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Jun 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Barnwell County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

REBECCA A. MAXWELL,

APPELLANT

APPELLATE CASE NO 2022-000474

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 3 (CD OF [APPELLANT’S] INTERVIEW)

STATE OF SOUTH CAROLINA	)	
	)	GENERAL SESSIONS COURT
COUNTY OF BARNWELL	)	2021-GS-06-00171
	)	
	)	
	)	
	)	
THE STATE,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
REBECCA A. MAXWELL,	)	
DEFENDANT.	)	
_____	)	

January 31, 2022
Via WebEx

B E F O R E:

THE HONORABLE DEADRA L. JEFFERSON, JUDGE.

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

DAVID W. MILLER, ESQ.
Attorney for the Plaintiff

OLA JOHNSON, ESQ.
Attorney for the Defendant

Proceedings Recorded by DCRP
Transcribed by Penny M. Johnson

I N D E X

(No witnesses were called.)

E X H I B I T S

(No exhibits were submitted.)

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MR. JOHNSON: Judge, you want me to speak? Can you hear me?

MR. JOHNSON: Ms. Maxwell is online. She got a negative test at the doctor, but she was not able to see a doctor. They said she had to schedule an appointment. She's got additional information. She's online.

MR. JOHNSON: She went down to the county health department and she said they told her she's going to have to make an appointment.

MR. JOHNSON: They gave her a test that she took and said it came back negative.

MR. JOHNSON: She said they gave her a test that she took and it came back negative. They would not let her see a doctor this morning and they told her to make an appointment.

THE COURT: Did she make an appointment?

1 MR. JOHNSON: I don't know if she has made the
2 appointment yet. I think she's online right now if you want
3 -- do you want me to call her or do you want to ask her
4 online?

5 THE COURT: Ms. Maxwell, can you hear us?

6 MS. MAXWELL: Yes, ma'am.

7 THE COURT: Did you make any attempts to -- do you have
8 proof of your negative test?

9 MS. MAXWELL: I have my negative test. When I spoke to
10 the people at the health department, they said that I would
11 have to make an appointment. I called back a while ago and
12 they said they were closed until further notice because
13 they're short staffed. They don't have any doctors.

14 THE COURT: You didn't make any attempts to make an
15 appointment while you were there being tested?

16 MS. MAXWELL: Yes, ma'am. They said that they're short
17 staffed. They don't have any -- they're not making
18 appointments right now.

19 THE COURT: That's what they told you after you got
20 tested?

21 MS. MAXWELL: Yes, ma'am.

22 THE COURT: You don't have a doctor you normally see in
23 Bamberg?

24 MS. MAXWELL: I'm living in Lexington. We drove here
25 from Lexington to go to the health department. I have my

1 OBGYN, who I have been seeing, but as far as a regular
2 doctor, I was told to come to the health department today.

3 THE COURT: Well, that's because we thought you lived
4 in Barnwell. We didn't know you lived in Lexington. Had I
5 known that, I would have given you a Lexington address for
6 you to get tested.

7 Mr. Johnson, did you know your client was residing in
8 Lexington and not Barnwell?

9 MS. MAXWELL: Yes, he knows.

10 THE COURT: Is there a reason you didn't share that
11 with me? I was under the misapprehension that she lived in
12 Barnwell.

13 MR. JOHNSON: Judge, I guess I assumed you wanted her
14 to get tested and come straight to court.

15 THE COURT: There is no jury coming in until Tuesday
16 and she's not scheduled to plead guilty.

17 MR. JOHNSON: I was mistaken. I thought we were having
18 court.

19 THE COURT: We are having court. We're just doing it
20 virtually. But if someone is scheduled for a jury trial,
21 why would they come before the jury reports?

22 MR. JOHNSON: I thought we were going to have the
23 hearing in person. It's my mistake, Judge. I thought we
24 were having the hearing in person in Barnwell. I got on the
25 road to Barnwell and turned around and came back when I

1 realized I had made a mistake.

2 THE COURT: If you had let us know your client was in
3 Lexington, we would have found somebody in Lexington to test
4 her. That makes no sense to have a sick person travel from
5 one location to another and come in contact with even more
6 people.

7 Ma'am, when did you have a child?

8 MS. MAXWELL: Four weeks ago.

9 THE COURT: And have you not reported to your doctor
10 that you were not feeling well?

11 MS. MAXWELL: Yes, I've already seen my doctor when I
12 tested positive for Covid.

13 THE COURT: And when was that?

14 MS. MAXWELL: It was by OB doctor. Today is ten days
15 ago.

16 THE COURT: And what advice did the doctor give you
17 about quarantining and being in other people's presence?

18 MS. MAXWELL: That I was supposed to be quarantined for
19 ten to 14 days after my symptoms.

20 THE COURT: And then what were you supposed to do after
21 that?

22 MS. MAXWELL: Get tested again.

23 THE COURT: And then after testing -- were you supposed
24 to test with your doctor or did they tell you who to test
25 with?

1 MS. MAXWELL: He didn't say who to test with. He just
2 said to test again.

3 THE COURT: So now you're negative. Was anyone aware
4 you just had a baby?

5 MS. MAXWELL: Yes. I was released from Barnwell County
6 because I was getting ready to give birth. She was -- I was
7 "audible distortion" on the 29th of December.

8 THE COURT: Were you aware of that, Mr. Miller?

9 MR. MILLER: Yes, Your Honor.

10 THE COURT: So is there a reason y'all didn't share any
11 of this with me last week with the multiple conversations we
12 had?

13 MR. JOHNSON: Her having a baby, Judge?

14 THE COURT: Yes, I think that's relevant. I think it's
15 -- her health situation is relevant. I'm just finding out
16 things right now that I wasn't aware of.

17 MR. JOHNSON: We did mention that she had had a child.
18 I think I mentioned it and the solicitor mentioned. I know
19 I mentioned it.

20 THE COURT: Shaundra, do you remember that?

21 SHAUNDRA: No, ma'am, I do not.

22 THE COURT: I take notes of every conversation and it's
23 not in my notes.

24 MR. JOHNSON: That was the purpose of her originally
25 being placed on the trial list, I believe, so quickly is

1 because she was pregnant.

2 THE COURT: I have no idea how you all come about doing
3 your trial list. I would not have had any knowledge of that
4 nor would I have been made privy to it.

5 Ma'am, do you have custody of your child?

6 MS. MAXWELL: Yes, ma'am.

7 THE COURT: How many witnesses does the State have?

8 MR. MILLER: Three, Your Honor.

9 THE COURT: You have three witnesses?

10 MR. MILLER: It will be three to four, depending on how
11 the testimony comes out.

12 THE COURT: And how many witnesses do you have, Mr.
13 Johnson?

14 MR. JOHNSON: I don't have any witnesses, Judge.

15 THE COURT: How many witnesses are there on your
16 Jackson vs. Denno?

17 MR. MILLER: One, potentially, two, Your Honor, again,
18 depending on how the testimony comes out.

19 THE COURT: And my notes reflect the State has not
20 entertained any offer toward Ms. Maxwell, although she has a
21 co-defendant who was also charged; is that correct?

22 MR. MILLER: That is correct, Your Honor.

23 THE COURT: And what's the status of the co-defendant?

24 MR. MILLER: He is waiting to testify for the State.
25 He is in jail.

1 THE COURT: Mr. Johnson, have you made any attempts to
2 negotiate with the State regarding your client in light of
3 the fact that she just had a child?

4 MR. JOHNSON: Yes, ma'am.

5 THE COURT: And what have those discussions entailed?

6 MR. JOHNSON: Well, my client doesn't want to go to
7 jail and Mr. Miller doesn't want to make an offer. With
8 that mandatory 15 years on that burglary, I guess that sort
9 of ended the negotiations.

10 THE COURT: What makes this a burglary first?

11 MR. MILLER: Two prior burglary convictions, Your
12 Honor.

13 THE COURT: In what year?

14 MR. MILLER: I'd have to look and see what year they
15 were. We have a stipulation as to the burglary convictions,
16 but I'll confirm that right now.

17 THE COURT: Mr. Johnson, do you remember the two prior
18 convictions your client had?

19 MR. JOHNSON: I remember the stipulation, but I'd have
20 to pull the rap sheet as well to give you the dates, Your
21 Honor.

22 (Pause.)

23 MR. JOHNSON: There was one in 2016.

24 THE COURT: What type of burglary was that?

25 MR. JOHNSON: Judge, that was a burglary second degree,

1 February 5th, 2016.

2 MR. MILLER: Judge, she has two burglary third
3 convictions from 2013 and she has a burglary second
4 conviction from 2016.

5 THE COURT: Is there anything else we need to discuss?

6 Mr. Johnson, are you ready to go forward or do you
7 think your client needs to go see her physician in Lexington
8 to make sure what the status of her situation is?

9 MR. JOHNSON: Your Honor, if you're concerned about
10 Covid, we certainly want her to go see her physician. She
11 can do that today. I don't know the status of the
12 availability of doctors today in Lexington, but --

13 THE COURT: Ms. Maxwell, when were you scheduled to go
14 back and see your doctor?

15 MS. MAXWELL: Why was I scheduled to go back to see the
16 doctor?

17 THE COURT: After you had your positive Covid test,
18 when were you scheduled to go back to see your doctor for
19 followup?

20 MS. MAXWELL: For my six weeks checkup, which will be
21 in two weeks.

22 THE COURT: So he was going to wait to check you for
23 Covid when you had your six-week checkup? Did you
24 understand the question I asked?

25 MS. MAXWELL: I went in to see the doctor because I was

1 having complications from having the baby and I told him I
2 was not feeling well. And at that time, I was tested for
3 Covid because the people in my house were positive for
4 Covid. That's when I tested positive. But I have not gone
5 back to see the doctor again since my positive test. They
6 told me I needed to quarantine for ten to 14 days and then
7 see my regular physician, but I have not seen my physician
8 yet.

9 THE COURT: So, basically, your OB tested you, you were
10 positive. They told you to quarantine for ten to 14 days
11 and then go see your normal physician and come back and see
12 them in six weeks for your six-week checkup?

13 MS. MAXWELL: Correct.

14 THE COURT: So is there a reason you haven't -- has it
15 been 14 days already?

16 MS. MAXWELL: Today is my tenth day.

17 THE COURT: So did you plan to go see -- do you have a
18 regular physician?

19 MS. MAXWELL: I don't, but I was going to go to Urgent
20 Care.

21 THE COURT: Did they give you a rapid test at the
22 health department?

23 MS. MAXWELL: Yes, ma'am.

24 THE COURT: Your first test when you tested positive,
25 was that a PCR test or a rapid test?

1 MS. MAXWELL: Yes, ma'am, it was a PCR test.

2 THE COURT: What I need you to do is I need you to go
3 -- since you do not have a regular -- well, I don't know,
4 which is it easier for you to go to, your OB or to go to
5 Urgent Care?

6 MS. MAXWELL: Probably my OB.

7 THE COURT: Can your OB give you another PCR test?

8 MS. MAXWELL: I'm sure they will. That shouldn't be a
9 problem.

10 THE COURT: So you said you're not feeling well.
11 Without me getting -- I don't want to sound intrusive, but
12 what are the nature of your complaints? Why are you not
13 feeling well? Do you think this is related to your
14 pregnancy complications or do you think this is related to
15 Covid?

16 MS. MAXWELL: I think it's just a little bit of both,
17 Your Honor, to be honest with you. I really can't determine
18 to be honest with you. Just a general feeling of
19 unwellness.

20 THE COURT: Do you think your OB could see you today,
21 give you a PCR test and check you? Have you advised them
22 that you're scheduled to go to trial and your general health
23 needs to be checked to make sure that you're well enough to
24 go to court?

25 MS. MAXWELL: I have not informed them of that yet. I

1 don't know if I can be seen today. I mean, I'm still
2 sitting in Barnwell. We've been sitting in the McDonald's
3 parking lot for almost two hours now. We don't have a
4 signal between here and Lexington.

5 THE COURT: Oh, for court. I've got you.

6 Here's what I'd like for you to do. I need you to go
7 to whichever doctor is most convenient for you. It would
8 seem to me that if you're having complications from a
9 pregnancy, you need to go see your OB as well. I need to
10 know the general status of your health.

11 MS. MAXWELL: Yes, ma'am.

12 THE COURT: And you need to disclose to them that
13 you're going to trial in a day and you need to know what
14 your situation is in terms of your health.

15 MS. MAXWELL: Okay.

16 THE COURT: And if they can give you a PCR test.

17 MS. MAXWELL: Okay.

18 THE COURT: And how long will it take for that to come
19 back?

20 MS. MAXWELL: I know last time it took two days for it
21 to come back.

22 THE COURT: Do you think you can head straight to your
23 OB and see them today?

24 MS. MAXWELL: I can call them and see if they can. I
25 don't know if they'll -- I mean, I can't say without calling

1 them.

2 THE COURT: You know, doctors can only give advice when
3 they have full and complete knowledge. You feeling unwell
4 and being able to be at home for six weeks versus you
5 feeling unwell and the possibility of you going to jail for
6 15 years is two different things. You need to make full
7 disclosure to your doctor and tell him everything that's
8 going on with your situation. And tell him you need to know
9 whether you are well enough for what is coming, which is a
10 trial, and you need to know your Covid situation.

11 MS. MAXWELL: Yes, ma'am.

12 THE COURT: So either go -- if they can fit you in
13 today, which would be advisable because I need to know --
14 when you tell me you're having complications from a
15 pregnancy, that concerns me. And then I need to know -- I
16 would like you to have a PCR test as well. So see if they
17 can administer that to you and if they cannot, then you said
18 there's an Urgent Care or Doctors Care you would be able to
19 go to because you do not have a regular physician?

20 MS. MAXWELL: Correct.

21 THE COURT: I need to know what's going on with your
22 pregnancy complications. Again, I'm not trying to be
23 intrusive, but I need to know the general status of your
24 health.

25 MS. MAXWELL: Okay.

1 THE COURT: Okay. And we apologize for any
2 miscommunication. If I had known you were in Lexington, my
3 staff would have provided you with a Lexington DHEC location
4 to have been tested this morning so that you did not have to
5 drive all the way to Barnwell.

6 MS. MAXWELL: Yes, ma'am. Thank you.

7 THE COURT: Thank you very much.

8 Mr. Johnson, is there anything else you'd like to share
9 with me?

10 MR. JOHNSON: No, ma'am. I've just got to communicate
11 with Mr. Miller about this redacted version of the interview
12 and make sure -- if we need to make any modifications on
13 that so we'll be ready to go forward. That's about it.

14 THE COURT: I need to know -- when she tells me she has
15 pregnancy complications, I need to know what's going on.

16 MR. JOHNSON: Yes, ma'am.

17 THE COURT: I cannot in good conscience -- if she's
18 having some significant health issue have that now be the
19 responsibility of the Department of Corrections.

20 MR. JOHNSON: Yes, ma'am.

21 THE COURT: Were you aware she was having pregnancy
22 complications or did you just think she was having Covid
23 issues?

24 MR. JOHNSON: I was just aware of the Covid. I knew
25 she had her baby, but --

1 THE COURT: She didn't disclose to you she was having
2 pregnancy complications?

3 MR. JOHNSON: I don't recall having that conversation.

4 THE COURT: I would imagine you agree with me that she
5 needs to know what's going on?

6 MR. JOHNSON: Oh, absolutely.

7 THE COURT: That could be so many different things that
8 we're not equipped to deal with.

9 Yes, sir.

10 MR. MILLER: Ms. Maxwell's trial is the only reason the
11 jury is coming in. Under the circumstances, I'm very
12 doubtful that she is going to be cleared to go to trial by
13 her OBGYN or another doctor. If it suits the Court, we can
14 just continue that case until the next term so that the
15 clerk can cancel the jury.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: Your Honor, I'm happy to do that. Of
18 course, we want to make sure everything is above board and
19 my client is doing well.

20 THE COURT: When she tells me that she's having
21 pregnancy complications, that could be so many things. I
22 would hate to pick a jury and have a medical emergency in
23 the middle. It's just a lot of moving parts. I think she
24 needs to be completely well and feeling well. Because then
25 I have concerns about a PCR and her ability to even give you

1 assistance in advocating for her when she says to me I have
2 a general feeling of unwellness. And as know, there are a
3 lot of people that suffer from long Covid. Even though
4 they're not testing positive anymore, they're having
5 significant issues with memory, you know, being able to sit
6 for hours at a time. All of it. It's just a lot. I want
7 her to be as close to 100 percent as possible. So I assume
8 you have no objection to that?

9 MR. JOHNSON: No, ma'am.

10 THE COURT: I think that's wise, gentlemen.
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CERTIFICATE OF TRANSCRIBER

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

December 17, 2022

Penny M. Johnson
Penny M. Johnson
Court Reporter III

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF BARNWELL	)	2021-GS-06-00171
	)	
	)	
	)	
THE STATE,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
REBECCA A. MAXWELL,	)	
DEFENDANT.	)	
_____	)	

March 29 - 30, 2022
Barnwell, South Carolina

B E F O R E:

THE HONORABLE WALTON J. MCLEOD, IV, JUDGE.

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

LEIGH STAGGS, ESQ.
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OLA JOHNSON, ESQ.
Attorney for the Defendant

PENNY M. JOHNSON
Court Reporter III

I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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1	Miranda Rights		19
2	CD of 4/9/21 Interview		20
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All Exhibits were retained by the Clerk of Court for Barnwell County.

P R O C E E D I N G S

MONDAY, MARCH 28, 2022

1
2
3 MS. STAGGS: Your Honor, I believe we're ready to
4 proceed in the Jackson V. Denno hearing for State vs.
5 Rebecca Maxwell.

6 MR. JOHNSON: Your Honor, Ola Johnson for Ms. Maxwell.
7 I will just state, I think before we proceed, I just wanted
8 to renew a previous motion.

9 THE COURT: That was a motion for continuance?

10 MR. JOHNSON: Motion for continuance, Your Honor. I
11 sent that to the State and we had a telephone conference
12 last week. My client, I believe, has some potential
13 additional information about that. I've got the motion
14 here. Filed the motion, the paperwork showing that what
15 happened was there was a previous term of court and I
16 believe that was in January.

17 Mr. Miller and myself and Judge Jefferson, we had a
18 hearing about two issues. One, Judge Jefferson wanted to
19 know about a Covid diagnosis for my client. She was
20 recovering. So we talked about that and Judge Jefferson had
21 some concerns about that at the time. This was after -- 10
22 or 12 days maybe --

23 THE COURT: After when it was continued by me?

24 MR. JOHNSON: Well, there was one where I got Covid.

25 THE COURT: I was involved in one where you sent a

1 picture of her test.

2 MR. JOHNSON: Right.

3 THE COURT: Okay. Judge Jefferson came in after all
4 this.

5 MR. JOHNSON: Right. She said, Well, was there a
6 previous Covid diagnosis? And we said, Yes. She said,
7 Well, I want her to get another test. And we went through
8 all of that.

9 But there was also a complaint where my client had a
10 situation where she had given birth and she was having
11 complications. The Judge asked about it and I said, Well,
12 I'm not a doctor. Of course, I don't have documentation.
13 All I know is there's an ongoing problem. My client has
14 indicated that she's having some complications after giving
15 birth and we went through all that. And the Judge said,
16 Well, just to be on the safe side, let's make sure she gets
17 checked out. And she continued the trial at that time.

18 THE COURT: What day and month was that?

19 MR. JOHNSON: That was in January of 2022. So the
20 paperwork that I attached to my motion from Dr. Addy and the
21 surgery, this all took place after that. Because what
22 happened was, in February of 2022, as it states within the
23 motion, my client had some issues. It turned out to be an
24 actual condition that one can develop after giving birth and
25 it required surgery. So she had the surgery and Dr. Addy

1 put in here, you know, what the condition was and why it
2 happened. But they had the surgery, so the complaints were
3 based on something. It actually was developing into a
4 serious problem.

5 So my understanding is, according to my client, she was
6 having a followup appointment last week with Dr. Addy. Then
7 she sent me this audio-recorded message that I sent to the
8 solicitor and to Your Honor where Dr. Addy's office called
9 at the last minute to reschedule. My client couldn't
10 reschedule that day, it was last week, and, therefore, it
11 didn't happen. She didn't have the appointment. The doctor
12 had something to do. So there was no followup.

13 And my client can give the Court more information about
14 this, but I believe it had to do with the potential need for
15 future surgeries and what her condition is now. An
16 examination was supposed to take place with Dr. Addy and it
17 did not happen.

18 So based on that, I moved for a continuance. If Your
19 Honor wants to hear from my client, she's ready to talk
20 about that issue.

21 THE COURT: Anything from the State before we proceed?

22 MS. STAGGS: I don't believe so, Judge. I was not
23 present for that original motion.

24 So I will just ask Mr. Miller if he has any pertinent
25 thoughts?

1 MR. MILLER: Just for the sake of clarity, Judge, you
2 asked for the day and month. It was January 24th when Your
3 Honor was here. It was a Common Pleas term and there wasn't
4 anything to try, so we were going to try to squeeze in a
5 General Sessions case so that we didn't waste the jury. At
6 that time, we had told Mr. Johnson. And prior to that day
7 was the day that the picture was shown of the positive Covid
8 test.

9 Then the next term was the 31st of January. And it was
10 on the 31st of January whenever Ms. Maxwell couldn't get
11 into a doctor, couldn't talk to a doctor about getting a
12 test, couldn't get a test taken anywhere else. And in the
13 process of all these things of why she couldn't get a test
14 taken with Judge Jefferson going I want her to go take
15 another Covid test and be not positive before we have her in
16 the courtroom, she starts talking about just had a baby.
17 And Judge Jefferson says, Well, if she just had a baby, I
18 don't know why y'all are calling this case anyway. So she
19 continued it past the January 31st term.

20 All of this other stuff came up sometime in February.
21 We're on the 28th of March. She had an appointment on
22 Wednesday to go to the doctor to get cleared. She didn't go
23 because the doctor canceled it. There's not anything to be
24 cleared from that's keeping her from court. She was in this
25 courtroom on Friday in a Family Court matter.

1 The first time that we called this case for trial was
2 back in 2021, and at that point in time, Mr. Johnson had a
3 medical issue. There's absolutely nobody disputing that.
4 But then, Ms. Maxwell comes in and says that she wants to
5 have a bond hearing, so the Judge sets a bond for her, Judge
6 Curtis.

7 THE COURT: She was in the County for a period of time?

8 MR. MILLER: She was in the County. She was in the
9 Barnwell County jail. And then the week of January 6th when
10 Judge Kristi Curtis was here for General Sessions, she set a
11 bond for her and the Defendant bonded out on Judge Curtis's
12 bond order in December.

13 THE COURT: Okay.

14 MR. MILLER: Or it may have been Judge Clyburn-Pope
15 that set that one, but at any rate, she bonded out before
16 she had her child. She did not have the child while she was
17 locked up. That was at the Lexington Hospital.

18 And then the second time it was continued was when she
19 sent in the positive Covid test and Your Honor continued it
20 then. When we tried to call it the next term, it got
21 continued because she still hadn't gotten a test that said
22 she was negative.

23 THE COURT: And that was Judge Jefferson?

24 MR. MILLER: That was Judge Jefferson. So this is the
25 fourth time we're attempting to call the case, Judge.

1 THE COURT: Mr. Johnson, you were about to say
2 something.

3 MR. JOHNSON: Judge, I was just going to say I think it
4 was continued one time because I had Covid. I think that's
5 the only time. And I think she did get another test, a
6 followup test, so she was trying to comply. But anyway, she
7 gave birth and she provided --

8 THE COURT: That was in December, correct?

9 MR. JOHNSON: December 29th, I believe. So since I'm
10 not a doctor and the solicitor is not a doctor, I just think
11 it's important to put on the record, the Judge at the time,
12 Judge Jefferson, was also concerned about what facilities
13 would be available in SCDC if she ends up there. What's
14 going on, we don't know. And the truth is, I still don't
15 know because I'm not Dr. Addy and that examination last week
16 did not happen.

17 So if Your Honor wants to question my client, she can
18 speak more to that.

19 THE COURT: If you want to ask your client questions,
20 but I'm not going to question her about her health. I mean,
21 you sent me documents pertaining to the medical records that
22 were attached to your motion for continuance. I believe
23 they were all filed. I looked over them.

24 I'm balancing the concerns here. Nobody could control
25 Covid, we recognize that. Couldn't control it necessarily

1 when you got it or she got it. It's been about 60 days
2 since the last continuance. I received the voicemail that
3 the doctor had canceled the appointment, but I don't know
4 any more information than what you've given me.

5 MR. JOHNSON: Yes, sir. Well, I'll just state for the
6 record, according to what my client has told me, this
7 examination is something that could result in a future
8 surgery. RPOC, which is retained products of conception, is
9 the diagnosis and it's in that paperwork that I attached to
10 the motion. That's, obviously, gotten very serious,
11 manifested itself in a very serious way and resulted in
12 surgery. It could happen again. According to my
13 understanding from talking with my client, that's the whole
14 point of the followup appointment is to find out if there's
15 more surgery needed. That's all I know, Judge.

16 THE COURT: I don't want to deprive you of giving any
17 more information through your client. I'm not going to
18 question her on her medical history.

19 MR. JOHNSON: Well, Your Honor, I can ask her that
20 question on the record if you'd like.

21 THE COURT: If you want to call a witness for your
22 motion.

23 MR. JOHNSON: I'll call her.

24 THE COURT: Okay. Obviously, she'll be subject to
25 cross-examination.

Rebecca Maxwell - Direct by Johnson

1 MR. JOHNSON: Yes, sir, for the limited purpose of this
2 hearing.

3 REBECCA MAXWELL,

4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. JOHNSON:

7 Q Ms. Maxwell, what's your full name?

8 A Rebecca Ann Maxwell.

9 Q Okay. And what date did you give birth?

10 A December 29th.

11 Q Okay. What year?

12 A '21.

13 Q Okay. And following that, did you have a diagnosis
14 that resulted in surgery?

15 A I did.

16 Q And what is your doctor's name?

17 A Dr. Addy.

18 Q And did you have a followup appointment last week with
19 Dr. Addy?

20 A Yes.

21 Q Did Dr. Addy continue that appointment?

22 A Yes.

23 Q Is there some examination that's supposed to take place

24 --

25 THE COURT: Just for the record, you mean he postponed

1 the appointment?

2 MR. JOHNSON: Well, he postponed the exam, so it did
3 not take place.

4 BY MR. JOHNSON:

5 Q So is there something about that appointment that
6 involves something about the risk of future problems or
7 surgeries?

8 A Yes. What started it was I began hemorrhaging and had
9 to be rushed by ambulance to the hospital where a piece of
10 placenta had been left in me. And when it, I guess, came
11 off, it caused me to start bleeding. I lost a third of my
12 blood and I had to be rushed into surgery. And the problems
13 from that, the bleeding, has not stopped and they're
14 thinking they're going to have to do surgery to remove my
15 uterus.

16 Q So that's the purpose of the examination that was
17 supposed to take place?

18 A Yes.

19 Q But that did not happen?

20 A No.

21 Q Are you still suffering from what you feel are
22 complications from that?

23 A Yes.

24 Q Do you have any more information from Dr. Addy's office
25 about when they can reschedule it?

1 A I haven't. I thought that what I had already gotten
2 was what I needed, so I didn't know I needed to ask for
3 something else. I mean, I can get it, I just didn't know.

4 MR. JOHNSON: No further questions, Your Honor.

5 THE COURT: Anything from the State?

6 MS. STAGGS: I don't have any questions.

7 THE COURT: All right. You can step down.

8 MR. JOHNSON: That's all we have, Your Honor.

9 THE COURT: Let me speak with the lawyers a minute.

10 (Sidebar conference.)

11 THE COURT: All right. I'm going to deny the motion
12 for a continuance, but I think some of the concerns that
13 were discussed in the courtroom could also be addressed at a
14 later time if appropriate. So we will proceed as scheduled.

15 MR. JOHNSON: Judge, my client has informed me that she
16 wants to make a motion to have me relieved. She would like
17 to make that ex parte, to clear the courtroom. She's got
18 some things she wants to say. And I think it would require
19 the record to be sealed and the courtroom should be cleared,
20 except for the essential people. She would like to make
21 that motion.

22 THE COURT: Is that correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Madam Clerk, the Defendant
25 wants to make an ex parte hearing with me and her lawyer. I

1 did this recently. We'll just clear out the courtroom with
2 the exception of necessary personnel. It's confidential.

3 If the solicitors would, at least, just stand close by.

4 THE COURT: All right. We're back on the record in the
5 State vs. Rebecca Maxwell. Ms. Maxwell, through her
6 attorney, has made a motion for an ex parte hearing to
7 relieve her lawyer. We do still have some people in the
8 courtroom, which I think are minimal amount possible. I've
9 got --

10 What's your name?

11 INVESTIGATOR GUNNELLS: Investigator Timothy R.
12 Gunnells.

13 THE COURT: And you're just serving as security?

14 INVESTIGATOR GUNNELLS: Security, yes, sir.

15 THE COURT: You're not involved in this case?

16 INVESTIGATOR GUNNELLS: No, sir.

17 THE COURT: So Investigator Gunnells, our court
18 reporter, my law clerk and the Clerk of Court and myself.
19 Mr. Johnson is here.

20 Mr. Johnson, your client has made -- she wants to
21 represent herself?

22 MR. JOHNSON: She would like a motion to have me
23 relieved. And I don't know if she's requesting to represent
24 herself or have new counsel. But she wanted to have an
25 involved conversation with you involving some details. I

~~Matt Davis - Direct by Staggs~~

1 told her she would have to make her motion and that's what
2 she's doing.

3 THE COURT: That door is shut, right?

4 INVESTIGATOR GUNNELLS: Yes, sir.

5 (Sealed ex parte hearing was held with the Court and
6 the Defendant and Defendant's counsel.)

