

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Feb 18 2022

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case Number: 2021-000946

Arthur W. Macon Petitioner,

v.

State of South Carolina, ...Respondent.

Appendix Volume I of III

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

***Attorney for Petitioner Arthur
W. Macon***

Alan Wilson
Attorney General

Yasmeen Klein
Assistant Attorney General

S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211
(803) 734-3737

***Attorneys for Respondent State of South
Carolina***

INDEX

Volume I

Sentencing Sheet.....	1
Indictment	2
Arrest Warrant	4
Trial Transcript	6

Volume II

Trial Transcript (cont.).....	501
Final Brief of Appellant.....	513
Final Brief of Respondent.....	534
<i>State v. Macon</i> , Unpublished Op. No. 2018-UP-031 (January 17, 2018).....	557
Petition for Rehearing.....	560
Order Denying Petition for Rehearing.....	566
Petition for Writ of Certiorari	568
Return to Petition for Writ of Certiorari	591
Order Denying Petition for Writ of Certiorari	610
Remittitur	611
Application for Post-Conviction Relief	612
Petition for Writ of Mandamus	627
Amended Application for Post-Conviction Relief.....	644
Motion for Order Allowing Discovery	655
Return to Application for Post-Conviction Relief	667
Order Authorizing Discovery	681

Substitution of Counsel for State	682
PCR Hearing Transcript.....	687
Applicant’s PCR Exhibits	
Exhibit 1 (Jury Note)	851
Exhibit 2 (Jury Note)	852
Exhibit 3 (Jury Note)	853
Exhibit 4 (Jury Note)	854
Exhibit 5 (Jury Note)	855
Exhibit 6 (Jury Note)	856
Exhibit 7 (Jury Note)	857
Exhibit 8 (Jury Note)	858
Exhibit 9 (Jury Note)	859
Exhibit 10 (Order Substitution Counsel)	860
Exhibit 11 (SCCID Records)	861
Exhibit 12 (Indictment).....	867
Exhibit 13 (Indictment).....	869
Exhibit 14 (Emails).....	873
Order of Dismissal	875
Rule 59(e), SCRCF Motion	908
Return to Rule 59(e), SCRCF Motion	982

Volume III

Return to Rule 59(e), SCRCF Motion (cont.).....	1001
Reply to State’s Return to Rule 59(e), SCRCF Motion.....	1002

Order Denying Rule 59(e), SCRCF Motion	1007

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

AKA: Richard
 Race: Black Sex: Male Age: 30
 DOB: 02-28-84 SSN: [REDACTED]
 Address: 16 Flora Circle
 City, State, Zip: Columbia SC
 DL# _____ SID# _____

INDICTMENT/CASE#:

2013 -GS- 40 - 579

A/W#:

2013A4010200696

Date of Offense:

8-30-13

S.C. Code §:

16-11-0330(A)

CDR Code #:

0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSIn disposition of the said indictment, does now the Defendant who was
TO: Armed RobberyIn violation of §: 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 66485

Defendant

Attorney for Defendant

SC Bar # 72675

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 23 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. 10 mos☐ 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: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED. ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fines:

§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§47.12 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$100
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.7(SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$ _____
TOTAL	\$ _____

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,
 \$47.12 requires \$500 be paid to Clerk
 during probation.
Clerk of Court/Deputy Clerk
Court Reporter:

Presiding Judge

Judge Code: 2161Sentence Date: 10-3-14

WITNESSES

(S) Jason Williams — Richland County
Sheriff

ARREST WARRANT NUMBER

2012A4010200698

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUL 16 2014

VERDICT

Guilty

Foreperson of Petit Jury

Date:

10-3-14

AMENDED
DOCKET NO. 2013GS40000579

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

67

THE STATE

vs.

Arthur William Macon

ORIGINAL

Indictment for
ARMED ROBBERY

SC Code: 16-11-0330(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.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

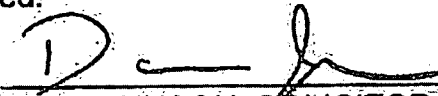
INDICTMENT

At a Court of General Sessions, convened on JANUARY 16, 2013,
 the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Arthur William Macon did in Richland County on or about August 30, 2012, commit robbery by feloniously taking from the person or presence of Marcella Delpino and/or Brittney Ellison and/or Shonda Wheeler and/or Courtney Nick, by means of force or intimidation, goods or monies of TD BANK, such goods or monies being described as U.S. CURRENCY, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging either by actions or words, that he or she 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 §16-11-330(A), SC Code of Laws (1976, as amended)

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 DAN JOHNSON, SOLICITOR

ARREST WARRANT

2012A4010200696

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

1208032230 -R3

against

Arthur William Macon

Address:

Columbia, SC 29223-6906

Phone: (803)699-7220

SSN:

Sex: M Race: B Height: 5 11 Weight: 172

DL State: SC DL #:

DOB: Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Jason Williams - 1340

Offense: Armed Robbery

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Jason Williams

being duly sworn deposes and says that defendant Arthur William Macon

did within this county and state on or about 8/30/2012

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE: Armed Robbery

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about 8/30/12 while at 8850 Farrow Rd (TD Bank) in the Upper Township Magisterial District of RICHLAND COUNTY, one Arthur William Macon did commit the crime of Armed Robbery. It is believed the defendant committed the crime Armed Robbery because he did with the intent to permanently deprive TD BANK conspire with his CO-Defendant to rob the bank while using a weapon. The defendant served as a look out as his Co-defendant entered the bank and demanded the teller to put cash into a bag. Once the Co-defendant exited the bank with the money both fled the scene on foot and were later arrested and positively identified by eye witness. Affiant and others are witness to prove same

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/30/2012

defendant Arthur William Macon

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Armed Robbery

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 8/30/2012

Signature of Issuing Judge: Josef Robinson (L.S.)

Judge Code: 7220

Judge's Address

Judge's Telephone (803)576-2341

Issuing Court:

☐ Magistrate☐ Municipal☐ CircuitORIGINAL
Form Approved by
S.C. Attorney General
April 21, 2003
BCCA 5182012 SEP 20 AM 11:05
J. H. McCRIDE
C. R. & G. S.
RICHLAND COUNTY
FILED

BAIL set by

WITNESSES

A. 5

Judge B. Wofford-Karwat
on AUG 31 2012
Type and Amount: 30,000 CS/6B
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



0
1
2
3
4
5
6
7
8
9
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
3 2013-GS-40-00579
2014-GS-40-03552-03555

4 State of South Carolina,)
5 Plaintiff,)
6 vs.) TRANSCRIPT OF RECORD
7 Arthur William Macon,)
8 Defendant.)

9 September 29-October 3, 2014
10 Columbia, South Carolina
11

12 B E F O R E:

13 THE HONORABLE DEANDREA G. BENJAMIN, JUDGE; and a
14 jury.
15

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

17 RICHARD C.R. CATHCART, ASSISTANT SOLICITOR
18 JEREMIAH J. SHELLENBERG, II, ASSISTANT SOLICITOR
Attorneys for the Plaintiff

19 KRISTY G. GOLDBERG, ESQ.
20 Attorney for the Defendant
21
22
23
24

25 DEBORAH M. McCURDY, RPR
Official Court Reporter

INDEX OF WITNESSES

DIANA WILLIAMS

Direct By Mr. Cathcart 70

Cross By Ms. Goldberg 83

Redirect By Mr. Cathcart 90

FRIEDA WYATT

Direct By Mr. Cathcart 91

MICHAEL A. MAZEROLLE

Direct By Mr. Cathcart 97

KERRY JOHNSON

Direct By Mr. Cathcart 105

Cross By Ms. Goldberg 117

MARCELLA DEL PINO

Direct By Mr. Cathcart 141

Cross By Ms. Goldberg 160

Redirect By Mr. Cathcart 164

COURTNEY NICK

Direct By Mr. Cathcart 166

Cross By Ms. Goldberg 169

SHONDA WHEELER

Direct By Mr. Cathcart 172

Cross By Ms. Goldberg 178

Redirect By Mr. Cathcart 179

TONY LYLES

Direct By Mr. Shellenberg 181

1	MICHAEL AUTRY	
2	Direct By Mr. Shellenberg	.193
3	Cross By Ms. Goldberg	.199
4	KIMBERLY GATHERS	
5	Direct By Mr. Shellenberg	.201
6	Cross By Ms. Goldberg	.203
7	KEVIN WHALEY	
8	Direct By Mr. Cathcart	.206
9	ASHISH DESAI	
10	Direct By Mr. Cathcart	.211
11	Cross By Ms. Goldberg	.213
12	DIANA WILLIAMS	
13	Direct By Mr. Cathcart	.214
14	Cross By Ms. Goldberg	.230
15	Redirect By Mr. Cathcart	.241
16	FRIEDA WYATT	
17	Direct By Mr. Shellenberg	.243
18	Cross By Ms. Goldberg	.252
19	Redirect By Mr. Shellenberg	.258
20	MICHAEL MAZEROLLE	
21	Direct By Mr. Shellenberg	.260
22	MIKE FRAZIER	
23	Cross By Ms. Goldberg	.268
24	THOMAS M. AMARO, JR.	
25	Direct By Mr. Shellenberg	.270

1	JASON WILLIAMS	
2	Direct By Mr. Shellenberg	.273
3	Cross By Ms. Goldberg	.280
4	Redirect By Mr. Shellenberg	.285
5	RICKY WOODBERRY	
6	Direct By Mr. Cathcart	.287
7	Cross By Ms. Goldberg	.290
8	RICKY WOODBERRY	
9	Direct By Mr. Cathcart	.300
10	JASON COLON	
11	Direct By Mr. Cathcart	.304
12	Cross By Ms. Goldberg	.313
13	Redirect By Mr. Cathcart	.315
14	Recross By Ms. Goldberg	.316
15	KERRY JOHNSON	
16	Direct By Mr. Cathcart	.319
17	Cross By Ms. Goldberg	.330
18	Redirect By Mr. Cathcart	.338
19		
20		
21		
22		
23		
24		
25		

» > o < «

Opening Statement by Mr. Shellenberg	.131
Opening Statement by Ms. Goldberg	.136
Closing Statement by Mr. Cathcart	.355
Closing Statement by Ms. Goldberg	.370
Jury Charge	.392
Verdict	.452
Sentencing	.468

1	STATE EXHIBITS			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
3	1	Dash Cam Video	64	250
4	2	Photograph	64	147
5	3	Photograph	64	160
6	4	Photograph	64	150
7	5	Photograph	64	
8	6-8	Photographs	64	157
9	9	Photograph	64	160
10	10	Photograph	64	
11	11	Photograph	64	160
12	12	Photograph	65	155
13	13	Photograph	65	160
14	14	Photograph	65	153
15	15	Photograph	65	176
16	16	Vehicle Tow Receipt	95	
17	17	Advice of Rights form	117	
18	18	Plastic Pistol	267	267
19	19	Scanner	279	279
20	20-23	Photographs	267	267
21	24	Map	201	201
22	25	9-1-1 CD	203	203
23				
24				
25				

1	COURT EXHIBITS			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
3	1	Jury Note	192	
4	2	Jury Question	422	
5	3	Jury Question	423	
6	4	Jury Question	425	
7	5	Jury Question	427	
8	6	"Hand of One Hand of All" Charge	435	
9	7	Jury Question	437	
10	8	Jury Question	439	
11	9	Jury Question	442	
12	10	Reasonable Doubt Charge	442	
13	11	Jury Question	443	
14	12	Jury Question	444	
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 SEPTEMBER 29, 2014

2 THE COURT: This is State v. Arthur Macon.
3 Where is Mr. Macon?

4 MS. GOLDBERG: He's right here.

5 THE COURT: All right.

6 MR. SHELLENBERG: Your Honor, we are just
7 waiting on Mr. Cathcart.

8 THE COURT: Okay. We can go ahead. I want to
9 go over some of the names. Do you have your
10 witness list on here too?

11 MS. GOLDBERG: Yes, Your Honor, it is in the
12 stack that was provided.

13 THE COURT: Do y'all have any objections to
14 her voir dire?

15 MR. SHELLENBERG: I don't. I was going to let
16 Richard -- Mr. Cathcart --

17 THE COURT: All right. Help me out with the
18 names.

19 (Off record discussion.)

20 THE COURT: Do you have any voir dire,
21 Mr. Shellenberg?

22 MR. SHELLENBERG: No, Your Honor.

23 MS. GOLDBERG: Your Honor, there is only one
24 thing I would like to mention now. Mr. Cathcart
25 can respond if he needs to when he gets back in,

1 but obviously Mr. Macon is on bond. So I was going
2 to ask that he be allowed to remain on bond during
3 lunch and during the evening during the pendency of
4 the trial until such time that there is a verdict.

5 I can put additional information as to
6 Mr. Macon's reliability. I can provide you with
7 that. But I didn't know if you wanted to address
8 that now or if you wanted to address that later.

9 THE COURT: Normally -- I think the rules say
10 we are supposed to take him into custody because
11 there is nothing to hold him on the bond.

12 MS. GOLDBERG: Your Honor, I have seen judges
13 have the discretion to do it either way.

14 THE COURT: Yes. Well, the problem is if he
15 doesn't come back, then there is nothing to bring
16 him back.

17 MS. GOLDBERG: I think at that point in time
18 if Mr. Macon for some reason did not return to
19 court the next day he would, you know, waive his
20 right to be here and the trial would go on without
21 him. But he has in the past -- his case has been
22 going on two years. He has made every court date.
23 He had to come in to have additional indictments
24 served on him. He had to have a new bond set. He
25 posted bond on that. Not that long ago he had a

1 federal probation issue where he self-reported. So
2 I would ask --

3 THE COURT: If he can get the bonding
4 company -- well --

5 MS. GOLDBERG: If they could come this
6 afternoon and give you an assurance? Would that be
7 sufficient?

8 THE COURT: They will have to get me something
9 in writing also to state that they will be
10 responsible for him.

11 MS. GOLDBERG: Okay.

12 THE COURT: That they are going to stay on the
13 bond through the pendency of the trial, meaning
14 they will be responsible for him if he were to not
15 return.

16 MS. GOLDBERG: Right. I'll have the family
17 contact the bonding company. And we'll try to see
18 if we can have somebody here by the end of the day.

19 THE COURT: All right. The strikes are ten
20 and five. And how many alternates do you want,
21 two?

22 MS. GOLDBERG: Yes.

23 THE COURT: And for those of you with 403s, if
24 you can, when we take a break, just get my law
25 clerk your name and your cell phone number so if

1 something comes up we'll have it so we can get in
2 touch with you all. And I expect you to stay
3 through the entire trial and after the verdict for
4 the motions when the lawyering also continues. So
5 it is beneficial for you to see.

6 (WHEREUPON, the jury panel entered the
7 courtroom at 12:31 p.m.)

8 THE CLERK: Please acknowledge by answering
9 here.

10 Gail Dometus-Perry.

11 THE JUROR: Here.

12 THE CLERK: Sybil Stowers.

13 THE JUROR: Here.

14 THE CLERK: James Rowan.

15 THE JUROR: Here.

16 THE CLERK: Laura Socha.

17 THE JUROR: Here.

18 THE CLERK: Gloria Coples.

19 THE JUROR: Here.

20 THE CLERK: Marvin Starkes.

21 THE JUROR: Here.

22 THE CLERK: Aline Goodwin.

23 THE JUROR: Here.

24 THE CLERK: Lucretia Glover.

25 THE JUROR: Here.

1 THE CLERK: Quadrey Reeves.
2 THE JUROR: Here.
3 THE CLERK: David M-I-K-O-L-A-J-C-Z-A-K?
4 THE JUROR: Here.
5 THE CLERK: Aaron Canzater.
6 THE JUROR: Here.
7 THE CLERK: John Wilcox.
8 THE JUROR: Here.
9 THE COURT: Katrina Spigner?
10 THE JUROR: Here.
11 THE CLERK: Ralph Williams.
12 THE JUROR: Here.
13 THE CLERK: Melinda O'Leary.
14 THE JUROR: Here.
15 THE CLERK: Johnny Campbell.
16 THE JUROR: Here.
17 THE CLERK: Rita Cowan.
18 THE JUROR: Here.
19 THE CLERK: Katherine Kline.
20 THE JUROR: Here.
21 THE CLERK: Calvin Schoon.
22 THE JUROR: Here.
23 THE CLERK: Doris Harris.
24 THE JUROR: Here.
25 THE CLERK: Katrina Dowis.

1 THE JUROR: Here.
2 THE CLERK: Matthew Nichols.
3 THE JUROR: Here.
4 THE CLERK: William Stec.
5 THE JUROR: Here.
6 THE CLERK: Tamesha Stuckey.
7 THE JUROR: Here.
8 THE CLERK: Mary Reese.
9 THE JUROR: Here.
10 THE CLERK: Joshua Woodall.
11 THE JUROR: Here.
12 THE CLERK: Cara Nicklin.
13 THE JUROR: Here.
14 THE CLERK: Harvey Lewis.
15 THE JUROR: Here.
16 THE CLERK: William Poiletman.
17 THE JUROR: Here.
18 THE CLERK: Janice Ponder.
19 THE JUROR: Here.
20 THE CLERK: Tonda Riley.
21 THE JUROR: Here.
22 THE CLERK: Matthew Hasik.
23 THE JUROR: Here.
24 THE CLERK: Pamela Jenkins.
25 THE JUROR: Here.

1 THE CLERK: Matthew Brown.
2 THE JUROR: Here.
3 THE CLERK: Paula Rawls.
4 THE JUROR: Here.
5 THE CLERK: Karen Hutchinson.
6 THE JUROR: Here.
7 THE CLERK: Deborah Snipes.
8 THE JUROR: Here.
9 THE CLERK: Glenn Dufour.
10 THE JUROR: Here.
11 THE CLERK: Teirra Bell.
12 THE JUROR: Here.
13 THE CLERK: Victor Taylor.
14 THE JUROR: Here.
15 THE CLERK: Josephine McRant.
16 THE JUROR: Here.
17 THE CLERK: Amanda Turbeville.
18 THE JUROR: Here.
19 THE CLERK: Amelia Hopkins.
20 THE JUROR: Here.
21 THE CLERK: Jessie Williams.
22 THE JUROR: Here.
23 THE CLERK: Sharon Weinberg.
24 THE JUROR: Here.
25 THE COURT: There is someone's name that I did

1 not call.

2 THE BAILIFF: The jury is all present.

3 THE CLERK: She is in the wrong courtroom.

4 THE COURT: You are going to go down to Judge
5 Lee's courtroom, 2E. All right, thank you, ma'am.

6 (Pause.)

7 THE COURT: My name is DeAndrea Benjamin. I
8 am a Circuit Court judge here in Richland County.
9 This week I am assigned to preside over a week of
10 General Sessions, which is also, as you all may
11 know, Criminal Court.

12 To my right is Imani Newborn, and she has
13 recently finished law school, taken the bar, and is
14 awaiting her results.

15 I will introduce the lawyers and the other
16 folks here.

17 Over here is the court reporter, Ms. Debbie
18 McCurdy. And she is taking down everything that we
19 are saying. This is a court of record. So she has
20 to record everything that is being said in the
21 courtroom. So I will ask you all now if you can
22 speak up so that will help Debbie out so she can
23 get everything properly on the record when you all
24 speak.

25 All right. And I'm sure that Judge Lee made

1 introductions of everyone else. The bailiffs are
2 here. Ms. Pat is our court clerk today.

3 At this time we are about to pick a jury in
4 the case of the State of South Carolina v. Arthur
5 William Macon. But before we can select a jury,
6 there are several questions that I will need to ask
7 of you.

8 Ladies and gentlemen of the jury, first of
9 all, I have in my hand -- and I'll go over this
10 with you -- five indictments.

11 Indictment Number 2013-GS-40-579 is the first
12 indictment that I have before me.

13 And I'll go ahead and tell you all that these
14 are indictments in this case. The fact that the
15 Defendant in this case is arrested, charged and
16 indicted is not evidence in this case and cannot be
17 considered by you in any way in your mind. The
18 indictments that I am about to read to you are
19 allegations that are brought by the State. These
20 documents are simply the formal written instruments
21 which contain charges made against the Defendant
22 and is the formal way of the State bringing the
23 case before you today.

24 They have been sworn already?

25 THE CLERK: Yes, Your Honor.

1 THE COURT: All right. The first indictment
2 is an indictment for armed robbery. The
3 allegations read that: Arthur William Macon did,
4 in Richland County, on or about August 30th of
5 2012, commit robbery by feloniously taking from the
6 person or presence of Marcella Del Pino and/or
7 Brittany Ellison and or Shonda Wheeler and/or
8 Courtney Nick by means of force and intimidation
9 goods or monies of TD Bank, such goods or monies
10 being described as U.S. currency, with the intent
11 to deprive the owner permanently of such property,
12 while armed with a pistol, dirk, slingshot, metal
13 knuckles, razor, or other deadly weapon, or while
14 alleging either by actions or words that he was
15 armed while using a representation of a deadly
16 weapon or any object which a person present during
17 the commission of the robbery believed to be a
18 deadly weapon, all in violation of
19 Section 16-11-330(a), South Carolina Code of Laws,
20 1976.

21 The next indictment is Indictment
22 2014-GS-40-3552. This is an indictment for
23 kidnapping. And it reads that -- the allegations
24 read that: Arthur William Macon did, in Richland
25 County, on or about August 30, 2012, unlawfully

1 seize, confine, inveigle, decoy, kidnap, abduct, or
2 carry away one Marcella Del Pino without authority
3 of law, in violation of Section 16-3-910, South
4 Carolina Code of Laws, 1976, as amended.

5 Indictment Number 2014-GS-40-3553, the State
6 of South Carolina v. Arthur William Macon, an
7 indictment for kidnapping. The allegations are
8 that: Arthur William Macon did, in Richland
9 County, on or about August 30th, 2012, unlawfully
10 seize, confine, inveigle, decoy, kidnap, abduct, or
11 carry away one Courtney Nick without authority of
12 law in violation of Section 16-3-910, South
13 Carolina Code of Laws, 1976, as amended.

14 The next indictment is Indictment
15 2014-GS-40-3554, the State of South Carolina v.
16 Arthur Macon. The allegations in the indictment
17 are that: Arthur William Macon did, in Richland
18 County, on or about August 30th, 2012, unlawfully
19 seize, confine, inveigle, decoy, kidnap, abduct, or
20 carry away one Shonda Wheeler without authority of
21 law, in violation of Section 16-3-910 of the South
22 Carolina Code of Laws.

23 And Indictment Number 2014-GS-40-3555, State
24 of South Carolina v. Arthur William Macon. The
25 allegations read that: Arthur William Macon did,

1 in Richland County, on or about August 30th, 2012,
2 unlawfully seize, confine, inveigle, decoy, kidnap,
3 abduct, or carry away one Brittany Ellison without
4 authority of law in violation of Section 16-3-910
5 of the South Carolina Code of Laws, 1976, as
6 amended.

7 Ladies and gentlemen of the jury, these are
8 the indictments, the allegations that are being
9 brought by the State in this case.

10 Once again, I stated to you there is a series
11 of questions that I must ask of you. If you answer
12 any of those questions in the affirmative, I will
13 ask you to stand up and state your juror number.
14 If you do not know your number -- which you should
15 because it is on your little card -- if you don't
16 know it, just state your name and we will find the
17 number for you.

18 If there is any question that you do not wish
19 to answer in front of the entire panel, I will give
20 you an opportunity to speak with me privately and
21 with the lawyers if there is something that you do
22 not wish to answer in front of the entire panel.

23 All right, the first question -- and I'll ask,
24 Mr. Cathcart, Brittany -- the victim -- your
25 victims are all present in the courtroom?

1 MR. CATHCART: Three of the four are present,
2 Your Honor.

3 THE COURT: And if they are here I will ask
4 them to stand.

5 Brittany Ellison.

6 Shonda Wheeler.

7 (Witness stands.)

8 THE COURT: Thank you.

9 Courtney Nick.

10 (Witness stands.)

11 THE COURT: Marcella Del Pino.

12 (Witness stands.)

13 THE COURT: And then I'll ask -- also,
14 Ms. Goldberg, I will ask the Defendant to stand and
15 face the jury so they can see him.

16 (Defendant stands.)

17 THE COURT: This is Mr. Arthur William Macon.

18 All right, thank you. You may be seated.

19 (Complies.)

20 THE COURT: Has anyone ever been related by
21 blood or marriage to either the Defendant or any of
22 the victims in this case? Please stand. If you
23 have been related by blood or marriage, or if you
24 are related by blood or marriage to the Defendant
25 or the victims? If so, please stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Does anyone have a close personal
3 or social relationship or business relationship
4 with either the Defendant or the victims in this
5 case? If so, please stand.

6 THE JUROR: I am a pediatrician for one of the
7 victims' child -- children.

8 THE COURT: All right. And what is your juror
9 number, ma'am?

10 THE JUROR: 195.

11 THE COURT: Which victim is that?

12 THE JUROR: Marcella Del Pino.

13 THE COURT: And, ma'am, the fact that you are
14 the child's -- one of the victims' child's
15 pediatrician, would that affect your ability to be
16 fair and impartial in this trial?

17 THE JUROR: It would.

18 THE COURT: All right. Thank you. You may be
19 seated.

20 (Complies.)

21 THE COURT: All right. Anyone else? Does
22 anyone else have a close personal, social, or
23 business relationship with any of the victims or
24 the Defendant in this case?

25 (WHEREUPON, there was no response.)

1 THE COURT: All right. The following is a
2 list of potential witnesses in this case. If any
3 of the witnesses are in the courtroom, I will ask
4 you to stand when your name is called. Those of
5 you who have already stood, you do not need to
6 stand again. I will be glad to -- if you are not
7 sure if you know someone, we will try to get you as
8 much information about the person to see if it is
9 someone you know or you don't know. And if you
10 need me to repeat a name, I will be glad to do
11 that.

12 Jason Colon.

13 MR. CATHCART: He is not present.

14 THE COURT: Marcella Del Pino. And she stood.
15 Courtney Nick.

16 Shonda Wheeler.

17 Diana Williams.

18 Tony Lyles.

19 Carlton Lyles.

20 MR. CATHCART: Not present.

21 THE COURT: Kevin Whaley. Thank you.

22 Ashish Desai.

23 Ricky Colon.

24 MR. CATHCART: Not present.

25 THE COURT: Dale Claycomb, with the South

1 Carolina Law Enforcement Division.

2 MR. CATHCART: Not present.

3 THE COURT: Investigator Jason Williams, with
4 the Richland County Sheriff's Department.

5 Deputy Michael Autry, with the Richland County
6 Sheriff's Department.

7 Deputy Michael Beeler, with the Richland
8 County Sheriff's Department.

9 MR. CATHCART: Not present.

10 THE COURT: Lieutenant Frieda Wyatt, with the
11 Richland County Sheriff's Department.

12 Investigator Kerry Johnson, with the Richland
13 County Sheriff's Department.

14 Deputy James Abraham, with the Richland County
15 Sheriff's Department.

16 MR. CATHCART: Not present.

17 THE COURT: Sergeant Michael Mazerolle, with
18 the Richland County Sheriff's Department.

19 Lieutenant Tom Amaro, with the Richland County
20 Sheriff's Department.

21 S. Pearrow, with the Richland County Sheriff's
22 Department.

23 MR. CATHCART: Not present.

24 THE COURT: Sergeant Chris Duke, with the
25 Richland County Sheriff's Department.

1 MR. CATHCART: Not present.

2 THE COURT: Deputy J. Wilder, with the
3 Richland County Sheriff's Department.

4 MR. CATHCART: Not present.

5 THE COURT: Deputy F. Harris, with the
6 Richland County Sheriff's Department.

7 MR. CATHCART: Not present.

8 THE COURT: Deputy K. Bland, with the Richland
9 County Sheriff's Department.

10 MR. CATHCART: Not present.

11 THE COURT: Deputy D. Bailey, with the
12 Richland County Sheriff's Department.

13 MR. CATHCART: Not present, Your Honor.

14 THE COURT: Deputy G. Walmsley, Richland
15 County Sheriff's Department.

16 MR. CATHCART: Not present.

17 THE COURT: Deputy R. Gonzalez, Richland
18 County Sheriff's Department.

19 MR. CATHCART: Not present.

20 THE COURT: Deputy W. Medlin, with the
21 Richland County Sheriff's Department.

22 MR. CATHCART: Not present.

23 THE COURT: Deputy M. Frazier, with the
24 Richland County Sheriff's Department.

25 MR. CATHCART: Is present.

1 THE COURT: And anyone with 9-1-1 records
2 custodian.

3 MR. CATHCART: It is Kim Gathers, Your Honor.
4 Not present.

5 THE COURT: Kim Gathers, with 9-1-1 records.
6 Laura Porcel, with BB&T Bank.

7 All right, ladies and gentlemen of the jury,
8 is there anyone who has ever been related by blood
9 or marriage to any of the people that I have just
10 listed or anyone who has a close personal,
11 business, or social relationship with any of these
12 people, I am going to ask that you stand at this
13 time.

14 Yes, ma'am?

15 THE JUROR: Yes, ma'am. You said Ms. Gathers
16 from 9-1-1 dispatch area downtown?

17 THE COURT: Yes, ma'am.

18 THE JUROR: My roommate worked directly under
19 her. Does that apply to me?

20 THE COURT: Your roommate works --

21 THE JUROR: Yes, she used to work down there.
22 That is how I know -- and if I'm not mistaken, I
23 believe we rent from her mother.

24 THE COURT: And, ma'am, the fact that you know
25 Ms. Gathers, that she is a potential witness in

1 this case, would that affect your ability to be
2 fair and impartial in this trial?

3 THE JUROR: I would say no. It wouldn't
4 bother me. I just want to make you aware that I do
5 know her.

6 THE COURT: And what is your number?

7 THE JUROR: My number is 123.

8 THE COURT: All right, thank you.

9 THE JUROR: Yes, ma'am.

10 THE COURT: Anyone else? Oh, yes, ma'am?

11 THE JUROR: I know Ms. Gathers by working with
12 the City.

13 THE COURT: Yes, ma'am.

14 THE JUROR: So.

15 THE COURT: Let me get your juror number.

16 THE JUROR: 104.

17 THE COURT: And, now, which department are you
18 in with the City?

19 THE JUROR: I'm at City Hall. I'm an operator
20 there at City Hall.

21 THE COURT: And you know Ms. Gathers through
22 your work at the city?

23 THE JUROR: Yes. We work together.

24 THE COURT: And the fact that you know
25 Ms. Gathers, would that affect your ability to be

1 fair and impartial in this trial?

2 THE JUROR: Oh, no.

3 THE COURT: All right. Thank you.

4 All right. We'll start with the State. I'll
5 ask Mr. Cathcart, Mr. Richard Cathcart, to stand.

6 (Complies.)

7 THE COURT: And Mr. Jeremiah Shellenberg.

8 MR. SHELLENBERG: J.J. Yes, ma'am.

9 (Complies.)

10 THE COURT: Mr. Jeremiah or J.J. Shellenberg.

11 They are with the Richland County Solicitor's
12 Office, Fifth Circuit Solicitor's Office.

13 And then I'll ask Ms. Kristy Grafton Goldberg
14 to stand.

15 (Compiles.)

16 THE COURT: And she is in private practice
17 here in Richland County.

18 Is anyone related by blood or marriage to any
19 of the attorneys involved in this case or anyone in
20 their law firm? If so, please stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: Has anyone ever had a close
23 personal or social relationship with any of these
24 attorneys?

25 Y'all can have a seat.

1 (All seated.)

2 THE COURT: All right. I should have asked
3 while you were standing. If there is anyone who
4 has been represented by any of the attorneys, I
5 would ask you to stand also, or anyone in their
6 office.

7 All right. Yes, sir?

8 THE JUROR: I have known J.J. I guess since I
9 was probably eight or nine years old.

10 THE COURT: Okay. And the fact that -- and
11 your number?

12 THE JUROR: What's that?

13 THE COURT: What is your juror number?

14 THE JUROR: 107.

15 THE COURT: 107?

16 THE JUROR: Uh-huh.

17 THE COURT: All right. And the fact that you
18 know Mr. Shellenberg, would that affect your
19 ability to be fair and impartial in this trial?

20 THE JUROR: I don't think so.

21 THE COURT: All right. And let me ask you
22 this -- you have to say yes or no. I will tell
23 everyone, you have to say yes or no. There is no
24 right answer; there is no wrong answer. I just
25 need a yes or no answer.

1 So the fact that you know him, have known him
2 since you have been nine -- I think that is what
3 you said?

4 THE JUROR: We grew up together.

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

7 THE JUROR: No.

8 THE COURT: All right, thank you.

9 Yes, ma'am, your juror number?

10 THE JUROR: 209.

11 THE COURT: All right. And which one of the
12 attorneys do you know?

13 THE JUROR: I know J.J. Shellenberg as well.
14 I know him socially through friends as well.

15 THE COURT: All right. And would that affect
16 your ability to be fair and impartial in this
17 trial?

18 THE JUROR: I believe it could.

19 THE COURT: All right. Thank you.

20 All right. Anyone else?

21 (WHEREUPON, there was no response.)

22 THE COURT: Is any member of your family
23 related or personally acquainted with any members
24 of the Solicitor's Office of the Fifth Judicial
25 Circuit, the Solicitor's Office in any other

1 circuit, the U.S. Attorney's Office, or the State
2 Attorney General's Office? If so, please stand.

3 THE JUROR: Did you say friends or family?

4 THE COURT: If your family is related
5 personally or acquainted with any member, yes.

6 THE JUROR: I am personally acquainted with
7 the Attorney General and several members of his
8 staff.

9 THE COURT: What is your number, sir?

10 THE JUROR: 192.

11 THE COURT: And that is with General Wilson?

12 THE JUROR: Yes, ma'am.

13 THE COURT: And staff. And would that affect
14 your ability to be fair and impartial in this
15 trial?

16 THE JUROR: No, ma'am.

17 THE COURT: All right. Thank you.

18 Yes, ma'am?

19 THE JUROR: My name is Josephine McRant, and
20 my badge number is 178. And I'm a former employee
21 with the Attorney General's Office.

22 THE COURT: And would that affect your ability
23 to be fair and impartial in this trial?

24 THE JUROR: No.

25 THE COURT: All right. Thank you.

1 Has any member of the jury panel formed or
2 expressed an opinion about any issue or matter
3 involved in this case? If so, please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: And you heard me read the
6 indictments and the allegations. Does anyone have
7 any information or familiar with any of the
8 allegations or anything that I have read in the
9 indictment in this case? If so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: If anyone knows anything about the
12 case.

13 (WHEREUPON, there was no response.)

14 THE COURT: Is any member of the jury panel
15 aware of any bias or prejudice towards either the
16 State or the Defendant in this case? If so, please
17 stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Is there any member of the jury
20 panel that was a member of the Grand Jury which
21 issued the indictment in this case? If so, please
22 stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Is any member of the jury panel a
25 member of or contributor to any organization that

1 the primary concern is with the promotion of law
2 enforcement or victims' rights? These groups can
3 include -- would include but are certainly not
4 limited to: Mothers Against Drunk Driving,
5 Students Against Drunk Driving, any group that
6 provides assistance to victims of assault, criminal
7 sexual assault, or any other crime? If so, please
8 stand.

9 Yes, ma'am, your juror number?

10 THE JUROR: I work for South Carolina Legal
11 Services.

12 THE COURT: What is your number?

13 THE JUROR: 18.

14 THE COURT: And that is where you work?

15 THE JUROR: I do.

16 THE COURT: Okay. And would that affect your
17 ability to be fair and impartial in this trial?

18 THE JUROR: No.

19 THE COURT: All right. Thank you.

20 Yes, sir?

21 THE JUROR: I work for the Department of
22 Public Safety.

23 THE COURT: All right. And would that -- and
24 your number?

25 THE JUROR: 47.

1 THE COURT: And would that affect your ability
2 to be fair and impartial in this trial?

3 THE JUROR: No, ma'am.

4 THE COURT: All right. Thank you.

5 All right, is there any member of the jury
6 panel whole contributes to any Prisoners' Rights,
7 Innocence Project organizations on the panel? If
8 so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: Is there any member of the panel
11 who contributes money to the South Carolina
12 Trooper's Association, the Federal Order of the
13 Police, and any other law enforcement support
14 organization?

15 (WHEREUPON, there was no response.)

16 THE COURT: Has any member of the jury panel
17 seen, heard, or read anything about the case? If
18 so, please stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Are you or any member of your
21 family employed by any law enforcement agency? If
22 so, please stand.

23 THE JUROR: My father is the psychiatrist at
24 Kirkland Correctional.

25 THE COURT: What is your number, sir?

1 THE JUROR: 201.

2 THE COURT: All right. And, sir, would that
3 affect your ability to be fair and impartial in
4 this trial?

5 THE JUROR: No, ma'am.

6 THE COURT: Thank you.

7 Yes, sir?

8 THE JUROR: My sister-in-law works for SLED in
9 forensics.

10 THE COURT: All right. And your number, sir?

11 THE JUROR: 158.

12 THE COURT: All right. And would that affect
13 your ability to be fair and impartial in this
14 trial?

15 THE JUROR: I would say yes.

16 THE COURT: All right. Yes, ma'am, your
17 number?

18 THE JUROR: 63.

19 THE COURT: Yes, ma'am?

20 THE JUROR: My brother. Sheriff.

21 THE COURT: What is that, ma'am? Your
22 brother?

23 THE JUROR: Yes.

24 THE COURT: Which department?

25 THE JUROR: Richland County.

1 THE COURT: And the fact that your brother is
2 a deputy sheriff with the Richland County Sheriff's
3 Department, would that affect your ability to be
4 fair and impartial in this trial?

5 THE JUROR: Possibly, yes.

6 THE COURT: All right. Thank you.

7 Yes, ma'am?

8 THE JUROR: Number 257. Nephew-in-law. State
9 highway trooper down in Bamberg. And, no, ma'am, I
10 don't think so.

11 THE COURT: All right. Say yes or no, would
12 it affect your ability to be fair and impartial in
13 this trial?

14 THE JUROR: No.

15 THE COURT: All right. Thank you.

16 All right. Are you or is anyone in your
17 family personally acquainted with anyone employed
18 by any law enforcement agency, including but not
19 limited to SLED or the Richland County Sheriff's
20 Department? If you are personally acquainted with
21 anyone in law enforcement.

22 Give me one second.

23 Yes, sir, your number again?

24 THE JUROR: 192. I represent the South
25 Carolina National Guard in the General Assembly.

1 Several of our national guardsman serve in various
2 law enforcement capacities and their civilian
3 careers.

4 I also serve on the board with the Deputy
5 Director of Emergency Services of the Greenville
6 Sheriff's Department.

7 THE COURT: All right. And, sir, would that
8 affect your ability to be fair and impartial in
9 this trial?

10 THE JUROR: No, ma'am.

11 THE COURT: All right. Thank you.

12 Yes, ma'am?

13 THE JUROR: Good morning. Lucretia Glover,
14 88.

15 THE COURT: Yes, ma'am?

16 THE JUROR: I work with and an acquaintance of
17 Deputy Fields and Deputy Bradley at the Spring
18 Valley High School.

19 THE COURT: All right. And would that affect
20 your ability to be fair and impartial in this
21 trial?

22 THE JUROR: No, ma'am.

23 THE COURT: All right. Thank you.

24 Yes, sir?

25 THE JUROR: One of my jiu-jitsu instructors is

1 a police officer for Richland County.

2 THE COURT: All right. Your number one more
3 time, sir?

4 THE JUROR: 201.

5 THE COURT: All right. And would that affect
6 your ability to be fair and impartial in this
7 trial?

8 THE JUROR: No, ma'am.

9 THE COURT: Do you know the name of the
10 instructor?

11 THE JUROR: Officer Diaz.

12 THE COURT: Diaz. All right. And would that
13 affect your ability to be fair and impartial?

14 THE JUROR: No, ma'am.

15 THE COURT: Thank you.

16 All right. Yes, ma'am?

17 THE JUROR: 132.

18 THE COURT: Yes, ma'am.

19 THE JUROR: We're neighbors of Bruce and Zane
20 Padgett, with Richland County.

21 THE COURT: All right. And, ma'am, would that
22 affect your ability to be fair and impartial in
23 this trial?

24 THE JUROR: No, ma'am.

25 THE COURT: All right. Thank you.

1 Yes, sir?

2 THE JUROR: Yes. I know Donald Friels. He is
3 one of my choir members and he is an SRO.

4 THE COURT: What is your juror number, sir?

5 THE JUROR: 288.

6 THE COURT: 288. And would that affect your
7 ability to be fair and impartial in this trial?

8 THE JUROR: No.

9 THE COURT: Thank you.

10 Yes, sir?

11 THE JUROR: 284. I work with several in the
12 Air National Guard. Shawn Schroder, Investigator.

13 THE COURT: With the Sheriff's Department?

14 THE JUROR: I think Richland County.

15 THE COURT: Okay. And would that affect your
16 ability to be fair and impartial in this trial?

17 THE JUROR: No, ma'am.

18 THE COURT: All right. Thank you, sir.

19 Yes, sir?

20 THE JUROR: My name is Johnny Campbell, 45.
21 I'm a general contractor. I have worked with
22 several of the police officers during my course of
23 business.

24 THE COURT: All right. And, sir, would that
25 affect your ability to be fair and impartial in

1 this trial?

2 THE JUROR: No, ma'am.

3 THE COURT: Thank you.

4 Yes, sir?

5 THE JUROR: 226. A neighbor of mine works for
6 Protective Services at the statehouse. His name is
7 Jeffrey Kohler.

8 THE COURT: All right. And would that affect
9 your ability to be fair and impartial in this
10 trial?

11 THE JUROR: No, ma'am.

12 THE COURT: All right. Thank you.

13 Have you or any member of your family or a
14 close personal friend ever been the victim of a
15 burglary, robbery, or violent crime? If so, please
16 stand.

17 All right. We'll start right here.

18 THE JUROR: Number 298.

19 THE COURT: Yes?

20 THE JUROR: I was mugged outside of my
21 apartment complex.

22 THE COURT: All right. And what is your
23 number again?

24 THE JUROR: 298.

25 THE COURT: And, sir, would that affect your

1 ability to be fair and impartial in this trial?

2 THE JUROR: No, ma'am.

3 THE COURT: Thank you.

4 Yes, sir?

5 THE JUROR: Johnny Campbell, 45. I was
6 actually held hostage for a short period of time
7 and robbed at gunpoint and assaulted, mugged.

8 THE COURT: All right. And, sir, would that
9 affect your ability to be fair and impartial in
10 this trial?

11 THE JUROR: Yes, ma'am.

12 THE COURT: All right. Thank you.

13 Yes, ma'am?

14 THE JUROR: I was assaulted and raped.

15 THE COURT: What is your number, ma'am?

16 THE JUROR: 305.

17 THE COURT: All right, ma'am, would that
18 affect your ability to be fair and impartial in
19 this trial?

20 THE JUROR: No, it would not.

21 THE COURT: All right. Thank you.

22 Yes, sir?

23 THE JUROR: 289. My office was held up by
24 gunpoint.

25 THE COURT: All right. And, sir, would that

1 affect your ability to be fair and impartial in
2 this trial?

3 THE JUROR: No.

4 THE COURT: All right. Thank you.

5 Yes, sir?

6 THE JUROR: Good morning. Oh, Quadrey Reeves,
7 Juror 213. In 2001 I was mugged, robbed at
8 gunpoint.

9 THE COURT: All right. And would that affect
10 your ability to be fair and impartial in this
11 trial?

12 THE JUROR: No, ma'am.

13 THE COURT: All right. Thank you.

14 THE JUROR: Thank you.

15 THE COURT: Yes, sir, in the striped shirt?

16 THE JUROR: Juror 107. 2005/2006 I was mugged
17 at gunpoint.

18 THE COURT: All right. Sir, would that affect
19 your ability to be fair and impartial in this
20 trial?

21 THE JUROR: No, ma'am.

22 THE COURT: Thank you.

23 Yes, ma'am?

24 THE JUROR: 269.

25 THE COURT: Yes, ma'am?

1 THE JUROR: My house was burglarized twice.

2 THE COURT: And, ma'am, would that affect your
3 ability to be fair and impartial in this trial?

4 THE JUROR: No, ma'am.

5 THE COURT: All right. Thank you. Yes,
6 ma'am, in the black right here?

7 THE JUROR: 88. I was a victim of rape.

8 THE COURT: All right. And, ma'am, would that
9 affect your ability to be fair impartial in this
10 trial?

11 THE JUROR: No.

12 THE COURT: All right. Thank you.

13 Yes, sir?

14 THE JUROR: My sister is a service clerk at
15 Bi-Lo, and she was held at gunpoint some years
16 back.

17 THE COURT: And your number one more time?

18 THE JUROR: 201.

19 THE COURT: And, sir, would that affect your
20 ability to be fair and impartial in this trial?

21 THE JUROR: No, ma'am.

22 THE COURT: All right. Thank you.

23 Yes, ma'am?

24 THE JUROR: 132.

25 THE COURT: Yes, ma'am?

1 THE JUROR: My home was burglarized and my car
2 on separate occasions.

3 THE COURT: All right. And, ma'am, would that
4 affect your ability to be fair and impartial in
5 this trial?

6 THE JUROR: No, ma'am.

7 THE COURT: All right, yes, ma'am, in the blue
8 shirt?

9 THE JUROR: My mother was brutally attacked
10 and raped at gunpoint, so -- I'm sorry, Number 63.

11 THE COURT: Would that affect your ability to
12 be fair and impartial in this trial?

13 THE JUROR: Yes.

14 THE COURT: All right. Thank you.
15 Yes, ma'am?

16 THE JUROR: My husband was robbed at gunpoint.

17 THE COURT: All right.

18 THE JUROR: Oh, 218.

19 THE COURT: 218. And would that affect your
20 ability to be fair and impartial in this trial?

21 THE JUROR: No.

22 THE COURT: Thank you.

23 Yes, sir?

24 THE JUROR: 66. I have been burglarized,
25 apartment and car.

1 THE COURT: All right. And, sir, would that
2 affect your ability to be fair and impartial in
3 this trial?

4 THE JUROR: No, I don't think so.

5 THE COURT: Once again, I need a yes or no.
6 There is no right or wrong answer, but it just has
7 to be yes or no.

8 THE JUROR: No.

9 THE COURT: No? All right. Thank you.

10 Yes, ma'am?

11 THE JUROR: Josephine McRant, 178. My brother
12 was murdered.

13 THE COURT: All right. And, ma'am, would that
14 affect your ability to be fair and impartial in
15 this trial?

16 THE JUROR: No, Your Honor.

17 THE COURT: Thank you.

18 Yes, ma'am?

19 THE JUROR: I was stalked for a year in high
20 school. And my significant other was robbed at
21 gunpoint.

22 THE COURT: All right. And what is your
23 number?

24 THE JUROR: 209.

25 THE COURT: And, ma'am, would that affect your

1 ability to be fair and impartial in this trial?

2 THE JUROR: Yes.

3 THE COURT: You said yes?

4 THE JUROR: Yes.

5 THE COURT: All right. Thank you.

6 And, yes, ma'am, your number?

7 THE JUROR: 18.

8 THE COURT: All right.

9 THE JUROR: My cousin was murdered.

10 THE COURT: All right. And, ma'am, would that
11 affect your ability to be fair and impartial in
12 this trial?

13 THE JUROR: No.

14 THE COURT: All right. Thank you.

15 All right. Is there any other fact or issue
16 that causes you to form an opinion about the guilt
17 or innocence of this Defendant prior to the call of
18 this trial? If so, please stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Does any member of the jury panel
21 know of any reason whatsoever why he or she should
22 not serve as a juror in this case, with particular
23 emphasis being placed on your ability to be fair
24 and impartial to both the State and the Defendant?
25 If so, please stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Is there anyone that wishes to, as
3 I stated earlier, speak with me privately regarding
4 any of the questions that I have asked thus far?
5 If so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: All right. If I can see the
8 attorneys.

9 (WHEREUPON, a bench conference was held
10 in the presence of the jury but out of
11 the hearing of the jury.)

12 THE COURT: All right, ladies and gentlemen of
13 the jury, at this time we will proceed with
14 selecting a jury for this case.

15 If your name is called, I am going to ask you
16 to come down. You will stand in front of the
17 microphone. You will state your name, where you
18 work, if you are married, where your spouse works.

19 At that time the State will either say, Please
20 seat the juror, or, Please dismiss the juror. If
21 they say, Please dismiss the juror, you'll go back
22 in the audience. If they say, Please seat the
23 juror, you will remain there and then we will hear
24 from the Defense. Ms. Goldberg will either say,
25 Please swear the juror, or, Please dismiss the

1 juror. If you are dismissed, you will go back in
2 the audience. If she says, Swear or Seat the
3 juror, you will have a seat in the jury box.

4 And it is always difficult for the first
5 person, but we will of course help you, so don't
6 worry about it, we'll help you along.

7 All right.

8 THE CLERK: Number 281, Sharon Weinberg.

9 THE COURT: And bring your belongings with
10 you, please.

11 THE JUROR: I'm Sharon Weinberg.

12 THE CLERK: And state your occupation.

13 THE JUROR: Software manager for IBM.

14 THE CLERK: What says the State?

15 MR. CATHCART: Please present the juror.

16 THE CLERK: What says the Defense?

17 MS. GOLDBERG: Please swear the juror.

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

20 (WHEREUPON, Juror 281, a White Female,
21 was seated on the jury.)

22 THE CLERK: 288, Jessie Williams.

23 THE JUROR: Jessie Williams. Assistant
24 Principal. My wife is an LPN and RSD at The Haven.

25 THE CLERK: What says the State?

1 MR. CATHCART: Please present the juror.

2 THE CLERK: What says the Defense?

3 MS. GOLDBERG: Please swear the juror.

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

6 (WHEREUPON, Juror 288, a Black Male, was
7 seated on the jury.)

8 THE CLERK: Number 114, Amelia Hopkins.

9 THE JUROR: Amelia Hopkins. I'm an
10 administrative assistant at the University of South
11 Carolina. My husband is in information technology
12 at the university as well.

13 THE CLERK: What says the State?

14 MR. CATHCART: Please present the juror.

15 THE CLERK: What says the Defense?

16 MS. GOLDBERG: Please swear the juror.

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

19 (WHEREUPON, Juror Number 114, a White
20 Female, was seated on the jury.)

21 THE CLERK: Number 269, Amanda Turbeville.

22 THE JUROR: Amanda Turbeville. Business
23 owner. Husband, Brian Turbeville, business owner.

24 THE CLERK: What says the State?

25 MR. CATHCART: Please present the juror.

1 THE CLERK: What says the Defense?

2 MS. GOLDBERG: Please dismiss this juror.

3 THE CLERK: Please have a seat in the back of
4 the courtroom.

5 (WHEREUPON, Juror 269, Amanda
6 Turbeville, a White Female, was excused
7 by the Defense.)

8 THE CLERK: Number 178, Josephine McRant.

9 THE JUROR: My name is Josephine McRant. I am
10 retired from Richland County government. My
11 husband is Nehemia McRant. He is retired from the
12 Criminal Justice Academy.

13 THE CLERK: What says the State?

14 MR. CATHCART: Please present the juror.

15 THE CLERK: What says the Defense?

16 MS. GOLDBERG: Please dismiss the juror.

17 THE CLERK: Please have a seat in the back of
18 the courtroom.

19 (WHEREUPON, Juror 178, a Black Female,
20 was excused by the Defense.)

21 THE CLERK: Number 263, Victor Taylor.

22 THE JUROR: My name is Victor Taylor. I am an
23 assistant manager at a financial institution. My
24 wife is Brooks Taylor. She is a dental hygienist.

25 THE CLERK: What says the State?

1 MR. CATHCART: Please present the juror.

2 THE CLERK: What says the Defense?

3 MS. GOLDBERG: Please swear this juror.

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

6 (WHEREUPON, Juror 263, a Black Male, was
7 seated on the jury.)

8 THE CLERK: Number 18, Teirra Bell.

9 THE JUROR: Teirra Bell. I work at South
10 Carolina Legal Services.

11 THE CLERK: What says the State?

12 MR. CATHCART: Please excuse this juror.

13 THE CLERK: Please have a seat in the back of
14 the courtroom.

15 (WHEREUPON, Juror 18, a Black Female,
16 was excused by the State.)

17 THE CLERK: Number 66, Glenn Dufour.

18 THE JUROR: Glenn Dufour. I work at the
19 University of South Carolina, applications analyst.
20 My wife is Kim Dufour. She is a data analyst at
21 Truven Health.

22 THE CLERK: What says the State?

23 MR. CATHCART: Please present this juror.

24 THE CLERK: What says the Defense?

25 MS. GOLDBERG: Please dismiss this juror.

1 THE CLERK: Please have a seat in the back of
2 the courtroom.

3 (WHEREUPON, Juror 66, Glenn Dufour, a
4 white male, was excused by the Defense.)

5 THE CLERK: Number 246, Deborah Snipes.

6 THE JUROR: My name is Deborah Snipes. I am a
7 mortgage services adviser. My husband is disabled,
8 former maintenance supervisor.

9 THE CLERK: What says the State?

10 MR. CATHCART: Please present this juror.

11 THE CLERK: What says the Defense?

12 MS. GOLDBERG: Please swear this juror.

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

15 (WHEREUPON, Juror 246, a White Female,
16 was seated on the jury.)

17 THE CLERK: 123, Karen Hutchinson.

18 THE JUROR: I'm Karen Hutchison. I am a
19 supervisor/help desk at the Dorn VA. And I'm
20 retired military.

21 THE CLERK: What says the State?

22 MR. CATHCART: Please excuse this juror.

23 THE CLERK: Please have a seat in the back of
24 the courtroom.

25 (WHEREUPON, Juror Number 123, a Black

1 Female, was excused by the State.)

2 THE CLERK: Number 39, Matthew Brown.

3 THE JUROR: Matthew Brown. My wife's name is
4 Linda. I work for the Department Mental Health,
5 and she is an office manager for -- Target buyer.

6 THE CLERK: What says the State?

7 MR. CATHCART: Please present this juror.

8 THE CLERK: What says the Defense?

9 MS. GOLDBERG: Please dismiss this juror.

10 THE CLERK: Please have a seat in the back of
11 the courtroom.

12 (WHEREUPON, Juror Number 39, a Black
13 Male, was excused by the Defense.)

14 THE CLERK: Number 132, Pamela Jenkins.

15 THE JUROR: I'm Pam Jenkins. Director of
16 Product Development with Colonial Life and Accident
17 Insurance Company. My husband Phil is a real
18 estate broker.

19 THE CLERK: What says the State?

20 MR. CATHCART: Please present this juror.

21 THE CLERK: What says the Defense?

22 MS. GOLDBERG: Please dismiss this juror.

23 THE CLERK: Please have a seat in the back of
24 the courtroom.

25 (WHEREUPON, Juror Number 132, a White

1 Female, was excused by the Defense.)

2 THE CLERK: Number 107, Matthew Hasik.

3 THE JUROR: Matthew Hasik. Restaurant
4 manager.

5 THE CLERK: What says the State?

6 MR. CATHCART: Please present this juror.

7 THE CLERK: What says the Defense?

8 MS. GOLDBERG: Please dismiss this juror.

9 THE CLERK: Please have a seat in the back of
10 the courtroom.

11 (WHEREUPON, Juror 107, a White Male, was
12 excused by the Defense.)

13 THE CLERK: Number 218, Tonda Riley.

14 THE JUROR: I'm Tonda Riley. I am a retired
15 school teacher, and my husband is an emergency room
16 physician.

17 THE CLERK: What says the State?

18 MR. CATHCART: Please present this juror.

19 THE CLERK: What says the Defense?

20 MS. GOLDBERG: Please dismiss this juror.

21 THE CLERK: Please have a seat in the back of
22 the courtroom.

23 (WHEREUPON, Juror 218, a White Female,
24 was excused by the Defense.)

25 THE CLERK: Number 202, Janice Ponder.

1 THE JUROR: Janice Ponder. Sales
2 representative, Business Property Mortgages.

3 THE CLERK: What says the State?

4 MR. CATHCART: Please present this juror.

5 THE CLERK: What says the Defense?

6 MS. GOLDBERG: Please swear this juror.

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

9 (WHEREUPON, Juror 202, a White Female,
10 was seated on the jury.)

11 THE CLERK: Number 201, William Poiletman.

12 THE JUROR: Hello. I'm William Poiletman.
13 I'm a college student at Midlands Technical
14 College. Not married. My girlfriend is a nurse.

15 THE CLERK: What says the State?

16 MR. CATHCART: Please accept this juror.

17 THE CLERK: What says the Defense?

18 MS. GOLDBERG: Please swear this juror.

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

21 (WHEREUPON, Juror 201, a White Male, was
22 seated on the jury.)

23 THE CLERK: Number 193, Cara Nicklin.

24 THE JUROR: I'm Cara Nicklin. Currently
25 unemployed. My husband is Assistant Director at

1 Lake Carolina Early Learning Center.

2 THE CLERK: What says the State?

3 MR. CATHCART: Please present this juror.

4 THE CLERK: What says the Defense?

5 MS. GOLDBERG: Please excuse this juror.

6 THE CLERK: Please have a seat in the back of
7 the courtroom.

8 (WHEREUPON, Juror 193, a White Female,
9 was excused by the Defense.)

10 THE CLERK: Number 298, Joshua Woodall.

11 THE JUROR: Josh Woodall. Server at Bonefish
12 Grill. And no spouse.

13 THE CLERK: What says the State?

14 MR. CATHCART: Please present this juror.

15 THE CLERK: What says the Defense?

16 MS. GOLDBERG: Please excuse this juror.

17 THE CLERK: Please have a seat in the back of
18 the courtroom.

19 (WHEREUPON, Juror 208, a White Male, was
20 excused by the Defense.)

21 THE CLERK: The strike count is two for the
22 State, nine for Defense.

23 Number 211, Mary Reese.

24 THE JUROR: My name is Mary Reese. I'm a
25 nurse at Providence Hospital. My husband is Clyde

1 Reese, and a nurse manager at Crown.

2 THE CLERK: What says the State?

3 MR. CATHCART: Please present this juror.

4 THE CLERK: What says the Defense?

5 MS. GOLDBERG: Please swear this juror.

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

8 (WHEREUPON, Juror 211, a Black Female,
9 was seated on the jury.)

10 THE CLERK: Number 258, Tamesha Stuckey.

11 THE JUROR: My name is Tamesha Stuckey. I
12 work for the Department of Social Services. And my
13 husband works for Coca-Cola.

14 THE CLERK: What says the State?

15 MR. CATHCART: Please excuse this juror.

16 THE CLERK: Please have a seat in the back of
17 the courtroom.

18 (WHEREUPON, Juror 258, a Black Female,
19 was excused by the State.)

20 THE CLERK: Number 252, William Stec.

21 THE JUROR: William Stec. I'm an engineer for
22 FM Manufacturing. And single.

23 THE CLERK: What says the State?

24 MR. CATHCART: Please present this juror.

25 THE CLERK: What says the Defense?

1 MS. GOLDBERG: Please swear this juror.

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

4 (WHEREUPON, Juror 252, a White Male, was
5 seated on the jury.)

6 THE CLERK: 192, Matthew Nichols.

7 THE JUROR: My name is Matt Nichols. I'm
8 Director of Legislative Affairs for the South
9 Carolina Military Department. I am also a partner
10 in a communications firm. My wife is Caroline
11 Nichols. She is a recruitment manager.

12 THE CLERK: What says the State?

13 MR. CATHCART: Please present this juror.

14 THE CLERK: What says the Defense?

15 MS. GOLDBERG: Please dismiss this juror.

16 THE CLERK: Please have a seat in the back of
17 the courtroom.

18 (WHEREUPON, Juror 192, a White Male, was
19 excused by the Defense.)

20 THE CLERK: Number 65, Katrina Dowis.

21 THE JUROR: Katrina Dowis. Military
22 technician, Department of the Army.

23 THE CLERK: What says the State?

24 MR. CATHCART: Please present this juror.

25 THE CLERK: Does the defense challenge for

1 cause?

2 MS. GOLDBERG: No, ma'am.

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

5 (WHEREUPON, Juror 65, a White Female,
6 was seated on the jury.)

7 THE CLERK: Number 104, Doris Harris.

8 THE JUROR: I'm Doris L. Harris. I work for
9 the City of Columbia, city operator. And my
10 husband is Odell Harris, Sr., with IPGA.

11 THE CLERK: What says the State?

12 MR. CATHCART: Please present the juror.

13 THE CLERK: Does the Defense challenge for
14 cause?

15 MS. GOLDBERG: No, ma'am.

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

18 (WHEREUPON, Juror 104, a Black Female,
19 was seated on the jury.)

20 THE CLERK: Number 232, Calvin Schoon.

21 THE JUROR: I'm Calvin Schoon. I'm
22 maintenance technician at CIU. And my wife is a
23 retired RN.

24 THE CLERK: What says the State?

25 MR. CATHCART: Please present the juror.

1 THE CLERK: Does the Defense challenge for
2 cause?

3 MS. GOLDBERG: No, ma'am.

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

6 (WHEREUPON, Juror 232, a White Male, was
7 seated on the jury.)

8 THE CLERK: Please proceed to strike your
9 alternates. The strikes are one for the State and
10 two for the Defense.

11 Number 146, Katherine Kline.

12 THE JUROR: I'm Katherine Kline. I'm
13 unemployed. My husband, Richard, is dead.

14 THE CLERK: What says the State?

15 MR. CATHCART: Please present this juror.

16 THE CLERK: What says the Defense?

17 MS. GOLDBERG: Please swear this juror.

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

20 (WHEREUPON, Juror 146, a White Female,
21 was seated as Alternate 1.)

22 THE CLERK: Number 305, Rita Cowan.

23 THE JUROR: Rita Cowan. Registered Nurse at
24 Palmetto Health.

25 THE CLERK: What says the State?

1 MR. CATHCART: Please present the juror.

2 THE CLERK: What says the Defense?

3 MS. GOLDBERG: Please swear the juror.

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

6 (WHEREUPON, Juror 305, a Black Female,
7 was seated as Alternate 2.)

8 THE COURT: All right. Anything from the
9 State before I release the remaining members of the
10 jury panel?

11 MR. CATHCART: Nothing from the State, Your
12 Honor.

13 THE COURT: From the Defense?

14 MS. GOLDBERG: No, Your Honor.

15 THE COURT: All right. Thank you.

16 Ladies and gentlemen of the jury, for those of
17 you who were not selected, I am going to send you
18 all back downstairs for further instructions. If I
19 do not see you again this week, I hope you have an
20 enjoyable time here at the Richland County Judicial
21 Center, and I hope that you have a great week.

22 Thank you.

23 (WHEREUPON, the remaining jury panel was
24 excused at 1:34 p.m.)

25 THE COURT: For those of you who are selected,

1 I am going to -- because I know you all have not
2 had a lunch break -- we are going to take a lunch
3 break right now. You all are to be back at 3:30.
4 The bailiff will instruct you as to where you are
5 to go. You are not going to go to the big jury
6 room, you are to come to the small jury room.

7 I'll go ahead and tell you, you cannot discuss
8 anything regarding the selection on the jury today.
9 You cannot discuss it with your fellow jurors. You
10 cannot discuss anything in the case until you have
11 received all the evidence in the case and the
12 arguments of the parties and the charge on the law
13 from the Court.

14 You are to wear those badges at all times, if
15 you are grabbing some lunch close by, that way
16 people will know that you are on the jury and will
17 not discuss anything with you or in your presence.

18 If someone tries to talk with you, I will ask
19 that you let the bailiffs know and we will handle
20 it as soon as you let us know.

21 You cannot do any social -- you will have your
22 phones when you take your break, but you cannot do
23 any social networking regarding your service on the
24 jury, meaning no Tweeting, no Facebooking your
25 location, or what you are doing. And you cannot

1 discuss it with anyone until after the trial is
2 over.

3 I am going to ask Mr. Williams, Juror Number
4 288, to serve as our foreman. And so, sir, you
5 will sit right here in this seat. You all will
6 switch seats.

7 And our alternates in this case are Ms. Kline,
8 Juror 146, and Juror 305. Those are your assigned
9 seats.

10 Other than the foreman and the alternates, the
11 rest of you can sit wherever you decide to sit.

12 Mr. Foreman, you will be the spokesperson for
13 the jury here in the courtroom, so if there is
14 anything that needs to be communicated to the Court
15 on behalf of the jury, then you will be responsible
16 for doing that.

17 All right. All right, you all have a good
18 lunch. We'll see you back at 3:30.

19 (WHEREUPON, the jury is excused for
20 lunch at 1:38 p.m.)

21 THE COURT: So you all said it will take about
22 an hour, so we'll be back here at I guess 2:30 and
23 they'll be back at 3:30, so we'll try to take up
24 the motions quickly during that time.

25 The issue regarding the Defendant, you have

1 something from the bonding company?

2 MS. GOLDBERG: He has been in contact with him
3 on his phone. The bondsman said he wants to speak
4 with me, so I will talk with him now.

5 THE COURT: And so for purposes of the
6 lunch -- well, the jurors --

7 MS. GOLDBERG: The jury hasn't been sworn yet.

8 THE COURT: So, as long as he understands.

9 Sir, I'll have you stand up.

10 (Defendant complies.)

11 THE COURT: You understand you are to be back
12 here at 2:30. If you are not back, you understand
13 that we will proceed in your absence if you do not
14 return?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: All right. The trial will go
17 forward whether or not you come back or not. You
18 understand?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: But if you are not back, then you
21 will get a bench warrant issued for you. Do you
22 understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: All right. Anything else before
25 we break for our lunch break?

1 MR. CATHCART: No, ma'am.

2 MS. GOLDBERG: No, ma'am.

3 THE COURT: All right. I will see you all at
4 2:30.

5 (WHEREUPON, a lunch break was taken at
6 1:40 p.m.)

7 (WHEREUPON, State's Exhibit No. 1 was
8 marked for identification only.)

9 (WHEREUPON, State's Exhibit No. 2 was
10 marked for identification only.)

11 (WHEREUPON, State's Exhibit No. 3 was
12 marked for identification only.)

13 (WHEREUPON, State's Exhibit No. 4 was
14 marked for identification only.)

15 (WHEREUPON, State's Exhibit No. 5 was
16 marked for identification only.)

17 (WHEREUPON, State's Exhibit Nos. 6-8
18 were marked for identification only.)

19 (WHEREUPON, State's Exhibit No. 9 was
20 marked for identification only.)

21 (WHEREUPON, State's Exhibit No. 10 was
22 marked for identification only.)

23 (WHEREUPON, State's Exhibit No. 11 was
24 marked for identification only.)

25

1 (WHEREUPON, State's Exhibit No. 12 was
2 marked for identification only.)

3 (WHEREUPON, State's Exhibit No. 13 was
4 marked for identification only.)

5 (WHEREUPON, State's Exhibit No. 14 was
6 marked for identification only.)

7 (WHEREUPON, State's Exhibit No. 15 was
8 marked for identification only.)

9 THE COURT: Other than the Denno hearing, do
10 y'all have any other motions?

11 MR. CATHCART: Yes, Your Honor. Also Neil v.
12 Biggers is identification as well.

13 THE COURT: Okay. She is renewing the -- on
14 your pretrial motions, you have the renewal of Rule
15 5?

16 MS. GOLDBERG: Yes, Your Honor. Just for the
17 record, my pretrial motion does say renewal of Rule
18 5 or specific things listed.

19 I am withdrawing Item C, which is a photo
20 line-up, because that has been provided to me.

21 The other items, the 9-1-1 call to
22 Ms. Williams, the police report regarding the
23 identification by Ms. Williams, Mr. Macon's Advice
24 of Rights form, written statements by the bank
25 employee, written statements by any other witness

1 and any other reports mentioning the witness's
2 name, I have asked for those specific things from
3 Mr. Cathcart. He has informed me that those don't
4 exist at this time, but I want to just reserve that
5 for the record.

6 MR. CATHCART: The 9-1-1 call, Diana Williams,
7 she did get the call logged and had that in there
8 in written form. However, the audio form is
9 unavailable.

10 There is no other reports as to Item B.

11 C is already done, as she stated.

12 We do not have the Advice of Rights form of
13 Mr. Macon. We do have the investigator who did
14 advise him of his rights. He will be here to
15 testify that he did so.

16 No written statements of bank employees that
17 we have. No other written statements that I have
18 or know about. And as to G, nothing as to that
19 either.

20 THE COURT: All right. And the second motion
21 is to sequester the witnesses?

22 MS. GOLDBERG: Yes, Your Honor, the standard
23 motion, understanding the victim, chief
24 investigator will be excluded from that, we would
25 ask to sequester all the witnesses.

1 THE COURT: All right, so the motion to
2 sequester will be granted. Of course the four
3 victims -- is it four or three?

4 MR. CATHCART: Four victims, three who will be
5 here.

6 THE COURT: So the three victims, the
7 investigator, and I am guessing if there is
8 somebody that is a representative of the bank they
9 have the right to be here too.

10 The next motion is to reveal the deal.

11 MS. GOLDBERG: And that is a pretty standard
12 motion in these cases as well.

13 Mr. Colon is a Co-Defendant, and we just
14 wanted to have put on the record any offers that
15 have been made to him, any offers that are pending
16 right now.

17 MR. CATHCART: Mr. Colon is the Co-Defendant
18 in this case, and also the State will show somewhat
19 of a victim as well. The deal that was made to him
20 has always been the deal made to both of them,
21 entering a bank with intent to steal and get rid of
22 the kidnappings. That is the extent of the plea
23 offer, Your Honor. And that was made before any
24 agreement to testify.

25 THE COURT: All right. And then the motion in

1 limine?

2 MS. GOLDBERG: The Solicitor has informed me
3 that the parents of the Co-Defendant may be
4 testifying.

5 As I understand it, they don't have any
6 factual information about what happened that day.
7 Maybe I haven't been told that. But, as I
8 understand it, they are going to testify for two
9 purposes. One would be the general character,
10 demeanor, personality, the issues regarding
11 Mr. Colon related to his disability. The second
12 would be a conversation that the woman, the mother,
13 had with my client, Mr. Macon, a couple of weeks
14 before telling him to not get her son in trouble.

15 Your Honor, those are -- I think all of those
16 are objectionable evidence, but I do believe at
17 this -- those issues are better argued later prior
18 to the State calling those witnesses to determine
19 whether in fact they are relevant at that time. I
20 don't think the appropriate -- I wanted to put it
21 as a pretrial motion so that I can make the Court
22 and the State aware that I would object, but it may
23 be more appropriate to proffer that evidence later.

24 THE COURT: All right. Yes, sir?

25 MR. CATHCART: Your Honor, Mr. Colon, the

1 Co-Defendant in this case, is the Defendant's
2 cousin. When he was 16, the Defendant's cousin, he
3 was shot by somebody in a -- I want to say a
4 driveby shooting, but he was an innocent bystander
5 and got shot in the brain. Because of that, his
6 parents will be able to describe how he is able to
7 act, him being the person who has been shot in the
8 brain will have a harder time to explain what
9 happened to him and how that has affected him. The
10 parents are here mainly for the reason to just say,
11 This is what happened to our son, and because of
12 that this is how he reacts to people asking him to
13 do things for them.

14 THE COURT: All right. We'll proffer the
15 testimony.

16 MS. GOLDBERG: Thank you.

17 THE COURT: Just let us know when you are
18 getting ready to call them, and we will send the
19 jury out and proffer the testimony.

20 MS. GOLDBERG: Thank you, Your Honor.

21 THE COURT: All right. And then the next is
22 the Biggers and the Denno, so whichever one you
23 want to do first.

24 MR. CATHCART: I guess we will start with the
25 Neil v. Biggers.

1 Your Honor, the State would call Ms. Diane
2 Williams. Diana, I'm sorry.

3 THE BAILIFF: Place your left hand on the
4 Bible, and raise your right hand, please.

5 (Witness complies.)

6 THE CLERK: Do you solemnly swear or affirm
7 the testimony you give in this case will be the
8 truth, the whole truth, and nothing but the truth,
9 so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Have a seat in the witness stand.
12 State your full name for the record.

13 THE WITNESS: Diana Williams.

14 DIANA WILLIAMS,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION(IN CAMERA)

17 BY MR. CATHCART:

18 Q Ms. Williams, this is a limited hearing, so I will
19 not go into too much of the background, but on
20 August 30th, 2012, do you recall becoming a witness
21 in a bank robbery -- what you found out later was a
22 bank robbery?

23 A Yes.

24 Q Okay. Would you please tell the judge how that
25 occurred?

1 A From the beginning?

2 Q From the beginning, as I believe you left the
3 doctor's office; correct?

4 A Right. I had just left a doctor's appointment at
5 the Moncrief off-post medical facility. And as I
6 was turning onto Farrow Road there were several
7 police cars that drove past me.

8 I noticed they pulled into the TD Bank, and at
9 the same time I noticed a gentleman that was
10 wearing a white T-shirt that was running into the
11 common area between the bank and the hotel that was
12 directly next to the wooded area.

13 Q That would be the Hilton?

14 A The Hilton Garden Inn Hotel.

15 Q And what did you see when you saw this gentleman?

16 A Initially I just saw him running into the woods,
17 and saw the police, all of the police cars driving
18 into the parking lot of the bank.

19 Q Okay.

20 A And the first time that the police cars drove past,
21 I actually had to pull over on the shoulder to let
22 them go by -- or not the shoulder, but in the grass
23 area.

24 And then that is when I saw the gentleman. I
25 actually contacted 9-1-1 at that time saying that

1 he just looked really suspicious.

2 Q Okay. You are referring to the guy --

3 A Who is running into the woods.

4 Q At that point you got on the phone to 9-1-1?

5 A Yes.

6 Q Did you give a statement to the police when you --
7 after this all occurred?

8 A After everything -- yes, after everything was over
9 I did give a statement to the police.

10 Q Okay. And what happened -- would this help refresh
11 your memory as to any facts? You are doing fine
12 right now.

13 MR. CATHCART: May I approach the witness,
14 Your Honor?

15 THE COURT: Yes, sir.

16 (Complies.)

17 BY MR. CATHCART:

18 Q Okay. So you got on the phone with 9-1-1. And
19 then what occurred?

20 A And as I was talking to 9-1-1, I had my eye on the
21 gentleman that ran into the woods. And at the same
22 time I actually pulled into the hotel parking lot.
23 And as I pulled into the parking lot --

24 Q I want to be specific. The hotel parking --

25 A Hilton Hotel parking lot. The Hilton Garden Inn.

1 Q The one he was headed toward?

2 A Yes. That common ground in between the hotel and
3 the bank.

4 Q Okay.

5 A So he was coming out of that common -- that wooded
6 common area would lead him on the other side of the
7 parking lot.

8 Q Okay.

9 A I drove in and made a right and drove to the side
10 of the building, and that is where I saw him
11 conversing with another gentleman, and that
12 gentleman was in a black pickup truck.

13 Q Okay. Was that gentleman wearing anything in
14 particular that you could see?

15 A Driving the pickup truck?

16 Q Yes.

17 A Yes, a yellow shirt.

18 Q Okay. How far away were you from him when you saw
19 this occur?

20 A Probably a few feet. I was so close to him that he
21 actually didn't see me as I was backing up, and
22 almost ran into the back of me -- or almost ran
23 into the front of my truck. So I was close enough
24 where I could -- we made eye contact, because he
25 saw me and I actually stopped, and then he stopped

1 to let me pass by him, and then he backed up.

2 Q Okay. This was while he was still talking to the
3 guy who came out of the bushes?

4 A No, the gentleman who came out of the bushes had
5 already started running in another direction. It
6 was like they were trying to decide which way he
7 should go to avoid all the police, because officers
8 had started forming on the other side, there was
9 like maybe another street over, there was another
10 bank on the other side of the hotel. It was like
11 they were trying to decide which way they should
12 go. And I observed another gentleman that was
13 further back behind the hotel by the railroad
14 tracks, and he was gesturing for him to run back
15 there to that gentleman.

16 Q Okay. Now, when you observed them -- you said
17 several feet. Like you tell me when to stop.

18 A Go ahead and come on up to me. About right
19 there(indicating).

20 Q That close?

21 A Right.

22 Q And you locked eyes with him?

23 A Yes.

24 Q And were you able to see his face at that point?

25 A Yes.

1 Q You say he backed up and let you pass?

2 A Right.

3 Q What occurred then?

4 A I drove straight. And as we was backing up, I
5 pulled up a little, I looked in my rearview mirror
6 and started giving the 9-1-1 operator the license
7 plate.

8 Q Were you able to give a complete license plate at
9 that time?

10 A No, because the bed of the pickup was down, and so
11 I was only able to read the first part of the
12 plate. The last two or three letters weren't easy
13 to see, but I was able to give -- because we were
14 so close I was able to give her a description of
15 any damage that was done to the vehicle as well.

16 Q Okay. And what occurred after that?

17 A I drove around back and kind of kept my eye on the
18 gentleman who ran towards the railroad tracks. And
19 I gave that description to the 9-1-1 operator. I
20 could see them speaking, but apparently the way the
21 officers were located, they were not able to see
22 where they were.

23 And I was explaining to them the exact
24 location. And I was -- at that time I was behind
25 the Hilton Garden Inn Hotel. And I noticed that

1 the black pickup truck had driven into the parking
2 lot of the BB&T on the opposite side and they --

3 Q That would be the bank that you just spoke about
4 earlier?

5 A Correct.

6 Q And that is where the police line was already past
7 that coming this way?

8 A They were past that.

9 Q Coming towards you?

10 A No, they were actually going towards that. The way
11 the street is set up, you have Farrow Road --
12 Farrow at Rabon Road, I believe it is. Then you
13 have got a Wachovia at the corner and little -- few
14 feet up then there is a TD Bank, the common grassy
15 or wooded area, the Hilton Garden Inn Hotel, and
16 then BB&T Bank.

17 Q Okay. And you said the car you saw in the bank --

18 A The same pickup.

19 Q The same pickup. The same driver?

20 A Yes. Actually the pickup wasn't -- they were
21 initially at the hotel.

22 Q Right.

23 A At the Hilton Garden Inn. And then I noticed that
24 they were -- I thought they had driven off, and
25 that is when I noticed that the same pickup was

1 sitting in the ATM drive-through of the BB&T Bank.

2 Q And this would be the guy you just saw talking to
3 the man who robbed the bank?

4 A Yes.

5 Q Or the guy you just saw run in the bushes?

6 A Yes. The shirt, the yellow shirt was bright enough
7 that I could actually see it from the parking lot
8 of the Hilton Garden Inn Hotel.

9 Q Okay. And while this was going on, police were
10 everywhere; is that true?

11 A Yes. Everywhere except for the BB&T. They were on
12 the side street on the other side of the bank.

13 Q So the one police-free zone --

14 A Yes.

15 Q -- that little area was BB&T?

16 A Correct.

17 Q What did you do after you saw them at the BB&T?

18 A I actually drove out and drove into the BB&T
19 parking lot.

20 Q Why would you do that?

21 A I wanted to see if I could get a closer look at the
22 license plate. I can't tell you why I would do it.
23 I just reacted. I don't -- I didn't realize
24 anything I was doing until I started answering
25 questions, so.

1 Q Okay.

2 A I just responded. I wasn't thinking about a
3 process at that time. I wasn't thinking about it.

4 Q But you felt that he was involved in what was going
5 on?

6 A I knew it was the same truck, yes.

7 Q Same truck that talked with the other guy?

8 A Yes. And almost hit my truck.

9 Q Did you get an opportunity to view him close again?

10 A No, because as I was pulling in I didn't get too
11 close. Again, it was -- by that time it was a
12 little bit after 5:00 and the bank was already
13 closed. So there were -- I didn't observe any
14 other cars back there and -- but I could see that
15 they were -- they were looking back to try to
16 figure out what was going on. So I just looked to
17 see if I could get a closer number on the plate.
18 And I tried to zoom in with my phone to see if I
19 could read the number. And I gave two possible
20 numbers to the 9-1-1 operator of what I thought
21 that it may have been. And after they checked both
22 of them, and then I drove out. And by that time
23 the vehicle had already started leaving the parking
24 lot as well.

25 Q So you are saying he was looking back. Looking

1 back towards where?

2 A Towards -- looking to their right towards the
3 wooded area where the police officers were.

4 Q At some point did you have an opportunity to speak
5 with these officers?

6 A Yes.

7 Q Okay.

8 A The 9-1-1 operator said that they had an officer
9 and they asked me to drive over to where the police
10 were. And they said to don't follow the vehicle.
11 So I drove over to the side street where the police
12 were.

13 I got out of my car, asked for the officer
14 whose name they had given me. He was not out
15 there. But another officer did approach me and
16 asked me to explain to him what I had seen. And
17 they were still confused as to who I was. They had
18 no idea what was going on, as far as my -- what I
19 had seen.

20 Q Uh-huh.

21 A I still had the 9-1-1 operator on the phone. I
22 gave her the same information of who I was speaking
23 with. And I explained to them there was a driver,
24 and the same information I just provided to you.

25 Q Okay. And at some point did they indicate to you

1 they would want you to go somewhere?

2 A Yes. They said that they thought they may have had
3 the vehicle. They asked me to describe the vehicle
4 and the driver. I also gave them the plate number
5 that I had given the 9-1-1 operator. And they
6 asked me if they could drive me past the area to
7 look and if I could identify the person that was
8 driving.

9 Q Okay. And how did that happen?

10 A It was during 5:00 p.m. traffic, so this was on
11 Farrow Road. It is a 2-lane street. Traffic is
12 kind of bumper-to-bumper. You are not really going
13 more than four miles an hour, if that. And we just
14 drove by, along with all other cars, and kind of
15 looked to our right.

16 He said -- he instructed me before we even
17 drove down to not stop until he had stopped and
18 pulled over. We went probably almost a mile up the
19 road until we could no longer see the police
20 lights. And once we got to that area, he pulled
21 over. He came back and asked me to give a
22 description of the gentleman and the vehicle that I
23 had seen. I gave it again.

24 He asked me if I had seen the person driving
25 and the vehicle. I told him that I did.

1 And he walked away from my vehicle. And then
2 he came back and said that he would need me to come
3 to the Police Department to make a statement.

4 Q Okay. So the person -- well, let me make sure I
5 understand. You drove your car?

6 A Yes.

7 Q Was anybody else in your car?

8 A Just -- no, it was just myself.

9 Q Okay.

10 A I was going to say my kids, but, no, I had to go
11 leave to pick them up, but, no, it was just me.

12 Q So did anybody tell you who to pick out?

13 A No.

14 Q If anybody?

15 A No.

16 Q The police officer was where?

17 A The one driving or the --

18 Q Yes, driving?

19 A I believe he was right in front of me.

20 Q Okay.

21 A And for some reason I want to think that maybe
22 there was another car that may have been between
23 the two of us. But I may have been right behind
24 him. I do know that I was following him down that
25 road and there was no way for anyone to know that

1 he and I were looking together. And he could just
2 see my vehicle behind him.

3 And at the time that I drove by there were a
4 lot of police officers and other people that were
5 in plain clothes that I could see standing outside.
6 So when I gave him a description, it -- when we
7 drove by, no one was holding anyone separately, he
8 was just standing outside with everyone else.

9 Q When you say *he*, who are you talking about?

10 A The gentleman that was driving the pickup truck.

11 Q Okay. And that would be the same person you saw at
12 the Hilton?

13 A Correct.

14 Q The same -- was the car the same as well?

15 A The same vehicle, yes.

16 Q And then I believe you indicated you went to the
17 Sheriff's Department and gave a statement; correct?

18 A Yes.

19 Q Okay.

20 MR. CATHCART: Beg the Court's indulgence.

21 (Pause.)

