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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDY VERNON HARRIS,

APPELLANT

APPELLATE CASE NO. 2021-001341

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT #1 (COMPACT DISC), STATE'S EXHIBIT #2 (COMPACT DISC,
VIDEO), and STATE'S EXHIBIT #3 (COMPACT DISC, AUDIO)**

1 STATE OF SOUTH CAROLINA
2 COUNTY OF YORK

IN THE GENERAL SESSIONS
16th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

VOLUME I

ORIGINAL

6 vs.

CASE NO. 2020-GS-46-05753
2020-GS-46-05754

7 BRANDY VERNON HARRIS,
8
9 Defendant.

10 HEARING BEFORE: HONORABLE WILLIAM A. MCKINNON

11 DATE: November 8, 2021

12 TIME: 3:20 PM

13 LOCATION: Moss Justice Center
14 1675 York Highway
15 York, SC 29745

16 REPORTED BY: LORA L. MCDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 ALEXANDER J. HARPER, ESQ.
JENNY E. DESCH, ESQ.

22 ATTORNEYS FOR THE DEFENDANT
23 JEFFREY B. ZUSCHKE, ESQ.
SHAWANA BURRIS, ESQ.

STATE vs. BRANDY HARRIS

I N D E X

DIRECT CROSS REDIRECT RECROSS

WITNESS/EXAMINATION

OFFICER GARRETT SANE

BY MR. HARPER	53	--	64	--
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LINDA HARRIS

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E X H I B I T S

FOR I.D. IN EVD.

STATE EXH. 1, Compact disc	54	55
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(No transcript of recording)

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(No transcript of recording)

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(No transcript of recording)

STATE vs. BRANDY HARRIS

1 THE COURT: Counsel, just for the record, Juror 5,
2 Frances Bailey, is a friend of mine. She's in my Sunday school
3 class. I don't think that merits disqualification because The
4 Court is a neutral party. If she was a friend of the witness,
5 it would be different. The Court is neutral. I wanted to let
6 y'all know. I don't want to single her out. I want to put
7 that on the record.

8 MR. HARPER: Yes, sir.

9 (A pause transpired.)

10 THE COURT: Ms. Desch, while you were in the jail,
11 I put on the record that Juror 5, Ms. Bailey, is a friend of
12 mine from my Sunday school class. Because The Court is
13 neutral, I don't think that warrants disqualification, but I
14 wanted to put that on the record.

15 MS. DESCH: Appreciate that. Thank you.

16 (The jury panel entered the courtroom.)

17 THE COURT: Counsel, can I see y'all briefly?

18 (Off-the-record discussion.)

19 THE COURT: Ladies and gentlemen, let me first say
20 thank you so much for your patience today. Today has been one
21 of those days where nothing goes the way you want it. We were
22 trying to do an Internet plea, a guilty plea with a Defendant
23 who's in Florida. I'm very sorry y'all had to wait so much. I
24 promise your day is about to end.

25 What we're about to do is select the 12 jurors and

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1 two alternates for the case today. If you are not selected as
2 one of those 14 people, your jury service will be complete. If
3 you are selected, the case will start tomorrow; will not start
4 today. Regardless, you will be out of here as quickly as I can
5 get you out. Again, I thank you for your patience.

6 (A pause transpired).

7 (The Defendant enters the courtroom.)

8 THE COURT: Ladies and gentlemen, we're about to
9 begin the case for the State of South Carolina versus Brandy
10 Vernon Harris. Madam Clerk, has the panel been sworn in?

11 THE CLERK: Yes, sir.

12 THE COURT: Ladies and gentlemen, as I said, we're
13 about to begin the actual juror selection process. I'm going
14 to ask you some questions. It's very important that you answer
15 honestly. If it applies to you, stand up where you are, and
16 I'll call on you. Then I may ask you some further questions.

17 I also want to put on the record one of the jurors
18 has informed The Court -- which, of course, I already knew --
19 this juror and I are in the same Sunday school class. We go to
20 church together; not going to single out this juror. The
21 attorneys know who it is. That is not an issue because, as the
22 judge, I'm a neutral party in the case. It's not an issue the
23 juror knows the judge.

24 Ladies and gentlemen, I'm about to tell you this is
25 a criminal case. The Defendant, Mr. Harris, is charged with

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1 kidnapping and domestic violence. I'm telling you that now but
2 please understand those are just charges. That's what the
3 State alleges. In our system, everyone is presumed innocent,
4 and the State has the burden of proving those charges beyond a
5 reasonable doubt. That is the State's case.

6 My first question is -- I'm going to ask
7 Mr. Harris, the Defendant, to stand, please. Mr. Harris, turn
8 around for a moment.

9 (The Defendant complied.)

10 THE COURT: Is any member of the jury panel related
11 to Mr. Harris by blood or marriage or have a close personal or
12 social relationship? If so, please stand.

13 Thank you, Mr. Harris.

14 Ladies and gentlemen, I'm now going to ask the
15 attorneys to stand. Representing the State, Ms. Jenny Desch
16 and Mr. Alex Harper. My same question: Is any member of the
17 jury panel related to either of these attorneys by blood or
18 marriage or have a close personal or social relationship with
19 them? If so, please stand.

20 Thank you, Counsel.

21 And defense Counsel representing the defense, Mr.
22 Jeffrey Zuschke and Ms. Shawana Burris. Same question: Ladies
23 and gentlemen, is any member of the jury panel related to
24 either of those attorneys by blood or marriage or have a close
25 personal or social relationship with them? If so, please

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1 stand. Thank you.

2 Ladies and gentlemen, the events in this case are
3 alleged to have occurred on or about August 26th of 2020. Does
4 anyone have any information about this case? You've heard
5 something about it, read something about it? Any information
6 at all about this case? If so, please stand.

7 Does any member of the jury panel have any
8 preconceived notion about the guilt or innocence of the
9 Defendant? If so, please stand.

10 Ladies and gentlemen, I'm now going to read you a
11 list of the prospective witnesses in this case. It does not
12 mean these witnesses will all be called; these are possible
13 witnesses. Same question: If I read a name, you are related
14 to this person by blood or marriage or if you have a close
15 social or personal relationship, please stand.

16 Taylor Tucker with the Rock Hill Police Department.

17 Garrett Sane with the Rock Hill Police Department.

18 Berlin Gipson with the Rock Hill Police Department.

19 The alleged victim in the case, Linda G. Harris.

20 Is any member of the jury panel aware of any bias
21 or prejudice they have towards or against any party in this
22 case? If so, please stand.

23 I've asked this question this morning. I have to
24 ask it again for the record. Has any member of the jury panel
25 served as a York County Grand Juror? If so, please stand.

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1 Is any member of the jury panel a member of or
2 contributed to a group which has, as its primary focus the
3 promotion of law enforcement or victim's rights? Groups like
4 this, for example: Mothers Against Drunk Driving, Students
5 Against Drunk Driving, Citizens Against Violent Crime. If any
6 member of the panel donates to a group like them or is a member
7 of it, please stand.

8 Ladies and gentlemen, I'm now going to ask the
9 questions that may be kind of personal involving have you been
10 a victim of certain kinds of crimes and things like that. The
11 way I'm going to phrase these questions is, I will ask: Have
12 you or a member of your family been a victim of a crime or that
13 sort of thing. And I will not ask a follow-up question.

14 In other words, the first question I'm about to ask
15 is: Have you or a member of your family ever been accused of
16 or arrested for domestic violence? I'm going to ask you to
17 stand if that is a yes. I'm not going to say: Was it you or
18 was it your cousin? Does that make sense? I'm not going to
19 ask follow-up questions.

20 First question: Has any member of the jury panel
21 or member of their immediate family been accused or
22 investigated for or arrested for domestic violence? If so,
23 please stand.

24 Yes, sir, in the brown shirt. What's your juror
25 number?

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1 JUROR 242: 224.

2 THE COURT: Sir, can you still be fair and
3 impartial to both sides in this case?

4 JUROR 242: I'm sorry, 242.

5 THE COURT: 242. Sir, can you still be fair and
6 impartial to both sides in this case?

7 JUROR 242: Yes, sir.

8 THE COURT: Yes, ma'am. What's your juror number?

9 JUROR 31: 31.

10 THE COURT: Can you still be fair and impartial to
11 both sides in this case?

12 JUROR 31: Yes, sir.

13 THE COURT: Thank you, ma'am.

14 Has any member of your family been accused of
15 kidnapping? If so, please stand.

16 Has any member of the jury panel or a member of
17 their family prosecuted by the York County Solicitor's Office
18 for a criminal offense? If so, please stand.

19 Has any member of the jury panel or a member of
20 their family ever been represented by the Public Defender's
21 Office? In other words, the person was accused of a crime and
22 the Public Defender's Office represented them. If so, please
23 stand.

24 Yes, sir. 242. Sir.

25 JUROR 242: Yes, sir.

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1 THE COURT: Can you still be fair and impartial to
2 both sides in this case?

3 JUROR 242: Yes, sir.

4 THE COURT: Thank you.

5 Is any member of the jury panel or a member of
6 their family close personal friends with an attorney who does
7 criminal defense law? You or a member of your family or
8 friends with an attorney who does criminal defense. If so,
9 please stand.

10 Does any member of the jury panel have a religious
11 or philosophical belief that would prevent them from entering
12 judgement against another person? If so, please stand.

13 Has any member of the jury panel ever volunteered
14 or donated money to a victim advocacy group or women's shelter?
15 If so, please stand.

16 Yes, ma'am, in the yellow. What's your juror
17 number?

18 JUROR 201: 201.

19 THE COURT: Ma'am, can you still be fair and
20 impartial to both sides in this case?

21 JUROR 201: Yes, sir.

22 THE COURT: Thank you, ma'am.

23 Ma'am, in the black.

24 JUROR 224: 224.

25 THE COURT: Ma'am, can you still be fair and

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1 impartial to both sides in this case?

2 JUROR 224: Yes, sir.

3 THE COURT: Thank you, ma'am.

4 Yes, sir, man in the red sweater.

5 JUROR 272: 272.

6 THE COURT: Sir, can you still be fair and

7 impartial to both sides in this case?

8 JUROR 272: Yes, sir.

9 THE COURT: Yes, sir, in the plaid.

10 JUROR 82: 82.

11 THE COURT: Sir, can you still be fair and

12 impartial to both sides in this case?

13 JUROR 82: Yes, sir.

14 THE COURT: Yes, ma'am, in the blue with the scarf.

15 JUROR 275: 275.

16 THE COURT: Ma'am, can you still be fair and

17 impartial to both side in this case?

18 JUROR 275: Yes.

19 THE COURT: Yes, ma'am.

20 JUROR 207: 207.

21 THE COURT: Ma'am, can you still be fair and

22 impartial to both sides in this case?

23 JUROR 207: Yes, sir.

24 THE COURT: Thank you, ma'am.

25 Has any member of the jury panel or a member of

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1 their family ever been a victim of a domestic violence
2 incident? If so, please stand.

3 Sir, in the yellow polo shirt.

4 JUROR 133: Number 133.

5 THE COURT: Sir, can you still be fair and
6 impartial to both sides in this case?

7 JUROR 133: Yes, sir.

8 THE COURT: Sir, in the plaid, tell me your number
9 again.

10 JUROR 82: 82.

11 THE COURT: Sir, can you be fair and impartial to
12 both sides in this case?

13 JUROR 82: Yes.

14 THE COURT: Yes, ma'am, right here. Can you still
15 be fair and impartial to both sides in this case?

16 JUROR 200: Yes, sir.

17 THE COURT: Tell me your juror number, I forgot to
18 ask.

19 JUROR 200: 200.

20 THE COURT: Thank you, ma'am.

21 Yes, ma'am, in the white. Your juror number.

22 JUROR 201: 201.

23 THE COURT: Ma'am, could you still be fair and
24 impartial to both sides in this case?

25 JUROR 201: Yes.

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1 THE COURT: Yes, ma'am.

2 JUROR 5: 5 and yes.

3 THE COURT: You can still be fair and impartial to
4 both sides in this case?

5 JUROR 5: Yes, sir.

6 THE COURT: Thank you, ma'am.

7 Yes, ma'am, with the brown scarf.

8 JUROR 275: 275.

9 THE COURT: Ma'am, can you still be fair and
10 impartial to both sides in this case?

11 JUROR 275: Yes.

12 THE COURT: Thank you.

13 Yes, ma'am, in the blue.

14 JUROR 207: 207.

15 THE COURT: Ma'am, can you still be fair and
16 impartial to both sides in this case?

17 JUROR 207: Yes.

18 THE COURT: Ladies and gentlemen, is any member of
19 the jury panel employed by a law enforcement agency, even if
20 you're not an actual sworn officer? You work for a law
21 enforcement agency or a member of your family does. If so,
22 please stand.

23 Yes, ma'am. What's your juror number?

24 JUROR 38. 38.

25 THE COURT: Ma'am, could you still be fair and

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1 impartial to both sides in this case?

2 JUROR 38: Yes.

3 THE COURT: Ladies and gentlemen, does any member
4 of the jury panel know any reason whatsoever why you should not
5 serve as a juror in this case with particular emphasis being
6 placed on your ability to be fair and impartial to both sides,
7 the State and the defense?

8 Any additional questions the State would like me to
9 ask?

10 MR. HARPER: No, Your Honor.

11 THE COURT: Defense?

12 MR. ZUSCHKE: No.

13 THE COURT: Ladies and gentlemen, what I'm going to
14 do now is the actual jury process. You may have seen this in
15 TV or a book or a movie. Every state does it a little bit
16 differently. The way we do it in South Carolina, the attorneys
17 have a sheet that has your names in random order. And what
18 will happen, the Clerk of Court will call your names out one at
19 a time. And if your name is called, I need you to walk forward
20 and bring your purse or book or any personal belongings you
21 have, stand right in front of the judge's bench here, turn
22 around and face the lawyers.

23 The lawyers will either say present the juror or
24 swear the juror. If both sides say that, that means you have
25 been chosen as a juror in this case. The bailiffs will direct

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1 you to have a seat over here in the jury box.

2 If one of the attorneys says please excuse this
3 juror or please strike the juror, it means you have not been
4 selected as a juror in this case and have a seat back on the
5 bench. Does that make sense to everybody?

6 Ladies and gentlemen, I'm going to give the
7 attorneys about five minutes to go over the list they have
8 before we start the process. You're welcome to talk amongst
9 yourselves now. We'll take about five minutes.

10 (A pause transpired from 3:35 p.m. until 3:37 p.m.)

11 THE COURT: Counsel, can y'all approach for just a
12 moment.

13 (Off-the-record discussion.)

14 THE COURT: Juror 124, would you mind standing up,
15 please. Yes, ma'am. The bailiff informs me that you are a
16 neighbor of Solicitor Brackett; is that correct?

17 JUROR 124: In the same neighborhood.

18 THE COURT: Can you still be fair and impartial to
19 both sides in this case?

20 JUROR 124: Yes, sir.

21 THE COURT: May I ask you one more question. Would
22 you just be kind of a normal neighbor relationship, or are you
23 closer than normal for neighbors?

24 JUROR 124: Just in the same subdivision.

25 THE COURT: Thank you, ma'am.

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1 (A pause transpired from 3:37 p.m. until 3:40 p.m.)

2 THE COURT: Ms. Desch, State ready to proceed?

3 MS. DESCH: Yes, Your Honor.

4 THE COURT: Mr. Zuschke?

5 MR. ZUSCHKE: We are, Your Honor.

6 THE COURT: Madam Clerk.

7 THE CLERK: Juror 81, Brandon L. Everhardt, step
8 forward.

9 What say you for the State?

10 MR. HARPER: Please present this juror.

11 THE CLERK: Defense?

12 MR. ZUSCHKE: Please swear the juror.

13 THE CLERK: Have a seat in the jury box.

14 Juror 177, Ebony L. McKinney.

15 What say you for the State?

16 MR. HARPER: Please present this juror.

17 THE CLERK: For the defense?

18 MR. ZUSCHKE: Please swear the juror.

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

20 Juror 200, Tracy A. Murphy.

21 What say you for the State?

22 MS. DESCH: 200; correct?

23 THE CLERK: Yes.

24 MR. HARPER: Please present this juror.

25 THE CLERK: For the defense?

1 MR. ZUSCHKE: Please seat the juror.
2 THE CLERK: You may have a seat in the jury box.
3 Juror 175, Tara L. McElveen.
4 What say you for the State?
5 MR. HARPER: Please present this juror.
6 THE CLERK: For the defense?
7 MR. ZUSCHKE: Please swear the juror.
8 THE CLERK: Have a seat in the jury box.
9 Juror 152. Deric V. Kraxberger.
10 MR. HARPER: What was that number?
11 THE CLERK: 152.
12 MR. HARPER: Thank you.
13 THE CLERK: What say you for the State?
14 MR. HARPER: Please present this juror.
15 THE CLERK: For the defense?
16 MR. ZUSCHKE: Please swear the juror.
17 THE CLERK: You may have a seat in the jury box.
18 Juror 272, Manuel Travieso.
19 What say you for the State?
20 MR. HARPER: Please present this juror.
21 THE CLERK: What say the defense?
22 MR. ZUSCHKE: Please seat the juror.
23 THE CLERK: You may have a seat in the jury box.
24 Juror 207, Meaghan K. Nuckols.
25 What say you for the State?

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1 MR. HARPER: Please present this juror.

2 THE CLERK: For the defense?

3 MR. ZUSCHKE: Please excuse the juror.

4 THE CLERK: You're excused from this case.

5 Juror 124, Susan Homan.

6 What say you for the State?

7 MR. HARPER: Please present this juror.

8 THE CLERK: For the defense?

9 MR. ZUSCHKE: Please swear the juror.

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

11 Juror 248, Mary M. Sims.

12 What say you for the State?

13 MR. HARPER: Please present this juror.

14 THE CLERK: For the defense?

15 MR. ZUSCHKE: Please swear the juror.

16 THE CLERK: You may have a seat in the jury box.

17 Juror 224, Maureen A. Richards.

18 What say you for the State?

19 MR. HARPER: Please present this juror.

20 THE CLERK: For the defense?

21 MR. ZUSCHKE: Please excuse this juror.

22 THE CLERK: You're excused from this case.

23 Juror 82, Richard J. Fajt.

24 What say you for the State?

25 MR. HARPER: Please present this juror.

1 THE CLERK: For the defense?

2 MR. ZUSCHKE: Please swear the juror.

3 THE CLERK: You may have a seat in the jury box.

4 Juror 51, Jessica L. Crocker.

5 MR. HARPER: Madam Clerk, what was that number?

6 THE CLERK: 51. What say you for the State?

7 MR. HARPER: Please present this juror.

8 THE CLERK: For the defense?

9 MR. ZUSCHKE: Please excuse the juror.

10 THE CLERK: You're excused from this case.

11 Juror 26, Meagan R. Briggs.

12 What say you for the State?

13 MR. HARPER: Please present this juror.

14 THE CLERK: For the defense?

15 MR. ZUSCHKE: Please swear the juror.

16 THE CLERK: Have a seat in the jury box.

17 Juror 5, Frances P. Bailey.

18 What say you for the State?

19 MR. HARPER: Please present this juror.

20 THE CLERK: For the defense?

21 MR. ZUSCHKE: Present the juror.

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

23 Juror 299, Kristin N. Wright.

24 What say you for the State?

25 MR. HARPER: Please excuse this juror.

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1 THE CLERK: You're excused from this case.

2 Juror 264, Donald D. Stuckey.

3 What say you for the State?

4 MR. HARPER: Please present this juror.

5 THE CLERK: For the defense?

6 MR. ZUSCHKE: Please swear the juror.

7 THE CLERK: You may have a seat in the jury box.

8 THE COURT: Madam clerk, I believe that's 12. Is
9 your count the same as mine?

10 THE CLERK: Yes, sir.

11 THE COURT: First alternate.

12 THE CLERK: Juror 38, Anna M. Cashwell.

13 What say you for the State?

14 MR. HARPER: Please present this juror.

15 THE CLERK: For the defense?

16 MR. ZUSCHKE: Please excuse the alternate.

17 THE CLERK: You're excused from this case.

18 Juror 12, Sarah Kate Bennett.

19 What say you for the State?

20 MR. HARPER: Please present this juror.

21 THE CLERK: For the defense?

22 MR. ZUSCHKE: Please excuse the alternate.

23 THE CLERK: You're excused from this case.

24 Juror 176, Devin P. McIlwain.

25 What say you for the State?

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1 MR. HARPER: Please present this juror.

2 THE CLERK: For the defense?

3 MR. ZUSCHKE: Swear the alternate.

4 THE CLERK: You may have a seat in the jury box.

5 Juror 257, Steven R. Stegall.

6 What say you for the State?

7 MR. HARPER: Please present this juror.

8 THE CLERK: For the defense?

9 MR. ZUSCHKE: Please swear the alternate.

10 THE CLERK: You may have a seat in the jury box.

11 THE COURT: Does the State have any motions or

12 objections regarding juror qualification or selection?

13 MR. HARPER: None from the State, Your Honor.

14 THE COURT: From the defense?

15 MR. ZUSCHKE: No, Your Honor.

16 THE COURT: Does the State have any objection to
17 releasing the remainder of the panel?

18 MR. HARPER: No, Your Honor.

19 THE COURT: Mr. Zuschke?

20 MR. ZUSCHKE: No objection, Your Honor.

21 THE COURT: Ladies and gentlemen, if you're still
22 sitting out there on the benches, that means you were not
23 selected to serve for the only trial we have this week. On
24 behalf of the State of South Carolina and York County, thank
25 you for your service. It is complete.

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1 (The jury panel exited the courtroom at 4:51 p.m.)

2 THE COURT: Ladies and gentlemen, you are our 12
3 jurors and two alternates in this case. About to let you go as
4 well. There are some legal matters that I need to take up with
5 the lawyers before we start the trial. I'll ask you to be back
6 at 9:30 tomorrow.

7 Before I let you go, I need to go over a few things
8 with you. You have now heard kind of the basic accusations in
9 the case of what the State is going to try to prove. Please
10 don't do any outside research. Please don't go home and Google
11 the laws of South Carolina. Don't look up the attorneys or the
12 witnesses. Don't do any kind of outside research.

13 Similarly, you may not discuss this case with
14 anyone else. That includes husbands, wives, children. It's
15 going to be very natural when you get home tonight for your
16 spouse or your children to say: What was it like in court
17 today? All you are permitted to say: You have been selected
18 for a jury in a criminal case.

19 When the case is over, you will be released from
20 all those restrictions. When the case is over, you can talk to
21 as many people as you want. You can say whatever you want.
22 You can write a book about your jury service, if you like to.
23 Until the case is over, you are not permitted to discuss the
24 case with anyone. That even includes each other, until it's
25 time for jury deliberation.

1 During the case you will be on breaks together.
2 Some of you may choose to go to lunch together. When you are
3 on those breaks, obviously, you can talk to each other. You
4 cannot discuss the case until you've heard all the evidence and
5 you've heard the arguments of the lawyers. And at the end of
6 the case when it's time for jury deliberation, of course, you
7 can talk to each other. Until that point, you are not
8 permitted to discuss the case with each other.

9 One last thing. The attorneys are not permitted to
10 have any contact with the jurors outside the formal courtroom
11 setting. If you run into one of these attorneys in the
12 hallway, in the rest room, stairway, at a restaurant for lunch
13 tomorrow, they're not going to talk to you. They're not being
14 rude. They have to follow the Rules of Court, and the Rules
15 don't permit any contact between jurors and the attorneys
16 outside of the courtroom.

17 Any questions about any of those things? Ladies
18 and gentlemen, thank you very much for your service. We'll see
19 you back at 9:30 tomorrow.

20 (The jury exited the courtroom at 4:54 p.m.)

21 THE COURT: Let's do pretrial. Counsel, one thing
22 we need to take up first. I was rushing. I let the jury come
23 in when the Defendant was not in the room. They saw him come
24 in the side door. I don't think they understand what that
25 means. But if anyone has a motion based on that, I'll be happy

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1 to hear from you.

2 MR. ZUSCHKE: No motion based on that, Your Honor.

3 THE COURT: Thank you, Counsel.

4 Any pretrial motions from the State?

5 MR. HARPER: We do have a few, Your Honor. Your
6 Honor, these are pretty basic, normal stuff that we submit.

7 THE COURT: Mr. Zuschke, my understanding from the
8 defense, the only defense witness who might be called will be
9 the Defendant.

10 MR. ZUSCHKE: That's correct, Your Honor.

11 THE COURT: I assume you have no objection to
12 sequestering the witness?

13 MR. ZUSCHKE: I do not.

14 THE COURT: Witnesses are sequestered.

15 Mr. Zuschke, do you want to state on the record you
16 have complied with reciprocal discovery?

17 MR. ZUSCHKE: I have.

18 THE COURT: Mr. Zuschke, I'm sure you know you
19 can't discuss the possible penalties.

20 MR. ZUSCHKE: I do think I get to talk about this
21 being a criminal case.

22 THE COURT: Sure.

23 MR. ZUSCHKE: Not specific sentencing that says
24 carries 30 years.

25 THE COURT: You can talk about someone's freedom

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1 being at stake, that kind of thing. We can't talk about years
2 in prison or what the charges carry or anything like that.

3 Mr. Harper, on number four, what are you wanting me
4 to order? Obviously, hearsay is not admissible.

5 MR. HARPER: Your Honor, this is just a standard
6 motion that we submit every single time. I understand that
7 hearsay is not admissible. It's just something that we throw
8 in there every single time to make sure it's said.

9 THE COURT: Mr. Zuschke, you understand?

10 MR. ZUSCHKE: Actual hearsay not covered by an
11 exception.

12 THE COURT: Anything else from the State?

13 MR. HARPER: Nothing from the State, Your Honor.

14 THE COURT: Mr. Zuschke?

15 MR. ZUSCHKE: Your Honor, I have a few standard
16 ones and a little unusual one. The Defendant has a couple of
17 motions that he would like to be heard on by The Court, in
18 particular on the sufficiency of the indictment. He's upset
19 that he did not get a preliminary hearing. The case was true
20 billed by the time I got to it. I understand he wants to
21 address The Court on that issue.

22 THE COURT: Mr. Zuschke, we have to be careful.
23 South Carolina does not permit hybrid representation. I'll be
24 happy to let Mr. Harris address The Court. Any motions have to
25 be made by you as his Counsel.

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1 MR. ZUSCHKE: I'll let him address The Court. If
2 there's an appropriate motion, I'll express that to you.

3 First, we would renew our motion for discovery and
4 ask the State to certify they have turned over any discovery
5 and potential exculpatory and inculpatory information they
6 have.

7 MR. HARPER: We have, Your Honor. We actually met
8 with Mr. Zuschke last week. We went over everything that we
9 have. He had everything that we have. We have not got
10 anything new to share.

11 THE COURT: Thank you, Mr. Harper.

12 MR. ZUSCHKE: If they consulted with their policing
13 agencies, to make sure they have given us everything.

14 THE COURT: Mr. Harper?

15 MR. HARPER: Of course, Your Honor. We also met
16 with the officers.

17 THE COURT: Thank you, sir.

18 MR. ZUSCHKE: We asked for the witness list. I
19 believe that's already been turned in. He showed it to me a
20 minute ago.