7 THE COURT: Let's get people back in the courtroom.

8 The Defense has a motion to suppress statement?

9 MR. MILLER: The motion that was filed?

10 THE COURT: Yeah. Are we ready to proceed with the
11 Jackson V. Denno?

12 MS. STAGGS: We are ready, Your Honor.

13 THE COURT: All right.

14 MS. STAGGS: The State would call Investigator Matt
15 Davis.

16 MATT DAVIS,

17 After being duly sworn, testified as follows:

18 THE CLERK: Please be seated. State your full name for
19 the record.

20 THE WITNESS: Matt Davis.

21 DIRECT EXAMINATION

22 BY MS. STAGGS:

23 Q Investigator Davis, where do you work?

24 A The sheriff's office in Barnwell County.

25 Q And what's your position there?

1 A Lieutenant.

2 Q What does that involve? Please describe.

3 A Investigations.

4 Q And were you working in that capacity on December 22nd
5 of 2020?

6 A I was.

7 Q And April 9th of 2021?

8 A That's correct.

9 Q You met with Rebecca Maxwell on both of those
10 occasions?

11 A I did.

12 Q Do you see Ms. Maxwell in the courtroom today?

13 A I do.

14 Q Could you point her out for me?

15 A She's the female in black shirt and gray coat.

16 Q Let me get to that first meeting. You met with her on
17 December 22nd of 2020?

18 A That's correct.

19 Q How did you make contact with her that day?

20 A I went to the residence where she was staying at at the
21 time and spoke with her.

22 Q And where did you meet her at that residence?

23 A She came outside on the front porch and we spoke
24 outside.

25 Q And was she under arrest at that time?

1 A She was not.

2 Q Was she in custody?

3 A She was not.

4 Q And was she free to leave?

5 A She was.

6 Q And then you interviewed her again on April the 9th of
7 2021?

8 A That's correct.

9 Q Why did you meet with her that day?

10 A To interview her again concerning the same
11 investigation.

12 Q How did you make contact with her?

13 A She was in the Barnwell County Detention Center.

14 Q Okay. And is that where you interviewed her?

15 A I did not.

16 Q Where did you interview her?

17 A I interviewed her at the sheriff's office in Barnwell.

18 Q Did she come there voluntarily?

19 A She did.

20 Q Let me rephrase. She had been placed under arrest?

21 A That's correct.

22 Q And was transported -- did you transport her?

23 A I did.

24 Q Once she was brought over to the investigations office
25 at the sheriff's office, what happened after that?

1 A I advised her of her Miranda rights and then I
2 proceeded with the interview about this investigation.

3 Q Was anybody else with you when you interviewed her?

4 A No, ma'am.

5 Q Did she appear to be under the influence of any alcohol
6 or drugs?

7 A No, ma'am.

8 Q Did she appear to have any physical or mental
9 impairments that might affect her ability to understand what
10 was going on?

11 A No, ma'am.

12 Q Was that interview recorded?

13 A It was.

14 Q About how long did it last?

15 A About 30 minutes.

16 Q Was she ever denied access to the bathroom during that
17 interview?

18 A No, ma'am.

19 Q Was she ever denied access to food or water?

20 A She was not.

21 Q Did you ever make any threats or promises to her?

22 A I did not.

23 MS. STAGGS: Your Honor, may I approach the witness?

24 THE COURT: Yes.

25 BY MS. STAGGS:

1 Q I'm handing you what's been marked as State's Exhibit
2 No. 2. Do you recognize that?

3 A I do.

4 Q How do you recognize it?

5 A It's our Waiver of Rights that states the Miranda
6 rights from our sheriff's office.

7 Q So that's a fair and accurate copy of the written
8 Miranda warnings that you gave Ms. Maxwell on April the 9th?

9 A It is.

10 MS. STAGGS: Your Honor, I would like to move to admit
11 State's Exhibit 2 as a Court's Exhibit for purposes of this
12 hearing.

13 THE COURT: Any objection?

14 MR. JOHNSON: Without objection as a Court's Exhibit.

15 THE COURT: Very well.

16 (Court's Exhibit No. 1 marked for identification.)

17 BY MS. STAGGS:

18 Q When you interviewed, Ms. Maxwell, did you advise -- I
19 mean, she had already been charged in relation to this case?

20 A Correct.

21 Q So she understood, you advised her of the nature of the
22 investigation?

23 A That's correct.

24 Q Did it appear to you that she understood the rights
25 listed on that Miranda warning?

1 A She stated verbally that she did. She also signed the
2 form stating that she understood her rights.

3 Q Did she invoke any of those Miranda rights?

4 A She did not.

5 Q And to the best of your knowledge, were the statements
6 that she made to you made freely and voluntarily?

7 A Yes, they were.

8 Q I now want to hand you what's been marked as State's
9 Exhibit No. 1. Do you recognize that?

10 A I do.

11 Q How do you recognize it?

12 A It's a copy of the interview I conducted with Ms.
13 Maxwell and I watched the interview on this disc.

14 Q And you initialed that disc?

15 A I did.

16 Q That's a fair and accurate copy of your full interview
17 with Ms. Maxwell on April the 9th of 2021?

18 A That's correct.

19 MS. STAGGS: Your Honor, at this time, the State moves
20 to admit State's Exhibit No. 1 as a Court's Exhibit just for
21 the purposes of this hearing.

22 THE COURT: So admitted.

23 MR. JOHNSON: No objection.

24 (Court's Exhibit No. 2 marked for identification.)

25 MS. STAGGS: And then, Your Honor, would you care for

1 us to play the interview now or provide you with a copy so
2 that you can watch it?

3 THE COURT: I guess I need to see it if I'm going to
4 rule on it.

5 MS. STAGGS: Okay.

6 THE COURT: Otherwise, I'd have to hold it under
7 advisement overnight.

8 MS. STAGGS: It's just however you prefer to proceed.

9 THE COURT: Let's just start playing it.

10 MS. STAGGS: Okay. Yes, sir.

11 MR. JOHNSON: Are you going to play it now?

12 THE COURT: Yes, that was my intent.

13 MR. JOHNSON: Yes, sir. And I think that's good for
14 cross-examination purposes as well.

15 THE COURT: Let me ask y'all a quick question. I want
16 to make sure I'm not complicating this.

17 (Sidebar conference.)

18 BY MS. STAGGS:

19 Q Investigator Davis, what did the Defendant tell you
20 during that interview?

21 A She admitted during the interview that Andrew Creech
22 drove her to the victim's residence, Jane Carroll, on Govan
23 Highway in Barnwell County. Ms. Maxwell admitted to going
24 inside the residence, taking multiple firearms along with
25 other items.

1 Q And who did she tell you she was living with at the
2 time?

3 A Crystal Dyches.

4 Q I believe you just said this, but who did she tell you
5 was involved in the burglary?

6 A Herself and Andrew Creech was the only two that was
7 involved in the burglary -- well, correction. I think
8 during the interview, she said that Falcon Joyner and James
9 Creech were also involved.

10 Q And did she tell you what she stole?

11 A Firearms and jewelry.

12 Q And at the conclusion of that interview, she still had
13 not invoked any of her Miranda rights at that time?

14 A That's correct.

15 MS. STAGGS: Beg the Court's indulgence for one moment.

16 (Pause.)

17 BY MS. STAGGS:

18 Q Did you get a written statement from Ms. Maxwell during
19 that interview?

20 A I did not.

21 Q Did you get a written statement from her on December
22 22nd when you interviewed her then?

23 A I did not.

24 MS. STAGGS: I don't have any further questions, Your
25 Honor.

1 THE COURT: Can I get a copy of those exhibits you've
2 admitted thus far?

3 MS. STAGGS: Absolutely, Judge.

4 THE COURT: Thank you.

5 Mr. Johnson, you need a moment for some technology
6 setup?

7 MR. JOHNSON: I'm just going to bring my laptop up next
8 to the witness. I've got a little flash drive of the
9 interview.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Officer, you said you didn't take any written
13 statements?

14 A I did not.

15 Q You testified earlier, you said that my client
16 indicated to you she said she understood and that she waived
17 her rights. She understood her rights of Miranda and she
18 waived them, she said that to you?

19 A As I recall, yes.

20 Q Okay.

21 MR. JOHNSON: Your Honor, at this time, I'm going to
22 play the first part of the interview pertaining to the
23 Miranda rights.

24 THE COURT: Very well.

25 (A portion of the interview was played.)

1 BY MR. JOHNSON:

2 Q And now, I'll just ask you again, Officer, did she
3 actually state to you that she understood her rights?

4 A She acknowledged -- she shook her head yes and
5 acknowledged that she did understand them.

6 Q Okay. She didn't say anything?

7 A She nodded yes.

8 Q And when you talked about waiving those rights, did she
9 say she wanted to waive them or did she nod?

10 A She signed the form to state that she was willing to
11 talk without a lawyer present.

12 Q Did you speak with her prior to this interview?

13 A I did.

14 Q Did you make her any promises about getting her bonded
15 out of jail or helping her out?

16 A I did not.

17 Q And did you make any threats to her?

18 A I did not.

19 Q And during the interview, did you do that?

20 A Did I do what?

21 Q Make any promises or threats or discuss helping her if
22 she cooperates?

23 A I did not.

24 Q And did you do anything to determine -- like, did you
25 test her in any way to see if she had any presence of drugs

1 or alcohol in her system?

2 A No, I'm not a doctor. No tests were administered.

3 Q And she was in handcuffs, correct?

4 A She was.

5 Q And in jail clothes?

6 A Correct.

7 Q She was not free to leave?

8 A She was free at any time to stop the interview and tell
9 me that she did not want to talk to me anymore.

10 Q Okay, but she couldn't go home?

11 A She could not go home.

12 Q And at the very end of the interview, about 22 minutes,
13 56 seconds, do you remember -- at 22 minutes, do you
14 remember as you're leaving the room, she asked you about is
15 this going to help me and you say, yeah, I mean, coop. And
16 then you cut it off right as you start to say coop. Do you
17 remember that?

18 A I would think anybody cooperating is the right thing to
19 do.

20 MR. JOHNSON: Your Honor, at this point, I'm just going
21 to play kind of the end of the interview, the last couple
22 seconds.

23 (A portion of the interview was played.)

24 BY MR. JOHNSON:

25 Q Did you hear that, Officer?

1 A Yes.

2 Q Okay. Were you saying yeah -- I mean, were you going
3 to say cooperation?

4 A That sounded like I was going to say cooperating.

5 Q Okay. And could that be that you were telling her
6 about the benefits of cooperating with you?

7 A Meaning? Can you reword that?

8 Q Well, I mean, when you say coop, you're not talking
9 about a business, you're talking about cooperation. She
10 asked you about helping her and you were like, yeah, if you
11 cooperate. You're talking about cooperating with you, with
12 law enforcement?

13 A I tell everybody I interview to cooperate and tell the
14 truth. I believe that's the right thing to do.

15 Q Okay. So earlier when you testified just a few moments
16 ago and I said did you make any promises to her if she
17 cooperated, do you feel like you did make some promises to
18 her about cooperation?

19 A No, I did not.

20 Q Then what did you say about cooperation?

21 A I tell her and everybody to cooperate and do the right
22 thing, to tell the truth. I believe that's the right thing
23 to do.

24 Q And there would be no benefit coming from that?

25 A No, sir.

1 Q And you were aware that she has children? You knew
2 about her children?

3 A Correct.

4 Q And you had contact with her before?

5 A Correct.

6 MR. JOHNSON: Nothing further, Your Honor.

7 THE COURT: Redirect.

8 MS. STAGGS: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. STAGGS:

11 Q Investigator Davis, at the end of that interview when
12 it sounds like you were starting to say the word
13 cooperation, that's when her statement had already been
14 made, correct?

15 A That's correct.

16 Q And at the time of this interview, did you believe that
17 she had custody of her children?

18 A To my knowledge, I did not think she had custody of any
19 of her children.

20 MS. STAGGS: I don't have any further questions, Your
21 Honor.

22 THE COURT: Recross?

23 MR. JOHNSON: No more questions, Your Honor.

24 THE COURT: All right. The witness may step down.

25 MS. STAGGS: Your Honor, the Defendant asked to speak

1 to Investigator Davis. She was advised of her Miranda
2 rights. He went over those. She signed the form. He
3 didn't threaten her. He didn't make her any promises. He
4 did not believe she was under the influence of any drugs or
5 alcohol or had any impairment that might keep her from
6 understanding her rights.

7 Despite that written advisement, she chose to speak
8 with Investigator Davis. The Miranda form she signed told
9 her she had the right to remain silent. And I believe again
10 the video, which Your Honor will review, will show that. He
11 asked her again, he tells her that she can stop at any time.
12 She's clearly on notice of her right to refuse to make a
13 statement. The State would ask the Court to rule that her
14 statement made to Investigator Davis is admissible.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: Your Honor, I was going to call my client
17 as a witness in this hearing.

18 MS. STAGGS: I apologize.

19 THE COURT: Anything in response to her before you call
20 your witness?

21 MR. JOHNSON: No, Your Honor, at this time, I would
22 call my client for the limited purpose of this hearing only.

23 THE COURT: For this hearing, yes.

24 MR. JOHNSON: Your Honor, the Defense calls Ms. Maxwell
25 to testify.

1 REBECCA MAXWELL,

2 after being duly sworn, testified as follows:

3 THE CLERK: If you would, please be seated and state
4 your full name.

5 THE WITNESS: Rebecca Ann Maxwell.

6 DIRECT EXAMINATION

7 BY MR. JOHNSON:

8 Q Ms. Maxwell, when you were interviewed by this officer,
9 do you clearly remember that?

10 A I remember a lot of it.

11 Q Were you under the influence of any drugs or alcohol at
12 the time?

13 A I was.

14 Q What?

15 A I was under the influence of methamphetamine. I was
16 coming down after two days.

17 Q Okay. Were you clear-headed?

18 A No.

19 Q And when the officer was interviewing you, you were in
20 handcuffs?

21 A Yes.

22 Q And did this officer -- did you have custody of Gage,
23 your son?

24 A Yes.

25 Q Did this officer know that?

1 A Yes, he had arrested me the previous day with my son
2 sitting in my lap in the vehicle.

3 Q And did he make any threats to you about your son?

4 A He did.

5 Q What did he say?

6 A On that day, he told me that if I didn't stop telling
7 people he was a dirty cop that he was going to have my son
8 taken from me. And then when I was interviewed for the
9 burglary charge, he told me that if I didn't do as he wanted
10 me to do, then he would make sure that I didn't get a bond
11 and I would lose my child, which had happened the year
12 before when he arrested me for a pointing and presenting
13 that he -- it had already been investigated and determined
14 that there was no pointing and presenting, but yet, he came
15 back days later and arrested me and I lost -- and I'm
16 fighting for custody of my daughter because of it, and he
17 knows that.

18 Q So did he make -- in addition to threats, did he make
19 any promises to you?

20 A He did.

21 Q What did he promise?

22 A He told me that if -- well, I had been telling him -- I
23 had already been interviewed by him like four times and I
24 told him what I knew about Falcon and James being involved.
25 And when I was arrested, he told me that what I was telling

1 him was just hearsay. He couldn't do anything to them
2 because it was just me saying that they did it. I had to
3 say that I saw them do it.

4 So he pretty much told me what I had to say. He said
5 if you say that, then you'll be able to get a bond. He said
6 you're probably going to have to wear an ankle monitor. You
7 won't be able to get out right now, you'll have to wait
8 until another kind of judge comes. It was like a month
9 later.

10 And he said, Do you have somebody to watch your son
11 until you get out? And I said, Yeah, I have my sister.
12 Which he thought my friend, Dawn Ford, was my sister because
13 of my failure to stop case. He said a family member had to
14 pick Gage up.

15 Q Okay. At the very end of the video, before the comment
16 at the very end that I played, did he make a comment there
17 calling your sister?

18 A He said, You need to call your sister.

19 Q Okay. And did some of this conversation take place,
20 the threats or the promise take place before the interview?

21 A In the ride from the department to the sheriff's
22 department is mainly when it happened, when everything that
23 was said and while I stood outside and smoked a cigarette.

24 Q And when the interview was wrapping up and says coop
25 and he went into that, what was that conversation about?

1 A I asked him, I said, Are you sure you're going to help
2 me? And he said, Yeah, you're cooperating or if you
3 cooperate. He told me I had to cooperate to the end and
4 once -- if it went to trial, I had to testify against them
5 and in the end, my charges would be dropped.

6 Q Okay. And during this interview, you made statements
7 about living with Crystal Dyches. Was that true or false?

8 A It was false. During the time these burglaries
9 happened, I was not even living in Blackville yet.

10 Q Why would you say that?

11 A Because I had come back from -- I had been living in
12 Tennessee and I moved in July to my sister's in Lexington.
13 I lived in Lexington until November. I didn't even know --
14 I mean, I had seen Crystal a few times, but I didn't even
15 know her until the day I moved into that place. I rented a
16 room from her.

17 Q Did the officer tell you you had to say that?

18 A Yeah, he told me that I had to come -- say that I came
19 back to Crystal's after the burglary and that we were in her
20 vehicle.

21 Q And the statement in there about your involvement in
22 the burglary that is the subject of this trial, is that
23 true?

24 A I'm sorry, sir. Can you repeat that?

25 Q When you made a statement in there about your

1 involvement in this burglary, was that true?

2 A No.

3 Q Was that coerced in any way?

4 A It was.

5 Q Why were you saying that?

6 A Because he said if I didn't say it that I wouldn't get
7 a bond, and then I would lose my son. Like, I sat in jail
8 and didn't get a bond and was fighting for custody of her.

9 Q And after you said it, did you get out on bond?

10 A No.

11 MR. JOHNSON: No more questions, Your Honor.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. MILLER:

15 Q So Ms. Maxwell, you were coming down off of this
16 methamphetamine high whenever you were getting interviewed
17 here and you don't really remember a whole lot of it, do
18 you?

19 A I remember a lot of it. Not all of it, I'm sure, but I
20 remember a lot of it.

21 Q You've seen the video?

22 A Yes.

23 Q So when you're talking about all those things that
24 don't have anything at all to do with this burglary, you're
25 talking about people coming over to somebody's house and

1 dropping off stuff and weird comings and goings and drugs
2 and all sorts of other stuff that don't have anything at all
3 to do with this burglary, were you telling the truth then?

4 A I guess it depends on what part you're talking about.
5 The actual part about the packages is true.

6 Q So when you give a statement, you just have to figure
7 out which parts of it you're telling the truth about and
8 which parts you're not?

9 A It --

10 Q How about this, you told us what you told the truth
11 about, people dropping off packages. What was the lie in
12 your statement?

13 A There were things that were lies and there were things
14 that were mixed up because I didn't have it right. Even
15 when I gave directions, when I was trying to give him
16 directions to the print shop, they were completely wrong.
17 And when I watched it, I was like that is crazy that it's
18 not even right. I was way off on how to get there. And
19 during the video, I said I can't think straight. I just
20 couldn't get out what I needed -- I don't know how to
21 explain it.

22 Q So you were fighting for custody of your kids while you
23 were on meth?

24 A I was fighting for custody of my daughter.

25 Q While you were on meth?

1 A Yes. Well, I hadn't been to court in quite a while. I
2 didn't have the money for a lawyer. I hadn't seen my
3 daughter in two years.

4 Q So how long did you do meth -- well, you've had Gage?

5 A Uh-huh.

6 Q Gage was on your lap whenever you got stopped in the
7 failure to stop, right?

8 A He was.

9 Q But you didn't have him whenever Investigator Davis was
10 talking to you, did you? You didn't have Gage?

11 A When? What are you talking about when he was talking
12 to me?

13 Q Well, we just watched a video of him talking to you?

14 A Uh-huh.

15 Q You didn't have Gage then?

16 A I had him two days before that when I was arrested.

17 Q When you were arrested on meth, how far was that -- how
18 far was that failure to stop? How far did you drive?

19 A I really don't know. 30 miles.

20 Q And how old was Gage at that time?

21 A Six months.

22 MR. JOHNSON: Your Honor, relevance to this case,
23 that's a separate charge.

24 THE COURT: It's been dealt with a little bit. Let's
25 move on from the failure to stop.

Rebecca Maxwell - Cross by Miller

1 MR. MILLER: Your Honor, just as to the -- that --

2 THE COURT: Get back to your general point, but we
3 don't need specifics of another --

4 BY MR. MILLER:

5 Q So as you were answering these questions -- when did
6 Investigator Davis tell you all of these lies to tell?

7 A It wasn't a whole lot of things that were said. It was
8 what he said from the department to -- I mean, from the jail
9 to the department and while I stood outside and smoked a
10 cigarette at the department.

11 Q And you were -- were you under the influence of meth at
12 that time?

13 A I was coming off of it.

14 Q You were coming off of it?

15 A Uh-huh.

16 Q And so you had this discussion from -- how far is it
17 from the jail to the sheriff's office? Two miles?

18 A Maybe, yeah.

19 Q I mean, I'm asking the question?

20 A It's maybe two miles. I really don't know.

21 Q So in that span of time, he tells you coming off of
22 meth that here's everything you have to say and here's who
23 you're supposed to implicate and then you walked in and you
24 sat down and you gave that interview?

25 A I had already told him certain things that I knew about

1 the case. A lot of it I already knew because the girl I was
2 roommates with, her boyfriend and his friend are the ones
3 that did the burglary and they talked about it in front of
4 me several times.

5 Q The girl you were staying with, you're talking about
6 Crystal Dyches?

7 A Uh-huh.

8 Q Okay. So Crystal Dyches, it was her boyfriend?

9 A Yes.

10 Q And?

11 A And James Creech.

12 Q Right. You said that in the video?

13 A Uh-huh. But they were never arrested. They've never
14 been charged with it. I'd been telling Matt Davis for
15 months what I knew about it and -- not just myself, but I
16 told him people's names who knew what they had done and had
17 stolen merchandise.

18 Q So Investigator Davis threatened you, told you what to
19 say, got you to come in, got you to lie. And then after all
20 of those things happened, when did you tell somebody about
21 this crooked police officer?

22 A I've been saying it since 2015.

23 Q Really, who did you tell?

24 A All types of people. Anybody that's in this town knows
25 that Matt Davis is known for doing things he shouldn't do.

1 MR. MILLER: Thank you, Your Honor. No further
2 questions.

3 THE COURT: Redirect.

4 REDIRECT EXAMINATION

5 BY MR. JOHNSON:

6 Q Ms. Maxwell, when you answered the solicitor's
7 question, did you intend to say you did live with Crystal
8 Dyches during the time of this incident?

9 A I did not live with Crystal Dyches until November.

10 Q Okay. But you told them during the interview that you
11 did?

12 A Right.

13 Q Why did you do that?

14 A Because that was how I had to put myself in the
15 situation. That's what he told me I needed to do.

16 Q Okay. So that was not true?

17 A No.

18 MR. JOHNSON: No more questions, Your Honor.

19 THE COURT: Any recross?

20 MR. MILLER: No, Your Honor.

21 THE COURT: All right. The witness may step down.

22 Outside of me reviewing the video myself, anything else
23 for Jackson V. Denno purposes?

24 MS. STAGGS: No, Your Honor. We've put our arguments
25 on the record and we believe that this interview was given

1 freely and voluntarily.

2 THE COURT: Okay. Mr. Johnson?

3 MR. JOHNSON: Your Honor, just to clarify, they're not
4 bringing up the December interview. It's my understanding
5 they're not offering this into evidence. It's not a subject
6 of this hearing, so that is not evidence they're going to
7 use.

8 This interview -- I've got my three motions and I --
9 some case law that I cite in there. The original motion, as
10 I touched upon all of the different portions of this
11 recording, it's my understanding the solicitor has shown me
12 a redacted version and they've cut it down. So by cutting
13 it down, they've removed a lot of these things that I
14 mentioned in my motions, but I will bring up one thing. Of
15 course, I argue that based on the case law and the -- excuse
16 me, Your Honor, I'm trying to keep this as brief as
17 possible.

18 The actual information -- the case law cited talks
19 about promise made relied upon by the Defendant and the
20 officer testified that he made this statement. When I first
21 asked the officer about his statement, he testified that he
22 had not made any promises about cooperation. Then I played
23 the video and, of course, I asked the officer at that time
24 about promises and cooperation. And he said that he did say
25 a statement to the Defendant about cooperating. And I would

1 point that out, under the case law, if there's reliance on
2 that and the Defendant makes a statement, that can be held
3 to be inadmissible and involuntary, Your Honor.

4 I've got the cite State V. Miller talking about a
5 statement induced by promise of leniency is involuntary when
6 it's connected with -- only if it's connected with
7 inducement as to the consequences of promise. So the
8 argument, of course, would be there was this promise that
9 was made by the officer of assistance.

10 And the additional case law citing improper influence,
11 State V. Peake, that's 352 S.E.2d 487. State V. Miller is
12 652 S.E.2d 444. Under the Peake case, it talks about
13 improper influence. We've talked about the testimony about
14 threats that my client testified to. She said she did have
15 Gage in her custody. He threatened her being able to take
16 away her child, threatened her ability to keep her child.
17 And we would cite that as improper influence as a threat.

18 Also, under Mincey V. Arizona, 437 U.S. 385, talking
19 about medical emergencies and how that can relate to
20 involuntary confessions. My client was in a situation where
21 she had the effects of a very powerful drug influencing her
22 at the time, listen to her testimony. We would argue that
23 would make that an involuntary statement as well. Complied
24 together with the threats and the promises made by the
25 investigator --

1 THE COURT: Tell me that case one more time, Mr.
2 Johnson.

3 MR. JOHNSON: I'm sorry, Your Honor?

4 THE COURT: The last case you cited.

5 MR. JOHNSON: That last case was the one with medical
6 emergencies listed under Mincey, M-I-N-C-E-Y, V. Arizona,
7 437 U.S. 385. That talks about an interrogation of somebody
8 who had been wounded. They're asking for help. But it
9 talks about the special situation, if somebody's got a
10 medical situation going on. Obviously, the reaction to a
11 powerful drug can create that situation. My client
12 testified she was under the influence of methamphetamine and
13 was coming down from it.

14 Based on that, the threats and promises that she
15 testified to that the officer made and in addition to the
16 setting where she was shackled. She had handcuffs on, was
17 not free to leave their custody. She was in jail clothes
18 inside of the sheriff's department. We move to suppress the
19 statement. And it's my understanding the State has redacted
20 this video that you're going to watch. They've redacted it
21 now, but we're still objecting to it based on that.

22 In addition, I sent those other motions talking about
23 hearsay within the statement. And I just wanted to point
24 out one thing, Your Honor. In the redacted version, there
25 is a statement made by my client and they ask her and she

1 says -- it's just past five minutes where it says the victim
2 had made threats to her and the officer ask her about that,
3 ask her about contact or any communication and she says the
4 victim had threatened her. And so I would argue that the
5 victim threatening my client is hearsay, it's not relevant
6 and it's prejudicial. That is in the redacted -- I don't
7 know if the State quite realized that was in there, I'm
8 don't know if they're going to object --

9 THE COURT: Just to be clear, we're talking about the
10 victim of the burglary?

11 MR. JOHNSON: The victim of the burglary. I think Ms.
12 Carroll, the victim in this case. And this is the person
13 who owns that business down on the way towards Olar, this
14 metal business. There's a statement about a threat. And my
15 objection to that is hearsay and it's prejudicial,
16 relevance, Your Honor, in addition to being involuntary.

17 Your Honor, there's another portion I want to point
18 out. And the solicitor indicated this would not be relevant
19 at some point. We'll, of course, have to hash that out at
20 the time. There's a point at about 14 minutes, right past
21 14 minutes where you look at the counter and it's going to
22 say that. In the redacted version, the officer talks to my
23 client and the officer says, Andrew told me he dropped you
24 off, picked you up, and he starts going into that. And it
25 starts -- actually, it starts at 13 minutes and 19 seconds.

1 He said, When I talked to Andrew, he didn't talk about James
2 or Falcon. Then he goes all the way down to 14:02. So
3 that's all hearsay, Judge.

4 Now, the solicitor, of course, told me that well, if
5 there's testimony from Andrew, that could change your ruling
6 on that, but at this time, I would object to that as
7 hearsay, to keep that out. It's the officer talking about
8 something that Mr. Creech said. Mr. Creech is their
9 witness, so obvious hearsay objection there in addition to
10 Denno and involuntary, Your Honor.

11 I'm sorry, the threat -- talking about the threat from
12 the victim, that was at 15 minute and 12 seconds, Your
13 Honor.

14 And that's all I have, Judge, in addition to the
15 segment at the end that I pointed out to the officer. It's
16 just the last 60 seconds. And then right prior to that when
17 he's closing up, the officer looks at her and says -- talks
18 about calling her sister. She talked about threats and
19 promises made. I think Your Honor will be able to find
20 that.

21 That's all I have, Judge.

22 THE COURT: Let me thank both of y'all because I
23 realize y'all have been communicating and made the
24 redactions in advance. Thank you for doing that in advance.

25 Anything else from the State?

1 MR. MILLER: Your Honor, we probably ought to go ahead
2 and give you the redacted version as well.

3 THE COURT: All right. I'm told I'll have access to my
4 CD player attachment. So with that said, it's probably a
5 good idea to send us a link, just in case.

6 MS. STAGGS: Yes, sir, we can do that and we can
7 provide you with a disc of both the redacted interview and
8 the full interview, which has been admitted as a Court's
9 Exhibit for the purposes of this Denno hearing.

10 THE COURT: I do have a question when y'all have a
11 minute.

12 MS. STAGGS: Oh, certainly. We're just trying to round
13 up a couple extra discs.

14 THE COURT: I would like copies of exhibits that were
15 put in for purposes of this hearing.

16 MS. STAGGS: Yes, sir.

17 THE COURT: Anything else for now?

18 MS. STAGGS: Nothing from the State.

19 THE COURT: Let me ask y'all a quick question up here.

20 (Sidebar conference.)

21 THE COURT: So that concludes the hearings for this
22 case for now; is that correct?

23 MS. STAGGS: I believe so, Your Honor.

24 THE COURT: Okay. Thank you.

25 (Court was adjourned in this matter.)

1 TUESDAY, MARCH 29, 2022

2 THE COURT: Okay, ladies and gentlemen, I now have
3 certain questions to ask you to determine your
4 qualifications as jurors. These questions determine your
5 general eligibility to serve and the State law requires that
6 I ask these questions. Some of the questions may be
7 personal in nature for you and you may not want to stand up
8 and answer the question in open court. I totally get it. I
9 don't want anybody to suffer any sort of embarrassment, so
10 if there is a question you're not particularly comfortable
11 standing up for now, make a mental note of it and at the
12 end, I will allow anyone to come forward if they have
13 something private they want to share with me and you can
14 share it with me face-to-face, if necessary. But it's
15 vitally important that we get accurate responses to all
16 these questions.

17 Is there any member of the jury panel who is not a
18 citizen of the United States or a resident of Barnwell
19 County? If so, please stand.

20 (No response.)

21 THE COURT: Is any member of the jury panel unable to
22 read, write, speak or understand the English language or
23 have less than a sixth grade education or its equivalent?

24 (No response.)

25 THE COURT: Is there any member of this jury panel

1 who's unable because of mental or physical infirmities to
2 render efficient jury service this week? For example, does
3 any member of the jury panel have a medical condition that
4 would prevent you from serving on the jury this week?

5 I can tell you that the jury box is over here. If
6 you're chosen to serve on the jury, we'll probably start
7 around 9:30 in the morning. We will take breaks usually
8 after about 90 minutes of testimony. We'll take a lunch
9 break. We'll take a midafternoon break. We try to end
10 around 5:00, sometimes earlier. It's my understanding that
11 this trial is not going to take the rest of the week. It
12 may be done tomorrow, but it may go into Thursday.

13 To be clear, we take breaks, you don't have to sit in
14 the chair all day long. If sitting here and serving this
15 week would have some reason because of mental or physical
16 infirmity that you wouldn't be able to serve, please stand.