22 BY MR. CATHCART:

23 Q Please answer any questions the Defense has.

24 A Okay.

25 MS. GOLDBERG: May it please the Court?

1 THE COURT: Yes, ma'am.

2 CROSS-EXAMINATION(IN CAMERA)

3 BY MS. GOLDBERG:

4 Q Good afternoon.

5 A Good afternoon.

6 Q The original testimony you provided about the
7 Hilton Garden Inn --

8 A Yes.

9 Q -- and what you saw, I believe Mr. Cathcart was
10 asking how close you were to the driver of the
11 truck?

12 A Yes, ma'am.

13 Q And he walked up. And it seemed to be maybe four
14 feet apart; is that accurate?

15 A Yes.

16 Q Approximately?

17 A Yes.

18 Q Is that the distance you were from the back of the
19 truck or from the driver?

20 A The back of the truck.

21 Q Okay. So the distance between you and the driver
22 would be that four feet plus the distance of the
23 truck?

24 A Right.

25 Q And you never left your car?

1 A No, ma'am.

2 Q Did you ever see the individual you are talking
3 about outside of the truck?

4 A Initially when he was speaking to the gentleman
5 that came out of the wooded area, and then I saw
6 him get into his truck.

7 And when I first pulled into the parking lot
8 of the hotel, there were two gentlemen that were
9 standing there talking. And I thought, just
10 initial thought process was, did they both come out
11 of the wooded area.

12 And then that is when I saw the gentleman in
13 the yellow shirt get into the pickup truck in the
14 driver's side. And I thought that the gentleman
15 who came out of the wooded area was also going to
16 get in the pickup truck, but instead he didn't. He
17 ran towards the back of the hotel.

18 Q Did you see the individual in the white shirt come
19 out of the woodline, or he was already at the hotel
20 when you got there?

21 A I saw him go into the woods and then come out of
22 the woods.

23 Q Okay. And he approached the hotel?

24 A He approached the parking lot of the hotel where he
25 met the gentleman with the yellow shirt.

1 Q They were talking in the parking lot?

2 A Yes, ma'am.

3 Q Like just in the middle of the parking lot, or like
4 up against the wall?

5 A No, there is -- when you pull into the lot, you go
6 to the right, there is -- I don't know the distance
7 between where the entrance is and where that wooded
8 area is, but there is enough space for there to be
9 parking spaces on the front and back. So it was in
10 that area between the parking -- the hotel parking
11 lot on the side of the building and the common
12 ground.

13 Q How close were you to these individuals when they
14 were not in the truck?

15 A I was closer to the entrance of the parking lot.

16 Q So several feet away?

17 A Yes.

18 Q The driver of the truck, you said when he was
19 backing up he looked at you?

20 A Yes.

21 Q And that is how he knew to stop so that he wouldn't
22 hit you?

23 A Yes, because actually I think I honked my horn -- I
24 think. I can't be positive on that. But I do know
25 that as he was backing up he saw me, but where I

1 was located, I know I did not back up, and he did
2 allow me to pass, and that is when he backed up and
3 pulled out. And I was of course to the right of
4 the street. And as he backed up and was pulling
5 out I was trying to get a license plate number.

6 Q And is that the only time that you were -- or I
7 guess is that the time you were closest to seeing
8 his face?

9 A Yes, right, when he almost hit my vehicle.

10 Q When he looked at you?

11 A Correct.

12 Q Were you able to see his face well enough to
13 remember what it looked like?

14 A No. I mean -- well, let me rephrase. Yes, I was
15 close enough to remember what his face looked like
16 at the time. Two years later and age, no, not
17 today. I just remember what his clothing looked
18 like and the details of the car.

19 Q And you had been told by 9-1-1 while you were on
20 the phone that they had the suspect in custody; is
21 that right?

22 A That they believed that they had the suspect in
23 custody, yes.

24 Q And then you were in your own car when you drove
25 behind the officer?

1 A Correct.

2 Q How far -- you said the two of you drove one in
3 front of the other down Farrow Road, and then a
4 decent ways after then the officer stopped and you
5 got out and talked to him; is that right?

6 A No, actually he got out of his vehicle and I still
7 remained in mine.

8 Q Oh, okay. Fair enough.

9 A He walked back to my vehicle.

10 Q When you were driving that distance, how did you
11 know where to look?

12 A He did not tell me where to look. He said people
13 were in cars, and where you see the police cars, I
14 need you to look over and tell me if you see
15 anyone -- if you are able to see the person who was
16 driving the pickup truck.

17 To our left are all homes. To the right is
18 like wooded, grass, a ditch. And then there is
19 railroad tracks.

20 Q And when you drove by, you did see the individual
21 in the yellow shirt?

22 A Yes.

23 Q You said you looked to the right?

24 A To my right, yes, ma'am.

25 Q So that would be on the side of the road closest to

1 the side of the road you were driving on?

2 A Correct. Or, no, it would be on my passenger's
3 side?

4 Q It was the passenger's side?

5 A Yes. It was on the right side. I had to look to
6 my right. I'm driving, so I am on the left.

7 Q But not across the other lane of traffic?

8 A Not across the other lane, right. I was driving on
9 the right-hand side of the street and I looked to
10 my right where they had -- all of the vehicles were
11 parked.

12 Q You didn't have a passenger with you?

13 A No, ma'am.

14 Q Did you see the truck there?

15 A Yes.

16 Q Did you -- you saw the person in the yellow shirt?

17 A Yes.

18 Q Where -- was the person in the yellow shirt near
19 the truck?

20 A They were standing a few feet away.

21 Q How fast do you think you were driving?

22 A I know I could not have been driving more than --
23 not even five miles. It was in the middle of
24 traffic, and then on top of traffic, naturally when
25 people see police cars they slow down even more and

1 look. So we were literally at a crawl. I was
2 driving slow enough that I didn't even have my foot
3 on the accelerator, I was just kind of coasting on
4 the brakes, so.

5 Q And you recognized the truck when you saw it; is
6 that right?

7 A Yes.

8 Q Were you able to tell -- aside from the fact that
9 he had on a yellow shirt, was there anything else
10 distinguishing about that individual that led you
11 to believe that that was the same person?

12 A Yes. His hair at the time, as well as the damage
13 to the truck.

14 Q Well, the truck you recognized independently?

15 A Correct.

16 Q But as far as matching the same individual?

17 A That was a very bright yellow shirt.

18 Q Right. I'll put it this way. If the person had
19 not been wearing a yellow shirt, do you think you
20 would have been able to identify him?

21 A Yes. At that time, yes. At that time I would have
22 been.

23 MS. GOLDBERG: Beg the Court's indulgence.

24 (Pause.)

25 MS. GOLDBERG: No further questions.

1 THE COURT: Anything else from the State?

2 MR. CATHCART: Just one, to reiterate.

3 REDIRECT EXAMINATION(IN CAMERA)

4 BY MR. CATHCART:

5 Q As to the identification, you were -- okay, given
6 the length of the truck -- maybe this far away from
7 his face(indicating)?

8 A Yes.

9 Q Y'all looked into each other's eyes; correct?

10 A Yes.

11 Q The person whose eyes you looked into was the same
12 person you saw on the side of the road with the
13 police?

14 A Yes.

15 MR. CATHCART: I have no further questions of
16 this witness.

17 THE COURT: All right, ma'am, you may step
18 down.

19 (Witness steps down.)

20 MR. CATHCART: At this time the State calls
21 Lieutenant Wyatt.

22 (Witness approaches.)

23 THE BAILIFF: Place your left hand on the
24 Bible, and raise your right hand, please.

25 (Witness complies.)

1 THE CLERK: Do you swear or affirm the
2 testimony you give in this case will be the truth,
3 the whole truth, and nothing but the truth, so help
4 you God?

5 THE WITNESS: I do.

6 THE CLERK: Please have a seat on the witness
7 stand, and state your full name for the record.

8 THE WITNESS: Frieda Wyatt.

9 FRIEDA WYATT,
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION(IN CAMERA)

12 BY MR. CATHCART:

13 Q Lieutenant Wyatt, where are you employed?

14 A Richland County Sheriff's Department.

15 Q And what do you do there?

16 A Currently I'm a lieutenant over the Fugitive Task
17 Force.

18 Q So you stop criminals?

19 A Correct.

20 Q Were you employed with Richland County Sheriff's
21 Department back on August the 30th, 2012?

22 A I was.

23 Q Okay. And at that point did you have the occasion
24 to be around Farrow and North Brickyard Road-ish in
25 reference to -- actually going home, but you get

1 called into an alleged bank robbery?

2 A Yes, sir.

3 Q Okay. What drew your attention to this scene?

4 A While on Farrow Road --

5 Q Well, let me ask you this, first off. Did you
6 write a report?

7 A I did.

8 Q Would having that report help refresh your memory
9 as to such things?

10 A Yes.

11 MR. CATHCART: May I approach the witness,
12 Your Honor?

13 THE COURT: Yes.

14 (Complies.)

15 BY MR. CATHCART:

16 Q It has got your name on it.

17 A Thank you.

18 Q Okay. So go ahead and peruse, I'm sorry.

19 A While on Farrow Road, dispatch was BOLO'ing or
20 advertising a description of the vehicle involved
21 in the bank robbery, which was a black Dodge Dakota
22 pickup truck. And so I was looking out for that
23 vehicle.

24 Q Did a tag also come out with that description?

25 A They did come out with that description. I'm not

1 sure if I put it in my report. Yes, it is BNA-593.

2 Q And so you were on the lookout for this vehicle?

3 A Yes, sir.

4 Q What if anything happened while you were driving
5 around on the lookout for this vehicle?

6 A As I turned onto Hardscrabble Road right off of
7 Farrow Road, I noticed that a black Dodge Dakota
8 pickup truck was in front of me. It just so
9 happened that the license plate was also the
10 license plate that was B0L0'd.

11 Q Okay. And what did you do at that point?

12 A At that time I wasn't able to get on the radio and
13 the vehicle made a left off of Hardscrabble Road
14 onto one of the side streets, they call them
15 alphabet streets. And I followed him for a while.
16 We went down to the stop sign.

17 Q Let me ask you this. Why weren't you able to get
18 on the radio?

19 A There was radio traffic.

20 Q I mean, was there any particular reason as to why
21 there was radio traffic?

22 A We had other officers on the program for a bank
23 robbery. They were chasing another suspect. And
24 we had a lot of different things going on.

25 Q Okay.

1 A At the time when I was able to get on the radio I
2 put out a description coming from that, the license
3 plate number on the vehicle in front of me was in
4 fact the one that was dispatched. And I was also
5 given a description of the driver.

6 Q What was the description you were given?

7 A A black male in a yellow polo shirt, collared
8 shirt.

9 Q During this time that you were behind the vehicle,
10 were you able to determine that that fit the
11 description as well?

12 A Yes, sir.

13 Q What did you do at that point?

14 A At that time I had my camera rolling. And I asked
15 for a K-9 unit to head my way in case the driver
16 were to run on me during the traffic stop. So I
17 continued to follow him a little ways longer. And
18 once I knew that a K-9 unit was around the corner,
19 I initiated a traffic stop.

20 Q Okay. How did you initiate the traffic stop?

21 A With my blue light and siren.

22 Q Did he have any way to go in front?

23 A I'm sorry?

24 Q Was he able to like run away from you?

25 A No, sir.

1 Q By accelerating away?

2 A No, sir.

3 Q Why not?

4 A The location where the traffic stop was conducted
5 was at a T intersection on top of the railroad
6 tracks, and there was heavy traffic on both Farrow
7 Road and North Brickyard at the stop sign.

8 Q And the K-9 officer where?

9 A In front of the vehicle, his vehicle.

10 Q So is it safe to say you had him pinned in?

11 A Correct.

12 Q What if anything did you do at that point?

13 A At that time, made the traffic stop, made contact
14 with him. He was removed from the vehicle and
15 handcuffed.

16 Q And, again, did he match the description at that
17 point?

18 A He did.

19 Q Okay. And at some point did the officers have a
20 witness driveby?

21 A Yes, sir.

22 Q Let me show you -- let me have it marked.

23 (WHEREUPON, State's Exhibit No. 16 was
24 marked for identification only.)

25 Q Which is marked as 16 for identification at this

1 time. Is this a form that you helped fill out?

2 A Yes, sir.

3 Q What is it?

4 A This is a tow slip.

5 Q Okay. And does it indicate what type of -- what
6 vehicle was towed?

7 A A 2005 Dodge pickup truck.

8 Q What color?

9 A Black.

10 Q What is the tag?

11 A BNA-593.

12 Q Was there any damage on the vehicle? Look down.

13 A Dent on the rear door.

14 Q It was what on the rear door?

15 A A dent.

16 Q Okay. Please answer any questions from Defense
17 counsel.

18 MS. GOLDBERG: No questions.

19 THE COURT: All right, ma'am, you may step
20 down.

21 THE WITNESS: Thank you.

22 (Witness steps down.)

23 MR. CATHCART: The State calls Sergeant
24 Mazerolle.

25 (Witness approaches.)

1 THE BAILIFF: Place your left hand on the
2 Bible, and raise your right hand, please.

3 (Witness complies.)

4 THE CLERK: Do you swear or affirm the
5 testimony you give in this case will be the truth,
6 the whole truth, and nothing but the truth, so help
7 you God?

8 THE WITNESS: I do, Your Honor.

9 THE CLERK: Have a seat on the witness stand,
10 and spell your last name.

11 THE WITNESS: Sergeant Michael A. Mazerolle.
12 Last name spelled M-A-Z-E-R-O-L-L-E.

13 MICHAEL A. MAZEROLLE,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION(IN CAMERA)

16 BY MR. CATHCART:

17 Q Sergeant Mazerolle, Sheriff's Department?

18 A Yes, sir.

19 Q Did you have occasion to respond to a bank robbery
20 at the BB&T on August 30th, 2012?

21 A Yes, I did.

22 Q And during that response did you have the
23 opportunity to meet a witness at that scene?

24 A Yes, I did.

25 Q And I believe Ms. Diana Williams? You don't recall

1 her name?

2 A I recall the last name Williams. I do not remember
3 the first name.

4 Q At that point did she indicate to you she had seen
5 one of the suspects?

6 A Yes, she did.

7 Q Okay. Do you recall how she described that person?

8 A She described the individual as a black male
9 wearing a yellow shirt and that he was driving --
10 he had fled the area in a black in color pickup
11 truck. And she also gave a license plate. Now, I
12 cannot recall off the top of my head the license
13 plate number, but she -- at that time she gave it
14 to me.

15 Q It was two years ago. I would be impressed if you
16 could.

17 At some point did you have information that
18 that person had been apprehended?

19 A I had information that they got the vehicle that
20 matched that description as well as the license
21 plate and also an individual that matched that
22 description.

23 Q Okay. What if anything did you do at that point
24 with the eyewitness?

25 A At that point I asked the eyewitness if she would

1 be willing to do a driveby identification to see if
2 this was the person she had seen.

3 And she said that she would, but she wasn't
4 going to go in my vehicle, she wanted to follow me.

5 At that point I went ahead and said okay. And
6 I let her follow me. However, I made sure that she
7 stayed directly behind my vehicle.

8 And the traffic was congested, so I made sure
9 that I kept a very short bumper zone between her
10 vehicle and my vehicle because the speed limit was
11 like five to ten miles because of the congestion.
12 So that way it was pretty easy for me to keep that
13 bumper zone so nobody could get between me and her
14 vehicle. And that way in my rearview I could keep
15 looking back realizing that she is right behind me.

16 Q Okay. And at some point did y'all pass where the
17 Defendant was?

18 A Yes, we did.

19 Q And at some point did y'all stop?

20 A Yes. During my conversation with her I told her,
21 you know, I'll be right in front of you, you go
22 ahead and follow me. I said, you know, we're going
23 to be going by. I said, but, we're going to keep
24 on going. I said, and we're going to drive until
25 we are out of view. I said, I am going to get out

1 of the vehicle and come back and ask you if that
2 was the person you saw.

3 Q Okay. And is that what you did?

4 A That is what we did. I made sure I was out of the
5 vehicle and I got out and I went back and asked
6 her, Is that the individual that you saw fleeing
7 the area?

8 Q And she --

9 A In the pickup truck? And she said, yes, that was
10 him.

11 And I asked her, you know, are you sure,
12 because I like -- I don't like to be really
13 over-repetitive, but at the same time I don't like
14 to ask one time, is that the person, because if
15 they tell me yes, you know, I always like to ask
16 again because then not only does it reassure me
17 that I have a positive ID, that this wasn't
18 something said off the cuff.

19 Q Okay. And did she indicate that it was the person?

20 A Yes, she did.

21 Q Both times?

22 A Yes.

23 Q Okay. Please answer any questions of Defense
24 counsel.

25 MS. GOLDBERG: Beg the Court's indulgence.

1 (Pause.)

2 MS. GOLDBERG: No questions.

3 THE COURT: All right, sir, you may step down.

4 THE WITNESS: Thank you, Your Honor.

5 (Witness steps down.)

6 MR. CATHCART: Your Honor, at this time that
7 is the State's case as to identification.

8 THE COURT: All right. I will be glad to hear
9 from you. Anything in summation, I guess?

10 MR. CATHCART: Your Honor, as to the totality
11 of circumstances, the witness saw the Defendant at
12 a furthest -- at least through Defense counsel's
13 cross -- I guess ten feet away. They locked eyes.
14 She saw him, not so much as only as to distinctive
15 what he was wearing, but also as his facial
16 features as to what he looked like. She not only
17 described him perfectly, she also described the
18 truck he was driving. It was a black Dodge pickup
19 truck, a Dodge black pickup truck with a dent in
20 the door, and Dodge pickup truck with a tag that
21 was a specific tag that was verified when they
22 apprehended the Defendant.

23 I think the totality of the circumstances,
24 especially with the way that the driveby was done
25 with no one in her car with her, no one indicated

1 who she should look at, the fact that there was not
2 only uniformed police officers but also
3 un-uniformed police officers out there at the
4 scene, I believe that the identification is proper
5 and should come in.

6 THE COURT: All right. Yes, ma'am?

7 MS. GOLDBERG: Thank you, Your Honor. To
8 begin, I just want to clarify something from the
9 Solicitor.

10 As I understand it, all Ms. Williams will be
11 testifying today to is the identification at the
12 scene. She will not be making an in-court
13 identification because she testified that she
14 cannot remember today what he looked like. Is that
15 accurate? So I don't need to argue about the
16 in-court identification.

17 MR. CATHCART: I believe that is the purpose
18 of the hearing, of this hearing anyway, but I don't
19 anticipate any in-court identification from her,
20 no.

21 MS. GOLDBERG: Okay. Your Honor, the only
22 argument would be that the actual show-up or
23 driveby ID was unduly suggestive.

24 The officers told her, basically when you see
25 a bunch of police cars, look there.

1 And Mr. Macon was standing relatively close to
2 the truck, which she had identified, so obviously
3 it is suggestive in that nature. I would argue
4 that, and that alone at this time.

5 THE COURT: All right. In looking at -- or
6 considering the testimony, of the totality of the
7 circumstances, first, as to the issue of whether or
8 not the ID process is unduly suggestive, I find
9 that the ID process, or the show-up -- or I guess
10 in this case it was more of a driveby than a
11 show-up, it is not unduly suggestive. The officer
12 was actually in another car.

13 Based on her testimony and his testimony, that
14 she followed him, and the witness testified that
15 there were numerous people at the scene during the
16 show-up/driveby that the Defendant was picked out
17 of, officers in uniform, persons not in uniform,
18 and other people in the vicinity.

19 For that reason, I find that the process was
20 not unduly suggestive.

21 As to the reliability of the witness, I find
22 that the witness, based on her testimony, had the
23 opportunity to view the Defendant during the crime
24 scene. She testified that she was within
25 ten feet -- four feet of his car and ten feet of

1 him being in the front seat. She testified that he
2 almost hit her and that she and he actually locked
3 eyes. She was able to get a -- she testified a
4 good look at his face.

5 I further find that the witness's degree of
6 attention, that she was very attentive to the point
7 of giving the -- following the car and observing
8 the Defendant or Co-Defendant coming out of the
9 woodline. Based on the testimony, I do find that
10 the witness's degree of attention was great.

11 The witness testified today that she was
12 certain that that was the Defendant that she saw
13 during the time of the show-up/driveby, and that
14 she was -- I think she testified as to something
15 regarding the brightness of the yellow shirt that
16 he had on, and gave a description of his facial
17 features, and that the time between the crime and
18 the confrontation was within a short period of time
19 following the incident -- or following her seeing
20 him.

21 For the reasons stated above, I find that
22 under the totality of the circumstances that the
23 identification process is reliable and that no
24 substantial likelihood of misidentification existed
25 based on the testimony that has been presented to

1 the Court.

2 All right. Next motion?

3 MR. CATHCART: Jackson v. Denno.

4 THE COURT: Yes, sir?

5 MR. CATHCART: At this time the State calls
6 Kerry Johnson.

7 (Witness approaches.)

8 THE BAILIFF: Place your left hand on the
9 Bible, and raise your right hand, please.

10 (Witness complies.)

11 THE CLERK: Do you swear or affirm the
12 testimony you give in this case will be the truth,
13 the whole truth, and nothing but the truth, so help
14 you God?

15 THE WITNESS: I do.

16 THE CLERK: Thank you. Please have a seat in
17 the witness stand, and state your full name for the
18 record.

19 THE WITNESS: Kerry Johnson. K-E-R-R-Y.

20 KERRY JOHNSON,
21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION(IN CAMERA)

23 BY MR. CATHCART:

24 Q Investigator Johnson, where are you employed?

25 A Richland County Sheriff's Department.

1 Q In what capacity?

2 A Investigator.

3 Q And in that capacity were you working back on
4 August the 30th of 2012?

5 A I was.

6 Q And were you working -- did you have the
7 opportunity in your work to be involved in the
8 investigation of a bank robbery at the TD Bank at
9 8850 Farrow Road?

10 A I was. I did.

11 Q What got you involved in that investigation?

12 A I believe I was working the evening shift. Around
13 ten minutes till 6:00 on that afternoon, I was
14 contacted by Investigator Jason Williams and was
15 told that there had been some arrests made in
16 reference to that robbery. And I had already been
17 listening to the radio anyway and heard what was
18 going on.

19 He asked me if I would assist in interviewing
20 one of the people arrested. So one of the deputies
21 had dropped off the Defendant here today,
22 Mr. Macon, and another one, was put in what we call
23 our D Cell at the Sheriff's Department, which is a
24 detention cell.

25 And when the deputy arrived with Mr. Macon I

1 took custody of him and took him back into an
2 interview room.

3 Q Okay. When you say *Mr. Macon here today*, which one
4 are you talking about?

5 A The Defendant sitting there at the table.

6 Q After you made contact with Mr. Macon, what did you
7 do?

8 A I knew that he was under arrest. I knew that
9 another officer had pulled him over and that he was
10 driving under suspension, so I knew that he was
11 under arrest already for that. And obviously I was
12 going to be attempting to question him about the
13 bank robbery, so I read him his rights, as we
14 always do.

15 I produced this Advice of Rights form, which
16 is a standardized form we use at the Sheriff's
17 Department.

18 I explained to him that I'd like to read him
19 his rights.

20 Q I just handed up a piece of paper. That wasn't the
21 exact Advice of Rights form that you showed him,
22 was it?

23 A This is the same form, but this is not *the* form
24 that we had that day. It was not the one that was
25 signed by me and him.

1 Q That is an exact copy of what you would have given
2 him?

3 A Correct.

4 Q And please continue.

5 A Again, this is a standardized form that we use at
6 the Sheriff's Department. And it simply states:

7 Before we ask you any questions you must
8 understand your rights.

9 You have the right to remain silent.

10 Anything you say can be used against you in
11 court.

12 You have the right to talk to a lawyer for
13 advice before we ask you any questions and to have
14 a lawyer with you during any questioning.

15 It goes on to say:

16 If you cannot afford a lawyer, one will be
17 appointed for you before any questioning if you
18 wish.

19 If you decide to answer questions now without
20 a lawyer present, you still have the right to stop
21 answering at any time.

22 And you also have the right to stop answering
23 at any time until you talk to a lawyer.

24 Once I read that to him I asked him if he
25 understood what that meant. And he said yes.

1 And I asked him if he would be willing to
2 answer questions. And he said, yes, sure.

3 So I explained to him that he needed to sign
4 that that was just read.

5 And then the Waiver of Rights at the bottom of
6 the form says:

7 I have read this statement of my rights and
8 understand what my rights are.

9 I am willing to talk and answer questions.

10 I understand and know what I am doing.

11 No promises have been made to me and no
12 pressure or coercion of any kind has been used
13 against me.

14 And also we make sure the person that is being
15 questioned understands what pressure and coercion
16 means. And he did.

17 He signed the form and I signed it as a
18 witness.

19 Q And at some point -- do you know what happened to
20 this form?

21 A All of my paperwork most likely was given to the
22 case investigator, Williams, but I don't know where
23 that form is now.

24 Q Okay. So you do not know where that form is?

25 A I do not know where it is, no, sir.

1 Q And, but you did you a report when this occurred?

2 A I did an investigative follow-up, yes.

3 Q And was that done when?

4 A Because it is a weekend thing, we normally do it
5 immediately after everything was done. And that
6 was listed in here that I read him the rights and
7 he signed the form.

8 Q Okay. So you are not relying just on your memory
9 that you --

10 A No, sir.

11 Q -- did this? You wrote it down in the report
12 immediately done after you spoke with him?

13 A That's correct.

14 Q And, again, in that report you indicated that you
15 did do the Advice of Rights?

16 A In fact, the second paragraph right up under where
17 I have his demographics, I put: I read Macon
18 Miranda rights, Advice of Rights form, and he
19 signed and agreed to talk without an attorney.

20 He stated that he didn't really understand
21 what he was being charged with. And I stated that
22 he was initially charged with DUS, and then went on
23 from there.

24 Q Okay. As you were speaking to him about that, what
25 did y'all talk about? What did he say?

1 A Well, I explained to him that he was also being
2 investigated for the robbery at the bank and asked
3 him did he have any knowledge of that.

4 And he stated that when he had been arrested
5 by the deputy for the driving under suspension he
6 saw a lot of police officers over around Farrow
7 Road so he thought maybe that might have had
8 something to do with it, but he wasn't sure.

9 Q In fact, when I look at your report, you indicated:
10 When I asked him if he knew anything else that
11 he might be charged with, at what point -- what did
12 he say at that point?

13 He said he saw the police -- this is from my
14 investigative follow-up, quote: He said that he
15 saw the police at the bank when he drove by and
16 that he saw police passing him and thought that
17 that might have something to do with it, but wasn't
18 sure.

19 Q Okay. So what did you do after that?

20 A I called Investigator Jason Williams to get some
21 background information on everything and what had
22 transpired.

23 Investigator Williams had told me that one of
24 the individuals, the individual that was in the D
25 Cell was the actual person that went inside the

1 bank. And that Mr. Macon was driving the vehicle
2 that a witness had seen leaving the bank and that
3 Mr. Macon had been positively identified as leaving
4 the bank at a record speed right after the robbery.

5 So based on that, I asked Mr. Macon to just
6 simply tell me about his day, starting from the
7 time that he woke up, to see what he had to say.

8 Q Okay. And what did he tell you?

9 A He said that he had spent the night with his
10 girlfriend, someone named Ashley Wiley, that lives
11 in the Summit. He informed me that they have a
12 daughter together named Taylor. He said that he
13 left her house around 12:30 and then went back to
14 his grandmother's house, which is where he lives,
15 at 18 Flora Circle.

16 He said he left the house later that afternoon
17 to go to the Hilton on Farrow Road, Hilton Hotel,
18 which is near the bank.

19 He said that he went inside and went to the
20 desk to see how much a room would be, although he
21 didn't explain why he wanted a hotel room.

22 He then walked outside, according to him, and
23 he talked to another employee in the parking lot,
24 but then decided to go back inside to get a job
25 application.

1 He said he then left the Hilton, headed back
2 to his house, but was stopped on North Brickyard
3 Road.

4 Q Okay. And then what occurred?

5 A While we were still talking I asked him had he been
6 anywhere around the bank. And he said no.

7 And I asked him what his relationship was to
8 the other guy that had been arrested. And he
9 claimed to not know what I was talking about and
10 claimed that he had no idea about any other guy.

11 I stopped what I was doing. I had another
12 investigator watch him. I went to the D Cell and
13 spoke to Jason Colon and asked him if he had on a
14 bright yellow or gold shirt that day, the
15 Defendant.

16 Q Who did?

17 A Mr. Macon did. And as I was talking to Mr. Colon,
18 I said, how did you know this other guy that we
19 brought in with the gold shirt?

20 He said, Well, that is my cousin. And he said
21 that that was the one that dropped him off just
22 before the robbery, is what Mr. Colon said.

23 I went back obviously with fresh information
24 and I told Mr. Macon, I said, The individual we got
25 back in the cell that we arrested for the robbery

1 claims to be your cousin.

2 And his response was, You mean Colon?

3 So it was obvious to me that he knew exactly
4 who the guy in D Cell was and that he knew exactly
5 who this guy was, even though just before that he
6 stated he had no knowledge of anybody.

7 He told me that he was confused by the
8 questions that I was asking him and that he forgot
9 to tell me about his cousin Colon.

10 When I pointed out all the discrepancies, he
11 said that Colon was his cousin and that earlier in
12 the day he had met up with Colon in the Summit.
13 And he had told me earlier that nobody was in the
14 car with him, but now he was admitting that he had
15 his cousin Colon in the car with him and that Colon
16 had asked him for a ride to, quote, his homeboy's
17 house.

18 Macon said that he didn't want to go to take
19 Colon to his homeboy's house, so he dropped his
20 cousin off at the bus stop near Farrow Road, which
21 happened to be right across from the Hilton Hotel,
22 which of course is right across the street from the
23 TD Bank.

24 He denied any knowledge that Colon had robbed
25 the bank and certainly denied the fact that he

1 dropped him off over there in order to rob the
2 bank.

3 In his story, he decided that he was going to
4 drop Colon off there at the bus stop, which just
5 happened to be across from the TD Bank and just
6 happened to be across from the motel where he went
7 to go, for whatever reason, to get a job
8 application and to check on the price of a room.

9 Q Did at some point you become informed of what a
10 witness saw as in relationship to his vehicle and
11 the other -- his Co-Defendant?

12 A I did. Lieutenant Amaro had another witness at the
13 headquarters, a female, and she had observed the
14 individual running from the bank over to the
15 Hilton.

16 Lieutenant Amaro told me that the witness saw
17 the police in the area and knew that we were
18 looking for this one individual.

19 She saw the man approach somebody, according
20 to my report, a black male in a gray shirt and that
21 maybe he was asking him some questions. And at one
22 point she saw Mr. Colon talking to a man in a
23 bright yellow or gold shirt driving a black Dodge
24 Dakota truck, which would be Mr. Macon. And that
25 when she pulled over then -- when she pulled

1 over -- pulled where they were, the Defendant,
2 Mr. Macon, took off. She was able to get either a
3 partial or the whole tag and put it out to the
4 officer who put it out over the radio, which is how
5 Lieutenant Wyatt was able to stop him.

6 Q And when you confronted him as to these facts, what
7 did he do?

8 A He wanted to quit talking at that point. He said
9 he didn't want to talk anymore without a lawyer.

10 Q Is there anything consistent about what Mr. Macon
11 told you occurred during this day?

12 A There was nothing consistent. In fact, any time I
13 presented him with the facts that we had, he would
14 change his story.

15 Q At any point did you threaten Mr. Macon?

16 A No, sir.

17 Q Did you withhold anything from him?

18 A No, sir.

19 Q The Advice of Rights are the same Advice of Rights
20 that you just spoke of here today?

21 A Yes.

22 MR. CATHCART: May I approach the witness,
23 Your Honor?

24 THE COURT: Yes, sir.

25 MR. CATHCART: I will make this State's

1 Exhibit Number 17 just for purposes of the hearing.

2 MS. GOLDBERG: Right. No objection.

3 (WHEREUPON, State's Exhibit No. 17 was
4 marked for identification only.)

5 MR. CATHCART: Beg the Court's indulgence.
6 (Pause.)

7 MR. CATHCART: Please answer any questions the
8 Defense has.

9 MS. GOLDBERG: Beg the Court's indulgence.
10 (Pause.)

11 CROSS-EXAMINATION(IN CAMERA)

12 BY MS. GOLDBERG:

13 Q Good afternoon. Investigator, I think based on
14 your report you basically Mirandized Mr. Macon
15 first; would that be fair?

16 A You say -- yes, before I began asking him any
17 questions I did; correct.

18 Q And he -- you testified that he signed a form at
19 that time?

20 A Correct.

21 Q Was the interview recorded on audio or video?

22 A No, ma'am.

23 Q So there is nothing showing him signing that form,
24 no video of him signing anything, or anything like
25 that?

1 A No.

2 Q And where would that Advice of Rights form usually
3 go after you have it signed and witnessed?

4 A Into the case file.

5 Q So you would have given that to Investigator
6 Williams?

7 A I would have given that to Investigator Williams
8 or, yes, whoever the case officer was, yes.

9 Q The investigative follow-up that you drafted --

10 A Uh-huh.

11 Q -- where does that usually end up?

12 A Well, it goes into our ASIS system, which is our
13 in-house record system, which anybody can access it
14 from that point on.

15 Q You don't print out a copy of it, but it is put in
16 this case file?

17 A Yes, we do. Any time it happens on a weekend, any
18 major arrest we print out and we put in what we
19 call the Hot Box so they will have it on Monday,
20 any big case like that. But probably printed
21 off -- I can only recall that sometime later that
22 day I finished my follow-up and made sure
23 Investigator Williams had a copy of that. And,
24 again, that can be accessed by anybody that has
25 access to the system.

1 Q When Mr. Macon was first brought to you, you
2 understood he was arrested for driving under
3 suspension?

4 A Yes. But I also understood that he was a suspect
5 in the robbery also.

6 Q When he agreed to speak with you, what was he
7 agreeing to speak about?

8 A I told him that he was subsequent or initially
9 under arrest for driving under suspension third
10 offense, but that I also wanted to talk to him
11 about another possible crime.

12 And I asked him, you know, Do you have any
13 idea what that crime might be he said, Yes, just by
14 all the police being at the bank, he figured that
15 it had something to do with the bank.

16 MS. GOLDBERG: Beg the Court's indulgence.

17 (Pause.)

18 MS. GOLDBERG: No further questions.

19 MR. CATHCART: That is the State's case as to
20 the voluntariness of the statement that was made by
21 Mr. Macon.

22 THE COURT: All right, you may step down.

23 (Witness steps down.)

24 THE COURT: All right. I will be glad to hear
25 from you.

1 MR. CATHCART: Your Honor, the testimony was
2 he was advised of his rights, went through each one
3 of the rights he was advised. He gave not only a
4 statement, but he gave a self-serving statement
5 throughout the whole thing. It is not what I would
6 consider a confession, but as to the voluntariness
7 of the statement, he was not coerced, he was not
8 threatened. The testimony was that all his rights
9 were read, and therefore should come in.

10 MS. GOLDBERG: Nothing further.

11 THE COURT: All right. You said nothing
12 further?

13 MS. GOLDBERG: Yes, ma'am.

14 THE COURT: In reviewing the testimony of the
15 witness before the Court, I find that the officer
16 testified that the Defendant was read his Miranda
17 rights and that he went over his Advice of Rights
18 form with him.

19 I find that based on the testimony of the
20 witness that he, the Defendant, was not coerced, no
21 promises were made or threatened in giving the
22 statement.

23 I find that under the totality of the
24 circumstances and considering the evidence that has
25 been presented, based upon the preponderance of the

1 evidence standard, that the statement was
2 voluntarily entered into by the Defendant and
3 therefore is admissible for purposes --
4 admissible -- and it will be for the jury to decide
5 beyond a reasonable doubt if they, I guess, accept
6 it or believe it.

7 All right. Are you ready to bring them in?
8 Do y'all need a break?

9 MS. GOLDBERG: I need a quick restroom break.

10 THE COURT: Okay.

11 MS. GOLDBERG: Otherwise, I'm ready.

12 THE COURT: All right, let's take five
13 minutes. Let me ask you about the first witness.
14 How long is that person going to take?

15 MR. CATHCART: All three of these young ladies
16 will just testify as to the robbery that occurred.
17 They should be fairly quick. I would like to try
18 to get through like 5:00 or so, but I don't know if
19 that is going to be possible.

20 THE COURT: Today?

21 MR. CATHCART: I know they are worried about
22 childcare and such, but that, you know --

23 THE COURT: Jurors -- usually on Mondays --
24 you know, I don't mind working late. I will work
25 late. But usually on Mondays, just because they

1 come here and they are all anxious and they don't
2 know what to expect --

3 MR. CATHCART: I understand.

4 THE COURT: -- I don't know if I want to keep
5 them too much longer than 5:30 or 6:00 o'clock.
6 And I have not asked them about what they have.
7 But I'd like to get the opening in and one or two
8 witnesses if we can, and maybe three if they --

9 MR. CATHCART: Well, these three are going to
10 stay, I am not letting them go.

11 THE COURT: All right. Y'all go ahead and
12 take a break.

13 (WHEREUPON, a break was taken.)

14 THE COURT: All right, bring the jury in.

15 (WHEREUPON, the jury came into open
16 court at 4:02 p.m.)

17 THE BAILIFF: The jury is seated.

18 THE COURT: I apologize for having you all sit
19 back there. I'll try to -- usually I'm having to
20 estimate time. We were, I assure you, not out here
21 goofing off. There are matters of law that I have
22 to take up outside of your presence. And that is
23 what we were doing over our -- over the lunch
24 break. It took a little bit longer than I
25 expected.

1 So I don't have you back there, I'll try to
2 estimate the time a little bit better and see if we
3 can minimize the amount of times you have to stay
4 in the jury room. But if you do, do know that we
5 are usually out here working, we are not goofing
6 off or having a good time, we are out here working
7 and trying to get through the legal issues so we
8 can get you all in the courtroom.

9 At this time I am going to ask the clerk to
10 swear you in.

11 THE CLERK: Mr. Foreman, and ladies and
12 gentlemen of the jury, please stand and raise your
13 right hands to be sworn.

14 (Jury complies.)

15 THE CLERK: After this oath, please
16 acknowledge by answering: I do.

17 Do you swear or affirm that you shall well and
18 truly try and true deliverance make between the
19 State of South Carolina and the Defendant at bar,
20 whom you shall have in charge, and a true verdict
21 give, according to the law and the evidence, so
22 help you God?

23 THE JURY: I do.

24 THE CLERK: Thank you. You may be seated.

25 (Jury complies.)

1 THE COURT: All right, Madam Court Reporter,
2 let the record reflect that all of the jurors have
3 stated: I do. If there is anyone that cannot
4 uphold the oath, I would ask you to -- you can
5 stand up or wave your hand at this time.

6 (WHEREUPON, there was no response.)

7 THE COURT: Let the record reflect that no one
8 has done that.

9 All right, ladies and gentlemen, what I would
10 say now would tend to serve as an introduction to
11 the trial of this case.

12 These remarks are not a charge on the law in
13 this case. I will charge you, instruct you as to
14 the law applicable to this case at the end of the
15 trial before you retire to consider your verdict.

16 This is merely an explanation of the procedure
17 that we will follow in the trial of this case so
18 that you may understand what may be happening
19 throughout the trial. You are not to take any
20 notes during this trial.

21 In this case, once again, the Defendant is
22 charged by an indictment filed in this court with
23 the crimes of armed robbery and four counts of
24 kidnapping, the elements of which will all be
25 explained to you later.

1 Once again, the indictment is simply the
2 charge by which the case is brought into court and
3 it is not in any sense evidence of any of the
4 allegations it contains.

5 The Defendant in this case has pled not guilty
6 to these indictments. The State therefore has the
7 burden of proving each of the elements of the
8 indictment beyond a reasonable doubt.

9 And it will be your duty, ladies and gentlemen
10 of the jury, to decide whether the State has met
11 that burden.

12 Your purpose as jurors is to find and
13 determine the facts in the case. You are the sole
14 judges of the facts. If at any time I make any
15 comment regarding the facts, you must disregard it.
16 You are to determine the facts from the testimony
17 you hear and other evidence introduced in court.
18 It is up to you to determine the emphasis which you
19 feel may properly be drawn from the evidence.

20 It is especially important that you perform
21 your duty of determining the facts diligently and
22 conscientiously because ordinarily there is no way
23 to correct an erroneous determination of the facts
24 by a jury.

25 On the other hand, and with equal emphasis,

1 the same law that makes you the judges of the facts
2 makes me the judge of the law.

3 The law as given by the Court is the only law
4 you may consider. You must accept it and follow it
5 even though you may disagree with it. I cannot
6 tell you what the facts are and you cannot disagree
7 with me about what the law is or what the law
8 should be.

9 Your job is to take the law as I give it to
10 you and apply it to the facts as you find them from
11 the testimony of the witnesses and any of the
12 evidence that is introduced.

13 After doing that you will render your verdict,
14 a true and just verdict, under the solemn oath that
15 you just took as jurors.

16 Until I have advised you to begin your
17 deliberations, you must not discuss this case with
18 anyone, including your fellow jurors, friends,
19 family members, and anyone involved in the case.
20 This includes discussions face to face and those by
21 telephone, e-mail, text or blogs, or any other
22 method of communication.

23 As I stated to you earlier, you cannot do any
24 social networking regarding your status as a juror,
25 no Instagram, no Facebooking and -- I'm missing --

1 there is another one -- LinkedIn -- there are
2 several of them, as I'm sure you all know. You
3 cannot do it. You can go on your computer and you
4 can go on Facebook, but you just cannot discuss
5 anything that is happening here at 1701 Main
6 Street.

7 After the case is submitted to you, you must
8 discuss it only in the jury room with your fellow
9 jurors. The attorneys and the parties in this case
10 have been advised that they are not to talk with
11 you at all. So if you see anyone involved in the
12 case and they do not even say hello, they are not
13 being unfriendly, they are just following my
14 instructions.

15 During the trial do not read, listen to,
16 research, or watch any news reports about this
17 case. This includes anything that may be in the
18 newspaper or on the internet, radio, or television.
19 You must not consider anything you may have read or
20 heard about the case outside of the courtroom,
21 whether before or during the trial.

22 It is important that you keep an open mind and
23 not decide any issues in this case until you have
24 received all of the evidence, the arguments of the
25 parties, and the instruction on the law by the

1 Court.

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

8 In just a moment you will hear from the
9 Solicitor. The Solicitor will make what is called
10 an opening statement in which the Solicitor will
11 explain to you the issues in this case, or what at
12 least the Solicitor thinks the issues are in this
13 case.

14 The attorney for the Defendant may also make
15 an opening statement, although he is not required
16 to do so.

17 What the attorneys tell you during their
18 opening statements is not evidence in this case.
19 It is only their contention as to what the issues
20 are.

21 The evidence in this case will be presented to
22 you by the testimony of sworn witnesses from the
23 witness stand and/or by exhibits that may be
24 introduced into evidence.

25 From time to time during the trial you may

1 hear one of the attorneys say something like, Your
2 Honor, I believe that we have a question of law or
3 a matter of law to discuss with you, or, Your
4 Honor, may we approach the bench. Or sometimes I
5 might myself might find it necessary to excuse you
6 from the courtroom for a short while so the
7 attorneys and I can discuss matters of law.

8 The reason for this is because you are the
9 judges of the facts in this case, and sometimes
10 when I am discussing matters of law with the
11 attorneys it may be necessary for me to make some
12 comment as to the facts in connection with ruling
13 on whether or not a particular law applies.

14 I am not supposed to tell you what the facts
15 are in this case, so I will -- or facts are -- so I
16 will excuse you from the courtroom while these
17 discussions take place so that you -- so that in no
18 way will you be influenced by anything that I may
19 say or do in connection with the facts.

20 In determining what the true facts are in this
21 case you must decide whether or not the testimony
22 of the witnesses is believable. It will be my
23 responsibility to rule as a matter of law as to
24 whether certain testimony is admissible at all or
25 not, but once the testimony is admitted, whether or

1 not you believe it is solely for you to determine.

2 In deciding whether to believe a witness, you
3 have the right to consider the interest of any
4 witness, the bias of any witness, the prejudice of
5 any witness, the opportunity for the witness to
6 have seen the matters and things about which the
7 witness may testify, and the way the witness acts
8 on the witness stand.

9 You have a right to consider anything that is
10 in the record that will help you evaluate the
11 testimony of the witnesses.

12 That means that it is your duty to pay close
13 attention to these witnesses, to observe the
14 witnesses, to listen to the witnesses, and to pay
15 close attention to the attorneys and the Court.

16 Do not let your thoughts wander, but give
17 strict attention to the testimony in this case so
18 that at the end of all of the testimony, after the
19 arguments of counsel, and the charge on the law by
20 the Court, you will be in a position to determine
21 what the true facts are and to apply the law to
22 those facts, and thus render a true and just
23 verdict.

24 Mr. Foreman, it is your added duty to preside
25 in the jury room and be the jury spokesperson here

1 in the courtroom.

2 It will also be your duty to write the verdict
3 on the verdict form, but I will give you further
4 instructions regarding that at the conclusion of
5 the case.

6 In order to preserve everyone's rights, I will
7 give the parties an opportunity to object to
8 anything that I said. Any exceptions to anything
9 that I said to the jury? By the State?

10 MR. CATHCART: No, ma'am.

11 THE COURT: Anything by the Defense?

12 MS. GOLDBERG: No, ma'am.

13 THE COURT: All right. Ladies and gentlemen
14 of the jury, as I stated, you will first hear
15 opening statements from the State, and then you
16 will hear from Ms. Goldberg on behalf of the
17 Defendant.

18 MR. SHELLENBERG: Thank you, Your Honor. May
19 it please the Court?

20 OPENING STATEMENT

21 MR. SHELLENBERG: On August 30th, 2012, Jason
22 Colon walked into the TD Bank on Farrow Road. And
23 he was in there long enough that the bank tellers
24 and the manager started to think something was a
25 little off, that he might be about to rob them.

1 And that is when he pulled out the black
2 pellet gun and demanded money. They gave him just
3 over \$6,000. And he walked out.

4 He walked out to go meet up with the man who
5 planned this whole thing, Arthur Macon, his cousin.

6 You see, when Jason Colon was young, he
7 suffered a traumatic brain injury and is easily
8 manipulated. His cousin knew that. That is why
9 his cousin drove him to the bank, gave him the gun,
10 sent him inside, and he sat outside with a scanner
11 set to the correct police frequency for the area.

12 Jason Colon was nothing more than another tool
13 that Arthur Macon used to rob that bank. And that
14 is why we're here today, ladies and gentlemen.
15 Arthur Macon is charged with armed robbery and four
16 counts of kidnapping, one for each of the people
17 who were in the bank when the armed robbery
18 occurred. Because in the State of South Carolina,
19 the hand of one is the hand of all, which means
20 when Arthur Macon drove Jason Colon to the bank
21 that day, gave him a gun and sent him inside, it
22 may as well have been Arthur Macon doing it. He
23 was just as guilty of the crime.

24 Now, armed robbery is simply defined as taking
25 the property of another by force or intimidation

1 with a deadly weapon or with an object the victim
2 reasonably believed to be a deadly weapon.

3 Kidnapping is simply unlawfully confining
4 someone by any means, not letting them go.

5 Now, ladies and gentlemen, you are going to
6 get to hear from a lot of different people in this
7 case. You are going to get to hear from the bank
8 tellers and the managers that day who will tell you
9 when Jason Colon came in things were a little off.
10 They will tell you how he acted before the armed
11 robbery, during the armed robbery, and then how
12 when he finished he ran through the woods,
13 according to the neighbor in the Hilton complex.
14 You will get to hear a 9-1-1 call where that caller
15 sees Jason Colon running to the -- next to the
16 Hilton, and even goes as far as to say, It looks
17 like he is looking for a ride.

18 Then you get to hear from the two employees at
19 the Hilton who see both Jason Colon and Arthur
20 Macon meet up. One of employees actually goes as
21 far as to confront them. And when he confronts
22 them, Jason runs off into the woods and Arthur
23 Macon jumps in his black truck and speeds out of
24 there.

25 Well, while that is going on, Diana Williams,

1 who you will hear from, sees all of this happen.
2 She is driving by. And she sees -- Arthur Macon's
3 car almost runs into her. So what does she do?
4 There is sirens flashing, everything is going on,
5 she knows something is wrong. So she follows
6 Arthur Macon's car into the next complex to the
7 BB&T.

8 And she manages to call the police and give
9 them a description of Arthur Macon, a description
10 of his black truck with a dent in the side, and
11 almost a complete license plate number, minus one
12 obscured letter or number.

13 So you'll get to hear all that. And then
14 you'll get to hear from the investigators and
15 officers on the scene.

16 You will get to hear how there was a GPS thing
17 put into the money and they tracked it and they
18 found the money in the woods. They found Jason
19 Colon's T-shirt in the woods. They found his hat.
20 They found the gun. And they later apprehended
21 Jason Colon.

22 You will also get to hear how the
23 identification made by Diana Williams allowed
24 Arthur Macon to be pulled over shortly from where
25 the armed robbery happened and arrested.

1 Actually you will get to see the Dash Cam
2 video of the whole thing. And you'll get to see
3 the scanner when he was pulled over, the scanner
4 sitting right there next to him on the seat, set to
5 the correct police frequency.

6 And you'll get to hear Diana Williams tell you
7 how after they pulled him over she drove by and she
8 confirmed that the man that they arrested down the
9 road was the same man that she saw talking to Jason
10 Colon in that parking lot.

11 And finally -- finally, ladies and
12 gentlemen -- you are going to get to hear Jason
13 Colon take the stand and tell you exactly what
14 happened that day.

15 He'll tell you how he got in the car with
16 Arthur Macon and it was Arthur's idea to go to the
17 TD Bank. It was Arthur's idea to give him a gun.
18 And it was Arthur's idea to send him in. And when
19 he came out that is the man he was looking for.

20 And then finally you will get to hear how
21 Arthur Macon, when he was arrested and the police
22 asked him if he knew who his own cousin, Jason
23 Colon, was, he had no idea until the police told
24 him that Jason Colon was already cooperating. Then
25 he knew who his cousin was.

1 Ladies and gentlemen, Jason Colon[sic] may
2 have thought that he was a mastermind, but he is
3 nothing more than a coward that used his
4 easily-manipulated cousin to commit an armed
5 robbery.

6 And at the end of this trial we want you to
7 hold him accountable for his actions that day and
8 find him guilty of armed robbery and four counts of
9 kidnapping.

10 Thank you.

11 THE COURT: Yes, ma'am, Ms. Goldberg?

12 MS. GOLDBERG: Thank you, Your Honor. Beg the
13 Court's indulgence.

14 (Pause.)

15 OPENING STATEMENT

16 MS. GOLDBERG: Ladies and gentlemen, this is
17 my client. This is Arthur Macon. And he stands --
18 or he sits at this table here before you today an
19 innocent man. He has pled not guilty. He knows
20 what he has been charged with. And he has told the
21 Court he is not guilty of the charges.

22 The Court will tell you, and I think they
23 already have instructed you briefly, that he is
24 entitled to the presumption of innocence until such
25 time as the State can prove to you otherwise. That

1 means he's the same as any other person out there,
2 any person on the street. He is an innocent man.
3 The State is required to prove to you that he is
4 guilty beyond a reasonable doubt.

5 Now, they have brought forth five indictments.
6 You will have copies of these indictments with you
7 in the jury room when you start deciding this case.

8 And like the judge said, they are not
9 evidence. They don't mean it is any more likely or
10 less likely that he is guilty of anything. But
11 they are what the State has brought forward to say,
12 this is what we're going to try and prove him
13 guilty of. This is our case.

14 So when you go back there, read the
15 indictments. You know, don't just gloss over them
16 because they are not evidence. Read them. And
17 then think about what has been presented to you,
18 think about the evidence, and see if it matches
19 these indictments.

20 Now, the State, as I said, is required to
21 prove him guilty beyond a reasonable doubt. You
22 are all reasonable people. If you doubt at all
23 that he is guilty, then you have to find him not
24 guilty. That is just the way the jury system works
25 here in the country. If you doubt at all --

1 because you are reasonable -- then you have to find
2 him not guilty.

3 The State, the prosecutors here, have
4 presented to you a story that they think they are
5 going to be able to present through their witnesses
6 a framework. But you are the finders of fact, as
7 the judge already said. So you are entitled to
8 believe -- when you hear all the evidence, you are
9 entitled to decide, Is this story that they gave
10 you, is it true? Is it partially true? Mostly
11 true? Not true at all? That is your job. Nobody
12 else gets to make that decision.

13 In making that decision, when you go back into
14 that jury room and you decide what you think
15 happened that day, then you compare it to these
16 indictments. And that is how you decide what kind
17 of verdict to render.

18 When you are deciding what happened that day,
19 there are lots of things you can consider. One is
20 the evidence, the testimony. The judge already
21 talked to you a little bit about credibility of
22 witnesses, but when we talk about credibility, we
23 don't mean who is lying and who is telling the
24 truth. It is a lot more complicated than that, as
25 all of you know.

1 It may just mean, are they sure, like
2 absolutely sure, or is that what they think? Are
3 there any assumptions being made? Are there -- is
4 it possible that a word or a phrase or the way
5 something is said or asked could mean more than one
6 thing to different people who are asked or
7 different people's responses for all of the
8 particular details out there?

9 So when we talk about credibility, we are not
10 necessarily accusing any witness up here of lying,
11 just what do they know and what is accurate based
12 on what they have seen and what they have been
13 exposed to.

14 Now, nobody is going to argue in this
15 courtroom that an armed robbery didn't happen. An
16 armed robbery happened that day. The only question
17 that we're leaving up to you all to decide is
18 whether Mr. Macon was involved in that robbery.
19 And Arthur has pled not guilty. He has said he is
20 not guilty.

21 You also can consider in deciding what all
22 happened that day to think about the investigation
23 that was done. Was all of the evidence that was
24 available obtained? Was it all asked for? And of
25 that evidence that actually exists, have they

1 brought it all to your attention or are they
2 keeping something back? That is all important.

3 As I said, Mr. Macon has pled not guilty. He
4 says he is not guilty. There is a lot to consider.
5 I believe you all will. The trial shouldn't last
6 all week. It shouldn't last that long.

7 There is going to be witnesses who were able
8 to see certain things or not see certain things.
9 Once you have listened to all of that, think about
10 what they are truly saying, what they truly mean,
11 and what they truly know and what they just don't.
12 Compare everything that you find to these
13 indictments. And we believe you will find him not
14 guilty.

15 Thank you.

16 THE COURT: Thank you.

17 All right, I am going to ask the State to call
18 their first witness.

19 MR. CATHCART: Your Honor, the State calls
20 Marcella Del Pino.

21 (Witness approaches.)

22 THE BAILIFF: Place your left hand on the
23 Bible, and raise your right hand, please.

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 testimony you give in this case will be the truth,
2 the whole truth, and nothing but the truth, so help
3 you God?

4 THE WITNESS: Yes.

5 THE CLERK: Thank you. Please have a seat in
6 the witness stand.

7 (Complies.)

8 THE CLERK: And state your full name for the
9 record. And please spell your last name.

10 THE WITNESS: Marcella Del Pino, D-E-L
11 P-I-N-O.

12 MARCELLA DEL PINO,
13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. CATHCART:

16 Q Ms. Del Pino, where are you employed?

17 A TD Bank.

18 Q Still?

19 A Well, I just put in my resignation and start at
20 BB&T Wednesday.

21 Q Okay. And how long were you with TD Bank?

22 A Just over six years.

23 Q Okay. And were you in banking before that?

24 A Yes.

25 Q How long were you in banking, put it that way?

- 1 A I have been in banking about 15 years.
- 2 Q Okay. And on August 30th, 2012, what were you
3 doing for TD Bank?
- 4 A Store manager.
- 5 Q Which means what exactly?
- 6 A A bank -- just the manager of the branch.
- 7 Q Your duties being?
- 8 A Managing the staff, putting in deposits, loans,
9 basically running the bank.
- 10 Q Banking stuff?
- 11 A Yes.
- 12 Q While employed there on August 30th, what if
13 anything occurred that was out of the ordinary for
14 that TD Bank?
- 15 A When Jason came into the bank?
- 16 Q Yes. The robbery. Well, the robbery, let's talk
17 about that.
- 18 A Okay. So I was in my office. And I generally log
19 in to the bank. And it just seemed a bit off,
20 because when he came in, he was on his cell phone
21 and he was kind of looking around and looking out
22 the teller window, which is through the woods. And
23 he had on a hat. And he had on -- you know, end of
24 August, so it is pretty hot outside. And he came
25 in and had jeans on, had a gray T-shirt, and had

1 another like cotton long-sleeved shirt on top of
2 that.

3 And so immediately you start kind of
4 questioning, what is going on? And so I asked the
5 head teller if she knew who he was.

6 Q The head teller would be who?

7 A Shonda Williams.

8 Q Okay.

9 A And she did not. So we just kind of kept talking
10 with him and asking him if we could help him, could
11 we get him a deposit slip, could we do something.

12 And he stayed on the phone the whole time, and
13 he never really walked past a certain area, you
14 know, to where the actual teller line is. And he
15 was in there for a good, I would say, 20, 25
16 minutes.

17 And we had clients that were in the office as
18 well. And one of the clients that comes in there
19 generally in there for at least an hour on Thursday
20 and Friday and, you know, kind of thinking
21 something is not right, you know, we don't know
22 what is going on, we don't know, you know, what is
23 going to happen. So we asked the client to stay
24 thinking that possibly if there is people in the
25 bank he is not going to do this, he is not going to

1 do anything. And --

2 Q So at this point you thought he might be doing
3 something?

4 A Yes. Something is just not right. His behavior is
5 not -- walking in the lobby. He is -- you know, it
6 is just not right. And there is something in his
7 back pocket, he had a bulge in his front right
8 pocket, so --

9 Q At that point did you call the police?

10 A No.

11 Q Why did y'all not, when you felt suspicious, felt
12 like something may be going to happen?

13 A We weren't, you know, 100 percent sure that is what
14 he was there to do, so, I mean, I obviously don't
15 want to overreact. We knew something wasn't quite
16 right, but not going to overreact and call the
17 police and then it be nothing.

18 Q Okay. And so you indicated you were there?

19 A Uh-huh.

20 Q As bank manager?

21 A Right.

22 Q Shonda was there?

23 A Teller, yes.

24 Q Were any other tellers there as well?

25 A Yes, Brittany Ellison.

1 Q And was there another employee there as well?

2 A There was. Courtney Nick. She is the customer
3 service representative.

4 Q Okay. All being employees of the bank at that
5 time?

6 A Yes.

7 Q Okay. And all being part of the job, managing
8 money at the bank?

9 A Uh-huh, yes.

10 Q Okay. So you asked these customers to stay?

11 A Uh-huh.

12 Q You said I guess 20 to 30 minutes had passed?

13 A (Nods affirmatively.)

14 Q And he was still where?

15 A Just as you walk in the front door at the
16 check-writing station where you can fill out
17 deposit slips or withdrawal slips. He never -- he
18 walked into the bank, but he wasn't in front of the
19 teller line, basically. And they could see him. I
20 mean, it is a very open office. But he never
21 really passed a certain point.

22 Q And y'all -- I believe you indicated that y'all had
23 engaged him in some way or another?

24 A Yes. Yes.

25 Q And how is that?

- 1 A He just said he was looking to cash a check.
2 Again, he is still on the phone. But I was sitting
3 directly behind him. And, you know, so I'm
4 e-mailing the head teller saying, Hey, that is not
5 a check in his hand. It was a folded up piece of
6 paper, it was not a check.
- 7 Q Okay. So he showed something up?
- 8 A Uh-huh. Yes, he had it in his hand. He said he
9 was just there to cash a check.
- 10 Q And it was obvious that it was --
- 11 A That it was not a check. It was a folded up paper.
- 12 Q What did you do when you saw that was not a check?
- 13 A I just -- I told her, That is not a check, and --
- 14 Q How did you -- did you yell it across the --
- 15 A Oh, no, no, no, we were e-mailing.
- 16 Q Okay. So while he is standing there showing you
17 what he is saying was a check?
- 18 A Uh-huh.
- 19 Q You e-mailed who?
- 20 A Shonda, the head teller.
- 21 Q Okay. Was Shonda talking to him?
- 22 A She was making conversation. She was asking him,
23 Sir, can I get a deposit slip? Can I get a
24 withdrawal slip? You know, can I get you something
25 while you are waiting? Just trying to keep him

1 engaged.

2 Q During this period of time he just sat there?

3 A Uh-huh.

4 Q I show you what has been marked as State's Exhibit
5 Number 2. Can you tell me what this is?

6 A That is him standing there at the check-writing
7 station.

8 Q When you say it is him, it is a photograph of him?

9 A Yes.

10 Q That was taken from your bank?

11 A Yes.

12 Q Is that to indicate the location where he was
13 standing there for 20 to 30 minutes?

14 A Uh-huh.

15 Q Just making y'all feel uneasy?

16 A Yes.

17 MR. CATHCART: Your Honor, at this time the
18 State seeks to introduce State's Exhibit Number 2.

19 MS. GOLDBERG: Without objection.

20 THE COURT: All right, it will be entered
21 without objection.

22 (WHEREUPON, State's Exhibit No. 2 was
23 admitted into evidence.)

24 MR. CATHCART: May I publish it to the jury?

25 THE COURT: Yes, sir.

1 MR. CATHCART: You can pass it around.

2 (Exhibit published to jury.)

3 BY MR. CATHCART:

4 Q At some point of y'all sitting there looking at
5 him, did something occur?

6 A Well, yes, he eventually pulled out a gun from his
7 pocket and walked over to Shonda and asked for the
8 money.

9 I don't know exactly the words because I
10 didn't hear it. I was standing by Courtney's
11 office, which was directly across from the teller
12 line as well, but on the other side of my office.
13 And the clients were in Courtney's office. And so
14 I was just kind of standing there talking with
15 them, kind of in between the door and her office.

16 And I heard the clients say, He's got a gun,
17 you know. And so I just kind of turned around very
18 slowly. And he was standing right behind me in
19 front of Shonda.

20 Q Were you able to observe the gun?

21 A Yes.

22 Q At that point when he held the gun up in the air --

23 A Uh-huh.

24 Q I'm sorry, I led you a bit. How was he holding the
25 gun?

1 A Oh, yes. He had it -- when I turned around he had
2 it in the air. I think he eventually like set it
3 down. He was kind of holding it right here. But
4 at the time it was in the air when I turned around.

5 Q Okay. When he had it in the air, at that point did
6 you feel free to leave the place?

7 A No.

8 Q Did you feel free to do whatever you wished to do?

9 A No.

10 Q Were you suddenly under the control of a man
11 holding a gun?

12 A Yes.

13 Q Let me show you what has been marked as State's
14 Exhibit Number 4 and just ask if you recognize what
15 this is?

16 A Yes, that is him standing at Shonda's station with
17 the gun.

18 Q Okay. And let me ask you if you see somebody's
19 legs right there?

20 A Mine.

21 Q Those are your legs?

22 A Yes.

23 Q This is a fair and accurate representation of how
24 he appeared when you turned around?

25 A When I turned around, yes, when he was right there.

1 MR. CATHCART: At this time the State seeks to
2 introduce State's Exhibit Number 4.

3 MS. GOLDBERG: Without objection.

4 THE COURT: All right. Number 4 will be
5 entered without objection.

6 (WHEREUPON, State's Exhibit No. 4 was
7 admitted into evidence.)

8 MR. CATHCART: May I publish to the jury
9 again, Your Honor?

10 THE COURT: Yes, sir.

11 (Exhibit published to jury.)

12 BY MR. CATHCART:

13 Q When he had the gun up in the air, was it obvious
14 to everyone what was going on?

15 A Yes.

16 Q Did Shonda see the gun?

17 A Yes.

18 Q It was right in front of her?

19 A Directly in front of her.

20 Q Did Courtney see the gun?

21 A Yes.

22 Q Did Brittany know that the robbery was taking
23 place?

24 MS. GOLDBERG: Objection.

25 THE COURT: Sustained.

1 BY MR. CATHCART:

2 Q Was Brittany present when the robbery was taking
3 place?

4 A Yes.

5 Q How far away was she from the robbery?

6 A She was just behind Shonda working the
7 drive-through.

8 Q Okay. So how far away?

9 A A couple of -- maybe three -- well, probably about
10 four feet.

11 Q So she would have been right here working the
12 drive-through?

13 A Uh-huh. Maybe a little closer, but, yes about that
14 range, yes.

15 Q Okay. Was it a secret what was going on in there?

16 A No.

17 Q You said that the customers who were there, one of
18 them was Tony Lyles?

19 A Yes.

20 Q What if anything occurred after he put up the
21 gun -- and you are not sure what he asked, but put
22 up the gun, what occurred next?

23 A Shonda gave him the money from her drawer and then
24 she turned around and went to Brittany's station at
25 the drive-through and took the money from her

- 1 drawer, along with the GPS device from her drawer.
2 She didn't get it from her own drawer because she
3 didn't feel safe taking it from her own drawer, but
4 she took it when she turned her back to the
5 drive-through. She took the money and the GPS
6 device and put in the bag and gave it back to him.
- 7 Q And that would be from Brittany?
- 8 A Actually Shonda took it from Brittany's station.
9 Like she just said, Move over, let me --
- 10 Q (Indicating.)
- 11 A Yes.
- 12 Q Okay. She was three feet away?
- 13 A Uh-huh.
- 14 Q Or four. Let me show you what has been marked as
15 State's Exhibit Number 14. Can you tell me what
16 this is?
- 17 A That is the GPS device.
- 18 Q Okay. And it is -- how is it fixated in there, it
19 is just --
- 20 A It is just kind of stuck in between the money so
21 that you don't really know it, you know, if you are
22 just looking at it you don't know it is in there.
- 23 Q She doesn't do that at the scene, it is just
24 something pre-made?
- 25 A Uh-huh, yes.

1 Q Is that just like little things that hold it all
2 together?

3 A Uh-huh, yes.

4 Q This is what was placed into the bag?

5 A Yes.

6 MR. CATHCART: At this time the State seeks to
7 enter Exhibit Number 14.

8 MS. GOLDBERG: Without objection.

9 THE COURT: All right, that will be entered
10 without objection.

11 (WHEREUPON, State's Exhibit No. 14 was
12 admitted into evidence.)

13 MR. CATHCART: I would ask to publish it to
14 the jury as well.

15 THE COURT: Yes, sir.

16 MR. CATHCART: Thank you.

17 (Exhibit published to jury.)

18 BY MR. CATHCART:

19 Q This is different from a dye pack; correct?

20 A Yes.

21 Q What would be the difference?

22 A The dye pack is actually going to sort of explode,
23 and it has dye in it, and it destroys the money.
24 But GPS is -- basically it follows where the money
25 is going and so there is a device that you can use

1 that shows you where the money is.

2 Q And what if anything happens at the bank if the GPS
3 leaves the bank?

4 A When they pull it out of the drawer, it immediately
5 sets an alarm, a silent alarm, to our security
6 company.

7 Q Okay. So as soon as that got pulled out of the
8 drawer, an alarm is going off?

9 A Uh-huh.

10 Q Not in the bank?

11 A Uh-huh.

12 Q Correct?

13 A Uh-huh.

14 Q Still everybody quiet, everybody calm?

15 A Yes.

16 Q They knew help is coming?

17 A Yes.

18 Q What occurred after she gave him the money and the
19 dye pack? Do you recall what he put it in?

20 A Yes, it was a gray -- I think it was a Wal-Mart
21 bag.

22 Q Let me show you what has been marked as State's
23 Exhibit Number 12. Does that appear to be the same
24 type of bag -- or *the* bag that he carried the money
25 in?

1 A Yes.

2 Q Were you able to recover the money back from him?

3 A We were.

4 Q Subsequently?

5 A Yes.

6 MR. CATHCART: At this time the State seeks to
7 introduce State's Exhibit Number 12.

8 MS. GOLDBERG: Without objection.

9 THE COURT: So entered.

10 (WHEREUPON, State's Exhibit No. 12 was
11 admitted into evidence.)

12 MR. CATHCART: May I publish?

13 THE COURT: Yes, sir.

14 (Exhibit published to jury.)

15 BY MR. CATHCART:

16 Q Okay. She has given him the money, dye pack -- not
17 the dye back, excuse me, GPS -- in his bag. What
18 occurs next?

19 A He walks out. He takes it and he walks out the
20 door, right out the front door.

21 Q Was he running or --

22 A No, he walked. He was really calm. Just walked
23 out the door. I locked it behind him. And he
24 walked behind the branch, as you can see from the
25 drive-through, it backs up to those woods, and he

1 walked right where the ATM is, walked right through
2 the drive-through, and then walked towards the
3 woods.

4 Q Okay. Those woods, what are behind those woods?

5 A On the other side of the woods is the Hilton Hotel.

6 Q I show you what has been marked as State's Exhibit
7 Number 6, 7, and 8. Can you describe what 6 is?

8 A That is him leaving the bank with the money.

9 Q And I will go with 8.

10 A He is walking through the drive-through.

11 Q Towards the --

12 A Towards the woods.

13 Q Which is behind the woods?

14 A The Hilton.

15 Q Thank you. And State's Exhibit Number 7?

16 A That is him walking again towards the woods to the
17 Hilton.

18 MR. CATHCART: At this time the State seeks to
19 enter Numbers 6, 7, and 8.

20 THE COURT: Any objection?

21 MS. GOLDBERG: No, Your Honor.

22 THE COURT: All right, they will be entered
23 without objection. Yes, you may publish.

24 MR. CATHCART: Thank you.

25

1 (WHEREUPON, State's Exhibit Nos. 6-8
2 were admitted into evidence.)
3 (Exhibits published to jury.)

4 BY MR. CATHCART:

5 Q At this point the alarm has already been set?

6 A (Nods affirmatively.)

7 Q How long after he left the bank did anyone arrive?

8 A Well, it felt like forever, but I think it was just
9 a matter of minutes. You know, five, maybe -- it
10 was probably less than ten minutes. I would think
11 about five.

12 Q Okay. And what if anything did y'all do when -- I
13 mean, who arrived?

14 A Police officers arrived. There was -- I mean, they
15 were surrounding the bank pretty much. And we had
16 watched him go to the back. We actually had a
17 client that was in the drive-through at the time
18 when it happened, and he followed him around. And
19 he says, He is over here, He is over here, which is
20 going behind where the Hilton is.

21 So that is when they took off after him from
22 there. And then the officer came in, you know, and
23 got information from us.

24 Q Okay. So while he was still around the woods of
25 the Hilton --

- 1 A (Nods affirmatively.)
- 2 Q -- police were already coming to the scene?
- 3 A (Nods affirmatively.)
- 4 Q And eventually an officer came into the bank?
- 5 A Uh-huh, yes.
- 6 Q What did y'all provide him, if anything?
- 7 A A description, which, you know, Jason, who was just
- 8 in there -- and any time we get robbed, we have,
- 9 you know, a robbery kit where we bring out a
- 10 description and then we have the exact description
- 11 from head to toe of Jason, so --
- 12 Q Y'all gave that description to the police officer?
- 13 A Yes.
- 14 Q And did y'all see anything else other than Jason
- 15 going towards the Hilton?
- 16 A No.
- 17 Q The bank -- y'all were able to subsequently get the
- 18 money back; correct?
- 19 A We were, yes. It was in the woods along with, I
- 20 believe they also had the hat and then the shirt,
- 21 the long-sleeved shirt was also with the money. It
- 22 was all together in the woods.
- 23 Q I show you what has been marked as State's Exhibit
- 24 Number 9, since you mentioned it. Do you recognize
- 25 what that is?

1 A That is the shirt, the long-sleeved shirt he had
2 on, the gray shirt.

3 Q I show you State's Exhibit Number 3. Do you
4 recognize again what this is?

5 A That is the shirt that he is wearing, gray shirt.

6 Q Let me ask you this about what is in his hand. Do
7 you recognize that?

8 A I do. A gun. Which one?

9 Q This hand, I'm sorry.

10 A Oh, yes, that is the folded up piece of paper that
11 he had.

12 Q That he presented as a check?

13 A Yes. Yes.

14 Q And State's Exhibit Number 11?

15 A Oh, that was his hat. That was the hat that he was
16 wearing.

17 Q I'm sorry, it is only half of the hat. And State's
18 Exhibit Number 13?

19 A That it is the money.

20 Q Okay. And y'all recovered that as well?

21 A We did.

22 Q With the GPS receivers?

23 A Yes.

24 MR. CATHCART: At this time the State seeks to
25 introduce State's 9, 3, 11, and 13.

1 THE COURT: Any objection?

2 MS. GOLDBERG: No objection.

3 THE COURT: It will be entered without
4 objection.

5 (WHEREUPON, State's Exhibit No. 3 was
6 admitted into evidence.)

7 (WHEREUPON, State's Exhibit No. 9 was
8 admitted into evidence.)

9 (WHEREUPON, State's Exhibit No. 11 was
10 admitted into evidence.)

11 (WHEREUPON, State's Exhibit No. 13 was
12 admitted into evidence.)

13 MR. CATHCART: Beg the Court's indulgence.

14 (Pause.)

15 BY MR. CATHCART:

16 Q Please answer any questions from Defense counsel.

17 Please answer any questions from her.

18 THE COURT: Yes, ma'am?

19 MS. GOLDBERG: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. GOLDBERG:

22 Q Good afternoon. Everything that you just testified
23 about, that all is what Jason Colon did; is that
24 correct?

25 A Yes, that is correct.

1 Q Okay. Did you ever give a written statement to
2 police?

3 A No.

4 Q Did they ever ask you for a written statement?

5 A No.

6 Q You said something about a robbery kit. What is
7 that?

8 A It is a -- just something that we have at the bank
9 that, you know, has a description where we can pass
10 it out and let anybody who was involved fill out a
11 description form. And it has got like a sign that
12 we put in the window that says, go to the next
13 location, which is at, you know, whatever address,
14 and it tells us what numbers to call after 9-1-1
15 and, you know, what supervisors to call, and things
16 like that.

17 Q Did the police ever ask you for a copy of that form
18 you filled out?

19 A The description?

20 Q Uh-huh?

21 A Yes.

22 Q They did? Did you give it to them?

23 A When I was there that day. I don't know if he took
24 it with him. I just had it on my desk.

25 Q And you mentioned -- well, when Mr. Colon was

1 inside the bank, did he ever look at you?

2 A He was looking around. I don't know -- I mean,
3 yes, because, you know, I spoke to him as well,
4 because I got up out of my desk, you know, and
5 walked over to the teller line and I walked to the
6 customer service, you know, office.

7 And in the meantime, Hey, how are you? Can we
8 help you? And so just kind of making that eye
9 contact with him.

10 Q Right. When you were checking him to make sure
11 everything was okay?

12 A Yes.

13 Q When the robbery was taking place did he ever look
14 at you?

15 A No.

16 Q Did he ever say anything to you?

17 A No.

18 Q Ever order you in any particular direction?

19 A No.

20 Q When you were talking or e-mailing with your
21 co-worker --

22 A (Nods affirmatively.)

23 Q -- did you notice anything about where he was
24 compared to the camera?

25 A I don't remember exactly where all the cameras

1 were. I believe there is one right -- as you
2 walked into the front door there is one, but above
3 my office. But he just kind of stayed in that
4 general location, until he pulled -- you know,
5 until he walked over to the teller station and
6 actually pulled the gun out, he just stayed in that
7 one general location.

8 Q And you said after he left it was at least five
9 minutes till police arrived?

10 A It was -- yes, a couple of minutes.

11 MS. GOLDBERG: Beg the Court's indulgence.

12 Q Oh, one more question. You said you saw him walk
13 out very calm?

14 A Uh-huh.

15 Q Towards the woods?

16 A Uh-huh.

17 Q Did you actually see him walk into the woods?

18 A He did go into the woods.

19 Q Okay. And you saw him the whole time walking?

20 A Yes. We -- well, where he was walking through the
21 drive-through, and then after -- you know, I walked
22 him out, and then I watched him go behind the
23 office and towards the woods. And then we walked
24 to the back door, and I kind of opened it up just
25 to see where he was going. So, yes.

1 Q And you could see him still just walking?

2 A Yes.

3 Q As he entered the woods?

4 A (Nods affirmatively.)

5 MS. GOLDBERG: Beg the Court's indulgence.

6 (Pause.)

7 BY MS. GOLDBERG:

8 Q And just to be clear, the woods he walked into, was
9 that behind the bank or on the side of the bank?

10 A Well, they are on the other side of the bank. They
11 kind of go back behind some of it as well. But
12 they are not -- they just go along the side of the
13 bank. It is a further distance than the length of
14 the bank, but the woods don't go up and around the
15 direction.

16 Q So more like the back corner?

17 A Uh-huh.

18 Q Okay. Fair enough.

19 MS. GOLDBERG: Nothing further.

20 THE COURT: Anything else from the State?

21 MR. CATHCART: Yes, just a couple of
22 questions.

23 REDIRECT EXAMINATION

24 BY MR. CATHCART:

25 Q I show you State's Exhibit Number 4. Was he hiding

1 the gun from anyone?

2 A No.

3 Q Was it up here by his ear?

4 A It was.

5 Q Was it pointed at the teller?

6 A Eventually it was, because it was sitting on the
7 counter.

8 Q Okay. And at some point -- I guess, let me --
9 well, no. But at any point while he pulled out the
10 gun, did you feel free to leave?

11 A No.

12 Q Did you think anybody at that place was free to
13 leave?

14 A No.

15 MR. CATHCART: No further questions.

16 MS. GOLDBERG: No questions, Your Honor.

17 THE COURT: All right, ma'am, you may step
18 down.

19 (Witness steps down.)

20 THE COURT: Just before you call the next
21 witness, is there anyone that needs to leave before
22 5:30 or make arrangements? All right, if not we
23 will continue on and see how far we get with the
24 next witness.

25 Yes, sir, call your next witness.

1 MR. CATHCART: The State calls Courtney Nick.

2 (Witness approaches.)

3 THE BAILIFF: Place your left hand on the
4 Bible, and raise your right hand, please.

5 (Witness complies.)

6 THE CLERK: Do you swear or affirm the
7 testimony you give in this case will be the truth,
8 the whole truth, and nothing but the truth, so help
9 you God?

10 THE WITNESS: I do.

11 THE CLERK: Please have a seat in the witness
12 stand, and state your full name for the record.

13 THE WITNESS: Courtney Nick.

14 COURTNEY NICK,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CATHCART:

18 Q Ms. Nick, where are you employed?

19 A TD Bank.

20 Q Are you still there?

21 A Yes.

22 Q You haven't resigned yet?

23 A No.

24 Q How long have you been there?

25 A I've been with the bank seven years.

1 Q Okay. And what capacity are you working there?

2 A I'm store manager, or branch manager. I manage the
3 bank.

4 Q Kind of what Ms. Del Pino just talked about are
5 your duties?

6 A Uh-huh.

7 Q Okay. And you were there as well back on
8 August 30th, 2012?

9 A Yes.

10 Q Okay. And what was your job at that point?

11 A Customer service representative.

12 Q Okay. And what were you doing there as a customer
13 service representative?

14 A I would open accounts, close accounts, audits,
15 loans.

16 Q Okay. So, again, bank work, I guess?

17 A Yes, bank work.

18 Q You were there the day this occurred?

19 A Yes.

20 Q You were there when Mr. Colon came into the bank?

21 A Yes.

22 Q Do you recall him -- I'm showing you State's
23 Exhibit Number 2 -- just standing there for 20, 30
24 minutes, I believe the testimony was?

25 A Yes.

1 Q Did you find it somewhat odd what he was doing as
2 well?

3 A Yes.

4 Q Okay. What if anything occurred -- or did you
5 comment to him, or was it just between Ms. Del Pino
6 and Shonda as to what they were saying to him? Did
7 you talk to him as well?

8 A No, I didn't.

9 Q Okay. But they were talking with him?

10 A Yes.

11 Q For that period of time?

12 A Uh-huh. Just more, Hey, how you doing? How can we
13 help you? They would wait about a minute or two
14 and say, Hey, how you doing? How can I help you?

15 And he just kept saying -- he was more so
16 like, I'm good. I could see him when he raised the
17 paper like cashing a check -- I could hear it, but
18 I never interacted with him.

19 Q Okay.

20 A Yes.

21 Q At some point did you see him pull up something
22 other than a check?

23 A Yes.

24 Q What did you see him pull up?

25 A The gun, when he was walking towards the teller

1 line.

2 Q Okay. So when you say he was walking toward the
3 teller line, walking towards who?

4 A Shonda.

5 Q Okay. And he had the gun up like this(indicating)?

6 A Yes.

7 Q At that point did you feel like you were free to
8 leave the bank?

9 A Absolutely not.

10 Q No further questions. Please answer any questions
11 from Defense counsel.

12 THE COURT: Yes, ma'am?

13 MS. GOLDBERG: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. GOLDBERG:

16 Q Ms. Nick, can you describe for me again exactly
17 where you were in the bank?

18 A I was sitting in my office right across from
19 Shonda's station.

20 Q Okay.

21 A So the door in the background was the picture of my
22 office.

23 Q So, when he was walking towards Shonda --

24 A Uh-huh.

25 Q -- Mr. Colon --

- 1 A Uh-huh.
- 2 Q -- with the gun, he was walking away from you?
- 3 A No, he was walking towards me, because I sit
- 4 directly -- I was sitting directly in front of her,
- 5 so he was walking in that direction. So if this is
- 6 Shonda's station, I was where you are at, and he is
- 7 walking this way(indicating).
- 8 Q You were behind her?
- 9 A Yes. I'm in front of her, but behind him.
- 10 Q So how did he get around you?
- 11 A He didn't. My office is where you are standing, if
- 12 this is her station.
- 13 Q Uh-huh.
- 14 A My office is where you are at.
- 15 Q Okay.
- 16 A He walked --
- 17 Q Is the lobby in between here?
- 18 A Yes.
- 19 Q Okay. So you are saying he was walking this
- 20 direction?
- 21 A Yes.
- 22 Q But then when he approached her, then his back was
- 23 to you?
- 24 A Yes.
- 25 Q Understood. Understood. Did he ever make eye

1 contact with you?

2 A No.

3 Q Did he ever say anything to you at all?

4 A No.

5 MS. GOLDBERG: No further questions.

6 THE COURT: Anything else?

7 MR. CATHCART: No, ma'am.

8 THE COURT: All right, ma'am, you may step
9 down.

10 (Witness steps down.)

11 THE COURT: Call your next witness.

12 MR. CATHCART: At this time the State calls
13 Shonda Wheeler.

14 (Witness approaches.)

15 THE BAILIFF: Place your left hand on the
16 Bible, and raise your right hand, please.

17 (Witness complies.)

18 THE CLERK: Do you swear or affirm the
19 testimony you give in this case will be the truth,
20 the whole truth, and nothing but the truth, so help
21 you God?

