

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT

V.

SAMUEL ERNEST AARON,

APPELLANT.

APPELLATE CASE NO 2022-000312

RECORD ON APPEAL

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1 your chairs listening, paying attention. We appreciate
2 that.

3 Your second job is by listening to the evidence
4 you determine the facts, the truth, what happened.
5 Judge McCaslin will go into a lot more detail when she
6 gives you your instructions, but there's two types of
7 evidence that you heard in this trial. The first is
8 direct evidence. That is things that the witness saw,
9 that they heard, that they felt with their own bodies,
10 that they did themselves. Then there's circumstantial
11 evidence. This is where that reason and that common
12 sense that we all know you have comes in. That is where
13 you put the pieces of the puzzle together. You guys do
14 this every day.

15 Think about when you're driving down the road and
16 the sun is shining where you are, but up ahead of you the
17 cars coming towards you, they've got their headlights on,
18 their windshield wipers are going, and as the cars get
19 closer to you, you see that the cars are wet, that there's
20 water on them. You put those pieces together and what
21 do you think? It's raining up ahead, right?

22 That's what you have to do here. What makes sense?
23 What pieces fit together? What didn't make sense?
24 We'll talk more about it later, but let's just be blunt.
25 There's not one thing that the defendant said to you or

1 to Detective Dubard that made sense. None of the
2 defendant's pieces fit together.

3 You also determine the truth by assessing the
4 credibility of the witnesses. You guys also do this
5 every day. You use the same test for truthfulness that
6 you use in your everyday life. Judge McCaslin told you
7 on Tuesday, and she'll tell you again, you can consider
8 the witness's demeanor, ability to see, hear, know what
9 happened, what they felt, like all of their ability to
10 sense what's going on, the quality of their memory,
11 their demeanor, possible motives, any biases they may
12 have, potential interest in the outcome of the case,
13 contradictions, and then the reasonableness of the
14 testimony. You get to consider all of that. Again,
15 the same things you use every day.

16 Let's talk about Debra very quickly. She was
17 forced here under subpoena to tell you the things they
18 couldn't get around. How those rings, Karie's rings,
19 ended up on her finger. From the defendant. Anything
20 else she says I think we can all understand what
21 interest she might have in the outcome of this case.
22 So anything she said beyond those rings, you give that
23 whatever weight you think is necessary or appropriate.

24 And then there's the defendant. I submit to you
25 that the story he told you yesterday is just the latest,

1 the latest fabrication of manufactured stories, all to
2 make himself look better to avoid taking responsibility
3 for his heinous crimes. And, yes, ladies and gentlemen,
4 they were heinous. I promise I am not going to rehash
5 everything he said yesterday. I promise. You were all
6 here. You guys saw the same performance I did.

7 But I do want to talk about a couple of things.
8 The inconsistencies. He told Detective Dubard that
9 Karie, the girl who was walking the same direction as he
10 was travelling, with a whole bunch of other cars around
11 flagged him down. Does that make sense? How did he know
12 she was flagging him down? Him specifically. But then
13 he came and talked to you, told you a very different
14 story, didn't he? Now after having two years to think
15 about it, he stopped. He's the one that stopped and
16 asked for the ride -- or asked if he could give her a
17 ride playing the nice guy. Detective Dubard, he said
18 she asked me if I wanted to go have some fun. When
19 asked what have some fun means, well, we were driving
20 down the road, I was giving her the ride that she wanted,
21 and that's when she was like you want to go have some
22 sex in exchange for the ride, in exchange for the ride
23 that he was already giving her. Does that make sense?
24 No.

25 But then he comes before you. I asked her if she

1 wanted to go have some fun and then what he wants you
2 to believe, what was her response? The defendant said
3 it so many times yesterday I don't think I need to
4 repeat it. Does that honestly make sense to anybody?
5 No. He had a very vivid, though ridiculous, description
6 of the position Karie was in out in the middle of nowhere
7 in his van. Something about her holding the phone over
8 her head, the phone that didn't work. I think he even
9 tried to show you. No. He didn't mention any of that
10 to Detective Dubard.

11 And then those rings. Again, those trophies. He
12 told Debra he found them in the middle of the road.
13 Five rings. And I think we can understand that a little
14 bit. He told you why he lied. He didn't want to get
15 in trouble. Then he talked to Detective Dubard, and you
16 guys heard it on the recording, those rings, now it's
17 three rings, he found those on the floor of Debra's
18 minivan. He told you they were in the seat. And after
19 he, you know, kicked Karie out of the car, he's driving
20 home because, you know, he's freaked out, and as he
21 turns the corner the sun shines through the window and
22 catches those rings and causes them to sparkle. First
23 time he's ever said that.

24 Three different stories. None of which make sense.
25 Who's gonna find five rings, gold, silver, diamonds,

1 sitting together in the road that he just happened to
2 come upon? Does that make sense?

3 And then the story that he found them in the car.
4 It's Debra's car. She's the primary driver. Does it
5 make sense that if he found these rings randomly in the
6 car, whether it was on the floor or on the seat, that he
7 wouldn't think huh, they're probably Debra's? She's the
8 one that uses the car the most. He knew. He knew.

9 Ladies and gentlemen, I submit to you that none of
10 the stories the defendant has told anybody about those
11 rings is true. The truth is that after he raped Karie,
12 he wanted a trophy, he wanted something to remember her
13 by, so he took those rings off her fingers. Pulled
14 them, robbed her of her jewelry, and then gave them to
15 his girlfriend, common law wife, whatever you want to
16 call her, the significant other, so he could relive that
17 moment every single time he saw her hand.

18 I could go on all day. I'm not gonna do that.
19 Again, you listened to him up on the stand yesterday,
20 you heard his interview with Detective Dubard. You
21 don't need me to rehash every single thing, so you give
22 each one of those stories, each tale that the defendant
23 told, as much weight as you think they deserve.

24 I will concede a few points. I do think the
25 defendant was being honest when he told you that

1 he lied to Debra. He told you that he lied so he
2 wouldn't get in trouble. I will also concede that he
3 was probably right that after he pulled his penis from
4 Karie's vagina that, after he raped her, I bet she was
5 acting a little differently. It wasn't weird, it wasn't
6 sketchy. She had just been raped. It was fear.
7 Humiliation. Trauma.

8 I'd also submit that what he told you yesterday
9 about not remembering what he told Detective Dubard was
10 true. It's hard to remember a story you made up two
11 years ago.

12 I will also concede that the defendant did willingly
13 provide a DNA sample. Maybe he knew he was there and he
14 knew that he had raped her and he couldn't get around it
15 or maybe he just didn't realize he had left his DNA.

16 And then there's Karie. She has sat in this
17 courtroom all week listening, reliving that day. The
18 strength. How brave. How strong. And, yes, she did
19 break down a couple of times. Who could blame her? She
20 has never wavered. She's been consistent from the
21 beginning that she was walking down South Like Drive
22 after leaving the jail. The defendant stopped and asked
23 if she needed a ride and she thought he was a nice guy.
24 She fell for his act. He took her to DSS and then he
25 was supposed to take her home. She never agreed to go

1 out off Bluefield Road in the middle of nowhere. She
2 never did. She got in the defendant's minivan because
3 he was being the nice guy. And, yes, she was at a very,
4 very low point in her life, and she made a really bad
5 decision, but she only got in that car because she
6 thought that man was gonna take her to her mother's
7 house where she had been staying.

8 She came to y'all like an open book. She didn't
9 try to hide her scars, her flaws, her mistakes. She
10 came to each one of you with brutal honesty. She
11 admitted to you that she was a drug addict. She admitted
12 to you that she had been to jail. She was honest with
13 you, completely open and honest with you, how her drug
14 addiction had affected her life, how it had caused DSS
15 to take her kids. She didn't hide any of that from you.
16 She also didn't hide that she was going to exchange her
17 food stamp card for money. She didn't hide it. She
18 could have lied. She could have kept that a secret.
19 She didn't have to tell us that. But, again, she came
20 to you with brutal, blunt, raw honesty. She didn't
21 hide anything from you. The truth is not always pretty,
22 but it's real. Give that the weight that you think it
23 deserves.

24 So that's how you determine the truth and then you
25 have to apply the truth to the law as Judge McCaslin

1 will instruct you shortly and decide whether that man,
2 who couldn't even look at Karie while she was on the
3 stand, whether he is guilty of kidnapping, criminal
4 sexual conduct in the first degree, and strong arm
5 robbery. Whether he is guilty of those charges beyond
6 a reasonable doubt.

7 The defendant sits before you, he is presumed
8 innocent, and it is my burden to prove to you with the
9 evidence that he is guilty of all three charges beyond
10 a reasonable doubt. It's my burden and I welcome it.
11 I am not afraid of it because we have presented evidence
12 to you, not my words, not Mr. Williams' words, we have
13 presented evidence to you that more than meets that
14 burden.

15 Judge McCaslin will tell you, again, what proof
16 beyond a reasonable doubt means. She will tell you
17 that proof beyond a reasonable doubt is proof that
18 firmly convinces you of the defendant's guilt. She
19 will also tell you that there are very few things in
20 this world that we know with absolute 100 percent
21 certainty. The law doesn't require you to be absolute
22 100 percent certain. It doesn't require you to -- that
23 proof to be beyond all shadow of a doubt. It's beyond
24 a reasonable doubt. It is my burden to prove to you
25 beyond a reasonable doubt that the truth fits the

1 elements of each crime. That is my burden. I have met
2 that burden for each element of the crime.

3 And that makes sense, right, because if you were
4 100 percent certain, I would have put you in the witness
5 chair, right? I wouldn't have asked you to be on the
6 jury. But, again, the State has more than met its
7 burden.

8 Judge McCaslin is going to read to you -- I think
9 the last copy was twenty-five pages or something -- a
10 whole lot of instructions and she is going to tell you
11 the elements of each crime. You're all gonna get a copy
12 of it to take back with you in the jury room and that's
13 a whole lot of words, that's a lot of paper, so I want
14 to talk about each crime so your job is easier back
15 there.

16 Can you guys all -- is that better?

17 Kidnapping. There's four elements to kidnapping.
18 First, that the defendant acted knowingly. That just
19 means he knew what he was doing. Did the defendant
20 know what he was doing when he played the nice guy to
21 convince Karie to get in his car? Did he know what he
22 was doing when he turned left instead of right outside
23 of DSS? Did he know what he was doing when he turned
24 right onto Bluefield Road and then left onto that dirt
25 road for a couple of hundred yards and then back up

1 into that tiny clearing? Absolutely. Did the defendant
2 know what he was doing? I submit to you he absolutely
3 did.

4 Second, that the defendant unlawfully seized,
5 confined, inveigled, decoyed, kidnap, abduct or carry
6 away another person. Ladies and gentlemen, kidnapping
7 is not what -- it's not just what we see in horror
8 movies. It's not just what we see on Law and Order.
9 It's -- as Mr. Graham explained, it is not someone
10 reaching around and grabbing someone as they kick and
11 scream, forcing them into a van and then driving away.
12 That is one type of kidnapping, yes, but it is not the
13 only way you can kidnap somebody. The law of this
14 state says if you unlawfully seize, confine, inveigle,
15 decoy, that is included in kidnapping.

16 Unlawfully seize. Do you remember when Karie told
17 you he put his arm around her neck so he could rape her?
18 And, yes, she told you on Tuesday that she could have
19 broken away. You saw them both walk to the witness
20 stand. You saw them both sitting there. There's a
21 pretty big size difference. She was scared. She froze.
22 She was unlawfully seized.

23 Inveigling. Inveigling means to entice, cajole,
24 trick the victim, usually through some deceitful means
25 or a false pretense. Did the defendant trick her into

1 the car? Yes, he told her he was going to take her to
2 her mother's house on Calks Ferry Road. That is what
3 he told her. That is why she got in the car, but that's
4 not where the defendant took her. Yes, he inveigled her.

5 Did he decoy? Yes. He was successful in luring her
6 into his car so he could take her out off Bluefield Road.
7 I submit to you we have met that burden. By any means
8 whatsoever. He drove. We got it.

9 And then without authority of law. No. He did not
10 have the authority to trick her out into the middle of
11 the woods so he could rape her.

12 I submit to you that the State has proven beyond a
13 reasonable doubt each element of this crime.

14 The next crime is criminal sexual conduct in
15 the first degree. That's what we've been calling rape
16 this week. This one's pretty easy. The first element,
17 sexual battery. Sexual battery means sexual intercourse.
18 That's all you have to worry about. Both the State and
19 the defendant admit -- or agree that there was sexual
20 intercourse. That's not a question.

21 And then the second element is that the victim
22 submitted to that sexual battery while she was under
23 circumstances where she was also the victim of forcible
24 confinement; again, that arm around her; kidnapping, we
25 just talked about that, and then the robbery. We'll

1 talk about that in a minute.

2 This wasn't consent. It was survival. She told
3 you on that stand that she did not fight him because
4 she was afraid for her life. Don't let the defense
5 fool you. Injury is not required here. Like kidnapping,
6 rape is not always what we see in the movies. He didn't
7 have to pommel her within an inch of her life to get her
8 to submit. Injury is not required. And the nurse. Do
9 you remember Kayla Riley, the nurse? She told you that
10 in most of her rape exams there's not injury. This
11 wasn't about consent. It was about survival. I submit
12 to you that, again, the State has more than met its
13 burden with regard to this crime.

