



The Supreme Court of South Carolina

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November 26, 2024

Ansel B. Wallen, 00292474
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Ansel Bradley Wallen v. State
Appellate Case No. 2024-000921

Dear Mr. Wallen:

Per your request, we have enclosed a copy of your PCR hearing transcript (App. 282-332). The Court sent the trial transcript dated (App. 1-252) on November 14, 2024. Any *pro se* response must be filed within forty-five days of the date of this letter

Very truly yours,

Patricia A. Howard

CLERK

cc: Zachary William Jones
Gary Howard Johnson, II

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STATE OF SOUTH CAROLINA.

-----x

ANSEL B. WALLEN,

Petitioner

Case No.

-against-

2021-CP-36-00390

STATE,

Respondent.

-----x

November 27, 2023

Newberry, S.C.

B E F O R E:

HONORABLE B. ALEX HYMAN

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

ASHLEY A. MCMAHAN,

Attorney for the Petitioner

ZACHARY W. JONES,

Attorney for the Respondent

Aileen Butler

Official Court Reporter

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I N D E X.

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ANSEL B. WALLEN				
Ms. McMahan	3			
CHARLES VERNER				
Ms. McMahan	25		46	
Mr. Jones		43		

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
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(NO EXHIBITS RECEIVED)

4
1 MR. JONES: The first matter is the matter
2 of Ansel Bradley Wallen versus the State of
3 South Carolina, case number. 2021-CP-36-00390.

4 My name is Zachary Jones for the State of
5 South Carolina. Mr. Wallen is present as is
6 his attorney, Ashley McMahan.

7 Mr. Wallen was indicted February of 2019
8 for burglary, first degree, case number
9 2019-GS-36-151 and assault and battery, first
10 degree, case number 2019-GS-36-152.

11 Mr. Wallen proceeded to trial before the
12 Honorable R. Scott Sprouse and the jury where
13 he was convicted of first degree burglary and
14 first degree assault and battery. Judge
15 Sprouse sentenced Mr. Wallen to imprisonment
16 for a term of 15 years for burglary, first
17 degree, and ten years for assault and battery,
18 first degree with the sentences to be served
19 concurrently. Mr. Wallen filed a timely Notice
20 of Appeal and an Anders brief was file on his
21 behalf by Public Defender Adam Ruffin of the
22 office of Public Defenders. The South Carolina
23 Court of Appeals dismissed his appeal and
24 granted counsel's request to be relieved in
25 State v Ansel B. Wallen, case number

A. Wallen - Direct by Ms. McMahan

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1 2021-UP-139 and that was April 28th of 2021.

2 The remittitur was issued on on May 25th of
3 2021 and this Post Conviction Relief
4 application was filed on September 30th of
5 2021. With that I will turn it over to Miss
6 McMahan.

7 THE COURT: Yes, ma'am.

8 MS. MCMAHAN: Your Honor, the applicant
9 calls Mr. Wallen to the stand.

10 ANSEL BRADLEY WALLEN, called as a witness,
11 was sworn by the clerk and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY MS. MCMAHAN:

15 Q. Good morning. You don't go by Ansel, do you?

16 A. I go by Brad.

17 Q. Your full name is Ansel Bradley Wallen, right?

18 A. Yes.

19 Q. Did you file this PCR application?

20 A. Yes, ma'am.

21 Q. And you were the one that filled all this out?

22 A. Yes, ma'am.

23 Q. Or you had assistance with it?

24 A. I did by myself.

25 Q. Okay.

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1 MR. JONES: Your Honor, could he speak up a
2 little louder.

3 MS. MCMAHAN: Let me move the mic closer.

4 Q. Who was your initial attorney.

5 A. Charles Verner.

6 Q. And were you in the detention center the whole
7 time or were you out on bond?

8 A. They denied me bond.

9 Q. So you were in the detention center?

10 A. Yes, ma'am.

11 Q. And what were you charged with?

12 A. Burglary first, assault first.

13 Q. Assault and battery, first degree?

14 A. Yes, ma'am.

15 Q. And do you recall the first time that you met
16 with Mr. Verner?

17 A. Yeah, I got him it was April 23rd.

18 Q. Of what year?

19 A. Of 2018. That's the same day they gave me a
20 trial. They offered me a zero to three and I'm really
21 innocent. I didn't do this and they offered me a zero
22 to three and I said, well, I'm not guilty so -- and ten
23 minutes later they come in there. The solicitor comes
24 in and says we're going to draw a jury, and I said,
25 well -- you know, I didn't know what he was going on.

A. Wallen - Direct by Ms. McMahan

1 So they took me up in front of the a jury and give me 15
2 years.

3 Q. You need to lean up a little bit and speak IN
4 the microphone so the two guys over here can hear you.

5 A. And then I hadn't even seen the statements
6 against me ever and then the statement sheets against me
7 it took five years to get it and she got it for me and
8 then in the statement sheets this whole case is based
9 around a conversation at a door. I went over there and
10 knocked on the door. The open statements and the
11 statements against me, the first thing out of her mouth
12 is that she don't have time to say anything. That I
13 barge in her door and put a thing to her head and the
14 solicitor leads her on, well, was he holding it against
15 your head? Was he holding it against your head? She
16 didn't tell the police this.

17 This is not in the evidence. None. And we had no
18 time to prepare. He just come and got me straight from
19 jail -- I mean -- and took me straight for a jury trial
20 that something that carries a life sentence and I ain't
21 never seen the evidence.

22 Q. Okay, let's back up for a second here because
23 you touched on a lot of issues just then.

24 So you met with Mr. Verner for the first time just
25 before you went to trial?

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8

1 A. Yes, ma'am.

2 Q. Did you meet with him here? Was it at the
3 detention center? Was it somewhere else?

4 A. One of his assistants came to the detention
5 center and asked me, you know, was I guilty? I said,
6 no, I'm a not guilty. So they brought me up here and
7 talked to him the day it was court, the 23rd, and we was
8 in court.

9 I got in writing where -- where his -- one of his
10 emails. That she had got one of his emails. It's on
11 4/19/2018, that says Brad went over there. Something --
12 and an offer of A&B, two straight up. So I thought
13 that's what, you know, he's talking about assault and
14 battery, two. That's what I'm suppose to be. But when
15 I get to court I mean it's burglary first, assault
16 first.

