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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEITH VINCENT BROWN,

APPELLANT.

APPELLATE CASE NO. 2023-000511

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED MARCH 14, 2023	1
DEFENSE MOTION TO SUPPRESS REMOTE AND WALLET EVIDENCE	2
DEFENSE MOTION TO SUPPRESS STATEMENTS MADE BY DEFENDANT.....	3
TESTIMONY	
JESSICA WEBBER (<i>IN CAMERA</i>)	
Direct Examination by Mr. Smith.....	5
Cross-Examination by Ms. Jones.....	17
JOSHUA CHROBAK (<i>IN CAMERA</i>)	
Direct Examination by Mr. Smith.....	27
Cross-Examination by Ms. Jones.....	48
Redirect Examination by Mr. Smith	58
Recross-Examination by Ms. Jones	59
RESPONSE BY THE STATE	61
COURT RULING DENYING MOTION TO SUPPRESS REMOTE AND WALLET EVIDENCE	68
COURT RULING GRANTING MOTION TO SUPPRESS STATEMENT MADE BY DEFENDANT	68
OPENING STATEMENT BY MR. HENDERSON.....	70
OPENING STATEMENT BY MS. JONES	73
TESTIMONY	
JESSICA WEBBER	
Direct Examination by Mr. Smith.....	75
Cross-Examination by Ms. Jones.....	85
WILLIAM WEBBER	
Direct Examination by Mr. Smith.....	91
Cross-Examination by Ms. Jones.....	95
THALISA PARKER	
Direct Examination by Mr. Smith.....	99

Cross-Examination by Ms. Jones.....	114
KARI WALL HUMPHRIES	
Direct Examination by Mr. Smith.....	116
Cross-Examination by Ms. Jones.....	122
Redirect Examination by Mr. Smith	123
TESTIMONY	
DENNIS BRYANT	
Direct Examination by Mr. Smith.....	133
Cross-Examination by Ms. Jones.....	142
DEFENSE MOTION FOR A MISTRIAL	153
RESPONSE BY THE STATE	154
COURT RULING DENYING MOTION FOR A MISTRIAL.....	157
TESTIMONY	
DENNIS BRYANT (<i>IN CAMERA</i>)	
Voir Dire Examination by Ms. Jones.....	158
CURATIVE INSTRUCTION REGARDING WITNESS STATEMENT	163
TESTIMONY	
DENNIS BRYANT	
Continued Cross-Examination by Ms. Jones	163
JOSHUA CHROBAK	
Direct Examination by Mr. Smith.....	168
Cross-Examination by Ms. Jones.....	179
Redirect Examination by Mr. Smith	187
Recross-Examination by Ms. Jones	188
STIPULATION AS TO DEFENDANT’S PRIOR CONVICTIONS	190
STATE RESTS.....	191
DEFENSE MOTION FOR A DIRECTED VERDICT AND RENEWAL OF ALL PRIOR MOTIONS	192
COURT RULING DENYING MOTION FOR A DIRECTED VERDICT	193

TESTIMONY COLLOQUY	195
TESTIMONY	
KIMBERLY BLANTON	
Direct Examination by Ms. Jones	199
DEFENSE RESTS	203
DEFENSE RENEWAL OF ALL PRIOR MOTIONS	204
CLOSING ARGUMENT BY MR. SMITH.....	206
CLOSING ARGUMENT BY MS. JONES.....	211
REPLY CLOSING ARGUMENT BY MR. SMITH	220
JURY CHARGE.....	223
VERDICT.....	241
SENTENCING.....	244
STATE’S EXHIBIT NO. 8 (CONDITIONS OF PROBATION) ¹	245
INDICTMENTS	246
SENTENCE SHEETS	250
CERTIFICATE OF COUNSEL	254

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 1 (PHOTOGRAPH), STATE’S EXHIBIT NO. 4 (COMPACT
DISC), STATE’S EXHIBIT NO. 5 (PHOTOGRAPH), STATE’S EXHIBIT NO. 6
(COMPACT DISC), AND STATE’S EXHIBIT NO. 7 (PHOTOGRAPH).**

¹ Counsel for appellant requested State’s Exhibit No. 8 from the court reporter on June 11, 2024, and the court reporter indicated that the exhibit was not entered. The copy included in this record was obtained through counsel for respondent and the solicitor at trial.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE GENERAL SESSIONS
7th JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,
Plaintiff,

VOLUME I

VS.

CASE NO. 2022-GS-42-1832
2022-GS-42-1833

KEITH VINCENT BROWN,
Defendant.

HEARING BEFORE: HONORABLE GRACE G. KNIE

DATE: March 14, 2023

TIME: 12:27 PM

LOCATION: Spartanburg County Judicial Center
180 Magnolia Street
Spartanburg, SC 29306

REPORTED BY: LORA L. McDANIEL,
Registered Professional Reporter

APPEARANCES:

ATTORNEYS FOR THE PLAINTIFF
SPENSER SMITH, ESQ.

ATTORNEYS FOR THE DEFENDANT
BEVERLY JONES, ESQ.

STATE OF SOUTH CAROLINA vs. KEITH VINCENT BROWN

1 statements given by potential witnesses now that I think he's
2 had time to confer with them.

3 MR. SMITH: I don't have anything that I think
4 arises to that level. There's a mention in Bryant's incident
5 report that the search that yielded the remote and the wallet
6 was done as a Terry frisk. If that's not correct, I think that
7 might have been what he was told.

8 I don't think we've come across anything else. In
9 talking with Ms. Webber, I don't think she plans on identifying
10 Mr. Brown. They have her 911 tape where she says she can't
11 make out his race, has her written statement where she says
12 he's a black male. I think they can ask her whatever questions
13 they want about that. I don't think there's anything other
14 than that, that's inconsistent.

15 MS. JONES: Thank you, Your Honor.

16 As to the ID issue, I was going to inquire and he
17 touched on it briefly. There will be no attempt by the State
18 to have any lay witness or eyewitness at the scene identify my
19 client as the person they saw coming out of the door of the
20 house.

21 MR. SMITH: That's correct. Just in talking with
22 her this morning, she said, looking at him, she would not be
23 able to say if that was him or not.

24 MS. JONES: Your Honor, the next matter are kind of
25 inter-related. It is a motion to suppress the two items of

STATE OF SOUTH CAROLINA vs. KEITH VINCENT BROWN

1 evidence, the remote and the wallet, as well as testimony
2 regarding them and their discovery, as well as any statements
3 Mr. Brown made during the stop by Officer Chrobak as our
4 position is the stop was improper, not supported by a
5 reasonable suspicion. In that point I think we need to have in
6 camera testimony.

7 THE COURT: Okay. Is there a motion to sequester
8 witnesses?

9 MS. JONES: Yes, ma'am. Please.

10 THE COURT: Do y'all have the videos on disk that
11 y'all want to play?

12 MR. SMITH: I don't have a disk. I was planning on
13 playing off my computer. I can get a disk for The Court.

14 THE COURT: However you plan to do that. Are you
15 ready to go with that as well?

16 MR. SMITH: Yes, ma'am. We ask Ms. Wall and Deputy
17 Bryant be able to stay. I think we are going to start with
18 Jessica Webber, if she wants to stay in the courtroom.

19 THE COURT: Ms. Wall, who is that?

20 MR. SMITH: The victim. Far left. One of the
21 victims.

22 THE COURT: I didn't know if you were an employee
23 of the Solicitor's Office.

24 Who else is staying?

25 MR. SMITH: Chrobak. I guess Lisa as well. I

STATE OF SOUTH CAROLINA vs. KEITH VINCENT BROWN

1 guess she's going to testify in this hearing.

2 MS. JONES: My motion to suppress, it carries
3 through the trial, not just the hearing.

4 THE COURT: If there's a motion to sequester
5 witnesses, the victim would be allowed to stay, okay. And
6 usually the investigator.

7 MR. SMITH: That's Deputy Bryant.

8 THE COURT: And then anyone else as they're called
9 in would testify and then leave. I apologize. I don't know
10 the folks that they're talking about. That's the reason I'm
11 looking a little puzzled. Ms. Wall.

12 MS. WALL: It's actually Ms. Humphries now. Yes,
13 that was my name at the time.

14 THE COURT: Ma'am, you would stay. And then the
15 first witness?

16 MR. SMITH: Jessica Webber.

17 THE COURT: Jessica. If the other potential
18 witnesses will leave. You can sit out in the hallway. I don't
19 know if that conference room back there is being used or not.

20 MR. SMITH: We'll come get you.

21 THE COURT: Any other potential witnesses in the
22 room?

23 MR. SMITH: No, Your Honor.

24 THE COURT: I'm sorry. The gentleman sitting
25 behind the officer is not a witness?

JESSICA WEBBER DIR BY MR. SMITH

1 MR. SMITH: The father of Ms. Humphries.

2 THE COURT: Thank you. I just wanted to make sure
3 we didn't have a problem. Thank you.

4 MR. SMITH: The State calls Jessica Webber.

5 THE COURT: If you will please come forward.

6 Ma'am, you're going to be sworn by the clerk.

7 THE CLERK: Place your left hand on the Bible,
8 raise your right.

9 JESSICA WEBBER

10 being first duly sworn, testified as follows:

11 THE COURT: Ma'am, you're very soft spoken. I need
12 for you to make sure that you speak loudly so our court
13 reporter can make a record, okay.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Answer questions on direct examination
16 by the Assistant Solicitor, Mr. Smith.

17 DIRECT EXAMINATION

18 BY MR. SMITH:

19 Q. Will you please state your name for the record.

20 A. Jessica Webber.

21 Q. Where were you living on October 5th when this
22 happened of 2021?

23 A. I live next door to my sister.

24 Q. On Parris Bridge Road?

25 A. Yes, sir.

JESSICA WEBBER DIR BY MR. SMITH

1 Q. Is that in Spartanburg County?

2 A. It is.

3 Q. Do you know -- what is your actual address?

4 A. [REDACTED].

5 Q. What was your sister's address?

6 A. [REDACTED].

7 Q. How long have you lived in that area?

8 A. I lived there for 20 years. Moved away for a

9 year-and-a-half and then came back for next 18.

10 Q. Most of your life you've lived around that area?

11 A. Yes, all but year-and-a-half.

12 Q. In that -- in those actual houses you're in?

13 A. I lived in the house next door to me for the first

14 20 years.

15 Q. Your whole family lives in that area?

16 A. Yes.

17 Q. Can you describe the area generally to me.

18 A. It's a rural area. Just houses. We're close to

19 Lake Blalock. No businesses really except for an upholstery

20 shop nearby.

21 Q. What about, like, foot traffic through the area?

22 What's your experience with that?

23 A. Every once in a while we'll see somebody fishing at

24 the bridge. That's pretty much it. It's a pretty busy road.

25 You don't usually see people walking on it. Like I said, it's

JESSICA WEBBER DIR BY MR. SMITH

1 rural. There aren't a whole lot of -- basically everybody who
2 lives around the area is people we know. If there's somebody
3 out of recognition, then it's kind of suspicious looking to us.

4 Q. You mentioned people fishing. Would that be in the
5 daytime or the nighttime?

6 A. Anytime.

7 Q. How do you know they're fishing?

8 A. Oh, I don't.

9 Q. You don't?

10 A. No.

11 Q. What makes you say they're fishing?

12 A. They're standing on the banks of the lake.

13 Q. Those would not be people necessarily walking;
14 those are people by the body of water?

15 A. Uh-huh.

16 Q. Can you tell me what happened on this night. Did
17 you go by your sister's house?

18 A. Yes. We had -- my husband and my children and I
19 had been to Westgate. We came home a little after 8:00.
20 Because all of our family live right around each other, we
21 always keep an eye out on things.

22 When I passed my sister's house, I noticed there
23 was a car backed up to the back porch. It took me a second to
24 realize what I had seen. And so by that point I was at my own
25 driveway. I told my husband, I said: Something's not right.

JESSICA WEBBER DIR BY MR. SMITH

1 I don't know that car. Turn around and go back.

2 So when he turned around and went back, the car was
3 backed up to the back door. And we pulled into the front.
4 They have a half circle drive. We pulled into the half circle
5 drive. I could see a man coming down the hallway, pants
6 bulging kind of deal.

7 And when the person saw us, he turned around and
8 walked back towards the back of the house.

9 Q. What did you do at that point?

10 A. Called 911 and panicked.

11 (STATE'S EXH. 1, Photograph, was marked for
12 identification.)

13 (STATE'S EXH. 2, Photograph, was marked for
14 identification.)

15 BY MR. SMITH:

16 Q. I'm going to show you State's Exhibits 1 and 2 and
17 ask you if you can identify what these are.

18 A. That's the front of my sister's house and front of
19 my sister's house.

20 Q. Is that how it looked on that night?

21 A. Yes. Front door open and everything where it's
22 backlit. That was also a tip that things were unusual because
23 they don't leave the wooden door open because the dog knows how
24 to push the glass door open. That wooden door is always shut.
25 When it was open, I was like, something's wrong.

JESSICA WEBBER DIR BY MR. SMITH

1 MR. SMITH: Your Honor, at this time we would
2 introduce State's Exhibit 1 and 2 for hearing purposes.

3 THE COURT: Counsel has already stated there would
4 be no objection. State's 1 and 2 are in without objection.

5 (STATE'S EXH. 1, Photograph, was entered into
6 evidence.)

7 (STATE'S EXH. 2, Photograph, was entered into
8 evidence.)

9 BY MR. SMITH:

10 Q. Can you describe on this picture where you saw the
11 man.

12 A. So the front doorway is looking straight down the
13 hall, into the back of the house. And the man was coming
14 towards the front of the house, down the hallway.

15 Q. Straight in the middle of this picture?

16 A. Yes.

17 Q. And this is State's Exhibit 2. Is that a close up
18 of the front door?

19 A. Yes.

20 Q. When you talk about it being backlit, is it from
21 that?

22 A. Yes.

23 Q. Were you able to make anything out about the man at
24 that time?

25 A. Just that it was male and the pockets were like,

JESSICA WEBBER DIR BY MR. SMITH

1 pants were bulging, like they were stuffed with things.

2 Q. Looking at State's Exhibit 1, where was the vehicle
3 that you saw that you thought was out of place?

4 A. It was around the backside of the house on the
5 right.

6 Q. Around this?

7 A. Yes.

8 (STATE'S EXH. 3, Photograph, was marked for
9 identification.)

10 BY MR. SMITH:

11 Q. I'm going to show you State's Exhibit 3 and ask if
12 you can tell me what this is.

13 A. That is the side and back porch steps of my
14 sister's house.

15 MR. SMITH: Your Honor, at this time I move State's
16 Exhibit 3 into evidence.

17 THE COURT: Any objection, Counsel?

18 MS. JONES: No, Your Honor.

19 THE COURT: State's 3 in without objection.

20 (STATE'S EXH. 3, Photograph, was entered into
21 evidence.)

22 BY MR. SMITH:

23 Q. On State's Exhibit 3, can you tell The Judge where
24 the vehicle was.

25 A. You can't really see it in that picture right

JESSICA WEBBER DIR BY MR. SMITH

1 there.

2 Q. Is it to the right?

3 A. There's a set of steps right there, and the car was
4 backed up to those steps.

5 Q. My finger is on the steps?

6 A. The house has multiple driveways. We were in the
7 front drive. This is on the side drive. That goes around to
8 the back porch.

9 Q. What did you do when you saw the man inside of the
10 house?

11 A. I called 911. We were not armed in any way and
12 didn't know if that person was. Like I said, my kids were in
13 the back seat. I couldn't put us in danger. I knew that it
14 was wrong. Something was happening. It was not correct.

15 Q. And the car you saw is not a car that you're
16 familiar with?

17 A. No. Never seen it.

18 Q. Does your sister rent out that house? Was there
19 somebody else living in it?

20 A. Her roommate lived in it.

21 Q. Do you know the vehicles that she has?

22 A. Yes.

23 Q. It was not anything you've ever seen at that house
24 before?

25 A. No.

JESSICA WEBBER DIR BY MR. SMITH

1 Q. Did you have an interaction -- before calling 911,
2 did you have an interaction with the person in the vehicle?

3 A. Yes.

4 Q. Can you describe what happened there.

5 A. The person in the vehicle -- like I said, there's
6 multiple driveways. The person in the vehicle pulled out of
7 the side driveway and stopped on Parris Bridge Road and rolled
8 the window down and told me they were having car trouble. I
9 said -- I kind of lost my mind a little. I said: Why is he in
10 the house?

11 And she said: I don't know. That's on him.

12 And I said: Tell him to get out. Get out now.

13 Q. What did she do?

14 A. She drove off.

15 Q. Were you able to get a tag or anything?

16 A. No, I just know it was a burgundy, like a Blazer
17 SUV. Had a patch on the back window like a trash bag covering
18 the back window.

19 Q. I think you said your children were with you and
20 your husband. What else was going on as far as the property?
21 You had mentioned there is a dog. Anything going on with the
22 dog?

23 A. The lady who lives there has a dog, and the dog
24 stays in the house. And I was worried about the dog, because
25 he's one of our family members. I didn't know what the person

JESSICA WEBBER DIR BY MR. SMITH

1 had done to the dog or where the dog was.

2 The dog did eventually show up in the yard;
3 apparently she was let out. We were able to get our hands on
4 her and put her in the back of our truck.

5 Q. You listened to the 911 call before the trial;
6 correct?

7 A. I did.

8 (STATE'S EXH. 4, Compact disc, was marked for
9 identification.)

10 BY MR. SMITH:

11 Q. I don't know if I want to play it all, the defense
12 might. You did not say whether he was a black, white, or
13 hispanic male on the 911 call; correct?

14 A. No. I was very panicked.

15 Q. You were asked two different times, correct --

16 A. Yes.

17 Q. -- during the call. You did not describe him;
18 that's correct?

19 A. Right.

20 Q. You did end up giving a written statement in this
21 case. Is it correct that you did describe him as a black male
22 in that?

23 A. I did.

24 Q. Do you know if you told law enforcement if it was a
25 black male, like, when they arrived?

JESSICA WEBBER DIR BY MR. SMITH

1 A. I do not remember what I told them. Like I said, I
2 was very panicked. This has set me on edge. My worse fear is
3 to come home and somebody be in my house. To think that my
4 sister or her roommate could've come home and that man been in
5 her house, it shook me. I don't know what I told them at that
6 time.

7 Q. You listened to the call?

8 A. Yes.

9 Q. You did tell them about the female?

10 A. Yes.

11 Q. Did you identify her as black --

12 A. Yes.

13 Q. -- in the 911 call? I think you described the
14 color of the vehicle and that it had left; is that right?

15 A. Uh-huh.

16 Q. Did you believe that the person that was in the
17 house was still inside as you were on the phone with 911?

18 A. I did. I didn't see him come out, so I did believe
19 that.

20 Q. How many doorways are there to get in and out of
21 that house?

22 A. Just two; the front door and the back door is at
23 the porch where the car was backed up.

24 Q. Did y'all make any attempt to try to keep him
25 hemmed inside the house?

JESSICA WEBBER DIR BY MR. SMITH

1 A. Yes. Like I said, my husband was not armed. While
2 I was calling 911, my husband was calling my father because he
3 would be armed. And so he came within four to five minutes and
4 showed up armed. And they were guarding the back door and the
5 front door so that, if he came out, they would know.

6 Q. Was he ultimately in there? Were you there when
7 the cop searched the house?

8 A. No. He got out probably, I guess in the four to
9 five minutes between the time my father got there because my
10 husband was not armed, like I said, and was not willing to go
11 near the house.

12 Q. Sure. Is it fair to say -- did you see any other
13 vehicles around there other than Trailblazer? Was there any
14 other way for that person to get out other than on foot?

15 A. No, it had to be on foot. There's nothing behind
16 us but trees.

17 Q. Just woods?

18 A. Briars, blackberries.

19 Q. Do you recall if you gave a clothing description to
20 the police or anything like that?

21 A. No, I didn't see that.

22 Q. Here today in court I think you saw him earlier
23 before this hearing started. You're not able to identify
24 Mr. Brown as the person who was in that house?

25 A. No.

JESSICA WEBBER DIR BY MR. SMITH

1 Q. I guess you're not able to say it wasn't him
2 either?

3 A. No.

4 Q. Do you remember, roughly, how quickly the police
5 got there?

6 A. Surprisingly fast. Seven, eight, nine minutes.

7 Q. You listened to your 911 call; right?

8 A. I did.

9 Q. I think you said it was eight minutes long?

10 A. Un-huh.

11 Q. Did you hang up when law enforcement got there?

12 A. I did.

13 Q. Were you present at the house when law enforcement
14 came by with some items --

15 A. I was.

16 Q. -- that they asked about?

17 A. (Witness moves head up and down).

18 Q. Did you know those items belonged to [REDACTED]?

19 A. Absolutely.

20 Q. Did you see Mr. Brown -- did they show him to you
21 in any way --

22 A. No.

23 Q. -- or ask you if that was the person?

24 A. No.

25 Q. Do you even know if he ever came back?

JESSICA WEBBER CROSS BY MS. JONES

1 A. Not that I know of. We stayed until everybody was
2 gone. And my sister was able to go back into her house.

3 MR. SMITH: I don't have any further questions.

4 THE COURT: Cross-examination.

5 MS. JONES: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. JONES:

8 Q. Mrs. Webber, how are you doing?

9 A. I'm good.

10 Q. I'm Beverly Jones. I have a couple questions I
11 want to ask you. Do you remember giving your statement to
12 Officer Bryant?

13 A. I do.

14 Q. Do you remember what time your statement was?

15 A. Had to be after 9:00. We were there a while.

16 Q. Pardon me?

17 A. We were there for a while.

18 Q. You indicated in response to a question by the
19 Solicitor that, in your statement, you actually described the
20 person you saw as a black male; correct?

21 A. Yes, ma'am.

22 Q. Yet twice during the 911 call you were asked
23 specifically black, white, hispanic, Asian. You said: No, I
24 can't, no, I can't. What accounts for the difference?

25 A. Had to be my state of panic that I just could not

JESSICA WEBBER CROSS BY MS. JONES

1 give details at that moment. I mean, like I said, it shook.

2 Shook me.

3 Q. Well, in your written statement, you do describe
4 him as a black male but you give no other detail about height,
5 weight, clothing, glasses, a hat, anything else?

6 A. No, ma'am. He was backlit.

7 Q. He was backlit. Again, you gave no other
8 description about a hat or size compared to the items in the
9 home?

10 A. I wasn't asked those things, no.

11 Q. How were you asked in your statement?

12 A. Handed the paper and said: Please write down what
13 you saw.

14 Q. Did you write down what you thought was important
15 on your statement?

16 A. I did.

17 Q. You indicated when you and your husband drove by --
18 now, let me ask some location questions, if you would. We can
19 make reference to number 3. Which side of [REDACTED] is your house
20 on, or is it across the street?

21 A. No, I live about 100 yards to the right.

22 Q. To the right, which is on this side of the
23 photograph? The right side?

24 A. Yes.

25 Q. You were coming from Spartanburg; correct?

JESSICA WEBBER CROSS BY MS. JONES

1 A. Uh-huh.

2 Q. So were you traveling towards your house and so you
3 passed [REDACTED] on the left?

4 A. Uh-huh.

5 Q. Were you driving?

6 A. No, ma'am.

7 Q. So when you're driving up to [REDACTED], at what point
8 were you aware of the Trailblazer? Where were you in relation
9 to [REDACTED]? Had you come in front of it yet, or were you over on
10 the other side of it?

11 A. No, you can't see that side of the house from the
12 left. I had just passed the front of the house when I saw it.

13 Q. Again, you said the burgundy Trailblazer was backed
14 in. Which side --

15 THE COURT: Ma'am, I'm sorry. You do need to
16 answer out loud.

17 THE WITNESS: Yes, ma'am.

18 BY MS. JONES:

19 Q. You're driving across the street from the house
20 because you're in the lane of traffic going toward the river.
21 And you drive up to the house. You see the Trailblazer. Which
22 side of the Trailblazer was the tarped window or patched? That
23 was your phrase.

24 A. It was on the back passenger side.

25 Q. Is that the passenger window closest to the side of

JESSICA WEBBER CROSS BY MS. JONES

1 the house or the other one?

2 A. I saw this when she pulled into Parris Bridge Road
3 and stopped and talked to me.

4 Q. When you drove past it, you didn't notice the trash
5 bag?

6 A. No.

7 Q. Did you pass completely by the house one time and
8 turn around and come back?

9 A. Yes, I went all the way to my house. Then I told
10 my husband: That's not right. I don't know that car. Turn
11 around and go back.

12 Q. During that time frame, was your sister herself
13 living in her home?

14 A. No.

15 Q. Where was she living?

16 A. She was living with her boyfriend.

17 Q. Okay. Who was, in fact, living in the home?

18 A. Lisa Parker.

19 Q. Okay. Is Lisa Parker a relative?

20 A. No, but she may as well be.

21 Q. Were you aware on that night of whether Lisa Parker
22 was at home?

23 A. I was not aware. I was very worried for her when
24 her car was not in the driveway and she usually got off of work
25 around 8:00.

JESSICA WEBBER CROSS BY MS. JONES

1 Q. So you go to your own driveway, turn around, and
2 come back, which puts you now on the same side of the street as
3 the house; correct?

4 A. Yes.

5 Q. When you ride by the Trailblazer, is it still
6 backed up here?

7 A. Yes.

8 Q. Where do you go -- where do y'all go in your
9 vehicle?

10 A. When we came back?

11 Q. Yes, ma'am.

12 A. We pulled into that half circle drive and then
13 turned back facing my own house. It's a little half circle.
14 You just pull in and (demonstrating).

15 Q. It's a half circle. Was the front of your car
16 pointing back to your own house?

17 A. Yes.

18 Q. You weren't on the road?

19 A. No.

20 Q. Okay. Did you, at that point, did you encounter
21 the Trailblazer moving, or was it still?

22 A. No, it was still parked.

23 Q. How long were you sitting there in the half circle
24 driveway before the Trailblazer moved?

25 A. Maybe a minute.

JESSICA WEBBER CROSS BY MS. JONES

1 Q. What is the distance between the half circle
2 driveway and the side driveway that's shown on number 3?

3 A. They come to a connector at the road. Do you mean
4 how far away was the Trailblazer from my vehicle?

5 Q. Correct.

6 A. I don't know. 50, 100 feet.

7 Q. If you'll look at number one exhibit for the
8 hearing, can you even see the half circle driveway in that?

9 A. No, ma'am, there's a sidewalk that goes straight
10 down to the half circle drive. You can see the sidewalk but
11 not the drive.

12 Q. At this point you're in the half circle driveway,
13 you're still in the car. What is the person inside doing?

14 A. When we drove up, they saw us pull into the drive
15 and calmly turned around and walked to the back of the house
16 and went into the living room area.

17 Q. When you passed the house to begin with, going to
18 your own home, what did you see anybody doing in the house?
19 Could you see anyone in the house on that trip past?

20 A. Going 50 miles an hour, no, ma'am.

21 Q. How far is your house away from this one?

22 A. Football field, maybe 100 yards.

23 Q. Did you notice anything about the front door as you
24 drove to your home?

25 A. Yes, ma'am, it was open. The wooden door was open,

JESSICA WEBBER CROSS BY MS. JONES

1 not the glass door.

2 Q. You indicated the reason why you turned around and
3 came back was the vehicle?

4 A. Right. Both of those things are out of place.

5 Q. You are pulled into the half circle driveway. Are
6 you inside your car or outside of your car when you say --

7 A. Inside my car.

8 Q. -- the black female speaks to you?

9 A. Inside my car. We were not armed. We were not
10 going to put us or our children in any danger.

11 Q. The burgundy Trailblazer pulls out of the side
12 driveway and goes which way?

13 A. It went back towards Spartanburg. She stopped in
14 Parris Bridge Road and spoke to me.

15 Q. Across her car?

16 A. Yes.

17 Q. What did you observe about that individual?

18 A. Not much.

19 Q. Did that individual roll the window down to be able
20 to speak to you?

21 A. Yeah, either it was already down or she rolled it
22 down.

23 Q. Was your window rolled down?

24 A. It was.

25 Q. Again, tell us what that individual said to you.

JESSICA WEBBER CROSS BY MS. JONES

1 A. She said something about car trouble. And so I
2 said: Why is he in the house?

3 She said: I don't know. That's on him.

4 And I said: Tell him to get out.

5 Q. And that person, who you're side to side with, you
6 in the driveway, her in the road, drives off?

7 A. Yes, ma'am.

8 Q. Did you get a license plate?

9 A. No.

10 Q. Did you think to get a license plate?

11 A. No. It's dark.

12 Q. Well, are you aware that vehicles are required to
13 have illuminated license plates or lights over their license
14 plates --

15 A. I think most drivers know that, yes.

16 Q. -- so they're visible at night?

17 Pardon me?

18 A. Most drivers know that, yes.

19 Q. Did you try to look at the driver's license -- I
20 mean the tag?

21 A. No, ma'am. I was panicked.

22 Q. Okay. At that point did you get out of the
23 vehicle?

24 A. No.

25 Q. Did you ever get out of the vehicle?

JESSICA WEBBER CROSS BY MS. JONES

1 A. Yes, after my father got there with a gun.

2 Q. He went around the back to be replaced ultimately
3 at his post by an officer later when the officers got there?

4 A. Yes, ma'am.

5 Q. How long were you at the house before you
6 recognized or became aware of the presence of the dog that was
7 running loose? First of all, what kind of dog is this?

8 MR. SMITH: Your Honor.

9 THE WITNESS: Pitbull mix, but I'm not sure --

10 THE COURT: There's an objection.

11 MR. SMITH: This is not the trial in the case. She
12 said she didn't even relay the information to law enforcement.
13 That officer is going to testify. This is just -- the type of
14 dog has nothing to do with the reasonableness of Deputy
15 Chrobak's search.

16 THE COURT: I will overrule that right now. Please
17 continue.

18 MS. JONES: Thank you.

19 BY MS. JONES:

20 Q. How long were you there at the front of the house
21 before you became aware the dog was running loose?

22 A. Maybe six to seven minutes.

23 Q. Once you pulled in the circular driveway, did you
24 ever see the man in the house again?

25 A. No.

JESSICA WEBBER CROSS BY MS. JONES

1 Q. When you gave your statement to Deputy Bryant, were
2 there officers still present at the house?

3 A. Yes, ma'am. They were taking my sister inside.

4 Q. Had you become aware at that point that they had
5 already had a suspect in custody?

6 A. I think so.

7 Q. Was any information about that suspect relayed to
8 you by the officers?

9 A. Just that he had my uncle's -- my dead uncle's
10 wallet on him.

11 Q. Did they give you any information about who that
12 person was?

13 A. No, ma'am.

14 Q. Had that person -- to your knowledge, had that
15 person come back to the house with an officer?

16 A. No, ma'am.

17 MS. JONES: Thank you. That will be all.

18 THE COURT: Redirect.

19 MR. SMITH: None.

20 THE COURT: Ma'am, you may step down. Watch your
21 step.

22 (The witness exited the stand.)

23 MR. SMITH: We need Deputy Chrobak.

24 MS. JONES: Your Honor, she's the victim. I guess
25 she does get to stay. They're sequestered.

DEPUTY CHROBAK DIR BY MR. SMITH

1 She's not the victim.

2 THE COURT: Ma'am, you will need to step out of the
3 courtroom. It's Ms. Webber?

4 MR. SMITH: Yes, ma'am.

5 Deputy Chrobak.

6 THE CLERK: Put your left hand on the Bible, raise
7 your right.

8 DEPUTY JOSHUA CHROBAK
9 being first duly sworn, testified as follows:

10 THE COURT: Sir, if you will please state your full
11 name, spelling your last.

12 THE WITNESS: My full name is Joshua Brandon
13 Chrobak, C-H-R-O-B, as in boy, A-K.

14 THE COURT: Direct examination.

15 DIRECT EXAMINATION

16 BY MR. SMITH:

17 Q. Deputy Chrobak, where are you employed currently?

18 A. With Spartanburg County Sheriff's Office.

19 Q. How long have you been with the Sheriff's Office?

20 A. A little over three years.

21 Q. Is that your total law enforcement experience?

22 A. Yes, sir.

23 Q. Do you work in uniform patrol now?

24 A. I do.

25 Q. Is that what you've done your entire three years?

DEPUTY CHROBAK DIR BY MR. SMITH

1 A. Yes, sir.

2 Q. Can you explain to The Court what you do on uniform
3 patrol. What's your job?

4 A. So if I want to conduct traffic stops, I can.
5 Serve warrants, make drug cases. I also answer calls of
6 service whether that be robberies, burglaries, domestic
7 assault, anything like that.

8 Q. All right. Uniform patrol is kind of broken up
9 into territories of Spartanburg County; is that right?

10 A. It is.

11 Q. What territory do you work?

12 A. Currently I work in the Moore, Duncan, Reidville
13 area, which is 22's track.

14 Q. Where were you working in October of '21?

15 A. I was working in 39 track, which is Chesnee,
16 Boiling Springs, Mayo, Cowpens, Duncan -- excuse me, not
17 Duncan. That area.

18 Q. Is that like the northeast of the county?

19 A. It is.

20 Q. How long did you work at what you call C39, I
21 think? How long did you work that area?

22 A. For almost exactly a year.

23 Q. Relative to this incident, had you been working
24 that area for months or just recently?

25 A. I worked in that area, started January 9th of that

DEPUTY CHROBAK DIR BY MR. SMITH

1 year. So approximately ten months.

2 Q. Are you familiar with that area outside of your law
3 enforcement experience?

4 A. I am.

5 Q. How is that?

6 A. Moved here 2004, into that area. I grew up in
7 Fingerville. I went to the View Baptist Church. Was Mountain
8 View Baptist church at the time. Going in between Highway 9
9 and Parris Bridge Road almost every day.

10 Q. So it's an area you're extremely familiar with?

11 A. Yes.

12 Q. Can you describe the area of [REDACTED] Parris Bridge
13 as kind of what -- I don't know if you call it a
14 neighborhood -- just that area is like.

15 A. That stretch of area, very big fields around the
16 area. Nothing really rural -- excuse me. Nothing very highly
17 populated, no gas station or anything like that, just a church
18 down the road. Maybe one neighborhood, probably
19 mile-and-a-half down the road. It's not a very high populated
20 area, especially by foot traffic or anything like that.

21 Q. I'm going to show you an aerial and ask if you can
22 tell me --

23 (STATE'S EXH. 5, Photograph, was marked for
24 identification.)

25 BY MR. SMITH:

DEPUTY CHROBAK DIR BY MR. SMITH

1 Q. Tell me what that is.

2 A. That would be the stretch of road, Parris Bridge
3 Road.

4 Q. Is there an indicator on [REDACTED]?

5 A. There is.

6 MR. SMITH: Your Honor, at this time we move
7 State's Exhibit 5 for purposes of the motion hearing.

8 MS. JONES: No objection, Your Honor.

9 THE COURT: Thank you.

10 (STATE'S EXH. 5, Photograph, was entered into
11 evidence.)