14 Finally, strong arm robbery. This crime is the
15 crime of taking those rings off Karie's fingers. The
16 taking and carrying away of the personal property of
17 the victim. Personal property would be the rings. The
18 taking would be the pulling off of a ring. He drove
19 away with it. He left. That is proof beyond a
20 reasonable doubt. Without the consent. She didn't
21 say please, Mr. Aaron, you just raped me, so please
22 take my rings. They meant something to her. One of
23 them was her grandmother's. One of them was from a
24 prior relationship. She's had them. They meant
25 something to her. She held onto those rings. It was

1 without her consent.

2 With the intent to steal. That means to
3 permanently deprived. He gave them to Debra. He gave
4 them to his girlfriend or wife. He didn't give them
5 back to her. He gave them to someone else. He wanted
6 to permanently deprive Karie of those rings. Again,
7 maybe he did get a little thrill every time he saw them
8 on Debra's hands, but either way he never wanted to give
9 them back to her. That is beyond a reasonable doubt.

10 We've talked about this, too. From her person.
11 They were on her fingers. Does it make sense that those
12 rings that meant so much to her she was just gonna
13 randomly take off? No. They were on her fingers and
14 the defendant pulled them off her fingers after he had
15 already raped her, demeaned her, in the middle of
16 nowhere. That is proof beyond a reasonable doubt.

17 And then by violence, fear, intimidation. What had
18 he just done to her? He just raped her. He took her --
19 he kidnapped her, took her into the middle of this random
20 clearing off Bluefield Road, he raped her, and then he
21 pulled those rings off of her fingers and then he pushed
22 her down. Intimidation? Absolutely. Fear? No doubt.
23 Violence? The forcible taking of those rings. Yes.
24 Again, ladies and gentlemen, I submit to you that
25 that is proof beyond a reasonable doubt.

1 Those are the -- that's all that you have to decide.
2 Those elements that we just talked about. I promise I'm
3 about to sit down. It's been a long week. I know. A,
4 heavy week. Now I do get to stand up again in a little
5 bit, but I want to leave you with one thought right now.
6 You don't have to like Karie's choices. You don't have
7 to agree with them. No one would blame you for not
8 liking the choices that she was making. She doesn't
9 like the choices that she was making. She was. She
10 was making horrible decisions until this life-changing
11 moment. Until the day that the defendant kidnapped her,
12 raped her and stole her rings and left her there.

13 The defendant is counting on you. He is counting
14 on you to be so distracted by her mistakes that you see
15 her the way that he saw her on January 9th of 2020. To
16 think of her the way that he did. Like a disposable
17 piece of trash that you could just throw into the woods
18 like a stupid bitch who didn't care about herself to
19 come forward and if she did no one would care enough
20 about her.

21 But the defendant didn't count on you. He didn't
22 count on your compassion, your reason, your common
23 sense and your ability to see that Karie is a human
24 being and, yes, she made a mistake, but she is here
25 this week telling you the brutal truth about what the

1 defendant did to her that day. The defendant thought
2 Karie was disposable, a piece of trash. She is not.
3 He is wrong. The defendant thought she would be quiet,
4 that she wasn't strong enough to come forward and say
5 what happened, say what the defendant did to her. He
6 was wrong. He thought no one would believe her. He
7 was wrong because the evidence in this case prove beyond
8 a reasonable doubt that the defendant is guilty of all
9 counts; kidnapping, criminal sexual conduct in the first
10 degree, and strong arm robbery.

11 When you go back into the jury room, you're gonna
12 get some verdict sheets. They're very simple. The
13 State has met its burden of proof beyond a reasonable
14 doubt and it is your duty to return verdicts of guilty.
15 That is why we are here.

16 THE COURT: Thank you, Ms. Wellman.

17 Do you want us to move all of that before you start,
18 Mr. Williams?

19 MR. WILLIAMS: Your Honor, I'll do it. I'll do it.

20 THE COURT: Anybody on the jury need a break?

21 Okay. Anybody from the clerk's office or the
22 court reporter? Are you okay?

23 THE CLERK: I'm fine.

24 THE COURT REPORTER: I'm okay.

25 MR. WILLIAMS: Do you want me to go ahead, Your

1 Honor? May it please the Court?

2 THE COURT: You go right ahead.

3 MR. WILLIAMS: It's nice to be back in front of
4 you. I'm Theo Williams, as I'm sure you've -- we've
5 discussed several times. I thought I would tell you
6 a different version of a closing argument. I've been
7 doing it a minute and -- and I think it's important to
8 understand the process.

9 When we began this case, you were chosen out of a
10 number of people, and one of the more important things
11 that was gone through and you probably wondered why in
12 the world questions were being asked like this, but they
13 were questions that were asked about whether or not
14 somebody had a family member who had been assaulted,
15 there were questions asked about whether or not you had
16 been accused of being assaulted, there were questions
17 asked as to whether or not your spouse had ever cheated
18 on you or you had cheated on your spouse, and you
19 probably were wondering well, that's kind of a personal
20 question, why are people asking those questions?

21 Well, what -- what we strive for in a courtroom
22 is we strive to get people who are impartial. Now we
23 obviously acknowledge the fact that we all have our
24 certain prejudices that we have because we've lived a
25 life and we carry things in our psyche, if you will, but

1 we try to get rid of those individuals not because we
2 don't like them because you've got a right to feel a
3 certain way because certain things in your life affect
4 you and it may be hard to get over them, but then you
5 have the choice of the jurors. You have the State and
6 the defendant who are striking various individuals. We
7 say strike. They're not really hitting you. They're
8 saying well, I would prefer to have this particular
9 juror because I think he'll be fair and impartial.

10 If you look around this jury box, you will see
11 obviously there are a lot more men, but it just turned
12 out that way, but you'll see people of different walks,
13 different occupations. You may have some people
14 married with children, you may have some people not
15 married, but as my daughter said in opening and, yes,
16 she was talking about me when she said the common sense
17 and I appreciate the fact she loves me because I love
18 her, too, but she was talking about common sense and it
19 is the gravamen of any participation that you do on any
20 jury whether you're trying a criminal case, whether
21 you're trying a civil case, why even if you're sitting
22 on a magistrate's court case because that goes to the
23 logic that you're supposed to be using.

24 So we applaud the fact that -- that y'all were
25 selected on this particular case and I would ask that

1 you remember that one of the most important things that
2 you have to consider is that, you know, it's not whether
3 Theo Williams is the best, slickest lawyer in town and
4 can make you smile and give you cute things to go on
5 because I'm not testimony. I am absolutely not evidence
6 and if you -- if you go by something just because I say
7 it, you're wrong. You would just be wrong. And the
8 same thing holds true for the solicitor. Because the
9 solicitor is just trying to point out things that they
10 think that you will understand and things that will lead
11 you in a certain direction. So don't hook your boat to
12 either one of these sails because we're not sworn. Well,
13 we're sworn, but we're not sworn to tell the truth
14 about facts in a particular case.

15 So I'm hopeful that will you use that common sense
16 and that logic, which is in the back of your heads, and
17 that you will realize that your decision is based on
18 logic and it shouldn't matter how many times I yell the
19 word "rapist" whether or not you convict somebody or
20 not. It shouldn't matter how many dramatic pauses that
21 I use and it shouldn't matter how many times I stop and
22 then move to another word and then say something because
23 that's acting. It is pure drama. It's meant to get
24 your attention, it's meant to influence you and it's
25 meant to get you to do anything, but use this. So

1 having said that, I hope to move onto that.

2 I first want to show you or introduce to you --
3 well, I'll introduce my daughter, Anna Williams, who
4 is the attorney who is also prosecuting this case. I'm
5 sorry, defending. I never know what we're doing. You
6 know why I said that? You say oh, Theo, he's getting
7 old. I said it because in the closing argument by the
8 -- by the State, they kept saying the defendant had to
9 do this, the defendant had to say that. What did the
10 defendant say? What three stories did the defendant
11 use? You know what, the defendant doesn't even have to
12 take the stand. Don't get the roles confused. The
13 burden of proof is on the State to produce the evidence
14 and to prove to you beyond a reasonable doubt the guilt
15 of the person charged.

16 This guy right here is Sam. He is what he is, but
17 he's also charged with a crime and of that he is not
18 guilty. Sam didn't have to take the stand. He didn't
19 have to present any evidence. He didn't have to do any
20 of those things. But he did take the stand.

21 You know, as I was describing about the process,
22 one of the things that seemed important is the fact that
23 the State has the first burden, meaning they go first,
24 to present the testimony, present the evidence and stuff
25 like that, then the defendant has a chance to present

1 any evidence if he wants to because he doesn't have to
2 produce any evidence whatsoever, then the State has the
3 last chance to put anything up.

4 Now all of that is kind of constructed for a reason
5 because the burden of proof is always on the State. And
6 I thought about that and I thought about well, you know,
7 everything is kind of like a timeline. If you think
8 about how a trial's conducted, everything is like a
9 timeline and decisions are made in the trial of the case
10 as things are developed. They are. And that's just
11 like our lives, isn't it? It's just like being born,
12 it's just like dying. The decisions that we make
13 sometimes control what happens next and that's just the
14 way time works.

15 When I thought about what this case was really
16 about, it's a case of regret. When I say regret, I'm
17 talking about that feeling. I'm sorry, I wish I hadn't
18 done that, I wish I could change things, I wish I hadn't
19 divorced that woman I was married to the first time. I
20 don't really wish that, but -- but it is feeling that
21 you wish you had changed your life in some way, but what
22 we are today is a combination of those things we've been
23 through.

24 And in this particular case I'm sure -- we heard
25 about how Ms. Sutherland had changed and that she's not

1 the same person that she was two years ago and she's
2 done that because she regrets what she did two years
3 ago. And we heard Sam. I asked Sam when he was on
4 the stand do you regret having even been there with her
5 that day and he said yes, I do. But you're not -- you're
6 supposed to make decisions in your mind about guilt or
7 innocence based on that date that the event occurred.
8 You go back to that date and you decide what was going
9 on that day just like Sam, who took this young lady out
10 and had sex with her, certainly thought that he was okay
11 to do that. It was based on what she said to him. And
12 if somebody changes their mind after it, I guess you
13 could have regrets about it, but you can't change
14 that, and it's not reasonable to judge somebody based
15 on something unless it's unreasonable to expect that
16 person to say that that's what he thought it was.

17 You know, there's been a lot of talk about how
18 somebody was wrong or someone didn't do the right thing,
19 about how their stories are not the same. I'm gonna ask
20 that you just stop right here and that you think -- and
21 I'm gonna do a painstaking review, but it will be short.
22 I'm just gonna go through and touch on those witnesses
23 that have testified because your decision is based on
24 testimony and evidence. It's not -- again, it's not
25 based on argument.

1 The first witness. Very quickly, the first witness
2 to ever testify was the 9-1-1 person. She put the 9-1-1
3 call into evidence. Now the thing about the 9-1-1 call
4 is it's taped. You can't come in here two years later
5 and say something and -- and worry about whether or not
6 it's true or not true because whatever was said on the
7 9-1-1 call was said two years ago.

8 So you look at what was said on the 9-1-1 call and
9 that's your first piece of information that you heard in
10 this case and she starts off by saying -- referring to
11 the alleged victim, she says well, I just got out of
12 jail and I got a ride to the WIC's office and after I
13 got a ride to the WIC office or food stamp office, then
14 I was sexually assaulted.

15 Why is that important? Because there's a feeling
16 here or there's been a lot of conversation that somewhere
17 along the line my client was supposed to be taking her to
18 her mother's house. Do you remember when Ms. Sutherland
19 was testifying and she testified that he was supposed to
20 take her to the food stamp place and then as her direct
21 testimony got on and on and on to whatever questions,
22 there was something said about going to her mother's
23 house. Did it appear to be what she said initially?

24 You know, Sam -- Sam never heard anything about the
25 mother's house. So if that is true, then I wonder why

1 she didn't say on the 9-1-1 call she was supposed to be
2 taken to my mother's house because she had already gone
3 to the food stamp place because there was nothing about
4 the mother and him taking her to the mother's house that
5 was supposed to have been involved.

6 You know, Zona I think is the second witness who
7 had the body camera, and he shows you the four minutes.
8 Basically he showed you how she was. You can look at
9 that camera any time you want to. That's how she was.
10 You can decide for yourself if you thought that she was
11 overwrought, crying, what the deal was. You can see
12 for yourself what was going on. What was interesting is
13 that she didn't know her mom's address when she was
14 talking to him. And he admitted under, I guess, vigorous
15 cross-examination that it was a little wooded area, it
16 wasn't really isolated, and he said that there was no
17 signs of impairment. And one of the interesting things
18 he said was that you have to drive slowly up and down
19 that dirt road. And obviously he said there were no
20 injuries.

21 See, the key here throughout this entire -- you
22 want to talk about what different story my client had,
23 the choking, the pulling of the rings off the finger,
24 leaving blood marks on the finger, and exactly did
25 anybody else say there was any sign of injury on

1 Ms. Sutherland? It wasn't Zona. Zona didn't say
2 anything at all about it. It wasn't any of the nurses
3 that looked at her. It wasn't showing in the videos.
4 You say why is that important? Because that's an
5 indication of they had no force. There was no force.

6 What I thought was interesting, I don't know that
7 anybody else thought it was interesting, is if she was
8 thrown down on the ground -- and you looked at her pants
9 legs. If I fall down on the ground, I get dirty. It
10 just wasn't there.

11 The EMS lady young lady that shows up, there were
12 no signs of strangulation and then -- then she said
13 there was no evidence of drug-seeking behavior. I
14 thought well, okay, that's interesting.

15 And then Karie testifies, Ms. Sutherland. I guess
16 you could start with -- you know, one of the things
17 you use when you -- when you judge credibility and
18 believability is you judge that person a little bit.
19 The judge will tell you when it comes to information
20 about the conviction of somebody that those convictions
21 can only be used for purposes of determining credibility,
22 but you can't go beyond that. You just can't go beyond
23 that.