17 Q. Let's back on that. So your referencing an
18 e-mail where --

19 A. From Charles.

20 Q. From Charles when he's talking to the solicitor
21 about an offer for assault and battery, second degree?

22 A. That's what it says, assault and battery, two,
23 straight up.

24 Q. That's what the solicitor sent to Charles?

25 A. Right.

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1 Q. Did you ever know about that offer?

2 A. Yeah, about ten minutes before the trial.

3 Q. So you get to court and then Mr. Verner tells
4 you about the assault and battery, second, offer?

5 A. That's what they brought me up here to give me
6 the offer of zero to three. I done did five months, you
7 know, in the county so I probably would have been home,
8 you know, if I would have plead.

9 Q. But you told him no because you were guilty?

10 A. I didn't do it. I'm not guilty.

11 Q. So when, like minutes later? An hour later?

12 A. He come in the door just at the same time me
13 and Charles we're talking and he said we'll go pull a
14 jury. And I said -- well -- I mean we'll pull the jury.

15 Q. Who says we'll pull the jury?

16 A. The solicitor. He was being real smart. And
17 like he had a vendetta against me and you know, I ain't
18 did nothing wrong. I wasn't in the right. I went over
19 there, but I didn't go in her house and the police they
20 get this boy, her 18-year-old son. You know, he's
21 18-years-old. They're going to ask him a question on
22 body camera. They take the statement sheets over to her
23 house. Drop them off and come back an hour later and
24 pick them up. They don't even know who writes these
25 statements. They don't know if that boy wrote them or

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1 not. And then the boy they bring him to court and sit
2 him down and let him watch his momma testify and --

3 Q. Let's back up to that. You talked about how
4 the victim in the case testified to stuff that she never
5 told the police, right?

6 A. Right. It's a whole completely different
7 story.

8 Q. Do you feel that Mr. Verner adequately cross
9 examined her about those statements?

10 A. No, ma'am. I know he didn't. But I'm just
11 saying, he didn't have time to prepare either. Me and
12 him. Either one. He probably could have done a better
13 job if he had time to prepare. I wouldn't be here.

14 Q. What were the statements she was saying in
15 court that were different than what she told the police?

16 A. She told them the whole -- the whole -- the
17 whole case is based on a conversation in which the
18 conversation is true. I knocked on her door. She says
19 we have a conversation at the door, right, and about the
20 flu and then I pulled this tool out and I said, just so
21 you know I could have killed you and I turned around and
22 left. You know, it was a warning, you know, to leave me
23 alone. But this is what she tells the police. It took
24 five years to get this.

25 It says, "Brad Wallen was beating on the door real

1 hard with some type of tool. I open the door and ask
2 him why he was beating on my door like that. To leave
3 because -- to leave because we were sick and we had the
4 flu." This is the solicitor asking her. "So you just
5 kind of cracked it to see what was going on" and she
6 said, "yes, sir. Okay." And he said, "Okay, at some
7 point after beating on the glass with whatever he was
8 hitting on it with he had opened the door and stood
9 between the wooden door and the storm door? Yes, sir.
10 And you open it just a crack you say. What happens
11 next? He pushes the door open. I don't even have time
12 to say anything. He pushes the door and gets in my face
13 and has a tool raised the whole time."

14 Well, she told the police I come in her house one
15 way and then she testified that I come in her house
16 another way. That's a big discrepancy there.

17 Q. And Mr. Verner didn't ask her about that?

18 A. No, ma'am. He didn't have time to catch it.
19 He hadn't seen the statement she entered until that day
20 I guess.

21 Q. And did he provide you with that statement?

22 A. This statement?

23 Q. Did you go over that statement?

24 A. You gave me that statement. Like I said, had
25 to get a private investigator to get it.

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1 Q. That was the statement from the Whitmire
2 police, right?

3 A. I guess. I dropped my readers. I need to go
4 down and get it.

5 Q. Then once you're finished picking that up, what
6 pages were you reading from?

7 A. That's page 44. She testifies four times that
8 she don't have time to say anything and after she told
9 the police -- okay, she told the police that we have a
10 conversation at the door -- which is true and, you know,
11 and then -- but you know and then she says -- she says
12 that I stepped inside. That I opened the door and
13 stepped inside her house, but she testified that she
14 cracks the door and I push it. She said, "I shut the
15 door. He reopened the door. Stepped inside and said he
16 would kill me F'in bitch." Okay. So she's saying that
17 I opened the door, but right here she's saying I pushed
18 the door open and come in. I don't even have time to
19 say anything. You know, she's telling two different
20 ways about how I came into her house.

21 Q. Okay.

22 A. And that's something that she would not forget.
23 If I were to come in her house she wouldn't have forgot
24 how I did it.

25 Q. Okay, and so Mr. Verner, did he ask her any

1 questions to try to clarify these statements that you
2 recall?

3 A. No. I mean -- and the solicitor -- okay.
4 Okay. And he had some type of pointed tool in his hand
5 the whole time. He pointed it at me when he said he
6 would kill me. This is what the solicitor says. He
7 said, okay, after she says I pushed her she said I
8 stepped inside right here. She says I pushed her and
9 chases her across the room and you're backing up with it
10 as he's moving with it. Yes, sir. Yes, sir. And he's
11 holding it against your head? Yes, sir.

12 Well, you didn't tell the police that either. You
13 said I stepped inside and pointed at you and I got it in
14 writing and now he's saying, the solicitor is leading
15 her into me holding something up against her head which
16 I didn't do neither one of them.

17 Q. Remember we're not in a direct appeal. We're
18 in a PCR so we're challenging the effectiveness of Mr.
19 Verner.

20 A. He should have thought of that.

21 Q. So these are all issues that Mr. Verner did not
22 raise with her her inconsistent statements with what she
23 gave the police and what she testified to on the record,
24 right?

25 A. Right.

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1 Q. Okay.

2 A. And then can I skip back to her son.

3 Q. Yes, so you were talking about the son.

4 A. They didn't ask this boy no questions or
5 nothing. They sit him in the audience and let him watch
6 his momma testify. They used this little boy to take my
7 life and never asked him a question except when he was
8 up here on the stand after he watched his mama testify.

