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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT B. NEELEY,

APPELLANT

APPELLATE CASE NO. 2023-001259

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1 Enforcement Division?

2 A. Yes, ma'am.

3 Q. Would you have worn gloves during the collection of
4 this evidence?

5 A. Yes, ma'am.

6 Q. Would you have sealed this evidence immediately
7 following its collection?

8 A. Yes, ma'am.

9 Q. Were all protocols followed in the collection of this
10 evidence?

11 A. Yes, ma'am.

12 Q. Did it remain sealed until you transmitted this
13 evidence to the State crime lab?

14 A. Yes, ma'am.

15 Q. Did you ever witness anyone else tamper with this
16 evidence or unseal this evidence prior to its submission
17 to the State crime lab?

18 A. No, ma'am.

19 MS. MAYES: Again, 58 for identification only at
20 this time, Your Honor.

21 THE COURT: Okay. So noted.

22 BY MS. MAYES:

23 Q. Now moving forward, you had an opportunity to review
24 video surveillance from the neighbor. I believe that's the
25 neighbor we heard from, Mr. John Waters, who lives across

1 the way from [REDACTED] South Congaree Downs?

2 A. Yes, ma'am.

3 Q. And can you tell us whether or not that included
4 videotape of the suspect's time of arrival at 8:11 PM on
5 the night of October 12th?

6 A. Yes, ma'am.

7 Q. I'm gonna show you what is State's 22. 22 I believe
8 is in evidence. 22 would be the truck arriving at 8:11 PM.
9 Are you familiar with that item?

10 A. Yes, ma'am.

11 Q. In addition to that, we have State's 29, already in
12 evidence. That would be video surveillance of the truck
13 departing that location at 11:57 PM. Have you had an
14 opportunity to review that video?

15 A. Yes, ma'am.

16 Q. Again, already in evidence. Now I want to ask you
17 about State's 25. State's 25 would be a clip which shows
18 the actions within the garage area after the car has
19 returned back from the Palmetto Citizens ATM.

20 A. Yes, ma'am.

21 Q. Have you had an opportunity to review that clip as
22 well?

23 A. Yes, ma'am.

24 Q. Can you tell us whether or not that clip when you
25 reviewed it was altered or changed by you in any way?

1 A. No, ma'am.

2 Q. Did this clip include digital enhancing of a close-up
3 of the activity observed within the garage?

4 A. Yes, ma'am.

5 Q. Is all of this a fair and accurate representation
6 of the original video footage that you viewed from the
7 neighbor, Mr. John Waters?

8 A. Yes, ma'am.

9 MS. MAYES: State's 25 for evidence at this time,
10 Your Honor.

11 THE COURT: Any objection?

12 MR. MAULDIN: No, Your Honor.

13 THE COURT: That was previously marked as ID.

14 MS. MAYES: Yes, Your Honor. I am taking out that
15 notation so that it is now for evidence.

16 THE COURT: Okay. It's admitted.

17 (State's Exhibit Number 25, a video clip from
18 neighbor, was admitted into evidence.)

19 BY MS. MAYES:

20 Q. Now regarding State's 25 -- excuse me. Regarding
21 State's 22. Regarding State's 22, Agent Sykes, during the
22 course of your investigation can you tell us whether or not
23 you learned that a bag may have been in the presence of the
24 suspect at the time of his arrival at the residence?

25 A. Yes, ma'am.

1 Q. Is that something you had an opportunity to look for
2 in the course of your analysis of this videotape?

3 A. Yes, ma'am.

4 Q. What, if anything, did you observe?

5 A. Upon arrival at 8:11 on October 12th of 2021 in the
6 video it appears that a figure is stepping out of a -- a
7 truck and as the figure approaches the front door of
8 Ms. Branham's residence, it appears that they're holding
9 something that's kind of dark in color down by their side.

10 Q. Okay. I'm gonna ask you a few questions about that.
11 Now at this point in time are the lights on on the vehicle?

12 A. Yes, ma'am.

13 Q. Can you tell us whether or not this truck is
14 consistent with what you observed at the residence to be
15 the reddish in color Toyota Tundra of Robert Brandon
16 Neeley?

17 A. Yes, ma'am, it is.

18 Q. So the lights are on at this point?

19 A. Yes, ma'am.

20 Q. When, if at all, do you observe the lights to go out?

21 A. As they're pulling into the driveway.

22 (Video playing.)

23 Q. What, if anything, did you observe just then?

24 A. The lights went out before pulling in -- as it's
25 pulling into the driveway.

1 Q. All right. Now do you have your pointer with you?

2 A. I do.

3 Q. Where, if at all, did it appear that there is an
4 object being carried by this individual?

5 A. You can kind of see the figure right there. You can
6 kind of see that there's something.

7 Q. Can you tell us whether or not that appears to be a
8 dark object?

9 A. It does appear dark to me.

10 Q. And can you tell us whether or not that appears
11 consistent in size and shape with some type of gym or
12 duffle bag?

13 A. It does to me.

14 Q. Now following the departure from the residence to the
15 Palmetto Citizens and then the return to the residence, did
16 you have an opportunity to review videotape surveillance
17 from the neighbor in that regard as well?

18 A. I did.

19 Q. And looking here at State's 2, can you tell us where
20 -- looking at State's 2 where we're able to see any type of
21 activity using this photograph as the framework?

22 A. In the garage door area right there.

23 Q. Can you tell us upon your observations of State's 25
24 whether or not there appeared to be any signs of a struggle
25 within the garage area?

1 A. So what I saw in the video was like a tall, dark
2 figure walking kind of briskly from the opposite side of
3 the car going towards the passenger side of the vehicle.
4 On the passenger side of the vehicle that figure who's tall
5 and dark moves kind of quickly back and forth. Nobody ever
6 exits the passenger side of the vehicle and then that
7 figure after the movement back and forth walks away.

8 Q. And if you have your laser, if you can show us where
9 you see that back and forth movement.

10 A. You'll kind of see once the garage door comes open if
11 you'll start looking there.

12 Q. Is that the tall figure that you referenced?

13 A. Yes.

14 Q. Does that figure appear to be moving quickly, moving
15 fast?

16 A. It's kind of hard to use this pointer, but that's the
17 back and forth movement.

18 Q. Is that back and forth movement in the direction of
19 where the passenger side door would be?

20 A. Yes.

21 Q. Do you ever see a person on the passenger side exit
22 that vehicle?

23 A. No, ma'am.

24 Q. Does this appear to be the only individual who is
25 observed within the garage?

1 A. Yes, ma'am.

2 Q. And after that back and forth movement, what is
3 observed?

4 A. The vehicle backs out, the garage door closes and it
5 takes off again.

6 Q. Now regarding the time of departure, 11:57 PM on the
7 night of October 12th, have you had an opportunity to
8 review that videotape as well?

9 A. Yes, ma'am.

10 Q. All right. Agent Sykes, you are familiar with the
11 firearm recovered in this case, State's 59?

12 A. Yes, ma'am.

13 Q. Can you tell us whether upon your review of that
14 videotape you ever saw any object consistent in size or
15 shape or color with this firearm?

16 A. I did.

17 Q. And where in your review of the videotape did you make
18 that observation?

19 A. You can see a dark figure leaving her front porch and
20 as they're leaving the front porch if you'll kind of look
21 down at the side you'll kind of see like a dark in color
22 object. If you'll watch the video, I can point it out with
23 the laser pointer.

24 Q. And would that be in the left hand or the right hand
25 of the individual?

1 A. I believe it's in the right hand.

2 Q. Okay.

3 (Video playing.)

4 Q. And, again, the time on the videotape?

5 A. 11:57 PM, October 12, 2021.

6 Q. And from where within the residence is the individual
7 exiting?

8 A. From the front porch area of the residence.

9 Q. All right. And how is it that you know the individual
10 is exiting from front porch area as opposed to the garage?

11 A. Well, I'm familiar with the residence after
12 responding, but also the garage -- the lights activate when
13 the garage door comes open.

14 Q. Okay. So this garage door is currently closed?

15 A. Yes.

16 Q. All right. And this individual, had you previously
17 seen that car return prior to 11:57?

18 A. Yes. I actually saw the 11:55 PM return to the garage
19 and the garage door close.

20 Q. Okay. So the vehicle's gonna return to the garage and
21 the garage door closes and then you see the individual exit
22 the residence, but not from the garage?

23 A. Correct.

24 Q. And from within the area of the front door?

25 A. Yes, ma'am.

1 Q. Please continue.

2 A. If you'll play it, you'll kind of see the figure
3 walking out.

4 (Video playing.)

5 Q. We're gonna do a frame by frame. Now looking at the
6 left side, I'm gonna freeze it right there. Right there.
7 Looking at the left side of this individual, are you able
8 to fully visualize what, if anything, may be present on the
9 left side?

10 A. It's hard to tell. On the right side, I can sort of
11 see something, but it's really kind of hard to tell.

12 Q. Okay. But on the left side are you able to fully
13 visualize the duffle bag in this review?

14 A. No.

15 Q. And then looking at the right side, what, if anything,
16 do you observe?

17 A. Just like something dark in color.

18 Q. Can you show us where that is?

19 A. It's kind of around there. You can kind of see it.

20 Q. And would this be the right hand of the individual?

21 A. Yes.

22 Q. Okay. Please continue.

23 (Video playing.)

24 Q. And, again, this location here?

25 A. Yes.

1 Q. And, again, is that consistent in size and color with
2 the missing firearm in this case?

3 A. It is.

4 Q. Thank you. And, again, upon observation of the left
5 side of the individual who's departing, were you able to
6 fully visualize what, if anything, may have been present on
7 the person on that side?

8 A. Not with a hundred percent degree certainty.

9 Q. Okay.

10 A. Just a dark object, but, I mean, it's kind of...

11 Q. Okay. Referring to a larger type of dark object?

12 A. Uh-huh. Yes, ma'am.

13 Q. Potentially the -- the gym bag?

14 A. It's consistent with the size.

15 MS. MAYES: Nothing further of Agent Sykes at this
16 time, Your Honor.

17 THE COURT: Mr. Mauldin.

18 MR. MAULDIN: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. MAULDIN:

21 Q. There was some discussion during your direct testimony
22 about a number of search warrants that you did; is that
23 right?

24 A. Yes, sir.

25 Q. And when you do a search warrant, you know, you have

1 to do a sworn statement to the judge why you want it; is
2 that right?

3 A. Yes, sir.

4 Q. And then you get the return from the search warrant,
5 you do a sworn statement of what you collected from the
6 search warrant?

7 A. Yes, sir. We document -- we have a sheet on the back
8 of the search warrant that's called a search warrant return
9 and you itemize everything that was taken during the search
10 warrant to document what was actually collected and taken
11 from, you know, the car, the residence, whatever it may be.

12 Q. And that's done with a sworn statement to the judge,
13 too?

14 A. Yes, sir. It's in front of the judge.

15 Q. Yeah. And you were called out to this event on
16 October 13th of '21; is that right?

17 A. Yes, sir.

18 Q. And you said it was important to move quick so that
19 the suspect could be arrested; is that right?

20 A. Yes, sir.

21 Q. Okay. And Mr. Neeley was arrested the same day; is
22 that right?

23 A. Yes, sir.

24 Q. At his house?

25 A. Yes, sir.

1 Q. Around 5:00 or so?

2 A. 5:27 or 5:29. 5:27.

3 Q. Yeah, 5:00 or so.

4 A. The same day though.

5 Q. Okay. So, you know, the emergency had been over. He
6 had been arrested. The need for speed at ceased?

7 A. Yes, sir.

8 Q. Okay. So did you go back the next day and interview
9 Ms. Branham after she had her little sleep cycle?

10 A. No. I had talked with her to check on her and see how
11 she was feeling. I know that she had been out quite late
12 with the sexual assault exam.

13 Q. Now looking at your case management history, you
14 called her on October 20th of '21, a week later; is that
15 right?

16 A. Yes, sir. And our victim -- if I can also clarify,
17 our victim advocate, part of their role in this process
18 is to keep constant contact with her to make sure that she
19 gets the services she needs, so I did follow up with her
20 as far as questions for the investigation.

21 Q. And I'm referring specifically to October 20th of
22 2021 --

23 A. Oh, yes, sir. I'm sorry.

24 Q. -- that you did contact her that day?

25 A. Yes, sir.

1 Q. And you contacted her because Agent Cullop had
2 reviewed the video and said he thought he saw a bag?

3 A. Yes, sir.

4 Q. And you called her because she had told you earlier
5 that he had gotten the knife and the tape out of his cargo
6 shorts and that didn't fit with the bag, did it?

7 A. I called to ask her if she remembered anything about
8 that, yes, sir, after Richard Cullop, one of the agents had
9 reviewed the footage.

10 Q. So you called her and mentioned the bag to her?

11 A. I said that it appeared that the subject had something
12 in his hand and I called and asked her about that.

13 Q. And lo and behold she remembers a bag that day?

14 A. Yes, sir. She said --

15 Q. No.

16 A. Oh, sorry.

17 Q. She told you for the first time that day that there
18 was a bag there?

19 A. She confirmed with me. Yes, sir.

20 Q. Okay. Because I notice that you did -- you know, you
21 did the search warrant for his residence and the truck
22 earlier and that you did it on the 13th, right?

23 A. Yes, sir.

24 Q. And on both of those you list that you want to find
25 prints, hairs, DNA, fibers, fluids, blood, other biological

1 evidence, weapons, weapons components, ammunition, knives,
2 duct tape, clothing, any photographs, contraband,
3 narcotics, U.S. currency, any devices that could store
4 location data, communications or documents associated with
5 the victim that would aid in the investigation. That's all
6 the stuff you list in the warrant; is that right?

7 A. Yes, sir.

8 Q. Including, but not limited to, that stuff?

9 A. Yes.

10 Q. But you didn't mention a bag, did you?

11 A. Not specifically, no.

12 Q. Not in the warrant for the truck?

13 A. I don't believe so, but I can double-check.

14 Q. Okay.

15 A. I think we specifically -- or I specifically spelled
16 out knives, duct tape, clothing, photographs, biological
17 evidence, limited -- including, but not limited to, that
18 could aid in the investigation. That was the -- if you-all
19 will bear with me. That was the residence and then let me
20 double-check the vehicle. The vehicle's worded the same,
21 yes, sir.

22 Q. Okay. And another follow-up you did with her was on
23 February 22, 2023; is that correct?

24 A. Let me switch back to my notes. Sorry. What date was
25 that? I'm sorry.

1 Q. February 22nd of 2023.

2 A. February 22nd of 2023?

3 Q. Yes, ma'am.

4 A. Yes.

5 Q. Okay. And that was after you had a status conference
6 with Ms. Mayes?

7 A. Yes, sir.

8 Q. And after that status conference you asked her about
9 him returning to the home before he had finally left;
10 meaning that he had -- they had come back to the house
11 several times before he had finally left?

12 A. Yes, sir. I wanted --

13 Q. That's when you asked her about that?

14 A. Yes, sir. I wanted to clarify and make sure that I
15 understood correctly.

16 Q. Because it didn't match what -- what you had before?

17 A. I wanted to clarify details to make sure I understood
18 her correctly.

19 Q. And then she responded that they only went back one
20 time after the ATM and then went to Richland County?

21 A. Went back to the house following the ATM and sat in
22 the car in the garage, kept trying to go inside and have
23 sex with her, and the struggle continued. They never left
24 the garage and left again when Neeley drove them off and
25 into Richland County.