22 THE WITNESS: I do.

23 THE CLERK: Thank you. Please have a seat in
24 the witness stand, and state your full name for the
25 record.

1 THE WITNESS: My name is Shonda Wheeler.

2 SHONDA WHEELER,

3 after being duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CATHCART:

6 Q Ms. Wheeler, where are you employed?

7 A TD Bank.

8 Q Okay. How long have you been there?

9 A Ten years.

10 Q And you were employed there back on August 30th of
11 2012?

12 A Yes.

13 Q And you heard the testimony of your two co-workers
14 here today?

15 A Yes.

16 Q You were there as well?

17 A I was.

18 Q What was your capacity there that day?

19 A I was -- I'm actually the head teller there. And
20 just doing normal routine, speaking to our
21 customers as they enter the branch.

22 Q Okay. And on August 30th, 2012, you were doing
23 this job?

24 A Yes.

25 Q At some point did you have the opportunity to see

1 Mr. Jason Colon?

2 A I did.

3 Q Okay. What drew your attention to him?

4 A When he first -- soon as the customers hit the
5 door, we're speaking, How you doing? How can I
6 help you?

7 Q Okay.

8 A And at the time when he came in he was on his
9 phone. So I still took the time to speak, How you
10 doing? How can I help you?

11 Q Okay. And what occurred?

12 A He said he wanted to cash a check, but he was still
13 on the phone, but I'm still trying to keep
14 conversation going at that time.

15 Q Okay. Did he show you the check he wanted to cash?

16 A He waved it in the air, but he is still talking on
17 the phone, but he waved it in the air.

18 Q Did you find out if it was a check or not?

19 A At the time me and my branch manager, we were
20 e-mailing back and forth, and then that is when she
21 told me, That is not a check.

22 Q Why were y'all e-mailing back and forth?

23 A Because when he first came in, just something
24 wasn't right. So we were just kind of making sure.
25 We are talking to him, but I'm still e-mailing her,

1 okay, and she was describing -- I couldn't see
2 everything that he had on, just from the top of his
3 head to probably the waist.

4 Q Uh-huh.

5 A And we were just talking about what he had on and
6 everything.

7 Q Okay. And at some point did he do something other
8 than just stand there on the phone and hold a piece
9 of paper?

10 A He stayed there for a little while, and then
11 eventually he made his way over to my station and
12 put the gun in the air.

13 And he said -- I can't remember exactly my
14 words, but I'm thinking he said, This is a stickup
15 and I want your money. He placed the gun in front
16 of me.

17 Q Okay.

18 A And at that time, once I seen the gun, I was
19 nervous, but at the same time I still kept my
20 composure and did what he asked me to do.

21 Q Okay. And what did he ask you to do?

22 A Give me your money.

23 Q Okay. And how did you do that?

24 A I -- at first I was kind of nervous whether I
25 should give him my GPS. So I felt uncomfortable,

1 so I turned around and went to the drive-through
2 where Brittany was.

3 Q Uh-huh.

4 A And I went over to her drawer, opened it, and
5 started taking money out of hers and gave him the
6 GPS in the bag.

7 Q Okay. Was she aware of what was going on after you
8 started digging in her drawer?

9 A At first she wasn't, but then -- she was talking
10 about, Why are you at my station?

11 I nudged her. I said, Give me your -- I'm
12 going to put this money in the bag because we are
13 getting robbed.

14 Q Okay. So she became aware of what was going on?

15 A Yes.

16 Q Okay. And, again, during that time he had a gun up
17 like this(indicating)?

18 A Yes.

19 Q Or like this at this point(indicating)?

20 A First he had it in the air, but then he placed it
21 in front of me.

22 Q Okay. Let me show you what has been marked State's
23 Exhibit Number 15. Does that appear how he was
24 holding the gun as well?

25 A Yes, uh-huh.

1 MR. CATHCART: At this time the State seeks to
2 introduce State's Exhibit Number 15.

3 THE COURT: Any objection?

4 MS. GOLDBERG: No, ma'am.

5 (WHEREUPON, State's Exhibit No. 15 was
6 admitted into evidence.)

7 THE COURT: Yes, sir.

8 (Exhibit published to jury.)

9 BY MR. CATHCART:

10 Q Okay. You got -- I believe you indicated he never
11 really pointed it at you?

12 A No, he did it in the air and then placed it in
13 front of me at my teller station.

14 Q Okay. Did you feel that you were free to go
15 anywhere?

16 A No, not when he put that gun on the counter, no,
17 sir.

18 Q Okay. And when he held it up in the air, did you
19 feel like, okay, I can just leave if I want to?

20 A No.

21 Q Okay. Did Ms. Del Pino understand there was a gun
22 there?

23 A Yes.

24 Q Did Ms. Courtney Nick also understand there was a
25 gun there?

1 MS. GOLDBERG: Objection.

2 A Yes.

3 THE COURT: Hold on one second. Objection.

4 I'm sorry, what was the objection for?

5 MS. GOLDBERG: He was asking her about what
6 another witness was aware of.

7 THE COURT: Sustained.

8 BY MR. CATHCART:

9 Q Was it apparent for everybody that there was a gun?

10 A Yes.

11 Q You got the money. What did you do with it?

12 A I put it in the bag that he presented to me.

13 Q Okay. And do you recall what the bag looked like?

14 A It was gray. It was a gray plastic bag.

15 Q Like a shopping bag?

16 A Yes.

17 Q Okay. And what occurred after you put the money in
18 the bag?

19 A After I placed the money in the bag and I gave it
20 to him, then he walked out calmly.

21 Q Okay.

22 A And he left the branch. And then my manager, she
23 went to lock the door. And he was still walking
24 calm, went through the drive-through towards the
25 back of the branch.

1 Q Okay. And that is towards where?

2 A There is actual -- there is a doctor's office
3 behind us, then you have got woods, and then some
4 more doctors' offices behind that doctor's office.

5 Q What is over to the side, through the woods?

6 A Through the woods, there is a hotel.

7 Q Which is a -- do you recall?

8 A Hilton.

9 Q Okay.

10 MR. CATHCART: Beg the Court's indulgence.

11 (Pause.)

12 Q Please answer any questions from Defense counsel.

13 A Sure.

14 CROSS-EXAMINATION

15 BY MS. GOLDBERG:

16 Q When he first walked up to you, he had that gun in
17 the air?

18 A Yes.

19 Q And then he put it on your counter?

20 A Yes.

21 Q At what point was that when he laid it down?

22 A After he said, Give me your money.

23 Q Then he put it down right away?

24 A Yes.

25 Q And then you began to get the money out of the --

1 A Yes.

2 Q And then after that you went back and got the money
3 from the teller?

4 A Drive-through teller.

5 Q And the teller didn't know what was going on?

6 A No, she didn't.

7 MS. GOLDBERG: Nothing further.

8 THE COURT: Anything else from the State?

9 REDIRECT EXAMINATION

10 BY MR. CATHCART:

11 Q She became aware quickly; right?

12 A Yes, after --

13 MS. GOLDBERG: Object.

14 A -- I took the money out.

15 THE COURT: Hold on one second.

16 The objection is sustained.

17 MS. GOLDBERG: Yes.

18 THE COURT: All right.

19 MR. CATHCART: I mean, my argument is not what
20 she said, it is that she became aware of it. She
21 told her what happened, she turned around, is what
22 the testimony was.

23 THE COURT: All right. The objection is
24 overruled.

25 MR. CATHCART: Thank you.

1 THE COURT: All right. That's all?

2 MS. GOLDBERG: Yes, ma'am.

3 THE COURT: All right, ma'am, you may step
4 down.

5 (Witness steps down.)

6 THE COURT: Let me see you all for a second.

7 (WHEREUPON, a bench conference was held
8 in the presence of the jury but out of
9 the hearing of the jury.)

10 MR. SHELLENBERG: The State calls Tony Lyles.

11 (Witness approaches.)

12 THE BAILIFF: Place your left hand on the
13 Bible, and raise your right hand, please.

14 (Witness complies.)

15 THE CLERK: Do you swear or affirm the
16 testimony you give in this case will be the truth,
17 the whole truth, and nothing but the truth, so help
18 you God?

19 THE WITNESS: I do.

20 THE CLERK: Thank you. Please have a seat in
21 the witness stand, and then state your full name
22 for the record.

23 THE WITNESS: Tony Lyles.

24 TONY LYLES,
25 after being duly sworn, testified as follows:

DIRECT EXAMINATION

1
2 BY MR. SHELLENBERG:

3 Q Good afternoon, Mr. Lyles.

4 A All right. How you doing?

5 Q Doing well. Do you work here in Columbia?

6 A I do.

7 Q And what do you do?

8 A Contractor.

9 Q And who do you bank with?

10 A TD Bank.

11 Q Were you banking with TD Bank back in August of
12 2012?

13 A Yes, sir.

14 Q And did you go to the bank that day?

15 A I did.

16 Q And did you observe anything out of the ordinary
17 that day when you went to the bank?

18 A I did.

19 Q And what did you observe?

20 A A bank robbery.

21 Q Okay. Can you -- let's start from the beginning.
22 You say -- were you already in the bank when the
23 gentleman came in?

24 A I was.

25 Q And did you recognize -- did you see what he had

1 on?

2 A I remember him being in black.

3 Q Okay. And I'm going to show you what has been
4 marked as State's 3. Do you recognize that
5 gentleman?

6 A Oh, yes.

7 Q And who is that gentleman?

8 A That is the guy who did the robbery.

9 Q And so how long had you been in the bank before he
10 came in?

11 A Probably about maybe 15, 20 minutes.

12 Q Had you been talking to the tellers and managers?

13 A All the way through.

14 Q Being a gentleman. And after you observed anything
15 out of the ordinary, did you have -- did you tell
16 anybody anything?

17 A Well, we noticed -- I noticed the guy that came in.
18 I saw him. He came from across the street. And
19 when he came in he just stood there like he was on
20 the telephone.

21 Q Did he have anything in his hand? Do you remember
22 at all?

23 A No. The only thing I seen was standing there with
24 a telephone to his ear.

25 Q And then did you see the robbery take place?

1 A I did.

2 Q And then what happened after the robbery?

3 A He just walked out the bank.

4 Q And where did he go?

5 A He walked to the teller side of the bank to the
6 wooded area.

7 Q What does that wooded area lead to?

8 A You have some medical offices in the back and the
9 hotel is to the right.

10 Q Next-door?

11 A Uh-huh.

12 MR. SHELLENBERG: Beg the Court's indulgence.

13 (Pause.)

14 MR. SHELLENBERG: No further questions.

15 A Thank you.

16 THE COURT: All right. Hold on one second.

17 MS. GOLDBERG: Beg the Court's indulgence.

18 (Pause.)

19 MS. GOLDBERG: No questions.

20 THE COURT: All right, sir, you may step down.

21 THE WITNESS: Thank you.

22 (Witness steps down.)

23 THE COURT: All right, ladies and gentlemen of
24 the jury, I know you had a long day. And I try not
25 to keep jurors late on Monday just because I'm sure

1 it has been a long day and not anticipating what is
2 going to happen, I'm not sure if anyone has plans
3 for the evening. So I'll try to make it a habit of
4 not keeping jurors too late on Monday. But I am
5 going to go ahead and release you.

6 We may work a little bit later tomorrow, it
7 just depends on how much testimony we get in. When
8 I say a little bit late, maybe 6:00 o'clock or so,
9 probably no later than 6:30.

10 I am going to go ahead and release you all for
11 the evening. We will start back at 9:30 in the
12 morning. You are to return to the jury room.

13 Remember that you cannot discuss the case with
14 anyone. When you get home your family members will
15 want to know what are you doing. Tell them that
16 you will tell them all about it at the end of the
17 week, but you cannot talk with them about that at
18 this time.

19 Also it would be improper for you to form any
20 opinion in your mind until you have received all of
21 the evidence and the arguments of the parties and
22 the charge on the law.

23 I am going to release you. We will see you
24 all at 9:30 in the morning.

25 One other thing that I will ask is if --

1 because we do not have that -- if you have a cell
2 phone, if you could give that to the bailiff and he
3 will give it to the clerk, no one else will have
4 it, so if something comes up here in the courtroom
5 or if we need to get in touch with you, usually
6 people, the easiest way to get in touch with people
7 these days is by cell phone. If you do not have a
8 cell phone, do not worry about it, it is okay, but
9 that is just something that I normally do, just get
10 the cell phones for the jurors if we need to get in
11 touch with you. And I assure you that it will be
12 secure with the bailiffs and the clerk.

13 All right, have a great evening. See you in
14 the morning at 9:30.

15 (WHEREUPON, the jury retires for the
16 evening at 5:05 p.m.)

17 THE COURT: All right, we will break until
18 9:30 in the morning.

19 Oh, well, I guess I need to take up that
20 issue.

21 MS. GOLDBERG: Your Honor, I personally spoke
22 to the bail bondsman around lunchtime. He told me
23 that he needed to speak with the supervisor, the
24 owner of the company and get back to me. His
25 family called to check in recently, can't get an

1 answer from the owner either way.

2 Like I said, he has reported to court several,
3 several times, including when he knew he would be
4 served with additional indictments. He was here
5 today knowing it was a trial.

6 I would ask that there is -- I would argue
7 there is nothing different between today and
8 tomorrow and ask that he be allowed to report at
9 9:30.

10 THE COURT: All right.

11 MR. CATHCART: Your Honor, I point out that
12 looking at, if convicted -- knock on wood -- he is
13 looking at a minimum 10 up to 120 years. He has
14 got six prior convictions for strong armed robbery.

15 I think after his confession has come in and
16 his identification has also come in, he has got
17 good reason not to be here tomorrow. I would ask
18 that he not be out on bond so we know where he is
19 so we can continue this trial.

20 THE COURT: All right. Well, I am going to --
21 unless I can get something -- I understand you
22 talked to the bail bondsman, but --

23 MS. GOLDBERG: Well, he couldn't come either
24 way.

25 THE COURT: But I am going to go ahead and

1 have him detained for the evening. If they give me
2 something in writing saying that they will stay on
3 the bond, meaning they will be -- I don't know how
4 much the bond is -- they are going to be
5 responsible if he doesn't show up. I will take a
6 look at that tomorrow.

7 We'll revisit the issue again tomorrow if they
8 are to give something, but -- or if they want to
9 come down here and put it on the record under oath
10 that they are going to be responsible, but without
11 that assurance I'm not inclined to allow him to
12 stay out.

13 MS. GOLDBERG: Yes, Your Honor. And just so
14 you know, we are going to make one more phone call
15 real quick, so if I hear something in the next
16 three minutes, I may let you know that I have heard
17 something different, but I understand you are
18 leaving the bench now.

19 THE COURT: Yes. Well, and the other problem
20 is, I need something --

21 MS. GOLDBERG: In writing?

22 THE COURT: Yes. I need something in writing
23 or I need them to come down. Not that I don't
24 believe you.

25 MS. GOLDBERG: No, I told him --

1 THE COURT: I just don't want them to come
2 back later and say --

3 MS. GOLDBERG: Right.

4 THE COURT: -- we didn't say that.

5 MS. GOLDBERG: And I told him earlier that if
6 he could give it to me in writing, to e-mail me and
7 that we could print it out, and I haven't received
8 anything.

9 MR. CATHCART: If I'm not mistaken, it is a
10 total of a \$70,000 bond on all of this, and that is
11 not enough to keep him -- I mean, I'm sure the
12 bonding company doesn't want to let him go, he
13 doesn't owe them anything other than the money as
14 he is running away.

15 THE COURT: All right. Well, we will revisit
16 it again tomorrow, depending on what they say. But
17 for purposes of tonight, he will be detained.

18 MR. CATHCART: Thank you, Your Honor.

19 (WHEREUPON, court adjourned for the day
20 at 5:08 p.m.)

21 SEPTEMBER 30, 2014

22 THE COURT: We have a note from one of the
23 jurors. All right. So it says: I want to speak
24 with the judge about disclosure of an issue that
25 may have affected my selection. Juror 281.

1 MR. CATHCART: About the what?

2 THE COURT: May -- I want to speak to the
3 judge about disclosure of an issue that may have
4 affected my selection.

5 In other words -- well, I don't know. I will
6 not interpret what it means.

7 MR. SHELLENBERG: I don't know if she stood up
8 for anything.

9 THE COURT: So I don't know what it is that
10 she wants to disclose.

11 MR. CATHCART: Well, Judge, as a fair and
12 impartial trier of the law, perhaps you should ask
13 her about it and then tell us.

14 THE COURT: Do y'all want me to ask her
15 without you all?

16 MS. GOLDBERG: Yes, so that she feels
17 comfortable saying everything she wants to say and
18 doesn't hold back.

19 THE COURT: All right. I'll bring her -- can
20 you bring her out? Juror 281.

21 MR. CATHCART: Judge, basically what I was
22 saying if you would talk to her privately she might
23 feel --

24 THE COURT: Yes, yes, I am going to meet her
25 in the hallway.

1 MR. CATHCART: Oh, okay.

2 THE COURT: Yes. I am going to talk to her in
3 the hallway. The problem is there is really
4 nowhere to talk to her around here. I can go in
5 Judge Hood's office. All right. 281.

6 (WHEREUPON, the Court and Juror 281
7 confer in hallway.)

8 (WHEREUPON, the Court and Juror 281
9 enter the courtroom.)

10 THE COURT: All right. So this is
11 Ms. Weinberg, Juror 281. And her question -- she
12 has explained to me that she -- and I am going to
13 let her tell you all this -- but that she thought
14 about something this morning, and she just wanted
15 to make sure -- she wanted to make sure she
16 answered the question correctly.

17 So I'll go ahead and -- you can go ahead and
18 tell them what it was.

19 THE JUROR: Okay. Well, there was a question
20 about if anybody in my family was a victim of a
21 crime or a burglary. And my son, who was a student
22 at MUSC a few years ago, had all of his computer
23 equipment stolen from the MUSC library while he was
24 on dinner break.

25 It turned out that the equipment was returned

1 within about a 48-hour period by the person who had
2 taken it. But I know that person is being charged
3 for that. But it is not something that I have been
4 involved with. But I wanted to make sure that
5 everybody knew that, because I didn't want to
6 jeopardize the trial; so --

7 THE COURT: All right. And in answering the
8 question regarding your son, I of course have to
9 ask you can you -- do you feel that you can be fair
10 and impartial in this trial?

11 THE JUROR: Yes, I do.

12 THE COURT: All right, thank you,
13 Ms. Weinberg. You can go back to the jury room.

14 (Juror 281 returns to the jury room.)

15 THE COURT: All right, anything regarding
16 that? She just -- I think she just thought about
17 it and felt bad that she didn't answer the
18 question.

19 MR. CATHCART: The State has absolutely no
20 problem with her staying on the jury.

21 MS. GOLDBERG: No issue with the Defense.

22 THE COURT: All right. I'll mark this as
23 Court Exhibit 1.

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

1 THE COURT: Are you ready to bring them in?
2 Are you ready?

3 MR. CATHCART: Yes, ma'am, the State is ready.

4 THE COURT: All right.

5 (WHEREUPON, the jury came into open
6 court at 9:55 a.m.)

7 THE BAILIFF: Your Honor, the jury is present.

8 THE COURT: All right. Good morning, ladies
9 and gentlemen of the jury. I hope that you had a
10 restful evening.

11 At this time we will continue with the State's
12 case. I will ask the State to call their next
13 witness.

14 MR. SHELLENBERG: The State calls Corporal
15 Michael Autry.

16 (Witness approaches.)

17 THE BAILIFF: Place your left hand on the
18 Bible, and raise your right hand, please.

19 (Witness complies.)

20 THE CLERK: Do you swear or affirm the
21 testimony you give in this case will be the truth,
22 the whole truth, and nothing but the truth, so help
23 you God?

24 THE WITNESS: So help me God.

25 THE CLERK: Please have a seat, and state your

1 full name.

2 THE WITNESS: Corporal Michael Autry, Richland
3 County Sheriff's Department.

4 MICHAEL AUTRY,
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SHELLENBERG:

8 Q Good morning, Corporal.

9 A Good morning.

10 Q How long have you been with the Sheriff's
11 Department?

12 A Almost seven years.

13 Q And what did you do before that?

14 A Retired military, 22 years.

15 Q So were you working with the Sheriff's Department
16 in 2012?

17 A Yes, sir.

18 Q In what capacity?

19 A As a master deputy in Region 3.

20 Q And what does that entail?

21 A All the duties of a road supervisor, or as a road
22 patrol officer, as well as assisting the shift
23 leader with his duties.

24 Q So you were out patrolling on the road?

25 A Yes, sir.

1 Q And did you ever respond to a crime that day?

2 A I did, on the 30th of August, yes, sir.

3 Q 30th of August? And what was that?

4 A We got a tone out for a bank robbery that had just
5 occurred at 8550 Farrow Road in Richland County at
6 the TD Bank.

7 Q And were you already in the area?

8 A Yes, sir, I was up the road around Farrow and
9 Rabon.

10 Q And so approximately how long did it take you to
11 respond?

12 A Less than four minutes.

13 Q And once you got there, what did you?

14 A I parked at a corner of the building, did a quick
15 scan to see if I saw anything. I went in the front
16 door. I don't remember what teller it was, I just
17 picked the first person I saw and said, Where did
18 he go?

19 They said, Around the side of the bank.

20 So I went through the bank to the back doors.
21 Went outside. I looked. I didn't see anybody
22 running. I went ahead and came back inside, got on
23 the radio, and started setting up a perimeter.

24 Q And were you first one on the scene?

25 A Yes, sir.

1 Q Now, when you said that they said that he went
2 through -- around the bank and out back, where was
3 he going towards?

4 A Towards -- there is a patch of woods between the
5 bank and there is a hotel.

6 Q Okay.

7 Your Honor, may he step down?

8 THE COURT: Yes.

9 (Witness steps down.)

10 MS. GOLDBERG: Your Honor, if I may?

11 THE COURT: Yes, ma'am.

12 MS. GOLDBERG: Thank you.

13 (Repositions.)

14 BY MR. SHELLBERG:

15 Q You said you responded to TD Bank?

16 A Yes, sir.

17 Q And do you see the location?

18 A Yes, sir.

19 Q Where is that?

20 A Right here(indicating).

21 Q Right here(indicating)? And where did the teller
22 say that he had fled to -- the Defendant fled to?

23 A Around the side of the bank in this
24 direction(indicating).

25 Q Through these woods(indicating)?

1 A Yes, sir.

2 Q And do you know what this building is(indicating)?

3 A This is the Hilton Garden Inn(indicating).

4 Q This is Hilton Garden Inn right here(indicating)?

5 A Yes, sir.

6 Q And do you recognize this building as

7 well(indicating)?

8 A Yes, sir, that is another bank, the BB&T.

9 Q That is the BB&T(indicating)? All right, so when
10 you responded, you set up a perimeter around TD
11 Bank?

12 A When I responded, I parked here(indicating). Came
13 in the front door, ran through, came out the back
14 and checked it to see if I saw anybody running to
15 possibly give pursuit. Did not. Went bank inside
16 the bank. I got on the radio. And then I started
17 setting up units as they were coming in. I know I
18 set up one over here(indicating). I told one to go
19 to the intersection of the railroad tracks and
20 Flint Lake. Another one at Farrow and Flint Lake.
21 I was basically trying to box in this entire area.

22 Q And why would you do that?

23 A So that when K-9 got there we could possibly
24 establish a track. The concept is to get everybody
25 in a perimeter with the blue lights and keep the

1 suspect hunkered down so the --

2 THE COURT REPORTER: I'm sorry, I can't hear
3 you.

4 THE WITNESS: Ma'am?

5 THE COURT REPORTER: I couldn't hear you.

6 A The idea is to get everybody in a square perimeter
7 to keep the suspect inside the perimeter and keep
8 him hunkered down so the dog can track to him.

9 Q And at that point did you have any information
10 about a second suspect?

11 A I was told --

12 MS. GOLDBERG: Objection.

13 A I'm sorry?

14 THE COURT: What is the question again?

15 MR. SHELLENBERG: If he had any information
16 about a second suspect.

17 THE COURT: And what is the objection?

18 MS. GOLDBERG: Hearsay.

19 THE COURT: All right. The objection will be
20 overruled. He can say what information he had, but
21 he can't say who told him what.

22 MR. SHELLENBERG: Yes, ma'am.

23 BY MR. SHELLENBERG:

24 Q So you did find a second suspect?

25 A Yes. We received information on a radio that a

1 black truck with a black male driver in a yellow
2 shirt had spun out of this parking lot at a high
3 rate of speed headed this way on Farrow Road.

4 Q No further questions about that. You can take the
5 stand.

6 (Witness returns to witness stand.)

7 MR. SHELLENBERG: Beg the Court's indulgence,
8 Your Honor.

9 (Pause.)

10 BY MR. SHELLENBERG:

11 Q So when you set up the perimeter, approximately how
12 many deputies were coming in?

13 A There were multiple units. Farrow Road is actually
14 the border between Region 3 and Region 2, so there
15 were -- within five to six minutes there were
16 probably seven, eight, nine units in the area,
17 including K-9, who also responded to the tone out.

18 Q All right.

19 MR. SHELLENBERG: Beg the Court's indulgence.

20 (Pause.)

21 BY MR. SHELLENBERG:

22 Q When you did set up a perimeter, what did you tell
23 people to look for at that point?

24 A I was given a description of a -- excuse me, I have
25 to hold it out here, I don't have my glasses -- a

1 black male in blue jeans, white shirt, and a cap,
2 with cornrows, approximately 6 foot 2, 160 pounds.

3 Q And where did you say this took place?

4 A 8550 Farrow Road in Richland County.

5 Q And --

6 MR. CATHCART: Your Honor, at this time -- we
7 are waiting for the thing to work, it is locked up
8 on the printing -- we are going to print out the
9 picture of the map. We ask that be entered into
10 evidence as -- what number?

11 MR. SHELLENBERG: That will be State's 24.

12 MS. GOLDBERG: No objection.

13 THE COURT: Any objection? All right.
14 State's 24. That is a map, you said?

15 MR. CATHCART: Yes, ma'am, that he drew the
16 locations.

17 MR. SHELLENBERG: No further questions.

18 MS. GOLDBERG: May it please the Court?

19 CROSS-EXAMINATION

20 BY MS. GOLDBERG:

21 Q Deputy, you first heard about the armed robbery
22 over the radio?

23 A Yes, ma'am.

24 Q And you arrived in less than four minutes; is that
25 right?

1 A Yes, ma'am.

2 Q And when you got there, the bank robber was already
3 gone?

4 A Yes, ma'am.

5 Q You didn't see him anywhere?

6 A No, ma'am.

7 Q You didn't see exactly which direction he went?

8 A No, ma'am.

9 Q You only know what you were told?

10 A Yes, ma'am.

11 Q Thank you.

12 MS. GOLDBERG: No further questions.

13 THE COURT: All right, any other questions
14 from the State?

15 MR. SHELLENBERG: No, Your Honor.

16 THE COURT: All right, thank you.

17 THE WITNESS: Thank you, Your Honor.

18 (Witness steps down.)

19 THE COURT: So that is the actual document
20 that needs to go in evidence?

21 MR. SHELLENBERG: It is coming now. Yes,
22 ma'am. Do you want to look at it?

23 MS. GOLDBERG: No, I'm good.

24 (WHEREUPON, State's Exhibit No. 24 was
25 marked for identification and received

25 Q And what is your position there?

1 A My position is director.

2 Q And are you familiar with how 9-1-1 calls are kept
3 and maintained?

4 A Yes.

5 Q And how is that done?

6 A All calls that come into the 9-1-1 center are
7 digitally recorded. We have both a primary and a
8 backup recording system, and they are maintained at
9 the 9-1-1 center.

10 Q And are they kept in the ordinary course of
11 business?

12 A Yes.

13 Q I want to show you what has been marked for
14 identification as State's 25. Do you recognize
15 that?

16 A Yes.

17 Q And have you had a chance to listen to that?

18 A Yes.

19 Q And was it created in the normal course of
20 business?

21 A Yes.

22 Q And has the call in any way been changed since it
23 has been created?

24 A No.

25 MR. SHELLENBERG: Your Honor, at this time I

1 move State's 25 into evidence.

2 THE COURT: Any objection?

3 MS. GOLDBERG: No objection, Your Honor. I
4 just actually looked at it, though. I received it
5 in discovery by e-mail, and I just wanted to see
6 the CD, if there is a label on it.

7 (Pause.)

8 (WHEREUPON, State's Exhibit No. 25 was
9 marked for identification and received
10 into evidence.)

11 MR. SHELLENBERG: Your Honor, at this time
12 may I publish it to the jury?

13 THE COURT: Yes, sir. And that is 25.

14 (WHEREUPON, State's Exhibit 25 was
15 played in open court.)

16 MR. SHELLENBERG: No further questions, Your
17 Honor.

18 THE COURT: All right. Yes, ma'am?

19 MS. GOLDBERG: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. GOLDBERG:

22 Q Ms. Gathers, the CD that was introduced into
23 evidence -- I guess this is it right here -- is
24 that your handwriting?

25 A No, this is not my handwriting.

1 Q Okay. So how do you recognize that?

2 A We have three individuals in our communications
3 center that make recordings, and I recognize this
4 as Ms. Richburg's handwriting.

5 Q Very good. Thank you very much. Now, do you know
6 how that recording came to be requested from your
7 office? Who requested it?

8 A It was requested by the Solicitor's Office.

9 Q By the Solicitor's Office?

10 A Uh-huh.

11 Q Do you know how many 9-1-1 calls were given to the
12 Solicitor's Office in response to their request?

13 A I'm not certain of the number.

14 Q Okay. You don't have any information that was the
15 only 9-1-1 call given to them?

16 A No.

17 Q It may have been two, three calls?

18 A Correct.

19 Q Do you have any knowledge about if any of them
20 belonged to Diana Williams?

21 A No.

22 Q You don't know either way?

23 A No.

24 MS. GOLDBERG: Beg the Court's indulgence.

25 (Pause.)

1 MS. GOLDBERG: No further questions.

2 THE COURT: Anything else from the State?

3 MR. SHELLENBERG: No, Your Honor.

4 THE COURT: All right, ma'am, you may step
5 down.

6 THE WITNESS: Thank you.

7 (Witness steps down.)

8 THE COURT: Any objection to this witness
9 being excused?

10 MS. GOLDBERG: No, ma'am.

11 THE COURT: All right, ma'am, you are free to
12 leave.

13 (Witness excused.)

14 THE COURT: Call your next witness.

15 MR. CATHCART: Your Honor, at this time the
16 State calls Kevin Whaley.

17 (Witness approaches.)

18 THE BAILIFF: Place your left hand on the
19 Bible, and raise your right hand, please.

20 (Witness complies.)

21 THE CLERK: Do you swear or affirm the
22 testimony you give in this case will be the truth,
23 the whole truth, and nothing but the truth, so help
24 you God?

25 THE WITNESS: I do.

1 THE CLERK: Please have a seat, and state your
2 full name for the record.

3 KEVIN WHALEY,
4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CATHCART:

7 Q Mr. Whaley, where are you employed?

8 A At the Hilton Garden Inn Hotel.

9 Q Is that the one right beside the TD Bank?

10 A That's correct.

11 Q What is in between the Hilton and the TD?

12 A It is a forest. Bushes and trees. Not much,
13 though.

14 Q A small forest?

15 A A small forest. Yes, thank you.

16 Q And were you employed there back on August 30th of
17 2012?

18 A I was, yes.

19 Q In what capacity?

20 A In what capacity?

21 Q Yes. What do you do?

22 A Oh, I'm sorry.

23 Q Or did you do?

24 A I was the food and beverage director.

25 Q Okay.

1 A Uh-huh.

2 Q Did you come to work that day?

3 A That's correct, yes.

4 Q Do you recall around what time you came to work
5 that day?

6 A It was about 4:30, close to 5:00. 4:30, close to
7 5:00.

8 Q And what if anything did you observe out of the
9 ordinary when you came to work that day?

10 A When I came to work that day, when I got out the
11 car and I was headed towards the entrance of the
12 building, I noticed there was a gentleman between
13 two cars on both knees kneeling down.

14 Q Okay. And what did you do when you noticed him?

15 A I asked him what was he doing.

16 Q And why did you take it upon yourself to do that?

17 A Because in the past at that hotel we had several
18 break-ins of automobiles of the hotel guests, and
19 so it is just normal for the managers to kind of
20 scan the area before we go in.

21 Q Okay. And what was he doing while he was kneeling
22 there in between those two cars?

23 A It looked like he was trying to take off his shirt.
24 Uh-huh.

25 Q And when you confronted him and asked him what he

1 was doing, what occurred at that point?

2 A He didn't say anything. He looked at me
3 surprisingly.

4 Q Okay.

5 A But he didn't mention anything to me.

6 Q And what occurred after that?

7 A After that I walked towards him and I asked him
8 again loudly, What are you doing?

9 And that is when he got up and started to take
10 off.

11 Q When you say *take off*, what do you mean exactly?

12 A Running.

13 Q Running?

14 A Uh-huh.

15 Q Which way did he run?

16 A Towards the back of the hotel.

17 Q Okay. Which -- is that towards Farrow Road?

18 A The opposite.

19 Q The opposite?

20 A Yes.

21 Q Towards -- what is out towards the back?

22 A It is a vacant lot owned by a local construction
23 company.

24 Q And is there anything going across that vacant lot
25 as well?

- 1 A Railroad tracks.
- 2 Q Okay. And so that is the direction he ran?
- 3 A That's correct.
- 4 Q Away from the hotel?
- 5 A Away from the hotel.
- 6 Q Did you lose sight of him at any point after he ran
- 7 away from the hotel?
- 8 A No, sir.
- 9 Q Why is that?
- 10 A Because I was right behind him, running behind him.
- 11 Q And at some point did you notice that police were
- 12 in the area as well?
- 13 A I did notice police at an intersection at the
- 14 railroad track.
- 15 Q Okay.
- 16 A And I was yelling to get their attention. And
- 17 finally one or two deputies came out and started
- 18 running in our direction.
- 19 Q Okay. And then what occurred at that point?
- 20 A Well, I tried to grab the guy, became very close to
- 21 him, and a little scuffle. He tried to get away
- 22 from me. But at that time Richland County finally
- 23 managed to get up and catch up with us.
- 24 Q Did you notice anything about him that was unusual?
- 25 A He was just like eyes bulging, like there was

1 definitely something going on, like he just got
2 himself into something.

3 I heard police sirens going off in the
4 background, so it wasn't hard to put two and two
5 together.

6 Q And so when you saw him in between two cars, which
7 side of y'all's parking lot was that on? Was that
8 on the far side or on the hotel side?

9 A It was on the -- not on the hotel side, the far
10 side nearest the bank.

11 Q Towards the bank?

12 A Towards the woods.

13 Q Towards the forest?

14 A Right next to the woods.

15 Q Okay. So he never had an opportunity, as far as
16 you know, to get into the parking lot, you stopped
17 him before that happened?

18 A That's correct.

19 Q Please answer any questions from Defense counsel.

20 THE COURT: Yes, ma'am?

21 MS. GOLDBERG: No questions. Thank you.

22 THE COURT: All right, sir, you may step down.

23 THE WITNESS: Okay.

24 (Witness steps down.)

25 MR. CATHCART: May this witness be excused,

1 Your Honor?

2 MS. GOLDBERG: No objection.

3 THE COURT: All right, sir, you are free to
4 leave.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 MR. CATHCART: The State calls Ashish Desai.

8 (Witness approaches.)

9 THE BAILIFF: Place your left hand on the
10 Bible, and raise your right hand, please.

11 (Witness complies.)

12 THE CLERK: Do you swear or affirm the
13 testimony you give in this case will be the truth,
14 the whole truth, and nothing but the truth, so help
15 you God?

16 THE WITNESS: I do.

17 THE CLERK: Please have a seat, and state your
18 full name for the record.

19 THE COURT: Yes, sir.

20 ASHISH DESAI,
21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. CATHCART:

24 Q Mr. Desai, where are you employed?

25 A I am the general manager of the Hilton Garden Inn

1 on Farrow Road.

2 Q And was that your job back in August 30th, 2012?

3 A That is correct.

4 Q And on that date were you on duty at the hotel?

5 A That is correct.

6 Q What if anything did you notice unusual around 4:30
7 to 5:00 on that day?

8 A Actually, I received a call from my food and
9 beverage manager, Kevin Whaley, as he was going
10 after someone. He said, Something is wrong. We
11 don't know what is going on. Some guy is running.

12 So I left my office to see what was going on.
13 And I just caught a black truck swerving out
14 speeding through our parking lot.

15 Q And it was a black -- what kind of truck?

16 A A black pickup truck.

17 Q Okay. And when you saw it, what -- I guess what
18 drew your attention to that black pickup truck?

19 A It was speeding, probably in excess of 45 to 50,
20 through our parking lot.

21 Q Okay. And going where?

22 A Towards the main road. Towards the --

23 Q Okay. Did you see where it went after it went on
24 the main road?

25 A I believe it turned right and it went to BB&T Bank,

1 which is on the east side of us.

2 Q Were you able to get a tag?

3 A No, sir.

4 Q Were you able to see the driver?

5 A No, sir.

6 Q Please answer any questions from Defense counsel.

7 MS. GOLDBERG: Beg the Court's indulgence.

8 (Pause.)

9 CROSS-EXAMINATION

10 BY MS. GOLDBERG:

11 Q Mr. Desai, that is all you saw?

12 A Yes.

13 Q All right, thank you. No questions.

14 A Okay.

15 MR. CATHCART: Nothing further from the State,
16 Your Honor. I would ask that he be excused as
17 well.

18 THE COURT: Any objection?

19 MS. GOLDBERG: No, ma'am.

20 THE COURT: You may be excused.

21 (Witness steps down and is excused.)

22 MR. CATHCART: At this time the State calls
23 Diana Williams.

24 THE COURT: All right.

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm the
4 testimony you give in this case will be the truth,
5 the whole truth, and nothing but the truth, so help
6 you God?

7 THE WITNESS: I do.

8 THE CLERK: Have a seat, and state your full
9 name for the record.

10 THE WITNESS: Diana Williams.

11 DIANA WILLIAMS,

12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. CATHCART:

15 Q Ms. Williams, where are you employed?

16 A I work for the South Carolina Athletic Commission.

17 Q And what do you do there?

18 A I run and handle all athletic combative sports for
19 the state.

20 Q What --

21 A Combative sports, which include boxing, MMA,
22 wrestling, TUFFMAN, office tree boxing, jiu-jitsu,
23 MOITAI, kickboxing, any combative sport within our
24 state, I run that department.

25 Q And -- that's cool -- were you -- what were you

1 doing on August the 30th of 2012?

2 A Leaving a doctor's appointment at the Moncrief
3 off-post medical center.

4 Q Okay. And as you were leaving that doctor's
5 appointment, what if anything did you observe that
6 you found unusual?

7 A Leaving the appointment, there were more police
8 officers than usual that had passed my vehicle as I
9 was making a right-hand turn onto Farrow Road.

10 Q Okay. And what if anything occurred when you took
11 that right turn onto Farrow Road?

12 A I drove up a little bit further and I noticed all
13 of the officers had pulled into a TD Bank parking
14 lot, and they were pretty much surrounding the
15 bank.

16 Q Okay. And what else did you observe?

17 A I drove up a little further. After I was able to
18 drive past -- each time I had to pull over on the
19 shoulder into the grass area to allow them to pass
20 by. And as I drove up a little further, I noticed
21 that there was a gentleman that was running from
22 the bank lot into the wooded area that was between
23 the TD Bank and the Hilton Garden Inn parking --
24 or -- there is a common grassy, wooded area that is
25 between the two buildings.

1 Q And is that where you saw that man?

2 A Yes.

3 Q Okay. And what if anything did you do after that?

4 A I -- he looked suspicious. So I picked up my cell
5 phone and I called 9-1-1. And I figured the
6 police -- everything happening at one time, it
7 just -- common sense told me that something wasn't
8 right. This gentleman was fleeing from an area
9 while the police were parked in this area, and he
10 did not look as if he should have even been there.

11 So I called 9-1-1 and told them that there was
12 a gentleman that looked suspicious. I wasn't sure
13 what had happened, but he may possibly be a person
14 that they are looking for if they were looking for
15 someone.

16 Q Okay. And what occurred after you called 9-1-1 and
17 told them that?

18 A I drove up a little further, and I saw the
19 gentleman coming out of the wooded area. And I at
20 that time had already decided to pull into the
21 parking lot because there were more officers that
22 were driving past me. And so I pulled into the
23 parking lot of the Hilton Garden Inn.

24 Q Okay.

25 A And there I saw the man that had ran into the woods

1 conversing with another gentleman in the parking
2 lot of the Hilton Garden Inn Hotel.

3 Q Can you describe how that gentleman looked?

4 A He was a black gentleman, dark skin; he had an
5 afro; and a yellow shirt on.

6 Q Okay. What kind of yellow shirt?

7 A A yellow T-shirt.

8 Q Okay.

9 A And they were conversing back and forth and seemed
10 to be in a panic trying to figure out what they
11 were going to do.

12 I then saw the gentleman in the yellow shirt
13 point towards the back of the parking lot of the
14 hotel as if he was telling the gentleman in the
15 white or tannish color shirt to go back that way.
16 And he got in the vehicle.

17 Q Who got in vehicle?

18 A The gentleman in the yellow shirt.

19 Q Okay. The guy in the yellow shirt got into the
20 vehicle?

21 A Yes.

22 Q The same guy you saw conversing with the guy that
23 had just come out of woods?

24 A Yes.

25 Q Okay.

- 1 A And then I saw him get into the vehicle and he went
2 to back out and almost hit my vehicle.
- 3 Q Okay. And how far away were you when you saw this
4 occur?
- 5 A I was -- as I -- which part, the part where I saw
6 them conversing or when he got into his vehicle?
- 7 Q Okay, when he got into his vehicle?
- 8 A Close enough where I was right at his bumper.
- 9 Q Okay.
- 10 A So he would have hit my front tire, my front
11 driver's tire backing up had he not stopped.
- 12 Q Okay. Did -- so he stopped before he hit you?
- 13 A Yes.
- 14 Q Did he -- I assume at that point -- see you?
- 15 A Yes.
- 16 Q Did you see him?
- 17 A Yes.
- 18 Q Did you see his face?
- 19 A Yes.
- 20 Q How did -- were you able to see his face?
- 21 A Because he turned around and looked at me. My
22 window was down and his was as well.
- 23 Q Okay. And did y'all look eye to eye?
- 24 A Yes.
- 25 Q How far away were you from his face when you saw

1 him?

2 A A few feet because of where -- I drive a truck, or
3 a sports utility vehicle, and it was a pickup
4 truck. The bed of the truck was down, but he was
5 close enough where he was already backing out of
6 the space.

7 Q Okay. And so that is the same person with the
8 yellow shirt?

9 A Yes.

10 Q The same person you saw conversing with the guy
11 that popped out of the woods?

12 A Yes.

13 Q The same guy who was running through the woods when
14 the police were arriving?

15 A Yes.

16 Q Describe the truck he was driving?

17 A It was a black pickup truck. It had a dent on the
18 left side. And the bed of the truck -- pickup
19 truck was down.

20 Q Okay. What did you do at that point when you -- he
21 almost hit you?

22 A Well, the entire time I was still on the phone with
23 the 9-1-1 operator, so I was actually telling her
24 step by step everything that was happening that I
25 saw. And I explained that it looked like these two

1 people were together.

2 She had stated that there was a bank robbery
3 in the area and she was getting on the phone with
4 the police to let them know where I was.

5 She asked me my type of vehicle, and I began
6 giving her a detailed description of the pickup
7 truck, of what I saw at that time.

8 I gave her as much of the license plate number
9 as I could give her. The right side of the plate
10 wasn't completely visible because the bed was down.
11 The left side was more visible to me because that
12 is the side I was closest to. So when he backed
13 out of the parking space and I pulled up a little
14 further, I didn't continue driving, I looked in my
15 rearview mirror and actually turned around to try
16 to see if I could get a clear view of the plate.

17 And he sped off and sped out, and she just
18 instructed me not to follow the vehicle at that
19 time. So I drove around the back of the hotel
20 where I saw the gentleman that I initially saw
21 running into the woods over by -- there is a sandy
22 area next to the railroad tracks.

23 Q Uh-huh.

24 A And he was standing over there talking to another
25 gentleman.

1 Q Okay.

2 A So they -- I was explaining to her I can see the
3 police lights, wherever the police are these
4 gentlemen are there as well, but I don't see where
5 the police are catching them, but I see them there
6 speaking with one another.

7 Q Okay.

8 A And as I was speaking with her, I saw the black --
9 same black pickup truck in the parking lot next
10 door at the BB&T Bank.

11 Q Okay.

12 A And it was parked in the side where the ATM teller
13 machine is located, the outside teller machine.

14 Q Did you say you saw the police?

15 A I did. I could see the police lights.

16 Q Uh-huh.

17 A And I could see all the cars that had sped past me
18 when I had pulled into the Hilton Garden Inn
19 parking lot. But there is -- in between that area
20 there is another small area of grass and trees.
21 And then there is a side street that you can drive
22 up that leads closer to where the tracks are.

23 Q Okay. That is where the police were at that point?

24 A That is where they were, yes.

25 Q Were they in the BB&T parking lot?

1 A No. The black truck was in the BB&T parking lot,
2 but the police were not.

3 Q Okay.

4 A The police were only on that side street and in the
5 parking lot of the TD Bank.

6 Q So that is the one place there was a free zone?

7 A Yes.

8 MS. GOLDBERG: Objection.

9 A Actually two places.

10 THE COURT: Hold on. Hold on one second.

11 MS. GOLDBERG: I withdraw it.

12 THE COURT: All right.

13 MS. GOLDBERG: I didn't hear him correctly.

14 THE COURT: Okay.

15 A Actually there were two places that were police
16 free. Well, three if you include Farrow Road. The
17 other area that was free of police was the Hilton
18 Garden Inn parking lot and the second place was the
19 BB&T Bank parking lot.

20 Q Okay. What did you do when you noticed that that
21 pickup truck that almost hit you and sped away was
22 now there at the BB&T?

23 A I told the 9-1-1 operator that I saw the pickup
24 truck in that parking lot. And I drove out and
25 drove over to BB&T to try to get a closer look at

1 the vehicle, but I -- to see if I could get the
2 plate. And at the time I could see the driver
3 looking back towards that area where the other two
4 gentlemen were standing.

5 Q Okay. Looking back to where the guy who had popped
6 out of woods before --

7 A Yes.

8 Q -- who you spoke to, got scared off --

9 A Yes.

10 Q -- and then he drove off?

11 A Yes.

12 Q You saw him looking back to them?

13 A Yes.

14 Q Okay. And then what occurred?

15 A I pulled in and tried to use my phone to see if I
16 could take a picture of the license plate, to kind
17 of zoom in, and I wasn't able to. It was coming
18 out -- I think I was shaking, so it kind of came
19 out blurry.

20 And then I was able to get a little closer and
21 get the tag number, and I gave the 9-1-1 operator
22 the possible two numbers that I thought that that
23 license plate may have been.

24 Q Okay. And then what occurred after that?

25 A She said she had another officer on the line, and

1 asked me to turn out and drive -- I'm sorry, let me
2 back up. The pickup truck finally pulled out of
3 the parking lot and left and started driving down
4 Farrow Road.

5 Q Let me ask you this. Before he finally drove off
6 and left, what if anything occurred to the guy who
7 popped out of the woods?

8 A He was -- I -- I wasn't paying attention to him any
9 longer. At that time I was really -- I had taken
10 my eyes off of the people that were in the area.

11 Q Well, if you don't know, that's fine.

12 A So I'm not sure. I just know that the last I
13 looked in the area I did notice that there were two
14 gentlemen that were standing by the wooded area,
15 but I didn't know who those two gentlemen were or
16 who the second person was. I just knew one of the
17 people was definitely the gentleman that had come
18 out of the woods.

19 Q Okay. And the police were nearby?

20 A The police were definitely nearby, yes.

21 Q Okay. As he drove away, what did you do at that
22 point?

23 A The operator suggested that I drive out and that
24 she was putting a notice out to the police to let
25 them know the details that I had given them on the

1 pickup truck.

2 Q I mean, as to the pickup truck, did you also
3 describe the driver to them?

4 A Yes, I did. I gave a complete description of the
5 driver several times to the 9-1-1 operator. And I
6 felt like I repeated myself more times than I
7 probably needed to because I felt as if she -- when
8 she was repeating back to me what I stated to her,
9 it seemed as if she was leaving out really
10 important details of the driver and the truck.

11 Q Okay.

12 A So I tried to be as detailed as possible, not just
13 being vague that it was a black pickup truck, but
14 making sure that I noted that there was a dent in
15 the truck. And I don't even remember if I even may
16 have mentioned what type of tires were on there. I
17 was really looking at details, so --

18 Q You were talking about the type of shirt?

19 A Type of shirt.

20 Q About what the guy looked like?

21 A Yeah. Yes.

22 Q At that point did you have an opportunity to speak
23 to any officers?

24 A Yes. She asked me to turn out and to turn onto the
25 street where I did see the police officers. And I

1 drove down that side street. And there were tons
2 of police cars out there.

3 She asked that I get out and ask for a
4 specific officer. I'm sorry, I don't remember the
5 name of the officer she told me to speak with. But
6 at that time all the officers started walking
7 towards me. And I think they were a little
8 confused as to what I was doing there. They
9 weren't even aware that someone had called in to
10 give them any details about the pickup truck at
11 that time.

12 Q Okay.

13 A But because it had all transpired within minutes of
14 me meeting up with them, Officer Mazerolle -- am I
15 saying his name correctly?

16 Q Uh-huh.

17 A He walked over to me and asked me what was going
18 on, what I needed. And initially he was telling me
19 I needed to step back, until he realized that I had
20 witnessed everything from the time the gentleman
21 had left the parking lot.

22 I quickly explained to him, I can tell you all
23 of that later, but allow me to at least let you
24 know about this truck.

25 And he immediately got on the phone with other

1 dispatch officers and started to give the same
2 description that I gave, along with the license
3 plate number.

4 Q Okay.

5 A And I told him what I had seen and what had
6 happened.

7 He then a few minutes later told me that they
8 had pulled over a vehicle and if I could just hold
9 on and wait.

10 And then a few minutes later he asked if I
11 would be willing to make an ID of the person who I
12 saw in that parking lot.

13 Q Okay. And how is that performed?

14 A He stated -- we were in the middle of traffic on
15 Farrow Road, so he asked that I drive behind him
16 slowly. It was kind of impossible not to go slow
17 anyway during that traffic. He suggested that I
18 not slow down and just go with the flow of traffic
19 and I would be able to see everyone that was
20 outside, and to just look. And then I should not
21 pull over until he pulled over.

22 So we drove down Farrow Road and there were a
23 lot of police cars. I saw the pickup truck. And I
24 saw the gentleman that I saw driving the pickup
25 truck standing outside, along with several other

1 people that were in plain clothes, as well as
2 uniforms.

3 Q Okay.

4 A We got about almost a mile up the road, and he
5 pulled over on the side of the road and walked back
6 to my vehicle. And he asked me if I had seen the
7 gentleman I saw driving. I told him yes. He asked
8 me to give him a description. I gave him the same
9 description that I had given him as well as the
10 9-1-1 operator. And he walked away from my vehicle
11 and then he came back. He walked away and he was
12 speaking on his -- what do you call it?

13 Q Walkie-talkie?

14 A Walkie-talkie. And he came back and said he would
15 need me to come to the Police Department to make a
16 statement if I could.

17 Q And did you do that as well?

18 A Yes. I asked him if I could leave. I needed to
19 pick my children up, so I left to pick my children
20 up. And then I drove directly to the Police
21 Department.

22 Q When you drove by him, was there anybody in the car
23 with you?

24 A No. I was by myself.

25 Q Did anybody point to him and say, This is the guy?

1 A No. It was just me. I was the only person. I was
2 leaving a doctor's appointment, and there was no
3 one else in the vehicle with me. And the next time
4 I had someone in the vehicle with me is when I
5 picked my children up.

6 Q Is the person that you saw after the traffic stop
7 the same person that you saw at the Hilton Inn?

8 A Yes.

9 Q The same -- he was wearing the same shirt?

10 A Yes.

11 Q Same driver?

12 A Yes.

13 Q Same pickup truck?

14 A Yes.

15 Q Same dent?

16 A Yes. Same bed down. Same license plate.

17 Q That is the same person that you saw conversing
18 with the guy who was fleeing the bank?

19 A Correct.

20 MR. CATHCART: Beg the Court's indulgence.

21 (Pause.)

22 BY MR. CATHCART:

23 Q Please answer any questions from Defense counsel.

24 THE COURT: Yes, ma'am?

25 MS. GOLDBERG: Thank you.

CROSS-EXAMINATION

1
2 BY MS. GOLDBERG:

3 Q Good morning, Ms. Williams.

4 A Good morning.

5 Q So the first thing that alerted your attention was
6 the number of police cars in the area?

7 A Well, the number of police that were driving past
8 me, yes.

9 Q And you saw them go into the bank?

10 A Yes, they pulled into the bank parking lot.

11 Q They all had blue lights and sirens going?

12 A Yes, ma'am.

13 Q How many officers -- how many cop cars do you think
14 were at the bank parking lot?

15 A I can't answer that question. There were a lot.

16 Q A lot?

17 A And usually when you see a lot of lights the cars
18 really don't matter because you just see a lot of
19 lights.

20 Q Right. Understood.

21 A So --

22 Q A lot going on?

23 A More than usual.

24 Q Right. And then you saw someone who you believed
25 looked suspicious?

1 A Yes.

2 Q In the bank parking lot?

3 A Running from the bank parking lot.

4 Q From the bank parking lot?

5 A Into the common wooded area, yes.

6 Q Was he going in a particular direction or was he
7 kind of going in circles? Or how would you
8 describe how he was acting?

9 A He ran at an angle. He was running from the bank
10 itself. There is not much room. There is a small
11 parking area, I guess, where you can do the
12 drive-through on the side of the bank.

13 Q Uh-huh.

14 A So your options are either you run to the back of
15 the bank or you run to the front of the bank or you
16 run across the bank parking lot in the opposite
17 direction. But this gentleman was actually fleeing
18 from the lights in -- in an attempt to get away
19 from the police that were in the parking lot.

20 Q So which direction, the back corner?

21 A No, towards the woods. Towards the Hilton Garden
22 Inn Hotel.

23 Q Okay. And then you pulled into the hotel parking
24 lot eventually?

25 A Initially I pulled on the side of the -- the side

1 street, because there were cars that -- police cars
2 that were speeding past me.

3 Q Right.

4 A That were going in another direction, seemed to go
5 towards the -- on that side street that I mentioned
6 earlier.

7 And so at that time when I was pulled over,
8 that is when I saw the gentleman come out of the
9 woods and conversing with another gentleman.

10 Q Did you see him run out of the woods or walk out of
11 the woods?

12 A Run out of the woods.

13 Q And where did he and this gentleman meet up?

14 A They were --

15 Q In the parking lot or where?

16 A In the parking lot of the Hilton Garden Inn Hotel.

17 Q In just the main part of the parking lot where you
18 drive through?

19 A No, it was on the side of the building right next
20 to the grass -- wooded common area.

21 Q But next to the building?

22 A Well, it is not really next to the building because
23 next to the building is a parking lot.

24 Q Right.

25 A And then next to the parking lot is the wooded

1 area. So it was in that wooded area. If you have
2 a picture of it I could make it very clear --

3 Q I do.

4 A -- to where exactly they were located.

5 Q I do. This is State's Exhibit 24. I know it is
6 much smaller now than it was on the video earlier.

7 MR. CATHCART: Ms. Grafton, we can pull it up.

8 MS. GOLDBERG: Absolutely. That would be
9 great.

10 (Complies.)

11 BY MS. GOLDBERG:

12 Q Ms. Williams, if you could, step down and show me
13 where you saw them talking.

14 (Witness steps down.)

15 A So this is the bank(indicating). The pickup truck
16 has to be parked about right here(indicating),
17 maybe the third or fourth parking space because it
18 was on the side of the building. And the gentleman
19 ran into the woods and ran out of the woods, and
20 they were meeting about right in this area
21 here(indicating).

22 Q Okay.

23 A So as I mentioned to you guys before, there are two
24 sets of parking spaces on the side. You could
25 actually see them meeting, but there were no cars

1 on this side here(indicating).

2 Q Very good. All right, you can have a seat. I am
3 going to leave that up, but you can have a seat.

4 (Witness returns to witness stand.)

5 Q And they were -- when you saw them, that was when
6 you were coming in the parking lot? Or on the
7 road? Which one?

8 A When I saw them -- as I was pulled over on that
9 side shoulder area -- I think it looked like there
10 may be a bush.

11 Q Right here(indicating)?

12 A Yes. A little bit further back.

13 Q Here(indicating)?

14 A Yes, right in that area. I was on the side
15 shoulder area. There is nothing but grass. And
16 that is where I saw the gentlemen talking.

17 Q Right there(indicating)?

18 A The side grass area. And then I pulled into the
19 parking lot. And as I pulled around, during that
20 time they were still conversing. And that is when
21 the gentleman ran and got into the pickup truck.

22 Q So they stood there and talked for long enough for
23 you to drive -- continue driving down the road and
24 then into the parking lot?

25 A Yes.

- 1 Q And you weren't able to hear what they said?
- 2 A No. And I wasn't trying to either. I didn't want
- 3 to be that close.
- 4 Q Right. But you weren't close enough to hear
- 5 everything?
- 6 A I wasn't close enough to hear, no, ma'am.
- 7 Q And when they -- so then when they finished
- 8 talking, obviously the guy in the yellow shirt --
- 9 he wasn't in the car, he was standing outside the
- 10 car?
- 11 A Correct.
- 12 Q So he had to walk across the parking lot?
- 13 A Well --
- 14 Q To get to his truck? Is that right?
- 15 A Yes. But it is not -- he was already standing in
- 16 the parking lot. So he walked several feet over to
- 17 his pickup truck.
- 18 Q So he was more in the middle?
- 19 A Correct.
- 20 Q Out in the open?
- 21 A Correct.
- 22 Q And walked over to the parking lot -- truck?
- 23 A Yes.
- 24 Q And then turned it on; is that right?
- 25 A I don't know whether he turned it on or it was

1 already on.

2 Q That's fair. And then when he backed up he -- you
3 said he started to back up but your car was right
4 behind him so he would have hit your vehicle?

5 A He would have ended up hitting my tire, yes.

6 Q But he did look behind him?

7 A Yes. And as I thought about it more, I did -- I
8 had to have honked my horn. There was no other way
9 that he would have known I was there. At the time
10 that he backed out he didn't look anywhere.

11 Q Okay.

12 A He just backed out.

13 Q And then when you honked he turned around?

14 A Recognized my vehicle, yes.

15 Q And he stopped?

16 A Yes.

17 Q Did you then continue on past?

18 A I continued driving past to let him go past, and
19 that is when I looked to try to see if I could get
20 a better sight of the license plate.

21 Q Right. Because the problem with the license plate
22 was that the tailgate was down?

23 A That's correct.

24 Q And that is why you couldn't see part of the
25 number?

1 A The last two numbers of the license plate were not
2 visible.

3 Q And you are positive the tailgate was down?

4 A I'm positive, yes.

5 Q Now, then you went around -- you said you went
6 around to the back of the hotel, so you would have
7 been driving back here(indicating)?

8 A That's correct.

9 Q And you saw the first man, the one who had been
10 running, the one that was suspicious, talking to a
11 third individual?

12 A Yes. There was someone else that initially when
13 the two gentleman were talking in the parking lot,
14 the one in the yellow shirt was pointing towards
15 the back, towards that sandy area that you see, it
16 was as if he was telling him --

17 Q Right here(indicating)?

18 A Further back. Further back. No, come all the way
19 back towards the railroad tracks.

20 Q This(indicating)?

21 A Yes. All of that sand area is what is visible from
22 the parking lot of the hotel.

23 Q Okay.

24 A So I was able to see him pointing to tell him to
25 run in that direction.

- 1 Q Well, you didn't hear what he said?
- 2 A No, but pointing.
- 3 Q You just saw him point?
- 4 A Right, pointing in that direction.
- 5 Q And then you saw the individual that you thought
- 6 was suspicious come back here and talk to a third
- 7 person?
- 8 A No.
- 9 Q Where did you see him talking to a third person?
- 10 A In the grass -- or in that sandy area.
- 11 Q Back here(indicating)?
- 12 A Yes, ma'am.
- 13 Q Okay. And --
- 14 A And I don't know if that third person -- who that
- 15 third person was, I just know I happened to see
- 16 someone back there.
- 17 Q You don't know anything about him?
- 18 A Right. And by reading body language you can tell,
- 19 if I'm not saying anything to you and I'm pointing,
- 20 you know, Go that way, you know to go that way.
- 21 Q Well, now --
- 22 A So.
- 23 Q And those two people back here, they stood there
- 24 and had a conversation?
- 25 A No, I didn't see -- I saw him going back in that

1 direction where there was another person standing
2 back there, but I don't know if they had a
3 conversation because I -- at the time when I drove
4 around the back of the hotel --

5 Q Uh-huh.

6 A -- that is where I noticed that that pickup truck
7 was now parked in the BB&T parking lot.

8 Q I think you testified that you saw them back there
9 talking?

10 A It looked like -- as if they were conversing, but I
11 can't be sure that they were conversing.

12 Q Okay.

13 A Because, I mean, it is difficult to tell from here,
14 but if you are sitting in a parking lot, there was
15 quite a bit of distance.

16 Q Okay.

17 A So it would not be a sure thing for me to be able
18 to tell how close they were even to one another.
19 But it looked as if they had to have known each
20 other because if me being a person, common sense
21 would tell me if someone is running towards me and
22 I have nothing to do with something and there are
23 police cars everywhere, I am not going to stay and
24 try to figure out if this person is part of it or
25 not.

1 Q So then you saw the truck in the BB&T parking lot?

2 A Correct.

3 Q And you said the truck was actually parked at the
4 ATM?

5 A Yes, in that drive-through area. Not at the ATM,
6 but in the drive-through area on the side of the
7 BB&T.

8 Q Would that be right here(indicating)?

9 A I do not -- if that is where that ATM is, then,
10 yes, ma'am. It wasn't towards the back, it was
11 more towards the middle as if they were driving
12 through the ATM, but enough where they could still
13 have a visual of what was going on behind them.

14 Q Okay. And it was parked?

15 A It was parked, yes.

16 MS. GOLDBERG: Beg the Court's indulgence.

17 (Pause.)

18 BY MS. GOLDBERG:

19 Q And you didn't see any bank robbery; correct?

20 A No.

21 Q All right.

22 MS. GOLDBERG: No further questions.

23 THE COURT: Yes, sir?

24 MR. CATHCART: Just a couple of questions.

25 REDIRECT EXAMINATION

1 BY MR. CATHCART:

2 Q After you saw the pickup truck drive away --

3 A Uh-huh.

4 Q -- from the BB&T, how long was it until you saw
5 that pickup truck again?

6 A I can't give a definite time, but I could probably
7 say possibly 20 minutes or so. I can tell you the
8 events that took place in between that.

9 Q Uh-huh.

10 A Which may help to give a time.

11 Q Let me ask you this. Are you familiar with pickup
12 trucks?

13 A I am.

14 Q Have you ever used one?

15 A No.

16 Q Have you ever seen how a tailgate works?

17 A No. I'm a mid-westerner. We don't drive pickup
18 trucks, let's put it that way. I'm sorry.

19 Q I thought you did. Well, have you shut a door?

20 A Okay.

21 Q Have you?

22 A Yes.

23 Q Okay. Does it take 20 minutes to shut a door?

24 A No.

25 Q How many seconds does it take to shut a door?

1 A Less than a second.

2 Q Okay. So in between the time -- the last time you
3 saw that pickup truck until you saw it again, was
4 there time to shut a door?

5 A Absolutely.

6 Q Okay.

7 MR. CATHCART: No further questions.

8 MS. GOLDBERG: No more questions. Thank you.

9 THE COURT: All right, ma'am, you may step
10 down.

11 (Witness steps down.)

12 THE COURT: Any objection to this witness
13 being excused?

14 MS. GOLDBERG: No, ma'am.

15 MR. CATHCART: Please.

16 THE COURT: All right, ma'am, you are free to
17 leave.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 MR. SHELLENBERG: The State calls Lieutenant
21 Frieda Wyatt.

22 (Witness approaches.)

23 THE BAILIFF: Place your left hand on the
24 Bible, and raise your right hand, please.

25 (Witness complies.)

1 THE CLERK: Do you swear or affirm the
2 testimony you give in this case will be the truth,
3 the whole truth, and nothing but the truth, so help
4 you God?

5 THE WITNESS: I do.

6 THE CLERK: Please have a seat, and state your
7 full name for the record.

8 THE WITNESS: Frieda Wyatt.

9 FRIEDA WYATT,
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. SHELLENBERG:

13 Q How are you?

14 A Good. How are you?

15 Q Doing well. And what do you do for Richland
16 County?

17 A I am currently the lieutenant over the Fugitive
18 Task Force.

19 Q And were you working for Richland County back on
20 August 30th, 2012?

21 A I was.

22 Q And in what capacity?

23 A At that time I was the supervisor over the Drug
24 Suppression Team.

25 Q And were you working that afternoon?

- 1 A Yes.
- 2 Q And did you hear a call that afternoon?
- 3 A Yes, sir.
- 4 Q And what was that about?
- 5 A A bank robbery had just taken place on Farrow Road.
- 6 Q And did they give a description of the suspect?
- 7 A They gave the description of a suspect inside the
- 8 bank and then a vehicle that had left the bank.
- 9 Q And do you remember what that was? What the
- 10 description was?
- 11 A It was a black male inside the bank, and the
- 12 vehicle was a black pickup truck, Dodge Dakota.
- 13 Q If I gave you your incident report would it help
- 14 refresh your memory?
- 15 A Yes, sir.
- 16 (Complies.)
- 17 A Thank you.
- 18 Q And what description did they give out of the
- 19 suspect and the truck?
- 20 A Of the suspect?
- 21 Q Yes?
- 22 A It was a black male wearing a yellow collared
- 23 shirt.
- 24 Q And was he driving?
- 25 A He was driving.

1 Q Did they give you a tag number in your incident
2 report?

3 A They did. It was BNA-593.

4 Q And did you come in contact with this vehicle?

5 A I did.

6 Q And how did you come in contact with the vehicle?

7 A After they had BOLO'd the description of a black
8 Dodge Dakota pickup truck, one just happened to
9 pull in front of me on Hardscrabble Road.

10 Q Now, I am going to stop you.

11 MR. SHELLENBERG: Your Honor, can she step
12 down?

13 THE COURT: Yes, sir.

14 (Witness steps down.)

15 BY MR. SHELLENBERG:

16 Q Okay. And where did you come in contact with the
17 vehicle?

18 A On Hardscrabble Road just before the first street
19 on the right, which is --

20 THE COURT REPORTER: I'm sorry, can I get the
21 witness to face me?

22 MR. CATHCART: Just turn around. You get on
23 this side, she get on that side, so she is facing
24 the court reporter.

25 (Complies.)

1 A I was on Hardscrabble Road just before William
2 Hardin.

3 Q And you drove -- and what direction did you follow?

4 A I was traveling outbound towards Blythewood on
5 Hardscrabble.

6 Q And which road did you follow?

7 A When I came in contact?

8 Q Uh-huh?

9 A The black pickup truck was in front of me on
10 Hardscrabble Road. It made a quick left turn
11 onto -- it was either Everett or Dolly Street.

12 Q And then where did you go?

13 A Once we made this left onto the side street, we hit
14 the stop sign at the end of the paved road onto --
15 I believe it is Mt. Pisgah Church Road, which is a
16 dirt road, and from there we made a right.

17 Q And did you initiate blue lights at this time?

18 A Not immediately, I did not. I made contact with
19 dispatch to confirm the description of the truck,
20 as well as the license plate, as well as the
21 description of the driver in that vehicle.

22 And while traveling down the dirt road I
23 requested a K-9 unit to head my way in case he was
24 to run on foot.

25 Q And why did you request a K-9 unit?

- 1 A So I wouldn't have to run after him should we stop
2 and he runs.
- 3 Q And at that point did you -- was that the suspect?
4 Did you confirm it was --
- 5 A Yes, that was the correct vehicle, the vehicle that
6 had been BOLO'd.
- 7 Q And did you see the shirt that the person driving
8 was wearing?
- 9 A Yes, sir.
- 10 Q And what color was that shirt?
- 11 A It was a yellow collared shirt.
- 12 Q Okay. And the tag matched the description?
- 13 A The tag was the tagged BOLO'd.
- 14 Q Okay. And then where did you go?
- 15 A We followed the dirt road down to Sloan Road, which
16 is right here(indicating).
- 17 Q Uh-huh.
- 18 A And from there we took a left. We took a left on
19 Sloan Road. And my camera equipment was initiated.
20 Once units advised me that they were close, we were
21 taking a left onto North Brickyard Road, which
22 is --
- 23 Q Right here(indicating)?
- 24 A This yellow road.
- 25 Q Right there(indicating)?

1 A Yes. We made a left at that intersection. And
2 units advised me that they were in the area. And
3 because of the time of day there was a lot of
4 traffic on Farrow Road, and I initiated a traffic
5 stop right on the railroad tracks.

6 Q And why did you do that?

7 A So then there was not going to be a vehicle pursuit
8 and hopefully not a foot pursuit.

9 Q And you had called on the K-9 unit. Where was the
10 K-9 unit?

11 A The K-9s had approached from the front of the
12 vehicle.

13 Q Okay. So you essentially had him boxed in at that
14 point?

15 A Yes, sir.

16 Q And where was the actual robbery location compared
17 to this?

18 A Right down there(indicating) at the TD Bank.

19 Q Okay. You can get back on the stand.

20 A Thank you.

21 (Witness returns to witness stand.)

22 BY MR. SHELLBERG:

23 Q And you said you made a vehicle stop at that point?

24 A Yes, sir.

25 Q And after you placed him under arrest did you

1 identify the man?

2 A I identified him by his ID as Arthur Macon.

3 Q Okay. Did you have a chance to look into his
4 vehicle?

5 A I did.

6 Q Did you see anything?

7 A There was a handheld radio on -- right in the front
8 cab.

9 Q Right in the front cab?

10 A Uh-huh.

11 Q I am going to show you what has been marked as
12 State's 1.

13 MS. GOLDBERG: No objection.

14 Q Do you recognize that?

15 A Yes, sir.

16 Q Do you know what that is?

17 A I think it is my traffic stop.

18 Q And you said a radio? Was it an actual radio or
19 what -- it was sitting on the cab?

20 A It looked to be a handheld radio. I didn't take it
21 out of the vehicle and examine it.

22 Q Okay. And what do you recognize this as?

23 A I'm sorry?

24 Q What do you recognize this as?

25 A My vehicle traffic stop.

1 MR. SHELLENBERG: Your Honor, at this time I
2 would move State's 1 into evidence.

3 MS. GOLDBERG: No objection.

4 THE COURT: All right. It will be entered
5 without objection.

6 (WHEREUPON, State's Exhibit No. 1 was
7 admitted into evidence.)

8 MR. SHELLENBERG: Your Honor, may I publish
9 this to the jury?

10 THE COURT: Yes, sir.

11 (Exhibit played in open court.)

12 BY MR. SHELLENBERG:

13 Q What street are you turning on?

14 A Right there I am making a left turn.

15 Q You are still trying to identify him?

16 A Yes, sir. And I am waiting for the K-9 and other
17 units to get there.

18 Q At that point you saw what color shirt he was
19 wearing?

20 A Yes, sir.

21 Q Who is that on the ground?

22 A The driver, Mr. Macon.

23 Q At this point what are y'all doing to the car?

24 A We were checking the vehicle. As you heard on the
25 video, it appeared that there was a second subject

1 in the car, and that is why I went to the
2 passenger's side. We were checking the vehicle
3 waiting for units from the incident location to
4 come by.

5 Q Now, you said after you arrested him you went to
6 the car?

7 A I took a quick look inside the vehicle.

8 Q And what did y'all do with the car after he was
9 placed under arrest?

10 A I had the vehicle towed to our compound.

11 Q And do you make any notes of what was in the
12 vehicle? I'm sorry, I am showing you what is
13 marked as State's 16.

14 A Yes, sir.

15 Q And what did you find in that vehicle?

16 A I had a cell phone, a car seat, miscellaneous
17 clothes, a suitcase, a Radio Shack weather scanner.

18 Q So it wasn't actually a radio, it was a scanner?

19 A Yes, sir.

20 Q Okay. And did you find any damage to that car?

21 A There was a dent on the rear door.

22 Q Is the color the same as dispatch told you?

23 A Yes, sir. Black.

24 Q Is the dent the same as dispatch told you?

25 A Yes, sir.

1 Q Is the license plate number the same as dispatch
2 told you?

3 A Yes, sir. BNA-593.

4 MR. SHELLENBERG: Beg the Court's indulgence.
5 (Pause.)

6 MR. SHELLENBERG: Thank you. No further
7 questions.

8 THE COURT: Yes, ma'am?

9 MS. GOLDBERG: Thank you, Your Honor. May it
10 please the Court?

11 CROSS-EXAMINATION

12 BY MS. GOLDBERG:

13 Q Good morning, Lieutenant.

14 A Hey.

15 Q So you first found out about this, found out what
16 to do, what was going on, by listening to the radio
17 over dispatch; is that right? Or how did you get
18 the information about the truck?

19 A A bank robbery had just occurred. And over
20 dispatch it goes across all the channels. The
21 description of the suspect and vehicles involved
22 are put out.

23 Q It goes out over all of the Sheriff's Department
24 channels?

25 A Yes.

1 Q Okay. So you heard it on your radio, your
2 frequency?

3 A Yes.

4 Q Is there a better way to describe that than what I
5 am saying?

6 A No.

7 Q Okay. And when you got behind the truck in the
8 video, you were talking; is that right?

9 A Yes, ma'am.

10 Q And could everybody listening to the radio hear
11 what you were saying?

12 A Yes, if they were on that channel.

13 Q That channel?

14 A Uh-huh.

15 Q Do you know what channel that was?

16 A I believe it was TAC 3, Channel 3.

17 Q You were driving a marked patrol car; correct?

18 A Yes.

19 Q And it had -- it was a equipped with Dash Cam, we
20 know?

21 A Yes.

22 Q And as I understand it, those cameras turn on one
23 of two ways: Either you just turn it on yourself,
24 or when you turn on the blue lights they
25 automatically come on?

- 1 A Yes.
- 2 Q Which of those happened in this case?
- 3 A Well, initially when I ran into the vehicle I
- 4 turned my camera on just in case he were to jump
- 5 before I actually initiated the traffic stop and to
- 6 catch any movements if anything else were to
- 7 happen. But normally it is what you say, it is
- 8 blue lights, or you can turn it on yourself.
- 9 Q Right. So you just manually turned it on?
- 10 A Yes.
- 11 Q To catch what we are looking at?
- 12 A Yes, ma'am.
- 13 Q And so for a large portion of that video, you
- 14 didn't have your blue lights and siren on?
- 15 A Correct.
- 16 Q You were just watching, monitoring the situation?
- 17 A Yes.
- 18 Q Did you ever turn your blue lights and siren on?
- 19 A I did.
- 20 Q Okay. He wasn't just stopped by the car that came
- 21 towards him?
- 22 A No.
- 23 Q All right. Do you know at what point you turned
- 24 your blue lights and siren on?
- 25 A Right before we got to the railroad tracks.

1 Q Right before you stopped him?

2 A Yes, ma'am.

3 Q So as soon as you activated those he stopped?

4 A Yes. He -- there was no way he could go any
5 further.

6 Q And you told him to get out of the car?

7 A I did.

8 Q Now, the reason -- as you were following him, he
9 wasn't breaking any -- I guess I should say -- he
10 wasn't speeding; is that fair?

11 A Correct .

12 Q He wasn't -- he was stopping at intersections, he
13 was stopping at stop signs; is that right?

14 A He was, yes.

15 Q You weren't pulling him over for a traffic
16 violation, you were pulling him over because you
17 had heard that he was a suspect in a robbery?

18 A I had conducted a felony traffic stop, yes, ma'am.

19 Q Right. And because it was a felony traffic stop,
20 that is why instead of walking up to the car you
21 yelled out, Get out of the car?

22 A Yes, ma'am.

23 Q Because you don't know -- if they are a suspect in
24 an armed robbery, you don't know if they have a
25 gun; right?

- 1 A Correct.
- 2 Q So you stayed back for your own safety and you say,
3 Get out of the car?
- 4 A Yes, ma'am.
- 5 Q And he got out of the car; correct?
- 6 A Yes, ma'am.
- 7 Q Hands up?
- 8 A Yes, I believe he did. I know I gave him
9 directions to get on the ground.
- 10 Q And he got on the ground?
- 11 A He did.
- 12 Q He complied with your directions?
- 13 A He did.
- 14 Q Did Mr. Macon have a weapon on him when he was
15 pulled over?
- 16 A No.
- 17 Q There wasn't one in the car or anything either?
- 18 A No.
- 19 Q The video -- why did the video shut off? Did you
20 have to manually turn it off?
- 21 A Yes. I was done with my traffic stop and he was
22 released to investigators.
- 23 Q And the Solicitor showed you a copy of the tow
24 report that they had submitted for identification
25 purposes. I'll hand that to you again. Is the

1 entire form written in your handwriting?

2 A It is not.

3 Q And there are two different handwritings there; is
4 that correct?

5 A Correct.

6 Q Can you -- do you know who the other handwriting
7 is?

8 A No.

9 Q And what is not in your handwriting?

10 A Everything in the -- I don't want to say sloppy,
11 but the light-colored ink.

12 Q The only -- the light-colored ink is your
13 handwriting?

14 A It is not.

15 Q Is not. Your handwriting is the darker?

16 A The nicely printed, yes.

17 Q And what does that say, your handwriting?

18 A It has on here the reason for towing, which I
19 marked that he was driving under suspension and
20 felony use, and I marked bank robbery. And then
21 for the -- and my name. And vehicle inventory I
22 listed the black -- or, I'm sorry, the Radio Shack
23 weather alert scanner.

24 Q You listed that?

25 A Yes, I did.

1 Q Did you take that item into evidence?

2 A I did not.

3 Q You just wrote it on there?

4 A I did.

5 MS. GOLDBERG: Beg the Court's indulgence.

6 (Pause.)

7 MS. GOLDBERG: No further questions.

8 MR. SHELLENBERG: Just briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SHELLENBERG:

11 Q So he didn't have a gun, but he did have a scanner?

12 A Yes, sir.

13 MR. SHELLENBERG: No further questions.

14 THE COURT: All right, you may step down.

15 (Witness steps down.)

16 THE COURT: All right, ladies and gentlemen of
17 the jury, it is about 11:15. And what we'll do is
18 go ahead and take our morning break. That way
19 you'll have an opportunity to refresh yourselves
20 and then we will have you back in for more
21 testimony after that.

22 Remember that you are not to discuss the case
23 with your fellow jurors during any break.

24 We'll take about 10 or 15 minutes.

25 All right, thank you.

1 (WHEREUPON, the jury retires to the jury
2 room at 11:15 a.m.)

3 THE COURT: We will take about 10 or 15
4 minutes.

5 (WHEREUPON, a break was taken.)

6 THE BAILIFF: Bring them in?

7 THE COURT: Yes, sir.

8 (WHEREUPON, the jury came into open
9 court at 11:40 a.m.)

10 THE BAILIFF: Your Honor, the jury is present.

11 THE COURT: We'll continue with the State's
12 case.

13 MR. SHELLENBERG: The State calls Sergeant
14 Michael Mazerolle.

15 (Witness approaches.)

16 THE BAILIFF: Place your left hand on the
17 Bible, and raise your right hand, please.

18 (Witness complies.)

19 THE CLERK: Do you swear or affirm the
20 testimony you give in this case will be the truth,
21 the whole truth, and nothing but the truth, so help
22 you God?

23 THE WITNESS: I do, Your Honor.

24 THE CLERK: Please have a seat, and state your
25 full name for the record.

1 THE WITNESS: Sergeant Michael Mazerolle,
2 Richland County Sheriff's Department.

3 MICHAEL MAZEROLLE,
4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SHELLENBERG:

7 Q Sergeant Mazerolle, how long have you been a cop?

8 A Approximately 18 years.

9 Q Were you working on August 30th, 2012?

10 A Yes, I was.

11 Q And did you respond to a bank robbery at TD Bank?

12 A I did.

13 Q And what was your involvement with that case?

14 A During the course of that day I was instructed that
15 there was a witness that --

16 Q Do you remember -- I'm sorry, do you remember the
17 witness's name?

18 A I know her last name as Ms. Williams.

19 Q Okay, continue.

20 A And I was instructed that she had seen an
21 individual in a yellow shirt, a black vehicle --
22 and she also gave the tag number to dispatch --
23 flee the scene of the crime. And I was instructed
24 where she was at because I was informed that they
25 had stopped a vehicle matching that description

1 with the also license plate she had given out and
2 the individual also matched the description that
3 was in the vehicle.

4 Q Now, where did you make the contact with
5 Ms. Williams?

6 A It was a road adjacent to the bank itself.

7 Q Okay.

8 A And I was instructed where she was at. Now, I
9 cannot remember the exact road, but it wasn't at
10 the bank.

11 Q Okay. And how close was it to where the second
12 arrest -- the second traffic stop had been made?

13 A You mean where they stopped the vehicle?

14 Q Yes?

15 A Okay.

16 Q But you couldn't have seen it from the bank parking
17 lot?

18 A Oh, no, no. And I can't -- mileage, you know, I
19 mean -- it was just -- you know, from what I can
20 remember, it was less than a mile away, but, I
21 mean, I couldn't give you exact mileage.

22 Q That's fine. That is absolutely fine. So you --
23 what happened with you and Ms. Williams from there?

24 A You know, at that point, you know, once I was
25 informed that they were out with the, you know, the

1 individual, I went over and I basically, you know,
2 asked her if she wanted to do a driveby
3 identification. And she said she had no problem
4 doing that.

5 Traffic was pretty congested.

6 Q Now, when you went to do the driveby
7 identification, was she in your car?

8 A Negative.

9 Q Was she in her own car?

10 A She was in her own car.

11 Q And did you tell her anything about who to choose,
12 what to do?

13 A Negative.

14 Q Okay.

15 A Negative.

16 Q So you are both in your own cars. And then you can
17 continue from there.

18 A Yes. And the traffic was pretty congested because
19 of the time of day. And we were driving between
20 five to ten miles an hour, okay? And I kept her in
21 my sight.

22 Q And what road were you on at this point?

23 A On Farrow Road on our way there. Okay. And I kept
24 her in my sight because I didn't want to lose sight
25 of her. And because the traffic was so slow, that

1 was really easy for me to keep her behind my
2 vehicle and be able to keep glancing through the
3 rearview to make sure she was still back there and
4 to keep that buffer zone where no one could get in
5 between me and her vehicle.

6 Q Okay. And when you got to the traffic stop, what
7 happened from there?

8 A From there we just, you know, we just kept driving
9 by, slow pace. Okay. And we drove, not -- maybe a
10 mile, maybe a little less past, and we pulled over
11 on the side of the road.

12 At that point I exited the vehicle and went
13 back and asked her, you know, Was that the
14 individual you seen. And she told --

15 Q Did she make a positive identification?

16 A She said yes.

17 Q Okay.

18 MR. SHELLENBERG: Beg the Court's indulgence.

19 (Pause.)

20 MR. SHELLENBERG: No further questions, Your
21 Honor.

22 MS. GOLDBERG: No questions.

23 THE COURT: All right, sir, you may step down.

24 THE WITNESS: Thank you, ma'am. Thank you,
25 Your Honor.

1 (Witness steps down.)

