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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LORA MAE LEWIS,

APPELLANT

APPELLATE CASE NO 2022-000402

RECORD ON APPEAL

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State of South Carolina	)	Court of General Sessions
	)	Fourteenth Judicial Circuit
County of Beaufort	)	Case No. 2019-GS-07-00011
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Lora Mae Lewis,	)	
	)	
Defendant.	)	
	)	

March 14-15, 2022
Beaufort, South Carolina

B E F O R E:

The Honorable Carmen T. Mullen, Judge

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

Francine Norz, Esquire
Attorney for the Plaintiff State

Taylor Diggs, Esquire
Attorney for the Defendant

Proceedings taken down electronically
By: Loraine V. Harris, DCRP

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

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19	ellipses . . .	trailing off		
20	[ph]	phonetically written		
21	[sic]	written as said		
22	[inaudible]	unable to hear and/or understand		
23		speaker due to low audio volume		
24				
25				

1 MARCH 14, 2022

2 (WHEREUPON, the proceedings began at 10:46 a.m.)

3 THE COURT: Very good. I find this panel qualified.

4 Ladies and gentlemen, now if you are all right, I would
5 love to go straight in and ask you the questions related
6 directly to the trial of this case. There's a number of other
7 questions that I have. Does anyone need a break before I do
8 that?

9 Very good. All right. Ms. Norz, will you go ahead and
10 call your case, please?

11 MS. NORZ: This is the State versus Lora Mae Lewis,
12 Indictment 2019-GS-07-00011.

13 THE COURT: Thank you.

14 Ladies and gentlemen, as you've heard the State say, she
15 has called the case entitled the State of South Carolina
16 versus Lora Mae Lewis, who is charged by a bill of indictment
17 with breach of trust with fraudulent intent, \$10,000 or more.
18 Ladies and gentlemen, I'm going to ask you, as I said, a
19 number of questions, and the first one is this.

20 Is there any member of the jury panel or any member of
21 your immediate family who has law enforcement background or
22 any type of law enforcement experience? It could be either
23 federal, it could be military, it could be in your past. Just
24 does anyone here have any law enforcement experience?

25 Sir, if you would stand for me and give me your number.

1 JUROR NUMBER 356: 356.

2 THE COURT: Yes, sir. Is it you or someone in your
3 family?

4 JUROR NUMBER 356: Me. I'm a retired correction officer
5 [inaudible].

6 THE COURT: How long ago did you retire, sir?

7 JUROR NUMBER 356: September 23rd.

8 THE COURT: September 23rd of this year?

9 JUROR NUMBER 356: Of last year.

10 THE COURT: Of last year? Okay. Congratulations. I
11 appreciate it. You can be seated.

12 Ladies and gentlemen, is there any person on this panel
13 or any member of your immediate family that has ever been
14 represented by a solicitor's office or any other law
15 enforcement office as you were an alleged victim in a criminal
16 case?

17 THE BAILIFF: Your Honor, this juror is I think
18 responding to a previous question.

19 THE COURT: And I appreciate that. Would you give me
20 your number, please?

21 JUROR NUMBER 271: 271.

22 THE COURT: Yes. What would you like to tell me?

23 JUROR NUMBER 271: My brother was a former police
24 officer.

25 THE COURT: Where was he a police officer?

1 JUROR NUMBER 271: Montana.

2 THE COURT: I appreciate it. Thank you. Thank you.

3 Again, ladies and gentlemen -- yes, sir?

4 JUROR NUMBER 263: My brother-in-law is in the Secret
5 Service. Does that count?

6 THE COURT: Yeah, that counts. Stand up. Stand up.
7 Everything counts here. No, no, you're not excused. Oh, no,
8 no, no, no.

9 So, ladies and gentlemen, some of these questions they
10 don't excuse you. They just are for information because the
11 lawyers are going to be able to employ their own strikes as
12 far as who they want to serve on the jury. So they want to
13 know what your background and what your experience is.

14 So your brother is in the Secret Service; is that
15 correct?

16 JUROR NUMBER 263: My brother-in-law.

17 THE COURT: Your brother-in-law is in Secret Service.
18 All right. I appreciate that. And give me your number again,
19 sir?

20 JUROR NUMBER 263: 263.

21 THE COURT: 263.

22 And yes, ma'am?

23 JUROR NUMBER 166: My dad was a lieutenant. I don't know
24 if that counts.

25 THE COURT: And that's fine. Give me your number.

1 JUROR NUMBER 166: 166.

2 THE COURT: 160 what?

3 JUROR NUMBER 166: Six.

4 THE COURT: Thank you. All right.

5 Yes, ma'am?

6 JUROR NUMBER 347: Does retail loss prevention count?

7 THE COURT: Of course, it does. Stand up.

8 JUROR NUMBER 347: My juror number is 347.

9 THE COURT: Okay.

10 JUROR NUMBER 347: And I worked in retail loss

11 prevention, and my father was in the military.

12 THE COURT: Thank you. I appreciate it.

13 I saw someone else over here. Yes, sir, and yes, ma'am?

14 UNIDENTIFIED JUROR NUMBER: [Inaudible.]

15 THE COURT: Thank you.

16 Yes, ma'am?

17 JUROR NUMBER 50: Number 50. My husband is a

18 correctional officer.

19 THE COURT: I'm sorry. Where is he located at?

20 JUROR NUMBER 50: It was Sumter County.

21 THE COURT: He was in Sumter? Okay. Thank you.

22 And yes, sir?

23 JUROR NUMBER 198: Me?

24 THE COURT: Yes, you right in the front.

25 JUROR NUMBER 198: 198. My brother-in-law is a police

1 officer in Bluffton.

2 THE COURT: Your brother-in-law is a Bluffton police
3 officer?

4 JUROR NUMBER 198: Retired.

5 THE COURT: He retired? What is your brother-in-law's
6 name, if you would?

7 JUROR NUMBER 198: [Inaudible.]

8 THE COURT: Frazier?

9 JUROR NUMBER 198: Yes, ma'am.

10 THE COURT: Okay. And, sir, what was your number again?

11 JUROR NUMBER 198: 198.

12 THE COURT: 198. Okay.

13 Ladies and gentlemen, I'm also going to ask these
14 attorneys to introduce themselves to you so they know and you
15 know who they are, as well as if you would also introduce your
16 client, Ms. Diggs.

17 So let's start with the State. Ms. Norz?

18 MS. NORZ: My name is Francine Norz.

19 MS. LEMPESIS: And I'm Mary Jordan Lempesis [inaudible.]

20 THE COURT: Thank you.

21 MS. DIGGS: My name is Taylor Diggs. I'm an assistant
22 public defender here in the 14th Circuit. This is Courtney
23 Gibbs. She will be on this trial with me as well. She's a --
24 she's a deputy public defender. And this is Ms. Lora Lewis.
25 And we're happy to have y'all. Thank you.

1 THE COURT: Thank you.

2 Ladies and gentlemen -- yes, sir?

3 JUROR NUMBER 356: 356.

4 THE COURT: Yes.

5 JUROR NUMBER 356: You had asked -- the last question you
6 had asked was if anybody had been a victim?

7 THE COURT: Yes.

8 JUROR NUMBER 356: Approximately seven times I've been a
9 victim related to things at the jail.

10 THE COURT: Okay. So that was in your duties at the
11 jail. Were you a guard there?

12 JUROR NUMBER 356: [Inaudible.]

13 THE COURT: Okay. Yes, sir. All right. I appreciate
14 that. Thank you.

15 Anyone else?

16 (WHEREUPON, there was no response.)

17 THE COURT: Ladies and gentlemen, as I was asking, I want
18 to know if anyone here is related by blood, connected by
19 marriage, have a close personal relationship or ever been
20 represented by any of these attorneys here or worked in any of
21 their offices or any of your immediate family members worked
22 in either the Solicitor's Office here in the 14th Judicial
23 Circuit or the Public Defender's Office in the 14th Judicial
24 Circuit.

25 Also, let me just open up a little bit more. Is anyone a

1 personal friend, an acquaintance, a neighbor maybe of any of
2 the attorneys that are trying this case? If so, please stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: All right. Thank you.

5 Ladies and gentlemen, is there any person in this jury
6 panel or anyone in your immediate family that is employed by
7 the Attorney General's Office here in South Carolina or any
8 other solicitor's office here in South Carolina? If so,
9 please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Ladies and gentlemen, is there any member of
12 this jury panel who has ever been charged with or a victim of
13 a financial crime? If so, please stand.

14 Ma'am, if you would, give me your number, please.

15 JUROR NUMBER 102: 102.

16 THE COURT: Yes, ma'am.

17 JUROR NUMBER 102: Currently, the business that I own has
18 a person, an ex-employee, who was indicted on two counts of
19 fraud and theft, and it hasn't come to trial yet. It was back
20 in 2018.

21 THE COURT: All right. And have you been the
22 representative for that company?

23 JUROR NUMBER 102: No. We have a primary owner. There's
24 three owners of the company.

25 THE COURT: Okay. So you have not been working with

1 anyone at a Solicitor's Office or anything along those lines?

2 JUROR NUMBER 102: No, ma'am.

3 THE COURT: Okay. And that's Number 102.

4 JUROR NUMBER 102: Yes, ma'am.

5 THE COURT: Okay. Give me a moment.

6 THE BAILIFF: You've got one standing, Judge.

7 THE COURT: Yeah. Give me one moment. Thank you.

8 Ma'am, what I need to know from you is is can you be fair
9 and impartial in the trial of this case, understanding that
10 one doesn't have necessarily anything to do with another?

11 JUROR NUMBER 102: [Inaudible.]

12 THE COURT: Okay. You need to be absolutely certain.

13 JUROR NUMBER 102: [Inaudible.]

14 THE COURT: Thank you. Okay.

15 JUROR NUMBER 102: That is my certainty.

16 THE COURT: Pardon?

17 JUROR NUMBER 102: That is my certainty.

18 THE COURT: That is your certainty?

19 JUROR NUMBER 102: I believe in myself, you know.

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

21 I had someone else that was standing back here. Yes,
22 ma'am? Give me your number.

23 JUROR NUMBER 311: 311.

24 THE COURT: Uh-huh.

25 JUROR NUMBER 311: [Inaudible.]

1 THE COURT: Is there any person on this panel or any
2 member of your immediate family ever been charged with or a
3 victim of a financial crime?

4 JUROR NUMBER 311: I'm not sure if it's considered a
5 financial crime, but in New York State my husband's identity
6 was stolen for unemployment.

7 THE COURT: Okay. Do you -- will you -- I think I heard
8 you, but I want to make sure again.

9 JUROR NUMBER 311: My husband's identity in New York
10 State was stolen for unemployment.

11 THE COURT: For unemployment? Okay. I appreciate that.

12 JUROR NUMBER 311: [Inaudible] that it was applied for in
13 his name.

14 THE COURT: Okay.

15 JUROR NUMBER 311: The FBI was contacted, and they
16 questioned him and all that, and nothing has yet to come of
17 it.

18 THE COURT: All right. Thank you.

19 JUROR NUMBER 311: [Inaudible.]

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

21 All right. Yes? Yes, ma'am?

22 JUROR NUMBER 80: Juror 80. I was the victim of a purse
23 snatching several years ago, and they did use all my credit
24 cards.

25 THE COURT: Okay.

1 JUROR NUMBER 80: And money that was in the purse, and
2 the FBI was involved.

3 THE COURT: Okay. Ma'am, where did that occur?

4 JUROR NUMBER 80: In Maryland.

5 THE COURT: Okay. Thank you, ma'am.

6 Anyone? Yes?

7 JUROR NUMBER 109: [Inaudible] identity fraud also.

8 THE COURT: Okay. Give me your number?

9 JUROR NUMBER 109: 109.

10 THE COURT: 109? Thank you.

11 Anyone else?

12 THE BAILIFF: One standing, Your Honor.

13 THE COURT: Oh, I'm sorry. Yes?

14 JUROR NUMBER 188: 188. My in-laws were scammed, and
15 this was in Summerville, South Carolina. We submitted all the
16 evidence a couple times. They were -- it was over, like,
17 \$100,000 worth [inaudible].

18 THE COURT: Do you know how it was taken?

19 JUROR NUMBER 188: Well, she basically gave it away
20 through she thought that she was winning the Publishers
21 Clearinghouse. So she sent them fees, money order fees, and
22 then thought it was legit.

23 THE COURT: Okay.

24 JUROR NUMBER 188: [Inaudible.]

25 THE COURT: Okay. Thank you.

1 Anyone else? Yes, ma'am?

2 JUROR NUMBER 1: Juror Number 1. Identity theft twice in
3 the state of Florida.

4 THE COURT: State of Washington?

5 JUROR NUMBER 1: State of Florida.

6 THE COURT: Oh, state of Florida. I apologize.

7 Y'all, I have a doctor's appointment at 8 o'clock on
8 Wednesday morning, just to let you know, because this is
9 really difficult.

10 Okay. Ladies and gentlemen, do I have anyone here who
11 has ever participated in a ride-along program or other
12 training program with a law enforcement agency? I know the
13 Beaufort County Sheriff's Office does it and probably a few
14 other agencies do it.

15 Sir, your number is 356; correct?

16 JUROR NUMBER 356: [Inaudible.]

17 THE COURT: All right. Number 356 has done a ride-along
18 program. Is that what you've done?

19 JUROR NUMBER 356: With Beaufort Police Department.

20 THE COURT: With the Beaufort Police Department?

21 JUROR NUMBER 356: As part of my training as a
22 [inaudible].

23 THE COURT: Thank you.

24 Anyone else?

25 JUROR NUMBER 198: Your Honor?

1 THE COURT: Yes. I apologize. I need you to stand up,
2 y'all. Thanks. Yes?

3 JUROR NUMBER 198: [Inaudible.]

4 THE COURT: You did a ride along with who?

5 JUROR NUMBER 198: Bluffton.

6 THE COURT: With Bluffton? Okay.

7 Does any member of this jury panel follow the 14th
8 Circuit Solicitor's Office or the Beaufort County Sheriff's
9 Office or the Bluffton Police Department on social media? If
10 so, please stand.

11 All right. I'm going to start with you over here because
12 there's only one right now. Ma'am, give me your name or --
13 I'm sorry. Your number is fine.

14 JUROR NUMBER 103: 103.

15 THE COURT: What do you follow?

16 JUROR NUMBER 103: {Inaudible.]

17 THE COURT: Sheriff's Office? All right. And you say
18 you follow them. How do you -- like, what is your social
19 media?

20 JUROR NUMBER 103: Instagram and Facebook.

21 THE COURT: Instagram and Facebook. Thank you.

22 Okay. Sir, your number?

23 JUROR NUMBER 246: 246.

24 THE COURT: Yes?

25 JUROR NUMBER 246: I just follow [inaudible] Bluffton

1 Police Department [inaudible].

2 THE COURT: Okay. Thank you.

3 Yes, ma'am?

4 JUROR NUMBER 311: 311. Bluffton is on my Facebook.

5 THE COURT: Thank you, ma'am.

6 Sir?

7 JUROR NUMBER 356: 356. Bluffton PD, Beaufort PD,

8 Beaufort County Sheriff's Office, the 14th Circuit Solicitor's

9 Office on Facebook and Instagram as well.

10 THE COURT: Thank you, sir.

11 All right. Yes, ma'am?

12 JUROR NUMBER 216: 216.

13 THE COURT: Uh-huh.

14 JUROR NUMBER 216: And I recall following the Bluffton

15 Police Department and Beaufort County Sheriff's Department on

16 Facebook.

17 THE COURT: Okay. Thank you.

18 Sir?

19 JUROR NUMBER 167: 167. I follow the Beaufort County

20 Sheriff on Facebook.

21 THE COURT: Thank you.

22 Yes?

23 JUROR NUMBER 1: Beaufort County and Bluffton.

24 THE COURT: Thank you, ma'am.

25 All right. Ladies and gentlemen, is there any member

1 here -- I'm sorry. Is there any juror here who is a member of
2 or contributor to any group which has as its primary purpose
3 victims' rights? That would be groups like MADD, Mothers
4 Against Drunk Driving, or CAPA or any of the domestic violence
5 shelters, anything along those lines. Is anyone here a member
6 of or contributor to any of those types of groups?

7 And that would include, ladies and gentlemen, also -- I
8 apologize -- probably the Troopers Association, the Sheriff's
9 Association when they call up and ask for donations, that type
10 of thing. Do I have anyone, again, who is a member of or
11 contributor to any of those types of groups?

12 Sir, if you would stand.

13 JUROR NUMBER 113: 113. I volunteered at CAPA and
14 donated stuff.

15 THE COURT: To CAPA? Thank you, sir.

16 Yes?

17 UNIDENTIFIED JUROR NUMBER: [Inaudible.]

18 THE COURT: Thank you.

19 Anyone else?

20 (WHEREUPON, there was no response.)

21 THE COURT: Ladies and gentlemen, the allegations in this
22 case are that roughly between March 2nd of 2016 through
23 November 7th of 2018 that the defendant, Ms. Lewis, did commit
24 a breach of trust against Benchmark Interiors, ladies and
25 gentlemen, and did convert monies for her own use.

1 Ladies and gentlemen, my question is this. Does anyone
2 know anything independently about this case? Do you remember
3 reading about it in the paper potentially or reading about it
4 on any social media site, anything along those lines?

5 (WHEREUPON, there was no response.)

6 THE COURT: Ladies and gentlemen, based on the nature of
7 the charge and that is breach of trust with fraudulent intent
8 over \$10,000, do you know of any reason whatsoever that you
9 cannot be a fair and impartial juror in the trial of this
10 case?

11 (WHEREUPON, there was no response.)

12 THE COURT: Ladies and gentlemen, does anyone know of any
13 reason whatsoever that you cannot be a fair and impartial
14 juror in this case?

15 (WHEREUPON, there was no response.)

16 THE COURT: Is there any further questions requested of
17 this Court from the State?

18 MS. NORZ: No, Your Honor.

19 THE COURT: From the defense?

20 MS. DIGGS: None from the defense.

21 THE COURT: Can I see y'all for just a moment as well?

22 (WHEREUPON, a bench conference was held off the record,
23 after which the proceedings resumed as follows.)

24 THE COURT: Ladies and gentlemen, the following is a list
25 of potential witnesses in this case and, again, I need to know

1 whether you are related by blood, connected by marriage, have
2 a close personal relationship, special relationship with any
3 of these potential witnesses, ladies and gentlemen.

4 The first is James Jansen, and the second is Brenda
5 Jansen. They are the owners of Benchmark Interiors.

6 Chelsea Black, who is with South State Bank.

7 Ellen Bell of TD bank.

8 What is the name of the CPA firm?

9 MS. NORZ: [Inaudible.]

10 THE COURT: That's what it's called?

11 MS. NORZ: [Inaudible.]

12 THE COURT: All right. Ladies and gentlemen, the firm is
13 Christine Cassidy, CPA, and the person that is going to be
14 here I understand is Anita Murphy.

15 Sir, if you would for me, stand up.

16 JUROR NUMBER 263: That's my CPA.

17 THE COURT: That's your CPA?

18 JUROR NUMBER 263: Yes.

19 THE COURT: All right. I'm going to go ahead -- give me
20 your number again?

21 JUROR NUMBER 263: 263.

22 THE COURT: 263. I'm going to go ahead and excuse you
23 from the trial of this case. All right? You need to go back
24 to the other room just very briefly, and I'll be back with you
25 all. Okay?

1 Ladies and gentlemen, another potential witness is Adam
2 Thompson, who was formerly with the Bluffton Police
3 Department. Adam Thompson.

4 The defendant in this case, Lora Mae Lewis, who is right
5 up here.

6 And George Wetzel.

7 All right. Ladies and gentlemen, again I also want to
8 just again make sure that no one here is related by blood,
9 connected by marriage, friends with, neighbors of, or have any
10 kind of acquaintance with the defendant, Ms. Lewis, in this
11 case. If you do, I need you to stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Now, is there anything more from the State?

14 MS. NORZ: No, Your Honor.

15 THE COURT: From the defense? No?

16 MS. DIGGS: No, Your Honor.

17 THE COURT: Carol?

18 (WHEREUPON, there was a pause in the proceedings, after
19 which the proceedings resumed as follows.)

20 THE COURT: All right. Ladies and gentlemen, what is
21 happening now is those of you that have been found qualified,
22 your name is being placed into the computer. It is going to
23 randomly draft me a list of -- one and two -- of about 28
24 names.

25 What's going to happen at that point, ladies and

1 gentlemen, is you're going to -- your name is going to be
2 called and you're going to stand, and each side has an
3 opportunity to either accept you as a juror or excuse you as a
4 juror. If both sides accept you as a juror, I'm going to ask
5 that you come forward and take a seat up here in the jury box.
6 That'll be your signal, ladies and gentlemen, that you are on
7 my jury. All right?

8 So with that said, I will tell you if you do get chosen
9 on my jury, my intent would be is once that's done, I'm going
10 to excuse you for an early lunch. There are pretrial matters
11 that I have to deal with with the lawyers, and then we'll
12 bring you back and we'll start the trial of this case in the
13 early afternoon. All right? So that is what we hope to be
14 able to do this morning.

15 So bear with us, ladies and gentlemen. Also, I will tell
16 you that if you do get chosen as a juror and you are asked to
17 step forward, bring all your belongings with you. All right?

18 (WHEREUPON, there was a pause in the proceedings, after
19 which the proceedings resumed as follows.)

20 THE CLERK: If you will please stand when I call your
21 number.

22 Juror Number 347. 347.

23 (WHEREUPON, a white female stood.)

24 THE CLERK: What says the State?

25 MS. NORZ: Please seat the juror.

1 THE CLERK: What says the defense?
2 THE COURT: I'm sorry, Norman. I thought you said please
3 seat the juror, didn't you, Ms. Norz?
4 MS. NORZ: Yes, ma'am.
5 THE COURT: She said please seat.
6 THE BAILIFF: Oh, I'm sorry.
7 THE COURT: That's all right. Keep standing.
8 MS. DIGGS: Please excuse the juror.
9 THE BAILIFF: Now you can sit down, ma'am.
10 THE CLERK: 276.
11 WHEREUPON, a white male stood.)
12 THE CLERK: What say the State?
13 MS. NORZ: Please excuse the juror.
14 THE BAILIFF: You can sit down sir.
15 THE CLERK: 102.
16 (WHEREUPON, a white female stood.)
17 THE CLERK: What say the State?
18 MS. NORZ: Please seat the juror.
19 THE CLERK: What say the defense?
20 MS. DIGGS: Please excuse the juror.
21 THE BAILIFF: You can sit down, ma'am.
22 THE CLERK: Number 188.
23 (WHEREUPON, a white female stood.)
24 MS. NORZ: Please seat the juror.
25 THE CLERK: What say the defense?

1 THE COURT: No, no, no. Stay standing. When they say
2 please seat the juror, that means they want you to sit up
3 here. So I apologize. I think everyone is hearing the word
4 seat and everyone is feeling like they need to sit down.
5 MS. DIGGS: Please excuse the juror.
6 THE BAILIFF: You may sit down, ma'am.
7 THE CLERK: Number 43.
8 (WHEREUPON, a white female stood.)
9 MS. NORZ: Please present the juror.
10 THE COURT: Thank you.
11 THE CLERK: What say the defense?
12 MS. DIGGS: What number?
13 THE CLERK: 43.
14 MS. DIGGS: Please seat the juror.
15 THE BAILIFF: Come forward, ma'am.
16 THE COURT: Come on up.
17 THE CLERK: Number 162.
18 (WHEREUPON, a white female stood.)
19 THE CLERK: What say the State?
20 MS. NORZ: Please present the juror.
21 THE CLERK: What say the defense?
22 MS. DIGGS: Please seat the juror.
23 THE BAILIFF: Come forward, please, ma'am.
24 THE CLERK: Number 52.
25 (WHEREUPON, a white male stood.)

1 THE CLERK: What say the State?
2 MS. NORZ: Please present the juror.
3 THE COURT: Come on up right here.
4 THE CLERK: What say the defense?
5 MS. DIGGS: Please excuse the juror.
6 THE BAILIFF: You can sit down, sir.
7 THE CLERK: Number 113.
8 (WHEREUPON, a white male stood.)
9 THE CLERK: What say the State?
10 MS. NORZ: Please present the juror.
11 THE CLERK: What say the defense?
12 MS. DIGGS: Please seat the juror.
13 THE BAILIFF: Come forward, sir.
14 THE CLERK: Number 271.
15 (WHEREUPON, a white female stood.)
16 THE CLERK: What say the State?
17 MS. NORZ: Please excuse the juror.
18 THE BAILIFF: You can sit down. Thank you.
19 THE CLERK: Number 176.
20 (WHEREUPON, a white male stood.)
21 THE CLERK: What say the State?
22 MS. NORZ: Please present the juror.
23 THE CLERK: What say the defense?
24 MS. DIGGS: Please seat the juror.
25 THE BAILIFF: Come forward, sir.

1 THE CLERK: Number 166.
2 (WHEREUPON, a white female stood.)
3 THE CLERK: What say the State?
4 MS. NORZ: Please present the juror.
5 THE CLERK: What say the defense?
6 MS. DIGGS: Please seat the juror.
7 THE BAILIFF: Come forward, please, ma'am.
8 THE CLERK: Number 50.
9 (WHEREUPON, a black female stood.)
10 THE CLERK: What say the State?
11 MS. NORZ: Please present the juror.
12 THE CLERK: What say the defense?
13 MS. DIGGS: Please seat the juror.
14 THE BAILIFF: Come forward, ma'am.
15 THE CLERK: Number 116.
16 (WHEREUPON, a white male stood.)
17 THE CLERK: What say the State?
18 MS. NORZ: Please present the juror.
19 THE CLERK: What say the defense?
20 MS. DIGGS: Please seat the juror.
21 THE BAILIFF: Come forward, sir.
22 THE CLERK: Number 167.
23 (WHEREUPON, a white male stood.)
24 THE CLERK: What say the State?
25 MS. NORZ: Please present the juror.

1 THE CLERK: What say the defense?
2 MS. DIGGS: Please seat the juror.
3 THE BAILIFF: Come forward, sir.
4 THE CLERK: Number 140.
5 (WHEREUPON, a white female stood.)
6 THE CLERK: What say the State?
7 MS. NORZ: Please present the juror.
8 THE CLERK: What say the defense?
9 MS. DIGGS: Please excuse the juror.
10 THE BAILIFF: You can sit down, ma'am.
11 THE CLERK: Number 346.
12 (WHEREUPON, a white female stood.)
13 THE CLERK: What say the State?
14 MS. NORZ: Please excuse the juror.
15 THE BAILIFF: You can sit down, ma'am. Thank you.
16 THE CLERK: Number 216.
17 (WHEREUPON, a white female stood.)
18 THE CLERK: What say the State?
19 MS. NORZ: Please present the juror.
20 THE CLERK: What say the defense?
21 MS. DIGGS: Please seat the juror.
22 THE BAILIFF: Come forward, please, ma'am.
23 THE CLERK: Number 317.
24 (WHEREUPON, a white female stood.)
25 THE CLERK: What say the State?

1 MS. NORZ: Please excuse the juror.
2 THE BAILIFF: You can sit down, ma'am. Thank you.
3 THE CLERK: Number 273.
4 (WHEREUPON, a white male stood.)
5 THE CLERK: What say the State?
6 MS. NORZ: Please present the juror.
7 THE CLERK: What say the defense?
8 MS. DIGGS: Please seat the juror.
9 THE BAILIFF: Come forward, sir.
10 THE CLERK: Number 17.
11 (WHEREUPON, a white male stood.)
12 THE CLERK: What say the State?
13 MS. NORZ: Please excuse the juror.
14 THE BAILIFF: You can sit down, sir.
15 THE CLERK: Number 62.
16 (WHEREUPON, a white female stood.)
17 MS. NORZ: Please present the juror.
18 THE CLERK: What say the defense?
19 MS. DIGGS: Please seat the juror.
20 THE BAILIFF: Come forward, please, ma'am.
21 THE CLERK: Number 209.
22 (WHEREUPON, a white male stood.)
23 MS. NORZ: Please present the juror.
24 THE CLERK: What say the defense?
25 MS. DIGGS: Please seat the juror.

1 THE BAILIFF: Come forward, sir.

2 THE CLERK: Seating alternate number one. Juror Number

3 1.

4 (WHEREUPON, a white female stood.)

5 THE CLERK: What say the State?

6 MS. NORZ: Please present the juror.

7 THE CLERK: What say the defense?

8 MS. DIGGS: Please excuse this juror.

9 THE BAILIFF: You can sit down, ma'am. Thank you.

10 THE CLERK: Number 80.

11 (WHEREUPON, a white female stood.)

12 THE CLERK: What say the State?

13 MS. NORZ: Please present the juror.

14 THE CLERK: What say the defense?

15 MS. DIGGS: Please excuse this juror.

16 THE BAILIFF: You can sit down. Thank you.

17 THE CLERK: Number 103.

18 (WHEREUPON, a white female stood.)

19 THE CLERK: What say the State?

20 MS. NORZ: Please present the juror.

21 THE CLERK: Strike for cause?

22 MS. DIGGS: Please seat the juror.

23 THE BAILIFF: You can come forward, ma'am.

24 THE CLERK: Alternate number two, 311.

25 (WHEREUPON, a white female stood.)

1 MS. NORZ: Please present the juror.

2 THE CLERK: What say the defense?

3 MS. DIGGS: Please seat the juror.

4 THE BAILIFF: Come forward, please.

5 THE COURT: Are there any matters of law we need to take
6 up regarding the jury selection process from the State?

7 MS. NORZ: No, Your Honor.

8 THE COURT: From the defense?

9 MS. DIGGS: None from the defense.

10 THE COURT: Thank you.

11 Welcome, ladies and gentlemen. As you know, you're my
12 jury for the trial of this case. If you'll just sit tight
13 with me for a moment.

14 Is there any reason why I cannot excuse the rest of the
15 panel for the week? Does anyone know of any reason? Ms.
16 Lempesis, is that fine?

17 MS. LEMPESIS: [Inaudible.]

18 THE COURT: All right. Thank you.

19 Ladies and gentlemen, those of you that are out here, I'm
20 going to go ahead and excuse you for the week with my thanks.
21 We appreciate you being here, but you are excused for the
22 remainder of the week to go about your business. Thank you.

23 Rick, are you going to go release them on the other side
24 as well? Thank you.

25 (WHEREUPON, the jury panel was released and exited the

1 courtroom at 11:18 a.m.)

2 THE COURT: Can I see the attorneys just about the
3 scheduling, please?

4 MS. NORZ: Yes, Your Honor.

5 (WHEREUPON, a bench conference was held off the record,
6 after which the proceedings resumed as follows.)

7 THE COURT: All right. Ladies and gentlemen, again,
8 welcome. We so appreciate you being here. I do want you to
9 know that when I start with a trial roster for a week, I have
10 a lot of cases on it and we always resolve them. Just knowing
11 that jurors are going to be here and able to serve helps me
12 get rid of those cases as well. So thank you.

13 There's just a couple of ground rules I need to tell you
14 before we break for lunch today. We are going to take an
15 early lunch. There is about 45 minutes' worth of pretrial
16 matters that I need to handle with the attorneys. So we're
17 going to do that while you're at lunch and get a little longer
18 lunch so you're not sitting around waiting on us.

19 Ladies and gentlemen, first off, I'm going to ask you
20 that if you did bring a cell phone in with you, I'm going to
21 ask that you leave it back in your car when you come back.
22 The only reason, ladies and gentlemen, is you can get so much
23 information off of a smartphone these days that we don't want
24 anyone tempted while you're back in the jury room looking at
25 your phones. So out of an abundance of caution we just ask

1 that you leave them back in your car or I know my bailiffs do
2 not like to hold them because they always get them mixed up,
3 but if you really are concerned about it and don't want to
4 leave it in the car, you can potentially ask your bailiff to
5 hold it.

6 Ladies and gentlemen, you're not allowed to speak about
7 this case with anyone over the lunch hour or when we break or
8 even with each other until you've heard all the evidence in
9 this case, the lawyers have made their closing argument, and I
10 have charged you on the law, which is what I'm going to do at
11 the very end of the trial. You're not supposed to discuss it
12 in any way at all back in the jury room until the case is
13 actually sent to you specifically for your deliberations. So
14 I just remind you of that.

15 I also need to instruct you that you're not to do any
16 independent research. Maybe over the lunch hour or the break,
17 I don't want you looking up anything, maybe the law or any
18 information. You're going to have everything you need to
19 decide this case right here in this courtroom, and it would be
20 inappropriate for you to have any outside influence
21 whatsoever. All right?

22 Ladies and gentlemen, also if you are on social media, I
23 cannot have you talking about, blogging about, posting
24 anything as far as being a juror in the trial of this case.
25 It's not appropriate to do that.

1 Ladies and gentlemen, also, I don't think there's going
2 to be anything in the newspaper or the news about this case,
3 but out of an abundance of caution for you to turn on the TV,
4 the newspaper or look at anything, I want to make sure that
5 you don't read anything about this case or see anything or
6 hear anything about this case. All right?

7 Also, I am going to tell you that in coming and going
8 from the trial of this case, you may pass the witnesses, the
9 parties, the lawyers, and I have instructed all of them not to
10 speak to you, and the reason is is just an independent
11 conversation that's, you know, it's cold outside, we have
12 cameras in every portion of this courthouse and in every
13 portion of the parking lot.

14 So for some reason we see you having some kind of
15 interaction with any of the parties, any of the lawyers, any
16 of the witnesses, we're going to ask you about it because it's
17 on camera, and I don't want to have to do that. So out of an
18 abundance of caution, I just remind you if you pass them in
19 the hall, if you pass them in the elevator, and they don't
20 even say hello, please understand they're just following my
21 orders. All right?

22 The only thing also, ladies and gentlemen, I ask is that
23 you do your very best to be on time. I try to run my
24 courtroom as efficiently as possible for my jury because I
25 don't want to waste your time. By doing that though, ladies

1 and gentlemen, we are on a tight schedule and the witnesses
2 have been asked to come at certain times, so we want to really
3 be able to prepare this case for you and move it along.

4 So when you do come back from lunch, I'm going to ask
5 that you do your best to be on time. If for any reason you
6 are running late, have a flat tire, any problems or
7 particularly over the evening tonight if you have any issues,
8 I need you to call to the clerk of court's office and say I'm
9 a juror and, you know, I'm sitting on actually the trial jury
10 and I've got this issue. We will come get you. We will find
11 you because I cannot start unless all 14 of you are here. All
12 right?

13 And I will also tell my two alternates I appreciate you
14 being here. I can tell you that since the advent of COVID, I
15 have lost jurors a lot lately. So please pay attention and be
16 aware because it's very likely that you may end up being on
17 this jury.

18 And with that said, ladies and gentlemen, if anyone falls
19 ill or is not feeling well at any point, I need you to tell
20 the bailiffs directly. They will tell me. Or overnight if
21 you have some issue and you don't feel well, please call in so
22 we know where you are and what your concerns are, and if I'm
23 able to, I will excuse you just based on what, you know, the
24 issue is. All right?

25 So everyone okay? Everyone's feeling fine? It's pretty

1 warm in here. So I think we're okay as far as temperature is
2 concerned.

3 Ladies and gentlemen, I am going to ask that you be back
4 in your jury room at 1:30 where we're going to begin the trial
5 of this case. You're going to hear the opening statements
6 from the lawyers, I'm going to make a brief comment of just
7 the procedure we're following, and then we're going to go
8 ahead and go right into this case.

9 I will tell you that I expect to run roughly until 5
10 o'clock unless someone tells me they need to be home before
11 that. I know some of you come, you know, from different
12 places. I come from Hilton Head. So I've got a drive. Does
13 anyone have a prior obligation tonight that they must be out
14 of here at a certain time to be able to make that obligation?
15 Anyone?

16 All right. Yes, sir?

17 UNIDENTIFIED JUROR: Question.

18 THE COURT: Yes.

19 UNIDENTIFIED JUROR: So I have a part-time job and it
20 runs late at night. You know, I work at CVS Pharmacy.

21 THE COURT: Okay.

22 UNIDENTIFIED JUROR: But they'll let me off. I mean
23 they're not -- like, I told them I have jury duty.

24 THE COURT: Right.

25 UNIDENTIFIED JUROR: But should I go to work tonight?

1 But I've got to be here first thing in the morning. So I
2 should probably --

3 THE COURT: You should probably call in. I don't want
4 you tired either, and that's the other thing when I have
5 people who work night shifts. I will honestly tell you this
6 and it's something that I speak with jurors about and
7 certainly my friends that sit on juries. It's very difficult.
8 You are going to be sitting there all day and listening.
9 You're not allowed to ask questions. And it's tiring, believe
10 it or not. It really is. So you are going to be tired, as I
11 see one yawning already. So I would suggest --

12 UNIDENTIFIED JUROR: I can text them or I can -- I'll
13 call them and tell them I can't make it.

14 THE COURT: However you need to do that. I would suggest
15 that you maybe not work tonight. I think that's probably
16 safest.