1 Q. Okay. Now on the video you talk about the figure on
2 the passenger side of the vehicle.

3 A. Yes, sir.

4 Q. That is I think around 8:59 at night before the
5 vehicle leaves the second time.

6 A. It's following the ATM. Yes, sir.

7 Q. So it's before the vehicle leaves the second time
8 and in that video you see the garage door open before they
9 leave?

10 A. Yes, sir.

11 Q. And then a figure goes towards the passenger side of
12 the car. Does it appear they're coming from the front of
13 the car or the back of the -- it looked to me like the
14 front of the car.

15 A. It's kind of hard to tell.

16 Q. It's kind of hard to tell. And how much taller is
17 that figure than the car?

18 A. It's -- I couldn't 100 percent say, but it's kind of
19 hard to tell.

20 Q. Yeah, it's kind of hard to tell.

21 A. Yes, sir.

22 Q. And I think I noticed the lights flashing like the car
23 was being unlocked.

24 A. There were some sort of lights flashing, yes, sir.

25 Q. Okay. And then you don't see the figure again and the

1 car backs out of the garage?

2 A. I'd have to watch it again to answer that question for
3 sure --

4 Q. Okay. Look and see.

5 A. -- but the car does back out of the garage.

6 Q. Okay.

7 A. And obviously at some point the figure disappears, but
8 to which direction I would have to watch it to see.

9 Q. Well, I'm sure the jury can watch it.

10 A. Yes, sir.

11 Q. It's all the eye of the beholder, huh?

12 All right. So -- okay. And this is before they
13 leave. The garage door opens so people can see inside and
14 a figure comes around and then the car leaves?

15 A. Yes, sir.

16 Q. Okay. All right. I notice that when the truck left
17 the final time, he turned -- they turned on their lights in
18 the driveway before they left. Did you notice that?

19 A. I did notice that. Yes, sir.

20 Q. Oh, okay. So what's the big deal about them turning
21 their lights off before they go into the garage?

22 A. Just an observation.

23 Q. Okay. And I want to talk a little bit about phones.
24 Courtney Adams was the phone person assigned to this case,
25 right? She's the expert on the forensic and cellular

1 evidence; is that right?

2 A. Well, it depends on which item of evidence.

3 Q. Okay.

4 A. Sometimes you can have multiple agents within the same
5 unit.

6 Q. Was she the one you forwarded the phone you talked
7 about with the broken screen to?

8 A. I would have to look, but that sounds right. But she
9 is one of the computer crimes agents.

10 Q. Well, look at December 27th of '22 on your case
11 management notes.

12 A. Okay. Yes, she contacted me and advised that I had
13 an item ready for pickup.

14 Q. Okay. And she's on the witness list, isn't she?

15 A. Yes, sir. I believe she's on military leave or
16 assignment.

17 Q. All right. Did you forward Ms. Branham's phone to
18 Ms. Adams or any digital forensic expert?

19 A. I did not.

20 Q. Okay. Are you aware that such experts can recover
21 deleted messages off of phones?

22 A. Sometimes.

23 Q. Are you aware that when you delete a message it
24 doesn't really go off your phone, but it just kind of stays
25 on there until it's overwritten by other information?

1 A. I'm not a cell phone expert, but --

2 Q. But so Ms. Adams would know --

3 A. Sometimes it can. Yes, sir.

4 Q. So Ms. Adams would have known that for sure?

5 A. Yes, sir.

6 Q. Would Ms. Adams have been able to review Ms. Branham's
7 phone to see whether or not it had been turned off and not
8 been pinging off of any cell towers?

9 A. She can get GPS location data. I believe the search
10 warrant deals with tower information from the actual phone
11 company, but I could be wrong.

12 Q. But Ms. Adams could have done that with Ms. Branham's
13 phone, right?

14 A. She could have certainly examined it. Yes, sir.
15 She's qualified to do so.

16 Q. All right. Or she could have verified that
17 Ms. Branham went where she said she did according to GPS
18 location and tower data --

19 A. Well --

20 Q. -- but she didn't do it?

21 A. -- it was my understanding Ms. Branham's phone was
22 off; that the suspect cut her phone off during the
23 commission of the crime.

24 Q. All right.

25 A. So location data --

1 Q. But Ms. Adams could confirm whether or not it was
2 turned off, couldn't she?

3 A. It's possible. I don't know to what extent. I'm not
4 a computer crimes or cell phone analyst expert, so I can't
5 speak specifically on all of the things that they're
6 capable of, but a lot of things.

7 Q. All right. Did you subpoena Ms. Branham's phone
8 company for records of her texts or calls or anything like
9 that to verify any of her --

10 A. No, sir, I did not.

11 Q. Okay. What about the Nextdoor app? Did you subpoena
12 them for any of the records to verify anything?

13 A. No, sir, I did not.

14 Q. Okay. Did you look at her computer to see if she
15 did Nextdoor on her computer to verify if there were any
16 messages on there?

17 A. No, sir, I did not.

18 Q. All right. From the defendant's residence there were
19 two cell phones taken into evidence, right?

20 A. Yes, sir.

21 Q. And I think one of them had like a butterfly case on
22 it or something. Nothing was done with that phone, was it?

23 A. No, sir. It was my understanding that in speaking
24 with the girlfriend of the defendant that that was not his
25 phone.

1 Q. But you did do a search warrant on the other one; is
2 that right?

3 A. Correct.

4 Q. Okay. And let's see. I think you did it on -- you
5 prepared the search warrant on November 22nd; is that
6 right?

7 A. I'd have to look. Bear with me.

8 Q. Or had it signed by the judge on the 22nd.

9 A. That search warrant was signed by the judge
10 November 22, 2022, at 2:26 PM.

11 Q. '22?

12 A. Yes, sir.

13 Q. And then looking over your case management history,
14 you served that search warrant on the cell phone on
15 November 29th of '22; is that correct?

16 A. If you'll bear with me, let me double-check. Yes,
17 that's when it was submitted into evidence.

18 Q. Okay. So you served the search warrant on the cell
19 phone and then submitted the cell phone into evidence; is
20 that right?

21 A. So once you turn it into computer crimes and they
22 start the analysis, that's when the search warrant's
23 executed essentially because they start looking into the
24 phone.

25 Q. Okay. Going back to the return for that search

1 warrant, do you got that?

2 A. Yes, sir.

3 Q. Why did you put down that you served me a copy with
4 the search warrant?

5 A. Because I turned a copy over to the solicitor's office
6 to give it to you as part of discovery, so you received a
7 copy of the return.

8 Q. But the warrant was served on the phone, wasn't it?

9 A. The phone belonging to the defendant, who was
10 represented by you.

11 Q. Okay.

12 A. So it was to ensure that you got -- because typically
13 when we -- when I serve a search warrant -- say I serve a
14 search warrant at your house, I leave a copy of what was --
15 a copy of the search warrant and a copy of what was taken.
16 So I couldn't leave it with him because he was in the jail,
17 so I gave you a copy because it was his cell phone so that
18 you were aware.

19 Q. But don't in those instances you say you left a copy
20 of the search warrant at the house and not with the person?

21 A. If the person's there, we give it to the person.

22 Q. Yeah, but if they're not there you say you served it
23 on the house and you left it at the residence, don't you?

24 A. If -- if I serve a search warrant at the house, yes,
25 I leave a copy with whoever's at the residence or the

1 residence if no one's there so that they're aware that a
2 search warrant was served and it's documented what was
3 taken. They get a copy of it.

4 Q. But you didn't leave a copy of the warrant with me,
5 did you?

6 A. We sent you a copy through discovery. I provided a
7 copy to the solicitor's office so that they could provide
8 a copy to you.

9 Q. It doesn't say I left a copy with the solicitor's
10 office to serve on Mr. Mauldin. It says you left it with
11 me.

12 A. I left a copy of the warrant with Robert Neeley's
13 legal counsel, Public Defender David Mauldin. Yes, sir.

14 Q. But you served the search warrant on the cell phone
15 itself?

16 A. Yes, which belonged to your client.

17 MR. MAULDIN: I don't have any further questions.

18 THE COURT: Thank you, Mr. Mauldin.

19 Ms. Mayes, any redirect?

20 MS. MAYES: Yes, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. Mr. Mauldin was asking you specifically about what you
24 have termed your case management notes.

25 A. Yes, ma'am.

1 Q. Do you have a full copy of those with you, Agent?

2 A. Yes, ma'am.

3 Q. He was asking you about your follow-up interviews?

4 A. Yes, ma'am.

5 Q. And can you tell us whether or not it's routine to
6 conduct follow-up interviews?

7 A. Yes, ma'am, it is.

8 Q. And to clarify information?

9 A. Yes, ma'am.

10 Q. Again, did you go into that original interview with
11 Ms. Branham on that morning that you arrived at her house
12 expecting to have a full recitation of every detail that
13 occurred during the course of this assault?

14 A. No, ma'am.

15 Q. And over how many hours would the contact with the
16 perpetrator have occurred?

17 A. You mean for the amount of hours that she was under
18 assault?

19 Q. Between 8:11 PM and 11:57 PM, almost four hours?

20 A. Yes, ma'am.

21 Q. Do you have in your case management notes -- I'm gonna
22 refer you to page 1 of 13 -- a description of the victim's
23 emotional state?

24 A. Yes, ma'am, I do.

25 Q. And what did you note there in those -- in your case

1 management notes?

2 A. It should be noted that this was prior to the SANE
3 exam. The victim was still shaken, crying, had visible
4 injuries and traumatized based on my observations. She,
5 however, wanted --

6 Q. Okay. So let me ask you there. You noted shaken,
7 crying, had visible injuries?

8 A. Yes, ma'am.

9 Q. Those are the same injuries that we have seen
10 photographed?

11 A. Yes, ma'am.

12 Q. And used the word "traumatized" based on your
13 observations?

14 A. Yes, ma'am.

15 Q. And this is all prior to her sexual assault
16 examination?

17 A. Yes, ma'am.

18 Q. Did you ask her or expect her to give you a written
19 statement?

20 A. No, ma'am.

21 Q. Did you ask her or expect you to go outside of the
22 residence and reenact any portions of the crime and how
23 many times she came and went from the garage when she was
24 inside that vehicle?

25 A. No, ma'am.

1 Q. Did you expect her to get in the car with you and
2 drive around and look for all of these locations that you
3 ultimately determined were relevant to this investigation?

4 A. No, ma'am.

5 Q. He also asked you about your follow-up communication
6 with the victim regarding that bag.

7 A. Yes, ma'am.

8 Q. So I want to ask you specifically going back to that
9 search warrant that was executed by Agent Todd Schenk
10 with the State Law Enforcement Division at 5:29 PM on
11 October 13th.

12 A. Yes, ma'am.

13 Q. Again, within the first twenty-four hours of this
14 crime?

15 A. Yes, ma'am.

16 Q. Do you have a copy of that CSI report from Agent
17 Schenk?

18 A. I do not have one up here. I have my digital case
19 file on my laptop, but I don't have one printed out.

20 Q. Okay. Are you familiar with meeting with Agent Schenk
21 prior to the execution of that search warrant at 5:29 PM?

22 A. CSI always gets briefed by our agents.

23 Q. Okay. And do you recall meeting with Agent Schenk
24 yourself?

25 A. I did meet with him, yes.

1 Q. Along with your captain, being Captain Horton?

2 A. Yes.

3 Q. And so you indicated that here at the victim's
4 residence in addition to yourself, Captain Horton also
5 arrived at some point at that residence?

6 A. Yes, ma'am.

7 Q. And, of course, Agent Schenk arrived at that
8 residence. Also seated in the courtroom in green, who
9 is that individual?

10 A. Are you -- I'm sorry, I couldn't -- I apologize. I
11 couldn't see. Victim advocate Charlene Mooneyham.

12 Q. All right. Charlene Mooneyham also would have had
13 contact with Glenna Branham on October 13, 2021?

14 A. Yes, ma'am.

15 Q. All of that would have been prior to the execution of
16 that search warrant looking for that gym bag?

17 A. Yes, ma'am.

18 MS. MAYES: Your Honor, if I may approach the
19 witness?

20 THE COURT: You may.

21 MR. MAULDIN: I'd like to know what she's
22 approaching the witness with, Your Honor.

23 MS. MAYES: Would reviewing the notes --

24 THE COURT: She'll let us know when she does.

25 Go ahead, Ms. Mayes, please.

1 MS. MAYES: Yes, Your Honor.

2 BY MS. MAYES:

3 Q. Would reviewing the notes of -- I believe you
4 indicated that you did not have a copy of Schenk's report
5 with you?

6 A. Not up here.

7 MR. MAULDIN: I'd object to her refreshing any kind
8 of recollection with somebody else's writing.

9 MS. MAYES: Again, I'm --

10 MR. MAULDIN: She has to be refreshed with her own
11 writing.

12 THE COURT: Let me hear from you, Ms. Mayes.

13 MS. MAYES: Yes, Your Honor.

14 BY MS. MAYES:

15 Q. Do you have a copy of his report with you?

16 A. I do. It's in my investigative file in my laptop, but
17 I didn't want to bring my laptop up to the stand.

18 Q. Okay. Would any review of his report in relation to
19 you and your conversations between you and he be helpful in
20 this case?

21 A. Yes, ma'am.

22 Q. And do you know whether or not that exists in the
23 report of Agent Schenk?

24 A. It does, but without looking at it exactly I don't
25 want to testify to it.

1 Q. Okay.

2 MS. MAYES: Your Honor, at this time for purposes
3 of refreshing her memory, we would ask that she review
4 this document, which is part of her case file.

5 MR. MAULDIN: I object. It's not her writing.
6 It's another agent's writing. She can refresh herself
7 with her own statements, but not somebody else's.

8 THE COURT: All right. Let me see the lawyers for
9 a moment.

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

11 THE COURT: Okay. I'm gonna allow it because it is
12 her case file. She is the chief investigator or lead
13 investigator in this case. I think she can look at her
14 case file to refresh her memory if need be.

15 So go ahead, Ms. Mayes. I'll allow the agent to
16 have her laptop if that's where her case file's located.

17 MS. MAYES: Yes, Your Honor.

18 THE WITNESS: Yes, ma'am.

19 BY MS. MAYES:

20 Q. Okay. You've had an opportunity to review that report
21 of Agent Schenk?

22 A. Yes, ma'am.

23 Q. And, again, is this report of CSI Agent Schenk part of
24 your case file as the lead officer in this case?

25 A. Yes, ma'am.

1 Q. I'm gonna refer you to page 9 of 10.

2 A. Yes, ma'am.

3 Q. Can you tell us whether or not yourself and agent --
4 or your Captain Horton met with Agent Schenk prior to the
5 execution of that search warrant?

6 A. Yes, ma'am. On page 3 of the CSI report it's
7 documented that CS agents met with Captain Horton and
8 Special Agent Sykes and was provided the following
9 additional information. The suspect had reportedly used
10 a bag and took the gun and duct tape with him from the
11 initial scene.