9 Q. So Mr. Verner didn't ask --

10 A. The police --

11 Q. Jennifer's son any questions?

12 A. Yeah, he questioned him. I mean, but, you
13 know, he tells the partial truth. He tells partial
14 truth. He even testifies about a conversation at the
15 door because, you know, that's true and then -- but he
16 did sit out there and then the solicitor leads him just
17 after he watched his mama testify. He ain't suppose to
18 be watching her testify.

19 It's their two words against mine, you know, and
20 he's sitting out there watching her testify and then the
21 solicitor leads, leads, you know, asking the same
22 questions and he's answering just like she said. What
23 what she said. How she said it. You know, his whole
24 testimony is like that, you know. And I didn't have a
25 chance. They lied and the police didn't do their job

1 and ...

2 Q. So, we're talking about Charles Saverance
3 (Phonetics) Jr., right?

4 A. Right, yes.

5 Q. He was 18 at the time?

6 A. He was 18. Now, he's graduated college. He's
7 a good kid. Nobody has sat him down and said, look man,
8 you know, what you've done did and they used this kid.

9 Q. Okay, well now remember we're talking about how
10 Mr. Verner was ineffective. So Mr. Verner never said,
11 hey, I want -- can we sequester the witnesses so they're
12 not building their testimony off each other?

13 A. No.

14 Q. Okay. So there was never any motion to do
15 that?

16 A. No.

17 Q. And do you believe that if they had been
18 sequestered the son may have testified differently?

19 A. I think if somebody would have sit him down he
20 would have come clean.

21 Q. What do you mean come clean?

22 A. Tell the truth.

23 Q. And was his statement he gave to the police was
24 that the truth in your opinion?

25 A. No, I mean -- his statement says that I stepped

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1 inside and threatened her by saying I will kill you. So
2 I told mom to call the police which I hadn't. I told
3 mom to calm down and told Brad. The only thing he lied
4 about is me coming into house. I didn't go in the
5 house. I can see him lying for his momma, you know, but
6 he still wasn't asked a question. And me being
7 questioned on body camera and her being questioned on
8 body camera. You know, my being questioned on body
9 camera I ain't never seen it. You know, where is it at?
10 It's her word against mine. Why can't my questioning be
11 shown because the police let me go on a trespass notice.
12 They let me go.

13 Q. Let's stop for just a second.

14 A. Until they got these statements. They don't
15 even know who wrote them.

16 Q. Hold on a second. So did you tell Mr. Verner
17 that you did not enter the house?

18 A. I did not. Yes, ma'am.

19 Q. Okay, did you tell Mr. Verner that?

20 A. Yes, ma'am.

21 Q. Okay, did you have a conversation with Mr.
22 Verner about what is the definition of a burglary and
23 all that kind of stuff?

24 A. Yes, ma'am.

25 Q. Okay, and what did you tell you about the

1 allegations of you being between the door and the storm
2 door?

3 A. Also the way it was indicted there had to be
4 assault in the house before it was a burglary.

5 Q. Okay, we'll back up to that in a second. Put a
6 pin in that.

7 So when you guys had a conversation. What did he
8 tell you at all, if you had a defense to the burglary?

9 A. I mean, I got up and testified that, you know,
10 my defense was I really didn't do it and there's -- that
11 was the only defense that I had.

12 Q. So when you got up and testified did you and
13 Mr. Verner have a conversation about the types of
14 evidence that could come in through you when you
15 testified like the body camera footage?

16 A. Yes. I mean, the way that he defended it was
17 -- and I didn't agree with it was that he defended it
18 like even if I would have went in the house there was no
19 assault.

20 Q. Yeah.

21 A. Okay, well I didn't go in the house period. So
22 there couldn't have been an assault.

23 Q. I'm asking about --

24 A. Yes, ma'am.

25 Q. You got on the stand and testified. Did you

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1 and Mr. Verner have a conversation about that? About
2 you testifying?

3 A. Yes, ma'am.

4 Q. Okay, what was that conversation about?

5 A. It was, you know, that if I -- you know, I mean
6 I really don't know.

7 Q. It's fine if you don't remember. I understand
8 it was a long time ago.

9 A. The conversation -- the way -- the only way
10 that I know how he defended it was because I read this
11 every day.

12 Q. Well, I mean at the time, the time you were
13 talking about whether or not you should testify, you did
14 you have a conversation but you just don't remember the
15 details of it?

16 A. Yes, ma'am. But the way he defended it was
17 that he didn't even defend it like I didn't go in the
18 house. He defended it like there was no assault so
19 there can't be a burglary and then the solicitor knows
20 this and that's why he's leading. He brought something
21 in holding it up against her head and stuff like this
22 right here and he goes on and on and on about it, but
23 that right here she says --

24 Q. Did Mr. Verner object to any of that?

25 A. No, ma'am.

1 Q. Okay.

2 A. And right here she says, I stepped inside her
3 house and pointed at her in writing. Right here the
4 solicitor leads her into, so he's chasing -- he's
5 holding it up against your head and he goes on and on.

6 Q. And you're talking about what starts on page
7 44, right?

8 A. Yes, ma'am. That's after she says, you know,
9 she tells another way of how I supposedly came in her
10 house. She forgot what she told the police, you know.
11 She wouldn't forget that. She wouldn't forget the
12 truth.

13 Q. Stop for a second. So, you were saying his
14 defense there was no assault so it couldn't be a
15 burglary. Did you have a conversation with Mr. Verner
16 about the elements of burglary first that there has to
17 be a breaking and entering and felony then committed?

18 A. No, ma'am.

19 Q. You didn't have a conversation about that?

20 A. I knew that is what the judge charged the jury.

21 Q. Okay. And when you say that they pulled a jury
22 right then you all just immediately sat down and started
23 asking jurors questions and then pulling them?

24 A. Yes, ma'am. Yes, ma'am, that same day.

25 Q. And then, who else did Mr. Verner not cross

1 examine adequately, the son?

2 A. I don't think -- I mean, he tried his best, but
3 we didn't have time to prepare and -- because if he
4 would have I would have called it myself, you know. I
5 would have called that myself.

