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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER L. SANDERS,

APPELLANT.

APPELLATE CASE NO. 2021-000563

RECORD ON APPEAL

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1 State of South Carolina) Court of General Sessions
2 County of Aiken) Second Judicial Circuit

3

4 State of South Carolina,) Transcript of Record
5 vs.) 2021-GS-02-0222
6 Christopher Lee Sanders,) 2021-GS-02-0223
7 Defendant.) 2021-GS-02-0225
) 2021-GS-02-0685

8

9 May 11th-13th, 2021
May 14th, 2021 (Via WebEx)
Aiken, South Carolina

10

11 B E F O R E:

12 The Honorable Courtney Clyburn Pope, Judge

13

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

15 Katie R. Cleveland, Assistant Solicitor
Ashley A. Hammack, Assistant Solicitor

16 On behalf of the State of South Carolina

17

18 Brianne P. Steiner, Esquire
Na'Shima J. Carter, Esquire

19 On behalf of the Defendant

20

21

22 Proceedings recorded by DCRP

23 Transcribed by: Stacy S. Johnson,
24 Circuit Court Reporter

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1 (The following proceedings were held May 11, 2021,
2 beginning at 10:55 AM.)

3 (Whereupon, Jury Panel Number 1 was qualified by
4 the Court.)

5 THE COURT: All right, ladies and gentlemen of the
6 jury panel, you're about to hear the case of the State
7 of South Carolina versus Mr. Christopher Lee Sanders.
8 Before we select the jury, there are several questions
9 that I need to ask you.

10 Mr. Harte, do you need to swear the jury panel
11 after I've qualified them?

12 THE CLERK: Your Honor, once they're sworn as to
13 the questions.

14 THE COURT: All right. Is there any member of the
15 jury panel -- I will ask -- let me -- let me back up.
16 I'm going to ask each of the attorneys to stand up and
17 introduce themselves and we'll begin with the State.

18 If the State will stand up and introduce themselves
19 to the jury panel followed by the defense and her client.

20 MS. CLEVELAND: Good morning, you-all. It's still
21 morning. My name is Katie Cleveland and I'm an assistant
22 solicitor for Aiken County.

23 MS. HAMMACK: Good morning. I'm Ashley Hammack.
24 I work here in Aiken County for the solicitor's office.

25 MS. STEINER: Good morning. I'm Brianne Steiner.

1 This is Ms. Na'Shima Carter and this is our client,
2 Mr. Christopher Sanders.

3 THE COURT: All right. Very good. Thank you.

4 Is there any member of the jury panel who is
5 related by blood or by marriage to any member of the
6 prosecution or any member of the defense legal counsel?
7 If so, please stand.

8 Is there any member of the jury panel who has a
9 close personal or social relationship with anyone from
10 the solicitor's office or anyone from the public
11 defender's office?

12 At this time I will read off a list of possible
13 witnesses in this case and if you are related by blood
14 or marriage to any of the people, please stand. If you
15 have a close personal or social relationship with any
16 of the people, please stand at this time.

17 Thank you.

18 Potential witness Tommy Taylor. Jennifer DeLoach.
19 Evan DeLoach. Tearren DeLoach. Kayle DeLoach. Greg
20 -- Greg Savell of the Aiken County Sheriff's Office.

21 Yes, sir.

22 THE CLERK: Your Honor.

23 THE COURT: Stand -- please stand in the front of
24 your juror members.

25 (Potential juror stands.)

1 POTENTIAL JUROR: Yes, Your Honor. Tommy Taylor,
2 what is the age of the gentleman?

3 THE COURT: I'm sorry, one more time. I can't
4 hear you.

5 POTENTIAL JUROR: The age of the gentleman, Tom
6 Taylor, the first on the list.

7 MS. HAMMACK: He's in his early 70's.

8 POTENTIAL JUROR: My -- my family is -- is aware
9 and had an acquaintance with -- with that man in the
10 past.

11 THE COURT: With Mr. Taylor?

12 POTENTIAL JUROR: Mr. Taylor.

13 THE COURT: What's your juror number, sir?

14 POTENTIAL JUROR: 46.

15 THE COURT: All right, Mr. -- Mr. Number 46 --

16 POTENTIAL JUROR: Yes, ma'am.

17 THE COURT: -- do you believe that your knowledge
18 of Mr. Taylor or that relationship that you have with
19 him and if Mr. Taylor, he were a witness in this case,
20 do you believe that that will hinder your ability to
21 listen to the facts and all the witnesses in this case
22 in a fair and impartial way?

23 POTENTIAL JUROR: I can.

24 THE COURT: You believe that you could do that,
25 sir?

1 POTENTIAL JUROR: Yeah.

2 THE COURT: All right, sir. We're gonna -- we're
3 gonna allow you still to stay.

4 POTENTIAL JUROR: Okay. Thank you.

5 THE COURT: Thank you, sir.

6 The next potential witness is Mr. Carl Patrick
7 with the Aiken County Sheriff's Office. Charlene
8 Harshaw. Stephania Richardson. Detroit Spires.

9 THE COURT: All right. Thank you.

10 Is there any member of the jury panel who has
11 ever been represented by any of the attorneys who are
12 involved in this case? If so, please stand at this
13 time.

14 All right. Is there any member of the jury panel
15 who has been a victim of a crime involving a burglary,
16 a robbery or a home invasion? If so, please stand.

17 (Potential jurors stand.)

18 THE COURT: All right, ma'am. What's your juror
19 number?

20 POTENTIAL JUROR: 35.

21 THE COURT: 39?

22 POTENTIAL JUROR: 35.

23 THE COURT: 35.

24 THE CLERK: Ms. Fitts (ph.).

25 THE COURT: All right.

1 All right, Juror Number 35. You've been the victim
2 of a crime?

3 POTENTIAL JUROR: Yes. They broke into the shed
4 and stole our lawnmower and stuff.

5 THE COURT: How long ago was this?

6 POTENTIAL JUROR: Oh, about four years ago.

7 THE COURT: All right. Was that person prosecuted?

8 POTENTIAL JUROR: I don't know. I never heard
9 anything about it.

10 THE COURT: Okay. All right. Do you believe that
11 your experience of being a victim of that crime would
12 prevent you from listening to all of the facts and all
13 of the witnesses in this case in a fair and impartial
14 way?

15 POTENTIAL JUROR: I believe I could be fair.

16 THE COURT: Okay. All right. All right. We'll
17 allow you to stay. Thank you, ma'am.

18 All right. Is there any member of the jury panel
19 who has been the victim -- oh, I'm sorry.

20 Yes, sir. What's your juror number, sir?

21 POTENTIAL JUROR: Num -- Number 2.

22 THE COURT: Number 2. All right. Juror Number 2,
23 you've been the victim or a family member's been the
24 victim of a burglary?

25 POTENTIAL JUROR: Yes, ma'am.

1 THE COURT: All right. Was it you, sir?

2 POTENTIAL JUROR: It was.

3 THE COURT: Okay. Well, how long ago was that?

4 POTENTIAL JUROR: Approximately 1995.

5 THE COURT: Okay.

6 POTENTIAL JUROR: In New Orleans.

7 THE COURT: Twenty-six or so years. Okay.

8 POTENTIAL JUROR: I was in school there and my room
9 was burglarized.

10 THE COURT: All right. Were you involved in a trial
11 in any way?

12 POTENTIAL JUROR: No, ma'am.

13 THE COURT: Okay. Do you know if that person was
14 prosecuted?

15 POTENTIAL JUROR: No, ma'am.

16 THE COURT: All right. Juror Number 2, do you
17 believe that that experience would prevent you from
18 listening to the facts and all the witnesses in this
19 case in fair -- in a fair and impartial way?

20 POTENTIAL JUROR: Yes, ma'am.

21 THE COURT: You do believe that?

22 POTENTIAL JUROR: I -- I would be able to listen
23 to the case.

24 THE COURT: Yes, you would be able to listen?

25 POTENTIAL JUROR: Yes, I would.

1 THE COURT: All right. That question's worded kind
2 of funny.

3 POTENTIAL JUROR: Right.

4 THE COURT: All right. Okay. So just to be clear
5 on the record, you are -- you do not believe that that
6 would taint you in any way from listening?

7 POTENTIAL JUROR: Correct.

8 THE COURT: All right. Very good. Thank you, sir.

9 Is there any member of the jury panel who is aware
10 -- and it's extremely important to be completely honest
11 in theses questions. Is there any member of the jury
12 panel who is aware of any bias that they may have against
13 the prosecutor's office or against the defendant or the
14 public defender's office? If you have any type of bias,
15 please stand at this time.

16 Is there any member of the jury panel who is close
17 friends or relatives with police officers, State Law
18 Enforcement Division officers or anyone who is employed
19 with the solicitor's office of the Second Judicial
20 Circuit, this circuit in Aiken, in the Attorney General's
21 Office or in any Federal law enforcement office, law
22 enforcement agency, law enforcement agencies of another
23 state, or any other prosecutor's office in the state of
24 South Carolina or any other state? Is there anyone who
25 is related or close friends with any of those agen --

1 with a member of any of those agencies?

2 Is there any member of the jury panel who is
3 close friends or relatives or who are affiliated or
4 contributors to any auxiliary police organizations or
5 any citizens group whose primary aim is the prosecution
6 or pursuit of individuals involved in criminal activity
7 such as CAV, SADD, Students Against Drunk Driving, or
8 MADD, Mother Against Drunk Driving? Is there anyone
9 who's a member of any of those groups?

10 Has any member of this case -- has any member of
11 this jury panel had this case discussed with them or
12 been approached by anyone with regard to this case?

13 This is the case of the State of South Carolina
14 versus Christopher Lee Sanders. Mr. Sanders --
15 Mr. Sanders has been indicted on the following charges.

16 Mr. Sanders has been indicted for the possession
17 of a weapon during a violent crime. The indictment
18 reads that on -- in Aiken County on or about October
19 11th of 2019 that he possessed or displayed a firearm
20 or visibly displayed a knife during the commission or
21 attempted commission of a violent crime.

22 Mr. Sanders has also been indicted for grand
23 larceny. On or about October 11, 2019, feloniously
24 take and carry away \$2,000 in U.S. currency, a wallet
25 and various vehicle titles that would be more than

1 2,000, but less than \$10,000.00.

2 Mr. Sanders has been indicted for armed robbery.

3 Whereas, in Aiken County, on or about October 11, 2019,
4 while armed with a deadly weapon or by alleging either
5 by action or words, that is armed using a representation
6 of a deadly weapon, an object with which a person present
7 during the commission of a robbery reasonably believed
8 to be a deadly weapon, to wit: a handgun, take away --
9 take from the person or presence of Tommy Taylor by
10 means of force or intimidation goods or money of the
11 victim.

12 Mr. Sanders is also indicted for burglary in the
13 first degree. The indictment reads that along with
14 others in Aiken County on October 11, 2019, willfully
15 and unlawfully enter the dwelling of the victim, located
16 at -- the dwelling of the victim, Tommy Taylor, located
17 at [REDACTED] [REDACTED] in Aiken, South Carolina,
18 without consent and with the intent to commit a crime.

19 Is there anyone who has had any of those cases
20 discussed or have any knowledge of any of those cases?

21 Is there any member of the jury panel who has read
22 anything, whether that's in the newspaper, Facebook,
23 soc -- or any other social media, seen any news reports
24 on television or hear anything about this case on the
25 radio?

1 Is there anyone -- is there any member of the jury
2 panel who would feel rushed to reach a verdict quickly
3 to end deliberations faster so that you could leave the
4 courthouse sooner in order to avoid any possible exposure
5 to COVID-19? Is there anyone who is uncomfortable for
6 that reason?

7 Is there any member of the jury panel for any
8 reason whatsoever that believes that they cannot listen
9 to any of the evidence, any of the witnesses in a fair
10 and impartial way? If you believe that you cannot do
11 that for any reason, please stand at this time.

12 All right. Madam Solicitor, is there any other
13 additional questions?

14 MS. HAMMACK: I know Your Honor asked the jury if
15 they knew or had a -- if they were related to or had a
16 close family relationship with any of the attorneys.
17 We would ask that you ask that if they are related to,
18 know or have a close personal or family relationship
19 with the Defendant.

20 THE COURT: Is there any member of the jury panel
21 who has a close personal or social relationship or who
22 is related to Mr. Christopher Lee Sanders?

23 All right.

24 All right. Defense counsel, is there any additional
25 questions?

1 MS. STEINER: No, Your Honor.

2 THE COURT: Very good.

3 All right. At this time the jury is qualified.

4 Thank you for your patience. We will excuse you.

5 You are to come back here around 2:15, Mr. Harte?

6 THE CLERK: Yes. Yes, Your Honor. Between 2:15
7 and 2:30 and, if you would, just report to the bailiffs
8 outside and they'll direct you where to go.

9 THE COURT: All right. Thank you.

10 You are excused at this moment.

11 (Whereupon, Jury Panel Number 1 exits the courtroom
12 at 11:10 AM.)

13 (Recess taken at 11:12 AM.)

14 (Back on the record at 11:41 AM.)

15 (Whereupon, Jury Panel Number 2 was qualified by
16 the Court.)

17 THE COURT: All right. Members of the jury panel,
18 we are trying this week the case of State versus
19 Christopher Lee Sanders.

20 Mr. -- Mr. Sanders has the following indictments.
21 There's an indictment for armed robbery and the
22 indictment reads that Mr. Christopher Lee Sanders did
23 in Aiken County, on or about October 11, 2019, while
24 armed with a deadly weapon or while alleging either
25 by action or words that he was armed, while using a

1 representation of a deadly weapon or an object which a
2 person present during the commission of a robbery
3 reasonably believed to be a deadly weapon, a handgun,
4 take from the person or presence of the victim, Tom
5 Taylor, by means or force or intimidation, goods or
6 monies.

7 Mr. Sanders has an indictment for grand larceny,
8 which reads on October 11, 2019, did feloniously take
9 and carry away \$2,000 in U.S. currency, a wallet and
10 various vehicle titles valued at more than \$2,000, but
11 less than \$10,000, belonging to Tommy Taylor, with
12 intent to deprive the owner permanently of such property.

13 The third indictment is for possession of a weapon
14 during a violent crime. On October 11, 2019, possessed
15 or visibly displayed a firearm or visibly displayed a
16 knife during the commission or attempted commission of a
17 violent crime, armed robbery or burglary in the first
18 degree.

19 The last indictment is for burglary in the first
20 degree, which reads Christopher Lee Sanders, along with
21 others, did in Aiken County, on or about October 11,
22 2019, willfully and unlawfully, enter the dwelling of
23 Tommy Taylor, located at [REDACTED] Aiken,
24 South Carolina, without consent and with the intent to
25 commit a crime therein.

1 Is there -- is there any -- well, let me -- let me
2 ask the attorneys to please introduce themselves. We
3 will start with the solicitor's office and then we'll
4 start with defense counsel.

5 MS. CLEVELAND: Good morning, you-all. My name is
6 Katie Cleveland and I am an assistant solicitor for
7 Aiken County.

8 MS. HAMMACK: Good morning, you-all. I'm Ashley
9 Hammack. I work here for the solicitor's office
10 representing the State of South Carolina.

11 MS. STEINER: Good morning. I'm Brianne Steiner
12 and this is Ms. Na'Shima Carter and this is our client,
13 Christopher Sanders, and we represent him.

14 THE COURT: All right.

15 Ladies and gentlemen of the jury panel, is there
16 anyone who is related by blood or marriage to either --
17 well, to any of the attorneys who are representing the
18 case? If you are related by blood or marriage or you
19 have a close personal or social relationship with any
20 of the attorneys, please stand.

21 Mr. Christopher Lee Sanders is the Defendant in
22 this case. If you have -- if you are related by blood
23 or marriage to Mr. Sanders or you have a close personal
24 or social relationship or you know Mr. Sanders, please
25 stand at this time.

1 I'm going to read off a list of the possible
2 witnesses in this case. If there's any member of the
3 jury panel who is related by blood or marriage to any
4 of the witnesses or has a close personal or social
5 relationship with any of the witnesses, please stand.

6 Tommy Taylor. Jennifer DeLoach. Evan DeLoach.
7 Tearren DeLoach. Kayle --

8 MS. HAMMACK: Kayle.

9 THE COURT: -- Kayle DeLoach. Kayle, I'm sorry.
10 Kayle DeLoach. Greg Savell?

11 MR. SAVELL: Savell.

12 THE COURT: Savell --

13 MR. SAVELL: Yes, ma'am.

14 THE COURT: -- with the Aiken County Sheriff's
15 Office. Carl Patrick with the Aiken County Sheriff's
16 Office. Charlene Harshaw. Stephania Richardson.
17 Detroit Spires with the Second Circuit Solicitor's
18 Office.

19 All right. Is there any member of the jury panel
20 who -- or a member of your family who has been a victim
21 of a crime which involves burglary, robbery or home
22 invasion? If so, please stand at this time.

23 Is there any member of the jury panel or any member
24 of your family who has been a victim of any crime?

25 Is there any member of the jury panel is aware,

1 who knows of any bias that they may have against anyone
2 in the Second Circuit Solicitor's Office or with the
3 Aiken County Public Defender's Office? If so, please
4 stand.

5 Is there any member of the jury panel who knows of
6 any bias that they may have against the Defendant? If
7 so, please stand.

8 Is there any member of the jury panel who is a
9 close friend or relative of a police officer, State Law
10 Enforcement Division officer or anyone who's employed
11 with the solicitor's office at the Second Judicial
12 Circuit, the Attorney General's Office, in any Federal
13 law enforcement agency, law enforcement agencies of
14 another state, of any prosecutor's office in the state
15 of South Carolina or any other state? If so, please
16 stand.

17 Is there any member of the jury --

18 (Potential juror stands.)

19 THE CLERK: Your Honor, you have one.

20 THE COURT: What's your juror number?

21 POTENTIAL JUROR: Juror Number 60, Jaleah (ph.)
22 Hendricks.

23 THE COURT: All right, Juror Number 60. You have
24 a relationship with a member of law enforcement?

25 POTENTIAL JUROR: Yes, my son-in-law is a -- is

1 a police officer or was a police officer with the
2 Nashville Police Department in Nashville, Tennessee.

3 THE COURT: Nashville, Tennessee. All right.

4 POTENTIAL JUROR: I don't think it would cause me
5 to be biased.

6 THE COURT: All right. You believe that you can
7 listen to all of the witnesses and look at all the
8 evidence and be fair and impartial?

9 POTENTIAL JUROR: Yes, ma'am, I do.

10 THE COURT: All right. Thank you, ma'am. We'll
11 allow you to stay.

12 Is there anyone else?

13 All right. Is there any member of the jury
14 panel or any of your close friends and relatives who's
15 affiliated or contributes to any auxiliary police
16 organization or citizen groups whose primary aim is
17 the prosecution or pursuit of individuals involved in
18 criminal activity such as Citizens Against Violent
19 Crime, Mothers Against Drunk Driving, Students against
20 Drunk Driving? Is there anyone who is a member of any
21 of those organizations?

22 Has any member had this case discussed with them
23 or has any member been approached by anyone with regard
24 to this case? Again, this is the case of the State of
25 South Carolina versus Mr. Christopher Lee Sanders.

1 Is there any member of the jury panel who has read
2 anything in the newspaper, Facebook or any other social
3 media or seen anything on television or heard anything
4 about this case on the radio? If so, please stand.

5 Is there any member of the jury panel who was --
6 who would feel rushed to reach a verdict quickly or
7 end deliberations faster, that they -- you could leave
8 the courthouse sooner in order to invoke -- avoid any
9 potential exposure to COVID-19? If that is a concern
10 for you, please stand at this time.

11 All right. Does the State have any additional
12 questions that you would like me to ask?

13 MS. HAMMACK: No, Your Honor.

14 THE COURT: Does the defense have any additional
15 questions?

16 MS. STEINER: No, Your Honor.

17 THE COURT: All right. Mr. Clerk, at this time
18 the jury -- this jury panel is qualified and has had
19 all of the necessary questions asked. If you will give
20 them their instructions, we'll release them after those
21 instructions.

22 THE CLERK: Thank you, Your Honor.

23 If you would -- you can go about your business
24 for now. Please be back in the courthouse at 2:15. If
25 you'll come up to the top of the stairs, the bailiffs

1 will direct you where to go at that point.

2 Thank you.

3 Thank you, Judge.

4 (Whereupon, Jury Panel Number 2 exits the courtroom
5 at 11:43 AM.)

6 (Recess taken at 11:44 AM.)

7 (Back on the record at 1:04 PM.)

8 (Whereupon, Jury Panel Number 3 was qualified by
9 the Court.)

10 THE COURT: All right. Ladies and gentlemen of
11 the jury panel, we're about to begin the trial of the
12 State of South Carolina versus Mr. Christopher Lee
13 Sanders. Mr. Sanders has been indicted for the
14 following. He's been indicted for armed robbery, which
15 that indictment reads that in Aiken County, on or about
16 October 11, 2019, while armed with a deadly weapon or
17 while alleging either by action or words that he was
18 armed, while using a representation of a deadly weapon
19 or an -- or an object which a person present during the
20 commission of the robbery reasonably believed to be a
21 deadly weapon, to wit: a handgun, take from the person
22 or presence of Tommy Taylor, by means of force or
23 intimidation, goods or monies of Tommy Taylor.

24 The second indictment is for grand larceny. The
25 indictment reads that Christopher Lee Sanders did in

1 Aiken County, on or about October 11, 2019, feloniously
2 take and carry away \$2,000 in U.S. currency, a wallet
3 and various vehicle titles valued at more than \$2,000,
4 but less than \$10,000, belonging to Tommy Taylor, with
5 intent to deprive the owner permanently of such property.

6 Indictment number three is for the possession of a
7 weapon during a violent crime. It reads that Christopher
8 Lee Sanders did in Aiken County, on or about October 11,
9 2019, possess or visibly displayed a firearm or visibly
10 displayed a knife, during the commission or attempted
11 commission of a violent crime, to wit: armed robbery
12 and/or burglary in the first degree.

13 The last indictment is for burglary in the first
14 degree. The indictment reads that Christopher Lee
15 Sanders, along with others, did in Aiken County, on or
16 about October 11, 2019, willfully and unlawfully enter
17 the dwelling of Tommy Taylor located at [REDACTED]
18 [REDACTED] Aiken, South Carolina, without consent and
19 with the intent to commit a crime therein.

20 Ladies and gentlemen of the jury panel, is there
21 anyone who's related by blood or marriage or has a close
22 social or personal relationship with Mr. Christopher Lee
23 Sanders?

24 At this time I will have the solicitor's office to
25 introduce themselves followed by defense counsel.

1 MS. CLEVELAND: Good afternoon, you-all. My name
2 is Katie Cleveland. I'm a assistant solicitor for the
3 State of South Carolina -- or Aiken County in the State
4 of South Carolina.

5 MS. HAMMACK: Good afternoon, you-all. My name's
6 Ashley Hammack and along with Ms. Cleveland I work with
7 the solicitor's office and represent the State of South
8 Carolina.

9 MS. CARTER: Good afternoon. My name's Na'Shima
10 Carter and this is Ms. Brianne Steiner and we work for
11 the Second Circuit Public Defender's Office and we
12 represent Mr. Christopher Sanders.

13 THE COURT: All right. Ladies and gentlemen of the
14 jury panel, is there anyone who has a -- who is related
15 by blood or marriage to any of the attorneys or the
16 Defendant in this case? If so, please stand.

17 Is there anyone who has a close personal or social
18 relationship with any of the attorneys? If so, please
19 stand.

20 Is there anyone who has been prosecuted by any of
21 the attorneys or represented by any of the attorneys in
22 this case? If so, please stand.

23 The following is a list of possible witnesses in
24 this case. If there is any member of the jury panel who
25 has a close social or personal relationship with anyone

1 that I list or is related by blood or marriage, please
2 stand and notify the Court.

3 Tommy Taylor. Jennifer DeLoach. Evan DeLoach.
4 Tearren DeLoach. Kayle DeLoach. Greg Savell with the
5 Aiken County Sheriff's Office. Carl Patrick, Aiken
6 County Sheriff's Office. Charlene Harshaw. Stephania
7 Richardson. Detroit Spires, Second Circuit Solicitor's
8 Office.

9 Is there any member of the jury panel or any member
10 of your family who has been a victim of a crime involving
11 a burglary, robbery or a home invasion? If so, please
12 stand.

13 Is there any member of the jury panel or any member
14 of your family who has been a victim of any crime? If
15 so, please stand.

16 Is there any juror who knows of any bias that they
17 may have against the Second Circuit Solicitor's Office?

18 Is there any juror -- member of the jury panel who
19 knows of any bias that they may have with the Aiken
20 County Public Defender's Office?

21 Is there any member of the jury panel who knows of
22 any type of bias that they may have against the Defendant,
23 Mr. Christopher Sanders?

24 Is any member of the jury panel or any of your close
25 friends or relatives that are police officers, State Law

1 Enforcement Division officers or employed with the
2 solicitor's office of the Second Judicial Circuit, the
3 General -- Attorney General's Office, in any Federal law
4 enforcement agency, law enforcement agencies of another
5 state or any other prosecutor's office in the state of
6 South Carolina or any other state? If that applies to
7 you, please stand.

8 (Potential jurors stand.)

9 THE COURT: Yes, sir. What's your juror number?
10 What's your juror number?

11 POTENTIAL JUROR: 187.

12 THE COURT: All right, sir. Do you have a
13 relationship with someone in law enforcement?

14 POTENTIAL JUROR: My dad was a sergeant and Aiken
15 County deputy.

16 THE COURT: Okay. When did he retire?

17 POTENTIAL JUROR: 2015.

18 THE COURT: All right.

19 All right. Juror Number 187, do you believe that
20 you would be able to listen to all of the facts in this
21 case, listen to all of the witnesses and view all of
22 the evidence that is presented, do you believe that you
23 could do that in a fair and impartial way?

24 POTENTIAL JUROR: Yes, ma'am.

25 THE COURT: Okay. Do you believe that your

1 relationship with your father and him being a former
2 sheriff's officer would have any impact on your ability
3 to decide the facts of this case in a fair and impartial
4 way?

5 POTENTIAL JUROR: No, Your Honor.

6 THE COURT: Okay. Very good. Thank you, sir.

7 All right. Yes, ma'am. What's your juror number?

8 POTENTIAL JUROR: I wasn't real sure of the
9 question, but I was a former state of South Carolina
10 state constable.

11 THE COURT: Okay. What's your juror number?

12 POTENTIAL JUROR: 170.

13 THE COURT: 170. And you're a former constable?

14 POTENTIAL JUROR: State -- state constable for
15 government work with Centerra at SRS.

16 THE COURT: Okay. All right. Now Juror Number
17 170, do you believe that that role would prevent you
18 from being -- reviewing the evidence in a fair and
19 impartial way, listening to all of the facts, listening
20 to all the witnesses?

21 POTENTIAL JUROR: Yes, ma'am, I can do it.

22 THE COURT: You believe that you'd be able to do
23 that?

24 POTENTIAL JUROR: Yes, ma'am.

25 THE COURT: All right. Thank you, ma'am.

1 Yes, sir. What's your juror number?

2 POTENTIAL JUROR: 181.

3 THE COURT: Yes, sir. What's your relationship,
4 sir?

5 POTENTIAL JUROR: I'm friends with one of the
6 county sheriffs, go to church with them, and to answer
7 your questions that have already been asked, I feel I
8 can be impartial.

9 THE COURT: All right, sir.

10 All right. So let the record reflect that Juror
11 Number 181 has indicated there is a relationship -- a
12 friendly relationship with a sheriff's officer?

13 POTENTIAL JUROR: Yes, ma'am, Your Honor.

14 THE COURT: And he does indicate to the Court that
15 he can view the evidence in a fair and impartial way
16 and that that relationship would have no impact on his
17 ability to do so.

18 All right. Is there anyone else from the jury
19 panel?

20 Is there any member of the jury panel or any of
21 your close friends or relatives that are affiliated with
22 or contribute to any auxiliary police organization or
23 any citizens group whose primary aim is the prosecution
24 or pursuit of individuals involved in criminal activity,
25 such as Citizens Against Violent Crimes, Students Against

1 Drunk Driving or Mothers Against Drunk Driving? Is there
2 anyone involved for you in any of those organizations?

3 Is there any member of the jury panel who has had
4 this case discussed with them or been approached by
5 anyone with regards to these cases?

6 Is there any member of the jury panel who has read
7 anything in the newspaper, Facebook or any other social
8 media, has seen anything on television or heard anything
9 about these cases on the radio? If so, please stand.

10 Is there any member of the jury panel who would feel
11 rushed to reach a verdict quickly and end deliberations
12 faster so that you leave the courthouse sooner in order
13 to avoid any potential exposure to COVID-19? If that is
14 a concern, please stand.

15 All right. Madam Solicitor, are there any additional
16 questions that you wish me to ask?

17 MS. HAMMACK: No, Your Honor.

18 THE COURT: Defense?

19 MS. STEINER: No, Your Honor.

20 THE COURT: Okay.

21 All right. Mr. Harte, I believe that this jury is
22 now qualified and I've asked all the necessary questions
23 and I will allow you to give your instructions and they
24 are dismissed until 2:30.

25 THE CLERK: Yes, ma'am.

1 If you would please be back at 2:30 -- before 2:30
2 because we're gonna try to draw the jury promptly at
3 2:30. If you'll go to the top of the stairs, the
4 bailiffs will direct you where you need to go.

5 Have a pleasant lunch.

6 (Whereupon, Jury Panel Number 3 exits the courtroom
7 at 1:08 PM.)

8 THE COURT: All right. So at this time no more --
9 I don't think we have any -- anymore groups.

10 So, Ms. Steiner and Ms. DeLoach {sic}, we'll come
11 back at 2:15 PM. We're gonna -- we're gonna have the
12 jury back in at 2:30 and so that will give us about an
13 hour and five minutes or so.

14 Okay. We'll go ahead and break now.

15 MS. HAMMACK: Thank you, Your Honor.

16 THE COURT: Thank you. We'll see you back at
17 2:15 PM.

18 (Whereupon, a luncheon recess was taken at 1:09 PM.)

19 (Back on the record at 2:32 PM.)

20 (Whereupon, jury selection begins at 2:32 PM.)

21 THE COURT: All right, Madam Solicitor.

22 All right. Ms. DeLoach and Ms. Steiner, do you-all
23 want two alternates?

24 MS. STEINER: Your Honor, I believe for -- since
25 COVID's been so long for most of the trials we've been

1 selecting three and I have no problem with selecting
2 three.

3 THE CLERK: I do. I didn't pull enough for three.
4 I pulled enough for two.

5 MS. STEINER: Okay.

6 THE COURT: Okay. So we'll -- we'll pull the two.
7 That's the max that we can do.

8 THE CLERK: If we -- if we have enough left over,
9 we could possibly do three.

10 THE COURT: All right. We'll -- we'll --

11 MS. HAMMACK: We should have plenty.

12 MS. STEINER: I don't mind either way, Your Honor.

13 THE COURT: Okay. All right. We'll go with --
14 we'll go with two right now and, Mr. Harte, we'll --
15 we'll take your direction.

16 THE CLERK: Counsel, are you ready? Are you ready?
17 Juror Number 176, Gene Usher.

18 (Whereupon, Gene A. Usher, a white male, was called
19 forward.)

20 THE CLERK: Mr. Usher, please come and stand right
21 up here in front of me and turn around and face the clock.

22 What says the State?

23 MS. CLEVELAND: Please present Mr. Usher.

24 THE CLERK: What says the defense?

25 MS. STEINER: Please seat Mr. Usher.

1 THE CLERK: All right. Mr. Usher, please have a
2 seat where the one's...

3 Juror Number 81, Derrick A. Hopper.

4 (Whereupon, Derrick A. Hopper, a black male, was
5 called forward.)

6 THE CLERK: He's here, Charlotte. Come on -- come
7 on up and stand and turn and face the -- do you see that
8 little dirty spot right there? Just stand right there.

9 What says the State?

10 MS. CLEVELAND: Please present Mr. Hopper.

11 THE CLERK: What says the defense?

12 MS. STEINER: Please seat Mr. Hopper.

13 THE CLERK: Please have a seat where the bailiff
14 directs you, Mr. Hopper.

15 Juror Number 181, Anthony Waiswilos.

16 Where's -- no, he's seated. He's seated, Bill.

17 (Whereupon, Anthony A. Waiswilos III, a white male,
18 was called forward.)

19 THE CLERK: Come right up here, Mr. Waiswilos.
20 When you get there, if you'd turn around and face the
21 clock. That's good.

22 What says the State?

23 MS. CLEVELAND: Please present Mr. Waiswilos.

24 THE CLERK: What says the defense?

25 MS. STEINER: Please excuse Mr. Waiswilos.

1 THE CLERK: You may return to your seat or wherever
2 you can.

3 Juror Number 146, Madelyn B. Ray.

4 (Whereupon, Madelyn B. Ray, a white female, was
5 called forward.)

6 THE CLERK: What says the State?

7 MS. CLEVELAND: Please present Ms. Ray.

8 THE CLERK: What says the defense?

9 MS. STEINER: Please seat Ms. Ray.

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

11 Juror Number 163, Shawnacee J. Smith.

12 (Whereupon, Shawnacee J. Smith, a white female,
13 was called forward.)

14 THE CLERK: Come right up here, ma'am. Turn around
15 and face the clock. Thank you.

16 What says the State?

17 MS. CLEVELAND: Please present Ms. Smith.

18 THE CLERK: What says the defense?

19 MS. STEINER: Please seat Ms. Smith.

20 THE CLERK: Have a seat where the bailiff tells
21 you.

22 Juror Number 102, Willie H. Lee, Jr.

23 (Whereupon, Willie H. Lee, Jr., a black male, was
24 called forward.)

25 THE CLERK: Come right up here, Mr. Lee.

1 Stand up there and turn around and face the clock.

2 Thank you, sir.

3 What says the State?

4 MS. CLEVELAND: Please present.

5 THE CLERK: What says the defense?

6 MS. STEINER: Please seat Mr. Lee.

7 THE CLERK: Please have a seat with the jury.

8 Juror Number 111, Christopher L. Mathis.

9 (Whereupon, Christopher L. Mathis, a black male,
10 was called forward.)

11 THE CLERK: What says the State?

12 MS. CLEVELAND: Please excuse Mr. Mathis.

13 THE CLERK: Have a -- return to your seat, sir.

14 Juror Number 113, Patty H. Mayer.

15 (Whereupon, Patty H. Mayer, a white female, was
16 called forward.)

17 THE CLERK: Come right up here, ma'am. Right --
18 right in front of us.

19 JUROR NUMBER 113: A what?

20 THE CLERK: Come right up here and then -- where
21 that spot is, that's a good spot, and turn around and
22 face the clock.

23 JUROR NUMBER 113: Face --

24 THE CLERK: Thank you, ma'am.

25 What says the State?

1 MS. CLEVELAND: Please present Ms. Mayer.

2 THE CLERK: What says the defense?

3 MS. STEINER: Please excuse Ms. Mayer.

4 THE CLERK: You may return to wherever you came
5 from, ma'am.

6 Number 168, Heidi L. Still.

7 (Whereupon, Heidi L. Still, a white female, was
8 called forward.)

9 THE CLERK: Come right up here, ma'am. See that
10 spot right there, if you'll go to that spot --

11 JUROR NUMBER 168: This spot?

12 THE CLERK: -- and turn around and face the clock.

13 JUROR NUMBER 168: You got it.

14 THE CLERK: What says the State?

15 MS. CLEVELAND: Please present Ms. Still.

16 THE CLERK: What says the defense?

17 MS. STEINER: Please excuse Ms. Still.

18 THE CLERK: You may return to where -- what part
19 of the courthouse you came from.

20 Juror Number 51 --

21 (Unidentified voice speaking.)

22 THE CLERK: Juror Number 51, Jennifer Dudarenke.

23 JUROR NUMBER 51: You got it.

24 THE CLERK: I got it right that time.

25 JUROR NUMBER 51: Yes, sir.

1 (Whereupon, Jennifer C. Dudarenke, a white female,
2 was called forward.)

3 THE CLERK: What says the State?

4 MS. CLEVELAND: Please present this juror.

5 THE CLERK: What says the defense?

6 MS. STEINER: Please seat Ms. Dudarenke.

7 THE CLERK: You can have a seat with the jury --

8 JUROR NUMBER 51: Okay.

9 THE CLERK: -- with the jury.

10 Juror Number 178, Dean D. Vintson.

11 (Whereupon, Dean D. Vintson, a white male, was
12 called forward.)

13 THE CLERK: Okay, Mr. Vintson. Turn around and
14 face the clock.

15 What says the State?

16 MS. CLEVELAND: Please present this juror.

17 THE CLERK: What says the defense?

18 MS. STEINER: Please seat Mr. Vintson.

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

20 Juror Number 174, Briana P. Turner.

21 (Whereupon, Briana P. Turner, a black female, was
22 called forward.)

23 THE CLERK: Right up here, ma'am. If you'll turn
24 and face the clock.

25 What says the State?

1 MS. CLEVELAND: Present Ms. Turner.

2 THE CLERK: What says the defense?

3 MS. STEINER: Please seat Ms. Turner.

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

5 Juror Number 21, William E. Callicott, Jr.

6 (Whereupon, William E. Callicott, Jr., a white
7 male, was called forward.)

8 THE CLERK: What says the State?

9 MS. CLEVELAND: Please present Mr. Callicott.

10 THE CLERK: What says the defense?

11 MS. STEINER: Please seat Mr. Callicott.

12 THE CLERK: Please have a seat with the jury.

13 Juror Number 49, Malcolm D. Doe.

14 (Whereupon, Malcolm D. Doe, a black male, was
15 called forward.)

16 THE CLERK: Over there.

17 What says the State?

18 Right up here, Mr. Doe. Mr. Doe, right up here.

19 Do you see that spot? If you'll get the -- go to that
20 spot, turn around and face the clock. Right here. There
21 you go. Now turn around and face the clock.

22 THE CLERK: What says the State?

23 MS. CLEVELAND: Please excuse Mr. Doe from the
24 case.

25 THE CLERK: You can return to where you came from.

1 Juror Number 6, Pamela S. Barger.

2 (Whereupon, Pamela S. Barger, a white female, was
3 called forward.)

4 THE CLERK: Come right up here, ma'am. Get -- kind
5 of get to that spot and turn around --

6 JUROR NUMBER 6: Right here?

7 THE CLERK: Yeah. Turn around and face the clock.
8 Thank you.

9 What says the State?

10 MS. CLEVELAND: Please present Ms. Barger.

11 THE CLERK: What says the defense?

12 MS. STEINER: Please seat Ms. Barger.

13 THE CLERK: Please have a seat with the jury.

14 Juror Number 192, Calvin B. Williams II.

15 (Whereupon, Calvin B. Williams II, a black male,
16 was called forward.)

17 THE CLERK: Right up here, sir, if you would. When
18 you get right there, if you'd turn around and face the
19 clock.

20 What says the State?

21 MS. CLEVELAND: Please present Mr. Williams.

22 THE CLERK: What says the defense?

23 MS. STEINER: Please seat Mr. Williams.

24 THE CLERK: Please have a seat with the jury.

25 Juror Number 69, Alys W. Green.

1 (Whereupon, Alys W. Green, a black female, was
2 called forward.)

3 THE CLERK: You didn't have far to go, did you?
4 What says the State?

5 MS. CLEVELAND: Please present this juror.

6 THE CLERK: What says the defense?

7 MS. STEINER: Please seat Ms. Green.

8 THE CLERK: Please have a seat with the jury.
9 Your Honor, that's twelve. First -- first
10 alternate?

11 THE COURT: Yes.

12 THE CLERK: Strikes are two and one; is that
13 correct?

14 THE COURT: Yes.

15 THE CLERK: Juror Number 38, Miguel A. Cordero, Jr.

16 (Whereupon, Miguel A. Cordero, Jr., a Hispanic male,
17 was called forward.)

18 THE CLERK: Come right up here, sir. Right there.
19 If you would turn around and face the clock.

20 What says the State?

21 MS. CLEVELAND: Please present Mr. Cordero.

22 THE CLERK: What says the defense?

23 MS. STEINER: Please seat Mr. Cordero.

24 THE CLERK: Please have a seat with the jury.

25 Juror Number 142, Richard C. Proctor.

1 (Whereupon, Richard C. Proctor, a white male, was
2 called forward.)

3 THE CLERK: Come right up here, sir. Come right
4 up to the front. A little bit further. Keep coming.
5 Keep coming.

6 BAILIFF: You're gonna stand up.

7 JUROR NUMBER 142: Oh.

8 BAILIFF: Turn around --

9 THE CLERK: Turn around and face the clock. Thank
10 you, sir.

11 What says the State?

12 MS. CLEVELAND: Please present Mr. Proctor.

13 THE CLERK: What says the defense?

14 MS. STEINER: Please seat Mr. Proctor.

15 THE CLERK: Have a seat with the other jurors,
16 please.

17 Juror Number --

18 MS. HAMMACK: That's two.

19 THE CLERK: That's two, but I've got enough for
20 three if you want three.

21 MS. STEINER: Might as well.

22 THE CLERK: Juror Number 199, Linda G. Wright.

23 (Whereupon, Linda G. Wright, a white female, was
24 called forward.)

25 THE CLERK: Come right up to the front, ma'am.

1 Come on, Ms. Wright. Right up to the front. And, if
2 you would, turn around and face the clock.

3 What says the State?

4 MS. CLEVELAND: Please present Ms. Wright.

5 THE CLERK: What says the defense?

6 MS. STEINER: Please seat Ms. Wright.

7 THE CLERK: Please have a seat with the jury --
8 where the jury is on this level. Up you go.

9 I believe we have a jury, Your Honor.

10 THE COURT: Thank you, sir.

11 All right. Is there any issues with the jury?

12 Anything from the State?

13 MS. HAMMACK: I think before we go any further,
14 we're gonna have to clear the courtroom.

15 THE COURT: Yeah. All right.

16 THE CLERK: Would those of you on this side of the
17 courtroom who were not selected, please just step out in
18 the hallway for just a minute. I'll come talk to you in
19 just -- just a minute. We've got to take up one matter
20 before we let you go home.

21 (Whereupon, the remaining jury panel exits the
22 courtroom at 2:49 PM.)

23 THE COURT: Madam Solicitor.

24 MS. HAMMACK: Nothing from the State, Your Honor.

25 THE COURT: All right. Ms. Steiner.

1 MS. STEINER: Your Honor, I believe we do have an
2 issue to address with the Court.

3 THE CLERK: All right. Your Honor, in order to do
4 that, what I'm gonna need to do is let them sit here for
5 just a minute, I'll go excuse the rest of the jury panel
6 and tell them to call back after five tomorrow evening.
7 That will clear the jury assembly room and we can move
8 these jurors into the jury assembly room.

9 THE COURT: Yes, sir.

10 THE CLERK: All right.

11 MS. HAMMACK: Your Honor, may we approach real quick
12 before we release the panel?

13 THE COURT: Yes.

14 THE CLERK: That's right. I'm not gonna release
15 them. I'll -- I'll have them in the hallway, but I've
16 got to clear that room. We could put them in the grand
17 jury room.

18 We could put this jury in the --

19 THE COURT: In the grand jury room?

20 THE CLERK: -- grand jury room.

21 THE COURT: Thank you.

22 THE CLERK: Which way do you want them to go?

23 BAILIFF: Back here.

24 THE CLERK: Would you-all follow me, please.

25 (Whereupon, the selected jurors exit the courtroom)

1 at 2:50 PM.)

2 (Proceedings held at the bench; not reported.)

3 THE COURT: All right, Ms. Steiner.

4 MS. STEINER: Your Honor, Ms. Carter will argue the
5 motion.

6 THE COURT: Oh. Yes, Ms. Carter.

7 MS. CARTER: Thank you, Your Honor.

8 We have a Batson versus -- versus Kentucky matter.

9 The State struck two males -- two black males and
10 Batson versus Kentucky says that there can't be any
11 preemptory challenges to exclude a juror based on race,
12 so we're just trying to figure out what was the reasoning
13 behind exempting those two jurors. All the knowledge we
14 have is that they were black males.

15 THE COURT: Madam Solicitor. I'm sorry, Ms. DeLoach.

16 MS. HAMMACK: Cleveland.

17 MS. CLEVELAND: Cleveland, Your Honor.

18 THE COURT: I know who Ms. DeLoach is. I've been
19 calling you that all day and I apologize sincerely.

20 MS. CLEVELAND: I find it -- I find it flattering
21 to be compared to Ms. DeLoach. That is perfectly fine,
22 Your Honor.

23 THE COURT: I apologize, Ms. Cleveland.

24 MS. CLEVELAND: It is okay.

25 So Juror Number 49, according -- he had anti-law

1 enforcement posts on his Facebook page, including calling
2 law enforcement terrorists. That is why we struck Juror
3 Number 49. And, Your Honor, considering that we have at
4 least two law enforcement witnesses, we didn't feel that
5 he could be fair and impartial given that information.

6 And Juror Number 111, Your Honor, he has a recent
7 trespassing arrest from 2015, as well as him being a law
8 professor. We didn't feel that he would properly suited
9 to be a juror.

10 THE COURT: All right.

11 All right. Ms. Carter, do you have any response to
12 that -- that reason -- those reasons?

13 MS. CARTER: Nothing, Your Honor.

14 THE COURT: Okay.

15 MS. CARTER: No objection to anything.

16 THE COURT: All right.

17 All right. I am going -- I'm gonna go ahead and
18 seat the jurors that we have selected. I find the
19 reasons to be valid and so we'll proceed from here.

20 Mr. Harte.

21 THE CLERK: Yes.

22 THE COURT: I think at this moment we've got our
23 three alternates. I think it's safe to release the rest
24 of the panel.