12 Q. All right. So was SLED aware within the first
13 twenty-four hours that a bag had been used?

14 A. SLED crime scene was aware. Yes, ma'am.

15 Q. And is that part of the items that ultimately were
16 being searched by Agent Schenk and others at the
17 defendant's residence?

18 A. Yes, ma'am.

19 Q. Now in addition to that, Mr. Mauldin was asking you
20 about your follow-up interview with the victim where she
21 described the events that were taking place within the
22 garage.

23 A. Yes, ma'am.

24 Q. And I believe you read a portion of your notes in that
25 regard in response to his questions?

1 A. Yes, ma'am.

2 Q. I'm gonna refer you specifically to your notes in that
3 regard and to the portion that he was asking you about.

4 I believe that would be page 13 of 13.

5 A. Yes, ma'am. February 2, 2023.

6 Q. All right. Now when you previously described what
7 appeared to be back and forth movement within the garage,
8 I'm gonna ask you whether or not there was anything in your
9 notes consistent with that activity that you viewed on the
10 video surveillance?

11 A. Yes, ma'am.

12 Q. And what is that?

13 A. I documented that I had had telephone contact with the
14 victim, stated went back in the house following ATM, sat
15 in car in garage, he kept trying to go inside and have sex
16 with her, and the struggle continued.

17 Q. So let me stop you there. You had received
18 information that following the withdrawal of the money the
19 victim remained in the car?

20 A. Yes, ma'am.

21 Q. And that the car remained in the garage?

22 A. Yes, ma'am.

23 Q. And that there was a struggle?

24 A. Yes, ma'am.

25 Q. Agent Sykes, is all of that consistent with what you

1 viewed there on that video?

2 A. Yes, ma'am.

3 Q. Is the height of the subject that you're viewing on
4 that video in any way consistent with the height of
5 Glenna Branham?

6 A. She's pretty small in stature.

7 Q. Does the individual appear to be taller than that?

8 A. It appears that way to me.

9 MS. MAYES: Nothing further.

10 THE COURT: Thank you, Ms. Mayes.

11 Mr. Mauldin.

12 RECROSS EXAMINATION

13 BY MR. MAULDIN:

14 Q. Okay. Which report of Agent Schenk's were you looking
15 at when you -- when you said this stuff?

16 A. I can show it to you. It's -- the top page says crime
17 scene investigative summary.

18 Q. Uh-huh. What's the date of the report?

19 A. It says the amended report serves to replace the
20 report issued 1-14-22 and the top is dated February 22nd --
21 excuse me -- February 28, 2022.

22 Q. Okay. So it's an amended report; is that right?

23 A. It says the amended report serves to replace the
24 report issued January 14, 2022, and the date on the top of
25 this one says February 28, 2022.

1 Q. And a report done on January 14th, '22, would be after
2 October of '21 when you called her about the bag, wouldn't
3 it?

4 A. Yes, sir. Their report has to go through several
5 revisions and an approval process for crime scene.

6 Q. Well, three months and -- okay.

7 MR. MAULDIN: No further questions.

8 THE COURT: Thank you, Mr. Mauldin.

9 May I let the agent step down, please?

10 MS. MAYES: Yes, Your Honor.

11 THE COURT: Thank you.

12 (Witness excused.)

13 MS. MAYES: The State calls Sergeant Scott Purdy.

14 (Whereupon, Scott Purdy was duly sworn by the Clerk
15 of Court.)

16 THE CLERK: If you'll have a seat up there on the
17 witness stand. If you'll state your name and spell your
18 last name for the record.

19 THE WITNESS: Okay. Scott Purdy, P-U-R-D-Y.

20 SCOTT PURDY,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. Good afternoon.

25 A. Hello.

1 Q. I'm gonna ask you a few questions about yourself.

2 Where you are currently employed?

3 A. I work for the Lexington County Sheriff's Department.

4 Q. All right. And what division are you within -- are
5 you assigned to within the sheriff's department?

6 A. So I'm a detective with our crime reduction unit,
7 which is our -- basically our guns and violent crime unit,
8 and falls underneath our narcotics division.

9 Q. Okay. And I need you to pull the microphone down a
10 little bit closer to you.

11 A. (Witness complies.)

12 Q. All right. So when we talk about the NET Team and
13 narcotics, how, if at all, Sergeant Purdy, are you
14 affiliated -- or Investigator Purdy, are you affiliated
15 with that division?

16 A. So the NET Team, which just stands for the Narcotics
17 Enforcement Team, they have three teams underneath them;
18 two are focused on narcotics, which I used to be a part of
19 about five years, and then the one I'm on now is, again,
20 violent crime and guns.

21 Q. All right. When we talk about guns, are you familiar
22 with the process in which a stolen or missing gun is
23 entered into NCIC into the database to be identified as
24 missing?

25 A. Yes.

1 Q. And then how, if at all, does law enforcement go
2 about identifying any missing or stolen guns that may be
3 recovered in connection with other crimes or other
4 investigations?

5 A. Right. So when we're working, whether it be on a
6 search warrant or a traffic stop or anything like that,
7 if we encounter any firearms that we're gonna seize or
8 just that we come upon, we run the serial number through
9 our communications and then they run it through NCIC to
10 see if it has been reported stolen.

11 Q. All right. I'm gonna ask you in this particular case
12 whether or not you are familiar with a firearm that had
13 been reported stolen with a serial number depicted here as
14 NEN5525?

15 A. I am.

16 Q. Sergeant Purdy, take us through what information and
17 knowledge you have about the recovery of this firearm?

18 A. So on November 1st of this year -- excuse me,
19 November 1, 2022, we were actively hunting a gentleman by
20 the name of Phil McCoy, who was wanted for several felony
21 warrants out of our jurisdiction, as well as Richland
22 County's jurisdiction, so we had multiple agencies out
23 looking for this subject and surveillance put him down at
24 a house, so we were en route to that house to try and take
25 him into custody and we learned that he had gotten into a

1 car with some other subjects and had driven off. So we
2 conducted a felony stop on that car and held them all at
3 gunpoint and took three subjects out of the car; Mr. McCoy
4 and two other subjects, one being a juvenile who was in
5 the front seat. Through our investigation and through
6 searching those three individuals, all three of them were
7 found to have handguns hidden in the front of their pants.
8 The juvenile specifically had this handgun tucked down in
9 his underwear.

10 Q. All right. And, again, that would be November 1st of
11 2022?

12 A. Yes, ma'am.

13 Q. Some -- over a year from the date of this crime on
14 October 12, 2021?

15 A. Yes.

16 Q. And, Sergeant Purdy, let me ask you this. When we
17 talk about your experience with narcotics and firearms,
18 can you tell us whether or not it's common for guns to be
19 traded in exchanged for drugs?

20 A. Yeah, sure. So anything of value really is common to
21 be traded for drugs, but guns specifically just because
22 they can be resold and, you know, bad guys like guns.

23 Q. When we talk about firearms, especially stolen
24 firearms, can you tell us whether it's common or uncommon
25 for those guns to change hands many times prior to

1 recovery?

2 A. Yes. So it's common to either be traded amongst other
3 groups in same kind of organizations. Oftentimes if it's
4 used in a crime, they want to get rid of it so they hand it
5 off to someone else and things along those lines.

6 Q. All right. Sergeant Purdy, I'm gonna ask you to take
7 a look at this firearm, which is State's 59 in evidence,
8 and tell us the serial number on that particular item.

9 A. It is a Smith & Wesson and the serial number is
10 NEN5525.

11 Q. All right. And once you recovered this firearm,
12 were you able to then -- did you receive some kind of
13 notification through that database that it was, in fact,
14 missing in relation to a theft at 112 Congaree Downs, which
15 occurred in 2021?

16 A. Yes, ma'am. So when we were on-scene, dispatch
17 reported that the gun had been reported stolen out of NCIC
18 and then they provided us a printout of what they call the
19 hit, which is the information that says why it was reported
20 stolen, and in this particular case they wanted it held for
21 any kind of evidence that could be processed from it due to
22 that crime being a violent crime.

23 Q. Let me ask you this. That particular gun that you
24 just identified, were you yourself the officer that took it
25 from the person of that juvenile?

1 A. No, I was standing with the officer that took it and
2 he was -- he was searching -- he took him to the side
3 because he had to retrieve it from inside of his pants
4 because he was handcuffed, but I took it from that officer
5 and put it in this box.

6 Q. And has it remained in the custody of law enforcement
7 since that time?

8 A. Yes. It was entered into evidence with our -- with
9 our sheriff's department that day.

10 MS. MAYES: Thank you. Nothing further.

11 MS. POPOWSKI: No questions for this witness, Your
12 Honor.

13 THE COURT: May I let the officer step down?

14 MS. MAYES: Yes, Your Honor.

15 THE COURT: Thank you.

16 THE WITNESS: Yes, ma'am.

17 (Witness excused.)

18 MS. WELLMAN: Your Honor, at this time the State
19 would call Shannon Vincent.

20 THE COURT: Okay.

21 MS. WELLMAN: Your Honor, may we approach before
22 the witness takes the stand?

23 THE COURT: You can.

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

25 THE COURT: Madam Forelady?

1 FOREPERSON: Yes.

2 THE COURT: The next witness they tell me is gonna
3 be a long witness. Altogether I think we have three
4 more witnesses to do today. So I was thinking if
5 you-all need a break, now would be the time to take a
6 break because the next witness I'm warning you is gonna
7 be long.

8 FOREPERSON: Break.

9 THE COURT: You want a break?

10 FOREPERSON: Yes, ma'am.

11 THE COURT: All right. Don't talk about this
12 case. Take a 15-minute break and then we're gonna go
13 through it.

14 FOREPERSON: Okay. Thank you.

15 (Whereupon, the jury retires to the jury room at
16 2:37 PM.)

17 MS. WELLMAN: Judge, just to clarify, there's three
18 witnesses after this one.

19 THE COURT: Four. Okay.

20 MS. MAYES: Four with the last two being short
21 witnesses.

22 THE COURT: All right. Let's take a 15-minute break.
23 Be back at 2:50 -- 2:55.

24 (Recess taken at 2:38 PM.)

25 (Back on the record at 2:57 PM.)

1 BAILIFF: Court's back in session. Please stay
2 seated.

3 THE COURT: We can go ahead and bring the jury in.

4 (Whereupon, the jury returns to the courtroom at
5 3:00 PM.)

6 THE COURT: All right. Madam Forelady, is the jury
7 ready?

8 FOREPERSON: Yes.

9 THE COURT: All right. Please be seated.
10 Go ahead and call your next witness.

11 MS. WELLMAN: Your Honor, the State would call
12 Ms. Shannon Vincent.

13 (Whereupon, Shannon Vincent was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: If you'll have a seat up there on the
16 witness stand. If you'll state your name and spell
17 your last name for the record.

18 THE WITNESS: My name is Shannon Vincent.
19 S-H-A-N-N-O-N. V-I-N-C-E-N-T.

20 MS. POPOWSKI: Your Honor, before we get started,
21 I just wanted to renew both of my objections. The first
22 one being based on 803(4) and 106.

23 THE COURT: So noted for the record.

24 MS. POPOWSKI: Thank you, Your Honor.

25 THE COURT: We discussed those in pre-trial.

1 Go ahead, Ms. Wellman.

2 MS. WELLMAN: Thank you, Your Honor.

3 SHANNON VINCENT,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. WELLMAN:

7 Q. Ms. Vincent, if you could please tell the jury where
8 you're employed.

9 A. PRISMA Health Midlands.

10 Q. Okay. And what is your occupation?

11 A. I'm a forensic nurse examiner.

12 Q. How long have you worked at PRISMA Health?

13 A. I have worked with Toomey Healthcare System, which
14 became part of the PRISMA Health System since 2006, and
15 I've worked for the Forensic Nurse Examiner Program since
16 2015.

17 Q. Okay. If you could give us just some information
18 about your educational and occupational background.

19 A. Sure. So I first became a licensed practical nurse
20 in 2006. I graduated from Central South Carolina Technical
21 College in Sumter, then I went on to get my associate's
22 degree in nursing becoming a registered nurse in 2013
23 from Central South Carolina Technical College. I got my
24 bachelor's of science in nursing in 2013 from Francis
25 Marion University in Florence, South Carolina, and then

1 my master's of science in nursing focussing on public
2 community health from the University of North
3 Carolina-Charlotte in 2019.

4 Q. Okay. You stated that you are a forensic nurse
5 examiner. If you could please tell the jury what that is.

6 A. Sure. A forensic nurse examiner is any registered
7 nurse who has gone through the advanced training. It is
8 a classroom training where we have to go through 40 hours
9 of additional classroom training and then we have to do a
10 clinical orientation in order to learn how to perform a
11 forensic evaluation of a patient and collect evidence.

12 Q. And what year did you do that?

13 A. 2015.

14 Q. Okay. And specifically can you just talk a little
15 more about what you really learn during those training
16 courses?

17 A. So during those training courses we focus on the
18 anatomy and physiology of a patient, specifically injuries,
19 types of injuries, how they can be caused, how they may
20 present or not present. We focus on interviewing patients,
21 the kind of information that we may need to gather,
22 techniques to collect evidence, swabbing techniques and
23 such, how to preserve evidence and we also talk about the
24 fact that we may have to testify in court.

25 Q. And as a forensic nurse examiner, you've talked about

1 the types of injuries that you look for and stuff like
2 that. Specifically what types of patients are you seeing?

3 A. So we are seeing -- the sexual assault nurse examiner
4 training focuses directly with sexual assault patients.
5 Then to go on to -- to become a forensic nurse examiner,
6 we do additional training, which I have had to take care
7 of patients of human trafficking, domestic violence and
8 strangulation.

9 Q. Have you ever conducted a sexual assault forensic
10 examination?

11 A. I have.

12 Q. Approximately how many would you say?

13 A. Approximately three hundred.

14 Q. As part of your training to become a forensic nurse
15 examiner, did you also observe other qualified forensic
16 nurse examiners conduct examinations?

17 A. I did. As part of our clinical orientation, we are
18 required to go through that where we accompany an already
19 certified forensic nurse through patient exams where we
20 first observe them doing the exam and then we help assist
21 with the exam and then we then do an exam on our own with
22 their mentoring.

23 MS. WELLMAN: Your Honor, at this time the State
24 would tender Ms. Shannon Vincent as an expert in the
25 field of sexual assault forensic examination.

1 THE COURT: Any objection?

2 MS. POPOWSKI: No, Your Honor.

3 THE COURT: I'll tell the jury again this witness
4 is gonna be an expert because of education and
5 experience and she'll be allowed to give her opinion,
6 so you give the testimony the weight that you feel it
7 deserves.

8 Go ahead, Ms. Wellman.

9 MS. WELLMAN: Thank you, Your Honor.

10 BY MS. WELLMAN:

11 Q. Ms. Vincent, you have mentioned sexual assault
12 forensic exams. Can you please tell the jury what exactly
13 a sexual assault forensic exam is?