24 Karie admits that she was strung out on drugs.
25 She says her drug of choice is meth. She says she has

1 a meth conviction and she had just gotten out of jail
2 for having stolen vehicles -- being in possession of a
3 stolen vehicle, and that she went back to the jail to get
4 the stuff that was left in the stolen vehicle. She had
5 said that it had been so bad that she didn't have either
6 one of her children. They were split up. In different
7 homes. She said -- and as a matter of fact, they weren't
8 even at her mother's house. And she said that she was
9 familiar with getting food stamps and that as soon as she
10 got the food stamps she was gonna trade them to get high.
11 That's where her mind was at that day. Her focus was on
12 getting the next fix. There was no conversation about
13 where they were going after the WIC's or food stamp -- I
14 don't know difference between WIC's and food stamps. I
15 don't have that same expertise she had, but the plan was
16 going to get drugs.

17 You know, you notice that there was a way in which
18 the videos were introduced for you to see. If you'll
19 note, the first video that was introduced was the video
20 of her -- or them leaving the DSS headquarters. And that
21 was the one that showed going in front of the service
22 station and it was meant to show that they were going in
23 a different direction and then lo and behold after
24 cross-examination of the officer it turns out there was
25 another video which they didn't attempt to introduce and

1 then eventually got the lady who runs Cinnamon Hill to
2 introduce and then you think for yourself well, I don't
3 know, Theo, that doesn't mean anything, that just means
4 that, you know, he just wasn't gonna present it at that
5 time. Well, of course, I was arguing with him. I said
6 that's the most important one because that's the one
7 that shows her getting into the car. That's the most
8 important thing. It's not which direction they went,
9 it's whether or not she was snatched up off the road and
10 put in the car or not. Well, they had to play that. I
11 want you to look at that. You will have that video. I
12 want you to stare at that video, get up close on that
13 video and see her fast walking up that hill. I shouldn't
14 say it. You decide if you think it's fast walking up
15 that hill and see how quickly she actually gets in that
16 van and see if there's some big discussion about where
17 she's going, not going and all that kind of stuff.

18 But there was this thing thrown in there about the
19 leaves, the leaves somehow making the trees move around
20 and that's gonna change what you see on the video. Just
21 look at the video. See what you think. See if you think
22 that there's a conspiracy by God to change the wind so
23 that you don't see all of the other stuff. You look at
24 what you've got and see what you think.

25 Well, some of the other things that were asked of

1 her or what she said was that her feet were on the ground,
2 that he left a red mark on her hands and that when they
3 were through he yelled at her, called her a stupid bitch,
4 yet she says Sam was not aggressive, he was gentle. I
5 can't figure this man out. Either he snatches rings off
6 people's hands or he's gentle.

7 And what was really interesting was when Dubard was
8 on the stand. He came -- he got put up on rebuttal
9 because they're gonna show all the strange things that
10 are somehow different from his testimony after he was
11 arrested versus what he said on the stand. And then I
12 asked him, I said do you remember when you went to the
13 hospital and you were talking to Ms. Sutherland and she
14 told you that she could have gotten away if she'd wanted
15 to, she could have gotten away if she'd wanted to, and
16 Officer Dubard said I don't believe she would have said
17 that. I don't believe she would have said that at all.
18 And you were saying what the heck is that about? Well,
19 that's on some audiotape, one of the mics that one of
20 the police officers had when they're talking to her right
21 after it happens, right after she's laying up there in
22 the hospital, and she says I could have gotten away if
23 I'd wanted to.

24 You know, it's not nice to trick juries. You need
25 to hear it all. I believe in throwing it all out there

1 and let you look at it and see what you think because
2 you have to make decisions. You don't make decisions if
3 you don't know everything, do you? You don't make good
4 ones.

5 And I guess you could look and see if you think
6 all the discussions that were made between Sam and his
7 earlier statement were incorrect or wrong in some way.
8 I like to look at the stuff that you really don't think
9 about. Maybe I think about it, but I'm a little weird
10 anyway. Why -- why does he wait around for an hour? I
11 mean, really why do you wait around for an hour? Why
12 does Ms. Sutherland think he's waiting around for an
13 hour? Unless there was some agreement. That's the
14 short answer. Unless there's some agreement. That's
15 just crazy to think that somebody's just gonna wait
16 around an hour.

17 Well, the other interesting thing, I guess, and
18 I'm gonna move back to something because there is an
19 ultimate key to everything. The SANE nurse. You
20 remember her? She testified that there were no findings
21 of any type of assault or anything and then we went to
22 putting on Courtney Thompson who found some semen,
23 Stephanie Stanley who found the DNA, and I guess that's
24 about enough to say about them. Yes, he had sex. We
25 went into this saying he had sex and you don't have to

1 have magic numbers that's eight trillion to one or a
2 fifty-five billion. I don't even know what those numbers
3 mean. I don't want to know what those numbers mean, but
4 if you're worried about the percentages that this matches
5 up to Sam and her, don't even start with the math. If
6 y'all go back in the jury room and start thinking about
7 octillion and whatever and spend two days trying to
8 figure that out, I'll say y'all are silly. He had sex
9 with her. Enough said.

10 So I'll go through a few more of these things
11 because I think it's good to touch on all of the things.

12 Brenda Snelgrove, she was the CSI person. She was
13 five-foot-one. I thought it was amusing that she just
14 happened to be five-foot-one and the alleged victim is
15 five-two because obviously what I was trying to show is
16 that well, maybe it wasn't quite done the way she said
17 it was done. And I don't mean to gross anybody out when
18 I say that, but, you know, mechanics are mechanics are
19 mechanics. You know, in the Zapruder film you figure
20 angles and all that kind of stuff like that and it just
21 seemed like it was very hard to do that way. And you
22 take that for what it's granted, but I think if I was
23 figuring out if something was done the way it was told
24 to me that it was done, I would want to do that, too,
25 and figure out if that's true or not true.

1 We've already talked about Ms. Larocque who was
2 from Cinnamon Hill and Lieutenant Hare. See, now we're
3 getting into the good stuff because I think the key to
4 this case is the rings also. I think throughout this --
5 all three charges I think are contingent upon the rings
6 because what they're saying is they're saying that he
7 kidnapped her, he raped her and he took the rings and
8 the reason he's guilty of the criminal sexual conduct
9 first degree is because he kidnapped her and he took
10 the rings.

11 And there's been all this stuff said about the
12 rings. And we even bring that nice guy, Mr. Jeffcoat,
13 in here, and I've met him before, he's that way all the
14 time. Every time he testifies, he's that way. He's
15 just some nice guy, and I was glad y'all got a chance to
16 meet him, but what was interesting is that we're talking
17 about rings and he said that most of the women's rings
18 are size seven and all of this fits into what my theory
19 of this case is.

20 One of the things that was interesting is she didn't
21 remember that one of the -- she didn't get one of the
22 rings back because it was thrown away, but the rings are
23 the key. And when I tell you what it is you're gonna say
24 oh, my gosh. What they didn't do is they didn't present
25 any witness after they got the rings to say I held the

1 rings up to her, I asked her if these were her rings, and
2 I asked her to put the rings on her fingers. It's kind
3 of like Cinderella. Because, you see, the key here is
4 that she didn't have the rings on.

5 And you say well, why is that important? If he took
6 the rings, he took the rings. No, it's important because
7 it would have been easy to have any of these officers to
8 take those rings and say are these your rings and then to
9 prove that these are your rings, can I put them on your
10 finger? Well, they didn't do that. And why didn't they
11 do that? Because she couldn't wear them. And then you
12 say wait a minute, Theo. She said they were her rings.
13 Well, yeah, they were. As far as I was considered --
14 concerned they were, but then we learn that she had
15 gained fifty pounds since she had been in jail. That's
16 a lot of weight. That's a lot of weight on a guy.
17 That's not meant to be derogatory by the way. If you
18 work outside in the yard, your rings may not come off
19 your fingers. Just changing from, I don't know, summer
20 to winter it might be difficult to take them off. If
21 you gain fifty pounds, you might have difficulty.

22 See, that is the key. The rings are the key and
23 they're the key because she didn't have them on. She
24 had them with her. She had them with her in her pants
25 pocket and when she took her boots off and when she took

1 her pants off and she put her pants on the passenger
2 seat and when she got through and she got her pants and
3 she was putting them back on, they had fallen out in the
4 seat.

5 Don't tell me you haven't dropped stuff in your car
6 seat. I've got this magic coin. It's not really magic.
7 I'm not gonna do any magic tricks or anything like that,
8 but I carry it with me all the time and it's some kind
9 of Spanish coin. My wife thinks I'm crazy. I use it to
10 mark my ball when I putt and stuff, but it's kind of like
11 a lucky coin. Invariably, if you've got a pants pocket
12 that's just a little bit too short because, you know,
13 pants pockets can be long and they can be short,
14 invariably this coin will get lost and I'll spend the
15 next three hours looking for it. It's fallen under the
16 seat, it's done this. If you take your pants off, you
17 put them on the car seat, if you're in a hurry, you've
18 just had sex, your rings sometimes will fall out of your
19 pants pocket.

20 And, you know, all of this stuff connects. See,
21 that's the neat thing about my theory. And it's a theory
22 because I wasn't there, but I know she didn't have the
23 rings on, too. You want to know why else I know that
24 she didn't have the rings on? Who would have known if
25 she had her rings on? I'm surprised you haven't picked

1 it up yet. Momma? Momma? The woman who took her to the
2 jail and dropped her off at the jail would have seen her
3 with the rings on, would have seen her with her mother's
4 ring on. Tell me you didn't think about that. That would
5 have been so easy. Momma's not here. Momma didn't say
6 that.

7 So what we try to do is we try to turn this around
8 some way so that -- well, we went and picked it up.
9 We've got this exhibit. I don't need the exhibit, but
10 we've got this exhibit that shows that she picked up
11 these rings two days before, and to be quite honest with
12 you, I was just concerned about why do we have the same
13 form being used for dropping the -- the stuff off. You
14 know, they take it off of you when you go in the jail
15 and you have to sign a form that they have all your
16 stuff. When you come back to pick it up, you sign it
17 looks like the same form, but with the words changed on
18 the top when you pick it up, and as I remember it was two
19 days before she actually came back to the jail.

20 And then we heard this discussion from Lieutenant
21 Hare about that those forms are the same and I don't
22 know why no one signed the other form, you know. It's
23 just -- you know, bureaucracy is one of the easier things
24 to get away with. When you type something on something
25 and you have a line where nobody signs it, I always want

1 to know why somebody didn't sign it.

2 We do know that they could have figured out who
3 would have been at the jail when she came up there
4 because remember she was coming up there to pick up
5 property and evidence that she had been in jail. So
6 then you learn well, what type of property was she
7 picking up? Well, it couldn't have been the property
8 that she picked up two days before, which would have
9 been the rings unless she didn't get all of the rings,
10 unless she was there to pick up the property that was in
11 the stolen vehicle, but then you learn from Lieutenant
12 Hare that you have to make an arrangement with the
13 detective to pick up the property if it had been seized
14 in a car and it was -- it was part of evidence or
15 something like that and it would be noted on the form.
16 God forbid I have no idea what the process is after --
17 after listening and all that and going through it. So
18 why didn't you just, I don't know, bring the person down
19 here who was there?

20 The one thing she did tell you because I talked to
21 Lieutenant Hare about it, they've got -- they've got
22 videos everywhere. You can't go in that jail and not be
23 videotaped. You just can't. You can't walk down the
24 hallways and not be videotaped whether you see it or not.
25 And she told you that those videotapes are down there for

1 thirty days. All you've got to do is go back in time.
2 You know when she came by there, you know when the assault
3 allegedly occurred, you know when my client was arrested,
4 and all of it is less than thirty days. You can listen
5 to her testimony again. It's recorded. They keep it
6 for thirty days. The videotape would have shown how she
7 looked when she came into the -- when I talk about the
8 jail, you know, there's two sections over there. You've
9 got the sheriff's department on the left and you've got
10 the jail right in front of you and you go in there where
11 you -- the same place where you exit. Where you go in
12 the jail, you come out the same place. There's a camera
13 there. And if you don't have the person who was there
14 to testify about what you -- what you did because people
15 forget stuff, I do, you've got a videocamera there. You
16 can look at this videocamera and you can see if she had
17 the rings on. Because, again, we're not contesting that
18 those rings, which are in evidence, are hers. She didn't
19 have them on. She didn't have them on. If she didn't
20 have them on, then she couldn't have gotten her hands
21 scratched. She couldn't have.

22 Because what happened was after this young lady
23 had sex, then she started checking in her pants pocket
24 and she couldn't find the rings and she freaked out and
25 my poor client who doesn't know women any better than

1 I know said uh-oh, she's weird, something's wrong,
2 something's wrong. She's freaking out because she's
3 upset. Sometimes you've got to give it a minute and
4 find out what's going on. That was what was going on.
5 And then she says oh, my gosh, where's my ring? What
6 do I do about that ring? I've got to go see my momma.
7 He's got my rings. That's her mother-in-law's ring.
8 No, I'm sorry, her grandma's ring. And the reason that
9 is so important is that's like a lifeline. She could
10 get food stamps and she could trade that for money and
11 use it for drugs every time she goes up to the food
12 stamp place. She can't replace those rings. It's like
13 a savings account. Well, it is what it is.

