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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Clifton J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RONALD WOOD,

APPELLANT

APPELLATE CASE NO. 2022-000888

RECORD ON APPEAL

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State of South Carolina
County of Lexington

Court of General Sessions

State

v.
Ronald Wood

Defendant.

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Transcript of Record
2021-GS-32-2027

June 13 - 14, 2022
Lexington, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge; and a
jury.

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Attorney for the State

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Jamie Holladay, Assistant Public Defender
Attorneys for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

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1 P R O C E E D I N G S

2 * * *

3 THE COURT: All right. Solicitor, if you will
4 call your first case.

5 MS. GARRICK: Thank you, Your Honor. May it
6 please the Court?

7 Your Honor, we call Indictment 2021-GS-32-2027,
8 the State of South Carolina versus Ronald Wood.
9 Your Honor, Mr. Wood is indicted for burglary in the
10 first degree. He's here in court with his attorneys
11 and ready for trial.

12 THE COURT: Thank you.

13 Ladies and gentlemen, the State of South
14 Carolina has called for trial the case of the State
15 versus Ronald Wood. He is in court charged with
16 burglary. The case comes into court as a result of
17 an indictment returned by the grand jury of
18 Lexington County charging him with this offense.

19 He's pled not guilty. He's pled not guilty to
20 this charge. He's presumed to be not guilty of the
21 charge. He cannot be found guilty unless the State
22 presents evidence which convinces a jury of his
23 guilt beyond a reasonable doubt. And that is the
24 purpose of a trial; to determine whether the State
25 can meet that burden of proof.

1 THE CLERK: If you'll have a seat in the jury
2 box, please.

3 THE COURT: All right. Are there any matters
4 of law regarding the jury selection?

5 MS. MARTIN: Not from the State, Your Honor.

6 MR. STORY: None from the Defense.

7 THE COURT: All right. Ladies and gentlemen,
8 y'all have been selected to be the jury in the trial
9 of this case. Once you're on the jury in a case,
10 you can't engage in any form of discussion about the
11 case until I tell you it's time to do so, which
12 would be at the end of the case, after the entire
13 case has been presented.

14 I'm going to have y'all leave for just a few
15 minutes while I speak with the other jurors and
16 you-all will have a chance to hear a few words from
17 the bailiffs and to prepare to come back in to begin
18 the case. So we'll have you go with the bailiffs
19 that way for a short while.

20 (The jury exits the courtroom at 11:59 AM.)

21 THE COURT: All right. Ladies and gentlemen,
22 thank you-all for coming here. It's noon, so a
23 pretty quick day for you. We have some additional
24 cases. You never know how long a case may take.
25 It's anticipated that this case will take us at

1 All right. I also understand there is also a
2 website that you can check. So Lexington is pretty
3 advanced. This is the first place I've been where
4 you can check through the website. It's on the
5 Lexington County homepage. It will say jury
6 message. Well, that's pretty good.

7 So we will see you-all later. Thank you very
8 much.

9 (Jury pool excused.)

10 MR. STORY: The solicitor tells me a
11 Jackson v. Denno won't be necessary. He didn't give
12 a statement; that they don't intend to introduce --

13 THE COURT: All right. No statement, no
14 Jackson v. Denno. Okay.

15 MR. STORY: A Neil v. Biggers, because there
16 was an identification. So that's going to be our
17 most lengthy motion.

18 THE COURT: He was identified by who?

19 MR. STORY: By a witness, Mynnda Asbill.

20 THE COURT: Is that the homeowner or a neighbor
21 or --

22 MR. STORY: She was the daughter of the
23 homeowner.

24 THE COURT: All right. So, aside from that
25 person doing an identification, is there anyone

1 else? Any other identification witnesses?

2 MS. MARTIN: Your Honor, we would also call the
3 officer for was present for the out-of-court ID
4 because it was a showup.

5 THE COURT: And that would take -- so we can
6 let the jury go and start back at 2:00?

7 MR. STORY: And I have one other motion, Your
8 Honor.

9 THE COURT: All right. What's that?

10 MR. STORY: It's a 404(b) State v. Lyle motion
11 to keep out any testimony about other prior bad
12 acts. There's a lot of testimony about the house
13 being -- I mean, you know, I don't know what exactly
14 the State intends to introduce.

15 He's got a subsequent arrest, but he's also --
16 agent Saunders was the probation agent when he was
17 on supervision or parole. Donald Rentiers is also
18 on the witness list. I'm not sure why he would be
19 called except to testify as to his probation or
20 parole status.

21 THE COURT: We need to deal with that as it
22 comes up, not just hearing testimony from
23 speculative witnesses. We can deal with all those
24 things individually. I don't see how the
25 State v. Lyle in advance of the trial to address

1 issues about testimony that you don't know whether
2 the State is going to offer.

3 I mean, obviously, if you see a probation
4 officer called as a witness, that will be your
5 signal to raise that issue. But, otherwise, what's
6 the point?

7 MR. STORY: Well, I just reasonably anticipated
8 it, so I wanted to go ahead and bring it up to the
9 Court pretrial.

10 THE COURT: Ms. Martin?

11 MS. MARTIN: Thank you, Your Honor.

12 Your Honor, certainly, we've cautioned our lay
13 witnesses not to talk about Mr. Wood being arrested
14 two months later for the exact same offense. We've
15 done the best we can with the lay witnesses. The
16 officers know not to talk about prior record. I'm
17 not anticipating anything like that in our case in
18 chief.

19 THE COURT: Do you see any point in having a
20 whatever you -- I guess -- is that the name of the
21 hearing, a Lyle hearing? I've never heard of one.

22 MR. STORY: It's just a pretrial. But I
23 always, if I anticipate prior bad acts or his record
24 coming in, I'd make a motion.

25 THE COURT: So that's a motion in limine?

1 MR. STORY: Yes, Your Honor.

2 MS. MARTIN: We don't plan to proceed under
3 anything like that in our case in chief. If the
4 door is opened by the defense somehow, we would
5 address that then.

6 THE COURT: All right.

7 MS. MARTIN: Your Honor, just a scheduling
8 matter, our office has a family court hearing right
9 at 2:00. It's supposed to be only 15 minutes.

10 THE COURT: We'll be through with him before
11 2:00. We're going to do that before lunch --

12 MS. MARTIN: Okay. Good.

13 THE COURT: -- as far as the Neil v. Biggers.
14 I would think so.

15 MS. MARTIN: Good, good, good.

16 THE COURT: I'm going to let the jury go until
17 2:00.

18 MS. MARTIN: Okay. And then he could sneak
19 back in the side door. I don't want to disturb you.
20 But I just wanted you to know. He really needs to
21 get down to that family court hearing, if at all
22 possible.

23 THE COURT: It will all work out. It's in the
24 building here, right?

25 MS. MARTIN: Yes, sir. It's just downstairs.

1 have to deal with before we start with the case. So
2 rather than have you wait for all of that, and it's
3 12:15, we're going to give you a two-hour break til
4 2:15. And we anticipate being ready to go at 2:15.
5 So please be in the jury room no later than that
6 time.

7 When you come back, follow the instructions the
8 bailiffs -- I'm sure they've instructed you. You'll
9 never come through the courtroom; you'll come
10 through whatever other direction you're told. Okay?
11 We'll see you back at 2:15.

12 (The jury exits the courtroom at 12:15 PM.)

13 THE COURT: All right. We'll take a break on
14 this and deal with the issue involving
15 Mr. VanSyckel.

16 MS. MARTIN: Thank you, Judge.

17 (Pause in proceedings.)

18 THE COURT: We said it would be 15 minutes.
19 But that was more than a 15-minute situation.

20 Go ahead.

21 MS. MARTIN: Your Honor, we'd call Mynnda
22 Asbill.

23 MYNNDA ASBILL

24 being first duly sworn, testified as follows:

25 THE WITNESS: I do.

1 THE CLERK: Have a seat over there, please. If
2 you'll state your name and spell your first and last
3 name, please.

4 DIRECT EXAMINATION

5 BY MS. MARTIN:

6 Q. Ms. Asbill, thank you for being here today.
7 For this pretrial situation, we're going to jump
8 straight to April 23rd of 2021.

9 Can you tell us where -- if you're familiar
10 with the location at [REDACTED] Old Charleston Road?

11 A. Yes, ma'am.

12 Q. And what is that? And can you pull --

13 THE COURT: I missed the last question. What
14 was it?

15 MS. MARTIN: If she could tell us if she was
16 familiar the address [REDACTED] Old Charleston Road.

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Raise the mic up so we can hear
19 you.

20 BY MS. MARTIN:

21 Q. Green light. Can you speak up and let's see?

22 A. Can you hear me.

23 Q. That's better. Yes. Okay.

24 Judge, I told her for purposes of this hearing,
25 we're just going to get right into it.

1 Can you tell us if you'd gone to the home there
2 in the afternoon?

3 A. Yes, ma'am.

4 Q. And can you tell us why you went there?

5 A. I was just checking out the property, you know,
6 seeing how everything was since my brother was
7 working all the time.

8 Q. Okay. And can you tell us --

9 THE COURT: Did you say your mother?

10 THE WITNESS: My brother.

11 THE COURT: Your brother was what?

12 THE WITNESS: He was working all the time.

13 THE COURT: All right.

14 BY MS. MARTIN:

15 Q. Okay. And where was your brother living during
16 this time of April of 2021?

17 A. At [REDACTED] He was always staying with his
18 girlfriend on the weekends.

19 Q. Okay.

20 A. So he was sleeping there every night.

21 Q. Okay. And when you went to the property there,
22 can you tell us what first caught your attention?

23 A. I saw a movement like somebody had went in the
24 door and through the window. I saw movement
25 inside --

1 Q. Okay. Let's backtrack a minute. If I can show
2 you --

3 Your Honor, these are in, I believe, without
4 objection.

5 If I can show you State's Exhibit 1.

6 THE COURT: Is that correct? These various
7 pictures are in without objection, Mr. Story?

8 MR. STORY: For identification for now, Your
9 Honor.

10 THE COURT: Okay. All right.

11 BY MS. MARTIN:

12 Q. Can you tell us if you recognize that property?

13 A. Yes, ma'am. That's our family home.

14 Q. Okay. Can you tell us the layout of this
15 property here? If you could come down for a moment
16 and show us where the front door is, the back door.
17 And we'll have a pointer for you to use in front of
18 the jury.

19 A. Okay. Over here is the front entrance, the
20 front door; this is the living room through here;
21 there's a bedroom here; this is the back door with a
22 bathroom on the other side, and a bedroom right
23 here.

24 Q. Okay. If I can show you State's 2, can you
25 tell us if you recognize the layout of the property

1 there?

2 A. Yes.

3 Q. What is that?

4 A. Okay. Yeah. Under this carport, like, right
5 here is the front door, the window, the back door,
6 bedroom, living room.

7 Q. And what vehicle was that, if you recognize it?

8 A. That is mine.

9 Q. Okay. And is this where you were parked that
10 day?

11 A. Yes, ma'am. I had pulled up here; I saw the
12 movement; and I backed up so I could see both
13 entrances and exits.

14 Q. Okay. So there's how many ways in and out of
15 the home there?

16 A. Two.

17 Q. If I can show you State's 3, is that the same
18 view?

19 A. Yes, ma'am.

20 Q. All right. So you say -- you can have a seat
21 back.

22 At the front of the home, what type of door is
23 there?

24 A. It is a solid wooden door.

25 Q. And you said you saw movement near that door.

1 Did you see a person?

2 A. It was definitely a person.

3 Q. Was the door open or shut?

4 A. It was open when I saw it, because it had been

5 closed the night before.

6 Q. Okay. Is that door kept locked, to the best of

7 your information?

8 A. It is.

9 Q. And when you had first pulled up and saw

10 movement at the front door, what did you do?

11 A. Immediately, I called 911 and backed up to

12 where I could see both doors.

13 Q. Okay. So you moved your vehicle so you could

14 see front door and back door?

15 A. Uh-huh.

16 Q. And were you on the phone with 911?

17 A. Yes, ma'am.

18 Q. And what did you tell them?

19 A. That there was somebody that had broken into

20 the house and that they were still in there.

21 Q. Okay. And these photographs from that day, was

22 it a clear day? A sunny day? A rainy day?

23 A. It was a very pretty day.

24 Q. And do you always wear you glasses?

25 A. I do.

1 Q. When you're on the phone with 911 reporting
2 this incident, what, if anything, did you do next?

3 A. I got out. I was standing beside my car, but I
4 was standing close to my car. But I could see
5 everything very clearly. And then while I was on
6 the phone with 911, he came out the back door.

7 Q. Okay. When you say "he," can you describe this
8 man for us, please?

9 A. Oh, absolutely. Older white male, jeans, black
10 shirt, longer hair. I was very -- I was paying very
11 close attention to what he looked like so that I
12 could.

13 Q. And did you give that description to the 911
14 people?

15 A. Yes, ma'am.

16 Q. And when you say he came out, using State's 1,
17 can you show us where he came out and what direction
18 he went to?

19 A. Yes, ma'am. Which one? That one?

20 Q. Yes, please, on the big screen.

21 A. That door right there.

22 Q. Okay.

23 A. And then he stopped, and that's whenever I had,
24 you know, confronted him.

25 Q. Okay. Let's talk about that. So when you say

1 you confronted him, what does that mean? What did
2 you do?

3 A. I asked him what he was doing.

4 Q. Did he have permission to be there at the home?

5 A. Absolutely not.

6 Q. And was this someone you knew?

7 A. I -- he looked familiar because I guess I'd
8 seen him somewhere in the neighborhood at some point
9 in time, because he lived next door.

10 Q. Okay. But you didn't know him?

11 A. No.

12 Q. Did you know his name?

13 A. No.

14 Q. So after you spoke with him, are you still on
15 the phone with 911?

16 A. Yes, ma'am.

17 Q. Okay. And after he came out the door, did you
18 notice anyone else there on the property?

19 A. There was a female. I caught movement behind
20 me. I don't know where she had come from. I don't
21 know whether she came back down from the woods or
22 whether she was -- what she was doing exactly. And
23 she heard all the sirens and bolted back towards, I
24 guess, where they lived.

25 Q. All right. And did you tell 911 and law

1 enforcement that it was also a female?

2 A. Yes, ma'am.

3 Q. Okay. And did you describe her and her
4 clothing?

5 A. Yes, the best I could. I was more focused on
6 him.

7 Q. On what?

8 A. I was focused more on the house and what was
9 going on there.

10 Q. Okay. About how far away were you to this
11 person that you saw coming out of your home when you
12 spoke to him and questioned him?

13 A. It was absolutely no further than the exit
14 doors.

15 Q. And you said you had your glasses on. Was
16 anyone else with you in the car?

17 A. My children were with me.

18 Q. How old are they?

19 A. Ten and 12 now.

20 Q. Okay. And can you tell us what kind of emotion
21 or thoughts are running through your head when
22 you're talking to this person?

23 A. I was scared and angry.

24 Q. Were you armed?

25 A. I had a screwdriver.

1 Q. Okay. Did -- this man that you confronted, can
2 you tell us whether or not he stayed there while you
3 were waiting for law enforcement?

4 A. He did not. He went behind the house and took
5 off.

6 Q. Took off in the woods?

7 A. Yes, ma'am.

8 Q. Okay. And did you follow him?

9 A. No. I wasn't going to leave my kids.

10 Q. Okay. Do you recall about how long it took for
11 law enforcement to get there?

12 A. It was not long at all.

13 Q. Okay. And do you remember who the first
14 officer was that got there?

15 A. Yes. I believe it was Officer Saunders.

16 Q. Okay. This officer here?

17 A. Uh-huh.

18 Q. Did you tell him what you'd seen?

19 A. Absolutely. I mean, he took off right
20 immediately.

21 Q. So during the time that you were there at the
22 house, did there come an opportunity -- and, like I
23 said, we're just going to jump forward.

24 Did there come an opportunity that law
25 enforcement asked you if you recognized the burglar?

1 A. Absolutely.

2 Q. Was this done through Deputy Saunders?

3 A. Yes, ma'am.

4 Q. State's 4. Can you identify what this is or
5 who this is?

6 A. That's Mike Rish.

7 Q. Okay. And what's significant about Michael
8 Rish in this photograph?

9 A. I mean, he's wearing the black tank top and the
10 longer hair. But I knew that was not him because I
11 know who that is.

12 Q. Okay. Did Deputy Saunders ask you if this was
13 the burglar?

14 A. He did.

15 Q. And what did you tell him?

16 A. Absolutely not; that I knew who that was.

17 Q. You knew him by name --

18 A. Yes.

19 Q. -- and where he lived?

20 A. Yes.

21 Q. Can you tell us and tell the Court, did you
22 feel like you could identify the person that you
23 only had brief interaction with -- did you feel like
24 you could identify him if you saw him again?

25 A. Yes, ma'am.

1 Q. Had you told that to Deputy Saunders?

2 A. Yes, ma'am.

3 Q. Okay. And do you recall if they showed you any
4 other photographs of anyone or --

5 A. I believe there was one other, but it was not
6 the person I saw.

7 Q. Okay. All right. About how long of an
8 interaction do you think you had with this person
9 that had been inside the family home?

10 A. It wasn't long. I'd say it was less than a
11 minute.

12 Q. And can you tell us whether or not -- what your
13 focus was primarily on at that time?

14 A. On his face.

15 Q. Later that day, can you tell us if you were
16 told that someone was in custody?

17 A. I was.

18 Q. Okay. And you were aware the K-9s had been
19 tracking?

20 A. Yes, ma'am.

21 Q. Okay. And were you called to go to a
22 particular location?

23 A. I was.

24 Q. Do you remember where that was?

25 A. Yes, ma'am.

1 Q. Where was it?

2 A. On Calks Ferry, just left of Windy Wood.

3 Q. Okay. Is that far or near from the location of
4 the burglary?

5 A. It's rather close.

6 Q. Okay. And when you went there, can you tell us
7 what you saw?

8 A. I immediately saw him. Without a shadow of a
9 doubt, it was him.

10 Q. When you say it was him, what do you mean?

11 A. It was the man that I had saw at the house and
12 that came out of the house.

13 Q. We'll now show you State's 21. You drove
14 yourself to Caulks Ferry Road; is that right?

15 A. I did.

16 Q. And this is State's 21. Is this the person on
17 the side of the road that you saw?

18 A. Yes, ma'am.

19 Q. And do you see the black T-shirt?

20 A. No, ma'am.

21 Q. Okay. And this person is in custody, right?

22 A. Yes, ma'am.

23 Q. And did you tell law enforcement that this was
24 the burglar because he was in handcuffs on the side
25 of the road?

1 A. No, ma'am.

2 Q. Why did you tell Saunders that that was the
3 burglar?

4 A. Because that was him.

5 Q. How do you know this to be true?

6 A. His face.

7 Q. Okay. About how long after you first saw him
8 did you go to the Caulks Ferry address?

9 A. It was maybe two hours.

10 Q. Okay. Ms. Asbill, were there deer cams set up
11 at your family property there on Old Charleston
12 Highway?

13 A. Yes, ma'am.

14 Q. And did you make law enforcement aware of that
15 on the date of the burglary? ,

16 A. Yes, ma'am.

17 Q. And were y'all able to get the deer cam down
18 that afternoon -- or was law enforcement able to?

19 A. No, ma'am.

20 Q. Can you tell us why not?

21 A. They were too high in the air because we didn't
22 want anything to happen to them. And it required a
23 ladder to get up there, and the ladder was not
24 there.

25 Q. Okay. If I can show you -- well, let me ask

1 you this: At some point, did you collect the deer
2 cam from the trees?

3 A. We did.

4 Q. Okay. And did you have pictures developed?

5 A. We did.

6 Q. And did you turn them over to law enforcement?

7 A. Yes, ma'am.

8 Q. And, to the best of your knowledge, did the
9 dates and times on the deer cam track with the
10 appropriate date and time?

11 A. Yes, ma'am.

12 Q. If I can show you State's 5. Can you tell us
13 the date and time of that deer cam photo, if you can
14 see it?

15 A. April 23rd, 2021 at 3:53 in the afternoon.

16 Q. Okay. And is that the property there at your
17 homestead?

18 A. It is.

19 Q. And is that the person you had -- you
20 confronted as he left out the back door?

21 A. Yes, ma'am.

22 Q. If I can show you State's 6, do you recognize
23 that view?

24 A. Yes, ma'am.

25 Q. Okay. Is that the same person?

1 A. It is.

2 Q. And can you see the date and time stamp on
3 that?

4 A. Yes, ma'am.

5 Q. Can you tell it to us for the Court, please, if
6 you can see it?

7 A. April 23rd, 2021, at 3:52 in the afternoon.

8 Q. And State's 7, what date and time?

9 A. April 23rd, 2021, at 4:17 in the afternoon.

10 Q. And that's the person you confronted coming out
11 the back door?

12 A. Yes, ma'am.

13 Q. Okay. And --

14 MS. MARTIN: Beg the Court's indulgence one
15 second.

16 BY MS. MARTIN:

17 Q. Ms. Asbill, do you recognize the person that
18 had left out from your family property on April 23rd
19 of last year?

20 A. Yes, ma'am.

21 Q. Is he in court today?

22 A. He is.

23 Q. Can you point him out for us, please.

24 A. In the blue shirt on the end.

25 Q. Okay. Blue shirt. So that's the defendant at

1 the Defense table.

2 Does he look the same or different than he did
3 back in April of 2021?

4 A. He's a little older and he has glasses on.

5 Q. Okay. Thank you. Please answer any questions
6 Mr. Story may have.

7 CROSS-EXAMINATION

8 BY MR. STORY:

9 Q. Hey. Good morning, Ms. Asbill.

10 A. Good morning.

11 Q. You said you checked on the house every day?

12 A. Well, there was always someone there checking
13 every day because my brother -- he was there every
14 afternoon after during the week.

15 Q. Okay. So your brother was there every
16 afternoon, but you would check on the house?

17 A. During the day.

18 Q. Okay. And why is that?

19 A. We had previous problems.

20 Q. Okay. So you, essentially, were going to the
21 house to try to catch somebody breaking in?

22 A. Just to make sure that it was okay and nothing
23 was wrong and -- I mean, it wasn't an intention to
24 catch anyone. But it was, you know, just to make
25 sure everything was okay, like I would want somebody

- 1 to do with mine.
- 2 Q. But you said y'all had problems. So you'd go
- 3 check on it, even though your brother was there
- 4 every afternoon?
- 5 A. Yeah, during the day. I mean, I was going
- 6 through there anyway. And my mother was right there
- 7 too.
- 8 Q. Okay.
- 9 A. And she's older.
- 10 Q. Right. And she's the owner of the house?
- 11 A. She's the owner of the house and the property,
- 12 yes.
- 13 Q. But she didn't live there?
- 14 A. No, sir; my brother did.
- 15 Q. How do you know my brother was living there?
- 16 A. Because that was his house. That's where he
- 17 slept every night. He had all of his belongings
- 18 there.
- 19 Q. Because that's what he told you that?
- 20 A. No. I know that.
- 21 Q. Okay. And you saw him sleeping there?
- 22 A. Yeah. I mean, we've been over there before,
- 23 many times. That's my brother.
- 24 Q. This is your family home, correct?
- 25 A. Yes, sir.

1 Q. The home that you grew up in?

2 A. Yes, sir.

3 Q. So you said the door was open when you pulled
4 up to the house?

5 A. Yes, sir.

6 Q. You were on the phone with 911 --

7 Beg the Court's brief indulgence.

8 Okay. That's all the questions I have. Thank
9 you.

10 THE COURT: Anything further?

11 MS. MARTIN: Not at this time, Your Honor.

12 Thank you.

13 THE COURT: Thank you. You may step down.

14 Next witness?

15 MS. OPPENHEIMER: State calls Officer McKenzie
16 Saunders.

17 MCKENZIE SAUNDERS

18 being first duly sworn, testified as follows:

19 THE WITNESS: Yes, ma'am.

20 THE CLERK: If you'll have a seat. Spell your
21 last name for the record.

22 THE WITNESS: S-A-U-N-D-E-R-S.

23 DIRECT EXAMINATION

24 BY MS. OPPENHEIMER:

25 Q. Good afternoon, Officer Saunders. I'm going to

1 jump right into it. Were you working for the
2 Lexington County Sheriff's Department back in April
3 of 2001 [sic]?

4 A. Yes, ma'am.

5 Q. In what capacity were you working?

6 A. I was a patrol deputy assigned to the south
7 region.

8 Q. And did you receive a call in the afternoon of
9 April 23rd to respond to [REDACTED] Old Charleston Road?

10 A. Yes, ma'am.

11 Q. What was that call in reference to?

12 A. The call was dispatched as a burglary in
13 progress.

14 Q. And when you first arrived at [REDACTED] Old
15 Charleston Road, did you make contact with
16 Ms. Asbill?

17 A. I did.

18 Q. Did she indicate to you that she was able to
19 view the burglar in her home?

20 A. She did.

21 Q. And before you got on scene, were you provided
22 a description of this individual?

23 A. I was.

24 Q. Who were you provided that description from?

25 A. Dispatch.

1 Q. So they would have taken the call from
2 Ms. Asbill and gotten a description from her?

3 A. Yes, ma'am.

4 Q. When you first got there and contacted
5 Ms. Asbill did you do anything to find the burglar
6 yourself?

7 A. I did.

8 Q. What did you do?

9 A. She provided me a direction of travel to where
10 she last saw him, and I pursued him in that
11 direction.

12 Q. And do you recall the description of the
13 burglar that you were given?

14 A. It was a white male wearing jeans and a black
15 shirt.

16 Q. Were you able to find the burglar immediately
17 on arriving at the scene?

18 A. I was not.

19 Q. So what if anything did you decide to do from
20 there?

21 A. Due to the nature of the call and the weather
22 conditions, we determined that K-9 was appropriate.

23 Q. Why would the weather have affected calling K-9
24 a good idea?

25 A. It affects the ability of the dog.

- 1 Q. So was it sunny day? Was it rainy? Do you
2 recall?
- 3 A. It was clear and sunny.
- 4 Q. While K-9 is tracking for this burglar, did
5 they provide you with any potential suspects?
- 6 A. We were provided.
- 7 Q. Okay. And do you recall about how many
8 potential suspects K-9 provided to you?
- 9 A. Two.
- 10 Q. And did you show photos of those two
11 individuals to Ms. Asbill?
- 12 A. I did.
- 13 Q. And was she able to make a positive ID of
14 either of those individuals?
- 15 A. She was not.
- 16 Q. Officer Saunders, I'm showing you State's
17 Exhibit No. 4. Was this one of the photographs that
18 you showed Ms. Asbill?
- 19 A. It was.
- 20 Q. And was she able to identify this individual?
- 21 A. Shy denied that being the suspect she
22 confronted.
- 23 Q. Did she seem unsure in her identification or
24 was she positive at all?
- 25 A. She was immediately responsive to my question.

1 Q. Later, as the K-9 is tracking this suspect, did
2 they eventually detain an individual?

3 A. They did.

4 Q. Okay. And who was that individual that K-9
5 detained?

6 A. Ronald Wood.

7 Q. And that would be the defendant?

8 A. It would.

9 Q. After the defendant had been detained by K-9,
10 did you ask Ms. Asbill to come to the scene where he
11 was detained?

12 A. I did.

13 Q. And did she show up?

14 A. She did.

15 Q. Did you give her a ride over to the roadway?

16 A. She transported herself.

17 Q. Okay. And what, if anything, did you say to
18 her when she got on scene where the defendant was
19 detained?

20 A. She immediately made an identification as the
21 suspect that she encountered.

22 Q. Did you tell her that you definitely had the
23 burglar in custody?

24 A. No, ma'am. We had the defendant detained at
25 the time.

1 THE COURT: What did you just say?

2 THE WITNESS: That he was detained at the time.

3 Q. Did you tell her you had the burglar detained
4 at that time?

5 A. No, ma'am.

6 Q. Did you make any suggestions to her that she
7 had to identify anyone?

8 A. No, ma'am.

9 Q. Do you recall about how long it took her to
10 identify the defendant as the burglar?

11 A. She was able to immediately.

12 Q. And was she positive in her identification?

13 A. She was.

14 Q. Did she hesitate at all?

15 A. She did not.

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

17 BY MS. OPPENHEIMER:

18 Q. Officer Saunders, showing you State's Exhibit
19 21, can you tell me if you recognize this photo?

20 A. I do.

21 Q. What does that photo depict?

22 A. Mr. Wood at the rear of my patrol vehicle.

23 Q. Was this the way he appeared back on April
24 23rd, 2021?

25 A. It was.

1 Q. And, based on your own observations, did the
2 defendant match the description that you were
3 initially provided?

4 A. He did.

5 Q. And what about Mr. Wood's appearance matched
6 the description of the burglar?

7 A. He was an older white male wearing jeans.

8 Q. Was there anything else that further helped in
9 identification?

10 A. The black shirt was in his possession at the
11 time also.

12 Q. All right. And was the way in which you
13 observed the defendant on April 23rd, 2021, was it
14 consistent with Ms. Asbill's description that she
15 gave to you?

16 A. Yes, ma'am.

17 MS. OPPENHEIMER: No further questions. Please
18 answer anything that the defense may have for you.

19 CROSS-EXAMINATION

20 BY MR. STORY:

21 Q. Good afternoon. Is it Officer Saunders?

22 A. It is now, yes, sir.

23 Q. Okay. Y'all are out there tracking the suspect
24 for over two hours, right?

25 A. I was not on the track; the K-9 deputies were.

1 Q. You were searching for the suspect?

2 A. I remained on the scene.

3 Q. Okay. And that was over two hours?

4 A. Over the course, yes, sir.

5 Q. Thank you.

6 So the other individual that the solicitor
7 showed you, you took that picture and sent it to
8 Ms. Asbill?

9 A. Negative. K-9 took that photograph, sent it to
10 me, and then I relayed it to --

11 Q. Okay. Just wanted to get that straight. Thank
12 you. Nothing further.

13 THE COURT: Anything further?

14 MS. OPPENHEIMER: No, Your Honor.

15 THE COURT: Okay. Thank you.

16 Any additional State's witnesses?

17 MS. MARTIN: No, Your Honor.

18 THE COURT: Any defense witnesses?

19 MR. STORY: No witnesses from the Defense, Your
20 Honor.

21 THE COURT: Okay. Any argument by the Defense?

22 MR. STORY: Yes, Your Honor. I would move to
23 suppress the showup identification, as well as any
24 in-court identifications as unduly suggestive.

25 Under the totality of the circumstances, it creates

1 a substantial risk of misidentification.

2 Your Honor, it was a show-up lineup; he was
3 under arrest by the police car. These are
4 inherently suggestive and disfavored by law. And
5 under the totality of the circumstances, there's a
6 substantial likelihood of misidentification.

7 He was under arrest; he was the only one that
8 they showed Ms. Asbill; the only suspect standing
9 there. She was -- she said, from the witness stand
10 to about the exit sign, which, I don't know how far
11 that is, probably about 30 yards or so, she was
12 distracted, Your Honor.

13 She had her children in the car; she was on the
14 phone with 911 as she stated she was scared and
15 angry. The prior description, quite frankly, was
16 pretty vague; older gentleman, black shirt. It
17 obviously fit the description of others in the area.
18 And the length of time between the ID and the crime
19 was over two hours as Officer Saunders was as well
20 as Ms. Asbill suggested.