17 UNIDENTIFIED JUROR: That's definitely what I thought I
18 should do.

19 THE COURT: Okay.

20 UNIDENTIFIED JUROR: You know.

21 THE COURT: I think that's -- I think that's probably a
22 pretty good idea.

23 All right. So, ladies and gentlemen, if you will be back
24 in your jury room at 1:30, we're going to go ahead and begin,
25 like I said, the trial of this case, but one thing, ladies and

1 gentlemen, I do need you to do when you come back from lunch,
2 I need you to elect a foreperson.

3 The foreperson doesn't have any more say than anyone
4 else. They're simply the person that communicates with me in
5 regards to scheduling and they are also the person that when I
6 send the case to you for your deliberations, they will fill
7 out the verdict form and they'll make sure that everyone is
8 contributing to the deliberations.

9 I need that foreperson to be sitting in this front seat
10 right here. So you may end up with it as a default, which
11 happens sometimes on my juries, but -- and then as far as my
12 alternates, I need you two to stay in the same spot just so I
13 can keep an eye on you. The rest of you as you come and go,
14 ladies and gentlemen, you're able to walk around.

15 Also, if I have anyone that needs stretches, we will take
16 breaks, stretches, anything you need. Simply ask the
17 bailiffs. If you need a phone while you're here, they will
18 take you to a phone. We're here to serve you, ladies and
19 gentlemen, to take care of you.

20 I can tell you this, and this has become so much more
21 prominent during COVID, if we don't have jurors to serve on
22 these cases, we can't move these cases. So we appreciate it.
23 No one here in this courtroom or the courthouse for that
24 matter can do their job without having citizens in Beaufort
25 County willing to serve and able to serve. So we are grateful

1 you're here and I appreciate you being here.

2 Go grab a bite to eat, ladies and gentlemen, and we'll
3 see you back promptly at 1:30 when we will go ahead and begin
4 the trial of this case. All right? Thank you. Again, if you
5 need anything, just let Tom know.

6 (WHEREUPON, the jury exited the courtroom at 11:26 a.m.)

7 THE BAILIFF: The jury is clear, Your Honor.

8 THE COURT: Thank you.

9 Y'all, let's take about a 10-minute break, if that's okay
10 with you, and then we'll come back. We'll do all the
11 pretrials and then hopefully it'll give you a little bit of
12 time to grab a bite to eat, but I'd like to get those, you
13 know, away or get rid of those for now. Okay? I appreciate
14 it. Okay.

15 MS. NORZ: Thank you.

16 (WHEREUPON, there was a break in the proceedings from
17 11:27 a.m. until 11:49 a.m., after which the proceedings
18 resumed as follows.)

19 THE COURT: Is there any pretrial motions on behalf of
20 the State? No?

21 MS. NORZ: No, Your Honor. Unless you want to put the
22 plea offer into evidence.

23 THE COURT: Okay. Thank you.

24 MS. NORZ: Let me get that. And then regarding the
25 victims who are also witnesses, we do ask that they be

1 permitted to stay throughout the trial.

2 THE COURT: Okay.

3 MS. NORZ: They're the first two witnesses.

4 THE COURT: They're the first two witnesses? Okay. Are
5 they husband and wife?

6 MS. NORZ: Yes.

7 THE COURT: Thank you. Okay.

8 Okay. Go ahead and put the plea offer, if you would, on
9 the record. Is it marked?

10 MS. NORZ: No.

11 THE COURT: Okay. Loraine, do you have stickers or are
12 the lawyers doing theirs? Okay.

13 Why don't you go ahead -- have you guys marked your
14 exhibits in this case or -- yeah, I'm thinking that's probably
15 a great idea. Okay. Thank you.

16 So why don't we go ahead? Do you want to just do that as
17 a Court's exhibit and we'll -- are you comfortable with that?

18 MS. NORZ: [Inaudible.]

19 THE COURT: She's going to do it. Loraine, can you do
20 that for me?

21 THE COURT MONITOR: Yes, ma'am.

22 THE COURT: Okay. Thank you.

23 (WHEREUPON, the plea offer was marked as Court's Exhibit
24 No. 1.)

25 THE COURT: All right. May I see it? And I just want to

1 make sure, Ms. Diggs, is that you relayed the offer to your
2 client; is that correct?

3 MS. DIGGS: I did, Your Honor.

4 THE COURT: Okay.

5 MS. DIGGS: [Inaudible.]

6 THE COURT: Loraine, can I see it? Thank you. Okay.

7 (WHEREUPON, there was a pause in the proceedings, after
8 which the proceedings resumed as follows.)

9 THE COURT: All right. Will you just one more time -- I
10 just don't see that on this exhibit it was either accepted or
11 rejected. So I don't know if you had a different copy.

12 MS. NORZ: I don't, Your Honor. I think they only gave
13 it to me orally. And Ms. Diggs was, like, the third or fourth
14 PD on this.

15 THE COURT: I understand that. I just want to go ahead
16 and make sure that you -- for the record so that she can hear
17 and that I can know what the offer was. Okay? Go ahead.

18 MS. NORZ: The offer was -- if I can see that?

19 THE COURT: Loraine, it's right here in front of me.
20 Thanks.

21 MS. DIGGS: So the offer was if the defendant pays
22 \$200,000 in restitution prior to pleading, then it would be a
23 -- it says negotiated plea, but nothing negotiated there. So
24 a recommendation of 10 years suspended to six years to serve
25 and five years of probation, plus restitution of \$53,421.28 to

1 be paid while on probation. If the defendant does not pay
2 this amount of restitution prior to the plea, then again it
3 says then a negotiated plea of 10 years, but I I take it as a
4 recommendation of 10 years.

5 THE COURT: Right.

6 MS. DIGGS: Suspended to 8 years active time and five
7 years' probation with a total of \$253,421.28 in restitution.

8 THE COURT: Uh-huh.

9 MS. DIGGS: And I have relayed this offer to my client on
10 a few separate occasions and it was indicated to me that she
11 wishes to reject this offer.

12 THE COURT: Okay.

13 MS. DIGGS: And wants a trial.

14 THE COURT: Okay.

15 MS. NORZ: Your Honor, one other thing.

16 THE COURT: Yes.

17 MS. NORZ: After Ms. Diggs's motions because they -- I
18 was going to ask that we do some authentication of some of the
19 exhibits, the bank records in particular, but since her motion
20 that I got this morning relates to some of those, I'm going to
21 hold off on that. But they should be self-authenticating
22 because they did come with an affidavit, but she's challenging
23 the search warrant --

24 THE COURT: Okay.

25 MS. NORZ: -- on the TD Bank statements.

1 THE COURT: Okay. So we'll just go through it on each of
2 her motions. So that's fine.

3 You can start. I have it. Thank you. Oh, that, yes.
4 Yes. Okay. Your first motion?

5 MS. DIGGS: Okay. We'll proceed with the TD Bank warrant
6 -- bank warrant -- search warrant. So I do not have a written
7 motion, but this is a motion to quash the search warrant for
8 lack of probable cause. I do have a copy of the search
9 warrant and the return.

10 THE COURT: May I see it, please?

11 MS. DIGGS: So I was going to --

12 THE COURT: Please.

13 MS. DIGGS: And Ms. Norz has -- I showed this to her as
14 well and she's got -- we made copies.

15 THE COURT: Okay. Thank you. Thank you.

16 MS. DIGGS: And --

17 THE COURT: What's your basis for it not having probable
18 cause?

19 MS. DIGGS: The basis of the argument, I do not believe
20 that in Detective Thompson's affidavit to the municipal
21 recorder at Bluffton Municipal -- the only part of the
22 affidavit that I am taking issue with is the fact that, you
23 know, it's an affidavit for all of her financial records
24 contained at TD Bank.

25 THE COURT: And that is for your client's?

1 MS. DIGGS: Yes, ma'am.

2 THE COURT: Okay.

3 MS. DIGGS: Those are -- so it's all of my client's bank
4 records. And so prior to the search warrant, prior to the
5 officer applying for the search warrant, I know that during
6 her arrest they went to her house. He wrote in his incident
7 report that -- that she had asked if she would use her debit
8 card and pulled her debit card out and it said -- and he saw
9 that it said TD Bank.

10 THE COURT: Uh-huh.

11 MS. DIGGS: And then so fast forward to May 29th of 2019.

12 THE COURT: Uh-huh.

13 MS. DIGGS: These records were never sought until then,
14 and he wrote in his report that he received a call from Ms.
15 Norz asking if he was ever able to obtain those records and so
16 he told her that he wasn't ever able to figure out where she
17 banked and so he wasn't able to find -- to get those records.

18 THE COURT: Uh-huh.

19 MS. DIGGS: Ms. Norz informed him that the victims
20 informed her that Ms. Lewis banks at TD Bank.

21 THE COURT: Uh-huh.

22 MS. DIGGS: And his response was that he would fill out a
23 search warrant and see if the judge would sign it. And so in
24 his probable cause affidavit --

25 THE COURT: Can someone tell me how exactly she allegedly

1 took the money? What was the form of it?

2 MS. NORZ: Yes, Your Honor. She wrote checks to herself
3 out of the company's checking account.

4 THE COURT: Okay.

5 MS. NORZ: And she -- that was it. She wrote checks to
6 herself that were unauthorized and she deposited them into her
7 own personal checking account, which is TD.

8 THE COURT: And is that what this search warrant was for
9 was to get --

10 MS. NORZ: That was for the TD Bank account --

11 THE COURT: Okay.

12 MS. NORZ: -- information. So when they went and got the
13 canceled checks from South State Bank, which is the company's
14 account --

15 THE COURT: Okay.

16 MS. NORZ: They could see that the checks were written
17 payable to Lora Lewis and endorsed by --

18 THE COURT: Okay.

19 MS. NORZ: -- the signature of Lora Lewis.

20 THE COURT: And they were routed -- was the routing
21 number on the bottom --

22 MS. NORZ: The routing number --

23 THE COURT: -- of the check to TD Bank?

24 MS. NORZ: Right.

25 THE COURT: Okay.

1 MS. NORZ: And I mean they could have figured out in the
2 banking system exactly what that routing number was. I think
3 probably SLED would've been able to do it pretty quickly.

4 THE COURT: Yeah.

5 MS. NORZ: But that's not how -- Adam didn't -- Mr. --
6 Detective Thompson didn't do that way. So it's easy enough to
7 figure out how Lora Lewis banked because she also would've had
8 paychecks that were deposited somewhere.

9 THE COURT: Uh-huh.

10 MS. NORZ: And I have in the past done that where I have
11 an investigation based on the routing number where it went.

12 THE COURT: Uh-huh.

13 MS. NORZ: But I don't know how Detective Thompson
14 decided TD Bank, but maybe the victims just knew that. I
15 don't know.

16 THE COURT: Uh-huh.

17 MS. NORZ: They were issuing paychecks to her. So --

18 MS. DIGGS: And my argument isn't that it would've been
19 hard to figure out where she banked. I mean he did figure out
20 where she banked. My issue is he did not put any of that
21 information in the search warrant. You know, he put the --
22 you know, the basis of the charge, but the final line and the
23 only line that mentions TD Bank is it is the affiant's belief
24 that there is evidence held at TD Bank which will show that
25 Lewis was depositing checks into personal account.

1 And my issue is that at no point in the -- in the
2 affidavit does he say where he would have obtained information
3 that she banks at TD Bank, where that -- you know, where he
4 got that from. No connection. You know, he shows no
5 connection between Lora Lewis and TD Bank, and I feel like the
6 way that it's -- the affidavit is written, I mean he could
7 have just taken out TD Bank for any other bank and served them
8 on any bank, quite frankly, to see which one got a hit.

9 THE COURT: I mean it says it is the affiant's belief
10 that there is evidence held at TD Bank which will show that
11 Lewis was depositing the checks into personal accounts which
12 are -- which that are not affiliated with the business in any
13 way.

14 MS. DIGGS: Right.

15 THE COURT: Enough said?

16 MS. DIGGS: So our argument is that I would think
17 probable cause would, you know, necessitate him putting in the
18 affidavit where he obtained this information, the source of
19 the information. You know, she obviously has a right to
20 privacy in her entire financial records.

21 And so I know that the standard for the probable cause is
22 under *Illinois v. [inaudible]*, the U.S. Supreme Court case,
23 you know, where the magistrate -- it states the task of the
24 issuing magistrate is to simply make a practical commonsense
25 decision whether given all the circumstances set forth in the

1 affidavit before him, including the veracity and basic
2 knowledge of the person supplying hearsay information, there
3 is a fair probability that contraband or evidence of a crime
4 will be found in a particular place.

5 And I don't think that his statements in the affidavit at
6 all go towards why he believes these records will be found at
7 TD Bank. So that's pretty much it.

8 THE COURT: Anything -- anything further on that, Ms.
9 Norz?

10 MS. DIGGS: And I think he could've put -- you know, I
11 think it would've been totally sufficient to put that he saw
12 her debit card as they were arresting her or that --

13 THE COURT: Or he saw the routing number on the checks
14 that were passed through.

15 MS. DIGGS: Right. Or that Ms. Norz -- the victims said
16 that that's where she banked. I think that would have been
17 totally -- I mean that would've been probable cause, but after
18 his conversation with Ms. Norz about that and then he goes and
19 writes the warrant and doesn't even put that in there, I just
20 think that the source of the information and some link between
21 Lora Lewis and TD Bank, you know, just put in the warrant so
22 that the municipal court reporter or judge or whoever signed
23 the warrant would have, you know, enough information to
24 determine that this evidence is likely to be found at the
25 premises that he is asking to search.

1 THE COURT: Uh-huh.

2 MS. NORZ: Your Honor, I believe that Detective Thompson
3 did say in here that they had the checks from -- that were
4 from out of the company's account. I don't think he has to
5 put in the affidavit every single possible reason why he has
6 this suspicion and probable cause, but I think having those
7 checks with the -- obviously, it has routing numbers on the
8 checks. So that would be sufficient cause to rule in TD Bank.

9 THE COURT: Okay. I agree. I'm going to deny your
10 motion to quash the subpoena.

11 What's your next motion?

12 MS. DIGGS: The next one --

13 THE COURT: Do you want to make that a Court's exhibit,
14 Ms. Diggs?

15 MS. DIGGS: Sure.

16 THE COURT: Make that -- yeah, make that as a Court's
17 exhibit and just do it. She can do it. Thank you.

18 (WHEREUPON, the search warrant was marked as Court's
19 Exhibit No. 2.)

20 THE COURT: Okay.

21 MS. DIGGS: Okay. So the next one would be just to
22 determine that there is a -- the accountant, Anita Murphy, I
23 know made a summary of the financial records, and it's
24 basically --

25 THE COURT: Who made this summary?

1 MS. DIGGS: This would be --

2 THE COURT: The State's summary chart?

3 MS. NORZ: Yes, it is.

4 THE COURT: Can I have a copy of it? Just let me look at
5 it.

6 MS. NORZ: Hold on.

7 THE COURT: Thanks.

8 MS. NORZ: There's -- there's three different summary
9 charts. She did one for each year, and this is the outside
10 accountant who did it.

11 THE COURT: Uh-huh.

12 MS. NORZ: Anita Murphy. She'll be testifying tomorrow.

13 THE COURT: Uh-huh. Thank you.

14 MS. NORZ: And then the time period here, Your Honor, is
15 three -- over a period of three years.

16 THE COURT: Okay. What years is it? Is it 2015 --

17 MS. NORZ: 2016, '17, and '18.

18 THE COURT: Okay.

19 MS. NORZ: And, Your Honor, if you look at the one for
20 2016, there are some checks prior to 2016 at the end of 2015.

21 THE COURT: Uh-huh.

22 MS. NORZ: And that's because they just stopped looking.
23 I mean they didn't stop looking. They stopped paying the
24 accountant to keep going backwards. She had been -- the
25 defendant had been working there for three years prior to

1 that.

2 THE COURT: Uh-huh.

3 MS. NORZ: We believe the same situation was going on
4 then, but it was becoming costly to have the accountant go
5 through this.

6 THE COURT: Uh-huh.

7 MS. NORZ: So they just focused on 2016, '17, and '18,
8 but when she ran her report, the checks were cashed in 2016
9 but had been written at the end of '15. They show on the
10 first page, but we're not even charging those because our
11 indictment just starts with the year 2016.

12 THE COURT: Okay. Okay. So --

13 MS. NORZ: So we believe those records come in under --
14 or that written summary comes in under Rule 1006 for summary
15 of voluminous writings and that basically that rule says that
16 voluminous writings or recordings or photographs which can't
17 conveniently be examined in the court may present -- be
18 presented in the form of a chart, summary, or calculation
19 provided the underlying data are admissible into evidence, and
20 we do have the underlying data that we plan to bring into
21 evidence as well.

22 THE COURT: Okay.

23 MS. NORZ: And that is data from the QuickBooks, along
24 with these bank statements from the South State Bank with all
25 the canceled --

1 THE COURT: Uh-huh.

2 MS. NORZ: -- processed checks. So she looked at those
3 documents and created that summary. The raw data doesn't read
4 very well. It is confusing. I can show -- not confusing, but
5 just the way it prints out of the QuickBooks software --

6 THE COURT: Uh-huh.

7 MS. NORZ: -- is just not [inaudible].

8 THE COURT: Does the QuickBooks software not state who
9 the check was written to?

10 MS. NORZ: Your Honor, she falsified the checks in the
11 software after she created the checks. It was -- she went in
12 the software, typed in her name as the payee, printed the
13 check, and then went back in the software and deleted her name
14 and put it in another legitimate vendor.

15 THE COURT: Oh, okay.

16 MS. NORZ: So that was it.

17 THE COURT: Okay. Okay. Thank you. I appreciate it.
18 Okay. Raw data. Okay.

19 MS. NORZ: That's the raw data that --

20 THE COURT: Okay.

21 MS. NORZ: -- she used to -- and then these are all the
22 checks and then she added on that chart a column that
23 basically has the date the check actually processed and --

24 THE COURT: Okay.

25 MS. NORZ: -- the actual check number because sometimes

1 in the QuickBooks software she didn't put in the correct check
2 number.

3 THE COURT: Okay.

4 MS. NORZ: So she went and verified what the actual check
5 numbers were.

6 THE COURT: Oh, okay. I see what you -- okay.

7 I guess what I need to know from you, Ms. Diggs, is is
8 whether or not you think that this is incorrect information on
9 this summary.

10 MS. DIGGS: I don't think it's incorrect information,
11 Your Honor. I guess the basis of me bringing this up is so
12 she added in the two columns with just the check number. The
13 rest of it is that QuickBooks audit trail that you have in
14 front of you.

15 THE COURT: Okay.

16 MS. DIGGS: My argument is -- well, it's on the
17 prosecution to show that it's so voluminous that we need this
18 summary, and just the copies of the checks -- I don't know how
19 many pages that is.

20 THE COURT: What would -- how many total checks were
21 there written?

22 MS. NORZ: There was about -- I actually have it. There
23 was -- there was 40 to 50 a year.

24 THE COURT: Forty to 50 a year for that three-year
25 period? Okay.

1 MS. NORZ: Yes, Your Honor. And it's my intention --
2 Your Honor, I know we'd be here well past this week if I had
3 to go through each and every where you put the check on 150
4 checks. So what I have done is I'm focusing on the \$10,000
5 worth of checks which tediously we're going to have to go
6 through.

7 THE COURT: Uh-huh.

8 MS. NORZ: And then [inaudible].

9 THE COURT: Uh-huh.

10 MS. NORZ: And then those records -- those summaries add
11 up all of the checks --

12 THE COURT: Okay.

13 MS. NORZ: -- to get us to the full number.

14 MS. DIGGS: My only argument is I think it's totally
15 reasonable to use it as a demonstrative aid. I would just
16 argue against entering it as an exhibit and sending it back
17 with the jury because they're obviously going to have the
18 checks, they're going to have the audit trail. I don't know
19 why they need it, you know, laid out right in front of them as
20 well.

21 THE COURT: Okay. Well, I think it's appropriate under
22 Rule 1006. I think it can come in. I do -- I do think it's
23 voluminous. I mean if we're talking about 40 to 50 checks a
24 year for a three-year period, that's a lot.

25 MS. DIGGS: And last, I just wanted to make sure we're

1 all clear on what records are coming into evidence because I
2 know she's only indicted for March 2nd of 2016 through
3 November 7th of 2018.

4 THE COURT: Is that correct, Ms. Norz?

5 MS. DIGGS: They have records from 2012 through 2019, and
6 I just want to make sure that nothing outside of the
7 indictment period is coming in, and I also don't know how -- I
8 feel like there's going to be some implications that it was
9 going on for longer. I just don't want any of that to come
10 up, you know, that there were all these checks, but we didn't
11 want to pay the forensic accountant anymore.

12 So -- but, you know, if they're out there saying she
13 probably stole since 2012, she's only been indicted for these
14 three year periods. I just don't want a jury to be, you know,
15 wondering what else -- you know, what else is there.

16 MS. NORZ: Your Honor, I think it's perfectly appropriate
17 for the victims to state that they stopped paying their
18 forensic accountant. I think it's a question the jury is
19 going to have because when Lora Lewis -- if she testifies or
20 whatever, she's been working there for six years.

21 THE COURT: Right.

22 MS. NORZ: So why did it just start in year three? And I
23 think it's -- that explanation needs to be there as to why,
24 but we're not going to enter into numbers as to what they
25 think. They actually did go back later, the owner of the

1 company's wife, and just painstakingly do some years, but
2 frankly, I think she was getting a little anxiety over it and,
3 you know, stopped after a bit because it didn't look fruitful.

4 And I said there's not really a lot of point in going
5 back and reindicting and doing the investigation and having
6 Adam Thompson go get all the checks and do his own
7 investigation. So we stopped, but I think it's appropriate
8 for the jury to know that they did stop and there was a reason
9 that it didn't go back to the day she was hired.

10 But it certainly -- and I think they should be able to
11 say they stopped because they were running into -- it was
12 expensive to keep paying an accountant to go backward. So
13 we're only focusing on the time that the accountant did it,
14 not what the owner did going back.

15 THE COURT: I think for a very, very limited purpose and
16 for a limited amount, they can say that, you know, this is the
17 allegation, this is what they're proving, and we chose these
18 three years because of cost purposes to do the forensic
19 accounting.

20 MS. NORZ: That's what I plan to have them say.

21 THE COURT: Okay.

22 MS. NORZ: I mean that's what they plan to testify to.

23 THE COURT: Right.

24 MS. NORZ: And like I said, on that very one exhibit for
25 2016, there are checks that are not highlighted, but they come

1 from 2015 because the report -- it's just when they -- they
2 cashed.

3 THE COURT: Oh, okay.

4 MS. NORZ: So on that first page if I take off that first
5 page, it's going to look a little funny that I started on page
6 2 and I'm going to have two checks that are missing. So --

7 MS. DIGGS: You just could redact them.

8 MS. NORZ: I suppose, I mean.

9 THE COURT: You can redact them, yeah. Let's just redact
10 them. Okay.

11 MS. NORZ: We could redact that.

12 THE COURT: Let's just redact them. Okay. Thank you.
13 What else?

14 MS. DIGGS: And then I just wanted to -- so we're all on
15 the same page with what exactly from TD Bank is being admitted
16 into evidence.

17 THE COURT: And that's her bank account; is that correct?

18 MS. DIGGS: That's correct.

19 THE COURT: And that's the [REDACTED]? Is that --

20 MS. NORZ: Judge, I don't know where that number came
21 from. I don't believe that's the account number.

22 THE COURT: Okay.

23 MS. DIGGS: Oh, so -- well, so it came -- they returned
24 multiple different accounts. So there was --

25 THE COURT: Okay.

1 MS. DIGGS: So there was information for this account,
2 but it's not relevant. It's, like, there's nothing there. So
3 I just wanted to make sure that that wasn't --

4 THE COURT: How many accounts did she have at TD Bank,
5 Ms. Lewis?

6 MS. NORZ: I'm going to plan to bring in two accounts.
7 One was in her name, and one was in her and her husband's
8 names.

9 THE COURT: Uh-huh.

10 MS. NORZ: And in fact, I'm only -- I'm bringing in or
11 asking to be admitted on her husband, there's just one or two
12 checks that were -- that she actually deposited into an
13 account in her and her husband's names and that was
14 [inaudible] minimal.

15 THE COURT: Okay.

16 MS. NORZ: But there was -- most of them went into this
17 account, which is -- and it has all of the checks being
18 deposited.

19 THE COURT: And that's the one just in her name?

20 MS. NORZ: Yes, Your Honor.

21 THE COURT: Okay.

22 MS. NORZ: And I think maybe that other one was a debit
23 card. So I have no information.

24 MS. DIGGS: Yeah, I don't know.

25 MS. NORZ: I'm not bringing that in.

1 MS. DIGGS: It's been confusing trying to figure them all
2 out. I think it was a credit card.

3 MS. NORZ: Okay. I'm not bringing that in.

4 MS. DIGGS: And then, yeah, I just wanted to make sure
5 that with the joint account that we'd only get into those two
6 checks that were deposited and not be admitting the entire
7 statements of account for years.

8 MS. NORZ: I'm looking for -- this is the statement of
9 account on the joint account for February 2018 through -- is
10 this March? -- through April of 2018. That's the time period
11 where checks were deposited.

12 THE COURT: So that's a three-month period? Okay.

13 MS. DIGGS: That was for [REDACTED]?

14 MS. NORZ: That's account [REDACTED], and just --

15 MS. DIGGS: Could you tell me the dates again?

16 MS. NORZ: The account statement is February 24th, 2018,
17 through April 23rd, 2018. And then the --

18 MS. DIGGS: April what?

19 MS. NORZ: The 23rd, 2018. And then the account opening
20 document which shows that she signed it and it was her
21 account.

22 MS. DIGGS: And then what from --

23 MS. NORZ: This is the TD Bank records on her personal
24 account. It ends in [REDACTED], and those are coming in from
25 December 2005 -- December 21, 2015, rather through the very

1 end through January 20, 2019. It has to go that way because
2 if you write a check on December 30th, it doesn't get to your
3 bank account until next month. So --

4 MS. DIGGS: She wasn't indicted until March 2nd. So I
5 feel like -- would the check have not gone in before?

6 MS. NORZ: She was indicted when?

7 MS. DIGGS: The indictments were on March 2nd, 2016. Is
8 there a check that wasn't -- from 2015 that wasn't deposited
9 until --

10 MS. NORZ: There could be.

11 MS. DIGGS: -- March 2nd?

12 MS. NORZ: Specifically --

13 MS. DIGGS: Because otherwise, I wouldn't -- I would
14 argue that --

15 MS. NORZ: Well, I'm trying to bring in the entire --
16 it's hard to start again on a -- on a bank account statement
17 in the middle of the month. So I do believe that the account
18 started -- I can look, Your Honor, and make sure my dates are
19 correct. We might be able to take off the first couple pages,
20 but I do know, like, yeah, some of these are checks that
21 although, you know, the account statement might start in
22 February 2016, but the checks -- it goes through March 20,
23 2016, and these are checks that are deposited.

24 MS. DIGGS: Yeah, that's fine. I just -- I mean from
25 December of 2015, that's what I was --

1 MS. NORZ: I'm going to look and see if there's a check.
2 If so, I'll take off these couple pages. I just have to make
3 sure there's no check that was -- because like I said, the
4 dates are the date she wrote the check and the date she
5 deposited are not always instantaneous.

6 THE COURT: Uh-huh.

7 MS. NORZ: So I'll just make sure if there is. If these
8 few pages don't have any checks that she deposited, I'll take
9 them off.

10 THE COURT: Okay.

11 MS. NORZ: So you can verify.

12 MS. DIGGS: So for her -- for TD Bank for that [REDACTED]
13 account, you're just going to do the statements of account?

14 MS. NORZ: The statements of account, yes. The canceled
15 checks that go with the statement of account that she wrote
16 out. You know, a breach of trust it does require that -- or
17 it doesn't require, but the wording is used the money for your
18 own personal benefit.

19 THE COURT: Right.

20 MS. NORZ: So I can show -- the accounts show where the
21 money is used.

22 MS. DIGGS: Yeah. I'm just trying to clear it up to make
23 sure I know exactly what's --

24 MS. NORZ: Yeah, TD Bank.

25 MS. DIGGS: -- coming in.

1 MS. NORZ: Yeah, uh-huh.

2 MS. DIGGS: What about the deposit slips and cash
3 withdrawal receipts? Are you --

4 MS. NORZ: If they were included in what we got from TD
5 Bank, which you know what it is, it's all in discovery, then
6 the whole statement came in. And it would have any deposits.
7 It would have any cashed checks, exactly what was in evidence
8 from TD Bank on that account.

9 MS. DIGGS: Right. So I'm asking are you going to be
10 introducing the deposit slips and the cash withdrawal
11 receipts?

12 MS. NORZ: Again, if they were part of what was produced
13 by TD Bank, yes.

14 MS. DIGGS: Okay. Well, I would move to exclude -- what
15 about the checks written from her?

16 MS. NORZ: Yes.

17 MS. DIGGS: I would move to exclude any checks written by
18 her because -- so I guess [inaudible] statements of account.

19 MS. NORZ: [Inaudible]. No, it's not.

20 MS. DIGGS: Okay. Well, again, I would just limit all of
21 that to the exact dates.

22 MS. NORZ: Those are in the dates of the indictment.
23 That's what they are, yes.

24 MS. DIGGS: I think that is it, Your Honor, for pretrial.

25 THE COURT: Do you want to renew your Rule 5?

1 MS. DIGGS: I would renew Rule 5.

2 THE COURT: Are we concerned about criminal records of
3 any of the witnesses that are testifying?

4 MS. DIGGS: I don't think so, unless there's something I
5 should be aware of.

6 MS. NORZ: No, nobody has a record.

7 MS. DIGGS: Okay.

8 THE COURT: Okay.

9 MS. DIGGS: And then [inaudible]. Okay. I think that's
10 it, Your Honor.

11 THE COURT: I want to make sure because cases like this
12 the paper is voluminous. I want to make sure y'all have pre-
13 marked what you intend on entering into evidence.

14 And have you shown Ms. Diggs what -- what you're
15 entering? So I kind of need her to go through it. So she
16 needs --

17 MS. NORZ: Yeah. She can do that.

18 THE COURT: So I think you need to do that right now
19 before we start.

20 MS. NORZ: And, Your Honor, I don't know if, you know,
21 the TD Bank accounts, the South State Bank statements, they
22 really should be self-authenticating. They came with
23 affidavits from the records custodians.

24 So I ask at least the authentication. I had asked Ms.
25 Diggs to do a stipulation, which she didn't agree to, but I

1 think we could maybe at least get them authenticated now under
2 the self-authentication rule because what I have is the
3 records custodian obviously produced them.

4 THE COURT: Right.

5 MS. NORZ: That's not necessarily the same person who is
6 going to be here today.

7 THE COURT: Right.

8 MS. NORZ: But --

9 THE COURT: What is the rule for self-authenticating
10 docket -- or documents?

11 MS. NORZ: It's actually 902(8), 902(8), documents
12 accompanied by a certificate of acknowledgment executed in the
13 manner provided by law by a Notary Public or other officer
14 authorized by law to take acknowledgments, and both South
15 State and TD Bank records came with the affidavit and the
16 certificate.

17 THE COURT: Okay. Ms. Diggs, do you have any argument
18 against it?

19 MS. DIGGS: Yeah. I don't have -- I wouldn't have any
20 argument --

21 THE COURT: Let's see.

22 MS. DIGGS: -- against self-authenticating the
23 certificate of acknowledgment. Yeah, I don't think there's an
24 objection with that.

25 THE COURT: Okay. Okay. So you agree they're self-

1 authenticating.

2 (WHEREUPON, there was a pause in the proceedings, after
3 which the proceedings resumed as follows.)

4 THE COURT: Okay. All right. Anything else we need to
5 take up?

6 MS. NORZ: I think that's all I have, Your Honor.

7 THE COURT: Okay. Okay. Ms. Diggs, anything else?

8 MS. DIGGS: That is all, Your Honor.

9 THE COURT: Okay.

10 MS. DIGGS: Thanks.

11 THE COURT: Okay. All right. So why don't we go ahead
12 and take a break, and I will see you all at 1:30. Does that
13 sound good? Or just a little bit before?

14 MS. DIGGS: Uh-huh.

15 MS. NORZ: Okay.

16 (WHEREUPON, there was a break in the proceedings from
17 12:25 p.m. until 1:33 p.m., after which the proceedings
18 resumed as follows.)

19 THE COURT: All right. Is the State ready?

20 MS. NORZ: We are, Your Honor.

21 THE COURT: Is the defense ready?

22 MS. DIGGS: We are, Your Honor.

23 THE COURT: All right. Let's bring the jury in. Thank
24 you.

25 (WHEREUPON, the jury entered the courtroom at 1:35 p.m.)

1 THE BAILIFF: The jury is entering the courtroom, Your
2 Honor.

3 THE COURT: Thank you. Y'all may be seated.

4 Welcome back, ladies and gentlemen. I will tell you that
5 they were all standing for you. So when you come in directly
6 you may be seated when you come in.

7 Ladies and gentlemen, what we're going to go ahead and do
8 to begin the trial of this case is Kristin is going to swear
9 you in as the trial jury, I'm going to make a few comments
10 about our procedure, and then we're going to hear from the
11 lawyers and they're going to give you their opening
12 statements. All right?

13 So if y'all would please stand, raise your right hand,
14 and when you accept the oath, you're going to say "I do" and
15 take a seat. So that'll signify that you've taken the oath.

16 THE CLERK: Do you solemnly swear or affirm that you
17 shall well and truly try and a true deliverance make between
18 the State of South Carolina and the accused and a true verdict
19 give according to the evidence and the law, so help you God?

20 THE JURORS: I do.

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

22 Ladies and gentlemen, what I am now going to say to you
23 is intended to serve as an introduction to the trial of this
24 case. These remarks are not a charge on the law. I'm going
25 to charge you on the law applicable to this case after you've

1 heard all the evidence. This is just a roadmap so you can
2 understand what is happening.

3 Ladies and gentlemen, the defendant in this case, Ms.
4 Lewis, is charged by a bill of indictment with the offense of
5 breach of trust with fraudulent intent, \$10,000 or more. The
6 elements, of course, I will explain to you at the end of the
7 case. Now, ladies and gentlemen, an indictment is simply the
8 charge by which a case is brought into the courtroom, and it
9 is not in any sense evidence of any of the allegations that it
10 contains.

11 Now, in this case, the defendant, Ms. Lewis, has pled not
12 guilty to this indictment. The State, therefore, has the
13 burden of proving each of the elements of the indictment
14 beyond a reasonable doubt, and it's your duty, ladies and
15 gentlemen of the jury, to determine whether or not the State
16 has met that burden.

17 Now, your purpose as jurors is to find and determine the
18 facts. You, the jury, are the sole judge of all facts in this
19 case. If at any time I make any comment regarding the facts,
20 you must disregard it, and you are to determine the facts from
21 the testimony that you're going to hear right here from the
22 witness stand, as well as any other evidence that's introduced
23 into this case. Please understand that it is especially
24 important that you perform your duty of determining the facts
25 diligently and conscientiously because ordinarily there is no

1 way to correct an erroneous determination of the facts by a
2 jury.

3 Ladies and gentlemen, the same law that makes you the
4 judges of the facts makes me the judge of the law. The law as
5 given by the Court is the only law you can consider. You must
6 accept and follow it, even though you may disagree with it.

7 Ladies and gentlemen, I cannot tell you what the facts
8 are in this case and you cannot disagree with me about what
9 the law is or what you think the law ought to be. Your job at
10 the end of this trial is to take the law as I give it to you
11 and apply it to the facts as you find them and from there
12 render a true and just verdict.

13 Now, until I tell you to begin your deliberations, you
14 must not discuss this case with anyone, and that includes each
15 other. Also, as I told you before, you are not to read,
16 watch, listen to anything in regards to this case or do any
17 independent research in regards to this case.