12 THE COURT: Is that 4 or 5?

13 MR. SMITH: I did 911 call as four. Didn't put it
14 in.

15 BY MR. SMITH:

16 Q. This mark here is [REDACTED]; is that right?

17 A. Yes, sir.

18 Q. Are the houses that are positioned there, are they
19 close by? Is there space between most of them?

20 A. Most of the houses in that area have a large space
21 in between them, farm property or what have you.

22 Q. Just for The Court, if you go up on this picture,
23 is that away from Spartanburg and down is towards Spartanburg;
24 is that correct?

25 A. Going up towards where you're pointing --

DEPUTY CHROBAK DIR BY MR. SMITH

1 Q. Towards Pacolet River, is that away from
2 Spartanburg?

3 A. Yes, towards Chesnee, North Carolina.

4 Q. Are there sidewalks or street lights or anything in
5 that area?

6 A. There's not.

7 Q. I know you mentioned no gas stations. Are there
8 fast food or anything really open at this hour of night?

9 A. No, the nearest gas station is probably three miles
10 back. Nearest restaurant is probably five miles forward.

11 Q. On this night did you respond to a call for a
12 breaking and entering in progress?

13 A. I did.

14 Q. Was that at [REDACTED] Parris Bridge?

15 A. Yes, sir, it was.

16 Q. Do you know about when that call came in?

17 A. I believe, it was early in the morning or late at
18 night.

19 Q. Those are two different things. Which one?

20 A. I would say late at night.

21 Q. It was dark outside?

22 A. It was dark outside.

23 Q. What did you do once you got the call?

24 A. While still responding, I overheard on the radio
25 somebody tell me that they saw somebody walking away from the

DEPUTY CHROBAK DIR BY MR. SMITH

1 scene, very close to the scene. Stop and get out with that
2 person.

3 Q. When you say somebody, are you talking about law
4 enforcement officer or just some random --

5 A. Some random person walking on the side of the road.

6 Q. No, I mean who said they had seen somebody?

7 A. Law enforcement on scene.

8 Q. Your purpose was to go out and investigate that
9 person, just see what was going on?

10 A. At that time, yes, sir.

11 Q. Did you get a description of the person that, that
12 law enforcement officer had seen?

13 A. Yes. The description given to me was a black male
14 wearing all black, walking on the side of the road.

15 Q. Maybe had a hat on or something; is that --

16 A. Possibly.

17 Q. Do you know if that information came from the
18 victim or where that information came from?

19 A. I don't. All I know is that was told to me by
20 whatever deputy was on the scene.

21 Q. As far as what you got from dispatch, other than
22 that information, had you gotten anything about who you were
23 looking for or anything like that?

24 A. To my knowledge I do not remember.

25 Q. Did you know you were looking for a man?

DEPUTY CHROBAK DIR BY MR. SMITH

1 A. Yes. I do know that I was looking for some sort of
2 male.

3 Q. As far as you know, when you take off, you are
4 going to find a black male that the officer saw. As far as
5 responding to the call, you don't know if it's black, white,
6 Hispanic, or whatever?

7 A. True.

8 Q. Where do you go? Did you actually make it to [REDACTED]?

9 A. I did not. I made it just before, over by the
10 church. Whenever the -- whatever deputy over the radio stated
11 they saw the male very closely to the house.

12 Q. Is that like south? Is he traveling --

13 A. Yes.

14 Q. -- towards Spartanburg?

15 A. Yes.

16 Q. You're saying your indication was this male that
17 had been seen was relatively close to the incident scene?

18 A. Yes. I think it was 200 yards away or something
19 like that.

20 Q. You start taking down, going down Parris Bridge
21 Road?

22 A. Yes, towards the residence, trying to intersect.

23 Q. So you're going north?

24 A. Yes.

25 Q. Did you encounter somebody who you thought might've

DEPUTY CHROBAK DIR BY MR. SMITH

1 been the person that you were looking for?

2 A. I did.

3 Q. Can you tell me about what happened. How did the
4 interaction begin?

5 A. So I activated my blue lights, pulled over to the
6 side, got out with the individual. The individual was already
7 extremely hostile saying: I didn't do anything, I didn't do
8 anything wrong.

9 I just advised him that I want to talk to you.
10 Just trying to figure out if you're leaving the scene. We had
11 a burglary right down the road. And just wanted to talk to
12 him, see where he was going and everything like that.

13 Q. When you say he immediately said that he didn't do
14 anything wrong, had you accused him of doing anything wrong?

15 A. I just stepped out of the vehicle. I didn't say
16 two words to him.

17 Q. Did you think anything of that initial interaction?

18 A. I thought it was very suspicious.

19 Q. Did he have any occasion that he might've been out
20 jogging, like reflective tape?

21 A. No flashlight, nothing stating that he would be
22 walking for great distance.

23 Q. Your interaction, I guess, maybe not immediately,
24 pretty quickly is recorded on body cam; is that right?

25 A. It was.

DEPUTY CHROBAK DIR BY MR. SMITH

1 MR. SMITH: Your Honor, I don't have the disk with
2 me unless you have the one we gave you. At this time we would
3 offer State's Exhibit 6. The only one I think is relevant is
4 the second video. I don't know if Your Honor wants us to play
5 it. He can, I guess, fill in what his thought process is as
6 the video goes on. I don't know.

7 THE COURT: Let me just tell y'all, normally we
8 break for lunch at 12:30. There were some things that caused
9 us to be delayed today. We'll be breaking from 1:00 to 2:00
10 for lunch. The jury is coming in at 2:00. They will not be in
11 the courtroom until we finish these motions. Depending on the
12 ruling on these motions, we will then start the trial. They
13 will be in this room back here waiting, beginning at 2:00.

14 Normally I would work through lunch. I have court
15 staff that I cannot require to do that. I'm not going to ask
16 them to do that. They would probably gladly do it. I'm not
17 going to require that.

18 That's the plan. We'll break from 1:00 to 2:00.

19 I know that time stamps on these are 17 minutes,
20 and 47 -- wait. 1748 was the initial. 1749 is the ride to the
21 detention facility. Driving to this location is one minute and
22 35 seconds. This is the disk. I'm happy for y'all --

23 MR. SMITH: I personally don't think there's any
24 need to play it. If you want us to play it, we can play it.
25 It's been provided to the defense. I'm sure they've seen it as

DEPUTY CHROBAK DIR BY MR. SMITH

1 well. Whatever.

2 THE COURT: I think for the purposes of the motion,
3 not the one minute 35 seconds -- it's up to y'all.

4 MS. JONES: My client is interested in having The
5 Court and the witness hear the second segment. I don't see the
6 need for the first nor the third. As his attorney, those two
7 are not necessary whether he wants them or not. I think the
8 second one is the most important one.

9 MR. SMITH: I don't understand why we need to play
10 it, but I will play it.

11 THE COURT: We're playing it.

12 Ms. Jones, with regard to Mr. Smith's statement
13 that the witness can narrate --

14 MS. JONES: I think that's unnecessary, probably
15 not proper. It speaks for itself.

16 THE COURT: Then you can ask him questions
17 afterwards.

18 MR. SMITH: He's allowed to say what he's thinking.
19 It does not speak for itself.

20 THE COURT: I'm not going to allow -- first of all,
21 there's noise on the video and there's talking and so I think
22 no matter what you would have to stop it --

23 MR. SMITH: Certainly.

24 THE COURT: -- to ask questions. I think maybe the
25 cleanest way to do it is just play it and then you can ask him

DEPUTY CHROBAK DIR BY MR. SMITH

1 questions; okay. Either way we'll stop at 1:00, and then we'll
2 reconvene this at 2:00, wherever we are with it.

3 MR. SMITH: I don't want to play the video. And I
4 don't see the purpose of playing it just to play the thing all
5 through and then ask him questions after. We can just ask him
6 the questions. Everybody has seen the video.

7 THE COURT: I believe that it would also be defense
8 Counsel's right to play the video. If y'all intend to play it,
9 I think you should just play it.

10 (Video played. Not transcribed.)

11 BY MR. SMITH:

12 Q. Why did you initially stop Mr. Brown? Why did you
13 get out with him?

14 A. I was advised by one of the deputies on scene that
15 there was somebody walking away from the scene relatively close
16 at the time. It took me a little bit to pull up.

17 Q. Did you understand that you were looking for
18 somebody on foot in this case?

19 A. Yes, sir.

20 Q. What about -- obviously, the portion we watched, we
21 stopped at two minutes 34 seconds. You are already saying that
22 you have reasonable suspicion when you basically first interact
23 with him. Can you explain all of the reasons that made you
24 suspicious.

25 A. For one, I found it extremely suspicious due to it

DEPUTY CHROBAK DIR BY MR. SMITH

1 not being a very high foot traffic area.

2 The second, he's leaving away from the scene as
3 well as somebody viewing him being close to the house at that
4 point or a male matching his description leaving that area.

5 Three, I have knowledge myself prior that not a lot
6 of people are in that area walking around.

7 He's very stand-offish whenever -- when I began
8 talking to him, stating that his girl just dropped him off. I
9 don't think that people would just drop random people, at least
10 a loved one, off on a random spot on the side of the road.

11 Q. You were skeptical of the story that he gave you?

12 A. I was.

13 Q. You did a Terry frisk, what you call a Terry frisk.
14 Can you explain what that is.

15 A. A Terry frisk is a, I have to have reasonable
16 suspicion to believe that the person is armed or at that point
17 I actually asked him if I could frisk him for any weapons. So
18 he consented, and I searched him for weapons.

19 Q. It's kind of like a small search; right?

20 A. Yes.

21 Q. Specifically for weapons and immediately illegal
22 objects; is that right?

23 A. Yes.

24 Q. You did not find anything as a result of that
25 initial --

DEPUTY CHROBAK DIR BY MR. SMITH

1 A. I did not.

2 Q. -- Terry search?

3 I think you felt something you thought was a
4 sunglass case or something like that. That might be the only
5 thing you noted.

6 A. Something was sticking out of his pocket. I
7 brought my hand down, going to grab his waist. I guess I
8 caught it with my wrist. I believe I almost knocked it out of
9 his pocket so that's why I adjusted it and put it back in.

10 Q. Do you kind of feel -- are you trying to `y keys?
11 Can you just tell me how you -- what are you doing during that
12 search?

13 A. Basically just feeling in the areas for weapons.
14 Anything that could harm me; knives, handguns.

15 Q. Why might you be suspicious that he could have a
16 weapon in this case?

17 A. I mean, at that point with my prior law
18 enforcement, burglaries are committed with weapons, usually
19 most of the time burglary tools. Could possibly have burglary
20 tools.

21 Q. Then you got his information; correct?

22 A. I did.

23 Q. Even at this point you believe that you had
24 reasonable suspicion already?

25 A. Yes, sir.

DEPUTY CHROBAK DIR BY MR. SMITH

1 Q. Did your suspicion continue to grow as you
2 investigated the case?

3 A. I did. It did, yes, sir.

4 Q. When you asked to search his pockets, you were
5 talking about a more in-depth search like pulling things out?

6 A. Yes, sir.

7 Q. You did not pull anything out on the Terry frisk;
8 correct?

9 A. I did not. I only put what I thought his sunglass
10 case back in his pocket.

11 Q. He did not consent to the further search?

12 A. He did not.

13 Q. At that point you just continued your
14 investigation.

15 What did you do with his name and date of birth?

16 A. I put it into our Spillman System. I ran his name
17 through NCIC and Spillman.

18 Q. What happened as a result of that? What did you
19 learn? What additional information did you learn?

20 A. I learned that his address in our Spillman System
21 as well as his driver's license comes back to Cemetery Street,
22 which is in the city nowhere near where we were.

23 Q. What did you think of that?

24 A. Again, thought that was suspicious because he's in
25 the middle of nowhere technically, compared to where he should

DEPUTY CHROBAK DIR BY MR. SMITH

1 be.

2 THE COURT: Mr. Smith, are you getting beyond where
3 you are on the video?

4 MR. SMITH: Yes, ma'am.

5 THE COURT: Are you going to continue to play it?

6 MR. SMITH: I can.

7 THE COURT: Yes, sir. I would prefer that you do
8 that. I think the most efficient way to do that -- we still
9 now have 15 more minutes of it. Play it and then ask him
10 questions as I said at the beginning. That is the most time
11 efficient way to do it. Okay. If we have the trial, we may
12 proceed a little differently.

13 MR. SMITH: We're definitely watching it at the
14 trial.

15 (Video played. Not transcribed.)

16 THE COURT: Mr. Smith, just go ahead and play the
17 whole --

18 MR. SMITH: This is when he does the search, this
19 is the purpose of the hearing.

20 THE COURT: Sir, play the entire video, please.

21 (Video playing. Not transcribed).

22 THE COURT: We're going to break for lunch. We
23 will continue when we get back at 2:00.

24 (A luncheon recess transpired from 12:58 p.m. until
25 2:04 p.m.)

DEPUTY CHROBAK DIR BY MR. SMITH

1 THE COURT: We are back on the record with regard
2 to the matter of State versus Keith Vincent Brown. We are
3 still in pretrial motions. And the witness on the stand is
4 Officer -- how do you pronounce your name.

5 THE WITNESS: Chrobak.

6 THE COURT: And he is still in direct examination.
7 We will resume the video.

8 MR. SMITH: This is State's Exhibit 6.
9 Four-and-a-half minutes and 15 seconds left.

10 (Video played. Not transcribed.)

11 (STATE EXH 6, Compact disc, was marked for
12 identification and entered into evidence.)

13 BY MR. SMITH:

14 Q. Going back to when you ran his information, you
15 said his address came back to Cemetery Street?

16 A. It did.

17 Q. That's in the city --

18 A. Yes, sir.

19 Q. -- of Spartanburg.

20 Did you find anything unusual about that?

21 A. Just the fact that it was nowhere near where he
22 lives, around the area that he stays. I consider that area to
23 be kind of the middle of nowhere when it comes to foot traffic.

24 Q. I know he said that his girlfriend dropped him off.
25 Did he give you any indication of why he was in that area to

DEPUTY CHROBAK DIR BY MR. SMITH

1 you?

2 A. He did not.

3 Q. You also indicated that you got an alert that he
4 was on probation?

5 A. I did. There was an NCIC tag alert for his name
6 for being on probation.

7 Q. Did it tell you what he might've been on probation
8 for?

9 A. It did. I believe was petit larceny and burglary.

10 Q. Did that factor into your investigation as far as
11 thinking he may be suspicious?

12 A. It did.

13 Q. You verbally confirmed with him he was on
14 probation?

15 A. I did ask him.

16 Q. I'm going to show you State's 7 and ask you if you
17 can just tell me generally what that is.

18 A. That's approximately the walking distance from the
19 residence to where I found him.

20 MR. SMITH: Your Honor, at this time we move
21 State's Exhibit 7 into evidence.

22 THE COURT: Any objection?

23 MS. JONES: Your Honor, I do have an objection
24 because, when Mr. Smith showed it to me, I asked him to explain
25 it. It has dots on it. Some of them go off the road. He said

DEPUTY CHROBAK DIR BY MR. SMITH

1 that's not his path, that's just the distance. I don't think
2 that diagram is necessary for that. I think it's a little
3 misleading.

4 THE COURT: Let me see it.

5 So you do object?

6 MS. JONES: Yes, ma'am.

7 MR. SMITH: It's just a Google map between two
8 locations I picked out, a location near Horton Road just where
9 he said he found him. Just trying to show where he was found.

10 THE COURT: You may have to then lay the foundation
11 to get it in. Let him ask a few more questions. If he knows
12 what this is depicting. Okay.

13 BY MR. SMITH:

14 Q. Do you know around about where you found him?

15 A. Parris Bridge and Horton.

16 Q. Is Horton Road depicted on that map?

17 A. It is.

18 Q. And Parris Bridge is depicted on the map?

19 A. It is.

20 Q. And the incident location is depicted on the map?

21 A. It is.

22 Q. You're very familiar with that area?

23 A. I am.

24 MR. SMITH: Your Honor, at this time we would offer
25 State's 7 into evidence for the hearing.

DEPUTY CHROBAK DIR BY MR. SMITH

1 MS. JONES: I still have the same objection. Can I
2 ask him if he knows what the dots represent? That's the first
3 thing you notice on the diagram.

4 THE COURT: Can you lay more of a foundation as
5 to -- I think there's something on there in addition to the
6 dots.

7 MR. SMITH: I can make one without the dots. It's
8 just a Google map about the walking distance between the two --

9 THE COURT: I just need him to testify about it,
10 okay.

11 Does that photograph fairly and accurately depict
12 the area where you were?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: And you're familiar with that area
15 because...

16 THE WITNESS: It's the area that I work, drive all
17 the time. And it was the area which the incident occurred.

18 THE COURT: How far is that area from the incident
19 location?

20 THE WITNESS: .2 miles. About a four-minute walk.

21 THE COURT: Any more questions?

22 MR. SMITH: No, Your Honor.

23 THE COURT: Anything with regard to that coming in?

24 MS. JONES: No, ma'am.

25 THE COURT: That will be admitted without

DEPUTY CHROBAK DIR BY MR. SMITH

1 objection, State's Exhibit Number 7.

2 (STATE'S EXH. 7, Photograph, was marked for
3 identification and entered into evidence.)

4 BY MR. SMITH:

5 Q. I don't know why Google did this. You can just
6 walk down Parris Bridge Road; right? That is a walkable road?

7 A. It is.

8 Q. Do you know where you found him exactly? Is this
9 road at the bottom Horton Road?

10 A. Yes, it is. Right about where the red dot is,
11 right about there (indicating).

12 Q. Kind of intersection of those two?

13 A. Yes.

14 Q. Was he on the -- you're heading south. Is he in
15 the lane going towards Spartanburg or is he in the lane going
16 to the river?

17 A. He is facing towards traffic, heading towards
18 Spartanburg, on the side facing towards the river, if that
19 makes sense.

20 Q. Yes. He's walking into traffic?

21 A. Yes.

22 Q. But he's walking towards Spartanburg?

23 A. Yes.

24 Q. And that's your understanding of the direction of
25 the person you were looking for was walking?

DEPUTY CHROBAK DIR BY MR. SMITH

1 A. Yes, sir.

2 Q. Is there anything else I haven't asked you about
3 that led to your suspicions about Mr. Brown that night both in
4 initially stopping him and then choosing to search him further?

5 A. Not that I can think of at this time.

6 Q. There were other officers that were involved in
7 this case. Is it fair to say that whatever they did, did not
8 really influence your decision that night?

9 A. Absolutely did not.

10 Q. It was whatever information you had gotten from the
11 other officer and then --

12 A. Yes.

13 Q. -- from encountering Mr. Brown?

14 A. Yes, sir.

15 Q. Did he ever tell you where he lived?

16 A. I asked him multiple times and he did not answer
17 the question. He was just asking me to talk to his girlfriend
18 or friend girl.

19 Q. I know we're here about the search. We saw the
20 items. What did you recover off of him?

21 A. A TV remote and a wallet that belongs to the family
22 that was burglarized.

23 Q. The TV remote, is that what you had earlier thought
24 was sunglasses case?

25 A. It was. I figured since he was wearing

DEPUTY CHROBAK CROSS BY MS. JONES

1 sunglasses -- actually glasses, that it was a glass case.

2 Q. I know I just talked about that road is walkable.
3 There's no sidewalks or anything on it?

4 A. There's not.

5 Q. Do you have an estimation about how quickly you
6 were out with Mr. Brown relative to getting the call?

7 A. I would say ten to 12 minutes.

8 MR. SMITH: Please answer any questions Ms. Jones
9 has.

10 THE COURT: Yes, ma'am. Cross-examination.

11 MS. JONES: Thank you.

12 CROSS-EXAMINATION

13 BY MS. JONES:

14 Q. You testified you've been with the Sheriff's Office
15 three years. What was your employment start date?

16 A. February 17, 2020 -- excuse me, 2019.

17 Q. Say that again.

18 A. 2019 is whenever I started the process.

19 Q. That was 20. This event occurred in October of
20 '21?

21 A. Yes, ma'am.

22 Q. You said, as of January 9, '21, you began working
23 in this area. Did you call it the C39 track? Is that the
24 wrong term? C39?

25 A. I began working in the track, yes, ma'am, January.

DEPUTY CHROBAK CROSS BY MS. JONES

1 39 track, yes, ma'am. Literally Parris Bridge Road is divided
2 in half; right side of the road, which I was on is 39's track.
3 Left side is 17 track.

4 Q. Is that number a number of significance when you're
5 using your police radio for communication?

6 A. Yes, ma'am.

7 Q. Do you identify yourself when making transmissions
8 across the radio by using that number?

9 A. Yes, ma'am.

10 Q. You indicated that you were responding to this call
11 that went out for this break-in in progress at this home when
12 you heard other radio traffic about someone else seeing a
13 person walking; correct?

14 A. I'm sorry. Ask the question one more time. Kind
15 of confusing.

16 Q. Originally you were going to [REDACTED] Parris Bridge
17 Road because of the call?

18 A. Yes.

19 Q. You diverted yourself and you said it was because
20 you heard someone else had made some transmission over the
21 radio about a person walking along the road?

22 A. Yes, ma'am.

23 Q. You made a decision, rather than go to [REDACTED], you
24 went to try to look for that person; correct?

25 A. Yes, ma'am.

DEPUTY CHROBAK CROSS BY MS. JONES

1 Q. Do you recollect again how that description went
2 out?

3 A. I believe the deputy stated, on my way to the
4 house, I observed a male walking on the side of the road,
5 walking away from the residence a couple -- not a couple but
6 200 yards from the residence, I believe he said. In the
7 relative area.

8 Q. Do you recollect if that transmission dealt with
9 any clothing type or color?

10 A. Not that I know of. Not to my knowledge.

11 Q. What about that information made you divert
12 yourself?

13 A. It could've possibly been someone walking away from
14 the scene of the crime. It could've been -- any traffic in
15 that area could be a possible suspect.

16 Q. Then you indicated that you rode up on, for lack of
17 a better expression, the person who ends up being Mr. Brown,
18 there on the shoulder of the road walking; correct?

19 A. Yes, ma'am.

20 Q. Do you recollect what he was wearing?

21 A. Black pants, black jacket and a white T-shirt, I
22 believe.

23 Q. Do you remember anything else -- go ahead.

24 A. And a hat.

25 Q. You just observed your body cam. At the end of

DEPUTY CHROBAK CROSS BY MS. JONES

1 your body cam, someone -- after you tell them you have someone
2 detained, someone on the radio asked you what is he wearing.
3 Do you remember how you responded?

4 A. Probably wearing all black.

5 Q. Actually you said all black jumpsuit. Do you
6 remember that?

7 A. I do.

8 Q. Do you consider what Mr. Brown had on to be a
9 jumpsuit?

10 A. It appeared to be some sort of workout equipment,
11 so I figured it was a jumpsuit.

12 Q. As opposed to a sweatsuit or jogging suit?

13 A. To me those are one and the same.

14 Q. A jumpsuit doesn't have a connotation of a single
15 garment to you?

16 A. Not really.

17 Q. When you got back to -- I'm skipping to the very
18 end now. You've described this black jumpsuit. You ask
19 someone: Do you want me to bring him to the house?

20 A. Yes, ma'am.

21 Q. What happened there?

22 A. I brought him to the residence. I talked to Deputy
23 Bryant, and I was told to transport him to the jail.

24 Q. Did you get out of your vehicle?

25 A. I believe for a brief second to ask him to switch

DEPUTY CHROBAK CROSS BY MS. JONES

1 over to the passenger side. Put the seatbelt on him. That's
2 really about it. I didn't talk to anybody else on the scene
3 besides Deputy Parham who was taking pictures, and it was a
4 casual conversation at that point.

5 Q. Did you hand over items at that point?

6 A. I did.

7 Q. Did Mr. Brown have any interaction with anybody at
8 the scene other than you moved him and put the seatbelt on?

9 A. Yes, ma'am.

10 Q. That's all that he did.

11 Now, let's go back to the reason you actually
12 stopped Mr. Brown. You say you diverted your route to go look
13 for someone that another officer had seen walking on the
14 street. And you found him. Isn't that the reason why you
15 stopped him because someone else had observed him and you went
16 to find him?

17 A. As well as seeing him I had reason to believe that
18 he possibly might've been involved. In the area, not a lot of
19 foot traffic. Reasonable person would believe that might've
20 been involved.

21 Q. How close did you get to the house before you got
22 diverted, to [REDACTED]?

23 A. I diverted myself approximately half a mile from
24 that location. Maybe a couple minutes.

25 Q. Was that near the church?

DEPUTY CHROBAK CROSS BY MS. JONES

1 A. Yes, ma'am. The View Baptist church, yes, ma'am.
2 Mountain View.

3 Q. Is that where you indicate you had seen a vehicle
4 sitting and waiting?

5 A. I did not see the said vehicle. The person that
6 stated that they saw the male also saw that vehicle. I believe
7 that vehicle left prior to my arrival.

8 Q. You put in your report that you were advised not
9 only about the person walking but they had seen a white Honda
10 sitting there as though waiting on someone?

11 A. Yes, that's exactly what he stated.

12 Q. You passed the church before you reached the point
13 in the route that Mr. Brown was at; correct? Did you pass the
14 church and then run into him?

15 A. Uh-huh.

16 Q. The church is on this side of Spartanburg from
17 Horton Road, isn't it?

18 A. Uh-huh.

19 Q. You know this description and you see the man and
20 you stop him. You indicated in your response to Mr. Smith, you
21 counted down some reasons that you believe that made him
22 suspicious and why you believed you had reasonable suspicion
23 that he was involved, could be involved in this crime or this
24 case. One of them you said, number 3, he was very
25 stand-offish. How could you determine if this gentleman was

DEPUTY CHROBAK CROSS BY MS. JONES

1 stand-offish before you ever stopped him?

2 A. Whenever I first made contact with him, he said: I
3 didn't do anything.

4 Q. Yes, but remember this is a question about what are
5 your reasons for having reasonable suspicion and stopping him.
6 Not observations of his behavior after you made that decision.

7 A. Okay. I got you.

8 Q. What were your reasons that made you believe he
9 could be involved in this crime?

10 A. Walking down the road, approximately, I believe
11 they said 200 yards from the residence. That area is not very
12 populated while walking -- for walking traffic, excuse me.

13 Q. Are you saying now he's not -- where you
14 encountered him is not two-tenths of a mile, it's actually
15 actually 200 yards from the house?

16 A. That's where -- so 200 yards from the residence is
17 when that deputy saw him or saw that person walking away from
18 the residence. From when I got out with the person, it was .2
19 miles away.

20 Q. You don't recollect -- do you remember if there was
21 one transmission or two transmissions about the individual
22 walking on the road? Radio traffic before you stopped him. Do
23 you remember that?

24 A. Radio traffic from me or from another person?

25 Q. Like the other thing the cop said made you turn

DEPUTY CHROBAK CROSS BY MS. JONES

1 around and go look for him. Radio traffic from other officers
2 in the area.

3 A. I believe it was just the one to my knowledge. Go
4 ahead. I'm sorry.

5 Q. Do you remember someone saying there's a black
6 male, blue jean jacket, with dark pants, white T-shirt and
7 maybe a hat on?

8 A. To my knowledge I do not remember that.

9 Q. Do you remember saying black male dressed in all
10 black?

11 A. I do.

12 Q. Which one of those is the one you were diverting
13 yourself to go investigate? Do you actually remember?

14 A. To my knowledge it was just a black male walking
15 away from the scene.

16 Q. Back to your reasons for reasonable suspicion. You
17 believed that this person was involved in the crime was what
18 again?

19 A. Talking about a description?

20 Q. What were your reasons to believe Mr. Brown should
21 be stopped because he might be involved in the case?

22 A. He was relative to the area where the incident
23 occurred. Again, it's not a high foot traffic area. There's
24 no sidewalks. There's no people running around, walking around
25 on the side of the road.

DEPUTY CHROBAK CROSS BY MS. JONES

1 Q. And you believed you were looking for a black male?

2 A. The person stated a black male was the description,
3 yes.

4 Q. Were you ever given a description from the people
5 at the scene, either a resident or a witness at the scene?

6 A. The dispatcher gave us a description. I honestly
7 did not remember at the time. I believe I was on a different
8 channel.

9 Q. We won't get into that at this point.

10 Explain again the purpose of a Terry frisk.

11 A. Terry frisk is a patdown for weapons, if I have
12 reasonable suspicion to believe that they're armed and/or for
13 officer safety.

14 Q. You can do it even if you have no belief that
15 they're armed. You just do it to make sure they're not armed,
16 right, for your safety?

17 A. I also would like to have reasonable suspicion,
18 yes, ma'am.

19 Q. Did you have any of that here? Did you have any
20 reason to believe Mr. Brown was armed?

21 A. That's why I asked him if I could pat him down, and
22 he said yes.

23 Q. So you didn't ask initially. You told him you were
24 going to?

25 A. And then I asked him.

DEPUTY CHROBAK CROSS BY MS. JONES

1 Q. No. A second time. We'll get to that in a minute.

2 The first time you patted him down and you
3 encountered something on the left side pocket. But you went
4 all the way down to his ankles and came all the way back up and
5 then looked in his left pocket, did you not?

6 A. That was the second time, but --

7 Q. Did you watch the video?

8 A. I did, multiple times.

9 Q. The first time you go down and you say, oh, wait,
10 something is going to fall, something about sunglasses. You go
11 to his ankle and you come back up and it's visible on the
12 camera that you look in his pocket?

13 A. I shoved it back in. I didn't look in his pocket.

14 Q. That's not permissible under Terry. That would be
15 too comprehensive or too intrusive of a search, would it not?

16 A. For placing an item back into his pocket?

17 Q. Looking in the pocket?

18 A. Yes, ma'am.

19 Q. Then you go on and you try to get consent and he
20 refuses?

21 A. Yes, ma'am.

22 Q. You ask him his name and between the two of you
23 y'all finally get the first and last name spelling right. And
24 you enter it into a computer. That's where you testified you
25 found out where he lived. Why then was it important to you to

DEPUTY CHROBAK REDIR BY MR. SMITH

1 continue to ask him where he lived?

2 A. A lot of people don't change their address on
3 driver's licenses. They don't have current, updated
4 information.

5 Q. You indicated, when you realized he was from
6 Cemetery Street, which you know to be in the City of
7 Spartanburg, that stood out to you as suspicious. Didn't you
8 testify to that?

9 A. It did.

10 MS. JONES: Your Honor, that's all I have on this
11 point.

12 THE COURT: Any redirect?

13 REDIRECT EXAMINATION

14 BY MR. SMITH:

15 Q. The item that you apparently looked at, though your
16 head is not visible on a body cam, you were incorrect as to
17 what that item was; right?

18 A. I was.

19 Q. Once you actually pulled it out, it was different
20 than what you thought it was when you did whatever you did,
21 look in the pocket or whatever; right?

22 A. Yes.

23 Q. As far as asking where he lived, were you giving
24 him the benefit of the doubt to try to find out what was going
25 on?

DEPUTY CHROBAK RECROSS BY MS. JONES

1 A. I did try to get more information.

2 MR. SMITH: That's all I have.

3 Thank you, Your Honor.

4 MS. JONES: Just one follow-up to that.

5 RECROSS-EXAMINATION

6 BY MS. JONES:

7 Q. If he had indicated an address nearby, would that
8 have impacted your decisions that day?

9 A. My decisions on...

10 Q. Continuing to search, considering him a suspect?

11 A. It would have. It would have been another piece of
12 the puzzle.

13 MS. JONES: Thank you.

14 THE COURT: Anything else of this witness?

15 MR. SMITH: No, Your Honor.

16 THE WITNESS: Can't tell the future.

17 THE COURT: You don't have any of the exhibits, do
18 you?

19 THE WITNESS: No.

20 THE COURT: You can step down, sir. Watch your
21 step.

22 Anything else from the State?

23 (The witness exited the stand.)

24 MR. SMITH: We have his probation paperwork. I
25 have Erin Johnson under subpoena or I can get Agent Carswell to

DEPUTY CHROBAK RECROSS BY MS. JONES

1 walk over, if they have an objection to it. I would like to
2 make that an exhibit.

3 THE COURT: Any objection?

4 MS. JONES: For the motion hearing, I'll concede
5 that point. That's not necessary.

6 (STATE EXH. 8, Conditions of Probation, was marked
7 for identification and entered into evidence.)

8 THE COURT: Without objection.

9 Anything else from the State?

10 MR. SMITH: Your Honor, we have the 911 call. We
11 didn't put it in. I don't have any objection to it being
12 listened to. I didn't think it was relevant to the hearing.
13 If you want it, we do have that.

14 THE COURT: For the purpose of the suppression
15 hearing, I don't know that that's necessary. That exhibit,
16 it's okay. It can just be withdrawn.

17 MR. SMITH: She kind of answered the questions that
18 I think we were trying to flush out, off of the 911.

19 THE COURT: She being Ms. ...

20 MR. SMITH: Webber. We would not have any further
21 witnesses on this matter, Your Honor.

22 THE COURT: Ms. Jones.

23 MS. JONES: Your Honor, by way of argument, I would
24 say that the stop should be suppressed. I think the argument
25 as to reasonable suspicion is very thin. I think the officer

DEPUTY CHROBAK RECROSS BY MS. JONES

1 was looking for someone that he had heard another officer talk
2 about. All he could say was people don't walk in that area,
3 Your Honor. I'm not sure that's sufficient for reasonable
4 suspicion.

5 I don't think the subsequent -- for the same
6 reason, I think the subsequent probation search is also suspect
7 because that statute also requires a reasonable suspicion prior
8 to a warrantless search of someone on probation.

9 Your Honor, that's 24-21-410. I would make the
10 same argument for justifying the search based on the subsequent
11 information that he was on probation.

12 Your Honor, I do have an issue later on after this
13 as to Miranda and the time it comes and how many of the
14 statements, the questions that officer asked Mr. Brown prior to
15 Miranda he's going to be allowed -- they'll be allowed to use.
16 We can do that at another time, but that is an issue.

17 THE COURT: Anything else with regard to the
18 suppression motion by the Defendant regarding the Terry frisk
19 and search?

20 MR. SMITH: Your Honor, just brief argument.

21 I think I read a couple reasonable suspicion cases,
22 State v. Moore was one I read, 415 SC 245. Talks about, just
23 like probable cause is not readily or even used to reduce to a
24 neat set of legal rules. Exactly as Chrobak said, it's kind of
25 the totality of the circumstances is ultimately how these

DEPUTY CHROBAK RECROSS BY MS. JONES

1 things are to be evaluated, not looking at each fact and
2 individually defeating it as like, oh, he's walking down the
3 street. That's not suspicious on its own; it's the time of the
4 day, the street that it is, the fact that a burglary had just
5 occurred. All of those things need to be looked at in the
6 totality not as, I think the defense is wanting to do, as each
7 individual factor on its own in a vacuum.

8 I also know in Fourth Amendment cases, the
9 depravation that's done. And the initial stop, obviously is
10 the lowest amount of information he has is at the initial stop.
11 He does know that a burglary has just occurred. He's within a
12 half mile of the burglary. He's within ten to 12 minutes of it
13 happening. It is reasonable.