21 So, Your Honor, I would move to suppress any
22 testimony about the show-up identification and any
23 in-court identifications as well.

24 THE COURT: By the State?

25 MS. MARTIN: Thank you, Your Honor. May it

1 please the Court?

2 Certainly, showups are never what the State
3 would want to be done, but they can be proper when
4 they're shortly after the crime; they can be done if
5 they're near the crime scene; they can be done if
6 the witness' memory is still fresh, if the suspect
7 hadn't had time to alter his looks.

8 It also helps to expedite releasing innocent
9 suspects which happened to two different people in
10 our very case. And it also helps to let law
11 enforcement know they've got the right person. Your
12 Honor, by the totality of the circumstances,
13 Ms. Asbill told us that her opportunity to view the
14 burglar at the time of the crime was good; that she
15 had eyes on him; that she was very focused on his
16 face, particularly on his face; she was armed with a
17 screwdriver, so I assume that meant she was fearful.
18 And she's on the phone with 911 reporting this, so
19 her attention to detail is good.

20 We know that the accuracy of her description of
21 the defendant is very much spot on. We have the
22 deer cam video photos that later show -- they didn't
23 know it then, but they do back up the reliability of
24 her ID that that defendant is on her property on
25 that day minutes before she got there. And it's the

1 same person on the side of the road that law
2 enforcement sees.

3 Your Honor, law enforcement never really did a
4 show-up. They asked her to come there, right around
5 the corner on Calks Ferry Road. But as soon as she
6 pulled up, she said she saw the man that she had
7 confronted. She knew it was him and it was more of
8 a spontaneous kind of thing. It wasn't a formal
9 show-up ID. She knew it was the person she had
10 confronted. She told law enforcement that.

11 Your Honor, two hours is not a lengthy time. I
12 would submit to the Court that that is not a bad
13 delay or anything such as that. She says that she
14 knows him here today to be the person that she
15 confronted, the person that she saw coming out of
16 her family home, and the person she talked to and
17 tried to get to stay at the house until law
18 enforcement got there.

19 So based on all of that and case law,
20 State v. Mansfield and State v. Brown, we think that
21 the show-up identification is not to the degree that
22 it should be suppressed. And her in-court ID today,
23 she says, is based on her confrontation with this
24 person when she's paying close attention back on
25 April 23rd.

1 THE COURT: Anything further?

2 MR. STORY: Nothing further from me, Your
3 Honor.

4 THE COURT: All right. We're going to break
5 till about ten after 2:00. I'm going to review
6 State v. Mansfield, State v. Brown, State v.
7 Stewart. And I'll render my verdict on this issue
8 when we come back and before we bring the jury out.

9 MR. STORY: May it please the Court, Your
10 Honor?

11 THE COURT: Yes, sir.

12 MR. STORY: I also have the motion to bifurcate
13 the trial. And I'd move for the State to attempt to
14 prove the elements of the burglary. And then the
15 two prior burglary charges, I would move to have a
16 bench trial, if the jury came back guilty on that.
17 That's pursuant to State v. Cross, Rule 403.

18 That evidence is certainly probative; however,
19 I believe, anything coming in about his priors would
20 be more prejudicial than probative. I've filed a
21 motion, if Your Honor would like a copy, and I'd
22 move to bifurcate, Your Honor.

23 THE COURT: Well, does the Defense stipulate
24 that if he is found guilty of burglary, that it
25 would be a burglary first degree, based on his prior

1 record?

2 MR. STORY: Your Honor, my position is that's
3 an element that the State would have to prove. I'm
4 not asking for a jury trial on that. If the jury
5 comes back guilty on burglary, I would simply ask
6 for a bench trial for the State to --

7 THE COURT: So do you have any authority for a
8 bifurcated trial; meaning, the jury decides part of
9 the trial and the Judge decides the other part?

10 MR. STORY: Your Honor, State v. Cross,
11 427 S.C. 465, 2019 Supreme Court case, that was a
12 criminal sexual conduct with a minor case. The
13 court does mention a California supreme court case
14 that is very similar to our burglary statute.
15 That's persuasive authority.

16 Your Honor, I'd say that everything that
17 applies to those priors in State v. Cross would also
18 apply in this case.

19 THE COURT: In State v. Cross, the judge did
20 not bifurcate it, did he?

21 MR. STORY: He did not. And that was error,
22 Your Honor.

23 THE COURT: Right.

24 So Ms. Martin?

25 MS. MARTIN: I would ask -- if we get to that

1 point where burglary has been found, I would ask
2 that you take judicial notice of his prior
3 convictions, because I have certified convictions,
4 indictments, warrants, and sentence sheets. So,
5 under the rules, it is possible for you to take
6 usual notice of those priors.

7 THE COURT: And do you disagree with that,
8 Mr. Story?

9 MR. STORY: I would disagree with it, Your
10 Honor, because I believe -- there's likely those
11 things are a hearsay exception with the Clerk of
12 Court, if they're business records. However, I'd
13 like the opportunity to cross at that point, Your
14 Honor.

15 THE COURT: All right. I will just say that in
16 speaking of the burglary and arguing to the jury
17 the -- say she'll refer to the offense as burglary
18 and not whatever degree it is. And I'll grant the
19 motion for bifurcation, for what it's worth. You,
20 know, throughout years, the State had the burden of
21 proving prior offenses unless the defendant
22 stipulated to those offenses.

23 To the extent that this State v. Cross might
24 constitute some new procedure, you know, it
25 certainly should be followed. I don't -- if it's

1 clear that he has prior burglary convictions, then I
2 don't see the point of having a subsequent hearing
3 to determine that before a judge versus the jury.

4 But it's -- the main thing is, is he guilty or
5 not guilty of this burglary? So I'll announce my
6 decision regarding this showup. And the criteria
7 pretty much is outlined in State v. Mansfield, and
8 we'll talk about it when we come back.

9 MS. MARTIN: Thank you, Judge.

10 MR. STORY: Thank you, Your Honor.

11 (Luncheon recess 1:24 PM - 1:26 PM.)

12 THE COURT: The Defense has made a motion to
13 suppress the identification of the defendant as
14 being unduly suggestive. And, certainly, a
15 suggestive identification procedure such as a showup
16 is his -- well, a showup procedure is generally
17 considered to be suggestive. And it is disfavored
18 and less preferable than a lineup. But a showup may
19 be proper, in some circumstances.

20 And the criteria is generally outlined in State
21 vs. Mansfield, in which the Court indicates: The
22 suggestiveness alone does not mandate the exclusion
23 of evidence, and reliability is the linchpin in
24 determining the admissibility of identification
25 testimony.

1 The criteria outlined in Mansfield is -- in
2 determining the reliability of the identification is
3 the opportunity of the witness to view the criminal
4 at the time of the crime, the witness' degree of
5 attention, the accuracy of prior description of the
6 criminal, level of certainty demonstrated by the
7 witness at the confrontation, and the amount of time
8 between the time of the confrontation, and the
9 corrupting effect that was suggestive identification
10 is to be weighed against these factors. And if the
11 Court determines that the identification is
12 reliable, the witness is permitted to testify.

13 In this instance, we have the witness,
14 Ms. Asbill, coming to the scene of her brother's --
15 of the residence of her brother, and she sees who
16 she identifies as the defendant. And she says that
17 she had seen him before. She didn't know his name,
18 but she'd seen him before, so he was someone she had
19 some familiarity with.

20 It was a clear day where she had a clear view,
21 no obstructions; an opportunity to view him. The
22 Defense suggested that she was distracted. There's
23 no indication that she was. She clearly described
24 whom she described as the defendant coming from the
25 residence, and the distance was relatively close.

1 The Defense counsel says it's about 30 yards.

2 She said from the witness stand to the door --
3 back door of the courtroom, which is about that
4 distance, I think, but she consciously observed him;
5 that she had some degree of confrontation with him.
6 They looked at each other, and he went off into the
7 woods. She gave a description of the police -- to
8 the police, law enforcement, a white male, black
9 shirt on, and some related identifying factors; that
10 a relatively short period of time occurred between
11 that encounter and the time that the showup
12 occurred.

13 And she immediately could identify him as being
14 the culprit before being asked anything by law
15 enforcement. Law enforcement did not suggest to her
16 that the person who they had in custody was the
17 defendant. She could readily identify him without
18 the benefit of any further suggestion by law
19 enforcement, and she was certain in her
20 identification of the defendant as being the person
21 who committed the crime.

22 I think that the identification, in this case,
23 satisfies all of the criteria of State v. Mansfield.
24 And though it was a showup, it wasn't a suggestive
25 identification, but identification by the -- a

1 reliable identification by the -- by Ms. Asbill, the
2 person being in custody not withstanding. And over
3 and above all of that, the -- considering the
4 totality of all those circumstances, it was
5 reasonable for law enforcement to inquire of her
6 under these circumstances since others who might
7 have been destined as a suspect was released and
8 the only person arrested and detained was the person
9 who is identified as committing the crime. Based on
10 all that, I will deny the motion.

11 MS. MARTIN: Thank you, Your Honor.

12 THE COURT: So regarding this case, have
13 you-all entered into any form of plea negotiations?

14 MS. MARTIN: Not since it was put on the trial
15 list, Judge. I had made an offer in the past. I
16 had offered her second violent.

17 I mean, he could be looking at life without
18 parole. He has multiple prior burglaries. On his
19 last burglary, which was 2006, I can't remember, he
20 pled to burg first and he got 15 years. So he could
21 be LWOP. I did not seek life without parole.
22 Mr. Story and I discussed it. In my discretion, I
23 decided not to do that.

24 I did offer him a burg second violent for a
25 negotiated 12, and the defendant rejected that. And

1 we'll proceed now with opening statements.

2 Ms. Oppenheimer.

3 MS. OPPENHEIMER: May it please the Court, Your
4 Honor?

5 THE COURT: Yes.

6 MS. OPPENHEIMER: Good afternoon. My mom tells
7 this story all the time of my dad's 40th birthday
8 and our old dog Renegade. Renegade was a Bichon.
9 And if y'all don't know what that is, think 30- to
10 40-pound white ball of fluff. Well, it being my
11 dad's birthday, my mom made him a chocolate cake.
12 It's his favorite.

13 She finished baking the cake; she puts it on
14 the dining room table; she leaves the room just for
15 a minute or two. But she leaves that cake
16 unattended. The next thing she knows, she comes
17 back and there's this giant hole in the middle of
18 the cake.

19 She looks around and sees Renegade, brown
20 chocolate icing all over her snout. Renegade was
21 caught red-handed having eaten my dad's birthday
22 cake, just like the defendant, Ronald Wood, was
23 caught red-handed breaking into the Asbills' family
24 home.

25 Ronald Wood was caught on April 23rd, 2021

1 pulling an appliance dolly to the Asbill family home
2 which is located at [REDACTED] Old Charleston Road.
3 You're going to hear from Mynnda Asbill that that is
4 the house that she and her brother grew up in. Her
5 brother is Alex, sitting right next to her. That's
6 home. Their mom owns that house. It's the family
7 property.

8 Alex is living there at the time. Alex is a
9 mechanic. He works sun up to sun down; has very
10 long hours. So his sister would go check on his
11 house for him every day, make sure everything was
12 okay at their home. Alex wouldn't be there, but
13 Mynnda would go check on the property for him.

14 He was living there; he was laying his head
15 there; he had electricity there; he had a fully
16 stocked fridge. It's not the nicest house in the
17 world. Alex was living there to save money at the
18 time. It was home; it was home for Alex.

19 You're going to hear that on the afternoon of
20 April 23rd of 2021, Mynnda pulls up to her family
21 home as she did every day. You're going to hear
22 that she saw movement at the front door; that that
23 front door had been opened and someone was inside.
24 Not her brother, because her brother was at work.
25 Someone she didn't know, the defendant, Ronald Wood.

1 No one knows who Ronald Wood is. They didn't
2 know him. He didn't have permission to be there,
3 but yet he decided that it was okay for him to go
4 inside the Asbill family home in the middle of the
5 day while Alex was at work; go inside that home that
6 was locked up and try and steal something.

7 And, apparently, he was going to try and steal
8 the refrigerator. That's what that appliance dolly
9 was for. And you're going to see photos of the
10 kitchen in particular; you're going to see that
11 appliance dolly that Ronald Wood had earlier that
12 day just outside the home; you're going to see that
13 a refrigerator that was stocked with cheese, salsa,
14 pickles, barbecue sauce, all that stuff is laying on
15 the floor. That's not how Alex left it. Who leaves
16 food on their kitchen floor?

17 And you're also going to see that the
18 refrigerator had been moved a little bit away from
19 the wall. It's not how the home was left when Alex
20 left for work that day. And Mynnda is going to tell
21 you that's not how she left it the nigh before when
22 she had been there.

23 Mynnda is going to tell you she got a good look
24 at Ronald Wood as he's exiting her family home.
25 She's looking straight at his face. She gets a

1 clear view of him, this man who's not supposed to be
2 in their home.

3 And I told you a little bit about this
4 appliance dolly and how you're going to see the
5 defendant outside of that home on April 23rd, 2021
6 with that appliance dolly. You're going to see
7 photos of him because the Asbills set up deer cams
8 right outside their home.

9 You're going to see photos of the defendant
10 wearing jeans, a black tank top, hat, and a red
11 bandana in his left back pocket. You're going to
12 see tattoos on his arms as he's walking up to the
13 Asbill family home with that appliance dolly.

14 You're going to see his hair was pulled up in a
15 ponytail, kind of like it is today. You're going to
16 see those photos and we're going to show them to
17 you; photos that are minutes before Mynnda Asbill
18 arrives, seconds before she sees movement in the
19 home. And you're going to see that dolly that the
20 defendant had left in the kitchen. He leaves it
21 right there.

22 You're going to see video and photos of the
23 defendant later that day on April 23rd, 2021 when
24 the K-9 officers tracked him down. Officer Saunders
25 here arrived very shortly after Mynnda called 911.

1 And he ran in the direction that she told him that
2 she saw the burglar run. Unfortunately, he wasn't
3 able to catch him right then, so he called K-9.

4 K-9 Officer Torell Jones and his dog Xander
5 start tracking the defendant. Not very long
6 afterwards, Xander finds the defendant Ronald Wood
7 wearing jeans with a red bandana in his left pocket,
8 black tank top in his hand, hair pulled back in a
9 ponytail. Same description that Ms. Asbill gave to
10 911; same description that she gave to officer
11 Saunders.

12 The only thing that's different is that hat is
13 gone. Well, running through the woods, trying to
14 avoid a K-9 dog, the hat probably fell off. Same
15 jeans, same bandana, same shirt, same tattoos. Same
16 tattoos that you're clearly going to see on the
17 burglar on those photos from the deer cams; same
18 tattoos of the burglar are the same tattoos of the
19 defendant Ronald Wood. It's the same because the
20 defendant is the burglar. The defendant is the
21 person who broke into Mynnda and Alex's home on
22 April 23rd, 2021.

23 Now, these are the tools that we're going to
24 give you throughout this trial, how we're going to
25 prove the defendant's guilt to you beyond a

1 reasonable doubt. What does that mean? Not beyond
2 all doubt, just beyond a reasonable doubt. We have
3 to leave you firmly convinced of the defendant's
4 guilt.

5 And ask yourselves, is what the Defense going
6 to say to you in the next couple of days, is it
7 reasonable? It won't be. But ask yourselves. You
8 get to use your common sense as a juror; you don't
9 check that at the door. Use your common sense and
10 ask yourselves, is this reasonable?

11 I've told you the tools that we're going to
12 use. There's three simple tools that y'all need to
13 use for jury service, and it's the easiest thing
14 you'll ever do. The three Ls: Look at the
15 evidence, listen to the testimony, and follow the
16 law.

17 The Judge is going to tell you what the law is.
18 Look at the evidence, listen to the testimony, and
19 follow the law. If you do that, ladies and
20 gentlemen, you will be firmly convinced at the end
21 of this trial that the defendant is guilty of
22 burglary. Thank you.

23 THE COURT: Mr. Story? Mr. Holladay?

24 MR. HOLLADAY: One thing that age and
25 experience have taught me is that sometimes things

1 are not as they appear. My grandmother used to tell
2 us when we were young that you should always try to
3 understand the position of somebody else in order to
4 truly understand what's going on.

5 Years ago, I had an instructor who used to
6 drill in us that it is absolutely necessary that you
7 must appreciate the perspective of another. And he
8 used -- in his illustration of this fact, he used
9 the number 6, which just so happens to my favorite
10 number. But a most interesting thing about the
11 number 6 is that, depending on one's perspective and
12 the way you look at it, it could also look like the
13 number 9.

14 Now, ladies and gentlemen, this case boils down
15 to a man who liked to walk in the woods in the area
16 around his camper. And on 23 April, 2021, Ron Wood
17 was doing just that. You see, Ron and his wife and
18 his -- their little baby girl live not too far away
19 in an old camper. And the camper quickly began to
20 become too small for Ron and his growing family. So
21 Ron was always looking around for different places
22 to rent for he and his family.

23 Now, we expect that you'll hear testimony that
24 when Ron first encountered a complete stranger, he
25 asked a stranger that he had never met before, a

1 stranger he did not know but who he later learned
2 was Ms. Mynnda Asbill, he asked her, well, is the
3 place vacant and did she know who the owner was?

4 When this stranger threatened to call the cops,
5 although Ron didn't think he was doing anything
6 wrong, Ron panicked, and he continued his walk
7 through the woods.

8 Now, you will hear testimony in this case that
9 the initial responding officer with the Lexington
10 County Sheriff's Department had a conversation with
11 Ms. Mynnda Asbill and she told him that the
12 abandoned house was unoccupied. You will hear
13 testimony that the K-9 unit was called, and for
14 approximately 55 minutes, they were unsuccessful in
15 finding anybody that matched the description.

16 Now, the Government will try to tell you that
17 the Ron was trying to break into this abandoned home
18 and do something criminal, which wasn't the case.
19 Ron -- at the beginning of the trial, Judge Newman
20 told you that this -- that the Government has
21 charged Ron with burglary, which basically means
22 that a person who enters a dwelling without
23 permission with the intent to commit a crime in the
24 dwelling.

25 Now, the Government will try to convince you to

1 put aside your common sense and then look at the
2 evidence and figure out that somebody was actually
3 living in the home. At the end of the trial, Judge
4 Newman will tell you that a dwelling is something to
5 the effect that -- a place where somebody sleeps,
6 lives, or lodges. And that's the legal definition.

7 We are confident that you will listen to the
8 testimony and pay very close attention to what you
9 hear and review the evidence of what you will see.
10 And we are confident that you will reach the
11 conclusion that on 23rd April 2021, nobody was
12 living in that residence. We're confident that
13 you'll recognize Ron as a 64-year-old male who was a
14 convenient target to accuse.

15 Ladies and gentlemen, you will also see
16 pictures. Now, Ron readily admits that he walked
17 around the outside of this abandoned home. And
18 these pictures will show that Ron walked around on
19 the outside. But what you won't see is any picture
20 that Ron was on the inside of the home.

21 Now, some of the pictures will actually show
22 Ron pulling a dolly. But you won't see a single
23 picture that shows Ron entering the home with it.
24 The Government will not be able to show you any
25 forensic evidence at all in this case. There will

1 be no fingerprint evidence that will show Ron ever
2 entered that abandoned home. There will be no DNA
3 evidence that will show Ron ever being inside of
4 that home. And not a single long gray hair on
5 Ronald's head was ever found in that abandoned home.

6 Ladies and gentlemen, the Government has forced
7 Ron to wait 417 days for his day in court. Ron,
8 Stephen, and I have all been around a long time, and
9 we all believe in the jury system in the United
10 States. There's not a better judicial system in the
11 entire world. Ron, Stephen, and I believe that
12 there are not 12 more objective, more fair, more
13 capable jurors in all of Lexington County to hear
14 his case.

15 Ron, Stephen, and I are confident that once you
16 hear all the testimony and evidence, that you will
17 find Ron not guilty. And while some of you may see
18 the number 6, depending on one's perspective, there
19 may be others that see the number 9.

20 THE COURT: Ladies and gentlemen, those are our
21 opening statements. We'll take a break and start
22 back in about 15 minutes with some testimony.
23 Please do not discuss the case. Please go to the
24 jury room.

25 (The jury exits the courtroom at 2:49 PM.)

1 THE COURT: We'll take 15 minutes.

2 (Brief recess.)

3 MS. MARTIN: Judge, I have an issue.

4 THE COURT: An issue?

5 MS. MARTIN: Yes, sir. After hearing opening
6 arguments from my esteemed colleague there, I'm
7 concerned that the Defense is going to try and get
8 in the defendant's statement, which we submit is
9 self-serving hearsay, through your witness Mynnda
10 Asbill, which is the next witness. So I thought we
11 could address that before we put her on the stand.

12 As we all know from the pretrial hearing, she
13 did confront him, and there was a confrontation.
14 But what that conversation was about and what the
15 defendant said to her or did not say to her
16 certainly would not be admissible under the rules to
17 come in through her.

18 And since that has been alluded to and said to
19 the jury, I'd make a motion in limine that that not
20 be questioned on cross through her.

21 THE COURT: Mr. Holladay? Mr. Story?

22 MR. STORY: If I may, Your Honor, I'm not going
23 to go -- I mean, she's previously testified that
24 they had had a short conversation, I'm not going to
25 go into the contents of the conversation.

1 MS. MARTIN: Thank you.

2 THE COURT: Does that satisfy the issue? What
3 did he say to her?

4 MS. MARTIN: He said something about, is this
5 place for rent? She said, what do you mean? You're
6 inside the house; you're not supposed to be here.

7 I know that at the appropriate time that you're
8 going to stress to the jurors that nothing the
9 attorneys say is testimony or evidence, it's
10 argument. I made a rookie mistake. I should have
11 made that motion before opening but I didn't, so
12 here we are.

13 But thank you, Mr. Story. And I know that
14 Ms. Asbill is his witness. And if he said that,
15 then I'm sure we'll be fine.

16 THE COURT: Okay. So --

17 MS. MARTIN: And, obviously, you know, I think
18 the defendant, throughout his detainment in the
19 woods and on the side of the road, said a whole lot
20 of things, which we didn't do a Jackson vs. Denno
21 because we don't intend to introduce any of his
22 statements. If he wants to tell the jury what he
23 said that day, he's welcome to take the stand.

24 THE COURT: So is there anything for me to make
25 a ruling, concerning?

1 MS. MARTIN: No, sir. Since Mr. Story has
2 assured the Court that he's not going to go there
3 and not try to backdoor the defendant's statements
4 through this witness, I think we're good.

5 THE COURT: Mr. Story?

6 MR. STORY: Your Honor, my position is I'm
7 allowed to ask whether they had a conversation. I'm
8 not going to go into the contents of that
9 conversation.

10 THE COURT: Okay. Let's bring the jury.

11 (The jury enters the courtroom at 3:13 PM.)

12 THE COURT: You may call your first witness.

13 MS. OPPENHEIMER: The State calls Nikki
14 Rodgers.

15 THE CLERK: Raise your right hand, please.

16 NIKKI RODGERS

17 being first duly sworn, testified as follows:

18 THE WITNESS: Yes, ma'am I do.

19 THE CLERK: Have a seat, please, and state your
20 name for the record.

21 THE WITNESS: Nikki Rodgers, R-O-D-G-E-R-S.

22 DIRECT EXAMINATION

23 BY MS. OPPENHEIMER:

24 Q. Good afternoon, Ms. Rodgers.

25 A. Hi.

1 Q. Where are you presently employed?

2 A. Lexington County 911 Communications.

3 Q. And how long have you been employed there?

4 A. 28 years.

5 Q. And what is your current title?

6 A. I'm the chief of communications. I oversee the
7 daily operations of 911 and everything that's needed
8 to get an emergency scene taken care of.

9 THE COURT: Ms. Rodgers, make sure to talk
10 louder or talk into that mic.

11 THE WITNESS: Better?

12 THE COURT: Yes.

13 BY MS. OPPENHEIMER:

14 Q. Can you tell us a little bit about what the
15 Lexington County Communications Center does?

16 A. The 911 Communication Center dispatches for
17 fire, EMS, law enforcement, coroner's office, animal
18 control, anything that's needed in Lexington County
19 on an emergency scene.

20 We take 911 calls throughout the unincorporated
21 and incorporated municipalities of Lexington, South
22 Congaree, Pine Ridge, Chapin, all of the
23 municipalities within the Lexington County proper
24 except for Cayce, West Columbia, and Batesburg
25 Police. Everything else is dispatched through us.

1 Q. And can you tell us if any documents are
2 created when a 911 call comes in?

3 A. Yes. When a 911 call comes in, it's recorded
4 on our recording software before it even picks up.
5 And then we enter into our CAD system, which is
6 computer-aided dispatch system, a call record for
7 service which helps us obtain the information of
8 what is going on, on scene, and also helps us track
9 the units responding to that scene.

10 Q. What types of information are stored in that
11 CAD?

12 A. The date and the time of the call, the address,
13 the caller, the phone number, what information the
14 caller gives us as far as what is occurring on the
15 scene, and then the actual units that we dispatch to
16 the scene, whether it's fire, EMS, law enforcement,
17 or a combination of all three.

18 And then, of course, if they request additional
19 information, for us to run tags or anything like
20 that, and then of course when the call is closed or
21 cleared.

22 Q. And throughout the duration of a 911 call and
23 even when officers respond, is a dispatcher
24 inputting information that might be put out over the
25 radio?

1 A. Yes. It is in live time. They're passing on
2 the information to the officers in real life, but
3 they're typing it into the CAD system and the
4 officers have -- or some of the officers have mobile
5 data terminals where they can see that information
6 live, but it's also dispatched over the radio.

7 Q. And is this produced for every single call that
8 comes in?

9 A. Yes, it is.

10 Q. And do you know whether or not a CAD was
11 produced for the call that came in for this on April
12 23rd of 2021?

13 A. It was.

14 Q. Showing you what's been marked as State's
15 Exhibit No. 9. Can you tell me whether you
16 recognize that document?

17 A. Yes, I do.

18 Q. And what is it?

19 A. It's the CAD report for April 23rd, 2021 that
20 came in at 16:17:30.

21 Q. And does it appear to have been altered or
22 changed in any way?

23 A. They cannot be altered and changed in any way.

24 MS. OPPENHEIMER: Your Honor, at this time, I'd
25 move State's Exhibit 9 into evidence.

1 THE COURT: Any objection?

2 MR. STORY: No objection.

3 THE COURT: It's admitted.

4 (State's Exhibit No. 9 admitted into evidence.)

5 BY MS. OPPENHEIMER:

6 Q. Ms. Rodgers, can you tell us who that 911 came
7 from?

8 A. A Ms. Mynnda Asbill.

9 Q. And what time was that call received?

10 A. It was received at 16:17:30, and that would be
11 4:17 in the afternoon.

12 Q. And do you recall or does it say in the CAD
13 what the nature of that call was?

14 A. It was a burglary in progress.

15 Q. In progress, meaning what?

16 A. In progress means it's an active call; that
17 it's occurring as they speak on the phone. It
18 didn't happen, you know, yesterday or previously, it
19 is going on right then.

20 Q. Okay. And did Ms. Asbill give the dispatcher a
21 description of the burglar at all?

22 A. They gave the description of a person wearing a
23 black wifebeater and jeans.

24 Q. Okay. Does the CAD indicate whether or not it
25 was a male or female?

1 A. That it was a male and he was also white.

2 Q. Okay. Did dispatch notify law enforcement to
3 respond to the scene?

4 A. Yes, ma'am.

5 Q. And at what time did they dispatch officers?

6 A. Law enforcement was dispatched at 1619 and 54
7 seconds, and that would be 4:19 p.m.

8 Q. And at what time did the first law enforcement
9 unit arrive?

10 A. The first arrived at 1624 and 23 seconds or
11 4:24 p.m.

12 Q. Do you know which officer was the first to
13 arrive?

14 A. It would be Officer 523.

15 Q. Now, when you say Officer 523 --

16 A. With the Lexington County Sheriff's Department.

17 Q. What is 523? Is that just a call sign or --

18 A. That's a call sign.

19 Q. Okay. And can you tell us what time the call
20 was cleared?

21 A. 1953 and 55 seconds. That would be 7:53 p.m.

22 MS. OPPENHEIMER: Beg the Court's indulgence.

23 Thank you, Ms. Rodgers. I have no further
24 questions. Please answer any questions Mr. Story
25 might have for you.

1 THE WITNESS: Yes, ma'am.

2 MR. STORY: I have no questions for this
3 witness.

4 Thank you.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you.

7 MR. STORY: Your Honor, I ask that Ms. Rodgers
8 not be released from her subpoena. I may call her
9 in reply but, obviously, not today.

10 THE COURT: All right. Ma'am, you may leave
11 but you're not released from your subpoena.

12 THE WITNESS: Yes, sir.

13 THE COURT: Next witness.

14 MS. MARTIN: Your Honor, we'd call Mynnda
15 Asbill.

16 MYNNDA ASBILL

17 being first duly sworn, testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: If you'll state your name and spell
20 your last, please, for the record.

21 THE WITNESS: Mynnda Asbill, A-S-B-I-L-L.

22 DIRECT EXAMINATION

23 BY MS. MARTIN:

24 Q. Good afternoon, Mynnda. How are you?

25 A. Good.

1 Q. Where are you from?

2 A. I am from Gilbert area.

3 Q. Where did you go to high school?

4 A. Gilbert High School.

5 Q. And are you married?

6 A. Yes.

7 Q. Do you have children?

8 A. Yes.

9 Q. How many?

10 A. Two.

11 Q. Do you work outside the home?

12 A. I do not.

13 Q. Okay. Tell me, what is your mom's name?

14 A. Glenda Asbill.

15 Q. And how old a lady is she?

16 A. She is 62.

17 Q. Does she get around pretty good most days?

18 A. Most days.

19 Q. She's not here today though, right?

20 A. No, ma'am.

21 Q. Can you tell me -- you said you grew up around

22 Gilbert. I'll direct your attention to [REDACTED] Old

23 Charleston Road. Is that an address you're familiar

24 with?

25 A. Yes. That's home.

1 Q. Okay. Did you spend a lot of your childhood
2 there?

3 A. That's where we grew up.

4 Q. And did you live there with your mom?

5 A. Yes, ma'am.

6 Q. Do you have any brothers or sisters?

7 A. Yes, ma'am.

8 Q. Do you have a brother?

9 A. Yes.

10 Q. What's his name?

11 A. Alex Asbill.

12 Q. Is he here today?

13 A. He is.

14 Q. And did he live there in the home too?

15 A. He did.

16 MR. STORY: Objection, Your Honor, to
17 relevance. The indictment says it was the dwelling
18 of Glenda Asbill --

19 THE COURT: What?

20 MR. STORY: The indictment that we were put on
21 notice for says the dwelling that the defendant is
22 charged with burglarizing the dwelling of Glenda
23 Asbill. Those are the charges we intend to defend.
24 Whether or not the brother was living in the home is
25 irrelevant.