18 I remind you -- and you're going to hear me say this
19 repeatedly -- you are going to have everything you need to
20 determine this case right here in this courtroom. And again,
21 it would be inappropriate for you to be influenced by any
22 outside source.

23 Now, in just a moment the solicitor is going to make what
24 is called an opening statement in which she's going to explain
25 to you the issues in this case or at least what she believes

1 the issues are in this case, and then also the defense
2 attorney is going to make an opening statement, although she's
3 not required to do so.

4 I want you all to understand that what these lawyers tell
5 you in their opening statements is not evidence in this case.
6 Again, it's only their contention as to what they believe the
7 evidence will show. I remind you again the evidence comes
8 from the witness stand, as well as any other evidence that's
9 been introduced during the trial of this case.

10 Now, I want you to know that from time to time you may
11 hear the lawyers say something like, Your Honor, there's a
12 matter of law we need to take up or I may motion them forward
13 or I may have a conference, which is called a bench
14 conference, just right side to my left. I want you to
15 understand something. We're not hiding anything from you.
16 Oftentimes when I have to rule as a matter of law whether or
17 not certain testimony or evidence is admitted, I may make a
18 comment on the facts of the case. And because I would never
19 want anything I do to influence you in your determination of
20 the facts, out of an abundance of caution we just do it
21 outside your presence.

22 Now, in deciding -- to determine the true facts in this
23 case, you must decide whether or not the testimony of the
24 witnesses is believable. It's my responsibility to rule as a
25 matter of law whether or not certain testimony is admitted,

1 but once it is admitted, whether or not you believe it is for
2 you to determine.

3 In deciding whether to believe a witness, you have the
4 right to consider the interest of the witness, the bias of the
5 witness, the prejudice of any witness, and you can also look
6 at the witness, the opportunity they had to have seen and
7 heard and understand the things about which they're
8 testifying, and you can also look at the way they act on the
9 witness stand.

10 You have the right to consider anything that is in the
11 evidence that will help you evaluate the testimony of the
12 witnesses. That means, ladies and gentlemen, it is your duty
13 to pay close attention so at the very end of this case you can
14 accurately remember the testimony that was given.

15 Now, I understood, Rick, that some people wanted to take
16 notes. Is that correct, sir?

17 THE BAILIFF: They do.

18 THE COURT: And do they have notepads?

19 THE BAILIFF: They do.

20 THE COURT: Ladies and gentlemen, you are free to take
21 notes if you choose to. Of course, you're not required to if
22 you're not a notetaker, but what I do ask, ladies and
23 gentlemen, is when you come and go from the courtroom, I need
24 you to leave your notes in your seat, and if you would write
25 your number on the front of them. The bailiffs may have

1 already instructed you to do this.

2 I just want you to know at the very end of the trial
3 during your deliberations you will have your notes with you,
4 but I remind you and you're going to hear me tell you again
5 that the notes are for your own reflection, and I don't want
6 you to rely on someone notes as opposed to your own personal
7 memory about evidence or testimony that was heard. All right?

8 So with that said, ladies and gentlemen, in order to
9 preserve everyone's rights, any objections or additions from
10 the State, Ms. Norz?

11 MS. NORZ: No, Your Honor.

12 THE COURT: From the defense, Ms. Diggs?

13 MS. DIGGS: None from the defense.

14 THE COURT: Very good. Ladies and gentlemen, we will now
15 go ahead and begin the trial of this case. If you would give
16 Ms. Norz your attention.

17 OPENING STATEMENT ON BEHALF OF THE STATE

18 MS. NORZ: Good afternoon, and thank you all for serving.
19 My name is Francine Norz, and I'm a prosecutor [inaudible].
20 So I am representing the State, as well as the 14th Judicial
21 Circuit.

22 So what happened, who did it, and how did they get
23 caught? This case is about an employee, the defendant Lora
24 Lewis, who stole from her employer. Lora was like a sheep --
25 like a wolf in sheep's clothing. She was nothing what she

1 appeared. She appeared to be an honest and dedicated and
2 long-time employee who could be trusted, but in reality she
3 was a thief and she came up with a fraudulent scheme to steal
4 over \$240,000 from her employer in a three-year period.

5 Now, who was the victim? The victim is a small family-
6 owned drywall and painting company in Bluffton. The owner is
7 Jim Jansen, and Jim trusted Lora as his only office manager
8 and bookkeeper. It was a small company. There were not many
9 layers of administration.

10 Jim was busy. He was out of the office on the jobs
11 managing and supervising the drywall and painting jobs and
12 pounding pavement to get new customers. He left Lora with
13 responsibilities back at the office.

14 One of her responsibilities was to do the banking. She
15 was to pay invoices as they came into the office, whether the
16 invoice was for painting supplies, for example. So what was
17 she to do? If a bill came into the office, she was to sit at
18 her computer in the office, open up the company's QuickBooks
19 software.

20 QuickBooks software you're going to hear a lot. It is
21 nothing more than an electronic checkbook. You enter in the
22 name of who you want to write the check to and the amount and
23 then print out the check. That was Lora's job was to enter in
24 the name, for example the supplier or the paint company, enter
25 in the amount of the bill that the company owed. That

1 Benchmark Interiors is the name of Jim Jansen's company, who
2 did they owe money to, different suppliers, and then print out
3 the check.

4 Lora at the end of the month was supposed to open the
5 bank statement and compare did everything on the bank
6 statement, all the checks that came out of the company's
7 account, match up to what she had put into QuickBooks and the
8 checks that she had printed out. Jim didn't look at the bank
9 statement. He left that up to Lora. That's what he had hired
10 her to do. At the end of the year, she was to give the
11 QuickBooks files to an outside accounting company, and they
12 would prepare corporate taxes.

13 Well, how did she get caught? Well, Jim knew that his
14 crew was out there very busy doing the drywall and painting
15 jobs, and he thought why are we so busy and we should be
16 making more money. So he went to his outside accounting firm
17 and he asked them not just to prepare the corporate taxes, but
18 to do a deep review of his company into his books, into the
19 books that Lora was keeping for him, and see what was going
20 on.

21 And that firm assigned Anita Murphy, who works for them,
22 and she's -- she's familiar with how to look for possible
23 employee theft. And Anita didn't just rely on the information
24 that Lora was giving her. She went and got the actual bank
25 statements from the bank to see, and not only the bank

1 statements, but she got the canceled checks or the processed
2 checks, how the checks were processed through the company's
3 account, and she got copies of those checks. And what she saw
4 was there were numerous times in a month that large checks for
5 over \$1,000 a time were made payable to Lora Lewis, and these
6 were not payroll checks. So she went to the QuickBooks
7 software for the information Lora had been keeping and she
8 compared, and what she saw was how Lora was hiding the checks,
9 how Lora was hiding her theft, how she was defrauding Jim
10 Jansen.

11 And what Lora did was when she went into the QuickBooks
12 software, she typed in her own name instead of the name of the
13 paint supply company. She typed her name in as the payee on
14 the check. She printed that check. She deposited that check
15 in her own personal bank account. She used that money for her
16 own personal benefit.

17 Then she went back in the QuickBooks software, deleted
18 her name, and substituted the name of a legitimate vendor,
19 like a paint supply company. So when Jim looked, it appeared
20 he was paying his suppliers, but in actuality the checks were
21 being written to Lora and he didn't see those actual checks.
22 He relied on the QuickBooks information that Lora had provided
23 to him and the accountant.

24 Today in this trial, you're going to hear from Jim
25 Jansen, the owner. You're going to hear from his wife,

1 Brenda. You are going to hear from the bank employees, and
2 they will be able to show you each check and how it was
3 deposited into Lora's account and how it came out of Benchmark
4 Interior, the victim, Jim Jansen's company account. You will
5 hear from Anita Murphy, the accountant who discovered the
6 theft and how it was hidden.

7 You will hear from Adam Thompson, who is the lead
8 investigator. He is a detective or was a detective with the
9 Bluffton Police Department. He now works for another police
10 department, and he did his own independent investigation. He
11 looked at all the information and he determined that Lora had
12 been stealing and arrested her.

13 And I have to be honest. It's not that exciting. This
14 is a heavily documented -- a lot of documents in this case.
15 So I ask for your attention, and I ask for your patience. We
16 do need to go through those documents, and I just want to give
17 you enough information so that you can do your job as jurors
18 and see that justice is done in this case. Thank you.

19 THE COURT: Thank you, Ms. Norz.

20 Ms. Diggs?

21 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

22 MS. DIGGS: Good afternoon, everyone. On behalf of
23 myself and my client, Ms. Lewis, I would like to thank you all
24 for being here, although that sounds somewhat disingenuous
25 considering you don't really have a choice in the matter, but

1 nevertheless, we're happy that y'all are here. This is a very
2 important part of our democracy and our democratic system to
3 be able to have you guys in here and decide for yourselves
4 what the evidence shows.

5 You know, the State -- they're always going to get up
6 here and tell you the evidence is strong and clear and this is
7 what happened, but at the end of the day it's the twelve of
8 you who are going to go and play that role. It's not the
9 State. It's not the cops. It's you guys.

10 And one important thing I would like to note is, you
11 know, you're going to make a choice at the end of this trial
12 between guilty and not guilty. It's not guilty or innocent.
13 I don't have to stand before you and prove that Ms. Lewis is
14 innocent. It's the State's burden to prove to you that she is
15 guilty beyond a reasonable doubt, and guilty beyond a
16 reasonable doubt is not -- it's not a feeling, it's not a vibe
17 that you get. They have to prove that to you, and I ask that
18 you hold them to that today.

19 So I also implore you to pay attention. This is not
20 going to be exciting and fun and might be boring at times, but
21 please be curious and look at everything that they're showing
22 to you and look for that reasonable doubt because it's there,
23 and at the end of this I'm going to stand before you again and
24 I'm going to ask that you find my client not guilty beyond any
25 doubt. Thank you.

JIM JANSEN - DIRECT BY MS. NORZ

1 THE COURT: Thank you.

2 You can call your first witness, Ms. Norz.

3 MS. NORZ: The State calls Jim Jansen.

4 THE COURT: Come on forward, sir.

5 THE BAILIFF: Come on up here.

6 THE CLERK: Please raise your right hand for me. Do you
7 solemnly swear or affirm to testify truthfully before this
8 Court, so help you God?

9 THE WITNESS: I do.

10 THE BAILIFF: Come on over here, sir.

11 THE CLERK: Please speak directly into that microphone
12 and state your name and spell your name.

13 THE WITNESS: James Paul Jansen. You want me to spell
14 it?

15 THE COURT: Spell your last name.

16 THE WITNESS: J-a-n-s-e-n.

17 THE COURT: Thank you, sir.

18 JIM JANSEN, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. NORZ:

22 Q: Jim, can you just tell the jury a little bit about
23 yourself? Where do you live?

24 A: I live in Bluffton, South Carolina.

25 Q: And who do you live with?

JIM JANSEN - DIRECT BY MS. NORZ

1 A: My family, my wife and son and daughter.
2 Q: What do you do for a living?
3 A: I own a drywall and painting company.
4 Q: And what is the name of that company?
5 A: Benchmark Interiors.
6 Q: And when did you start that company?
7 A: Twenty years ago, 21.
8 Q: And are you trained as a bookkeeper?
9 A: No, I'm not.
10 Q: Are you trained in accounting and finance?
11 A: Not at all.
12 Q: And do you know Lora, the defendant, Lora Lewis?
13 A: I do.
14 Q: And how do you know her?
15 A: She came to work for me back around 2012.
16 Q: And can you please point to Lora? Is she in this
17 courtroom?
18 A: She's at the table right there.
19 MS. NORZ: Please note the witness has pointed to the
20 defendant, Lora Lewis.
21 THE COURT: For the record. Thank you.
22 MS. NORZ: For the record.
23 BY MS. NORZ:
24 Q: I'm going to ask you, Mr. Jansen, to focus on just the
25 years 2016, '17, and '18, a three-year period.

JIM JANSEN - DIRECT BY MS. NORZ

- 1 A: Okay.
- 2 Q: Approximately how many employees did Benchmark Interiors
3 have at that time?
- 4 A: Three or four.
- 5 Q: Three or four? Okay. And was Lora counted as one of
6 those three or four?
- 7 A: Yes.
- 8 Q: And what was the other employees? What were their jobs?
- 9 A: Supervisors and estimators.
- 10 Q: Okay. And when you say supervisors, what do you mean?
- 11 A: Checking on jobs, go up to the job and see the jobs, make
12 sure the job is being done properly with the right material.
- 13 Q: And what was Lora's job?
- 14 A: Lora was the bookkeeper in charge of writing checks,
15 paying the bills, keeping track of the money in the accounts.
- 16 Q: Did anyone else have those responsibilities?
- 17 A: No.
- 18 Q: Can you -- focusing just on those three years again, what
19 was your experience with the financial end of the business?
20 What did you do?
- 21 A: Basically, nothing. I didn't do anything in QuickBooks.
22 My computer was not even hooked up to QuickBooks. So I
23 trusted whatever reports she printed out for me.
- 24 Q: And who prepared the tax returns for the business?
- 25 A: An accountant. Accounting company.

JIM JANSEN - DIRECT BY MS. NORZ

1 Q: Accountant?

2 A: Right.

3 Q: What company was that?

4 A: I don't know.

5 Q: Okay. Do you know -- do you know Anita Murphy?

6 A: I know Anita, yes.

7 Q: And she works for --

8 A: She worked for the accountant, Christy -- Christine. She

9 worked for her.

10 Q: Okay. And what software did your company use for keeping

11 track of the business?

12 A: QuickBooks.

13 Q: And were the company checks printed out of that?

14 A: Yes.

15 Q: And did any of the other crew -- so you didn't use the

16 QuickBooks software?

17 A: Correct.

18 Q: Did any of the other employees?

19 A: No.

20 Q: Did -- did Lora have a password to log on to the

21 QuickBooks software?

22 A: Yes.

23 Q: And was she the only one that did have that password?

24 A: Correct.

25 Q: So you trusted Lora?

JIM JANSEN - DIRECT BY MS. NORZ

- 1 A: Yes, I did.
- 2 Q: And did she have access to the actual company checks?
- 3 A: She had access to checks, company credit cards, yeah.
- 4 Q: How about online banking?
- 5 A: She took care of all my banking needs online, yes.
- 6 Q: And did you log on to the online banking?
- 7 A: No, I did not.
- 8 Q: Did any of the other employees?
- 9 A: No.
- 10 Q: How did -- you said your outside accountant, the firm of
- 11 Christine and that Anita works for, how did they get the
- 12 information to prepare the corporate tax forms?
- 13 A: From Lora.
- 14 Q: Did your wife work at the company while Lora was working
- 15 there?
- 16 A: No.
- 17 Q: Did your wife have keys to the office?
- 18 A: I don't believe she did, no.
- 19 Q: Did your son work for the company while Lora was there?
- 20 A: He did.
- 21 Q: What was his job?
- 22 A: He was a truck driver. He drove materials around.
- 23 Q: And did he have responsibilities for signing checks?
- 24 A: No.
- 25 Q: Online banking?

JIM JANSEN - DIRECT BY MS. NORZ

1 A: No.

2 Q: QuickBooks?

3 A: No.

4 Q: Okay. Did anyone else in your family work at the company

5 while Lora Lewis was working there during those three years?

6 A: My father-in-law.

7 Q: And what did he do?

8 A: Estimator.

9 Q: And then did he have access?

10 A: No.

11 Q: So when -- did the bank statements get sent to the

12 office?

13 A: Yes.

14 Q: And who opened the mail for the banking?

15 A: Lora did.

16 Q: And did you look at those bank statements?

17 A: No. I looked at reports that she printed out off the

18 QuickBooks is what I would look at.

19 Q: And was it also Lora's job to balance the QuickBooks

20 against the bank statements?

21 A: Yes.

22 Q: Let's talk about Lora and what -- what her

23 responsibilities were and her salary. How many hours a week

24 did she work for the company?

25 A: Somewhere between 24 and 30.

JIM JANSEN - DIRECT BY MS. NORZ

1 Q: And what was her pay rate?

2 A: Her pay --

3 Q: During those three years approximately?

4 A: She got \$18 an hour.

5 Q: So she was working between 24 and 30 hours a week?

6 A: I think so.

7 Q: At \$18 an hour?

8 A: Correct.

9 Q: Did you -- did you authorize any bonus checks to be paid

10 to Lora Lewis?

11 A: No.

12 Q: Did you authorize Lora to -- did anyone else have

13 authority to authorize bonus checks to Lora Lewis?

14 A: No.

15 Q: Did you authorize any -- Lora to write checks to herself

16 besides the payroll checks?

17 A: No.

18 Q: Did you authorize Lora to write checks for any reason to

19 herself and reimburse herself for anything?

20 A: No.

21 Q: While Lora was working at Benchmark Interiors, did you

22 [inaudible]?

23 A: Yes.

24 Q: Did there come a time where you filed a report with the

25 Bluffton Police Department?

JIM JANSEN - DIRECT BY MS. NORZ

1 A: Yes.

2 Q: And when was that?

3 A: I think November of 2018.

4 Q: And what led up to you filing that police report?

5 A: I noticed time was good, the construction business had
6 been really good for the last five or 10 years, and -- but the
7 money wasn't there. So I had talked to my accountants and
8 asked them to do a dive into my books and see what the problem
9 was.

10 Q: And how did you have that conversation with the
11 accountant?

12 A: Actually, Lora and I were in our office. Once a year
13 we'd go talk to them, and I asked Lora to excuse herself. I
14 wanted to talk to the accountant on my own, and so she did and
15 I asked the accountant and the accountant said she had a
16 perfect person for this. So that's how I found it.

17 Q: Okay. And who was that perfect person?

18 A: Anita.

19 Q: Okay. And what happened from there?

20 A: At first, Lora wouldn't give her all the information she
21 needed. So she called me and made me force her to give her
22 all the information she needed, and then Lora stopped showing
23 up for work. Anita called me and said something, yeah,
24 there's definitely a problem here. She's robbing you blind.
25 You need to go to the police.

JIM JANSEN - DIRECT BY MS. NORZ

1 So then I took -- I made copies of all the checks, took
2 them over to her house, and she told me she was sorry. She
3 needed the money for whatever reason, and she did not have the
4 money to pay me back. Begged me not to go to the police. By
5 the time I got back in my car and drove -- before I got back
6 to our office, Anita called me again and said, Jim, it
7 happened again in 2017 and '16. So --

8 Q: So when you say you took all the checks, you took the
9 checks where?

10 A: I made copies of the checks, my copies of my checks, but
11 --

12 Q: Payable to?

13 A: Payable to? Well, to Lora and everybody else. I just
14 had a whole year of them, and I took them over there and asked
15 her how long this had been going on, and she said only just
16 this --

17 MS. DIGGS: Objection.

18 THE COURT: Basis?

19 MS. DIGGS: Hearsay.

20 THE COURT: Thank you. You cannot say what someone else
21 said, sir.

22 THE WITNESS: Okay.

23 THE COURT: Just rephrase the question, please.

24 BY MS. NORZ:

25 Q: So you took copies of the checks to whose -- to someone's

JIM JANSEN - DIRECT BY MS. NORZ

1 house?

2 A: Lora's house.

3 Q: Lora's house?

4 A: Right.

5 Q: And you showed them to her?

6 A: I showed them to her, yes.

7 Q: Okay. And when you took those checks to Lora's house,

8 you said --

9 A: I asked her how long she had been stealing money from me,

10 and she said just this year.

11 Q: And what did you do from there? So you said after you

12 got back in your car, what happened?

13 A: I got another call from Anita and --

14 Q: And who is Anita?

15 A: The accountant, and she told me it had been going on for

16 at least a couple years.

17 MS. DIGGS: Objection. Hearsay, Your Honor.

18 THE COURT: Okay. He can say he learned.

19 MS. NORZ: He learned. Right.

20 BY MS. NORZ:

21 A: I learned.

22 Q: You can't tell me what Anita said, but basically what did

23 -- what information did you gather?

24 A: She gathered information that it had been going on for

25 years.

JIM JANSEN - DIRECT BY MS. NORZ

1 Q: And what did you do from there?

2 A: I went to the police.

3 Q: Okay. And did you review the checks that were payable to

4 Lora?

5 A: Yes.

6 Q: And did you look at each check and determine -- and did

7 you verify that Lora authorized them?

8 A: Yes, I did.

9 Q: Now, what about the signature on those checks? Did you

10 look at the signature?

11 A: Yes, I did. It was close to mine, but it wasn't mine.

12 Q: And what does your signature look like?

13 A: Simple. A couple of J's scribbled.

14 Q: So your initials?

15 A: Yeah. JJ.

16 Q: JJ?

17 A: Jim Jansen.

18 Q: And were the checks that were -- that you had looked at

19 unauthorized?

20 A: They weren't --

21 Q: Where they signed by you?

22 A: They weren't my signature, no.

23 Q: They were not your signature?

24 A: No.

25 Q: Now, why didn't you notice these alleged checks

JIM JANSEN - DIRECT BY MS. NORZ

1 previously?

2 A: I didn't pay attention to it. I wasn't -- I didn't look
3 at every check that went out the door. I supposedly thought I
4 was signing every check that went out the door, but I wasn't I
5 guess. I trusted her. Can I get a water?

6 MS. NORZ: He wants a water.

7 THE BAILIFF: Water?

8 THE WITNESS: Thank you. Thank you.

9 BY MS. NORZ:

10 Q: Mr. Jansen, have you after looking at those checks been
11 able to get an idea each year about how much Lora was taking
12 with these unauthorized checks?

13 A: About \$80,000 a year.

14 Q: And you've told us that she was making \$18 an hour and
15 she was working 24 to 30 hours a week. So when you do the
16 math, how much is a year in legitimate salary was she making?

17 A: She was making around \$24,000 a year supposedly.

18 Q: And she was taking an extra?

19 A: Extra \$80,000.

20 Q: Do you have any employee who makes that much money
21 [inaudible] for you?

22 A: No.

23 Q: So this was not a bonus?

24 A: No, not at all.

25 Q: Okay. Why do you think the outside accountant didn't

JIM JANSEN - DIRECT BY MS. NORZ

1 notice these unauthorized checks?

2 A: She hid it pretty well. She would rewrite the check --
3 or not rewrite the check. She would -- in the books it looked
4 like it was going to somebody else. So the accountant said
5 that they were -- the only way they found it was by going
6 through all the checks, the old expired checks.

7 Q: The actual written checks?

8 A: Correct.

9 Q: As opposed to the information she put in QuickBooks?

10 A: Correct.

11 Q: How has this affected your business?

12 A: Oh, greatly. You know, it's been tough to get -- buy
13 cars and trucks for the guys and trying to put my daughter
14 through college. She has to pay for it now, not me. Just all
15 around struggle to make payroll every week.

16 Q: How about your other employees?

17 A: They have suffered because they didn't get Christmas
18 bonuses for the last couple years, and a lot of my outside
19 subcontractors that would get bonuses from me didn't get
20 anything this last couple years.

21 Q: You said that you confronted Lora Lewis with checks from
22 just one year?

23 A: Correct.

24 Q: What year was that?

25 A: I believe it was '18.

JIM JANSEN - DIRECT BY MS. NORZ

1 Q: 2018? Did you confront her with anything else after
2 that?

3 A: No. I didn't talk to her again after that.

4 Q: Okay. You just went to the police?

5 A: Correct.

6 Q: Did you find out later there was theft beyond the year
7 2018?

8 A: Yes.

9 Q: Did you review those checks as well?

10 A: Yes.

11 Q: And verify those were not your signature?

12 A: Correct.

13 MS. NORZ: I have nothing further, Your Honor.

14 Please answer any questions that Ms. Diggs may have for
15 you.

16 THE COURT: Ms. Diggs?

17 CROSS-EXAMINATION

18 BY MS. DIGGS:

19 Q: Good afternoon.

20 A: Good afternoon.

21 Q: [Inaudible.] Okay. I know the State asked you if you
22 were trained as a bookkeeper and accountant and you said no?

23 A: No.

24 Q: Is that correct?

25 A: Correct.

JIM JANSEN - CROSS BY MS. DIGGS

1 Q: But you are a business owner?

2 A: Correct.

3 Q: You started the business?

4 A: Uh-huh.

5 Q: How much experience do you have in the construction

6 industry?

7 A: Thirty years.

8 Q: Thirty years? Okay. And you said you did not log in to

9 your online bank account?

10 A: Correct.

11 Q: Is that correct? But I imagine that you as the owner of

12 Benchmark opened those accounts; correct?

13 A: Correct.

14 Q: Presumably you created the username and password to get

15 on to the online banking?

16 A: No.

17 Q: No?

18 A: No.

19 Q: Was it created for you?

20 A: Yes.

21 Q: Okay. So never once have you logged in your online

22 banking; is that correct?

23 A: No.

24 Q: Okay. And what -- you said that you were planning on

25 auditing your books years before, but -- but it slipped your

JIM JANSEN - CROSS BY MS. DIGGS

1 mind; is that correct?

2 A: It was always on my mind, and it slipped my mind. I just
3 never went to the accountants and had it done. I was -- I was
4 afraid it would cost me a lot of money.

5 Q: Okay. I want to go back to the amount of employees that
6 worked there, three to four employees; correct?

7 A: I believe so.

8 Q: Okay. And those were supervisors or estimators and then
9 Lora; correct?

10 A: Correct.

11 Q: Okay. Are you familiar with your -- the -- your 2018
12 W-2s which would have essentially everything you paid your
13 employees, including Lora? Do you receive a copy of that
14 after your accountant files your taxes?

15 A: My office received copies of that, yeah.

16 Q: Okay. And I know you said that Ms. Lewis was the only
17 one with access to the QuickBooks?

18 A: Correct.

19 Q: But there were a few other employees on your 2018 W-2s,
20 one by the name of Maria Ortega. Would she have access to --

21 A: No.

22 Q: -- QuickBooks or anything like that?

23 A: No.

24 Q: Okay. Did she provide her [inaudible]?

25 A: She was -- was one of the -- one of the crews that we

JIM JANSEN - CROSS BY MS. DIGGS

1 subbed work out to.

2 Q: Okay. What about Orlando Gomez? Was he a --

3 A: No. He was --

4 Q: Did he have access --

5 A: -- a subcontractor.

6 Q: -- to your QuickBooks?

7 A: No.

8 Q: A subcontractor?

9 A: Yes.

10 Q: Okay. And with the QuickBooks, I imagine that you --

11 when a company starts utilizing QuickBooks for their

12 accounting needs, I assume that you had to buy a license to be

13 able to use that software?

14 A: Uh-huh.

15 Q: Is that correct?

16 A: Yes.

17 Q: Okay. And were you the one that obtained that --

18 A: No.

19 Q: -- software license?

20 A: No.

21 Q: Okay. Who did that?

22 A: Ardis. Ardis. I don't remember her last name. She

23 lived in Michigan when the company was in Michigan.

24 Q: Okay. Okay. So presumably she would have come up with

25 the admin password?

JIM JANSEN - CROSS BY MS. DIGGS

1 A: Yes.

2 Q: But you as the owner of the business would technically be
3 the admin?

4 A: I guess.

5 Q: Of QuickBooks; right?

6 A: I don't know. I never -- never -- never went into the
7 QuickBooks.

8 Q: Not once?

9 A: Not once. If I only wanted some -- if I wanted
10 information, I would ask Lora or I'd ask Ardis, who was my
11 Lora before, years ago.

12 Q: You've been in the construction industry business for 30
13 years; right?

14 A: Uh-huh.

15 Q: And you never thought to have access to QuickBooks?

16 A: Didn't know how to get into it.

17 Q: Could you have asked for the password?

18 A: Yes, I could have. Yeah. I knew where she kept it. I
19 knew where it was on her desk.

20 Q: Okay. Now, another thing I wanted to ask you about was
21 employee classification. So Ms. Lewis was your employee;
22 correct?

23 A: Correct.

24 Q: Do you recall in the year 2013 that you paid her as an
25 independent contractor?

JIM JANSEN - CROSS BY MS. DIGGS

1 MS. NORZ: Objection, Your Honor. Relevance.

2 THE COURT: You might be able to connect it. I'm just
3 not sure, but go ahead.

4 BY MS. DIGGS:

5 A: Do I remember I paid her as a subcontractor?

6 Q: As an independent contractor.

7 A: I could have. I don't know.

8 Q: If I showed you her W-2s from 2013 and 2014, would that
9 refresh your recollection?

10 A: Sure.

11 MS. NORZ: Same objection, Your Honor.

12 BY MS. DIGGS:

13 A: Okay.

14 Q: Does that --

15 A: Those are mine.

16 Q: -- refresh your recollection? Okay. So in 2013 you paid
17 her as an independent contractor?

18 A: Apparently, yes.

19 Q: And in 2014 she was both an employee and received monies
20 as an independent contractor; is that correct?

21 A: I don't know.

22 Q: Were those 2014 W-2s?

23 A: Yes. It looks that way.

24 Q: Okay. So when she went from an independent contractor to
25 an employee, did her roles change at all?

JIM JANSEN - CROSS BY MS. DIGGS

1 A: No.

2 Q: No?

3 A: No.

4 Q: Okay. Are you aware that a common reason for employers
5 to misclassify their employees is to save money?

6 MS. NORZ: Again, Your Honor, objection.

7 THE COURT: Y'all need to approach.

8 (WHEREUPON, a bench conference was held off the record,
9 after which the proceedings resumed as follows.)

10 THE COURT: The objection is sustained.

11 MS. DIGGS: Sorry for the delay.

12 BY MS. DIGGS:

13 Q: I'm going to move on to ask you a little bit -- and I
14 know you said that you're not familiar at all with accounting.
15 I wanted to ask if you were familiar with the term job
16 costing?

17 A: Yes.

18 Q: Okay. And does Benchmark employ job costing?

19 A: It's cost -- cost of going to a job, materials bought,
20 hours, man-hours.

21 Q: Okay. And does Benchmark employ the practice of job
22 costing in QuickBooks?

23 A: Yes.

24 Q: Okay. So each check for expenses from vendors and stuff
25 like that, they are -- they go to a specific account within

JIM JANSEN - CROSS BY MS. DIGGS

1 your QuickBooks software?

2 A: Correct.

3 Q: To keep up with how much profit you make each month?

4 A: Correct.

5 Q: Y'all also utilize the practice of change orders?

6 A: Not -- my company personally, change orders, no.

7 Q: Just [inaudible]?

8 A: No.

9 Q: Okay.

10 MS. DIGGS: I believe that is all the questions I have
11 for you. Let me check and make sure.

12 BY MS. DIGGS:

13 Q: Oh, another thing that I missed was I know that you had a
14 few interviews with law enforcement, didn't you?

15 A: Uh-huh. Yes.

16 Q: Specifically, your interview with Detective Thompson?

17 A: Correct.

18 Q: Who is the lead detective on this case, and you had told
19 him that -- that Ms. Lewis would never sign your signature on
20 checks, even when you gave her permission?

21 A: Correct.

22 Q: Okay.

23 MS. DIGGS: I guess that's all my questions. Thank you,
24 Your Honor.

25 THE COURT: All right. Any redirect, Ms. Norz?

JIM JANSEN - REDIRECT BY MS. NORZREDIRECT EXAMINATION

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BY MS. NORZ:

Q: Jim, Ms. Diggs just asked you about a statement that you made to law enforcement. What did you mean? Why did you make that statement? What did you mean?

A: I was out of town a certain week and I forgot to sign one of the checks. So I asked Lora just to sign my name to it. She said, no, she would never do that. So I had my son come in to the office and sign my name.

Q: So you authorized your son to sign your name on this one particular check?

A: One check, right.

Q: Did you authorize Lora Lewis to sign your name at any other time --

A: No.

Q: -- to checks?

A: No.

Q: And you have -- the checks that are in question here, you're confident those were not -- were not checks you signed?

A: Correct.

MS. NORZ: Thank you. Thank you for being here.

THE COURT: Any recross? Ms. Diggs, any recross?

MS. DIGGS: No recross. Thank you.

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

THE WITNESS: Thanks.

BRENDA JANSEN - DIRECT BY MS. NORZ

1 THE COURT: Call your next witness.

2 MS. NORZ: The State calls Brenda Jansen.

3 THE COURT: Come on forward, Ms. Jansen.

4 THE CLERK: Please raise your right hand for me. Do you
5 solemnly swear or affirm to truthfully testify before the
6 Court, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: And please speak directly into the
9 microphone. State your name and spell your last name.

10 THE WITNESS: Brenda Jansen, J-a-n-s-e-n.

11 BRENDA JANSEN, being first duly
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. NORZ:

15 Q: Ms. Jansen, I'm going to ask you to tell us a little bit
16 about yourself, where you live, who you're married to.

17 A: I live in Bluffton. I'm married to Jim Jansen.

18 Q: And how long have you been living in Bluffton?

19 A: Going on 12 years.

20 Q: And where were you before that?

21 A: Michigan.

22 Q: And any children?

23 A: Yes. I have a daughter in college and a son that lives
24 at home still.

25 Q: And since you moved to Bluffton, have you always been

BRENDA JANSEN - DIRECT BY MS. NORZ

1 working for Benchmark Interiors?

2 A: No. I never wanted to work in the business at all. I
3 had a lovely job working for my best friend, who is an
4 attorney, working 10 hours a week, just doing fun legal stuff.

5 Q: Okay. So you worked in a law office?

6 A: Yeah. I worked in a law office Tuesdays and Thursdays
7 for about five hours a day, and my husband called me one day
8 and he said I need you to come in the office. And I'm like,
9 okay, Deb, I said, I'll be gone for two weeks. That was three
10 years ago. So there.

11 Q: Okay. And why are you -- you're still -- so you're not
12 working for the law firm anymore?

13 A: No. I had to give that up to go full-time into the
14 office, which I had absolutely no idea what I was doing
15 whatsoever. Luckily, one of my other best friends is an
16 accountant and she came in and worked with me for a couple
17 weeks, helped me out, saved me, showed me as much as she
18 could. I have no accounting or bookkeeping background
19 whatsoever.

20 Q: And you said your husband, Jim Jansen, called you and
21 said I need you in the office. What -- why did that happen?

22 A: He said I -- I think Lora is stealing from us. I need
23 you to come in.

24 Q: And when was that?

25 A: I believe it was November 23rd, right around then. I was

BRENDA JANSEN - DIRECT BY MS. NORZ

1 in the office the days when Anita called and said, oh, my
2 gosh, you better call the police. She goes, this is bad.

3 Q: Okay. And were you aware that your husband had asked for
4 a review --

5 A: No.

6 Q: -- of the books? You didn't?

7 A: No. I was not involved in the business at all.

8 Q: Did you ever go into the office off-hours and things like
9 that before you started working there?

10 A: No.

11 Q: So you did not work there at the same time Lora worked
12 there?

13 A: No, never.

14 Q: Okay. Did you sign company checks while Lora was working
15 there?

16 A: No.

17 Q: Did you log on to the company's online banking while Lora
18 was working there?

19 A: No.

20 Q: Did you log on to QuickBooks while Lora was working
21 there?

22 A: No.

23 Q: Did you even know the password for QuickBooks --

24 A: No.

25 Q: -- while Lora was working there?

BRENDA JANSEN - DIRECT BY MS. NORZ

1 A: If I went into the office to say something to my husband
2 or my dad, hi, Lora, how you doing. That was it. I had
3 nothing to do with the business at all.

4 Q: So how do you -- you mentioned Anita Murphy. How do you
5 know Anita? You said Anita. Was that Anita Murphy?

6 A: Well -- Anita Murphy, yeah, that works for Christine
7 Cassidy's office. She --

8 Q: Who is Christine Cassidy?

9 A: Christine Cassidy is our main accounting firm. Anita
10 does all of the payroll stuff for us. She works remotely.
11 She lives four hours from here I think in Greenwood or
12 something. So her and I have become very close because, like
13 I said, I had no experience whatsoever.

14 So I have spent countless hours, days, time on the phone
15 with her, to which they charge us ridiculous amounts of money
16 for. Yeah, her and I have become very close. She does all of
17 the payroll, all the W-2s. She does all the quarterlies. She
18 does all the -- she does all that stuff for me because I have
19 no idea how to do it. So yeah, it's expensive.

20 Q: So tell us about how you came into the office when your
21 husband called and you told your friend you were working for
22 you had -- you'd be back in two weeks.

23 A: Yeah. I said something is going on at the office. Jim
24 thinks Lora is stealing. So I have to go in and man the
25 phones and see what's going on and, you know, I literally

BRENDA JANSEN - DIRECT BY MS. NORZ

1 thought I was just going to go in there and help out for, you
2 know, a week or two while we straightened it out, and then it
3 just kind of blew up.