17 Yes, sir, your juror number?

18 POTENTIAL JUROR: 27.

19 THE COURT: Why don't you come up and tell me about it
20 at the end, okay?

21 Yes, sir, you in the back?

22 POTENTIAL JUROR: 34.

23 THE COURT: I'll speak with you shortly.

24 Yes, sir?

25 POTENTIAL JUROR: 67.

1 THE COURT: Yes, sir, I'll speak with you at the end.

2 All right. Has any member of this jury panel been
3 convicted by guilty plea or trial in a State or Federal
4 court of record of a crime punishable by imprisonment for
5 more than one year and your civil rights have not been
6 restored by pardon or amnesty? Punishable by more than one
7 year means that you could have received a sentence of more
8 than one year regardless of what sentence you actually may
9 have received. If this applies to anyone, please stand.

10 (No response.)

11 THE COURT: Is any member of this jury panel a clerk or
12 deputy clerk of court, constable, sheriff or other .
13 commissioned law enforcement officer, probate judge, county
14 commissioner, magistrate or other county officer or employed
15 within the walls of any courthouse? If so, please stand.

16 (No response.)

17 THE COURT: Is there any member of this jury panel who
18 has previously served on jury duty in circuit court, not to
19 be confused with municipal, magistrate or federal court?
20 Anyone who has previously served on jury duty in circuit
21 court during this calendar year? Well, I think it's only
22 March, I can't imagine anyone has served on a jury this
23 year.

24 (No response.)

25 THE COURT: Has any member of this jury panel served as

1 a member of the Barnwell County Grand Jury during the past
2 several years? If so, please stand.

3 POTENTIAL JUROR: Past how many years?

4 THE COURT: Past several years. You served on the
5 Barnwell County Grand Jury?

6 POTENTIAL JUROR: Yes.

7 THE COURT: What year?

8 POTENTIAL JUROR: I think it was 2019.

9 THE COURT: And your juror number is?

10 POTENTIAL JUROR: 28.

11 THE COURT: Are you Ms. Corbett?

12 POTENTIAL JUROR: Yes.

13 THE CLERK: Judge, we can look that up.

14 THE COURT: Yes, just confirm it.

15 Thank you, ma'am.

16 So on qualifications, I'll speak with jurors 27, 28,
17 34, and 67 momentarily.

18 Now, we move on to the jury exemptions. State law
19 provides for several exemptions of jury service. An
20 exemption does not mean you are not qualified to serve, it
21 simply means you have the right to say I choose not to
22 serve.

23 Those of you who are 65 years of age or older may be
24 exempted from jury service. However, each of you represents
25 a tremendous pool of talent based upon your life experience

1 and you would be a valuable juror this week if you chose to
2 serve. However, if you're over the age of 65, you may be
3 exempted.

4 Does this apply to anyone in here who's over the age of
5 65?

6 Yes, sir, your juror number?

7 POTENTIAL JUROR: I don't remember.

8 THE COURT: What's your last name?

9 POTENTIAL JUROR: Gardner.

10 THE CLERK: He is Juror No. 61.

11 THE COURT: You can't be over 65 years old? No way.
12 Would you like to be exempt this week?

13 POTENTIAL JUROR: No.

14 THE COURT: You want to stay? Thank you. Appreciate
15 your service.

16 Anyone else?

17 Ma'am, are you standing up?

18 POTENTIAL JUROR: I'm standing up, yes. I'm 135, Janie
19 Richardson, but I'll serve.

20 THE COURT: Thank you, ma'am.

21 Yes, sir?

22 POTENTIAL JUROR: What was the question again?

23 THE COURT: If you're over the age of 65, you may be
24 exempted from jury service, which means you can leave if
25 you're over 65. However, you're welcome to stay and we

1 would appreciate you staying if you're so willing.

2 POTENTIAL JUROR: I want to stay.

3 THE COURT: And your number is?

4 POTENTIAL JUROR: I don't know. Robert James.

5 THE COURT: Mr. James?

6 POTENTIAL JUROR: Yes, sir.

7 THE COURT: Thank you for staying with us, Mr. James.

8 THE CLERK: That's No. 84.

9 THE COURT: Another exemption includes prior jury
10 service. If anybody served on jury duty in circuit court in
11 the last three years, you may be exempted. Has anyone
12 served on jury duty in this courthouse in the last three
13 years?

14 (No response.)

15 THE COURT: And along with what I said earlier, if
16 anybody has served on the Barnwell County Grand Jury in the
17 past five years, you may be exempted.

18 I'll get to you.

19 The next exemption deals with those of you who have
20 legal custody of young children. Please listen very
21 carefully to this exemption, it has several parts, all of
22 which must apply for you to be exempted on this basis.

23 You may be exempted from jury service if you have a
24 child under the age of seven years, you have legal custody
25 of your child or children, you have the principle care,

1 custody and control of your child or children and you're
2 unable to make arrangements for the adequate care of your
3 child or children while performing jury duty. If all these
4 requirements apply to you, then you may be exempted on this
5 basis. If this applies to anyone, please stand.

6 Yes, ma'am, your number?

7 POTENTIAL JUROR: 91, Aretha Joyner.

8 THE COURT: I'm sorry, Ms. Joyner.

9 POTENTIAL JUROR: I have a --

10 THE COURT: I'll talk with you up front.

11 If you're the primary caretaker of a person who's 65
12 years of age or older and unable to provide adequate care
13 for the person while performing jury service, you may be
14 exempted from jury duty. If this exemption applies to any
15 of you and you wish to be exempted, please stand.

16 (No response.)

17 THE COURT: If you're the primary caretaker of a
18 severely disabled person who is unable to care for himself
19 or herself and cannot be left unattended and you're unable
20 to provide adequate care for the person while performing
21 jury service, you may be exempted from jury duty on that
22 basis. If this applies to anyone, please stand.

23 (No response.)

24 THE COURT: The next exemption involves those of you
25 who may be attending school at this time or working in some

1 capacity with a school.. If this exemption applies to you
2 and you wish to be exempted, we will transfer your service
3 to another term of court at a time which will not conflict
4 with your school responsibilities.

5 Is there any member of this jury panel who is a
6 full-time student, school teacher, school crossing guard,
7 school bus driver or any other school-related function who's
8 unable to serve on jury duty this week as a result of that
9 school involvement? If so, please stand.

10 POTENTIAL JUROR: Rosa Walker.

11 THE CLERK: No. 163.

12 THE COURT: I'll speak to you at the very end. Thank
13 you.

14 Yes, sir?

15 POTENTIAL JUROR: Tyran Parker.

16 THE COURT: Are you going to stay with us or are you
17 going to transfer out?

18 POTENTIAL JUROR: I'll transfer.

19 THE COURT: Okay. I'll talk with you at the end, but I
20 think you were already transferred by the clerk.

21 Is there any member of this jury panel who's employed
22 within the Department of Corrections at a penitentiary? If
23 so, and you wish to be exempted, please stand.

24 (No response.)

25 THE COURT: Is there any member of the jury panel who

1 performs services for a business, commercial or agricultural
2 enterprise which are so essential to the operation of that
3 enterprise that if you were required to perform jury duty,
4 the enterprise would have to close or stop functioning? If
5 so and you wish to be exempted, please stand.

6 Your last name, sir?

7 POTENTIAL JUROR: Webb.

8 THE COURT: All right. Ladies and gentlemen, that
9 concludes the statutory list of qualifications and
10 exemptions for jury service. It may be that you are
11 qualified and no exemption applies to you, but jury service
12 this week would constitute an extreme hardship on you for a
13 particular reason. I cannot permanently excuse a qualified
14 juror from jury service, but under extreme and compelling
15 circumstances, I may excuse a juror from this term of court
16 and transfer the juror to another term of court,
17 particularly jurors who have not been previously
18 transferred.

19 Please understand that general inconvenience is not a
20 sufficient reason to transfer you to another term of court.
21 To justify a transfer to another term, service this week
22 must constitute an extreme hardship on you. If this applies
23 to anyone, please stand.

24 (No response.)

25 THE COURT: Obviously, I've spoken with several people

1 and I've made notes. I'd like them to come forward, but now
2 is that time also that if you did not respond to a question
3 earlier because you didn't want to stand up and share
4 anything in front of the courtroom, that's fine. Now would
5 be the appropriate time for you to come forward as well as
6 everyone else who stood up and I told them I would speak
7 with them at the very end.

8 (His Honor had off-the-record discussion with jurors.)

9 THE COURT: All right, ladies and gentlemen, we're
10 ready to select the jury for the trial this week.

11 Is the State ready to call the case?

12 MS. STAGGS: Yes, Your Honor.

13 THE COURT: Proceed.

14 MS. STAGGS: May it please the Court? The State calls
15 Rebecca Ann Maxwell. This is indictment number
16 2021-GS-06-00171 for burglary in the first degree.

17 THE COURT: Ladies and gentlemen, the indictment
18 charges the Defendant with burglary in the first degree.
19 The indictment alleges that Rebecca Ann Maxwell in Barnwell
20 County on or about October 7th, 2020 willfully, unlawfully
21 entered the dwelling of Jane Carroll located at [REDACTED] Govan
22 Highway, Olar, South Carolina without consent and with the
23 intent to commit a crime therein.

24 Now, I remind you, the fact that the Defendant was
25 arrested, charged and indicted in this case is not evidence

1 in this case and cannot be considered by you as evidence of
2 guilt in this case nor does it create any presumption or
3 inference of guilt. This document is simply the formal
4 written instrument which contains the charge made against
5 the Defendant. It is the formal document by which this case
6 is brought into this court.

7 The Defendant has pled not guilty to this indictment
8 and that plea puts the burden on the State to prove the
9 Defendant guilty. A person charged with committing a
10 criminal offense in South Carolina is never required to
11 prove himself or herself innocent. No matter what the
12 seriousness of the charge may be, the Defendant will always
13 be presumed to be innocent of the crime for which the
14 indictment was issued unless guilt has been proven by
15 evidence satisfying you beyond a reasonable doubt.

16 Ladies and gentlemen, I'm going to have certain
17 questions to ask you in the jury selection process.
18 However, before I begin to ask those questions, I want to
19 allow the attorneys involved in this case to stand up and
20 introduce themselves to you at this time.

21 MS. STAGGS: Good morning. My name is Leigh Staggs,
22 and I'm an assistant solicitor here in the 2nd Judicial
23 Circuit, which consist of Aiken, Barnwell and Bamberg
24 Counties. With me is Deputy Solicitor David Miller. And
25 also with us today is the elected Solicitor for the 2nd

1 Circuit, Mr. Bill Weeks.

2 MR. JOHNSON: My name is Ola Johnson. I practice in
3 Lexington, South Carolina. I represent Rebecca Maxwell.

4 THE CLERK: Before he starts with his qualifications
5 for this trial, I need you all to stand and raise your right
6 hand, please.

7 (Jury panel sworn.)

8 THE CLERK: Thank you.

9 THE COURT: Ladies and gentlemen, is any member of this
10 jury panel related by blood or marriage or have a close
11 personal or social relationship with either the Defendant,
12 Rebecca Ann Maxwell, or the victim in this case, Jane
13 Carroll? If so, please stand.

14 (No response.)

15 THE COURT: Now, the following is a list of potential
16 witnesses in this case: Jane Carroll; Andrew Creech,
17 Investigator Matt Davis, Barnwell County Sheriff's Office;
18 Deputy Brandon Cook, Aiken County Sheriff's Office, Cimberly
19 Sanders; Rachel Carter; Investigator Mark Jones; Crystal
20 Hewitt; Joe Parker.

21 I'm going to go through that again. The following is a
22 list of potential witnesses in this trial: Jane Carroll;
23 Andrew Creech; Investigator Matt Davis, Barnwell County
24 Sheriff's Office; Deputy Brandon Cook, Aiken County
25 Sheriff's Office; Cimberly Sanders; Rachel Carter;

1 Investigator Mark Jones; Crystal Hewitt; Joe Parker.

2 Has anyone ever been related by blood or marriage or
3 have a business or social relationship with any of the
4 potential people I've just listed? If so, please stand.

5 Your name, sir?

6 POTENTIAL JUROR: Alex Kinard.

7 THE COURT: And your juror number?

8 POTENTIAL JUROR: 94.

9 THE COURT: Who do you know on this list?

10 POTENTIAL JUROR: Cimberly Sanders. She's my cousin.

11 THE COURT: The fact that you -- how close are you
12 cousins, sir?

13 POTENTIAL JUROR: We're like first cousins.

14 THE COURT: The fact that one of the witnesses in this
15 case is your first cousin, would that affect your ability to
16 be fair and impartial in hearing the evidence in this case?

17 POTENTIAL JUROR: Not at all.

18 THE COURT: Yes, ma'am.

19 POTENTIAL JUROR: Brandon Cook, second or third cousin.

20 THE COURT: Okay. And the fact that Brandon Cook from
21 Aiken County Sheriff's Office is your second or third
22 cousin, I believe you said?

23 POTENTIAL JUROR: Yes.

24 THE COURT: Would that affect your ability to be fair
25 and impartial in hearing the evidence in this case?

1 POTENTIAL JUROR: No, it will not.

2 THE COURT: Your juror number, ma'am?

3 POTENTIAL JUROR: 153.

4 THE COURT: Yes, sir.

5 POTENTIAL JUROR: Juror 71. Andrew Creech, I date his
6 mother.

7 THE COURT: You currently date Mr. Creech's mother?

8 POTENTIAL JUROR: Yes.

9 THE COURT: Well, the fact that you currently date one
10 of the witness's mother's in this case, do you think that
11 would affect you ability to be fair and impartial in hearing
12 the evidence in the case?

13 POTENTIAL JUROR: I don't think so, no.

14 THE COURT: You can have a seat.

15 Yes, sir.

16 POTENTIAL JUROR: Gordon Dickinson, and I also know
17 Andrew Creech. I'm a friend of the family.

18 THE COURT: The fact that you know Mr. Creech and a
19 friend of his family and he's a potential witness in this
20 case, do you think that would affect your ability to be fair
21 and impartial in hearing the evidence in this case?

22 POTENTIAL JUROR: No, sir.

23 THE COURT: Yes, ma'am.

24 POTENTIAL JUROR: Sheron Kitchings, I don't remember my
25 number, but I am related to Cimberly Sanders via her mother.

1 She's my cousin.

2 THE COURT: Juror No. 96. Ms. Kitchings, the fact that
3 you believe you are kin to Ms. Sanders or cousins, would
4 that affect your ability to be fair and impartial in hearing
5 the evidence in this case?

6 POTENTIAL JUROR: No, sir.

7 THE COURT: All right. You may have a seat.

8 Anyone else as far as the potential witnesses in this
9 case?

10 (No response.)

11 THE COURT: Has any member of the jury panel, any
12 member of your family or close personal friend been the
13 victim or accused of a violent crime? If so, please stand.

14 (No response.)

15 THE COURT: Is any member of the jury panel or any
16 member of your family or any close personal friend currently
17 a law enforcement officer or ever been a law enforcement
18 officer or otherwise have the power of arrest? If so,
19 please stand.

20 Yes, ma'am, your name?

21 POTENTIAL JUROR: My name is Wanda Singletary. My son
22 is a previous state trooper and he is employed with
23 Burnettetown as a law enforcement training officer.

24 THE COURT: He's employed where?

25 POTENTIAL JUROR: Burnettetown as a training officer

1 part time.

2 THE COURT: The fact that your son is employed in law
3 enforcement and has been in several capacities, do you think
4 that would affect your ability to be fair and impartial in
5 hearing this case at all?

6 POTENTIAL JUROR: No, sir.

7 THE COURT: That was Juror 143.

8 Yes, sir?

9 POTENTIAL JUROR: Juror 124, John Griffin, best friend.

10 THE COURT: And he works where?

11 POTENTIAL JUROR: In Williston.

12 THE COURT: For the Williston Town Police?

13 POTENTIAL JUROR: That's correct.

14 THE COURT: And the fact that your best friend works
15 for the Williston Town Police Department, would that affect
16 your ability to be fair and impartial hearing any of the
17 evidence in this case?

18 POTENTIAL JUROR: No.

19 THE COURT: Thank you.

20 Yes, ma'am, in the back?

21 POTENTIAL JUROR: Juror No. 89, Demaris Johnson. My
22 ex-husband and the father of my child is a Barnwell County
23 Sheriff's deputy.

24 THE COURT: Ex-husband is a current Barnwell County
25 deputy?

1 POTENTIAL JUROR: Yes, sir.

2 THE COURT: Would that affect your ability to be fair
3 and impartial?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: Yes, ma'am.

6 POTENTIAL JUROR: Sheron Kitchings, 96. My first
7 husband was a deputy sheriff in Allendale and also first
8 cousin was chief of police in Barnwell.

9 THE COURT: Was?

10 POTENTIAL JUROR: Was, former.

11 THE COURT: When did he stop being chief?

12 POTENTIAL JUROR: Two years ago.

13 THE COURT: Who would that be?

14 POTENTIAL JUROR: Reuben Black.

15 THE COURT: The fact that you have family who has
16 served in law enforcement in Allendale County and Barnwell
17 County, would that affect your ability to be fair and
18 impartial in hearing the evidence in this case?

19 POTENTIAL JUROR: No.

20 THE COURT: Thank you.

21 Is any member of this jury panel related by blood or
22 marriage or have a close personal, business or social
23 relationship with any of the attorneys involved in this
24 case?

25 (No response.)

1 THE COURT: Is any member of this jury panel aware of
2 any bias or prejudice toward either the State or the
3 Defendant in this case?

4 (No response.)

5 THE COURT: Has any member of this jury panel formed or
6 expressed an opinion about any issue or matter involved in
7 this case?

8 (No response.)

9 THE COURT: Is there any member of the jury panel who
10 is a member of or contributor to any group which has as its
11 primary concern the promotion of law enforcement or victim's
12 rights? These groups would include, but certainly not be
13 limited to MADD, SADD or CAV. If so, please stand.

14 (No response.)

15 THE COURT: And just to be clear, there's no member of
16 this jury panel who is a member of the grand jury who did
17 the indictment of this case?

18 (No response.)

19 THE COURT: Does any member of the jury panel know of
20 any reason whatsoever why he or she should not serve as a
21 juror in this case with particular emphasis being placed on
22 your ability to be fair and impartial to both the State and
23 the Defendant?

24 (No response.)

25 THE COURT: Counsel, any additional voir dire?

1 MS. STAGGS: Nothing from the State, Your Honor.

2 MR. JOHNSON: Nothing from the Defense, Your Honor.

3 THE COURT: All right. Lastly, ladies and gentlemen,
4 is there any member of this jury panel who has some
5 religious or moral opposition to serving on a jury in a
6 trial this week?

7 (No response.)

8 THE COURT: Ladies and gentlemen, just remain in your
9 seat and we'll get started with selection very shortly.

10 (Pause.)

11 THE COURT: Counsel, just to confirm, we are ten and
12 five, two and one. Two alternates.

13 THE CLERK: As I call your number and your name, come
14 up beside me.

15 Juror No. 163, Rosa Walker.

16 (Juror No. 163, a black female, came forward.)

17 THE CLERK: What says the State?

18 MS. STAGGS: Please present the juror.

19 THE CLERK: What says the Defense?

20 MR. JOHNSON: Please seat the juror.

21 THE CLERK: Juror No. 109, Herman Mitchell.

22 (Juror No. 109, a black male, came forward.)

23 THE CLERK: What says the State?

24 MS. STAGGS: Please present the juror.

25 THE CLERK: What says the Defense?

1 MR. JOHNSON: Please seat the juror.

2 THE CLERK: Juror No. 84, Robert James.

3 (Juror No. 84, a black male, came forward.)

4 THE CLERK: What says the State?

5 MS. STAGGS: Please present the juror.

6 THE CLERK: What says the Defense?

7 MR. JOHNSON: Please seat the juror.

8 THE CLERK: Juror No. 103, Ta'veyon Mayes.

9 (Juror No. 103, a black male, came forward.)

10 THE CLERK: What says the State?

11 MS. STAGGS: Please excuse the juror.

12 THE CLERK: Juror No. 127, Susan Poitier.

13 (Juror No. 127, a white female, came forward.)

14 THE CLERK: What says the State?

15 MS. STAGGS: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. JOHNSON: Please seat the juror.

18 THE CLERK: Juror No. 96, Sheron Kitchings.

19 (Juror No. 96, a white female, came forward.)

20 THE CLERK: What says the State?

21 MS. STAGGS: Please excuse the juror.

22 THE CLERK: Juror No. 90, Clayton Jones.

23 (Juror No. 90, a black male, came forward.)

24 THE CLERK: What says the State?

25 MS. STAGGS: Please present the juror.

1 THE CLERK: What says the Defense?
2 MR. JOHNSON: Please seat the juror.
3 THE CLERK: Juror No. 106, Nicole Mead.
4 (Juror No. 106, a white female, came forward.)
5 THE CLERK: What says the State?
6 MS. STAGGS: Please present the juror.
7 THE CLERK: What says the Defense?
8 MR. JOHNSON: Please seat the juror.
9 THE CLERK: Juror No. 59, Donald Frazier.
10 (Juror No. 59, a white male, came forward.)
11 THE CLERK: What says the State?
12 MS. STAGGS: Please present the juror.
13 THE CLERK: What says the Defense?
14 MR. JOHNSON: Please seat the juror.
15 THE CLERK: Juror No. 60, Samuel Frederick.
16 (Juror No. 60, a white male, came forward.)
17 THE CLERK: What says the State?
18 MS. STAGGS: Please present the juror.
19 THE CLERK: What says the Defense?
20 MR. JOHNSON: Please excuse the juror.
21 THE CLERK: Juror No. 83, Derek Jackson.
22 (Juror No. 83, a white male, came forward.)
23 THE CLERK: What says the State?
24 MS. STAGGS: Please present the juror.
25 THE CLERK: What says the Defense?

1 MR. JOHNSON: Please seat the juror.
2 THE CLERK: Juror No. 164, Mike Wall.
3 (Juror No. 164, a white male, came forward.)
4 THE CLERK: What says the State?
5 MS. STAGGS: Please present the juror.
6 THE CLERK: What says the Defense?
7 MR. JOHNSON: Please seat the juror.
8 THE CLERK: Juror No. 81, Lauren Grubbs.
9 (Juror No. 81, a white female, came forward.)
10 THE CLERK: What says the State?
11 MS. STAGGS: Please present the juror.
12 THE CLERK: What says the Defense?
13 MR. JOHNSON: Please seat the juror.
14 THE CLERK: Juror No. 82, Donace Isaac.
15 (Juror No. 82, a black male, came forward.)
16 THE CLERK: What says the State?
17 MS. STAGGS: Please present the juror.
18 THE CLERK: What says the Defense?
19 MR. JOHNSON: Please seat the juror.
20 THE CLERK: Juror No. 153, Pamela Sturkie.
21 (Juror No. 153, a white female, came forward.)
22 THE CLERK: What says the State?
23 MS. STAGGS: Please present the juror.
24 THE CLERK: What says the Defense?
25 MR. JOHNSON: Please excuse the juror.

1 THE CLERK: Juror No. 118, Tiffany O'Berry.

2 (Juror No. 118, a black female, came forward.)

3 THE CLERK: What says the State?

4 MS. STAGGS: Please present the juror.

5 THE CLERK: What says the Defense?

6 MR. JOHNSON: Please seat the juror.

7 THE CLERK: Judge, I believe that's 12. Do you want to
8 instruct them on the alternates or no?

9 THE COURT: Two and one.

10 THE CLERK: Juror No. 5, Katharina Behrens.

11 (Juror No. 5, a white female, came forward.)

12 THE CLERK: What says the State?

13 MS. STAGGS: Please present the juror.

14 THE CLERK: What says the Defense?

15 MR. JOHNSON: Please seat the juror.

16 THE CLERK: Juror No. 8, Justin Bishop.

17 (Juror No. 8, a white male, came forward.)

18 THE CLERK: What says the State?

19 MS. STAGGS: Please present the juror.

20 THE CLERK: What says the Defense?

21 MR. JOHNSON: Please seat the juror.

22 THE CLERK: Judge, I believe that's your two
23 alternates.

24 THE COURT: Ladies and gentlemen, you've been selected
25 to serve on the jury this week. Thank you in advance for

1 your service. The first order of business is I'm going to
2 send you back to your jury room and y'all can briefly
3 discuss amongst yourselves someone to serve as a foreperson.
4 Just give a note to the bailiff and they'll provide it back
5 to me.

6 After you have selected a foreperson, I'm going to let
7 you go to lunch a little early. I'd like you back in the
8 jury room at 12:50 so we can start this afternoon at one
9 o'clock, okay?

10 You haven't heard anything about this case. You
11 haven't heard any testimony. You haven't heard any
12 evidence. While you're out, please don't do any independent
13 research. Please don't look up any of the parties involved
14 in this case. Please don't look up any attorneys. Please
15 don't discuss the case with one another or anyone else. All
16 the evidence in this case that you're going to need to hear
17 at the appropriate time will come from that witness stand.

18 So just go enjoy a bit of a long lunch here and we'll
19 see you back in an hour and 15, hour and 20 minutes. Have a
20 nice lunch. Please don't discuss or research the case.
21 I'll look for the note about the foreperson momentarily.
22 Thank you.

23 (The jury exits the courtroom at 11:34 a.m.)

24 THE COURT: Ladies and gentlemen, we have selected the
25 jury for our case this week. I think it's going to be our

1 only case, but I'd like you to call back the number on the
2 sheet of paper or card that was provided to you after 6:00
3 p.m. this evening for further instructions. As far as
4 today, you are free to go and we appreciate you being here.

5 (The jury panel exits the courtroom at 11:36 a.m.)

6 THE COURT: All right. The Foreperson of the jury will
7 be Juror No. 59, Donald Frazier.

8 This will be a Court's Exhibit, the note regarding the
9 Foreperson.

10 (Court's Exhibit No. 3 marked for identification.)

11 MR. JOHNSON: I don't know if you want me to state at
12 this time, but I have no motions or objections regarding
13 jury selection?

14 THE COURT: Oh, thank you.

15 Any issues with jury selection?

16 MS. STAGGS: None from the State, Your Honor.

17 THE COURT: So, ideally, we could start at one o'clock.
18 You've got to swear them. I've got to do the opening
19 charge. I know y'all might have some prep work to do before
20 then.

21 I did review the video last night, watched both
22 versions. I find by preponderance of the evidence that the
23 statement was voluntarily given and should be submitted to
24 the jury and the jury will make the ultimate determination
25 whether it was a voluntary statement or not and they'll be

1 charged so in my instructions.

2 Yes, sir?

3 MR. JOHNSON: Your Honor, in the language of my three
4 different motions I filed, one of them, and I brought it up
5 yesterday, a hearsay objection and also -- well, the hearsay
6 objection to the statement by the officer on the video where
7 he's talking to Andrew Creech and Officer Davis starts to
8 say -- or he's talking to my client, excuse me, and he
9 starts to say what Andrew Creech said. That's hearsay and
10 I'm objecting to that.

11 It's my understanding the solicitor is going to call
12 Mr. Creech to testify and then the officer and so if that
13 resolves that, but at this time, I'm objecting to that as
14 hearsay.

15 THE COURT: Sort of a rolling objection, which --

16 MR. JOHNSON: Yes, sir.

17 THE COURT: -- assuming this person didn't appear live
18 and we can take it up again.

19 MR. JOHNSON: Yes, sir. My other objection is about
20 the comment where the officer asked about any communication
21 with the victim, the officer is talking to my client. My
22 client states that she has been threatened by the victim.
23 And I would argue that that's prejudicial, it's not
24 relevant, it's hearsay and I object to that and ask that be
25 redacted out of the final version that you receive.

1 THE COURT: Anything from the State?

2 MS. STAGGS: Just reiterate, Judge, that it's a
3 statement by Ms. Maxwell, so we disagree that it's hearsay.

4 THE COURT: Well, it's a statement in response to a
5 question she had about the pending case. I think the
6 redactions that have been made thus far are appropriate. My
7 ruling is I will allow that portion to proceed. So that
8 objection is overruled.

9 MR. JOHNSON: Thank you, Judge. I will also mention --
10 I put within the language of one of my motions, I put in
11 language about objecting to the video based on the
12 prejudicial nature of it. It pictures my client in shackles
13 and handcuffs and a jail uniform, and I'm objecting to that.
14 I wanted to ask about your ruling on that.

15 THE COURT: My ruling is that it is a video that does
16 show her sitting at a table using a pen to initially to
17 write on, I believe, the waiver of rights. In addition, she
18 also had a cup of water. She was wearing, I guess that
19 would be a suit of some sort?

20 MR. JOHNSON: A jail suit.

21 THE COURT: And was in handcuffs, but, I mean, she was
22 in custody. She had been arrested previously. I don't
23 think it violates 403 and is unduly prejudicial to have her
24 appear in that otherwise voluntary statement.

25 MR. JOHNSON: Yes, sir. And I would just renew my

1 objection based on voluntariness issue and continue my
2 objection. Thank you.

3 THE COURT: Very well, sir. So noted.

4 Anything else for the moment?

5 MS. STAGGS: No, Your Honor.

6 THE COURT: Can I speak to y'all in chambers briefly?

7 (Lunch break).

8 THE COURT: Bring the jury in.

9 (The jury enters the courtroom at 1:05 p.m.)

10 THE COURT: Ladies and gentlemen of the jury, welcome
11 back. I hope you had a nice lunch, had a chance to refresh
12 yourselves. We're about to begin the trial of the case
13 shortly. I have some initial instructions I want to give
14 you, but before I do that, I would ask the Clerk of Court to
15 swear you in.

16 (The jury was sworn.)

17 THE COURT: All right, ladies and gentlemen, before we
18 begin the actual trial of the case, I thought it might be
19 useful and helpful if I explained to you, basically, how a
20 trial proceeds.

21 First, the State will make an opening statement. The
22 opening statement is not evidence. It is simply an outline
23 to help you understand what that party expects the evidence
24 will show. The Defendant may if he wishes present an
25 opening statement, but does not have to for reasons I will

1 explain later.

2 Following the opening statements, you will hear
3 testimony and evidence in this case. This will consist of
4 testimony from the State's witnesses as well as any physical
5 exhibits which will be introduced into evidence.

6 Following the completion of the testimony, the
7 attorneys will again have the opportunity to make what are
8 called a closing statement or summation to you. This is an
9 opportunity for the attorneys to summarize the case from
10 their respective points of view. Again, these arguments are
11 not evidence.

12 Following the closing statements of the attorneys, I
13 will instruct you on the law of South Carolina as it
14 pertains to the issues that have arisen in this case. When
15 I have completed my instructions to you, you will then be
16 permitted to begin your deliberations in order to reach a
17 verdict.