21 Sequestration.

22 Wanted to address any Lyle evidence of potential
23 prior bad acts and the State is going to get into, particularly
24 suppressing them, if they think they can get them in. As
25 rebuttal, to establish what if the Defendant would've testified

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1 and could get into as far as his record. Also, proscribing
2 them from eliciting testimony about his prior bad acts.

3 THE COURT: Is there a particular issue here with
4 Lyle evidence, Mr. Zuschke?

5 MR. ZUSCHKE: There is a conviction on his record,
6 it's AB second was what was plead to. Original ABHAN. I've
7 been given police reports from past domestic violence reports
8 that were never convicted. I, obviously, move -- request The
9 Court to prohibit the State from bringing in testimony about
10 prior DVs that were never convicted.

11 THE COURT: Mr. Harper, Ms. Desch.

12 MS. DESCH: If I may.

13 THE COURT: Yes, ma'am.

14 MS. DESCH: Your Honor, we've provided the reports,
15 just to be completely clear, in discovery. If the door is
16 opened, we would certainly move in if we were legally allowed
17 to. Very specifically, there was a prior case with Linda
18 Harris, who is the current victim and his wife right now. I've
19 provided that. And, again, if the door is open, then we're
20 legally allowed to. We will address it. We are not intending
21 to bring that out specifically in our case in chief.

22 THE COURT: Mr. Zuschke, I think the State has just
23 told me they're not intending to introduce any of that
24 evidence; however, if the door is open, some kind of statement
25 like never done this before or something like that, then that

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1 would be a different issue.

2 MS. DESCH: I do want to address something so that
3 we're completely candid and open as to what arguments we'll
4 make. On the day of, there is -- there's going to be
5 potentially some -- we're going to talk about the entire day,
6 not just from the point where law enforcement gets there.
7 There's a 911 call and body cam footage that captures most of
8 the event to the point where you can hear dispatch recording
9 what's going on. When the officer gets there, you can see
10 what's on his body cam.

11 Certainly, the State's argument would be we're
12 allowed under res gestae to put the whole day in as to why she
13 would be in fear. Also, under domestic violence case where
14 it's harm or threat of harm, it was reasonable for her to fear
15 harm. If there's anything to that degree, we do think that we
16 should be allowed to discuss that because it would be her
17 subjective fear as to why she was calling for help.

18 For instance, him getting in her face, and in every
19 other time she typically tries to leave. In this case she was
20 not allowed to. In that particular case, it's the State's
21 presentation that it is res gestae. Also, it goes to her
22 reasonableness of fear. And I do think -- this was something
23 that Mr. Zuschke and Mr. Harper discussed -- on the body cam
24 footage, there is a notch of, during the interview of then
25 officer, now Deputy Gipson where he, once they secured the

1 scene, they do go back and investigate to see what happened.

2 And during that discussion he is asking some
3 questions of Mrs. Harris. And she responds to those questions
4 to clarify -- in their investigation to clarify what exactly
5 happened prior to their arrival. I believe she testified
6 something along the line: Well, he did slap me. And she does
7 this to her own face (indicating). And there's a discussion
8 of: Like he does. So I believe that would be their concern
9 about how that appears.

10 I think it will also depend on how she testifies
11 and what comes out, whether it's consistent or inconsistent
12 along those lines. So we might not be able to make a ruling on
13 that right now. I wanted to be completely open as to I believe
14 she should be able to talk about what's reasonable, her fear,
15 why she sought help.

16 THE COURT: Other than the statement on the video
17 where she says, like he does, what you're talking about, that
18 sounds to me like res gestae, not a Lyle issue.

19 MS. DESCH: Yes, sir.

20 THE COURT: Are there any other issues to past
21 conduct other than the one statement on the video, Ms. Desch,
22 that the State is intending?

23 MS. DESCH: I'm looking at Jeff. I want to make
24 sure if there's anything he saw. There's no intention on our
25 part to address anything that would not be inclusive of res

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1 gestae.

2 MR. ZUSCHKE: We've agreed on the redaction to the
3 video about the Defendant talking about his prior contact with
4 Rock Hill Police. All of them know him in the area where they
5 had that discussion.

6 We discussed the slapping incident, and I think
7 maybe just actually watching that part. Your Honor can assess
8 whether that's acceptable or not as far as prior bad acts.

9 What makes me a little nervous, Ms. Desch for the
10 State indicated you want to talk about the entire day. I don't
11 think that's a problem. I do hope that they've turned over
12 later meetings that go on more about the day than what I've
13 seen, as far as police body cams, things like that, any reports
14 that are generated around that so that we can properly prepare
15 a defense around allegations that were not originally
16 documented.

17 However, I think she does go into the day a little
18 bit when she's talking to -- I forgot female officer's name --
19 one of the officers. She does talk about earlier that day. I
20 don't think that's a problem coming in. However, if we're
21 talking about, you know: He always does this and then I leave.
22 Him always doing this as some kind of prior bad act, prior
23 assaults, not just -- when we get into arguments, I leave -- I
24 think that's a problem that needs to be addressed.

25 THE COURT: What is the reference where she says,

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1 like I do, or something like that? Is she referring to him
2 striking her in her mind? What is the reference?

3 MS. DESCH: In that small piece of the body cam
4 footage, she's talking about what he did that day. And she
5 references -- because it was something about he doesn't leave
6 marks.

7 THE COURT: No, I meant the other incident.

8 MS. DESCH: The other stuff during the day, it was
9 really in response to Mr. Harper catching up on and being in
10 trial prep.

11 We told Mr. Zuschke that immediately when it
12 happened. It was essentially talking about their relationship
13 and when he escalates his behavior verbally. Then she
14 de-escalates by leaving the situation. There is something
15 about their relationship dynamics that we should be allowed to
16 talk about. Because the conclusion would be: Why is it
17 different this time? And so it was verbal or in her face or
18 things like that, but I leave before it gets bad.

19 THE COURT: Final ruling will be whenever the
20 evidence is attempted to be introduced. Based on what I've
21 heard today, that evidence that her normal practice when he
22 becomes argumentative or however she's going to phrase it, that
23 would be admissible.

24 MR. ZUSCHKE: We don't disagree with that.

25 MS. DESCH: Thank you, Your Honor.

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1 MR. ZUSCHKE: Like I said earlier, I believe we've
2 gotten through with my housekeeping motions. However, I do
3 know the Defendant wishes to be heard as far as a motion to
4 quash the indictment that he believes is insufficient and to be
5 heard around the lack of a pre-lim on the case. I want to give
6 him a chance to address Your Honor, if you permit it.

7 THE COURT: Sure. Mr. Harris, you can go ahead.
8 I'll be happy to hear from you. I do need to explain to you
9 South Carolina does not allow what's called a hybrid
10 representation. In other words, you can have a lawyer.
11 Mr. Zuschke and Ms. Burris can be your lawyer, represent you in
12 court or you have a Constitutional right to be your own lawyer
13 and represent yourself. You can't do both. Does that make
14 sense?

15 THE DEFENDANT: Yes.

16 THE COURT: You have to let these lawyers speak for
17 you or you speak for yourself. You can't do both. You can
18 tell me whatever you want to tell me. If you want to make a
19 motion, the motion has to be made through your lawyers. Do you
20 understand?

21 THE DEFENDANT: Verbally what I would like to speak
22 about is that the indictment, which is 0095, and being
23 kidnapping is apprehending a victim. She's not a victim of any
24 injury or domestic violence or she's not kidnapped and abducted
25 or taken away, relocated, anything within the statute.

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1 Therefore, I am aware there is other statutes but the
2 particular one that catches my eye is kidnapping statute does
3 not apply to unlawful compliance, which is movement or either
4 commission to another crime. Therefore, we are speaking about
5 two documents, which is indictment 0095 and 3812.

6 I never had a prior within ten years of any
7 criminal domestic violence or a victim in this case. So,
8 therefore, I believe within the 90 days of the action on the
9 warrant, I was indicted after the 90-day date. So I'm looking
10 at the perspective that improper amending is not sufficient or
11 the indictment is not true billed. It wasn't returned from the
12 state Grand Jury.

13 THE COURT: Madam Clerk, may I look at the
14 indictment for a moment.

15 THE DEFENDANT: It's not a return true bill on the
16 face of the indictment.

17 THE COURT: Mr. Harris, I'm looking at both
18 indictments. You can see from there they are both stamped true
19 billed, signed by the foreperson.

20 THE DEFENDANT: It doesn't say return, if that
21 makes sense to you.

22 THE COURT: I don't think it has to say returned,
23 sir. They're marked true billed, signed and dated by the
24 foreperson of the Grand Jury.

25 THE DEFENDANT: Now, therefore, what do you think

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1 about the perspective improper amending? Improper amending.
2 In the first domestic violence charge, which is a DV
3 indictment, it says domestic violence, second and additional DV
4 third.

5 THE COURT: Mr. Harris, I'm not sure what you mean
6 by that. I don't see any amendment. The two indictments I'm
7 looking at are one for domestic violence, second degree; one
8 for kidnapping. Both true billed December 10, 2020. They
9 don't have any changes or amendments.

10 THE DEFENDANT: I want to clarify at this time.
11 3812. The only difference between the domestic violence
12 indictment, it says: In addition.

13 THE COURT: What does 3812 mean, Mr. Harris? I
14 don't understand.

15 THE DEFENDANT: That's the number of the CDR code.

16 THE COURT: Okay. You mean domestic violence,
17 second degree.

18 THE DEFENDANT: Again, Mr. McKinney, if you look
19 at --

20 THE COURT: Your Honor or Judge McKinnon will be
21 fine.

22 THE DEFENDANT: Your Honor, if you look at that
23 particular document, sir, which is the indictment 3812, you
24 will see that the charge is domestic violence, second. In
25 addition, it have DV third or a subsequent or a substituted

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1 offense. It got to be a second charge within the same
2 indictment, which is insufficient, Your Honor.

3 THE COURT: Mr. Harris, I'll be honest. I don't
4 understand what you're saying.

5 MR. ZUSCHKE: Your Honor, to clarify, I believe the
6 substantive motions that I heard, motion to quash the
7 indictments for not being indicted within 90 days of arrest and
8 a motion to quash the domestic violence indictment for not
9 sufficiently indicating a crime of domestic violence in the
10 second degree is what he's asking to be ruled on.

11 THE DEFENDANT: Also, sir, it did not indicate all
12 of the offense of the elements -- elements of the offense,
13 which is the entire statute. The entire statute on both
14 indictments, 3812 and 0095. I believe that it's very improper
15 that they amended it and moved before trial, sir.

16 THE COURT: Mr. Zuschke has made the motions that
17 you requested him to make. I'm going to deny the motions.

18 THE DEFENDANT: Thank you, sir. Thank you,
19 Mr. Judge.

20 THE COURT: Anything else from the defense,
21 Mr. Zuschke?

22 MR. ZUSCHKE: Nothing further at this time.

23 THE COURT: Counsel, that was an extremely smooth
24 pretrial. I appreciate that.

25 Anything else we need to take up before tomorrow?

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1 MR. HARPER: Nothing from the State, Your Honor.

2 THE COURT: Mr. Zuschke?

3 MR. ZUSCHKE: Nothing from the defense, Your Honor.

4 THE COURT: See everybody at 9:30 tomorrow.

5 MS. DESCH: Thank you, Your Honor.

6 MR. ZUSCHKE: Thank you, Your Honor.

7 (The trial was adjourned at 4:11 p.m.)

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF YORK

IN THE GENERAL SESSIONS
16th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

VOLUME II

ORIGINAL

6 vs.

CASE NO. 2020-GS-46-05753
2020-GS-46-05754

7 BRANDY VERNON HARRIS,
8
9 Defendant.

10 HEARING BEFORE: HONORABLE WILLIAM A. McKINNON

11 DATE: November 9, 2021

12 TIME: 9:48 AM

13 LOCATION: Moss Justice Center
14 1675 York Highway
15 York, SC 29745

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 ALEXANDER J. HARPER, ESQ.
JENNY DESCH, ESQ.

22 ATTORNEYS FOR THE DEFENDANT
23 JEFFREY B. ZUSCHKE, ESQ.
SHAWANA BURRIS, ESQ.

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1 THE COURT: Mr. Harris is present. Anything from
2 the State to take up before bringing the jury out?

3 MR. HARPER: Nothing from the State, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. ZUSCHKE: Nothing from the defense.

6 THE COURT: Let's bring them out.

7 (The jury entered the courtroom).

8 THE COURT: Good morning, ladies and gentlemen.
9 Welcome back. Thank you-all for being so punctual. Was
10 everyone able to follow the rules that I gave you-all last
11 night?

12 JUROR: Yes.

13 THE COURT: Thank you. Before we get started I
14 have a question. The question says: Are we, as jurors, safe
15 to assume there will be no court on Thursday for Veterans Day?
16 I am asking so that I can notify my employer for scheduling
17 purposes.

18 You're correct. Thursday is a state holiday, and
19 we're not allowed to have court on state holidays. If the case
20 goes that long, we will not have court on Thursday.

21 Ladies and gentlemen, I'm going to give you kind of
22 a general introduction to the case right now, kind of what's
23 going to happen. It's not going to get into an explanation of
24 the law. That will happen at the end of the case. After that,
25 the attorneys will do their opening argument.

1 Ladies and gentlemen, this is the case of State of
2 South Carolina versus Brandy Vernon Harris. The Defendant is
3 charged by an indictment in this case with the offenses of
4 domestic violence and kidnapping. An indictment is simply the
5 formal charge by which the case is brought into court, and it
6 is not in any sense evidence of any of the accusations that it
7 contains.

8 The Defendant in this case has pled not guilty.
9 And the State, therefore, has the burden of proving each
10 element of the indictment beyond a reasonable doubt. It will
11 be your duty during the trial, ladies and gentlemen, to
12 determine whether or not the State has met their burden in this
13 case.

14 Your purpose as jurors is to find and determine the
15 facts. You are the sole judge of the facts in this case. If
16 at any time I make a comment regarding the facts, you should
17 disregard it. You should determine what the facts are from the
18 testimony you hear and the other evidence introduced in court.
19 It is up to you to determine if there's any inferences which
20 you feel may be properly drawn from the evidence. It is
21 especially important that you perform your duty diligently and
22 conscientiously. Ordinarily there's no way to correct an error
23 in the fact determination by a jury.

24 On the other hand, with equal emphasis, the same
25 rules that make you the judge of the facts make me the judge of

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1 the law. The law, as I explain it to you, is the only law you
2 may consider. You must accept and follow the law even though
3 you may disagree with it. I cannot tell you, as jurors, what
4 the facts are in the case. You are not permitted to disagree
5 with me about what the law is or what it ought to be. Your job
6 is to take the law as I explain it to you and apply it to the
7 facts as you find them from the testimony and any other
8 evidence.

9 After doing that you will render your verdict.

10 Ladies and gentlemen, as I explained yesterday
11 until it becomes time for jury deliberations at the conclusion
12 of the evidence and the arguments, you must not discuss this
13 case with anyone which would include family, friends, and even
14 fellow jurors.

15 Please, you never know what's going to make the
16 news in Rock Hill or York County. In the event there's some
17 mention of this case in the news, please don't read the article
18 or watch the news broadcast. Just turn to another channel.
19 Please don't do any outside research as we discussed yesterday.

20 Finally, as I mentioned yesterday, the attorneys
21 are not permitted to talk to you outside the courtroom. They
22 are not being rude if you run into them in the elevator, and
23 they don't say anything.

24 Ladies and gentlemen, it is important that you keep
25 an open mind, not decide any issue in the case until all the

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1 evidence has been presented and the attorneys have made their
2 closing arguments, and I've given you the instruction on the
3 law.

4 It is your solemn responsibility to determine
5 whether or not the State has proven the guilt of the Defendant
6 beyond a reasonable doubt. And your verdict must be based
7 solely on the evidence as it is presented to you in this trial
8 and on the law as I instruct you at the close of the trial.

9 Ladies and gentlemen, I assume all of you are going
10 to follow the instructions I give you. In the unlikely event
11 one of the jurors is not following my instructions, I need to
12 know about it. If I find out about it during the trial, I can
13 usually fix it. If I find out after the trial that a juror has
14 disregarded my instructions, we will likely have to do the
15 whole trial over again.

16 In just a moment the attorneys are going to make
17 opening arguments. These are an opportunity for the attorneys
18 to say what they believe the issues are in the case and what
19 they think the evidence is going to show. However, please
20 remember that arguments of the attorneys are not evidence.
21 They're argument. The evidence is going to be presented to you
22 by the testimony of sworn witnesses and/or exhibits that will
23 be introduced.

24 From time to time during the trial you may hear an
25 attorney say something like: A matter of law to discuss or,

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1 Your Honor, I have a motion to make. That means there is a
2 legal issue I have to discuss with the lawyers. If that
3 happens, I'm going to excuse you to go back to the jury room.
4 Then I'll discuss it with the lawyers, and we'll bring you back
5 in when we're done.

6 That is by far the most convenient jury room. It's
7 the one that's intended to be the jury room for this courtroom.
8 If any of you are uncomfortable with the size of that room
9 because of COVID and would like a bigger room so you can spread
10 out more, there are bigger rooms available; just more walking
11 back and forth. You can tell the bailiff if anybody's
12 uncomfortable with the size of that room and 14 people being in
13 there. Tell the bailiff. We can move you to a bigger room.

14 Ladies and gentlemen, in determining what the facts
15 are in the case, you must decide whether or not the testimony
16 of a witness is believable. It's my job as a judge to rule as
17 a matter of law whether certain testimony is admitted into
18 court at all or not. Once I admit the testimony, whether or
19 not you believe the testimony is solely for you to determine as
20 jurors.

21 In deciding whether to believe a witness, you have
22 the right to consider any of the interest of any witness, the
23 bias, or prejudice of any witness, whether they have an
24 opportunity to see or hear the things they're testifying about,
25 and the way they act on the witness stand.

1 Ladies and gentlemen, I do not permit jurors to
2 take notes in the courtroom. The reason for that is, based on
3 education or job experience, some jurors are better note takers
4 than others. I don't want it to become a battle of who has the
5 better notes in the jury room when it becomes time to
6 deliberate.

7 You see we have a court reporter taking down
8 everything here in the courtroom. Everything is also being
9 recorded on audio. If there is at some point in your
10 deliberations a question about what exactly a witness said or
11 an important point, we can bring you back in and we can replay
12 the audio for you so you can hear it again.

13 You will hear me taking notes up here on a
14 computer. I have a keyboard. As a judge, I have to take notes
15 on the proceeding. I promise I'm not on Facebook or anything;
16 I'm taking notes on the case.

17 Last thing, ladies and gentlemen. On your first
18 break I'm going to ask you to elect a foreperson of the jury.
19 The foreperson has the exact same authority as everybody else.
20 It's one person, one vote on the jury. The foreperson has two
21 jobs. The first job is, if there's any issues or questions
22 jurors have, if there's no coffee in the jury room or someone's
23 having trouble hearing or an issue like today asking about
24 scheduling, the foreperson can write a note, give it to the
25 bailiff. They'll bring it to me, and I'll take care of it.

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1 Second issue, when it comes time to deliberate,
2 it's the job of the foreperson to make sure everyone has a
3 chance to give their views and no one person is dominating the
4 discussion. Other than that, the foreperson has the same vote,
5 same authority as everybody else. Once you do that, let me
6 know.

7 For the record, this is State of South Carolina
8 versus Brandy Vernon Harris, indictments 2020-GS-46-5753 and
9 5754. Madam Clerk, will you swear the jury in, please.

10 THE CLERK: Ladies and gentlemen, will you please
11 stand and raise your right hand.

12 (The jury panel was duly sworn at 9:55 a.m.)

13 THE CLERK: Thank you. You may have a seat.

14 THE COURT: Ladies and gentlemen, any questions
15 about my initial instructions? Any objections from the State
16 to my instructions?

17 MR. HARPER: None from the State, Your Honor.

18 THE COURT: From the defense?

19 MR. ZUSCHKE: Nothing from defense, Your Honor.

20 THE COURT: Ladies and gentlemen, we're at the
21 point of opening arguments. The State has the burden of proof
22 so they go first.

23 Mr. Harper or Ms. Desch.

24 MR. HARPER: May it please The Court.

25 THE COURT: Yes, sir.

1 MR. HARPER: Morning, everyone. The Defendant is
2 charged with kidnapping and domestic violence. What that means
3 is that, I, as the State, has the burden of proving to you
4 beyond a reasonable doubt that the actions made by the
5 Defendant on August 26, 2020 constituted the offense of
6 kidnapping and domestic violence.

7 In order to do that, we first have to understand
8 what those crimes are. I think a lot of times with kidnapping
9 and domestic violence, in particular, we come in with certain
10 preconceived notions about what those crimes are. I think for
11 a lot of people, kidnapping means there needs to be an
12 abduction, there needs to be somebody crossing state lines,
13 there needs to be some sort of horrific act like we see on TV
14 when, in South Carolina, that is not always the case.

15 Sometimes all the State has to prove in a
16 kidnapping case is that any person confines any other person
17 against their will without the legal authority to do so.

18 Domestic violence is another one of those charges
19 that people sometimes have certain things in their head about.
20 In this case, and in other cases in South Carolina, there are
21 several different ways to commit that crime. What we're going
22 to attempt to prove is that, on August 26, 2020, there was
23 either harm caused or the Defendant offered to cause harm to
24 his wife, Ms. Linda Harris, who is sitting back there. After
25 doing so, prevented her from getting help from 911 or officers.

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1 So how are we going to do that? Like in any other
2 case, we offer evidence and we offer testimony. And over the
3 course of this trial, the State intends to prove the following:
4 That on August 26, 2020, the Defendant, Mr. Harris, just woke
5 up mad. And that over the course of that day, what started off
6 as maybe a normal disagreement between a wife and her husband,
7 became more and more insidious.

8 What started off as a normal argument then became
9 harassment, became threatening. It escalated until eventually
10 around 2:00 p.m. that day things really did take a turn. And
11 it took a turn when the Defendant locked the door for the first
12 time.

13 At 2:00 p.m., after they had already been arguing
14 for a long time, the Defendant locked the door, stopped the
15 victim from leaving. And for the next three hours he continued
16 to do so.

17 For the next several hours he prevented the victim
18 from getting out of her own home. For the next several hours
19 he prevented her from getting to any of the exits of her home,
20 from getting to her phone to call 911, from getting to help.

21 And it all came to a head around 5:00 that day
22 whenever the Defendant, a man 20 years the victim's junior, hit
23 her in the face with an open palm. And at that point the
24 victim was finally able to get to her phone. Finally able to
25 call 911 to get help.

1 And that's whenever you, the jury, are going to be
2 able to hear that 911 call. In that call, what you're going to
3 hear is the victim finally asking for help. And the Defendant
4 continuing to not allow her to do so. Continuing to try to
5 prevent her from getting help. And in the background, you'll
6 hear the Defendant say: I didn't do anything. But if I did,
7 you'd be dead.

8 Ladies and gentlemen, in the criminal justice
9 system, it's often said that a Defendant is cloaked in a robe
10 of righteousness. A robe that can only be lifted off his
11 shoulders if I, as the State, prove my case beyond a reasonable
12 doubt.

13 I submit to you that, as you hear testimony, that
14 cloak is going to begin to fray. As you hear all the evidence,
15 it's going to start to unravel. By the end of the case, the
16 robe is going to be completely lifted off the Defendant's
17 shoulders, and his guilt will be laid bare.

18 It's at that point that Ms. Desch, who is my
19 co-counsel through all of this, is going to come up. She's
20 going to ask you for a verdict. And I'm confident that after
21 you've heard all the testimony, after you have all the
22 evidence, there's only going to be one verdict that she's going
23 to feel comfortable asking for and one verdict that you're
24 going to feel comfortable giving. That's going to be guilty.
25 Thank you.

STATE vs. BRANDY HARRIS

1 THE COURT: Mr. Zuschke.

2 MR. ZUSCHKE: Ladies and gentlemen, divorces are
3 extremely difficult. For most people, divorce is the single
4 largest failure of their entire lives. It's their marriage.

5 I'm sure some of you have been through one. The
6 stakes are high. The emotions are high. Your feelings are
7 involved. It's the person that you're married to, maybe still
8 in love with. Definitely in love with at one time.

9 There's arguing going on. People are being mean to
10 each other. The stakes are high, besides from all the emotion
11 of. There's kids, dogs, home, property to be distributed.
12 There's who's going to be where, who's going to live where.
13 There's a lot of important things going on in a divorce.

14 Because of that people do a lot of crazy and
15 horrible things to each other. People say mean things to each
16 other. People make mean accusations about each other. People
17 do things, you know, in order to get what they want.

18 Mr. Harris, could you stand for me.

19 (The Defendant complies.)

20 MR. ZUSCHKE: This is Brandy Harris. This is my
21 client; someone that I've come to know well at this point.
22 We're not personal friends. I've known him throughout the
23 development of this case. I think he's a good man. He's a
24 real human being.

25 He's been waiting for you. He's been waiting for

1 you for over a year. He needs you because the stakes are so
2 high in a criminal case. We, as Americans, when we put this
3 country together and wrote the Constitution decided that no one
4 person, no one police officer can decide that someone's guilty
5 and have them face the stakes of a criminal penalty. Not even
6 a judge, a neutral arbiter, that we decide is sufficient to
7 make sure that, that neutrality is there, make sure that a fair
8 trial is given. Only members of our community, people that
9 live in the same kind of conditions that we do, are the right
10 kind of people that can sit there together. For a felony case,
11 it's 12 people, and that's why there's 12 of you; two
12 alternates.

13 I want everyone to understand this is a very
14 important thing you're doing. This is a real person with real
15 life and real consequences. And I want to thank you for being
16 here. I know he thanks you for being here.

17 You can sit down, Brandy.

18 (The Defendant complies.)

19 MR. ZUSCHKE: The important thing to understand is
20 that we are all here today because he's pleading not guilty.
21 He's proclaiming to the world: I am not guilty. If you think
22 that I am, put up the evidence and prove that I did it.

23 And he stands there today not guilty. He is not
24 guilty right now until they can prove otherwise. They're not
25 going to do that. And you're going to find there's no real

STATE vs. BRANDY HARRIS

1 evidence in this case, much less proof. They have a bare
2 accusation and that's it by someone that has plenty of
3 motivation in the thing.

4 There's a divorce going on, there's property,
5 there's housing, there's places to be that has to be figured
6 out. Things are argued. They're mad at each other. Things
7 aren't in a good situation. There's no evidence outside of
8 that bare claim; a claim that he denies by sitting here today
9 pleading not guilty.

10 My name is Jeff Zuschke. I work for the Public
11 Defender's Office. Another one of those rights we decided when
12 we built this country and decided how we can best protect
13 ourselves from the government that we expect to protect us --
14 we also need to protect ourselves from it -- one of those
15 things is a Constitutional right to representation.

16 You can go out and hire your own attorney. If you
17 can't afford one, then you would be appointed someone like me
18 at the Public Defender's Office. Or licensed attorney who's
19 there to make sure there's not going to be all the mechanism of
20 the State that's against you; police officers who do
21 investigations, trained prosecutors to go and prosecute the
22 case, investigators, victim advocates, things like that. Make
23 sure somebody's there on your side to make sure your side gets
24 out there.

25 And it is their burden to prove. It's their burden

STATE vs. BRANDY HARRIS

1 to prove for a very good reason. We can't walk around, living
2 our lives expecting to just generate proof we didn't do every
3 kind of accusation that could possibly come out against us.
4 It's their burden of proof because they need to have someone
5 that comes up with the proof.