14 It's completely reasonable for him to think that
15 this person could be involved in it and to at least have a
16 conversation with him, which is how it started is essentially:
17 Hey, what are you doing, why are you here. Very general
18 questions. They didn't involve a search. They involved, I
19 guess, a slight seizure. Depending on how the interaction
20 could go, I imagine that it would have, if the circumstances
21 were different, it would've been a much more brief interaction.

22 He's also dressed in all black. Obviously, people
23 can wear black clothing if they want. It's not a well lit
24 road, there's no sidewalks. It's dangerous. There's cars
25 passing by. That's the initial point. We think all that is

DEPUTY CHROBAK RECROSS BY MS. JONES

1 reasonable.

2 Really, from that point forward it gets even more
3 reasonable. Everything he does is more reasonable. I actually
4 think that he gives Mr. Brown the benefit of the doubt like
5 finding out he lives on Cemetery Street and then asking him
6 where he lives is an opportunity to find more information and
7 not just jump to the conclusion, oh, he's 25 minutes away from
8 his home; therefore, he's guilty.

9 The same thing, they try to argue that he's
10 exceeding the scope of the search by kind of looking at the
11 remote. He doesn't even correctly identify what that is. He
12 actually has his hands on the stolen property and continues his
13 investigation to get more evidence to actually justify the
14 search, which is, of course, finding out that he's on
15 probation.

16 Once he does stop him prior to the search, not only
17 is it the person that's been seen leaving the scene, he gets
18 this weird story about how he's been dropped off by his
19 girlfriend. There's really nothing there that one would get
20 dropped off at.

21 He is stand-offish. Of course, he has the right to
22 be stand-offish. The police also have the right to use their
23 training and experience and factor that into their equation
24 about what might be going on with Mr. Brown.

25 Obviously, he asks. He is curious. You can see

DEPUTY CHROBAK RECROSS BY MS. JONES

1 that. He asks if he can search further. He gets denied. Then
2 is when he runs probation. He verbally confirms that with
3 Mr. Brown. He is on for felonies that subject him to the
4 statute.

5 At that point, we also believe that reasonable
6 suspicion had existed before. Certainly when he's then on the
7 probation for the very crimes the officer is investigating,
8 that rose to the level of reasonable suspicion, which is not a
9 high bar.

10 A lot of the reasonable suspicion cases are
11 anonymous tipsters saying there's guys in parking lots selling
12 drugs. When the officers run up, people run away, and they
13 chase them down. They don't know anything other than there's
14 people in a parking lot. Some of those cases are struck down.
15 Some of them have gotten through. This one has, in my
16 estimation, more than most of the cases that I read.

17 Your Honor, we have to factor in both Webbers, both
18 Chrobak's testimony, both having lived in that area for 20-plus
19 years when we're considering the reasonableness of him being
20 out for a walk or whatever or being lost from his girlfriend
21 and how that would be perceived.

22 Thank you, Your Honor.

23 THE COURT: One more thing. The deputy did sit
24 down next to the other deputy. I don't know. Do y'all want
25 him -- I'm assuming he needs to go back outside now, needs to

DEPUTY CHROBAK RECROSS BY MS. JONES

1 be sequestered?

2 MS. JONES: Yes, ma'am.

3 THE COURT: Sir, if you'll walk back out, please.

4 Let me have the lawyers come up for just a moment.

5 (Off-the-record discussion.)

6 THE COURT: The next matter, please.

7 MS. JONES: Your Honor, in light of the fact The
8 Court has already seen the video, this is an issue that can be
9 argued without testimony, I believe, because on the video --

10 THE COURT: The video that has been placed into
11 evidence?

12 MS. JONES: Yes, ma'am. I apologize.

13 Number six, that it deals with the point at which,
14 during the detention, ultimate arrest of Mr. Brown, that
15 Officer Chrobak gave him his Miranda warnings because all
16 questions prior to that, questions -- I do understand the
17 difference between a contemporaneous statement made by
18 Mr. Brown not as an answer to a question. Questions made by
19 the officer prior to Miranda are not admissible. Mr. Brown was
20 in detention at that time and wasn't free to leave.

21 THE COURT: This is a statement regarding the
22 ownership of the -- it was not a billfold, it was a wallet.

23 MS. JONES: They called it a wallet. Yes, ma'am.
24 That particular question is time stamped. If you use the
25 bottom, not those numbers that are out of sequence at the top

DEPUTY CHROBAK RECROSS BY MS. JONES

1 corner, it's at 5:03. Officer Chrobak says: Whose wallet is
2 this?

3 That's when Mr. Brown starts talking about, it's my
4 girl, and I think even something else about her people.

5 THE COURT: Mr. Smith.

6 MR. SMITH: Your Honor, the State's argument being
7 this is closer to a traffic stop, although he's not in a car.
8 It's more akin to a traffic stop and an investigation that
9 would occur in a traffic stop. People can be asked out of
10 their vehicles, people can be questioned without Miranda being
11 triggered, though they are technically not free to leave.

12 He's not in handcuffs, he's not in the back of the
13 car. He's actually very clear at which point he does put him
14 in detention. I guess after the answer that he gives.

15 We would say that it's more, definitely more akin
16 to a traffic stop rather than a custodial interrogation. That
17 would be our position on it, Your Honor.

18 THE COURT: Anything else?

19 MS. JONES: Only briefly. It's five minutes into
20 this encounter after he has already determined he's on
21 probation and he started -- he searched him for the second
22 time.

23 THE COURT: Anything else as to that?

24 MS. JONES: No, ma'am.

25 MR. SMITH: No, ma'am.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 THE COURT: Anything else?

2 MS. JONES: No, ma'am.

3 THE COURT: Mr. Smith?

4 MR. SMITH: Your Honor, I had a motion in limine,
5 just not knowing where they're going on opening. They have
6 Judge Burns on their witness list. In talking with Deputy
7 Bryant, he was initially charged with receiving stolen goods.
8 He went to a magistrate, the magistrate gave him receiving
9 stolen goods, would not give him the burglary.

10 He went to another magistrate and got the burglary
11 and the petit larceny after talking with his supervisors,
12 thinking he had more evidence than the magistrate had given him
13 and a different magistrate then issued those warrants.

14 The State's position is all of that is irrelevant
15 and should not come in, should not be allowed in opening,
16 should not be allowed in questioning. The State does not get
17 to present to the jury that this case was approved by the
18 magistrate, approved by the grand jury, indicted by the
19 Solicitor and all those things to bolster the case.

20 They should not be able to use whatever happened.
21 The case has been indicted by the Grand Jury. The warrant was
22 issued by a magistrate and all those things would tend to
23 confuse the jury and have no relevance to the case. That's why
24 we assume that he's on the witness list. If I'm wrong, I'm
25 sorry. Just trying to protect our case.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 MS. JONES: First of all, that was not going to be
2 a topic I was going to discuss in opening so it didn't really
3 have to --

4 THE COURT: We don't have to take it up right now?

5 MS. JONES: Yes, ma'am, that's true.

6 THE COURT: Let's just see where it goes then. If
7 I need to hear his testimony in camera after we get started, we
8 can. Counsel has agreed that, that would not be something used
9 in opening. Okay?

10 MR. SMITH: Yes, ma'am.

11 THE COURT: Or used until that witness testifies.

12 Give me just a minute then. I'll be right back.
13 Thank you all for your excellent presentations. I can tell
14 that y'all are very well prepared. I do appreciate it. I'll
15 be back in just a moment.

16 (A recess transpired from 2:52 p.m. until 3:01
17 p.m.)

18 THE COURT: We're back on the record with regards
19 to the matter of State versus Keith Vincent Brown. I have
20 heard the pretrial motions. And with regard to the motion to
21 suppress the items of the wallet and remote, I am denying that
22 motion. I believe that the officer had a reasonable suspicion
23 to make the stop and frisk.

24 And with regard to the statement or the question
25 regarding whose wallet is this or who does this belong to, I am

DEPUTY CHROBAK RECROSS BY MS. JONES

1 granting the Defendant's motion to suppress that statement. I
2 guess it would be the question and the answer, okay, because
3 Mr. Brown had not yet been Mirandized. That is my ruling.

4 We're going to now have the jury. As y'all know, I
5 do a brief intro after they're sworn. Then you all will begin
6 your opening statements. Do y'all need a moment to prepare? I
7 know you are very well experienced. If you need a moment, I'll
8 give you five.

9 MR. SMITH: I had one thing. There is a witness we
10 anticipate on calling. I did not put on the witness list.
11 Something I thought about. Her name is Thalisa Parker. She's
12 the black lady that was sitting back here. If we can ask the
13 jury if he knows her before her testimony. We'll just have to
14 deal with it, depending on what their answer is. She actually
15 resides in the home. It's T-H-A Lisa. She goes by Lisa.
16 Thalisa.

17 THE COURT: What's the last name?

18 MR. SMITH: Parker.

19 THE COURT: One moment. Ms. Jones, your position
20 on Ms. Parker?

21 MS. JONES: Obviously, normally, I can't block
22 their witnesses. As long as Your Honor inquires of the panel.

23 THE COURT: We may need for her, since we didn't
24 really ask it with the whole group, may need for her to come in
25 for that purpose. It probably helps.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 that, at the end of the trial, you will be able to determine
2 the facts and apply those or apply the law to them to the facts
3 and render your verdict.

4 Now, in order to preserve everyone's rights, I will
5 give the parties an opportunity to object to anything that I
6 have just said. Any objection by the State?

7 MR. SMITH: No, ma'am.

8 THE COURT: Any by the Defendant?

9 MS. JONES: No, ma'am.

10 THE COURT: Thank you-all very much for your
11 attention. We will now begin the trial. Mr. Henderson.

12 MR. HENDERSON: Thank you, Your Honor. May it
13 please The Court, opposing Counsel.

14 A hand in the cookie jar. It's an old saying. A
15 saying that the timing and the circumstances behind someone
16 being at a certain place indicate that they may not belong
17 there.

18 That is what this case is about. Someone has been
19 caught with their hand in the cookie jaw, the proverbial crumbs
20 spread all around. My name is Matt Henderson. I'm an
21 Assistant Solicitor here in Spartanburg County. I'm joined
22 today by Mr. Spenser Smith.

23 The Defendant today is charged with two crimes;
24 burglary in the first degree and petit larceny. Now I'll
25 briefly summarize the elements of those crimes. Burglary, in

DEPUTY CHROBAK RECROSS BY MS. JONES

1 the first degree is defined as entering the dwelling of another
2 without consent with intent to commit a crime therein with
3 these circumstances; one of two aggravating factors. Either it
4 occurred at nighttime or there's been two convictions for
5 burglary on the Defendant's record.

6 In addition, there's petit larceny, which is
7 defined as the stealing of another's property, valued \$2,000 or
8 less. As the State, we bear the burden of proving every
9 element of the crime beyond a reasonable doubt. Emphasis being
10 reasonable doubt.

11 Now, today you'll hear the testimony of a few
12 witnesses, one of which will be Ms. Jessica Webber. She will
13 testify that, on October 5, 2021, at around 8:00 on Parris
14 Bridge Road, right next to her house, she saw a car and two
15 individuals parked outside of her sister's home.

16 She saw the car, and a lady inside of it parked
17 around back. And she knew that these individuals were not
18 supposed to be there. She saw one lady in the car and a
19 gentleman standing in the doorway within the house.

20 Now, she went to her husband and they called
21 police. And then they staked themselves out so that they could
22 see the entrances and the exits of the house. As they did
23 this, one woman attempted to leave. They confronted her and
24 then she proceeds to leave but confirmed to them that there was
25 someone inside the house, and that he was male.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 They then did not see the gentleman ever leave the
2 house. Instead he exited a different way.

3 You'll also hear from a Deputy Chrobak who will say
4 that, as he was responding to the call, that he spotted the
5 Defendant walking away from the scene of the crime on rural
6 Parris Bridge Road within Spartanburg County, headed towards
7 Spartanburg and Highway 9, just a short distance from the scene
8 of the crime.

9 Now, Chrobak spotted the witness, dressed in black,
10 walking away from the scene at around 8:00. And he stopped him
11 based off of this. Deputy Chrobak searched the Defendant, and
12 he found two items of note; a TV remote that belonged to the
13 house that had just been burglarized and, two, a wallet bearing
14 pictures of the victim whose house burglarized family in it as
15 well as a Social Security card for her relative.

16 Now, in the beginning, I told you about this being
17 a scenario of someone having their hand in the cookie jar,
18 about timing and circumstances and catching someone with their
19 hand in the proverbial cookie jar with crumbs spread all around
20 them. That is what this case is about.

21 I ask you to listen to the evidence presented by
22 the State and that may be presented by the defense. I ask that
23 you weigh it. And when you do, I'm confident that you will
24 find, based on the facts and circumstances, the Defendant is
25 guilty beyond a reasonable doubt. Thank you.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 THE COURT: Ms. Jones.

2 MS. JONES: Thank you, Your Honor.

3 Madam forelady, ladies and gentlemen of the jury,
4 I'm Beverly Jones.

5 THE COURT: I've not yet selected the foreperson.

6 MS. JONES: Sorry. Hopeful thinking for you.

7 Ladies and gentlemen of the jury, I'm Beverly
8 Jones. I'm an attorney with the public defender's office. I
9 have been with the public defender's office for, gosh, 14 years
10 now, 15 years now. At the chance of dating myself, I will tell
11 you I've done criminal work for over 30 years.

12 In doing that, you get to a point where I don't --
13 no offense, very capable and able Solicitor, we don't write our
14 openings down when we've done it this long.

15 This is a very important day for my client, Keith
16 Brown. He is 55 years of age. He's a life-long resident of
17 Spartanburg. At the time of this event he lived with his
18 mother here in Spartanburg, and he was employed in the
19 restaurant industry.

20 As Judge Knie says, this is a very important system
21 because it's the cornerstone of our justice system in our
22 country, and it's very important to Mr. Brown.

23 As you may have observed when we were picking the
24 jury, he sat very close with me. We conferred, and he
25 assisted, and we chose y'all as jurors together. He and I have

DEPUTY CHROBAK RECROSS BY MS. JONES

1 faith in your ability, your attentiveness, and we recognize
2 that each one of you, no matter what you do in your job, how
3 old you are, how young you are, what part of the county you
4 live in, you have your life experiences and your common sense.
5 And you're going to bring your common sense into this courtroom
6 as this case is being tried.

7 Now, this is a case about a break-in at a house.
8 But I can tell you that no one from the witness stand -- this
9 is where evidence is received from in the form of testimony.
10 No one is going to sit here and tell you that they saw Keith
11 Brown in that house that night.

12 It's very likely, as you've already experienced
13 because you were picked yesterday and now it's after 3:30, it
14 is very likely that the trial of this case in its entirety is
15 going to take much longer than the Sheriff's Department's
16 investigation in this case was. As you hear the witnesses
17 about this case, I think that will be borne out to you.

18 Again, as I stated, it's very important day for
19 Mr. Brown and few days as you are here, hearing the evidence.
20 The Judge has given you an opening instruction about your
21 duties as jurors. She also told you about the fact that the
22 State has the burden of proof.

23 She will instruct you that, if there are doubts in
24 any case, in this case as you begin your deliberation, those
25 doubts have to be resolved in the favor of Mr. Brown. He asks

JESSICA WEBBER DIR BY MR. SMITH

1 nothing more of you than that; to hold yourself to your duty,
2 follow the Judge's instruction, and you will have discharged
3 your duty, and Mr. Brown will thank you.

4 THE COURT: Thank you. Mr. Smith.

5 MR. SMITH: The State calls Jessica Webber.

6 (The witness entered the room.)

7 THE COURT: Ma'am, if you'll please come forward
8 and be sworn by our deputy clerk.

9 THE CLERK: Raise your right hand and place your
10 left hand on the Bible.

11 JESSICA WEBBER

12 being first duly sworn, testified as follows:

13 THE COURT: Ma'am, if you would state your full
14 name for the record and spell your last.

15 THE WITNESS: Jessica Webber, W-E-B-B-E-R.

16 THE COURT: Thank you. Direct examination.

17 DIRECT EXAMINATION

18 BY MR. SMITH:

19 Q. Ms. Webber, what's your relation to Kari Wall or
20 Kari Humphries?

21 A. She's my sister.

22 Q. Is her home the home that was burglarized in this
23 case?

24 A. Yes.

25 Q. Do you live around that area as well?

JESSICA WEBBER DIR BY MR. SMITH

1 A. I live next door.

2 Q. Is this location in Spartanburg County?

3 A. Yes.

4 Q. How long have you lived in, generally, in that area
5 of Chesnee?

6 A. Twenty years. And then moved away for a
7 year-and-a-half and came back for the last 18.

8 Q. Can you kind of describe the type of neighborhood
9 or community that it is.

10 A. Most of the people who live around us are our
11 family. We're in a rural area. There's one upholstery shop
12 near us. No other businesses. Just houses.

13 Q. Is it tight knit amongst the people that live
14 there?

15 A. Yeah, we know pretty much who's around us.

16 Q. When you say it's rural, are there houses in close
17 proximity to each other or are they generally far away?

18 A. It varies. Some are right next door, some are, you
19 know, separated by fields and trees, I mean.

20 Q. It's not like a community that you turn into. It's
21 off of Parris Bridge Road?

22 A. No, it's not a housing community.

23 Q. What were you doing on the night of October 5,
24 2021?

25 A. My husband and my children and I had been out to

JESSICA WEBBER DIR BY MR. SMITH

1 Westgate. We were returning back home about 8:00.

2 Q. How old were your children at the time?

3 A. Eleven and 14.

4 Q. So you're coming from Spartanburg. That's Parris
5 Bridge Road goes, I guess, north and south?

6 A. It goes towards North Carolina or towards
7 Spartanburg, yes.

8 Q. What, if anything, did you notice when you drove
9 past your sister's house?

10 A. I noticed that the front door was standing open and
11 that there was a vehicle backed up to the back porch.

12 Q. This is probably obvious. Your house is further
13 down Parris Bridge. You pass your sister's on your way to
14 yours?

15 A. Yes.

16 Q. You said you noticed. Was that unusual, the front
17 door and the vehicle being parked there?

18 A. Yes, they don't leave the front -- the solid wood
19 door, they don't leave that open because the dog knows how to
20 open the glass door. That's always shut even if they are home.

21 Q. Who do you know to reside in that residence?

22 A. At the time it was Lisa Parker. She was living by
23 herself then.

24 Q. Did your sister go to that house?

25 A. Yes, she came and went regularly. She saw massage

JESSICA WEBBER DIR BY MR. SMITH

1 clients in her house.

2 Q. Do you know Lisa Parker's relation to your sister
3 or to you?

4 A. I consider her my family, but she's a friend of the
5 family.

6 Q. Close, long-time friend?

7 A. Yes.

8 Q. Do you know the vehicles that are generally parked
9 at that house?

10 A. Absolutely.

11 Q. Was the vehicle that you saw one that you were
12 familiar with?

13 A. No.

14 Q. Was it the type of vehicle or the location of the
15 vehicle or both that brought your attention?

16 A. Both really. Lisa always parked at the front of
17 the house. She drives a small sedan. And this was an SUV that
18 was backed up to the back porch.

19 Q. I'm going to show you State's 1, 2, and 3 and ask
20 if you can just tell me what these are.

21 A. The front of my sister's house. My sister's front
22 door. And a side view of my sister's house.

23 Q. Do these fairly and accurately represent what it
24 looked like that night?

25 A. Yes.

JESSICA WEBBER DIR BY MR. SMITH

1 MR. SMITH: Your Honor, at this time we move
2 State's 1 through 3 into evidence with permission to publish.

3 MS. JONES: No objection.

4 THE COURT: Those will be marked as State's 1, 2,
5 and 3 into evidence without objection.

6 (STATE'S EXH. 1, Photograph, was entered into
7 evidence.)

8 (STATE'S EXH. 2, Photograph, was entered into
9 evidence.)

10 (STATE'S EXH. 3, Photograph, was entered into
11 evidence.)

12 BY MR. SMITH:

13 Q. This is State's 1. Is this the one you said was
14 the front of your sister's house?

15 A. Yes.

16 Q. You said that the front door is open. Is this,
17 basically, as you saw it?

18 A. Yes.

19 Q. Glass door closed but wooden door, whatever it is,
20 is opened. You said that is atypical?

21 A. Yes, very unusual.

22 Q. This is State's Exhibit 2. Just a closer version
23 of the front door; right?

24 A. Yes.

25 Q. And then this is State's Exhibit 3. Can you

JESSICA WEBBER DIR BY MR. SMITH

1 describe to the jury where the vehicle that you saw was located
2 in this picture?

3 A. Kind of hard to see in the picture, but there's a
4 set of steps there where his finger is, and that leads up to
5 the back porch. This is the side, going around to the back of
6 the house.

7 Q. Little bit better?

8 A. Yeah.

9 Q. How was the vehicle parked in relation to that
10 staircase?

11 A. It was backed up to the steps.

12 Q. Did it have a trunk open or anything like that?

13 A. I didn't notice that.

14 Q. What did you do at this point after noticing these
15 two things as you passed by?

16 A. As we passed by, I noticed that there was a car
17 there that I did not recognize. Since my house is just the
18 next one, I told my husband, I said: Something is not right.
19 I don't know that car. Go back and see who that is.

20 And so we turned around and went back.

21 Q. Did you call 911 at that point?

22 A. No. I called 911 after I saw a man standing in the
23 hallway.

24 Q. I'm sorry if I got ahead of myself. You and your
25 husband, did you drop the kids off or they came back with you?

JESSICA WEBBER DIR BY MR. SMITH

1 A. No, our driveway is a circle, so we just circled
2 around and went right back.

3 Q. What did you see when you get back to the house for
4 the second time?

5 A. We saw a man standing in the hallway. He was
6 walking towards the front door. When he saw us, he turned
7 around and walked back up the hallway, into the living room.

8 Q. What, if anything, did you notice about that man?

9 A. Looked like his pants were slam full of stuff.

10 Q. Anything else?

11 A. (Witness moves head from side to side).

12 Q. You did not recognize him?

13 A. No, I did not recognize him.

14 Q. What did he do upon seeing you, if he saw you?

15 A. He very calmly turned around and walked towards the
16 back of the house like there was no urgency. Just walked away.

17 Q. What did you do at that point?

18 A. I called 911.

19 Q. I'm going to show you State's Exhibit 4 and ask you
20 if you can identify what this is.

21 A. It's a 911 call.

22 Q. You reviewed it prior to testifying here today?

23 A. I did.

24 MR. SMITH: Your Honor, at this time we would move
25 State's Exhibit 4 into evidence.

JESSICA WEBBER DIR BY MR. SMITH

1 THE COURT: Any objection?

2 MS. JONES: No, ma'am, no objection.

3 THE COURT: State's 4 in without objection. It's
4 the 911?

5 MR. SMITH: Yes, ma'am.

6 THE COURT: It can be published.

7 (STATE'S EXH. 4, Compact Disc, was entered into
8 evidence.)

9 (Audio played. Not transcribed.)

10 BY MR. SMITH:

11 Q. I think -- I don't know what happened. There's a
12 little bit more on that call. You ended the phone call when
13 law enforcement got there; correct?

14 A. I did.

15 Q. At any point, listening to the 911 call, did you
16 describe him other than as a man. Is that about the best you
17 got?

18 A. Yes, I was definitely in a state of panic.

19 Q. What else was going on at the scene besides this?

20 A. While I called 911, we were all unarmed. We did
21 not know what this person had. And so while I was on the phone
22 with 911, my husband was on the phone with my mom and dad so
23 they could come with a gun and, you know.

24 Q. Did your dad ultimately arrive?

25 A. He did.

JESSICA WEBBER DIR BY MR. SMITH

1 Q. What about law enforcement? They arrived?

2 A. They did.

3 Q. How long is it that you estimate from when you made
4 the phone call to when they got up there?

5 A. Daddy showed up about five to six minutes into that
6 call maybe, and law enforcement seven to eight minutes in.
7 They were just minutes apart.

8 Q. Was it nighttime out --

9 A. Yes.

10 Q. -- when this all occurred?

11 A. Yes.

12 Q. What happened with the vehicle? I think the
13 vehicle was gone when you started this. Tell me what happened
14 with the vehicle.

15 A. Once we pulled into the front circle and we could
16 see him coming down the hall and then he turned and went back
17 into the house, the vehicle -- there's actually more than one
18 driveway to this house. The vehicle was in the second
19 driveway. So they pulled out of the second driveway. She
20 pulled into Parris Bridge Road and stopped her car. And then
21 she rolled the window down and said something about them having
22 car trouble. So I did a little bit of screaming and I said:
23 Why is he in the house?

24 And she said: I don't know. That's on him.

25 And I said: Tell him to get out. To get out now.

JESSICA WEBBER DIR BY MR. SMITH

1 And then she drove away.

2 Q. Did you see anybody else in the vehicle?

3 A. No.

4 Q. Would you have been able to see if anybody had
5 gotten into that vehicle?

6 A. Yes.

7 Q. You and your husband attempt to try to keep him
8 somewhat fenced in or keep an eye on him, if anybody left?

9 A. We did not get out of the vehicle until my dad
10 showed up with a gun.

11 Q. Were you trying to watch to see if anybody ran --

12 A. Yes, we were watching.

13 Q. Did you at any point see anybody run away --

14 A. No.

15 Q. -- from the house?

16 Were you there when law enforcement searched the
17 house?

18 A. Yes.

19 Q. Did they find anybody?

20 A. No one.

21 Q. How many entrances and exits are there from that
22 house?

23 A. Two. There's a front door and then a back door on
24 that deck that they were backed up to.

25 Q. I guess I mean like formal entrances --

JESSICA WEBBER CROSS BY MS. JONES

1 A. Not windows.

2 Q. -- not windows that were broken or something.

3 Please answer any questions Ms. Jones might have.

4 THE COURT: Mr. Smith, can you turn off the light.

5 MR. SMITH: Yes, ma'am, I can turn off the whole
6 thing.

7 CROSS-EXAMINATION

8 BY MS. JONES:

9 Q. Ms. Webber, how are you doing this afternoon?

10 A. I am doing well.

11 Q. Pardon me?

12 A. I'm well.

13 Q. I'm glad.

14 When you called 911, you described as you have done
15 here, seeing someone you believed was a male walk down the
16 hall, turn around and go back into the home. Did -- you
17 recollect, don't you, the 911 operator asked you two different
18 times if you could tell whether this person was white, black,
19 Hispanic, or Asian? Do you recollect that questioning?

20 A. Yes, I heard it, yes.

21 Q. Twice -- I don't know if we heard it once or twice
22 on the segment we got. Two different times you told them you
23 could not say?

24 A. Right.

25 Q. And you also were asked specifically if you could

JESSICA WEBBER CROSS BY MS. JONES

1 describe the clothing, and you said: I can't do that.

2 Same as you said with regard to the woman in the
3 vehicle that left. You said: I don't know, she was in a car,
4 I think was your exact answer to that one.

5 A. Well, I mean, it was dark. I could see her hands
6 on the steering wheel. That's about it.

7 Q. Right. You just said: I don't know, she's in a
8 car.

9 Now, you gave a statement to the police later that
10 night, about an hour or two, an hour-and-a-half. In that
11 statement you described the individual as a black male. Can
12 you explain why you knew it an hour later but you didn't know
13 it right then when you were looking at the person?

14 A. I can only say that I was very panicked when I was
15 talking to the 911 operator. As things started to calm down, I
16 could recollect what I saw.

17 Q. In that little half page statement that you gave
18 later, you still didn't describe any clothing or anything
19 else or more detail?

20 A. I still can't say what he had on or anything like
21 that.

22 Q. The vehicle that was sitting in the side driveway,
23 you said was backed in?

24 A. Yes.

25 Q. But you did not see any doors opened?

JESSICA WEBBER CROSS BY MS. JONES

1 A. No.

2 Q. At the time you saw the vehicle or later, did you
3 see if the door at the top of the stairwell there, into the
4 house, little deck I think is what you call it, was it open?

5 A. You can't see that far. It's on around the side of
6 the house.

7 Q. Then on the other end of the house -- we're looking
8 at it like this from the road, the other end of the house
9 actually has a deck on it, doesn't it --

10 A. No, it is only the front door and a back door.

11 Q. -- a little walkway to the side?

12 A. There's only a front door and a back door.

13 Q. So you consider the one or the side, the back door?

14 A. Yes, the back of the house.

15 Q. The picture that you were shown has a light on in
16 the back of the house?

17 A. Right.

18 Q. Is that exactly how it was when you and your
19 husband drove by both times?

20 A. Yes.

21 Q. Did you notice it the first time?

22 A. Yes.

23 Q. No one that lived there was home that night;
24 correct?

25 A. Correct.

JESSICA WEBBER CROSS BY MS. JONES

1 Q. Not yet anyway?

2 A. Right.

3 Q. Is it customary for them to leave lights on?

4 A. I don't know.

5 Q. Well, you live next door. I thought y'all -- don't
6 take offense. You pretty much know when people coming and
7 going 'cause you're right there?

8 A. We'll call it 50/50 then; sometimes the light is
9 on, sometimes it is not.

10 Q. Is it the same with the porch light that's on?

11 A. Yes.

12 Q. You've made a point to indicate that -- this was
13 unusual because the wooden door was open. There is another
14 door in front of it, though, a storm door, a glass door;
15 correct?

16 A. Yes.

17 Q. You were asked by the dispatcher about how they got
18 in and you replied, quite candidly: Well, the door is
19 unlocked.

20 A. The front door is always unlocked.

21 Q. There's a dog in the home; correct?

22 A. Yes.

23 Q. What kind of dog is it?

24 A. Some kind of bulldog thing. Maybe a pit mix. I
25 don't know. She's white with brown spots and has a very large

JESSICA WEBBER CROSS BY MS. JONES

1 smile.

2 Q. Part of the background noise in this portion of the
3 911 we just saw is due to the fact that your husband is in the
4 truck with you and you've also got two children. At various
5 points we're hearing you say, stop, no. You're probably either
6 talking to your husband or your children; correct?

7 A. Yes.

8 Q. You were not talking to 911?

9 A. Yes.

10 Q. It appears he is also talking to somebody on a cell
11 phone at the same time. Does that account for some of that
12 background noise?

13 A. Yes.

14 Q. You indicate that through the -- I don't know,
15 panic was your word -- of the moment or the excitement of the
16 moment, you could not notice the clothing of the individual but
17 you did make an observation that there were bulging pockets?

18 A. Very large pants and they looked very full.

19 Q. Large pants that looked very full?

20 A. Like they were stuffed full of things.

21 Q. That is not something you told 911, is it?

22 A. Didn't sound like it, no.

23 Q. You did not write that in your statement either,
24 did you?

25 A. No.

JESSICA WEBBER CROSS BY MS. JONES

1 Q. Ms. Webber, with regard to the vehicle that left,
2 were you able to get a license tag off the vehicle as they
3 left?

4 A. No.

5 Q. You provided the information we heard to 911. Did
6 anybody ever give you any other feedback or information about
7 any attempts to find the vehicle?

8 A. No.

9 MS. JONES: Thank you. That's all.

10 THE COURT: Any redirect?

11 MR. SMITH: No, Your Honor.

12 THE COURT: Any objection to this witness being
13 excused?

14 MR. SMITH: None from the State.

15 MS. JONES: None, Your Honor.

16 THE COURT: Ma'am, you are free to go if that is
17 your wish. Please step down.

18 (The witness exited the stand.)

19 MR. SMITH: State would call Trey Webber.

20 THE COURT: Otherwise, is there any objection to
21 the witness, Ms. Webber, staying in the courtroom?

22 MS. JONES: No, ma'am.

23 MR. SMITH: No, ma'am.

24 THE COURT: Thank you.

25 While they're coming in, if you-all do need water,

WILLIAM WEBBER DIR BY MR. SMITH

1 we put some there. If we need more, the bailiffs can get it
2 for you, okay?

3 (The witness entered the courtroom).

4 THE COURT: Sir, if you'll please come forward.

5 THE CLERK: Place your left hand on the Bible,
6 raise your right.

7 WILLIAM WEBBER

8 being first duly sworn, testified as follows:

9 THE CLERK: Have a seat there, please.

10 THE COURT: Sir, if you'll state your full name and
11 spell your last for the record.

12 THE WITNESS: William Webber, W-E-B-B-E-R.

13 THE COURT: Direct examination.

14 MR. SMITH: Yes, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. SMITH:

17 Q. Mr. Webber, are you married to Jessica that just
18 testified?

19 A. Yes.

20 Q. You live with her in the address on Parris Bridge
21 Road that she mentioned?

22 A. Yes.

23 Q. Can you describe what you saw on the evening of
24 October 5, 2021.

25 A. Yes.

WILLIAM WEBBER DIR BY MR. SMITH

1 Q. Please do.

2 A. We were coming back from Westgate.

3 MS. JONES: Your Honor, can he speak up. I can't
4 hear him.

5 THE WITNESS: We were coming back from Westgate.

6 THE COURT: Is that better?

7 MS. JONES: Yes, ma'am.

8 THE WITNESS: It was after dark. We passed by my
9 sister-in-law's house, noticed a vehicle parked on the side
10 drive. We pulled in our driveway and turned around and went
11 back because that was unusual. When we pulled in, we noticed
12 somebody was in the house, about to come out of the house.

13 BY MR. SMITH:

14 Q. Did you notice anything about the person that you
15 saw inside the house?

16 A. No, sir.

17 Q. About race or fat, skinny? Nothing?

18 A. It was dark. The hall light in the back, in the
19 background.

20 Q. This is State's Exhibit 2. Let me switch over.

21 And you can look at it, too.

22 Is that where you saw the man through this hallway?

23 A. Yes, sir.

24 Q. Which is the front door of the house?

25 A. Yes.

WILLIAM WEBBER DIR BY MR. SMITH

1 Q. In State's Exhibit 1. You're saying he was
2 backlit. That would obscure your view of him?

3 A. Yes.

4 Q. What did you observe him to do after you saw that
5 man?

6 A. He turned around and went back towards the back of
7 the house.

8 Q. What did y'all do at that point?

9 A. At that point, the vehicle that was parked on the
10 side, pulled out and stopped in the middle of the road and
11 rolled her window down and was telling us they were having car
12 trouble, which we didn't think was correct because somebody was
13 in the house. And my wife called 911, and I called my
14 father-in-law.

15 Q. Does he live nearby?

16 A. Yes.

17 Q. What was the purpose of calling him?

18 A. I did not have a concealed weapon on me. I didn't
19 feel safe enough to approach the house, so I called him to come
20 and give support.

21 Q. He was going to bring a weapon --

22 A. Yes.

23 Q. -- of some sort?

24 Do you recall about how quickly father-in-law got
25 there and then the police thereafter?

WILLIAM WEBBER DIR BY MR. SMITH

1 A. After I called my father-in-law, just a couple
2 minutes.

3 Q. And were the police shortly after him?

4 A. Police were shortly after, yes.

5 Q. At any point did you witness a person leave that
6 house?

7 A. No, sir.

8 Q. Were you able to see the car and if anybody else
9 was in it when they left, at least sitting upright or
10 something?

11 A. Yes. I was able to see the car, yes.

12 Q. Did you notice how many passengers were in it? How
13 many people did you see?

14 A. Just the driver.

15 Q. Were you able from your vantage point to see if
16 anybody else had gotten into that car?

17 A. No, sir.

18 Q. You weren't able to see it or, no, you didn't see
19 anybody get in?

20 A. I didn't see anybody else get in.

21 Q. Where did you end up -- did you end up kind of
22 trying to surround the house when your father-in-law gets
23 there?