18 Now, ladies and gentlemen, you are the jury in this
19 case. I want to take a few minutes to tell you something
20 about your duty as jurors and to give you some instructions.
21 At the end of the trial, I'll give you more detailed
22 instructions. Those instructions will control your
23 deliberations.

24 It will be your duty to decide from the evidence what
25 the facts are. You and you alone are the judges of the

1 facts. You will hear the evidence, decide what the facts
2 are and then apply those facts to the law which I will give
3 to you. This is how you will reach your verdict. In doing
4 so, you must follow that law whether you agree with it or
5 not.

6 The evidence will consist of the testimony of
7 witnesses, documents and other things received into evidence
8 as exhibits and any facts on which the lawyers agree or
9 which I may instruct you to accept. You should not take
10 anything I may say or do during the trial as indicating what
11 I think of the evidence or what your verdict should be.

12 Now, this is a criminal case brought by the State of
13 South Carolina. The State charges the Defendant with
14 burglary in the first degree. The charge against the
15 Defendant is contained in the indictment. The indictment is
16 not evidence of anything. It is simply the description of
17 the charge made by the State against the Defendant.

18 The Defendant has pled not guilty to the charge and is
19 presumed innocent unless and until proven guilty beyond a
20 reasonable doubt. Proof beyond a reasonable doubt is proof
21 that leaves you firmly convinced of the Defendant's guilt.
22 A defendant has the right not to testify and never has to
23 prove innocence or present any evidence. The burden of
24 proof is always upon the State of South Carolina.

25 Now, the following things are not evidence and you must

1 not consider them as evidence in deciding the facts of the
2 case: Number one, statements and arguments of the
3 attorneys; two, questions and objections of the attorneys;
4 three, any testimony that I instruct you to disregard.

5 Now, evidence here may be direct or circumstantial.
6 Direct evidence is testimony by a witness about what that
7 witness personally saw, heard or did. Circumstantial
8 evidence is indirect evidence, that is, it is proof of one
9 or more facts from which one can find another fact. You are
10 to consider both direct and circumstantial evidence. The
11 law permits you to give equal weight to both, but it is up
12 to you to decide how much weight to give any evidence.

13 There are rules of evidence which control what can be
14 received into evidence. When a lawyer ask a question or
15 offers an exhibit into evidence and a lawyer on the other
16 side thinks that it is not permitted by the rules of
17 evidence, that lawyer may object. If I overrule the
18 objection, the question may be answered or the exhibit may
19 be received. If I sustain the objection, the question
20 cannot be answered and the exhibit cannot be received.

21 Whenever I sustain an objection to a question or deny a
22 motion to admit an exhibit into evidence, you must ignore
23 the question or the existence of the exhibit. You must not
24 guess what the answer would have been or what the exhibit
25 would have shown.

1 Sometimes it may be necessary for me to request that
2 you leave the courtroom while I discuss the attorneys legal
3 questions that come up during trial. If this occurs, you
4 should not speculate about our discussions or the reason
5 that you are asked to leave the room. This is simply a
6 procedure that the law requires when certain legal issues
7 arise.

8 There also may be occasions where I ask the attorneys
9 to approach the bench so I can discuss a legal issue with
10 them in private. I will do this as often as possible so
11 that you will not be required to leave the courtroom more
12 than is absolutely necessary.

13 Again, if I ask the attorneys to step up to the bench
14 or if I ask you to leave the courtroom, please don't think
15 that anybody is trying to hide anything from you or keep any
16 evidence from you. This is simply a procedure used by all
17 lawyers and by all courts to determine and decide legal
18 questions.

19 In deciding the facts of this case, you may have to
20 decide which witnesses to believe and which witnesses not to
21 believe. You may believe everything a witness says or only
22 part or none of it. In deciding what to believe, you may
23 consider a number of factors, including the following: The
24 witness' ability to see, hear or know the things testified
25 to; the quality of the witness' memory; the witness' manner

1 while testifying; whether the witness has an interest in the
2 outcome of the case or any motive, bias or prejudice;
3 whether the witness was contradicted by anything the witness
4 said or wrote before the trial or by other evidence; or how
5 reasonable was the witness' testimony when considered in
6 light of other evidence which you believe.

7 Now, until I advise you to begin your deliberations,
8 you must not discuss this case with anyone, including your
9 fellow jurors, friends, family members or anyone involved in
10 the case. This includes face-to-face discussions, those
11 over the phone or e-mail or text messaging or social media
12 or anything of the like. It's vitally important that you do
13 not discuss this case in any way until I tell you to at the
14 close of all the evidence and after I have charged you on
15 the law. That also includes not just the parties involved,
16 but the lawyers involved, anyone in this courtroom, for that
17 matter.

18 Also, I'd ask you please don't do any independent
19 research in this case when you go home today. Don't get on
20 the computer and look up any of the parties involved in the
21 case. All the information you need to know about this case
22 will be presented to you during this trial. There's no need
23 to do any independent research on your own. So please do
24 not.

25 Keep in mind, also, that the attorneys and the parties

1 in this case have been advised they're not to talk to you at
2 all. So if you see anyone involved in this case and they
3 don't say hello, they're not being unfriendly, they're just
4 doing what I asked. So just be advised, please don't have
5 any conversations with anyone involved in the case and they
6 shouldn't have any with you.

7 It's important that you keep an open mind and not
8 decide any issue in this case until all the evidence has
9 been presented, the attorneys have made their closing
10 arguments and I have instructed you the law of this case.
11 It is your solemn responsibility to determine the guilt or
12 innocence of the Defendant and your verdict must be based
13 solely on the evidence that is presented to you in this
14 trial and on the law as I instruct you during and at the
15 close of the trial.

16 I expect we'll take breaks, usually, every about an
17 hour and a half, sometimes less, depending on where we are
18 in witnesses. If someone needs a break, just get my
19 attention. If you know it's time for a break, just let me
20 know and we'll accommodate that.

21 Also, I don't think I see anyone with any note pads,
22 but please don't take any notes. I want your attention
23 focused on the witness stand and the evidence as it's
24 presented. If you have your phones with you, you shouldn't,
25 but it should be on silent so it doesn't ring.

1 The Clerk has asked me to tell you that if anyone does
2 approach you about the case, please let she or I know about
3 it during one of our breaks or after court adjourns for the
4 day.

5 At this point, I would appreciate it if you would just
6 give your complete and undivided attention to the attorneys
7 as they present their opening statements. Also, I may make
8 this gesture to you from time to time. Sometimes I may have
9 trouble hearing somebody, I want to make sure you can hear
10 as well. So if at any point during the trial you cannot
11 hear one of the lawyers or you can't hear one of the
12 witnesses, please indicate that.

13 Please give your attention to the attorneys.

14 Madam Solicitor.

15 OPENING STATEMENT BY MS. STAGGS

16 MS. STAGGS: Thank you, Your Honor.

17 Mr. Johnson.

18 May it please the Court?

19 THE COURT: Yes, ma'am.

20 MS. STAGGS: Ladies and gentlemen, Rebecca Maxwell is a
21 burglar. On October 7th of 2020, she drove over and picked
22 up Andrew Creech. She had him drive her to the victim's
23 house, Ms. Jane Carroll. He dropped her off and he drove
24 around while she went inside and she stole guns and she
25 stole jewelry. She stole some things that meant a lot to

1 Jane, and Jane's going to tell you about that. But that is
2 a burglary.

3 And, again, the Judge, as he told you, is going to
4 instruct you on the law and explain the elements of a
5 burglary to you, but that's a burglary. She broke in, she
6 stole a bunch of stuff that belonged to the victim,
7 including guns and jewelry.

8 Now, I anticipate this will be a relatively short case,
9 but that doesn't mean that it's not important. And your
10 role is the most important because you decide the facts,
11 like the Judge said.

12 The State is going to prove what we believe happened to
13 you beyond a reasonable doubt through mostly witness
14 testimony. Now, that witness testimony from the stand,
15 that's evidence. And we're going to ask you to listen
16 carefully to those witnesses and think about what they have
17 to say. You get to decide who you believe, what you
18 believe, what part of their testimony you believe.

19 And we ask you to use your common sense when you
20 evaluate them as witnesses, when you evaluate their
21 testimony and when you look at the evidence. You know, your
22 common sense is not something you leave at the door when you
23 go back in the jury room. We ask you to use it in your
24 deliberations when you're talking about this case.

25 And I think the witnesses that you will hear from are

1 Ms. Jane Carroll, the victim in this case. You'll hear from
2 Andrew Creech, the man who drove her over there that day.
3 And from Investigator Matt Davis.

4 You're also going to see a video of an interview that
5 Rebecca Maxwell gave to Investigator Davis. And in that
6 interview, she told him she did it. She told him she stole
7 the guns. We're going to play that for you.

8 Again, we're going to ask you to evaluate that and for
9 you to ultimately decide if the Defendant is guilty and if
10 the State has met their burden of proof in this case.

11 I think we should get through it pretty quickly. We'll
12 ask you for a little bit of patience, but we'll do the best
13 that we can. And at the end of this case, I'm going to
14 stand back up here after all of that evidence is in and we
15 have put before you the case that we have and I'm going to
16 ask you to find Rebecca Maxwell guilty of burglary in the
17 first degree.

18 Thank you.

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: May it please the Court?

21 THE COURT: Yes, sir.

22 OPENING STATEMENT BY MR. JOHNSON

23 MR. JOHNSON: First thing let's do, let's hang all the
24 lawyers. Who said that? It was Shakespeare. Not that I
25 read Shakespeare because I usually don't understand

1 Shakespeare. But he was talking about a guy that wanted to
2 take over the government. And his point was first thing we
3 have to do is let's hang all the lawyers because those
4 lawyers are always messing around with papers talking about
5 people's rights. So we've got to get rid of them.

6 Well, what is the government? The government is
7 sitting right there, the solicitor's office. The
8 solicitor's office, they've got investigators. They've got
9 police officers that can help them. They can call in State
10 Law Enforcement Division. They can call in agencies.
11 They've got their own investigators. And as a former
12 solicitor myself, I can tell you, they have investigators.
13 When they see a case, they can look at a case and they can
14 say well, there's something wrong with it. We better fix
15 it. If there's something wrong with it, we can get our
16 investigator to work on it. They have that power. They
17 have those resources.

18 Sometimes the government gets it right and sometimes
19 the government gets it wrong. My father was in Vietnam in
20 1968, if I get that year right. He showed up and other than
21 the little surprise, the tet offensive, where they were
22 attacked unexpectedly, there was a statement from the
23 government telling him and all his friends -- because he was
24 in the Air Force. He was grounded. He used to be a pilot
25 in World War II. By the time he got to Vietnam, he was a

1 fly officer, and they told my father and they told all his
2 friends, you can spray this Agent Orange all around. You
3 can fly around and spray, whatever. It doesn't matter.
4 It's fine. It's going to be just fine.

5 The government got that wrong. The government had a
6 goal. They had something they wanted to achieve, but they
7 got it wrong and they got some people hurt, got a lot of
8 people killed.

9 This government sitting here is not just these people.
10 It's the police. They're going to bring Officer Matt Davis
11 to testify. Officer Davis is here in the courtroom, sitting
12 right over there. And the police, well, they've got a job
13 and they've got to make a decision. And they've got to find
14 out -- well, we've got to find out -- if somebody filed a
15 complaint and there's a burglary, we've got to find out who
16 did it. And they want to do that. They want to accomplish
17 that task. They're going to go forward. They're going to
18 find somebody. And you're going to hear evidence about what
19 they did.

20 I ask you to take everything into consideration. Not
21 just the evidence, but what did the State fail to bring?
22 Because, of course, the Judge will instruct you as to the
23 law, but, of course, the State has the burden beyond a
24 reasonable doubt. They've got the burden. Because believe
25 this, my client sitting right here, the solicitor called her

1 a name. You know who that is? That's an innocent person.
2 We're all born innocent as God made us. The foundation of
3 everything that we're talking about is our rights. Born
4 innocent.

5 Then they talk about the Constitution and talk about
6 laws. What is that? The Constitution outlines about how
7 the government can limit our rights. It doesn't give us our
8 rights. We're born with our rights. We're born innocent.
9 And the government in certain ways can limit our rights,
10 take things away from us. The government, well, that's what
11 they do sometimes. Well, they try to do it. The question
12 is do they get it right? Is it fair? Are they behaving in
13 a way that is fair?

14 I told you a story, I started talking about Vietnam.
15 My father got there just in time for that little surprise.
16 He told them, he said gee, there's a problem out on the
17 beach. The Navy keeps dumping our supplies. Somebody is
18 stealing our batteries off the beach. Batteries are used to
19 fire rockets. Maybe you should stop doing that. Maybe we
20 shouldn't dump batteries and supplies on the beach. That's
21 all right, Major Johnson, don't worry about it.

22 Shortly thereafter, tet offensive. One thing that
23 stopped them, the United States Marine Corp. My father
24 always told me if you see a Marine, buy him lunch. That's
25 the only reason I exist. The United States Marine Corp last

1 line of defense. The only reason my father survived.

2 Understand throughout this trial, you're the last line
3 of defense because this is the government in action with the
4 police trying to go after someone trying to get that answer.
5 Once they get what they think is their answer to this
6 problem, they're going to stick with it. They can't back
7 up. They got to just keep going forward. Sometimes they
8 get it right, sometimes they get it wrong. Sometimes people
9 get hurt.

10 The Judge will instruct you about the burden on the
11 State, beyond a reasonable doubt. He'll talk about the
12 innocence that we're all born with that I just mentioned.
13 This cloak that covers people. It covers us and it protects
14 us until it's altered. We're innocent unless and until the
15 government transforms us, changes us. You have to transform
16 someone into a guilty person. They don't walk in this room
17 maybe they're guilty. They walk in innocent, not guilty
18 unless and until the government meets their burden on every
19 element of the charge, period.

20 And when you hear a statement, and the Judge will
21 instruct you, you get to determine the voluntariness of that
22 statement. That is for you to consider beyond a reasonable
23 doubt. They have to carry the burden on that. Please
24 remember that. I'm sure I'll remind you.

25 Thank you for your attention.

Jane Carroll - Direct by Staggs

1 THE COURT: Is the State ready to call their first
2 witness?

3 MS. STAGGS: We are, Your Honor.

4 THE COURT: All right.

5 MS. STAGGS: The State calls Jane Carroll.

6 JANE CARROLL,

7 after being duly sworn, testified as follows:

8 THE CLERK: If you would, please be seated and state
9 your full name for the record.

10 THE WITNESS: Jane Carroll.

11 DIRECT EXAMINATION

12 BY MS. STAGGS:

13 Q Ms. Carroll, good afternoon.

14 A Good afternoon.

15 Q Where do you live?

16 A I live at [REDACTED] Govan Highway.

17 Q And what county is that in?

18 A Barnwell County.

19 Q Who do you live there with?

20 A My daughter and her two young kids.

21 Q And have you been living there for a while?

22 A A little over a year.

23 Q Were you living there in October of 2020?

24 A Yes, ma'am.

25 Q And describe your home for us.

1 A It's a -- the color is green with a tin roof. It's
2 been there for a while. I think it was dated back in the
3 1900's.

4 MS. STAGGS: Your Honor, may I approach the witness?

5 THE COURT: Yes, ma'am.

6 BY MS. STAGGS:

7 Q I'm going to hand you that photo. Do you recognize it?

8 A Yes, ma'am.

9 Q And how do you recognize it?

10 A My home is right here down from the forks of -- this is
11 Govan Highway and this is Friendship Road in the fork here.

12 Q Okay. That's a fair and accurate aerial view of your
13 home at [REDACTED] Govan Highway?

14 A Yes, ma'am.

15 MS. STAGGS: Your Honor, at this time, the State would
16 move to admit State's Exhibit 1 into evidence.

17 MR. JOHNSON: Your Honor, I'll just take a peek at it.

18 MS. STAGGS: My apologies.

19 MR. JOHNSON: No objection, Your Honor.

20 THE COURT: State's Exhibit 1 is admitted into
21 evidence.

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

23 BY MS. STAGGS:

24 Q I'm going to give that back to you for a minute. If
25 you'll just hold it up so the jury can see it. Give us

1 those crossroads again.

2 A This is the crossroads here, which is Friendship Road.
3 You turn here to the left off of Friendship and my house is
4 right here, down from the forks. This is Govan Highway.

5 Q Thank you. Do you know Rebecca Maxwell?

6 A Yes.

7 Q How do you know her?

8 A I met her through a friend of my daughter's and she was
9 dating another guy that I knew, but I really didn't know her
10 all that well.

11 Q How did she come to stay with you for a little while?

12 A Her and my daughter were kind of friends a little bit.
13 She called my daughter and said she was staying with a
14 friend or somebody --

15 MR. JOHNSON: Objection, Your Honor, hearsay.

16 THE COURT: Who's the statement from? Rephrase the
17 question.

18 BY MS. STAGGS:

19 Q Without telling me what anybody said, will you tell us
20 how she came to stay with you for a brief period of time?

21 A She came to stay a couple of weeks to the house with my
22 daughter.

23 Q Was she still living there on October 7th of 2020,
24 still staying there?

25 A No.

1 Q And after she wasn't staying at your house anymore, did
2 she have permission to come and go?

3 A No, she did not.

4 Q What were you doing on October 7th of 2020?

5 A I was out at my other home that I own in Bamberg
6 County. And then I left and came back to my brother's shop
7 and I stayed there for a couple of hours. Then I went home
8 after, about four or five o'clock.

9 Q What did you do when you got home that day?

10 A I came in. I took -- I always take my boots off
11 because I was working. I took my boots off and I sat on the
12 chair. And I noticed some things were on the floor out of
13 my china cabinet. It was like two or three little jewelry
14 boxes, they was tipped upside down. My grandbaby likes to
15 climb, so I thought she maybe had climbed up there. So I
16 called my daughter and asked her had my granddaughter been
17 climbing and she's like no --

18 Q Don't tell me what she told you, but you did -- you
19 noticed?

20 A I noticed it was down. After I got off the phone with
21 her, I walked in -- I already had my shoes off and I walked
22 into my bedroom, which is at the back part of the house, and
23 I stepped in glass. And I reached over and flicked on my
24 light and then I noticed the door had been broken into and
25 there was stuff all over my bed.

1 Q Will you explain to me -- so you came in the front and
2 then where was this door that was broken?

3 A It was all the way at the back side of the house where
4 my bedroom is.

5 Q And what did you do after that?

6 A When I flicked the light on after I stepped in the
7 glass and realized that I had been burglarized -- because
8 the back door has a glass in it and they had broke the glass
9 and come inside the home. I realized that my jewelry box
10 was open on my dresser to the left-hand side of me and all
11 the boxes, you know, where things were inside the jewelry
12 box, was all dumped out. They were all over the bed and
13 some other things was on top of the bed, it was over next to
14 the box, the jewelry box.

15 Then I called 911 and that's when the officers came
16 out. Then I realized that I was missing some guns.
17 Everything in the jewelry box was gone except for just a few
18 pieces of necklaces that was -- where, I guess, they didn't
19 spin it around and get the rest of them off of it.

20 Q About how many guns were missing from your house?

21 A Six or eight and a hand pistol, a 25 caliber.

22 Q And you mentioned some jewelry?

23 A Yeah, well, there was a lot of sentimental things in
24 the jewelry box. My brother's ashes was in one of the
25 necklaces that was taken. A lot of the sentimental jewelry

1 that my children had give me over the years, my
2 grandchildren, that can never be replaced ever that I've
3 had, you know, forever. I've got some older grandkids and
4 my children when they were kids, and that was what was in
5 the jewelry box that was taken. There wasn't nothing left
6 in it but maybe just a little bit of necklaces that they
7 didn't grab to reach or spin it around to get it off the
8 little thing that spun.

9 MS. STAGGS: Beg the Court's indulgence for one moment.

10 (Pause.)

11 BY MS. STAGGS:

12 Q Just one more thing, Ms. Carroll, do you see Rebecca
13 Maxwell in this courtroom today?

14 A Yes, ma'am, I do.

15 Q Can you point her out?

16 A She's right over there in the gray sweater.

17 MS. STAGGS: Your Honor, I ask that the record reflect
18 that she identified the Defendant.

19 THE COURT: Very well.

20 MS. STAGGS: No further questions.

21 THE COURT: Cross-examination.

22 MR. JOHNSON: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. JOHNSON:

25 Q Ma'am, my name is Ola Johnson. I had the investigator

1 come out and talk to you, do you remember that?

2 A Yes, sir.

3 Q Mr. Jones coming out and talking to y'all?

4 A Uh-huh.

5 Q And do you remember talking to him and you said -- you
6 said Andrew Creech wasn't allowed in your house, didn't you?

7 A No, he wasn't.

8 Q And you talked about all the items and you said it was
9 your opinion it had to be a couple of people coming in that
10 house?

11 A Maybe.

12 Q To carry out everything?

13 A But I wasn't there to see who was in there, though, so
14 I have no clue.

15 Q Right, but you expressed that opinion to my
16 investigator?

17 A Uh-huh.

18 Q Okay. And the permission, now, when did you tell my
19 client that you revoked that permission, that right for her
20 to enter your home? When did you tell her that?

21 A When I told her to get her things and leave and don't
22 come back.

23 Q What day was that?

24 A I'm not sure of the date.

25 Q Did you put anything in writing?

Andrew Creech - Direct by Staggs

1 A No, there was nothing in writing.

2 MR. JOHNSON: No more questions, Your Honor.

3 THE COURT: Any redirect?

4 MS. STAGGS: No, Your Honor.

5 THE COURT: The witness may step down.

6 MS. STAGGS: The State calls Andrew Creech.

7 ANDREW CREECH,

8 after being duly sworn, testified as follows:

9 THE CLERK: If you would be seated and stated your full
10 name for the record.

11 THE WITNESS: Andrew Creech.

12 DIRECT EXAMINATION

13 BY MS. STAGGS:

14 Q Good afternoon, Mr. Creech. How old are you?

15 A 27.

16 Q And where were you born?

17 A Orangeburg.

18 Q Did you grow up there?

19 A Ma'am?

20 Q Did you grow up there? I'm sorry.

21 A No, ma'am.

22 Q Where did you grow up?

23 A Barnwell.

24 Q How long have you lived in Barnwell?

25 A My whole life.

1 Q Where do you live right now?

2 A In Solutions Recovery in Greenville.

3 Q How long have you been there?

4 A For two months.

5 Q Where were you living before you went to rehab in
6 Greenville?

7 A In jail.

8 Q And why were you in jail?

9 A Because of drugs.

10 Q You had some pending charges?

11 A Right.

12 Q Do you still have those pending charges?

13 A I do.

14 Q And in addition to those charges that are pending, do
15 you have any convictions?

16 A Yes, ma'am.

17 Q Were you convicted of harassment in October of 2015?

18 A Yes, ma'am.

19 Q And were you convicted of grand larceny between 2,000
20 and \$10,000 in 2016?

21 A Yes, ma'am.

22 Q Are you still on probation?

23 A Yes, ma'am.

24 Q Your pending charges, do you have any pending charges
25 related to this particular incident with Ms. Maxwell?

1 A Yes, ma'am.

2 Q How do you know her?

3 A Met her at a friend's house.

4 Q Who was that friend?

5 A Falcon.

6 Q On October the 7th of 2020, what happened that day with
7 Ms. Maxwell?

8 A She asked me if I would --

9 MR. JOHNSON: Objection, Your Honor, hearsay.

10 BY MS. STAGGS:

11 Q Without telling me what she asked you --

12 MS. STAGGS: Well, I mean, it's a statement made by the
13 Defendant --

14 THE COURT: You can rephrase the question.

15 MS. STAGGS: I'll be happy to, Judge.

16 BY MS. STAGGS:

17 Q Just start with me again. Where were you on October
18 7th, 2020?

19 A At my dad's.

20 Q So then what happened?

21 A I got a phone call. Rebecca called and asked me if I
22 would --

23 MR. JOHNSON: Objection, Your Honor, hearsay.

24 THE COURT: Overruled. It's a statement by the
25 Defendant.

1 BY MS. STAGGS:

2 Q You can continue.

3 A So I was at my dad's and Rebecca called and asked if I
4 would ride with her to pick up some clothes. I told her
5 yeah. She came and got me. When she got there, she asked
6 if I wanted to drive and I said yeah.

7 Q What was she driving?

8 A A green Toyota, Crystal's car.

9 Q Crystal, is that what you said?

10 A Yeah, Crystal's car. And as we started leaving, she
11 started giving weird instructions, as in like don't pull
12 into the yard. So I was just looking at her like this is
13 weird. But anyway, when we got there, she told me -- right
14 before we got there, she told me to pull over right there
15 before the yard and to drop her off and she would call me
16 when she wanted me to come back. So I dropped her off and I
17 drove to a nearby creek.

18 Q Okay. Did she call you to come back?

19 A She didn't call.

20 Q So what did you do?

21 A Just came back.

22 Q And what did you see when you got back?

23 A She was kind of like hunkered down behind a car almost
24 like in the edge of the yard. When I pulled over, she
25 ducked down and grabbed up an armful of guns and ran to the

1 car.

2 Q Did she have anything else with her?

3 A A bag.

4 Q Did you see her with any clothes?

5 A No clothes.

6 Q And then what happened after she got back in the car?

7 Where did you go?

8 A I went back to my dad's.

9 Q And what, if anything, did she give you after that?

10 A I took a gun. She gave me a gun out of it.

11 Q What happened to that gun?

12 A I think my dad took it. I don't really know.

13 Q Did you sell it?

14 A I didn't, no, ma'am.

15 Q And then where did Ms. Maxwell go? Did she stay with
16 you?

17 A No, ma'am.

18 Q And a little while after that, were you interviewed by
19 Investigator Davis?

20 A Yes, ma'am.

21 Q Were you truthful with him in that interview?

22 A Not at the beginning.

23 Q Why not?

24 A I was nervous and scared, didn't want to get in
25 trouble.

1 Q But at some point?

2 A By the end of it, yeah, I was truthful.

3 Q And after -- at the end of that interview, what, if
4 anything, did Investigator Davis tell you that he would do
5 for you?

6 A He would try to get me out on a PR bond and charge me
7 with as less as possible.

8 Q Did that happen?

9 A It did.

10 Q Now, we've met prior to today. Have you ever met with
11 anybody else from our office, from the solicitor's office?

12 A David Miller.

13 Q And have you been promised anything in exchange for
14 your testimony here today?

15 A I haven't.

16 Q Then why are you testifying?

17 A Well, I'm hoping it will help with my situation with
18 all my other charges.

19 MS. STAGGS: Beg the Court's indulgence for one moment.

20 (Pause.)

21 BY MS. STAGGS:

22 Q Just one more. Do you see Rebecca Maxwell here in the
23 courtroom today?

24 A I do.

25 Q Would you point her out for me?

1 A (Indicating).

2 Q Can you describe what she's wearing so I have a verbal
3 response from you?

4 A It's like a gray sweater, shirt.

5 MS. STAGGS: Thank you, Mr. Creech. I don't have any
6 further questions. Please answer any Mr. Johnson may have.

7 THE COURT: Cross-examination.

8 MR. JOHNSON: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q Mr. Creech, let's make it clear, you like to lie to the
12 police when it helps you when you're in trouble. That is
13 what you do, correct?

14 A No, sir.

15 Q Oh, okay. Do you remember talking to Investigator
16 Davis regarding this incident?

17 A I do.

18 Q Okay. And when he talked to you, do you recall telling
19 him, I don't know nothing. I have no idea. Remember that?

20 A Yes.

21 Q Was that the truth or was that a lie?

22 A It was a lie.

23 Q Were you afraid of getting in trouble?

24 A I was.

25 Q Oh, well, let's go explore that topic. You've got a

1 pending charge of kidnapping, don't you?

2 A I do.

3 Q That carries up to 30 years in prison, doesn't it?

4 A I'm not sure.

5 Q Carries some heavy time, you don't know that?

6 A I know that.

7 Q What about domestic violence high and aggravated, that
8 carries 20, doesn't it?

9 A I'm not sure of the exact amount.

10 Q Well, you don't want to get -- let me do my quick math.
11 I'm not a math major. Oh, that's 50 years in prison. You
12 don't want to do that, do you?

13 A No, sir.

14 Q Well, heck, let me just think about it and try to
15 figure out, who controls what happens to your criminal
16 charges in Barnwell County? Oh, wait a minute, there's the
17 solicitor sitting right there. Why don't you tell them what
18 you want?

19 A I want some probation.

20 Q Thank you for being honest. You want some probation.
21 You don't want to go to prison, right?

22 A Right.

23 Q And when you were talking to Officer Davis, you were
24 scared?

25 A I was.

1 Q And you lied?

2 A At first.

3 Q And now today, you've got all them charges pending and
4 you didn't get charged with burglary, you got charged with
5 accessory?

6 A Right.

7 Q That's smaller, right, for you, the little gift you
8 got. And you're kind of nervous about going to prison on
9 that 30 and that 20. You don't want to go to prison today,
10 do you?

11 A No, sir.

12 Q Kind of nervous about that, aren't you?

13 A Yes, sir.

14 Q Well, when you're nervous, what is it you like to do?
15 You lie, don't you?

16 A I don't know how to answer that.

17 Q Well, it's simple, yes or no. You got a history of
18 lying when you're in trouble and you're scared?

19 A I would say no.

20 Q Okay. Let's go back in the time machine one more time.
21 Officer Davis talked to you and you told him what? I have
22 no idea what you talking about.

23 A Right.

24 Q Was that the truth or was that a lie?

25 A That was a lie.

1 Q You scared today, but you lie to protect yourself when
2 you're scared, from the police, from the solicitor. That is
3 your history, that is what you do, correct? That's what you
4 did with Officer Davis, you lied?

5 A At first.

6 Q At first. But then you came in and you had meetings,
7 sat down with the solicitor. How many times did you sit
8 down with the solicitor?

9 A I think today would have been just the second time.

10 Q Okay. Let me ask you a question. Do you remember
11 Officer Davis talking to you and he told you, you didn't
12 tell him at first, he told you, oh, I know you didn't go in.
13 Oh, I know you was driving around in that Toyota
14 Forerunning. Oh, I know you got guns, that's what you got
15 -- or she got guns. You didn't go in the house, she went in
16 the house. He told you that information, correct?

17 A It's the truth.

18 Q Right, but he told you. You said I don't know nothing
19 and then he told you that information, didn't he?

20 A He did.

21 Q Yes. It didn't come out of your brain, then out of
22 your mouth to him. It came from him to you and then you
23 said, I don't know nothing. Then you said, Well, I dropped
24 her off. I didn't pick her up. Remember? You didn't say I
25 picked -- you said I didn't pick her up, remember that? And

1 then later on, you admitted oh, I picked her up. Remember
2 that? You changed your story. You remember that?