14 A. So a patient who has been sexually assaulted comes to
15 the emergency room and they may come by ambulance, by law
16 enforcement or just walking through the front door. When
17 they come in, they are evaluated by a physician because we
18 have to make sure there are no life-threatening injuries
19 that need to be immediately addressed, have to be taken
20 care of. Once they've been examined and what we call
21 medically cleared by an ER physician, we are then called.
22 The forensic nurse is called to come in and speak with the
23 patient and the patient can then decide if they want to
24 have evidence collected, if they want to do sexually
25 transmitted disease prevention treatment, those types of

1 things, and so we go through those options with them
2 because they have to give us informed consent. They have
3 to consent to all of those procedures. If they consent
4 to those things, we then go through with collecting the
5 history from them. We collect their medical history, their
6 surgical history. Just the types of things you'd get when
7 you see a doctor; you know, your allergies, what kinds of
8 medicines and things like that you're on, and then we go
9 through, you know, what happened like recently, any type
10 of -- have they urinated, have they gone to the bathroom,
11 changed their clothes, anything to smoke, eat or drink,
12 those types of things since the time of the assault and
13 then the time they've come in to see us at the hospital.
14 We also discuss if they've had any alcohol or drugs prior
15 to the assault or even after the assault, like I said,
16 prior to them coming into the hospital.

17 Once we go through that information with them, we then
18 go into the details of the assault where we ask them to
19 recall the assault history, which is kind of taking us from
20 before what happened all the way through it up until they
21 came to see us at the hospital, giving as much details as
22 they can, and then we kind of go back through if anything
23 seems like it might be confusing or it might be -- you know
24 if they kind of maybe said "he" a lot, we might say well,
25 who's "he" just to kind of clarify who exactly it is that

1 they're talking about. We get the location, the time if
2 they can remember or the approximate time of when it
3 happened, and then we go through the types of contact
4 that they had. So if it was a vaginal assault, rectal,
5 oral, were fingers or objects used, things like that,
6 any photographs. All of those things are questions
7 that we ask and information that we gather. If it was
8 drug-facilitated, we go into an assessment about that.
9 If they had any strangulation they mention while we're
10 getting that assault history, we do an assessment on that.

11 And then once we finish getting all of that
12 information, then that helps guide the actual evidence
13 that we collect. So if somebody says I've only ever --
14 you know, he only orally assaulted me, then I'm not
15 necessarily gonna be looking or focussing on their vaginal
16 area because that was not an area that they said was
17 touched or if they said all of my clothing was on me or
18 if they said the clothing was removed and he licked my
19 breast, then I'm definitely gonna focus on, okay, there
20 might be saliva on the breast. So what they tell me and
21 the information I gather helps to determine the type of
22 evidence that I'm gonna then gather from them. And
23 evidence is gonna be swabs. You know, just cotton swabs.
24 We just do swabbing of those things. We collect that,
25 dry the swabs and then place them in their appropriate

1 envelopes. We also -- if it is drug-facilitated, we would
2 collect blood or urine from them as well.

3 And then afterwards we talk about -- once we've
4 collected everything and gone through that, once they're
5 dressed again because we also as we're going through all
6 these things and collecting evidence, I'm also looking them
7 over from head to toe and doing my full nursing assessment
8 just like I would any other patient. I'm looking at your
9 skin, I'm looking at your eyes and inside your mouth. I'm,
10 you know, touching you to see if you have any tenderness or
11 any pain anywhere, and if I see markings or anything, I'm
12 gonna ask you do you know what that's from, do you know
13 when that happened. You know, maybe it was something that
14 happened prior to the assault, maybe something that
15 happened during or after and if you know can you tell me
16 where that came from or how that happened, and we're gonna
17 make sure we document all of those things.

18 And then once we're finished and you have your
19 clothes back on, then we talk about what kind of treatment
20 do you need, you know. So if you tell me you were only --
21 you were vaginally assaulted, then you may require more
22 antibiotics or things like that for sexually transmitted
23 infection versus if you say he only touched me with his
24 fingers, those types of things. If you say that, you know,
25 you have broken skin and your last tetanus shot is out of

1 date, we need to get your tetanus shot updated, and we also
2 need to talk about following up with a primary care doctor
3 because you may need further evaluation. We talk about
4 mental health follow-up because we always recommend
5 counseling, all those types of things because we want to
6 make sure that the patient is gonna be taken care of once
7 they're finished and all their medical needs are gonna be
8 met.

9 Q. All right. So we talked about a lot of different
10 things or you explained a lot of different things to us,
11 so I want to break that down a little bit. First, you
12 talked about a detailed examination into possible injuries?

13 A. Correct.

14 Q. Okay. What types of injuries might you see on a
15 patient who's been a victim of sexual assault?

16 A. So we may see lacerations, which would actually be
17 more like a cut. When we think of a laceration, it's
18 actually like if you were to cut something with a sharp
19 object. You can see tears in the skin, which is more
20 caused from like a shearing force or a friction-type force.
21 A lot of times we see blunt force trauma, so like bruising
22 or things like that which would come from any type of blunt
23 force trauma, so nonpenetrating trauma. So whether you
24 were hit or pushed up against something, you know, any type
25 of force that was used against the skin in any type of way.

1 Q. Okay. Speaking of blunt force trauma, you talked
2 about sort of a non-penetrative injury, could those types
3 of injuries occur from the application of pressure?

4 A. It would be -- I mean, a lot of pressure, yes.

5 Q. Okay. What about any hidden or internal injuries? Is
6 that something that you at least consider?

7 A. Yes. That's one of the reasons why we do like
8 palpation and things like that, which is one of the things
9 we always do in nursing anyway is we always palpate or
10 press down on areas because obviously if it doesn't have
11 a marking, which we all know some of us, we all bruise
12 differently, we all mark differently. So some of us may
13 show up bruised or marked more easily than some. So just
14 because we don't see something there doesn't mean that
15 there might not be something underlying the skin. There's
16 also the inflammatory process, which takes 48 to 72 hours.
17 So depending on when you come to see me, the closer you are
18 to that time of assault you may not be really be showing
19 a lot, but over that time period when the inflammatory
20 processes start to work, that's when that swelling or
21 bruising or marks start to come up, and so by my palpating
22 underneath there I can start to feel if there's anything
23 underneath there as well.

24 Especially in strangulation many times they may have
25 a lot of tenderness under the skin, but you're not seeing

1 any marking on top of the skin. So they may complain of
2 pain with swelling or pain with swallowing, difficulty
3 breathing, those types of things, and that's obviously not
4 something that you're gonna see when you look at a patient,
5 but that is something that we do assess for.

6 Q. Okay. Generally how long would you say one of these
7 sexual assault examinations take?

8 A. From start to finish they usually take about four to
9 five hours.

10 Q. Four to five hours?

11 A. Correct.

12 Q. If you could bring that microphone a little closer?

13 A. Sure. Sorry.

14 Q. Would you describe this as a particularly invasive
15 exam?

16 A. I do consider it very invasive. You're having to
17 discuss very personal things in great detail with somebody
18 that you've literally just met. I'm not your primary care
19 doctor, so you haven't established a relationship with me,
20 you know, previously, and then, of course, I'm looking at
21 the most intimate parts of your body. I'm looking at your
22 genitalia and I'm probing and, you know, moving things
23 around and I'm asking you questions about it, and those are
24 your most intimate areas that we obviously don't just share
25 with anybody, so it is very invasive.

1 Q. Speaking of those areas, in your experience is it
2 often particularly uncomfortable or embarrassing for a
3 victim of sexual assault to undergo this examination?

4 A. Yes. Especially if they are in pain. That's one of
5 the things that we assess in the beginning, like how much
6 pain are you in to make sure that that has been addressed
7 because we're obviously not trying to cause more pain and
8 we don't want them to be uncomfortable, but we do need to
9 be able to get a good look at them. So if they can't move
10 in certain ways or, you know, participate fully in the
11 exam because they're in pain or uncomfortable, then I need
12 to know that so that we can try to make accommodations
13 for that or to try to address it beforehand. It is very
14 embarrassing, once again, because it is such an invasive
15 procedure and I'm literally right up next to you looking at
16 every part of you. I'm not across the room. I'm up close
17 and personal.

18 Q. Ms. Vincent, looking back to October 13th of 2021,
19 were you working on that date?

20 A. I was.

21 Q. Okay. Did you have an occasion to perform a sexual
22 assault forensic examination on a Ms. Glenna Branham?

23 A. I did.

24 Q. Okay. And how did you come to perform this exam?

25 A. I was notified by the emergency room that a patient

1 had presented for a sexual assault exam. She had already
2 been seen by the ER physician and because of some rib pain
3 they had ordered a chest x-ray. They had cleared her --
4 medically cleared her at that point, which meant that the
5 chest x-ray was negative and they didn't need to do any
6 additional -- anything regarding that, so at that point she
7 was okay for me to come in and see her. They did ask her
8 permission, of course, if that is what she wanted to do and
9 she said she did want to speak with me, so I came into the
10 ER to see her then.

11 Q. I'm gonna get you to bring that -- just because if
12 some people move around, it might make it a little hard to
13 hear.

14 Did you conduct the exam on Ms. Branham in the same
15 manner that you explained to us a few moments go?

16 A. I did.

17 Q. Did you change the process in any way?

18 A. No.

19 Q. Do you recall if anyone was with her during that
20 examination?

21 A. Ms. Charlene Mooneyham, which is a SLED law
22 enforcement victims advocate, was with her.

23 Q. Okay. What time did you begin this examination?

24 A. Can I look at my notes?

25 Q. Uh-huh.

1 A. It began at 14:14, which is my arrival time, and so
2 we consider the time that we arrive and actually start
3 speaking with the patient as the beginning of our exam.

4 Q. So 14:14, that would be 2:14 in the afternoon?

5 A. 2:14. Sorry.

6 Q. Upon your first contact with Ms. Branham, can you just
7 describe her general physical appearance?

8 A. So when I saw her, she was a thin, elderly female
9 with short-cut hair. She was calm. She spoke clearly.
10 She was coherent. We went through the process, like I
11 said, of explaining everything. She was able to understand
12 everything and ask questions if she needed, but otherwise
13 able to give full consent to everything.

14 Q. Okay. When conducting a SANE exam, you mentioned you
15 have some notes. Is there a specific form that you use to
16 go through your full examination?

17 A. Yes. We use the South Carolina Law Enforcement
18 Division, they have a sexual assault exam protocol, and
19 that is the form that we use.

20 Q. Okay. And are those notes with you today?

21 A. Yes, they are.

22 Q. I think the first thing you said you mentioned is you
23 just conduct -- get some general information; is that
24 correct?

25 A. Correct.

1 Q. Did you do that with Ms. Branham?

2 A. I did.

3 Q. Okay. How would that information necessarily be
4 relevant to any kind of medical diagnosis and/or treatment?

5 A. So it's important for us to get the medical history of
6 the patient to make sure that -- especially if they have
7 something like diabetes or just different types of medical
8 problems that might contribute to either an injury or
9 delayed healing, those types of things. If they are on
10 blood thinners or something like that, then, you know,
11 obviously that could contribute to increased bleeding if
12 she has like a break in the skin or bruising. Just
13 different things like that, again, we have to make sure
14 that we assess. And obviously their immunization status
15 because if they do have an open wound and it's been greater
16 than ten years since their last tetanus shot, then that is
17 something we need to make sure we're getting updated just
18 for their health.

19 Q. Okay. Specifically as it regards medical diagnosis
20 and treatment, was there any prior -- or anything in
21 Ms. Branham's medical history that was particularly
22 relevant to your treatment?

23 A. She was a fairly healthy female, so.

24 Q. Okay. Is obtaining information concerning the cause
25 of an injury or an event necessary for purposes of medical

1 diagnosis and treatment?

2 A. It is.

3 Q. Okay. Can explain that?

4 A. Yes. So if it was, say, blunt trauma versus like a
5 laceration or something that was done with a sharp object,
6 so when you have anything that is nonpenetrating you have
7 to -- I have to kind of assess is it just that it affected
8 just the skin, just the top form, or was it so much force
9 that occurred there and that would be where she would have
10 to tell me what happened in that area to kind of say could
11 there be underlying damage to a bone or the tissue or an
12 organ depending on where it is on the body, whereas if it
13 was just a laceration, what type of object was used to
14 cause that laceration because is it just going to be like
15 -- if you think like a paper cut, which is not very deep,
16 versus if you were to get stabbed with a knife, okay, was
17 it a short knife or a long knife, you know, maybe now I
18 need to start looking at things that might be further down
19 and deeper into your body. So it just kind of depends on
20 what's going on, but I have to know those details in order
21 to know what I'm assessing.

22 Q. Okay. Is it necessary for the purpose of medical
23 diagnosis and treatment to learn whether or not one of your
24 patients has been exposed to another person's bodily fluids
25 such as semen?

1 A. It is.

2 Q. Can you please explain that? How is that important?

3 A. Because if they've been exposed to semen versus saliva
4 it depends on how we're going to treat for any sexually
5 transmitted infections and it also depends on the orifice
6 or the site in which it was in. If you were to get semen
7 in your throat, for example, we're going to be concerned
8 about gonorrhea and chlamydia, but not trichomonas, okay,
9 but if you were to get it in your vaginal area, we're gonna
10 be concerned about trichomonas, gonorrhea and chlamydia.
11 So it just depends on what it is and where it is.

12 Q. Those -- trichomonas, gonorrhea, chlamydia, are those
13 sexually transmitted diseases?

14 A. They are.

15 Q. And going back to the general circumstances of how an
16 injury occurred, as you explained to us is that information
17 also important for medical diagnosis and treatment?

18 A. It is.

19 Q. Okay. Is it important for the purpose of medical
20 diagnosis or treatment to know whether any injuries were
21 present before an assault?

22 A. Yes, because that could be what we consider an older
23 wound, so at that point when did you sustain that, has it
24 been addressed already, has somebody already looked at
25 that and taken care of that, but also is now has an injury

1 been laid up on top of that. So maybe you had like a
2 healing fracture and now you've injured it again, so maybe
3 that fracture is no longer healing and maybe it's been
4 reinjured, so those types of things.

5 Q. Did you actually obtain this information from
6 Ms. Branham yourself?

7 A. Yes, I did.

8 Q. Okay. Ms. Vincent, during your examination of
9 Ms. Branham, did she report a sexual assault to you? Yes
10 or no.

11 A. Yes.

12 Q. Okay. And did she tell you when that sexual assault
13 took place?

14 A. She did.

15 Q. And what did she tell you?

16 A. She told me that it had occurred at her home and also
17 in an abandoned house and that it occurred the previous
18 day, on October 12th at 8 PM.

19 Q. Okay. Ms. Vincent, we talked about how knowing the
20 general cause of an injury is important for what you do.
21 Did you ask Ms. Branham about her sexual assault?

22 A. I did.

23 Q. Okay. As relates to medical diagnosis and any
24 possible treatment, what, if anything, did she tell you
25 about her sexual assault?

1 A. She said that she had been in her home. That he had
2 -- she walked up to the door, he came behind her, grabbed
3 me and pulled my top off. He had both his arms around my
4 belly and I turned around and fought. He kicked my legs
5 out from under me and I crashed to the floor, then he
6 jumped on me and grabbed my hands. He taped my hands
7 together. When he took my clothes off and he jumped back
8 on me, he put two fingers in me -- in my vagina. He
9 grabbed my hair and pushed me down on him and said suck
10 it. I didn't know what to do. He said what are you doing
11 and I said I don't know what to do. He said grab it and
12 used my hand to grab it and pump it up and down, then he
13 said now suck it, and I sucked. He finally came and I had
14 swallowed some of it.

