STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Hampton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOEY DEAN COLEMAN,

APPELLANT.

APPELLATE CASE NO. 2020-000231

RECORD ON APPEAL

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COUNTY OF HAMPTON	) CASE NO. 2018-GS-25-00440-445
STATE OF SOUTH CAROLINA, Plaintiff,	) Transcript of Record
vs.	) Date: February 3, 2020
JOEY DEAN COLEMAN, Defendant.	)

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B E F O R E:

The Honorable Carmen T. Mullen

* * * * * * * * * * * * * * * * *

Denise J. Lauder, RPR

Ninth Judicial Circuit

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(The following proceedings were had Hampton County General Sessions, 12:54 p.m., Judge Mullen, State v. Joey Coleman.)

THE COURT: Afternoon, ladies and gentlemen.

THE JURY PANEL: Afternoon.

THE COURT: It is a pleasure to see you all. My name is Carmen Mullen, and I'm one of two resident circuit court judges here in Hampton County. My main chambers is out of Beaufort, ladies and gentlemen, but I cover Allendale, Colleton, Jasper, Hampton and Beaufort Counties.

It is my pleasure to be here in Hampton holding a term of criminal court. Ladies and gentlemen you've been summoned as potential jurors during the trial of this first case.

Mr. Evans, again, how long do you expect the case to last?

MR. EVANS: Judge, I think we'll be done midday Wednesday.

THE COURT: All right. Thank you.

Ladies and gentlemen, I say that because I want you to know what your service is likely to entail. To begin with, right now I am going to pull this first jury. If you are chosen

on this jury, ladies and gentlemen, after I pull you, I'm going to send you home for the remainder of the day. We're going to start the trial tomorrow morning. As you heard the solicitor, he just stated that we are going to finish by Wednesday. The good news, ladies and gentlemen, is that your service will be complete by Wednesday. That's just to let you know.

All right. So even if you are chosen or not chosen, everyone is going home after I finish today because there are other matters I need to take up before the jury returns back tomorrow morning.

All right. So with that said, I'm going to go ahead and ask you a number of questions regarding jury service. If you need to respond to these questions, ladies and gentlemen, simply stand and give me your name and juror number and response. All right?

Okay. If you're ready to go -- I know it's getting close to 1:00, and some people are probably hungry. So I would like to get started as soon as possible, if anyone has any concerns or issues. If not, I would like to go ahead and start asking questions.

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So, ladies and gentlemen, do I have any member of the panel who is not a citizen of the United States? If so, please stand.

There any member of the jury panel who is not a resident and citizen of Hampton County? If so, please stand.

Do I have anyone who is unable to read, write, speak, or understand the English language?

Yes, ma'am.

PROSPECTIVE JUROR: I stopped going to school last fifth grade. (Inaudible) reading.

THE COURT: Okay. I'm sorry, you were concerned about maybe reading, is that --

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Let me ask you, do you drive?

PROSPECTIVE JUROR: No.

THE COURT: You do not drive. Okay. Can you pretty much write your bills and pay for things or --

PROSPECTIVE JUROR: No.

THE COURT: No?

All right, ma'am. I'm going to go ahead and excuse you from jury service, but I appreciate you being here.

What number was she?

THE CLERK: 110.

THE COURT: All right, ma'am. I'm going to go ahead and excuse you.

PROSPECTIVE JUROR: Thank you.

THE COURT: Thank you. You may be excused.

Anyone else?

Ladies and gentlemen of the jury, do we have anyone with less than a sixth grade education or its equivalent? And, ladies and gentlemen, if you have paid your bills, raised a family, you have more than a sixth grade education, but I want to make sure that you feel comfortable sitting as a juror in the trial of this case.

Anyone concerned about this? If so, please stand. Very good.

Ladies and gentlemen, is there any member of the jury panel who is unable because of mental or physical infirmities to render efficient jury was. Let me tell you what that means, ladies and gentlemen. If you get chosen on this jury tomorrow, you are probably going to appear tomorrow at 10:00 a.m., you're going to be sitting in the jury box and you're going to be sitting there for

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roughly about an hour at a time.

In between we're going to have breaks where you're going to go back to your jury room and you're going to have coffee and Coke and snacks and whatever you need to keep going. We're going to run until roughly 1:00; we're going to break for an hour for lunch, hour and a half or so. You're going to be able to grab a bite to eat, come back and we'll run until probably about the end of the day.

Ladies and gentlemen, again, this is not an endurance contest, but I do need to tell you that you are going to be sitting in the box for roughly an hour at a time. This question is for people who absolutely because of some health problem just cannot sit in that box for an hour at a time.

I will tell you if you need to stand up and take stretches, if you have a bad back or bad legs, you can do that in my courtroom. Also, if you are diabetic and worried about maybe having some kind of insulin problem, we have juice, candy, whatever you need to keep going. And I can take all the breaks you need.

I'm, ladies and gentlemen, concerned

about anyone who has a health condition that would require us to continually have to take breaks. Anyone in that situation? If so, please stand.

Very good.

Ladies and gentlemen, do I have anyone here who has been convicted by guilty plea or trial in a State or Federal Court of record for a crime punishable by imprisonment for more than one year and your civil rights have not been restored by pardon or amnesty? If so, please stand.

Yes, sir.

PROSPECTIVE JUROR: I have.

THE COURT: Give me your number.

PROSPECTIVE JUROR: 91.

THE COURT: Give me a moment, sir.

Do you know what it was for?

PROSPECTIVE JUROR: A forgery.

THE COURT: How long ago was it?

PROSPECTIVE JUROR: Twenty-five years ago.

THE COURT: Twenty-five years ago. A long time ago. And you weren't a juvenile, were you?

PROSPECTIVE JUROR: No.

THE COURT: All right, sir. I will

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excuse you. I appreciate your candor and thank you, sir.

Anyone else?

Ladies and gentlemen, is any person here a clerk or deputy clerk or court, constable, sheriff or other commissioned law enforcement officer, probate judge, county commissioner, magistrate, or other county officer employed within the walls of any courthouse? If so, please stand.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR: I'm a federal correctional officer at the -- correctional counselor at the prison in Estill.

THE COURT: I can tell you that that is an exemption. Do you want to be exempted from service?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: All right. Ma'am, give me your number again.

PROSPECTIVE JUROR: 24.

THE COURT: No. 24, you are excused. Thank you for being here.

All right. Do I have anyone that has served up here in circuit court, not city court or magistrate's court or federal court, during the

last calendar year? If so, please stand.

Do I have anyone that served on the Hampton County Grand Jury during the past several years? If so, please stand.

Yes, ma'am, give me your number.

PROSPECTIVE JUROR: 107.

THE COURT: When did you serve?

PROSPECTIVE JUROR: Last year grand jury.

THE COURT: All right, ma'am. I'm going to excuse you as well. Thank you for being here.

PROSPECTIVE JUROR: Thank you.

THE COURT: Anyone else?

Ladies and gentlemen, we will now move to jury exemption. State law provides for several exemptions to jury service. An exemption does not mean you are not qualified to serve. It means you may choose not to serve; however, I would love to have you stay with us if you are inclined to.

Do I have anyone here who is 65 years of age, or older, who does not wish to serve with me this week? If so, please stand.

Ma'am, you will have to show me some ID because I do not believe that you are 65. Oh, my

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goodness. Do you want to be excused?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. I will have the deputies check it on the way out. You look fabulous. You are excused, ma'am.

Anyone else?

THE CLERK: We need to get her name.

THE COURT: Can we get her number?

THE CLERK: Ms. Henderson, No. 75.

THE COURT: Thank you, Mrs. Henderson.

PROSPECTIVE JUROR: You're welcome.

THE COURT: All right. Ladies and gentlemen, no person is required to serve as a juror more often than once every three calendar years up here in circuit court.

Do I have anyone who has served during the last two years who doesn't wish to serve this week? And I have to tell you, we're going to look you up because out time lines are stretched.

Sir, give me your name and number.

PROSPECTIVE JUROR: Nicholas Harriet, No. 73.

THE COURT: No. 73. When did you serve?

PROSPECTIVE JUROR: I think it was like

just over a year ago.

THE COURT: Okay. Did you get put on a jury?

PROSPECTIVE JUROR: I did.

THE COURT: Who was the judge, do you remember?

PROSPECTIVE JUROR: You were.

THE COURT: It was me. Actually, it's funny; you look familiar to me as well. Okay. I will excuse you. All right. Thank you for being here. Okay.

All right. Ladies and gentlemen, do I have anyone who has served as a grand juror here in Hampton County during the last five calendar years? If so, please stand.

Next exemption deals with those of you that have legal custody of young children. And I respectfully ask that you listen carefully to this question. It has four parts, all of which must apply for you to claim the exemption.

You may be exempted from jury service if you have a small child or small children under the age of seven for which you have legal custody of that child or children, and you stay home and take care of that child or children, and, lastly,

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you have no one else to cover you while you are here.

I don't want anyone's babies to go unattended, but if you do take your children to daycare or you take them to school, it's presumed that you can do the same thing while you are here. Understanding, ladies and gentlemen, that you should be able to meet any bus. That should not be a problem today; I'm going to get you out of here.

Secondly, we're only talking about Tuesday and Wednesday being a concern; but, ladies and gentlemen, again, I'm going to make sure that our children are covered.

Who do I have that is not able to serve with me tomorrow and Wednesday because they have to stay home and take care of children? I'm going to start, ma'am, with you in the front. Give me your number.

PROSPECTIVE JUROR: No. 74.

THE COURT: How old are your children?

PROSPECTIVE JUROR: She's six.

THE COURT: She's six. And you don't have anyone to cover her?

PROSPECTIVE JUROR: I wouldn't on Tuesday, but on Wednesdays she only stays with her

grandparents if I can't watch her, and he pastors on Wednesdays.

THE COURT: I will excuse you. I look forward to seeing you next year. I'm sure you will be called back.

Yes, ma'am, in the maroon sweater. How old are your children?

PROSPECTIVE JUROR: She's two months.

THE COURT: Two months.

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: All right. Give me your number.

PROSPECTIVE JUROR: 103.

THE COURT: 103. Who has the baby right now?

PROSPECTIVE JUROR: Her dad.

THE COURT: Can he help the next two days?

PROSPECTIVE JUROR: No; he works.

THE COURT: All right. I will go ahead and excuse you. We will see you in another six plus years. Okay? Thank you.

THE COURT: Yes, ma'am.

Give me your number.

PROSPECTIVE JUROR: 79.

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THE COURT: How old are your children?
PROSPECTIVE JUROR: I have 11-month-old, that's my grandchild, and I keep her all the time.
THE COURT: Do you have custody of her?
PROSPECTIVE JUROR: No.
THE COURT: All right. I can't excuse you if you don't have custody of her.
PROSPECTIVE JUROR: Okay.
THE COURT: Who has got her right now?
PROSPECTIVE JUROR: My son. He goes to work at three.
THE COURT: And he'll be at work the next two days as well?
PROSPECTIVE JUROR: They got different shifts. I don't know how it's going to be tomorrow.
THE COURT: This is what I can do. I can't excuse you, but what I can do is transfer your service which means the next time you get a notice, you have to make arrangements for somebody to take care of that baby. Is that okay?
PROSPECTIVE JUROR: That's fine.
THE COURT: I will excuse you today. No. 79 is excused. The next time you get notice,

obviously you'll have to make sure that you have coverage.

PROSPECTIVE JUROR: Thank you.

THE COURT: Thank you.

Anyone else?

Ladies and gentlemen, do I have anyone here who is the primary caretaker of a person who is elderly or a special needs person who it is extremely difficult for you to get coverage for? If so, please stand. Very good.

The next exemption involves those of you who may be attending school at this time or working in some capacity with the school. Now, I would hope that you could get a substitute teacher or someone to fill in for you, but I know that certain jobs at school just aren't replaceable.

So do I have anyone here who is a student, a schoolteacher, or works in some capacity with a school like a school bus driver, who absolutely has no coverage for Tuesday or Wednesday of this week? If so, please stand.

And, again, if I have a student, I don't want you missing class. So do I have any students here that are attending school and you will miss school if you are put on the jury? Very

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good.

Ladies and gentlemen, is there anyone here who is left who is employed with the Department of Corrections at a penitentiary? If so, please stand.

Ladies and gentlemen, lastly, is there any juror here who performs services for a business, commercial, or agricultural enterprise, ladies and gentlemen, that if you are required to work here and sit on a jury Tuesday and Wednesday that business or enterprise would have to close its doors or shut down?

I want everyone to make their bills and I understand that a lot of people don't get paid unless they work. I will tell you that I can't excuse a qualified juror for work purposes. If this is the worst week you ever could have been summoned, ladies and gentlemen, I can transfer your service.

But, ladies and gentlemen, I will tell you, in my experience, there are good weeks and there are better weeks to perform jury service. And I can tell you a two-day trial is a very good week to serve. Okay. So I will tell you that even if it's a tough work week, if you can stay with me,

I would suggest doing that.

If you are found qualified, even if you aren't put on a jury, you are going to have earned your exemption for the next three years. So you will be covered for that amount of time; however, ladies and gentlemen, I do understand that certain people have things going on that they absolutely cannot miss work.

Anyone who wants me to transfer their service to a term of court that maybe isn't so busy or that you can get better coverage at work, if so, please stand.

Oh, you listened to me well. That's great.

Ladies and gentlemen, that concludes the statutory list of qualifications and exemptions for jury service. It may be that you are qualified to serve and no exemption applies to you, but this is the absolute worst three days in the year that you could have been summoned.

Ladies and gentlemen, I can transfer your service if necessary, as long as I have enough people, but, again, if at all possible, I really encourage you ladies and gentlemen to stay.

Does anybody or would anyone like me to

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entertain a transfer for you? If so, please stand.

No? All right.

Juror No. 26, Mr. Clark. Mr. Clark, come see me for a moment.

(Proceedings held out of hearing of venire.)

THE COURT: How are you, sir? I'm not going to shake your hand. Everybody has flu right now. Is that your date of birth? (Indicating)

PROSPECTIVE JUROR: Yes.

THE COURT: Is that you?

PROSPECTIVE JUROR: Yes.

THE COURT: Way back then, did you have a conviction for grand larceny?

PROSPECTIVE JUROR: Yes.

THE COURT: Way back then?

PROSPECTIVE JUROR: Yeah. Yeah.

THE COURT: Okay. I have to excuse you, but I appreciate you being here.

PROSPECTIVE JUROR: Thank you so much.

THE COURT: Sorry. Thank you.

(Proceedings held in open court.)

THE COURT: No. 26 is excused.

Does anyone need to talk to me at all about a transfer? After this I will ask you

questions specifically about the case we are going to try, and if you are found qualified, you are potentially going to serve as a juror. Do I have anyone who has any problem?

All right. And I probably needed to tell you, ladies and gentlemen, typically during jury service we will run until maybe 5:00 if we have enough witnesses, maybe not. Okay. I just wanted to let you know for planning purposes.

I don't know what you have going on this week, but I'll do my very best to let you get to your evening obligations, whatever that is. Okay.

So I want to make sure that everybody is fine with that. Roughly, we're going to start at 10:00 and probably end before 5:00, if not at 5:00.

Anyone else need to talk to me? Very good. All right. I find our panel is qualified.

Mr. Evans, if you will call your case, sir.

MR. EVANS: Thank you, Your Honor.

The State is ready in the State of South Carolina v Joey Dean Coleman. Those are Indictments 2018-GS-25-00440, 441, 442, 443, 444

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and 445 which are for respectively armed robbery, kidnapping, kidnapping, possession of a weapon during a violent crime, assault and battery, first degree, and assault and battery, first degree.

May I approach?

THE COURT: You may.

Ladies and gentlemen, as you just heard, the State has called the case that they are prepared to try and, again, this morning entitled the State of South Carolina v Joey Dean Coleman who was charged by Bill of Indictments with armed robbery, two counts of kidnapping, two counts of assault and battery in the first degree, and possession of a weapon during the commission of a violent crime.

Ladies and gentlemen, to begin with, the State is represented by Reed Evans here. And would you also, Mr. Evans, introduce who is at counsel table and who may be sitting with you as well.

MR. EVANS: Good afternoon, everybody. My name is Reed Evans; I work for the solicitor's office in Hampton and also Allendale County. This is Bruce Davis who is an investigator with my office who will be helping me during the trial.

This is Sam Bailey who may or may not be the whole time. He is one of our newer attorneys. Here we have potential witnesses --

THE COURT: Actually, I will go through the potential witness list. Gentlemen, when I do call your name and you are on the potential witness list, I'm going to have you stand and face the panel so they can see you.

Additionally, if I have anyone else that's on that list, if you would face the panel as well.

MR. EVANS: Thank you, Judge.

THE COURT: Additionally, Ms. DeWitt, I would like you to introduce your client and yourself.

MS. DEWITT: Thank you, Your Honor.

I'm Diane DeWitt here as a public defender. I represent Mr. Joey Coleman.

THE COURT: Thank you.

MS. DEWITT: Thank you.

THE COURT: All right. Ladies and gentlemen, my first question to you and under the oath you took earlier, is anyone here related by blood or connected by marriage to the defendant in this case, Mr. Joey Dean Coleman? If so, please

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stand.

Is anyone here close personal friends or have a special or professional relationship with the defendant in this case, Mr. Coleman? If so, please stand.

Additionally, ladies and gentlemen, you have been introduced to the attorneys and investigator on behalf of the State, as well as the defense attorney Ms. DeWitt. My question to you is, is there anyone related by blood or connected by marriage or have a close personal friendship or special relationship with any of these people sitting at counsel table? If so, please stand.

Ladies and gentlemen, additionally, anyone here ever worked in any of their offices, either the public defender's office or the solicitor's office either in Hampton County or elsewhere in the 14th Judicial Circuit?

Very good.

Ladies and gentlemen, the following is a list of potential witnesses in this case, and again I ask that those persons who are here if they would please stand when their name is called.

They are Gregory Alexander, Yemassee Police Department. Thank you, sir.

Tonya Coats, Hampton County Sheriff's Office; Damian Fennell, Yemassee, South Carolina; Tim French of the Beaufort County Sheriff's Office; Joe Loadholt, Yemassee Police Department.

Thank you, sir.

Dell Patel, Yemassee, South Carolina; Josh Kumar Patel, Florence, South Carolina; Derrick Pendergrass, Yemassee Police Department; Fiddleston Sulanky (phonetic) of New York; Mike Straus of Yemassee Police Department.

Thank you, officer.

Samuel Watson of Yemassee Police Department; Karen Wilcox of Yemassee, South Carolina; and Brian Varnado of Colleton County Sheriff's Office.

Ladies and gentlemen, my question is, is there anyone here related by blood, connected by marriage, or have a close personal relationship or special friendship with any -- or professional, for that matter, of any of these potential witnesses in this case? If so, please stand.

And, ma'am, give me your number and name.

PROSPECTIVE JUROR: Wendy Buchanan, Juror No. 21.

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THE COURT: Who do you know?
PROSPECTIVE JUROR: Mr. Alexander.
THE COURT: How do you know him?
PROSPECTIVE JUROR: His son kept my son or would pick him up from school for me.
THE COURT: All right. Ma'am, was that in the past?
PROSPECTIVE JUROR: Yes, that was in the past. He's off at college now.
THE COURT: Very good. The question is, can you be fair and impartial in the trial of this case understanding that Mr. Alexander may be a witness in the trial of this case?
PROSPECTIVE JUROR: Yes, ma'am, I would be fine. I just wanted to let you know.
THE COURT: And I appreciate that. Thank you. You may be seated.
Yes, ma'am, who do you know?
PROSPECTIVE JUROR: Me?
THE COURT: Yes.
PROSPECTIVE JUROR: Chief Alexander.
THE COURT: How do you know him?
THE WITNESS: My mom used to work with him.
THE COURT: Your mom used to work for

him?

PROSPECTIVE JUROR: Yes.

THE COURT: Was it with the Yemassee Police Department or the sheriff's office or where?

PROSPECTIVE JUROR: Yeah, town hall.

THE COURT: The town hall. Okay. Does she still work for him?

PROSPECTIVE JUROR: No.

THE COURT: How long did she stop working at town hall; do you know?

PROSPECTIVE JUROR: About seven years ago.

THE COURT: About seven years ago. Okay. My question is, can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: Sorry?

THE COURT: Can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Give me your number again?

PROSPECTIVE JUROR: 119.

THE COURT: All right. Thank you. Ma'am. Yes.

PROSPECTIVE JUROR: Juror No. 97. I

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know Mr. Joe Loadholt. We're all from Estill.

THE COURT: From Estill. All right. Would you say that you are acquaintances or --

PROSPECTIVE JUROR: We're acquaintances.

THE COURT: Ma'am, can you be fair and impartial in the trial of this case understanding that he is a potential witness?

PROSPECTIVE JUROR: Yes.

THE COURT: Are you sure?

PROSPECTIVE JUROR: Yes.

THE COURT: Thank you, ma'am. You may be seated.

Sir.

PROSPECTIVE JUROR: Juror 160. I know Karen Wilcox, I know Loadholt, I know Alexander, I know Damian Fennell.

THE COURT: Okay. How do you know all of these law enforcement officers?

PROSPECTIVE JUROR: I live in Yemassee.

THE COURT: Okay. Sir, my question is, can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: To be honest, no. I know too many people.

THE COURT: That's all right. I'm going to go ahead and excuse you, but I appreciate it. Thank you, sir.

That was No. 160.

Yes, ma'am, give me your number.

PROSPECTIVE JUROR: 161.

THE COURT: Yes, ma'am, who do you know?

PROSPECTIVE JUROR: I know all of the officers up front: Damian Fennell, Karen Wilcox.

THE COURT: How do you know all of them?

PROSPECTIVE JUROR: I, too, live in Yemassee.

THE COURT: Okay. My question is, can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: Yes.

THE COURT: Are you sure?

PROSPECTIVE JUROR: Maybe not. I think I can.

THE COURT: You have to be sure. You have to be absolutely sure.

PROSPECTIVE JUROR: No.

THE COURT: You have to be fair.

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PROSPECTIVE JUROR: No.
THE COURT: Okay. I will excuse you. Thank you.
No. 161 is excused.
Sir, give me your number, please.
PROSPECTIVE JUROR: 64.
THE COURT: Who do you know?
PROSPECTIVE JUROR: Mr. Loadholt.
THE COURT: How do you know Mr. Loadholt?
PROSPECTIVE JUROR: Through school.
THE COURT: Did you go to school together?
PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: Sir, can you be fair and impartial in the trial of this case?
PROSPECTIVE JUROR: No, ma'am.
THE COURT: You're excused as well. Thank you.
Juror, back in the red shirt number. Give me your number, please.
PROSPECTIVE JUROR: 174.
THE COURT: Who do you know, sir?
PROSPECTIVE JUROR: I know just about everybody.

THE COURT: Okay. Can you be fair and impartial?

PROSPECTIVE JUROR: No, ma'am.

THE COURT: All right. Sir, you're excused.

Yes, sir.

PROSPECTIVE JUROR: 155.

THE COURT: Who do you know?

PROSPECTIVE JUROR: Mr. Alexander.

THE COURT: How do you know him?

PROSPECTIVE JUROR: His son is my nephew.

PROSPECTIVE JUROR: (Nodding head.)

THE COURT: I'm going to excuse you from the trial of this case because you are kin.

All right. Sir?

PROSPECTIVE JUROR: Ms. (Inaudible) son is a member of my church, sings on the praise team.

THE COURT: You are a pastor. You can be fair and impartial, can't you?

PROSPECTIVE JUROR: I'll do the best I can.

(Laughter)

THE COURT: Sir, stand up now. I need to talk to you.

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PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: I have to tell you, this is very serious. And I know we're all being very lighthearted --
PROSPECTIVE JUROR: But you need to know --
THE COURT: I do need to know.
PROSPECTIVE JUROR: -- gave me my CWP.
THE COURT: Okay. Okay. And I appreciate that, and I need to make sure that you can decide the facts of this case based on the evidence that's presented and not because of any friendship that you may have with the chief. My question is, can you be fair and impartial?
PROSPECTIVE JUROR: I can do that.
THE COURT: Are you sure?
PROSPECTIVE JUROR: Yes, ma'am, you just need to know the truth.
THE COURT: And I appreciate that.
MS. DEWITT: What was his number?
THE COURT: Sir, give me your number again.
PROSPECTIVE JUROR: No. 88.
THE COURT: Okay. Sir?
PROSPECTIVE JUROR: No. 50.

THE COURT: Who do you know?

PROSPECTIVE JUROR: I know all three of the officers. I have done pest control for all three.

THE COURT: For their personal houses or for work --

PROSPECTIVE JUROR: Yeah.

THE COURT: Personal houses. All right. Sir, my question to you, can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: You're not worried about missing any contracts or anything like that?

PROSPECTIVE JUROR: Well, I could, but I can do two days.

THE COURT: Are you sure?

PROSPECTIVE JUROR: Yes.

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

I'm going to go to the lady behind you first.

Yes, ma'am.

PROSPECTIVE JUROR: I'm Juror No. 76 and I know Brian Varnado. He's a personal friend and acquaintance forever.

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THE COURT: All right. I don't even know what Mr. Varnado has testified to in this case.

Come and tell me. Come on up.

(Bench conference)

THE COURT: I will excuse you. That's No. 76?

PROSPECTIVE JUROR: Yes.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR: I believe I'm No. 42.

THE COURT: What's your last name?

PROSPECTIVE JUROR: Davis.

THE COURT: Ms. Davis. Yes, ma'am.

PROSPECTIVE JUROR: I know Mr. Alexander because I worked with his father. I also know Mr. Davis through customer service.

THE COURT: Okay. Ma'am, can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: I appreciate that. Thank you.

Anybody else? Yes.

PROSPECTIVE JUROR: No. 19. I know Joe Loadholt.

THE COURT: No. 19?
PROSPECTIVE JUROR: Yes.
THE COURT: How do you know him?
PROSPECTIVE JUROR: Friends.
THE COURT: Okay. My question is, can you be fair and impartial in the trial of this case?
PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: Are you sure?
PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: All right. Thank you. You may be seated.
Yes, ma'am.
PROSPECTIVE JUROR: I'm Juror No. 116, Mary Orr. I know Greg Alexander.
THE COURT: What's the nature of your relationship?
PROSPECTIVE JUROR: We have been neighbors about 40 years.
THE COURT: Forty?
PROSPECTIVE JUROR: Yes.
THE COURT: How close of neighbors are you?
PROSPECTIVE JUROR: Very close.
THE COURT: Next door?

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PROSPECTIVE JUROR: Right across the street.
THE COURT: Right across the street.
PROSPECTIVE JUROR: Our children grew up together.
THE COURT: Ma'am, I'm going to excuse you. Thank you for being here.
All right. Anybody else?
Do I have anyone here who is a member of law enforcement or a member of your immediate family is in law enforcement or previously was in law enforcement? It doesn't get you out of jury service; it's just for us to know. Okay? We want to know.
Ma'am, give me your number.
PROSPECTIVE JUROR: No. 5.
THE COURT: Ma'am, was it you or someone in your family?
PROSPECTIVE JUROR: My brother-in-law is a Varnville police officer.
THE COURT: Currently?
PROSPECTIVE JUROR: Currently.
THE COURT: What's his last name?
PROSPECTIVE JUROR: Anderson.
THE COURT: Okay. Thank you, ma'am.

You may be seated.

Yes, ma'am.

PROSPECTIVE JUROR: 130. My uncle is in the Varnville Police Department.

THE COURT: Varnville. Who is your uncle?

PROSPECTIVE JUROR: And I have a first cousin in -- I think he's in Estill.

THE COURT: Who is your uncle?

THE WITNESS: Michael Smith.

THE COURT: And you said you also have a first cousin that's in Estill?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Estill PD?

PROSPECTIVE JUROR: I think he's in Estill.

THE COURT: What's his name?

PROSPECTIVE JUROR: Quincy Smith.

THE COURT: Okay. All right. Thank you, ma'am. You may be seated.

Yes, ma'am.

PROSPECTIVE JUROR: I was a counselor at the Federal Bureau of Prisons in Estill for 20 years.

THE COURT: Okay. Are you retired,

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ma'am?

PROSPECTIVE JUROR: I am.

THE COURT: Okay. Can you be fair and impartial in the trial of this case?

PROSPECTIVE JUROR: Yes, I can.

THE COURT: Thank you. I appreciate it.

Yes.

PROSPECTIVE JUROR: Juror 114. I was a military police officer.

THE COURT: Thank you. How long was that?

PROSPECTIVE JUROR: Twenty years ago.

THE COURT: Okay. Thank you. I appreciate that.

Yes, ma'am. Over here.

PROSPECTIVE JUROR: Juror 47, Makailah Edwards. My cousin works for Hampton County.

THE COURT: This is a Yemassee case, correct?

MR. EVANS: Yes, ma'am.

THE COURT: Ma'am, give me the name of your family member.

PROSPECTIVE JUROR: Chester Edwards.

THE COURT: Thank you. You may be

seated.

THE COURT: Sir?

PROSPECTIVE JUROR: My wife's uncles are both law enforcement in Columbia.

THE COURT: Okay. Sir, give me your number.

PROSPECTIVE JUROR: No. 49.

THE COURT: What's your name?

PROSPECTIVE JUROR: Doyell Feaster.

THE COURT: Yes, ma'am, finally.

PROSPECTIVE JUROR: Kimika Cox, Juror No. 34. My brother worked for Hampton County and now he works for Colleton County.

THE COURT: What's your brother's name?

PROSPECTIVE JUROR: Theodore Cox.

THE COURT: Thank you. I appreciate it.

Do I have anyone here whose family member or themselves has worked at the solicitor's office, the Fourteenth Circuit Solicitor's Office, or any of the prosecutor's office such as the Attorney General's Office, US Attorney's Office? If so, please stand.

Any member of the jury panel a former or present member, or a financial contributor to

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Hoak Haven of the Lowcountry; CAPA, Children Abuse Prevention Association; CODA, Citizens Opposed to Domestic Abuse; MADD, Mothers Against Drunk Driving; or any other victims rights organizations? If so, please stand.

Is there any member here -- is there any person here who he is a member of or financial contributor to the National Rifle Association, commonly known as the NRA? If so, please stand.

Ma'am, give me your number.

PROSPECTIVE JUROR: No. 52.

THE COURT: And are you a member of or contributor to, or both?

PROSPECTIVE JUROR: Both.

THE COURT: Thank you. You may be seated.

Sir.

PROSPECTIVE JUROR: I'm a member of the National Rifle Association.

THE COURT: Thank you, sir.

Your number, sir?

PROSPECTIVE JUROR: No. 88.

THE COURT: Ladies and gentlemen, is any member of the jury panel ever been accused of or a victim of a robbery, assault and battery, or

any type of property crime? If so, please stand.

Solicitor, can you tell me roughly where this occurred? I don't have in the indictment specifically. Obviously, it occurred in Hampton County on or about November 15th of 2018. Can you tell me where it was?

MR. EVANS: Yes, ma'am. Snappy Food, which is 158 -- is that right, gentlemen -- Yemassee Highway in Yemassee.

THE COURT: Okay. And allegedly occurred on November 15, 2018.

MR. EVANS: Yes, ma'am.

THE COURT: Ladies and gentlemen, has any member of the jury panel seen anything or read anything about this case? Again, it occurred roughly November 15 of 2018 in Yemassee at the --

MR. EVANS: Snappy Foods.

THE COURT: -- Snappy Foods.

Do I have anyone here on this jury panel, or a member of your immediate family, that has ever been prosecuted for a violent crime? If so, please stand.

Do I have anyone here who is a member of or a financial contributor to the Innocence Project, the Equal Justice Initiative, or any

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organization that has as its primary concern the promotion of criminal defendants' rights? If so, please stand.

Yes, ma'am, give me your number.

PROSPECTIVE JUROR: I think I'm 42, Davis. I need to go back to the previous question. My brother is awaiting trial for capital murder.

THE COURT: Okay. Where is that?

PROSPECTIVE JUROR: Colleton County.

THE COURT: Colleton County. Okay. Thank you, ma'am. You may be seated.

Well, let me ask you this: Can you be fair and impartial in the trial of this case understanding obviously that one has nothing to do with the other?

PROSPECTIVE JUROR: (Nodding)

THE COURT: You need to say yes.

PROSPECTIVE JUROR: Yes.

THE COURT: Are you sure?

PROSPECTIVE JUROR: I'm sure.

THE COURT: Okay. And No. 42, correct?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Okay. Ladies and gentlemen, I know you know very little about this case. It's an alleged armed robbery, kidnapping,

and possession of a weapon during the commission of a violent crime, and two counts of assault and battery in the first degree.

Ladies and gentlemen, does anyone know of any reason whatsoever that you cannot be fair and impartial in the trial of this case based on the charges or the nature of the alleged offense? If so, please stand.

Ladies and gentlemen, again, the importance in a jury trial and the jury duty is going to be to seek the truth. Does anyone know of any reason whatsoever that you cannot follow my instructions, based on the law that I give you, and be fair to both the State of South Carolina and the defendant, Mr. Coleman, in this matter? If so, please stand.

Anything further requested from this jury panel from the State?

MR. EVANS: Not from the State.

THE COURT: From the defense?

MS. DEWITT: No, Your Honor.

THE COURT: All right. Can I see the attorneys very quickly?

(Bench conference)

THE COURT: So, ladies and gentlemen,

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what is happening now is all of your names are being placed into the computer. It's going to draft a random list. What is going to happen when your name is called, you're going to come forward to the very front where the microphone is and you're going to turn around. You're not going to do or say anything.

Each side has an opportunity to exercise strikes. So they are going to say, seat the juror or please excuse the juror. If either side excuses you, you can just go back to your seat and sit tight. So that will take a quick few moments. Okay.

THE CLERK: When I call your name, if you could just step forward.

No. 34, Kimika Cook. I'm sorry, Cox.

What says the State?

MR. EVANS: Present the juror.

THE CLERK: What says the defense?

MS. DEWITT: Swear the juror, please.

THE CLERK: Please have a seat in the jury box.

No. 167, Angel Williams.

What says the State?

MR. EVANS: Present the juror.

THE CLERK: What says the defense?
MS. DEWITT: Number?
THE CLERK: 167.
MS. DEWITT: Swear the juror, please.
THE CLERK: Please have a seat in the jury box.
Juror No. 156, Jamie Thames.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Which number?
THE CLERK: 156.
MS. DEWITT: Excuse the juror, please.
THE CLERK: You can have a seat.
Juror No. 19, Sam Brown.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror.
THE CLERK: Okay. You can have a seat in the jury box.
No. 115, Ted Naulder.
What says the State?
MR. EVANS: Please present the juror.
THE CLERK: What says the defense?

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MS. DEWITT: His number was?
THE CLERK: 115.
MS. DEWITT: Seat the juror, please.
THE CLERK: Okay. Please have a seat in the jury box.
No. 62, Kevin Ginn. What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Dismiss the juror.
THE CLERK: Number 119, Elizabet Paschal-Reynolds.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Accept the juror, please.
THE CLERK: You can have a seat in the jury box.
No. 36, Walter Crittington.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Swear the juror, please.
THE CLERK: Please have a seat in the jury box.

Juror No. 106, Thomas Mixon.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: Please return to your seat.
No. 49, Doyell Feaster.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: No. 32, Deann Cook.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Swear the juror, please.
THE CLERK: Please have a seat in the jury box.
Number 50, Rodney Fennell.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: No. 10, Diane Blake.
What says the State?

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MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror, please.
THE CLERK: Please have a seat in the jury box.
No. 9, Karen Bittle.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror, please.
THE CLERK: Please have a seat in the jury box.
THE CLERK: No. 130, Rachel Rivers.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: No. 52, Dawn Fleming.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror, please.
THE CLERK: Please have a seat in the jury box.
No. 118, Sydney Parker.

What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror.
THE CLERK: Please have a seat in the jury box.
No. 114, Ophelia Myers-McBride.
What say you for the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: No. 58, Catherine Garvin.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror.
THE CLERK: Please have a seat in the jury box.
No. 31, Christine Cook.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: No. 37, Angie Crosby.
What says the State?