24 A. No, sir. I stayed at my truck, which was parked in
25 the front.

WILLIAM WEBBER CROSS BY MS. JONES

1 Q. Were you just kind of watching to see?

2 A. Yes.

3 Q. This location is in Spartanburg County; correct?

4 A. Yes.

5 MR. SMITH: That's all the questions I have.

6 Answer whatever Ms. Jones has.

7 THE COURT: Cross-examination, please.

8 MS. JONES: Thank you.

9 CROSS-EXAMINATION

10 BY MS. JONES:

11 Q. Mr. Webber, did you give a statement to the police
12 that night?

13 A. No, ma'am.

14 Q. Did they ask you several times to give them a
15 statement?

16 A. No, ma'am.

17 Q. Did you state -- in answering questions for the
18 Solicitor, did you stay in the vehicle or at the vehicle the
19 whole time?

20 A. I stayed in the vehicle until my father-in-law got
21 there, then I was at my vehicle the rest of the time.

22 Q. Where you were situated -- I'm trying to get to the
23 bottom of the picture. Is this, where you're in the car, is
24 this your vantage point of the house, the way the picture is on
25 the screen? For you over there. I'm pointing to the wrong

WILLIAM WEBBER CROSS BY MS. JONES

1 one.

2 A. Yes.

3 Q. That was the view you had during the whole 911
4 call, which lasted pretty much from the minute she called until
5 an officer got there. She kind of hung up on 911. I don't
6 think we got that far.

7 She said there's somebody here and that was the end
8 of the call. So you're watching this view. And where is that
9 light that we're seeing come through the door?

10 A. I believe it's in the kitchen.

11 Q. Is the kitchen then the back room?

12 A. Yes, ma'am.

13 Q. We go straight up the steps, straight in the door,
14 down the hall, that's the kitchen?

15 A. Yes.

16 Q. Where did you see the person come and go to by
17 making reference to the picture?

18 A. Like, from the beginning when I first saw him?

19 Q. Yeah.

20 A. When I first saw him, he was approaching -- he was
21 about to come out the front door.

22 Q. Would you say he was -- that door swings in; right?

23 A. The inside door swings in.

24 Q. The other door is shut. The wooden door swings in.
25 Was he up to the edge of the door?

WILLIAM WEBBER CROSS BY MS. JONES

1 A. Yes, ma'am, he came to the door.

2 Q. In the door frame or just beside the door as it's
3 pushed inside the front room?

4 A. He comes all the way to the door.

5 Q. Door frame?

6 A. Yes, ma'am.

7 Q. Did he have the glass door open?

8 A. I don't recall.

9 Q. Which way does it swing?

10 A. It opens outward.

11 Q. Does it swing out this way, though?

12 A. Yes, ma'am.

13 Q. You don't remember seeing that open?

14 A. No.

15 Q. Where did you see him go back to?

16 A. Just down the hallway. I don't know if he went
17 left or right after that. I just know he turned around and
18 went back down the hall.

19 Q. What's on each side of the hallway?

20 A. Well, toward the back of the house to the left is a
21 living room. And then toward the front door on either side is
22 another living room and a bedroom.

23 Q. Is the room with the -- what's the room with the
24 window unit?

25 A. That's another living room.

WILLIAM WEBBER CROSS BY MS. JONES

1 Q. Then the opposite room is the bedroom?

2 A. Yes, ma'am.

3 Q. Behind it is what on that side?

4 A. Another bedroom.

5 Q. And behind the living room?

6 A. Another living room.

7 Q. Does the kitchen run the whole back part of the
8 house?

9 A. Just that back corner. There's two bedrooms on
10 this side and a kitchen, two living rooms on this side.

11 Q. How many seconds do you think you saw the person as
12 they came forward, then went back?

13 A. Maybe ten seconds or so.

14 Q. Other than thinking it's a man, that's all you can
15 say?

16 A. Yes.

17 Q. When the person went backwards, did they turn
18 around to go back or did they back up backwards?

19 A. They turned around and walked back.

20 Q. Still no observation about the back of the person?

21 A. No.

22 MS. JONES: Thank you, sir. Appreciate it.

23 THE COURT: Redirect?

24 MR. SMITH: Nothing, Your Honor.

25 THE COURT: Any objection to this gentleman being

THALISA PARKER DIR BY MR. SMITH

1 excused?

2 MR. SMITH: No, ma'am.

3 MS. JONES: No, ma'am.

4 THE COURT: And the same question; any objection to
5 him staying in the courtroom if he chooses to?

6 MR. SMITH: No, ma'am.

7 THE COURT: Sir, watch your step.

8 (The witness exited the stand.)

9 MR. SMITH: Thalisa Parker.

10 (Ms. Parker entered the courtroom.)

11 THE CLERK: Place your left hand on the Bible,
12 raise your right hand.

13 THALISA PARKER

14 being first duly sworn, testified as follows:

15 THE COURT: Ma'am, state your full name and spell
16 your last.

17 THE WITNESS: My name is Thalisa Michelle Parker.
18 Parker is spelled P, as in poppa, A-R-K-E-R.

19 THE COURT: Thank you. Please answer the questions
20 of the Assistant Solicitor.

21 DIRECT EXAMINATION

22 BY MR. SMITH:

23 Q. Ms. Parker, were you living at [REDACTED] Parris Bridge
24 Road in Chesnee, in Spartanburg County on October 5, 2021?

25 A. Yes, I was.

THALISA PARKER DIR BY MR. SMITH

1 Q. Can you explain who lives in that home or how it's
2 owned or what relationship it is with you.

3 A. It is owned by Kari Wall, at the time, now Kari
4 Wall Humphries. She has since married. And I was her
5 roommate. I lived in the house primarily. At the time she was
6 living elsewhere, so I was the main resident of the house.

7 Q. Where were you when this incident happened on
8 October 5th?

9 A. I was at work. I typically would've been home.
10 But I had a late appointment at work and then received a phone
11 call from Jessica Webber saying that my house had been broken
12 into and told me I should come home, so I ended that
13 appointment and then drove home.

14 Q. How do you and Kari know each other?

15 A. We have been friends since high school, both went
16 to Boiling Springs High School together.

17 Q. Did you return back to the house when Jessica
18 called you?

19 A. I did. Yes.

20 Q. Is it typical for you to leave any doors unlocked
21 on that house?

22 A. Sometimes. A lot of it depends on if I'm expecting
23 to be in or out but, generally, lock the front and back doors
24 whenever I'm going, especially since I was living there alone.

25 Q. Do you know if you had locked them this night?

THALISA PARKER DIR BY MR. SMITH

1 A. I don't know for sure. I imagine I did, but I
2 can't say for sure.

3 Q. Do you know Keith Brown?

4 A. I do not, no.

5 Q. Do you know -- have you heard of him? Do you have
6 any connection that you can possibly think of with him?

7 A. No.

8 Q. Did you give anybody permission to be in -- I'll
9 call it your house, it is your house -- in your house that
10 night?

11 A. No. I did not.

12 Q. Do you have anybody that kind of has like standing,
13 you can come over to my house, privileges?

14 A. No.

15 Q. Other than maybe Kari?

16 A. Yeah, Kari would be the only one.

17 Q. There's some testimony about a maroon Trailblazer.
18 Do you know or have any close friends or anything that owns a
19 maroon Trailblazer?

20 A. No.

21 Q. When you got to the scene, what did you do?

22 A. By the time I got there -- let's see. The Webbers
23 were there in their vehicle. I believe Kari was there in her
24 vehicle. There were various police officers there. It was
25 quite dark. And I drove up. I think I did not park in the

THALISA PARKER DIR BY MR. SMITH

1 circle driveway in front of the yard. I think I parked in the
2 driveway just on the north side of the house.

3 So there's just a lot of commotion. I have a dog
4 who had gotten loose and someone had gotten her. So I was
5 petting her and kind of talking to various folks, trying to
6 figure out what had happened.

7 Q. I know you weren't in there. What type of dog do
8 you have?

9 A. She's about 80 pounds. She's white and brown.
10 Mixed breed. I think she might be an American bulldog/Scott's
11 type, but I don't know for sure.

12 Q. Is she friendly?

13 A. Yes.

14 Q. Not a guard dog?

15 A. No.

16 Q. At some point were you asked or allowed to go into
17 the residence and see if anything was missing?

18 A. Yes, at some point. I think I had been there for
19 about 45 minutes maybe.

20 Q. What, if anything, did you notice as being out of
21 place or missing?

22 A. I think the biggest thing was, in the main living
23 area, there was a large TV that was missing. That's kind of
24 the biggest thing that I noticed.

25 There was a broken window in my bedroom. But I

THALISA PARKER DIR BY MR. SMITH

1 didn't see anything necessarily missing from my bedroom. That
2 was kind of what I noticed at the time.

3 Q. Is the TV yours or Kari's?

4 A. It's Kari's. House property. It's not mine.

5 (STATE EXH. 9, Photograph, was marked for
6 identification.)

7 (STATE EXH. 10, Photograph, was marked for
8 identification.)

9 (STATE EXH. 11, Photograph, was marked for
10 identification.)

11 (STATE EXH. 12, Photograph, was marked for
12 identification.)

13 BY MR. SMITH:

14 Q. I am going to show you State's 9, 10, 11, 12 and
15 just ask you if you can tell me what these are.

16 A. Picture 12, that is in the main living room.
17 There's a small TV, a digital antenna, toolbox, some DVD
18 movies, two arm chairs.

19 Q. From the house?

20 A. From the house, yes. This is also from the main,
21 picture 9 is also from the house in the same room. Different
22 angle. This is the table where the TV was. And next to it is
23 a bookcase where typically kept toilet paper but TV and toilet
24 paper were gone.

25 Picture 10, also in the same area, living room.

THALISA PARKER DIR BY MR. SMITH

1 Wiring, looks like it, internet router, phone, internet cables,
2 internet router from -- that would've been behind the table in
3 9 that held the TV.

4 And then picture 11, again, same room. Shows the
5 table where the TV would've been, the wiring that was behind it
6 that was connected to the TV/DVD player, VHS that's supposed to
7 be on that table and then paper missing from the cabinet
8 leading to the bathroom.

9 Q. Do those reflect what you saw when you entered into
10 your residence that night?

11 A. They do, yes.

12 MR. SMITH: Your Honor, at this time we move
13 State's 9 through 12 into evidence.

14 THE COURT: Any objection?

15 MS. JONES: No, ma'am.

16 (STATE EXH. 9, Photograph, was entered into
17 evidence.)

18 (STATE EXH. 10, Photograph, was entered into
19 evidence.)

20 (STATE EXH. 11, Photograph, was entered into
21 evidence.)

22 (STATE EXH. 12, Photograph, was entered into
23 evidence.)

24 MR. SMITH: With permission to publish them, Your
25 Honor.

THALISA PARKER DIR BY MR. SMITH

1 THE COURT: Yes. State's Exhibits 9, 10, 11, and
2 12, photographs of the subject residence are in and can be
3 published.

4 MR. SMITH: Thank you, Your Honor.

5 BY MR. SMITH:

6 Q. This is State's 9. Is this what you said where the
7 TV should've been?

8 A. Correct.

9 Q. Is it normally flush against the wall?

10 A. Correct, yes. Also would've been a DVD player on
11 the second shelf.

12 Q. This is State's 11. That's just side view of what
13 we were looking at there --

14 A. Correct.

15 Q. -- what we were looking at in State's 9?

16 A. Yes.

17 Q. This is State's 10. Is this the wiring and things
18 that you were describing, routers?

19 A. Correct, yes.

20 Q. Those would've been on that --

21 A. On that TV table.

22 Q. -- on the TV stand.

23 This is State's 12. This is a monitor or TV of
24 some sort?

25 A. Correct, yes.

THALISA PARKER DIR BY MR. SMITH

1 Q. Is that the TV that should've been on that stand?

2 A. It is not. That is a different, smaller TV. I
3 don't know the inch, but it was a good size flat screen TV that
4 should be on that TV stand.

5 Q. Does this TV normally sit in the recliner?

6 A. At the time it was.

7 Q. This has not been moved as far as you know?

8 A. Correct, yes.

9 Q. I know you weren't in here. We just kind of got an
10 anatomy of your house. The bedrooms are on the right and the
11 living rooms are on the left and there's a kitchen in the back?

12 A. Yes.

13 Q. Is your bedroom the back bedroom, back of the
14 house?

15 A. It is, yes.

16 Q. Is your bedroom the one that had a window broken
17 out of?

18 A. Correct, yes.

19 (STATE'S EXH. 13, Photograph, was marked for
20 identification.)

21 (STATE'S EXH. 14, Photograph, was marked for
22 identification.)

23 (STATE'S EXH. 15, Photograph, was marked for
24 identification.)

25 (STATE'S EXH. 16, Photograph, was marked for

THALISA PARKER DIR BY MR. SMITH

1 identification.)

2 (STATE'S EXH. 17, Photograph, was marked for
3 identification.)

4 (STATE'S EXH. 18, Photograph, was marked for
5 identification.)

6 (STATE'S EXH. 19, Photograph, was marked for
7 identification.)

8 (STATE'S EXH. 20, Photograph, was marked for
9 identification.)

10 BY MR. SMITH:

11 Q. I am going to hand you 13 through 20. We'll just
12 look at them and just generally tell me if they fairly and
13 accurately represent what you saw that night. Then we'll try
14 to go over them contemporaneous with the jury.

15 THE COURT: Mr. Smith, you said 13 through --

16 MR. SMITH: 20, I believe it was.

17 THE WITNESS: Yes, I do.

18 BY MR. SMITH:

19 Q. We'll try to go through them.

20 THE COURT: Ms. Jones, any objection?

21 MS. JONES: No objection.

22 MR. SMITH: Your Honor, we would move 13 through
23 20.

24 THE COURT: These are all photographs of that
25 residence?

THALISA PARKER DIR BY MR. SMITH

1 MR. SMITH: Yes, these are all generally the back
2 window and one of the back porch.

3 THE COURT: Thank you. Admitted without objection,
4 13 through 20.

5 (STATE'S EXH. 13, Photograph, was entered into
6 evidence.)

7 (STATE'S EXH. 14, Photograph, was entered into
8 evidence.)

9 (STATE'S EXH. 15, Photograph, was entered into
10 evidence.)

11 (STATE'S EXH. 16, Photograph, was entered into
12 evidence.)

13 (STATE'S EXH. 17, Photograph, was entered into
14 evidence.)

15 (STATE'S EXH. 18, Photograph, was entered into
16 evidence.)

17 (STATE'S EXH. 19, Photograph, was entered into
18 evidence.)

19 (STATE'S EXH. 20, Photograph, was entered into
20 evidence.)

21 BY MR. SMITH:

22 Q. We're going to start with the last one. This is
23 State's Exhibit 20. Is this a picture from, if you're facing
24 the house, right side of the house?

25 A. Correct, yes.

THALISA PARKER DIR BY MR. SMITH

1 Q. Looking towards, I guess, the left. Is that your
2 bedroom window there?

3 A. Yes, yes.

4 MR. SMITH: It's not facing the camera, I guess,
5 for the record.

6 BY MR. SMITH:

7 Q. This is State's 13. This is that window, your
8 bedroom window?

9 A. Correct. Yes.

10 Q. That was the one that you said was knocked out;
11 correct?

12 A. Correct.

13 Q. I'm going to show you State's 14. Did it have
14 damage both to the top and the bottom of it?

15 A. It did. Yes.

16 Q. This is State's 15. Do you normally keep the
17 blinds -- are these usually closed? Does anybody mess with how
18 it was other than breaking the window?

19 A. There were blinds beneath the curtains. Those had
20 been down before. Concealed. Yeah, they had been in use
21 before. And then they fell down, I guess, during the course of
22 the window being broken.

23 Q. This is State's 16. This is your bedroom?

24 A. Correct, yes.

25 Q. Sorry. This is State's 17. The picture from the

THALISA PARKER DIR BY MR. SMITH

1 outside looking in?

2 A. Correct, yes.

3 Q. And this is State's 18, just closer up of the
4 broken window?

5 A. Correct.

6 Q. This is State's 19. This is the upper portion of
7 the window; correct?

8 A. Correct.

9 Q. That was also damaged. When you left the house,
10 all of that was fine?

11 A. Yes, it was all intact.

12 Q. You immediately noticed the TV and that was about
13 it; right, I think you said?

14 A. Yeah, that was the main thing I noticed.

15 Q. Some other things had been moved but maybe not
16 missing?

17 A. Correct.

18 Q. Did you later find out or were you later asked
19 about some other materials that might be from your house?

20 A. Yes. We determined later that some paper goods and
21 some TV remotes were missing. Much later. We realized that an
22 AC unit that was still in the box that we thought was upstairs,
23 went upstairs, and it wasn't there. Couldn't be accounted for.

24 Q. Did the police ask you about any specific items
25 that they had found?

THALISA PARKER DIR BY MR. SMITH

1 A. Not to me.

2 Q. I'm going to show you just a couple pictures and
3 see if they look familiar to you, see how that goes.

4 (STATE'S EXH. 21, Photograph, was marked for
5 identification.)

6 (STATE'S EXH. 22, Photograph, was marked for
7 identification.)

8 (STATE'S EXH. 23, Photograph, was marked for
9 identification.)

10 BY MR. SMITH:

11 Q. I'm going to hand you 21 through 23. If you
12 recognize them, can you tell me what these are.

13 THE COURT: Ms. Jones, any objection?

14 MS. JONES: No, ma'am.

15 THE COURT: Thank you.

16 THE WITNESS: These are toilet tissue, Gain Flings,
17 detergent, Tide detergent, remote and garbage bag -- yeah,
18 trash bags.

19 BY MR. SMITH:

20 Q. Are those items that you believe were taken out of
21 your house?

22 A. Yes, I would say.

23 Q. Do you remember law enforcement -- did you look at
24 them, or did they ask you about them?

25 A. They did. Yeah, they held up a bag, kind of, in

THALISA PARKER DIR BY MR. SMITH

1 front of all of us and asked us if it came from the house.

2 MR. SMITH: Your Honor, at this time we move
3 State's 21 through 23 into evidence.

4 THE COURT: That's already been stated without
5 objection; correct?

6 MS. JONES: Thank you, Your Honor.

7 THE COURT: 21 through 23 photographs.

8 MR. SMITH: Yes, ma'am.

9 (STATE'S EXH. 21, Photograph, was entered into
10 evidence.)

11 (STATE'S EXH. 22, Photograph, was entered into
12 evidence.)

13 (STATE'S EXH. 23, Photograph, was entered into
14 evidence.)

15 BY MR. SMITH:

16 Q. Do you know where these were located?

17 A. They would have been -- the paper goods would've
18 been on the plastic bookshelf next to the TV stand.

19 The Tide detergent would've been in the -- there's
20 a bookcase between that plastic bookcase and the bathroom.
21 Tide detergent would've been there.

22 The plastic bags or the garbage bags and the Gain
23 detergent would've been in the hallway leading to the TV room.
24 They would've been on a stand where the microwave was; the
25 microwave, garbage bags, Gain detergent.

THALISA PARKER DIR BY MR. SMITH

1 Q. I need to ask better questions of you. Do you know
2 where they were recovered?

3 A. Sorry, they were recovered from our neighbor's
4 house.

5 Q. Was that towards Spartanburg?

6 A. Towards Spartanburg, yes.

7 Q. Is it like your next, the most --

8 A. It's the closest neighbor. Their front door -- I'm
9 bad with distances, but they're the next neighbor.

10 Q. These items, what's the last time you remember
11 seeing these items in 21 through 23 relative to this burglary?

12 A. I know I would've seen them specifically the night
13 before because I would've done an inventory before going
14 grocery shopping. I probably saw them the morning of. I was
15 rushing out the house 'cause I was late.

16 Q. This is State's 21. This is State's 22, and this
17 is State's 23. How about the TV? What's the last time you had
18 seen that relative to the burglary?

19 A. That was definitely that morning before I went to
20 work. So about 9:30, 9:15 that morning.

21 Q. Some of these other items that you didn't
22 immediately recognize, maybe you don't account for them as
23 often; is that fair?

24 A. Correct, yes.

25 Q. Like the air conditioning unit?

THALISA PARKER CROSS BY MS. JONES

1 A. Right.

2 Q. I know Kari ultimately realized a wallet was gone.
3 That is not a wallet that you have any possession or control
4 over?

5 A. No, I did not.

6 Q. It's not something you would know when it was last
7 in the house; right?

8 A. Correct.

9 Q. The TV and these items, you think either the
10 evening before or that morning --

11 A. Correct.

12 Q. -- you knew they were there?

13 A. Yes.

14 MR. SMITH: Please answer any questions Ms. Jones
15 has.

16 THE COURT: Cross-examination.

17 MS. JONES: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. JONES:

20 Q. Do you know the street address of the house where
21 these items were located that are depicted in 23? Do you know
22 that street address?

23 A. I do not know the street address.

24 Q. It's pictured in a picture with two vehicles. Is
25 that right beside the road on Parris Bridge Road? Is that how

THALISA PARKER CROSS BY MS. JONES

1 the house sits?

2 A. Yeah, I'd say the vehicles on the front porch are
3 probably -- I'm bad with distances -- 20, 30 feet from the
4 road.

5 Q. This is the road side of this house; correct?

6 A. Correct, yes.

7 MS. JONES: That's all. Thank you.

8 THE COURT: Any redirect?

9 MR. SMITH: No, ma'am.

10 THE COURT: Thank you. Please watch your step.
11 You can step down.

12 Any objection to this witness being excused or
13 allowing her to stay in the courtroom if it is her wish?

14 MS. JONES: None.

15 MR. SMITH: No, Your Honor.

16 THE COURT: Thank you.

17 (The witness exited the stand.)

18 MR. SMITH: State would call Kari Humphries.

19 THE COURT: Come up, please.

20 Ma'am, before you take the stand, let me talk to
21 the lawyers for one second.

22 (Off-the-record discussion.)

23 THE COURT: Ladies and gentlemen of the jury, I
24 gave you my word when I first talked with you-all about the
25 length of each day and how long you would be testifying -- that

KARI HUMPHRIES DIR BY MR. SMITH

1 you would be observing testimony and evidence. I've been
2 informed that this witness will be relatively brief.

3 But I just want to know if anyone needs to make a
4 phone call about, if you have to pick up someone right after
5 5:00 or something. I could get the bailiff to assist you.
6 Again, I have been assured that this witness will be brief.

7 Does anyone need to stop right now? It's a quarter
8 to 5:00. Thank you. Please proceed.

9 MR. SMITH: The State calls Kari Humphries.

10 THE COURT: Ma'am, please come forward.

11 THE CLERK: Place your left hand on the Bible,
12 raise your right hand.

13 KARI WALL HUMPHRIES

14 being first duly sworn, testified as follows:

15 THE COURT: Ma'am, if you would state your full
16 name, spell your last.

17 THE WITNESS: My name is Kari Wall Humphries,
18 H-U-M-P-H-R-I-E-S.

19 DIRECT EXAMINATION

20 BY MR. SMITH:

21 Q. Ms. Humphries, do you know the Defendant?

22 A. I do not.

23 Q. Did you give anybody permission to go either --
24 whether you consider it your house or Lisa's house, did you
25 give anybody permission to go to your house that night?

KARI HUMPHRIES DIR BY MR. SMITH

1 A. No.

2 Q. Do you have anybody that comes over to the house
3 with or without your permission? It's just understood that
4 it's okay?

5 A. No.

6 Q. There's testimony that you were, I think primarily
7 staying with your boyfriend, maybe husband now. What
8 connection did you have to the property?

9 A. Well, I still had a bedroom. I did my laundry
10 there. I come home and take showers sometimes. That front
11 living room was set up for my massage practice. I'm a licensed
12 massage therapist. I actually had seen a client that evening
13 actually. So I was in the house that day up until probably
14 about 7:00.

15 Q. You were not home when this incident happened?

16 A. No, I was not.

17 Q. How did you find out about it?

18 A. My sister's daughter called me and said: Aunt
19 Kari, there's somebody in your house. You probably ought to
20 come home now.

21 So we jumped in the car and came back to the house.

22 Q. You were at your --

23 A. I was at my boyfriend's house.

24 Q. -- boyfriend's house?

25 A. Yes.

KARI HUMPHRIES DIR BY MR. SMITH

1 Q. Does he live in the area?

2 A. He lives about, well, he did live -- it was about
3 13-minute drive. Eight miles.

4 Q. What did you see when you got to the house?

5 A. Law enforcement was already there when I got there.
6 So we pulled into the drive on the north side, like my sister
7 explained that there's two driveways.

8 We got out, locked the car doors, then walked over
9 and started talking to my sister and brother-in-law. They told
10 me -- like I was like, do I need to go in there. Like, no, no,
11 no, you can't go in yet, they got to come in and take pictures
12 and all that. We were just kind of standing out in the front
13 yard, talking to each other.

14 Q. Did you ultimately get an opportunity to go into
15 the house?

16 A. Yes.

17 Q. What did you notice that was amiss in the house?

18 A. So I looked in the dresser because we had already
19 heard that this wallet had been found. So I looked there.
20 That was missing.

21 I did realize a little later in the evening that a
22 piece of jewelry was missing that belonged to my grandmother.
23 That's not been documented anywhere.

24 The TV was obviously missing. I mean, the living
25 room was kind of ransacked a little bit. Our laundry

KARI HUMPHRIES DIR BY MR. SMITH

1 detergent, because we have zero storage in this nearly
2 200-year-old house, sits on a shelf in the middle of the
3 hallway. Of course, I noticed that was gone.

4 I'm like, wait a minute, where's the toilet paper?
5 You know, they had actually brought this stuff back. This here
6 is, well, it looks like ours. I haven't been in to see if it's
7 gone yet. So we go in and, of course, ours is gone.

8 Q. As we heard on the 911 tape, it was COVID time.
9 Toilet paper was kind of scarce?

10 A. Well, you know, I mean, that's the cheapest way to
11 buy it. You buy one case at a time and you stash it somewhere.

12 Q. Who told you about the wallet that you went and
13 investigated yourself, if you recall?

14 A. I don't recall. There was a lot going on. I think
15 daddy was there.

16 Q. Was it a law enforcement officer of some sort?

17 A. I don't think so. I think that when daddy was
18 telling me what was going on, he said that one of the law
19 enforcement officers had asked him, do you know Douglas Wall.
20 And the only way they would've ever gotten that name is to have
21 that wallet in their hands.

22 Q. Who is Douglas Wall?

23 A. My dad's deceased brother who died in 1976.

24 Q. Why do you have Douglas Wall's wallet?

25 A. His widow brought it to me in December of the year

KARI HUMPHRIES DIR BY MR. SMITH

1 before because she is in poor health. Her daughter didn't want
2 it. She felt like I was the person who should have it.

3 Q. Where was it stored inside of your home?

4 A. It was in the drawer in the night stand in my
5 bedroom.

6 Q. Is your bedroom the front bedroom and Lisa's is the
7 back?

8 A. Yes, it is.

9 Q. Was there anything else missing from the piece of
10 jewelry and the wallet? Were they in a similar location?

11 A. They were. They were both in the same drawer.

12 I thought my dog's ashes were missing. I found
13 those about three months later. They had just been thrown and
14 behind a piece of furniture. They're in what looks like a
15 jewelry box.

16 Q. What did you know was in Mr. Wall's wallet that
17 would make it recognizable as his wallet?

18 A. Well, it had his driver's license, Social Security
19 card, his notes from where he had worked. Obviously, it was
20 very, very old, very sentimental. Was still in the shape it
21 was in. She told me, when they gave it to her at the hospital
22 with his belongings, that she never really done anything with
23 it.

24 Q. Did law enforcement give it back to you?

25 A. Yes, they did.

KARI HUMPHRIES DIR BY MR. SMITH

1 Q. You have it in your possession?

2 A. I do. It's back there on the seat.

3 Q. We're not going to put it into evidence. We don't
4 want you to lose it.

5 A. Okay.

6 Q. You know it to have Social Security card and all
7 those things?

8 A. Uh-huh.

9 Q. You never probably had it or took anything out of
10 it after getting it?

11 A. Never.

12 Q. Were you there when the police asked about the
13 cleaning supplies?

14 A. If Lisa was there, I was there 'cause I got there
15 before she did. That's the only way I could tell you for sure,
16 yes, I was there.

17 Q. You're one of the ones that gets to watch the
18 trial. Did you see, I think it's 21 through 23?

19 A. I did.

20 Q. Do you recognize those as being at your house?

21 A. (Witness moves head up and down.)

22 Q. I asked Lisa questions about the last time she seen
23 the items. What's the -- of all the things that were missing,
24 what's the most recent one that you knew was inside of your
25 house?

KARI HUMPHRIES CROSS BY MS. JONES

1 A. Well, since I had left around 7:00 from seeing a
2 message client, I had been to the bathroom. So I had walked
3 past where we keep our laundry detergent. I walked past where
4 we keep our toilet paper. I walked past the television. Then
5 I left. That was about 7:00 that night. Maybe an hour or so
6 before this happened.

7 Q. This happened somewhere 8 --

8 A. After I left.

9 Q. -- 20 or something?

10 A. Uh-huh.

11 Q. The wallet was physically handed back to you that
12 night?

13 A. It was.

14 Q. By a law enforcement officer?

15 A. Uh-huh.

16 Q. You gave nobody permission -- nobody should've been
17 in that house other than Lisa, if she was home?

18 A. Nobody but Lisa.

19 MR. SMITH: Thank you. Please answer any questions
20 Ms. Jones has.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION

23 BY MS. JONES:

24 Q. Do you not lock your front door?

25 A. No, ma'am. I've lived in three cities and have

STATE OF SOUTH CAROLINA vs. KEITH VINCENT BROWN

1 never locked my front door.

2 MS. JONES: That's all.

3 THE WITNESS: Okay.

4 REDIRECT EXAMINATION

5 BY MR. SMITH:

6 Q. Do you lock it now?

7 A. Nope.

8 Q. No?

9 A. Sure don't.

10 MR. SMITH: Nothing else. Thank you.

11 THE COURT: Thank you, ma'am. Please watch your
12 step.

13 Anything else before we conclude today?

14 (The witness exited the stand.)

15 MS. JONES: No, ma'am.

16 MR. SMITH: No, ma'am.

17 THE COURT: Ladies and gentlemen, I am getting
18 ready to release you for the day. And I think now you
19 understand why I cautioned you-all so much about not doing any
20 discussing of this matter with anyone. In a perfect world,
21 y'all would hear all of the evidence from beginning to end in
22 one period of time and then beginning your deliberations. It's
23 just not that simple.

24 So please, please, don't talk with anyone regarding
25 the case. Don't do any independent research. To do so would

STATE OF SOUTH CAROLINA vs. KEITH VINCENT BROWN

1 be extremely unfair to everyone involved. This is very
2 important to everyone involved in this case. And every bit of
3 evidence that you receive needs to come in while you're in this
4 courtroom. Okay.

5 And I do like to say that I practiced law for
6 almost 30 years before I became a judge. And I represented a
7 lot of people in a lot of different types of actions. There
8 was always one consistent thing.

9 I would meet with my clients over and over and over
10 again and prepare over and over and over again. When the big
11 day arrived, no matter what it was, no matter what kind of case
12 there would always be someone that came with my client. And
13 they would always have an opinion about what we should do.

14 And I learned to say, if you don't come to all of
15 the choir practices, you don't get to sing. And what I meant
16 by that was, unless you are aware of everything that is going
17 on in this matter, you don't have an opinion. And the only
18 people that are going to be aware of that are y'all.

19 Again, please don't discuss this with anyone else
20 to get their input because to do so is extremely unfair.

21 With that, I am going to let you-all leave. I'm
22 going to let the bailiffs instruct you on where you will come
23 tomorrow. I don't know if it will be the big room or the
24 little room, the little room right here. They're going to take
25 your badges.

STATE OF SOUTH CAROLINA vs. KEITH VINCENT BROWN

1 I want y'all to come back at 9:30. Don't talk with
2 anyone as you're coming in. There are a lot of witnesses
3 involved in this. And I, like you, probably don't even know
4 what they all look like. So be rude. Just don't talk to
5 people. Just come straight through. I know it's not our way,
6 but just come straight through. Tell the bailiffs and the
7 deputies that you're with Judge Knie's jury.

8 With that, if everyone will please rise and excuse
9 the jury for the evening.

10 (The jury exited the courtroom at 4:56 p.m.)

11 THE COURT: Thank you all. Anything that I need to
12 take up with Counsel before we adjourn for the day?

13 MS. JONES: No, ma'am, not from the defense.

14 THE COURT: 9:30 in the morning we will continue
15 with the State's case. Make sure that you leave all exhibits
16 here with our court reporter, all right.

17 Have a good evening.

18 (The trial adjourned at 4:56 p.m.)

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1 THE COURT: Ms. Jones, is there something you would
2 like to take up before we begin?

3 MS. JONES: There are a couple of segments in the
4 audio that accompanies the video. As I understand, the State
5 intends to offer what we have been referring to as the second
6 body cam segment of Officer Chrobak. There's a segment between
7 1309 to 12. That's just radio traffic that's unnecessary.

8 THE COURT: One more time. 1309.

9 MS. JONES: Sometimes the time stamp might be a
10 second or two off.

11 THE COURT: The entire video is 1748? You're
12 saying at what point?

13 MS. JONES: 1309 to 12, I have the phrase
14 traffic -- radio traffic. I can't tell you exactly verbatim.
15 In my note, I reviewed it again last night knowing that there
16 may be an attempt to play it. I wanted to clean out some of
17 the extra stuff that is unnecessary, and plus there's a lot of
18 hearsay. You have multiple people talking from different
19 sources.

20 Did you want the other one? 1315 to 25. That's a
21 transmission from someone that says the homeowner ought to be
22 there in five minutes. That one I did write down the gist of
23 what was being said.

24 (Audio recording played. Not transcribed.)

25 THE COURT: Mr. Smith, is there any objection?

1 MS. JONES: I just spoke to the client. He doesn't
2 matter if it's in -- I withdraw that hyper-technical objection.

3 THE COURT: Your statement, you agree to leave it
4 in?

5 MR. SMITH: Definitely not hearsay, not offered for
6 the proof of the matter.

7 THE COURT: You-all are talking over each other.
8 Anything else before we have the jury come in?

9 MR. SMITH: We need to address the issue of Deputy
10 Bryant that was tabled until his testimony that was raised by
11 the State pretrial. We think it is improper to get into any
12 line of questioning of which judges were sought, what decisions
13 judges made. All of that is irrelevant. It should be
14 excluded. She should not be allowed to go down that road.

15 THE COURT: Let me just hear from Ms. Jones.

16 MS. JONES: Your Honor, I don't believe it's
17 irrelevant. I think it's not my intention to say the officer
18 judge shopped. I wasn't going to use that terminology.

19 What happened, as he described yesterday, the
20 officer tried to get a burglary warrant and a larceny warrant
21 from a judge who declined. That judge did not see that it was
22 supported.