25 THE CLERK: Yes, Your Honor.

1 THE COURT: Just have them call back in, whatever
2 your procedure is.

3 THE CLERK: I will. I'll take care of it, Judge.

4 THE COURT: All right.

5 And can we bring that other jury -- the -- the actual
6 jury in --

7 THE CLERK: Sure.

8 THE COURT: -- and give them some instructions?

9 THE CLERK: Charlotte, would you take care of that,
10 please, while I'm doing this?

11 BAILIFF: Yes.

12 (Whereupon, the jury returns to the courtroom at
13 2:56 PM.)

14 CLERK: If you'll please stand and raise your hand.

15 MS. STEINER: Your Honor --

16 THE CLERK: I'm sorry.

17 MS. STEINER: I do have those pre-trial motions and
18 those need to be heard prior to the jury being sworn. If
19 we could just swear them --

20 MS. HAMMACK: Maybe swear them in the morning.

21 MS. STEINER: -- in the morning.

22 THE COURT: Okay. All right. We'll swear -- we'll
23 swear them in the morning. I'll just give them some
24 instructions.

25 All right. Ladies and gentlemen of the jury and

1 my three alternates, it seems our goal today was to
2 give you a workout, some exercise, up, down, back and
3 forth, but please bear with us as we work through these
4 challenging times. We are -- we are under certain
5 restrictions, as you may be aware, as to how many people
6 can be in the courtroom and how we can move about the
7 courtroom, so we do appreciate your patience.

8 You-all can be seated. I'm just gonna go over the
9 -- the jury instructions just very, very, very briefly.
10 It's the same instructions that I gave you when you
11 were being qualified, but now that you are selected as
12 a juror we want to go into those a little bit more in
13 depth.

14 So the general guidelines for jury service this
15 week, this trial will probably last no longer than
16 tomorrow. It may go into Thursday morning. However,
17 during the times that you are in court we are requiring
18 you to turn off all your cell phones, iPads, other types
19 of communication devices or you can put them on vibrate.
20 I believe the bailiffs take them in the jury room; is
21 that correct?

22 All right. So you'll turn over those devices to
23 the bailiff in the morning, but you will -- you will
24 retrieve them during lunch breaks and at the end of
25 the day.

1 It is very important that you have no contact at
2 all with any of the parties, the lawyers or any possible
3 witnesses which may come before the Court this week.
4 Even innocent conversations can be very easily
5 misconstrued, so you must avoid any type of contact
6 with these people.

7 As I mentioned before, I did instruct the attorneys
8 not to speak to you should they see you, so it is not a
9 rudeness. Again, it is just an instruction of the Court.

10 We do need you to be prompt and on time. The clerk
11 will explain to you what time you need to be here tomorrow
12 morning. If an emergency occurs at home or -- or any
13 other situation, it is imperative that you call the clerk
14 and notify him or have someone to call the clerk and
15 notify him immediately. If there's a transportation
16 issue, we can work all of those issues out; however, you
17 are the most important people in the courtroom at this
18 moment and so we do need you to be here and to be here
19 on time.

20 All right. Mr. Harte, would we have them to come
21 in tomorrow at 9:30?

22 THE CLERK: What time would you like to start,
23 Your Honor?

24 THE COURT: Let me see. You'll be good to go,
25 Ms. Steiner, at 9:30?

1 MS. STEINER: That's fine with me, Your Honor.

2 THE COURT: Madam Solicitor, 9:30?

3 MS. CLEVELAND: Yes, Your Honor.

4 THE COURT: All right.

5 THE CLERK: All right. If you would, come back to
6 the door that you just went down the hallway. You're
7 gonna -- your jury room is going to be what is normally
8 the grand jury room because that's the largest one we've
9 got.

10 And would you-all like some sausage biscuits in
11 the morning?

12 I tell you what. We'll -- we'll have sausage
13 biscuits here for you. If you would like one, try to
14 get here before 9:15 so you'll have time to enjoy your
15 biscuit because we may get started right at 9:30 and
16 you can't bring food into the courtroom.

17 So may they be excused, Your Honor?

18 THE COURT: All right. Mr. Harte, there is a plea
19 that we are doing at 9:30 and so will you ask them to
20 report at 9:45 --

21 THE CLERK: 9:45.

22 THE COURT: -- and enjoy those biscuits and we'll
23 start at 10:00.

24 MS. STEINER: Your Honor --

25 THE CLERK: So be -- if you would, be here at 9:45.

1 MS. STEINER: -- before you let the jury go, could
2 you remind them not to do any research or --

3 THE COURT: Thank you, Ms. Steiner.

4 All right. Ladies and gentlemen of the jury and my
5 three alternates, you are obviously not sequestered
6 overnight and so it is imperative and of the utmost
7 importance that you do not attempt to do any type of
8 research regarding this trial, regarding any of the
9 attorneys in the case, regarding the defendant in the
10 case. We will give you all of the information that you
11 need with regards to not only the trial, not only the --
12 the facts and the evidence, but we will also instruct
13 you on the law, and so for that reason we are requiring
14 that you do not attempt any type of research on any of
15 the indictments that will be handled during this trial.
16 We will give you the law and we'll give you the -- the
17 evidence and we will give you the facts.

18 So we will see you tomorrow morning at 9:45. You're
19 dismissed.

20 (Whereupon, the jury was excused for the day at
21 3:01 PM.)

22 THE COURT: All right. Ms. -- Ms. Steiner and
23 Ms. Cleveland, I do need to place something on the
24 record before we begin with those pre-trial motions.

25 Mr. Sanders at one point had some additional -- I

1 -- I believe he had an additional charge for criminal
2 domestic violence.

3 MS. STEINER: Yes, Your Honor. There were several
4 additional charges for domestic violence.

5 THE COURT: All right. And so at the time of those
6 charges, I recused myself from hearing the criminal
7 domestic violence -- I believe it was a plea or it might
8 have been a bond hearing. I'm not quite sure.

9 MS. STEINER: It was a bond hearing, Your Honor.

10 THE COURT: All right. He had a bond hearing --
11 hearing regarding those charges. I did recuse myself
12 from hearing that bond hearing because I knew the victim
13 -- or I had represented the victim in that case. I
14 believe this was right when I came on the bench and I
15 just represented her maybe a year or -- it was in close
16 proximity.

17 However, I did not recuse myself from any other
18 matter, including these matters for which Mr. Sanders is
19 going on trial for today, and so I wanted to place that
20 on the record, that the indictment that -- or -- or the
21 charge that Mr. Sanders had, the criminal domestic
22 violence charge, he is not being tried for at this time,
23 and that is the case that I recused myself on.

24 Is there -- is there anything else I need to add
25 from defense?

1 MS. STEINER: Your Honor, I would just like to add
2 for the record that Mr. Sanders has no problem with you
3 trying this case and that he's ready to go forward and
4 has no issue with you presiding.

5 THE COURT: All right. Very good.

6 And, Mr. Sanders, I -- I believe as an officer
7 of the court that I certainly will give you a fair
8 -- preside over in a fair and impartial way to you,
9 Mr. Sanders.

10 Is there anything further from the State?

11 MS. CLEVELAND: Your Honor, just to be clear, I
12 believe the charge -- or with the bond motion that you
13 recused yourself from, it was for bond for this case,
14 as well as a bond revocation for the domestic violence
15 charges.

16 So I don't have a problem with you hearing the
17 case. I don't believe Mr. Sanders or the defense do.
18 I'd just like to put that clarification on the record --

19 THE COURT: Very good.

20 MS. CLEVELAND: -- that this was part of what you
21 recused yourself on.

22 THE COURT: Thank you. And I believe that the
23 reason for my recusal on everything at that point was
24 because they were -- the revocation was tied --

25 MS. CLEVELAND: Yes, Your Honor.

1 THE COURT: -- the revocation for that charge was
2 tied in and so we'll move forward to -- with the trial
3 tomorrow.

4 At this point, Ms. Steiner, are you arguing the
5 pre-trial motion or is Ms. Carter?

6 MS. STEINER: I am, Your Honor, but I just wanted
7 to put one more thing on the record --

8 THE COURT: Yes.

9 MS. STEINER: -- in terms of that last issue that
10 we were discussing, which is more clarity for the
11 record. It was Ms. Richardson that you previously
12 represented and she is listed as a State's witness in
13 this matter, but we still have no opposition of you
14 presiding over the trial.

15 THE COURT: Very good. Thank you, Ms. Steiner.

16 MS. STEINER: Your Honor, I do think we also need
17 to put on the record some information about the jurors
18 being in the courtroom prior to Mr. Sanders arriving
19 into the courtroom with the jury panel. I don't know
20 if Ms. Hammack would like to put that on the record or
21 if you'd like for me to do it or if you would like to
22 do it, Your Honor.

23 THE COURT: Well, I wasn't here, so if one of you
24 -- I'd be more comfortable with one of you-all putting
25 on the record exactly --

1 MS. HAMMACK: Just that when -- when we entered
2 the courtroom following the lunch break, Your Honor,
3 there were jurors from the venire being seated in the
4 courtroom. At that time Mr. Sanders had not been
5 brought out and Your Honor was not on the bench, court
6 was not in session. There were other people moving
7 about the courtroom, but there were no discussions
8 about this case. We came back and informed Your Honor
9 and those jurors were removed from the courtroom so
10 that Mr. Sanders could be brought out without prejudice
11 and then the jurors were reseated into the courtroom.
12 I don't think there was anything of any substance while
13 they were in the courtroom, but just that when we
14 returned from the lunch break there were jurors being
15 seated in the courtroom.

16 THE COURT: All right. Very good. Thank you.
17 Ms. Steiner, anything to add now?

18 MS. STEINER: Just for clarity for the record, I
19 think it was about fifteen jurors or so that were in
20 here and that's -- that's it.

21 THE COURT: All right. And to further clarify,
22 the clerk did that be -- because of the COVID
23 restrictions in -- in an attempt to space out the
24 jury panel.

25 All right. All right. Is there anything else

1 that needs to be place on the record prior to the
2 pre-trial motions?

3 MS. STEINER: May I just have a quick five-minute
4 bathroom break?

5 THE COURT: We'll take a -- we'll stand down for
6 five minutes.

7 MS. STEINER: Thank you.

8 THE COURT: We'll -- we'll give you ten minutes,
9 okay?

10 (Recess taken at 3:07 PM.)

11 (State's Exhibit Number 1 through 19 were marked
12 for identification.)

13 (Back on the record at 3:20 PM.)

14 THE COURT: All right. We are back on the
15 record.

16 Ms. -- Ms. Steiner, do you have a pre-trial motion?

17 MS. STEINER: Yes, Your Honor.

18 I have two pre-trial motions that I believe that
19 need to be heard in succession. The first one is a
20 motion to quash the indictment on the burglary first
21 degree indictment. That was just sent to the grand
22 jury for a direct indictment on May 6th and the wording
23 of that indictment includes two of the elements for
24 aggravated to raise to burglary first degree and it's
25 my contention that because it contains two elements --

1 or two options for an element within the statute that
2 it is vague and that it's prejudicial and that it's
3 duplicitous.

4 Your Honor, there is case law -- or and then the
5 second motion is if Your Honor does not wish to quash
6 that indictment to bifurcate the burglary first degree,
7 and that's something that we can discuss when we get to
8 that, but I believe we do need to handle the motion to
9 quash first because it is the lead indictment.

10 Your Honor, there is case law that is Federal and
11 South Carolina that firmly cements the fact that a grand
12 jury and the trial jury need to be unanimous on the same
13 elements.

14 The way that the indictment currently reads, the
15 grand jury had three options to choose from to determine
16 whether or not they decided to true bill.

17 So it was because of the prior burglaries, because
18 of he was armed or because of both the prior burglaries
19 and because he was armed. The "and/or" is really what
20 is at issue here.

21 So the grand jury had three options to choose from.
22 If that indictment goes to the -- to the trial jury in
23 its current form, we won't know if the trial jury has
24 the same unanimous verdict that the grand jury had
25 because we don't know if three or six or twelve or all

1 eighteen chose which option because they had three
2 different options to choose from and we also won't know
3 if the trial jury will have the same verdict that the
4 grand jury did because it could be an un-unanimous
5 verdict because they could be split with half -- half
6 choose that he's guilty for burglary first because he
7 was armed, half choose that it's because of his prior
8 record.

9 So I believe that that's the first main issue with
10 the indictment.

11 THE COURT: Ms. Steiner, you referenced some case
12 law?

13 MS. STEINER: Yes, Your Honor.

14 THE COURT: I've got the folder up here that you
15 gave me.

16 MS. STEINER: Right. Per Russell v. United States,
17 and that's the case that talks about how the grand jury
18 and the petit jury need to have the same elements
19 presented to them. Now it does talk about Federal law
20 in this matter, but it is saying -- it's essentially
21 saying that the grand jury and the trial jury need to
22 have the same -- they have to have the same...

23 Your Honor, let me direct you to -- it's page 11
24 in my printout in the second full paragraph of that.
25 So the grand jury in order to make that alternate

1 decision must necessarily determine what the question
2 under the inquiry was to allow the prosecutor or the
3 Court to make a subsequent guess as to what was in the
4 mind of the grand jury at the time that they returned
5 the indictment would deprive the defendant of a basic
6 protection, which is the guaranty of intervention of
7 the grand jury was designed to secure, for the defendant
8 could then be convicted on the basis of facts not found
9 by, and perhaps not even presented to, the grand jury
10 which indicted him.

11 THE COURT: All right.

12 MS. STEINER: And then, Your Honor, directing
13 your attention to Richardson v. United States, that case
14 is also from the Supreme Court of the United States,
15 and that lays out that there are Federal and state
16 protections and it's well-founded that the jury has to
17 be unanimous and if the indictment goes back, like we
18 don't know if the jury's unanimous as to the element
19 because it is an element of a crime, it's not just a
20 fact of the crime.

21 And on page 3 of -- I believe it should be the same
22 on your printout, on the second -- on the column on the
23 right-hand side, the second paragraph, it does point out
24 that calling a particular kind of fact an element carries
25 certain legal consequences and that the State has to

1 prove each element. It's the State's burden to prove
2 every element of a crime. If the indictment goes to
3 the jury as it, the State potentially could half prove
4 an element because they have two options to choose from,
5 but it's not necessarily beyond a reasonable doubt that
6 they prove both because they're, in fact, "and/or"
7 language, so it does kind of almost make the element be
8 lesser than an element and makes it almost like a fact
9 because it lowers the State's burden of proof because
10 they have two options and the "and/or" language doesn't
11 force them to prove both elements beyond a reasonable
12 doubt.

13 Your Honor, then turning to state law for U.S. --
14 or sorry -- State v. Gentry, I don't where my copy of
15 that went, but that is the -- that's the case the lays
16 out what the requirements for an indictment are and it
17 goes to talk about how there has to be -- on the
18 specificity of the indictment and that you also have
19 to take into consideration all of the circumstances of
20 the case.

21 So I'm asking that Your Honor takes into
22 consideration the circumstances of this case where
23 the State had previously selected an element -- an
24 enhancement element and then they subsequently added
25 that "and/or" language into the indictment, which if

1 you look at it as a whole, as I was saying before, it
2 does lower their burden of proof and it does provide
3 the possibility of an un-unanimous verdict.

4 Your Honor, for the duplicity factor of it, State
5 v. Samuels, which is a case that Judge Newman originally
6 heard, he made a correct decision where that indictment
7 listed two victims and they had moved to quash the
8 indictment and he correctly decided not to quash the
9 indictment because he could correct everything with a
10 jury charge. So he did read the jury -- he did read
11 the indictment to the jury and then sent a copy of the
12 indictment back with the jury and he sent back special
13 jury forms to make sure that the verdict was unanimous.

14 In this case, it makes it even more difficult
15 because it's an element of the crime and it's not just
16 a fact that can be substituted out. So when the Federal
17 case law talked about how it's alleged, they used for
18 an example if it was a murder and the State was alleging
19 that the victim was either killed with a knife or a gun,
20 it doesn't matter the weapon because the victim was still
21 killed because there was a fact, but here we're dealing
22 with an element that the State has to prove beyond a
23 reasonable doubt and it's not something that I believe
24 that could be easily solved with a jury instruction
25 because if it is we're essentially -- if it's solved

1 with a jury instruction, we're essentially asking the
2 jury to do a whole bunch of mental gymnastics and that's
3 not what the jury is supposed to do. Everything should
4 be laid out for them. It's almost inhuman to think
5 about the ability to separate knowing about the prior
6 burglaries, knowing about the armed robbery and then
7 not combining all of them and combining all the factors
8 together and coming up a unanimous verdict that would
9 be fair and just and have all the rights for my client
10 stay in place.

11 And then, Your Honor, turning to State v. Adams,
12 that is the newest of the cases that I gave you, and
13 this one is a CSC case and it talks about that jury
14 charge that I was just speaking on and it was not what
15 the -- what was -- what was argued at trial isn't
16 necessarily the exact same thing that I'm arguing, but
17 I think that the logic is all there because it goes then
18 to talk about the -- about the -- having to inject --
19 having to object to the indictment before trial so that
20 we are within standing and that my motion's timely, and
21 it goes on to talk about the unanimous verdict that's
22 guaranteed by the state and Federal constitutions, and
23 this is all on page 5, and goes on to quote Richardson
24 as well, that the anonymity -- or the unanimity guarantee
25 of the jury must be unanimously agree upon the facts that

1 comprise each element of the crime.

2 So this does -- from the Supreme Court of South
3 Carolina from just a year ago, almost exactly to the
4 day, they found that the jury has to be unanimous on
5 the elements of the crime.

6 Now it does -- they go on to talk about the
7 difficulty that they bring up or the facts don't have
8 to be agreed upon, but the elements has to be agreed upon
9 and I think that's where the problem is and that's where
10 the default and the fault in the indictment is as stands
11 that was presented by the State.

12 THE COURT: All right.

13 MS. STEINER: And we're asking that you quash the
14 indictment.

15 THE COURT: I understand.

16 MS. STEINER: And, Your Honor -- Your Honor, just
17 for fairness, we are aware on all the elements we've had
18 notice. That doesn't fail Gentry because of lack of
19 notice. We're -- we've been well aware of what -- the
20 potential ways that the State could have charged for a
21 first for Mr. Sanders. They could have really charged
22 under any of the enhancement factors, but it's just the
23 way that they chose to do that "and/or" language that
24 we have an issue with and wish to quash. So if they
25 wish to change the indictment whichever which way, we're

1 still ready to go forward.

2 THE COURT: All right. Thank you, Ms. Steiner.

3 Any response, Madam --

4 MS. HAMMACK: Judge, that was a whole lot, so I'm
5 gonna -- I'm gonna try to address all of it. If I forget
6 something, I -- I would ask for a little bit of grace to
7 try to go back and address everything that was just said.

8 The motion that I thought we were arguing was that
9 the indictment was vague and that's what we were placed
10 on notice for. It sounds like Ms. Steiner admitted that
11 they know exactly what he is on trial for and what he's
12 being accused of, it seems to cure that vagueness
13 objection in and of itself, but I'm still gonna go and
14 address it.

15 With regard to the -- the duplicitous part, which
16 is the part we didn't know anything about, the two
17 Federal cases that she's cited both are dealing with
18 vague Federal laws. These are laws where it does not
19 have specific elements that have to be proven and so
20 there was a question about what the defendant was accused
21 of. And, specifically, I believe it is in Richardson v.
22 United States the problem was that the defendant was --
23 you know, three separate crimes and so the issue was that
24 the jury had to be unanimous on each of those three
25 offenses. Not three elements, but three offenses, three

1 actual crimes. And so the issue there was that that
2 lack of unanimity on three different offenses wasn't
3 okay because it -- it has to be a unanimous verdict.

4 With regards to our indictments here in South
5 Carolina, we have a specific statute that's on point as
6 to the sufficiency of an indictment as a notice document
7 to the defendant. Your Honor, that is 17-19-20, and it
8 reads that in South Carolina an indictment shall be
9 deemed and judged sufficient and good in law when in
10 addition to allegations as to time and place as required
11 by law charges the crime substantially in the language
12 of the common law or of the statute prohibiting the crime
13 or so plainly that the nature of the offense charged may
14 be easily understood and that the offense be a statutory
15 offense, that the offense be alleged to be contrary in
16 such case made and provided.

17 So under South Carolina law an indictment basically
18 has to be able to tell the defendant what he's being
19 accused of, what he's on trial for, and to be able to
20 tell the judge what crime he's being accused of so
21 that if you are required to render a sentence at the
22 conclusion of the trial you know what to sentence because
23 you know what he's on trial for.

24 This is not an issue of vagueness. In prior cases
25 where there was an issue of vagueness -- vagueness, it

1 was things where a criminal domestic violence was
2 alleged and although it was a criminal domestic violence
3 high and aggravated, the indictment didn't say high and
4 aggravated. In another instance there was a criminal
5 conspiracy, but the actual conspiracy wasn't named and
6 so the defendant didn't know what he was alleged to have
7 conspired.

8 In those Federal cases, it's the same problem.
9 It's an issue of something missing. In this case,
10 Ms. Steiner is using those cases to argue the opposite,
11 that we have listed too many things, but, in fact, we
12 have told the defendant exactly what he was accused of.
13 There's nothing vague about a very specific element that
14 says you've got prior convictions for burglary and you
15 had a gun when you committed this burglary. The
16 defendant was given discovery on this case back in
17 November of 2019 that included both his criminal history
18 and the allegations that he had a gun at the time of this
19 offense. And then May of 2020, the defendant was also
20 given certified convictions for those prior convictions.

21 So as far as him being on notice and understanding
22 what he is being charged of, he's known that for over a
23 year, a year and a half, and that indictment specifically
24 alleges those elements.

25 Now with regards to a jury's decis -- decision based

1 on -- on those elements, the State has the burden of
2 proving their case and proving each of those elements,
3 but a jury -- a jury has to be unanimous in their verdict
4 of guilt, but they don't have to be unanimous on the
5 theory that they apply to the facts presented. So, so
6 long as they find that the State has proven those
7 elements beyond a reasonable doubt, they don't all have
8 to agree on an actual theory, and I believe that was
9 quoted in one of the cases that Ms. Steiner actually
10 presented. I'm trying to find the quote because mine --
11 I don't think mine added up to the same pages that she
12 was talking about, but in one of the footnotes or in one
13 of the head notes it says -- again, this is a Federal
14 jury, so we're talking about state law, but --

15 THE COURT: Which case Ms. -- Ms. Hammack?

16 MS. HAMMACK: This is Richardson v. United States.

17 THE COURT: Okay. All right.

18 MS. HAMMACK: It says a Federal jury need not
19 always decide unanimously which of several possible
20 sets of underlying brief facts make up a particular
21 element.

22 As far as our state law goes, I'm gonna use the
23 same case that Ms. Steiner did, and that is State v.
24 Gentry, which says and I've stated, that an indictment
25 has to state with sufficient certain -- certainty and

1 particularity to enable the court to know what judgment
2 to pronounce and the defendant know what he is called
3 upon to answer.

4 In this case, the burglary first, it spelled out
5 exactly what he's being accused of. And, again, it says
6 and whether it apprises the defendant of the elements of
7 the offense that is intended to be charged.

8 It also says that in determining whether an
9 indictment meets the sufficiency standard, the court
10 must at the indictment with a practical eye in view of
11 all the surrounding circumstances. Further, whether
12 the indictment could be more definite is irrelevant.

13 We could have listed every element of burglary. We
14 don't have to elect the aggravating circumstance. We
15 can list the aggravating circumstances and we have the
16 burden of proving the elements of burglary first. In so
17 doing, the State gets to elect their theory and their
18 proof and their strongest case, and so that is what we
19 have done in this instance.

20 The State v. Samuels case -- and, Your Honor, this
21 desk is a wreck, but the State v. Samuels case that
22 Ms. Steiner provided where she mentioned Judge Newman's
23 decision involved an instance where two crimes were
24 alleged on the same indictment and that's kind of the
25 issue that we've seen in some of these other cases

1 provided.

2 We're not alleging two different crimes in the same
3 indictment, we're alleging he's guilty of burglary first,
4 and so it's my contention that Samuels doesn't apply
5 because it -- where they alleged two different crimes of
6 CSC with different victims on the same indictment.

7 And then State v. Adams doesn't appear to have
8 anything to do with what we're talking about here other
9 than the nessa -- the nesses -- the necessity, let me try
10 that again, for a unanimous verdict.

11 THE COURT: I think that was -- yeah, I think that
12 was her intention with including this case.

13 Ms. Steiner, any -- any response now?

14 MS. STEINER: Yes, Your Honor.

15 I think I largely agree with what Ms. Hammack
16 said, but the problem is the indictment and where the
17 vagueness comes in is the "and/or". When Ms. Hammack
18 was speaking, she said that we knew that he had prior
19 convictions and a gun, but that's not what the indictment
20 says. The indictment says "and/or". That's the problem
21 that we have with the indictment.

22 And Ms. Hammack is correct. You don't have to be
23 unanimous on the facts, but there has to be a unanimous
24 verdict on the elements. I'll go back to my prior
25 argument of saying that the "and/or" language lowers the

1 State's burden of proof because they're choosing two
2 elements and they can choose -- the jury can choose two
3 half elements, they could go along with some, some of
4 the other jurors could go along with another. It is
5 vague because of that "and/or" language. That's where
6 the issue comes up.

7 MS. HAMMACK: And, Your Honor, just to go along
8 with that, Your Honor's instructions are already going
9 to tell the jury that their verdict must be unanimous. I
10 think it would be simple enough to address Ms. Steiner's
11 concern and have a jury instruction that says your
12 opinion on each element has to be unanimous. In the
13 State v. Samuels case, it looks like Judge Newman did
14 a special verdict form, but I think a single sentence
15 saying you -- you've got to be unanimous on each element
16 of each offense would address exactly what Ms. Steiner's
17 concern is, but as far as the indictment goes, there's
18 no defect to the indictment under state law.

19 THE COURT: All right.

20 All right. Ms. Steiner, I'm gonna take a few
21 minutes to -- I'm gonna take about ten or fifteen
22 minutes to go in the back and re -- and pull some of
23 the highlights out of the cases and -- and make a
24 decision on that because I do know your second motion
25 is depending on a decision on this case.

1 All right. And so at this point it's 3:45. I'll
2 come back in right at 4:00 and render you that decision
3 and we'll decide at that point whether you do the --
4 the next motion or not.

5 Just for housekeeping or -- or -- all right.
6 We'll go off the record. And is Ms. Hall in?

7 MS. HAMMACK: I can get her up here in about two
8 seconds.

9 THE COURT: Okay.

10 Mr. Carson, are you -- are you good for today or
11 -- or do you need to continue this later this week?

12 MR. CARSON: Well, Your Honor, I would like to
13 be heard if you -- you are capable or Your Honor would
14 find it appropriate this afternoon though.

15 THE COURT: Okay.

16 MR. CARSON: Understanding that you are here as
17 the trial court, Judge, I understand that; however,
18 if you will consider hearing a -- a short guilty plea
19 today?

20 THE COURT: Okay. Yes, sir.

21 I'll -- I'll hear that plea, but let me make a
22 decision -- render a decision for Ms. Steiner prior
23 to that.

24 MS. STEINER: To give you one more option, I
25 believe that motion to bifurcate would be very short.

1 So if Your Honor wishes to have the evening to make
2 a ruling, that -- that would not be a problem for me.
3 It is -- would be a rather short motion in the morning
4 if you wanted to hear it in the morning.

5 THE COURT: All right. Why don't we hear that --
6 in the alternative, why don't we hear that in -- in --
7 in case I do decide not to quash, then we'll go ahead
8 and hear your motion.

9 Are you prepared --

10 MS. STEINER: Yes.

11 THE COURT: -- to do that?

12 MS. HAMMACK: Sure, Your Honor.

13 Would you like a copy of 17-19-20?

14 THE COURT: I have it pulled up right here and
15 we'll -- if you've got a -- if you've got an extra,
16 that way I don't have to use my paper.

17 MS. HAMMACK: (Handing.)

18 THE COURT: Thank you, ma'am.

19 MS. HAMMACK: Uh-huh.

20 THE COURT: All right. Ms. Steiner, let's -- let's
21 hear your motion just in case -- let's hear your motion
22 and then that way that -- that's very generous of you to
23 do that and so I can take some time with that -- with
24 both of those decisions.

25 MS. STEINER: Yes, Your Honor.

1 THE COURT: All right. Ms. Steiner, go ahead.

2 MS. STEINER: The second motion is a motion to
3 bifurcate the -- the burglary first degree indictment
4 and I'm going to assume as though for purposes of
5 argument that you decided not to quash the indictment
6 and are leaving the language as is.

7 THE COURT: All right.

8 MS. STEINER: The -- what we're asking for for the
9 bifurcation is to have the trial essentially proceed in
10 two parts and have the State prove all of the elements
11 except for whether -- except for the prior convictions
12 and have the jury deliberate and determine whether or
13 not Mr. Sanders is guilty or not guilty on the burglary
14 first and then if they find that he is guilty on it,
15 then they can hear the prior convictions and then go
16 forward with determining guilt, again, based upon the
17 prior convictions.

18 So that's essentially what we're asking for, is
19 that the trial be bifurcated. We don't mind that the
20 jury hears the prior convictions. We know that that's
21 an element that the State has to prove, that that's
22 their burden. The only objection we'd have is as to
23 when the jury hears the prior convictions.

24 Again, Your Honor, State v. Cross, and that is a
25 CSC case and it does go largely in part to --

1 THE COURT: Tell me -- tell me the name again.

2 I'm sorry.

3 MS. STEINER: State v. Cross.

4 THE COURT: Okay.

5 MS. STEINER: That does admittedly do a pretty
6 good job of saying how the CSC is not like a burglary,
7 but we're asking that Your Honor use the same analysis
8 that they use in State v. Cross, and that analysis
9 essentially is that Your Honor has the jurisdiction
10 to determine whether or not the trial needs to be
11 bifurcated based upon Rule 611(a), and then to go into
12 what is essentially a 403 analysis and determine whether
13 it's more prejudicial than probative.

14 So our argument is that the prior convictions are
15 definitely relevant because that is an element that the
16 State has to prove, but they're not at all probative,
17 not whatsoever, and that they're extremely prejudicial
18 to Mr. Sanders. Much like how State v. Cross talks
19 about how a jury can -- has the possibility of finding
20 a defendant guilty just because they've heard about
21 prior sexual convictions, it's the same thing with a
22 burg first. If the jury hears that Mr. Sanders has
23 been convicted of burglaries before, they could easily
24 just label him a burglar and convict based upon the
25 prior convictions and not the other element. It's that

1 prejudicial.

2 Your Honor, we're just asking for the bifurcation
3 as to when the jury hears the prior convictions.

4 THE COURT: All right. Madame Solicitor.

5 MS. HAMMACK: Your Honor, we've been getting this
6 motion in about every single burglary trial we've had.
7 Ms. Steiner actually argued this motion in front of
8 Judge Newman in August of 2020 using the same case,
9 the same rationale. Judge Newman denied that motion
10 for the reason that this case that she cited is directly
11 on point and what she's asking you to do is not follow
12 this case, but rather create new law by applying this
13 case in direct contravention of what the Court has
14 said.

15 This case very specifically says that burglary is
16 different from the criminal sexual conduct that they
17 bifurcated in this case and it actually goes on to list
18 all the times that this Court has said that prior
19 convictions for burglary are an element that the State
20 is allowed to prove, that they do have probative value
21 and they should be admitted.

22 Starting on page 8 in State v. -- well, actually
23 starting on page 6 in State v. Cross is a footnote from
24 State v. Benton saying concluding the probative value
25 of admitting the defendant's prior burglary conviction

1 is not outweighed by prejudicial effect when proving
2 the prior conviction element of first degree burglary.

3 Again, on page 8, this Court and the Court of
4 Appeals have declined to extend the reasoning in
5 Old Chief to cases in which the defendant's prior
6 conviction constituted an element of the offense to
7 be proven at trial. For example, burglary cases. We
8 affirmed the Court of Appeals' reasoning in Hamilton
9 and upheld the constitutionality of the first degree
10 burglary statute. We reiterated that evidence of other
11 crimes is admissible to establish a material fact or
12 element of the crime charge and stated for purposes of
13 an element of first degree burglary, we conclude the
14 probative value of admitting the defendant's prior
15 burglary and/or housebreaking convictions is not
16 outweighed by its prejudicial effect. It gives a
17 little bit of clarification and says hey, look, you
18 can't go into the actual facts of those burglaries
19 because that's not relevant and you need to stop after
20 two, you know, you can't go on and talk about a defendant
21 having ten prior burglaries, but for purposes of proving
22 that element of the offense the State is permitted to
23 introduce two prior burglary convictions.

24 Again, and I can -- I can read verbatim in State v.
25 Cross how they differentiate between the CSC and the

1 burglary and how the Court said that -- that burglary
2 cases absolutely allow the State to introduce these
3 prior convictions, that it is different from the
4 reasoning they're using in this CSC case. Prior
5 convictions of burglary and housebreaking are admissible
6 to prove the prior conviction element of burglary. We
7 distinguish this case from the first degree burglary
8 cases.

9 So, Your Honor, this is the -- like I said, we've
10 had this motion multiple times before in burglary cases.
11 It's been declined every time -- or denied every time.
12 Judge Newman has denied this motion, but by the very
13 case the defense is presenting this case directly on
14 point says that prior convictions are allowed with
15 burglaries and distinguishes that from criminal sexual
16 conduct cases. To -- to rule otherwise would be
17 changing the law that's been set forth.

18 THE COURT: All right. Ms. Steiner, response?

19 MS. STEINER: Your Honor, all of the cases that
20 are mentioned in Cross that are burglary cases, none of
21 those cases asked for bifurcation. They all asked for
22 the State to stipulate or to somehow keep it away from
23 the jury. That's not what we're asking for. This is
24 distinguished from all the other burglary cases because
25 we are asking for a bifurcation. The -- the issue of

1 bifurcation was essentially novel when they heard it in
2 Cross and that's why they came up with the analysis to
3 use, the 403 analysis, in order to make sure that it
4 wasn't prejudicial.

5 Your Honor, in this case specifically with
6 Mr. Sanders, the State has chosen based upon Your
7 Honor's ruling, but for purposes of this argument has
8 chosen to use two elements to prove the enhancement and
9 that increases the prejudicial value, and that's why
10 we're asking for this to be bifurcated because it is a
11 novel issue that hasn't fully been dealt with with the
12 state courts because none of the burglary cases were on
13 point with the bifurcation.

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

15 Thank you, Madam Solicitor.

16 As you mentioned, I'm gonna -- I'm gonna take this
17 overnight and you may have a decision before tomorrow
18 morning, but I'll give myself until tomorrow morning in
19 order to give you-all a decision.

20 And so if there are no more pre-trial motions,
21 we'll -- we'll rest with regards to -- to this matter
22 and then bring the jury in tomorrow morning. We'll --
23 I will give you my decision after I take that plea in
24 the morning and give you -- give you that decision and
25 then we'll bring the jury back in and swear them. We'll

1 -- we'll determine how to proceed at that point.

2 All right. Anything further regarding pre-trial
3 issues? Nothing? Okay.

4 MS. HAMMACK: Oh, just to put on the record,
5 Ms. Steiner did tell us that she intended to make a
6 motion to sequester witnesses --

7 THE COURT: Okay.

8 MS. HAMMACK: -- with the exception of having the
9 victim in this case, the law enforcement investigator
10 and the State's investigator present. We didn't have
11 a problem with that and I don't think she had a problem
12 with that caveat.

13 MS. STEINER: That's correct. I was just gonna
14 make it in the morning, but if --

15 MS. HAMMACK: Sorry.

16 MS. STEINER: Your Honor, I would just like to
17 sequester the witnesses.

18 THE COURT: Okay. If there's -- there's no issue
19 from the State, then -- then we'll -- we'll allow that.

20 MS. STEINER: Thank you, Your Honor.

21 THE COURT: Okay.

22 MS. STEINER: And then just one housekeeping
23 issue to put on the record before we all forget
24 tomorrow, if Your Honor does not quash the indictment
25 we believe they'll arraign Mr. Sanders on the

1 indictment because it's a direct indictment.

2 THE COURT: Okay.

3 MS. HAMMACK: Yes.

4 THE COURT: Okay. Thank you.

5 (Whereupon, the proceedings were concluded for
6 May 11, 2021, at 3:55 PM.)

7 (The following proceedings were held May 12, 2021,
8 beginning at 10:18 AM.)

9 BAILIFF: All right. The Honorable Courtney
10 Clyburn Pope presiding.

11 THE COURT: Please be seated.

12 All right. Mr. Mayes, good morning.

13 Good morning --

14 MS. CLEVELAND: Cleveland.

15 MS. HAMMACK: Sanders.

16 THE COURT: No, Mr. Sanders. I just --

17 Mr. Sanders, I apologize. I just asked my clerk to
18 move some documents because I said I don't want to call
19 him Mr. Mayes all day and then I called you Mr. Mayes.
20 I do apologize, Mr. Sanders.

21 Good morning to you, Mr. Sanders.

22 THE DEFENDANT: Good morning.

23 THE COURT: Good morning, defense counsel.

24 And good morning, Madame Prosecutors.

25 All right. And you have the indictments.

1 Okay. So when we -- when we adjourned yesterday,
2 I believe that I needed to rule on Ms. Steiner's
3 pre-trial motion.

4 Ms. Steiner, your first motion was -- your first
5 motion was the motion to quash the indictment; is that
6 correct?

7 MS. STEINER: That's correct, Your Honor.

8 THE COURT: All right. So, Ms. Steiner, after
9 reading through the cases and listening and taking into
10 consideration your argument, I am going to deny that
11 motion. I do find that the indictment is sufficient as
12 it is currently written; however, Ms. Steiner, I am
13 going to do a corrective instruction and I will allow
14 you to draft that if you'd like to. If not, we can
15 certainly draft that. We'll handle that during the
16 charge conference, but I will do a corrective
17 instruction for the jury regarding that indictment and
18 that instruction will include that -- that the jurors
19 must be unanimous in the elements of the -- of the
20 charge.

21 So based on that ruling, Ms. Steiner, your second
22 motion was the motion to bifurcate and I am denying
23 that motion as well after listening to your argument
24 and reading through the case law that you provided. I
25 thank you, but I am gonna deny that motion, okay?

1 Are there any other pre-trial motions before we
2 bring the jury in and swear them?

3 MS. STEINER: There is one brief other thing --
4 and I'm gonna have to be careful of that all day...

5 There is one brief other thing and I've already
6 spoken to the solicitor's office about it and they know
7 what I'm about to discuss.

8 THE COURT: Yes.

9 MS. STEINER. On -- I believe it was on Monday,
10 there was an e-mail that was sent and it included a
11 photograph of a Quik Mart, it was Ridgecrest Quik Mart,
12 and that was the first time that we had ever received
13 any information about this Quik Mart or about the photo.
14 It was not previously disclosed in discovery. The
15 State intends to introduce that photo. I believe it's
16 currently pre-labeled as State's Exhibit 16 and we
17 would like to go ahead and object to that and deal with
18 it pre-trial so we don't have to stop the flow just
19 because we were not able to investigate that Quik Mart.
20 I believe that it came out during their pre-trial
21 interviews with the co-defendant and we were not
22 afforded that opportunity to investigate or to have
23 that be a part of our pre-trial planning.

24 THE COURT: All right, Ms. Steiner. So this is a
25 picture, and I -- obviously I have not seen pictures,

1 a picture of the Quik Mart?

2 Okay.

3 All right. Ms. Hammack.

4 MS. HAMMACK: And, Your Honor, we can proffer the
5 picture if -- if you would like. This is the one that
6 we intend on putting in -- into evidence, so I'd like
7 it back, but this is State's 16. It has not been yet
8 marked, but that is what we would intend to place into
9 evidence.

10 During the course -- and then the State would
11 proffer that during the course of this offense that
12 the Defendant and the co-defendants met at this gas
13 station or Quik Mart just a short distance away from
14 the incident location; that at that point they all got
15 in the same vehicle and travelled together to the
16 incident location where this armed robbery and burglary
17 took place.

18 In the interview that law enforcement conducted of
19 one of the co-defendants in this case, she references
20 the Ridgecrest Quik Shop. She initially says we stopped
21 at a gas station -- we travelled on 19, stopped at a gas
22 station. I think everybody was kind of on the same base,
23 but we were thinking of a different gas station, but
24 further in that interview, and it was shortly before the
25 ten minute mark, she actually references the Ridgecrest

1 store.

2 The purpose of entering this picture would be to
3 show the -- just what that -- that store looked like
4 for context purposes. There's no allegations of any
5 criminal behavior occurring at that gas station. The
6 Defendant is not pictured in that photo. It is for
7 context in helping the jury better understand what this
8 witness will testify to as to where they met. This
9 picture was given to the defense on Monday because this
10 picture was taken on Monday. It did not exist. It was
11 not something that the State withheld or had possession
12 of at any time and did not give to the defense, but
13 rather just for clarification purposes in helping the
14 jury understand what they're hearing from a witness.

15 We took this picture on Monday, immediately turned
16 it over to the defense pursuant to Rule 5 that requires
17 us to have a continuing duty to disclose and so as soon
18 as we did take that picture we gave it to the defense,
19 but that store is referenced in the co-defendant's
20 statement to law enforcement that was provided with
21 discovery in November of 2019.

22 As far as being able to investigate the store or
23 anything like that, we're not offering that picture to
24 say anything other than this is what she's talking
25 about when she says they met at this store.

1 THE COURT: All right, Ms. Steiner. And you
2 believe this prejudicial or what -- because you didn't
3 -- tell me why you have an issue with -- other than
4 receiving it on Monday.

5 MS. STEINER: Yes.

6 THE COURT: I certainly understand that argument,
7 but tell me why you believe this would be prejudicial to
8 your client.

9 MS. STEINER: I believe it's actually not
10 probative, but it's -- they can still convey the same
11 information by having the witness testify about it. It
12 doesn't need to -- the photo isn't necessary to convey
13 the same information, to convey that context.

14 THE COURT: All right.

15 All right. Solicitor, I -- I am going to exclude
16 Exhibit Number 16. I -- I don't know -- I -- I don't --
17 I don't believe that it's that probative. We're gonna
18 exclude that picture of the -- that gas station. I --
19 I don't believe it has very much probative value.

20 MS. STEINER: Thank you, Your Honor.

21 THE COURT: Uh-huh.

22 All right. Any other pre-trial issues?

23 MS. STEINER: Nothing, Your Honor.

24 THE COURT: Anything from the State?

25 MS. CLEVELAND: Nothing from the State, Your Honor.

1 THE COURT: All right. Thank you.

2 Mr. Weeks, can I ask you a question real quick?

3 (Proceedings held at the bench; not reported.)

4 THE COURT: All right.

5 All right. If there are no more pre-trial issues,
6 Mr. Harte, will you bring our jury back in so that we
7 can have them sworn in today.

8 Just for housekeeping purposes before the jury
9 comes in, we'll -- we will certainly move the trial
10 along based on the witnesses. I -- I will not hinder
11 the witness testimony; however, we're gonna break at
12 some point when it's convenient to do so around 1:00
13 to give the jury lunch and give you-all a break, okay?

14 MS. HAMMACK: Thank you, Your Honor.

15 MS. STEINER: Thank you, Your Honor.

16 (Whereupon, the jury enters the courtroom at
17 10:30 AM.)

18 THE COURT: All right. Juror Number 81?

19 Good morning, sir.

20 JUROR NUMBER 81: Good morning.

21 THE COURT: Congratulations. You are our jury
22 foreperson.

23 THE CLERK: Sit right over there.

24 THE COURT: All right. Yes, we will have you to
25 sit in the corner. I'll explain everything to you a

1 little bit later.

2 THE CLERK: Charlotte, we'll have the alternates
3 in the second seats.

4 Juror 38, if you'd exchange with that lady in the
5 corner, please.

6 Juror Number 142, you're an alternate. I need you
7 to sit that way.

8 And Juror Number 199, if you'll have a seat where
9 the gentleman in the striped shirt is, please.

10 Since you-all are alternates, you-all will maintain
11 those three seats. The rest of you can sit wherever you
12 want to.

13 Are you ready to give them the oath, Your Honor?

14 THE COURT: Yes.

15 (Whereupon, the jury was sworn by the Clerk of
16 Court.)

17 THE COURT: All right, ladies and gentlemen of
18 the jury. Did you-all have breakfast this morning?

19 (Jurors answer in unison.)

20 THE COURT: Okay. Very good.

21 All right. Ladies and gentlemen of the jury and
22 alternates, we -- the case that we are about to try
23 is the case of the State of South Carolina versus
24 Mr. Christopher Lee Sanders.

25 Before we begin this trial -- can everyone hear

1 me?

2 All right.

3 Before we begin this trial, I want to tell you
4 that this trial will probably be different than what
5 you might expect. Many people do not have the chance
6 to attend an actual court session as you are doing right
7 now and you may think from watching television or movies
8 that trials are always full of high drama, intense action
9 and riveting circumstances.

10 While all these things may be true at times, this
11 trial is not for entertainment. It is a fundamental
12 part of our democracy. A search for the truth in an
13 effort to make sure that justice is done between the
14 parties before the Court. Searching for the truth
15 and making sure that justice is done is often slow,
16 deliberate and repetitive, which is actually the
17 opposite of what you may have seen in television or in
18 movies.

19 This courtroom is a place of honor dedicated to
20 the protection and preservation of citizens' rights
21 through our justice system. The attorneys appearing
22 before you are advocates for the parties they represent,
23 but first and foremost they are officers of the court
24 sworn to uphold the integrity and fairness of our
25 judicial system and to help you, the jury, in the

1 search for the truth. You should expect them to be
2 professional, competent and ethical in the
3 representation of their clients' interests. Remember
4 that you, too, have just taken an oath to try this case
5 and reach a fair and just verdict and you are also
6 expected to be professional, reasonable and ethical.

7 Thank you for accepting the important responsibility
8 of service and for your contribution today to our justice
9 system.

10 What I will say now is to serve as an introduction
11 to the trial of this case. These remarks are not about
12 the law in the case. I will instruct you on the law at
13 the end of the trial before you decide the case.