14 So Ronnie Jeffcoat testified. Sergeant Anderson
15 testified he got the rings from Debra and what I thought
16 was pretty interesting from Debra -- and I call her Debra
17 because I'd met her before, is that that's got to be an
18 unusual relationship where she knows that her husband
19 has had sex with somebody else. And, of course, you
20 heard him talking to Dubard saying that his wife cheated
21 on him. That's why you ask those questions. To find out
22 -- to make sure that the jury understands this is not --
23 you're not -- this is not moral court, this is not a
24 religious persecution or anything for violating the
25 morals of society, you -- you're making decisions based

1 on kidnapping and rape and theft.

2 So she comes up here and she says he's the gentlest
3 man. He'd take the shirt off his back. You learned that
4 he worked at Wal-Mart for ten years and moved down here
5 to take care of his daddy. That's a pretty amazing thing
6 for somebody to say after they learned that their husband
7 -- their husband had not been faithful.

8 Well, I guess that's about everybody that we've been
9 through and I'm gonna be very quick to tell you that the
10 things that really make this case important, the lack of
11 the mother being here to testify, the lack of the lady
12 who filled out the form at DSS, and her name's on the
13 form, who could testify about the fact that he came in
14 and got the lighter to light his cigarette that was his
15 that she takes from people all the time, could have
16 testified about whether or not she had rings on or not,
17 didn't have the testimony of the person who dispensed
18 the belongings at the jail.

19 And why in the world since we're talking about all
20 this stuff about papers and the cell phone -- I mean,
21 that's what we've been talking about. That's why she
22 went there. That's the stuff that she was holding in
23 the picture. That's the stuff about who knows what it
24 is? Is it inventory? What exactly is it? Why is it
25 that nobody introduced that into evidence? Why didn't

1 the police officer secure it? I don't know.

2 I think I've touched on just about everything. I
3 will tell you this. No, it's not like TV. It's not.
4 I could use a bunch of words like trophies and stuff
5 like that, but that's not appropriate. This is a case
6 where you're sworn to do your duty and you're to make --
7 make sure the State proves its case beyond a reasonable
8 doubt. It's not beyond a reasonable doubt and it's not
9 beyond a reasonable doubt because they did not produce
10 those witnesses, that information, none of those things.
11 She doesn't even act or show immediately after this
12 occurred like someone who'd been raped. She doesn't
13 look like she'd been raped, does she? You know, my --
14 and you know what? It's really not about the emotion of
15 the person concerned. It's really about what physical
16 evidence do you have showing anything.

17 I apologize if this has been an uneasy situation
18 for y'all. I will not tell the story that everybody
19 hates to me to tell about who these judges are and all
20 that because I do happen to know each and every one
21 of them, but I will tell you something interesting I
22 learned last night, is that I've been talking about
23 Judge Baggett and talking about that you have no friends
24 to reward, no enemies to punish because, indeed, that's
25 true. Well, it turns out that that was actually used as

1 a slogan back in Eisenhower's day and it's actually more
2 of a political thing, but for some strange reason Judge
3 Baggett used to say that when he talked about what jurors
4 are supposed to do, and it's really true. You don't make
5 this decision on who you want to help or who you want to
6 hurt. You make this decision based on what your job is.

7 And if I've -- I've touched on anybody's toes, I
8 apologize, but I really do appreciate what you've done.

9 Thank you very much.

10 THE COURT: Thank you, Mr. Williams.

11 Ms. Wellman.

12 MS. WELLMAN: Thank you, Your Honor.

13 I'm guessing you guys are hungry. You're probably
14 tired of those seats. Mr. Williams said a lot and I
15 was sitting over there and ooh, I want to say this, ooh,
16 I want to say this, I want to say that, I want to say
17 that. I'm not going to. You guys have that reason and
18 that common sense and you've paid so close attention
19 this week. Don't be distracted by things that do not
20 matter.

21 You heard the evidence from the witness stand.
22 Remember, Mr. Williams even said it. What I say is not
23 evidence, what he says is not evidence. Evidence comes
24 from the witness stand and the only evidence you have is
25 that Karie had those rings that day. That's what you

1 heard. Does it make sense that she would have gotten
2 them at 10:00 PM on January 7th, taken them back to her
3 mom's where she said she went and if she would just
4 bring them randomly with her in her pocket that she was
5 holding up with a rubber band? Is that what -- is that
6 reasonable? No. The evidence is that she had them on
7 her hand.

8 And you're right. Detective Dubard didn't make
9 her put those rings on like Cinderella. They were in
10 evidence. They were evidence. We can't just pass it
11 around like baseball cards.

12 And he spent some time talking about the cell phone
13 and the papers and who cares? Who cares? Guys, when
14 the law is against you, when the facts are not on your
15 side, the only play they can make is to attack the
16 witnesses and attack the investigation. What else are
17 they gonna do?

18 Use your reason. Use your common sense. Would
19 it have helped if I drug this trial out another two
20 weeks by dragging in every person? No. Use your
21 reason, use your common sense. Consider the credibility
22 of the witnesses. Why did their story keep changing?
23 Why didn't their story change?

24 Thank you.

25 THE COURT: Thank you, Ms. Wellman.

1 All right, Mr. Foreman. I've got to take a break,
2 okay?

3 FOREPERSON: Okay. Yes, ma'am.

4 THE COURT: I promise I'm gonna charge you the law.
5 Let's take a ten-minute break. We did order lunch for
6 y'all. Everybody filled out your forms?

7 FOREPERSON: Yes.

8 THE COURT: Because it's gonna take me probably
9 about twenty minutes to charge you and she told you the
10 truth when she said the charges were twenty-nine pages
11 long because they are, but it won't take me long to
12 read them to you and then y'all can eat lunch and we'll
13 get all this stuff back and you can start deliberating.

14 But y'all need to give me ten minutes, okay?

15 Thank you.

16 (Whereupon, the jury retires to the jury room at
17 12:17 PM.)

18 THE COURT: We'll be in recess for ten minutes.

19 (Recess taken at 12:17 PM.)

20 (Back on the record at 12:31 PM.)

21 THE COURT: Okay. Stacy, we're on the record and
22 we need to clean up two things. Exhibit Number 25 I
23 think was inadvertently admitted that should not have
24 been. That is a certified search warrant of a vehicle.
25 That was never published to the jury. They never saw

1 it. Ms. Williams didn't mean to say it was admitted.
2 That she had no objection because at that time there
3 was a bunch of photos that the State was introducing.

4 So, for the record, Exhibit Number 25 that has not
5 been shown to the jury is being struck from the exhibit
6 list.

7 The second problem that we have with exhibits is
8 the 9-1-1 call by the victim that is State's Exhibit
9 Number 1. We are having problems playing that 9-1-1
10 call. There's something wrong with the CD. So we are
11 going to replace -- we're going to leave Number 1 in,
12 but we're going to add to the exhibit list as Exhibit
13 Number 41 is a duplicate copy of the 9-1-1 call that is
14 currently Exhibit Number 1 so the jury may be able to
15 play it in the jury room and also for any appellate
16 reasons that they would be able to play the 9-1-1 call.

17 Now on those two exhibits, let me ask the State
18 anything that I need to clear up?

19 MS. WELLMAN: No, Your Honor.

20 MR. WILLIAMS: No, Your Honor.

21 THE COURT: And let me ask the defense that there's
22 no objections to anything that we've just done?

23 MR. WILLIAMS: Not on behalf of the defendant,
24 Your Honor.

25 MS. WELLMAN: We're good, Your Honor. Thank you.

1 THE COURT: Okay. I think that should take care
2 of everything.

3 All right. I'm gonna bring the jury in and let's
4 charge them.

5 (State's Exhibit Number 41, a playable 9-1-1 call,
6 was marked and admitted into evidence.)

7 THE COURT: I think we ought to hold Number 1 out
8 and put 41 just for the --

9 MR. GRAHAM: Your Honor, the testimony -- there was
10 a lot of testimony about people signing and having
11 initials on them and they're not gonna have one that
12 has initials, so I didn't want them to be confused. I
13 think --

14 THE COURT: Okay. Well, then I say we put a rubber
15 band around Number 1 and Number 41 and tell them those
16 are the same. Just one is a working copy that they can
17 play. I'll tell them that before they go back. Let me
18 make a note of it.

19 (Whereupon, the jury return to the courtroom at
20 12:34 PM.)

21 THE COURT: Mr. Foreman, are we ready?

22 FOREPERSON: Yes, ma'am. We're ready.

23 THE COURT: Nothing worse than put y'all back there
24 and putting lunch out for you and then you've got to come
25 back in here and listen to me. So I'll try to be quick

1 about this, but I'll tell you it's gonna take me about
2 twenty minutes.

3 I now will charge you on the law applicable to this
4 case. You must consider the charge as a whole and not
5 focus on some portions to the exclusion of others. The
6 indictments charge the defendant with criminal sexual
7 conduct in the first degree, kidnapping, and common law
8 robbery.

9 I remind you the fact that the defendant was
10 arrested, charged and indicted in this case is not
11 evidence in this case and cannot be considered by you
12 as evidence of guilt in this case. Nor does it create
13 any presumption or inference of guilt. These documents
14 are simply the formal written instruments which contain
15 the charges made against the defendant. These are the
16 formal documents by which this case is brought into this
17 court.

18 The defendant has pled not guilty to these
19 indictments and that plea puts the burden on the State
20 to prove him guilty. A person charged with committing
21 a criminal offense in South Carolina is never required
22 to prove himself innocent. I charge you that it is an
23 important rule of the law that the defendant in a
24 criminal trial no matter what the seriousness of the
25 charge may be will always be presumed to be innocent

1 of the crime for which the indictment was issued unless
2 guilt has been proven by evidence satisfying you of that
3 guilt beyond a reasonable doubt. This presumption of
4 innocence does not end when you begin your deliberations,
5 but it accompanies the defendant throughout the trial
6 unless you reach a verdict of guilt based on evidence
7 satisfying you of that guilt beyond a reasonable doubt.

8 The presumption of innocence is like a robe of
9 righteousness placed upon the shoulders of the defendant
10 which remains with the defendant unless it has been
11 stripped from the defendant by evidence satisfying you
12 of the defendant's guilt beyond a reasonable doubt. The
13 presumption of innocence is not a mere legal theory. It
14 is not just a legal phrase. It is a substantial right
15 to which every defendant is entitled unless you, the
16 jury, are satisfied from the evidence of the defendant's
17 guilt beyond a reasonable doubt.

18 The State has the burden of proving the defendant
19 guilty beyond a reasonable doubt. Some you may have
20 served as jurors in civil cases where you were told that
21 it is only necessary to prove that a fact is more likely
22 true than not true, such as by the greater weight or what
23 we call the preponderance of the evidence. In criminal
24 cases, the State's proof must be more powerful than that.
25 It must be beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the defendant's guilt.
3 There are very few things in this world that we know
4 with absolute certainty and in criminal cases the law
5 does not require proof that overcomes every possible
6 doubt. If, based on your consideration of the evidence,
7 you are firmly convinced that the defendant is guilty
8 of the crimes charged, you must find him guilty. If,
9 on the other hand, you think there is a real possibility
10 that the defendant is not guilty, you must give the
11 defendant the benefit of the doubt and find him not
12 guilty.

13 I remind you that during this trial you and I have
14 certain duties to perform. As the trial judge, it is
15 my responsibility to preside over the trial of this case
16 and I also have the duty to rule on the admissibility
17 of the evidence offered. You are to consider only the
18 competent evidence before you.

19 If there was any testimony ordered stricken from
20 the record in this case during the trial, you must
21 disregard that testimony. I can't remember if I
22 struck anything. I think I did. You are to consider
23 only the testimony which has been presented from the
24 witness stand and any exhibits which have been made a
25 part of the record in this case and any stipulations

1 of counsel.

2 I have the additional duty to charge you the law
3 applicable to this case. As the presiding judge, I am
4 the sole judge of the law of this case and it is your
5 duty as jurors to accept and apply the law as I now
6 state it to you. If you already have an idea as to
7 what the law is or what the law ought to be and it does
8 not agree with what I now tell you the law is, you must
9 abandon this idea because you are sworn to accept the
10 law and apply the law exactly as I state it to you.

11 In every case tried in this court before a jury,
12 the jury becomes the sole and exclusive judge of the
13 facts in a case. A trial judge cannot intimate, state,
14 comment on or make any statement to a trial jury about
15 the facts in a case. Since you, the jury, are the
16 sole judge of the facts in the case, you are not to
17 infer from what I have said during the progress of this
18 trial in ruling upon the admissibility of evidence or
19 otherwise, or anything I say now during the course of
20 this instruction to you, that I have any opinion about
21 the facts in this case. The law does not allow me to
22 have an opinion about the facts in this case. This is
23 a matter solely for you, the jury, to determine. As
24 jurors, it is your duty to determine the effect, value
25 and weight of the evidence presented during this trial.

1 Now there are two types of evidence which are
2 generally presented during a trial. Direct evidence
3 and circumstantial evidence. Direct evidence directly
4 proves the existence of a fact and does not require
5 deduction. Circumstantial evidence is proof of a chain
6 of facts and circumstances indicating the existence of
7 a fact. Crimes may be proven by circumstantial evidence.
8 The law makes no distinction between the weight or value
9 to be given to either direct or circumstantial evidence.
10 However, to the extent the State relies on circumstantial
11 evidence, the circumstances must be consistent with each
12 other and, when taken together, point conclusively to the
13 guilt of the accused beyond a reasonable doubt. If these
14 circumstances merely portray the defendant's behavior as
15 suspicious, the proof has failed.

16 The State has the burden of proving the defendant
17 guilty beyond a reasonable doubt. This burden rests
18 with the State regardless of whether the State relies
19 on direct evidence, circumstantial evidence or some
20 combination of the two.