23 The only warrant that judge, Judge Burns, issued
24 was receiving stolen goods. They sought this after -- to go to
25 another judge to get the higher warrants. I think it is

1 relevant. It's something that happened. I think it shows the
2 degree to which they were willing to go to make sure that
3 Mr. Brown got charged with burglary.

4 MR. SMITH: It's just improper. If the case was
5 dismissed in a preliminary and directly indicted, we certainly
6 allow that into the jury. Basically trying to inject
7 reasonable doubt because some judge had some question about the
8 case. We don't get: This has already been to a judge who
9 approved a warrant.

10 This has already been to a Grand Jury, indictment
11 approved by a Solicitor. We don't get to go through all of
12 those and bolster by saying it's been through all these things.

13 By the same light, they should not be able to do
14 that. It's not relevant. Has nothing to do with the facts of
15 the case. The jury is going to determine whether he committed
16 the crime or not. The fact is we're here. There's an
17 indictment. The indictment has been issued by the Grand Jury.
18 The process of how that came to be is irrelevant.

19 THE COURT: Ms. Jones, in your cross-examination of
20 Dennis Bryant with the Sheriff's Department, you intended to
21 bring out how he obtained --

22 MS. JONES: That he approached the one judge and
23 was only given the receiving. I did not know the portion that
24 Mr. Smith explained yesterday. He had strong feelings and went
25 and had a conference with a supervisor's supervisor. One or

1 more of them went to Judge Turner to get the warrants that they
2 wanted or thought were appropriate.

3 THE COURT: Anything else?

4 MS. JONES: No, ma'am.

5 THE COURT: Anything else we need to take up before
6 we have the jury come in?

7 MR. SMITH: We were planning on playing the part he
8 was on probation. I haven't heard any objection. I want to
9 make sure we don't get into the video.

10 The State's position on that, it's res judicata is
11 why he searched him. I know Your Honor has made a ruling about
12 the search. The jury can still have questions. I don't know
13 exactly what their defense is going to be, if they're going to
14 be trying to challenge that. We think it should come in. They
15 haven't raised an objection. I want to make sure.

16 MS. JONES: Your Honor, we are not going to object
17 to that.

18 THE COURT: Give me just one moment on your other
19 issue. I'll be back. Y'all be at ease for just a few moments.
20 Other than that, you have everything you need?

21 MR. SMITH: We had discussed -- I hear Ms. Moffit,
22 when I checked with her, she wasn't in her office. They're
23 going to stipulate to the two burglaries. I don't know if we
24 have to talk about that.

25 MS. JONES: That is something we did. I had it

1 just in the past. We had a brief conversation we did it in. I
2 think, in that particular case, there was something we wrote up
3 or that Judge Cole read.

4 THE COURT: Is it simpler to have her testimony,
5 testify two or three minutes?

6 MS. JONES: We don't have to. I don't think she
7 enjoys that at all. She gets very nervous about it. We can
8 just jot up real quick that encompasses the nature of what the
9 convictions are, the dates.

10 MR. SMITH: I was going to say something: He was
11 convicted of burglary in 2012 and 2019.

12 THE COURT: Y'all are going to stipulate to that?

13 MR. SMITH: The problem with the clerk sentencing
14 sheet, there's a sentence, your name, I don't know. A lot more
15 comes in when you put in a sentencing sheet. I see his Social
16 Security number, those type things that have to be redacted.

17 THE COURT: Y'all want to draft something?

18 MR. SMITH: Yeah.

19 THE COURT: That will come in as an exhibit at some
20 point?

21 MR. SMITH: I think we did it as stipulation. I
22 don't know if he made it as a Court's exhibit, possession of
23 weapon by violent felon. Just had the State and defense agree
24 has been convicted of violent felony. We didn't go into the
25 nature. I don't care about the level of burglary, just the

1 defense agree the Defendant has two prior convictions, burglary
2 one in 2012. One in 2019, something along the lines of that.
3 I don't -- I do think it would be simpler than calling Gail.

4 MS. JONES: I agree with that.

5 There's also under state versus -- when this
6 happened, defense requested a charge immediately after that to
7 charging the jury on limited purpose for which prior crime is
8 being considered. I can hand up my copy.

9 MR. SMITH: We have no objection to that. I would
10 assume something like you're not to consider the fact he has
11 prior burglaries, whether he may have committed this crime
12 solely for the fact he has two prior convictions.

13 MS. JONES: Headnote eight, I don't know if they
14 actually give you the full instruction in that case.

15 (A recess transpired.)

16 (STATE'S EXH. 24, Photograph, was marked for
17 identification.)

18 (STATE'S EXH. 25, Photograph, was marked for
19 identification.)

20 (STATE'S EXH. 26, Photograph, was marked for
21 identification.)

22 (STATE'S EXH. 27, Photograph, was marked for
23 identification.)

24 (STATE'S EXH. 28, Photograph, was marked for
25 identification.)

1 THE COURT: There aren't any folks in here that
2 aren't supposed to be, right, as far as being sequestered?

3 MR. SMITH: No.

4 THE COURT: We will now have the jury.

5 (The jury entered the courtroom at 10:05 a.m.)

6 THE COURT: Good morning. Thank you all for your
7 patience. I know that you've been here on time. I've been
8 getting reports since very early this morning about when y'all
9 were arriving and as you did. There were some matters that I
10 did need to take up this morning with Counsel outside of your
11 presence and, hopefully, that will make things a lot more
12 efficient for us as we go along today.

13 If everyone is ready, I'll go ahead and tell you we
14 put some water here for you and also some throat lozenges, if
15 you-all need them. I noticed some folks were coughing. I know
16 it's the cold weather and the heat starting up again in this
17 very old, dusty building. If you do need more water, if you
18 give a nod to one of these bailiffs, they'll help you with that
19 as well.

20 We are now back on the record with regard to the
21 matter of the State versus Keith Vincent Brown. We are
22 continuing with the State's case.

23 Who's on point this morning? Mr. Smith or
24 Mr. Henderson?

25 MR. SMITH: It is me this morning. The State would

DEPUTY BRYANT DIR BY MR. SMITH

1 call Deputy Dennis Bryant.

2 THE CLERK: Place your left hand on the Bible,
3 raise your right.

4 DEPUTY DENNIS BRYANT

5 being first duly sworn, testified as follows:

6 THE COURT: Sir, if you will state your full name
7 and spell your last.

8 THE WITNESS: Dennis Bryant, B-R-Y-A-N-T.

9 DIRECT EXAMINATION

10 BY MR. SMITH:

11 Q. Deputy Bryant, where are you employed?

12 A. With the Spartanburg County Sheriff's Office, sir.

13 Q. How long have you been with the Sheriff's Office?

14 A. August of this year will be five years.

15 Q. Is that your sum total of your law enforcement
16 experience?

17 A. Yes, sir.

18 Q. Are you from Spartanburg County?

19 A. Yes, sir, born and raised.

20 Q. Are you familiar with the area where this crime
21 occurred, Parris Bridge Road?

22 A. Yes, sir.

23 Q. Have you grown up in that area?

24 A. Yes, sir, I've lived in Boiling Springs since 2006.

25 Q. What role did you have with the Sheriff's Office

DEPUTY BRYANT DIR BY MR. SMITH

1 back in October 5, 2021.

2 A. I was still and currently am now, Charlie 19,
3 working the Boiling Springs, Chesnee, Mayo area; mainly cover
4 Boiling Springs and parts of Chesnee on the nightshift patrol.

5 Q. Can you just explain to the jury what a uniform
6 patrol or patrol officer does for the Sheriff's Office.

7 A. We basically take calls for service. Anything when
8 we're not answering calls for service; driving around, doing
9 business checks, neighborhood checks, getting out with anybody,
10 making community contact, anything of that nature.

11 Q. Calls for service is like a 911 call or something?

12 A. Yes, sir.

13 Q. Somebody that calls the police and needs
14 assistance?

15 A. Yes, sir.

16 Q. That's primarily what you do --

17 A. Yes, sir.

18 Q. -- responding to that?

19 Can you tell the jury anything about this area of
20 Parris Bridge Road, what type of community it is, anything
21 about that.

22 A. So this area of Parris Bridge Road is just after
23 Sandy Ford and Mountain View, two main roads just up north from
24 where this area is. Main foot traffic around there is people
25 fishing because a bridge crosses over Lake Blalock as you're

DEPUTY BRYANT DIR BY MR. SMITH

1 heading towards Chesnee. Not much traffic around there. I
2 mean, you'll have a lot of road traffic, not foot traffic
3 except people fishing. At night, it's basically a dead zone at
4 that point.

5 Q. Are there any businesses or anything that would
6 attract people in nighttime hours?

7 A. No. No nearby gas stations, restaurants or
8 businesses that would even be open around that time.

9 Q. Part of your uniform patrol, this is the area you
10 were assigned to?

11 A. Yes, sir.

12 Q. Did you end up responding to a call for a burglary
13 at [REDACTED] Parris Bridge Road?

14 A. Yes, sir, I did.

15 Q. That's in Spartanburg County?

16 A. Yes, sir.

17 Q. What was your understanding of what you were
18 responding to, the situation you were responding to?

19 A. Dispatch advised us there was a complainant on
20 scene who advised they had seen a subject in the house and a
21 vehicle on the side of the house belonging to, I believe,
22 somebody that they knew and that they did not recognize the
23 vehicle or anybody in the house. Obviously, we responded to
24 checkout the matter.

25 Q. Was it your understanding the crime was maybe still

DEPUTY BRYANT DIR BY MR. SMITH

1 in progress?

2 A. Yes, sir. We were advised somebody currently
3 breaking into a house at this time.

4 Q. Y'all responded quickly, I guess?

5 A. Yes, sir.

6 Q. Do you know how quickly you got to the scene
7 relative to the 911 call coming in?

8 A. I believe the call come out around 8:10 to 8:12. I
9 got there around 8:24. So I probably got there about 11,
10 12-minute time span, quick as I could.

11 Q. Can you tell the jury how you know those times.

12 A. I was able to review that and go back and make
13 sure.

14 Q. Is there a record kept of the communications and
15 the things you have when you arrived?

16 A. Yes, sir. Dispatch keeps advised when we're
17 enroute, when we arrive on scene, and when we clear the scene.

18 Q. What did you see when you arrived at the scene?

19 A. When I arrived on scene, I remember seeing, I
20 believe, it was Ms. Jessica Webber and her husband on scene,
21 basically advised us what was going on. Basically somebody had
22 possibly broken into her, somebody that she had known of,
23 house. And I sat there and tried to get details, figured out
24 all what was going on while advising other deputies while
25 they're on their way.

DEPUTY BRYANT DIR BY MR. SMITH

1 Q. Was it their belief that person might still be in
2 the house?

3 A. Yes, sir.

4 Q. Did you end up searching the house?

5 A. Once I had more backup on scene, didn't want to do
6 it by myself, yes, sir.

7 Q. Did you find anything inside the house?

8 A. No, sir.

9 Q. Or any person inside?

10 A. Nobody. No, sir.

11 Q. Did you notice anything about the house itself,
12 about maybe how somebody got in or anything out of the ordinary
13 when you --

14 A. I observed the front door open. Once making our
15 way through the house, we observed a broken window on the
16 backside of the building, on the porch.

17 Q. Did you notice anything about the glass and where
18 it was?

19 A. Yes, there was some glass on the window. It
20 appeared there was some also inside the residence that had
21 been, appeared to be busted from outside.

22 Q. Did you find any -- do you recall finding any on
23 the outside of the house?

24 A. I'm not 100 percent sure. I can't remember.

25 Q. You and another officer cleared the house. What

DEPUTY BRYANT DIR BY MR. SMITH

1 happened at that point?

2 A. Once we started clearing the house, I contacted one
3 of our ID deputies to come and obviously take photographs of
4 the evidence and everything and also kept speaking with the
5 people that called in 911 and also the homeowner once they
6 arrived on scene.

7 Q. The ID officer that you spoke about, did he do
8 anything other than take pictures in this case?

9 A. Just took pictures at the time of the residence.

10 Q. No fingerprints or DNA or anything like that?

11 A. No, sir.

12 Q. Do you know why that is?

13 A. I believe during that time the Defendant himself
14 was being detained by Deputy Chrobak at the time. At that
15 point he was under the impression we already had him at the
16 time based on being there.

17 Q. You thought you had enough; is that a fair
18 statement?

19 A. Yes, sir.

20 Q. As part of uniform patrol officer, is it normal for
21 you to investigate cases like beyond initial reports?

22 A. Yes, sir.

23 Q. Like, you take cases. You're handling them for
24 days or weeks. Like murders and more complicated cases, do you
25 do that?

DEPUTY BRYANT DIR BY MR. SMITH

1 A. Mostly investigators do that stuff.

2 Q. Can you explain, kind of, how that process works.
3 How does a case go from uniform patrol to an investigator?

4 A. With most cases like that, if you have something
5 that's serious at the time, if it's something we can't possibly
6 solve on scene or get as much facts as we can, we send that up
7 to the investigator for the investigators to take over that
8 case, if obviously we don't have the time or the ability to be
9 able to solve it at the time or figure out as much information
10 as we can.

11 Q. Why did this case not go to an investigator?

12 A. We had somebody detained at the time up the scene,
13 in the area where the crime occurred.

14 Q. If you thought more investigation was necessary,
15 you could have sent it up?

16 A. Yes, sir.

17 Q. Do you know when Deputy Chrobak got out with that
18 individual, Mr. Brown?

19 A. It wasn't too long after. A few deputies were
20 already enroute to the house. He was able to, since we had
21 enough people to be able to search the house and cover the
22 house, I believe he got out with him not too long after a lot
23 of us had already made it on scene.

24 Q. Did you ultimately end up going through the house
25 with the victims and trying to identify what was missing?

DEPUTY BRYANT DIR BY MR. SMITH

1 A. Yes, sir.

2 Q. What were you able to figure out was missing?

3 A. The main thing we noticed was the TV was missing.
4 And then going through at the time is when we noticed the
5 damage to the house and then just went from there on at that
6 point. Just still trying to figure out what all was missing
7 'cause the house was, you know.

8 Q. The wallet and remote, did they notice that those
9 were missing?

10 A. No, sir.

11 Q. Is it y'all bringing it to their attention is what
12 made them realize those items were missing?

13 A. Yes, sir. They weren't aware until we mentioned it
14 to them. Then they thought back about it, when they checked
15 and realized it wasn't there in the spot.

16 Q. Did you get some information about some other items
17 that were recovered in addition to the wallet and the remote?

18 A. Yes, sir. Not too far up the street there was
19 another residence -- I can't remember the exact address off the
20 top of my head. There was a bag, I believe, with laundry
21 detergent, toilet paper, and a few other items recovered up the
22 street.

23 Q. I will show you -- this is the aerial Beverly
24 showed. Let me show you State's Exhibit 27 and ask you if you
25 can tell me what that is.

DEPUTY BRYANT DIR BY MR. SMITH

1 A. [REDACTED] is the incident location. [REDACTED] is going to be
2 the next house up because there's so much space between the
3 houses there. That's where the stuff was recovered in a bag in
4 front of the residence. And it didn't belong to those
5 residents there.

6 MR. SMITH: Your Honor, at this time we move
7 State's 27 into evidence.

8 THE COURT: Any objection?

9 MS. JONES: No objection, Your Honor.

10 (STATE'S EXH. 27, Photograph, was entered into
11 evidence.)

12 BY MR. SMITH:

13 Q. [REDACTED] is the incident location; right?

14 A. Yes, sir.

15 Q. [REDACTED] is where you found the items?

16 A. Yes, sir.

17 Q. Or maybe not you. The items were discovered?

18 A. Yes, sir.

19 Q. This direction is going towards Spartanburg; right?

20 A. Yes, sir. Going towards Highway 9, up towards
21 Parris Bridge Road.

22 Q. I'll ask Chrobak.

23 Did you speak with the people at [REDACTED] or another
24 deputy?

25 A. I believe another deputy did, yes, sir.

DEPUTY BRYANT CROSS BY MS. JONES

1 Q. Were you present when the victims were presented
2 with the remote and the wallet?

3 A. Yes, sir.

4 Q. Did they immediately recognize them as theirs?

5 A. Yes, sir. The wallet is what stuck out to them the
6 most.

7 Q. All tolled, how long did it take before you had
8 somebody in custody and, basically, closed your case?

9 A. I mean, we got on scene about 8:20, 8:24. And I
10 think I cleared up around 9:30. Everybody probably cleared the
11 same where I was able to go and work on the report and do
12 everything when I have the time.

13 MR. SMITH: Please answer any questions Ms. Jones
14 may have.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MS. JONES:

18 Q. Officer Bryant, were you the first officer to
19 arrive?

20 A. Yes, ma'am.

21 Q. You've mentioned by name Officer Chrobak. You also
22 made a comment there were enough people on the scene?

23 A. Yes, ma'am.

24 Q. How many officers total responded to this?

25 A. If I can remember, I think maybe two of our k-nine

DEPUTY BRYANT CROSS BY MS. JONES

1 units and two other uniform patrol deputies to where I was at.

2 Q. And you said you were there until about what time
3 and you were finally able to do your report?

4 A. 9:30 is when I was cleared up after the report was
5 already started. We try not to sit on the crime scene or any
6 scene just to type a report when we obviously have other calls
7 for service to go try and answer so we don't leave anybody else
8 wondering where the police are. When I cleared it and had a
9 chance, that's when I cleared up.

10 Q. Was one of the last things you did before leaving,
11 as part of that process, was to assist or give instructions to
12 Jessica Webber to do her statement, written statement.

13 A. I believe that was a little bit before I left, yes,
14 ma'am.

15 Q. Do you recollect about what time you did that?

16 A. No, ma'am, I don't.

17 Q. When you ask a witness or a person to write a
18 statement, do you give them instructions on what to do?

19 A. Just what to fill out in regards to the top part
20 like their information and to put down basically what they saw
21 not from their point of view for us.

22 Q. Go back and repeat that again. Not to put what
23 they saw from their point of view?

24 A. Yes, ma'am, what they witnessed and not --
25 basically from their perspective for us.

DEPUTY BRYANT CROSS BY MS. JONES

1 Q. Then at the completion of that, you witness it?

2 A. Yes, ma'am.

3 Q. Put your own signature and name and you fill in the
4 date and the time on the bottom; right?

5 A. Yes, ma'am.

6 (DFT. EXH. 1, Voluntary statement, was marked for
7 identification.)

8 BY MS. JONES:

9 Q. Officer, I'm going to hand you a document. It's
10 now been marked as Defendant's Number 1. Can you look at that
11 first and familiarize yourself with it.

12 After you've done that, can you tell the jury and
13 The Court what that document is.

14 A. Yes, ma'am. This is a voluntary statement from
15 Ms. Webber in regards to when she called 911. Also, when she
16 talked to 911, she was going to tell them whatever she seen at
17 the time.

18 Before we get there, we have witnesses fill out
19 statements about what they've seen or whatever happened before
20 we arrive so we have something to look at and go off of.
21 That's what Ms. Webber provided to me.

22 Q. If you'll look down at the bottom area of that, in
23 the general area of your signature, what date and time does it
24 bear?

25 A. Where they completed it?

DEPUTY BRYANT CROSS BY MS. JONES

1 Q. Right.

2 A. 9:24 p.m. on 5th of October.

3 Q. It was 9:24 that night.

4 When you arrived or by virtue of radio traffic,
5 were you aware that there was the presence of unusual or
6 unknown vehicle at this home that was part of the reason for
7 the call?

8 A. Yes, ma'am. Dispatch had advised us that the
9 complainant had stated there was an unknown vehicle there.

10 Q. When you arrived, were you told what kind of
11 vehicle that was, what color it was, where it had been?

12 A. Yes, ma'am. When I arrived, yes, ma'am.

13 Q. It wasn't still there when you got there?

14 A. No, ma'am.

15 Q. What did you do in an attempt to find that vehicle
16 or have others find that vehicle?

17 A. Dispatch had already been alerted of that as well.
18 Obviously we're going to check the area. At the time with me
19 being the only responding deputy there at first, I was more
20 trying to make sure people get there to back me up, to make
21 sure the house was secure and make sure nobody was in the
22 house.

23 Q. Did you do anything to make sure that the
24 description of the strange vehicle was actually out --
25 accessible to other deputies in an attempt to find it?

DEPUTY BRYANT CROSS BY MS. JONES

1 A. The ones that were responding to the scene?

2 Q. Any deputies. You have hundreds of deputies
3 working all over the county at night; right?

4 A. Not hundreds, I wouldn't say that, no, ma'am.

5 Q. Close to 100?

6 A. No, ma'am.

7 Q. Let me ask you this. I'll just right out: Did you
8 make sure that a BOLO went out on that car?

9 A. Well, ma'am, they were already aware the vehicle
10 had been dispatched. The dispatch had already advised on that
11 channel that we were on, there was unknown vehicle, burgundy
12 Trailblazer was already given out.

13 Q. Let's talk about the other channel. You brought up
14 the radio traffic channel. Perhaps nobody in here is a former
15 911 worker so they're probably not going to understand that
16 complex system.

17 A. Okay.

18 Q. Is it true that all law enforcement have access to
19 the communication system and can hear transmissions that the
20 communication center sends out of the information?

21 A. What do you mean by that?

22 Q. Don't officers out on the road, they have a radio
23 in the car, and they are hearing transmissions that 911 sends
24 out; correct?

25 A. If it's a threat for them, yes, ma'am, they do.

DEPUTY BRYANT CROSS BY MS. JONES

1 Q. Okay. Did you ensure that, not just on your
2 private channel where those of you working this case were
3 talking about it, did you ensure that 911 had put the
4 description of that vehicle out so everybody would be looking
5 for it?

6 A. I don't recall asking dispatch to, apart from my
7 personal safety.

8 Q. Okay. Do you know if anybody other than the five
9 of y'all directly connected to this case were aware of the
10 color of the car? It's pretty specific description of this
11 car, isn't it?

12 A. Yes, ma'am.

13 Q. I think she called it a patch. That trash bag on
14 the window is pretty unique; right?

15 A. For some cars, yes, ma'am.

16 Q. You didn't ensure that the rest of the community at
17 large in law enforcement knew that car was important and could
18 be tied back to this crime?

19 A. I'm not aware of dispatch would've gave that it out
20 on another channel. I know they gave it out to us on that
21 channel. I was also trying to get to the house as well to,
22 obviously, secure the scene.

23 Q. The five of you or six of you that are concerned
24 with this case, your first and primary focus is get to the
25 scene, make sure it's safe, do what you can do there. You're

DEPUTY BRYANT CROSS BY MS. JONES

1 not out looking for the Trailblazer?

2 A. I'm not, no, ma'am, not at the time. I can look
3 for it on the way there. I'm still trying to get to the scene.

4 Q. Do you think -- since you, kind of, by handling
5 this case yourself, you dropped into a detective role or an
6 investigator role, did you stop and think that, that vehicle
7 was important to understanding this crime?

8 A. Well, yes, ma'am. That's why dispatch gave it out.

9 Q. You just told me you didn't know if they gave it
10 out except to you?

11 A. No, ma'am. I said on our channel that we were on,
12 we were using a separate channel not to tie up other radio
13 traffic, they gave it on that channel. I did say that.

14 Q. That was channel four and those of you working on
15 this case were there?

16 A. On channel four?

17 Q. On channel four.

18 A. Yes, ma'am.

19 Q. The other deputies like the ones that are still up
20 on Highway 9, headed further towards Spartanburg, they're not
21 on channel four?

22 A. I don't know where the deputies responding to me
23 were coming from. We don't know each other's exact location,
24 whether they're coming straight down Parris Bridge from Highway
25 9 or anything else. There's also side roads coming down Parris

DEPUTY BRYANT CROSS BY MS. JONES

1 Bridge Road.

2 Q. Do you consider yourself or did you then and do you
3 now consider yourself the person in charge of this case for the
4 Sheriff's Office?

5 A. In regards to? What do you mean?

6 Q. There was no investigator to take over the
7 investigation. So you were the person in charge of
8 investigating and getting a resolution in this case?

9 A. Yes, ma'am.

10 Q. As part of your duty as the person in charge, it
11 was your job to make sure that all the things that could help
12 resolve the case completely, solve the puzzle, answer the
13 question, got done; correct?

14 A. Yes, ma'am.

15 Q. After 9:20 when you had Ms. Webber's statement and
16 you were doing your report, did you do anything else to get any
17 information about the Trailblazer?

18 A. Yes, ma'am. I asked Ms. Webber and her husband.
19 There was already information they gave to dispatch was the
20 same information that was given to me.

21 Q. They're with you?

22 A. Yes, ma'am.

23 Q. You didn't do anything to the community, within the
24 community at large to try to find this car?

25 A. What do you mean?

DEPUTY BRYANT CROSS BY MS. JONES

1 Q. Exactly that.

2 A. The community at large?

3 Q. Did you do anything outside of [REDACTED] and those
4 people and those deputies to try to find this vehicle?

5 A. Well, ma'am, they were already -- once everybody
6 started clearing out, I believe more deputies went to look for
7 that. I'm not 100 percent sure of that.

8 Q. As the supervisor or the person in charge of this
9 investigation, shouldn't you have followed up to see that
10 somebody was actually looking for the car that was at the crime
11 scene and left?

12 A. Yes, ma'am. I'm sure deputies were already done.
13 We were also trying to answer other calls as well at the time.

14 Q. So you just dropped it?

15 A. No, ma'am.

16 Q. What did you do then? I'm specifically asking you
17 what you, in charge of the investigation did, to follow up on
18 finding the Trailblazer?

19 A. Well, ma'am, I rode around after as much as I can.
20 I didn't locate the vehicle nowhere.

21 Q. Did you write that up in your report?

22 A. No, ma'am, I didn't.

23 Q. Now, in response to a question from the Solicitor,
24 you were asked about the ID or forensics officer who responded
25 there at the house?

DEPUTY BRYANT CROSS BY MS. JONES

1 A. Yes, ma'am.

2 Q. You indicated that all he did was take pictures?

3 A. Yes, ma'am.

4 Q. Were you part of the decision that he should not
5 fingerprint anything?

6 A. No, ma'am.

7 Q. Were you part of the decision that he should not
8 attempt to lift DNA from items that had been moved --

9 A. No, ma'am.

10 Q. -- broken, touched, or any of that?

11 A. No, ma'am.

12 Q. That was his own decision?

13 A. Yes, ma'am.

14 Q. Would you have had, as the person in charge of the
15 investigation, the authority to ask him to do that? To be more
16 complete and thorough in investigating this case?

17 A. Yes, ma'am. We already had somebody in custody
18 that had property from the house, which is why he did not
19 process the house at the time for fingerprints.

20 Q. Could you have told him to do it otherwise anyway?

21 A. I could have asked him. I couldn't have told him
22 to do it.

23 Q. Even though it was your scene and you were clearly
24 directing people, weren't you?

25 A. Yes, ma'am. I can't tell our ID officers what to

DEPUTY BRYANT CROSS BY MS. JONES

1 do. I can ask them. I'm not a supervisor.

2 Q. When you were told that Deputy Chrobak had somebody
3 in custody, that kind of ended the investigation, didn't it?

4 A. Yes, ma'am.

5 Q. At that point did you become unconcerned about the
6 female that had the vehicle backed up to the back porch where
7 the broken window was?

8 A. No, ma'am.

9 Q. You were concerned?

10 A. You said -- rephrase your question, please.

11 Q. Were you still concerned about that individual?

12 A. Yes, ma'am.

13 Q. Or did it not matter because we've got somebody in
14 custody?

15 A. No, ma'am. It always matters.

16 Q. What efforts beyond a little riding around until
17 you got the next call did you personally do to try to figure
18 out who that person was?

19 A. Ma'am, that's when we went to talk to him. He
20 didn't want to speak with us, so I couldn't ask if he was with
21 anybody.

22 MS. JONES: Your Honor, I have an issue. We need
23 privately to talk about that.

24 THE COURT: Ladies and gentlemen, if you will
25 please retire to the jury room.

DEPUTY BRYANT CROSS BY MS. JONES

1 (The jury exited the courtroom at 10:36 a.m.)

2 THE COURT: The jury has been excused from the
3 courtroom. Ms. Jones.

4 MS. JONES: Thank you, Your Honor. In the
5 testimony that just was given by the deputy, he has committed
6 the most grievous of errors. He commented about my client's
7 invocation of his right to remain silent. As Your Honor knows,
8 that's terribly wrong. I didn't elicit that.

9 My question was, again, I was on that rant about
10 what did you do to find the car. He said he did do something.
11 And then, in the answer, he said: Well, we went to see him but
12 he refused to talk to us, which was not an intended answer. I
13 don't think I elicited it at all, Your Honor. I think at this
14 point I'm going to have to make a motion for a mistrial.

15 THE COURT: Let me ask, madam court reporter, do
16 you have the ability to replay that portion? It would be just
17 before the objection.

18 THE COURT REPORTER: Sure, but my speakers are not
19 very loud, I don't think you can hear it. I can just read it
20 to you, if it's just question and answer.

21 THE COURT: Let me have that first, then I'll hear
22 from Mr. Smith.

23 (The court reporter read back the question and
24 answer from page 199, lines 16 through 21.)

25 THE COURT: Mr. Smith.

DEPUTY BRYANT CROSS BY MS. JONES

1 MR. SMITH: As far as whether she elicited, she's
2 trying to get at what efforts he made. I don't think he was
3 not responding to the question and blurted that out, like,
4 intentionally to try to mess up the case. We would just ask
5 for some sort of curative instruction.

6 Obviously, mistrial is the most harsh remedy
7 possible. Just ask he's not required to talk and whatever.
8 Any sort of curative instruction about that can't be used
9 against him. I know that would be part of your charge as well,
10 whether this issue came up or not. That would be the State's
11 position is can it be cured without a mistrial. Actually he
12 did give information about the female, too. It's really not
13 even the right witness to be talking about that.

14 THE COURT: Ms. Jones.

15 MS. JONES: Your Honor, I disagree that it can be
16 cured with a simple instruction. Unfortunately, you know,
17 because of the procedure that we have to utilize to not only
18 bring the issue to The Court, object to it, and deal with the
19 issue, it does draw -- that process itself draws attention to
20 what might've been, in theory, something they didn't notice.

21 My immediate reaction, the reaction Your Honor has
22 to take to get them out and all, then when they come back,
23 you're immediately going to address the issue with them. I
24 think it cements it. The one person that may not have caught
25 it, probably going to go back and probably sit there, trying to

DEPUTY BRYANT CROSS BY MS. JONES

1 figure out, oh, I must've been not paying attention. Let me
2 figure out what it is.

3 I don't think it cures the problem. That's why I
4 think the mistrial is the remedy. It is such a grievous thing
5 that deputies, I thought, were trained to stay away from. And
6 this deputy has been doing this some time, it sounds like,
7 almost supervisory capacity for five years. And it just popped
8 right out.

9 MR. SMITH: It's not even true. He did give a name
10 of a female that they're going to hear on the next witness. He
11 gave a phone number that they're going to hear on the next
12 witness. He didn't actually remain silent. His statement is,
13 in many ways, not really true. I don't really see the damage
14 it did.

15 He actually talks about being with a female who has
16 gotten separated from him, gives a name for her. All of that
17 is going to come in before the jury.

18 The only piece we left out is about how that wallet
19 got in his pocket. He did give a statement to law enforcement,
20 and that's going to come out to the jury. I don't really see
21 the damage being as severe as Ms. Jones is making it out to be.

22 MS. JONES: I just disagree with that proposition,
23 with that statement. And also the comment he made leaves the
24 impression with the jury they went to him at some other point
25 to interview him, and he said he didn't want to talk to us.

DEPUTY BRYANT CROSS BY MS. JONES

1 As Your Honor knows, when he was finally Mirandized
2 13 minutes into this encounter, he refused to even acknowledge
3 and concede that Miranda had been given to him. He invoked.
4 And the officer didn't try to ask him anything anymore.

5 THE COURT: Let me talk with Counsel privately for
6 just a few moments. We haven't had a mid-morning break yet.
7 Everyone be at ease.

8 Sir, you can step down, get a sip of water, use the
9 rest room. You can't talk with anybody because you're
10 technically on the stand; okay?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: You can't talk to anybody about
13 anything right now.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Let me talk to the lawyers.

16 (A recess transpired from 10:43 a.m. until 11:04
17 a.m.)

18 MS. JONES: Your Honor, after we resolved that
19 other issue, since the jury is already out, could we go ahead
20 and do the proffer on him about the warrant statement so you
21 don't have to do that, too.

22 THE COURT: I thought about that walking in.

23 MS. JONES: Great minds.

24 THE COURT: You must be clairvoyant. I also think
25 that maybe a potential witness just came and went back out. If

DEPUTY BRYANT CROSS BY MS. JONES

1 you want to step back there real quick. 'I think it was on Ms.
2 Jones' list.

3 (A pause transpired.)

4 THE COURT: Counsel, if y'all can just come up real
5 quick and look at this.

6 (A pause transpired.)

7 THE COURT: With regards to the Defendant's motion
8 for a mistrial, I did consider that. I have also had
9 discussions with Counsel in chambers mainly informing them that
10 I was denying that motion but would give a curative
11 instruction.

12 And that curative instruction is as follows: A
13 Defendant has the Constitutional right to remain silent and the
14 assertion of this right must not be considered by you in your
15 deliberations. The Defendant is not required to prove his
16 innocence. The burden of proof remains on the State to prove
17 guilt beyond a reasonable doubt.

18 Now, moving to the next issue. While the jury is
19 still out, at pretrial there was a motion made concerning
20 testimony of this witness, Officer Bryant, regarding the
21 initial stages of the warrant. And so I will allow Counsel at
22 this time outside the presence of the jury to question this
23 witness.

24 Counsel.

25 MS. JONES: Thank you, Your Honor.

DEPUTY BRUANT VOIR DIRE BY MS. JONES

1 VOIR DIRE EXAMINATION

2 BY MS. JONES:

3 Q. Officer Bryant, at the conclusion of your
4 investigation of the -- sorry, your handling of the case at
5 [REDACTED], and upon learning that Deputy Chrobak had Mr. Brown in
6 custody, did you attempt to get warrants in this case from any
7 one of the magistrates?

8 A. Once everything was done and over with, is that
9 what you mean? Yes, ma'am.

10 Q. Do you remember when that happened?

11 A. So I spoke to a judge at the jail. I can't
12 remember what time exactly. They have a person that types
13 warrants for him. They didn't have nobody in the jail. He
14 said to come back in the morning, which I think was 7:00, 8:00.
15 So I went and saw Judge Burns at the jail when they had
16 somebody there at the time.

17 Q. In attempting to get a warrant, what procedure do
18 you utilize?

19 A. We just go and take our report, everything we
20 discovered that night, whatever we found or anything of that
21 nature, the whole report and talk to the judge for the charges.

22 Q. Do you let him read it, or do you summarize it or
23 does it depend on the judge?

24 A. It depends on the judge.

25 Q. Were you under oath when you were making a

DEPUTY BRUANT VOIR DIRE BY MS. JONES

1 presentation about what you believed your case was about?