1 THE COURT: Response to the objection?

2 MS. MARTIN: Your Honor, I think it's a family
3 home. It's property that's in Glenda Asbill's name,
4 but there is other family members that live there
5 presently.

6 THE COURT: The objection is overruled.

7 MS. MARTIN: Thank you.

8 BY MS. MARTIN:

9 Q. So let's get that technicality out of the way.
10 Do you know whose name the property is actually
11 titled under?

12 A. I do.

13 Q. Whose name?

14 A. My mother, Glenda Asbill.

15 Q. All right. Is that address in Lexington
16 County?

17 A. It is.

18 Q. All right. And, I mean, is this like big fine
19 mansion like up in Chapin or on the water?

20 A. Absolutely not.

21 Q. Has that family home been in the family for
22 years and years?

23 A. A very, very, very long time.

24 Q. All right. So if I can show you -- or actually
25 put into evidence State's 1. I believe that this is

1 without objection.

2 MR. STORY: Without objection.

3 THE COURT: It's admitted.

4 (State's Exhibit No. 1 admitted into evidence.)

5 BY MS. MARTIN:

6 Q. Do you recognize this location here?

7 A. Yes, ma'am.

8 Q. All right. State's 1, can you tell us -- what
9 property is that?

10 A. That's [REDACTED] Old Charleston Road.

11 Q. Do you have a pointer up there on the stand?

12 Can you orient us as to where is the front,
13 where is the back, and kind of tell us the layout of
14 that home?

15 A. Yes, ma'am.

16 Over here is the front entrance. This is the
17 living room, these two windows. This is the
18 bedroom. This is the back door. There's a bathroom
19 directly inside that. And then right here is
20 another bedroom.

21 Q. All right. So back specifically on April 23rd
22 of 2021, who, if anyone, was living there at the
23 home?

24 A. It would be my brother.

25 Q. And do you know if he lived there alone?

1 A. He did.

2 Q. Do you know if there was electricity and power
3 there at the house?

4 A. There was.

5 Q. Did you go visit your brother there?

6 A. Oh, yeah.

7 Q. Did your mom go visit your brother there?

8 A. Yes.

9 Q. The house there, did y'all have occasion to put
10 up deer cams there on the property?

11 A. We did.

12 Q. And do you remember when the deer cams were
13 first put up?

14 A. Very -- like, right before this incident.

15 Q. Okay. Can you tell me, in the daytime, did you
16 have occasion to go to your brother's home?

17 A. Yes, ma'am.

18 Q. Do you remember what kind of hours he was
19 working during that time?

20 A. It was sunup to sundown. It was like 6:00 or
21 7:00 in the morning to 7:00 to 8:00 at night.

22 Q. Okay. And is there a reason you'd go by the
23 house?

24 A. I mean, my mother lived there. And I'd always
25 go by there. And I just checked on everything to

1 make sure everything was okay.

2 Q. And did your mom actually have a mobile home
3 very close to this address?

4 A. Yes, ma'am.

5 Q. And within walking distance, everyone is
6 together?

7 A. Absolutely.

8 Q. And let's direct your attention specifically to
9 April 23rd of 2021. Did you have an occasion to go
10 to the property there in the afternoon?

11 A. Yes, ma'am.

12 Q. Okay. Can you tell us, were you by yourself?

13 A. I had my children with me.

14 Q. Okay. Were you in your vehicle?

15 A. I was.

16 Q. What kind of car were you driving back then?

17 A. A '99 Toyota 4Runner. It was white.

18 Q. Did you go there in the afternoon?

19 A. Yes, ma'am.

20 Q. And when you pulled up there, can you use the
21 pointer and show us into what area would you have
22 pulled up first?

23 A. It was over here in the parking area.

24 Q. Okay. And when you pulled up to the home, can
25 you tell us what you first saw?

1 A. I saw someone inside the home. I saw movement;
2 I heard it, so I backed up and immediately called
3 911.

4 Q. Let's break that down a minute. What kind of
5 door is there at the front?

6 A. A solid wooden door.

7 Q. What kind of door is at the back?

8 A. It was a metal with glass.

9 Q. Okay. Is the front door locked or unlocked
10 during the daytime?

11 A. Locked.

12 Q. And would anyone else have had reason to be in
13 the home?

14 A. Absolutely not.

15 Q. Nobody else had permission to be in the home?

16 A. No, ma'am.

17 Q. And you say you saw movement, was the front
18 door open or closed?

19 A. It was ajar.

20 Q. Okay. Ajar, cracked?

21 A. Yes, ma'am. It was open.

22 Q. Okay. And did you see someone there at the
23 door?

24 A. I did.

25 Q. And you said you moved your car. Can you

1 explain what you mean by that?

2 A. I backed up so that I could see both doors.

3 Q. Okay. If I can show you what's been marked
4 State's 2. Move to publish without objection, I
5 believe, Your Honor.

6 MR. STORY: No objection.

7 THE COURT: It's admitted.

8 BY MS. MARTIN:

9 Q. Can you tell us what's shown in this
10 photograph?

11 A. The house and my car.

12 Q. Okay. That's your vehicle?

13 A. Yes.

14 Q. Okay. And can you tell us -- is this before or
15 after you say you backed up and moved your vehicle?

16 A. That picture was taken, I guess, after I backed
17 up.

18 Q. Okay. So can you show us with the pointer
19 where you saw anything?

20 A. At the front door and through that window.

21 Q. Okay. If I can show you what's been marked
22 State's 3.

23 MS. MARTIN: In evidence without objection?

24 MR. STORY: Without objection.

25 THE COURT: It's admitted.

1 (State's Exhibit No. 3 admitted into evidence.)

2 BY MS. MARTIN:

3 Q. Can you orient us to this photograph?

4 A. Yes, ma'am. This is the parking area, and the
5 front door is over here. These are the two front
6 windows, and then the back is back there.

7 Q. And from where your vehicle is in this picture,
8 what points of entry or exit can you see?

9 A. Both the front and back door.

10 Q. Are there only two points of entry or exit at
11 the house?

12 A. Yes, ma'am.

13 Q. Okay. So you say you called 911?

14 A. Yes, ma'am.

15 Q. It's about 4:17; does that sound about right?

16 A. Yes, ma'am.

17 Q. All right. What happened while you were on the
18 phone with 911?

19 A. I see the man exit the back door, and I told
20 911 that at he was there. And I made sure I got a
21 very good look at him. I looked at his face, that
22 way I would know who I was talking about. And not
23 long after, he went around the back and he had took
24 off.

25 Q. All right. Let's talk about that for a minute.

1 The day this happened, it was in the afternoon; is
2 right?

3 A. Yes, ma'am.

4 Q. What was the weather situation?

5 A. It was sunny and clear.

6 Q. I see you have on glasses. Do you always wear
7 your glasses?

8 A. I have to.

9 Q. To drive and to see?

10 A. Yes, ma'am.

11 Q. So could you see the back door from where you
12 were to that car?

13 A. Yes, ma'am.

14 Q. Were you inside your car or outside your car?

15 A. I was outside.

16 Q. Okay. And what was your mood like? What was
17 your emotion?

18 A. I was scared; I was angry and just -- that
19 somebody was there.

20 Q. Did you tell 911 what was going on?

21 A. I did.

22 Q. Okay. And did you give them a description of
23 the person you saw leaving the inside of the house?

24 A. Yes, ma'am.

25 Q. Okay. And did you say anything or holler out

- 1 to the person?
- 2 A. Asked what he was doing there.
- 3 Q. Okay. Did you see anyone else there in the
- 4 area?
- 5 A. There was a woman. I'm not sure where she came
- 6 from. I saw movement behind me and -- you know, out
- 7 of my peripheral vision. And there was a woman
- 8 walking through the field, headed back towards their
- 9 residence, I'm assuming, and she just left.
- 10 Q. Okay. So when you saw this man leave out the
- 11 back door, did you know who he was?
- 12 A. I had recognized him from seeing him, I guess,
- 13 either walking down the road or at the gas station
- 14 right down there from the house.
- 15 Q. But you didn't know him by name?
- 16 A. No, ma'am.
- 17 Q. Okay. When this man left the area, which way
- 18 did he go?
- 19 A. He went behind -- beside and behind the house
- 20 and into the woods.
- 21 Q. Did you follow after him?
- 22 A. I did not.
- 23 Q. Are you still -- did the 911 call drop and you
- 24 had to call back? Do you remember any of that?
- 25 A. I don't think it did.

1 Q. Okay. Who was the first law enforcement person
2 you saw?

3 A. Saunders.

4 Q. Okay. So you saw Deputy Saunders?

5 A. Uh-huh.

6 Q. And did you tell him what you saw?

7 A. Yes, ma'am.

8 Q. Did you describe the man for him?

9 A. I did.

10 Q. Okay. So you said something about you heard
11 something.

12 A. Uh-huh.

13 Q. Tell us about that. What did you hear and when
14 did you hear it?

15 A. I heard a thud, rattle sound, and later found
16 out it was the dolly.

17 Q. All right. We'll get to that in the minute.

18 Would that have been when you were at the front
19 of front of the house or when you had moved to the
20 side of the house?

21 A. The front of the house.

22 Q. Okay. As soon as you met with Officer
23 Saunders, did you tell him this was your mom's
24 property, your mom's house?

25 A. Well, it was my mother's property, but my

1 brother lived there.

2 Q. Did you tell Saunders your brother lived there?

3 A. Absolutely.

4 Q. You told him that day?

5 A. Yes, ma'am.

6 Q. Later on that day when Saunders was still
7 there, did y'all go inside the house?

8 A. We did.

9 Q. Okay. If I can show you State's 12.

10 MS. MARTIN: And I believe this is also in
11 without objection.

12 MR. STORY: Without objection.

13 THE COURT: It's admitted.

14 (State's Exhibit No. 12 admitted into
15 evidence.)

16 BY MS. MARTIN:

17 Q. Can you tell us what door that shows?

18 A. That's the back door.

19 Q. And is that the same door or different door
20 that you saw the man leave from?

21 A. That is the same door.

22 Q. Okay.

23 If I can show you State's 11, also without
24 objection, can you tell us what this viewpoint is?

25 (State's Exhibit No. 11 admitted into

1 evidence.)

2 A. That's from inside the house.

3 Q. Looking out?

4 A. Yes, ma'am.

5 Q. And is that the back door?

6 A. It is.

7 Q. Are you aware if the door was broken like that
8 the night before?

9 A. It was not.

10 Q. Okay.

11 MS. MARTIN: Your Honor, I'd move 13, 14, and
12 15 into evidence without objection.

13 MR. STORY: I ask that it just be
14 identification purposes for now. If the foundation
15 is laid, I won't have an objection.

16 THE COURT: All right.

17 BY MS. MARTIN:

18 Q. If I can show you State's 14, do you recognize
19 this area?

20 A. Yes, ma'am.

21 Q. What room is that?

22 A. The kitchen.

23 Q. The kitchen where?

24 A. The viewpoint from sitting -- where the sink
25 and stove was, looking towards the front area of the

1 house.

2 Q. Okay. And this is at the mom's home where your
3 brother was living?

4 A. Yes, ma'am.

5 Q. And is that how you saw it that afternoon?

6 A. Not prior to, no.

7 Q. But that afternoon, did you see it in this
8 manner?

9 A. Yes, ma'am.

10 Q. And were you with Deputy Saunders when he made
11 these photographs?

12 MS. MARTIN: Your Honor, I'd move them into
13 evidence now.

14 MR. STORY: No objection.

15 THE COURT: It's admitted.

16 (State's Exhibit No. 14 admitted into
17 evidence.)

18 BY MS. MARTIN:

19 Q. Can you identify any of the items on the floor
20 there or on the kitchen table?

21 A. That would be all of the contents of the
22 refrigerator.

23 Q. Okay. And also in that photograph, can you
24 tell us whether or not you see an appliance dolly?

25 A. I do.

1 Q. Can you show us that with the --

2 A. Right there.

3 Q. Had you ever seen that dolly before that day?

4 A. No, ma'am.

5 Q. If I can show you State's 15 with, are you
6 familiar with this photograph?

7 A. Yes, ma'am.

8 Q. Is this what you saw in the afternoon of April
9 23rd of 2021?

10 A. Yes, ma'am.

11 Q. Can you identify the items on the floor?

12 A. The contents of the refrigerator is on the
13 floor, and some of it is in the trash can.

14 MS. MARTIN: Your Honor, I'd move 15 into
15 evidence as well.

16 MR. STORY: No objection.

17 THE COURT: It's admitted.

18 (State's Exhibit No. 15 admitted into
19 evidence.)

20 BY MS. MARTIN:

21 Q. And State's 13 as well, can you identify this
22 photograph?

23 A. Yes, ma'am.

24 Q. What is that?

25 A. That is a hand dolly that is not ours.

1 MS. MARTIN: Your Honor, I'd move 13 into
2 evidence as well.

3 MR. STORY: No objection.

4 THE COURT: It's admitted.

5 (State's Exhibit No. 13 admitted into
6 evidence.)

7 BY MS. MARTIN:

8 Q. Did you stay with Deputy Saunders that
9 afternoon there at the house for some length of
10 time?

11 A. I did.

12 Q. And during the course of while y'all were
13 waiting there, were you aware that K-9s were out?

14 A. I was.

15 Q. Were you ever asked to identify potential
16 suspects of the burglary?

17 A. Yes, ma'am.

18 Q. And can you tell us how that came to be?

19 A. I was shown pictures of at least two other
20 people that were not --

21 Q. Not the burglars?

22 A. Right. Yes.

23 Q. Okay.

24 If I can show you State's 4, can you tell us
25 whether or not you recognize this photograph?

1 A. Yes, ma'am.

2 Q. Is this a picture law enforcement asked you to
3 identify?

4 A. Yes, ma'am.

5 Q. Were you asked if this was the burglar?

6 A. Yes, ma'am.

7 Q. And what was your answer?

8 A. No, ma'am.

9 Q. And why is that?

10 A. Because I know who that is. It's Mike Rish.

11 Q. Okay. Does he live near you?

12 A. He does.

13 Q. And near y'all?

14 A. Yes.

15 Q. Okay. So he was not the burglar?

16 A. No.

17 Q. And you told law enforcement that?

18 A. Immediately.

19 MS. MARTIN: Your Honor, State's 4 in evidence.

20 MR. STORY: No objection.

21 THE COURT: It's admitted.

22 (State's Exhibit No. 4 admitted into evidence.)

23 BY MS. MARTIN:

24 Q. At some point, were you made aware that law
25 enforcement had someone detained?

- 1 A. I was.
- 2 Q. Do you recall how long it was from when you
- 3 first met with law enforcement until that happened?
- 4 A. Maybe two hours.
- 5 Q. Do you know where they were?
- 6 A. I do.
- 7 Q. Where were they?
- 8 A. They were at the intersection of Windy Wood and
- 9 Caulks Ferry Road.
- 10 Q. Okay. Is that close to the home there?
- 11 A. It is.
- 12 Q. The home property.
- 13 So did you go by yourself there or drive
- 14 yourself there?
- 15 A. I did.
- 16 Q. And before you got there, had you had a
- 17 conversation with law enforcement about what you
- 18 were going to see?
- 19 A. No.
- 20 Q. Or who you were going to see?
- 21 A. No.
- 22 Q. And when you drove up, can you tell us what you
- 23 saw and what you did?
- 24 A. Yes. I immediately -- that was him.
- 25 Q. Okay. When you say that was him, you need to

1 explain to us what that means.

2 A. That was the man that I saw coming out of my
3 brother's home.

4 Q. Was he on the side of the road?

5 A. He was.

6 Q. Was he detained by law enforcement?

7 A. He was.

8 Q. Did you say that was him because that's who law
9 enforcement had hooked up?

10 A. Absolutely not.

11 Q. Did he look the same or different from when he
12 had left your home?

13 A. Only difference is he took his shirt off.

14 Q. Okay. Are you sure that's the person you had
15 the confrontation with?

16 A. Absolutely.

17 Q. We've talked a little bit about the deer cams.
18 Were there deer cams set up at the [REDACTED] homestead?

19 A. There were.

20 Q. Okay. And did you tell law enforcement about
21 it that afternoon?

22 A. I did.

23 Q. And were y'all able to get a ladder and collect
24 the camera that day?

25 A. Not at that exact moment, no.

1 Q. Okay. At some point, did you collect the
2 camera?

3 A. We did.

4 Q. And did you have the photos developed?

5 A. I did.

6 Q. And did you give them to law enforcement?

7 A. I did.

8 MS. MARTIN: Your Honor, I believe State's 5,
9 6, 7, and 8 will be admitted without objection from
10 the Defense.

11 MR. STORY: Without objection.

12 THE COURT: They're admitted.

13 (State's Exhibits 5, 6, 7, 8 admitted into
14 evidence.)

15 BY MS. MARTIN:

16 Q. If I can show you what's been marked State's 7.
17 Can you tell us, is this a photograph from the deer
18 cam that you provided to law enforcement?

19 A. It is.

20 Q. What is the date on that?

21 A. April 23rd, 2021.

22 Q. What is the time on that?

23 A. 4:17 in the afternoon.

24 Q. And where are the steps going inside the home?

25 A. Right here.

- 1 Q. State's Exhibit 5 that's also in evidence, what
2 is the time on that?
- 3 A. 3:53 in the afternoon.
- 4 Q. On April 23rd?
- 5 A. Yes, ma'am.
- 6 Q. Let's do State's 6. State's 6, different
7 angle, what is the time on that?
- 8 A. 3:52 in the afternoon.
- 9 Q. All on the same day; is that right?
- 10 A. Yes, ma'am.
- 11 Q. If I can show you State's 8. Is that a picture
12 from your deer cam blown up?
- 13 A. It is.
- 14 Q. Is this something you gave to law enforcement?
- 15 A. It is.
- 16 Q. Is that the dolly you saw inside your home?
- 17 A. It is.
- 18 Q. Can you describe the clothing on this man?
- 19 A. Yes, ma'am. Blue jeans, black wifebeater.
- 20 Q. Okay. And you recognize tattoos from the
21 photo?
- 22 A. Yes, ma'am.
- 23 Q. Is there a red bandanna on the person?
- 24 A. There is.
- 25 Q. Is this the man that you confronted at the back

1 door of your home?

2 A. It is.

3 Q. Is this the same man on the side of the road at
4 Caulks Ferry two hours later?

5 A. It is.

6 MR. STORY: Your Honor, I would renew my
7 previous objection to identification.

8 MS. MARTIN: Your Honor, I'd like to publish
9 State's 21; again, without objection, subject to his
10 earlier objection.

11 THE COURT: The objection is overruled.

12 BY MS. MARTIN:

13 Q. This is State's 21. Is this the man you saw on
14 the side of the road that day?

15 A. Yes, ma'am.

16 Q. And can you tell us whether or not that's the
17 same man who committed the burglary at your home?

18 A. It is.

19 Q. Is that the man you talked to and confronted
20 outside the home?

21 A. It is.

22 Q. How sure are you that this is that same person?

23 A. Absolutely sure.

24 Q. Do you recognize the man from the burglary here
25 in court today?

1 A. I do.

2 Q. And can you point him out for us, please?

3 A. Blue shirt with glasses.

4 Q. The defendant, Ronald Wood.

5 Can you tell us whether he looks any different
6 today?

7 A. He's just older and has glasses on.

8 Q. If I can show you State's 16, do you recognize
9 this?

10 A. Yes, ma'am.

11 Q. What is that?

12 A. That's an electric bill I picked up from the
13 light company for the house.

14 Q. And what is the address on this?

15 A. [REDACTED] Old Charleston Road.

16 MS. MARTIN: Beg the Court's indulgence one
17 moment.

18 Your Honor, I believe all State's exhibits are
19 in evidence without objection. There may have been
20 one I didn't formally say that, but I want to make
21 sure the record is clear.

22 THE COURT: Any objection to any of the
23 exhibits offered?

24 MR. STORY: I have no objection to any of the
25 pictures I've been shown.

1 THE COURT: Very good.

2 (State's Exhibit Nos. 16 and 21 admitted into
3 evidence.)

4 CROSS-EXAMINATION

5 BY MR. STORY:

6 Q. Good afternoon, Ms. Asbill.

7 A. Good afternoon.

8 Q. Let's start at the beginning. You said you
9 pulled up to the house and you heard a thud, right?

10 A. Right.

11 Q. Which you believe was a dolly being taken up to
12 the house?

13 A. Right.

14 Q. Do you recall writing a statement to Deputy
15 Saunders?

16 A. Yes.

17 Q. And in that statement, you said you were going
18 to check on your mother's property?

19 A. Right.

20 Q. Which you do every day?

21 A. I do.

22 Q. You check on the property every day, even
23 though you now say your brother was living there?

24 A. Yeah. I mean, it's my mother's property. My
25 brother lives there.

1 Q. When you called 911, you told dispatch that
2 someone was in your mother's home -- or, excuse me,
3 let me get that right. I mean, that's right; it was
4 your mother's home, right?

5 A. I mean, it's our family home.

6 Q. But when you called 911, you said your mother's
7 home --

8 A. I mean --

9 Q. -- correct?

10 A. I guess.

11 Q. Not your brother's home?

12 A. But that's where my brother was living.

13 Q. Right. But you didn't tell 911 that?

14 A. I was more worried about getting everything
15 else handled.

16 Q. Okay. You -- and, well, let's talk about that
17 a little bit. When you saw someone, you became
18 scared, right?

19 A. Right.

20 Q. And you also previously testified that you were
21 angry?

22 A. Yeah.

23 Q. So you said in your statement it was your
24 mother's home. You said to 911 that someone was in
25 your mother's property. And you didn't tell Deputy

1 Saunders that the home was unoccupied?

2 A. At that point in time, my brother was at work,
3 so nobody was home.

4 Q. And you'd check on it every day for your
5 brother --

6 A. Right.

7 Q. -- not your mother?

8 A. Well, I was in the area checking on my mother,
9 and then I would -- I was there, so I'd check on his
10 place just like I'd want somebody to check on mine.

11 MR. STORY: Beg the Court's brief indulgence.

12 BY MR. STORY:

13 Q. So you -- you said you pulled up to the home,
14 saw someone. And he was in the home at the time,
15 correct?

16 A. Yes, sir.

17 Q. And then he came back out the front?

18 A. Came out the back.

19 Q. He came out the back. But it was close enough
20 for you to have a brief conversation?

21 A. Absolutely.

22 Q. And you were on the phone with 911 at that
23 time?

24 A. I was.

25 Q. Now, you've -- you've also testified that the

1 deputy sent you pictures of at least two
2 individuals?

3 A. Right.

4 Q. One of which you recognized because he lived in
5 the area?

6 A. Uh-huh.

7 Q. And you said those were not the person?

8 A. Correct.

9 Q. Then you've also testified that there was
10 another individual who left going toward their
11 residence?

12 A. Correct.

13 Q. About how many people live in that area? Can
14 you estimate?

15 A. Like, in our little neighborhood? Maybe ten.

16 Q. Maybe ten?

17 A. Maybe.

18 Q. And you also said there was a dog in the area?

19 A. There was.

20 Q. Do you remember that?

21 A. Uh-huh.

22 Q. Now, there are two people that you were sent
23 pictures of that you said were not the individual
24 you spoke with?

25 A. Correct.

1 Q. The only individual that you identified was the
2 one that was in handcuffs, right?

3 A. I was not sent a picture of Ronald Wood.

4 Q. Exactly. You came to him while he had already
5 been arrested, correct?

6 A. Uh-huh.

7 THE COURT: Ma'am, you have to use words.

8 THE WITNESS: Yeah. Whenever I was called that
9 they had someone, I drove down there.

10 BY MR. STORY:

11 Q. So that's a yes?

12 A. Yes.

13 Q. Thank you.

14 If you don't mind, let's talk about what's been
15 marked as State's Exhibit 16.

16 MR. STORY: May I approach the witness?

17 THE COURT: Yes, sir.

18 MR. STORY: And I believe Your Honor has a copy
19 of this electric bill. If not, I can get it for
20 you.

21 MS. MARTIN: He does.

22 MR. STORY: Okay.

23 BY MR. STORY:

24 Q. And this is an electric bill, right,
25 Ms. Asbill?

- 1 A. Yes.
- 2 Q. And your mother's name is on the electric bill,
- 3 right --
- 4 A. Correct.
- 5 Q. -- Glenda Asbill.
- 6 Along with Dorothy Peele?
- 7 A. Yes.
- 8 Q. And who is Ms. Dorothy Peele?
- 9 A. My aunt, her twin sister.
- 10 Q. Now, this is in evidence. How much is the
- 11 amount due on the electric bill?
- 12 A. \$38.
- 13 Q. \$38. Now, this isn't a big palatial home, as
- 14 you testified, right?
- 15 A. Right.
- 16 Q. It's at least a two-bedroom home, correct?
- 17 A. Correct.
- 18 Q. With a living room?
- 19 A. Yes.
- 20 Q. Kitchen -- how many other rooms are in the
- 21 home?
- 22 A. Living room, kitchen, bedrooms, bathroom.
- 23 Q. How many bathrooms?
- 24 A. One, very small.
- 25 Q. Let me direct your attention to the energy

1 charge -- excuse me. Yeah. Do you know what that
2 number means, the 58 KWH?

3 A. Kilowatt hours.

4 Q. And you understand that's about how much --
5 that's a measure of how much energy was used, right?

6 A. Yes.

7 Q. How many kilowatt hours did it charge you for?
8 Can you tell me?

9 A. It says 58.

10 Q. Okay. Thank you. Let me ask you, do you pay
11 your electric bill in your home you live in now?

12 A. I do.

13 Q. About how much is that electric bill most
14 months?

15 MS. MARTIN: Objection; relevance, Your Honor.

16 THE COURT: Overruled.

17 BY MR. STORY:

18 Q. You pay the electric bill, right?

19 A. I do.

20 Q. And about how much is it in April?

21 A. In April, I believe it was like \$150.

22 Q. How many bedrooms is your home?

23 A. Three.

24 Q. Three.

25 You testified you went in and viewed the home

1 with Deputy Saunders, right?

2 A. I did.

3 Q. Didn't he have to use a flashlight for y'all to
4 look around?

5 A. Yeah. Nothing was on in the house at the
6 moment. There was power.

7 Q. But nobody turned the lights on?

8 A. No.

9 Q. Okay. Let me show you what's been marked as
10 State's Exhibit 15. And you remember what this is?

11 A. Yes.

12 Q. And that's the refrigerator?

13 A. Yes.

14 Q. And the door is open?

15 A. It is.

16 Q. But the light is not on, right?

17 A. Evidently, it was unplugged for this incident.

18 Q. So that's a no?

19 A. Yeah. The light's not on because, evidently,
20 it was unplugged intentionally.

21 MR. STORY: Beg the Court's brief indulgence.

22 BY MR. STORY:

23 Q. Just a couple more questions. That home is no
24 longer at that location, correct?

25 A. It is not.

- 1 Q. It's been torn down?
- 2 A. Yes. But my brother lives there currently.
- 3 Q. And you said you brother had been staying with
- 4 his fiancée, right?
- 5 A. Only on the weekends.
- 6 Q. On the weekends.
- 7 But you actually built a new house, right?
- 8 A. He bought a new house. Yes.
- 9 Q. When did your mother move out of the house?
- 10 A. That, I couldn't tell you the exact year. I
- 11 mean, it was quite a few years prior. But my
- 12 brother moved in immediately.
- 13 Q. But just to go over it again, you told 911 that
- 14 it was your mother's property?
- 15 A. It was originally my mother's home where we all
- 16 lived.
- 17 Q. But you didn't mention your brother to 911; you
- 18 didn't mention your brother to Deputy Saunders; you
- 19 didn't mention your brother in your written
- 20 statement?
- 21 A. I believe I did say that it was my brother's
- 22 home to Saunders.
- 23 Q. You did?
- 24 A. Yeah. I mean, it was clear that it was my
- 25 brother's home. I mean, my mother may own it, but

1 my brother resided there.

2 Q. Okay.

3 MR. STORY: No further questions, Your Honor.

4 THE COURT: Anything further?

5 MS. MARTIN: Nothing else, Your Honor.

6 THE COURT: All right.

7 Thank you. You may step down.

8 Next witness?

9 MS. OPPENHEIMER: The State calls Alex Asbill.

10 ALEXANDER ASBILL

11 being first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Have a seat over there, please.

14 State your name and spell your last, please, for the
15 record.

16 THE WITNESS: My name is Alexander Asbill,
17 A-S-B-I-L-L.

18 DIRECT EXAMINATION

19 BY MS. OPPENHEIMER:

20 Q. Good afternoon, Alex.

21 A. Good afternoon.

22 Q. Can you tell us a little bit about where you're
23 from?

24 A. I'm from Lexington County.

25 Q. And where did you grow up?

- 1 A. Around about Gilbert.
- 2 Q. Where did you go to high school?
- 3 A. Gilbert High School.
- 4 Q. What do you do for a living now?
- 5 A. I'm a mechanic.
- 6 Q. Do you work on all types of cars or --
- 7 A. Yep, everything; foreign, domestic, all of it.
- 8 Q. Can you tell us a little bit about your work
- 9 schedule?
- 10 A. I'm normally out the door at 7:00 a.m. I
- 11 normally get back in 7:30 or 8:00.
- 12 Q. So is it fair to say that you work sunup to
- 13 sundown?
- 14 A. That's fair.
- 15 Q. Are you married?
- 16 A. I'm not yet. Hopefully soon. Not yet.
- 17 Q. All right. I want to direct your attention to
- 18 April of 2021. Can you tell us where you were
- 19 living at the time?
- 20 A. I was living at [REDACTED] Old Charleston Road.
- 21 Q. And is that in Lexington County?
- 22 A. Yes, ma'am.
- 23 Q. Were you living there on April 23rd?
- 24 A. I was.
- 25 Q. There's been a lot of talk about [REDACTED] Old

1 Charleston being your mother's property.

2 A. Yeah.

3 Q. Does she own it or do you?

4 A. She owns it, but I stay there.

5 Q. Were you paying rent at the time?

6 A. Not to her directly. I would pay light bill,
7 internet, things like that.

8 Q. Now, we've seen one of your electric bills from
9 the month of April. \$38 seems pretty low. Can you
10 tell us why that would be?

11 A. I'm not a rich man, so I try to be as frugal as
12 I can with my money. I don't turn on the A/C while
13 I'm at work. Nobody else lives there, so I don't
14 need to air-condition an empty house during the day.
15 Yeah, I just try to be as frugal as I can; I unplug
16 everything; I can turn everything off when I leave,
17 things like that.

18 Q. So would the air conditioning have been on when
19 you left or --

20 A. No. I turn the A/C off when I leave.

21 Q. What about any lights? Would you have left any
22 on?

23 A. I do not.

24 Q. Would you have locked the front door?

25 A. Absolutely.

1 Q. What about the back door?

2 A. I do.

3 Q. Okay.

4 MS. OPPENHEIMER: Beg the Court's indulgence,

5 Your Honor.

6

7 BY MS. OPPENHEIMER:

8 Q. Alex, I'm going to show you what's already been

9 introduced in evidence as State's Exhibit No. 12.

10 Can you tell us what area of the home we're looking

11 at?

12 A. That would be the back door.

13 Q. All right. And is it a solid door? Is there

14 glass? Can you tell us what's going on?