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MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror, please.
THE COURT: Let's go ahead with the first alternate, and I think we can probably do it.
THE CLERK: No. 96, Jacqueline Maxwell.
What says the State?
MR. EVANS: Please present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Seat the juror.
THE CLERK: No. 5, Melissa Anderson.
What says the State?
MR. EVANS: Present the juror.
THE CLERK: What says the defense?
MS. DEWITT: Excuse the juror, please.
THE CLERK: No. 47, Makailah Edwards.
What says the State?
MR. EVANS: Excuse the juror for challenge.
THE CLERK: You can have a seat.
No. 175, Shannon Youmans.
State have cause for strike?
MR. EVANS: No, ma'am.
THE COURT: What says the defense?
MS. DEWITT: Accept the juror, please.

THE CLERK: Please have a seat in the jury box.

THE COURT: All right. Ladies and gentlemen, is everyone in good health? Everyone feeling well? Yes? I want to make sure. It's flu season and I worry about losing jurors. I think we're okay. I think two alternates are good.

Anything further?

MR. EVANS: Not from the State.

THE COURT: From the defense?

MS. DEWITT: No, Your Honor.

THE COURT: Okay. No matters of law we need to take up?

MR. EVANS: No, ma'am.

MS. DEWITT: Correct.

THE COURT: Thank you.

Ladies and gentlemen, sit tight. I will be with you in just a moment, but welcome.

Ladies and gentlemen, for those of you back there --

Is there anything else on the roster that we could be trying this week?

MR. EVANS: No, ma'am.

THE COURT: Ladies and gentlemen, for those of you in the back, you are excused. We

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appreciate you being here. If you need a work excuse, go down to the clerk's office.

THE CLERK: Yes.

THE COURT: Go to the clerk of court's office if you need a work excuse. Thank you.

(Jury panel out 2:00 p.m.)

THE COURT: All right. Ladies and gentlemen, welcome. As you know, you are my jury for the trial of this case and we are expected to finish it on Wednesday. I would like to start tomorrow at 10:00. Is that acceptable to everyone?

Anybody have a problem with 10:00 a.m.?

All right. We will run until roughly five or so. You will have about an hour, or hour 15 minutes over the lunch hour to grab something. I'd like to get you-all out of the courthouse to see a little sunshine and feel better.

Ladies and gentlemen, I need to give you a couple of ground rules before we part. If you were able to get a cell phone in today while you were performing jury duty, I need you to leave that back in the car.

And the reason why is you can get so much information off of a smart phone these days, but I don't want anyone tempted. So I just tell

you to leave it at home.

If you need to use a phone while you are here, simply ask the bailiff. They will take you to a phone. Also, if you are worried about a family member or friend or someone being able to reach you emergently while you are performing jury service, simply tell them to call the clerk of courts office. Give them your name, tell them you are a juror, and I will get you immediately.

Also, ladies and gentlemen, you must not discuss this case with anyone. And that includes each other until you've heard all of the evidence, you've heard the closing arguments from the lawyers and I have charged you on the law.

And the reason is this: Inevitably somebody is going to tell you something about something and they know nothing about this case. You are going to have everything you need to decide this case right here in this courtroom, and it would be highly inappropriate for anyone to influence you in your duty.

So, again, they are not to speak to you and you are not to speak to anyone. If someone asks when you go home tonight, what are you doing up at the courthouse, the only thing you're

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permitted to say, whether it's a colleague or a husband or wife, whatever, is that you have been chosen as a juror in the trial of a criminal case. You can't say the parties involved, the lawyers involved, the charges. Again, that would be inappropriate.

Also, ladies and gentlemen, I don't think there's going to be anything in the newspapers or news about this case; but out of abundance of caution, I need to tell you that you are not to read anything, watch anything, or listen to anything about this case.

You are not to do any independent research on the computer. Again, you will have everything that you need to decide this case right here in the courtroom. All right. Don't do any other outside research.

Ladies and gentlemen, lastly, the attorneys, the parties, everyone in this case, potential witnesses have been instructed that they are not to speak to you in coming and going from the courthouse during the trial. And the reason is this: Even an innocent conversation of, my goodness, it's finally warm out today is going to be seen. It gets reported back and then I have to

ask you about it.

So as a precaution, don't say anything. There are cameras all over the courthouse and in parking lot, ladies and gentlemen. It's all being recorded. And, again, I don't want to have to ask you.

My suggestion to you is go home, get a good night's sleep. See you-all 10:00 a.m. in the morning. If anybody has any trouble getting here tomorrow or falls ill over the evening, call in to the clerk's office first thing. I will be looking for you. Okay.

If anyone has any transportation issues, let the bailiff know about it because we can arrange that as well. Lastly, he's going to take you back to your jury room right now so you know where to come in the morning. You don't just come straight in through here. You come in back there.

He's also going to get good phone numbers for you to make sure that we know how to find you, make sure we have the right addresses for you so we can find you if there are any issues. Okay.

I look forward to seeing you. I

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appreciate your service, ladies and gentlemen, in resolving this case. Thank you. You are excused back to the jury room.

(Jury out, 2:04 p.m.)

All right. If it's acceptable to you-all, I am happy to go forward and start doing testimony. I know we all had kind of a little bit of a break. My witnesses are back there and they probably have other places to go.

MR. EVANS: I wouldn't mind three minutes.

THE COURT: Of course, three minutes.

Ms. DeWitt, are you okay?

MS. DEWITT: I wouldn't mind like five.

THE COURT: You can have five. All of you can have five. After that, we're going to do the Neil v. Biggers.

MR. EVANS: I suppose so, so we can get the officers out of here.

THE COURT: Perfect. Okay. That will be first. We'll do them, get them up here, and release them.

Okay. Take five minutes then you-all.

(A recess transpired.)

JOE LOADHOLT,

being first duly sworn, testified as follows:

THE COURT: Biggers hearing?

MR. EVANS: Yes, ma'am, sorry.

THE COURT: That's okay.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Officer, would you please identify yourself for the record?

A. I'm captain Joe Loadholt with the Yemassee Police Department.

Q. Captain, how did you become involved in this case we're here about this week?

A. I assisted in the investigation in this case.

Q. All right. And how did you assist? What did you do?

A. Identified the subject as being -- identified one of the co-defendants in the case.

Q. You identified a co-defendant?

A. Yes, sir.

Q. Did you know who the individual was who robbed the store?

A. No, not at first.

Q. You did not at first. Are you aware of how the department became aware of who he was?

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A. Yes, sir.
Q. How was that?
A. Through another agency.
Q. And which agency was that?
A. Walterboro.
Q. Through the Colleton County Sheriff's Office?
A. Colleton County Sheriff's Office.
Q. Brian Varnado?
A. Yes, sir.
Q. How did he become involved? This all happened in Yemassee, correct?
A. Yes, sir.
Q. All right.
A. When an officer reached out to him to see if he could identify one of the subjects, I showed him the video and he did.
Q. With a photograph of the video?
A. Yes, sir.
Q. And did Deputy Varnado have any idea who that was?
A. Yes, sir. He ID'd him.
Q. As Joey Coleman?
A. As Joey Coleman.
Q. Was that the last thing you did before

you arrested him or did you look for something else?

A. Well, when he identified the suspect that teed off the investigation. We sent -- we got some samples of DNA from -- that was left in the store by Joey Coleman.

Q. How about any witnesses who were at the scene? Did you talk to any of them?

A. Yes, sir, we did.

Q. Who did you talk to?

A. We spoke with -- I can't remember the name. Trying to think of the name.

Q. Could it be Miss Wilcox?

A. Miss Wilcox, and we also spoke to Mr. Fennell.

Q. All right. Did Mr. Fennell give you a name?

A. No, sir, just Miss Wilcox.

Q. Did Miss Wilcox know Mr. Coleman by name?

A. She didn't know him by name. Just by living over the...

THE COURT: By what? I can't --

THE WITNESS: Living over the bridge.

THE COURT: Oh, living over the bridge.

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Okay.
BY MR. EVANS:
Q. And that's how Deputy Varnado became involved because she indicated that Mr. Coleman lived in Colleton County?
A. Right. And also the (inaudible).
Q. I'm sorry?
A. Also the video.
Q. What did you do when Miss Wilcox confirmed that information?
A. Set a lineup -- photo lineup through another agency, Beaufort County. And she ID'd him as one of the suspects out of the photo lineup.
Q. And so that's what we're here to talk about right now, the lineup. You said you asked Beaufort County to do it?
A. Yes, sir.
Q. Who in Beaufort County?
A. I wasn't the one that requested it.
Q. The sheriff's office or --
A. Another officer, Officer Struts.
Q. Okay. And what did they send you back; do you remember?
A. Well, we call it a six-pack with six different photos.

Q. And did you present that to Miss Wilcox?
A. We did.
Q. And when you say we, what does that mean?
A. That means it was three officers in the interrogation room.
Q. Who were the three officers that spoke to Miss Wilcox?
A. It was Chief Alexander, Sergeant Watson, and myself.
Q. And yourself. Do you recall which one of you in particular handed the photo lineup to Miss Wilcox?
A. I do not recall.
Q. Do you recall meeting with me last week and taking a look at some of the documents I'm going to hand to you?
A. Yes, sir.
Q. What did you learn from those documents?
A. I learned that my initials are on that document.
Q. Okay. Is there a way that you are trained to present these lineups?

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A. Not specifically trained to present that document, but, you know, it's, I would say, protocol.

Q. Tell us about the protocol.

A. Well, when we get the co-defendant or whoever --

Q. Whoever the person is you want to show it to?

A. Right, over in the interrogation room. We bring them in, Mirandize them, and once we Mirandize them they can identify the subject or the party that's involved in whatever crime.

We got -- we already have a six-pack there from whatever agency, maybe Beaufort, SLED, wherever we get it from. And we present it to them in the envelope that's already cut out with the six pack. And we hand them the six-pack and ask them to identify him.

Q. I think myself, the Judge, and Ms. DeWitt know what a six pack is. Just for the record, could you define that?

A. Yeah. A six-pack, again, is a sheet of paper with six photos on it that looks identical -- well, looks similar to each other.

Q. Okay. And one of those is typically

the person that you're interested in?

A. Yes, sir.

Q. But not always?

A. Not always.

MR. EVANS: Very quickly.

THE COURT: Captain, do you also instruct the person looking at the six-pack that the alleged assailant may or may not be among the six pictures?

THE WITNESS: We do.

THE COURT: Okay.

MR. EVANS: May I approach?

THE COURT: Yes.

BY MR. EVANS:

Q. I'm going to pass you two documents and ask if you can identify those, please.

A. Yes, sir.

Q. What are those?

A. Six pack.

Q. That's the one that you used in this case?

A. Yes, sir.

Q. Does it have Mr. Coleman's picture on it?

A. It does.

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Q. How about the second document, the one that you are holding?
A. Yes, sir.
Q. What is that?
A. This is sort of the disclaimer explaining to you photos of person who is ID'd in the six-pack ID'ing the suspect in the six-pack that, you know -- do you want me to read it?
Q. Let me enter it first and then I'm going to ask you to read it.
MR. EVANS: Judge, I would move these into evidence for this hearing as Court's 1.
THE COURT: Court's Exhibits. Okay.
MR. EVANS: Thank you.
BY MR. EVANS:
Q. Go ahead and read the instructions that are on that second page.
A. All right, sir. You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not -- you should not conclude or guess that the photographs contain a picture of the person who committed the crime. You are not obligated to identify anyone. It's just as important to free innocent persons from suspicion

as to identify guilty parties. Please do not discuss the case with the witness or indicate in any way that you have identified somebody.

Q. And did you or Chief Alexander or Officer Loadholt -- you're Officer Loadholt?

A. Yes, sir.

Q. -- or Officer Watson read that to Miss Wilcox in that case?

A. Yes, sir. And she signed it.

Q. She indicated she understood?

A. With her signature.

Q. Was she able to make an identification?

A. Yes, sir.

Q. Who did she identify?

A. Joey Coleman.

Q. Is that the upper right in that six-pack?

A. Yes, sir.

Q. How did she indicate on the piece of paper that she could identify them?

A. With a circle and a signature.

Q. Her initials?

A. Initials.

Q. And then you initialed the warnings, I guess we would call them, or instructions?

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A. Yes, sir.
Q. Okay. Anything else about how you in the Yemassee Police Department, you, yourself, or any of the other officers present these six packs to witnesses like Miss Wilcox that we need to know?
A. Nothing other than that I stated.
MR. EVANS: Those are the questions that I have for Captain Loadholt.
THE COURT: Cross.
MS. DEWITT: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. DEWITT:
Q. Officer, were you -- in initially investigating the robbery, were you given a description of the robber?
A. No, ma'am, we didn't.
Q. What you had was simply the video from the story?
A. Yes, ma'am.
Q. And could you tell from that individual the height and weight of the -- of the person who robbed the store?
A. Just about, not exact.
Q. Are you aware that your report indicates the robber was 5, 10?

A. Well, that's not an exact weight or height. That's about.

Q. All right. Where -- all right. Did you obtain from Miss Wilcox a description of the robber before showing her the photo lineup?

A. Did we get a description?

Q. Yes.

A. Yes, ma'am, we did.

Q. And did she tell you -- did she identify the man as to his height and weight?

A. No, ma'am, she did not give a height and weight.

Q. Now, according to Miss Wilcox's statement that she gave to you-all, she didn't know who he was, correct?

A. Right.

Q. And she didn't know who he was or his name either; is that right?

A. That's correct.

Q. And she had only talked to him briefly according to her testimony; is that correct?

A. Yes.

Q. Do you have any other information about the robber at the time you showed the photographic lineup to Miss Wilcox?

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A. No, ma'am.
Q. Okay. At the time you showed it to Miss Wilcox, had you already interviewed Mr. Fennell?
A. I don't remember. I don't remember whether we interviewed him first or interviewed her first.
Q. Now, you were one of the investigating officers who went to the scene of the store?
A. Correct.
Q. And you are the officer who, in fact, gave the witness the photographic lineup?
A. Yes, ma'am.
Q. And was it your testimony that you did not put the lineup together?
A. No, ma'am, I did not put it together.
Q. What was Beaufort County's role in assisting you?
A. Well, any time we have a situation like this, so we'll be neutral, do not -- and we don't have the -- I mean, we did have the capability to do it. We just get an outside agency to develop a six-pack for us.
Q. Tell me how they develop the photographs.

A. Well, they get -- we explain to them what we have and give them the actual information on the person that we're looking for. And they will get somebody who look close like that person and draw up a six-pack and send it back to us.

Q. Okay. So what information was given to Beaufort County about your suspect?

A. After we -- after we had an ideal suspect, we send them a photo of that person and they develop a six-pack for it.

Q. Okay. So you actually sent the photograph to Beaufort County? They didn't have to locate it themselves?

A. Right.

Q. And then where did the other five photographs come from?

A. I have no idea how they get these other five photographs.

Q. Was it Beaufort County Sheriff's Office who selected the other five?

A. Well, I think it's computer.

Q. You think it's a computer-generated photographic lineup?

A. Yes, ma'am.

Q. Based on what, characteristics?

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A. I have no idea.
Q. Okay. Do you know which officer in Beaufort County assisted you?
A. No, ma'am, I don't know.
Q. Now, who was present when this photographic lineup was shown to Miss Wilcox?
A. Myself, Chief Alexander and Sergeant Watson.
Q. Okay. And all three of you have been -- worked on this case as investigators, correct?
A. Yes.
Q. And what kind of room were you in?
A. We were in a courtroom.
Q. You were in the courtroom in Yemassee?
A. Yes, ma'am.
Q. Was anyone else present?
A. Miss Cannon. Other than that, no.
Q. Were you sitting at a conference table or a desk?
A. We were at a table.
Q. And was it recorded in any way, the conversation with Miss Wilcox?
A. I don't think we were recording.
Q. Okay. Did you or any of the other officers who were present say -- what exactly did

you say to her before showing her this form that you identified and the photographic lineup?

A. We were asking her did she know the suspect. And she said that she could ID him. And we asked her a bunch of other stuff that I can't remember, but after I asked her that we read this waiver to her and presented the six-pack so she could ID him.

Q. To your knowledge, had she written her statement before or after the lineup?

A. I don't know which it was.

Q. Do you recall whether or not she wrote her written statement on the day of the robbery?

A. Without looking at the report -- it's been a year ago so I couldn't answer that question.

Q. It's been a little bit over a year. Okay. So do you know how long it took for Beaufort County to get the photo lineup together for you?

A. They don't normally take long, so I can't say. Probably been a couple of hours.

Q. All right. Now, let me -- okay. I believe it's Miss Wilcox's story that she got into a vehicle with some people at an apartment complex in Yemassee and caught a ride to the store. Does that sound right?

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A. That sounds about right.
Q. And that ride would have taken, what, five minutes, assuming no train?
A. From where to where?
Q. Well, if her story -- according to her written statement, she went from the road from the apartment complex to the store where the robbery occurred?
A. Yes.
Q. So how long would it take for that vehicle to drive there? About five minutes?
A. It depends on the traffic, road conditions. Probably three or four minutes.
Q. Three or four minutes. And that's how long -- that's how long she was in the vehicle with this suspect, correct?
A. I think it was a little longer than that.
Q. According to her statement, once they arrived at the store she got out of the car; is that correct?
A. No, ma'am.
Q. She did not go into the store?
A. She sent somebody into the store at first.

Q. Okay. Well, the best you can recall, what was the total exposure that the witness had with the robber?

A. I would say probably about 10 or 15 minutes.

Q. Maximum, correct? And the minimum would be a couple of minutes in riding to the store?

A. About 15, 20 minutes, give or take.

Q. Okay. Going back to when you showed her this photographic lineup, describe the setting for me. You were all sitting at a table together, three police officers and Miss Wilcox; is that right?

A. Yes.

Q. Okay. And what specifically was said to her before you gave her the form to read and sign?

A. Like I said, a lot of things was said to her before we give her this form. It was an investigation. I don't know exactly what you're looking for. A lot of things was said to her.

Q. Well, did any one of you officers tell Miss Wilcox that you already knew who did it?

A. I don't recall that statement.

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Q. Did you tell her you had a suspect in mind?
A. Yes, we did.
Q. And did you give her the name of that person?
A. I don't remember giving her the name.
Q. Okay.
A. I remember asking did she know the suspect's name.
Q. Okay. Well, I wasn't there. That's why I'm asking you, sir.
A. Yes, ma'am.
Q. But you already had a suspect in mind because you had heard back from the Walterboro officer, correct?
A. Well, not me. Another officer did.
Q. So somebody at your police department already had the name of the suspect because you received it from a call from the county police officer, right?
A. I'm assuming he did at that point.
Q. Okay. So when you were in the room, the three of you were in the room with Miss Wilcox, you said she knew you already had a suspect?
A. I didn't say that. We were asking

about the suspect, whether she knew him.

Q. Okay. So you -- but -- but you already -- was Mr. Coleman already the suspect in this case?

A. He was a suspect in the case, but we never mentioned it to her.

Q. None of the conversations you had with Miss Wilcox were recorded, correct?

A. I don't think it was, no, ma'am.

Q. Okay. Did you read that form to her, this form here that she signed?

A. Yes, ma'am, we did read it.

Q. Did you actually read it to her out loud?

A. Yes.

Q. Do you know what her educational level is?

A. I don't have no idea.

Q. Did she appear to be high on marijuana or anything else at the time?

A. No, sir.

Q. Did you or any other officer let her know that the person who robbed the store may not even be in the photographic lineup?

A. We did advise her of that.

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Q. Did anybody else in the room -- did anyone in the room point at a particular picture or indicate a certain response --

A. No, ma'am.

Q. -- you wanted from Miss Wilcox?

A. No, sir.

Q. And have you been to any special law enforcement training regarding preparation of photographic lineups or, I guess, best methods to use in coming up with identification of suspects?

A. Years ago.

Q. Many years ago?

A. Many years ago.

Q. Are you familiar with the research that's been done in the last 20 years that discusses the lack of accuracy in many of the eyewitness identification practices that were used in the past?

A. Was I explained that?

Q. Are you aware?

A. I'm aware, yes, ma'am.

Q. That there has been a lot of research that's been done?

A. Uh-huh.

Q. Are you aware that the research seems

to indicate a witness is often more accurate when they are shown pictures, photographs, one at a time as opposed to six in one photographic lineup? Did you know that?

A. No, ma'am, I didn't know that.

Q. Okay. Did you -- are the photographs -- do you know any of the other suspects in the photographic lineup?

A. No, ma'am.

Q. You don't know them from being a Yemassee police officer?

A. No, not at all.

Q. All right. Do you have any other personal knowledge about the identification by Ms. Wilcox that you haven't discussed yet?

A. No.

Q. Sir?

A. No, ma'am.

MS. DEWITT: Excuse me just a moment.

THE COURT: Who was your lead case officer in this case?

MR. EVANS: Judge, that's -- we don't really have one. The initial officer was Derrick Pendergrass, but it's -- it was really more of a team effort.

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THE COURT: Okay.

MS. DEWITT: One more thing.

BY MS. DEWITT:

Q. Officer, are you aware that when Miss Wilcox written -- or I take that back.

Are you aware that one of the persons you interviewed indicated Miss Wilcox was on her way to the store to obtain money to purchase marijuana? Do you recall that fact?

A. No, ma'am, I don't recall that fact.

Q. Okay. Did she indicate to you whether or not she was high on anything at the time she rode to the store?

A. No, ma'am.

Q. And in what -- what positions in the vehicle would -- and by that, I mean, front seat, back seat, or where -- what was the seating arrangement in the vehicle?

A. As I recall, she was sitting behind the driver.

Q. Okay. And the driver -- was the driver the suspect in the robbery later?

A. He was the driver in that robbery.

Q. Okay.

A. He was -- he was the driver.

THE COURT: You said he. This defendant?

THE WITNESS: Who?

THE COURT: I don't understand what you're --

BY MS. DEWITT:

Q. Who was driving the car, this defendant or somebody else?

A. Somebody else.

Q. Okay. So the person who robbed the store was not the driver of the car is what you're saying?

A. Yes.

Q. When it left the apartment complex?

A. Right.

Q. Okay. And Miss Wilcox would have been seated where?

A. Behind the driver.

Q. And in the back seat?

A. Yes, sir.

Q. And the person she identified later as the robber would have been sitting where? In the front seat or back seat?

A. Front passenger.

Q. Front passenger. So she was behind

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that person, correct?

A. Right.

Q. Do you recall -- and I believe I may have asked this already. Do you recall how much time passed between the time of the robbery and the time in which you showed her the photographic lineup?

A. No, ma'am, I don't recall.

Q. Does that form have a date on it? Or did the judge take the form?

THE COURT: I gave it back.

BY MS. DEWITT:

Q. Is it dated? What is the date on the form?

A. 11/15/18.

Q. And, actually, November 18th is the same date as the robbery, correct?

A. Without looking at the report --

Q. November 15, 2018, is that the date of the robbery?

A. I don't have the report in front of me, ma'am.

Q. Okay. When Miss Wilcox was located, was she arrested?

A. She wasn't arrested, no, ma'am.

Q. She was Mirandized though; is that correct?

A. She was Mirandized.

Q. Because she was a suspect in an armed robbery, wasn't she?

A. She was.

Q. And she was a suspect because she was in the store and she was in the vehicle, correct?

A. She was in the vehicle.

Q. Okay. And on the video, she's in the store, isn't she?

A. I don't recall her being in the store.

Q. Okay. Well, do you recall what led you or other officers to Miss Wilcox?

A. Video.

Q. Right. She was on the store video at the time of the robbery?

A. She was outside of the store.

Q. Okay. Well, either before or after she is on the store video, correct?

A. She was on the store video.

Q. And somebody recognized her?

A. Right.

Q. Right. And that's why you went to Ms. Karen Wilcox to start with, correct?

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A. Yes.
Q. So at the time -- at the time that she looked at the photographic lineup, she was still in police custody, wasn't she?
A. I don't remember whether she was still in our custody. She was never in custody, but she was in questioning.
Q. About the robber?
A. About the robbery.
Q. And that's why she was Mirandized?
A. Right.
Q. Okay. Was she Mirandized at the police station?
A. Yes, ma'am, she was Mirandized.
Q. To the best of your knowledge, did she leave and come back for the photographic lineup?
A. I can't answer that question. I mean, I would have to look at the report.
Q. Was she in a custodial setting?
A. She was in custody.
Q. She was in what, sir?
A. She was in a custodial setting.
Q. A custodial setting?
A. Yes.
Q. Surrounded by three officers who

produced a photo lineup and wanted her to select somebody, correct?

A. No, ma'am, no, that's not correct.

Q. Could she have gotten up and walked out of there?

A. Sure.

Q. Without doing anything?

A. She was free to go. It was under investigation.

Q. Just to clarify two things you said. I believe you testified she was -- that Miss Wilcox was not under the influence of anything at the time she picked the photograph out of the lineup, correct?

A. Correct.

Q. She did not appear to be high on anything --

A. She did not appear to be high, right.

Q. -- at the time was your statement, right?

A. That's correct.

MS. DEWITT: That's all I have.

THE COURT: Okay. Mr. Evans, anything further?

MR. EVANS: Yes, briefly, Your Honor.

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THE COURT: Go ahead.
MR. EVANS: May I approach?
THE COURT: You may.
REDIRECT EXAMINATION
BY MR. EVANS:
Q. Captain, I'm going to hand you two more pieces of paper. Can you identify these for us?
A. Yes, sir.
Q. What are those?
A. Karen Wilcox's statement.
Q. Okay. The statement that she gave to you when you interviewed her?
A. Yes.
Q. What's the date on that?
A. 11/16/18.
Q. Does it have a time?
A. That's 8:00, 20.
Q. 2000, so military time. 8:00 normal time?
A. Yes.
Q. Did she describe the suspect?
A. She did.
Q. How did she describe him? I think it's on the second page. What is the last thing she wrote?

A. He had a tattoo on the right side of his face.
Q. Did she draw it?
A. And she drew it to the bottom.
Q. Thank you.
And handing you back Court's Exhibit 1 --
MR. EVANS: Oh, I would move these into evidence.
THE COURT: May I see it, please?
(COURT EXH. 1, Line-up, was marked for identification.)
BY MR. EVANS:
Q. Referring to Court's 1, this picture I'm pointing to, which is Number 3, which she indicated was the suspect. Is there a visible tattoo in the photograph as far as you can tell?
A. I can't really see it.
Q. Okay. Then handing you back Court's Exhibit 1. Is that the time that I'm pointing to there?
A. Yes.
Q. What time is that?
A. 8:40, 2050.
Q. So does that mean 40 minutes after she

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made the written statement was when she received the lineup?

A. Could be possible, yes, sir.

MR. EVANS: Thank you, Your Honor. Those are all the questions I have on redirect.

THE COURT: Okay. Anything further?

MR. EVANS: Not from this witness, Judge.

THE COURT: Anything further, Ms. Dewitt?

MS. DEWITT: No, Your Honor.

THE COURT: You may step down.

Call your next witness.

MR. EVANS: State calls Chief Alexander.

GREG ALEXANDER,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. EVANS:

Q. First, identify yourself for the record.

A. Greg Alexander.

Q. You are the chief of the Yemassee PD?

A. I am.

Q. Were you involved in this case that

your agency investigated?

A. Yes, sir, I was.

Q. How were you involved, yourself?

A. I assisted with the investigation.

Q. How did you assist?

A. I spoke to the witnesses. I was one of the officers on scene on November 15th.

Q. And how about this issue we're dealing with here, the lineup and Miss Wilcox. Were you part of that as well?

A. Yes, sir, I was.

Q. Tell us what you did in regards to her.

A. I was there when we questioned Miss Wilcox. I gave Miss Wilcox the photo lineup. She circled the photo lineup and put her initials on it and said that was the suspect she was riding in the vehicle with.

Q. Do you recall who read the instructions to her? Who specifically handed her the lineup, any of that?

A. I don't remember which one of us actually handed her up the lineup, but I do know Captain Loadholt -- those are his initials.

Q. He filled out the form?

A. Correct.

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Q. And it was you, Captain Loadholt and Officer Watson?
A. That's correct.
Q. What's his rank?
A. He's a sergeant now. He was a corporal at the time.
Q. Corporal at the time?
A. Yes, sir.
Q. I think you heard Ms. DeWitt a moment ago ask about, you know, the best practices. What do you as the chief of Yemassee PD -- how do you tell your officers to present lineups? Do you have any rules, any practices that you try to stick to?
A. The practices we use is, first off, you don't tell somebody that the suspect is in there. You let them know that the suspect could be in there, could not be in there, and we always read that statement that Captain Loadholt read earlier, and we put it in the folder and hand it to them.
Q. You put the six-pack, the actual photo in the folder?
A. That's correct.
Q. Why do you do that?
A. We do that so our finger, our hand, we won't point to no suspects so it's a clean photo

lineup that's not been --

Q. You don't want them to pick somebody just because you accidently touched one of the photos when you handed it to them?

A. Absolutely.

Q. I understand you don't and Captain Loadholt, I think his testimony was you-all don't remember specifically who handed it, but do you have any memory of that going wrong in this case?

A. Not at all.

Q. All right. You remember it being handled in the normal way with the folder?

A. Yes, sir.

Q. How about getting the lineup in the first place? How do you -- how do you do that? You have to have the name. You have to know a person, correct?

A. That's correct. What we do is we have access to DMV online, and we got a name -- like we did have a name because --

Q. From Deputy Varnado?

A. Varnado, that's right. Thank you. We pulled up his name by DMV and we get the name, specifics of him. Then we send it to Beaufort County or SLED with that DO number and then it's

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computer-generated to those face features.

Q. Do you send them an actual copy of the DMV photo or do you -- because they obviously have a fax machine?

A. Right.

Q. All of the agencies do?

A. Yes, that's correct.

Q. Do you tell them this is who we need a lineup --

A. That's correct. Give them the name and the DL number.

Q. Are you aware of how they put together the other five photos for you all?

A. From what I was told by Ms. Morris, who was Beaufort County Intelligence, it's computer generated. It goes on the face features, comes from the eyes and the nose. And they pull it up to be almost specific of the person that we're questioning.

Q. They try to have similar ones to weed out people who might not really --

A. That's correct.

Q. -- pushed back a little from that. Because you want it to be roughly similar?

A. That's right.

Q. Okay. Who did you -- well, who reached out to Beaufort County from Yemassee PD in this case to ask for that?

A. I did.

Q. You did?

A. Yes, sir.

Q. Do you recall who you spoke to?

A. Carol Morris.

Q. Do you recall about how long it took to get the lineup back?

A. It takes about 15 to 20 minutes to get it back to me.

Q. How did they send it? They obviously don't drive it --

A. Electronically.

Q. They send it by e-mail?

A. That's right.

Q. And you print it out?

A. Yes, sir.

Q. Is that what happened in this case?

A. Yes, sir.

Q. All by you?

A. Yes, sir.

Q. You didn't look them up, but you did the sending and receiving?

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A. That's correct.
Q. Did you all put any approach on Miss Wilcox?
A. Not at all.
Q. Had you all seen the video by this point?
A. Yes, sir.
Q. After watching the video, was she still a suspect?
A. No, sir.
Q. Why?
A. Because after she got out of the car, she didn't try to run, she didn't go inside the store. She appeared innocent on the video.
Q. Based on her behavior?
A. That's correct.
MR. EVANS: Those are all the questions I have for you. Please answer any questions Ms. DeWitt has.
THE COURT: Ms. DeWitt.

CROSS-EXAMINATION

BY MS. DEWITT:
Q. Is it your testimony Miss Wilcox did not go inside the store?
A. I don't recall her going. Maybe she

did go into the store. I don't remember her going back into that store, but as far as when she got back outside of the car, and she didn't appear to be the suspect in the armed robbery.

Q. Okay. Was Miss Wilcox present when you arrived at the scene, the armed robbery scene?

A. No, ma'am, I don't think she was.

Q. Okay.

A. If I'm not -- I can't remember exactly. I can't remember exactly.

Q. Okay. So what led you and the other officers to go talk to Miss Wilcox?

A. Once we looked at the video and seen who was in the car.

Q. Okay.

A. We talked to Miss Wilcox.

Q. And in the video, you could tell that Miss Wilcox was sitting in the car?

A. Right. We didn't have access to the video at the time we first arrived on scene. It took the owner of the establishment to get there, I think it was about 35 to 40 minutes, maybe an hour before we was able to obtain the video to look back into the history of it.

Q. All right. And the car that you're

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referring to, the one that was used --

A. The white SUV.

Q. -- in the video, at least after the robbery --

A. Yes, ma'am.

Q. -- is that correct?

A. That's correct.

Q. How long has it been since you saw the video?

A. Oh, Ms. DeWitt, it's been -- oh, I'm going to tell you about a year since I have seen the actual video.

Q. Is it possible, sir, that when you watched the video one of you recognized Miss Wilcox?

A. Yes, ma'am. I think it was unanimous. Everybody recognized Miss Wilcox.

Q. Whether she was in the car or the store, somebody recognized her --

A. Right.

Q. -- right?

A. Yes, ma'am.

Q. And as a result, that's when -- did you or one of the other officers then go find Miss Wilcox?

A. Yes, ma'am.
Q. And was she initially questioned at her residence?
A. No. We brought her to the police department.
Q. Okay.
A. That's the practice we have to use.
Q. And that was in fact the same afternoon of the robbery, wasn't it?
A. Yes.
Q. Or evening?
A. According to the -- what you all spoke of earlier, the paper.
Q. And do you know how much time lapsed between the time she was Mirandized and the time that she was shown the photographic lineup?
A. No, ma'am. I don't know the exact time.
Q. All right. But both her statement and photographic lineup have times written on them, correct?
She wrote out her statement on the date of the incident and her statement is dated. And it has the time on it. It looks like 20 o'clock p.m?
A. That's 8:00 p.m.

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Q. That's military time.
A. Yes, ma'am.
Q. So she didn't -- she didn't fill out the top of her written statement, did she?
A. I hadn't seen it. Can I see it?
Q. Or somebody must have told her what time to put down, do you think? Isn't it true that most civilians don't write military time down?
A. Was that a question?
Q. Yes.
A. Okay. What was the question?
Q. Would you think that one of you officers might have told her what time it was when she wrote the statement out?
A. That's very well possible.
Q. All right. So she made a written statement 8:00 p.m. according to the writing. And then according to the notice about the photographic lineup that she signed, she identified this defendant Joey Coleman at 8:40.
So she was in your custody that entire time, correct?
A. Yes, ma'am.
Q. Did she write out the statement in the courtroom?

A. Yes, ma'am.
Q. While you were sitting there?
A. Yes, ma'am. And let me clarify something to you. It's a multiple purpose room. Being a small agency, one day it's a courtroom, might be the lunch room one day, great room next day. I don't want you to get the impression that we had -- we was in court on that.
Q. Yes, sir. I've been there, but it's been awhile.
A. Yes, ma'am. Yes, ma'am.
Q. Okay. Yes, I did know that.
A. Okay. Put that on record.
Q. And it's not a huge room?
A. It's not, no, ma'am.
Q. Okay. So at the very least, she was sitting in that little room with you for at least 40 minutes after being read Miranda warnings?
A. Yes, ma'am.
Q. Okay. And if Ms. Wilcox had refused to cooperate, she had not given the written statement or had not told you what she did that day, would you have -- would you have released her and let her go home?
A. Yes, ma'am.

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Q. And why is that?
A. We are not in the practice of arresting people that we feel like didn't commit a crime. That's just our practice.
Q. So you just Mirandized her in case you were wrong?
A. No, ma'am. We Mirandized her just in case she said something that would incriminate her, and we'd have our bases covered.
Q. Right?
A. Yes, ma'am.
Q. Okay. It's another way of saying, yes, I believe.
A. Right.
Q. Okay. Was she in a hurry to get out of there that day?
A. No, ma'am, she wasn't. We try to make it comfortable for everybody going to get interviewed. We offer them water, Coke, you know. She wasn't in no hurry.
Q. She didn't have anybody at home waiting on her to be there? Children or parents?
A. No, ma'am. She has adult kids I would say.
MS. DEWITT: Okay. That's all of the

questions I have for the officers, Your Honor.