4 And I had brought in a couple of people. I mean I didn't
5 even know how to get into the QuickBooks. There was a --
6 there was a pamphlet that was there that had some passwords,
7 but it was crazy and, of course, when you think somebody is
8 stealing from you, of course, you want to change all the
9 passwords so that they aren't remotely accessing them.

10 So it was a struggle, a huge struggle for me for weeks
11 trying to figure out what I was doing and then, you know, like
12 I said, my girlfriend who was an accountant would come in and
13 help me and we would just sit there and crack up at how
14 ridiculous it was that we did not know what was going on
15 whatsoever, but you know, we muddled through best we could and
16 I ended up telling my girlfriend I won't be back.

17 Q: Okay. Why is -- why is it that you're still there?

18 A: Because I wouldn't trust anybody after that. I had no
19 intentions of ever having a full-time job, let alone being
20 involved in the business, but how can you trust someone after
21 that to come in and have access to your -- your life,
22 finances, everything?

23 Q: So give us the -- you came in when your husband called?

24 A: Yeah.

25 Q: And what were some of the first steps you took?

BRENDA JANSEN - DIRECT BY MS. NORZ

1 A: Gosh.

2 Q: Did you hear from Anita? Did you talk to Anita?

3 A: Oh, I talked to Anita on the phone several times I mean

4 that very first day I was in there. I think it was when he

5 was confronting Lora at her house, which scared me to death.

6 I did not want him to do that, and I was sitting in the office

7 pacing and Anita called again and she's like, you know,

8 where's Jim? And I said, well, he went to go confront her.

9 Q: You don't have to say what anybody said, but the

10 information that you gathered was what?

11 A: I gathered that there was a lot more to it than what she

12 had uncovered initially.

13 Q: Okay. And what was your understanding as to what Anita

14 was doing for your company, for Benchmark?

15 A: Prior to me being there?

16 Q: Yeah. I mean what was Anita calling about? What was she

17 doing? What was she looking for?

18 A: She was digging into all of the past checks written and

19 the fact that they had been edited. I mean it was -- it's

20 very obvious looking at the reports. The deep dive reports

21 are very obvious.

22 Q: And so she shared her results with you --

23 A: Uh-huh.

24 Q: -- about her --

25 A: Yes.

BRENDA JANSEN - DIRECT BY MS. NORZ

1 Q: -- review?

2 A: Yes. She -- she emailed it over. We printed it out. It
3 came out, you know, highlighted everything in bright yellow
4 where we needed to pay attention, and I'm sure it'll show.

5 Q: And what she sent over or forwarded to you, did you take
6 any steps based on that report? Did you have to go to the
7 bank? If you went there, what did you do?

8 A: Gosh, I don't know. It was such a whirlwind those first
9 -- first several days between Jim calling the police and them
10 coming in and there was a lot of -- a lot of activity going
11 on, and I was pretty much blind in the office just as to what
12 I could do, other than, you know, to start digging, printing I
13 mean.

14 Q: Was your husband upset?

15 A: Yeah. I would say so. We were all -- we were all pretty
16 upset. It's pretty disheartening to know that somebody that
17 has been in charge of your finances for many years is stealing
18 from you.

19 Q: Okay. Did you -- who is Chelsea Black?

20 A: She's the manager of South State Bank where we do all of
21 our banking.

22 Q: So when you say we, you mean Benchmark Interiors?

23 A: Yes, the company. Right.

24 Q: And did there come a time where you had to speak to her?

25 A: Yes. Many times.

BRENDA JANSEN - DIRECT BY MS. NORZ

1 Q: And in those initial few days, what did you do?

2 A: I had to have -- she had to help me change all the

3 passwords to the banking. I mean, like I said, I tried to

4 change every password that I could for everything I could

5 find. Obviously, as time went on and I learned more what was

6 going on, I -- there was more and more things that had to be

7 changed. I mean everything is online, all of the accounts,

8 whether it's with, you know, Sherwin-Williams or whoever it

9 was, there's a lot of online stuff, credit cards, all kinds of

10 stuff. So . . .

11 Q: So these were accounts that the defendant, Lora Lewis,

12 initially had set up passwords for?

13 A: More than likely, yes.

14 Q: And so you went to the bank to change those?

15 A: Oh, yes.

16 Q: Because you didn't want her to have access?

17 A: I didn't want her to be able to access them from her

18 house or wherever and take any more money.

19 Q: Now, you talked about what you and your friends who

20 helped you in those initial days, and was your husband

21 learning all this as well as far as QuickBooks or finding out

22 or he does not --

23 A: He does not deal with that, no.

24 Q: So your husband is not really spending time managing the

25 office; is that correct?

BRENDA JANSEN - DIRECT BY MS. NORZ

1 A: No. He's managing the business. I'm managing the
2 office.

3 Q: So he's out managing jobs?

4 A: Right.

5 Q: Okay. Did you -- did you -- after Lora was no longer
6 working -- she didn't come back, did she?

7 A: She never came back from day one when I was there.

8 Q: And you talked about your husband confronting Lora. What
9 was your understanding of what was going on there?

10 A: He went over there with a stack of papers in his hand and
11 he was going to go say, you know --

12 MS. DIGGS: Objection.

13 THE WITNESS: I don't know exactly what he said. I
14 wasn't there.

15 THE COURT: Thank you.

16 BY MS. NORZ:

17 A: But he -- he went over there to find out what she had to
18 say for herself.

19 Q: And did he come back to the office?

20 A: And tell me what she said? Yes. Am I allowed to say
21 that or is that hearsay?

22 Q: That's fine. What was your conclusion?

23 A: It was my conclusion that she admitted it, said she was
24 sorry, that she only did it for one year, and --

25 MS. DIGGS: Objection, Your Honor.

BRENDA JANSEN - DIRECT BY MS. NORZ

1 THE WITNESS: Do you want me to reword that?

2 MS. NORZ: Okay, Your Honor.

3 BY MS. NORZ:

4 Q: After -- you talked about Anita Murphy again, the outside

5 accountant, helping you to learn basically how to do some of

6 these jobs that Lora used to do; is that correct?

7 A: Right.

8 Q: And did she -- did you assist her with any of her review

9 of the financials?

10 A: No.

11 Q: So Benchmark Interiors, do they keep QuickBooks records

12 in their normal course of business?

13 A: I do, yes.

14 Q: Yes?

15 A: Uh-huh.

16 Q: And is it your understanding that Lora -- I mean that

17 Anita Murphy has now been given access to those records to do

18 her review?

19 A: Yes.

20 Q: Okay. Did you meet with the Bluffton Police Department

21 regarding Lora Lewis?

22 A: Yes. Jim and I were there together.

23 Q: And so you helped -- you guys provided information to

24 them as well?

25 A: Yes. What -- you know, information that I was given from

BRENDA JANSEN - DIRECT BY MS. NORZ

1 Anita.

2 Q: And at the time you met with the Bluffton Police
3 Department, had you reviewed the checks as well that were
4 written?

5 A: Yes. I mean it took -- it took a lot of time getting all
6 of the checks, getting all of the checks, getting all of the
7 reports, I mean making sure that we had all of the
8 information, you know, front and back of checks where you
9 could see where her name was signed, where she deposited it,
10 you know, all of that. It took a lot to dig through all of
11 that. We spent a lot of time on it.

12 Q: And were you involved in that?

13 A: Yes.

14 Q: And do you recall what years you -- when you went to the
15 Bluffton Police Department, do you recall how many years of
16 checks you had with you?

17 A: Well, we -- we knew that it had gone on for many, many
18 years, but it was costing us so much money from Cassidy's
19 office. They charged -- we have spent thousands and thousands
20 of dollars on this --

21 Q: When you say --

22 A: -- trying to gather --

23 Q: -- thousands --

24 A: She bills me. Every time I talk to Anita, I pay. If I
25 email them, I pay. Any time that Anita spends on her own

BRENDA JANSEN - DIRECT BY MS. NORZ

1 working on this case, they bill me for. I mean it's literally
2 ridiculous, but I didn't have a choice.

3 Q: That's the outside accountant handling it?

4 A: Right.

5 Q: That was hired to review it?

6 A: Yes.

7 Q: Okay. So do you have an idea of how much money was taken
8 each year by Lora Lewis?

9 A: For the three years that we're talking about for this
10 case?

11 Q: Per year.

12 A: It was -- it was definitely 80,000 in '18, and then as we
13 went back, it was in -- it was -- it might have been more in
14 2017 than it was in '18, probably because she didn't get the
15 last month in. So -- and then the year before, it was like
16 70,000. It was, you know, around 240,000 I believe is what
17 we're going for for the case. Not that we're going for it.
18 We are not going for it. It's just what was there, what we
19 have proof of.

20 Q: Okay.

21 MS. NORZ: Your Honor, I am going to --

22 BY MS. NORZ:

23 Q: I'm going to pass up to you what's been marked as State's
24 Exhibit 1. Ms. Jansen, do you recognize -- just take a chance
25 and look at those few pages and tell me if you recognize

BRENDA JANSEN - DIRECT BY MS. NORZ

1 what's State's Exhibit 1?

2 A: Yes. These are W-2s for Lora Lewis for '16, '17, and
3 '18.

4 Q: And is it part of Benchmark Interiors' routine business
5 practice to maintain W-2s on employees?

6 A: Yes.

7 Q: And is this created -- are W-2s created each year as part
8 of the business?

9 A: Yes, they are.

10 Q: And are they made by somebody at the company with
11 knowledge of that information?

12 A: Anita does all of that.

13 Q: Okay.

14 MS. NORZ: I'm going to move to admit the W-2s into
15 evidence and request to publish them to the jury.

16 MS. DIGGS: No objection.

17 THE COURT: Thank you.

18 (WHEREUPON, State's Exhibit No. 1, W-2 forms, was
19 admitted in evidence.)

20 BY MS. NORZ:

21 Q: Can you see that, Ms. Jansen?

22 A: Not clear enough.

23 Q: [Inaudible.]

24 A: I can --

25 Q: [Inaudible.]

BRENDA JANSEN - DIRECT BY MS. NORZ

1 A: Do you want me to?

2 Q: Yes.

3 A: Okay.

4 Q: This is the front page of Exhibit 1, and can you tell me
5 what that is?

6 A: This is a 2016 W-2 for Lora Lewis on Benchmark Interiors
7 for \$22,945.40. [Inaudible.]

8 Q: And this W-2, can you tell me what year this is?

9 A: This is a W-2 for 2017, Lora M. Lewis, from Benchmark
10 Interiors.

11 MS. DIGGS: Your Honor, I'm going to object.

12 THE COURT: Basis?

13 MS. DIGGS: She stated she didn't work there during these
14 years. So on the basis that she doesn't have personal
15 knowledge.

16 THE COURT: Who prepared these?

17 MS. NORZ: Well, Your Honor, she is aware of -- somebody
18 else prepared these [inaudible].

19 MS. DIGGS: She didn't work there when these were
20 prepared. That was [inaudible].

21 MS. NORZ: She doesn't have to be [inaudible].

22 THE COURT: She has to be able to authenticate it. Can
23 she authenticate it?

24 MS. NORZ: She already did.

25 THE COURT: Okay. Then go ahead.

BRENDA JANSEN - DIRECT BY MS. NORZ

1 MS. DIGGS: I didn't -- I just objected to this. She
2 doesn't have personal knowledge.

3 THE COURT: You can go ahead.

4 BY MS. NORZ:

5 A: So this is [inaudible] from Benchmark [inaudible] for
6 \$24,957.04. And then this is the W-2 from 2018, Lora Lewis,
7 Benchmark Interiors, and she made \$23,499.

8 Q: Okay. Thank you. You can return to the stand.

9 Let me just ask you, Ms. Jansen, at this point in time do
10 you understand how Lora was able to hide these unauthorized
11 checks?

12 A: Yes.

13 Q: How was that?

14 A: She went in, issued a check made out to herself, printed
15 it. Then signed her name, put it in her bank, and then
16 sometimes it would be three seconds later she went back and
17 changed the name to -- like I said, to like Sherwin-Williams,
18 for example.

19 Q: Who is Sherwin-Williams?

20 A: Sherwin-Williams is our paint vendor. That's who we buy
21 our paint from.

22 Q: A paint store?

23 A: Yep.

24 MS. NORZ: Okay. I have no further questions. If you'll
25 just answer any questions from Ms. Diggs. Thank you.

BRENDA JANSEN - CROSS BY MS. DIGGS

1 THE WITNESS: You're welcome.

2 THE COURT: Ms. Diggs?

3 CROSS-EXAMINATION

4 BY MS. DIGGS:

5 Q: Good afternoon, Ms. Jansen.

6 A: Hello.

7 Q: A few questions. You were not working at Benchmark
8 Interiors when Lora was there?

9 A: No.

10 Q: So you would've had no opportunity to witness these
11 events actually occurring?

12 A: Correct.

13 MS. DIGGS: No further questions.

14 THE COURT: Anything further?

15 MS. NORZ: No, Your Honor.

16 THE COURT: You may step down.

17 Is now a good time to take a break?

18 MS. NORZ: Yes.

19 THE COURT: Yes? Ladies and gentlemen of the jury, let's
20 go ahead and take a brief recess. I remind you do not discuss
21 this case. It wouldn't be appropriate to do so. Please leave
22 your pads in your seats and if y'all have written your numbers
23 or some way identified which are yours. All right. Thank
24 you.

25 (WHEREUPON, the jury exited the courtroom at 2:42 p.m.)

1 THE BAILIFF: The jury is clear.

2 THE COURT: Thank you, sir.

3 We will be at ease for about 10 minutes or so. Who is
4 your next witness?

5 MS. NORZ: I don't have anyone until tomorrow, Your
6 Honor, because they were coming from four hours away. So I
7 didn't want to -- I didn't know I could get them here and get
8 this done quick enough.

9 THE COURT: Okay. All right. Well, let's just take a
10 break and bring the jury back and we'll just be finished for
11 today. Okay? What time is your witness coming in the
12 morning?

13 MS. NORZ: Nine.

14 THE COURT: Okay.

15 (WHEREUPON, there was a break in the proceedings from
16 2:43 p.m. until 2:58 p.m., after which the proceedings
17 resumed as follows.)

18 THE COURT: I'm going to bring the jury in and I'm going
19 to give them the option of 9, 9:30, or 10. Is that okay as
20 far as time?

21 MS. NORZ: Yes, Your Honor.

22 THE COURT: Okay. How many witnesses do you think you're
23 going to put up tomorrow?

24 MS. NORZ: Four.

25 THE COURT: All the rest of them?

1 MS. NORZ: Yeah. All of them, yeah.

2 THE COURT: All of them? Okay.

3 MS. NORZ: I mean I have two bank employees, the
4 investigator, and the accountant.

5 THE COURT: Okay.

6 (WHEREUPON, the jury entered the courtroom at 3:00 p.m.)

7 THE BAILIFF: The jury is entering the courtroom, Your
8 Honor.

9 THE COURT: Thank you, sir.

10 THE BAILIFF: Yes, ma'am.

11 THE COURT: Thank you. You may be seated.

12 Ladies and gentlemen, I understand that we don't have any
13 more witnesses to put up today and, rather than wait for
14 someone, let's go ahead and just break for the day and we're
15 going to start back up at 9:30 tomorrow morning.

16 Ladies and gentlemen, I know you have heard some evidence
17 in this case. I need to remind you do not do any independent
18 research. Don't go online. Don't go look up anything. Get a
19 good night's sleep, ladies and gentlemen. I expect us to work
20 through the day tomorrow.

21 I will tell you I do have a board meeting that I need to
22 attend at some point tomorrow evening early. So I don't
23 believe we're going to be working too terribly late unless it
24 really just kind of arranges that way. So I think you can go
25 ahead and plan that we'll be done probably by about 4:30

1 tomorrow. Okay?

2 Now, there's an exception to that. If for some reason we
3 are far enough away so we can get deliberation and all that
4 in, that could change things and we could potentially stay,
5 but I think right now you can comfortably know that you'll be
6 out of here by 4:30 tomorrow. Unless anyone else has any
7 other problems or conflicts, I certainly can accommodate you.
8 Okay?

9 So I appreciate it. Y'all have been wonderful. Again,
10 when you go home tonight, the only thing you're allowed to say
11 is you've been chosen as a juror in a trial in a criminal
12 case. You cannot say the charges, any of the parties involved
13 or the lawyers. Again, it's because someone is going to try
14 to tell you something about something when they know nothing
15 about this case. All right?

16 Again, get a good night's sleep, have breakfast, and
17 we'll see you all in the morning. Thank you. 9:30.

18 (WHEREUPON, the jury exited the courtroom at 3:02 p.m.)

19 THE BAILIFF: The jury is clear, Your Honor.

20 THE COURT: Thank you.

21 All right. Anything else we need to cover before
22 morning? So the jury said 9:30. That's when they wanted to
23 come back, so that's why we said 9:30.

24 MS. DIGGS: Okay.

25 THE COURT: So you heard me tell them. I really am

1 supposed to be at a board meeting just a little after five
2 tomorrow, but if we are deliberating for some reason and its
3 earlier than that, I can just call into it if I need to. So
4 we'll keep going if that's, you know, necessary. If not
5 though and we may want a fresh day the next day to maybe argue
6 and charge, but other than that, I think we're fine.

7 I know you gave me some proposed charges. They are
8 obviously in this stuff. So I don't see anything in there
9 that we potentially need. So I'm assuming tomorrow you're
10 going to put up more than \$10,000 worth so there's no lesser-
11 includeds, and we'll just go from there.

12 MS. DIGGS: Okay.

13 MS. NORZ: Thank you, Your Honor.

14 THE COURT: Does that sound good?

15 MS. NORZ: Sounds good.

16 THE COURT: Thank you, y'all.

17 MS. DIGGS: Thank you, Your Honor.

18 THE COURT: I appreciate it. See y'all in the morning.

19 MS. DIGGS: Okay.

20 (WHEREUPON, the proceedings adjourned for the day at 3:03
21 p.m.)

22 MARCH 15, 2022

23 (WHEREUPON, the proceedings resumed at 9:15 a.m.)

24 THE COURT: All right. Is the State ready to go?

25 MS. NORZ: Yes, Your Honor.

1 THE COURT: Is the defense ready to go?

2 MS. DIGGS: We are, Your Honor.

3 THE COURT: All right. Let's bring the jury in. They
4 are all here.

5 Who is your first witness this morning?

6 MS. NORZ: This will be Ellen Bell from TD Bank.

7 THE COURT: Okay.

8 MS. NORZ: [Inaudible.]

9 THE COURT: Thank you. Okay.

10 (WHEREUPON, the jury entered the courtroom at 9:53 a.m.)

11 THE BAILIFF: The jury is entering the courtroom, Your
12 Honor.

13 THE COURT: Thank you. You may be seated.

14 Good morning, ladies and gentlemen. It's a pleasure to
15 see you all. We're going to go ahead and continue with the
16 trial of this case. The State is going to call their first
17 witness for this morning.

18 Ms. Norz?

19 MS. NORZ: The State calls Ellen Bell.

20 THE COURT: Come on forward to be sworn, Ms. Bell, right
21 up here. She will swear you in first.

22 THE CLERK: Will you please raise your right hand? Do
23 you solemnly swear or affirm to truthfully answer all such
24 questions propounded to you by this Court, so help you God?

25 THE WITNESS: I do.

ELLEN BELL - DIRECT BY MS. NORZ

1 THE COURT: Thank you.

2 THE CLERK: Thank you. Please speak directly into the
3 microphone and state your name and spell your name.

4 THE COURT: Spell your last name if you would.

5 THE WITNESS: My last name?

6 THE COURT: Yes, ma'am.

7 THE WITNESS: Ellen Bell, B-e-l-l.

8 THE CLERK: Thank you.

9 ELLEN BELL, being first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. NORZ:

13 Q: Good morning, Ms. Bell.

14 A: Good morning.

15 Q: Thank you for being here today. I'm going to ask you a
16 few questions about your background, if you could answer them.

17 A: Okay.

18 Q: So the jury could learn a little bit about you, where do
19 you work?

20 A: I work all over South Carolina and part of North Carolina
21 for TD Bank.

22 Q: What do you do at TD Bank?

23 A: I do audits.

24 Q: Excuse me?

25 A: I do audits.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: Audits? Okay. And how long have you been working there
2 at TD Bank?

3 A: Thirty years.

4 Q: And are you familiar with the opening bank statements for
5 customers, how they would come in and open a bank account?

6 A: I am.

7 Q: And are you familiar also with monthly bank statements
8 and how they're issued to customers who open accounts?

9 A: I am.

10 Q: And are you familiar with documentation for deposits that
11 are made into a customer account?

12 A: Yes, ma'am.

13 Q: And did TD Bank receive a request from law enforcement to
14 provide documents in this case?

15 A: We did.

16 Q: And did you review the documents that TD Bank provided in
17 response to that request?

18 A: I did.

19 Q: So I'm going to show you what's been marked as State's
20 Exhibit 2. If you would just look through that for a minute?
21 Do you recognize that?

22 A: They're all statements and an opening account form.

23 Q: An opening account form?

24 A: Yes, ma'am.

25 Q: And bank statements?

ELLEN BELL - DIRECT BY MS. NORZ

1 A: Yes, ma'am.

2 Q: And who is listed as the account owner on the bank
3 statements?

4 A: Lora Lewis.

5 Q: And can you tell just looking at them what years those
6 are for?

7 A: Yes. Just give me a second. 2016 through 2017, 2018,
8 and it stops in 2018.

9 Q: Okay. And are you familiar with TD Bank's procedure when
10 it comes to maintaining bank statements such as these?

11 A: Yes, ma'am.

12 Q: And does TD Bank keep these records as part of their
13 typical business activity?

14 A: We do.

15 Q: And is it -- is the information in these account
16 statements recorded at or near the times these transactions
17 occur?

18 A: They are.

19 Q: In the customer's account?

20 A: Uh-huh.

21 Q: And these are business records that would be made with a
22 person of knowledge in the TD Bank; is that correct?

23 A: Correct.

24 Q: And these records were part of what was provided by TD
25 Bank in this case in response to the request by law

ELLEN BELL - DIRECT BY MS. NORZ

1 enforcement?

2 A: Yes, ma'am.

3 MS. NORZ: I would move to admit Exhibit 2 into evidence.

4 THE COURT: Any objection?

5 MS. DIGGS: Judge, I would just renew my objection from
6 pretrial.

7 THE COURT: Thank you. Subject to your previous
8 objections, they are in evidence.

9 (WHEREUPON, State's Exhibit No. 2, TD Bank records, was
10 admitted into evidence.)

11 MS. NORZ: Request to publish these.

12 THE COURT: You may.

13 MS. NORZ: Thank you. Oops. I hit the wrong thing here.
14 [Inaudible.]

15 THE WITNESS: Okay.

16 MS. NORZ: Can you see that or are you going to have to
17 come down?

18 THE WITNESS: I believe I'm going to have to come down.

19 MS. NORZ: Okay.

20 THE WITNESS: I can't see.

21 MS. NORZ: [Inaudible] so you can make sure the jury can
22 hear you. [Inaudible].

23 THE WITNESS: Okay.

24 BY MS. NORZ:

25 Q: Ms. Bell, can you tell me what this document is?

ELLEN BELL - DIRECT BY MS. NORZ

1 A: This is the [inaudible.]
2 THE COURT: Can y'all hear her?
3 THE JURORS: Yes.
4 THE COURT: Okay. Thank you.
5 BY MS. NORZ:
6 Q: And what -- whose -- who is the account holder on this?
7 A: Lora Lewis.
8 Q: Lora Lewis? Okay. And when -- and does it have a date
9 of birth?
10 A: Yes, ma'am. [Inaudible] [inaudible] 1952.
11 Q: And does it have a signature?
12 A: Yes, ma'am.
13 Q: And whose signature would that be on these papers?
14 A: [Inaudible] that opened the account.
15 Q: And also would the person who comes in to open an account
16 have to show identification?
17 A: They would.
18 Q: And what's the account number on this?
19 A: [REDACTED].
20 Q: So the account ends in [REDACTED]?
21 A: Yes, ma'am.
22 Q: Okay, Ms. Bell. Thank you. Actually, we're going to
23 bring another one up. We'll just ask you questions here. Ms.
24 Bell, I'm going to show you what's been marked as State's
25 Exhibit 3.

ELLEN BELL - DIRECT BY MS. NORZ

1 A: Okay.

2 Q: [Inaudible.] Can you tell me, Ms. Bell, what -- do you
3 recognize that exhibit?

4 A: I do.

5 Q: And what is that?

6 A: Personal account maintenance [inaudible].

7 Q: Okay. And again, Ms. Bell, is that -- is that a document
8 that was produced in response to the request from law
9 enforcement to TD Bank in this case?

10 A: It was.

11 Q: Okay. And what name -- the account holder name is on
12 that?

13 A: Lora Lewis and Mark P. Lewis.

14 Q: Okay. And again, is that exhibit a document that is
15 maintained by TD Bank in its normal business activity?

16 A: Yes, ma'am.

17 Q: And it's a routine practice of TD Bank to keep these
18 documents as part of its business?

19 A: It is.

20 Q: And is the information on that recorded at or near the
21 time the transactions took place?

22 A: It is.

23 Q: Okay. And it's -- is it recorded with someone from TD
24 Bank with knowledge regarding the information?

25 A: [Inaudible.]

ELLEN BELL - DIRECT BY MS. NORZ

1 MS. NORZ: Your Honor, I'm going to move to admit Exhibit
2 3 into evidence.

3 MS. DIGGS: And I would just subject -- or renew my
4 previous objection, Your Honor.

5 THE COURT: Subject to your prior objection, they're in
6 evidence.

7 (WHEREUPON, State's Exhibit No. 3, account maintenance
8 records, was admitted in evidence.)

9 MS. NORZ: Thank you. I'm going to ask to publish
10 Exhibit 3 to the jury, Your Honor.

11 THE COURT: Okay.

12 BY MS. NORZ:

13 Q: Again, Ms. Bell, we're going to go through those same
14 questions with account. The account holders would have --
15 again, Ms. Bell, what -- this document is something the
16 account holder would sign at the time they came in to open an
17 account?

18 A: [Inaudible] maintenance form.

19 Q: What do you mean by maintenance on account?

20 A: It means [inaudible] subject to a maintenance
21 [inaudible].

22 Q: And can you tell what official maintenance it is?

23 A: [Inaudible.]

24 Q: So originally this account was in whose name?

25 A: Lora Lewis.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And who was the additional owner added to the account?

2 A: Mark Lewis.

3 Q: Okay. And again, is there a signature on that account?

4 A: [Inaudible.]

5 Q: And that signature would have been?

6 A: Lora Lewis.

7 Q: Lora Lewis? Okay. And I want to look at page 2 of

8 Exhibit 3, and does this tell you additional information about

9 what happened to this account?

10 A: It does. It shows that Mark Lewis signed [inaudible].

11 Q: So what happened here?

12 A: It went through [inaudible].

13 Q: Okay. And what is the number of this account?

14 A: [Inaudible.]

15 Q: You can kind of look at it if you need.

16 A: [Inaudible.]

17 Q: Okay. So it ends with a [REDACTED]? So this account is owned

18 -- at this point after this document is signed, it's owned by

19 both Lora Lewis and Mark Lewis, and it ends in [REDACTED]?

20 A: [Inaudible.]

21 Q: Okay.

22 MS. NORZ: Thank you, Ms. Bell. Can you please have a

23 seat back on the witness stand?

24 THE WITNESS: Thank you.

25 BY MS. NORZ:

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: Ms. Bell, I'm going to have you look at Exhibit 2, which
2 is the big stack.

3 A: Okay.

4 Q: This is Exhibit 3.

5 A: Okay.

6 Q: And I'm going to ask you a few questions about Exhibit 2.

7 A: Okay.

8 (Inaudible talk between counsel and bailiff.)

9 THE BAILIFF: Is that good?

10 MS. NORZ: That's perfect.

11 BY MS. NORZ:

12 Q: Do you want to come? Can you see it from here, Ms. Bell?

13 A: Yes, ma'am, I can.

14 Q: Okay. It's a little awkward. Ms. Bell, if you would
15 flip to the TD Bank on Exhibit 2, the bank statement that is
16 just for Lora Lewis, the account of Lora Lewis?

17 A: Okay.

18 MS. NORZ: [Inaudible.]

19 THE COURT: Sure.

20 BY MS. NORZ:

21 A: For the same date that you have on the board?

22 Q: Yes. I did just for convenience paperclip that day, the
23 first page that says page 1 of 7.

24 A: Yes, ma'am. Okay.

25 Q: And can you tell me what period that page starts with,

ELLEN BELL - DIRECT BY MS. NORZ

1 the account period?

2 A: This one starts December 1st through January 20th. It's

3 not the same as what you have up there.

4 Q: Okay.

5 A: Okay. Here's the one January 21st. I've got it. Okay.

6 Q: [Inaudible.]

7 A: Yes, ma'am.

8 Q: Okay. And then at the top of it says page 1 of 9?

9 A: Correct.

10 Q: Okay. Is this -- is this -- what's on the easel here, is

11 this an accurate representation of what that page is of

12 Exhibit 2?

13 A: It is.

14 MS. NORZ: I'm going to move to admit this document,

15 which is -- we're missing a page here. Oh, I see now. I'm

16 sorry.

17 THE WITNESS: There's the first one. Okay.

18 BY MS. NORZ:

19 Q: I'm looking at page -- what is paperclipped as page 1 of

20 7. Do you see that?

21 A: I do.

22 Q: On Exhibit 2?

23 A: Uh-huh.

24 Q: Is this a fair and accurate representation of that page?

25 A: It is.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: Now we're going to look at the next page, the page that
2 is marked 1 of 7 for the statement period February 21, 2018,
3 to March 20, 2018.

4 A: Okay.

5 Q: Is this a fair and accurate representation of that page
6 of Exhibit 2?

7 A: Yes, ma'am.

8 Q: Now if you scroll down to the next time period, March 21,
9 2018, to April 20, 2018.

10 A: Okay.

11 Q: And is this a fair and accurate representation of that
12 page of Exhibit 2?

13 A: Yes, ma'am, it is.

14 Q: That's the whole exhibit.

15 A: Okay.

16 MS. NORZ: Your Honor, this has been marked as Exhibit
17 2-A, and I'm going to ask for Exhibit 2-A to be admitted into
18 evidence.

19 MS. DIGGS: Subject to previous objection.

20 THE COURT: Thank you. Subject to previous objection,
21 I'm admitting into evidence. Okay.

22 (WHEREUPON, State's Exhibit No. 2-A, large version of
23 Exhibit 2, was admitted into evidence.)

24 MS. NORZ: And I would ask to publish to the jury.

25 THE COURT: Please.

ELLEN BELL - DIRECT BY MS. NORZ

1 BY MS. NORZ:

2 Q: Now, Ms. Bell, can I get you to --

3 THE COURT: Ms. Norz, these people need to be able to see
4 it back here.

5 MS. NORZ: It's probably better [inaudible.]

6 BY MS. NORZ:

7 Q: Ms. Bell, if you wouldn't mind stepping down?

8 A: Okay.

9 Q: Let's look at this. [Inaudible.] Can you tell me what
10 this represents?

11 A: It's a true statement [inaudible] on Lora Lewis for her
12 account ending in [inaudible].

13 Q: And can you look on this and tell us is there a check in
14 here for the amount of \$2,371.62 that was deposited into this
15 account?

16 A: Yes, ma'am.

17 Q: And what was the date of that deposit?

18 A: 12 -- 12/29.

19 Q: Of 2018?

20 A: Yes, ma'am.

21 Q: Okay. And was this a check that was -- how was it
22 deposited? Did someone come into the bank and deposit that
23 check?

24 A: No, ma'am. It was deposited through the ATM, the
25 automatic teller machine.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And does it look like that check was cashed or was it
2 actually put into the account?

3 A: It was actually deposited into the account. Yes.

4 Q: Now, is there a check in the amount of \$2,357.64
5 deposited in this account?

6 A: Yes, ma'am.

7 Q: And again, the date and how was that check deposited?

8 A: It was deposited in the automatic teller machine on
9 1/16/19.

10 Q: Now, I'm going to get through here so you don't have to
11 keep popping up and down. Exhibit 2, and I'm going to ask you
12 to look at that entire bank statement which we know which
13 would be one -- this is only page 1 of that bank statement of
14 seven pages; correct?

15 A: Correct.

16 Q: Okay. So let's look at that whole bank statement. If
17 you would look through that and tell me, Ms. Bell, is there
18 cash taken out of that account for that time period? Do you
19 see any cash coming out?

20 A: No, ma'am. No cash.

21 Q: Ms. Bell, what was the beginning balance on that account
22 that month?

23 A: \$1,733.21.

24 Q: And is that right here [inaudible]? Right there?

25 A: Yes, ma'am.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And then there were deposits; is that correct?

2 A: [Inaudible.]

3 Q: Okay.

4 A: These are deposits. These are electronic withdrawals

5 that [inaudible] and these were checks that were cashed.

6 Q: Meaning someone wrote checks off of this account?

7 A: Uh-huh.

8 Q: Okay. And there was no cash coming out?

9 A: No, ma'am.

10 Q: Okay. And if you would look through that account

11 statement? Of course, it's seven pages. So this is page 1 of

12 7, and you have all seven. Where does it appear the money

13 that was taken out was -- where did it go?

14 A: It was used for purchases in different places, Michael's,

15 Amazon, Butcher's Market, Cinemark, Amazon again, Walmart,

16 Hargrave, [inaudible], Amazon. Amazon is on here a lot.

17 Lowe's, the Wine Shop, Verizon Wireless, La Bella Baskets,

18 Amazon again a good bit, Fresh Market, Publix, Initials Inc.,

19 Amazon again, Master Class, [inaudible] Collections, Meetup

20 Organization, Amazon again, PCBS Social Solutions,

21 [inaudible], Abode, Bass Pro, Master Class, Education

22 [inaudible], Wine Shop, Amazon four more times, Best Buy,

23 Amazon again, India Hicks.

24 Q: There's a lot of shopping?

25 A: Yes, ma'am.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And does it look like -- let's look at this page 1 again.
2 This will tell you -- because this tells you the beginning.
3 The account started with what amount?
4 A: 1,733.21.
5 Q: And how much was put in?
6 A: 11,626.71.
7 Q: And that's all of these specific -- everything that went
8 in; right?
9 A: Correct. Yes, ma'am.
10 Q: And at the end of the month, the money was spent?
11 A: Correct.
12 Q: Throughout the month on everything that's listed.
13 Everything that's listed on that bank account, and then the
14 ending balance at the end of the month, how much was left?
15 A: \$1,069.39.
16 Q: Okay. Now we're going to look at what is Exhibit 2-A
17 again. We're going to look at the next bank statement, and
18 that would be January 21, 2018, through February 20, 2018.
19 A: Okay.
20 Q: And let's look through. Again, are you seeing a check in
21 the amount of \$2,457.23?
22 A: Yes, ma'am. Right there.
23 Q: And how was that -- was that deposited again in the
24 account?
25 A: Automatic teller machine.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And do you see a check for \$4,050.41?

2 A: 4,050.41, automatic teller machine deposit.

3 Q: And do you see one for \$2,235.08?

4 A: Yes, ma'am, I do.

5 Q: And that was deposited?

6 A: Automatic teller machine.

7 Q: And the date of deposit was?

8 A: 2/16.

9 Q: Of 2018? Okay. And now we're going to look at the full

10 bank statement [inaudible] page 1 of 9.

11 A: Okay.

12 Q: And again, do you see any cash withdrawals from that

13 account that month?

14 A: No, ma'am, I do not.

15 Q: And were these checks cashed at the bank or they were

16 deposited?

17 A: They were deposited.

18 Q: And again, can you go through? Just what's it look like,

19 where did it go?

20 A: Different places, [inaudible], a good bit of Amazon

21 again, [inaudible] Closet, Walmart, Papa John's, Island

22 Banking, Amazon four times, [inaudible], Publix, Amazon,

23 [inaudible], Petco, Public Parkway, USPS, Amazon, Parkers,

24 Amazon five times, Buckwalter veterinarian, Amazon, USPS,

25 Publix, the Wine Shop, Walmart, Verizon Wireless, La Bella

ELLEN BELL - DIRECT BY MS. NORZ

1 Baskets, PetSmart, Amazon, Fresh Market, five more at Amazon,
2 FW E-commerce, Amazon, USPS.

3 Q: Basically, again --

4 A: Same thing.

5 Q: -- a lot of shopping?

6 A: Yep. Yes, ma'am.

7 Q: And if we could have you explain again for the jury what
8 was the beginning balance and -- and the money that came in
9 and the money that went out?