3 A It was in the video.

4 Q Okay, so I'm asking you not if it's on the video, I'm
5 asking you is it true?

6 A It's true.

7 Q Okay. So you lied, then you said I don't know nothing
8 and then you said, I didn't pick her up. You lied again.
9 And then you said well -- he told you hey, hey, hey, I know
10 you didn't go in. I know you was driving this kind of car.
11 Oh, I know she got the guns out the house because you didn't
12 go in. He gave you all that information. Then you said
13 okay, let's see, okay, I picked her up. Then you had a
14 conversation about how he was going to help you, correct?
15 He's going to get you a PR bond, remember that? Do you
16 remember that?

17 A Yes, sir.

18 Q And you said he said well, I'm going to help you out,
19 get you the littlest charge possible. You didn't get
20 charged with burglary, you got the accessory, right?

21 A Yes, sir.

22 Q Right. And he told you that. He gave you that
23 information and then he made you those promises about these
24 little gifts that he was going to give you and he was going
25 to help you. And that's what you want today, you want help.

1 And these are the people who are going to help you. Oh,
2 it's not going to happen right now, later, later. True?

3 A I hope so.

4 Q Of course. You don't want to go to prison, do you?

5 A Of course not.

6 Q Of course. Let me ask you something --

7 MR. JOHNSON: Just a few more, Judge.

8 THE COURT: What?

9 MR. JOHNSON: Just a few more. I'm not quite there.

10 THE COURT: The floor is yours, Mr. Johnson.

11 MR. JOHNSON: Thank you, Judge. Had a little
12 brainstorm there.

13 BY MR. JOHNSON:

14 Q Who's James Creech?

15 A My father.

16 Q Your father. James Creech is your father. Just to be
17 clear, does he know Falcon Joyner?

18 A He does.

19 Q Did you tell the police that James Creech was there
20 helping you with that burglary?

21 A Do what now?

22 Q Was your father there?

23 A No, he was not there.

24 Q Oh, you left him out?

25 A He wasn't there.

1 Q That's what I'm saying, you left him out. You didn't
2 mention him?

3 A No.

4 Q And he's your father?

5 A Right.

6 Q Just to be clear.

7 MR. JOHNSON: No more questions, Your Honor.

8 THE COURT: Redirect?

9 MS. STAGGS: Yes, Your Honor. Beg the Court's
10 indulgence.

11 THE COURT: Very well.

12 (Pause.)

13 MS. STAGGS: Just a few questions, Your Honor. Thank
14 you.

15 REDIRECT EXAMINATION

16 BY MS. STAGGS:

17 Q Mr. Johnson asked you about that kidnapping charge.
18 Who's the victim in that case?

19 A My mother.

20 Q And on this day with Ms. Maxwell, did you know that she
21 was going to steal guns that day before that happened?

22 A I thought we were going to get clothes.

23 Q So you didn't know she was going to steal guns until
24 she got in the car?

25 A Right.

1 Q Afterwards?

2 A Right.

3 Q And when you were talking to Investigator Davis, did
4 you try to minimize your involvement in this?

5 A I did.

6 Q And why?

7 A I was scared. I don't want to be around no guns, you
8 know, I was on probation. I can't be around guns. Nervous,
9 scared, just didn't want to get in trouble.

10 MS. STAGGS: No further questions, Your Honor.

11 THE COURT: Recross?

12 RECROSS-EXAMINATION

13 BY MR. JOHNSON:

14 Q You got out of jail, right?

15 A Yes, sir.

16 Q Right. And you got a promise of help with that
17 probation, didn't you?

18 A No, sir.

19 Q Officer Davis, he didn't talk to you about that, too?
20 Don't worry, I'll help you a little bit?

21 A Oh, in the video, he said he would.

22 Q Right. PR bond, going to get that charge knocked down
23 for you, don't worry. Probation problems, heck, I'll call
24 your probation officer. That officer sitting right over
25 there, right?

~~Matt Davis - Direct by Staggs~~

1 A Yes, sir.

2 MR. JOHNSON: No more questions, Your Honor.

3 THE COURT: The witness may step down.

4 MS. STAGGS: Thank you, Your Honor. The State calls
5 Investigator Matt Davis.

6 MATT DAVIS,

7 after being duly sworn, testified as follows:

8 THE CLERK: If you would be seated and state your full
9 name for the record.

10 THE WITNESS: Matt Davis.

11 DIRECT EXAMINATION

12 BY MS. STAGGS:

13 Q Good afternoon, Investigator Davis.

14 A Good afternoon.

15 Q Where do you work?

16 A I work for the sheriff's office in Barnwell County.

17 Q And how long have you worked there?

18 A I've been employed there for about eight years.

19 Q And where were you before that?

20 A I was at the Department of Corrections in Allendale.

21 Q And what's your position at the sheriff's office here
22 in Barnwell County?

23 A I'm a lieutenant in investigations.

24 Q And what are some of the things that you do as part of
25 your job as a lieutenant in investigations?

1 A I work crime scenes. I conduct investigations,
2 supervise other people in investigations as well as assist
3 in their investigation.

4 Q Were you working in that position on October the 7th of
5 2020?

6 A I was.

7 Q Were you called to respond out to 2805 Govan Highway
8 that day?

9 A That's correct.

10 Q What did you see when you got there?

11 A When I got on scene, deputies took me around to the
12 back of the residence. There was a wash area that you
13 walked into the back and then there was a door, a wood door
14 that had glass panels. The glass panels had been busted to
15 gain entry to unlock the door.

16 Then I went into the residence. The first room was a
17 bedroom. The drawers were out. It looked like it had been
18 -- the place looked like it had been ransacked. Jewelry
19 boxes were open, drawers were out.

20 I went through the doorway, I think that was a common
21 area, after that. Then there was a kitchen to the left.
22 And as you walked to the other end of the house, there was a
23 bedroom -- another bedroom to the left and that bedroom,
24 same thing, drawers had been pulled out, house had been
25 ransacked. Everything appeared to have been gone through.

1 Q And were you able to get any physical evidence from
2 inside the home?

3 A The only thing as far as evidence-wise inside the home
4 is attempted to lift fingerprints from different areas. We
5 were unable to lift any fingerprints. The doorway going
6 into the kitchen, there was a small place that appeared to
7 be blood and I did do a DNA swab and sent that to SLED for
8 testing.

9 Q And did they test that?

10 A They did.

11 Q Who was there on scene when you got to the house?

12 A From what I remember, Lieutenant Jamie Bozard and
13 Deputy Will Towne.

14 Q And any of the residents of the home?

15 A And the victim, Jane Carroll.

16 Q After you talked to Ms. Carroll, then what did you do?

17 A After I processed the scene?

18 Q After you processed the scene, after -- where did your
19 investigation take you?

20 A After talking with Ms. Carroll, several suspects' names
21 came up as possible suspects in the crime. I conducted an
22 investigation. I spoke with multiple people. I ended up
23 going and talking with Rebecca Maxwell in December of that
24 year.

25 Q And do you remember, who she was living with at the

1 time?

2 A At the time I spoke with her the first time, she was
3 living with Crystal Dyches.

4 Q And did you ever talk to Ms. Dyches?

5 A I did.

6 Q After you talked to her, then what did you do?

7 A After talking with Crystal Dyches, I went and
8 interviewed Andrew Creech.

9 Q We've heard from Mr. Creech. And so as a result of
10 your interview with Mr. Creech, then what did you do?

11 A I obtained arrest warrants for Rebecca Maxwell.

12 Q Let me go back to this crime scene just for a minute.
13 Did you take any photos?

14 A I did.

15 Q What happened to those photos?

16 A Either through a fault of my own or admin at the
17 sheriff's office, they were misplaced and lost.

18 Q And we don't have those photos of the crime scene?

19 A We do not.

20 Q But they were still photos, right?

21 A Yes, that's correct.

22 Q Was there any video surveillance collected or anything
23 of the like?

24 A There was not.

25 Q And that DNA, did you get any leads from that?

1 A I did not.

2 Q Now, after you got those arrest warrants -- do you
3 remember about when that happened?

4 A If I remember correctly, it was April 9th, 2021.

5 Q Did you serve her with those warrants?

6 A I did not.

7 Q Who did?

8 A A deputy that worked for the Barnwell Sheriff's Office
9 at the time, Brandon Cook.

10 Q Were you present at the time?

11 A I was.

12 Q And what happened as those arrest warrants were served?

13 A Deputy Cook served Ms. Maxwell with the arrest warrant.
14 She asked to speak with me about the investigation.

15 Q Did you provide her with any form prior to that?

16 MS. STAGGS: May I approach the witness, Your Honor?

17 THE COURT: Yes, ma'am.

18 BY MS. STAGGS:

19 Q Do you recognize this, Investigator Davis?

20 MS. STAGGS: I'm handing him what's been previously
21 marked as State's Exhibit 3.

22 THE WITNESS: I do. This is a Barnwell County
23 Sheriff's Office Miranda rights advisement form.

24 BY MS. STAGGS:

25 Q And how do you recognize that particular copy?

1 A It's a copy of the Miranda rights form that I read to
2 Ms. Maxwell on April 9th, 2021, and it also has her
3 signature on it as well.

4 MS. STAGGS: Your Honor, at this time, the State would
5 move to admit State's Exhibit 3 into evidence.

6 MR. JOHNSON: Objection, Your Honor, based on previous
7 motions and objections and on hearsay.

8 THE COURT: All right. Subject to previous objection
9 --

10 MR. JOHNSON: And on hearsay objection and previous
11 motions and objections.

12 THE COURT: Come up real quick.

13 (Sidebar conference.)

14 THE COURT: Subject to previous objection, State's
15 Exhibit 3 is admitted.

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

17 BY MS. STAGGS:

18 Q Please explain to me what you did with that form when
19 you met with Rebecca Maxwell.

20 A I read each of her Miranda rights, I read each one. I
21 asked her if she understood everything that I read and if
22 she did not, I would try my best to explain to her what it
23 meant. She nodded that she understood what they meant and
24 then she also signed a waiver after that to speak with me
25 without a lawyer present.

1 Q I'm going to hand you now what's been marked as State's
2 Exhibit No. 2. Do you recognize that?

3 A I do. This is a copy of the interview between myself
4 and Ms. Maxwell that I signed off on.

5 Q And you've reviewed that disc?

6 A I have watched and reviewed the disc.

7 Q Did you initial it when you reviewed it?

8 A I did.

9 Q And it's a fair and accurate copy of the interview of
10 Ms. Maxwell from April the 9th, 2021?

11 A Yes, ma'am, that's correct.

12 MS. STAGGS: Your Honor, at this time, the State moves
13 to admit State's Exhibit No. 2 into evidence.

14 MR. JOHNSON: Objection, Your Honor, based on previous
15 motion and objections.

16 THE COURT: Subject to previous objections, State's 2
17 is admitted.

18 (State's Exhibit No. 2 admitted into evidence.)

19 MS. STAGGS: Thank you, Your Honor. At this time, the
20 State ask permission to publish that video to the jury.

21 THE COURT: Do we need a minute for technical setup?

22 MS. STAGGS: That would be --

23 THE COURT: Ladies and gentlemen, we're going to take a
24 short break just to set up our technology here. Go back to
25 your jury room and refresh yourselves. Please don't discuss

1 the case. We'll have you back out here momentarily. Please
2 head back to the jury room. Please don't discuss the case.

3 (The jury exits the courtroom at 12:56 p.m.)

4 (Short recess.)

5 THE COURT: Counsel has requested to me that his client
6 wishes to have an ex parte hearing on a legal matter between
7 her attorney and myself.

8 So at this time, what I'll do is ask everyone to clear
9 the courtroom with the exception of the court reporter, one
10 security person.

11 MR. MILLER: And, Your Honor, just for the record,
12 Investigator Davis will go somewhere where we're not.

13 THE COURT: Investigator Davis, obviously, please don't
14 discuss your testimony with anyone while we're on this break
15 of sorts.

16 So we're cleared out the courtroom. This is an ex
17 parte hearing, which we had one yesterday as well. I don't
18 know much other than Ms. Maxwell communicated to Mr. Johnson
19 that she wanted to talk with me about representation; is
20 that correct?

21 Yes, ma'am.

22 (Sealed ex parte hearing was held with the Court and
23 the Defendant and Defendant's counsel.)

24 THE COURT: All right. Let's stand down for five
25 minutes and then we'll get everyone back in the courtroom.

1 (Short break.)

2 THE COURT: Do we have everyone we need?

3 MS. STAGGS: I believe so, Your Honor. We were just
4 going to on the record ask you to give the jury the proposed
5 redaction charge prior to publishing the video.

6 MR. JOHNSON: I have no objection to that charge.

7 THE COURT: I thought it was for the final charge.
8 I'll keep this for the future.

9 MS. STAGGS: Thank you, Your Honor.

10 THE COURT: Are we ready to bring the jury in?

11 MS. STAGGS: I believe so, Judge.

12 MR. JOHNSON: Yes, sir, Your Honor.

13 THE COURT: Let's bring them in.

14 (The jury enters the courtroom at 2:42 p.m.)

15 THE COURT: Ladies and gentlemen of the jury, welcome
16 back. I hope you had a nice break. We'll just pick up
17 where we left off with this witness in the State's case in
18 chief.

19 The State may proceed. Are you ready to crank up the
20 video?

21 MS. STAGGS: Yes, Your Honor, we're ready to publish.

22 THE COURT: Ladies and gentlemen, as I told you at the
23 beginning of the trial, you and I have certain duties to
24 perform. As the trial judge, it is my responsibility to
25 preside over the trial of this case and I also have the duty

1 to rule on the admissibility of the evidence offered during
2 this trial. The State has entered a recorded statement of
3 the Defendant into evidence for your consideration. I will
4 charge you more fully regarding this statement at the
5 conclusion of the presentation of the evidence.

6 I now advise you that prior to this statement being
7 offered into evidence, the State and the Defense held a
8 hearing before me where I ordered certain portions of the
9 recorded statement to be redacted or edited out. These
10 redactions were the result of my prior determinations on the
11 admissibility of statements made on the recording. Both the
12 State and the Defense have now reviewed the redacted video
13 prior to it being submitted into evidence and they have
14 agreed the redactions to the video have been done in
15 accordance with my previous rulings.

16 I now charge you that you are not to consider the fact
17 that portions of this video may appear to be edited in any
18 way during your deliberations.

19 Madam Solicitor.

20 MS. STAGGS: Thank you, Your Honor.

21 If I may ask Madam Clerk to play the video.

22 (State's Exhibit No. 2, a video, was played for the
23 jury.)

24 BY MS. STAGGS:

25 Q Investigator Davis, some of that was a little hard to

1 hear. Will you summarize that interview?

2 A After I advised Ms. Maxwell of her Miranda rights, she
3 agreed to talk with me without a lawyer present. She signed
4 the waiver form where she understood her rights. She signed
5 the waiver form to speak with me.

6 She then stated that she had previously stayed with Ms.
7 Carroll for a week or so about a month prior to the
8 incident. And then she said that Andrew Creech took her to
9 the residence, Jane Carroll's residence. Said that they
10 were driving -- or Andrew was driving Crystal Dyches'
11 vehicle, which was a green Toyota Forerunner. Ms. Maxwell
12 previously lived with Ms. Dyches.

13 Ms. Maxwell said that Andrew Creech dropped her off at
14 the road. She said that she went into the residence. She
15 admitted to going into the residence. She admits to jewelry
16 and firearms being taken from the residence. And Ms.
17 Maxwell stated that Andrew Creech picked her back up and she
18 said that she went to -- they went back to Crystal Dyches'
19 residence.

20 Q And who did she say was with her when all this went on?

21 A She stated that Andrew Creech, James Creech and Falcon
22 Joyner were with her.

23 Q We've heard from Andrew Creech. Were James Creech and
24 Falcon Joyner arrested after this interview?

25 A They were not.

1 Q Why not?

2 A During the course of the investigation, the only time
3 that James Creech and Falcon Joyner's names ever came up
4 during the course of investigation was only from Ms.
5 Maxwell.

6 Q And let me go back to the circumstances of this
7 interview. Where did that take place, that interview?

8 A It took place at 599 Joey Zorn Boulevard, which is the
9 Barnwell County Sheriff's Office.

10 Q Is that where those warrants were served?

11 A No, ma'am. The warrant was served at the Barnwell
12 County Detention Center.

13 Q And what's the timeframe between the warrants being
14 served and this interview taking place?

15 A Approximately ten minutes.

16 Q And how far apart are they in terms of distance?

17 A Approximately a mile and a half.

18 Q Did you transport Ms. Maxwell over to the sheriff's
19 office?

20 A I did.

21 Q And what did y'all talk about on the way to the
22 sheriff's office for the interview?

23 A Spoke just general talk between each location.

24 Q Did you make her any promises?

25 A No, I did not make her any promises.

1 Q Did you tell her what to say?

2 A No, I did not.

3 Q And so after you read her the Miranda rights, was
4 anybody else with you in that interview?

5 A No, ma'am.

6 Q Did she appear to be under the influence of any alcohol
7 or drugs that day when you met with her?

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

9 Q Did she appear to have any physical or mental
10 impairment that might affect her ability to understand what
11 you were talking to her about?

12 A No, she did not.

13 Q That interview was about 17 minutes, 20 minutes?

14 A Somewhere in that area.

15 Q Was she ever denied access to the bathroom or food or
16 water?

17 A No, ma'am, she was not.

18 Q Now, I want to ask you about Andrew Creech. What, if
19 any, promises did you make to Mr. Creech when you
20 interviewed him?

21 A I did not make any promises to Andrew Creech prior to
22 Andrew Creech giving me the statement about what happened.
23 After he gave the statement about what happened, I then told
24 Andrew that I would try to help him with his bond.

25 Q And did you, in fact, do that?

1 A I did.

2 Q And how did you go about questioning Mr. Creech? Let
3 me ask it a different way. Did you confront him with what
4 you knew to have already happened?

5 A Mr. Creech, at the beginning of the interview initially
6 denied having any involvement in it. And then I told Mr.
7 Creech to tell me the truth and cooperate with the
8 investigation. He ended up coming forward and telling the
9 truth and admitting his involvement in the incident along
10 with Ms. Maxwell.

11 MS. STAGGS: Beg the Court's indulgence.

12 (Pause.)

13 BY MS. STAGGS:

14 Q In your experience as an investigator, about how many
15 interviews have you conducted?

16 A Hundreds.

17 Q Both witnesses and suspects?

18 A Correct. Probably both, thousands.

19 Q Is it common for somebody that you suspect to be
20 involved to lie to you initially?

21 A Yes.

22 Q And then I want to ask you, in your time in law
23 enforcement, have you ever had any complaints filed against
24 you in terms of your behavior?

25 A I have not. My disciplinary folder at the sheriff's

1 office is empty.

2 MS. STAGGS: I don't have any further questions.
3 Please answer any questions that Mr. Johnson may have.

4 THE COURT: Cross-examination.

5 MR. JOHNSON: Thank you, Your Honor. May it please the
6 Court?

7 THE COURT: Certainly.

8 CROSS-EXAMINATION

9 BY MR. JOHNSON:

10 Q Officer, you also talked with -- you offered all kinds
11 of help to Andrew. You offered to call his probation
12 officer, do you remember that?

13 A I don't remember that exactly.

14 Q Would it refresh your memory to see that?

15 A If I did, then I'm sure that would be correct. To call
16 his probation officer to tell him that he was cooperating
17 with an investigation with law enforcement is not unusual.

18 Q That's something you do?

19 A If they are cooperating, yes.

20 Q And you told him you would help him now, you'd help him
21 later, correct?

22 A Sure.

23 Q Like right now or after this trial. The key is to help
24 Andrew and Andrew's helping the State. So when you talked
25 to Andrew, when you interviewed him, he didn't give you

1 details, you told him. Andrew, I know you didn't go in that
2 house. I know you drove that Toyota. And I know Rebecca
3 went in. What did she get? Oh, she got guns. You told
4 him, correct?

5 A Not exactly. I told him I knew who drove the vehicle.
6 I knew what vehicle they drove and I know who went in the
7 house.

8 Q You're saying you didn't name the vehicle?

9 A I'm sure I named the vehicle.

10 Q And you didn't tell him that guns were taken?

11 A I do not recall.

12 Q Would it refresh your memory to hear that, to review
13 that?

14 A If you want.

15 MR. JOHNSON: I'm just going to play it here on the
16 table for the witness, Your Honor.

17 MS. STAGGS: Your Honor, may I approach?

18 THE COURT: You need a break?

19 THE JUROR: Just a small one.

20 THE COURT: Let's take five minutes. Please don't
21 discuss the case. The computer will probably take five
22 minutes anyway. Please don't discuss the case. Everyone go
23 back to the jury room.

24 Let me know as soon as they're all ready to come back.

25 (The jury exits the courtroom at 3:14 p.m.)

1 THE COURT: Yes, ma'am.

2 MS. STAGGS: Your Honor, I was going to ask for Mr.
3 Johnson to -- if he's going to play the video for
4 Investigator Davis to play it on the screen so that the jury
5 can see it and to play the entire video under the rules of
6 completeness. I think it can be taken out of context.

7 THE COURT: How long is the video?

8 MR. JOHNSON: Well, this portion that I'm playing is
9 about 21 seconds.

10 THE COURT: Okay.

11 MS. STAGGS: I believe it's about 18 minutes, Your
12 Honor.

13 MR. JOHNSON: Oh, I'm sorry, yeah, the total is about
14 18 minutes. The portion I'm playing is about 21 seconds and
15 it's in response to refreshing his memory about statements
16 where he's giving information to --

17 THE COURT: The State has asked to play the full video,
18 which I think y'all --

19 MR. JOHNSON: Well, I'm opposed to that. I'm simply
20 trying to refresh his memory.

21 (Sidebar conference.)

22 (Short break.)

23 THE COURT: As we broke, Defense counsel was preparing
24 to refresh the recollection regarding testimony from this
25 witness. We had a bench conference where the State

1 indicated it was their desire to have the entire 18-minute
2 video played of Mr. Creech. Basically, in essence, to bring
3 it in on their redirect. I took a recess and in looking
4 over the law as I can understand it, I don't think just
5 refreshing the recollection of one bit of testimony opens
6 the door to the entire statement coming in at this time.
7 However, I have told both of the lawyers depending upon
8 where the testimony goes from here, that may change. But I
9 think that's the appropriate decision at this point.

10 So, Mr. Johnson, you'll play your portion of the video.
11 Do you have the portion of the testimony ready?

12 MR. JOHNSON: Yes, sir.

13 THE COURT: It's not really an objection, I mean, the
14 State would like to play the full one, but if you need
15 anything more for the record, let me know.

16 MS. STAGGS: I think that sums it up, Your Honor.

17 THE COURT: All right. Are we ready to proceed?

18 MR. JOHNSON: Yes, sir.

19 THE COURT: All right. Let's bring them back.

20 (The jury enters the courtroom at 3:37 p.m.)

21 THE COURT: All right, ladies and gentlemen, welcome
22 back. We're ready to proceed where we left off.

23 Mr. Johnson, you may continue with this witness.

24 (A portion of a video was played for the jury.)

25 BY MR. JOHNSON:

1 Q Officer, has your memory been refreshed?

2 A Yes, sir.

3 Q And did you provide the details to Mr. Creech about the
4 vehicle and dropping her off and the fact that he didn't go
5 in and all that?

6 A I told him what I believed happened.

7 Q He didn't tell you, you told him?

8 A I told him what I believed happened, right.

9 Q And you talked about going in looking for evidence --
10 you also mentioned to him the date in October, you gave him
11 that. He didn't give it to you, right?

12 A It was April when I interviewed Mr. Creech. I have to
13 tell him what I was talking about.

14 Q But you gave him the date generally of October when the
15 burglary was?

16 A That's correct.

17 Q He didn't give it to you, you gave it to him. And the
18 investigation, you talked about going in and you're looking
19 for DNA -- well, let's start with fingerprints. You said
20 you checked for prints, correct?

21 A That's correct.

22 Q You checked for prints, nobody else?

23 A That's correct.

24 Q Where did you check?

25 A Throughout the house, around doorways, doorknobs,

1 dresser drawer knobs, anything that I would have thought
2 somebody would have opened, closed or whatever with their
3 hands that could have possibly left a fingerprint.

4 Q Did you test for touch DNA?

5 A I did not.

6 Q Are there people that can do that?

7 A Yes.

8 Q Can you do that?

9 A I can.

10 Q Why did you not choose to do that?

11 A I just did not choose to do it at that scene. I did
12 collect blood DNA.

13 Q Okay. And the blood DNA came back to a Michael Waltz?

14 A That's correct.

15 Q Where was Michael Waltz when this burglary was being
16 committed?

17 A I can't answer that.

18 Q So you didn't verify his whereabouts?

19 A I verified that he had permission to be at the
20 residence.

21 Q Okay. That wasn't my question, though. You didn't
22 verify where he was when the burglary was being committed,
23 correct?

24 A I only verified that he had permission to be at the
25 residence.

1 Q Did you interview Michael Waltz?

2 A I did not.

3 Q But that was his blood at the crime scene?

4 A That's correct.

5 Q And did you verify Falcon Joyner's whereabouts?

6 A I did not.

7 Q Or James Creech?

8 A I interviewed James Creech.

9 Q Did you verify his whereabouts?

10 A I interviewed James Creech and I did not believe that
11 he had anything to do with the incident.

12 Q Did you search Crystal Dyches' home?

13 A I did not.

14 Q Did you search her Toyota?

15 A I did not. I did these interviews in April. The
16 burglary happened in October. I did not think that I would
17 be able to obtain a search warrant given that much length of
18 time.

19 Q Did you lose all these photographs from the crime scene
20 or did somebody else lose them?

21 A It was either myself or an admin at the sheriff's
22 office.

23 Q Why didn't you take any video?

24 A We don't use video camera recorders anymore.

25 Q And you have body cameras down there at the sheriff's

1 department, don't you?

2 A Yes, we do.

3 Q And you use body cameras?

4 A At the appropriate times, yes.

5 Q And you chose not to use one when you were transporting
6 my client over to talk to her. When you had that little
7 chat you mentioned with her, you didn't record that?

8 A I don't typically record when transporting inmates.

9 Q But you had a conversation?

10 A General talk.

11 Q And did you interview John Smith, the person with the
12 weapons, who received the weapons?

13 A I did not.

14 Q Did you confirm his whereabouts when this burglary was
15 being committed?

16 A I did not.

17 Q What about Porter?

18 A I have no idea who Porter is.

19 Q Did you try to track down Porter to find out who he
20 was?

21 A I've been working law enforcement here for almost a
22 decade. I have good knowledge of the people that are in
23 this area and I've never heard of him.

24 Q And in addition when you were talking to my client, at
25 the very end, you made a statement about cooperation, didn't

1 you?

2 A To Ms. Maxwell?

3 Q Yes.

4 A I did tell her that she should cooperate and tell the
5 truth.

6 Q And you talked about well, you can call your sister.
7 You were going to let her call her sister?

8 A That's correct.

9 Q You did say that?

10 A After she gave her statement, I let her make a phone
11 call.

12 Q Did you ever get any kind of a bloodhound team out
13 there?

14 A I did not.

15 Q Did you ever go outside and look for any shoe
16 impression evidence on the ground, tracking shoes?

17 A We did look around the area, but we did not locate what
18 I thought would be positive foot tracks.

19 Q Were there any foot tracks?

20 A It was mostly grass, but not that I could see.

21 Q You couldn't see any footprints?

22 A No, sir.

23 Q And you told Mr. Creech you're going to get him a PR
24 bond, you admit to that?

25 A I did tell him that I would try to do that, yes.

1 Q And help him, call a probation officer, if needed?

2 A That's correct.

3 Q And not get him a burglary charge, get him a little
4 charge, a lesser charge?

5 A I charged him with what was appropriate for what he
6 confessed to.

7 Q So he's not charged with regular burglary?

8 A He is not.

9 Q He's charged with accessory?

10 A That's correct.

11 Q But you believe he was there?

12 A He admitted to taking Ms. Maxwell to the house to get
13 clothes, which is not a crime. When he picked her up and he
14 realized the items that she had stolen out of the house,
15 then that made him an accessory.

16 MR. JOHNSON: No more questions, Your Honor.

17 THE COURT: Redirect?

18 MS. STAGGS: Thank you, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. STAGGS:

21 Q Let me just clarify. What was this spot of blood? Can
22 you tell us how big and where it was found?

23 A It was just no more than a drop of blood on the doorway
24 as you enter the kitchen from the living room, the common
25 area, the door frame.

1 Q And it came back to somebody who had permission to be
2 there?

3 A That is correct.

4 Q And you said you didn't record the trip from the jail.
5 Were you questioning her?

6 A I was not.

7 Q And do you always -- as an investigator, are you always
8 wearing a body camera?

9 A No, I'm not.

10 Q And at the time, did you have a dash cam in your car?

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

12 MS. STAGGS: Beg the Court's indulgence.

13 (Pause.)

14 BY MS. STAGGS:

15 Q Do you know the relationship of the person whose DNA
16 was found in the house and the victim in this case?

17 A Yes, I do.

18 Q And what is that relationship?

19 MR. JOHNSON: Objection, hearsay.

20 THE COURT: What was the relationship to someone in the
21 house?

22 Rephrase the question. Let me hear that again.

23 BY MS. STAGGS:

24 Q Do you know how the person whose DNA was found -- do
25 you know how he was involved in staying at the house?

1 A Yes --

2 MR. JOHNSON: Your Honor, I object to hearsay.

3 THE COURT: The question is what is his knowledge of --

4 MS. STAGGS: Of this person whose DNA was there. He
5 said he had permission to be there.

6 THE COURT: Okay. Hold on. Without what anyone else
7 told him, obviously.

8 MS. STAGGS: Of course, Your Honor.

9 THE COURT: Let me ask y'all a quick question.

10 (Sidebar conference.)

11 BY MS. STAGGS:

12 Q Investigator Davis, after you spoke to the victim about
13 this person's blood, did you consider that person to be a
14 suspect in this case?

15 A I did not.

16 MS. STAGGS: No further questions, Your Honor.

17 THE COURT: Recross?

18 MR. JOHNSON: No questions, Your Honor.

19 THE COURT: Very well.

20 You may step down.

21 MS. STAGGS: Your Honor, at this time, the State would
22 ask to admit State's Exhibit No. 4.

23 MR. JOHNSON: That's without objection, Your Honor.

24 MS. STAGGS: That's the stipulation, Your Honor. We
25 would request to publish the stipulation to the jury.

1 THE COURT: Very well.

2 MS. STAGGS: The State and the Defendant stipulate to
3 the following fact: The Defendant, Rebecca Ann Maxwell, was
4 convicted of burglary in Lexington County on May the 7th of
5 2013; and the Defendant, Rebecca Ann Maxwell, was convicted
6 of burglary in Aiken County on January 25th of 2016.

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

8 MS. STAGGS: Your Honor, at this time, the State rest.

9 THE COURT: Let me ask a scheduling question.

10 (Sidebar conference.)