MR. EVANS: I have nothing, Your Honor.

THE COURT: This issue about the vehicle and anything found in the vehicle? I know you mentioned on a conference call something about asking --

MR. EVANS: No, ma'am. I confirmed again with the captain -- the chief. This is the chief -- the chief -- I don't even know his first name, Judge. I've been calling him chief.

No, I confirmed with them this morning that although there was a search of the vehicle, which they believe was the vehicle used, it was not owned by any of the suspects in this incident.

THE COURT: Okay. So nothing from that?

MR. EVANS: They didn't recover anything from that. They didn't recover any potential exhibits from Mr. Coleman's home either when they served him in Walterboro the next day.

THE COURT: Anything further from the chief?

MR. EVANS: No, ma'am.

THE COURT: You're excused.

MR. EVANS: That's all from the State

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for this hearing.

THE COURT: Okay.

MS. DEWITT: Your Honor, under the circumstances, Miss Wilcox apparently is a local person in Yemassee. And Your Honor I'm sure is fully aware that Yemassee is a tiny town. As you know from the jury selection today, so many potential jurors all knew each other and knew the witnesses in this case and the police chief.

THE COURT: It's a small town.

MS. DEWITT: Very small town. So under the circumstances, Mrs. -- I believe Miss Wilcox was ID'd in the video, and she was known to the police officers in Yemassee. And it appears that she was actually picked up by the police and taken to the police department where she was Mirandized and questioned as a suspect in the case.

She did then make a written statement and basically was -- she was in a custodial situation, at least according to the first officer that testified, when she was shown the photographic lineup.

I think it's overly suggestive. I would move to suppress the photographic lineup or the identification from Miss Wilcox. I think she

is the only one it was shown to. And, also, any inquiry identification she might give tomorrow or when she testifies in this trial.

THE COURT: Mr. Evans.

MR. EVANS: I don't think that she was even in custody at this point, honestly. I think the testimony was that they basically give Miranda to everybody to be safe in case somebody says something that might hurt themselves. But we didn't put the video in, Your Honor; although, I'm happy to do so now.

I'm -- first, I would stipulate happily that, yes, Miss Wilcox did go into the store prior to the robbery commencing. You can see on the -- there are two angles I'm planning to play. One being the key angle showing the front desk inside the store. You can see Miss Wilcox go in on that.

The other being the outside showing what happens as Mr. Coleman leaves the store following the robbery. Miss Wilcox gets out of the car, runs or at least walks quickly to get behind a gas pump as the vehicle leaves.

And she's like this, Judge.

(Indicating)

THE COURT: That's not the smartest

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place to hide, but...

MR. EVANS: No, ma'am, but she didn't have it between her and the car. Then the car pulls out onto the road. She sees that and runs around to the other side, and then you can see her duck.

I think that is -- and the reason I give you such a vivid description is because clearly they watched that. They knew she wasn't involved based on that behavior. So she was not a suspect. She was Mirandized because they do it for everybody.

I didn't hear any challenge to the photos themselves. The reason I asked about the description with the tattoo on his face, I was worried that his DMV photo might have a tattoo on his face in which case --

THE COURT: Does it?

MR. EVANS: It does not.

THE COURT: Does he have a tattoo on his face now?

MS. DEWITT: Not that I can see.

MR. EVANS: Yes, ma'am, under his right eye.

THE COURT: I can't see it, but I'm

visually challenged in my age.

MR. EVANS: And what I was concerned with, Judge, was the potential for, well, what if you can see this tattoo on the picture? And then the other five individuals are all black men of his similar age who don't have tattoos on their face.

If that was the case, I would have a panic attack, but it was not the case. And I asked Captain Loadholt if he could see a tattoo. He could not.

There was 40 minutes in between the original interview and the lineup portion of the interview. That matches up with what the chief said about how they have to get the photo lineup.

They heard that the suspect was from Colleton. That was from Miss Wilcox in her original interview. They used that to get to Deputy Varnado. He gave them a name. DMV gives them a photo --

THE COURT: It was a very good investigation.

MR. EVANS: Yes, ma'am. I think that timing lines up from 8:00 to 8:40. I think this all makes sense. And you heard that the -- I think an additional best practice would be to videotape

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these.

Obviously we would have loved to have that so I could have just sent it to you at lunch and you can watch it in camera, but here we have, you know, a number of officers.

I understand Ms. DeWitt's point about that, but I don't think just because there is more than one officer it is inherently intimidating or anything like that. You heard that they pass it in a folder. I really like that. I think that's very wise.

THE COURT: I can tell you, I have never heard that before.

MR. EVANS: You have, Judge, because Deputy McAllister does it that way. So you heard it last month.

THE COURT: Okay.

MR. EVANS: Yes, ma'am.

THE COURT: I know he did it sometimes, but I didn't know why.

MR. EVANS: You never know what you might do by the way you pass it to somebody.

THE COURT: Under the totality of the circumstances, the ID of the defendant was reliable as far as Miss Wilcox's ID. I think she certainly

had the ability to see, her degree of attention seemed fine.

Again, accuracy and length of time between, you know, the crime and, you know, when she saw it was all within reasonable limits. So, you know, provided she can ID him in court, I'm going to go ahead and rule that way.

MR. EVANS: Thank you, Your Honor.

THE COURT: Thank you. All right. What else do you have?

MR. EVANS: Judge, I think the only other thing that we may need testimony for is something that I did not advise you and your law clerk about last week. I apologize.

But in reviewing the indictments this morning, I did come across an issue, which I think we need to take up pretrial which is that -- and Your Honor has the indictments in the clerk's file -- you can see in the upper left of each one that where witnesses is marked, I had indicated when I prepared these proposed indictments that these were to be presented by Yemassee PD.

THE COURT: Right. I see that.

MR. EVANS: Unfortunately, the witness did not sign them. The chief while we were

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selecting the jury has gone through his records by phone and talked with people back at the office and included who was the witness.

Who was that, Chief?

CHIEF LOADHOLT: Officer Osborne.

MR. EVANS: Officer Osborne presented in this case. I think that this could have been an error and if I hadn't caught it before you swore the jury. So I thank Your Honor first of all for waiting to do that because, you know, I'm always going to find something. But I think if we take care of it now it should be fine.

You know, an indictment is a notice document. I think Ms. DeWitt, and before her, Mr. Plexico, were very well aware of the allegations as to what the State intended to prove in this case. And I don't think there is a narrative -- I'm going to have -- unless Your Honor finds that it's, you know, waivable at this point, but we plan to have Officer Osborne come in the morning and sign the indictments.

She'll be available for that, right, Chief?

CHIEF LOADHOLT: Yes, sir.

THE COURT: Ms. DeWitt.

MS. DEWITT: Your Honor, at this point in time the indictments are defective. And can I consent to correcting them it appears that to be more of a clerical error. And, of course, our jury is not sworn.

THE COURT: Okay. Well, I would agree with you; I think it's more of a clerical error and failure to actually have them signed. We'll go ahead and amend them. That should be fine for all of them.

Anything else? We've agreed to sequester the witness, just for the record. I think some of these things we need to put on the record. We've agreed to sequester the witnesses, correct?

MR. EVANS: Yes, ma'am. I'm in full agreement as always for that.

THE COURT: Okay.

MR. EVANS: And just -- and I know you asked who the case officer was. I don't really have one designated. As I told you in the hearing, in all candor, they sort of all contributed equally.

I guess I would just ask that they be allowed once they are excused to come in and watch

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the rest just for their own interest.

THE COURT: Certainly. Certainly.

MR. EVANS: But I always agree.

THE COURT: What about this letter that you-all --

MR. EVANS: Yes, ma'am. At this point, so if you will recall from last month in Allendale we had a motion for handwriting exemplars. I know you were concerned about the expert's availability. After that hearing, I conferred with Mr. Davis who, you know, I always listen to for everything. And he felt that --

THE COURT: They're laughing over here in the corner.

MR. EVANS: I don't know why they're laughing because --

THE COURT: You can just go ahead with that one.

MR. EVANS: But we feel that we're in a good enough position that we don't intend to introduce it. It's certainly an interesting document, but I think it honestly breaks both ways in parts.

THE COURT: Okay.

MR. EVANS: So I don't think it's --

I'm not --

THE COURT: You are not going to use it. All right.

Anything else?

MR. EVANS: On the issue of any potential statements, that would be the only one -- the only statement that we have from the defendants are the -- that letter and various other letters which he sent either to myself, to the chief, or to the Clerk of Court.

So there was no -- there was no, you know, statement under Miranda by law enforcement in this case. So it would have been sort of an unusual hearing anyway.

THE COURT: Anything else we need to put on the record before we start? I'm having the jury come back at 10:00. If you all could be here at least by quarter till and have Mr. Coleman ready by quarter till.

MS. DEWITT: So, Your Honor, that's a final ruling on the Neil v Biggers motion?

THE COURT: That's a final ruling.

MS. DEWITT: So when we start to try the case, I don't need to remake it repeatedly?

THE COURT: I would note it's a

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continuing objection, so it's preserved.

MS. DEWITT: Thank you, Your Honor. And, of course, I will withdraw my motion to suppress since obviously there was no evidence found in the vehicle.

THE COURT: Right.

MS. DEWITT: And also I did not notice there is no State co-defendant or any.

MR. EVANS: So two people -- I think Mr. Fennell was on our list. There were two other individuals, Judge, who were arrested as part of this, Damian Fennell and the -- what's the driver's name? Do you remember?

THE COURT: What was their role, if any?

MR. EVANS: So the allegation would be that Mr. Fennell was essentially a lookout and that the driver was a get-away driver.

THE COURT: And who was the driver?

MR. EVANS: That's what I'm trying to find, Judge. Davelyn Ferguson, Judge.

MS. DEWITT: He's not on the witness list.

MR. EVANS: He is not on the witness list. Mr. Fennell who is represented by Anthony

Doer, his case is still pending. He is on the witness list, I do belive. I'm not sure if I'm going to call him or not.

He is related to Miss Wilcox. Not that that has any effect on his ability to testify. That's just for Your Honor's information I guess. The allegation would be that they were picked up by the other two, everybody went to the store.

It appears from the video that there is definitely some suspicious movement by Mr. Fennell, sort of, you know, looking around. That type of thing. He then, just like Miss Wilcox, gets out of the car as Mr. Coleman and Mr. Ferguson drive off.

THE COURT: How good is the video?

MR. EVANS: It's really good. And the next subject I was hoping we could take up is potentially getting it in evidence right now. And the reason for that is we do have a witness on our list, Mr. Dell Patel, who is the owner of the store who accessed the file and delivered it to Yemassee PD. And that's the only thing he can testify to. He's not a victim --

THE COURT: He wasn't there.

MR. EVANS: He's not a fact witness. All he does is, he comes -- you know, the employees

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tell him, we've been robbed. And he comes and helps law enforcement get the video together.

I just -- you know, it's her right whether to stipulate or not, but I was wondering if we could even do a motion in limine and get the video in evidence right now.

I think every officer watched it. They may not have watched it in awhile, but they all watched it at the time. And I sort of treat it like photographs.

I don't think there's any evidence that it could have been doctored or damaged in any way. I mean, it was within a few minutes, and I would just like to introduce it --

MS. DEWITT: I believe the testimony is going to be that the one officer received it directly from the owner of the store.

THE COURT: Right.

MS. DEWITT: Shortly after -- I mean, after the robbery. Maybe 40 minutes because they had to wait on the store owner to come --

THE COURT: Right.

MS. DEWITT: -- to get the video to hand to them. I don't have a problem with clearing the video this afternoon by putting up the chain of

custody on it to introduce it or -- but I cannot waive the presentation of a witness.

THE COURT: Why would you need chain of custody of the video?

MR. EVANS: I don't.

THE COURT: Why can't the person who is the victim say, that's me, this person robbed me, and that's a true and accurate representation of what it is?

MR. EVANS: I don't know why --

THE COURT: Typically, we only need chain of custody when we talk about blood and things that you can't readily identify. I agree, this is like a photograph.

MR. EVANS: That's exactly how I treated it; it's just like a photograph. Does it fairly and accurately depict? But the store owner went into the computer and literally prepared the file.

I'm sure that wasn't a complex endeavor. I'm just trying to -- he literally doesn't know anything else. He wasn't there. That's why I was hoping to get it --

THE COURT: If you wanted to lay the foundation, he can just say I took it off of the

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computer. I wasn't there at the time. I can't even tell you if it's an accurate depiction although. It's a video and it was from 40 minutes earlier. It's up to you. If you want him to come, he can come.

Think about that and you guys decide before we break today.

MR. EVANS: Yes, ma'am. I think that's all.

THE COURT: He's available and in town, right?

MR. EVANS: He's available and he lives in Yemassee and he's been subpoenaed.

THE COURT: Okay. Anything else?

MR. EVANS: I don't believe so.

MS. DEWITT: I just have one. And that would be if any of the other individuals who were arrested as a result of this robbery, if they testify as State's witnesses, then I would move to review the deal, any offers or consideration for reduction for their own charges.

THE COURT: For their testimony. I think that's fair.

MR. EVANS: I'm happy to tell the Court right now I've had conversations with Mr. Doer.

After I met with him and his client and we were thinking we might try the case several months ago, I met with them then. I did not make an offer at that time; however, about a week later I offered to have him plead to misprison of a felony.

He's charged with accessory before and accessory after the fact. His testimony would essentially be that, at least as of when I met with him, his testimony is that he didn't know what was going to happen, and he was shocked. That's why he got out of the car.

And I said, well, he ought to plead to misprison because he was still there when the police arrived, and he didn't tell them anything about that.

Candidly, Judge, he is on our witness list. I don't know if I'm calling him or not.

THE COURT: Okay.

MR. EVANS: And I'll certainly provide Ms. DeWitt with a rap sheet for him as well as Miss Wilcox. Everybody else is law enforcement or, you know, professional.

THE COURT: Okay. All right. Anything else?

MS. DEWITT: Only other thing to be

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determined might -- well, it would be which convictions are on the rap sheet.

THE COURT: Can you give her a copy and you can go through it?

MR. EVANS: Yes, ma'am, she should his rap sheet. And I have the certificated copies of the three I think that are at issue.

THE COURT: What are they?

MR. EVANS: 2010, burglary third degree, first offense. That was in Colleton County on -- excuse me, that's the incident date -- September 23, 2010, is the plea date; August 2nd, 2011, also in Colleton County, burglary, second degree, nonviolent; and then March 19, 2018, PWID cocaine, first offense. That's in Barnwell County.

THE COURT: And when was that?

MR. EVANS: March 19, 2018.

THE COURT: And he finished his sentences I'm assuming after 2010 for the first case --

MR. EVANS: Yes, ma'am. The first case, the 9/23/10 plea, Judge Buckner, looks like, sentenced him to five years, suspended to two years probation. So that final date should have been --

THE COURT: Sometime in 2012.

MR. EVANS: -- somewhere September in 2012. And then September 2011, I believe that probation was revoked -- well, this was Judge Thomas Cooper. And he was sentenced under burg, second, nonviolent to ten years -- okay -- suspended to two years of probation.

And there is a note; probation begins when the YOA sentence is complete.

Yeah. The first plea was a YOA plea and so probation was intended to begin in the second plea after the completion of what I assume was an active YOA.

THE COURT: He did an active.

How old is your client, Ms. DeWitt?

MS. DEWITT: Twenty-nine.

THE COURT: Twenty-nine now. And is the most time he's ever done was an active YOA?

MS. DEWITT: Yes.

THE COURT: What did you offer him in this case?

MR. EVANS: Judge, I offered initially -- initially, I offered armed robbery and two counts of A&B, first, all concurrent, 20, 10, and a 10. Mr. Plexico, who represented him at the time, talked me down to 15 on armed robbery, 10, 10 on

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A&B, first. I made that offer.

Mr. Plexico indicated to me that Ms. Coleman accepted the offer. We brought him over to court; however, a few minutes before the plea, I handed Mr. Plexico the sentence sheet.

And he indicated, well, he wants a bond hearing. And I said essentially, you can't tell me that he accepts and then insist on a bond hearing.

If he wants a bond hearing, I'm revoking the offer. I'll make you another one, but I'm revoking it. And he said, that's what he wants.

THE COURT: So armed robbery goes up to 30, correct?

MR. EVANS: Ten to thirty, yes, ma'am.

THE COURT: So on the A&B, first, what's the maximum on those?

THE COURT: Those are ten and ten. Possession of a weapon is five. And then...

MR. EVANS: Kidnapping is 30.

THE COURT: That's 30.

MR. EVANS: Zero to thirty. We increased the offer at the next nonjury term to 17 years. He rejected that on the record as well. We made him a final offer of straight-up armed robbery

and two counts of A&B, first. He rejected that as well.

And I believe that was around the time when he asked Your Honor to relieve Mr. Plexico.

THE COURT: Okay. And what were the alleged injuries to the victims?

MR. EVANS: Judge, they were not -- the reason I -- so he was arrested on those indictments -- those warrants rather for two counts of attempted murder because he did discharge a gun in the sort of general direction of these men.

THE COURT: No one was shot, right?

MR. EVANS: No one was shot. The only person who was injured was one of the victims who he struck -- you can see in the video -- on the back of his head with the pistol.

THE COURT: Okay.

MR. EVANS: I chose to reduce -- as I read ABHAN, I did not believe that we had sufficient proof of his mental state for attempted murder. I didn't believe that from the beginning.

THE COURT: Okay.

MR. EVANS: To me, the video clearly shows him shooting warning shots into the wall and floor, et cetera. I knew I had to reduce, but I

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read ABHAN requiring an actual injury that relates to the manner. I think it's arguable, but I went with A&B, first, as offers or attempts to cause injury though none is actually caused by means likely to cause great bodily injury.

So I think firing the gun in the course of an armed robbery in very close proximity to your robbery victims is an offer to injure them if --

THE COURT: As well as hitting someone obviously with the gun.

MR. EVANS: And he struck one but not the other with the gun.

THE COURT: Okay. I just wanted -- I put it all on the record I understand kind of what we're looking at. All right.

MR. EVANS: And I'm happy to give you a copy of the video if you would like to review it before we start.

THE COURT: Actually I would tomorrow morning if that's okay. How long is it roughly?

MR. EVANS: The interior is about six minutes. The actual robbery itself is about a minute 15 of that.

THE COURT: Okay.

MR. EVANS: I'm not tech savvy enough

to get it down any smaller. And the outside camera is a shorter file; maybe 90 seconds of that.

THE COURT: If you don't mind, I will be here by 9:30 tomorrow.

MR. EVANS: I'll have one waiting in chambers for you on a thumb drive.

THE COURT: Anything else, Ms. DeWitt, we need to do before tomorrow morning?

MS. DEWITT: No. I believe this takes care of the pretrial motions.

THE COURT: Okay. Perfect. All right. I will be here at 9:30 tomorrow morning. Make sure that Mr. Coleman is here and ready to go. Jury is coming in at 10:00. If there's anybody you need to get up and get out of here, we will work through that.

MR. EVANS: Okay.

THE COURT: I appreciate you all. Thank you.

(These proceedings were recessed at 3:35 p.m. to be reconvened at 10:00 a.m., 2/4/20.)

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CERTIFICATE OF REPORTER

I, Carol Denise Lauder, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 23rd day of April, 2020 at Charleston, Charleston County, South Carolina.

S/Carol Denise Lauder
Carol Denise Lauder
Registered Professional Reporter, CP
My Commission expires February 27, 2028

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF HAMPTON

STATE	)	
	)	
	)	TRANSCRIPT OF RECORD
V.	)	2018-GS-25-0440
	)	2018-GS-25-0441
JOEY DEAN COLEMAN	)	2018-GS-25-0442
	)	2018-GS-25-0443
DEFENDANT.	)	2018-GS-25-0444
		2018-GS-25-0445

FEBRUARY 4, 2020
HAMPTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE CARMEN MULLIN, JUDGE; AND A JURY.

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

REED ANTHONY EVANS, ASSIST. SOLICITOR
ATTORNEY FOR THE STATE

DIANE DEWITT, ASSIST. PUBLIC DEFENDER
ATTORNEY FOR THE DEFENDANT

BETHANIE K. CREPPON
CIRCUIT COURT REPORTER

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P R O C E E D I N G S

* * *

THE COURT: Is there anything we need to put on the record? I had the opportunity this morning to see the two videos.

So thank you, Mr. Evans.

MR. EVANS: Thank you, Your Honor. We do have a matter, which I told you about in chambers.

MS. DEWITT: Can we wait until my client is here?

MR. EVANS: I'm sorry. We need your client.

THE COURT: Yes. Thank you. Let's get a client.

(Defendant enters the courtroom.)

THE COURT: All right. Mr. Evans, let's go ahead and on the record, if you would.

MR. EVANS: Thank you, Your Honor. I told you yesterday that we had a clerical error with the -- or scrivener's error with the indictments in that they were presented on March 13th, 2019, to the Grand Jury and true-billed, all six.

Unfortunately, the witness who presented them did not sign the indictment. We researched that yesterday. We believed that we had figured out who the officer from Yemassee Police Department was.

When I met with that officer this morning, she advised me that she knows she has done Grand Jury at least once, but could not remember the particulars of this case.

I then, to try to get to the bottom of this, took a look in my e-mail to see if that drummed up any clues. And on March 13th of 2019, the date that these were presented, I sent an e-mail to Chief Alexander referencing a letter, which Your Honor is familiar with, written by Mr. Coleman, which was the subject of that handwriting exemplar motion. That was the day that he advised me of that.

That, in turn, it was, you know, evidence, law and action, Judge. It refreshed my recollection of seeing him here on March 13th. And he was the one who presented these cases.

He tells me, in all honesty, this morning, Judge, that he cannot specifically remember presenting them. I imagine that happens just about every month for, you know, a career as long as his is. But I do remember him being here.

So, at this point, the State would move to amend the indictments by allowing Chief Alexander to sign all six and let us proceed today.

MS. DEWITT: Your Honor, I have a problem with

this because the State does not have a witness who recalls or can state under oath that they were present and presented the case to the Grand Jury. Those indictments are defective.

THE COURT: Yeah. Well, Mr. Evans, respectfully, you remember that he was the one who presented, is that correct, to the Grand Jury?

MR. EVANS: I remember seeing him here on that date. Yes, ma'am.

THE COURT: And you know he presented to the Grand Jury?

MR. EVANS: Yes, ma'am.

THE COURT: All right.

MR. EVANS: And that's the usual course of business for the Yemassee Police Department. It honestly would surprise me -- and I know now that it has happened. But it would surprise me if they ever had any other officers present.

THE COURT: All right. So you noted it for the record. I'm going to go ahead and allow him to sign those indictments, noting your objection for the record, Ms. Dewitt.

MS. DEWITT: Thank you, Your Honor.

THE COURT: Thank you.

THE BAILIFF: All the jurors are here, Your

Honor.

THE COURT: Thank you. I appreciate it.

Are y'all ready to go this morning?

MR. EVANS: Judge, we are still looking for a couple of our lay witnesses who were told to be here, who are under subpoena, and who were here yesterday. We may just need to go a bit out of order. I might just go with all my law enforcement first, if that's your pleasure.

THE COURT: Of course.

MR. EVANS: But, at some point -- unfortunately, I may need to ask for a break at some point.

THE COURT: You just ask me for a break when you need one.

MR. EVANS: Thank you, Your Honor.

THE COURT: So, Melinda, you're going to swear the jury in when they come in?

THE CLERK: Yes, ma'am.

THE COURT: We'll go ahead and bring everybody in.

MR. EVANS: If the officers could have a chance to step out?

THE COURT: Welcome to.

MR. EVANS: The only other thing, Judge, is

that I have decided that Chief Alexander does not need to testify. So I'm asking he be designated as case officer. If it does happen, of course, I may call him, since he's on the witness list, but I really don't think so.

THE COURT: Okay. That's fine.

(The jury enters the courtroom at 11:03 a.m.)

THE COURT: Good morning, ladies and gentlemen. It is a pleasure to see you-all. At this time, we are going to go ahead and begin the trial of this case. Ms. Nettles is going to swear you in as our jury. So, if you-all would please rise, raise your right hand, and when you accept the oath, say I do and take a seat. Okay?

(Jury sworn.)

THE COURT: Thank you.

Ladies and gentlemen, what I am now going to say to you is intended to serve as an introduction to the trial of this case. These are not a charge on the law. I'm going to instruct you on the law applicable to this case at the end of the trial. This is merely an explanation of the procedure that we're going to follow so you can better understand what's happening.

Ladies and gentlemen, the defendant in this

case is charged by the bill of indictments filed in this court with the offenses of armed robbery, two counts of kidnapping, possession of a weapon during the commission of a violent crime, and two counts of assault and battery in the first degree. Again, the elements of all those charges I'll explain to you later.

Now, ladies and gentlemen, an indictment is simply the charge by which a case is brought into the court and it is not in any sense evidence of any of the allegations that it contains.

Now, ladies and gentlemen, in this case, Mr. Coleman, the defendant, has pled not guilty to these indictments. The State, therefore, has the burden of proving each of the elements of each of the indictments beyond a reasonable doubt. And it's your duty, ladies and gentlemen, to decide whether the State has met that burden.

Now, as jurors, your purpose is to find and determine the facts. You, the jury, are the sole judge of all facts in this case. Ladies and gentlemen, if at any time I make any comment regarding the facts in this case, you must it disregard it. And you are to determine the facts from the testimony you're going to hear right from

the witness stand as well as any other evidence that's introduced into the court.

It's up to you, ladies and gentlemen, to determine the inferences which you feel may be properly drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously because, ordinarily, there is no way to correct an erroneous determination of the facts by a jury.

On the other hand and with equal emphasis, the same law that makes you, the jury, the judge of the facts makes me the judge of the law. The law given by this Court is the only law you may consider. I cannot tell you what the facts are and you cannot disagree with me about what the law is or what you think the law ought to be. Your job, at the end of this trial, is to take the law as I give it to you and apply it to the facts as you find them and, from there, render a verdict.

Now, until I tell you that you may begin your deliberations back in your jury room, you must not discuss this case with anyone -- and that includes each other, ladies and gentlemen -- until you've heard all the evidence, you've heard the closing arguments from the lawyers, and I've charged you on

the law that's applicable.

Again, I told you, the attorneys, the parties, the witnesses in this case have been instructed they are not to talk to you in coming and going from the courthouse over the next couple days.

Ladies and gentlemen, also, you are not to read, watch, or listen to anything that may be in the news or in the newspaper about this case or do any independent research, as I've told you. It is important that you keep an open mind and not decide any issue in this case until all the evidence has been presented; again, the parties have made their closing arguments, and I've instructed you on the law. Your verdict in this case must be based solely on evidence presented to you here in this courtroom and after I instruct you on the law.

Now, in just a moment, the solicitor is going to make what is called an opening statement in which he is going to explain to you the issues in this case or what he believes the issues are. And then the defense attorney, Ms. Dewitt, is going to also make an opening statement, although she's not required to do so.

I want you to understand something: What these lawyers tell you in their opening statements is not

evidence in this case. Again, it is just their contention as to what they believe the evidence will show. I remind you again, evidence comes from the witness stand as well as any other exhibits that are entered.

Now, I also want you to know that from time to time, the lawyers may say something like, Your Honor, I believe we have a question of law. I may motion them up here to talk or I may even send you back to your jury room. I want you to understand something: I'm not hiding anything from you. Oftentimes, when I have to rule as a matter of law whether or not certain evidence is admitted, I may make a comment on the facts of the case. And because I would never want anything I do to influence you in your determination of facts, out or an abundance of caution, we just do it outside your presence.

Now, in determining what the true facts are in this case, you must decide whether or not the testimony of the witnesses is believable. It's my responsibility to rule, as a matter of law, whether or not certain testimony is admitted. But once it is admitted, whether or not you believe it is for you to determine.

In deciding whether to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity the witness had to have seen the matters and things about which the witness may testify. You can also look at the way the witness acts on the witness stand. You have the right to consider anything that is in the record that will help you evaluate the testimony of the witnesses.

That means, ladies and gentlemen, it is your duty to pay close attention to the witnesses, to observe them, to listen to them, so at the very end of the trial, you can accurately remember the testimony that's given. All right?

So in order to preserve any anyone's rights, again, any objections to my introductory comments from the State?

MR. EVANS: No, Your Honor.

THE COURT: Ms. Dewitt?

MS. DEWITT: None, Your Honor.

THE COURT: Thank you.

Ladies and gentlemen, we will now begin the trial of this case.

Mr. Evans?

MR. EVANS: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

MR. EVANS: Ms. Dewitt, ladies and gentlemen of the jury, the afternoon of November 15th, 2018, started as a normal one in Yemassee, South Carolina, a small town sitting in two counties. This incident we're here about took place on the Hampton side at 145 Yemassee Highway, the convenience store known as Snappy Foods.

It was a normal day, sun shining outside. A couple of gentlemen of Indian heritage, Yashkumar Patel and Atolson Solanki, were standing behind the counter doing business as usual, having people buy items, checking e-mail, needing some downtime; nothing out of the ordinary, until Joey Coleman walked in the store, stood in line like everybody else, tried to make a purchase like everybody else, or at least appeared to be trying to make a purchase.

He placed a large bottle of beer on the counter, waited, waited, looked around, and from out of nowhere, pulled a gun, pointed it across the counter in the direction of these men and demanded money. When they didn't give him any attention,

didn't even look up, he pulled the trigger. That's when November 15th, 2018, became a very unusual day at the Snappy Foods.

Mr. Coleman walked around to the other side of the counter where, by now, these two men know what's going on and they have dropped to their knees and put their hands up, they know that this is no normal customer interaction.

He shoves them down, strikes Mr. Solanki on the back of the head with his gun, and keeps demanding all the money they had. Mr. Solanki opens the cash register. Mr. Coleman takes all the cash he can grab with one hand. The other hand is still on the gun. He keeps firing a second time, bang, into the floor; a third time as he's walking.

My apologies to the Court.

A fourth time as he's leaving the store, and even a fifth time as he's driving away. That's what happened on November 15th, 2018, and that's what you're going to hear and see today. That's why Mr. Coleman is here before you charged with six offenses, six crimes: Armed robbery, taking of money from another by force, and use of a deadly weapon; two counts of assault and battery in the first degree, offering or attempting to injure

someone through means likely to cause death or great body injury; two counts of kidnapping, keeping someone in one place against their will where they are not free to leave; and, finally, possession of a weapon during the commission of a violent crime.

At the end of the trial, after I've had one more chance to speak with you and Ms. Dewitt has had a chance to speak with you, the Judge is going to tell you what the law is for those six charges. Four different crimes, but six different charges because of two people -- two victims.

If, at the end of the trial, she tells you anything that sounds different from what I say about the law is, listen to her and not me. She's the judge of the law. But, as she just told you, you are the judges of the facts.

When this trial ends, you're going to retire to your jury room with the evidence, with the testimony in your mind, and you're going to deliberate. And then you're going to tell us what the truth is. You're going to deliver a verdict. Verdict is from Latin. It literally means truth speaking. You're going to tell us what the truth is. And, in order to do that, we're going to ask that you pay attention to every single person who comes to this

witness stand and tells you what they saw, heard, and did.

We're going to ask that you withhold your judgment until you've heard all the evidence. Why is that? Because, as Ms. Dewitt may stand up here and tell you in a minute, Mr. Coleman is entitled to a fair trial. She's absolutely right. He is entitled to a fair trial. He's entitled for you to wait until you've heard all the evidence and then decide. He's entitled to your attention.

But the State of South Carolina is also entitled to a fair trial. Ms. Dewitt is probably going to tell you the State of South Carolina has the burden of proof in this case. Again, she's right. We have to prove this crime to you -- these crimes beyond a reasonable doubt. And that's a lot to ask. It's much more serious than a civil case; much higher burden of proof.

But you're going to see this crime take place. You're going to see that it was that man, Joey Coleman, who did these things. And you're going to hear scientific evidence that confirms what you're going to see on that screen.

Please give all the witnesses your full and undivided attention. This is a serious day, just

like November 15th, 2018, for Joey Coleman, for Atolson Solanki, for Yashkumar Patel.

At the end of the case, I'm going to stand before you and I'm going to go over the evidence again. And I'm going to ask you to find him guilty on all six charges. Thank you in advance for your attention.

THE COURT: Thank you.

Ms. Dewitt?

MS. DEWITT: Thank you, Your Honor.

Good morning. Thank you for coming. We couldn't be here without y'all, without jurors like you. You may have figured out already that in a criminal case, the person who is accused of committing a crime is called the defendant.

In this case, the defendant is Mr. Joey Coleman. Mr. Coleman has entered a plea of not guilty. He's requested a trial, a jury trial. And that's why you were picked.

You know, in this country, anyone who is accused of a crime or, for that matter, even a speeding ticket, has a right to have a jury trial, a trial by his peers. In a jury trial, the State of South Carolina must present witnesses to prove each and every element of the offense for which someone

is charged with beyond a reasonable doubt. And that's a question that you will decide at the end of the trial.

At this point in time, Mr. Coleman is wearing, like, a cloak or a cape of innocence. He's presumed to be innocent throughout these proceedings until such time as a jury verdict might be rendered.

The Judge has already told you, and, I think, the solicitor, and I will say it again, you cannot begin any deliberations in this case until you've heard all of the evidence presented. The State will show, and we don't dispute, that a robbery occurred on November 15th, 2018, at the Snappy Foods in Yemassee.

Mr. Coleman says he did not commit the crime; he's not the robber. I want you to keep that in mind as you listen to the State's case. And I also ask that you keep an open mind to the end of the case and until after the Judge gives you her instructions at the end of the trial. Thank you.

THE COURT: Thank you, Ms. Dewitt.

Mr. Evans, you may call your first witness.

MR. EVANS: Thank you, Your Honor. The State calls Derrick Pendergrass.

DERRICK PENDERGRASS

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat, please.

MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please identify yourself and spell your last name for the court reporter, sir.

A. Okay. Officer Derrick Pendergrass. Last name is spelled P-E-N-D-E-R-G-R-A-S-S.

Q. And where do you work, sir?

A. Yemassee Police Department.

Q. How long you been there?

A. About a year and a half now. I guess a little over a year.

Q. Do you have any prior law enforcement experience before Yemassee PD?

A. Yes; 22 years.

Q. Where did you work, generally?

A. Mostly in the Upstate area. Started out in Greenville County; went on from there to Spartanburg and spent 13 years of it with Mauldin City Police Department.

Q. Do you remember the events of November 15th, 2018, that brought us here today?

A. Yes.
Q. What can you tell us about your role?
A. I was the initial officer responding to the scene.
Q. What was the scene?
A. Well, first contact that I had was with a young lady in the parking lot of the police department that stated that --
MS. DEWITT: Objection, Your Honor, to hearsay.
MR. EVANS: Let me ask a different question.
THE COURT: Just rephrase it.
BY MR. EVANS:
Q. Where did you go? Where were you told to go?
A. I went to Snappy Foods store.
Q. Do you know the address of that store?
A. 145 Yemassee Highway.
Q. In the Town of Yemassee?
A. Yes.
Q. Which side? Because I know -- Yemassee is in two counties, right?
A. Yes. It was the Hampton County side.
Q. This was the Hampton County side?
A. Yes.
Q. And about what time did you get dispatched out there?

A. Three -- excuse me. It was around 4:50 when I went to the scene.
Q. What did you find when you got there, and, again, without telling us what people said?
A. All right. First thing we saw was a group of individuals kind of hanging around outside the store. I was trying to ascertain what exactly was going on.
Walked inside the store. The two clerks were there. There was another individual standing there as if he was checking on them. I asked them was everything okay. They stated they had just been robbed.
Q. What were their names? Did you get their names?
A. Ha.
Q. They're from India?
A. Yes.
Q. Did you put them in your report?
A. Oh, yes.
Q. Could you refresh yourself?
A. Sure. I can't pronounce the first name.
Q. Last name is okay.
A. First one is Patel and -- excuse me -- and Solanki.