15 Q. Okay. I want to talk about a couple of those things
16 first. You mentioned that he taped my hands together?

17 A. Yes.

18 Q. Did she tell you whether that tape ever came off?

19 A. She did.

20 Q. Okay. What, if anything, did she tell you about that?

21 A. She just said somewhere in there he cut the tape off.

22 Q. Okay. Removing -- cutting tape off, removing it,
23 just having that pulled, you talked about sort of a
24 shearing force, I believe?

25 A. Yes.

1 Q. Could removing or ripping tape from a 74-year-old's
2 body, could that cause the type of shearing force to cause
3 the skin care -- skin tears that you told us about?

4 A. It could.

5 Q. Okay. When you were talking about the assault
6 history, what, if anything, did Ms. Branham talk to you
7 about or tell you about with regards to her phone?

8 A. She said that he had said that -- she told him it was
9 in the car and he said don't call the cops.

10 Q. Okay. Did Ms. Branham tell you what she did as soon
11 as her assailant left her home?

12 A. She said she went in and the first thing I did was
13 gargle with mouthwash. I stripped in the shower. I washed
14 with soap and water and while I was in the shower, I rinsed
15 my mouth a bunch of times with water. I brushed my teeth.

16 Q. Okay. Ms. Vincent, how might information regarding
17 food or drink, mouthwash, brushing your teeth, how might
18 that be relevant for the purposes of medical diagnosis or
19 treatment or how you conduct your sexual assault exam?

20 A. So it affects whether or not we're going to -- the
21 likelihood I guess I should say of finding DNA within the
22 mouth. When you are eating, drinking, putting any water or
23 mouthwash, brushing your teeth, those are types of things
24 that can degrade or rinse away any DNA in there. We're
25 still gonna swab the area because you never know, you

1 could still get something, but it definitely decreases the
2 likelihood of getting a DNA match off of there.

3 Q. So does that maybe change the steps that you take as
4 you're going through your exam?

5 A. I'm not understanding. I'm sorry.

6 Q. Okay. Let me ask it this way. Knowing whether
7 someone has brushed their teeth or used mouthwash or
8 something like that, does that information change how you
9 conduct the exam specifically or do you still go through
10 the same process?

11 A. I will still go through the same process. Like I
12 said, because there's always a chance that we may still get
13 something. I mean, everybody does not brush their teeth
14 the same way or use mouthwash the same way, so we still
15 will swab. It's just something that we like to note just
16 to kind of think okay, they said they did use these things,
17 so if we're looking at stuff, you know, we may not see what
18 we might think we may see.

19 Q. Does that same logic apply to whether or not someone
20 showered?

21 A. Yes.

22 Q. Ms. Vincent, you mentioned that Ms. Branham reported
23 that her attackers had knocked her down and they fought
24 and you also mentioned that you conducted a full body
25 examination of Ms. Branham; is that correct?

1 A. Correct.

2 Q. Knowing that she was knocked off her feet, she fell to
3 the ground and that they fought, how did that sort of guide
4 you as you went forward through your exam?

5 A. So looking for -- at that point when somebody starts
6 talking about that they've been fighting and how they were
7 fighting, you know, were they kicking, scratching, those
8 types of things, I want to make sure I'm looking at their
9 hands, their nails, how the fight occurred, you know, were
10 they being punched or slapped or kicked, am I looking at,
11 you know, their legs, am I looking at their arms. I'm
12 going to be looking at everything, but it just makes me
13 kind of focus on those areas a little more so that when I
14 do see something I'm still gonna ask do you know what this
15 is from, where do you think this could be from, but that
16 way if they say oh, you know, that was when I was fighting
17 him, that makes sense because they said that they were
18 fighting and now you have an injury there.

19 Q. Okay.

20 MS. WELLMAN: May I approach the witness?

21 THE COURT: You may.

22 BY MS. WELLMAN:

23 Q. All right. Ms. Vincent, I have a stack of photos
24 here. Some are marked 1 through -- 87 through 89, State's
25 Exhibit 94 through 97 and 90 through 93. Those are already

1 in evidence. Also in this pile are what's been marked as
2 State's Exhibit 129 through 143 and 150. If you could
3 look through those and just tell me if you recognize those
4 photos.

5 A. I do.

6 Q. Okay. And did you take photographs during your exam
7 of Ms. Branham?

8 A. I did.

9 Q. And are these the photographs?

10 A. Yes.

11 Q. With regards to --

12 MS. WELLMAN: And, Judge McCaslin, these are the
13 ones that are not in evidence at this point. State's
14 Exhibit...

15 Q. Specifically like are they all fair and accurate
16 representations of how Ms. Branham looked during your
17 examination?

18 A. Yes.

19 Q. Will they help illustrate your testimony?

20 A. Yes.

21 Q. Okay.

22 MS. WELLMAN: The State would move to introduce
23 State's 129 through 143 and 150 into evidence at this
24 time.

25 MS. POPOWSKI: No objection, Your Honor.

1 THE COURT: All right. They're admitted with no
2 objection.

3 (State's Exhibit Number 129 through 143 and 150,
4 photographs, were admitted into evidence.)

5 BY MS. WELLMAN:

6 Q. All right. Ms. Vincent, this is State's Exhibit 129.
7 Could you tell us what this is?

8 A. This is a head shot of the patient.

9 Q. Ms. Branham?

10 A. Yes.

11 Q. And she's wearing a mask. Why was she wearing a mask?

12 A. This was during COVID.

13 Q. Ms. Vincent, this is State's Exhibit 89, which is
14 already in evidence.

15 And do you have a laser pointer up there? Is it still
16 up there?

17 A. That's it?

18 Q. Yes. Okay. What are we looking at?

19 A. So we're looking right here and what you're looking
20 at is an area of discoloration to her left temple that she
21 also reported some tenderness to.

22 Q. Okay. As it relates to medical diagnosis and
23 treatment, what, if anything, did Ms. Branham report to
24 you about the cause?

25 A. She said that that's where a gun was held to her head.

1 MS. WELLMAN: Your Honor, I would ask just to pass
2 this particular exhibit around to the jury. I think you
3 can get a better -- because of the lighting, it's a little
4 easier.

5 THE COURT: Sure.

6 BY MS. WELLMAN:

7 Q. Ms. Vincent, you mentioned the inflammatory process.
8 Does that sort of explain how bruising might get worse over
9 several days following an assault?

10 A. Yes.

11 Q. While the jury is looking at that photograph, you
12 mentioned when you first met Ms. Branham she was relatively
13 calm. How was her demeanor as she recounted for you her
14 assault history?

15 A. She became tearful.

16 Q. Ms. Vincent, earlier you mentioned strangulation. Is
17 there a standard protocol to ask whether a sexual assault
18 victim was strangled or choked?

19 A. Yes. We ask every sexual assault patient if they had
20 been strangled or choked.

21 Q. Okay. Why is that important?

22 A. It is very important because the effects of
23 strangulation can have long-term consequences so we need
24 to know if they had been strangled or choked to make sure
25 that we are trying to address any possible complications

1 early on to try to make sure that they do not suffer from
2 long-term complications.

3 Q. If someone has been strangled or choked, is every
4 injury that might have occurred as a result of that be
5 visible?

6 A. It is not.

7 Q. What types of injuries might not be visible?

8 A. You may have the swelling internally to the muscles or
9 tendons and to the tissues inside that can occur. Around
10 the vocal cords as well can have swelling. Their tongue
11 may swell later. They can actually have what can form a
12 blood clot inside their carotid or jugular veins and
13 arteries, so there's many different things that can happen.

14 Q. Does the inflammatory process that you talked about
15 earlier apply to injuries that might be in the neck from
16 strangulation?

17 A. Yes.

18 Q. So if you're conducting a sexual assault exam within,
19 you know, several hours, such as less than twenty-four,
20 would you automatically expect to see every possible injury
21 that might have resulted from someone being strangled or
22 choked?

23 A. No, I would not.

24 Q. Did you ask Ms. Branham whether she had been strangled
25 or choked?

1 A. I did.

2 Q. And was that important for the purpose of medical
3 diagnosis and treatment of Ms. Branham?

4 A. Yes.

5 Q. Okay. What, if anything, did she tell you?

6 A. She said she had been.

7 Q. Okay. Did she tell you how many times?

8 A. She said twice.

9 Q. This is State's Exhibit 95 and what are we looking at
10 here?

11 A. We're looking at the right side of her neck and
12 specifically these little kind of pinpoint areas on her
13 neck --

14 Q. If I zoom in, would that be helpful?

15 A. Okay. So these little kind of pinpoint areas, we call
16 those petechia, which is just the bursting of the blood
17 vessels that occurs underneath and that occurs from
18 pressure, and you find those any time a patient has been
19 strangled at the point and above the point of
20 strangulation. So if their hands are around somebody's
21 neck, then you're gonna find petechia where the hands
22 were on the neck and above it, but you're not gonna find
23 anything below it. If somebody has somebody sit on your
24 chest and suffocate you in that kind of way, then you'll
25 see petechia on the chest and above, but you won't

1 necessarily see it on their belly.

2 Q. You said that was the right side of her neck?

3 A. Correct.

4 Q. And here?

5 A. And this is just a picture of the left side of her
6 neck. Any time you have a strangulation victim, whether
7 or not we see any injuries on the outside of their neck we
8 always take pictures around the whole circumference of
9 their neck and that way if they come back later because we
10 do tell the patients to monitor themselves and we give them
11 a pamphlet with signs and symptoms to watch for themselves
12 in the next 48 to 72 hours. If they start to have any of
13 those symptoms, we tell them to come immediately back to
14 the emergency room, but if they come back we can see what
15 they were whenever they initially came in and that gives us
16 a point of reference.

17 Q. In States's Exhibit 94, can you please tell the jury
18 what we're looking at there?

19 A. I don't know if you can zoom in or not. There you go.
20 She's got these markings and little abrasions right here on
21 her -- right above her -- right on her clavicle actually.

22 Q. One thing I forgot to ask you about her neck. Did she
23 report that petechia being present prior to her assault?

24 A. She did not.

25 Q. Okay. And then looking at here, you mentioned some --

1 A. Abrasions.

2 Q. -- some abrasions?

3 A. Yes.

4 Q. What, if anything, did Ms. Branham tell you about the
5 source of those abrasions?

6 A. She said that's where he pulled my shirt off.

7 Q. Okay. And some of those other -- is that more of
8 that petechia that we were talking about or are those all
9 abrasions?

10 A. So this is an abrasion, this is an abrasion. These
11 are some -- is a little bit of petechia right here.

12 Q. So, again, that would be force below those injuries?

13 A. Yes.

14 Q. And specifically with regards to the petechia, did
15 Ms. Branham report those being present prior to the
16 assault?

17 A. She did not.

18 Q. The second part. I think that's just a closer-up
19 version -- a closer picture?

20 A. Yes.

21 Q. This is State's Exhibit 134. Can you tell us what
22 we're looking at there?

23 A. There you're looking at bruising right here to her
24 right shoulder and upper arm.

25 Q. And what, if anything, did Ms. Branham tell you about

1 whether that bruising was present prior to the assault?

2 A. She said it was not.

3 Q. This is State's Exhibit 90. If you could tell us what
4 we're looking at?

5 A. So you're looking at bruising. This green-ish yellow
6 discoloration right here right above her right breast.

7 Q. And that bruising, is that the same type of bruising
8 that could be caused by blunt force trauma?

9 A. Yes.

10 Q. Similar to if someone's knee is on their chest?

11 A. It could be, yes.

12 Q. Okay. Thank you. And what else are we seeing there?

13 A. She has this little purple-ish discoloration right
14 here on the right breast.

15 Q. Would that also be the result of some type of blunt
16 force trauma?

17 A. Yes.

18 Q. Did you examine her left breast?

19 A. She had a left mastectomy, so there was no breast
20 there, it was just tissue, but we did exam her chest.

21 Q. This is State's Exhibit 87. If you could tell us,
22 again, what we're looking at there?

23 A. So you're looking at this large area of discoloration
24 right here on the spinal area and then there's a small area
25 right here to the left, which is -- so this would be what

1 most people consider their shoulder blade or their scapula,
2 so this would be right below her left scapula. And that's
3 just a closer up picture of the one on her spine.

4 Q. And is this type of bruising also caused by blunt
5 force trauma?

6 A. Yes.

7 Q. Okay. Is that type of bruising consistent with
8 someone being knocked to the ground and landing on their
9 back?

10 A. Yes.

11 Q. Did Ms. Branham report that injury being present prior
12 to this assault?

13 A. She said it was not.

14 Q. Okay. Did Ms. Branham tell you whether she was
15 experiencing any pain or tenderness in that area?

16 A. She was.

17 Q. Okay. Ms. Vincent, what are we looking at here?

18 A. So from -- starting from the left upper arm down, all
19 these purple-ish darker areas were bruising and then right
20 here on her left upper arm is what we would consider a skin
21 tear.

22 Q. Talk to me about -- again, would these bruising be
23 the result of a blunt force trauma?

24 A. Yes.

25 Q. Okay. Can you talk to us about whether a fair amount

1 of force was necessary to cause this type of bruising?

2 A. Yes.

3 Q. And specifically I think we started talking -- if I
4 zoom in a little bit -- is that bruising all up and down
5 her arm?

6 A. Yes.

7 Q. Did Ms. Branham report whether or not that was present
8 prior to this assault?

9 A. She said it was not.

10 Q. I want to look at these bruises a little closer. This
11 is State's Exhibit 133. What are we looking at here?

12 A. So this is where you saw in the previous picture on
13 the front of her arm and then this is some bruising and a
14 little bit of discoloration on the back of that left upper
15 arm.

16 Q. And the bruising on the back of her arm, we couldn't
17 see in the previous picture; is that correct?

18 A. Correct.

19 Q. Okay. Did Ms. Branham report whether or not that
20 bruise was present prior to the assault?

21 A. It was not.

22 Q. Okay. Could that have been caused by blunt force
23 trauma?

24 A. It could be.

25 Q. This is State's Exhibit 132. What all are we seeing

1 there?

2 A. So this is just a closer picture of that discoloration
3 on the top of her left upper arm.

4 Q. And what about -- it looks like something right about
5 here.

6 A. Yes. So that's a skin tear.

7 Q. What other things could cause skin tears?

8 A. So a skin tear is caused by any type of shearing force
9 that we talked about. So you can get a skin tear from like
10 you talked about like if she had something on there and it
11 was ripped off or she could also have it from -- because
12 elderly skin is thinner, so it can be pulled up a lot
13 easier than like a younger person's skin, so if you were to
14 grab ahold of it and yank on it, you could then even more
15 easily tear the skin.

16 Q. Could that type of skin tear occur during a struggle?

17 A. It could.

18 Q. I also see what looks like a scab right here.

19 A. Yes.

20 Q. Did that appear to be an old injury or a new one?

21 A. An old one.

22 Q. How can you tell?

23 A. Well, I can tell because of this white marking around
24 it. This is called granulation tissue and that shows that
25 it's in a stage of healing.

1 Q. So specifically with regards to the skin tear that we
2 see right here, did Ms. Branham tell you whether that was
3 present prior to the assault?