6 Q. So what specifically did he not question the
7 son about that you felt he should have?

8 A. What I didn't agree with he was trying to say
9 even if I did go in the house there was no assault.
10 Well, it should have been defended as I didn't go in
11 house so there couldn't be an assault, but it was
12 defended was even if I did go in the house there was no
13 offer. It had to be an offer. It couldn't have been a
14 pointed. It had to be an offer. It was based on an
15 offer to commit an assault.

16 They charged assault and battery, one, great bodily
17 injury. Okay. She saying that I pointed at her.
18 That's not assaulted. It's not a great bodily injury
19 assault.

20 Q. Did you guys have a conversation about what the
21 definition of assault is?

22 A. No, ma'am.

23 Q. Definition of battery?

24 A. No, ma'am.

25 Q. What specifically did the son testify to that

1 Mr. Verner didn't cross him about that was different or
2 should have been explored further?

3 A. I mean, it just wasn't -- because it's the same
4 thing. That he didn't --

5 Q. Did Mr. Verner ask him like, hey, you've been
6 sitting here watching your mom testify. Did he ask him
7 anything about that?

8 A. No. They wave at him. They get him to wave to
9 the jury, you know. That's the first thing he does.
10 You know the only time that this -- you know, they don't
11 even know that he wrote. His momma could have wrote
12 this statement because -- you know, they don't even know
13 that he wrote it.

14 Q. So Mr. Verner never asked him, like hey, were
15 you the one that wrote that statement?

16 A. Yeah, he did that, but right here it says the
17 first thing on this statement sheet says, personally
18 appeared before me. That's the police is suppose to be
19 filling that out. You know, you don't take statements
20 sheets to somebody's house and drop them off and then
21 come back later and pick them up. He don't even know
22 who wrote them and the police never questioned this kid
23 or her either really, and then they take these same
24 statement sheets to the Grand Jury and then they sit
25 this boy out there and then they just lead him on asking

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1 him questions and took my life from me using this kid,
2 you know, because he's a corroborating witness. And
3 that's based on corroboration of a witness.

4 Why didn't they fingerprint on the door if I
5 supposedly went in the house. They're talking about
6 this big burglary investigation. You know, the
7 solicitor, it's an official burglary investigation.
8 Well, you don't even know who writes these statements.

9 Q. Do you recall if Mr. Verner addressed the fact
10 that there weren't any fingerprints in his closing or
11 anything like that?

12 A. No.

13 Q. Okay.

14 A. And then, the whole -- the whole -- everything
15 is centered around this conversation and she's saying
16 there ain't a conversation. Well, I didn't have time to
17 say anything. He pushes the door open. Well, that
18 ain't what is on your evidence. You told the police we
19 had a conversation at the door and that you shut the
20 door and then I opened the door. Not a barge in your
21 house and put something to your head. You know, that's
22 a whole completely different story than what you told
23 the police and nobody caught it.

24 Q. Who was the juror that was also represented by
25 Mr. Verner?

1 A. Her name was Miss Kinard (phonetics). Her name
2 was Miss Kinard. She -- they removed her because her
3 son was suppose to have a trial before mine that same
4 day. Desmond Howard. And they removed her because
5 Charles and Desmond we had the same lawyers, you know.

6 Q. So she was on your jury pool, right?

7 A. Yes, ma'am.

8 Q. And her son was also there for a trial?

9 A. Well, we skipped his trial because we started
10 mine.

11 Q. They send him back and started yours?

12 A. Yes, ma'am. Yes, ma'am.

13 Q. What issues in your application have we not
14 talked about yet?

15 A. That's all of them. I mean, that's pretty much
16 it. Failure it adequately cross examine the witnesses
17 about their statement and body cam footage. On the body
18 cam a lot of this trial is she -- this -- a lot of is
19 says I told CJ to call the cops. I told Brad to leave.
20 Okay. He came inside again and repeated that he would
21 kill me.

22 Well, on body camera she just said I stepped inside
23 her house. She never says nothing about this second
24 enforce. But right here she says the second entry. So
25 they go into this whole I run back out of her house and

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1 come back in her house again and so the solicitor just
2 keeps pounding, and pounding, and pounding that. That's
3 not what is on. She's questioned for five minutes on
4 body camera, you know. She says nothing about none of
5 this, you know.

6 Q. Did Mr. Verner address that in closing are you
7 aware?

8 A. No, ma'am.

9 Q. And when was the first time you saw the body
10 camera footage?

11 A. During the trial. I never seen it before. I'd
12 seen it during the trial. I never went over it. I
13 never seen the statements against me and I wouldn't have
14 seen them now if it wasn't for you.

15 Q. So you never had copies of any of that given to
16 you?

17 A. No. On my direct appeal I never got none of
18 that.

19 Q. Well, you understand a direct appeal is limited
20 to what's already in the record, but your copies of
21 discovery in your file you did not get that until the
22 PCR was filed?

23 A. Yes, ma'am. That's right. Well, I just got
24 them two weeks ago. Hold on a second. I will tell you
25 exactly when it was. It hasn't been to long ago. I

1 can't find it.

2 Q. But you didn't get the discovery until after
3 you filed a PCR, right?

4 A. Yes, ma'am.

5 Q. So you were never given copies of any of these
6 statements, or anything while you were in detention
7 center?

8 A. No, ma'am, and I filed through the clerk of
9 court ten times. I got copies of every one of them
10 filed and date for a motion of discovery. Wrote the
11 solicitor for my motion of discovery and I never got it.

12 Q. Was that while you were still in the detention
13 center or after you left?

14 A. While I was there and after I left. After I
15 left, you know, I kept asking for it and asking for it
16 because I know she's lying. I just needed -- after I
17 read this I mean -- and her son's statements was used
18 during the trial. It's just read during the trial.
19 It's not used. So I know that for a fact that she was
20 telling -- she was testifying to something different
21 than what she told the police.

22 Q. And did Mr. Verner he never came to the
23 detention center to see you?

24 A. No, ma'am. His assistant did.

25 Q. And when the assistant came did they bring a

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1 copy of the file and sit and go over it with you?