Q. Mr. Patel and Mr. Solanki?
A. Yes.
Q. Okay. What did they -- would you describe their state of mind, how they appeared to you?
A. Both were very shaken. One was very visibly upset, almost to the point of tears, saying that he needed to go somewhere. I asked him was he hurt. I was trying to make sure no one was injured. Both of them stated that --
MS. DEWITT: Objection, Your Honor.
MR. EVANS: Again, you can't tell us what they said.
THE WITNESS: I'm sorry.
THE COURT: Thank you.
BY MR. EVANS:
Q. They appeared shaken?
A. Yes.
Q. Did it seem to you like they'd been through some kind of traumatic event?
A. Oh, yeah, very much.
Q. What kind of physical evidence or other things did you observe around the store?
A. I did observe a beer bottle, some casings. There was a bottle in a bag sitting right at the counter, looked like someone had left it there.

Q. Like it was about to be purchased?
A. Yes.
Q. Did you ask if that was part of this case?
A. Yes. I asked whose beer bottle was it.
Q. And was that beer bottle eventually collected?
A. It was.
Q. Do you recall by who?
A. I believe it was Officer Strauss.
Q. Also of the Yemassee Police Department?
A. Yes.
Q. And you said casings. What are those?
A. Casings, the portion of the bullet that's left or ejected from the pistol after the actual bullet has been fired from the pistol. If you have a semi-automatic, it's the piece that you see that's ejected from it. If you have a revolver, it's what's remaining inside the pistol after the firing.
Q. And you could see some of those where?
A. Like, on the counter. There was, like, two casings there. And there were some others that were located on the floor that we observed.
Q. Did the Yemassee Police Department eventually collect those?
A. Yes.
Q. What else did you see while you were in the

store?
A. While we were in the store, I also asked about video surveillance.
Q. Yeah. Why do you do that? Is that something you normally do in a case like this?
A. Especially in an armed robbery, yes, because that will give you video evidence of what occurred. And you can also validate any statements that are made and get a better picture of what's going on, because a lot of times when people are upset, sometimes you can get actually what occurred.
Q. Were you able to watch a video in this case?
A. Yes. We inquired about video. They were able to contact the owner who came and gave us access for me to play it on a screen there inside the business.
Q. And you yourself watched it?
A. I did. We all watched it.
Q. Was the Yemassee Police Department able to collect a copy of that video?
A. Yes.
MR. EVANS: Beg the Court's indulgence.
May he be allowed step down?
(State's Exhibit No. 1 marked for identification.)
THE COURT: Certainly. Certainly.

MR. EVANS: Officer, I'm going to ask you to come over to my computer.

THE COURT: Are you going to be able to broadcast it somehow?

MR. EVANS: Yes, ma'am, I'm just laying foundation right now.

THE COURT: Okay.

MR. EVANS: Yes, ma'am. We'll be quick.

BY MR. EVANS:

Q. Officer, I'm putting into my computer something that's been marked State's Exhibit 1. Can you see that? And I'm going to play the files that are on this disc. Do you see that?

A. Uh-huh.

Q. Does that appear to be the same video that you observed on November 15th, 2018?

A. Yes.

Q. And one more file. Tell us, what does this one describe or what does it show?

A. It's showing the actual counter, behind the counter where the cashier -- the clerks that were working, a little bit of the area; the entranceway, like, right after you come into the store where individuals are passing; also, the cigarette stand, which is behind there.

Q. And I'll play another file, also State's Exhibit 1. What does this show?
A. That's the view right outside of the front door showing the gas pumps which are directly in front of the door.
Q. This is another video that you watched that day?
A. Looks like it. Yes.
Q. All right. Thank you. That's all.
MR. EVANS: Your Honor, those are all the questions I have for Officer Pendergrass.
Please answer any questions Ms. Dewitt may have.
THE COURT: All right.

CROSS-EXAMINATION

BY MS. DEWITT:
Q. Officer, did you have any other involvement in this case?
A. No, ma'am, not really, outside the fact of, once we had a potential suspect identified, going over to the residence. We attempted to locate them, but no contact was made during that point. So...
Q. Thank you, sir.
MS. DEWITT: No questions for this witnesses.
THE COURT: Anything further?

MR. EVANS: No, ma'am.

THE COURT: Any objections to Officer Pendergrass being excused?

MR. EVANS: None.

MS. DEWITT: None, Your Honor.

THE COURT: You are excused, sir. Thank you.

Call your next witness, Mr. Evans.

MR. EVANS: The State calls Michael Strauss.

MICHAEL STRAUSS

being first duly sworn, testified as follows:

THE WITNESS: I do.

MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please identify yourself for the Court? And spell your last name for the court reporter.

A. My name is Sergeant Mike Strauss, S-T-R-A-U-S-S.

Q. Sergeant, where do you work, sir?

A. I'm with the Yemassee Police Department.

Q. How long have you been there?

A. Four years now.

Q. Do you have any prior law enforcement?

A. Yes, sir. I was with the Bamberg Police

Department and Colleton County Sheriff's Office.
Q. For how long?
A. I've been in law enforcement ten years now.
Q. Do you remember the events of November 15th, 2018?
A. I do, sir.
Q. What can you tell us about how you became involved in this case?
A. I responded with the rest of the department to an armed robbery at Snappy Foods in Yemassee. And I was the one who collected the evidence for this particular case. I was the one who cataloged it and logged it all into evidence.
Q. Is Snappy Foods in the Town of Yemassee?
A. Yes, sir.
Q. And is it in Hampton County?
A. Yes, sir.
Q. You said you collected the evidence?
A. Yes, sir.
Q. What can you tell us you found and you collected?
A. Over the course of the recovery of evidence, we found a beer bottle, lemonade bottle, two shell casings that were recoverable, a bullet that was recovered from the stand that holds the cigarettes,

a cigarette carton that had been shot, as well as a video.

Q. You observed all those within the store?

A. Yes, sir.

Q. All right. Did you create any evidence of your own? Did you document anything that you found?

A. Just normal procedures as outlined in our policy that you have to log it in so that the evidence custodian can enter it into the log track and then to -- in case it has to be sent to SLED or to --

Q. Okay. Did you take any photographs?

A. Yes, sir.

Q. What did you take photographs of?

A. Primarily the video screen because we hadn't identified a suspect yet at that time.

Q. Did you take any photographs of any damage?

A. Yes, sir, I did. I took photographs of the stand where the cigarettes -- where the cigarette carton was shot.

MR. EVANS: May I approach, Your Honor?

THE COURT: You may.

BY MR. EVANS:

Q. Sergeant, I'm going to hand you two photographs and ask if you can identify those. Refer to the

markings up at the top, if you could.
A. Yes, sir. This is State's Exhibit 3, it's the entry hole from a bullet -- I'm sorry. That's the exit hole expanded out. And Exhibit 4 is the entry hole.
Q. Okay. And these are two sides of the same shot?
A. Yes, sir.
Q. Where in the store did you find this?
A. They were on the -- where the bullet had penetrated through the cigarette carton.
Q. All right.
MR. EVANS: May I approach, Your Honor?
THE COURT: You may.
BY MR. EVANS:
Q. Do these photos fairly and accurately depict the way that the bullet hole looked at the time you took them?
A. Yes.
MR. EVANS: Your Honor, the State would move to enter into evidence State's Exhibits 3 and 4.
THE COURT: Any objection?
MS. DEWITT: No, Your Honor.
THE COURT: Without objection, they're admitted.

MR. EVANS: Thank you, Your Honor. May I publish?

THE COURT: You may.

(State's Exhibit Nos. 3 and 4 marked for identification and admitted into evidence.)

BY MR. EVANS:

Q. Thank you, Sergeant. Can we get back, I guess, to the evidence that you physically collected with your own hands?

A. Yes.

Q. I think you said something about the cigarettes.

A. Yes, sir.

Q. What was that again?

A. There was a cigarette carton that was hit when the robber discharged his weapon the first time.

Q. And you collected that?

A. Yes, sir.

Q. Is that with you here today?

A. Yes, sir.

Q. I see you have a backpack with you.

A. Yes, sir.

Q. Would you mind? How can you tell that that's the cigarette carton that we've been talking about?

A. This is my handwriting on the evidence bag, as

well as when I sealed the carton -- or the evidence tape, I put my number, which is 804, and my initials. And they covered over the evidence to -- in the event there was an opportunity that someone opened it, then I could see it was tampered with.

Q. But nobody has had the need to open it since then?

A. No. It's still sealed up.

Q. All right.

MR. EVANS: The State would move, Your Honor, the contents of the bag into evidence as State's Exhibit 5, I guess.

THE COURT: All right. It's in evidence without objection, Ms. Dewitt?

MS. DEWITT: Without objection, Your Honor.

BY MR. EVANS:

Q. Would you open it up and let the jury take a look at it? Can you show us on there where it was struck by a bullet, sir?

A. Yes, sir. It would be right here.

Q. Thank you. I'll collect that and let it be marked.

(State's Exhibit No. 5 marked for identification and admitted into evidence.)

BY MR. EVANS:

Q. Did you find any other evidence of gunfire?
A. Yes, sir.
Q. What else did you find?
A. We found some shell casings.
Q. And are those with you in the backpack?
A. In the magic bag? No, sir. I didn't -- I take it back. No, sir. I didn't bring them with me today. I apologize.
Q. All right. Any projectiles?
A. They're at SLED right now in the IBIS system.
Q. Why is that?
A. In the event the firearm was recovered or used in another crime, the Integrated Bullet Information System would document the striations and be able to identify that weapon as having been previously used in a crime.
Q. Did Yemassee Police Department find a gun in the course of this investigation?
A. Not that I'm aware of, sir.
Q. So nothing to compare that projectile to?
A. No, sir.
Q. Where was it found in the store?
A. The bullet was dug out of the cigarette -- out of the rack for the cigarettes.
Q. Okay. So it appears to be the one that caused

this damage?
A. Yes, sir. I noticed when you were taking it away, there was also an exit on --
Q. I see that as well. What else did you collect?
A. We collected shell casings. I have a list of all the evidence that was put in there, if I may?
THE COURT: You may.
Q. You can refresh, yes.
A. Okay. A bottle of Olde English, two shell casings, one spent bullet, one lemonade bottle, and a carton of Marlboro Lights with a bullet tear.
Q. Why did you collect the lemonade bottle and the Olde English?
A. Based on the video, the robber had touched both of those and placed them on the counter before he presented his weapon.
Q. I see. And so you took those into evidence?
A. Yes, sir.
Q. What happened to them after that?
A. They were submitted to the Beaufort County lab for DNA analysis.
Q. And do you have those back with you in your possession today?
A. I do, sir. I have the beer bottle here.
Q. How can you tell that that's the beer bottle?

A. It's a 40-ounce beer bottle.
Q. You can feel it?
A. Yes, sir.
Q. How about the markings on that bag?
A. Black bag with 40-ounce Olde English. And it was signed into evidence on the 15th.
Q. By yourself?
A. Yes, sir.
Q. And did you seal it at that time?
A. Yes, sir. And, again, my initials and ID number are both on here.
Q. And you took it, you said, to Beaufort County?
A. Yes, sir.
Q. Who at Beaufort County did you take it to?
A. The DNA lab. I believe it was Mr. French. He's a DNA analysis person. They have an intake person who gives us a custody sheet for it.
Q. Okay. So you gave it to Mr. French. Tim French, is that his name?
A. Yes, sir.
Q. And asked him to perform DNA analysis on it?
A. Yes, sir.
Q. All right. Because you're not trained in any of that?
A. No, sir.

Q. All right. And you received it back from him at a later time?
A. Yes, sir.
Q. Do you have when you received it back?
A. Those are the buccals.
That would have been 10/30 of '19.
Q. All right.
MR. EVANS: Your Honor, the State would move the contents of this bag, the Olde English beer bottle, into evidence as State's Exhibit 2.
THE COURT: Without objection, Ms. Dewitt?
MS. DEWITT: Yes, Your Honor.
THE COURT: State's 2, you said?
MR. EVANS: Yes, ma'am. I think I skipped over 2 earlier.
THE COURT: That's fine.
(State's Exhibit No. 2 marked for identification and admitted into evidence.)
BY MR. EVANS:
Q. You can unseal it and show it to the jury, please. Looks like a Miller High Life to me. You referred to it as Olde English before.
A. Yes, sir. My mistake, sir.
Q. That's fine. But it is a bottle of some alcoholic beverage?

A. Yes, sir.
Q. I'll collect that so it can be marked.
(State's Exhibit No. 2 marked for identification and admitted in evidence.)
BY MR. EVANS:
Q. Sergeant, looks like you found another piece of evidence.
A. Yes, sir. My apologies. In my backpack -- this is normally a computer backpack. It's a little small for all this.
Q. I understand. So what is that?
A. This is the shell casings that were submitted.
Q. How can you tell that those were the shell casings?
A. They're labeled as such with our evidence label and sealed up. They were opened by the SLED lab. And SLED put their seal on it as well.
Q. Are you aware of any results that came back from that testing?
A. There were no matches found.
Q. Are your initials anywhere on there?
A. Yes, sir. My initials and ID number are both on here.
Q. So it's been unsealed and resealed since then?
A. Yes, sir.

MR. EVANS: Your Honor, the State would move the contents of this envelope, the shell casings, into evidence as State's Exhibit 6.

THE COURT: Without objection?

MS. DEWITT: Without objection, Your Honor.

MR. EVANS: Beg the Court's indulgence.

THE COURT: Yes, sir.

MR. EVANS: May I publish, Your Honor?

THE COURT: You may.

(State's Exhibit No. 6 marked for identification and admitted into evidence.)

BY MR. EVANS:

Q. Sergeant, did you have any other role in this investigation beyond the collection of this evidence?

A. The video.

Q. Right.

A. Yes, sir. That's all.

Q. You viewed that as well?

A. Yes, sir.

Q. Same one that Officer Pendergrass looked at?

A. Yes.

MR. EVANS: Those are all the questions I have for the Sergeant, Your Honor.

Please answer any questions Ms. Dewitt may

have.

MS. DEWITT: No questions for this witness.

THE COURT: All right. Any objection to Sergeant being excused?

MR. EVANS: No, ma'am.

THE COURT: You're excused.

Ladies and gentlemen, does anyone need a break? Everybody okay?

Is the next witness long or short?

MR. EVANS: I think it will be short.

THE COURT: All right. Call your next witness.

MR. EVANS: Del Patel.

THE BAILIFF: He's in the restroom.

THE COURT: Okay. Maybe now is a good time for a break.

Ladies and gentlemen, I'm going to send you back to your jury room. Refresh yourselves, grab a cup of coffee. I need you to do one thing for me, though: I need you to select a foreperson.

The foreperson doesn't have any more say than anyone else. They're just the person who communicates with me regarding scheduling.

You're it?

THE FOREPERSON: Yes, ma'am.

THE COURT: Fabulous. I appreciate it. I

didn't even have to do anything.

Are we ready?

THE BAILIFF: He is here.

THE COURT: All right. We'll take him and we'll take a break after.

Come on up, Mr. Patel.

DEL PATEL

being first duly sworn, testified as follows:

THE WITNESS: Yes, I do.

MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Good morning.

A. Good morning.

Q. Would you please try to speak up a bit, because that microphone might not pick up everything you say.

First question I'm going to ask you is could you identify yourself and spell your last name for our court reporter.

A. Del Patel. Last name P-A-T-E-L.

Q. And, Mr. Patel, what do you do for a living?

A. I'm in the hotel business and also manage the store on the side.

Q. What store would that be?

A. Well, it was the Yemassee store only.
Q. Okay. Snappy Foods?
A. Yes.
Q. Okay. Where is that located?
A. Yemassee.
Q. What is the address?
A. I don't know off the top of my head because it's too many properties I have. But it's on Yemassee Highway.
Q. It's on Yemassee Highway?
A. We just remember by the exits.
Q. I understand.
A. It's Exit 38.
Q. Exit 38, fair enough. In Yemassee, in Hampton County?
A. Correct.
Q. Do you remember the events of November 15th, 2018?
A. Yes.
Q. How were you involved?
A. Well, I was called by -- well, I think that evening, I just came and left because, normally, every morning or afternoon, I come to collect the money and put the deposit in.
Q. You're the manager? You run the place?

A. Right.
Q. You're not there all the time?
A. No.
Q. Were you there during the robbery?
A. No.
Q. So you learned that there was one?
A. Yes.
Q. And then did you go to the store?
A. Yes.
Q. What did you do when you got there?
A. When we got there, there were police cars all over around the properties. We waited until the police was actually watching the video, and we watched the video at the same time.
Q. Did you help them get a copy for them to take with them?
A. Yes.
Q. How did you do that?
A. Took it out of the DVR, copied -- the actual part from the DVR, copied the footage and put it on a flash drive.
Q. You put it on a little thumb drive so they could take it with hem?
A. Yes.
Q. How often does that video run?

A. What do you mean?
Q. Well, is it going all the time when y'all are in --
A. Well, it's on a motion censor. So any time anybody just walking around in front of the camera or just passing by the camera, the motion activates and it records you.
Q. How many cameras do you have, roughly?
A. About 16 or 18 cameras.
Q. And you were able to watch it yourself?
A. Yes.
MR. EVANS: May he step down, Judge, and --
THE COURT: He may.
BY MR. EVANS:
Q. Mr. Patel, I'm going to ask you to come over here and take a look at my computer screen. And I'm going to -- as you can see, I'm popping in what's previously marked as State's Exhibit 1. And I'm going to ask you if you recognize what I'm about to show you.
What is that, sir?
A. That's the main register counter.
Q. Is this the same video that you assisted Yemassee PD with taking with them?
A. I'd have to look at the whole thing.

Q. Okay. Watch it until you're comfortable. Would it help if I skipped ahead to --
A. Yes, please.
Q. Do you recognize that?
A. Yes. That's the video.
Q. You were not there when this happened, but you saw it on your own screen later that day?
A. Yes, sir.
Q. And how about this second file on this same disc? What does that appear to be?
A. That's, like, main entrance of the store.
Q. An outdoor view?
A. Outdoor view, yes.
Q. And is it -- is this the same video you reviewed on November 15th, 2018?
A. Yes.
MR. EVANS: At this time, Your Honor, the State would enter State's Exhibit 1 into evidence.
THE COURT: All right. And publish it now?
MR. EVANS: Yes, ma'am. I'd like to publish it now.
THE COURT: Without objection?
MS. DEWITT: Yes, ma'am.
(State's Exhibit No. 1 admitted into evidence.)
THE COURT: All right.

Mr. Patel, I'm probably going to have you step down, if you can, so you can see it.

BY MR. EVANS:

Q. Mr. Patel, if you'll indulge me, at a few points in this video, I'm going to pause and ask you if you can identify folks that you know.

Who is that gentleman behind the counter that we can see there?

A. He used to work for us.

Q. What's his name?

A. Nick. I'm bad at names. But his last name is Patel, too. But he used to work for us.

Q. Okay. Mr. Patel, how about this gentleman I'm pointing to with the mouse?

A. Yash Patel.

Q. Yash Patel?

A. Yes.

Q. Another employee?

A. Yes. He used to work for us.

Q. I'm going to play the other angle, Mr. Patel. Can you remind us what this is?

A. Exit and entrance of the store.

Q. Thank you, Mr. Patel. You can return to your seat.

Mr. Patel, were you able to ascertain how much

the store lost as a result of this?

A. A few hundreds. I don't recall the exact amount.

Q. A few hundred, is your estimate?

A. Yes.

MR. EVANS: Your Honor, those are all the questions that I have for Mr. Patel.

Please answer any questions Ms. Dewitt may have.

THE COURT: Ms. Dewitt?

MS. DEWITT: Yes. Just a few, Your Honor.

CROSS-EXAMINATION

BY MS. DEWITT:

Q. Mr. Patel, now, you said your store, Snappy Foods, is at Exit 38 off I-95, right?

A. Yes, ma'am.

Q. Okay. And so it's right there, not far from the exit; is that correct?

A. It's about a mile and a half.

Q. And the Yemassee Highway?

A. Correct.

Q. That's a road that a person would drive from Yemassee straight to Hampton or Farmville, isn't it?

A. Yes.

Q. Is that the road you drove today from Yemassee?

A. Yes.
Q. From downtown Yemassee or, I'd say, from the railroad tracks, from the train station in Yemassee, that Yemassee Highway heads, say, to Hampton as opposed to Walterboro?
A. Say again.
Q. That Yemassee Highway --
A. Uh-huh.
Q. -- is a road somebody takes to get to Hampton from Yemassee --
A. Correct.
Q. -- as opposed to maybe going to Walterboro?
If you were to go to Walterboro from Yemassee, what road would you take?
A. I'd take straight 95.
Q. Straight 95. Or could you take 17 -- hit 17 somewhere?
A. I wouldn't, because when I used to go to Walterboro, the property I was managing was right at Exit 53. So --
Q. So you always took the interstate?
A. Yes.
Q. All right. Thank you, sir.
THE COURT: Anything further?
MR. EVANS: No, Your Honor, not from this

witness.

THE COURT: Any objection to Mr. Patel being excused?

MR. EVANS: Not at all.

MS. DEWITT: No, Your Honor.

THE COURT: You're excused, sir.

Now is a good time for us to take a quick recess. I need to remind you -- and I'm going to do this every time I send you back to the jury room or before we part -- do not discuss this case. It would not be appropriate to do so. You haven't seen all the evidence; you haven't heard the arguments from the lawyers, nor have you heard my charge on the law. Go refresh yourselves.

Mr. Foreperson, when y'all are ready to come back in, just knock on the jury room door and we'll bring you back in. Okay? Thank you.

(The jury exits the courtroom at 11:16 a.m.)

THE COURT: I saw that Tim French is on your witness list. Did you get a DNA lift from the beer bottle?

MR. EVANS: Yes, ma'am.

THE COURT: And what did it come back as?

MR. EVANS: 126 quadrillion to 1.

THE COURT: To Mr. Coleman?

MR. EVANS: I asked Mr. French to come in the afternoon, if that's --

THE COURT: That's absolutely fine. I was just looking and saw he was there.

We'll be at ease about ten minutes. All right? Thank you.

(Brief recess.)

THE COURT: Are you ready?

MR. EVANS: Yes, ma'am.

THE COURT: Are you ready, Ms. Dewitt?

MS. DEWITT: Yes, ma'am.

THE COURT: All right. Let's bring the jury in.

MR. EVANS: Your Honor, I think I might have something I'd like to advise Ms. Dewitt and Your Honor about before the jury comes in.

THE COURT: Sure.

MR. EVANS: My next witness is going to be Mr. Yash Patel, one of the victims in the case.

THE COURT: Right.

MR. EVANS: And after, I plan to call Ms. Wilcox who is in the building and gave a description of the robber having a tattoo on his face.

I would like, after she's done, to ask that

Mr. Coleman walk over closer to the jury so they can see his face. I don't believe that's testimonial. But I wanted to advise Your Honor of that ahead of time.

THE COURT: Okay. I can't see anything on his face from here.

MS. DEWITT: I can't see from here either.

THE COURT: You can't from where you are?

MS. DEWITT: And, certainly, I object to the request, Your Honor.

THE COURT: What's your basis for objecting?

MS. DEWITT: Well, I think it all goes to the extent of compelling the defendant to testify when he has a right to testify or not.

MR. EVANS: I don't believe it is testimonial.

THE COURT: I think there's plenty of case law on it, if you'll just do a little bit of research on it.

MR. EVANS: I'm happy to wait until the research is done for that to request.

THE COURT: Before the request? Okay.

(The jury enters the courtroom at 11:38 a.m.)

THE COURT: All right. Welcome back, ladies and gentlemen.

Mr. Evans, call your next witness.

MR. EVANS: Thank you, Your Honor. The State calls Yashkumar Patel.

YASHKUMAR PATEL

being first duly sworn, testified as follows:

THE WITNESS: I swear to tell the truth and nothing but the truth.

THE CLERK: Okay. That's fine. You can have a seat.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Good morning.

A. Good morning, sir.

Q. Would you please introduce yourself and spell your last name for our court reporter.

A. Yeah. My last name Patel and my first name is Yashkumar.

Q. Let's spell that first name, too, I guess.

A. Okay. It's Yashkumar, Y-A-S-H-K-U-M-A-R.

Q. And Patel is P-A-T-E-L?

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

Q. Do you go by anything shorter? Does anybody call you any nicknames or anything like that?

A. Yeah. My nickname is Yash, but most people can't pronounce it and they call me Josh.

Q. Yash or Josh.

I'll call you Mr. Patel; is that okay?
A. Yeah.
Q. Mr. Patel, where do you work? What do you do?
A. Right now, I'm working in Florence in a gas station.
Q. Is that what you've been doing for a while?
A. Yeah.
Q. Did you ever work in Yemassee?
A. Yes, sir.
Q. From about when to when?
A. I can tell you it's in November 2018 because I know I just -- I don't remember the exact date, but I know starting of the November, I came in Yemassee.
Q. Okay. To the Snappy Foods?
A. Yes, sir.
Q. Do you recall the address or where that's located?
A. Snappy Foods? Yeah, it's 143 Yemassee Highway.
Q. In Yemassee and in Hampton County?
A. Yes, sir, Hampton County.
Q. Do you remember what happened on November 15th, 2018, at the Snappy Foods?
A. Yes, sir.
Q. What can you tell us about that day?
A. All I remember, like, it's like a regular day.

And because we have two stores, one grocery and a liquor store, so we have back and forth, I just came from the other end, the liquor store, come to the grocery store. Then I go behind the counter just on the other register. And I remember I was checking my phone at that time. It was not that busy. The other clerk, he was taking the customers on the other side.

Q. Who was the other clerk?

A. Oh, Mr. Solanki.

Q. Do you recall his first name?

A. Yeah. We call him Harry.

Q. Harry?

A. Yeah.

Q. Okay. Do you recall his actual Indian first name?

A. Yeah. Hiren.

Q. Okay. S-O-L-A-N-K-I?

A. Yeah.

Q. Okay. Mr. Patel, I'm going to ask you to scoot your chair back just a few inches because I think you're exhaling into the microphone a little bit.

A. My bad.

Q. So, if you can, just speak up the way I'm doing, and then the microphone will catch

everything, even from back there.

So you and Mr. Solanki were working in the grocery store?

A. Yes, sir.

Q. What happened next?

A. Yeah. I remember, one of the customers, he was buying. And then all of a sudden -- because I was still looking at my phone. And then I hear that he ask for money. But it's something those -- like, you know, feel like nothing else because some time it happen, like, regular customer come and they just make -- like, for fun, you know, they -- just take out your money.

Q. You've experienced customers joking with you?

A. Yeah, just joking, you know, just regular customer. And they just make fun. Like, you know, they not actually robbing you, just funny. So I thought it was a regular customer because that was my first week, so I don't know all people around there.

Q. You were new to that particular store?

A. Yeah. That was my first week right there at that place.

Q. Okay. So did you feel alarmed when you heard this thing?

A. No. I still, like, in my mind, it's somebody, just, like, regular customer came in. But then all of a sudden, I hear the gun. I see he pull out the gun. That's when I just looked. And I was still like, you know, thinking, like, what's going on? And then before I realized anything, he shoot first time.

Q. So did you hear the gunshot first or see the gun, then hear it, if you recall?

A. No. First, I see the gun; then, as soon as I see, he shoot. So --

Q. Did he shoot at you?

A. No. He shoot between the two clerks. We have, like, you know, a space between us. So he shoot in between us.

Q. What did you do after that?

A. After that -- because I had my cell phone in my hand. So I just tried to drop it, like, you know, because I know that, in this kind of situation. So I just try to put it on the counter, like, you know, quickly. And when I do that, he just point the gun on me. And that was like -- and then I just raised my hand. All the time, I was screaming one thing: Just -- you know, just take the money, but don't shoot.

Q. What were you feeling while this was going on?
A. It was like the -- I feel like, you know, all the time I was in a fear that it can be -- because when he pointed the gun on me, all the time, I was in that fear that he probably going to shoot me.
Q. You thought he was going to shoot you?
A. Yeah.
Q. Did you feel like you could leave?
A. No, sir. I was in the corner. And then before -- like, when I realized what's going on or anything, he come behind the counter. So he tell us to get on the ground. And, like, we -- you know, I was just pointing at him, like, there's the money, don't shoot. But then he hit on my back.

And because I was wearing a jacket, that hoodie came on my -- so I can't even look up because I was so scared. And then, all the time, I was looking at the ground. Then a few moment, I just realized a gunshot that happened, like, so close that my ears are ringing almost for half an hour.

Q. This is a second gunshot?
A. No. This is the third. Because when we were on the ground, I heard another one.
Q. So he had shot or someone --
A. Yeah. I don't know --

Q. The robber had shot --
A. I don't know where he shot that time. But I hear the second one after he come in behind the counter.
Q. What happened after you heard that third shot?
A. So that shot was so close, my ear was ringing. And after that, I was so shaking that -- I'm in a position. After that, I don't know if he left or what. And then I heard another one afterwards. I don't remember exactly what time. But then I hear the other clerk. He told me, you know, just get up, you know, he's gone.
Q. Mr. Solanki told you he was gone?
A. Yes. So I still was, like, so scared to get up. But then I got up and then I see one of the guys who was working over there, he do the cleaning stuff, so he just came outside the counter. And I tried to call the cops, but my hands were so shaking. So I just give the phone and call the police, that's all. And I was still like, you know, shaking at that time until I see the police come. And, you know, I feel some comfort because they were there.
Q. When did you feel that you were safe?
A. When I see the police come. I see it was okay

now; I don't have to worry now.
Q. Are you still in Yemassee?
A. No, sir.
Q. Why is that?
A. Sir, even after this incident happened, for a while I was there. But, every day, I was still living in fear.
Q. Did you have to do anything to treat yourself or --
A. Yes, sir. I see a counselor also --
MS. DEWITT: Objection, Your Honor; relevance. What is this?
THE COURT: Okay. You can continue.
MR. EVANS: Thank you.
BY MR. EVANS:
Q. Please tell us.
A. Okay. I see a counselor; she help me out. Because this is the first time, like, I -- you know, even at the nighttime, even at the store, when I see somebody with a hoodie also and, like, new place, all -- most of the new faces, you know, it's always scare me. I never feel it like that before. Even when I move out of Yemassee, still I got to go to another counselor in Florence where I live right now --

Q. You live in Florence?
A. -- for a while until, like, you know, I feel a little bit normal, because I'm just back to my old place with my cousin. And I have my family and friends, so they help me out. They support me all the time. They talk to me.
Q. And you're working in the same industry, another gas station in Florence now?
A. Yes.
Q. Has anything like this happened since?
A. No, sir. But I know this still affects me, those things that day.
MR. EVANS: Beg the Court's indulgence.
THE COURT: Yes, sir.
MR. EVANS: Your Honor, I'm going to publish State's Exhibit's No. 1 for Mr. Patel and ask him to go over it with us.
THE COURT: Okay.
BY MR. EVANS:
Q. Mr. Patel, if you want to step down -- I'm going to put the video up here, if you want to step down so you can see.
Mr. Patel, what I'm showing you is already in evidence as State's Exhibit 1, so I'm going to go ahead a little bit. First, can you tell me who that

is?
A. Yeah. It's Harry.
Q. Harry Solanki?
A. Yeah.
Q. And I'll pause here. Can you tell us where we're at right now? And who do you see in the video?
A. All right.
Q. You describe what we see on the screen?
A. Oh, right now, like, I remember that jacket. He's the guy who started shooting on us.
Q. Do you mean the gentleman on the left, you remember the clothing he was wearing that day?
A. Yes.
Q. And I'm indicating him here with the mouse. This gentleman here?
A. Yes, sir.
Q. And is this you?
A. Yes, sir.
Q. Okay. Do you recall what the gentleman in the black sweatshirt is saying at this point?
A. I can't tell exactly, sir, because I'm not good at remembering face. And, since then, I don't watch this video that much.
Q. Looks like you're paying a little more

attention to your phone than anything else; is that fair to say?
A. Yes, sir.
Q. Do you recall what he said at this point, more or less?
A. Yeah. This is the -- I don't remember exactly. All I know that -- because I was all the time looking at my phone. And I hear him, like, ask for money. But then it sounds to me like something normal.
Q. Okay. And I see you pointing at this point. What is that?
A. I'm pointing at the cash register.
Q. Okay. Is that so that -- well, I don't want to lead you.
Tell us why you were pointing at the cash register. Can you tell us why you were pointing at the cash register?
A. Yes, sir. Because I remember all the time I was screaming since the first gunshot that, take the cash, you know, don't shoot. Because I before heard about those kinds of incidents. And I know that, like, you know, if they want the money, don't shoot. Nothing more important than my life or anybody else life.

Q. You've been trained --
A. Yeah, because before I was working at gas station. So we know if anything happen, like, you know, cash is not important for us.
Q. Right. Mr. Patel, I'm going to --
MR. EVANS: May I approach, Your Honor?
THE COURT: You may.
BY MR. EVANS:
Q. I'm going to pass you something. Can you tell me what that is?
A. Sir, that's the same guy.
THE COURT: You need to speak up, sir.
THE WITNESS: Okay.
Q. Is this a photograph?
A. Yeah.
Q. Is it from, basically, where we're watching in the video right here?
A. Yes, sir.
Q. All right.
MR. EVANS: Your Honor, the State would move this into evidence as State's Exhibit 7.
THE COURT: Any objection?
MS. DEWITT: No, Your Honor.
THE COURT: It's in evidence.
MR. EVANS: Thank you, Your Honor.

THE COURT: You can publish it or whatever you need to.

(State's Exhibit No. 7 marked for identification and admitted into evidence.)

BY MR. EVANS:

Q. Now, I believe you testified earlier, Mr. Patel, at some point you could not see. Are we at that point?

A. Yeah, remember, because when he hit me, my hoodie just came on my face. And I was like, all I could see is the ground. And I was so scared to, you know, look up or take off my hoodie, like --

Q. What's going on at this point? What was going on in your mind at --

A. I was in shock at that time. After the third shot, like, you know, my ear was ringing and I was still shaking. I was shocked at that time.

Q. What do we see at this point?

A. Yeah. That the time I remember because Mr. Solanki, he told me -- he told me that he already left and I got up.

Q. Mr. Solanki told you that?

A. Yeah. I try to tell him, don't get up. And he tell me he already left, now get up.

Q. All right. We see you reaching for your phone.

Is this what you testified about earlier?
A. Yes, sir.
Q. Thank you. You can return to the stand.
Did you know the person who did this?
A. Pardon?
Q. Did you know the person who did this? I know you were -- you said you were new to the store.
A. No, sir.
Q. You did not know him? You did not recognize him --
A. No.
Q. -- as a regular customer?
A. No, sir.
Q. Were you able to tell the police who it was?
A. No, sir.
Q. Do you recall him? Do you remember him?
A. Like, hardly, by the face.
Q. Do you see him in the courtroom today?
A. I can't say 100 percent, sir, because I'm not good at remembering, like, face until, like, I see somebody everyday.
Q. Okay. This is the only time you saw him?
A. Yes, sir.
Q. For that minute that we watched him?
A. No; that and whenever I see the video. But I

tell you, I don't want to watch the video that much; like, you know, if I need it. But I don't want to recall that moment.

Q. I understand. Thank you very much. Please answer any questions Ms. Dewitt may have.

CROSS-EXAMINATION

BY MS. DEWITT:

Q. So your testimony is that the man in the video in the black-and-yellow sweatshirt and the man in the photograph taken from the video is the person who robbed the store?