4 A. She said it was not.

5 Q. Okay. Is there any scabbing or granulation apparent
6 on that skin tear?

7 A. There is none.

8 Q. State's Exhibit 130. Can you please tell us what
9 we're seeing there?

10 A. So this is a continuation of that bruising that we saw
11 on the previous photo on her lower left arm, but up above
12 it here you can see is a little kind of indentation, a little
13 deeper, what we would call an abrasion because it doesn't
14 quite break the skin fully to her left upper arm right
15 below the elbow.

16 Q. Would that be consistent with the shape of like a
17 fingernail perhaps?

18 A. It could be, yes.

19 Q. Did Ms. Branham tell you whether or not these injuries
20 were present prior to the assault?

21 A. She says they were not.

22 Q. State's Exhibit 92. Can you please tell the jury what
23 we see there?

24 A. This is just a closer picture of that skin tear that
25 you saw previously on the left lower arm.

1 Q. And this is your sort of measuring tool?

2 A. It is one that we can use, yes.

3 Q. The type of skin care -- skin tear that would have
4 been cased in a similar way that you've already told us
5 about?

6 A. Yes.

7 Q. And we also see some other bruising around that?

8 A. Yes. That's the bruising that was shown in the
9 previous photos.

10 Q. State's Exhibit 93. What are we seeing there?

11 A. So this is a continuation of the bruising that you saw
12 in the previous photos, but this is a skin tear located on
13 her left wrist.

14 Q. And is -- that skin tear right there, would be that be
15 consistent with Ms. Branham's account of having tape on her
16 wrists potentially?

17 A. Yes.

18 Q. This is State's Exhibit 135. What are we looking at
19 here?

20 A. So this is bruising and discoloration to her right
21 arm.

22 Q. What, if anything, did Ms. Branham tell you about
23 whether or not that injury was present prior to the
24 assault?

25 A. She said it was not.

1 Q. Again, is that consistent with blunt force trauma?

2 A. It is.

3 Q. Going back briefly to 93, did Ms. Branham tell you
4 whether or not that skin tear was present prior to the
5 assault?

6 A. She said it was not.

7 Q. This is 136. Is that just a close-up of that
8 bruising?

9 A. It is.

10 Q. And that is her right arm; is that correct?

11 A. Correct.

12 Q. This is 137. What are we seeing there?

13 A. So this is the discoloration bruising that you saw in
14 the previous photo and it is extended around onto the back
15 of her right upper arm, so this is the back of that right
16 upper arm.

17 Q. Again, consistent with blunt force trauma?

18 A. Yes.

19 Q. What about down here?

20 A. So down here she has some bruising to that right
21 elbow.

22 Q. Is that consistent with perhaps falling on your back?

23 A. Yes, it could be.

24 Q. 138.

25 A. This is her right lower arm and all the bruising and

1 discoloration there.

2 Q. What, if anything, did Ms. Branham tell you about
3 these injuries that we've seen on her right arm, whether
4 or not those were present prior to the assault?

5 A. They were not.

6 Q. Okay. Would these bruises also be caused by a blunt
7 force trauma?

8 A. Yes.

9 Q. What about right here?

10 A. Another skin tear.

11 Q. What, if anything, did Ms. Branham tell you about
12 the skin tear about whether it was present prior to the
13 assault?

14 A. That it was not.

15 Q. State's Exhibit 139. Can you tell us what we're
16 seeing?

17 A. We're seeing bruising to the back of her hand. This
18 is her right hand.

19 Q. Is that also consistent with blunt force trauma?

20 A. It is.

21 Q. What, if anything, did Ms. Branham tell you about
22 whether that injury was present prior to the assault?

23 A. It was not.

24 Q. And this would be State's Exhibit 96. Is that just
25 another shot of her arm?

1 A. Yes, ma'am. That's just a distant shot.

2 Q. I want to come down here a little lower. What about
3 right here? What does that -- does that appear to be part
4 of Ms. Branham's arm or something -- some kind of foreign
5 material?

6 A. It would be some type of foreign material.

7 Q. Consistent with maybe the sticky part of tape?

8 MS. POPOWSKI: Your Honor, objection. She's leading
9 the witness.

10 THE COURT: Rephrase, Ms. Wellman.

11 MS. WELLMAN: Yes, Your Honor.

12 BY MS. WELLMAN:

13 Q. Can you describe that foreign material?

14 A. I can only say that it's foreign material. I can't
15 say anything further about it.

16 Q. What about State's Exhibit 150? What are we seeing?

17 A. So we're seeing a broken nail on her right fifth
18 digit.

19 Q. What, if anything, did Ms. Branham tell you -- well,
20 we'll talk about that in just a second. Looking closer at
21 her -- this hand. That's her right hand; is that correct?

22 A. That's her left.

23 Q. Her left hand. I'm sorry. What, if anything, did
24 Ms. Branham tell you about those bruises, whether they were
25 present prior to the assault?

1 A. They were not.

2 Q. Okay. You mentioned the broken nail. This is State's
3 Exhibit 97. Does that appear to be a close-up?

4 A. Yes, ma'am.

5 Q. What, if anything, did Ms. Branham tell you about how
6 she broke her nail?

7 A. She said that it occurred while they were fighting.

8 Q. When she said when they were fighting?

9 A. When she was fighting him.

10 Q. The -- the person who was attacking her?

11 A. Correct.

12 Q. State's Exhibit 143. Can you tell us what we're
13 seeing there?

14 A. This is the patient's lower back right above her --
15 the gluteal clefts are like right up -- kind of like your
16 tailbone area.

17 Q. Okay. What is the gluteal cleft?

18 A. The gluteal cleft is right where the top of your two
19 buttocks meet. Your left and right butt cheeks basically.

20 Q. Looking on your notes, do you recall whether or not
21 Ms. Branham had any other injuries to her buttocks?

22 A. She had on her right lower -- kind of a little bit
23 further down in that same line she had an area of
24 discoloration and tenderness and then more towards the hip
25 area on that right buttocks area she also had an area of

1 tenderness and that same type of coloring and bruising.

2 Q. Would those bruising still be consistent with blunt
3 form trauma like we've talked about?

4 A. They would.

5 Q. What, if anything, did Ms. Branham tell you about
6 whether or not those injuries were present prior to the
7 assault?

8 A. They were not.

9 Q. State's Exhibit 88. What are we seeing there?

10 A. So this is bruising to the top of her left thigh.

11 Q. Is that also consistent with blunt force trauma?

12 A. It is.

13 Q. Would that be consistent with force, you know, to pull
14 legs apart?

15 A. It could be, yes.

16 Q. What, if anything, did Ms. Branham tell you about
17 whether or not those bruises were present prior to the
18 assault?

19 A. They were not.

20 Q. This is State's Exhibit 140. That's the second part.
21 What are we seeing there?

22 A. So she has that kneecap, this little area of
23 discoloration. Just slightly darker.

24 Q. Okay. It may be easier to see in that picture.

25 A. Yeah, right there.

1 Q. Did Ms. Branham report whether or not she was
2 experiencing any pain or tenderness from that?

3 A. Let me refer to my note. Yes, she have tenderness to
4 that area.

5 Q. And, again, would that type of bruising be consistent
6 with blunt force trauma?

7 A. It would.

8 Q. Okay. Was that present prior to the assault according
9 to Ms. Branham?

10 A. It was not.

11 Q. State's Exhibit 141. Is that Ms. Branham's other
12 knee?

13 A. Yes, that's her left knee.

14 Q. Okay. What are we seeing there?

15 A. You're seeing this redness and these little kind of
16 dots or abrasions with the redness.

17 Q. Do those abrasions have any of that granulation that
18 you described earlier?

19 A. They do not.

20 Q. Okay. And, again, does that mean they're sort of
21 newer?

22 A. Correct.

23 Q. Okay. Did Ms. Branham report whether she was
24 experiencing any pain or tenderness from that injury?

25 A. She was.

1 Q. Did she report whether or not that injury was present
2 prior to the assault?

3 A. It was not.

4 Q. And is that also consistent with blunt force trauma?

5 A. It is.

6 Q. State's Exhibit 142. If you'd start with the first
7 one, what are we seeing?

8 A. You're seeing -- so these would be the backs of her
9 knees and these are her calves and so what you're looking
10 at is the discoloration there on the back of her lower calf
11 on the right side.

12 Q. Okay. And what about up here?

13 A. Yes, bruising to the left upper thigh.

14 Q. What, if anything, did Ms. Branham tell you about
15 whether or not those bruises were present prior to the
16 assault?

17 A. She said they were not.

18 Q. Is this her other leg?

19 A. This is just a closer picture of the one from the
20 calf.

21 Q. Okay.

22 MS. WELLMAN: If I could just beg the Court's
23 indulgence for one second.

24 THE COURT: Sure.

25 BY MS. WELLMAN:

1 Q. Ms. Vincent, I want to go back to the assault history.
2 As part of that assault history, I believe you stated that
3 Ms. Branham was forced to -- I think the word she used was
4 "suck" and she was exposed to ejaculate; is that correct?

5 A. Correct.

6 Q. What, if anything, did you do with that information?

7 A. So with that information, that allowed me to -- we
8 performed an oral swab to test for semen and/or collect
9 any semen if there was any possibility of that in the oral
10 cavity and then also that indicated to me that we were
11 going to need to cover her for gonorrhea and chlamydia of
12 her throat.

13 Q. Okay.

14 MS. POPOWSKI: No objection.

15 THE COURT: Okay.

16 BY MS. WELLMAN:

17 Q. Ms. Vincent, did you also examine Ms. Branham's
18 genitals?

19 A. I did.

20 Q. Okay. And why did you do that?

21 A. I always examine any females genitals when they say
22 there has been any contact there whether that's been by a
23 tongue, by fingers, an object, anything like that, and the
24 patient had indicated that she'd had fingers placed in her
25 vaginal area, so I needed to examiner her.

1 Q. And this is State's 145. Do you recognize this?

2 A. I do.

3 Q. Is this a diagram of the female genitalia?

4 A. It is.

5 Q. And would this help illustrate what you observed on
6 Ms. Branham during your exam?

7 A. Yes.

8 MS. WELLMAN: I believe Ms. Popowski said there was
9 no objection to 145.

10 MS. POPOWSKI: No objection.

11 THE COURT: It's admitted.

12 (State's Exhibit Number 145, a diagram, was
13 admitted into evidence.)

14 MS. WELLMAN: With the Court's permission, I would
15 ask Ms. Vincent to step down to work with this diagram.

16 BY MS. WELLMAN:

17 Q. All right. Again, Ms. Vincent, you said you examined
18 Ms. Branham's genitalia. What, if anything, did she
19 report with regards to whether she was experiencing pain
20 or tenderness?

21 A. She had tenderness to the -- I'll circle it.

22 Q. Yeah, if you could just sort of circle any areas where
23 she was experiencing tenderness.

24 A. (Witness complies.)

25 Q. And would those areas be included within the genital

1 openings?

2 A. They are.

3 Q. Okay. The areas that you circled, you stated
4 Ms. Branham was experiencing pain or tenderness?

5 A. Yes.

6 Q. What, if any, injuries did you observe in those areas?

7 A. There was bruising and discoloration to both of those
8 areas as well.

9 Q. Consistent with blunt force trauma?

10 A. Correct.

11 Q. Thank you. You can have a seat.

12 A. (Witness complies.)

13 Q. Would the type of injuries that you observed on
14 Ms. Branham's genitals be consistent with, again, a
15 forcible injury?

16 A. Yes, blunt force.

17 Q. I believe earlier when we were talking about parts
18 of a forensic exam, you mentioned sometimes you collect
19 evidence.

20 A. (Nods head.)

21 Q. As part of your SANE or sexual assault exam of
22 Ms. Branham, did you obtain a -- a buccal swab?

23 A. I did.

24 Q. And we heard from Agent Rachel Nguyen from SLED that
25 buccal swabs are sort of cheek swabs for DNA. Is that the

1 type of buccal swab that you obtained from Ms. Branham?

2 A. It is.

3 Q. And is that standard procedure?

4 A. It is.

5 Q. Where do you get that swab?

6 A. It is found within the sexual assault evidence kit.

7 Q. Where do you get the sexual assault evidence kit?

8 A. From the South Carolina Law Enforcement Division.

9 MS. WELLMAN: May I approach the witness?

10 THE COURT: You may.

11 BY MS. WELLMAN:

12 Q. Ms. Vincent, This is State's Exhibit 53. If you could
13 look at that and tell us if you recognize this.

14 A. I do.

15 Q. Please tell the jury what it is.

16 A. It's the evidence kit for Ms. Branham.

17 Q. Okay. And is this your signature?

18 A. It is.

19 Q. Okay. Included in here, can you tell the jury what
20 this item is?

21 A. That is the envelope that contains the buccal swabs.

22 Q. Okay. And are these your initials right here?

23 A. They are.

24 Q. On what date did you initial -- or sign and initial
25 these items?

1 A. October 13, 2021.

2 Q. This known standard, the buccal swab for Ms. Branham,
3 did you personally take this?

4 A. I did.

5 Q. And did you include this in the sexual assault kit?

6 A. I did.

7 Q. Okay. Did you seal the sexual assault kit?

8 A. I did.

9 Q. Okay. Did you seal it properly?

10 A. Yes.

11 Q. How did you seal it?

12 A. So there is an adhesive tab that is on the back of
13 that form -- the envelope, the large envelope. We pull
14 that tab and adhere it down to the envelope itself and then
15 we take an evidence tag, which you can see here is a red
16 evidence tag, and we place that over it and initial it.

17 Q. Okay. And are those your initials there?

18 A. They are.

19 Q. Okay. Do these items appear to be in the same or
20 substantially the same condition today as they were when
21 you saw them on the 13th?

22 A. They are.

23 Q. What, if anything, did you do with this after you
24 sealed it?

25 A. Once it is sealed, it goes into our secure evidence

1 fridge where it remains until law enforcement picks it up.

2 Q. Okay. Who has access to that fridge?

3 A. Only the nurses.

4 Q. At all times when this was in your possession, was it
5 in your sole care, custody and control?

6 A. It was.

7 MS. WELLMAN: Your Honor, the State would move to
8 introduce State's 53 into evidence at this time.

9 THE COURT: Any objection?

10 MS. POPOWSKI: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (State's Exhibit Number 53, a sexual assault
13 evidence kit, was admitted into evidence.)

14 MS. WELLMAN: Nothing further, Your Honor.

15 THE COURT: Ms. Popowski?

16 MS. POPOWSKI: Thank you, Your Honor.

17 I beg the Court's indulgence.

18 THE COURT: Take your time.

19 CROSS-EXAMINATION

20 BY MS. POPOWSKI:

21 Q. Good afternoon. Okay. Well, just to start out, this
22 is kind of a minor thing, but you testified earlier that
23 the exam started I think at 14:14, which would be 2:14?