10 A: The beginning balance was 1,069.39. The deposits
11 electronic, 9,704.07.

12 Q: What do you mean by electronic?

13 A: ATM electronic, automatic teller machine deposits.

14 Q: Okay.

15 A: Electronic or debit [inaudible] and checks paid in the
16 amount of 1,575.

17 Q: So somebody wrote checks of this amount and then they
18 used their debit card for over \$7,000?

19 A: Correct.

20 Q: And then the ending balance is?

21 A: 2,501.70.

22 Q: And we're going to move to the next page of Exhibit 2-A,
23 and we're going to look at the bank statement for February 21,
24 2018, through March 20, 2018.

25 A: Okay.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: Again, this is page -- this is page 1 of 7. So the bank
2 statement would be really seven pages?

3 A: Yes, ma'am.

4 Q: Okay. And in this -- in this month period, do you see a
5 deposit for a check for \$2,398.74?

6 A: Yes, ma'am, I do.

7 Q: Okay.

8 A: It was an automatic teller machine deposit on 2/27/18.

9 Q: And do you see a deposit for \$2,337.04?

10 A: [Inaudible] and it was an automatic teller machine
11 deposit on 3/16/18.

12 Q: And all of these are into an account with the number of
13 ending in [REDACTED]; correct?

14 A: Yes, ma'am.

15 Q: And that is an account -- that is Lora Lewis's account
16 number?

17 A: Yes.

18 Q: Okay. And then the beginning balance and what was in and
19 out of that account that month?

20 A: The beginning balance was 2,501.71. The deposits done at
21 the automatic teller machine, 8,135.78. The electronic
22 payments 3,982.83. Checks written for 2,492.97, ending
23 balance 4,161.69.

24 Q: So someone wrote checks for this amount of 2,492.97?

25 A: Yes, ma'am.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And then they used a debit card for close to \$4,000?

2 A: Correct.

3 Q: Okay. And then we're going to look again at the next

4 page of Exhibit 2-A, and that is a statement period of March

5 21, 2018, through April 20, 2018, and this is the last one

6 we're going to look at.

7 A: Okay.

8 Q: And again, are you seeing on this deposit -- are you

9 seeing on this statement a deposit for \$2,342.76?

10 A: Yes, ma'am, I do, done at the automatic teller machine on

11 3/23/18.

12 Q: And for \$1,707.30?

13 A: Yes, ma'am, I do, automatic teller machine deposit

14 [inaudible].

15 Q: And for \$2,512.35?

16 A: Yes, ma'am. Automatic teller machine deposit on 4/13.

17 Q: So on this all the deposits that month were done through

18 a check to the ATM machine?

19 A: Correct.

20 Q: And again, these checks were not cashed, they were

21 deposited?

22 A: That is [inaudible].

23 Q: And if you look at the full statement, all nine pages for

24 this period of March 21, 2018, through April 20, 2018, can you

25 tell us if there is any cash coming out of this account?

ELLEN BELL - DIRECT BY MS. NORZ

1 A: There was no cash. It would show.

2 Q: It would show right up here?

3 A: And no cash came out.

4 Q: And if you'd just peruse and tell me again what -- what

5 this states?

6 A: These were the checks and these were electronical

7 withdrawals by debit card [inaudible], and the ending balance

8 is two thousand [inaudible].

9 Q: And again, if you would just look at those nine pages and

10 tell me did you observe -- not to read them all out, but what

11 -- what -- what do you see?

12 A: The same pattern, Amazon, Publix, PetSmart, Island

13 Banking, Ulta, Walmart, back to Amazon, [inaudible], NBR

14 Organic, Value Pack, Amazon, DirecTV, Max Madison, again

15 Amazon, [inaudible], pretty much the same pattern.

16 Q: A lot of shopping?

17 A: Yes, ma'am.

18 Q: Okay. Thank you, Ms. Bell. You can sit back down. I am

19 going to ask you one other -- about one other exhibit, but

20 we're just going to put it up on the board. I'm going to look

21 at Exhibit 3. I've got that right here and I'm just going to

22 put it up again.

23 A: Okay.

24 Q: You can step down if you want, Ms. Bell. I just have one

25 question. [Inaudible.] You can look at it right here --

ELLEN BELL - DIRECT BY MS. NORZ

1 A: Okay.

2 Q: -- if that's better. Again, what is this? What is this

3 document?

4 A: It is the statement for Lora Lewis from February 24th

5 through March the 23rd, 2018.

6 Q: And this account has another account holder on it as

7 well?

8 A: It does. Mark Lewis.

9 Q: Okay. And this is Exhibit 3, and does this have a check

10 deposited in the amount of \$2,653.81?

11 A: Yes, ma'am, it does through the ATM.

12 Q: And what date is that?

13 A: 3/13 of 2018.

14 Q: Okay. And again, does it appear there's any cash coming

15 out of this account?

16 A: No, ma'am.

17 Q: Does it -- that check wasn't cashed at the bank? It was

18 deposited; is that correct?

19 A: That is correct.

20 Q: Okay. All right. Thank you, Ms. Bell. You can have a

21 seat.

22 A: No problem.

23 Q: Ms. Bell, in conclusion, is it correct that Lora Lewis

24 had two -- at least two accounts at TD Bank?

25 A: Correct.

ELLEN BELL - DIRECT BY MS. NORZ

1 Q: And one was in her name alone?

2 A: Correct.

3 Q: Is that correct? And one was in her name and a Mark P.
4 Lewis?

5 A: Correct.

6 Q: And neither of these accounts had cash withdrawals out of
7 them?

8 A: No, ma'am.

9 Q: And one account ends in the account number [REDACTED]; is that
10 correct?

11 A: Yes, ma'am.

12 Q: And one ends in [REDACTED]; is that correct?

13 A: Correct. Yes.

14 Q: All right.

15 MS. NORZ: Thank you, Ms. Bell. If you would just stay
16 seated and answer any questions that Ms. Diggs may have.

17 THE WITNESS: Okay.

18 MS. DIGGS: I have no questions for this witness.

19 THE COURT: All right. Any objection to this witness
20 being excused?

21 MS. NORZ: No, Your Honor.

22 THE COURT: You may be excused. Thank you.

23 THE WITNESS: Thank you.

24 THE COURT: Call your next witness, Ms. Norz.

25 MS. NORZ: Yes, Your Honor.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 If you would get Ms. Chelsea Black, please?

2 THE BAILIFF: Come on up here, ma'am.

3 THE CLERK: Do you solemnly swear or affirm to truthfully
4 answer all such questions propounded to you, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Speak directly into the microphone and state
7 your name and spell it.

8 THE WITNESS: Okay. My name is Chelsea Black. Last name
9 is B-l-a-c-k like the color.

10 MS. NORZ: Thank you, Ms. Black.

11 CHELSEA BLACK, being first duly
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. NORZ:

15 Q: Good morning.

16 A: Good morning.

17 Q: Thank you for being here. I'm going to ask you just a
18 couple background questions. Where do you work and how long
19 have you worked there?

20 A: I work at South State Bank in Bluffton, and I've been
21 there for seven years.

22 Q: And what is your job there?

23 A: I'm the branch manager.

24 Q: And are you familiar with banking records?

25 A: Uh-huh.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 THE COURT: Say yes for the record.

2 THE WITNESS: Sorry. Yes. I'm sorry.

3 THE COURT: Thank you.

4 BY MS. NORZ:

5 Q: And are you familiar with what would be the process --
6 checks that process through a customer account, what they look
7 like?

8 A: Very much so, yes.

9 Q: And does the -- what does the term a "canceled check"
10 mean?

11 A: A canceled check is basically a legal copy of the check
12 that has already transacted. So, for example, if you were to
13 get your bank statement and see copies of your checks attached
14 to that statement, those would be considered canceled checks.

15 Q: [Inaudible]?

16 A: They are canceled in a sense that they are no longer good
17 because they have already been processed.

18 Q: [Inaudible]?

19 A: Correct.

20 Q: Okay. Are you familiar with Benchmark Interiors?

21 A: Yes.

22 Q: And how are you familiar with them? How do you know
23 them?

24 A: They were clients of the bank.

25 Q: And how about Brenda or Jim Jansen?

CHELSEA BLACK - DIRECT BY MS. NORZ

1 A: Yes.

2 Q: And how do you know Brenda or Jim Jansen?

3 A: Clients of the bank.

4 Q: And are you familiar with Lora Lewis?

5 A: Yes.

6 Q: And how are you familiar with her?

7 A: She worked for Benchmark and did most of their dealings

8 with the bank while -- while they banked with us.

9 Q: I'm going to show you what's been marked as State's

10 Exhibit 4. Do you recognize State's Exhibit 4?

11 A: A nice big stack of bank statements.

12 Q: And can you see who is the -- who is the account holder

13 on those statements?

14 A: It's Benchmark Interiors, LLC.

15 Q: Okay. What's the account number?

16 A: [REDACTED].

17 Q: So the account ends in [REDACTED]?

18 A: Correct.

19 Q: Okay. And I'm going to ask you a series of similar

20 questions, which is are those bank statements kept in the

21 normal course of South State's business?

22 A: Uh-huh. Yes.

23 Q: And is it part of their practice to create these bank

24 statements near or at the time the transactions take place?

25 A: Yes. It's required by law for us to keep records.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 Q: And did South State receive a request from law
2 enforcement for these documents?

3 A: Yes.

4 Q: And are these statements in response -- are these in
5 response to that request?

6 A: Yes.

7 Q: Okay. And were these records made with the knowledge of
8 -- with a person of knowledge at South State Bank?

9 A: Yes.

10 Q: Okay. And have you reviewed -- have you reviewed those?

11 A: [Inaudible].

12 MS. NORZ: I'm going to move to admit State's Exhibit 4
13 into evidence.

14 MS. DIGGS: No objection.

15 THE COURT: Without objection?

16 MS. DIGGS: Yes, Your Honor.

17 THE COURT: Thank you.

18 (WHEREUPON, State's Exhibit No. 4, South State Bank
19 records, was admitted into evidence.)

20 BY MS. NORZ:

21 Q: Next, I'm going to show you what's been marked as State's
22 Exhibit 5.

23 A: Thank you.

24 Q: And again, Ms. Black, do you recognize State's Exhibit 5?

25 A: Very much, yes.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 Q: And what is it?

2 A: These are a lot of checks that had processed the
3 Benchmark Interiors account payable to Lora Lewis.

4 Q: Can you tell us what year those checks were for?

5 A: 2017, December 2017, 2018, still through 2018, ending in
6 November of 2018.

7 Q: I'm going to ask the same questions. Is it the normal
8 course of business for South State to maintain those type --
9 those type of records?

10 A: Yes.

11 Q: Okay. And were these records created as part of South
12 State's business at or near the time the transactions took
13 place?

14 A: Yes.

15 Q: And are they made -- are they kept by someone with
16 knowledge of the information?

17 A: Yes.

18 Q: Okay. And you reviewed the -- the search warrant or the
19 request from law enforcement and were these records produced
20 in response to that?

21 A: Yes.

22 MS. NORZ: I'm going to move to admit State's Exhibit 5
23 into evidence.

24 MS. DIGGS: No objection.

25 THE COURT: Okay.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 (WHEREUPON, State's Exhibit No. 5, checks, was admitted
2 into evidence.)
3 BY MS. NORZ:
4 Q: Next we're going to look at what's been marked as State's
5 Exhibit 6. And if you can you tell me what State's Exhibit 6
6 is?
7 A: Additional checks payable to Lora Lewis.
8 Q: And those came written out of what account?
9 A: The same account ending in [REDACTED].
10 Q: The account for Benchmark Interiors?
11 A: Correct.
12 Q: Okay. And again, were these documents that were held in
13 the normal course of business at South State Bank?
14 A: Yes.
15 Q: And they're made with someone of knowledge at or near the
16 time the transactions took place?
17 A: Yes.
18 Q: And were these produced in response to a request from law
19 enforcement?
20 A: Yes.
21 MS. NORZ: I would move to admit State's Exhibit 6 into
22 evidence.
23 MS. DIGGS: No objection.
24 THE COURT: Without objection.
25 (WHEREUPON, State's Exhibit No. 6, checks, was submitted

CHELSEA BLACK - DIRECT BY MS. NORZ

1 evidence.)

2 BY MS. NORZ:

3 Q: Next I'm going to show you what's been marked as State's

4 Exhibit 7. I'm going to ask you the same questions. Can you

5 tell me what that document is? Do you recognize it?

6 A: More checks from Benchmark Interiors payable to Lora

7 Lewis.

8 Q: And can you tell what year those checks are for?

9 A: These are from 2016.

10 Q: And again, are those documents produced in response to a

11 request from law enforcement?

12 A: Yes.

13 Q: And does TD keep these records -- I'm sorry. Does South

14 State keep these records as part of its normal business

15 activities?

16 A: Yes.

17 Q: And they record this information at or near the time the

18 transaction took place?

19 A: Yes.

20 Q: And are made with somebody -- somebody keeps hold of

21 these with knowledge at or near the time of the events?

22 A: Yes.

23 Q: Thank you.

24 MS. NORZ: I would move to admit what's been marked as

25 State's Exhibit 7 into evidence.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 MS. DIGGS: No objection.

2 THE COURT: Without objection.

3 (WHEREUPON, State's Exhibit No. 7, checks, was admitted
4 into evidence.)

5 BY MS. NORZ:

6 Q: Okay. Now I'm going to show you what's been marked as
7 State's Exhibit 5-A. I'm going to look -- ask you to look at
8 State's Exhibit 5.

9 A: Uh-huh.

10 Q: Will you look at State's Exhibit 5?

11 A: Uh-huh.

12 Q: Okay. And the first page of State's Exhibit 5, is this
13 an accurate -- fair and accurate representation of what page 1
14 of State's Exhibit 5?

15 A: It is.

16 Q: And then I'm going to ask you to flip to the next page of
17 State's Exhibit 5. Is this a fair and accurate representation
18 of the following page?

19 A: Yes.

20 Q: And look at the third page of State's Exhibit 5.

21 A: Yes.

22 Q: Is that a fair and accurate representation of what that
23 page is of State's Exhibit 5?

24 A: Yes.

25 Q: The following page of Exhibit 5, is that a fair and

CHELSEA BLACK - DIRECT BY MS. NORZ

1 accurate representation?

2 A: Yes.

3 Q: Okay. I'm going to ask you to look at the next page of
4 State's Exhibit 5. Is this a fair and accurate representation
5 of that page?

6 A: Yes.

7 Q: And the following page?

8 A: Yes.

9 Q: And the next page?

10 A: Yes.

11 Q: And the next page?

12 A: Yes.

13 Q: And the following page?

14 A: Yes.

15 Q: And then the next page?

16 A: Yes.

17 Q: Okay.

18 MS. NORZ: I'm going to move to admit State's Exhibit 5-A
19 into evidence and publish to the jury.

20 MS. DIGGS: No objection.

21 THE COURT: Without objection.

22 (WHEREUPON, State's Exhibit No. 5-A, large printout of
23 State's Exhibit 5, was admitted into evidence.)

24 MS. NORZ: Is that good? Can everybody see it? Okay.

25 [Inaudible.]

CHELSEA BLACK - DIRECT BY MS. NORZ

1 THE COURT: Yes. Thank you.

2 MS. NORZ: [Inaudible] a little bit. I might step back.

3 Yeah, let's put that right here.

4 Ms. Black, if you want to step down, that would probably
5 be easier for the jury.

6 BY MS. NORZ:

7 Q: Let's look at State's Exhibit 5-A, this check for -- is
8 that a check for 230 -- is that a check for \$2,371.50?

9 A: It is.

10 Q: And that is written out of what account?

11 A: Out of the account ending in [REDACTED] that we've been
12 assessing.

13 Q: Okay. And that account is Benchmark Interiors' account?

14 A: Correct.

15 Q: And what is it -- let's look at the second page of
16 State's Exhibit 5-A. What does this mean to you?

17 A: This is a banking -- a bank processing endorsement.

18 Q: Oooh. I'll hold it. All right.

19 A: A bank processing endorsement. So this shows -- the
20 bank's back offices can run these numbers to find out exactly
21 what's done with the check. It's sometimes called [inaudible]
22 ID. The bottom number here, y'all might somewhat recognize
23 that it kind of looks maybe a card transaction or your debit
24 card transaction.

25 So if you -- if you look at your debit card, you'll see

CHELSEA BLACK - DIRECT BY MS. NORZ

1 that normally that whenever you have a receipt it will show
2 the last four digits of your card number, but the first six
3 are called a BIN. It's a bank ID number and with that, that's
4 what banks use to know what bank or what financial institution
5 that check was issued from. So whether that would be TD,
6 South State, whichever, if you were to look up that 402944, it
7 would tell you what institution that this check eventually
8 came back with.

9 Q: And this check was written payable to?

10 A: Lora Lewis.

11 Q: And what does this mean to you?

12 A: That's an endorsement. It's when you sign the check, it
13 becomes legal tender, and once it's endorsed it's actually
14 good to go into the account. Technically, without a
15 signature, it's not a valid check.

16 Q: So this would have been the signature of the person on
17 the front of the check?

18 A: Yes.

19 Q: All right. And let me ask you to look at what was marked
20 as State's Exhibit 2-A, which is right here.

21 A: Okay.

22 Q: And we know this is a check for \$2,375.62?

23 A: Uh-huh.

24 Q: And do you see that amount deposited [inaudible] if you
25 recognize what this is?

CHELSEA BLACK - DIRECT BY MS. NORZ

1 A: Yes. It's not one of our stamps, but it is a regular
2 bank format of a bank statement.

3 Q: And do you see that amount deposited?

4 A: Right here, ATM check deposit, and you can see here ATM
5 check deposit, last four numbers of the debit card are [REDACTED],
6 last four numbers of the debit card are [REDACTED].

7 Q: What does that mean to you?

8 A: That means that this check was deposited into that
9 account.

10 Q: Okay. So this check was a Benchmark Interiors check, and
11 it was deposited into a bank account in the name of Lora
12 Lewis?

13 A: Correct.

14 Q: Okay. I'm going to do the same thing for the next check,
15 and if you can tell me what the next check is? And if you
16 look at that again, that's a check payable to?

17 A: Lora Lewis.

18 Q: Okay. And do you see that check having gone into --

19 A: This one has a different card number, but it's still
20 2,342.76 went into this account here. You can see the card
21 ends in [REDACTED]. The deposit also mentions that the card used
22 ends in [REDACTED].

23 Q: Okay. [Inaudible] account.

24 A: Okay.

25 Q: So this was a Benchmark check that was deposited into

CHELSEA BLACK - DIRECT BY MS. NORZ

1 Lora Lewis's account?

2 A: Yes.

3 Q: And this is not cashed; is that correct? This would have
4 been --

5 A: This must -- for it to have a debit card number, it would
6 have have most likely been an ATM deposit.

7 Q: Okay. And then we'll look at the next check, and then
8 what do you see here?

9 A: We have a check from Benchmark payable to Lora Lewis in
10 the amount of \$1,707.30, also showing here that deposit made.

11 Q: Uh-huh.

12 A: Also the card used was ending in [REDACTED]. Card used was
13 ending in [REDACTED].

14 Q: So again this was a check from Benchmark deposited to
15 Lora Lewis; is that correct?

16 A: Yes, ma'am.

17 Q: And not cashed?

18 A: Not cashed.

19 Q: Okay. And let's look at the next check, and what do you
20 see here?

21 A: Another check from Benchmark Interiors to Lora Lewis, the
22 dollar amount on this one being \$2,035.08, also showing on
23 this statement. Last four of the card used to deposit it is
24 [REDACTED]. Last four of the card reflected on the statement is
25 also [REDACTED].

CHELSEA BLACK - DIRECT BY MS. NORZ

1 Q: So again, this is telling you a check came out of
2 Benchmark Interiors account payable to Lora Lewis, signed --
3 let's see. That would be by Lora Lewis?

4 A: Uh-huh.

5 Q: And put into her account?

6 A: Yes.

7 Q: Okay. The next check, the last one. What do we see
8 here? A check for?

9 A: Another check from Benchmark Interiors to Lora Lewis,
10 this one for \$2,355.64.

11 Q: Okay. [Inaudible] out of order.

12 A: So a check for \$2,357.04, which coincides with a deposit
13 made into this account on January -- in January. You can see
14 that the last four of the card used are [REDACTED], and also on the
15 back of the check the endorsement shows the same to indicate
16 that that check was deposited into that account.

17 Q: Okay. All right. Thank you, Ms. Black. You can sit
18 back up. Let me just ask you do you recall what happened the
19 time around November of 2018 that you met with Brenda Jansen
20 regarding the Benchmark Interiors account?

21 A: Yes.

22 Q: And why did you meet with her?

23 A: There was concern that something was going on with the
24 accounts, and they wanted to be able to access their online
25 banking. They did not have access to it at that time.

CHELSEA BLACK - DIRECT BY MS. NORZ

1 Q: Who was they?

2 A: Brenda and Jim.

3 Q: Brenda and Jim Jansen did not have access to their online
4 banking?

5 A: Correct. They just weren't the ones who normally used
6 it. Lora normally managed those things for them.

7 Q: Okay. And what were they -- were they upset? What was
8 their demeanor like at that time?

9 A: I remember them being pretty concerned that something big
10 was going on.

11 Q: And did they make any changes to their access?

12 A: Yes. We deleted the online banking profile, established
13 a new online banking profile that only they had access to,
14 placed notations on the account that something of concern
15 might be happening, so for all employees to use caution when
16 handling their accounts.

17 Q: What does that mean?

18 A: Basically, make sure that the person in front of you is
19 actually allowed to do business on behalf of the account and
20 that you are double and triple checking everything.

21 Q: Do you know why they were doing that? Did they tell you?
22 Or do you know why they were doing that?

23 A: Yes. They were concerned that Lora Lewis was embezzling
24 money from the account.

25 MS. NORZ: Thank you. I have no further questions. If

1 you could answer any questions from Ms. Diggs.

2 MS. DIGGS: I have no questions of this witness.

3 THE COURT: All right. Any objection to this witness
4 being excused?

5 MS. NORZ: No.

6 THE WITNESS: Thank you.

7 MS. DIGGS: No objection.

8 THE COURT: All right. Ms. Black, you're excused. Thank
9 you.

10 THE WITNESS: Thank you.

11 THE COURT: All right. We're going to go ahead and take
12 a break, ladies and gentlemen. Your time is about quarter to
13 11, ladies and gentlemen. I'm going to send you back to your
14 jury room. I'm going to remind you not to discuss this case.
15 It wouldn't be appropriate to do so.

16 Get a drink, and we'll bring you right back out as soon
17 as y'all are ready. All right? Thank you.

18 (WHEREUPON, the jury exited the courtroom at 10:49 a.m.)

19 THE COURT: All right. We'll be at ease for about 10
20 minutes now. Okay?

21 Ms. Norz, what other witnesses are you putting up this
22 morning?

23 MS. NORZ: Okay. We have the accountant, and she is
24 outside. And then Adam Thompson, the investigator, and I told
25 him to be here at 11. So --

1 THE COURT: Okay.

2 MS. DIGGS: He's actually here.

3 MS. NORZ: Oh, he's here. Okay.

4 THE COURT: They're here? Okay. And those are your last
5 two witnesses?

6 MS. NORZ: Correct.

7 THE COURT: Okay. All right. Thank you.

8 (WHEREUPON, there was a break in the proceedings from
9 10:49 a.m. until 11:05 a.m., after which the proceedings
10 resumed as follows.)

11 THE COURT: All right. Everyone ready to go?

12 MS. NORZ: Yes, Your Honor.

13 THE COURT: Let's bring the jury in.

14 (WHEREUPON, the jury entered the courtroom at 11:05 a.m.)

15 THE BAILIFF: The jury is entering the courtroom, Your
16 Honor.

17 THE COURT: Thank you. You may be seated.

18 If the State will call their next witness, please.

19 MS. NORZ: The State calls Ms. Anita Murphy.

20 THE COURT: Come on forward to be sworn, Ms. Murphy.

21 THE CLERK: Do you solemnly swear or affirm to truthfully
22 answer all such questions propounded to you, so help you God?

23 THE WITNESS: Yes.

24 THE BAILIFF: Come on up here.

25 THE CLERK: Speak directly into the microphone and state

ANITA MURPHY - DIRECT BY MS. NORZ

1 your name and spell your last name.

2 THE WITNESS: Anita Murphy, M-u-r-p-h-y.

3 ANITA MURPHY, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. NORZ:

7 Q: Good morning, Ms. Murphy. Thank you for coming today.
8 Let's just let the jury know a little bit about yourself.
9 Where do you live and who do you work for?

10 A: I work for Christine Cassidy, Cassidy CPA, out in Hilton
11 Head. I actually live in Greenwood, South Carolina, about
12 four hours inland. I work remotely, and I've been with her
13 for three and a half years. I do bookkeeping for her and
14 sales tax returns and payroll tax returns and W-2s and 1099s
15 and bank reconciliations, most anything dealing with business,
16 you know, services for our clients.

17 Q: So you -- do you have a background in accounting?

18 A: Yes. I've worked in accounting for 20 years. I have my
19 bachelor's degree in accounting, and it's been a -- I like
20 what I do.

21 Q: Okay. And do you have experience in working as a
22 financial [inaudible] for a company [inaudible]?

23 A: Yes. We do look at financial statements for different
24 companies, different businesses and, you know, we do look for
25 irregularities in those profit and loss statements.

ANITA MURPHY - DIRECT BY MS. NORZ

1 Q: And what is your relationship with Benchmark Interiors
2 and Brenda and Jim Jansen?

3 A: They are a client for -- of Christine Cassidy's office.

4 Q: Are they your only client?

5 A: No.

6 Q: [Inaudible.] Do you work on their account?

7 A: I do help with -- I help Brenda with QuickBooks now, and
8 we -- I do their payroll tax returns now. I did not used to
9 do that until after this situation, and now I've kind of
10 helped train Brenda on how to do QuickBooks. But no, we have
11 many clients.

12 Q: And so you're assigned to different clients?

13 A: Yes. I'm assigned to many different clients.

14 Q: [Inaudible]?

15 A: Yes.

16 Q: And are you -- you're not related to them in any way?

17 A: No.

18 Q: You have a working relationship with Benchmark Interiors
19 as your -- as the client --

20 A: Yes.

21 Q: -- of the CPA you work with?

22 A: Yes.

23 Q: So you would say you're an outside accounting firm to
24 Benchmark Interiors?

25 A: Absolutely, yes.

ANITA MURPHY - DIRECT BY MS. NORZ

1 Q: Okay. And how did you get involved with being assigned
2 to Benchmark Interiors, when and how?

3 A: In November of 2018, Jim came in and had a meeting with
4 my boss, Christine Cassidy, and he mentioned he thought that
5 he was -- he had some suspicions of things not -- they weren't
6 making enough money, which seemed odd because they had been
7 very busy. And so my boss at that time called me and said,
8 hey, I need you to look into this books -- into this
9 QuickBooks file for me and see what you find. You know, there
10 are some suspicions.

11 So by that time I got in touch with Lora and had her send
12 me the QuickBooks file and bank statements and things I would
13 need to look into what was going on. She wanted me to do it
14 deeper dive into the books to see what was going on with it.

15 Q: So you were going to do a deep review?

16 A: Yes.

17 Q: Okay. And Lora Lewis was working at Benchmark at that
18 time?

19 A: Yes. She was the person I was asked to get in touch with
20 and we communicated via telephone and email.

21 Q: Not Jim Jansen? He was not the [inaudible]?

22 A: No. I only talked to Jim maybe once or twice during the
23 whole thing.

24 Q: What was your impression of Jim as far as his involvement
25 with QuickBooks and the financial system?

ANITA MURPHY - DIRECT BY MS. NORZ

1 A: He didn't -- he didn't use QuickBooks. He didn't know
2 how to get into QuickBooks. He didn't have the password to
3 QuickBooks. So, yeah, I don't -- he's not a tech guy.

4 THE WITNESS: Sorry, Jim.

5 BY MS. NORZ:

6 Q: And did Lora Lewis provide you the information you asked
7 for in a timely way?

8 A: I wouldn't say in a timely way. She did provide it to
9 me, but I felt like she drug her feet a little bit on getting
10 it to me.

11 Q: And what do you mean drug her feet?

12 A: So I requested the QuickBooks file and, you know, it took
13 her a little bit to get it to me and it was kind of a little
14 bit of back and forth, and I went to my boss and she went to
15 Jim and said, hey, we need -- you know.

16 MS. DIGGS: Objection.

17 A: We need to get this in here.

18 THE COURT: All right.

19 MS. NORZ: I'll move on. I'll rephrase the question.

20 THE COURT: Thank you.

21 BY MS. NORZ:

22 Q: Don't tell us what the boss said, but what was the end
23 result as far as --

24 A: The end result is she finally got the information to me
25 and as far as the QuickBooks file, but the bank statements

ANITA MURPHY - DIRECT BY MS. NORZ

1 that I had requested from her with copies of the canceled
2 checks, she told me that they did not receive bank statements
3 with canceled checks.

4 Q: And what do you mean by canceled checks?

5 A: A returned check that has actually went through the bank
6 and been processed by the bank and cleared the bank. You
7 know, when you cash a check, your paycheck or something, money
8 goes into your account. So it comes out of your boss's
9 account. So --

10 Q: So did you eventually get those checks and how did you
11 get them?

12 A: Yes. Brenda gave me access to the bank log-in. So I was
13 able to log in to the bank account and search for the
14 different checks that came up on the data.

15 Q: So what kind of steps did you take [inaudible]?

16 A: So the first thing is I got the QuickBooks file and I ran
17 a report, kind of a standard report when you're looking for
18 anything to be wrong. I call it an audit trail report, which
19 tells me every transaction that's ever been put into the file
20 and any changes that were made to those transactions after it
21 was originally entered into the file. So if I wrote something
22 in my checkbook and then went back and scratched through it
23 and wrote something else, all of that shows up in this report
24 that I ran.

25 Q: So if something were deleted, like if the name of a payee

ANITA MURPHY - DIRECT BY MS. NORZ

1 was deleted, would that show up on the report?

2 A: Yes. Anything that's deleted, anything that's changed,
3 like if you put in your name and then come back later and put
4 in -- change it to something else, to a different vendor or
5 supplier, all that shows up.

6 Q: It shows up as a -- as a change to QuickBooks?

7 A: Yes.

8 Q: Okay. And just can you just tell me -- tell the jury
9 what -- is QuickBooks, like, a common software in the
10 bookkeeping world?

11 A: QuickBooks is a common software. It's an affordable
12 software for small business owners to use. It's more or less
13 -- to simplify it, it's an electronic checkbook really, but it
14 is good for accountants to work with their clients because it
15 helps produce profit and loss and balance sheet financial
16 statements.

17 Q: And --

18 A: It records -- can I elaborate? I'm sorry.

19 Q: Sure.

20 A: It basically records all your money coming into the
21 business and any expenses being paid out of the business, like
22 your checkbook and your check register would do.

23 Q: Now, is it common practice -- well, do you understand at
24 least with regard to Benchmark Interiors, would they have
25 gotten bank statements each month and then to compare them to

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1 QuickBooks?

2 A: Yes. Usually, businesses when they receive their monthly
3 bank statement, they go into QuickBooks and there's a function
4 in there to do a bank reconciliation where you reconcile what
5 was on the bank to what was in QuickBooks, match it all up.

6 Q: And you're supposed to be able to verify? Is that how it
7 works appropriately?

8 A: Well, the purpose is to match everything, make sure that
9 everything that's on your bank statement and cleared your bank
10 statement was actually in your file and so you didn't miss
11 anything. So if you had any electronic transfers coming out
12 of there or, you know, you can record them and make sure that
13 you have everything recorded in there and make sure nothing
14 was overlooked or missed and make sure you balance back to
15 your bank statement because you don't want to overdraft
16 because you forgot something that was about to be drafted or
17 something.

18 Q: Okay. And was it your understanding -- when you got
19 involved with Benchmark Interiors, who was responsible at
20 their company and was doing that comparison between the bank
21 statement and QuickBooks?

22 A: Lora Lewis.

23 Q: I'm going to show you what's been marked as State's
24 Exhibit 8. Do you recognize State's Exhibit 8?

25 A: I do.

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- 1 Q: Okay. And what is it?
- 2 A: This is the original audit trail that I used that I
- 3 printed out of QuickBooks file.
- 4 Q: So you basically have to -- you just printed that out of
- 5 -- you went into Benchmark Interiors' QuickBooks?
- 6 A: I went into QuickBooks for Benchmark Interiors, yes, and
- 7 printed out this audit trail, which showed me all the
- 8 transactions as they were entered originally and any changes
- 9 made to those.
- 10 Q: And is your understanding that the QuickBooks was kept as
- 11 a regular course of Benchmark's business?
- 12 A: Yes.
- 13 Q: And it was -- these would have been transactions that
- 14 were entered in the normal course of their business?
- 15 A: Yes.
- 16 Q: Okay. And they would have been made from -- as far as
- 17 you know, it was made from a person with knowledge as to their
- 18 financial [inaudible] checks that were going in there?
- 19 A: Yes. To my knowledge, it was the internal bookkeeper is
- 20 how we refer to them in my industry, which to my understanding
- 21 was Lora Lewis.
- 22 Q: And when -- you used your computer to print this out?
- 23 A: Yes.
- 24 Q: And it was in good repair?
- 25 A: Yes.

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1 Q: As far as you know, this is a hard copy of those computer
2 records?

3 A: Yes.

4 Q: Okay.

5 MS. NORZ: I'm going to move to admit Exhibit 8 into
6 evidence.

7 MS. DIGGS: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit No. 8, audit trail, was
10 admitted in evidence.)

11 BY MS. NORZ:

12 Q: And then we're going to look at what's marked as State's
13 Exhibit 9, and do you recognize what is State's Exhibit 9?

14 A: Yes. This is the -- a compilation of what I pulled
15 together from the actual data where I've highlighted checks
16 that had been changed in the system.

17 Q: Okay. I'm going to ask you to look at Exhibit 5, which
18 has already been admitted into evidence as State's Exhibit 5.
19 Do you recognize what that is? Have you seen those before?

20 A: Yes. This is a copy of actual canceled checks from the
21 bank that I pulled to match up to the records.

22 Q: And do you rely on State's Exhibit 5 and Exhibit 8 --

23 A: Yes.

24 Q: -- to create Exhibit 9?

25 A: Yes.

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1 Q: Okay. And is that basically a summary of those two
2 exhibits?

3 A: Absolutely.

4 Q: Okay. And is Exhibit 9 a fair and accurate
5 representation of the information that's on Exhibits 5 and 8?

6 A: Yes.

7 Q: You didn't make it different in any way from the
8 information that's there?

9 A: No.

10 MS. NORZ: I'm going to move to admit Exhibit 9 into
11 evidence.

12 THE COURT: Subject to the prior objection, it's in
13 evidence.

14 (WHEREUPON, State's Exhibit No. 9, compilation of State's
15 Exhibits 5 and 8, was admitted into evidence.)

16 MS. NORZ: Thank you, Your Honor. And then I'm going to
17 ask to publish Exhibit 9 to the jury.

18 THE COURT: You may.

19 MS. NORZ: Well, actually [inaudible]. I will actually
20 move to publish it, but at this time [inaudible].

21 BY MS. NORZ:

22 Q: I'm going to look at -- ask you to look at what is on
23 Exhibit 9 and ask you to look at what's been marked as State's
24 Exhibit 9-A and tell me if 9-A is a fair and accurate
25 representation of Exhibit 9? And I'm going to move the pages

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1 to the very front and tell me if these look like appropriate
2 enlarged copies.