A. Yes, ma'am.

Q. And you were new to the store. So you were not familiar with regular customers?

A. Yeah; not most of them.

Q. Well, after a week, you knew people who came in continuously during that week?

A. Yeah. A few people I know that I see every day. So I know those few people.

Q. All right. But you had only been there a week at the time of the robbery, correct?

A. Yes; almost a week.

Q. Did you require medical attention?

A. Yes, ma'am.

Q. Did you ask for medical attention when the

police came?
A. Yeah, because my ear was ringing. But then, you know, like -- it's nothing like a pain, but all like, you know, loud gunshot, and I was not sure. But when the police was there, I don't want to leave that place with the police, so I just stayed there.
And I thought probably I don't need that much until I realized later on about the different, like, you know -- because I never been to those kind of -- and my counselor, they told me what's going on is a trauma.
Q. Yes, sir. How many times have you watched the video of the robbery?
A. I know when it happened, after that, there were -- the officers, they tried to recall the videos. So what happened, they tried to see. So, like, I was with them at that time. And then after that, probably like few times.
Q. All right. And then you saw it today?
A. Yes, ma'am.
Q. All right. Thank you.
MS. DEWITT: That's all the questions I have for the witness.
THE COURT: Anything further?
MR. EVANS: No, ma'am.

THE COURT: You may be excused, sir. Thank you.

MR. EVANS: Karen Wilcox.

KAREN WILCOX

being first duly sworn, testified as follows:

THE WITNESS: Yes.

THE CLERK: Okay. Have a seat.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Good morning.

A. Good morning.

Q. Would you please tell us who you are and spell your last name for our court reporter.

A. I'm Karen Denise Wilcox. My last name, W-I-L-C-O-X.

Q. Where do you live, Ms. Wilcox?

A. Rock Hill, South Carolina.

Q. Have you ever lived closer to Hampton?

A. Yemassee.

Q. You've lived in Yemassee. For how long?

A. Some years. About -- yeah, some years.

Q. Were you living in Yemassee in November of 2018?

A. Uh-huh.

Q. Do you recall the events of November 15th of

2018?
A. Yes.
Q. What can you tell us about that day?
A. Well, I was going to the store.
Q. Which store would that be?
A. The Indian store, the jinks store. We called it the jinks store.
Q. On Yemassee Highway?
A. Uh-huh. We always called it jinks.
Q. How were you planning on getting to the store?
A. Actually, I was walking, and my cousin said, come on, you know, we'll give you a ride, because my knee was hurting so bad. I needed some dish liquid.
Q. Who's your cousin?
A. Damian Finnel.
Q. And you wanted to go to the store to buy dish liquid?
A. Yes.
Q. For the machine or for hand washing?
A. For my -- wash my dishes.
Q. Okay. And what happened when you went to the store?
A. So I got in the car. So I asked him -- I said, Dollar Store is right here; y'all can let me out at the Dollar Store; I'll be okay from there. Because

it's cheaper at the Dollar Store.

Damian says, I'm going on to the Indian store. I said, Lord have mercy, I don't have change for this. I had enough money, so got me a little thing of Dawn, and I went out the store. Next thing you know, I hear all these gunshots and stuff like that. And I'm like, oh, my stars. I'm like, what's going on?

Q. So I'm going to interrupt if that's all right.

A. Uh-huh.

Q. You went in the store and made a purchase of dish soap?

A. Yes.

Q. And then did you go outside?

A. Yes.

Q. What were you doing outside?

A. I think I got in the truck and was talking. I got back in the vehicle.

Q. Were you waiting to leave?

A. Yes. And then, next thing you know, the store is being robbed by the people in the -- the guys in the vehicle. I'm like, oh, my stars.

Q. I'm going to back up again, if that's okay.

You said you came in the truck. Who else was in the truck?

A. The driver, he was in the truck.
Q. There was a driver? You were not the driver?
A. Was I the driver?
Q. Yes, ma'am.
A. Oh, no.
Q. Where were you sitting in the truck?
A. In the back.
Q. Which seat? Passenger side or driver's side?
A. On the -- not behind the driver. Passenger -- behind the passenger.
Q. Okay. And your cousin, Mr. Finnel, where was he?
A. He was in the back with me.
Q. He was in the back seat with you?
A. Uh-huh.
Q. And did you know the driver in the front seat passenger?
A. The one with the dreads in his hair? Yes, I knew that kid.
Q. What was his name?
A. But I didn't know the passenger.
Q. You did not know the passenger?
A. No. Never seen him.
Q. Did you know anything about him?
A. Huh-uh. Nothing at all. I actually never seen

him before. Never seen him.
Q. Okay. And moving forward ahead.
Now, when you were outside waiting to leave, who was waiting with you, if anybody?
A. The driver was in the truck.
Q. The driver was sitting in the truck with you?
A. In the truck.
Q. Okay.
A. Uh-huh.
Q. Where was everybody else?
A. Damian was in the truck. Then Damian got back out and go back inside the store. And when Damian went inside the store, that's when everything took place.
Q. Could you see what was happening or just hear it?
A. I couldn't see. We were parked right in front of the store, you know. I still couldn't see anything.
Q. So couldn't see in?
A. Huh-uh. Next thing, I heard some gunshots went off. I jumped out and I tried to hide. That's all I remember.
Q. Could you see anybody come out of the store?
A. Yeah.

Q. Who did you see come out of the store?
A. That guy right there.
Q. This gentleman sitting next to Ms. Dewitt?
A. Uh-huh.
Q. Could you describe what he's wearing?
A. Actually, I can't remember.
Q. Not back then, but today.
A. Got a black coat on -- is that a coat? I can't see that well. I got the wrong glasses. Can barely see you, it's so blurry.
Q. But that's the gentleman that you saw?
A. That is him. It is him.
Q. What could you tell about him on that day? I understand you can't remember his clothing. But --
A. Uh-huh.
Q. -- what else did you notice?
A. Well, I know -- because I spoke with him. When I was face-to-face with him, I noticed a tattoo that he had. I noticed that.
Q. Where does he have a tattoo?
A. Like, on his eye. Like a teardrop or something.
Q. Can you see --
A. Yes. Uh-huh. I'll never forget that. It was a teardrop or something. Because I think I asked

him about that and he told me about what it was for or something. I can't remember.

Q. This is earlier on that day?

A. The same -- you know, the same time I was riding.

Q. Was that the only day you ever met him?

A. First time I ever seen him in my life.

Q. Do you know his name?

A. (Shakes head.)

Q. You didn't know then and you still don't know now?

A. Huh-uh.

Q. Did you know where he was from?

A. He stay across the river, that's what I heard.

Q. What does that mean?

A. They call the river, like, Jonesville or something like that.

Q. So you heard from somewhere that --

A. I heard that --

Q. -- he was from Colleton County?

A. I heard that. I'm not for sure.

Q. Did you tell anybody that?

A. The policeman.

Q. You told the police that you heard he was from across the river?

A. Uh-huh.
Q. What did he do after getting out of the store?
A. When I heard them gunshots going off in that store, I got in that truck real fast and tried to find me a hiding spot.
Q. Oh, I understand what you did. Do you know what he did, this gentleman over here?
A. He made the other guy drive off. And he kept shooting, shooting, shooting. And I ducked.
Q. You ducked when you heard more gunshots?
A. Uh-huh. Yes.
THE COURT: Say yes.
MR. EVANS: I think I heard one at the end, Judge.
BY MR. EVANS:
Q. But just for anything else, please say yes or no because the court reporter can't take down that other stuff.
A. Okay.
Q. Ms. Wilcox, I'm going to show you something that's entered into evidence as State's Exhibit No. 1. I think you may need to step down, ma'am, so you can see this screen up here.
Do you recognize anybody in this image?
A. Isn't that me getting dish liquid?

Q. Is that you?
A. In the GAP sweatsuit?
Q. I have to ask you; you can't ask me.
A. Yeah. I'm saying that's me --
Q. That's you? Okay.
A. -- in the jacket.
Yeah. That's me right there getting me some Dawn, getting my dish liquid.
Q. And you're purchasing the dish soap you told us about a little while ago?
A. Uh-huh.
Q. Okay.
A. See?
Q. Yes, ma'am.
A. Dish liquid.
Q. That's the dish soap that you bought?
A. Dawn. It's the best kind to use.
Q. Okay.
A. Yep.
Q. I'm going to move on to another video. Can you tell what this is, Ms. Wilcox?
A. That's the store.
Q. Is that the outside of the store?
A. Uh-huh.
Q. Okay. And you said you were waiting in a truck

outside; is that correct?

A. Yes, sir.

Q. I'm going to ask when you see that -- well, actually, who's that gentleman there that just stepped out?

A. Looks like Damian.

Q. That's your cousin?

A. Uh-huh.

Q. Okay.

A. Yeah, that's Damian.

Q. When you see yourself or that truck, I want you to let us know. Is that okay?

Do you recognize that vehicle, Ms. Wilcox?

A. Is that a Mercedes?

Q. Do you recognize it? Could it be the vehicle that --

A. It was a white vehicle, I know that.

Q. Okay.

A. It was a white vehicle.

Q. Is that you, ma'am? Can you see it?

A. Running to the car?

Q. Yes, ma'am. Is that you?

A. Is that me right there? No, no, no. I must have been hiding someplace then.

Q. I'll ask you to keep watching.

You see this pump in the back that I'm circling with the mouse?
A. That's me hiding.
Q. That's you hiding? Okay. Keep watching.
What did we see right there?
A. There was shooting going by and I was ducking some more. And that's my cousin Damian.
Q. Yep.
A. And I'm just as nervous and hysterical.
Q. Okay. Thank you, ma'am. You can return to the stand.
Thank you, Ms. Wilcox. That's all the questions I have for you. Please answer any questions Ms. Dewitt may have for you.

CROSS-EXAMINATION

BY MS. DEWITT:
Q. Good afternoon, Ms. Wilcox.
A. Good afternoon.
Q. I'm Diane Dewitt. I didn't quite understand. How did you end up in the car?
A. Like I said, I was walking to the store. My cousin know that I have a bad leg and a bad hip, you know, so it hurts. But I had to get the dish soap, so they offered me a ride. So I took a ride to the store. That's how.

Q. So you knew your cousin. Was he in the car?
A. No. He wasn't in there then, but he got in. He got in the car.
Q. I thought you testified you were walking to the store.
A. I was walking -- I was walking out my trailer park going to the store. Okay? And I was offered a ride. That's when I got in the vehicle to go to the store to get dish liquid.
Q. At the time when you got in the car, how many people were in it then?
A. It was two. And then after Damian and I got in, it made four.
Q. And you were sitting in the back seat behind the driver or the passenger?
A. Passenger.
Q. You were behind the passenger?
A. Passenger.
Q. And did you know the driver of the car?
A. Yes. I knew that kid because my mother taught him in school. I knew him very well. But I'm not good at names. But I know he had dreads.
Q. The driver had his hair in dreadlocks --
A. Yes.
Q. -- is your testimony?

And once you got in the car, isn't it true it only took about a minute and a half to get to the store?
A. I guess. I would assume. It takes about -- yeah, about a minute.
Q. You testified you didn't know the passenger, correct?
A. I did not know the passenger, correct.
Q. You'd never seen him before?
A. Never seen him before in my life.
Q. But he was in front of you sitting --
A. But I spoke with him when I got in the vehicle face-to-face. I looked directly in his face, so I could not forget his face.
Q. And it's your testimony he had a teardrop tattoo on his face?
A. Yes, something like a teardrop. It looked like a teardrop. I know the tattoo was on his face.
Q. Teardrop tattoo on his face. When you got to the store, did everybody get out?
A. I don't know. I was the first to get out, so I don't know who else got out.
Q. You said you were --
A. I was the first getting out. I came to the store to get the dish liquid, so I jumped out the

car and went in the store. And then I think my cousin -- I think Damian got out. I can't remember. But I know I got out to get the dish liquid. And I know Damian got out, too, and went to the store and went inside. Then, after I got back in, then that's when that fool over there got out. Dreads didn't get out. The driver, he did not get out the car.

Q. It's your testimony that the man with the dreadlocks did not get out of the car and go in the store?

A. No, he did not go in the store.

Q. And you knew him?

A. Yes. Because he's -- he was saying, I know that boy didn't do this dumb mess right here; I know he didn't do this dumb mess. I say, what he doing? He said, he's sticking -- I said, oop. And then he got out.

I heard the shooting. It was just a hysterical moment for me, something I never been through before in my life. It was very scary. I was really shook up and it was very bad. I see a psychiatrist right now because of this incident.

Q. Ms. Wilcox, were you under the influence of any intoxicating substances that day?

A. No, ma'am. I take medications.

Q. Are you under the influence of anything now?
A. No, ma'am, except for medication.
Q. What kind of medication are you taking?
A. I take heart pills, nerve pills --
Q. Nerve pills?
A. -- and Cymbalta.
Yes. But I didn't take my medication this morning, blood pressure pills. I didn't take no medicine this morning. Only thing I'm under is water and a sausage.
Q. Water and --
A. Water and sausage. I had a sausage this morning to eat and I'm drinking water now.
Q. You said you take some kind of nerve pills.
A. Yes, I take nerve pills. Cymbalta. Cymbalta. What's this have to do with me being under the influence this morning?
THE COURT: Ma'am, you can't ask questions. You just need to answer the questions. Okay?
THE WITNESS: Okay. Yes, ma'am.
Q. Ms. Wilcox, were -- did you know, on a daily basis, any of the Yemassee police officers?
A. Yes. Do I know on a daily -- yes, I do.
Q. Okay. Did you wait on --
A. Yemassee is a small town. Yes, ma'am.

Q. Did you wait on the scene until the police officers came to the store that day?
A. It took a minute. And I was -- I got -- the first thing -- they came to -- they found me. They talked with me; they took me down to the station. I was interrogated for some hours.
Q. Okay. So you were not at the store when the police arrived; is that correct?
A. No. They came to my house, if I'm not mistaken. I was just so hysterical and nervous, I can't remember too much. I remember enough.
Q. But it's true that you left the scene immediately, correct?
A. No. I didn't leave it immediately. You know, the police didn't come -- when the police got there -- I was gone before the police got there, put it like that.
Q. You were gone before the police got there, right?
A. Before the police came there, yes.
Q. And how did you get home?
A. A neighbor -- no. Damian's girlfriend, because my old man, Robert Lee Daniels, he asked her to please give me a ride home because he knows how my nerves were. I was so shaky.

Q. Did you call the police or 911 and tell them what happened?
A. No, I did not.
Q. And isn't it true that when the police came to your house, they actually took you down to the police station?
A. Yes, they did.
Q. Do you recall that you were read your Miranda rights, that you had the right to remain silent?
A. Yes, I was.
Q. And anything you said could be used against you?
A. Yes, ma'am.
Q. In fact, you're familiar with Miranda warnings, aren't you?
A. Yes, ma'am.
Q. Because you've had prior run-ins with the police before, haven't you?
A. Yes, ma'am.
Q. In fact, you've been convicted of a few crimes; is that true?
A. Yes, ma'am.
Q. Do you recall what they are?
A. No.
MR. EVANS: I'm going to object to the form of

that question.

THE COURT: Okay.

MR. EVANS: May we approach?

THE COURT: You may.

(Sidebar conference.)

BY MS. DEWITT:

Q. In particular, Ms. Wilcox, isn't it true, you've been convicted of shoplifting?

A. Yes, when I was very young.

Q. And shoplifting involves stealing?

A. Yes. I was very young. Yes, I did.

Q. And you've also been found guilty of obtaining goods under false pretenses?

A. Retaining goods?

Q. You recall that, obtaining goods under false pretenses?

A. No. I don't remember. I don't recall that, ma'am. But I know about shoplifting. I was about, what, 18, 19, something like that.

Q. And you knew the police because -- how do they recognize you on the video, is what I want to know?

A. Because Yemassee is a small town. Everybody knows everybody in Yemassee, if you lived there a long time. My mother and my grandmother taught school. My grandmother taught the older people and

my mother taught the generation going on now.
Q. Ms. Wilcox, did you think you were in trouble when the police came and took you to the police station?
A. Excuse me?
Q. Did you think you were in trouble with the law when they came and took you to the police station?
A. No, ma'am.
Q. Even when they read you your Miranda warnings, you didn't think you were in trouble?
A. No, ma'am, because I didn't do anything. So I didn't think that way.
Q. Okay. Now, you testified that you could not tell if the man sitting at my table was wearing a jacket or what. Can you see from where you're sitting?
A. My vision is blurry. But I recognize his face.
Q. Your vision is blurry?
A. Yes, right now with these glasses. But I recognize his face very well. I can't forget his face.
Q. How long has your vision been blurry?
A. My vision been blurry for about -- I just got new glasses two months ago.
Q. Okay.

A. Uh-huh.
Q. You're not wearing them today, are you?
A. I brought the wrong ones. These are not my prescriptions. I grabbed the wrong ones.
Q. All right. I noticed when you were looking at the video, you were standing right up at the TV screen close as you could get.
A. Going to the store.
Q. Okay. You were standing up close so you could see the screen?
A. Could I see? Yeah. I seen the screen.
Q. Okay. But you were standing up close to it so you could see it?
A. Yes. I seen it.
Q. Okay. So you're not wearing your glasses and your vision has been blurry for a long time; is that what you testified to?
A. My vision has been messed up.
Q. Right. And in fact --
A. I just got glasses -- new glasses.
Q. Ms. Wilcox, isn't it true that you identified my client because he's the only black man sitting at the table over there at the defense table?
A. No, ma'am, that is not why. I believed he was a really nice person, you know, until the incident.

It disrupted me.
Q. And prior to coming out here to testify, did you talk with any of the police officers or the solicitor in this case?
A. No, ma'am.
Q. But -- and why are you here? Were you subpoenaed?
A. Yes, ma'am. I just lost my sister, that's why I came home. I just buried my sister yesterday.
Q. I'm sorry to hear that.
Were you -- did you talk with the police officers in Yemassee and the solicitor before you testified today?
A. No, ma'am.
Q. Not at all?
A. Except when they told me wait right there in that waiting room and I should be called next. And I said it's not going to be like yesterday. That's about it. I was making jokes and stuff.
Q. And no one talked with you yesterday about the case?
A. No, ma'am.
Q. Even though everybody was here waiting?
A. Yes, ma'am. Matter of fact, I was in that room all day long by myself. It was cold, uncomfortable,

nothing to eat. I was so upset. I left and went home. I was sick; I mean, literally sick. My diverticulitis was acting up on me. I got a stomach disease.

Q. Ms. Wilcox, you know that you're here for the trial and the case? You know all that, right?

A. Yes.

Q. And you're aware that only one person is being tried for that robbery, aren't you?

A. Yes, ma'am. I -- yes, ma'am.

Q. You knew that, didn't you?

A. I would assume. Yes, ma'am.

MS. DEWITT: Thank you. That's all the questions I have for Ms. Wilcox.

THE COURT: Mr. Evans?

MR. EVANS: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. EVANS:

Q. You remember meeting me yesterday?

A. Yeah.

Q. We talked for a few minutes down the hall right back there?

A. Yeah, about me getting back where I live at and getting back home. That was my concern --

Q. That's the first --

A. -- getting back home.
Q. Yes, ma'am.
We talked about how we were going to get you home to Rock Hill?
A. Then you asked me, well, did you actually have anything to do with it? And I said, no, sir.
Q. But that was the first time you and I met?
A. That's the first time I seen you.
MS. DEWITT: That's all, Your Honor.
THE COURT: Anything further, Ms. Dewitt?
MS. DEWITT: No, Your Honor.
THE COURT: Any objection to Ms. Wilcox being excused from either of you?
MR. EVANS: No, ma'am.
THE COURT: Any objection, Ms. Dewitt?
MS. DEWITT: No, Your Honor.
THE COURT: You may be excused. Thank you.
THE WITNESS: Thank you. Y'all have a blessed day.
THE COURT: Call your next witness.
MR. EVANS: Samuel Watson.

SAMUEL WATSON

being first duly sworn, testified as follows:
THE WITNESS: Yes, ma'am.
THE CLERK: Take a seat.

THE COURT: Mr. Evans.

MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please introduce yourself and spell your last name for our court reporter.

A. Sergeant Samuel Watson, W-A-T-S-O-N.

Q. Sergeant, where do you work?

A. Yemassee Police Department.

Q. And how long have you been with YPD?

A. Approximately five years.

Q. Did you work in law enforcement anywhere else before that?

A. Yes, sir. I've been in law enforcement since 1994.

Q. Since '94. Where else?

A. Beaufort County, Allendale, Hampton.

Q. All over the Lowcountry?

A. Yes.

Q. Do you remember the events of November 15th, 2018, that led us here today?

A. Yes, sir.

Q. What was your role in the investigation? Can you tell us?

A. Basically, my role was -- I went with Captain

Loadholt to pick up one of the suspects in the incident. After that, we went down to the police department and I sat in the interview with one of the witnesses, the suspect.

Q. Who was that?

A. Ms. Wilcox.

Q. Karen Wilcox. Was she a suspect or a witness or what?

A. We were determining at that time.

Q. Trying to figure it out?

A. Yes, sir.

Q. What, if anything, did you learn from her?

A. During that time, she indicated one of the subjects she didn't know the name of lived across the water, indicating the water, pointing towards Colleton County.

Q. What did that mean to you when she said that?

A. During that time, I had for her a still picture of the suspect. And when she said Colleton County, I knew a detective over there, Sergeant Varnadoe, so I forwarded that picture to Sergeant Varnadoe. And, at that time, he identified the suspect.

Q. He gave you an idea of who you might be looking for?

A. Yes, sir.

Q. And that was because she said she thought he might be from Colleton?
A. Yes, sir.
Q. Detective Varnadoe was with which agency?
A. Colleton County Sheriff's Department.
Q. How long have you known him?
A. For a long time.
Q. A while back?
A. Yes, sir.
Q. He was able to give you some help?
A. Yes, sir.
Q. Did that lead to the eventual arrest of Mr. Coleman?
A. Yes, sir.
Q. All right.

MR. EVANS: Those are all the questions I have. Please answer any questions Ms. Dewitt may have.

THE COURT: Ms. Dewitt?

CROSS-EXAMINATION

BY MS. DEWITT:

Q. Officer, isn't it true that Ms. Wilcox never said the man she talked to was from Colleton County?
A. No, she didn't. She just pointed in that direction.
Q. She just said he lived across the water?

A. Yes.
Q. Which, from Yemassee, that could be Colleton; it could be Savannah, couldn't it?
A. Yes, ma'am.
Q. Could be Charleston, too, couldn't it?
A. Yes, ma'am.
Q. Because we're in the Lowcountry. There's a lot of water.
A. Yes, ma'am.
Q. And causeways and bridges?
A. Yes, ma'am.
Q. Did Ms. -- now, Ms. Wilcox did not know the name of the man. She didn't know a first name or last name, did she?
A. No, ma'am.
Q. And did she tell you that she talked to a man who had a teardrop tattoo on his eye?
A. I can't remember that. All I know is she was pointing to the direction of Colleton area and that's what put me into that.
Q. Okay. So you don't remember anything about a tattoo?
A. I can't --
Q. At this point in time?
A. Yes, ma'am.

Q. All right. Thank you, sir.

MR. EVANS: No redirect.

THE COURT: Sergeant, you may be excused, sir. Thank you.

MR. EVANS: Brian Varnadoe.

BRIAN VARNADOE

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat.

MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please introduce yourself and spell your last name for the record.

A. Sergeant Varnadoe. I work with Colleton County Sheriff's Office. Last name is spelled V-A-R-N-A-D-O-E.

Q. Were you working for the Colleton Sheriff's Office in November of 2018?

A. I was.

Q. Did you become involved in a Hampton County case?

A. I did.

Q. How did that come about?

A. I had a -- law enforcement in Hampton PD

contacted me, informed me they had an armed robbery in their jurisdiction.

Q. Would it have been Hampton or Yemassee?

A. It was Hampton.

Q. Hampton County?

A. I'm sorry. A Yemassee officer contacted me.

Q. Do you recall who that was?

A. Sam Watson.

Q. What, if anything, did you learn from him?

A. Well, he informed me they had an armed robbery in their jurisdiction and, through their investigation, they came about information that the defendant could have -- or the suspect could have been from Colleton County. Of course, he contacted me. I was a point of contact for him in Colleton.

Q. What information, if any, were you able to give him?

A. They had some video and pictures. I observed a photograph -- or a still shot of the video and I recognized the subject in the picture.

Q. Who did you recognize him as?

A. Your defendant.

Q. Could you name him for me?

A. Mr. Coleman.

Q. Joey Coleman?

A. Yes.
Q. How did you know him?
A. Previous incidents before --
MS. DEWITT: Objection, Your Honor.
THE COURT: Ask a different question.
MR. EVANS: Rephrase, yes, ma'am.
BY MR. EVANS:
Q. Is he from Colleton?
A. He is from Colleton.
Q. Have you met him before?
A. I have.
Q. You've seen him face-to-face?
A. Yes, I have.
Q. Do you know his name?
A. Yes.
Q. You recognized him immediately?
A. Immediately, yes.
Q. Is that who you told them to look for?
A. Yes. I told him the person in the photograph that I was shown was Joey Coleman.
Q. Is Mr. Coleman in the courtroom today?
A. He is.
Q. Could you identify him by something he was wearing and where he's sitting?
A. He's wearing the black shirt.

Q. Sitting at counsel table with Ms. Dewitt?
A. That's right.
MR. EVANS: Those are all the questions I have, Your Honor.
Please answer any questions Ms. Dewitt may have.
THE COURT: Ms. Dewitt.

CROSS-EXAMINATION

BY MS. DEWITT:
Q. You had no further involvement in the case; is that correct?
A. That's correct.
Q. And that's all the questions I have. Thank you, sir.
THE COURT: Anything further?
MR. EVANS: No, ma'am.
THE COURT: Any objection to Sergeant Varnadoe being excused by anyone?
MR. EVANS: No, Your Honor.
THE COURT: You're excused, sir. Thank you.
THE WITNESS: Thank you, Your Honor.
THE COURT: Call your next witness.
MR. EVANS: Joe Loadholt.

JOE LOADHOLT

being first duly sworn, testified as follows:

THE WITNESS: I shall.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please identify yourself and spell your last name for the record.

A. Captain Joe Loadholt, Yemassee Police Department. Last name is L-O-A-D-H-O-L-T.

Q. Captain, how long have you worked for Yemassee PD?

A. About nine years.

Q. Nine years. Did you work in law enforcement before that?

A. Yes, sir.

Q. Where at and for how long?

A. Estill. I was in Estill off and on for four years; Ridgeland, one year. And I was in Allendale three years.

Q. Do you remember the events of November 15th, 2018, that brought us here today?

A. Yes, sir.

Q. What was your role in the investigation?

A. We investigated the victims -- one of the suspects, I'm sorry, in the case.

Q. What did you do to investigate the case? Did

you go to the scene?
A. We did go to the scene. I did go to the scene.
Q. Right.
A. And we investigated from there.
Q. How did you investigate? What did you do?
A. Well, after seeing the video, I went -- myself and another officer went to pick up a potential suspect that we seen in the video.
Q. Who was that?
A. That was Ms. Wilcox.
Q. Ms. Wilcox. She was a suspect at that time?
A. She was a suspect at that time.
Q. Did she ever get charged with anything? Did you rule her out? What did you do with her?
A. We ruled her out.
Q. How did you do that?
A. Because of the fact when we viewed the video, it didn't look as it seemed during the time of the investigation.
Q. So you reviewed it more than once and changed your mind, sounds like?
A. Yes, sir.
Q. All right.
A. After we went in detail of the video.
Q. Did you participate in an interview of her?

A. I did.
Q. What, if anything, did you learn during that interview?
A. I'm sorry?
Q. What, if anything, did y'all learn during that interview?
A. That she could identify the suspect.
Q. All right. Once y'all had a name, who was that? Who was the name that you eventually ended up with?
A. Joey Coleman.
Q. And what did you do once you knew who your suspect was?
A. We did a photo lineup.
Q. When did you find him?
A. I'm sorry?
Q. When was he charged? When was he served? When was he arrested?
A. Joey Coleman?
Q. Yes, sir.
A. I can't remember.
Q. Were you aware of where he was, where he lived?
A. Yes, sir.
Q. Where is that?
A. Colleton County.

Q. Did you participate in arresting him?
A. Yes, sir, I did.
Q. Where did you go?
A. We went to Colleton County.
Q. What part?
A. The city of.
Q. Walterboro?
A. Walterboro.
Q. Did you have any assistance with that?
A. Yes, sir.
Q. What assisted you, what agency?
A. Colleton County.
Q. Sheriff's Office?
A. Sheriff's Office.
Q. Is that normal for when you're going outside your jurisdiction?
A. It is.
Q. Speaking of jurisdiction, what is that?
A. Yemassee.
Q. Town of Yemassee?
A. Town of Yemassee.
Q. Did this take place in the Hampton or Beaufort side?
A. Took place in the Hampton County side.
Q. And you went to the scene. What scene is that?

A. That's Snappy Foods.
Q. Snappy Foods on Yemassee Highway?
A. Yes, sir.
Q. After Mr. Coleman was charged, what else, if anything, did you do in this case yourself?
A. After Mr. Coleman was charged, we took some -- well, I went to take some DNA that we received from Hampton County Detention Center to Columbia.
Q. And how did that happen? How did that come about?
A. We took some swabs that wasn't used that was out of our department to the nurse at the Hampton County Detention Center.
Q. Do you recall her name?
A. I think her last name is Coate.
Q. Coates, could be? Tonia Coates?
A. Yes, sir.
Q. What did you ask her to do?
A. I'm sorry?
Q. What, if anything, did you ask Ms. Coates to do?
A. Take samples of saliva, DNA.
Q. Have you done that before?
A. I have not.
Q. But you've seen it done?

A. I've seen it done.
Q. How does it work? What does somebody do in order to take a sample like that?
A. It's a swab, look like a Q-tip, but it's longer than a Q-tip swab. You put it inside the mouth, get saliva samples, and put it into a tube.
Q. Rub it around their cheeks inside?
A. Yes, sir.
Q. Did Ms. Coates do that?
A. She did.
Q. On Mr. Coleman?
A. On Mr. Coleman.
Q. Is that Mr. Coleman?
A. Yes, sir.
Q. The same one you arrested?
A. Yes, sir.
Q. And you saw her take a DNA sample from him?
A. I did.
Q. What happened with that sample?
A. As soon as she did the sample, I took it from Ms. Coates and took it in my custody and took it to Columbia to SLED to the lab.
Q. Did you take possession of it at any other time after that?
A. No, sir.

Q. You took it up to SLED?
A. Yes, sir.
Q. What, if anything, did she do to protect that sample? Was it closed up?
A. She sealed it.
Q. She sealed it how?
A. She put the top back on it and put it back in the plastic seal.
Q. Can you tell the jury what is used to seal bags like that?
A. Glue. That's all I can tell you.
Q. Like a special tape or something?
A. Yeah. And red tape after the fact.
Q. You saw her do that before she handed it to you?
A. Well, it was glued and initialed --
Q. She wrote her initials on it?
A. Yes, sir.
Q. Okay.
MR. EVANS: Beg the Court's indulgence.
Those are all the questions I have, Your Honor.
Sergeant, please answer any questions Ms. Dewitt may have.
THE WITNESS: Captain.
MR. EVANS: Captain, I'm sorry.

CROSS-EXAMINATION

BY MS. DEWITT:

Q. Okay. So, Officer, you were one of the policeman who went and picked up Ms. Wilcox?

A. Yes, ma'am.

Q. And where did y'all pick her up at?

A. Oak Plaza trailer park.

Q. So, basically, at her residence?

A. Well, she was coming from a neighbor's house in the area.

Q. And at the time you picked her up, she was a suspect in the case; is that right?

A. She was a suspect, yes, ma'am.

Q. And, in fact, when you got to the police department, someone -- you or the other officer read her her Miranda warnings, didn't you?

A. We did.

Q. Which is what you're required to do when you think somebody may have committed a crime or been involved; is that right?

A. Yes, ma'am.

Q. So at that time -- I mean, she was basically in custody, wasn't she?

A. She was. She was in custody.
Q. And you read her her rights. And then she waived her rights and talked to y'all; is that what happened?
A. Yes, ma'am.
Q. Okay. Now, it's true that her -- she did not know the name of the person who robbed the store, correct?
A. She did not know the name.
Q. Did she know the name of whoever may have been driving the vehicle?
A. She did not know the name, no, ma'am.
Q. Did she indicate to you or tell you that she can't see worth a darn, that her vision is blurry?
A. I'm sorry? I didn't get that.
Q. Did she tell you she cannot see well?
A. No, ma'am.
Q. Was she wearing glasses at the time that you talked to her?
A. I don't remember.
Q. Do you know if she was wearing glasses -- did you notice if she was wearing glasses in the video from the store?
A. I don't remember. It's been so long since I have seen the video. I don't remember if she had

glasses on or not.
Q. Okay. So, basically, she was a suspect at the time she was first taken to the police station. And was she aware of the situation you were questioning her about?
A. She was aware.
Q. She knew she was being questioned about an armed robbery at Snappy Foods?
A. Yes, ma'am.
Q. And was she aware that her -- her cousin was a suspect in that case, too, right?
A. Her what?
Q. Her cousin Mr. Finnel.
A. I don't know whether they're related or not. I don't know.
Q. Was she aware of the names of any of the other suspects then?
A. Not that I know of.
Q. And you testified you don't know if Mr. Finnel's related to her or not?
A. I don't know if they're related.
Q. Now, at what point in time did you watch the video and decide that she was not a suspect?
A. We watched that video numerous times and watched the incident as it happened. And we came to

that conclusion from the way she was acting in that video that she didn't have anything to do with it.
Q. Does the video or the part of the video you saw show the individuals getting out of the vehicle at the store?
A. Did it show that?
Q. Yes.
A. Yes, it did.
Q. And how many people got out of the car?
A. Could be four -- three people. Sorry.
Q. And one person stayed in the car?
A. Yes, ma'am.
Q. How many people have been arrested in this case?
A. Two people have been arrested in this case. I'm thinking two -- three people -- two people, I'm sorry, have been arrested in this case.
Q. All right. The -- how much time -- at what point in time was Ms. Wilcox released to go home? How long was she held?
A. Probably about an hour.
Q. Could it have been -- well, about an hour.
Did you have to give her a ride home?
A. I think someone took her back to the house.
Q. Okay. So your part in this investigation then

was picking up -- picking up Ms. Wilcox and participating in the questioning of her?
A. Yes, ma'am.
Q. Okay. And is that the extent of it -- and then you took some evidence to SLED, correct?
A. I did. And went to Colleton County for the arrest of Mr. Coleman.
Q. Okay. Now, you were present -- you were present when Mr. Coleman got arrested here. And do you know where he was located?
A. I don't know the street name in Colleton County, no, ma'am. But he was in the city of Walterboro.
Q. Do you know whose residence it was?
A. Could be his uncle. I'm not sure.
Q. To your knowledge, was it a residence that was in Mr. Coleman's name?
A. I have no idea whether it was his name or not.
Q. Isn't it true that Mr. Coleman's uncle gave y'all permission to search his house?
A. Yes, ma'am.
Q. Did you locate any guns, sweatshirt, or anything else in that house?
A. No, ma'am.
Q. And are you aware he was arrested the day after

the robbery at the store?