2 A. No, ma'am. They were just offering zero to
3 three. They thought I was going to plead guilty, but
4 I'm not guilty.

5 Q. And the assistant was just bringing you that
6 plea offer?

7 A. Yes, ma'am.

8 Q. And how close to trial was that?

9 A. It was like a week before.

10 Q. And how long were you sitting in the detention
11 center before you went to trial?

12 A. Five months. They denied my bond.

13 Q. Did you ever send any messages or anything to
14 the public defender's office or try to call them?

15 A. I wrote him.

16 Q. Okay. How many times do you think you wrote
17 him?

18 A. Just maybe just once. Just one time. I mean,
19 I figured he was a lawyer. He knows that I'm wanting
20 stuff or need it.

21 Q. Is there anything else you want the Court to
22 know today about your PCR?

23 A. Just that I'm innocent and they used this kid
24 to take my life from me. I feel like if somebody sits
25 him down he will tell the truth.

1 Q. Okay. Answer any questions the Attorney
2 General has, okay.

3 MR. JONES: No, questions. Thank you.

4 THE COURT: Mr. Wallen you may step down.

5 MS. MCMAHAN: At this time I call Mr.
6 Verner.

7 CHARLES VERNER, called as a witness, was
8 sworn by the clerk and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MCMAHAN:

11 Q. Mr. Verner, were you the attorney for Mr.
12 Wallen?

13 A. Yes.

14 Q. And do you recall when you first started
15 representing him?

16 A. On this case -- I had represented Brad six
17 times in the past, but I remember this case and I don't
18 remember the date of my first meeting. He was arrested
19 in December of 2018 and I met him probably either here
20 or in the jail by some time in early January because I
21 got notes that we had talked about the waving a jury
22 trial and just having a bench trial. I had represented
23 him about two months prior to him picking up this
24 charge. We had worked out another case.

25 Q. So while he was -- let me back up. So he had

1 another active case going on before this one started?

2 A. I had resolved a prior case or probation
3 violation of his in September --

4 Q. Okay.

5 A. -- of 2018 and this charge happened in December
6 of '18.

7 Q. So just three months prior?

8 A. Right. I was aware of Brad.

9 Q. So when the first time you started representing
10 him, do you recall like when the first time? What year
11 that might have been the first time you ever represented
12 him?

13 A. Ever represented him?

14 Q. Yeah?

15 A. Probably in 2013 is when I think I had my
16 first. That's going off the top of my head.

17 Q. But this case you remember you had gotten --
18 you were representing him as of December sometime in
19 2018?

20 A. I remember when Brad got arrested because he
21 was still on everybody's mind because we had just
22 resolved the prior case and that's probably part of the
23 reason why the prosecutors pushed it a little bit
24 quicker.

25 Q. So this case was actually tried within five

1 months?

2 A. Right, which is a little bit early for a
3 typical case.

4 Q. And he had gone up for a bond hearing in the
5 Magistrate and general sessions?

6 A. I don't know if he had a general sessions bond
7 or not.

8 Q. But the bond -- regardless, the bond was
9 denied?

10 A. His bond was denied. The -- generally under
11 the court order at that point you had to wait six months
12 between bond being set or denied or modified on a
13 violent charge to modify it, ninety days between a
14 non-violent charge. But I don't know if he ever had
15 bond set in general sessions court, but his trial was
16 roughly within five months of being charged.

17 Q. The six month wait, is that sort of the thing
18 that we follow?

19 A. That is still kind of the rule in Newberry is
20 six months between bond hearings for violent charges.

21 Q. And what kind of discovery do you remember the
22 State gave you?

23 A. Just the standard rule five, but in this case
24 it was largely two -- the victim was Jennifer Saverance
25 (phonetics) and then her son were the two eye witnesses

1 and then as I recall, Jeremiah Sinclair, who is the
2 chief of police would have been the other third witness.

3 Q. And do you recall if you got the written
4 statements or anything?

5 A. I did. I remember Chris's must have come
6 separately, the teenager's.

7 Q. And did you get the body camera footage or
8 anything with that?

9 A. There was video that we reviewed. I think that
10 -- the video may have been of his interview or something
11 afterwards but there was video.

12 Q. Were there multiple videos, like a dash cam and
13 a body camera interview?

14 A. I thought there was a dash cam, yes. I can't
15 remember off the top of my head, but I thought I
16 remember -- and I might be confusing it with a different
17 case of Brad's, but I'm thinking there might have been a
18 street view video in this case.

19 Q. So --

20 A. But would not have been necessarily of the
21 incident that happened. It would have been afterwards.

22 Q. Are you remembering a body cam video of where
23 Brad is leaning against the car talking to somebody and
24 the officer pulled up?

25 A. That sounds familiar. I remember there was a

1 video that I seen of Brad before, but I can't remember
2 which case it was on.

3 Q. And then there would have been body camera
4 interviews of Jennifer and of Brad at the time of the
5 incident?

6 A. To the best of my memory. I remember -- and
7 I've gone over not in detail, but I've read kind of the
8 parts of the transcript and I remember talked about body
9 cams and interviews.

10 Q. Did you attempt to try and talk to Miss
11 Saverance and her son?

12 A. I spoke to Jennifer. She had been in trouble
13 in the past too, so I was familiar with Jennifer. The
14 -- and she was a family member of his. The -- and I
15 think I spoke to somebody else. I can't remember on
16 Bradley's -- maybe his mother or sister about the -- but
17 it was largely a domestic disturbance that we felt was
18 overcharged. Brad shouldn't have been charged with
19 first degree burglary. It was a domestic argument at
20 the cusp of a door. Threshold of a door with his
21 ex-daughter-in-law.

22 Brad was adamant he was not guilty. I think we
23 discussed in January that a judge might be a better
24 trier of fact than a jury.

25 Q. Is that why you were referencing a bench trial

1 earlier?

2 A. And then there was a plea offer made. I think
3 it was zero to three on an assault and battery, second
4 degree. He was adamant he was not guilty. Going from
5 my notes with the letter from Brad we talked about a
6 bench trial and he was agreeable to have a bench trial
7 and I think that was on my recommendation that maybe a
8 court could cut through some of the drama of the case
9 and better decide whether it was first degree burglary
10 or not and he agreed that a bench trial would be --

11 Q. Did you all end of having a bench trial?

12 A. No, the State must have declined. I think
13 Brad's case was kind of a not first on the docket case,
14 but lower on the docket case, but for some reason got
15 called up. And it might be partly why it was called up
16 in May, that a case before it may have plead out or not
17 gone and he was a backup trial.