2 MR. CATHCART: The State calls Deputy Frazier.

3 (Witness approaches.)

4 THE BAILIFF: Place your left hand on the
5 Bible, and raise your right hand, please.

6 (Witness complies.)

7 THE CLERK: Do you swear or affirm the
8 testimony you give in this case will be the truth,
9 the whole truth, and nothing but the truth, so help
10 you God?

11 THE WITNESS: I do.

12 THE CLERK: Please have a seat, and state your
13 full name for the record.

14 MIKE FRAZIER,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CATHCART:

18 Q State your full name for the record, please.

19 A Master Deputy Mike Frazier.

20 Q Master Deputy Frazier, where are you employed?

21 A Richland County Sheriff's Department.

22 Q In that capacity did you go to a armed robbery
23 which occurred at the BB&T on -- at the TD Bank at
24 Farrow Road?

25 A I did.

1 Q On August 30th of 2012?

2 A I did, sir.

3 Q In what capacity?

4 A Just another responding unit. At the time I got
5 there we went ahead and set up and started -- set
6 up the perimeter.

7 Q Okay. And during that setting up the perimeter and
8 afterwards, did y'all have the occasion to search
9 for evidence in the case?

10 A We did.

11 Q Okay. And did y'all find some evidence in the
12 case?

13 A We did.

14 Q And when you found it, did you take pictures of the
15 evidence as well?

16 A I did.

17 Q Let me show you what has been marked as State's
18 Exhibit Number 20, 21, 22, and 23. Can you
19 describe what these are?

20 A Yes, that is Deputy Allen Derrick. He is holding
21 up his finger -- his first finger showing we found
22 evidence here, because it was so -- so many weeds
23 and everything, it was kind of hard to see.

24 Q Okay. That would be 20. This would be 21. What
25 does that show?

1 A It is the same, where he is standing up showing
2 what the next item is, pointing down in the weeds.

3 Q Is it the exact same location as the first one?

4 A It is in the same area, yes, sir.

5 Q Okay. And that would be 21. This would with
6 State's Exhibit Number 22.

7 A Yes, sir, it is a hat that was recovered.

8 Q Okay. And State's Exhibit Number 23?

9 A And we thought it was a pistol. I think it was
10 plastic, if I recall correctly, but, yes.

11 Q That was what was found there at the scene as well?

12 A Yes, sir.

13 Q Okay. Let me show you what has been marked as
14 State's Exhibit Number 18. Would that be the
15 plastic pistol you are talking about?

16 A Yes, sir.

17 MR. CATHCART: Your Honor, at this time the
18 State seeks to introduce State's Number 20, 21,
19 22, 23, and 18.

20 MS. GOLDBERG: Without objection.

21 THE COURT: All right, it is 21 through --

22 MR. CATHCART: 20 through 23, and 18.

23 THE COURT: All right, they will be entered
24 without objection.

25 MR. CATHCART: Thank you.

1 (WHEREUPON, State's Exhibit Nos. 20-23
2 were marked for identification and
3 received into evidence.)

4 (WHEREUPON, State's Exhibit No. 18 was
5 marked for identification and received
6 into evidence.)

7 BY MR. CATHCART:

8 Q These were found where exactly?

9 A It was actually in between the TD Bank and the
10 Marriott Motel. There was a --

11 Q Marriott or a --

12 A It is a motel. I can't remember.

13 Q Maybe a Hilton?

14 A It could be a Hilton. I'm sorry.

15 Q That's fine. It was found in the wooded area in
16 between that?

17 A There is, sir. There is a parking lot that kind of
18 weaves in around the back, and there is a woodline
19 through there, and that is where we found it.

20 Q Okay. Please answer any questions -- oh, yes.

21 MR. CATHCART: If I may publish these to the
22 jury, Your Honor? The pictures?

23 THE COURT: Yes.

24 (Exhibits published to jury.)

25 BY MR. CATHCART:

1 Q And please answer any questions from Defense
2 counsel.

3 THE COURT: Yes, ma'am?

4 MS. GOLDBERG: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. GOLDBERG:

7 Q Deputy, I am just going to pull up a map here, and
8 I am just going to let you point out for us where
9 they were found. And that is all I'm going to do.

10 A Sure. No problem.

11 (Complies.)

12 Q Deputy, if you would like to get down and point it
13 out? Would that be easier? Would that be the
14 easiest thing for you to do?

15 A Sure.

16 MS. GOLDBERG: Your Honor, can the witness
17 have permission to step down?

18 THE COURT: Yes.

19 MS. GOLDBERG: Thank you.

20 (Witness steps down.)

21 A This is TD Bank. This is the motel. This parking
22 lot area coming around the back here, we found him
23 over in this area here. (Indicating.)

24 Q All right, thank you.

25 MS. GOLDBERG: No further questions.

1 MR. CATHCART: Nothing else from the State,
2 Your Honor.

3 THE COURT: All right. Any objection to this
4 witness being excused?

5 MS. GOLDBERG: No objection, Your Honor.

6 MR. CATHCART: No.

7 THE COURT: All right, sir, you are free to
8 leave.

9 MR. CATHCART: Thank you, Your Honor.

10 (Witness steps down and is excused.)

11 MR. SHELLENBERG: The State calls Lieutenant
12 Tom Amaro.

13 (Witness approaches.)

14 THE BAILIFF: Place your left hand on the
15 Bible, and raise your right hand, please.

16 (Witness complies.)

17 THE CLERK: Do you solemnly swear or affirm
18 the testimony you give in this case will be the
19 truth, the whole truth, and nothing but the truth,
20 so help you God?

21 THE WITNESS: I do.

22 THE COURT: Have a seat, and state your full
23 name for the record.

24 THE WITNESS: My name is Thomas M. Amaro, Jr.

25 THOMAS M. AMARO, JR.,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. SHELLENBERG:

4 Q Investigator Amaro, how long have you been with the
5 Richland County Sheriff's Department?

6 A Going on 33 years.

7 Q And did you become involved in a robbery at TD Bank
8 on August 30th of 2012?

9 A Yes, I did. I was one of the supervisors on duty
10 at the time a call came in from the desk sergeant.

11 Q And what was your involvement from there?

12 A I contacted the evening shift investigator, who at
13 that time it was Jason Williams. I'm sorry, I
14 contacted -- I called Michael Autry, who was the
15 master -- the officer on the bank at the scene to
16 tell me about the bank robbery that had occurred
17 around 4:40, 4:41, somewhere around that time. The
18 person who had actually allegedly robbed the bank
19 exited the bank with a bag of money.

20 Q And, now, was there something inside of the bag of
21 money?

22 A Yes, over \$6,000 was in the bag of money given by
23 the cashier.

24 Q Any sort of tracking device?

25 A Yes, there was a tracking device in the bundle of

1 the money.

2 Q And did you become involved in the tracking of that
3 money?

4 A Yes, I did. We had one of our -- at that time our
5 Captain Stewart was at the scene at the Hilton
6 Motel, which is on Farrow Road in Richland County.
7 He had indicated there was a tracking device at
8 Sergeant McDonald's office, and I went and
9 retrieved it. I drove over to the scene in a
10 wooded area where the suspect was seen running
11 through to the other location.

12 Q And, now, what kind of tracking device is this? Is
13 it like a car tracking device or is it more like
14 a -- I guess a metal detector type tracking device?
15 How did it actually work?

16 A Well, from what I understand, it is like a little
17 thing. It is -- I guess it is a tracking device.
18 It is flat. It has electronics in it. And it is
19 GPS enabled. And it also has a RF tracker in it,
20 or beacon in it. And --

21 Q And what is that exactly?

22 A Well, a beacon, if you can think about it -- I use
23 the analogy of a metal detector. Same thing. If
24 you can think of that. As you approach you use the
25 device and the closer you get to the metal it will

1 go off. Same thing with this. It is RF tracker,
2 radio frequency. And this tracker had two
3 different frequencies on it, so you had a
4 selection, two selection button on it. Hit the
5 frequency that the beacon was in the cash or the
6 money was taken, set it to that, and within about,
7 I'd say between five and ten minutes was able to
8 locate the plastic bag in a creek, wooded area near
9 the Hilton Motel.

10 Q And is this -- I'm showing you State's 14. Is that
11 what the tracking device looked like?

12 A Yes, sir. Yes, sir.

13 Q And that is with the bag of money that you found?
14 I'm showing you State's 12. And what is that?

15 A Yes, sir, that is the plastic bag that we found
16 with the money inside the bag.

17 Q And that was found where?

18 A It was in a wooded area just down in the gully,
19 like a little creek, on Farrow Road, around about
20 the 8500 block of Farrow Road.

21 Q After that, did you return to headquarters?

22 A Yes. I was advised there was a witness who was
23 taken to our headquarters, Ms. Williams, who I went
24 to go ahead and interview.

25 MR. SHELLENBERG: Beg the Court's indulgence.

1 (Pause.)

2 Q No further questions. Thank you.

3 A Thank you.

4 MS. GOLDBERG: No questions.

5 THE COURT: All right, sir, you may step down.

6 THE WITNESS: Thank you.

7 (Witness steps down.)

8 MR. SHELLENBERG: The State calls Investigator
9 Jason Williams.

10 (Witness approaches.)

11 THE BAILIFF: Place your left hand on the
12 Bible, and raise your right hand, please.

13 (Witness complies.)

14 THE CLERK: Do you solemnly swear or affirm
15 the testimony you give in this case will be the
16 truth, the whole truth, and nothing but the truth,
17 so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Please have a seat, and state your
20 full name for the record.

21 THE WITNESS: Jason Williams.

22 JASON WILLIAMS,
23 after being duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SHELLENBERG:

1 Q Investigator, how long have you been with the
2 Sheriff's Department?

3 A Going on ten years.

4 Q And how did you become involved in the bank robbery
5 at TD Bank on August 30th, 2012?

6 A I was working evening shift on that particular day,
7 and a call came out about a bank robbery and had a
8 couple of suspects. So immediately when you have a
9 bank robbery you call for an investigator or
10 on-call investigators to respond to the scene as
11 well.

12 Q And did you -- what scene did you respond to first?

13 A The first place I went to was -- the first location
14 I went to was where deputies feel that they had
15 already apprehended one of the suspects.

16 I made contact with the deputies first, and
17 then talked with the suspect for a brief second
18 while he was in the back of the car. I didn't
19 question him, or anything like that. However, I
20 did Mirandize him before I told him who I was, and
21 stuff like that.

22 Q And which suspect was this?

23 A That would have been a Jason Colon.

24 Q And where did you apprehend him -- or what did
25 you -- what scene did you go to out there?

1 A It was a scene -- it was a street over from the
2 BB&T just up -- deputies' cars were there close to
3 the train tracks. He was in the back seat of a
4 patrol car. He was sweating really bad and he was
5 kind of nervous.

6 Q And where did you go from there?

7 A From there I told deputies to transport him back to
8 headquarters and wait for my arrival. And I left
9 there and went to the bank.

10 Q And who did you speak with at the bank?

11 A The bank manager at the time.

12 Q And did you get a chance to talk to the tellers?

13 A Yes, I talked to pretty much everybody. I had a
14 conversation with everybody and asked them were
15 they okay.

16 She was able to get me pictures of the
17 individual inside. She was working on getting
18 video, but she was able to give me the pictures.
19 She had to e-mail them to me. She had to go
20 through their corporate and get them to me.

21 Q And did you get a chance to talk to the fourth
22 teller that is not here today?

23 A Yes, sir.

24 Q And do you know where she is?

25 A Her husband is in the military, so she had to

1 uproot and leave with her husband. I believe he is
2 overseas right now.

3 Q And then from the bank, where did you actually go
4 next?

5 A After that I went straight to headquarters and I
6 started -- got Mr. Colon out of the D Cell and took
7 him to Sergeant Donald Robinson's office due to the
8 fact that he has a door and you can shut the door
9 and you can talk.

10 Q And did you read him his Miranda rights?

11 A Yes, I read him his Miranda rights, got him a drink
12 of water, asked him was he all right, which he
13 waived and agreed to talk.

14 Q That is the -- the fourth teller was Brittany
15 Ellison?

16 A Yes.

17 Q Okay. And so Mr. Colon agreed to talk to you?

18 A Yes.

19 Q And -- well, did they bring in any other suspects?

20 A Yes. There was another suspect that was brought
21 up. He was talking to Investigator Kerry Johnson.
22 They told me it was Arthur Macon.

23 Q And could you identify him?

24 A Yes.

25 Q Is he in the courtroom today?

1 A Yes, he is sitting right there(indicating).

2 Q Can you tell me what he is wearing?

3 A He is wearing -- I guess it is a green in color
4 jacket, a green-colored tie, glasses, short
5 haircut.

6 MR. SHELLENBERG: Your Honor, let the record
7 reflect he did identify Arthur Macon.

8 THE COURT: All right. Yes, sir.

9 BY MR. SHELLENBERG:

10 Q And did you go out to the impound yard?

11 A Yes, I went to the impound yard.

12 Q And what did you do out there?

13 A I went out there and saw the vehicle that was put
14 out on a BOLO as the vehicle that was taken. I
15 also retrieved a scanner from that vehicle that was
16 listed on the inventory. With that scanner I did
17 cut it on and see that it was tuned in to Richland
18 County.

19 Q I am going to stop you right here. I am going to
20 show you what is marked as State's 19. Do you
21 recognize that?

22 A Yes. This is the scanner I got out of the car.

23 Q Is it in the same -- substantially the same shape
24 as when you got it?

25 A Yes, except the battery is dead.

1 Q Fair enough. And you said when you got it you
2 turned it on and checked the frequency?

3 A Yes.

4 Q And when you checked the frequency, how did you
5 know it was set to the proper police frequency?

6 A If you hear a scanner it will call out through
7 dispatch, it picks up different frequencies on
8 dispatch if it is not on a secure channel, and it
9 said Richland -- I can't remember the actual number
10 that they called out, but it was Richland. So that
11 is the call sign for some of our road deputies, it
12 is Richland, whatever, whatever, whatever.

13 Q And did they give you a specific -- was it a
14 specific area they were talking about in dispatch?

15 A It was 300 series, so it was Richland 300 whatever,
16 so that is Region 3, which would be the Farrow Road
17 area, which is in Richland County and same area of
18 the TD Bank.

19 Q The TD Bank is located in Region 3?

20 A Yes.

21 MR. SHELLENBERG: Beg the Court's indulgence.

22 (Pause.)

23 MR. SHELLENBERG: Your Honor, at this time I
24 move to admit State's 19 into evidence.

25 THE COURT: Any objection?

1 MS. GOLDBERG: No objection.

2 (WHEREUPON, State's Exhibit No. 19 was
3 marked for identification and received
4 into evidence.)

5 BY MR. SHELLENBERG:

6 Q You said you got a chance to interview Jason Colon?

7 A Yes, I did.

8 Q And what was your impression when you sat down to
9 interview him?

10 A His interview took kind of a while because it
11 seemed like he wasn't all the way there. I don't
12 want to say the wrong terminology for it, but it
13 seems like he was a little mentally challenged.
14 And it took a while because we had to talk and, you
15 know, he was really nervous and sweating real bad,
16 stuff like that. But I think most of it was
17 because he was -- he has got a little mental
18 challenge. He was a little mentally challenged.

19 Q But were you able to talk to him?

20 A Yes, I was able to get a statement from him.

21 Q Okay.

22 A And he did confess to what he did.

23 MR. SHELLENBERG: Beg the Court's indulgence.

24 (Pause.)

25 MR. SHELLENBERG: Thank you. No further

1 questions.

2 MS. GOLDBERG: May it please the Court?

3 THE COURT: Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MS. GOLDBERG:

6 Q Investigator Williams, you ended up being the lead
7 investigator on this case; correct?

8 A Yes, ma'am.

9 Q And what is the job of the lead investigator?

10 A The lead investigator collects all the paperwork,
11 gets as many statements as they can, redoes -- you
12 know, they make sure that the follow-up of the case
13 is done and, you know, everything is in order.

14 Q As the lead investigator, I'm sure, especially on
15 the day of the incident, it would be a rather busy
16 job; is that fair?

17 A Yes.

18 Q But for that reason, you can actually ask other
19 investigators, other deputies to do things for you;
20 right?

21 A Right.

22 Q That is not unusual?

23 A No, that is not uncommon.

24 Q But you can ask another investigator to take a
25 statement for you?

- 1 A Yes.
- 2 Q Or a deputy take a statement for you?
- 3 A Usually we get investigators. We usually don't --
- 4 if we have to use a deputy, we will, and we try to
- 5 use a ranking deputy. But usually we will try to
- 6 get an investigator.
- 7 Q Sometimes in investigating a case investigators
- 8 will issue subpoenas; is that fair? For documents,
- 9 phone records --
- 10 A Yes.
- 11 Q -- 9-1-1 tapes --
- 12 A Yes.
- 13 Q -- different types of evidence?
- 14 A Yes.
- 15 Q Investigators do that sometimes?
- 16 A Sometimes they do.
- 17 Q In this particular case, did you ever obtain any
- 18 statements from anyone inside the bank?
- 19 A No.
- 20 Q Did you ever ask any of them to give you a
- 21 statement?
- 22 A I believe I did. I think I put a deputy in charge
- 23 of that.
- 24 Q Okay. Did they ever give any statements?
- 25 A No. They gave verbal statements. That is pretty

1 much it.

2 Q Did you ever go over to the Hilton Garden Inn and
3 talk to employees there?

4 A No, I was not aware that individuals at the Hilton
5 Garden Inn were even involved.

6 Q Did you ever ask the bank for any documents they
7 may have had about the robbery, other than the
8 photographs?

9 A I got the photographs.

10 Q But that is it?

11 A That's it.

12 Q Did you -- were you the one that asked for the
13 9-1-1 tapes?

14 A No, the Solicitor's Office requested those.

15 Q Okay. So you didn't do that?

16 A No.

17 Q Did you ever try and get any surveillance footage
18 from outside the hotel?

19 A No. I was not aware that there was any
20 surveillance videos out there.

21 Q Did you ever try and get any surveillance footage
22 from outside the BB&T?

23 A No.

24 Q Are you aware if that exists?

25 A I'm not sure if it exists or not.

1 Q But you know that banks typically have video
2 outside of their tellers and ATM machines?

3 A Yes.

4 Q You interviewed Mr. Colon, Jason Colon; right?

5 A Yes, ma'am, I did.

6 Q What time do you think that interview was?

7 A I'd have to see the report.

8 Q You read him his Miranda rights?

9 A Yes.

10 Q Did he sign stating he understood?

11 A Yes, he did.

12 Q Did you have any question that he understood that
13 he was agreeing to speak with you?

14 A No, I had no question.

15 Q Okay. You thought he had the ability to waive his
16 right to an attorney?

17 A Yes, I did.

18 Q And talk with you?

19 A Yes.

20 Q He had the ability to freely and voluntarily tell
21 you whatever he wanted to tell you?

22 A Yes.

23 Q And you thought -- you were comfortable that he
24 made that decision -- that he made that --

25 A Yes.

1 Q Did he originally start out -- did he originally
2 start out with a different story than he later
3 gave?

4 A Not to my knowledge. He tried to talk about that
5 check that he had in his hand, but, I mean, I poked
6 holes in that quickly.

7 Q Okay. You don't think he was telling the truth
8 about that?

9 A No, I don't think so.

10 MS. GOLDBERG: Beg the Court's indulgence.

11 THE COURT: Yes, ma'am.

12 (Pause.)

13 BY MS. GOLDBERG:

14 Q And you actually took the warrant out for Mr. Colon
15 and Mr. Macon?

16 A Yes, ma'am.

17 Q You didn't arrest Mr. Macon for kidnapping;
18 correct?

19 MR. SHELLENBERG: Objection.

20 THE COURT: What is the objection?

21 MR. SHELLENBERG: Your Honor --

22 MR. CATHCART: Your Honor, basically --

23 THE COURT: Let me see you all.

24 (WHEREUPON, a bench conference was held
25 in the presence of the jury but out of

1 the hearing of the jury.)

2 MS. GOLDBERG: No further questions.

3 THE COURT: All right, the objection is
4 sustained.

5 REDIRECT EXAMINATION

6 BY MR. SHELLENBERG:

7 Q Investigator Williams?

8 A Yes, sir.

9 Q Are the witnesses that were at the scene here to
10 testify today in front of the jury?

11 A Yes.

12 Q Tellers?

13 A Yes.

14 Q The employees of the Hilton?

15 A Yes, sitting right there(indicating).

16 MR. SHELLENBERG: No further questions.

17 THE COURT: All right, sir, you may step down.

18 (Witness steps down.)

19 MR. CATHCART: Our next witness I believe

20 Defense counsel would have a motion about.

21 THE COURT: All right, ladies and gentlemen of
22 the jury, I am going to send you all out for
23 probably about ten minutes, then I'll have you back
24 in for our next witness.

25 All right, thank you.

1 (WHEREUPON, the jury retires to the jury
2 room at 12:11 p.m.)

3 THE COURT: All right. The next witness is --
4 what was the motion again?

5 MR. CATHCART: It is the Co-Defendant's
6 father.

7 THE COURT: All right. You want to proffer
8 his testimony?

9 MR. CATHCART: Yes, Your Honor.

10 THE COURT: All right.

11 MR. CATHCART: Your Honor, my understanding
12 is, despite our best efforts since we got it from
13 the Defense -- his -- Mr. Jason Colon's attorney,
14 the father's last name is not Colon. As a matter
15 of fact, I don't know what it is, but Ricky Colon
16 something else.

17 MS. GOLDBERG: Obviously, Your Honor, once we
18 get that, if he does present testimony in front of
19 the jury, we'll need to ask them about his name,
20 because it wasn't presented.

21 THE COURT: All right. You can bring him in.
22 (Witness enters courtroom.)

23 THE BAILIFF: Place your left hand on the
24 Bible, and raise your right hand, please.

25 (Witness complies.)

1 THE CLERK: Do you solemnly swear or affirm
2 the testimony you give in this case will be the
3 truth, the whole truth, and nothing but the truth,
4 so help you God?

5 THE WITNESS: Yes.

6 THE CLERK: Have a seat, and state your full
7 name for the record.

8 RICKY WOODBERRY,
9 after being duly sworn, testified as follows:

10 DIRECT EXAMINATION(PROFFER)

11 BY MR. CATHCART:

12 Q State your full name for the record, please.

13 A Excuse me?

14 Q Your full name for the record, please?

15 A Ricky Woodberry.

16 Q Woodberry?

17 A Yes.

18 Q Mr. Woodberry, what is your relationship to Jason
19 Colon?

20 A He is my son.

21 Q And is it Colon? Collin?

22 A Colon(pronounced "Cologne").

23 Q Colon(pronounced "Cologne").

24 A Yes.

25 Q Sorry. And where are y'all originally from?

- 1 A Brooklyn, New York.
- 2 Q And how long did y'all live in Brooklyn?
- 3 A We lived there all our life until we came here.
- 4 Q Okay. And what if anything occurred to your son
- 5 about when he was 16 years old?
- 6 A He was shot in the head.
- 7 Q How did that occur?
- 8 A He was standing in front of the building holding
- 9 the door open. He had just came downstairs. And
- 10 two guys came running through the building shooting
- 11 at each other. And he happened to get struck.
- 12 Q And so he was just a bystander and got shot in the
- 13 head?
- 14 A Yes.
- 15 Q And what -- where did the bullet hit, other than in
- 16 the head, I understand?
- 17 A The front -- frontal lobe of his head.
- 18 Q Okay. So it went through his frontal lobe?
- 19 A Yes. And came out the other side.
- 20 Q And he was obviously able to survive this?
- 21 A Yes, he did.
- 22 Q But did it change him in some way?
- 23 A Yes, it did.
- 24 Q In what way?
- 25 A He became schizophrenic, very passive. You know,

1 and the doctor informed us that he will always have
2 a mind of a 13-year-old.

3 Q Okay. And if someone asks him to do something,
4 what does he do?

5 A He is very easygoing. Most of the time he will say
6 yes.

7 Q Okay. Is he easily led?

8 A Yes, he is.

9 Q Do you know the Defendant in this case, Arthur
10 Macon?

11 A Yes.

12 Q How do you know him?

13 A He is a cousin.

14 Q Okay. How is he a cousin?

15 A On Jason's mother's side.

16 Q And does Jason know Mr. Macon?

17 A Yes, he does.

18 Q Did they hang out together?

19 A They didn't at first.

20 Q Okay.

21 A When we first came down.

22 Q And that was about 11 years ago?

23 A It was about 11 years ago.

24 Q When did they start hanging out?

25 A It was recently, about two years ago, just before

1 the incident happened.

2 Q Just before this occurred?

3 A Yes.

4 Q About how long before this incident occurred?

5 A Maybe about two months.

6 Q Okay.

7 A He started coming around.

8 Q Okay. Did they start -- that two months he started
9 coming around, did they start doing things together
10 a lot more or just -- I mean, how -- when he would
11 come around, what do you mean?

12 A He would come around maybe two, three times a week,
13 you know, for an hour, couple of hours he would
14 take Jason out and, you know, but not a long period
15 of time.

16 Q Okay.

17 MR. CATHCART: Basically that is all I am
18 going to be asking for him to testify to, Your
19 Honor.

20 MS. GOLDBERG: Your Honor, I have maybe two
21 follow-up questions, and then I do have some legal
22 arguments.

23 THE COURT: Okay.

24 CROSS-EXAMINATION (PROFFER)

25 BY MS. GOLDBERG:

1 Q Mr. Woodberry, you testified as to what happened to
2 your son when he was 16 years old; correct?

3 A Yes.

4 Q And you testified about him being in a -- down
5 stairs holding a door open, two guys came by, and
6 the facts of what happened?

7 A Yes.

8 Q Were you present?

9 A No, I wasn't.

10 Q You didn't observe any of that?

11 A No.

12 Q You only know what you have been told?

13 A Yes.

14 Q And do you know if Mr. Macon and your son ever
15 worked together?

16 A No.

17 Q Not to your knowledge?

18 A No.

19 Q Okay.

20 MS. GOLDBERG: No further questions. I do
21 just have a follow-up. You are welcome to stay on
22 if you want.

23 THE COURT: All right, anything else from the
24 State?

25 MR. CATHCART: No, Your Honor. That is all

1 we're proffering to as to Mr. Colon's
2 Co-Defendant's condition, his capacity, and also
3 his relationship to his Co-Defendant.

4 THE COURT: All right. You can step down,
5 sir.

6 (Witness steps down.)

7 THE COURT: Ms. Goldberg?

8 MS. GOLDBERG: Thank you, Your Honor.

9 As to the testimony as to what happened when
10 his son was 16, obviously he has personal knowledge
11 that his son was shot and the degree of the injury
12 and the type of injury, granted. But the testimony
13 as to how the shooting took place and the
14 circumstances of it, he wasn't present. He doesn't
15 have direct knowledge of that, only what he has
16 been told. I would submit that that is hearsay.

17 As to the remainder of his testimony, the
18 witness testified that Mr. Colon will usually say
19 yes; he is easily led; he is passive. I submit
20 that that is all character evidence.

21 Rule 404(3) states that: Character evidence
22 of a witness is only allowed under certain
23 circumstances. Prior convictions to attack their
24 credibility or if their character has already been
25 attacked for truthfulness or untruthfulness. None

1 of those are the case here. Essentially all this
2 is doing is bolstering Mr. Colon's testimony making
3 it seem more or less likely that he may be passive,
4 may be cooperative with police, may be telling the
5 truth.

6 Anything else would be irrelevant. We're not
7 here to decide why Jason Colon did what he did if
8 this is all about Arthur Macon, so any intent on
9 his part would be irrelevant to this trial.

10 So I guess to summarize, my grounds would be
11 hearsay, improper character evidence of a witness,
12 and relevance.

13 THE COURT: I will be glad to hear from the
14 State.

15 MR. CATHCART: It is not character evidence,
16 it is just evidence of the Defendant's condition as
17 a medical issue. It is not that he is a good
18 person or a bad person, it is that he had a frontal
19 lobotomy from a bullet. It is not going to the
20 truth of what he is saying or not saying. It is
21 just who he is. That is all the testimony is.

22 As to the hearsay, his father is just saying
23 how he got shot. If he wants to say he was shot
24 between -- obviously there is a reason -- he was
25 shot in the head. He wasn't there. I'm assuming

1 somebody told him. I don't know, maybe that is
2 going to be -- fine. I mean, the kid just got shot
3 in the head when he is 16 years old outside of his
4 house. I mean, I don't see how --

5 THE COURT: I know you are saying it is
6 hearsay. How is that for the truth of the matter
7 asserted?

8 MS. GOLDBERG: I'm sorry?

9 THE COURT: You said it was hearsay.

10 MS. GOLDBERG: It is.

11 MR. CATHCART: Only as to --

12 MS. GOLDBERG: I don't know any other purpose
13 it would be offered for, other than that it is
14 true. And if they are not offering any of this to
15 prove his character or his truthfulness, I don't
16 know the relevance at all. He wasn't there. And
17 Mr. Colon's intent isn't a part of this trial.

18 MR. CATHCART: Mr. Colon's condition is. And
19 his use of that condition is. It is not character
20 evidence, truthfulness, or non-truthfulness. It is
21 as he is as a person, not in his mindset, but how
22 this man used him.

23 THE COURT: I am trying to remember the
24 testimony. As far as the hearsay, I don't think
25 that that is hearsay, him saying what happened to

1 his son. So I'm going to allow that part in, the
2 details of what happened to him when he was 16
3 years old.

4 The issue regarding his mental capacity, are
5 you objecting to that, or are you just objecting to
6 the part where he says, Yes, he does what he is
7 told?

8 MS. GOLDBERG: What I wrote down is that he
9 testified -- I think to be fair, his father
10 testified that he was shot -- the testimony was
11 that he was shot and as a result of this he will
12 usually say yes; he is easily led; he is passive.
13 That is all character evidence. I don't know how
14 that is not character evidence. It is not evidence
15 of the robbery occurring or not occurring. That
16 all has to do with his character. I don't even
17 know of another phrase to use.

18 MR. CATHCART: His medical condition.

19 MS. GOLDBERG: He is not a doctor.

20 MR. CATHCART: He is a father who observed his
21 child.

22 MS. GOLDBERG: Right. But as far as a medical
23 condition --

24 THE COURT: Hold on one second.

25 (Pause.)

1 THE COURT: I was looking at 405(b), but that
2 is a specific instance of conduct.

3 MS. GOLDBERG: Yes, Your Honor. And I don't
4 even think you get to Rule 405 unless -- Rule
5 404(a)(3) explains exactly when the character of a
6 witness is allowed.

7 THE COURT: Yes, but you have got to look at
8 607.

9 MS. GOLDBERG: Agreed. And my argument is
10 that it doesn't fall within any of those
11 exceptions.

12 THE COURT: All right. I will be glad to hear
13 from the State.

14 MR. CATHCART: Again, Your Honor, this is not
15 as to character, this is talking about the medical
16 condition of his child. It is not anything to do
17 with Mr. Macon, it is only as to what occurred to
18 him and how that frontal lobotomy he got from a
19 bullet affects his child.

20 THE COURT: All right. I am going to let him
21 talk about 16, what happened to him, and the
22 incident surrounding that.

23 Based on the testimony I find that, although
24 he is not -- he was not there with his child in the
25 incident and that he is aware of it, so I think he

1 can testify to that.

2 He can testify to his mental -- his perception
3 of him mentally, but I don't know if he will be
4 able to -- I will not let him get into, He is
5 easily led, that last sentence, or whatever he
6 said. I'll allow him to testify as to everything
7 else except for that portion about -- what was it
8 again? He is easily led --

9 MR. CATHCART: Easily led. But as to the
10 doctor indicated about how he will always have the
11 brain of a 13-year-old be okay? I just don't want
12 to overstep.

13 THE COURT: If he knows that, yes, he can
14 testify to that. He can testify to that. But I
15 don't know him being able to say he is easily led.

16 MR. CATHCART: Who better than the father of a
17 person who is easily led?

18 THE COURT: All right. Well, I will allow
19 that with the exception of that last little
20 sentence he said.

21 MR. CATHCART: You will allow easily led, but
22 not -- wait, hold on.

23 THE COURT: What is it again that you were
24 objecting? Mental capacity of a 13-year-old.

25 MR. CATHCART: Okay. Let me make sure he

1 understands that.

2 THE COURT: Okay. What was the sentence again
3 that he used?

4 MS. GOLDBERG: What I wrote down was: Shot in
5 the frontal lobe; became schizophrenic; passive;
6 mind of a 13-year-old; usually will say yes; easily
7 led.

8 THE COURT: He can testify about being 13 and
9 that he is passive, but the last portion.

10 MS. GOLDBERG: Okay.

11 (Pause.)

12 THE COURT: You have already talked to him?

13 MR. CATHCART: It would probably be better if
14 you talked to him, direct him as to what he can or
15 cannot say.

16 THE COURT: All right. Yes, ma'am?

17 MS. GOLDBERG: The only thing I was going to
18 ask and remind you to do is as soon as the jury
19 comes in just to let them know that his last name
20 was incorrect, what was read to them, before he
21 begins.

22 THE COURT: I'll do that. And you are going
23 to have to call him to the stand.

24 Mr. Woodberry?

25 THE WITNESS: Yes.

1 THE COURT: I am not allowing in the testimony
2 about him being easily led or --

3 MS. GOLDBERG: Or usually saying yes.

4 THE COURT: Or usually saying yes. The other
5 testimony will be able to come in regarding his --
6 how old is he?

7 MR. CATHCART: Twenty-eight.

8 THE WITNESS: Twenty-eight.

9 THE COURT: And capacity of being a
10 13-year-old, what happened to him. Is that
11 everything?

12 MR. CATHCART: That is pretty much it.

13 THE COURT: Okay. All right. You can just
14 have a seat over there, and then when the jury
15 comes back in we'll call you.

16 Yes, sir.

17 (Witness steps down.)

18 (WHEREUPON, the jury came into open
19 court at 12:31 p.m.)

20 THE COURT: I would ask the State to call
21 their next witness.

22 MR. CATHCART: The State would call Ricky
23 Woodberry.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, and raise your right hand, please.

2 (Witness complies.)

3 THE CLERK: Do you solemnly swear or affirm
4 the testimony you give in this case will be the
5 truth, the whole truth, and nothing but the truth,
6 so help you God?

7 THE WITNESS: Ricky Woodberry.

8 THE COURT: Ladies and gentlemen of the jury,
9 on yesterday when we went through the list of
10 potential witnesses -- this is Ricky Woodberry. On
11 the list he was listed as Ricky Colon. And so I
12 just want to make sure -- just find out from any of
13 you if you are familiar with Mr. Woodberry. His
14 name is Woodberry, not Colon.

15 (WHEREUPON, there was no response.)

16 THE COURT: All right. Yes, sir, you may
17 continue.

18 MR. CATHCART: Thank you.

19 RICKY WOODBERRY,
20 after being duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. CATHCART:

23 Q Mr. Woodberry, how are you related to Jason Colon
24 -- Cologne(pronounced "Cologne")?

25 A I'm his father.

1 Q And y'all are originally from where?

2 A Brooklyn, New York.

3 Q Okay. And how long had y'all been in Brooklyn?

4 A All our life until we came here.

5 Q Okay. And what if anything occurred that made
6 y'all come here?

7 A My son was shot in the head.

8 Q Okay. How did that occur?

9 A He was standing in front of the building where we
10 resided at, and two gentleman came running through
11 the building, you know, one was chasing the other,
12 and they were shooting at each other. And my son
13 happened to be standing there, and he caught a
14 stray bullet.

15 MS. GOLDBERG: Your Honor, I would renew my
16 previous objection.

17 THE COURT: All right. Objection sustained.

18 BY MR. CATHCART:

19 Q And where did the bullet exactly hit him?

20 A In his temple in his head, frontal lobe.

21 Q Okay. And when -- did the bullet stay in there?

22 A No, it went in and came out the other side.

23 Q Through the temple lobe?

24 A Yes.

25 Q Frontal lobe?

1 A Yes.

2 Q So he basically got a lobotomy from a bullet?

3 A Yes.

4 Q Did the doctors indicate -- well, did that change
5 him in any way?

6 A Yes, it did.

7 Q Okay. Did it make him in what way? How -- did he
8 become what?

9 A He was diagnosed with schizophrenia. He started
10 talking to himself. He became passive.

11 Q Did the doctors indicate his mind would be that of
12 what?

13 A A 13-year-old.

14 Q Okay. And he is how old now?

15 A He is 28.

16 Q And has he improved in the past couple of years?

17 A No. No. While he is on medication he has gotten a
18 little better.

19 Q Okay. But he still has the mind of 13-year-old?

20 A Yes, he does.

21 Q Please answer any questions from Defense counsel.

22 MS. GOLDBERG: Beg the Court's indulgence.

23 THE COURT: Yes, ma'am.

24 (Pause.)

25 MR. CATHCART: I'm sorry, Your Honor, can I

1 start back since she hasn't started?

2 THE COURT: Yes, sir.

3 BY MR. CATHCART:

4 Q Do you know Arthur Macon?

5 A Yes, I do.

6 Q Okay. How do you know him?

7 A He is a cousin of Jason's mother.

8 Q Okay. And y'all moved down here 11 years ago?

9 A Yes, we did.

10 Q How long before this incident -- well, did they
11 hang out before this incident occurred?

12 A They only started hanging out like two months
13 before the incident.

14 Q So y'all had been here like 11 years beforehand.
15 And so two months before this occurred, they
16 started hanging out together?

17 A Yes.

18 Q Okay. About how much?

19 A Maybe twice a week, three times a week he would
20 come by.

21 Q And would he ever take Jason off too?

22 A Yes, he would.

23 MR. CATHCART: Thank you. No further
24 questions?

25 THE COURT: All right. Yes, ma'am?

1 MS. GOLDBERG: Beg the Court's indulgence.

2 (Pause.)

3 MS. GOLDBERG: Nothing for this witness.

4 THE COURT: All right, sir, you may step down.

5 Any objection to this witness being excused?

6 MS. GOLDBERG: No, ma'am.

7 (Witness steps down and is excused.)

8 MR. CATHCART: At this time the State calls
9 Jason Colon.

10 (Witness approaches.)

11 THE BAILIFF: Place your left hand on the
12 Bible, and raise your right hand, please.

13 (Witness complies.)

14 THE CLERK: Do you solemnly swear or affirm
15 the testimony you give in this case will be the
16 truth, the whole truth, and nothing but the truth,
17 so help you God?

18 THE WITNESS: Yes, ma'am.

19 THE CLERK: Have a seat, and state your full
20 name for the record.

21 THE WITNESS: Jason Colon.

22 JASON COLON,
23 after being duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. CATHCART:

- 1 Q Mr. Colon, how old are you?
- 2 A Twenty-eight.
- 3 Q You are from originally where?
- 4 A New York.
- 5 Q And you moved down here about 11-odd years ago?
- 6 A Yes.
- 7 Q Do you remember why you moved down here?
- 8 A Because of my wound, gunshot wound.
- 9 Q Okay. That gunshot wound affected you?
- 10 A Yes.
- 11 Q Do you know the Defendant in this case, Mr. Macon,
- 12 over there?
- 13 A Yes.
- 14 Q How do you know him?
- 15 A My family.
- 16 Q Okay. Is he related to you?
- 17 A Yes.
- 18 Q Do you recall going into the TD Bank back in
- 19 August 30th of 2012?
- 20 A Yes.
- 21 Q Do you remember why you went there?
- 22 A Yes.
- 23 Q Why?
- 24 A To go cash a check.
- 25 Q Cash a check?

- 1 A Yes.
- 2 Q Did anybody tell you to go there?
- 3 A Yes.
- 4 Q Who?
- 5 A Arthur Macon.
- 6 Q I'm sorry?
- 7 A Arthur Macon.
- 8 Q Arthur Macon told you to go there?
- 9 A Yes.
- 10 Q Did he give you anything before you went there?
- 11 A Yes.
- 12 Q What?
- 13 A A fake gun.
- 14 Q A fake gun?
- 15 A Yes.
- 16 Q Let me show you what is marked as State's Exhibit
- 17 Number 18. Is that the gun that he gave you?
- 18 A Yes.
- 19 Q Okay. Did he -- was he the one who colored the
- 20 little orange part in to make it look real?
- 21 A Yes.
- 22 Q Why did he send you in there with a gun?
- 23 A To demand the money.
- 24 Q Demand the money?
- 25 A Yes.

- 1 Q Okay. And what were you supposed to do after you
2 demanded the money and got the money?
- 3 A Go back to him.
- 4 Q Where was he supposed to be?
- 5 A In front of the hotel.
- 6 Q Front of the hotel?
- 7 A Yes.
- 8 Q Would you have to go through somewhere to get to
9 the hotel?
- 10 A The woods.
- 11 Q The woods?
- 12 A Yes.
- 13 Q Is that what you did?
- 14 A Yes.
- 15 Q Was it tough to get through those woods?
- 16 A Yes.
- 17 Q What kind of vehicle was he driving?
- 18 A A black pickup truck.
- 19 Q Black pickup truck?
- 20 A Yes.
- 21 Q Okay. When you got to him, were you supposed to
22 get into the passenger's side of the pickup truck?
- 23 A Yes.
- 24 Q Yes?
- 25 A Yes.

- 1 Q Not into anywhere else?
- 2 A Oh, the back of the pickup truck.
- 3 Q Well, you tell me, which one?
- 4 A The back.
- 5 Q The back?
- 6 A Yes.
- 7 Q Where the tailgate is?
- 8 A Yes.
- 9 Q Was that bed covered?
- 10 A Yes.
- 11 Q So you were to hide in there?
- 12 A Yes.
- 13 Q Did he give you a mask when you went to the bank?
- 14 A No.
- 15 Q Did he tell you to hide your face in any way?
- 16 A No.
- 17 Q I show you what has been marked as State's Exhibit
- 18 Number 3. Do you recognize that person?
- 19 A Yes.
- 20 Q Who is that?
- 21 A That is me.
- 22 Q Okay. Is that the gun he gave you?
- 23 A Yes.
- 24 Q Is that the piece of paper that you had in your
- 25 hand?

- 1 A Yes.
- 2 Q Is that a check?
- 3 A Yes.
- 4 Q Is that what he gave you?
- 5 A (Nods affirmatively.)
- 6 Q Did he say it was a check?
- 7 A Uh-huh.
- 8 Q He told you this was a check?
- 9 A Yes.
- 10 Q When you went through the woods, were you
- 11 confronted -- or when you get to the parking lot,
- 12 did a stranger confront you?
- 13 A Yes, sir. Yes.
- 14 Q Okay. And what did that make you do?
- 15 A I just ignored him.
- 16 Q You just ignored him?
- 17 A Yes.
- 18 Q At what point did you leave that parking lot -- or
- 19 did you leave the parking lot?
- 20 A When I headed home.
- 21 Q Okay. Headed home?
- 22 A Yes, before the police arrived.
- 23 Q Okay. Did you hear the police coming?
- 24 A Yes.
- 25 Q Did you see your ride at that point?

- 1 A No.
- 2 Q Okay. He left you?
- 3 A Yes.
- 4 Q I show you what has been marked as State's Exhibit
5 Number -- let me find it -- 12. Do you recognize
6 what that is?
- 7 A Yes.
- 8 Q Is that the -- what?
- 9 A Bag of money.
- 10 Q Is that the money that you got?
- 11 A Yes.
- 12 Q What did you do with that bag of money?
- 13 A I dropped it.
- 14 Q Why?
- 15 A Because of the police coming.
- 16 Q The police were coming?
- 17 A Yes.
- 18 Q So you were going to do what instead?
- 19 A Dropped it.
- 20 Q Just drop it?
- 21 A Uh-huh.
- 22 Q And then what were you going to do?
- 23 A Go home.
- 24 Q Just go on home?
- 25 A Yes.

1 Q How long did you and Mr. Macon talk about doing
2 this?

3 A A few months -- a few months before it happened.

4 Q Decided to do a bank robbery?

5 A Yes.

6 Q Just -- you were going to be the one going in?

7 A Yes.

8 Q Did he ever say, I'll do it?

9 A No.

10 Q Just always you?

11 A Yes.

12 Q Was he going to step back with something to listen
13 to the police?

14 A Yes.

15 Q Was that the idea?

16 A (Nods affirmatively.) Yes.

17 Q So he would be able to know what is going on?

18 A Yes.

19 Q Let me ask you this. You took -- when -- if you
20 recall, when you walked in there, you sat there for
21 almost 20 to 30 minutes?

22 A Yes.

23 Q Just sitting by the door; right?

24 A Yes.

25 Q What were you waiting on?

1 A I was just waiting for the right time to demand the
2 money.

3 Q Okay.

4 MR. CATHCART: Beg the Court's indulgence.

5 (Pause.)

6 BY MR. CATHCART:

7 Q You gave a statement to the police; correct?

8 A Yes.

9 Q Basically confessing to this?

10 A Yes.

11 Q And you also -- you said who did it with you;
12 correct?

13 A Yes.

14 Q What did you call him on the statement? Do you
15 remember?

16 A Ace.

17 Q Ace?

18 A Yes.

19 Q Is that his nickname?

20 A Yes.

21 Q Is Ace in the courtroom today?

22 A Yes.

23 Q Could you please point him out for me?

24 A (Indicating.)

25 MR. CATHCART: Let the record reflect he is

1 pointing to Arthur Macon.

2 THE COURT: All right. Yes, sir.

3 BY MR. CATHCART:

4 Q No further questions. Thank you. Answer any
5 questions from Defense counsel, okay?

6 A All right.

7 Q Thank you.

8 CROSS-EXAMINATION

9 BY MS. GOLDBERG:

10 Q Good afternoon.

11 A Good afternoon.

12 Q All right. You said you testified that you went in
13 the bank to cash a check; is that right?

14 A Yes.

15 Q That is what you were going to do?

16 A Yes.

17 Q Was it your unemployment check?

18 A Yes.

19 Q You were getting unemployment at the time?

20 A Yes.

21 Q So when you went in the bank, that was your plan?

22 A Yes.

23 Q To cash the check?

24 A (Nods affirmatively.)

25 Q And then while you were standing in the bank, you

1 were trying to decide whether you wanted to rob it
2 or not; is that right?

3 A Yes.

4 Q You hadn't made up that decision before you went
5 inside?

6 A Yes.

7 Q And then after you left the bank -- well, let me --
8 strike that.

9 A Uh-huh.

10 Q You said that your cousin and you talked about
11 robbing a bank for months -- months prior?

12 A Yes.

13 Q In general?

14 A Yes.

15 Q Is back then when he gave you the gun?

16 A Yes.

17 Q After the robbery you got rid of the money?

18 A Yes.

19 Q You got rid of the gun?

20 A (Nods affirmatively.)

21 Q Because you didn't want to get caught by police?

22 A Yes.

23 Q Did anyone tell you to do that?

24 A No.

25 Q Did you see your cousin after the robbery?

1 A No.

2 Q Did he drive you away?

3 A No.

4 MS. GOLDBERG: Beg the Court's indulgence.

5 (Pause.)

6 MS. GOLDBERG: No further questions.

7 THE COURT: All right. Yes, sir?

8 REDIRECT EXAMINATION

9 BY MR. CATHCART:

10 Q Who brought you to the bank that day?

11 A Ace.

12 Q Ace?

13 A Yes.

14 Q Mr. Macon?

15 A Yes.

16 Q Who told you where to run to that day?

17 A Ace.

18 Q Mr. Macon?

19 A Yes.

20 Q Who was driving a black pickup truck that day?

21 A Yes.

22 Q Is that him?

23 A (Nods affirmatively.)

24 Q Who gave you this that day?

25 A Ace.

1 Q Who told you to rob the store -- the bank?

2 A Ace.

3 Q Ace?

4 A Yes.

5 Q That day?

6 A Yes.

7 MR. CATHCART: No further questions.

8 THE COURT: All right.

9 MS. GOLDBERG: I just have one follow-up.

10 THE COURT: Yes, ma'am.

11 RECROSS-EXAMINATION

12 BY MS. GOLDBERG:

13 Q Mr. Colon, Arthur Macon dropped you off at Sonic;
14 right?

15 A Yes.

16 Q Okay. Thank you.

17 THE COURT: All right. You can step down,
18 sir.

19 (Witness steps down.)

20 THE COURT: All right, let me see you all.

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 THE COURT: All right, ladies and gentlemen of
25 the jury, we are trying to decide if we are going

1 to go ahead and take lunch. So I think what we'll
2 do is go ahead and take our lunch break and start
3 back at 2:00 o'clock.

4 All right. Thank you.

5 (WHEREUPON, the jury is excused for
6 lunch at 12:48 p.m.)

7 THE COURT: We will start back at 2:00. Just
8 for scheduling purposes, if you had one more
9 witness, I'm guessing then we'll -- I just don't
10 know if we will be able to argue and charge today.

11 MR. CATHCART: That's fine.

12 THE COURT: That might put us into tomorrow
13 morning, of course, and then that might -- with
14 your issue. But I just don't want to waste an
15 entire day.

16 MS. GOLDBERG: Absolutely. And I guess I
17 would ask if we come back tomorrow morning to argue
18 and charge, maybe you can tell them to come back at
19 9:00 instead of 9:30. Maybe that will help speed
20 things along.

21 THE COURT: Yes. Let's just see how far -- I
22 mean, she's been working on the jury charge. So I
23 think it will probably put us at that time period,
24 3:00 o'clock, 3:30 by the time we hear motions. I
25 don't know if he is going to testify at this point.

1 And I'll ask you to go ahead and talk to him about
2 it over lunch.

3 MS. GOLDBERG: Yes, ma'am.

4 THE COURT: Or if he has any witnesses he
5 wants to present.

6 MS. GOLDBERG: Yes, ma'am.

7 THE COURT: Because that will come up shortly
8 thereafter.

9 MS. GOLDBERG: Yes. We'll be ready.

10 THE COURT: All right. Thank you.

11 (WHEREUPON, a lunch break was taken at
12 12:50 p.m.)

13 THE COURT: Are you ready to bring them in?

14 MR. CATHCART: Yes, ma'am.

15 THE COURT: All right, y'all can bring them
16 in.

17 (WHEREUPON, the jury came into open
18 court at 2:16 p.m.)

19 THE BAILIFF: Your Honor, the jury is present.

20 THE COURT: All right, ladies and gentlemen, I
21 hope you had a good lunch.

22 At this time we will continue with the State's
23 case.

24 I would ask the State to call their next
25 witness.

1 MR. CATHCART: May it please the Court, Your
2 Honor? The State calls Kerry Johnson.

3 (Witness approaches.)

4 THE BAILIFF: Place your left hand on the
5 Bible, and raise your right hand, please.

6 (Witness complies.)

7 THE CLERK: Do you solemnly swear or affirm
8 the testimony you give in this case will be the
9 truth, the whole truth, and nothing but the truth,
10 so help you God?

11 THE WITNESS: I do.

12 THE CLERK: Please have a seat, and state your
13 full name for the record.

14 THE WITNESS: My name is Kerry Johnson,
15 K-E-R-R-Y.

16 KERRY JOHNSON,
17 after being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CATHCART:

20 Q Investigator Johnson, where are you employed?

21 A I am employed with the Richland County Sheriff's
22 Department as an investigator.

23 Q And how long have you been doing that?

24 A Been with the Sheriff's Department nine years.

25 Been with investigations a little more than three

1 years.

2 Q Okay. And as part of your duties, were you
3 involved in an investigation of a bank robbery at
4 the TD Bank at 8850 Farrow Road here in Richland
5 County?

6 A I was.

7 Q And in what capacity were you involved in that
8 investigation?

9 A I was working the evening shift, so I was there
10 after 5:00 o'clock. And I was notified by
11 Investigator Williams. And I had been listening to
12 the units respond to the robbery over the radio.
13 And I knew that some arrests had been made.

14 I was contacted by Investigator Williams, who
15 asked me to interview one of the suspects that was
16 being brought to headquarters.

17 So I waited on the road unit to bring what
18 turned out to be Mr. Macon, who is sitting there at
19 the table. I took Mr. Macon back into an office.

20 At that time, because he was under arrest and
21 because I was going to question him about a crime,
22 I read him his Miranda rights.

23 We have a form, a standardized form, called
24 the Advice of Rights form. And I read from that
25 form to make sure he understood what his rights

1 were.

2 Q And can you tell the jury what the rights that you
3 read him were?

4 A You took my form.

5 Q This has been marked State's Exhibit 17 for
6 identification. Is that a copy of the form?

7 A This a standardized form that we use. There is no
8 other form that the Sheriff's Department uses other
9 than this form right here.

10 And at the top it is called: Richland County
11 Sheriff's Department Interrogation Advice of
12 Rights. And it reads:

13 Before we ask you any questions, you must
14 understand your rights.

15 You have the right to remain silent.

16 Anything you say can be used against you in
17 court.

18 You have the right to talk to a lawyer for
19 advice before we ask you any questions and to have
20 a lawyer with you during any questioning.

21 If you cannot afford to hire a lawyer, one
22 will be appointed for you before any questioning if
23 you wish.

24 If you decide to answer questions without a
25 lawyer present, you still have the right to stop

1 answering at any time, and you also have the right
2 to stop answering at any time until you talk to a
3 lawyer.

4 And there is a place here to sign. There is a
5 place to witness. And up underneath that is the
6 Waiver of Rights, which Mr. Macon did sign, not on
7 this particular form, but he did sign. And it
8 says:

9 I have read this statement of my rights.

10 I understand what my rights are.

11 I am willing to talk and answer questions.

12 I understand and know what I am going.

13 No promises have been made to me, and no
14 pressure or coercion of any kind has been used
15 against me.

16 And it is standard for us to make sure the
17 person that we're interviewing understands what
18 pressure and coercion is. And sometimes we give
19 them examples so there is no misunderstanding.

20 Q Okay. And you went through all those rights with
21 him?

22 A That's correct.

23 Q And he signed, then you signed the form?

24 A Yes. And he agreed to answer questions.

25 Q Okay. And just talk to you about what occurred?

1 A Yes.

2 Q Okay. And when he came in, did he and his cousin
3 come into the lobby together when they were
4 arrested?

5 A No. We came through the back door with Mr. Macon,
6 and Mr. Colon was in the -- what they call the D
7 Cell at the Sheriff's Department, which is a cell
8 near investigations where we put people until we
9 get a chance to talk to them or transport them to
10 the jail.

11 Q Okay. And at some point Mr. Colon was transferred
12 over to Investigator Williams to talk to him;
13 correct?

14 A That's correct.

15 Q And what if anything did you and Mr. Macon have to
16 talk about?

17 A Well, I explained to Mr. Macon that although his
18 initial arrest -- he had also been charged with a
19 traffic offense.

20 I asked him at that time, Do you have any idea
21 what else you might be charged with?

22 And he mentioned that he saw a lot of police
23 cars at the bank and that he thought that any other
24 charge might have something to do with that.

25 Before I went on any further, I called

1 Investigator Williams by phone to get some of the
2 details because I didn't have a whole lot of
3 details at the time. He let me know that Mr. Macon
4 was driving a black truck that matched the
5 description along with the tag that was seen
6 leaving the scene at a high rate of speed at one
7 point, and also seen talking to what turned out to
8 be Mr. Colon, who was arrested.

9 Once I had that information, I simply asked
10 Mr. Macon just to tell me about his day.

11 He said that he had been with his girlfriend's
12 house who he has a daughter with, and that he left
13 her house somewhere around 12:30. Now, keep in
14 mind, this was about 10 till 6:00 when I got the
15 call from Investigator Williams. He said his day
16 started around 12:30, but he went back to his
17 grandmother's house where he lives at 18 Flora
18 Circle and he stayed there until that afternoon.
19 He left later in the afternoon and went to the
20 Hilton Hotel on Farrow Road, which is right near
21 the bank. He said that he went inside to ask how
22 much a room was. Then he went back out in the
23 parking lot and he talked to someone out in the
24 parking lot. He identified that person as an
25 employee of the hotel. But then he decided to go

1 back in to get a job application. He said he left
2 and then headed back to his house and was on the
3 way back to his house when he was stopped by the
4 police officer.

5 Q Okay. Let me ask you this. In that rendition of
6 facts that he gave right then, did at any point he
7 mention Mr. Colon?

8 A No. As a matter of fact, I asked him was anybody
9 with him, and he said no.

10 Q Okay. At any point during his rendition of facts
11 did he say, Oh, well, here is the application?

12 A No.

13 Q Please continue.

14 A Because there was obvious discrepancies in his
15 story and what had happened, I wanted to go talk to
16 Mr. Colon or Cologne(pronounced "Cologne").

17 The day that Mr. Macon was arrested he had on
18 a bright yellow or goldish shirt, so I went back
19 into the D Cell --

20 Q Let me ask you this. I'm going from your notes.
21 Do you have your notes with you as well?

22 A Yes.

23 Q These are notes you wrote right after this all
24 occurred? Right after you spoke with him you did
25 your follow-up investigation of notes right here?

1 A That's correct.

2 Q Okay. And so the paragraph above what you are just
3 talking about, did you ask Mr. Macon specifically
4 if he knew the other guy that was arrested?

5 A Yes.

6 Q Okay. And what did he tell you?

7 A I said, Hey, do you have any idea who that other
8 guy was that was arrested?

9 And he said he didn't have any idea about
10 anybody being arrested or any knowledge of any
11 other person being arrested.

12 Q Okay. And at that point what did you do?

13 A Went back to the D Cell and spoke to Mr. Colon.
14 And I said, How do you know the guy that we brought
15 in with the yellow shirt -- or the gold shirt?

16 And he identified him as his cousin, but would
17 not really offer a name at that point, but said, He
18 was my cousin.

19 And from there I went back and sat down with
20 Mr. Macon again. And I said, Your quote cousin
21 just told me that you dropped him off over there at
22 the bank that he just robbed.

23 And his response was, You mean Colon? And
24 then he explained that he was confused by my
25 questions and because he was confused by what I was

1 asking him he quote forgot to tell me about Colon,
2 who had been riding in the car with him.

3 Q So the questions he was confused about, Was anybody
4 with you that day?

5 A (Nods affirmatively.)

6 Q And also, Do you know that guy that got arrested
7 for the robbery?

8 A Right. And only after Colon admitted that they
9 were cousins did he say, Yes, I do know him, and,
10 Yes, he was in the car with me.

11 Q Okay. Please continue.

12 A He went on to tell me that Colon was his cousin. I
13 don't know if they are biological cousins or what.
14 But that earlier in the day they had met up in the
15 Summit and Mr. Colon -- or Cologne -- asked him for
16 a ride to his quote to his homeboy's house. Macon
17 said that he didn't actually want to take Mr. Colon
18 to his homeboy's house, so he dropped him off at
19 the bus stop at Farrow Road, which happened to be
20 right near the Hilton Hotel and of course right
21 near the TD Bank. He said he didn't know that
22 Colon went to go rob the bank, he didn't know that
23 Colon had planned to rob the bank, that he just --
24 he denied any knowledge of Mr. Colon robbing the
25 bank; however, he could not offer a reason why he

1 was still in the area right after the robbery.

2 From then -- as I'm asking him questions just
3 pointing out discrepancies in his story, I was
4 notified that Lieutenant Amaro had a witness with
5 him that had actually identified Mr. Colon's
6 vehicle and him, what they call I think a ride-by.

7 Q Excuse me, whose vehicle?

8 A Beg your pardon?

9 Q Whose vehicle did she identify?

10 A Mr. Macon's.

11 Q Okay.

12 A The black truck that he was driving that day and
13 the one that he was in when he was stopped by
14 Lieutenant Wyatt.

15 Once I talked to Lieutenant Amaro about the
16 positive identification -- and obviously what
17 Mr. Colon had said -- I went back and confronted
18 Mr. Macon with all these facts, at which time he
19 didn't talk -- he said he didn't talk to Colon
20 after dropping him off. And then he went to the
21 BB&T to check his balance on his ATM, but they
22 asked him did he have an account. He really
23 couldn't give me an answer there and shut down
24 pretty much after that and didn't want to talk
25 anymore.

1 Q So after you confronted him as to his story
2 continuing to change, he finally gave up? He did?

3 A Yes. He didn't want to talk anymore after that.

4 Q Okay. As you stated earlier, you went through the
5 Advice of Rights form with him?

6 A That's correct.

7 Q And that Advice of Rights form has been misplaced
8 since then; correct?

9 A It has.

10 Q And you are sure that you went through a form with
11 him, though?

12 A No doubt about it, yes, sir.

13 Q And you wrote in your report right after this all
14 occurred what you did?

15 A Correct.

16 Q And then you indicated in your report that you did
17 go through the Advice of Rights form with him?

18 A That is correct.

19 Q And then the statement that he gave you, he never
20 admitted to doing anything; correct?

21 A He did not.

22 Q He just gave you multiple stories as to what he
23 didn't do?

24 A He was being very deceptive about what he had done
25 and where he had been. Obviously the facts that I

1 was getting from the witness and not only --
2 Investigator Williams -- were totally conflicting
3 with what we was telling me.

4 Q Thank you. Answer any questions from Defense
5 counsel.

6 MS. GOLDBERG: May it please the Court?

7 THE COURT: Yes, ma'am.

8 CROSS-EXAMINATION

9 BY MS. GOLDBERG:

10 Q All right. Investigator Johnson, you interviewed
11 Arthur Macon, that is what you have been talking
12 about; correct?

13 A That's correct.

14 Q And then immediately after that interview you wrote
15 up a report?

16 A Yes, what we call an investigative follow-up.

17 Q Okay. And it was right after you talked to him?

18 A Did I put him in a cell and immediately type it up
19 or did I do it within 30 minutes to an hour, I
20 don't rightly know, but it was --

21 Q Right.

22 A When we have weekend duty --

23 Q Uh-huh.

24 A -- and have a major event or on-call, we're
25 required to do that investigative report as soon as

1 possible, and then we put it in what we call the
2 hot box.

3 Q Right. And you have a copy of that in front of
4 you?

5 A Yes.

6 Q Okay. Very good. So at some point -- you
7 understood -- you said, I believe, that Mr. Macon
8 was arrested for a traffic offense. He was
9 actually arrested for driving under suspension.
10 That would be the correct --

11 A I knew that he had been placed under arrest by
12 Lieutenant Wyatt for driving under suspension when
13 he was brought in.

14 Q Right.

15 A And I also knew that he was a suspect in the
16 robbery when he was brought in.

17 Q Okay. And then you decided to ask Mr. Macon about
18 the events of his day?

19 A Yes.

20 Q Okay. And he told you about what had happened that
21 day?

22 A Yes.

23 Q And then you summarized that in your report?

24 A I guess you could say summarize, yes.

25 Q Well, did you include as many details of that as

1 you could?

2 A Probably not.

3 Q Probably not? So you left information out?

4 A I will put in exactly what was relevant to this
5 particular case.

6 Q Okay.

7 A Had there been any discrepancy in what he told me,
8 I would have put that in there also, yes.

9 Q If there had been a discrepancy, that would have
10 been important?

11 A Yes.

12 Q Okay. So he told you that he was at his
13 girlfriend's house, I think is what you testified
14 to?

15 A That's correct.

16 Q And that was in the Summit; correct?

17 A He stated that he had spent the night with his
18 girlfriend, Ashley Wylie, that lives in the Summit,
19 yes.

20 Q All right. And then at some point went to his
21 grandmother's house?

22 A According to my report, he stated that he left
23 Ashley's house around 12:30 and went back to his
24 grandmother's house, which is where he lives, at 18
25 Flora Circle.

1 Q And then at some point went to the Hilton on Farrow
2 Road?

3 A That's correct.

4 Q You did not put in your report that he ever said if
5 someone was in the car with him or not in the car
6 with him; right?

7 A That is not in the report.

8 Q So that is not in the report. And that summary
9 that you provided of that conversation, that is
10 just a few sentences of your report; correct?

11 A It is a few paragraphs, yes.

12 Q But were encompassing what happened between the
13 morning whenever he woke up and 4:30 that
14 afternoon?

15 A Yes.

16 Q At some point in the conversation you asked him if
17 he knew the other guy who had been arrested; right?

18 A Yes, I asked him -- I'm not sure if they were
19 brought in at the same time, but I had knowledge
20 that they had seen each other or was aware of each
21 other. So I asked him if he knew the other guy
22 that was arrested, yes.

23 Q Well -- and that goes to my question. What -- they
24 weren't arrested at the same place; correct?

25 A I don't know. They were arrested out on the road.

1 I'm not sure.

2 Q So what reason would you have to believe that
3 Arthur would know anyone else was arrested?

4 A Because the information that I had was that they
5 had been seen by a witness talking to each other.

6 Q But not at the time they were arrested; correct?

7 A That was not my understanding. I didn't -- not
8 really sure of that, no.

9 Q So if Arthur said he didn't know anyone else was
10 arrested, that could be perfectly reasonable and
11 true; correct?

12 A Give me one moment.

13 (Pause.)

14 A He stated that the other guy -- when I went back to
15 the D Cell, spoke to Jason Colon, and asked him how
16 he knew quote the guy in the gold shirt.

17 And he stated that the other guy was his
18 cousin, but didn't know his name. He stated that
19 his cousin had dropped him off before the robbery.

20 So I went back to my cubicle and told Macon
21 that his quote cousin had just told me that he
22 dropped him off.

23 And Macon said, Do you mean Colon?

24 I'm not sure how many cousins Mr. Macon has,
25 but he obviously knew exactly who I was talking

1 about.

2 Q He did. And Mr. -- that is all Mr. Colon told you;
3 right?

4 A Yes.

5 Q And so that still doesn't answer the question, why
6 Arthur would -- how Arthur would know that Mr.
7 Colon had been arrested?

8 A Apparently because they were involved in a crime
9 together and that he had seen the police out there.

10 Q But not arresting anybody?

11 A I think he apparently assumed that an arrest had
12 been made because he knew who I was going to talk
13 to back in the cell, obviously, because there was
14 no -- when I said his cousin, he said, You mean
15 Colon?

16 Again, I'm not sure how many cousins he has,
17 but he knew exactly who I was talking about.

18 Q The person who you dropped off earlier; right?
19 Basically that was it: I talked to your cousin who
20 you dropped off earlier? That is what you said?

21 A Repeat that question.

22 Q You said to Mr. Macon: I talked to your -- the guy
23 in the cell back there who has been arrested is
24 your cousin, he said that you dropped him off?

25 A I went back to my cubicle and told Macon that his

1 cousin had just told me that he dropped him off,
2 and Macon said quote you mean Colon, yes.

3 Q And then --

4 A Then he said he was confused by the question I was
5 asking and forgot to tell me about him because --
6 it is not in my report here, but we did talk about
7 somebody being in the car with him. I asked him
8 was he by himself or did he have one in the car --
9 or did he have anybody riding with him on that day.
10 And he said that he did not.

11 Q But that is not in your report?

12 A It is not.

13 Q And you included everything you thought was
14 important in your report?

15 A Yes.

16 Q And when you told Mr. Macon that you had talked to
17 Mr. Colon, Mr. Macon told you that he had no idea
18 that Mr. Colon was going to rob the bank; correct?

19 A He did say that.

20 Q And then at some point you found out that Mr. Macon
21 had been seen at BB&T?

22 A Yes.

23 Q And you confronted him with that information?

24 A I did.

25 Q And Mr. Macon responded, Oh, I stopped at the BB&T

1 and checked my balance on the ATM; correct?

2 A He said that, yes.

3 Q And I believe on testimony when you asked him --
4 you just testified that when you asked him about if
5 he had an account, he stopped talking and didn't
6 give you an answer; right?

7 A He mentioned something about his girlfriend's car,
8 but it was not anything definitive. And, again,
9 any time I would ask him a question, he was getting
10 so confused with his answers that really none of it
11 was making sense.

12 Q He told you that he was using his girlfriend's car,
13 and that is your typo; is that correct?

14 A That he had his girlfriend's car. That may be a
15 typo.

16 Q So he did answer your question?

17 A I asked him if he had an account, and he said that
18 he had his girlfriend's car -- card -- typo. Could
19 be a typo.

20 Q And, again, denied knowing that Colon did anything?

21 A He did deny that, yes.

22 MS. GOLDBERG: Beg the Court's indulgence.

23 (Pause.)

24 MS. GOLDBERG: Nothing further.

25 REDIRECT EXAMINATION

1 BY MR. CATHCART:

2 Q At what point did he pull out his girlfriend's BB&T
3 card?

4 A At no point.

5 MR. CATHCART: No further questions.

6 THE COURT: All right, sir, you may step down.

7 (Witness steps down.)

8 MR. CATHCART: Your Honor, that is the State's
9 case.

10 THE COURT: All right, ladies and gentlemen of
11 the jury, the State has rested. There is a matter
12 of law that I need to take up outside of your
13 presence, so I am going to send you all out for a
14 break, and we will have you back in shortly.

15 Thank you.

16 (WHEREUPON, the jury retires to the jury
17 room at 2:37 p.m.)

18 THE COURT: All right, so the State has
19 rested. I am going to have the Defendant stand at
20 this time.

21 (Defendant stands.)

22 THE COURT: And, Mr. Macon, let me have you
23 raise your right hand.

24 (Complies.)

25 THE COURT: Do you swear or affirm to tell the

1 truth, the whole truth, so help you God?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: All right, at this time I am going
4 to explain to you certain rights. If you do not
5 understand anything I say, please let me know. If
6 you want me to explain anything in more detail,
7 please let me know. Do you understand that, sir?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: All right. We have now reached
10 the stage of the trial where you may present your
11 defense. You have the right to claim the
12 protections given to you by the Fifth Amendment to
13 the constitution of the United States. This
14 amendment states in part: No person shall be
15 compelled in any criminal case to be a witness
16 against himself.

17 This means that you cannot be required to
18 testify in this case. You have the right to
19 testify on your own behalf; however, no one can
20 make you testify. This is a personal right, and no
21 one can waive the right except you.

22 If you decide to testify, you will be subject
23 to the same rules that govern other witnesses and
24 you may be examined and cross-examined on any
25 relevant issue in this case.

1 In addition, if you have any convictions
2 involving dishonesty or false statements or for
3 crimes punishable by imprisonment for more than one
4 year and the Court determines that their probative
5 value of admitting this evidence outweighs the
6 prejudicial effect to you, the Solicitor will be
7 able to introduce your record to attack your
8 credibility.

9 If you decide to testify, this decision on
10 your part must be freely and voluntarily and
11 intelligently made with knowledge of the
12 protections given to you by the Fifth Amendment and
13 the consequences of your decision to testify.

14 If you decide not to testify, I will instruct
15 the jurors that they cannot give the fact that you
16 did not testify any consideration whatsoever and
17 that there is to be absolutely no prejudice to you
18 because you did not testify.

19 It is left entirely up to you whether or not
20 you testify. You may talk with your attorney, your
21 family and friends, or anyone else, but the final
22 decision will be left entirely up to you.

23 Do you understand what I have explained to
24 you?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you have any questions
2 regarding anything I have explained to you?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Have you discussed with your
5 lawyer whether or not you should testify?

6 THE DEFENDANT: I have.

7 THE COURT: All right. Do you need any more
8 time to talk with your lawyer?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: All right. And do you wish to
11 testify?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: All right. Thank you. And is
14 that -- just for the record, Ms. Goldberg, you have
15 gone over everything with him? You have gone over
16 his rights with him, as I have. And is that your
17 understanding, that he does not wish to testify?

18 MS. GOLDBERG: Yes, Your Honor.

19 THE COURT: All right, thank you.

20 All right, are you all -- do you know if you
21 are going to call any other witnesses?

22 MS. GOLDBERG: No, Your Honor, we are not
23 going to call any witnesses. We will rest. I will
24 need to make a directed verdict motion.

25 THE COURT: All right. For scheduling

1 purposes -- it is 2:39. So we need to do a -- do
2 you want to go ahead and do your motion and then I
3 will allow you to rest on the record in front of
4 the jurors? That way I don't have to bring them in
5 and out, in and out.

6 We could possibly argue and charge today, it
7 just depends on how quickly -- she has the jury
8 charges done. I mean, I'm fine with going forward.
9 It is up to you all. It is 2:40.

10 MS. GOLDBERG: Your Honor, I think that if we
11 argue and charge, obviously the jury wouldn't get
12 the case until close to 4:00. I don't know that
13 that is in anyone's best interest. I am happy and
14 prepared to do it today if you like. I have got
15 other commitments that would be good for, but I
16 don't know that giving the case to the jury at
17 40:00 o'clock is in anyone's best interest.

18 THE COURT: Okay. So by the time we go over
19 the jury charges --

20 MR. CATHCART: 4:30.

21 THE COURT: Probably start by 3:30. We will
22 be starting right at 3:30.

23 MR. CATHCART: Starting what at 3:30?

24 THE COURT: By the time we go over jury
25 charges and hear motions --

1 MR. CATHCART: Oh. I was about to say, they
2 wouldn't get it till after 4:30.

3 THE COURT: You can start closing arguments
4 about 3:30 and they probably won't get it until --

5 MS. GOLDBERG: 4:30.

6 THE COURT: 4:30. Yes, it is kind of close.
7 Let's do it in the morning. 9:00 o'clock might
8 be --

9 MS. GOLDBERG: If we can ask them to report
10 back at 9:00 o'clock, and then --

11 MR. CATHCART: I'll be here.

12 THE COURT: Let me doublecheck. We can --
13 but, of course, if they are still deliberating, you
14 may want to let them know.

15 MS. GOLDBERG: I am. I am going to call the
16 Family Court. I have already let the DSS attorney
17 know, but I'll call the Family Court chambers this
18 afternoon and let them know exactly.

19 THE COURT: Because even if we start at
20 9:00 --

21 MS. GOLDBERG: Right.

22 THE COURT: -- they still probably wouldn't
23 get it until 10:30.

24 MS. GOLDBERG: 10:00 or 10:30, and then who
25 knows.

1 THE COURT: And then we will order lunch for
2 them to be delivered at 12:00.

3 MS. GOLDBERG: And the hearing -- I wanted
4 to -- I had asked the Court to be able to leave at
5 12:00 so I had time to prepare and meet with my
6 client, but the actual hearing, I am summoned to
7 appear at 2:00, so there is a possibility I could
8 make it. And, if not, the Court will know why.

9 THE COURT: Okay. So what I will do is bring
10 them in, I'll ask you to call your witness, and
11 then let you rest on the record, and then I'll send
12 them back home and tell them to be back at
13 9:00 o'clock in the morning.

14 All right. You can bring them in.

15 (WHEREUPON, the jury came into open
16 court at 2:44 p.m.)

17 THE BAILIFF: Your Honor, the jury is present.

18 THE COURT: All right, ladies and gentlemen of
19 the jury, the State has rested at this time. I am
20 going to ask the Defendant to call its first
21 witness.

22 MS. GOLDBERG: Your Honor, at this time the
23 Defense rests.

24 THE COURT: All right. Thank you.

25 Ladies and gentlemen of the jury, as I stated

1 to your earlier, I think in my introduction, the
2 burden is upon the State to produce witnesses. The
3 Defendant does not have to call any witnesses if
4 they do not choose to. The burden of proof is on
5 the State.

6 So we are now at the point in the trial where
7 we have closing arguments and the charge on the
8 law. I am concerned that that may take some time
9 and put us well into the evening, and for that
10 reason we are going to start in the morning at
11 9:00 o'clock. I am going to ask you all to report
12 back to the jury room at 9:00 o'clock.

13 It is very important at this time that you not
14 discuss this case with anyone, your fellow jurors,
15 or any family members. It is also improper for you
16 to form an opinion in your mind at this point in
17 time until you have heard the arguments of the
18 parties and the charge on the law.

19 We will order lunch tomorrow for you, so -- I
20 don't know if anybody has been bringing lunch or
21 anything, but she will have order forms for you
22 tomorrow morning when you get here at 9:00 o'clock
23 for lunch. And we will start with our closing
24 arguments at around 9:00 o'clock, after you get
25 your orders in, and the charge on the law.

1 All right. Have a restful evening. And we'll
2 see you tomorrow at 9:00.

3 Thank you.

4 (WHEREUPON, the jury is excused at 2:47
5 p.m.)

6 THE COURT: All right. Yes, ma'am, I will be
7 glad to hear from you.

8 MS. GOLDBERG: Thank you, Your Honor. For the
9 jury's convenience I already rested, but I do need
10 to make the directed verdict motion in this matter.

11 The evidence presented is that Mr. Macon was
12 seen in his truck near the scene, not at the scene,
13 but near the scene of the bank robbery. There was
14 no evidence that he ever went inside. There is no
15 evidence that he engaged in the bank robbery in any
16 way.

17 The evidence is that a witness observed
18 Mr. Macon and the actual bank robber speaking
19 briefly after Mr. Macon then drove away. Did not
20 take the money. Did not take the other individual.
21 Was not the getaway driver in any way.

22 The only evidence whatsoever that presents any
23 culpability of him in this regard comes from
24 Mr. Jason Colon. He did testify on one hand that
25 Mr. Macon gave him the gun and gave him the idea,

1 but then also in testimony he said that he gave him
2 the gun months prior. There is no credible
3 testimony offered that states that Mr. Macon was
4 involved in any way.

5 Further, that all regards the armed robbery
6 itself. I further argue that as to the kidnapping,
7 even if what the State is arguing is true,
8 Mr. Macon was never inside, had no idea who was
9 inside, had no idea how many people were inside,
10 had no idea in which way the robbery would be
11 presented, if the weapon would be presented to one
12 person, multiple people, no people.

13 That is all taking the State's case as true.
14 I would argue even with that there is no evidence,
15 credible evidence, sufficient for the kidnapping.
16 And I would ask the Court to dismiss the
17 indictment.

18 THE COURT: All right. Yes, sir?

19 MR. CATHCART: Your Honor, in the light most
20 favorable to the State, the evidence shows that the
21 Defendant was involved -- not only was involved,
22 but planned and armed the person who went into the
23 bank. That is the problem with being the "hand of
24 one is the hand of all," you don't know how many
25 people are going to be in the bank when you send

1 somebody in there. That still doesn't make him any
2 less culpable or as foreseeable as to all the
3 people in the bank being part of that kidnapping.
4 Each of those people testified that they were not
5 free to leave, nor was anyone else in the bank free
6 to leave.

7 Obviously an armed robbery took place. Other
8 witnesses other than Mr. Colon who said this is the
9 man who armed him, the man who sent me into the
10 bank, also stated that this is the man who met with
11 the robber, sent him on a different way, drove over
12 to another parking lot to wait for him again, and
13 then finally fled the scene after his
14 Co-Defendant/cousin was captured.

15 I believe the evidence is clear that as to the
16 Defendant's culpability as to this part right here,
17 the evidence most favorable to the State, I believe
18 the evidence has been met to make it past the
19 directed verdict stage.

20 MS. GOLDBERG: Your Honor, I do have one
21 follow-up.

22 THE COURT: Yes, ma'am.

23 MS. GOLDBERG: The armed robber -- I think we
24 both sufficiently argued as to the armed robbery
25 indictment and the three kidnapping indictments.

1 There is a fourth kidnapping indictment where the
2 victim is Brittany Ellison. She did not testify as
3 a witness. The testimony presented was that she
4 originally didn't even know what was going on,
5 didn't see anything, and that another teller told
6 her there was a robbery going on. So there is no
7 evidence of her feelings, feeling in fear, feeling
8 confined, feeling she was not able to leave in any
9 way; therefore, there is no evidence for that
10 particular kidnapping indictment.

11 MR. CATHCART: The witness testified that she
12 was unable to -- she knew that the robbery was
13 taking place and therefore was unable to go away.

14 MS. GOLDBERG: A different witness, obviously.

15 MR. CATHCART: A witness who saw what was
16 going on and told Ms. Brittany Ellison what was
17 going on.

18 THE COURT: All right. In considering the
19 evidence that has been brought before the Court --
20 and I'll handle those separately -- as to the armed
21 robbery, the Court finds that based on the
22 evidence, the testimony that has been presented to
23 the Court, that the Defendant's motion for directed
24 verdict is denied.

25 There is sufficient evidence that has been

1 presented that raises an issue of fact for the jury
2 to decide. And for that reason I will deny the
3 motion for directed verdict as to the armed
4 robbery.

5 As to the kidnapping, under the law it reads
6 that the "act of one is the act of all," or as it
7 is sometimes said, the "hand of one is the hand of
8 all." Under the theory of "hand of one, hand of
9 all," I think the State has produced sufficient
10 evidence for purposes of the directed verdict
11 motion to have the kidnapping indictment presented
12 to the jury. And that there is an issue of fact
13 for the jury to decide as to the three indictments
14 as to the kidnapping.

15 As to the fourth indictment, I believe there
16 was some testimony by one of the witnesses -- and I
17 would have to go back and look at it as to --
18 because -- and I would probably need to go back and
19 look at the case law and see, because I think it
20 requires -- well, I know it requires a person to
21 know they are not free to leave.

22 MR. CATHCART: Shonda Wheeler, if I may, Your
23 Honor, the clerk who was actually being robbed, she
24 went back from her till, which she indicates she
25 had to get the GPS, went to get the GPS out of the

1 other lady's till, Ms. Ellison's till. When she
2 did so, take the money out of there, Ms. Ellison
3 asked what was going on. We're being robbed, is
4 what she was told. And at that point she knew what
5 was going on, knew she was not free to leave, she
6 was in the middle of a robbery.

7 THE COURT: All right. Let me take a look at
8 the transcript on that. Yes, sir? I thought you
9 had more.

10 MR. CATHCART: I'm just throwing that out.
11 Just as to directed verdict, basically I'm showing
12 that there is existence of that evidence. The
13 weight goes to the jury.

14 THE COURT: All right. I'll take a look at
15 that over the evening and I'll let you all know,
16 and I'll let you all know something in the morning
17 as to that final one. But as to the others, the
18 directed verdict motion is denied.

19 MR. CATHCART: Thank you, Your Honor.

20 MS. GOLDBERG: Thank you, Your Honor.

21 THE COURT: All right. So I will have her --
22 she's working on the jury charge. I'll have to
23 e-mail it to you. If you will give me your e-mail,
24 that would be great.

25 MS. GOLDBERG: And since -- do you want us to

1 maybe e-mail you in response or any proposed --

2 THE COURT: Yes. If you have any -- well, if
3 you have any proposed charges, you may want to send
4 those to her. They may be covered.

5 MS. GOLDBERG: Right. And then if there are
6 any disagreements we can just deal with that in the
7 morning; right?

8 THE COURT: Yes. That is why I probably
9 should have told them 9:30 instead of 9:00 so we
10 could have gone over the charge. But we'll do that
11 while they are ordering lunch.

12 MS. GOLDBERG: I mean, I doubt -- there is
13 only so many legal issues involved in this case.
14 It is not an extremely long or complex case, so I
15 can't imagine the arguments take all that long
16 anyway.

17 THE COURT: All right. Well, I'll see you all
18 in the morning at 9:00.

19 MR. CATHCART: Thank you.

20 MS. GOLDBERG: Thank you, ma'am.

21 MR. SHELLENBERG: Thank you, Your Honor.

22 (WHEREUPON, court adjourned for the day
23 at 2:57 p.m.)

24 OCTOBER 1, 2014

25 THE COURT: Yesterday -- and I can have Debbie

1 read it or e-mail it to you -- but it -- based on
2 the testimony, I believe --

3 MR. CATHCART: Ms. Wheeler?

4 THE COURT: Ms. Wheeler -- the lady that comes
5 to Ms. -- which one is the missing person?

6 MS. GOLDBERG: Ellison.

7 THE COURT: Ellison. Ms. Wheeler testified
8 that she went to Ms. Ellison and then she initially
9 did not know that they were being robbed, that she
10 told her that they were being robbed, and at that
11 point she knew that they were being robbed. And
12 that is when they were putting the GPS tracker in
13 the bag.