11 THE COURT: All right. Ladies and gentlemen, the State
12 has rested their case. I've got some matters I have to take
13 up with the attorneys at this time. It's four o'clock, so
14 we're going to for your purposes break for the day. I'd
15 like you to be back tomorrow morning in your jury room at
16 9:15. We will look to start the trial back up at 9:30
17 tomorrow morning.

18 Please don't discuss the case with anyone tonight.
19 Please don't discuss the case with your family members or do
20 any independent research. As I told you at the beginning,
21 the evidence you need to focus on is the evidence you get
22 from the witness stand and I don't want you to get anything
23 from any other source that's not this witness stand.

24 Otherwise, y'all have a nice evening. We'll see you
25 tomorrow morning at 9:15 in your jury room. Have a good

1 night.

2 (The jury exits the courtroom at 3:53 p.m.)

3 THE COURT: Motions?

4 MR. JOHNSON: Your Honor, at this time, I make the
5 motion for directed verdict based on previous motions and
6 objections. I point out that there was testimony from the
7 victim that my client was allowed to reside there. She did
8 not provide any testimony about any particular date where
9 she informed my client she no longer had privileges to
10 access or walk into the house or access the property. She
11 didn't give her anything in writing. She didn't have any
12 specific information about advising her that she was
13 withdrawing that permission. So since my client had that
14 permission to enter the residence, it would not qualify as a
15 burglary.

16 Also, based on all the testimony and previous motions
17 and objections, I move for a directed verdict at this time.

18 THE COURT: Very well.

19 Anything from the State.

20 MS. STAGGS: Nothing, Your Honor, just simply that we
21 certainly believe there's enough evidence in this case to go
22 to the jury. She didn't have permission to go in. She
23 confesses to stealing the guns. There are stipulations on
24 the record.

25 THE COURT: At this stage, the trial court is concerned

1 with the existence of evidence and not its weight. There's
2 both direct and circumstantial evidence to warrant the case,
3 at least, going to the jury for whatever decision they think
4 is appropriate based on the evidence they've heard. I find
5 that this is an issue of fact for the jury to decide and
6 we'll proceed forward. So the motion for directed verdict
7 is denied.

8 Your previous objections are renewed and noted.

9 MR. JOHNSON: Thank you.

10 THE COURT: Anything else for today?

11 MS. STAGGS: Your Honor, as the case has been called
12 and the Defendant's bond is no longer in place, we would ask
13 the Court to take her into custody pending the conclusion of
14 this trial.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: Your Honor, we oppose that. My client
17 has shown up every time. She needs to be here. She's
18 traveled here from Lexington and gone out of her way. She
19 well knows the consequences and the serious nature of
20 everything, but yet, she continues to show up. She's a
21 resident here in the state. Of course, she has small
22 children. She's not somebody that could easily run off
23 somewhere with these small children. I would point that out
24 and ask the Court to consider that.

25 Also, considering we had a previous motion for a

1 continuance based on medical issues. I filed that with
2 exhibits with the Court. She had a serious situation. A
3 previous trial was scheduled in January. Judge Jefferson
4 continued it. There was a complaint by my client of a
5 medical condition. That actually manifested itself so much
6 that it turned into a surgery with Dr. Addy. We have the
7 appointment and recorded message there with Dr. Addy that I
8 sent to the Court where they had to reschedule their
9 appointment. They had an eval appointment last week. Dr.
10 Addy was supposed to examine my client to, basically, clear
11 her so that she could go forward with the trial.

12 Judge Jefferson had been concerned. She had made
13 statements about whether or not SCDC or county jail or any
14 facility would be able to care for my client, what would
15 happen in the future. Well, it turns out, a couple of weeks
16 after the Judge expressed her concern, my client had major
17 surgery, so it did turn into a very serious situation.

18 I'm not a doctor. I don't know what's going to happen
19 in the future. I filed that motion because Dr. Addy did not
20 examine her last week. That is supposed to take place at
21 some point in the future. That was due to the doctor
22 rescheduling it, not my client's fault. And I would point
23 that out and ask the Court to consider that as well. Due to
24 the medical necessity, I would ask that the Court allow my
25 client to stay free and out on bond.

1 THE COURT: Anything else?

2 MS. STAGGS: Your Honor, just that none of that changes
3 the fact that she doesn't have a bond in place and we
4 believe it would be appropriate to put her in custody.

5 THE COURT: Let's take a short break. Let me just talk
6 with y'all a minute.

7 (Short recess.)

8 THE COURT: I'm trying to treat this like any other
9 trial and, ultimately, I'm going to handle it as so. I
10 grant the motion to remand. I want the parties to be able
11 to meet after we've adjourned for the day. We'll crank back
12 up tomorrow morning at 9:30. We'll see where the trial
13 takes us from there.

14 MR. JOHNSON: Yes, sir.

15 MS. STAGGS: Thank you, Your Honor.

16 THE COURT: Court is in recess.

17 WEDNESDAY, MARCH 30, 2022

18 THE COURT: When we left yesterday, the State had
19 rested. The Defense made directed verdict motions, renewed
20 all previous objections. We're at the stage now where the
21 Defendant may wish to present her case or may not. It's my
22 understanding we need to have some discussions ex parte with
23 the Defendant first. So what I would ask is that we clear
24 the courtroom with the exception of Mr. Johnson, one of my
25 bailiffs, security personnel --

1 THE DEPUTY: Your Honor, you want the Defendant in
2 here, don't you?

3 THE COURT: Yes, please.

4 (Sealed Ex parte hearing was held with the Court and
5 the Defendant and Defendant's counsel.)

6 (Short recess.)

7 THE COURT: Okay. Mr. Johnson.

8 MR. JOHNSON: Thank you, Your Honor. I just want to
9 put something on the record. Well, first, I want to make it
10 official for the record my motion for continuance due to the
11 unavailability of a witness. We had conversations about
12 that. Ms. Hewitt is not available today and asking for a
13 continuance based on that.

14 THE COURT: And I respectfully deny that continuance.

15 MR. JOHNSON: Yes, sir.

16 Following that, I want to bring up another issue. My
17 client has indicated there are two people in the courtroom
18 seated back here behind the solicitor. One is Rachel
19 Carter, I believe that's my client's sister, and there's a
20 Kimberly Sanders. These are two ladies that are associated
21 with the issue of the custody of some of her children. They
22 apparently, according to my client, have been making some
23 comments to her yesterday about why don't you just go ahead
24 and plead guilty --

25 THE COURT: In the courtroom?

1 MR. JOHNSON: In the courtroom. Making comments to her
2 about why are you doing this, it's a waste of time? Why
3 don't you just plead guilty? They're walking past her,
4 according to my client, saying these things. And I wanted
5 to bring that to the Court's attention.

6 THE COURT: I don't know whether it did or did not
7 happen, but, obviously, any time we're in the courtroom, if
8 you're sitting in the gallery, please remain quiet. Even if
9 you're whispering amongst yourselves, try to keep your voice
10 down. We don't want that to interfere with the lawyers
11 while they're prosecuting their case or defending their case
12 or the jurors who are trying to listen to the witnesses.
13 I'm not saying what did or did not happen, but everyone
14 needs to be cognizant of not making any noise in the
15 courtroom, particularly behind the bar.

16 MR. JOHNSON: We're ready to go forward at this time,
17 Your Honor.

18 THE COURT: If you would stand up, Ms. Maxwell.
19 Madam Clerk, please place her under oath.

20 THE CLERK: Raise your right hand, please.

21 REBECCA MAXWELL,

22 after being duly sworn, testified as follows:

23 THE COURT: Ms. Maxwell, at this time, I'm going to
24 explain to you some of your rights. If you do not
25 understand anything I say, please let me know. If you want

1 me to explain anything in more detail, please let me know.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: We've reached the stage of the trial where
5 you may present your defense. You have the right to claim
6 the protections given to you by the Fifth Amendment to the
7 Constitution of the United States, which states in part: No
8 person shall be compelled in any criminal case to be a
9 witness against himself or herself.

10 This means that you cannot be required to testify in
11 this case. You have the right to testify on your own
12 behalf, however, no one can make you testify. This is a
13 personal right and no one can waive this right except you.

14 If you decide to testify, you will be subject to the
15 same rules that govern other witnesses. You may be examined
16 and cross-examined on any relevant issue in this case. In
17 addition, if you have any convictions involving dishonesty,
18 false statement or for crimes punishable by imprisonment for
19 more than one year and this Court determines that the
20 probative value of admitting this evidence outweighs its
21 prejudicial effect to you, the solicitor will be able to
22 introduce your record to attack your credibility.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: If you decide to testify, this decision on

1 your part must be freely, voluntarily and intelligently made
2 with knowledge of the protections given to you by the Fifth
3 Amendment and the consequences of your decision to testify.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: If you decide not to testify, I will
7 instruct the jurors that they cannot give the fact that you
8 did not testify any consideration whatsoever and there is to
9 be absolutely no prejudice to you because you did not
10 testify. It is left entirely up to you whether or not you
11 testify. You may talk with your attorney, your family and
12 friends or anyone else, but the final decision will be left
13 entirely up to you.

14 Do you understand what I have explained to you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions about what I've
17 explained to you?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you discussed with your lawyer whether
20 you should or should not testify?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you wish to talk to your lawyer any more
23 at this time?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you wish to testify?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Very well.

3 I think we had a stipulation of fact that's on the
4 record already about two prior burglaries. Does the State
5 intend to introduce anything else? I don't believe you do.

6 MS. STAGGS: No, Your Honor, we do not.

7 THE COURT: So the previous two burglaries could be
8 discussed as they are already stipulated to the jury.

9 They're an element of the State's case.

10 Anything else before we bring in the jury?

11 MR. JOHNSON: Not from the Defense, Your Honor.

12 THE COURT: Is the State ready to proceed?

13 MR. MILLER: We are, Your Honor.

14 THE COURT: Bring in the jury.

15 (The jury enters the courtroom at 10:32 a.m.)

16 THE COURT: All right, Mr. Foreman, ladies and
17 gentlemen of the jury, welcome back. I hope you had a nice
18 evening. When we left yesterday, the State had rested their
19 case. You will now have the opportunity to hear the
20 Defendant's case.

21 Mr. Johnson.

22 MR. JOHNSON: Thank you, Your Honor. The Defense calls
23 Rebecca Maxwell.

24 REBECCA MAXWELL,

25 after being duly sworn, testified as follows:

1 THE CLERK: Please be seated and state your full name
2 for the record, okay?

3 THE WITNESS: Rebecca Ann Maxwell.

4 DIRECT EXAMINATION

5 BY MR. JOHNSON:

6 Q Ms. Maxwell, where are you from?

7 A I'm originally from Barnwell, South Carolina.

8 Q How old are you?

9 A 40.

10 Q And what type of work do you do?

11 A I work for Blue Cross Blue Shield doing insurance
12 claims.

13 Q And do you have a child named Gage?

14 A I do.

15 Q And how old is Gage?

16 A He is almost two. He'll be two at the end of June.

17 Q Now, let me take you back. Do you recall the
18 interrogation by Officer Matt Davis?

19 A Yes.

20 Q Sitting right over there?

21 A I do.

22 Q Tell me about. Do you remember -- just how did that
23 happen?

24 A He -- the actual interrogation or beforehand?

25 Q Well, do you remember that day?

1 A I rode with him to the sheriff's department after being
2 arrested for the charge. During that time, on the ride over
3 there, he spoke to me about -- he spoke to me about what he
4 needed me to say --

5 Q What specific -- I'm sorry to interrupt you. Did he
6 say anything specific?

7 A I had already told him on several occasions about me
8 knowing who did this crime. And when I told him this, he
9 said that what I was saying was just hearsay, that it wasn't
10 going to make a difference. They weren't going to arrest
11 them over my hearsay. He said in order to arrest them, I
12 had to say I was there and that I saw them do it, so that's
13 what I did.

14 He said that I would not be able to get out until the
15 following month because of the type of judge I had to see,
16 but I would have to wear an ankle monitor. And he said that
17 if I continued to the end and testified against them or if
18 they plead, then my charges would be dropped.

19 Q Now, were you scared?

20 A Yes.

21 Q You were in handcuffs?

22 A Yes.

23 Q And, basically, when you talked to him, did he give you
24 details that you had to say?

25 A Yes.

1 Q About the crime?

2 A Yes.

3 Q Had he talked to Crystal Dyches before this?

4 A I didn't know. I don't know who he spoke to
5 beforehand.

6 Q Crystal Dyches, how is she connected to Falcon Joyner?

7 A They're boyfriend and girlfriend. They have a child
8 together.

9 Q Oh, okay. Boyfriend and girlfriend. So Falcon Joyner,
10 Crystal Dyches, boyfriend/girlfriend, then he comes and
11 talks to you. Did you feel threatened?

12 A Very threatened.

13 Q And specifically, what was the threat?

14 A That my son was going to be taken away from me if I did
15 not do what I was supposed to do to get those people in
16 there.

17 Q Are you talking about Gage?

18 A My son, Gage, yes.

19 Q So you had Gage and you were worried about that?

20 A Yes.

21 Q And he made you promises?

22 A Yes.

23 Q And what were those promises again?

24 A That if I said the things that needed to be said that I
25 would get a bond instead of sitting in jail with no bond

1 until trial. He said I would sit in jail with no bond until
2 trial if I didn't say those things, but if I did, I would
3 get a bond. I would have to wear an ankle monitor, but he
4 would get me a bond. Then once I testified, they would be
5 dropped.

6 Q And James Creech -- there was testimony earlier, James
7 Creech is related to Andrew Creech, isn't he?

8 A It's his father.

9 Q James is Andrew's father, okay. Did you do this?

10 A No, I did not do this.

11 Q Why in the world did you say you did?

12 A Because I thought my son was going to be taken from me.

13 Q You were scared, stressed out?

14 A Yes.

15 Q You were in the custody of the police?

16 A Yes.

17 Q Thinking about your baby?

18 A Yes.

19 Q And did you even live with Crystal Dyches at that time?

20 A I did not.

21 Q Well, why in the world would it come up that you did?

22 A That's what he told me that I needed to say. I guess
23 it was because it was what was said by Crystal Dyches.

24 Q So he fed you information and then when you got on
25 video, you gave it back to him?

1 A Yes.

2 Q Oh, okay. Are you telling the truth?

3 A Yes.

4 MR. JOHNSON: No more questions, Your Honor.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. MILLER:

8 Q You lived with Jane Carroll, didn't you?

9 A I stayed with Jane Carroll for a week.

10 Q So [REDACTED] Govan Highway in Olar, South Carolina, you're
11 familiar with that residence?

12 A Yes.

13 Q And that's in Barnwell County?

14 A Yes.

15 Q And it is the residence of Jane Carroll, correct?

16 A Yes.

17 Q And you have been convicted of burglary on two other
18 occasions in different counties?

19 A Correct.

20 Q Were you living at that [REDACTED] Govan Highway in Olar on
21 October the 7th of 2020?

22 A No.

23 Q You brought up your child, Gage, who's two. What other
24 children do you have?

25 A I have a daughter, Teagan.

1 Q How old is Teagan?

2 A She's five.

3 Q Okay. And?

4 A I have two older children older than that. My son,
5 Cody, is 21 and my daughter, Skylar, she passed away, but
6 she would be 23.

7 Q Okay. And?

8 A And I have my new baby, she is three months old, Tatum.

9 Q When was she born?

10 A In December of this past year, December 29th.

11 Q So December 29th, 2021. And this was -- when you were
12 interviewed, this was in April of 2021, correct?

13 A Correct.

14 Q So you were pregnant at the time you were being
15 interviewed, weren't you?

16 A Correct.

17 Q Whose idea was it for you to talk to Matt Davis about
18 this?

19 A I didn't have a choice but to talk to Matt Davis.

20 Q You didn't have a choice, because he asked you?

21 A Because he came and arrested me for something that I
22 didn't do.

23 Q So he arrested you for something you didn't do and you
24 didn't have any choice except to say well, I did that thing
25 that you arrested me for that I didn't do?

1 A No, I told him that I would speak to him about it when
2 he asked me to speak about it. But on the ride over is when
3 he told me what I needed to do to be able to go home.

4 Q Who served you with your arrest warrant?

5 A Matt Davis.

6 Q During this time that -- well, you've seen the video.
7 Was any threat made to you on the video?

8 A Of course, it's not going to be on the video.

9 Q Were you fed this information on the video?

10 A It was on the ride over to the sheriff's department
11 when I was alone with Matt Davis in his vehicle.

12 Q Answer the question. Were you fed this information on
13 video that you claim was fed to you?

14 A Not on video.

15 Q Not on video. Had you ever talked to Matt Davis about
16 this burglary before?

17 A Yes.

18 Q When was that?

19 A On three other occasions, I spoke to him and told him
20 who I felt was responsible for the burglary.

21 Q Three other occasions?

22 A Yes.

23 Q Any documentation of that?

24 A There may be, I don't know. There should be.

25 Q You told Matt Davis what? What did you tell him?

1 A When?

2 Q These three other times that you talked to him.

3 A That Falcon Joyner and James Creech were the ones that
4 were responsible for breaking in Jane Carroll's residence.

5 Q And how did you know that?

6 A Because one time I saw Falcon and James at Falcon's
7 house with a trailer full of stuff backed up to his garage.
8 They were talking about the fact that they had just stolen
9 it from Jane Carroll's house. And then they were talking
10 about hitting another house because of the converters they
11 didn't find. They were at her property to find converters
12 that she thought was stolen from her brother's place of
13 business. They weren't at her first property, so they broke
14 into the second one.

15 Q And you didn't have anything to do with any of this?

16 A No, I didn't. As a matter of fact, also, when they
17 were discussing it, Andrew Creech had come in from walking
18 to the store and he was upset. He said that Matt Davis had
19 just cornered him on the side of the road and was
20 questioning him about the burglary, that he had heard he was
21 involved and he said there was DNA left behind. And his dad
22 was there and he was laughing and he said, He was just
23 trying to get you to confess to something because I'm the
24 one that broke the window and I didn't leave DNA behind.

25 Q So all of these people, these are all meth addicts,

1 aren't they?

2 A Yes.

3 Q And Crystal Dyches?

4 A Yes.

5 Q And all the people that hang around with Crystal Dyches
6 predominantly?

7 A Correct.

8 Q All meth addicts?

9 A Correct.

10 Q So they all came to you and each one of them confesses
11 a different part in a burglary, two burglaries, in fact, to
12 you that you didn't have anything to do with?

13 A Not to me, but they spoke about it openly in front of
14 everyone, several other people besides myself.

15 Q And you didn't tell Matt Davis about this until when?

16 A I told him about this in December for the first time,
17 December prior.

18 Q December prior?

19 A Uh-huh.

20 Q But you just said when I asked what did you tell him in
21 these other three conversations, you didn't say anything
22 about Andrew Creech until just now. When were you going to
23 tell him that Andrew Creech was involved and Andrew Creech
24 knew about it?

25 A I didn't know Andrew Creech was involved until he was

1 talking about it with his dad in front of me.

2 Q Okay. Why would these people be talking about this in
3 front of you?

4 A They talked about it in front of everyone. There were
5 many people they talked about it in front of.

6 Q Why is it that none of the story that you're telling,
7 none of that is anywhere else?

8 A It is. It's brought up on Andrew Creech's interview.
9 Matt Davis tells him that Jane Carroll thought that he was
10 the one that was involved. It's also in the private
11 investigator's paperwork that Jane Carroll said that she
12 thought that they were involved. And Andrew Creech --

13 Q The private investigator's paperwork --

14 A And Andrew Creech states at the beginning of his video
15 with Matt Davis that his dad and Falcon were involved. He
16 says that.

17 Q Just to be clear, Matt Davis is the one who served
18 those burglary warrants?

19 A He is.

20 MR. MILLER: No further questions.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION

23 BY MR. JOHNSON:

24 Q So there was a previous interview when Matt Davis
25 talked to you and you told him these people did this

1 burglary?

2 A Correct.

3 Q And as you testified, too, on Andrew Creech's video,
4 Andrew Creech says they did it?

5 A Yes.

6 Q They did the burglary?

7 A Yes.

8 Q He mentions this other burglary that you just
9 described?

10 A Right.

11 Q Did you do this?

12 A No, I did not do it.

13 Q Are you telling the truth?

14 A I'm telling the truth.

15 MR. JOHNSON: Thank you.

16 THE COURT: Recross?

17 MR. MILLER: Nothing further, Your Honor.

18 THE COURT: All right. The witness may step down.

19 MR. JOHNSON: No more witnesses, Your Honor. The
20 Defense rests.

21 THE COURT: Very well.

22 Ladies and gentlemen, the Defense has rested. I've got
23 some matters I need to take up with the attorneys. I'm
24 going to have you go back to your jury room. I'll get you
25 back out here as soon as I can. Please don't discuss the

1 case. Thank you.

2 (The jury exits the courtroom at 10:47 a.m.)

3 THE COURT: Motions?

4 MR. JOHNSON: I would like to renew all motions and
5 objections at this time, Your Honor.

6 THE COURT: Very well. So noted and they are subject
7 to previous rulings overruled.

8 MR. JOHNSON: Thank you.

9 THE COURT: Does the State have anything additional?

10 MS. STAGGS: We do, Your Honor. I just need to check
11 and see if my witness is here, if you'll give us just brief
12 recess for us to get our ducks in a row.

13 THE COURT: If you have a reply witness, how many?

14 MS. STAGGS: Two.

15 THE COURT: Obviously, reply witnesses are to be
16 brought specifically to rebut something that came out in the
17 defense case, nothing more.

18 MS. STAGGS: Yes, Your Honor.

19 THE COURT: We can do that, and then I suspect we can
20 just send them to lunch. We can do a charge conference
21 during lunch, then when they come back, argue and charge.

22 MS. STAGGS: Okay. Great, Your Honor.

23 THE COURT: Does the State need five or ten minutes?

24 MS. STAGGS: Ten minutes would be great.

25 (Short recess.)

1 MR. JOHNSON: There is a gentleman here, Mr. Fulbright,
2 he's the father of one of my client's children. He wanted
3 to speak to her, she wants to speak to him. Security told
4 me I have to ask you.

5 THE COURT: They want to speak in the cell?

6 MR. JOHNSON: I guess in this room back here.

7 THE COURT: Well, she's already testified.

8 MR. MILLER: Your Honor, she can still be called back
9 to testify again. It's completely inappropriate in the
10 middle of trial for somebody that's not her counsel to be
11 sitting in the back room with her.

12 THE COURT: Well, in theory if we're during
13 deliberations later today, it would be more appropriate.

14 MR. MILLER: After the jury has got the case?

15 THE COURT: Yes.

16 MR. MILLER: Okay.

17 THE COURT: Let's hold off and try to finish up with
18 reply.

19 MR. JOHNSON: Yes, sir.

20 THE COURT: Is the State ready to proceed?

21 MR. MILLER: Yes, Your Honor.

22 MS. STAGGS: Yes, Your Honor.

23 THE COURT: Are we ready to bring the jury back in?

24 MS. STAGGS: Yes, Your Honor.

25 THE COURT: Mr. Johnson?

Brandon Cook - Direct by Staggs

1 MR. JOHNSON: Yes, sir.

2 THE COURT: Let's bring them back in.

3 (The jury enters the courtroom at 11:15 a.m.)

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, welcome back. When you left, last left, the Defense
6 had rested. Now, we have the opportunity to hear from the
7 State in reply.

8 MS. STAGGS: Thank you, Your Honor. May it please the
9 Court?

10 THE COURT: Yes ma'am.

11 MS. STAGGS: The State calls Brandon Cook.

12 BRANDON COOK,

13 after being duly sworn, testified as follows:

14 THE CLERK: Please be seated and state your full name
15 for the record.

16 THE WITNESS: Brandon Jody Cook.

17 DIRECT EXAMINATION

18 BY MS. STAGGS:

19 Q Deputy Cook, where do you work?

20 A I work at Aiken County Sheriff's Office.

21 Q And how long have you been with Aiken County?

22 A Approximately six months.

23 Q Where did you work before that?

24 A Barnwell County Sheriff's Office.

25 Q Were you working for the Barnwell County Sheriff's

1 Office in 2021?

2 A Yes.

3 Q Specifically, on April the 9th of 2021?

4 A Yes.

5 Q And on that day, what was your involvement in this
6 case?

7 A I went to the Barnwell County Detention Center in order
8 to serve a warrant at the request of Investigator Davis.

9 Q And who did you serve that warrant on?

10 A To Rebecca Maxwell.

11 Q And who was present when you served that warrant?

12 A To my knowledge, it was myself, Investigator Davis,
13 Rebecca Maxwell and I believe there was another detention
14 deputy in there.

15 Q And what happened after you served those warrants?

16 A I served the warrant to her and she asked to speak to
17 Investigator Davis. He informed her that he didn't need to
18 speak to her because he already had evidence. He proceeded
19 to walk about of the booking room and at that time, Rebecca
20 Maxwell, for lack of a better term, basically, tried to
21 chase him out of it trying to talk to him and we had to
22 intervene. Me as well as detention deputy had to grab her
23 to keep from going towards Matt Davis as he was going to
24 leave. And at that point, he stated that if she was
25 actually going to tell him the truth and not play any more

1 games with him that he would talk to her.

2 Q Thank you. And what was her demeanor during this
3 situation?

4 A Beforehand, she was relatively calm, then after she got
5 served her warrant, she seemed to be a little upset and kind
6 of frantic about what was going on.

7 MS. STAGGS: I don't have anymore questions.

8 THE COURT: Cross-examination?

9 CROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q Officer, did you have a body camera on?

12 A Inside of the detention center, I did not.

13 Q So you have no video of anything?

14 A No.

15 Q And did you record it in any way?

16 A I believe that the booking room has cameras.

17 Q But you didn't record it?

18 A I did not.

19 MR. JOHNSON: No more questions, Your Honor.

20 THE COURT: Redirect?

21 MS. STAGGS: No, Your Honor.

22 THE COURT: This witness may step down.

23 MR. MILLER: Your Honor, the State recalls Investigator
24 Matt Davis.

25 MATT DAVIS,

~~Matt Davis - Direct by Miller~~

1 after being duly sworn, testified as follows:

2 THE CLERK: Please have a seat and state your full name
3 for the record.

4 THE WITNESS: James Matthew Davis.

5 DIRECT EXAMINATION

6 BY MR. MILLER:

7 Q Investigator Davis, do you recall the interview in
8 December of 2020 with Rebecca Maxwell at Crystal Dyches'
9 residence?

10 A I do.

11 Q At that point in time, was she in custody for anything?

12 A No, sir, she was not.

13 Q Where did you interview her?

14 A I interviewed her at Crystal Dyches' residence, which
15 was on Honeysuckle Road in Barnwell County.

16 Q And when you were conducting the interview, were you
17 inside or were you outside?

18 A We were outside of the residence in the yard.

19 Q Was she free to go any time she wanted to?

20 A She was.

21 Q Did you question her about this particular burglary
22 that we're here on?

23 A Yes, sir.

24 Q And what did she tell you about this burglary when you
25 questioned her?

1 A During that interview, Ms. Maxwell stated that she did
2 not have any involvement in this burglary. She stated that
3 James Creech and Falcon Joyner were responsible for the
4 burglary. She also stated that Andrew Creech did not have
5 any involvement in this burglary. She stated that she knew
6 Andrew Creech did not have any involvement in the burglary
7 because he was with her the day of the burglary.

8 Q Now, whenever you're conducting an investigation and
9 you're interviewing people, is it uncommon for people to
10 initially tell you I didn't have anything to do with it?

11 A Yes, that's how most interviews go with people of
12 interest. In an investigation, they're not just going to --
13 if I ask were you involved in this burglary or whatever
14 crime, they're not going to be like sure, yes, that was me
15 and that's the end of the conversation.

16 Q So if somebody does tell you oh, no, I didn't have
17 anything to do with it, you just say oh, I'm sorry to bother
18 you and walk away?

19 A No, I don't usually end the conversation with cool, no
20 problem, thanks for talking with me and leave. We have to
21 work to get them to tell their involvement in a crime.

22 Q And you get pieces of information from varying points?

23 A Yes, sir, that's correct.

24 Q And do you ever in the course of interviewing somebody
25 share some bit of information that you might know about a

1 crime in order to convince them that you know more about it
2 than they think you know?

3 A Yes. If we're conducting interviews with people that's
4 been involved in a crime, if they think that I don't know
5 anything about the crime, they're not going to sit there and
6 tell me their involvement. I have to give them some facts
7 of the case to make sure they understand that I know what
8 happened during that crime, you know, to get them to tell
9 their involvement.

10 Q Did you ever at any point in time threaten Crystal
11 Dyches with losing custody of her children?

12 A Crystal Dyches?

13 Q I'm sorry, Rebecca Maxwell with losing custody of her
14 children?

15 A No, I did not.

16 Q Why can you say that so confidently? Do you ever
17 threaten people?

18 A No, absolutely not.

19 Q What did you believe -- at the time you were
20 interviewing Rebecca Maxwell, what did you believe was the
21 custody of her children?

22 A I did not --

23 MR. JOHNSON: Objection, Your Honor, calls for
24 speculation.

25 THE COURT: Rephrase your question.

~~Matt Davis - Direct by Miller~~

1 MR. MILLER: Your Honor, it's not speculation, it's
2 what did he believe.

3 THE COURT: Based upon what? Give me a little bit more
4 foundation and then get to that.

5 BY MR. MILLER:

6 Q When you interviewed Rebecca Maxwell, she was in
7 custody, correct?

8 A In April?

9 Q Yes.

10 A That's correct.

11 Q She didn't have any of her children with her in the
12 jail, did she?

13 MR. JOHNSON: Objection, Your Honor.

14 THE COURT: That's his personal knowledge of when he
15 saw her. Overruled.

16 THE WITNESS: That is correct.

17 BY MR. MILLER:

18 Q Did you believe, did you believe that she had custody
19 of her children?

20 MR. JOHNSON: Objection, Your Honor, calls for
21 speculation.

22 THE COURT: Overruled.

23 THE WITNESS: To my knowledge, she did not have custody
24 of any of her children.

25 BY MR. MILLER:

~~Matt Davis - Direct by Miller~~

1 Q This interview that she had was about 17 to 20 minutes
2 long, the interview with Ms. Dyches -- Ms. Maxwell?

3 A In April?

4 Q In April. I'm talking about the one in the jail?

5 A Yes, sir, it was approximately 20 or so minutes in
6 length.

7 Q Now, you didn't have your body cam on for that entire
8 time from the time you were at the jail --

9 MR. JOHNSON: Objection, leading.

10 THE COURT: Overruled. You can ask the question.

11 BY MR. MILLER:

12 Q Did you have your body camera on from the time you were
13 at the jail all the way until the time that you took her
14 back to the jail?