21 Criminal intent is a state of mind which operates
22 jointly with an act or omission in the commission of a
23 crime. Criminal intent is a mental state, a conscious
24 wrongdoing. Criminal intent includes those consequences
25 which represent the very purpose for which an act is

1 done or are known to be substantially certain to the
2 result regardless of one's desire. Intent may be
3 shown by acts and conduct of the defendant and other
4 circumstances from which you may naturally and reasonably
5 infer intent. Criminal intent must be proven by the
6 State beyond a reasonable doubt.

7 You must also determine the credibility of witnesses
8 who have testified in the case and the evidence presented.
9 Credibility simply means believability. It becomes your
10 duty as jurors to analyze and to evaluate the witnesses
11 and the evidence and determine the credibility of the
12 witnesses and the evidence.

13 In determining the credibility of witnesses who
14 have testified in this case, you may believe one witness
15 over several witnesses or several witnesses over one
16 witness. You may believe a part of the testimony of a
17 witness and reject the remaining part of the testimony
18 of that same witness. You may believe the testimony of
19 a witness in its entirety or reject the testimony of
20 a witness in its entirety. You may consider any witness
21 -- if any witness has exhibited to you any interest,
22 bias, prejudice or other motive in this case. You may
23 also consider the appearance and manner of a witness
24 while on the witness stand.

25 The rules of evidence ordinarily do not permit

1 witnesses to testify to opinions or conclusions. An
2 exception to this rule exists for witnesses we call
3 expert witnesses. A witness who by education and
4 experience has become an expert in some art, science,
5 profession or calling, they may state an opinion as to
6 relevant and material matters in which the witness
7 claims to be an expert and may also state the reasons
8 for their opinion. You should consider any expert
9 opinion received in evidence in this case and like any
10 other evidence give it the weight you think it deserves.
11 If you decide that the opinion of an expert witness is
12 not based on sufficient education and experience or if
13 you conclude that the reasons given in support of the
14 opinion are not sound or that the opinion is outweighed
15 by other evidence, you may disregard the opinion entirely.
16 An expert witness's testimony is to be given no greater
17 weight than that of other witnesses simply because the
18 witness is an expert. Further, you are not required to
19 accept an expert's opinion even though it is not
20 contradicted.

21 To prove criminal sexual conduct in the first
22 degree, the State must prove beyond a reasonable doubt
23 that the defendant engaged in sexual battery with the
24 victim and one or more of the following circumstances
25 has been proven. The actor used aggravated force to

1 accomplish sexual battery, the victim submitted to
2 sexual battery by the actor under circumstances where
3 the victim is also the victim of forcible confinement,
4 kidnapping, robbery, extortion, burglary, housebreaking
5 or any other similar offense or act, the actor caused
6 the victim without the victim's consent to become mentally
7 incapacitated or physically helpless by administering,
8 distributing, dispensing, delivering or causing to be
9 administered, distributed or dispensed or delivered a
10 controlled substance, a controlled substance or any
11 other intoxicating substance.

12 South Carolina law defines an actor as a person
13 accused of criminal sexual conduct. The law defines a
14 victim as the person alleging to have been subjected to
15 criminal sexual conduct.

16 The first element the State must prove beyond a
17 reasonable doubt is that the defendant engaged in sexual
18 battery with the victim.

19 What is sexual battery? The South Carolina Code
20 of Laws defines sexual battery as sexual intercourse
21 cunnilingus, fellatio, anal intercourse, or any
22 intrusion, however slight, in any part of a person's
23 body or of any object into the genital or anal openings
24 of another person's body except when such intrusion is
25 accomplished for medically recognized treatment or

1 diagnostic purposes.

2 An intrusion in its popular and accepted sense is
3 not just any act, but an act committed with wrongful
4 intent, not mere violation.

5 If you find the State has not proven beyond a
6 reasonable doubt that sexual battery occurred, you must
7 stop deliberating and find the defendant not guilty of
8 this charge. If you find that a sexual battery did
9 occur, you must then decide whether the State has prove
10 beyond a reasonable doubt one or more of the following
11 circumstances. The defendant used aggravated course to
12 accomplish sexual battery. Aggravated force means the
13 defendant used physical force or physical violence of a
14 high and aggravated nature to overcome the victim or
15 included the threat of the use of a deadly weapon or
16 another element that would by itself or together with
17 aggravated force constitute criminal sexual conduct in
18 the first degree if the victim submitted to sexual
19 battery by the defendant under circumstances where the
20 victim was also the victim of forceable confinement,
21 kidnapping, robbery, extortion, burglary, housebreaking
22 or any other similar offense or act, the defendant caused
23 the victim without the victim's consent to become mentally
24 incapacitated or physically helpless by administering,
25 distributing, dispensing, delivering or causing to be

1 administered, distributed, dispensed or delivered a
2 controlled substance, a controlled substance or any
3 other intoxicating substance.

4 Mentally incapacitated means a person is rendered
5 temporarily incapable of appraising or controlling his
6 or her conduct whether the condition is produced by
7 illness, defect, the influence of a substance or from
8 some other cause.

9 Physically helpless means that a person is
10 unconscious, asleep, or for any other reason physically
11 unable to communicate unwillingness to an act.

12 You do not have to find all three of these
13 circumstances were present at the time of the sexual
14 battery. It is sufficient if you find a sexual battery
15 and one of the three circumstances. The State is
16 required to prove beyond a reasonable doubt a sexual
17 battery and at least one of the three circumstances.

18 The defendant is also charged with kidnapping.
19 South Carolina Code of Laws sets forth the statutory
20 provision for kidnapping as follows. Whoever shall
21 unlawfully seize, confine, inveigle, decoy, kidnap,
22 abduct, or carry away any other person by any means
23 whatsoever without the authority of law except when a
24 minor is seized or taken by his parents is guilty --
25 I'm sorry, let me reread that.

1 All right. The statutory provision for kidnapping
2 is as follows. Whoever shall unlawfully seize, confine,
3 inveigle, decoy, kidnap, abduct, or carry away any other
4 person by any means whatsoever without authority except
5 when a minor is seized or taken by his parent.

6 The State must prove beyond a reasonable doubt the
7 elements of kidnapping. First, that the defendant did
8 unlawfully seize, confine, inveigle, decoy, kidnap,
9 abduct, or carry away any other person by any means
10 whatsoever without the authority of law.

11 The definition of decoy is to lure successfully.

12 Inveigling has been defined as enticing, cajoling,
13 or tempting the victim usually through some deceitful
14 means such as false promises.

15 South Carolina's kidnapping statute requires proof
16 of an unlawful act taking one of several alternative
17 forms. Seizure, confinement, inveiglement, decoy,
18 kidnapping, abduction, or carrying away.

19 Kidnapping is the intentional taking of a person
20 and compelling them to be detained against their will.
21 It is the willful and unlawful seizing of a person
22 against their will with the intent to cause them to
23 be confined, imprisoned or detained. It is false
24 imprisonment with the element of abduction added. The
25 evidence of the offense of kidnapping is the unlawful

1 secret holding or imprisonment of a person.

2 An essential element of the offense of kidnapping
3 is that the taking or detention of the person kidnapped
4 is without lawful authority.

5 Kidnapping means the carrying away of a person by
6 unlawful force or by fraud and against their will or the
7 seizure and detention for the purpose of so carrying the
8 person away.

9 All right. The gravamen of the offense of
10 kidnapping is some form of compulsion, but the requisite
11 force or compulsion need not consist of the use of actual
12 force or violence or of express threats. Generally,
13 kidnapping by the use of fraud, inveiglement or enticing
14 is the attaining of a false consent by means of deception.
15 The use of fraud as a substitute for force in effecting
16 kidnapping implies false and fraudulent representations
17 amounting substantially to a coercion of the will of the
18 kidnapped person.

19 In determining whether the person was coerced by
20 fraud or inveiglement, the nature of the artifice
21 employed and the age, education and condition of mind
22 must be taken into consideration. Ordinarily, a false
23 statement or representation is not of itself sufficient
24 to constitute fraud.

25 Kidnapping by inveiglement is accomplished by acts

1 of deception whereby the kidnapped person is induced to
2 yield assent to the taking. The inveiglement must be
3 adequate to effect the unlawful purpose. It does not
4 arise from a false representation alone and does not
5 exist where the kidnapped person voluntarily consents to
6 the taking if capable and consenting.

7 Kidnapping by decoying and enticing usually refers
8 to suggestions, representations or solicitations whereby
9 the kidnapped person yields assent. Kidnapping occurs
10 when a person unlawfully seizes, confines, inveigles,
11 decoys, kidnaps, abducts, or carries away any other
12 person by any means without authority of the law.
13 Kidnapping is a continuing offense. The offense
14 commences when one is wrongfully deprived of freedom
15 and continues until freedom is restored.

16 Kidnapping is a mens rea offense. Mens rea is a
17 Latin term meaning a guilty mind. The mens rea required
18 for the crime of kidnapping is knowledge. The State
19 must prove beyond a reasonable doubt that the mens rea
20 of knowledge before you can convict the defendant of the
21 offense of kidnapping.

22 A person is said to act knowingly if he is aware
23 that a result is practically certain to follow from his
24 conduct whatever his desire may be as to that result.

25 Lastly, the defendant is charged with common law

1 robbery. Robbery is defined as the unlawful taking of
2 money, goods, or other personal property of any value
3 from the person of another or in its presence by violence
4 or putting such person in fear.

5 Robbery is larceny from the person or immediate
6 presence of another by violence, intimidation or by
7 putting such person in fear. A thing is in the presence
8 of a person in respect to robbery which is so within his
9 reach, inspection, observance, or control that he could,
10 if not overcome by violence or prevented by fear,
11 retain his possession of it.

12 Robbery is basically larceny compounded or
13 aggravated by intimidation or force used in the taking
14 of the property from the person or in the presence of
15 another.

16 Larceny is the felonious -- wait. Let me repeat
17 that. Larceny is the taking and carrying away of the
18 goods of another against the owner's will or without
19 his consent with the intent to appropriate them to
20 one's own use and to permanently deprive the owner of
21 possession of his property.

22 There are five elements the State must establish
23 beyond a reasonable doubt to prove the crime of robbery
24 occurred.

25 The elements of larceny are taking, the act of

1 carrying the property away. This is called the
2 aspiration in the law. Aspiration is the act of
3 carrying away of the personal property of another
4 without the consent or against the will of the owner
5 and with the intent to steal. The aspiration of stolen
6 property is an indispensable element of larceny and can
7 be established by the slightest removal of the property.
8 The defendant must intend to permanently deprive the
9 owner of possession by converting the property to his
10 own use.

11 In addition to the element of larceny, the crime
12 of robbery requires two additional elements. These
13 are the property must be taken from the person or
14 immediate presence of another and the taking must be
15 accomplished by violence, intimidation or by putting the
16 person in fear. This violence must be actual personal
17 violence or the threat of it. Further, the violence or
18 intimidation must either proceed or be contemporaneous
19 with the taking.

20 Generally, the element of force in the offense of
21 robbery may be actual or constructive. Actual force
22 implies physical violence. Constructive force includes
23 all demonstrations of force and any other means by which
24 the person robbed is put in fear sufficient to overcome
25 the free exercise of the person's will or prevent

1 resistance to the taking no matter how slight the cause
2 creating the fear is or by what other circumstances the
3 taking is accomplished if the transaction is accompanied
4 by circumstances of terror such as threatening by word
5 or gesture or in common experience or likely to create
6 an apprehension of fear and induce a person to give up
7 the property, the victim is placed in fear. The degree
8 of force used is immaterial so long as such force or
9 threat of force is actually sufficient to overcome the
10 victim's resistance.

11 A verdict in this case cannot be based upon
12 sympathy, passion, prejudice or emotion or some other
13 consideration not found in the evidence.

14 All right. Let me say something about your
15 deliberations. Deliberation is defined as a careful
16 consideration weighing up with a view to decision. The
17 genius of our jury system is that it allows twelve good
18 men and women from twelve different backgrounds, life
19 experiences and perspectives to consider the evidence,
20 talk about it and ultimately reach a verdict. We call
21 them deliberations for a reason. You are to consider
22 the evidence in this case carefully and deliberately
23 and discuss it in a calm, thorough and courteous manner.
24 Listen to the views of all your fellow jurors, consider
25 other people's points of view and talk through and

1 discuss the evidence. And, remember, if you are doing
2 something deliberately, you are not in a big hurry, and
3 you should not be in a hurry here. This case is very
4 important to both sides and this is their only day in
5 court.

6 When you retire to the jury room, you should
7 discuss the case with your fellow jurors to reach an
8 agreement if you can do so. Your verdict must be
9 unanimous. Each of you must decide the case for
10 yourself, but you should do so only after you have
11 impartially considered all the evidence, discussed it
12 fully with the other jurors and listened to the views
13 of your fellow jurors. Do not be afraid to change
14 your opinion if the discussions persuade you that you
15 should, but do not come to a decision simply because
16 other jurors think it is right. It is important that
17 you attempt to reach a unanimous verdict, but, of course,
18 only if each of you can do so after having made your
19 own decision. Do not change an honest belief about the
20 weight and effect of the evidence simply to reach a
21 verdict. In other words, do not change your opinion
22 solely for the sake of reaching a unanimous verdict.

23 I will give you a copy -- each one of you a copy.
24 That means I'm sending back twelve copies of these
25 instructions in written form. During your deliberations

1 you may refer to the instructions to guide your
2 decisionmaking. You must consider these instructions
3 as a whole and not follow some and ignore others.