14 I think it is a question of fact for the jury.
15 I find that it is a question of fact for the jury
16 to decide and give it whatever weight they feel
17 necessary to give it as to the actual charge of
18 kidnapping.

19 So I am going to allow it and deny the
20 Defendant's motion for directed verdict as to the
21 kidnapping charge of Brittany Ellison.

22 Now, have you all had a chance to look at the
23 verdict form?

24 MS. GOLDBERG: Yes, Your Honor.

25 THE COURT: Any changes on there?

1 MS. GOLDBERG: No, ma'am.

2 MR. CATHCART: No, ma'am.

3 THE COURT: Okay. Do y'all need a break
4 before we bring them in or are you ready?

5 MR. CATHCART: I guess so.

6 THE COURT: Are you ready?

7 MR. CATHCART: I guess so. I'm ready.

8 MS. GOLDBERG: I'm ready.

9 THE COURT: And you are going to -- Mr.
10 Cathcart, you are going to close for the State?

11 MR. CATHCART: Yes, ma'am.

12 THE COURT: And then you'll close for the
13 Defense?

14 MS. GOLDBERG: Yes.

15 THE COURT: All right, you can bring them in.
16 (WHEREUPON, the jury came into open
17 court at 9:23 a.m.)

18 THE BAILIFF: The jury is all present, Your
19 Honor.

20 THE COURT: Good morning, ladies and
21 gentlemen. At this time we will begin with closing
22 arguments. After the closing arguments you will
23 hear the charge on the law from the Court.

24 You will first hear from Mr. Cathcart, on
25 behalf of the State. Then you will hear from

1 Ms. Goldberg, on behalf of the Defendant.

2 I ask that you pay close attention to them,
3 and then I will give you a charge on the law.

4 Thank you.

5 All right. Yes, sir.

6 MR. CATHCART: If it please the Court?

7 CLOSING STATEMENT

8 MR. CATHCART: Good morning.

9 THE JURY: Good morning.

10 MR. CATHCART: I want to thank y'all first for
11 the attention that you gave me and Mr. Shellenberg,
12 and most importantly the attention you gave all the
13 witnesses, especially the victims, especially the
14 Co-Defendant in this case.

15 But for that man there, Jason Colon would not
16 have been there. He never would have done this.
17 He couldn't conceive of doing it but for what he
18 did and led him there.

19 We are here today because on October 30th,
20 2012, Mr. Colon followed his instructions, took a
21 toy gun that was provided to him, altered by him,
22 into the bank.

23 He sat there awkwardly for about 20 or 30
24 minutes, waiting for everyone else to finish their
25 business, politely, and then he walked up to the

1 teller and held up the gun and said, Give me all
2 the money.

3 At that point he committed an armed robbery.
4 The Defense has stipulated that the armed robbery
5 occurred. She is not arguing that there was an
6 armed robbery. But in doing so, when he held that
7 gun up for everyone to see, for everyone to know
8 that an armed robbery is taking place, everybody
9 had to freeze in their tracks. Nobody gets to
10 leave. It is an armed robbery. Everybody has to
11 stay. And at that point the kidnapping occurred as
12 well.

13 Now, Mr. Colon was the only one in there as
14 part of this crime, because he was sent in there by
15 this man, this man who is sitting in his car with
16 his radio listening to Region 3 waiting for his
17 cousin to come back.

18 He told him what to do, gave him the gun, and
19 said, I'll be over there at the hotel -- and, by
20 coincidence, exactly where Mr. Colon runs to -- my
21 tailgate down with the top over my bed of my
22 pick-up truck that you are supposed to crawl into.

23 Because, sure, I sent you in there with a gun,
24 I sent you in there with instructions how to do it,
25 no mask, no way to hide his identity. He is to go

1 into the bottom of the pick-up truck, slam him in,
2 and drive away.

3 But it didn't work out that way. Because
4 sometimes when you pick people to do your job for
5 you, especially when you pick a vulnerable adult,
6 he doesn't do it quite right. And he didn't get
7 there fast enough.

8 And when Mr. Whaley stopped Mr. Colon as he
9 was in the parking lot and he ran the wrong way,
10 his plan didn't work out too well.

11 For that reason he is charged with two crimes.
12 Mr. Colon is charged with them as well, and
13 Mr. Macon. The armed robbery, as we stated. Armed
14 robbery -- and we'll do this real quickly. I will
15 explain the law, but that is the judge's job. The
16 judge is going to explain the law again to you, and
17 if I say anything different than what she says,
18 take her word for it, she is the judge of the law.

19 Armed robbery is basically just taking
20 something from the presence of another person by
21 use of force, that force being a deadly weapon. Or
22 in this case what is perceived as a deadly weapon.

23 And in this case it is a toy gun. But he sure
24 made it look real. Just like a 6-dollar
25 .40-caliber. And the little orange part that is

1 supposed to make it so you can tell it is not a
2 real gun has been blacked out. I won't point it at
3 y'all, even though it is not real. But it has been
4 blacked out so that people will be fooled by it.
5 So it makes it an armed robbery.

6 Jason went in there, based upon his
7 instructions, did what he had to do, took \$6,500
8 belonging to the TD Bank with him. It is armed
9 robbery. And that, as Ms. Goldberg indicated, that
10 happened.

11 Kidnapping is whoever shall unlawfully seize,
12 confine, inveigle, decoy, kidnap, abduct, carry
13 away any other person by any means whatsoever
14 without the authority of law shall be guilty of
15 kidnapping.

16 I want you to specifically listen to the
17 judge's charge as to confined, because when you
18 make people stay in one place for even a second, at
19 that point you have confined them. If you are
20 doing that without the authority of law, such as a
21 police officer stopping somebody, that is called
22 kidnapping. You can confine somebody for a year,
23 you can confine somebody for two seconds.

24 Now, Mr. Colon went to the bank, held up this
25 gun. Nobody gets to leave. Nobody gets to leave.

1 They are confined to that bank. And that includes
2 the people who saw the gun specifically, or the
3 lady who was at the driver's part, who got
4 informed, Oh, by the way, we're being robbed right
5 now. And she took the GPS out of her till. At
6 that point she knows she can't go anywhere. There
7 is a man in the bank with a gun.

8 And what makes this a unique case is that
9 there is only one person in the bank. But there is
10 two people who are involved in this. There is
11 Mr. Colon, the vulnerable adult, and his cousin,
12 who is sitting just at the next building away
13 waiting for him with his radio tuned in to Region 3
14 so he could listen to what is going on.

15 That is why in South Carolina there is the
16 law of the "hand of one is the hand of all." This
17 is kind of small, so I'm going to read it.

18 If the crime is committed by two or more
19 people who are acting together in committing a
20 crime, the act of one is the act of all.

21 Everything that Jason did, he did. Everything
22 that -- God forbid, if he provided him with a real
23 gun and Jason panicked and shot somebody, he would
24 be just as guilty of shooting that person.

25 A person who joins in and then commits an

1 unlawful act is criminally responsible for
2 everything done by the other person which happens
3 as a probable or natural consequence of the act
4 done that carried out the common plan or purpose.

5 For example, as I just stated, two people can
6 be guilty of killing one person when only one of
7 those people had a gun, there is only one bullet
8 there is only one of the two who fired a shot. If
9 two or more people act together assisting each
10 other in committing the offense, the act of one is
11 the act of all, or as is sometimes said, the hand
12 of one is the hand of all.

13 And in this case, it is a little different
14 because one hand is really directing the other.
15 Jason wouldn't have been there. He wouldn't have
16 had that gun. He wouldn't have committed this
17 crime, but for his family.

18 Now, to prove this case, the State has to
19 prove this beyond a reasonable doubt. And that is
20 the standard in criminal cases, and that is the way
21 it should be. Proof beyond a reasonable doubt is
22 proof that leaves you all firmly convinced that he
23 is guilty. You don't have to prove it beyond any
24 doubt whatsoever because that is an impossible
25 standard. I can't tell you that the sun is out

1 right now. That is not beyond any doubt, but it is
2 proof beyond a reasonable doubt that it is probably
3 out there.

4 Proof beyond a reasonable doubt is merely the
5 proof that leaves y'all firmly convinced that he
6 did these things, that he sent Jason in there, that
7 he gave him the gun, and that he was waiting for
8 him, listening to the radio with the truck bed
9 down.

10 We proved this by putting forward evidence in
11 this case. The evidence comes from this stand. It
12 is from the witnesses you heard from and the
13 evidence that came in through those witnesses.

14 Anything said outside of that box is not
15 evidence. What I say is not evidence, what Defense
16 counsel said was not evidence, only the answers
17 that came off of this stand.

18 And you heard from the witnesses as to the
19 armed robbery and as to the kidnapping.

20 Now, when you look at the witnesses, you look
21 to their credibility, whether they are believable
22 or not. Did they have a dog in this fight. Is
23 there any reason that they would lie. Any reason
24 they wouldn't be telling the truth.

25 I ask that you go back through the witnesses

1 that you listened to and see if you feel there is
2 any reason that they would tell not the truth or
3 have a reason to lie.

4 Defense counsel said an armed robbery took
5 place, so I am not going to really go that much
6 into it.

7 As to the witnesses of the armed robbery, the
8 clerks -- the bank employees -- they didn't see
9 Mr. Macon, so obviously they had no reason to lie
10 about Mr. Macon. They didn't even know he existed
11 until they found out what occurred.

12 The reporting officer showed up at the scene.
13 He had no idea there was a third person around. He
14 just got to the scene, saw somebody run by.

15 So I guess the first person we need to talk
16 about as to a witness who maybe had some connection
17 to Mr. Macon would be the guy on the 9-1-1 tape,
18 who had the present sense impression said, This is
19 what I see is going on. I see the guy running away
20 from the bank. He is stuck in the woods. He looks
21 like he is looking for his ride.

22 Then you heard from Mr. Whaley, who is the
23 employee from the Hilton, who is walking up there.
24 He sees Mr. -- Jason, crouched down, trying to take
25 off another shirt. He confronts him. He says that

1 Mr. -- that Jason looks confused and panics and
2 runs down towards the back, towards the train
3 tracks, away from the parking lot.

4 You hear from Ms. Williams, Diana Williams,
5 who says, I saw the bank robber, Jason, run into
6 the woods. I turned into the Hilton. I see him
7 talk to a guy in the yellow shirt. I see that guy
8 in the yellow shirt get into a pick-up truck. That
9 guy backs up to my car. I'm that close to him. I
10 honk my horn. He turns around involuntarily
11 because I have just got my horn on right behind
12 him, and we locked eyes and look at each other.
13 The guy in the yellow shirt, I see his face this
14 far away. I knew something was going on because I
15 just saw him talk to the bank robber. Obviously he
16 is involved. So I try to get his tag. I can't get
17 his tag right yet, can't get it completely, even
18 though I'm this close, because his tailgate is
19 down.

20 She gets a bit of it, gets out of his way, the
21 truck drives away at a high rate of speed.
22 Remember, she points out, he is driving DUS at this
23 point, so something that you probably don't want to
24 attract attention to yourself driving at a high
25 rate of speed. That is the only thing he thinks he

1 did, or what he told the police; right?

2 He said, Oh, it must have been because I was
3 driving DUS.

4 She then sees the car at the BB&T a short
5 distance away, same car, same yellow shirt, same
6 guy. Again, she goes over there. Doesn't want to
7 get too close because she is starting to get -- you
8 know, this is probably not the best idea. But,
9 again, she cannot get the full tag completely
10 because the tailgate is down.

11 Why is the tailgate down? Jason told you:
12 The plan was I jump into the back of the truck,
13 close the tailgate, and nobody sees me. Just a
14 single guy driving a pick-up truck, no bank
15 robbery.

16 He is wearing a bright yellow shirt. The guy
17 who robs the bank, the other guy was wearing a tan
18 shirt. So why would anybody stop him?

19 She gets finally most of the tag and sees him
20 continue to look back towards where Jason is and
21 sees Jason get caught.

22 At that point, game over. He drives away.
23 Drives away and leaves his cousin to his fate. I
24 assume the worst thing in his mind as he washes his
25 hands of the whole thing is Thanksgiving is going

1 to be a little awkward this year.

2 Ms. Williams then says a short time later,
3 within maybe 20 minutes or so, I get a call -- I
4 mean, I talk to the police and they say that the
5 guy who matches the description, matches the
6 description of the truck down to the dent on the
7 side and matches the tailgate number, or the tag
8 number, has been apprehended.

9 And they ask her to drive up by that scene.
10 Nobody is pointing out to it. She is in the car
11 alone. She drives by and says, That is the man I
12 saw talking to the bank robber, that is the man who
13 was driving that truck, that is the man whose
14 tailgate was down.

15 Now, again, remember, he is driving under
16 suspension. And we know that is true because he
17 was arrested for it. And she said -- I mean, she
18 admits that that is what he was arrested for.

19 I will submit to you as a person who has
20 driven a pick-up truck, you are not supposed to
21 drive with your tailgate down. Why? Because it
22 obscures your tag. If you are driving under
23 suspension, you pop that thing up as soon as you
24 can, especially if you don't want to be stopped by
25 the police.

1 So when he stopped him, when they get behind
2 him, yes, the tailgate is back up, as it would be,
3 because he knows the police are all around him.

4 You heard from the general manager who also
5 says, my employee, Mr. Whaley, said he was chasing
6 the guy. And as I see -- as he is chasing him, I
7 see a pick-up truck that spun out of our parking
8 lot, a black pick-up truck, heading towards the
9 BB&T.

10 He is subsequently arrested. Inside the
11 vehicle is a scanner, as we just pointed out. And
12 as was pointed out also, this scanner was tuned to
13 Region 3. With scanners you can't talk to people
14 on them, but you can listen to stuff. You can
15 listen to NASCAR events, you can listen to the
16 weather. And one of the cool things you can listen
17 to, especially if you plan on doing something in
18 Region 3, is where everybody is in Region 3.

19 Now, I'm assuming Defense counsel brought out
20 the fact that he was driving under suspension
21 because that is why he had this. Does that make
22 any sense whatsoever? So he would be the first one
23 to know somebody got behind me and they are getting
24 ready to pull me for DUS? Or does it make sense
25 that while my cousin is in the bank I, being the

1 mastermind, the brains of this outfit, is sitting
2 there controlling everything and knowing when the
3 police are going to arrive. And if per some chance
4 he doesn't do it right, at least I will be able to
5 get away.

6 You heard from Investigator Williams. They
7 talked to Jason. And obviously it was a bit
8 different with Jason. But Jason told them what he
9 did. He told them who set him up for it. He told
10 them that it was this man here, the man in the gold
11 shirt, the man in D Cell. He didn't want to give
12 his name because that was his cousin. He didn't
13 want to give him up. That is his family.

14 You heard from Investigator Johnson. And he
15 asked, Mr. Macon, how about the dude that got
16 arrested with you?

17 He washed his hands. What dude? I don't know
18 what you are talking about. He said, I was driving
19 all that day alone. I left my girlfriend's house.
20 I went to the Hilton to -- I don't know, it is odd
21 to me -- but it is close to my house but I want to
22 check room rates. That is why I was there. Oh,
23 wait, no, no, I was getting a job application --
24 which does not exist.

25 And then when he is confronted with the fact

1 that, Well, your cousin just said he is your
2 cousin: Oh, Jason. You should have said. I was
3 confused. That guy. Yes, he was with me all day.
4 And I dropped him off. And then I did this
5 hotel-rate-seeking, job-application-doing,
6 going-to-BB&T banking with a card that does not
7 exist.

8 Every time he is confronted with a lie, he
9 changes his story. Why? Because he's a liar. Not
10 a good one. And that is what they do when they are
11 caught.

12 And finally, as you get caught after lie after
13 lie, you do what he did. You shut down. I'm done.
14 Because he is just digging it deeper.

15 Every bit of evidence in this case is
16 consistent. Now, I know she pointed out that we
17 don't have the Advice of Rights form. Investigator
18 Johnson said, We filled it out, signed it, we did
19 it, and it is missing. That is true. It is. That
20 is why I brought it up. Missing. We don't have
21 it.

22 But I would submit to you, ladies and
23 gentlemen, if Investigator Johnson was trying to
24 say anything that was untrue, the statement that
25 they would have said he made was, Yes, I'm guilty;

1 yes, I'm guilty.

2 That is not what he said. He said everything
3 but he's guilty. He disavowed every bit of action
4 in this case. He disavowed his cousin, who he put
5 into the scene. Every piece of evidence.

6 The only other witness in this case as to
7 consistency was Jason. He came up and he told what
8 happened. As he is my witness, I have to ask
9 direct questions. As part of direct exam I can't
10 ask leading questions. I can't lead him.

11 So I asked him, Who put you up to this?

12 He said -- I asked him, Who gave you the gun?

13 He said, Him.

14 Now, the difference is in cross-examination
15 you get to lead. And so if you notice
16 Ms. Goldberg's questions were, He did this, didn't
17 he?

18 And Jason said, Yes.

19 He gave you the gun a month ago; right?

20 Did you ever hear Jason ever say no? He'll
21 do -- say anything with, Yes. Yes. Yes.

22 I guarantee you if she said, You still love
23 your cousin; right?

24 Yes.

25 Because that is who he is now.

1 But the questions I asked him were open-ended
2 for him to answer and he did. He told y'all what
3 he did, and what he did, and who set him up.

4 Now, that is the evidence in this case. Those
5 are the charges in this case.

6 I just want to point out, this is a fairly
7 unique kind of case, because Jason Colon was 16
8 years old and got shot in the head and it changed
9 his life forever. They brought him down here to
10 South Carolina to be amongst family and be safe.
11 Not to be taken advantage of.

12 Armed robbery and kidnapping are heinous
13 crimes. It is not a good thing to do. But what he
14 did is despicable. I ask that you find him guilty
15 of all the charges.

16 THE COURT: Thank you. Yes, ma'am?

17 MS. GOLDBERG: Thank you. May it please the
18 Court?

19 THE COURT: Yes, ma'am.

20 CLOSING STATEMENT

21 MS. GOLDBERG: Good morning.

22 THE JURY: Good morning.

23 MS. GOLDBERG: So the prosecutors want you to
24 believe -- they told you the story at the
25 beginning, they told you the story now -- that what

1 happened is that my client, Arthur, was the
2 mastermind of this robbery. It was planned out.
3 It was agreed to. He went and parked at the hotel.
4 He sat in the car. He listened to this Radio Shack
5 weather alert weather radio. And he sent his
6 cousin in to do all of the work and rob the bank.
7 And then left.

8 And maybe I'm naive, but I kind of usually
9 think that the point of a robbery is money, to get
10 away with money. But, anyway, that is what they
11 want you to believe.

12 So, as I said before trial, they have to prove
13 that to you with evidence. We can't make
14 assumptions. There have been so many assumptions
15 made during this trial.

16 What you find today, finding him guilty or not
17 guilty beyond a reasonable doubt, it has to be
18 based on evidence, not assumptions.

19 As the Court will tell you, as the Prosecutor
20 I believe said in opening, you know, guilty beyond
21 a reasonable doubt means that you all reasonable
22 people believe that he is guilty beyond your own
23 doubt.

24 And the definition, as the Court will tell
25 you, is that it tends to make a reasonable person

1 hesitate to act.

2 What that means is, later, when you go and you
3 make your deliberations, if you are trying to
4 decide what to write down or what to say when you
5 are going to decide guilty or not guilty, if you
6 hesitate, then you have to find him not guilty.
7 That is what that means. What makes a person, a
8 reasonable person, hesitate to act. That is what
9 he is entitled to.

10 Now, how do you come up with what your
11 decision is going to be? Let's go over what we
12 actually know. Not what we assume, but what we
13 actually know. And we'll just go over it in
14 chronological order.

15 We know for a fact that Jason Colon came to
16 the bank from across the street. We know that
17 because the customer in the bank told us that, he
18 saw him come from across the street. And even
19 Jason said that he had been dropped off at Sonic
20 earlier. So we know that is where he came from.

21 We know that he went in the bank. And that
22 he, when he went in the bank, he didn't know what
23 he was going to do.

24 The one thing that he was very consistent on
25 in his testimony is that he went in the bank with

1 the intent to cash a check.

2 Mr. Cathcart said, Why did you go in the bank?

3 He said, To cash a check.

4 I said, You went in the bank to cash a check;
5 correct?

6 He said, Yes.

7 I said, You didn't know -- you hadn't decided
8 you were going to rob it before you went inside?

9 He said, Yes. He said that in direct
10 testimony; he said that in the cross-examination.
11 It never changed. He had not decided to rob the
12 bank until he went inside. And he was inside
13 alone. Nobody made that decision for him. He made
14 that decision.

15 Unfortunately, we know this robbery happened.
16 All of the tellers were telling the truth. They
17 have no reason to lie. Like Mr. Cathcart said, the
18 robbery happened. And that is what all of this
19 proves. All of the evidence here proves that the
20 robbery happened. So none of this has anything to
21 do with Mr. Macon's responsibility.

22 We know that Mr. Colon walked in. After he
23 was in there for a while, after he made up his
24 mind, he handed this -- pointed this gun in the
25 air, but he directly walked to one teller and made

1 commands of that person. Commanded that person to
2 give him money. Made that person not free to
3 leave.

4 She then walked over to another teller who you
5 didn't even hear from, she didn't even testify,
6 Ms. Ellison, who didn't even know the robbery was
7 going on. So I'm not entirely sure why there is an
8 indictment for her kidnapping -- but there is --
9 that you'll have to consider as well. So we know
10 that is what Mr. Colon does.

11 We know that he -- we know that as soon as the
12 money with the GPS tracker was taken out of the
13 drawer, that a silent alarm came on, and that
14 contacted 9-1-1. That is what the tellers told us.
15 So we know that 9-1-1 was contacted by remote
16 source while Mr. Colon was still in the bank;
17 right? We know that for a fact.

18 We know that the call went over dispatch to
19 all radio stations. Lieutenant Frieda Wyatt told
20 us that. When those calls go out for a bank
21 robbery it goes over all stations.

22 We know that Mr. Colon calmly walked out and
23 calmly walked through the parking lot and hits the
24 woods. That is what the tellers told us.

25 We know that when the first police officer got

1 on the scene, which was four or five minutes later,
2 that he was gone. He was in the woods, gone
3 somewhere else, he couldn't be seen in the parking
4 lot.

5 So we know that. There is really no dispute
6 as to much of that -- or any of that.

7 But then what happens next chronologically?
8 We have witnesses to the action. We have
9 Ms. Williams.

10 Ms. Williams states that when she drives up
11 there are, in her words, a lot of cop cars in the
12 bank parking lot or going into the bank parking
13 lot, all blue lights and sirens. And that when she
14 sees that, she slows down and she sees a suspicious
15 man running through that bank parking lot.

16 Now, I'm not sure how she saw that when none
17 of the police officers did and everybody else
18 testified that Mr. Colon was already gone, but I
19 don't know why -- I don't know how to reconcile
20 that. But that is what she said. So, fine. She
21 sees that. She slows down. Pulls onto the side of
22 the road. She pulls on the side of the road. She
23 can see him come out of the woods and talk to a
24 man.

25 And I'm going to turn this on. Bear with me

1 one second, but I'm going to pull up the map,
2 because I think it is going to help explain
3 everything here.

4 (Pause.)

5 MS. GOLDBERG: Would you pull up the map that
6 is actually in evidence? I don't want to -- it is
7 not my equipment.

8 MR. SHELLENBERG: I don't know how to use it
9 either.

10 (Pause.)

11 MS. GOLDBERG: Thank you.

12 All right. So Ms. Wheeler states that she is
13 somewhere over here on the side of the road and
14 that she sees these two individuals talking in the
15 parking lot somewhere right around here. That is
16 what she said.

17 She said that the black truck was parked right
18 about here. Mind you, that is the front -- this is
19 Farrow Road, so that is the front side of the
20 hotel. She sees these individuals.

21 I said, Well, did the guy in the yellow shirt
22 have to walk all the way across there to get back
23 into his truck?

24 She said, No, he wasn't all the way on this
25 side, he was more out in the middle. So they are

1 just in the middle, out in the middle of nowhere
2 talking, allegedly. She can't hear what they are
3 saying. She doesn't know what they are saying.

4 She does see the man in the yellow shirt
5 point, she testified, but what that means -- she is
6 making assumptions.

7 So she goes in. Comes on in. The guy goes in
8 the black truck. Backs up. Almost hits her, but
9 she hits her horn. He stopped. He lets her pass.
10 And then he speeds out of the parking lot to just
11 immediately turn to the right into the next parking
12 lot and stop at the BB&T ATM.

13 So she continues around. She sees Mr. Jason
14 Colon go way back here. And her testimony was she
15 saw him stop and talk to another individual, who,
16 again, she assumed that he knew. I don't know who
17 this other individual is. The Solicitor hasn't
18 mentioned anything about another individual. But
19 she is making assumptions as to that.

20 So, anyway, she sees the bank robber talk to
21 two individuals. Then she sees the black truck at
22 the BB&T. So she goes back out, comes back in,
23 looks.

24 Now, she does try and get her -- his tag
25 number. She tries very hard. She tries to get his

1 tag number here. She tries to get his tag number
2 here. And she mostly gets it, but she has a very
3 hard time because the tailgate is down. And she is
4 absolutely sure of that, the tailgate is down.

5 So then that is pretty much all she sees.
6 That is all she knows. She lets the police
7 officers know, This is what I have seen. It looks
8 suspicious.

9 So what else do we know as far as witnesses
10 after the fact? There is the 9-1-1 call of the man
11 who -- that CD is in evidence. I believe the Court
12 is going to give you a laptop if you want to listen
13 to it again. He has his eyes on Jason Colon, which
14 seems like a pretty long time. He never sees him
15 talk to someone else. He sees him running around,
16 looking like he is trying to evade police.

17 He actually said -- you can hear on the 9-1-1
18 that, He looks like he is looking for someone, like
19 he is looking for his ride.

20 Well, if he has already talked to the man in
21 the black truck apparently and didn't get a ride,
22 so who is he looking for?

23 You also heard the testimony from standing
24 here of the Hilton employee who saw Mr. Colon stuck
25 in between two cars trying to take his shirt off,

1 looking like he was trying to evade police. He
2 tried to stop him. He runs after him. And I
3 didn't get real clear on if he actually caught him
4 or if he almost caught him, but he never saw him
5 talking to someone else.

6 Like I told you in the beginning, I'm not --
7 credibility, especially in cases like this, is not
8 about who is lying, who is telling the truth. That
9 is one example. Mr. Cathcart mentioned that. But
10 sometimes it is about what are the assumptions
11 people are making? What do people see that could
12 be interpreted more than one way? What do they
13 think they are seeing but it didn't actually
14 happen?

15 I don't know how you reconcile those three
16 witness opinions -- statements. I don't think they
17 are necessarily consistent. But I have no reason
18 to say any particular one of them is lying, because
19 they are completely individual people. Maybe some
20 of them are more accurate than others. Maybe
21 memories fade over time.

22 But that is why the judge will tell you in her
23 instructions that you have the right to believe one
24 witness over several. You can believe several
25 witnesses over one. You can believe part of a

1 witness's testimony, or all of it. That is your
2 choice. That is your province as the jury.

3 So what do we know happens next?
4 Chronologically the next thing that happens is
5 Mr. Macon was stopped by police.

6 So Ms. Wyatt, Lieutenant Frieda Wyatt,
7 testified about this. She testified -- I'm not
8 sure if you caught it, but she was told that she
9 was to be looking for -- or that whoever was on
10 duty was to be looking for a particular black truck
11 because it was seen leaving a robbery.

12 Well, that is not true. But aside from that,
13 she is looking for this black truck because it is a
14 suspect. We know a witness mentioned the truck.
15 So it is fair. I have got no problem with anything
16 Ms. Wyatt did.

17 She follows the truck. And I'm going to play
18 this video for you again. Now, when it was played
19 for you the first time the Prosecutor and the
20 witness kind of kept talking about some questions,
21 talking over it, but I'm not going to do that
22 because I want you to listen to it really
23 carefully. And I want you to watch for these
24 things.

25 Number One, they are driving on back roads.

1 There are no other cars around. There is a marked
2 patrol deputy car -- because that is what
3 Lieutenant Frieda Wyatt said she was driving --
4 behind Mr. Macon at a relatively close pace.

5 He knows there is a police car behind him. He
6 drives the speed limit, as she testified to. He
7 drives -- he stops at every stop sign. He stops at
8 every intersection. He uses his turn signal.

9 I asked her, He wasn't speeding, was he?

10 No.

11 You can hear her say on dispatch in the video,
12 He is not driving recklessly. She blue lights him.
13 She stops him.

14 He immediately gets out of the car. He
15 complies with all commands.

16 After that, you will hear -- if you listen
17 carefully you will hear Mr. Macon's voice. You
18 will hear him say, What is going on? What are you
19 doing? You will hear him. He almost sounds like
20 he is crying and he doesn't know what is going on.

21 And then if you watch carefully -- and I'll
22 point this out silently -- you will see the police
23 officers celebrate their victory.

24 (Video played in open court.)

25 MS. GOLDBERG: So, congratulations, guys, we

1 got the bad guy. They celebrate.

2 Mind you, all they know at this time is that
3 this car was basically seen nearby. I don't know
4 that officers at the scene even know that Mr. Colon
5 and the guy in the black truck had been seen
6 talking. But, Job well done. Take it from there.

7 And, I mean, what else do we know about how
8 the investigation proceeded? No witness
9 statements, not even from the tellers. No
10 surveillance footage asked for from any of the
11 surrounding areas. No subpoenas for phone records.
12 Even the 9-1-1 call, the investigator didn't try
13 and get them, the Solicitor's Office had to do
14 that. And they only played you one.

15 The 9-1-1 operator said that more than one was
16 produced, she doesn't know how many. We know that
17 Ms. Williams called 9-1-1, and we don't have that.

18 That is how the investigation works in this
19 case. And I don't know if you also noticed when
20 Mr. Macon was originally pulled over the tailgate
21 was up. The officer had to pull it down to make
22 sure that there wasn't anything inside, any people,
23 any property, anything that he shouldn't have. The
24 tailgate was up on the car. We'll talk about that
25 more later.

1 So what happened next chronologically? Well,
2 we know that Mr. Macon was arrested. Mr. Colon was
3 arrested. Separate locations. Not together. No
4 indication from anyone that they knew each other
5 was arrested. That they were ever -- nobody said
6 they were in the same car. Nobody said they were
7 in the same cell. No indication of that.

8 So Mr. Macon goes back to give a statement to
9 Investigator Johnson. Mr. Cathcart said a minute
10 ago that the Advice of Rights form was a big deal
11 that I brought up. I didn't even ask one question
12 about that. The statement was voluntary. I don't
13 think there is any question. But the investigator
14 asked Mr. Macon, Tell me about your day.

15 Mr. Macon said, I woke up at my girlfriend's
16 house in the Summit, I went to my grandma's house,
17 then I went to the Hilton.

18 I asked the investigator, Your summary of what
19 he said happened over the day's events, there is
20 just a couple of sentences; right?

21 Right.

22 So it wasn't every single detail about what
23 happened all day?

24 Right.

25 Which is true. He didn't say who was at each

1 house. He didn't say what he watched on TV. He
2 didn't say who he talked to on the phone. It was
3 just a brief, Tell me about your day.

4 Well, these are the places I went.

5 Okay.

6 So who, Mr. Macon, who was the other guy that
7 was arrested?

8 He says, Someone else was arrested? I don't
9 know anything about someone else arrested.

10 So the investigator goes back, talks to Jason
11 Colon, who tells him -- and he says, Who is the guy
12 in the gold shirt?

13 Well, that is a little bit more obvious, a
14 little bit -- a better question.

15 And Jason says, Oh, that is my cousin. He
16 dropped me off earlier. And that is all he tells
17 him.

18 So the investigator goes back to Mr. Macon,
19 confronting him with this information, Oh, well he
20 says he is your cousin and that you dropped him
21 off.

22 And he says, Who, Colon? Yes, I did. He rode
23 with me from the Summit, and then I dropped him off
24 at the Hilton.

25 That doesn't change anything he said before.

1 It is not inconsistent. Still Summit, still
2 grandma's house, still Hilton.

3 The only reason the officer says it is
4 inconsistent is because, Oh, wait -- all of a
5 sudden -- I did specifically ask Mr. Macon if
6 someone was in the car with him earlier, and he
7 said no one. Even though that is not in his report
8 that he drafted within 30 minutes after this
9 interview. Maybe he is just remembering that
10 information two years later? But he put everything
11 important and everything relevant in his report.
12 That is what he testified to.

13 So then the investigator gets some more
14 information, finds out that there is this witness,
15 Ms. Williams, who saw Arthur Macon at the BB&T.
16 Comes back, confronts him with this information.

17 Well, a witness saw you at the BB&T.

18 And he said, Oh, right. I checked my balance
19 with my girlfriend's card. Which I would submit,
20 it is pretty reasonable if you are telling someone
21 about all the places you have been that day and you
22 go to a place where you don't even get out of the
23 car, maybe it slips your mind, especially if you
24 haven't been doing anything wrong.

25 So that is it. That it is the whole

1 statement.

2 He does say specifically, I dropped him off.
3 I never knew he was going to rob anyone. He does
4 say specifically, I don't know anything about a
5 bank robbery. I don't know anything about it. He
6 denied it from Day One. He has pled not guilty.
7 He is still denying it today. Nothing has changed
8 about the statement. Nothing is inconsistent
9 within his statement.

10 So then they go -- he hasn't confessed. They
11 go talk to Jason Colon. That happens at the same
12 time or next. And the investigator tells you he is
13 talking to Mr. Colon, he has a hard time getting
14 information out of him, it takes a while, probably,
15 he believes, because of his disability.

16 Well, how do investigators try and get
17 information out of a person if it is hard to get
18 that information out of them?

19 They do the same thing they did with Arthur
20 Macon. They confront them with information as they
21 believe it. Is this true? Is this true? Did that
22 man send you in there? This isn't your fault;
23 right?

24 Now, there is two ways to look at Mr. Jason
25 Colon. And it is not for me to decide, it is for

1 you to decide.

2 The first way you can look at it is, Well, he
3 went in the bank. He hadn't made up his mind yet.
4 He made a decision to rob the place all on his own.
5 He decided to run from the police all on his own.
6 He made the decision to ditch his shirt, ditch his
7 hat, ditch the money, ditch the gun.

8 And then he went back to police headquarters,
9 and the investigator felt, regardless of the
10 disability, that he was intelligent enough to make
11 the decision to waive his right to counsel, waive
12 his right to remain silent, and give a statement.

13 So if you look at it that way, then he made
14 that decision as he went -- after he went in the
15 bank, which nobody has said anything otherwise.

16 And if that is the case, Arthur Macon is not
17 guilty, because in order to have him guilty of
18 "hand of one hand of all," there has to be an
19 agreement, there has to be a mutual intent to
20 commit a crime. And that doesn't exist.

21 Now, if you don't think that is what
22 happened -- Mr. Cathcart said that Mr. Colon was
23 very agreeable on the stand. And I'm not going to
24 deny that. He did say yes a lot. He did say no
25 once.

1 I said to him, Did you see Arthur Macon after
2 you robbed the bank?

3 And he said, No.

4 Now, when he got the gun -- I asked if he got
5 the gun a month prior.

6 He said, Yes.

7 Mr. Cathcart asked if he got the gun the day
8 of.

9 He said, Yes.

10 I agree that is inconsistent.

11 If you think he got the gun months prior and
12 just decided to do it on this day, then Arthur
13 Macon is not guilty. The judge will tell you that
14 if you know a crime is going to happen, if you
15 think a crime might happen, you are not guilty.
16 You have to be an active participant. You have to
17 do an overt act in assistance of that crime.

18 If you think he got it the day of -- well, the
19 problem is that if he just says yes to everything,
20 like Mr. Cathcart said, then it is probably pretty
21 likely that that is what happened when he gave the
22 statement to police the first time.

23 Did he send you in there?

24 Yes.

25 Did he ask you to do this?

1 Yes.

2 We have already arrested Mr. Macon. We have
3 already put him -- pulled him out of -- asked him
4 to get out of his car forcefully. Have him down on
5 the ground. Arrested him. Told him he is a
6 suspect for armed robbery.

7 So you can look at it either way. It is your
8 decision. I'm not going to put that decision -- my
9 opinion of that decision on you. But, either way,
10 I don't think there is evidence of Arthur Macon's
11 guilt.

12 I think there is either clear evidence that he
13 is not guilty or there is really no evidence as to
14 what happened because we don't know what Mr. Colon
15 really is saying. He just agrees with whatever
16 anyone tells him to say.

17 So that is what we have.

18 Now, let's talk about what does not make sense
19 about this case. That is all we pretty much know.
20 This is what doesn't make sense.

21 If Arthur Macon is the getaway driver, why
22 didn't he drive anyone away?

23 Ms. Williams says they were standing there
24 talking in the parking lot. Mr. Macon had time to
25 drive away. Why didn't Jason get in the car? If

1 he was the getaway driver and Jason had the money,
2 why didn't he take the money and get that away
3 faster? He didn't drive anything away. So if he
4 is the getaway driver, why didn't anything get
5 away?

6 If he is the mastermind of this plan, why did
7 he wear a super distinctive yellow shirt that day?
8 Why did he park in the front corner of the hotel
9 where anybody on Farrow Road could see his car, him
10 talking to Jason as Jason came up? Why wouldn't
11 they have parked in the back? That doesn't make
12 any sense.

13 If Mr. Macon -- Arthur -- was sitting in the
14 car the whole time listening to this weather alert
15 radio that you can buy at Radio Shack that lots of
16 people have, then why didn't he just -- and he was
17 going to leave his cousin all along, why didn't he
18 just leave when he first heard it come over 9-1-1,
19 or over the dispatch?

20 Frieda Wyatt said it was over all police radio
21 stations. So if they are going to allege that he
22 was listening to a police radio station and he was
23 going to leave, why didn't he leave? Or after he
24 talked to his cousin and got out on Farrow Road,
25 why didn't he leave then? Why did he go to BB&T

1 and go to the ATM? That doesn't make any sense.

2 Later he is driving. He has got a marked
3 patrol car behind him. Why didn't he do anything
4 then? Why didn't he try and run and try and leave
5 if he is guilty?

6 Mr. Cathcart said in his closing that Mr.
7 Macon was arrested for DUS, and we know that
8 because he was arrested for it. That is the
9 mentality we have here. Assumptions. But that is
10 not the standard that we have in court. That may
11 be the standard that police work with sometimes
12 where they just assume people are guilty because it
13 sounds like it, but we need more than that. We
14 need proof. We need evidence in order to actually
15 convict them of a crime.

16 Assumptions. Exaggerations. Flat police
17 report. That is what this case is about.

18 Now, soon you are going to get to go
19 deliberate. And then once you are done, once you
20 come up with a verdict, you are finally going to
21 get to go home and tell your family and friends
22 about this. And you can tell them that you sat
23 through the case of the getaway driver who didn't
24 drive anyone away.

25 I think that you are all reasonable people and

1 that you will understand that the State has an
2 important burden here that they have to prove.

3 There is no proof that Mr. Macon did anything,
4 assisted Mr. Colon in any particular way. There is
5 no reasonable proof, there is nothing to rely on to
6 be firmly convinced. There is a lot here that
7 would make you hesitate to act before you convict a
8 man on these facts.

9 I ask you to consider all that. And I ask you
10 to listen to the judge's instructions on the law,
11 because that is just as important as everything we
12 have said here today.

13 Thank you, very much.

14 JURY CHARGE

15 THE COURT: All right, ladies and gentlemen,
16 you have heard all of the evidence, you have heard
17 the arguments of the parties. Now it is my
18 responsibility to charge you as to the law.

19 I remind you that, during this trial, you and
20 I have certain duties to perform. As the trial
21 judge, it is my responsibility to preside over the
22 trial of this case, and I also have the duty to
23 rule on the admissibility of the evidence offered
24 during this trial.

25 You are to consider only the competent

1 evidence before you. If there was any testimony
2 ordered stricken from the record in this case
3 during this trial, you must disregard that
4 testimony.

5 You are to consider only the testimony which
6 has been presented from the witness stand, any
7 exhibits which have been made a part of the record
8 in this case, and any stipulations of counsel.

9 I have the additional duty to charge you on
10 the law applicable to this case. As the presiding
11 judge, I am the sole judge of the law of this case,
12 and it is your duty as jurors to accept and apply
13 the law as I now state it to you.

14 If you already have any idea as to what the
15 law is or what the law ought to be and it does not
16 agree with what I now tell you the law is, you must
17 abandon that idea because you are sworn to accept
18 the law and apply the law exactly as I state it to
19 you.

20 In every case tried in this court before a
21 jury, the jury becomes the sole and exclusive judge
22 of the facts in a case. A trial judge cannot
23 intimate, state, comment on, or make any statement
24 to a trial jury about the facts in a case.

25 Because you, the jury, are the sole judges of

1 the facts in this case, you are not to infer from
2 what I have said during the progress of this trial
3 in ruling upon the admissibility of evidence, or
4 otherwise, or anything that I say now during the
5 course of this instruction to you, that I have any
6 opinion about the facts in this case. The law does
7 not allow me to have an opinion about the facts in
8 this case.

9 This is a matter solely for you, the jury, to
10 determine. As jurors, it is your duty to determine
11 the effect, value, weight, and truth of the
12 evidence presented during this trial.

13 There are two types of evidence which are
14 generally presented during a trial. That is direct
15 evidence and circumstantial evidence.

16 Direct evidence is the testimony of a person
17 who claims to have actual knowledge of a fact, such
18 as an eyewitness. It is evidence which immediately
19 establishes the main fact to be proved.

20 Circumstantial evidence is proof of a chain of
21 facts and circumstances indicating the existence of
22 a fact. It is evidence which immediately
23 establishes collateral facts from which the main
24 fact may be inferred. Circumstantial evidence is
25 based on inference and not on personal knowledge or

1 observation.

2 The law makes absolutely no distinction
3 between the weight or value to be given to either
4 direct or circumstantial evidence. Nor is a
5 greater degree of certainty required of
6 circumstantial evidence than of direct evidence.

7 You should weigh all of the evidence in a
8 case. After weighing all of the evidence, if you
9 are not convinced of the guilt of the Defendant
10 beyond a reasonable doubt, you must find the
11 Defendant not guilty.

12 Necessarily, you must determine the
13 credibility of witnesses who have testified in this
14 case. Credibility simply means believability. It
15 becomes your duty as jurors to analyze and to
16 evaluate the evidence and determine which evidence
17 convinces you of its truth.

18 In determining the believability of witnesses
19 who have testified in this case, you may believe
20 one witness over several witnesses or several
21 witnesses over one witness. You may believe a part
22 of the testimony of a witness and reject the
23 remaining part of the testimony of that same
24 witness. You may believe the testimony of a
25 witness in its entirety or reject the testimony of

1 a witness in its entirety. You may consider
2 whether any witness has exhibited to you any
3 interest, bias, prejudice, or other motive in this
4 case. You may also consider the appearance and
5 manner of the witnesses while on the witness stand.

6 There has been evidence presented that
7 witnesses have made prior statements which are not
8 consistent with the witness's present testimony.
9 You may use this evidence to decide whether to
10 believe the witness. You may also use this
11 evidence of the earlier contradictory statements to
12 determine the truth of those statements. It is up
13 to you to decide whether to believe the earlier
14 statements or the testimony given at trial.

15 If a witness is shown to have knowingly
16 testified untruthfully concerning any material
17 matter, you may consider this in determining to
18 trust the witness's testimony and to other matters.
19 You may reject all testimony of that witness or
20 give all or part of the testimony of the witness
21 the weight you think it deserves.

22 A statement alleged to have been made by the
23 Defendant has been admitted into evidence in this
24 case. While the Court has determined that the
25 statement is admissible, I instruct you that you

1 have the ultimate decision of whether or not the
2 Defendant made the statement.

3 If the Defendant did make the statement, you
4 must determine whether the statement was made by
5 the Defendant voluntarily and of his own free will.
6 This means that the statement was not caused by
7 pressure, force, fear, threat, coercion, or
8 intimidation, or by hope or a promise of leniency
9 or a reward of any kind.

10 In determining whether the statement was
11 voluntary, you should consider both the
12 characteristics of the Defendant and the details of
13 the questioning.

14 Some of the factors that you must consider
15 are: The age of the Defendant; the Defendant's
16 lack of education or education; the Defendant's
17 mental ability or capacity; the Defendant's IQ or
18 intelligence; the Defendant's background and
19 environment; the place and length of detention; the
20 nature of the questioning, and; the advice or lack
21 thereof to the Defendant of his constitutional
22 rights including, but not limited to, the right to
23 remain silent; that any statement could be used
24 against him in a court of law; the right to have a
25 lawyer present; that if he could not afford a

1 lawyer, a lawyer would be appointed to represent
2 him without any cost; and that he could stop making
3 the statement at any time. You must carefully
4 consider all of the surrounding circumstances
5 before you give any weight to an alleged statement.

6 The State has the burden of proving beyond a
7 reasonable doubt that the alleged statement was
8 voluntary. If you determine it was, you may give
9 the statement any further consideration that you
10 deem proper. You must decide what weight, if any,
11 should be given to the alleged statement. If you
12 determine that the alleged statement was not the
13 free and voluntary statement of the Defendant, you
14 should not consider the statement at all.

15 The indictment charges the Defendant with
16 armed robbery and four counts of kidnapping. I
17 remind you that the fact that the Defendant was
18 arrested, charged, and indicted in this case is not
19 evidence in this case and cannot be considered by
20 you as evidence of guilt in this case, nor does it
21 create any presumption or inference of guilt.

22 This document is simply the formal written
23 instrument which contains the charges made against
24 the Defendant. It is the formal document by which
25 this case is brought into this court.

1 The indictments in this case allege several
2 different offenses against the Defendant. The
3 charges in this case are:

4 The first indictment is armed robbery.

5 Indictment Number 2 is the kidnapping of
6 Marcella Del Pino.

7 Indictment Number 3 is the kidnapping of
8 Courtney Nick.

9 Indictment Number 4 is the kidnapping of
10 Shonda Wheeler.

11 And Indictment Number 5 is the kidnapping of
12 Brittany Ellison.

13 Each indictment charges a separate and
14 distinct offense. You must decide each indictment
15 separately on the evidence and the law applicable
16 to it uninfluenced by your decision as to any other
17 indictment. The Defendant may be convicted or
18 acquitted on any or all of the offenses charged.
19 You will be asked to write a separate verdict of
20 guilty or not guilty for each indictment.

21 The Defendant in this case has pled not guilty
22 to these indictments, and that plea puts the burden
23 on the State to prove the Defendant guilty. A
24 person charged with committing a criminal offense
25 in South Carolina is never required to prove

1 himself innocent.

2 I charge you that it is an important rule of
3 law that a Defendant in a criminal trial, no matter
4 what the seriousness of the charge may be, will
5 always be presumed to be innocent of the crime for
6 which the indictment was issued unless guilt has
7 been proven by evidence satisfying you of that
8 guilt beyond a reasonable doubt.

9 The presumption of innocence does not end when
10 you begin your deliberations, but it accompanies
11 the Defendant throughout the trial until you reach
12 a verdict of guilt based on evidence satisfying you
13 of that guilt beyond a reasonable doubt.

14 The presumption of innocence is like a robe of
15 righteousness placed upon the shoulders of the
16 Defendant which remains with the Defendant until it
17 has been stripped from the Defendant by evidence
18 satisfying you of the Defendant's guilt beyond a
19 reasonable doubt.

20 The presumption of innocence is not mere legal
21 theory. It is not just a legal phrase. It is a
22 substantial right to which every Defendant is
23 entitled unless you, the jury, are satisfied from
24 the evidence of the Defendant's guilt beyond a
25 reasonable doubt.

1 What is reasonable doubt in the law? A
2 reasonable doubt is the kind of doubt that would
3 cause a reasonable person to hesitate to act.

4 The State has the burden of proving the
5 Defendant guilty beyond a reasonable doubt. Some
6 of you may have served as jurors in civil cases,
7 where you were told it is only necessary to prove
8 that a fact is more likely true than not true, such
9 as by the greater weight or the preponderance of
10 the evidence. In criminal cases, the State's proof
11 must be more powerful than that. It must be beyond
12 a reasonable doubt.

13 Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the Defendant's
15 guilt. There are very few things in this world
16 that we know with absolute certainty, and in
17 criminal cases the law does not require proof that
18 overcomes every possible doubt. If, based on your
19 consideration of the evidence, you are firmly
20 convinced that the Defendant is guilty of the crime
21 charged, you must find the Defendant guilty. If,
22 on the other hand, you think there is a real
23 possibility that the Defendant is not guilty, you
24 must give the Defendant the benefit of the doubt
25 and find him not guilty.

1 An issue in this case is the identification of
2 the Defendant as the person who committed the crime
3 charged. The State has the burden of proving
4 identity beyond a reasonable doubt. You must be
5 satisfied beyond a reasonable doubt of the accuracy
6 of the identification of the Defendant before you
7 may convict the Defendant.

8 Identification testimony is an expression of
9 belief or impression by a witness. You must
10 determine the accuracy of the identification of the
11 Defendant. You must consider the believability of
12 each identification witness in the same way as any
13 other witness. You may consider whether the
14 witness had an adequate opportunity to observe the
15 offender at the time of the offense. This will be
16 affected by things like how long or short a time
17 was available, how far or close the witness was,
18 the lighting conditions, and whether the witness
19 had the chance to see or know the person in the
20 past.

21 Are you satisfied that the identification made
22 by the witness subsequent to the offense was the
23 product of his or her own recollection? You may
24 take into account both the strength of the
25 identification and the circumstances under which

1 the identification was made. If the identification
2 by the witness may have been influenced by the
3 circumstances under which the Defendant was
4 presented to him or her for identification, you
5 should scrutinize the identification with great
6 care. You may also consider the length of time
7 that lapsed between the occurrence of the crime and
8 the next opportunity of the witness to see the
9 Defendant as a factor bearing on the reliability of
10 the identification.

11 You may take into account any occasions in
12 which the witness failed to make an identification
13 of the Defendant, or made an identification that
14 was inconsistent with his or her identification at
15 trial.

16 Finally, you must consider the credibility of
17 each identification witness in the same way as any
18 other witness, consider whether he or she is
19 truthful, and consider whether he or she had the
20 capacity and opportunity to make a reliable
21 observation on the matter covered in his or her
22 testimony.

23 Once again, I instruct you the burden of proof
24 on the State extends to every element of the crime
25 charged, and this specifically includes the burden

1 of proving beyond a reasonable doubt the identity
2 of the Defendant as the person who committed the
3 crime.

4 If, after examining the testimony, you have a
5 reasonable doubt as to the accuracy of the
6 identification, you must find the Defendant not
7 guilty.

8 As I stated to you earlier, the Defendant is
9 charged with armed robbery. In order to prove this
10 offense, the State must first prove beyond a
11 reasonable doubt that the Defendant took personal
12 property from the person or in the presence of
13 another person.

14 Property is in the presence of a person if it
15 is within the person's reach, inspection,
16 observation, or control, so that the person could,
17 if not overcome with violence or prevented by fear,
18 keep possession of the property.

19 The State must also prove beyond a reasonable
20 doubt that the Defendant carried the property away
21 intending to permanently deprive the owner of the
22 property and to keep the property for the
23 Defendant's own use. The slightest removal of the
24 property or the complete possession of the
25 property, even for an instant, by the Defendant is

1 sufficient to show a taking and carrying away of
2 the property.

3 The taking and carrying away of the property
4 must have been done with violence or by putting the
5 owner of the property in fear of violence.

6 Finally, the State must prove beyond a
7 reasonable doubt that the Defendant was armed with
8 a deadly weapon during the robbery or had alleged,
9 either by actions or words, that he was armed while
10 using a representation of a deadly weapon or any
11 object which a person present during the commission
12 of the robbery reasonably believed to be a deadly
13 weapon.

14 A deadly weapon is an article, instrument, or
15 substance which is likely to cause death or great
16 bodily harm. Whether an instrument has been used
17 as a deadly weapon depends on the facts and
18 circumstances of each case. The following are
19 examples of instruments which may be deadly
20 weapons: A pistol, a shotgun, a rifle, a dirk, a
21 dagger, a knife, a slingshot, metal knuckles, a
22 razor, gasoline, a fire bomb or Molotov cocktail,
23 and lighter fluid. A gun may be a deadly weapon
24 even if it is not operating. Whether a toy gun
25 which has the appearance of and/or is believed to

1 be a real gun which is a deadly weapon is a factual
2 question for you to determine.

3 The Defendant in this case is also charged
4 with four counts of kidnapping. The Defendant is
5 charged with kidnapping. The State must prove
6 beyond a reasonable doubt that the Defendant
7 knowingly and unlawfully seized, confined,
8 inveigled, decoyed, kidnapped, abducted, or carried
9 away another person without authority of law.

10 To do a thing unlawfully is to do it willfully
11 against the law.

12 Knowingly means with knowledge, consciously,
13 not accidentally.

14 Seize means to take hold of suddenly or
15 forcibly.

16 Confine means to limit, restrict, or enclose
17 within bounds, imprison, or shut or keep in.

18 Inveigle means to lure, entice, or lead astray
19 by false representations, promises, or other
20 deceitful means.

21 Decoy means to lure by, or as if by, decoy. A
22 decoy is something to entice a person into a trap.

23 Kidnap is to remove a person against his will
24 by unlawful force or by fraud.

25 Abduct means to carry off secretly or by force

1 for an illegal purpose.

2 Carry away means to remove.

3 The State does not have to prove that the
4 Defendant did all of these things. Instead, if you
5 find beyond a reasonable doubt that the Defendant
6 did any of these things, you may find the Defendant
7 guilty of kidnapping.

8 Something done without authority of law is
9 something which the law does not sanction, permit,
10 allow, condone, or provide justification for.

11 The kidnapping does not have to be for any
12 personal or monetary gain or illegal purpose, but
13 may be for any reason whatsoever.

14 If a crime is committed by two or more people
15 who are acting together in committing a crime, the
16 act of one is the act of all. A person who joins
17 with another to commit an unlawful act is
18 criminally responsible for everything done by the
19 other person which happens as a probable or natural
20 consequence of the act done in carrying out the
21 common plan and purpose.

22 For example, two people can be guilty of
23 killing another person when only one of the two had
24 a gun, there was only one bullet, and only one of
25 the two fired the shot that caused the death. If

1 two or more people are together, acting together,
2 assisting each other in committing the offense, the
3 act of one is the act of all or, as it is sometimes
4 said, "the hand of one is the hand of all."

5 Prior knowledge that a crime is going to be
6 committed, without more, is not sufficient to make
7 a person guilty of that crime. Mere knowledge that
8 another person is going to commit a crime, even if
9 the Defendant is present when the crime is
10 committed, is not sufficient to convict the
11 Defendant as a principal.

12 Guilt as a principal is shown by actual or
13 constructive presence at the scene as a result of
14 a prior arrangement. Therefore, a finding of a
15 prior arranged plan or common scheme is necessary
16 for a finding of guilt as a principal.

17 The State must prove beyond a reasonable doubt
18 by competent evidence the theory of the hand of one
19 is the hand of all.

20 A principal in a crime is one who either
21 actually commits the crime or who was present
22 aiding, abetting, or assisting in committing a
23 crime. When a person does an act in the presence
24 of and with the assistance of another, the act is
25 done by both. Where two or more, acting with a

1 common plan or intent, are present at the
2 commission of a crime, it does not matter who
3 actually commits the crime. All are guilty. The
4 hand of one is the hand of all.

5 Present at the commission of a crime means to
6 be sufficiently near to aid and abet and assist in
7 commission of the crime. However, mere presence at
8 the scene of a crime is not sufficient to convict
9 one as a principal on the theory of aiding and
10 abetting.

11 Intent is also a necessary element, for there
12 must have been a common design or intent to commit
13 the crime and the crime must have been committed
14 pursuant thereto with the person aiding and
15 abetting by some overt act.

16 Intent means intending the result which
17 actually occurs, not accidentally or involuntarily.
18 Intent may be shown by acts and conduct of the
19 Defendant and other circumstances from which you
20 may naturally and reasonably infer intent.

21 The State must prove these elements beyond a
22 reasonable doubt.

23 In order to establish criminal liability,
24 criminal intent is required. For example, the
25 mental state required to be proven by the State for

1 a particular crime might be purpose, intent,
2 knowledge, recklessness, or criminal negligence.

3 Criminal intent must be proved by the State
4 beyond a reasonable doubt. Criminal intent is
5 always a matter that must be determined by the jury
6 from the circumstances surrounding the situation.
7 There is no way to prove intent to a mathematical
8 certainty. There is no way medical science can
9 dissect a person's brain and determine what the
10 person had in mind, so the law says that criminal
11 intent may be inferred from the circumstances shown
12 to have existed. This is how you make a
13 determination of whether or not the element
14 requiring intent was present. It is not necessary
15 to establish intent by direct and positive
16 evidence, but intent may be established by
17 inference in the same way as any other fact by
18 taking into consideration the acts of the parties
19 and all the facts and circumstances of the case.

20 Criminal intent is a mental state, a conscious
21 wrongdoing. It is up to you to determine what the
22 Defendant intended to do based on the circumstances
23 shown to have existed.

24 Criminal intent can arise from action or
25 failure to act. It may arise from negligence,

1 recklessness, or indifference to the duties or
2 consequences that are considered by the law to be
3 equivalent of criminal intent.

4 I instruct you and emphasize that the fact
5 that the Defendant did not testify is not a factor
6 to be considered by you in any way in your
7 deliberation and in your consideration on the
8 question of guilt or innocence of the Defendant.
9 It must not be considered by you in any manner
10 whatsoever.

11 A Defendant has a constitutional right to
12 remain silent, and the assertion of this right must
13 not be considered by you in your deliberation. I
14 repeat, under your oath, you are to draw no
15 conclusion whatsoever from the fact that the
16 Defendant in this case did not testify. The fact
17 that this Defendant did not testify should not even
18 be discussed in the jury room.

19 The burden of proof, as I have stated to you,
20 is on the State. The Defendant is not required to
21 prove himself innocent. The burden of proof
22 remains on the State to prove the Defendant guilty
23 beyond a reasonable doubt.

24 The State and the Defendant are entitled to
25 the individual opinion of each juror on the issues

1 of fact in this case. It is the duty of each of
2 you to consider and weigh all the evidence in the
3 case and, from such evidence, to determine, if you
4 can, the question of guilt or innocence of the
5 Defendant.

6 There is nothing peculiarly different in the
7 way a jury should consider the evidence in a
8 criminal case from that in which all reasonable
9 person's treat any question depending upon evidence
10 presented to them. You are expected to use your
11 good sense, consider the evidence in the case for
12 only those purposes for which it has been admitted,
13 and give it a reasonable and fair construction in
14 light of your common knowledge of the natural
15 tendencies and inclinations of human beings.

16 If the accused be proved guilty beyond a
17 reasonable doubt, say so. If not so proved guilty,
18 say so.

19 Your verdict in this case will be one of two
20 forms. If, from the evidence and the law, you find
21 that the Defendant is not guilty, you will circle
22 "not guilty" on the verdict form that I will give
23 you and, Mr. Foreman, you will sign your name. If,
24 on the other hand, you find that the Defendant is
25 guilty, based upon the evidence and the law which

1 you have heard, you will circle "guilty" on the
2 verdict form and, Mr. Foreman, you will sign your
3 name.

4 Your verdict must be unanimous. It must be
5 guilty or not guilty. The law requires that a jury
6 verdict be unanimous, which means that all the
7 jurors must agree. The only two forms of the
8 verdict are guilty or not guilty.

9 Mr. Foreman, once the jury reaches a verdict
10 of not guilty or guilty, circle the verdict on the
11 face of the verdict form and sign under the verdict
12 to signify that you have circled -- that you have
13 reached a verdict and that your verdict is a
14 verdict of all jurors. Then you will notify us
15 that you have reached a verdict by knocking on the
16 door.

17 I have in my hand here the verdict form in
18 this case. It reads: The State of South Carolina,
19 County of Richland, In The Court of General
20 Sessions of the Fifth Judicial Circuit, Indictment
21 Number 2013-GS-40-579, 2014-GS-40-3552, 3553, 3554,
22 3555, The State of South Carolina v. Arthur William
23 Macon.

24 Verdict Form. Please circle the appropriate
25 verdict below and follow the accompanying

1 instructions carefully.

2 As to the indictment alleging -- Number 1 is
3 the indictment alleging armed robbery: We, the
4 jury, unanimously find the Defendant -- and we have
5 them side by side, one is before the other. Please
6 do not assume that I have a position as to this
7 because I do not. I had to put one before the
8 other. And we have guilty on here and not guilty.
9 You will circle whichever one you decide is
10 applicable in this case.

11 The second count is as to the indictment
12 alleging kidnapping of Brittany Ellison: We, the
13 jury, unanimously find the Defendant -- once again,
14 it will be guilty or not guilty.

15 As to the Indictment Number 3 alleging
16 kidnapping of Shonda Wheeler: We, the jury,
17 unanimously find the Defendant guilty or not
18 guilty. You will circle that.

19 Number 4 as to the indictment alleging
20 kidnapping of Courtney Nick: We, the jury,
21 unanimously find the Defendant guilty or not
22 guilty.

23 And Number 5 as to the indictment alleging
24 kidnapping of Marcella Del Pino: We, the jury,
25 unanimously find the Defendant guilty or not

1 guilty.

2 You will stop your deliberations once you have
3 gone through all five of those indictments. You
4 will sign your name and date it. Mr. Foreman, you
5 will knock on the door and inform the bailiff that
6 you have reached a verdict.

7 I am going to send you all back to your jury
8 room at this time. However, you cannot start your
9 deliberations until you have received the verdict
10 form and all of the evidence and the instruction
11 from the bailiff that you may begin.

12 Once they instruct you that you may begin, you
13 may begin your deliberation.

14 All right, I am going to send you back to the
15 jury room. I think your lunch will be here around
16 11:30 or 12:00, and so you can deliberate --
17 continue to deliberate while you eat if you choose.
18 If not, you can stop, but everyone must stop if you
19 all decide to stop, Mr. Foreman.

20 All right, thank you.

21 (WHEREUPON, the jury retires to the jury
22 room at 10:44 a.m.)

23 THE BAILIFF: Alternates stay outside, Your
24 Honor?

25 THE COURT: Yes, just leave them outside.

1 Any objections or exceptions?

2 MR. CATHCART: None from the State.

3 MR. GOLDBERG: None from the Defense.

4 THE COURT: All right, take a look, if you
5 haven't looked at the evidence already, make sure
6 everything is there. And then we'll send the
7 verdict form back.

8 Do you have the laptop?

9 MS. GOLDBERG: It says no internet.

10 THE COURT: A clean one.

11 THE CLERK: Do you want it to go back?

12 THE BAILIFF: I will have the alternates come
13 back when he is out of the hallway.

14 (Alternates enter courtroom at 10:48 a.m.)

15 THE COURT: Ms. Kline and Cowan?

16 ALTERNATE 1: Yes.

17 ALTERNATE 2: Yes.

18 THE COURT: You all were selected as our
19 alternates. I want to thank you all for your
20 service here. As my old boss said, being an
21 alternate is like being invited to the dance but
22 not being asked to dance. Your service is
23 necessary here, but at this point we will no longer
24 need your services.

25 Now, I know you all ordered lunch. I think it

1 should be here around 11:30. You can wait around
2 for it. If you do not wish to, you are free to
3 leave. But on behalf of the State and the
4 Defendant and everyone here in the courtroom I do
5 want to thank you all for your service. You are
6 free to leave. They may have some documentation
7 for you to sign and, like I said, if you would like
8 to wait on your lunch, you are more than welcome to
9 do so.

10 ALTERNATE 1: Are we through for the week?

11 THE COURT: You are done for the week.

12 (Alternates excused.)

13 THE COURT: So we'll be at ease. If she has
14 your cell phone numbers -- if not, be in the office
15 and we will just call you if they come back with
16 something.

17 For the 403s, give my law clerk your cell
18 phone numbers if you are leaving. She will give
19 you a call as soon as we -- if something happens
20 for you to come back.

21 (WHEREUPON, the jury was instructed to
22 begin deliberations at 10:51 a.m.)

23 THE COURT: All right, thank you.

24 Good job, everyone.

25 (WHEREUPON, the following occurs at 1:10 p.m.)

1 THE COURT: Please allow us to see the list of
2 Miranda rights form that was used with booking
3 interrogations. Does not have to be a signed copy.
4 That is Number 1.

5 Number 2. Where was the money found in
6 proximity to the bank?

7 Number 3. Where in the parking lot did Mr.
8 Colon take off shirt? Where was shirt found in
9 proximity to TD Bank?

10 Last question is: Please give us the
11 definition of reasonable doubt.

12 That is about the only one I can answer.

13 MS. GOLDBERG: Yes.

14 THE COURT: I can offer -- I mean, the other
15 questions, I don't know whose testimony said where
16 the money was found. I can play back testimony.

17 Amaro said they used the GPS to find the money
18 in a wooded area, is what he said, in proximity to
19 the bank.

20 MR. CATHCART: Wooded area between bank.

21 THE COURT: What I will tell them is I can
22 play back testimony of any individual witness that
23 they would like to hear. And then I will regive
24 them reasonable doubt.

25 The Miranda rights form is not in evidence, so

1 they can't have it. We can read Kerry Johnson,
2 read the rights via the form. That is available if
3 they want to listen to that. They just have to let
4 me know whose testimony they want to hear.

5 All right, bring them back in.

6 (WHEREUPON, the jury came into open
7 court at 1:13 p.m.)

8 THE BAILIFF: The jurors are all present, Your
9 Honor.

10 THE COURT: All right. Ladies and gentlemen
11 of the jury, I have your questions here. I'll
12 start with the first one and go on down.

13 Please allow us to see the list of Miranda
14 rights form that was used with booking
15 interrogations. Does not have to be a signed copy.

16 The only thing, we cannot give you anything
17 that has not been put into evidence. So what is
18 already in evidence is what you have to consider.
19 Okay? All right.

20 Where was the money found in proximity to TD
21 Bank? Remember, I cannot comment on the facts, so
22 I cannot answer that question for you all. That is
23 for you to consider.

24 As to the third question, same thing. Where
25 in the parking lot did Mr. Colon take off shirt?

1 Where was shirt in proximity to TD Bank? Once
2 again, I cannot comment on the facts, so I cannot
3 answer that question for you.

4 As to those three questions, though, I will
5 tell you that I can play back testimony that is in
6 evidence. However, I just need to -- and a lot of
7 times people think they see the court reporter over
8 there typing stuff and there is a transcript, but
9 there is no transcript. It is not in transcription
10 form yet. There is quite a few things that have to
11 happen before she can actually put it in a
12 document. So we can play the audio back if there
13 is someone's testimony that you would like to hear
14 audio, like to hear. I will give you an
15 opportunity to go back and tell me who it is that
16 you want to hear, and it will take a second, she'll
17 have to find it, and we can play that back for you.

18 But the last question, Please give us a legal
19 definition of reasonable doubt, I can do, because
20 that is the law, and I can read the law, to you.

21 So, reasonable doubt. What is reasonable
22 doubt in the law? A reasonable doubt is the kind
23 of doubt that would cause a reasonable person to
24 hesitate to act. The State has the burden of
25 proving the Defendant guilty beyond a reasonable

1 doubt. Some of you may have served as jurors in
2 civil cases where you were told that it is only
3 necessary to prove that a fact is more likely true
4 than not true, such as by the greater weight or the
5 preponderance of the evidence. In criminal cases
6 the State's proof must be more powerful than that.
7 It must be beyond a reasonable doubt. Proof beyond
8 a reasonable doubt is proof that leaves you firmly
9 convinced of the Defendant's guilt. There are very
10 few things in the world that we know with absolute
11 certainty. And in criminal cases the law doesn't
12 require proof that overcomes every possible doubt.

13 If, based on your consideration of the
14 evidence, you are firmly convinced that the
15 Defendant is guilty of the crime charged, you must
16 find the Defendant guilty. If, on the other hand,
17 you think there is a real possibility that the
18 Defendant is not guilty, you must give the
19 Defendant the benefit of the doubt and find him not
20 guilty.

21 All right. And I'll be glad to read -- if
22 there is anything else you need me to read from the
23 charge I will read that for you. If there is
24 testimony that you would like to hear again, just
25 give us the name. And if you are not sure of the

1 name, you can try to, you know, say the officer
2 that first arrived or somebody or the witness, or
3 something like that, and we'll see if we can -- and
4 we'll try to figure out who you are talking about.

5 All right. Thank you.

6 (WHEREUPON, the jury retires to continue
7 deliberations at 1:17 p.m.)

8 (WHEREUPON, Court's Exhibit No. 2 was
9 marked for identification only.)

10 THE COURT: All right, so we'll just wait a
11 second and see what they come out with. They may
12 come back, may not. We'll see.

13 (Break.)

14 THE COURT: Is everybody ready? Bring them on
15 in.

16 (WHEREUPON, the jury came into open
17 court at 1:31 p.m.)

18 THE BAILIFF: The jury is all present, Your
19 Honor.

20 THE COURT: All right, ladies and gentlemen of
21 the jury, the court reporter has found that
22 testimony and she will play it back for you at this
23 time.

24 (Requested testimony played in open
25 court.)

1 THE COURT: All right, thank you. If there is
2 any other testimony, just let us know and we'll
3 play it back.

4 (WHEREUPON, the jury retires to continue
5 deliberations at 1:37 p.m.)

6 (WHEREUPON, Court's Exhibit No. 3 was
7 marked for identification only.)

8 THE COURT: All right, we'll just wait and see
9 if they come back with another question or want to
10 hear any more testimony. We'll be at ease until
11 then.

12 (Break.)

13 (WHEREUPON, the following occurs at 3:01 p.m.)

14 THE COURT: You may be seated.

15 So the latest note says that: We are not
16 unanimous on any of the charges yet. How do you
17 want us to proceed?

18 MR. CATHCART: Answer the darn question.

19 THE COURT: You want me to -- I don't know if
20 I need to give them the Allen charge until they
21 say --

22 MR. CATHCART: They are deadlocked. Most
23 ridiculous. But, no.

24 THE COURT: I can bring them in and tell them
25 that they have to continue to deliberate. And then

1 they'll come back and then -- all right, you can
2 bring them in.

3 (WHEREUPON, the jury came into open
4 court at 3:03 p.m.)

5 THE BAILIFF: The jury is all present, Your
6 Honor.

7 THE COURT: All right, Mr. Foreman, I have
8 received your note that: We are not unanimous on
9 any of the charges yet. How do you want us to
10 proceed?

11 You have to continue your deliberations.
12 Okay?

13 I'm going to send you all back in the jury
14 room. If there is any testimony that you would
15 like heard or to hear again, we'll pull it up so
16 you can hear it again, or if there is anything.

17 MR. FOREMAN: We will go ahead and request the
18 testimony. We would like -- okay -- Ms. Williams.

19 THE COURT: I will send you back out and then
20 we'll bring you back in once she finds it on this.

21 (Jury out.)

22 (Pause.)

23 THE COURT: Are you ready?

24 MR. CATHCART: Yes, ma'am.

25 THE COURT: Let's bring them on in.

1 (WHEREUPON, the jury came into open
2 court at 3:09 p.m.)

3 THE BAILIFF: The jury is all present, Your
4 Honor.

5 THE COURT: All right. Mr. Foreman, we have
6 located the testimony that you would like to hear.
7 And so I'm going to ask the court reporter to
8 please play the testimony of Ms. Williams, I
9 believe.

10 (Requested testimony played in open
11 court.)

12 THE COURT: All right, ladies and gentlemen,
13 I'll send you back in the jury room. Continue your
14 deliberations. Should you need to hear any more
15 testimony, just let us know.

16 All right thank you.

17 (WHEREUPON, the jury retires to continue
18 deliberations at 3:35 p.m.)

19 (WHEREUPON, Court's Exhibit No. 4 was
20 marked for identification only.)

21 THE COURT: All right, we will be at ease.

22 (Break.)

23 (WHEREUPON, the following occurs at 6:10 p.m.)

24 THE COURT: We have another note. And your
25 client -- do you want to wait until he comes back?

1 I can check. It is probably -- it will take a
2 second. They are bringing him up.

3 MS. GOLDBERG: Okay. You can go ahead and
4 tell us what it is.

5 THE COURT: Please give us a copy of "hand of
6 one is the hand of all" or re-explain it.

7 Update. Still at a stalemate. Progress is
8 really slow. Do we need to come back tomorrow?

9 Suggestion. We feel if we sleep on it we
10 might be clearer in the morning.

11 MS. GOLDBERG: Good.

12 MR. CATHCART: You mean here together?

13 THE COURT: We can put y'all up at a hotel.

14 MS. GOLDBERG: I think if you re-read that to
15 them tonight and let them sleep on it with that or
16 read it.

17 THE COURT: I'll read "hand of one hand of
18 all" since they asked for it.

19 MR. GOLDBERG: Now?

20 MR. CATHCART: Recharge hand of one?

21 THE COURT: Whatever y'all want me to do.

22 MR. CATHCART: I would rather do it now so
23 they can sleep on it.

24 MS. GOLDBERG: Me too.

25 THE COURT: That is what I was thinking.

1 We'll bring them on in.

2 (WHEREUPON, Court's Exhibit No. 5 was
3 marked for identification only.)

4 (WHEREUPON, the jury came into open
5 court at 6:15 p.m.)

6 THE COURT: Ladies and gentlemen of the jury,
7 it is my understanding that you all want me to read
8 the "hand of one hand of all" jury charge. So I
9 will read that and then go to the second part of
10 your question.

11 All right. If a crime is committed by two or
12 more people who are acting together in committing a
13 crime, the act of one is the act of all. A person
14 who joins with another to commit an unlawful act is
15 criminally responsible for everything done by the
16 other person which happened as a probable or
17 natural consequence of the act done in carrying out
18 the common plan and purpose.

19 For example, two people can be guilty of
20 killing another person when only one of the two had
21 a gun, there was only one bullet, and only one of
22 the two fired the shot that caused the death. If
23 two or be more people are together, acting
24 together, assisting each other in committing the
25 offense, the act of one is the act of all or, as it

1 is said sometimes, the "hand of one is the hand of
2 all."

3 Prior knowledge that a crime is going to be
4 committed without more is not sufficient to make a
5 person guilty of that crime. Mere knowledge that
6 another person is going to commit a crime, even if
7 the Defendant is present when the crime is
8 committed, is not sufficient to convict a Defendant
9 as a principal. Guilt as a principal is shown by
10 actual or constructive presence at the scene as a
11 result of prior arrangement. Therefore, a finding
12 of a prior arranged plan or common scheme is
13 necessary for a finding of guilt as a principal.

14 The State must prove beyond a reasonable doubt
15 by competent evidence the theory of "hand of one is
16 the hand of all."

17 A principal in a crime is one who either
18 actually commits the crime or who is present
19 aiding, abetting, or assisting in committing the
20 crime.

21 When a person does an act in the presence of
22 and with the assistance of another, the act is done
23 by both. Where two or more acting with a common
24 plan or intent are present at the commission of a
25 crime, it does not matter who actually committed

1 the crime, all are guilty. The hand of one is the
2 hand of all.

3 Present at the commission of a crime means to
4 be sufficiently near to aid and abet and assist in
5 the commission of the crime. However, mere
6 presence at the scene of a crime is not sufficient
7 to convict one as a principal on the theory of
8 aiding and abetting. Intent is also a necessary
9 element, for there must have been a common design
10 or intent to commit the crime. The crime must have
11 been committed pursuant thereto with the person
12 aiding and abetting by some overt act.

13 Intent means intending the result which
14 actually occurred, not accidentally or involuntary.

15 Intent may be shown by acts and conduct of the
16 Defendant and other circumstances from which you
17 may naturally and reasonably infer intent.

18 The State must prove these elements beyond a
19 reasonable doubt.

20 All right. Thank you.

21 All right. Part 2 of your question is: We
22 are still at a stalemate. Progress is really slow.
23 Do we need to come back tomorrow? Suggestion. We
24 feel as if we sleep on it we might be clearer in
25 the morning.

1 Is that what you all wish to do, come back in
2 the morning?

3 MR. FOREMAN: I'll go with the majority.

4 THE COURT: All right. Is that what the
5 majority wants to do?

6 MR. FOREMAN: Yes.

7 THE COURT: What we will do is we will come
8 back tomorrow morning at 9:30 and report to the
9 room. You will begin your deliberations at that
10 time.

11 It is very important at this time that you not
12 discuss this case with anyone. Do not do any
13 research. You can't discuss it with each other
14 outside of the jury room. You can't discuss it on
15 the way to the car. Once you all leave out the
16 building, the deliberations must stop. You cannot
17 begin your deliberations until all jurors are
18 present in the morning and the bailiff instructs
19 you to go ahead and begin your deliberations.

20 All right. You all have a restful evening.
21 Do not do any research regarding any issues. If
22 you have any questions, we'll be glad to answer
23 those again in the morning.

24 MR. FOREMAN: What about the law of "hand of
25 one hand of all." I think we hear it, but --

1 THE COURT: Okay. You have to write down the
2 question.

3 MR. FOREMAN: Okay. We will write it
4 tomorrow.

5 THE COURT: Okay.

6 MR. FOREMAN: I wrote it on there, the first
7 part of it.

8 THE COURT: Oh, I just read it.

9 MS. GOLDBERG: He wants it in writing.

10 MR. FOREMAN: But the second part is --

11 THE COURT: Oh, you want it in writing? You
12 want what I just read in writing?

13 Okay. Let me speak with the attorneys and
14 we'll talk about it in the morning.

15 MR. FOREMAN: Okay.

16 THE COURT: All right. Thank you.

17 (WHEREUPON, the jury is excused for the
18 day at 6:21 p.m.)

19 THE COURT: How do you all feel about me
20 giving them the "hand of one hand of all" charge?

21 MR. CATHCART: If you give exactly what you
22 just read, I have no problem with it.

23 THE COURT: You know, Judge Newman gives them
24 the entire jury charge. I have considered that,
25 but I usually don't do it unless both parties

1 consent. But that is where we are headed now.
2 Other states, they automatically give it to them.
3 Some of the judges in this state are beginning to
4 give them the jury charge.

5 MR. CATHCART: I mean, if we don't, they will
6 just continue to ask to be recharged and charged
7 again.

8 THE COURT: So do you want me to give them the
9 entire charge?

10 MR. CATHCART: Well, just what they are asking
11 for, the "hand of one hand of all," just because I
12 don't want to make them start going into other
13 issues they are not even thinking about.

14 THE COURT: All right.

15 MR. CATHCART: I mean, all they care about --
16 all they want is this.

17 THE COURT: Well, yes, the question is "hand
18 of one hand of all." And there is a charge that
19 goes with giving any part of it.

20 MR. CATHCART: Give that charge and then give
21 them 12 copies of "hand of one hand of all."

22 THE COURT: Or one copy to the foreman.

23 MS. GOLDBERG: I think we're okay with that.

24 THE COURT: All right. So I'll have her print
25 out a copy of it tonight. We'll give one copy and

1 give to the foreman.

2 What else did they want?

3 MS. GOLDBERG: To come back tomorrow.

4 THE COURT: Okay. That was it? Okay. And so
5 we'll have that. No, I have got to give them the
6 charge. So 9:00 in the morning. So they can't
7 start deliberating because I will bring them in,
8 give them the charge, and then give them the "hand
9 of one hand of all."

10 Okay, so I will see you all at 9:30.

11 (WHEREUPON, court adjourned for the day
12 at 6:23 p.m.)

13 OCTOBER 2, 2014

14 THE COURT: All right, they are all here and
15 ready to go. You can bring them in.

16 THE BAILIFF: Yes, Your Honor.

17 THE COURT: We just have one copy for them.

18 (WHEREUPON, the jury came into open
19 court at 9:50 a.m.)

20 THE COURT: Good morning, ladies and
21 gentlemen, I hope you all had a restful evening.

22 We are prepared to continue with your
23 deliberations. On yesterday evening you asked for
24 a copy of the "hand of one hand of all" jury
25 charge. I do have that for you. I will give you a

1 copy of this instruction regarding this part of the
2 law.

3 During your deliberations you may refer to the
4 instructions to guide your decision making. You
5 must consider the instructions as a whole and not
6 just follow a part of this instruction right here.

7 Once you are finished, Mr. Foreman, you will
8 return instructions to the Court once you have
9 reached your verdict.

10 All right. I am going to -- we will hand
11 this -- have the clerk or the bailiff hand that
12 over to you. Let me look at it one more time.

13 (Pause.)

14 THE COURT: We will have a copy for you sent
15 back to you, and then you can begin your
16 deliberations. All right. Thank you.

17 (WHEREUPON, the jury retires to continue
18 deliberations at 9:53 a.m.)

19 THE COURT: All right. There was a footnote
20 in there with an instruction that needed to come
21 out. So other than that, we will give them the
22 charge.

23 All right, so we will hang around and see what
24 happens.

25 ("Hand of One Hand of All" Charge sent

1 back to jury room.)

2 (WHEREUPON, Court's Exhibit No. 6 was
3 marked for identification only.)

4 (Break.)

5 (WHEREUPON, the following occurs at
6 10:51 a.m.)

7 THE COURT: Debbie has said that she will go
8 back. I just need to get on the record -- let's
9 just put on the record -- all right, the court
10 reporter has agreed to go back. I want to make
11 sure that that is the agreement of the parties.

12 (Pause.)

13 MS. GOLDBERG: I believe my client has decided
14 he would like to -- he would like to hear it as
15 well, so --

16 THE COURT: All right. So we will set that up
17 in here. And we will all sit in here and listen
18 with her.

19 (Pause.)

20 THE COURT: Debbie, don't turn it up too loud
21 because they were complaining yesterday. I'm
22 sorry, that was one of the issues. They were
23 complaining next door that the speakers were too
24 loud. We'll try to turn it down. If not, I may
25 have to send her back in the back.

1 MR. CATHCART: I was going to say, that is one
2 reason Judge Jefferson sent it back is because it
3 was loud when you have to play it in here. And she
4 didn't ask for consent, she said basically, I have
5 already heard this; if they need to hear it again,
6 send it back.

7 MS. GOLDBERG: Right. And I discussed with my
8 client that the issue is, there is no rule, it is
9 more of convenience. He indicated he would like to
10 hear it again, but there is nothing we can do about
11 it. It is the jury's decision at this point they
12 are just going to hear it. You know, we can't do
13 anything.

14 THE COURT: Have they started over there?

15 MR. CATHCART: They are going, yes.

16 MS. GOLDBERG: We can check. But I guess what
17 I'm saying is that is our position of what we want,
18 but I understand that it is the Court's discretion
19 based on other factors.

20 THE COURT: I am going to go ahead and let her
21 go. She is not going to of course discuss anything
22 with them. Hold on one second. She will not
23 discuss anything with them. She is not going to
24 answer any questions. She is just going to -- the
25 only thing she is going to do is say, Is this what

1 you want to hear?

2 MR. CATHCART: Mash a button and go to the
3 next witness.

4 THE COURT: There won't be any discussion. We
5 are going to send her back. Because I forgot
6 yesterday because of the courthouse when we had the
7 speakers on it was creating a problem for Judge
8 Hayes in the murder trial next door.