15 A. That's a metal door with glass.

16 Q. And was the glass broken prior to you leaving

17 on April 23rd?

18 A. No.

19 Q. Showing you State's Exhibit No. 11, can you

20 tell us what that photograph is?

21 A. That would be the inside of the same back door.

22 Q. And was this glass broken when you left on

23 April 23rd?

24 A. No.

25 Q. Okay. Would you have locked this door?

- 1 A. Yes.
- 2 Q. Okay. And can you describe the front door for
- 3 us?
- 4 A. Solid red, wood door. Looks a lot like this.
- 5 Solid door.
- 6 Q. And was that intact or broken when you left for
- 7 work on April 23rd?
- 8 A. No, ma'am. It was locked.
- 9 Q. It was locked?
- 10 A. Yes, ma'am. And intact.
- 11 Q. Okay. Now, Alex, did you have a stocked fridge
- 12 at the time?
- 13 A. I did things; that I eat, yes.
- 14 Q. All righty. And what kind of things would you
- 15 keep in your refrigerator?
- 16 A. Pickles, hot sauce, meets of kinds, whatever I
- 17 was feeling that week.
- 18 Q. All right. Showing you what's already been
- 19 introduced State's Exhibit 14, can you tell us what
- 20 we're looking at here?
- 21 A. That would be my kitchen.
- 22 Q. All right. And did you own that refrigerator
- 23 door?
- 24 A. It certainly wasn't open when I left that
- 25 morning. No.

1 Q. What about all the food that's on the floor?
2 Did you put that there?
3 A. No. It's usually in the fridge.
4 Q. You wouldn't have kept cheese on the floor?
5 A. No, ma'am.
6 Q. What about pickles?
7 A. Nope.
8 Q. Salsa?
9 A. No.
10 Q. Showing you State's Exhibit 15, can you tell us
11 what this is showing?
12 A. That is another angle of the same kitchen.
13 Q. I believe -- is it a side-by-side refrigerator?
14 A. Yes, ma'am.
15 Q. The door that's open, is that the freezer?
16 A. That would be the freezer door, yes.
17 Q. Do you recall whether or not the freezer was
18 full on the morning of April 23rd?
19 A. Fairly full. I'm not saying it was jam-packed,
20 but it was fairly full.
21 Q. Did it look like this?
22 A. No, ma'am.
23 Q. All right. Now going back to State's
24 Exhibit No. 14 real quick, is there anything in this
25 kitchen that you do not recognize?

1 A. Other than all of the food sitting on the
2 floor, I do not recognize that hand truck leaning
3 against the kitchen table.

4 Q. That would be on the right side of the
5 photograph?

6 A. Yes, ma'am.

7 Q. Is that your hand truck?

8 A. No, ma'am.

9 Q. Or dolly?

10 A. No.

11 Q. Had you ever seen it before?

12 A. Nope.

13 Q. Showing you State's Exhibit No. 13, is that a
14 picture of the same dolly?

15 A. It appears to be. Yes.

16 Q. Would you have put an appliance dolly in your
17 kitchen?

18 A. No, ma'am.

19 Q. Was that appliance dolly in your kitchen prior
20 to leaving for work on April 23rd?

21 A. No, ma'am.

22 Q. Now, Alex, can you tell us, when you're at
23 work, who was allowed to be in your home?

24 A. No one, other than family. But they would have
25 called me to find out if they could go in the house

1 or not.

2 Q. Okay. Did you know Ronald Wood on April 23rd
3 of 2021?

4 A. No, ma'am.

5 Q. Did you ever give him permission to be inside
6 your home?

7 A. No, ma'am.

8 Q. Did you give him permission to bring a dolly
9 inside your home?

10 A. No, ma'am.

11 Q. Did you give him permission to take your
12 refrigerator?

13 A. Nope.

14 Q. Have any idea who this man is whatsoever?

15 A. Not until this situation here, I've never seen
16 him before.

17 MS. OPPENHEIMER: Beg the Court's indulgence.

18 I have no further questions for you. Please
19 answer any questions that Mr. Holladay or Mr. Story
20 may have for you.

21 MR. STORY: No questions for this witness.

22 THE COURT: Yes, sir.

23 THE WITNESS: Thank you.

24 MS. MARTIN: Your Honor, may we approach
25 briefly?

1 THE COURT: Yes.

2 Let's all stand for a moment.

3 (Sidebar conference.)

4 THE COURT: Thank you.

5 Next witness.

6 MS. OPPENHEIMER: State calls Officer McKenzie
7 Saunders.

8 MCKENZIE SAUNDERS

9 being first duly sworn, testified as follows:

10 THE CLERK: Have a seat over there, please. If
11 you'll state your name and spell your last name for
12 the record, please.

13 THE WITNESS: McKenzie Saunders,
14 S-A-U-N-D-E-R-S.

15 DIRECT EXAMINATION

16 BY MS. OPPENHEIMER:

17 Q. Good afternoon, Officer Saunders. Can you tell
18 us where you're presently employed?

19 A. I'm employed with the University of South
20 Carolina.

21 Q. Okay. And in what capacity are you --

22 A. As a law enforcement officer.

23 Q. And how long have you been in law enforcement?

24 A. Four years come Wednesday.

25 Q. Happy anniversary.

- 1 A. Thank you.
- 2 Q. In April of 2021, where were you working?
- 3 A. I was with the Lexington County Sheriff's
- 4 Department.
- 5 Q. And what unit were you assigned to?
- 6 A. I was in the patrol division, working the south
- 7 region.
- 8 Q. What is the south region?
- 9 A. It consists of Swansea, Gaston, Pelion, Red
- 10 Bank.
- 11 Q. And what were you primary duties and
- 12 responsibilities as a patrol duty?
- 13 A. Calls for service. People call 911 and we show
- 14 up.
- 15 Q. On April 23rd, 2021, did you receive a call for
- 16 service at [REDACTED] Old Charleston Road?
- 17 A. Yes, ma'am.
- 18 Q. Is that in Lexington County?
- 19 A. It is.
- 20 Q. Showing you what's been marked as State's
- 21 Exhibit No. 10, can you tell me if you recognize
- 22 this?
- 23 A. Yes, ma'am.
- 24 Q. And what does it show?
- 25 A. That's going to be the area around the incident

1 location.

2 Q. The incident location being [REDACTED] old Charleston
3 Road?

4 A. Yes, ma'am.

5 Q. All right. Is this accurate reflection of that
6 area around the incident location?

7 A. It is.

8 MS. OPPENHEIMER: Your Honor, at this time, I'd
9 move State's Exhibit No. 10 into evidence.

10 MR. STORY: No objection.

11 THE COURT: It's admitted.

12 (State's Exhibit No. 10 admitted into
13 evidence.)

14 MS. OPPENHEIMER: Beg the Court's indulgence.

15 BY MS. OPPENHEIMER:

16 Q. All right. Officer Saunders, I'm showing you
17 State's Exhibit No. 10. Can you tell us where [REDACTED]
18 Old Charleston Road is located on this map?

19 A. It would be at the number 1.

20 Q. On the right side of the map?

21 A. That's correct.

22 Q. Can you tell us a little bit about the area
23 surrounding that home?

24 A. It's heavily wooded for the most parts, except
25 on the right side where the driveway is; it's an

1 open field.

2 Q. All righty. Can you tell us the nature of the
3 call at [REDACTED] Old Charleston Road?

4 A. Dispatch sent us to a burglary in progress,
5 which means entitles me to respond emergent.

6 Q. What do you mean when you say respond emergent?

7 A. Lights, sirens, everything.

8 Q. Would you have been trying to get there as
9 quickly as possible?

10 A. Correct.

11 Q. And were you provided a description of the
12 burglar?

13 A. Yes.

14 Q. Who provided that to you?

15 A. Dispatch did.

16 Q. What was that description?

17 A. It was an older white male wearing jeans and a
18 black T-shirt.

19 Q. When you first arrived at [REDACTED] Old Charleston
20 Road, what, if anything, did you do?

21 A. I immediately made contact with the caller,
22 Ms. Asbill, and she pointed me in his last direction
23 of travel. And I attempted to pursue him at that
24 time.

25 Q. Did you attempt to pursue him on foot?

- 1 A. I did.
- 2 Q. And is there a pointer up there?
- 3 A. There is.
- 4 Q. Can you show us the direction in which you ran
- 5 to try and find the suspect?
- 6 A. Based on -- when I was dispatched to the call,
- 7 I arrived going east, right here, coming up this
- 8 driveway. And after I made contact with Ms. Asbill,
- 9 I ran south on the map towards this direction.
- 10 Q. Were you able to locate a suspect at that time?
- 11 A. I was not.
- 12 Q. And when you were unable to locate a suspect,
- 13 what, if anything, did you decide to do?
- 14 A. I decided to call K-9.
- 15 Q. Why would you call a K-9 officer?
- 16 A. Based on the severity of the call. It was a
- 17 nice sunny day; the suspect just saw the suspect
- 18 fleeing. I felt like we had a strong likelihood of
- 19 catching him.
- 20 Q. And did K-9 arrive on scene?
- 21 A. They did.
- 22 Q. Do you happen whether or not they deployed a
- 23 tracking dog?
- 24 A. They did.
- 25 Q. And were you able to communicate with those K-9

1 officers as they were tracking the suspect?

2 A. The entire time, through our radios.

3 Q. Is it common to communicate with other law
4 enforcement officers on scene?

5 A. Absolutely.

6 Q. Now, I believe you testified you spoke with
7 Ms. Asbill. Can you tell us if -- without saying
8 exactly what she told you, based on your
9 conversation with her, were you able to determine if
10 she would be able to recognize the burglar?

11 A. I was.

12 Q. And did it become apparent to you that she
13 would be able to identify the suspect that was in
14 her home?

15 A. It did.

16 Q. And were you able to determine, when you were
17 on scene, if anyone lived at [REDACTED] Old Charleston
18 Road?

19 A. I was.

20 Q. Who were you able to determine lived there?

21 A. Ms. Asbill's brother.

22 Q. That would be Alex?

23 A. That would.

24 Q. Did you ever enter the residence at [REDACTED] Old
25 Charleston Road?

1 A. Yes, ma'am, I did.

2 Q. And can you tell us, based on your
3 observations, whether or not it looked like items
4 were in place or not?

5 A. The residence was disheveled. Stuff was
6 definitely out of place.

7 Q. What, if anything, was unusual to you?

8 A. Food being on the kitchen floor. I don't keep
9 my food on the kitchen floor.

10 Q. All right. And I believe you testified that
11 K-9 officers were tracking. Do you know where
12 around this area they were tracking the suspect?

13 A. They initially tracked the -- they initially
14 tracked towards the north end over here before they
15 called K-9 the first time.

16 Q. You said the first time. Was there a second
17 time?

18 A. After they determined they were not able to
19 locate the suspect, we got more information that he
20 was still in the area. And they put the dog down a
21 second time again, later in the investigation.

22 Q. Now, as K-9 is tracking, what are you doing?

23 A. I'm staying on the scene; I'm there with
24 Ms. Asbill, just in case someone wants to come to
25 the residence. We hadn't gone through it yet to

1 determine if any items had been taken.

2 Q. And throughout the course of your
3 investigation, were you provided any potential
4 suspects?

5 A. Yes, ma'am, I was.

6 Q. And who were you provided those suspects by?

7 A. By Lexington County deputies.

8 Q. And how were the suspects developed?

9 A. Through the nature of their track, along with
10 the officers that we had on patrol who were
11 stationed at various locations throughout the
12 incident map.

13 Q. And do you recall whether or not you showed
14 Ms. Asbill photographs of those potential suspects?

15 A. I did.

16 Q. Showing you State's Exhibit 4, can you tell us
17 whether or not this individual was one of the
18 photographs that you provided to Ms. Asbill?

19 A. It was.

20 Q. And without specifically telling us what she
21 told you, were you able to determine whether or not
22 this man here was the burglar?

23 A. He is not the burglar.

24 Q. Can you tell us whether or not Ms. Asbill was
25 confident?

1 A. She gave me an immediate answer; she was very
2 confident.

3 Q. Now, this other individual that was provided as
4 a potential suspect, can you tell us whether or not
5 that person ended up being identified?

6 A. He was identified.

7 Q. And can you tell us when that identification
8 was made?

9 A. It was made during the course of K-9's track.

10 Q. All right. Can you tell us whether or not you
11 ever began patrolling the area?

12 A. I did.

13 Q. Were you on foot or in your vehicle?

14 A. I was in my vehicle once the K-9 put the dog
15 down for a second time.

16 Q. And what, if anything, were you looking for?

17 A. I was looking for the suspect in the immediate
18 area.

19 Q. And can you show us on the map where you were
20 patrolling?

21 A. I was patrolling south of the incident
22 location, over on this road.

23 Q. All right. And can you tell us, during your
24 patrol, whether or not you laid eyes on a potential
25 suspect?

1 A. I did.

2 Q. Do you recall at what time?

3 A. It would be around -- I think it was 1611 --

4 Q. If I show you the CAD, would that --

5 A. Yes. That would be much appreciated.

6 Yes, ma'am. So at 1811, I radioed over to the
7 K-9 officers that I saw the potential suspect in the
8 area.

9 Q. And can you tell us what your call sign was
10 back in April of 2021?

11 A. 523.

12 Q. All righty. And you see a suspect at 1811;
13 that being 5:11 in the evening?

14 A. Ma'am?

15 Q. 1811 -- is that 6:11 in the evening?

16 A. Yes, ma'am.

17 Q. Sorry. I'm a lawyer, not a mathematician.

18 Did you relay that information to K-9 officers?

19 A. Yes, ma'am.

20 Q. How did you relay that information?

21 A. Over our radio system.

22 Q. And can you tell us what, if anything, about
23 that individual made you think it was the suspect?

24 A. He looked directly at me and pointed in the
25 opposite direction; he matched the description of

1 the perpetrator.

2 Q. And what would that description have been?

3 A. An older white male with jeans.

4 Q. All right. There's been talk about a black
5 T-shirt or a wifebeater. Was he wearing that at
6 that time?

7 A. He was not.

8 Q. Did you see a T-black shirt or a wifebeater?

9 A. He had a black object in his hand.

10 Q. At what time was a suspect detained?

11 A. Based on the CAD report, there was a subject
12 detained at 1815.

13 Q. Did you detain that individual?

14 A. No, ma'am; K-9 officers had him.

15 Q. And did you respond to the area that K-9 had
16 this suspect detained?

17 A. I did.

18 Q. And what was the suspect wearing at the time?

19 A. He was wearing jeans without his shirt on.

20 Q. All right. And were you able to identify that
21 suspect who was detained?

22 A. We were.

23 Q. And was the person detained the same person as
24 the person depicted in State's Exhibit No. 4?

25 A. That is not the individual we had detained.

- 1 Q. All right. Showing you what's already
2 introduced into evidence as State's Exhibit No. 21,
3 is this the individual that was detained?
- 4 A. Yes, ma'am.
- 5 Q. And were you able to determine who this
6 individual was?
- 7 A. Yes, ma'am.
- 8 Q. How were you able to do that?
- 9 A. He identified himself as Ronald Wood.
- 10 Q. And do you see Ronald Wood in the courtroom?
- 11 A. I do.
- 12 Q. Can you identify him for us?
- 13 A. He's the man in the blue shirt with the
14 Defense.
- 15 Q. So the defendant?
- 16 A. Yes, ma'am.
- 17 Q. Can you tell us whether or not Ronald Wood, the
18 same man detained by K-9 officers, is the same man
19 who ran from you?
- 20 A. Yes, ma'am, he was.
- 21 Q. How do you know that?
- 22 A. He looked the same. This was four minutes in
23 time span between when I saw him to when K-9 had him
24 detained.
- 25 Q. And if we're looking at this map on State's

1 Exhibit No. 10, can you tell us where the defendant
2 was apprehended approximately?

3 A. Yes, ma'am. It would have been to the left of
4 the number 4. That's where that photograph was
5 taken.

6 Q. All right. Do you have knowledge of how the
7 defendant was apprehended?

8 A. Yes, ma'am.

9 Q. Can you tell us how?

10 A. K-9 officers, they were in the area, and they
11 were able to locate him.

12 Q. Can you tell us whether or not the tracking dog
13 bit the defendant?

14 A. He did not bite the defendant.

15 MR. STORY: Objection to hearsay, Your Honor;
16 he was not the officer with the dog.

17 THE COURT: He said he didn't know.

18 MS. OPPENHEIMER: He said that it did not bite
19 him.

20 BY MS. OPPENHEIMER:

21 Q. Would you have had any wounds addressed by EMS?

22 A. We didn't. EMS did respond, just to check him
23 out.

24 Q. Can you tell us whether or not the defendant
25 had to be transported to the hospital at all?

1 A. He was not transported.

2 Q. Can you tell us whether or not Ms. Asbill came
3 to the roadway after the defendant had been
4 detained?

5 A. Yes, ma'am. She did respond to that location.

6 Q. And did you tell her that she had to identify
7 someone?

8 A. No, ma'am, I did not.

9 Q. Did you tell her that you had the person
10 detained -- the burglar detained?

11 A. I told her I had an individual detained.

12 Q. Okay. Did you make any suggestions to her at
13 all that this, indeed, was the burglar?

14 A. No, ma'am.

15 Q. And can you tell us whether or not Ms. Asbill
16 was able to make a positive identification?

17 A. She immediately told me that it was him.

18 MR. STORY: Renew my previous objection to
19 identification.

20 THE COURT: You may proceed.

21 BY MS. OPPENHEIMER:

22 Q. Can you tell us whether or not she was
23 confident in her identification?

24 A. She was very confident.

25 Q. At some point, did you make a determination

1 that the defendant would be arrested and charged?

2 A. I did.

3 Q. And what did you arrest him for?

4 A. For the offense of burglary.

5 Q. Okay. And what did you base that determination
6 off of?

7 A. The fact that he entered into the residence
8 with the intention to commit a crime.

9 Q. And can you tell us how you knew someone lived
10 at [REDACTED] Old Charleston Road?

11 A. Ms. Asbill told me that someone lived there.

12 MR. STORY: Objection to hearsay.

13 THE COURT: You're objecting based on the
14 response or...

15 MR. STORY: Based on the response, Your Honor,
16 yes.

17 THE COURT: So let me hear it again, question
18 and the response.

19 BY MS. OPPENHEIMER:

20 Q. Can you tell us how you were able to make the
21 determination that someone lived at [REDACTED] Old
22 Charleston Road?

23 A. Yes, ma'am. Ms. Asbill told me that someone
24 lived there, along with there were items inside that
25 were common use of --

1 THE COURT: I overrule the objection.

2 MS. OPPENHEIMER: Thank you, Your Honor.

3 BY MS. OPPENHEIMER:

4 Q. Do you recall -- were you provided photographs
5 from some deer cams around that residence?

6 A. Yes, ma'am, I was.

7 Q. Who provided those to you?

8 A. Ms. Asbill did.

9 Q. Showing you what's already been introduced into
10 evidence as State's Exhibit 5, can you tell us what
11 this is a photograph of?

12 A. It is of the outside of the [REDACTED] residence.

13 Q. All right. And what day would this photograph
14 have been taken on?

15 A. April 23rd of 2021.

16 Q. All right. And based on these photographs
17 provided to you by Ms. Asbill, were you able to make
18 a determination, based on your investigation, of who
19 this burglar was?

20 A. Yes, ma'am, I was.

21 Q. How were you able to do that?

22 A. Based along with his tattoos, his clothing; he
23 matched the description.

24 Q. All righty. And specifically on State's
25 Exhibit No. 5, what, if anything, about the

1 burglar's person sticks out to you?

2 A. His tattoos, his hair, his clothing.

3 Q. Showing you State's Exhibit No. 21, this is a
4 photograph of the defendant Ronald Wood?

5 A. Yes, ma'am.

6 Q. What, if anything, in this photograph stands
7 out to you?

8 A. His tattoos, his hair, his clothing.

9 Q. I'm showing you State's Exhibit No. 7. Is this
10 one of the photographs that Ms. Asbill provided to
11 you?

12 A. Yes, ma'am it is.

13 Q. And where was this photograph taken?

14 A. It's of the outside of the [REDACTED] residence.

15 Q. And what, if anything, stands out to you in
16 this photograph?

17 A. It's the same as the previous; the clothing the
18 tattoos, the hair.

19 Q. And I believe there's a red bandanna in his
20 back pocket.

21 A. Yes, ma'am.

22 Q. Can you tell us whether or not the defendant
23 had a red bandanna in his pocket at the time of his
24 arrest?

25 A. Yes, ma'am, there was.

1 Q. Showing you again State's Exhibit 21, what in
2 this photograph stands out to you?

3 A. His clothing, his hair, his tattoos.

4 Q. And where had you seen that tattoo before?

5 A. From the photographs that Ms. Asbill brought
6 into our department.

7 Q. Now, were you able to actually collect the
8 cameras on April 23rd of 2021?

9 A. No, ma'am.

10 Q. Why not?

11 A. They were high up in the trees and I'm not that
12 tall.

13 Q. Okay.

14 MS. OPPENHEIMER: Beg the Court's indulgence.

15 I have no further questions. Please answer any
16 the Defense may have for you.

17 CROSS-EXAMINATION

18 BY MR. STORY:

19 Q. Good afternoon, Officer Saunders.

20 A. Afternoon.

21 Q. When did you start with the Lexington County
22 Sheriff's Department?

23 A. I started there with them in July of 2020.

24 Q. And now you're a police officer with USC campus
25 police, correct?

1 A. Correct.

2 Q. Before joining the Sheriff's Department -- and,
3 let me ask you, was that your first law enforcement
4 job?

5 A. Yes.

6 Q. What was your first law enforcement --

7 A. With the sheriff's department --

8 Q. -- job?

9 A. -- yes, sir.

10 Q. Okay. What was your first law enforcement job?

11 A. I worked for the South Carolina Department of
12 Probation, Patrol, and Pardon Services.

13 Q. Before you started with South Carolina
14 Probation, Parole, and Pardon Services, did you
15 undergo any special training?

16 A. I did.

17 Q. And tell me a little bit about that training.

18 A. Part of that training is going through the
19 criminal justice academy, along with going through
20 probation and paroles. They have their own program.

21 Q. And all probation agents and all sheriff's
22 deputies and all law enforcement officers go through
23 law enforcement training at SLED, right?

24 A. It's through the South Carolina Criminal
25 Justice academy.

- 1 Q. Which is at SLED?
- 2 A. That's correct.
- 3 Q. Okay. And at the South Carolina Criminal
4 Justice Academy, and they teach you to write a
5 report?
- 6 A. They do.
- 7 Q. And in that report, they tell you to put
8 everything important about a case in that report,
9 correct?
- 10 A. Yes, sir.
- 11 Q. And did you write a report in this case?
- 12 A. I did.
- 13 Q. If you saw it, would you recognize it?
- 14 A. I would.
- 15 Q. Showing --
- 16 MR. STORY: If I may approach the witness, Your
17 Honor?
- 18 THE COURT: Yes, sir.
- 19 BY MR. STORY:
- 20 Q. Deputy Saunders, what does this appear to be?
- 21 A. That's the report I wrote for this incident.
- 22 Q. Okay. I'm going to direct your attention --
23 not the first, second, third -- the sixth paragraph.
24 Do you mind reading that statement?
- 25 A. Just the first sentence?

1 Q. Well, the entire paragraph.

2 A. Okay.

3 MS. OPPENHEIMER: Your Honor, we would object
4 at this time. Is he going to introduce the whole
5 report or --

6 MR. STORY: No, Your Honor.

7 MS. OPPENHEIMER: If you're going to introduce
8 one little line from the report, you need to
9 introduce the entirety of it. And we would also
10 argue that it does include hearsay information.

11 MR. STORY: It's prior inconsistent statement.

12 THE COURT: All right. Ladies and gentlemen,
13 I'm going to have you go to the jury room for a
14 short while. Please do not discuss the case.

15 (The jury exits the courtroom at 4:37 PM.)

16 THE COURT: Yes, ma'am.

17 MS. OPPENHEIMER: Yes, Your Honor. We believe
18 that the Defense is trying to introduce one
19 statement of Officer Saunders' report from
20 Ms. Asbill where he indicates that she responds to
21 the location daily for her mother due to it being
22 broken into and unoccupied.

23 Your Honor, the Defense did not ask Ms. Asbill
24 whether or not she told Officers Saunders if the
25 property was unoccupied. He stressed at the time

1 that it was her mother's property, not whether or
2 not it was unoccupied. So we'd -- and he also asked
3 her whether or not the property was abandoned at the
4 time.

5 Your Honor, this statement is, one, it's based
6 off of you know, Officer Saunders' notes later in
7 time; it's not what was told to him precisely. It's
8 a report after the fact. The question wasn't
9 presented to Ms. Asbill appropriately. He asked
10 whether or not it was her mother's property, whether
11 or not it was abandoned, not if was occupied. And,
12 Your Honor, to introduce extrinsic evidence of a
13 prior inconsistent statement, you know, she wasn't
14 advised of the statement made to Officer Saunders.

15 Certainly, we would argue that we can introduce
16 the body cam, which would just further corroborate
17 her testimony that her brother was indeed living
18 there that Officer Saunders has already testified to
19 that he was told immediately that Alex was living
20 there.

21 THE COURT: Mr. Story?

22 MR. STORY: Your Honor, I'm not introducing
23 this entire report into evidence. I do believe I
24 did ask Ms. Asbill if she told Agent Saunders he was
25 living there or if it was unoccupied. Agent

1 Saunders has testified that Ms. Asbill told him her
2 brother was living there.

3 I'm allowed to bring in -- I mean, this is
4 Agent Saunders' report. He wrote it. I'm allowed
5 to ask him about statements that Ms. Asbill made to
6 him as inconsistent. I'd argue this is a hearsay
7 objection well within the rules, and I'm allowed to
8 ask him about it.

9 THE COURT: How about the doctrine of
10 completeness?

11 MS. OPPENHEIMER: Yes, Your Honor. We'd
12 argue --

13 THE COURT: I'm asking Mr. Story a question.

14 MS. OPPENHEIMER: Yes, Your Honor. I
15 apologize.

16 MR. STORY: I'm only asking him about this one
17 prior --

18 THE COURT: You just got through saying that.
19 And my question to you is, what about the doctrine
20 of completeness?

21 MR. STORY: Your Honor, my understanding of the
22 doctrine of completeness is the purpose of that is
23 to put things into a complete context if that
24 statement is somehow deceptive. I'm not being
25 deceptive. I'm simply asking about a statement that

1 Ms. Asbill made to him that is in his report.

2 THE COURT: All right. And the State's
3 response to the same question?

4 MS. OPPENHEIMER: Your Honor, certainly, under
5 the rule of completeness, it's there so that parties
6 can't pick and choose what of the document that they
7 want to introduce. It is the entirety of the
8 document.

9 If Mr. Story would like to introduce it, we
10 would argue that you don't get to parse through one
11 sentence and that the entirety of the report should
12 be introduced.

13 Also, I mean, I believe we're talking about
14 semantics. And I certainly can clarify with Officer
15 Saunders. But Ms. Asbill already testified that it
16 would have been unoccupied in the daytime when Alex
17 is at work. And it just serves to confuse the jury,
18 Your Honor.

19 MR. STORY: Your Honor, she can ask all that on
20 redirect.

21 THE COURT: Okay. We're pulling up the
22 voluntary statements.

23 Rule 106: When a writing or recorded statement
24 or part thereof is introduced by a party, an adverse
25 party may require the introduction, and at that

1 time, any other part or any other writing or
2 recorded statement which ought in fairness to be
3 considered contemporaneous therewith.

4 So would you read the whole whatever it is
5 you're looking at? What are you looking at?

6 THE WITNESS: My incident report that I wrote.

7 THE COURT: Okay. Read the whole thing for me,
8 starting at the beginning.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: How long is it?

11 THE WITNESS: [Demonstrating].

12 THE COURT: Okay. All right. It's not too
13 long.

14 THE WITNESS: You ready?

15 THE COURT: Yes, sir.

16 THE WITNESS: On April 23rd, 2021, I responded
17 to [REDACTED] Old Charleston Road in the Lexington area of
18 Lexington County. Upon arrival, contact was made
19 with witness Mynnda Asbill who advised she came to
20 check on this property that is owned by her mother
21 Glenda Asbill.

22 After arriving, she heard a loud thud, went
23 inside, and then described an older white male later
24 identified as Ronald Wood dressed in a black shirt
25 exit the front door of the residence. After being

1 discovered, Ronald went back into the residence and
2 exited out the opposite side door, fleeing and
3 travelling through the woods, and fleeing the area.

4 Lexington County Communications Center was
5 contacted at this time. Mynnda observed an
6 unidentified white female leaving the property also
7 in the opposite direction. Mynnda did not observe
8 this individual inside the residence. Mynnda
9 notified Glenda, although she did not respond at
10 this time.

11 Mynnda and I entered into the residence to
12 locate any damage or stolen property. Within the
13 residence, she immediately discovered that there was
14 a large appliance dolly that does not belong at this
15 property. She also stated that the refrigerator was
16 moved from its regular position. Mynnda stated that
17 the refrigerator is the most valuable item from the
18 residence, and believed that Ronald was attempting
19 to remove it from the residence.

20 Additionally, the glass above a window door was
21 broken and plywood was removed from a window,
22 allowing entry into this residence. Mynnda stated
23 that there was also a storage bin that was moved and
24 had a few items in it that weren't there before.

25 Mynnda responds to this location daily for her

1 mother, due to it being previously broken into and
2 unoccupied. Cameras were installed on April 22nd,
3 2021, and residence was secured at this time. K-9
4 responded but were unsuccessful in initially
5 locating either Ronald or the white female.

6 Three surveillance cameras are installed
7 approximately 20 feet high in trees around the
8 property. Mynnda will provide Lexington County
9 Sheriff's Department the footage at a later date.

10 Female description was approximately a 30 to
11 40-year-old, red hair, approximately five foot, six
12 inches and a small medium build wearing a black
13 tank-top, blue jeans, and a rain jacket. It is
14 believed that this individual is Rachel Turner,
15 Ronald's wife.

16 While K-9 deputies and I remained on the scene,
17 we were notified that neighbors had seen Ronald out
18 in the area, now with his shirts off and slung over
19 his shoulder. Deputies were advised that Ronald
20 made a comment that he was the person that Lexington
21 County Sheriff's Department was looking for.

22 At this time, K-9 placed their dog back on the
23 ground, and I began patrolling the area in my
24 vehicle. I then observed the matching description
25 of the female crossing over Windy Wood Road between

1 Caulks Ferry and Platt Springs Road. I attempted to
2 catch up, but was unsuccessful in locating the
3 female again.

4 Immediately after, I observed Ronald about 30
5 yards away in an open area on the same side of the
6 road the female ran to. Ronald looked directly at
7 me before beginning to run towards Caulks Ferry
8 Road. K-9 deputies were close by and quickly
9 located him after he crossed Caulks Ferry Road. K-9
10 deputies were able to detain Ronald in handcuffs.
11 EMS responded due to a possible dog bite from the
12 K-9 due to Ronald bleeding from his arm.