24 A. Correct.

25 Q. But it actually started at 16:33; isn't that correct?

1 A. So 14:14 is when we get the initial call and so that
2 and then when we --

3 Q. But you went to the bedside at 16:33, which is 4:33?

4 A. Yes.

5 Q. Okay. So between the initial call and 4:33, she was
6 being seen by medical professionals?

7 A. Correct.

8 Q. Okay. And that's because before you saw her she had
9 to be medically cleared?

10 A. Correct.

11 Q. And as part of that medical clearance, she had a chest
12 x-ray done?

13 A. (Nods head.) Yes.

14 Q. You have to answer audibly. Sorry.

15 A. I didn't know if it was a question.

16 Q. Yeah. She had a chest x-ray done?

17 A. Yes.

18 Q. And it came back clear?

19 A. Negative, yes.

20 Q. Okay. So -- and also they determined that she would
21 need wound dressings?

22 A. Yes.

23 Q. I apologize. But all of that -- but the dressings
24 were to be done after your exam?

25 A. Correct.

1 Q. But as far as being medically cleared, that happened
2 before you began to collect evidence?

3 A. Correct.

4 Q. And your exam is not necessarily for the purpose of
5 evaluating the wounds, it's for the purpose of collecting
6 evidence?

7 A. We evaluate the wounds to see if there's any
8 additional medical treatment that may be required and
9 then we collect evidence as well.

10 Q. And your job as a forensic examiner is to perform a
11 very detailed exam of the patient's body?

12 A. Correct.

13 Q. And you take pictures?

14 A. If the patient allows, yes.

15 Q. Okay. And notes?

16 A. Yes.

17 Q. All right. And you collect that evidence in these
18 cases so that you can come and testify about it?

19 A. I collect them as part of -- because the patient
20 has requested that we collect them as part of a police
21 investigation.

22 Q. But you're expected to come and testify if necessary?

23 A. If necessary, yes.

24 Q. And you follow a very specific protocol?

25 A. Yes.

1 Q. It's extremely comprehensive?

2 A. Yes.

3 Q. Okay. And as part of that protocol, one of the things
4 that you often do is a screen -- a tox screen or toxicity
5 screen for alcohol or drugs?

6 A. It can be, yes.

7 Q. Okay. But you did not do that in this case?

8 A. No, I did not.

9 Q. Okay. And that was because she told you she hadn't
10 used alcohol or drugs?

11 A. No, she said that she had used alcohol. I did not
12 perform one because she was not impaired in any way when
13 we saw her.

14 Q. Okay. And you saw her -- I can't remember how many
15 hours later. I guess seventeen hours later?

16 A. Yes.

17 Q. Okay. And because she didn't appear impaired, you
18 didn't do a tox screen?

19 A. No, we assess the patient as part of our job and while
20 we're assessing the patient and getting that history from
21 the patient if they can clearly remember everything
22 throughout before, during and after without having any
23 lapses in memory, if they can clearly state that they are
24 -- were fit walk, they didn't have any difficulties there,
25 those types of things, then they say yes, I voluntarily

1 took the alcohol and nobody slipped anything into my drink
2 or anything like that --

3 Q. Right. Right. Right.

4 A. -- then we do not do a drug screen.

5 Q. So you would describe her as clearly remembering
6 everything that happened?

7 A. Yes.

8 Q. Okay. All right. I am going to try not to sound to
9 ignorant because I'm not a medical professional, but I do
10 know that as you get older you tend to heal more slowly.
11 Is that true?

12 A. That is true.

13 Q. Okay. And you actually testified here today that we
14 all bruise differently?

15 A. Correct.

16 Q. Okay. And -- but then later you testified that some
17 of the bruising that the Solicitor was showing you would
18 have required excessive force or blunt force trauma?

19 A. Yes.

20 Q. But everybody bruises differently; isn't that correct?

21 A. They do bruise differently. As far as where you may
22 bruise immediately, I might bruise a little -- take a
23 little bit longer for it to show up.

24 Q. Okay. And older people actually have -- sometimes
25 they have bruising that isn't necessarily caused by

1 injuries?

2 A. I guess I don't understand the question.

3 Q. Again, trying not to sound ignorant here, but my quick
4 Google search of this showed that there are -- especially
5 the purple kind of bruising that was shown in some of the
6 photos, for example, here on 133, this type of bruising
7 can be caused by the fact that older people have worse
8 vasculature?

9 A. So older people do have thinning in their skin and
10 also in their vessels. She would have seen that ahead of
11 time, which is why I always ask in any type of marking,
12 bruising or anything do you know what this is from.

13 Q. Right.

14 A. If she had been able to say yes, I've had that or
15 that is because of this, then I would have noted that as
16 a normal finding for her, but she denied that.

17 Q. Right. I understand, but you don't know if those
18 things were caused by what she said, you just know that she
19 said that?

20 A. Correct.

21 Q. Thank you. And bruising sometimes on older people can
22 be caused by medications they're taking?

23 A. If she was taking those medications.

24 Q. Okay. And elderly skin tears more easily?

25 A. It does.

1 Q. I think you testified to that earlier.

2 Okay. Your exam notes were very thorough because you
3 guys have a thorough protocol?

4 A. Yes.

5 Q. Okay. And you're an expert in this. We've qualified
6 you as an expert in this?

7 A. Okay. Yes.

8 Q. And your job is to document every last detail?

9 A. Yes.

10 Q. So it details all your observations?

11 A. Yes.

12 Q. It leaves nothing out?

13 A. I hope that it leaves nothing out. I do my very best,
14 but I am after all human.

15 Q. Ms. Branham told you that her wrists were bound; is
16 that correct?

17 A. That's correct.

18 Q. Okay. But nothing in your report documents any tape
19 residue?

20 A. No, there's nothing contained in my report.

21 Q. The Solicitor showed you the big picture that
22 represented the female genitalia?

23 A. Yes.

24 Q. And you circled the areas that you said that she
25 reported sensitivity to?

1 A. Yes.

2 Q. And that you observed bruising to?

3 A. Yes.

4 Q. That sensitivity and those bruising can be caused by
5 other things besides what the Solicitor suggested it was
6 caused by?

7 A. Like what?

8 Q. Consensual sex.

9 A. In order for you to have that amount of bruising to
10 that area, you would have to have what you'd consider rough
11 sex, not just consensual sex. So in that particular case,
12 then, yes, you could.

13 Q. Some people consider rough sex consensual sex?

14 A. They do.

15 Q. And you didn't document any injuries to the inside of
16 her mouth?

17 A. Correct.

18 Q. And that's a pretty sensitive area?

19 A. It can be, but it's used to having a lot of things go
20 through it, so.

21 Q. You talked about petechia. Did I pronounce that
22 correctly?

23 A. You're close. You're good.

24 Q. Okay. Close enough. The red spotting?

25 A. Yes.

1 Q. Okay. And the Solicitor asked you if those -- that
2 could be caused by a number of things, including
3 strangulation?

4 A. Yes.

5 Q. Okay. It can be caused by other things as well?

6 A. Yes. Petechia can be caused by if you -- if you had
7 like a severe coughing fit, you know, one of those where
8 you almost kind of pee yourself, projectile vomiting,
9 labor, because you're bearing down, but when that petechia
10 is there it is found in all areas, the different areas. So
11 like it would be like your legs or your belly, those types
12 of things. It's not concentrated in a specific area.

13 Q. What if -- so there's no other cause of that kind of
14 petechia, even lifting or straining?

15 A. So, once again, if you were -- say you were
16 constipated and you were trying to have a large bowel
17 movement, yes, you can have petechia, but you would have
18 them in different areas of your body, you wouldn't have
19 them in a specific, once again, like marking from -- you
20 can see from above, like almost an imaginary line from that
21 line up.

22 Q. Okay. The petechia that you've talked about wasn't
23 documented anywhere in your report?

24 A. No, I did not document.

25 Q. Okay. Not documented anywhere in the report?

1 A. No, I did not document.

2 Q. Also -- but what was actually documented in your
3 report, and I'm gonna go to the strangulation section, was
4 a number of questions -- a number of questions under this
5 section. I don't know what page number this is. I think
6 it's the last page of your report.

7 A. The strangulation assessment?

8 Q. That's right. You asked if there's any loss of
9 consciousness and the answer is no; throat hoarseness,
10 no, and you noted that at the time of the exam her voice
11 was normal and you noted that there was no loss of --
12 incontinence. She didn't -- she didn't urinate?

13 A. Correct.

14 Q. And there was no loss of bowels?

15 A. Correct.

16 Q. Okay. So basically what you documented as far as
17 strangulation, what you documented in your report, was
18 basically limited to what the patient told you?

19 A. That is my assessment of the patient.

20 Q. Is it true that alcohol is a -- I can't pronounce this
21 word, but vasodilator?

22 A. Vasodilator.

23 Q. There you go. Thank you. And it causes the blood
24 vessels to relax and expand so that you can bruise more
25 easily?

1 A. It is a vasodilator. I've never seen anybody who has
2 bruised more easily because of it unless they had some
3 kind of wound to the area, like some kind of force that
4 has caused a bruise --

5 Q. Okay. So --

6 A. -- and in that case I can't say whether it was the
7 alcohol that caused that or the person getting hit that
8 caused that. But just because you drink doesn't mean you
9 automatically just start bruising everywhere.

10 Q. Well, sure. Sure. And that kind of leads me to
11 another question that I had for you, which was most of
12 these injuries that the Solicitor showed you, she kind of
13 kept asking you if it would be consistent with this type of
14 trauma or this type of trauma or this type of an assault,
15 and your answer was always it could be, and that's because
16 those injuries could also be caused by other things?

17 A. They could be.

18 Q. This is State's Exhibit 150. And so she had long
19 fingernails at the time?

20 A. Yes.

21 Q. When folks are strangled, is it true that a lot of
22 times they will reach up?

23 A. They will.

24 Q. And a lot of times the injuries that are caused are
25 caused by the actual person being attacked?

1 A. Yes, a lot of what we call defensive markings,
2 which is them trying to defend themselves against the
3 strangulation.

4 Q. And when you examined Ms. Branham in this case, did
5 she have any of those defensive marks on her neck?

6 A. She did not.

7 MS. POPOWSKI: Bear with me. I apologize.

8 THE COURT: Take your time.

9 BY MS. POPOWSKI:

10 Q. Okay. I think we've already covered this, but just
11 to be clear, you testified a number of times to all of the
12 different injuries that Ms. Branham said that they were not
13 present before the assault?

14 A. Correct.

15 Q. Okay. But you were not -- you are only aware of what
16 she has told you. You have no other information as to
17 whether or not these were present prior to the assault?

18 A. Correct. I was not there.

19 Q. And were you aware that there was nine, maybe a
20 little bit more, nine hours between when my client left
21 Ms. Branham's home and when she reported this assault?

22 A. Yes.

23 MS. POPOWSKI: I beg the Court's indulgence.

24 No further questions at this time.

25 THE COURT: Any redirect, Ms. Wellman?

1 MS. WELLMAN: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. WELLMAN:

4 Q. Ms. Vincent, Ms. Popowski asked you about whether or
5 not medications can cause the type of bruising that we see
6 here. Do you recall that?

7 A. Yes.

8 Q. As part of your initial history, did you ask
9 Ms. Branham what medications she was taking?

10 A. I did.

11 Q. Did she answer you?

12 A. She did.

13 Q. What, if anything, did she say?

14 A. She said that she was on a vitamin.

15 Q. That's it?

16 A. That's it.

17 Q. I'm looking for a very specific photo. This is
18 State's Exhibit 90. We've talked about it. Would you
19 describe this as severe bruising?

20 A. Yes.

21 Q. The severity of the bruising in this case, did that
22 appear consistent with blunt force trauma?

23 A. Yes.

24 Q. Could -- I'm not asking you to definitively say yes,
25 but could it be consistent with a forcible sexual assault?

1 A. It could.

2 Q. Okay. Is the location of multiple bruises across
3 multiple areas of her body consistent with her assault
4 history?

5 A. It is.

6 Q. Ms. Popowski asked you whether or not you documented
7 petechia in your report.

8 A. Yes.

9 Q. The way you've described it to us, petechia is sort of
10 redness and discoloration; is that correct?

11 A. Yes, it is.

12 Q. Did you document redness and discoloration in your
13 record?

14 A. In regards to the petechia, no, I did not.

15 Q. You talked about defensive injuries.

16 A. Correct.

17 Q. If someone is completely subdued, would they be able
18 to defend themselves in your experience?

19 A. No.

20 MS. WELLMAN: Nothing further, Your Honor.

21 THE COURT: Okay.

22 MS. POPOWSKI: No further questions, Your Honor.

23 THE COURT: All right. May I let the witness be
24 excused?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: Thank you.

2 (Witness excused.)

3 MS. MAYES: The State calls Agent Donna Money.

4 (Whereupon, Donna Money was duly sworn by the Clerk
5 of Court.)

6 THE CLERK: If you'll have a seat up there on the
7 witness stand. If you'll state your name and spell your
8 last name for the record.

9 THE WITNESS: Donna Money. M-O-N-E-Y.

10 MS. MAYES: I beg the Court's indulgence we're
11 locating items of evidence.

12 THE COURT: Okay. Take your time, Ms. Mayes.

13 DONNA MONEY,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Good afternoon. Tell us about yourself.

18 A. My name is Donna Money and I'm a forensic scientist
19 at the South Carolina Law Enforcement Division Forensic
20 Services Lab in the DNA casework department.

21 Q. All right. And, Agent Money, I'm gonna need you to
22 move that microphone up little bit closer to you and speak
23 as loudly into it as possible, please.

24 A. (Witness complies.)

25 Q. All right. You indicated that you were also employed

1 by the State Law Enforcement Division?

2 A. Yes.

3 Q. And what department within SLED?

4 A. In the DNA casework department.

5 Q. All right. How long have you worked in the DNA
6 section of the crime lab at SLED?

7 A. Since 2012.

8 Q. What can you tell us about your educational background
9 and training that led to you become a forensic scientist in
10 DNA analysis?

11 A. I received a bachelor's of science degree in forensic
12 science from the Pennsylvania State University in 2011.
13 When I started my employment at SLED in 2012, I entered an
14 in-house training program under a court-qualified analyst
15 within the DNA casework department. This training program
16 included doing practice samples, training samples. There
17 is a competency portion, which is a written and practical
18 oral exams, report writing exams, and mock court. I also
19 observed the individual who was training me testify in
20 court as well. Once I was deemed competent, I am required
21 to have a minimum of eight hours of continuing education
22 each year and I am routinely proficiency tested.

23 Q. Can you tell us whether or not the type of DNA
24 analysis that is conducted within the State crime lab at
25 SLED, whether or not that is accepted among other peers in

1 your field?

2 A. It is.

3 Q. Is it subject to peer review?

4 A. Yes.

5 Q. Is the DNA lab within SLED accredited?

6 A. Yes.

7 Q. And do you use methods for testing that are approved
8 by other law enforcement agencies, including the FBI?

9 A. Yes.

10 Q. Can you tell us whether or not you have testified
11 previously as an expert in the field of DNA analysis?

12 A. I have.

13 Q. And can you tell us whether or not that includes the
14 statistical calculation associated with that comparison
15 analysis?

16 A. It has.

17 Q. Agent Money, how many such times have you previously
18 been qualified as an expert in the field of DNA analysis to
19 include statistical calculations?

20 A. Over fifty.

21 MS. MAYES: Your Honor, at this time the State
22 offers Agent Money as an expert in the field of DNA
23 analysis to include the statistical calculations
24 associated with that analysis.