2 A. Yes, ma'am.

3 Q. What warrant or warrants did Judge Burns give you?

4 A. I believe it was -- I can't recall. I believe it
5 was possession of stolen property. I can't remember.

6 Q. Do you actually believe it was receiving stolen
7 goods?

8 A. That might've been it, yes, ma'am. I couldn't
9 remember the exact warrant charge.

10 Q. Did you disagree with his decision based on what
11 you believed the facts of the case to be?

12 A. I asked him about it, but he just gave me that so I
13 wasn't going to argue with him about what he gave me.

14 Q. Did you agree with that decision?

15 A. At the time, yes, ma'am.

16 Q. You didn't have an objection to it initially?

17 A. No, ma'am. Like I said, I asked him about it.
18 That's what he gave me, so I wasn't going to ask him questions.
19 I just asked him. Said okay. Yes, sir.

20 Q. How did it transcribe later on the same day, two
21 more warrants are issued by Judge Turner?

22 A. So at that time I was still having questions about
23 the property crime stuff, in regards to that aspect. So I
24 asked a few of the property crime investigators, including the
25 sergeant, just asking their opinion. I thought it was going to

DEPUTY BRUANT VOIR DIRE BY MS. JONES

1 be the two that I later got. I got that. I asked them about
2 it. They said, based on what I had, it was those two and to
3 just go to talk to another judge, see what another judge says
4 and ask his opinion on it.

5 Q. Okay. So you weren't really going just to ask his
6 opinion. You were going to try to get two more warrants?

7 A. Well, running it by him, yes, ma'am.

8 Q. Well, you're not running it by just to have a
9 discussion. You're there because he issues warrants?

10 A. Well, it was for both, yes, ma'am.

11 Q. Have you ever done that before?

12 A. No, ma'am.

13 Q. Did you give Judge Turner the exact same
14 information you had given Judge Burns?

15 A. Yes, ma'am.

16 Q. But you left with burglary first and petit larceny,
17 not receiving stolen goods?

18 A. Yes, ma'am.

19 Q. Did you tell Judge Turner you had already gotten a
20 receiving from Judge Burns?

21 A. Yes, ma'am.

22 Q. What ultimately later happened to the receiving?

23 A. It was recalled. Like, recall, like you go and
24 recall the warrant number. It was recalled.

25 MS. JONES: Your Honor, that's all I have on that

DEPUTY BRUANT VOIR DIRE BY MS. JONES

1 point.

2 THE COURT: Mr. Smith.

3 MR. SMITH: I don't have any questions about it.

4 THE COURT: Any argument as to whether or not this
5 should be heard by the jury?

6 MR. SMITH: We do not think it's proper to be heard
7 by the jury. I've stated my reasons before. We don't get to
8 bolster our case by saying a warrant has been issued. We don't
9 get to bolster by saying the Grand Jury has true-billed him.
10 They should not be able to do the opposite.

11 It has nothing to do with the facts of the case.
12 It is simply just trying to introduce reasonable doubt, a
13 non-witness' opinion about the case. You couldn't call him to
14 testify and give his opinion on what he thinks the evidence
15 shows. That's just not how witnesses work. For that reason we
16 ask that it be kept out.

17 THE COURT: Ms. Jones.

18 MS. JONES: Your Honor, that is not the purpose of
19 exploring it and having the jury learn about it. The point I'm
20 going to is that they button this thing up an hour-and-a-half
21 later. They had solved it and were very proud of that. And
22 wanted the charges they wanted regardless of what a judge told
23 them.

24 THE COURT: Okay. All right.

25 Let me just read y'all these Rules of Evidence.

DEPUTY BRUANT VOIR DIRE BY MS. JONES

1 Rule 401. Relevant evidence means evidence having any tendency
2 to make the existence of any fact that is of consequence to the
3 determination of the action more probable or less probable than
4 it would be without that evidence.

5 402, all relevant evidence is admissible. Evidence
6 which is not relevant is not admissible.

7 403, although relevant evidence may be excluded if
8 its probative value is substantially outweighed by the danger
9 of unfair prejudice, confusion of the issues, or misleading the
10 jury or by consideration of undue delay, waste of time or
11 needless presentation of cumulative evidence.

12 I really don't think that this is relevant. If I
13 did find that it was relevant, I do think that it's confusing,
14 okay, to the jury. It's not necessary.

15 I am going to exclude this but the record has been
16 preserved. All right?

17 MR. SMITH: Thank you, Your Honor.

18 THE COURT: Anything else before we have the jury
19 come back in? And I will, upon them coming in, I will give
20 them this curative instruction before we continue with the
21 testimony of this witness on the witness stand at this time.
22 Anything else, Ms. Jones?

23 MS. JONES: No, ma'am.

24 MR. SMITH: Nothing, Your Honor. We have reviewed
25 the body cam. We agree that the part you ruled on has been

DEPUTY BRYANT CROSS BY MS. JONES

1 removed. We're ready to go.

2 THE COURT: That will be after this witness, and
3 that's going to be about 20 minutes?

4 MR. SMITH: Yeah, I think it said 17.

5 THE COURT: Let's have the jury.

6 (The jury entered the courtroom at 11:10 a.m.)

7 THE COURT: Juror 152 will serve as our forelady.
8 Thank you for agreeing to, ma'am.

9 We are continuing with the testimony of Officer
10 Bryant on cross-examination. And I do need to make a statement
11 to you all before continuing with his testimony.

12 I need to inform you-all that there was a statement
13 made right before I sent you-all out. You-all are to disregard
14 it.

15 A Defendant has the Constitutional right to remain
16 silent, and the assertion of this right must not be considered
17 by you in your deliberations. The Defendant is not required to
18 prove his innocence. The burden of proof remains on the State
19 to prove guilt beyond a reasonable doubt.

20 We are now continuing with cross-examination.

21 MS. JONES: Yes, ma'am.

22 CROSS-EXAMINATION CONTINUED

23 BY MS. JONES:

24 Q. Officer Bryant, you indicated earlier that you were
25 the first officer on the scene after this call went out;

DEPUTY BRYANT CROSS BY MS. JONES

1 correct?

2 A. Yes, ma'am.

3 Q. Where did you come from to get to this home on
4 Parris Bridge Road?

5 A. I don't remember exactly where I was coming from.
6 I know I come from Parris Bridge Road as if I was coming from
7 the View Church right up the road, Parris Bridge Road.

8 Q. Did you pass the View Church to get to this house?

9 A. Yes, ma'am.

10 Q. Did you see any vehicle there or white Honda Civic
11 sitting in the parking lot?

12 A. Not that I can remember.

13 Q. When you got to the scene and later in the process,
14 you've indicated that you gave instructions to Ms. Webber on
15 how to do a statement. Did you get a statement from Trey
16 Webber?

17 A. I don't believe so, no, ma'am.

18 Q. Did you ask him to fill one out?

19 A. I asked if he would like to provide one. I ask
20 everybody if they would like to provide one.

21 Q. He declined to do that?

22 A. Yes, ma'am.

23 Q. Had he been there the whole time?

24 A. Yes, ma'am.

25 Q. You indicated also that, at some point while you

DEPUTY BRYANT CROSS BY MS. JONES

1 were there, you received information through radio
2 transmission, I guess -- unless it was a phone call -- about
3 the actions of Officer Chrobak who was out at another location?

4 A. Radio traffic.

5 Q. Did you learn from that radio traffic any
6 description of the person he had in custody?

7 A. I believe he may have given a description. I can't
8 100 percent remember off the top of my head.

9 Q. At the time you were finished with working on this
10 case, did you know the name of that individual?

11 A. Yes, ma'am.

12 Q. Did you know whether he was a white male, black
13 male, Asian male, Hispanic male?

14 A. Yes, ma'am.

15 Q. How had you gotten that information, if you
16 remember?

17 A. They advised on scene afterwards, once all the
18 reports was getting done, Deputy Chrobak advised me who he was
19 out with. And then obviously he brought him back when the
20 stuff was brought back, the wallet and the remote. He advised
21 who he had with him.

22 Q. Did you meet or talk or have any interaction with
23 that individual at that point?

24 A. No, ma'am.

25 Q. Chrobak came back just to bring a couple of items?

DEPUTY BRYANT CROSS BY MS. JONES

1 A. Yes, ma'am.

2 Q. But you learned that this was a black male?

3 A. Yes, ma'am.

4 Q. Did you relay that information over to the other
5 individuals there on the scene?

6 A. Such as?

7 Q. The other individuals on the scene.

8 A. Like the officers?

9 Q. Who did you relay it to?

10 A. I believe I spoke to the officers about it, but
11 nobody else.

12 Q. Did you do that privately?

13 A. Yes, ma'am. I wouldn't discuss nothing like that
14 with people out in the open.

15 Q. Do you recollect, when you wrote your report -- do
16 you remember writing your report?

17 A. I remember writing it. I don't remember exactly
18 what time I wrote it.

19 Q. In there you summarize generally the events. Do
20 you also remember that you summarized your interactions and
21 conversations with Ms. Webber and her husband?

22 A. Yes, ma'am.

23 Q. Were you involved with going down the street to the
24 house that had the items left out by the street near the car?

25 A. I don't remember walking up there. I think I

DEPUTY BRYANT CROSS BY MS. JONES

1 stayed at the house the whole time.

2 Q. Did you completely circle this house at any point
3 while you were there?

4 A. The --

5 Q. [REDACTED]?

6 A. I believe so. I can't remember off the top of my
7 head.

8 Q. Do you remember where you spent most of your time
9 while you were there?

10 A. Inside the house or outside in the front.

11 Q. The front, not the back or the sides?

12 A. Yes, ma'am. I went to the side. I'm saying --
13 you're asking me where most of my time was spent?

14 Q. Right.

15 A. Was either inside or the front.

16 Q. At any point actually just go all the way around
17 the house?

18 A. I believe I did. I can't remember off the top of
19 my head.

20 Q. Are there windows at various points around this
21 house, if you remember?

22 A. From what I can recall, yes, ma'am.

23 Q. Were any of the windows open?

24 A. Not that I recall, no, ma'am.

25 MS. JONES: Thank you, Officer. Appreciate you

DEPUTY CHROBAK DIR BY MR. SMITH

1 answering my questions.

2 THE COURT: Redirect.

3 MR. SMITH: I don't have anything, Your Honor.

4 THE COURT: Any objection to this Officer Bryant
5 being excused or being allowed to remain in the courtroom?

6 MR. SMITH: Not from the State.

7 MS. JONES: None, Your Honor.

8 THE COURT: Thank you, sir. Please step down.

9 Watch your step.

10 Next witness.

11 (The witness exited the stand).

12 MR. SMITH: Deputy Chrobak.

13 (The witness entered the room.)

14 THE CLERK: Place your left hand on the Bible,
15 raise your right hand.

16 DEPUTY JOSHUA CHROBAK

17 being first duly sworn, testified as follows: ,

18 THE COURT: Sir, if you will state your full name,
19 spelling your last.

20 THE WITNESS: Joshua Brandon Chrobak,
21 C-H-R-O-B-A-K.

22 DIRECT EXAMINATION

23 BY MR. SMITH:

24 Q. Deputy Chrobak, where are you currently employed?

25 A. Spartanburg County Sheriff's Office.

DEPUTY CHROBAK DIR BY MR. SMITH

1 Q. How long have you been with them?

2 A. Three years.

3 Q. Is that all of your law enforcement experience?

4 A. It is.

5 Q. What role have you had at the Sheriff's Office?

6 A. Work uniform patrol.

7 Q. Were you assigned to the area that covers Parris
8 Bridge Road and the north part of the county?

9 A. Yes, sir.

10 Q. Are you familiar with that area through your work
11 and your life?

12 A. Yes, I am.

13 Q. Did you grow up around that area?

14 A. I did. The Fingerville area.

15 Q. What can you tell me about this portion of Parris
16 Bridge Road, [REDACTED], and what else is around and type of
17 neighborhood it is?

18 A. That area is primarily, I would say, farm land; a
19 lot of area between the houses. Not much foot traffic at all,
20 little to none.

21 Q. Did you respond to a burglary call at [REDACTED] Parris
22 Bridge Road on October 5, 2021?

23 A. I did.

24 Q. You received a dispatch telling you where to go.
25 Explain to the jury how that happens.

DEPUTY CHROBAK DIR BY MR. SMITH

1 A. So, whenever dispatch gives us a call, they ask for
2 the units who is in that area primarily to go first and then
3 any secondary units to go. I was a secondary unit to go.
4 Sometimes a secondary unit is also told to be, hey, if you're
5 also in that area, do this or that, look out for whatever.

6 Q. Was it your understanding that there might still be
7 a suspect on the scene? The crime may still be occurring?

8 A. To my knowledge.

9 Q. So you responded speeding with the lights on and
10 all of that?

11 A. Yes, sir, what we call priority. The tone drop
12 meaning something is actively in progress over the radio so we
13 respond lights and sirens.

14 Q. Tell me about getting to the scene, what happened
15 as you're approaching Paris Bridge?

16 A. As I approached the scene, probably or right around
17 the Mountain View Baptist Church area, I heard over the radio
18 from another unit that was on scene stating that --

19 MS. JONES: Your Honor, I object to hearsay.

20 THE COURT: That would be sustained.

21 BY MR. SMITH:

22 Q. Did you end up responding to the scene?

23 A. I did not.

24 Q. What did you do?

25 A. Around the Mountain View Baptist Church area, I was

DEPUTY CHROBAK DIR BY MR. SMITH

1 driving towards the scene, and I observed a black male walking
2 on the side of the road, walking towards me, away from the
3 scene.

4 Q. When you diverted from going to the scene, why did
5 you do that? What were you going to look for?

6 A. I was looking for anybody in the area, primarily
7 somebody walking around.

8 Q. Without getting into the content of what was told
9 to you, you were looking for a person?

10 A. I was, right.

11 Q. Were you looking for a black male?

12 A. I was mainly looking for any and everybody in the
13 area.

14 Q. Without saying what people told you, were you
15 looking for a specific person that somebody had seen? Not like
16 knowing their name.

17 A. A black male wearing all black.

18 Q. You had a description of somebody that you were
19 looking for?

20 A. Yes.

21 Q. And your purpose was to go see if he had any
22 connection with the crime?

23 A. Yes.

24 Q. Tell me, what did you observe when you found that
25 individual on Parris Bridge?

DEPUTY CHROBAK DIR BY MR. SMITH

1 A. At the intersection of Parris Bridge and Horton, I
2 observed a black male wearing all black. I got out with that
3 individual. I asked what he was doing in the area. Instantly
4 he said: Nothing, I wasn't doing anything.

5 Q. What direction is he walking?

6 A. He was facing towards me, heading towards
7 Spartanburg. I was heading towards the scene. So he was
8 walking away from the residence.

9 Q. I'm going to show you State's 28 and ask if you can
10 tell me what this is.

11 A. That would be the stretch of Parris Bridge Road.

12 Q. That reflects your knowledge of that area?

13 A. Yes, sir, it does.

14 MR. SMITH: Your Honor, at this time I move State's
15 Exhibit 28 into evidence.

16 THE COURT: Any objection?

17 MS. JONES: No, ma'am.

18 (STATE'S EXH. 28, Photograph, was entered into
19 evidence.)

20 BY MR. SMITH:

21 Q. This red indicator is the incident location; is
22 that correct?

23 A. Yes, sir, it is.

24 Q. I don't know if the jury can make it out, this is
25 Horton Road, the lowest road on the right in the picture?

DEPUTY CHROBAK DIR BY MR. SMITH

- 1 A. It is.
- 2 Q. Where did you say that you found Mr. Brown?
- 3 A. That intersection of Parris Bridge Road.
- 4 Q. This area where these two intersect?
- 5 A. Yes, sir.
- 6 Q. He's walking down towards Spartanburg?
- 7 A. Yes, sir.
- 8 Q. Was your interaction with him recorded?
- 9 A. It was.
- 10 Q. Did you find anything suspicious about just seeing
11 him in that area?
- 12 A. I did.
- 13 Q. What did you find? Before talking with him, what
14 did you think was suspicious?
- 15 A. That it's not a very high foot traffic area. Not a
16 lot of people, to my knowledge, anybody usually walks on the
17 side of the road. There's not any gas stations or restaurants
18 or anything like that walking around to go to.
- 19 Q. Do you know how far Horton Road is from the
20 incident location?
- 21 A. .2 miles I would say.
- 22 Q. I'll hand you State's Exhibit 6 and ask if you can
23 tell me what that is.
- 24 A. It would be a recording of my body cam footage.
- 25 Q. Where you interacted with Mr. Brown at Horton and

DEPUTY CHROBAK DIR BY MR. SMITH

1 Parris Bridge?

2 A. Yes, sir.

3 MR. SMITH: Your Honor, at this time we move
4 State's 6 into evidence.

5 THE COURT: Any objection?

6 MS. JONES: Just subject to our prior motions.

7 THE COURT: State's Exhibit 6 is in.

8 (STATE'S EXH. 6, Compact disc, was entered into
9 evidence.)

10 (Video played. Not transcribed).

11 BY MR. SMITH:

12 Q. What did he tell you -- that portion that we just
13 played, was he telling you why he was out there?

14 A. He was.

15 Q. What did he say?

16 A. Stated that his girl dropped him off and that he
17 was -- didn't have anything to do with anything.

18 Q. Did you find that story suspicious?

19 A. Very.

20 Q. What about it was suspicious?

21 A. The fact that I never told him what happened and he
22 was automatically saying he didn't do anything as well as his
23 girlfriend dropping him off at an area that people wouldn't
24 really normally drop people off at.

25 (Video played. Not transcribed).

DEPUTY CHROBAK DIR BY MR. SMITH

1 THE COURT: Mr. Smith, can you turn it down a
2 little bit?

3 MR. SMITH: Yes, ma'am.

4 (Video played. Not transcribed.)

5 BY MR. SMITH:

6 Q. At the beginning of this you talked about a Terry
7 frisk. Can you explain to the jury what that is.

8 A. So a Terry frisk is a, basically, a patdown for
9 weapons. If we have reasonable suspicion or for officer safety
10 to pat somebody down for weapons.

11 Q. Obviously, any illegal items as well?

12 A. Yes, as well.

13 Q. Did you find anything on that Terry frisk?

14 A. I did not.

15 Q. It does not involve -- does it involve going into
16 pockets?

17 A. You cannot manipulate any pockets.

18 Q. It's just like almost like the airport?

19 A. You're just patting down.

20 Q. You felt something you felt was a sunglass case; is
21 that right?

22 A. Yes. While I had my hands around his waist, I
23 believe I knocked what I believed to be a sunglass case on my
24 wrist, going down, it was sticking out of the pocket. And then
25 I secured it back in his pocket.

DEPUTY CHROBAK DIR BY MR. SMITH

1 Q. You then ran his name through a database; is that
2 right?

3 A. I did.

4 Q. And that was what gave you the information about
5 him being on probation?

6 A. Yes, sir.

7 Q. What's your understanding about your ability to
8 search somebody who's on probation?

9 A. On probation, if you have reasonable suspicion that
10 you can articulate that you could search their person. Mine
11 actually has a little section in the information that they give
12 on what you can do.

13 Q. That's a more thorough search; it actually involves
14 going into pockets and pulling items out?

15 A. Yes.

16 Q. And the sunglasses case, the TV remote that you
17 pulled out?

18 A. It was.

19 Q. He had two wallets; right?

20 A. Yes, sir.

21 Q. Obviously, at the time you're searching him, you've
22 not been to the scene; you don't know who lives there; correct?

23 A. No, I was never on scene.

24 Q. You found the two wallets suspicious?

25 A. Yes, sir, I did.

DEPUTY CHROBAK DIR BY MR. SMITH

1 Q. I'm going to hand you 24, 25, and 26.

2 THE COURT: Any objection?

3 MS. JONES: Subject to my previous objections.

4 BY MR. SMITH:

5 Q. I'll ask if you can identify these.

6 A. That would be the second wallet that I found in the
7 left pocket.

8 MR. SMITH: Your Honor, at this time we move
9 State's 24 through 26 into evidence.

10 THE COURT: They are admitted.

11 (STATE'S EXH. 24, Photograph, was entered into
12 evidence.)

13 (STATE'S EXH. 25, Photograph, was entered into
14 evidence.)

15 (STATE'S EXH. 26, Photograph, was entered into
16 evidence.)

17 BY MR. SMITH:

18 Q. This is State's 25. That's how you found it; in a
19 Ziplock bag; right?

20 A. Yes, sir.

21 Q. This is State's 24. And this is State's 26. There
22 were other items in there like family photos and things;
23 correct?

24 A. There were.

25 Q. This isn't all the things. A lot of them had his

DEPUTY CHROBAK DIR BY MR. SMITH

1 name on it?

2 A. Yes, sir.

3 Q. I'm sure, I hope; the jury figured out, you ended
4 up confirming that had some connection to that house; right?

5 A. Yes, sir.

6 Q. That was then when you decided to, I guess,
7 formally arrest him. He had been detained. You read him his
8 Miranda rights. That was the triggering event for you?

9 A. Yes, sir.

10 Q. Do you know how close in time you finding Mr. Brown
11 is to the burglary or the 911 call?

12 A. Approximately ten to 12 minutes.

13 Q. You said it was about .2 miles away; correct?

14 A. Yes, sir.

15 Q. In a portion of the video, he told you there was a
16 female that had given this to him; right?

17 A. Yes, sir.

18 Q. Did you attempt to find out who that lady was? Was
19 that what you were doing on the computer, the back and forth
20 about the birthday and things like that?

21 A. Yes, sir.

22 Q. Were you able to find anything out?

23 A. No, there was no profile for her. No information.

24 Q. You end up taking him back to the scene; is that
25 right?

DEPUTY CHROBAK CROSS BY MS. JONES

1 A. Yes, sir.

2 Q. Did you get him out of the vehicle and show him to
3 the victims or anything like that?

4 A. No, sir.

5 Q. Is that essentially your involvement in this case?
6 Finding him --

7 A. Yes.

8 Q. -- and what we watched basically?

9 A. That and giving the evidence to Deputy Bryant, the
10 investigator.

11 Q. It was dark outside when you responded; correct?

12 A. Yes, sir.

13 Q. When you dropped the items off with Deputy Bryant,
14 did you actually sit with him and let the victims look at him
15 or anything like that?

16 A. Not to my knowledge, no. It was a quick exchange.

17 MR. SMITH: Please answer any questions Ms. Jones
18 has.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION

21 BY MS. JONES:

22 Q. Officer Chrobak, you talked about this location or
23 the stretch of road in the area. You worked there and
24 patrolled there for a couple years now?

25 A. At that time I was patrolling there for ten months.

DEPUTY CHROBAK CROSS BY MS. JONES

1 Q. Okay. It's dark at night there; right?

2 A. Yes, ma'am.

3 Q. But there are lights; right?

4 A. Yes, ma'am.

5 Q. Many people in that area, because it is dark and
6 they have these huge plots of land, have what I would call -- I
7 don't know the real name of it -- a Duke Power light or more
8 than one of those Duke Power lights, correct, to light and
9 illuminate parts of their property. Are you familiar with
10 that?

11 A. I am.

12 Q. That's common. It's not completely pitch dark;
13 correct?

14 A. In that area not as much as there would be like in
15 the city.

16 Q. It is lit because of these lights I'm referring to;
17 correct?

18 A. Yes.

19 Q. Now, you indicated that you had been -- and I
20 stopped you from saying exactly what the other officer told
21 you, but you were given some information by another officer
22 and, instead of going to the house, you went to act on that
23 information; is that correct?

24 A. Yes, ma'am.

25 Q. That information was that the officer had passed an

DEPUTY CHROBAK CROSS BY MS. JONES

1 individual that you described as a black male wearing all
2 black. That was not all the information that officer gave you,
3 was it?

4 Didn't the officer also say that he had observed a
5 white Honda civic sitting at the View Church in the parking lot
6 as though waiting for someone?

7 A. Yes, ma'am.

8 Q. Did you pass the View --

9 A. I did.

10 Q. -- to get to where you encountered Mr. Brown? Did
11 you see the vehicle?

12 A. I did not.

13 Q. The information I just relayed that came from the
14 other officer had come several minutes before, had it, or do
15 you remember how much before you had gotten it?

16 A. I was in the relative area so probably 30 seconds
17 to a minute.

18 Q. Instead of going to the house, you went looking for
19 the person that had been described by the other officer;
20 correct?

21 A. Yes.

22 Q. You're riding on Parris Bridge Road, headed to
23 which direction?

24 A. Heading towards the residence.

25 Q. That's Chesnee where it crosses Pacolet River on

DEPUTY CHROBAK CROSS BY MS. JONES

1 down that way; right?

2 A. Towards North Carolina.

3 Q. You are driving around, driving on that road.

4 Where do you see Mr. Brown? Because we didn't see that on any
5 camera.

6 A. At the intersection of Parris Bridge and Horton
7 Road.

8 Q. Specifically where did you see him? Was he in the
9 road, in the grass, in the woods?

10 A. Walking on the side of the road towards me.

11 Q. Towards you.

12 A. Away from the scene.

13 Q. Pardon me?

14 A. Away from the scene.

15 Q. And he was walking?

16 A. Yes, ma'am.

17 Q. Not running.

18 At that point did you have your blue lights and
19 siren on?

20 A. No, ma'am.

21 Q. Okay. Had you before? And then you were in a
22 hurry to get to this house, weren't you --

23 A. Yes, ma'am.

24 Q. -- to help out? Had you had your lights on before?

25 A. I had my lights on, yes, ma'am, responding to the

DEPUTY CHROBAK CROSS BY MS. JONES

1 scene.

2 Q. So you turned them off?

3 A. I turned them off due to other officers on the
4 scene.

5 Q. Did that coincide with you deciding, okay, I'm not
6 going to the house to help out, I'm going to go look for this
7 person?

8 A. No, ma'am, I was still heading towards the scene
9 until I was given the information.

10 Q. Why did you turn your lights off?

11 A. Due to officers being on scene. Usually when an
12 officer gets on scene to a priority call, if there's no longer
13 an active disturbance, active burglary or anything like that,
14 we are supposed to be running nonpriority.

15 Q. Okay. So when you found out somebody else was
16 there, you took your lights off for that reason?

17 A. Yes, ma'am.

18 Q. You never went to the house to see if other people
19 had arrived with their lights still on?

20 A. No, ma'am.

21 Q. You drive -- you're driving down the road. What
22 kind of vehicle are you in?

23 A. Ford Explorer.

24 Q. The big one where the sides of it are white, the
25 top is black; right?

DEPUTY CHROBAK CROSS BY MS. JONES

1 A. Yes, ma'am.

2 Q. You're riding down the road and you see Mr. Brown
3 walking. And then do you hit your blue lights then and pull
4 over or just pull over?

5 A. I pull over, then turn my blue lights on.

6 Q. Did you pull over in front of him, beside him,
7 after him and walk back? How did you do that?

8 A. I pulled over in front of him.

9 Q. Directly in his path?

10 A. He was, approximately, maybe 20 feet in front of me
11 so I pulled over.

12 Q. Did he take off and run into the woods?

13 A. He didn't.

14 Q. You walked up to him or y'all met at some point?

15 A. He walked up to my vehicle.

16 Q. Okay. He walked up to you.

17 He's visible on the video we've just watched. Can
18 you describe what he was wearing when you encountered him.

19 A. Whenever I encountered him, he was wearing a hat,
20 white T-shirt, black jacket over it, black sweatpants I would
21 say or some sort of...

22 Q. Workout pants maybe?

23 A. Technically. It could be.

24 Q. It's not like uniform pants or blue jeans. They're
25 some athletic looking wear or do you remember?

DEPUTY CHROBAK CROSS BY MS. JONES

1 A. Safe to say.

2 Q. Do you remember or did you watch the video and see
3 the jacket he has on is not all black, is it?

4 A. To me it looked black.

5 Q. Did you miss the gray triangular insets under the
6 arm?

7 A. It's majority black to me.

8 Q. Mr. Brown wears glasses; is that correct?

9 A. Yes, ma'am.

10 Q. Or did that night?

11 A. Yes, ma'am.

12 Q. You indicated just his presence there was
13 suspicious to you because nobody walks there and nobody gets
14 dropped off there?

15 A. That is unusual, yes, ma'am.

16 Q. There are people that live there all along that
17 street, are there not?

18 A. There are.

19 Q. And people that live in those houses have friends
20 and neighbors and guests and perhaps even they walk to each
21 other's homes; true?

22 A. True.

23 Q. You're not going to get in a car and drive to a
24 neighbor's house unless you have something big to carry. You
25 might walk if it's nice weather; correct?

DEPUTY CHROBAK CROSS BY MS. JONES

1 A. Correct.

2 Q. When you saw him, you indicated he was walking. He
3 walked up to you when you stopped him. Did you notice if he
4 had anything in his hand?

5 A. I did not see anything in his hands, no, ma'am.

6 Q. He wasn't carrying an air-conditioner in a box?

7 A. No, ma'am.

8 Q. Or flat screen TV?

9 A. No.

10 Q. Or DVD player that you could tell?

11 A. No.

12 Q. You went through the frisk with him and found no
13 weapons on him?

14 A. Uh-huh.

15 Q. Did you even find a cell phone?

16 A. A cell phone? No, ma'am.

17 Q. He, in fact, asked you to call somebody?

18 A. Uh-huh.

19 Q. He didn't have a phone on him.

20 And you never went to the home because of the
21 burglary. You were just looking for this particular person
22 that another officer had seen a few minutes, few seconds
23 before?

24 A. Yes, ma'am.

25 Q. But the person was supposed to be dressed in all

DEPUTY CHROBAK REDIR BY MR. SMITH

1 black?

2 A. Yes, ma'am.

3 Q. Do remember what kind of shoes he was wearing?

4 A. No, ma'am.

5 MS. JONES: Your Honor, that's all I have. Thank
6 you.

7 THE COURT: Redirect, sir.

8 MR. SMITH: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SMITH:

11 Q. This is not just like you're driving down the road
12 randomly and see someone walking. You're responding to a
13 burglary; right?

14 A. Yes, sir.

15 Q. Is that what someone adds to the suspicion --

16 A. It does.

17 Q. -- of a person walking?

18 A. Yes, sir.

19 Q. We're not saying, if you drive down Parris Bridge
20 Road and you see somebody walking that you stop them and say,
21 what are you doing, on an average day?

22 A. Uh-huh.

23 Q. It's not suspicious on its own if you saw somebody
24 just walking --

25 A. No, not at all.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 Q. -- unconnected to a burglary call.

2 Were you able to determine where he lived?

3 A. Whenever I looked up his information, I saw that
4 his address was somewhere off of Cemetery Street, located in
5 Spartanburg city.

6 MS. JONES: Your Honor, I don't think this is
7 proper redirect.

8 THE COURT: Come up.

9 (Off-the-record discussion.)

10 THE COURT: That is overruled at this time. Please
11 continue.

12 BY MR. SMITH:

13 Q. You said that was in the City of Spartanburg?

14 A. Yes, sir.

15 Q. When you asked him where he lived, did you ever get
16 an answer?

17 A. No, he was just asking me to call somebody.

18 Q. You don't know if he actually lives on Cemetery
19 Street. That is just an address that you have?

20 A. Yes, sir.

21 MR. SMITH: That's all I have.

22 THE COURT: Any recross?

23 RECROSS EXAMINATION

24 BY MS. JONES:

25 Q. You just indicated that, at one point, he didn't

DEPUTY CHROBAK RECROSS BY MS. JONES

1 answer your question because he was repeatedly asking you to
2 contact his girlfriend Camisha Mitchell who he was supposed to
3 be meeting up with?

4 A. Yes, ma'am.

5 Q. And he said that it's kind of a running theme
6 through the whole conversation you have, my girlfriend, I'm
7 meeting my girlfriend, can you call her, you asked to spell her
8 name, he gives you the number, y'all finally get it straight on
9 the number. He's meeting his girlfriend. She's supposed to be
10 picking him up.

11 If he is trying to meet up with someone in that
12 area, that would explain him being in the area; correct?

13 A. Prior he stated that the girlfriend also dropped
14 him off, so I was confused, but yes.

15 Q. He did say he was trying to meet up with her and
16 wanted to call her. He even said he was mad at her. He wanted
17 you to call her; correct?

18 A. He wanted me to call her, yes.

19 MS. JONES: Thank you. That's it.

20 THE COURT: Anything else of this witness?

21 MR. SMITH: No, ma'am.

22 THE COURT: Sir, you can step down. Please watch
23 your step.

24 Any objection to him remaining in the courtroom if
25 that is his wish?

DEPUTY CHROBAK RECROSS BY MS. JONES

1 MR. SMITH: Not from the State, Your Honor.

2 MS. JONES: No, ma'am.

3 (The witness exited the stand.)

4 MR. SMITH: Your Honor, other than the stipulation
5 we've talked about, that would be the State's case. We would
6 rest after the stipulation.

7 THE COURT: Ladies and gentlemen of the jury,
8 Counsel has stipulated to something that I need to now put on
9 the record. This will be a fact that they have agreed on.

10 Please be advised that the Defendant in this case,
11 Mr. Keith Vincent Brown, has two prior convictions for
12 burglary; one in 2012, and one in 2019.

13 Now, please understand that I am instructing you
14 that, that is a fact and that is not to be considered regarding
15 guilt or innocence of this offense, all right, in any way
16 whatsoever.

17 Are there any additions to that stipulation by the
18 State?

19 MR. SMITH: No, ma'am.

20 THE COURT: Or objections?

21 MR. SMITH: No, that was fine.

22 MS. JONES: No, ma'am.

23 THE COURT: In that the State has now rested, all
24 of the exhibits are up here with our court reporter, not on
25 Counsel table, not in a brief case, not on that table.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 MR. SMITH: Some are on the table.

2 THE COURT: I'm assuming that there may be a matter
3 that I need to take up outside the presence of the jury at this
4 time. Can y'all come up for just a moment.

5 (Off-the-record discussion.)

6 THE COURT: Mr. Smith, why don't you state that
7 again on the record. I know you said it.

8 MR. SMITH: Your Honor, the State rests.

9 THE COURT: The timing of this is good because
10 there are some matters I'm going to need to take up with the
11 lawyers before we continue on. I'm going to allow y'all to go
12 to lunch. We're going to be here for a while.

13 I want y'all to come back at 1:30. Hopefully --
14 it's now, according to this clock, about 13 minutes after
15 12:00. My computer says it's 12:13. There are lots of places
16 close by. The bailiffs can give you-all some guidance.

17 You're not to talk with anyone about the case even
18 among yourselves. Don't talk to anyone as you're going in and
19 out of the courthouse because there will be some more things
20 this afternoon, I believe. Again, y'all just don't want to
21 talk to anyone involved in this matter.

22 With that, if everyone will please rise.

23 (The jury exited the courtroom at 12:13 p.m.)

24 THE COURT: Thank you-all. Please be seated.

25 Now that the State has rested are there any motions

DEPUTY CHROBAK RECROSS BY MS. JONES

1 by the State or by the defense?

2 MS. JONES: Your Honor, on behalf -- I assumed
3 none. Sorry.

4 MR. SMITH: No.

5 MS. JONES: On behalf of Mr. Brown, Your Honor, at
6 this point I would make a Motion for Directed Verdict on
7 burglary and petit larceny in that there is not sufficient
8 evidence beyond a suspicion to tie Mr. Brown to the residence.