A. I think so.

Q. It was pretty quick, right?

A. Yes, ma'am.

Q. No evidence of the robbery was found at the location, correct?

A. Correct.

Q. And did your department also seize a vehicle?

A. We towed a vehicle. We had one towed. Right.

Q. Do you recall?

A. Yes, ma'am.

Q. Okay. Did you participate in searching any vehicle?

A. I did not.

Q. You did not?

A. No, ma'am.

Q. Do you know who did search that vehicle?

A. I do not know.

Q. Do you know whatever happened to the vehicle?

A. It got towed to the tow shop. They towed it to the tow yard.

Q. To where, sir?

A. To the tow yard.

Q. In Colleton County or Yemassee?

A. It was originally towed to Yemassee, then he

towed it back to the tow yard.
Q. To your knowledge, was any evidence of this robbery found in any vehicle?
A. No, ma'am.
Q. And to the best of your knowledge, there was never a gun recovered? There was never a sweatshirt like the robber wore recovered? No money was ever recovered, correct?
A. Correct.
Q. Okay. Did Mr. Coleman have any cash on him at that time he was arrested the day after the robbery?
A. What do you mean cash? Any property?
Q. Yes, sir.
A. I don't recall.
Q. Okay. If he had had cash or a couple hundred dollars of cash on him, would you have seized it?
A. It would have gone in his property. I wouldn't have seized it, no, ma'am.
Q. You would not have?
A. No, ma'am.
Q. Would it have been recorded in the report?
A. If we took the property, it would have been recorded in the report.
Q. But if you found a bunch of cash, like cash obtained from a robbery, you would not have

confiscated that money?
A. Yes, ma'am.
Q. Oh, you would have?
A. Would have.
Q. And then it would have been written in the report, correct?
A. Correct.
Q. And in this case, there was no money taken from the defendant, right?
A. Not from us, no, ma'am.
Q. Okay. Now, you testified about obtaining a DNA swab. How exactly was that done? Did someone take Mr. Coleman to this nurse or did she come to the jail or wherever he was?
A. The nurses at the jail. They have a nurse at the jail. And he was already incarcerated, so they just have to bring him across the hall to the nurse and get the samples from him.
Q. He was incarcerated because you had arrested him, right?
A. He was arrested. Yes, ma'am.
Q. And that's why he was in jail. So the jail nurse is who was used to obtain a swab?
A. Yes, ma'am.
Q. And were you present when she did it?

A. I was.
Q. And when she did that and then she -- the nurse herself put it in the tube and sealed it and then handed it directly to you, correct?
A. Yes, ma'am.
Q. Okay. And how close in time was that to the date of arrest?
A. I have the evidence here. I wouldn't know until I look on it.
Q. You still have the evidence up there? You have the date and time written on it, correct?
A. Sergeant Strauss would have to answer that.
Q. So that date and time.
Do you think it was pretty close to when he was arrested?
A. I wouldn't recall much until I look on the evidence bag. I mean, I can't recall. I can't answer that question.
Q. When you receive a sample, how long did you keep it before you took it to SLED?
A. It went straight to SLED.
Q. Immediately?
A. Immediately.
Q. Isn't it true that your department had to obtain a second DNA sample from Mr. Coleman?

A. No, ma'am.
Q. You're not aware of it?
A. No, ma'am. We didn't.
Q. So it's your testimony that you were only involved in the taking of one sample?
A. Yes, ma'am.
Q. And that it was immediately driven to SLED after you received it?
A. Yes, ma'am.
Q. When you say immediately, do you mean the next day?
A. The same day.
Q. Same day?
A. Yes, ma'am.
Q. And it actually was SLED in Columbia, correct?
A. Correct.

MS. DEWITT: Thank you. That's all the questions I have for him.

THE COURT: Anything further, Mr. Evans?

MR. EVANS: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. EVANS:

Q. Captain.
A. Thank you.
Q. You didn't have anything to do with the sample

once you took it to SLED, correct?
A. Correct.
Q. Do you have knowledge of where it went after that?
A. Once it got to SLED?
Q. Yes, sir.
A. No, sir. It just got compared with the sample that already was there to compare it against.
Q. Where do y'all ask to do DNA analyses, generally? Where does Yemassee PD generally send the DNA?
A. SLED.
Q. Do you ever send it to Beaufort County?
A. Sometimes.
Q. Sometimes?
A. Yes, sir.
MR. EVANS: May I approach the witness, Your Honor?
THE COURT: You may.
BY MR. EVANS:
Q. Do you recognize what I'm passing you?
A. Yes, sir.
Q. What is that?
A. That's the DNA sample swabs that we got from Mr. Coleman.

Q. The ones you testified about in this case?
A. Yes, sir.
Q. How can you tell that?
A. By the packaging of the swab and my handwriting.
Q. Is your name anywhere on that?
A. Yes, sir.
MR. EVANS: Your Honor, the State would move this bag into evidence as State's Exhibit No. 8.
THE COURT: Without objection?
MS. DEWITT: Yes, Your Honor.
THE COURT: Without objection, State's 8.
MR. EVANS: Thank you, Your Honor. Those are all the questions I have.
(State's Exhibit No. 8 marked for identification and admitted into evidence.)
THE COURT: Anything further, Ms. Dewitt?
MS. DEWITT: Not from this witness, Your Honor.
THE COURT: All right.
Captain, you're excused.
THE WITNESS: Thank you.
THE COURT: Okay. May I see the lawyers really quickly?
(Sidebar conference.)
THE COURT: Ladies and gentlemen, it is almost

1:00, so we're going to go ahead and break for lunch. I'm going to ask you to be back in your jury room at 2:15 where we'll go ahead and continue with the trial of the case.

Let me remind you, do not discuss this case with each other or anyone else you come in contact with; don't do any independent research.

Ladies and gentlemen, grab a bite to eat, come back, and we will see you back in your jury room at 2:15 and continue. Thank you.

(Jury exits the courtroom at 12:57 p.m.)

THE COURT: Anything more for the record before we break for lunch?

MR. EVANS: No, ma'am, I don't believe so.

THE COURT: It's my understanding you have two witnesses left; is that correct?

MR. EVANS: Potentially three, being the chief. I'm weighing that right now. But if I call him, it would be brief. The other witnesses are Ms. Dawn Crawford who was formerly evidence custodian for Yemassee PD and is now working for our office. This is actually her second day. So she -- I told Dillon to have her here at 2:00. Mr. French, who will obviously be our last witness, from Beaufort County, I told him to be here at 2:00.

THE COURT: All right. We'll be at ease then until a little after 2:00. We'll start back up at 2:15. Okay?

MR. EVANS: Thank you, Your Honor.

THE COURT: Thank you.

(Luncheon recess 12:58 p.m. to 2:15 p.m.)

THE COURT: Welcome back, ladies and gentlemen. I trust y'all had a chance to get something to eat.

Solicitor, you may call your first witness for the afternoon.

MR. EVANS: Thank you, Your Honor. The State calls Gregory Alexander.

GREGORY ALEXANDER

being first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please introduce yourself and spell your last name for the record, sir.

A. My name is Chief Gregory Z. Alexander. Spelling of the last name: A-L-E-X-A-N-D-E-R.

Q. And how long have you been the chief of Yemassee PD?

A. Five years.

Q. Do you have prior law enforcement experience

before that?
A. Yes, sir, 20 years law enforcement.
Q. Were you the chief on November 15th, 2018?
A. I was.
Q. Do you recall the events that brought us here to this trial today?
A. I do.
Q. What can you tell us about your role in the investigation?
A. I was one of the initial officers that responded to the scene. And I helped do interviews and collect evidence and supervise the guys on the case.
Q. Were you in the interview with Ms. Wilcox?
A. I was.
Q. How did that interview begin?
A. How it began?
Q. Yes. What did you do to begin the interview?
A. First thing you do is read them their rights.
Q. Why do you read somebody their rights?
A. Any time you talk to somebody that may be possibly involved in a crime, you read them their rights just to let them know their rights.
They got a right to an attorney before they speak to us. They got a right to talk to us. They

got a right not to talk to us and, during questioning, they can stop talking at any time. So you got to let folks know their rights before you start talking to them that they potentially be involved in a crime.

Q. So you thought she potentially was involved?

A. Yes, sir.

Q. Do you do that with everybody, whether you think they're involved or not?

A. Do I read them their rights?

Q. Yes, sir. That's something you do as a matter of course with all the witnesses you interview?

A. Absolutely.

Q. And was Ms. Wilcox charged in this case?

A. She was not.

Q. Why is that?

A. After looking at the video and talking to Ms. Wilcox -- as you've seen today, Ms. Wilcox is very passionate, I would say. And she was very passionate that night. She convinced us out the gate that she wasn't involved with it. And it corroborated with her story, once we looked at the tape, how she ran behind the gas pumps, tried to secure herself. She didn't get back in the car. So we were very convinced that she didn't have anything

to do with it.
Q. So you elected not to charge her. But you did charge two other people besides Mr. Coleman?
A. That's correct.
Q. Who were they?
A. It was Joey Coleman and Damian Finnel and --
Q. Mr. Ferguson?
A. Mr. Ferguson. Dalvin Ferguson from Colleton County.
Q. And who was he?
A. He was the driver of the vehicle.
Q. Chief, I'm going to show you what's already been entered into evidence as State's Exhibit 8. Do you know what that is?
A. Those are sterile swabs.
Q. From this case, correct?
A. Absolutely.
Q. You didn't take those, though, did you?
A. No, sir, I did not.
Q. Are you familiar with why we took them?
A. Yes, sir.
Q. What can you tell us about that?
A. Solicitor read evidence --
Q. Me?
A. Yes.

Q. Okay.
A. Solicitor read evidence, suggest that we do a Schmerber order to take DNA from Mr. Coleman to match the DNA from that Miller Life --
Q. State's Exhibit No. 2?
A. Yes. Miller High Life bottle there.
Q. And I told you to get a sample directly from him?
A. Correct.
Q. What did I tell you to do with that sample?
A. You told us to take that sample to SLED.
Q. Was that right? Tell the truth.
A. No, sir. It was not correct.
Q. So I made a mistake?
A. You made a mistake, yes.
Q. What was my mistake? Explain that to the jury.
A. His mistake was he didn't realize that we took the other DNA to Beaufort County lab in Beaufort to get the DNA analysis done. So when he told us to take the swabs, he said take the swabs to SLED. I didn't argue with him. I thought maybe the systems would talk to each other, the CODIS system. So I acknowledged with the solicitor, and that's when he had Captain Loadholt take the DNA to SLED in Columbia.

Q. All right. And what happened when I realized my mistake?
A. Well, once it was late on getting the results back, I called the chief of SLED, Mark Keel, and I asked him -- I said, can we put a rush on this case, because this case is coming up for trial? And he said, let me go talk to my lab.
When he spoke to his lab, his lab was like, well, we didn't take the original DNA, so what y'all need to do is take the DNA back to Beaufort County so they can compare the two DNAs.
Q. And did you have an officer assigned to do that?
A. We did.
Q. Who was that officer?
A. The evidence custodian, Dawn Crawford.
Q. To the best of your knowledge, did she do that?
A. Oh, she did it.
Q. Picked it up from SLED and take it down to Beaufort?
A. Yes, sir.
Q. All right.
MR. EVANS: Those are all the questions I have for the chief.
Chief, please answer any questions Ms. Dewitt

may have.

MS. DEWITT: No questions.

THE COURT: Thank you. You may step down.

MR. EVANS: May we approach?

THE COURT: You may.

(Sidebar conference.)

MR. EVANS: The State calls Tim French.

TIMOTHY FRENCH

being first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Good afternoon.

A. Hi.

Q. Would you introduce yourself and please spell your last name for the record.

A. Timothy French, F-R-E-N-C-H.

Q. And where do you work, sir? What do you do?

A. I work for the Beaufort County Sheriff's Office in the forensic services laboratory. I analyze DNA evidence.

Q. What kind of education, training, and experience do you have to go through in order to do that job?

A. My education is I have a Bachelor of Science

degree from State University in New York with a major in biology and minors in chemistry and math.

After getting into the forensic field, I have additional trainings from the FBI Academy in Quantico, Virginia, and conventional forensic serology course at the Serological Resource Institute in San Francisco on bloodstain analysis sytem and advanced DNA training at Marshal University.

Q. And how long have you been doing this kind of work?

A. I've been with the Beaufort County Sheriff for 12 years. Prior to that, I worked 10 years at the Charlotte Mecklenburg Police crime lab in North Carolina. Prior to that, nine years at the Syracuse Police Department crime lab in New York.

Q. Have you ever been qualified as an expert in court before?

A. I have.

Q. How many times would you say, approximately?

A. In DNA, 14 times.

Q. All right.

MR. EVANS: Your Honor, the State would tender Mr. French as an expert in the field of DNA analysis.

THE COURT: Any voir dire?
MS. DEWITT: No, Your Honor.
THE COURT: Ladies and gentlemen, in this case, Mr. French is being qualified as an expert in the area of DNA analysis. That allows him to give his opinion and the reasons for his opinion. And that's for you to use as you see appropriate and also compare to other evidence in this case.
MR. EVANS: Thank you, Your Honor.
BY MR. EVANS:
Q. Mr. French, this is a Hampton County, Yemassee Police Department case. How does Beaufort County Sheriff's Office get involved?
A. They asked us to analyze the evidence further.
Q. Is that something that happens regularly; you're analyzing evidence that comes from other agencies?
A. We do everybody within this circuit, if they ask us to do it. We test all evidence in Beaufort County.
Q. Do you recall what you were asked to test?
A. I was brought two shell casings, a water bottle -- lemonade bottle, and a beer bottle. Initially, that's what I received.
Q. State's Exhibit 2, does this look like the beer

bottle you received?
A. Yes.
Q. What did you do with it? And let me also ask, State's Exhibit 6, I'll hand up to you, does this look familiar to you?
A. Yes, it does.
Q. What is that?
A. This is a package with the two shell casings.
Q. Okay. What, if anything, did you do when you received State's Exhibits 2 and 6?
A. The casings, I swabbed with a cotton swab kind of like a Q-tip to try to get DNA off that. On the swab of the casings, I did not get any DNA.

On the Miller High Life bottle, I swabbed the mouth of it, again with a cotton swab, and I obtained a mixture of DNA, which means more than one person present.

Q. Let me ask you this: There's a couple different ways DNA can get on a physical object, right? I mean, we could have blood; we could have semen; we could have saliva?
A. Yeah. There's different types of substrates that can give you DNA.
Q. What were we looking for in this one? Or does it matter?

A. In this case, we're looking for skin cells.
Q. From a person's hands?
A. Hands, mouth, yeah.
Q. Any part of the surface of their body?
A. That's correct.
Q. You said you did not find anything usable that you could get a DNA profile from State's Exhibit 6?
A. I did not get DNA at all.
Q. Is that common with shell casings?
A. It's pretty common. Yes.
Q. Why is that?
A. It's a very small surface. The act of firing it produces a lot of heat, so that can degrade the DNA.
Q. Burn off what's left behind?
A. Yes.
Q. How about State's Exhibit 2, the beer bottle?
A. What's the question?
Q. You're right. That was a very bad question. What, if anything, were you able to get off of that?
A. I got a mixture of DNA off the mouth.
Q. What does that mean, if anything, to you?
A. It means there's more than one person there.
Q. You also mentioned a bottle of lemonade. Did you analyze that as well?

A. Yes, I did.
Q. What, if anything, did you get off of that?
A. I swabbed the mouth in the same way I did the beer bottle. I also got a mixture of DNA there.
Q. All right. I'm handing you Exhibit 8. Does that look familiar to you, sir?
A. Yes, it does.
Q. What is that?
A. This is what's called a buccal standard from Joey Coleman. It's a swab that they take of the inside of the cheek of the mouth to obtain that person's DNA.
Q. Why is that important to someone in your line of work?
A. That's what we compare it to.
Q. Because you don't -- you have to have one against one? You have to have two things to look at?
A. That's correct.
Q. When did you receive that, approximately?
A. I believe that came in around June 2019.
Q. And what did you do with it once you received it? Well, actually, let me backtrack. Who did you receive it from?
A. I'll have to check the chain of custody.

Q. You may refresh yourself.
A. The buccal swab I received from Dawn Crawford.
Q. Of the Yemassee PD?
A. Yes, sir.
Q. What condition was it in when you got it?
A. It was sealed up.
Q. It was sealed up? Didn't appear to be damaged or opened in any way?
A. No.
Q. What would you have done if it had been opened?
A. We wouldn't receive it.
Q. You'd just say this doesn't work scientifically --
A. We would just reject it because we don't know the chain of what happened with that item.
Q. But no indication of any problem this time?
A. No.
Q. What did you do once you received it?
A. I extract DNA from it and then obtain a DNA profile.
Q. And were you able to do so in this case?
A. Yes, I did.
Q. Did you compare that against the profile from State's Exhibit 2?
A. I did.

Q. How about the lemonade bottle?
A. Also compared it with that.
Q. What were the results? What were your findings?
A. When I compared it against the lemonade bottle, Joey Coleman was excluded; meaning, I did not find his DNA in that mixture. When I compared it to the beer bottle, I did find that there was a match.
Q. To what extent? What, specifically, did you find?
A. The way we state that match is that a match to Joey Coleman is 126 quintillion times more likely than a random match to an unrelated individual.
Q. What is a quintillion?
A. It's 18 zeros.
MR. EVANS: Those are all the questions I have, Your Honor.
Ms. French, please answer any questions Ms. Dewitt may have.
THE COURT: Ms. Dewitt?
MS. DEWITT: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. DEWITT:
Q. Good afternoon again, Mr. French.
A. Hi.

Q. And forgive me if I'm going to dumb this down a little bit. Okay?
A. That's fine.
Q. All right. What you're looking for is DNA from, basically, skin cells; is that right?
A. In this case, yes.
Q. Okay. It's called trace evidence?
A. No, not -- trace evidence is more like hair and fibers. You mean trace DNA?
Q. Trace DNA.
A. Trace DNA is touch DNA. Yes.
Q. It's touch DNA. It's usually from skin cells; is that correct?
A. That's correct.
Q. Okay. Skin cells that come off people when they touch things?
A. That's correct.
Q. All right. Such as if I'm touching this right now, I'm probably shedding some of my DNA on this podium; is that fair to say?
A. Probably. Yes.
Q. Because human beings are continuously shedding skin cells?
A. That's correct.
Q. So how common is it then for there to be trace

DNA on objects that individuals touch?
A. How common is it that there's DNA there?
Q. Yes.
A. It's pretty common.
Q. In fact, it would be all over the place, right?
A. That's correct.
Q. In the home in which I live, it would be all over my house, don't you think, my DNA?
A. I would think so, yes.
Q. Or your DNA would be all over your house, correct?
A. That's correct.
Q. In fact, the DNA from skin cells can be transferred from person to person by shaking hands; is that right?
A. That's correct.
Q. Or by being very close to somebody?
A. Not likely. It's usually contact with an item.
Q. Can I transfer DNA if I coughed or sneezed on someone?
A. Sure.
Q. Could it end up on their hands if I sneezed on a counter or I sneezed on a doorknob or if I sneezed and wiped it off and then touched a doorknob? Could I transfer my DNA onto that surface?

A. Yes.
Q. In a store setting, anyone who touches any of the items in that store could be transferring their skin cells, their DNA, correct?
A. Yes.
Q. Are you familiar with some of the cases nationwide in which DNA actually remained on certain items for, sometimes, up to 50 days?
A. I'm not sure of that particular time period, anything that says 50 days. But, yeah, it potentially could stay there indefinitely.
Q. Indefinitely. Okay. In cases involving robberies, have you ever had the opportunity to analyze DNA samples, skin cells taken off of cash registers?
A. Yes.
Q. In fact, that's pretty common for police to check for DNA on a register, isn't it?
A. Yes.
Q. Anywhere the money was taken from, where the cash register may have been touched?
A. Yes.
Q. Or an instance where somebody may have actually picked up a cash register, they could transfer DNA, skin cells, right?

A. Potentially. We don't usually find that -- suspect's DNA on that, though. Potentially, it's there. But, most of the time, we don't usually see it.

Q. Let me just give you another example. If I leave here today and on my way out I shake hands with the attorneys and some of the police officers who I met in the process of being here, am I transferring my DNA onto them?

A. Potentially, you are. I can't say that every time you touch someone you will.

Q. But we're continuously shedding our skin, correct?

A. That's correct.

Q. When I do that and they leave here, are they putting my DNA on the doorknobs they touch?

A. Potentially, they are. Yes.

Q. Okay. And when I leave, if I touch the door on the way out, the front doors of the courthouse, am I possibly putting their DNA as well as mine on those doors?

A. Yes.

Q. Okay. If I get in my car on my way home and stop at a store and then open the cooler door at that store and decide to get a Diet Coke, which I

touch, but change my mind and get the Diet Pepsi instead, am I transferring my DNA cells and possibly other individuals' onto those bottles?

A. More likely yours. After the period of time when you're touching numerous things, before you get to that point, you've probably lost any foreign DNA on your hands.

Q. But we can't say for sure?

A. No. Potentially, you could. But the more things you touch, the more you're going to lose that foreign DNA.

Q. So it might depend on how many hands I shook and how many doors I went through and how many other items I touched --

A. That's correct.

Q. -- before I got to the cooler?

But once I've touched those items in that store, okay, if other customers come in and touch the same things, are they putting their skin cells, their DNA on those same items?

A. Yes.

Q. Okay. And in a cooler-type setting, isn't it true that the DNA should be preserved for longer periods of time?

A. Than at room temperature, yes.

Q. As opposed to, say, something left in the trunk of a car where it might get entirely too hot?
A. That's correct, yes.
Q. Okay. Now, I believe it was your testimony that there was DNA samples found on the lemonade can -- was it a can or a bottle?
A. Bottle.
Q. And none of the DNA on that matched Mr. Coleman?
A. That's correct.
Q. Okay. And I believe you also testified that there was DNA from several different sources from -- or individuals on the Miller Lite bottle?
A. That's correct.
Q. Of which you were able to extract? Is that the term you used?
A. I'm not sure of the question.
Q. What process do you go through when you've got a mix of various people's DNA? What's the process for trying to figure out what DNA belongs to who?
A. We use a software program. It's called TrueAllele. And what that does is it tries to pick out the possible contributors, genotypes of who's in that mixture.
Q. Is that a fairly new procedure?

A. We've been using it for, I think, about five years now.
Q. So in the grand scheme of DNA, that's not considered a new procedure; is what you're saying?
A. There's some labs that don't use it. Yeah.
Q. And some labs don't use it because they think it's not reliable?
A. No. They just haven't gotten around to doing it yet. Everybody is going to go to some type of genotype at some point in the future.
Q. So it's not unusual to find DNA of a certain individual on items they may not have touched, but that somebody in contact with them had touched?
A. I wouldn't say it's common to do that. But it is possible, yeah.
Q. There are other ways in which a sample can be contaminated, aren't there?
A. What do you mean?
Q. Well, are you familiar with any instances of the Q-tip swab itself being contaminated?
A. The swab that you start with?
Q. Yes.
A. I've heard of some instances in Europe years ago.
Q. Would you happen to be referring to -- I think

there's a famous case out of Germany --
A. Yes.
Q. -- in which there was contamination of the Q-tip, the DNA swab itself, that resulted in a wrong person being accused of being a serial killer. Is that the case you're referring to?
A. Yeah. And it came back to somebody that worked in a lab.
Q. Okay. And the swab had been basically contaminated by someone who worked in the lab?
A. Yes.
Q. So mistakes do happen then?
A. Yes.
Q. Thank you, sir.
THE COURT: Mr. Evans?

REDIRECT EXAMINATION

BY MR. EVANS:
Q. Did you see any evidence of mistakes in this case?
A. I did not.
MR. EVANS: That's all. Thank you, Your Honor.
THE COURT: Anything further, Ms. Dewitt?
MS. DEWITT: No, Your Honor.
THE COURT: You're excused, Mr. French. Thank you, sir. You may step down.

Mr. Evans, call your next witness.

MR. EVANS: Dawn Crawford.

DAWN CRAWFORD

being first duly sworn, testified as follows:

THE WITNESS: Yes, ma'am.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Would you please introduce yourself and spell your last name for our court reporter.

A. My name is Dawn Crawford, C-R-A-W-F-O-R-D. And I am the evidence custodian for Yemassee Police Department.

Q. Ms. Crawford, were you the evidence custodian for the past -- well, for how long?

A. Since July of 2017.

Q. And did you become involved in this case of State vs. Joey Coleman, the evidence that we have?

A. I've seen the evidence. Yes, I have.

Q. What was your role as the evidence custodian?

A. Bringing it into the evidence room, cataloging it, putting it into the computer. And I had to go up to SLED to pick up some evidence.

MR. EVANS: May I approach, Your Honor?

THE COURT: You may.

BY MR. EVANS:

Q. I'm going to pass you what's been previously entered into evidence as State's Exhibit No. 8. Do you recognize that?
A. Yes, I do.
Q. What is that?
A. Those are buccal swabs.
Q. Did you transport these or deal with these at any time?
A. Yes. I went up to Columbia to SLED to pick them up.
Q. Who did you pick them up from?
A. Without my paperwork, I'm not sure.
Q. Would you like to refresh your recollection?
A. But it was SLED.
MR. EVANS: May I approach, Your Honor?
THE COURT: You may.
BY MR. EVANS:
Q. I'm going to pass you some documents and let you look those over and see if that refreshes your recollection.
A. Thank you. When I went to SLED, they were given to me by a Bethany Davidson.
Q. And what did you do with them?
A. I brought them back to Yemassee Police Department.

Q. Who did you turn them over to?
A. I put them in the evidence room that evening. And then the next day, I took them over to BCSO lab and turned them over to Tim French.
Q. So between SLED and Mr. French, they were in your custody?
A. They were in my custody and then they were locked in the evidence room, yes, overnight.
Q. Well, you're responsible for what's locked in the evidence room?
A. Yes.
Q. Was there any tamper or damage evidence -- evident when you picked them up from SLED?
A. No, not at all.
Q. Do you know who brought them to SLED?
A. Captain Loadholt.
Q. Also of the Yemassee Police Department?
A. Yes, Yemassee Police Department.
Q. And who did he turn them over to?
A. He turned them over to Jackie Davis.
Q. At SLED?
A. At SLED.
Q. Is that the young lady who turned them over to you at SLED or is that somebody else?
A. No, somebody else did.

Q. Who was that?
A. Bethany Davidson turned them over to me.
MR. EVANS: Those are all the questions I have, Your Honor.
Please answer any questions Ms. Dewitt may have.
THE COURT: Ms. Dewitt?

CROSS-EXAMINATION

BY MS. DEWITT:
Q. Ma'am, is that your only involvement in this case?
A. Yes, ma'am.
MS. DEWITT: Thank you, no questions.
THE COURT: Anything else?
MR. EVANS: No, ma'am. I ask she be excused.
THE COURT: You are excused, Ms. Crawford.
MR. EVANS: May we approach?
THE COURT: You may.
(Sidebar conference.)
THE COURT: All right. Anything further, Mr. Evans?
MR. EVANS: Your Honor, that would be our last witness. I would like to ask that Mr. Coleman stand next to the podium at this time.
THE COURT: And face the jury? Okay.

MR. EVANS: Yes, ma'am.

MS. DEWITT: Next to the podium?

MR. EVANS: Right here between my table and the podium. Is that okay, Judge?

THE COURT: Yes. Okay.

(The Defendant approaches the jury box.)

MR. EVANS: Thank you, Your Honor. The State rests.

THE COURT: Thank you.

Ladies and gentlemen of the jury, there's a matter of law I need to take up with the attorneys. I'm going to be back with you very shortly. I need to remind you, do not discuss the case; it wouldn't be appropriate to do so. And I'll be back with you. Thank you.

(The jury exits the courtroom at 2:50 p.m.)

THE COURT: All right. For the record, we discussed earlier about Mr. Evans wished to have the jury see the side of Mr. Coleman's face. In the case of State v. Moore, Supreme Court South Carolina case from 1992, the Court found that constitutional safeguards are only invaded when a person is required to give testimonial evidence against himself, and that revealing physical traits that can be made by ordinary observation is not testimony in

nature; therefore, it's allowed. It was affirmed by Justices Harwell, Finney, Toal, and Moore.

Respectfully, I'm noting your objection for the record. I just wanted to make sure we had that, Ms. Dewitt. Thank you.

MS. DEWITT: Thank you, Your Honor.

THE COURT: At this time, we need to go ahead and hear motions, Ms. Dewitt. And then I need to talk to your client about whether or not he wishes to testify. Okay?

MS. DEWITT: Yes, Your Honor.

Your Honor, at this time, the Defense moves for a directed verdict of acquittal for several reasons. I do want to, one, reiterate my argument that the indictments aren't valid. Actually, this Court has no jurisdiction, if they're not valid, to even try the case because there's no witnesses listed on this indictment. They have not been signed by any officer, presenting officer --

THE COURT: I don't know where the requirement is that the officer has to sign it. I can tell you, in all the indictments I've seen, it's just usually a typed list of the witnesses.

MR. EVANS: If I may?

THE COURT: Yes.

MR. EVANS: My practice is to leave it blank or leave the agency only because most agencies do have one person who comes regularly, as we do with Yemassee with Chief Alexander. But that's not 100 percent. And, oftentimes, I might not know who's coming until the morning of. That's why my practice is to leave it blank.

I think I'm going to adjust that practice after this case and have them change it if their name doesn't match. But I think there's a requirement for a name, not necessarily a signature. I just wanted to clarify. I don't believe the law requires a signature; merely a name. I just asked for a signature.

MS. DEWITT: And, of course, in this case, I think the real problem was that none of the police officers could say for certain under oath that he or she was the one who presented the case. They just had no recollection after this passage of time, I think.

In addition, Your Honor, in viewing the State's evidence in the light most favorable to the State, I would ask for a directed verdict on the two kidnapping charges. Perhaps false imprisonment may be -- may have been a more appropriate charge.

I mean, I think in the video, it's clear that the two clerks were behind the register. They did crouch down. They didn't -- they didn't try to go anywhere. But my client also did not -- I mean, he had a -- the defendant -- not the defendant, but the robber in the video certainly had a weapon.

But, at the same time, he didn't physically restrain them from leaving; he did not move them about the store; he didn't move them from one location to, say, a storage room. And they weren't removed from the scene.

And so I just ask that Your Honor consider that directed verdict motion on the two kidnapping charges in particular. And that would be the bases for the directed verdict motion.

THE COURT: Yes, sir?

MR. EVANS: Your Honor, as you know from your own charge, which your law clerk has given Ms. Dewitt and I, there are a number of ways that kidnapping can be defined.

I'm not aware of any law -- I'll be happy to learn of it, if Ms. Dewitt can correct me -- that does not allow the State to prove kidnapping by fear and being forced, through other actions, to remain in one place and unable to leave. And there

certainly was testimony to that.

I don't think that's the basis of her argument but, certainly, Mr. Yash Patel did testify that he did not feel free to leave. I think it's evident in the video that neither Mr. Solanki or Mr. Patel felt free to leave.

Reading from Your Honor's charge, seize means to take hold of somebody and forcibly confine, limit, restrict, or enclose within bounds, imprison or shut or keep in.

THE COURT: I think that clearly was shown as evidence by keeping them in the corner in place, where before, they were freely able to walk around and leave from behind the counter. But at this point, the robber was between them and being able to get out holding a gun to the victim's heads. So I do think it meets the elements.

And taking the evidence in the light most favorable to the State, I do think they could find that they were confined by limiting, restricting, or enclosing. So I'll respectfully deny your motion.

Anything else?

Ms. Dewitt, is now a good time to speak with your client in regards to whether or not he wishes to testify?

MS. DEWITT: Your Honor, I believe that my client would like to talk to me privately for just a short time to decide whether or not he wishes to testify.

THE COURT: Okay.

MS. DEWITT: We've discussed it before. He wanted to wait to hear all the State's witnesses before deciding.

THE COURT: Well, he has now. All right. So --

MS. DEWITT: Can we have ten minutes?

THE COURT: Sure. You can have a few minutes. Let's just take ten minutes. We'll come back at 3:05 and go from there.

(Brief recess.)

THE COURT: Have you had an opportunity to talk with your client?

MS. DEWITT: Yes, Your Honor, I have.

THE COURT: Mr. Coleman, would you please stand, sir? I'm just going to swear you in. Just raise your right hand.

JOEY COLEMAN

being first duly sworn, testified as follows:

THE DEFENDANT: Yes, ma'am.

THE COURT: Mr. Coleman, we've come to that

part of the trial where you are allowed to present your defense. What I want you to understand is this: The Fifth Amendment to the Constitution states in part that no person in a criminal trial will ever be required to be a witness against themselves. What that means, sir, is no one can force you to testify in this case.

But I do want you to understand that if you want to testify, you can. That is certainly your right. I just need you to know, sir, that if you do testify, you'll be subject to cross-examination from the State just as all the other witnesses have. And if you have past crimes --

And I understand there's potentially -- you have three potential past convictions, Ms. Dewitt, that could be used against him; is that correct?

MS. DEWITT: Yes, Your Honor.

THE COURT: So, Mr. Coleman, at this time, have you decided whether or not you wish to testify?

THE DEFENDANT: No, ma'am. I wish not to. I plead the Fifth.

THE COURT: Pardon?

THE DEFENDANT: I wish not to. I plead the Fifth.

THE COURT: You don't want to testify. Okay.

And is that your choice, sir?

THE DEFENDANT: Yes, ma'am.

THE COURT: I find that you've made that intelligently and with counsel, and I appreciate it. So you can go ahead and take a seat. Thank you, sir.

All right. What we're going to do is this then: I'm going to bring the jury back out. We're going to have you go ahead and rest, Ms. Dewitt, before the jury as well. And then I'm going to bring them back tomorrow morning so you can argue and charge in the morning. That will give everybody a break. Okay?

Is that acceptable to you, Ms. Dewitt? Is that okay?

MS. DEWITT: Yes, Your Honor.

THE COURT: And you, too, Mr. Evans?

MR. EVANS: Yes, Your Honor.

THE COURT: We have to be here anyway. So I think it's -- okay.

All right. Let's bring the jury out. And I propose to bring them back at 10:00. So, that way, we'll have plenty of time. Is that okay with everybody?

MR. EVANS: Yes, ma'am.

MS. DEWITT: Yes, ma'am.

THE COURT: All right. Let's bring them back out.

(The jury enters the courtroom at 3:10 p.m.)

THE COURT: Ms. Dewitt?

MS. DEWITT: Your Honor, at this time, the Defense rests.

THE COURT: Ladies and gentlemen, at this time, the State and Defense have rested their case. What we have left to do is hear the closing arguments from the lawyers. I have to charge you on the law, ladies and gentlemen, and then we would send it to you. All that takes some time, and there's matters I need to take up with the attorneys.

So what I'm going to go ahead and do is suggest we break for the evening and have you-all come back at 10:00 a.m. in the morning. And we are going to be finished at that point. So we'll finish up and that case will be sent to you by lunchtime, I think, probably roughly noonish. Okay?

Ladies and gentlemen, I have to warn you again: I know you have heard all the evidence in this case. You haven't heard the arguments from the lawyers; you haven't heard my charge on the law. It would be inappropriate for you to discuss this case with

anyone. It would be inappropriate for you to do any outside research.

Go home, get a good night's sleep. We have an early day. And I look forward to seeing you-all tomorrow morning at 10:00 a.m. and we will finish the case tomorrow. And, after that, everyone will be released from jury duty. Thank you.

(The jury exits the courtroom at 3:12 p.m.)

MS. DEWITT: Your Honor, at this time, I just want to renew my motion for directed verdict.

THE COURT: Thank you. Based on the earlier ruling, again, it's respectfully denied. I do think there's evidence from which this jury can determine that Mr. Coleman was guilty of armed robbery, two counts of kidnapping, two counts of assault and battery in the first degree, and possession of a weapon during the commission of a violent crime.

I know my law clerk has given both of you a copy of the jury charge, as well as the verdict form. I'm going to just go over it for the record very briefly. I charge that the indictment and arrest is not evidence; the presumption of innocence, reasonable doubt; that the jury is the judge of the facts, I'm the judge of the law.

I covered direct and circumstantial evidence.

I covered credibility of the witnesses. I explained expert witnesses. And then I also do the charge that the defendant did not testify cannot be spoken about back in the jury room. I charged that there are multiple charges in this case; specifically, there are six.

I am charging armed robbery, kidnapping, assault and battery in the first degree, and possession of a weapon during the commission of a violent crime. And that's pretty much straightforward. I think it's a pretty straightforward jury charge, unless anyone asks for anything specific.

Anything from the State?

MR. EVANS: Not yet, Your Honor. You know me, Judge. I don't really --

THE COURT: All right.

Ms. Dewitt?