14 Before the trial begins, I want to explain the
15 procedure that we will follow so that you can understand
16 what is happening.

17 You have been selected as fair and impartial jurors
18 whose purpose is to find and determine the facts. You
19 are the sole judges of the facts. If at any time I make
20 a comment regarding the facts, you must disregard that
21 comment. You are to determine the facts from the
22 testimony you hear and any other evidence that is
23 presented to you. You should not be influenced by any
24 opinions or statements you may have heard outside of
25 this courtroom. It is especially important that you

1 perform your duty of determining the facts in a diligent
2 manner. This is because there is no way to fix an
3 incorrect determination of the facts by a jury. When
4 you comply with your oath to impartially determine the
5 facts of this case, you will have fulfilled your duty as
6 jurors and no one will have the right to criticize your
7 verdict.

8 On the other hand and with equal emphasis, the same
9 law that makes you the judges of the facts makes me the
10 judge of the law. The law as given by the Court is the
11 only law that you may consider. You must accept and
12 follow it even though you may disagree with the law.
13 I cannot tell you what the facts are and you cannot
14 disagree with me about what the law is or should be.
15 Your job is to take the law as I give it to you and
16 apply it to the facts as you find them from the
17 testimony of the witnesses and any other evidence that
18 is presented. After doing that, you will render your
19 verdict, a true and just verdict, under the solemn oath
20 that you just took as jurors.

21 Until I advise you to begin your deliberations,
22 you must not discuss this case with anyone, including
23 your fellow jurors, friends, family members and anyone
24 involved in this case. This includes discussions face
25 to face and those by telephone, e-mail, texts, blogs,

1 social media or any other form of communication. You
2 may not use a computer, cellphone or any other
3 electronic device with communication capabilities at
4 any time while you are in the courtroom or during
5 deliberations. During your break for meals, you may
6 use those -- these devices; however -- however, you may
7 not at any time use these devices to get or send
8 information about this case. This includes information
9 about a party, a witness, an attorney or a court
10 officer, news accounts about the case. You cannot
11 conduct any research on any of the topics that are
12 raised, any topics you may think would be helpful in
13 deciding the case or any testimony presented by the
14 witnesses.

15 During the trial do not read, listen to or watch
16 any news reports about this case. This includes
17 anything that may be in the newspapers or on the
18 internet, radio or television. You must not consider
19 anything you may have read or heard about this case
20 outside of the courtroom, whether before or during this
21 trial.

22 After the case is submitted to you, you must
23 discuss it only in the jury room with your fellow
24 jurors. The attorneys and parties in this case have
25 been advised that they are not to talk to you at all,

1 so if you see anyone involved in the case again and
2 they do not even say hello, they are not being rude or
3 unfriendly, they are just following the Court's
4 instructions.

5 It is important that you keep an open mind and
6 do not decide any issue in the case until all of the
7 evidence has been presented, the parties have made their
8 closing arguments and I have instructed you on the law
9 in this case.

10 Now in just a moment the attorney for the State
11 will make what is called an opening statement. The
12 attorney will explain to you the issues in this case or
13 at least what the attorney thinks are the issues in this
14 case. The attorney for the defendant will also make an
15 opening station -- statement. What the attorneys tell
16 you during their opening statements are not evidence in
17 this case. It is only their contention as to what the
18 issues are. The evidence in this case will be presented
19 to you by the testimony of sworn witnesses from this
20 witness stand and by exhibits that may be introduced
21 into evidence.

22 From time to time during the trial you may hear one
23 of the lawyers say something like Your Honor, I believe
24 that we have a question of law or we have a matter of
25 law that I need to discuss with you or, Your Honor, may

1 we approach the bench. Sometimes I, myself, may find
2 it necessary to excuse you, the jury, from the courtroom
3 for a short while so that the attorneys and I can
4 discuss a matter of law. The reason that we do this is
5 because you are the judges of the facts of the case and
6 sometimes when I am discussing the matters of law with
7 the attorneys, it may be necessary for me to make some
8 comment as to the facts so that I can rule whether or
9 not a particular law applies. Because I am not supposed
10 to tell you what I think the facts are, I will excuse
11 you from the courtroom while these discussions take
12 place so that you will not be influenced by anything I
13 might say or do in connection with the facts.

14 In determining what the true facts are in this
15 case, you must decide whether or not the testimony of
16 the witness is believable. It will be my responsibility
17 to rule as a matter of law as to whether certain
18 testimony is admissible at all or not, but once the
19 testimony is admitted whether or not you believe it is
20 solely for you to determine.

21 In deciding whether to believe a witness, you have
22 the right to consider whether the witness has an interest
23 in the result of the trial, whether the witness is
24 prejudiced toward either party in the case and whether
25 the witness has had an opportunity to have seen the

1 matters and things about which the witness may testify.
2 You may also consider the way the witness acts on the
3 witness stand. You have a right to consider anything
4 that is in the record that will help you evaluate the
5 testimony of the witness. That means that it is your
6 duty to pay close attention to these witnesses. It is
7 your duty to observe the witnesses, to listen to the
8 witnesses and to pay close attention to the attorneys
9 and to the Court. Do not let your thoughts wander, but
10 pay close attention to the testimony so that at the end
11 of the trial you will be able to determine what the
12 true facts are and to apply the law to those facts and
13 to render a true and just verdict.

14 All right. Mr. Foreperson, it is your added duty
15 to preside in the jury room and to be the jury's
16 spokesperson here in court.

17 In order to preserve everyone's rights, I will
18 give the parties an opportunity to object to anything
19 that I have said in the preliminary charge.

20 Is there any exception to what I've said by the
21 State?

22 MS. CLEVELAND: No, Your Honor.

23 THE COURT: Is there any objection by the defense?

24 MS. STEINER: No, Your Honor.

25 THE COURT: All right. At this juncture we will

1 now begin the trial.

2 MS. STEINER: Your Honor, may we approach?

3 THE COURT: Yes.

4 (Proceedings held at the bench; not reported.)

5 THE COURT: All right. Ladies and -- ladies and
6 gentlemen of the jury, remember when I mentioned that
7 there would be times that I need to remove you from the
8 courtroom so that we can handle an issue of law? This
9 is one of those times and so we will -- we will ask the
10 bailiff to please retire the jury to the grand jury room
11 for just a few moments.

12 (Whereupon, the jury retires to the jury room at
13 10:42 AM.)

14 THE COURT: All right. Madam Solicitor, which --
15 what charge needs to be formally arraigned?

16 MS. HAMMACK: Indictment 2021-GS-02-00685 charging
17 Christopher Lee Sanders with burglary first degree.

18 THE COURT: All right. Mr. Sanders -- Mr. Sanders,
19 please raise your right hand.

20 At this time what I'm doing is we're -- we're
21 going to do a formal arraignment and so I will read
22 the indictment.

23 (Whereupon, Christopher Lee Sanders was duly
24 sworn by the Clerk of Court.)

25 THE CLERK: He's sworn, Your Honor.

1 THE COURT: Thank you, sir.

2 This is Indictment Number 2021-GS-02-00685, an
3 indictment for burglary in the first degree. At a
4 court of General Sessions convened on May 10, 2021,
5 the grand jurors of Aiken county present upon their
6 oath that Christopher Lee Sanders, along with others,
7 did in Aiken county, on or about October 11, 2019,
8 willfully and unlawfully entered the dwelling of
9 Tommy Taylor, located at [REDACTED]
10 Aiken, South Carolina, without consent and with the
11 intent to commit a crime therein, and the defendant
12 does have two or more prior burglary convictions and/or
13 he was armed with a firearm while in the dwelling, all
14 in violation of Statute Number 16-11-311 Code of Laws
15 of South Carolina, 1976, as amended.

16 What say you, Mr. Christopher Lee Sanders? Are you
17 guilty or not guilty of the felony wherein you stand
18 indicted?

19 THE DEFENDANT: Not guilty.

20 THE COURT: How should you be tried and your
21 answer would be by God and county?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right.

24 All right. These good and lawful jurors will pass
25 between you and -- and the State to come to trial on

1 this case. If you challenge them or any of them, you
2 will do so as each is called to the Bar to be sworn and
3 before he and she is sworn may God grant you a just
4 deliverance.

5 Is there anything further that you need me to
6 place on the record in this arraignment, Madam Defense
7 Counsel?

8 MS. STEINER: Not that I'm aware of, Your Honor.

9 THE COURT: Okay. Madam Solicitor, is there
10 anything else that you need me to place on the record?

11 MS. HAMMACK: Your Honor, I -- I don't know that
12 the defense is actually objecting to the formal
13 arraignment. I know we were doing it just as a matter
14 of process. Under state law, formal arraignment is not
15 required, so I'm not sure if they're objecting or --
16 or not, but in case there is some objection our state
17 statute doesn't require a formal arraignment any longer
18 under 14-7-1110. And it's not a due process violation,
19 but I don't think we have an objection to that.

20 THE COURT: All right. Very good. Thank you,
21 ma'am.

22 All right.

23 MS. STEINER: There is no objection, Your Honor.

24 THE COURT: Okay. Thank you, Ms. Steiner.

25 Thank you, Mr. Sanders.

1 Thank you, Ms. Carter.

2 THE COURT: I don't know why I'm having these
3 moments, these senior moments, this morning.

4 All right. Mr. Harte, can we bring the jury back
5 in and at that time we will begin opening statements.

6 MS. STEINER: Your Honor, may we have a quick
7 restroom break?

8 THE COURT: Yes. Let -- let's -- let's give them
9 -- let's -- let's -- let's get started in five minutes,
10 okay?

11 MS. STEINER: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 (Whereupon, a recess was taken at 10:48 AM.)

14 (Back on the record at 10:55 AM.)

15 THE COURT: I'm back from the necessary breaks and
16 so, Mr. Harte, if you'll bring the jury back in we'll
17 begin with opening statements.

18 THE CLERK: Yes, Your Honor.

19 THE COURT: Ms. Cleveland, did -- excuse me. See?
20 Ms. DeLoach, did Ms. Cleveland tell you I called
21 her Ms. DeLoach all day yesterday?

22 MS. DeLOACH: Yes, Your Honor.

23 THE COURT: I've been wanting to call Ms. Carter,
24 Ms. Clyburn. I don't what's...

25 (Whereupon, the jury returns to the courtroom at

1 11:57 AM.)

2 THE COURT: All right. Ladies and gentlemen
3 of the jury, at this time we will now hear opening
4 statements.

5 Madam Solicitor, are you ready to provide open
6 an opening statement?

7 MS. CLEVELAND: I am, Your Honor.

8 THE COURT: All right.

9 MS. CLEVELAND: Thank you, Your Honor. May it
10 please the Court? Ms. Steiner, Ms. Carter.

11 On the evening of October 11th of 2019, Mr. Tommy
12 Taylor, who's just over there, had come home from a
13 busy day. He had sat in his recliner and he was
14 watching TV. If you knew Mr. Tommy, his TV was probably
15 up a little too loud because he's 81 and also hard of
16 hearing.

17 At his house that evening was his friend,
18 Ms. Jennifer DeLoach, and her three children. Her three
19 children ranged between the age of nineteen and early
20 twenties. Also that evening a woman came to the door.
21 Her name was Charlene Harshaw. Now Charlene knew that
22 Mr. Tommy was a landlord and had been for some time, so
23 she came in and began to talk to Mr. Taylor about
24 property that she could possibly sell him. So as she
25 is -- walks in the door, Mr. Taylor opens it and as they

1 began to discuss two masked men bust in the door, one's
2 armed with a handgun, and they began demanding money
3 from Mr. Taylor. One of those men was Christopher
4 Sanders.

5 They forced Ms. DeLoach and Mr. Taylor to the back
6 bedroom where Mr. Taylor kept his safe. They emptied
7 the contents of his safe and took Mr. Taylor's wallet.
8 The wallet contained approximately two thousand dollars'
9 worth of cash and the safe contained various titles to
10 mobile homes that he rented, as well as life insurance
11 policies.

12 Two of Ms. DeLoach's -- two of Jennifer DeLoach's
13 children were also present during the robbery. They
14 witnessed the masked men coming in, one had a gun in
15 his hand, and you'll hear from them today as well.

16 During the course of the investigation, the woman
17 that came to talk to Mr. Taylor, Ms. Charlene Harshaw,
18 was interviewed by law enforcement. She gave a full
19 confession that she was essentially the distraction for
20 Mr. Taylor while the other two men came in to perpetrate
21 the armed robbery and the burglary. You will hear from
22 her today as well. You will hear in her own words how
23 it happened.

24 Now Mr. Sanders is on trial for armed robbery,
25 burglary in the first degree, grand larceny and

1 possession of a weapon during a violent crime.

2 Now I'm gonna very briefly go over with you what
3 those crimes are and what the elements are; however,
4 if I say anything different from what the judge tells
5 you at the end of this trial, please listen to the
6 judge and not me on the law because she is the finder
7 of the law.

8 So armed robbery is the taking or carrying away of
9 another's personal property with the intent to deprive
10 him of that possession and the person uses either force,
11 threat or intimidation and is armed with a deadly weapon
12 or alleges by words or actions that he is armed with a
13 deadly weapon and the victim reasonably believes it to
14 be a weapon.

15 That's a mouthful, but I think we all kind of have
16 a good grasp of what an armed robbery is.

17 Burglary in the first degree. That is when you
18 enter the dwelling of another person without consent or
19 invited in and you have to have the intent to commit a
20 crime while in the house and the defendant either is
21 armed with a deadly weapon or has two or more prior
22 burglaries.

23 Grand larceny. Another charge that Mr. Sanders is
24 charged with is grand larceny between two and five
25 thousand dollars, which means what he stole ranged in

1 value between two thousand and five thousand dollars.

2 Possession of a weapon during a violent crime is
3 also very self-explanatory, but a person is guilty of
4 this if they visibly display what appears to be a
5 firearm during the commission of a violent crime. For
6 purposes of this trial, burglary in the first degree
7 and armed robbery are both considered violent crimes.

8 My name is Katie Cleveland. I am an assistant
9 solicitor here for Aiken county and it's my job and my
10 -- my co-counsel's job to represent the State of South
11 Carolina.

12 A little bit about me, I grew up in Jackson,
13 South Carolina. Well, just outside of Jackson, close
14 to Petticoat Junction. I went to Silver Bluff. I've
15 lived in this community my entire life. And it is my
16 -- my burden and my co-counsel's burden to prove to you
17 that Mr. Sanders is guilty beyond a reasonable doubt.
18 That is a burden that we gladly shoulder. That is what
19 makes our justice system so wonderful, that we have to
20 prove it beyond a reasonable doubt.

21 As we continue through this trial, I would like
22 for you to just keep that word "reasonable" in your
23 minds. Reasonable doubt does not mean proof beyond all
24 doubt. Proof beyond all doubt is a very high burden
25 that I don't believe that in this day and age very many

1 people could overcome that, but it's what is reasonable.

2 So during this trial please keep in mind what is
3 reasonable. What is reasonable? It basically means
4 you are firmly convinced of the defendant's guilt. The
5 best thing about you guys as jurors is that you-all have
6 common sense and life experiences. We're not asking you
7 to leave that at the door. Bring your common sense,
8 bring your life experiences, apply it to this case, and
9 once you've heard all the evidence, once you've heard
10 all the testimony, we're gonna be back up here and we're
11 gonna ask you to return a verdict of guilty.

12 Thank you.

13 THE COURT: Thank you.

14 MS. STEINER: Christopher Sanders was not at Tommy
15 Taylor's house on October 11, 2019. Plain and simple.
16 He wasn't there.

17 This is Mr. Christopher Sanders. He's 48. Just
18 like Ms. Cleveland, he's also an Aiken native. Over
19 here in the pews, in case you're wondering who this
20 gentleman is, this is Mr. Michael Sanders. He's
21 Mr. Sander's brother and he's here to have some support
22 for him. Unfortunately, their momma's a little sick, so
23 she's not allowed to be here today.

24 Now I've been representing Mr. Sanders for about
25 nineteen months on these charges. It's been about

1 nineteen months when everything happened. I've learned
2 a lot about him. Something that I've learned is
3 something that a lot of other people now have learned
4 is that he's hard to like, but he's harder to love.

5 Why is he hard to like and harder to love? He's
6 emotional, he's strong-willed. He made mistakes in his
7 youth. You're gonna hear and the State's gonna tell
8 you about how he was convicted of burglaries in 1993
9 and 1999. He's not a perfect man by any means. Not
10 at all. But because he's not a perfect man and because
11 he's hard to like and harder to love, that makes him
12 the perfect scapegoat. It makes it so easy for people
13 to just blame Christopher Sanders and say oh, but
14 remember this? End of story.

15 Something that I also know about Mr. Sanders is
16 that he has a lot of respect for Mr. Tommy Taylor. Now
17 I'm probably always calling him Mr. Tommy Taylor. I
18 doubt if Mr. Sanders called him Tom. That's Mr. Tommy
19 Taylor or Mr. Tommy on the rare occasion. But
20 Mr. Sanders knew Mr. Tommy Taylor very well and knew
21 him extremely well and had so much respect for him.
22 The amount of respect that Mr. Sanders has for
23 Mr. Tommy Taylor is just immense. There's no way that
24 Mr. Sanders with his respect that he has for Mr. Tommy
25 Taylor that he would burglarize, steal or threaten him

1 with a gun.

2 So, like I said, it's been nineteen long months
3 and now we're here in court and this very well may be
4 the most important and pivotal day in his entire life.

5 Now Ms. Carter and I, we're gonna make a little
6 deal with you. I'm only going to ask questions that
7 are important, Ms. Carter's going to ask questions that
8 are important. We know that you-all have busy lives
9 since COVID. We don't want to take up too much time,
10 but it's extremely important that Mr. Sanders has all
11 of his rights preserved and that we're able to give him
12 the best, fairest trial as possible. And then if
13 you-all would do the favor in return for us, forgive us
14 if Ms. Carter or I ask too many questions, get in the
15 weeds, get in too much mud. I need you to pay attention
16 to when people say things and why people say things.
17 Those are the two most important factors in this case.
18 When and why.

19 Now Ms. Cleveland told you a little bit about
20 reasonable doubt, but I think an easy way to remember
21 it is it doesn't feel right your gut. If your gut
22 tells you that's something is not quite right, that's
23 reasonable doubt.

24 I'm gonna ask you one more thing, and I'm gonna
25 ask it again at my closing argument, find Christopher

1 Sanders not guilty.

2 THE COURT: All right. We'll hear from the State.

3 MS. CLEVELAND: Thank you, Your Honor.

4 The State would call Mr. Tommy Taylor.

5 Mr. Taylor, if you can just walk up there for me
6 to the clerk. Right there. Do you see that lady in the
7 front? Stand in front of her.

8 THE CLERK: Raise your right hand for me. Raise
9 your right hand.

10 (Whereupon, Tommy Taylor was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: Have a seat in the witness box and
13 state your full name for the Court, spelling your last
14 name, sir.

15 And make sure you spell your last name.

16 TOMMY TAYLOR,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. CLEVELAND:

20 Q. All right, Mr. Taylor. Can you hear me okay?

21 A. I can barely hear you. I'm hard of hearing.

22 Q. Okay. I'll scoot up a little bit for you and I'll
23 try to speak as loud as I can. My boss is always fussing
24 at me that I don't speak loud enough, so I'm gonna try this
25 time.

- 1 A. Thank you.
- 2 Q. All right. If you can take your mask off for me,
3 please.
- 4 All right. What's your name?
- 5 A. Thomas Ray Taylor.
- 6 Q. Can you spell your last name for me?
- 7 A. Taylor.
- 8 Q. Thank you.
- 9 Mr. Taylor, where do you live?
- 10 A. [REDACTED] Aiken, South Carolina, 29801.
- 11 Q. And that's Aiken county?
- 12 A. Pardon me?
- 13 Q. Aiken county?
- 14 A. Yes.
- 15 Q. All right. How long have you lived there?
- 16 A. Probably many years. At that location, probably
17 fifteen.
- 18 Q. Okay. And what do you do for a living, Mr. Taylor?
- 19 A. I'm a re -- retired heating and air-conditioning
20 contractor, but I'm a landlord.
- 21 Q. Okay. And how long have you done that?
- 22 A. Fifty years.
- 23 Q. How old are you, Mr. Taylor?
- 24 A. Eighty-two.
- 25 Q. How old were you on October 11, 2019?

1 A. Eighty.

2 Q. And what were you doing that day?

3 A. Pardon me?

4 Q. What were you doing on October 11th of 2019?

5 A. I was sitting in my recliner and watching TV with the
6 kids.

7 Q. What did you do earlier in the day?

8 A. For a living?

9 Q. No, just earlier in the day on October 11th. Do you
10 remember what you were doing?

11 A. Not really. I collected a little rent. On Friday
12 evenings you usually collect a little rent if you're lucky.

13 Q. Okay. And what time did you get home that day?

14 A. Probably around six.

15 Q. When you said you collected rent, do you collect cash
16 payments?

17 A. Cash.

18 Q. Okay. And do you sometimes take that at your house
19 where you live?

20 A. I usually keep it in my wallet and whenever I get a
21 good bit, I put it into my safe.

22 Q. Okay. Did people come to your house to give you
23 money?

24 A. Very little.

25 Q. Okay. Mr. Taylor, I'm gonna show you some pictures.

1 Now has -- has your home always been a house, Mr. Taylor?

2 A. Pardon me?

3 Q. Has your home always been a house or have you used it
4 for something else?

5 A. Yes.

6 Q. Okay. Did you leave your house anytime during the day
7 on October 11th?

8 A. I'm usually in and out.

9 Q. Was there anybody else at your house that day?

10 A. Yes, there were.

11 Q. Who?

12 A. My -- I raised this family basically. It's Jennifer
13 DeLoach, Kayle, the daughter, and Evan and Kevin.

14 Q. And they were at your home?

15 A. Yes.

16 Q. Were they there while you were gone?

17 A. They're in and out. They were there at that time.

18 Q. And, Mr. Taylor --

19 MS. CLEVELAND: Your Honor, may I approach?

20 THE COURT: Yes.

21 BY MS. CLEVELAND:

22 Q. Now, Mr. Taylor, I'm gonna show you what's previously
23 been marked State's Exhibits 2 through 12. If you could
24 take a look at these, please, and tell me what they are.
25 Just take your time.

1 A. That's the front door of my home, that's my front
2 door, that's my living room, that's my recliner, that's
3 the front entrance of my home, the front door from the
4 inside, this is my living room, recliner, this is my office
5 desk, this is going to the hall to my bedroom, this is my
6 bedroom, this is my safe in my bedroom, and this is my safe
7 on the floor beside my bed.

8 Q. Thank you, Mr. Taylor.

9 And are these a fair and accurate representation of
10 what your house looked like on October 11th of 2019.

11 A. Basically the same.

12 MS. CLEVELAND: Your Honor, at this time the State
13 would move to place Exhibits 2 through 12 into evidence.

14 THE COURT: Any objection?

15 MS. STEINER: No objection, Your Honor.

16 THE COURT: Uh-huh. We'll enter those in.

17 (State's Exhibit Numbers 2 through 12, photographs,
18 were admitted into evidence.)

19 MS. CLEVELAND: Your Honor, the State would also
20 move to enter State's Exhibit 13, which is a disc of
21 State's 2 through 12, into evidence at this time.

22 THE COURT: Any objection?

23 MS. STEINER: No objection.

24 THE COURT: All right. What's the number again,
25 13?

1 MS. CLEVELAND: 13.

2 THE COURT: All right. Yes, ma'am.

3 (State's Exhibit Number 13, a CD of photographs,
4 was admitted into evidence.)

5 MS. CLEVELAND: Your Honor, may I publish?

6 THE COURT: Yes.

7 BY MS. CLEVELAND:

8 Q. Now, Mr. Taylor, when you were sitting in your
9 recliner that evening, what happened?

10 A. Well, a lady came to my front door standing between me
11 and the front door, standing talking about -- I'm a mobile
12 home basic dealer and she was asking about her mother's
13 mobile home.

14 Q. Okay.

15 A. All of a sudden my door was kicked in. There was this
16 gentleman holding a gun at my head.

17 Q. And let me stop you right there.

18 A. Pardon me?

19 Q. Let me stop you right there. What -- what did that
20 gentleman look like? What did that gentleman look like?
21 Could you see his face?

22 A. He had a mask on. Had a cover on.

23 Q. So you couldn't see his face?

24 A. No.

25 Q. Did he have a hat on?

1 A. No.

2 Q. Okay. Once he came in with the gun, what, if
3 anything, did he say to you? What did he say to you?

4 A. He asked -- told me to give him my wallet and open my
5 safe.

6 Q. Okay.

7 A. Which I had to get up to go to the -- open the safe.

8 Q. This may seem like a silly question, but did he have
9 permission to be inside your house?

10 A. None. No.

11 Q. Okay. So who -- who else was in the living room with
12 you when this happened?

13 A. I'm not understanding your question.

14 Q. Who else was in the living room with you when this
15 happened?

16 THE COURT: Ask him again.

17 A. Jennifer and one of the kids was in there. One was in
18 the living room, yes.

19 Q. Okay. Mr. Taylor, can you see that screen?

20 A. Pardon me?

21 Q. Can you see the screen?

22 A. Yes.

23 Q. Okay. Now I would like for you to explain to me and
24 the jury what we're looking at. What is that right there?

25 A. What was the question?

1 Q. What -- what are we looking at in that picture?

2 A. The front door of my home.

3 Q. Okay. That's [REDACTED]

4 A. Yes, it is.

5 MS. CLEVELAND: And for the record, Your Honor,
6 that's State's Exhibit 2.

7 BY MS. CLEVELAND:

8 Q. And can you tell us what that is?

9 A. The front door.

10 Q. Now do you remember if that is how your front door
11 looked when Ms. Harshaw came by?

12 A. Yes, it is.

13 Q. Okay.

14 MS. CLEVELAND: And, Your Honor, that is State's
15 Exhibit 3.

16 BY MS. CLEVELAND:

17 Q. What does that show, Mr. Taylor?

18 A. That's my recliner in my living room.

19 Q. Is that where you were seated?

20 A. Yes, it is.

21 MS. CLEVELAND: And that is State's Exhibit 4,
22 Your Honor.

23 BY MS. CLEVELAND:

24 Q. Can you tell us what that is, Mr. Taylor?

25 A. I --

1 Q. Can you tell us what that is?

2 A. That's my living room recliner.

3 Q. And is that your front door right there?

4 A. Yes, it is.

5 MS. CLEVELAND: And that is State's Exhibit 5,
6 Your Honor.

7 BY MS. CLEVELAND:

8 Q. And do you know what we're looking at there,
9 Mr. Taylor?

10 A. Pardon?

11 Q. Can you tell us what that's a picture of?

12 A. No, that's just my front door there.

13 Q. Okay. Can you -- is it just -- what room are we
14 looking at? Where -- where are we standing in relation to
15 your house?

16 A. That's -- that's going through my living room into the
17 bedroom.

18 Q. All right.

19 A. Towards my bedroom.

20 Q. And looking at this picture, Mr. Taylor, can you tell
21 me where the lady was standing?

22 A. Between my recliner and the front door.

23 Q. So you could not see your front door?

24 A. Pardon me?

25 Q. You could not see your front door?

1 A. I could not see the front door.

2 MS. CLEVELAND: And that is State's Exhibit 6,

3 Your Honor.

4 BY MS. CLEVELAND:

5 Q. Can you tell us what that's a picture of?

6 A. That's -- that's my recliner.

7 Q. Can you tell us what's to the left?

8 A. She was standing over looking at this on the left-hand
9 side between the recliner and the door.

10 Q. Okay. And the wall that your TV's on, what's on the
11 opposite side of that wall?

12 A. Yes.

13 Q. What's on the opposite side of that wall? Like behind
14 your -- the wall of your TV.

15 A. Behind the TV is my office.

16 Q. Okay. And what do you do in that office?

17 A. I'm a landlord. I didn't get the question.

18 Q. No, that -- that's a perfectly acceptable answer.

19 A. Yeah.

20 Q. So that's the office you use to work out of? You work
21 out of that office for your landlord business?

22 A. Oh, yes, ma'am.

23 Q. Okay. And that is State's Exhibit Number 7.

24 All right. Can you tell us what this is a picture of,
25 Mr. Taylor?

1 A. That's my office.

2 Q. Okay. All right. Mr. Taylor, do you see in the
3 picture where it has the keys?

4 A. I see my bed -- bed through the back corner, on the
5 right-hand corner.

6 Q. All right. So that's your bedroom?

7 A. That's my bedroom.

8 Q. All right.

9 MS. CLEVELAND: And that is State's Exhibit
10 Number 8, Your Honor.

11 BY MS. CLEVELAND:

12 Q. State's Exhibit 9. Can you tell us what we're looking
13 at, Mr. Taylor?

14 A. That's going towards my bedroom.

15 Q. Okay. State's Exhibit 10.

16 A. That's my bedroom.

17 Q. Okay. And where -- where in your bedroom do you keep
18 your safe?

19 A. On the left-hand side of my bed --

20 Q. Okay.

21 A. -- on the floor.

22 Q. State's Exhibit 11. Can you tell us what that's a
23 picture of?

24 A. That's my safe on the floor on the left-hand side of
25 my bed.

- 1 Q. And, Mr. Taylor, what do you keep in your safe?
- 2 A. Pardon me?
- 3 Q. What do you keep in your safe?
- 4 A. Just legal papers. I have a -- I had a blue folder
- 5 with all my insurance policies and titles and all in there
- 6 in kind of a divider section and it was in the safe. They
- 7 took that. Insurance policies. Legal papers.
- 8 Q. Okay. And, finally, State's Exhibit 12. And can you
- 9 tell me what we're looking at, Mr. Taylor? Can you tell me
- 10 what --
- 11 A. That's my safe.
- 12 Q. Your -- your safe? And what's in that safe right
- 13 there?
- 14 A. Pardon me?
- 15 Q. What's in that safe?
- 16 A. Nothing now.
- 17 Q. When were these pictures taken; do you remember?
- 18 A. I'm assuming when they were investigating.
- 19 Q. Thank you, Mr. Taylor.
- 20 Now, Mr. Taylor, do you normally keep your safe open?
- 21 A. No.
- 22 Q. Do you normally keep the door open?
- 23 A. Never. I --
- 24 Q. Okay. How do you normally have your safe?
- 25 A. I have one key to open it.

1 Q. Okay. So if you can, please, take us back to the
2 night of the incident.

3 How -- thank you, sir. I just didn't want to talk
4 while that was going on.

5 Take me back to the night of the incident. How did
6 your safe get opened?

7 A. Jennifer and I went back there and opened it with my
8 key.

9 Q. Why did you do that? Why did you do that?

10 A. Because they demanded with a gun.

11 Q. Okay. Did anyone follow you back there with you? Did
12 anybody other than you and Ms. DeLoach go back there?

13 A. No. Jennifer went back there with me to open the
14 safe.

15 Q. Okay. Were any of the -- was the man with the gun
16 back there with you? Was the man with a gun in the room
17 with you?

18 A. He was holding the gun on the kids and demanded that I
19 go open the safe.

20 Q. Okay. So after you open the safe, what happens?

21 A. Then they went back and got my folder out and took
22 everything they could out of the safe that was -- like a
23 blue plastic file folder divider and took that out and they
24 left.

25 Q. Okay. When -- when did they grab your wallet?

1 A. When he demanded to go back to get it.

2 Q. Okay. Where was your wallet, Mr. Taylor?

3 A. Pardon me?

4 Q. Where was your wallet?

5 A. My wallet?

6 Q. Yeah, where was it?

7 A. My wallet was in my pocket. While the lady was
8 standing there, I took it out and I slid it down in the
9 recliner and she was standing there and I didn't realize
10 she was involved, so that's when she got the wallet.

11 Q. Okay.

12 A. It was in my recliner.

13 Q. And where was it in your recliner? Where was it in
14 your recliner?

15 A. On the left-hand side down inside the cushion.

16 Q. Okay. And what was in your wallet, Mr. Taylor?

17 A. I had collected some rent. I know I had 1,800 or so
18 cash plus some miscellaneous money. I don't really know.
19 Somewhere -- approximately \$2,000. I don't remember.

20 Q. Okay. Mr. Taylor, I'm gonna show you -- I'm gonna
21 show you what's been previously marked as State's Exhibit
22 Number 1.

23 Your Honor, may I approach?

24 THE COURT: Yes.

25 BY MS. CLEVELAND:

1 Q. Now, Mr. Taylor, do you know what this is?

2 A. Yes, that's a map of my home. Like a county aerial
3 map.

4 Q. Okay. And do you know where your home is?

5 A. [REDACTED] on -- right on Reynolds Pond
6 Road.

7 Q. Okay. Can you point it out on this map?

8 A. Right here.

9 Q. Okay. Is that map how you understand your
10 neighborhood to be, how -- in relation to your home?

11 A. Yes.

12 Q. Okay. And how long have you lived there?

13 A. I've owned this property for many years. Probably
14 since '78.

15 MS. CLEVELAND: Your Honor, the State would move
16 to introduce Exhibit Number 1 into evidence.

17 THE COURT: Any objection?

18 MS. STEINER: No objection.

19 THE COURT: All right. It's admitted.

20 (State's Exhibit Number 1, an aerial map, was
21 admitted into evidence.)

22 MS. CLEVELAND:

23 Q. Mr. Taylor, once the suspects of the robbery left,
24 what did you do?

25 A. Pardon me?

1 Q. What did you do after they grabbed your -- the stuff
2 out of your safe and your wallet and let?

3 A. Wasn't anything to do but call the police.

4 Q. Okay. Did you run outside after them?

5 A. I looked out the door and that was it 'cause I didn't
6 know who was gonna be shooting.

7 Q. Okay. And this may seem like a silly question,
8 Mr. Taylor, I seem to be full of them this morning, when
9 you say it's your home --

10 A. Yes.

11 Q. -- does that mean -- do you live there?

12 A. Sure.

13 Q. Do you sleep there?

14 A. Yes.

15 Q. Okay. You sleep in the room with the safe? Do you
16 sleep in the room with the safe?

17 A. Yes.

18 MS. CLEVELAND: No further questions, Mr. Taylor.
19 If you could, please answer questions the defense may
20 have.

21 THE COURT: Cross.

22 CROSS-EXAMINATION

23 BY MS. STEINER:

24 Q. Mr. Tommy, I'm gonna try to talk as loud as I can, but
25 let me know if you can't hear me, okay?

1 A. You've got to speak up. I'm hard of hearing now.

2 Q. I'm gonna try to talk really loud, so let me know if
3 you can't hear me.

4 A. Yes.

5 Q. Can you hear me now though?

6 A. I can hear you.

7 Q. Okay. You know Mr. Sanders, right?

8 A. Pardon me?

9 Q. You know Christopher Sanders?

10 A. I know of him around the neighborhood. I personally
11 don't know him.

12 Q. But he lived in the neighborhood?

13 A. Yeah.

14 Q. Okay. And you've had a trailer park for about fifty
15 years; is that right?

16 A. Off and on, yes.

17 Q. Okay. And Christopher Sanders has lived there off and
18 on, right?

19 A. Around the neighborhood, yes.

20 Q. There's also a store next to your home; is that right?

21 A. That's right.

22 Q. And you own that store?

23 A. Yes, ma'am.

24 Q. And it's a pretty successful store, just like your
25 trailer park, correct?

1 A. Not really.

2 Q. Not really? But there -- there's some people that
3 come in and out of it, right?

4 A. Yes.

5 Q. Okay. Now you said that sometimes you get money from
6 people, don't you?

7 A. Pardon me?

8 Q. You said sometimes on Fridays you get money from
9 people who live in your trailer park; is that right?

10 A. I go to the trailer -- I go to doors that they're due
11 and collect rent.

12 Q. But sometimes people don't pay you?

13 A. A lot of times.

14 Q. Because there's a lot of poor people that live there?

15 A. Oh, yes.

16 Q. I didn't say this before, but I want to say it now.
17 I'm sorry that you were robbed. And I want to talk about
18 that night, but I'm sorry that you were robbed and I know
19 that it's hard for you to think about a little bit.

20 You talked to the police on October 11, 2019, right?

21 A. Yes.

22 Q. Do you remember who you talked to on October 11th?

23 A. Pardon me?

24 Q. Do you remember the name of the person that you talked
25 to from the police on October 11th?

1 A. I don't remember the names.

2 Q. But you've spoken to a couple of different people from
3 the police, right?

4 A. Yes, investigators.

5 Q. All right. And you've spoken to them a couple of
6 different times, right?

7 A. Yes.

8 Q. So you talked to them on October 11th, right?

9 A. Yes.

10 Q. And you talked with them again a few days later on the
11 14th?

12 A. I'm sure I did.

13 Q. All right. And then you also talked to them again on
14 the 21st of October?

15 A. I don't remember the dates. Probably so.

16 Q. But about two weeks later you talked to them again?

17 A. Yes.

18 Q. All right. Do you remember saying on October 11th
19 that you didn't know whether it was a girl or a guy that
20 came in?

21 A. I don't remember the names.

22 Q. On October 11th when you were being robbed, the people
23 that came in, could you tell what genders they were?

24 A. No.

25 Q. On October 21st, so about two weeks later after the

1 incident, when you spoke with Investigator Savell -- do you
2 remember speaking with him?

3 A. No, I do not. I know I did. I talked to so many
4 different officers and all there, but I don't remember.

5 Q. Okay. Did you ever contact Investigator Sil -- Savell
6 by yourself?

7 A. I'm sure I did, but I don't -- I can't say for sure.

8 Q. All right. You don't remember why you contacted him?

9 A. No.

10 Q. Okay. You didn't know who was pointing a gun at you,
11 did you? Did you know who was pointing a gun at you?

12 A. No.

13 Q. A few minutes ago you said that the girl took the
14 wallet from you.

15 A. The lady was standing beside my chair and she saw me
16 taking my wallet and slide it into my recliner and I'm
17 assuming she took it.

18 Q. Okay.

19 MS. STEINER: All right. Thank you very much,
20 Mr. Taylor.

21 THE WITNESS: Uh-huh.

22 THE COURT: All right. Any redirect?

23 MS. CLEVELAND: None, Your Honor.

24 THE COURT: All right.

25 Mr. Taylor, you may now be excused.

1 THE WITNESS: Pardon me?

2 THE COURT: You -- you may be excused from the
3 bench now.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Thank you.

6 THE WITNESS: I appreciate it.

7 (Witness excused.)

8 THE COURT: The State can call --

9 MS. HAMMACK: Your Honor, may -- may the witness
10 be excused, Your Honor?

11 THE COURT: The witness can be excused.

12 MS. HAMMACK: Thank you, Your Honor.

13 THE COURT: The State's witness.

14 MS. HAMMACK: The State calls Deputy Carl Patrick.

15 THE CLERK: Raise your right hand.

16 (Whereupon, Carl Patrick was duly sworn by the
17 Clerk of Court.)

18 THE CLERK: Okay. You can go have a seat in
19 the witness box. And I'll need you to spell your last
20 name.

21 THE WITNESS: P-A-T-R-I-C-K.

22 CARL PATRICK,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. HAMMACK:

1 Q. Deputy Patrick, I'm gonna let you take your mask off
2 so that everybody can hear you. And I know we're inside,
3 but I'm gonna need you to talk real loud so that everybody
4 all the way in the back can hear you, okay?

5 A. Okay.

6 Q. Can you tell this jury what do you do for a living?

7 A. I'm a deputy with Aiken County Sheriff's Office.

8 Q. And how long have you been doing that?

9 A. I've been with the sheriff's office since October of
10 2018.

11 Q. Of what year?

12 A. 2018.

13 Q. '18? All right. And were you working for the
14 sheriff's office on October 11th of 2019?

15 A. Yes, ma'am.

16 Q. On October 11, 2019, what area of Aiken county were
17 you working?

18 A. I was working the north side, Zone 4.

19 Q. Now can you tell the jury what the north side and what
20 Zone 4 encompasses?

21 A. Everything -- the Interstate, Columbia Highway North,
22 Edgefield Highway, all that good stuff.

23 Q. And how long did you work Zone 4?

24 A. Probably about a year.

25 Q. And as a deputy, when you're working your zone, what

1 does that mean you do during your shift?

2 A. Patrol the county and answer calls for service.

3 Q. And as you're patrolling the county, does that just
4 mean you're driving the road and passing the homes and the
5 businesses in your area?

6 A. Yes, ma'am.

7 Q. And in doing that every day that you worked, did that
8 make you familiar with that area?

9 A. Yes, ma'am.

10 Q. Deputy Patrick, I'm gonna show you what's been
11 premarked as State's Exhibit 14. Will you take a look at
12 it for me?

13 A. Yes, ma'am. Okay.

14 Q. What is that?

15 A. It's what we call Shiloh Heights, Pipeline to Reynolds
16 Pond.

17 Q. Now I'm -- I'm gonna ask you an even easier question.
18 Quite literally, what is that in your hand, that piece of
19 paper?

20 A. A map.

21 Q. Okay. And -- you kind of jumped the gun for me there
22 a little bit. What is it a map of?

23 A. Shiloh Heights, Reynolds Pond, Pipeline area.

24 Q. Is that part of your zone that you worked for over a
25 year and were working back in 2019?

1 A. Yes, ma'am.

2 Q. And you say it includes the Reynolds Pond and Pipeline
3 Road area?

4 A. Yes, ma'am.

5 Q. Are you familiar with some of the landmarks in that
6 area?

7 A. Yes, ma'am.

8 Q. Are you familiar with [REDACTED] [REDACTED]

9 A. Yes, ma'am.

10 Q. Are you familiar with a store on Pipeline Road?

11 A. Yes, ma'am.

12 Q. Do you know the name of that store?

13 A. The Ridgecrest.

14 Q. The Ridgecrest? Okay. Is that what -- is that the
15 easy name for it?

16 A. Yes, ma'am.

17 Q. Okay. Is -- and does that map show that general area?

18 A. Yes, ma'am.

19 Q. None of those roads have been move or changed or
20 anything since you worked there?

21 A. No, ma'am.

22 MS. HAMMACK: Your Honor, at this time we would
23 move State's Exhibit 14 into evidence.

24 THE COURT: Any objection to 14?

25 MS. CARTER: No objection, Your Honor.

1 THE COURT: Thank you.

2 (State's Exhibit Number 14, a map, was admitted
3 into evidence.)

4 MS. HAMMACK: And, Your Honor, we have a digital
5 copy of State's 14 that we would like to enter at this
6 time. The defense has viewed it to confirm. That is
7 State's 15.

8 THE COURT: Very good.

9 (State's Exhibit Number 15, CD of map, was admitted
10 into evidence.)

11 MS. HAMMACK: And, Your Honor, if I can, I would
12 like to publish State's 15 to the jury.

13 THE COURT: Yes, ma'am.

14 BY MS. HAMMACK:

15 Q. Deputy Patrick, what I'd like for you to do is come
16 step down for me --

17 A. Yes, ma'am.

18 Q. -- because as the jury is looking at this, I want you
19 to be able to show them what we're talking about.

20 A. Okay.

21 Q. All right. Deputy Patrick, I'm showing you what was
22 just entered into evidence. This is State's Exhibit 15
23 showing a digital copy of State's 14, which was that paper
24 map. You indicated that this was part of your zone that
25 you patrolled in 2019. Can you show the jury on that map

1 the main roads that we're looking at?

2 A. This is gonna be Reynolds Pond right here.

3 Q. And let me stop you real quick. The wonderful lady
4 sitting behind you typing has to be able to hear what you
5 say and you're a lot farther from her now, so you've got to
6 talk real loud.

7 A. So the top road we see right here is Reynolds Pond
8 Road and the road going down you see right here is
9 Pipeline.

10 Q. So for the record you are indicating that top gray
11 line running parallel to the top of the screen as Reynolds
12 Pond and then the road running diagonally down the right
13 side of that screen you are identifying as Pipeline Road?

14 A. Yes, ma'am.

15 Q. When you were work -- were you working on October 11,
16 2019?

17 A. Yes, ma'am.

18 Q. Were you working dayshift or nightshift?

19 A. Nightshift.

20 Q. Did you happen to respond out to a call from Reynolds
21 Pond that night?

22 A. Yes, ma'am.

23 Q. And where did you have to respond to?

24 A. [REDACTED] [REDACTED]

25 Q. Can you show the jury where [REDACTED] [REDACTED]

1 is?

2 A. It is right here in the top left corner.

3 Q. When you responded out to Reynolds Pond -- well, let
4 me ask you this. You mentioned some other landmarks. We
5 see a bunch of houses and buildings on that map. Where is
6 that Ridgcrest store you were talking about?

7 A. It is right here on the bottom left.

8 Q. All right. I'm gonna move over to State's Exhibit 1
9 very quickly. Now can you tell the jury what we're looking
10 at in -- in State's 1?

11 A. Just a zoomed in map of Reynolds Pond and Oakwood
12 Drive.

13 Q. And the top road or gray line running diagonally from
14 the left side of the screen up to the top of the screen,
15 what road is that?

16 A. That's Reynolds Pond Road.

17 Q. Can you see [REDACTED] in that picture?

18 A. Yes, ma'am.

19 Q. Can you show the jury where that's at?

20 A. It'd be right here.

21 Q. And that's where you responded that night?

22 A. Yes, ma'am.

23 Q. Thank you, Deputy Patrick. I'm gonna have you go back
24 to your seat now.

25 A. (Witness complies.)

1 Q. Do you remember what time you got called out to [REDACTED]
2 [REDACTED] that night?

3 A. I believe it was about 10:00.

4 Q. Was it dark?

5 A. Yes, ma'am.

6 Q. So when you first come on your shift, is it --
7 depending on the time of year, is it always necessarily
8 dark when you first come on?

9 A. No, ma'am.

10 Q. Had you been working for a minute before you got that
11 call that night?

12 A. Yes, ma'am.

13 Q. So when you responded out to Reynolds Pond, what kind
14 of call were you told to go out to?

15 A. I believe they put it out as a home invasion.

16 Q. Were you the first law enforcement officer there?

17 A. Yes, ma'am.

18 Q. What did you see when you got to [REDACTED]
19 [REDACTED] that night?

20 A. I observed Mr. Taylor to be standing on the front
21 porch and several other people inside of the residence that
22 seemed to be very distraught.