18 Q. When Mr. Scott said he was going to try
19 something and put it on a trial docket he usually
20 followed through, right?

21 A. Yeah, but there could be several cases on the
22 trial docket.

23 Q. Was there ever a time when you were trying more
24 than one trial a week?

25 A. I would certainly have more than one case on

1 the trial docket for a week and I have tried more than
2 one case in a week. I don't remember. I'm sure there
3 were other cases of mine on the trial docket for the
4 same week. Typically one case per week is it, but I
5 have tried multiple cases in the same week.

6 Q. You heard Mr. Wallen't testimony about the
7 issue with the entry into the home. What kind of
8 conversations did you have with him about that?

9 A. Brad was and angry at his former
10 daughter-in-law who he still had a - they live in
11 Whitmire -- a small town -- relationship with. They
12 were still friends. I think he felt she was putting
13 word out that he was using drugs in the community. He
14 was upset and went to discuss that with her and just
15 tell her to stop talking about me and that was his
16 intention of going over there that day.

17 Q. What kind of of conversation did you all have
18 about -- you know, about whether or not he actually
19 entered the house versus between the storm door and the
20 door kind of thing?

21 A. Brad admitted going to the house. He had I
22 think a tire tool in his hand which was a kind of
23 T-shape. It has a pointed end on one. Kind of little
24 bit bigger than an allen wrench that he used. He told
25 me he used it just to knock on the window to wake them

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1 up and then the door -- it was largely an argument in
2 the threshold of a door. I did re-read the transcript.
3 She just said it was in the doorway.

4 The son indicated that Brad had taken several steps
5 into the house and they had an argument where he was
6 cussing. Maybe made a generalized threat that I will
7 kill you. That he left and then kind of pushed his way
8 back into the door briefly and the argument continued a
9 little bit, but it was largely an argument with a family
10 member in the threshold area of a doorway.

11 Q. Do you recall if you had a conversation with
12 him about the elements of burglary and if whether or not
13 that met them?

14 A. I think that is partly why we asked for maybe a
15 bench trial was the -- even a sight entry could support
16 a burglary.

17 Q. Was it at night or was it because of the
18 assault?

19 A. He had two prior burglaries that would bump a
20 third to a first degree and then I think the State also
21 went on the deadly weapon theory. That the tire tool
22 was a deadly weapon. That the victim said that Brad
23 held it or kind of pointed it in her face or held it up
24 in the air with the threat that I'll kill you. So I
25 think they went with both. He had prior burglaries and

1 he had first degree with a deadly weapon in the home.

2 Q. Was it meant to be more attempted assault or an
3 actual assault?

4 A. She indicated he never actually assaulted her
5 in the terms of swung at her or tried to injure her. I
6 reread the transcript and she said that he pointed in my
7 face some times and then held it over his head kind of
8 in a cocked back manner but never actually -- and her
9 son also confirmed that Brad never actually swung or
10 tried to off her.

11 Q. So there was no actual physical contact between
12 that tire tool and Miss Saverence?

13 A. She said either held it up in the air or used
14 it to point towards my face.

15 Q. Was that another reason why you were kind of
16 wanting the bench trial?

17 A. I thought a judge could fairly sort through the
18 facts possibly better and this case, you know, might not
19 have needed the extra attention of a jury trial as
20 opposed to kind of a domestic dispute that had gotten
21 out of character.

22 Q. What kind of conversation did you have with him
23 about him testifying?

24 A. I don't -- remember Brad was pretty adamant
25 that he wanted his side of it out. So I think -- and

1 I've known Brad before and he kind of gets invested in
2 his cases. The -- I don't think there was any intention
3 -- any doubt that Brad was going to testify in his case
4 in his defense. The -- but he certainly would have been
5 told that he didn't have to testify, but I think in
6 Brad's head he was going to get his side of it out. So
7 that wasn't a -- that was kind of a known from almost
8 the beginning of the case.

9 Q. Did you watch the body camera video of his
10 statement that he gave to police?

11 A. I did, but I don't remember. I don't have a
12 clear recollection of it. I haven't watched any of the
13 video to prepare for this.

14 Q. Do you recall whether or not with Brad was on
15 the stand getting that body camera in through him of his
16 statement would have been helpful at all to his defense?

17 A. I don't -- I would assume if I felt it would
18 have been non-corroborative then I would have offered
19 the video, but I think his story was consistent from the
20 very beginning that this was argument at the doorway.
21 So I don't know that it would have helped because it
22 would have been the same thing he testified. We had a
23 disagreement.

24 Q. Do you believe the solicitor would have used it
25 had Mr. Wallen's testimony been different than what he

1 used said on the body cam?

2 A. Probably.

3 A. And Mr. Wallen said that was first time he ever
4 saw those body cameras. Did you ever recall having an
5 opportunity to take those over there and shown them at
6 the detention center.

7 A. I would not have played them for him at the
8 jail. He would have watched them over here at some
9 point.

10 Q. Why don't you play them at the jail?

11 A. Technology issue. At the time the -- for a
12 long time we couldn't take computers into the jail
13 because we didn't have internet or any capacity. I
14 guess from time to time we would, but generally the --
15 our policy was that when court was going on I could have
16 inmates brought from the jail to this courthouse, to my
17 office in this courthouse and that was always routinely
18 granted that I could add any names I wanted.

19 Q. To the transport list?

20 A. To the transport list just to be brought over
21 here and I would use that to interview clients or speak
22 to clients and where the computer was located and the
23 videos were located.

24 Q. Because it would have been easier to show it
25 here versus you taking everything there?

1 A. Right. Right, and just -- and it's still the
2 policy that I can add names to the transport list and
3 speak to them here and I typically do that when it's
4 watching videos.

5 Q. So is there even a like a television or
6 anything at the jail that you can show stuff on or --
7 understanding that some body cameras now have the
8 built-in players and all that kind of jazz. You
9 couldn't just use a DVD player?