6 Since the stakes are on us, the State is not going
7 to get penalize if they lose a trial. The Defendant, person
8 that's accused of a crime, is the one that gets penalized if
9 they're convicted in a trial. It's up to the State to provide
10 that evidence.

11 They're given a lot of mechanism to do that. They
12 get a fully funded police force with resources. They have
13 prosecution team. They have all kinds of things that they can
14 use to generate evidence and investigate cases and bring to you
15 the ones they think they can actually prove.

16 It's important because Brandy can't walk around all
17 day with a body cam on to show his side of the story. They
18 have to go and prove theirs by collecting evidence and making a
19 case.

20 What I want you to do is listen carefully to
21 the testimony. I want you to ask questions. You can't stand
22 up and ask them. Ask them in your head. When it's time to
23 deliberate, you can talk about those questions and look for the
24 things that they don't have. Ask questions about things: When
25 you say, oh, if he's been holding her and has her kidnapped,

STATE vs. BRANDY HARRIS

1 why let her make a lengthy phone conversation to the police?

2 Brandy Harris is a small man. Why let her make a
3 phone call? If you're able to keep her from leaving, you can
4 keep her from using the cell phone?

5 Why are there no marks? If Brandy Harris is
6 assaulting you, why are there no marks there?

7 They mention that you're going to hear that he
8 said, you know: I didn't do anything. If I did, you would be
9 dead. I think he's making that same point: If I had done
10 something to you, there would be evidence to show it. There
11 would be marks.

12 I want you to remember while you're listening,
13 Brandy is a real human being. Real stakes in this. And it's
14 important. It's not about choosing sides. It's about holding
15 the State to their burden and making sure they've done that
16 job.

17 As they make their case, it is their case to make.
18 Understand that they're being held to the highest possible
19 burden of proof here. It's proof beyond a reasonable doubt.
20 There's a lot of other standards in the law for civil cases,
21 for family court. There's preponderance of the evidence for
22 certain hearings. There's clear and convincing evidence.
23 There's more likely than not. None of these are the standard
24 that we chose for criminal cases.

25 For criminal cases, we chose the highest stakes,

1 which is beyond a reasonable doubt; the type of evidence that
2 would make a reasonable person hesitate to act, that would
3 leave somebody firmly convinced of their guilt. It's also a
4 little bit self-explanatory. If there's any doubts -- maybe
5 somebody is lying, maybe it didn't happen the way that the
6 State says it did -- well, if that doubt is not unreasonable
7 based on the evidence you've seen, that's a not guilty verdict.

8 I want you to hold them to that standard when they
9 fail to present you with any proof other than bare accusation.
10 I want you to listen carefully. When they fail to prove their
11 case, I want you to find him not guilty. When they fail to
12 prove that he committed domestic violence, when they fail to
13 prove that he prevented her from using an electronic device to
14 contact police -- as you will see, she did use an electronic
15 device to contact police -- I want you to find him not guilty.

16 When they fail to prove that there was a
17 kidnapping, I want you to find him not guilty. Thank you.

18 THE COURT: Mr. Harper, Ms. Desch, call your first
19 witness.

20 MR. HARPER: Thank you, Your Honor. State calls
21 for its first witness Officer Sane of the Rock Hill Police
22 Department.

23 (The witness entered the courtroom.)

24 THE CLERK: Step here to be sworn. Place your left
25 hand on the Bible. Raise your right.

OFFICER SANE DIR. BY MR. HARPER

1 OFFICER GARRETT SANE

2 being first duly sworn, testified as follows:

3 MR. HARPER: Your Honor, I didn't pre-mark my
4 exhibits. Do you mind if I grab some markers real quick?

5 THE COURT: Not a problem.

6 DIRECT EXAMINATION

7 BY MR. HARPER:

8 Q. Good morning, Officer Sane.

9 A. Good morning.

10 Q. Please introduce yourself to the jury.

11 A. I'm Officer Garrett Sane.

12 Q. Where do you work, Officer Sane?

13 A. Rock Hill Police Department.

14 Q. How long have you been there?

15 A. Two-and-a-half years.

16 Q. Can you describe what your responsibilities are as
17 a member of the Rock Hill Police Department.

18 A. I'm assigned to patrol division so I answer calls
19 for service and traffic stops, stuff like that.

20 Q. You say you've been there for two years?

21 A. Little over two-and-a-half years.

22 Q. Have you been on patrol that whole time?

23 A. Yes, sir.

24 Q. Okay. Were you on duty for Rock Hill Police
25 Department on August 26, 2020?

OFFICER SANE DIR. BY MR. HARPER

1 A. Yes. I was.

2 Q. Did you have a chance to come in contact with the
3 Defendant, Mr. Harris, in York County on that day?

4 A. Yes.

5 Q. How did you come in contact with the Defendant?

6 A. We were dispatched to a domestic violence call for
7 service.

8 Q. Okay. Were you alone on that call for service?

9 A. No. I was with Deputy Gipson, who's formerly
10 Officer Gipson, Rock Hill Police, and Detective Taylor Tucker,
11 who was an officer on patrol at the time as well.

12 Q. Okay. Whenever you went on this call for service,
13 were you wearing a body cam on that day, if you recall?

14 A. Yes. I was.

15 (STATE EXH. 1, Compact disc, was marked for
16 identification.)

17 BY MR. HARPER:

18 Q. I'm handing you now what will be marked as State's
19 Exhibit Number 1. Do you recognize this?

20 A. Yes.

21 Q. What is it?

22 A. Burned disk of my body cam footage.

23 Q. Have you reviewed this prior to today?

24 A. Yes. I have.

25 Q. How do you know that you reviewed this disc?

OFFICER SANE DIR. BY MR. HARPER

1 A. I signed and initialed it.

2 Q. Does it fairly and accurately represent the events
3 as you saw them on August 26, 2020?

4 A. Yes.

5 MR. HARPER: Your Honor, at this time the State
6 moves to admit what will be marked as State's Exhibit 1 into
7 evidence.

8 THE COURT: Any objection?

9 MR. ZUSCHKE: Without objection.

10 THE COURT: State's 1 is entered into evidence
11 without objection.

12 MR. HARPER: Thank you, Your Honor.

13 (STATE EXH. 1, Compact disc, was entered into
14 evidence.)

15 BY MR. HARPER:

16 Q. Going back to when you arrived on scene, can you
17 describe to the jury a little bit about what you saw when you
18 first arrived.

19 A. It's a small house. Arrived on scene. Officer
20 Gipson was already there. He was walking up towards the house.
21 I was walking behind him. Officer Gipson relayed back to me
22 that he could hear yelling coming from inside the residence.
23 As I approached the front of the house, I could hear that as
24 well.

25 Q. Okay. As you're approaching the house, you heard

OFFICER SANE DIR. BY MR. HARPER

1 all that. What were you able to see when you actually got to
2 the house?

3 A. As I got to the house, I could see the Defendant,
4 Mr. Harris, inside through the glass of the front door. And he
5 was yelling at officers through, approximately, a four-inch
6 space in the door where he had locked it with a chain, dead
7 bolt-type lock.

8 Q. Just so we can be a little bit more specific, do
9 you remember anything about the contents of the yelling you're
10 talking about?

11 A. Yes. It's very disorderly, screaming, cussing.

12 Q. After you observed all of that what, if anything,
13 happened next?

14 A. We asked Mr. Harris to let Mrs. Harris out of the
15 residence, in which he stated no. He was not letting her out
16 and was not letting officers in.

17 Q. Was this a command that was given by you?

18 A. It was given by Officer Gipson.

19 Q. Okay. And do you recall if Deputy -- officer
20 then -- Gipson only asked him one time to let Mrs. Harris out
21 of the house?

22 A. No. He, I believe, asked him three times. Yes,
23 three times.

24 Q. During the course of those commands, was there any
25 point where the Defendant let Mrs. Harris out of the house?

OFFICER SANE DIR. BY MR. HARPER

1 A. No.

2 Q. Was there any point during that whole interaction
3 that it appeared that he was making any sort of attempt to let
4 her out of the house?

5 A. No.

6 Q. Okay. After all of that, what exactly happened
7 next?

8 A. So we asked him to let her out. He said no. We
9 told him to let her out. He said: No.

10 He said: You guys aren't coming in.

11 Officer Gipson said: We're coming in. I'll kick
12 the door in if I have to.

13 And at that point he still didn't let us in. And
14 Officer Gipson pointed his taser at Mr. Harris to which he
15 complied and let officers into the house.

16 Q. Okay. So at this point you've been on patrol what?
17 Six months at this point?

18 A. Yes, I believe. Yeah.

19 Q. You were a relatively new officer at this point?

20 A. Yes, sir.

21 Q. Okay. Can you describe a little bit about what you
22 were feeling at this point in the call.

23 A. Some nerves. Little excitement as we're walking
24 up, hearing him. First time probably having someone yell back
25 at you like that: No, you can't come in. No, I'm not letting

OFFICER SANE DIR. BY MR. HARPER

1 her out.

2 And just trying to think, okay, what's the next
3 step to make sure that she's safe and we do what we got to do
4 to get to her.

5 Q. With regards to the victim's safety, how are you
6 feeling about that at this point?

7 A. I was concerned 'cause I didn't know what exactly
8 was going on inside the residence. I couldn't see her from
9 where I was. I just heard him saying, no, we couldn't come in.

10 Q. Okay. At this point you heard Officer Gipson give
11 these commands. You see him draw his taser, saying he's coming
12 in. What are your feelings about what needs to happen next for
13 the victim's safety?

14 A. We need to get in there. We need to diffuse the
15 situation and ensure she's okay and render aid to her, if need
16 be.

17 Q. Okay. What, if anything, happened at that point?

18 A. Once we went in, Officer Gipson pointed his taser
19 at Mr. Harris and ordered him to get onto the ground.
20 Mr. Harris complied and got onto the ground and got on his
21 stomach. And then I detained Mr. Harris. I detained by I
22 placed handcuffs on him.

23 Q. Okay. I've only really got one more question for
24 you, Officer Sane. Do you see the person that prevented
25 Mrs. Harris from leaving the house that day?

OFFICER SANE CROSS BY MR. ZUSCHKE

1 A. Yes. I do.

2 Q. Could you please point him out, please.

3 A. Gentleman in the gray and black stripe shirt.

4 MR. HARPER: Please have the record reflect that
5 Officer Sane has indicated the Defendant as that person.

6 THE COURT: Record will so reflect.

7 MR. HARPER: Officer Sane, that's all I have for
8 you at this time. Please answer any questions the defense may
9 have for you.

10 THE WITNESS: Thank you.

11 THE COURT: Mr. Zuschke.

12 CROSS-EXAMINATION

13 BY MR. ZUSCHKE:

14 Q. Hey, Officer Sane.

15 A. Hey. How are you doing?

16 Q. Doing all right.

17 Did you ever have any issues with your memory that
18 you know of, like, medical?

19 A. No.

20 Q. You've been through training presumably as part of
21 your police?

22 A. Yes, sir.

23 Q. What did that training consist of?

24 A. The South Carolina Criminal Justice Academy we go
25 through and then prior to that we have pre-academy.

OFFICER SANE CROSS BY MR. ZUSCHKE

1 Q. They taught you how to examine cases and
2 investigate cases?

3 A. No, not really. You learn that kind of on the job.
4 I mean, through field training.

5 Q. You have to be trained to do that?

6 A. Yes.

7 Q. Ask questions, examine evidence, collect evidence,
8 create a case?

9 A. Yeah. I mean, all that's kind of gone through
10 during field training once you're out of the academy.

11 Q. As part of that, you have body cam?

12 A. Yes, sir.

13 Q. As well as you put out police reports when these
14 things happen?

15 A. Yes, sir.

16 Q. Somebody does at the scene?

17 A. Just police.

18 Q. One of the officers that's on this particular does
19 anyway?

20 A. A report? Is that what you're saying?

21 Q. Correct.

22 A. Yes, sir.

23 Q. Part of that is because, you know, you need to
24 review that stuff. Things can happen. In this case, we're
25 over a year later. Can happen even longer than that?

OFFICER SANE CROSS BY MR. ZUSCHKE

1 A. Correct.

2 Q. It's important to create a good record about things
3 that were done on the case?

4 A. Yes, sir.

5 Q. And you've reviewed the report and the video for
6 this case?

7 A. Yes, sir.

8 Q. In your video, you reviewed that in order to
9 authenticate it; right?

10 A. Yes, sir. I have.

11 Q. Was that recently?

12 A. Yes, sir.

13 Q. Today?

14 A. Yes. This morning before.

15 Q. As you were approaching the house, you said Officer
16 Gipson was already ahead and was approaching the door?

17 A. Yes, sir.

18 Q. He indicated yelling before you actually heard the
19 yelling yourself but then you heard yelling?

20 A. Yes, sir.

21 Q. The yelling was at Officer Gipson, about him not
22 coming in?

23 A. I don't exactly know what was said. I could just
24 hear screaming coming from inside the house.

25 Q. He kind of barricaded himself with the door,

OFFICER SANE CROSS BY MR. ZUSCHKE

1 yelling through the chained open portion; right?

2 A. Yes, sir.

3 Q. Yelling at you and Officer Gipson?

4 A. Yes, sir.

5 Q. Eventually, you guys -- Officer Gipson, you said,
6 yelled for him to let her out?

7 A. Yes.

8 Q. He's holding the door. He's not letting you in
9 and Officer Gipson?

10 A. Uh-huh.

11 Q. Eventually, threatens to kick the door and tase
12 Mr. Harris. At which point he lays on his belly. Somebody
13 opens the chain so the door is open?

14 A. Right.

15 Q. At that point he's fairly compliant after he gets
16 cuffed on the ground?

17 A. Absolutely.

18 Q. Still noisy?

19 A. Right. Verbal, yeah.

20 Q. He's not like pulling away?

21 A. No, sir.

22 Q. Maybe a little rude?

23 A. Yes.

24 Q. But he does refuse to walk outside with you guys to
25 talk to you right after he's handcuffed; right?

OFFICER SANE CROSS BY MR. ZUSCHKE

1 A. Yes.

2 Q. He refuses that until you agree that you're going
3 to let him back in at some point?

4 A. Yes.

5 Q. In the rest of the investigation, you didn't talk
6 to the neighbor that was on the lawn to the right of the house.
7 If you're looking at the house, there's another house to the
8 right. Did you talk to the neighbor over there?

9 A. No. I did not.

10 Q. Did you talk to the bystander that was across the
11 street at the church?

12 A. I did not. He was just, I believe, recording the
13 incident.

14 Q. You didn't walk and interview him to see if he saw
15 or heard anything?

16 A. No, I didn't.

17 Q. He didn't either?

18 A. No, sir.

19 Q. To your knowledge, did any other officer do that?

20 A. Not to my knowledge.

21 Q. Did you look for any weapons in the house or
22 anything like that?

23 A. I didn't.

24 Q. Did you hear anything about any guns or weapons or
25 anything?

OFFICER SANE REDIR. BY MR. HARPER

1 A. No. While enroute, our dispatch told us there were
2 no weapons involved or present.

3 Q. What about the back door? Did you check the back
4 door of the house?

5 A. I did not.

6 Q. Just the one door that the Defendant was actively
7 using to keep you officers out; right?

8 A. Correct.

9 Q. You don't know that she could have just walked out
10 the back door?

11 A. I don't know that.

12 Q. I may not have this exactly. From the time of
13 arrival to the time that he was in jail was less than 21
14 minutes?

15 A. Yeah, I'm not aware of that.

16 Q. Does that --

17 A. That sounds about right.

18 Q. Is that fair?

19 A. Yeah, that sounds right.

20 MR. ZUSCHKE: No further questions.

21 THE COURT: Any redirect, Mr. Harper?

22 MR. HARPER: Just briefly.

23 REDIRECT EXAMINATION

24 BY MR. HARPER:

25 Q. Officer Sane, were you the case agent in this case?

OFFICER SANE REDIR. BY MR. HARPER

1 A. No. I wasn't.

2 Q. So were you also the primary investigating officer
3 here?

4 A. No.

5 Q. What was your job on scene?

6 A. I was there -- I was the back up. I was assisting
7 Officer Gipson.

8 MR. HARPER: Okay. Thank you very much. No
9 further questions.

10 THE COURT: Any recross?

11 MR. ZUSCHKE: Nothing further.

12 THE COURT: Any objection to excusing this witness
13 from the State?

14 MR. HARPER: Not from the State, Your Honor.

15 THE COURT: From the defense? Any objection?

16 MR. ZUSCHKE: No, Your Honor.

17 (The witness exited the stand).

18 THE COURT: State, call your next witness.

19 MR. HARPER: Thank you, Your Honor. Next witness
20 State calls, Mrs. Linda Harris to the stand.

21 THE CLERK: Step here to be sworn. Place your left
22 hand on the Bible and raise your right.

23 LINDA HARRIS

24 being first duly sworn, testified as follows:

25 THE CLERK: Have a seat.

LINDA HARRIS DIR BY MR. HARPER

DIRECT EXAMINATION

BY MR. HARPER:

Q. Good morning, Mrs. Harris.

A. Good morning.

THE COURT: Ma'am, you can pull your mask down while you're testifying, please.

BY MR. HARPER:

Q. Mrs. Harris, I'd like to talk to you a little bit about what happened on August 26, 2020. First, I want to make sure we introduce you to the jury; okay.

A. Okay.

Q. Could you please introduce yourself to them.

A. Good morning. I'm Linda Harris.

Q. Mrs. Harris, there's a microphone right in front of you. Pull that a bit closer to you, however it is comfortable for you.

Mrs. Harris, where do you currently live?

A. [REDACTED] Street in Rock Hill, South Carolina.

Q. Is that where you were living on August 26th?

A. That is correct.

Q. How long have you lived there for?

A. About six, seven years.

Q. Six or seven years?

A. Uh-huh.

Q. And where were you living before that?

LINDA HARRIS DIR BY MR. HARPER

1 A. Well, I came down to help my mother. I was in
2 Seattle, Washington.

3 Q. Your mother, you came down to help her. What was
4 going on there?

5 A. She was ill. She's since passed away. That's when
6 I met Brandy.

7 Q. Okay. So you were living in Seattle beforehand.
8 What were you doing there?

9 A. I was working with the Department of Veterans
10 Affairs, with veterans, counseling them, counseling,
11 psychology, helping them with their disabilities, to get them
12 re-established to real life after they get out. To deal with
13 the disability, help them progress in the future.

14 Q. What did the day-to-day of that look like?

15 A. It was confusing, but it was rewarding because I'm
16 also a veteran. I took the time to get to know them. You get
17 personally involved, to watch their lives, to see how they
18 develop. It's traumatic but interesting.

19 Q. How long were you doing that for?

20 A. I retired, so 25-plus years.

21 Q. 25-plus years. You said you were a veteran. Did
22 you do this after you left the military?

23 A. During the military. They saw something in me I
24 guess. So they helped me with my education and everything to
25 get into that profession.

LINDA HARRIS DIR BY MR. HARPER

1 Q. What sort of education did you have to have to get
2 into that?

3 A. You have to have a degree, which I obtained from
4 the University of Washington.

5 Q. Okay. Were you stationed in Seattle this whole
6 time?

7 A. While on active duty?

8 Q. Correct.

9 A. No, it was a series of duty stations. That was my
10 final destination and retirement.

11 Q. Okay. So how did you end up back in Rock Hill? I
12 know you said your mom was there. Are you from here
13 originally?

14 A. Yes. It's my home. I grew up here.

15 Q. What part of Rock Hill did you grow up in?

16 A. I grew up in the southern part near Crawford Road.
17 By Frank Street. That's where my mother died and passed away.

18 Q. Your mother lived here for your entire life?

19 A. Her whole life, yes.

20 Q. Okay. So you were in Rock Hill from the time you
21 were born until the time you went to the military?

22 A. That is correct.

23 Q. Then you were away 25 years?

24 A. 40-plus years.

25 Q. Okay. So before going to the military, what were

LINDA HARRIS DIR BY MR. HARPER

1 you doing?

2 A. Church.

3 Q. Church?

4 A. (Witness moves head up and down.). Sunday school.
5 Stuff like that.

6 Q. So your first career was in the Navy?

7 A. That's correct.

8 Q. Okay. I got you.

9 You mentioned earlier, whenever you moved back to
10 Rock Hill, that's whenever you met Mr. Harris or Brandy as you
11 said.

12 A. That's correct.

13 Q. Can you describe a little bit about how that
14 happened.

15 A. Well, I was taking care of my mother. So, in my
16 opinion, I was a little fragile. Going back and forth.

17 And Brandy was a veteran resource family, and he
18 was taking care of his two daughters; one was an infant, one
19 was about two years old; little feisty thing, which is a love.
20 He was always there. He was looking -- he was separating or
21 had separated from the baby momma.

22 And so since I was spending most of my time taking
23 care of my mother -- she required 24-hour care, he was living
24 in my home with the daughters to raise them. And he was very
25 good with them. I mean, the baby was an infant. He would

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1 change her diapers, feed her. He had them with him when he was
2 working. So very resourceful young man I thought. Very
3 personable. Charismatic. Sweetheart in my opinion at that
4 time.

5 Q. Just to clarify a couple things. First of all, you
6 called Mr. Harris a young man.

7 A. Sorry.

8 Q. I was told by my mother never to ask a woman her
9 age. What is the age difference there?

10 A. Well, as of today, I'm 69. Brandy is 40.

11 Q. Happy birthday today.

12 A. Thank you.

13 Q. So you also mentioned that he was living in your
14 home?

15 A. Yes.

16 Q. Is that the same home that you reside now?

17 A. That is correct.

18 Q. The same home you were residing at, at the time of
19 the incident?

20 A. That is correct.

21 Q. Okay. How did that happen? How did he end up in
22 your home?

23 A. Well, we got to know each other. He was always
24 there. When I would come back, I would see him. There was a
25 store next to where I lived. He was there with his girls. We

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1 would talk. Talk more. Then I found out about his situation.
2 And so I said, okay, I'm not living here because I'm with my
3 mother. And I was a little concerned; it's not the best
4 neighborhood in Rock Hill. I felt comfortable with him being
5 there in the house when I wasn't. And that's how it came
6 about, the original part of it. From that we developed a
7 relationship.

8 Q. Okay. If I'm understanding correctly, you moved
9 back to Rock Hill, I think you said, six years ago?

10 A. Yes.

11 Q. Was that 2015?

12 A. Approximately six, seven.

13 Q. Okay. So 2015?

14 A. 2014, I believe.

15 Q. Okay. At what point did Brandy move in?

16 A. About 2015.

17 Q. 2015, okay. How long was he there until y'all
18 formed a relationship?

19 A. Well, off and on he was there for the duration. He
20 was living on a bus for a while. Then he worked his way back
21 into the house. I was letting him use the bathroom only. We
22 decided to separate. He was living on the bus temporarily.
23 And he was coming in, like, showering, using the bathroom and
24 all that.

25 Q. When you say bus, what do you mean?

LINDA HARRIS DIR BY MR. HARPER

1 A. He purchased a bus, I guess, to live in.

2 Q. Like a yellow school bus?

3 A. Like a yellow school bus. He was remodeling it to
4 be like a mobile home.

5 Q. He was living there with his girls?

6 A. No. The girls never lived on the bus. They only
7 lived in the home.

8 Q. They lived in the home with you?

9 A. Yes.

10 Q. How old are those girls?

11 A. Approximately, I guess the baby was two. We were
12 married five. So I guess like ten. She's ten and the younger
13 one has to be around eight. Close to that. Not exactly sure
14 of their ages.

15 Q. So you said you've been married for five years?

16 A. Yes.

17 Q. Is it safe to assume that you got married around
18 2016?

19 A. That is correct.

20 Q. Okay. How did that happen?

21 A. Well, Brandy was very insistent that we get
22 married. I thought it was necessary to show -- 'cause we had
23 the girls living with us. To show them that we were a family.
24 That's the way I felt. That's what I wanted was to be a
25 complete family.

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1 I didn't have children of my own. So I fell in
2 love with his two girls. They were like mine, in my mind. I
3 was there to help raise them to the best that I could. As a
4 single father I felt like he needed some help.

5 Q. So you said that he was at one point living in a
6 bus. He made his way into the house, I assume, whenever y'all
7 got married. Then I think you said --

8 A. I can say just the opposite. He was in the house.

9 Q. I'm sorry.

10 A. Then he purchased the bus. That is correct.

11 Q. He was in the house; ended up out in the bus?

12 A. Yes.

13 Q. How did that happen?

14 A. Because of his behavior. He was very obnoxious.
15 Vulgar. Rude. And I just had enough. I mean, this had been
16 going on -- we had been married for about five years. This had
17 started, I should say, within a year of the marriage this
18 started.

19 When we originally got together, his anger was
20 directed towards the baby's momma. So there was none towards
21 me. It was loving, caring, and watching him nurture his
22 children. All you can do was fall in love with him. He was,
23 in my opinion, a nice person.

24 Q. So while you were living with them before he went
25 out to the bus, how would you deal with those situations?

LINDA HARRIS DIR BY MR. HARPER

1 A. Whenever he became intolerable, I would leave. I
2 would leave and, fortunately, I would go shopping or do
3 something for several hours. By the time I returned, he
4 normally had calmed down to the point that he was at least --
5 we could talk.

6 Q. Now that we sort of established what your
7 relationship was, I'd like to move forward to the day of the
8 actual incident. I know that some of this might be a little
9 bit difficult to re-live. Take your time and answer the
10 questions to the best of your knowledge. Okay?

11 So the incident that's alleged to have happen
12 occurred on August 26, 2020. Can you tell me the first thing
13 you remember about that day.

14 A. I remember waking up and he was in like a panic.
15 Irritable. Yelling. He was looking for something. And when I
16 inquired as to what it was, then I became the object of the
17 anger. And he started directing it toward me by cursing,
18 yelling, talking about -- he called me names, my mother.
19 Anything you can imagine he threw it at me. It was directed
20 towards me, yelling, screaming. You can only take so much. At
21 that point I left.

22 I left and I went to -- I went grocery shopping. I
23 was gone for, like, about an hour. I went shopping. So about
24 two hours, I guess; about that time.

25 Q. Let me just clarify a couple of points you made.

LINDA HARRIS DIR BY MR. HARPER

1 Whenever you said he was irritable and all that stuff, do you
2 remember what time you're first remembering?

3 A. I'm thinking it was around 11:00.

4 Q. About 11:00?

5 A. Yeah. We normally get up around 9:00, 10:00. I
6 think it was around that time.

7 Q. Okay. Then you also mentioned you left.

8 A. Yes.

9 Q. About what time did you leave?

10 A. I'm approximating around 11:00.

11 Q. Do you recall how long you were out for?

12 A. Approximately, about two hours.

13 Q. What type of shopping were you doing, do you
14 remember?

15 A. I went shopping. And grocery shopping. Just to do
16 something to get away. To get away from him. Let him get his
17 composure. Whatever it was he was upset about, to get it under
18 control.

19 Q. So whenever you got -- actually, let me clarify
20 this. Do you remember what he was upset about?

21 A. Later, I found out it was about a letter he had
22 received from his prior employer. He was doing some -- I think
23 he was in the process of trying to sue them. He was looking
24 for the evidence to pursue that.

25 Q. Okay. You asked about what he was upset about and

LINDA HARRIS DIR BY MR. HARPER

1 he directed it towards you?