23 Q. And I forgot to ask you. When we're talking about
24 Reynolds Pond Road, is that here in Aiken county?

25 A. Yes, ma'am.

1 Q. Because you work for Aiken County and not some other
2 county?

3 A. Yes, ma'am.

4 Q. All right. So you get to [REDACTED]
5 and you see Mr. Taylor and some other people and you say
6 they're upset. Did you try to get any information as to
7 whether that scene and house was safe?

8 A. Yes, ma'am.

9 Q. Is that what you do every time you respond to a call?

10 A. Yes, ma'am.

11 Q. This may sound like an odd question, but why is it
12 that the first thing you do is to make sure everything's
13 safe?

14 A. For other law enforcement that are coming on-scene and
15 obviously the victims that are on the scene to make sure
16 they're safe.

17 Q. And do you go walking around or letting civilians go
18 walking around until you know a scene is safe?

19 A. No, ma'am.

20 Q. Were you able to determine if this scene was safe?

21 A. Yes, ma'am.

22 Q. Did you talk to Mr. Taylor and the people there to ask
23 if there was anybody else still there?

24 A. Yes, ma'am.

25 Q. And were anybody -- I don't know that that's the right

1 grammar. Was anybody still there that wasn't supposed to
2 be?

3 A. No, ma'am.

4 Q. At that time did you go in the house?

5 A. Yes, ma'am. I went -- I stepped into the threshold
6 of the door with Mr. Taylor.

7 Q. And you said that there were some other people there.
8 Were you able to find out who those other people were?

9 A. Yes, ma'am.

10 Q. Who else was there?

11 A. It was, I guess, Mr. Taylor's girlfriend's children
12 that were there.

13 Q. All right. Do you remember their names?

14 A. Um, I believe they all had the same last. Ms. -- they
15 all were related to Ms. DeLoach. Jennifer DeLoach was his
16 girlfriend, then you had Evan DeLoach, Tearren DeLoach and
17 Kayle DeLoach.

18 Q. Okay. And when you talked to them -- you said you got
19 called for a home invasion. When you get on-scene, do you
20 try to talk to witnesses to get more information?

21 A. Yes, ma'am.

22 Q. Were they able to give you an idea of what had just
23 happened?

24 A. Yes, ma'am.

25 Q. And did you take statements from each of them?

1 A. Yes, ma'am.

2 Q. Were they able to give you a description of who came
3 to that house?

4 A. Yes, ma'am.

5 Q. Were they able to describe what these people were
6 wearing or what they looked like?

7 A. Some of the individuals that came to the house they
8 were able to give me a pretty good clothing description.

9 Q. And you say some of the people. Did they des -- did
10 they give a -- a number of people that came to the house
11 that weren't supposed to be there?

12 A. Yes, ma'am. I believe it was four people.

13 Q. All right. Were they able to give you names of any of
14 those four people?

15 A. No, ma'am.

16 Q. And during the course of your initial investigation
17 into this, was there any information you had as far as
18 like a weapon or anything that would make it an unsafe
19 situation?

20 A. Yes, ma'am.

21 Q. Were you able to get a description of that weapon?

22 A. I believe they stated to me it was a black handgun.

23 Q. So not -- not a super detailed description?

24 A. No, ma'am.

25 Q. Were you able to find a black handgun?

1 A. No, ma'am.

2 Q. Were you able to get any information from the
3 witnesses on-scene about anything that had been taken from
4 the house?

5 A. Yes, ma'am.

6 Q. And what was that?

7 A. \$2,000 in U.S. currency and several vehicle titles and
8 a wallet that belonged to Mr. Taylor.

9 Q. Now, Deputy Patrick, once you came on-scene and made
10 sure it was safe for everybody, identified who was there
11 and got the information that you could from the people
12 on-scene, what was your next step?

13 A. I notified my supervisor.

14 Q. And is that standard when you've got a big situation
15 like this?

16 A. Yes, ma'am.

17 Q. And once you notified your supervisor, did you stay
18 on-scene to brief anybody else that showed up?

19 A. Yes, ma'am.

20 Q. Did you collect any other evidence or touch anything
21 else while you were there?

22 A. No, ma'am.

23 Q. Give me just a second, Deputy.

24 MS. HAMMACK: Deputy Patrick, I don't have any
25 more questions for you. Answer any questions that

1 Ms. Carter may have for you.

2 THE WITNESS: Okay.

3 THE COURT: Cross.

4 CROSS-EXAMINATION

5 BY MR. CARTER:

6 Q. Good morning, Deputy Patrick.

7 A. Good morning.

8 Q. All right. I just have a few questions for you today.

9 A. Okay.

10 Q. You stated you've been working for the Aiken County
11 Sheriff's Office for about three years?

12 A. Yes, ma'am.

13 Q. Since October 2018?

14 A. Yes, ma'am.

15 Q. And for about a year you'd been working this area,
16 Zone 4?

17 A. Yes, ma'am.

18 Q. Is it a very active area?

19 A. Yes, ma'am.

20 Q. And so what type of calls do you usually get regarding
21 the area?

22 A. They're all over the board. Burglaries, B&E autos,
23 domestic disturbances.

24 Q. Okay. So as I already stated, you've been working
25 there for about three years?

1 A. Yes, ma'am.

2 Q. And so during that time you've learned everything that
3 you needed to do in order to complete a -- a crime scene,
4 to complete what you have to do?

5 A. Yes, ma'am.

6 Q. Okay. So one of the things you have to do is, which
7 you already stated, was take statements from the witnesses
8 and you did that. What about a crime scene census? Did
9 you take one of those?

10 A. Yes, ma'am.

11 Q. Okay. And what about -- since you were the first one
12 to arrive on the scene, right, did you tape off the area?

13 A. No, ma'am.

14 Q. And also did you call investigations?

15 A. My supervisor contacted investigations.

16 Q. And how many super -- how many investigators arrived;
17 do you remember?

18 A. I believe it was two.

19 Q. Okay. So you were the first on the scene at [REDACTED]

20 [REDACTED] --

21 A. Yes, ma'am.

22 Q. -- on October 11, 2019?

23 A. Yes, ma'am.

24 Q. Thank you. And a -- another duty is that you have to
25 know how to properly operate and work the body-worn camera,

1 right?

2 A. Yes, ma'am.

3 Q. Okay. And also the dash cam that's in the car,
4 you --

5 A. Yes, ma'am.

6 Q. Okay. So if you are supposed to do those things, then
7 did you turn -- turn those things over to, you know, the
8 investigations and everything?

9 A. Yes, ma'am.

10 Q. Do we have -- okay. So when did you do that?

11 A. It would have probably been within ten days after the
12 call.

13 MS. CARTER: I beg the Court's indulgence.

14 BY MS. CARTER:

15 Q. Did you observe any of the evidence that was
16 collected?

17 A. No, ma'am.

18 Q. Okay. Did you see any of it?

19 A. No, ma'am.

20 Q. So you didn't see it at all, didn't look at it at all?

21 A. No, ma'am.

22 MS. CARTER: All right. No further questions,
23 Your Honor.

24 THE COURT: Any redirect?

25 MS. HAMMACK: Very briefly, Your Honor.

1 REDIRECT EXAMINATION

2 BY MS. HAMMACK:

3 Q. Deputy Patrick, when you perform a traffic stop on
4 somebody that's speeding on the road, does your dash cam
5 come on?

6 A. Yes, ma'am.

7 Q. And your dash cam in your car, does it show what's
8 directly in front of your car?

9 A. Yes, ma'am.

10 Q. Is that so when you have a traffic stop you can see
11 the vehicle and the driver in front of you, right?

12 A. Yes, ma'am.

13 Q. If you park your vehicle on the road to go in a house
14 because something's happened in a house, what's that dash
15 cam gonna show?

16 A. The side of the road.

17 Q. With regards to your body cam, does your body cam show
18 whatever's in front of you?

19 A. Yes, ma'am.

20 Q. Can it show something that has previously happened
21 when you weren't there?

22 A. No.

23 Q. And as far as observing evidence or -- or collecting
24 any evidence, did Mr. Taylor walk you back to his bedroom
25 and show you a safe?

1 A. Yes, ma'am.

2 Q. Is that part of why you called you supervisor to
3 have investigations come so that they could deal with the
4 evidence?

5 A. Yes, ma'am.

6 MS. HAMMACK: Thank you, Deputy.

7 THE COURT: All right. This witness is excused.

8 (Witness excused.)

9 THE COURT: The statement -- the State's next wit
10 -- the State's next witness.

11 MS. CLEVELAND: The State would call Ms. Jennifer
12 DeLoach.

13 I beg the Court's indulgence. Ms. DeLoach -- we
14 had to sequester all of our witnesses, so she's in the
15 basement. We're -- we're going to get her.

16 THE COURT: All right.

17 At this time, let's take a -- let's take a bathroom
18 break.

19 Do the jurors need a bathroom break?

20 Okay. All right. Let's take a ten minute
21 bathroom break and that will give us enough time to
22 get Ms. DeLoach on.

23 (Recess taken at 11:58 AM.)

24 (Back on the record at 12:12 PM.)

25 THE COURT: Please be seated. Please be seated.

1 Bring the --

2 MS. STEINER: Your Honor, before we bring the
3 jury in, there's one thing that I want to put on the
4 record.

5 THE COURT: Yes, ma'am.

6 MS. STEINER: While we had the break, not all of
7 the jurors elected to leave the courtroom, so there
8 were about four or five jurors that stayed behind in
9 the pews and then the clerks asked that the bailiffs
10 ask them all to leave, so they did stay behind for a
11 little bit.

12 THE COURT: Uh-huh.

13 MS. STEINER: If we could just make sure that all
14 the jurors leave the courtroom, I would appreciate that.

15 THE COURT: All right. Yes, I thought I asked for
16 them to be escorted out, maybe I did not, but we will
17 make -- we will ensure that the jury is -- is let out
18 in totality.

19 All right. Thank you, Ms. Steiner.

20 MS. STEINER: Thank you, Your Honor.

21 THE COURT: All right. Can we, please, bring the
22 jury back in.

23 Can we bring the jury back in?

24 (Whereupon, the jury return to the courtroom at
25 12:13 PM.)

1 THE COURT: All right. State, please call your
2 next witness.

3 MS. CLEVELAND: Thank you, Your Honor.

4 The State would call Jennifer DeLoach.

5 THE CLERK: Raise your right hand.

6 (Whereupon, Jennifer Mae Duncan DeLoach was duly
7 sworn by the Clerk of Court.)

8 THE CLERK: Have a seat in the witness box.

9 State your full name for the Court, spelling your
10 last. Please watch your step.

11 Please state your full name.

12 THE WITNESS: Jennifer Mae Duncan DeLoach.

13 Jennifer Mae Duncan DeLoach, D-e-L-o-a-c-h.

14 UNIDENTIFIED VOICE: You don't have to...

15 THE WITNESS: Okay. Sorry.

16 JENNIFER MAE DUNCAN DeLOACH,
17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. CLEVELAND:

20 Q. Thank you, Ms. Deloach. How are you?

21 A. I'm doing okay.

22 Q. I'm gonna stay back here to make sure that I'm
23 speaking loud enough and that the jury can hear you.

24 A. Okay.

25 Q. You're doing real good.

1 Ms. DeLoach, how do you know Mr. Tommy Taylor?

2 A. We've had kind of a, I guess, live together
3 relationship for the past ten years or so.

4 Q. Okay. So you occasionally stay at his house?

5 A. Yes, ma'am.

6 Q. Okay. Who else stays there with you?

7 A. My children. Not now, but before all my kids stayed
8 there. Right now my daughter stays there.

9 Q. Okay. And how old are your children?

10 A. The oldest one will be twenty-four June 24th; the
11 second one will be twenty-three September 26th; the third
12 one will be twenty-two November 3rd; and my daughter will
13 be nineteen on August the 9th and my youngest daughter will
14 be sixteen on September the 9th.

15 Q. And were you staying at Mr. Tommy Taylor's house on
16 October 11th of 2019?

17 A. Yes, ma'am.

18 Q. All right. And in the evening hours, what were you
19 doing?

20 A. I was in the bathroom putting -- I just got out of
21 the shower and I was fixing my face, putting makeup on.

22 Q. Okay. What brought you out of the bathroom?

23 A. I heard a loud bang or a loud booming noise.

24 Q. Okay. Did you run out to investigate?

25 A. Yeah. I came out and was kind of -- said what the

1 hell and -- and -- well, as I was coming out the door, I
2 said -- I started kind of cussing a little and said what
3 the hell 'cause it scared me.

4 Q. And what did you see?

5 A. I saw a man coming through the -- through the door
6 with a blue bandana and a gun pointed like this.

7 Q. And if you could just -- you can take your mask all
8 the way off.

9 A. Okay.

10 Q. You've got all that plexiglas around you.

11 A. Yes, ma'am.

12 Q. You're good. You say it was a man. Are you sure that
13 it was a man?

14 A. Yeah. Yes.

15 Q. Okay. Can you describe what he looked like?

16 A. He was average build. He had short hair, a blue
17 bandana and a big black gun. I was --

18 Q. What kind of gun was it? Was it a rifle, a hand --

19 A. No, it was like a -- it was a handgun.

20 Q. Okay.

21 A. It had --

22 Q. Was it a revolver or a -- do you remember?

23 A. I'm not -- I -- I would guess -- well, I mean, it
24 was -- it was kind of big for a gun. Was maybe a .38 or
25 something like that I'm thinking, but I could be incorrect

1 about that.

2 Q. Okay. When he came in, what did he do?

3 A. He aimed the gun at Mr. Taylor and he said where's the
4 money, where's the money, where's the safe, old man, give
5 me the money.

6 Q. And what did you do at that time?

7 A. I -- Tommy kept saying there isn't a safe, there's
8 isn't any money, and I just -- at that time I said Tom --
9 after he repeatedly said that and was getting angry and
10 angrier, I said Tommy, just give him the key, give him the
11 key.

12 Q. Okay. Did anybody else come in the house?

13 A. My daughter was -- I guess she kind of followed me
14 out. My -- I didn't know where my two sons was, but my
15 daughter was in the living room whenever that happened, I
16 believe. I mean, she was amidst Mr. Taylor and there was
17 another woman that was already sitting in the living room.
18 Whenever I walked in and saw the one with a gun, I saw a
19 woman sitting on -- right here on the side. I knew her
20 'cause I had went to work at Amick Farms with her and she
21 had came the day before 'cause Mr. Taylor had sold a car
22 for like \$3,000 and I guess she had came up there the day
23 before asking about a rental or -- I can't remember exactly
24 what it was and she was already sitting there and then
25 there was the man that had the gun, then there was another

1 person that had followed behind him. I couldn't tell if
2 that was a man or a woman. I know --

3 Q. So it was the second person that came in after the man
4 with the gun that you weren't sure if that was a man --

5 A. A man or a woman. Whatever it was, it had kind of
6 long hair and was kind of light-skinned, so -- but, yeah, I
7 couldn't really tell. My eyes were more on the man with
8 the gun.

9 Q. Okay. So after you told Mr. Taylor to give the man
10 with the gun the key, what happened?

11 A. Me and my daughter led him back to the bedroom where
12 the safe was located and I tried to get the safe open and
13 I couldn't. I don't remember what all. He was really
14 impatient, come on, come on, and then I -- I said I can't
15 get it open. I handed it to my -- I handed the key to my
16 daughter and she couldn't get it open, which she at the
17 point held the key and was actually kind of, I guess -- she
18 said you open it because he kept yelling and saying get it
19 -- come on, get it open, get it open, give me the money,
20 give me the money, and she couldn't get it open. At one
21 point he said come -- don't make me go blow that old man --
22 don't make me blow that old man's brains out, at which
23 point I got the key back and tried to open the safe and got
24 it open. Mr. Taylor usually kept like a little .22 pistol
25 and he -- he would put it up. I thought the pistol was in

1 there when I opened it 'cause I had planned to -- to pull
2 it out, but he didn't have any money or any -- the pistol
3 or anything else.

4 Q. What -- what did they take out of the safe?

5 A. He had all his titles, his will, his important
6 business papers. Like the agreements, car titles, land,
7 real estate, property.

8 Q. So that was the only thing that was inside the safe?
9 That was the only thing in the safe at the time?

10 A. Yes.

11 Q. All right. What happened once they got the contents
12 out of the safe?

13 A. The man appeared more agitated because there wasn't
14 any money in there. We went back into the -- into the
15 living room area and he -- he asked for his wallet, at
16 which point he was asking for his wallet. Give me your
17 wallet, give me your wallet, give me your money, give me
18 money now, and Tommy kept saying I don't have it, I don't
19 have any money, I don't have my wallet. Mr. Taylor usually
20 had a -- a dummy wallet he would keep in the bedroom in
21 case somebody would try to rob him or anything like that
22 happened, at which point I didn't know at that time he had
23 stuck his real wallet in the chair, so I knew whenever he
24 went to the bedroom I was hoping and thinking in mind I
25 hope he don't hand that man that, that wallet didn't have

1 any money in it, 'cause the man was already agitated and
2 acting like he was gonna shoot Mr. Taylor. I was -- I
3 was just freaking out 'cause I didn't know where my --
4 all of my children were. My daughter was there with me in
5 the living room, at which point he -- he had the gun at
6 Mr. Taylor's head. He kept saying give me your wallet,
7 give me your wallet, give me your money, give me your money
8 now, old man, I'm fixing to hurt you. He led Tommy -- and
9 I said -- Tommy kept saying I ain't got no money, I don't
10 have my wallet, I don't have -- I said Tommy, just give
11 them your wallet, and he had the gun like that and he kind
12 of grabbed him by the side.

13 And the bedroom -- there's a bedroom in the back. The
14 office area is kind of right here. There's a bedroom this
15 way and a bathroom and there's a -- Tommy's bedroom is off
16 to the -- to the right right there.

17 Q. And is Tommy's bedroom the bedroom with the safe?

18 A. Yeah. So Tommy starts taking him back that way to
19 give him, I guess, that dummy wallet, which at the time
20 I didn't know what he was -- I figured he was giving
21 him the dummy wallet, but I don't -- because I didn't
22 under --

23 Q. How did -- how did they find Mr. Taylor's real wallet?

24 A. That was down in the chair. I didn't know he had
25 stuck it down there, but he had told me later that only --

1 Q. I don't want you testifying to anything that you don't
2 know from personal experience.

3 A. Oh, okay.

4 Q. I don't want you guessing at anything. So if you
5 don't know, you can just say that.

6 A. I don't know. I don't know. I don't know.

7 Q. Okay. Once the robbery was over, what happened?

8 A. We called 9-1-1. I called 9-1-1 and was talking to
9 them. First thing that I did once they went out the door
10 was try to find Tommy's gun to go after them. His rifle
11 is a 36 and I had 9-1-1 on the -- on the phone with me.
12 At that -- there was a girl. The girl that was already
13 sitting on the couch, she -- she was still there. All the
14 rest --

15 Q. So she didn't leave at the same time as the others?

16 A. No, she didn't leave at the same time the other ones
17 did.

18 Q. Did you see which way they -- they left? Did you see
19 how they left out?

20 A. No. When they did leave, I -- I was -- I was sitting
21 -- Tommy and the man had went to the back to go to the
22 bedroom. I didn't see them. I heard a loud thump and a
23 loud booming -- booming noise, which scared me, and I
24 thought that he maybe hit somebody in the head with the gun
25 'cause it sounded like a thump. I started yelling at that

1 point and said -- started yelling hey and da-da-da and the
2 man -- 'cause you couldn't see from the wall -- the half
3 wall right here. The man kind of stuck his head like that
4 and looked at me like I was crazy, at which point he said
5 bitch, I'll blow your G-D brains out. When he said that,
6 I heard a voice coming from outside that said come on, man,
7 we got to go, and I heard the sirens in the background. He
8 took out the door. I'm thinking he went -- I'm -- I don't
9 know which way.

10 Q. If you don't know, I don't want you to --

11 A. I don't know which way he went, but I just --

12 THE COURT: Hold on, Ms. DeLoach.

13 Ms. DeLoach, I want you to let Ms. Cleveland finish
14 her question because our court reporter needs to get both
15 of you, okay?

16 THE WITNESS: Okay.

17 BY MS. CLEVELAND:

18 Q. And I know that you're probably nervous. I
19 understand. If you could just slow down --

20 A. Okay.

21 Q. -- a little bit for me. She's got to type everything
22 out and --

23 A. Yes, ma'am.

24 Q. -- we really need to be able to understand what you're
25 saying.

1 A. Okay.

2 Q. So I want to back you up a little bit. They said --
3 the one with the gun said I'm going to blow your brains
4 out?

5 A. Yes, ma'am.

6 Q. Were you fearful at that point?

7 A. Um, yes, and -- I was fearful and angry because I have
8 PTSD. I've been through a lot of traumatic things, so
9 whenever -- I was more just upset whenever I heard the
10 noise, so I really reacted in a -- in a way that I just was
11 freaking out, I guess.

12 Q. And, Ms. DeLoach, you have a little bit of a criminal
13 history; is that correct?

14 A. Yes, ma'am.

15 Q. Okay. Were you convicted in 2018 of use of vehicle
16 without permission?

17 A. Yes, ma'am.

18 Q. Okay. And were you convicted of a drug possession in
19 2020?

20 A. Yes, ma'am.

21 MS. CLEVELAND: All right, Ms. DeLoach. I don't
22 have anymore questions for you. If you could, please,
23 answer any questions the defense may have.

24 THE WITNESS: Okay.

25 THE COURT: Cross.

1 CROSS-EXAMINATION

2 BY MS. CARTER:

3 Q. Good afternoon, Ms. -- Ms. DeLoach.

4 A. Good afternoon.

5 Q. All right. I just have a few questions for you today.

6 A. Yes, ma'am.

7 Q. On October 11, 2019, you spoke with Deputy Patrick?

8 Do you remember speaking with an officer about the
9 incident?

10 A. Yes, ma'am.

11 Q. Okay. And on that day you told this officer that you
12 saw a light-skinned girl on the couch?

13 A. Yes, ma'am.

14 Q. Okay. And you also said you saw a black male that
15 same day --

16 A. Yes, ma'am.

17 Q. -- come into the house?

18 A. Yes, ma'am.

19 Q. Okay. Do you remember telling the officer -- giving
20 him a different description of how the -- the black male
21 was made up, like his build, his hi -- his height? Do you
22 remember telling something different?

23 A. Than what I testified to?

24 Q. Yes.

25 A. I might have said, which I dis -- that he was a little

1 bit more -- I know he wasn't a small person. I know that
2 he was about average or a little bit taller than average
3 and he had short hair and he was black.

4 Q. Okay. So he was -- you're saying he was a tall black
5 male?

6 A. Um, about average or a little bit taller.

7 Q. Okay. Okay. And you also stated that that black male
8 was wearing a blue bandana?

9 A. A blue bandana, yes, ma'am.

10 Q. And he was the one that also had the gun?

11 A. Yes, ma'am.

12 Q. Okay. And you talked about the safe earlier. Had you
13 ever opened the safe yourself?

14 A. Yes, ma'am.

15 MS. CARTER: I beg the Court's indulgence.

16 No further questions, Your Honor.

17 THE COURT: Any redirect?

18 MS. CLEVELAND: None, Your Honor.

19 May this witness be excused?

20 THE COURT: Yes.

21 Thank you, Ms. DeLoach.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 THE COURT: The State's next -- next witness.

25 MS. HAMMACK: The State calls Kayle DeLoach.

1 (Pause in proceedings.)

2 THE COURT: Members of the jury, thank you for
3 your patience. We -- due to our COVID restrictions we
4 have to place the witnesses in different areas of the
5 building, so it does take some time to bring them up.

6 MS. HAMMACK: Thank you, Your Honor.

7 THE CLERK: Please raise your right hand.

8 (Whereupon, Kayle DeLoach was duly sworn by the
9 Clerk of Court.)

10 THE CLERK: Have a seat in the witness box. State
11 your full name for the Court, spelling your last. If
12 you'll go around this way for me, please.

13 THE WITNESS: I'm sorry, what would you like me --

14 THE CLERK: State your full name for the Court,
15 spelling your last.

16 THE WITNESS: Kayle Deloach, D-e-L-o-a-c-h.

17 KAYLE DeLOACH,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HAMMACK:

21 Q. And, Kayle, I'm gonna get you to do two things for me
22 right quick. I'm gonna let you take your mask off so that
23 everybody can hear you. And you spell your first name a
24 little differently, so I'm gonna have you spell that for
25 our record as well.

- 1 A. K-A-Y-L-E.
- 2 Q. Thank you, Kayle. And you're doing a really good job
3 of talking into that microphone, but I may tell you -- I
4 may remind you to do that as we go along.
- 5 A. All right.
- 6 Q. Kayle, tell the jury how are you?
- 7 A. I'm nineteen.
- 8 Q. And back in 2019, were you living at [REDACTED]
9 [REDACTED]
- 10 A. Yes, ma'am.
- 11 Q. And who were you living there with?
- 12 A. Thomas Taylor.
- 13 Q. Was anybody else staying there with you?
- 14 A. No.
- 15 Q. Would your momma come and stay sometimes?
- 16 A. She would.
- 17 Q. Would your brothers come and stay sometimes?
- 18 A. Yes, ma'am.
- 19 Q. Okay. Back on October 11, 2019, were you at the house
20 that night?
- 21 A. Yes, ma'am.
- 22 Q. Do you remember what you were doing that night?
- 23 A. I was watching TV.
- 24 Q. Jennifer, this is a -- or -- Jennifer. Sorry. Your
25 mom was just in here. Kayle, this is a funny question, but

1 do you remember what you were watching?

2 A. I don't.

3 Q. Okay. It was two years ago. I figured I'd just ask.
4 While you were watching TV, did something out of the
5 ordinary happen?

6 A. Yeah, there was a -- a lot of commotion and stuff and,
7 you know, then the robbery.

8 Q. All right. And I'm gonna remind you to speak really
9 loud so that everybody can hear you back here. You said
10 there was a commotion. Was there enough of a commotion to
11 make you think that something wasn't right?

12 A. Yes, ma'am.

13 Q. And when you heard this commotion, what did you do?

14 A. I listened for a while to try to see what was going on
15 before going to see myself.

16 Q. And let me ask you, where were you in the house?

17 A. I was in the back bedroom.

18 Q. All right. So when you're -- when you're in the
19 house, when you say the back bedroom, how close were you to
20 the living room?

21 A. Um, I could really just open the door and see the
22 front door from the living room.

23 Q. Kayle, I'm gonna show you what's already been entered
24 as State's Exhibit 6. Do you recognize that?

25 A. Yes, ma'am.

1 Q. Is that the view you're talking about?

2 A. Not that view, but that door.

3 Q. Is -- is that the doorway you would have come through
4 to go to living room from where you were?

5 A. Yes.

6 Q. Kayle, give me just a second. I want to make sure
7 the jury can see what you're talking about. So, Kayle, I
8 -- I just showed you what's been entered into evidence as
9 State's Exhibit 6 and now I'm gonna pull up a picture of it
10 on this computer screen so you can explain to the jury.
11 From the back bedroom that you were in, if you were gonna
12 go to the living room, is this what you would have seen as
13 you went to the living room?

14 A. Yes, ma'am.

15 Q. And when you heard this commotion, where was that
16 commotion coming from?

17 A. It was coming from the living room.

18 Q. Did you go to the living room after you heard the
19 commotion?

20 A. Yes, I did.

21 Q. So is this the view that you had into the living room?

22 A. Yes, ma'am.

23 Q. What did you see when you went in the living room?

24 A. I saw the man standing there with a gun and then
25 somebody standing at the door.

1 Q. Did you see Tommy?

2 A. Not at first, but eventually I did see Tommy and the
3 lady.

4 Q. When you saw Tommy, where was Tommy at?

5 A. He was sitting in the chair.

6 Q. And when you say the chair, in this picture we've got
7 part of the chair and then we've got a whole chair. Which
8 chair was he sitting in?

9 A. In the part -- part chair.

10 Q. Okay. So this chair on the left-hand side of the
11 picture?

12 A. Yes, ma'am.

13 Q. And you said the lady. What lady are you talking
14 about?

15 A. Some -- it was this lady that had came around earlier
16 that day and she came back. I'm not -- she was looking to
17 buy something or something.

18 Q. And she was in the house when this was going on?

19 A. Yes, ma'am.

20 Q. Now was she somebody that stayed in the house?

21 A. No, she wasn't.

22 Q. Where was she when you -- when you came in and saw
23 her?

24 A. She was standing beside Mr. Tommy.

25 Q. Beside the chair he was sitting in?

1 A. Yes, ma'am.

2 Q. Was she standing beside his chair between you and
3 Mr. Tommy or was she standing between Mr. Tommy and the
4 door?

5 A. I don't remember.

6 Q. Okay. And you said when you came in that you saw the
7 man. Tell me about the man you saw.

8 A. The man was covered with a -- you couldn't see his
9 face, but -- well, he was covered, but he was holding a gun
10 to Mr. Tommy and he was pretty tall and big.

11 Q. And when you say he was covered, does that mean that
12 you couldn't see his face?

13 A. No, ma'am, you couldn't.

14 Q. You couldn't see like his arms?

15 A. No, ma'am.

16 Q. So you couldn't see a lot about him?

17 A. Right.

18 Q. But when you came in and this was your view, he had a
19 gun to Mr. Tommy's head when Mr. Tommy was sitting in that
20 chair?

21 A. He did.

22 Q. Kayle, do you know what kind of gun it was?

23 A. It was just a little handgun.

24 Q. Okay. So when you say a little handgun, we're not
25 talking about a gun that you have to hold with two hands?

1 A. No.

2 Q. This was a gun that this person -- that this man was
3 holding in -- in one hand?

4 A. Yes, ma'am.

5 Q. Is that right?

6 A. Yes, ma'am.

7 Q. What color was this gun?

8 A. It was black.

9 Q. And was the man saying anything when you came in the
10 room?

11 A. I don't remember exactly what was said.

12 Q. Okay. And I don't want you to guess. That's fine.
13 Was the man happy?

14 A. No.

15 Q. Was he talking to Mr. Tommy in good terms like they
16 were friends?

17 A. No, ma'am.

18 Q. Was he talking to Mr. Tommy like he liked him?

19 A. No, ma'am.

20 Q. Was he talking to Mr. Tommy like he respected him?

21 A. No, ma'am.

22 Q. What did the man with the gun do?

23 A. Um, he was being very aggressive and trying to get
24 anyone to open up the safe.

25 Q. And when you say the safe, was there a safe in

1 Mr. Tommy's house?

2 A. In his bedroom.

3 Q. In his bedroom. Okay. Do you know where that safe
4 is?

5 A. It's -- it's moved from where it was two years ago,
6 but now it's on his TV stand.

7 Q. Well, he might even move it again. Two years ago
8 where was it?

9 A. It was right on the side of his bed.

10 Q. Kayle, I want to show you what's already been entered
11 into evidence as State's Exhibit 11. Can you see that
12 picture from where you're sitting?

13 A. Yes, ma'am.

14 Q. Is that the safe you're talking about?

15 A. Yes, ma'am.

16 Q. Is that where it was on October 11, 2019?

17 A. Yes, ma'am, it is.

18 Q. And that's the bedroom you're talking about?

19 A. It is.

20 Q. And I want to show you what's been entered as State's
21 Exhibit 12 already. Is that that same safe?

22 A. Yes, that's it.

23 Q. Did you see the safe that night that these people came
24 to the house?

25 A. I did.

1 Q. And when you saw the safe that night, was the door
2 wide open?

3 A. Not -- no, it wasn't.

4 Q. And to your knowledge, Kayle, was the safe empty when
5 they first got there that night?

6 A. It was empty from money, but there was papers.

7 Q. Okay. So the picture we're looking at right here with
8 nothing in it, that's not what it looked like before them
9 people got there that day?

10 A. That's not.

11 Q. Okay. So let's go back to what you were saying. You
12 said when you came out of the back bedroom and you saw the
13 living room that there was a man with a gun, that there was
14 a woman, and then did you say that there was another woman
15 -- or another -- excuse me -- another person?

16 MS. CARTER: Objection, Your Honor.

17 She's leading the witness.

18 MS HAMMACK: Your Honor, I'm referring her back to
19 her own answer.

20 THE COURT: All right. I'll allow that -- that
21 question.

22 BY MS. HAMMACK:

23 Q. When you were naming the people that were there, you
24 said just a minute ago that there was a woman, the man with
25 a gun. Did you say there was another person?

1 A. Yes, there was holding the door open.

2 Q. And we're gonna go back to State's Exhibit 6. When
3 you say holding the door open, what door are you talking
4 about?

5 A. The glass screen door.

6 Q. So not the -- not the main door, but the actual screen
7 door, that's what that person was holding open?

8 A. It is.

9 Q. Did you know that person?

10 A. I don't.

11 Q. Did you know -- could you tell what they looked like?

12 A. Not really.

13 Q. Could you -- was it because they were covered up or
14 how -- why could you not tell what they looked like?

15 A. They were covered, but not as covered as the man with
16 the gun.

17 Q. Okay. So you saw three people there that weren't
18 supposed to be there?

19 A. Yes, ma'am.

20 Q. Okay. Now you said that they were asking about the
21 safe. Did they say anything to you?

22 A. Not directly. Kind of just like he was talking out
23 loud making orders to anyone, you know.

24 Q. Okay. And when he was making orders, when you say
25 "he", are you talking about the man with the gun?

1 A. Yes, ma'am.

2 Q. And what did he order you-all to do?

3 A. Open the safe.

4 Q. Did anybody go back to the safe?

5 A. Yes, ma'am.

6 Q. Who went back to the safe?

7 A. At first my mom and me and then Mr. Tommy eventually
8 got up and went back there.

9 Q. And when -- when you and your mom went back there, did
10 anybody go with you?

11 A. Just the man with the gun.

12 Q. And when you-all got back to the room with the safe --
13 tell me this. Did -- did you-all open it immediately?

14 A. We couldn't get it open.

15 Q. How does the safe open?

16 A. It has a circular key that you put in and turn, then
17 you twist the knob, then you turn a latch.

18 Q. So who tried to open the safe first?

19 A. At first my mom did.

20 Q. Okay. And, Kayle, I'm gonna stop for just a split
21 second. I want to make sure that everybody can hear all
22 the way to the back.

23 Okay. So at first your mom tried to open the safe.
24 Was she able to get it open?

25 A. She couldn't.

- 1 Q. When your mom couldn't get it open, what happened?
- 2 Did you try to open the safe?
- 3 A. I did try to open it.
- 4 Q. Could you get it open?
- 5 A. I couldn't.
- 6 Q. Well, what happened after you couldn't get the safe
- 7 open?
- 8 A. He was getting aggravated and eventually that's when
- 9 Tommy had to go back there.
- 10 Q. Okay. Did you stay back there?
- 11 A. I didn't.
- 12 Q. Were you back there when the safe got open?
- 13 A. I wasn't.
- 14 Q. Where did you go?
- 15 A. I went to the living room.
- 16 Q. What was going on in the living room when you got
- 17 back?
- 18 A. I don't really remember.
- 19 Q. Okay. Were your brothers home that night?
- 20 A. They were.
- 21 Q. Do you know where your brothers were when this was
- 22 going on?
- 23 A. Well, Tearren was in the back bedroom, a different --
- 24 opposite from where I was, and Evan was in the backyard.
- 25 Q. While all of -- of this was going on, did -- did you

1 go to either of your brothers?

2 A. I went to Evan.

3 Q. And Evan was -- you said he was in the backyard?

4 A. He was.

5 Q. Okay. Kayle, when you went back there to Evan, did
6 you call 9-1-1?

7 A. I started to, but from what I remember I think Evan
8 already had called them.

9 Q. But you started to call 9-1-1, too?

10 A. Yes, ma'am.

11 Q. After 9-1-1 was called, did you see where the people
12 in the house went?

13 A. I didn't.

14 Q. Okay. Did you -- were you in the living room or did
15 you see them leave?

16 A. I don't remember.

17 Q. Okay. So you don't -- you don't remember seeing them
18 when they left, but they were there and then when the
19 police got there were they gone?

20 A. Yes, they were gone.

21 Q. Okay. And did you talk to the police that night?

22 A. Yes, ma'am.

23 MS. HAMMACK: Okay. Kayle, give me just a second.

24 Kayle, I don't have any more questions for you
25 right now. Answer any questions that Ms. Carter may

1 have for you, okay?

2 THE WITNESS: All right.

3 THE COURT: Cross.

4 CROSS-EXAMINATION

5 BY MS. CARTER:

6 Q. Good afternoon, Ms. DeLoach.

7 A. Good afternoon.

8 Q. So you say you saw three people come into the home?

9 You saw three people come in?

10 A. I saw three people --

11 Q. Okay.

12 A. -- whenever I walked in the living room, yes.

13 Q. So you said one of them was a -- a lady?

14 A. Yes.

15 Q. So that was the first person. Another person was a
16 man and you described him as being tall?

17 A. Yes, ma'am.

18 Q. And big?

19 A. Yes, ma'am.

20 Q. And was he the one with the gun?

21 A. He was.

22 Q. Okay. And then you also said you saw a man at the
23 door holding the door open?

24 A. I did.

25 Q. So you saw three people?

1 A. Yes.

2 Q. And you also said that you heard one of the men
3 talking. Have you ever heard that man's voice before?

4 A. I hadn't.

5 Q. So you couldn't recognize who it was?

6 A. No, ma'am.

7 MS. CARTER: No further questions, Your Honor.

8 THE COURT: Thank you. Any redirect?

9 REDIRECT EXAMINATION

10 BY MS. HAMMACK:

11 Q. Kayle, how tall are you?

12 A. Five-seven.

13 MS. HAMMACK: That's all. Thank you.

14 THE WITNESS: All right.

15 THE COURT: All right. This witness may now be
16 excused. Thank you, Ms. DeLoach.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 THE COURT: Can I -- can I see both of you up here?

20 (Proceedings held at the bench; not reported.)

21 THE COURT: All right. At this moment we're going
22 to break for lunch. It's 12:48 now and so, ladies and
23 gentlemen of the jury and alternates, while we are on
24 break we have provided lunch for you-all so that you
25 don't have to go out in this nasty weather.

1 During that lunch break you are instructed not
2 to discuss this case with your fellow jurors or with
3 anyone else and you're also not to attempt to do any
4 type of research while we're on that lunch break. It's
5 12:50 now and we will reconvene for lunch -- excuse
6 me -- re -- reconvene the trial at 1:50 PM.

7 If we can escort the -- can we, please, escort the
8 jury to the grand jury room.

9 (Whereupon, the jury was excused for lunch at
10 12:50 PM.)

11 THE COURT: All right.

12 All right, counsel. So we will -- we will start
13 back again at 1:50.

14 Any matters to handle while the jury is out?

15 MS. STEINER: None that I know, Your Honor.

16 THE COURT: All right. We'll see you-all after
17 lunch.

18 (Whereupon, a luncheon recess was taken at
19 12:50 PM.)

20 (Back on the record at 2:02 PM.)

21 THE COURT: All right. Are -- are there any -- are
22 there any matters of law before I bring the jury back in?

23 MS. STEINER: No, Your Honor.

24 THE COURT: No? All right.

25 All right. Can we bring the jury back in?

1 (Whereupon, the jury return to the courtroom at
2 2:04 PM.)

3 THE COURT: Thank you.

4 All right. Ladies and gentlemen, at this point we
5 will resume the trial and allow the State to call their
6 next witness.

7 MS. CLEVELAND: Thank you, Your Honor.

8 The State would call Investigator Greg Savell.

9 THE CLERK: Please raise your right hand.

10 (Whereupon, Greg Savell was duly sworn by the
11 Clerk of Court.)

12 THE COURT: Have a seat in the witness box. State
13 your full name for the Court, spelling your last.

14 THE WITNESS: Greg Savell, S-a-v-e-l-l.

15 GREG SAVELL,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. CLEVELAND:

19 Q. Good afternoon, Investigator Savell. Where do you
20 work?

21 A. Aiken County Sheriff's Office.

22 Q. And how long have you worked there?

23 A. Just shy of twenty years.

24 Q. Okay. Have you been in investigations that entire
25 time?

1 A. Yes, ma'am.

2 Q. What do you do as an investigator?

3 A. Currently I'm assigned the criminal investigations
4 division, the adult crime side. I'm assigned cases of many
5 different sorts, anywhere from murders to burglary, home
6 invasion, sexual assault.

7 Q. And how many cases would you say you have open at any
8 given time?

9 A. Approximately between thirty to forty cases.

10 Q. And were you the investigator on this case?

11 A. Yes, ma'am.

12 Q. Were you the investigator that was originally called
13 out to the scene the night of this -- the incident?

14 A. No, ma'am.

15 Q. And is that unusual for that to happen?

16 A. No.

17 Q. Okay. Why is that not unusual if you can explain to
18 us, please.

19 A. Our particular division, what we have is what they
20 call the on-call schedule, and I believe there's eleven
21 investigators and each night they have a -- a night of duty
22 or after hours they're on -- they have call and, generally
23 speaking, when a -- when an incident like this happens and
24 no suspect is developed at the time, the lieutenant will
25 then assign the case to a particular investigator who works

1 that particular zone or area the next day to do a further
2 followup.

3 Q. Okay. So your area is the area that Mr. Tommy Taylor
4 lived?

5 A. That's correct. North Aiken.

6 Q. Okay. Do you remember the address for this incident
7 location?

8 A. [REDACTED] --

9 Q. Okay.

10 A. -- Aiken, South Carolina.

11 Q. Aiken county?

12 A. Aiken county.

13 Q. Okay. As an investigator, do you often rely on
14 information from the community to develop suspects or
15 persons of interest in cases?

16 A. Absolutely.

17 Q. Did you rely on -- excuse me -- did you rely on any
18 of that information from the community in this case?

19 A. Yes, ma'am.

20 Q. Okay. And with that information, were you able to
21 develop any suspects or persons of interest?

22 A. Yes, ma'am.

23 Q. Okay. And once you got that information, what did you
24 do with it?

25 A. I -- I gathered the information and once I -- I

1 developed the name of Charlene Harshaw and Christopher
2 Sanders, I sent an application or a -- or a request to SLED
3 for a photo lineup of Charlene Harshaw.

4 Q. Okay. And once you got that SLED lineup -- well, let
5 me go back. Why did you only get a photo lineup for
6 Charlene Harshaw?

7 A. Because Tearren DeLoach, who lived at -- lives at the
8 residence, he dealt with the female that came to the house
9 twice, on two different occasions, and she was the only one
10 that did not have her face covered, so I know he had con --
11 a conversation with her twice, so he'd be the most likely
12 individual there to recognize her.

13 Q. Okay. So once you got the photo lineup of Charlene,
14 you went and you showed it to Tearren?

15 A. Yes, ma'am.

16 Q. For the reasons you just stated?

17 A. That's correct.

18 Q. Okay. And did he make a positive identification in
19 that case?

20 A. Yes, he did.

21 Q. Okay. And what did you do with that positive ID?

22 A. Once he positively identified her, I obtained arrest
23 warrants.

24 Q. Okay. And was she ultimately arrested?

25 A. Yes, she was.

1 Q. And what did you do when she was arrested?

2 A. I went to the jail and interviewed her.

3 Q. And was she cooperative?

4 A. Yes, she was.

5 Q. Okay. So I just want to be clear. At the time you
6 got this case it was not October 11th, correct?

7 A. That's correct.

8 Q. Okay. Do you remember what date you got it? October
9 11th was a Friday, so when would you have gotten it?

10 A. I believe that would have been the 14th.

11 Q. Okay. So you got it on the 14th?

12 A. Yes, ma'am.

13 Q. When you got it, there were no suspects that had been
14 developed --

15 A. No.

16 Q. -- at that point?

17 A. No, there weren't.

18 Q. After your interview with Charlene Harshaw, did you
19 obtain warrants for the defendant?

20 A. Yes.

21 Q. Okay. On those warrants, what are the defendant's
22 height and weight?

23 A. I'd have to -- honestly, I'd have to see -- take a
24 look at the warrant to know.

25 Q. Okay.

1 MS. CLEVELAND: Your Honor, may I approach?

2 THE COURT: Yes.

3 THE WITNESS: Six feet, 180 pounds.

4 MS. CLEVELAND: Thank you.

5 All right, Investigator Savell. I don't have any
6 further questions. If you could answer any questions
7 the defense may have.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Cross.

10 CROSS-EXAMINATION

11 BY MS. STEINER:

12 Q. Good afternoon, Investigator Savell.

13 A. Good afternoon.

14 Q. So you've been at the sheriff's department for just
15 shy of twenty years, right?

16 A. That's correct.

17 Q. Okay. And you've done investigations the whole time?

18 A. Yes, ma'am. In the beginning, I was a narcotics
19 investigator for -- between four and five years and then
20 I came up to -- upstairs to the CID division.

21 Q. Okay. And on this case in particular, you were the
22 primary investigator; is that correct?

23 A. That's correct.

24 Q. What does it mean to be a primary investigator?

25 A. The primary investigator is who was it -- it's

1 assigned to that goes into the system and your primary
2 responsibility is to work on the case and -- and, you know,
3 try to solve the case. You -- you might be able to grab
4 another investigator to help you do something in it, but
5 the case is ultimately assigned to you as being the -- the
6 case agent or primary investigator.

7 Q. And part of working your case is getting the reports
8 that were already done; is that right?

9 A. That's correct.

10 Q. And also part of you being primary investigator is
11 basically everyone kind of reports to you if you're the
12 lead on that case?

13 A. I'm -- I'm sorry. Can you repeat that? I -- I caught
14 a little noise up here.

15 Q. I apologize. Being primary investigator, that means
16 that everyone essentially reports to you?

17 A. Tech -- technically, yes. You know, people will --
18 if -- if they come up with something, yeah, they will.
19 They're supposed to bring it to my --

20 Q. You're the man in charge?

21 A. That's correct.

22 Q. Okay. So part of being primary investigator meant
23 that you go over the reports that already happened from
24 other people, correct?