15 A No, sir, I did not.

16 Q Why not?

17 A Working investigations, my vehicle is not equipped with
18 a cage or an in-car camera, so I'm never going to transport
19 people that are upset, combative or whatnot. The people I
20 transport are people that are typically willing to get into
21 a vehicle and talk with me about an investigation, so we do
22 not run a body camera unless we are interviewing a person,
23 asking them questions that's going to implicate them in a
24 crime.

25 Q And did you do any kind of interrogation of Ms. Maxwell

1 from the jail to the sheriff's office?

2 A I did not.

3 Q Did you do any kind of interrogation of Ms. Maxwell
4 from the sheriff's office back to the jail?

5 A I did not.

6 Q Did you discuss anything with Ms. Maxwell about this
7 particular case during either one of those two times?

8 A I did not.

9 Q Were all of your discussions with Ms. Maxwell regarding
10 this case in April on that video at the sheriff's office?

11 A That's correct.

12 Q And you never did -- even after that April interview
13 with Ms. Maxwell, you never did seek warrants for Falcon
14 Joyner?

15 A That's correct.

16 Q Or James Creech?

17 A That is correct.

18 MR. MILLER: Please answer any questions Mr. Johnson
19 might have.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q Well, the truth is that there was another time where
24 you talked to my client about the burglary, it wasn't just
25 in April. It was previously in December?

1 A That's correct.

2 Q And you testified about that, so when you told the
3 solicitor the only time you had a conversation that was
4 recorded was there in April, that's not true?

5 A I do not recall saying that the only time that I talked
6 to her that was recorded was in April at the sheriff's
7 office.

8 Q You talked in December?

9 A Yes, sir, I did.

10 Q And then, of course, you testified about that, but you,
11 of course, also testified that she brought up James Creech,
12 which is the daddy of the boy that testified, Andrew, and
13 Falcon Joyner, who's in a relationship with Crystal Dyches?

14 A Yes, sir, that's correct.

15 Q And tell me again, where did you confirm to be the
16 whereabouts of Falcon Joyner at the time of this burglary?

17 A I did not confirm the whereabouts of Falcon Joyner at
18 any time.

19 Q Well, what about James Creech, where was he at the time
20 of the burglary?

21 A He said he did not have anything to do with the
22 burglary when I spoke with him.

23 Q Oh, we can trust him? You didn't need to confirm it?

24 A It's an opinion.

25 Q Let me get this straight, you talked to James Creech

1 and his word was good enough?

2 A I had no other evidence that implicated James Creech in
3 the burglary besides the statements from Ms. Maxwell.

4 Q Oh, wait, you talked to Crystal Dyches. She didn't say
5 James was there or Falcon was there committing a burglary?

6 A That's correct, she did not.

7 Q Oh, wait a minute, though, she's got a relationship
8 with Falcon Joyner. That's right.

9 MR. JOHNSON: No more questions, Your Honor.

10 THE COURT: Any redirect?

11 MR. MILLER: No redirect, Your Honor.

12 THE COURT: Counsel, if y'all could approach real
13 quick.

14 (Sidebar conference.)

15 THE COURT: Ladies and gentlemen, we'll take a short
16 break to discuss something with the attorneys. I'll get
17 back with you shortly.

18 Go back to the jury room, do not discuss the case.

19 Thank you very much.

20 (The jury exits the courtroom at 11:30 a.m.)

21 (Sidebar conference.)

22 THE COURT: So the State has ended their reply, which
23 was a reply specifically to the Defendant's case in chief.

24 MR. JOHNSON: Yes, sir. My client has indicated she
25 wants to testify in rebuttal.

1 THE COURT: Well, it wouldn't be in rebuttal. It would
2 be reply to reply.

3 MR. JOHNSON: Whatever, she wants to testify.

4 THE COURT: I understand that. I don't believe there
5 is a procedural rule in place that allows a Defendant to
6 testify twice. The Defendant spoke and gave a detailed
7 accounting of her testimony of what occurred. The State had
8 a reply witness, which attempted to rebut her testimony. We
9 can't go back and forth, otherwise, it would never end. So
10 the Defendant had the full ability to testify in Defense's
11 case in chief. I would note I think it was without
12 objection, too. I mean, most of it -- I don't remember all
13 the specifics, but there was a lot of information put out of
14 which the State had reply witnesses for. So there's no
15 reply to reply. So at this point, this is the close of the
16 evidence.

17 MR. JOHNSON: Yes, sir.

18 THE COURT: And, really, that would be under Rule 611.

19 MR. JOHNSON: Yes, sir.

20 THE COURT: All right. I've got a proposed jury charge
21 I'd like to go over with -- jury instructions, which is the
22 instructions that's read to the jury on the law. The only
23 statute we're dealing with here is burglary, first degree.
24 Most of the charge is the general charge we hear in every
25 trial.

1 So Madam Clerk, I'm going to --

2 THE CLERK: E-mail me some stuff?

3 THE COURT: Yes. I'll go over it with the lawyers in
4 chambers to make sure there's no objection. If there are
5 objections, y'all can put them on the record before we start
6 closing arguments, which I intend to start around one
7 o'clock.

8 I'm going to let the jury go to lunch at this time and
9 come back and argue and charge at approximately one o'clock.
10 If y'all need extra in the interim, just let me know. Are
11 y'all comfortable with me just letting the jury go from the
12 jury room for lunch?

13 MR. MILLER: The State has no objection, Your Honor.

14 MR. JOHNSON: No objection, Your Honor.

15 THE COURT: Madam Clerk, you can tell the jury they are
16 free to go to lunch --

17 What I'll do, I'll just go outside the jury room and
18 tell them they can go to lunch until one o'clock, not to
19 discuss the case with anyone.

20 Somebody come with me, that way, they can see --

21 THE CLERK: I'm right there with you.

22 MS. STAGGS: Thank you, Your Honor.

23 MR. JOHNSON: Thank you.

24 THE COURT: We'll be in recess until one o'clock.

25 (The jury was released for lunch at 11:44 a.m.)

1 (Lunch break.)

2 THE COURT: I prepared a proposed jury charge, showed
3 it to the attorneys, gave them each a copy of the charge and
4 the jury instructions, the verdict form.

5 Any objections to the charge?

6 MS. STAGGS: Nothing from the State, Your Honor.

7 MR. JOHNSON: Nothing from the Defense, Your Honor.

8 THE COURT: Are we ready to proceed with closing
9 arguments?

10 MS. STAGGS: Yes, Your Honor.

11 MR. JOHNSON: Yes, Your Honor.

12 THE COURT: Let's bring in the jury, please.

13 (The jury enters the courtroom at 1:05 p.m.)

14 THE COURT: Mr. Foreman, ladies and gentlemen of the
15 jury, welcome back. I hope you had a chance to refresh
16 yourselves and have a nice lunch.

17 The parties have presented their evidence in this case.
18 It is now time for the attorneys to make their closing
19 arguments. The arguments of the attorneys are not evidence
20 in this case. Their statements and arguments are meant to
21 help you understand the evidence and apply the law to the
22 evidence. You should disregard any remark, statement or
23 argument which is not supported by the evidence presented
24 during the trial or the law that I will explain to you after
25 the arguments.

1 At this time, please give your complete and undivided
2 attention to the attorneys as they make their closing
3 arguments.

4 You may proceed.

5 MR. JOHNSON: Thank you, Your Honor. May it please the
6 Court?

7 THE COURT: Yes.

8 CLOSING ARGUMENT BY MR. JOHNSON

9 MR. JOHNSON: I said sometimes the government gets it
10 right, sometimes the government gets it wrong. And we
11 looked at all this evidence and we heard all the testimony,
12 and I just want to start out by pointing out Officer Davis'
13 testimony.

14 Shows up to the crime scene, loses every photograph
15 taken, doesn't know if it was him or somebody else. Doesn't
16 call out the bloodhound team. Says he looked around,
17 there's no report about shoe impressions or checking for
18 shoe impressions, said he looked for them. Then got some
19 DNA on Mr. Waltz off some blood. Question: Where was Mr.
20 Waltz when this burglary was being committed, you got his
21 blood? Answer: No confirmation of Mr. Waltz's whereabouts.

22 Well, we talked about Falcon Joyner, James Creech.
23 Now, who is James Creech? Oh, we discovered Andrew Creech,
24 who testified, that's his daddy. Falcon Joyner. Oh, his
25 girlfriend, Ms. Dyches, Crystal Dyches. They said --

1 officer testified he went and talked to Crystal Dyches. She
2 didn't say anything about her boyfriend, Falcon, being
3 involved. Andrew Creech testifies oh, he didn't say
4 anything about his daddy being there.

5 But you remember, I talked to the victim and I asked
6 her, oh, Creech, oh, they're not allowed over here. I asked
7 her about whether or not other people were -- more than one
8 person was involved, and the victim's response. But the
9 officer got a name. He talked to Andrew and Andrew admitted
10 -- I said, You don't want 50 years? And I said, There's a
11 solicitor sitting right there, Mr. Creech, tell them what
12 you want. And he finally looked over and said, Probation.
13 A little bit of honesty.

14 Andrew admitted he's a liar. He lies to police to get
15 himself out of trouble. He talked to Officer Davis, said
16 well, I lied, you know, said this, then I said that, then
17 the story changes. But most importantly, I said wait a
18 minute, wait a minute, is this you giving information to the
19 police or the police giving information to you? And the
20 officer said, Well, I don't remember. I said, Oh, I'm going
21 to play the video. Remember that?

22 Officer told him, Well, this Toyota you was driving of
23 Crystal Dyches', and Andrew, you didn't go in, she went in.
24 And what did she get out the house? She got guns. This is
25 information that the officer gave to Andrew Creech, not the

1 other way around. And there he is testifying, well, I'm
2 here to say yeah, I'm here to testify. And he said he was
3 telling the truth right after he said well, yeah, I lied,
4 didn't want to get in trouble. Sitting on that chair facing
5 50 years.

6 Oh, but not on this case because on this case, he got
7 the little accessory. He got less. And the officer
8 promised him, remember, threats and promises, threats and
9 promises. Officer tells him well, I'll call your probation
10 agent. We'll get that charge down.

11 Pretty simple stuff. Officer investigates, is that
12 officer getting information or is that officer giving
13 information to make sure that someone can come testify?
14 That's for you to decide. Credibility. Voluntariness.
15 Beyond a reasonable doubt. You're supposed to look at this
16 evidence and determine do you believe the person who
17 testified.

18 And not only that, the Judge will charge you as to the
19 law whether or not a statement like the statement they
20 played of my client is voluntary. Well, what was the
21 testimony about that? Threats and promises. Threatening my
22 client with the custody of her child. That was the
23 testimony she gave. And, clearly, my client testified to
24 it, the officer testified to it, Creech was named, James
25 Creech was named. Falcon Joyner was named as being involved

1 in the burglary of this residence. Simple fact.

2 They're saying my client confessed, but what happened?
3 There was a conversation. Officer Davis did not record that
4 conversation. He had that conversation with my client, as
5 he admitted, prior to his video. Interrogation. What did
6 he say in that conversation? Well, he says he never made
7 any threats. But what did we see when he interviewed
8 Creech? What did he talk about? Well, it came out. He
9 said promises, I'm going to help you with this and that.
10 You better tell me the truth. And he gave all the
11 information to Creech, fed it to him. I know this. I know
12 that. I know you drove. I know you didn't go in. It's
13 okay. I know guns were taken.

14 So where is the information really coming from and who
15 do you believe? That's the whole case really, who do you
16 believe? Because my client testified, felt vulnerable,
17 tough situation, under arrest, was in custody, scared,
18 handcuffed, threatened with her child. Pretty amazing, the
19 most horrible thing. Threatened with custody of her child.
20 That's what you heard.

21 And as I stated, you can consider what you've heard.
22 You can consider what the State has presented, but you can
23 consider what they failed to present. Going into a crime
24 scene and getting blood on somebody and finding out that
25 person's name, but not finding out where that person is at

1 when the crime was committed. Really?

2 Basic police work, ladies and gentlemen. I used to be
3 a solicitor, but so what? You can watch TV and learn basic
4 police work. You can watch Perry Mason. You got a suspect,
5 you got a crime. Where was your suspect? Is there an
6 alibi? Is there a grandma or a sister or somebody that says
7 he was over at his house? Was he at a party? Where? Let's
8 confirm it.

9 Wasn't done with Falcon Joyner. That wasn't done with
10 James Creech. That wasn't done with Mr. Waltz. Not even
11 talking about the lost photographs, the absence of other
12 work that could have been done. That's for you to consider,
13 not just the testimony about the threats and the promises.

14 From the State's witness, from my client throughout
15 this trial, I would submit to you as I said before, you are
16 the last line of defense. You are there as the last line of
17 defense. Just like United States Marine Corp, tet offensive
18 surrounding my father and all those people that got saved
19 because they had that defense. You're the last line of
20 defense. This is it. This is the case.

21 The State has their own investigator. They can go out
22 and if they see something, well, we've got some DNA on Mr.
23 Waltz. Where was Mr. Waltz when this crime was being
24 committed? You might want to nail that down. This is the
25 trial, ladies and gentlemen. This is it. This is their

1 - time to bring it. And if they didn't bring it and didn't
2 meet their burden beyond a reasonable doubt, they have
3 failed. They have to prove every element, as the Judge will
4 instruct you. This is it. This is their shot. And as you
5 heard testimony, this happened years ago. They've had time,
6 but they didn't bring it. If they didn't bring it, well,
7 that's for you to consider.

8 And the question is, did they carry their burden?
9 They're the ones that have to prove this. As I told you, my
10 client sits there an innocent woman, born innocent just like
11 all of us. They have to convert her and change her into a
12 guilty person. They have to do that. That's their job and
13 their burden. And I submit to you they have failed.

14 I appreciate your time and all your dedication.

15 CLOSING ARGUMENT BY MS. STAGGS

16 MS. STAGGS: Good afternoon. At the beginning when Mr.
17 Johnson spoke to you during his opening statement, he gave
18 you his perspective on the State's role and everybody's role
19 in this trial, and we agree on a lot of things and we
20 disagree on a few. But everybody has got a job to do here,
21 i do, the Judge does, and Mr. Johnson does, too. And his
22 role is to zealously represent his client. I respect that
23 role. But we disagree about how the State approaches
24 prosecution.

25 I've got two daughters. I've got a

1 two-and-a-half-year-old, almost three, and I've got a
2 four-month-old baby. And my two-and-a-half-year-old is in
3 this phase where everything she ask me is why. Well, why?
4 Well, why? And I can tell her and she's going to ask me why
5 again and again and again and again. And it's actually
6 pretty funny.

7 Lately, we've been buckling her up. Why? Why do I
8 have to get buckled? Well, it's for safety. Why do I have
9 to get buckled? Well, it's the law. Why do I -- and it
10 would keep going. So my husband, who's also a lawyer, likes
11 to kind of tease me when he's talking to her, he says, Well,
12 the police can take you to jail and mommy's going to put you
13 in jail. Mommy puts people in jail. And I explain to her
14 in some simple, sweet, two-year-old terms mommy doesn't put
15 people in jail. People put themselves in jail. And that's
16 where we disagree in this oversimplification of the State's
17 role.

18 You know, it's easy to say the State's out to get
19 somebody, but the State doesn't prosecute innocent people.
20 We have an ethical obligation to prosecute those defendants
21 that we believe we can prove guilty beyond a reasonable
22 doubt of the crime they're accused of committing. And that
23 burden, that reasonable doubt, that's not a burden we take
24 lightly. It's a heavy burden. Reasonable doubt is the kind
25 of doubt that would cause someone to hesitate to act. So at

1 the end of the day, you must be firmly convinced of the
2 Defendant's guilt to find her guilty.

3 Mr. Johnson talked about her cloak of innocence. We're
4 born innocent. Certainly, that's true. We agree about that
5 as well. She's been wearing her cloak of innocence
6 throughout this entire trial. She walked in in it. And she
7 deserves that cloak of innocence just as every single person
8 on trial does, but underneath that cloak is a guilty person.
9 She's guilty of burglary.

10 And the evidence in this case, the evidence we've
11 presented to you proves that she is guilty and proves that
12 she should be stripped of that cloak of innocence, of that
13 robe of righteousness that Mr. Johnson speaks about.

14 So let's talk about the evidence. You heard from Jane
15 Carroll, the victim in this case. Her house was
16 burglarized. Her belongings were taken. Her back door was
17 smashed in. They stole her guns. They stole her jewelry,
18 precious gifts that had been given to her by her babies and
19 their babies, her grandbabies. They even stole a necklace
20 that had her brother's ashes, some of her brother's ashes
21 inside of it. That is the definition of irreplaceable.

22 And Jane let Rebecca Maxwell stay with her when she
23 needed a place to stay. And she told her in no uncertain
24 terms that she needed to pack her bags and leave and she
25 wasn't welcome there anymore. And she told y'all that's

1 what she said to her. Rebecca Maxwell did not have
2 permission to be in Jane Carroll's house anymore after she
3 was done staying with her. She did not have permission to
4 be there when this burglary took place.

5 And then we heard from Andrew Creech. Andrew Creech
6 has a dog in this fight, there's no doubt about that. He
7 admitted that to you. He was honest about that. He's
8 trying to get clean. He's got a drug problem, got a
9 criminal record. He's got pending charges. He's trying to
10 do right. He's in rehab. He came here to testify.

11 And, of course, just as Investigator Davis told all of
12 us, he didn't want to sit there and admit to Matt Davis that
13 he had burglarized this house at first blush, you know, the
14 first time he asked him about it. Of course, he's hesitant
15 to admit that to him. But, ultimately, he did own up to it.
16 He admitted his role in the burglary.

17 And after that, you know, Matt kept his promises. He
18 got his PR bond. Matt charged him with accessory after the
19 fact because that's what Investigator Davis thought he could
20 prove. And he got up there and he told you that he's got
21 these pending problems. He's got a slew of them. And he
22 looked at us, just as Mr. Johnson said he did, and yeah, he
23 said he's hoping for probation. He was honest with you.

24 He was honest with you and with Investigator Davis when
25 he said Rebecca Maxwell drove over to his dad's house and

1 picked him up in Crystal Dyches' car. He drove it to Jane
2 Carroll's house. He dropped her off. While she was inside,
3 he drove around. He stopped at a little pond. Came back
4 and picked her up. When he picked her up, she had those
5 guns and she had a bag of stuff with her. And what he told
6 you is, basically, the same story that Rebecca Maxwell told
7 Investigator Davis, too.

8 So then we'll go to Investigator Davis. He testified
9 as well. First time when he testified yesterday afternoon,
10 he told you he has been in law enforcement for 15 years,
11 hundreds, if not thousands of interviews with defendants --
12 or suspects and witnesses, victims. He interviewed Jane
13 Carroll, Andrew Creech, Rebecca Maxwell in this case.

14 And he did press Andrew Creech when he first met with
15 him, of course, he did. He confronted him with what he knew
16 about this burglary so that Andrew would, essentially,
17 confess to him what had happened. Because Andrew did start
18 out lying to him. Andrew eventually told him the truth. He
19 got the story out of him. But Andrew told that story, not
20 Investigator Davis. Andrew got up here and he told it to
21 you.

22 And only after Andrew told him what happened did
23 Investigator Davis make him any promises. He did talk to
24 him about his charge. He did tell him he would help him get
25 a PR bond, told him he would talk to his probation agent.

1 And he told y'all that's not uncommon in that kind of
2 situation when somebody has decided to cooperate with them.
3 And then he did, he kept his promise, he charged Andrew
4 Creech with accessory after the fact. He did that because
5 that's what he thought he could prove, that's what he
6 thought Andrew did, that's what he had the evidence to show.

7 And then after he arrested Rebecca Maxwell, he spoke to
8 her after she asked to speak with him. There wasn't a
9 camera at the jail. They drove to the sheriff's office.
10 There wasn't a camera in the car. He turned on the camera
11 when he got her to an interview room at the sheriff's
12 office. He read her her Miranda rights. She signed the
13 form indicating that she understood those rights before she
14 spoke to him. And you saw a video of all of that.

15 He didn't threaten her. He didn't coerce her. He
16 didn't tell her what to say. He didn't threaten to take her
17 child. He didn't think she had custody of her child.
18 There's no reason to threaten to take away a child that you
19 don't think somebody has custody of.

20 And then Rebecca Maxwell told him, as you saw on that
21 video, exactly what happened. Look, she told him almost
22 exactly what Andrew did. Andrew drove her over to Jane
23 Carroll's house. Andrew dropped her off. Andrew drove
24 around and came back. She went in the house and she stole
25 guns and she stole jewelry.

1 And all the while she's admitting that, she's also
2 trying to distance herself from it as people do in these
3 situations. And they way that she tried to distance herself
4 from the crime was by saying that Falcon Joyner and James
5 Creech were there, too. James Creech is the one who kicked
6 in the door. She didn't do that, no. And she didn't go
7 inside either. She's putting distance between herself and
8 that crime while admitting some of it.

9 But what's interesting and what I find interesting is
10 that she described with remarkable specificity the items
11 that were stolen from that house. She said mostly long guns
12 and one short gun. Jewelry, mostly sterling silver. And
13 she did that because she knew what had been stolen because
14 she took it.

15 Matt Davis took that information and he didn't go
16 arrest Falcon Joyner or James Creech. And he didn't do that
17 because he didn't think they were there. He didn't have
18 enough evidence to charge them. The only evidence he had
19 that they were involved at all was her statement. But
20 either way, Falcon Joyner, James Creech, there or not there,
21 Rebecca Maxwell admitted that she burglarized Jane Carroll's
22 home and that she stole those guns and she stole that
23 jewelry.

24 And, finally, we heard from Ms. Maxwell. She got on
25 the stand and she testified today in addition to her

1 interview that she gave to Matt Davis in 2021. And today,
2 she told you that it wasn't her, it was Falcon Joyner and
3 James Creech. Investigator Davis forced her to confess.
4 She didn't have a choice. Everybody she hangs out with is a
5 meth addict and they're all liars. And she lied at the
6 time. She lied when she said she'd only ever implicated
7 James Creech and Falcon Joyner.

8 She told Investigator Davis in December of 2020 that
9 Andrew Creech wasn't involved. That time he interviewed
10 her, she said no, he was with me. Andrew was with me that
11 day, he couldn't have committed the burglary. She said that
12 because she knew that if Investigator Davis interviewed
13 Andrew Creech, Andrew Creech was the one person who could
14 put her in that house, that could say for certain that she
15 was there committing that burglary. She didn't want him to
16 talk to Andrew Creech.

17 She even lied about the little details. She said that
18 Investigator Davis served her with that warrant for
19 burglary. That's not true. Deputy Cook, Brandon Cook, now
20 at the Aiken County Sheriff's Office, got up on that stand
21 and he told you he served the warrant. He was there. She
22 demanded to speak to Investigator Davis. She almost chased
23 him out of the room to speak to him. Investigator Davis
24 didn't force her to give that interview.

25 So now that we have looked back on all of the evidence

1 presented, mostly through witness testimony, I'm once again
2 going to ask you to use your common sense when you evaluate
3 it just like I did before. Who had the motive to lie? Who
4 had the motive to lie to the police? Andrew's story, Andrew
5 Creech's story from April of 2021 until yesterday, it didn't
6 change. He hesitated at first to tell the truth, but his
7 story has not changed.

8 Rebecca Maxwell's story changed. And it changed
9 because she lied. She lied when she said that Falcon Joyner
10 and James Creech committed that burglary. She lied when she
11 said they were there. And she lied to you today when she
12 told you she wasn't involved. She lied when she said Matt
13 Davis forced her to give that interview and implicate
14 herself.

15 So at the end of the day, who's lying? Is it Rebecca
16 Maxwell or is it Investigator Matt Davis? Who has more on
17 the line, Rebecca Maxwell or Matt Davis? Rebecca Maxwell
18 does. Investigator Davis was doing his job, just another
19 day.

20 So to prove this to you, to prove burglary in the first
21 degree, which is what Rebecca Maxwell is charged with, we
22 have to prove that she unlawfully entered someone's
23 residence, their home, the place where they sleep without
24 consent and with the intent to commit a crime inside.
25 Rebecca Maxwell admitted every element of that to you on the

1 video that you saw in this case in the evidence presented.

2 And to get to burglary in the first degree, the State
3 also has to prove that that person, Rebecca Maxwell, has
4 been convicted of two other burglaries in the past or more.
5 And that has been put into evidence as well.

6 And then when she took the stand, Rebecca Maxwell again
7 admitted to most of the elements of burglary. She admitted
8 she didn't have permission to be in Jane Carroll's house on
9 October 7th of 2020. She admitted she didn't live there
10 anymore. She admitted it was in Barnwell County. She
11 admitted she has two prior convictions for burglary. And
12 now, she wants you to believe that she didn't have anything
13 to do with this burglary and that the only reason she
14 admitted to it in April of last year is because Investigator
15 Matt Davis coerced into saying that.

16 And the Judge is going to talk to you about the law,
17 and part of that is going to be that it's your job to judge
18 the facts and to also judge the credibility of these
19 witnesses that have been on the stand. Every single person
20 that testified. And he'll tell you that when you're
21 determining this person's credibility, you can believe all
22 of what they have to say, none of what they have to say or
23 some of what they have to say.

24 And at the end of the day, t his case comes down to one
25 thing: Whether you believe that Rebecca Maxwell lied on the

1 witness stand or whether Matt Davis lied. They can't both
2 be telling the truth. Rebecca Maxwell was lying and all the
3 evidence in this case has proven to you what I told you
4 yesterday morning, yesterday afternoon, that Rebecca Maxwell
5 is a burglar.

6 Ladies and gentlemen, I am here before you as I told
7 you I would be asking you to go to that jury room and to
8 find her guilty of burglary in the first degree.

9 Thank you.

10 CHARGE ON THE LAW

11 THE COURT: Members of the jury, it is now my duty as
12 the trial judge to instruct on the law applicable to this
13 case. And in that regard, it is your duty as jurors to
14 accept and apply the law as I now state it to you.

15 Furthermore, it is your exclusive duty to decide all
16 the issues of fact in this case and to determine the effect,
17 value, weight and truth of the evidence. All the parties
18 have the right to expect you will carefully consider and
19 evaluate the evidence and apply the law of this case to it
20 so that in the end, all parties receive a fair and impartial
21 trial.

22 During this trial, you and I have separate duties to
23 perform. As the trial judge, it is my responsibility to
24 preside over this trial and to rule upon the admissibility
25 of evidence offered during the trial. In that regard, you

1 are only to consider the evidence before you, thus you are
2 to consider only the testimony which has been presented from
3 the witness stand together with any exhibits admitted into
4 the record of this case.

5 If you have any preconceived ideas as to what the law
6 is or what you think the law ought to be and it does not
7 agree with what I tell you the law is, you are obligated
8 under your oath to abandon these preconceptions because you
9 are sworn to accept the law as I now state it to you.

10 In this trial, you are the sole and exclusive judge of
11 the facts. Do not infer that I have any opinion about the
12 facts in this case from anything I have said or done during
13 the course of this trial. In that regard, the law simply
14 does not permit me to have an opinion about the facts. As
15 jurors, it is your duty alone to determine the effect,
16 value, weight and truth of the evidence presented during the
17 course of this trial.

18 Now, the evidence from which you will decide what the
19 facts are consist in this case of one, the sworn testimony
20 of witnesses both on direct and cross-examination; the
21 exhibits which have been admitted into evidence and any
22 facts to which all the attorneys have agreed and stipulated.

23 Now, the following things are not evidence and you must
24 not consider them as evidence in deciding the facts of this
25 case: One, statements and arguments of the attorneys; two,

1 questions and objections of the attorneys; and three, any
2 testimony that I instruct you to disregard.

3 While the argument of counsel is a beneficial part of
4 every trial, you should remember that the statements made by
5 counsel are not evidence. In presenting arguments, counsel
6 often refer to the evidence, however, you should base your
7 verdict on the evidence as you remember it. Therefore, if
8 there are any conflicts between the recollection of counsel
9 about the evidence and your own recollection, you should
10 rely upon your own understanding of the evidence.

11 Now, evidence may be direct or circumstantial. Direct
12 evidence is testimony by a witness about what the witness
13 personally saw, heard or did. Circumstantial evidence is
14 indirect evidence. In other words, it is proof of one or
15 more facts from which one can find another fact. You may
16 consider both direct and circumstantial evidence equally.
17 Crimes may be proven by circumstantial evidence.

18 The law makes no distinction between the weight or
19 value to be given to either direct or circumstantial
20 evidence. However, to the extent the State relies on
21 circumstantial evidence, all the circumstances must be
22 consistent with each other and when taken together, point
23 conclusively to the guilt of the accused beyond a reasonable
24 doubt. If these circumstances merely portray the
25 Defendant's behavior as suspicious, the proof has failed.

1 The State has the burden of proving the Defendant guilty
2 beyond a reasonable doubt. This burden rest with the State
3 regardless of whether the State relies on direct evidence,
4 circumstantial evidence or some combination of the two.

5 Furthermore, it is your job as jurors to determine the
6 credibility or believability of the witnesses who have
7 testified in this case. You must evaluate the evidence and
8 determine which evidence convinces you of its truth. In
9 determining the believability of witnesses who have
10 testified in this case, you may believe one witness over
11 many or many over one. You may believe a part of the
12 testimony of a witness and reject the remaining part. You
13 may believe the testimony of a witness in its entirety or
14 reject it in full. You may consider whether the witness has
15 an interest in the result of the trial, whether the witness
16 is prejudiced toward either party, the opportunity for the
17 witness to have seen the matters and things about which the
18 witness may testify and the way the witness acts on the
19 witness stand.

20 A statement alleged to have been made by the Defendant
21 has been admitted into evidence in this case. While the
22 Court has determined that the statement is admissible, I
23 instruct you that you make the ultimate decision of whether
24 or not the Defendant made the statement. If the Defendant
25 did make the statement, you must determine whether the

1 statement was made by the Defendant voluntarily and of her
2 own free will. This means that the statement was not caused
3 by pressure, force, fear, threats, coercion or intimidation
4 or by hope or promise of leniency or a reward of any kind.

5 In determining whether the statement was voluntary, you
6 should consider both the characteristics of the Defendant
7 and the details of the questioning. Some of the factors you
8 must consider are: The age of the Defendant, the
9 Defendant's education or lack of education, the Defendant's
10 mental ability or capacity, the Defendant's IQ or
11 intelligence, the Defendant's background and environment,
12 the place and length of detention, the nature of the
13 questioning and the advice or lack thereof to the Defendant
14 of her Constitutional rights, including, but not limited to
15 the right to remain silent, that any statement could be used
16 against her in a court of law, the right to have a lawyer
17 present, that if she could not afford a lawyer, a lawyer
18 would be appointed to represent her without any costs and
19 that she could stop making a statement at any time.