MS. DEWITT: Thank you, Your Honor. Of course, I haven't read every single word in these proposed instructions of yours.

THE COURT: So we'll let you know overnight --

MS. DEWITT: I'm guessing somewhere in here it says any doubt has to be resolved in favor of the defendant.

THE COURT: Repeatedly. Repeatedly.

MS. DEWITT: But if I have additional --

THE COURT: We'll just -- what I propose --

MS. DEWITT: Certainly, I'll have a draft proposed --

THE COURT: Okay. What I propose is, tomorrow morning, if we all can get here by about 20 till or so. We're going to have a new court reporter tomorrow, just to let y'all know. So my understanding is Steve Leblanc is coming. That's what they say. It could be changed. That's just to let y'all know. So we will get ready to go.

Yes?

MR. EVANS: Your Honor, I did find an error on the verdict form. Assault and battery first is not actually violent. So the way that it's written out now is armed robbery, kidnapping, kidnapping, A&B first, A&B first, and then PWDVC.

And there's a reminder, as you usually do: You may not find them guilty of PWDVC unless you find guilty on at least one of the preceding charges.

THE COURT: Okay. Can't be one of the --

MR. EVANS: It can't be assault and battery first and --

THE COURT: Right.

MR. EVANS: And I noticed your charge said only kidnapping and armed robbery. So that's correct. But however you want to resolve that.

THE COURT: We'll fix it.

So I think we're good for the day, right?

MS. DEWITT: Yes, ma'am.

MR. EVANS: Yes, ma'am.

-- END OF TRANSCRIPT OF RECORD --

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Hampton County, South Carolina, on the 4th of February, 2020.

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

April 23, 2020

s/Bethanie K. Creppon

Bethanie K. Creppon
Circuit Court Reporter

State of South Carolina)	In the Court
)	Of General Sessions
County of Hampton)	Indictment Nos.: 2018GS2500440
)	2018GS2500441
State of South Carolina,)	2018GS2500442
)	2018GS2500443
Plaintiff,)	2018GS2500444
vs.)	2018GS2500445
)	
Joey Dean Coleman,)	Partial Transcript of Record
)	
Defendant.)	
_____)	

February 5th, 2020

Hampton, South Carolina

BEFORE:

The Honorable Carmen T. Mullen, Judge, and a Jury

APPEARANCES:

Reed Evans, Assistant State Solicitor
Attorney for the State/Plaintiff

Diane Dewitt, Assistant Public Defender
Attorney for the Defendant

ALSO PRESENT:

Joey Dean Coleman

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Thereupon, the following proceedings were had,

BAILIFF: All rise. Court come to order.

THE COURT: Please be seated. Good morning. Okay. Mr. Coleman. All right. Just for the record, my law clerk emailed you both the proposed jury charge and verdict form last night and it's my understanding from Ms. Dewitt that she requested a charge on false imprisonment as a lesser included of kidnapping; is that correct?

MS. DEWITT: Yes, Your Honor.

THE COURT: All right. Well, respectfully the case of State versus Burnston, it is January 24th, 1988, decided March 28th, 1988 where the Court has said the defendant was not entitled to an instruction on common law crime with false imprisonment as a lesser included offense of statutory kidnapping because false imprisonment had been incorporated into the statutory offense of kidnapping so it actually is a portion of one so and that's been cited and used a number of times since 1988 so respectfully I am not going to charge it as a lesser included.

MS. DEWITT: Thank you, Your Honor.

THE COURT: Thank you. Anything else? Any other objection to the charge from the State?

MR. EVANS: Not from the State.

THE COURT: From the defense?

MS. DEWITT: No, Your Honor.

THE COURT: All right. And no objection to the verdict form, is that correct, from the State?

MR. EVANS: No, ma'am.

THE COURT: From the defense?

MS. DEWITT: Correct.

THE COURT: Very good. My understanding is that the jury is all here so I would like to go ahead and bring them in if you all are ready to go.

MR. EVANS: The State's ready, Your Honor.

THE COURT: All right. Ms. Dewitt?

MS. DEWITT: Yes, Your Honor.

THE COURT: Okay. Let's bring them in.

(Whereupon, the jury entered the courtroom at 10:05 a.m.)

THE COURT: Good morning.

(Jury: Good morning.)

THE COURT: It's a pleasure to see you all, ladies and gentlemen. At this time what we're going to hear is closing arguments from the attorneys. The State will begin, the defense will respond, and then the State will be allowed a brief rebuttal because they carry the burden of proof in this case, and then after that I will charge you on the law that's applicable to this case and we will

send the exhibits, my charge on the law and the verdict form back into your jury room with you so you can begin your deliberations, all right? Everyone okay? If at any point, ladies and gentlemen, during any of this anyone needs a break, just raise your hand to me, okay? I appreciate it. Mr. Evans.

MR. EVANS: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, sir.

MR. EVANS: Ms. Dewitt, ladies and gentlemen of the jury.

(Playing surveillance video.)

MR. EVANS: One minute. One minute to change the lives of those two men forever. That's what we're here about today, ladies and gentlemen. This crime may not have taken a long time to achieve, but it is deadly serious as you have seen for yourselves several times yesterday and just now. This is a case about fear, the fear that Joey Coleman put into Mr. Patel and Mr. Solanki on November 15th, 2018. That's what armed robbery is about. That's what kidnapping is about. That's what assault and battery first degree is about. Fear. The fear that that minute could be your last. And they're lucky that it wasn't. He's lucky that it wasn't. That second shot when he's standing right next to them, we're

all fortunate that this isn't a murder case.

And this case isn't just about fear. There's a good story here, too. This is also a case about three agencies from three counties working together to find the truth. And we all know Yemassee is a unique case. It's a town in two counties with two other counties right there. As Ms. Dewitt asked couldn't across the water mean any one of a number of places and that's right. That's why we're all fortunate that the good people of the Yemassee PD knew who to call to get it right. They had this video right away. They had a picture. They knew the look of the man they were looking for and Ms. Wilcox gave them a little more, but they didn't have a name. They knew it was a man with a tattoo on his face from Colleton County.

But again, we are fortunate the good people or good person of the Colleton County Sheriff's Office Brian Varnado came here to testify to you. This isn't his case. But he was there to do the right thing. He was there to help them out and he got the ball rolling. And the third agency Beaufort County Sheriff's Office, you know what they did. We'll come back to them in a bit.

You're going to be asked to decide a number of questions in this case because even though, as I said, only a minute long, he's charged with six different

charges. Four crimes, six charges because there's two victims. Armed robbery. Well, Ms. Dewitt told you yesterday this was an armed robbery. They're not going to argue against that. The video tells you that. Armed robbery is when you take something of value from another person by force using a deadly weapon or the appearance of a deadly weapon so in theory you commit armed robbery like this (indicating), hand in your pocket. That's not what we have here. A hand in a pocket didn't produce these (indicating.) A hand in a pocket didn't send a bullet flying through these cigarettes and flying right past the heads of our victims. This was a real armed robbery with a real gun and again, fortunately they're not gonna waste your time by telling you it wasn't so that decision is made for you.

This was two counts of assault and battery first degree. What does that mean? Assault and battery first degree can mean a number of things. The Judge is gonna tell you about them. In this case we can prove that to you in two different ways. One, does the defendant injure somebody during the commission of a robbery? Well, we know it's a robbery. You have watched the video. There is clearly injury to both men. Slaps Mr. Patel with his hand and he slaps Mr. Solanki with a gun. She's also going to tell you that assault and battery

first degree can be shown by the offer or attempt to injure someone through means likely to cause death or great bodily injury.

What does it mean likely to cause death or great bodily injury? How about a loaded gun? How about firing a loaded gun right next to the head of another person. Does that sound like an offer to injure them? So it is assault and battery first degree two counts. It is possession of a weapon during the commission of a violent crime. And this is gonna be the easiest choice you will make all day, because the Judge is going to tell you that possession of a weapon during the commission of a violent crime is exactly what it sounds like. If you commit a crime that is considered violent under the law and you use in this case a gun to do so, you have committed another crime.

Well, we know it's an armed robbery. The Judge is going to tell you armed robbery is a violent crime. We know that he used a gun. That one is already done. But what about kidnapping? We have two counts of kidnapping. When you walked in here yesterday or maybe even today you might be thinking to yourself kidnapping, that's when like the Lindbergh baby, somebody is abducted, there's a ransom note, you have negotiations back and forth between the kidnapper and the parents. Well, sure, that is

kidnapping. But that's not all that kidnapping is. The Judge is going to charge you on the law and again, like I said yesterday, if she says something doesn't sound like what I'm saying, you listen to her. She's the Judge of the law. But I believe she's going to tell you that kidnapping means a number of different things including to confine, to seize, essentially to make it clear to someone that they can't move.

Do these look like two men who are free to move? You heard Mr. Patel say he was so scared after this he couldn't even dial 911 his hands were shaking so bad. They weren't free to go anywhere for that minute and there's no length of time requirement. So it is a kidnapping, it is for all these charges, all six counts.

What then is the question that you have to decide? I would submit there is only one question for you today. Was it him? Was it Joey Coleman, or was it someone else? Because you have seen it with your own eyes. You know that someone committed these six crimes. Was it Joey Coleman or was it somebody else? That's the issue of identification, and that's the issue in every case tried in this courtroom. There can be no doubt anymore that this was Joey Coleman.

You've watched the video several times. That alone should be enough. But it's not all you have. You heard

from this stand Karen Wilcox point him out right away. She doesn't know his name. She remembers his face, a face with a tattoo. That's not all you have. You have Detective Varnado. Again, not his case, not even his county, but Mr. Coleman is from his county. Like Hampton, Walterboro is just a stones throw away from Yemassee. He knew who he was. Knew him immediately. Told the Yemassee PD this is the guy you're looking for. That wasn't challenged. Detective Varnado knows who he is.

What else do we have? We have -- I want to make sure I get this right -- from Mr. French we know this was submitted to him, State's Exhibit number 2, bottle of Miller High Life. You can see that in this video. The man who pulled the gun touched this bottle, this one in my left hand just before he started this. He left his DNA on it just like I'm leaving mine on it right now. That was collected by Yemassee PD, sent down to Beaufort County. State's Exhibit number 8, DNA swabs that Captain -- I got that wrong -- that Captain Lovell saw taken from the cheek of Joey Coleman with his own eyes, sealed up, sent first to SLED and then to the Beaufort County Sheriff's Office where Mr. French compared the two, right? Because DNA analysis you can't just find a profile and then search the world. You have to go one to

one. So we have a known standard from Mr. Coleman. That's State's Exhibit 8. We have the standard of the robber. That's from the beer bottle. He matches them up. Well, there's a mixture from the beer bottle. Not unexpected. It's passed through commerce. Lots of people touch them, right?

You heard Mr. French say that there was a mixture of DNA profiles on the Miller High Life bottle. But what did he say next? He compared that mixture against Joey Coleman and found that it was 126 quintillion times more likely that Joey Coleman was one of those people in the mixture than a coincidence. That's a number so extreme I had to ask him what it meant. 18 zeros he said is one quintillion. That's a billion squared. A billion billions is one quintillion. This is 126 times that. So yes, Joey Coleman's DNA is on that bottle.

Ms. Dewitt asked a lot of questions about can't DNA results be tampered with? Or the raw materials that come to DNA? She didn't ask - she didn't challenge the results because she knows Mr. French knows what he's doing. And again, this isn't his case, it isn't his county. It is his agency. He's asked to do a service and he does it because it's the right thing to do. He testified he would not have even accepted a standard, a buccal swab that appeared to have been damaged, tampered

with, lost. That's a no go, because then the science doesn't work, but there is no evidence of that. Every question she asked was hypothetical. He had the right tools to do his job and he did it.

Well, then, what else? How else did she ask him about the DNA? Couldn't someone -- DNA doesn't tell you when a person touches a particular item, does it? No. Of course not. But what do you have to believe to buy this argument, that Joey Coleman delivered the beer? That he touched that particular bottle earlier in the day, put it back in the cooler and left? Or, and then a man who looks remarkably similar to him happens to grab that particular bottle and commit this heinous act. That's what you would have to believe. And that defies common sense. You are not required to check your common sense at the door, folks. In fact, I would ask that you use it.

I think that Ms. Dewitt is also going to challenge Ms. Wilcox and tell you that she's been convicted of crimes, shoplifting when she was young long ago. She's going to tell you that Ms. Wilcox has trouble with her eyes for the last two months is what I heard. But again, this isn't a case where we're only being asked to evaluate Ms. Wilcox. First of all, I think she came off as very impressive. She knows who this was. If she was

here to spin a tale and try to put a man away for the wrong reasons because she doesn't like him, don't you think she would have used his name? The fact that she didn't know his name then, doesn't know his name now, makes her more credible and you are entitled to assess her credibility just like every other witness. She's the only one whose credibility was even challenged because most of the witnesses who you saw yesterday were professionals, Yemassee PD, Hampton County Sheriff's Office and Beaufort County Sheriff's Office who are doing their jobs.

Again, Ms. Wilcox, if this were a case where she was all we had, that might be one thing but that is not this case. You have everything you need in that minute. She corroborates. And Ms. Dewitt I imagine is going to say, well, she was a suspect. She was Mirandized.

(Playing surveillance video.)

MR. EVANS: Remember what we're about to see here. The white SUV pulling up, Ms. Wilcox getting in the car. Here he comes, and there she goes to hide behind a pump. Does that look like a suspect? Watch here. She ducks as that car goes past that SUV. She told you all that before she watched the video, that he was still firing as he left. Everything she said is corroborated by this video. What does she say she was at the store for?

(Playing surveillance video.)

MR. EVANS: Dish soap. You can see it clear as day in Mr. Solanki's hand, that blue bottle there. Again, she didn't watch this video before she testified to you. She told you she went into the store to buy dish soap. That's what she was there for. She went and she made her purchase, she went back outside and heard gun fire and that's exactly what this video shows. So she may have run into trouble in the past, but you should believe her because you can see that she's telling the truth. And she said that man over there is the one that did this. He's the one that came running out to get in the car she was in and fired as he was driving away. That's the man in this courtroom. That's the man who put the fear into Mr. Solanki and Mr. Patel. He wasn't even done. He's still firing as he drives away. Is it to scare people from chasing him? Is it just celebrate? Who knows. That's not a question you have to answer today. But he's the one who made Mr. Patel and Mr. Solanki in fear that they were about to die. He's the one with the tattoo on his face. He's the one in that video. And he's the one that you're going to find guilty.

THE COURT: Thank you, Mr. Evans. Ms. Dewitt.

MS. DEWITT: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, ma'am.

MS. DEWITT: Good morning.

(Jury: Good morning.)

MS. DEWITT: You know, there's no question that an armed robbery occurred on November 15th, 2018 at the Snappy Food which is right up exit 38 by 95 in Yemassee. Most of y'all are familiar with Yemassee I'm sure if you've lived here. It was always my understanding there were actually four counties that meet in Yemassee, it's Beaufort, Jasper, Hampton and Colleton.

Now, I think it's perfectly clear, nobody disputes the fact that those clerks, two clerks in there were scared out of their minds and traumatized from what happened. You could see in the video how quickly and all of a sudden it happened and this store that was very busy that day in the middle of the afternoon with lots of people in and out, in and out, in and out, a store right off the interstate and actually not far from the elementary school.

But let's talk about what we don't have. In this case you have got no gun. When the police arrested Mr. Coleman the next day, they went in his house. They searched his house. They do not have that God awful sweatshirt the robber is wearing. Looks like it has gold or yellow glitter on it. They found no money. They

found no evidence relating him or connecting him to the robbery. They found nothing in the vehicle that was searched. There's been no evidence about that car that was shown in the video. There's no testimony that the police officers even talked to my client. None of the police officers testified they even asked him any questions. There's no testimony they asked him if he committed that crime, because no one bothered to ask him.

Mr. Coleman has not pled guilty to this charge because he says he's not the robber in that video. That is not him on the video. He is not the person in the photograph that's in evidence, this photograph that's in evidence that was sent to Officer Varnado. You have seen Mr. Coleman. He was displayed to you by the prosecutor. He does not have a teardrop tattoo on his face.

Now, the State produced for you the testimony of Ms. Karen Wilcox. She was quite colorful. Even admitted she's under the influence of some medications or something. She sat on that stand way up here and pointed to Mr. Coleman all the way across the courtroom and ID'd him as the man she talked to that day and then later said she can't see, her vision's blurry, and I submit to you there's no way she could sit in this chair, look all the way across the courtroom and see his face. She can't see his face from here if she has blurry vision. She wasn't

wearing any glasses. She didn't have glasses at the time she met the man in the car. The one thing she was consistent on is the teardrop tattoo which Mr. Coleman does not have.

Her testimony was she talked to a man who was riding in the front passenger seat of a car. She said she talked to him at his face and clearly saw a teardrop tattoo. I don't know if y'all have ever seen one of those, but they're not that uncommon nowadays. Young people seem to have tattoos. And then she got in the back seat behind the person and rode the very short distance to the store and that was the contact she had with the man, the man she did not know, the man she told the police she hadn't ever seen before.

Now, at the time she was interviewed by the police, she was in custody. I can imagine how upset she may have been that day and how emotional I think is the word that she used. She was, that they had her in a custodial setting after Mirandizing her as a possible suspect in an armed robbery. But the consistent thing she always said was teardrop shaped tattoo and you saw Mr. Coleman yourself. He does not have that.

Mr. French got up and testified about two items that were submitted to him to be tested for what's called trace DNA. Okay. Trace DNA, and I apologize for trying

to make this explanation more simple for you and me and the defendant, we all leave trace DNA. It comes from skin cells on everything we touch. It's all over the place. Two items though were submitted. One was a Minute Maid bottle, two items that the robber touched and took to the register, the other was the Miller beer bottle. Well, the Minute Maid bottle is not in evidence or can. It's not in evidence. It is in the video, but it's not in evidence because none of Mr. Coleman's DNA was on that can that was put on the counter.

Mr. French testified there was a match on the Miller beer bottle. He also testified that the DNA can be transferred from your hands to an object or could be in any store, anybody that opens that door who touches an item and puts it back is gonna leave some DNA on it. That DNA he testified to could remain there indefinitely is the word he used. Indefinitely. Especially if it's in a cool setting as opposed to being left out in the heat or exposed to extreme heat. And that's a scary thought. He acknowledged there were some cases he had heard of nationwide, worldwide, even a famous case in which a person was falsely arrested on the basis of trace DNA.

Now, I submit to you that trace DNA analysis and evidence is junk science. It doesn't tell us when an

item was touched, often doesn't tell us how many different people touched something. It has limits. I want y'all to consider whether or not that weight, the weight of that evidence. The Judge I think will instruct you you have to consider what weight to give evidence and whether or not you think it's junk science or whether or not you think the DNA could have gotten on that bottle in some other way or at some other time. Based on Mr. French's testimony it's highly probable it could have been at some other time.

Now, Officer Varnado's testimony was short. He was presented a photo and he said it looks like Joey Coleman and that's about all he said. Well, the Yemassee Police Department took that information and they ran with it basically is what happened.

Now, you can look at the photo. The evidence should be back there with you in your deliberations. You look at that photo and you decide if that looks like my client Mr. Joey Coleman. The person in that video may or may not look similar to Joey Coleman to each of you, but Mr. Coleman says that is not him. He's not the person in the photograph. That is the only evidence in the case against Mr. Coleman, in this case where he's charged with numerous serious crimes that occurred at a location right off I-95 which as you know Yemassee is right there at 95,

it's across the river from Savannah. Easy hop to jump on that interstate, drive out from Savannah, get back on and get out of town before the police ever even make it to a convenient store in Yemassee.

I would ask that you pay careful attention to the Judge's instructions and you make the determination as to whether or not you believe the State of South Carolina has proven each and every element of every crime that Mr. Joey Coleman is charged with, but more importantly, the most important thing, you have to decide in your deliberations whether or not they have proven beyond a reasonable doubt that Mr. Coleman is the man who robbed that store. I ask that you return a verdict of not guilty on these charges. I thank you for your service and I thank you for paying attention to me. Thank you.

THE COURT: Thank you.

MR. EVANS: No rebuttal, Your Honor.

THE COURT: No rebuttal. All right.

MISTER FOREPERSON, members of the jury, you have followed very patiently and listened very attentively to the presentation of the evidence in this case, and I want to thank you for that. It now becomes the duty of the trial judge under the Constitution if this State to charge and instruct you on the law that's applicable to this case, and it is your duty as jurors to accept and

apply the law as the Court will now state it to you. As jurors, it is your exclusive duty to decide all the issues of fact in this case. You must determine the effect, the value, the weight, and the truth of the evidence. Both the State of South Carolina and the defendant, Mr. Coleman, have the right to expect that you will carefully consider and evaluate the evidence and apply the law of the case to the evidence. And by doing so, both the State and Mr. Coleman will receive a fair and impartial trial in this matter.

Now, the State of South Carolina by the Bills of Indictment in this case, charges the Defendant Joey Dean Coleman with the offenses of armed robbery, two counts of kidnapping, two counts of assault and battery in the first degree, and possession of a weapon during the commission of a violent crime.

Now, I remind you that the fact that the Defendant was arrested, charged and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt.

An indictment is simply the formal written instrument which contains a charge made against a defendant. It's the formal document by which his case is brought into this courtroom.

Now, the Defendant has pled not guilty to these indictments, and that plea puts the burden on the State to prove the Defendant guilty beyond a reasonable doubt. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it's an important rule of law that a Defendant in a criminal trial, no matter what the seriousness of the charges may be, will always be presumed innocent of the crime for which an indictment was issued unless guilt is proven by evidence satisfying you, the jury, of that guilt beyond a reasonable doubt. This presumption of innocence does not end when you begin your deliberations, but accompanies the Defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

Now, the presumption of innocence is like a robe of righteousness that's placed about the shoulders of a Defendant and remains with the Defendant until it's been stripped away by evidence satisfying you of the Defendant's guilt beyond a reasonable doubt.

Presumption of innocence is not a mere legal theory. It's not just a legal phrase we use. It is a substantial right to which every Defendant is entitled unless you,

the jury, are satisfied, from the evidence of the Defendant's guilt beyond a reasonable doubt.

So, what is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act in their most important decisions.

The State has the burden of proving the Defendant guilty beyond a reasonable doubt. And again, the term reasonable doubt must be given its plain and ordinary meaning. However, to the extent that I may define it for you again, a reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act in the most important of their personal decisions. The Defendant is entitled to every reasonable doubt arising in this case. If, upon any issue of fact essential to a conviction, you have a reasonable doubt as to how that issue should be resolved, you must resolve that reasonable doubt in favor of the Defendant.

Now, some of you may have served as jurors in civil cases, where you were told that it was only necessary to prove that a fact is more likely true than not true, such as by the greater weight or what we call the preponderance of the evidence. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Suspicion, no matter how strong, is insufficient to convict a person charged with a crime. That the facts and circumstances presented may seem suspicious and the Defendant's guilt may seem probable, this is not sufficient in the law to convict.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. Now, there are very few things in this world that we know with absolute certainty, and in a criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime or crimes charged, you must find the Defendant guilty. If, on the other hand, you think there is a real possibility that the Defendant is not guilty, you must give the Defendant the benefit of the doubt and find him not guilty.

I remind you that during this trial you and I have certain duties to perform. As the Judge, it's my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence that's offered during this trial. You are to consider only the competent evidence before you. You are to consider only the testimony which was presented from the witness stand and any other exhibits which have

been made a part of the record in this case.

I have the additional duty to charge you the law that's applicable to this case. I'm the sole judge of the law in this case, and it is your duty as jurors to accept and apply the law as I now state it to you. If you have any idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon this idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this Court before a jury, the jury becomes the sole and exclusive judge of the facts. A trial Judge cannot intimate, comment on, or make any statement to a trial jury about the facts in a case. Since you, the jury, are the sole judge of the facts in this case, you are not to infer from what I have said during the progress of this trial in ruling upon the admissibility of evidence, or otherwise, or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts in this case. This is a matter solely for you, the jury, to determine.

Now, there are two types of evidence which are generally presented during a trial: direct evidence and

circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It is evidence which immediately establishes a main fact to be proved. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the Defendant's behavior as suspicious, the proof has failed.

The State has the burden of proving the Defendant guilty beyond a reasonable doubt and this burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Now, it's your duty to determine the credibility of witnesses who have testified in this case and credibility simply means believability. It's your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

Normally, a person cannot give opinion testimony in a trial. Normally, when a person testifies, they must testify as to what they either saw, heard, did, or sensed by smell or something of that nature. However, there is an exception when someone is qualified because of education and/or experience. They are permitted to give their opinion in certain areas if the Court qualifies them that way and that evidence is for you to use in any

way you see fit and give it the weight and credibility you believe is appropriate.

Now, I instruct you and emphasize that the fact the Defendant did not testify is not a factor to be considered by you in any way in your deliberation and in your consideration on the question of the guilt or the innocence of the Defendant. It must not be considered by you in any manner whatsoever. A Defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations. I repeat, under your oath, you are to draw no conclusion whatsoever from the fact the Defendant in this case did not testify. The fact that this Defendant did not testify should not even be discussed in the jury room. The burden of proof, as I stated to you, is on the State. The Defendant is not required to prove his innocence, and the burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Ladies and gentlemen, there are six indictments in this case. Each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to it. The Defendant may be convicted or acquitted on any or all of the offenses charged and you will be asked, Mr. Foreperson, to write a separate verdict of guilty or not

guilty for each indictment.

Now, the first charge against the Defendant is armed robbery. In order to prove this offense, the State must first prove beyond a reasonable doubt that the Defendant took personal property from the person or presence of another person.

Property is in the presence of a person if it is within the person's reach, inspection, observation, or control so that the person could, if not overcome with violence or prevented by fear, keep possession of the property.

The State must also prove beyond a reasonable doubt that the Defendant carried the property away intending to permanently deprive the owner of the property and to keep the property for the Defendant's own use. The slightest removal of the property or the complete possession of the property, even for an instant, by the Defendant is sufficient to show a taking and carrying away of the property.

The taking and carrying away of the property must have been done with violence or putting the owner of the property in fear of violence.

Finally, the State must prove beyond a reasonable doubt that the Defendant was armed with a deadly weapon during the robbery. A deadly weapon is an article,

instrument, or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts and circumstances of each case.

The following are examples of instruments which may be deadly weapons: a pistol, a shotgun, a rifle, a dirk, a dagger, a knife, slingshot, metal knuckles, a razor, gasoline, a fire bomb or Molotov cocktail, and lighter fluid. Ladies and gentlemen, a gun may be a deadly weapon even if it's not operating.

Now, the Defendant is also charged with two counts of kidnapping, and to prove this charge the State must prove beyond a reasonable doubt that the Defendant knowingly and unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away another person without authority of law.

To do a thing unlawfully is to do it willfully against the law. Knowingly means with knowledge or consciously, not accidentally.

Seize means to take hold of suddenly or forcibly. Confined means to limit, restrict, or enclose within bounds, imprison, or shut or keep in. Inveigle means to lure, entice or lead astray by false representations, promises, or other deceitful means. Decoy means to lure by, or as if by, decoy. A decoy is something to entice a

person into a trap.

Kidnap is to remove a person against his will by unlawful force or by fraud. Abduct means to carry off secretly or by force for an illegal purpose. Carry away means to remove.

Now, the State does not have to prove that the Defendant did all of these things. Instead, if you find beyond a reasonable doubt that the Defendant did any of these things, you may find the Defendant guilty of kidnapping.

Something done without authority of law is something which the law does not sanction, permit, allow, condone, or provide justification for. The kidnapping does not have to be for any personal or monetary gain or illegal purpose, but may be for any reason whatsoever.

Ladies and gentlemen, the Defendant is also charged with two counts of assault and battery in the first degree. A person commits the offense of assault and battery in the first degree if the person unlawfully injures another person, and the act occurred during the commission of a robbery, burglary, kidnapping, or theft.

A person may also commit the offense of assault and battery in the first degree if the person unlawfully offers or attempts to injure another person with the present ability to do so, and the act occurred during the

commission of a robbery, burglary, kidnapping, or theft.

Last, ladies and gentlemen, the Defendant is charged with possession of a weapon during the commission of a violent crime. The State must prove beyond a reasonable doubt, to prove this charge, that a Defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime.

A firearm means any machine gun, automatic rifle, revolver, pistol, or any weapon which will, is designed to, or may be readily converted to expel a projectile.

Now, in order to find the Defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the Defendant is guilty of committing a violent crime. Ladies and gentlemen, under the laws of South Carolina, I instruct you that kidnapping and armed robbery are violent crimes.

Lastly, the State must prove beyond a reasonable doubt that the weapon furthered, advanced, or helped in the commission of the crime.

MISTER FOREPERSON, members of the jury, as you retire to begin your deliberations, I wish to express the hope that you all are mindful of the importance of your responsibility here today. You're not called upon very often to serve as jurors, and the proper performance of

that duty requires each you to reach the height of freeing your mind of all improper influence.

Please don't get the idea that I'm trying to intimate to you how I think you should decide this case. As I have already told you, under the laws of this State you, the Jury, are the sole judge of these facts and it would be highly improper for me to influence you in your performance of that duty.

So again, I'm not trying to tell you what your verdict should be. But ladies and gentlemen, as the presiding officer of this Court, I am vitally concerned that whatever verdict you find will be the result of you going back into your jury room and confining your consideration to the evidence and the law that you have heard here in this courtroom, weighing it fairly and impartially, as I have every confidence you will. Ladies and gentlemen, you have no support or sympathy to anyone.

Mr. Foreperson, I remind you your verdict must be unanimous. It must be the verdict of all 12 jurors and to that end my law clerk has prepared a verdict form. It has the case caption on it. The State of South Carolina versus Joey Dean Coleman, and it asks six questions all of which you must answer.

The first one says, as to the charge of armed robbery, gives the indictment number, we find the

Defendant, Joey Dean Coleman either not guilty or guilty. Ladies and gentlemen, please don't infer the order that I put not guilty or guilty. Every trial we just reverse them, all right? The second question, as to the charge of the kidnapping of Yashkumar Diupbhai Patel indicted under, and the indictment number, we find the Defendant, Joey Dean Coleman, either not guilty or guilty, and you'll do a check mark. As to the charge of the kidnapping of Hetalsinh Solanki, indictment number, we find the Defendant, Joey Dean Coleman, again, not guilty or guilty. As to the charge of possession of a weapon during the commission of a violent crime, we find the Defendant, Joey Dean Coleman, and I remind you, ladies and gentlemen, that Mr. Coleman cannot be found guilty of this charge without the jury first finding him guilty of either kidnapping or armed robbery as it was asked on the first page. And then the last two questions five and six say as to the charge of the assault and battery in the first degree of Mr. Patel and then the sixth one is as to the charge of assault and battery first degree as to Mr. Solanki, we find the Defendant either not guilty or guilty.

After that, Mr. Foreperson, there is a place for you to sign and date the form. When the jury has reached a unanimous verdict, I need you to knock on the jury room

door and we're gonna accept you back into the courtroom, all right? Sir, I will also tell you that you will have my charge, the verdict form, and any evidence that's been introduced into this case. I can tell you that if you don't have it back there, you are not entitled to it so you can't have it if you ask me.

Secondly, I will tell you that while we had a couple court reporters here over the last couple of days taking down everything, I want you to know that there is no printed or typed transcript of this case. What we do is we have an audio backup. If you want to hear a certain testimony replayed, what I can do is bring you back into the jury room and I will play you that witness' testimony. You just need to understand that if you ask for a specific witness' testimony, I have to play that witness' entire testimony. In other words, the direct, the cross, the redirect, any recross, all right?

Lastly, if you want to see the video, again, I do not believe we have a computer to send back with you so if, Mr. Foreperson, you want to see the video or portions of the video again, I can bring you back into the courtroom and I will play it for you again, okay? But we don't have a scrubbed computer just to send back to you, okay?

Ladies and gentlemen, I appreciate your patience.

I'm going to tell you one last time to go back to your jury room and not discuss this case yet. If there is something further on the law that the lawyers want me to charge you, I'm gonna bring you out here and I'm gonna charge you further. If not, Mr. Foreperson, when you get the jury charge, the verdict form, and the evidence back in the jury room, that will be your indication to start your deliberations, all right? That means there's nothing further that they need to charge on you, okay? Everyone fine? Very good. Ladies and gentlemen, again, I'm gonna excuse you back to your jury room. Sir, just wait for the verdict form and the evidence to come back, okay? Thank you, sir.

(Whereupon, the jury entered the jury room at 11:07 a.m.)

THE COURT: Any additions or exceptions to the law from the State?

MR. EVANS: No, Your Honor.

THE COURT: From the defense?

MS. DEWITT: None, Your Honor.

THE COURT: All right. Y'all come up and make sure we have the evidence that was entered.

(Whereupon, the verdict form, evidence and jury instructions sent into the jury room at 11:10 a.m.)

(Break during deliberations.)

(Jury question at 11:30 a.m.)

THE COURT: Please be seated. All right. Two issues. Also we need to get the alternates. So let's first let's bring the alternates out.

(Whereupon, the alternates entered the courtroom at 11:25 a.m.)

THE COURT: Ladies, thank you for being here. I needed to excuse you. At this point you are permitted to talk to the lawyers. Sometimes investigators want to talk to you, maybe law enforcement and ask you your opinion. They are allowed to do that, but you are certainly not required to talk to anyone about this case. If you have no interest in speaking to anyone, just say no thank you and keep walking, okay? If anyone were to persist, they will not, but if they did, simply call to the Clerk of Court's Office, you'll ask for Ms. Nettles, and I will take care of it, okay? But again, thank you, ladies. We appreciate it.

THE CLERK: Judge, if they need a work excuse, we have them downstairs.

THE COURT: We have them downstairs for you, okay? Thank you, ladies. Where is Mr. Coleman?

THE CLERK: He's coming, Your Honor.

THE COURT: Okay. You read the jurors' note?

MS. DEWITT: I did, Your Honor.

THE COURT: Okay. What is your position on the three questions they asked?

MS. DEWITT: I think they certainly have a right to view the video again. I would think if anybody could have zoomed in, it would have been done during the trial already.

MR. EVANS: Yes, ma'am. I think altering the evidence that they saw in the actual case, that could present an issue so I prefer to --

THE COURT: Just show them the video?

MR. EVANS: Show them the video.

THE COURT: I would agree. In evidence, his hands were not in evidence so I think absolutely no.

MS. DEWITT: You know, they already had a while to look at him yesterday when the Solicitor presented him to the jury.

THE COURT: Right. Okay. Mr. Coleman, the jury has come back and asked three questions. The first is, can we see the video again? I'm going to say yes because they have already seen it. The second, can we zoom in when the hoodie is off? No. Not in evidence. And, can he walk in front of all jurors and show his hands while doing it? That was not in evidence so I'm not gonna permit that to happen unless Ms. Dewitt wants you to, okay? Ms. Dewitt, you don't want to?

MS. DEWITT: No, Your Honor.

THE COURT: I understand.

MR. EVANS: Judge, I'll just need to bring --

THE COURT: Yeah. When you go back there, will you grab the disk so he can cue it up before we bring them out here really quickly, okay?

BAILIFF: You want me to go get it now?

THE COURT: Yes.

MR. EVANS: Judge, I assume you're gonna want me to play all the portions that were, as if it were a direct examination, play all the portions that were shown to them?

THE COURT: Yes. Hand that back to them, but they need to save it because I have to mark it as an exhibit, okay?

BAILIFF: Okay.

THE COURT: When you showed it, you showed it on both, correct?

MR. EVANS: Yes.

THE COURT: I thought it was easier just seeing it on the TV. I don't know if you agree with me on that, but then again, I also have the screen in front of me so I think that's probably the best, okay?

MR. EVANS: Okay.

THE COURT: Have you got it cued up?

MR. EVANS: I will.

THE COURT: Also, when you come back, will you also bring the note back with you again because I'm gonna read to them and tell them why I can't do certain things, okay? When Reed tells me it's ready.

MR. EVANS: It's ready.