25 A. Correct.

1 Q. Okay. So you went over the report that Deputy Patrick
2 that we already spoke with today, the report that he did?

3 A. His initial report?

4 Q. Yes.

5 A. Yes.

6 Q. Okay. And you went over any reports that were from
7 the investigators that were there that night on October
8 11th?

9 A. I went over -- I believe there was a forensics report.
10 I don't believe there was any other reports that I'm aware
11 of.

12 Q. There were some bloodhounds that came out that night;
13 is that correct?

14 A. Yeah, the bloodhound tracking team did come out.

15 Q. Okay. So for Deputy Patrick as he was at the scene
16 that night on October 11th, he already testified that he
17 got the statements and you received those statements;
18 correct?

19 A. Correct.

20 Q. And he also testified that he had body-worn camera
21 footage. Did you receive that body-worn camera footage?

22 A. No, I didn't.

23 Q. Did you receive the dash cam footage that he said that
24 he had?

25 A. No, I didn't.

1 Q. Okay. Now I know that you as an investigator, you
2 don't usually wear a body-worn camera; is that correct?

3 A. That's correct.

4 Q. Okay. And you don't have a car that's equipped with a
5 dash cam; is that right?

6 A. No, I don't.

7 Q. But you're familiar with body-worn cameras and dash
8 cams, right?

9 A. Yes, ma'am.

10 Q. Okay. And the dash cam does have audio, right?

11 A. I believe it does.

12 Q. Okay. And you also didn't receive that crime scene
13 census that Deputy Patrick said that he did?

14 A. I do not have a copy of a crime scene census.

15 Q. Okay. So one of the investigators that was at the
16 scene on October 11th, she came out and took photos; is
17 that correct?

18 A. Yeah, Investigator -- Forensics Investigator Watts?

19 Q. Yes.

20 A. Yes, she did.

21 Q. I know she has a lot of different names, so.

22 A. She does.

23 Q. I think we're on the same page though as who we're
24 speaking about, but Mary Frances O'Grady-Watts, also known
25 as Sage, that lady?

- 1 A. Yes.
- 2 Q. Okay.
- 3 A. That's her.
- 4 Q. So she took some photographs?
- 5 A. She did.
- 6 Q. And those were the photographs that the State's
- 7 entered into evidence, right?
- 8 A. Yes.
- 9 Q. Okay. And she also tried to take some fingerprints,
- 10 right?
- 11 A. She did.
- 12 Q. Do you know where she tried to take fingerprints?
- 13 A. I don't believe -- no, I don't.
- 14 Q. Okay.
- 15 A. Generally speaking, it's the point of entry.
- 16 Q. Okay. So in this case it would be that nice, clean
- 17 shinny looking glass screen door?
- 18 A. Correct.
- 19 Q. Okay. And she wasn't able to get any prints off of
- 20 that glass door?
- 21 A. I believe it says that -- on the report that it says
- 22 no identifiable.
- 23 Q. Okay. So that's really all she did at that scene,
- 24 right?
- 25 A. Photographs and processing fingerprints, correct.

1 Q. Okay. She didn't draw a diagram?

2 MS. CLEVELAND: I object, Your Honor. He wasn't
3 there. He can't testify to what she may or may not
4 have done. It's speculation.

5 MS. STEINER: Your Honor --

6 THE COURT: All right. I'll sustain that, Ms. --
7 do you want to --

8 MS. STEINER: May I make an argument?

9 THE COURT: Yes.

10 MS. STEINER: Your Honor, he's already testified
11 that he's primary investigator and that he received
12 all of the reports and if there was any documentation
13 Investigator Savell should have received it and should
14 be aware of it.

15 THE COURT: All right. So your line of questions
16 is regarding what he received?

17 MS. STEINER: Yes. If he -- if he received any
18 of those diagrams. And I could rephrase, Your Honor.

19 THE COURT: All right. If you could rephrase, I
20 think that would be more on point, so we'll sustain
21 that and you'll rephrase your questions, please.

22 BY MS. STEINER:

23 Q. Did you receive any diagrams?

24 A. No.

25 Q. Did you receive any sketches of the trailer of where

1 -- where the rooms are in the trailer?

2 A. No.

3 Q. Did you receive any DNA swabs?

4 A. No.

5 Q. Did you receive -- and I know I said diagrams and I
6 kind of already asked this already, but did you receive a
7 diagram of the area of what was kind of around and where
8 everyone was standing, these people who were inside and
9 outside?

10 A. No.

11 Q. Okay. For the bloodhounds that we already talked
12 about a little bit, they showed up on-scene; is that
13 correct?

14 A. I'm assuming. That's what the incident report says.

15 Q. Okay. And in that incident report, it said that there
16 were two different dogs that came out, correct?

17 A. Yeah. I'm not -- I wasn't there that particular
18 night. I'm not -- I'm not familiar with what dogs came out
19 there.

20 Q. Okay. Would you believe me if I told you that
21 incident report says two dogs or --

22 A. Sure.

23 Q. -- would you like to look at it?

24 A. Sure, I believe you.

25 Q. Okay. And you did review the -- all the materials

1 before trial; is that right?

2 A. Yes, ma'am.

3 Q. Okay. The bloodhounds, they found some evidence; is
4 that right?

5 A. I don't recall.

6 Q. Would it help you if I showed you a copy of --

7 A. Sure.

8 Q. (Handing.)

9 A. Okay.

10 Q. So the bloodhounds, they found some evidence?

11 A. Are you referring to the toe digs?

12 Q. Yes. They found toe digs?

13 A. Okay.

14 Q. Is that something you considered to be a lead or some
15 evidence?

16 A. I -- it depends. I mean, you're -- you're talking
17 about in -- in the area where there's literally multiple --
18 multiple different subjects walking around, running around.

19 Q. Let me phrase it this way. The bloodhounds were able
20 to track on some subjects?

21 A. Uh-huh.

22 Q. Okay. And they were able to track on three subjects?

23 A. That's what it says.

24 Q. Okay. And they were able -- there were two different
25 bloodhounds and they tracked in two different directions;

1 is that correct?

2 A. That's what it's saying.

3 Q. Okay. And the one -- the report says that the one
4 bloodhound tracked two subjects and then eventually led to
5 what they assumed was them getting into a vehicle?

6 A. Uh-huh.

7 Q. And then it tracked another subject and that subject
8 eventually got into a vehicle. Is that what the report
9 says?

10 A. That's what it's reflecting, yes.

11 Q. Okay. And you haven't received any photographs of
12 those toe digs or --

13 A. No, I didn't.

14 Q. Okay. And you didn't receive any photographs of the
15 tire marks?

16 A. No, I didn't.

17 Q. Okay. All right. Now I want to move to October 14th
18 because that's when you really got involved in the case,
19 right?

20 A. Correct.

21 Q. Okay. On -- on October 14th you went out and spoke
22 with Mr. Tommy Taylor?

23 A. I did.

24 Q. Did you speak with any of the DeLoaches that day?

25 A. I believe I spoke with Tearren DeLoach. Well, I went

1 out that day just to put my eyes on the house and see what
2 kind of -- what I was looking at, what I was dealing with
3 and -- and what knowledge he had, either -- all I had to
4 work on was the incident report --

5 Q. That incident report?

6 A. -- and that was why I went out there on the 14th to
7 make contact with -- with Mr. Taylor and --

8 Q. Okay.

9 A. -- and see what -- what I was dealing with.

10 Q. And you were able to speak with them and interview
11 them a little bit, correct?

12 A. Yes.

13 Q. You didn't record that though, correct?

14 A. No.

15 Q. Then there was kind of a -- a lull in the
16 investigation; is that fair to say?

17 A. That's fair to say.

18 Q. And about a week later you make contact with Mr. Tommy
19 Taylor again?

20 A. Yes. Mr. Taylor came to the sheriff's office to see
21 me.

22 Q. Okay. And he gave you some information?

23 A. He did.

24 Q. And that information had been given to him by someone
25 else?

1 A. It was.

2 Q. And then you followed up on that lead; is that
3 correct?

4 A. That's correct.

5 Q. Okay. So by following up on that lead, you spoke with
6 a Ms. Richardson; is that correct?

7 A. Yes. He -- he came to the sheriff's department
8 and gave me the names of the -- Charlene Harshaw and
9 Christopher Sanders and provided me a telephone number of
10 the person who -- that called him and gave him those two
11 names. I called that telephone number and was given the
12 name Crystal Ayers and I was told that she let somebody at
13 a gas station use her telephone and that they didn't have
14 any knowledge for me. The next day I get a phone call
15 apologizing that they weren't being truthful to me and that
16 they wanted to come up and talk to me at the sheriff's
17 department, so that's when I met with Ms. Richardson.

18 Q. Does Crystal Ayers exist?

19 A. I don't know.

20 Q. So you spoke with Ms. Richardson at the sheriff's
21 department?

22 A. Stephania Richardson came to the sheriff's office and
23 we had an interview.

24 Q. Okay. And after you interviewed her, you continued to
25 follow up on your investigation, correct?

- 1 A. Correct.
- 2 Q. Did you get any search warrants?
- 3 A. No.
- 4 Q. Did you get any surveillance video?
- 5 A. I attempted to.
- 6 Q. Where all did you attempt to get surveillance video
7 from?
- 8 A. During the course of the interview, it was told that
9 they were driving up 19, Highway 19, and we believed that
10 they were at the Enmarket on the corner of Highway 19 and
11 Pipeline. I went in there and that -- the video had
12 already been recycled. Every twenty-one days they recycle
13 and they record over top of the -- the video, so I did not
14 collect any video. I attempted to.
- 15 Q. Did you do a search warrant for any cars?
- 16 A. For any vehicles?
- 17 Q. Yeah, any vehicles.
- 18 A. No.
- 19 Q. Okay. Did you try to get any search warrants to find
20 any of the clothing that had been previously mentioned?
- 21 A. No.
- 22 Q. Did you get a search warrant to try to find any of
23 those papers that were in Mr. Tommy's safe?
- 24 A. No.
- 25 Q. You did not get a photo lineup for Christopher

1 Sanders, correct?

2 A. That's correct.

3 Q. And then -- and then going a little bit out of order,
4 I just kind of want to jump back to when in October you met
5 up with Mr. Tearren DeLoach. I know he hasn't testified
6 yet, but you went and interviewed him, correct?

7 A. On what day did you say?

8 Q. October 21st, I believe.

9 A. Yes.

10 Q. And you recorded that statement, correct?

11 A. I believe it was recorded.

12 Q. Okay. When you were out there, did you happen to take
13 any more photographs to help with your investigation?

14 A. When I went out there on the 21st?

15 Q. Uh-huh.

16 A. No, ma'am.

17 Q. When you went out there on the 21st, did you doc --
18 draw a diagram to help illustrate the scene?

19 A. No, ma'am.

20 Q. Okay. Did you do any other investigation on the 21st
21 other than talking to Mr. DeLoach while you were out at the
22 scene?

23 A. No, ma'am.

24 Q. Okay. And then you said previously that you were able
25 to speak with Ms. Harshaw in November once she was already

1 arrested; is that correct?

2 A. That's correct.

3 Q. Okay. And she gave you some information about other
4 people that were involved, correct?

5 A. Yeah, that's correct. It was quite vague information.

6 Q. But she was able to give you a full name and a partial
7 name and -- is that fair to say?

8 A. The partial name and I believe the full name they
9 weren't sure.

10 Q. Okay. But you have not been able to arrest anyone
11 else besides Charlene and besides Christopher Sanders?

12 A. That's correct. Their faces were all covered and I
13 have no -- I can't present a photo lineup to -- to anybody
14 else, you know, to be able to identify them.

15 MS. STEINER: I beg the Court's indulgence.

16 BY MS. STEINER:

17 Q. And the information that you were given from the
18 bloodhound tracking team, were there any whole shoe
19 impressions or shoe impressions instead of toe digs rather?

20 A. I'm not aware of any whole shoe prints, just -- just
21 toe digs.

22 Q. If there were photographs of a shoe impression, would
23 you be able to match that photograph with a shoe? Just
24 generally speaking.

25 A. Okay. You -- are you asking if would I be able to?

1 Q. Or would the Aiken County Sheriff's Department be able
2 if they had a shoe impression?

3 A. I believe they would.

4 Q. Okay.

5 MS. STEINER: No further questions.

6 THE COURT: Thank you. Any redirect?

7 MS. CLEVELAND: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. CLEVELAND:

10 Q. Investigator Savell, to your knowledge was there any
11 evidence of any blood, semen or saliva on-scene?

12 A. There was no evidence of it.

13 Q. Okay. And can you tell me what a toe dig is?

14 A. A toe dig is that -- it's -- it's when somebody's
15 running, all the weight of their foot is in their toes and
16 it -- and it just digs in the dirt. It leaves a toe dig.
17 It's just when someone's generally running is when you
18 leave a toe dig in the dirt.

19 Q. Does that toe dig tell you who was running?

20 A. Absolutely not.

21 Q. Does it tell you why they were running?

22 A. No, it doesn't.

23 Q. Does it -- does it tell you when it was made?

24 A. No, it doesn't.

25 Q. And in order to get a search warrant, what do you have

1 to do? Do you have to get it from a judge?

2 A. Yes, you do.

3 Q. Okay. Did you know what kind of vehicle you were
4 looking for?

5 A. No, I didn't.

6 Q. Did you know where to look for it?

7 A. No, I didn't.

8 Q. Did you know where to look for clothes?

9 A. No, I didn't.

10 Q. So if you can't tell the judge what or where you're
11 looking, will they give you a search warrant?

12 A. No, they won't.

13 Q. When you're investigating, would you rather have a
14 picture of the actual place where the crime scene -- or
15 where -- of the crime scene where the crime occurred or
16 would you rather have a diagram? Which is more helpful?

17 A. Photographs.

18 Q. And, finally, just briefly, does a shoe impression
19 tell you who was wearing the shoe?

20 A. No, it doesn't.

21 Q. Does it tell you when that shoe impression was made?

22 A. No, it doesn't.

23 MS. CLEVELAND: Thank you.

24 THE COURT: All right. This witness is excused.

25 Thank you.

1 THE WITNESS: Yes, ma'am.

2 (Witness excused.)

3 THE COURT: Yes, ma'am.

4 MS. HAMMACK: The State calls Tearren DeLoach.

5 THE CLERK: You can come right here.

6 THE WITNESS: Oh, okay.

7 THE CLERK: I'm sorry.

8 Raise your right hand.

9 (Whereupon, Tearren David DeLoach was duly sworn by
10 the Clerk of Court.)

11 THE CLERK: You can be seated in the jury box.
12 Watch your step. And I'm gonna get you to state your
13 full name, spelling your last.

14 THE WITNESS: My full name?

15 THE CLERK: Yes.

16 THE WITNESS: Tearren David DeLoach.

17 TEARREN DAVID DeLOACH,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. HAMMACK:

21 Q. And, Tearren, since you're behind that Plexiglas, I'm
22 gonna have you take your mask off so that everybody can
23 understand you good.

24 And -- and your name is spelled a little different,
25 too, so I'm gonna have you spell your first name and your

1 last name because the lady's taking everything down.

2 A. T-e-a-r-r-e-n, Tearren. DeLoach, capital D-e capital
3 L-o-a-c-h. DeLoach.

4 Q. Thank you, Tearren.

5 How old are you?

6 A. Twenty-one.

7 Q. And tell me this. Back on October 11th of 2019, were
8 you living at [REDACTED]

9 A. Yes, ma'am.

10 Q. And is that here in Aiken county?

11 A. It's in Aiken county.

12 Q. And when you were living there, who were you living
13 with?

14 A. Oh, it was Tommy, my mom Jennifer, my sister Kayle and
15 my brother Evan.

16 Q. All right. And that night of October 11, 2019, were
17 you at the house?

18 A. Yeah. Yes, ma'am, I was.

19 Q. What were you doing at the house?

20 A. I was watching TV in Kayle's room.

21 Q. And which room in that house is Kayle's room?

22 A. The back bedroom beside Tommy's kind of.

23 Q. Is that the bedroom back behind the living room?

24 A. Yeah. Yeah.

25 Q. Okay. So when you were back there in Kayle's room

1 watching TV, tell me do you remember what you-all were
2 watching?

3 A. Honestly, I don't.

4 Q. Okay. Do you know where Evan was?

5 A. He was in the back. The back porch.

6 Q. Okay. What about your mom?

7 A. My mom, she was in the kitchen, I believe, like making
8 something to eat or something.

9 Q. Do you know where Mr. Tommy was?

10 A. He was in his chair watching his television in the
11 living room.

12 Q. So when you say his chair, does anybody sit there
13 besides Tommy?

14 A. Just Tommy really. Around that time, yeah, Tommy.

15 Q. Okay. So that's Tommy's brown chair in the living
16 room?

17 A. Yeah.

18 Q. All right. At some point that night, did something
19 happen that was out of the ordinary?

20 A. Yeah.

21 Q. Tell me about that. What happened?

22 A. Well, um, thinking back in the afternoon, um, a -- a
23 female had knocked on the door asking about Tommy. She was
24 like asking if he had any trailers or whatnot for like rent
25 and whatnot. I told her that he wasn't home and she was

1 like all right, so she stayed on the porch like sitting
2 down waiting for him to approach the house, I guess, and
3 Tommy didn't come until like a few hours later, so she went
4 ahead and left. So Tommy came back and that's when I was
5 in the back room watching TV and whatnot. I'm not too
6 sure, I guess, a knock on the door happened, someone got
7 the door, and I was just in the back room watching TV and
8 all -- all of a sudden I heard Tommy's voice. He sounded
9 mad, you know, angry, and I just stood -- I just stayed
10 back there waiting, you know, for -- like, you know,
11 waiting for -- you know, I -- I was just like really in
12 the -- in their conversation, then I heard Tommy's voice
13 get even louder and that's when I went in to see what was
14 happening and --

15 Q. So, Tearren, let me stop you just for a split second.
16 So you were watching TV and you heard Tommy --

17 A. I heard in the background while I was watching TV,
18 yeah.

19 Q. Okay. And you -- you heard Tommy getting louder and
20 then you heard him get even louder than that?

21 A. Yeah, like, he was, like, really mad, like. He, like,
22 said something. It just got my attention to go out there
23 to see what's up.

24 Q. So when you came out there, tell me from the doorway
25 that you came out of, what was your view?

1 A. My view, I just went in from where Tommy's desk -- I'm
2 like right -- right behind his desk. I could see the front
3 and I could see that there was a man in front of the door,
4 but I could only see him, like, you know, in this position.
5 I don't see the gun or nothing that, you know -- you know,
6 that -- that visual, you know, whatever that word is.

7 That's the only thing I could see is like him doing this.

8 Q. Okay. Let me -- let me show you something Tearren and
9 see if that helps you.

10 Tearren, I'm gonna show you two pictures. One is
11 State's Exhibit 8 and State's Exhibit 9. I want you to
12 take a second and look at these and let me know if you
13 recognize what they're pictures of.

14 A. That's where I was standing. Yeah, there's the front
15 door and I went up a little bit and you could see the dude
16 in front of the door and I couldn't see Tommy because he's
17 like right in front of that wall right there.

18 Q. Okay. And you're showing me on those pictures, so
19 what I'm gonna do is I'm gonna put those pictures up on
20 this screen so that we can show the jury what you're
21 showing me, okay?

22 A. Yeah. Okay. Got you.

23 Q. So, Tearren, on this screen is what's already been
24 entered into evidence as State's Exhibit 8. If you are
25 looking at this picture, you're the person that took this

1 picture, where are you standing?

2 A. I'm standing right beside that black chair right
3 there. I'm like standing right beside that chair.

4 Q. And what --

5 A. First I was like right there and then I got right
6 there.

7 Q. Okay. Well -- well, hold on for a second. If -- if
8 you're taking this picture and you're looking at the
9 picture, what would be behind the person taking this
10 picture?

11 A. Like what -- what would be like -- if I was taking the
12 picture, what would be behind me?

13 Q. Yes.

14 A. The front door.

15 Q. Okay. And when you were talking about the bedroom
16 that you were in, which way is that bedroom in this
17 picture?

18 A. If you -- if you keep going down where that -- see the
19 dryer machine?

20 Q. Uh-huh.

21 A. Beside it's the washing machine. Beside that would be
22 the door to that room I was in.

23 Q. So looking at this picture, if you're looking at the
24 dryer you would go to the left across from Mr. Tommy's
25 bedroom?

1 A. Uh-huh.

2 Q. And that's the room you were in?

3 A. Well, that's the bathroom. Beside the bathroom would
4 be the bedroom.

5 Q. Okay. Okay. So let's look at State's Exhibit 9. Is
6 this the view you had when you heard that -- when you heard
7 Tommy's voice getting loud and you came out? Is that the
8 view you had?

9 A. That's the view I had.

10 Q. So did you see the front door?

11 A. Uh-huh. I could see the front door.

12 Q. And you said you saw a person at the front door. Tell
13 me about that person you saw. What -- what did they look
14 like?

15 A. I really didn't -- couldn't -- I really couldn't even
16 lit -- literally only like half a second. As soon as I
17 seen them, I already knew what was up. My face just hit
18 the floor and that was it.

19 Q. And when you say face just hit the floor, you're
20 talking about your face?

21 A. Yeah. I'm talking about my face.

22 Q. You hit the floor?

23 A. Yeah, I hit the floor and I just crawled into the
24 living room and I was just, you know --

25 Q. And, Tearren, when you saw somebody at that front door

1 with their arms raised, why did you hit the floor?

2 A. Turned around. He was literally about to turn his arm
3 positioning towards me, so my -- like I'm already -- I'm
4 just gonna get down. So, you know, I didn't know what --
5 if he was gonna like quickly turn and shoot or what. I
6 didn't know. Like --

7 Q. Okay.

8 A. He could like, you know --

9 Q. And -- and when he turned and faced you, could you see
10 then what was in his hand?

11 A. No. I didn't look up.

12 Q. Okay. You were --

13 A. I could -- I could already tell what was in his hands
14 just from looking at him.

15 Q. And what was that?

16 A. A gun.

17 Q. And you weren't waiting around to find out --

18 A. No. No.

19 Q. -- what it was gonna happen to you?

20 A. I just -- yeah, I just kept my face --

21 THE COURT: Mr. DeLoach --

22 A. -- looking at the ground.

23 THE COURT: -- allow her to finish her question and
24 then you answer. We have a court reporter who's taking
25 down everything that's said, so we can't hear if you talk

1 at the same time, okay?

2 THE WITNESS: I apologize.

3 THE COURT: All right. You're fine.

4 BY MS. HAMMACK:

5 Q. So when you hit the ground, you said you started
6 crawling. Where did you crawl to?

7 A. Back to where I was in that back living room.

8 Q. And when you got --

9 A. I mean, back bedroom.

10 Q. When you got back to that back bedroom, what did you
11 do then?

12 A. Honestly, I was just -- I was waiting to see if he
13 was gonna come back there and see what was up, which he
14 did. He went back -- he -- he went -- he went inside to
15 see who I was, then he went back in there and as soon as
16 he went back in there, I -- I was just listening to their
17 conversation. He really wasn't open to the bedroom, so I
18 was trying to make a run for it for the window and there
19 was already another person like right -- he was right at
20 the front porch, but he could like see me coming out the
21 back window, so he quickly ran from the porch to that back
22 window, like hey, yo, stop, stop, and when he told me to
23 stop, I was coming back into -- into the bedroom, but I had
24 good, like, eyes on the bar and I could see that there was
25 a vehicle like right outside the bar.

1 Q. Okay.

2 A. But right after that, I went back --

3 Q. Hold on. Hold on, Tearren. I'm sorry.

4 A. Yeah, yeah.

5 Q. I'm gonna stop you because you said a bunch of stuff
6 and I want to ask you about some of that stuff --

7 A. Yeah, yeah, yeah.

8 Q. -- and then we'll keep going. So when you saw the guy
9 -- and I think you called him the guy and I want to make
10 sure I'm using the right words. The guy with his arms
11 raised with the gun that came back to see who you were,
12 could you see his face?

13 A. No.

14 Q. Why could you not see his face?

15 A. There were -- all of the faces that were, like, trying
16 to do without -- they were like covered.

17 Q. Okay. So you couldn't tell what his face looked like?

18 A. Unh-unh, could not.

19 Q. Okay. When you were trying to get out the window, the
20 guy that ran from the front porch to the window that didn't
21 let you out the window, did he have his face covered?

22 A. He had his face covered.

23 Q. Okay. So once you tried to get out that window and
24 that guy ran up, did you -- what did you do? Where did you
25 go?

1 A. I just -- I just stopped, you know. I seen that he
2 didn't have anything on him, but the other person did, and
3 if I would have done something I could have -- you know,
4 something would have happened, so I just -- I went back
5 inside, got on the ground and just -- you know, just waited
6 for it to end.

7 Q. And when you were laying on the ground waiting for it
8 to end, could you hear stuff going on?

9 A. Yeah, of course. You know, Tommy arguing, you know,
10 my mom saying don't hurt my kid, don't hurt my kid, don't
11 hurt my kid, and just a bunch of that stuff.

12 Q. Anything about money?

13 A. Yeah.

14 Q. Anything about a safe?

15 A. Yeah.

16 Q. Did you keep your head down until the police came?

17 A. Head down, ears open.

18 Q. When the police came, did you talk to them?

19 A. They were like asking all of us questions one by one.
20 Yeah, I talked to them.

21 Q. Okay.

22 A. I basically told them the same thing.

23 Q. Now when -- when you were on the ground waiting for it
24 to end, did you see where the people went that were in the
25 house when they left?

1 A. No, I just stayed on the -- I literally stayed on the
2 ground until someone was like yo, they're gone.

3 Q. Okay.

4 A. 'Cause I -- I was shook. I was like shaking.

5 Q. When you walked in and you got that view of the living
6 room, did you see a female in the house?

7 A. I didn't. No, I didn't.

8 Q. Okay.

9 A. I literally only saw that front door and that guy
10 standing in front of it and that's the only time I had to
11 have seen anything of it. Like as soon as he felt my
12 presence, that's when he turned and that's when I went
13 down.

14 Q. Okay. Well, tell me this. You mentioned a woman
15 coming to the house earlier in the day and asking for Tommy
16 and kind of sticking around for a while. Did the police
17 have you look at some pictures and see if you recognized
18 anybody?

19 A. Yeah, they had.

20 Q. And did you recognize anybody in the pictures they
21 showed you?

22 A. Yes.

23 Q. Who did you recognize?

24 A. I recognized the woman.

25 Q. Okay. The woman that had been at the house earlier

1 that day?

2 A. Yes, ma'am.

3 MS. HAMMACK: Tearren, that's all the questions
4 that I have for you.

5 THE WITNESS: Thank you.

6 MS. HAMMACK: They've got to ask you a couple
7 of questions. Answer their questions for me and I --
8 I may come back up and talk to you. I don't know yet.
9 We'll see.

10 THE COURT: All right. Cross.

11 CROSS-EXAMINATION

12 BY MS. STEINER:

13 Q. Hey, Tearren. My name's Brianne Steiner. I know we
14 haven't met before, but I'm Mr. Sanders' attorney. I'm
15 gonna ask you a few questions, okay?

16 A. Okay.

17 Q. Thanks for speaking really loudly so that the jury
18 could hear you --

19 A. Oh, no problem.

20 Q. -- but this nice lady up here, she's recording
21 everything that you say, she's typing it all, you can see
22 her typing madly, just slow down a little bit so she can
23 get it all, okay?

24 A. I got you.

25 Q. And I want to make sure that the jury can hear

1 everything you say, too.

2 One of the last things that you went over with
3 Ms. Hammack was that you saw the guy run from the porch and
4 then he was right there as you were going out the window;
5 is that right?

6 A. Uh-huh.

7 Q. And then you said -- and I want to get this quote
8 right -- that you seen that he didn't have anything on him.

9 A. Yeah.

10 Q. Did you mean that he wasn't armed?

11 A. Yeah. Well, he was not armed. He just -- he ran up
12 to me, told me that I wouldn't do that if that was -- that
13 was me and I was -- you know, heard him loud and clear, and
14 I didn't do it.

15 Q. Okay. Do you remember meeting with Investigator
16 Savell?

17 A. Investigator Savell, I don't remember.

18 Q. I'll give you a hint. He's that guy right there
19 that's sitting -- with his hand waving.

20 A. Okay.

21 Q. Do you remember meeting with him now?

22 A. No offense, buddy. I don't remember you. I don't.
23 I don't remember you, dude.

24 INVESTIGATOR SAVELL: I used to have a goatee.

25 THE WITNESS: Okay.

1 BY MS. STEINER:

2 Q. That's not a problem, but do you remember some of the
3 stuff that you told police in general?

4 A. Basically I told them the same story I'm telling
5 you-all, like the same things and events that took place.

6 Q. Okay. Do you remember -- because -- I'm sorry. I
7 keeping kind of asking this way, but -- I know you don't
8 really remember, but do you remember that you talked to
9 that guy over there about two weeks from the incident or do
10 you not remember that at all?

11 A. Two weeks later from the incident?

12 Q. Yeah.

13 A. Probably. I think so. Yeah, actually I think do
14 remember.

15 Q. Okay. And then he showed you --

16 A. I remember the -- them setting up the cameras and
17 literally that's like the only thing I can remember.

18 Q. Well, I mean, that makes sense. It was a really
19 traumatic experience for you, right?

20 A. Yeah. Yeah.

21 Q. Okay. So when you did meet with Investigator Savell,
22 he showed you some photos on a piece of paper; is that
23 right?

24 A. Uh-huh.

25 Q. And you said that that was of a lady?

1 A. Yeah. Yeah.

2 Q. Okay. He didn't show you any photos of a man, right?

3 A. No.

4 Q. Okay.

5 MS. STEINER: No further questions.

6 THE COURT: Thank you. Any redirect?

7 MS. HAMMACK: No, Your Honor.

8 THE COURT: All right. This witness may now be
9 excused. Mr. DeLoach, you are free to go, sir. Thank
10 you.

11 THE WITNESS: Oh, thank you.

12 (Witness excused.)

13 THE COURT: The State's next witness.

14 MS. CLEVELAND: Your Honor, while the next witness
15 is coming up, could we have a brief recess? It would be
16 -- Ms. Charlene Harshaw would be our next witness and our
17 last.

18 THE COURT: All right.

19 All right. I think we'll take a ten minute break.

20 Ladies and gentlemen of the jury, do you-all need
21 a -- I'm gonna ask you go to the jury room. If you
22 need a bathroom break or -- please let the bailiff
23 know.

24 (Whereupon, the jury retires to the jury room at
25 2:53 PM.)

1 (Recess taken at 2:53 PM.)

2 (Back on the record at 3:08 PM.)

3 THE COURT: All right. Please be seated.

4 All right. Can you bring the jury back in,
5 please.

6 Counselors, before we begin, I do have a matter
7 I need to take up with the jury.

8 (Whereupon, the jury return to the courtroom at
9 3:10 PM.)

10 THE COURT: All right, ladies and gentlemen of the
11 jury. I have a small matter just to take up with you
12 very quickly. It -- it's come to my attention that
13 there has been some note-taking during the trial and
14 sometimes we do allow -- sometimes we do allow
15 note-taking during our lengthier trials; however,
16 because we are charged with the duty to keep things
17 within the walls of this courtroom I am not allowing
18 note-taking during this time for this particular trial.

19 And so, counsel, there -- there has been some
20 small -- a small amount of notes have been taken and I
21 do have both sets of those notes in my possession and
22 if you find it necessary, we'll make those part of the
23 record, but usually our bailiffs shred those when we
24 allow note-taking and so unless there's any objection,
25 I'll just have these -- these notes to shred. I'm not

1 going to allow them during the jury's deliberation,
2 only the exhibits and witness testimony will be
3 considered.

4 All right. Any objection to me shredding those --
5 the notes that have been taken thus far?

6 MS. CLEVELAND: None from the State, Your Honor.

7 MS. STEINER: None from the defense, Your Honor.

8 THE COURT: Okay. All right. Thank you very much.

9 All right. And so at this time, ladies and
10 gentlemen of the jury, we are going to proceed with
11 the State's next witness.

12 MS. CLEVELAND: Thank you, Your Honor.

13 The State would call Charlene Harshaw.

14 THE CLERK: Please raise your right hand.

15 (Whereupon, Charlene Harshaw was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: Have a seat in the witness box. State
18 your full name for the Court, spelling your last.

19 Please go around that way, please.

20 THE WITNESS: You said spell my name out?

21 THE CLERK: Please state your full name and
22 spelling your last.

23 THE COURT: You can take your -- you can take
24 your mask down.

25 THE WITNESS: Charlene, C-h-a-r-l-e-n-e. Michelle,

1 M-i-c-h-e-l-l-e. Harshaw -- H-a-r-s-h-a-w.

2 CHARLENE MICHELLE HARSHAW,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. CLEVELAND:

6 Q. Good afternoon, Ms. Harshaw. Thank you for being
7 here. I just kind of want to get this out of the way right
8 now. You're charged in this case, too, correct?

9 A. Yes, ma'am.

10 Q. What are your charges?

11 A. First degree burg -- burglary. I honestly don't
12 remember the charges.

13 Q. Would it seem correct to you if I said you were
14 charged with burglary in the first degree, grand larceny,
15 armed robbery and --

16 A. Just -- just those three.

17 Q. Yeah. Does that sound correct?

18 A. Yes, ma'am.

19 Q. Okay. And you've met with me before?

20 A. Yes, ma'am.

21 Q. Have I promised you anything --

22 A. No, ma'am.

23 Q. -- for this testimony today? Has anybody promised you
24 anything for testifying here today?

25 A. No, ma'am.

1 Q. Why are you testifying?

2 A. Because I want to tell the truth.

3 Q. Um, now very briefly, you do have a little bit of a
4 record. Were you convicted of shoplifting in 2015?

5 A. Yes, ma'am.

6 Q. And were you convicted of breach of peace --

7 MS. STEINER: Objection.

8 MS. CLEVELAND: -- or, I mean, breach of trust?

9 THE COURT: Yes, ma'am.

10 MS. STEINER: Leading, Your Honor.

11 THE COURT: All right.

12 BY MS. CLEVELAND:

13 Q. What, if anything, were you convicted of in 2019?

14 A. Two -- 2019? I don't get what you're saying.

15 Q. What, if anything, were you convicted on -- convicted
16 of on 12-18 of 2019? Did you go to court in 2019?

17 A. I think that's around the time I was in jail.

18 Q. Okay. Did you plead guilty to something?

19 A. Breach of trust I think it was.

20 Q. Okay. Yes. Thank you.

21 How do you know the defendant, Mr. Sanders?

22 A. I've been knowing him for a while. My mom-in-law is
23 his ex-girlfriend.

24 Q. So your mother-in-law is his ex-girlfriend?

25 A. Yes, ma'am.

1 Q. What's her name?

2 A. Stephania Richardson.

3 Q. How long have you been married?

4 A. I've been married for seven years now.

5 Q. And how long has the defendant been in the picture?

6 Has he been in there the whole seven years?

7 A. I actually know him way before him and my mom-in-law
8 got together.

9 Q. Okay. How long do you think you've known Mr. Sanders?

10 A. A few years.

11 Q. What were your plans for October 11th of 2019?

12 A. Going to ask Mr. Tommy about buying my grandmother's
13 land so I can rent a trailer from him.

14 Q. Okay. And why were you doing that?

15 A. Because me, my wife and kids was in the process of
16 about to get evicted.

17 Q. Okay. And have you -- have you rented -- have you
18 rented from Tommy Taylor previously?

19 A. Years before, yes.

20 Q. Um, do you know of anybody else that rented from
21 Mr. Taylor?

22 A. Christopher Sanders and my mom-in-law also did.

23 Q. And were you aware that -- when he took up rent?

24 A. No, not really. Didn't keep tabs of that. I haven't
25 had him for my landlord for years.

1 Q. Okay. How long has it been since you -- you rented
2 from him?

3 A. It's been a while. I was a manager at McDonald's when
4 he was my landlord. No, Huddle House. So it's been a long
5 time. I don't recall.

6 Q. Are you -- where are you working now?

7 A. I'm at Waffle House.

8 Q. Did you work last night?

9 A. Yes.

10 Q. Have you been to bed yet?

11 A. No.

12 Q. Okay. So what time did you first go by Mr. Tommy's
13 house?

14 A. I can't tell you exact time, but it was still daylight
15 because time was running out on days on getting out of the
16 place we was currently in.

17 Q. Was anybody with you when you went --

18 A. No, when I went the first time I was by myself.

19 Q. What did you do when you got there?

20 A. I knocked on the door. A young guy came and said
21 Mr. Tommy wasn't there, so then I left.

22 Q. Where did you go after you left?

23 A. I went back to my mom-in-law house.

24 Q. And what's her name again?

25 A. Stephania Richardson.

1 Q. What did you do while you were there?

2 A. Well, we was already there. My wife was watching the
3 kids, so we was already there. I just went back there for
4 a while.

5 Q. And what were -- were you waiting for Tommy to get
6 home?

7 A. Well, I was gonna go back there a little later 'cause
8 the gentleman who came to the door, he said that he'll be
9 back soon, so I was just waiting around.

10 MS. CLEVELAND: And, Your Honor, can I just check
11 to make sure the jury can hear Ms. Harshaw?

12 THE WITNESS: Sorry.

13 BY MS. CLEVELAND:

14 Q. Okay. Ms. Harshaw, I'm gonna have to ask if you can
15 just -- even if it feels like you're shouting. I feel like
16 I'm shouting right now and people are telling me I still
17 need to talk louder, so. If you feel like you're shouting,
18 it's okay. We just want to make sure everybody can hear
19 you, okay?

20 A. Okay.

21 Q. So what time did you leave your mother-in-law's house?

22 A. I really can't tell you what time it was because I
23 wasn't paying attention, but it was around when it was
24 getting dark.

25 Q. Okay.

- 1 A. So it was like somewhat daylight, almost dark.
- 2 Q. Did anybody come with you this time?
- 3 A. Yes. Chris wanted to ride with me.
- 4 Q. Okay. Why did he want to ride with you?
- 5 A. He said he wanted to go to the store.
- 6 Q. And what store?
- 7 A. Ridgecrest.
- 8 Q. Did you allow him to ride with you?
- 9 A. Yes.
- 10 Q. Okay. What did you-all do?
- 11 A. We went to Mr. Tommy's house.
- 12 Q. Where -- did you go anywhere before Mr. Tommy's house?
- 13 A. Oh, yeah, we went to the store. I took him to the
- 14 store.
- 15 Q. Okay. What happened -- who was driving?
- 16 A. I was driving.
- 17 Q. What happened when you-all got to the store?
- 18 A. When we got to the store, Chris got out and went in
- 19 the store. By the time we came -- he came back out, that's
- 20 when DaQuon and Richard got in the car.
- 21 Q. Okay. And can you explain to me where everyone was
- 22 sitting in your -- in the car?
- 23 A. Chris was in the passenger seat right beside me and
- 24 the other two was in the back seat.
- 25 Q. Okay. And what were you-all talking about?

1 A. I wasn't saying anything. Chris was upset that my
2 mom-in-law was getting some money from another guy.

3 Q. Okay. And where did that conversation lead?

4 A. It led to him telling DaQuon and Richard that he got
5 a good move and he know Mr. Tommy's rent was due and he
6 know the safe be open all the time and that's how the
7 conversation went and everybody could be straight.

8 Q. Okay. And what did you understand that to mean?

9 A. He already planned that he was using me --

10 MS. STEINER: Objection, Your Honor. Calls for
11 speculation.

12 THE COURT: Sustained.

13 BY MS. CLEVELAND:

14 Q. Do you know what Christopher Sanders meant by a good
15 move?

16 A. Yeah.

17 Q. What does it mean?

18 A. A good move is everybody gonna come up, everybody
19 gonna be straight if we --

20 MS. STEINER: Objection, Your Honor. That still
21 calls for speculation.

22 MS. CLEVELAND: Your Honor, she can testify to her
23 knowledge and that she said that she knew what it was.

24 THE COURT: I agree.

25 MS. STEINER: You Honor, if I may?

1 THE COURT: Yes. Yes, Ms. Steiner.

2 MS. STEINER: I believe the question was phrased
3 where she was testifying to what Mr. Sanders' knowledge
4 of the term was.

5 MS. CLEVELAND: I asked -- I believe that I asked
6 her what she -- what a good move meant. If she knew what
7 a good move meant. She said yes. I asked what it meant.

8 THE COURT: Ms. Steiner, I believe she's testifying
9 to her knowledge and I'm gonna allow the question.

10 MS. STEINER: Thank you, Your Honor.

11 THE COURT: Thank you.

12 BY MS. CLEVELAND:

13 Q. You can -- you can continue. What does a good move
14 mean?

15 A. A good move is everybody struggling, everybody's gonna
16 come up if we make this move.

17 Q. So what's a move? I'm sorry. I don't --

18 A. I don't -- a robbery, I guess, in a different
19 language. I don't know what you want me to --

20 Q. Okay. So -- okay. After he said that it was gonna
21 be a good move, what -- what did you-all do?

22 A. Well, he used the fact that I was already going to
23 Mr. Tommy's, that I was already asking him to buy my
24 grandmother's land and I could a rent a trailer from him.
25 He was already using that. So when I went to Mr. Tommy's

1 house -- well, I went in. Mr. Tommy's door was already
2 open.

3 Q. Well, be -- before we get there, before we get to
4 where you get to Mr. Tommy's house, the two other people
5 in the back seat, did they agree with this, agree to go
6 with you?

7 A. Yeah, when Chris was saying everything, they was like
8 how you know he got money. He was like I used to work for
9 him.

10 MS. STEINER: Your Honor, objection. It's
11 hearsay.

12 THE COURT: Ms. DeLoach. Excuse me.
13 Ms. Cleveland.

14 MS. CLEVELAND: Your Honor, it's not hearsay
15 because it's not being used to prove the truth of the
16 matter asserted. We don't care that -- whether or not
17 Mr. Sanders worked for him. That was the basis of them
18 going over there and the...

19 THE COURT: I'll -- I'm gonna over -- do you have
20 any argument?

21 MS. STEINER: No, Your Honor.

22 THE COURT: Overruled.

23 BY MS. CLEVELAND:

24 Q. Okay. And so you-all had planned all of this while at
25 the quick shop or convenience store, correct?

1 A. Yes.

2 Q. Okay. And what was the name of that store?

3 A. Ridgecrest.

4 Q. All right. Ms. Harshaw, I just want to remind you to

5 speak as loudly as you can, and I am going to show you what

6 has been previously marked at State's Exhibit 14, and can

7 you tell me what this is?

8 A. What do you mean? It's a map.

9 Q. Okay. Do you know what it's a map of?

10 A. Shiloh Heights.

11 Q. Okay. And do you know what this is?

12 A. I'm assuming Mr. Tommy's house.

13 Q. Okay. And can you tell me in relation to this where

14 the quick shop is? It's okay.

15 A. It's too little.

16 Q. Too little? Would it help if we --

17 A. I don't -- all I can tell you is -- the only reason I

18 -- I mean, I assume that was Mr. Tommy's house because you

19 actually --

20 THE COURT: Ms. -- Ms. Harlow {sic}, we can't hear

21 you.

22 MS. CLEVELAND: Okay. That's okay, Your Honor.

23 We'll move on.

24 BY MS. CLEVELAND:

25 Q. Okay. So was it light or dark by the time you got to

- 1 Mr. Tommy Taylor's house?
- 2 A. The second time?
- 3 Q. The second time.
- 4 A. It was going on dark.
- 5 Q. Okay.
- 6 A. It was in between.
- 7 Q. Okay. Where did you park?
- 8 A. Right -- right behind his truck where he normally park
- 9 at.
- 10 Q. Okay. I'll scoot back a little bit so you can kind of
- 11 feel like you have to yell at me.
- 12 And who got out of the car?
- 13 A. I did.
- 14 Q. Okay. And what did you do once you got out of the
- 15 car?
- 16 A. I went and proceed on what I was really going there
- 17 for.
- 18 Q. Okay. So you walked up to his --
- 19 A. Door and I didn't even knock. He seen who I was
- 20 because his door was already open.
- 21 Q. Both doors?
- 22 A. No. His screen door was closed, which is a -- a glass
- 23 and his "door" door was wide open. So I didn't even have
- 24 to knock. He seen who I was and told me to come in, hun.
- 25 Q. Okay. So what did you do?

1 A. I went in there and I said hey, Mr. Tommy, I'm in a
2 predicament, me and my family's in a predicament on getting
3 evicted, my grandmother got land, she passed away years
4 ago, and it's up for auction. I was wondering if you can
5 buy the land and put a trailer on there and I'll rent it
6 out for you -- from you.

7 Q. Okay. And what happens then?

8 A. DaQuon and Chris came busting in the door.

9 Q. Okay. Did anyone have a gun?

10 A. Yes.

11 Q. Who had the gun?

12 A. Chris.

13 Q. What did the gun look like?

14 A. It looked like a police gun.

15 Q. What color was it?

16 A. Black.

17 Q. And what, if anything, did Chris say?

18 A. You know what time it is. When he came in the door,
19 that's the first thing he said.

20 Q. Okay. Was he pointing the gun at anybody?

21 A. Yeah, Mr. Tommy.

22 Q. What happened after that?

23 A. Mr. Tommy really thought it was a joke at first until
24 DaQuon snatched the gun out of his hand and made Mr. Tommy
25 get up.

