12 For most of the time I've been a judge I would always
13 go back and talk to the juries after cases were over. I'm
14 not -- No judge is permitted to comment on any jury's
15 verdict; so I cannot comment on what you decided, but I
16 will give juries an opportunity to talk to me about any
17 questions or comments, criticisms, and complaints, and I
18 always got a lot out of it and I thought I could explain
19 some things to some jurors who had some concerns; so I
20 thought it was a real good thing.

21 Unfortunately, there was some incidents where jurors
22 reported some misconduct -- not to me. Well, I've had a
23 few, but it got to be kind of a concern the jurors were
24 saying some things then the judge had to report and in any
25 event the practice of doing that just going back in the

1 jury room and talking to jurors is over.

2 Now, if you need to report anything you write me a
3 letter. It has to be on the record. I'm not encouraging
4 you or discouraging you and that's related to anything --
5 not just issues that might be considered juror misconduct,
6 but the Chief Justice got tired of the judges being
7 involved and having to kind of be a witness; so the
8 directions we have in one of the cases is that we should
9 avoid doing that. So if you got some suggestions and how
10 we can do things better or anything like that, write me a
11 letter. I'll do my best to respond to you.

12 You're free to go. I hope it was a good experience
13 for you. I know it is different. Thank you.

14 (Whereupon, the jury exited the courtroom at 5:08.)

15 (Whereupon, the Defendant entered the courtroom.)

16 THE COURT: Mr. Wright, your lawyer wanted to make
17 another motion; so I needed you out here when he does
18 that.

19 THE DEFENDANT: All right.

20 THE COURT: Go ahead.

21 MR. THOMPSON: Your Honor, just to err on the side of
22 caution I want to go ahead and renew all of my prior
23 motions in this case and also to make a general motion for
24 a new trial on the basis that taken the evidence in the
25 light most favorable to the state that the jury could not

1 rule against my client.

2 THE COURT: All right. I actually was considering
3 all of those things earlier and having reconsidered them
4 again the motions are respectfully denied.

5 Thank you very much. Good luck to you, Mr. Wright.

6 (End of Transcript of Record.)

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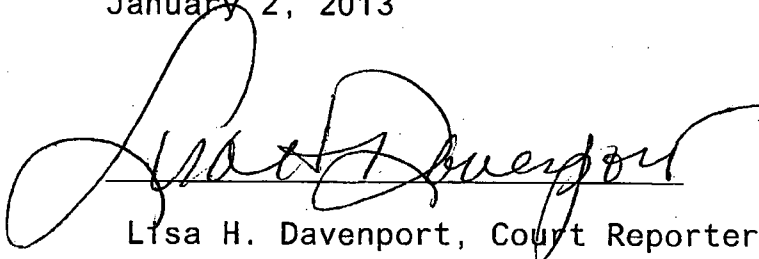
CERTIFICATE OF REPORTER

State of South Carolina)
County of Aiken)

I, Lisa H. Davenport, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Aiken County, South Carolina, on the 16 - 18 day of July, 2012.

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

January 2, 2013

A handwritten signature in black ink, appearing to read 'Lisa H. Davenport', is written over a horizontal line.

Lisa H. Davenport, Court Reporter

WITNESSES

North Augusta Dept. of Public Safety

R C Moulton

Law Enforcement Case #: 11-013011

DWM

ARREST WARRANT NUMBER

M026136

FILED

C.C.P. & G.S.

Deputy Clerk

DOCKET NO. 2012GS0200718

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JUNE TERM 2012

THE STATE
vs.

QUINCY ONEAL WRIGHT

ACTION OF GRAND JURY

True B: 11

Wesley E. Eubank

Foreperson of Grand Jury

Date: June 7, 2012

VERDICT

Guilty

L. R. D. A.

Foreperson of Petit Jury

Date: July 18, 2012

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

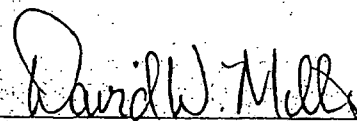
INDICTMENT FOR
BURGLARY FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on June 11, 2012, the Grand Jurors of
Aiken County present upon their oath:

That **QUINCY ONEAL WRIGHT**, along with others, did in Aiken County on or
about April 7, 2011, wilfully and unlawfully enter the dwelling of Tarlishea Harris located
at _____ South Carolina, without consent and with
the intent to commit a crime therein and while effecting entry or while in the dwelling or
in immediate flight therefrom he or another participant in the crime became armed with
a deadly weapon to wit, a handgun, all in violation of §16-11-311, 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.



J. STROM THURMOND, SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 9, 2013



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
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