9 Also, renew all previous motions and make the
10 Motion for Directed Verdict or acquittal as a -- in combination
11 with previous issues that I raised that The Court has already
12 ruled on.

13 THE COURT: Yes, ma'am. Thank you.

14 Counsel is making Rule 19 directed verdict. Any
15 response from the State?

16 MR. SMITH: Your Honor, we believe in light most
17 favorable to the State, a reasonable jury could conclude that
18 he committed the burglary with the stolen items close proximity
19 and temporal proximity to the burglary. Ask those motions be
20 denied.

21 THE COURT: Anything else, Ms. Jones?

22 MS. JONES: No, ma'am, Your Honor. Thank you.

23 THE COURT: As Counsel is well aware, these are
24 very seasoned attorneys that, in ruling on a motion for
25 directed verdict, the trial court shall consider only the

DEPUTY CHROBAK RECROSS BY MS. JONES

1 existence or nonexistence of the evidence and not its weight.
2 And so at this time I am respectfully denying the Defendant's
3 Rule 19 Motion for Directed Verdict. Thank you.

4 Anything else before y'all go -- let me ask
5 you-all. When would y'all like to talk with me? I know y'all
6 probably need to step out right now. Probably starving and
7 exhausted.

8 When do y'all want to talk to me about the verdict
9 form. I can get Charlena to make copies of this right now for
10 y'all. I did this last night.

11 And then with regard to the charge, I've got the
12 burglary first charge, petit larceny. I've made a charge for
13 it. And so I'm happy for y'all -- y'all know I don't normally
14 give a copy of the charge but I do review it with y'all. And
15 we can do that in one of the jury rooms behind the other
16 courtrooms, if y'all want to meet back. Would 1:00 give y'all
17 enough time?

18 Mr. Brown can be -- I just want to make sure he has
19 enough time to eat lunch.

20 THE DEPUTY: His lunch is here.

21 THE COURT: Everyone else has a chance to go get
22 something to eat as well. The lawyers are the ones I need to
23 speak with.

24 MS. JONES: Your Honor, I just -- I don't usually
25 use my phone while we're in session. I just texted the witness

DEPUTY CHROBAK RECROSS BY MS. JONES

1 that I intend to call and gave her instructions to be here at
2 1:30. Assuming there are no problems for her, that she would
3 be available at that point when we start back.

4 THE COURT: Thank you. Y'all know y'all can use
5 your phones and laptops. There's a new Order that came out
6 about it. Certainly use them to do research and to contact
7 witnesses.

8 Let me have Jill hand you the draft verdict form or
9 Thomas for y'all to look at. There may be typos, read it
10 carefully. I'll see the lawyers at 1:00. Maybe we can use
11 Judge Cole's jury room if that will work for y'all.

12 Mr. Brown, does he want one?

13 MS. JONES: I'll give him mine.

14 (A luncheon recess transpired at 12:17 p.m. until
15 1:55 p.m.)

16 THE COURT: We are back on the record with regard
17 to the matter of State versus Keith Vincent Brown. The State
18 has rested. And there have been motions or a motion made on
19 behalf of the Defendant. And now we are moving into the
20 Defendant's case.

21 Ms. Jones, I need to now question Mr. Brown
22 regarding his understanding of his testimony before he makes a
23 decision about whether or not he will testify or not.

24 And so, sir, if you will please rise. Let me have
25 the deputy clerk place you under oath.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 KEITH VINCENT BROWN
2 being first duly sworn, testified as follows:

3 THE COURT: Sir, please remain standing for me.
4 Again, you are Keith Vincent Brown?

5 MR. BROWN: Yes, ma'am.

6 THE COURT: Sir, we have reached the point in the
7 trial that you can testify, if that is your wish. You can help
8 in putting up your case. Do you understand?

9 MR. BROWN: Yes, ma'am.

10 THE COURT: Let me explain, when you're charged
11 with a crime, you have an absolute right to remain silent.
12 Nobody can require that you testify during your trial. Nobody
13 can require that you make any statement. No one can require
14 that you answer any questions that relate to the charges that
15 have been brought against you because the Constitution provides
16 that you have an absolute right to remain silent and to require
17 the State to come into court with sufficient evidence to
18 establish your guilt to the satisfaction of a jury beyond a
19 reasonable doubt.

20 And you don't have to assist them with their
21 efforts to prove you guilty by taking the stand or making
22 statements or answering questions that might tend to prove your
23 own guilt.

24 At the same time, if you wish to provide the jury
25 with any additional testimony or evidence, now is the only time

DEPUTY CHROBAK RECROSS BY MS. JONES

1 and opportunity that you will have to do that. If you choose
2 to take the witness stand, you'll have to answer not only
3 questions by your own lawyer but you'll also have to answer
4 questions put to you by the prosecutor to the extent that
5 they're relevant, even if the responses to those questions
6 might tend to prove you guilty of some crime the State claims
7 you have committed.

8 First, let me ask: Sir, do you understand your
9 right to testify as well as your right not to testify?

10 MR. BROWN: Yes, Your Honor.

11 THE COURT: And have you and your legal Counsel
12 discussed your right to testify and not testify?

13 MR. BROWN: Yes, Your Honor.

14 THE COURT: Have you discussed the advantages and
15 disadvantages of your testifying as well as not testifying?

16 MR. BROWN: Yes, Your Honor.

17 THE COURT: Do you understand and appreciate what
18 those advantages and disadvantages are?

19 MR. BROWN: Yes, Your Honor.

20 THE COURT: Have you had time to reflect upon that
21 decision as to whether or not you will testify?

22 MR. BROWN: Yes, Your Honor.

23 THE COURT: Have you made a decision?

24 MR. BROWN: Yes, Your Honor.

25 THE COURT: What is that decision?

DEPUTY CHROBAK RECROSS BY MS. JONES

1 MR. BROWN: Not going to testify at this time, Your
2 Honor.

3 THE COURT: Sir, is that a decision that you've
4 made of your own free will?

5 MR. BROWN: Yes, Your Honor.

6 THE COURT: Did you make it after careful
7 consideration and reflection?

8 MR. BROWN: Yes, Your Honor.

9 THE COURT: Are you satisfied with your decision?

10 MR. BROWN: Yes, Your Honor.

11 THE COURT: Do you need any more time to discuss it
12 with anyone else?

13 MR. BROWN: No, Your Honor.

14 THE COURT: I know you said you talked to your
15 lawyer. Is there anyone else you think that you need to speak
16 with? A family member, minister? Anyone, sir?

17 MR. BROWN: No, Your Honor.

18 THE COURT: Even though you've said that you've
19 taken time to do it, why don't we take a few minutes right now
20 and you talk to your lawyer; okay? And then I'm going to ask
21 you again if that's your decision. All right?

22 (A pause transpired).

23 THE COURT: Again, do you need any additional time
24 to speak with your legal Counsel?

25 MR. BROWN: No, Your Honor.

DEPUTY CHROBAK RECROSS BY MS. JONES

1 THE COURT: Again, what is your decision about
2 testifying?

3 MR. BROWN: I'm not going to testify, Your Honor.

4 THE COURT: Have you made that decision freely and
5 voluntarily, without duress or coercion?

6 MR. BROWN: Yes, Your Honor.

7 THE COURT: And with time to discuss it with your
8 attorney?

9 MR. BROWN: Yes, Your Honor.

10 THE COURT: Thank you.

11 Anything else before we bring in the jury?

12 MR. SMITH: No, ma'am.

13 MS. JONES: No, ma'am.

14 (The jury entered the courtroom at 2:04 p.m.)

15 THE COURT: We are back on the record with regard
16 to the matter of State versus Keith Vincent Brown. And I will
17 now ask our jury to direct their attention to defense Counsel.
18 Yes, ma'am.

19 MS. JONES: Thank you, Your Honor. Defense calls
20 Sergeant Kimberly Ashley Blanton, please.

21 (The witness entered the courtroom).

22 THE CLERK: Place your left hand on the Bible,
23 raise your right hand.

24 SERGEANT KIMBERLY RENEE BLANTON
25 being first duly sworn, testified as follows:

SGT. BLANTON DIR BY MS. JONES

1 THE COURT: If you will please state your full name
2 and spell your last.

3 THE WITNESS: Sergeant Kimberly Renee Blanton,
4 B-L-A-N-T-O-N.

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q. Sergeant Blanton, by whom are you employed?

8 A. Spartanburg County Sheriff's Office.

9 Q. In what capacity?

10 A. I am the administrative first sergeant. Part of my
11 responsibilities is keep up with everything that goes on in
12 booking including inmate property, phones, and things of that
13 sort.

14 Q. You were employed at the detention facility --

15 A. Yes.

16 Q. -- or what we call the jail?

17 A. Yes.

18 Q. How long have you been employed in that capacity?

19 A. Just short of 32 years.

20 Q. In your capacity in that job, you said you're in
21 charge of the booking area and everything that happens in it.

22 When an inmate -- when a, excuse me, suspect is
23 actually brought into the jail or a defendant and booked in,
24 does that person have their street clothing taken from them,
25 and they're issued a uniform?

SGT. BLANTON DIR BY MS. JONES

1 A. So what happens is, when an individual comes into
2 the facility, they do all the paperwork and they list the
3 inmate's personal items to include clothing, shoes, personals,
4 wallets, jewelry, things of that sort. And then they go
5 through the process of getting pictured and fingerprinted.

6 They will go in front of a judge to have a bond
7 set. If that individual is not able to be released from the
8 facility, at that time the individual will then have their
9 personal clothing taken, be showered, de-liced, and given a
10 county jumpsuit.

11 Q. Sergeant, did I ask you in this particular case to
12 retrieve any clothing property from Keith Vincent Brown --

13 A. Yes.

14 Q. -- maintained at the jail? Did you bring that with
15 you?

16 A. Yes, I did.

17 Q. Is it in that bag that's on the floor in front of
18 you?

19 A. Yes, it is.

20 Q. Could I ask you, article by article, to remove
21 those, giving me after you a pull an article out, give me a
22 moment. I'll have to show it to the court reporter. Could you
23 begin to do that process.

24 A. Sure.

25 (DFT EXH. 2, Jacket, was marked for

SGT. BLANTON DIR BY MS. JONES

1 identification.)

2 BY MS. JONES:

3 Q. Sergeant, I'm going to hand you what's now been
4 marked as State's Number 2. At this point, just for
5 identification, what does that appear to be to you?

6 A. Dark colored jacket, windbreaker.

7 Q. Could you hold it out, front and back, so that the
8 entire garment is visible.

9 A. (Witness complied).

10 MS. JONES: Your Honor, I offer number 2, the
11 jacket.

12 MR. SMITH: No objection.

13 THE COURT: Defendant's 2 is in without objection.

14 (DFT. EXH. 2, Jacket, was entered into evidence.)

15 BY MS. JONES:

16 Q. Again, I'll show you what's been marked as number
17 3. Would you show it, please.

18 THE COURT: No objection?

19 MR. SMITH: No objection.

20 THE COURT: 3 is in without objection.

21 I think we do need to explain what that is.

22 (DFT. EXH. 3, Pants, was entered into evidence.)

23 BY MS. JONES:

24 Q. Oh, she didn't say.

25 THE COURT: For the record.

SGT. BLANTON DIR BY MS. JONES

1 BY MS. JONES:

2 Q. Can you state what that is.

3 A. A pair of black, some type of warm-up pants, dark
4 colored warm-up pants.

5 Q. The next item, please, which will be number 4.

6 MR. SMITH: I don't have any objection.

7 THE COURT: That would be Defendant's number 4.

8 (DFT EXH. 4, Hat, was entered into evidence.)

9 BY MS. JONES:

10 Q. Describe that. You said it briefly. What is
11 number 4?

12 A. Blue hat.

13 Q. Next item.

14 (DFT. EXH. 5, T-shirt, was marked for
15 identification.)

16 THE WITNESS: White T-shirt.

17 BY MS. JONES:

18 Q. Hand you back number five. Describe that, please.

19 A. White T-shirt.

20 THE COURT: Number 5 is in without objection.

21 (DFT. EXH. 5, White T-shirt, was entered into
22 evidence.)

23 THE WITNESS: Last item is a brown-in-color pair of
24 boots.

25 (DFT. EXH. 6, Shoes, was marked for

SGT. BLANTON DIR BY MS. JONES

1 identification.)

2 BY MS. JONES:

3 Q. I'll hand you what's now been marked as 6. Ask you
4 to identify

5 A. Again, brown or -- yeah, brown-in-color boots.

6 THE COURT: No objection?

7 MR. SMITH: No objection.

8 THE COURT: Defendant's Number 6 is in without
9 objection.

10 (DFT. EXH. 6, Shoes, was entered into evidence.)

11 MS. JONES: Thank you, Sergeant. Answer any
12 questions that the State will have, if any.

13 MR. SMITH: I don't have any, Your Honor.

14 THE COURT: Any re -- I guess not.

15 Any objection to letting Sergeant Blanton go?

16 MR. SMITH: No, Your Honor.

17 MS. JONES: Of course not. No. Thank you,
18 Sergeant.

19 THE COURT: Thank you.

20 (The witness exited the stand).

21 MS. JONES: Your Honor, at this point the defense
22 rests its case.

23 THE COURT: So I believe that I need to send
24 you-all out for just a moment. There's something I need to
25 take up with the attorneys. If y'all would follow your

SGT. BLANTON DIR BY MS. JONES

1 forelady and the bailiffs. All rise.

2 (The jury exited the courtroom at 2:15 p.m.)

3 THE COURT: Any motions to be made by the State or
4 the defense?

5 MR. SMITH: No, Your Honor.

6 MS. JONES: Your Honor, on behalf of Mr. Brown, I
7 again renew my Motions for Directed Verdict and renew
8 earlier-made motions. Thank you.

9 THE COURT: Thank you.

10 MR. SMITH: We would stand on our previous
11 arguments on those motions, Your Honor.

12 THE COURT: Again, I would put on the record with
13 regard to the Rule 19 Motion for Directed Verdict that The
14 Court, in ruling on the motion, shall consider only the
15 existence or non-existence of evidence and not its weight. So
16 I respectfully deny that. Anything in reply?

17 MR. SMITH: No, we won't. I just ask if I can run
18 to the bathroom.

19 THE COURT: Sure. I just wanted to make sure about
20 that before, to give y'all an opportunity.

21 Do y'all need a few minutes before your closing?
22 I'll give y'all ten minutes. And we'll have the jury come back
23 in.

24 At that time I will explain that no one will be
25 able to enter or leave the courtroom. If you do need to get a

SGT. BLANTON DIR BY MS. JONES

1 sip of water, run to the rest room, now might be the time
2 because normally we do not interrupt the closings, and the
3 charge on the law unless they go on for several hours.

4 Y'all be at ease for just a few minutes.

5 (A recess transpired from 2:17 p.m. until 2:28
6 p.m.)

7 THE COURT: If you-all are ready, we will now have
8 the jury. Once we begin the closing, again, the door will be
9 secured. Do y'all need to move anything around?

10 MR. SMITH: No, ma'am.

11 THE COURT: We will now have the jury.

12 (The jury entered the courtroom at 2:28 p.m.)

13 THE COURT: Is there anything in reply?

14 MR. SMITH: No, Your Honor.

15 THE COURT: Anything else before we go into our
16 closings?

17 MS. JONES: No, ma'am.

18 THE COURT: Ladies and gentlemen of the jury, the
19 parties have presented their evidence in the case. It is now
20 time for the attorneys to make their closing arguments. The
21 arguments of the attorneys are not evidence in the case. Their
22 statements and arguments are meant to help you understand the
23 evidence and apply the law to the evidence.

24 You should disregard any remarks, statement, or
25 argument which is not supported by the evidence presented

SGT. BLANTON DIR BY MS. JONES

1 during the trial or the law that I will explain to you after
2 their closing arguments; okay.

3 MR. SMITH: Thank you, Your Honor.

4 Good afternoon. I'm going to start going over the
5 law and then we'll go over the facts. There's two charges.
6 They're separate and distinct, connected from the same event.
7 Burglary has more elements than larceny. Burglary is entering
8 a dwelling -- that's a house, lawyer word for house -- without
9 consent, without permission.

10 When entered, you had the intent to commit a crime
11 therein. Doesn't matter what the crime is. In this case it's
12 stealing, larceny. That's a burglary in itself.

13 What makes it a burglary first degree, which is
14 what he's charged with is one of two additional elements. We
15 only have to prove one of the two. We think both are present
16 in this case. Two prior convictions for burglary, which they
17 stipulated to, 2012, 2019, and that it occurred at night.
18 You've seen the video testimony that it's night. I don't think
19 those things are in dispute.

20 The question in this case is whether Mr. Brown is
21 the person who did the burglary. We know a burglary happened.
22 It's just whether Mr. Brown did it or not.

23 Larceny is stealing. Plain and simple. Petit
24 larceny is about the value of it. It's \$2,000 or less. We
25 didn't really have testimony about the value. You know a TV

SGT. BLANTON DIR BY MS. JONES

1 and items that were taken would have some value. Just as
2 taking something away that's not yours and your intent is to
3 keep it for yourself, take it away from the rightful owner.
4 That's the law that you have to apply.

5 You've heard all the evidence, obviously watched
6 the body cam. Like Matt said in his opening, this is somebody
7 getting caught with their hand in the cookie jar literally.

8 The judge is going to explain to you about the
9 reasonable doubt. Emphasis is on reasonable. There are
10 infinite possibilities in life. Things have to be reasonable.

11 The evidence in this case, there is no other
12 reasonable explanation than he's the person that committed that
13 burglary. We know the burglar was a man. We know they got
14 left by their ride and ended up walking away from the scene.

15 We know that Mr. Brown is found .2 miles away,
16 about ten to 12 minutes after the 911 call comes in. When the
17 911 call comes in, we know Mr. Brown is still at the scene. At
18 some point I think he escaped out of the back window that you
19 seen was broken.

20 There's testimony that there was another -- that
21 another officer saw what we believe is Mr. Brown walking down
22 towards Spartanburg. And then obviously Chrobak finds him at
23 Horton Road, so he's heading in the same direction. An officer
24 saw him, responding when he was closer.

25 Now he's further down, going towards Spartanburg.

SGT. BLANTON DIR BY MS. JONES

1 That second address is where the laundry items were found, also
2 in the same direction that Mr. Brown was going.

3 You've heard testimony about this place, this
4 family that lives in this area. They talked about fishing.
5 Same type of thing. The officer also lived in this area and
6 worked there. It's unusual for a person to be out in this
7 area. It's not a place that people would walk. There's no gas
8 stations, no fast food places, no reasonable explanation for
9 him to be where he is.

10 He offers this story that he was dropped off but,
11 you know, why would he be dropped off? Where was he dropped
12 off? Where is the girl?

13 The thing that I think is interesting about his
14 story, I think it's about 80 percent true, 75 percent. He was
15 with a girl. It's the lady in the Trailblazer that left with
16 the air conditioning unit and the TV that was in the back that
17 was never recovered. He did get abandoned. And he probably
18 was mad at her like he said on the video, because he's holding
19 the bag and she's driving off somewhere.

20 I think his story in some way is true, just not
21 true that he didn't go in the house. He was with a woman, the
22 woman that was at [REDACTED], and they were essentially committing
23 this burglary together.

24 This is State's Exhibit 26. This is what would be
25 called a smoking gun in a murder case. You have a man who's

SGT. BLANTON DIR BY MS. JONES

1 been dead since the '70s wallet found on Mr. Brown within ten
2 minutes of that burglary occurring. What other explanation is
3 there?

4 He says his girl gave it to him. How did she get
5 it? We know it was taken. We know this wallet -- there's not
6 great testimony about the last person seen it. We know the
7 cleaning supplies and the TV was seen that day, so it's not
8 like this was stolen some other time, and we're just finding
9 these items now. It was stolen right then, and it's in his
10 pocket.

11 You can see Deputy Chrobak, kind of, the wheels
12 turning as he investigates Mr. Brown. And each step is another
13 little piece, another little piece. He finds out he's on
14 probation. Now he wants to do a further search. Then he finds
15 this. He doesn't initially know exactly what's up. He knows
16 it's weird because it's got -- everything in it is old. It's
17 probably not Mr. Brown's, pretty obviously.

18 If this was a murder case, this would be a smoking
19 gun. This is what this would be considered.

20 I want to talk a little bit about circumstantial
21 evidence and direct evidence. One of the things that Ms. Jones
22 said in her opening is nobody will say they saw Keith Brown in
23 that house.

24 True. The witnesses didn't identify him. They did
25 say it was a male. Is it possible to know things without

SGT. BLANTON DIR BY MS. JONES

1 having seen them? Of course the answer is yes. The classic
2 example that we get in court, talk about, is about rain.

3 Direct evidence would be, if you wake up in the
4 middle of the night to thunder, you look outside, and you see
5 that it's raining. You physically see it with your eyes.

6 Circumstantial evidence would be, you wake up the
7 next day, you go by your trash can outside, there's water on
8 the top of it. You look at your car, there's water on it.
9 Other signs. Then you say, oh, it rained last night. There
10 are things that can be known without seeing them.

11 In this case, I think circumstantial evidence is
12 better than direct. If the two witnesses that saw him had just
13 identified him and we didn't find this and we didn't find a
14 remote, they could be mistaken. This is not mistaken. This is
15 the wallet, and it came out of their house. Circumstantial
16 evidence I think in this case is better 'cause there is no
17 reasonable explanation for why he has that wallet.

18 There's another thing she said in her opening that
19 I thought was interesting to me. She said that we're going to
20 spend more time doing this trial than the entire police
21 investigation took. I think that's obviously true. That's
22 only because lawyers are involved.

23 And lawyers can turn a relatively simple matter
24 into a two-day trial. Lawyers can argue about the placement of
25 a comma and what the definition of is, is. Remember Bill

SGT. BLANTON DIR BY MS. JONES

1 Clinton. Lawyers can argue about anything, the color of the
2 sky. That's what happened here. It is a simple story. This
3 is the story caught red-handed, quarter of a mile away from the
4 crime scene, within minutes of the crime.

5 You saw his behavior, saw some of you react to
6 cross-examination of Chrobak about the story of whether he's
7 dropped off or getting picked up. Just ask yourself what makes
8 sense. All of y'all are sensible people. I don't think any of
9 you are lawyers. I know you're at least that sensible. Just
10 focus on reasonableness, and I just ask you to return a guilty
11 verdict. Thank you.

12 THE COURT: Thank you. Ms. Jones.

13 MS. JONES: Afternoon, madam forelady, and ladies
14 and gentlemen of the jury. First of all, on behalf of
15 Mr. Brown and myself, I do thank you for your attentiveness.
16 It's obvious you've been paying attention.

17 The Solicitor indicated that lawyers make things
18 long and complicated. I want to remind you, although the
19 investigation appeared to have been wrapped up in under an
20 hour-and-a-half, the matter is serious. This is a serious day
21 and a serious proceeding on behalf of Mr. Brown. Time is taken
22 in concern and deliberate actions are taken. He's appreciated
23 it, and that's the way the system works.

24 Closing is the opportunity of the attorneys to
25 basically present a position, talk about the evidence in

SGT. BLANTON DIR BY MS. JONES

1 generally two different ways. The arguments are each side's
2 position after the evidence and the testimony that's been
3 developed from the stand.

4 In doing this, just as Mr. Smith did not intend to,
5 there will be no intention on my part to misstate anything that
6 was said from the stand because this is the evidence as it came
7 out of the witnesses or the physical items over here that
8 you'll have when you get in to deliberate.

9 My comments will just be my characterization,
10 perhaps, of them. If you have an issue as to what they really
11 were, then you have an ability to inquire about that when and
12 if you need it.

13 It is true that I said in opening that no one was
14 going to identify Mr. Brown as the burglar. That has happened.

15 In considering the evidence, consider what we know
16 about the burglar. Who is the burglar? Who has been
17 established to be the burglar? A man. Beyond that, we don't
18 have any clothing description.

19 Initially there was no description of ethnicity,
20 except the only detail we got from Ms. Webber was that the
21 person had on giant -- no, not giant -- her word was huge pants
22 with pockets that were bulging. And I think she might've even
23 said like slam full, some funny expression like that.

24 And remember also, you'll have the pictures to look
25 at, what their view was when they arrived or excuse me, drove

SGT. BLANTON DIR BY MS. JONES

1 by their sister's house, she and her husband.

2 They stayed out in the driveway out of concern,
3 which nobody faults them for that. So they're looking into a
4 house that, into a door down a long hallway that is backlit.
5 One thing that is noticeable in this picture, the closer up
6 one, there's actually something hanging from the door that,
7 when you first look at the pictures, it looks like there's
8 something in silhouette already at the back of the hall. I
9 don't really know what that object is.

10 Silhouette. The person they saw they would've seen
11 in silhouette. I'm sure that may account for some of the lack
12 of description of, you know, facial hair, what kind of glasses,
13 if any. But a person who is standing at the end of the hallway
14 with a hat on, in silhouette, I think you're going to see hat
15 in silhouette 'cause it's backlit.

16 Now, in considering who this burglar is, consider
17 that the view they got was in silhouette. Person moving
18 forward. We're not quite sure if they opened the glass door.
19 We didn't get an answer on that. Then turning around and
20 walking away, they never saw the person again.

21 Sitting there for some five, six, seven, eight, who
22 knows how long, waiting on an officer. Ms. Webber seen him
23 move in the house. There's no further attempt for a
24 description or anything.

25 Consider first, do we even really in silhouette

SGT. BLANTON DIR BY MS. JONES

1 know that's a man? We have no description about height, size.
2 There's an individual.

3 Then the police arrive and some minutes later, the
4 dog gets out. And so there's some assumption, oh, okay, the
5 person has come out some way other than the back door.

6 We don't hear any testimony of them sitting there
7 and about the window being broken on the side, so we don't know
8 when that happened.

9 We don't really even know from the testimony
10 whether the window had already been broken and the person was
11 gone well before they think that person was.

12 We're told when the folks get there that live in
13 the house and own the house, we're told about a great number of
14 things that are gone. Some that aren't noticed to begin with
15 like an air conditioning in a box from the attic; a TV that had
16 to be disconnected from the wall, it looks like, or removed
17 from a table. It was disconnected from a whole host of cords,
18 as you'll see in one of those pictures. A DVD player, I
19 believe, was mentioned as being gone as well. And then this
20 ration of, whole raft of cleaning supplies.

21 Now, one figure in silhouette is seen in the
22 hallway. That person at that point is not seen hauling stuff
23 in and out of the house. They're just seen walking to the
24 door, turning around and walking back. Where did all that
25 stuff go? How many trips did it take to get all of that stuff

SGT. BLANTON DIR BY MS. JONES

1 out of the house?

2 Then we have the issue of the car. The natural
3 tendency here is to connect the person in the house, who
4 shouldn't be there, to a car that shouldn't be in the driveway.
5 You have to decide if you think that's a reasonable connection.

6 But the car is there. They see the car. The
7 person drives, pulls out, speaks to Ms. Webber and her husband,
8 who's also in the car and says: We're here because we have car
9 trouble.

10 They say what about that person? She's very angry
11 and says: Get that person out of the house.

12 The person says: Well, that's on him.

13 That by itself, perhaps, is the closest we get to
14 confirmation that's a him in the house, assuming if we can that
15 they're connected to each other. That's the last we hear.

16 We know about this car. She mentions it a couple
17 of times on 911. Nobody else is worried about the car. We
18 hear discussion -- we heard testimony, not discussion, about
19 911, and a little bit of how that works. And then the separate
20 channel, these five or six officers who were working on this
21 case went to for like their private little way to talk, I
22 guess.

23 Beyond that we don't even know if anybody in the
24 whole county is even looking for this car that may very well be
25 part of this crime and may very well have your DVD, your TV,

SGT. BLANTON DIR BY MS. JONES

1 your box AC from the attic, grandmomma's piece of jewelry I
2 heard at some point. Somebody realized a piece of jewelry from
3 a grandmother that was discovered missing later.

4 Nobody is worried about looking for that car
5 because another officer, who was coming down here, passes a man
6 walking on the side of the road so bingo. Case solved.

7 One of the officers whose job it was to work this
8 district just says, well, I don't even need to go to the house,
9 I've heard people are there. I'm going to go hunt this guy
10 who's on this street where nobody ever walks.

11 Well, he goes, and remember the testimony from the
12 officer; he got Mr. Brown just walking down the street. He's
13 not running. He's off the road so he didn't get hit by a car.
14 He's just walking along, and he sees the deputy coming up.
15 Deputy pulls right up there in front of him.

16 What does Mr. Brown do? He walks right up to him.
17 He didn't run. He didn't bail out into the woods. Didn't try
18 to. Officer didn't have to chase him away. Then you see the
19 whole encounter there.

20 I'm looking for my girlfriend. My girlfriend
21 dropped me off. Can I call my girlfriend, Camisha Mitchell.
22 This is her phone number. Suppose to be meeting Camisha.

23 You'll remember the same officer that sent the
24 information out about there's this black man walking up the
25 side of the road also said he's walking toward View Church.

SGT. BLANTON DIR BY MS. JONES

1 There's a white Honda civic sitting in that parking lot that
2 looks like it's waiting on him. Okay. There you go.

3 You have the film, the video of the encounter.

4 That's how you know even before Sergeant Blanton came down here
5 from the jail for the testimony, that's how you know what he's
6 wearing. He's wearing a jacket that is gray and black.
7 Columbia windbreaker. A pair of thin exercise pants. A white
8 T-shirt underneath it that you can see on the video. It's
9 white. And a hat. Pair of shoes nobody talks about. Is this
10 a black jumpsuit, an all-black outfit?

11 Now, that encounter happens ten to 12 minutes after
12 911 is called. Okay. Ten to 12 minutes after -- remember the
13 sequence. The Webbers go by. They notice -- let me get the
14 sequence right. 'I know they notice the car. Maybe they saw
15 the door open. They got to go to their driveway, turn around
16 and they come back. See the man come to the door, turn around
17 and go back. That's when 911 is called. So start your clock.

18 Ten to 11 minutes after that call, ten to 11
19 minutes later, Officer Chrobak encounters Mr. Brown up the
20 road, two-tenths of a mile. It took me a calculator, but I did
21 the math. Okay. Imagine ten to 12 minutes is about the same
22 distance as this building where you are now to the Krispy
23 Kreme. Ten to 11 minutes? I'm not a fast walker, especially
24 if I'm in the wrong shoes. Ten to 11 minutes?

25 Also remember -- I'm going to try to quote a line

SGT. BLANTON DIR BY MS. JONES

1 from Solicitor Henderson's opening also. He talked about bread
2 crumbs or cookie crumbs. It was a cookie analogy. Cookie
3 crumbs.

4 Remember the testimony. Stuff from this house was
5 not just taken from the house. It was left in another place.
6 This is up the street. This house, this house is between [REDACTED],
7 Kari Wall Humphries' house, and View Baptist as well as where
8 Mr. Brown was. Remember, these items and remember the
9 description.

10 There's a bigger one, a blown-up one of this sack
11 of toilet paper that has become actually a bag. It's not just
12 holding toilet paper. It's holding all kinds of things. This
13 became a collector's bag for whomever was going through that
14 house picking up stuff. It has more than toilet paper in here.
15 Doesn't really -- sizewise, it looks like not quite half of it
16 is toilet paper.

17 You have some cleaning things. I can't really tell
18 what they are. They may be Gain from the color of it. There's
19 some towels, some trash bags.

20 And they testified to this 'cause I heard the word
21 distinctly. Remote. There's at least one you can see in this
22 picture. This became a collector's bag as the person went
23 through the home. And it was left by somebody who left the
24 house. Dumped it right there next to the street, up the road,
25 with remote. It's a place to put little things that have been

SGT. BLANTON DIR BY MS. JONES

1 picked up out of that home.

2 Now, also back to the description of the burglar,
3 the huge pants, the stuffed pockets of the pants. You saw the
4 search of Mr. Brown on the video. Mr. Brown had two wallets,
5 the remote in his pocket, a folded up \$5 bill in the pocket of
6 these pants. And his own wallet in the other jacket pocket.

7 Everything he had except for that \$5 bill in this
8 little pocket was in his coat pockets. These pants don't have
9 giant pockets in them. So you're not going to get much in it.
10 It's not like cargo pants where you can stuff things all the
11 way down your legs.

12 In circumstantial evidence, you will hear
13 circumstantial evidence is good evidence if the evidence fits
14 together in a reasonable way to provide a conclusion. You can
15 draw from the evidence.

16 The position here can be that the circumstances and
17 evidence in this case can fit together to lead to another
18 conclusion. It became a sack to hold things and was laid out
19 on the road right out in front of everybody.

20 Now, the way arguments go, the Solicitor will come
21 back up and rebut or reply to the arguments. Doesn't mean the
22 last person you hear last is the one you got to listen to.
23 You're smarter and more intelligent than that. Y'all
24 understand that.

25 You took an oath to be attentive, pay attention,

SGT. BLANTON DIR BY MS. JONES

1 follow the rules that the judge is going to give you. She's
2 going to explain to you about circumstantial evidence. She's
3 also going to explain to you about reasonable doubt. She's
4 going to remind you the burden of proof is on the Government.
5 And she is also going to tell you, perhaps not in this wording,
6 at the end of the day when you are deliberating, you can take
7 your common sense -- do you need water? I'm winding down
8 y'all. I didn't want to choke him to death.

9 The Judge is going to explain to you, as I've said
10 not necessarily in these words, the State has the burden of
11 proof. Mr. Brown enjoys the position as innocent until proven
12 guilty beyond a reasonable doubt.

13 If, at the end of your deliberation, you have a
14 doubt that causes you to hesitate in your deliberation and
15 determination of what the truth is, the Judge is going to tell
16 you, you have to resolve that doubt and all doubts in favor of
17 Mr. Brown.

18 As I told you in my opening, if you'll follow the
19 rules of the Judge through deliberation, resolve all doubts in
20 his favor, he will thank you for your participation in this
21 case. Thank you.

22 THE COURT: Mr. Smith.

23 MR. SMITH: I think what Ms. Jones is saying is
24 that Mr. Brown, apparently, walked up on this bag and just
25 decided to take out a wallet of a guy that's been dead from the

SGT. BLANTON DIR BY MS. JONES

1 '70s and a TV remote and then walk off.

2 Of course, that is not what he told law
3 enforcement. You watched the tape. He said Camisha gave it to
4 him. He says it two or three times, not when he's even being
5 asked a question.

6 So I guess they don't like that explanation so
7 we'll come up with another one. Obviously, Camisha giving to
8 him, just stolen a couple minutes ago means he's with Camisha.
9 Camisha is the lady in the Trailblazer. He's the person inside
10 the house.

11 She raised some issues about the hat and the pants.
12 I hope y'all will be common sense and reasonable about this.
13 The hat could've been put on after. Some people change their
14 appearance after they get caught doing a burglary, which is
15 what he did. He got caught by the victims and then by the
16 police.

17 He tries to act cool. There's testimony he doesn't
18 have a cell phone. He's probably trying to find his ride and
19 get out of there. That's why he's walking up and down the
20 road, not hiding out in the woods. He's in Chesnee. The only
21 address we have for him is Cemetery Street in Spartanburg.
22 He's a long way from home. He doesn't have any way to contact
23 her. Yeah, he doesn't run. He's trying to play it cool.