2 A. Exactly, yes.

3 Q. You've been gone for about two hours at this point
4 is what you said. Is it safe to assume around 1:00 you got
5 back?

6 A. Approximately, yes.

7 Q. Okay. Can you describe a little bit about what
8 happened whenever you first got back, if anything.

9 A. When I got back, I was taking the stuff out of the
10 car, bringing it into the house. I was in the kitchen. I
11 remember taking the groceries out of the bags. I was in the
12 process of putting them up. So I was, like -- I was exhausted
13 as well. I had been shopping both times.

14 Then he continued to dig into me. To yell. To
15 scream. And that's when I was -- I had enough. I asked him
16 what was going on. That's when he finally said this letter he
17 had received, which I had no knowledge of him receiving the
18 letter. I couldn't help him look for something I didn't know
19 what I was looking for.

20 He continued to yell and scream and rant and rave.
21 And I was trying to put the groceries up. He would kick the
22 bags. What was in the bags would go flying over the floor. I
23 remember him just -- just yelling is what I remember. I felt
24 like I got a little nervous because I didn't know what he was
25 going to do. I was trying -- at that point I was going to

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1 leave again to make sure that he had calmed down, gotten
2 whatever it is he was upset about under control. That's when
3 he prevented me from leaving.

4 Q. Okay. There's a lot of information there. I want
5 to make sure the time line is correct. Go back a little bit;
6 okay. If you got home around 1:00, tried to put away the
7 groceries and stuff, all this other stuff was happening, around
8 what time would you say that he first prevented you from
9 leaving?

10 A. Hadn't been home -- like, I was putting up the
11 groceries. So I'm guessing maybe it was about maybe 15, 20
12 minutes.

13 Q. Okay. Just to be safe, 1:30, somewhere around
14 there you believe you tried to leave again?

15 A. Yes.

16 Q. You stated that he prevented you from leaving.
17 What does that look like? What exactly happened?

18 A. Okay. The best that I remember is that I went for
19 the door. And the door has like a double lock on it, a dead
20 bolt. So there was a key. We keep a key in the lock. So I
21 was trying to turn the lock to get out the door when he grabbed
22 it and re-locked it. And we have like a chain that we put on,
23 safety measures, that he grabbed, which was not on the door.
24 He put that on the door so I couldn't leave.

25 Q. Both locks?

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1 A. Both locks.

2 Q. Okay. And at that point, what are you feeling at
3 that point?

4 A. A little anxious. A little concerned because
5 normally he would let me go. It was never a problem with me
6 leaving. And sometimes he opened the door and asked me to get
7 out of it. This time he kept me from leaving. That was the
8 difference from what he had done in the past until that day.

9 Q. Was his demeanor any different?

10 A. It was worse. He was yelling and screaming at the
11 top of his voice, and my head was throbbing. It was just
12 uncontrollable. I didn't know what was going on with him.

13 Q. So at this point, he's locked the doors and stuff
14 and everything. What did you do next?

15 A. I went back towards the bedroom. We have like --
16 it's like a U-shape. You go from the living room to the dining
17 room to the kitchen, then there's a hallway corridor and then
18 the bedroom. I aimed for the bedroom. He stopped my actions
19 from getting to the bedroom.

20 I went around through the kitchen and tried to get
21 back to the front door. And he stopped me from exiting. He
22 just kept following me around, blocking me and screaming and
23 yelling the entire time. Going around like a circle. I'm
24 going from one area, he blocks me. I turned around, I tried to
25 get to another area, he blocks me. I'm trying to get to the

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1 door to get out of there.

2 Q. And like we mentioned earlier, Mr. Harris is 25
3 years, I believe, younger than you?

4 A. I think so.

5 Q. Okay. Do you believe you could've outrun him?

6 A. Run? No. I have a problem with arthritis in my
7 knees.

8 Q. If it came to it, do you believe you could've
9 overpowered him at this point?

10 A. I don't think so. Very strong man.

11 Q. He's following you around the house?

12 A. Uh-huh.

13 Q. And blocking you everywhere that you want to go?

14 A. Yes.

15 Q. One thing you haven't mentioned yet that I want to
16 address and that I believe that the defense brought up in their
17 opening statement is that there can't be one door to your
18 house.

19 A. That is correct.

20 Q. Can you describe a little bit of what the layout of
21 your house is.

22 A. Okay, there is two doors. There's a front and back
23 entrance. They both have dead bolts on them. They both have
24 keys in the locks to get out. The back door off of the kitchen
25 is like a storage area. We have boxes and Christmas

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1 decorations. Everything is back there. You can't get through
2 to get out.

3 And then there's like an enclosed porch, and it
4 also have another door, which we have locked because there was
5 a break-in. There was two locks to get out the kitchen door.
6 And the accessibility was -- let's say it was just full. It's
7 full of stuff because -- it's full of stuff is all I can say.
8 So you can't really get out that back door.

9 Q. So really the front door --

10 A. The front door is the entrance that we use back and
11 forth.

12 Q. You have a kitchen door that leads into a storage
13 area, which is where your other exit is?

14 A. That is correct.

15 Q. Okay. So over the course of this time that we've
16 just talked about, you said you've tried to move to different
17 areas of the house?

18 A. Yes.

19 Q. Did you try to get to that kitchen door at all?

20 A. He was blocking me, like, from the start of the
21 groceries. That's where we were originally. When I would go
22 around, he would block me so I couldn't get to either door.

23 Q. And do you have any idea how long this went on?

24 A. It was hours. It seemed like it never ended. I
25 honestly -- I think it was about what? Four, maybe four hours.

LINDA HARRIS DIR BY MR. HARPER

1 Somewhere along that time frame.

2 Q. And this whole time, is everything that you've said
3 consistent with what went on during that time?

4 A. Excruciating. That is correct.

5 Q. Okay. Do you recall if you were ever able to get
6 to your phone in this time?

7 A. Yes. I finally got my phone. See, I had come from
8 grocery shopping so my purse was not close to me. My purse was
9 in the bedroom.

10 Q. Okay.

11 A. So I eventually got to the bedroom to get to my
12 purse while he was screaming and yelling and everything else.
13 I was dialing 911. When he saw me doing that, that's when he
14 became, I thought, a little bit more vulgar, and -- which made
15 me feel uncomfortable. Then he was right up in my face.

16 When I was trying to dial, he was trying to get the
17 phone. So I'm having the phone above my head, trying to dial
18 it and talk to them as he's trying to grab the phone. And he
19 was, like, body bumping me, I guess. The phone eventually did
20 fall when I got the 911 operator on the phone. I think the
21 phone fell. That's when he tried to grab it, but I was fast
22 enough to get it again and continue with the conversation.

23 Q. So let's rewind just a little bit. This was, I
24 think you said, four hours from whenever he initially prevented
25 you from leaving; right?

LINDA HARRIS DIR BY MR. HARPER

1 A. Yes. It seemed like the entire day.

2 Q. During that four hours, were you ever able to get
3 to your phone before then?

4 A. No.

5 Q. To call for help?

6 A. Just at the time I grabbed it was when I was able
7 to get to it.

8 Q. And prior to actually getting your phone, I know
9 that you said during the call he was body bumping you and the
10 phone fell down. Did he lay hands on you at any point during
11 that four hours?

12 A. No.

13 Q. Okay. So whenever you finally were on the phone
14 with 911, do you recall that conversation at all? Not the
15 contents of it. Do you recall making that call?

16 A. I called and said I needed help. I needed help to
17 get out of the house.

18 Q. And do you know how long it took officers to get
19 there?

20 A. They were there fast, to be honest. Within 15
21 minutes. We don't live too far from the police department, and
22 thank God they were there. And they were there that fast.

23 Q. One moment.

24 (STATE EXH. 3, Compact disc, audio, was marked for
25 identification.)

LINDA HARRIS DIR BY MR. HARPER

1 BY MR. HARPER:

2 Q. So I'm going to hand you now what's been previously
3 marked as State's Exhibit Number 3; okay. If you could, go
4 ahead and -- do you recognize what that is?

5 A. Yes.

6 Q. What is it?

7 A. That's the recording of me calling 911. My 911
8 call.

9 Q. How do you recognize this?

10 A. By my initials on it.

11 Q. Okay. Have you reviewed this particular copy?

12 A. That is correct, I have.

13 Q. How do you know you've reviewed this copy?

14 A. Because I signed it. I have my initials on it
15 showing that's the copy I reviewed.

16 Q. Does it fairly and accurately represent the phone
17 call that you placed to 911 on August 26, 2020?

18 A. Yes.

19 MR. HARPER: At this time the State moves to admit
20 previously marked State's Exhibit Number 3 into evidence.

21 MR. ZUSCHKE: Without objection.

22 THE COURT: Into evidence without objection.

23 (STATE EXH. 3, Compact disc, audio, was entered
24 into evidence.)

25 MR. HARPER: Your Honor, this might get a little

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1 tricky. I'm not entirely sure that we've tested the courtroom
2 technology at this point. If we can get it to work, may I
3 publish this to the jury?

4 THE COURT: Absolutely.

5 (A pause transpired.)

6 MR. HARPER: Madam Clerk, I have it plugged in.

7 THE COURT: Ladies and gentlemen, when we're doing
8 audio or video, sometimes it's tough to get the volume level
9 right. If you're having trouble hearing the recording, just
10 raise your hand.

11 (A pause transpired.)

12 MR. HARPER: I think it's safe to switch over.
13 Ms. Linda, as I told you before, this is going to be a
14 recording of the 911 call we're playing here. This might be a
15 little bit painful. I can stop if you need me to; okay.

16 (Audio recording begins).

17 MR. HARPER: Madam Clerk, I think that's okay.

18 (End of audio recording).

19 BY MR. HARPER:

20 Q. Linda, I apologize again for making you go through
21 all that. I have some water, if you need it.

22 Linda, I know that's got to be painful. I was
23 watching your face that whole time. If you need a moment, you
24 can take it. Otherwise, if you feel strong enough, we'll go
25 ahead.

LINDA HARRIS DIR BY MR. HARPER

1 A. I'm okay.

2 Q. These are my last couple questions. I think at
3 this point we've gone over everything. At this point I just
4 need you to identify Mr. Harris. I have a couple questions for
5 you about that; okay?

6 Is the person who prevented you from leaving your
7 home from around 1:30 p.m. on August 26, 2020 until help
8 arrived around 5:30 that same day in the courtroom today?

9 A. Yes. He is.

10 Q. Could you please point him out, please.

11 A. The man in the gray and black stripe.

12 MR. HARPER: Let the record reflect that Ms. Linda
13 has indicated Mr. Brandy Harris as that person.

14 THE COURT: The record will so reflect.

15 BY MR. HARPER:

16 Q. Mrs. Harris, is the person who physically prevented
17 you from calling for help from 2:00 p.m. on August 26, 2020
18 until help arrived in the courtroom today?

19 A. Yes. He is.

20 Q. Can you please identify him.

21 A. Mr. Harris.

22 MR. HARPER: Let the record please reflect she
23 indicated Mr. Harris as that person.

24 THE COURT: The record will so reflect.

25 MR. HARPER: Linda, that's all I have with you. I

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 want to thank you again for being so brave and being here on
2 your birthday. We are almost done. The defense may have some
3 questions for you. Please answer them to the best of your
4 ability; okay?

5 CROSS-EXAMINATION

6 BY MR. ZUSCHKE:

7 Q. Mrs. Harris, do you still go by Mrs. Harris?

8 A. Yes.

9 Q. Do you have any issues with your memory at all?

10 A. No.

11 Q. Not as far as -- okay. And do you remember talking
12 to Officer Gipson that day?

13 A. Yes.

14 Q. And do you remember telling him that Brandy had
15 moved into a bus in the back yard?

16 A. Yes.

17 Q. Like you told us here today?

18 A. Yes.

19 Q. That's when your marriage was starting to kind of
20 have problems; right?

21 A. When he moved into the bus, no. We had been having
22 problems since after one year of marriage, approximately.

23 Q. As far as the main house, the lease is in your
24 name; right?

25 A. That is correct.

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 Q. You had been living there six or seven years before
2 you even met Mr. Harris?

3 A. Before, no.

4 Q. Before you were romantically involved with Mr.
5 Harris, maybe?

6 A. Not that long. No. About a year before. I had
7 been living there a total of around six or seven years
8 afterwards. Currently.

9 Q. You told Mr. Gipson that he would live out on the
10 bus. He would -- the lease is in your name, but he would come
11 into the house causing problems?

12 A. Yes.

13 Q. You said he would push his way in and then he would
14 argue, argue, argue, yelling, yelling, yelling is how you put
15 it?

16 A. That's what I said, yes.

17 Q. And you said he pushed his way in the door. He
18 doesn't have a key; right?

19 A. That's correct.

20 Q. And that he wouldn't leave?

21 A. That is correct. We're talking about that specific
22 date, that is correct.

23 Q. And do you remember telling Officer Gipson that
24 your landlord couldn't evict him because you were married? He
25 said you would have to move in order to forcibly evict him?

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 A. On that day, no. On prior occasions that's what
2 they told me when I called him.

3 Q. That's what you told the officer that day?

4 A. Yes.

5 Q. And the police won't kick him out because you guys
6 are married unless there's some kind of crime involved?

7 A. Approximately, yes.

8 Q. And so you spoke to the police. We just heard the
9 call on 911 for about 12 minutes?

10 A. I didn't make that approximation. I don't know the
11 duration of the call.

12 Q. You said previously that he was capable of
13 overpowering you?

14 A. I believe, yes.

15 Q. He didn't overpower you to take the phone?

16 A. Well, it was body bawming against me, trying to get
17 it. I was holding it above my head. So he was trying to grab
18 it from the air, which he could not do. He did manage to knock
19 it out of my hand. I think you heard that shuffle on the call
20 itself. We were reaching for -- we was scrambling for the
21 phone.

22 Q. He was talking in the background, also trying to
23 talk to 911?

24 A. When I was talking to 911, yes, he was in the
25 background yelling and screaming at me.

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 Q. You sounded pretty calm on the 911 tape. Are you
2 just use to dealing with him or how is that?

3 A. Well, that's how I've dealt with him in the past,
4 trying to de-escalate the situation. If I became angry, that
5 would make it worse, so I tried to stay neutral. I tried hard.
6 It wasn't easy to stay calm. I didn't even try to talk back to
7 him.

8 Like I said, it was just like the anger was
9 targeted toward me, and I didn't know why. In the
10 conversation, he's not saying what's going on, he's just
11 yelling and screaming and calling me vulgar names and things of
12 that nature.

13 Q. While you're on the phone with them, he's standing
14 right there, talking in the background?

15 A. Bumping into me, yes. We're going around. I'm
16 still trying to get out of the house.

17 Q. You didn't mention him trying to take the phone
18 until the 911 operator asked you if he was trying to take the
19 phone?

20 A. He was trying the entire time. From the time that
21 I actually started dialing until I was -- until the officers
22 were around.

23 Q. You didn't mention that until the 911 operator
24 asked you?

25 A. Asked me, that is correct.

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 Q. You said that your phone was in your purse, that's
2 why you didn't call right away?

3 A. That's correct. I had to get to the purse to get
4 the phone. I was in the kitchen with the groceries.

5 Q. Was Brandy able to take the phone out of the purse
6 or take the purse before that?

7 A. No. He did not.

8 Q. You didn't have any keys in the purse?

9 A. I believe the key was in the door.

10 Q. The key was in the door?

11 A. The key was in the door. We keep it there because
12 of the dead bolt. You use a key from either side to get in and
13 out. We normally left the key in the door so we can get out.

14 Q. You mentioned that Brandy doesn't have his own set
15 of keys; right?

16 A. I think he got a set of keys from me because I had
17 taken them from him. I'm missing a set. So I made the
18 assumption that he has them since we're the only two in the
19 house.

20 Q. It sounds like y'all are moving around when you're
21 talking. Does it all take place in one room, or were you guys
22 moving from room to room?

23 A. We were moving from room to room. I was trying to
24 get out the door.

25 Q. It sounds like he's a little farther away from you

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 in some instances. Is he right next to you the entire -- it
2 sounds like his voice is a little farther away in parts of it.

3 A. No, the phone was over my head. The phone is over
4 my head. So we're moving around in the vicinity of the house
5 to get -- so I could get out.

6 Q. And you were still holding the phone when the
7 police arrived; right? We heard it in the video.

8 A. Yes.

9 Q. Holding it as they're coming in the door in your
10 hand?

11 A. I believe so, yes.

12 Q. And when the police arrived, Brandy was trying to
13 keep the police out; right? Barricaded against the door,
14 looking out, yelling out at them they weren't coming in?

15 A. Yes.

16 Q. You didn't have any marks or injuries; right?

17 A. No.

18 Q. You mentioned that Brandy had no weapons?

19 A. That is correct.

20 Q. Do you remember speaking to Officer Tucker a little
21 later that day after they took Brandy away? The female officer
22 that asked you questions?

23 A. Yes. I did.

24 Q. So you mentioned that to her, that you keep trying
25 to get him out of there. You're trying to divorce him, but he

LINDA HARRIS CROSS BY MR. ZUSCHKE

1 won't go?

2 A. That is correct.

3 Q. Then it started that morning arguing about a job?

4 A. Letter from the job, yes.

5 Q. And then you left for a few hours. Two to three
6 hours, I think that's what you said?

7 A. Yes.

8 Q. And you mentioned it was hot and the COVID thing
9 was still hot so you had to come back?

10 A. The hotness?

11 Q. You said it was very hot out and there was still
12 COVID concerns so you just had to come back to the house
13 eventually?

14 A. At the time there wasn't no COVID concerns.

15 Q. Well, maybe I misheard. It was just the heat?

16 A. That wasn't the reason I came back. The heat was
17 from him applying it to me. I wasn't referring -- as I can
18 remember, I wasn't referring to the weather. I just came home.
19 I normally go out and normally shop, do something to give him
20 time to kind of get himself back together.

21 Q. When you came back, you were still arguing. This
22 time something about the landlord pushing a lawnmower. He was
23 still arguing?

24 A. He was arguing. I didn't know why. I didn't know
25 why he was yelling at me. Like I said, it was later in the day

LINDA HARRIS REDIR. BY MR. HARPER

1 when I found out he was looking for that letter. I don't know
2 where the letter or pushing the lawnmower came. I don't
3 believe that was part of the argument.

4 Q. Do you remember telling her: If he agrees to
5 leave, that's all I want. This is my house?

6 A. I may've said that 'cause that was my concern, was
7 to get him out of the house. He wouldn't leave.

8 Q. Did you leave after the police were gone?

9 A. Did I? Yes.

10 Q. Where did you go?

11 A. I went out and visited my sister.

12 MR. ZUSCHKE: No further questions. Thank you.

13 THE COURT: Any redirect?

14 MS. DESCH: Court's indulgence.

15 THE COURT: Certainly.

16 MR. HARPER: Just a couple questions, Ms. Linda.

17 REDIRECT EXAMINATION

18 BY MR. HARPER:

19 Q. When you called the police that day, were you
20 calling the police because you were in the middle of a divorce?

21 A. No.

22 Q. Were you calling the police because he entered your
23 house when he wasn't supposed to be there?

24 A. No.

25 Q. Why were you calling the police?

LINDA HARRIS REDIR. BY MR. HARPER

1 A. Because he wouldn't let me out of the house.
2 Normally, when he gets into this aggravated state -- he calls
3 it the dark stages -- I leave. That was my way of dealing with
4 him in situations, to get away from him. That way I wasn't
5 around to be insulted, you know, whatever, that may have
6 occurred. Normally it has worked in the past.

7 But we had been trying to get -- I should say I was
8 trying to get him to leave or get divorced or something within
9 two years. There was always an excuse. Like, first it was he
10 didn't have money. He had a job. He didn't keep the jobs that
11 long.

12 Then it was a matter of he had several accidents in
13 my car. He got a settlement. That's when he bought the bus.
14 Then it was he was remodeling the bus, and he was going to
15 leave. It was just a continuation within approximately two
16 years of me trying to end the marriage.

17 Q. That was something you've been dealing with for
18 about two years?

19 A. Yes. It wasn't just that specific day I was trying
20 to get him out of the house.

21 Q. That day --

22 A. The difference between that day and the past, he
23 wouldn't let me out of the house. That was why I was
24 terrified. That's why, at that point, I called 911.

25 Q. Did he, himself, ever let you out of the house?

LINDA HARRIS REDIR. BY MR. HARPER

1 A. No, he did not.

2 Q. How did you get out?

3 A. The police arrived. When the police arrived, he
4 was talking to them through the door. I was trying to get the
5 chain off the lock so the police officers could get in. All I
6 wanted was to get out of the house. That's all I wanted.

7 Divorce was not a concern at that time. Like I
8 said, I was in love with Brandy. I was trying to help him. I
9 knew that I could not live with him because of the constant
10 barrage of all this yelling and screaming. No one can live in
11 those circumstances.

12 Q. Without the help of officers that day, do you
13 believe you would've been allowed to leave?

14 A. No.

15 MR. HARPER: Thank you. No further questions.

16 THE COURT: Mr. Zuschke, any recross?

17 MR. ZUSCHKE: No recross.

18 THE COURT: Thank you, ma'am. You can step down.

19 (The witness exited the stand).

20 THE COURT: Ladies and gentlemen, if you need a
21 rest room break or break before we call the next witness, raise
22 your hand.

23 Take a ten-minute recess.

24 (The jury exited the courtroom.)

25 THE COURT: We will be at ease for ten minutes.

LINDA HARRIS REDIR. BY MR. HARPER

1 MS. DESCH: Thank you, Your Honor.

2 (A recess transpired.)

3 THE COURT: For the record, Mr. Harper has informed
4 me he does not intend to call Officer Tucker. He wants her
5 released from sequestration. Defense has no objection.

6 MR. HARPER: Thank you, Your Honor.

7 (A recess transpired from 11:09 a.m. until 11:19
8 a.m.)

9 THE COURT: Bring the jury back in.

10 I have a note from the jury they have elected
11 number 152, Mr. Kraxberger, as the foreperson.

12 (The jury entered the courtroom).

13 THE COURT: Ladies and gentlemen, I understand you
14 have elected Juror 152, Mr. Kraxberger, as your foreperson. Is
15 that correct? Sir, if you'll raise your hand, please.

16 (The juror complied.)

17 THE COURT: Thank you.

18 Mr. Harper, you can call your next witness.

19 MR. HARPER: State calls Deputy Gipson.

20 (The witness entered the courtroom.)

21 THE CLERK: Stand here and be sworn.

22 DEPUTY B.J. GIPSON

23 being first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. HARPER:

DEPUTY GIPSON DIR. BY MR. HARPER

1 Q. Deputy Gipson, can you please introduce yourself to
2 the jury.

3 A. Yes, sir. I'm B.J. Gipson. I work for the York
4 County Sheriff's Office.

5 Q. How long have you been working there?

6 A. Since June of this year.

7 Q. June this year?

8 A. Yes, sir.

9 Q. Where were you before that?

10 A. Rock Hill City Police Department.

11 Q. And how long were you there?

12 A. I was with Rock Hill for four years.

13 Q. Before that, do you have any other experiences?

14 A. I did, sir. I've been an intelligence analyst in
15 the Navy for 12 years, with a tour in Afghanistan and on the
16 USS Mount Whitney.

17 Q. When you came back, you were in law enforcement?

18 A. Yes, sir.

19 Q. So can you describe a little bit about what your
20 duties are currently as a deputy.

21 A. I'm a patrol officer.

22 Q. What does that mean?

23 A. Basically I answer calls for service, conduct
24 traffic enforcement and just do investigations as they are
25 called.

DEPUTY GIPSON DIR. BY MR. HARPER

1 Q. So calls for service, what exactly does that mean?

2 A. Domestic violence, robberies, anything that someone
3 would call 911 for. That's the things that I respond to.

4 Q. Okay. Before that, before you worked for York
5 County, and you worked for Rock Hill, what were your duties
6 there?

7 A. Basically the same thing; just worked for the city.

8 Q. Okay. Were you working for Rock Hill Police
9 Department on August 26, 2020?

10 A. I was, sir.

11 Q. Did you have a chance to come into contact with the
12 Defendant on that day?

13 A. I did, sir.

14 Q. Can you please describe how that came about.

15 A. We got a call for service for domestic violence in
16 progress. And they provided the address. And I went to that
17 address to handle the situation that was given.

18 Q. Okay. Were you alone on that call of service?

19 A. No, sir. I had two other officers show up.

20 Q. Do you recall who those were?

21 A. Officer Sane and Officer Tucker.

22 Q. Officer Sane we heard from a little bit earlier.
23 Officer Tucker, was she there at the beginning, or did she get
24 there a little bit later?

25 A. She got there a little bit later.

DEPUTY GIPSON DIR. BY MR. HARPER

1 Q. Upon arrival, were you the first person there?

2 A. I was.

3 Q. Okay. What did you observe whenever you first got
4 there?

5 A. When I first got there, I initially asked dispatch,
6 just clarifying the address 'cause we do have an East and West
7 Main. I was clarifying the address. And soon as I get out of
8 my car, I immediately hear yelling coming from the house.
9 Well, I guess I'm in the right location.

10 Q. You said East and West Main Street. Where is that?

11 A. In Rock Hill, South Carolina.

12 Q. Is that in York County?

13 A. Yes, sir.

14 Q. So you got there. You heard yelling. You realize
15 you were in the right place. Did you hear anything that was
16 being yelled?

17 A. Subsequent to the fact that we weren't coming in
18 the house and he wasn't going to let us in, I immediately
19 relayed that to Officer Tucker that we're probably going to
20 meet some confrontation at the door.

21 Q. That's what you heard. Were you able to see
22 anything? Make any sort of other observations?

23 A. Once I got to the door, I could see the Defendant
24 behind the door. He's yelling at us. The door was chained,
25 like, with a door chain at the top. And the door was open

DEPUTY GIPSON DIR. BY MR. HARPER

1 about four or five inches. He was standing behind the door
2 yelling at us and wasn't letting us in.

3 Q. Can you go into it a little bit more, into what his
4 demeanor was like.

5 A. He was highly agitated. He was cursing profusely.
6 Yelling back at the victim. Yelling at us. It was very,
7 very -- very, very loud. I mean, neighbors from all around
8 could hear him.

9 Q. How long have you been an officer at this point?

10 A. Little over three years.

11 Q. Okay. And based on that experience and everything
12 and the Defendant's demeanor, how were you feeling about the
13 situation?

14 A. My senses kind of gotten heightened, just 'cause I
15 was like, okay, this might be a violent confrontation if we
16 don't handle this correctly.

17 Q. Okay. So you described everything you saw about
18 the Defendant. Were you able to see Mrs. Linda Harris in the
19 home at all?

20 A. Eventually I did see her. The top of the door is
21 mostly glass. So I could see Brandy, Mr. Harris, standing
22 there. And then I see her come from behind Mr. Harris towards
23 the door as we're standing there trying to talk with him.

24 Q. You said she was coming towards you. What was she
25 doing?

DEPUTY GIPSON DIR. BY MR. HARPER

1 A. She came towards the door and was trying to push
2 her way out. She came up behind Mr. Harris and there was like
3 a struggle going on behind the door. Looked like she was
4 trying to grab at the chain to unlock the door. Mr. Harris
5 then turned and, like, pushed her, hitting her back, making her
6 stumble back at that point.

7 Q. So based off everything you observed and everything
8 you've heard at this point, what's going through your mind
9 about what needs to happen next?