4 And I'll ask you, Mr. Foreman, to collect them and
5 bring them back to me once y'all have deliberated.

6 There are two possible verdicts for the three
7 charges that you may find in this case. There is no
8 significance whatsoever in the order in which I state
9 these possible verdicts. It's simply that one must be
10 stated first.

11 Ladies and gentlemen, your verdict must be
12 unanimous as to each charge.

13 Mr. Foreman, when the jury agrees on the verdict,
14 you will initial on the line next to the verdict on
15 the verdict form for each charge and sign your name
16 as foreperson, then inform the bailiff that you have
17 reached a verdict, and at that time I'll bring you back
18 into the courtroom.

19 I'm gonna ask that you now return to your jury room,
20 but do not begin deliberations until you are told so by
21 the clerk or the bailiff. There's some matters that
22 I need to discuss with the attorneys before you begin
23 your deliberations. And also we have to gather up all
24 the evidence and bring it back into the jury room.

25 There is one exhibit that I will tell you about.

1 It is Exhibit Number 1. It is a CD of the 9-1-1 caller.
2 You will see a rubber band placed around it. It's
3 Number 1 and Number 41. They had to run a duplicate CD
4 in order for y'all to play it if you wanted to. There
5 was something on that CD that we -- I don't know if
6 y'all remember, but we couldn't get it to play. It took
7 us twenty minutes. Well, they fixed it and I can't
8 change evidence once it's introduced, so we made another
9 copy for you so you'll be able to play it.

10 Also, Mr. Foreman, when the jury is deliberating
11 all twelve must be in the room. If somebody leaves
12 to go smoke, if somebody goes to the restroom,
13 deliberations stop. All twelve must be in the room.
14 There will be no cell phones, no communication devices
15 during deliberations.

16 If, Mr. Foreman, you need anything, I'm gonna ask
17 you to do exactly what you've been doing, is to write
18 me a note.

19 FOREPERSON: Okay.

20 THE COURT: I'm also gonna tell you at any time
21 you write me a note, do not tell me the split in how
22 y'all are voting. Do not tell me. The Court does not
23 want to know, okay?

24 FOREPERSON: Okay.

25 THE COURT: All right. Anything from the State?

1 MS. WELLMAN: No, Your Honor.

2 THE COURT: Anything from the defense?

3 MR. WILLIAMS: Nothing from the defendant, Your
4 Honor.

5 THE COURT: Okay. I'm going to let you go back
6 and start your lunch. We're gonna gather up the
7 evidence. I'll bring you back a copy of the jury
8 instructions and the bailiff will let you know when
9 you can start deliberating. Until then no talking
10 about this case, okay?

11 Thank you. Y'all have been wonderful. I know
12 you're hungry. It took me longer than twenty minutes,
13 too.

14 (Whereupon, the jury retires to the jury room at
15 1:13 PM.)

16 MR. WILLIAMS: Anna was telling me when you were
17 reading the charge, on page 20 when you were reading out
18 the slightest removal of property with felonious intent
19 that --

20 THE COURT: I did not put felonious. I crossed it
21 out. I did not say that. I crossed it out several times
22 and she's sitting here showing me I didn't -- I did not
23 do that. It's in here twice.

24 MR. WILLIAMS: Okay. That's fine. I just want to
25 make sure that you -- whatever goes back is consistent

1 with --

2 LAW CLERK: Yeah, I changed it. I only put it in
3 there because it's in the charge book.

4 THE COURT: I know. Put that over -- I'm gonna
5 give you the pages so you don't have to --

6 LAW CLERK: I already reprinted them all.

7 THE COURT: -- we can put it in.

8 (Pause in proceedings.)

9 (Whereupon, the evidence was submitted to the jury
10 at 1:15 PM.)

11 (Back on the record at 3:14 PM.)

12 BAILIFF: All rise.

13 THE COURT: All right. We have a verdict and
14 another note from the jury. I think it's gonna be moot,
15 but I'll add it.

16 (Court's Exhibit Number 4 was marked for
17 identification.)

18 THE COURT: All right. Do we have everybody?

19 MS. WELLMAN: I think we're waiting on Shawn and
20 John and Karie.

21 (Pause in proceedings.)

22 MS. WELLMAN: We have everybody, Judge.

23 THE COURT: Okay.

24 All right. We've got a verdict. I'm gonna bring
25 the jury in.

1 For everybody in the gallery, and I'm not talking
2 to the solicitor's office, y'all know better back there,
3 but I don't want any emotion, crying, none of that stuff
4 at all.

5 All right. Let's bring the jury in.

6 Oh, and I did have one note from the jury. They
7 handed it to me when I was walking in. I think it's
8 kind of moot. I guess, I don't know, either need to
9 leave by 4:30 or use phone and have his mom pick him
10 up. That's the juror at the very end.

11 They came out and said they had a verdict and then
12 handed this to me, so I don't know if he thinks he's got
13 to stay after this, I don't know, but anyway...

14 (Whereupon, the jury returns to the courtroom at
15 3:19 PM.)

16 THE COURT: Y'all can be seated.

17 All right, Mr. Foreman. Has the jury reached a
18 verdict?

19 FOREPERSON: Yes, ma'am, we have.

20 THE COURT: And is it unanimous?

21 FOREPERSON: Yes, ma'am.

22 THE COURT: All right. If you could hand it to the
23 bailiff.

24 BAILIFF: May I approach, Your Honor?

25 THE COURT: You may.

1 I'm gonna get the clerk to publish it.

2 If y'all would stand.

3 THE CLERK: Indictment 2020-GS-32-1345, 1840, and
4 1839, the State versus Samuel Ernest Aaron. We, the
5 jury, unanimously find on the charge of kidnapping the
6 defendant guilty.

7 As to the charge of strong arm robbery, common law,
8 we find the defendant guilty.

9 As to the charge of criminal sexual conduct in the
10 first degree, we unanimously find the defendant guilty.

11 It is so signed by the foreperson, Mr. Keller,
12 March 11, 2022.

13 Mr. Foreman, ladies and gentlemen of the jury, if
14 this -- these are your verdicts, please indicate each
15 of you by raising your right hand.

16 All hands raised, Your Honor.

17 THE COURT: Would you like the jury polled?

18 MR. WILLIAMS: I would, Your Honor.

19 THE CLERK: I will call you by your juror number.
20 When I do, I will ask you a two-prong question, but don't
21 give me an answer until the last of it, okay? I'll ask
22 you as to the verdicts were these your verdicts and are
23 they still your verdicts. At that time then give me your
24 response, please.

25 Number -- oh, my God, she didn't write them down.

1 She didn't write their juror numbers down.

2 THE COURT: Oh, I might can help you out.

3 THE CLERK: I've got it right here, Your Honor.

4 Number 45. As to the verdicts, were these your
5 verdicts and are they still your verdicts?

6 JUROR NUMBER 45: Yes.

7 Number 80. As to the verdicts, were these your
8 verdicts and are they still your verdicts?

9 JUROR NUMBER 80: Yes.

10 THE CLERK: 285. As to the verdicts, were these
11 your verdicts and are they still your verdicts?

12 JUROR NUMBER 285: Yes, ma'am.

13 THE CLERK: 269. As to the verdicts, were these
14 your verdicts and are they still your verdicts?

15 JUROR NUMBER 269: Yes, ma'am.

16 THE CLERK: 41.

17 JUROR NUMBER 41: Yes.

18 THE CLERK: As to the verdicts, were these your
19 verdicts and are they still your verdicts?

20 JUROR NUMBER 41: Yes.

21 THE CLERK: Number 79. As to the verdicts, were
22 these your verdicts and are they still your verdicts?

23 JUROR NUMBER 79: Yes, ma'am.

24 THE CLERK: 268. As to the verdicts, were these
25 your verdicts and are they still your verdicts?

1 JUROR NUMBER 268: Yes.

2 THE CLERK: 200. As to the verdicts, were these
3 your verdicts and are they still your verdicts?

4 JUROR NUMBER 200: Yes.

5 THE CLERK: Number 9. As to the verdicts, were
6 these your verdicts and are they still your verdicts?

7 JUROR NUMBER 9: Yes.

8 THE CLERK: 179. As to the verdicts, were these
9 your verdicts and are they still your verdicts?

10 JUROR NUMBER 179: Yes.

11 THE CLERK: Number 136. As to the verdicts, were
12 these your verdicts and are they still your verdicts?

13 JUROR NUMBER 136: Yes.

14 THE COURT: 189. As to the verdicts, were these
15 your verdicts and are they still your verdicts?

16 JUROR NUMBER 189: Yes, ma'am.

17 THE CLERK: All jurors polled, Your Honor.

18 THE COURT: Thank you.

19 Anything else?

20 MR. WILLIAMS: Nothing from the jury, Your Honor.

21 THE COURT: All right. I'm gonna give you just
22 a few minutes and then we'll go to sentencing. I'm
23 gonna excuse the jury and let them go back to the jury
24 room.

25 Mr. Foreman, if y'all will go back to the jury

1 room, I'll be back in just a moment to excuse you.

2 FOREPERSON: Okay. Thank you.

3 (Whereupon, the jury was dismissed at 3:24 PM.)

4 (Recess taken at 3:24 PM.)

5 (Back on the record at 3:32 PM.)

6 THE COURT: All right. Hope, do you have any
7 paperwork?

8 THE CLERK: Come on, Theo. Pass it up.

9 MR. WILLIAM: Oh, I'm sorry.

10 THE CLERK: Thank you.

11 THE COURT: All right. Mr. Aaron, I'm gonna let
12 -- the jury found you guilty on all three counts. I'm
13 gonna let the State tell me about sentencing.

14 MR. WILLIAMS: Your Honor, I'd like to make motions
15 prior to sentencing.

16 THE COURT: Sure.

17 MR. WILLIAMS: Your Honor, we would renew of all
18 our motions that we made in the past, including the
19 mistrial motion. We would also move to set aside the
20 jury's verdicts on all three indictments on the basis
21 that the evidence taken as a whole is insufficient as a
22 matter of law for this jury to have returned a verdict
23 of guilty.

24 THE COURT: Well, I appreciate those arguments
25 and I'm gonna deny them and certainly note them for the

1 record.

2 MR. WILLIAMS: Thank you, Your Honor.

3 THE COURT: All right. Let me hear from the State
4 on sentencing.

5 MS. WELLMAN: Your Honor, the State is asking for
6 the maximum sentence in this case. That would be
7 seventy-five years. This was heinous. Mr. Aaron really
8 is a sexual predator and a thief. But for Karie's
9 bravery this might not be the end, so I'm asking for
10 the maximum sentence. Also she endured this trial and
11 I'd ask the Court to hear from her.

12 THE COURT: I'd love to hear from her.

13 MS. SUTHERLAND: As y'all know, my name is Karie
14 Sutherland. And, yes, I was a junky and a terrible
15 mother and I've done a lot of stupid things that I
16 should have never have done and I can tell you I'm not
17 proud of who I was, but I'm not that person anymore. I
18 did a lot of stupid things, but I have changed my life
19 and I am more proud of myself now for working hard and
20 getting clean and doing the things I needed to do to
21 become a better person and a better mother.

22 I believe wholeheartedly that if not for this --
23 that day I would still be the person I was before and
24 that I ask the judge to please give him the maximum
25 sentence that is possible by the State of South Carolina.

1 And I thank my whole team for the justice that they
2 have given me.

3 Thank you.

4 THE COURT: Thank you, Ms. Sutherland very much.

5 I appreciate you being here and I know -- I know
6 it's been -- it's been hard.

7 MS. SUTHERLAND: Yes, ma'am.

8 THE COURT: All right. Let me ask you, Ms. Wellman,
9 can you tell me a prior record?

10 MS. WELLMAN: Yes, Your Honor.

11 To be honest, Your Honor, his record is not all
12 that extensive. In 1988 he has a conviction for simple
13 battery. '89, driving under suspension. '92 he pled
14 no contest to a DUI. And then in 2006 there's a
15 burglary conviction and a theft by taking. Those are
16 from Georgia.

17 THE COURT: Okay. Anything else from the State?

18 MS. WELLMAN: No, Your Honor.

19 THE COURT: All right.

20 MR. WILLIAMS: Your Honor, in regards to record,
21 I'm not sure about that burglary. I think that burglary
22 was removed because of some strange thing under the
23 first offender act out of Georgia, but I'm just
24 referencing that. I don't know that his record is a
25 big issue here in terms of whatever he gets.

1 Your Honor, he's fifty-four years of age. He's
2 had a common law wife for almost twenty years. She
3 obviously came to testify. He's worked at Wal-Mart
4 for about ten years and he, indeed, did come to South
5 Carolina to take care of his father who was dying of
6 cancer. His father did die and they were living in
7 that house.

8 Your Honor heard the same case I heard. I think
9 the one thing I did want to say for the benefit of the
10 jury is that the jury system works. I was proud of all
11 the jurors for doing everything that they did because
12 it is a -- it's a tough job and no one can ever quibble
13 with what a jury decides and, if they do, they don't
14 understand the process of justice.

15 THE COURT: They did a good job. They were very
16 attentive and paid attention.

17 MR. WILLIAMS: They were.

18 THE COURT: I was very happy with our jury.

19 MR. WILLIAMS: Obviously people differ on opinions
20 and things of that nature. I can only tell you that my
21 experience with him is he's -- what you saw here is
22 exactly how he is every day of his life. He's just kind
23 of likeable. He did graduate from high school. He was
24 special ed. He got through that.

25 I don't know -- one of the things that messed

1 everybody up in this case was the fact that -- you see
2 it every day when everybody comes in here and pleads.
3 Meth is a problem for victims, it's a problem for
4 offenders, it is a problem for families.