1 Q. Okay. What happened after Mr. Tommy got up?

2 A. They forced him to go to the back room. Daquon forced
3 him to go to the back room to open the safe.

4 Q. Okay. And where was Mr. Sanders?

5 A. Mr. Sanders was going back and forth from the door to
6 the back.

7 Q. Okay. How long were they back there do you think?

8 A. Not long. Not long at all.

9 Q. Who all -- did you ever go to the back bedroom where
10 the safe was?

11 A. No, ma'am.

12 Q. Who all was in the living room with you?

13 A. It was me, the dog and then Chris kept going back and
14 forth.

15 Q. Did you see Mr. Tommy put his wallet in his seat
16 cushion?

17 A. I did.

18 Q. Was that before or after he went to the back bedroom?

19 A. He was in the bedroom when he -- before he got up, he
20 put it in the chair.

21 Q. Okay. What happened to that wallet?

22 A. I -- when Chris asked where the wallet was, I pointed
23 to the chair.

24 Q. Who grabbed the wallet?

25 A. Chris.

1 Q. Did you-all leave at the same time?

2 A. No, they left me.

3 Q. Why did you stay behind?

4 A. Because I was actually concerned about Mr. Tommy
5 'cause it looked like he was gonna have a heart attack and
6 I instantly felt guilty.

7 Q. But you ultimately ended up leaving?

8 A. Yes, but I had to walk a couple of blocks first.

9 Q. What happened when you got outside?

10 A. When I got outside, I noticed my car was gone.

11 Q. Everybody was gone?

12 A. Everybody was gone.

13 Q. So what did you do?

14 A. I walked around 'cause my phone was also in the car,
15 so I didn't have a phone to call and, I'm gonna be honest,
16 I left because he said he was calling the cops and I walked
17 around the corner and I seen this lady outside and I used
18 her phone to call my wife and my wife called him and
19 threatened him to bring the car back or she was reporting
20 it stolen.

21 Q. Okay. I'm gonna try this again. If you could just
22 please remember to keep -- keep speaking up. I'm gonna
23 show you what's been marked State's Exhibit Number 1 and
24 can you tell me what this is?

25 A. A map.

1 Q. Okay. Do you know what it's a map of?

2 A. Reynolds Pond I see.

3 Q. Okay. Do you know what that is right there?

4 A. A trailer. I mean, I really can't tell. Mr. Tommy
5 had a lot of stuff in his yard.

6 THE COURT: Ms. Harshaw, speak up.

7 A. Mr. Tommy had a lot of stuff in his yard, so it looks
8 like his yard.

9 Q. Okay. And so when you ran out of the house -- if you
10 could, I'm gonna have you step down and so we can put it up
11 on this big map. What I'd like for you to do is show --

12 A. I'm coming down?

13 MS. CLEVELAND: Your Honor, is that okay?

14 THE COURT: Yes.

15 BY MS. CLEVELAND:

16 Q. Okay. If you could, from Mr. Taylor's house, can you
17 show us where you left on foot and -- just can you show us?

18 A. I turned and walked out the door and --

19 MS. HAMMACK: Katie, the court reporter can't hear.
20 You've got talk loud enough for them to hear and her to
21 hear.

22 THE WITNESS: Okay. I was -- once I came out the
23 house, I passed this building. It's like a country
24 store or whatever and I passed it. It's right outside
25 Mr. Tommy's house. I passed it, I went down this road, I

1 passed all these roads, I went down this road, and that's
2 when I seen a lady with a phone.

3 MS. CLEVELAND: Okay. All right. Thank you. You
4 can return.

5 BY MS. CLEVELAND:

6 Q. Now, Ms. Harshaw, if you need to move that microphone
7 to get it closer to your mouth, please do.

8 Okay. And so once you left the scene you found a
9 woman with a cell phone?

10 A. Yes, ma'am.

11 Q. What did you do?

12 A. I asked her could I use her phone to call my wife.

13 Q. Okay. And when you called your wife, what did you
14 say?

15 A. I told her -- she didn't know anything until I got
16 arrested for this. The only thing she know is Chris left
17 off with the car.

18 Q. Did -- did she eventually get Chris to come pick you
19 back up?

20 A. No. Actually, I kept walking down the road farther
21 and he ended up showing up and picking me up on the side of
22 the road.

23 Q. Okay. And what happened then?

24 A. He got into the passenger seat and I got back in the
25 car and I noticed he changed his clothes.

1 Q. Okay. Did he say anything to you?

2 A. No, not really.

3 Q. Okay. Did he give you anything from the robbery?

4 A. No. He said the wallet didn't have nothing in it.
5 That they had split it.

6 Q. Do you see Christopher Sanders in the courtroom today?

7 A. Yes, ma'am.

8 Q. Can you ID him by what he's wearing?

9 A. He got on a suit.

10 Q. There's actually a lot of people in here with suits on
11 today. Can you -- can --

12 A. That is true.

13 Q. Can you tell me where he's sitting?

14 A. In the middle of the lady with the pretty long hair.

15 Q. I see two pretty ladies with long hair, but I know
16 what you mean. Can you tell me -- can you tell me what --

17 A. Uh, he got -- he got a beard.

18 Q. Okay. Thank you.

19 MS. CLEVELAND: Your Honor, may the record reflect
20 that this witness has identified the defendant.

21 BY MS. CLEVELAND:

22 Q. Did Christopher Sanders have his face covered during
23 this armed robbery?

24 A. Yeah, everybody had their face covered.

25 Q. Did you?

1 A. No, ma'am.

2 Q. Do you know DaQuon -- DaQuon's last name?

3 A. No, ma'am.

4 Q. Do you know Richard's last name?

5 A. No, ma'am.

6 Q. And when you paid your rent, how would you pay it to
7 Mr. Taylor?

8 A. When I was renting from him?

9 Q. When you were renting from him, how would you pay him?

10 A. You'd actually go up to his house or he'll come to you
11 if you don't have transportation.

12 Q. Okay. And did you pay with a check?

13 A. No.

14 Q. How did you pay him?

15 A. I always had cash.

16 Q. Is that how you typically paid him when you had it?

17 A. Yes, ma'am.

18 Q. So after you were arrested on these charges, did law
19 enforcement come and talk to you?

20 A. The investigator? That man?

21 Q. Yeah. Yeah. Sorry.

22 A. Yes, ma'am.

23 Q. Did Investigator Savell come and speak with you?

24 A. Yes, ma'am.

25 Q. And did you tell them everything?

1 A. Yes, ma'am.

2 Q. Is it substantially the same as what you're telling me
3 now?

4 A. Yes, ma'am.

5 MS. CLEVELAND: Thank you, Ms. Harshaw. Please
6 answer any questions the defense may have.

7 THE COURT: Cross.

8 CROSS-EXAMINATION

9 BY MS. STEINER:

10 Q. Substantially the same, but not exactly the same,
11 right?

12 A. Right.

13 Q. You're family with Mr. Sanders; is that correct?
14 Essentially?

15 A. Yeah.

16 Q. Okay. So let me put this in different terms because
17 I think it's kind of been a whole bunch of different
18 things, but you're essentially his ex-daughter-in-law?
19 Ex -- ex-stepdaughter-in-law?

20 A. Yes, ma'am.

21 Q. Okay. And you know that Mr. Sanders and
22 Ms. Richardson aren't in a relationship anymore?

23 A. Yes, ma'am.

24 Q. Okay. Could you described their relationship a little
25 bit?

1 A. You mean his relationship?

2 Q. No, Ms. Richardson and Mr. Sanders' relationship.

3 A. It was pretty crazy.

4 Q. What does pretty crazy mean?

5 A. They was always fighting and arguing. They loved each
6 other though.

7 Q. So it was kind of a love-hate relationship?

8 A. Yeah.

9 Q. Do you know about any charges that Ms. Richardson
10 might have pressed on Mr. Sanders?

11 MS. CLEVELAND: Object, Your Honor.

12 THE COURT: The objection?

13 MS. CLEVELAND: Relevance.

14 THE COURT: Approach with Ms. Steiner.

15 (Proceedings held at the bench; not reported.)

16 BY MS. STEINER:

17 Q. Just to kind of wrap up that little line of
18 questioning, Ms. Richardson and Mr. Sanders had a crazy
19 relationship is what you said, right?

20 A. Correct.

21 Q. Okay. Now since November of 2019 or so, you've been
22 out on bond; is that correct?

23 A. Yes, I believe so.

24 Q. Okay. Did you review with Ms. Cleveland and
25 Ms. Hammack your statement that you gave Mr. --

1 Investigator Savell before trial?

2 A. I don't know what you mean.

3 Q. Did -- to prepare for trial, did the State let you
4 listen to the interview that you gave police before?

5 A. They let me listen to myself.

6 Q. Right. They let you listen to yourself, the exact
7 interview, correct?

8 A. Right.

9 Q. Okay. Do you remember in that interview giving the
10 full name of Richard or what you thought was his last name?

11 A. No, not really. I really don't even remember.

12 Q. Do you know if Richard's last name is Carroll?

13 A. No. Honestly, I don't just know him from -- I just
14 know him from that day.

15 Q. Okay. Before -- this Quon that we're talking about,
16 you also kind of call him DaQuon or Da-Da; is that right?

17 A. Yeah.

18 Q. Okay. Did you know DaQuon, Da-Da or Quon or whatever
19 you want to call him?

20 A. No, ma'am.

21 Q. Okay. You gave a pretty good description of him
22 though, right? You said that he had boobs?

23 A. Yes, ma'am.

24 Q. And he's tall?

25 A. Yes, ma'am. And Richard is skinny and lanky.

1 Q. Okay.

2 MS. STEINER: No further questions.

3 THE COURT: Redirect?

4 MS. CLEVELAND: No, Your Honor.

5 THE COURT: All right. This witness may be
6 excused.

7 THE WITNESS: Can I just get up like --

8 THE COURT: Yes, ma'am. Thank you, Ms. Harshaw.

9 (Witness excused.)

10 MS. HAMMACK: Your Honor, at this time the State
11 would move State's Exhibits 18 and 19 into evidence
12 as self-authenticating documents. They are public
13 records. And then I would ask to publish to the jury
14 after they're entered.

15 THE COURT: All right. Any objection from defense?

16 MS. STEINER: No objection, Your Honor.

17 THE COURT: All right. Yes, ma'am.

18 (State's Exhibit Number 18 and 19, certified
19 convictions, were admitted into evidence.)

20 MS. HAMMACK: Your Honor, State's Exhibit 18 is
21 a certified conviction wherein on May 9, 1994, this
22 defendant was convicted of burglary.

23 State's Exhibit 19 is a certified conviction
24 wherein on June 7, 1999, this defendant was convicted
25 of burglary.

1 THE COURT: Thank you, Madam Solicitor.

2 All right. Any further witnesses from the State?

3 MS. CLEVELAND: Your Honor, at this time the State
4 rests.

5 THE COURT: All right.

6 All right. Ladies and gentlemen of the jury, at
7 this time we're going to take you back to the jury room
8 while we handle some matters of law.

9 (Whereupon, the jury retires to the jury room at
10 3:43 PM.)

11 THE COURT: All right. Any motions?

12 MS. CARTER: Thank you, Your Honor.

13 We move for a directed verdict. Rule 19 of the
14 South Carolina Rules of Criminal Procedure states that
15 a directed verdict motion should be granted if the State
16 fails to present competent evidence that would prove
17 the charge in the indictment and the Court has to make
18 this decision based on looking at the State in the most
19 favorable position.

20 We have only been presented with information from
21 one of the five eyewitnesses of the incident that
22 Mr. Christopher was the one who allegedly committed
23 this crime, so the State has not provided sufficient
24 evidence, nor competent evidence, through their
25 witnesses, nor any physical evidence to show that all

1 of the elements of these crimes were fulfilled, so
2 we're asking for a grant for our directed verdict
3 motion.

4 THE COURT: All right. Thank you, Ms. Carter.

5 Any response from the State?

6 MS. HAMMACK: Your Honor, viewing the evidence
7 presented in the light most favorable to the State,
8 there was direct testimony to each and every element
9 of the crime for which Mr. Sanders is on trial. Direct
10 testimony included eyewitness testimony, both from the
11 occupants of the house and from one of the co-defendants
12 charged in this case who identified this defendant as
13 being the one in the house with a gun. Eyewitness
14 testimony is direct evidence, not circumstantial
15 evidence. The weight of that evidence -- the weight of
16 that testimony and the credibility of that testimony
17 is a question for the jury.

18 So for purposes of a directed verdict motion, there
19 was testimony and evidence presented today on each of
20 those elements and so it now should go to the jury.

21 THE COURT: All right. Thank you.

22 I'll allow anyone in response.

23 MS. CARTER: Nothing further, Your Honor.

24 THE COURT: All right. Thank you.

25 Ms. Carter, I respectfully deny your motion.

1 Are there any other motions from defense?

2 MS. STEINER: Your Honor, at this point in
3 time I'd like to renew my pre-trial motions and any
4 objections made during the trial.

5 THE COURT: All right. Thank you, Ms. Steiner.

6 So you're renewing the motion to -- to quash the
7 indictment, as well as the motion to bifurcate?

8 MS. STEINER: That's correct, Your Honor.

9 THE COURT: All right.

10 All right. I -- any response from the State?
11 Any argument regarding the --

12 MS. HAMMACK: Not -- not as to that, Your Honor.
13 We would just ask that you stand by your prior rulings.

14 I do have something we need to put on the record
15 after we finish this.

16 THE COURT: Okay. All right.

17 Ms. Steiner, I am going to deny those motions.
18 The renewal has been marked for the record.

19 MS. STEINER: Thank you, Your Honor.

20 THE COURT: All right. Yes, ma'am.

21 MS. HAMMACK: Just for purposes of the record,
22 during the testimony of that last witness on
23 cross-examination there was an objection by the State.
24 At that time all parties approached the bench. The
25 objection was to a question going into any criminal

1 charges arising from the defendant's relationship with
2 his girlfriend who is tangentially related to the
3 witness that was testifying at the time. The State
4 objected to relevance. There was a sidebar at the
5 bench wherein the defense argued -- and help me not to
6 forget anything, the defense position was that it goes
7 to the bias of the witness and the response was that
8 it would go to the bias of another witness such as the
9 ex-girlfriend of the defendant, but would not go to the
10 bias of this witness and -- and that it would open the
11 door to some prejudicial and perhaps improper testimony
12 for purposes of this case. At that time Your Honor
13 sustained the State's objection. Because that was at
14 sidebar, I did not know if it -- if it made it onto the
15 record, but wanted to put that on the record.

16 THE COURT: Thank you, Madam Solicitor.

17 Ms. Steiner, is there anything that you need to add
18 to that accounting?

19 MS. STEINER: Nothing, Your Honor.

20 THE COURT: Okay. Thank you.

21 All right. This is -- that is my -- I agree with
22 that accounting as well.

23 All right. There are -- any motions from the
24 prosecution?

25 MS. CLEVELAND: None from the State, Your Honor.

1 THE COURT: All right. Thank you.

2 All right. Ms. Carter, Ms. Steiner, is your
3 client going to be testifying?

4 MS. STEINER: Your Honor, I haven't had the
5 chance to discuss that with him today. I respect --
6 I respectfully ask that we have about five minutes --

7 THE COURT: Certainly.

8 MS. STEINER: -- to go over that.

9 THE COURT: All right. I'm -- I'm gonna allow
10 you to -- we're gonna stand down for five minutes and
11 if you -- if you want to go back and have a conversation
12 with him, we'll allow you to do that at this moment, all
13 right?

14 MS. STEINER: Thank you, Your Honor.

15 (Whereupon, a recess was taken at 3:49 PM.)

16 (Back on the record at 4:02 PM.)

17 THE COURT: Ms. Steiner, before we jumped off the
18 record I was asking whether or not Mr. Sanders was going
19 to testify in -- in this trial.

20 Has he made a decision?

21 MS. STEINER: Yes, he has, Your Honor.

22 THE COURT: Yes, ma'am.

23 MS. STEINER: He does wish to testify.

24 THE COURT: I'm sorry?

25 MS. STEINER: He does wish to testify.

1 THE COURT: Okay. All right.

2 Madam Solicitor, I -- I assume that there is some
3 prev -- previous crimes -- some prior crimes that you're
4 going to be asking the defendant about?

5 MS. HAMMACK: Your Honor, other than the burglary
6 convictions that are elements of the offenses, in a
7 very quick review of his criminal history I don't have
8 that he has anything to -- involved in the last ten
9 years that qualifies for impeachment purposes.

10 THE COURT: Okay.

11 All right. Mr. Sanders, I am positive that
12 Ms. Steiner has gone over this with you or Ms. Carter,
13 but I want to make sure on the record that you understand
14 that your testimony is going to be considered a waiver
15 of your Fifth Amendment rights.

16 Do you under -- you understand that, sir?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: All right. If you have any additional
19 questions about it, you've got Ms. Steiner and Ms. Carter
20 to help you along with that, okay?

21 THE DEFENDANT: Thank you, ma'am.

22 THE COURT: All right.

23 It is 4:00 now, Ms. Steiner, and not to -- we are
24 in no way -- the Court is in no way trying to rush your
25 presentation of your case. Just for housekeeping,

1 Mr. Sanders' testimony you believe will take -- do you
2 have an approximation?

3 MS. STEINER: Your Honor, I think it would probably
4 be safe to say that we can wrap up his testimony today
5 and then do closings tomorrow.

6 THE COURT: Okay. And we -- we will do that then.
7 So once -- once his testimony -- once he's done with
8 his testimony, we can have a charge conference in the
9 morning. I can -- all right. So those charges -- our
10 proposed charges are already ready.

11 Ms. Steiner, are you going to prepare the
12 correction that we spoke about?

13 MS. STEINER: Your Honor, I'd like for you to
14 prepare that.

15 THE COURT: Okay. All right. So we will submit
16 -- we'll submit to you electronically what our proposed
17 charges are. If you-all will look over that tonight
18 and be prepared for the charge conference in the morning
19 and then that way I can charge the jury -- first thing
20 in the morning we can proceed with the -- the conclusion
21 of the trial, okay?

22 Any -- any questions?

23 MS. HAMMACK: No, Your Honor.

24 THE COURT: All right.

25 All right. Can you, please, bring the jury back

1 in.

2 Thank you.

3 (Whereupon, the jury return to the courtroom at
4 4:06 PM.)

5 THE COURT: All right. Ladies and gentlemen of
6 the jury, I know that the hour is 4:00. Have you-all
7 had an opportunity to stretch and get all those wiggles
8 out? If you haven't, please do so before the defendant
9 starts their case. I'll give you a minute just to make
10 sure you're stretching. We want -- we want to make sure
11 that you are really listening and able to pay strict
12 attention to both -- both parties.

13 So if anyone needs to stand up and stretch, please
14 do so at this time. If not, are you-all all right?

15 All right. Okay.

16 All right. So I am going to -- at this time the
17 de -- defense is going to present their case.

18 You may present.

19 MS. STEINER: The defense calls Christopher
20 Sanders.

21 THE CLERK: Please raise your right hand.

22 (Whereupon, Christopher Sanders was duly sworn
23 by the Clerk of Court.)

24 THE CLERK: Please respond.

25 THE WITNESS: I do.

1 THE CLERK: Have a seat in the witness box. State
2 your full name for the Court, spelling your last.

3 THE WITNESS: How you doing today? My name
4 is Christopher Lee Sanders. My last name is
5 S-a-n-d-e-r-s.

6 CHRISTOPHER LEE SANDERS,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. STEINER:

10 Q. Christopher, just kind of get a little comfortable and
11 face the jury a little bit more.

12 Did you do this?

13 A. No.

14 Q. Why does Charlene not like you?

15 A. Well, we have a long history of things that she does
16 and like that I don't tolerate because I have kids also
17 and the kids that my ex-girlfriend has we're -- we was
18 raising them together, but some things that she was doing
19 that I didn't approve of and I still don't approve of it,
20 but that's neither -- neither here or there, but also at
21 the same time she never has liked me for the last eight
22 years that me and this woman has been together and I really
23 -- it really doesn't bother me whether she likes me or not.
24 I just got -- I got five kids and I wouldn't want nobody to
25 do nobody's kids like that either.

1 Q. Were you a burglar in the past?

2 A. Yes, I have, but I've learned my lesson from that.

3 That was twenty-seven years ago. I'm forty-eight years old
4 now. I've been out of trouble almost thirty years and I'm
5 trying to get my life together. I'm -- I came to Aiken to
6 open up a restaurant for my kids, not for me. I opened it
7 up for my kids so they'll have something -- if something
8 happened to me so they'll have something to fall back on.

9 That's why I came to Aiken. I don't come up here -- I
10 did not come up here to get into any trouble. I came up
11 here to better myself from where I was and I've been up
12 here eight years. I've been employed at Amicks Farm, I've
13 been employed with Tommy Taylor -- Mr. Tommy Taylor. I've
14 been at Red Lobster. I've been at Buckwheat's Barbecue. I
15 had several jobs since I've been here and that's all I came
16 up here to do, to -- to apply myself so I can make a better
17 life for my kids. I don't want them to go out there and
18 make the same mistakes that I made years ago, so I'm asking
19 the jury and I'm asking the State to please --

20 MS. STEINER: Mr. Sanders -- Mr. Sanders, go ahead
21 and answer any questions that the State may have for you.

22 THE WITNESS: Okay.

23 THE COURT: Cross?

24 MS. HAMMACK: Your Honor, we need to take something
25 up outside the presence of the jury.

1 THE COURT: All right. Ladies and gentlemen of the
2 jury, we're gonna escort you back to the jury room.

3 Mr. Bailiff, can you take them to the jury room.

4 (Whereupon, the jury retires to the jury room at
5 4:10 PM.)

6 THE COURT: All right. Madam Solicitor.

7 MS. HAMMACK: When Your Honor asked me if the
8 defendant had any criminal history that we intended on
9 using for impeachment, under Rule 609 that typically
10 only allows for convictions of the defendant within
11 the last ten years and crimes that are evidence of
12 truthfulness. Under Rule 609 the State did not intend
13 on entering any of the defendant's past criminal history
14 to impeach him; however, on direct examination the
15 defendant said "I have been out of trouble almost
16 thirty years".

17 Now for purposes of impeachment of that statement
18 that the defendant made in his own testimony, it's the
19 State's contention that now relevant are one, two, three,
20 four, five, six, seven, eight prior convictions that the
21 defendant has had in the past thirty years that would
22 not be con -- convictions entered under 609, but what
23 are now relevant because -- to dispute and impeach the
24 defendant on his statement that he has been out of
25 trouble for nearly thirty years.

1 In order to avoid undue prejudice in impeaching
2 the defendant, I would not go into what he was convicted
3 of or the facts behind those convictions, but I think
4 at this point he has opened the door for the -- for the
5 State to impeach his statement of being out trouble by
6 saying well, you've been convicted -- or you've had
7 convictions in the last thirty years, you've had
8 convictions in this year, this year, this year, this
9 year, this year, this year, this year and this year. I
10 think that is now instantly relevant for his credibility
11 as a witness because he has testified to something other
12 than that.

13 And as I stated, I would not do anything to further
14 prejudice him by going into what any of those are.

15 THE COURT: Ms. -- Ms. Steiner.

16 MS. STEINER: Your Honor, I don't have any
17 objection to Ms. Hammack -- I mean, that she -- not
18 that she would lay out, you know --

19 THE COURT: I agree, Ms. Steiner. I do think the
20 door has been opened; however, I'm going to -- if you
21 can work around that limitation that you've stated.
22 The Court's gonna require that. I do think that the
23 door's been opened for you to impeach him regarding the
24 mention of those eight convictions, so I will allow that.

25 MS. HAMMACK: Thank you, Your Honor.

1 THE COURT: All right.

2 All right. Can we bring -- bring the jury back
3 in, please.

4 (Whereupon, the jury return to the courtroom at
5 4:15 PM.)

6 THE COURT: All right. Thank you, ladies and
7 gentlemen of the jury.

8 At this time we'll begin cross-examination.

9 CROSS-EXAMINATION

10 BY MS. HAMMACK:

11 Q. You said you knew Tommy Taylor?

12 A. Yes.

13 Q. You rented from him before?

14 A. I rented from him and I worked for him.

15 Q. That's right. You also worked for him. So you knew
16 where he lived?

17 A. Yes.

18 Q. You've been to his house?

19 A. I've been to his house, but I never been inside his
20 house.

21 Q. You've paid money to him before?

22 A. No, my wife paid -- my ex-girlfriend used to pay the
23 rent, not me.

24 Q. But you know where Tommy Taylor lived and you know
25 he's a landlord?

- 1 A. I used to work for him. I worked for him for six
2 months, then I left and went to another job making more
3 money.
- 4 Q. So is that a yes?
- 5 A. Yes.
- 6 Q. And you know as a landlord he takes money for rent and
7 he don't rent for free?
- 8 A. Yes.
- 9 Q. And you told Ms. Steiner on direct that you came to
10 Aiken to open a restaurant and then worked for Mr. Tommy
11 and worked at Red Lobster and worked at barbecue places
12 because you were gonna stay out of trouble, right?
- 13 A. Correct.
- 14 Q. And you said that you hadn't been in any trouble in
15 almost thirty years?
- 16 A. Correct.
- 17 Q. But you've got criminal convictions from 1993?
- 18 A. That's twenty-seven years ago, ma'am.
- 19 Q. Okay. So that's less than thirty. You've got
20 criminal convictions from 1994?
- 21 A. That's still less than thirty years.
- 22 Q. So is that a yes?
- 23 A. Yes.
- 24 Q. You have criminal convictions from 1999?
- 25 A. 1994 and 1999 is the same charges.

1 Q. So that's a yes?

2 A. Correct.

3 Q. You have criminal convictions from 2002?

4 A. I don't a crim -- criminal conviction for 2002. I
5 went to prison in 2000.

6 Q. Would it help to look at your criminal history to see
7 if you have a conviction from 2002?

8 A. Yes, ma'am. I have went over my criminal his --
9 history for the last nineteen months.

10 Q. What's that date say, Mr. Sanders?

11 A. 2-11-2002.

12 Q. Okay. And what does that say?

13 A. That was 2002.

14 Q. Okay. What's that word?

15 A. I was convicted of a CDV. That was -- I paid \$325 for
16 that charge.

17 Q. So you had a criminal conviction in 2002?

18 A. I mean, it was a CDV.

19 Q. So that's a yes?

20 A. Yes. It was a criminal domestic violence.

21 Q. You had a criminal conviction from 2007?

22 A. A criminal conviction for 2007? I don't recall that.

23 Q. Would it help for you to look at your paperwork for
24 that? Would it help you to remember if you looked?

25 A. Yes.

1 Q. Okay. What does that say?

2 A. 2006.

3 Q. Okay. What's that date?

4 A. That was a warning for going on premises that I did
5 not know that I wasn't supposed to go on in Barnwell
6 county.

7 Q. Mr. Sanders, I need you to listen to my questions,
8 okay?

9 A. I am, ma'am.

10 Q. Okay. Can you answer my question as far as what date
11 that is?

12 A. That say 2007, but that's a conviction for a charge
13 that I did not know I wasn't supposed to go in Subway in
14 Barnwell county and I got found guilty of it. I -- I
15 wasn't --

16 Q. So 2007 you had a criminal conviction?

17 A. Yes, but I was never served the trespassing notice on
18 that conviction.

19 Q. And, Mr. Sanders, you have a criminal conviction from
20 2018?

21 A. Yes, for child support.

22 MS. HAMMACK: I don't have anything else.

23 THE COURT: Redirect?

24 REDIRECT EXAMINATION

25 BY MS. STEINER:

1 Q. Mr. Sanders --

2 A. Yes.

3 Q. -- when you said that you hadn't been in trouble, what
4 did you mean by trouble?

5 A. When I say trouble, I haven't had any prior records of
6 going to prison. When -- when I say trouble, I haven't
7 been in trouble with the law. I have been staying out of
8 the way of the law. My -- I recently went to jail for
9 child support because when I came back from North -- from
10 New Jersey in 2009, I found out I was on child support.
11 I did not know. When they pulled me over in 2018 for
12 driving, they took my -- I didn't know they suspended my
13 license.

14 MS. STEINER: No further questions.

15 THE COURT: All right. This witness may be
16 excused.

17 Thank you, Mr. Sanders.

18 (Witness excused.)

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, at this time I am going to release you for the day
21 and we will reconvene back here tomorrow morning. I'm
22 going to ask that you be here at 9:15. We will provide
23 breakfast to you.

24 While you are away for the night, again, let me
25 reiterate that it is extremely important that you do

1 not attempt to do any type of research on any of the
2 testimony that you've heard today or any of the topics
3 that you've heard during today's trial.

4 You are also not to discuss this case with any of
5 your fellow jurors or with any of your family or friends
6 and especially not on any type of social media.

7 Madam Clerk, will -- will we have breakfast for
8 them at 9:15?

9 THE CLERK: We can, yes.

10 THE COURT: All right. All right. We -- we will.
11 I -- I almost made a promise that I wasn't gonna be able
12 to keep, but at 9:15 if you-all will come back.

13 We're going to release you-all for the day. Thank
14 you for your service today. We will see you tomorrow
15 morning at 9:15.

16 (Whereupon, the jury was excused for the day at
17 4:23 PM.)

18 THE COURT: All right. I think that I'll have
19 you-all to formally rest tomorrow morning. I think
20 they assumed you rested, but let's do that in a formal
21 manner tomorrow morning.

22 Now are there any motions to be heard at this
23 time?

24 MS. STEINER: Your Honor, I'll just do all of that
25 tomorrow morning and that's why I was standing up. So

1 I'll just do all of that in the morning.

2 THE COURT: Okay.

3 All right. Thank you, Ms. Steiner.

4 So we will -- we will adjourn for the day. I --
5 we should have -- all right. We will send the charge
6 -- the proposed charges to you-all tonight. Please
7 overlook those and submit any changes -- proposed
8 changes and we'll be able to discuss that quickly in
9 the morning.

10 MS. STEINER: Yes, Your Honor.

11 MS. HAMMACK: And Your Honor indicated doing a
12 charge regarding the unanimous agreement on the elements
13 of the offences. Do you want Ms. Steiner and I to --

14 THE COURT: Well, we -- we've -- we've come up with
15 one.

16 MS. HAMMACK: Okay.

17 THE COURT: If you're -- if -- and so that -- that
18 could be a boiler -- that could be the -- the template
19 and -- that could be the template. If you-all want to
20 make some changes and -- and we can adapt it to something
21 you-all agree on, so we'll make sure that we -- we
22 discuss that first thing in the morning.

23 I had the jury to come in at 9:15, but I should
24 not have done that if we're going to do the charge
25 conference.

1 Are they gone?

2 THE CLERK: That will give them time to --

3 THE COURT: They'll be eating during that time?

4 Okay.

5 All right. So they'll be occupied, so we will
6 have that charge conference early in the morning, okay?

7 MS. HAMMACK: Thank you, Your Honor.

8 THE COURT: All right. Thank you.

9 MS. STEINER: Thank you, Your Honor.

10 MS. CARTER: Thank you, Your Honor.

11 (Whereupon, the proceedings were concluded for
12 May 12, 2021, at 4:26 PM.)

13 (The following proceedings were held May 13, 2021,
14 beginning at 9:39 AM.)

15 THE COURT: All right. Madam Solicitor and Madam
16 Defense Counsel, we just need to have a quick charge
17 conference.

18 Did you-all receive the charges last night?

19 MS. STEINER: Yes, we did, Your Honor.

20 THE COURT: All right. Are there any proposed
21 changes to those charges? Any from just -- the State?

22 MS. CLEVELAND: Your Honor, in reading this for
23 the grand larceny, it is greater than \$2,000, not
24 greater than \$10,000, I believe the statute shows.

25 THE COURT: All right.

1 MS. CLEVELAND: And I don't believe that we
2 require an expert witness charge.

3 THE COURT: Is that -- okay. Tell me what page.
4 As you can see, I'm without a law clerk today --

5 MS. CLEVELAND: Oh, no.

6 THE COURT: -- and my glasses. So please tell me
7 what -- what page.

8 MS. HAMMACK: The value on the grand larceny,
9 Your Honor, is listed in the top third of page 10.
10 It's at the very end of that grand larceny charge.

11 MS. CLEVELAND: And page 4 is the expert witness
12 charge, Your Honor.

13 THE COURT: All right. I'll take that -- we did
14 not have an expert witness and so we will remove the
15 charge.

16 All right. That section is now removed and let
17 me go on to the grand larceny.

18 Please, Madam -- hold on.

19 Madam Clerk, will you -- I got it. I got it now.
20 Thank you.

21 What paragraph was that again?

22 MS. HAMMACK: Which one, Your Honor?

23 THE COURT: Where is -- where are the amounts
24 listed in -- in this grand larceny charge?

25 MS. HAMMACK: It's -- it's literally the last

1 sentence of the grand larceny charge. I think it's
2 the only time it references it.

3 Yes, Your Honor. It's the very last sentence
4 of that charge on page 10 is the only time it gives a
5 value.

6 THE COURT: Will you-all approach? I -- I want
7 to make sure that we are -- your agreements on the
8 version of the charges. I'm not -- I may have been
9 sent something -- something else.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: All right. Are there any other --
12 you've got some proposed changes?

13 MS. STEINER: I do, Your Honor.

14 THE COURT: You do? Okay.

15 All right. Thank you. I just couldn't...

16 All right. Are those all the proposed changes
17 from the State?

18 MS. CLEVELAND: It is, Your Honor.

19 THE COURT: All right.

20 All right, Ms. Steiner.

21 MS. STEINER: Your Honor, as to the circumstantial
22 evidence charge, I believe in this case we only had
23 direct evidence, but if Your Honor wishes to remove that
24 or keep it in is -- I just wanted to draw Your Honor's
25 attention to that.

1 THE COURT: Thank you. Ms. Steiner, will you point
2 me to what page.

3 MS. STEINER: I believe it was previously on
4 page 4, but I'm not sure now --

5 THE COURT: Maybe -- yes, it is.

6 MS. STEINER: -- and I don't have a printed off
7 copy.

8 THE COURT: All right. And so -- oh, I see. Yes,
9 that needs to be removed.

10 MS. CLEVELAND: Your Honor --

11 THE COURT: Are you in agreement with that?

12 MS. CLEVELAND: No, Your Honor.

13 THE COURT: No? Okay.

14 MS. CLEVELAND: I believe that we did have
15 circumstantial evidence in that people testified about
16 the circumstances of the defendant having knowledge
17 and knowing the victim and he would know when rent was
18 collected and that the victim had a safe, so we would
19 ask that it remain.

20 THE COURT: Ms. Steiner, there was testimony to
21 the collect -- the alleged collection of rent and
22 location of the safe, I believe.

23 MS. STEINER: Your Honor, there was testimony about
24 that, but I believe that it's still not circumstantial
25 evidence.

1 THE COURT: Ms. Steiner, I'm gonna -- I'm gonna
2 leave it in.

3 MS. STEINER: Thank you, Your Honor.

4 THE COURT: I'm gonna leave that circumstantial
5 charge in.

6 MS. STEINER: And then, Your Honor, as to the
7 modifications that you made in regards to my pre-trial
8 motions, I'd still object to those because no jury
9 charge is sufficient to cure.

10 THE COURT: All right. Thank you, Ms. Steiner.
11 Your objection is noted for the record. I'm going to
12 charge in the -- in the amend -- the amended charge
13 that we provided, I -- why -- and I -- I note your
14 objection, but are you in agreement with the way that
15 it is written in this charge?

16 MS. STEINER: Yes, Your Honor.

17 THE COURT: Okay. As far -- as far as you will
18 -- will agree, yes?

19 MS. STEINER: Yes. Yes, Your Honor. I don't have
20 any fundamental change or any typos or any clerical
21 errors within the charge.

22 THE COURT: Thank you.

23 And the State is -- the State had the opportunity
24 to read that version of the charge as well and you're
25 in agreement with that?

1 MS. CLEVELAND: We are, Your Honor.

2 THE COURT: All right.

3 All right. And so I am going to print off -- I'll
4 have three copies of these charges to be printed off and
5 I do need to place two things on the record.

6 The first was -- I believe I mentioned yesterday
7 that we had several jurors who had brought in their own
8 notebooks and took their own notes and so I have not
9 permitted note-taking, I have taken the notebooks and
10 have taken the relevant pages out of those notebooks
11 to the trial and I will have those shredded. Now I am
12 going to return those notebooks back to the jurors
13 because they're personal matters, nothing to do with
14 court, work notes and it looks like family notes in
15 those notebooks, so I will return those notebooks with
16 those pages removed and shredded from those notebooks.

17 The second item that I need to place on the record
18 is that yesterday afternoon a juror called in and had
19 been notified that her young son has been placed on
20 quarantine, so obviously she was going to the school
21 to pick up that child and carry the child home and so
22 for that reason we will -- we are going to remove that
23 juror from the -- from the jury and we will replace her
24 with one of the alternates -- the alternates that we
25 have and so we'll need to do that first thing when we

1 bring the jury in again.

2 Are there any objections to that or any issues
3 with those two items?

4 MS. CLEVELAND: No, Your Honor.

5 THE COURT: Okay. Any, Ms. Steiner?

6 MS. STEINER: No, Your Honor.

7 THE COURT: Okay.

8 All right. Madam Clerk, can you print this off
9 from here or shall I have -- usually -- usually my law
10 clerk does it.

11 Charla, could you print it off from this computer?

12 THE CLERK: Are you already connected here?

13 THE COURT: I am. I believe so.

14 (Off the record discussion.)

15 THE COURT: All right. Are there any other matters
16 that need to be handled before we bring the juror back
17 in --

18 MS. CLEVELAND: None from the --

19 THE COURT: -- the jury. Excuse me.

20 MS. CLEVELAND: None from the State, Your Honor.

21 MS. STEINER: Yes, Your Honor. Just for the
22 record I do need to place one more objection on the
23 record for the jury form.

24 THE COURT: Yes.

25 MS. STEINER: I believe that that is also not

1 sufficient to cure and that no jury form would be
2 sufficient regarding our pre-trial motions.

3 THE COURT: All right. Thank you, Ms. Steiner,
4 and your objection is noted for the record.

5 Is there any argument from the State?

6 I am -- I believe that the charge -- the verdict
7 form is -- we didn't go over that verdict form, but I
8 think it's sufficient.

9 MS. HAMMACK: Your Honor, we would agree with you.
10 Your jury charge explains the obligation of the jury to
11 be unanimous in -- in making their decisions and the
12 verdict form also requires unanimity for each charge.

13 THE COURT: All right. Thank you.

14 I'm gonna e-mail that and we'll have that verdict
15 form printed off as well.

16 So your objection is noted.

17 MS. STEINER: Thank you, Your Honor.

18 THE COURT: Thank you, Ms. --

19 MS. STEINER: Would you like for me to also rest
20 and renew motions now or did you want to do that in
21 front of the jury?

22 THE COURT: Oh, yes. We did not formally rest,
23 but when we bring the jury back in do you want to rest
24 at that point or we -- let's just go ahead and rest now.

25 MS. STEINER: Your Honor, the defense rests.

1 At this point in time I'd also like to renew all
2 my prior motions and objections.

3 THE COURT: All right. Thank you, Ms. Steiner.

4 Do you have any further argument or those
5 arguments remain the same as the prior?

6 MS. STEINER: My argument remains the same, Your
7 Honor.

8 THE COURT: All right. Thank you.

9 Does the State have any additional argument?

10 MS. HAMMACK: No, Your Honor.

11 THE COURT: All right.

12 All right. Thank you, Ms. Steiner.

13 I'm going to deny that mo -- those motions and
14 allow this to go to the jury.

15 MS. STEINER: Thank you, Your Honor.

16 THE COURT: All right. At this time --

17 (Discussion off the record.)

18 THE COURT: All right, ladies. She -- we'll get
19 you those copies of those jury charges in just a moment
20 and we now have the virtual courtroom up and running
21 and so at this time we're gonna bring the jury in.

22 You have -- you have something, Ms. Hammack?

23 MS. HAMMACK: Just two things.

24 I -- I think Ms. Steiner when -- when the jury
25 comes now that she's formally rested and renewed all

1 her motions, I think, is going to rest in front of the
2 jury just for an issue of completeness for -- for the
3 jury to see.

4 And then as far as order of closings, the defense
5 did present evidence in this case and Ms. Steiner has
6 let me know that she would like the State to open on
7 the law and then she'll do a closing and -- and then
8 the State will rebut.

9 THE COURT: Okay. All right.

10 MS. STEINER: That's correct, Your Honor.

11 THE COURT: Is that correct?

12 MS. STEINER: Yes, Your Honor.

13 THE COURT: All right.

14 All right. Anything further, Ms. Steiner or
15 Ms. Hammack?

16 MS. STEINER: Nothing, Your Honor.

17 THE COURT: Okay.

18 All right. Ladies, can you approach and we'll get
19 you those jury charges.

20 (Proceedings held at the bench, not reported.)

21 THE COURT: All right, Mr. Bailiff. Can you,
22 please, bring the jury back in, please.

23 (Whereupon, the jury enter the courtroom at
24 10:06 AM.)

25 THE COURT: All right. Good morning, ladies and

1 gentlemen of the jury. Thank you, again, for your
2 patience. You-all got breakfast again this morning?
3 Okay. Very good.

4 All right. Thank you for your patience while we
5 handled some matters that -- legal matters for court.

6 Juror Number 38 or Alternate Number 38?

7 All right. At this time we have had to excuse
8 Juror Number 163 and so, Juror Number 38, you can sit
9 now with the jury. You are now a jury member, which
10 means that you will go back and participate in
11 deliberations.

12 All right. Thank you, sir.

13 All right. At this time we will proceed with the
14 closing of the trial.

15 Ms. Steiner.

16 MS. STEINER: Your Honor, the defense rests.

17 THE COURT: All right. Thank you.

18 Members of the jury, we are now at the stage of
19 the trial where we will have the final arguments by
20 the lawyers. Once they have completed that, I will
21 instruct you on the law.

22 The State will go first, followed by the defendant,
23 and then the State will have the right to reply to
24 anything that the defendant may have said in their
25 closing.

1 Closing arguments are much like opening statements.
2 They are not evidence in the case. Obviously these
3 lawyers will be arguing the evidence in the light most
4 fav -- favorable to their position, but it's -- it is
5 not evidence. You have already heard all of the
6 evidence, the testimony and the exhibits. That is
7 where you will make your decision; however, please pay
8 very close attention to these attorneys' arguments and
9 once they have completed those arguments, I'll instruct
10 you on the law and then it will be in your hands for
11 deliberation.

12 MS. HAMMACK: Thank you, Your Honor.

13 An easy target. Easy money. Make a good move.
14 This is a case about easy mon -- or an easy target.
15 Tommy Taylor's eighty years old who lived in a house
16 with women and children. He can't run, can't fight
17 back. He's an easy target. Easy money.

18 Tommy Taylor's a landlord. Has been for years.
19 His house has a sign right out there by the front door
20 -- it's hard to see in this picture, but you can see
21 it on the picture on the computer -- that says "office".
22 He works out of his house. He takes money at his house.
23 He keeps money at his house. Not checks, not the Square
24 on the cellphone, but cash. He's an easy target with
25 easy money. In the words of Charlene Harshaw, that's a

1 good move.

2 Members of the jury, as you sat here yesterday
3 and listened to the testimony and -- and the evidence
4 in this case, there's not a whole lot that's been
5 disputed. Most, if not all, of the events of
6 October 11, 2019, nobody's arguing about. Nobody's
7 saying that Tommy Taylor didn't get robbed at his house
8 at [REDACTED] [REDACTED] after dark that night. And,
9 in fact, really the only question is whether or not the
10 defendant had anything to do with it.

11 So let's go over quickly what we know to be true,
12 what's not in dispute and what happened on the night in
13 question.

14 The -- the evening of October 11, 2019, Friday
15 night, Tommy Taylor's sitting in his recliner in his
16 house where he sleeps at [REDACTED] [REDACTED] right
17 off of 19 here in Aiken county, and a woman comes to the
18 door. The door's open, the screen door's shut, but he
19 can see through that door. Through the glass he can
20 see who's at the door and she's been around there before,
21 she came to the house earlier that day, so he says come
22 on in, let's talk.

23 So she's talking to him about selling some land
24 so she can rent from him again. And while she's having
25 what should be a perfectly normal conversation about the

1 business that Tommy Taylor has been doing for fifty
2 years, people bust in the door behind her. People that
3 weren't invited. People that didn't have permission to
4 be in his house and people that weren't there to do
5 business. The defendant wasn't there to rent from
6 Tommy Taylor. He was there to take.

7 And so on that night a man busts in behind Charlene,
8 face covered, arms covered, can't see who he is. He's
9 got a gun, so you know what he's there for, and he
10 immediately starts asking about money and a safe because
11 that person knew that there was money in that house and
12 knew that Tommy had a safe.

13 There's a commotion, there's arguing. Tommy's
14 getting louder and louder, which is out of the ordinary
15 for the kids in the back of the house watching TV. For
16 the woman putting on her makeup in the bathroom.

17 So as the old man that's sitting at gunpoint with
18 a gun to his head, as he's sitting in his chair, his
19 recliner, Jennifer and her children start coming out of
20 the back of the house to see what's going on, and all of
21 them told you about seeing the man with his face covered
22 with a gun. It was called a big gun, a black gun. I
23 think it was also called, again, a black gun, a police
24 gun, but a black handgun, and how he ordered them to open
25 up the safe.

1 You heard how it took Jennifer and Kayle and Tommy
2 and eventually they got that safe open, but the problem
3 was the only thing in that safe was a bunch of paperwork,
4 important paperwork, paperwork that's a big hassle to
5 replace and paperwork that's really important to the
6 owner, titles, life insurance policies, wills, but not
7 the money that those robbers were looking for.

8 And you heard about how they returned to the living
9 room, where's the wallet, I want your wallet, where's
10 your wallet, and how Tommy had stuffed that wallet down
11 in the cushion of his chair, his recliner, to hide it,
12 but he didn't hide it good enough. The wallet was found,
13 the wallet was taken, and those robbers left.