13 At this time, Mynnda and Glenda responded to
14 our location. Glenda reassured that she wished to
15 press charges and Mynnda gave a positive
16 identification. EMS cleared Ronald for transport to
17 Lexington County Detention Center. Deputy Watson
18 responded to this location and transported Ronald to
19 Lexington County Detention Center. Victim was
20 provided the case number and advised on how to
21 obtain a copy of the report.

22 THE COURT: Can I see that for a moment, sir?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: So what other part does the State
25 want published?

1 MS. OPPENHEIMER: I mean, certainly, Your
2 Honor, if we're going to talk about the statements
3 made by Mynnda on scene, we would want the
4 statements -- everything, essentially. We'd want,
5 you know, the neighbors telling law enforcement that
6 they saw Ronald Wood with a shirt slung over his
7 shoulder, and he told them that he was the one that
8 Lexington County was looking for.

9 THE COURT: Well, that's beyond the context of
10 what's been discussed.

11 MS. OPPENHEIMER: And, Your Honor, this is a
12 report made at the end of his shift.

13 THE COURT: You've told me all of that. And
14 you can't give me testimony --

15 MS. OPPENHEIMER: Well, I certainly --

16 THE COURT: -- about what it is. All testimony
17 has to come from the officer. You have a right to
18 examine and cross-examine. So the question is
19 simply -- under the doctrine of completeness, rule
20 106, what other portion of the statement point in
21 fairness to be considered contemporaneously, in your
22 opinion?

23 MS. OPPENHEIMER: Well, Your Honor, at that
24 point, it would be the body cam that we'd need to
25 redact. We didn't intend to offer it at this time

1 because it was hearsay. But, certainly, that is
2 being challenged now. It's in the body cam within
3 the first --

4 THE COURT: The body cam is not part of this
5 statement.

6 MS. OPPENHEIMER: Your Honor, it's a part of
7 what she told him though.

8 THE COURT: All right.

9 Anything from the Defense?

10 MR. STORY: Just, again, I'd argue it's a
11 hearsay objection. There's nothing --

12 THE COURT: If you're going to use these easels
13 and so forth, it shouldn't obstruct the Judge's view
14 of the jury, the witness, or the lawyers, unless
15 you're going to --

16 MR. STORY: Your Honor, I would argue that the
17 rest of the report shouldn't come in. I'm asking
18 about one line.

19 THE COURT: Do you want them to say she
20 responds daily due to it frequently being broken
21 into and unoccupied?

22 MR. STORY: Yes, Your Honor, that's what I was
23 asking.

24 THE COURT: And does the State want them to say
25 because it was being frequently broken into and

1 unoccupied? Does the state want that sentence?

2 MS. OPPENHEIMER: Your Honor, I just don't
3 believe --

4 THE COURT: That's either a yes or a no. Does
5 the State want the portion of that -- there's two
6 sentences in this paragraph. Mynnda responds to
7 this location daily for her mother due to it being
8 frequently broken into unoccupied. Cameras were
9 installed on 4/22, and the residence was secured at
10 that time.

11 Do you want that portion published to the jury
12 that says that it was frequently broken into?

13 MS. OPPENHEIMER: Yes.

14 THE COURT: And that's what the Defense wants
15 as well?

16 MR. STORY: Yes, Your Honor.

17 THE COURT: So that one statement will be --
18 those two sentences will be read under this rule
19 106.

20 So you can't -- this is cross-examination. You
21 get an opportunity to do redirect examination, but
22 you can't testify by telling me what he said, what
23 he did, and all of that. You have to ask the
24 witness questions.

25 MS. OPPENHEIMER: Certainly, I'd like time

1 to --

2 THE COURT: You can't fill in the blanks with
3 testimony.

4 MS. OPPENHEIMER: Yes, Your Honor. Certainly,
5 I'd like time to redact the body camera to introduce
6 it in redirect examination. If we're going to be
7 able to --

8 THE COURT: Well, I don't know about any future
9 testimony. We're dealing with this testimony at
10 this time, not some other witness, some other time.
11 We'll take a few minutes, and we'll proceed. We'll
12 take five minutes.

13 (Brief recess.)

14 THE COURT: Sir, you weren't discussing your
15 testimony, were you?

16 THE WITNESS: No, sir.

17 THE COURT: Anything else before the jury comes
18 back?

19 MR. STORY: Nothing from the Defense, Your
20 Honor.

21 THE COURT: All right. Bring the jury.

22 (The jury enters the courtroom at 5:03 PM.)

23 THE COURT: You may proceed.

24 MR. STORY: May I approach the witness again?

25 THE COURT: You do not need permission to

1 approach a witness.

2 MR. STORY: Okay.

3 BY MR. STORY:

4 Q. Deputy Saunders, will you read the first
5 sentence of the sixth paragraph?

6 A. Mynnda responds to this daily for her mother
7 due to it being frequently broken into and
8 unoccupied.

9 Q. And as we've said before, you put everything
10 important in your report, correct?

11 A. Yes, sir.

12 Q. And there was no mention of the brother living
13 at the house, correct?

14 A. There was not.

15 Q. In the report?

16 A. In the report.

17 MR. STORY: Beg the Court's brief indulgence.

18 No further questions, Your Honor. Thank you.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY MS. OPPENHEIMER:

22 Q. Deputy Saunders, can you tell us about how long
23 your shifts typically were?

24 A. We usually sign on 5:15, whether that's a.m.
25 or p.m., and at least, you know, 12 hours and 45

- 1 minutes, best-case scenario.
- 2 Q. 12 hours, 45 minutes?
- 3 A. Best-case scenario.
- 4 Q. Sometimes longer?
- 5 A. A little bit longer sometimes.
- 6 Q. At what point in your shift would you write
- 7 your reports?
- 8 A. In this case, it would have been written at the
- 9 very end of my shift.
- 10 Q. And what time would that have been?
- 11 A. It would have been after I cleared the scene.
- 12 And, based on my CAD notes, I cleared the scene
- 13 after deputy Watson transported, which was at 1845.
- 14 Q. All right. Do you have your report in front of
- 15 you?
- 16 A. I do.
- 17 Q. Is the date and time of this report written at
- 18 the very bottom towards the middle of the bottom of
- 19 the page?
- 20 A. Yes, ma'am.
- 21 Q. Can you tell us the date and time that you
- 22 wrote this report?
- 23 A. That's going to be the approval time of April
- 24 24th, 2021 at 0641.
- 25 Q. So would that be the following morning?

1 A. Yes, ma'am.

2 Q. And this call came in about 4:00 the previous
3 afternoon?

4 A. It was.

5 Q. Deputy Saunders, you're human, right? Are you
6 subject to some errors when you're writing a report?

7 A. Yes, ma'am.

8 Q. Is it fair to say that you try to put
9 everything in your report, but some things may be
10 left out?

11 A. Yes, ma'am.

12 Q. Can you tell us whether or not Mynnda Asbill
13 told you at 4:20 in the afternoon, approximately, on
14 April 23rd, if you had information that someone was
15 living at [REDACTED] Old Charleston Road?

16 A. She did.

17 Q. Did she tell you who was living there?

18 A. Her brother.

19 MS. OPPENHEIMER: Beg the Court's indulgence.

20 BY MS. OPPENHEIMER:

21 Q. Deputy Saunders, can you tell us how you know
22 that Ms. Asbill told you that her brother was living
23 there?

24 A. She told me that directly. It's on my body
25 cam.

1 Q. And have you had an opportunity to review your
2 body cam?

3 A. I've seen it since then, yes, ma'am.

4 Q. Can you tell us whether or not in your report,
5 when you say unoccupied, did you mean at the time of
6 this crime or forever and always unoccupied?

7 A. Yes, ma'am. At the time of this incident, it
8 was unoccupied.

9 Q. But not that someone was not living there; is
10 that right?

11 A. Correct. Unoccupied in the sense of at the
12 time of this incident, no one was supposed to be
13 inside.

14 MS. OPPENHEIMER: Your Honor, may we approach
15 very briefly?

16 THE COURT: Okay.

17 (Sidebar.)

18 BY MS. OPPENHEIMER:

19 Q. Officer Saunders, can you tell us whether or
20 not, as a Lexington County sheriff's deputy, you
21 wear a body camera?

22 A. Yes, ma'am, we do.

23 Q. Does that record all the calls you respond to?

24 A. Yes, ma'am. Based on policy, every time we
25 contact a citizen, it has to be operating.

1 Q. Was it operating on April 23rd, 2021?

2 A. Yes, it was.

3 Q. Was it recording when you spoke with Ms. Mynnda
4 Asbill?

5 A. It was.

6 Q. And have you had opportunity to review your
7 body cam in preparation for trial today?

8 A. Yes, ma'am.

9 Q. In reviewing that video footage, had it been
10 altered or changed in any way?

11 A. No, ma'am.

12 Q. Do you know whether or not, for purposes of
13 court, if that video has been shortened?

14 A. No, ma'am. I don't believe so.

15 Q. And based on your review of the body cam
16 footage on April 23rd, does it appear to be the same
17 as you experienced it on that day?

18 A. Yes, ma'am.

19 MS. OPPENHEIMER: Your Honor, at this time, I
20 move State's Exhibit 22 into evidence. It has been
21 provided to the Defense previously.

22 THE COURT: Any objection?

23 MR. STORY: No objection to the part of the
24 State exhibit.

25 THE COURT: All right. It's admitted and you

1 may publish it.

2 (State's Exhibit No. 22 admitted into evidence
3 and published for his Honor and the jury.)

4

5 BY MS. OPPENHEIMER:

6 Q. Who are you talking to in that video,
7 Officer Saunders?

8 A. It's going to be Ms. Mynnda Asbill.

9 MS. OPPENHEIMER: No further questions, Your
10 Honor.

11 THE COURT: Any recross?

12 MR. STORY: Briefly.

13 RECROSS-EXAMINATION

14 BY MR. STORY:

15 Q. Officer Saunders, you were at that location
16 over two hours, correct?

17 A. Yes, sir.

18 Q. And so -- and you spoke with Ms. Mynnda Asbill
19 for quite some time when you responded?

20 A. Yes.

21 MR. STORY: Thank you.

22 Brief indulgence.

23 Thank you, Your Honor. That's all the
24 questions I have.

25 THE COURT: All right. Thank you, sir. You

1 may step down.

2 Ladies and gentlemen, that will do it for this
3 day. We will resume at 9:30 tomorrow morning. Have
4 a good evening. Please do not discuss the case.

5 (The jury exits the courtroom at 5:15 PM.)

6 THE COURT: Anything else from the parties?

7 MS. MARTIN: No, Your Honor.

8 MR. STORY: No, Your Honor.

9 THE COURT: Mr. Story, Mr. Holladay, you've
10 submitted a proposed jury charge that says you want
11 me to charge the lesser included offenses of
12 burglary; is that right?

13 MR. STORY: That's correct, Your Honor. And
14 the definition of a dwelling, Your Honor.

15 THE COURT: The defendant would request that
16 the Court instruct the jury on the lesser included
17 offenses of burglary second degree and the bold both
18 subsections of the statute, violent and nonviolent,
19 as well as burglary third degree.

20 So how can I instruct them on the lesser
21 included offense without instructing them on what
22 burglary first degree is?

23 MR. STORY: So that's a good point, Your Honor.
24 I would just ask -- so we'll type up another
25 proposed instruction, Your Honor. I would just ask

1 that you not -- basically instruct that if they do
2 not find that the defendant entered a dwelling
3 without permission, they can determine that -- they
4 will go on to the second part, which will just be
5 entered a building without permission.

6 I'm not asking you to instruct on the
7 enhancement or the aggravating factors at this
8 point. I would leave that to the second part of the
9 trial, if they come back guilty on one of the
10 instructions on the first part.

11 THE COURT: Of course, this is not an
12 instruction you're requesting; it's just a sentence
13 saying because there's a material issue of fact for
14 the jury as to whether or not the building was a
15 dwelling, the defendant would request that the Court
16 instruct the jury on the lesser included offenses of
17 burglary second degree under both subsections of the
18 statute, violent and nonviolent, as well as burglary
19 third degree.

20 What's the State's reaction to that?

21 MS. MARTIN: Our reaction is, Judge, you can't
22 have it all. I mean, there's been, so far, nothing
23 in testimony or evidence that it is not a dwelling.
24 They've asked questions to that that have been
25 answered over and over and over again that someone

1 is living there so. I think it's all or nothing.

2 Burg third certainly wouldn't fit at all
3 because it doesn't have any of the enhancements.
4 You know, there has to be a reason to charge a
5 lesser included; there has to be some evidence
6 tending to show that it could be a possible verdict
7 and, as of right now, there's nothing but it's a
8 dwelling, it's a dwelling, it's dwelling.

9 THE COURT: Well, I'm not assuming that there
10 will not be some testimony that raises it and -- as
11 an issue of an abandoned structure. I'm just
12 dealing with -- you know, someone is charged with
13 burglary first degree, second degree, and the lesser
14 but to exclude telling the jury what --

15 MS. MARTIN: I understand. Yes.

16 THE COURT: -- burglary --

17 MS. MARTIN: First is. Right. Case law --

18 THE COURT: You need to tell them what burglary
19 second degree -- I mean if I get into explaining
20 lesser included offenses, as we typically do, they
21 have to know what burglary third is a lesser
22 included of.

23 MS. MARTIN: Right.

24 THE COURT: So but we're still at the -- I
25 mean, we're still into the State's case. I'm just

1 throwing that out, food for thought, to let y'all
2 ponder it all as we move forward.

3 MS. MARTIN: Yes, sir.

4 THE COURT: But we'll be back at 9:30 --
5 sometime tomorrow morning, even though I'm having
6 them come at 9:30, someone from the State Grand Jury
7 is coming over for a bond hearing and maybe
8 something else. But I don't know what time they're
9 coming, so we'll get started and take a break and
10 deal with them.

11 All righty. Anything else for this day?

12 MS. MARTIN: No, sir.

13 MR. STORY: No, Your Honor.

14 THE COURT: Okay. See y'all tomorrow.

15 MS. MARTIN: Thank you.

16 (The following proceedings were held June 14,
17 2022.)

18 MS. MARTIN: Good morning.

19 THE COURT: Good morning. Anything before the
20 jury comes in?

21 MS. MARTIN: Just, Your Honor, our next witness
22 is Torell Jones, the K-9 handler. And we'll attempt
23 to qualify him as an expert in K-9 handling.

24 THE COURT: Okay.

25 Any issue about that?

1 MR. HOLLADAY: Yes, sir, Your Honor. We would
2 question under 702, testimony by experts, the
3 experience and training of the K-9 team of officer
4 Jones and K-9 examiner.

5 THE COURT: Okay. Y'all ready for the jury?

6 MS. MARTIN: Yes, sir. We can certainly do
7 that in front of the jury.

8 THE COURT: All right. You can bring the jury.

9 (The jury enters the courtroom at 9:38 AM.)

10 THE COURT: All right. Good morning. Welcome
11 back.

12 Ms. Lybrand? All right. I understand you've
13 been selected by the jury as foreperson.

14 THE FOREPERSON: Yes, sir.

15 THE COURT: All right. Well, I'm appointing
16 you foreperson based on the other jurors' request.
17 And as foreperson, it will be your responsibility to
18 be the spokesperson for the jury from this point
19 forward, and also to preside over the jury
20 deliberations during jury deliberations and to
21 complete the jury form representing the unanimous
22 verdict of the jury.

23 THE FOREPERSON: Okay.

24 THE COURT: And you sit in the foreperson's
25 seat, as you are.

1 All right. Day No. 2. Next witness.

2 MS. MARTIN: Thank you, Your Honor. Your
3 Honor, the State calls Torell Jones.

4 TORELL JONES

5 being first duly sworn, testified as follows:

6 THE WITNESS: I do.

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

10 THE WITNESS: My name is Torell Jones. Last
11 name is spelled J-O-N-E-S.

12 DIRECT EXAMINATION

13 BY MS. MARTIN:

14 Q. Deputy Jones, where are you employed?

15 A. I'm employed with the Lexington County
16 Sheriff's Department.

17 Q. And can you tell us when you first became
18 employed there?

19 A. In 2015. So I've been there approximately
20 seven years.

21 Q. Okay. And you're still employed there today?

22 A. Yes, ma'am.

23 Q. And can you tell us what division or -- what
24 division, I guess that's the best word, that you
25 work in at the sheriff's department?

- 1 A. I'm currently with the K-9 unit.
- 2 Q. And would you consider that a specialized area?
- 3 A. Yes, ma'am.
- 4 Q. How long have you been with the K-9 group?
- 5 A. Just going on two years now.
- 6 Q. Okay.
- 7 A. Approximately two years.
- 8 Q. So let's talk about training. How do you
- 9 receive training in order to become a handler of
- 10 K-9s?
- 11 A. When you first get on the team, you get a book
- 12 where they explain everything about working with a
- 13 dog, the dog behavior, characteristics of the dog.
- 14 And I received that manual and I've been in inhouse
- 15 training for two months prior to receiving my first
- 16 dog and got certified with my first dog.
- 17 Q. Okay. And who was your first dog?
- 18 A. K-9 Autumn.
- 19 Q. Okay. And do you remember when you got Autumn?
- 20 A. I got Autumn in December of '20, around that
- 21 timeframe.
- 22 Q. And do you still have Autumn?
- 23 A. I do.
- 24 Q. And do you have any other dogs?
- 25 A. Yes, ma'am.

- 1 Q. Who do you have?
- 2 A. K-9 Xander.
- 3 Q. Can you tell us when you first began training
- 4 with Xander?
- 5 A. I started training with Xander in February '21
- 6 timeframe.
- 7 Q. Of what year?
- 8 A. 2021.
- 9 Q. Okay. And has Xander had training with a
- 10 different handler before you?
- 11 A. Yes, ma'am.
- 12 Q. And who would that be?
- 13 A. Another handler on the team, handler Katie
- 14 Shealy.
- 15 Q. All right. So you have two dogs. Do they live
- 16 with you?
- 17 A. Yes, ma'am, they do.
- 18 Q. Are they with you 24/7?
- 19 A. Yes, ma'am, they are.
- 20 Q. And can you tell me what kind of dog Autumn is?
- 21 A. Autumn is a bloodhound.
- 22 Q. Can you tell me what kind of dog Xander is?
- 23 A. He's a German Shepherd and a Malinois mixed
- 24 together.
- 25 Q. Okay.

1 A. He's a mixed breed.

2 Q. Can you tell us, in general, the breed itself
3 that Xander is? Is there anything unique about that
4 breed?

5 A. One again, he's a mix breed. So the
6 characteristic of German Shepherd are thinkers.
7 It's proven through history that Shepherds are
8 logical thinkers, and they can form, in a
9 law-enforcement-duty aspect, more of a need. The
10 dog has several different drives in a Shepherd,
11 which is a ball drive, which you could get the dog
12 to do pretty much everything we need in law
13 enforcement to actually perform the duties.

14 Also with the Malinois, they are just
15 high-drive dogs. They're physical and just really
16 kind of hard drive to really push to do whatever
17 they want. So you put a thinker of a Shepherd and a
18 hard drive of a Malinois and put them together, you
19 have a good law enforcement dog.

20 And the aspect is, if you think about a wall, a
21 Shepherd will think of how to get around the wall; a
22 the Malinois will just try jump over the wall or
23 pretty much go through the wall. So you put those
24 together and you have a good breed of a law
25 enforcement dog.

1 Q. And is that breed of dog, based on your
2 training and experience, is it used throughout South
3 Carolina as a K-9 dog?

4 A. Yes, ma'am.

5 Q. Is it used throughout our country as K-9 dogs?

6 A. Yes, ma'am.

7 Q. Is it -- is Xander a pet?

8 A. No, ma'am; he's a working dog.

9 Q. Okay. And can you tell us when -- I guess the
10 Sheriff's Department buys these dogs; is that right?

11 A. Yes, ma'am.

12 Q. And are they already trained when you first get
13 the dog?

14 A. The dog will have training on it, and then when
15 the handler goes to the school with the vendor,
16 they'll pretty much finish up the last little bit of
17 training while you're bonding and learning about
18 with that dog. So they do come trained with the
19 vendor, and then you finish up the last little bit
20 of training with the dog.

21 Q. So in your training with Xander, how often do
22 you train with him?

23 A. We train every Tuesday.

24 Q. Okay. Did you train last Tuesday?

25 A. Yes, ma'am, I did.

1 Q. And are you missing it today?

2 A. Yes, ma'am, I am.

3 Q. And is it an all-day training?

4 A. Yes, ma'am. We do a minimum of ten hours a
5 day.

6 Q. Okay. In your training with Xander, have you
7 found him to be reliable?

8 A. Yes, ma'am.

9 Q. Okay. Let's talk about -- you said tracking or
10 working dog. How -- in general, how does a dog
11 track by scent?

12 A. So there's three different things. The dog
13 have a scent picture. If you think of a picture, a
14 dog doesn't -- you can't give a dog a picture and
15 tell them to go find the person. So you have to get
16 a scent picture somehow. The scent pictures, you do
17 human odor. Dead skin cells -- you put off dead
18 skin cells rapidly. So, right now, you're sitting
19 in that spot right now, you're constantly putting
20 off dead skin cells. That was the dog's scent.

21 Everybody has a unique odor. So I can't use
22 your odor to find somebody else because you've got
23 your own separate scent that the dog can detect. So
24 you put the human odor versus the ecological. So
25 ecological, you think about when you're walking in

1 the woods, you're stepping on grass.

2 If you not know, once you step on grass, you
3 pretty much kind of kill that grass, which is
4 putting off a different gas. So when you step on
5 it, it kind of dies a little bit, and then that gas
6 will start forming. The dog can be able to detect
7 that. So now you got human odor and then that
8 chemical, that crushed vegetation is what you can
9 call it, and that's another scent picture.

10 Also, the dog can detect what kind of perfume,
11 what kind of shaving cream, different outside
12 chemicals that you put on your body, and then now
13 that's a third scent picture that the dog can get.
14 So all those three scent pictures together, you give
15 him that scent picture, he knows exactly who he's
16 looking for. So that's how the dog tracks; off of
17 human odors, crushed vegetation, and different
18 outside chemicals.

19 Q. Is that something you've done consistently
20 since February of '21 with Xander?

21 A. Yes, ma'am.

22 Q. Okay. Can you tell us, are you familiar with
23 the South Carolina Police K-9 Association?

24 A. Yes, ma'am.

25 Q. Are you a member?

1 A. Yes, ma'am, I am.

2 Q. And can you tell us where it is and what is
3 purpose is?

4 A. The South Carolina Police K-9 Association is a
5 certified, basically, association through the South
6 Carolina Criminal Justice Academy. It's
7 basically -- it's hosted in Charleston, South
8 Carolina, normally, and it's a week thing -- a week
9 association course. What it is, is you basically go
10 there and you get certified on your dog to say that
11 you are proven to be able to work with this dog
12 through the state of South Carolina. And then that
13 certification consists of obedience, where you have
14 to have control over your dog; tracking, narcotics,
15 building search, and articles.

16 And then throughout that whole week, we get
17 certified on it, and then once you test out, you'll
18 basically be able to work your dog for a year. It's
19 a yearly thing.

20 Q. Okay. And is this training just for you and
21 just for Xander or is -- do both of you have to
22 train together and pass?

23 A. It's both of us together.

24 Q. And did you attend that school in March of
25 2021?

1 A. Yes, ma'am, I did.

2 MR. HOLLADAY: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (State's Exhibit No. 17 admitted into
5 evidence.)

6 BY MS. MARTIN:

7 Q. If I can show you State's 17, do you recognize
8 this certification?

9 A. Yes, ma'am.

10 Q. Okay. And what does it say?

11 A. This is certification certificate that I
12 received at the end of the association in March of
13 2021.

14 Q. Okay. And in what levels of training can you
15 tell us you trained in?

16 A. Basically, on everything that the -- we get
17 certified on our German Shepherds, which is the
18 obedience, narcotics -- and you can see it lists all
19 the narcotics that he's certified in --
20 apprehension, building search, and tracking.

21 Q. Okay. And that date was March 29th of '21?

22 A. Yes, ma'am.

23 Q. Since that time, have you and Xander gone back
24 to the K-9 Police Association?

25 A. Yes, ma'am.

1 Q. And are you certified together for 2022?

2 A. Yes, ma'am, we are.

3 Q. Okay. Let's talk a little bit about the
4 training and the apprehension and tracking. Can you
5 tell us, when you and Xander are doing this for the
6 testing, is it just one track and that's all?

7 A. For the testing?

8 Q. Right.

9 A. Yes, ma'am. Just for the certification. The
10 certification tracking course of it, it's consisted
11 of two turns, two separate changes, in 30-minute set
12 time.

13 Also within that track, they will put in a
14 cross-track, which is -- a cross-track is a
15 different outside odor. To make sure your dog is
16 staying on the first initial odor that he is
17 tracking on, they will put a cross-track in there to
18 see if your dog will take the cross-track. If the
19 dog takes the cross-track, then you failed that part
20 of the tracking certification. So that's what the
21 certification for tracking consists of.

22 Q. And are you tracking on different kinds of
23 terrain?

24 A. Yes, ma'am.

25 Q. Are you track inside a building?

1 A. A dog can follow odor in the building, yes,
2 ma'am.

3 Q. Okay. And tracking outside?

4 A. Yes, ma'am.

5 Q. Tracking on cement?

6 A. Yes, ma'am.

7 Q. And during this training, what are you looking
8 for in Xander?

9 A. Different changes in behavior. So the dog --
10 every dog has their different behavior that they
11 would like to do when they're tracking and they're
12 finding human odor.

13 Xander tracking behavior, he is -- his body
14 will form a half moon shape, his tail becomes erect,
15 and he pulls hard through the harness because he's
16 smelling the odor. He has the urge. As I said, the
17 Malinois has a hard drive. So when he's tracking,
18 he is constantly digging into it and trying to pull
19 through his harness so bad because he wants to get
20 to the end of the source. So his behavior, I
21 learned through the multiple training tracks we do,
22 what his exact behavior is when he's actually on
23 human odor, and that's his tracking behavior.

24 Q. Okay. And since the training of last year with
25 Xander, how many daily interactions with tracking,

1 how many calls do you think you've been on with
2 Xander?

3 A. Multiple. Well over 100 between training and
4 live deployments.

5 Q. All right. When you go to a scene, you're
6 called to come to a scene, how can you determine if
7 the scene has been contaminated in any way?

8 A. I would speak to the responding deputy who is
9 on scene, get as much information from him as
10 possible; whether somebody been in the area, if they
11 run after the person, where did they last stop. And
12 what I'd do is go outside that contamination, and
13 when I present the dog to the only odor that nobody
14 else contaminated, now he has a scent picture of who
15 he's looking for.

16 Q. Okay. And let me direct your attention to
17 April 23rd of '21. Were you called to [REDACTED] Old
18 Charleston Road?

19 A. Yes, ma'am, I was.

20 Q. And did you meet with Officer Saunders?

21 A. I did.

22 Q. And did you talk with him about the tracking
23 and whether the trail had been contaminated?

24 A. Yes, ma'am, I did.

25 Q. And did you have information where the suspect

1 was last known to have been?

2 A. Yes, ma'am.

3 Q. Can you tell us about what time -- well, let me
4 ask you this: Was a decision made to put Xander on
5 the ground?

6 A. Yes, ma'am.

7 Q. Can you tell us what time that decision was
8 made?

9 A. What time?

10 Q. Yes.

11 If you check your CAD, it's probably on there,
12 Officer.

13 A. The time to -- when I put him down was at 4:53.

14 Q. Okay. And can you -- the initial call was at
15 4:17. Does that sound right?

16 A. Yes, ma'am.

17 Q. Your Honor, at this time, I'd offer Officer
18 Jones as an expert in K-9 handling under rule 702
19 and under the conditions of State v. White.

20 THE COURT: What says the Defense?

21 MR. HOLLADAY: I object to the qualification of
22 an expert based on 702, based on experience and
23 training.

24 THE COURT: All right. Would you like to pose
25 any questions to the witness?

1 MR. HOLLADAY: Yes, I would, Your Honor.

2 VOIR DIRE EXAMINATION

3 BY MR. HOLLADAY:

4 Q. Officer Jones, you've testified that to become
5 a K-9 deputy, you have to have additional training,
6 which you have received since your time at Lexington
7 County Sheriff's Department, correct?

8 A. Yes, sir.

9 Q. And, in addition, you testified that the K-9
10 also has to have certain training prior to becoming
11 a K-9 for the sheriff's department?

12 A. Yes, sir.

13 Q. And it takes time for a K-9 to learn a handler;
14 you would agree with that?

15 A. For bonding purposes, yes.

16 Q. And you would also agree it takes time for the
17 handler to learn the K-9?

18 A. Yes, sir.

19 Q. You were first assigned to Xander on 13 March
20 2021; is that correct?

21 A. It was around that timeframe. I don't know the
22 exact date.

23 Q. I'm going to show you your training report
24 dated 3/13/2021. If you could, look at that and
25 refresh your memory.

1 A. Okay.

2 Q. Do you have any K-9 training reports prior to
3 13 March 2021 with Xander?

4 A. I would have to refer back to my training
5 reports.

6 Q. I think you testified that Xander is a black
7 German Shepherd mix?

8 A. Yes, sir.

9 Q. And your certification with South Carolina
10 Police K-9 Association is considered as a K-9 team,
11 both you and Xander together, correct?

12 A. Yes, sir.

13 Q. Prior to your certification, how many training
14 sessions did you have with K-9 Xander?

15 A. I would have -- to get your exact number, I
16 would have to go back to when I was first assigned
17 him and then calculate how many training reports and
18 hours I did prior to us getting certified in March
19 of 2021.

20 Q. Okay. Well, let's do that now then.

21 I think you testified, with K-9 Xander, that
22 you were certified on what date?

23 A. It's March 29, 2021.

24 Q. So 29 March. You were first assigned to
25 Xander, I think you testified, in February. But the

1 first training report was documented by you on --
2 dated 13 March, correct?

3 A. Correct.

4 Q. So from 13 March through your certification on
5 29 March, you have -- are you aware of exactly how
6 many training sessions you had with Xander?

7 A. I do not. Because when I first got assigned to
8 him to get prepared for certification in Charleston,
9 if I remember correctly, I was put on a week
10 training schedule so me and him could bond and get
11 up to the proper speed we'd need to meet the
12 certification. So if I go back to my training
13 records, I would have to count to see how much -- if
14 I did go on that weekly training, how much reports I
15 had done in that meantime.

16 Q. You've testified that you had a training report
17 with Xander on 13 March, correct?

18 A. Yes, sir.

19 Q. I show you now a training report dated 15
20 March. Can you review that for your recollection?

21 A. Yes, sir.

22 Q. That is a training with Xander, correct?

23 A. Yes, sir.

24 Q. I now show you a training report March 16.
25 Will you review that for your recollection?

- 1 A. Yes, sir.
- 2 Q. This training report was with Xander, correct?
- 3 A. Yes, sir.
- 4 Q. I now show you March 17.
- 5 A. Yes, sir.
- 6 Q. And that training session was also with Xander?
- 7 A. Yes, sir.
- 8 Q. I show you a training session dated March 18th.
- 9 A. Yes, sir.
- 10 Q. I show you training session dated March 19th.
- 11 A. Yes, sir.
- 12 Q. Now I show you training session dated March
- 13 22nd.
- 14 A. Yes, sir.
- 15 Q. Now I show you training session dated March
- 16 23rd.
- 17 A. Yes, sir.
- 18 Q. That was also with Xander, correct?
- 19 A. Yes, sir.
- 20 Q. Now I show you March 24th.
- 21 A. Yes, sir.
- 22 Q. Show you March 25th training session.
- 23 A. Yes, sir.
- 24 Q. And that was also with Xander?
- 25 A. Yes, sir.