10 A. I think that was the policy to it. In the
11 beginning of it -- now, I don't about the body cams, but
12 the dashboard videos you had to have the specialized
13 software program for the law enforcement, but I don't
14 know that body cams required special equipment.

15 Q. And you referenced earlier that Jennifer had
16 been in trouble in the past and you were aware of her.
17 Did you ever represent her too?

18 A. I did represent Jennifer, but I think it was
19 after Ansel -- and I call Brad Ansel -- I don't think I
20 ever actually represented her until after this incident,
21 but she did pick up some kind of charge that was
22 dismissed. The -- and I was familiar with Jennifer. I
23 think she had come with other co-defendants from time to
24 time, so I knew who she was.

25 It may be I had represented her husband or her son.

1 Q. So you were aware of her just before this trial
2 because she was around some other clients of yours and
3 then after this trial she had picked up a charge?

4 A. Right. I don't know that I ever represented
5 her prior to this charge. I know I have since this
6 charge in a case that was dismissed, but I think I had
7 represented family members out of the Whitmire area that
8 was she was involved in the case somehow.

9 Q. And so Mr. Wallen had testified earlier that he
10 felt that your defense was that the assault never
11 occurred I guess therefore it couldn't have been
12 burglary first.

13 Is that adequate representation of what you thought
14 your defense was?

15 A. His argument and our defense was that it was an
16 argument from the porch of the house and it really was a
17 threshold argument that if he did enter the house it was
18 just a few steps. I think we also brought up that his
19 intention was never to go into the house to commit a
20 crime. It was to confront a family member about stop
21 spreading rumors about me. So he didn't have any intent
22 to commit a crime and then even if he did, he never
23 really broke the threshold of the door. But the son
24 indicated that he came in several steps into the home.

25 Q. In Jennifer's testimony between what she

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1 testified to and what was on the police report, was that
2 consistent? Were both of those statements consistent
3 with each other?

4 A. I would think generally she may have -- I read
5 -- I reread Jennifer's and the son's testimony prior to
6 to this hearing and I did indicate on several occasions
7 that what she had testified to were were not in the
8 report she had given Chief Sinclair.

9 Q. Were you ever given any updates from like Dale
10 or anybody about their interviews or conversations with
11 Jennifer prior to to trial?

12 A. I don't remember off the top of my head. I
13 wouldn't be surprised if they had her in a month or so
14 prior to the trial because they typically do bring in
15 witnesses and re-interview them the week of or the month
16 before trial. But if there were any updates or charges
17 I didn't -- I don't recall.

18 Q. Would they have sent you an e-mail or given you
19 an update on statements that may have differed or had
20 been in addition to?

21 A. That's generally their practice when they
22 update discovery it's just an e-mail. We spoke to so
23 and so or here's the form you asked us to send you. But
24 if it's a substantive update that they would have
25 probably sent it to me by e-mail and attached it if they

1 had made a written.

2 Q. Typically in the past if I'm interviewing a
3 witness and they give me information that's new or
4 slightly different then what they testified to or they
5 put in their statement -- I would some times type up an
6 e-mail and be like, hey, I just talked to this person
7 today. This is what they said. Is that sort of their
8 normal course of business type of thing?

9 A. Rarely. I don't think that if they had just
10 called in a witness and spoken to her I would not have
11 gotten a notice of it. I may have observed it and our
12 offices are close enough in the same building where I
13 would typically walk by and say, has anything changed or
14 any updates. The -- if they had re-interviewed her they
15 would not necessarily had notified me. If her story had
16 had changed or they had made a written and they should
17 have, but I'm not aware that her story changed
18 dramatically --

19 Q. Okay.

20 A. -- from the beginning to the trial.

21 Q. Did you think about possibly asking for
22 sequestration of the witnesses?

23 A. I generally do. I don't know the reason we
24 didn't in this case. I think it was probably just
25 because they had both given written statements

1 beforehand so we were aware of the testimony. Generally
2 my policy is to sequester witnesses. I think it fairly
3 -- I don't think that the witnesses were in different
4 vantage points or reasons to separate them. The -- but
5 I don't know why we didn't sequester in this case but it
6 may have been just because they had both provided
7 written and video recorded statements.

8 Q. And when jury trials are going on in this
9 courthouse this box over here on my left --

10 A. On my right hand side is the jury.

11 Q. Yeah, your right, my left, this is where the
12 jury is, right?

13 A. That's right.

14 Q. And this is the grand jury box or whatever you
15 want to call it, the extra box?

16 A. Typically the grand jury does report, although
17 they don't typically come en masse like they use to, but
18 the jury boxes are identically sized. Typically the
19 grand jury would report on the left hand side of the
20 courtroom. The trial jury sits on the right hand side
21 of courtroom.

22 Q. Do you feel the charges that he was charged
23 with were wrongfully done?

24 A. I think Ansel was overcharged in spirit. I
25 think they were just tired of dealing with him and a

1 charge that could often have been dealt with as a
2 Magistrate City Court, Town of Whitmire charge, might
3 technically meet the elements of a first degree
4 burglary. The crossing the threshold and the threat,
5 the priors, but it was largely a domestic argument.
6 Possibly threats.

7 I think just that they were tired with dealing with
8 Ansel and made more serious. Now, in fairness, they did
9 offer him a second degree, assault and battery charge
10 plea that he could have taken that would have been zero
11 to three straight up that he declined.

12 Q. Did you say -- strike that. Let me start over.
13 Did you notice if there were any problems with the
14 indictment process like the legality of it? Was there
15 anything to indicate that the process was not how it was
16 normally done?

17 A. As far as I know it was done in the fairly
18 normal course.

19 Q. And that is the Grand Jury comes to meet here
20 in this courthouse?

21 A. At take time the Grand Jury might have done it
22 in a different location. They've changed the rooms of
23 the courthouse, but I'm not aware that they deviated
24 from the normal course of the process for the
25 Indictments.

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1 Q. And the normal course of process that would be
2 the Grand Jury coming in. The officers coming and
3 presenting the charges to the Grand Jury and the Grand
4 Jury making a decision as to whether or not probable
5 cause existed to move forward?

6 A. That's right, and it may have done shortly
7 before trial. And I'm not sure how quickly before he
8 was indicted. I'm not aware of any substantial
9 deviation from the normal process.