24 He might've -- the first search, the officer
25 doesn't find anything. He finds out he's on probation. That

SGT. BLANTON DIR BY MS. JONES

1 lets him do that second search. It's not: Oh, here's this
2 man, he's guilty because he's walking on the road. It's:
3 There's this man in close proximity to a burglary.

4 The story develops. The officer talked to you
5 about the things that are suspicious, the story itself about
6 being dropped off in the middle of nowhere without a cell
7 phone. It just doesn't make sense. She actually
8 describes circumstantial evidence. This is exactly what you
9 need; all of the things aligned.

10 I can't stress enough, their explanation now is
11 different than what he gave that day. Conclude from that what
12 you will.

13 One other point and I'll finish. The person that
14 sees this, is driving a car, responding priority to a burglary,
15 and it's dark. And my point about direct witnesses and
16 circumstantial evidence, perfect example. I don't think
17 Chrobak or Kim Ashley or Blanton are lying about the color of
18 the jacket. One considers it black. I think Ms. Jones
19 considers it gray and black. People can have different
20 opinions of things.

21 If you drive by, going 60 miles an hour and see
22 somebody in the dark, you're going to describe that as a black
23 outfit. Nothing crazy going on there.

24 The part about do we know if he's a man, I actually
25 think she ended up confirming he's a man because the accomplice

SGT. BLANTON DIR BY MS. JONES

1 in this case who wasn't caught says, that's on him, and
2 basically hightails it out of there, and gets away and leaves
3 him to take the charge, essentially.

4 Please use your common sense. Emphasis on
5 reasonable doubt. It's just something that leaves you firmly
6 convinced, something that you're comfortable with, firmly
7 convinced. And please convict him on both of these charges.

8 THE COURT: Why don't you-all stand up for just a
9 moment and stretch before I begin with the law.

10 Is everybody okay on water?

11 (A pause transpired.)

12 THE COURT: Now, it is my duty to charge you on the
13 law and so, madam forelady, ladies and gentlemen of the jury,
14 you have seen and heard the evidence presented as well as
15 listened to the arguments of the lawyers. It is now my duty
16 and obligation to instruct you on the law in the case.

17 It will then be your solemn duty and obligation to
18 begin your deliberations through which process you will decide
19 the facts. And you will apply the law as I have instructed it
20 and render a fair and impartial verdict.

21 It is your exclusive duty to determine what the
22 facts are in the case. You will do that based on your own
23 common sense, evaluation, and examination of the testimony and
24 other evidence received during the trial of the case.

25 You 12 jurors alone will decide what effect, value,

SGT. BLANTON DIR BY MS. JONES

1 and weight is to be given to any particular testimony or other
2 evidence received. Quite simply, ladies and gentlemen, your
3 obligation as jurors is to give both the State and the
4 Defendant a fair and impartial trial based on the evidence
5 presented and the law in the case.

6 Now, the indictments in this case charge the
7 Defendant with the offense of burglary in the first degree,
8 dwelling. It states that the Defendant, Keith Vincent Brown,
9 did in Spartanburg County on or about October 5, 2021 entered
10 the dwelling located at [REDACTED] Parris Bridge Road in Spartanburg,
11 South Carolina without consent and entered with the intent to
12 commit a crime therein and that the Defendant did, while
13 entering the dwelling and/or while inside and/or while in
14 immediate flight from the dwelling either, one, entered in the
15 nighttime and/or, two, the Defendant has two or more prior
16 convictions for burglary, in violation of South Carolina Code
17 Section 16-11-311, Code of Laws of South Carolina, 1976, as
18 amended.

19 The second indictment charges the Defendant with
20 the offense of petit larceny. And it provides the Defendant,
21 Keith Vincent Brown, did in Spartanburg County on or about
22 October 5, 2021 feloniously take and carry away the personal
23 goods of Kari Wall, valued at less than \$2,000, described as
24 follows: A wallet and remote control, with the intent to
25 deprive the owner permanently of such property. In violation

SGT. BLANTON DIR BY MS. JONES

1 of South Carolina Code Section 16-13-30A and 16-1-57, the Code
2 of Laws of South Carolina, 1976, as amended.

3 Now, I remind you that the fact that the Defendant
4 was arrested, charged, and indicted in this case is not
5 evidence and cannot be considered by you as evidence of guilt
6 in the case nor does it create any presumption or inference of
7 guilt. The indictments are simply the written instruction
8 which contains the charge made against the Defendant or charges
9 made against the Defendant. They are the formal documents by
10 which this case is brought before The Court.

11 The Defendant has pled not guilty to these
12 indictments. And that plea puts the burden on the State of
13 South Carolina to prove the Defendant's guilt beyond a
14 reasonable doubt.

15 A person charged with committing a criminal offense
16 in this state is never required to prove himself innocent. I
17 charge you that it is a cardinal, important, and vital rule of
18 law that, in a criminal trial, no matter what the seriousness
19 of the charges may be for which he stands charged, the
20 Defendant is always presumed to be innocent of the crimes for
21 which the indictments were issued unless -- or indictment was
22 issued, unless guilt has been proven by evidence satisfying you
23 of that guilt beyond a reasonable doubt.

24 This presumption of innocence does not end when you
25 begin your deliberations. It accompanies the Defendant

SGT. BLANTON DIR BY MS. JONES

1 throughout the trial until you reach a verdict of guilt based
2 on evidence satisfying you of that guilt beyond a reasonable
3 doubt.

4 The presumption of innocence is like a robe of
5 innocence placed about the shoulders of the Defendant which
6 remains with the Defendant from the moment of his arrest and
7 continues until it has been stripped from the Defendant's
8 shoulders by evidence satisfying you of the Defendant's guilt
9 beyond a reasonable doubt.

10 The presumption of innocence is not mere legal
11 theory nor just a legal phrase. It is a substantial right to
12 which every Defendant is entitled unless you 12 jurors are
13 satisfied from the evidence of the Defendant's guilt beyond a
14 reasonable doubt.

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

21 If there was any testimony ordered stricken from
22 the record in this case during this time, you must disregard
23 that testimony. You are to consider only the testimony which
24 has been presented from the witness stand, any exhibits which
25 have been made part of the record in the case and any

SGT. BLANTON DIR BY MS. JONES

1 stipulations of Counsel.

2 I have the additional duty to charge you the law
3 applicable to the case. As the presiding judge, I am the sole
4 judge of the law of this case, and it is your duty as jurors to
5 accept and apply the law now as I state it to you.

6 I charge you that if you have any idea or ideas as
7 to what the law is or what it ought to be and it does not agree
8 with what I tell you the law is, you must abandon such an idea
9 because you are sworn to accept the law and apply the law
10 exactly as I state it to you.

11 In every case tried in this courtroom before a
12 jury, the jury becomes the sole and exclusive judges of the
13 facts in a case. A trial judge cannot comment on or make any
14 statement to a trial jury about the facts in a case. You, the
15 jury, are the sole judges of the facts.

16 And you are not to infer from what I have said
17 during the progress of the trial in ruling upon the
18 admissibility of evidence or otherwise or anything that I say
19 now during the course of this instruction to you that I have
20 any opinion about the facts in this case. The law of South
21 Carolina does not allow me to have an opinion about the facts
22 in this case. This is a matter solely for you, the jury, to
23 determine.

24 The State of South Carolina has the burden of
25 proving the Defendant guilty beyond a reasonable doubt. Ladies

SGT. BLANTON DIR BY MS. JONES

1 and gentlemen, proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the Defendant's guilt. There
3 are very few things in this world that we know with absolute
4 certainty. And in criminal cases, the law does not require
5 proof that overcomes every possible doubt.

6 A reasonable doubt may also be described as the
7 kind of doubt that would cause a reasonable person to hesitate
8 to act. If you have such a doubt as to the guilt of the
9 Defendant, then the Defendant is entitled to a verdict of not
10 guilty. Reasonable doubt may arise from evidence which is in
11 the case or from the absence or lack of evidence in the case.

12 Based on your consideration of the evidence, if you
13 are firmly convinced that the Defendant is guilty of the crime
14 charged, you must find the Defendant guilty. On the other
15 hand, if you think there is a real possibility that the
16 Defendant is not guilty, you must give the Defendant the
17 benefit of the doubt and find him not guilty. You 12 alone
18 must make the determination of whether or not reasonable doubt
19 exists as to the guilt of the Defendant.

20 Now, there are two types of evidence, which are
21 generally presented during a trial. Direct evidence and
22 circumstantial evidence. Direct evidence is the testimony of a
23 person who claims to have actual knowledge of a fact such as an
24 eyewitness. Circumstantial evidence is proof of a chain of
25 facts and circumstances indicating the existence of a fact.

SGT. BLANTON DIR BY MS. JONES

1 The law makes absolutely no distinction between the
2 weight or value to be given to either direct or circumstantial
3 evidence. Nor is a greater degree of certainty required of
4 circumstantial evidence than of direct evidence. You should
5 weigh all of the evidence in this case. After weighing all of
6 the evidence, if you are not convinced of the guilt of the
7 Defendant beyond a reasonable doubt, you must find the
8 Defendant not guilty.

9 Under the Constitution of South Carolina, you 12
10 are the finder of the facts in this case. Necessarily you must
11 determine the credibility of witnesses who have testified in
12 the case. Credibility simply means believability. It becomes
13 your duty as jurors to analyze and to evaluate the evidence and
14 determine which evidence is convincing to you.

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

SGT. BLANTON DIR BY MS. JONES

1 being honest?

2 You may consider how the witness came to know the
3 facts to which he or she testified and whether or not the
4 witness had an opportunity to hear, observe, or perceive a fact
5 by means of their senses.

6 Whatever your good judgement and common sense tells
7 you is the most believable testimony is the testimony that you
8 should accept, and reject that testimony which you find not to
9 be credible or believable.

10 Now, there has been evidence presented that
11 witnesses have made prior statements which are not consistent
12 with the witness's present testimony. You may use this
13 evidence to decide whether to believe the witness. You may
14 also use evidence of the earlier contradictory statements to
15 determine the truth of those statements. It is up to you to
16 decide whether to believe the earlier statements or the
17 testimony given at trial.

18 If a witness is shown to have knowingly testified
19 untruthfully concerning any material matter, you may consider
20 this in determining whether to trust the witness' testimony as
21 to other matters. You may reject all testimony of that witness
22 or give all or part of the testimony the weight you think it
23 deserves.

24 As the sole fact finders, you should have listened
25 closely to the evidence presented. Weighing the evidence is

SGT. BLANTON DIR BY MS. JONES

1 entirely a mental process. You must weigh the evidence using
2 your good judgement and common sense.

3 Now, I instruct you and emphasize that the fact
4 that the Defendant did not testify is not a factor to be
5 considered by you in any way in your deliberations and in your
6 consideration on the question of the guilt or the innocence of
7 the Defendant. It must not be considered by you in any manner
8 whatsoever.

9 A Defendant has the Constitutional right to remain
10 silent. And the assertion of this right must not be considered
11 by you in your deliberations.

12 I repeat. Under your oath, you are to draw no
13 conclusion whatsoever from the fact that the Defendant in this
14 case did not testify. The fact that this Defendant did not
15 testify should not even be discussed in the jury room.

16 The burden of proof, as I have stated to you, is on
17 the State. The Defendant is not required to prove his
18 innocence. The burden of proof remains on the State to prove
19 the guilt beyond a reasonable doubt.

20 Now, a statement alleged to have been made by the
21 Defendant has been admitted into evidence in this case. While
22 The Court has determined that the statement is admissible, I
23 instruct you that you make the ultimate decision of whether or
24 not the Defendant made the statement.

25 If the Defendant did make a statement, you must

SGT. BLANTON DIR BY MS. JONES

1 determine whether the statement was made by the Defendant
2 voluntarily and of his own free will. This means that the
3 statement was not caused by pressure, force, fear, threats,
4 coercion, or intimidation or by hope or a promise of leniency
5 or a reward of any kind.

6 In determining whether the statement was voluntary,
7 you should consider both the characteristics of the Defendant
8 and the details of the questioning. Some of the factors that
9 you must consider are the age of the Defendant, the Defendant's
10 education or lack of education, the Defendant's mental ability
11 or capacity, the Defendant's IQ or intelligence, the
12 Defendant's background and environment, the place and the
13 length of detention, the nature of the questioning and the
14 advice or lack thereof to the Defendant of his Constitutional
15 rights, including but not limited to the right to remain
16 silent, that any statement could be used against him in a court
17 of law, the right to have a lawyer present, that if he could
18 not afford a lawyer, a lawyer would be appointed to represent
19 him without any cost and that he could stop making a statement
20 at any time. You must carefully consider all of the
21 surrounding circumstances before you give any weight to an
22 alleged statement.

23 The State has the burden of proving beyond a
24 reasonable doubt that the alleged statement was voluntary. If
25 you determine it was, you may give the statement any further

SGT. BLANTON DIR BY MS. JONES

1 consideration that you deem proper. You must decide what
2 weight, if any, should be given to the alleged statement. If
3 you determine the alleged statement was not the free and
4 voluntary statement of the Defendant, you should not consider
5 the statement at all.

6 Now, criminal intent is a necessary element of each
7 crime that must be proved by the State beyond a reasonable
8 doubt. Criminal intent is always a matter that must be
9 determined by the jury from the circumstances surrounding the
10 situation. There is no way to prove intent to a mathematical
11 certainty. There is no way medical science can dissect a
12 person's brain and determine what he had in mind. The law says
13 that criminal intent may be inferred from the circumstances
14 shown to have existed.

15 Criminal intent is a state of mind which, when
16 operated jointly with an act is the commission of a crime.
17 Criminal intent is a mental state, a conscious wrongdoing. So
18 it is up to you, the jury, to determine what the Defendant
19 intended to do based on the circumstances shown to have
20 existed.

21 I tell you that the State must prove criminal
22 intent beyond a reasonable doubt just as it must prove every
23 element beyond a reasonable doubt. It is not necessary to
24 establish intent by direct and positive evidence but intent may
25 be established by inference in the same way as any other fact,

SGT. BLANTON DIR BY MS. JONES

1 by taking into consideration the acts of the parties, and all
2 the facts and circumstances of the case.

3 While the State may prove motive, it is unnecessary
4 that the State do so; however the State must prove intent.

5 The specific law as to this case is what I'm about
6 to give you now. As I stated earlier, the Defendant in this
7 case has been charged with the offense of petit larceny. Petit
8 larceny is the taking and carrying away the property of another
9 against the will or without the consent of the other person
10 with the intent to permanently deprive the owner of the
11 property. To be petit larceny, the value of the thing taken
12 must have been \$2,000 or less.

13 Now, also in this case, the Defendant is charged
14 with the offense of first-degree burglary. The State must
15 prove beyond a reasonable doubt that the Defendant entered a
16 dwelling without consent. A dwelling is any building or
17 portion of a building in which a person ordinarily sleeps. A
18 building constructed as a dwelling that has never been occupied
19 cannot be considered a dwelling for the purposes of burglary.
20 A building is a dwelling, even if the residents are temporarily
21 absent from the building.

22 In order to prove that the Defendant entered the
23 dwelling, the State does not have to show that the Defendant's
24 entire body entered the dwelling. The smallest entry is
25 sufficient. It may be any part of the body such as a hand or a

SGT. BLANTON DIR BY MS. JONES

1 foot or even an instrument such as a hook or other instrument.

2 In addition, the State does not have to prove that
3 force was used to gain entry. If a person enters a building by
4 using deception, artifice, trick, or misrepresentation to get
5 consent to enter, this is an entry without consent.

6 Next, the State must prove beyond a reasonable
7 doubt that the Defendant intended to commit a crime, either a
8 felony or a misdemeanor, at the time of the entry. The mere
9 entry into a dwelling without consent is not burglary. If the
10 intent to commit a crime is formed after the entry it is not
11 burglary.

12 On the other hand, if the Defendant intended to
13 commit a crime at the time of the entry, it is a burglary even
14 if the intent was abandoned after the entry. It does not
15 matter that the intended crime was not completed. Intent may
16 be shown by acts and conduct of the Defendant and other
17 circumstances from which you may naturally and reasonably infer
18 intent.

19 Finally, the State must prove beyond a reasonable
20 doubt that the Defendant has a prior record for two or more
21 convictions for burglary and/or housebreaking. Evidence of
22 prior offenses committed by the Defendant was not offered to
23 prove the Defendant has a bad character or to prove that the
24 Defendant committed the burglary on this occasion.

25 The prior convictions may be considered by you only

SGT. BLANTON DIR BY MS. JONES

1 for the purpose of determining whether or not it satisfies that
2 element of the offense that makes it first-degree burglary if
3 you enter a dwelling without consent to commit a crime and you
4 have two prior convictions for burglary and/or housebreaking.

5 Before you can even consider the evidence of the
6 Defendant's prior burglary and/or housebreaking convictions,
7 you must first find that the State has proved beyond a
8 reasonable doubt that a burglary was committed by the
9 Defendant.

10 If you find beyond a reasonable doubt that the
11 burglary was committed, then you may consider the evidence of
12 the prior convictions as evidence of one of the circumstances
13 which would make the burglary first-degree burglary.

14 If you do not find beyond a reasonable doubt that
15 the Defendant committed these alleged prior offenses then you
16 cannot return a verdict of first-degree burglary.

17 Lastly, the Defendant entered or remained in the
18 dwelling in the nighttime. Nighttime is defined as the period
19 between sunset and sunrise, during which there is not enough
20 daylight to recognize a person's face except by artificial
21 light or moonlight.

22 Now, you have been selected as fair and impartial
23 jurors sworn to impartially try and determine the facts of this
24 case. When you do so, you will have complied with your oath.
25 You are to decide this case according to the testimony that you

SGT. BLANTON DIR BY MS. JONES

1 have heard from the lips of the sworn witnesses along with all
2 other evidence introduced.

3 Now, I am drawing near the end of my charge and I
4 want you to clearly understand that you are not partisans or
5 advocates for the State or for the Defendant. You do not serve
6 as jurors to reward your friends or punish your enemies. In
7 this regard you have been selected by both the State and the
8 Defendant to be fair and impartial jurors.

9 Now, in just a moment I am going to hand you the
10 verdict form, Madam Forelady, okay. And on this verdict form,
11 there is a separate verdict for each offense. They are
12 separate and distinct offenses. All right. And I will read
13 this to you now.

14 In the State of South Carolina versus Keith Vincent
15 Brown, indictments 22-GS-42-1832, 1833, it says: Please circle
16 the appropriate verdict below and follow the accompanying
17 instructions carefully.

18 Number one, as to the indictment alleging burglary
19 in the first degree, we, the jury, unanimously find the
20 Defendant guilty or not guilty.

21 Number two, as to the indictment alleging petit
22 larceny, we, the jury, unanimously find the Defendant guilty or
23 not guilty.

24 Then it says stop and end your deliberations.
25 Please sign and date. And so you will sign. You will write

SGT. BLANTON DIR BY MS. JONES

1 today's date, March 16th if it is reached today. If not, it
2 will be the 17th.

3 Then you'll knock on the door and let the bailiff
4 know that you have reached your verdict.

5 For the charges if the State has failed to prove
6 the guilt of the Defendant beyond a reasonable doubt, your
7 verdict will be two words: Not guilty. However, should the
8 State have proved their case against the Defendant beyond a
9 reasonable doubt, then your verdict will be one word: Guilty.

10 Once a decision is made, you will circle the
11 correct one as to each question. Also, please understand that
12 the verdict that you render in this case must be the verdict of
13 each and every juror. It must be your unanimous verdict. All
14 12 jurors must agree on the verdict which you will then
15 authorize the foreperson to write on, write for the jury. The
16 forelady has the same weight and authority of every member.

17 One person will sign and complete that verdict form.

18 I further want you to understand that just because
19 the first word is guilty and the second is not guilty means
20 absolutely nothing. All right. One had to go first and one
21 had to go second. So the order of the verdicts on the verdict
22 form is not suggestive of any verdict on the part of The Court.
23 The verdict in the case is to be determined by you, not by me.

24 Please understand, again, this verdict form will be
25 given to your foreperson. It is not her verdict alone.

SGT. BLANTON DIR BY MS. JONES

1 Now, I'm going to go ask you-all to retire to your
2 jury room. I'm going to tell you not to commence your
3 deliberations yet. The law requires that I consult with the
4 attorneys first. And after I have done so, the bailiffs will
5 bring you the items of evidence and instruct -- I think my
6 mouth has gotten so dry.

7 The bailiffs are going to bring you the evidence
8 and then they will instruct you to begin your deliberations.
9 At that time, the alternate is going to gather personal items
10 and come back into the courtroom.

11 Also, if you have any questions during your
12 deliberations, madam forelady will be the one to write them.
13 You'll be given a pen and paper because ultimately they are
14 made Court exhibits.

15 If there are questions, then you all come back in,
16 I put it on the record. And then I will do my best to clarify
17 something if it is needed.

18 Again, there will be a bailiff immediately outside
19 the door to provide security for you during your deliberations.

20 I want to tell you that because I told you-all that
21 we would be stopping at 5:00. That is for your convenience and
22 consideration. I don't want you-all to feel rushed by any
23 means.

24 If it gets a little later and some of you may need
25 to make a phone call or something, that's fine. The bailiffs

SGT. BLANTON DIR BY MS. JONES

1 can assist you with that. If a meal is needed, we can provide
2 it. And if y'all decide you want to deliberate tomorrow, you
3 can.

4 I want to say that it is now 3:35. I just don't
5 want anybody to feel rushed or pressured in any way.

6 With that, I'll give the verdict form to the
7 bailiff, and I'll make sure that y'all have a pen. I had one
8 jury one time complete a verdict form in pencil, which scared
9 me to death.

10 If everyone will please rise.

11 You-all can go into your jury room. Make sure all
12 that evidence stays here for now. It's all going to come back
13 to you.

14 If y'all want to watch anything that was presented
15 or listen to anything, they will be provided a clean computer?

16 MR. SMITH: Yes, ma'am.

17 THE COURT: And those exhibits.

18 MR. SMITH: The password is on the computer and the
19 funky looking O is a zero.

20 THE COURT: Or the forelady can let the bailiff
21 know and y'all can come back out here and we can it do it all
22 out here, if y'all want to listen to something. Thank you all.

23 (The jury exited the courtroom at 3:40 p.m.)

24 THE COURT: Are there any objections to the charge?

25 MR. SMITH: No, Your Honor.

SGT. BLANTON DIR BY MS. JONES

1 THE FOREPERSON: Yes.

2 THE COURT: Have you signed the verdict form?

3 THE FOREPERSON: Yes.

4 THE COURT: All right. If you will please hand
5 that to the bailiff.

6 (Foreperson complied).

7 THE COURT: I will now ask our clerk to publish the
8 verdicts.

9 THE CLERK: State of South Carolina, County of
10 Spartanburg, indictment 2022-GS-42-01832 and 01833, as to the
11 indictment alleging burglary, first degree, we, the jury,
12 unanimously find the Defendant guilty.

13 As to the indictment alleging petit larceny, we,
14 the jury, unanimously find the Defendant guilty. This is
15 signed by the foreperson and dated today's date.

16 Ladies and gentlemen of the jury, if this is your
17 verdict and still your verdict, please raise your right hand.

18 (Jury complied.)

19 THE CLERK: So say you-all.

20 THE COURT: The jury has indicated that this is
21 still their verdict based on collective polling. Is there
22 anything else regarding the jury?

23 MR. SMITH: Not from the State.

24 MS. JONES: Your Honor, we request individual
25 polling.

SGT. BLANTON DIR BY MS. JONES

1 MR. BROWN: Yes, Your Honor.

2 THE COURT: Thank you, sir.

3 Ms. Jones.

4 MS. JONES: Your Honor, I have stated during the
5 case, Mr. Brown is 55 years of age. He was employed at the
6 time of the incident at McDonald's on East Main Street. He
7 lived with his mother at Cemetery Street.

8 He and I have discussed the Life Notice. He
9 understood that was going to be the sentence if he was
10 convicted. We've discussed it more times than I can count;
11 every time we talked about potential outcome or a plea
12 negotiation.

13 As Your Honor knows, although since we started the
14 case, there has been, in my opinion, a very healthy respect
15 passed between the two of us. We've had absolutely no animus,
16 like Your Honor was aware that we did have at times.

17 I think Mr. Brown's position, as he stated to The
18 Court, was he really did not want to entertain a plea. He felt
19 like whenever myself and/or myself in conjunction with
20 Mr. Cheek or Mr. Cheek came to him, he felt -- not necessarily
21 overwhelmed -- that he was being pushed. He didn't appreciate
22 that sentiment.

23 Your Honor, he understands what's going to happen.
24 I haven't asked him if he wants to comment. He's not generally
25 a man of a lot of words. He is intelligent. He's very well

SGT. BLANTON DIR BY MS. JONES

1 read. He has done an incredible amount of research throughout
2 the pendency of this case, so he understands the outcome. Do
3 you wish to speak to The Court?

4 MR. BROWN: Yes.

5 THE COURT: Thank you, Ms. Jones.

6 MS. JONES: Thank you, Your Honor.

7 THE COURT: Mr. Brown, is there anything that you
8 would like to tell me, sir?

9 MR. BROWN: Yes, Your Honor. I just want to say
10 thank you and everybody that participated in the case. I'm not
11 even going to comment on the case 'cause I don't know too much
12 about it, just coming across this stuff. Only thing I'm
13 prepared. I like the way the case turned out regardless, but I
14 will pursue direct appeal. And go from there.

15 THE COURT: Sir, do you agree with the statements
16 of your lawyer?

17 MR. BROWN: Yeah, I fully agree.

18 THE COURT: Is there anything else you would like
19 to tell me?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Thank you. Bear with me just one
22 moment; okay?

23 (A pause transpired).

24 THE COURT: With regard to the matter of State
25 versus Keith Vincent Brown and as to indictment 22-GS-42-1832,

SGT. BLANTON DIR BY MS. JONES

1 burglary in the first degree, an offense classified as being
2 both violent and most serious, it is the order of The Court
3 that the Defendant be committed to the State Department of
4 Corrections for life. That is per South Carolina Code Section
5 17-25-45.

6 I find that the State has complied with the
7 statute, and that he is sentenced to life without parole.

8 He'll get credit for 527 days, and this is
9 concurrent with his sentence under 22-GS-42-1833 for petit or
10 simple larceny with a value of \$2,000 or less, enhanced, in
11 which he will receive a sentence of ten years with the same
12 credit.

13 Further, with regard to the probation violations
14 under the indictments as stated by our agent, I will terminate
15 those cases and convert any restitution, fines, and fees to
16 civil judgement.

17 Sir, and victims, I do wish you-all the very best
18 in the future. Thank you-all and thank you, Counsel, for your
19 professionalism and efficiency in the conduct of the trial.
20 That will conclude the hearing.

21 Good luck to you, sir.

22 MR. BROWN: Thank you, Your Honor.

23 (The hearing was concluded at 4:50 p.m.)

24

25

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

STATE

-VS-

Keith Vincent Brown

IN THE COURT OF GENERAL SESSIONS

18 -GS- 42 3632, 3634

19-65-42-1602, 1623

Count

STANDARD CONDITIONS OF PROBATION

1. I shall report in person to the South Carolina Department of Probation, Parole and Pardon Services= office on the day of my sentencing or release, and as instructed by the Department; and I shall make complete and truthful reports to the Agent.
2. I shall not change my residence or employment without the consent of my Agent. Further, I shall allow my Agent to visit me in my home, at my place of employment, or elsewhere, at any time.
3. I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess, nor enter establishments whose primary business is the sale and drinking of alcoholic beverages. Further, I shall submit to a urinalysis, blood test or provide forensic evidence when instructed by Agents of the Department, and I agree that any of these test results may be used as evidence in any hearing for the violation of the conditions of my supervision.
4. I shall not possess or purchase any firearms or other dangerous weapons, and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid.
5. I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed.
6. I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
7. I shall pay a supervision fee and any other fees as determined by the Department.
8. I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise have been entitled to and agree to return to South Carolina when directed by my Agent, the Court or by a warrant.
9. I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration.
10. I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents.
11. I agree to pay restitution and a statutory collection fee payable to the Department of Probation, Parole, and Pardon Services as directed by Agents of the Department. (20% collection fee charged)
12. Unless I was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year, I shall be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of my person, any vehicle I own or am driving, and any of my possessions by: (1) any probation agent employed by the Department; or (2) any other law enforcement officer.

I hereby certify that this statement of Conditions has been read and explained to the Probationer listed above and he/she has agreed to them.

I hereby certify that the Conditions above have been explained fully to me and in agreement thereto, I attach my signature:

This 28 day of March, 2019

E. Johnson

Agent

180 Library Street Spartanburg, SC 29306

Agent's Address

864-896-2582

Agent's Phone Number

Keith Vincent Brown

Offender's

[Redacted]

Offender's Phone Number

Report immediately to the probation office (once released) or on:

Keith Brown

DOCKET NO. **22-CS-42-1832**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

APR 25 2022

TERM

THE STATE
vs.

Keith Vincent Brown

Indictment for

BURGLARY FIRST DEGREE

SC Code: 16-11-0311

CDR Code: 0079

Class: FEL/EXM (V)

WITNESSES

SCSO

[Signature]

ARREST WARRANT NUMBER

2021A4210101936

ACTION OF GRAND JURY

[Signature]

Foreperson *[Signature]*
Date: APR 28 2022

VERDICT

Guilty as of 3/11/23

Foreperson of Petit Jury *[Signature]*

Date: 4/17/23

STATE OF SOUTH CAROLINA }

INDICTMENT

COUNTY OF SPARTANBURG)

At a Court of General Sessions, convened on AUG 29 2022, the Grand Jurors of Spartanburg County present upon their oath:

BURGLARY, FIRST DEGREE**(DWELLING)**

That the Defendant, Keith Vincent Brown, did in Spartanburg County, on or about October 5, 2021 enter the dwelling located at [REDACTED] Parris Bridge Road, Spartanburg, SC, without consent and entered with the intent to commit a crime therein, and that the defendant did while entering the dwelling, and/or while inside, and/or while in immediate flight from the dwelling either:

(1) enter in the nighttime and/or

(2) the defendant has two or more prior convictions for burglary

in violation of Section 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.


ASSISTANT SOLICITOR

DOCKET NO. **22-GS-42-1833**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

APR 25 2022
TERM

THE STATE

vs.

Keith Vincent Brown

Indictment for

PETIT LARCENY

SC Code: 16-13-0030 (A); 16-1-57
CDR Code: 3596
Class FEL/E

WITNESSES

Spartanburg County Sheriff's Office

[Signature]

ARREST WARRANT NUMBER

2021A4210101937

ACTION OF GRAND JURY

[Signature]

Foreperson of Grand Jury
Date: APR 20 2023

VERDICT

Guilty as of 3/16/23

Foreperson of Petit Jury *[Signature]*
Date: 4/17/23

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

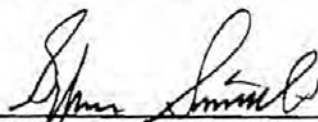
At a Court of General Sessions, convened on APR 20 2022 the

Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That Defendant, Keith Vincent Brown, did in Spartanburg County on or about October 5, 2021, feloniously take and carry away the personal goods of Kari Wall, valued at less than Two Thousand Dollars, described as follows: a wallet and remote control, with the intent to deprive the owner permanently of such property, in violation of §16-13-30 (A) and §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
STATE)
VS.)
Keith Vincent Brown)
AKA)
Race: BLACK Sex: M Age: 55)
DOB: 1967 SS#:)
Address:)
City, State, Zip: Spartanburg, SC 293064430)
DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 42 - 01832

AW#: 2021A4210101936
Date of Offense: 10/5/2021
S.C. Code § 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above Indictment comes now the Defendant who was

☒ CONVICTED OF or ☒ PLEADS

TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

Spencer H. Smith SC101370 Keith Vincent Brown SC807913
SMITH, SPENSER H SC Bar # Defendant Jones, Beverly Denise SC Bar #
105288

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of Life days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of days/months/years/Time Served and or payment
of \$ plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 527 day/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Keith Vincent Brown INDICTMENT/CASE#: 2022 - GS - 42 - 01832

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program☐ Mental Health Counseling ☐ May serve W/E beginning: _____☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-208 (Assessments 107.5%) \$ _____ \$ _____

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§34-11-70(b) and (c), and 34-11-90(c) and (d) (Admin Fraud Check Court Costs) \$41 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) TBD \$ 3.75☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. \$500 \$ _____☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____TOTAL \$ 128.75Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]Presiding Judge: [Signature]Judge Code: 2760Sentence Date: 3/16/2023

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Keith Vincent Brown

AKA:

Race: BLACK Sex: M Age: 55DOB: 1967 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Spartanburg, SC 293064430DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 42 - 01833A/V#: 2021A4210101937Date of Offense: 10/5/2021S.C. Code § 16-13-0030(A)CDR Code #: 3596

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADSTO Larceny / Petit or Simple Larceny - \$2,000 or less (Enhancement per 16-1-57) 10-10-21in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3596☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

SMITH, SPENSER H

SC101370

SC Bar # 104268

Defendant

Jones, Beverly Dorene

SCB07913

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 522 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Keith Vincent Brown INDICTMENT/CASE#: 2022 - GS - 42 - 01833

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$100 --
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§56-1-286 (DUI Breath Test)	\$25 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$25 --
§14-1-213 (Drug Court Surcharge)	\$150 \$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$3.75
☐ Appointed PD or appointed other counsel, Provise requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$

TOTAL \$128.75

Clerk of Court/ Deputy Clerk: Tunley
Court Reporter: MichaelPresiding Judge: RJKJudge Code: 2760Sentence Date: 3/16/2023

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."

RECEIVED**Jun 28 2024****SC Court of Appeals**

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 28th day of June, 2024.

RECEIVED

Jun 28 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

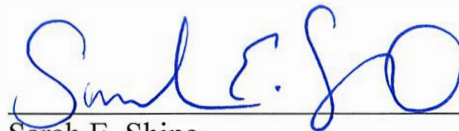
KEITH VINCENT BROWN,

APPELLANT.

APPELLATE CASE NO. 2023-000511

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 Amie L. Clifford, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of June, 2024.



Sarah E. Shipe
Appellate Defender

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

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: [Clifford, Amie](#)
Cc: [Grace Sommer](#); [Shipe, Sarah](#)
Subject: 2023-000511 The State v. Keith V. Brown Record on Appeal
Date: Friday, June 28, 2024 8:54:00 AM
Attachments: [2023-000511 The State v. Keith Brown Proposed Transportation Order.pdf](#)
[2023-000511 The State v. Keith Brown Record on Appeal.pdf](#)
[Bound copy cover letter ROA.pdf](#)

Good Morning Ms. Clifford,

Please find attached for service in the above-referenced case the record on appeal and a proposed transportation order, which will be filed with the Court of Appeals today, June 28, 2024, via email filing. I have also attached a copy of the cover letter that will accompany the bound copy when it is delivered to the Court this afternoon.

Thank you!

Sara McInnis

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330