THE COURT: Is it turned on? Everyone's is on? My screen isn't on.

MR. EVANS: It's on. Melinda, is it there?

THE CLERK: No.

THE COURT: Mine is on. Okay. That's displayed. Okay. Bring the jury in and bring out the note, if you would.

(Whereupon, the jury entered the courtroom at 11:40 a.m.)

THE COURT: You want it on the big screen? Ladies and gentlemen, while they are cueing that up, you sent me three questions. Much like I told you, if you ask me for something that wasn't entered into evidence, you're not entitled to it. So as far as my response, the first question was, can we see the video again? And yes, because it was presented to you. So we're going to play that for you and as many times as you need to see it, you tell us, okay? The next question you have is, can you zoom in when the hoodie is off? And my answer is it

wasn't presented to you that way so I can't do that. So I apologize, but I can't. And then lastly you asked, can he walk in front of all the jurors and show his hands while doing it? Again, that was not in evidence during the actual trial of this case so it's not appropriate. So that's just to kind of explain to you. I hope you understand that.

So we're gonna go ahead and replay the video, and again, Mr. Foreperson, as many times as you want to, as the jury wants to see it, you're welcome, okay? So you just tell me. We're gonna dim the lights a little bit, can we, to make it a little easier to see, if possible. And again, you're welcome, ladies and gentlemen, if you want to look up here or over here and if there's anything specific or specific parts that you want to see, you need to let us know or if you want him to stop it, you certainly can ask for that as well, okay?

FOREMAN: Okay.

THE COURT: Okay.

(Playing surveillance video.)

JUROR: Stop.

THE COURT: I heard one of the jurors say stop so we need to back up a little bit. Do you want -- I can back it up again or keep going.

JUROR: Keep going.

THE COURT: Keep going. Okay.

JUROR: Stop. Back it up just a little bit. Right there before he turns.

THE COURT: Mr. Foreman, y'all good?

FOREMAN: Yes.

THE COURT: All right. Ladies and gentlemen, I'll send you back to the jury room to continue your deliberations, all right? Thank you.

(Whereupon, the jury entered the jury room to continue deliberations at 11:50 a.m.)

THE COURT: We'll be at ease. I need to keep this. We'll make this a Court's Exhibit. We need maybe bring them in some. I understand from Ms. Nettles it takes about an hour and a half from now so my thought process originally was to ask them at noon telling them, Melinda, that it would be here by 1:30 if we're lucky. Am I guessing properly?

THE CLERK: Yes, ma'am, because the only place we have is Coconut's and we're gonna hit them at their rush hour.

THE COURT: Okay. There's no pizza?

THE CLERK: Pizza Hut closed.

THE COURT: Anyone wants to start a business in Hampton, you know what you can do. I might just start a place.

THE CLERK: Yes, ma'am.

THE COURT: We will be at ease.

(Whereupon, Court's Exhibit, Jury questions, marked for identification.)

(Verdict at 12:00 p.m.)

THE COURT: I understand we have a jury verdict. All right. Do we have Mr. Coleman? All right. So the jury has reached a verdict. Is the State ready for me to accept the jury back in?

MR. EVANS: The State's ready, Your Honor.

THE COURT: The defense ready?

MS. DEWITT: Yes, Your Honor.

THE COURT: Thank you. You can bring the jury back in please, sir.

(Whereupon, the jury entered the courtroom at 12:05 p.m.)

THE COURT: Mr. Foreperson, I understand the jury has reached a verdict?

FOREPERSON: Yes, ma'am.

THE COURT: Please hand it to the bailiff, sir.

FOREMAN: (Proffering.)

THE COURT: All right. If you will please stand, Mr. Coleman.

JOEY COLEMAN: (Complies.)

THE COURT: In the case of the State of South

Carolina versus Joey Dean Coleman, verdict form. As to the charge of armed robbery, we find the Defendant, Joey Dean Coleman guilty. As to the charge of the kidnapping of Yashkumar Diupbhai Patel we find the Defendant, Joey Dean Coleman guilty. As to the charge of kidnapping of Hetalsinh Solanki we find the Defendant, Joey Dean Coleman guilty. As to the charge of possession of a weapon during the commission of a violent crime we find the Defendant, Joey Dean Coleman guilty. As to the charge of assault and battery in the first degree of Yashkumar Diupbhai Patel we find the Defendant, Joey Dean Coleman guilty. As to the charge of assault and battery in the first degree of Hetalsinh Solanki we find the Defendant, Joey Dean Coleman guilty. It's signed by our foreperson and dated. Mr. Coleman, you may be seated. Ms. Dewitt, go ahead and take a seat. Ms. Dewitt, would you like me to poll the jury?

MS. DEWITT: Yes, Your Honor.

THE COURT: Thank you. Ladies and gentlemen, what I'm gonna do is when I say your name and your last name, I need you to waive so I know who I'm talking to, and I'm gonna ask you two questions. I'm gonna ask you, is this your verdict? And I need a yes or no. And then, is this still your verdict? A yes or a no. Okay? I'm gonna go through everybody, all right? So, juror number 34, is

this your verdict?

JUROR #34: Yes.

THE COURT: Is this still your verdict?

JUROR #34: Yes, ma'am.

THE COURT: Jury number 167, is this your verdict?

JUROR #167: Yes.

THE COURT: Is this still your verdict?

JUROR #167: Yes.

THE COURT: Juror number 115, sir, is this your verdict?

JUROR #115: Yes.

THE COURT: Is this still your verdict?

JUROR #115: Yes.

THE COURT: Juror number 119, is this your verdict?

JUROR #119: Yes.

THE COURT: Is this still your verdict?

JUROR #119: Yes.

THE COURT: Juror number 36, sir, is this your verdict?

JUROR #36: Yes.

THE COURT: Is this still your verdict?

JUROR #36: Yes.

THE COURT: Thank you, sir. Juror number 32, is this your verdict?

JUROR #32: Yes.

THE COURT: Is this still your verdict?
JUROR #32: Yes.
THE COURT: Juror number 10, is this your verdict?
JUROR #10: Yes.
THE COURT: Is this still your verdict?
JUROR #10: Yes.
THE COURT: Juror number 9, is this your verdict?
JUROR #9: Yes.
THE COURT: Is this still your verdict?
JUROR #9: Yes.
THE COURT: Juror number 52, is this your verdict?
JUROR #52: Yes.
THE COURT: Is this still your verdict?
JUROR #52: Yes.
THE COURT: Juror number 118, is this your verdict?
JUROR #118: Yes, ma'am.
THE COURT: Is this still your verdict?
JUROR #118: Yes.
THE COURT: Juror number 58, is this your verdict?
JUROR #58: Yes.
THE COURT: Is this still your verdict?
JUROR #58: Yes.
THE COURT: And lastly, juror number 37, is this your verdict?
JUROR #37: Yes.

THE COURT: It this still your verdict?

JUROR #37: Yes.

THE COURT: All right. Is there anything further requested from this jury from the State?

MR. EVANS: No, ma'am.

THE COURT: From the defense?

MS. DEWITT: No, Your Honor.

THE COURT: Thank you. My understanding is that we don't have anything else to try the rest of this week, we're just doing other matters; is that correct, Mr. Evans?

MR. EVANS: That is correct.

THE COURT: Ladies and gentlemen, I get to release you now and send you away with my thanks. You not only helped us resolve this matter, but when I start with a roster, I have a number of cases on it to be tried and because we have jurors waiting and willing to serve, we are able to dispose of those matters by many other ways, either by conditional discharges, by guilty pleas, or something along those lines, so I want you to know that you took care of not only this case, but obviously many other ones.

At this time I am gonna go ahead and release you. If you need a work release for what you've been doing up here, I need you when you leave to go down to the Clerk

Of Court's Office and just ask for one. Also, ladies and gentlemen, at this time you are permitted to go home and talk about this case. If someone asks you about it, you can speak about it. I will also tell you that sometimes lawyers and investigators or someone may want to ask you what your thoughts are. Ladies and gentlemen, you're not required to talk to anyone. They're allowed to ask you that if they choose to, but again, you don't have to talk in any way. If you are not interested in speaking to someone, just say no thank you, okay?

Now, at this time what I'm gonna do is I am gonna go ahead and sentence Mr. Coleman. You're welcome to stay or not. I always tell the jury, ladies and gentlemen, you have done your job. Your job is to determine the facts and your job is to determine whether or not the Defendant was guilty. You have done that and now it is my job, it is on me to sentence him under the guidelines that I'm given. So if you would like to stay, you're welcome to and can keep your seats, but if not, now is the time for me to excuse you. Make sure you all get back to your cars and go, but it is completely up to you, ladies and gentlemen, okay? However, if you do want to go, now is the time to go, okay?

MR. EVANS: May I approach, Your Honor?

THE COURT: You may.

MS. DEWITT: And, Your Honor, I guess I have a motion to make for the record.

THE COURT: You may.

MS. DEWITT: I assume you want that now as opposed to after my client is sentenced.

THE COURT: Yes.

MS. DEWITT: At this time I would make a motion for a new trial on the grounds that the evidence is insufficient to support the verdict, Your Honor.

THE COURT: All right. Respectfully as I stated before in the directed verdict motion I do think there is evidence certainly that this jury could determine the facts in this case and obviously they have spoken and they found him guilty of all six charges. We're gonna let it stand. It is noted for the record.

MS. DEWITT: Thank you.

THE COURT: Thank you. Okay. Does the State have a position on sentencing?

MR. EVANS: Your Honor, if I may refresh you, I know we went over his record a bit earlier --

THE COURT: Yes.

MR. EVANS: -- but just to put that on the record now, the most significant three charges on his prior record, Judge, going back to September 23rd, 2010, he pled guilty to burglary third degree first offense in

front of Judge Buckner. Then on September 12th -- He received a YOA sentence for that. September 12th --

THE COURT: Looks like he was 19 when that happened.

MR. EVANS: They have 20, Judge. His birthday was [redacted], so he had turned 20 two days earlier, or actually to the plea, 19 during the event.

THE COURT: Okay.

MR. EVANS: So September 12th, 2011, still 20 years old, based on an incident that happened just a couple weeks before, burglary second degree non violent in front of Judge Cooper. Judge Cooper from Manning, I believe. He received a sentence in which basically his YOA was revoked and he was to go on probation once that YOA was completed. Then March 19th, 2018. Those first two were in Colleton County. This third in Barnwell County, pled guilty to PWID cocaine first offense. Received a sentence of five years suspended to probation for 30 months. He is still on probation for that charge, Your Honor. I think that's what I want you to remember the most is that this act -- You've seen the video. I don't need to -- You know what you saw. I don't need to rehash that for you. But the fact that he committed this while out on probation really I think says all that the State needs to remind you of.

THE COURT: Okay. Thank you.

MS. DEWITT: I would ask that you hear from me and Mr. Coleman.

THE COURT: Absolutely. I was just going to ask probation. So he's got an open probation case?

PROBATION AGENT: Yes, ma'am.

THE COURT: This is a violation, correct?

PROBATION AGENT: Yes, ma'am. I just terminated.

THE COURT: Okay. Ask for it to be terminated. Okay. All right. Ms. Dewitt, I'm happy to hear from you, from Mr. Coleman, certainly any family members that would like to speak or whomever.

MS. DEWITT: Your Honor, I did talk to the probation agent who looked up Mr. Coleman's record and he had no pending violations of his probation at the time that he was arrested on these charges. No positive drug test. He was working and he was reporting. As you know, Mr. Coleman is only 29 years old. He's not married. He does have a three year old daughter. He has a GED and actually he's a very good auto mechanic. I have talked with Mr. Coleman's uncle. He was raised by his mother and his aunt and uncle. I know they are very good people. Live in Walterboro. They said Joey was doing quite well. He was working in Summerville. Had a girlfriend there. He stayed with his girlfriend on the days and nights he worked in Summerville.

The uncle told me he was spending his off days for more crabbing at a particular spot on the Ace River Basin which is off of - it's on the Combahee River there in Charleston. Mr. Coleman, in fact, had been crabbing the day he was arrested and had just gotten to his uncle's house to drop off some crabs that he caught for them.

Mr. Coleman has seen that video repeatedly during the time I represented him and my predecessor Mr. Plexico also had shown him the video from the store repeatedly and every time that video has been shown to Mr. Coleman, he said that's not me. I didn't do that. He didn't rob the store every time we have showed him the video. According to Mr. Coleman's uncle, he doesn't have any mental health problems.

So that's what I wanted the Court to know. Mr. Coleman has continuously said that's not him in the video. He described to me in detail what he had done the day he was arrested. That's how he remembered he had been off for two days. During the day of the robbery and arrest, basically he had been crabbing alone and had no alibi in regards to the fact nobody was with him on this day so he could not be someplace else.

I will say this, too, Your Honor. Mr. Coleman as my client has been very polite. He's been extremely courteous to me. He's been very respectful to me. I

have spent a good bit of time just talking to him about his background and how he grew up and what he does for a living and how he obtained his mechanic skills and I found him to be actually a pleasant client, interested in his case who appreciated the time I took with him in going over the evidence and discussing the trial process to him and I assumed this case from another lawyer when he was released and I will tell you that no plea offers were made for my client. It was either plead guilty to everything pending or try the case.

And that's what I would like the Court to know before Mr. Coleman is sentenced. He's only 29. I have already raised four boys. I have a soft spot for young men who are experiencing difficulties and I know in talking with him I can tell you that I hope the Department of Corrections can put his mechanic skills to use and I do think he's redeemable and can serve whatever time the Court gives him and come back out and be a productive member of society. I would love to see him put his mechanic skills to use because good mechanics are hard to find.

THE COURT: No question.

MS. DEWITT: Thank you.

THE COURT: Does he wish to address me? Or I understand if he doesn't.

MS. DEWITT: No, Your Honor.

THE COURT: Okay. All right.

MR. EVANS: Your Honor, may I very briefly on the subject of plea offers.

THE COURT: No. We don't need to do that. We are not going to do that.

MR. EVANS: Yes.

THE COURT: I've got to tell you I don't like a back and forth. We said this before. I think the State presents what they want to say, the defense, and we're done, okay?

On the charge of armed robbery, the sentence is 30 years. On the charge of kidnapping, the sentence is 30 years. On the charge of the second kidnapping charge, 30 years, on the charge of possession of a weapon during a violent crime the sentence is five years, on the charge of assault and battery in the first degree, the first one, the sentence is 10 years, assault and battery in the first degree the second charge again 10 years. Those are all to run concurrent to each other, and I'm giving him credit for the time he served. Good luck to you, sir.

MR. EVANS: Thank you, Your Honor.

MS. DEWITT: Thank you, Your Honor. I guess the jail provides the specific number of days?

THE COURT: I just gave him credit so it's on there.

MS. DEWITT: Thank you.

THE COURT: Thank you.

WHEREUPON, THE TRIAL WAS CONCLUDED.

CERTIFICATE OF REPORTER

(STATE OF SOUTH CAROLINA)

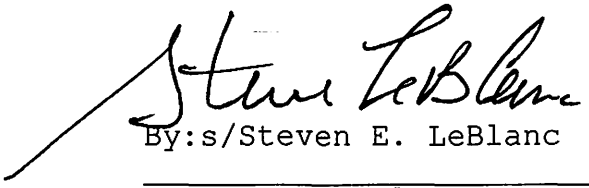
(COUNTY OF LEXINGTON)

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R., and Official Circuit Court Reporter for the Eleventh Judicial Circuit in and for the State of South Carolina, do hereby certify that I reported the proceedings in the before captioned case in the Court of General Sessions in and for the State of South Carolina on the 5th day of February, 2020.

I FURTHER CERTIFY that the forgoing 55 pages constitute a true and accurate partial record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at Lexington County, this 6th day of May, 2020.

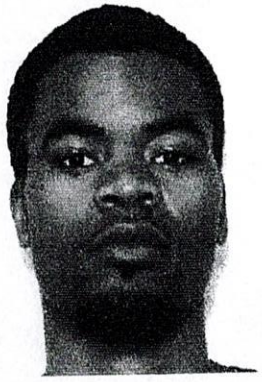


By:s/Steven E. LeBlanc

Steven E. LeBlanc, Sr., R.P.R.
Eleventh Circuit Court Reporter
State of South Carolina.

COURT'S
EXHIBIT NO. 1
IDENTIFICATION/EVIDENCE
DKT.#
DATE:
PENGAD 800-631-6989

YEMASSEE POLICE DEPARTMENT



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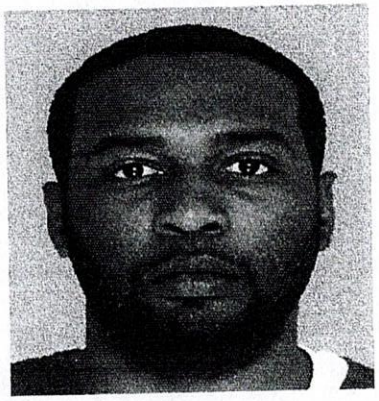

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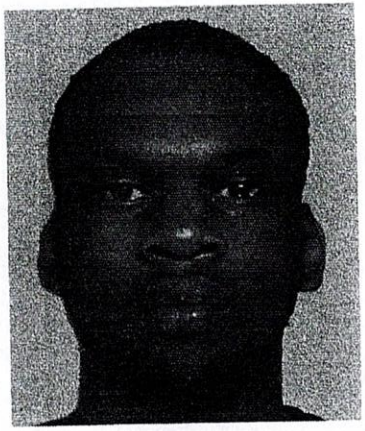

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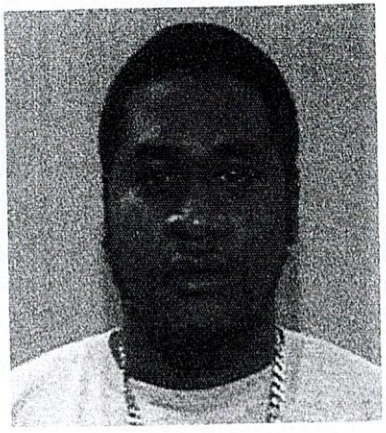

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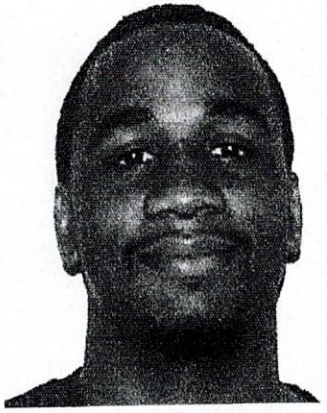

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A TRUE COPY
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.
DATE 6-3-2016

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STATE OF SOUTH CAROLINA) IN THE COURT OF G: ERAL SESSIONS

COUNTY OF Hampton)

STATE) INDICTMENT/CASE#: 2018GS2500440

VS.

Joey Dean Coleman) A/W#: 2018A2520500065

AKA:) Date of Offense: 11/16/2018

Race: Black Sex: Male Age: 29) S.C. Code §: 16-11-330(A)

DOB: SS#) CDR Code #: 0139

Address:)

DL# SID#) SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

RECEIVED FEB 13 2020 SC Court of Appeals

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

In violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (def's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: Reed A Evans 79925

(Solicitor) (SC Bar #) (Defendant) (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 30 days/months/years or ☐ under the **Youthful Offender Act** not to exceed ___ years

and/or to pay a fine of S ___ provided that upon the service of ___ days/months/years and or payment of S ___

plus costs and assessments as applicable*; the balance is suspended with **probation** for ___ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ___

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☒ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** ___

Total: S ___ plus 20% fee: ___ S ___ ___ days/hours Public Service Employment

Payment Terms: ___

☐ Set by SCDPPPS

Recipient: ___

*Fine:		S ___
§14-1-206 (Assessments 107.5%)		S ___
§14-1-211 (A)(1)(Conv. Surcharge)	$100	S 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	S ___
§56-5-2995 (DUI Assessment)	$12	S ___
§56-1-286 (DUI Breath Test)	$25	S ___
Proviso 61.6 (Public Def/Prob)	$500	S ___
§14-1-212 (Law Enforce. Funding)	$25	S 25
§14-1-213 (Drug Court Surcharge)	$150	S ___
§50-21-114 (BUI Breath Test Fee)	$50	S ___
§56-5-2942(J) (Vehicle Assessment)	$40/each	S ___
3% to County (if paid in installments)		S 3.75
TOTAL		S 128.75

☐ Obtain GED

☐ Attend Voc. Rehab. Or Job Corp. ___

☐ May serve W/E beginning ___

☐ Substance Abuse Counseling

☐ Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly pmts. of S ___ Beginning ___

S ___ Paid to Public Defender Fund

Other: ___

☐ Appointed PD or appointed other counsel.

Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk Melinda D. Neale

Court Reporter: Steven Leblanc

Presiding Judge: ___

Judge Code: 2142

Sentence Date: February 6, 2020

MP-SCCA/217 (04/2018)

0 - 30 years

STATE OF SOUTH CAROLINA) **IN THE COURT OF G... ERAL SESSIONS**

COUNTY OF Hampton)

STATE) INDICTMENT/CASE#: 2018GS2500441

VS.)

Joey Dean Coleman) A/W#: 2018A2520500066

AKA:) Date of Offense: 11/16/2018

Race: Black Sex: Male Age: 29) S.C. Code §: 16-3-910

DOB: [redacted] SS#: [redacted]) CDR Code #: 0095

Address: [redacted])

DL# [redacted] SID#) **SENTENCE SHEET**

RECEIVED
FEB 18 2020
SC Court of Appeals

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Kidnapping

In violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☒ As indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (def's initials)

The plea is: ☐ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: Reed O Evans 79925

(Solicitor) (SC Bar #) (Defendant) (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 30 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years

and/or to pay a fine of S — provided that upon the service of _____ days/months/years and or payment of S —;

plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____

Total: S _____ plus 20% fee: _____ S _____ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:		S _____
§14-1-206 (Assessments 107.5%)		S _____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	S 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	S _____
§56-5-2995 (DUI Assessment)	$12	S _____
§56-1-286 (DUI Breath Test)	$25	S _____
Proviso 61.6 (Public Def/Prob)	$500	S _____
§14-1-212 (Law Enforce. Funding)	$25	S 25
§14-1-213 (Drug Court Surcharge)	$150	S _____
§50-21-114 (BUI Breath Test Fee)	$50	S _____
§56-5-2942(J) (Vehicle Assessment)	$40/each	S _____
3% to County (if paid in installments)		S 3.75
TOTAL		S 128.75

☐ Obtain GED

☐ Attend Voc. Rehab. Or Job Corp. _____

☐ May serve W/E beginning _____

☐ Substance Abuse Counseling

☐ Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly pmts. of S _____ Beginning _____

S _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk Melinda D. Wells

Court Reporter: Steven Leblanc

Presiding Judge: _____

Judge Code: 2142

Sentence Date: February 5, 2020

342

0-30 years

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF Hampton)

STATE) INDICTMENT/CASE#: 2018GS2500442

VS.)

Joey Dean Coleman) A/W#: 2018A2520500067

AKA:) Date of Offense: 11/16/2018

Race: Black Sex: Male Age: 29) S.C. Code §: 16-3-910

DOB: [redacted] SS#: [redacted]) CDR Code #: 0095

Address: [redacted])

DL# [redacted] SID#) SENTENCE SHEET

RECEIVED
FEB 13 2020
SC Court of Appeals

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEA TO:

TO: Kidnapping

In violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Reed A Evans 79925

(Solicitor) (SC Bar #) (Defendant) (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 30 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years

and/or to pay a fine of S ÷ provided that upon the service of _____ days/months/years and or payment of S _____

plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____

Total: S _____ plus 20% fee: _____ S _____ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

☐ Obtain GED
☐ Attend Voc. Rehab. Or Job Corp. _____
☐ May serve W/E beginning _____
☐ Substance Abuse Counseling
☐ Random Drug/Alcohol Testing

Recipient: _____

*Fine:		S _____
§14-1-206 (Assessments 107.5%)		S _____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	S 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	S _____
§56-5-2995 (DUI Assessment)	$12	S _____
§56-1-286 (DUI Breath Test)	$25	S _____
Proviso 61.6 (Public Def/Prob)	$500	S _____
§14-1-212 (Law Enforce. Funding)	$25	S 25
§14-1-213 (Drug Court Surcharge)	$150	S _____
§50-21-114 (BUI Breath Test Fee)	$50	S _____
§56-5-2942(J) (Vehicle Assessment)	$40/each	S _____
3% to County (if paid in installments)		S 3.75
TOTAL		S 128.75

Fine may be pd. in equal consecutive weekly/monthly pmts. of S _____ Beginning _____
S _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk Melinda D. Davis

Court Reporter: Steven Leblanc

Presiding Judge: C Mullen

Judge Code: 2142

Sentence Date: February 5, 2020

MP-SCCA/217 (04/2018)

0 - 5 years

STATE OF SOUTH CAROLINA) **IN THE COURT OF GENERAL SESSIONS**

COUNTY OF Hampton)

STATE)

VS.)

Joey Dean Coleman) A/W#: 2018A2520500068

AKA:) Date of Offense: 11/16/2018

Race: Black Sex: Male Age: 29) S.C. Code §: 16-23-490

DOB: [redacted] SS#: [redacted]) CDR Code #: 0549

Address: [redacted])

DL# [redacted] SID#) **SENTENCE SHEET**

INDICTMENT/CASE#: 2018GS2500443

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Possession of weapon during violent crime

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☒ As indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (def's initials)

The plea is: ☐ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: Read A Evans 79925

(Solicitor) (SC Bar #) (Defendant) (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed — years

and/or to pay a fine of $ —; provided that upon the service of — days/months/years and or payment of $ —;

plus costs and assessments as applicable*; the balance is suspended with **probation** for — months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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FEB 13 2020
SC Court of Appeals

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** PTUP

Total: $ plus 20% fee: $ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		$
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso 61.6 (Public Def/Prob)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/each	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

☐ Obtain GED
☐ Attend Voc. Rehab. Or Job Corp.
☐ May serve W/E beginning
☐ Substance Abuse Counseling
☐ Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly pmts. of $ Beginning
$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel.
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: C Muller
Judge Code: 2142
Sentence Date: February 5, 2020

Clerk of Court/Deputy Clerk Melinda D. Nettles
Court Reporter: Steven Leblanc

MP-SCCA/217 (04/2018)

0-3 4 4 years

STATE OF SOUTH CAROLINA) **IN THE COURT OF GENERAL SESSIONS**

COUNTY OF Hampton)

STATE)

VS.)

Joey Dean Coleman) A/W#: 2018A2520500069

AKA:) Date of Offense: 11/16/2018

Race: Black Sex: Male Age: 29) S.C. Code §: 16-3-600(C)(1)

DOB: [redacted] SS#: [redacted]) CDR Code #: 3412

Address: [redacted])

DL# [redacted] SID#) **SENTENCE SHEET**

INDICTMENT/CASE#: 2018GS2500444

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Assault & Battery, First degree

In violation of § 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☒ As indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (def's initials)

The plea is: ☐ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: Reed A Evans 79925

(Solicitor) (SC Bar #) (Defendant) (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 10 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years

and/or to pay a fine of $ —; provided that upon the service of — days/months/years and or payment of $ —;

plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RECEIVED FEB 13 2020 SC Court of Appeals

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____

Total: $ _____ plus 20% fee: _____ $ _____ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

☐ Obtain GED

☐ Attend Voc. Rehab. Or Job Corp. _____

☐ May serve W/E beginning _____

☐ Substance Abuse Counseling

☐ Random Drug/Alcohol Testing

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso 61.6 (Public Def/Prob)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/each	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____

$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.

Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk Melinda D. Nettles

Court Reporter: Steven Leblanc

Presiding Judge: _____

Judge Code: 2142

Sentence Date: February 5, 2020

MP-SCCA/217 (04/2018)

0 - 10 years

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF Hampton)

STATE)
VS.) INDICTMENT/CASE#: 2018GS2500445

Joey Dean Coleman) A/W#: 2018A2520500070
AKA:) Date of Offense: 11/16/2018
Race: Black Sex: Male Age: 29) S.C. Code §: 16-3-600(C)(1)
DOB: [redacted] SS#: [redacted]) CDR Code #: 3412
Address: [redacted])
DL# [redacted] SID#) **SENTENCE SHEET**

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Assault & Battery, First degree

In violation of § 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☒ As indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (def's initials)
The plea is: ☐ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: Reed A Evans 79925
(Solicitor) (SC Bar #) (Defendant) (Attorney for Defendant) (SC Bar #)

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,**
for a determinate term of 10 days/months/years or ☐ under the **Youthful Offender Act** not to exceed — years
and/or to pay a fine of S —, provided that upon the service of — days/months/years and or payment of S —;
plus costs and assessments as applicable*; the balance is suspended with **probation** for — months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** PTUP _____

Total: S _____ plus 20% fee: _____ S _____ ____ days/hours Public Service Employment

Payment Terms: _____

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☐ Set by SCDPPPS

☐ Obtain GED
☐ Attend Voc. Rehab. Or Job Corps _____
☐ May serve W/E beginning _____
☐ Substance Abuse Counseling
☐ Random Drug/Alcohol Testing

Recipient: _____

*Fine:		S	
§14-1-206 (Assessments 107.5%)		S	
§14-1-211 (A)(1)(Conv. Surcharge)	$100	S	100
§14-1-211 (A)(2)(DUI Surcharge)	$100	S	
§56-5-2995 (DUI Assessment)	$12	S	
§56-1-286 (DUI Breath Test)	$25	S	
Proviso 61.6 (Public Def/Prob)	$500	S	
§14-1-212 (Law Enforce. Funding)	$25	S	25
§14-1-213 (Drug Court Surcharge)	$150	S	
§50-21-114 (BUI Breath Test Fee)	$50	S	
§56-5-2942(J) (Vehicle Assessment)	$40/each	S	
3% to County (if paid in installments)		S	3.75
TOTAL		S	128.75

Fine may be pd. in equal consecutive weekly/monthly pmts. of S _____ Beginning _____
S _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk Linda D. Neale
Court Reporter: Steven Leblanc

Presiding Judge: _____
Judge Code: 2142
Sentence Date: February 5, 2020

MP-SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500440

At a Court of General Sessions, convened on March 13, 2019, the Grand Jurors of Hampton County present upon their oath:

Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

That in Hampton County, South Carolina, on or about November 15, 2018, the Defendant, Joey Dean Coleman, did commit robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, all in violation of Section 16-11-330(A), et al. of the Codes of Law of South Carolina.

RECEIVED
FEB 13 2020
SC Court of Appeals

TRUE BILL

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

WITNESSES

YPD

ARREST WARRANT NUMBER

2018A2520500065

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: MAR 13 2019

VERDICT

Guilty 2/5/2020

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2018GS2500440

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Joey Dean Coleman

Indictment For

Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

SC Code: 16-11-330(A)

CDR Code: 0139

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED

_____AM/PM

FEB - 5 2020

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500441

At a Court of General Sessions, convened on March 13, 2019, the Grand Jurors of Hampton County present upon their oath:

Kidnapping

That in Hampton County, South Carolina, on or about November 15, 2018, the Defendant, Joey Dean Coleman, did seize, confine, inveigle, decoy, kidnap, abduct or carry away Yashkumar Diupbhai Patel without authority of law, all in violation of Section 16-3-910, et al. of the Codes of Law of South Carolina.

RECEIVED
FEB 13 2020
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

WITNESSES

YPD

ARREST WARRANT NUMBER

2018A2520500066

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: MAR 13 2019

VERDICT

Guilty 2/5/2020

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2018GS2500441

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Joey Dean Coleman

Indictment For

Kidnapping

SC Code: 16-3-910

CDR Code: 0095

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____

hereby appear in my own proper person and plead guilty to the withir indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED
AM/PM

FEB - 5 2020

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500442

At a Court of General Sessions, convened on March 13, 2019, the Grand Jurors of Hampton County present upon their oath:

Kidnapping

That in Hampton County, South Carolina, on or about November 15, 2018, the Defendant, Joey Dean Coleman, did seize, confine, inveigle, decoy, kidnap, abduct or carry away Hetalsinh J Solanki without authority of law, all in violation of Section 16-3-910, et al. of the Codes of Law of South Carolina.

RECEIVED
FEB 13 2020
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

WITNESSES

YDD

ARREST WARRANT NUMBER

2018A2520500067

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: MAR 13 2019

VERDICT

Guilty 2/5/2020

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2018GS2500442

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Joey Dean Coleman

Indictment For

Kidnapping

SC Code: 16-3-910

CDR Code: 0095

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____

hereby appear in my own proper person and plead guilty to the withir indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED
____AM/PM

FEB - 5 2020

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500443

At a Court of General Sessions, convened on March 13, 2019, the Grand Jurors of Hampton County present upon their oath:

Poss. weapon during violent crime, if not also sentenced to life without parole or death

That in Hampton County, South Carolina, on or about November 15, 2018, the Defendant, Joey Dean Coleman, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: Armed Robbery; and Joey Dean Coleman was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Armed Robbery, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

RECEIVED
FEB 13 2020
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Joseph M Strauss

Solicitor

WITNESSES

YPD

DOCKET NO. 2018GS2500443

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Joey Dean Coleman

Indictment For

Poss. weapon during violent crime, if not also sentenced to life without parole or death

SC Code: 16-23-490

CDR Code: 0549

ARREST WARRANT NUMBER

2018A2520500068

ACTION OF GRAND JURY

TRUE BILL

Ryan Scuddy

Foreperson of Grand Jury

Date: MAR 13 2019

VERDICT

Guilty 2/5/2020

Foreperson of Petit Jury

Date:

INDICT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED
AM/PM

FEB -- 5 2020

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

354

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500444

At a Court of General Sessions, convened on March 13, 2019, the Grand Jurors of Hampton County present upon their oath:

Assault & Battery 1st Degree

That in Hampton County, South Carolina, on or about November 15, 2018, the Defendant, Joey Dean Coleman, did offer or attempt to injure Yashkumar Diupbhai Patel, either by means likely to cause death or great bodily injury; or during the commission of a robbery, burglary, kidnapping, or theft; or both; all in violation of Section 16-3-600(C)(1)(a)(ii), et al. of the Codes of Law of South Carolina.

RECEIVED
FEB 13 2020
SC Court of Appeals

TRUE BILL

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

WITNESSES

YPD

DOCKET NO. 2018GS2500444

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Joey Dean Coleman

Indictment For

Assault & Battery 1st Degree

SC Code: 16-3-600(C)(1)(b)

CDR Code: 3412

ARREST WARRANT NUMBER

2018A2520500069

ACTION OF GRAND JURY

TRUE BILL

Ryan Sauls

Foreperson of Grand Jury

Date: MAR 13 2019

VERDICT

Ed Nettles

Guilty 2/5/2020

Foreperson of Petit Jury

Date:

INDICT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED

AM/PM

FEB - 5 2020

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

356

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500445

At a Court of General Sessions, convened on March 13, 2019, the Grand Jurors of Hampton County present upon their oath:

Assault & Battery 1st Degree

That in Hampton County, South Carolina, on or about November 15, 2018, the Defendant, Joey Dean Coleman, did offer or attempt to injure Hetalsinh J Solanki, either by means likely to cause death or great bodily injury; or during the commission of a robbery, burglary, kidnapping, or theft; or both; all in violation of Section 16-3-600(C)(1)(b), et al. of the Codes of Law of South Carolina.

RECEIVED
FEB 13 2020
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

WITNESSES

YPD

ARREST WARRANT NUMBER

2018A2520500070

ACTION OF GRAND JURY

TRUE BILL

Ryan Sauls

Foreperson of Grand Jury

Date: MAR 13 2019

VERDICT

Guilty 2/5/2020

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2018GS2500445

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

Joey Dean Coleman

Indictment For

Assault & Battery 1st Degree

SC Code: 16-3-600(C)(1)(b)

CDR Code: 3412

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. 357

Defendant

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED

_____AM/PM

FEB - 5 2020

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

s/ Lara M. Caudy_____
Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
Nov 12 2020
SC Court of Appeals

This 12th day of November, 2020.