5 THE COURT: It is.

6 MR. WILLIAMS: It is.

7 THE COURT: Hands down.

8 MR. WILLIAMS: Hands down.

9 THE COURT: I see it every single day.

10 MR. WILLIAMS: But I think this is -- this is
11 a bad -- a bad bunch of circumstances. I don't
12 necessarily agree with the solicitor that he is some
13 sort of trophy hunter or some sort of bad predator.
14 If he was, he would have such more of a history than
15 he does. I think this is two people met and for
16 whatever -- for whatever reason things did not work
17 out, but I can only tell you -- it's kind of like his
18 wife said. It takes a lot for his wife to come up here
19 and say after -- after he's admitted to having sex with
20 somebody that he'd take the shirt off his back and that
21 kind of thing, but I guess there's good in everybody,
22 and I ask the Court to be as lenient as possible.

23 I don't think he is a danger to anybody. He's
24 fifty-four in the near future, so whatever sentence that
25 Your Honor would give him I would hope he would have a

1 chance to get back out and see the outside again.

2 THE COURT: All right.

3 Okay. Anybody else?

4 Mr. Aaron, do you want to tell me anything?

5 THE DEFENDANT: No, ma'am. I appreciate everybody
6 for what they have done.

7 THE COURT: Okay.

8 THE DEFENDANT: I'm sorry for picking her up and
9 all. I wish that had never happened.

10 THE COURT: It's amazing how those decisions can
11 change the rest of your life.

12 All right, Mr. Aaron. It's the sentence of the
13 Court on the criminal sexual conduct first degree that
14 you be committed to the -- does he have any credit for
15 time served?

16 THE DEFENDANT: I've gone -- I have two years on
17 the monitor. They said that was time served. I done
18 ninety days in jail.

19 THE COURT: Do you still have your monitor on?

20 THE DEFENDANT: Yes, ma'am. It's right here on my
21 left foot -- I mean, on my right leg.

22 THE COURT: I'm gonna give him credit.

23 MR. WILLIAMS: Thank you, Your Honor.

24 THE COURT: So when did that happen?

25 MS. WELLMAN: Your Honor, I know he was arrested

1 February 5th of 2020.

2 THE DEFENDANT: I got like eighty-seven days.

3 MS. WELLMAN: Judge Addy granted bond. Let's see.

4 It appears that -- that he granted bond on May 15th of
5 2020 and did he bond out then?

6 MR. WILLIAMS: That sounds right. He bonded out
7 then.

8 THE COURT: All right. So I have from February --

9 MR. WILLIAMS: To May --

10 THE COURT: -- to May --

11 MR. WILLIAMS: May 20th?

12 MS. WELLMAN: 15th.

13 MS. WILLIAMS: May 15th.

14 THE COURT: No, it's from February -- because he
15 went in February 5th to May 15th. Well, I'm gonna
16 from February 5th until today is what I'm gonna do.
17 That's 765 days.

18 THE DEFENDANT: Thank you, Your Honor.

19 MR. WILLIAMS: He said thank you.

20 THE COURT: Oh, you're welcome.

21 All right, Mr. Aaron. On the CSC first, you are
22 to be committed to the State Department of Corrections
23 for a period of twenty years. I'm gonna give you credit
24 for the 765 days.

25 That is gonna be the same sentence for the

1 kidnapping. I'm running it concurrent for twenty.

2 And on the robbery, that is fifteen years. I'm
3 running that concurrent.

4 And I'm giving him credit on -- I put credit on
5 all of those for him.

6 MR. WILLIAMS: Thank you, Your Honor.

7 THE COURT: Good luck to you, Mr. Aaron.

8 THE DEFENDANT: Thank you.

9 MS. WELLMAN: Thank you, Your Honor.

10 THE COURT: Let me thank the jury again. I've
11 got the jury out here, so I'd ask everybody else to
12 stay seated until we can escort the jury out.

13 Thank y'all for your service.

14 All right. Court's adjourned.

15 MS. WELLMAN: Thank you, Your Honor.

16 THE COURT: Everybody have a good weekend.

17 (Whereupon, the proceedings were concluded at
18 3:45 PM.)

19

20

21

22

23

24

25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the trial of the captioned case in Circuit Court on
March 7th, 8th, 10th, and 11th, 2022.

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I do further certify that I am neither of kin,
counsel, nor have an interest to any party hereto.

June 10, 2022

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA - COUNTY OF LEXINGTON
ELEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
) Docket No.
 Plaintiff,) 2020-GS-32-01345
) 2020-GS-32-01839
) 2020-GS-32-01840
 V.)
)
) JURY TRIAL
 SAMUEL EARNEST AARON)
)
 Defendant.)

March 7, 2022
Lexington, South Carolina

B-E-F-O-R-E:

THE HONORABLE DEBRA R. MCCASLIN

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

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Official Court Reporter

I N D E XWITNESSEXAMINATION BYPAGE

ARCADEUS DUBARD

Pg 4

1 THE COURT: Anything on qualifications from the
2 State?

3 MS. WELLMAN: No, your Honor.

4 THE COURT: Anything from the defense?

5 MS. WILLIAMS: Nothing from the defendant, your
6 Honor.

7 THE COURT: Okay. Now, my understanding is, I
8 saw some motions. I am supposed to do 11 o'clock bond
9 Estreature's. I would -- do we have a Jackson v Denno?

10 MS. WELLMAN: Yes, your Honor. We've got that
11 and we just need to address two other motions by the
12 State. It shouldn't take long.

13 THE COURT: Okay. Are you ready?

14 MR. WILLIAMS: Your Honor, for the Court's
15 education, we're really not fighting the Jackson V
16 Denno. The State feels like they must go through it.
17 So if that gives you some idea regarding what kinds of
18 questions you will see from defense.

19 THE COURT: Can we go through that right quick
20 this moment?

21 MS. WELLMAN: We can, your Honor. I think
22 it's just sort of a formality, PCR issue to cover all of
23 our basis. I can do that very quickly.

24 THE COURT: Okay. We've got 15 minutes. Can
25 we do it in 15 minutes?

1 Anybody need a break before? I'd like to get
2 this done if I could.

3 All right. Ms. Wellman, call your witness.

4 MS. WELLMAN: Your Honor, the State would call
5 Detective Dubard.

6
7 A-R-C-A-D-E-U-S D-U-B-A-R-D, the Witness herein, having
8 been sworn by the Clerk of Court, was examined and
9 testified as follows:

10 THE CLERK: Once you're seated, state your full
11 name, spelling your last please.

12 MR. DUBARD: My name is Arcadeus Dubard. The
13 spelling of my last name is D-U-B-A-R-D.

14

15 DIRECT EXAMINATION

16 BY MS. WELLMAN:

17 Q. Detective Dubard, on February 5th of 2020,
18 were you working for the Lexington County Sheriff's
19 Office?

20 A. Yes, ma'am.

21 Q. And at that time, had you been assigned to an
22 investigation involving a sexual assault that occurred
23 on Bluefield Road --

24 A. Yes.

25 Q. -- on January 9th of that year.

1 A. Yes, ma'am.

2 Q. And on February 5th, did you have occasion to
3 come in contact with the defendant, Samuel Aaron?

4 A. Yes, ma'am.

5 Q. And where did you come in contact with him?

6 A. At his residence at Sage Tree Road in
7 Lexington County.

8 Q. And was anyone else with you?

9 A. Yes. We had four other detectives, Detective
10 Howell, Sergeant Burke and Sergeant Anderson.

11 Q. And were you guys in uniform and carrying your
12 duty weapons at that time?

13 A. Yes.

14 Q. And did you take the defendant into custody?

15 A. Yes.

16 Q. And outside of his home, did you ask him a
17 question?

18 A. Yes. We asked if he wanted us to explain
19 anything about what was go on.

20 Q. Did he know why you guys were there?

21 A. He said, at the time, he didn't.

22 Q. Outside of his residents, did one of you guys
23 read the warrants?

24 A. Yes. Detective Howell did.

25 Q. And what were those warrants for?

State of South Carolina V Samuel Earnest Aaron

1 A. They were warrants for kidnapping, sexual
2 assault, criminal sexual conduct first-degree and then
3 there was a common law robbery.

4 Q. Or strong armed robbery.

5 A. Strong armed. Yes, ma'am.

6 Q. And was the defendant advised of the nature of
7 the allegations?

8 A. Yes.

9 Q. Did you place him in your patrol car to
10 transport?

11 A. Yes, ma'am.

12 Q. And when you got in the car did you advise him
13 of his Miranda rights?

14 A. Yes, ma'am.

15 Q. And what rights did you advise him?

16 A. Of his right to remain silent and his right to
17 have an attorney. And if he couldn't afford, he could
18 be provided one by the courts. And he was also advised
19 that -- excuse me. I'm sorry. His right to remain
20 silent and his right to an attorney and if he couldn't
21 get one on his own, then the court would provide one.

22 Q. Did you advise him of his rights orally or in
23 writing?

24 A. It was orally.

25 Q. Did he appear to pay attention to you?

1 A. Yes.

2 Q. Did he appear to understand his rights?

3 A. Yes.

4 Q. Did he appear to be under the influence of any
5 drugs or alcohol?

6 A. No, ma'am.

7 Q. Did he have any questions regarding his
8 rights?

9 A. No, ma'am.

10 Q. Did he appear hesitant or confused?

11 A. No, ma'am.

12 Q. Did he agree to speak with you?

13 A. Yes.

14 Q. Did he agree to speak with you without an
15 attorney?

16 A. Yes.

17 Q. At any time -- who was with you in the car
18 other than the defendant?

19 A. Detective Howell.

20 Q. At any time did you or Detective Howell
21 threaten, assault, yell at, or coerce the defendant in
22 anyway to get him to speak to you?

23 A. No, ma'am.

24 Q. Did you ever raise your voice?

25 A. No, ma'am.

1 Q. Did you ever reach for or display your duty
2 weapon?

3 A. No, ma'am.

4 Q. Did you or Detective Howell make any promises
5 or deals with the defendant, regarding the outcome of
6 the situation if he agreed to speak with you?

7 A. No, ma'am.

8 Q. Based on your experience as a law enforcement
9 officer and your observations that day, was the
10 defendant freely and voluntarily agreeing to speak with
11 you?

12 A. Yes.

13 Q. And during that time, as you explained him his
14 rights, was there anything that caused you any doubt
15 about his ability to hear, understand or comprehend what
16 you were saying?

17 A. No, ma'am.

18 Q. At all times while you were in the defendant's
19 presences did he respond appropriately to the questions
20 that you asked?

21 A. Yes, ma'am.

22 Q. Was he able to follow any instructions you
23 gave him?

24 A. Yes, ma'am.

25 Q. Was it necessary for you to repeat or further

1 explain anything?

2 A. No, ma'am.

3 Q. And did he do anything to indicate he didn't
4 wish to speak to you?

5 A. No, ma'am.

6 MS. WELLMAN: No further questions.

7 THE COURT: Anything from the defense?

8 MR. WILLIAMS: Nothing from the defense, your
9 Honor.

10 THE COURT: Okay. Can I excuse Detective
11 Dubard?

12 MS. WELLMAN: At least for the purposes of
13 this hearing.

14 THE COURT: Okay. You may be excused.

15 MS. WELLMAN: That's it your Honor, for the
16 purposes of the Denno hearing.

17 THE COURT: In that case, I'm going to grant
18 your motion. He was advised of his Miranda rights. I
19 don't see any indication that he was threatened or,
20 coerced. He also responded appropriately. I find the
21 statement to be freely, voluntarily and intelligently
22 made.

23 MS. WELLMAN: Thank you, your Honor.

24 THE COURT: Any other motions that we can
25 hear?

1 MR. WILLIAMS: Sequestrations, your Honor.

2 MS. WELLMAN: No objection, your Honor. I
3 would just ask that my investigating officer be present.
4 Also, with regards to Investigator John Bishop. He is
5 working with us on this case, sort of as another
6 investigator. I would ask that he be here and then our
7 victim, other wise, I have no problem.

8 MR. WILLIAMS: There's no objection to him
9 being in court.

10 THE COURT: All right, granted then.

11 MS. WELLMAN: And then just my victim as well.

12 THE COURT: Okay. I've got the victim, the
13 case investigator and then I've got...

14 MS. WELLMAN: Investigator John Bishop.

15 THE COURT: Okay. That's that. Okay, good.
16 Anything else that we can take up?

17 MS. WELLMAN: Your Honor, the State has filed
18 a motion to exclude self-serving hearsay.

19 THE COURT: I read that last night.

20 MS. WELLMAN: And we're asking, unless and
21 until the defendant testifies or the State choose to
22 offer his statement as part of it's case in chief, that
23 there be no questions, whether any direct or cross
24 examination and no referencing in openings or closings
25 to any statements the defendant made.

1 MS. WILLIAMS: Your Honor, we agree with most
2 of the State's motion. Obviously, self-serving hearsay
3 can't come in.

4 THE COURT: That's right.

5 MS. WILLIAMS: However, the references to
6 asking witnesses whether or not at a statement exists, I
7 think would go a little too far. We're not going to ask
8 regarding contents of the statement without appropriate
9 foundation. So to ask Investigator Dubard whether or
10 not he received a statement, questions of that nature,
11 whether the actual statement exists. We would think
12 that would go too far. We're not asking about the
13 contents of the statement, which would be the hearsay.
14 That would be my first point.

15 The second point would be, with regard to
16 reference in opening. It seems at opening no one has
17 testified yet. So any statements regarding what anyone
18 said would be self-serving hearsay. So we would ask
19 that the State apply the same qualifications to their
20 opening in that case.