3 A: Yes. The page -- that first page does.

4 Q: It does?

5 A: Yes, ma'am.

6 Q: It looks like this is six pages. This would be page 2 of
7 6.

8 A: Okay.

9 Q: [Inaudible.]

10 A: That matches.

11 Q: Page 3?

12 A: Yes.

13 Q: Page 4?

14 A: I can't see the very top. I'm sorry. Yes. That looks
15 to be.

16 Q: I'm sorry?

17 A: Sorry. That looks to match.

18 Q: Page 5?

19 A: Yes. That looks like that matches.

20 Q: And page 6?

21 A: Yes.

22 MS. NORZ: I'm going to ask for State's Exhibit 9-A to be
23 admitted into evidence and published to the jury.

24 MS. DIGGS: No objection.

25 THE COURT: You may.

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1 (WHEREUPON, State's Exhibit No. 9-A, enlarged version of
2 State's Exhibit 9, was admitted into evidence.)
3 BY MS. NORZ:
4 Q: I'm going to ask you, Ms. Murphy, if you would be able to
5 come down here and stand next to this exhibit and you can talk
6 through it.
7 A: Do I need to bring any of this with me?
8 Q: No. We'll go through that.
9 A: Okay.
10 Q: Now, looking at what's been marked as State's Exhibit 9-A
11 --
12 A: Uh-huh.
13 Q: Can you explain to the jury what this is and what the
14 highlights are?
15 A: Okay. So this is an audit trail report that comes out of
16 QuickBooks.
17 Q: [Inaudible.]
18 A: [Inaudible.] The highlighted is --
19 Q: [Inaudible.]
20 A: Okay. So this highlighted -- this part here was not
21 highlighted, but this is what was originally entered into the
22 QuickBooks file or the checkbook register. Made out -- this
23 check was made out to Lora Lewis. It was dated 12/29/17. The
24 date it was actually entered into the system on December 29th,
25 2017, at 11:01 a.m. and 21 seconds.

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1 Now, the one right above it was where it was changed, and
2 it says [inaudible] right here. It was changed on 12/29/2017
3 at 11:01 and 37 seconds, about 15 seconds later. It was
4 changed from Lora Lewis as the supplier or vendor to Capital
5 Materials of Savannah, Inc., which was an actual supplier of
6 Benchmark Interiors for drywall materials. It was \$2,371.62.

7 The same with all these that are highlighted.
8 [Inaudible]. Sorry. This one is the same thing. Lora Lewis
9 was the original entry on 12:46 and 14 seconds -- excuse me --
10 March 23rd, 2018, at 12:46 and 14 seconds it was entered into
11 the system with a date of 3/23/18. Then on 3/23/2018 at 12:47
12 and 10 seconds, the date wasn't changed, but the name was
13 changed. The amount is the same. And then on 3/23/2018 at
14 12:48 and 19 seconds, it was deleted completely out of
15 QuickBooks.

16 Q: Let me -- when you say it was entered into the system,
17 can you tell if the check was actually printed?

18 A: Yes. It was printed out.

19 Q: And it was entered into the system?

20 A: It was printed out with a check number.

21 Q: And it was payable to?

22 A: Payable to Lora Lewis.

23 Q: And that check was entered into QuickBooks with the name
24 Lora Lewis as the person who was paid that check?

25 A: Correct.

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- 1 Q: And printed out?
- 2 A: Printed out and actually cleared the bank. This is what
3 this column is. This is the check number that actually
4 cleared the bank.
- 5 Q: And how do you know that?
- 6 A: Because after -- uh oh. After running this report and
7 looking into all of this, I went and searched the bank --
8 online banking for the amount and then pulled the actual copy
9 of the check to see that it matched the date, the name, and it
10 matched what was originally entered as Lora Lewis, not
11 Capital. So that check actually cleared the bank to Lora
12 Lewis and went to Ms. Lewis.
- 13 Q: And that was what you looked at in Exhibit 5?
- 14 A: Yes.
- 15 Q: All those checks?
- 16 A: That is correct.
- 17 Q: Okay. And then you can see -- so you took the -- when
18 you pulled -- when you made this summary here, this report,
19 you had this in front of you, all the checks?
- 20 A: Not when I first made this report.
- 21 Q: Right.
- 22 A: The highlights came in as part of my process. I went
23 back and pulled these offline.
- 24 Q: Okay.
- 25 A: So this is check 3783. It matches here, and this is

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1 actually from the bank. This is what went through the bank
2 instead of this.

3 Q: Okay.

4 A: Uh-huh.

5 Q: And can you [inaudible] on the other ones and show us the
6 rest?

7 A: And this is the back of that check that was signed by
8 Lora Lewis. It cleared the bank. This is check 389, which is
9 the next one on here that was deleted from the system, but it
10 actually cleared the bank. So [inaudible].

11 The next one on this list was 4120, which was entered as
12 Lora Lewis for \$1,907.30 on March 30th of 2018 at 12:51 and 29
13 seconds. March 30th, 2018, at 12:54 and 3 seconds, it was
14 deleted. Here is check 4120 that cleared the bank.

15 Q: So although it was deleted in the system, that was done
16 after the check was printed?

17 A: Yes. It was deleted after the check was printed. It
18 appears that this [inaudible].

19 Q: And you continued -- this is for a time period of?

20 A: January 1st, 2018, to November 15th, 2018. The reason it
21 cuts off at November 15th is because that's when I was doing
22 work, my time here.

23 Q: Now, what is this column here, account?

24 A: The account -- this is actually the general ledger
25 account [inaudible], but this when you look at the profit and

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1 loss statement, all of their actual profit and loss statement,
2 this would have went to job materials charged as an expense on
3 the profit and loss statement. So that's what this is because
4 QuickBooks says [inaudible].

5 Q: So -- when -- if -- when we're looking at this month
6 period what their expenses were and they looked at the profit
7 and loss [inaudible]?

8 A: Nothing would stand out.

9 Q: Nothing?

10 A: If you just looked at the profit and loss and you didn't
11 do a deep dive into the books, nothing would stand out. You
12 would think that those numbers are correct.

13 Q: And that they were what? Materials for jobs?

14 A: Yes. You would take for granted that those were
15 materials for jobs on the profit and loss.

16 Q: You would not see that the check was payable to Lora
17 Lewis?

18 A: No, not unless you did a deep dive. The profit and loss
19 doesn't give you [inaudible].

20 Q: And to them it would look -- it would look that maybe
21 these checks were made out to who?

22 A: If you did look --

23 Q: This is Capital Materials?

24 A: Yeah. If you did do a deeper dive, which I did, at first
25 glance if I just did a deeper dive and looked at the profit

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1 and loss and did the detail for this account, I would have saw
2 Capital Materials. I would not have saw Lora Lewis.

3 Q: So it's not typical to do a deep dive [inaudible]?

4 A: Not unless we're contracted to do that for a client,
5 which we were not at the time for Benchmark Interiors
6 contracted to do that, and so [inaudible].

7 Q: [Inaudible], but let's do what we did and continue that.
8 Is that what happened here?

9 A: Yes. I continued to go through those reports and look at
10 all the changes that said prior Lora Lewis. This one is check
11 3805. It was entered into QuickBooks and printed out on
12 January 5th, 2018, at -- and this is military time, but it's
13 [inaudible] and 26 seconds, and then it was changed on January
14 5th, 2018, at 2:49 and 44 seconds to Bluffton Tire and Auto
15 instead of Lora Lewis. The amount stayed the same, \$1,035.03.
16 This one was actually coded to -- I'm sorry -- repairs and
17 maintenance, which Bluffton Tire and Auto would be a repair
18 and maintenance expense for a business.

19 Q: All right. And Benchmark Interiors [inaudible]? Should
20 that be something that stood out to them?

21 A: No. I mean they have -- I mean they have automobiles and
22 trucks that they use in the course of their business to get to
23 jobsites. So no, there would not be anything abnormal about
24 that. And here's the [inaudible] for that.

25 Q: And you verified again that the checks that came out of

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1 the [inaudible] and you did that?

2 A: Here's the back.

3 Q: And you did that again [inaudible]?

4 A: Yes. Every one of these we did this for. So the next
5 one that I highlighted is -- now, this particular one, I'm not
6 sure why, but it was changed quite a few times. It was
7 entered originally on January 15th, 2018, at 10:22 and 56
8 seconds, printed out for Lora Lewis for \$2,357.64, again job
9 materials purchased entered in the memo line that it was paint
10 materials purchased.

11 Then the next change was she changed the date from
12 January 15th of '18 to January 2nd of '18 and changed the
13 supplier to [inaudible], which is a -- that's one of
14 Benchmark's vendors or suppliers for the -- it's an acronym
15 for Sherwin-Williams, the paint supplier. Then it was changed
16 again to this Sherwin-Williams on May 16th of 2018, and then
17 again on November 14th it was changed again the vendor name,
18 the supplier name.

19 Q: So again, looking -- if someone, your firm or anyone who
20 would be [inaudible] or anyone who might look at their
21 property and loss, they would not see Lora Lewis's name come
22 out?

23 A: No. Because when -- even if they looked in their -- at
24 their profit and loss in QuickBooks, you can actually double-
25 click on an expense account on the profit and loss and it will

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1 give you a listing of every supplier and amount that makes up
2 the total on that P&L or profit and loss statement. So this
3 Lora Lewis from the original would not show up in there.
4 Actually, what would show is this Sherwin-Williams because
5 that's the latest.

6 Q: So someone looking would think this check was made -- was
7 made out to Sherwin-Williams; is that correct?

8 A: Yes.

9 Q: And they would think it was for paint supplies?

10 A: Yes.

11 Q: So the fact that it went to Lora Lewis is hidden?

12 A: Correct. The only way you know that that went to Lora
13 Lewis by looking at the QuickBooks file is just having the
14 actual copy of the check. And this is [inaudible] 3834 to
15 Lora Lewis with the signature corresponding.

16 Q: And you did this for that entire stack?

17 A: Yes, ma'am.

18 Q: And Benchmark Interiors paid your company to basically --
19 the company you work for, the accounting company, to do this
20 for them?

21 A: And it was very time-consuming and [inaudible]. As you
22 can imagine going through this, I mean it looks -- it's all
23 pulled together now and pretty, but when you have to sit and
24 to go through each and every one of them to figure out what
25 happened from year to year and now let me go through the bank

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1 and find this check to see was this check the original or was
2 it deleted, and every one of them for Lora Lewis [inaudible]
3 account.

4 Q: And would you say this is kind of a specialized thing for
5 an accountant to do or is this something that normal
6 [inaudible]?

7 A: No. You wouldn't unless you have suspicions you would
8 not even run this report even.

9 Q: And when you continued through -- I'm not going to go
10 through every single detail, but if you just look at this and
11 tell me did you use the same process [inaudible]?

12 A: Yes. I did the same process for every one of these, and
13 I highlighted it to make it easier to follow because I was
14 doing this on my computer and then printing. So it made it
15 easier for me to track and report.

16 Q: And then you kept going in all of these?

17 A: Uh-huh. [Inaudible] another legitimate supplier of the
18 company [inaudible] purchased. All of these were actual
19 suppliers from the company that would not have raised red
20 flags.

21 Q: And then you totaled it?

22 A: And I totaled it here. [Inaudible] right here. It was
23 \$81,928.03. This is just the period January to November of
24 2018.

25 Q: And you verified each and every one of these actual

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1 checks?

2 A: I did.

3 Q: Using that process that you [inaudible].

4 A: I did.

5 Q: All right. [Inaudible] and that's for that year. I'm

6 going to let you have a seat again and [inaudible] a little

7 quicker. I'm going to show you what's been marked as State's

8 Exhibit 10. And if you look at Exhibit 10, if you can tell me

9 if you see what that is?

10 A: This is the audit trail from Benchmark Interiors' file.

11 Q: For what year?

12 A: 2017.

13 Q: Okay. And again, is that produced in the same manner

14 that you produced the other exhibit --

15 A: Yes.

16 Q: -- audit trail?

17 A: Yes. This was my -- my first step in the process was to

18 print this report.

19 Q: So you did one for each year?

20 A: Yes.

21 Q: Okay.

22 A: I wanted to confine it to the year because tax returns

23 are prepared on the years. So that's kind of an accounting

24 thing. Sorry.

25 Q: Okay. So that's the year 2017. We just went through

ANITA MURPHY - DIRECT BY MS. NORZ

1 what was the year 2018; is that correct?

2 A: Yes.

3 Q: Okay. And again, is that -- and again, this was -- you
4 prepared this using Benchmark's QuickBooks data?

5 A: QuickBooks data provided by Lora through our share file
6 service.

7 Q: And again, that quick -- those are QuickBooks records
8 that are kept in the normal course of business?

9 A: Yes, absolutely.

10 Q: And you were given access to these records as part of
11 your tasks to do your deep review?

12 A: Yes.

13 Q: Okay. And was it their regular practice to keep these
14 records and they were made at or about the time that the
15 transactions took place?

16 A: Yes.

17 MS. NORZ: And I'm going to ask for Exhibit 10 to be
18 admitted into evidence. State's Exhibit 10.

19 MS. DIGGS: No objection.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit No. 10, 2017 audit trail, was
22 admitted in evidence.)

23 BY MS. NORZ:

24 Q: And we're going to look at what's been marked as State's
25 Exhibit 11.

ANITA MURPHY - DIRECT BY MS. NORZ

1 MS. DIGGS: Judge, I would just renew my --

2 THE COURT: Previous objection. Subject to your previous
3 objection, it's in evidence.

4 BY MS. NORZ:

5 Q: And again, if you recognize State's Exhibit 11?

6 A: Yes.

7 Q: And again, is that -- is that -- was that something that
8 you made looking at what was marked as State's Exhibit 6?

9 A: Yes. Yes.

10 Q: Okay. And -- and is that a summary you created looking
11 at State's Exhibit 6 and Exhibit 10?

12 A: Yes.

13 Q: Similar to the same way you created what we have blown up
14 here?

15 A: Yes.

16 Q: [Inaudible] year what? '17?

17 A: 2017.

18 Q: So you did the same process?

19 A: Yes, ma'am.

20 MS. NORZ: I'm going to ask for State's Exhibit 11 to be
21 admitted into evidence and published to the jury.

22 MS. DIGGS: No objection -- or subject to prior.

23 THE COURT: Subject to prior objection. Thank you.

24 (WHEREUPON, State's Exhibit No. 11, 2017 audit trail
25 summary, was admitted in evidence.)

ANITA MURPHY - DIRECT BY MS. NORZ

1 BY MS. NORZ:

2 Q: And so State's Exhibit 11 [inaudible], and I'm going to

3 ask you, Ms. Murphy, if you can tell me what the totals were

4 you've got there?

5 A: Do you have this one blown up?

6 Q: [Inaudible].

7 A: Yeah.

8 Q: [Inaudible]. I don't have readers, but I have this.

9 A: Sorry. Okay. The total on this one was \$87,213.59.

10 Q: And what does that mean to you?

11 A: That is the total of checks that were changed in the

12 system but actually cleared the bank payable to Lora Lewis.

13 Q: And again, you went through the same process looking at

14 the actual checks?

15 A: Same process. I went from -- yes.

16 Q: Okay. And now I'm going to show you what's been marked

17 as State's Exhibit 12.

18 MS. DIGGS: No objection.

19 THE COURT: Without objection.

20 BY MS. NORZ:

21 Q: And if you'd tell me -- explain to me what is Exhibit 12.

22 Do you recognize it?

23 A: Yes. This is the original audit trail that was printed

24 out for 2018.

25 Q: Okay. And again, the same process that you obtained that

ANITA MURPHY - DIRECT BY MS. NORZ

1 through the QuickBooks data from Benchmark Interiors?

2 A: Yes.

3 Q: And [inaudible]?

4 A: Yes.

5 MS. NORZ: Your Honor, I move for State's Exhibit 12 to
6 be admitted into evidence.

7 MS. DIGGS: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit No. 12, 2016 audit trail, was
10 admitted in evidence.)

11 BY MS. NORZ:

12 Q: And next I'm going to show you what's been marked as
13 State's Exhibit 13.

14 A: Okay.

15 Q: [Inaudible]. And again, if you could look at State's
16 Exhibit 13 and tell me what that is?

17 A: This is a summation of the actual audit trail for 2016.

18 Q: Okay. And when you looked at preparing that, did you
19 look at what's been marked as State's Exhibit 7 and what's
20 been marked as State's Exhibit 11 to make that summary?

21 A: Yes.

22 MS. NORZ: Your Honor, I'm going to ask for State's
23 Exhibit 12 [sic] to be admitted into evidence.

24 THE COURT: Thank you.

25 MS. NORZ: And published to the jury.

ANITA MURPHY - DIRECT BY MS. NORZ

1 THE COURT: It's in evidence. You may publish.
2 (WHEREUPON, State's Exhibit No. 13, 2016 audit trail
3 summary, was admitted into evidence.)
4 BY MS. NORZ:
5 Q: And again, this is for the year --
6 A: '16.
7 Q: -- 2016? Okay. And if you can tell me what was the
8 totals you got on that?
9 A: Okay. The total -- the actual total was \$84,279.66, of
10 which \$71,735.40 was verified through matching to these
11 checks.
12 Q: Okay. And what was wrong with the other ones?
13 A: I did not have access to -- because the bank only gives
14 you so long to pull actual physical copies of the checks on
15 their bank log-in website, so they had to -- Brenda and Jim
16 had to go request the other copies physically from the bank.
17 They had to go to their archives.
18 Q: So you -- you did verify the -- the ones put on the list
19 for 71,000?
20 A: I verified \$71,735.40 of that total.
21 Q: This was actual checks that processed [inaudible]?
22 A: Yes.
23 Q: Okay. Let me ask you, Ms. Murphy, did it take -- did you
24 figure out what went on here?
25 A: Yeah. When I ran the audit trail report, which is why I

ANITA MURPHY - DIRECT BY MS. NORZ

1 started digging to go look for proof.

2 Q: And did Benchmark Interiors deny access to any documents
3 or anything you needed in a timely manner?

4 A: No, not at all. They immediately gave me access to their
5 bank log-ins and allowed me to go in and look for myself to
6 pull what I needed.

7 Q: So looking at those totals that you just talked about,
8 were there any doubts in your mind that --

9 A: None.

10 Q: -- Lora Lewis [inaudible] --

11 MS. DIGGS: Objection, Your Honor.

12 A: None.

13 THE COURT: Basis?

14 MS. DIGGS: Speculation. She's about to offer an opinion
15 as to --

16 THE COURT: Okay. I need you to re-ask the question
17 again.

18 BY MS. NORZ:

19 Q: Looking at the totals that you have on these summaries,
20 what did you conclude?

21 A: My conclusion was based on the evidence that I've
22 gathered from the QuickBooks file and from the bank. My
23 opinion --

24 MS. DIGGS: Objection.

25 A: -- it shows that --

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1 THE COURT: Okay. She's --

2 THE WITNESS: Excuse me. I'm sorry. I should not have

3 said that.

4 THE COURT: She's an expert. That's fine. Pardon me if

5 I'm wrong.

6 MS. DIGGS: She was never introduced as an expert.

7 THE COURT: We're not qualifying her?

8 MS. DIGGS: We haven't.

9 THE COURT: Okay. Okay.

10 BY MS. NORZ:

11 Q: What did you advise Benchmark Interiors?

12 A: I advised them that she was taking money from the

13 business and that it would probably be in their best interest

14 to terminate her employment and definitely not have her have

15 access to checks or the QuickBooks file any longer. Stop the

16 bleed.

17 Q: When you say -- would you say this was something that was

18 [inaudible] before in the business?

19 A: Yes. Unfortunately, it does happen. It's more likely in

20 small businesses.

21 Q: Did you have any doubt in your mind that there was

22 somebody else that would have taken these checks?

23 A: No.

24 MS. DIGGS: Objection.

25 THE COURT: Okay.

ANITA MURPHY - CROSS BY MS. DIGGS

1 MS. DIGGS: Calls for speculation.

2 THE COURT: That does call for speculation. She can't
3 answer that question.

4 MS. NORZ: Okay. I'll withdraw the question.

5 I have no further questions. If you could answer any
6 questions that Ms. Diggs has of you.

7 THE WITNESS: Okay.

8 THE COURT: Ms. Diggs?

9 (Inaudible talk between attorneys.)

10 CROSS-EXAMINATION

11 BY MS. DIGGS:

12 Q: Good morning.

13 A: Good morning.

14 Q: Okay. So you were not retained as an expert in this
15 case; correct?

16 A: Uh --

17 Q: As you sit here today, you're not -- the prosecution
18 hasn't retained you as an expert witness?

19 A: I mean I -- I don't guess. I don't know what the process
20 is to determine --

21 Q: Are you retained?

22 A: No, I'm not.

23 Q: So the ultimate decision regarding the occurrence of
24 fraud, would you agree that is left to the jury and not to
25 you?

ANITA MURPHY - CROSS BY MS. DIGGS

1 A: Well, obviously, in a court of law, yes.

2 Q: And then are you aware that Ms. Lewis was also a client
3 of Cassidy CPA?

4 A: At the time that I was working on this, no, ma'am, I was
5 not.

6 Q: And remind me again. I believe that you are a certified
7 payroll professional also?

8 A: I am.

9 Q: Okay. Is that -- I guess what would be the difference
10 between a certified payroll professional and a CPA? And CPA
11 stands for?

12 A: Certified public accountant.

13 Q: Uh-huh.

14 A: A certified public accountant deals more with taxes and
15 income tax returns, business tax returns, things of that
16 nature. A certified payroll professional deals with payroll,
17 payroll taxes, W-2s, 1099s, things of that nature.

18 MS. DIGGS: I think that's all the questions for this
19 witness, Your Honor.

20 THE COURT: Thank you.

21 MS. DIGGS: Thank you, Your Honor.

22 THE COURT: Any redirect?

23 MS. NORZ: No redirect, Your Honor.

24 THE COURT: Any objection to her being excused?

25 MS. NORZ: No.

ADAM THOMPSON - DIRECT BY MS. NORZ

1 THE COURT: You are excused. Thank you.

2 THE WITNESS: Thank you. Do I need to move any of this?

3 THE COURT: Just leave everything right where it's at.

4 MS. NORZ: Leave it right there.

5 THE WITNESS: Okay. Thank you.

6 THE COURT: Okay. Ms. Norz, do you want to call your
7 next witness?

8 MS. NORZ: Yes. We're going to call -- the State is
9 going to call Investigator Adam Thompson.

10 THE COURT: Okay.

11 THE BAILIFF: Come on up here.

12 THE CLERK: Please raise your right hand. Do you
13 solemnly swear or affirm to truthfully answer all such
14 questions propounded to, so help you God?

15 THE WITNESS: I do.

16 THE BAILIFF: Come on over here.

17 THE CLERK: Please speak directly into the microphone and
18 state your name and spell your last name.

19 THE WITNESS: Got it. My name is Adam Thompson. My last
20 name is spelled T-h-o-m-p-s-o-n.

21 ADAM THOMPSON, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. NORZ:

25 Q: Good morning, Investigator Thompson. Can you tell me who

ADAM THOMPSON - DIRECT BY MS. NORZ

1 you work for and how long you've been working there?

2 A: I currently work for the Jasper County Sheriff's Office.

3 I started back in Jasper County on January 5th of 2021.

4 Q: And prior to Jasper County Sheriff's Office, who did you

5 work for?

6 A: Prior to that, I worked for the Bluffton Police

7 Department. I worked from 2016. It was sometime the

8 beginning part of January of 2016 until I left there. My last

9 day was December 31st of 2020.

10 Q: And what -- when you were working at Bluffton Police

11 Department, did you have occasion to investigate a case

12 regarding Benchmark Interiors?

13 A: I did.

14 Q: And do you have experience in investigating cases of

15 employee theft?

16 A: I do. Throughout my career, I've investigated several

17 cases like that.

18 Q: Okay. And were you the chief investigator regarding the

19 case regarding with Benchmark Interiors?

20 A: Yes. I was the primary investigator for that case.

21 Q: And did you write an investigative report for that case?

22 A: I did.

23 Q: And why did Bluffton PD start this investigation -- the

24 police department start this investigation?

25 A: The police department -- one of the officers responded to

ADAM THOMPSON - DIRECT BY MS. NORZ

1 the business. They were advised by the owners of the business
2 that they had found some money that was missing. They wound
3 up needing to file a report about that. That officer that
4 showed up filed that report. Due to the nature of the call,
5 it was assigned to a criminal investigator, which was myself.

6 Q: And where is the business located?

7 A: The business is located -- I can't remember the exact
8 road or address, but it's located within the city of Bluffton.

9 Q: That's in Beaufort County?

10 A: Correct.

11 Q: And what -- did you meet with the business owner?

12 A: The initial day that the officer was out there, I did get
13 a phone call from the sergeant over criminal investigations.
14 She asked me to respond out to that particular business, and
15 the reason for that was because of the amount of money that
16 they -- the business was saying that they were out of. Due to
17 that, I responded to the business and met with the owners.

18 Q: Okay. And who were they? Who is that that you met with?

19 A: I know their last name was Jansen. I can't remember
20 their first names a hundred percent.

21 Q: And what steps did you take in your investigation?

22 A: During my investigation, when you work cases like that,
23 most of everything you do is done through a search warrant
24 because you're looking for paper trails. You're trying to
25 figure out where the money that they are saying is missing

ADAM THOMPSON - DIRECT BY MS. NORZ

1 went.

2 So during my investigation, I obtained several different
3 search warrants and sent them off to several different banks,
4 not only the business bank accounts but also other bank
5 accounts that we found later on. As we were going through the
6 checks, we found that the checks were written out to one of --
7 one of the employees of the company. So I did obtain search
8 warrants for the accounts that I was able to find that had her
9 name on it.

10 Q: Who is that employee?

11 A: Lora Lewis was the employee.

12 Q: And did you interview anyone with regards to this
13 investigation?

14 A: I did. I spoke with the owners of the business on
15 several different occasions, and I also spoke with -- there
16 was a female. I don't recall her name. She was the
17 individual that was hired to do the audits on their books. I
18 spoke with her one time, and I want to say -- I can't -- I
19 can't recall who all I spoke with, but there were several
20 other people that I spoke with during that time, maybe some of
21 the people at the bank trying to figure out what some of the
22 stuff on the back of the checks, the printouts meant, that
23 kind of stuff.

24 Q: And was it Anita Murphy that you met with? Was it Anita
25 Murphy, the accountant that did the deep dive?

ADAM THOMPSON - DIRECT BY MS. NORZ

1 A: Oh, the accountant. That would've been who the Jansens
2 had actually doing the audit on their -- on their accounts.

3 Q: So you obtained bank statements on Benchmark's accounts?

4 A: Yes.

5 Q: And bank statements on --

6 A: I obtained bank statements from several different
7 Benchmark accounts. They had changed banks I believe like
8 once or twice. So I obtained statements from those banks, and
9 I also obtained statements from -- it was TD Bank for Lora
10 Lewis.

11 Q: And I'm going to show you what's been marked -- already
12 marked as State's Exhibit 5, 6, and 7.

13 A: I'll have to put my glasses on.

14 Q: Does this look familiar? Do these exhibits look familiar
15 to you?

16 A: These -- these are -- yes, they do. These are copies of
17 the checks that were obtained during when I got one of the
18 search warrants back that showed where they were deposited,
19 that kind of stuff.

20 Q: Did you -- did it appear to you -- did you review these
21 checks at all with Jim Jansen, the owner of Benchmark
22 Interiors?

23 A: I did. Not only did I do that, but at one point I got a
24 copy of the accounting information from Mr. Jansen, and I
25 would go back through and compare these checks to their

ADAM THOMPSON - DIRECT BY MS. NORZ

1 accounting information that they had to make sure that, you
2 know, check number X was written out to check number -- you
3 know, to this company or this person. So I went back through
4 and compared all of these checks to the records that were
5 provided to me by Mr. Jansen.

6 Q: And did you verify that these checks actually cleared the
7 Benchmark accounts, that they actually went out, the money
8 came out of their account?

9 A: No. They -- they actually cleared the account. These --
10 these deposits -- when I would find a check for X amount of
11 dollars, I would then also go in and look at the information
12 that I got from TD Bank, and it would show where that check
13 was deposited into an account with the defendant's name or
14 with Ms. Lewis's name on it.

15 Q: And when you obtained the bank records for TD Bank for
16 Lora Lewis, did you compare and make sure these checks
17 actually went through her account?

18 A: Yes, I did. You would take the copy of the check.
19 That's one of the reasons why I went to TD Bank because I
20 would find the same denominations where she would have
21 deposited that into an account. And with the printing that's
22 on the back of them, on the back of the checks, I didn't know
23 what those actually meant. So I actually went to TD Bank and
24 asked them if they could explain that to me, what that
25 printout meant on the back of the check.

ADAM THOMPSON - DIRECT BY MS. NORZ

1 Q: Now, did you do any handwriting analysis to see if maybe
2 Jim Jansen or someone else had signed those checks?

3 A: No, I didn't. The reason that I did not do that is all
4 of the checks were signed with just two cursive J's. There's
5 not a whole lot to that and at the time I didn't believe that
6 there would be a whole lot that would actually come from that
7 because of the fact that there was just not much there in that
8 signature. It was just the two cursive J's.

9 Q: And did you conclude that -- did you check to see if
10 maybe Lora had used this money for business expenses?

11 A: I did. When you obtain a search warrant for somebody's
12 account, you ask not only for any -- anything that's been
13 deposited into that account for a certain period of time, but
14 you also ask for any -- any debits that have been made from
15 that account, such as any checks that were written, ATM
16 withdrawals, any debit card purchases or anything like that.

17 When I did that, there were -- there were multiple debit
18 card purchases that I found on her account every month. I
19 found that, charges to PetSmart, charges to grocery stores,
20 several different instances where -- I believe it was \$500
21 that went out for an IRS payment. I found a lot of Amazon
22 purchases. There were several purchases that were for, like,
23 mentorship programs, as if it was -- you know, you were buying
24 their product so they could show you how to start a business
25 or how to run that business or, you know, something to that

ADAM THOMPSON - DIRECT BY MS. NORZ

1 effect.

2 Q: Did you consider maybe anybody else took this money?

3 A: In the beginning of the investigation, you can't just
4 look at one person. You can't just go by what the business
5 owners were telling you. You have to kind of look at
6 everybody. It didn't take long to figure out or at least to
7 narrow it down to the one person.

8 All of the checks that I found were all made out to Ms.
9 Jansen [sic]. The checks were deposited into an account that
10 had only Ms. Jansen's [sic] name on it. I believe there was
11 one that I did find out of all of them where it was deposited
12 into an account that had her name and another male's name on
13 it. I do not know who that male was, I don't know the
14 relationship, but all of the other checks were deposited into
15 an account that just had her name, Social Security number,
16 date of birth, everything like that attached to it.

17 Q: Did you come to -- is there a method that was used to
18 hide this, do these checks?

19 A: So the company used a -- I believe it was QuickBooks.
20 It's an accounting program that a lot of companies use, and
21 when we would go in and I got the printouts from the Jansens
22 showing the printouts that they got from their accountant that
23 were found, you would see in QuickBooks where a check would be
24 written out to, say, Home Depot or Lowe's or Benjamin Moore
25 for paint or something like that.

ADAM THOMPSON - DIRECT BY MS. NORZ

1 And almost immediately after that, within, you know, 15
2 -- 20 seconds, it would show that same check number written
3 out to Lora Lewis for the same amount. So it was like she was
4 trying to show in QuickBooks that this is where the money
5 went, but in order to get that check printed out with her
6 name, she had to change it in the program.

7 Q: And have you seen that before? You've investigated
8 employee theft cases before?

9 A: I've invested -- investigated a lot of employee thefts.
10 It's a pretty -- I won't call it a major crime, but it's
11 started happening a lot more since -- in the past probably six
12 -- seven years of my career.

13 Q: Can you just backtrack a second? I think you -- you said
14 checks were payable to Ms. Jansen. Did you mean Ms. Lewis?

15 A: Excuse me. Yeah. I apologize. They were made out to
16 Lora Lewis is who the checks were made out to.

17 Q: And when you invested -- in your experience, have you
18 seen this type of method used to hide checks?

19 A: I have. I've seen it on several other cases that I've
20 worked.

21 Q: Do you understand why Jim Jansen wouldn't notice this,
22 the owner of the company?

23 A: So the way it was explained to me was --

24 MS. DIGGS: Objection.

25 THE COURT: Okay. If he can understand or in his

ADAM THOMPSON - DIRECT BY MS. NORZ

1 investigation if he learned something, I think he can testify
2 to it.

3 BY MS. NORZ:

4 A: The way it was explained to me was that Ms. Lora Lewis
5 was hired to handle that particular aspect of the business.
6 They -- when they hired her to do that, she was able to
7 provide them with the paperwork showing, hey, this is where
8 the money is going, but the paperwork that they were getting
9 at that point wasn't correct.

10 Mr. Jansen at some point decided that it was time to go
11 ahead and do the audit of the business. That's why he
12 gathered all of his information through QuickBooks, he got
13 everything that he needed and forwarded that to the
14 accountant, and that's when it was found.

15 Q: Do you believe this was a thorough investigation on your
16 part?

17 A: I do believe that I did a thorough investigation in this.

18 Q: How many hours did you spend on this investigation?

19 A: A number? Easily several hundred. I couldn't tell you
20 the exact amount of time that went from the time that I was
21 actually assigned the case until the case was actually closed,
22 but every time that I would get -- get copies of checks back
23 from either the Jansens' bank or I would get statements back
24 from Mrs. Lewis's bank, I would sit there easily for several
25 days going through trying to highlight, okay, here's this

ADAM THOMPSON - DIRECT BY MS. NORZ

1 check, this is where this check went, this is where this check
2 was deposited, and so on and so forth. And you do that for
3 every check that you find. You have to be able to say that
4 that money came in on this day and this is how it came in.

5 Q: And did Jim Jansen confirm for you that neither he nor
6 anyone else authorized these checks to be payable to Lora
7 Lewis?

8 A: On multiple occasions, Mr. Jansen did -- did advise me
9 that he neither gave any -- gave Ms. Lewis consent or the
10 ability to do that.

11 Q: After you concluded your investigation, did you make the
12 arrest of Lora Lewis?

13 A: I contacted one of the deputies with the Beaufort County
14 Sheriff's Office because Mrs. Lewis did live in the county.
15 He actually escorted us out to her residence where myself and
16 one other detective with the Bluffton Police Department placed
17 her under arrest.

18 MS. NORZ: I have no further questions. If you could
19 just answer any questions Ms. Diggs has.

20 CROSS-EXAMINATION

21 BY MS. DIGGS:

22 Q: Good morning.

23 A: Good morning.

24 Q: Officer or investigator?

25 A: However you want to put it.

ADAM THOMPSON - CROSS BY MS. DIGGS

1 Q: Okay. So it's the same thing?

2 A: Yes, ma'am.

3 Q: Okay. Okay. Did you -- do you remember the date that

4 you arrested Ms. Lewis?

5 A: I don't remember the date. No, ma'am.

6 Q: Okay.

7 A: I know it was for sure a weekday, and I believe that it

8 was during the morning.

9 Q: Okay. If I told you it was December 19th of 2018, would

10 that -- would you have any argument against that? Does that

11 sound accurate?

12 A: I can't say one way or the other, yes, that is the exact

13 date, but --

14 Q: Okay. If I handed you up a copy of the warrant, would

15 that --

16 A: Yes, ma'am.

17 Q: The arrest warrant. Would that help you? Okay.

18 A: Because it should have a signature on it and a date on

19 the day that it was served. So it would have been December

20 27th, 2018, is when it was served.

21 Q: Okay. And the solicitor has asked you if you -- once you

22 concluded your investigation whether you issued that arrest

23 warrant; is that accurate? The arrest warrant was issued

24 after you completed --

25 A: On November.

ADAM THOMPSON - CROSS BY MS. DIGGS

1 Q: -- your investigation?

2 A: Let me see when I -- December 9th. It looks like
3 December 19th of 2018 is when it was signed by the judge.

4 Q: But you did not actually request the TD Bank records
5 until May of 2019; correct?

6 A: I'd have to look at my report to find out about that.

7 Q: If I handed --

8 A: Because we -- I received several -- I couldn't tell you
9 how many bank records.

10 Q: Right.

11 A: You would have to look at the date that the search
12 warrant would have been signed.

13 MS. DIGGS: I beg the Court's indulgence.

14 THE COURT: While she is looking for that, if y'all want
15 to stand up and take a stretch, you are welcome to.

16 MS. DIGGS: I apologize. [Inaudible] documents in this
17 case.

18 BY MS. DIGGS:

19 Q: If I handed you your -- a copy of your incident report
20 that you wrote, would that information possibly be in there
21 and refresh your recollection as to when the TD Bank warrant
22 was issued?

23 A: If it's in the report, yes, ma'am.

24 Q: If it's in the report, you would have accurately
25 transcribed the date that everything happened?

ADAM THOMPSON - CROSS BY MS. DIGGS

1 A: Correct.

2 Q: Okay.

3 A: All right. I'll breeze through it real quick.

4 (WHEREUPON, there was a pause in the proceedings, after

5 which the proceedings resumed as follows.)

6 THE WITNESS: Okay. I found it.

7 BY MS. DIGGS:

8 Q: Okay. So is it now -- is your memory refreshed as to

9 when those search warrants for the bank would have been?