9 All right, so we'll send Debbie on back with
10 the questions. And I'll let you take the Court
11 Exhibit with you.

12 (WHEREUPON, Court's Exhibit No. 7 was
13 marked for identification only.)

14 (WHEREUPON, at 11:15 a.m., the court
15 reporter entered the jury room and the
16 requested testimony was played in the
17 jury room.)

18 (WHEREUPON, at 12:00 p.m., the court
19 reporter exited the jury room and
20 deliberations resumed.)

21 (Break.)

22 (WHEREUPON, the following occurs at 1:02
23 p.m.)

24 THE COURT: They sent another note. This will
25 be Court Exhibit Number 8.

1 Update. We are now at 11 to 1. Same as
2 yesterday at this same time. And when we left.
3 The one person is not in agreement with the
4 majority and said that they will not change their
5 mind. Signed, the Foreman.

6 So I can give them an Allen charge, as I think
7 I have to do at this point, and let them sit back
8 there I guess for however long after I give them an
9 Allen charge.

10 All right.

11 MS. GOLDBERG: If I can have a few minutes to
12 talk to my client before we do all that.

13 MR. CATHCART: I gave him an option.

14 THE COURT: All right. So you need a few
15 minutes?

16 MS. GOLDBERG: Yes.

17 THE COURT: How long is a few?

18 MS. GOLDBERG: Five, ten.

19 THE COURT: Ten minutes?

20 MS. GOLDBERG: Yes.

21 THE COURT: Okay.

22 MS. GOLDBERG: Thank you.

23 THE COURT: You can mark this as Exhibit 8.

24 (WHEREUPON, Court's Exhibit No. 8 was
25 marked for identification only.)

1 (Break.)

2 THE COURT: You can bring them in.

3 THE BAILIFF: Yes, Your Honor.

4 (WHEREUPON, the jury came into open
5 court at 1:21 p.m.)

6 THE BAILIFF: The jury is present, Your Honor.

7 THE COURT: All right, ladies and gentlemen of
8 the jury, I have received your note, which is Court
9 Exhibit Number 8. And I read that to both sides.
10 So I will read to you now what we call an Allen
11 charge.

12 Ladies and gentlemen, you have stated that you
13 have been unable to agree on a verdict in this
14 case. As I instructed you earlier, the verdict of
15 the jury must be unanimous. When a matter is in
16 dispute it isn't always easy for even two people to
17 agree, so when 12 people must agree it becomes even
18 more difficult.

19 In most cases, absolute certainty cannot be
20 reached or expected. However, you have a duty to
21 make every reasonable effort to reach a unanimous
22 verdict.

23 In doing this, you should consult with one
24 another, express your own views, and listen to the
25 opinions of your fellow jurors. Tell each other

1 how you feel and why you feel that way. Discuss
2 your differences with open mind.

3 Although the verdict of the jury must be
4 unanimous, every one of you has the right to your
5 own opinion. The verdict you agree to must be your
6 own verdict, the result of your own conviction, and
7 you should not give up your firmly held belief
8 merely to be in agreement with your fellow jurors.

9 The majority should consider the minority's
10 position and the minority should consider the
11 majority's position.

12 You should carefully consider and respect the
13 opinions of each other and re-evaluate your
14 position for reasonableness, correctness, and
15 impartiality. You must lay aside all outside
16 matters and re-examine the question before you
17 based on the law and evidence in this case.

18 If you do not agree on a verdict in this case,
19 I must declare a mistrial. In that case it does
20 not mean that anybody wins or loses, it just means
21 that at sometime in the future I will try this case
22 with some other jury sitting where you are sitting
23 now. The same participants will come in and the
24 same lawyers will ask basically the same questions
25 and get basically the same answers. And we will go

1 through the whole process again.

2 You were selected in the same manner and from
3 the same source as any future jury will be, and
4 there is no reason for me to suppose that the case
5 will ever be submitted to 12 more intelligent,
6 impartial, conscientious, and competent jurors than
7 you, or that more or clearer evidence will be
8 produced on one side or the other.

9 I therefore ask you to return to your
10 deliberations with the hope you can arrive at a
11 verdict within a reasonable time.

12 All right. Thank you.

13 (WHEREUPON, the jury retires to continue
14 deliberations at 1:24 p.m.)

15 THE COURT: All right. We will wait and see
16 what they say. If they come back again and say
17 that they are deadlocked --

18 MR. CATHCART: Mistrial.

19 THE COURT: -- I will declare a mistrial at
20 that point.

21 MS. GOLDBERG: Yes, ma'am.

22 (Break.)

23 (WHEREUPON, at 2:21 p.m. a question was
24 sent out from the jury.)
25

1 (WHEREUPON, Court's Exhibit No. 9 was
2 marked for identification only.)

3 (WHEREUPON, Court's Exhibit No. 10 was
4 marked for identification only.)

5 (Court Exhibit 10 was sent back to the
6 jury room.)

7 (Break.)

8 (WHEREUPON, the following occurs at 3:57
9 p.m.)

10 THE COURT: All right. We can put this on the
11 record. There is two notes. The first one -- I
12 think they have run out of the yellow legal pad, so
13 -- so Court Exhibit Number 9 says, Please provide a
14 full explanation of reasonable doubt in writing if
15 possible.

16 I pulled the reasonable doubt charge and we
17 sent that back into the jury room.

18 MR. CATHCART: By the consent of both parties,
19 yes, ma'am.

20 THE COURT: With the consent of both parties.

21 The next one is, Your Honor -- This is Court
22 Exhibit Number 11 -- please let us hear Jason's
23 testimony again.

24 So that is what we are going to do. She is
25 going to pull it up and go back into the jury room

1 again and allow them to hear the testimony again.

2 MR. CATHCART: Yes, ma'am.

3 THE COURT: All right. Thank you.

4 And the actual charge of reasonable doubt was
5 marked as Court Exhibit 10.

6 (WHEREUPON, Court's Exhibit No. 11 was
7 marked for identification only.)

8 (WHEREUPON, at 3:58 p.m., the court
9 reporter entered the jury room and the
10 requested testimony was played in the
11 jury room.)

12 (WHEREUPON, at 4:13 p.m., the court
13 reporter exited the jury room and
14 deliberations resumed.)

15 (Break.)

16 (WHEREUPON, the following occurred at
17 6:21 p.m.)

18 THE COURT: We have received another note,
19 that will be marked as Court Exhibit 12. It says:

20 Your Honor, we have deliberated for the past
21 eight hours and we are still in the same position.
22 The teeth have now set in and we need freshness.

23 MR. SHELLENBERG: They need to sleep on it
24 again?

25 THE COURT: I don't know. I don't know what

1 "freshness" means. Does that mean they need to go
2 outside and get fresh air, refreshments? I don't
3 know. So my thoughts are to bring the foreman in
4 and ask him what is it that he is asking for and
5 also to ask him if he thinks they will ever be
6 able -- do you think you will be able to reach a
7 verdict with further deliberations?

8 MR. CATHCART: I would rather you just ask the
9 first part, not the other part, what do you mean by
10 fresh. I also would not have a problem if you just
11 go back there yourself instead of bringing them out
12 here.

13 THE COURT: No, I want to put on the record
14 what he means by freshness, because I don't know.
15 So, yes, let's put it all on the record, because I
16 don't know what he is going to say, and I would
17 rather he say it on the record.

18 So can you bring the foreman in?

19 THE BAILIFF: Yes, Your Honor.

20 (WHEREUPON, Court's Exhibit No. 12 was
21 marked for identification only.)

22 (WHEREUPON, the foreman enters the
23 courtroom at 6:23 p.m.)

24 THE COURT: I received your note, which we
25 have marked as Court's Exhibit Number 12. And it

1 reads: Your Honor, we have deliberated for the
2 past eight hours and are still in the same
3 position. The teeth are setting in and we need
4 freshness. I am not sure quite what you are asking
5 for.

6 MR. FOREMAN: Well, many of them are feeling
7 like we are at an impasse. We don't know how much
8 longer we can deliberate and still be soundly doing
9 what we need to do. But we're at your mercy.

10 MR. CATHCART: Your Honor, I would just ask if
11 it means come back tomorrow or take a break or
12 dinner or --

13 THE COURT: I mean, do you all need to go
14 outside or are you asking to come back tomorrow or
15 are you asking for food or are you asking -- do you
16 want to go back and just --

17 MR. FOREMAN: Some of them -- well, a good bit
18 of them just want to get out of that room. That is
19 the biggest thing.

20 THE COURT: Now or forever?

21 MR. FOREMAN: Two or three want to be forever.
22 But, you know, we are willing to do what we need to
23 do, but just don't want to be in that room right
24 now. You know, some people are having
25 claustrophobia problems. But somebody even

1 mentioned, If I can just get fresh air for an hour.

2 THE COURT: Why don't you go try to see what
3 it is that they need.

4 MR. CATHCART: Your Honor, I would point out
5 it is 6:30 almost, so come back tomorrow.

6 THE COURT: Well, they have not asked me for
7 that.

8 MR. CATHCART: I understand that.

9 THE COURT: They have not asked me to come
10 back tomorrow.

11 So I can send you back in and try to find out
12 what it is they are looking for.

13 MR. FOREMAN: Okay.

14 THE COURT: What it is that y'all want.

15 MR. FOREMAN: Okay.

16 THE COURT: And then --

17 MR. FOREMAN: In a note?

18 THE COURT: You can send a note or come back
19 in, either way.

20 MR. FOREMAN: I'll come back in. Thank you,
21 Your Honor.

22 (Foreman exits courtroom.)

23 (Pause.)

24 (Foreman returns to courtroom at 6:40 p.m.)

25 MR. FOREMAN: All right. The majority stated

1 that they wouldn't mind coming back tomorrow.
2 However, the question is, what is the reasonable
3 amount of deliberation time that you mentioned
4 earlier before you declare --

5 THE COURT: Oh, in the charge when I said
6 reasonable?

7 MR. FOREMAN: Yes, amount of time.

8 THE COURT: I can't give you an amount. It is
9 up to y'all.

10 MR. FOREMAN: So after we feel that a certain
11 amount of time, it is up to us?

12 THE COURT: Reasonable for you all. I can't
13 give you a time.

14 MR. FOREMAN: Well, we'll come back tomorrow
15 at whatever time you give me.

16 THE COURT: We'll start back at 10:00 in the
17 morning. Once they get here they can begin their
18 deliberations. I mean, we don't have anything to
19 do. You can just start deliberations. Since it is
20 almost 7:00 now, we will let y'all get home and
21 we'll start back at 10:00. I have got to bring
22 them all in.

23 (WHEREUPON, the jury came into open
24 court at 6:42 p.m.)

25 THE COURT: All right, ladies and gentlemen of

1 the jury, I have received your note, which I have
2 marked as Court Exhibit Number 12. And I have
3 inquired, because I wasn't clear from the note what
4 exactly you all were asking for, but the Foreman
5 tells us that you all are ready to retire for the
6 evening and that you would like to come back in the
7 morning.

8 Since it is late, I am going to have you all
9 come back at 10:00 in the morning. And as soon as
10 everyone is there in the jury room, Mr. Foreman,
11 they can begin their deliberations. I mean, Mr.
12 Foreman, you can begin your deliberations once
13 everyone is there, and the bailiff will -- once the
14 bailiff counts -- checks everybody off, they can
15 start, because there is no need for you all to come
16 back in here, unless you of course have a question
17 and need to come back.

18 All right. Have a good, restful evening.
19 Remember, you cannot discuss the case with anyone,
20 you cannot do any independent research in this
21 case, you cannot do any social networking.

22 We will see you tomorrow morning at 10:00 a.m.

23 All right. Thank you.

24 (WHEREUPON, the jury is excused for the
25 day at 6:44 p.m.)

1 THE COURT: All right, 10:00 o'clock.
2 (WHEREUPON, court adjourned for the day
3 at 6:44 p.m.)

4 OCTOBER 3, 2014

5 (WHEREUPON, at 10:00 a.m. the jury
6 deliberations resumed.)

7 (WHEREUPON, the following occurred at
8 12:18 p.m.)

9 THE COURT: All right, they don't have a
10 question or a verdict, but the clerk has said that
11 if I am to order them lunch that I need to probably
12 order it now.

13 So I am going to bring the foreman in and ask
14 him, Do you think I need to order you all lunch?
15 Because it might be two hours before the lunch gets
16 here. And see what he says.

17 MS. GOLDBERG: Well, yes.

18 THE COURT: Do you want to ask something?

19 MS. GOLDBERG: No, I think that is fine. I
20 know that you were trying to be careful about the
21 way it was phrased, and I guess if you said, you
22 know, It takes a while to get lunch here, so --

23 THE COURT: Yes.

24 MS. GOLDBERG: Right. Just so you know, if
25 you want it, we would have to order it.

1 THE COURT: It takes a while to get the lunch.
2 Do I need to order you lunch?

3 MS. GOLDBERG: Yes. That's fine.

4 THE COURT: Can you bring the foreman in?
5 (WHEREUPON, at 12:20 a.m., the foreman
6 entered the courtroom.)

7 THE COURT: I would say good morning, but it
8 is afternoon. I hope everything is going okay.

9 What I was trying to figure out, because it is
10 12:20, it is lunchtime -- at least my stomach is
11 growling, I don't know about yours -- and so we are
12 trying to figure out -- it takes maybe an hour or
13 two to get the food here, you have to order it in a
14 certain amount of time -- if you think that we need
15 to order you all lunch. And you can go in there
16 and ask them.

17 THE FOREMAN: Yes. Well, I mean, we are right
18 there, but lunch may help, you know.

19 THE COURT: But what I'm saying, it may not
20 get here for another hour.

21 THE FOREMAN: Another hour or two, you know.

22 THE COURT: Well, I will let you continue to
23 deliberate.

24 THE FOREMAN: Yes.

25 THE COURT: And if it looks like in the next

1 20 minutes or so that you think I need to order
2 lunch, go ahead and let me know and I will --

3 MS. GOLDBERG: Yes, and, I mean, I am okay if
4 they just let the bailiffs know and send the orders
5 in. I don't think they necessarily need to come
6 back out here.

7 THE COURT: Yes, you let the bailiffs know.

8 THE FOREMAN: Okay.

9 THE COURT: And we'll send the order form,
10 probably Jason's or Jimmy John's.

11 THE FOREMAN: Okay. All right.

12 THE COURT: Thank you.

13 (WHEREUPON, at 12:21 the foreman
14 returned to the jury room.)

15 (Break.)

16 (WHEREUPON, the following occurred at
17 12:47 p.m.)

18 THE COURT: You can bring them in.

19 THE BAILIFF: Yes, Your Honor.

20 (WHEREUPON, the jury came into open
21 court at 12:47 p.m.)

22 THE BAILIFF: The jury is present, Your Honor.

23 THE COURT: All right. Mr. Foreman, it is my
24 understanding that you all have reached a verdict.

25 THE FOREMAN: Yes, Your Honor, we have.

1 THE COURT: All right. And is it the
2 unanimous verdict of the entire jury?

3 THE FOREMAN: Yes, Your Honor.

4 THE COURT: All right. If you can just hand
5 that verdict form to the bailiff and he will hand
6 it to the clerk.

7 (Complies.)

8 (Judge views verdict form.)

9 THE COURT: There is a marking on the side of
10 Question 1. Is that just a pen mark?

11 THE FOREMAN: Yes, that is just a scribble.
12 That doesn't mean anything.

13 THE COURT: Okay. I was trying to figure out
14 what it was and what it meant.

15 THE FOREMAN: I'm sorry. I didn't think of
16 that. I'm sorry.

17 THE COURT: So it is just a scribble?

18 THE FOREMAN: Yes.

19 THE COURT: Okay. I will ask her to publish
20 it. Thank you.

21 THE FOREMAN: Thank you.

22 VERDICT

23 THE CLERK: State of South Carolina. County
24 of Richland. State v. Arthur William Macon.

25 As to the indictment alleging armed robbery:

1 We, the jury, unanimously find the Defendant
2 Guilty.

3 As to the indictment alleging kidnapping of
4 Brittany Ellison: We, the jury, unanimously find
5 the Defendant Not Guilty.

6 As to the indictment alleging kidnapping of
7 Shonda Wheeler: We, the jury, unanimously find the
8 Defendant Not Guilty.

9 As to the indictment alleging kidnapping of
10 Courtney Nick: We, the jury, unanimously find the
11 Defendant Not Guilty.

12 As to the indictment alleging kidnapping of
13 Marcelle Del Pino: We, the jury, unanimously find
14 the Defendant Not Guilty.

15 These are under Indictments 2013-GS-40-00579,
16 2014-GS-40-3552, 2014-GS-40-3553, 2014-GS-40-3554,
17 2014-GS-40-3555.

18 Signed by the Foreperson, Number 288, on
19 October 3rd, 2014.

20 This is the verdict of the entire jury, Mr.
21 Foreman?

22 THE FOREMAN: Yes, it is.

23 THE CLERK: Thank you.

24 THE COURT: Anything else from the State?

25 MR. CATHCART: Nothing further from the State,

1 Your Honor.

2 THE COURT: Anything from the Defense?

3 MS. GOLDBERG: Your Honor, we would just ask
4 to poll the jury.

5 THE COURT: Yes, ma'am. And if you can poll
6 by the number, please. Poll them by number.

7 THE CLERK: Ladies and gentlemen of the jury,
8 when I call your number, I am going to ask you two
9 questions regarding your verdict. If you can
10 answer yes or no.

11 Number 288, was this your verdict?

12 THE JUROR: Yes, it is.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes, it is.

15 THE CLERK: Number 281, was this your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Number 114, was this your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is it still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: 263, was this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 THE JUROR: Yes.
2 THE CLERK: 246, was this your verdict?
3 THE JUROR: Yes.
4 THE CLERK: Is it still your verdict?
5 THE JUROR: Yes.
6 THE CLERK: 202, was this your verdict?
7 THE JUROR: Yes.
8 THE CLERK: Is it still your verdict?
9 THE JUROR: Yes.
10 THE CLERK: 201, was this your verdict?
11 THE JUROR: Yes.
12 THE CLERK: Is it still your verdict?
13 THE JUROR: Yes.
14 THE CLERK: 211, was this your verdict?
15 THE JUROR: Yes.
16 THE CLERK: Is it still your verdict?
17 THE JUROR: Yes.
18 THE CLERK: 252, was this your verdict?
19 THE JUROR: Yes.
20 THE CLERK: Is it still your verdict?
21 THE JUROR: Yes.
22 THE CLERK: 65, was this your verdict?
23 THE JUROR: Yes.
24 THE CLERK: Is it still your verdict?
25 THE JUROR: Yes.

1 THE CLERK: 104, was this your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: 232, was this your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: The jury has been polled, Your
10 Honor.

11 THE COURT: All right. Ladies and gentlemen
12 of the jury, I would like to thank you for your
13 hard work this week. You all have worked very hard
14 on this case. We all recognize that because you
15 have deliberated for quite some time. And I do
16 want you to know that on behalf of the State, the
17 Defendant, the Court, and everyone here that we
18 appreciate your service here this week.

19 You will be released. You do not have to
20 serve for another three years in this court unless
21 you choose to do so. I cannot promise you that you
22 will not have to serve in federal court or
23 magistrate court or city court, but here in this
24 court you will not have to serve for another three
25 years.

1 I do appreciate you taking your civic duty
2 seriously, as you all have. I hope that you have a
3 wonderful weekend.

4 If there is anyone -- she will give you
5 instructions -- that wishes to stick around and
6 remain and hear the sentencing in this case, you
7 may do so. She will direct you as to where to sit.
8 But she has some paperwork for you to sign. If
9 not, if you don't want to and you are ready to
10 leave, you are free to go. Have a wonderful
11 weekend.

12 Thank you again.

13 THE CLERK: I'll have them go to the jury
14 room, and then if they wish to come back in.

15 (Jury excused.)

16 THE COURT: I just need to wait on the clerk.

17 MS. GOLDBERG: I will need to do post-trial
18 motions.

19 THE COURT: Well, we can do that now.

20 MS. GOLDBERG: Yes, that's fine.

21 THE COURT: Yes, ma'am?

22 MS. GOLDBERG: Thank you, Your Honor. May it
23 please the Court?

24 At this time I would like to renew all
25 objections made during trial. Specifically I would

1 renew my objection as to Mr. Woodberry's testimony
2 and the relevance of that and any pretrial
3 objections that were made.

4 I was going to renew my directed verdict
5 regarding the kidnapping, but that is a moot point
6 at this time.

7 I would also renew my directed verdict and
8 request a new trial based on insufficient evidence
9 as there was no consistent evidence of any
10 agreement between the parties as to any armed
11 robbery.

12 That would be my motion for a new trial, Your
13 Honor.

14 THE COURT: Okay.

15 MR. CATHCART: Your Honor, I think the facts
16 speak for themselves. And obviously the jury
17 deliberated on this long and hard. I think all the
18 elements have been met as to the armed robbery.

19 THE COURT: I didn't hear the last part.

20 MR. CATHCART: All the elements have been met
21 as to the armed robbery. I won't argue the other
22 ones since they found him not guilty as to those.

23 THE COURT: All right. Mr. Woodberry was the
24 father?

25 MR. CATHCART: Jason's father.

1 THE COURT: I just wanted to make sure.

2 THE CLERK: They are all coming in.

3 THE COURT: All right. I am going to deny the
4 motion for new trial and directed verdict.

5 MS. GOLDBERG: Renew directed verdict, motion
6 for a new trial.

7 THE COURT: All right. I am going to deny the
8 motions. I believe that there was sufficient
9 evidence presented to the jury, that they
10 deliberated, considered the evidence, and came back
11 with a verdict. And for that reason, the motions
12 will be denied: The motion for a new trial, and
13 the motion for directed verdict.

14 MS. GOLDBERG: Thank you, Your Honor.

15 THE COURT: All right. Yes, sir, Mr.
16 Cathcart?

17 MR. CATHCART: May it please the Court, Your
18 Honor? You heard the facts already before you. I
19 was just going to say this was a short trial and a
20 long deliberation. We are thankful to the jury for
21 their hard work.

22 Mr. Macon does have a prior record. It is six
23 separate counts of strong armed robbery, three of
24 which used to be armed robbery that were pled down
25 because of his age at that time. He received a

1 sentence of five years. This was back in 2004. He
2 does also have a federal -- I believe it is
3 counterfeiting?

4 MS. GOLDBERG: No, it is bank fraud.

5 MR. CATHCART: Bank fraud, which he had
6 parole. Parole was revoked this past year. He
7 just got out of jail about six months before this
8 before we started this trial.

9 But this is his seventh armed robbery, or
10 seventh robbery, since his other ones were pled
11 down to strong arm. At this time he chose to use a
12 vulnerable adult, his own cousin, to go into the
13 bank with a gun, not even a real gun. In a society
14 that we have right now where most everybody is
15 robbed, he sent him in with basically a good chance
16 of getting himself killed.

17 The sentence in this case carries a minimum of
18 10, up to 30. I would ask for the maximum. This
19 is his seventh one.

20 THE COURT: Would your victims like to speak?

21 MR. CATHCART: I have spoken to them and asked
22 them if they wished to address. I don't believe
23 they do.

24 (Pause.)

25 MR. CATHCART: No, ma'am.

1 THE COURT: Thank you all also for being here
2 this week. You all have been here the entire time.
3 I just personally want to thank you all for being
4 here during the duration of the trial. I know you
5 are probably just like the jurors, you didn't want
6 to be here either. So I just want to thank you all
7 again.

8 Yes, ma'am?

9 MS. GOLDBERG: Thank you, Your Honor. As an
10 initial matter, just so I get it out of the way so
11 I don't forget -- nevermind. I was going to
12 mention the kidnapping, but he has been found not
13 guilty of kidnapping.

14 Your Honor, Mr. Macon -- the Solicitor talked
15 about his prior record. He turned 30 Tuesday. His
16 birthday was actually while he was in trial. He is
17 30 years old now. The robberies that are on his
18 prior record, the incidents all occurred when he
19 was 16 years old. It took those charges a couple
20 of years before he actually came to court. At that
21 point he did receive the strong arm robbery deal
22 and only received a five year sentence. He tells
23 me he did maybe two and a half, three years from
24 that five year sentence. So he was not in prison
25 for an extended period of time.

1 Before he pled guilty to the strong arm
2 robbery, what he did was he cashed a counterfeit
3 check for about \$230. That is the federal bank
4 fraud charge. That is all he did. I have a copy
5 of that indictment if you are interested.

6 He went to federal court to plead guilty to
7 that offense while he was in SCDC and they put him
8 on probation. So that is the only time he has done
9 in prison.

10 Since that time, since he was released from
11 SCDC until this charge he has not been arrested on
12 anything substantial except some traffic
13 violations, Your Honor, where he has a driving
14 under suspension at one point. He has mostly
15 stayed out of trouble his adult life.

16 Your Honor, I will add that when he was
17 arrested for these charges he was on federal parole
18 or probation from the original charge. He had a
19 few minor violations. He had I believe a positive
20 marijuana test and he was behind on some fines and
21 fees, but he had been specifically told they
22 weren't going to violate him, they were going to
23 work through that on probation. When he picked up
24 this charge, they violated him because of this
25 arrest. He then went to federal prison ten months

1 in large part because of this arrest.

2 So what I want to ask the Court -- Mr. Macon
3 is, under the law, is in no way entitled for that
4 time, that ten months, but I think because it was a
5 result of this, I would ask Your Honor to consider
6 that he has done those ten months and reduce
7 whatever time you would have originally been
8 inclined to give him by a little bit because he has
9 already served some time, not directly but
10 indirectly, because of this.

11 Your Honor, I have had this case for two years
12 now. Ever since I have had this case, Mr. Macon
13 has been extremely polite, extremely cooperative,
14 very nice to me, very respectful, and he has been a
15 pleasure to represent. He has come to my office.
16 He has worked with me. He is extremely
17 intelligent. He is one of the clients I have had
18 who I feel like I can explain every bit of the case
19 to him and he understands what I am saying and
20 makes his own decisions. He has worked
21 consistently since I have represented him. When he
22 has been -- other than the time he has been in
23 federal prison, he has worked at mostly service
24 industry positions because obviously with his
25 record his opportunities are limited. But he has

1 worked at DiPrato's for about a year now. He
2 recently received a promotion to assistant manager
3 at DiPrato's. He has a wife. He has a
4 five-year-old child.

5 He has done -- he is not the same person he
6 was at 16. I am not going to address the facts in
7 this case because the jury has spoken and I don't
8 think it would be appropriate.

9 But I will also say he has been a regular
10 member of Kingdom Hall on Clemson Road. I have met
11 his pastor there who has been in support of him.
12 He has had family here all week. Unfortunately
13 they were unable to come back today because this
14 trial has been so long.

15 Your Honor, I just respectfully request you
16 sentence him -- as I said before, he was in SCDC
17 for maybe three years maximum. He was in federal
18 prison for ten months. He has never done a
19 substantial amount of time. I know the minimum
20 sentence in this case was ten years, but that would
21 be an extremely long amount of time compared to
22 anything he has ever done before, and that would be
23 an exceptional punishment, inappropriate for this
24 charge. I ask that you not impose the maximum,
25 give him a sentence somewhere closer to the minimum

1 so that he can, upon release, become a productive
2 member of society again.

3 MR. CATHCART: Your Honor, I would just also
4 point out that his prior armed robbery was pled
5 down to strong arm. These weren't an individual on
6 the street. He went into two Wendy's and to a Red
7 Roof Inn. He always targeted businesses with
8 multiple people, just like he did today, when he
9 sent his cousin in there, his cousin who would do
10 anything for him.

11 He hasn't spent a substantial amount of time
12 in jail, but when he did this one when he was 28,
13 he had six prior robberies under his belt, and he
14 was too coward to go inside the bank himself.

15 MS. GOLDBERG: And I guess just to what Mr.
16 Cathcart said, I will say that all of the prior
17 robberies were within a spree, it was like a
18 month-, maybe two-month period. They all happened
19 around the same time. He was charged all around
20 the same time and pled to them at the same time.

21 Your Honor, my client would like to address
22 the Court.

23 THE COURT: Have you --

24 MS. GOLDBERG: I have explained to him that
25 for the purposes of a future appeal, a future PCR,

1 that he may or may not wish to stay away from the
2 facts of the case, but I told him it was his right
3 to say or not say whatever he would like at this
4 time.

5 THE COURT: All right. I will be glad to hear
6 from him.

7 THE DEFENDANT: Thank you. You know, Mr.
8 Cathcart has said a lot about me, a lot about my
9 past, about how I use people, and things of this
10 nature. But truthfully he knows nothing about me.

11 My record does say a lot. It says that when I
12 was younger I got in trouble. I was around the
13 wrong crowd of people and I messed around and got
14 in trouble when I was younger. My past says that I
15 cashed a bad check from somebody who I thought was
16 giving me a legit check. But that is in my past.

17 Like, but what that record do not say is --
18 that is not me. Like, that is not me. Me using
19 people. I am not going to go into it because of
20 the case because I have been advised by my lawyer
21 not to. But I am not the type to use people. I am
22 actually the total opposite. I am the type who
23 people use. I am not talking in a bad way, I am
24 just speaking of -- you know, that is why I'm in
25 the service industry, I enjoy my work, I enjoy

1 serving people, I enjoy the job that I have.

2 I did have a drug and alcohol problem, and
3 that is why, like my lawyer stated, and a few years
4 ago my federal probation almost got violated, so
5 that they wasn't going to violate me, I was going
6 through drug and alcohol classes, and when these
7 new charges came up, I got violated on that.

8 I am not saying I'm perfect, I am not saying
9 that I haven't made mistakes in the past, but I am
10 definitely here to say that I am not the type of
11 person that deserves no 30 years in prison for --
12 you know, I am not going to get into the specifics
13 of the case. So I am here now. A jury of my peers
14 found me guilty on the armed robbery charge. Okay.
15 Do I think I am deserving of 30 years in prison for
16 that? No, ma'am. So I am asking for your
17 leniency. I know the minimum on this charge is ten
18 years. That is an extremely long time when you
19 have a five-year-old daughter and a wife who you
20 support fully.

21 Thank you.

22 THE COURT: All right, sir. Anything else?

23 MS. GOLDBERG: No, Your Honor.

24 THE COURT: Anything else?

25 MR. CATHCART: No, ma'am.

SENTENCING

1
2 THE COURT: Sir, it appears that when you were
3 16 years old that you were -- it looks like you
4 were given a break or a good deal. Six armed
5 robberies reduced to six counts of strong arm
6 robbery.

7 And it is our hope when that happens -- and
8 I'm sure the judges hoped at the time -- that you
9 would serve your five years and come to the
10 conclusion that this is not the type of lifestyle
11 that I would want to lead.

12 We think that most people get wiser the older
13 they get. Most people think that people get wiser
14 the older they get. And maybe you thought that you
15 were wiser by sending in your cousin, who has the
16 capacity of a 13-year-old, with a toy gun, who has
17 the capacity of 13-year-old because he was hit by a
18 stray bullet as a child when he was 16 years old,
19 and sending him into a bank with a toy gun.

20 I will tell you that my concern -- and I don't
21 know if you had thought about this, and you don't
22 have to respond -- but there could have been --
23 these days in banks there could have been an armed
24 officer, an armed security guard, or even an armed
25 citizen in the bank, and your cousin, who has

1 already been the victim of gunfire, could have been
2 shot and killed in that bank that very day because
3 he was doing what you told him to do. That gives
4 me great, great concern.

5 And for that reason, I am going to sentence
6 you to the State Department of Corrections for 23
7 years. I will give him credit for the ten months
8 that he has served.

9 And as your lawyer said, you are a very smart
10 young man, but it appears that you would rather use
11 your intelligence to manipulate, in this case, your
12 cousin, instead of using it in a positive manner.

13 I think that -- I mean, after you had been
14 given a break before, it is kind of hard to give
15 you another break.

16 I wish you good luck. You are 30 years old.
17 By the time you get out you still will have years
18 ahead of you. And it is my hope that you will be
19 wiser, in a good way.

20 All right. Thank you.

21 MR. CATHCART: Thank you, Your Honor.

22 MS. GOLDBERG: Thank you, Your Honor.

23 (WHEREUPON, the proceedings were concluded.)
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for
the Fifth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
General Sessions for Richland County, South Carolina, on
the 29th and 30th days of September and the 1st, 2nd and
3rd days of October, 2014.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

February 21, 2015

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

\$	193 [2] 54/23 55/8 195 [1] 21/10 1976 [4] 17/20 18/4 18/13 19/5 1:02 [1] 437/22 1:10 p.m [1] 417/25 1:13 p.m [1] 419/7 1:17 [1] 422/7 1:21 p.m [1] 439/5 1:24 [1] 441/14 1:31 p.m [1] 422/17 1:34 p.m [1] 60/24 1:37 [1] 423/5 1:38 [1] 62/20 1:40 [1] 64/6 1st [1] 471/15	29 [2] 8/1 201/24 29-October [1] 1/9 298 [3] 39/18 39/24 55/10 29th [1] 471/15 2:00 [2] 317/7 344/7 2:00 o'clock [1] 317/3 2:16 p.m [1] 318/18 2:21 [1] 441/23 2:30 [3] 62/22 63/12 64/4 2:37 [1] 338/17 2:39 [1] 342/1 2:40 [1] 342/9 2:44 [1] 344/16 2:47 [1] 346/4 2:57 [1] 352/23 2E [1] 15/5 2nd [1] 471/15	
\$230 [1] 462/3 \$6,000 [2] 132/3 270/22 \$6,500 [1] 358/7 \$70,000 [1] 188/10	2	3	
•	2-lane [1] 80/11 20 [15] 143/15 145/12 147/13 167/23 182/11 241/7 241/23 265/18 265/24 266/18 266/22 311/21 355/23 365/3 451/1 20-23 [1] 267/1 2001 [1] 41/7 2004 [1] 460/1 2005 [1] 96/7 2005/2006 [1] 41/16 2006 [1] 41/16 201 [6] 34/1 37/4 42/18 54/11 54/21 455/10 2012 [26] 17/5 17/25 18/9 18/18 19/1 70/20 91/21 97/20 106/4 131/21 142/2 167/8 172/11 172/22 181/12 193/16 206/17 212/2 215/1 243/20 260/9 265/1 270/8 274/5 305/19 355/20 2013-GS-40-00579 [2] 1/2 453/15 2013-GS-40-579 [1] 16/11 2014 [8] 1/9 8/1 188/21 352/24 433/13 449/4 453/19 471/16 2014-GS-40-03552-03555 [1] 1/2 2014-GS-40-3552 [3] 17/22 413/21 453/16 2014-GS-40-3553 [1] 453/16 2014-GS-40-3554 [2] 18/15 453/16 2014-GS-40-3555 [1] 453/17 2015 [1] 471/20 202 [3] 53/25 54/9 455/6 208 [1] 55/19 209 [2] 29/10 44/24 21 [6] 265/18 265/24 266/5 266/18 266/21 471/20 211 [3] 55/23 56/8 455/14 213 [1] 41/7 218 [4] 43/18 43/19 53/13 53/23 22 [4] 193/14 265/18 266/6 266/19 226 [1] 39/5 23 [6] 265/18 266/8 266/19 266/22 267/1 469/6 232 [3] 58/20 59/6 456/5 24 [4] 199/11 199/14 200/24 233/5 246 [3] 51/5 51/15 455/2 25 [6] 143/15 202/14 203/1 203/8 203/13 203/14 252 [3] 56/20 57/4 455/18 257 [1] 35/8 258 [2] 56/10 56/18 263 [3] 49/21 50/6 454/23 269 [3] 41/24 48/21 49/5 28 [2] 302/15 465/12 281 [10] 47/8 47/20 188/25 189/20 190/5 190/6 190/8 190/11 191/14 454/15 284 [1] 38/11 288 [7] 38/5 38/6 47/22 48/6 62/4 453/18 454/11 289 [1] 40/23	30 [15] 17/25 145/12 147/13 167/23 188/21 311/21 330/19 355/23 385/8 460/18 461/15 461/17 467/11 467/15 469/16 300 [2] 278/15 278/15 305 [4] 40/16 59/22 60/6 62/8 30th [27] 17/4 18/9 18/18 19/1 70/20 91/21 97/20 106/4 131/21 142/2 142/12 167/8 172/10 172/22 194/2 194/3 206/16 212/2 215/1 243/20 260/9 265/1 270/8 274/5 305/19 355/19 471/15 33 [1] 270/6 330 [1] 17/19 3552 [3] 17/22 413/21 453/16 3553 [3] 18/5 413/21 453/16 3554 [3] 18/15 413/21 453/16 3555 [3] 18/23 413/22 453/17 39 [2] 52/2 52/12 3:00 o'clock [1] 317/24 3:01 p.m [1] 423/13 3:03 p.m [1] 424/4 3:09 p.m [1] 425/2 3:30 [8] 61/3 62/18 62/23 317/24 342/21 342/22 342/23 343/4 3:35 [1] 425/18 3:57 [1] 442/8 3:58 [1] 443/8 3rd [2] 453/19 471/16	
0	1	4	
00579 [2] 1/2 453/15 03555 [1] 1/2	10 [9] 64/21 186/13 258/24 259/3 324/14 442/3 442/5 443/5 460/18 100 percent [1] 144/13 104 [4] 26/16 58/7 58/18 456/1 107 [5] 28/14 28/15 41/16 53/2 53/11 10:00 [5] 343/24 447/16 447/21 448/9 449/5 10:00 a.m [1] 448/22 10:00 o'clock [1] 449/1 10:30 [2] 343/23 343/24 10:44 [1] 415/22 10:48 a.m [1] 416/14 10:51 [2] 417/22 435/6 11 [11] 64/23 159/14 159/25 160/9 289/22 289/23 303/8 303/14 438/1 442/22 443/6 11-odd [1] 305/5 114 [3] 48/8 48/19 454/19 11:15 [3] 258/17 259/2 437/14 11:30 [2] 415/16 417/1 11:40 a.m [1] 259/9 12 [13] 65/1 154/23 155/7 155/10 272/14 310/5 432/21 439/17 441/5 443/19 444/20 444/25 448/2 120 [1] 186/13 123 [3] 26/7 51/17 51/25 12:00 [4] 344/2 344/5 415/16 437/18 12:11 [1] 286/2 12:18 [1] 449/8 12:20 [2] 450/5 450/10 12:21 [1] 451/13 12:30 [4] 112/13 324/13 324/16 332/23 12:31 p.m [2] 11/7 299/19 12:47 [2] 451/17 451/21 12:48 [1] 317/6 12:50 p.m [1] 318/12 13 [5] 65/3 159/18 159/25 160/11 298/8 13-year-old [9] 289/2 297/11 297/24 298/6 299/10 302/13 302/19 468/16 468/17 132 [4] 37/17 42/24 52/14 52/25 14 [5] 65/5 152/15 153/7 153/11 272/10 146 [3] 59/11 59/20 62/8 15 [8] 65/7 142/1 175/23 176/2 176/5 182/11 258/24 259/3 158 [1] 34/11 16 [15] 69/2 95/23 95/25 251/13 288/5 291/2 292/10 294/3 295/2 296/21 370/7 461/19 464/6 468/3 468/18 16-3-910 [1] 19/4 160 pounds [1] 199/2 17 [3] 117/1 117/3 321/5 1701 [1] 127/5 178 [4] 30/20 44/11 49/8 49/19 18 [13] 32/13 45/7 50/8 50/15 112/15 260/8 266/14 266/19 266/22 267/4 306/17 324/17 332/24 19 [3] 277/20 278/24 279/2 192 [4] 30/10 35/24 57/6 57/18	2	5
1	2	50 [1] 212/19 579 [2] 16/11 413/21 593 [4] 93/1 96/11 245/3 252/3 5:00 [5] 78/12 121/18 207/6 207/7 212/7 5:00 o'clock [1] 320/10 5:00 p.m [1] 80/10 5:05 [1] 185/16 5:08 [1] 188/20	

5		75/14 75/21 86/12 87/15 89/8 89/20 93/12 93/17 94/1 94/10 94/24 104/3 116/2 116/5 138/5 140/7 148/20 155/2 158/17 213/2 213/4 215/17 218/20 223/17 223/20 227/19 235/1 237/24 239/17 263/2 272/7 275/16 275/18 279/19 279/20 288/20 297/4 297/15 299/5 311/17 317/10 340/7 344/4 349/8 367/4 444/6 444/6 above [3] 104/21 163/2 326/2 Abraham [1] 23/14 absence [1] 63/13 absolute [3] 401/16 421/10 439/19 absolutely [10] 139/2 169/9 191/19 233/8 242/5 261/22 317/16 340/17 378/4 395/2 Academy [1] 49/12 accelerating [1] 95/1 accelerator [1] 89/3 accept [5] 54/16 121/5 126/4 393/12 393/17 access [2] 118/13 118/25 accessed [1] 118/24 Accident [1] 52/16 accidentally [3] 406/13 409/17 429/14 accompanies [1] 400/10 accompanying [1] 413/25 according [5] 112/22 115/19 123/21 133/13 332/22 account [5] 328/22 337/5 337/17 402/24 403/11 accountable [1] 136/7 accounts [2] 167/14 167/14 accuracy [3] 402/5 402/10 404/5 accurate [6] 83/14 102/15 139/11 149/23 379/20 471/11 accused [1] 412/16 accusing [1] 139/10 Ace [9] 312/16 312/17 312/21 315/11 315/12 315/17 315/25 316/2 316/3 acknowledge [2] 11/8 123/16 acquaintance [1] 36/16 acquainted [5] 29/23 30/5 30/6 35/17 35/20 acquitted [1] 399/18 across [17] 88/7 88/8 114/21 114/22 115/5 115/6 146/14 148/11 169/18 182/18 208/24 231/16 235/12 252/20 372/16 372/18 376/22 act [35] 69/7 350/6 350/6 359/20 359/20 360/1 360/3 360/9 360/10 360/11 372/1 372/8 388/17 392/7 401/3 407/16 407/16 407/17 407/20 408/3 408/3 408/23 408/24 409/15 410/25 420/24 427/13 427/13 427/14 427/17 427/25 427/25 428/21 428/22 429/12 acted [1] 133/10 acting [8] 231/8 359/19 407/15 408/1 408/25 427/12 427/23 428/23 action [3] 369/3 375/8 410/24 actions [3] 17/14 136/7 405/9 activated [1] 255/3 active [1] 388/16 acts [4] 130/7 409/18 410/18 429/15 actual [15] 102/22 111/25 143/14 178/2 200/19 248/16 249/18 278/9 344/6 346/18 353/17 394/17 408/12 428/10 443/4 actually [63] 40/6 71/21 71/25 72/22 73/21 73/25 76/10 76/20 77/7 77/18 85/23 87/6 91/25 103/12 104/2 133/20 135/1 139/25 152/8 153/22 157/16 163/6 163/17 172/19 198/13 203/4 212/8 219/23 220/15 222/9 222/15 231/17 233/25 240/3 251/18 254/5 267/9 270/18 271/15 276/3 280/18 284/14 327/17 328/5 331/9 350/23 372/12 372/13 376/6 378/17 379/3 379/13 391/14 408/21 409/3 409/17 420/11 428/18 428/25 429/14 461/16 461/20 466/22	add [1] 462/16 added [1] 130/24 addition [1] 340/1 additional [4] 9/5 9/23 186/4 393/9 address [6] 9/7 9/8 161/13 460/22 464/6 465/21 adequate [1] 402/14 adjacent [1] 261/6 adjourned [4] 188/19 352/22 433/11 449/2 administrative [1] 48/10 admissibility [2] 392/23 394/3 admissible [4] 121/3 121/4 129/24 396/25 admit [1] 278/24 admits [1] 365/18 admitted [16] 129/25 147/23 150/7 153/12 155/11 157/2 160/6 160/8 160/10 160/12 176/6 250/7 327/8 329/20 396/23 412/12 admitting [2] 114/14 340/5 adult [4] 357/5 359/11 460/12 462/15 advantage [1] 370/11 advertising [1] 92/20 advice [21] 6/17 65/23 66/12 107/15 107/21 108/13 110/15 110/18 116/19 116/19 118/2 120/17 320/24 321/11 321/19 329/5 329/7 329/17 368/17 383/10 397/20 advise [1] 66/14 advised [8] 120/2 120/3 126/16 127/10 247/20 248/2 272/22 466/20 adviser [1] 51/7 Affairs [1] 57/8 affect [39] 21/15 26/1 26/25 28/18 29/5 29/15 30/13 30/22 32/16 33/1 34/3 34/12 35/3 35/12 36/8 36/19 37/5 37/13 37/22 38/6 38/15 38/25 39/8 39/25 40/9 40/18 41/1 41/9 41/18 42/2 42/9 42/19 43/4 43/11 43/19 44/2 44/14 44/25 45/11 affected [5] 69/9 188/25 189/4 305/9 402/16 affects [1] 296/19 affirm [24] 70/6 91/1 97/4 105/11 123/17 140/25 166/6 171/18 180/15 192/20 201/7 205/21 211/12 214/3 243/1 259/19 264/7 269/17 273/14 287/1 300/3 304/14 319/7 338/25 affirmative [1] 19/12 affirmatively [12] 145/13 157/6 158/1 158/3 162/22 164/4 309/5 311/16 313/24 314/20 315/23 327/5 afford [3] 108/16 321/21 397/25 afro [1] 217/5 afternoon [17] 10/6 83/4 83/5 106/13 112/16 117/13 160/22 181/3 243/25 244/2 313/10 313/11 324/18 324/19 333/14 343/18 450/8 afterwards [1] 265/8 again [66] 19/10 22/6 35/23 39/23 44/5 60/19 78/9 78/11 80/23 95/16 100/16 108/5 110/14 118/24 124/21 125/1 146/2 150/9 156/16 159/4 167/16 169/16 175/16 187/7 188/16 197/14 208/8 241/5 242/3 256/25 286/4 296/14 297/8 297/23 298/2 326/20 335/16 337/8 337/20 348/12 357/16 364/6 364/9 365/15 377/16 378/13 380/18 403/23 414/13 420/2 421/24 424/15 424/16 430/23 432/7 436/5 436/10 441/1 441/16 442/23 443/1 443/1 443/24 457/12 461/7 465/2 against [14] 16/21 32/4 32/5 85/4 108/10 109/13 321/16 322/15 339/16 397/24 398/23 399/2 406/11 406/23 age [3] 86/16 397/15 459/25 agency [2] 33/21 35/18 ago [11] 9/25 98/15 190/22 289/22 289/23 289/25 303/8 305/5 369/19 383/10 467/4 agree [8] 388/10 393/16 413/7 439/13 439/17
5:30 [2] 122/5 165/22			
6	6-8 [2] 64/17 157/1 6-dollar [1] 357/24 607 [1] 296/8 63 [2] 34/18 43/10 65 [3] 57/20 58/5 455/22 66 [3] 43/24 50/17 51/3 6:00 [2] 106/13 324/14 6:00 o'clock [2] 122/5 184/8 6:10 [1] 425/23 6:15 p.m [1] 427/5 6:21 [2] 431/18 443/17 6:23 [1] 433/12 6:23 p.m [1] 444/23 6:30 [2] 184/9 446/5 6:40 p.m [1] 446/24 6:42 p.m [1] 447/24 6:44 [2] 448/25 449/3		
7	7:00 [1] 447/20		
8	8500 [1] 272/20 8550 [2] 194/5 199/4 88 [2] 36/14 42/7 8850 [2] 106/9 320/4		
9	9-1-1 [44] 6/22 25/1 25/5 25/16 65/21 66/6 71/25 72/4 72/18 72/20 75/6 75/19 78/20 79/8 79/21 80/5 86/19 133/14 161/14 201/22 202/2 202/6 202/9 204/11 204/15 216/5 216/11 216/16 219/23 222/23 223/21 225/5 228/10 281/11 282/13 362/17 374/14 374/15 378/10 378/17 382/12 382/15 382/17 390/18 910 [4] 18/3 18/12 18/21 19/4 9:00 [6] 317/19 343/20 346/2 352/9 352/18 433/6 9:00 o'clock [7] 343/7 343/10 344/13 345/11 345/12 345/22 345/24 9:23 [1] 354/17 9:30 [9] 184/11 184/24 185/14 185/18 186/9 317/19 352/9 430/8 433/10 9:50 a.m [1] 433/19 9:53 [1] 434/18 9:55 a.m [1] 192/6 9s [1] 248/11		
A	a.m [14] 192/6 259/2 259/9 354/17 415/22 416/14 417/22 433/19 434/18 435/6 437/14 448/22 449/5 450/5 Aaron [1] 12/5 abandon [1] 393/17 abduct [6] 18/1 18/10 18/19 19/3 358/12 406/25 abducted [1] 406/8 abet [2] 409/6 429/4 abetting [6] 408/22 409/10 409/15 428/19 429/8 429/12 ability [43] 21/15 26/1 26/25 28/19 29/5 29/16 30/14 30/22 32/17 33/1 34/3 34/13 35/3 35/12 36/8 36/20 37/6 37/13 37/22 38/7 38/16 38/25 39/9 40/1 40/9 40/18 41/1 41/10 41/19 42/3 42/9 42/20 43/4 43/11 43/20 44/2 44/14 45/1 45/11 45/23 283/15 283/20 397/17 able [53] 69/6 69/6 74/24 75/8 75/11 75/13		

A		
agree... [3] 439/17 440/5 440/18 agreeable [1] 387/23 agreed [8] 110/19 119/6 276/13 276/17 296/9 322/24 371/3 435/10 agreeing [2] 119/7 283/13 agreement [6] 67/24 387/19 435/11 438/3 440/8 458/10 agrees [1] 389/15 ahead [27] 8/8 16/13 61/7 74/18 92/18 99/5 99/22 122/11 184/5 184/10 186/25 190/17 190/17 194/22 258/18 265/5 272/24 317/1 317/2 318/1 342/2 424/17 426/3 430/19 436/20 451/2 469/18 aid [2] 409/6 429/4 aiding [6] 408/22 409/9 409/14 428/19 429/8 429/12 air [16] 38/12 148/22 149/2 149/4 149/5 150/13 173/16 173/17 174/12 175/20 176/12 176/18 178/17 373/25 444/2 446/1 alarm [5] 154/5 154/5 154/8 157/5 374/13 alcohol [2] 467/2 467/6 alert [3] 257/23 371/5 390/14 alerted [1] 230/5 Aline [1] 11/22 allegations [10] 16/19 17/3 17/23 18/7 18/16 18/25 19/8 31/6 31/8 125/4 allege [2] 390/21 399/1 alleged [7] 92/1 396/22 398/5 398/7 398/11 398/12 405/8 allegedly [2] 270/18 377/2 alleging [12] 17/14 414/2 414/3 414/12 414/15 414/19 414/23 452/25 453/3 453/6 453/9 453/12 Allen [5] 265/20 423/20 438/6 438/9 439/10 allow [15] 86/2 187/11 215/19 226/23 295/1 297/6 297/18 297/21 342/3 353/19 394/7 407/10 418/1 419/13 443/1 allowed [5] 9/2 134/23 186/8 292/22 296/6 allowing [1] 299/1 almost [20] 73/22 73/22 78/8 80/18 86/9 104/2 134/3 134/11 193/12 218/2 219/21 222/21 228/4 311/21 377/8 379/4 381/19 446/5 447/20 467/4 alone [4] 103/4 365/11 367/19 373/13 along [10] 47/6 80/14 152/1 158/19 164/12 227/2 227/25 317/20 324/5 390/17 alphabet [1] 93/15 already [39] 16/24 22/5 66/11 74/5 76/6 78/12 78/23 84/19 106/16 107/11 135/24 136/23 138/7 138/20 157/5 158/2 181/22 194/7 200/2 216/20 219/5 235/15 236/1 274/15 292/24 298/12 343/16 346/9 375/18 378/20 389/2 389/3 393/14 416/5 419/18 436/5 459/18 463/9 469/1 altered [1] 355/21 alternate [3] 59/21 60/7 416/21 alternates [9] 10/20 59/9 62/7 62/10 415/23 416/12 416/14 416/19 417/12 although [5] 112/20 128/15 296/23 323/17 440/3 always [11] 47/4 67/20 100/15 107/14 289/1 297/10 311/10 400/5 410/5 439/16 465/7 am [103] 15/8 15/9 16/18 21/6 25/12 30/6 46/15 49/9 49/22 51/6 51/18 53/14 57/9 60/17 61/1 62/3 65/19 67/7 88/6 99/25 109/9 109/10 122/10 123/9 129/10 129/14 140/17 184/4 184/10 184/23 186/20 186/25 189/24 190/2 190/12 201/22 211/25 226/14 234/2 239/23 241/13 243/17 245/10 249/11 250/14 250/16 251/12 253/5 268/7 268/18 277/19	277/19 285/22 290/17 294/23 296/20 299/1 319/21 322/11 322/12 338/13 338/19 339/3 342/13 343/15 343/15 344/6 344/19 345/8 345/11 353/19 362/5 393/11 415/7 415/14 434/10 436/20 445/4 448/8 449/11 449/13 451/3 454/8 459/3 459/7 463/19 464/6 466/19 466/21 466/21 466/22 466/23 466/23 467/8 467/8 467/9 467/10 467/12 467/13 467/15 467/16 469/5 471/17 Amanda [4] 14/17 48/21 48/22 49/5 Amaro [10] 23/19 115/12 115/16 269/12 269/24 269/25 270/4 328/4 328/15 418/17 Amelia [3] 14/19 48/8 48/9 amended [3] 18/4 18/13 19/6 amendment [3] 339/12 339/14 340/12 amongst [1] 370/10 amount [9] 123/3 447/3 447/7 447/8 447/11 450/14 464/19 464/21 465/11 analogy [1] 271/23 analyst [2] 50/19 50/20 analyze [1] 395/15 and/or [4] 17/6 17/7 128/23 405/25 angle [1] 231/9 another [64] 73/11 74/5 74/9 74/9 74/12 79/15 81/22 93/23 103/12 106/22 107/9 112/23 113/11 115/12 119/11 127/1 132/12 132/25 143/1 145/1 145/23 177/6 196/8 196/20 217/1 220/24 221/6 221/20 223/25 232/4 232/9 239/1 239/18 265/4 276/20 280/24 295/17 348/12 349/5 357/20 362/25 374/4 377/15 377/18 404/13 406/9 407/17 407/23 408/8 408/24 423/9 425/24 427/14 427/20 428/6 428/22 437/24 439/24 443/18 450/20 450/21 456/20 456/24 469/15 answer [44] 19/11 19/19 19/22 28/24 28/24 28/25 44/6 82/23 96/16 100/23 108/19 109/2 109/9 117/7 160/16 160/17 169/10 178/12 186/1 191/17 210/19 213/6 229/23 230/15 267/20 268/1 302/21 313/4 321/24 322/11 322/24 328/23 330/4 335/5 337/6 337/16 370/2 418/12 419/22 420/3 423/18 430/22 436/24 454/10 answered [1] 190/16 answering [8] 11/8 77/24 108/21 108/22 123/16 191/7 322/1 322/2 answers [3] 337/10 361/16 440/25 anticipate [1] 102/19 anticipating [1] 184/1 anxious [1] 122/1 anybody [24] 81/7 81/12 81/14 114/6 118/13 118/24 161/10 165/12 182/16 190/20 194/21 196/14 228/22 228/25 306/2 325/8 326/10 327/3 335/10 336/9 345/20 364/18 390/9 440/20 anymore [3] 116/9 328/25 329/3 anyone [48] 20/20 21/2 21/21 21/22 25/1 25/8 25/10 26/10 27/18 27/19 27/22 28/3 28/5 29/20 31/6 31/11 35/16 35/17 35/21 46/2 62/1 81/25 82/7 87/15 124/3 126/18 126/19 127/11 157/7 165/1 165/21 184/2 184/14 281/18 314/23 334/3 334/9 340/21 345/14 348/5 383/4 386/3 389/16 389/22 391/24 430/12 448/19 457/4 anyone's [2] 342/13 342/17 anyway [6] 102/18 106/17 227/17 352/16 371/10 377/20 anywhere [6] 113/6 176/15 200/5 236/10 308/1 359/6 apart [1] 83/14 apartment [2] 39/21 43/25 apologize [1] 122/18 apparent [1] 177/9	apparently [4] 75/10 335/8 335/11 378/21 appeal [2] 465/25 471/13 appear [3] 154/23 175/23 344/7 appearance [2] 396/4 405/25 appeared [2] 149/24 250/25 appears [2] 468/2 469/10 applicable [4] 124/14 393/10 399/15 414/10 application [6] 112/25 115/8 325/1 325/11 367/23 368/5 applications [1] 50/19 applies [1] 129/13 apply [5] 25/19 126/10 130/21 393/12 393/18 appointed [3] 108/17 321/22 398/1 appointment [5] 71/4 215/2 215/5 215/7 229/2 appreciate [2] 456/18 457/1 apprehend [1] 274/24 apprehended [5] 98/18 101/22 134/20 274/15 365/8 approach [7] 72/13 79/15 92/11 115/19 116/22 129/4 271/24 approached [4] 84/23 84/24 170/22 248/11 approaches [19] 90/22 96/25 105/7 140/21 166/2 171/14 180/11 192/16 201/3 205/17 211/8 242/22 259/15 264/3 269/13 273/10 299/24 304/10 319/3 appropriate [4] 68/20 68/23 413/24 464/8 approximately [5] 83/16 194/10 198/11 199/2 260/8 area [72] 25/16 71/11 71/12 71/23 73/6 76/15 77/15 79/3 80/6 80/20 84/5 84/11 84/15 85/8 85/10 98/10 100/7 115/17 132/11 143/13 183/6 183/7 194/7 196/21 198/16 207/20 209/12 215/19 215/22 215/24 216/8 216/9 216/19 220/3 220/22 221/19 221/20 222/17 223/3 224/10 224/13 224/14 230/6 231/5 231/11 232/20 233/1 233/1 233/20 234/9 234/14 234/15 234/18 237/15 237/21 238/10 240/5 240/6 248/2 266/4 267/15 268/22 268/23 271/10 272/8 272/18 278/14 278/17 278/17 328/1 418/18 418/20 areas [1] 382/11 argue [11] 102/15 103/3 139/14 186/6 317/10 317/17 342/6 342/11 347/6 347/14 458/21 argued [2] 68/17 348/24 arguing [2] 347/7 356/5 argument [3] 102/22 179/19 296/9 arguments [13] 61/12 127/24 130/19 184/21 290/22 343/3 345/7 345/17 345/24 352/15 354/22 354/22 392/17 arise [2] 410/24 410/25 arm [5] 460/11 461/21 462/1 465/5 468/5 armed [60] 17/2 17/12 17/15 124/23 132/15 132/17 132/24 133/10 133/11 134/25 136/4 136/8 139/15 139/16 186/14 199/21 255/24 264/22 347/5 347/22 348/7 348/9 348/23 348/24 349/20 350/3 356/3 356/4 356/6 356/8 356/10 357/13 357/13 357/19 358/5 358/8 361/19 362/4 362/7 370/12 389/6 398/16 399/4 404/9 405/7 405/9 414/3 452/25 458/10 458/18 458/21 459/23 459/24 460/9 465/4 467/14 468/4 468/23 468/24 468/24 Army [1] 57/22 around [70] 75/17 91/24 93/5 94/18 106/12 111/6 112/13 113/6 142/21 148/1 148/17 149/1 149/4 149/24 149/25 151/24 157/18 157/24 162/2 164/14 170/10 175/1 179/21 185/22 190/4 194/8 194/19 195/2 195/23 196/10 207/4 212/6 218/21 220/15 220/19 234/19 236/13 237/5 237/6 239/4 245/22

A		avoid [1] 74/7 awaiting [1] 15/14 aware [14] 26/4 31/15 61/22 480/5/14 177/6 179/11 179/20 226/9 282/4 282/19 282/24 296/25 333/20 away [58] 18/2 18/11 18/20 19/3 73/18 81/1 85/16 88/20 90/6 94/24 95/1 101/13 151/5 151/8 152/12 170/2 178/23 188/14 209/4 209/5 209/7 209/21 218/3 218/25 222/21 224/21 228/10 228/11 231/18 241/2 261/20 315/2 346/19 349/13 357/2 358/13 359/12 362/19 363/3 363/14 363/21 364/5 364/22 364/23 367/5 371/10 389/22 389/25 390/2 390/3 390/5 391/24 404/20 405/1 405/3 406/9 407/2 466/1 awkward [1] 365/1 awkwardly [1] 355/23
B		
around... [29] 267/18 268/22 270/17 270/17 272/19 290/7 290/9 290/11 290/12 324/13 324/16 332/23 345/24 362/13 363/10 366/3 376/15 377/13 378/15 381/1 415/15 417/1 417/1 434/23 457/5 465/19 465/19 466/12 466/13 arranged [2] 408/15 428/12 arrangement [2] 408/14 428/11 arrangements [1] 165/22 arrest [14] 107/8 107/11 118/18 119/9 248/25 251/9 261/12 284/17 320/20 323/18 331/11 335/11 462/25 463/1 arrested [46] 16/15 106/20 111/4 113/8 113/25 119/2 134/25 135/8 135/21 251/5 323/4 324/8 325/17 326/4 326/8 326/10 326/11 327/6 331/8 331/9 333/17 333/22 333/24 333/25 334/3 334/6 334/10 335/7 335/23 365/17 365/18 366/10 367/16 383/2 383/3 383/5 384/7 384/8 384/9 389/2 389/5 391/7 391/8 398/18 462/11 462/17 arresting [1] 335/10 arrests [2] 106/15 320/13 arrival [1] 275/8 arrive [3] 157/7 367/3 441/10 arrived [7] 106/25 157/13 157/14 163/9 199/24 309/22 422/2 arriving [1] 219/14 Arthur [54] 1/7 8/2 16/4 17/3 17/24 18/6 18/8 18/16 18/17 18/24 18/25 20/17 132/5 132/13 132/15 132/20 132/22 133/19 133/22 134/2 134/6 134/9 134/24 135/16 135/21 136/17 139/19 249/2 276/22 277/7 289/9 293/8 303/4 306/5 306/7 306/8 313/1 316/13 330/11 334/3 334/9 335/6 335/6 371/1 385/15 386/19 387/16 388/1 388/12 389/10 389/21 390/13 413/22 452/24 Arthur's [3] 135/16 135/17 135/18 article [1] 405/14 Ashish [3] 22/22 211/7 211/20 Ashley [2] 112/10 332/18 Ashley's [1] 332/23 aside [3] 89/8 380/12 440/15 ASIS [1] 118/12 ask [105] 9/2 10/2 15/21 16/6 19/11 19/13 19/23 20/3 20/13 20/14 22/3 25/12 27/5 27/13 28/5 28/21 46/15 61/18 62/3 66/25 92/5 93/17 100/1 100/14 100/15 108/7 108/13 121/13 123/9 124/4 140/17 149/14 149/18 153/13 159/6 161/4 161/17 174/21 184/25 186/6 186/8 186/17 189/12 189/14 191/9 192/12 199/9 213/16 224/5 226/3 241/11 280/18 280/24 281/20 282/6 286/19 298/18 299/20 311/19 317/17 318/1 318/24 321/13 321/19 324/21 325/5 325/20 326/3 331/17 337/9 343/9 344/10 344/20 345/11 347/16 355/2 361/25 365/9 369/8 369/10 370/14 383/11 385/5 388/25 392/9 392/9 425/7 432/6 436/4 440/24 441/9 444/4 444/5 444/8 445/10 449/13 449/18 450/16 452/19 454/3 454/8 460/18 463/2 463/5 464/24 asked [88] 28/2 46/4 66/2 79/9 79/13 79/16 80/3 80/6 80/21 80/24 94/14 98/25 100/5 100/11 106/19 108/24 109/1 111/2 111/10 112/5 113/5 113/7 113/13 114/16 119/12 122/6 135/22 139/5 139/6 139/24 143/4 143/23 145/10 148/7 151/21 174/20 207/15 207/25 208/7 220/5 224/1 225/24 226/3 226/17 227/10 227/15 228/6 228/7 228/18 262/2 263/13 275/14 276/12 282/12 320/15 323/20 324/9 325/8 327/15 328/22 333/16	333/18 333/21 334/15 336/7 337/3 337/4 337/17 344/4 351/3 367/15 369/11 369/12 370/1 381/9 382/10 383/14 383/18 388/4 388/7 389/3 399/19 416/22 426/18 433/23 446/6 446/9 460/21 asking [20] 69/12 83/10 114/8 115/21 117/16 143/10 146/22 177/5 290/18 327/1 328/2 336/5 432/10 444/4 445/4 445/14 445/15 445/15 448/4 467/16 asks [1] 289/3 assault [2] 32/6 32/7 assaulted [2] 40/7 40/14 Assembly [1] 35/25 asserted [1] 294/7 assertion [1] 411/12 assigned [2] 15/9 62/8 assist [3] 106/19 409/6 429/4 assistance [4] 32/6 388/17 408/24 428/22 assistant [7] 1/17 1/17 47/23 48/10 49/23 54/25 464/2 assisted [1] 392/4 assisting [6] 193/22 360/9 408/2 408/22 427/24 428/19 Association [1] 33/12 assume [5] 218/14 364/24 372/12 391/12 414/6 assumed [2] 335/11 377/16 assuming [2] 293/25 366/19 assumptions [9] 139/3 371/14 371/14 371/18 377/6 377/19 379/10 391/9 391/16 assurance [2] 10/6 187/11 assure [2] 122/20 185/11 astray [1] 406/18 at [559] athletic [2] 214/16 214/18 ATM [12] 77/1 156/1 221/12 240/4 240/5 240/9 240/12 283/2 328/21 337/1 377/12 391/1 attack [2] 292/23 340/7 attacked [2] 43/9 292/25 attempt [1] 231/18 attempting [1] 107/12 attention [16] 92/3 104/6 104/10 130/13 130/15 130/17 140/1 173/3 209/16 212/18 224/8 230/5 355/2 355/11 355/12 363/24 attentive [1] 104/6 attorney [10] 1/19 30/2 30/7 30/21 110/19 128/14 283/16 286/13 340/20 343/16 Attorney's [1] 30/1 attorneys [13] 1/18 27/19 27/24 28/4 29/12 46/8 127/9 128/17 129/1 129/7 129/11 130/15 431/13 attract [1] 363/24 audience [2] 46/22 47/2 audio [4] 66/8 117/21 420/12 420/14 audits [1] 167/14 August [28] 17/4 17/25 18/9 18/18 19/1 70/20 91/21 97/20 106/4 131/21 142/2 142/12 142/24 167/8 172/10 172/22 181/11 194/2 194/3 206/16 212/2 215/1 243/20 260/9 265/1 270/8 274/5 305/19 August 30 [1] 17/25 August 30th [16] 17/4 18/9 18/18 19/1 70/20 97/20 131/21 142/12 167/8 172/10 206/16 243/20 265/1 270/8 274/5 305/19 August the [3] 91/21 106/4 215/1 authority [8] 18/2 18/11 18/20 19/4 358/14 358/20 406/9 407/8 automatically [2] 253/25 432/2 automobiles [1] 207/18 Auntry [5] 23/5 192/15 193/2 193/4 270/14 available [3] 139/24 402/17 419/2	backed [8] 74/1 75/1 86/2 86/4 220/12 236/2 236/10 236/12 background [5] 70/19 111/21 169/21 210/4 397/18 backing [6] 73/21 75/4 85/19 85/25 218/11 219/5 backs [3] 155/25 363/9 377/8 backup [1] 202/8 bad [7] 191/17 275/4 279/15 293/18 382/1 466/15 466/23 badge [1] 30/20 badges [1] 61/14 bag [24] 152/6 153/4 154/21 154/24 154/24 155/17 175/6 175/12 177/12 177/13 177/14 177/15 177/18 177/19 270/19 270/20 270/22 272/8 272/13 272/15 272/16 310/9 310/12 353/13 bail [2] 185/22 186/22 Bailey [1] 24/11 bailiff [10] 61/4 185/2 415/5 415/11 430/18 434/11 444/19 448/13 448/14 452/5 bailiffs [5] 16/1 61/19 185/12 451/4 451/7 balance [3] 328/21 337/1 385/18 Bamberg [1] 35/9 bank [244] 17/9 25/6 65/24 66/16 67/8 67/21 70/21 70/22 71/8 71/11 71/18 73/3 74/10 76/3 76/14 76/16 76/17 77/1 77/3 77/12 78/12 92/1 92/21 93/22 97/19 106/8 106/8 107/13 111/2 111/15 112/1 112/2 112/4 112/18 113/6 114/23 114/25 115/2 115/5 115/14 119/14 119/15 131/22 131/23 132/9 132/13 132/17 132/20 133/7 135/17 141/17 141/21 142/3 142/6 142/9 142/14 142/15 142/19 143/25 144/20 145/4 145/8 145/18 147/10 154/2 154/3 154/10 156/8 157/7 157/15 158/4 158/17 161/8 162/1 164/9 164/9 164/10 164/13 164/14 166/19 166/25 167/3 167/16 167/17 167/20 169/8 169/17 172/7 181/9 181/10 181/11 181/14 181/17 181/20 181/22 182/9 183/3 183/5 194/4 194/6 194/19 194/20 195/2 195/5 195/15 195/23 196/8 196/11 196/15 196/16 200/2 206/9 210/10 210/11 212/25 215/13 215/15 215/22 215/23 220/2 221/10 222/5 222/19 229/18 230/9 230/10 230/14 231/2 231/3 231/4 231/9 231/12 231/15 231/15 231/16 233/15 240/19 244/5 244/8 244/8 244/11 248/18 252/19 257/20 260/11 260/11 261/6 261/10 261/16 264/23 267/9 268/21 270/7 270/15 270/16 270/18 270/19 274/4 274/5 274/7 274/9 275/9 275/10 275/11 276/3 278/18 278/19 281/18 282/6 305/18 308/13 311/4 313/13 313/21 313/25 314/7 314/11

B		
bank... [67] 315/10 316/1 320/3 320/4 323/23 324/21 326/22 327/21 327/22 327/23 327/25 336/18 346/13 346/15 346/18 347/23 347/25 348/3 348/5 348/10 355/22 358/8 358/24 359/1 359/7 359/9 362/8 362/20 363/5 363/15 364/14 364/17 365/12 366/25 371/6 372/16 372/17 372/21 372/22 372/25 373/2 373/4 373/12 374/16 374/20 375/12 375/12 375/15 377/20 386/5 387/3 387/15 388/2 418/6 418/9 418/19 418/20 419/21 420/1 460/4 460/5 460/13 462/3 465/14 468/19 468/25 469/2	belief [2] 402/9 440/7 believability [3] 395/14 395/18 402/11 believable [2] 129/22 361/21 believed [6] 17/17 86/22 133/2 230/24 405/12 405/25 believes [1] 386/15 Bell [3] 14/11 50/8 50/9 belonged [1] 204/20 belonging [1] 358/8 belongings [1] 47/9 below [1] 413/25 belt [1] 465/13 bench [7] 46/9 63/21 129/4 180/7 187/18 284/24 316/21 beneficial [1] 11/5 benefit [2] 401/24 421/19 BENJAMIN [2] 1/13 15/7 beside [1] 206/9 best [4] 286/12 342/13 342/17 364/8 better [8] 68/17 123/2 236/20 253/4 297/16 298/13 302/18 384/14 between [38] 71/11 73/2 81/22 83/21 85/7 85/10 99/9 99/13 104/17 123/18 148/15 152/20 168/5 170/17 186/7 195/4 198/14 206/11 207/12 207/22 210/6 215/22 215/25 221/19 241/8 242/2 262/19 263/5 267/9 267/16 272/7 293/24 333/12 378/25 395/3 403/7 418/20 458/10 beverage [2] 206/24 212/9 beyond [40] 121/5 125/8 137/4 137/21 360/19 360/21 360/23 361/1 361/2 361/4 371/17 371/20 371/22 395/10 398/6 400/8 400/13 400/18 400/24 401/5 401/11 401/13 402/4 402/5 404/1 404/10 404/19 405/6 406/6 407/5 408/17 409/21 410/4 411/23 412/16 420/25 421/7 421/7 428/14 429/18 Bi [1] 42/15 Bi-Lo [1] 42/15 bias [3] 31/15 130/4 396/3 Bible [22] 70/4 90/24 97/2 105/9 140/23 166/4 171/16 180/13 192/18 201/5 205/19 211/10 214/1 242/24 259/17 264/5 269/15 273/12 286/24 300/1 304/12 319/5 big [3] 61/5 118/20 383/10 Biggers [3] 65/12 69/22 69/25 biggest [1] 445/19 biological [1] 327/13 birthday [1] 461/16 bit [20] 78/12 122/24 123/2 138/21 142/19 148/24 184/6 184/8 215/12 234/12 239/15 363/20 367/7 368/15 369/3 384/13 384/14 445/17 463/8 463/18 black [61] 42/6 48/6 49/19 50/6 50/15 51/25 52/12 56/8 56/18 58/18 60/6 73/12 76/1 92/21 93/7 94/7 96/9 98/8 98/10 101/18 101/19 115/20 115/23 132/1 133/23 134/10 182/2 198/1 198/1 199/1 212/13 212/15 212/16 212/18 217/4 219/17 221/8 221/9 222/1 225/13 244/11 244/12 244/22 245/7 246/9 251/23 257/22 260/21 307/18 307/19 315/20 324/4 328/12 366/8 376/17 377/8 377/21 378/21 380/10 380/13 382/5 blacked [2] 358/2 358/4 Bland [1] 24/8 block [1] 272/20 blogs [1] 126/21 blood [5] 20/21 20/23 20/24 25/8 27/18 blue [13] 43/7 94/21 196/25 199/1 230/11 246/17 253/24 254/8 254/14 254/18 254/24 375/13 381/12 blurry [1] 223/19 Blythewood [1] 246/4	BNA [4] 93/1 96/11 245/3 252/3 BNA-593 [4] 93/1 96/11 245/3 252/3 board [1] 36/4 bodily [1] 405/16 body [1] 238/18 BOLO [1] 277/14 BOLO'd [4] 93/10 245/7 247/6 247/13 BOLO'ing [1] 92/19 bolstering [1] 293/2 bomb [1] 405/22 bond [10] 9/1 9/2 9/11 9/24 9/25 10/13 186/18 187/3 187/4 188/10 bonding [4] 10/3 10/17 63/1 188/12 bondsman [3] 63/3 185/22 186/22 Bonefish [1] 55/11 booking [2] 418/2 419/14 border [1] 198/14 boss [1] 416/20 both [19] 45/24 67/20 78/21 84/10 95/6 100/21 133/19 202/7 207/13 262/16 348/24 397/11 402/24 408/25 428/23 431/25 439/9 442/18 442/20 bother [1] 26/4 bottom [2] 109/5 357/1 bounds [1] 406/17 box [19] 47/3 47/19 48/5 48/18 50/5 51/14 54/8 54/20 56/7 57/3 58/4 58/17 59/5 59/19 60/5 118/19 196/21 331/2 361/14 boxed [1] 248/13 boxing [2] 214/21 214/22 Bradley [1] 36/17 brain [5] 69/5 69/8 132/7 297/11 410/9 brains [1] 367/1 brakes [1] 89/4 branch [7] 142/6 155/24 167/2 172/21 173/19 177/22 177/25 break [36] 10/24 61/2 61/3 61/22 63/25 63/25 64/5 121/8 121/9 122/12 122/13 122/24 185/17 190/24 207/18 258/18 258/23 259/5 317/2 318/11 338/14 354/3 422/13 423/12 425/22 435/4 437/21 439/1 441/22 442/7 443/15 445/11 451/15 468/4 469/14 469/15 break-ins [1] 207/18 breaking [1] 255/9 Brian [1] 48/23 Brickyard [4] 91/24 95/7 113/2 247/21 brief [2] 274/17 384/3 briefly [3] 136/23 258/8 346/19 bright [6] 77/6 89/17 113/14 115/23 325/18 364/16 brightness [1] 104/15 bring [35] 9/15 47/9 121/7 122/14 158/9 189/19 189/20 192/1 259/6 276/19 286/21 318/13 318/15 320/17 342/4 344/9 344/14 354/4 354/15 419/5 422/14 423/24 424/2 424/20 424/25 427/1 433/7 433/15 439/2 444/3 444/18 447/21 449/13 450/4 451/18 bringing [4] 16/22 345/20 426/2 444/11 Brittany [16] 17/7 19/3 19/24 20/5 144/25 150/22 151/2 152/7 175/2 276/14 349/2 349/16 353/21 399/12 414/12 453/4 Brittany's [2] 151/24 152/8 broker [1] 52/18 Brooklyn [4] 288/1 288/2 301/2 301/3 Brooks [1] 49/24 brother [4] 34/20 34/22 35/1 44/11 brought [21] 16/19 19/9 113/19 119/1 125/2 137/5 137/11 140/1 276/20 315/10 320/16 326/14 331/13 331/16 333/19 349/19 366/19 368/20 370/9 383/11 398/25 Brown [3] 14/1 52/2 52/3

C		
character... [9] 293/11 293/15 294/15 294/19 295/13 295/14 295/16 296/5 296/15	claims [2] 114/1 394/17	326/13 326/23 327/1 327/8 327/12 327/15 327/17 327/22 327/23 327/24 328/13 328/19 334/15 334/23 335/2 335/7 335/18 336/2 336/17 336/18 337/20 346/24 348/8 355/15 355/20 356/13 356/20 357/8 357/12 358/24 359/11 370/7 372/15 373/22 374/10 374/16 374/22 375/18 377/14 378/13 378/24 382/4 383/2 384/11 384/22 386/11 386/13 386/25 387/22 389/14 392/4 418/8 419/25
characteristics [1] 397/12	clarify [1] 102/8	Colon's [7] 134/19 286/13 292/1 293/2 294/17 294/18 328/5
charge [59] 5/6 7/8 7/12 61/12 123/20 124/12 124/13 125/2 130/19 184/22 281/22 317/10 317/18 317/22 323/24 342/6 342/11 345/7 345/18 345/25 351/22 352/10 353/17 353/21 354/23 355/3 358/17 392/14 392/18 393/9 400/2 400/4 421/23 423/20 427/8 431/20 431/24 432/4 432/9 432/18 432/20 433/6 433/8 433/25 434/22 434/25 438/6 438/9 439/11 442/16 443/4 447/5 462/4 462/11 462/18 462/24 464/24 467/14 467/17	classes [1] 467/6	Colonial [1] 52/16
charged [24] 16/15 110/21 110/22 111/11 124/22 132/15 136/20 191/2 323/18 323/21 357/11 357/12 398/18 399/18 399/24 401/21 402/3 403/25 404/9 406/3 406/5 421/15 432/6 465/19	claycomb [1] 22/25	color [7] 96/8 98/10 217/15 247/10 250/18 251/22 277/3
charges [17] 16/21 136/21 342/8 342/19 342/25 352/3 370/5 370/15 398/15 398/23 399/3 399/13 423/16 424/9 461/19 462/17 467/7	clean [1] 416/10	colored [4] 257/11 257/12 277/4 306/19
chasing [4] 93/23 301/11 366/5 366/6	clear [7] 164/8 220/16 233/2 348/15 379/3 389/12 448/3	Columbia [4] 1/9 58/9 181/5 201/22
check [38] 115/8 145/16 146/1 146/5 146/6 146/9 146/11 146/12 146/13 146/17 147/6 159/12 168/17 168/22 173/12 173/15 173/18 173/21 185/25 284/5 305/24 305/25 309/2 309/6 309/8 313/13 313/17 313/23 328/21 367/22 373/1 373/3 373/4 426/1 436/16 462/3 466/15 466/16	clearer [3] 426/10 429/24 441/7	combative [3] 214/18 214/21 214/23
check-writing [2] 145/16 147/6	Clemson [1] 464/10	come [82] 9/15 9/23 10/5 46/16 61/6 63/17 74/18 81/2 84/10 84/18 84/21 92/24 92/25 100/1 102/5 120/9 122/1 186/15 186/16 186/23 187/9 187/23 188/1 202/6 207/2 217/23 224/17 228/15 232/8 237/18 238/6 245/4 245/6 245/16 251/4 253/25 290/11 290/12 299/5 301/6 303/20 317/17 317/18 318/7 323/3 356/17 372/10 372/18 375/23 390/18 391/20 416/12 417/15 417/20 422/11 422/12 423/9 424/1 426/8 429/23 430/1 430/7 433/3 434/20 440/23 441/16 445/11 445/14 446/5 446/9 446/18 446/20 447/14 448/6 448/9 448/15 448/17 451/5 457/14 463/15 464/13 468/9
checked [6] 78/21 196/14 278/2 278/4 337/1 385/18	closed [1] 78/13	comes [12] 11/1 143/18 185/4 298/19 299/15 346/23 353/4 361/11 377/7 377/22 385/16 425/25
checking [3] 162/10 250/24 251/2	closer [9] 77/21 78/17 85/15 151/13 221/22 222/25 223/20 271/25 464/25	comfortable [2] 189/17 283/23
checks [1] 448/14	closest [3] 86/7 87/25 220/12	coming [21] 73/5 76/7 76/9 94/2 104/8 154/16 158/2 196/17 198/12 200/21 216/19 223/17 234/6 268/22 290/7 290/9 309/23 310/15 310/16 447/1 459/2
chief [1] 66/23	closing [10] 5/4 5/5 343/3 345/7 345/23 354/21 354/22 355/7 370/20 391/6	Commanded [1] 374/1
child [7] 21/7 295/21 296/16 296/19 296/24 464/4 468/18	clothes [3] 82/5 228/1 251/17	commands [2] 374/1 381/15
child's [2] 21/14 21/14	clothing [1] 86/17	comment [6] 125/15 129/12 168/5 393/23 419/21 420/2
childcare [1] 121/22	Clyde [1] 55/25	commission [9] 17/17 214/16 405/11 409/2 409/5 409/7 428/24 429/3 429/5
children [4] 21/7 228/19 228/19 229/5	co [13] 67/13 67/17 68/3 69/1 104/8 115/11 162/21 172/13 286/5 292/2 292/3 348/14 355/14	commit [9] 17/5 136/4 387/20 407/17 408/8 409/12 427/14 428/6 429/10
choice [1] 380/2	Co-Defendant [8] 67/13 67/17 68/3 69/1 104/8 115/11 292/3 355/14	commitments [1] 342/15
choir [1] 38/3	Co-Defendant's [2] 286/5 292/2	commits [4] 359/25 408/21 409/3 428/18
choose [4] 262/11 345/4 415/17 456/21	Co-Defendant/cousin [1] 348/14	committed [14] 356/3 359/18 360/16 402/2 404/2 407/14 408/6 408/10 409/13 427/11 428/4 428/8 428/25 429/11
chose [1] 460/11	co-worker [1] 162/21	committing [9] 359/19 360/10 399/24 407/15 408/2 408/22 427/12 427/24 428/19
Chris [1] 23/24	co-workers [1] 172/13	common [21] 71/11 73/2 73/5 73/6 76/14 85/11 215/24 216/7 231/5 232/20 239/20 360/4 407/21 408/15 409/1 409/12 412/14 427/18 428/12 428/23 429/9
chronological [1] 372/14	coasting [1] 89/3	communicated [1] 62/14
chronologically [3] 375/7 380/4 383/1	Coca [1] 56/13	communication [1] 126/22
Church [1] 246/15	Coca-Cola [1] 56/13	communications [2] 57/10 204/2
circle [9] 112/15 324/18 332/25 412/21 413/1 413/10 413/24 414/9 414/18	cocktail [1] 405/22	company [8] 10/4 10/17 52/17 63/1 154/6 185/24 188/12 208/23
circled [1] 413/12	Code [5] 17/19 18/4 18/13 18/22 19/5	compare [2] 138/15 140/12
circles [1] 231/7	coerced [2] 120/7 120/20	compared [3] 162/24 248/16 464/21
circuit [7] 15/8 27/12 29/25 30/1 413/20 471/9 471/24	coercion [5] 109/12 109/15 322/14 322/18 397/7	compelled [1] 339/15
circumstances [18] 101/11 101/23 103/7 104/22 120/24 292/14 292/23 394/21 398/4 402/25 403/3 405/18 409/19 410/6 410/11 410/19 410/22 429/16	coincidence [1] 356/20	competent [4] 392/25 408/18 428/15 441/6
circumstantial [5] 394/15 394/20 394/24 395/4 395/6	Cola [1] 56/13	Compiles [1] 27/15
citizen [1] 468/25	collared [3] 94/7 244/22 247/11	complaining [2] 435/21 435/23
city [8] 26/12 26/18 26/19 26/20 26/22 58/9 58/9 456/23	collateral [1] 394/23	complete [5] 75/8 134/11 225/4 404/24 471/11
CIU [1] 58/22	collects [1] 280/10	completely [4] 220/10 363/17 364/9 379/19
civic [1] 457/1	college [2] 54/13 54/14	
civil [2] 401/6 421/2	Collin [1] 287/21	
civilian [1] 36/2	Cologne [7] 287/22 287/23 300/24 300/24 325/16 325/16 327/15	
claim [1] 339/11	Colon [118] 22/12 22/23 67/13 67/17 68/11 68/25 113/13 113/17 113/22 114/2 114/9 114/11 114/12 114/15 114/15 114/19 114/24 115/4 115/22 131/22 132/6 132/12 132/20 133/9 133/15 133/19 134/21 135/10 135/13 135/23 135/24 136/1 160/23 161/25 167/20 169/25 173/1 274/23 276/6 276/17 279/6 283/4 283/4 284/14 286/14 286/15 287/19 287/21 287/22 287/23 292/18 293/7 300/11 300/14 300/23 304/9 304/21 304/22 305/1 316/13 323/6 323/11 324/8 325/7 325/16	
claimed [2] 113/9 113/10		