1 Q. Now, all of those training sessions were prior
2 to your certification with Xander on 29 March,
3 correct?

4 A. Yes, sir, it is.

5 Q. And during your -- so that is a total of ten
6 training sessions you had prior to certification
7 with Xander, correct?

8 A. Yes, sir.

9 Q. So precertification, you had ten training
10 sessions.

11 Now, Xander was trained in a number of things
12 other than just tracking, correct?

13 A. Correct.

14 Q. I think, according to certification, in
15 obedience, correct?

16 A. Yes, sir.

17 Q. He was also certified in narcotics detection
18 where he can detect marijuana, cocaine, heroin, and
19 methamphetamine correct?

20 A. Yes, sir.

21 Q. Also in apprehension?

22 A. Yes, sir.

23 Q. And also building searches?

24 A. Yes, sir.

25 Q. In addition to tracking?

1 A. Yes, sir.

2 Q. Now, out of those ten training sessions you had
3 with Xander prior to certification, how many were
4 dedicated solely to tracking?

5 A. I would have to refer back to my training
6 records.

7 Q. Do you want me to give you the reports so you
8 can count them up?

9 A. Yes, sir.

10 Q. These are the same reports you just reviewed
11 for your recollection?

12 MS. MARTIN: Your Honor, we would have no
13 objection if the Defense would like to admit those
14 training records into evidence.

15 MR. HOLLADAY: I'm just using them for purposes
16 of recollection right now, Your Honor, because those
17 have been marked up by me.

18 A. Six.

19 Q. Is this all of them?

20 A. Uh-huh.

21 Q. Thank you. So out of your pre-certification
22 training sessions with Xander, you -- out of the
23 ten, you only had six that were dedicated solely to
24 tracking, correct?

25 A. Yes, sir.

1 Q. Training was -- certification was given on
2 March 29th. How many training sessions did you have
3 with Xander post-certification prior to 23 April
4 2021?

5 A. I would have to refer back to my --

6 Q. I have that right here. And while you're doing
7 that, go ahead and make a note of how many were
8 dedicated tracking, please.

9 A. So it would be six training associations, and
10 three was tracking.

11 Q. Okay. So six training sessions total, but only
12 three were dedicated to tracking?

13 A. Yes, sir.

14 Q. So, by my math, that's a total of 16 training
15 sessions total; is that correct --

16 A. Yes, sir.

17 Q. -- with Xander, from your first introduction of
18 13 March 2021 up to certification, through
19 post-certification, up to the incident date of the
20 incident 23 April, 2021, correct?

21 A. Yes, sir.

22 Q. And out of those, only nine were dedicated to
23 tracking and training --

24 A. Yes, sir.

25 Q. -- correct?

1 You testified you were also certified with

2 Autumn --

3 A. Yes, sir, I am.

4 Q. -- correct?

5 Are you aware of your training sessions with
6 Autumn?

7 A. As in what standpoint?

8 Q. Like how many training sessions you had with
9 Autumn before 23 April 2021?

10 A. Multiple, but I don't know the exact number.

11 Q. I have what's been turned over in discovery,
12 complete training records on Autumn. And we can go
13 through them one by one. But you testified that --
14 do you know the date that you were certified with
15 Autumn?

16 A. Not the exact date. Are you talking about in
17 March?

18 Q. No. I'm talking about on November 25th, 2020?

19 A. Yes, sir. That's when I first got certified
20 with K-9 Autumn.

21 Q. That's when you became certified with K-9
22 Autumn, correct?

23 A. Yes, sir.

24 Q. We can go through these training reports, would
25 be happy to do that. But would it surprise you that

1 prior to certification with Autumn, you had 26
2 training sessions?

3 A. I don't know the exact number, but I had
4 multiple.

5 Q. Okay. We can review them. And I think you
6 testified that Autumn is a bloodhound, correct?

7 A. Correct.

8 Q. And she is only certified in tracking and
9 training?

10 A. Correct.

11 Q. So every one of your training sessions with
12 Autumn would be solely dedicated to tracking and
13 training, correct?

14 A. Correct.

15 Q. I'm handing you now training records for K-9
16 Autumn that were given to us. Can you look at the
17 first one dated 29 September of 2020?

18 A. Yes, sir.

19 Q. Can you -- is that your first training session
20 with K-9 Autumn?

21 A. Without referring to --

22 Q. You can you look at the second page.

23 A. According to this stack, yes, sir, it would be
24 the first training track.

25 Q. Can you count those training sessions you had

1 with K-9 Autumn precertification in tracking and
2 training?

3 A. So out of these records, there's 26 training
4 sessions, with 42 tracks, total.

5 Q. So 26 tracking-and-training sessions. And some
6 of those sessions, I assume, would be multiple
7 tracks to reach the number of 42, correct?

8 A. Correct. And that should be the same as
9 Xander, but we didn't count those. But for those
10 records we're talking about now for Autumn, it's 26
11 tracks with 42 -- 26 sessions, but 42 tracks.

12 Q. And post-certification with K-9 Autumn, are you
13 aware of the number of training sessions you had
14 between post-certification of 25 March 2020 and 23
15 April of 2021?

16 A. I would have to refer back to my training
17 records.

18 According to the training records, it's 22
19 training sessions with 37 tracks.

20 Q. Now, you testified earlier that -- let me grab
21 these from you. You testified earlier that you had
22 both -- at some point in time, you had both Autumn
23 and Xander at the same time, correct?

24 A. Yes.

25 Q. I'm going to hand you now a series of training

1 reports. Prior to -- well, from March 16th to April
2 13th, if you could, review those for your
3 recollection. If you could focus on whether or not
4 some of those were days that you trained both Xander
5 and Autumn, but in separate locations and separate
6 times.

7 A. Are you wanting training sessions and tracks on
8 these as well?

9 Q. Yes.

10 A. It would be nine training sessions with nine
11 tracks.

12 Q. So there were nine days where you had training
13 sessions with both Xander and Autumn?

14 A. Yes.

15 Q. So I'm not a mathematician. Let's try to add
16 these numbers up. So with K-9 with Autumn, prior to
17 certification, you had 26 training sessions, 42
18 tracks; with K-9 Xander, prior to certification, you
19 had ten training sessions, but only six dedicated to
20 tracking and training, correct?

21 A. We didn't count those. So those days could
22 have marked as tracks we did. We didn't add those
23 up.

24 Q. I mean, you did. You looked at your report for
25 Xander. That was your training report for K-9

- 1 Xander, correct?
- 2 A. To say that tracking was done that day, but not
3 how many times we did it.
- 4 Q. Do you want to review those again?
- 5 A. Yes, sir.
- 6 Q. And I'll hand you training records from Xander,
7 which you have already reviewed. And I think you
8 separated them in tracks and non-tracks?
- 9 A. It lists that there were eight training
10 sessions with nine tracks.
- 11 Q. Those were the days that you trained both,
12 correct, what I just showed you?
- 13 A. Yes, sir.
- 14 Q. So both was how many?
- 15 A. Eight with nine tracks.
- 16 Q. So by contrast, you had 26 pre-certification
17 trainings with Autumn, 22 post-certifications, and
18 nine where both of you were together, for a total of
19 82 and tracking was 88. Is that accurate?
- 20 A. Yes, sir.
- 21 Q. And with Xander, those numbers don't nearly
22 match up because you were -- prior to 23 April, you
23 only had Xander from 13 March to 23 April, which is
24 a little over a month, correct?
- 25 A. Yes, sir.

1 Q. So you only had 9 training sessions with Xander
2 prior to 13 April?

3 A. Yes, sir.

4 Q. Now, during your training with Xander, did you
5 have issues with him?

6 A. Yes, sir.

7 Q. What is a command to recall?

8 A. It's when you send K-9 Xander -- well for me,
9 sending K-9 Xander for a -- to apprehend the decoy,
10 and I have to verbally call him back without him
11 engaging to the decoy.

12 Q. Okay. When you give Xander command to recall,
13 what behavior is expected from him?

14 A. For him to come back to me.

15 Q. What is a command to apprehend?

16 A. It's basically when the dog basically
17 physically bite the decoy.

18 Q. When you give the command to Xander, command to
19 apprehend, what behavior is expected from Xander?

20 A. To apprehend the decoy.

21 Q. And how does he do so?

22 A. By biting the decoy.

23 Q. What is a re-bite?

24 A. It's when he comes off the bite and reengage
25 again.

1 Q. Is he supposed to do that?

2 A. No, sir.

3 Q. What is meant by re-bite prior to recall?

4 A. It's basically when I send him forward to
5 apprehend, he bites and comes off and then bites
6 again.

7 Q. Is she supposed to do that?

8 A. No, sir.

9 Q. What is a choke chain?

10 A. It's basically like a -- almost a repeated wire
11 in a circle standpoint which we got around which you
12 can use that to assist with removing the dog off the
13 decoy.

14 Q. What is meant by bent decoy came off?

15 A. He basically engaged in the decoy and then came
16 off the bite.

17 Q. And what is meant by stayed on bite until taken
18 off?

19 A. Basically, he's on the decoy until I physically
20 remove him off of the decoy.

21 Q. Did you have all of those types of issues with
22 Xander from 13 March 2021 when you first started
23 training with him to 23 April of 2021?

24 A. If I can refer to the training records.

25 THE COURT: Ladies and gentlemen, I'm going to

1 have you go to the jury room for a break at this
2 time. Please do not discuss the case.

3 (The jury exits the courtroom at 10:33 AM.)

4 THE COURT: Did you have records you want him
5 to look at for a while?

6 MR. HOLLADAY: Yes, sir.

7 THE COURT: All right. Then we can prepare to
8 do the guilty plea and also to speak with Ms. Self.
9 So we'll take a break.

10 Do not discuss your testimony during the break.
11 And look at those records during this time as well.

12 MS. MARTIN: Your Honor, could I ask that if
13 there are other records that need to be tallied,
14 that we do that also during this break?

15 THE COURT: How many stacks are there?

16 MR. HOLLADAY: This would be the last one, Your
17 Honor.

18 MS. MARTIN: Okay.

19 (Pause in the proceedings 10:34 AM - 11:33 AM.)

20 (The jury enters the courtroom at 11:34 AM.)

21 THE COURT: All right. Welcome back. Madam
22 Forelady, how is the jury doing?

23 THE FOREPERSON: We're good.

24 THE COURT: Well, good.

25 You may proceed.

1 MR. HOLLADAY: Thank you, Your Honor.

2 CONTINUED VOIR DIRE EXAMINATION

3 BY MR. STORY:

4 Q. Officer Jones, we were speaking before the
5 break regarding some training issues you had with
6 K-9 Xander. You've had an opportunity to look at
7 some records specifically related to that issues?

8 A. Yes, sir.

9 Q. If you could refer to my copy of your training
10 session of 15 March 2021, during the
11 obedience/heeling portion of that training session,
12 could you read what your assessment was?

13 A. You did say March 15th, correct?

14 Q. Yes, sir.

15 A. And what part of the training are you referring
16 to?

17 Q. Obedience training.

18 Does it not say command to operate -- command
19 to apprehend, re-bite prior to recall --

20 A. Yes, sir.

21 Q. -- in two of the three sessions you conducted
22 under obedience training?

23 A. Yes, sir.

24 Q. If you could look at on-leash apprehension
25 training on 15 March, does it not say command to

1 apprehend re-bite prior to recall again, two out of
2 the three sessions?

3 A. Are you talking about the same incident?

4 Q. It's under on-leash apprehension. Same date,
5 15 March.

6 MS. MARTIN: Your Honor, I would object. I
7 think we're going a little far afield. These are
8 not training records prepared by the officer.

9 THE COURT: From the Defense?

10 MR. HOLLADAY: Your Honor, if I may, these are
11 the training session records that were provided by
12 the Solicitor's Office as it relates to the training
13 of the K-9 team of Officer Jones and K-9 Xander.

14 THE COURT: What do you want him to do or say
15 about it?

16 MR. HOLLADAY: Well, we're trying to establish
17 the reliability issues.

18 THE COURT: Yeah. I missed the question. What
19 was the question that you asked him?

20 MR. HOLLADAY: The questions was, regarding his
21 training session on 15 March, was -- there were
22 two -- actually, four occasions where he noted in
23 his report command to apprehend, Xander re-bit prior
24 to recall.

25 THE COURT: All right. And the question is

1 what, is that true?

2 MR. HOLLADAY: Is that -- is that true?

3 BY MR. HOLLADAY:

4 Q. If you could refer to session 19 March.

5 A. Yes, sir.

6 Q. Under the off-leash apprehension, does it not
7 say re-bite after giving him several commands to
8 recall?

9 A. On March 19, 2021?

10 Q. Yes, sir.

11 A. That is not in this stack.

12 THE COURT: I couldn't hear. What did you say?

13 THE WITNESS: The training record he's
14 referring to is not the one I'm looking at.

15 Yes, sir. It's not in this stack.

16 BY MR. HOLLADAY:

17 Q. It's not in that stack? Do you mind letting me
18 look real quick?

19 A. Yes, sir.

20 Q. I mean at the whole stack.

21 A. On March 19, it was only tracking.

22 Q. Could you refer to training session 24 March.
23 Under handler protection, does it not say re-bite on
24 first session after taking him off by his choke
25 chain?

1 A. Yes, sir.

2 Q. If you could look on 29 March, and I think
3 you've noted that is the day of certification where
4 you and Xander, as a team, were certified by the
5 South Carolina Police K-9 Association.

6 A. Yes, sir.

7 Q. During the first recall session, can you read
8 what it says?

9 A. K-9 Xander completed the recall unsuccessfully.
10 He was given the command to apprehend and did not
11 recall once the recall was given. K-9 Xander made
12 contact with the decoy.

13 Q. Did it not say he bit the suit?

14 A. And bit the suit.

15 MR. HOLLADAY: Your Honor, there are four other
16 sessions. I can go through them one by one, but --

17 THE COURT: That shows what, that the dog made
18 a mistake or --

19 MR. HOLLADAY: Yes, sir, unreliability.

20 THE WITNESS: But there's correction after each
21 liability where it shows any correction made to --
22 in here, that made sure the dog understands the job
23 and what we're asking him to do.

24 MR. HOLLADAY: Your Honor, at this time, I
25 would renew my motion that the K-9 team of Officer

1 Jones and Xander does not qualify under rule 702,
2 based on experience and training as a team.
3 Compared to K-9 Autumn, K-9 Xander only had nine
4 tracking-and-training sessions prior to 23 April.
5 Compare that to Autumn, 88 training sessions.

6 Also, under State v. White, as it relates to
7 experience, in that case, Officer Gunter and K-9
8 Aura had been partners over seven years and had over
9 750 tracks together. I would move that the team of
10 K-9 Xander and Officer Jones should not be qualified
11 as an expert.

12 THE COURT: Ms. Martin?

13 MS. MARTIN: Thank you, Your Honor.

14 Your Honor, I have some redirect as far as
15 this --

16 THE COURT: Yes.

17 MS. MARTIN: Okay. Thank you. Five questions.

18 VOIR DIRE EXAMINATION

19 BY MS. MARTIN:

20 Q. Officer Jones, can you tell us how many hours
21 of training is within a session?

22 A. As in tracking, obedience --

23 Q. If you have a session, how many hours is that
24 session?

25 A. Minimum, ten hours.

1 Q. Minimum of ten hours.

2 Can you tell us the number of tracks are within
3 each session? Is there any way to go back and count
4 that over the last two years?

5 A. There's no way to count that.

6 Q. Okay. Any errors Xander may have made the week
7 of certification, were they corrected?

8 A. They were corrected.

9 Q. And would they have had to have been corrected
10 for you to receive the certification of you and
11 Xander?

12 A. That is correct.

13 Q. And you were certified before this burglary,
14 correct?

15 A. That's correct.

16 Q. And you were certified since this burglary,
17 correct?

18 A. That's correct.

19 Q. And you're certified since this burglary,
20 correct?

21 A. That's correct.

22 Q. And you're certified as a handler with Autumn
23 and with Xander?

24 A. That's correct.

25 Q. Nothing else on redirect, Your Honor.

1 THE COURT: Any further recross.

2 MR. HOLLADAY: Yes, Your Honor.

3

4

5

VOIR DIRE EXAMINATION

6

BY MR. STORY:

7

Q. Prior to 23 April 2021, you'd only worked with
8 K-9 Xander for a total of 41 days, correct?

9

A. Approximately.

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MR. HOLLADAY: Your Honor, I again renew my
motion of lack of experience in training, not as it
relates to dog tracking introduction to the Court;
specifically as it relates to the K-9 training team
of Officer Jones and K-9 Xander. I am not
questioning their certification under the South
Carolina Police K-9 Association. I'm specifically
saying, under reliability in this court, they're
not -- don't have the experience and training as a
K-9 team to qualify as an expert before Your Honor.

20

THE COURT: Any response by the State?

21

MS. MARTIN: Yes, Your Honor. Thank you.

22

23

24

25

Your Honor, I believe that, actually, you have
more evidence to consider than you did half an hour
ago. I think we've gone into more hours of training
and how much training this officer has had, not only

1 officer and the dog met the standards of
2 certification by the South Carolina Police K-9
3 Association. The period of time that they worked
4 together is not great in compare to some of the
5 other cases, specifically State v. White. But as
6 the Court indicated in Prather and other cases,
7 there's no one-size-fits-all approach.

8 Based on the testimony given to this point, I
9 find that the officer and K-9, their testimony is
10 sufficiently reliable to meet the tests set forth in
11 State v. White. And I admit this witness as an
12 expert in the field of dog handling.

13 MS. MARTIN: Thank you, Your Honor.

14 THE COURT: You may proceed.

15 CONTINUED DIRECT EXAMINATION

16 BY MS. MARTIN:

17 Q. All right, Deputy Jones. Let's direct your
18 attention straight back to April 23rd of 2021. Did
19 you have an occasion to go to [REDACTED] Charleston
20 Highway?

21 A. Yes, ma'am, I did.

22 Q. Can you tell us what time you received the call
23 to go?

24 THE COURT: Before you proceed, I want to
25 just --

1 MS. MARTIN: I'm sorry.

2 THE COURT: -- mention as an additional
3 sustaining grounds for admissibility; not solely
4 that, but as presented in this case, there is no
5 dispute by the Defense that the defendant was at the
6 location in question and also that the defendant was
7 at the scene of the arrest by the law enforcement.
8 That was acknowledged by counsel during opening
9 statements.

10 MS. MARTIN: Yes, Your Honor.

11 BY MS. MARTIN:

12 Q. When you went there, did you have a time that
13 you went to the house?

14 A. I received the request for K-9 services at
15 16 -- or 4:25 p.m.

16 Q. And what were the weather conditions that day?

17 A. It was pretty sunny, approximately 70 degrees,
18 and humidity at 25 percent.

19 Q. And what were you asked to do?

20 A. To locate the burglary suspect.

21 Q. Okay. Did you have both of your dogs with you
22 that day?

23 A. Yes, ma'am, I did.

24 Q. And can you tell the jury how you decide which
25 one to use?

1 A. I usually base it off the Graham vs. Connor.
2 And with the severity of the crime, I decided to use
3 K-9 Xander.

4 Q. Okay. And is Autumn trained -- is Autumn a
5 bite dog, as we would call them?

6 A. No, ma'am, she's not.

7 Q. So the level of the crime determined you
8 picking Xander?

9 A. Correct. Yes, ma'am.

10 Q. And can you tell us, when you put Xander on the
11 ground, are you alone working this dog or do you
12 have assistance?

13 A. I have assistance.

14 Q. And who was with you that day?

15 A. Hannah Shealy.

16 Q. And what is her role?

17 A. She's a -- my backup assistant officer; pretty
18 much do all the radio communication and help
19 navigate where I -- if we miss a turn or something
20 like that, she's pretty much my navigator.

21 Q. Okay. Are you using a cell phone for mapping
22 of the area?

23 A. Yes, ma'am.

24 Q. And is Xander on a harness?

25 A. Yes, ma'am.

1 Q. Can you tell the length of the harness?

2 A. He has a harness on his actual person, and we
3 have a lead which is a 50-foot lead.

4 Q. Okay. Can you tell us where you started the
5 tracking?

6 A. I started near the residence where the incident
7 location was at, [REDACTED] Old Charleston.

8 Q. If you could use what's been marked as State's
9 Exhibit 10, could you use the pointer and show us
10 the tracking route you went to, please?

11 A. Yes, ma'am. May I step down?

12 Q. Yes.

13 A. So you want the actual route of the first
14 track?

15 Q. Yes, please.

16 A. The first track, we started at [REDACTED] which is
17 the actual incident location. We came from the rear
18 of the residence where he was last known to be. As
19 we came out the rear of the residence, we came down
20 the power line, which is this little cut-through
21 right here. We got to this open area, and K-9
22 Xander then made a left turn.

23 We went o -- we crossed over Platt Springs
24 Road, Old Charleston, and back to Windy Wood. He
25 was checking those areas. I didn't see any

1 consistent tracking behavior, which would be known
2 through his training tracks. At that time, I
3 brought him back down Windy Wood.

4 As we come back down Windy Wood, he then
5 started showing consistent tracking behavior near
6 this wood line.

7 Q. Okay. Let me interrupt you. While you were
8 tracking in that area, can you tell us if you came
9 across anyone that could have been a potential
10 suspect?

11 A. Yes, ma'am.

12 Q. Had you been informed by law enforcement and
13 also through different -- the CAD, through dispatch,
14 did you have a description of the suspect?

15 A. Yes, ma'am, I did.

16 Q. Did you have sex and race?

17 A. Yes, ma'am, I did.

18 Q. Did you have a clothing description?

19 A. Yes, ma'am, I did.

20 Q. And so when you're on this first track near
21 Windy Wood, did you see someone that could have been
22 a suspect?

23 A. Yes, ma'am, I did.

24 Q. And based on that, what did you do?

25 A. We pretty much interviewed the person and

1 assessed him, and he was not -- did not fit the
2 description of what i received when i first started
3 tracking.

4 Q. Okay. And do you remember why that person
5 didn't match the description?

6 A. He was much younger than the description that I
7 was given.

8 Q. All right. So then where did your track lead
9 you?

10 A. Okay. We ended up back to this wood line.
11 Once we got to this wood line, he started showing
12 consistent tracking behavior. As we worked through
13 the woods, we came up to this camp area where
14 there's a lot of camp houses and houses -- well,
15 it's trailers. And after we got to this location,
16 we got to [REDACTED] Caulks Ferry, and then we crossed
17 over the road.

18 Q. All right. Let's talk about the Caulks Ferry
19 address. Did you have occasion to meet anyone in
20 the public there that potentially matched the
21 suspect's description?

22 A. Yes, ma'am, I did.

23 Q. And if I can show you State's 4, is this the
24 man that you encountered at the campground?

25 A. Yes, ma'am, it is.

1 Q. And, can you tell us, what was this man's
2 demeanor?

3 A. It was very calm and relaxed.

4 Q. Did he cooperate with you?

5 A. He did.

6 Q. Do you recall if y'all sent that photograph to
7 Saunders who was with the victim?

8 A. Correct.

9 Q. And was this suspect released -- well, he was
10 never really detained, was he?

11 A. Right. We were just interviewing him.

12 Q. Okay. When you were at campground, what, if
13 anything, did you learn about the significance of
14 that location?

15 A. Prior to and upon further investigation, the
16 defendant in question that we was looking for lives
17 in the trailer park that Xander actually went to.

18 Q. Okay. Did there come a time that you decided
19 to stop the tracking?

20 A. Yes, ma'am, I did.

21 Q. Can you tell us where you were when that was
22 determined?

23 A. It was just on the side of this road here.
24 What I did was use this road as a boundary to push
25 K-9 Xander along this to see if he'd show me any

1 consistent tracking behavior down this road and this
2 wood line or around this back side, which he did not
3 show me any further tracking behaviors but through
4 this campground.

5 Q. Okay. And did there come a time that that
6 decision to not track any longer changed?

7 A. Yes, ma'am.

8 Q. Can you tell us what information led you to
9 make that decision?

10 A. Are you talking about in ending it?

11 Q. Yes.

12 A. Pretty much, there was no more consistent
13 tracking behaviors. At this point, we would just
14 call the track and notify the responding deputy,
15 which was Deputy Saunders.

16 Q. Okay. My apologies. I didn't phrase that
17 question very well. Did there come a time you put
18 Xander back on the ground?

19 A. Yes, ma'am, I did.

20 Q. Can you tell us what time that was and where
21 you began?

22 A. It was shortly after we got back to the
23 incident location. I got to go back to the notes
24 for the actual timeframe.

25 Q. Okay.

1 A. But once we got back to this location, the
2 witness said that they saw the same individual that
3 was -- was supposedly had broken into the property,
4 came and notified us that the suspect ran right back
5 through the woods at this incident location, which
6 is close to the house.

7 At that point, I redeploy K-9 Xander and went
8 through this wood line, which he immediately starts
9 showing consistent tracking behavior. At that
10 point, we made it back close to the residence, came
11 down to this power line; as the same as the first id
12 come -- he track, he walked the wood line back to
13 Windy Wood.

14 As he went to Windy Wood, he turned right onto
15 Windy Wood and then checked down this driveway. As
16 he checked down the driveway, he takes back off and
17 then he came into this wood line. At this point, he
18 started to increase his tracking behavior, which
19 that means he's getting close to the source.

20 As we're getting further down the power line,
21 he took a right turn, crossed over this driveway,
22 and then we tracked up to this residence right here,
23 which is 820 Windy Wood. As we got to 820 Windy
24 Wood, we made contact with a witness that said that
25 they witnessed a white male that just ran in front

1 of their yard this way.

2 At this point, K-9 Xander continued to track
3 around the residence and through this wood line --
4 well, actually, he cut -- tracked this way, sorry.
5 He tracked from the residence down to this open
6 area. I'm sorry. So he did track from this side
7 through the woods.

8 Once we came out through the woods, we came to
9 residence 4, which is [REDACTED] Caulks Ferry. As we got
10 to this opening of this residence, this yard space,
11 he turned right.

12 At this point, he started to really increase
13 his speed, which, at that point, I looked up and I
14 was able to see the defendant running across Caulks
15 Ferry. At that point, we crossed Caulks Ferry and
16 apprehended the defendant in this wood line over
17 this way.

18 Q. Okay. All right. You can have a seat.

19 Looking at the State's Exhibit there between
20 location 1, 2, 3, and 4, it looks like it's pretty
21 big. But can you tell us about how much area we're
22 talking about? How much property is on the map
23 there?

24 A. It's a pretty extensive property, but we -- the
25 total in tracking, we did roughly around a mile.

1 Q. So when you're tracking, do you wear body-worn
2 cameras?

3 A. Yes, ma'am, we do.

4 Q. And in trial preparation, have you reviewed
5 your body-worn camera?

6 A. Yes, ma'am.

7 Q. If I can show you what's been marked -- if I
8 can show you what's been marked State's 18, do you
9 recognize this disk?

10 A. Yes, ma'am.

11 Q. And did you review it this morning?

12 A. Yes, ma'am.

13 Q. Can you tell us what it contains?

14 A. The track on locating the defendant.

15 Q. Okay. This would be the second track?

16 A. Yes, ma'am.

17 MS. MARTIN: Your Honor, I'd move this State's
18 18 into evidence.

19 MR. HOLLADAY: No objection.

20 THE COURT: It's admitted.

21 (State's Exhibit No. 18 admitted into evidence
22 and published for his Honor and the jury.)

23 BY MS. MARTIN:

24 Q. Okay. If we can talk about three small areas
25 on that body cam and slow it down just a teeny bit

1 so you can tell us what you're seeing and what
2 you're observing in Xander.

3 (Video resumed.)

4 Q. What are you observing by his behavior there?

5 A. This is where he's starting to increase his
6 speed because he's getting closer to the odor
7 source. When he tracks and he gets close, he start
8 to pull a little faster, his tail will start to wag,
9 and his body parts will start shaking a little bit
10 because that means he's getting closer and he's
11 pretty much getting faster and faster and faster.

12 Q. And can you tell also by the tightness of the
13 leash?

14 A. The tightness of the line. So, like I said,
15 when he's on odor, he's a high-drive, aggressive,
16 pulling dog. When you see the line is very tight
17 and stiff, that means he's on odor, he's on source,
18 and he's trying to get to it as fast as he can.

19 Q. And y'all are running; is that right?

20 A. Yes, ma'am, we are.

21 (Video resumed.)

22 BY MS. MARTIN:

23 Q. Okay. What are we seeing here as this is being
24 slowed down? What is Xander's behavior here?

25 A. He's pretty much showing attention to the man

1 on the porch there, just because there's an outside
2 source sitting right there.

3 Q. Did you consider that person could have been
4 the suspect?

5 A. No, ma'am.

6 Q. Why is that?

7 A. It didn't match the description from what I was
8 told.

9 Q. Okay. The clothing and the -- okay.
10 Did Xander get back on the track?

11 A. Yes, ma'am, because he knows that's not the
12 odor he was originally looking for.

13 Q. And do we see that on your camera there?

14 A. Yes, ma'am.

15 Q. We'll move to the end.

16 (Video resumed.)

17 Q. Are you approaching Caulks Ferry here?

18 A. Yes, ma'am.

19 Q. Okay. Thank you.

20 What, if anything -- do you have your pointer?

21 Okay. What, if anything, is in this still shot?

22 A. It's kind of hard to tell. But if you can look
23 right here beyond this tree, there's a white male
24 running across the road, what I initially saw when
25 Xander basically in proximity. So he's seeing the

1 actual source that he's looking for running across
2 the road.

3 Q. Okay. And what commands did you give, if any?

4 A. Once I got closer to the road to make sure
5 there's no other cars coming, I give him the command
6 to apprehend.

7 Q. Okay. And did you give any commands to the man
8 who was running?

9 A. To stop. I gave him the command twice.

10 Q. Okay. And do you tell him you have a K-9?

11 A. Yes.

12 Q. And what is the command you give Xander to
13 apprehend?

14 A. Stellar.

15 Q. Okay.

16 (Video resumed.)

17 MS. MARTIN: Your Honor, if I can admit 19 and
18 20, I believe, without objection.

19 THE COURT: Is that correct?

20 MR. HOLLADAY: No objection, Your Honor.

21 THE COURT: They're admitted.

22 (State's Exhibit Nos. 19 and 20 admitted into
23 evidence.)

24 BY MS. MARTIN:

25 Q. Can you tell us what State's 20 is -- 19, I'm

1 sorry.

2 A. This is the picture when we made contact with
3 the defendant in the other part of the wood line
4 going across Caulks Ferry.