10 A: May 29th.

11 Q: May 29th?

12 A: It's right there.

13 Q: Okay. And could you tell us the date that you received

14 those records?

15 A: 9/19 is where I received some of it. On 9/23 I received

16 a second -- a second disk. So on 9/19 and 9/23 is when I

17 would have received that information.

18 Q: Okay. And once you received that information, would you

19 say that that concluded your investigation or did you receive

20 anything after that?

21 A: I don't believe I received anything after that, that I

22 recall. No. No. It was after I received that is when I met

23 with the tellers at TD Bank to see if they could tell me what

24 happened with those checks, if they could decipher that

25 printout on the back of check.

ADAM THOMPSON - CROSS BY MS. DIGGS

1 Q: Okay. The September -- that would be roughly what?

2 About 9 to 10 months after the arrest of Ms. Lewis?

3 A: Correct.

4 Q: Okay. So is it fair to say that your investigation
5 wasn't -- that she was arrested prior to the conclusion of
6 your investigation?

7 A: With what I had in front of me with all of the checks and
8 everything like that, there was enough probable cause for
9 that, yes.

10 Q: And the information that was provided to you, I know that
11 you sought search warrants on the bank, but Mr. Jansen also
12 provided the checks, a lot of the checks to you as well?

13 A: He -- so he provided the information from their side with
14 QuickBooks. That's -- that's where the information that I got
15 from him.

16 Q: That was the QuickBooks audit trail?

17 A: The -- it's the information that he got from the
18 accountant.

19 Q: Okay. And I know you said you had spoken with the
20 accountant at one time?

21 A: One time.

22 Q: One time? Okay. Is there any reason you didn't notate
23 that in your report?

24 A: I have no idea why that wouldn't have been notated.

25 Q: And I know you said on direct that at the beginning of an

ADAM THOMPSON - CROSS BY MS. DIGGS

1 investigation you have to look at everyone and not just who
2 the victim said; correct?

3 A: Correct. I don't have that luxury of just taking sides.

4 Q: So who else did you look at or what I guess actions did
5 you take to make sure?

6 A: The only other person that I was told that had actual
7 access to that QuickBooks account would have been -- I believe
8 it was Mrs. Lewis -- or Mrs. Jansen. Other than that, there
9 were no other employees that I was made aware of, but at the
10 same time you still have to look. All of the -- like I said,
11 all of the checks were made out to Lora Lewis. So at that
12 time you start narrowing down who has access to it, who are
13 the checks made out to, where does that money go, and so on
14 and so forth.

15 MS. DIGGS: All right. I don't think I have any further
16 questions for you. Thank you for your time.

17 THE WITNESS: Thank you, ma'am.

18 THE COURT: Any redirect?

19 MS. NORZ: Yes, Your Honor. Just a couple questions.

20 THE COURT: Thank you.

21 REDIRECT EXAMINATION

22 BY MS. NORZ:

23 Q: At the time you arrested Lora Lewis, you felt you had
24 probable cause to go ahead and charge her with breach of trust
25 over -- of \$10,000 or more? You felt you had probable cause

ADAM THOMPSON - REDIRECT BY MS. NORZ

1 for that; is that correct?

2 A: Yes, that's correct.

3 Q: And is it typical in these cases after arrest that you
4 never look at anything again or is the investigation still
5 ongoing?

6 A: No. The investigation itself is still ongoing. There
7 are times where you could go several months down the road and
8 you learn something else. At that point in time, it picks
9 back up and it starts going again and you're starting to do
10 the same thing with obtaining your search warrants, trying to
11 figure out what's going on, and you go from there.

12 Q: So nothing unusual in this case that search warrants went
13 out after the -- additional search warrants or some search
14 warrants went out after the arrest?

15 A: No. That -- that is not uncommon at all in any case
16 that's similar to this.

17 Q: You're not going to close your eyes to evidence that
18 might be out there, additional evidence?

19 A: If something new comes in on a case, you cannot say I'm
20 not going to look at that. The reason for that is because not
21 only could it show that the person you think had something to
22 do with it didn't or, vice versa, it can add on more stuff,
23 more -- more information and just showing, yep, we were right,
24 this is what's happening, this is where this is going, and you
25 just -- you just work it until you can't work it anymore.

1 MS. NORZ: I have no more -- no more questions. Thank
2 you.

3 THE COURT: Okay. Anything further?

4 MS. DIGGS: Nothing further, Your Honor.

5 THE COURT: All right. You may step down, sir. Thank
6 you.

7 THE WITNESS: Thank you, ma'am.

8 THE COURT: Any objection to this witness being excused?

9 MS. NORZ: No. That's fine. He can be excused.

10 THE COURT: All right.

11 MS. NORZ: Thank you.

12 THE COURT: Any further witnesses, Ms. Norz?

13 MS. NORZ: No, Your Honor.

14 THE COURT: Is the State resting their case?

15 MS. NORZ: Yes, Your Honor.

16 THE COURT: All right. Ladies and gentlemen, the State
17 is now resting their case. There is a matter of law I need to
18 take up with the attorneys. We will be back with you shortly,
19 ladies and gentlemen. I believe we'll be going to lunch very
20 soon, but I need to remind you again do not discuss this case.
21 It wouldn't be appropriate to do so.

22 When you come back out from your jury room, ladies and
23 gentlemen, bring all your belongings with you because I'll
24 probably send you out to lunch after you come back. All
25 right? Thank you.

1 (WHEREUPON, the jury exited the courtroom at 12:29 p.m.)

2 THE BAILIFF: The jury is clear.

3 THE COURT: Thank you. Y'all may be seated.

4 Is there any motions, Ms. Diggs?

5 MS. DIGGS: I would just renew all prior motions and
6 objections, and I would move for a directed verdict at this
7 time. Looking at the evidence in light -- looking at it in
8 the light most favorable to the State, we think that at this
9 point they have failed to meet their burden of proof for the
10 elements of this charge, and I'm going to rest my argument
11 there.

12 THE COURT: Okay. Any response, Ms. Norz?

13 MS. NORZ: I believe the State has sufficiently met the
14 burden of proof and ask that there not be issued a directed
15 verdict.

16 THE COURT: All right. I do think there is ample
17 evidence from which this jury could decide whether she's
18 guilty of breach of trust more than \$10,000, and I will send
19 it to the jury.

20 Are you going to put up a case, Ms. Diggs?

21 MS. DIGGS: We are not.

22 THE COURT: And I need to talk to your client about her
23 Fifth Amendment rights. So now might be a good time to do
24 that.

25 MS. DIGGS: Uh-huh.

1 THE COURT: Ms. Lewis, if you would stand, I just need to
2 swear you in very briefly, ma'am. Raise your right hand. Do
3 you swear or affirm the testimony you give will be the truth,
4 so help you God?

5 THE DEFENDANT: I do.

6 THE COURT: All right. And if you don't mind, you can
7 put your hand down. I just need you to speak up a little bit.
8 I think you've heard me tell everybody that I'm a little hard
9 of hearing this week.

10 Ms. Lewis, it has come that point in the trial where you
11 are allowed to testify if you choose to. I need you to also
12 understand though the Fifth Amendment to the Constitution
13 states in part that no person is required to be a witness
14 against themselves. I just want to make sure that you
15 understand that this is your right.

16 You can testify or not testify. It is your decision.
17 However, if you choose to testify in this case, I want to make
18 sure you understand that you would be subject to cross-
19 examination, and I would allow the State to ask you any
20 questions that I believe would be relevant to this case. Do
21 you understand that?

22 THE DEFENDANT: (No audible response.)

23 THE COURT: Is that a yes for the record?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. Also, is there any issue with a

1 record or anything along those lines?

2 MS. NORZ: Yes, Your Honor.

3 THE COURT: Okay.

4 MS. NORZ: She does have a prior record.

5 THE COURT: Okay.

6 MS. NORZ: Hold on. I'll bring -- I have the -- sorry.

7 Ms. Lewis was convicted of breach of trust 10 years ago in
8 2009. I have certified copies of that conviction. At that
9 time -- actually, I think it was yours, Your Honor.

10 THE COURT: Uh-huh.

11 MS. NORZ: She was -- she was indicted for breach of
12 trust over 5,000. She -- at that time the allegation was
13 \$67,000 that she had taken.

14 THE COURT: Uh-huh.

15 MS. NORZ: And she did make payment of about 17,000 prior
16 to the plea, went on probation with a \$50,000 restitution.

17 THE COURT: Uh-huh.

18 MS. NORZ: That was in 2009-GS-07-01 [inaudible].

19 THE COURT: And when did her probation finish?

20 MS. NORZ: I think I have that, Your Honor, because I
21 wrote it down. It's over.

22 THE COURT: I understand that, but I'm wondering.

23 MS. NORZ: It went pretty quickly because unbeknownst to
24 me, she hired an attorney and she made a motion to have the
25 probation ended before paying back any additional restitution,

1 claiming that the company she had stolen from got their
2 restitution from their insurance company.

3 THE COURT: Uh-huh.

4 MS. NORZ: And the judge, which wasn't you, granted that.
5 And so probation was short-lived, and I'm sorry, Your Honor, I
6 do have it, but I don't recall. But I did call probation.
7 You know, it might be in my notes here.

8 THE COURT: Okay. That's okay. I just wanted to know.

9 Okay. So at this time, Ms. Lewis, I expect you to talk
10 with your lawyer and decide whether or not you wish to
11 testify, but have you had enough time, Ms. Diggs, to discuss
12 whether or not --

13 MS. DIGGS: I think we have.

14 THE COURT: Okay.

15 MS. DIGGS: I'm going to check with her really quickly.

16 THE COURT: Go ahead and do that right now.

17 MS. NORZ: I'll look in my notes.

18 (WHEREUPON, there was a pause in the proceedings, after
19 which the proceedings resumed as follows.)

20 MS. DIGGS: We've had enough time, Your Honor, and she is
21 ready to make her decision.

22 THE COURT: All right. Ms. Lewis, do you want to testify
23 in this case?

24 THE DEFENDANT: No.

25 THE COURT: All right. And is that your choice, ma'am?

1 THE DEFENDANT: Yes.

2 THE COURT: Thank you. You may sit down.

3 I believe it's knowingly and intelligently made, and it's
4 my understanding from the defense that you are not going to
5 put anything else up; is that correct?

6 MS. DIGGS: That's correct. Other than we rest.

7 THE COURT: All right. So what I intend on doing is
8 this. I'm going to bring the jury back. You're going to
9 formally rest for them. We'll renew our motions again and
10 then I'm going to send them to lunch and then I -- let's take
11 about an hour lunch or so and we will come back and we will
12 argue and charge.

13 My law clerk, Ms. McNeil, has sent both of y'all a copy
14 of the jury charge and the verdict form so y'all can review
15 it, and we also maybe need to discuss if you would prefer me
16 to charge the jury first or last. I'll only do it first if
17 you both agree to that. So it is up to y'all. Okay? So you
18 can think about that while I send the jury out. Okay? So
19 let's bring the jury back, Norman.

20 THE BAILIFF: Yes, Your Honor.

21 THE COURT: Okay.

22 (WHEREUPON, the jury entered the courtroom at 12:34 p.m.)

23 THE BAILIFF: The jury is entering the courtroom, Your
24 Honor.

25 THE COURT: Thank you. Thank you. You may be seated.

1 Thank you.

2 All right. Ms. Diggs?

3 MS. DIGGS: Your Honor, at this time the defense rests.
4 We would renew all of our previous motions and objections.

5 THE COURT: Okay.

6 MS. DIGGS: And rest at this time.

7 THE COURT: Thank you.

8 All right. Ladies and gentlemen, the defense has also
9 rested their case. What is left in the trial is to hear the
10 lawyers' closing arguments and my charge on the law.

11 What I am going to do right now is ask y'all to go grab a
12 bite to eat and come back. We're going to finish the case
13 then. By the clock in the back of the courtroom, if you all
14 could be back at 1:45, I think that would be great. It gives
15 you a little over an hour. If you need any suggestions for
16 lunch that's real close, the bailiffs are all happy to do that
17 for you.

18 I like to get going, ladies and gentlemen, because, of
19 course, I have no idea how long you are going to deliberate.
20 So that is up to you, of course, but we're going to go ahead
21 and be back at 1:45, as long as that's acceptable, when we can
22 go ahead and hear the arguments from the lawyers and I'm going
23 to charge you on the law and we're going to send this case to
24 you for your deliberation. All right?

25 So, ladies and gentlemen, I have to tell you again do not

1 discuss this case, not only with each other but with anyone
2 else. Don't do any independent research. Just get a bite to
3 eat, come back, and we look forward to seeing you all back at
4 1:45. All right? Thank you.

5 (WHEREUPON, the jury exited the courtroom at 12:36 p.m.)

6 THE COURT: Is the door shut?

7 MS. NORZ: Just about. Just about.

8 THE COURT: There we go.

9 All right. So we'll renew your objections again for the
10 record. Obviously, I appreciate it. You did them for us and
11 respectfully I'm denying them based on the earlier grounds as
12 well.

13 Why don't y'all go grab a bite to eat. What I would like
14 is if y'all could be back in the courtroom at 1:30. We can
15 discuss if there's anything you have a problem with on the
16 jury charge or on the verdict form in any way. I think it's
17 pretty straightforward.

18 And then at that point maybe y'all can also give me a
19 decision on if you would rather me charge first or charge
20 second, and I'd love to know kind of the attorneys' thoughts
21 on it. I know the thoughts I have as far as the pros and
22 cons, but I would be interested in hearing what you all have
23 to say. I mean what do you think?

24 MS. NORZ: I've never thought about that before. You're
25 saying to charge before the closing happens?

1 THE COURT: And that's what we've been doing. Yeah, I've
2 been doing it in a lot of cases. It's something that they are
3 kind of letting us all do. I mean, you know, a couple of the
4 thoughts are is that it's nice to have the judge outline the
5 law before the solicitor gets up and has to explain it again.
6 So it's kind of like they're echoing what I said, and that's
7 helpful.

8 And for the defense it's often helpful that you really
9 truly do get the last speaking to the jury because I think
10 even though you have the last argument to the jury, once the
11 judge starts droning on for 20 minutes, you know, it kind of
12 loses its effect.

13 So anyway, I think it's, you know, kind of both ways.
14 The last couple times in Jasper I think we've been doing it
15 where I've charged first, but that is completely up to you and
16 I just want y'all to agree. I'll do whatever you want as long
17 as you all can agree. Okay?

18 MS. DIGGS: All right.

19 THE COURT: All right. I appreciate it.

20 MS. NORZ: Thank you.

21 THE COURT: All right. Have a good lunch, y'all.

22 (WHEREUPON, there was a break in the proceedings from
23 12:39 p.m. until 1:40 p.m., after which the proceedings
24 resumed as follows.)

25 THE COURT: All right. Any exceptions or additions to

1 the jury charge from the State?

2 MS. NORZ: No, Your Honor.

3 THE COURT: Okay. Are you fine with the verdict form?
4 Yes?

5 MS. NORZ: Yes, Your Honor.

6 THE COURT: Okay. Any exceptions or additions to the
7 jury charge from the defense?

8 MS. DIGGS: None from the defense.

9 THE COURT: What about the verdict form?

10 MS. DIGGS: None from the defense.

11 THE COURT: All right. And did y'all decide what you
12 prefer, if you want me to charge first or charge last?

13 MS. DIGGS: Charge last.

14 MS. NORZ: Charge last. Yeah, charge last.

15 THE COURT: Oh, by the way, we did -- I'm sorry. I
16 wasn't even listening. She was just reminding me we had a
17 portion in there for expert witness, and we took that out
18 because I -- when I kept hearing is a forensic accountant, I
19 kept thinking it would be an expert. So anyway -- so that
20 part was taken out.

21 But anything else in that? You guys are all fine? And
22 so what did y'all decide? You want me to do it first or last?

23 MS. DIGGS: Last.

24 MS. NORZ: Last.

25 THE COURT: Got it. And I'd love to hear y'all's --

1 MS. NORZ: I am not good with change.

2 THE COURT: Yeah. I would like to hear your take on it
3 to see if there's other things that maybe I'm not accounting
4 for. I mean it's -- I'm like you. You're right. It's a
5 change. I mean we've been doing this for, you know, many,
6 many, many years. So it's a little scary.

7 MS. NORZ: I'll think on it.

8 THE COURT: Yeah. I just think, yeah, you guys need to
9 all think about it and how it affects you and your client and
10 --

11 MS. NORZ: And that's exactly why I don't like it. It
12 gives them less and that's what they remember. I'd rather
13 them get --

14 THE COURT: Bored by me. You can go ahead and say it.
15 It's okay.

16 MS. DIGGS: It's a matter of attention span, you know.
17 Like, if you --

18 THE COURT: Oh, my gosh. Yeah. Okay. Okay. Are they
19 all here? No, they're not all here. I've got a head shake of
20 no.

21 (WHEREUPON, there was a pause in the proceedings from
22 1:42 p.m. until 1:50 p.m., after which the proceedings
23 resumed as follows.)

24 (WHEREUPON, the jury entered the courtroom at 1:50 p.m.)

25 THE COURT: You may be seated.

1 Ladies and gentlemen, what we have left to do is for the
2 closing arguments from the attorneys. I am then going to
3 charge you on the law that is applicable to this case, and
4 we're going to send it to you for your deliberations. All
5 right?

6 CLOSING ARGUMENT ON BEHALF OF THE STATE

7 MS. NORZ: Thank you. Thank you all for serving as
8 jurors again, and thank you for your attention.

9 Jim Jansen trusted Lora Lewis, and I told you she was not
10 what she appeared. She appeared to be honest. She appeared
11 to be a long-term employee, worked for him for many years, and
12 he trusted her to pay the bills. She was the only office
13 manager. She was the only one with those jobs.

14 He told you -- Jim Jansen testified here. He told you
15 about how he trusted her and [inaudible]. He told you that
16 Lora was a part-time employee. She worked 24 to 30 hours a
17 week. She made about \$18 an hour. It came out to about
18 \$24,000 a year. And it's in evidence in the exhibits that her
19 W-2s came to 22 -- 23 -- 24,000 over this three-year period in
20 a year.

21 He told you he didn't authorize bonuses of \$80,000 a
22 year. He told you that he didn't sign the checks that she
23 [inaudible]. He didn't authorize them. He didn't authorize
24 them for her to reimburse herself for any other office
25 expenses or any other reason.

1 He told you that he confronted Lora. He had a stack of
2 the checks in his hand, and he went to her home and he
3 confronted her. And what did she say? She admitted that she
4 had done that. She had stolen the money and used it
5 [inaudible], and she said I'll pay you back, but don't call
6 the police. [Inaudible].

7 Brenda Jansen, Jim's wife, she does the books for him
8 now. Jim still doesn't do it. It's not his skill set. He's
9 a drywall and painting guy. He's not an office manager. He
10 doesn't do QuickBooks. He doesn't. It's not his skill set.
11 So now Brenda does it, and she does it because she -- they
12 can't trust anyone anymore. This isn't like the job she
13 wanted and she was happy working for a friend in a law office,
14 but now this is the job she has. She told you how this
15 affected her family and the business.

16 You heard from the two bankers, Ellen Bell and Chelsea
17 Black, and they very tediously went through for you. We
18 warned you it was going to be hard and tedious, but they went
19 through for you exactly how the checks were written, how the
20 checks were written, and then how they went straight to the
21 account at TD Bank. That was Lora's account, and Ellen Bell
22 explained to you that Lora had at least two accounts, one with
23 just her name on it and one with the name of her and a Mark
24 Lewis on it.

25 You have all these documents to take with you to the jury

1 room, and it won't be just the blowups. You're going to have
2 these as well, but you will have the full stack of checks for
3 each year. You've got 2016, 2017, 2018. You'll have all of
4 Lora's bank account statements for those years. You'll have
5 at least one check that went into the account that was in the
6 name of her and Mark Lewis. You will have that statement,
7 it's just two pages, and that shows the actual check, one
8 check, and that was the check that Ms. Bell was asked to come
9 down and point out to you on that one statement, that one
10 check that went into that account. Everything else went into
11 this account at TD Bank, and you'll have all of this.

12 You can do what Ms. Bell did for you. If you look at the
13 statements, which we only blew up, you know, a few months and
14 I'll show you why. In this case, I'm required to show you
15 what she's charged with, which is breach of trust of \$10,000
16 or more, so these blowups represent a little more than
17 \$10,000. These checks, if you add them up, you get about
18 \$10,016. Thus, you only have to go through two pages of the
19 audit trail report, the first two pages, and you've got over
20 \$10,000. That's how we reached that. And this TD Bank
21 statement represents \$10,000 of checks, of these checks that
22 went into this account and I've highlighted on this audit
23 trail for you. [Inaudible].

24 You'll have them all. We'll have three years' worth, and
25 when you add those up, Anita Murphy has done the addition for

1 you if you look on her audit trail report. Again you'll have
2 all three years' worth of audit trail reports in the jury room
3 as exhibits. And if you look on the last page of each report,
4 as Anita Murphy testified, you will get the results for the
5 year, and in this one it was, as told to you, it is
6 \$81,928.03. And if you look at the other two years, this is
7 the year 2018, you will see the total.

8 It comes up to a little more than \$240,000 in three
9 years, but you're just going to be asked to find breach of
10 trust in the amount of \$10,000 or more. But this is -- we
11 went further. We showed you all of it, all of these three
12 years.

13 So you also heard from Anita Murphy, the accountant,
14 today. She's the one who figured out the stealing. She's how
15 Lora got caught. You can figure out how she got caught, and
16 Anita Murthy was the one who caught her. And she told you
17 exactly the scheme that went on and how she caught it. She
18 ran a report that gave her the data to show that checks were
19 being changed, the payee was being changed, and that's a red
20 flag.

21 But she didn't stop there. She went and got the bank
22 statements, and she got the actual canceled checks. She got
23 all these, but she didn't -- she verified it. She told us it
24 took hours to verify that each and every check that she
25 highlighted was actually verified with these checks that here

1 Lora Lewis [inaudible] and went into her account. Here
2 Benchmark, and then we were able to tie these with what went
3 right into Lora's account. Okay? And each one of these
4 checks is in Lora's account and it first got red flagged on an
5 audit report.

6 And let's recap real quickly how did that look. Why was
7 there a flag? Well, it showed that Lora initially printed a
8 check payable to herself, and we know that. Here's the
9 canceled check. And we know it went in her account, and then
10 she went in after it printed and either deleted it completely
11 so it would never appear on any financial that an accountant
12 or Jim Jansen, the owner, might have looked at. It wouldn't
13 even appear there. Or she changed the name to a legitimate
14 supplier like Capital Materials of Savannah, which sells
15 drywall materials. She put a memo on there that's for drywall
16 materials.

17 This is how she hid it. This is why Anita Murphy told
18 you specifically a business wouldn't see it nor would their
19 accountant unless they did a deep review, and they did a deep
20 review because Jim Jansen had a need for a deep review because
21 he was suspicious something was wrong, as he told you himself.
22 He looked at it. He should have been making more money, and
23 he paid for a deep review by the accountant.

24 You heard from Investigator Adam Thompson, and Adam told
25 you he spent hundreds of hours in this investigation

1 satisfying himself that defendant Lora Lewis should be
2 arrested and that he didn't just rely on what Jim Jansen told
3 him or Anita Murphy told him. He went and verified for
4 himself by getting the checks, and he continued getting more
5 information even after the arrest, finding out even further
6 more checks and more checks and more information, but again he
7 only had to arrest Lora for \$10,000, but he -- after she got
8 arrested, he even got more information and he got even much
9 more money.

10 This wasn't a mistake or a lack of judgment once or
11 twice. This was methodical, it was deliberate, it was
12 complicated, it was a scheme. You can see the exact method of
13 the scheme now. I mean it's kind of a [inaudible], but it was
14 a scheme. Anita told you that this was not [inaudible]. It
15 was something that wouldn't necessarily be flagged. Adam
16 Thompson told you he'd seen this before in other employee
17 theft cases.

18 This was done, as I said, not once or twice, a lack of
19 judgment, but if you look at these exhibits -- and again, this
20 is just the few that I blew up for you. You'll have them all.
21 If you added up these checks when you were at lunch and you
22 have -- in 2017 there were 42 checks, 42 times she went to
23 work to steal in the year 2017. This happened in the year
24 2016. She came to work 51 times and she sat down and said I'm
25 stealing and printed out thousands of dollars of checks for

1 herself. In 2018, she did it 33 times. It wasn't a lack of
2 judgment on her part.

3 So the judge is going to charge you on the law, and I'm
4 not -- I'm just going to tell you the elements of each. I'm
5 just going to go through it real quickly, but there has to be
6 goods or in this case money entrusted to the defendant. And
7 in this case, Jim Jansen trusted her with the checks. He
8 trusted her with access to his bank account.

9 And the defendant has to convert that money, in other
10 words keep it for herself with an intent to deprive the owner
11 in the amount of at least \$10,000. Here, she took the money.
12 She took it for herself. She put it in her own bank account,
13 and she spent it. She went shopping and you can add up, if
14 you want, each and every thing she spent is on the list. What
15 Ellen Bell said to you is money came in and money was spent
16 all month.

17 I told you at the beginning this was a trial about
18 [inaudible], and the testimony we've heard and the exhibits
19 that you saw show that Lora Lewis is guilty of breach of trust
20 of at least \$10,000, and I ask you to do your job as jurors
21 and find her guilty. Thank you.

22 THE COURT: Thank you.

23 Ms. Diggs?

24 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

25 MS. DIGGS: Good afternoon, everyone. As I told you at

1 the beginning of this trial, [inaudible] I was going to come
2 before you and ask that you find my client not guilty. And
3 it's not -- I'm not up here to tell you the State hasn't
4 presented any evidence [inaudible]. I'm not trying to
5 [inaudible], but when you go back to deliberate, you have
6 nothing to go off of.

7 You heard from a business owner of 30 years who by all
8 accounts didn't even know how to access his bank account. He
9 had zero access to his online banking info. Apparently, never
10 once inspected his account, no idea how to access his
11 company's electronic checkbook, in other words QuickBooks.
12 You heard from the business owner's wife, who also has no
13 personal knowledge of anything. She did not work there during
14 the time.

15 At the end of the day, we don't know who all had access
16 to the admin log-in on QuickBooks. The business owner didn't
17 say this, but I don't think they even knew how much money was
18 in the bank account, let alone who was accessing that file in
19 QuickBooks.

20 And so you also heard from bank employees, who also have
21 no personal knowledge of exactly what happened. They can
22 explain, you know, how to read the documents, but that's about
23 as far as their personal knowledge in this matter goes.

24 There was no handwriting comparison. So you'll have to
25 take Mr. Jansen's word for that in regard to the signature on

1 those.

2 And you have an investigator on the case who took
3 everything that was shown to him by the Jansens at face value.
4 He didn't interview any other employees. He didn't interview
5 Ms. Lewis's husband. He relied on what he was told, and he
6 didn't look at anyone else but Ms. Lewis. In fact, he didn't
7 even bother obtaining the records or bank records, which you
8 would think would be a vital piece of evidence here, until
9 roughly six months after her arrest.

10 And so I'm here to tell you that Ms. Lewis is not a sheep
11 -- a wolf in sheep's clothing, as the State described her.
12 She's a scapegoat, and that was [inaudible].

13 If you think that Lora Lewis committed this crime, then
14 you have to find her not guilty, and I know that sounds weird
15 and confusing, but if you think she committed a crime, then
16 she is not guilty. You must be firmly convinced of her guilt
17 in order to come back into this courtroom with a guilty
18 verdict. And she is entitled to every reasonable doubt in
19 this case, and if there is any issue of fact essential to her
20 to a conviction for this crime and you have any reasonable
21 doubt as to how to resolve that issue, it has to be resolved
22 in her favor.

23 And so again, I come before you asking that you find Ms.
24 Lewis not guilty on breach of trust in the amount of
25 [inaudible]. Thank you.

1 THE COURT: Thank you.

2 CHARGE ON THE LAW

3 THE COURT: Ladies and gentlemen, it's now my time to
4 charge you on the law that's applicable to this case, and I do
5 want to tell my foreperson and all of you that you will have a
6 verbatim copy of what I am reading to you as the law in this
7 case here. I know some of you were taking notes, and I didn't
8 want you being overly concerned about taking notes but rather
9 listening because you will have a copy of this. All right?

10 Madam Foreperson, members of the jury, you've followed
11 very patiently and listened very attentively to the
12 presentation of the evidence in this case, and I want to thank
13 you for that. It now becomes the duty of the trial judge
14 under the Constitution of this state to charge and instruct
15 you on the law that's applicable to this case, and it's your
16 duty as jurors to accept and apply the law as I will now state
17 it to you.

18 As jurors, it is your exclusive duty to decide all the
19 issues of fact in this case. Both the State and the
20 defendant, Ms. Lewis, have a right to expect that you will
21 carefully consider and evaluate the evidence and apply the law
22 of the case to the evidence. And by doing so, both the State
23 and Ms. Lewis will receive a fair and impartial trial in this
24 matter.

25 Now, the State of South Carolina by the bill of

1 indictment in this case charges the defendant, Lora Mae Lewis,
2 with one count of breach of trust with fraudulent intent, more
3 than \$10,000. Now, I remind you that the fact the defendant
4 was arrested, charged, and indicted in this case is not
5 evidence in this case and cannot be considered by you as
6 evidence of guilt in this case, nor does it create any
7 presumption or inference of guilt. An indictment is simply
8 the formal written instrument which contains the charge that's
9 made against the defendant. It's the formal document by which
10 the case is brought into this courtroom.

11 The defendant, Ms. Lewis, has pled not guilty to this
12 indictment, and that plea puts the burden on the State to
13 prove the defendant guilty beyond a reasonable doubt. A
14 person charged with committing a criminal offense in South
15 Carolina is never required to prove themselves innocent.

16 I charge you that it is an important rule of law that a
17 defendant in a criminal trial, no matter what the seriousness
18 of the charge may be, will always be presumed innocent of the
19 crime for which an indictment was issued unless guilt has been
20 proven by evidence satisfying you, the jury, of that guilt
21 beyond a reasonable doubt. This presumption of innocence does
22 not end when you begin your deliberations, but it accompanies
23 the defendant throughout the trial until you reach a verdict
24 of guilt based on evidence satisfying you of that guilt beyond
25 a reasonable doubt.

1 Now, the presumption of innocence is like a robe of
2 righteousness. It is placed about the shoulders of a
3 defendant, and it remains with the defendant until it has been
4 stripped away by evidence satisfying you, the jury, of the
5 defendant's guilt beyond a reasonable doubt.

6 The presumption of innocence is not a mere legal theory.
7 It's not just a legal phrase we use. It is a substantial
8 right to which every defendant is entitled unless you, the
9 jury, are satisfied from the evidence of the defendant's guilt
10 beyond a reasonable doubt.

11 So what is a reasonable doubt in the law? A reasonable
12 doubt is the kind of doubt that would cause a reasonable
13 person to hesitate to act in their most important decisions.
14 The State has the burden of proving the defendant guilty
15 beyond a reasonable doubt and, again, the term reasonable
16 doubt must be given its plain and ordinary meaning. However,
17 to the extent that I may define it for you again, a reasonable
18 doubt is the kind of doubt that would cause a reasonable
19 person to hesitate to act in the most important of their
20 personal decisions.

21 The defendant is entitled to every reasonable doubt
22 arising in this case. If upon any issue of fact essential to
23 a conviction you have a reasonable doubt as to how that issue
24 should be resolved, you must resolve that reasonable doubt in
25 favor of the defendant.

1 Now, some of you may have served as jurors in civil cases
2 where you were told it was only necessary to prove that a fact
3 is more likely true than not true, and that's by what we call
4 the greater weight or the preponderance of the evidence. In
5 criminal cases, the State's proof must be more powerful than
6 that. It must be beyond a reasonable doubt.

7 Suspicion, no matter how strong, is insufficient to
8 convict a person charged with a crime. That the facts and
9 circumstances presented may seem suspicious and the
10 defendant's guilt may seem probable, this is not sufficient in
11 the law to convict. Proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the defendant's guilt.

13 Now, there are very few things in this world that we know
14 with absolute certainty, and in criminal cases the law does
15 not require proof that overcomes every possible doubt. If
16 based on your consideration of the evidence you are firmly
17 convinced that the defendant is guilty of the crime charged,
18 you must find the defendant guilty. If on the other hand you
19 think there is a real possibility the defendant is not guilty,
20 you must give the defendant the benefit of the doubt and find
21 them not guilty.

22 Now, I remind you that during this trial you and I have
23 certain duties to perform. As the judge, it's my
24 responsibility to preside over the trial of this case, and I
25 also have the duty to rule on the evidence that's admitted.

1 You are to consider only the competent evidence before you.
2 You are to consider only the evidence that was presented here
3 from the witness stand, as well as any other exhibits which
4 have been made a part of the record in this case.

5 I have the additional duty to charge you the law that's
6 applicable to this case. I'm the sole judge of the law, and
7 it's your duty as jurors to accept and apply the law as I will
8 now state it to you. If you have any idea as to what the law
9 is or what you think the law ought to be and it does not agree
10 with what I now tell you the law is, you must abandon this
11 idea because you are sworn to accept and apply the law as I
12 state it to you.

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

25 Now, there are two types of evidence which are generally

1 presented during a trial: direct evidence and circumstantial
2 evidence.

3 Direct evidence is the testimony of a person who claims
4 to have actual knowledge of a fact, such as an eyewitness. It
5 is evidence which immediately establishes a main fact to be
6 proved and does not require deduction.

7 Circumstantial evidence is proof of a chain of facts and
8 circumstances indicating the existence of a fact. It is
9 evidence which immediately establishes collateral facts from
10 which the main fact may be inferred. Circumstantial evidence
11 is based on inference and not on personal knowledge or
12 observation.

13 Ladies and gentlemen, crimes may be proven by
14 circumstantial evidence. The law makes no distinction between
15 the weight or value to be given to either direct or
16 circumstantial evidence. However, to the extent the State
17 relies on circumstantial evidence, all of the circumstances
18 must be consistent with each other and when taken together
19 point conclusively to the guilt of the accused beyond a
20 reasonable doubt. If these circumstances merely portray the
21 defendant's behavior as suspicious, the proof has failed.

22 I remind you the State has the burden of proving the
23 defendant guilty beyond a reasonable doubt, and this burden
24 rests with the State regardless of whether the State relies on
25 direct evidence, circumstantial evidence, or some combination

1 of the two.

2 Now, in this case I have permitted you to take notes.
3 Your notes should be used only as aids to your memory and
4 should not be allowed to take precedence over your independent
5 memory of facts. Notes are for a juror's personal use in
6 refreshing recollection of the evidence.

7 When in deliberations at the end of this case, do not
8 rely on the recollection of a juror who took notes about the
9 testimony of a witness solely because the juror took notes,
10 and you should not be unduly influenced by the notes of other
11 jurors. As we all know, notes can be wrong.

12 Notes are not entitled to any greater weight than each
13 juror's memory of the evidence. Those jurors who do not take
14 notes should rely on their independent recollection of the
15 evidence and not be influenced by the fact that another juror
16 has taken notes.

17 Now, in this case it is your duty to determine the
18 credibility of witnesses who have testified in this case, and
19 credibility simply means believability. It's your duty as
20 jurors to analyze and to evaluate the evidence and determine
21 which evidence convinces you of its truth.

22 In determining the believability of witnesses who have
23 testified in this case, you may believe one witness over
24 several witnesses or several witnesses over one witness. You
25 may believe a part of the testimony of a witness and reject

1 the remaining part of the testimony of that same witness. You
2 may believe the testimony of a witness in its entirety or
3 reject the testimony of a witness in its entirety. You may
4 consider whether a witness has exhibited to you any interest,
5 bias, prejudice -- prejudice -- excuse me -- or other motive
6 in this case, and you may also consider the appearance and
7 manner of a witness while on the witness stand.

8 Now, I instruct you and emphasize that the fact that the
9 defendant did not testify is not a factor to be considered by
10 you in any way in your deliberation and in your consideration
11 on the question of the guilt or innocence of the defendant.
12 It must not be considered by you in any manner whatsoever. A
13 defendant has the constitutional right to remain silent, and
14 the assertion of this right must not be considered by you in
15 your deliberations.

16 I repeat, under your oath you are to draw no conclusion
17 whatsoever from the fact that the defendant in this case did
18 not testify. The fact that this defendant did not testify
19 should not even be discussed in the jury room. The burden of
20 proof, as I have stated to you, is on the State. The
21 defendant is not required to prove her innocence, and the
22 burden of proof remains on the State to prove guilt beyond a
23 reasonable doubt.