10 A. My first thought is we had to make sure that she is
11 safe. That is our number one priority at this point. And we
12 got to do what we've got to do necessary to make sure that she
13 is safe, whether that be enter the house or try to get him
14 pulled out of the house in some way.

15 Q. Normally on these calls -- have you been on
16 domestic calls before?

17 A. Yes.

18 Q. And normally during those calls, if someone is
19 irate with you like that, is it generally your policy to try to
20 de-escalate the situation?

21 A. It is, yes.

22 Q. Okay. Were you able to do that in this case?

23 A. For the most part. Once we were able to make entry
24 into the house, we were able to separate them. That's the
25 first thing I try to do in all domestic situations, separate

DEPUTY GIPSON DIR. BY MR. HARPER

1 both parties in order to get, number one, everything calmed
2 down. Number two, to be able to speak with both parties
3 without them being right there in each other's presence.

4 Q. Let's rewind a little bit. You were able to
5 de-escalate once you separated them?

6 A. Correct.

7 Q. You walked up to the house. He's yelling. You see
8 the shove go on. Did you ask him to let her out of the house
9 at any point?

10 A. Multiple times. I told him, multiple times, I
11 said: Let her out of the house. Please let her out of the
12 house. And he said she was not coming out of the house.

13 Q. So each time you asked him to let her out of the
14 house, he did not comply with that order?

15 A. Correct.

16 Q. Did you inform him what would happen if he did not
17 comply with that order?

18 A. I believe I said I'll kick the door down.

19 Q. Did you ever have to draw a weapon during this
20 time?

21 A. I did. I drew my taser.

22 Q. Can you explain a little bit about what your
23 thought process was as to why you went with that option.

24 A. Dispatch informed us there were no weapons on
25 scene. No firearms or knives. I felt like the taser was my

DEPUTY GIPSON DIR. BY MR. HARPER

1 best option. And not only is it a show of force but, if
2 necessary, I would use it if I had to, to subdue the subject.

3 Q. Was it necessary in this case to use your taser?

4 A. It was.

5 Q. It was necessary for you to use it or pull it out?

6 A. To draw it, yes.

7 Q. Okay. At this point you've ordered him to let her
8 out of the house. That hasn't happened. You've drawn your
9 taser. What's going through your mind at this point?

10 A. It's time to make entry. We have to do what we
11 have to do to get inside this house.

12 Q. Is that what happened?

13 A. Yes.

14 Q. And can you describe a little bit about what
15 effecting entry looked like in this case.

16 A. Basically I remember seeing the chain. Also not
17 being across the door frame. Like it was not on there. I
18 guess during the struggle between the Defendant and the victim,
19 she was able to get the chain loose.

20 So I immediately -- Mr. Harris was standing behind
21 the door. I had my taser in my right hand. I immediately
22 started pushing on the door as hard as I could. I felt Officer
23 Sane on my back shoulder and pushing right behind me so we just
24 shoved it or forced our way inside the house. Pointed the
25 taser at Mr. Harris, told him to get on the ground.

DEPUTY GIPSON DIR. BY MR. HARPER

1 Q. Was there at any point in that altercation at all
2 that he indicated that he was going to let Mrs. Harris out of
3 the house?

4 A. No.

5 Q. During all of this, everything that was happening,
6 were you equipped with a body camera at that time?

7 A. I was.

8 (STATE EXH. 2, Compact disc, video, was marked for
9 identification.)

10 BY MR. HARPER:

11 Q. I'm handing you now what's been marked as State's
12 Exhibit 2. Do you recognize this?

13 A. I do, sir.

14 Q. What is that?

15 A. That's my body camera video.

16 Q. How do you know that's what it is?

17 A. I reviewed it, and I signed it.

18 Q. How do you know you reviewed this exact one?

19 A. That's the one I signed.

20 Q. Does it fairly and accurately represent the events
21 that happened on August 26, 2020?

22 A. Yes, sir.

23 MR. HARPER: Your Honor, at this time the State
24 moves to admit what's been previously marked as State's Number
25 2 into evidence.

DEPUTY GIPSON DIR. BY MR. HARPER

1 THE COURT: Any objection?

2 MR. ZUSCHKE: No objection.

3 THE COURT: Into evidence without objection.

4 (STATE EXH. 2, Compact disc, video, was entered
5 into evidence.)

6 MR. HARPER: With The Court's permission, we would
7 like to publish this to the jury at this point.

8 THE COURT: You may.

9 (Video begins.)

10 BY MR. HARPER:

11 Q. At this point in the video that we viewed, is the
12 Defendant under arrest for anything at this point?

13 A. Not at this time. We're trying to conduct our
14 investigation.

15 Q. Okay. What does that normally look like?

16 A. Separating the parties, diffusing the situation and
17 talking, trying to talk with both parties about the incident
18 that occurred.

19 Q. So at this point he's not under arrest. Continuing
20 your investigation. Did you get a chance to speak to
21 Mrs. Linda Harris at all?

22 A. I did, sir.

23 Q. Okay. After you did all that, after you spoke to
24 the victim -- and we're going to play that video in just a
25 second. At that point, what did you decide to do?

DEPUTY GIPSON DIR. BY MR. HARPER

1 A. That he was going to be placed under arrest for
2 domestic violence and I contacted the supervisor just to check
3 for -- to make sure that I was meeting the statute for
4 kidnapping as well. That was also the next immediate thought
5 in my mind, that this met the criteria for kidnapping charge.

6 Q. Why was that the next immediate thing in your mind?

7 A. I try to do really well to make the best case I can
8 during the domestic violence. I've been to a lot of very
9 violent ones. And the next thing that was in my mind was, he's
10 been preventing her from leaving. We were told that by
11 dispatch. And so that I knew immediately that he was confining
12 her to that house. He wasn't allowing her to leave. That was
13 my immediate thought was kidnapping as well.

14 Q. You were told by dispatch he wasn't allowing her to
15 leave. Did you observe that? I know we went over it a little
16 bit.

17 A. I read it in the call for service log as well.

18 Q. Did you observe him not allowing her to leave?

19 A. Yes. I did.

20 Q. Okay. I just wanted to clarify what that was based
21 off of.

22 A. Yes, sir.

23 (Video continues).

24 BY MR. HARPER:

25 Q. Detective Gipson, you just informed Mr. Harris what

DEPUTY GIPSON DIR. BY MR. HARPER

1 he did was technically kidnapping. I just want to clarify
2 something real quick. You called your supervisor to make sure
3 that you were within the statute for kidnapping; correct?

4 A. That's correct, sir.

5 Q. When did you do that?

6 A. I think not long after that conversation took
7 place. After we had read him Miranda Rights and everything.

8 MR. ZUSCHKE: Objection. This whole line of
9 questioning is going to some kind of non-testimonial expert's
10 opinion as to actual guilt or innocence in the case. Him
11 citing the supervisor that says this scenario falls into the
12 statute of kidnapping is completely inappropriate.

13 THE COURT: I will sustain the objection.

14 MR. HARPER: Thank you, Your Honor.

15 BY MR. HARPER:

16 Q. Deputy Gipson, are you aware of anything to your
17 knowledge that a husband is allowed to keep his wife in his
18 home?

19 A. No.

20 Q. Are you aware of anything allowing a husband to
21 keep his wife in her home against her will?

22 A. No.

23 Q. Okay. So at this point you've told the Defendant
24 what you're planning on charging him with. How did you make
25 that decision?

DEPUTY GIPSON CROSS BY MR. ZUSCHKE

1 A. Based on the facts and the evidence that I had at
2 hand. It was apparent that we had domestic violence situation.
3 He was keeping her from using the phone. He was trying to take
4 the phone when we were enroute to the destination. I observed
5 him hit her, pushing her back and keeping her from leaving the
6 house. So that was basically how I made my decision on what
7 charges were necessary to be made.

8 Q. For identification purposes, do you see the person
9 that you observed shoving Ms. Linda and preventing her from
10 leaving her home here in the courtroom today?

11 A. I do, sir.

12 Q. Can you please identify him.

13 A. Yes, sir. The man in gray and black stripes.

14 MR. HARPER: Please let the record reflect Deputy
15 Gipson has indicated the Defendant is that person.

16 THE COURT: The record will so reflect.

17 MR. HARPER: Deputy Gipson, that's all I have for
18 you at this point. Please answer any questions that the
19 defense may have for you.

20 THE COURT: Mr. Zuschke.

21 CROSS-EXAMINATION

22 BY MR. ZUSCHKE:

23 Q. Deputy Gipson, you don't have any issues as far as
24 your memory as far as you know, do you?

25 A. No, sir.

DEPUTY GIPSON CROSS BY MR. ZUSCHKE

1 Q. You went over your training a little bit. You went
2 to officer training presumably?

3 A. Yes, sir.

4 Q. As well as some military training, intelligence?

5 A. Yes, sir.

6 Q. I'm not in the military. I don't know what goes
7 into that. As far as the officer training, they train you on
8 how to collect evidence, write police reports, things like
9 that?

10 A. Yes, sir.

11 Q. Make thorough reports and investigations?

12 A. Yes, sir.

13 Q. And build cases?

14 A. Yes, sir.

15 Q. As part of that, you keep notes and create a police
16 report?

17 A. Yes, sir.

18 Q. And you use a body cam?

19 A. I do, sir.

20 Q. Part of the reason you do that is because it can be
21 hard to remember things a year or years later?

22 A. Yes, sir.

23 Q. In preparation for court you want to have those
24 accessible so that you could present them in court to a jury
25 like this?

DEPUTY GIPSON CROSS BY MR. ZUSCHKE

1 A. Yes, sir.

2 Q. It's important to do a thorough investigation, that
3 you collect evidence so that you can build the proper case?

4 A. Yes, sir.

5 Q. I assume you reviewed your report and video in
6 preparation for this case today?

7 A. Yes, sir. That's correct.

8 Q. I heard something in the 911 call. Did you go to
9 the wrong house before you went to the right one?

10 A. I don't think I went to the wrong house. I think I
11 was making sure that I was at the correct house. We have East
12 Main Street and West Main Street in Rock Hill.

13 Q. You didn't drive past it, as far as you know?

14 A. Not that I know of.

15 Q. When you did initially arrive, he refused to let
16 the police in initially?

17 A. Yes.

18 Q. And he's holding the door closed?

19 A. Yes.

20 Q. Has the chain out so it's just a few inches,
21 yelling at you through that, says you're not coming in, things
22 like that?

23 A. Yes, sir. The door was chained. He was standing
24 behind the door, preventing us from coming into the house.

25 Q. You got in pretty quickly after threatening to kick

DEPUTY GIPSON CROSS BY MR. ZUSCHKE

1 the door and use your taser; right?

2 A. That's correct, sir.

3 Q. You said on direct that you think maybe she got the
4 chain off but you said previously that you're not quite sure if
5 it got jostled or if it was her or how it came undone?

6 A. That's correct, sir.

7 Q. Once you did get inside, he was pretty quick to be
8 compliant and lay on the floor; right?

9 A. He was.

10 Q. Physically anyway. He was still yelling and
11 talking back?

12 A. Yes, sir.

13 Q. And put him in handcuffs and you guys kind of help
14 him up off the ground; right?

15 A. Yes, sir.

16 Q. He objects to how you do that. Eventually he gets
17 up. At that point you ask him to walk outside and he objected
18 to that; right?

19 A. That's correct, sir.

20 Q. And he wants to make sure you're going to let him
21 back in the house before he agrees to leave it; right?

22 A. Yes, sir.

23 Q. And I didn't see on the video the shoving that you
24 say happened. Is that not reflected in the video?

25 A. It may be blocked because of the way -- the height

DEPUTY GIPSON CROSS BY MR. ZUSCHKE

1 of the door. I'm not the tallest guy in the world. My body
2 cam, being worn on my chest, may not be able to see everything
3 in through the door.

4 Q. At the time he was also actively barricading the
5 door to prevent you from coming in; right? Up against the
6 door, behind him, to the extent he could do something?

7 A. He was directly behind the door. Ms. Linda came up
8 behind him, and he pushed her back.

9 Q. So he was in between you and Ms. Linda?

10 A. Correct, and the door was between us as well.

11 Q. The door, him, and then Ms. Linda behind?

12 A. That's correct.

13 Q. You saw him reach behind and her move?

14 A. (Witness moves head up and down.)

15 Q. There are no marks or injury on her that you
16 observed?

17 A. No, sir. Not that day.

18 Q. Heard him talking about the neighbor, talking to
19 the neighbor. Did you ever go talk to that neighbor?

20 A. No, sir.

21 Q. To your knowledge, did anyone? There were three
22 officers around that day. Did any of them go and talk to that
23 neighbor?

24 A. Not to my knowledge, sir.

25 Q. What about the person across the street in that

DEPUTY GIPSON CROSS BY MR. ZUSCHKE

1 kind of church parking lot?

2 A. I just said hello to them.

3 Q. Nobody went and talked to him, asked if they saw
4 anything in this case?

5 A. No, sir.

6 Q. You didn't look for any weapons; right?

7 A. No, sir.

8 Q. There were none reported on the scene?

9 A. No, sir. None were reported on the scene.

10 Q. Did you check the back door to see if it was
11 unlocked?

12 A. No, sir.

13 Q. To see if it is obstructed?

14 A. (Witness moves head from side to side.)

15 Q. Pretty small house; right?

16 A. It was.

17 Q. You didn't look?

18 A. No, sir.

19 Q. To your knowledge, you can't rule out that she
20 could've walked out the back door when you guys were there?

21 A. That's correct.

22 Q. The Defendant was using the door to keep you guys
23 out actively?

24 A. That's correct.

25 Q. Prior to her making an attempt that you saw?

DEPUTY GIPSON REDIR. BY MR. HARPER

1 A. That's correct.

2 Q. And as for your arrival to when the Defendant were
3 at the sally port of the jail, 21 minutes or less than that?

4 A. I'm not sure of the exact time frame.

5 Q. Does that sound about right?

6 A. Sounds about, yeah.

7 MR. ZUSCHKE: No further questions. Thank you,
8 Your Honor.

9 THE COURT: Any redirect, Mr. Harper?

10 MR. HARPER: Very briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. HARPER:

13 Q. Deputy Gipson, in your brief interactions at the
14 home on that day, was there any indication to you that Ms.
15 Linda was being held against her will outside of the home?

16 A. Say that again. I'm sorry.

17 Q. What I'm asking, was there any indication that she
18 was held against her will in the front yard?

19 A. None that I knew of, sir.

20 Q. Was there any indication that she was being held
21 against her will in view of the church other than just her
22 house?

23 A. No, sir.

24 Q. And to your knowledge, you charged him with two
25 different things; domestic violence and kidnapping. Did the

DEPUTY GIPSON RECROSS BY MR. ZUSCHKE

1 Defendant lay hands on the victim in your presence?

2 A. Yes. I witnessed it.

3 Q. What did you witness exactly?

4 A. He hit her and pushed her back away from the door,
5 telling her that she wasn't leaving.

6 Q. During your investigation, were you given any
7 indication that he laid hands on her before you got there?

8 A. Yes.

9 Q. What was that indication?

10 A. Ms. Linda stated that he had hit her in the face
11 with an open hand so that it wouldn't leave a mark.

12 MR. HARPER: No further questions.

13 THE COURT: Any recross, Mr. Zuschke?

14 RECROSS-EXAMINATION

15 BY MR. ZUSCHKE:

16 Q. You were outside when you say you observed these
17 things; right?

18 A. I was standing directly up against the door, sir.

19 Q. You didn't talk to the neighbor or the guy across
20 the street; right?

21 A. That's correct.

22 Q. The Defendant asked you to go talk to him, said he
23 was a witness to all this; correct?

24 A. Yes, sir.

25 THE COURT: Mr. Harper.

1 MR. HARPER: Nothing further, Your Honor.

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

3 (The witness exited the stand.)

4 THE COURT: Counsel, can y'all approach.

5 (Off-the-record discussion.)

6 THE COURT: State can call their next witness.

7 MR. HARPER: Court's indulgence, Your Honor.

8 THE COURT: Certainly.

9 MR. HARPER: Your Honor, at this time the State
10 rests.

11 THE COURT: Ladies and gentlemen, the State has
12 rested their case. And there are certain legal things we need
13 to do before the defense's starts their -- before it's the
14 defense's turn. I'm going to ask y'all to go ahead and take
15 your lunch break and ask you to return at 1:30. Don't discuss
16 the case. We'll see you back at 1:30.

17 (The jury exited the courtroom at 11:49 a.m.)

18 THE COURT: Mr. Zuschke, any motions?

19 MR. ZUSCHKE: Yes, Your Honor. We would move for a
20 directed verdict as to the domestic violence charge.

21 Mrs. Linda Harris indicated she was not assaulted that day
22 under her direct. As well as she made a 13-minute phone call
23 to the police. Indicating he was blocking electronic access to
24 the police is the element that they want to use to enhance it
25 to second degree. She made a 13-minute call with him right

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1 there, and completely able to do that. As well as not allege
2 any actual violence or assault or injury.

3 THE COURT: Mr. Harper.

4 MR. HARPER: Your Honor, with regards to domestic
5 violence, during Ms. Linda's testimony, she did indicate that
6 she was being forcibly bumped by the Defendant to the point
7 where she was actually dropping her phone.

8 She also indicated that while she was trying to
9 leave the house, the entire time he was not allowing her access
10 to her phone. She indicated that she would've called for help,
11 if she could. He kept bumping her and not letting her get to
12 it.

13 In the 911 call, we did hear that he was
14 continually trying to stop her from talking to the 911 operator
15 and getting help. The fact that she was able to eventually
16 make a call does not mean she was prevented from doing so in
17 the past.

18 Additionally, Your Honor, based off the body cam
19 that we saw from Deputy Gipson, you saw that she indicated to
20 him that the Defendant did hit her with an open palm on her
21 face. For directed verdict motions we have to view the light
22 most favorable to the State. We have the existence of
23 testimony and evidence that she was struck. We have the
24 existence of evidence and testimony that the Defendant tried to
25 prevent her from getting to 911. Therefore, I don't think

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1 directed verdict is appropriate.

2 THE COURT: I will deny the motion. I think it's
3 enough to go to the jury.

4 MR. HARPER: Thank you, Your Honor.

5 THE COURT: Mr. Zuschke, do you want to spend a few
6 minutes and talk with your client. We can handle that now or
7 do it before 1:30?

8 MR. ZUSCHKE: What I imagine making most sense, go
9 to the holding cell now, talk to him and then let The Court
10 know before they leave for lunch. I don't think it will take
11 long to make that decision.

12 THE COURT: What we're talking about now,
13 Mr. Harris, you have a big decision to make right now, whether
14 you are going to testify in your own defense. Mr. Zuschke and
15 Ms. Burris is going to talk about that with you back in the
16 holding cell.

17 See everybody back at 1:30.

18 (A luncheon recess transpired from 11:52 a.m. until
19 1:28 p.m.)

20 THE COURT: Counsel, have y'all had a chance to
21 look at our jury charge?

22 MR. HARPER: We have, Your Honor.

23 THE COURT: Any objections or anything from the
24 State?

25 MR. HARPER: Nothing from the State, Your Honor.

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1 THE COURT: Anything from the defense?

2 MR. ZUSCHKE: Nothing from the defense, Your Honor.

3 THE COURT: Counsel, is either side asking for a DV
4 third, lesser included?

5 MR. HARPER: Yeah. Judge, if you can put that on
6 there, I think the State would appreciate that.

7 THE COURT: Mr. Zushke.

8 MR. ZUSCHKE: They're entitled to it.

9 THE COURT: I'm inclined to do it. I think the
10 jury could credit the testimony about the shove or the blow and
11 not believe the phone part. Brett, if you will make that
12 change real quick.

13 Counsel, if y'all want to approach. Mr. Lonadier
14 has drafted a simple verdict form as well. Take a look at
15 that. Obviously, we'll change it. For the first one, it will
16 say: If the answer to the previous question is not guilty.

17 MR. ZUSCHKE: Your Honor, the jury charges, as far
18 as the domestic violence, second degree, additional factor.

19 THE COURT: Where it says additionally involved.

20 MR. ZUSCHKE: Yes, Your Honor. I believe they
21 limited themselves by only indicting to the argument about
22 electronic device. It taking place during burglary,
23 kidnapping, I think they are limited from arguing that and it
24 shouldn't be part of the jury charge as it was indicted by
25 Ms. Miller. Only the language about using an electronic device

1 in context for emergency.

2 THE COURT: Ms. Desch, Mr. Harper.

3 MS. DESCH: He's right about the indictment.

4 THE COURT: Let me make sure I understand. The
5 only basis for going forward on the domestic violence second is
6 hindering the attempt to contact law enforcement.

7 MR. ZUSCHKE: Yes.

8 THE COURT: Then we're going to take everything
9 out.

10 MR. HARPER: Yes. We were going to change it, but
11 we didn't. I understand.

12 THE COURT: The change on that is to delete all
13 that language option.

14 MR. ZUSCHKE: Maybe the definition of moderate
15 injury is necessary down below.

16 THE COURT: Yeah, the State is not going forward on
17 that. Delete that, the whole paragraph.

18 (A pause transpired).

19 MR. ZUSCHKE: In the indictment, it's very specific
20 about limiting electronic device. I think it's important in
21 this case, particularly since there's more defense around the
22 cell phone than there is around the front door. Down here, if
23 you cross this part where it says access to contact law
24 enforcement or emergency. I want to make sure it has the
25 language about use of electronic device.

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1 THE COURT: I understand. You want to prevent the
2 jury from misunderstanding the conversation at the door would
3 qualify.

4 MR. HARPER: The only part I would add on here if
5 we're being specific about it, it should say a cell phone,
6 telephone, or electronic communication device, but I agree with
7 Mr. Zuschke on that.

8 (A pause transpired).

9 THE COURT: Counsel, if y'all would approach one
10 more time. I'll let you borrow Mr. Lonadier's laptop. Take a
11 look at the revised verdict form.

12 MR. HARPER: Judge, do you have an instruction for
13 DV third in the instructions?

14 MR. LONADIER: Do you mean like a jury charge?

15 THE COURT: He means, like, have we done one
16 before.

17 MR. LONADIER: I don't think we do.

18 MR. HARPER: The reason I'm asking, question two,
19 if the answer is no, he's not guilty, he's guilty of third
20 only, I don't think it's defined in your instructions to the
21 jury.

22 THE COURT: Absolutely. We have to insert domestic
23 violence, third degree.

24 (A pause transpired.)

25 MR. LONADIER: I don't see the Defendant not

1 testifying charge.

2 (A pause transpired.)

3 THE COURT: As far as the verdict form.

4 MR. HARPER: Looked good to me.

5 (A pause transpired).

6 THE COURT: Counsel, I didn't notice any noticeable
7 redactions. I think there are some redactions. Do y'all want
8 the redaction charge that says: It shouldn't be held against
9 either side if there are redacted portions of the video?

10 MR. HARPER: There's only two parts that I muted.
11 It was a total of three-and-a-half seconds.

12 THE COURT: I didn't think so.

13 MR. ZUSCHKE: I didn't think so either. No
14 objection.

15 THE COURT: No redaction charge.

16 (A pause transpired).

17 THE COURT: Counsel, Mr. Lonadier is going to bring
18 around the jury charge and the verdict form. The charge, we
19 made the changes that we talked about with regard to domestic
20 violence second. We added domestic violence third degree,
21 lesser included. And finally we added in Defendant not
22 testifying. All the changes will be on pages four and five.

23 (A pause transpired.)

24 MR. HARPER: On Defendant not testifying, you have
25 the jury should not question the guilt or innocence of Jonathan

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1 Hillary.

2 THE COURT: We cut and pasted that from another.
3 Sorry. If that's the only thing we missed, I'm just going to
4 print one additional copy for me. I will change that to: The
5 Defendant.

6 MR. HARPER: Everything else looks good to me.

7 THE COURT: Anything from the defense?

8 MR. ZUSCHKE: Nothing further.

9 THE COURT: Let's get him on the record.

10 Mr. Harris, I have to ask you some questions. I'm
11 going to have to ask the clerk to swear you in.

12 THE CLERK: Please raise your right hand.

13 THE DEFENDANT: I don't want to testify.

14 THE COURT: Yes, sir. I understand. You still
15 have to swear. You and I are about to talk about that issue.
16 You need to swear you're going to tell the truth when you and I
17 talk.

18 BRANDY VERNON HARRIS
19 being first duly sworn, testified as follows:

20 THE COURT: Thank you, sir. Mr. Harris, at this
21 time I'm going to explain to you certain of your rights. If
22 you don't understand anything I'm saying, please let me know.
23 If you want me to explain anything in more detail, please let
24 me know. Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: Mr. Harris, we have now reached the
2 stage of the trial where you may present your defense. You
3 have the right to claim the protections given to you by the
4 Fifth Amendment to the Constitution. That amendment says in
5 part: No man shall be compelled -- no person shall be
6 compelled in a criminal case to be a witness against himself.
7 This means you cannot be required to testify in this case.

8 You do have the right to testify on your own
9 behalf; however, no one can make you testify. This is a
10 personal right and no one can waive this right except for you.

11 If you decide to testify, you will be subject to
12 the same rules that govern other witnesses. You can be
13 examined and cross-examined on any relevant issue in the case.

14 In addition, if you have any other convictions
15 involving dishonesty or false statement or for crimes
16 punishable by imprisonment for more than one year and The Court
17 determines the probative value of any evidence outweighs any
18 possible prejudice, the Solicitor will be able to introduce
19 your record to attack your credibility.

20 Further, if you decide to testify, this decision on
21 your part must be freely, voluntarily, and intelligently made
22 with a nod to the protections given to you by the Fifth
23 Amendment and the consequences of your decision if you choose
24 to testify.

25 If you choose not to testify, I will instruct the

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1 jurors they cannot give the fact you didn't testify any
2 consideration whatsoever. And there's to be absolutely no
3 prejudice because you did not testify. In fact, I will
4 instruct the jurors they are not allowed to even discuss the
5 fact you didn't testify in the jury room.

6 You may talk with your attorney, your family, and
7 friends, or anyone else. The final decision is entirely up to
8 you. Do you understand what I've just explained to you?

9 THE DEFENDANT: Understood.

10 THE COURT: Do you have any questions about what I
11 just explained?

12 THE DEFENDANT: Not at all.

13 THE COURT: Have you had enough time to discuss
14 this issue with Mr. Zuschke and Ms. Burris?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you want to talk to your lawyers any
17 more about this issue?

18 THE DEFENDANT: No, sir.

19 THE COURT: Mr. Harris, do you want to testify in
20 your own behalf?

21 THE DEFENDANT: No, sir.

22 THE COURT: Thank you.

23 Anything else we need to do before we bring the
24 jury? Anything from the State?

25 MR. HARPER: Nothing from the State, Your Honor.

1 THE COURT: From the defense?

2 MR. ZUSCHKE: Nothing from the defense.

3 THE COURT: Let's bring them in.

4 (The jury entered the courtroom at 1:59 p.m.)

5 THE COURT: Ladies and gentlemen, were you able to
6 follow the instructions I gave you over the lunch break? Thank
7 you very much.

8 Mr. Zuschke, you may call your first witness.

9 MR. ZUSCHKE: The defense rests, Your Honor.

10 THE COURT: Ladies and gentlemen, that brings us to
11 the conclusion of the evidence in this case. What is going to
12 happen now, I'm going to give you my instruction on the law of
13 South Carolina, which we call the jury charge. Following that
14 you will hear the closing arguments of the attorneys.