10 Q. Okay -- I'm sorry, I just lost my train of
11 thought. And then the Grand Jury gives the report to
12 the Court?

13 A. At some point.

14 Q. Do you know how often the Grand Jury meets
15 here? Is it every month or every other month?

16 A. I think they meet every month. They have moved
17 the location of the Grand Jury so I don't see them as
18 regularly as I use to, but I would see the officers
19 sitting in the hallway waiting to go in. I thought they
20 traditionally met the Friday before court. The Thursday
21 or Friday before court once a month. If they changed
22 that system I don't know. They've moved the location of
23 the Grand Jury where it's no longer.

24 Q. Do you recall if Mr. Wallen had a prelim or
25 not?

1 A. I don't he did. I don't recall a prelim.

2 Q. Are prelims done pretty regularly or whenever
3 they request it?

4 A. Both. They have a regular day for preliminary
5 hearings. Now this was a town of Whitmire case. The --
6 so I don't know whether that would have fallen into the
7 -- I don't whether it was a Magistrate or a Town -- I'm
8 assuming it was a Town of Whitmire case.

9 Q. It was a Whitmire case.

10 Q. The -- and I don't have regular prelims in
11 Whitmire because it's such a small location. I've had
12 prelims there before but for the Magistrate Court they
13 have prelims on set days but they have to request it.

14 Q. Nothing further. Please answer any questions
15 the Attorney general may have.

16 CROSS EXMINATION

17 BY MR. JONES:

18 Q. Good morning Mr. Verner. Just very briefly.
19 Could you repeat, when was the first time you met with
20 Mr. Wallen regarding this charge? These two charges?

21 A. I didn't write it down, but I got notes from a
22 letter he was asking me about -- we talked about --
23 where's he's saying we talked about that bench trial and
24 I want to take it. The -- and that was in mid-January
25 of 2019. He had been arrested in mid-December of 2018.

1 Q. So you would have had to talked about that with
2 him prior?

3 A. I have a generalized meeting with him. I've
4 known him for a while. He was adamant that he was not
5 guilty and I think I indicated well, maybe we're just
6 better off letting the judge. He might be better suited
7 to sort through this mess because Ansel Bradley was
8 adamant on getting his side of it out and the -- but
9 those notes from him are in mid-January of 2019 and I
10 can't remember whether I met him at the jail prior to
11 then or whether it was here in the courthouse, but we
12 had discussed the case as of January of 2019.

13 Q. All right, and ultimately would it be fair to
14 say this case was sort of a he said, she said?

15 A. There were two witnesses who said -- and a
16 little bit less than because Bradley -- Ansel
17 acknowledges he went to the house and had the discussion
18 with his sister-in-law. So it's not really -- he denies
19 that he threatened to kill her and denies that he
20 actually went in the house, but whether he went in or
21 not would be he said or she said, but the incident is
22 not really disputed. Just his intent to go in the house
23 to commit a crime. Whether he went beyond the threshold
24 of the door. She clearly opened the door for him. She
25 said he was knocking loudly like he wanted to get in,

1 but she clearly knew who he was and opened the door for
2 him. They had an argument. It was largely in the
3 threshold of the doorway. They did indicate he came a
4 few steps into the house at least for some portion of it
5 and then she said he walked away and had something else
6 he wanted to say and kind of pushed the door back open
7 and continued a little bit.

8 The -- he did have a tire tool. He acknowledged
9 having a tire tool or I guess the instrument the
10 T-square that you punch holes in the car tire type tool.
11 He indicated he just used it to knock on the door. She
12 indicated he held it over his head in a threatening way.
13 So a little bit of he said, she said. No other
14 witnesses.

15 Q. Was there -- I believe the victim's son also
16 testified?

17 A. Right. He was -- I think he may have come
18 after she had opened the door and heard kind of the
19 argument at the doorway, but he was there during the
20 incident and he's the one who actually is the only one
21 who testified that Ansel actually came several steps
22 into the house.

23 Q. Okay. Thank you, Mr. Verner. That's all the
24 questions I have for you.

25 THE COURT: Any redirect?

1 MS. MCMAHAN: One moment.

2 REDIRECT EXAMINATION

3 BY MS. MCMAHAN:

4 Q. Is your last testimony, the son testified he
5 came a few steps into the house?

6 A. He indicated he came about five or six feet
7 into the house.

8 MS. MCMAHAN: I have nothing further, Your
9 Honor. At this time the applicant rests.

10 THE COURT: All right. You may step down.

11 MR. JONES: Your Honor, nothing from the
12 State.

13 THE COURT: All right.

14 MR. JONES: The State also rests.

15 THE COURT: Closings?

16 MS. MCMAHAN: I have no closing argument,
17 Your Honor. I would just ask that you review
18 the record as a whole. I know the transcript
19 will probably take some time and at that point
20 make a decision.

21 MR. JONES: I would just like to address a
22 few things, Your Honor.

23 First of all, as to the sequestration of
24 the witnesses because it this was a burglary
25 case and both of the witnesses were residents

1 of the house that was broken into. This falls
2 under section 16-3-1550 which states that a
3 person who is the victim of a crime may not be
4 sequestered from the the criminal proceeding
5 adjudicating that crime. So my position would
6 be there was no legal grounds for sequestration
7 in this case, and anyway, it's never a matter
8 of right in the first place.

9 Furthermore, Mr. Verner articulated his
10 reason for not pursuing it which is that they
11 had both given statements before hand.

12 As for the alleged discrepancy in the
13 victim's statement, I think its mostly a matter
14 of semantics whether the door was opened by Mr.
15 Wallen or was pushed open by Mr. Wallen. I
16 don't see how that necessarily establishes any
17 significant impeachment value for the witness's
18 testimony.

19 Finally, there's no evidence that the Grand
20 Jury indictment process was improper. It
21 wasn't among the amended allegations but I will
22 address it because it came up. Both the
23 indictments are true billed and signed by the
24 foreperson of the Grand Jury and are officially
25 valid.

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C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings in the captioned case, in the Circuit Court for Newberry County, South Carolina, on the 27th day of November, 2023

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 16, 2024

Aileen Butler

The Supreme Court of South Carolina

PATRICIA A. HOWARD, CLERK OF COURT

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