20 You must carefully consider all the surrounding
21 circumstances before you give any weight to an alleged
22 statement. The State has the burden of proving beyond a
23 reasonable doubt that the alleged statement was voluntary.
24 If you determine it was, you may give the statement any
25 further consideration that you deem proper. You must decide

1 what weight, if any, should be given to the alleged
2 statement. If you determine the alleged statement was not
3 the free and voluntary statement of the Defendant, you
4 should not consider the statement at all.

5 Now, I charge you that it is an important rule of law
6 that the defendant in a criminal trial, no matter what the
7 seriousness of the charge may be, will always be presumed to
8 be innocent of the crime for which the indictment was issued
9 unless guilt has been proven by evidence satisfying you of
10 that guilt beyond a reasonable doubt.

11 The presumption of innocence does not end when you
12 begin your deliberations. It accompanies the Defendant
13 throughout the trial unless you reach a verdict of guilt
14 based on evidence satisfying you of that guilt beyond a
15 reasonable doubt.

16 The presumption of innocence is like a robe of
17 righteousness placed about the shoulders of the Defendant
18 which remain with the Defendant unless it has been stripped
19 from the Defendant by evidence satisfying you of the
20 Defendant's guilt beyond a reasonable doubt.

21 The presumption of innocence is not mere legal theory.
22 It is not just a legal phrase. It is a substantial right to
23 which every defendant is entitled unless you, the jury, are
24 satisfied from the evidence of the Defendant's guilt beyond
25 a reasonable doubt.

1 Now, the State has the burden of proving the Defendant
2 guilty beyond a reasonable doubt. Some of you may have
3 served as jurors in civil cases where you were told it is
4 only necessary to prove a fact is more likely true than not
5 true, such as by the greater weight or preponderance of the
6 evidence. In criminal cases, the State's proof must be more
7 powerful than that. It must be beyond a reasonable doubt as
8 to each element of the offense charged.

9 What is reasonable doubt in the law? A reasonable
10 doubt is the kind of doubt that would cause a reasonable
11 person to hesitate to act. Proof beyond a reasonable doubt
12 is proof that leaves you firmly convinced of the Defendant's
13 guilt. There are very few things in this world that we know
14 with absolute certainty and in criminal cases, the law does
15 not require proof that overcomes every possible doubt.

16 If based on your consideration of the evidence, you are
17 firmly convinced that the Defendant is guilty of the crime
18 charged, you must find the Defendant guilty. If, on the
19 other hand, you think there's a real possibility the
20 Defendant is not guilty, you must give the Defendant the
21 benefit of the doubt and find her not guilty. Mere
22 suspicion, however strong, is not enough to sustain a
23 conviction. Suspicion implies a belief or opinion as to
24 guilt based upon facts or circumstances, which do not amount
25 to proof.

1 I'm going to explain to you the law as it applies to
2 the charge against the Defendant. The Defendant is charged
3 with first degree burglary. The State must prove beyond a
4 reasonable doubt that the Defendant entered a dwelling
5 without consent. A dwelling is a building or portion of a
6 building in which a person ordinarily sleeps. A building
7 constructed as a dwelling that has never been occupied
8 cannot be considered a dwelling for the purposes of a
9 burglary. A building is a dwelling if the residents are
10 temporarily absent from the building.

11 In order to prove that the Defendant entered the
12 dwelling, the State does not have to show that the
13 Defendant's entire body entered the dwelling. The smallest
14 entry is sufficient. It may be any part of the body, such
15 as a hand or a foot, or even an instrument, such as a hook
16 or other instrument.

17 In addition, the State does not have to prove that
18 force was used to gain entry. If a person enters a building
19 by using deception, artifice, trick or misrepresentation to
20 get consent to enter, this is an entry without consent.

21 Next, the State must prove beyond a reasonable doubt
22 that the Defendant intended to commit a crime, either a
23 felony or a misdemeanor at the time of the entry. The mere
24 entry into a dwelling without consent is not burglary. If
25 the intent to commit a crime is formed after the entry, it

1 is not burglary. On the other hand, if the Defendant
2 intended to commit a crime at the time of the entry, it is a
3 burglary even if the intent was abandoned after the entry.
4 It does not matter that the intended crime was not
5 completed.

6 Intent may be shown by acts and conduct of the
7 Defendant and other circumstances from which you may
8 naturally and reasonable infer intent.

9 Finally, the State must prove beyond a reasonable doubt
10 that the Defendant has a prior record of two or more
11 convictions for burglary and/or housebreaking. Evidence of
12 prior offenses committed by the Defendant was not offered to
13 prove the Defendant has a bad character or to prove that the
14 Defendant committed the burglary on this occasion. Prior
15 convictions may be considered by you only for the purpose of
16 determining whether or not it satisfies that element of the
17 offense that makes it first degree burglary if you enter a
18 dwelling without consent to commit a crime and you have two
19 prior convictions for burglary and/or housebreaking.

20 Before you can even consider the evidence of the
21 Defendant's prior burglary or housebreaking convictions, you
22 must first find that the State has proved beyond a
23 reasonable doubt that a burglary was committed by the
24 Defendant.

25 If you find beyond a reasonable doubt that a burglary

1 was committed, then you may consider the evidence of the
2 prior convictions as evidence of one of the circumstances
3 which would make the burglary first degree burglary. If you
4 do not find beyond a reasonable doubt the Defendant
5 committed these alleged prior offenses, then you cannot
6 return a verdict of first degree burglary.

7 Now, a verdict in this case cannot be based upon
8 sympathy, passion, prejudice, emotion or some other
9 consideration not found in the evidence. I charge you that
10 as jurors, you must consider the issues involved in this
11 proceeding based solely upon the evidence which you hear
12 during the course of the trial. Your verdict must be
13 without bias and without prejudice to any party. You cannot
14 allow yourselves to be governed by sympathy, by prejudice,
15 by passion, by public opinion or some other consideration
16 not found in the evidence.

17 Now let me say something about your deliberations.
18 Deliberation is defined as careful consideration weighing up
19 with a view to decision. The genius of our jury system is
20 it allows 12 good men and women from 12 different
21 backgrounds and life experiences and perspectives to
22 consider the evidence, talk about it and, ultimately, reach
23 a verdict. We call them deliberations for a reason. You're
24 to consider the evidence in this case carefully and
25 deliberately and discuss it in a calm, thorough and

1 courteous manner. Listen to the views of all your fellow
2 juror, consider other people's points of view and talk
3 through and discuss the evidence. And remember, if you're
4 doing something deliberately, you are not in a big hurry and
5 you should not be in a big hurry here. This case is very
6 important to all the parties. This trial is their only day
7 in court.

8 When you retire to the jury room, you should discuss
9 the case with your fellow jurors to reach an agreement if
10 you can do so. Your verdict must be unanimous. Each of you
11 must decide the case for yourself, but you should do so only
12 after you have impartially considered all the evidence,
13 discussed it fully with the other jurors and listened to the
14 views of your fellow jurors. Do not be afraid to change
15 your opinion if the discussion persuades you that you
16 should, but do not come to a decision simply because other
17 jurors think it was right.

18 It is important that you attempt to reach a unanimous
19 verdict, but, of course, only if each of you can do so.
20 After having made your own decision, do not change an honest
21 belief about the weight and effect of the evidence simply to
22 reach a verdict. In other words, do not change your opinion
23 solely for the sake of reaching a unanimous verdict.

24 I will give you a copy of these instructions in written
25 form. During your deliberations, you may refer to the

1 instructions to guide your decisionmaking. You must
2 consider the instructions as a whole and not follow some and
3 ignore others. Please return the instructions to the Court
4 at the time your verdict is rendered.

5 There are two possible verdicts which you may find in
6 this case: Not guilty or guilty. There is no significance
7 whatsoever in the order in which I state these possible
8 verdicts. It is simply one must be stated first. Ladies
9 and gentlemen, your verdict must be a unanimous one.

10 Mr. Foreman, when the jury agrees on the verdict, you
11 will write the verdict on the verdict form, then knock on
12 the jury door and inform the bailiff that you have reached a
13 verdict. At that time, we will receive you back into the
14 courtroom.

15 Now, I ask that you now return to your jury room, but
16 do not begin your deliberations until you are told to do so
17 by the clerk or a bailiff. I have some matters I need to
18 take up with the attorneys before you can begin your
19 deliberations. However, at this time, you may return to
20 your jury room. Please do not discuss the case yet and I
21 will have further instructions shortly.

22 Thank you very much.

23 (The jury exits the courtroom at 1:48 p.m.)

24 THE COURT: Counsel, any issues with the charge?

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

1 MR. JOHNSON: Nothing from the Defense, Your Honor.

2 THE COURT: Let's bring in the alternates.

3 (The alternate jurors enter the courtroom.)

4 THE COURT: You are the two alternates in this case.

5 We've made it through the case without losing anybody, so we
6 won't need you for the deliberations. I do want to thank
7 you for your service and listening to the entire case and
8 being ready to serve if called to. But on behalf of all of
9 us, thank you for your service this week. You are free to
10 go, but you're welcome to stay. You're free to discuss the
11 case now, too.

12 (The alternate jurors were dismissed at 1:50 p.m.)

13 THE COURT: Counsel, if y'all could just confer on the
14 evidence, make sure it's all put together.

15 (The jury begins deliberations at 1:52 p.m.)

16 THE COURT: We will be in recess during deliberations.

17 (Court is in recess awaiting a verdict.)

18 THE COURT: They have informed me we have a verdict.
19 Anything before we bring the jury out?

20 MS. STAGGS: Nothing from the State, Your Honor.

21 MR. JOHNSON: Nothing from the Defense.

22 THE COURT: Bring the jury out.

23 (The jury enters the courtroom at 2:41 p.m.)

24 THE COURT: Mr. Foreman, good afternoon. I understand
25 you have a verdict?

1 THE FOREPERSON: Yes, sir.

2 THE COURT: Is your verdict unanimous?

3 THE FOREPERSON: Yes, sir.

4 THE COURT: Madam Clerk.

5 THE CLERK: The State of South Carolina, County of
6 Barnwell, The State of South Carolina versus Rebecca Ann
7 Maxwell in the General Sessions Court, 2nd Judicial Circuit,
8 verdict form for indictment number 2021-GS-06-00171. As to
9 the indictment of 2021-GS-06-00171, for the charge of
10 burglary first degree, we, the jury, unanimously find the
11 Defendant guilty. It has been signed by the jury
12 foreperson, Donald Frazier, dated 3/30/2022.

13 THE COURT: Anything before we dismiss the jury?

14 MR. JOHNSON: Just ask to poll the jury, Your Honor.

15 THE COURT: Very well.

16 Madam Clerk.

17 THE CLERK: Mr. Frazier, was that your decision?

18 THE JUROR: Yes, ma'am.

19 THE CLERK: Is that still your decision?

20 THE JUROR: Yes, ma'am.

21 THE CLERK: Ms. Grubbs, was that your decision and is
22 that still your decision?

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Mr. Isaac, was that your decision?

25 THE JUROR: Yes, ma'am.

1 THE CLERK: Is it still your decision?

2 THE JUROR: Yes, ma'am.

3 THE CLERK: Mr. Jackson, was that your decision?

4 THE JUROR: Yes, ma'am.

5 THE CLERK: Is it still your decision?

6 THE JUROR: Yes, ma'am.

7 THE CLERK: Mr. James, was that your decision?

8 THE JUROR: Yes, ma'am.

9 THE CLERK: Is that still your decision?

10 THE JUROR: Yes, ma'am.

11 THE CLERK: Mr. Jones, was that your decision?

12 THE JUROR: Yes, ma'am.

13 THE CLERK: Is that still your decision?

14 THE JUROR: Yes, ma'am.

15 THE CLERK: Ms. Mead, was that your decision and is it
16 still your decision?

17 THE JUROR: Yes, ma'am.

18 THE CLERK: Mr. Mitchell, was that your decision?

19 THE JUROR: Yes, ma'am.

20 THE CLERK: Is that still your decision?

21 THE JUROR: Yes, ma'am.

22 THE CLERK: Ms. Tiffany [sic], was that your decision?

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Is that still your decision?

25 THE JUROR: Yes.

1 THE CLERK: Ms. Poitier, was that your decision?
2 THE JUROR: Yes, ma'am.
3 THE CLERK: Is that still your decision?
4 THE JUROR: Yes, ma'am.
5 THE CLERK: Ms. Walker, was that your decision?
6 THE JUROR: Yes, ma'am.
7 THE CLERK: Is it still your decision?
8 THE JUROR: Yes, ma'am.
9 THE CLERK: Mr. Wall, was that your decision?
10 THE JUROR: Yes, ma'am.
11 THE CLERK: Is it still your decision?
12 THE JUROR: Yes, ma'am.
13 THE CLERK: The jury has been polled.
14 THE COURT: Anything else from the jury?
15 MR. JOHNSON: Nothing further, Your Honor.
16 THE COURT: Anything else from the State?
17 MR. MILLER: No, Your Honor.
18 THE COURT: Ladies and gentlemen, I want to thank you
19 for your service on jury duty this week. Without your
20 assistance, without the public service you have provided, it
21 would be impossible to move cases in the state. So it's
22 your hard work and listening throughout this case that makes
23 us moving cases along possible. So on behalf of all of us,
24 thank you for your service this week. You are free to go at
25 this time.

1 Madam Clerk, is there anything they need to get from
2 you on the way out?

3 THE CLERK: If you need a work excuse, stop by
4 downstairs at the clerk's office. If not, they should be
5 mailing your checks out tomorrow.

6 THE COURT: Thank you again. You're free to go at this
7 time.

8 (The jury was released.)

9 THE COURT: All right.

10 MR. JOHNSON: Your Honor, based on all previous motions
11 and objections, I make a motion for a new trial at this
12 time.

13 THE COURT: Any response from the State?

14 MS. STAGGS: No, Your Honor.

15 THE COURT: The record will reflect your previous
16 motions have been renewed and previous objections. The
17 motion for a new trial is denied. I thought there was
18 adequate evidence for the jury to make a decision to reach a
19 verdict.

20 We can discuss logistics of sentencing. Frankly, you
21 might want to discuss with your client some of the things.
22 You want to do that first?

23 MR. JOHNSON: I'm trying to get some more information.
24 The subject of the sentencing would be related to that
25 previous motion that I made. I don't know if the Court

1 needs more information, I can ask about it.

2 THE COURT: Well, we had talked about trying to get her
3 to her doctor and get that followup done before sentencing
4 was imposed. It's just a matter of getting that done in a
5 finite amount of time, whether that be in the next three
6 weeks, four weeks, et cetera. But I thought I would, at
7 least, let you discuss that with your client first. She may
8 elect not to do that. I don't want to do something if it's
9 of no interest to your client.

10 MR. JOHNSON: I'll be happy to go back and speak with
11 her right now.

12 THE COURT: We'll take a short recess and see where we
13 go with sentencing from there.

14 MS. STAGGS: Thank you, Your Honor.

15 (Short recess.)

16 THE COURT: All right. I spoke with counsel and we
17 have discussed this in chambers. I just want to get it out
18 on the record. Ms. Maxwell had some appointments with one
19 of her medical providers. We will now have to facilitate --
20 or we think she's got someone that's going to help her, is
21 that correct, Mr. Johnson?

22 MR. JOHNSON: That's correct, Your Honor. Mr. Lawson,
23 Anthony Lawson is in the courtroom. He's indicated he's
24 going to assist her.

25 THE COURT: So the goal would be to ensure those

1 appointments are completed and then reconvene-for a
2 sentencing hearing next Thursday, Thursday a week, Thursday,
3 April 7th. I'm assigned to another circuit that week,
4 however, as soon as these appointments get done, I'll either
5 come here or we can meet up wherever I'm assigned next week.

6 So, counsel, if you would communicate with me once
7 these medical appointments are done. Once they're done,
8 assuming they're done by next Thursday, we can tentatively
9 have a sentencing hearing.

10 Any questions?

11 MR. MILLER: None from the State, Your Honor.

12 MR. JOHNSON: None from the Defense.

13 THE COURT: So the record will reflect the jury came
14 back with a guilty verdict. Sentencing will be held in
15 abeyance until the completion of these medical appointments
16 and we will reconvene at that time.

17 MS. STAGGS: Thank you, Your Honor.

18 MR. JOHNSON: Thank you.
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF BARNWELL)

I, PENNY M. JOHNSON, Official Court Reporter for the
Second Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate, and
complete Transcript of Record of the proceedings had and the
evidence introduced in the hearing of the captioned case,
relative to appeal, in the Court of General Sessions for
Barnwell County, South Carolina, on the 28th through 30th
day of March, 2022.

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

June 29, 2022

Penny M. Johnson
Penny M. Johnson
Official Court Reporter

WITNESSES

Barnwell Sheriffs Office

James M Davis

Law Enforcement Case #: 20-10-04605

CMA

ARREST WARRANT NUMBER

2021A0610400064

ACTION OF GRAND JURY

True Bill

Joni Craft
Foreperson of Grand Jury
Date: August 5, 2021

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS0600171

The State of South Carolina

County of Barnwell

COURT OF GENERAL SESSIONS

AUGUST TERM 2021

THE STATE

vs.

REBECCA ANN MAXWELL

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BARNWELL)
)

INDICTMENT FOR
 BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on August 9, 2021, the Grand Jurors of Barnwell County present upon their oath:

That **REBECCA ANN MAXWELL** did in Barnwell County on or about October 7, 2020, wilfully and unlawfully enter the dwelling of Jane Carroll located at [REDACTED] Govan Highway Olar, South Carolina, without consent and with the intent to commit a crime therein and the defendant has two prior Burglary convictions. All in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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


 BILL WEEKS, SOLICITOR

1 State of South Carolina) Court of General Sessions
2 County of Barnwell) Second Judicial Circuit
3
4 State of South Carolina,) Transcript of Record
5 vs.) 2021-GS-06-00171
6 Rebecca A. Maxwell,)
7 Defendant.)

8
9 April 7, 2022
Barnwell, South Carolina

10 B E F O R E:

11 The Honorable Walton J. McLeod, IV, Judge
12

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

14 David W. Miller, Solicitor
15 Leigh B. Staggs, Assistant Solicitor
On behalf of the State of South Carolina
16

Ola A. Johnson, Esquire
17 On behalf of the Defendant
18

19
20 Reported by: Stacy S. Johnson,
Circuit Court Reporter
21
22
23
24
25

I N D E X

PAGE

Certificate of Reporter

14

E X H I B I T S

NO EXHIBITS WERE INTRODUCED

1 (The following proceedings were held April 7,
2 2022, beginning at 2:00 PM.)

3 THE COURT: All right. We are -- we are
4 reconvening in the matter the State versus Rebecca
5 Maxwell. This is a case where I think there was a
6 jury verdict eight days ago; is that correct?

7 MR. JOHNSON: Yes.

8 THE COURT: On a charge of burglary first
9 degree where a jury found Ms. Maxwell guilty and we
10 held sentencing in abeyance so we could allow the
11 opportunity for Ms. Maxwell to attend a physician's
12 appointment here locally.

13 It's my understanding that appointment has been
14 completed; is that correct?

15 MR. JOHNSON: Correct, Your Honor.

16 MS. STAGGS: Yes, Your Honor.

17 And I do -- if I may approach --

18 THE COURT: Sure.

19 MS. STAGGS: -- I have the clearance form --

20 THE COURT: Clearance form?

21 MS. STAGGS: -- that we had briefly discussed.

22 THE COURT: Okay. Will you provide --

23 MS. STAGGS: Absolutely. And I'll make a copy.

24 THE COURT: Very good.

25 This is a Patient Outside Referral Information Form

1 Medical Clearance for Prison.

2 Okay.

3 MR. JOHNSON: Okay.

4 MS. STAGGS: And I'll make a copy for you.

5 MR. JOHNSON: Thank you.

6 THE COURT: So obviously we heard -- we heard the
7 case and we heard the jury's verdict.

8 Is the State ready to proceed with any sort of
9 additional presentation?

10 MS. STAGGS: Yes, Your Honor. Thank you.

11 In this case, as you know, Ms. Maxwell was
12 convicted of burglary in the first degree. The State
13 is requesting a 22-year sentence. And the victim is
14 present, as well as Ms. Kimberly Sanders. We would ask
15 the Court to hear from them at the appropriate time.

16 THE COURT: Okay. I think now would be the time.

17 MS. STAGGS: Thank you, Your Honor.

18 Ms. Carroll.

19 MS. CARROLL: Yes, sir.

20 THE COURT: Can you -- make sure -- I just want
21 to make sure you speak up so my court reporter can
22 hear you.

23 MS. CARROLL: My name is Jane Carroll. Well, I
24 -- at first, after this happened, well, I'm not very
25 scary person, but as they broke in the home that I

1 lived in, too, she did -- I had nightmares for weeks
2 like somebody was breaking in or whatever and like I
3 was being killed or whatever, having terrible nightmares
4 for weeks after it happened.

5 She also took things that I will never ever be
6 able to replace ever again. She took things that had
7 necklaces and my brother's ashes in it and I cannot
8 definitely get those. She took things that my children
9 had given to me, my grand kids have brought over the
10 years, and I've received none -- none -- anything back
11 and I probably never will see them, and they are
12 irreplaceable. And I think she should get the max of
13 whatever she deserves to be sentenced today.

14 Thank you so much.

15 THE COURT: Thank you.

16 MS. STAGGS: Ms. Sanders.

17 MS. SANDERS: I'm Kimberly Sanders. I'm 27. I
18 live right here in Barnwell. I'm just gonna give you
19 brief tale of how I got Gage. He is now one and a
20 half. He'll be two at the end of June.

21 So Dawn, which was her friend at the time, she
22 called whenever everything happened with the high speed
23 chase in Allendale with him in the car with a child
24 endangerment charge. She called me later on that night
25 and was explaining to me what happened with her and

1 then her son Cody at the time, which is 20, he got her
2 -- he got him and at that time he's never been around
3 small children, so he had called me -- and at the time
4 he worked with me, and he was like Kim, I don't know
5 how to take care of this child. He is nine and a half
6 pounds at a year old. I have documentational records
7 from him.

8 And so I went and got him on July 7th at 4:32 PM
9 and I immediately took him to his pediatrician back in
10 Lexington and he explained to me that Rebecca missed
11 seventeen out of twenty appointments and he was very
12 malnourished. He could barely sit up. He couldn't
13 talk, he couldn't walk, and now that I have him in my
14 custody, it's been a long, long process for him. He has
15 a lot of health issues prior to Rebecca having him. He
16 was not taken care of. He is now twenty pounds, he is
17 walking, and he knows me as "mother" now.

18 We have went to court twice. The first time we
19 went back in October. I have custody of him. The
20 second time was two weeks ago for Rebecca to get
21 visitation rights. It was denied. And now Gage had
22 an MRI done last Monday and he has a -- it's called a
23 fluid cyst on the back of his brain from being mal --
24 malnourished, not being taken care of, and now he
25 has therapy that he has to be taken twice a week for

1 speech and walking.

2 So I feel Rebecca needs to pay her consequences
3 for all five of her children that, you know, was took
4 from her legally, so I feel she should pay because I'm
5 taking care of a child with open arms and she -- she
6 needs to get what she deserves.

7 THE COURT: All right. Thank you.

8 MS. STAGGS: And, Your Honor, I'm sure that
9 Mr. Johnson will speak to this as well, but I believe
10 we're in agreement that Ms. Maxwell is entitled to 260
11 days credit on this charge.

12 She was arrested April the 9th of 2021 and then
13 bonded out December 14th of 2021, which would be 250
14 days, and then was taken into custody, as Your Honor
15 knows, during the trial on the 29th of March through
16 today would give her an additional ten days, for a total
17 of 260 days credit.

18 THE COURT: All right.

19 MS. STAGGS: Thank you, Your Honor.

20 THE COURT: Anything else from the State?

21 MS. STAGGS: Nothing, Your Honor.

22 THE COURT: All right. Mr. Johnson.

23 MR. JOHNSON: Thank you, Your Honor.

24 Well, my client has maintained her innocence from
25 the beginning. Of course, the State's case consisted

1 of a co-defendant that, you know, admitted to lying
2 on the stand previously. I'll point that out for the
3 Court.

4 We do have 260 days as the time served. My client,
5 of course, related some of her work experience on the
6 record to the Court and she has several children and I
7 just ask the Court to consider that given that the first
8 degree burglary here is a very serious charge with no
9 parole time and the violent time that I'd ask the Court
10 for the minimum.

11 In addition to the 260 days, I'd ask Your Honor to
12 consider she was out for 104 days. I don't believe she
13 had an electronic monitor on, but during that time she
14 was under conditions of probation -- or, excuse me, under
15 the conditions of bond and she was required to turn in
16 her drug screens, and she did that and we forwarded those
17 to the solicitor during her period while she was out on
18 bond, and I would point out to the Court that she had
19 clean drug screens and that -- I ask the Court to
20 consider giving her credit for that 104 days.

21 Her -- the father of one of her children,
22 Mr. Austin Fullbright, was in court last week. He was
23 unable to make it today, but, of course, I just ask the
24 Court to consider that this minimum fifteen is a long
25 time and I would hope the Court would please consider

1 that in addition to anything my client might have to
2 add if she wants to speak.

3 THE COURT: Yes, ma'am.

4 THE DEFENDANT: I don't -- I don't really know
5 where to start. It's hard when you hear something
6 that you know is not true about your child, and I don't
7 understand what that has anything to do with what we're
8 standing here for today, but there's proof that what she
9 just said is not true about my child being malnourished
10 and missing doctors' appointments. I mean, there's
11 records of this, so I don't really understand that.

12 But I tried for months and months to get new counsel
13 because I was not happy with what was going on with my
14 lawyer. I had proof of where I was at the time and he
15 never questioned those people. I had -- I told him what
16 I knew about the crime because I was living with the
17 person whose girlfriend was responsible -- or boyfriend
18 was responsible. I knew things that were happening,
19 which is why I was telling the police what was happening
20 for months. As a -- as a matter of fact, I even told
21 my lawyer several times where -- people were telling me
22 that her -- the stolen stuff was that they've never even
23 looked for. She could get some of her stuff back if
24 they would go look in my -- in the notes where I told
25 them people that were telling me where this stolen stuff

1 was. It could possibly still be there, but -- but none
2 of that was done. I don't understand why none of it was
3 done.

4 I don't have anything else to say.

5 THE COURT: Okay. Ms. Maxwell -- or, Mr. Johnson,
6 what's her previous prison experience?

7 MR. JOHNSON: Well, I know the solicitor hasn't
8 read through the rap sheet, she didn't go through that,
9 and then she had those two previous burglary convictions.

10 THE COURT: Well, yes, but my -- to be more clear,
11 how many times has she been to the Department of
12 Corrections?

13 MR. JOHNSON: I'm gonna inquire and make sure I
14 match notes with the solicitor.

15 THE DEFENDANT: (Indicating.)

16 THE COURT: She's -- she's telling me one.

17 Do you how long you were in the Department of
18 Corrections before?

19 THE DEFENDANT: Two years and eight months.

20 MS. STAGGS: It was on one of the burglaries and
21 -- and that's why I didn't read those into the record
22 because this is a burg first based on the two prior
23 burglaries.

24 We just -- just so the record is clear, Your Honor,
25 in 2012 entering premises after warning and obtaining

1 signature under false pretenses. 2013, burg third.
2 2016, burg second. I don't have a sentence listed.
3 2016, a distribution of methamphetamine first offense.
4 2016, driving under suspension. And there's a 2016,
5 possession of meth second offense.

6 If I can find the actual rap sheet, Your Honor
7 -- I apologize. I can tell you exactly what she was
8 sentenced to.

9 THE COURT: You indicated two years and eight
10 months. That's the actual time?

11 THE DEFENDANT: It was ten years suspended to five
12 years and five years probation and I did two years and
13 eight months.

14 THE COURT: And that was on which conviction?

15 THE DEFENDANT: On the burglary and the -- the
16 distribution.

17 THE COURT: Do you recall when you got out of
18 prison? What year?

19 THE DEFENDANT: August of '18.

20 THE COURT: August of 2018?

21 THE DEFENDANT: August 1st of 2018.

22 THE COURT: Has methamphetamine been a -- your
23 prior drug of choice?

24 THE DEFENDANT: I got on -- on methamphetamine in
25 -- at the end -- well, at the beginning of 2015.

1 THE COURT: And then continued to use it though,
2 right?

3 THE DEFENDANT: Off and on. Yes, sir.

4 THE COURT: Okay. Have you ever been through any
5 sort of treatment programs?

6 THE DEFENDANT: No, sir.

7 THE COURT: Give me a brief five minutes or so.

8 MR. JOHNSON: Yes, sir.

9 THE COURT: Thank you. Maybe less.

10 (Recess taken at 2:12 PM.)

11 (Back on the record at 2:16 PM.)

12 THE COURT: All right. Keep your seats, folks.
13 Keep your seats.

14 All right. I wanted to make sure I could try
15 to make this sentence have some -- get her some help
16 outside of just serving time.

17 So as part of your sentence, you'll be ordered
18 to do ATU, the Addictions Treatment Unit, at the
19 Department of Corrections, and I'll also note that
20 you'll have to do a second program prior to release
21 from supervision, which will be down the road. You'll
22 also undergo mental health treatment while at the
23 Department of Corrections.

24 You'll be sentenced to the Department of
25 Corrections for a period of seventeen years.

1 That's all.

2 MR. JOHNSON: Your Honor --

3 MS. STAGGS: Thank you, Your Honor.

4 MR. JOHNSON: -- were you --

5 THE COURT: I'm giving you credit for the 260.

6 MR. JOHNSON: 260. Thank you, Judge.

7 THE COURT: Thank you.

8 (Whereupon, the proceedings were concluded at
9 2:17 PM.)

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C E R T I F I C A T E

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

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

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

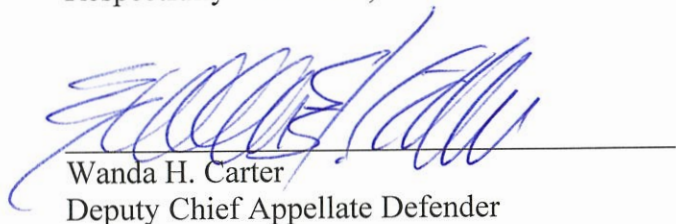
June 13, 2022

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

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,



Wanda H. Carter
Deputy Chief Appellate Defender

RECEIVED

Jun 14 2023

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 14th day of June, 2023.

RECEIVED

Jun 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Barnwell County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

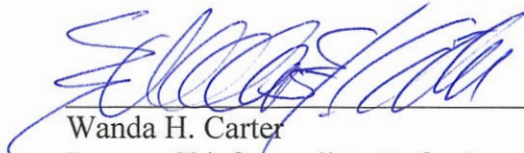
V.

REBECCA A. MAXWELL,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and on Rebecca Maxwell, 366917, at Graham Correctional Center, 4450 Broad River Road, Columbia, SC, 29210, this 14th day of June, 2023.



Wanda H. Carter
Deputy Chief Appellate Defender