14 Now you've heard how law enforcement came out and
15 took statements, they investigated. Investigator Savell
16 gets assigned to the case and at first there's no real
17 leads. You can't identify the people that had their
18 faces covered before we all had to cover our faces
19 during COVID, so wasn't sure who these people were that
20 had robbed Tommy Taylor, but you heard how he started
21 getting information from -- I mean, he started getting
22 names. Tommy started getting names living in that
23 neighborhood and he gets the names of Charlene Harshaw
24 and Christopher Sanders and he realizes Charlene was in
25 the house earlier that day. One of the kids, Tearren,

1 told him about the woman that was there earlier that
2 day, so he goes back and Tearren says yeah, that woman,
3 and picks out Charlene Harshaw.

4 And you heard how Investigator Savell went to
5 Charlene and she spilled her guts. She told it all.
6 She told about Christopher Sanders. She told about the
7 plan. She told about how they did it. She admitted to
8 being there. Being a part of it. And she pointed the
9 finger at Christopher Sanders.

10 Now as a result of that, Christopher Sanders has
11 been charged with multiple charges. He's been charged
12 with burglary first degree, armed robbery, grand larceny
13 and possession of a weapon during the commission of a
14 violent crime.

15 Now Ms. Cleveland told you about those crimes at
16 the beginning of this trial and I'm gonna go back over
17 them for you, but at the end of both of us talking the
18 judge is gonna give you the law that you have to apply
19 to the facts in this case and so she's the one that's
20 gonna direct you, but I want to talk about what you need
21 to have been looking for this whole time.

22 So let's talk about burglary first degree. Burglary
23 first degree requires certain things. It requires that
24 somebody enters. It doesn't have to be with force. You
25 don't have to rip a door down or break a window. You

1 just have to enter a dwelling. Us lawyers have to make
2 everything more complicated. You can't just call it
3 a house, we've got to call it a dwelling, but what a
4 dwelling is, it's where somebody lives or somebody
5 sleeps. [REDACTED] is where Tommy Taylor
6 lives, where he sleeps. So for burglary first you have
7 the entering of a dwelling without consent, you're not
8 allowed to be there, and with the intent to commit a
9 crime inside.

10 So in this case, you've got Tommy watching TV and
11 he describes a man busting in his front door. He said
12 Charlene was kind of blocking his view, but a man all
13 covered up busted in the front door. We know it's his
14 house, it is a dwelling, without consent. Tommy sat
15 there and told you he didn't have permission to be there.
16 Those other guys with their faces covered, they didn't
17 have permission to be there, I didn't invite them in,
18 and with the intent to commit a crime therein. Well, we
19 know they intended to commit a crime. They didn't come
20 knocking on the door, smiling, identifying themselves
21 saying hey, we're gonna rent, they came in faces covered
22 with a gun, and then they did commit a crime. They stole
23 from him. So those are the elements of burglary.

24 Now burglary first requires an additional element
25 and the State has given you two. The judge is gonna

1 explain to you that you have to agree a hundred percent
2 with each other about these other two elements. You
3 can pick one, but you-all have got to be in agreement
4 on it. And those other two elements are that the
5 defendant was armed when he came in the house, that he
6 had a gun, everyone in that house testified when he
7 came in that door he had a gun, he was pointing it at
8 everybody, or, that the defendant has two prior
9 convictions for burglary. The last thing we did before
10 we sat down yesterday was read you those two prior
11 convictions that this defendant has for burglary. So
12 those are the elements of burglary first degree.

13 Now what's important about this and about all of
14 these charges is they don't require you to prove that
15 the defendant did this by himself. He can be a part of
16 it. He can have people with him. He can have other
17 people participate, but to find him guilty you have to
18 find that he was involved in a part of this and included
19 in these acts.

20 Charlene told you that she got charges out of this,
21 too, and she's gonna have to have her day in court, but
22 we have to go one at a time, everybody takes their turn,
23 and this is the defendant's turn.

24 The other charge that he has is armed robbery.
25 Armed robbery is one of those that kind of seems

1 self-explanatory, just saying armed robbery, but,
2 again, lawyers have to make things difficult, so
3 there's elements. Armed robbery requires that someone
4 take the personal property from somebody else or in
5 front of that person and that they do it while armed
6 with a deadly weapon. In this case, the defendant and
7 the other people in this plan came in this house, took
8 the items from Tommy's safe against Tommy's will and took
9 his wallet and his money against his will, and they did
10 this with a gun in the defendant's hand.

11 Charlene told you the defendant was the one with
12 the gun. Tommy told you that man came in my house and
13 put that gun to my head. The kids that came and
14 testified told you about what they saw. Kayle said she
15 came out of the back room and saw the man pointing a gun
16 at Tommy. Tearren said he came out to see what was going
17 on and saw the man standing like this and start swinging
18 towards him and he hit the ground. Jennifer told you
19 that the man with his face covered there by the door had
20 a gun, that he pointed it at Tommy, that he brought it
21 back with him when he made her go try to open that safe
22 and when she wasn't doing it fast enough started
23 threatening her, don't make me blow that old man's brains
24 out, I'll blow your brains out. The taking of another
25 person's stuff with a gun with the threat of violence.

1 He's also charged with grand larceny. Grand larceny
2 is kind of like robbery in a way, but it requires a
3 little bit different proof. Grand larceny requires
4 that the defendant take and carry away the property of
5 another, somebody else's stuff, against their will or
6 without their consent, and it requires a dollar amount.
7 In this case, the dollar amount is \$2,000 or more.

8 So you heard the testimony from all of the witnesses
9 Charlene, this defendant and the two other people came
10 in the house, they got in the safe, took everything out
11 of the safe, you saw the picture of the empty safe, went
12 back, took Tommy's wallet out of the recliner. He said
13 he had about \$1,800 in rent payments from that day and
14 he had some miscellaneous other cash, he said it totalled
15 about \$2,000, and then all of the paperwork from the
16 safe. You heard how they argued about it. That's what
17 drew everybody else in the room. Tommy wasn't handing
18 it over gladly. He wasn't donating it. It was taken
19 from him without his consent and it was \$2,000.

20 And then lastly the defendant is charged with
21 possession of a weapon during a violent crime. What this
22 requires is that -- this is gonna sound silly because it
23 sounds like I just said it in the title, but that the
24 defendant was in possession or displayed a firearm or a
25 deadly weapon during the commission of a violent crime.

1 There's testimony of the man with the gun in this house.
2 Not only did he have it in his hand, he possessed it,
3 but he certainly displayed it to everybody, and it was
4 during the commission of a violent crime.

5 And when I say violent crime, that's a category of
6 law. It's not just some adjective describing crime, but
7 there are -- there are laws in South Carolina that are
8 labelled by the crime. Burglary first degree and armed
9 robbery are both violent crimes. So if someone has a
10 gun and uses a gun while they commit a burglary first or
11 while they commit an armed robbery, that's possession of
12 a weapon during the commission of a violent crime.

13 Now most of that is not being argued about.
14 Somebody absolutely entered Tommy Taylor's dwelling
15 without consent with the intent to commit a crime therein,
16 and they were armed. Somebody absolutely took Tommy
17 Taylor's stuff at gunpoint, an armed robbery. Somebody
18 absolutely stole \$2,000 worth of stuff from Tommy Taylor
19 when he wasn't willing to give it up. And somebody
20 absolutely had a gun while committing those violent
21 crimes.

22 They're not saying it didn't happen. Ms. Steiner
23 apologized to Mr. Taylor for getting robbed. The only
24 question is was he a part of it. And so identification
25 is a big deal in solving a crime, in proving a crime,

1 and if you're gonna commit a crime you want to take
2 measures to not let yourself get identified, especially
3 if the person you're gonna rob knows who you are. So
4 you're gonna cover your face. You're gonna cover your
5 arms. You're gonna cover anything that might identify
6 you. You're gonna get somebody else to drive so you're
7 not using your car.

8 The problem is it seems like a great plan, easy
9 target, easy money, but you've got to make sure you trust
10 the people that you do it with. You've got to make sure
11 that the person who knows who you are behind that mask
12 doesn't tell. And the problem with the defendant in this
13 case is the person who knew who was behind the mask, the
14 person who heard the plan, drove the car, who's known him
15 for years, who was with him in that house, the person who
16 pointed out that wallet and watched him take it, and the
17 person he left behind when he took her car and left her
18 in that house, she told you exactly who had that gun,
19 who took that money, who left her, and who didn't even
20 share the money. She didn't even get anything out of it.
21 Charlene Harshaw told you that Christopher Sanders was
22 behind that mask and committed these crimes. She can
23 identify him because she knows.

24 I want to talk a little bit now about the things
25 that the defense brought up that I -- I think are pretty

1 important to address. When Investigator Savell testified,
2 he told you about the steps that were taken trying to
3 figure out what was going on, to try to collect evidence,
4 and the defense had a lot of questions about that. And
5 even before Investigator Savell got up, they asked Deputy
6 Patrick what about the -- the dash cam on your car and
7 the body camera on your -- on the person.

8 Let's talk about that evidence. Well, a dash cam
9 can be very helpful when an officer is doing a traffic
10 stop or a traffic violation and the traffic violation
11 occurs in front of them, if somebody's speeding in front
12 of them or they're fishtailing, going over the lines and
13 maybe they're DUI, that -- that dash cam is super helpful
14 because it shows what's going on, it shows those traffic
15 violations.

16 But when an officer responds to a home invasion
17 where the bad guys are already gone, that dash camera of
18 the sidewalk and of the road while his car's parked and
19 he's up there talking to everybody doesn't really help.
20 His body camera when he comes on a scene and the crime
21 has already been committed, that body camera can't show
22 you what's already happened. It's not very helpful.

23 The defense asked Investigator Savell about
24 fingerprinting and his store video and he said yeah, we
25 tried to get both, sent forensics out that night. They

1 attempted to get fingerprints from the house, but they
2 were unable to get identifiable prints.

3 When the judge talked to you at the beginning of
4 this trial, she told you this isn't CSI. It's not
5 exciting like the movies and like TV. And also unlike
6 the movies and unlike TV you don't get a perfect
7 thumbprint on the most important piece of evidence in
8 the case. This is real life. This is a trailer where
9 people come to pay their rent and where at the time
10 five people were living and who were in and out and in
11 and out. Law enforcement looked for prints, but they
12 couldn't get any. That's real life.

13 Investigator Savell tried to get video from the
14 store, but by the time he learned about that video, by
15 the time he identified Charlene and went and talked to
16 Charlene, it's almost a month later, and the store had
17 recycled over that video. They recorded over it. It's
18 not that he didn't do it. Just that it didn't exist
19 anymore. This ain't TV. This is real life.

20 Investigator Savell told you that he'd been doing
21 this for about twenty years and the defense made a -- a
22 point of asking him about his experience and what is
23 important about that is that some of these things that
24 the defense asked about could be helpful, but they're
25 not always helpful. And every investigation is different.

1 And Investigator Savell has been doing this long enough
2 to know when evidence is helpful and when it's just not
3 evidence.

4 The defense talked a whole lot about toe digs and
5 Investigator Savell told you what a toe dig is. You-all,
6 it's scuffing the dirt. Dogs can make toe digs. People
7 can make toe digs. Objects can make scuffs in the dirt.
8 It's kind of like a divot in golf. If you're not nice
9 and you don't fix your divot and you hit a ball on the
10 green and it makes an indentation on the ground, yeah,
11 that's proof that a ball hit the green. It sure is. It
12 can't tell you what kind of golf ball it was, whether it
13 was a Titleist or I don't know what else. Is there a
14 Nike? It can't tell you who hit that golf ball. It
15 can't even tell you when that golf ball hit the green.
16 That little mark on the ground just says a golf ball
17 hit. So a toe dig is a nice little scuff in the dirt
18 that says at some point something messed up the dirt.
19 It doesn't tell you who messed up the dirt. It don't
20 tell you what kind of shoes they were wearing. It
21 don't tell you when the dirt got messed up. That's not
22 helpful in this case.

23 The defense asked about shoe impressions and the
24 problem with shoe impressions is if you don't have shoes
25 to compare it to, it can't tell you very much. Again,

1 just like the toe digs, shoe impressions don't tell you
2 who was wearing those shoes. Just that they were
3 there. Not helpful.

4 The defense asked Investigator Savell about
5 getting a search warrant. Well, you -- you didn't get
6 a search warrant. You could have got a search warrant
7 for vehicles and clothes. You-all, we live in a world
8 where you cannot kick in doors without a search warrant
9 and you've got to have a reason for a search warrant.
10 For a judge to give you a search warrant to go in
11 somebody else's stuff you've got to have a reason and if
12 you don't have a description of a vehicle and you can't
13 prove that a vehicle was there and might have evidence
14 of that crime, if you don't have a description of clothes
15 and don't even know what you're looking for or where
16 you're looking for it, you don't get to just go in
17 somebody's house and take their stuff. Investigator
18 Savell said I didn't have enough for a judge to give me
19 a search warrant. He's been doing it long enough to know
20 what's helpful and what's not.

21 The last thing the defense brought up, the dogs,
22 and that they tracked these little scuffs in the dirt and
23 that they decided the people left in a car. Yeah, they
24 did. They left Charlene and took her car. She told you
25 they left in a car, but dogs can't keep tracking people

1 that leave in a car. They don't leave a scent behind
2 any longer, the cars don't. So what Investigator Savell
3 told and what those officers and technicians found
4 matches up exactly with what Charlene told you who was
5 there with the defendant.

6 The judge is gonna talk to you about the credibility
7 of the witnesses. She's gonna tell you that you-all get
8 to choose how credible somebody is. All the people you
9 listened to get up in that chair and testify, you get to
10 decide whether you believe them, whether you believe
11 some of what they said or whether you don't believe them
12 at all. And when you make that decision, you get to
13 think about things like why they would have a reason to
14 lie, what they'd have to gain. You get to look at the
15 way they acted on the stand and the way they talked on
16 the stand.

17 And you had several people testify, so I -- I want
18 to talk about that, but why this came up is because of
19 something the defendant said when he testified. He said
20 Charlene don't like me. He didn't really go into why it
21 matters, but he said Charlene don't like me and that
22 Charlene don't like him because he doesn't approve of the
23 way that she raises her children. Charlene is married
24 to the daughter of the defendant's ex-girlfriend. Why
25 does Charlene care what he thinks? He's not kin to her.

1 She don't owe him anything. Why does she care one bit
2 about what he thinks about her?

3 What about credibility? Charlene got up there and
4 she told you-all what happened and she didn't sugarcoat
5 it. She said she was in a bad spot, that she and her
6 wife and kids were about to get evicted from their house
7 and they needed money. And she said the defendant was
8 in a bad spot 'cause he was mad. He was mad because his
9 girlfriend was going to other men for money and that
10 wasn't okay.

11 And so the two of them go to the store. The same
12 day Charlene's already been to Mr. Tommy's trying to come
13 up with ways to get some money. The store that's right
14 around the corner from Mr. Tommy's house. She pointed
15 out that Mr. Tommy lives right here and they went to the
16 store right down the road at the bottom of Pipeline here.

17 It was the defendant's idea to go to the store. She
18 didn't choose to go to the store. And what's interesting
19 is it was the defendant's idea to go to the store and
20 magically, just coincidentally, when they get to the
21 store two people that she don't know that the defendant
22 knows happened to show up, happened to get in her car,
23 and they start talking. And Charlene said Chris was
24 saying everything. Chris was saying how he used to work
25 for Mr. Tommy and he knew that rent was due today and he

1 knew we could get some money and make a good move.

2 Ms. Cleveland asked Charlene what's a good move
3 and she said well, in another language it's a robbery,
4 and she said the reason it's a good move is because
5 everybody would be okay. They would do this and
6 everybody would be straight. She'd be out of her money
7 troubles, the defendant would be out of his money
8 troubles. It was a good move.

9 And so she tells you about how she drives the
10 defendant and these two other people that she only knows
11 by their first name, that she only knows from that day,
12 to Mr. Tommy's house. She tells you that he had the gun
13 and she tells you about how she went in, distracted
14 Mr. Tommy, and so the defendant came in behind her. She
15 tells you about them taking the stuff out of the safe
16 while she stayed in the living room and how the defendant
17 came back and he was mad. Jennifer told you the same
18 thing. He got in that safe and there was no money there.
19 There was supposed to be money there and he was looking
20 for money, so he was getting angrier and angrier and he
21 comes back in the living room and says where's the
22 wallet.

23 Now Mr. Tommy, bless his heart, thought he was
24 being slick. He thought he'd hidden that wallet where
25 nobody would see it, but Charlene saw and Charlene told.

1 She pointed and she told you how this defendant took
2 that wallet out of the recliner. She said at that point
3 Mr. Tommy was looking like he was gonna have a heart
4 attack and she felt instantly guilty and she said those
5 three other people, this defendant and two others, took
6 off and left. Took her car, her phone's in her car, and
7 leave her with the sirens coming in that house. She
8 tells you how she left on foot, where she walked to, how
9 she borrowed someone else's phone to call her wife. She
10 knew what they had done was wrong and so she didn't want
11 to tell her wife what she'd been a part of. She just
12 said Chris took the car from her and how only Chris came
13 and picked her up just two streets down.

14 As far as credibility of witnesses goes, Charlene
15 didn't help herself one bit getting up here. She didn't
16 minimize her involvement. She didn't say it was all
17 Chris's fault, I didn't do anything. She put herself
18 right square in the middle of a burglary, an armed
19 robbery and a grand larceny. You can believe what
20 Charlene has to say because she didn't help herself.
21 She admitted to committing the same crimes that she's
22 charged with, that she was a part of, with this
23 defendant.

24 But she's not the only one that testified. The
25 defendant chose to testify and he told you-all three

1 things. He said I didn't do it, Charlene don't like
2 me, and I haven't been in any trouble in thirty years.
3 Well, it became apparent that the defendant was being
4 untruthful about that last part. He lied on the stand
5 and he lied during his testimony. That's what you get
6 to consider when you decide who to believe and who not
7 to believe.

8 At the beginning of this trial, Ms. Cleveland
9 talked to you about reasonable doubt and the judge is
10 gonna talk to you about reasonable doubt, and it's our
11 burden of proof on the State. We have to prove that the
12 defendant is guilty of these charges beyond a reasonable
13 doubt. And you're gonna hear that eight hundred times,
14 but like Ms. Cleveland says, it's what's reasonable.
15 It's not beyond all doubt, it's not a hundred percent,
16 and the judge is gonna tell you there's not very many
17 things at all in this life that are a hundred percent,
18 but are you firmly convinced that the defendant did this.

19 Yesterday it poured down rain. I didn't go outside
20 yesterday, I was in here all day and most, if not all,
21 of you-all were in here all day, but if you wake up in
22 the morning and the forecast says it's gonna rain, the
23 weatherman says hey, y'all, it's gonna rain, look at
24 this radar, this red stuff and this green stuff is coming
25 our way, and you go inside for a few hours and as you're

1 inside the people who are coming in the building they've
2 got on rain boots, rain jackets, people are carrying
3 umbrellas and they're dripping water on the floor, men
4 that are too proud to carry umbrellas come in and
5 their shoulders are soaked, their hair is soaked, and
6 when you go to leave the ground is soaking wet, the
7 pavement's wet, there's puddles, standing water, and when
8 you get in your car you've got to hit your windshield
9 wipers to clean off your windshield because it's wet,
10 you didn't have to see it rain to know it rained. That's
11 beyond a reasonable doubt. It's not a hundred percent.
12 You didn't see it with your own eyes, but your common
13 sense, all those other things that you saw, tells you it
14 rained and you don't have to doubt that.

15 Just like in this case you weren't there. You
16 didn't see it with your own eyes, but there's no doubt
17 that these crimes happened and the evidence that the
18 State has presented to you via the witnesses and via
19 Charlene who was right there tells you who was behind
20 that mask and it was the defendant.

21 The defendant had three things that were very
22 important in this case. He had a motive, he had
23 knowledge and he had opportunity. You've heard he had a
24 motive for money. He needed some money to keep his
25 girlfriend in the house, to keep her from going and

1 getting money from other guys. He had knowledge. He
2 knew this was an easy target and easy money. Tommy
3 Taylor was eighty years old. He ain't gonna be chasing
4 anybody down, he ain't gonna be fighting back. He lives
5 in a trailer with women and children, not grown men.
6 And what's important is if you don't know who lives in
7 that house, it's just another home on that street, but if
8 you know who lives there and you know what they do for a
9 living, and you know because you worked for him for six
10 months and you used to rent from him, then you know that
11 Fridays rent is due and you know that people pay in cash
12 and you know that Tommy keeps his office for his business
13 in his house, you know he has a safe.

14 Charlene said yeah, when he would take cash payments
15 he'd keep them in his wallet and then ultimately he'd
16 transfer them to the safe. So what makes it so important
17 is that the -- the -- the defendant knew those things.
18 Some stranger off the street wouldn't know to ask for a
19 wallet, wouldn't know to ask for a safe, wouldn't know
20 that Fridays is the day that people pay and the money
21 was there, but if you know Tommy Taylor so well, you
22 worked for him, you rented from him, you know he's an
23 easy target and you know it's easy money.

24 And, lastly, the defendant had opportunity.
25 Charlene had already been there earlier in the day. She

1 knew the house, she knew who was there. He asked
2 Charlene for a ride to the store, the store right around
3 the corner. He's got somebody else's car, somebody else
4 driving and he's got some helpers that are gonna meet
5 him at the store. They go right up the street and take
6 what Tommy Taylor's got.

7 On October 11, 2019, that man, along with Charlene
8 Harshaw and two others busted into Tommy Taylor's
9 house, put a gun to his head and at others, took his
10 money, busted into his safe, took all of his important
11 documents. They left him with nothing. Find him guilty.

12 THE COURT: Defense's closing.

13 MS. STEINER: You can't put a triangle in a square
14 hole. Mr. Sanders wasn't there plain and simple. I
15 told you that in my opening and I'm telling you that
16 now.

17 In the State's opening, they said there were three
18 people that robbed Mr. Tommy Taylor. What did Charlene
19 say? There were four. What does that mean? That
20 means Mr. Sanders wasn't there. Only lying, biased,
21 un-credible Charlene said that he was there.

22 Now I also asked you to think about when and why.
23 Think about that. When did Charlene say that Mr. Sanders
24 was there? Their very last witness in the trial after
25 everyone else said only three to four there. When else

1 did she say it? To the police after she was arrested.
2 Why was she trying to pin it on him? Because that's
3 the only way she could save herself. Mr. Sanders is a
4 scapegoat. There is no way that she thought -- well,
5 she thought that if you just pin it on this man the
6 police would believe her, and that's exactly what
7 happened. He has a record. The police believed her.

8 Isn't it convenient that every single thing that
9 Mr. Sanders knew about Tommy Taylor Charlene also knew?
10 She rented from him. She knew when rent was due. She
11 knew where he lived. All the things that Mr. Sanders
12 knew.

13 The State talked about how Tommy Taylor was an easy
14 target. Yeah, he was because everyone in Shiloh Heights
15 knows who he is. He's been a landlord for fifty years.
16 That's three generations of people. Three. Everyone
17 knows Mr. Tommy Taylor.

18 You heard Deputy Patrick talk about how Zone 4
19 isn't very good. It's not safe. There's a lot of crime
20 that goes on there. They talked about -- you heard
21 Tommy Taylor talk about how it was difficult to collect
22 rent. There's a lot of poor people out there. There's
23 a lot of people in Shiloh Heights that have the motive
24 and the opportunity to rob Mr. Tommy Taylor. He is an
25 easy target. Everyone knew it. Three generations of

1 people knew it.

2 Now the State has, and will when they do their
3 rebuttal, state very, very confidently, go over and
4 over and over again, how Mr. Sanders is guilty. Just
5 to simply say it very confidently doesn't make it true.
6 That's a lie, the constant comment.

7 Now what do we actually know? We know Charlene was
8 there. We know that there was a big tall dude with a
9 gun and we know there was someone by the door. We also
10 know there was a call to 9-1-1 and that the sirens were
11 already going by the time everyone was running out. We
12 also know from the dogs that two people went one way,
13 one person went another way. All three people were
14 running though. What did Charlene say? That she just
15 casually walks all the way from the top of this map to
16 the bottom of this map before the police got there.

17 Now what else did Charlene say in front of the jury?
18 She said that everything that she told you on that stand
19 was only substantially the same as what she told police.
20 She said it wasn't exactly the same. She changed the
21 story up a little bit.

22 She doesn't like Mr. Sanders. He told you that.
23 Now I know it's a convoluted way to describe their
24 relationship, all the relationships are kind of a little
25 strange, but he's essentially a father-in-law. He's been

1 around for years. She's been married years. They're
2 kin. They know each other. If you believe her story,
3 she would hang out with him during the day, then go to
4 her momma's house. He lived with her momma. Maybe he
5 lives with her on and off.

6 What else did Charlene say? When I asked her about
7 Mr. Sanders's relationship with the mother-in-law, what
8 did she do? She perked up. She wasn't asleep anymore.
9 She wanted to tell you about how crazy their relationship
10 was. It was not a good relationship at all. It was very
11 tumultuous to say it nicely and not sugarcoat it.

12 Her allegations of Mr. Sanders being mad was because
13 Ms. Richardson would go and get money from other men.
14 She said it nicely. She meant that Ms. Richardson was a
15 prostitute. That's a great story to tell, but that's not
16 what really happened. Just use your common sense.

17 Now I told you that Mr. Sanders is not very likeable
18 and he really isn't. You-all saw him the last three days.
19 You saw him testify. You heard how he talks. We have
20 two new people in my office. Within -- I asked them
21 about this. One said within about less than a week
22 you knew his voice just when he would call and you
23 automatically knew it was him. The other lady said it
24 took her two days to recognize his voice. Mr. Tommy
25 Taylor knew Mr. Sanders. The DeLoaches knew Mr. Sanders.

1 They all lived in the same neighborhood. You don't
2 forget that face.

3 I told you he was hard to like and harder to love.
4 That was their exact relationship. Charlene just didn't
5 like him. He would argue with her about how they're
6 raising the kids. All the kids in that generation
7 because Ms. Richardson has some younger ones, she has
8 kids, they're all kind of co-mingled together, they were
9 all kind of there. It makes sense that Charlene didn't
10 like him. She's biased against him. She knew he was a
11 scapegoat.

12 Charlene, she was the only person to say that there
13 were four people that committed the burglary. The only
14 person. You heard from every other person that was
15 there; Mr. Tommy, Jennifer, Kayle, Tearren, and they all
16 said three people came in. Charlene is the only one that
17 said four.

18 What else did Charlene say that was interesting?
19 She told us that she gave names to police of the other
20 people that were involved, the two other people. Gave a
21 full name? She gave a partial name. Well, that partial
22 name, she gave nicknames. She said it was -- she called
23 it Da'Shon, Da'Quon, Da-Da, Quon. If you don't know
24 someone, how do you know all their nicknames?

25 She also said that Da-Da came in and took the gun

1 out of Mr. Tommy's hands. No one had said that. She's
2 making stuff up. She clearly didn't walk out of that
3 house very calmly like she said.

4 Let's go back to the investigation. Ms. Hammack
5 said I'm gonna ask you-all to focus on some of the stuff
6 that I asked about, but not really for the reasons that
7 I asked about. If you were a victim of a home invasion
8 or anything traumatic, what happens? You don't remember
9 what you say immediately afterwards. As time passes you
10 kind of forget little bits and pieces. Wouldn't it be
11 nice to have a body-worn camera directly after as he
12 approached the scene of everyone out in the yard and
13 saying stuff, to hear all the audio before he was able
14 to separate them and individual interview? Wouldn't it
15 be nice to hear the interviews with each person? Wouldn't
16 it be nice to be able to see what the scene looked like?
17 All this stuff would have been in context. The dash cam,
18 that would add to the context. That would have been nice
19 just to have it.

20 THE COURT: Ms. Steiner, louder.

21 MS. STEINER: Okay. I'm sorry.

22 As far as the other forensics go, it would have
23 been very helpful to have fingerprints. I understand
24 it's the real world. Sometimes you might leave a
25 fingerprint, sometimes you don't, but you have to still

1 try to do it. They could have done a DNA swab where he
2 touched the door. Everyone saw the man touch the door.
3 They could have done a DNA swab where he touched the
4 door and they could have gotten a DNA match. It just
5 wasn't done. It would have been helpful to have some of
6 this evidence because what do we have now? Charlene's
7 word and her word alone. It would have been helpful to
8 have a photo lineup of Mr. Sanders, of any of the other
9 people such as they were involved.

10 Now we've been dealing with COVID and all of you
11 were staying at home from work for a few months. When
12 you go back to work and you see your co-workers or you
13 see a friend that you haven't seen in a while or someone
14 that's a neighbor, when they have a mask on all of a
15 sudden you didn't recognize who they were, you had to
16 go into work and say who are you, why did you come
17 here, I don't know who you are? You know who people
18 are with a mask on and if she were shown a photo lineup
19 she could have identified that person.

20 Investigator Savell had two full names of people
21 and a nickname. He had Richard Carroll, he had
22 Christopher Sanders and he had Quon, Da-Da, whatever
23 you want to call him. He could have shown a photo
24 lineup of Richard Carroll, he could have shown a photo
25 lineup of Christopher Sanders. He could have a shred

1 of evidence to show whether or not it was Mr. Sanders
2 that was there, but instead we don't have anything.
3 We have Charlene's word.

4 What probably happened? Probably what I think
5 happened is that Charlene, along with Richard and Da-Da,
6 robbed Mr. Tommy Taylor. The three of them alone. That
7 lines up with all of the minimal evidence that they have.
8 That lines up with what Mr. Tommy Taylor said, it lines
9 up with what Jennifer said, it lines up with what Kale --
10 with what Kayle said and it lined up with what Tearren
11 said.

12 Charlene told you Da-Da is big tall man with boobs.
13 He was so big he had boobs. What did the DeLoaches tell
14 you? That a big tall black man with the gun is who
15 robbed him. They ran away just like the dogs told you
16 they did. All of this is common sense. It's common
17 sense that that's not a big tall black man. The real
18 question -- well, not the real question, but it could
19 make you wonder, why don't we have Richard up here? Why
20 wasn't he charged? Why wasn't Da-Da charged? Where are
21 they? Why did the investigation stop? Why is it only
22 Mr. Christopher Sanders that we're here about today?
23 Where's everyone else?

24 Now a reasonable doubt, it is common sense, but a
25 way that I like to think about it is probably fifteen,

1 twenty years from now you'll be a dinner party. Somehow
2 the topic of jury duty will come up. Someone will start
3 talking about for three days everyone sat here. If for
4 some reason at that point you think ha, maybe he didn't
5 do it, that's reasonable doubt. It's the common sense
6 of maybe he didn't, that's it, and that's why you can't
7 fit a triangle in a square, it just doesn't work, and
8 that's why you must find Christopher Sanders not guilty
9 of every single charge.

10 Thank you.

11 THE COURT: Madam Solicitor. Madam Solicitor.

12 MS. HAMMACK: Thank you, Your Honor.

13 I'm not gonna stand up here a whole lot longer.
14 You're probably all tired of listening to me. You-all
15 have been listening for two days, but there's some things
16 that are really important that I want to talk about that
17 Ms. Steiner has brought up.

18 She wants you to believe that -- that three people
19 did this, but the problem is what she told you just
20 isn't accurate. Each person that testified told you
21 about what they saw and where they were. We know
22 Charlene was there. Sure. Absolutely. There was a man
23 with a gun and a mask on was there. Jennifer told you
24 there was a man standing right at the doorway right at
25 the screen door and then Tearren told you there was a man

1 outside on the porch that came over to the window when
2 he tried to get out. Charlene, the guy with a gun, the
3 guy at the screen door, the guy at the window. That's
4 four. Tearren saw somebody outside because he was the
5 only one that tried to get out a window. Jennifer
6 couldn't see through the house wall, Tommy couldn't see
7 through the house wall, Kayle couldn't see through the
8 house wall. They described what they saw, but when you
9 add up what everybody tells you, one plus one plus one
10 plus one is four, not three.

11 If Charlene did this with two other people, why in
12 the world didn't she rat them out? If Christopher Sanders
13 isn't involved at all, why would she bring him up? If
14 she knew this Richard and this Da-Da so well and she's
15 trying to help herself, why didn't she spill it all? Let
16 me tell you their names, their socials, where they live,
17 where their momma lives, where they work, but the problem
18 is Charlene didn't know those people. He did.

19 Ms. Steiner said that Charlene was naming names and
20 gave the full names, but the problem is that's not what
21 happened in front of you guys yesterday. Charlene
22 admitted that she knew a Richard and Da'Quon. She knew
23 them from that day only and she didn't know anything else.
24 Ms. Steiner asked her if she knew names and Ms. Steiner
25 offered a full name, but Charlene said she didn't know

1 their last names.

2 If Charlene is the mastermind behind this and she
3 did all the planning, why wasn't she wearing a mask?
4 Everybody else was. It seems to make sense if -- if
5 you're gonna do this you're gonna cover up, you want to
6 be prepared. Charlene wasn't wearing a mask. Charlene
7 didn't have a gun.

8 And Ms. Steiner talks about being able to recognize
9 people with their mask on in the world of COVID and maybe
10 that's so if it's your best friend or your co-worker that
11 you've with day in and day out all the time. Tommy said
12 he didn't know the defendant that well. Ms. Steiner said
13 the defendant respected Tommy, so much he respects him.
14 He worked for him for six whole months before he left for
15 better money is what he told you. Mr. Tommy said yeah,
16 I -- I know him from the neighborhood. There's a whole
17 bunch of people in this neighborhood. He didn't know the
18 defendant that well. He couldn't look at him with his
19 face covered up with a gun in his face in his chair and
20 tell you he knew who it was.

21 Ms. Steiner made a big point about the dude with
22 the gun being a big tall man. Jennifer told you he was
23 a big tall dude. Kayle told you he was a big tall dude.
24 And you-all saw Jennifer and Kayle walk in this room.
25 They're both skinnier than I am. Kayle's five-seven,

1 Jennifer's right about the same. And Investigator
2 Savell told you he's six foot, 180. To two little girls,
3 a teenager and Jennifer, that is a big tall dude. You
4 dang right.

5 Ms. Steiner talked about the -- the toe digs being
6 so clear that you could say that two people went one way
7 and one went the other and they were running. They're
8 scuffs in the dirt, y'all. They can't tell you direction,
9 they can't tell you speed. They're scuffs in the dirt.

10 And she said Charlene managed to walk all the way
11 back to the Ridgecrest store without the police catching
12 her. That's not what Charlene said. Charlene said she
13 walked from here and walked down about two streets, found
14 somebody with a phone and called and got picked up. She
15 didn't walk all the way up Pipeline. She told you that.

16 Ms. Steiner said well, wouldn't it be nice to hear
17 an interview when things happen on that body cam. Well,
18 there's two problems with that. One, Ms. Steiner knows
19 that that's called hearsay. We don't do that in court.
20 You can't show those. And so what the officer did was
21 he took statements from everybody. He told you everybody
22 that he talked to the night it happened and wrote down
23 what happened and he talked -- and every single one of
24 them that testified told you they told law enforcement
25 what happened, but we can't play hearsay in here.

1 She asked about a photo lineup of the defendant or
2 these other people that she has names for, but, again,
3 Investigator Savell told you I'm not gonna do a photo
4 lineup of somebody with their face covered. Charlene was
5 the only one without a mask. Charlene was there earlier
6 in the day when somebody had a chance to see her again
7 and that's why I did the photo lineup of her.

8 Ms. Steiner doesn't want you to believe Charlene.
9 The defendant doesn't want you to believe Charlene. The
10 defendant got up and said Charlene doesn't like him, but
11 the problem is the defendant doesn't like Charlene
12 because she's the one that stood up and told you the
13 truth. She's the one that stood up and told you what
14 happened, who was behind that mask, who had that gun,
15 and that's Christopher Sanders. She -- if she wanted to
16 get out of all this, if she really wanted to pin this on
17 people and he wasn't involved, why wouldn't she pin it
18 on the people that were there? Again, she doesn't know
19 them, but she knows the man with the gun, she knows the
20 defendant. Use your common sense, guys. He's guilty.

21 THE COURT: Thank you.

22 Thank you, Madam Solicitor.

23 Thank you, Ms. Steiner.

24 Mr. Foreman and members of the jury, can you hear
25 me?

1 You have heard the testimony, the evidence and the
2 arguments of the State and the defendant. I will now
3 explain to you the law that applies to this case. Under
4 the constitution and laws of South Carolina, you are the
5 finders of facts in this case. I do not have the right
6 to pass upon the facts or even express any opinion I
7 might have as to the facts. This is a matter solely for
8 you, the jury, to determine.

9 As jurors then, it is your duty to determine the
10 effect, the value, the weight and the truth of the
11 evidence presented during this trial. As the trial judge,
12 it is my responsibility to preside over the trial of this
13 case and I also have the duty to rule upon and pass upon
14 the admissibility of the evidence offered during this
15 trial. You are to consider only the testimony which has
16 been presented from this witness stand together with the
17 exhibits which have been made a part of the record in
18 this case and any stipulations of counsel made into the
19 record.

20 I have the additional duty to charge you the law
21 with regard to this case and as the presiding judge I am
22 the sole judge of the law of this case. It is your duty
23 as jurors to accept and apply the law as I state it --
24 as I now state it to you and then reach your verdicts.

25 And, finally, I charge you in this regard that you

1 should not be concerned with what you think the law ought
2 to be, but what I charge you the law to be.

3 You are also the judges -- the sole judges of the
4 credibility, that is the believability of the witnesses
5 who have testified in this case, and in passing upon
6 their credibility you may take into consideration many
7 things such as the demeanor or manner of testifying,
8 whether the witness had reason to be biased or prejudiced,
9 whether a witness's testimony was contradicted on the
10 one hand or supported and corroborated on the other
11 hand. You may believe a small portion of the witness's
12 testimony and disregard the larger or vice versa. You
13 may believe one witness against many or many against
14 one. All of these things you will consider bearing in
15 mind that you should give the benefit of any reasonable
16 doubt.

17 It becomes your duty as jurors to analyze and to
18 evaluate the evidence and determine that evidence which
19 convinces you of its truth.

20 There are two types of evidence which are
21 generally presented during a trial. Direct evidence
22 and circumstantial evidence. Direct evidence is the
23 testimony of a person who claims to have actual knowledge
24 of a fact, such as an eyewitness. Circumstantial
25 evidence is proof of a chain of facts and circumstances

1 indicating the existence of a fact. The law makes
2 absolutely no distinction between the weight or value
3 to be given either to direct or circumstantial evidence,
4 nor is a greater degree of certainty required of
5 circumstantial evidence than of direct evidence. You
6 should weigh all of the evidence in the case.

7 After weighing all of the evidence, if you are
8 not convinced of the guilt of the defendant beyond a
9 reasonable doubt you must find the defendant not guilty.

10 The fact that the defendant was arrested, charged
11 and indicted in this case is not evidence in this case
12 and cannot be considered by you as evidence of guilt in
13 this case, nor does it create a presumption or inference
14 of guilt. This document is simply the formal written
15 instrument which contains the charges made against the
16 defendant. It is the formal document by which this case
17 is brought into this court.

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

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

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

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

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

14 The indictments in this case allege four different
15 offenses against the defendant. The charges are
16 Indictment Number 1, grand larceny; Indictment Number 2,
17 armed robbery; Indictment Number 3, burglary first
18 degree; Indictment Number 4, possession of a weapon
19 during the commission of a violent crime.

20 Each indictment contains -- each indictment -- each
21 indictment charges a separate and distinct offense. You
22 must decide each indictment separately on the evidence
23 and the law that the Court will give you uninfluenced by
24 your decision as to any other indictment. The defendant
25 may be convicted or acquitted on all -- on any or all of

1 the offenses charged. You will be asked to write a
2 separate verdict of guilty or not guilty for each
3 indictment.

4 At this point, I ask everyone just to stand up and
5 -- and stretch. I know you've been sitting for quite a
6 while and I will continue.

7 All right. The defendant is charged with grand
8 larceny. The State must prove beyond a reasonable doubt
9 the defendant took and carried away the property of
10 another against their will or without the consent of the
11 other person. The slightest removal of the property or
12 the complete possession of the property even for an
13 instant by the defendant is enough to show the taking
14 and carrying away of property.

15 The State must also prove beyond a reasonable doubt
16 that the defendant intended to permanently deprive the
17 owner of the property.

18 Finally, the State needs to prove that the value of
19 the things taken was \$2,000 or more.

20 Indictment Number 2, armed robbery. The defendant
21 is charged with armed robbery. In order to prove this
22 offense, the State must first prove beyond a reasonable
23 doubt that the defendant took personal property from the
24 person or presence of another person.

25 Property is in the presence of a person if it is

1 within the person's reach, inspection, observation or
2 control so that the person could, if not overcome by
3 violence or prevented by fear, keep possession of the
4 property.

5 The State must also prove beyond a reasonable doubt
6 that the defendant carried away -- carried property
7 away intending to permanently deprive the owner of the
8 property and to keep the property for the defendant's
9 own use.

10 The slightest removal of the property or the
11 complete possession of the property, even for an instant
12 by the defendant, is sufficient to show the taking and
13 carrying away of the property. The taking and carrying
14 away of the property must have been done with violence or
15 by putting the owner of the property in fear of violence.

16 Finally, the State must prove beyond a reasonable
17 doubt that the defendant is armed with a deadly weapon
18 during the robbery. A deadly weapon is any article,
19 instrument or substance which is likely to cause death
20 or great bodily harm. Whether an instrument has been
21 used as a deadly force -- as a deadly weapon depends on
22 the facts and circumstances of each case.

23 The following are examples of instruments which
24 may be deadly weapons. A pistol, shotgun, rifle, dirk,
25 dagger, knife, a slingshot, metal knuckles, a razor,

1 gasoline, firebomb or Molotov cocktail and lighter fluid.
2 A gun may be a deadly weapon even if it does not operate.

3 Indictment Number 3, burglary first degree. The
4 defendant is charged with burglary first degree. The
5 State must first prove beyond a reasonable doubt that
6 the defendant enters a dwelling without consent. A
7 dwelling is any building or portion of a building in
8 which a person ordinarily sleeps. A building constructed
9 as a dwelling that has never been occupied cannot be
10 considered a dwelling for purposes of burglary, but a
11 building is a dwelling even if the residents are
12 temporarily absent from the building.

13 In order to prove that the defendant entered the
14 dwelling, the State does not have to show that the
15 defendant's entire body enters the dwelling. The
16 smallest entry is sufficient. It may be a part of
17 the body entering such as a hand or a foot or even an
18 instrument such as a foot -- or other instrument such
19 as a hook or other instrument. In addition, the State
20 does not have to prove that force was used to gain
21 entry. If a person enters a building by using deception,
22 artifice, trick or misrepresentation to gain consent to
23 enter, this is an entry without consent.

24 Next, the State must prove beyond a reasonable doubt
25 that the defendant intended to commit a crime, either a

1 felony or a misdemeanor, at the time of the entry. The
2 mere entry into a dwelling without consent is not
3 burglary. If the intent to commit a crime is formed out
4 of the entry, it is not burglary. On the other hand, if
5 the defendant intended to commit a crime at the time of
6 entry it is a burglary even if the intent was abandoned
7 after the entry. It does not matter that the intended
8 crime was not completed. Intent may be shown by acts
9 and conduct of the defendant and other circumstances from
10 which you may naturally and reasonably infer intent.

11 Finally, the State must prove beyond a reasonable
12 doubt that when entering or while in the dwelling or
13 when fleeing the defendant or an accomplice was armed
14 with a deadly weapon or explosive. A deadly weapon is
15 any article, instrument or substance which is likely to
16 cause death or bodily harm. Whether an instrument has
17 been used as a deadly weapon depends on the facts and
18 circumstances of each case.

19 The following are examples of instruments which
20 may be deadly weapons: A pistol, a shotgun, rifle, a
21 dirk, a dagger, a knife, a slingshot, metal knuckles,
22 a razor, gasoline, a firebomb, a Molotov cocktail and
23 lighter fluid. A gun may be a deadly weapon even if it
24 does not operate.

25 The defendant has a prior record of two or more

1 convictions for burglary and/or housebreaking. Evidence
2 of prior offenses committed by the defendant was not
3 offered to prove the defendant has had a bad character
4 or to prove that the defendant committed the burglary
5 on this case. The prior convictions may be considered
6 by you only for the purpose of determining whether or
7 not it satisfies that element of the offense that make
8 it a first degree burglary if he entered the dwelling
9 without consent to commit a crime and you have two prior
10 convictions for burglary and/or housebreaking.

11 Before you can even consider the evidence of a
12 defendant's prior burglary and/or housebreaking
13 conviction, you must first find that the State has
14 proved beyond a reasonable doubt that a burglary was
15 committed by the defendant. If you find beyond a
16 reasonable doubt that the burglary was committed, then
17 you may consider the evidence of the prior conviction
18 as evidence of one of the circumstances which would make
19 the burglary first degree burglary. If you do not find
20 beyond a reasonable doubt that the defendant committed
21 these alleged prior offenses, then you cannot return a
22 verdict of first degree burglary.

23 As for -- excuse me -- for the burglary charge, you
24 must unanimously agree as to the elements of the crime;
25 that is you must unanimously agree that when entering,

1 while in the dwelling or when fleeing the defendant or
2 an accomplice was armed with a deadly weapon or explosive
3 or you must unanimously agree that the defendant had had
4 a prior record of two or more convictions for burglary
5 and/or housebreaking.

6 Indictment Number 4, possession of a weapon during
7 the commission of a violent crime. The defendant is
8 charged with possession of a weapon during the commission
9 of or attempt to commit a violent crime. The State must
10 prove beyond a reasonable doubt that the defendant was
11 in possession of a firearm or visibly displayed what
12 appeared to be a firearm during the commission of a
13 violent crime. A firearm being a machine gun, automatic
14 rifle, revolver, pistol or any weapon which will, is
15 designed to or may be readily converted to expel a
16 projectile.

17 In order to find the defendant guilty of possession
18 of a weapon during the commission of a violent crime,
19 you must first find the defendant guilty of either
20 committing a violent crime or attempting to commit a
21 violent crime. Armed robbery and burglary first degree
22 are violent crimes. The State must prove beyond a
23 reasonable doubt that the weapons further advanced or
24 helped in the commission of the crime.