21 THE COURT: Okay. So let me get this straight.
22 You do not want anyone to mention anything about any
23 statements that were given in opening, period.

24 MS. WILLIAMS: The contents of the statement,
25 your Honor, would be self-serving hearsay, as no one has

1 testified yet. And as the State just said, they don't
2 want us to reference any statements that were made
3 because at that point it would be several-serving
4 hearsay.

5 THE COURT: Okay. Let me hear from you
6 Ms. Wellman.

7 MS. WELLMAN: Your Honor, I specifically ment
8 statements made by the defendant. If they're asking for
9 no statements made by anyone --

10 THE COURT: In opening.

11 MS. WELLMAN: -- In opening, I'm not sure how
12 we can talk about what happened.

13 THE COURT: Yeah. Opening, there's no
14 evidence.

15 MS. WELLMAN: Correct, your Honor. And I
16 don't know how we can layout what the case is about
17 without talking about things that our victim stated.
18 Specifically, self-serving hearsay relates to statements
19 made by this defendant. Normally, statements offer for
20 a party opponent would be admissible, but if we're not
21 introducing the statements of the defendant, they're
22 hearsay without falling into exemption, I don't believe
23 they should be referenced.

24 With regards to questions about whether there
25 is a statement. If we're not offering the statement and

1 we may, we're not sure, but that's not relevant of
2 whether there is a statement. I would object to that
3 part. That just leaves the jury or them to argue a
4 whole lot of things that I don't think are appropriate.

5 So I'm asking, specifically, limit it to the
6 defendant's statement, unless and until, we offer it as
7 part of our case in chief or if the defendant testifies.
8 And I would ask that the questions about whether a
9 statement is there, not been allowed.

10 THE COURT: Okay. Ms. Williams, anything
11 else.

12 MS. WILLIAMS: Your Honor, I think the court
13 got my point with regards to the hearsay statement
14 earlier. But with regards to whether or not there
15 exists a statement, we would maintain that is -- we're
16 not asking about what the contents are. We're simply
17 asking it's fact, whether or not it exists and that
18 doesn't fall under the column of hearsay.

19 THE COURT: What is the relevance to it?

20 MS. WILLIAMS: Whether or not he cooperated
21 with the police.

22 MS. WELLMAN: Your Honor, he can get up and
23 testify whether he cooperated. And whether he gave a
24 statement or not, we certainly will not contest that
25 fact. But I don't think -- if the statement -- until

1 that statement comes in, the existence of the statement
2 is not relevant.

3 THE COURT: I'm going to agree with the State.
4 Y'all make your openings, no mention of the statement.
5 I read this last night, it's hearsay and I don't want
6 any mention of any statement period. Unless you bring
7 it up you. If you open the door to it, then it's free
8 game.

9 MS. WELLMAN: Absolutely, your Honor.

10 THE COURT: And if he testifies, it's free
11 game.

12 MS. WILLIAMS: Your Honor, may I ask a
13 clarification question?

14 THE COURT: Sure.

15 MS. WILLIAMS: May we ask simply whether or
16 not he cooperated, is that -- does that fall outside the
17 realm of "statement"?

18 THE COURT: I think it's probably more opinion
19 as to whether he cooperated or not.

20 MS. WILLIAMS: I don't want to inadvertently
21 go --

22 MS. WELLMAN: Yeah, I would ask that not be
23 allowed either.

24 THE COURT: I think she can ask, "was he
25 cooperative?" "Did he do everything you've asked?" Is

1 that the line of questioning Ms. Williams, you're
2 talking about?

3 MS. WILLIAMS: Yes, your Honor.

4 THE COURT: I think on cross she can ask that.
5 We're not going -- again, I'm gonna tell you, getting
6 into specifics of the statement itself and I think that
7 is different.

8 MS. WELLMAN: And also the existence of that
9 statement.

10 THE COURT: Right. Right. No mention of the
11 statement unless your client gets on the stand or the
12 State opens the door to it.

13 MS. WELLMAN: Thank you, your Honor.

14 THE COURT: That's my understanding in the
15 reading of the law.

16 Anything else we can take up?

17 MS. WELLMAN: I think we can handle this in
18 just a couple minutes as well, your Honor.

19 The State filed a motion to exclude --
20 pursuant to the rape shield or rule. I would just ask
21 that anything regarding the victims prior sexual
22 knowledge, prior sexual activity with anyone other than
23 the defendant, be excluded pursuant to, I think it's
24 412.

25 MS. WILLIAMS: Your Honor, we are fine with

1 that. We have no intentions of going there.

2 THE COURT: Right. I think there's also a
3 notice of requirement too -- okay. They're not going
4 there so...

5 Okay, good. Anything else?

6 MS. WELLMAN: I don't believe so, your Honor.

7 THE COURT: Okay.

8 MS. WELLMAN: If I could have one more minute.
9 It is my understanding that -- just to put this on the
10 record. That the defense is stipulating to chain of
11 custody to a certain point.

12 MR. WILLIAMS: Your Honor, I think her
13 co-counsel and I went over what that actually means and
14 ment in real life. As a general rule, that is true.
15 Meaning that, once they have that witness testify as to
16 the gathering of the evidence, then what happens to that
17 evidence until it's -- until the results are testified
18 too are not questions we're concerned about. But I
19 would like to make that distinction with regards to what
20 that chain of custody means.

21 THE COURT: Okay. The chain of custody now,
22 y'all help me here, it's from the date of gathering?

23 MR. GRAHAM: We will have -- there are three
24 different batches of physical evidence. One was a red
25 rag collected at the crime scene. We will have the

1 officer that collected the rag and the defense is
2 stipulating on the chain of custody from that officer
3 collecting it until the serologist I think or the DNA
4 analyst, the people at SLED who analyzed it. The
5 defense is stipulating to the chain of custody in that
6 we're not gonna have to prove who touched it and how it
7 got from that officer to SLED --

8 THE COURT: -- to SLED.

9 MR. WILLIAMS: That's correct.

10 MR. GRAHAM: There's also a scene nurse who
11 did a rape kit. That scene nurse will be here and
12 testify that the swabs that she collected during the
13 rape kit will be offered into evidence with defense
14 stipulating to the chain. Once that scene nurse
15 collects them, until they are analyzed and SLED begins,
16 so we don't have to discuss who got it out of SLED and
17 who passed it around.

18 MR. WILLIAMS: That is correct.

19 THE COURT: And so, we'll just have SLED pick
20 it up from there. Got it.

21 MR. GRAHAM: And the only other items we have
22 I think are some rings that were collected at the
23 defendant's -- the time of the defendant's arrest or
24 later brought to the sheriff department. And my
25 understanding is that once the sheriff's department has

1 custody of those rings, I don't know whether
2 Mr. Williams wants us to put up the chain. We've
3 discussed it, I don't know if we got a final answer on
4 that, which would be no more, just so you know --

5 MR. WILLIAMS: One other witness.

6 MR. GRAHAM: We would have to call a records
7 custodian from the sheriff's department who would then
8 read off. There were two different officers who
9 collected the rings. One was on scene and one was two
10 or three days later when the defendant's girlfriend came
11 -- or wife, I'm not sure which, came to the sheriff's
12 department and turned over three more rings. And those
13 officers would have put them into evidence and then they
14 were taken -- they were looked at while they were in
15 evidence. They were photographed while they were in
16 evidence and they were taken at one time and taken to an
17 appraiser. So other than having one more witness from
18 the sheriff's department read the dates that came in and
19 out, that's all we would need to do.

20 MR. WILLIAMS: We don't -- he's correct.

21 THE COURT: Okay.

22 MR. WILLIAMS: It's easier to say, "he's
23 correct." We don't have any problems with that.

24 THE COURT: Okay. And you're gonna make him
25 bring in the extra witness?

1 MR. WILLIAMS: No. No. No, I'm sorry. I
2 said that wrong. No. If -- he will have that witness
3 who took whatever rings were gather when police were out
4 there I assume. And then he'll also bring in the
5 witness who gathered the rings when they were brought
6 in, right? And those are the only witnesses that he
7 will need. He will be able to jump from there until
8 they go to the appraiser and the appraiser says what the
9 value of those rings are.

10 THE COURT: So we're not gonna go through SLED
11 and who took them to the appraiser and all the other
12 stuff?

13 MR. WILLIAMS: That's correct.

14 THE COURT: Gotcha, okay. Perfect.
15 Anything else?

16 MS. WELLMAN: I'm think I'm two minutes past
17 11:00, but I'm done.

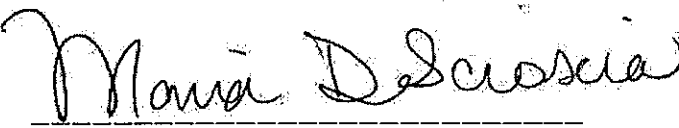
18 THE COURT: That's okay. So we are in recess
19 until -- for y'all until 1 o'clock. We will be in
20 recess.

21 (The hearing in the above-captioned case
22 was recessed.)
23
24
25

C E R T I F I C A T E

I, the undersigned Maria DiScioscia, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Lexington, South Carolina, on the 7th day of March, 2022.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script, reading "Maria DiScioscia", is written over a horizontal line.

Maria DiScioscia
Official Court Reporter

WITNESSES

Lexington County Sheriffs Department

Arcadeus J Dubard

Law Enforcement Case #: 20-000511

AEW

ARREST WARRANT NUMBER

2020A3210200255

ACTION OF GRAND JURY

TRUE BILL

Chad E. Elder
Foreperson of Grand Jury
Date: 9/8/20

VERDICT

Guilty

Frankie Kell
Foreperson of Petit Jury
Date: 3-11-2020

DOCKET NO. 2020GS3201345

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

September TERM
2020

THE STATE

vs.

Samuel Earnest Aaron

CDR #: 0160

Indictment for

Criminal Sexual Conduct - First Degree

§ 16-03-0652

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

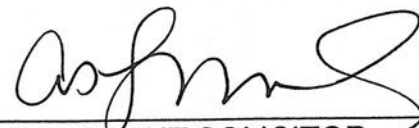
INDICTMENT FOR
 Criminal Sexual Conduct - First Degree

§ 16-03-0652

At a Court of General Sessions, convened on September
 2020, the Grand Jurors of Lexington County present upon their oath:

That **Samuel Earnest Aaron** did in Lexington County, South Carolina on or about January 9, 2020 did commit a sexual battery upon the victim, Karie Sutherland, and the victim did submit to the sexual battery but under circumstances of forcible confinement, kidnapping, robbery, extortion, burglary or any other similar offense or act, to wit; the defendant did, under the guise of taking the victim to her mother's house, drive her to a wooded area, force her out of the car, force her down on the driver's seat, and engage in non-consensual sexual intercourse with the victim; all in violation of Section 16-3-652, 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.


 ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Arcadeus J Dubard

Law Enforcement Case #: 20-000511

AEW

ARREST WARRANT NUMBER

2020A3210200257

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 9/8/20

VERDICT

Guilty

Foreperson of Petit Jury

Date: 3-11-2022

DOCKET NO. 2020GS3201839

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

September TERM 2020

THE STATE

vs.

Samuel Earnest Aaron

CDR #: 0137

Indictment for

Strong Arm Robbery

§ 16-11-0325

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Strong Arm Robbery

§ 16-11-0325

At a Court of General Sessions, convened on September 2020, the
 Grand Jurors of Lexington County present upon their oath:

That **Samuel Earnest Aaron** did in Lexington County, South Carolina on or about
 January 9, 2020, knowingly and willfully by means of force, intimidation, violence or by
 threat of force, intimidation, violence, by actions or words, feloniously take and carry away
 from the person or presence of Karie Sutherland personal property described as follows:
 multiple rings, with intent to deprive the owner of such property, in violation of the
 Common Laws of the State of South Carolina and punished under section 16-11-325 of
 the Code of Laws for the State 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.



ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Arcadeus J Dubard

Law Enforcement Case #: 20-000511

AEW

ARREST WARRANT NUMBER

2020A3210200256

ACTION OF GRAND JURY

TRUE BILL

Charles E. McQueen
Foreperson of Grand Jury
Date: 9/8/20

VERDICT

Guilty

Frankie McQueen
Foreperson of Petit Jury
Date: 3-11-2022

DOCKET NO. 2020GS3201840

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

September TERM 2020

THE STATE

vs.

Samuel Earnest Aaron

CDR #: 0095

Indictment for

Kidnapping

§ 16-03-0910

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Kidnapping
 § 16-03-0910

At a Court of General Sessions, convened on September 2020, the
 Grand Jurors of Lexington County present upon their oath:

That **Samuel Earnest Aaron** did in Lexington County, South Carolina on or about
 January 9, 2020, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy,
 kidnap, abduct or carry away one Karie Sutherland by any means whatsoever without
 authority of law, and without her consent, to wit: the defendant inveigled the victim into
 getting into his vehicle under the pretense that he would take her to her mother's home,
 instead taking her to a deserted dirt-road and sexually assaulted her, in violation of § 16-
 3-910 of the Code of Laws of South Carolina, 1976, as amended.

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


 ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Dec 21 2022

SC Court of Appeals



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 21st day of December, 2022.

RECEIVED

Dec 21 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

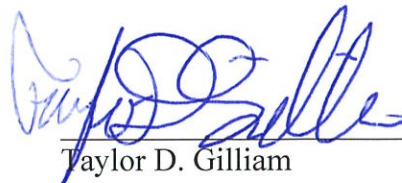
V.

SAMUEL ERNEST AARON,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 21st day of December, 2022.



Taylor D. Gilliam
Appellate Defender