24 Now, ladies and gentlemen, in this case the defendant is
25 charged with breach of trust with fraudulent intent, value

1 \$10,000 or more. So to prove this charge, ladies and
2 gentlemen, first the State must prove beyond a reasonable
3 doubt that personal property was put in the defendant's
4 possession as a trust. A trust is a holding of property
5 subject to a duty of using it or applying its proceeds
6 according to directions given by the owner of the company who
7 put the property in trust.

8 Second, the State must also prove beyond a reasonable
9 doubt a breach of the trust. There must be a use of the
10 property by the defendant for some purpose other than that for
11 which it was put in trust.

12 Next, the State must prove beyond a reasonable doubt that
13 the defendant had a fraudulent intent in breaching the trust.
14 The State must prove that the property was converted by the
15 defendant with the fraudulent intention of using it as their
16 own or permanently depriving the owner of the use or
17 possession of the property.

18 Ladies and gentlemen, fraudulent intent is a mental
19 state, a conscious wrongdoing. It is up to you to determine
20 what the defendant intended to do based on the circumstances
21 shown to have existed. An intent may be shown by acts and
22 conduct of the defendant and other circumstances from which
23 you may naturally and reasonably infer intent.

24 Now, ladies and gentlemen, just for you to understand the
25 difference between a breach of trust and a larceny or what we

1 commonly know as stealing is that in larceny possession of the
2 property stolen is obtained unlawfully. In a breach of trust
3 case, the possession of the property is obtained lawfully, and
4 the property is then converted with a fraudulent intent.

5 Ladies and gentlemen, finally, the last portion that the
6 State is required to prove beyond a reasonable doubt is that
7 the dollar amount diverted or taken by the defendant exceeded
8 \$10,000.

9 Madam Foreperson, members of the jury, as you retire to
10 begin your deliberations here today, I hope that each of you
11 are mindful of the importance of your responsibility here
12 today. You're not called upon very often to serve as jurors,
13 and the proper performance of that duty requires each of you
14 to reach the height of freeing your mind of all improper
15 influences.

16 So please don't get the idea that I'm trying to intimate
17 to you how I think you should decide this case because I've
18 already told you under the laws of the state of South Carolina
19 you, the jury, are the sole judge of all facts in this case,
20 and it would be highly improper for me to influence you in the
21 performance of that duty.

22 So again, I'm not trying to tell you what your verdict
23 should find, but as the presiding officer of this court, I am
24 vitally concerned that whatever verdict you reach will be the
25 result of your going back into your jury room and confining

1 your consideration to the evidence and the law that you've
2 heard here in this courtroom over the last two days, weighing
3 it fairly and impartially, as I have every confidence you
4 will.

5 Madam Foreperson, I remind you your verdict must be
6 unanimous. It must be the verdict of all twelve jurors, and
7 to that end my law clerk has prepared a verdict form. It
8 simply has the case caption. It says the State of South
9 Carolina versus Lora Mae Lewis, and it has one question on it.

10 The question is: As to the charge of breach of trust
11 with fraudulent intent, value \$10,000 or more, we find the
12 defendant, Lora Mae Lewis, either not guilty or guilty.
13 You're going to check one of those.

14 Ladies and gentlemen, please don't infer the order that
15 we put not guilty and guilty. Every trial we just reverse
16 them.

17 After that, Madam Foreperson, it states that I certify
18 that this is the unanimous decision of the jury, and there is
19 a place for you to sign as our foreperson and then date also
20 this verdict form.

21 Ladies and gentlemen, just for a couple of housekeeping
22 matters, I want you to know and understand that you've seen we
23 have a digital court reporter here with us right now. I want
24 you to understand that there is no transcript of what has
25 occurred here over the last two days.

1 If you want to hear certain testimony played back, what I
2 can do is bring you back into the courtroom and we can play
3 the audiotape of it. That's what our ability is. I just need
4 to tell you that if you ask for a certain witness's testimony,
5 I am required to play that entire witness's testimony. So
6 that would be the direct examination, the cross-examination,
7 and anything further.

8 Also, ladies and gentlemen, you are going to have back in
9 your jury room with you the verdict form that I just talked
10 about that you're going to fill out, my charge on the law, and
11 the evidence that was entered into this case. Ladies and
12 gentlemen, if it is not back there with you, you are not
13 entitled to it. So it doesn't help to send me a note that
14 says can we see such and such. If it wasn't entered into
15 evidence, you are not entitled to have it back there with you.
16 All right?

17 Ladies and gentlemen, for the very last time, I'm going
18 to send you back to your jury room and I'm going to say don't
19 discuss this case. I want you to go back, grab a drink of
20 water.

21 I need to talk with the lawyers to make sure there's
22 nothing further they want me to charge you on the law. If
23 there is, I'll bring you back out here and charge you further,
24 but if not, I am going to send, again, the verdict form, the
25 jury charge, as well as the evidence that was entered into

1 this case, and that's going to be your signal to begin your
2 deliberations. All right?

3 So y'all are excused. I appreciate it. Thank you.

4 (WHEREUPON, the jury exited the courtroom at 2:25 p.m.)

5 THE BAILIFF: The jury is clear, Your Honor.

6 THE COURT: Thank you. Any exceptions or additions from
7 the State?

8 MS. NORZ: No, Your Honor.

9 THE COURT: From the defense?

10 MS. DIGGS: None from the defense, Your Honor.

11 THE COURT: Thank you. All right, y'all. Go through and
12 make sure we have all the evidence, and we can put it all
13 together. There is that. Make sure the Court's exhibits do
14 not go back. Obviously, they stay with us.

15 (WHEREUPON, there was a pause in the proceedings.)

16 (WHEREUPON, the jury deliberations began at approximately
17 2:26 p.m.)

18 (WHEREUPON, the alternate jurors entered the courtroom.)

19 THE COURT: Thank you for being here with us. I
20 appreciate it. This is the first time since COVID that I
21 haven't lost any of our jurors, which is quite amazing. So I
22 hope it means everyone is getting healthier and this newest
23 strand isn't really getting anybody.

24 So I want to tell you at this point you are permitted to
25 talk about the case when you go home. The only thing I ask is

1 that if you're friends with some of these jurors that you not
2 talk to them until they've reached a verdict.

3 So also, I will tell you this. If you want to know what
4 happened in this case, you could call to the clerk's office in
5 the morning or just open the newspaper. Typically, if it's a
6 conviction, it'll be in the newspaper. If it's not, it won't
7 be is typically how it works.

8 But I really appreciate you being here, and I will tell
9 you that for the next three years you have earned your
10 exception. You don't need to come back, and I will say that
11 the other things we're doing for the remainder of the week --
12 since all of our trials have resolved, we're doing guilty
13 pleas. We have a criminal backlog for trials because of COVID
14 and other reasons as well, but the long and the short of it is
15 is we're working real hard to get rid of some of those other
16 cases. So that's something that we'll be doing guilty pleas
17 for the next three days and a lot of them to try to move some
18 of that backlog.

19 So we want to thank you, and I've got to tell you I say
20 this all the time to jurors. If we don't have people willing
21 to serve in that box, people won't plead guilty. We can't,
22 you know, resolve things by other means. We simply could not
23 have trials for cases to go forward. So we really appreciate
24 it.

25 I'll also tell you sometimes the lawyers are interested

1 to know what you think or maybe one of their investigators.
2 You're not required to talk about it to anyone, but you can if
3 you want to. All right? But it's completely up to you. All
4 right?

5 If you need a work excuse, ask Norman, but thank you all.
6 We appreciate it. Thank you.

7 (WHEREUPON, the alternate jurors were released at 2:30
8 p.m.)

9 (WHEREUPON, there was a break in the proceedings from
10 2:30 p.m. until 4:00 p.m., after which the proceedings
11 resumed as follows.)

12 THE COURT: Bring them in.

13 (WHEREUPON, the jury entered the courtroom at 4:04 p.m.)

14 THE BAILIFF: The jury is entering the courtroom, Your
15 Honor.

16 THE COURT: Thank you. Thank you. You may be seated.

17 Madam Foreperson, I understand the jury has reached a
18 verdict. Would you please hand it to Tom?

19 VERDICT

20 THE COURT: In the State of South Carolina versus Lora
21 Mae Lewis, as to the charge of breach of trust with fraudulent
22 intent, value \$10,000 or more, we find the defendant, Lora Mae
23 Lewis, guilty. And it's signed by our foreperson and dated
24 from today's date.

25 You may be seated.

1 Would you like for me to poll this jury?

2 MS. DIGGS: Yes, please.

3 THE COURT: Ladies and gentlemen, if you would just look
4 at your number on your badge one more time just to refresh
5 yourselves so you know, I'm going to call your number and what
6 I am going to ask you is is this your verdict, the answer is
7 yes or no, and is this still your verdict, yes or no. All
8 right?

9 Juror Number 43, is this your verdict?

10 JUROR NUMBER 43: Yes.

11 THE COURT: Is this still your verdict?

12 JUROR NUMBER 43: Yes.

13 THE COURT: Thank you.

14 Juror Number 162, is this your verdict?

15 JUROR NUMBER 162: Yes.

16 THE COURT: Is this still your verdict?

17 JUROR NUMBER 162: Yes.

18 THE COURT: Juror Number 113, sir, is this your verdict?

19 JUROR NUMBER 113: Yes.

20 THE COURT: Is this still your verdict?

21 JUROR NUMBER 113: Yes.

22 THE COURT: Thank you.

23 Juror 176.

24 JUROR NUMBER 176: Yes.

25 THE COURT: Sir, is this your verdict?

1 JUROR NUMBER 176: Yes.
2 THE COURT: Is this still your verdict?
3 JUROR NUMBER 176: Yes.
4 THE COURT: Juror Number 166, is this your verdict?
5 JUROR NUMBER 166: Yes.
6 THE COURT: Is this still your verdict?
7 JUROR NUMBER 166: Yes.
8 THE COURT: Thank you.
9 Juror Number 50, is this your verdict?
10 JUROR NUMBER 50: Yes.
11 THE COURT: Is this still your verdict?
12 JUROR NUMBER 50: Yes.
13 THE COURT: Juror Number 116, sir, is this your verdict?
14 JUROR NUMBER 116: Yes.
15 THE CLERK: Is this still your verdict?
16 JUROR NUMBER 116: Yes.
17 THE COURT: Thank you, sir.
18 Juror 167.
19 JUROR NUMBER 167: Yes.
20 THE COURT: Is this your verdict?
21 JUROR NUMBER 167: Yes.
22 THE COURT: Is this still your verdict?
23 JUROR NUMBER 167: Yes.
24 THE COURT: Thank you.
25 Juror Number 216, is this your verdict?

1 JUROR NUMBER 216: Yes, Your Honor.
2 THE COURT: Is this still your verdict?
3 JUROR NUMBER 216: Yes.
4 THE COURT: Thank you.
5 Juror Number 273, is this your verdict?
6 JUROR NUMBER 273: Yes.
7 THE COURT: Is this still your verdict?
8 JUROR NUMBER 273: Yes.
9 THE COURT: Juror Number 62, is this your verdict?
10 JUROR NUMBER 62: Yes.
11 THE COURT: Is this still your verdict?
12 JUROR NUMBER 26: Yes.
13 THE COURT: Thank you.
14 And lastly, Juror Number 209, is this your verdict?
15 JUROR NUMBER 209: Yes.
16 THE COURT: Is this still your verdict?
17 JUROR NUMBER 209: Yes.
18 THE COURT: Thank you, sir.
19 Is there anything further required of this jury from the
20 State or the defense?
21 MS. NORZ: No, Your Honor.
22 MS. DIGGS: Nothing from the defense, Your Honor.
23 THE COURT: Ladies and gentlemen, I want to thank you.
24 You have resolved this matter for us and many other matters
25 that were on our roster this week. Just having jurors willing

1 to serve helps us be able to get rid of them by other means.

2 What I have left to do and it's my sole responsibility is
3 to sentence Ms. Lewis. I'm going to do that right now. It'll
4 probably take about five -- maybe sometimes 10 minutes or so.
5 I have to get some sentencing sheets together or I should say
6 the State is getting some sentencing sheets together for me.

7 Ladies and gentlemen, you may stay if you'd like to or
8 you may leave if you'd like to. That is completely up to you.
9 The only thing I'm going to ask is that if you do want to
10 leave, I'm going to say now is the time to go.

11 I will tell you that you have earned your jury exemption
12 for the next three years. So if you get called up here,
13 certainly let us know. I am also releasing you from the rest
14 of the week.

15 But again, I want to thank you all. As I explained to
16 you before, during COVID we really could not try cases when we
17 didn't have the ability to bring jurors in to be able to
18 socially and safely distance you. So we are on full speed
19 ahead at this point. We are going to try a number of cases,
20 and I will tell you the rest of the week I have an enormous
21 docket, but I'm going to go through and we are going to go get
22 rid of cases either by guilty plea or diversionary programs or
23 other means. So we will continue working, but I appreciate
24 it.

25 Again, ladies and gentlemen, so if you would like to stay

1 for the sentencing, you are welcome to stay in your seats, but
2 if you would like to go ahead and go, you may leave. It's
3 completely up to you. Thank you. I appreciate it. Anything
4 you need, please ask the bailiffs before you go. Okay?

5 (WHEREUPON, the jury was released at 4:08 p.m.)

6 THE BAILIFF: The jury is clear, and the door is closed,
7 Your Honor.

8 THE COURT: Thank you. Except some of them are still
9 here, Norman.

10 All right. Do you have the sentencing sheets?

11 MS. DIGGS: Yes, Your Honor.

12 THE COURT: Or sheet I should say.

13 MS. DIGGS: She's filling out the restitution form.

14 THE COURT: Okay.

15 MS. NORZ: I just need to get the address.

16 THE COURT: Okay. We can do that afterwards. You can
17 hand it up to me right now and you can do that afterwards.
18 You can get their address. Okay?

19 MS. NORZ: Your Honor, one -- if you may -- if I could
20 impose, you asked before about priors.

21 THE COURT: I always want to know about prior records, of
22 course.

23 MS. NORZ: Should I do that now?

24 THE COURT: Please.

25 MS. NORZ: In 2010, Ms. Lewis had a conviction for breach

1 of trust over \$5,000 at that time and was placed on probation.
2 The restitution ordered at the time of sentencing was 4,000 --
3 \$49,999. That was a case that I prosecuted. There was some
4 restitution of \$8,000 paid prior to the plea in that case.

5 In 1978, she has a conviction for counterfeiting, and
6 that was out of Illinois, I believe.

7 THE COURT: All right. So I understand on the 2010
8 breach of trust, she received a probationary sentence where
9 she was ordered to pay restitution; is that correct?

10 MS. NORZ: That's correct.

11 THE COURT: And of that restitution, you're telling me
12 she paid 8,000 prior to her guilty plea and then I understood
13 she paid another some 17,000 or am I not correct on that?

14 MS. NORZ: That I don't know either. I don't know that
15 -- I didn't give you that information.

16 THE COURT: I thought you did. I heard that number
17 somewhere.

18 MS. NORZ: No. I don't -- I don't know.

19 THE COURT: Okay.

20 MS. NORZ: I don't know that she ever paid additional
21 restitution.

22 THE COURT: Okay. Okay. All right. And I'm happy to
23 hear from the Jansens.

24 As you all know, ladies and gentlemen, she's charged
25 with, you know, one count of breach of trust more than

1 \$10,000. Obviously, it was significantly more than that.

2 I understand you all stopped roughly at \$249,000 because
3 the forensic accounting is so expensive. Is there anything
4 you want to tell me in reference to punishment?

5 Because I'm going to be very honest with you. In a case
6 like this, I think the likelihood of her ever paying you back
7 a cent isn't going to happen, and I know you all know that. I
8 can tell you that almost every person that is in your position
9 says, you know, we just want our money back, but I can tell
10 you that it's not likely ever.

11 I know that her attorney has spoken with her before this.
12 We always, you know, see if there's something you can do, but
13 I understand from the lawyer that she says she has nothing and
14 she has nothing of value that she can get rid of, mortgage,
15 anything along those lines.

16 Is that correct, Ms. Diggs?

17 MS. DIGGS: That's my understanding.

18 THE COURT: Okay. Okay. So I don't need to be talking
19 for you, Mr. and Mrs. Jansen. What would you like to tell me
20 on behalf of your business?

21 MR. JANSEN: No, thank you. You know where it's at.

22 THE COURT: Okay. All right. Anything further from the
23 State?

24 MS. NORZ: The State is recommending the maximum sentence
25 of 10 years in this case of incarceration, and I just asked

1 the victims if they are in agreement with that recommendation.
2 Thank you.

3 THE COURT: All right. And have you explained to them,
4 Ms. Norz, that for me to ask for restitution tied to a case, I
5 have to have a number suspended to something less than what
6 would be the maximum sentence. So they understand that and do
7 they know that?

8 MS. NORZ: I'll explain that, Your Honor, but yeah, I
9 think they understand --

10 THE COURT: Okay.

11 MS. NORZ: -- how that works, yes.

12 THE COURT: I just think it's very unlikely that you will
13 --

14 MS. NORZ: Yes, they understand that. You've explained
15 that.

16 THE COURT: Okay.

17 MS. NORZ: The likelihood of them getting any restitution
18 is minimal.

19 THE COURT: Okay. And I understand that there is no
20 business crime insurance, nothing coverage of this at all?

21 MS. NORZ: No.

22 THE COURT: Okay. All right.

23 Ms. Diggs, what would you like to tell me on behalf of
24 your client?

25 MS. DIGGS: Thank you, Judge. You know, we'd just like

1 to say a few things. Obviously, as you can see, Ms. Lewis is
2 a bit older.

3 THE COURT: How old is she?

4 MS. DIGGS: She will be 70 this year.

5 THE COURT: Uh-huh.

6 MS. DIGGS: And I know, as Your Honor is aware, the last
7 time we were supposed to go to trial, she was in a pretty bad
8 car accident less than a year ago and so she has had lasting
9 medical issues that have stemmed from that.

10 THE COURT: Uh-huh.

11 MS. DIGGS: Specifically, with her neck, and then the
12 colon issue. And so -- and her spine. And so we would ask
13 that you consider her age, in conjunction with her medical
14 issues in sentencing. We also ask that you consider the fact
15 she has been on an ankle monitor for three years. So she has
16 invested over 11 grand in the ankle monitor, and we would ask
17 that you consider that as well in her sentencing. From my
18 understanding, she did about three days in the jail when she
19 was arrested.

20 THE COURT: Ms. Diggs, can you ask her who she stole from
21 in 2010, if it was an employer or someone she worked for and
22 what was her role in that company?

23 MS. DIGGS: It was an employer.

24 THE COURT: It was her employer? Someone here in the low
25 country somewhere in this area?

1 MS. NORZ: Your Honor, I worked that case. It was
2 Patterson Construction.

3 MS. DIGGS: And so we would just ask you everything that
4 I just mentioned to take into consideration, and I think Ms.
5 Lewis would like to speak.

6 THE COURT: I would like to hear from her, absolutely.
7 Ms. Lewis, what would you like to tell me?

8 THE DEFENDANT: I just wanted to tell you that that car
9 accident that I was in, I live with pain every day. I have
10 several medical issues that we need to get taken care of. I
11 have five or six doctor appointments coming up. One of the
12 medical issues that I do have, it affects the bladder. It's
13 critical.

14 I had to have -- in this car accident, I had a lot of
15 internal damage, and a lot of that was found on a CT scan.
16 And so we're trying to -- I'm trying to get one thing fixed at
17 a time, my neck and my back. I have two options. I can try
18 pain management or surgery. The bones did not heal. I had a
19 broken bone and a fractured bone in my neck, and almost all
20 the bones are fractured in my spine.

21 Pain management would help with the pain, but it's not
22 going to fix the problem. And I do have to walk with a cane
23 aid just to keep my balance. I don't have full rotor in my
24 neck, you know, to go up or sideways. I usually just --

25 THE COURT: Uh-huh.

1 THE DEFENDANT: -- like this. That's why I drink out of
2 a straw because I can't tip my head back. And you know,
3 rather than prison, you know, even probation and I could try
4 to -- the money that I spend normally every month on this
5 monitor could go towards restitution. I know I may not be
6 able to pay it all back before they put me six feet under, but
7 I could attempt. I could attempt it.

8 THE COURT: Anything further from anyone?

9 MS. DIGGS: I don't think so, Your Honor. I was just
10 going to mention what -- what she just mentioned to you that
11 she did talk to us about earlier about she did indicate a
12 willingness and has come up with a bit of a plan in her head
13 to start paying back restitution. Obviously, I don't think
14 she's ever going to be able to --

15 THE COURT: Well, I assume she's not working at this
16 time; is that correct?

17 MS. DIGGS: That is correct.

18 THE COURT: Does she receive Social Security?

19 MS. DIGGS: Yes.

20 THE COURT: And how much does she receive?

21 THE DEFENDANT: 1,056 a month. But once -- if I can ever
22 get this stuff taken care of, I can go back to work. If I can
23 get the pain managed, I can work from home and have an
24 additional income. I mean there is --

25 THE COURT: Ms. Lewis, what concerns me is in your

1 original case in 2010 from what I'm hearing the most you paid
2 back was \$8,000. In this case, you've not paid anything, and
3 I know your lawyer has repeatedly asked you if you have any
4 money, if you have any assets, because what these people
5 really want is their money back, but in lieu of that, which
6 you don't have, you've got a history of stealing. I mean I
7 have no choice but to put you in prison.

8 Anything further from anyone?

9 MS. NORZ: No, Your Honor.

10 MS. DIGGS: None from the defense, Your Honor.

11 (WHEREUPON, there was a pause in the proceedings, after
12 which the proceedings resumed as follows.)

13 THE COURT: This is by far the hardest part of my job
14 because I do acknowledge your more advanced age and your
15 health issues, but your record shows that you aren't going to
16 stop and it doesn't matter how ill you are, it doesn't matter
17 how far along you get, that you will not stop.

18 Part of the problem with breach of trust that I think is
19 difficult for people to grasp, it's not just a one-time theft.
20 It's over and over again. Every time you wrote yourself a
21 check, you made the conscious decision to do it. From the
22 testimony I heard, there was 40 to 50 checks a year for a
23 minimum of 2016, 2017, and 2018.

24 SENTENCE

25 THE COURT: The sentence of this Court is you be

1 committed to the Department of Corrections for a period of 10
2 years. That is suspended to the service of 8 years and
3 probation following for a period of 5 years.

4 I am ordering that you pay restitution in the amount of
5 \$240,877.02 when you are out on probation. Again, I'm not
6 hopeful that you'll ever be able to do it.

7 Good luck to you, Ms. Lewis.

8 MS. NORZ: Thank you, Your Honor.

9 (WHEREUPON, the proceedings ended at 4:21 p.m.)

10

11 --- END REQUESTED TRANSCRIPT ---

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State of South Carolina	)	
	)	Certificate
County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 253, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Beaufort County, South Carolina, on the 14th and 15th days of March, 2022, to the best of my ability based upon the audio and notes provided.

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

s/Krystal J. Smith

Court Reporter

Florence, South Carolina

September 18, 2022

STATE OF SOUTH CAROLINA

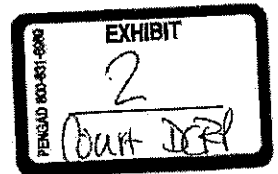
County of Beaufort

City of Bluffton

18BP45901

SEARCH WARRANT

Date 05/29/19Detective Adam Thompson



1/7/18/86

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Search Warrant

Form Approved By
 S.C. Attorney General
 Section 17-13-160
 March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR THE MUNICIPALITY OF BLUFFTON, SOUTH CAROLINA 29910:

It appearing from the attached affidavit that there are reasonable grounds to believe the certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
 TO BE SEARCHED**

TD Bank, NA
 Subpoena Team
 110 Buckwalter Parkway
 Bluffton SC, 29910
 Phone: (843) 757-7595

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

DESCRIPTION OF PROPERTY

Any and all information regarding all Checking Accounts and Savings Accounts under the name Lora Lewis or Social Security Number [REDACTED] and Date of Birth [REDACTED]/1952. This should include but is not limited to any and all deposits and ATM deposits from June 1, 2012 through March 29, 2019.

All information should be remitted to Detective Adam Thompson (Badge #T7284) of the Bluffton Police Department via email at athompson@townofbluffton.com, USPS at 101 Progressive Street, Bluffton SC, 29910, or by telephone at (843) 706-4540.

This search warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this search warrant shall be made to

BLUFFTON MUNICIPAL COURT

Within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demanded for such copy is made.

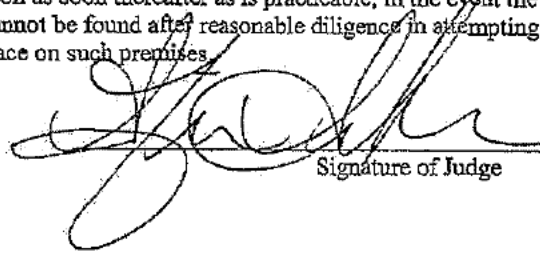
A copy of this search warrant shall be delivered to the person in charge of the premises searched at the time of such search is practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

BLUFFTON, SC

5/29/2019

SCCA/513

(3/78)

 (L.S.)
 Signature of Judge

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

AFFIDAVIT

Personally appeared before me, one Detective Adam Thompson who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all information regarding all Checking Accounts and Savings Accounts under the name Lora Lewis or Social Security Number [REDACTED] and Date of Birth [REDACTED] 1952. This should include but is not limited to any and all deposits and ATM deposits from June 1, 2012 through March 29, 2019.

All information should be remitted to Detective Adam Thompson (Badge #T7284) of the Bluffton Police Department via email at athompson@townofbluffton.com, USPS at 101 Progressive Street, Bluffton SC, 29910, or by telephone at (843) 706-4540.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

TD Bank, NA
Subpoena Team
110 Buckwalter Parkway
Bluffton SC, 29910
Phone: (843) 757-7595

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Affiant, being first duly sworn, hereby deposes and states as follows:

I have been employed with the Bluffton Police Department since 2017 and I have been a Certified South Carolina Law Enforcement Officer since 1998. During my career I have investigated cases such as Breach of Trusts, Burglaries, Grand Larcenies, and Homicides. I am currently employed by the Bluffton Police Department and assigned to the Criminal Investigations Division. In this capacity, I have worked as the lead investigator on multiple criminal investigations of all manner of crimes.

The information contained herein is based upon my own knowledge, as well as information gathered from other members of law enforcement. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom I have spoken or whose report I have read and reviewed. Such statements are stated in substance, unless otherwise indicated. Wherever in this affidavit I state a belief, such belief is based upon my training and experience and the information obtained through this investigation. I have not included each and every fact known to me concerning this investigation but have set forth only the facts that I believe are necessary to establish probable cause to believe that the above-mentioned records contain evidence of criminal activity.

On November 9, 2018, members with the Bluffton Police Department responded to 52-A Persimmon Street (Benchmark Interiors) in reference to a Breach of Trust and Forgery. While speaking with the owner of the business it was learned that Lora Lewis, an employee of the business, was writing checks to herself against the business checking account. The owner of the business reported that Lewis was going into their "QuickBooks" accounting software and showing that checks were being made out to vendors the business uses but the hard copy of the check was made out to her. The owner of the business provided copies of the "QuickBooks" ledger as well as copies of the checks from mid 2015 through the date this report was filed showing who the check was originated for and that the checks themselves were made out to Lewis. The owner of the business also reported that Lewis was given authorization to print checks out and that this was one of her duties at the company. The owner of the business also reported that when Lewis was hired in mid 2012. It is the Affiants belief that there is evidence held at TD Bank, NA, which will show that Lewis was depositing the checks into personal accounts which that are not affiliated with the business in any way.

Based on the totality of the circumstances, enumerated above, I believe that the records being sought will constitute evidence related to the crime of Breach of Trust and Forgery, a violation of South Carolina law. I believe that the information held with Bank of America is crucial information for this criminal case. I do, therefore, appeal that this warrant be granted to obtain these records.

Sworn to and Subscribed before me
This 29th Day of May 2019

[Signature] 29th Day of May
(L.S.)
Signature of Judge

[Signature]
Affiant
101 Progressive St
Bluffton, SC 29910
Phone: 843-706-4598

RETURN

I received the attached Search Warrant on 05/29/2019 and have executed it as follows:

On 11:30 AM o'clock PM, I searched the property described in

The warrant and the following is an inventory of property taken pursuant to the warrant:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this _____
Day of _____, 20____

Day of _____, 20____

Signature of Judge (L.S.)

(Signature of Officer Executing Warrant)

September 18, 2019

Detective Adam Thompson
Bluffton Police Department
101 Progressive Street
Bluffton SC
29910

RE: LORA LEWIS, Ref 174186

Search Warrants/Police Request

Dear Sir or Madam:

In lieu of our appearance, the enclosed records are being provided in response to the above mentioned case. Redactions made, if any, have been marked in gray and/or black in order to avoid providing information outside of the requested timeframe. If the requested documents have been provided on CD or other electronic media you will receive a passphrase by separate correspondence.

If you have any questions regarding the enclosed records or would like to discuss this matter further, please contact TD Bank's Subpoena Team at GSI.subpoenas@td.com or leave a message at 1-800-494-9466 option 5. Please include our reference number indicated above.

Very truly yours,

Nancy Dexler
Research Clerk

Enclosure

Sent Via:

UPS Next Day Air

TD Bank
Subpoena Research for
LORA LEWIS

Acct Owner: LORA LEWIS

Account Number: [REDACTED]

Scope Requested 6/1/2012 To 3/29/2019

Document	Comment	Provided or Not Provided	Reasons
Bank Affidavit		Provided	
Signature Cards/Online Agreement		Provided	
Statements		Provided	
Deposit Tickets and Deposited Items		Provided	
ATM Deposits			
Credit Memos		Not Provided	None Found
Check Copies		Provided	
Debit Memos		Not Provided	None Found
Withdrawal Tickets		Provided	
Wires		Not Provided	None Found

Other

Debit Card Information	[REDACTED]	Provided	
Cardholder Info		Provided	
Debit Card Activity Log		Provided	

Missing Items

Cardholder Info	[REDACTED]		cards purged
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TD Bank reserves the right to supplement its response to this request in the event that responsive documents are identified.

TD Bank
Subpoena Research for
LORA LEWIS

Acct Owner: LORA LEWIS

Account Number: [REDACTED]

Scope Requested 6/1/2012 To 3/29/2019

Document	Comment	Provided or Not Provided	Reasons
Bank Affidavit		Provided	
Signature Cards/Online Agreement		Not Provided	None Found
Statements		Not Provided	
Deposit Tickets and Deposited Items		Not Provided	None Found
ATM Deposits		Not Provided	None Found
Credit Memos		Not Provided	None Found
Check Copies		Not Provided	None Found
Debit Memos		Not Provided	None Found
Withdrawal Tickets		Not Provided	None Found
Wires		Not Provided	None Found
Other			
Debit Card Information	[REDACTED]	Provided	
Cardholder Info		Provided	
Debit Card Activity Log		Provided	

****TD Bank reserves its right to supplement its response to this request in the event that additional responsive documents are identified.****

TD Bank
Subpoena Research for
LORA LEWIS

Acct Owner: LORA LEWIS

Account Number: [REDACTED]

Scope Requested 6/1/2012 To 3/29/2019

Document	Comment	Provided or Not Provided	Reasons
Bank Affidavit		Provided	
Signature Cards/Online Agreement		Provided	
Statements		Provided	
Deposit Tickets and Deposited Items		Not Provided	None Found
ATM Deposits		Not Provided	None Found
Credit Memos		Not Provided	None Found
Check Copies		Not Provided	None Found
Debit Memos		Not Provided	None Found
Withdrawal Tickets		Not Provided	None Found
Wires		Not Provided	None Found
Other			
Debit Card Information		Not Provided	None Found
Cardholder Info		Not Provided	None Found
Debit Card Activity Log		Not Provided	None Found

****TD Bank reserves its right to supplement its response to this request in the event that additional responsive documents are identified.****

TD Bank
Subpoena Research for
LORA LEWIS

Acct Owner: LORA LEWIS MARK P LEWIS

Scope Requested 6/1/2012 To 3/29/2019

Account Number: [REDACTED]

Document	Comment	Provided or Not Provided	Reasons
Bank Affidavit		Provided	
Signature Cards/Online Agreement		Provided	
Statements		Provided	
Deposit Tickets and Deposited Items		Provided	
ATM Deposits			
Credit Memos		Not Provided	None Found
Check Copies		Provided	
Debit Memos		Not Provided	None Found
Withdrawal Tickets		Not Provided	None Found
Wires		Not Provided	None Found
Other			
Debit Card Information	[REDACTED]	Provided	
Cardholder Info		Provided	
Debit Card Activity Log		Provided	
Missing Items			
Cardholder Info	[REDACTED]		cards purged

****TD Bank reserves its right to supplement its response to this request in the event that additional responsive documents are identified.****

BUSINESS RECORDS AFFIDAVIT

In Re LORA LEWIS

BEFORE ME, the undersigned authority, personally appeared
Nancy Dexler who being duly sworn, deposed as follows:

My name is Nancy Dexler. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

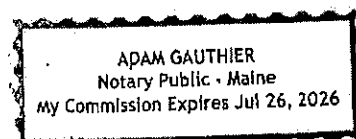
I am a Custodian of Records of TD Bank, N.A., and as such am familiar with the original records, books and accounts of TD Bank, N.A. Attached hereto are records of TD Bank, N.A. kept by TD Bank, N.A. in the regular course of business, and it is the regular course of business of TD Bank, N.A. for an employee or representative of TD Bank, N.A. with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are true and accurate copies of the originals and are full, to the best of my knowledge, so far as they relate to the subject matter thereof, with the exception of any redaction necessary to maintain the scope.

Nancy Dexler
 Affiant's Signature

Date: September 18, 2019

SWORN TO AND SUBSCRIBED before me under the pains and penalties of perjury on the 18th day of September, 2019.

Adam Gauthier
 Notary Public
 My Commission expires: _____



266 WITNESSES

A. Thompson, Bluffton Police Dept

ARREST WARRANT NUMBER

2018A0720200303

ACTION OF GRAND JURY

True Bill

Stephanie Datz
Foreperson of Grand Jury

Date: 3/21/19

VERDICT

Guilty

Jennifer Butler
Foreperson of Petit Jury

Date: 3/15/2022
INDICT

DOCKET NO. 2019GS0700011

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

March Term 2019

THE STATE

vs.

LORA MAE LEWIS

Indictment For

Breach of Trust With Fraudulent
Intent \$10,000 or more

SC Code: 16-13-230(A), 16-13-
230(B)(3)

CDR Code: 3424

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF BEAUFORT

2019GS0700011

At a Court of General Sessions, convened on March 21, 2019, the Grand Jurors of Beaufort County present upon their oath:

Breach of Trust With Fraudulent Intent \$10,000 or more

That in Beaufort County, South Carolina, on or about March 2, 2016 through November 7, 2018, the Defendant, LORA MAE LEWIS, did commit a breach of trust with a fraudulent intention or hired or counseled another to commit a breach of trust with a fraudulent intention and the amount was ten -thousand dollars or more, to wit: as an employee of Victim Benchmark Interiors, Defendant was entrusted with the care, keeping and possession of the Victim's bank accounts and did fraudulently and without authorization convert monies from those accounts to her own use and purpose, with the intent to deprive Victim of possession thereof, all in violation of Section 16-13-230(A), 16-13-230(B)(3), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

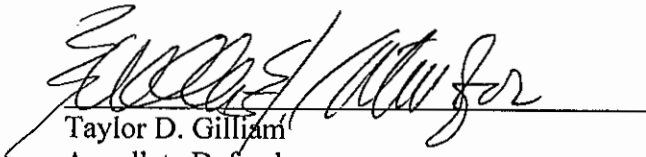
Mar 20 2023

SC Court of Appeals

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,



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 20th day of March, 2023.

RECEIVED

Mar 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

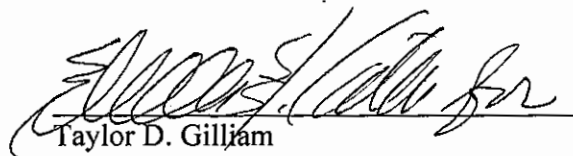
V.

LORA MAE LEWIS,

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 20th day of March, 2023.


Taylor D. Gilliam
Appellate Defender