5 Q. And can you tell us what's in his hand?

6 A. A black shirt.

7 Q. If I can show you what's been admitted as
8 State's 20, can you tell us what is this a
9 photograph of?

10 A. This is a red bandanna that was found on his
11 person.

12 Q. Okay. After this man was in custody, did other
13 law enforcement officers arrive to help you?

14 A. Yes, ma'am.

15 Q. Okay. And then did you go back just to Caulks
16 Ferry Road?

17 A. Yes, ma'am. From where we made contact with
18 him, we just walked right back to Caulks Ferry.

19 Q. And is the man you saw and you chased back on
20 April 23rd of 2021, is that the man you caught in
21 the woods with Xander's help?

22 A. Yes, ma'am.

23 Q. And is that man present in court today?

24 A. Yes, ma'am.

25 Q. And can you tell us where he is and what he's

1 wearing?

2 A. He's sitting on the bench there in the gray
3 jacket.

4 Q. Okay.

5 MS. MARTIN: Beg the Court's indulgence.

6 Please answer any questions Mr. Holladay has.

7 MR. HOLLADAY: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. STORY:

10 Q. Officer Jones, your call sign is L-427, isn't
11 it?

12 A. Yes, sir.

13 Q. And who is L-424?

14 A. That's Hannah Shealy.

15 Q. Officer Shealy?

16 A. Yes, sir.

17 Q. And she is your partner, I think you referred
18 to, correct?

19 A. Yes, sir.

20 Q. Do y'all ride together?

21 A. We ride in separate cars.

22 Q. You ride in separate cars.

23 According to the CAD report, you arrived on
24 scene at 14 -- 16:47:25, correct?

25 A. 1645, is that what you said?

1 Q. Yes.

2 A. Yes, sir.

3 Q. I'll show you what's marked as State's
4 Exhibit No. 9 so you can refer to that. I think you
5 testified that officer Shealy runs with you when
6 your dog is tracking, correct?

7 A. There's three handlers on a team, so she was
8 the one that was running with me that day. But
9 that's not -- well, she's not running with me all
10 the time, is what I'm getting at. It could be
11 another handler.

12 Q. Okay. But on 23 April, she was with you that
13 day?

14 A. Yes, sir.

15 Q. And you testified she handles -- on the
16 occasions she runs with you and on 23 April 2021,
17 she handles all the radio traffic communications
18 because you're focused on handling the dog, correct?

19 A. Yes, sir.

20 Q. And any information that she relays, it's based
21 on communication between you and Officer Shealy?

22 A. Yes, sir.

23 Q. And any information that she receives back, she
24 shares that information with you, correct?

25 A. Yes.

- 1 Q. Now, I'll refer to you to the CAD report.
2 Officer Shealy arrived at 1647, correct?
- 3 A. Yes, sir.
- 4 Q. And you put Xander on the ground at 1653,
5 correct?
- 6 A. Yes, sir.
- 7 Q. And that was six minutes after you arrived for
8 his first track?
- 9 A. Yes, sir.
- 10 Q. And it was called in by Officer Shealy?
- 11 A. Not the call -- oh, on the radio call?
- 12 Q. I apologize. On the radio call, yes. She
13 called in K-9 on the ground?
- 14 A. Yes, sir.
- 15 Q. During the first track, you noticed or you
16 testified that K-9 Xander came down and went this
17 way, correct?
- 18 A. Yes, sir.
- 19 Q. And you ran across two suspects during that
20 first track?
- 21 A. Two civilians.
- 22 Q. Two civilians -- or two potential individuals,
23 correct?
- 24 A. Yes, sir.
- 25 Q. The first one, according to the CAD report, you

1 encountered at the 1710 mark, correct?

2 A. Between 1710 and 1711.

3 Q. Okay. And Officer Shealy called that in.

4 That's 17 minutes later after you'd been on the

5 ground with Xander, correct?

6 A. Yes, sir.

7 Q. If you could note that when you ran across the

8 first suspect, the traffic between Officer Shealy

9 what did she radio call in?

10 A. Are you referring to did the guy have any

11 tattoos?

12 Q. Yes.

13 A. Yes, sir.

14 Q. And was there a response to her question by

15 L-523?

16 A. Yes, sir.

17 Q. What was the response?

18 A. Witness is unsure about tats.

19 Q. Did that first individual you encountered 17

20 minutes after Xander was on the ground, did that

21 individual have tattoos?

22 A. I can't remember without looking through the

23 body cam.

24 Q. Let's refer to the second individual that you

25 encountered. I think you said that the first

1 individual is over this way, then you backtracked
2 and ended up over here in this area in that first
3 track. Correct?

4 A. Yes, sir.

5 Q. And I think you also -- this is where you
6 encountered Michael Rish?

7 A. Yes, sir.

8 Q. And you encountered him at the 1735 mark,
9 according to the CAD report, right?

10 A. Yes, sir.

11 Q. And you and Officer Shealy chatted with
12 Mr. Rish for a few minutes, correct?

13 A. Yes, sir.

14 Q. And Officer Shealy ended up taking a photograph
15 of Mr. Rish, correct? She took this photograph?

16 A. Yes, sir.

17 Q. I don't know how to operate this. Let's see if
18 I can figure it out.

19 Okay. So where Mr. Rish is standing, back to
20 the right of where he's standing where is not in the
21 picture, did you recall coming around and passing a
22 white fence, just before you encountered Mr. Rish?

23 A. Yes, sir. It was a fence over there yes, sir.

24 Q. And as you approached that fence, before you
25 talked to Mr. Rish, what was on your immediate left?

1 Do you recall?

2 A. I don't recall.

3 Q. Would you be surprised to learn that you walked
4 right past the trailer that Ron lives in?

5 A. Yes, sir. Well, as I mentioned earlier in my
6 testimony, upon my investigation, that's the --
7 originally where Xander tracked at.

8 Q. Okay. So you walked right by that trailer and
9 then encountered Mr. Rish?

10 A. Yes, sir.

11 Q. And you interacted, based on radio traffic,
12 photograph being taken, you interacted with Mr. Rish
13 for roughly ten to 12 minutes?

14 A. Roughly.

15 Q. I mean, you can look at the CAD report if you
16 need to verify.

17 A. It was around that.

18 Q. But not long after that encounter, you ended
19 the first track of Xander?

20 A. Yes, sir.

21 Q. And what did you do with Xander at that time?

22 A. At that point, we made our way back to our
23 truck and I put him back in the vehicle.

24 Q. During your track, the first track, how many
25 roads did you and Xander cross? You can look at the

1 map. You said you crossed Platt Springs; you
2 crossed over to Old Charleston or near, then you got
3 to somewhere in this intersection with Windy Wood.
4 And then you went back and ended up over here near
5 Caulks Ferry.

6 A. Yes, sir.

7 Q. How many houses did you run across during that
8 first track? Or residences?

9 A. Maybe five or so.

10 Q. Multiple residences. And each one of those
11 residences had yards, correct?

12 A. Yes, sir.

13 Q. You testified earlier to a contaminating odor.
14 What is that?

15 A. Pretty much any outside odor outside than the
16 subject that he originally is tracking.

17 Q. And as the handler, you can influence the dog
18 that you're handling during a track, correct?

19 A. Influence it how?

20 Q. Well, the video we just showed, you approached
21 the gray house. And you said "here, here" multiple
22 times. That's an influence to Xander to redirect,
23 correct?

24 A. Yes, sir.

25 Q. And during your first track how many times did

1 you redirect Xander?

2 A. On that corner right there, three times. But
3 at that point, he is running outside of the frame of
4 him and that odor which, at that point, we were just
5 checking to see if the track continued that way,
6 which is why we came back down Windy Wood.

7 Q. Bottom line, that first track, which lasted
8 approximately 55 minutes, was unsuccessful, right?

9 A. Yes, sir.

10 Q. Let's look at the CAD report, what time did you
11 start the second track. I think it was 1803,
12 according to the CAD. It was called in by Officer
13 Shealy at 1803 and she says K-9 on the ground.

14 A. Yes, sir, 1803.

15 Q. And during that track, you tracked over some of
16 the same ground that you and Xander had tracked
17 before, correct?

18 A. Yes, sir.

19 Q. As a matter of fact, I think you said that you,
20 during that second track, entered somewhere around
21 here on this lane to --

22 A. That is the driveway that leads to that
23 residence. And we started further down the
24 driveway, closer to Old Charleston.

25 Q. So as my finger moves, tell me an approximation

1 of where you started second track?

2 A. Somewhere in there.

3 Q. About halfway down the lane?

4 A. Yes, sir.

5 Q. Xander then went through these woods, didn't
6 he?

7 A. Yes, sir.

8 Q. And he entered this clearing?

9 A. I don't think we ever made it to that clearing.
10 I don't think we ever made it to that clearing
11 before making a right turn. I'm not sure.

12 Q. Well, if your body-worn camera shows that you
13 would be in there --

14 A. I mean, he very well could. I just don't
15 recall us going that far. We probably could have.

16 Q. And how long did it take before -- well, let me
17 phrase it this way: It took about two minutes and
18 40 seconds for Xander to be in this area before you
19 started tracking back from the residence, right?

20 A. Approximately.

21 Q. And you had to redirect Xander during that
22 time?

23 A. Only because the witness told us that he was
24 running back through the woods. And he initially
25 was going -- the way he was coming from, as in he

1 was running towards from Old Charleston towards the
2 house, he originally wanted to go back towards Old
3 Charleston, which I told him to -- basically
4 redirected him to track back towards the house where
5 witnesses had verified where they saw him running
6 at.

7 Q. So, according to the map, your testimony is
8 that he was trying to track back this way, and
9 you --

10 A. The other way.

11 Q. You said toward Old Charleston.

12 A. So the witness said they saw him running this
13 way. I put him down. He wanted to go this way,
14 back towards Old Charleston, but that's the way he
15 originally came from. The odor is still there. So
16 I redirected him to come back this way, which we
17 then restarted the track.

18 Q. Okay. Now, as you approached this area right
19 here through the woods where you have residences
20 here and a trampoline, do you recall tracking past
21 that trampoline?

22 A. Yes, sir.

23 Q. Did you tell Officer Shealy that you had
24 tracked that way earlier?

25 A. Yes, sir.

1 Q. Now, as you approach, the video shows as you
2 approach the end of the Track No. 2, you gave Xander
3 the command to "sell it" twice, didn't you?

4 A. Yes.

5 Q. And that is Xander's command to apprehend?

6 A. Yes, sir.

7 Q. Did Xander, when he reached Ron in the woods,
8 did he bite him?

9 A. Yes, sir.

10 Q. How many times?

11 A. Once.

12 Q. Let me see if I can play this thing toward the
13 end.

14 (Video played.)

15 Q. All right. So you just heard -- that was the
16 first command to sell it, right?

17 A. Yes, sir.

18 (Video played.)

19 Q. That picture right there, what does that
20 depict?

21 A. He was getting ready to bite him. But I was
22 able to stop him before he done that.

23 Q. There's a moment just before, or when Xander
24 encounters Ron for the very first time, that he
25 jumped on him and bites him, correct?

REDIRECT EXAMINATION OF TORELL JONES BY MS. MARTIN

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1 A. Yes, sir.

2 Q. And then it's your testimony that you stopped
3 him before he bit him the second time?

4 A. Yes, sir.

5 Q. Was Ron bloody?

6 A. He had -- he had blood running from his arms.

7 Q. Which arm?

8 A. I can't remember.

9 Q. Is that Ron's right or left arm?

10 A. Right arm.

11 Q. What's that above his elbow, roughly right in
12 here?

13 A. A bite mark.

14 Q. Did he receive EMS treatment?

15 A. Yes, sir.

16 MR. HOLLADAY: Court's indulgence, Your Honor.

17 Your Honor, no further questions.

18 THE COURT: All right.

19 Any redirect?

20 MS. MARTIN: Just briefly.

21 REDIRECT EXAMINATION

22 BY MS. MARTIN:

23 Q. Did Ron have to go to the hospital and get
24 stitches and shots from being bit?

25 A. No, ma'am.

1 Q. Okay. And the two civilians that may have
2 matched the description were negatively ID'd by the
3 victim; is that right?

4 A. Yes, ma'am.

5 MS. MARTIN: That's all I have, Your Honor.

6 THE COURT: Anything further?

7 MR. HOLLADAY: No, sir, Your Honor.

8 THE COURT: Thank you. You may step down.

9 Next witness, please.

10 MS. MARTIN: Your Honor, the State rests.

11 THE COURT: All right. Ladies and gentlemen,
12 that is the State's case. I'm going to have you go
13 to the jury room for a short period of time before I
14 release you to lunch. But just go to the jury room
15 while we talk about a few things.

16 (The jury exits the courtroom at 12:31 PM.)

17 THE COURT: All right. Do y'all want me to
18 question Mr. Wood on his right to testify -- well,
19 first of all, are there any motions?

20 MR. STORY: I assume the State rests.

21 THE COURT: She said that.

22 MR. STORY: Oh, she did? Okay.

23 THE COURT: It's on the record.

24 MR. STORY: Thank you for keeping me straight,
25 Judge.

1 Your Honor, at this time, the Defense moves for
2 a directed verdict of acquittal because the State
3 has failed to prove the allegations in the
4 indictment. Specifically, there's material variance
5 between the evidence presented at trial and the
6 allegations in the indictment.

7 The indictment read that the defendant was
8 charged with breaking into the dwelling of Glenda
9 Asbill. All of the testimony has been that Alex
10 Asbill was dwelling in that building at the time.
11 Your Honor, this is, as I said, a material variance.
12 We are entitled to a directed verdict --

13 THE COURT: Based on what authority?

14 MR. STORY: Well, Your Honor, there are several
15 cases on indictments. State v. Jones is a Court of
16 Appeals case that I believe is informative.

17 THE COURT: What does it say, State v. Jones?

18 MR. STORY: So State v. Jones does stand for --

19 THE COURT: Not what it stands for. What does
20 the case say?

21 MR. STORY: Well, that the defendant is
22 entitled to a directed verdict when there is
23 material variance between the allegations in the
24 indictment and the proof presented at trial.

25 THE COURT: What were the facts of that case?

1 MR. STORY: So, Your Honor, if I could --

2 THE COURT: There are 15 or State v. Jones.
3 Which one are you referring to?

4 MR. STORY: 342 S.C. 248, 536 SE 2d 396.

5 Your Honor, I believe that is the case about an
6 armed robbery. The allegation was that, in the
7 indictment, the defendant had a pistol.

8 THE COURT: Right.

9 MR. STORY: The testimony in the trial was that
10 the defendant actually made a representation of a
11 gun in his pocket. The Court in that case said that
12 there was material variance between the evidence
13 presented at trial --

14 THE COURT: Whether he had a gun or whether he
15 had -- pretended to have a gun?

16 MR. STORY: Exactly, Your Honor. The testimony
17 was that he pretended to have a gun; the indictment
18 said that he had a pistol.

19 THE COURT: How does that convince you that we
20 have the same thing here?

21 MR. STORY: Well, Your Honor, we were put on
22 notice that it was the residence, dwelling of Glenda
23 Asbill, Your Honor. So we were prepared to defend
24 against the allegation that she had moved out and
25 wasn't intending to return, not that anyone was

1 living there at the time.

2 THE COURT: Okay. Response by the State?

3 MS. OPPENHEIMER: Thank you, Your Honor. May
4 it please the Court?

5 I certainly think there's a grave difference
6 between State vs. Jones and our case here today.
7 Certainly, all of the testimony has been that Glenda
8 Asbill does indeed own the residence located at [REDACTED]
9 Old Charleston Road, however, Alex was staying there
10 at the time.

11 This is not a situation like in Jones where the
12 indictment alleges a defendant to actually possess a
13 weapon versus the testimony being a representation
14 of such, Your Honor. It's the same dwelling; it's
15 the same address. It's -- I think the Defense has
16 argued the entire case that no one was living there;
17 not just that Alex wasn't living there, but no one
18 was living there. And I think that's been their
19 theory this entire time.

20 Certainly, it's a question for the jury to
21 determine, and there's been no surprise whatsoever
22 to the Defense. It's on the body cam, as we showed
23 yesterday, that Ms. Asbill did indeed tell Deputy
24 Saunders when he arrived that her brother was
25 staying there; that her mother moved out, but her

1 brother had been living there. And that was the
2 portion of this body cam that we introduced to this
3 Court yesterday.

4 So, certainly, the Defense had ample time and
5 knowledge that, indeed, Alex Asbill was living at
6 [REDACTED] Old Charleston Road.

7 THE COURT: Well, I don't think the issue of
8 surprise is really relevant to responding to the
9 motion.

10 I deny the motion. I do not believe that any
11 material variance exists. Looking at Jones and the
12 variance between an allegation in the indictment,
13 the proof is immaterial if the unproved allegation
14 is surplusage.

15 The defendant is charged with entering --
16 knowingly and willfully entering the dwelling of
17 another with intent to commit a crime therein, which
18 is burglary. Whose home it is, is immaterial to the
19 inquiry. And I deny the motion.

20 MS. OPPENHEIMER: Thank you, Your Honor.

21 THE COURT: Do you-all want me to question the
22 defendant on his right to testify or not testify?

23 MR. STORY: Yes, Your Honor.

24 THE COURT: All right. Mr. Wood, we're going
25 to put you under oath and I'm going to ask you some

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you have any questions about it?

3 THE DEFENDANT: No, sir, Your Honor.

4 THE COURT: Have you talked with your lawyers
5 about whether or not you should testify?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you need to talk to them any
8 more about that?

9 THE DEFENDANT: No, sir.

10 THE COURT: Have you made up your mind as to
11 whether or not you're going to testify?

12 THE DEFENDANT: Yes, sir, I've made up my mind.

13 THE COURT: Do you wish to testify?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Counsel, any question about his
16 decision?

17 MR. STORY: No, Your Honor.

18 THE COURT: All right. Very good.

19 Thank you, sir.

20 So do you-all have any other witnesses or
21 defense that you plan to offer?

22 MR. STORY: No, Your Honor. At this time, the
23 Defense rests.

24 THE COURT: All right. We'll have you rest in
25 front of the jury, and then we'll let them go to

1 lunch for a while. What time will y'all be ready
2 for closing arguments?

3 MS. MARTIN: I'm ready now, Your Honor.

4 THE COURT: Oh, now?

5 MS. MARTIN: Yes, sir.

6 MR. STORY: Well, I guess I am too, Your Honor.

7 THE COURT: Well, we're not going to do like
8 yesterday. We're going to take lunch today.

9 MS. MARTIN: Okay.

10 THE COURT: So would 2:15 be fine?

11 MS. MARTIN: Sure.

12 MR. STORY: That suits us, Your Honor.

13 THE COURT: We'll try 2:15 again.

14 Okay. Let's bring them out.

15 MS. MARTIN: Have we finalized charges or are
16 we going to talk about that?

17 THE COURT: Well, I guess we need to talk about
18 that before closing. It's not a complex issue.

19 MS. MARTIN: Okay.

20 (The jury enters the courtroom at 12:43 PM.)

21 THE COURT: All right. Ladies and gentlemen,
22 you've heard the State's case. It's now the
23 Defense's turn.

24 Mr. Story?

25 MR. STORY: At this time, Your Honor, the

1 Defense rests. We'd like to renew all previous
2 motions.

3 THE COURT: Ladies and gentlemen, you've heard
4 that the Defense has rested as well. That means
5 that you've received all the testimony that you will
6 get in this case. Next thing is closing arguments,
7 and we'll do that beginning at around 2:15. So
8 we'll give you a break until 2:15. Please do not
9 discuss the case.

10 (The jury exits the courtroom at 12:45 PM.)

11 THE COURT: All right. The Court denied the
12 motion for directed verdict at the close of the
13 State's case. There was no defense presented.
14 There's been no change; the motion is denied. The
15 issue is for the jury to determine.

16 Regarding jury charges, I'll be happy to hear
17 from -- regarding these charges and comments that
18 you-all are making about requested charges from
19 the -- whoever wants to go first.

20 MR. STORY: Your Honor, if I may, I would like
21 to submit both of the proposed jury charges to the
22 Court. I believe I sent an e-mail to your law clerk
23 early this morning with my updated proposed jury
24 charges. I made an error on the first one.

25 THE COURT: Well, I'm not as wordy as Judge

1 building and not a dwelling. To prove second degree
2 burglary, the State must prove beyond a reasonable
3 doubt that the defendant entered a building without
4 consent with the intent to commit a crime in the
5 building. A building includes any structure where
6 people assemble -- and what's included here says
7 public use -- or where goods are stored.

8 Of course, you cannot find the defendant guilty
9 of any offense unless guilt has been proven beyond a
10 reasonable doubt. And then the criminal intent
11 standard charge on that.

12 And as far as the verdict form: We, the jury,
13 by unanimous consent find the defendant, A, guilty
14 of burglary first degree or, B, guilty of second
15 degree or, C, not guilty.

16 Any questions, issues, objections, or concerns?

17 MS. MARTIN: Nothing from the State, Your
18 Honor.

19 MR. STORY: Nothing from the Defense, Your
20 Honor.

21 THE COURT: All right. Let's bring the jury.

22 (The jury enters the courtroom at 3:01 PM.)

23 THE COURT: Sorry for the delay. We're ready
24 to proceed now with closing arguments. You've heard
25 all the evidence. It's now time to hear closing

1 arguments by the State and Defense.

2 MS. MARTIN: Thank you, Your Honor. May it
3 please the Court?

4 THE COURT: Yes.

5 MS. MARTIN: Good afternoon. Thank you for
6 your attention. I think it's been clear to everyone
7 here that y'all have been listening and paying close
8 attention to the testimony. And, certainly, that's
9 what both sides wanted when we picked y'all to be
10 fair and impartial jurors.

11 I feel compel today remind you of this, as much
12 as it pains me. We lawyers love our words. And I'm
13 sure y'all have heard jokes about lawyers being paid
14 by the word. Well, unfortunately, what Kelly and I
15 told you and what Jamie and Stephen have told you,
16 what we've said is not testimony and is not
17 evidence. You can even ignore it.

18 The Judge is going to tell you that the words
19 the lawyers have spoken is not testimony. It's not
20 coming from someone who has taken the witness stand,
21 put their hand on the Bible, and who has sworn an
22 oath to tell you about an event, to tell you about a
23 crime and the knowledge they know about a crime.

24 What you've heard from this witness stand is
25 evidence; the documents you have, the photographs

1 you have, the body cam, and the video, that is
2 evidence. That is what this case has been about:
3 What happened the afternoon of April 23rd, 2021.

4 And, ladies and gentlemen, the witnesses you've
5 heard from, the Asbills, and this officer here and
6 Officer Jones, they took the stand and they told
7 you, in their own words, as best they could, what
8 they knew about that event.

9 Now, remember from opening when Kelly talked
10 about the three Ls: The tools that you have to help
11 you fulfill your juror's oath; that you're to look
12 at the evidence; that you're to listen to the
13 testimony, and you're to follow the law.

14 So let's talk a moment about the law.
15 Burglary. Burglary is the entering a dwelling of
16 another without consent and with the intent to
17 commit a crime therein. Well, let's talk about
18 that, the intent to commit a crime therein. The
19 State does not have to show you what that other
20 crime would have been, and the State doesn't have to
21 show that the other crime was completed. Okay?
22 That's not what we have to do.

23 If the defendant had gotten away with the
24 refrigerator, then there would have been another
25 charge; that would have been a stealing; that would

1 have been a larceny. So burglary, for those events,
2 those are the elements right there that the State
3 has to prove.

4 Now, there's been some back-and-forth and
5 questioning by the Defense about whose dwelling is
6 it at [REDACTED] Old Charleston Road. Well, look at the
7 elements there. It's the dwelling of another.
8 Ladies and gentlemen, it doesn't matter if it was
9 Glenda Asbill, doesn't matter if it was Alex Asbill;
10 it was the Asbills' property. It was the dwelling
11 of someone else.

12 We know it's not Ron Wood's. It's not his
13 house. We know the house is owned by Glenda Asbill,
14 but it was lived in by Alex. And it's a dwelling.
15 Dwelling is defined as the living quarters of a
16 building which is used or normally used for
17 sleeping, living, or lodging by a person. Alex has
18 told you that he had lived there for years. That
19 address, they grew up there, it's always been a
20 dwelling. It's a dwelling now. Alex still lives
21 there.

22 MR. STORY: Objection; not in evidence, Your
23 Honor.

24 THE COURT: It was stated in the record.

25 MS. MARTIN: As we have heard from the witness

1 stand, it's always been a dwelling. Mynnda told us
2 on the 911, on the CAD -- and you can take this.
3 All of this is going to come back in evidence with
4 you. Take the time to look at it and see the notes,
5 see the quotes: Somebody is breaking in my mama's
6 house. She said it. It's on the body cam of
7 Officer Saunders. That's going to be back there
8 with you.

9 She said then, that afternoon, this is my
10 mama's property, my mama's home, but my brother's
11 staying there. There wasn't anybody there doing the
12 burglary. It was in the afternoon. That's when the
13 home was unoccupied. There's nobody there during
14 the daytime. Alex is at work from sunup to sundown.
15 That property has always been used as a home.

16 Now, ladies and gentlemen, this might not look
17 like much to y'all, don't know, but it's where the
18 Asbills grew up and it's where Alex was living. It
19 seems like the Defense is hoping that you don't
20 think it's a dwelling. And I wonder why that's so
21 important to them. And I'll bet that Mr. Story, who
22 gets to go last because that's the rules of court, I
23 bet he's even going to suggest to you that the
24 property is not a dwelling; that it's just a
25 building; it's just a building.

1 But, ladies and gentlemen, why are we even
2 talking about this type of burglary? Isn't it
3 obvious? Burglary second is a lesser degree of
4 burglary. Why should Ron Wood be rewarded by
5 considering that? He's the one who made the choices
6 that put him where he is today. You swore that your
7 verdict would be based on the evidence and the law,
8 not any sympathy for the defendant as he sits there.

9 The Defense has said Ron has waited over a year
10 for his day in court. So have the Asbills; so has
11 law enforcement. Everything that you've heard from
12 this witness stand says that that address is a
13 dwelling, that it is a home. And don't be misled by
14 a good defense team trying to do their job.

15 Mynnda and Alex. Don't you think they have
16 better things to do than to come in here for two
17 days and tell lies? What reason would they have?
18 Alex, who is a mechanic, is missing work; that's
19 money out of his pocket. And we know he's a very
20 frugal man. Look at that power bill. I'm jealous
21 of that.

22 Mynnda told you back in 2021 what she knew.
23 She told 911; she told CAD; she told the first
24 officer; she told other officers and she told you
25 from the witness stand yesterday everything she

1 knew. What reason would she have to not be
2 truthful? She said that she might have seen him
3 around the neighborhood, but she didn't know Ron
4 Wood. Alex didn't know Ron Wood. They didn't know
5 him before this crime happened.

6 You get to judge the witnesses' credibility or
7 their believability. That's part of your job. And
8 when you're evaluating what you've heard, remember
9 who is on trial. The Asbills are not on trial; law
10 enforcement is not on trial. Who has something to
11 win and something to lose today?

12 Now, another element we have to show you is
13 consent. So we talked about dwelling without
14 consent. Well, we know that. No one had consent to
15 be there except for family.

16 Was there entry? The other part of the first
17 element: Has there been entry? Well, what has the
18 testimony said? Mynnda told you, as she pulled up,
19 she saw somebody going in the front door; the door
20 was ajar; she saw movement in the windows. She told
21 you and Alex told you there's broken glass at the
22 back door. She said what she has consistently said
23 since April 23rd of last year. She told you she
24 even heard a thump and, at the time, she didn't know
25 what it was until after she'd gone inside with the

1 officer and realized it was that dolly making a
2 noise.

3 Ladies and gentlemen, she even moved her car so
4 she could see both entries to and from the home
5 because she wanted to get a better look. And she
6 says while she was there, after she'd gotten out of
7 the car, she saw a male leave out of that back door.
8 She's got a good line of sight, clear weather, got
9 her glasses on, and she confronted the man.

10 And what did he do when sirens are approaching
11 and she's on the phone with 911 telling him to wait?
12 He runs away. Why would an innocent man run away?

13 How else do we know that there was entry? The
14 dolly. We know at 3:52. The dolly is outside;
15 3:53, the dolly is getting closer to the front
16 steps; 4:17, closer to the front steps. And then,
17 911 call, 4:17:30, seconds, seconds after Mynnda
18 drives up. We argue Ron Wood and the dolly are
19 inside.

20 Law enforcement goes in later. There's the
21 dolly. It's come from the outside to the inside.
22 It's not the Asbills' dolly. They've never seen it
23 before. If wanted to lie, if this was some kind of
24 big conspiracy to just gang up on poor Ron Wood,
25 she'd have told you, I saw him go from outside, up

1 the steps, all the way inside. But she didn't tell
2 you that. She told you the truth.

3 She told you that she saw movement at a door.
4 She told you she heard sound; she told you she saw
5 movement through the side windows, and then she
6 moved her car so she could watch both' doors.

7 The last element: With the intent to commit a
8 crime therein. What in the world does that mean?
9 Well, look at the fridge. Look here, look at the
10 food. Barbecue sauce, pickles, salsa, frozen food.
11 Food was taken out of the fridge, ladies and
12 gentlemen, to make it lighter, so the doors would
13 fall over. And Ronald Wood, he provided the dolly
14 to load up the fridge. But he got caught when
15 Mynnda pulled up right then. That's when he drops
16 the dolly and freezes and thinks about how am I
17 going to get out of this?

18 But he's caught by the trail camera too. Was
19 the burglary committed by Ronald Wood? The Defense
20 would have you believe that he was just at the wrong
21 place at the wrong time. Ladies and gentlemen, is
22 that reasonable? Of course not. Of course not.
23 The evidence shows he'd been there that day. He's
24 in the yard; he has the dolly. And then he's caught
25 that same day. Clearly, it's Ronald Wood. You'll

1 have these.

2 Ladies and gentlemen, again, if Mynnda Asbill
3 wanted to lie and make up a story about Ronald Wood,
4 she would have told law enforcement, yeah, you
5 should have seen his tattoos, let me tell you about
6 them. But she didn't. She said it's older white
7 male, gray hair, jeans, black T-shirt, and she
8 looked at his face long and hard. But, clearly,
9 evidence shows, beyond a reasonable doubt, that he's
10 there that day.

11 Unfortunately, looking at the deer cams, all
12 the angles you have, there's nothing that faces that
13 back door, so we can't show you any more than what
14 we have. But Mynnda told you what she saw.

15 And how can you rely on her identification? It
16 did happen fast. But she told you, man, she was
17 looking him right in the face; she was angry; she
18 say fearful; she had her children in the car, but
19 she wanted to concentrate on the face. And we know
20 the deer cam backs up, for identification, that the
21 man she saw there at the property was him.

22 She was offered two other possible suspects,
23 and she told law enforcement, no, no, no; the first
24 guy, he's too young, that's not him, and I really
25 didn't see tattoos. The second person, Michael

1 Rish, at the campground where the defendant lives,
2 he's dressed the same; he's a white male. They send
3 her this and she says, no, that's not him either; I
4 know Michael Rish, and that wasn't him.

5 Ladies and gentlemen, Ms. Asbill was truthful.
6 She's told you everything she knows about what
7 happened and about the man she saw.