C		A. 484
complex [4] 39/21 133/13 134/6 352/14 complicated [1] 138/24 complied [1] 256/12 complies [39] 20/19 21/20 27/6 27/9 63/10 70/5 72/16 90/25 92/14 97/3 105/10 123/14 123/25 140/24 141/7 166/5 171/17 180/14 192/19 201/6 205/20 211/11 214/2 233/10 242/25 244/16 245/25 259/18 264/6 268/11 269/16 273/13 286/25 300/2 304/13 319/6 338/24 381/15 452/7 composure [1] 174/20 compound [1] 251/10 computer [2] 127/3 190/22 conceive [1] 355/17 concept [1] 196/24 concern [3] 32/1 468/20 469/4 concerned [1] 345/8 concerning [1] 396/16 concluded [1] 469/23 conclusion [3] 131/4 411/15 468/10 condition [7] 292/2 293/16 294/18 294/19 295/18 295/23 296/16 conditions [1] 402/18 condone [1] 407/10 conduct [3] 296/2 409/18 429/15 conducted [2] 95/4 255/18 confer [1] 190/7 conference [4] 46/9 180/7 284/24 316/21 confess [1] 279/22 confessed [1] 386/10 confessing [1] 312/9 confession [2] 120/6 186/15 confine [8] 18/1 18/10 18/19 19/2 358/12 358/22 358/23 406/16 confined [5] 349/8 358/17 358/19 359/1 406/7 confining [1] 133/3 confirm [2] 246/19 247/4 confirmed [1] 135/8 conflicting [1] 330/2 confront [3] 133/21 309/12 386/20 confrontation [1] 104/18 confronted [8] 116/6 207/25 309/11 328/17 329/1 336/23 367/25 368/8 confronting [1] 384/19 confronts [3] 133/21 362/25 385/16 confused [10] 79/17 114/7 226/8 326/24 326/25 327/3 336/4 337/10 363/1 368/3 congested [3] 99/8 262/5 262/18 congestion [1] 99/11 congratulations [1] 381/25 connection [3] 129/12 129/19 362/16 conscientious [1] 441/6 conscientiously [1] 125/22 conscious [1] 410/20 consciously [1] 406/12 consent [4] 432/1 436/4 442/18 442/20 consequence [3] 360/3 407/20 427/17 consequences [2] 340/13 411/2 consider [36] 120/6 124/15 126/4 127/19 130/3 130/9 138/19 139/21 140/4 374/9 392/9 392/25 393/5 396/1 396/4 396/17 397/11 397/14 398/4 398/14 402/11 402/13 403/6 403/16 403/18 403/19 412/2 412/7 412/11 419/18 419/23 434/5 440/9 440/10 440/12 463/5 consideration [6] 340/16 398/9 401/19 410/18 411/7 421/13 considered [8] 16/17 398/19 411/2 411/6 411/9 411/13 431/24 459/10	consistency [1] 369/7 consistent [7] 116/10 116/12 368/16 372/24 379/17 396/8 458/9 consistently [1] 463/21 constitution [1] 339/13 constitutional [2] 397/21 411/11 construction [2] 208/22 412/13 constructive [2] 408/13 428/10 consult [1] 439/23 contact [14] 10/17 63/2 73/24 95/13 107/6 162/9 171/1 245/4 245/6 245/16 246/7 246/18 261/4 274/16 contacted [7] 71/25 106/14 270/12 270/14 320/14 374/14 374/15 contain [1] 16/21 contains [2] 125/4 398/23 contention [1] 128/19 continue [27] 108/4 165/23 186/19 192/11 220/14 234/23 236/17 259/11 260/19 262/17 300/17 318/22 325/13 327/11 364/20 415/17 422/6 423/4 423/25 424/11 425/13 425/17 432/6 433/22 434/17 441/13 450/22 continued [2] 94/17 236/18 continues [2] 11/4 377/13 continuing [1] 329/2 contractor [2] 38/21 181/8 contradictory [1] 396/11 contributes [2] 33/6 33/11 contributor [1] 31/25 control [2] 149/10 404/16 controlling [1] 367/2 convenience [2] 346/9 436/9 conversation [9] 68/12 99/20 146/22 173/14 238/24 239/3 275/14 333/9 333/16 conversing [11] 73/11 217/1 217/9 217/22 218/6 219/10 229/17 232/9 234/20 239/10 239/11 convict [7] 391/15 392/7 402/7 408/10 409/8 428/8 429/7 convicted [2] 186/12 399/17 conviction [1] 440/6 convictions [3] 186/14 292/23 340/1 convinced [8] 360/22 361/5 392/6 395/9 401/14 401/20 421/9 421/14 convinces [1] 395/17 cool [2] 214/25 366/16 cooperating [1] 135/24 cooperative [2] 293/4 463/13 cop [3] 230/13 260/7 375/11 copies [2] 137/6 432/21 Coples [1] 11/18 copy [18] 108/1 118/15 118/23 161/17 256/23 321/6 331/3 418/3 419/15 426/5 432/22 432/25 432/25 433/17 433/24 434/1 434/14 462/4 corner [6] 76/13 94/18 164/16 194/14 231/20 390/8 cornrows [1] 199/2 Corporal [3] 192/14 193/2 193/8 corporate [1] 275/20 correct [75] 71/3 76/5 77/16 82/13 82/17 86/11 87/1 88/2 89/15 90/9 91/19 95/11 108/3 110/13 117/17 117/20 125/23 132/11 135/5 153/19 154/12 158/18 160/24 160/25 204/18 206/10 207/3 209/3 210/18 212/3 212/5 229/19 235/11 235/19 235/21 236/23 237/8 240/2 240/19 247/5 253/17 254/15 255/11 256/1 256/5 257/4 257/5 280/7 284/18 291/2 312/7 312/12 322/22 323/13 323/14 326/1 329/6 329/8 329/15 329/18 329/20 330/12 330/13 331/10 332/15 332/16	333/3 333/10 333/24 334/6 334/11 336/18 337/1 337/13 373/5 Correctional [1] 33/24 Corrections [1] 469/6 correctly [4] 190/16 222/13 226/15 266/10 correctness [1] 440/14 cost [1] 398/2 cotton [1] 143/1 couldn't [9] 174/1 186/23 197/5 236/24 261/16 261/21 328/23 355/17 375/3 counsel [20] 96/17 100/24 130/19 160/16 169/11 178/12 210/19 213/6 229/23 268/2 285/20 302/21 313/5 330/5 361/16 362/4 366/19 387/11 393/8 471/18 counsel's [1] 101/12 count [2] 55/21 414/11 counter [3] 165/7 176/16 178/19 counterfeit [1] 462/2 counterfeiting [1] 460/3 country [1] 137/25 counts [8] 124/23 132/16 136/8 398/16 406/4 448/14 459/23 468/5 COUNTY [57] 1/2 15/8 17/4 17/25 18/9 18/18 19/1 23/4 23/5 23/8 23/11 23/13 23/14 23/18 23/19 23/21 23/25 24/3 24/6 24/9 24/12 24/15 24/18 24/21 24/24 27/11 27/17 34/25 35/2 35/19 37/1 37/20 38/14 49/10 60/20 91/14 91/20 105/25 193/3 194/5 199/4 209/22 243/16 243/19 260/2 264/21 270/5 271/6 277/18 278/17 319/21 320/5 321/10 413/19 452/23 471/5 471/14 couple [10] 68/13 151/9 163/10 164/21 240/24 274/8 290/13 302/16 383/20 461/19 course [15] 38/22 47/5 67/2 86/3 114/22 191/8 202/10 202/19 260/14 317/13 327/20 343/13 394/5 436/21 448/16 Court's [44] 82/20 89/23 100/25 117/5 117/9 119/16 136/13 160/13 163/11 164/5 178/10 183/12 183/17 198/7 198/19 204/24 213/7 229/20 240/16 252/4 258/5 263/18 272/25 278/21 279/23 284/10 302/22 304/1 312/4 315/4 337/22 422/8 423/6 425/19 427/2 435/2 436/18 437/12 438/24 442/1 442/3 443/6 444/20 444/25 courthouse [1] 437/6 Courtney [13] 17/8 18/11 20/9 22/15 145/2 150/20 166/1 166/13 166/14 176/24 399/8 414/20 453/10 Courtney's [2] 148/10 148/13 courtroom [37] 11/7 15/3 15/5 15/21 19/25 22/3 49/4 49/18 50/14 51/2 51/24 52/11 52/24 53/10 53/22 55/7 55/18 56/17 57/17 62/13 123/8 127/20 129/6 129/16 131/1 139/15 185/4 190/9 276/25 286/22 312/21 416/14 417/4 444/23 446/22 446/24 450/6 cousin [53] 45/9 69/2 69/2 113/20 114/1 114/9 114/11 114/15 114/20 132/5 132/8 132/9 135/22 135/25 136/4 289/13 289/14 303/7 314/10 314/25 323/2 326/16 326/18 326/20 327/12 334/18 334/19 334/21 335/14 335/19 335/24 336/1 348/14 356/17 359/11 364/23 366/25 367/12 368/1 368/2 369/4 369/23 371/6 384/15 384/20 390/17 390/24 460/12 465/9 465/9 468/15 468/25 469/12 cousins [4] 327/9 327/13 334/24 335/16 covered [3] 308/9 352/4 403/21 Cowan [4] 12/17 59/22 59/23 416/15 coward [2] 136/3 465/14 crawl [2] 89/1 356/22 create [1] 398/21 created [2] 202/19 202/23 creating [1] 437/7

C		
credibility [10] 138/21 138/22 139/9 292/24 340/8 361/21 379/7 395/13 395/14 403/16 credible [2] 347/2 347/15 credit [1] 469/7 creek [2] 272/8 272/19 crime [61] 32/7 39/15 103/23 104/17 119/11 119/13 132/23 190/21 194/1 260/23 320/21 335/8 356/14 359/18 359/20 360/17 387/20 388/14 388/15 388/17 391/15 400/5 401/20 402/2 403/7 403/24 404/3 407/14 407/15 408/5 408/7 408/8 408/9 408/20 408/21 408/23 409/2 409/3 409/5 409/7 409/8 409/13 409/13 410/1 421/15 427/11 427/13 428/3 428/5 428/6 428/7 428/17 428/18 428/20 428/25 429/1 429/3 429/5 429/6 429/10 429/10 crimes [4] 124/23 340/3 357/11 370/13 criminal [21] 15/11 32/6 49/12 339/15 360/20 399/24 400/3 401/10 401/17 409/23 409/24 410/2 410/3 410/4 410/10 410/20 410/24 411/3 412/8 421/5 421/11 criminally [3] 360/1 407/18 427/15 criminals [1] 91/18 cross [34] 2/4 2/12 2/15 2/19 2/22 3/3 3/6 3/11 3/14 3/18 3/23 4/3 4/7 4/12 4/17 83/2 101/13 117/11 160/20 169/14 178/14 199/19 203/20 213/9 230/1 252/11 268/5 280/4 290/24 313/8 330/8 339/24 369/14 373/10 cross-examination [17] 83/2 117/11 160/20 169/14 178/14 199/19 203/20 213/9 230/1 252/11 268/5 280/4 290/24 313/8 330/8 369/14 373/10 cross-examined [1] 339/24 crouched [1] 362/24 crowd [1] 466/13 Crown [1] 56/1 crying [1] 381/20 cubicle [2] 334/20 335/25 cuff [1] 100/18 culpability [2] 346/23 348/16 culpable [1] 348/2 currency [1] 17/10 currently [3] 54/24 91/16 243/17 custodian [1] 25/2 custody [4] 9/10 86/20 86/23 107/1 customer [5] 145/2 162/6 167/11 167/12 372/17 customers [4] 145/10 151/17 172/21 173/4 cut [1] 277/17	357/21 357/22 405/8 405/10 405/12 405/14 405/17 405/19 405/23 406/1 deal [7] 67/10 67/19 67/20 352/6 383/10 461/21 468/4 DEANDREA [2] 1/13 15/7 death [3] 405/15 407/25 427/22 Debbie [6] 15/17 15/22 352/25 435/7 435/20 437/9 DEBORAH [7] 1/24 14/7 51/5 51/6 471/8 471/22 471/24 deceitful [1] 406/20 decent [1] 87/4 deceptive [1] 329/24 decide [32] 62/11 74/6 74/11 108/19 121/4 125/10 127/23 129/21 138/9 138/14 138/16 139/17 293/7 314/1 316/25 321/24 339/22 340/9 340/14 350/2 350/13 353/16 372/4 372/5 386/25 387/1 396/9 396/13 398/10 399/14 414/9 415/19 decided [11] 112/24 115/3 216/20 311/4 324/25 331/17 373/7 373/11 387/5 388/12 435/13 deciding [4] 130/2 137/7 138/18 139/21 decision [21] 138/12 138/13 283/24 314/4 340/9 340/13 340/22 372/11 373/13 373/14 387/4 387/6 387/11 387/14 389/8 389/8 389/9 397/1 399/16 434/4 436/11 decisions [1] 463/20 declare [3] 440/19 441/19 447/4 decoy [8] 18/1 18/10 18/19 19/2 358/12 406/21 406/21 406/22 decoyed [1] 406/8 deem [1] 398/10 deeper [1] 368/14 Defendant [136] 1/8 1/19 16/15 16/21 20/14 20/16 20/21 20/24 21/4 21/24 31/16 45/17 45/24 62/25 63/10 67/13 67/17 68/3 69/1 99/17 101/11 101/22 103/16 103/23 104/8 104/8 104/12 106/21 107/5 113/15 115/11 116/1 120/16 120/20 121/2 123/19 124/21 125/5 128/3 128/14 131/17 195/22 289/9 292/3 305/11 338/19 338/21 344/20 345/3 347/21 348/14 355/1 355/14 395/9 395/11 396/23 397/2 397/3 397/5 397/12 397/15 397/21 398/13 398/15 398/17 398/24 399/2 399/17 399/21 399/23 400/3 400/11 400/16 400/16 400/17 400/22 401/5 401/20 401/21 401/23 401/24 402/2 402/6 402/7 402/11 403/3 403/9 403/13 404/2 404/6 404/8 404/11 404/20 404/25 405/7 406/3 406/4 406/6 407/4 407/5 407/6 408/9 408/11 409/19 410/22 411/5 411/8 411/11 411/16 411/17 411/20 411/22 411/24 412/5 412/21 412/24 414/4 414/13 414/17 414/21 414/25 417/4 420/25 421/15 421/16 421/18 421/19 428/7 428/8 429/16 453/1 453/5 453/8 453/11 453/14 456/17 Defendant's [17] 69/1 69/2 286/5 292/2 293/16 348/16 349/23 353/20 397/15 397/16 397/17 397/18 400/18 400/24 401/14 404/23 421/9 defense [66] 46/24 47/16 48/2 48/15 49/1 49/7 49/15 49/20 50/2 50/24 51/4 51/11 52/8 52/13 52/21 53/1 53/7 53/12 53/19 53/24 54/5 54/17 55/4 55/9 55/15 55/20 55/22 56/4 56/25 57/14 57/19 57/25 58/13 59/1 59/10 59/16 60/2 60/13 82/23 96/16 100/23 101/12 117/8 131/11 160/16 169/11 178/12 191/21 210/19 213/6 229/23 268/1 285/20 286/13 302/21 313/5 330/4 339/11 344/23 354/13 356/4 361/15 362/4 366/19 416/3 454/2 defined [1] 132/24	define [1] 241/6 definitely [4] 210/1 224/17 224/20 467/10 definition [3] 371/24 418/11 420/15 definitive [1] 337/8 degree [4] 104/5 104/10 292/11 395/5 Del [15] 17/6 18/2 20/11 21/12 22/14 140/20 141/10 141/12 141/16 167/4 168/5 176/21 399/6 414/24 453/13 deliberate [6] 391/19 415/16 415/17 423/25 445/8 450/23 deliberated [5] 443/20 445/1 456/15 458/17 459/10 deliberating [2] 343/13 433/7 deliberation [5] 411/7 411/13 415/13 447/3 459/20 deliberations [29] 126/17 372/3 400/10 415/2 415/9 417/22 422/7 423/5 424/11 425/14 425/18 430/9 430/16 430/17 430/19 433/23 434/3 434/16 434/18 437/20 441/10 441/14 443/14 444/7 447/18 447/19 448/11 448/12 449/6 deliverance [1] 123/18 delivered [1] 344/2 demand [3] 306/23 306/24 312/1 demanding [2] 132/2 307/2 demeanor [1] 68/10 demographics [1] 110/17 denied [8] 114/24 114/25 327/24 337/20 349/24 351/18 386/6 459/12 Denno [3] 65/9 69/22 105/3 dent [10] 96/13 96/15 101/19 134/10 219/17 225/14 229/15 251/21 251/24 365/6 dental [1] 49/24 deny [6] 337/21 350/2 353/19 387/24 459/3 459/7 denying [1] 386/7 department [55] 23/4 23/6 23/8 23/11 23/13 23/15 23/18 23/20 23/22 23/25 24/3 24/6 24/9 24/12 24/15 24/18 24/21 24/24 26/17 32/21 34/24 35/3 35/20 36/6 38/13 52/4 56/12 57/9 57/22 81/3 82/17 91/14 91/21 97/17 105/25 106/23 107/17 108/6 193/3 193/11 193/15 214/24 228/15 228/21 252/23 260/2 264/21 270/5 274/2 319/22 319/24 321/8 321/11 323/7 469/6 depending [2] 188/16 412/9 depends [3] 184/7 342/7 405/17 deposit [3] 143/11 145/17 146/23 deposits [1] 142/8 deprive [2] 17/11 404/21 deputies [8] 106/20 198/12 209/17 274/14 274/16 275/7 278/11 280/19 deputies' [1] 275/2 deputy [30] 23/5 23/7 23/14 24/2 24/5 24/8 24/11 24/14 24/17 24/20 24/23 35/2 36/4 36/17 36/17 106/25 111/5 193/19 199/21 264/2 264/19 264/20 265/20 268/7 268/12 281/2 281/4 281/5 281/22 381/2 Derrick [1] 265/20 Desai [5] 22/22 211/7 211/20 211/24 213/11 describe [10] 69/6 80/3 156/7 169/16 217/3 219/16 225/3 231/8 253/4 265/19 described [5] 17/10 98/7 98/8 101/17 101/17 describing [1] 174/1 description [46] 6/2 7/2 75/14 75/19 80/22 82/6 92/20 92/24 92/25 94/2 94/5 94/6 94/11 95/16 98/20 98/22 104/16 134/9 134/9 158/7 158/10 158/10 158/12 161/9 161/11 161/19 198/24 220/6 225/4 227/2 228/8 228/9 244/6 244/7 244/10 244/18 245/7 246/19 246/21 247/12 252/21 260/25 261/2 324/5 365/5 365/6
D		
D-E-L [1] 141/10 dagger [1] 405/21 Dakota [5] 92/21 93/7 115/24 244/12 245/8 Dale [1] 22/25 damage [4] 75/15 89/12 96/12 251/20 dance [2] 416/21 416/22 dark [1] 217/4 darker [1] 257/15 darn [1] 423/18 Dash [3] 6/3 135/1 253/19 data [1] 50/20 date [3] 9/22 212/4 415/4 daughter [3] 112/12 324/12 467/19 David [1] 12/3 day's [1] 383/19 days [4] 185/7 468/23 471/15 471/16 dead [2] 59/13 277/25 deadlocked [2] 423/22 441/17 deadly [15] 17/13 17/15 17/18 133/1 133/2		

D		A. 486
deserves [2] 396/21 467/11 deserving [1] 467/15 design [2] 409/12 429/9 desk [5] 51/19 112/20 161/24 162/4 270/10 despicable [1] 370/14 despite [1] 286/12 destroys [1] 153/23 detail [2] 339/6 383/22 detailed [2] 220/6 225/12 details [11] 86/18 139/8 224/25 225/10 225/17 226/10 295/2 324/2 324/3 331/25 397/12 detained [2] 187/1 188/17 detector [2] 271/14 271/23 detention [2] 106/24 397/19 determination [2] 125/23 410/13 determine [21] 68/18 94/10 125/13 125/16 125/18 128/2 130/1 130/20 394/10 394/10 395/12 395/16 396/12 397/4 398/8 398/12 402/10 406/2 410/9 410/21 412/3 determined [2] 396/24 410/5 determines [1] 340/4 determining [5] 125/21 129/20 395/18 396/17 397/10 Development [1] 52/16 device [13] 152/1 152/6 152/17 153/25 270/24 270/25 271/7 271/12 271/13 271/14 271/17 271/25 272/11 diagnosed [1] 302/9 Diana [14] 22/17 66/6 70/2 70/13 70/14 97/25 133/25 134/23 135/6 204/20 213/23 214/10 214/11 363/4 Diane [1] 70/1 Diaz [2] 37/11 37/12 did [442] 9/18 14/25 17/3 17/24 18/8 18/17 18/25 30/3 66/7 66/13 66/15 71/15 72/6 72/9 77/17 78/9 79/4 79/15 79/25 80/9 80/25 81/12 84/2 84/10 84/18 86/1 86/1 87/10 87/12 87/20 88/14 88/16 91/23 92/5 92/7 92/24 92/25 93/11 94/13 94/20 94/22 95/12 95/16 95/18 95/19 97/19 97/21 97/22 97/24 98/4 98/6 98/17 98/23 99/16 99/18 99/19 100/3 100/4 100/19 100/20 106/6 106/10 107/6 109/16 110/1 110/2 110/11 110/15 110/25 110/25 111/3 111/11 111/19 112/8 113/16 113/17 113/18 115/9 115/12 116/7 116/15 116/17 117/17 143/9 144/9 144/11 146/12 146/14 146/14 148/5 149/5 149/8 150/16 150/20 150/22 157/7 157/12 158/6 158/14 159/21 160/23 161/1 161/4 161/17 161/22 161/22 162/1 162/13 162/16 162/23 163/17 163/18 165/10 165/12 168/1 168/4 168/6 168/21 168/24 169/7 170/10 170/25 171/3 172/25 173/2 173/15 173/18 174/7 174/20 174/21 174/23 176/12 176/14 176/18 176/21 176/24 177/11 181/14 181/15 181/16 181/18 181/19 181/25 181/25 182/8 182/15 182/15 182/21 182/25 183/1 183/4 193/13 194/1 194/2 194/10 194/13 194/14 194/17 195/21 196/15 197/9 197/24 198/22 198/22 199/3 206/23 207/2 207/8 207/14 207/16 208/15 209/6 209/11 209/13 209/24 212/6 212/23 215/5 215/16 216/3 216/10 218/12 218/14 218/16 218/18 218/20 218/23 219/20 221/14 221/15 222/20 224/13 224/21 225/2 225/4 225/22 225/25 228/17 228/25 232/10 232/13 236/6 236/7 236/17 238/9 241/19 244/2 244/6 244/18 245/1 245/3 245/4 245/5 245/6 245/16 246/3 246/6 246/12 246/17 246/18 246/25 247/3 247/4 247/7 247/14	248/6 248/25 249/3 249/5 249/6 251/8 251/15 251/20 252/17 254/18 254/19 255/7 256/8 256/11 256/13 256/14 256/19 256/19 257/25 258/1 258/2 258/4 258/11 260/11 260/12 261/4 262/11 263/15 264/22 264/25 265/2 265/8 265/10 265/11 265/13 265/14 265/16 270/7 270/9 271/2 271/4 271/15 272/21 274/4 274/12 274/12 274/20 274/24 274/24 274/25 275/6 275/10 275/12 275/21 276/3 276/10 276/19 277/7 277/10 277/12 277/16 278/4 278/13 279/7 279/22 279/22 281/17 281/20 281/22 281/24 282/2 282/6 282/12 282/17 282/21 283/5 283/10 283/11 283/12 283/17 284/1 284/1 288/2 288/7 288/15 288/21 288/22 288/23 289/18 289/24 290/8 290/9 293/7 293/7 301/8 301/19 301/21 302/4 302/4 302/6 302/7 302/7 302/11 303/9 303/10 306/2 306/10 306/19 306/22 307/13 308/13 308/15 309/6 309/12 309/14 309/18 309/19 309/23 309/25 310/12 311/1 311/8 312/11 312/14 314/23 314/25 315/2 322/6 322/7 323/2 323/15 325/6 325/11 325/24 326/3 326/6 326/12 327/9 328/9 328/22 329/2 329/14 329/16 329/21 330/18 330/19 331/25 333/4 335/2 336/6 336/8 336/9 336/10 336/19 336/24 337/16 337/20 337/21 338/2 340/16 340/18 346/19 346/20 346/24 349/2 351/2 353/9 355/18 358/7 359/21 359/21 361/6 361/22 364/1 367/9 368/4 368/13 368/18 369/16 369/20 370/2 370/3 370/3 370/14 373/2 375/17 376/21 380/16 384/22 385/5 386/19 386/21 387/24 387/24 388/1 388/23 388/25 390/6 390/8 390/25 392/3 397/3 407/4 407/6 411/5 411/16 411/17 418/7 419/25 433/2 461/21 461/23 462/2 462/4 465/8 465/12 467/2 difference [2] 153/21 369/14 differences [1] 440/2 different [19] 93/24 133/6 139/6 139/7 153/19 186/7 187/17 257/3 272/3 278/7 281/13 284/2 348/11 349/14 357/17 360/13 367/8 399/2 412/6 difficult [3] 47/4 239/13 439/18 digging [2] 175/8 368/14 digitally [1] 202/7 diligently [1] 125/21 dinner [2] 190/24 445/12 DiPrato's [2] 464/1 464/3 dire [2] 8/14 8/20 direct [54] 2/3 2/7 2/9 2/11 2/14 2/18 2/21 2/25 3/2 3/5 3/8 3/10 3/13 3/17 3/21 3/25 4/2 4/6 4/9 4/11 4/16 70/16 91/11 97/15 105/22 141/14 166/16 172/4 181/1 193/6 201/17 206/5 211/22 214/13 243/11 260/5 264/16 270/2 273/24 287/10 292/15 298/14 300/21 304/24 319/18 369/9 369/9 373/9 394/14 394/16 395/4 395/6 410/15 457/7 directed [14] 341/24 346/10 348/19 349/23 350/3 350/10 351/11 351/18 353/20 458/4 458/7 459/4 459/5 459/13 directing [1] 360/14 direction [17] 74/5 162/18 164/15 170/5 170/20 195/24 200/7 209/2 209/18 231/6 231/17 231/20 232/4 237/25 238/4 239/1 246/3 directions [2] 256/9 256/12 directly [11] 25/18 71/12 99/7 146/3 148/11 150/19 170/4 170/4 228/20 373/25 463/9 director [6] 36/5 52/15 54/25 57/8 202/1 206/24 dirk [2] 17/12 405/20 dirt [3] 246/16 246/22 247/15	disability [3] 68/1 386/15 387/10 disabled [1] 51/7 disagree [2] 126/5 126/6 disagreements [1] 352/6 disavowed [2] 369/3 369/4 disclose [1] 189/10 disclosure [2] 188/24 189/3 discovery [1] 203/5 discrepancies [3] 114/10 325/14 328/3 discrepancy [2] 332/7 332/9 discretion [2] 9/13 436/18 discuss [20] 61/7 61/9 61/10 61/17 62/1 126/17 127/4 127/8 129/3 129/7 184/13 258/22 345/14 430/12 430/13 430/14 436/21 436/23 440/1 448/19 discussed [3] 341/4 411/18 436/7 discussing [1] 129/10 discussion [2] 8/19 437/4 discussions [2] 126/20 129/17 dishonesty [1] 340/2 dismiss [12] 46/20 46/21 46/25 49/2 49/16 50/25 52/9 52/22 53/8 53/20 57/15 347/16 dismissed [1] 47/1 dispatch [16] 25/16 92/19 227/1 246/19 251/22 251/24 252/1 252/17 252/20 260/22 278/7 278/8 278/14 374/18 381/11 390/19 dispatched [1] 94/4 dispute [2] 375/5 439/16 disregard [2] 125/15 393/3 dissect [1] 410/9 distance [8] 83/18 83/21 83/22 85/6 87/10 164/13 239/15 364/5 distinct [1] 399/14 distinction [1] 395/2 distinctive [2] 101/14 390/7 distinguishing [1] 89/10 ditch [5] 87/18 387/6 387/7 387/7 Division [1] 23/1 doctor [3] 289/1 295/19 297/10 doctor's [7] 71/3 71/4 178/2 178/4 215/2 215/4 229/2 doctors [2] 302/4 302/11 doctors' [1] 178/4 document [4] 200/19 398/22 398/24 420/12 documentation [1] 417/6 documents [3] 16/20 281/8 282/6 Dodge [9] 92/21 93/7 96/7 101/18 101/19 101/20 115/23 244/12 245/8 does [58] 21/2 21/21 25/19 31/6 45/20 57/25 58/13 59/1 65/17 96/5 100/16 118/11 134/3 154/23 175/23 183/7 193/20 241/23 241/25 257/17 265/25 286/18 289/4 289/16 289/17 295/6 302/20 341/17 345/3 366/21 366/24 367/24 368/6 374/10 377/4 377/24 386/2 386/3 389/18 393/15 394/6 398/20 400/9 401/17 407/3 407/9 407/11 408/23 409/2 418/3 419/15 428/21 428/25 440/19 444/1 459/22 460/2 466/11 doesn't [23] 9/15 152/23 187/5 188/12 188/13 189/18 292/14 296/10 335/5 348/1 357/6 364/6 367/4 377/3 381/20 382/16 384/25 387/20 389/20 390/11 391/1 421/11 452/12 dog [2] 197/8 361/22 doing [46] 61/25 62/16 72/11 77/24 109/10 113/11 122/23 126/13 132/22 142/3 144/2 167/12 168/1 168/12 168/14 172/20 172/22 173/5 173/10 181/4 181/5 184/15 207/15 207/21 208/1 208/8 215/1 226/8 243/15 250/23 262/4 290/9 293/2 311/1 319/23 329/20 355/17 356/6 358/20 366/17 368/5 381/19 385/24 439/23 445/8 469/3

D		
dollar [1] 357/24 Dolly [1] 246/11 Dometus [1] 11/10 Dometus-Perry [1] 11/10 Donald [2] 38/2 276/7 done [33] 66/11 75/15 101/24 110/3 110/5 110/12 124/8 139/23 202/5 256/21 280/13 329/24 342/8 355/16 360/2 360/4 368/13 382/6 391/19 405/4 407/8 407/18 407/20 408/25 417/11 427/15 427/17 428/22 462/8 463/6 464/5 464/18 464/22 door [32] 96/13 96/14 101/20 145/15 148/15 155/20 155/20 155/23 163/2 163/24 169/21 173/5 177/23 183/10 194/16 196/13 221/10 241/19 241/23 241/25 242/4 251/21 276/8 276/8 288/9 291/5 311/23 323/5 413/16 415/5 435/23 437/8 doors [1] 194/20 Doris [3] 12/23 58/7 58/8 Dorn [1] 51/19 doublecheck [1] 343/12 doubt [63] 7/12 121/5 125/8 137/4 137/21 137/22 137/25 329/12 352/12 360/19 360/21 360/24 361/1 361/2 361/4 371/17 371/21 371/23 395/10 398/7 400/8 400/13 400/19 400/25 401/1 401/2 401/2 401/5 401/12 401/13 401/18 401/24 402/4 402/5 404/1 404/5 404/11 404/20 405/7 406/6 407/5 408/17 409/22 410/4 411/23 412/17 418/11 418/24 420/19 420/21 420/22 420/22 420/23 421/1 421/7 421/8 421/12 421/19 428/14 429/19 442/14 442/16 443/4 Dowis [3] 12/25 57/20 57/21 down [125] 15/4 15/18 25/21 35/9 46/16 75/10 80/17 81/24 87/3 88/25 90/18 90/19 93/16 96/12 96/20 96/22 101/3 101/5 110/11 119/22 119/23 135/8 149/3 165/18 165/19 171/9 171/10 178/21 178/23 180/4 180/5 183/20 183/22 187/9 187/23 195/7 195/9 197/1 197/8 200/18 205/5 205/7 207/13 210/22 210/24 213/21 218/22 219/4 219/19 220/10 224/3 226/1 227/18 227/22 229/16 233/12 233/14 234/23 236/22 237/3 242/10 242/11 245/12 245/14 246/22 247/15 248/18 258/14 258/15 263/23 264/1 266/2 268/12 268/17 268/20 269/10 272/18 273/5 273/7 279/8 285/17 285/18 289/21 291/4 292/4 292/6 295/8 298/4 299/17 303/8 304/4 304/7 305/5 305/7 316/17 316/19 326/19 328/23 338/6 338/7 356/21 361/9 362/24 363/2 363/19 364/10 364/11 365/6 365/14 365/21 368/13 370/9 372/4 375/14 375/21 378/3 378/4 382/21 389/4 419/12 431/1 435/24 459/24 460/11 465/5 downstairs [2] 60/18 288/9 downtown [1] 25/16 drafted [2] 118/9 385/8 draw [1] 411/14 drawer [10] 151/23 152/1 152/1 152/2 152/3 154/4 154/8 175/4 175/8 374/13 drawn [1] 125/19 drew [4] 92/3 173/3 199/15 212/18 drink [1] 276/11 drive [37] 77/1 79/9 80/6 99/24 151/7 151/12 151/25 152/5 155/25 156/2 156/10 157/17 163/21 175/1 177/24 179/4 215/18 219/2 221/21 224/1 224/23 227/15 231/12 232/18 234/23 240/5 240/6 241/2 241/17 315/2 357/2 365/9 365/21 389/22 389/25 390/3 391/24	drive-through [16] 77/1 151/7 151/12 151/25 152/5 155/25 156/2 156/10 157/17 163/21 175/1 177/24 179/4 231/12 240/5 240/6 driveby [10] 69/4 95/20 99/1 101/24 102/23 103/10 103/16 104/13 262/2 262/6 driven [3] 76/1 76/24 365/20 driver [23] 76/19 79/23 80/4 83/10 83/19 83/21 85/18 94/5 94/15 198/1 213/4 223/2 225/3 225/5 225/10 229/11 246/21 250/22 346/21 389/21 390/1 390/4 391/23 driver's [3] 84/14 218/11 359/3 drives [7] 363/21 364/22 364/23 365/11 375/10 381/6 381/7 driving [65] 32/4 32/5 71/17 73/15 80/8 80/24 81/17 81/18 82/10 87/10 87/16 88/1 88/6 88/8 88/21 88/22 89/2 93/4 98/9 101/18 107/10 111/5 112/1 115/23 119/2 119/9 134/2 216/22 219/16 220/14 224/3 227/24 228/7 230/7 234/23 236/18 237/7 240/11 244/24 244/25 247/7 253/17 257/19 262/19 263/8 307/17 315/20 324/4 328/12 331/9 331/12 363/22 363/24 364/3 364/14 365/13 365/15 365/22 366/20 367/18 380/25 381/3 381/12 391/2 462/13 drop [2] 115/4 310/20 dropped [21] 106/21 113/21 114/19 115/1 310/13 310/19 316/13 326/21 327/18 334/19 334/22 335/18 335/20 335/24 336/1 368/4 372/19 384/16 384/20 384/23 386/2 dropping [1] 328/20 drove [42] 71/7 71/20 73/9 73/9 75/4 75/17 77/18 77/18 78/22 79/11 80/14 80/17 81/5 82/3 82/7 86/24 87/2 87/20 111/15 132/9 132/20 135/7 215/12 215/17 215/20 216/18 220/19 222/24 222/25 223/10 224/5 224/21 226/1 227/22 228/20 228/22 239/3 246/3 263/9 271/9 346/19 348/11 drug [3] 243/23 467/2 467/6 Drunk [2] 32/4 32/5 DSS [1] 343/16 dude [2] 367/15 367/17 due [1] 276/7 Dufour [5] 14/9 50/17 50/18 50/20 51/3 Duke [1] 23/24 duly [22] 70/15 91/10 97/14 105/21 141/13 166/15 172/3 180/25 193/5 201/16 206/4 211/21 214/12 243/10 260/4 264/15 270/1 273/23 287/9 300/20 304/23 319/17 duration [1] 461/4 during [45] 9/2 9/3 9/3 17/16 38/22 62/24 80/10 94/9 94/16 97/22 99/20 103/15 103/23 104/13 108/14 116/11 124/20 127/15 127/21 128/6 128/17 128/25 133/11 147/2 175/16 227/17 234/19 258/23 260/14 265/7 321/20 325/10 371/15 392/19 392/24 393/3 394/2 394/4 394/12 394/14 405/8 405/11 434/3 457/25 461/4 DUS [5] 110/22 363/22 364/3 366/24 391/7 duties [7] 142/7 167/5 193/21 193/23 320/2 392/20 411/1 duty [17] 125/9 125/21 130/12 130/24 131/2 212/4 270/9 330/22 380/10 392/22 393/9 393/12 394/10 395/15 412/1 439/20 457/1 dye [6] 153/19 153/22 153/23 154/19 155/16 155/17	173/22 173/25 each [29] 90/9 120/2 125/7 132/16 132/15/18 239/19 288/11 301/12 303/20 330/20 334/5 348/4 360/9 363/12 383/4 383/25 399/13 399/14 399/20 402/12 403/17 405/18 408/2 411/25 412/1 427/24 430/13 439/25 440/13 ear [2] 165/3 182/24 earlier [21] 46/3 76/4 114/11 114/13 126/23 188/5 232/6 233/6 327/14 329/4 335/18 335/20 345/1 372/20 384/16 385/6 396/11 396/13 404/8 439/14 447/4 Early [1] 55/1 ease [3] 417/13 423/10 425/21 easier [1] 268/13 easiest [2] 185/6 268/14 easily [13] 132/7 136/4 289/7 292/19 295/12 297/5 297/9 297/15 297/17 297/21 298/6 299/2 easily-manipulated [1] 136/4 east [1] 213/1 easy [4] 75/12 99/12 263/1 439/16 easygoing [1] 289/5 eat [1] 415/17 education [2] 397/16 397/16 effect [2] 340/6 394/11 effort [1] 439/21 efforts [1] 286/12 eight [7] 28/9 198/16 299/7 299/8 305/2 443/21 445/2 either [27] 9/13 17/14 20/21 21/4 31/15 46/19 46/24 66/19 116/2 186/1 186/23 204/22 231/14 235/2 246/11 253/23 256/17 376/9 389/7 389/9 389/12 395/3 405/9 408/20 428/17 446/19 461/6 electronics [1] 271/18 element [4] 403/24 409/11 410/13 429/9 elements [6] 124/24 125/7 409/21 429/18 458/18 458/20 Ellison [16] 17/7 19/3 20/5 144/25 276/15 349/2 349/16 351/2 353/6 353/7 353/8 353/21 374/6 399/12 414/12 453/4 Ellison's [1] 351/1 else [47] 16/1 21/21 21/22 26/10 29/20 63/24 81/7 82/8 89/9 90/1 111/10 138/12 158/14 164/20 171/6 179/8 185/3 205/2 215/16 229/3 237/12 254/6 269/1 286/16 291/23 293/6 297/7 308/1 323/21 334/3 334/9 340/21 348/5 355/24 375/3 375/17 378/9 378/15 379/5 382/7 384/8 384/9 421/22 433/2 453/24 467/22 467/24 emergency [2] 36/5 53/15 emphasis [3] 45/23 125/18 125/25 emphasize [1] 411/4 employed [19] 33/21 35/17 91/13 91/20 105/24 141/16 142/12 166/18 172/6 172/10 201/21 201/22 206/7 206/16 211/24 214/15 264/20 319/20 319/21 employee [8] 30/20 65/25 112/23 145/1 324/25 362/23 366/5 378/24 employees [7] 66/16 133/18 133/20 145/4 282/3 285/14 362/8 enabled [1] 271/19 enclose [1] 406/16 encompassing [1] 333/12 end [10] 10/18 118/11 124/14 130/18 136/6 142/23 184/16 246/14 400/9 470/3 ended [3] 236/5 280/6 370/1 enforcement [7] 23/1 32/2 33/13 33/21 35/18 35/21 36/2 engaged [3] 145/23 147/1 346/15 engineer [1] 56/21 enjoy [3] 466/25 466/25 467/1
E		
	e-mail [8] 126/21 188/6 203/5 275/19 351/23 351/23 352/1 353/1 e-mailed [1] 146/19 e-mailing [6] 146/4 146/15 162/20 173/20	

E		F
enjoyable [1] 60/20 enough [19] 73/23 77/6 85/8 86/12 86/15 87/8 89/2 131/23 164/18 188/11 218/8 219/5 234/22 235/4 235/6 240/12 278/1 357/7 387/10 entail [1] 193/20 enter [5] 153/7 156/19 172/21 190/9 416/14 entered [15] 11/6 121/2 147/20 150/5 153/9 155/9 156/22 160/3 164/3 199/9 250/4 266/23 437/15 443/9 450/6 entering [1] 67/21 enters [2] 286/22 444/22 entice [2] 406/18 406/22 entire [12] 11/3 19/19 19/22 196/21 219/22 257/1 317/15 431/24 432/9 452/2 453/20 461/2 entirely [3] 340/19 340/22 374/7 entirety [2] 395/25 396/1 entitled [7] 136/24 138/7 138/9 372/9 400/23 411/24 463/3 entrance [3] 85/7 85/15 207/11 environment [1] 397/19 equal [1] 125/25 equipment [4] 190/23 190/25 247/19 376/7 equipped [1] 253/19 equivalent [1] 411/3 erroneous [1] 125/23 especially [10] 101/24 125/20 280/14 355/13 355/13 357/5 365/24 366/17 379/7 385/23 ESQ [1] 1/19 essentially [2] 248/13 293/1 establish [3] 196/24 409/23 410/15 established [1] 410/16 establishes [2] 394/19 394/23 estate [1] 52/18 estimate [2] 122/20 123/2 EV [2] 6/2 7/2 evade [2] 378/16 379/1 evaluate [3] 130/10 395/16 440/13 even [45] 80/16 88/23 88/25 89/2 114/5 126/5 127/12 133/16 216/10 225/15 225/15 226/9 239/18 282/5 295/16 296/4 343/19 347/7 347/14 349/4 358/3 358/18 362/10 363/17 372/18 374/5 374/5 374/6 382/4 382/9 382/12 383/11 385/7 385/22 404/25 405/24 408/8 411/17 428/6 432/13 439/16 439/17 445/25 460/13 468/24 evening [19] 9/3 106/12 184/3 184/11 185/13 185/16 187/1 192/10 270/12 274/6 320/9 345/9 346/1 351/15 430/20 433/21 433/23 448/6 448/18 event [1] 330/24 events [4] 241/8 331/18 366/15 383/19 eventually [6] 148/6 149/2 158/4 165/6 174/11 231/24 ever [37] 20/20 25/8 27/22 39/14 84/2 161/1 161/4 161/17 162/1 162/13 162/16 162/18 170/25 171/3 194/1 241/14 241/16 254/18 281/17 281/20 281/24 282/2 282/6 282/17 282/21 291/14 303/21 311/8 333/4 346/14 369/20 369/20 383/5 441/5 444/5 463/12 464/22 Everett [1] 246/11 every [16] 9/22 368/8 368/15 369/3 369/5 381/7 381/8 383/22 393/20 400/22 401/18 403/24 421/12 439/21 440/4 463/18 everybody [16] 154/14 154/14 177/9 191/5 196/24 197/6 253/10 275/13 275/14 356/8 356/10 366/18 375/17 422/14 448/14 460/14 everyone [14] 16/1 28/23 82/8 150/14 227/19	355/24 356/7 356/7 415/18 417/4 417/24 448/10 448/13 456/17 everyone's [1] 131/6 everything [39] 15/18 15/20 15/23 72/8 72/8 110/5 111/21 134/4 140/12 160/22 162/11 174/2 174/6 189/17 216/6 219/24 226/20 235/5 257/10 265/23 280/13 297/6 299/11 336/13 341/15 359/21 359/21 360/2 367/2 369/2 376/3 385/10 385/11 388/19 392/11 407/18 416/6 427/15 450/8 everywhere [3] 77/10 77/11 239/23 exact [7] 75/23 107/21 108/1 158/10 261/9 261/21 266/3 exactly [23] 114/3 114/4 135/13 142/5 148/9 162/25 169/16 174/13 200/7 208/11 233/4 267/8 271/21 296/5 301/19 332/4 334/25 335/17 343/18 356/20 393/18 431/21 448/4 Exaggerations [1] 391/16 exam [1] 369/9 examination [48] 70/16 83/2 90/3 91/11 97/15 105/22 117/11 141/14 160/20 164/23 166/16 169/14 172/4 178/14 179/9 181/1 193/6 199/19 201/17 203/20 206/5 211/22 213/9 214/13 230/1 240/25 243/11 252/11 258/9 260/5 264/16 268/5 270/2 273/24 280/4 285/5 287/10 290/24 300/21 304/24 313/8 315/8 316/11 319/18 330/8 337/25 369/14 373/10 examine [2] 249/21 440/16 examined [2] 339/24 339/24 examining [1] 404/4 example [5] 360/5 379/9 407/22 409/24 427/19 examples [2] 322/19 405/19 except [5] 77/11 277/25 297/7 339/21 462/12 exception [1] 297/19 exceptional [1] 464/23 exceptions [3] 131/8 296/11 416/1 excess [1] 212/19 excluded [1] 66/24 exclusive [1] 393/31 excuse [11] 50/12 51/22 55/5 55/16 56/15 129/5 129/16 155/17 198/24 287/13 328/7 excused [34] 49/6 49/20 50/16 51/4 52/1 52/13 53/1 53/12 53/24 55/9 55/20 56/19 57/19 60/24 62/19 205/9 205/13 210/25 211/6 213/16 213/20 213/21 242/13 242/19 269/4 269/10 304/5 304/7 317/5 346/4 417/12 431/17 448/24 457/15 exhibits [1] 396/2 exhibits [6] 6/1 7/1 128/23 157/3 267/24 393/7 exist [4] 66/4 367/24 368/7 387/20 existed [4] 104/24 362/10 410/12 410/23 existence [2] 351/12 394/21 exists [3] 139/25 282/24 282/25 exited [4] 263/12 270/19 437/19 443/13 exits [1] 446/22 expect [2] 11/2 122/2 expected [3] 122/25 412/10 439/20 explain [11] 69/8 79/16 112/21 128/11 339/4 339/6 357/15 357/16 376/2 426/6 463/18 explained [13] 79/23 107/18 109/3 111/1 124/25 190/12 219/25 226/22 323/17 326/24 340/23 341/2 465/24 explaining [2] 75/23 221/2 explains [1] 296/5 explanation [2] 124/16 442/14 explode [1] 153/22 exposed [1] 139/13 express [1] 439/24 expressed [1] 31/2	express [1] 402/8 extended [1] 461/25 extends [1] 403/24 extent [1] 67/22 extremely [6] 352/14 463/13 463/13 463/16 464/21 467/18 eye [7] 72/20 73/24 75/17 162/8 170/25 218/23 218/23 eyes [9] 74/22 90/9 90/11 101/13 104/3 209/25 224/10 363/12 378/13 evewitness [3] 98/24 98/25 394/18
		F face [16] 20/15 74/24 86/8 86/12 86/15 90/7 104/4 126/20 126/20 218/18 218/20 218/25 245/21 308/15 363/13 413/11 Facebook [1] 127/4 Facebooking [2] 61/24 126/25 facial [2] 101/15 104/16 facility [1] 71/5 facing [1] 245/23 fact [43] 16/14 21/13 25/24 26/24 28/10 28/17 29/1 35/1 45/15 68/19 89/8 94/4 102/1 110/16 111/9 114/25 116/12 138/6 276/8 286/15 325/8 340/15 350/1 350/12 353/14 353/15 366/20 367/25 372/15 374/17 378/10 394/17 394/19 394/22 394/24 398/17 401/8 410/17 411/4 411/15 411/16 412/1 421/3 factor [2] 403/9 411/5 factors [2] 397/14 436/19 facts [41] 72/11 116/6 116/13 125/13 125/14 125/15 125/16 125/21 125/23 126/1 126/6 126/10 129/9 129/12 129/14 129/15 129/19 129/20 130/21 130/22 291/6 325/6 325/10 328/18 329/25 392/8 393/22 393/24 394/1 394/6 394/7 394/21 394/23 405/17 410/19 419/21 420/2 458/15 459/18 464/6 466/2 factual [2] 68/6 406/1 fade [1] 379/21 failed [1] 403/12 failure [1] 410/25 fair [54] 21/16 26/2 27/1 28/19 29/6 29/16 30/14 30/23 32/17 33/2 34/3 34/13 35/4 35/12 36/8 36/20 37/6 37/13 37/22 38/7 38/16 38/25 39/9 40/1 40/9 40/18 41/1 41/10 41/19 42/3 42/9 42/20 43/4 43/12 43/20 44/2 44/14 45/1 45/11 45/23 87/8 117/15 149/23 164/18 189/11 191/9 236/2 255/10 278/1 280/16 281/8 295/9 380/15 412/13 fairly [2] 121/17 370/6 fake [2] 306/13 306/14 fall [1] 296/10 false [2] 340/2 406/19 familiar [4] 31/7 202/2 241/11 300/13 family [21] 10/16 29/22 30/3 30/4 33/21 35/17 39/13 126/19 184/14 185/25 190/20 305/15 340/21 343/16 343/17 345/15 360/17 367/13 370/10 391/21 464/12 far [22] 46/4 73/18 79/18 87/2 89/16 90/6 133/16 133/21 151/5 151/8 165/23 210/8 210/9 210/15 218/3 218/25 294/24 295/22 317/21 363/14 378/9 402/17 Farrow [44] 71/6 76/11 76/12 80/11 87/3 91/24 92/4 92/19 93/7 95/6 106/9 111/6 112/17 114/20 131/22 194/5 194/8 196/20 198/3 198/13 199/4 208/17 212/1 215/9 215/11 222/16 224/4 227/15 227/22 244/5 248/4 262/23 264/24 271/6 272/19 272/20 278/16 320/4 324/20 327/19 333/1 376/19 390/9 390/24 fast [2] 88/21 357/7 faster [1] 390/3

F	finish [1] 355/24	131/3 161/11 161/17 184/19 257/1 320/23
fate [1] 364/23	finished [5] 15/13 118/22 133/12 235/7 434/7	320/23 320/24 320/25 321/4 321/6 321/7
father [9] 33/23 286/6 293/22 295/9 295/20	fire [1] 405/22	321/8 321/9 322/7 322/12 327/8 329/7
297/16 300/25 458/24 458/25	fired [3] 360/8 407/25 427/22	329/10 329/17 345/16 353/23 368/17 383/10
father's [1] 286/14	firm [2] 27/20 57/10	412/22 413/2 413/11 413/17 413/24 415/10
fault [1] 386/22	firmly [8] 360/22 361/5 392/6 401/14 401/19	416/7 418/2 418/25 419/2 419/14 420/10
favorable [2] 347/20 348/17	421/8 421/14 440/7	451/9 452/5 452/8
fear [4] 349/7 397/7 404/17 405/5	fit [1] 94/10	formal [4] 16/20 16/22 398/22 398/24
features [2] 101/16 104/17	five [21] 10/20 16/10 88/23 99/11 121/12	formed [1] 31/1
February [1] 471/20	137/5 157/9 157/11 163/8 198/15 262/20	former [2] 30/20 51/8
federal [11] 10/1 33/12 456/22 460/2 462/3	272/7 375/1 415/3 438/18 460/1 461/22	forming [1] 74/8
462/6 462/17 462/25 463/23 464/17 467/4	461/24 464/4 467/19 468/9	forms [3] 345/21 412/20 413/7
feel [21] 125/19 147/15 149/6 149/8 152/3	five-year-old [2] 464/4 467/19	forth [4] 137/5 173/20 173/22 217/9
165/10 169/7 176/14 176/19 189/23 191/9	fixated [1] 152/18	forward [4] 63/17 137/11 342/8 361/10
274/14 353/16 362/1 426/9 429/24 431/19	flashing [1] 134/4	found [29] 70/21 134/18 134/18 134/19
440/1 440/1 447/10 463/18	flat [2] 271/18 391/16	134/20 215/6 252/15 252/15 265/14 265/21
feeling [4] 349/7 349/7 349/8 445/6	fled [4] 98/10 195/22 195/22 348/13	266/11 267/8 267/15 267/19 268/9 268/22
feelings [1] 349/7	flee [1] 260/23	272/13 272/15 272/17 336/20 362/11 418/5
feels [1] 189/16	fleeing [4] 100/6 216/8 229/18 231/17	418/8 418/16 419/20 422/21 458/22 461/12
fees [1] 462/21	Flint [2] 196/20 196/20	467/14
feet [15] 73/20 74/17 76/14 83/14 83/22	Flora [3] 112/15 324/17 332/25	four [18] 20/1 67/2 67/3 67/4 80/13 83/13
85/16 88/20 101/13 103/25 103/25 103/25	flow [1] 227/18	83/22 103/25 124/23 132/15 136/8 151/10
151/10 152/12 219/2 235/16	fluid [1] 405/23	152/14 194/12 199/24 375/1 398/16 406/4
fellow [7] 61/9 126/18 127/8 258/23 345/14	FM [1] 56/22	four feet [3] 83/22 103/25 151/10
439/25 440/8	folded [3] 146/5 146/11 159/10	four miles [1] 80/13
feloniously [1] 17/5	folks [1] 15/16	fourth [5] 233/17 275/21 276/14 349/1
felony [3] 255/18 255/19 257/20	follow [23] 79/10 94/17 99/4 99/6 99/22	350/15
felt [9] 78/4 144/11 144/11 157/8 174/25	110/2 111/14 118/9 118/22 124/17 126/4	framework [1] 138/6
191/17 225/6 225/7 387/9	220/18 246/3 246/6 280/12 290/21 291/21	fraud [4] 406/24 460/4 460/5 462/4
female [18] 47/20 48/20 49/6 49/19 50/15	316/9 325/25 330/16 348/21 413/25 434/6	Frazier [5] 24/23 264/2 264/14 264/19
51/15 52/1 53/1 53/23 54/9 55/8 56/8 56/18	follow-up [11] 110/2 111/14 118/9 118/22	264/20
58/5 58/18 59/20 60/6 115/13	280/12 290/21 291/21 316/9 325/25 330/16	free [24] 77/13 149/6 149/8 165/10 165/12
few [19] 73/20 76/13 88/20 190/22 219/2	348/21	169/7 176/14 205/11 211/3 222/6 222/16
227/7 227/10 311/3 311/3 333/10 333/11	followed [5] 93/15 103/14 157/18 247/15	222/17 242/16 269/7 348/5 348/5 350/21
401/15 420/10 421/10 438/11 438/14 438/17	355/20	351/5 374/2 397/5 398/13 417/2 417/6
462/19 467/3	following [17] 22/1 81/24 104/7 104/19	457/10
Fields [1] 36/17	104/19 127/13 255/8 405/18 417/25 423/13	freely [2] 283/20 340/10
Fifth [7] 27/12 29/24 339/12 340/12 413/20	425/23 435/5 437/22 442/8 443/16 449/7	freeze [1] 356/9
471/9 471/24	451/16	frequencies [2] 272/3 278/7
fight [1] 361/22	follows [25] 70/15 91/10 97/14 105/21 134/5	frequency [8] 132/11 135/5 253/2 272/2
figure [7] 78/16 217/10 239/24 422/4 450/9	141/13 153/24 166/15 172/3 180/25 193/5	272/5 278/2 278/4 278/5
450/12 452/13	201/16 206/4 211/21 214/12 243/10 260/4	fresh [4] 113/23 444/2 444/10 446/1
figured [2] 119/14 216/5	264/15 270/1 273/23 287/9 300/20 304/23	freshness [4] 443/22 444/1 444/14 445/4
file [2] 118/4 118/16	319/17 380/17	Friday [1] 143/20
filed [1] 124/22	food [4] 206/24 212/8 445/15 450/13	Frieda [10] 23/10 91/8 91/9 242/21 243/8
fill [3] 96/1 145/16 161/10	fooled [1] 358/4	243/9 374/19 380/6 381/3 390/20
filled [2] 161/18 368/18	foot [4] 89/2 199/2 246/24 248/8	Friels [1] 38/2
final [2] 340/21 351/17	footage [3] 282/17 282/21 382/10	friend [1] 39/14
finally [14] 135/11 135/11 135/20 209/17	footnote [1] 434/19	friends [5] 29/14 30/3 126/18 340/21 391/21
209/22 224/2 224/5 329/2 348/13 364/19	forbid [1] 359/22	front [48] 19/19 19/22 46/16 73/23 81/19
368/12 391/20 403/16 405/6	force [9] 17/8 91/17 132/25 243/18 357/21	85/9 87/3 93/8 94/3 94/22 95/9 99/21 104/1
financial [1] 49/23	357/21 397/7 406/24 406/25	144/7 145/15 145/18 148/19 150/18 150/19
find [54] 19/16 103/8 103/19 103/21 104/5	forcefully [1] 389/4	155/20 163/2 170/4 170/9 174/15 175/21
104/9 104/21 120/15 120/19 120/23 125/12	forcibly [1] 406/15	176/13 194/15 196/13 218/10 218/10 231/15
126/10 129/5 136/8 137/23 138/1 140/12	foregoing [1] 471/10	245/9 246/9 248/11 249/7 249/9 285/10
140/13 168/1 173/18 197/24 251/15 251/20	foreman [33] 62/4 62/10 62/12 123/11	286/18 288/8 288/17 301/9 307/5 307/6
265/11 296/23 300/12 310/5 353/15 370/14	130/24 412/23 413/2 413/9 415/4 415/19	331/3 342/3 376/18 376/19 390/8
371/16 372/6 395/10 401/21 401/25 404/6	424/7 425/5 432/22 433/1 434/7 438/5 444/3	frontal [7] 288/17 288/18 293/18 296/18
407/5 407/6 412/20 412/24 414/4 414/13	444/18 444/22 445/17 445/21 446/13 446/22	298/5 301/20 301/25
414/17 414/21 414/25 418/17 420/17 421/16	446/24 448/4 448/10 448/12 449/13 450/4	Fugitive [2] 91/16 243/17
421/19 446/11 453/1 453/4 453/7 453/10	450/5 451/13 451/23 453/21	full [25] 70/12 91/7 105/17 141/8 166/12
453/13	forensics [1] 34/9	171/24 180/21 193/1 201/13 206/2 211/18
finders [1] 138/6	Foreperson [1] 453/18	214/8 243/7 259/25 264/13 264/18 269/22
finding [5] 371/16 408/14 408/16 428/11	foreseeable [1] 348/2	273/20 287/6 287/12 287/14 304/19 319/13
428/13	forest [4] 206/12 206/14 206/15 210/13	364/9 442/14
finds [3] 349/21 385/14 424/20	forever [4] 157/8 370/9 445/20 445/21	fully [1] 467/20
fine [12] 72/11 224/11 261/22 261/22 267/15	forget [1] 461/11	further [56] 60/18 74/13 89/25 90/15 104/5
294/2 317/11 342/8 375/20 449/19 450/3	forgot [4] 114/8 327/1 336/5 437/5	119/18 120/10 120/12 131/3 164/13 164/19
457/20	form [63] 6/17 45/16 65/24 66/8 66/8 66/12	165/15 169/10 171/5 179/7 183/14 198/4
finest [1] 462/20	96/1 107/15 107/16 107/21 107/23 107/23	199/17 200/12 203/16 205/1 213/15 215/12
finger [2] 265/21 265/21	108/5 109/6 109/17 109/20 109/23 109/24	215/17 215/20 216/18 220/14 234/12 237/18
	110/7 110/18 117/18 117/23 118/2 120/18	237/18 240/22 242/7 252/6 255/5 258/7

F		
further... [21] 258/13 263/20 268/25 273/2 279/25 285/2 285/16 291/20 303/23 313/4 315/6 316/7 323/25 337/24 338/5 347/5 347/6 398/9 444/7 453/25 471/17 furthest [1] 101/12 future [4] 440/21 441/3 465/25 465/25	300/4 304/15 306/10 308/13 319/8 322/18 328/23 334/12 337/6 340/15 351/23 353/16 353/17 355/3 356/1 367/11 367/13 374/2 378/12 383/8 387/12 396/20 398/5 398/8 401/24 412/13 412/22 417/17 417/18 418/10 419/16 420/14 420/18 421/18 421/25 423/20 426/5 431/21 432/2 432/4 432/8 432/20 432/20 432/25 433/1 433/5 433/8 433/8 433/25 434/21 438/6 438/8 440/7 447/8 447/13 447/15 457/4 463/8 464/25 469/7 469/14 given [25] 79/14 80/5 90/5 94/5 94/6 108/1 109/21 118/5 118/7 126/3 155/16 198/24 204/11 204/15 224/25 228/9 261/1 270/22 339/12 340/12 395/3 396/14 398/11 468/4 469/14 gives [2] 431/23 469/3 giving [8] 75/6 104/7 120/21 220/6 342/16 431/20 432/19 466/16 glad [10] 22/6 22/10 101/8 119/24 293/13 296/12 346/7 421/21 430/22 466/5 glancing [1] 263/2 glasses [2] 198/25 277/4 Glenn [4] 14/9 50/17 50/18 51/3 Gloria [1] 11/18 gloss [1] 137/15 Glover [2] 11/24 36/13 God [26] 70/9 91/4 97/7 105/14 123/22 141/3 166/9 171/21 180/18 192/23 192/24 201/10 205/24 211/15 214/6 243/4 259/22 264/10 269/20 273/17 287/4 300/6 304/17 319/10 339/1 359/22 goes [17] 108/15 118/12 133/16 133/20 252/20 252/23 333/23 351/13 364/6 374/21 377/7 377/7 377/22 383/8 384/10 384/18 432/19 going-to-BB [1] 368/6 gold [7] 113/14 113/19 115/23 326/15 334/16 367/10 384/12 GOLDBERG [28] 1/19 2/4 2/12 2/15 2/19 2/22 3/3 3/6 3/11 3/14 3/18 3/23 4/3 4/7 4/12 4/14 4/17 5/3 5/5 20/14 27/13 46/24 131/16 136/11 292/7 341/14 355/1 358/9 Goldberg's [1] 369/16 goldish [1] 325/18 gone [8] 200/3 341/15 341/15 352/10 375/2 375/2 375/18 415/3 Gonzalez [1] 24/17 good [49] 36/13 41/6 62/17 83/4 83/5 104/4 117/13 123/6 143/15 160/22 168/16 181/3 186/17 192/8 193/8 193/9 200/23 201/19 201/20 204/5 230/3 230/4 234/2 243/14 252/13 293/17 313/10 313/11 318/21 331/6 342/15 354/20 355/8 355/9 368/10 370/13 370/21 370/22 412/11 417/24 426/11 433/20 445/17 448/18 450/7 460/15 468/4 469/16 469/19 goods [2] 17/9 17/9 Goodwin [1] 11/22 goofing [2] 122/21 123/5 gotten [1] 302/17 govern [1] 339/23 government [1] 49/10 GPS [17] 134/16 152/1 152/5 152/17 153/24 154/2 155/17 159/22 174/25 175/6 271/19 350/25 350/25 353/12 359/5 374/12 418/17 grab [1] 209/20 grabbing [1] 61/15 Grafton [2] 27/13 233/7 Grand [1] 31/20 grandma's [2] 383/16 385/2 grandmother's [4] 112/14 324/17 332/21	332/24 granted [2] 67/2 292/12 grass [8] 71/22 87/18 215/19 215/20 232/20 234/15 234/18 238/10 grassy [2] 76/14 215/24 gray [7] 115/20 142/25 154/20 159/2 159/5 177/14 177/14 great [9] 60/21 104/10 185/13 233/9 351/24 403/5 405/15 469/4 469/4 greater [3] 395/5 401/9 421/4 green [2] 277/3 277/4 green-colored [1] 277/4 Greenville [1] 36/5 grew [1] 29/4 Grill [1] 55/12 ground [6] 73/2 85/12 250/21 256/9 256/10 389/5 grounds [1] 293/10 group [1] 32/5 groups [1] 32/2 growling [1] 450/11 GS [14] 1/2 1/2 16/11 17/22 18/5 18/15 18/23 413/21 413/21 453/15 453/16 453/16 453/16 453/17 guarantee [1] 369/22 guard [3] 35/25 38/12 468/24 guardsman [1] 36/1 guess [29] 28/8 62/22 69/24 86/7 101/9 101/13 103/9 121/5 145/12 165/8 167/16 185/19 203/23 212/17 231/11 255/9 271/14 271/17 277/3 293/10 317/16 331/24 354/5 354/7 362/15 436/16 438/8 449/21 465/15 guessing [2] 67/7 317/9 guests [1] 207/18 guide [1] 434/4 guilt [20] 45/16 128/3 389/11 395/9 398/20 398/21 400/6 400/8 400/12 400/13 400/18 400/24 401/15 408/12 408/16 411/8 412/4 421/9 428/9 428/13 guilty [96] 125/5 132/23 136/8 136/19 136/21 137/4 137/10 137/13 137/21 137/23 137/24 138/2 139/19 139/20 140/3 140/4 140/14 358/14 359/24 360/6 360/23 368/25 369/1 369/3 370/14 371/16 371/17 371/20 371/22 372/5 372/5 372/6 386/6 387/17 387/17 388/13 388/15 389/13 391/5 391/12 395/11 399/20 399/20 399/21 399/23 401/5 401/20 401/21 401/23 401/25 404/7 407/7 407/22 408/7 409/3 411/22 412/16 412/17 412/21 412/22 412/25 413/1 413/5 413/5 413/8 413/8 413/10 413/10 414/8 414/8 414/14 414/14 414/17 414/18 414/21 414/22 414/25 415/1 420/25 421/15 421/16 421/18 421/20 427/19 428/5 429/1 453/2 453/5 453/8 453/11 453/14 458/22 461/13 462/1 462/6 467/14 gully [1] 272/18 gun [76] 132/2 132/9 132/21 134/20 135/17 148/6 148/16 148/20 148/22 148/25 149/11 149/17 150/13 150/16 150/20 151/21 151/22 159/8 163/6 165/1 165/10 168/25 169/5 170/2 174/12 174/15 174/18 175/16 175/24 176/16 176/21 176/25 177/9 178/16 255/25 258/11 306/13 306/14 306/17 306/22 308/22 314/15 314/19 346/25 347/2 355/21 356/1 356/7 356/18 356/23 357/23 358/2 358/25 359/2 359/7 359/23 360/7 360/16 361/7 369/12 369/19 373/24 387/7 388/4 388/5 388/7 388/11 405/23 405/24 406/1 407/24 427/21 460/13 460/13 468/16 468/19 gunfire [1] 469/1 gunpoint [8] 40/7 40/24 41/8 41/17 42/15

G		
gunpoint... [3] 43/10 43/16 44/21	386/17 456/13 458/13 458/17 459/21 469/14	134/3 146/13 148/15 150/18 150/19 151/23
gunshot [2] 305/8 305/9	harder [1] 69/8	151/25 152/1 152/2 152/3 152/4 160/17
guy [54] 72/2 74/3 77/2 77/5 78/7 113/8	Hardin [1] 246/2	170/4 170/8 170/9 170/A 176/22 178/25
113/10 113/18 114/4 114/5 182/8 182/17	Hardscrabble [7] 93/6 93/13 245/9 245/18	175/4 175/8 175/11 177/5 179/21 189/13
209/20 212/11 217/19 217/22 217/22 219/10	246/1 246/5 246/10	189/14 189/19 189/20 189/22 189/24 190/2
219/13 223/5 224/6 225/20 228/25 229/18	harm [1] 405/16	190/4 190/11 190/13 191/20 219/23 220/6
235/8 326/4 326/8 326/14 327/6 333/17	Harris [5] 12/23 24/5 58/7 58/8 58/10	220/8 220/9 221/2 221/8 225/8 260/18 262/2
333/21 334/14 334/16 334/17 335/22 362/17	Harvey [1] 13/14	262/9 262/10 262/11 262/20 262/24 262/25
362/19 363/7 363/7 363/9 363/13 364/6	Hasik [3] 13/22 53/2 53/3	263/1 263/5 263/13 275/25 276/1 324/13
364/14 364/16 364/17 365/5 366/6 368/3	hasn't [5] 63/7 303/1 377/17 386/10 465/11	349/6 349/7 350/24 351/21 352/4 353/10
376/21 377/7 382/1 382/5 384/6 384/11	hat [8] 134/19 142/23 158/20 159/15 159/15	357/18 359/5 365/9 374/8 375/11 377/8
guys [4] 233/23 288/10 291/5 381/25	159/17 266/7 387/7	377/9 377/9 377/14 377/24 379/22 381/9
	have [505]	381/11 402/23 403/4 403/14 403/21 432/24
	Haven [1] 47/24	435/18 435/25 436/20 437/5 452/19
H	haven't [6] 68/7 166/22 188/7 385/24 416/5	hereby [1] 471/10
habit [1] 184/3	467/9	hereto [1] 471/18
hadn't [3] 314/4 373/7 387/3	having [5] 92/8 122/18 122/19 123/6 445/24	hers [1] 175/5
hair [1] 89/12	Hayes [1] 437/8	hesitate [6] 372/1 372/6 372/8 392/7 401/3
haircut [1] 277/5	he [1200]	420/24
half [2] 159/17 461/23	He'll [2] 135/15 369/20	Hey [6] 146/4 162/7 168/12 168/14 252/14
Hall [3] 26/19 26/20 464/10	he's [5] 8/4 137/1 148/16 368/9 369/3	326/7
hallway [4] 189/25 190/3 190/7 416/13	head [19] 94/15 98/12 143/5 143/6 146/4	hide [3] 308/11 308/15 356/25
hand [119] 7/8 7/8 16/9 70/3 70/4 88/9 90/23	146/20 158/11 172/19 174/3 246/23 288/6	hiding [1] 164/25
90/24 97/1 97/2 105/8 105/9 124/5 125/25	288/13 288/16 288/17 293/25 294/3 301/7	high [6] 36/18 44/19 198/2 324/6 363/21
132/19 132/19 140/22 140/23 146/5 146/8	301/20 370/8	363/24
159/6 159/9 166/3 166/4 171/15 171/16	headed [8] 73/1 113/1 198/3 207/11 309/20	highway [1] 35/9
180/12 180/13 182/21 192/17 192/18 201/4	309/21 325/2 432/1	Hilton [55] 71/13 71/14 72/25 72/25 75/25
201/5 205/18 205/19 211/9 211/10 213/25	heading [1] 366/8	76/15 76/23 77/8 82/12 83/7 112/17 112/17
214/1 215/9 242/23 242/24 256/25 259/16	headquarters [7] 115/13 272/21 272/23	113/1 114/21 115/15 133/13 133/16 133/19
259/17 264/4 264/5 269/14 269/15 273/11	275/8 276/5 320/16 387/8	156/5 156/14 156/17 157/20 157/25 158/15
273/12 284/5 286/23 286/24 299/25 300/1	Health [3] 50/21 52/4 59/24	178/8 196/3 196/4 206/8 206/11 211/25
304/11 304/12 308/25 319/4 319/5 338/23	hear [75] 46/23 101/8 119/24 125/17 128/8	215/23 216/23 217/2 221/18 222/17 229/7
346/24 347/23 347/24 350/7 350/7 350/8	129/1 131/14 131/16 133/6 133/7 133/14	231/21 232/16 267/13 267/14 271/5 272/9
350/8 359/16 359/16 360/11 360/12 360/14	133/18 134/1 134/13 134/14 134/16 134/22	282/2 282/4 285/14 324/20 327/20 333/1
387/18 387/18 401/22 408/4 408/4 408/18	135/6 135/12 135/20 138/8 148/10 168/17	362/23 363/6 367/20 378/24 383/17 384/24
408/19 409/4 409/4 412/24 413/17 421/16	187/15 197/2 197/5 222/13 235/1 235/4	385/2
426/5 426/6 426/17 426/17 426/20 427/8	235/6 238/1 244/2 253/10 278/6 293/13	himself [7] 210/2 336/8 339/16 400/1 411/21
427/8 428/1 428/1 428/15 428/16 429/1	296/12 309/23 317/24 342/25 346/7 354/23	460/16 465/14
429/2 430/24 430/25 431/20 431/20 432/11	354/24 354/25 363/4 369/20 374/5 377/2	hire [1] 321/21
432/11 432/17 432/18 432/21 432/21 433/8	378/17 381/11 381/16 381/17 381/18 381/19	hissel [1] 302/10
433/9 433/24 433/24 434/10 434/11 434/25	418/23 419/4 420/13 420/14 420/16 421/24	hit [16] 78/8 85/22 86/9 104/2 173/4 218/2
434/25 452/4 452/5	423/10 424/15 424/16 425/6 425/14 430/25	218/10 218/12 219/21 222/21 236/4 246/13
handcuffed [1] 95/15	435/14 436/5 436/10 436/12 437/1 442/22	272/4 288/15 301/19 468/17
handed [2] 107/20 373/24	443/1 457/6 458/19 466/5	hits [3] 374/23 377/8 377/9
handheld [2] 249/7 249/20	heard [27] 31/5 33/17 106/17 127/20 148/16	hitting [1] 236/5
handle [3] 61/19 214/18 349/20	172/13 187/16 199/21 210/3 250/24 253/1	hold [16] 9/11 136/7 153/1 174/8 177/3
hands [4] 123/13 256/7 364/25 367/17	255/17 345/17 361/12 361/18 362/22 366/4	179/15 183/16 189/18 198/25 222/10 222/10
handwriting [9] 203/24 203/25 204/4 257/1	367/6 367/14 378/23 390/18 392/16 392/16	227/8 295/24 297/22 406/14 436/22
257/6 257/9 257/13 257/15 257/17	413/1 424/15 436/5 459/18	holding [8] 82/7 148/24 149/3 149/11 175/24
handwritings [1] 257/3	hearing [11] 46/11 65/9 70/18 102/18 102/18	265/20 288/8 291/5
hang [3] 289/18 303/11 434/23	117/1 180/9 285/1 316/23 344/3 344/6	holes [1] 284/6
hanging [3] 289/24 303/12 303/16	hearsay [8] 197/18 292/16 293/11 293/22	home [10] 43/1 91/25 184/14 309/20 309/21
happen [11] 80/9 134/1 139/15 143/23	294/6 294/9 294/24 294/25	310/23 310/24 344/12 391/21 447/20
144/12 184/2 254/7 379/14 388/14 388/15	heavy [1] 95/6	homeboy's [4] 114/16 114/19 327/16 327/18
420/11	heinous [1] 370/12	homes [1] 87/17
happened [56] 68/6 69/9 69/11 72/10 93/4	held [13] 40/6 40/23 42/15 46/9 148/22	honk [1] 363/10
93/9 109/19 114/21 115/5 115/6 134/25	176/18 180/7 284/24 316/21 356/1 356/6	honked [3] 85/23 236/8 236/13
135/14 138/15 138/18 139/16 139/22 157/18	358/24 440/7	HONORABLE [1] 1/13
179/21 183/2 210/17 216/13 227/6 238/15	hello [2] 54/12 127/12	Hood's [1] 190/5
245/8 254/2 261/23 263/7 288/11 290/1	help [45] 8/17 15/22 47/5 47/6 51/19 70/9	hope [11] 60/19 60/21 192/9 318/21 397/8
291/1 291/6 292/9 294/25 295/2 296/21	72/10 91/3 92/8 97/6 105/13 123/22 130/10	433/21 441/10 450/8 457/2 468/7 469/18
299/10 301/13 311/3 325/15 327/19 331/20	141/2 143/10 154/16 162/8 166/8 168/13	hoped [1] 468/8
333/12 358/10 369/8 371/1 373/15 373/18	168/14 171/20 173/6 173/10 180/17 192/22	hopefully [1] 248/8
373/20 383/1 383/19 383/23 387/22 388/21	192/24 201/9 205/23 211/14 214/5 241/10	Hopkins [3] 14/19 48/8 48/9
389/14 427/16 465/18	243/3 244/13 259/21 264/9 269/20 273/17	horn [5] 85/23 236/8 363/10 363/11 377/9
happening [4] 124/18 127/5 216/6 219/24	287/4 300/6 304/17 317/19 319/10 339/1	Hospital [1] 55/25
happens [11] 118/17 154/2 360/2 375/7	376/2 450/18	hostage [1] 40/6
380/3 380/4 386/11 407/19 417/19 434/24	helped [1] 96/1	hot [3] 118/19 142/24 331/2
468/7	her [109] 8/14 15/14 25/19 25/23 26/5 68/14	hotel [57] 71/11 71/14 72/22 72/24 72/25
happy [1] 342/13	75/14 79/22 98/1 99/6 99/9 99/13 99/20	73/2 74/10 74/13 75/25 76/15 76/21 77/8
hard [11] 210/4 265/23 377/25 378/3 386/13	99/20 100/6 100/11 101/25 101/25 102/19	84/8 84/17 84/19 84/23 84/24 85/10 112/17
	102/24 103/13 103/22 104/2 104/19 112/13	112/21 114/21 156/5 178/6 183/9 195/5