25 Now you have been chosen and sworn to give the

1 parties a fair and impartial trial. When you have done
2 so, you will have complied with your oath and no one
3 will have a right to criticize your verdict. You must
4 not be influenced by opinions or expressions of opinions
5 you may have heard outside of the courtroom, but should
6 base your verdict solely on the testimony of the sworn
7 witnesses who took the stand, the exhibits received into
8 evidence and the law which I have stated. Caprice,
9 passion, prejudice or improper sympathy for or against
10 anyone should not sway you. Remember, you have no
11 friends to reward or enemies to punish and all the
12 parties are entitled to a fair and impartial trial. It
13 is your duty as jurors to consult with one another and
14 to deliberate in an effort to reach an agreement. Each
15 of you must decide this case for yourself, but only
16 after an impartial consideration of all of the evidence
17 with your fellow jurors.

18 In the course of your deliberations, do not hesitate
19 to re-examine your own views and change your opinion if
20 you become convinced that it is erroneous; however, do
21 not surrender your honest conviction as to the weight or
22 effect of the evidence solely because of the opinion of
23 your fellow jurors or for the mere purpose of returning
24 a verdict.

25 As I stated earlier, you are the judges. Judges of

1 the facts. Your verdict must represent the considered
2 judgment of each juror. In other words, your verdict
3 must be unanimous.

4 Now you may have noticed that I have read these
5 instructions. I do so to speak the law as accurately
6 as possible. I will give you a copy of these
7 instructions to have in the jury room. You may refer
8 to these instructions as a whole and may not follow
9 some and ignore others.

10 Foreman, it will be your duty to preside over the
11 deliberations of the jury. If during your deliberations
12 you should desire to communicate with the Court, please
13 reduce the message or question to writing signed by you
14 and only you and pass the note to the bailiff who will
15 bring it to my attention. I will then respond as
16 promptly as possible either in writing or by having you
17 return to the courtroom. I caution you, however, with
18 regard to any message or question that you might send
19 that you should never state or specify your numerical
20 division at that time.

21 Now you have heard the evidence and you have heard
22 the law. Whatever your verdict, Mr. Foreman, you will
23 indicate the verdicts on the back of these indictments
24 and then sign and date your verdict. Remember that
25 although the foreman is the only juror who writes the

1 verdict, it is not his alone. The verdict has to be
2 unanimous. Foreman, you are not authorized to write
3 the verdict until all of you have agreed.

4 Now, ladies and gentlemen, I will send you to your
5 jury room, but do not begin discussing this case until
6 you receive a copy of this jury charge and the exhibits.
7 Once you've received these things, that will be your
8 signal to begin your deliberations. Once you begin
9 deliberations you will deliberate until you have reached
10 a verdict, at which time you will knock on the door,
11 advise the bailiff and we will bring you back to receive
12 your verdict.

13 You can escort the jury and take the alternates as
14 well, please.

15 (Whereupon, the jury retires to the jury room at
16 11:32 AM.)

17 THE COURT: All right. At this time are there any
18 objections to the charges that I have given to the jury,
19 Madam Solicitor?

20 MS. CLEVELAND: None from the State, Your Honor.

21 THE COURT: Ms. Steiner.

22 MS. STEINER: Nothing from the defense.

23 THE COURT: All right.

24 All right. If we can gather those exhibit together,
25 we'll send both the exhibits as well as the verdict form

1 and the indictments back to the jury.

2 (Pause in proceedings.)

3 MS. HAMMACK: Your Honor, I believe the -- the
4 defense has a motion they want to put on the record.

5 MS. CARTER: Thank you, Your Honor.

6 We object to the sentencing sheets that were part
7 of the evidence. We object to them going back to the
8 jury for deliberations due to the prejudice -- due to
9 them being prejudicial regarding the sentences. We
10 believe that if they were to see the sentences that were
11 imposed for our client with those two convictions, then
12 that would, as I said, be prejudicial.

13 The convictions are elements of burglary first
14 degree, but the sentences are not, so we object to those
15 going back. If you aren't inclined to not have them go
16 back, then we ask that the sentences be redacted from
17 the sentencing sheets.

18 THE COURT: Madam Solicitor.

19 MS. HAMMACK: Your Honor, I don't think we can
20 alter evidence that's already been entered into evidence.
21 As far as redacting them, at that point we are changing
22 the evidence from what it was when it was entered and
23 accepted into evidence. These items were entered into
24 evidence by the State. The defense did not object to
25 them at that time; however, they did object to them

1 generally at the beginning of the trial.

2 The defendant testified that he -- that he went
3 to prison and I -- I think on one of those he didn't
4 actually get a prison sentence, but if there is some
5 concern about the defendant's sentence prejudicing the
6 jury -- I don't know how you reconcile something that's
7 been entered into evidence and not sending it back to
8 the jury or altering it. I'm not necessarily opposed to
9 them not knowing the sentence, but I'm not sure what the
10 mechanism would be for doing those. The jury is entitled
11 to see the evidence that's been entered.

12 THE COURT: And so only the sentencing sheets were
13 submitted? There -- there was no indictment for the
14 other certified --

15 MS. HAMMACK: See, the certified indictment and
16 sentencing sheet are together. The sentence sheet is
17 the judgment of the Court, has the judge's signature,
18 and so that is a necessary part of the certified
19 conviction, but the indictments are part of it. They
20 are stapled and they were entered together as an exhibit.

21 THE COURT: Ms. Carter.

22 MS. CARTER: So if -- we feel as if they shouldn't
23 be sent back unless the jury requests them to be sent
24 back, I mean, if they can't be redacted nor altered in
25 any way. Only if they ask for -- ask to be seen.

1 MS. HAMMACK: I don't have a problem with that.

2 THE COURT: All right. So we'll -- we'll leave
3 them -- your suggestion is that we leave them here and
4 if they request those documents, then we send them back?

5 MS. CARTER: Yes.

6 THE COURT: What are your thoughts, Madam Solicitor?

7 MS. HAMMACK: I -- I would imagine they'll stay in
8 the custody of Madam Court Reporter?

9 THE COURT: Yes, ma'am.

10 MS. HAMMACK: I mean, I -- I still think the jury
11 had a -- a right to any of the evidence that was entered,
12 but they have heard that testimony, they know they exist.
13 I don't have a problem with them staying in the custody
14 of the court reporter unless or until the jury asks about
15 them.

16 THE COURT: You read those aloud. Did you -- did
17 you read --

18 MS. HAMMACK: Your Honor, I read the sen -- the
19 judgment date, the conviction date and the defendant's
20 name and that it was a charge for burglary. I did not
21 read the sentence to the jury.

22 THE COURT: All right. Ms. Carter, we'll leave
23 them here with the court reporter unless the jury
24 requests them. If the jury does request those, I am
25 going to send them back and not redact them. I'm not

1 gonna alter any of the evidence.

2 MS. CARTER: Okay. Thank you, Your Honor.

3 THE COURT: But we'll -- we'll leave them up here,
4 Madam Solicitor, all right?

5 The evidence is ready to go back to the jury room?

6 MS. HAMMACK: Yes, Your Honor.

7 MS. CARTER: Yes, Your Honor.

8 THE COURT: Okay.

9 (Whereupon, the evidence, Exhibits 1 through 15,
10 and the jury instructions were submitted to the jury at
11 11:39 AM.)

12 (Back on the record at 1:27 PM.)

13 (Whereupon, the jury return to the courtroom at
14 1:27 PM.)

15 THE CLERK: Foreman, have you reached a verdict?

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

17 THE CLERK: Please pass it forward. Please pass
18 it to the bailiff.

19 State of South Carolina, County of Aiken, the State
20 of South Carolina versus Christopher Lee Sanders.
21 Indictment Number 2021-GS-02-00222, 2021-GS-02-00223,
22 20121-GS-02-00225, 2021-GS-02-00685.

23 We, the jury, by unanimous consent find the
24 defendant, Christopher Lee Sanders, on the charge of
25 grand larceny, not guilty.

1 We, the jury, by unanimous consent find the
2 defendant, Christopher Lee Sanders, on the charge of
3 armed robber, guilty.

4 We, the jury, by unanimous consent find the
5 defendant, Christopher Lee Sanders, on the charge of
6 burglary first degree, guilty.

7 We, the jury, by unanimous consent find the
8 defendant, Christopher Lee Sanders, on the charge of
9 possession of a weapon during the commission of a violent
10 crime, guilty.

11 Ladies and gentlemen of the petit jury, if this is
12 your verdict, please indicated by the raising of your
13 right hand.

14 Judge, all hands are raised.

15 Foreperson signature, D. Hopper, dated May 13, 2021.

16 THE COURT: Thank you.

17 All right. At this time, are there any motions?

18 MS. CARTER: Your Honor, we just renew our former
19 motions and objections and based on the Court's ruling
20 and the weight of the evidence presented and not reaching
21 the level of being beyond a reasonable doubt, we move for
22 a new trial.

23 THE COURT: All right. Madam Solicitor.

24 MS. HAMMACK: Your Honor, the jury has considered
25 the evidence in this case. They have rendered a

1 unanimous verdict. We would ask that you stand by all
2 your prior rulings and honor the jury's decision.

3 THE COURT: Thank you.

4 All right. Ms. Carter, I'm -- I'm denying your
5 motion for a new trial and I am going to sustain by
6 virtue of the evidence on -- on the previous motions.

7 Ms. Steiner or Ms. Carter, would you like me to
8 poll the jury?

9 MS. STEINER: Yes, Your Honor. We would.

10 THE CLERK: As I call your name, please answer the
11 following question.

12 Juror Number 176, Gene Usher, is this your verdict?

13 JUROR NUMBER 176: Yes.

14 THE CLERK: Do you still agree?

15 JUROR NUMBER 176: Yes.

16 THE CLERK: Please have a seat.

17 Juror Number 181 -- I mean, Juror Number 81,
18 Derrick Hopper, is this your verdict?

19 JUROR NUMBER 81: Yes.

20 THE CLERK: Do you still agree?

21 JUROR NUMBER 81: Yes.

22 THE CLERK: Please have a seat.

23 Juror Number 146, Madelyn Ray, is this your verdict?

24 JUROR NUMBER 146: Yes.

25 THE CLERK: Do you still agree?

1 JUROR NUMBER 146: Yes, ma'am.

2 THE CLERK: Please have a seat.

3 Juror Number 102, Willie Lee, is this your verdict?

4 JUROR NUMBER 102: Yes.

5 THE CLERK: Do you still agree?

6 JUROR NUMBER 102: Yes.

7 THE CLERK: Please have a seat.

8 Juror Number 51, Jennifer Dudarenke, is this your
9 verdict?

10 JUROR NUMBER 51: Yes.

11 THE CLERK: Do you still agree?

12 JUROR NUMBER 51: Yes.

13 THE CLERK: Please have a seat.

14 Juror Number 178, Dean Vintson, is this your
15 verdict?

16 JUROR NUMBER 178: Yes, ma'am.

17 THE CLERK: Do you still agree?

18 JUROR NUMBER 178: Yes, ma'am.

19 THE CLERK: Please have a seat.

20 Juror Number 174, Briana Turner, is this your
21 verdict?

22 JUROR NUMBER 174: Yes, ma'am.

23 THE CLERK: Do you still agree?

24 JUROR NUMBER 174: Yes, ma'am.

25 THE CLERK: Please have a seat.

1 Juror Number 21, William Callicott, is this your
2 verdict?

3 JUROR NUMBER 21: Yes.

4 THE CLERK: Do you still agree?

5 JUROR NUMBER 21: Yes.

6 THE CLERK: Please have a seat.

7 Juror Number 6, Pamela Barger, is this your verdict?

8 JUROR NUMBER 6: Yeah.

9 THE CLERK: Do you still agree?

10 JUROR NUMBER 6: Yeah.

11 THE CLERK: Please have a seat.

12 Juror Number 192, Calvin Williams, is this your
13 verdict?

14 JUROR NUMBER 192: Yes.

15 THE CLERK: Do you still agree?

16 JUROR NUMBER 192: Yes.

17 THE CLERK: Please have a seat.

18 Juror Number 69, Alys Green, is this your verdict?

19 JUROR NUMBER 69: Yes.

20 THE CLERK: Do you still agree?

21 JUROR NUMBER 69: Yes.

22 THE CLERK: Please have a seat.

23 Juror Number 38, Miguel Cordero.

24 JUROR NUMBER 38: Close.

25 THE CLERK: Is this your verdict?

1 JUROR NUMBER 38: Yes.

2 THE CLERK: Do you still agree?

3 JUROR NUMBER 38: Yes.

4 THE CLERK: Please have a seat.

5 Judge, all jurors have been polled.

6 THE COURT: All right. Thank you.

7 Counsel, can I have you approach quickly?

8 (Proceedings held at the bench; not reported.)

9 THE COURT: All right. Please let the record
10 reflect that I will handle sentencing tomorrow --
11 tomorrow morning and I would like to take this
12 opportunity right now to thank the jury for their
13 service for all of this week. We are not able to
14 conduct trials obviously without a jur -- without our
15 jurors and our alternates and so we are very thankful
16 for your service this week.

17 At this time we're going to conclude the trial.

18 Is there anything further from the defense?

19 MS. STEINER: Nothing, Your Honor.

20 THE COURT: Anything further from the State?

21 MS. HAMMACK: No, Your Honor.

22 THE COURT: All right.

23 All right, ladies and gentlemen of the jury. You
24 will be escorted out and I will come back and speak with
25 you in just a moment.

1 Thank you.

2 (Whereupon, the jury retires to the jury room at
3 1:35 PM to be excused.)

4 THE COURT: All right. We're gonna adjourn for
5 lunch at this time and so we will come back at -- we'll
6 come back at 2:45 and start at that time.

7 Thank you.

8 (Whereupon, the proceedings were concluded for
9 May 13, 2021, at 1:36 PM.)

10 (The following proceedings were held May 14, 2021,
11 beginning at 10:17 AM, via the virtual courtroom.)

12 THE COURT: All right. Good morning,
13 Ms. Cleveland. Is --

14 MS. CLEVELAND: Good morning, Your Honor.

15 THE COURT: Is Ms. Steiner on the line?

16 MS. STEINER: I am, Your Honor. Good morning.

17 THE COURT: All right. Good morning. I could not
18 see you, Ms. Steiner.

19 All right.

20 (Discussion off the record.)

21 THE COURT: All right.

22 All right. Madam Solicitor, we have Mr. Sanders
23 here?

24 MS. CLEVELAND: That's correct, Your Honor.

25 We have Mr. Sanders here on Indictment

1 2021-GS-02-00222 for possession of a weapon during a
2 violent crime, Indictment Number 2021-GS-02-00225 for
3 armed robbery and 2021-GS-02-00685 for burglary in the
4 first degree.

5 Your Honor, he was found guilty by a jury of his
6 peers yesterday and we are here for sentencing.

7 THE COURT: All right. Thank you, Ms. Cleveland.

8 Ms. Steiner, at this juncture -- will your client
9 be speaking on his behalf? Do I need to swear Mr. Sanders
10 in?

11 MS. STEINER: Yes, Your Honor. In speaking to him
12 this morning, he indicated that he wanted to speak to
13 Your Honor.

14 THE COURT: All right. Very good.

15 Mr. Sanders, please raise your right hand, sir.

16 (Whereupon, Christopher Lee Sanders was duly sworn
17 by the Clerk of Court.)

18 THE CLERK: Your Honor, he's been sworn.

19 THE COURT: Thank you.

20 All right, Ms. Steiner.

21 MS. STEINER: Thank you, Your Honor.

22 Mr. Sanders has been detained for the last 550
23 days and even after the conclusion of the trial
24 yesterday he still maintains his innocence. He has
25 always very strongly maintained his innocence from

1 throughout the entire process to the point where he
2 resolutely maintains his innocence. He is forty-eight.
3 He does have five children. The age of his youngest is
4 eleven, but for about the last nineteen months he's been
5 very, very strongly telling me about how his only goal
6 is to get back to his children. He very much loves his
7 children, very much wants to be in their lives as much
8 as possible.

9 He was in prison during his older children's -- you
10 know, for years and viewed that as a mistake with them
11 and he wanted to be able to try to do better for his
12 younger children, but he understands now that based upon
13 the mandatory minimums that he wanted to -- that his
14 youngest child will be an adult by the time he's released
15 from prison and even older depending on Your Honor's
16 sentence.

17 Mr. Sanders does have a culinary arts degree -- or
18 he tells me that he has a culinary arts degree and that
19 his dream at one point in time and still to this day
20 is to open up a restaurant and to be able to provide
21 something for his children's future, that he loves to
22 cook and loves to help people and loves to just cook and
23 serve and really wants to open a res -- a restaurant.

24 Your Honor, my understanding is Mr. Sanders above
25 all just wants to be able to have some sort of life left

1 after he's released from prison.

2 During the last 550 days he's done a lot while
3 he's been detained. He hasn't just idly sat there.
4 Before he was arrested he tells me he did smoke a lot
5 of marijuana and because of that he realized that was a
6 problem kind of holding him back and he was able to be
7 accepted to Delancey Street, and you have a copy of his
8 acceptance letter to Delancey Street. And he also
9 completed the King Program and you've got a copy of the
10 King Program certificate as well.

11 But he's also -- I want to mention over the last
12 nineteen months he has about thirty certificates for
13 the units from the Good News ministries, so he has -- has
14 a certificate of completion from the Good News Ministry.

15 In addition, from the Antioch Ministry he did a
16 public speaking class, so he has been trying to improve
17 his life. And he did also yesterday, and I don't know if
18 Your Honor could tell, but he had these pieces of paper
19 on the table, one for Ms. Carter and one for me, that
20 has Romans 8:31, Philippians 4:13 and Mark 9:27, as well
21 as a number of verses that he has, but he has, you know,
22 definitely turned to religion and very much wants to be
23 able to at some point be a productive member to society.

24 But, Your Honor, Mr. Sanders hasn't always my
25 easiest client, but I definitely have -- now he's one

1 of my favorite clients. Over the last few weeks he's
2 gotten a lot closer and I'm starting to understand a lot
3 more. He's been totally cooperative and I think that he
4 has developed more of an appreciation for me and my job
5 and we've had a major understanding and he is now one of
6 my favorite clients.

7 Your Honor, we're asking for fifteen years to run
8 concurrent with all the charges. Mr. Sanders does want
9 to speak to you on his own behalf. I believe that maybe
10 under the call-in numbers might be some of his family
11 members. I'm trying to look at the attendees. His
12 brother that had been in court, but wasn't able to show
13 up yesterday because he was (unintelligible). I think
14 his brother might be on the line and possibly the mother
15 of some of his children, but I'm not sure, but I think
16 they might be under the call-in users.

17 Again, Mr. Sanders did want to speak on his behalf,
18 but given all of the circumstances that we had mentioned
19 during the trial we feel a sentence of fifteen years is
20 sufficient for sentencing, Your Honor.

21 THE COURT: All right. Thank you, Ms. Steiner.

22 I guess -- Mr. Sanders, I'm gonna give you and --
23 and your family members the opportunity to speak, but
24 I am gonna hear from the solicitor so that way I won't
25 have to go back and forth, okay, Mr. Sanders?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay.

3 All right, Madam Solicitor.

4 MS. CLEVELAND: Thank you, Your Honor.

5 Your Honor, you've heard everything that was
6 presented in trial. Mr. Sanders preyed upon one the most
7 vulnerable people in our society; an eighty-year-old man
8 with hearing problems. You saw from Mr. Taylor's house
9 he doesn't have a lot. What he stole from Mr. Taylor
10 was his sense of security, financial security and his
11 physic -- physical security, Your Honor. This happened
12 with three children in the house and a woman. He
13 threatened to blow Mr. Taylor's brains out. You know,
14 the -- Ms. Jennifer DeLoach was begging for him not to
15 hurt her children.

16 We would ask -- since Mr. Taylor doesn't have
17 Internet -- Internet access or a computer to be present
18 today, honestly the trial has worn him out, but he does
19 wish for the -- for the defendant to get the maximum.
20 He wishes for the defendant to get life in prison.

21 Your Honor, before this was a trial, the State and
22 the defense went back and forth on offers. The defense
23 asked for us to allow him to plead guilty to armed
24 robbery, to have a ten-year minimum and a maximum of
25 thirty. The State counter-offered for armed robbery and

1 burglary first with a cap of thirty. The defendant
2 rejected that and now we are at this time seeing that
3 since he was found guilty at trial, Your Honor.

4 And throughout this entire time Mr. Sanders has
5 shown no remorse and he has been found guilty by a jury
6 of his peers. And more so, Your Honor, he does have a
7 significant criminal history, including at least four
8 prior burglary convictions.

9 Your Honor, his criminal history is as follows. In
10 1990, a disorderly conduct. In 1993, he has a burglary
11 second non-violent, which was pled from a burglary first
12 indictment.

13 In 1994, he has a criminal domestic violence. Also
14 in 1994, he has two convictions for burglary second
15 non-violent, both being pled from burglary first degree
16 indictments.

17 In 1999, he has a trespassing. Also in 1999 he
18 has a burglary third second offense conviction.

19 In 2002, he has a criminal domestic violence.

20 In 2006, he has entering premises after warning.

21 And in 2018, he has an assault and battery
22 conviction, driving under suspension third or more
23 and a malicious injury to personal property.

24 Your Honor, the State feels that given his criminal
25 history and the facts and circumstances surrounding

1 this case, fifteen years is wildly inappropriate. In
2 the case he's shown no remorse. He has traumatized
3 Mr. Taylor, three children and a mother and that's
4 something that they're gonna have to live with for the
5 rest of their lives. The youngest was seventeen when
6 this happened.

7 THE COURT: All right, Madam Solicitor.

8 Ms. -- Ms. Steiner, any followup?

9 MS. STEINER: Your Honor, as far as the issues
10 and process go, the last negotiation which was a status
11 conference that Your Honor ended up hearing instead of
12 a plea, was under Alford. Mr. Sanders has maintained
13 his innocence. He, I'm sure, is about to tell you how
14 very sorry he is that Mr. Tommy was robbed, but that he
15 didn't have anything to do with it, but he did respect
16 Mr. Tommy Taylor and is remorseful that the incident
17 happened, but still maintains his innocence.

18 THE COURT: All right. Mr. Sanders, I'd like to
19 hear from you, sir.

20 THE DEFENDANT: Yes, ma'am. Your Honor, I -- I
21 feel sorry for what happened to Mr. Tommy, but I had no
22 part in this situation with Mr. Tommy and as I stated
23 in my last bond hearing that I felt sorry for him and I
24 did not have anything to do with it, but for nineteen
25 months I have pleaded my innocence in this case and I

1 still plead my innocence right now today even though I
2 got found guilty by a jury, but I'm still innocent, you
3 know, too.

4 I don't know what else I can do in this situation.
5 My hands are tied, but I ask that you just -- I'm asking
6 you, Your Honor, to please give me fifteen years. I --
7 I want to spend time with my kids. I know I have a prior
8 record, but, I mean, I paid my debt to society for that
9 already. And in 19 -- in 1994 and '99, those are the
10 same charges that I went to prison on already and done
11 my time for. If you look back at my rap sheet at the --
12 at the warrant numbers, there's a 216 on the ends of it.
13 Both are about the same thing.

14 THE COURT: All right. Anything else, Mr. Sanders,
15 that you want me to know?

16 THE DEFENDANT: I just want -- I feel sorry for
17 Mr. Tommy and I don't understand why somebody robbed
18 him, but it wasn't me and I plead my innocence right
19 until the end -- until I leave this world. I thought I
20 was supposed to be a father to my kids and open up my
21 restaurant. Even though I know Mr. Tommy real good and I
22 really respect him, I never robbed him when I was working
23 with him, why would I rob him after I stopped working for
24 him?

25 THE COURT: All right. Thank you, Mr. Sanders.

1 Ms. Steiner, you -- you indicated someone, his
2 brother had called in or -- did you try -- were you
3 able to find him on the participant list?

4 MS. STEINER: Your Honor, I believe that the --
5 that the call-in user, but I can't tell exactly what
6 the phone number -- but it might be call-in user 4 or 5.
7 I don't know if you can unmute them and see if those are
8 Mr. Sanders' --

9 THE COURT: What's -- what's his -- is he
10 Mr. Sanders?

11 MS. STEINER: Michael -- Michael Sanders.

12 THE COURT: Mr. -- Mr. Michael Sanders?

13 MS. STEINER: Yes, Your Honor.

14 THE COURT: Are you there?

15 (Indiscernible unidentified voice speaking.)

16 THE COURT: Okay.

17 MS. DANIELS: Hello?

18 THE COURT: Is this -- who's this?

19 MS. DANIELS: This is his baby momma. Tiffany
20 Daniels. I have two -- I have two of his youngest kids.

21 THE COURT: Okay. You want to talk to me, Ms. Dan
22 -- Tiffany Daniels? Is that your name, Tiffany Daniels?

23 MS. DANIELS: Yes, ma'am.

24 THE COURT: All right. You want to speak with me,
25 Ms. Daniels?

1 MS. DANIELS: Yes.

2 THE COURT: Okay. What did you want to tell me?

3 MS. DANIELS: When I talked to his oldest daughter
4 yesterday, she was really frustrated. And I have two
5 kids by him, two girls, Nikeria (ph.) and Aimee (ph.),
6 and it doesn't bother my oldest daughter as much, but
7 it bothers my other daughter. And I'm sorry for what
8 happened. I don't know what happened, but I'm sorry
9 that it happened to the man. But Christopher, I mean,
10 I don't know -- I mean, I feel terrible and the outcome
11 is that he is missing out on his kids' life, but I --
12 I don't know who -- the ten-year-old's been asking, but
13 he is missing out on a great deal of his kids. And so
14 my daughter misses her daughter and I hate to see my
15 daughter hurt because of a decision that he made, but I
16 just wish that he's gonna get something where he can
17 have some type of relationship with his kids and I wish
18 -- hope to get this over with, but my daughter really
19 misses her dad, and his older daughter, she indicates
20 that she really misses her dad and she wanted to try to
21 work on the relationship with her daddy 'cause I was --
22 'cause she calls the -- she calls her kids my two kids --

23 THE COURT: Okay.

24 MS. DANIELS: -- and they all definitely talk about
25 their dad and I know what it is to go without a dad, so

1 I can feel their pain.

2 THE COURT: All right, Ms. Daniels. Thank you very
3 much for appearing today.

4 MS. DANIELS: You're welcome.

5 THE COURT: All right. Thank you, Ms. Daniels.

6 All right, Mr. -- Mr. Sanders? Is it Marcus?
7 Michael?

8 MS. STEINER: Michael Sanders.

9 THE COURT: Michael Sanders, are you on the line,
10 sir? Is there anyone -- Mr. Michael Sanders?

11 All right. Is he with --

12 MS. STEINER: I guess he wasn't able to get on the
13 line, Your Honor.

14 THE COURT: Okay. All right. But I will let the
15 record reflect that Mr. Sanders was at the trial. I --
16 I did, indeed, see -- he was introduced to the jury and
17 I did see him as well.

18 All right. Anything further, Ms. Steiner?

19 MS. STEINER: No, Your Honor. We just ask for the
20 briefest you can.

21 THE COURT: Anything further from the State?

22 MS. CLEVELAND: No, Your Honor. We just stand by
23 everything that we previously said.

24 THE COURT: All right, Mr. Sanders. Anything else
25 that you wish to tell me, sir?

1 THE DEFENDANT: Ma'am?

2 THE COURT: Is there anything else that you wish
3 to tell me, Mr. Sanders?

4 THE DEFENDANT: I don't -- I really kind of don't
5 understand how like all the victims when I was described
6 -- the person that they described in the incident.

7 THE COURT: Was there anything else that you wanted
8 to tell me regarding the amount? The jury has found you
9 -- you were given a trial, which is your constitutional
10 right, and the jury has found you guilty and so at this
11 juncture we're doing the sentencing.

12 Is there anything that you wanted to tell me with
13 regards to the sentence that I'm about to give you?

14 THE DEFENDANT: I just want to go back and do my
15 time and get home to my kids. I -- I don't want to
16 spend the rest of my life in prison 'cause I have my
17 kids I'm -- I'm worried about. I just want to get home
18 to my kids. That's my main goal. That's my main reason
19 I live for anyone is my kids, my last two kids. All my
20 kids is my heart. I love all my kids, but my -- my baby
21 -- like my baby momma said, she's really tore up about
22 this and I don't know how I'm gonna explain it to her
23 'cause her daddy's got to be home for her, so that's why
24 I'm trying -- if I'm gone for the rest of my life, I
25 don't know how she's gonna think of me. She might have

1 a nervous breakdown. I don't know. I want to be in my
2 kids' life. That's all I want to do. I don't -- I --
3 I'm not here to -- I love life. I learned my lesson
4 from the first time I went to prison. That's why I had
5 been staying out of trouble. And the malicious injury
6 and assault and battery that I had in 2018, the same
7 lady that I was in a relationship for the CDV, told me
8 it's the same charges that I (unintelligible) --

9 THE COURT: Okay.

10 THE DEFENDANT: Ms. Stephania Richardson. I got
11 found guilty because I pleaded guilty and Judge --

12 THE COURT: All right, Mr. Sanders. I'm sorry.
13 Go ahead head, Mr. Sanders.

14 THE DEFENDANT: And, Judge (unintelligible)
15 sentenced me to 180 days and I did my time for that
16 already. I don't -- I don't understand why -- why my
17 time -- my first -- I can't understand about about my
18 first ones, but I have learned my lesson. I have been
19 doing good.

20 I graduated in 2013 from Denmark Tech in culinary
21 arts and I've been doing good ever since. I had -- I'm
22 -- I'm not trying to get in no trouble. Like I said, I
23 -- my license got taken --

24 THE COURT: Okay.

25 THE DEFENDANT: -- for child support.

1 THE COURT: All right. I --

2 All right. Mr. Sanders, let me give you your
3 sentence. I do remember -- I remember your testimony,
4 I was there, and all of those things have been taken
5 into account, so your sentence is the following,
6 Mr. Sanders.

7 With regards to possession of a weapon during a
8 violent crime, I'm sentencing you to a term of five
9 years. That will be run concurrent with your following
10 sentences.

11 With regards to the burglary -- burglary in the
12 first degree, I'm sentencing you to the State Department
13 of Corrections for a term of nineteen years. You'll
14 receive credit for the time that you have served in the
15 amount of 550 days.

16 For the armed robbery, I'm sentencing you to the
17 State Department of Corrections for a term of nineteen
18 years. That will be run concurrent to all your other
19 charges and you will receive credit for the time that
20 you have served in the amount of 550 days.

21 I failed to mention on that possession of a weapon
22 you will also receive credit for the time that you
23 served in the amount of 550 days. All charges are to
24 be run concurrent.

25 Good luck to you, Mr. Sanders.

1 MS. STEINER: Thank you, Your Honor.

2 THE COURT: Thank you, Ms. Steiner.

3 Thank you, Ms. Cleveland.

4 (Whereupon, the proceedings were concluded for
5 May 14, 2021, at 10:44 AM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the hearing of the captioned case in Circuit Court
on May 11th-14th, 2021, recorded by the Digital Court
Reporter Program, and transcribed by me to the best of
my ability.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.
This transcript may also contain transmission
interruptions, technical difficulties and inaudible
or indiscernible indications due to being partially
conducted remotely via videoconferencing.

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

August 9, 2021

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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)
)
)
)
 CHRISTOPHER LEE SANDERS)
 DEFENDANT)
)
 _____)

IN THE COURT OF GENERAL SESSIONS
 SECOND JUDICIAL CIRCUIT

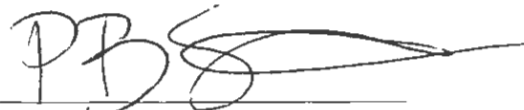
INDICTMENT NUMBER: 2021-GS-02-00685

NOTICE OF MOTION AND MOTION TO
 BIFURCATE

TO: JUDGE C. CLYBURN POPE, GENERAL SESSIONS, SECOND CIRCUIT

The defendant, by and through counsel, respectfully moves the Court, pursuant to S.C. R. Evid. 611(a) and State v. Cross, 427 S.C. 465 (2019), for an order bifurcating the trial or trials of the above-referenced indictments into two stages. In the first stage, the State would offer evidence in its attempt to prove the defendant entered a building or dwelling without permission with the intent to commit a crime or crimes therein, and in second stage, if the jury concluded beyond a reasonable doubt the defendant committed the burglary or burglaries, after an appropriate limiting instruction, the State would offer evidence of whether the burglaries were committed by a person with a prior record with two or more convictions for burglary or housebreaking or a combination of both.

RESPECTFULLY SUBMITTED



P. Brianne Steiner
 Attorney for the Defendant

DATED: May 11, 2021
 Aiken, South Carolina

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this
 11 day of May 20 21
 Robert J. Harte
 C.C.C.P. & G.S., Aiken County, S.C.
 Deputy Clerk

FILED May 11 2021
 Robert J. Harte
 C.C.C.P. & G.S.
 Deputy Clerk

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF Allendale)
 THE STATE) CASE #: 24GSCB-0148
)
 vs.) CHARGE: 0073
)
 Sanders; Christopher) BURGLARY IN THE FIRST DEGREE
 Defendant) (DWELLING) 18-11-311

-----> PLEA WAIVING GRAND JURY PRESENTMENT <-----

The prisoner, Sanders; Christopher , is put to the bar and arraigned and upon his arraignment pleads guilty to the charge of _____ as charged and consents to so plead without the within indictment being submitted to the Grand Jury and a true bill returned thereon, and specifically waives his right to have the said indictment submitted to a grand jury before he enters the said plea.

CLERK OF COURT
 GENERAL SESSIONS

DEFENDANT

DATE _____

-----> PLEA OF GUILTY <-----

The prisoner, Sanders; Christopher , is put to the bar and arraigned and upon his arraignment pleads guilty as charged to Burglary - 1st in the within indictment and consents for said plea to be entered on record against him.

McCarroll
 CLERK OF COURT
 GENERAL SESSIONS

Chris Sanders
 DEFENDANT

DATE 5/9/94

TRUE COPY
 Date May 1, 2000
Elaine Sabb
 ELAINE SABB
 CLERK OF COURT
 ALLENDALE, SC

STATE'S
 EXHIBIT

5-12-21
 LD 18

----- SENTENCE -----

STATE OF SOUTH CAROLINA

CASE #: 94CS03-0140

COUNTY OF Allendale

The defendant, Sanders; Christopher . is committed to the State DEpartment of Corrections/County for a term of 6 months/years and/or to pay a fine of \$_____; provided upon the service of _____ months/years and/or payment of \$_____, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.

Restitution

For physical injury \$_____

Yes/No

Property Damage \$_____

To be paid _____

To clerks for A.T.U. **Other conditions ConcurrentNo shock - keep this manDate 5/9/94

J. H. Suler
Presiding Judge CCJ033
Allendale

*Cost and assessments

Non waivable \$_____

Not waived \$_____

Total \$_____

*negotiated plea*_____
Clerk of Court

** Pay to Victim's Compensation Fund if subrogated

WITNESSES

Benjamin Patterson

ARREST WARRANT #:

D933919

Arrested on March 10, 1994

ACTION OF GRAND JURY

Iue Bill

Foreman:

Theresa H. Taylor
Grand Jury

VERDICT

Foreman:

Petit Jury

Date: _____

DOCKET #: 94GS03-0148

THE STATE OF SOUTH CAROLINA
County of Allendale

COURT OF GENERAL SESSIONS

Term: May, 1994

THE STATE

VS.

Christopher Sanders

INDICTMENT FOR

0079

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311

TRUE COPY

Date

*11-11-94**Elaine Babb*ELAINE BABB
CLERK OF COURT
ALLENDALE, SC

STATE OF SOUTH CAROLINA)
) **INDICTMENT #94GS03-0148**
County of Allendale)

At a Court of General Sessions, convened on May 09, 1994,
the Grand Jurors of Allendale County present upon their oath:

COUNT: BURGLARY IN THE FIRST DEGREE
 (DWELLING) 16-11-311

That Christopher Sanders did in Allendale County on or about January 29,
1994, willfully and unlawfully enter the dwelling of Benjamin Patterson without
consent and with the intent to commit a crime therein and the defendant did
enter in the nighttime.

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

SOLICITOR

Randolph M. Munday, III

STATE OF SOUTH CAROLINA

COUNTY OF

Barnwell

STATE

VS.

Christopher Sanders

AKA:

Race: AA

Sex: male

DOB: [REDACTED]

Age: 26

SSN: [REDACTED]

DL#:

SID#: SID [REDACTED]

IN THE COURT OF GENERAL SESSION 341

INDICTMENT/CASE#:

99-GS-06-221

A/W#:

C030216

Date of Offense:

4/2/97

S.C. Code §:

16-11-311

CDR Code #:

00719

SENTENCE

☒ PLEA☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Burg. 3rd 2nd

in violation of § 16-11-313 of the S.C. Code of Laws, bearing CDR Code # 014217

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of ten (10) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of forty (40) days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for three (3) months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for forty (40) days/months jail time.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§ 14-1-206 - Assessments 100% \$ _____

§ 14-1-211 - Surcharge \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI) \$ _____

County (3%) \$ 3.06

TOTAL \$ 103.06

Clerk of Court/Deputy Clerk

Court Reporter: Karen Tracy

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (1/99)

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
Rhonda D. McElveen, Clerk of Court for Barnwell County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office.

Rhonda D. McElveen
Clerk of Court, Barnwell County, SC

PTUP

40 days/hours Public Service Employment - 2021

Obtain GED ☒

Attend Voc Rehab. or Job Corps

May serve W/E beginning

Substance Abuse Counseling 5-12-21

Random Drug/Alcohol Testing LD 19

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE

Judge Code:

010508

Sentence Date:

6/7/99

STATE'S
EXHIBIT

WITNESSES

W.P.D. - Flowers

ARREST WARRANT NUMBER

G 030216

ACTION OF GRAND JURY

True B. LL

Foreperson of Grand Jury *Emmit C. Odan*
Date: *6-2-99*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 99-GS-06 *221*

The State of South Carolina
County of Barnwell

COURT OF GENERAL SESSIONS

June 7, TERM 1999

THE STATE
vs.

CHRISTOPHER SANDERS

Indictment for

BURGLARY IN THE FIRST DEGREE

SC Code: 16-11-311(A)(3)
CDR Code: 079
Class FEL-EXM(V)

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
I, Rhonda D. McElveen, Clerk of Court for Barnwell
County, South Carolina do hereby certify that the
foregoing constitutes a true and correct copy of the
original documents which have been filed in my office.

Rhonda D. McElveen
Clerk of Court, Barnwell County, SC
By: *SR* Date: *5-1-2020*

STATE OF SOUTH CAROLINA)
COUNTY OF BARNWELL)

INDICTMENT

At a Court of General Sessions, convened on June 7, 1999, the Grand Jurors of Barnwell County present upon their oath:

BURGLARY IN THE FIRST DEGREE

That CHRISTOPHER SANDERS did in Barnwell County on or about April 02, 1999, willfully and unlawfully enter the dwelling of Terri Hayward located at [REDACTED] [REDACTED] In Williston South Carolina, without consent and with the intent to commit a crime therein and the defendant did enter or remain in the dwelling in the nighttime, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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

AUG 25 2021
APPELLATE DEFENSE


for BARBARA R. MORGAN, SOLICITOR

WITNESSES

Aiken County Sheriff

Greg L Savell

Law Enforcement Case #: 19-050558

KRC

ARREST WARRANT NUMBER

2019A0210700310

FILED *March 30* 20 *21*

Robert J. Korte
Clerk of Court

Ann Sanders
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Ambera Ward

Foreperson of Grand Jury
Date: March 30, 2021

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS0200222

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

APRIL TERM 2021

**THE STATE
vs.**

CHRISTOPHER LEE SANDERS

CDR #: 0549

Indictment for

**POSSESSION OF WEAPON DURING A
VIOLENT CRIME**

§ 16-23-0490

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 POSSESSION OF WEAPON DURING A
 VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on April 12, 2021, the Grand Jurors of Aiken County present upon their oath:

That **CHRISTOPHER LEE SANDERS** did in Aiken County on or about October 11, 2019, possess or visibly display a firearm or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Armed Robbery and/ or Burglary in the First Degree, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

*Quinton
 Whitaker*

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

John W Weeks
 BILL WEEKS, SOLICITOR

5346ars

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.Christopher Lee Sanders

AKA:

Race: Black Sex: M Age: 48DOB: [REDACTED] SS#: [REDACTED]Address: 1665 Aldrich StreetCity, State, Zip: Aiken, SC 29801DL#: 9420971 SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kare Cleveland
Solicitor102509
SC Bar#Chris Sanders
DefendantPBS
Attorney for Defendant78908
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2021 GS0200225, 2021 GSD200685☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$ § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ § 56-5-2995 (DUI Assessment) \$12 \$ § 56-1-286 (DUI Breath Test) \$25 \$ Proviso (Public Def/Probation) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114 (BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk Latana Francis-HydeCourt Reporter: Digital Court Reporter

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2021GS0200222A/W#: 2019A0210700310Date of Offense: 10/24/2019S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge CSFJudge Code: 2707Sentence Date: 5/14/2021

WITNESSES

Aiken County Sheriff

Greg L Savell

Law Enforcement Case #: 19-050558

KRC

ARREST WARRANT NUMBER

2019A0210700313 FILED march 30 2021

Robert F. Rute
CCOP & GS

Ann Sanders
as
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Rhonda Ward

Foreperson of Grand Jury
Date: March 30, 2021

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS0200225

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

APRIL TERM 2021

THE STATE
vs.

CHRISTOPHER LEE SANDERS

CDR #: 0139

Indictment for

ARMED ROBBERY

§ 16-11-0330(A)

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

INDICTMENT FOR
 ARMED ROBBERY

§ 16-11-0330(A)

At a Court of General Sessions, convened on April 12, 2021, the Grand Jurors of Aiken County present upon their oath:

That **CHRISTOPHER LEE SANDERS** did in Aiken County on or about October 11, 2019, while armed with a deadly weapon, or while alleging either by action or words that he was armed while using a representation of a deadly weapon or an object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, take from the person or presence of Tommy Taylor by means of force or intimidation, goods or monies of Tommy Taylor. All in violation of §16-11-330, Code of Laws of South Carolina (1976), as amended.

*Quintan
 White Hays*

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

Bill Weeks

BILL WEEKS, SOLICITOR

10-30 years
STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.
Christopher Lee Sanders
AKA:
Race: Black Sex: M Age: 48
DOB: [REDACTED] SS#: [REDACTED]
Address: 1665 Aldrich Street
City, State, Zip: Aiken, SC 29801
DL#: [REDACTED] SID#: [REDACTED]
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2021GS0200225
A/W#: 2019A0210700313
Date of Offense: 10/11/2019
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Ronie Cleveland 102509 Chris Sanders PBS 78908
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 19 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2021GS0200222, 2021GS0200685
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDoc.

SSO days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Deborah Frasier Hynes

Court Reporter: Digital Court Reporter

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge [Signature]

Judge Code: 2767

Sentence Date: 5/14/2021

WITNESSES

Aiken County Sheriff

Greg Savell

Law Enforcement Case #: 19-050558

KRC

ARREST WARRANT NUMBER

21-DI02-0017

FILED May 6 2021Robert J. White
C.C.P. & G.S. DB
Paige Barnes
Deputy ClerkACTION OF GRAND JURYDOCKET NO. 2021GS0200685**The State of South Carolina****County of Aiken**COURT OF GENERAL SESSIONSMAY TERM 2021**THE STATE****vs.****CHRISTOPHER LEE SANDERS**CDR #: 0079**Indictment for****BURGLARY, FIRST DEGREE****§ 16-11-0311****BILL WEEKS, SOLICITOR**True Bill
Rhonda WanchForeperson of Grand Jury
Date: May 6, 2021VERDICTForeperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

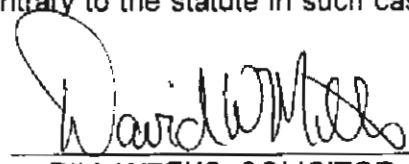
INDICTMENT FOR
 BURGLARY, FIRST DEGREE
 § 16-11-0311

At a Court of General Sessions, convened on May 10, 2021, the Grand Jurors of Aiken County present upon their oath:

That **CHRISTOPHER LEE SANDERS**, along with others, did in Aiken County on or about October 11, 2019, wilfully and unlawfully enter the dwelling of Tommy Taylor located at [REDACTED], Aiken, South Carolina, without consent and with the intent to commit a crime therein and the defendant does have two or more prior burglary convictions, and/or he was armed with a firearm while in the dwelling, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

Guarantee
which is

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



 BILL WEEKS, SOLICITOR

15 years - Life
STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE VS.
Christopher Lee Sanders

AKA:
Race: Black Sex: M Age: 48
DOB: SS#:
Address: 1665 Aldrich Street
City, State, Zip: Aiken, SC 29801
DL#: SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Katie Cleveland 102509 Chris Sanders PBS 78908
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 19 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2021GS0200222, 2021GS0200225
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDoc.
650 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk
Court Reporter: Digital Court Reporter
SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS0200685

A/W#: 21-DI02-0017

Date of Offense: 10/11/2019

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Katie Cleveland 102509 Chris Sanders PBS 78908
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 19 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2021GS0200222, 2021GS0200225
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDoc.
650 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk
Court Reporter: Digital Court Reporter
SCCA/217 (04/2018)

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk
Court Reporter: Digital Court Reporter
SCCA/217 (04/2018)

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$3.75

TOTAL \$128.75

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge
Judge Code: 2707
Sentence Date: 5/14/2021

CERTIFICATE OF COUNSEL FOR APPELLANT

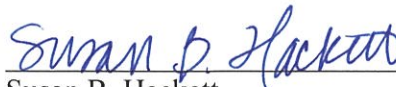
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised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

Respectfully Submitted,

RECEIVED

Jan 31 2022

SC Court of Appeals



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 31st day of January, 2022.