15 Mr. Foreperson and members of the jury, you have
16 heard the evidence. You will soon hear the closing arguments
17 of both sides. First, I'm going to explain to you the rules of
18 law you must follow and apply in deciding the case, which is
19 what I'm doing now. When I finish, you will hear the arguments
20 and go to the jury room and begin your deliberations. I will
21 give you a written copy of these jury instructions.

22 During deliberations you may refer to these
23 instructions as a guide to your decision making. You must
24 consider the instructions as a whole, not follow some and
25 ignore others. Your decision must be based solely on the

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1 evidence presented here in court. You must not be influenced
2 in any way by sympathy for or prejudice against anybody.

3 The indictment in this case charges the Defendant,
4 Brandy Vernon Harris, with domestic violence in the second
5 degree and kidnapping. An indictment is simply the formal
6 written instrument, which contains the charge against the
7 Defendant. I remind you the fact that the Defendant was
8 arrested and charged and indicted in this case is not evidence
9 and cannot be considered by you as evidence of guilt in this
10 case nor does it create any presumption or inference of guilt.

11 The Defendant has pled not guilty and that puts the
12 burden of proof on the State to prove he's guilty beyond a
13 reasonable doubt. A person charged with committing a criminal
14 offense in South Carolina is never required to prove himself
15 innocent.

16 I charge you that it is an important rule of law
17 that a defendant in a criminal trial, no matter how serious the
18 charge is, will always be presumed to be innocent of the crime
19 for which the indictment was issued unless guilt has been
20 proven by evidence satisfying you, as the jury, of the person's
21 guilt beyond a reasonable doubt. This presumption of innocence
22 does not end when you begin your jury deliberations but
23 accompanies the Defendant throughout the trial until you reach
24 a verdict.

25 A presumption of innocence is not a legal theory or

1 legal phrase. It is a substantial right to which every
2 defendant is entitled unless you, the jury, are satisfied from
3 the evidence of the Defendant's guilt beyond a reasonable
4 doubt.

5 What is reasonable doubt? Some of you may have
6 served as jurors in a civil case for someone suing someone for
7 money damages where you were told it is only necessary to prove
8 that a fact is more likely true than not true such as by the
9 greater weight or the preponderance of the evidence.

10 In criminal cases the State's proof must be more
11 powerful than that. It must be beyond a reasonable doubt.
12 Proof beyond a reasonable doubt is proof that leaves you firmly
13 convinced of the Defendant's guilt.

14 There are very few things in the world we know with
15 absolute certainty. In criminal cases, the law does not
16 require proof that overcomes any possible doubt. If, based on
17 your consideration of the evidence, you are firmly convinced
18 the Defendant is guilty of the crime charged, you must find the
19 Defendant guilty.

20 If, on the other hand, you think there is a real
21 possibility the Defendant is not guilty, you must give the
22 Defendant the benefit of the doubt and find him not guilty.
23 Put another way, a reasonable doubt is the kind of doubt that
24 would cause a reasonable person to hesitate to act.

25 Duties of the judge and the jury. I remind you, as

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1 I said in the beginning, that during this trial you and I have
2 certain duties to perform. As the trial judge, it is my
3 responsibility to preside over the trial of the case. And I
4 also have the duty to rule on the admissibility of evidence.

5 You are to consider only the evidence before you.
6 If I order any testimony stricken from the record, you should
7 disregard that testimony. You should consider the evidence
8 which has been presented from the witness stand and any
9 exhibits which are part of the case and any stipulations or
10 agreements of the lawyers.

11 I have the additional duty to charge you on the law
12 of the case, which I'm doing now. As the presiding judge, I'm
13 the sole judge of the law in this case. It is your duty as
14 jurors to accept and apply the law as I explain it to you. If
15 you already have an idea as to what the law is or what you
16 think it ought to be and that idea does not agree with what I'm
17 now telling you, you must abandon your idea. You are sworn to
18 accept the law and apply it exactly as I explain it to you.

19 In every case tried in this court before a jury,
20 you, the jury, are the sole and exclusive judge of the facts in
21 the case. As a trial judge, I cannot intimate, state, comment,
22 or make any statement to a jury about the facts of the case.
23 Since you, the jury, are the sole judge of the facts, you
24 should not infer from anything I've said during this trial
25 regarding the admissibility of evidence or any other ruling or

1 comment I make that I have any opinion about the facts in this
2 case. The law does not permit me to have an opinion about the
3 facts. That is a matter solely for you, the jury, to
4 determine.

5 As jurors, it is your duty to determine the effect,
6 weight, value, and the truth of the evidence presented during
7 the trial. As I said before, you must consider only the
8 evidence I have admitted into the case. Evidence includes the
9 testimony and the exhibits that have been admitted.

10 You should not assume from anything I have said I
11 have any opinion about any factual issue. In fact, except for
12 my instructions to you on the law, you should disregard
13 anything I've said during the trial.

14 When you arrive at your own decision about the
15 facts, your own recollection and interpretation of the evidence
16 is what matters. In considering the evidence you must use your
17 reason and common sense to make deductions and reach
18 conclusions.

19 Arguments of attorneys. While the arguments of
20 Counsel or attorneys are a beneficial part of every trial, you
21 should remember that the statements made by the attorneys are
22 not evidence. In presenting arguments, the attorneys often
23 refer to the evidence; however, you should base your verdict on
24 the evidence as you remember it. Therefore, if there are any
25 conflicts between the recollections of the attorneys about the

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1 evidence and your own recollection, you should rely on your own
2 understanding of the evidence.

3 When I say that you must consider all the evidence
4 in the case, I do not mean you must accept it all as true or
5 accurate. You should decide whether you believe what each
6 witness had to say and how important that testimony was. In
7 making these decisions you may believe or disbelieve any
8 witness in whole or in part. The number of witnesses
9 testifying about a particular point doesn't necessarily matter.

10 To decide whether you should believe a witness, I
11 suggest you ask yourself a few questions. Did the witness
12 impress you as one who is telling the truth? Did they have any
13 particular reason to not tell the truth? Did they have a
14 personal interest in the outcome of the case? Did they seem to
15 have a good memory? Did they have the opportunity and ability
16 to accurately observe the things they're testifying about? Did
17 the witness appear to understand the questions and answer them
18 directly? Did the testimony differ from other testimony or
19 other evidence?

20 However, keep in mind that a simple mistake by a
21 witness does not mean they weren't telling the truth as he or
22 she remembers it. People naturally tend to forget some things
23 or remember them inaccurately. So if a witness misstated
24 something, you, as jurors, must decide whether that was because
25 of an innocent mistake in memory or an intentional deception.

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1 The significance of your decision may depend on whether the
2 statement was an important fact or an unimportant detail.

3 The Defendant in this case did not testify. I
4 instruct you and emphasize the fact that the Defendant did not
5 testify is not a factor to be considered by you in any way in
6 your deliberations and in your consideration on the question of
7 the guilt or innocence of the Defendant. It must not be
8 considered by you in any manner whatsoever.

9 A Defendant in our country has the Constitutional
10 right to remain silent and the assertion of this right must not
11 be considered by you in your deliberations. I'll repeat:
12 Under your oath as jurors, you are to draw no conclusion
13 whatsoever from the fact that a Defendant did not testify. The
14 fact the Defendant did not testify should not even be discussed
15 by the jurors in the jury room.

16 Domestic violence in the second degree. In order
17 to prove domestic violence in the second degree, the
18 prosecution must prove that the person caused physical harm or
19 injury to their own household member or offered or attempted to
20 cause physical harm or injury to their household member with
21 the apparent present ability under the circumstances,
22 reasonably creating a fear of imminent danger.

23 A household member is a spouse, a former spouse, a
24 person with who the Defendant has a child in common, or a
25 person of opposite sex with whom the Defendant is living or has

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1 lived with in the past.

2 Additionally, in order to prove the offense of
3 domestic violence in the second degree, prosecution must prove
4 one additional factor; that the act blocked the victim's access
5 to an electronic device, cell phone, or telephone to contact
6 law enforcement or emergency medical provider.

7 Domestic violence in the third degree. If you find
8 the State has failed to prove beyond a reasonable doubt the
9 Defendant committed domestic violence in the second degree, you
10 may consider whether the State has proved beyond a reasonable
11 doubt the Defendant committed domestic violence in the third
12 degree.

13 In order to prove domestic violence in the third
14 degree, the prosecution must prove that the Defendant caused
15 physical harm or injury to their own household member or
16 offered or attempted to cause physical harm or injury to their
17 household member with the apparent present ability under the
18 circumstances, reasonably creating a fear of imminent danger.

19 Kidnapping. In order to prove kidnapping, the
20 prosecution must prove beyond a reasonable doubt the Defendant
21 seized, confined, decoyed, kidnapped, abducted, or carried away
22 the victim by any means without the legal justification or
23 authority to do so. Kidnapping may involve carrying away or
24 restraining another person without their consent.

25 The verdict. Ladies and gentlemen, there are two

1 possible verdicts, which you may find in this case as to each
2 charge. Guilty or not guilty. There is no significance
3 whatsoever in the order in which I stated these possible
4 verdicts. It is simply that one must be stated first.

5 Ladies and gentlemen, your verdict must be a
6 unanimous one. Mr. Foreperson, when the jury agrees on a
7 verdict on all three charges, and that verdict is unanimous,
8 you will check the box on the verdict form and sign your name
9 as foreperson and date it.

10 This is the verdict form. It has three questions.
11 The first question is about domestic violence in the second
12 degree.

13 The second question only applies if the first
14 question is not guilty and asks about domestic violence in the
15 third degree.

16 The third question asks about kidnapping.

17 When you reach a unanimous decision on all three
18 charges, the foreperson will check the boxes and sign and date
19 it and then knock on the door and notify the bailiff that you
20 have a verdict.

21 Ladies and gentlemen, once the attorneys have made
22 their closing arguments, we have to make sure all the evidence
23 is in order and ready to go back to you. So your signal to
24 begin deliberations will be, when you're in the jury room and
25 the bailiff knocks on the door and hands you the verdict form,

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1 the jury instructions, and the evidence. At that point, you're
2 free to deliberate on the case. That's your signal to begin
3 deliberating.

4 Any objections to my charge from the State?

5 MR. HARPER: None from the State, Your Honor.

6 THE COURT: From the defense?

7 MR. ZUSCHKE: None from the defense, Your Honor.

8 THE COURT: Ladies and gentlemen, I'm going to ask
9 you to direct your attention to the attorneys for their closing
10 argument. The State has the burden of proof. They go first.

11 MS. DESCH: Thank you, Your Honor. May it please
12 The Court.

13 THE COURT: Yes, ma'am.

14 MS. DESCH: Madam Clerk. Court's indulgence.
15 May we approach?

16 THE COURT: Yes.

17 (Off-the-record discussion).

18 MS. DESCH: State versus Brandy Harris. Apparently
19 I can't get very far from this computer.

20 As you've heard a couple of times, you've heard
21 about the basic principles of what we do in criminal court.
22 These are basis principles that we all stand by including the
23 State. These are that the Defendant is presumed innocent. The
24 Defendant has a right to remain silent. The State has the
25 burden of proof. And that we must prove each and every element

1 beyond a reasonable doubt. It's very important. And it is
2 something the State takes very seriously.

3 When you heard from Mr. Harper, you heard about the
4 robe of righteousness. You've now heard the evidence. So
5 let's get into what our elements are that we have to prove to
6 you, the jury.

7 The element of kidnapping. There are preconceived
8 notions. We all have them; duct tape, carrying someone away,
9 throwing them in the back of a car. As you just heard from
10 Judge McKinnon, your job is to follow the law in South
11 Carolina, not what you think it is based on TV. Hopefully not
12 your own experience, but what the law is in South Carolina.
13 Let's talk about that.

14 The law in South Carolina, the accused did
15 unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or
16 carry away or its ordinary meaning. We don't have to prove
17 each and every one of those. You prove one of those.

18 And our presentation is that we're proving confine.
19 Brandy Harris confined Linda Harris in their house for hours.
20 Would not let her leave.

21 How do we know that? She told us. It was captured
22 on body cam. And it was witnessed by Deputy Gipson, then
23 Officer Gipson.

24 Without authority of law. That seems pretty easy;
25 right? Just to be sure, we asked Deputy Gipson: To your

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1 knowledge, is there anything in South Carolina that allows a
2 husband to keep a wife against her will? No. He has no legal
3 authority to keep her in the house.

4 Again, the accused did unlawfully confine another
5 person without the authority of the law. Brandy Harris kept
6 Linda Harris in their house for hours, even to the point when
7 she finally was able to call for help and help arrived, he
8 still would not let her out. You heard on camera Officer
9 Gipson ask, not once, not twice, three times: Let her out.
10 Let her out.

11 And his response: I ain't going to do that. She's
12 my wife.

13 (Audio recording begins.)

14 MS. DESCH: The entirety of the 911 call was played
15 for you. The entirety of the 911 call is in evidence. You can
16 listen to it. You listened to it today. It should be fresh in
17 your memory. She asked multiple times. The operator asked:
18 Can you go outside?

19 The operator recognizes the heightened anxiousness
20 of everyone in the house. The operator recognizes the danger.
21 She's asking Mrs. Harris: Can you separate yourself? Can you
22 get yourself outside and wait for help? No.

23 That's the whole problem. That is the entire
24 problem, as she just stated to you. That is why she called for
25 help. There should be absolutely no question that the State

1 met the burden beyond a reasonable doubt that Brandy Harris
2 confined Linda Harris without legal authority to do so.

3 Let's talk about the domestic violence. That seems
4 to be what Mr. Harris wants to talk about. Domestic violence
5 in South Carolina. Defendant inflicted physical harm or injury
6 to a household member or -- there's that word again -- or
7 offered, attempted to cause such with the apparent present
8 ability under circumstances reasonably creating fear of
9 imminent peril. Imminent means immediate.

10 So either he harms and injures her or he's offering
11 that harm. So I would say it's like a threat of harm. I could
12 walk up and I could punch somebody. They don't have to be
13 afraid I'm going to punch them. I'm just sucker punching them.
14 I've harmed them.

15 Flip that to the or. If I'm threatening to hit, I
16 got to be within striking distance. I'm going to punch you. I
17 don't have to say those words. I'm going to punch you. I show
18 you by holding my hand up. If I'm in striking distance, you
19 certainly have that reasonable fear that I'm going to do what
20 I've threatened to do.

21 What do we have in this case? They're household
22 members. They're spouses. Lived together for several years.
23 Married since 2016. So check mark that. They're married.
24 That element has been met beyond a reasonable doubt.

25 Now we go to the elements of DV, second degree.

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1 Did cause or offer to cause harm. Household member, married.
2 We checked that.

3 Blocked access to a phone to call for help.
4 Blocked access. The Defendant committed an offense while using
5 physical force or threatened use of physical force to block the
6 victim's access to a cell phone, telephone, electronic
7 communication device for the purpose of preventing,
8 obstructing, or interfering with the victim's efforts to call
9 for help.

10 Again, you can hear that on the 911 call. You
11 heard it in the testimony from Linda Harris. After going from
12 room to room to room, from being blocked from room to room,
13 from door to door for hours, she gets the phone, and he's body
14 bumping her. Getting up in her face. Yelling. Screeching at
15 the top of his voice. Head throbbing. That's what she's
16 telling you.

17 Even better than that, you hear it with your own
18 ears. You hear what he's saying and that's only about 20
19 minutes of what she endured the entire day. Phone knocked out
20 of her hand. Trying to keep it away as best she can. And he's
21 yelling the whole time, calling her vulgar names. Preventing
22 her from leaving. Body bumping her.

23 In the 911 call: Won't let me out of the house,
24 trying to grab the phone. Even during cross-examination she
25 responds. Managed to knock it out of her hands.

1 Now, was it going on forever? No. That's not our
2 evidence.

3 Did it take her a while to get to it based on him
4 blocking every access she had to doors, room to room? Yes.
5 Once she had it, did he make every effort to get rid of it,
6 knock it out of her hand? Yes.

7 In opening, defense talked about a real person,
8 real life, real consequences. That applies to Linda Harris as
9 well. You heard a snippet of what she had to endure that day.
10 You heard from her on the stand about what she had to endure,
11 how she felt, even how she talked about she tried to
12 de-escalate. She tried to stay calm. She tried to leave, to
13 get to safety. He wouldn't let her go. She could not get out
14 of that situation. That's real life for her. That's real
15 consequences for her.

16 Defense also told you Brandy can't walk around with
17 a body cam. Mr. Zuschke will get up in a second and the State
18 cannot respond. I can only anticipate as to what he's going to
19 argue. He's a very good attorney.

20 I'm anticipating that he's going to make an issue
21 of the fact that they were separated. In fact, you hear on the
22 body cam footage about: This is a civil matter, police are not
23 social workers. I don't need you, police. It's my wife. It's
24 a civil matter.

25 Divorce is a civil matter, absolutely. But that's

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1 not what we have here. This is not a way for Linda Harris to
2 get a divorce. That's family court. This is criminal court
3 where Brandy Harris violated a law in South Carolina by
4 confining his wife to the house for hours.

5 Defense may bring up that officers didn't even
6 bother to go talk to the neighbor or the bystander. This
7 investigation has played out for you. From the point where 911
8 is called to the body cam footage where Deputy Gipson -- then
9 Officer Gipson -- gets to the door to intervene. Those are the
10 facts that are before you.

11 Asking about bystanders and neighbors, that's a
12 distraction. That does not add doubt to the evidence that was
13 presented to you. It's in evidence. Look at it.

14 Likely to talk about no marks. Well, Linda Harris
15 explained that to Officer Gipson. He hits her like this so he
16 doesn't make marks. He thinks he's so smart.

17 Why allow her to make a lengthy phone call? That's
18 probably the most compelling question. So I agree with the
19 defense: Ask that question. Why does he allow, allow, 13
20 minutes of a phone call?

21 Brandy Harris doesn't think he's doing anything
22 wrong. That's why. He's not afraid of people coming. He's
23 convinced that he is entitled to keep his wife in the house.
24 He says as much on the body cam footage: I ain't going to let
25 her go. That's my wife.

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1 And when law enforcement gets there, that's exactly
2 what he does; pushes her back, shuts the door, keeps law
3 enforcement outside. He clearly feels entitled. The evidence
4 shows otherwise. The evidence shows he's breaking the law by
5 confining his wife.

6 State has the body cam footage of Deputy Gipson and
7 Officer Sane in evidence before you. We are going to play a
8 little bit of Deputy Gipson. You also have the recorded 911
9 call. That's the evidence you need, but let's look at this
10 again.

11 MR. HARPER: Madam clerk, can you mute my screen
12 really quickly.

13 (A pause transpired.)

14 MR. HARPER: Flip back over. Is it coming through?

15 THE CLERK: No.

16 (A pause transpired.)

17 MS. DESCH: Getting IT's advice; unplug and plug
18 back in.

19 (Audio recording begins.)

20 MS. DESCH: Linda Harris in the background: Please
21 open the door.

22 Officer Gipson: Let her out of the house. Let her
23 out of the house. Let her out of the house.

24 Brandy Harris' response: I ain't got to do that.
25 That's my wife.

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1 Physically locked the door to keep her from leaving
2 and finding safety. Keeping safety going in to save her. He's
3 so concerned about the CDV as he calls it. He's clearly
4 committing a kidnapping.

5 Credibility of a witness. What makes sense? Just
6 because they say she's lying doesn't mean she's lying. You get
7 to decide that. You're the fact finders. You make eye contact
8 with the witnesses. You hear the words. You compare it to the
9 evidence. You judge her demeanor. You can even judge her
10 bias.

11 The defense wants to imply or outright accuse that
12 she's making up this charge to get a divorce. Because divorce
13 is hard? People say mean things to each other. I submit
14 there's no evidence of that. Just conjecture. It's just a
15 distraction.

16 You heard how he speaks to her. It's recorded.
17 They have no kids. No dog. She rents from a landlord. The
18 implication is that she would do all this. For what? She told
19 you what she wanted. She just wanted to leave. She didn't
20 want to be talked to that way. That's fair. He wouldn't let
21 her go.

22 You judge the credibility of Linda Harris yourself
23 based on her testimony, based on the body cam footage, based on
24 the 911 call. Mr. Harper talked to you about the robe of
25 righteousness. Brandy Harris was presumed innocent all through

1 this trial. But now we've presented the evidence. The State
2 has presented evidence to you.

3 The judge told you reasonable doubt is not beyond
4 all doubt. That would be unfair. And the defense shouldn't
5 tell you otherwise. After hearing what you've heard and seeing
6 what you've seen, you should be firmly convinced that he broke
7 the law. And being firmly convinced means guilty. And that is
8 what we're asking you to find. We are asking you to find
9 Brandy Harris guilty of kidnapping. That's what he did. He
10 confined his wife to the house.

11 Domestic violence is the one he wants you to
12 concentrate on. Take a look at it. Did he harm her by hitting
13 her here where he left no marks? Is it reasonable for her to
14 fear that he's going to harm her with the body bumping, the
15 getting in the face, the screaming and yelling, making her head
16 throb? Is that reasonable? We submit that it is.

17 And interfering with her ability to call for help
18 when all she wanted to do was leave so he would calm down. We
19 can hear that in the 911 call. The State met its burden.
20 Please find Brandy Harris guilty.

21 THE COURT: Mr. Zuschke.

22 MR. ZUSCHKE: Mrs. Harris wasn't kidnapped.
23 Mrs. Harris didn't even want to leave the house that day.
24 Mrs. Harris wanted Mr. Harris to leave the house. She said it
25 over and over again. She said it today in court she wanted him

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1 out. She couldn't get him to leave. She told the police that.

2 She talked to him. He just won't leave. He comes
3 in here. He pushes his way in, and he's just yelling, and he
4 won't leave. I talked to my landlord. They said that I can't
5 evict him because I'm married to him. That's why the divorce
6 is relevant. They're not divorced. The police won't make him
7 leave because they're a married couple in the house.

8 It's her house. She's been there for years. Her
9 name's on the lease. She told multiple officers she just
10 wanted him to leave. She just wanted him to leave. Just
11 wanted him to leave.

12 On 911 you hear Brandy saying: You ain't getting
13 me out of this house. Says the police ain't going to get in.
14 You hear him tell the police that they're not coming in. Does
15 he tell her she's not leaving when they're at the door? That
16 door, he's using that door. Of course he's not going to let
17 her open the door and walk out while he's trying to use the
18 door to keep the police out.

19 Should he be keeping the police out? That's a
20 different question. That's not what he's here for today.

21 They were there, arriving at the scene to having
22 him at the jail in less than 21 minutes. That's on the video
23 you have there. The officers testified to it. They didn't
24 talk to any witnesses. They came in, kicked in the door, had
25 him on the ground, threatened to tase him, had him outside.

1 He wasn't being cooperative with them. Why would
2 you be cooperative with someone that's going to come there and
3 not even investigate your side of the story? He said: Talk to
4 the neighbor. Talk to the neighbor. He's right there.

5 No, we're not going to do that. We've already
6 heard our story. We already have our guy. You're the guy that
7 cussed at us, wouldn't let us in the door. You're the tall
8 African-American man.

9 MS. DESCH: Objection, Your Honor.

10 THE COURT: Overruled.

11 MR. ZUSCHKE: Divorces are hard. They cause a lot
12 of problems. Emotions are high. There's a lot of rules. They
13 still have things that you're married even once you're
14 separated. He moved out back. She didn't like that he can
15 push his way into the house. He stays there. She left for
16 hours, came back, and he's still there. Still problems. Just
17 exhausted with it. Wanted him out of the house.

18 Then she calls 911. She calls 911 successfully.
19 She gets on the line with them. She talks to them for 12
20 minutes. Uninterrupted? No.

21 Listen to the call. You don't hear a phone fall
22 out of her hand. You hear Brandy talking in the background,
23 telling his side of the story. He's louder than her. He's
24 madder than her. Why?

25 At the end of the day, Brandy was pulled away in

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1 irons and brought to a jail. He's here before you now. Her
2 consequence; he's out of the house. The guy that she didn't
3 want in the house, arguing with her, wasn't in the house
4 anymore. She got exactly what she wanted. She didn't want to
5 leave. She wanted him to leave and he did.

6 He put his side of the story in. He put it in
7 angry. His ex is lying to have him sent to jail because he
8 won't leave the place that he's entitled to be at. He's mad
9 about that. I think he's allowed to be mad about that.

10 He's mad at the police. Didn't like the way he was
11 treated. They didn't investigate. They didn't even walk to
12 the back door to see: Hey, is there another way that she
13 could've just walked out while I was there? He was using that
14 door to keep the police out. She should've just walked out
15 back and left.

16 She said the phone was in her purse. He didn't
17 have it in his possession. She had it in her hand. Watch the
18 video. She still has the phone in her hand when the police
19 arrive. He's not keeping her from calling 911. He's not
20 abusing her. He's just there. He's mad. They're arguing
21 about things. She wants him out, and he won't leave. She
22 found a way to get him out of that house.

23 He stands here, plead not guilty. They still
24 haven't proven their case. He still stands there not guilty
25 right now. He was arrested with no evidence other than one

1 person in a bad relationship saying that he did something. You
2 heard him say the opposite.

3 You heard him saying she's lying. Just one word
4 against another. Him being mistrustful of the police, who
5 wouldn't even investigate this case, wouldn't even give him any
6 benefit of the doubt, had him in handcuffs instantly. He's
7 talked to them before, you heard. They were going back and
8 forth in their interactions with him.

9 Mr. Harris in irons in less than 20 minutes. About
10 the time we spent on one witness today, they had him. Got to
11 the scene, had him arrested, had everything they needed to see.
12 They're done. Let's take him to jail. Lock him up, see him in
13 a year or so, you know, how things go with that.

14 Was he mean to her? Yeah. He's mad. She's
15 getting him locked up. He's being imprisoned for something he
16 didn't do. All it takes is her word and no other evidence, and
17 he gets to go to jail. Of course he's bitter about that.

18 Stand up for me just a minute, Brandy.

19 Brandy is around my height and build. A year ago a
20 little different but not too much. You'll see the video. You
21 have the video. If Mr. Harris wanted to attack me, assault me,
22 there would be marks on me. I don't know how things would go
23 if we got into a scuffle. I'm not getting out of there with no
24 worse for wear. There's going to be marks, there's going to be
25 signs of a physical struggle.

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1 If Mr. Harris wanted to take my phone, when I pull
2 it out to call 911, there's going to be a lot more disruption
3 than I held it above my head. I'm not a woman that's smaller
4 than him, in my 60s. I think she said upper 60s. I'm around
5 his age and build. And there would be a ton of signs of
6 physical struggle over that phone.

7 You can sit down.

8 THE DEFENDANT: Thank you, sir.

9 MR. ZUSCHKE: If he wanted to take the phone and
10 prevent her from calling 911, she wouldn't have called 911. If
11 he wanted to harm or injure her, she would be harmed and
12 injured. She would have marks from that.

13 He's a big man. He can be loud. That doesn't mean
14 you should believe anything that somebody says about him
15 without evidence to support it. Just because he's bigger than
16 her doesn't mean that it's fair she can use her words and
17 suddenly he's in a jail cell. It's not fair. It's not the way
18 our system works. That's what you guys are here to prevent
19 today.

20 Being bigger and louder doesn't mean that
21 everything somebody says about you is true, even if they can
22 keep their voice calm during the recitation.