H		
hotel... [32] 206/8 207/17 207/18 208/16 209/4 209/5 209/7 210/8 210/9 212/4 217/2 217/14 220/19 231/22 231/23 232/16 237/6 237/22 239/4 282/18 307/5 307/6 307/9 324/20 324/25 327/20 356/19 368/5 371/3 376/20 390/8 426/13 hotel-rate-seeking [1] 368/5 hour [11] 62/22 80/13 143/19 191/1 262/20 290/13 330/19 446/1 450/12 450/20 450/21 hours [4] 290/13 443/21 445/2 449/15 house [26] 42/1 112/13 112/14 112/16 113/2 114/17 114/19 118/13 294/4 324/12 324/13 324/17 325/2 325/3 327/16 327/18 332/13 332/21 332/23 332/24 367/19 367/21 383/16 383/16 384/1 385/2 however [12] 66/8 99/6 274/19 327/25 339/19 409/7 415/8 420/6 429/5 438/8 439/20 447/2 human [1] 412/15 hunkered [2] 197/1 197/8 husband [14] 43/16 48/11 48/23 49/11 51/7 52/17 53/15 54/25 55/25 56/13 58/10 59/13 275/25 276/1 Hutchinson [2] 14/5 51/17 Hutchison [1] 51/18 hygienist [1] 49/24	104/23 117/4 134/23 186/16 191/25 200/25 202/14 203/9 256/24 262/3 262/7 263/15 267/2 267/5 279/3 321/6 328/16 402/1 402/6 402/8 402/10 402/12 402/21 402/25 403/1 403/1 403/4 403/5 403/10 403/12 403/13 403/14 403/17 404/6 422/9 423/7 425/20 427/3 435/3 437/13 438/25 442/2 442/4 443/7 444/21 identified [6] 103/2 112/3 249/2 324/24 326/16 328/5 identify [7] 80/7 89/20 249/1 250/15 276/23 277/7 328/9 identity [3] 356/25 402/4 404/1 ignored [2] 309/15 309/16 II [1] 1/17 illegal [2] 407/1 407/12 imagine [1] 352/15 Imani [1] 15/12 immediately [13] 110/5 110/12 143/3 154/4 226/25 246/18 274/8 330/14 330/18 377/11 381/14 394/18 394/22 impartial [43] 21/16 26/2 27/1 28/19 29/6 29/16 30/14 30/23 32/17 33/2 34/3 34/13 35/4 35/12 36/8 36/20 37/6 37/13 37/22 38/7 38/16 38/25 39/9 40/1 40/9 40/18 41/1 41/10 41/19 42/3 42/9 42/20 43/4 43/12 43/20 44/2 44/14 45/1 45/11 45/24 189/12 191/10 441/6 impartiality [1] 440/15 impasse [1] 445/7 important [12] 125/20 127/22 140/2 225/10 332/10 336/14 345/13 385/11 392/2 392/11 400/2 430/11 importantly [1] 355/12 impose [1] 464/24 impossible [2] 227/16 360/24 impound [2] 277/10 277/11 impressed [1] 98/15 impression [3] 279/8 362/18 402/9 imprison [1] 406/17 imprisonment [1] 340/3 improper [3] 184/19 293/11 345/15 improved [1] 302/16 in-court [3] 102/12 102/16 102/19 in-house [1] 118/13 inappropriate [1] 464/23 incident [12] 104/19 244/13 245/1 251/3 280/15 290/1 290/4 296/22 296/25 303/10 303/11 303/13 incidents [1] 461/18 inclinations [1] 412/15 inclined [2] 187/11 463/8 include [5] 32/3 32/3 214/21 222/16 331/25 included [1] 336/13 includes [4] 126/20 127/17 359/1 403/25 including [5] 35/18 126/18 186/3 198/17 397/22 inconsistent [5] 385/1 385/4 386/8 388/10 403/14 incorrect [1] 298/20 independent [1] 448/20 independently [1] 89/14 INDEX [1] 2/1 indicate [7] 79/25 96/5 98/4 100/19 147/12 302/4 302/11 indicated [12] 82/16 101/25 110/14 111/9 144/18 145/22 176/10 271/7 297/10 329/16 358/9 436/9 indicates [1] 350/24 indicating [39] 74/19 90/7 152/10 169/5 170/7 175/17 175/19 195/20 195/21 195/24 195/25 196/2 196/3 196/4 196/7 196/9 196/12 196/18 233/15 233/16 233/21 234/1	234/11 234/13 234/17 237/7 237/17 237/20 238/11 240/8 247/16 247/23 247/25 248/18 268/23 277/1 285/15 312/4 344/21 indication [2] 383/4 383/7 indicted [2] 16/16 398/18 indictment [49] 16/11 16/12 17/1 17/2 17/21 17/21 17/22 18/5 18/7 18/14 18/14 18/16 18/23 31/9 31/21 124/22 125/1 125/8 347/17 348/25 349/1 349/10 350/11 350/15 374/8 398/15 399/4 399/5 399/7 399/9 399/11 399/13 399/14 399/17 399/20 400/6 413/20 414/2 414/3 414/11 414/15 414/19 414/23 452/25 453/3 453/6 453/9 453/12 462/5 indictments [20] 9/23 16/10 16/14 16/18 19/8 31/6 125/6 137/5 137/6 137/15 137/19 138/16 140/13 186/4 348/25 350/13 399/1 399/22 415/3 453/15 indifference [1] 411/1 indirectly [1] 463/10 individual [27] 84/2 84/18 87/20 89/10 89/16 98/8 98/21 100/6 111/24 113/24 115/14 115/18 237/11 238/5 260/21 261/2 262/1 263/14 275/17 346/20 377/15 377/17 377/18 379/19 411/25 418/22 465/5 individuals [7] 85/13 111/24 204/2 282/4 376/14 376/20 377/21 indulgence [31] 82/20 89/23 100/25 117/5 117/9 119/16 136/13 160/13 163/11 164/5 178/10 183/12 183/17 198/7 198/19 204/24 213/7 229/20 240/16 252/4 258/5 263/18 272/25 278/21 279/23 284/10 302/22 304/1 312/4 315/4 337/22 industry [2] 463/24 466/25 infer [3] 394/1 409/20 429/17 inference [3] 394/25 398/21 410/17 inferred [2] 394/24 410/11 influenced [2] 129/18 403/2 inform [1] 415/5 information [30] 9/5 22/8 31/7 48/11 68/6 79/22 79/24 98/17 98/19 111/21 113/23 157/23 197/9 197/15 197/20 197/25 204/14 252/18 324/9 332/3 334/4 336/23 384/19 385/10 385/14 385/16 386/14 386/17 386/18 386/20 informed [8] 66/3 68/2 112/11 115/9 260/24 261/25 289/1 359/4 initial [3] 84/10 323/18 461/10 initially [11] 71/16 76/21 84/4 110/22 119/8 220/20 226/18 231/25 237/12 254/3 353/8 initiate [2] 94/20 246/17 initiated [4] 94/19 247/19 248/4 254/5 injury [3] 132/7 292/11 292/12 ink [2] 257/11 257/12 Inn [22] 71/14 72/25 75/25 76/15 76/23 77/8 83/7 196/3 196/4 206/8 211/25 215/23 216/23 217/2 221/18 222/18 229/7 231/22 232/16 282/2 282/5 465/7 innocence [9] 33/7 45/17 128/3 136/24 400/9 400/14 400/20 411/8 412/4 innocent [6] 69/4 136/19 137/2 400/1 400/5 411/21 inquired [1] 448/3 ins [1] 207/18 inside [28] 111/25 112/19 112/24 132/10 132/21 162/1 194/22 196/15 197/7 244/7 244/11 251/7 270/20 272/16 275/17 281/18 314/5 324/21 346/14 347/8 347/9 347/9 366/10 373/8 373/12 373/12 382/22 465/14 inspection [1] 404/15 Instagram [1] 126/25 instance [1] 296/2 instant [1] 404/25
I		
I'd [4] 107/18 122/7 272/7 283/7 I'll [44] 10/16 16/9 16/13 19/23 20/13 27/4 27/13 61/7 63/9 89/18 99/21 122/19 123/1 184/3 189/19 190/17 191/22 256/25 285/23 297/6 298/22 311/8 318/1 343/11 343/17 344/10 344/11 349/20 351/14 351/15 351/16 351/22 352/17 356/19 381/21 419/11 421/21 425/13 426/17 430/3 432/24 437/10 446/20 457/13 I'm [125] 15/25 25/22 26/19 26/19 30/20 38/21 43/10 47/11 48/9 51/18 51/19 52/15 53/14 54/12 54/13 54/24 55/24 56/21 57/7 58/8 58/21 58/21 59/12 59/12 70/2 88/6 91/16 92/18 92/25 94/23 121/11 122/19 126/25 127/2 146/3 148/24 159/9 159/17 167/2 167/22 168/16 170/9 172/19 173/13 173/25 174/14 175/11 177/4 182/3 183/25 184/2 187/11 188/9 188/11 197/2 197/13 200/23 204/13 206/22 224/1 224/12 226/4 237/4 238/19 238/19 241/17 241/18 245/20 249/23 251/12 257/22 260/16 267/14 268/9 270/13 272/10 272/14 280/14 282/25 293/25 294/8 295/1 300/25 302/25 306/6 317/9 325/20 328/2 333/18 334/1 334/24 335/16 342/8 351/10 351/11 354/7 354/8 359/17 363/9 363/18 366/19 368/13 368/25 369/1 371/8 374/7 375/16 375/25 376/1 379/6 380/7 380/17 380/21 387/23 389/8 424/13 425/7 435/21 436/17 450/19 452/15 452/16 466/24 467/8 468/8 I've [1] 166/25 IBM [1] 47/13 ID [8] 6/2 7/2 100/17 102/23 103/8 103/9 227/11 249/2 idea [21] 79/18 113/10 119/13 135/16 135/17 135/18 135/23 197/6 311/15 323/20 326/7 326/9 336/17 346/25 347/8 347/9 347/10 362/13 364/8 393/14 393/17 identification [70] 64/8 64/10 64/12 64/14 64/16 64/18 64/20 64/22 64/24 65/2 65/4 65/6 65/8 65/12 65/23 90/5 95/24 95/25 99/1 101/7 102/4 102/11 102/13 102/16 102/19		

I		
instead [8] 84/16 255/20 310/18 317/19 352/9 407/4 444/11 469/12 institution [1] 49/23 instruct [8] 61/4 124/13 128/6 340/14 396/25 403/23 411/4 415/12 instructed [9] 80/16 136/23 220/18 260/14 260/20 260/23 261/8 417/21 439/14 instruction [6] 127/25 394/5 415/10 434/1 434/6 434/20 instructions [13] 60/18 127/14 131/4 355/20 356/24 358/7 379/23 392/10 414/1 434/4 434/5 434/8 457/5 instructor [1] 37/10 instructors [1] 36/25 instructs [1] 430/18 instrument [3] 398/23 405/14 405/16 instruments [2] 16/20 405/19 insufficient [1] 458/8 Insurance [1] 52/17 intelligence [2] 397/18 469/11 intelligent [3] 387/10 441/5 463/17 intelligently [1] 340/11 intended [1] 410/22 intending [3] 404/21 409/16 429/13 intent [30] 17/10 67/21 293/8 294/17 373/1 387/19 409/1 409/11 409/12 409/16 409/18 409/20 409/24 410/1 410/3 410/4 410/7 410/11 410/14 410/15 410/16 410/20 410/24 411/3 428/24 429/8 429/10 429/13 429/15 429/17 interacted [1] 168/18 interest [5] 130/3 342/13 342/17 396/3 471/18 interested [1] 462/5 internet [2] 127/18 416/9 interpret [1] 189/6 interpreted [1] 379/12 Interrogation [1] 321/11 interrogations [2] 418/3 419/15 intersection [5] 95/5 196/19 209/13 248/1 381/8 intersections [1] 255/12 interview [10] 107/2 117/21 272/24 279/6 279/9 279/10 283/6 320/15 330/14 385/9 interviewed [2] 283/4 330/10 interviewing [2] 106/19 322/17 intimate [1] 393/23 intimidation [3] 17/8 132/25 397/8 into [144] 9/10 70/19 71/8 71/10 71/16 71/18 72/3 72/21 72/22 72/23 73/22 73/23 76/1 77/18 84/6 84/7 84/13 84/21 85/5 90/9 90/11 92/1 107/1 118/4 118/12 121/2 122/15 125/2 128/24 131/22 133/22 134/3 134/6 134/17 138/13 142/15 145/18 147/23 150/7 153/4 153/12 155/11 157/2 158/4 160/6 160/8 160/10 160/12 163/2 163/17 163/18 164/8 167/20 176/6 192/5 199/9 201/1 202/6 203/1 203/10 203/22 210/2 210/16 215/13 215/19 215/22 216/20 216/22 216/25 217/19 218/1 218/6 218/7 220/21 221/18 230/9 230/10 231/5 231/23 233/19 234/18 234/21 234/24 249/3 250/2 250/7 254/3 258/1 259/8 267/3 267/6 278/24 279/4 297/4 299/18 305/18 307/22 308/1 317/12 318/17 320/19 323/3 325/19 344/15 345/9 347/22 348/9 354/16 355/22 356/22 357/1 362/6 363/5 363/6 363/8 364/12 369/5 375/12 376/23 377/11 396/23 398/25 402/24 403/11 406/22 410/18 419/6 419/17 422/16 424/3 425/1 427/4 432/12 433/18 439/4 442/17 442/25 447/23	451/20 460/12 465/6 466/19 467/12 468/19 introduce [8] 15/15 147/18 150/2 155/7 159/25 176/2 266/18 340/7 introduced [5] 125/17 126/12 128/24 203/22 471/12 introduction [2] 124/10 345/1 introductions [1] 16/1 inveigle [6] 18/1 18/10 18/19 19/2 358/12 406/18 inveigled [1] 406/8 inventory [2] 257/21 277/16 investigated [1] 111/2 investigating [1] 281/7 investigation [8] 106/8 106/11 139/22 320/3 320/8 325/25 382/8 382/18 investigations [2] 319/25 323/8 investigative [5] 110/2 111/14 118/9 330/16 330/25 investigator [53] 23/3 23/12 38/12 66/13 66/24 67/7 105/24 106/2 106/14 109/22 111/20 111/23 113/12 117/13 118/5 118/7 118/23 270/4 270/12 273/8 274/1 274/9 276/21 280/6 280/7 280/9 280/10 280/14 280/24 281/6 285/7 319/20 319/22 320/11 320/14 323/12 324/1 324/15 330/2 330/10 367/6 367/14 368/17 368/23 382/12 383/9 383/13 383/18 384/10 384/18 385/13 386/12 387/9 investigators [8] 134/14 256/22 274/10 280/19 281/3 281/7 281/15 386/16 invited [1] 416/21 involuntarily [2] 363/10 409/17 involuntary [1] 429/14 involved [25] 27/19 31/3 78/4 92/20 106/7 106/11 126/19 127/11 139/18 161/10 191/4 252/21 270/7 271/2 274/4 282/5 320/3 320/7 335/8 347/4 347/21 347/21 352/13 359/10 363/16 involvement [2] 260/13 270/11 involving [1] 340/2 IPGA [1] 58/10 IQ [1] 397/17 irrelevant [2] 293/6 293/9 is [1337] ish [1] 91/24 isn't [3] 294/17 386/22 439/16 issue [19] 10/1 31/2 45/15 62/25 103/7 185/20 187/7 188/24 189/3 191/21 281/8 293/17 295/4 317/14 339/25 350/1 350/12 402/1 436/8 issued [3] 31/21 63/21 400/6 issues [12] 68/10 68/17 123/7 127/23 128/11 128/12 128/19 352/13 411/25 430/21 432/13 435/22 it [850] item [4] 65/19 66/10 258/1 266/2 items [1] 65/21 its [4] 344/20 395/17 395/25 396/1 itself [3] 231/10 261/6 347/6	273/22 274/23 279/6 283/4 286/13 287/18 289/16 290/14 293/7 300/23 303/21 304/9 304/21 304/22 334/15 346/24 351/13 358/6 359/21 359/23 360/15 361/6 362/24 363/1 363/5 364/11 364/20 364/21 367/7 367/8 367/8 368/2 369/7 369/18 369/20 370/7 372/15 372/19 377/13 378/13 384/10 384/15 386/11 386/24 389/25 390/1 390/10 390/10 Jason's [5] 289/15 303/7 442/22 451/10 458/25 jeans [2] 142/25 199/1 Jefferson [1] 436/2 Jeffrey [1] 39/7 Jenkins [3] 13/24 52/14 52/15 jeopardize [1] 191/6 JEREMIAH [3] 1/17 27/7 27/10 Jessie [3] 14/21 47/22 47/23 Jimmy [1] 451/10 jitsu [2] 36/25 214/22 jiu [2] 36/25 214/22 jiu-jitsu [2] 36/25 214/22 job [18] 112/24 115/7 126/9 138/11 145/7 167/10 172/23 212/2 280/9 280/16 325/1 357/4 357/15 367/23 368/5 382/6 417/24 467/1 job-application-doing [1] 368/5 John [1] 12/7 John's [1] 451/10 Johnny [3] 12/15 38/20 40/5 Johnson [16] 23/12 105/6 105/19 105/20 105/24 276/21 319/2 319/14 319/16 319/20 330/10 367/14 368/18 368/23 383/9 419/1 joins [3] 359/25 407/16 427/14 Josephine [5] 14/15 30/19 44/11 49/8 49/9 Josh [1] 55/11 Joshua [2] 13/10 55/10 Jr [2] 269/24 269/25 judge [27] 1/13 15/4 15/8 15/25 70/24 126/2 137/8 138/7 138/20 188/24 189/3 189/11 189/21 190/5 357/16 357/18 379/22 388/13 392/21 393/11 393/11 393/21 393/22 431/23 436/2 437/7 452/8 judge's [3] 357/15 358/17 392/10 judges [7] 9/12 125/14 126/1 129/9 393/25 432/3 468/8 Judicial [4] 29/24 60/20 413/20 471/9 jump [2] 254/4 364/12 jumps [1] 133/23 jurors [29] 61/9 63/6 121/23 124/2 125/12 126/15 126/18 127/9 183/25 184/4 185/10 188/23 258/23 340/15 342/4 345/14 393/12 394/10 395/15 401/6 413/7 413/14 419/8 421/1 430/17 439/25 440/8 441/6 461/5 jury's [2] 346/9 436/11 Justice [1] 49/12 justification [1] 407/10
	J	K
J.J [4] 27/8 27/10 28/8 29/13 jacket [1] 277/4 Jackson [1] 105/3 jail [3] 323/10 460/7 465/12 James [2] 11/14 23/14 Janice [3] 13/18 53/25 54/1 Jason [77] 22/12 23/3 106/14 111/20 113/13 131/21 132/6 132/12 132/20 133/9 133/15 133/19 133/22 134/18 134/21 135/9 135/12 135/22 135/24 136/1 142/15 158/7 158/11 158/14 160/23 173/1 270/13 273/9 273/21	K-9 [10] 94/15 94/18 95/8 196/23 198/17 246/23 246/25 248/9 248/10 250/16 K-9s [1] 248/11 K-E-R-R-Y [2] 105/19 319/15 Karen [3] 14/5 51/17 51/18 Katherine [3] 12/19 59/11 59/12 Katrina [4] 12/9 12/25 57/20 57/21 keep [19] 99/12 99/14 99/23 122/4 127/22 146/25 173/13 183/25 188/11 196/25 197/7 197/7 263/1 263/2 263/4 324/13 404/18 404/22 406/17 keeping [2] 140/2 184/4 kept [11] 75/17 99/9 143/9 168/15 174/19 202/2 202/10 262/20 262/23 263/8 380/20	

K		
Kerry [9] 23/12 105/6 105/19 105/20 276/21 319/2 319/14 319/16 419/1	lady [2] 353/4 359/3	180/12 192/17 201/4 205/18 211/9 212/12
Kevin [4] 22/21 205/16 206/3 212/9	lady's [1] 351/1	213/25 219/18 220/11 224/3 224/6 226/21
kickboxing [1] 214/23	laid [1] 178/21	228/19 242/23 244/8 244/10 246/9 247/18
kid [1] 294/2	Lake [3] 55/1 196/20 196/20	247/18 247/21 248/1 250/14 259/16 264/4
kidnap [6] 18/1 18/10 18/19 19/2 358/12 406/23	lane [3] 80/11 88/7 88/8	269/14 273/11 275/8 286/23 299/25 304/11
kidnapped [1] 406/8	language [1] 238/18	310/2 314/7 319/4 324/12 324/19 325/1
kidnapping [45] 17/23 18/7 124/24 132/16 133/3 136/9 284/17 347/6 347/15 348/3	lapsed [1] 403/7	332/3 332/22 340/19 340/22 367/19 371/7 438/2
348/25 349/1 349/10 350/5 350/11 350/14 353/18 353/21 356/11 358/11 358/15 358/22	laptop [2] 378/12 416/8	legal [9] 32/10 50/10 123/7 290/21 352/13
361/19 370/12 374/8 398/16 399/5 399/7 399/9 399/11 406/4 406/5 407/7 407/11	large [2] 254/13 463/1	400/20 400/21 420/18 442/12
414/12 414/16 414/20 414/24 453/3 453/6 453/9 453/12 458/5 461/12 461/13	last [19] 75/12 97/10 97/12 98/2 140/5 140/6 141/9 224/12 237/1 242/2 260/18 286/14	Legislative [1] 57/8
kidnappings [1] 67/22	297/5 297/19 298/9 298/19 418/10 420/18 458/19	legit [1] 466/16
kids [1] 81/10	late [6] 121/24 121/25 183/25 184/4 184/8 448/8	legs [2] 149/19 149/21
killed [2] 460/16 469/2	later [23] 9/8 68/17 68/23 70/21 86/16 112/16 118/21 124/25 134/20 184/6 184/9	length [4] 90/6 164/13 397/19 403/6
killling [3] 360/6 407/23 427/20	188/2 226/23 227/7 227/10 284/2 324/19 365/2 372/2 375/1 382/25 385/10 391/2	leniency [2] 397/8 467/17
Kim [4] 25/3 25/5 50/20 201/2	latest [1] 423/15	less [9] 137/10 157/10 194/12 199/24 242/1 261/20 263/10 293/3 348/2
Kimberly [2] 201/14 201/15	Laura [2] 11/16 25/6	let [84] 8/15 26/15 28/21 61/19 61/20 69/17 71/21 74/1 75/1 81/4 86/14 92/5 93/17 95/22
kin [1] 471/17	law [89] 10/24 15/13 18/3 18/12 18/21 19/4 23/1 27/20 32/1 33/13 33/21 34/8 35/8 35/18	95/22 99/6 121/13 124/2 124/7 130/16 149/13 149/18 152/9 152/14 154/22 159/6
kind [45] 75/17 80/12 80/14 89/3 109/12 138/16 142/21 143/3 143/9 143/20 148/14	35/21 36/2 61/12 122/21 123/21 124/12 124/14 126/1 126/2 126/3 126/3 126/7 126/7	161/10 165/8 175/22 180/6 187/16 188/12
148/15 148/17 149/3 152/20 162/8 163/3 163/24 164/11 167/4 173/24 174/24 207/19	126/9 127/25 128/5 129/2 129/3 129/7 129/10 129/13 129/23 130/19 130/21 184/22	190/13 220/4 224/1 224/5 224/24 226/23
212/15 217/6 223/16 223/18 227/16 231/7 265/23 267/17 271/12 275/5 279/10 307/17	189/12 338/12 345/8 345/18 345/25 350/5 350/19 354/23 355/3 357/15 357/16 357/18	236/18 241/11 265/17 266/13 268/8 277/6
322/14 343/6 359/17 370/7 371/8 380/20 397/9 401/2 420/22 469/14	358/14 358/20 359/16 392/10 392/18 393/10 393/11 393/13 393/15 393/15 393/16 393/18	284/23 296/20 297/4 297/25 298/19 306/16
Kingdom [1] 464/10	393/18 394/6 395/2 397/24 399/15 400/3 401/1 401/17 406/9 406/11 407/8 407/9	310/5 311/19 312/25 314/7 316/20 324/3
Kirkland [1] 33/24	410/10 411/2 412/20 412/25 413/5 417/17 420/20 420/20 420/22 421/11 430/24 434/2	325/5 325/20 338/22 339/5 339/7 343/12
kit [2] 158/9 161/6	440/17 463/3	343/14 343/16 343/18 344/11 351/7 351/15
Kline [5] 12/19 59/11 59/12 62/7 416/15	Laws [5] 17/19 18/4 18/13 18/22 19/5	351/16 419/3 423/2 425/15 426/15 431/13
kneeling [2] 207/13 207/21	lawyer [19] 108/12 108/14 108/16 108/20 108/23 116/9 321/18 321/20 321/21 321/25	434/12 436/20 437/10 438/7 442/22 447/20
knees [1] 207/13	322/3 341/5 341/8 397/25 398/1 398/1 466/20 467/3 469/9	450/22 451/2 451/4 451/7
knew [37] 78/6 85/21 94/18 107/8 107/8 107/10 111/10 114/3 114/4 115/17 132/8	lawyering [1] 11/4	let's [11] 121/12 142/16 181/21 241/18
135/22 135/25 143/5 144/15 154/16 186/3 191/5 224/16 320/13 326/4 331/11 331/15	lawyers [3] 15/15 19/21 440/24	317/21 343/7 372/11 389/18 424/25 435/8 444/15
333/17 333/21 334/16 334/25 335/12 335/17 349/12 351/4 351/5 353/11 363/14 377/16 383/4 386/3	lay [1] 440/15	lets [2] 377/9 378/6
knife [1] 405/21	lead [10] 73/6 183/7 280/6 280/9 280/10 280/14 369/10 369/15 406/18 468/11	letter [1] 134/12
knock [2] 186/12 415/5	leader [1] 193/23	letters [1] 75/12
knocking [1] 413/15	leading [1] 369/10	letting [2] 122/10 133/4
knowing [3] 186/5 337/20 367/2	leads [1] 221/22	Lewis [1] 13/14
knowingly [3] 396/15 406/7 406/12	Learning [1] 55/1	liability [1] 409/23
knowledge [21] 111/3 114/6 114/24 204/19 284/4 291/17 292/10 292/15 326/10 327/24	least [7] 101/12 128/12 143/19 163/8 226/23 367/4 450/10	liar [1] 368/9
333/19 340/11 394/17 394/25 406/12 408/5 408/7 410/2 412/14 428/3 428/5	leave [37] 81/11 149/6 165/10 165/13 165/21 169/8 176/19 205/12 211/4 228/18 234/3	library [1] 190/23
known [4] 28/8 29/1 236/9 239/19	242/17 269/8 276/1 309/18 309/19 344/4 348/5 348/6 349/8 350/21 351/5 356/10	license [22] 75/6 75/8 77/22 86/5 93/9 93/10
knows [10] 31/11 134/5 136/19 297/13 343/25 359/6 366/3 378/6 381/5 466/10	358/25 358/25 374/3 390/17 390/18 390/23 390/23 390/25 391/4 415/25 417/3 417/6 430/15 457/10	94/2 98/11 98/12 98/20 134/11 220/8 223/16
knuckles [2] 17/13 405/21	leaves [6] 154/3 360/22 361/5 364/23 401/14 421/8	223/23 227/2 229/16 236/20 236/21 237/1 246/20 252/1 261/1
Kohler [1] 39/7	leaving [14] 78/23 112/2 112/3 139/17 156/8 187/18 215/2 215/4 215/7 225/9 229/2 324/6	lie [7] 361/23 362/3 362/9 368/8 368/12 368/13 373/17
KRISTY [2] 1/19 27/13	380/11 417/18	lieutenant [19] 23/10 23/19 90/21 91/13
L	led [14] 89/10 148/24 289/7 292/19 295/12 297/5 297/8 297/9 297/15 297/17 297/21	91/16 115/12 115/16 116/5 242/20 243/17
label [1] 203/6	298/7 299/2 355/18	252/13 269/11 328/4 328/14 328/15 331/12
lack [2] 397/16 397/20	Lee [1] 15/25	374/19 380/6 381/3
ladies [38] 16/8 19/7 25/7 46/12 60/16 121/15 123/11 124/9 125/9 131/13 132/14	Lee's [1] 15/5	life [5] 52/16 288/3 301/4 370/9 462/15
133/5 135/11 136/1 136/16 183/23 192/8 258/16 285/21 300/8 316/24 318/20 338/10	left [62] 70/3 71/2 71/4 83/25 87/17 88/6 90/23 93/13 97/1 105/8 112/13 112/16 113/1	lifestyle [1] 468/10
344/18 344/25 354/20 368/22 392/15 419/10 422/20 425/12 427/6 433/20 439/7 439/12 447/25 454/7 456/11	140/22 157/7 163/8 166/3 171/15 177/22	light [5] 94/21 257/11 257/12 347/19 412/14

L		
list [6] 8/10 22/2 300/9 300/11 418/1 419/13 listed [7] 25/10 65/18 110/6 257/22 257/24 277/16 300/11 listen [17] 127/15 130/14 202/17 311/12 358/16 359/14 366/14 366/15 366/15 366/16 378/12 380/22 381/16 392/10 419/3 435/17 439/24 listened [3] 140/9 362/1 371/4 listening [8] 106/17 252/16 253/10 320/11 356/16 361/8 390/14 390/22 literally [1] 89/1 little [41] 19/15 75/5 76/13 77/15 78/12 94/17 122/24 123/2 131/25 133/9 138/21 151/13 153/1 174/10 184/6 184/8 209/21 215/12 215/17 215/20 216/18 220/13 223/20 226/7 234/12 263/10 271/16 272/19 279/13 279/17 279/18 297/19 302/18 306/20 319/25 357/25 360/13 365/1 384/13 384/14 463/8 live [1] 288/2 lived [1] 288/3 lives [5] 112/10 112/14 324/17 332/18 332/24 Lo [1] 42/15 loans [2] 142/8 167/15 lobby [3] 144/5 170/17 323/3 lobe [6] 288/17 288/18 298/5 301/20 301/23 301/25 lobotomy [3] 293/19 296/18 302/2 local [1] 208/22 locate [1] 272/8 located [6] 75/21 86/1 221/13 233/4 278/19 425/6 location [13] 61/25 75/24 95/4 147/12 161/13 163/4 163/7 195/17 248/16 251/3 266/3 271/11 274/13 locations [2] 199/16 383/3 lock [1] 177/23 locked [6] 74/22 101/13 104/2 155/23 199/7 363/12 log [1] 142/18 logged [1] 66/7 long [42] 9/25 63/8 121/14 131/23 140/6 141/21 141/25 143/1 157/7 158/21 159/1 166/24 172/8 182/9 183/24 184/1 193/10 194/10 201/23 234/22 241/4 260/7 270/4 274/1 288/2 290/4 290/14 301/3 303/10 311/1 319/23 352/14 352/15 378/14 402/16 438/8 438/17 458/17 459/20 464/14 464/21 467/18 long-sleeved [3] 143/1 158/21 159/1 longer [7] 80/19 94/17 122/5 122/24 224/9 416/23 445/8 look [43] 77/21 80/7 87/11 87/12 87/14 88/5 89/1 96/12 102/1 102/25 104/4 111/9 162/1 162/13 187/6 198/23 200/22 216/10 218/23 222/25 227/20 236/6 236/10 249/3 251/7 296/7 306/20 350/17 350/19 351/7 351/14 353/22 357/24 361/20 361/20 363/12 364/20 386/24 387/2 387/13 389/7 416/4 434/12 looked [36] 72/1 75/5 78/16 80/15 85/19 86/10 86/13 86/15 86/17 87/23 88/9 90/9 90/11 101/16 102/14 177/13 194/21 203/4 207/23 208/2 216/4 216/12 217/3 218/21 219/25 220/14 224/13 225/20 230/25 234/9 236/19 239/10 239/19 249/20 272/11 416/5 looking [37] 78/15 78/25 78/25 79/2 82/1 92/22 99/15 103/5 115/18 133/17 135/19 142/21 142/21 146/1 148/4 152/22 162/2 186/12 186/13 216/14 216/14 223/3 223/5 223/12 225/17 254/11 296/1 362/21 378/16 378/18 378/19 378/22 379/1 380/9 380/10	380/13 446/12 lookout [2] 93/2 93/5 looks [8] 133/16 362/20 363/1 377/23 378/7 378/18 450/25 468/3 lose [2] 209/6 262/24 loses [1] 440/20 lot [112] 71/18 72/22 72/23 72/25 73/7 76/2 77/7 77/19 78/24 82/4 84/7 84/24 85/1 85/3 85/5 85/11 85/15 93/24 111/6 112/23 133/6 135/10 138/24 140/4 198/2 208/22 208/24 210/7 210/16 212/14 212/20 215/14 215/22 216/21 216/23 217/2 217/13 221/9 221/19 221/25 222/1 222/5 222/18 222/19 222/24 224/3 226/21 227/12 227/23 230/10 230/14 230/15 230/16 230/17 230/18 230/22 231/2 231/3 231/4 231/16 231/19 231/24 232/15 232/16 232/17 232/23 232/25 234/6 234/19 234/24 235/12 235/16 235/22 237/13 237/22 239/7 239/14 240/1 248/3 261/17 267/17 268/22 290/10 309/11 309/18 309/19 323/22 324/2 324/23 324/24 348/12 357/9 363/3 366/8 374/23 375/4 375/11 375/12 375/13 375/15 376/15 377/10 377/12 387/24 389/24 392/6 418/7 419/25 420/6 466/8 466/8 466/11 lots [2] 138/19 390/15 loud [3] 435/20 435/24 436/3 loudly [1] 208/8 love [1] 369/22 LPN [1] 47/24 luck [1] 469/16 Lucretia [2] 11/24 36/13 lunch [33] 9/3 61/2 61/2 61/15 62/18 62/20 63/6 63/25 64/5 122/23 317/1 317/2 317/6 318/2 318/11 318/21 344/1 345/19 345/20 345/23 352/11 415/15 416/25 417/8 449/11 449/14 449/15 449/22 450/1 450/2 450/15 450/18 451/2 lunchtime [2] 185/22 450/10 lure [2] 406/18 406/21 lying [4] 138/23 139/10 379/8 379/18 Lyles [7] 22/18 22/19 151/18 180/10 180/23 180/24 181/3	Macon's [8] 9/6 65/23 134/2 134/6 328/10 373/21 381/17 389/10 Madam [1] 124/1 magistrate [1] 456/23 mail [8] 126/21 188/6 203/5 275/19 351/23 351/23 352/1 353/1 mailed [1] 146/19 mailing [6] 146/4 146/15 162/20 173/20 173/22 173/25 main [6] 127/5 212/22 212/24 232/17 394/19 394/23 mainly [1] 69/10 maintained [2] 202/3 202/8 maintenance [2] 51/8 58/22 major [2] 118/18 330/24 majority [5] 430/3 430/5 438/4 440/9 446/25 majority's [1] 440/11 makes [7] 126/1 126/2 358/5 359/8 372/7 395/2 463/20 making [16] 102/12 138/13 146/22 147/15 162/8 173/24 215/9 225/14 250/14 293/2 337/11 377/6 377/19 379/11 398/2 434/4 male [17] 48/6 50/6 51/4 52/13 53/11 54/21 55/19 57/4 57/18 59/6 94/7 98/8 115/20 198/1 199/1 244/11 244/22 man [36] 77/3 115/19 115/22 132/4 135/8 135/9 135/19 136/19 137/2 149/10 216/1 216/25 237/9 249/1 294/22 348/9 348/9 348/10 355/15 356/15 356/15 359/7 365/11 365/12 365/13 367/10 367/10 367/11 375/15 375/24 377/4 378/10 378/20 386/22 392/8 469/10 manage [1] 167/2 managed [1] 209/23 manager [19] 47/13 49/23 52/5 53/4 56/1 57/11 131/24 142/4 142/6 144/20 167/2 167/2 173/19 177/22 211/25 212/9 275/11 366/4 464/2 managers [3] 133/8 182/12 207/19 manages [1] 134/8 managing [2] 142/8 145/7 manipulate [1] 469/11 manipulated [2] 132/8 136/4 manner [4] 396/5 411/9 441/2 469/12 manually [2] 254/9 256/20 Manufacturing [1] 56/22 many [17] 10/20 198/12 204/11 230/13 230/13 241/25 265/22 280/11 331/25 334/24 335/16 347/9 347/24 352/13 371/14 382/16 445/6 many statements [1] 280/11 map [6] 6/21 199/9 199/14 268/7 376/1 376/5 Marcella [10] 17/6 18/2 20/11 21/12 22/14 140/20 141/10 141/12 399/6 414/24 Marcelle [1] 453/13 marijuana [1] 462/20 mark [3] 191/22 438/23 452/10 marked [61] 64/8 64/10 64/12 64/14 64/16 64/18 64/20 64/22 64/24 65/2 65/4 65/6 65/8 95/22 95/24 95/25 117/4 147/4 149/13 152/14 154/22 156/6 158/23 175/22 182/4 191/25 200/25 202/13 203/9 249/11 251/13 253/17 257/19 257/20 265/17 266/13 267/2 267/5 277/20 279/3 306/16 308/17 310/4 321/5 381/1 391/2 422/9 423/7 425/20 427/3 435/3 437/13 438/25 442/2 442/4 443/5 443/7 443/19 444/21 444/25 448/2 marking [1] 452/9 marriage [5] 20/21 20/23 20/24 25/9 27/18 married [2] 46/18 54/14 Marriott [2] 267/10 267/11 Mart [1] 154/20
M		
	M-A-Z-E-R-O-L-L-E [1] 97/12 M-I-K-O-L-A-J-C-Z-A-K [1] 12/3 machine [2] 221/13 221/13 machines [1] 283/2 Macon [136] 1/7 8/2 8/3 9/1 9/18 16/5 17/3 17/24 18/6 18/8 18/16 18/17 18/24 18/25 20/17 66/13 68/13 103/1 106/22 106/25 107/3 107/6 110/17 112/1 112/3 112/5 113/17 113/24 114/18 115/24 116/2 116/10 116/15 117/14 119/1 119/21 132/5 132/13 132/15 132/20 132/22 133/20 133/23 134/9 134/24 135/16 135/21 136/17 139/18 140/3 249/2 250/22 256/14 276/22 277/7 284/15 284/17 289/10 289/16 291/14 293/8 296/17 303/4 305/11 306/5 306/7 306/8 311/1 313/1 315/14 315/18 316/13 320/18 320/19 322/6 323/5 323/15 323/17 324/3 324/10 325/17 326/3 326/20 327/16 328/18 330/11 331/7 331/17 334/20 334/23 334/24 335/22 335/25 336/2 336/16 336/17 336/20 336/25 338/22 346/11 346/18 346/19 346/25 347/3 347/8 362/9 362/10 362/17 367/15 380/5 381/4 382/20 383/2 383/8 383/14 383/15 384/6 384/18 385/5 385/15 386/20 387/16 388/1 388/13 389/2 389/21 389/24 390/13 391/7 392/3 413/23 452/24 459/22 461/14 463/2 463/12	

M		
Marvin [1] 11/20	397/17 409/25 410/20	Monday [3] 118/19 183/25 184/4
Mary [3] 13/8 55/23 55/24	mentality [1] 391/9	Mondays [2] 121/23 121/25
Mash [1] 437/2	mentally [3] 279/13 279/18 297/3	monetary [1] 407/12
mask [2] 308/13 356/25	mention [4] 8/24 208/5 325/7 461/12	money [64] 33/11 132/2 134/17 134/18 145/8
master [4] 193/19 264/19 264/20 270/15	mentioned [12] 158/24 161/25 225/16 232/5	148/8 151/23 151/25 152/5 152/20 153/23
mastermind [4] 136/2 367/1 371/2 390/6	233/23 323/22 337/7 377/18 379/9 380/14	153/24 154/1 154/18 154/24 155/2 155/16
match [1] 95/16	446/1 447/3	156/8 158/18 158/21 159/19 174/15 174/22
matched [5] 98/20 98/21 247/12 261/2 324/4	mentioning [1] 66/1	175/5 175/12 177/11 177/17 177/19 178/22
matches [4] 137/18 365/5 365/5 365/7	mercy [1] 445/9	178/25 179/2 179/14 188/13 270/19 270/21
matching [2] 89/16 260/25	mere [5] 400/20 408/7 409/7 428/5 429/5	270/22 271/1 271/3 272/6 272/13 272/16
material [1] 396/16	merely [3] 124/16 361/4 440/8	306/23 306/24 307/2 307/2 310/9 310/10
mathematical [1] 410/7	messed [1] 466/13	310/12 312/2 314/17 346/20 351/2 356/2
Matt [1] 57/7	met [9] 84/25 114/12 125/10 327/14 348/10	371/9 371/10 374/2 374/12 387/7 390/1
matter [19] 31/2 129/3 129/23 157/9 230/18	348/18 458/18 458/20 464/10	390/2 418/5 418/16 418/17 419/20
286/14 294/6 325/8 338/11 346/10 394/9	metal [5] 17/12 271/14 271/23 271/25 405/21	monies [2] 17/9 17/9
396/17 400/3 403/21 409/2 410/5 428/25	method [1] 126/22	monitoring [1] 254/16
439/15 461/10	Michael [12] 23/5 23/7 23/17 97/11 97/13	month [4] 369/19 388/5 465/18 465/18
matters [6] 122/21 129/7 129/10 130/6	192/15 193/2 193/4 259/14 260/1 260/3	months [16] 290/5 290/8 303/12 303/15
396/18 440/16	270/14	311/3 311/3 314/11 314/11 347/2 388/11
Matthew [8] 13/2 13/22 14/1 52/2 52/3 53/2	microphone [1] 46/17	460/7 462/25 463/4 463/6 464/18 469/7
53/3 57/6	mid [1] 241/17	moot [1] 458/5
maximum [3] 460/18 464/17 464/24	mid-westerner [1] 241/17	morning [45] 36/13 41/6 184/12 184/24
maybe [37] 68/7 74/9 81/21 83/13 90/6 111/7	middle [9] 85/3 88/23 227/14 235/18 240/11	185/14 185/18 190/14 192/8 193/8 193/9
115/21 122/8 151/9 151/13 157/9 182/11	351/6 376/25 377/1 377/1	201/19 201/20 230/3 230/4 252/13 258/18
184/8 233/17 263/9 263/10 267/13 290/5	Midlands [1] 54/13	317/13 317/17 333/13 343/7 344/13 345/10
290/12 290/20 294/1 303/19 317/18 317/19	might [19] 111/7 111/11 111/17 119/13	345/22 351/16 352/7 352/18 354/20 355/8
352/1 362/16 365/3 371/8 379/19 379/20	129/5 129/5 131/25 144/2 189/22 317/12	355/9 370/21 370/22 426/10 429/25 430/2
385/9 385/23 450/12 461/23 464/17 465/18	317/13 323/21 323/24 343/7 388/15 410/1	430/8 430/18 430/23 431/14 433/6 433/20
468/14	426/10 429/24 449/15	447/17 448/7 448/9 448/22 450/7
Mazerolle [10] 23/17 96/24 97/11 97/13	MIKE [2] 264/14 264/19	mortgage [1] 51/7
97/17 226/14 259/14 260/1 260/3 260/7	mile [4] 80/18 228/4 261/20 263/10	Mortgages [1] 54/2
McCURDY [5] 1/24 15/18 471/8 471/22	mileage [2] 261/18 261/21	most [12] 109/21 279/16 289/5 347/19
471/24	miles [4] 80/13 88/23 99/11 262/20	348/17 355/12 364/19 423/22 439/19 460/14
McDonald's [1] 271/8	military [5] 51/20 57/9 57/21 193/14 275/25	468/12 468/13
McRant [6] 14/15 30/19 44/11 49/8 49/9	mind [20] 16/17 121/24 127/22 184/20 289/2	mostly [4] 138/10 378/2 462/14 463/23
49/11	298/6 302/11 302/19 324/14 345/16 364/24	motel [6] 115/6 267/10 267/12 268/21 271/6
mean [50] 86/14 93/20 114/2 137/9 138/23	373/24 376/18 382/2 385/23 387/3 410/10	272/9
139/1 139/5 140/10 144/14 145/20 157/13	438/5 440/2 447/1	mother [4] 25/23 43/9 68/12 303/7
157/14 162/2 179/19 188/11 208/11 225/2	mindset [1] 294/21	mother's [1] 289/15
239/13 261/13 261/19 261/21 284/5 290/10	mine [3] 39/5 87/7 149/20	Mothers [1] 32/4
290/11 294/2 294/4 317/22 326/23 334/23	minimize [1] 123/3	motion [24] 65/17 66/20 66/23 67/1 67/10
335/14 336/2 342/8 352/12 365/4 365/17	minimum [5] 186/13 460/17 464/19 464/25	67/12 67/25 68/21 105/2 285/20 286/4
382/7 418/14 426/12 432/5 432/15 440/20	467/17	341/24 342/2 346/10 349/23 350/3 350/11
444/1 444/9 445/13 447/18 448/11 450/17	minor [1] 462/19	351/18 353/20 458/12 459/4 459/5 459/12
451/3 452/12 469/13	minority [1] 440/10	459/13
meaning [3] 10/13 61/24 187/3	minority's [1] 440/9	motions [9] 11/4 62/24 65/10 65/14 317/24
means [33] 17/8 109/16 130/12 132/19 133/4	minus [1] 134/11	342/25 457/18 459/8 459/11
137/1 142/5 189/6 339/17 358/13 371/21	minute [2] 168/13 383/9	motive [1] 396/3
372/2 372/7 377/5 395/14 397/6 406/12	minutes [34] 106/13 121/13 143/16 145/12	move [4] 152/9 203/1 250/2 278/24
406/14 406/16 406/18 406/20 406/21 406/25	147/13 157/9 157/10 163/9 163/10 167/24	moved [3] 303/8 305/5 305/7
407/2 409/5 409/16 413/6 429/3 429/13	182/11 187/16 194/12 198/15 199/24 226/13	movements [1] 254/6
440/20 444/1 444/14 445/11	227/7 227/10 241/7 241/23 258/24 259/4	Mr [101] 2/3 2/5 2/7 2/9 2/11 2/14 2/16 2/18
meant [2] 108/25 452/14	272/7 285/23 311/21 330/19 355/24 365/3	2/21 2/23 2/25 3/2 3/5 3/8 3/10 3/13 3/15
meantime [1] 162/7	375/1 385/8 438/11 438/15 438/19 451/1	3/17 3/19 3/21 3/25 4/2 4/4 4/6 4/9 4/11 4/13
medical [8] 71/5 183/8 215/3 293/17 295/18	Miranda [9] 110/18 120/16 276/10 276/11	4/16 4/18 5/2 5/4 8/16 62/12 68/13 68/25
295/22 296/15 410/8	283/8 320/22 418/2 418/25 419/13	112/1 112/3 113/17 123/11 130/24 169/25
medication [1] 302/17	Mirandize [1] 274/20	213/11 256/14 276/6 276/17 292/18 316/13
Medlin [1] 24/20	Mirandized [1] 117/14	320/19 325/16 326/13 331/7 335/2 335/6
meet [6] 97/23 132/4 133/20 189/24 232/13	mirror [2] 75/5 220/15	335/22 336/17 336/20 354/9 356/13 362/17
344/5	miscellaneous [1] 251/16	362/24 363/1 367/15 373/22 374/16 374/22
meeting [3] 226/14 233/20 233/25	misidentification [1] 104/24	375/18 378/24 382/4 383/2 383/2 384/18
Melinda [1] 12/13	misplaced [1] 329/7	386/13 387/22 389/14 391/6 392/3 412/23
member [16] 29/22 30/5 31/1 31/14 31/19	missing [4] 126/25 353/5 368/19 368/20	413/2 413/9 415/19 418/7 419/25 424/7
31/20 31/24 31/25 33/5 33/10 33/16 33/20	mistaken [2] 25/22 188/9	425/5 434/7 445/17 445/21 446/13 448/10
39/13 45/20 464/10 465/2	mistakes [1] 467/9	448/11 451/23 453/20 458/1 458/23 459/15
members [7] 29/23 30/7 38/3 60/9 126/19	mistrial [3] 440/19 441/18 441/19	459/22 461/14 463/2 463/12 465/15 466/7
184/14 345/15	misunderstanding [1] 322/19	Mr. [146] 8/3 8/7 8/21 8/24 9/1 9/6 9/18
memories [1] 379/21	MMMA [1] 214/21	19/24 20/17 27/5 27/5 27/7 27/10 28/18 62/3
memory [4] 72/11 92/8 110/8 244/14	MOITAI [1] 214/23	65/23 66/3 66/13 67/13 67/17 68/11 83/9
mental [8] 52/4 279/17 295/4 297/2 297/24	Molotov [1] 405/22	103/1 106/22 106/25 107/3 107/6 112/5
	moment [2] 128/8 334/12	113/17 113/22 113/24 115/22 115/24 116/2
	Moncrief [2] 71/5 215/2	116/10 116/15 117/14 119/1 119/21 139/18

M			
Mr.... [106] 140/3 161/25 167/20 173/1 181/3 206/7 211/24 250/22 283/4 284/14 284/15 284/17 286/13 287/18 289/16 291/1 291/14 292/1 293/2 294/17 294/18 296/17 298/24 300/13 300/23 305/1 305/11 311/1 315/14 315/18 320/18 322/6 323/5 323/6 323/11 323/15 323/17 324/3 324/8 324/10 325/7 325/17 326/3 326/20 327/15 327/17 327/24 328/5 328/10 328/17 328/18 331/17 334/24 335/2 336/16 336/17 336/18 336/25 338/22 346/11 346/18 346/19 346/24 346/25 347/3 347/8 348/8 354/24 355/11 355/20 356/20 357/8 357/18 357/12 358/24 359/11 362/9 362/10 362/22 366/5 373/2 373/17 373/21 374/10 377/13 379/9 380/5 381/4 381/17 382/20 383/8 383/9 383/14 383/15 384/6 385/5 386/24 387/22 388/7 388/20 389/2 389/24 390/13 391/6 392/4 415/4	Mr. Arthur [1] 20/17 Mr. Cathcart [15] 8/7 8/24 19/24 27/5 66/3 83/9 354/24 373/2 373/17 379/9 383/9 387/22 388/7 388/20 391/6 Mr. Colon [29] 67/13 67/17 68/11 113/22 115/22 161/25 167/20 283/4 284/14 305/1 323/6 323/11 324/8 325/7 327/15 327/17 327/24 328/17 335/2 336/18 348/8 355/20 356/20 357/8 357/12 358/24 359/11 374/10 392/4 Mr. Colon's [5] 292/1 293/2 294/17 294/18 328/5 Mr. Desai [1] 211/24 Mr. Foreman [1] 415/4 Mr. Jason [5] 173/1 286/13 346/24 377/13 386/24 Mr. Jeremiah [2] 27/7 27/10 Mr. Lyles [1] 181/3 Mr. Macon [67] 8/3 9/1 9/18 66/13 103/1 106/22 106/25 107/3 107/6 112/5 113/17 113/24 115/24 116/2 116/10 116/15 117/14 119/1 119/21 139/18 140/3 250/22 284/15 284/17 289/16 291/14 296/17 305/11 311/1 315/14 315/18 320/18 322/6 323/5 323/15 323/17 324/3 324/10 325/17 326/3 326/20 328/18 331/17 334/24 336/16 336/17 336/25 338/22 346/11 346/18 346/19 346/25 347/3 347/8 362/9 362/10 380/5 381/4 382/20 383/8 383/14 383/15 384/6 385/5 389/2 389/24 390/13 Mr. Macon's [5] 9/6 65/23 328/10 373/21 381/17 Mr. Richard [1] 27/5 Mr. Shellenberg [3] 8/21 28/18 355/11 Mr. Whaley [4] 206/7 357/8 362/22 366/5 Mr. Williams [1] 62/3 Mr. Woodberry [5] 287/18 291/1 298/24 300/13 300/23 Mr. Macon [1] 357/13 Ms [30] 2/4 2/12 2/15 2/19 2/22 3/3 3/6 3/11 3/14 3/18 3/23 4/3 4/7 4/12 4/14 4/17 5/3 5/5 15/17 70/1 70/18 136/11 141/16 176/21 223/7 292/7 353/3 353/4 353/5 376/12 Ms. [54] 16/2 20/14 25/15 25/25 26/11 26/21 26/25 27/13 46/24 62/7 65/22 65/23 97/25 102/10 131/16 166/18 167/4 168/5 169/16 172/6 176/24 190/11 191/13 203/22 204/4 214/15 230/3 233/12 260/18 261/5 261/23 272/23 341/14 349/16 351/1 351/2 353/7 353/8 355/1 358/9 363/4 365/2 369/16 374/6 375/9 375/10 380/6 380/16 382/17 385/15 389/23 416/15 424/18 425/8	Ms. Brittany [1] 349/16 Ms. Courtney [1] 176/24 Ms. Del [2] 167/4 168/5 Ms. Diana [1] 97/25 Ms. Ellison [3] 351/2 353/8 374/6 Ms. Ellison's [1] 351/1 Ms. Gathers [6] 25/15 25/25 26/11 26/21 26/25 203/22 Ms. Goldberg [6] 20/14 46/24 131/16 341/14 355/1 358/9 Ms. Goldberg's [1] 369/16 Ms. Kline [2] 62/7 416/15 Ms. Kristy [1] 27/13 Ms. Nick [2] 166/18 169/16 Ms. Pat [1] 16/2 Ms. Richburg's [1] 204/4 Ms. Weinberg [2] 190/11 191/13 Ms. Wheeler [2] 172/6 353/7 Ms. Williams [19] 65/22 65/23 102/10 214/15 230/3 233/12 260/18 261/5 261/23 272/23 363/4 365/2 375/9 375/10 382/17 385/15 389/23 424/18 425/8 Ms. Wyatt [2] 380/6 380/16 Mt [1] 246/15 much [26] 22/8 70/19 101/14 112/20 122/5 157/15 184/7 187/4 204/5 206/12 215/14 220/8 231/10 233/6 275/13 282/1 299/12 303/18 324/22 328/24 362/5 375/6 378/5 389/19 392/13 445/7 mugged [4] 39/20 40/7 41/7 41/16 multiple [4] 198/13 329/22 347/12 465/8 murder [1] 437/8 murdered [2] 44/12 45/9 MUSC [2] 190/22 190/23 must [63] 19/11 108/7 125/15 126/4 126/17 127/7 127/19 128/4 129/21 321/13 340/10 364/2 393/3 393/16 395/10 395/12 397/4 397/14 398/3 398/10 399/14 401/11 401/11 401/21 401/24 402/4 402/9 402/11 403/16 404/6 404/10 404/19 405/4 405/6 406/5 408/17 409/12 409/13 409/21 410/3 410/5 411/9 411/12 413/4 413/4 413/7 415/18 421/6 421/7 421/15 421/18 428/14 429/9 429/10 429/18 430/16 434/5 439/15 439/17 440/3 440/5 440/15 440/19 mutual [1] 387/19 myself [4] 81/8 129/5 225/6 228/24	nearest [1] 210/10 necessarily [4] 139/10 379/17 395/12 451/5 necessary [11] 129/5 129/11 353/7 401/7 408/15 409/11 410/14 416/23 421/3 428/13 429/8 need [57] 16/6 22/5 22/10 28/25 44/5 81/2 87/14 102/15 121/8 121/9 185/5 185/10 185/19 187/20 187/22 187/23 228/15 286/19 338/12 341/7 341/24 342/1 346/9 350/18 354/3 362/15 391/13 391/14 391/14 416/24 420/6 421/22 423/20 425/14 426/8 429/23 435/8 436/5 438/14 443/22 443/23 444/1 445/3 445/9 445/13 445/22 446/3 448/15 448/17 449/11 449/14 450/2 450/14 451/1 451/5 457/16 457/17 needed [7] 109/3 185/23 225/7 226/18 226/19 228/18 434/20 needs [4] 8/25 62/14 165/21 200/20 Negative [3] 262/8 262/13 262/15 negligence [2] 410/2 410/25 Nehemia [1] 49/11 neighbor [2] 39/5 133/13 neighbors [1] 37/19 Neil [2] 65/11 69/25 neither [1] 471/17 Nephew [1] 35/8 Nephew-in-law [1] 35/8 nervous [4] 174/19 174/24 275/5 279/15 networking [3] 61/23 126/24 448/21 never [16] 83/25 143/13 145/17 145/20 168/18 176/10 210/15 329/19 347/8 355/16 373/11 378/14 379/4 386/3 399/25 464/18 nevermind [1] 461/11 new [10] 9/24 288/1 301/2 305/4 458/8 458/12 459/4 459/6 459/12 467/7 Newborn [1] 15/12 Newman [1] 431/23 news [1] 127/16 newspaper [1] 127/18 next [50] 9/19 17/21 18/14 67/10 69/21 71/12 105/2 133/15 134/6 135/4 151/22 155/18 161/12 165/20 165/24 165/25 171/11 183/10 187/15 192/12 205/14 210/14 220/22 221/9 229/3 232/19 232/21 232/22 232/23 232/25 266/2 276/4 285/19 285/24 286/3 299/21 318/24 359/12 375/7 377/11 380/3 380/4 383/1 386/12 403/8 435/23 437/3 437/8 442/21 450/25 Next-door [1] 183/10 nice [1] 463/14 nicely [1] 257/16 Nichols [4] 13/2 57/6 57/7 57/11 Nick [14] 17/8 18/11 20/9 22/15 145/2 166/1 166/13 166/14 166/18 169/16 176/24 399/8 414/20 453/10 Nicklin [3] 13/12 54/23 54/24 nickname [1] 312/19 night [2] 112/9 332/17 nine [5] 28/9 29/2 55/22 198/16 319/24 nobody [13] 99/13 114/13 138/11 139/14 356/9 358/25 358/25 364/13 365/10 373/13 383/5 383/6 387/15 Nods [12] 145/13 157/6 158/1 158/3 162/22 164/4 309/5 311/16 313/24 314/20 315/23 327/5 non [1] 294/20 non-truthfulness [1] 294/20 none [6] 292/25 337/10 373/20 375/16 416/2 416/3 nor [4] 348/5 395/4 398/20 471/18 normal [3] 172/20 202/19 207/19 normally [4] 9/9 110/4 185/9 254/7

N		
North [4] 91/24 95/7 113/2 247/21	objections [4] 8/19 416/1 457/25 458/3	officers [27] 38/22 74/7 75/21 79/3 79/5 82/4
Nos [3] 64/17 157/1 267/1	obscured [1] 134/12	93/22 95/19 102/2 102/3 102/24 103/17
note [13] 7/3 188/22 423/15 424/8 425/24	obscurities [1] 365/22	111/6 134/15 157/14 213/8 214/19 216/21
437/24 439/8 443/18 444/24 446/17 446/18	observation [3] 395/1 403/21 404/16	225/23 225/25 226/6 227/1 230/13 375/17
448/1 448/3	observe [10] 78/13 130/13 148/20 181/16	378/7 381/23 382/4
noted [1] 225/14	181/19 207/8 215/5 215/16 291/10 402/14	offices [2] 178/4 183/8
notes [7] 124/20 251/11 325/20 325/21	observed [6] 74/12 74/16 115/13 182/14	Official [2] 1/25 471/8
325/23 325/25 442/11	295/20 346/17	oh [31] 26/10 27/2 41/6 43/18 87/8 146/15
nothing [49] 9/11 9/15 60/11 66/18 70/8 91/3	observing [1] 104/7	149/1 159/10 159/15 163/12 182/6 185/19
97/6 105/13 116/12 117/23 120/10 120/11	obtain [1] 281/17	190/1 206/22 261/18 267/20 308/2 325/11
132/12 136/3 141/2 144/17 164/19 166/8	obtained [1] 139/24	336/25 343/1 359/4 364/2 367/22 368/2
171/20 179/7 180/17 186/7 192/22 201/9	obvious [5] 114/3 146/10 150/13 325/14	384/15 384/19 385/4 385/18 431/8 431/11
205/23 211/14 213/15 214/5 234/15 239/22	384/13	447/5
243/3 259/21 264/9 269/1 269/19 273/16	obviously [22] 9/1 103/2 107/11 113/23	old [26] 28/9 288/5 289/2 291/2 294/3 295/3
287/3 300/5 304/3 304/16 319/9 337/24	144/14 235/8 286/17 288/20 292/10 293/24	297/11 297/24 298/6 299/6 299/10 302/13
386/7 386/8 392/5 412/6 436/10 453/25	328/16 329/25 334/25 335/13 342/11 348/7	302/14 302/19 305/1 370/8 416/20 461/17
466/10	349/14 362/9 363/15 367/7 458/16 463/24	461/19 464/4 467/19 468/3 468/16 468/17
notice [8] 162/23 209/11 209/13 209/24	occasion [3] 91/23 97/19 265/8	468/18 469/16
212/6 224/13 224/24 369/15	occasions [2] 43/2 403/11	older [2] 468/12 468/14
noticed [15] 71/8 71/9 75/25 76/23 76/25	occupation [1] 47/12	on [528]
93/7 182/17 182/17 207/12 207/14 215/12	occur [5] 73/19 148/5 218/4 288/7 301/8	on-call [2] 274/10 330/24
215/20 222/20 239/6 382/19	occurred [48] 70/25 72/7 72/19 75/3 75/16	once [33] 19/10 44/5 80/20 94/18 108/24
notified [2] 320/10 328/4	110/1 113/4 116/11 121/16 132/18 142/13	124/21 125/1 129/25 140/9 174/18 194/13
notify [1] 413/14	151/20 151/22 154/18 167/18 168/4 173/11	246/13 247/20 261/24 286/17 324/9 328/15
now [86] 8/24 9/8 15/21 26/17 61/3 63/4	177/17 194/5 208/1 208/6 209/19 215/10	387/25 391/19 391/19 403/23 413/9 414/13
67/16 72/12 74/16 98/11 108/19 109/23	216/16 223/14 223/24 224/6 252/19 264/23	415/2 415/12 420/1 424/20 430/15 434/7
114/14 124/10 132/24 133/5 137/5 137/20	270/16 288/4 290/2 290/4 296/17 301/5	434/8 447/17 448/12 448/13
139/14 187/18 195/1 200/21 204/5 222/22	303/11 303/15 322/25 325/24 329/14 356/5	ones [2] 458/22 460/10
233/6 237/5 238/21 239/7 245/10 251/5	356/11 362/11 429/14 443/16 449/7 451/16	only [87] 8/23 64/8 64/10 64/12 64/14 64/16
255/8 261/4 261/8 262/6 270/20 271/12	461/18	64/18 64/20 64/22 64/24 65/2 65/4 65/6 65/8
276/2 302/14 324/13 339/9 345/6 353/22	occurrence [1] 403/7	75/11 86/6 95/24 100/16 101/14 101/16
356/13 358/24 359/5 360/18 361/1 361/20	occurring [2] 295/15 295/15	102/2 102/21 117/4 118/21 120/3 126/3
365/15 366/19 368/16 369/14 369/25 370/4	occurs [8] 155/18 409/17 417/25 423/13	127/8 128/19 139/16 159/17 182/23 191/25
370/25 372/10 375/16 377/24 380/18 386/24	425/23 435/5 437/22 442/8	200/9 204/15 222/4 229/1 257/12 291/12
387/21 388/4 389/18 391/18 392/17 393/13	October [7] 1/9 352/24 355/19 433/13 449/4	292/15 292/22 294/11 296/17 298/17 303/12
393/16 394/4 416/25 426/19 426/22 432/1	453/19 471/16	327/8 330/1 346/22 347/21 352/13 356/13
438/1 439/10 440/23 443/22 445/20 445/24	October 30th [1] 355/19	359/9 360/6 360/7 360/8 361/16 363/25
447/20 449/12 457/19 460/14 461/17 463/12	odd [3] 168/1 305/5 367/20	369/6 382/14 385/3 392/25 393/5 401/7
464/1 467/13	Odell [1] 58/10	407/23 407/24 407/24 412/12 413/7 418/12
nowhere [2] 190/4 377/1	off [60] 8/19 71/5 76/24 92/5 93/6 93/13	419/16 421/2 422/9 423/7 425/20 427/3
nudged [1] 175/11	98/12 100/18 106/21 113/21 114/20 115/1	427/20 427/21 427/21 435/3 436/25 437/13
Number 2013-GS-40-579 [1] 413/21	115/4 116/2 118/21 122/21 123/6 131/25	438/25 442/2 442/4 443/7 444/21 461/22
Number 2014-GS-40-3553 [1] 18/5	133/9 133/22 142/19 154/8 157/21 207/23	462/8
Number 2014-GS-40-3555 [1] 18/23	208/10 208/11 210/3 215/3 220/17 223/8	onto [11] 71/6 93/6 93/14 215/9 215/11
Number 4 [1] 399/9	223/10 224/5 224/10 256/19 256/20 272/1	225/24 246/11 246/13 246/14 247/21 375/21
Number 5 [1] 399/11	303/21 316/13 326/21 327/18 328/20 334/19	open [29] 122/15 127/22 145/20 167/14
numbers [7] 78/20 156/19 161/14 223/22	334/22 335/18 335/20 335/24 336/1 361/17	192/5 203/15 235/20 250/11 259/8 288/9
237/1 417/14 417/18	362/25 368/4 372/19 378/25 384/16 384/21	291/5 299/18 318/17 344/15 354/16 370/1
numerous [1] 103/15	384/23 386/2 406/25 418/8 419/25 448/14	381/24 419/6 422/16 422/24 424/3 425/1
nurse [4] 54/14 55/25 56/1 59/23	off-post [2] 71/5 215/3	425/10 427/4 433/18 439/4 440/2 447/23
O	offender [1] 402/15	451/20
o'clock [14] 122/5 184/8 317/3 317/24	offense [12] 119/10 323/19 331/8 360/10	open-ended [1] 370/1
320/10 342/17 343/7 343/10 344/13 345/11	399/14 399/24 402/15 402/22 404/10 408/2	opened [2] 163/24 175/4
345/12 345/22 345/24 449/1	427/25 462/7	opening [10] 5/2 5/3 122/7 128/10 128/15
O'Leary [1] 12/13	offenses [2] 399/2 399/18	128/18 131/15 131/20 136/15 371/20
oath [5] 123/15 124/4 126/14 187/9 411/14	offer [4] 67/23 326/17 327/25 418/14	operating [1] 405/24
object [6] 17/16 68/22 131/7 133/1 179/13	offered [3] 294/13 347/3 392/23	operator [15] 26/19 58/9 75/6 75/19 78/20
405/11	offering [1] 294/14	79/8 79/21 80/5 219/23 222/23 223/21
objecting [3] 295/5 295/5 297/24	offers [2] 67/14 67/15	224/23 225/5 228/10 382/15
objection [48] 117/2 147/19 147/21 150/3	office [41] 27/12 27/12 28/6 29/24 29/25 30/1	opinion [9] 31/2 45/16 184/20 345/16 389/9
150/5 150/24 153/8 153/10 155/8 156/20	30/2 30/21 40/23 52/5 71/3 142/18 143/17	394/6 394/7 411/25 440/5
156/23 160/1 160/2 160/4 176/3 177/1 177/3	145/20 148/11 148/12 148/13 148/15 162/6	opinions [3] 379/16 439/25 440/13
177/4 179/16 179/23 197/12 197/17 197/19	163/3 163/23 169/18 169/22 170/11 170/14	opportunities [1] 463/25
199/12 199/13 203/2 203/3 205/8 211/2	178/2 178/4 190/5 204/7 204/8 204/9 204/12	opportunity [16] 19/20 78/9 79/4 97/23
213/18 222/8 242/12 249/13 250/3 250/5	212/12 214/22 271/8 276/7 282/14 320/19	103/23 106/7 130/5 131/7 172/25 210/15
266/20 266/24 269/3 269/5 278/25 279/1	382/13 417/14 463/15	225/22 258/19 402/14 403/8 403/20 420/15
284/19 284/20 285/3 301/16 301/17 304/5	officer [31] 37/1 37/11 79/8 79/13 79/15	opposite [5] 76/2 208/18 208/19 231/16
458/1	81/16 86/25 87/4 95/8 103/11 107/9 116/4	466/22
objectionable [1] 68/16	118/8 120/15 157/22 158/4 158/12 193/22	option [1] 438/13
	223/25 226/4 226/5 226/14 270/15 325/4	options [1] 231/14
	358/21 362/12 374/25 382/21 385/3 422/1	orange [2] 306/20 357/25
	468/24	order [22] 33/12 115/1 131/6 162/18 280/13

O		
order... [17] 344/1 345/19 345/21 372/14 387/17 391/14 404/9 409/23 449/11 449/12 449/14 449/25 450/2 450/13 450/15 451/1 451/9	panic [1] 217/10	183/13 183/18 198/9 198/20 203/7 204/25 213/8 229/21 240/17 252/5 258/6 263/19 273/1 278/22 279/24 284/12 285/25 298/11 302/24 304/2 312/5 315/5 334/13 337/23 376/4 376/10 424/22 434/13 435/12 435/19 446/23 460/24
ordered [2] 393/2 416/25	panicked [1] 359/23	paved [1] 246/14
ordering [1] 352/11	panics [1] 363/1	pay [3] 130/12 130/14 355/2
orders [2] 345/25 451/4	paper [7] 107/20 146/6 146/11 159/10 168/17 174/9 308/24	paying [1] 224/8
ordinarily [1] 125/22	paperwork [3] 109/21 280/10 457/8	PCR [1] 465/25
ordinary [5] 142/13 181/16 182/15 202/10 207/9	paragraph [2] 110/16 326/2	Pearrow [1] 23/21
organization [2] 31/25 33/14	paragraphs [1] 333/11	peculiarly [1] 412/6
organizations [1] 33/7	pardon [1] 328/8	pediatrician [2] 21/6 21/15
original [2] 83/6 462/18	parents [3] 68/3 69/6 69/10	peers [1] 467/13
originally [8] 284/1 284/1 287/25 301/1 305/3 349/4 382/20 463/7	park [1] 390/8	pellet [1] 132/2
other's [1] 90/9	parked [13] 88/11 194/14 196/12 216/9 221/12 233/16 239/7 240/3 240/14 240/15 371/3 376/17 390/11	pen [1] 452/10
others [2] 351/17 379/20	parking [93] 71/18 72/22 72/23 72/24 72/25 73/7 76/1 77/7 77/19 78/23 84/7 84/24 85/1 85/3 85/9 85/10 85/10 85/15 112/23 135/10 198/2 210/7 210/16 212/14 212/20 215/13 215/23 216/21 216/23 217/1 217/13 220/13 221/9 221/19 221/25 222/1 222/5 222/18 222/19 222/24 224/3 226/21 227/12 230/10 230/14 231/2 231/3 231/4 231/11 231/16 231/19 231/23 232/15 232/16 232/17 232/23 232/25 233/17 233/24 234/6 234/19 234/24 235/12 235/16 235/22 237/13 237/22 239/7 239/14 240/1 261/16 267/17 268/21 309/11 309/18 309/19 324/23 324/24 348/12 357/9 363/3 366/7 374/23 375/3 375/12 375/12 375/15 376/15 377/10 377/11 389/24 418/7 419/25	pendency [2] 9/3 10/13
otherwise [4] 121/11 136/25 387/15 394/4 ought [1] 393/15	parole [3] 460/6 460/6 462/17	pending [1] 67/15
our [38] 16/2 36/1 62/4 62/7 63/25 69/11 80/15 87/17 106/23 118/12 118/12 122/23 137/13 154/5 172/20 204/2 209/18 212/14 212/20 214/23 251/10 258/18 262/23 271/4 271/4 272/23 278/11 285/19 285/24 286/12 288/3 301/4 317/2 345/23 366/7 416/18 436/17 468/7	part [37] 75/11 145/7 218/5 218/5 232/17 236/24 239/24 293/9 294/17 295/1 295/6 306/20 320/2 339/14 340/10 348/3 348/16 356/14 357/25 359/3 369/9 379/25 393/7 395/21 395/23 396/20 427/9 429/21 431/7 431/10 432/19 434/1 434/6 444/9 444/9 458/19 463/1	people [68] 25/9 25/12 61/16 69/12 82/4 87/12 88/25 103/15 103/18 106/20 132/16 133/6 137/22 139/6 143/24 185/6 185/6 198/23 220/1 224/10 224/17 228/1 238/23 323/8 347/9 347/12 347/12 347/25 348/3 348/4 357/4 358/4 358/18 359/2 359/10 359/19 360/5 360/7 360/9 366/13 371/22 379/11 379/11 379/19 382/22 390/16 391/12 391/25 407/14 407/22 408/1 420/7 427/12 427/19 427/23 439/16 439/17 445/24 465/8 466/9 466/13 466/19 466/21 466/23 467/1 468/12 468/13 468/13
outbound [1] 246/4	partial [1] 116/3	people's [1] 139/7
outfit [1] 367/1	partially [1] 138/10	per [1] 367/3
outside [26] 39/20 82/5 82/8 84/3 112/22 122/22 127/20 132/10 142/24 194/21 221/13 227/20 227/25 235/9 282/18 282/22 283/2 294/3 338/12 361/14 415/23 415/25 430/14 440/15 444/2 445/14	participant [1] 388/16	perceived [1] 357/22
outweighs [1] 340/5	participants [1] 440/23	percent [1] 144/13
over-repetitive [1] 100/13	particular [16] 45/22 73/14 93/20 129/13 139/8 162/18 231/6 274/6 281/17 322/7 332/5 349/10 379/18 380/10 392/4 410/1	perception [1] 297/2
overcome [1] 404/17	parties [13] 61/12 127/9 127/25 131/7 184/21 345/18 392/17 410/18 431/25 435/11 442/18 442/20 458/10	perfect [1] 467/8
overcomes [2] 401/18 421/12	partner [1] 57/9	perfectly [2] 101/17 334/10
overreact [2] 144/15 144/16	party [1] 471/18	perform [2] 125/20 392/20
overruled [2] 179/24 197/20	pass [8] 74/1 75/1 86/2 99/16 148/1 161/9 215/19 377/9	performed [1] 227/13
overseas [1] 276/2	passed [3] 145/12 145/21 215/8	perhaps [1] 189/12
overstep [1] 297/12	passenger [1] 88/12	perimeter [9] 194/23 196/10 196/25 197/6 197/7 198/11 198/22 265/6 265/7
overt [3] 388/17 409/15 429/12	passenger's [4] 88/2 88/4 251/2 307/22	period [9] 40/6 104/18 147/2 168/11 191/1 290/14 317/23 461/25 465/18
owe [1] 188/13	passing [1] 111/16	permanently [2] 17/11 404/21
own [21] 86/24 135/22 152/2 152/3 256/2 262/9 262/10 262/16 339/19 371/22 387/4 387/5 397/5 402/23 404/23 439/24 440/5 440/6 440/6 460/12 463/20	passive [7] 288/25 292/19 293/3 295/12 298/5 298/9 302/10	permission [1] 268/17
owned [1] 208/22	past [27] 9/21 71/7 71/20 76/6 76/8 80/6 143/13 207/17 215/18 216/22 221/17 230/7 232/2 236/17 236/18 236/18 263/10 302/16 348/18 402/20 443/20 445/2 460/6 466/9 466/14 466/16 467/9	permit [1] 407/9
owner [7] 17/11 48/23 48/23 185/24 186/1 404/21 405/5	pastor [1] 464/11	Perry [1] 11/10
P	Pat [1] 16/2	person [112] 17/6 17/16 22/8 47/5 69/7 80/7 80/24 81/4 82/11 87/15 88/16 88/18 89/11 89/18 90/11 90/12 98/7 98/18 99/2 100/2 100/14 100/19 109/14 111/25 121/14 137/1 137/2 191/1 191/2 194/17 216/13 219/7 219/10 224/16 227/11 229/1 229/6 229/7 229/17 238/7 238/9 238/14 238/15 239/1 239/20 239/24 247/7 270/18 293/18 293/18 294/21 297/17 308/18 322/17 324/24 326/11 335/18 339/14 347/12 347/22 350/20 353/5 357/20 358/13 359/9 359/24 359/25 360/2 360/6 362/13 362/15 365/19 371/25 372/7 372/8 374/1 374/1 374/2 386/17 394/16 399/24 401/3 402/2 402/19 404/2 404/12 404/13 404/14 404/16 405/11 406/9 406/22 406/23 407/16 407/19 407/23 408/7 408/8 408/23 409/14 410/10 420/23 427/13 427/16 427/20 428/5 428/6 428/21 429/11 438/3 464/5 467/11
P-I-N-O [1] 141/11	patch [1] 195/4	person's [3] 404/15 410/9 412/9
p.m [47] 11/7 60/24 62/20 64/6 80/10 122/16 185/16 188/20 286/2 299/19 317/6 318/12 318/18 338/17 344/16 346/5 352/23 417/25 419/7 422/7 422/17 423/5 423/13 424/4 425/2 425/18 425/23 427/5 431/18 433/12 437/18 437/23 439/5 441/14 441/23 442/9 443/8 443/12 443/17 444/23 446/24 447/24 448/25 449/3 449/8 451/17 451/21	patrol [5] 193/22 253/17 275/4 381/2 391/3	personal [10] 21/2 21/22 25/10 27/23 39/14 292/10 339/20 394/25 404/11 407/12
pace [2] 263/9 381/4	patrolling [1] 193/24	personality [1] 68/10
pack [4] 153/19 153/22 154/19 155/16	Paula [1] 14/3	personally [7] 29/23 30/5 30/6 35/17 35/20
pad [1] 442/12	Pause [43] 15/6 82/21 89/24 101/1 117/6 117/10 119/17 136/14 160/14 164/6 178/11	
Padgett [1] 37/20		
Palmetto [1] 59/24		
Pam [1] 52/15		
Pamela [2] 13/24 52/14		
panel [14] 11/6 19/19 19/22 31/1 31/14 31/20 31/24 33/6 33/7 33/10 33/16 45/20 60/10		

P		
personally... [2] 185/21 461/3 persons [1] 103/17 peruse [1] 92/18 Phil [1] 52/17 phones [2] 61/22 185/10 photo [1] 65/19 photograph [12] 6/4 6/5 6/6 6/7 6/9 6/10 6/11 6/12 6/13 6/14 6/15 147/8 photographs [4] 6/8 6/20 282/8 282/9 phrase [3] 139/4 295/17 400/21 phrased [1] 449/21 physician [1] 53/16 pick [14] 16/3 81/11 81/12 228/19 228/19 356/22 357/1 357/4 357/5 363/8 364/14 365/20 366/7 366/8 pick-up [7] 356/22 357/1 363/8 364/14 365/20 366/7 366/8 picked [5] 103/16 194/17 216/4 229/5 462/23 picks [1] 278/7 pickup [54] 73/12 73/15 75/10 76/1 76/18 76/19 76/20 76/25 82/10 84/13 84/16 87/16 92/22 93/8 96/7 98/10 100/9 101/18 101/19 101/20 212/16 212/18 219/3 219/17 219/18 220/6 221/9 222/21 222/23 224/2 225/1 225/2 225/13 226/10 227/23 227/24 229/13 233/15 234/21 235/17 239/6 241/2 241/5 241/11 241/17 242/3 244/12 245/8 246/9 307/18 307/19 307/22 308/2 315/20 picture [4] 169/21 199/9 223/16 233/2 pictures [4] 265/14 267/22 275/16 275/18 piece [6] 107/20 146/5 159/10 174/8 308/24 369/5 pinned [1] 95/10 Pino [15] 17/6 18/2 20/11 21/12 22/14 140/20 141/10 141/12 141/16 167/4 168/5 176/21 399/6 414/24 453/13 Pisgah [1] 246/15 pistol [5] 6/18 17/12 266/9 266/15 405/20 place [47] 70/3 90/23 97/1 105/8 129/17 140/22 149/6 150/23 151/3 162/13 165/12 166/3 171/15 180/12 182/25 192/17 199/3 201/4 205/18 211/9 213/25 222/6 222/18 241/8 242/23 244/5 259/16 264/4 269/14 273/11 274/13 286/23 292/13 299/25 304/11 319/4 322/4 322/5 333/24 348/7 349/13 356/8 358/18 362/5 385/22 387/4 397/19 placed [10] 45/23 153/4 174/15 175/20 176/12 177/19 248/25 251/9 331/11 400/15 places [4] 222/9 222/15 384/4 385/21 plain [2] 82/5 228/1 Plaintiff [2] 1/5 1/18 plan [12] 313/21 357/10 360/4 364/12 366/17 390/6 407/21 408/15 409/1 427/18 428/12 428/24 planned [4] 132/5 327/23 347/22 371/2 plans [1] 184/2 plastic [6] 6/18 177/14 266/10 266/15 272/8 272/15 plate [28] 75/7 75/8 75/12 77/22 78/17 80/4 86/5 93/9 93/10 94/3 98/11 98/13 98/21 134/11 220/8 220/9 220/16 223/2 223/16 223/23 227/3 229/16 236/20 236/21 237/1 246/20 252/1 261/1 play [10] 380/17 418/16 418/22 420/5 420/12 420/17 422/22 423/3 425/8 436/3 played [9] 203/15 250/11 380/18 381/24 382/14 422/24 425/10 437/16 443/10 plea [2] 67/22 399/22 plead [1] 462/6 pleasure [1] 463/15	pled [11] 125/5 136/19 139/19 140/3 386/6 399/21 459/24 460/10 462/1 465/4 465/20 plus [1] 83/22 pocket [3] 144/7 144/8 148/7 Poilettman [3] 13/16 54/11 54/12 point [110] 9/17 72/4 74/24 79/4 79/25 91/23 93/11 94/13 95/12 95/17 95/19 98/4 98/17 98/23 98/25 99/5 99/16 99/19 104/6 109/19 111/11 111/12 115/9 115/22 116/8 116/15 118/14 144/2 144/9 145/21 148/4 148/22 149/5 157/5 165/8 165/9 167/10 168/21 169/7 172/25 174/7 175/19 178/21 186/11 197/9 198/23 208/1 209/6 209/11 209/19 217/13 218/14 219/20 221/23 224/22 225/22 228/25 238/3 247/3 248/14 248/23 250/18 250/23 254/23 261/24 262/22 263/12 268/8 268/12 309/18 309/25 312/23 317/25 323/11 324/7 325/6 325/10 326/12 326/17 331/6 332/20 333/1 333/16 336/20 338/2 338/4 345/6 345/16 351/4 353/11 356/3 356/11 358/2 358/19 359/6 363/23 364/22 370/6 371/9 377/5 381/22 416/23 436/11 438/7 441/20 446/4 458/5 461/21 462/14 465/4 pointed [7] 114/10 165/5 176/11 366/11 366/12 368/16 373/24 pointing [9] 237/14 237/24 238/2 238/4 238/19 266/2 313/1 328/3 365/10 points [1] 363/22 poked [1] 284/5 police [110] 33/13 37/1 38/22 65/22 71/7 71/17 71/17 71/20 72/6 72/9 74/7 76/6 77/9 77/13 79/3 79/9 79/11 80/19 81/3 81/16 82/4 87/13 88/25 90/13 102/2 102/3 102/25 111/6 111/13 111/15 111/16 115/17 119/14 132/11 134/8 135/5 135/21 135/23 144/9 144/17 157/14 158/2 158/12 161/2 161/17 163/9 209/11 209/13 210/3 215/7 216/6 216/9 219/14 220/4 221/3 221/3 221/5 221/14 221/15 221/23 222/2 222/4 222/15 222/17 224/19 224/20 224/24 225/25 226/2 227/23 228/15 228/20 230/6 230/7 231/19 232/1 239/23 278/5 293/4 309/22 309/23 310/15 310/16 311/13 312/7 314/21 323/22 325/4 335/9 358/21 364/1 365/4 365/25 366/3 367/3 374/25 375/17 378/6 378/16 379/1 380/5 381/5 381/22 387/5 387/8 388/22 390/20 390/22 391/11 391/16 police-free [1] 77/13 polite [1] 463/13 politely [1] 355/25 poll [3] 454/4 454/5 454/6 polled [1] 456/9 polo [1] 94/7 Ponder [3] 13/18 53/25 54/1 pop [1] 365/23 popped [3] 219/11 223/5 224/7 Porcel [1] 25/6 portion [3] 254/13 297/7 298/9 position [10] 130/20 201/25 202/1 414/6 436/17 440/10 440/11 440/14 443/21 445/3 positions [1] 463/24 positive [9] 85/24 100/17 237/3 237/4 263/15 328/16 410/15 462/19 469/12 positively [1] 112/3 possession [2] 404/18 404/24 possibility [3] 344/7 401/23 421/17 possible [10] 78/19 119/11 121/19 139/4 223/22 225/12 331/1 401/18 421/12 442/15 possibly [7] 35/5 143/24 196/15 196/23 216/13 241/7 342/6 post [3] 71/5 215/3 457/17 post-trial [1] 457/17	posted [1] 9/25 potential [3] 22/2 25/25 300/10 pounds [1] 199/2 powerful [2] 401/11 421/6 practice [1] 27/16 pre [1] 152/24 pre-made [1] 152/24 prejudice [4] 31/15 130/4 340/17 396/3 prejudicial [1] 340/6 prepare [1] 344/5 prepared [2] 342/14 433/22 preponderance [3] 120/25 401/9 421/5 presence [17] 17/6 46/10 61/17 122/22 180/8 284/25 316/22 338/13 357/20 404/12 404/14 408/13 408/23 409/7 428/10 428/21 429/6 present [78] 15/2 17/16 19/25 20/1 22/13 22/20 22/24 23/2 23/9 23/16 23/23 24/1 24/4 24/7 24/10 24/13 24/16 24/19 24/22 24/25 25/4 47/15 48/1 48/14 48/25 49/14 50/1 50/23 51/10 52/7 52/20 53/6 53/18 54/4 55/3 55/14 56/3 56/24 57/13 57/24 58/12 58/25 59/15 60/1 108/20 138/5 151/2 192/7 259/10 286/18 291/8 292/14 318/5 318/19 321/25 339/10 344/17 354/18 362/18 396/8 397/25 405/11 408/9 408/21 409/1 409/5 410/14 419/8 422/18 424/5 425/3 428/7 428/18 428/24 429/3 430/18 439/6 451/22 presented [24] 104/25 116/13 120/25 128/5 128/21 137/17 138/4 159/12 177/12 286/20 346/11 347/11 347/11 349/3 349/22 350/1 350/11 393/6 394/12 394/14 396/6 403/4 412/10 459/9 presents [1] 346/22 preserve [1] 131/6 preside [3] 15/9 130/24 392/21 presiding [1] 393/10 pressure [5] 109/12 109/15 322/14 322/18 397/7 presumed [1] 400/5 presumption [5] 136/24 398/21 400/9 400/14 400/20 pretrial [4] 65/14 65/17 68/21 458/2 pretty [16] 67/11 99/12 142/24 157/15 215/14 262/5 262/18 275/13 281/25 299/12 328/24 378/5 378/14 385/20 388/20 389/19 prevented [1] 404/17 previous [1] 301/16 price [1] 115/8 primary [2] 32/1 202/7 principal [11] 47/24 408/11 408/12 408/16 408/20 409/9 428/9 428/9 428/13 428/17 429/7 print [5] 118/15 118/18 188/7 199/8 432/24 printed [2] 118/20 257/16 printing [1] 199/8 prior [21] 45/17 68/17 186/14 292/23 314/11 347/2 388/5 388/11 396/7 408/5 408/14 408/15 428/3 428/11 428/12 459/22 461/15 461/18 465/4 465/13 465/16 prison [7] 461/24 462/9 462/25 463/23 464/18 467/11 467/15 Prisoners' [1] 33/6 private [1] 27/16 privately [3] 19/20 46/3 189/22 probable [3] 360/3 407/19 427/16 probably [32] 28/9 73/20 80/18 118/20 151/9 157/10 174/3 182/11 184/9 198/16 212/19 225/7 241/6 285/23 298/13 317/23 332/2 332/3 342/21 343/4 343/22 350/18 352/8 361/2 363/23 364/8 386/14 388/20 426/1 449/11 451/10 461/5 probation [5] 10/1 462/8 462/18 462/23