8 Ladies and gentlemen, the day on the roadside
9 at Caulks Ferry Road when Ronald Wood is in
10 handcuffs, officers don't even have to question him.
11 She jumps out of the car and says, that's him; you
12 got him did; that's the burglar. Did she seem
13 believable and credible, as she told us yesterday,
14 that she was sure then and she's sure now that Ron
15 Wood is the man she confronted at the family home on
16 that day?

17 We've spent a lot of time going over testimony
18 of the K-9 officer and Xander. And we've talked
19 about the first track and where it went. Ladies and
20 gentlemen, the officer told you that they tracked,
21 they tracked to the campground and, lo and behold,
22 find out later, that is where the defendant lives.

23 And then the second track, what do we know?
24 Well, we know that this officer here saw Ron Wood
25 running, and he tells him to stop. But the man

1 keeps on. We know that Deputy Jones and Xander see
2 Ron Wood, and they tell him to stop, the K-9.
3 Again, he doesn't stop. Why is he running? If he
4 hasn't done anything wrong, why is he running?

5 And, yes, Xander bit him. No big deal. EMS
6 treated him at the scene. He didn't have to go to
7 the hospital; he didn't need stitches; he didn't
8 have to go be admitted. I tell you, ladies and
9 gentlemen, that's what happens when you run from
10 Lexington County Sheriff's Department K-9 units;
11 that's a risk you assume. Ladies and gentlemen,
12 that flight, him running and trying to get away from
13 law enforcement is evidence of his guilt.

14 Now, in my 30 years as a government lawyer,
15 whether I sat there at the public defender table or
16 I sat here at the Solicitor's Office, I'm aware that
17 jurors, they truly will do what's right; they want
18 to make a good decision, and sometimes that's hard.
19 Sometimes it's hard to understand what the State has
20 to prove to you beyond a reasonable doubt.

21 And, ladies and gentlemen, that is what we have
22 to do. We have to convince each of you, all 12 of
23 you, of all the elements of burglary first. And
24 it's hard because of television, because of movies,
25 because of the nature of social media.

1 I mean, this isn't like anything you've ever
2 seen on TV. This is a real courtroom; this is a
3 real trial. We're in Lexington South Carolina, not
4 LA. We bring to you the evidence we have; we let
5 you hear from the witnesses that have knowledge.
6 Could law enforcement have done more? Maybe.
7 Should they have done more? Not really. Why?

8 The man identified as the burglar is arrested
9 within two hours. There's an eyewitness to him
10 leaving the home. There's deer cam evidence that
11 shows him on the property the day of the burglary,
12 seconds from when the victim calls 911. There's
13 deer cam evidence of Ron Wood with the dolly outside
14 of the home. There are photographs from inside the
15 home that shows the fridge is unloaded, moved, and
16 unplugged. And the dolly that no one knows where it
17 came from is inside the kitchen. Use your common
18 sense. Use your common sense to see that Ron Wood
19 is guilty as charged.

20 Now, like I said, proof beyond a reasonable
21 doubt, that is a concept that is sometimes difficult
22 to understand. Let me see if this will help: You
23 don't have to be really, really sure. You don't
24 have to any sure beyond any doubt. You don't have
25 to be sure beyond all doubt. You don't have to be

1 100 percent convinced. You don't have to be
2 absolutely convinced. The law says you have to be
3 firmly convinced that he is guilty as charged. Are
4 you firmly convinced that Ron Wood committed a
5 burglary?

6 What's reasonable, based on your common sense?
7 Based on the totality of this case and everything
8 you've heard, what's the next number? It's a 6, not
9 a 9. Ladies and gentlemen, Ron Wood was caught
10 red-handed. Just like Kelly told you in opening,
11 bad dog, Renegade, eating chocolate. Ron Wood is
12 caught red-handed, he is guilty of burglary in the
13 first degree, and we'd ask your verdict to be
14 guilty. Thank you.

15 THE COURT: Mr. Story?

16 MR. STORY: May it please the Court?

17 THE COURT: Yes, sir.

18 MR. STORY: Members of the jury, Ron was there,
19 and that's the reason we're here. That's the only
20 reason we're here, when you really think about it.
21 You see, an accusation is like a train. It's big;
22 it's powerful; and it's hard to get started up. But
23 once it gets rolling, it starts moving and it gains
24 momentum and it gains speed, and it's difficult to
25 stop.

1 Now, let's talk about the State's case, what
2 Ms. Martin just told you, her theory. Now, part of
3 the problem with that theory is, what do we know?
4 Or what has some of the evidence shown? Well,
5 there's a CAD report that's pretty reliable. It
6 says that the call came in; Mynnda called 911 at
7 4:17. There's also a photograph of Ron in the yard
8 with the dolly at 4:17.

9 Now, the State's theory is that Mynnda pulled
10 up, saw him, right within that minute, and called
11 law enforcement. And remember her testimony? The
12 theory is he pulled the dolly up into the house,
13 presumably broke in the door, unplugged the
14 refrigerator, took everything out of the
15 refrigerator, started to move the refrigerator, and
16 then he was caught. So he had to move the dolly.
17 The dolly fell. He goes outside. What did Mynnda
18 tell you? They had a conversation, a short
19 conversation, and then he left. That's a very short
20 period of time for him to be able to do all that.
21 Deputy Saunders arrived, y'all have the CAD report,
22 it was a short period. After that, Ronald Wood was
23 not in the area.

24 Now, my colleague, my co-counsel, Jamie
25 Holladay, told you to use your common sense and to

1 pay attention to all the testimony and also pay
2 attention to what's not presented. You're not going
3 to see any DNA; you're not going to have any
4 fingerprints; you're not going to have any video of
5 him inside the building. And why would that be
6 important? If you're convinced beyond a reasonable
7 doubt, you wouldn't want to see any of those things;
8 you'd already be firmly convinced.

9 But that would have told us a lot, if there
10 were fingerprints on the refrigerator. You remember
11 how Deputy Jones was talking about dogs pick up
12 scents? They do that because people shed their
13 skin. We would have known, perhaps, if there was
14 something on the glass. Of course, if there was a
15 video, it would have shown us what happened in that
16 sort period of time. But there's not. And so it's
17 up to you to use the circumstances and the testimony
18 and what part you believe and what part you don't
19 believe to come to a conclusion. And I submit to
20 you, that's not enough time for Ronald Wood to go
21 inside and do all those things that I just described
22 that the State believes happened.

23 Now, the Government has to prove each element
24 of the offense beyond a reasonable doubt. Why is
25 that important? It's important because it's the

1 law. And it is your job -- I think y'all, you know,
2 know by now, if you didn't know before, that
3 everybody in this courtroom has a job and everybody
4 has a very important one. And y'all know the roles
5 of the Defense counsel, the Government's attorneys.
6 But your job is to take the testimony and to use
7 your reasoning and your common sense and apply it to
8 the law. If it wasn't a dwelling, folks, the law is
9 that you cannot find him guilty of burglary in the
10 first degree.

11 Now, how do we know it wasn't a dwelling?
12 Well, when Mynnda called 911, on that CAD report,
13 you're going to see that it says that she tells them
14 someone was breaking into the mother's property; not
15 brother's home, the mother's property. You heard
16 her. She wrote a statement to Deputy Saunders that
17 she was checking on her mother's property; not her
18 brother's home, her mother's property.

19 Now, it was the house that they grew up in.
20 And she would go check on it and, if she discovered
21 somebody there, she'd get very upset. She told you
22 that she was scared and she was angry. She was
23 angry.

24 And you also heard from Deputy Saunders.
25 Deputy Saunders wrote in his report that the

1 building was unoccupied. It was unoccupied. And
2 here's another important part: Alex Asbill was not
3 mentioned in that entire report. And you've heard
4 him testify that everything that is important in a
5 case goes in that report. And the person living in
6 the dwelling is a very important part of that case.

7 Now why wouldn't they say -- why is it
8 important that the mother wasn't living there?
9 Y'all heard testimony yesterday that the mother had
10 moved out some time ago and she was living in the
11 area. She had left the house. It was not a
12 dwelling anymore at that time.

13 So what testimony was there? We have all this
14 testimony that it was the mother's property, it was
15 the mother's property. There's a mention -- and
16 y'all are going to have it in the jury room -- on
17 the body cam that Mynnda tells the officer, "and my
18 brother had been staying there," specifically is
19 what I believe it said. And y'all are going to have
20 it. Her brother had been staying there. And that's
21 important.

22 There's no testimony from that day about Alex
23 Asbill whatsoever. And, instead, here in court,
24 over a year later, what happened? They were angry.
25 Burglary first requires a dwelling. So that

1 accusation train gains steam from one little
2 comment, and it builds momentum. By the time it
3 gets to court, now it's the brother was staying
4 there, the brother was staying there.

5 What other evidence? Well, they have an
6 electric bill. Glenda Asbill's name was on the
7 electric bill, along with Dorothy Peele, her sister.
8 Also, importantly, y'all are going to have the
9 electric bill. Look at the dates. The dates were
10 from March and April, prior to this incident
11 occurring.

12 And it is a, as I pointed out, less than \$40
13 electric bill. Y'all can -- I mean, y'all know how
14 much an electric bill costs; I'm sure some of you
15 do. And y'all know -- have an idea how many
16 kilowatt hours you usually use. Use your common
17 sense.

18 So what is the Government's explanation for why
19 the bill so low? Well, Alex Asbill was very
20 disciplined. He said he would work sunup to
21 sundown; he said he would unplug everything; he
22 would turn the air conditioner off. And, remember,
23 that bill was prior to this incident. He was
24 extremely disciplined.

25 I want you to think about it and use your

1 common sense: If a person that disciplined would
2 leave a home in disarray like that. Think about it.
3 Is that credible? It's up to you to determine who's
4 credible, who is not. And even if part of the
5 testimony is credible, part of the testimony is not
6 credible.

7 So the problem is, according to the State, is
8 that Ron was there at the house with the dolly; it
9 was on the deer camera, seen by Mynnda, and then he
10 ran. Well, remember, Ron lived in the area. He
11 lived not too far away.

12 So it's reasonable to conclude from the
13 testimony that Ron was walking around, as
14 Mr. Holladay told you in opening. He was walking
15 around; he sees this property, maybe he had seen it
16 before, and it looked unoccupied to him. Maybe he's
17 really nosy; maybe he's really curious. He has this
18 dolly. Maybe he found it. But we know from the
19 photographs from the deer camera from the timestamps
20 on the deer camera that he's milling around the
21 yard, and then right before Mynnda arrives and calls
22 law enforcement, he's right there. So what does
23 that tell us?

24 He's milling around; he goes in the house. And
25 he -- Mynnda pulls up, very, very short period of

1 time. She gets out, he goes out to talk to her.
2 Remember what she testified to? She's on the phone
3 with law enforcement. She's angry. He comes out
4 and he sees this person that he doesn't know, and he
5 realizes his mistake, and so he leaves. He sees
6 this angry, nervous stranger on the phone with law
7 enforcement; he realizes his mistake, and he leaves.

8 Now, he didn't go in with the intent to commit
9 a crime. There wasn't enough time for him to move
10 around all those things, and the house was not a
11 dwelling at the time. Now, you may not believe
12 that's what happened, and that's okay. The fact is,
13 that it may have happened that way. Matter of fact,
14 I submit to you that it was likely to have happened
15 that way, based of the testimony. And the fact that
16 it may have happened that way is reasonable doubt.

17 I disagree with the solicitor. You do need to
18 be really, really sure in order to find that there
19 was not reasonable doubt; that the Government has
20 proven each and every element of the offense beyond
21 a reasonable doubt, because this is a very, very
22 serious case. This is not television. This is a
23 real trial, and a real person is on trial.

24 That train started on April 23rd, and it gained
25 momentum along the way. And it kept going and has

1 been moving and moving for over a year now. And Ron
2 Wood is sitting on those tracks.

3 It is your job to apply the testimony to the
4 law to determine whether or not the State has proven
5 beyond a reasonable doubt each and every element of
6 the offense. And I submit to you they have not
7 proven intent to commit a crime; they have not
8 proven that the building was a dwelling. And you
9 should pull those brakes and do your job and use
10 your common sense.

11 If you're going to have doubts, have them
12 today. Don't have them weeks or months from now,
13 because this train is headed towards Ronald Wood.
14 Pull the brakes and find him not guilty.

15 THE COURT: Madam Forelady and members of the
16 jury, you have heard the testimony, received all the
17 evidence, and you've heard the arguments. I will
18 now explain to you the law that applies to this
19 case.

20 Under the constitution and laws of South
21 Carolina, you are the finders of the facts. I do
22 not have the right to pass upon the facts or to
23 express any opinion that I might have as to them,
24 because this is a matter solely for you, the jury,
25 to determine. As jurors then, it is your duty to

1 continue with deliberations.

2 All right. Well, all first 12 jurors seem good
3 to go. So, therefore, the alternates will remain
4 with us while the jurors go to the jury room and
5 await the exhibits a copy, the indictment, and the
6 verdict for and a copy of the charge. So please go
7 to your jury room at this time.

8 Any additions or exceptions to the charge?

9 MS. MARTIN: Not from the State, Your Honor.

10 MR. STORY: None from the Defense.

11 THE COURT: All right. If you-all will take a
12 look at the exhibits and get them together.

13 (Brief pause in proceedings.)

14 (Alternate jurors excused.)

15 THE COURT: Any objection to that laptop going
16 to the jury?

17 MR. STORY: No, Your Honor.

18 (Jury begins deliberations at 4:03 PM.)

19 THE COURT: All right. Let's bring the jury
20 in.

21 (The jury enters the courtroom at 4:59 PM.)

22 THE COURT: All right. Madam Forelady, if
23 you'll stand for me. Have you reached a verdict?

24 THE FOREPERSON: We have.

25 THE COURT: Is it unanimous?

1 THE FOREPERSON: It is.

2 THE COURT: All right. You may pass it up and
3 then you may be seated.

4 Madam Clerk, you may publish the verdict.

5 THE CLERK: Thank you.

6 The State of South Carolina versus Ronald Wood,
7 Jr., on Indictment 2021-GS-32-02027. We, the jury,
8 by unanimous consent, find the defendant guilty of
9 burglary first degree.

10 Madam Forelady, ladies and gentlemen of the
11 jury, if this is your verdict, please indicate by
12 raising your right hand.

13 All jurors have raised their hands, Judge.

14 THE COURT: All right. Individual polling
15 requested?

16 MS. MARTIN: Not by the State, Your Honor.

17 MR. STORY: I do request polling, Your Honor.

18 THE COURT: All right. If you will poll the
19 jurors individually, please.

20 THE CLERK: As I call your juror number, raise
21 your hand so that I can recognize you. At that
22 time, please respond by saying yes.

23 Juror No. 97, is this your verdict and is it
24 still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror No. 14, is this your verdict
2 and still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror No. 34, is this your verdict
5 and still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror No. 24, is this your verdict
8 and still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 174, is this your verdict
11 and still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 156, is this your verdict
14 and still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Juror No. 113, is this your verdict
17 and still your verdict?

18 THE JUROR: Yes.

19 THE COURT: Juror No. 204, is this your verdict
20 and still your verdict?

21 THE JUROR: It is, yes.

22 THE CLERK: Juror No. 62, is this your verdict
23 and still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror No. 88, is this your verdict

1 and still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Juror No. 134, is this your verdict
4 and still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: And, Juror No. 104, is this your
7 verdict and still your verdict?

8 THE JUROR: Yes, ma'am.

9 THE CLERK: All jurors have been polled, Your
10 Honor.

11 THE COURT: All right. It's a unanimous
12 verdict of the jury, the defendant is guilty of
13 burglary in the first degree as charged.

14 Any posttrial motions regarding the jury
15 verdict?

16 MS. MARTIN: Not from the State, Your Honor.

17 MR. STORY: No, Your Honor.

18 THE COURT: All right. Well, ladies and
19 gentlemen of the jury, I thank you very much. You
20 were called to decide this case. And for many of us
21 observing, it might not have seemed like a complex
22 case at all. But, nevertheless, the defendant has a
23 constitutional right to trial by jury, and we've
24 done that in this case and you have found him
25 guilty.

1 In this case, the charge is burglary in the
2 first degree. You've found him guilty of that. But
3 we have -- the Defense has stipulated, along with
4 the State, that we do the trial as a bifurcated
5 trial, which means in two phases. One, basically,
6 you've determined that he's guilty of burglary, and
7 part 2 is for me to determine whether or not the
8 burglary is actually a first degree based on
9 aggravating or enhancement factors.

10 And while you are all here sitting, we'll just
11 move into that at this time.

12 MS. MARTIN: Thank you, Your Honor. May it
13 please the Court?

14 THE COURT: Yes.

15 MS. MARTIN: Your Honor, I beg the Court's
16 indulgence one moment.

17 Your Honor, we'd call Hope Frick to the stand.

18 (State's Exhibit No. 23 marked for
19 identification.)

20 JOYCE HOPE FRICK

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Have a seat up there. State your
24 name for the record and spell your last name.

25 THE WITNESS: My name is Joyce Hope Frick,

DIRECT EXAMINATION OF JOYCE HOPE FRICK BY MS. MARTIN

295

1 F-R-I-C-K.

2 DIRECT EXAMINATION

3 BY MS. MARTIN:

4 Q. And since the Judge knows you very well, we'll
5 jump right into it. Where are you employed?

6 A. Lexington County Clerk of Court's office.

7 Q. And how long have you been employed at the
8 Clerk's Office?

9 A. I've been with the County 39 years this past
10 April.

11 Q. And on the criminal side in the Clerk's Office,
12 can you tell us what sorts of records the Clerk's
13 Office is charged with keeping?

14 A. On the criminal side?

15 Q. On the criminal side, yes.

16 A. Any arrest warrants or citations that are
17 general sessions offenses, bonds, orders, motions,
18 evidence used in trials.

19 Q. Okay. In preparation for --

20 THE COURT: And the jury is spectators.

21 MS. MARTIN: Right.

22 THE WITNESS: Right.

23 THE COURT: You're testifying to me; they're
24 spectators. But you can look whenever you want.

25 THE WITNESS: They're just spectators. I'm

1 just so used to looking at the jury when I'm on the
2 stand.

3 THE COURT: I understand.

4 BY MS. MARTIN:

5 Q. In preparation for this trial, did I ask you to
6 review any Lexington County criminal documents
7 pertaining to this defendant Ronald Wood?

8 A. You did.

9 Q. Okay. If I can show you what's been marked
10 State's 23 and ask you if you recognize this
11 document.

12 A. I do.

13 Q. And is it a document pertaining to Ronald Wood?

14 A. It is.

15 Q. And is it kept in the ordinary course of
16 business here in the Clerk's Office?

17 A. Yes, it is.

18 MS. MARTIN: Your Honor, I'd move that into
19 evidence.

20 THE COURT: Any objection?

21 MR. STORY: No, Your Honor.

22 (State's Exhibit No. 23 admitted into
23 evidence.)

24 BY MS. MARTIN:

25 Q. And can you tell the Court what that document

1 is?

2 A. This is an indictment.

3 Indictment No. 2007-GS-32-7590 on Mr. Wood for
4 burglary in the first degree. It's the indictment,
5 the original arrest warrant, copy of it, and the
6 sentence sheet.

7 (State's Exhibit No. 24 marked for
8 identification.)

9 Q. Thank you. I'll show you State's 24. Do you
10 recognize this document?

11 A. Yes, ma'am.

12 Q. What is it?

13 A. This is an indictment. Number 1990-GS-32-554
14 on Mr. Ronald Wood for burglary in the first degree,
15 the sentence and certified true copy of the original
16 arrest warrant.

17 MS. MARTIN: Your Honor, I'd move State's 24
18 into evidence.

19 THE COURT: Any objection?

20 MR. STORY: No objection?

21 THE COURT: It's admitted.

22 (State's Exhibit No. 24 admitted into
23 evidence.)

24 (State's Exhibit No. 25 marked for
25 identification.)

1

2 BY MS. MARTIN:

3 Q. And State's 25, can you identify this document?

4 A. Yes, ma'am. This is the indictment and arrest
5 warrant on a 1975-GS-32-0873. It's also the
6 sentence, with the sentence being on the indictment.

7 Q. Okay.

8 MS. MARTIN: Your Honor, I'd move that into
9 evidence as well.10 (State's Exhibit No. 25 admitted into
11 evidence.)

12 BY MS. MARTIN:

13 Q. And is that a conviction of burglary?

14 A. Well, back then, it was classified as
15 housebreaking.16 Q. And do you track these records by date of
17 birth?

18 A. We do.

19 Q. And do you recall the date of birth that you
20 tracked? Or do you need to see the documents back?

21 A. I need to see the documents.

22 Q. Showing you State's 23.

23 A. Yes, ma'am.

24 Q. What is the date of birth for Ronald Wood?

25 A. [REDACTED].

1 MS. MARTIN: Thank you. Please answer any
2 questions the Defense may have.

3 CROSS-EXAMINATION

4 BY MR. STORY:

5 Q. Is that birth date on every document that you
6 reviewed?

7 A. The birth dates are on the documents now.

8 Q. In evidence. Okay. Thank you, Ms. Frick.

9 No further questions?

10 THE COURT: Anything else for this witness?

11 MS. MARTIN: No, Your Honor.

12 THE WITNESS: May I be excused, Judge?

13 THE COURT: You may be excused.

14 Any additional witnesses by the State?

15 MS. OPPENHEIMER: Officer Saunders, Your Honor.

16 It will be very brief.

17 THE COURT: All right.

18 MR. STORY: Your Honor, I would object to
19 relevance with Officer Saunders. The only element
20 that they're trying to prove is the previous
21 convictions -- okay.

22 THE COURT: We haven't heard any questions yet.

23 MS. OPPENHEIMER: Your Honor, is he still under
24 oath?

25 MCKENZIE SAUNDERS

1 being first duly sworn, testified as follows:

2 THE WITNESS: I do.

3 THE CLERK: Have a seat. State your name for
4 the record.

5 THE WITNESS: McKenzie Saunders,
6 S-A-U-N-D-E-R-S.

7 DIRECT EXAMINATION

8 BY MR. OPPENHEIMER:

9 Q. All right. Officer Saunders. We've already
10 been over the fact that you arrested this defendant,
11 Ronald Wood, correct?

12 A. Correct.

13 Q. Did he provide you with a birth date at the
14 time of his arrest?

15 A. He did.

16 Q. What was that birth date?

17 A. [REDACTED] [REDACTED]

18 Q. Thank you. No further questions.

19 THE COURT: By the Defense?

20 MR. STORY: No questions for this witness.

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

22 MS. MARTIN: Your Honor, that's all the State
23 has on this issue.

24 THE COURT: All right. Any witnesses by the
25 Defense?

1 MR. STORY: No, Your Honor.

2 THE COURT: Argument by the State?

3 MS. MARTIN: Your Honor, just that the statute
4 requires conviction for at least two prior
5 burglaries or housebreaking or a combination
6 thereof, and I believe we've provided proof of three
7 priors from just here in Lexington.

8 THE COURT: All right.

9 And by the Defense?

10 MR. STORY: Thank you, Your Honor. I have
11 nothing to add at this time.

12 THE COURT: All right. So the Court finds the
13 State has satisfied the burden of proving the prior
14 offenses that would make this burglary --
15 automatically make this burglary a first degree
16 burglary. They're called aggravating circumstances
17 or -- what's the phrase for it?

18 MS. MARTIN: Your Honor, I think that --

19 THE COURT: The enhancement.

20 MS. MARTIN: Right. Yes, sir.

21 THE COURT: The enhancement criteria. That's
22 what it is.

23 MS. MARTIN: Right.

24 THE COURT: So, ladies and gentlemen, I find
25 that the defendant is guilty of first degree

1 burglary, as the jury did. But I'm going to explain
2 to the jury what's going on so that they understand.

3 MS. MARTIN: Yes, sir.

4 THE COURT: The -- we submitted to you the
5 question of whether he's guilty of burglary first
6 degree, and gave you the definition of what
7 constitutes burglary first degree. Typically, a
8 first degree burglary is where a person enters a
9 home or dwelling in the nighttime with intent to
10 commit burglary. That's first degree burglary.

11 Or if a person commits the burglary while armed
12 with a weapon -- you know, some people go in,
13 daytime or nighttime, and steal a weapon, that's
14 first degree burglary; or if the person has two or
15 more burglaries or housebreaking.

16 So this was in the daytime. And he didn't
17 steal a weapon, but it's a first degree burglary
18 because he has two -- he has three prior burglaries
19 or housebreaking -- two burglaries and a
20 housebreaking.

21 And up until recently, during jury trials, the
22 solicitor would put this evidence of prior
23 burglaries during the trial. But the Supreme Court
24 recently had a rape case, rape of a minor, and the
25 prosecutor put in evidence that the guy who was

1 health conditions. He had hernia surgery in 2021
2 that has been causing him chronic pain. He's also
3 had -- he was on disability --

4 THE COURT: This burglary occurred in 2021. He
5 had hernia before or after? Of course, the
6 solicitor said he got out of prison 20 what --

7 MR. STORY: 2017, I believe.

8 MS. MARTIN: I'm not sure when he was released,
9 but --

10 MR. STORY: 2019, he tells me. So he may have
11 had it in 2020. But it's been causing him pain
12 since I've been representing him. And that's it.
13 We are asking for mercy, Your Honor. Thank you.

14 THE COURT: All right. Mr. Wood, what would
15 you like to tell me.

16 THE DEFENDANT: Your Honor, I've had a pretty
17 tough life --

18 THE COURT: Would you come around here?
19 Because I'm going to sentence you. If you'd come to
20 the mic. I want all of your fellow citizens of
21 Lexington County to hear what you have to say, as
22 well as me hear what you have to say. So talk
23 closer into that mic.

24 THE DEFENDANT: Yes, sir, Your Honor. I've had
25 a pretty rough way of life. But that's still no

1 excuse for my behavior and stuff.

2 I'd like to apologize for the people's lives I
3 have disrupted and stuff, you know. I'm sincerely
4 sorry for what I've done and what I've caused the
5 Court and you. And I was hoping I'd get back out
6 with my family and stuff like that. But I -- you
7 know, I don't know what else to say --

8 THE COURT: What family do you hope you get out
9 to?

10 THE DEFENDANT: Ms. Turner and our child. We
11 have a 17-month-old daughter.

12 THE COURT: You have a what?

13 THE DEFENDANT: A 17-month-old daughter I had
14 hernia.

15 THE COURT: 17-month-old daughter?

16 THE DEFENDANT: Yes.

17 THE COURT: Oh, okay.

18 THE DEFENDANT: But I had to have a hernia
19 surgery and I've had a lot of problems with it
20 that -- it contributed to a lot of stuff with
21 starting back drinking. And I'm an alcoholic, you
22 know, and all that. It just -- one thing led to
23 another. And when I got out, I didn't get no help.

24 That's one thing bad about getting out of
25 prison after a long term: You got no family left;

1 they're dead and gone. Even the people you work
2 with are dead and gone.

3 THE COURT: That's why I was wondering which
4 family you were talking about.

5 THE DEFENDANT: Well, my --

6 THE COURT: You're 64. You have a minimum of
7 15 years. So what family --

8 THE DEFENDANT: My --

9 THE COURT: Your family -- it looks like you
10 have a young lady. How old is that lady over there?

11 MS. TURNER: I'm 42.

12 THE COURT: Forty --

13 MS. TUNER: I'm 42.

14 THE COURT: Oh, 42.

15 MS. TUNER: Yes, sir.

16 THE COURT: Okay. I'll talk to you some more
17 later. I was just curious.

18 But go ahead.

19 THE DEFENDANT: Yes, sir. But that's about all
20 I know to say, Your Honor. I just put my mercy on
21 the Court. If I get the minimum, it is 85 percent,
22 and that's -- I'll be almost 78 years old when I got
23 out. And I --

24 THE COURT: So since you turned 18, how many
25 years ago would that be, 18 to 64?

1 THE DEFENDANT: Listerine mouthwash. The only
2 thing about it, when you're up on the streets in
3 Columbia walking around, they can't get you for open
4 container, and you got the best breath in Columbia.

5 THE COURT: Can't be open container if it's
6 mouthwash?

7 THE DEFENDANT: Yep. They can't get you public
8 drunk, but if you got good breath, though, you ain't
9 got to worry about that.

10 THE COURT: Can you get drunk drinking
11 mouthwash?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I've never heard of that one.

14 THE DEFENDANT: And it's cheap.

15 THE COURT: Mr. Wood, I've gone through, in my
16 mind, saying, well, I'm giving him a life sentence,
17 based on this long rap sheet of the same thing.
18 Then I thought about that 15-year sentence that
19 Mr. Story asked. But that's what Judge Keesley gave
20 you the last time. Then I pretty much settled on 25
21 years. Then I said, well, I'll cut off a couple
22 years since you seem to be a nice guy.

23 THE DEFENDANT: I'm sorry, Your Honor. I'm
24 sorry to the victims.

25 THE COURT: And that. So I've settled on 23.

1 So the sentence is that you be committed to the
2 State department of corrections for 23 years, with
3 credit for time served and 365 days. I wish you the
4 best of luck.

5 THE DEFENDANT: Thank you, Your Honor.

6 THE COURT: Yes, sir.

7 -- END OF TRANSCRIPT OF RECORD --

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WITNESSES

Lexington County Sheriffs Department

Mckenzie W Saunders

Law Enforcement Case #: 21007497

AGM

ARREST WARRANT NUMBER

2021A3210201176

ACTION OF GRAND JURY**TRUE BILL**Foreperson of Grand Jury
Date: 7.12.21**VERDICT**Foreperson of Petit Jury
Date:DOCKET NO. 2021GS3202027**The State of South Carolina**

County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2021

THE STATE

vs.

Ronald Wood

CDR #: 0079

Indictment for

Burglary 1st degree

§ 16-11-0311

S.R. Hubbard III, SOLICITOR

After being fully advised as to my legal rights, I hereby waive my rights to presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness
C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Burglary 1st degree

§ 16-11-0311

At a Court of General Sessions, convened on July 2021, the Grand Jurors of Lexington County present upon their oath:

That **Ronald Wood** did in Lexington County, South Carolina on or about April 23, 2021, did knowingly and willfully enter a dwelling located at [REDACTED] Old Charleston Rd., Lexington being the dwelling of Glenda Asbil without consent and with the intent to commit a crime therein and the defendant has a prior record of two or more convictions for burglary or housebreaking or a combination of both in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

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



SR. ASSISTANT SOLICITOR

1541510176

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE# 2021-GS-32-02027Ronald WoodAW#: 2021A3210201176

AKA:

Date of Offense: 4/23/2021Race: White Sex: M Age: 64S.C. Code §: 16-11-0311DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0079Address: New Hope Church RdCity, State, Zip: Pelion, SC 29123-9681DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Burglary / Burglary (After June 20, 1985) - First degreeIn 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. (def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Solicitor

64062

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 23 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served 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.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.36 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Ronald Wood INDICTMENT/CASE# 2021-GS-32-02027

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fines:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-205 (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 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500 \$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ 125.00

Clerk of Court/Deputy Clerk: Shirley Comer RD
Court Reporter: Belmonte CrepponPresiding Judge: B. Varn
Judge Code: 2129
Sentence Date: JUNE 15, 2022

May 23 2023

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Breen Richard Stevens
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 23rd day of May, 2023.