23 They talk about the door. He was blocking the
24 door. He wouldn't let her go out that door. You-all saw from
25 the time police arrived on scene, what he was doing with that

1 door; he was keeping the police out, not keeping her in. And
2 that was his primary purpose.

3 He said that he pushed her back from the door.
4 Well, maybe. We couldn't see it on the video. He said Brandy
5 was standing in between him as was the door. He says he saw
6 her do something and then pushed her back. We don't know
7 exactly what that was. She's jumping on him while he's using
8 the door to keep out these people that are about to tackle him.

9 He should've submitted to the police. We
10 understand that. I think he understands that now, even with
11 how this whole thing went down.

12 At the time, emotions are high. There's police
13 that he doesn't trust that are here. They're here on her word.
14 He already said she's lying, and they're already believing her.

15 And then, we talk about the door. Why didn't she
16 just walk out the back door? Well, you know, there's a key.
17 Brandy didn't have a key. She didn't say he took the key. She
18 didn't say he had the key. She had a key that went missing at
19 some point. Didn't say that the door was, like, locked so that
20 she couldn't go out. She said he latched the door. Doors
21 don't lock from the inside without being able to get out. She
22 never said that it did.

23 What she did say was that there was obstruction,
24 which we didn't hear about. The police didn't talk about it.
25 Police didn't go to investigate the back door, see if there is

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1 another way out, to see if he could have done something to keep
2 her in the building.

3 At about three minutes into Officer Gipson's video,
4 we do see him walk back there and goes to talk to her in her
5 room. They walk by the kitchen doing that. I took a still
6 shot from the video. It's already submitted into the evidence,
7 State's exhibit.

8 MS. DESCH: Your Honor, can we approach, please.

9 THE COURT: You may.

10 (Off-the-record discussion).

11 MR. ZUSCHKE: I'm going to pass this around so you
12 can see this a little closer. This is a still frame I took
13 from about three minutes into Gipson's video. You get to watch
14 Gipson's video back there. I encourage you to do that. Watch
15 all the evidence. There's a lot of it there. I think there's
16 a lot of things you'll see from that.

17 One of them is about three minutes into Gipson's
18 video. You see on the left here a door to outside from the
19 kitchen. Little stove here, refrigerator here and a door
20 leading to outside. I don't see any obstructions there, on the
21 left side of the picture.

22 What we have is a door with no visible obstructions
23 in front of it. In fact, it's a very tidy house. Watch the
24 video. This idea that there's just clutter everywhere,
25 preventing you from getting out, if you're being kidnapped,

1 clutter preventing you from leaving is a silly argument to
2 begin with. Look around that house. It's a neat, well-kept
3 house. She keeps a very nice house.

4 I told you while you're watching the case, look at
5 it and ask questions. And the blocked door came up for the
6 first time that I heard it. I asked that question and I found
7 that still frame in their evidence. You guys can see it.

8 There's a lot of other questions I asked, too. Why
9 did he let her use the phone for a 12-minute call to the
10 police? What if she didn't have her phone? If you're
11 kidnapping somebody, isn't the first rule of kidnappers, go and
12 take their phone, secure that, put it in your own pocket so
13 they can't call the police.

14 Keep them out of certain rooms with your chest?
15 Doesn't make sense.

16 Why not take her phone after she dials? Twelve
17 minutes is a long time to be on the phone with somebody, their
18 relative size and fitness. I think he could have got that
19 phone a lot better than she dropped it once.

20 She didn't even mention the phone, attempting to
21 take the phone, until the 911 operator fed her that line. Is
22 he trying to take it? Yeah, he's trying to block it.

23 Listen to the 911 call. It sounds like he's on the
24 other side of the room or in another room. He's yelling.
25 Listen. Try to listen to how far away they are from each

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1 other. Doesn't sound like he's right next to her the entire
2 time. You've heard it already. Listen to it again.

3 Why no marks and signs of injury? Oh, he does this
4 so there won't be a mark, he thinks he's so smart. Well,
5 that's also really convenient for this accusation on your word
6 alone that's going to get somebody locked up, get them out of
7 your house. Why not just walk out the door?

8 Why isn't -- she's pushing. The officer saw it
9 reflected on the body cam. Why did Linda Harris talk to
10 Officer Gipson about not being able to evict Brandy? Why does
11 she talk to him about her landlord, telling her he couldn't
12 leave unless she left? Why did she also say when she talked to
13 the other officer -- the officer that didn't testify, Officer
14 Tucker. She said she talked to her later. Why doesn't she say
15 she talked to her and say things like: I keep trying to get
16 him out of here, I'm trying to divorce him, but he won't go.
17 If he agrees to leave, that's all I want. This is my house.

18 Why didn't the State get a little suspicious about
19 she kept on talking about him leaving, him evicting when she's
20 the one being kidnapped? Why didn't the State get suspicious
21 of the lack of evidence and decide they can give him just the
22 barest benefit of the doubt and talk to the neighbor that he
23 said saw everything and was a witness. Talk to the guy across
24 the street that was yelling over at him instead of just saying:
25 Hey, how's it going?

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1 Go and talk to them and see if they saw anything.
2 See if they know this couple and know what they're up to. Go
3 look at the back door and see if she can get out of there. See
4 if there's another way out of the house. They didn't want to.
5 They just found the reason to arrest and found another charge
6 to go with.

7 Ask this: How can the State ask you to convict?
8 How can the State want you to convict without having collected
9 the evidence to give to you? How can they want you to convict
10 without having examined the exits of the door? How can they
11 not want you to convict without having examined the issue of
12 the cell phone, how she got back to her cell phone? It was
13 never even mentioned until court.

14 How can the State ask you to convict when they
15 don't have anything but someone's word, who's motivated,
16 motivated to get him out of the house? And the State is unable
17 to do it through legal means. Unable to evict. Unable to have
18 her landlord get him out. Unable to get the police to escort
19 him out. He moved into a bus. He comes in and he yells at her
20 and she can't get anyone to get him out unless he's committed
21 some kind of crime.

22 Then we get the case in chief. It upset Brandy.
23 He yelled about it. He was mad. I think I would be, too. Who
24 wouldn't be convicted if all it takes is one person lying about
25 you to be enough? Anyone that's been in a breakup much less a

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1 divorce knows the other one is willing to lie at least some of
2 the time to get what they want and to get things out of them.

3 Doesn't mean that people are always lying and both
4 sides always are. It just means it's a reasonable doubt. It's
5 a plausible thing that someone lies to get what they want. And
6 the motivation in this case is very clear; out of the house.
7 It's not a kid. It's not a dog. It's not alimony. Him out of
8 her house. She's on the lease. He lives on the bus.

9 The only thing, wear a body cam all the time? No
10 one can be expected to do that. That's why our system requires
11 proof. It requires the burden be on the State to prove it. It
12 requires them to prove it beyond a reasonable doubt. People
13 lying to get what they want is not just a reasonable doubt;
14 it's a common occurrence. Every day we all run into it.
15 People do it. It could happen in this case. That's a
16 reasonable doubt. There's no evidence outside of that.

17 We ask you to find the Defendant, Mr. Brandy
18 Harris, not guilty.

19 THE COURT: Ladies and gentlemen, you've now heard
20 the evidence and you've heard the arguments of the attorneys.
21 I'm going to ask you to step back into the jury room. And this
22 might be a great time to use the rest room if you need to.

23 Your signal to begin deliberation will be when the
24 bailiff brings you the verdict form and the jury charge and the
25 evidence; that's your signal to begin deliberation.

1 Ladies and gentlemen, I'm going to ask you to
2 retire to the jury room. I need Mr. McIlwain and Stegall to
3 stay there, please.

4 JUROR: McIlwain?

5 THE COURT: Devin McIlwain and Steven Stegall.

6 (The jury exited the courtroom at 2:54 p.m.)

7 THE COURT: Any objection from the State to
8 releasing the alternates?

9 MR. HARPER: None from the State, Your Honor.

10 THE COURT: Any objection from the defense?

11 MR. ZUSCHKE: No, Your Honor.

12 THE COURT: Mr. McIlwain, Mr. Stegall, I know this
13 is kind of a frustrating processing. You've been here for the
14 whole trial, done everything that's been asked of you. Because
15 you're alternate jurors, you're not able to participate in
16 deliberation. I'm very sorry for that.

17 We really appreciate your service, especially in
18 time of a pandemic. If someone had gotten sick, if someone had
19 been in a car wreck or a juror had a family emergency, they had
20 to leave the trial, your being present would have allowed us to
21 continue the trial without having to start over again.

22 On behalf of the State of South Carolina and York
23 County, I very much appreciate your service. And your jury
24 service is complete. You can hand your juror badges to the
25 bailiffs. If you would like to wait and hear what the verdict

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1 is, you're welcome to do that. You don't have to. Your
2 service is complete. Thank you, gentlemen.

3 (The alternate jurors exited the courtroom at 2:55
4 p.m.)

5 THE COURT: If y'all will approach and check the
6 exhibits. I don't think it will take long, three exhibits.
7 Take a look.

8 (The attorneys complied.)

9 THE COURT: Hand those things to the bailiff.
10 We'll be at ease until we get a verdict.

11 (A pause transpired.)

12 THE BAILIFF: Your Honor, I have one that wants a
13 smoke break. Can he go out and smoke?

14 THE COURT: If he's going to do that now, don't
15 give them the materials because they can't deliberate unless
16 they're all together.

17 Counsel, let's go back on the record for a second.
18 We have a juror requesting a smoke break. We have a note.
19 I'll say yes. Don't take the exhibits back until they're all
20 back in the room.

21 (A recess transpired from 2:57 p.m. until 3:17
22 p.m.)

23 THE COURT: Ms. Burris, if you want to approach and
24 y'all can approach from the State. Y'all can see the note.

25 (A pause transpired.)

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1 THE COURT: Mr. Zuschke, since your co-Counsel was
2 here, I've already shown the note to the other Counsel. The
3 note says: Request the still photo presented by defense on
4 closing.

5 I'll be happy to hear from both sides. My view is
6 that we cannot do that. The video is in evidence; the photo is
7 not.

8 My approach is to instruct the jury basically that.
9 The video is in evidence. The photo is a screen shot from the
10 video. They have the opportunity to freeze frame or pause, if
11 they want the video. I cannot send the photo.

12 MR. ZUSCHKE: You can tell them to watch the video.

13 MS. DESCH: Thank you, Your Honor.

14 THE COURT: Let's bring them in.

15 (The jury entered the courtroom at 3:20 p.m.)

16 THE COURT: Ladies and gentlemen, I have a note
17 that says you request the still photo presented by defense
18 Counsel on closing. I cannot give that to you. The reason for
19 that is the video is in evidence. The photo is not. The photo
20 is a screen shot or printout of one frame of the video. And
21 you have the opportunity, if you choose, to freeze frame the
22 video, pause it, whatever you want in the jury room. I cannot
23 give you the photo because that is not in evidence itself.
24 It's a printout of something else that is in evidence. Thank
25 you. Yes, sir.

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1 JUROR: Can we get some help with the video, trying
2 to get it up and running?

3 THE COURT: You're having trouble playing the
4 video?

5 JUROR: Yes.

6 THE COURT: We definitely can get you help with
7 that. Do we have someone available?

8 MS. DESCH: I will make a call. Is it okay that
9 it's our IT person?

10 THE COURT: I think you have to be accompanied by
11 Counsel for both sides.

12 MR. ZUSCHKE: I don't have an objection if it's
13 your IT guy. As long as he's not talking.

14 THE COURT: Ladies and gentlemen, I'll let y'all go
15 on back in the jury room and relax. What's going to happen,
16 someone from the prosecutor's office will come and help you
17 with the thing. Please don't have any conversations with the
18 IT person. They will come, and they will queue it up for you.
19 Please don't have a conversation with them.

20 (The jury exited the courtroom at 3:22 p.m.)

21 (A recess transpired from 3:22 p.m. until 3:30
22 p.m.)

23 THE COURT: Mr. O'Shay, thank you for coming down.
24 Bailiff is going to escort you back to the jury room. If you
25 can help them play the video. Please don't have any

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1 conversation with the jurors.

2 (A recess transpired.)

3 THE COURT: Mr. O'Shay, were you able to get it
4 working?

5 MR. O'SHAY: Yeah.

6 THE COURT: State it out loud for the court
7 reporter.

8 MR. O'SHAY: Yes, it was working when I left.

9 THE COURT: Appreciate it, Mr. O'Shay. Thank you
10 for coming down. We will be at ease.

11 (A recess transpired from 3:32 p.m. until 4:21
12 p.m.)

13 THE COURT: Counsel, I have a note that says:
14 Request testimony transcript from Mrs. Harris and Officer
15 Gipson. I think they misunderstood my explanation of the court
16 reporter, meaning there's a written transcript already
17 available. I propose to call them in and tell them we can
18 replay testimony but there's no transcript yet. Is that
19 agreeable to both sides?

20 MS. DESCH: Yes, sir.

21 MR. ZUSCHKE: Yes.

22 THE COURT: Bring the jury in.

23 (The jury entered the courtroom at 4:22 p.m.)

24 THE COURT: Ladies and gentlemen, I have a note
25 that says: Request testimony transcript from Mrs. Harris and

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1 Officer Gipson. There's not a transcript available. We have a
2 court reporter and she's typing. But in order for her to be
3 able to type fast enough to keep up with people who are
4 speaking, she has a special steno machine that is a form of
5 shorthand. So she's typing but it's not something that's
6 readable by a regular person unless they're trained as a court
7 reporter.

8 However, there is an audio recording of everything
9 that's happened in the courtroom. What we can do is playback
10 all or parts of Mrs. Harris' testimony or Officer Gipson's
11 testimony. Is that what you would like me to do?

12 JUROR: Yes, please.

13 THE COURT: All of the testimony?

14 JUROR: No, sir, not all of it. Specifically
15 testimony regarding whether or not she was touched, whether or
16 not Mr. Harris laid hands on her. And Officer Gipson's
17 testimony about what he saw as far as a physical altercation
18 between the two.

19 THE COURT: Ladies and gentlemen, give me a second
20 to talk to the lawyers, and I'm going to see if I can queue it
21 up. I think I know what particular testimony you want, and
22 we'll try to queue it up so you don't have to sit here and
23 listen to all the testimony.

24 As jurors, it's your right if you want to hear the
25 entire testimony of the witness, you can do that. Give us a

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1 second. Retire to the jury room for a moment. Let me talk to
2 the lawyers.

3 (The jury exited the courtroom at 4:25 p.m.)

4 THE COURT: Counsel, the two questions I have, they
5 want to hear Mrs. Harris' testimony regarding her physical
6 contact. And they want Officer Gipson's testimony. Deputy
7 Gipson.

8 My recollection of the testimony was that there was
9 a particular point where Mrs. Harris testified that she had
10 not -- he had not laid hands on her. I don't recall any other
11 testimony on that issue. Is that the State's recollection?

12 MR. HARPER: Your Honor, there was a point where
13 she did testify to that. However, there was another point in
14 the testimony that she said he was sort of bumping her around.
15 I don't know if that's the particular point they're talking
16 about. That is another part where she did testify he did touch
17 her.

18 THE COURT: We can propose to play the testimony
19 regarding the body bumping and then her testimony where she
20 says something to the effect he didn't lay lands on her. Does
21 that satisfy the State?

22 MR. HARPER: Yes, sir, I think that's all there
23 was. I think it's pretty close together.

24 THE COURT: Mr. Zuschke?

25 MR. ZUSCHKE: Yes.

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1 THE COURT: Then as far as Officer Gipson, my
2 recollection was clear testimony towards the end of his
3 testimony that he saw the Defendant strike the victim; am I
4 correct?

5 MR. HARPER: I don't recall that it was at the end
6 of his testimony. Based off of my questions that I have
7 written down, it seems to be right about in the middle of
8 everything. I can -- again, if we go through the recording, I
9 can tell you exactly when I asked the question.

10 THE COURT: Let's step down to the court reporter.
11 We'll go off the record.

12 (Off-the-record discussion.)

13 (The jury entered the courtroom at 4:42 p.m.)

14 THE COURT: Ladies and gentlemen, our court
15 reporter has done an exceptional job. I think we have all
16 three clips queued up that you requested. Of course, if that's
17 not what you're looking for, you can ask us to play more.
18 Madam Court Reporter.

19 (The audio recording of question on page 81 line 5,
20 and answer page 81, line 7, was played.)

21 THE COURT REPORTER: The next one, I wrote down the
22 wrong page. I can go to the third one.

23 THE COURT: Go ahead.

24 THE COURT REPORTER: I'm sorry. I lost it. I
25 don't know where it's at. I apologize.

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1 THE COURT: Ladies and gentlemen, please step into
2 the jury room again.

3 (The jury exited the courtroom at 4:44 p.m.)

4 (Off-the-record discussion.)

5 THE COURT: Mr. Zuschke.

6 MR. ZUSCHKE: I have some concern about replaying
7 the officer's testimony, pushing her back without also playing
8 the cross-examination on his limited visibility. I
9 cross-examined him on the subject of the door and Mr. Harris'
10 body being in between them. He couldn't see anything; for
11 example, the chain, who knocked it off. It's important in
12 context, and it's also part of his testimony.

13 THE COURT: You would like me to replay the
14 testimony where he says that he can't see?

15 MR. ZUSCHKE: Right.

16 MR. HARPER: Your Honor, my recollection of his
17 testimony is he says that he's short, his body cam doesn't
18 necessarily capture it. He doesn't say that he himself
19 couldn't see.

20 THE COURT: That was my recollection as well.

21 MR. ZUSCHKE: He did testify that he couldn't see,
22 that he wasn't sure who knocked the chain off.

23 THE COURT: He did testify that he couldn't see.
24 So you would like me to play his testimony about the person who
25 knocked the chain off?

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1 MR. ZUSCHKE: Just a little bit more completeness
2 of his testimony, Your Honor, the assault at the door.

3 THE COURT: Mr. Zuschke, I'm not inclined to do
4 that. I think it's going to confuse the jury. It's not what
5 they asked for. I understand -- you're not going to have
6 argument. If you had an argument, you could say, based on the
7 chain testimony he can't see. I think the jury is entitled to
8 ask for what they wanted. I don't think that testimony is
9 directly related.

10 MR. HARPER: Thank you, Your Honor.

11 THE COURT: Let's bring them in.

12 That's on the record as an objection.

13 MR. ZUSCHKE: That's correct.

14 (The jury entered the courtroom at 4:46 p.m.)

15 THE COURT: You may play the recording.

16 (The audio recording of question on page 82, line 8
17 and the answer on page 82, line 12 was played.)

18 THE COURT: Madam Court Reporter, now play Officer
19 Gipson's testimony.

20 (The audio recording of question on page 100, line
21 24 and the answer on Page 101, line 1 was played.)

22 THE COURT: Are those the clips you were interested
23 in hearing, Mr. Foreperson?

24 THE FOREPERSON: I believe so.

25 THE COURT: Thank you, ladies and gentlemen.

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1 Ladies and gentlemen, let me say one more thing,
2 real briefly. We prefer to keep things moving as far as jury
3 deliberation. If any of you are reaching the issue with child
4 care or something where it's like an emergency and you don't
5 have any options, please let me know. Okay?

6 (The jury exited the courtroom at 4:48 p.m.)

7 THE COURT: We will be at ease.

8 (A recess transpired from 4:48 p.m. to 5:20 p.m.)

9 THE COURT: The most recent note says: For
10 domestic violence, is an individual's overall demeanor
11 sufficient to constitute harm or attempted harm under the
12 statute. I think that's a fact question for the jury. What I
13 propose to say is I cannot advise them on that. That's a
14 factual determination the jury has to make.

15 Any objection from the State to that answer?

16 MR. HARPER: I don't know of any case law on point.
17 I agree with your assessment.

18 THE COURT: I think that is the issue, what
19 constitutes what is offering harm. They have to decide that, I
20 can't. Mr. Zuschke?

21 MR. ZUSCHKE: I would say regular demeanor wouldn't
22 be an offer or attempt.

23 THE COURT: I think what they're asking, can
24 someone's -- the way someone is acting cause a fear? I don't
25 think I can answer that. What would you propose that I answer?

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1 MR. ZUSCHKE: I think fear is only part of what's
2 being asked. It's not just a reasonable apprehension. Before
3 that there has to be an offer or attempt that causes the
4 reasonable apprehension. Reasonable apprehension can come from
5 the totality of the circumstance. I think the offer to
6 attempt, I think something specifically has to be done by the
7 Defendant.

8 THE COURT: Is there a case that says that there
9 has to be -- you're saying that there has to be some kind of
10 overt act to do something that constitutes an offer?

11 MR. ZUSCHKE: Offering and attempting are overt
12 acts that would require an overt act just under the strict
13 reading of the law.

14 THE COURT: What's the difference between offering
15 or attempting?

16 MR. ZUSCHKE: Attempting is trying to do it, and
17 offering is more like threatening to do it. What if I were to
18 take a swat and I abort it. Offering to do it is kind of like
19 a threat.

20 THE COURT: I think the totality of the
21 circumstances can create threat, can't it? At least it's
22 possible.

23 MR. ZUSCHKE: I do think the totality of the
24 circumstances.

25 THE COURT: That's going to be my answer.

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1 Basically, this is a factual issue the jury has to determine in
2 this case.

3 Let's bring them in.

4 (The jury entered the courtroom at 5:22 p.m.)

5 THE COURT: Ladies and gentlemen, I have a
6 question: For domestic violence, is an individual's overall
7 demeanor sufficient to constitute an offer or attempting to
8 cause physical harm per the statute?

9 Ladies and gentlemen, that is a question I can't
10 answer whether or not a particular set of facts or
11 circumstances qualifies under the statute. Attempt or offer to
12 cause harm is a factual question only for the jury to
13 determine. I can't offer any guidance on that. Thank you.

14 (The jury exited the courtroom at 5:24 p.m.)

15 THE COURT: I understand we have a verdict.
16 Bring them in.

17 (The jury entered the courtroom at 6:19 p.m.)

18 THE COURT: Mr. Foreperson, I understand the jury
19 has a verdict.

20 JUROR: Yes, sir, we do.

21 THE COURT: Would you mind, just fold it in half
22 and hand it to the bailiff, please.

23 (The juror complied.)

24 THE COURT: Madam Clerk, publish the verdict,
25 please.

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1 THE CLERK: State of South Carolina, County of
2 York, Court of General Sessions, State of South Carolina versus
3 Brandy V. Harris, in docket number 2020-GS-46-05753 and 05754.
4 Question one: We, the jury, by unanimous consent find the
5 Defendant, Brandy V. Harris, as to the charge of domestic
6 violence in the second degree not guilty.

7 Question two: If the answer to question one is not
8 guilty, we, the jury, by unanimous consent find the Defendant
9 Brandy V. Harris as to the charge of domestic violence in the
10 third degree not guilty.

11 Question three: We, the jury, by unanimous consent
12 find the Defendant, Brandy V. Harris, as to the charge of
13 kidnapping, guilty.

14 Signed this day by foreperson, November 9, 2021.

15 Ladies and gentlemen of the jury, if this is your
16 verdict, please affirm it by raising your right hand.

17 (The jury complied.)

18 THE CLERK: Thank you. Let the record reflect all
19 the jurors affirmed the verdict.

20 THE COURT: Would the State like the jurors
21 individually polled?

22 MR. HARPER: We would not, Your Honor.

23 THE COURT: Defense?

24 MR. ZUSCHKE: No, Your Honor.

25 THE COURT: Any objection to releasing the jury?

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1 From the State?

2 MR. HARPER: Not from the State, Your Honor.

3 THE COURT: From the defense?

4 MR. ZUSCHKE: No.

5 THE COURT: Ladies and gentlemen, I want to thank
6 you very much for your service. It's been a long day. I can
7 tell y'all paid very close attention. Obviously you were
8 deliberating, thinking very hard about the issues in this case.
9 On behalf of the State of South Carolina and York County, thank
10 you very much for your service. Your jury service is complete.

11 Normally we would do the sentencing right now.
12 Given the lateness of the hour, we're going to be doing the
13 sentencing tomorrow. If any of you want to come tomorrow, it
14 will be the first thing at 9:30 tomorrow. It's a public
15 proceeding, you're welcome to come. Otherwise, ladies and
16 gentlemen, your service is complete.

17 You are released from any restrictions. You are
18 free to discuss your experience as jurors with friends or
19 family. The lawyers may contact you and ask for a critique of
20 their performance. If you feel comfortable doing that, you're
21 welcome to do that. You don't have any obligation to talk to
22 anyone if you don't want to.

23 Any questions, ladies and gentlemen? Thank you
24 very much for your service. Y'all have a great evening.

25 Mr. Foreperson, I need you to stay. I apologize.

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1 (The jury exited the courtroom at 6:20 p.m.)

2 THE COURT: Ladies and gentlemen, like I said,
3 given the fact it's already 6:20, we're going to do sentencing
4 tomorrow morning at 9:30. Anything else we need to take up
5 before we adjourn for the evening?

6 MR. HARPER: None from the State, Your Honor.

7 THE COURT: From the defense?

8 MR. ZUSCHKE: Renewing all of my previous motions,
9 including directed verdict motion.

10 THE COURT: I'll give you time to make motions
11 tomorrow. I don't want to rush you. The Defendant is
12 currently in custody is my understanding.

13 MR. ZUSCHKE: Yes.

14 THE COURT: Sentencing tomorrow at 9:30.

15 MR. HARPER: Thank you, Your Honor.

16 MS. DESCH: Your Honor, I'm sorry. Is there an
17 issue on the fact bond is extinguished? There's nothing really
18 holding him in jail. In fact, are you holding him in another
19 matter?

20 THE COURT: Yes, I'm ordering him held because he's
21 been convicted of kidnapping.

22 MS. DESCH: Thank you.

23 THE COURT: We'll be in recess until tomorrow
24 morning at 9:30. Thank you everybody.

25 (The hearing was adjourned at 6:23 p.m.)

1 STATE OF SOUTH CAROLINA
2 COUNTY OF YORK

IN THE GENERAL SESSIONS
16th JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,
4
5 Plaintiff,

VOLUME III

ORIGINAL

6 vs.

CASE NO. 2020-GS-46-05753
2020-GS-46-05754

7 BRANDY VERNON HARRIS,
8
9 Defendant.

10 HEARING BEFORE: HONORABLE WILLIAM A. McKINNON

11 DATE: November 10, 2021

12 TIME: 9:42 AM

13 LOCATION: Moss Justice Center
14 1675 York Highway
15 York, SC 29745

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18
19 APPEARANCES:

20 ATTORNEYS FOR THE PLAINTIFF
21 ALEXANDER J. HARPER, ESQ.
JENNY DESCH, ESQ.

22 ATTORNEYS FOR THE DEFENDANT
23 JEFFREY B. ZUSCHKE, ESQ.
SHAWANA BURRIS, ESQ.

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1 THE COURT: Ms. Burris, where is your colleague?

2 MS. BURRIS: He's out in the hall.

3 (A pause transpired.)

4 THE COURT: We're here on sentencing State v.
5 Harris from trial yesterday. Mr. Harper, if you want to give
6 me the prior record, if any, and then I'll be happy to hear
7 whatever the State wants to present.

8 MR. HARPER: Your Honor, starting in 2017, there
9 are a couple public disorderly conduct and resisting arrest
10 convictions.

11 In 2014, he was convicted of assault and battery,
12 second degree, which was reduced down from ABHAN.

13 2008, resisting arrest.

14 2007, there's a bunch of small municipal charges.
15 Most of it is drinking in public, unlawful use of 911,
16 disorderly conduct, all that kind of stuff.

17 2006, breach of peace, resisting arrest, another
18 resisting arrest, another public disorderly conduct.

19 2005, breach of peace, resisting arrest, public
20 disorderly conduct as well. I didn't know if you wanted to
21 hear Mr. Zuschke's motions before we went into sentencing.

22 THE COURT: Thank you for the reminder. Mr.
23 Zuschke.

24 MR. ZUSCHKE: Your Honor, first I would like to
25 renew all of our pretrial motions as well as all our objections

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1 during the trial. I also move for a mistrial and a new trial.
2 I think we had an inconsistent verdict from the jury. They
3 found him guilty or not guilty of assaulting or threatening the
4 victim, yet guilty of a kidnapping. I don't know how one can
5 accomplish a kidnapping without at least a threat of force.

6 THE COURT: Wait, wait. Kidnapping says confined.

7 MR. ZUSCHKE: There was no evidence presented it
8 was done using locked doors, things like that. A single door
9 was blocked.

10 As far as the testimony about the three hours prior
11 to that, they didn't find beyond a reasonable doubt that the
12 force was credible and threatened.

13 THE COURT: I'm going to deny the motions. I think
14 there was sufficient evidence to support the jury's verdict on
15 a conviction.

16 MR. ZUSCHKE: Thank you, Your Honor. We're ready
17 to proceed with sentencing.

18 MR. HARPER: Thank you, Your Honor. First of all,
19 I want to just state for the record that I do not believe that
20 Mr. Harris should be punished for going to trial at all. I
21 believe it's everyone's right to do so. I don't believe in
22 that sort of thing.

23 That said, Mr. Harris did not go to trial because
24 he believed that he did not confine Linda Harris in her home
25 for five hours. Mr. Harris did not go to trial because he

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1 didn't believe that he stopped Mrs. Harris from getting help,
2 from calling for help.

3 Mr. Harris went to trial because he believes it's
4 his right to do those things. Mr. Harris went to trial
5 because, as you saw on the video, was screaming to officers:
6 You're not coming in, this is my wife, I can do what I want.

7 Mr. Harris didn't go to trial on process. He went
8 to trial because he believes that he should be allowed to do
9 what he wants. His record shows that going back from 2005, all
10 the way until most recently. You heard all the resisting
11 arrests; you heard all the public disorderly conduct. You
12 heard that anytime he's confronted with authority or someone
13 telling him he can't do that thing, he resists them to the
14 point of arrest. He resists them past that point.

15 Mr. Harris believes that he is entitled to be above
16 the law. And most importantly, Your Honor, the facts of the
17 case, I don't believe are the most egregious thing The Court
18 has ever heard. I'm sure that The Court can put their finger
19 on numerous kidnappings that they heard that would be much more
20 heinous than this. As I said to the jury at the beginning,
21 there was no duct tape, no crossing state lines, there was none
22 of that.

23 However, for Mrs. Harris, I have no doubt in my
24 mind that this is the most terrifying thing that has ever
25 happened to her. And, Your Honor, that's why I'm asking The

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1 Court to remember, while we may hear lots of things that are
2 worse on a daily basis than what The Court heard over the last
3 couple days of testimony and motions, Mrs. Harris has not. She
4 will never forget it.

5 Mrs. Harris served honorably in the military for 25
6 years, working with veterans, who have to deal with all sorts
7 of mental trauma and the problems that creates. Mrs. Harris
8 will not have to deal with that herself. That's because of the
9 Defendant. That's because he chooses to see himself above
10 others. Because he chooses to believe that he is above all
11 others.

12 Your Honor, if asked to come up with a number that
13 I think is appropriate here, like I said, I'm an officer of The
14 Court. I know what you've heard. I know what I've heard
15 through years of doing this. However, I believe that anything
16 less than a year for every hour that he confined her in her
17 house, one year for every year of marriage that she had to
18 endure, would be far too little.

19 Your Honor, given the fact that he has spent years,
20 almost his entire life believing that he can escape any sort of
21 retribution for his actions, I believe anywhere between the
22 five and ten-year range would be appropriate in this case.

23 THE COURT: You're asking me give a year for each
24 year of marriage? Punished for his marriage?

25 MR. HARPER: No, Your Honor. I'm saying I believe

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1 Mrs. Linda Harris had to endure five years of marriage with
2 him. Five years of being trapped in that house. This is not a
3 one time incident. This is the culmination of years of abuse
4 and mistreatment as you heard from Mrs. Harris on the stand.
5 That's what I'm bringing to your attention.

6 I do not believe Mrs. Harris wants to speak today.
7 She came to hear everything, to see everything and to get some
8 closure. That said, I believe that Ms. Desch would like to
9 speak on her behalf, if you're willing to hear her on that.

10 THE COURT: Of course.

11 MS. DESCH: Thank you, Your Honor. Your Honor,
12 when thinking about what you were going to ask this morning,
13 going to be a very tough thing to put on paper. Obviously, we
14 look at criminal history, we look at facts, everything we do
15 you have to look at. The criminal justice system looks at what
16 the Defendant did, is going to do, what a punishment should be.

17 Obviously what we want to bring to your attention,
18 I think what Mr. Harper was doing was not to forget Linda
19 Harris. And I know you well enough to know that you take it
20 very seriously, certainly, what the victim goes through. I
21 think it does get lost sometimes what the victim goes through
22 in this system, in general.

23 You know, in this case we had this rare opportunity
24 to see how he talks to her when we're not watching. It was
25 horrific, and that was when he knew when he was on the phone

1 with law enforcement, with dispatch. He was calling her those
2 names. I can't imagine what it's like to go through that.

3 There are police reports dating back to 2018 with
4 her specifically, and she tried to seek help from law
5 enforcement. And on one case in 2018 he was arrested for,
6 again, a slap to the face.

7 MR. ZUSCHKE: Objection; talking about
8 non-convictions here.

9 THE COURT: Rules of evidence don't apply. I'll
10 listen.

11 MS. DESCH: Thank you, Your Honor. The reason I'm
12 bringing it up is to show that, at that time, to go forward to
13 trial, she would have to put those kids in a position where
14 they would've had to come in and testify against their dad.
15 She wanted to put their needs first. She put their needs first
16 for several times. But for years she was stuck in her house.

17 And I know the criminal justice system sets up
18 where we think that once a jury is done or once a conviction is
19 done, once a dismissal or a not guilty is done, that the victim
20 can walk free. So we shouldn't pay any attention to what's
21 going on with them.

22 They don't walk free. Those years and years of
23 abuse, even if it's verbal, vulgar, in his face -- in her face,
24 slapping, which some people will even argue is not a harm or an
25 injury. That sits with someone for years much beyond. And

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1 they might not be behind bars, but they are behind the bars in
2 their mind of feeling belittled, feeling depressed, feeling
3 anxious. All of those things changes how their outlook on the
4 world is. They become a prisoner within their own mind for the
5 years of abuse.

6 So that is all we're asking you to do is to
7 consider. And with that being said, I agree with Mr. Harper
8 five to ten years is something we would ask you to consider for
9 this conviction.

10 THE COURT: Thank you, Ms. Desch. How much credit
11 does your client have, Mr. Zuschke?

12 MR. ZUSCHKE: 441 days.

13 THE COURT: 85 percent offense?

14 MR. HARPER: I believe so.

15 THE COURT: I'll give the State a reply. Mr.
16 Zuschke.

17 THE DEFENDANT: Honorable Judge McKinnon, may I
18 speak, sir?

19 THE COURT: Let your attorney speak for you first,
20 if that's okay.

21 THE DEFENDANT: Okay.

22 THE COURT: You do have an opportunity to speak.

23 THE DEFENDANT: Yes, sir.

24 MR. ZUSCHKE: 441 days he's been in jail over this
25 incident, which mostly consisted of him letting the police into

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1 the house. This is a charge that carries a range of 0 to 30.
2 It was copied and pasted from the federal law with the
3 exception of crossing state lines. It might've made sense if
4 it still had crossing states lines in it. That's why it
5 carries 0 to 30, not 15 to 30 or 15 to life like a burglary
6 first. There's a huge range of things that are included in
7 this thing.

8 Blocking a door of the house without a threat or an
9 assault that we have found him not guilty of, I think needs to
10 be at the bottom of that range. There's a reason that it
11 carries zero to 30.

12 Misdemeanor record. They want to talk about
13 charges that he wasn't convicted of. They say that, well, he's
14 not here to be punished for exercising his right to go to
15 trial. He was offered time served to misdemeanor months ago.
16 He refused to take it. He sat in jail instead because he
17 wanted to exercise his right to a trial. I don't see that's
18 anything other than punishing him for his exercising his right
19 to go to trial.

20 They want to bring up other cases they failed to
21 convict on, and they want you to punish him today because they
22 couldn't do it. They're mad that they couldn't convict him on
23 other offenses, and that he wouldn't take the plea offer to go
24 away. Now they want him punished for that.

25 His record, his misdemeanors, a lot of it is

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1 resisting police and things like that. You have some
2 disorderly conduct. He's a loud, spirited person. He gets
3 loud. You heard some of that.

4 I don't think he should be punished for being
5 married to her for five years. She could've left at any time
6 within that five years if she didn't want to be around him.

7 He has been a loud person as long as I've known
8 him. For years he was married to her. He's a loud, spirited
9 guy. He gets excited. We've interacted. He likes me. He
10 yells at me sometimes. I've had to yell at him. We get back
11 and forth, but he's not somebody that needs to be in prison.

12 I think time served is an appropriate sentence
13 here. He's been here over a year on the lowest, barely
14 qualifying kidnapping under our law. Just copy and paste
15 everything, the most operative and most serious part of the
16 elements of the State ones. Carry away all of those things,
17 sure, they make sense.

18 The confinement one made a lot of sense in the
19 federal law where you were also crossing state lines. If you
20 don't have that portion here, I think that's what the zero
21 portion is down there. That's why you can go to a year, go to
22 two years and not be in the upper ranges of this offense.

23 First time felony. He went to trial. He exercised
24 his rights. Brandy Harris is a man that exercises his rights.
25 You heard him on the video talking about: I have free speech

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1 right to talk here. He understands his rights, not always to
2 the degree -- I agree with him on all of them. He exercises
3 his rights. He's a guy that does that. I don't think he
4 should be punished for that extra.

5 I would ask you to consider something like time
6 served sentence. If you think he does need to go to SCDC, I
7 would ask for considerably less than what they are asking for
8 here. I don't think over five years, 85 percent is
9 appropriate.

10 I think, you know -- what we have here is a guy got
11 upset, was loud, they had a bad relationship. He was mad that
12 police were called. It was a bad day for everyone.

13 He's been in our jail for a long time suffering for
14 that. And he's been there to exercise that right. He was
15 willing to sit in our jail for months extra when he could have
16 got out without any supervision added, any probation. I would
17 ask you to let him go today with a felony on his record,
18 understanding that he's not unpunished for this. He has been
19 punished. We're saying the time that he served is appropriate.

20 It wasn't him sitting there summoning justice that
21 he was wronged and he's being punished for that time. He's
22 going to address The Court. He's a well-spoken guy. He's a
23 smart guy. He can do well. He's worked a lot of jobs. He's
24 not somebody that's just a drain on society.

25 He has a lot of mistrust for the police there. And

STATE vs. BRANDY HARRIS

1 I think he knows he needs to work on that. He doesn't need to
2 be locked away in prison.

3 THE COURT: Yes, sir. Mr. Harris.

4 THE DEFENDANT: Honorable Judge McKinnon, how are
5 you doing today, sir?

6 THE COURT: I'm fine.

7 THE DEFENDANT: I stand today a man convicted of
8 personality and the demeanor of someone that is so spirited
9 that I know deep down in my body that I'm not convicted.
10 There's no element within me that is going to allow me to be
11 considerable accepting that type of pain, I guess.

12 And what I'm saying here, sir, is this. Where
13 other people think you're wrong and you know you're right,
14 that's for me to know. Okay. And I'm standing within general
15 perspective because it seems like, that my aura, and my verbal
16 skills is, is, is being convicted.

17 The reason why I say that, because personality is
18 one thing. The way that a person carry themselves is another
19 thing. And the solicitors don't know me like that. They don't
20 know my characteristics of my character. Okay. I am loving.
21 I am caring.

22 Yes, I have a lot of mistrust in South Carolina
23 Police Department. Yeah, I really do. I don't think that I
24 get -- I don't think they treat me right at all, to be honest
25 with you, Mr. Judge, Honorable McKinnon. Like you seen in the

1 trial, sir, that the DV second and DV third, there was no
2 violence in that. I simply, simply being the man of the house.
3 I did not want the officers to come in when I have not done
4 anything wrong.

5 It was not to apprehend her by force. It was not
6 to restrain her by force. It was not to say, hey, she can't
7 come out. That's not the perspective. The perspective is,
8 when they come in, nothing happened. And the reason why I'm
9 saying nothing happened because it was certain images and
10 certain footages of the body cam was not presented. And the
11 reason why I'm saying that because certain things that I'm not
12 guilty of, Mr. McKinnon, I'm not. I'm not.

13 But I'm not a man that will sit up here, beat a
14 woman or kidnap a woman. If I wanted to take her away, I could
15 have did that. If I wanted to take the phone and not let her
16 use the phone, I could have done that, Mr. McKinnon. I have
17 daughters, sir. What they're making me out to be I'm not. I'm
18 not, Mr. Honorable Judge McKinnon.

19 THE COURT: Mr. Harris, I think you should take
20 your attorney's advice. You've already been convicted.

21 THE DEFENDANT: Yes, sir, but I'm just saying --

22 THE COURT: It's your chance to talk about what you
23 think an appropriate sentence is.

24 THE DEFENDANT: Yes, sir. I'm just saying that, if
25 you was to get to know me on a different level, sir, the things

STATE vs. BRANDY HARRIS

1 that where people can say about me verbally in my attitude,
2 that's not all of me. That's from the mistrust of law. That's
3 from people thinking that I'm a monster and I'm not. That's
4 being misunderstood when they don't understand me.

5 MR. ZUSCHKE: You heard testimony that he was a
6 good father.

7 THE DEFENDANT: That's me being misunderstood and
8 not understood. I don't mind getting to know anybody. I don't
9 mind pulling out my heart, okay. I'm just as human as
10 everybody else. But I did not kidnap Linda Harris, my wife,
11 sir.

12 I did not want the police to come in my house and
13 lock me up again for something I did not do again. I'm a man
14 of the house. Without a search warrant. I'm just stating my
15 case. That's just how I feel. I'm not trying to be
16 disrespectful towards nobody of the law. It's just how I feel.
17 My pain is my love. My love is my pain. To distinguish that
18 is to know the difference.

19 I'm not trying to make excuses, just the
20 understanding of my element to the perspective that me being
21 verbally misunderstood or it's my demeanor. Don't convict me
22 of that. That's misjudging character. Don't convict me of
23 that.

24 Simply, Mr. Honorable McKinnon, Judge, I really
25 feel that you do understand that I really did not want the

1 officers just to come in the home without a search warrant.

2 That's all. That's all.

3 And the reason why I wanted them out of my marriage
4 and out of my business because I did not hurt my wife. What I
5 mean by that, my reputation of how the mistrust of law sees me.
6 I felt like that they were just going to lock me up again for
7 another misdemeanor, to be honest.

8 THE COURT: Mr. Zuschke, anything else?

9 MR. ZUSCHKE: Nothing further.

10 THE COURT: Mr. Harper.

11 MR. HARPER: Yes, Your Honor. First off I just
12 want to address what Mr. Zuschke said; I am somehow angry at
13 Mr. Harris. I had not heard Mr. Harris' name until three weeks
14 ago. I did not know who Mr. Harris was. If I had this case
15 beforehand, his offer would not have been what it was. I do
16 not think it was appropriate which is why I'm asking for what I
17 am now.

18 As I told you, Your Honor, Mr. Harris is a man who
19 believes he can do what he wants. I really didn't need to tell
20 you that. He just told you that: He's the man of the house.
21 He's the king of the castle.

22 It doesn't matter that Mrs. Harris kicked him out
23 two years prior to a bus that's on the side of her property.
24 She can't get him to leave. He's the man of the house. He's
25 the king of the castle. He keeps her where he wants her.

STATE vs. BRANDY HARRIS

1 Twelve people sat back there in that jury room for
2 hours. They came out and asked multiple questions. They
3 deliberated. They looked at everything. And those 12 people
4 said: Mr. Harris, you kidnapped Mrs. Harris. You did the
5 thing you're accused of.

6 And despite all that, Mr. Harris still sees himself
7 as the king of the castle, innocent. He wants you to disregard
8 the fact that he's had his process. He's had his say. Because
9 he's in charge, he's not responsible.

10 Judge, I said five to ten years. I shouldn't have
11 said five. Thank you, Your Honor.

12 THE COURT: Mr. Harper, the statutory range for
13 this offense is zero to 30. You're telling me that you think
14 ten years is appropriate in this case. What would one year's
15 sentence kidnapping fact, what would those facts look like for
16 you? For probationary kidnapping, hypothetically what would a
17 probationary sentence for kidnapping?

18 MR. HARPER: Your Honor, prior to coming to trial
19 on this, prior to getting the case, my understanding of the
20 case was basically what Mr. Zuschke presented, that this was --
21 the officer showed up, 911 call, and that he wouldn't let them
22 in the house.

23 I think in that particular case, had it been 12
24 minutes, something like that, however long that 911 call, him
25 saying no, you're not leaving or whatever, I think that we

1 wouldn't be here. I think in that particular case that is the
2 floor. That's him just being angry. As Mr. Zuschke presented,
3 nothing happened. He just didn't want the police to come in
4 without a warrant. That was not the testimony that was
5 offered.

6 The testimony that was offered is he busted into
7 her house early that morning. And that he, even though she
8 tried to leave once, she came back. He was still mad, kept her
9 there for five hours.

10 MR. ZUSCHKE: Talk to the case.

11 THE COURT: One at a time, please.

12 MR. HARPER: Your Honor, I was conservative with
13 the jury. I didn't want to over-promise.

14 The point is that Mr. Harris has absolutely no
15 remorse for the time he kept her there. During the entire
16 presentation it was simply: I'm allowed to do this. I'm not
17 sorry for it. I'll do it again is essentially what he's saying
18 because he's allowed to do so.

19 That's why we're asking what we're asking for.
20 Absolutely no remorse, it was not 12 minutes. It was five
21 hours.

22 MR. ZUSCHKE: Your Honor, are you going to let
23 him --

24 THE COURT: Mr. Zuschke.

25 MR. ZUSCHKE: He's lying to the courtroom about the

STATE vs. BRANDY HARRIS

1 testimony.

2 THE COURT: Mr. Zuschke, I will give you a chance.

3 No outburst, please.

4 MR. ZUSCHKE: I'm asking for sanctions. Dishonesty
5 in the courtroom of saying five hours. There was never
6 testimony about five hours being held.

7 MR. HARPER: She said she came back at 1:00. The
8 report said they got there 5:55 to my memory.

9 THE DEFENDANT: Mr. Judge McKinnon --

10 THE COURT: Counsel.

11 THE DEFENDANT: That is incorrect, sir.

12 THE COURT: Mr. Harris, no.

13 THE DEFENDANT: Yes, sir, Judge.

14 THE COURT: Counsel, we're not going to get into
15 how many hours it was. I heard all the testimony yesterday.

16 MR. HARPER: Your Honor, I'm done.

17 THE COURT: Let me take a brief recess to consider
18 this.

19 (A recess transpired from 10:02 a.m. until 10:12
20 a.m.)

21 THE COURT: Court has given this matter
22 considerable thought. South Carolina has an extraordinary
23 broad kidnapping statute. The facts of this case I don't think
24 would qualify, for example, for a kidnapping conviction in
25 North Carolina. That said, because the statute is incredibly

STATE vs. BRANDY HARRIS

1 broad in South Carolina, the Legislature sentencing range for
2 me is zero to 30 years on kidnapping, which means the
3 Legislature believes there's some kidnappings that probation
4 sentences are appropriate, all the way up to a 30-year
5 sentence.

6 In this case I can't take into account conduct in
7 the marriage or what happened previously. I'm looking at this
8 situation. And in this situation the jury found Mr. Harris not
9 guilty on domestic violence.

10 So what I am sentencing him on is his prior record,
11 which is misdemeanor record, which clearly indicates some
12 issues with authority; convictions for resisting, one assault
13 and battery, second.

14 So I'm sentencing him on confining Mrs. Harris in
15 her home for three to four hours. And then even when police
16 officers knocked on the door, refusing to let her out of the
17 home, saying: She's my wife.

18 The Court's view, given Mrs. Harris is unharmed,
19 her testimony was he didn't touch me, the Court's view, looking
20 at zero to 30 range, I think the appropriate sentence in this
21 case is going to be two years.

22 MR. HARPER: Thank you, Your Honor.

23 MS. DESCH: I should've thought of this before.
24 I'm sorry. We would like to get a restraining order for
25 Mrs. Harris. If anybody wants to be heard on that, I'm

STATE vs. BRANDY HARRIS

1 printing it quickly.

2 THE COURT: Mr. Zuschke, any objection to a
3 restraining order?

4 MR. ZUSCHKE: No objection.

5 THE COURT: In State of South Carolina versus
6 Brandy Harris, Indictment 2020-GS-46-05753, charge of
7 kidnapping, sentence of The Court is Mr. Harris is committed to
8 the custody of the Department of Corrections for a period of
9 two years with credit for 441 days already served.

10 MR. ZUSCHKE: Thank you, Your Honor.

11 THE DEFENDANT: Thank you, Honorable Judge
12 McKinnon.

13 (Thereupon, other proceedings were had from 10:14
14 a.m. until 10:29 a.m.)

15 THE COURT: Mr. Harris, I apologize for bringing
16 you back. I forgot to remind you about your appeal. You have
17 the right to appeal my sentence if you want to. It has to be
18 done within 10 days in South Carolina. Does that make sense?

19 THE DEFENDANT: Yes, sir. I'd like to say thank
20 you for being professional. I think the verdict was justice.

21 THE COURT: I appreciate that, Mr. Harris. Thank
22 you, sir.

23 MS. DESCH: Thank you, Your Honor.

24 MR. ZUSCHKE: Thank you, Your Honor.

25 THE COURT: Thank you, Counsel.

STATE vs. BRANDY HARRIS

1 (Thereupon, other hearings were had from 10:29 a.m.
2 until 10:42 a.m.)

3 THE COURT: Let me go back on the record one more
4 time on Brandy Vernon Harris. In this case, you're waiving
5 your client's presence?

6 MR. ZUSCHKE: Yes.

7 THE COURT: I appreciate that. I need to make a
8 factual finding on this case. Court's finding this offense was
9 not sexual in nature and, therefore, there will be no sexual
10 offender registry for Mr. Harris.

11 MR. HARPER: Thank you, Your Honor.

12 THE COURT: I've noted that on the sentencing sheet
13 as well.

14 (The hearing was concluded at 10:42 a.m.)
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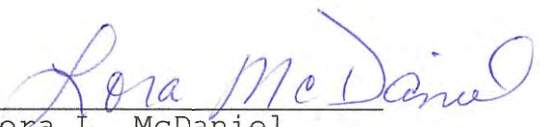
STATE vs. BRANDY HARRIS

CERTIFICATE OF REPORTER

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

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

Witness my hand, I have hereunto affixed my official seal this 28th day of December, 2021 at Spartanburg, Spartanburg County, South Carolina.


Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

WITNESSES

RHPD

Witnessing Officer: *Olson*

ARREST WARRANT NUMBER

2020A4620302056

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury

Date: *12.10.2020*

VERDICT

GUILTY

9 NOV 2021

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-46-05753

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

DECEMBER 10, TERM 2020

THE STATE

VS.

BRANDY VERNON HARRIS

INDICTMENT FOR

KIDNAPPING

SC Code: § 16-03-0910

CDR Code: 0095

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

194

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 YORK

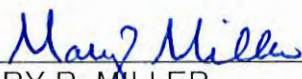
INDICTMENT

At a Court of General Sessions, convened on December 10, 2020, the Grand Jurors of York County present upon their oath:

KIDNAPPING

That Brandy Vernon Harris did in York County, South Carolina, on or about August 26, 2020, unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Linda G. Harris, by any means whatsoever, without the authority of law. All in violation of 16-03-0910 *Code of Laws of South Carolina* (1976, as amended).

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



MARY R. MILLER
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: Olson

ARREST WARRANT NUMBER

2020A4620302057

ACTION OF GRAND JURY

TRUE BILL

KPJ

Foreperson of Grand Jury

Date: 12.10.2020

VERDICT

NOT GUILTY

9 NOV 2021

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-46-05754

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

DECEMBER 10, TERM 2020

THE STATE

VS.

BRANDY VERNON HARRIS

INDICTMENT FOR

DOMESTIC VIOLENCE, 2ND DEGREE

SC Code: § 16-25-0020(C)

CDR Code: 3812

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

196

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 YORK

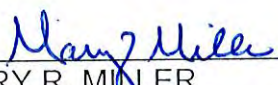
INDICTMENT

At a Court of General Sessions, convened on December 10, 2020, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 2ND DEGREE

The defendant, Brandy Vernon Harris, on or about August 26, 2020, in York County, South Carolina, did cause physical harm or injury to Linda G. Harris, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the defendant committed the offense while using physical force, or the threatened use of physical force, to block the victim's access to a cell phone, telephone, or electronic communication device for the purpose of preventing, obstructing or interfering with the victim's efforts to (a) report a criminal offense, bodily injury, or property damage to a law enforcement agency or (b) request an ambulance or emergency medical assistance from any law enforcement agency or emergency medical provider, all in violation of Section 16-25-0020(C), *Code of Laws of South Carolina* (1976, as amended).

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



MARY R. MILLER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE

VS.

JAIL

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-46-05753BRANDY VERNON HARRIS

AKA:

Race: B Sex: M Age: 40DOB: [REDACTED] SS# [REDACTED]Address: [REDACTED] StCity, State, Zip: Rock Hill, SC 29732DL#* [REDACTED] SID# SC01632370A/W#: 2020A4620302056Date of Offense: 08/26/2020S.C. Code §: 16-03-0910CDR Code #: 0095**SENTENCE SHEET****ORIGINAL***CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Kidnapping (NMT 30 years)In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

<u>/s/ Jenny Desch</u>	<u>72806</u>	<u>/s/ Brandy Vernon Harris</u>	<u>/s/ Jeffrey Zuschke</u>	<u>102416</u>
Solicitor	SC Bar #	Defendant	Attorney for Defendant	SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 2 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served 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.

The sentence shall run

☐ 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 SCDOC.441 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Brandy Vernon Harris

INDICTMENT/CASE#: 2020-GS-46-05753

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☒ Other: Not sexual in nature, NO sex offender registry

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25
§14-1-213 (Drug Court Surcharge)		\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
TOTAL			\$ 125

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Lora McDaniel

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

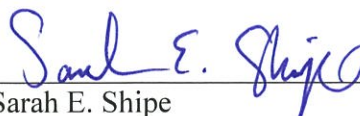
2761 McKinnon
11/10/2021

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**Jul 01 2022****SC Court of Appeals**

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of July, 2022.