25 THE COURT: Any objection?

1 MR. MAULDIN: No, Your Honor.

2 THE COURT: I'll tell the jury again. This witness
3 is gonna be an expert in DNA analysis. Please give the
4 testimony the weight it deserves.

5 BY MS. MAYES:

6 Q. Agent, I want to start by asking you about the sexual
7 assault kit that arrived there at your lab for analysis. I
8 am gonna show you what is State's 53 and ask you whether or
9 not you're familiar with this item, including the known DNA
10 standard of the victim in this case, Glenna Branham?

11 A. Yes. I see the SLED lab number and the associated
12 item number and container number.

13 Q. And who was the first person within the SLED lab to
14 actually unseal this item of evidence?

15 A. That would have been Rachel Nguyen.

16 Q. And that would have been Rachel Nguyen the serologist
17 that we've heard from previously in this case?

18 A. Yes.

19 Q. And can you tell us once it was prepped for DNA
20 analysis by Agent Nguyen, including the victim's sample as
21 well, who she transmitted these items to within the lab?

22 A. When she was done with her part of the analysis
23 process, it was then transferred to me.

24 Q. All right. And other than Agent Nguyen transmitting
25 this evidence directly to you, was anyone else involved in

1 the chain between the two of you?

2 A. No.

3 MS. MAYES: Your Honor, at this time the State
4 would offer 53, being the sexual assault kit containing
5 the victim's blood standard as evidence.

6 THE COURT: Any objection?

7 MR. MAULDIN: No, Your Honor.

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

9 (State's Exhibit Number 53, a sexual assault exam
10 kit, was admitted into evidence.)

11 BY MS. MAYES:

12 Q. Now in addition to that, can you tell us whether or
13 not a known DNA standard from the defendant in this case,
14 Robert Brandon Neeley, having been a buccal swab taken from
15 his cheek, was also submitted to the State Law Enforcement
16 Division for analysis?

17 A. One was submitted.

18 Q. I'm gonna ask you to take a look at State's 58 and ask
19 you whether or not you're familiar with this item and, if
20 so, how?

21 A. This item has the SLED lab number and item number on
22 the yellow barcode up top. My initials and identifiers are
23 written on the item itself inside this heat-sealed pouch
24 along with my initials and the date in which I opened and
25 sealed it.

1 Q. All right. Now, Agent Money, after Agent Sykes
2 collected that standard from the cheek of the defendant in
3 this case, Robert Neeley, sealed it and submitted it to the
4 State Law Enforcement Division, who was the first person in
5 your lab to unseal this item?

6 A. It was me.

7 Q. Was anyone else involved in unsealing this item prior
8 to its arrival to you?

9 A. Not to my knowledge.

10 Q. And from that point when you unsealed it, did you
11 conduct DNA comparison analysis?

12 A. Yes.

13 Q. Had you seen any evidence or signs of tampering to the
14 package?

15 A. I did not.

16 MS. MAYES: Your Honor, at this time State's 58
17 as evidence, being the buccal swab standard of the
18 defendant.

19 THE COURT: Any objection?

20 MR. MAULDIN: No, Your Honor.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 58, known DNA standard
23 of defendant, was admitted into evidence.)

24 BY MS. MAYES:

25 Q. I'm also gonna ask you about some additional items of

1 evidence in this case, one being DNA swabs or swabs being
2 submitted for DNA analysis having come from the console
3 area of a Toyota Camry.

4 A. I recognize this. Again, the SLED lab number and the
5 container identifier can be found on the yellow barcode
6 at the top. The items inside these two small envelopes,
7 my initials and identifiers are present on them, along
8 with my initials and the date that I opened and sealed the
9 heat-sealed pouch.

10 Q. All right. Looking here at State's 78 and 77, did you
11 receive two swabs of suspected blood for analysis within
12 your lab?

13 A. Yes.

14 Q. And can you tell us who was the first person to unseal
15 those items?

16 A. I was the first individual to open the heat-sealed
17 pouch.

18 Q. Okay. And had you seen any signs of tampering with
19 those swabs and the packaging prior to its arrival to you?

20 A. I did not.

21 MS. MAYES: For evidence at this time, Your Honor.
22 This would be State's 52, being the two swabs of suspected
23 blood from inside Toyota Camry.

24 THE COURT: Any objection?

25 MR. MAULDIN: No, Your Honor.

1 THE COURT: It's admitted.

2 (State's Exhibit Number 52, swabs of suspected
3 blood, was admitted into evidence.)

4 BY MS. MAYES:

5 Q. Next we have two items and I'm gonna ask you first
6 about Item 42 and ask you what Item 42 is?

7 A. State's Exhibit 42 appears to be SLED Item 1 and the
8 description on the outside is one napkin with suspected
9 semen from garage black trash can.

10 Q. And ultimately can you tell us whether or not a
11 cutting was created within your lab from that napkin that
12 contained the suspected semen?

13 A. Yes, a cutting was taken from this item and forwarded
14 for DNA.

15 Q. That would be the cutting created by Agent Rachel
16 Nguyen, the serologist who's previously testified in this
17 case?

18 A. That's correct.

19 Q. And ultimately can you tell us whether Agent Nguyen
20 created what's known as DNA extractions from the suspected
21 semen on the napkin and the cutting?

22 A. Yes. During her part of the analysis process, she was
23 the one to generate extracts.

24 Q. And how did the extract arrive to you for further DNA
25 analysis?

1 A. She then passed them along to me to complete the
2 analysis process and I was the one to return them to
3 heat-sealed pouches.

4 Q. All right. And were you aware as to -- and did you
5 create a report in this case, Agent Money?

6 A. I did.

7 Q. Are you aware of testing that was conducted by the
8 serologist Rachel Nguyen on the napkin where there was a
9 suspected semen stain?

10 A. Yes.

11 Q. And are you aware of the results of that analysis?

12 A. Yes, they're included in my report.

13 Q. And what are those results?

14 A. They were SLED Item 1.1, which was the cutting taken
15 from the napkin from the garage black trash can. The
16 examination for a component of semen acid phosphatase was
17 positive.

18 Q. Okay. So presumptively positive for semen and then
19 the cutting was created?

20 A. The cutting was created and that cutting itself was
21 tested.

22 Q. And presumptively positive for semen?

23 A. Correct.

24 Q. And I want to go back to where we're looking at the
25 suspected bloodstain. And, again, do you have a copy of

1 your report with you in regards to your findings here?

2 A. Yes.

3 Q. The swabs from the Toyota Camry --

4 A. Yes.

5 Q. -- center console?

6 A. Yes.

7 Q. What is the first step in your analysis, Agent Money?

8 A. For this item in particular or in general?

9 Q. Yes, for this particular item in order to determine
10 whether or not that may, in fact, be blood that you're
11 testing to determine a DNA profile on.

12 A. Since this item was submitted with a blood request,
13 the first step is to perform serology to determine whether
14 or not the item needed to be forwarded for DNA. So there
15 was a presumptive test performed for blood and the result
16 was positive.

17 Q. And who did that test?

18 A. I did.

19 Q. And based upon that positive test, the presumptively
20 positive test for blood, what was the next step in trying
21 to determine whether a DNA profile could be developed from
22 this blood stain?

23 A. Since the result was positive, the item was taken
24 forward for DNA analysis, which is a four-step process.
25 The sample is extracted to obtain DNA that may be present,

1 it then goes through quantitation determining how much DNA
2 is present on the sample, that sample is then taken through
3 what is called amplification or making more copies of the
4 DNA that is present, and the final step is the sample is
5 run through an instrument where it is separated based on
6 size and the information generated from that is then
7 translated into what is commonly referred to as a DNA
8 profile.

9 Q. All right. Were you able to develop a DNA profile
10 from the swabs that were positive for blood from that
11 center console?

12 A. Yes.

13 Q. Were you able then to compare that DNA profile to both
14 the defendant and the victim in this case, Glenna Branham?

15 A. Yes.

16 Q. What were the results of your analysis?

17 A. The DNA profile developed from this item was --

18 Q. And I'm gonna ask you to slow down and speak very
19 slowly so that Stacy can capture everything that you're
20 saying with the scientific terminology.

21 A. My apologies. The DNA profile that was developed
22 from this item was single source; meaning it originated
23 from one individual. When comparing this profile to the
24 profiles that had been developed from Robert Neeley and
25 Glenna Branham, Robert Neeley was excluded as the

1 contributor from this profile. And then when comparing
2 Glenna Branham, the DNA profile is approximately
3 16 septillion times more likely if Glenna Branham
4 contributed the profile than if it was an unidentified
5 unrelated individual.

6 Q. So based upon your results, it is 16 septillion times
7 more likely to be the blood of Glenna Branham as opposed
8 to some other random unrelated unidentified individual?

9 A. The DNA profile is 16 septillion times more likely if
10 it's Glenna Branham contributing the profile than if it's
11 an unidentified unrelated individual.

12 Q. When we talk about a number such as 16 septillion,
13 Agent Money, how large of a number is that? For example,
14 the current world population is seven billion, what would
15 -- what would 16 septillion be compared to that type of
16 number?

17 A. So one septillion has twenty-four zeros. So for a
18 world population of roughly seven to eight billion, one
19 billion only has nine zeros.

20 Q. And you said this has twenty-four zeros?

21 A. One septillion would have twenty-four zeros, so for
22 this it would have twenty-five.

23 Q. Twenty-five zeros. Now in addition to the DNA
24 analysis on the swab from inside the Toyota Camry, that
25 napkin that you received you indicated already that it

1 was presumptively positive for semen. What type of DNA
2 analysis was performed on that cutting from the napkin
3 after the finding that it was presumptively positive for
4 semen?

5 A. Since there was a serology result indicating a
6 positive for a component of semen, the type of extraction
7 that was performed is referred to as a differential
8 extraction; meaning that the sample is separated into two
9 portions in an attempt to isolate any potential sperm cells
10 that may be present on the item. These two portions are
11 referred to as a non-sperm fraction and a sperm fraction.

12 Q. Were you able to determine if there was a sperm
13 fraction present from this napkin and its cutting?

14 A. A sperm fraction was generated during the differential
15 process.

16 Q. All right. And for the record, I'm gonna have to ask
17 you a very, very basic question. What is sperm and what is
18 unique about sperm in relation to semen or seminal fluid?

19 A. Sperm is the cellular component of semen. The heads
20 of the sperm cell is where DNA would be located.

21 Q. And seminal fluid is produced by males, correct?

22 A. Yes.

23 Q. Now in regards to the napkin and the cutting from the
24 napkin, were you able to develop a DNA profile from the
25 sperm fraction?

1 A. Yes.

2 Q. And having developed that DNA profile, were you able
3 to compare that DNA profile from the sperm fraction to the
4 known DNA standard of the defendant in this case, Robert
5 Brandon Neeley?

6 A. Yes.

7 Q. Agent Money, what were the results of that analysis?

8 A. When comparing the -- well, I apologize. Let me just
9 backtrack. The DNA profile developed from the sperm
10 fraction was single source. Again, meaning it originated
11 from one individual.

12 Q. All right. And so that is a single source profile.
13 100 percent of its content belonging to one individual?

14 A. Yes.

15 Q. Please continue.

16 A. When comparing the DNA profile developed from
17 Robert Neeley to the DNA profile developed from the sperm
18 fraction of this item, the DNA profile is approximately
19 200 octillion times more likely if Robert Brandon Neeley
20 contributed the profile than if it was an unidentified
21 unrelated individual.

22 Q. 200 octillion times more likely to be Robert Brandon
23 Neeley than an unrelated unidentified individual?

24 A. The DNA profile is approximately 200 octillion times
25 more likely if Robert Brandon Neeley contributed than if

1 it was an unidentified unrelated individual.

2 Q. And when we talk about a number such as 200 octillion,
3 is that greater than even the number that you mentioned
4 before, which I believe was 16 septillion?

5 A. Yes. An octillion is bigger than a septillion.

6 Q. And how many zeros are involved in a number such as
7 200 octillion times more likely?

8 A. One octillion is 27 zeros, so for this there were 29.

9 Q. 29 zeros behind that number?

10 A. Yes.

11 Q. And is that number greater than the world population
12 of seven to eight billion?

13 A. Yes.

14 MS. MAYES: I beg the Court's indulgence.

15 THE COURT: Take your time.

16 MS. MAYES: Nothing further at this time, Your
17 Honor. All items have been offered as evidence and
18 would be admitted at this time if not already having
19 done so.

20 THE COURT: Okay. Mr. Mauldin?

21 MR. MAULDIN: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. MAULDIN:

24 Q. During this case were you forwarded an Item 26 that
25 was two swabs from the interior driver's door of the

1 vehicle?

2 A. Yes.

3 Q. And what sort of testing did you do on that?

4 A. I did not perform any analysis on this item. It was
5 packaged in the same container as the swabs from the center
6 console of the Toyota Camry, but there was no request made
7 for Item 26 to be analyzed.

8 Q. So you weren't aware that an alternative light source
9 had indicated there may be bodily fluid there?

10 A. There was no analysis performed.

11 Q. All right. And as far as the serology analysis, did
12 you do all of that or did Agent Nguyen do that?

13 A. Rachel Nguyen did the serology on the napkin. I was
14 the individual that did the serology on the swabs taken
15 from the center console.

16 Q. Okay. How about Item 21, the two swabs from the
17 steering wheel? What test did you perform on that?

18 A. That item was also returned without analysis.

19 Q. Was there any kind of serology test done by you on
20 that?

21 A. No.

22 Q. And Item 7.1, swabs from a gun case, did you do any
23 kind of analysis on that?

24 A. I did not.

25 Q. So you didn't test it to see if there was presence of

1 DNA?

2 A. No, I did not.

3 Q. Or compare it to any known DNA samples?

4 A. It was returned without analysis.

5 Q. And as part of your analysis, you also analyzed items
6 36.3 and 36.4; is that right?

7 A. Yes.

8 Q. And those are fingernail swabs from the sexual assault
9 kit?

10 A. Yes. One from the right hand and one from the left
11 hand.

12 Q. And 36.3 is the right hand and 36.4 is the left hand?

13 A. That is correct.

14 Q. Okay. And 36.3 was a single source?

15 A. Yes.

16 Q. And that was attributable to Ms. Branham?

17 A. That is correct.

18 Q. And 36.4 was a mixture; is that correct?

19 A. Yes.

20 Q. And Ms. Branham is contributing to the mixture; is
21 that right?

22 A. That is correct.

23 Q. And Mr. Neeley is excluded from that mixture?

24 A. Yes, when his profile is compared to the profile
25 developed from those swabs.

1 Q. So there's another person's DNA in there that is
2 unknown at this time?

3 A. At this time, yes.

4 MR. MAULDIN: No further questions.

5 THE COURT: Any redirect?

6 MS. MAYES: Yes, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. First of all, let me ask you when we're talking about
10 multiple swabs having been collected from a vehicle, what
11 is meant by the term "best evidence" within your lab, Agent
12 Money?

13 A. Typically we -- let me start over. In our evidence
14 submission policy, depending on the type of case it is,
15 we encourage submitters to limit the number of items that
16 they submit to focus on what would be the most probative
17 to the case. For instance, in a homicide case, it may be
18 the first five items, let those be analyzed, and then
19 additional items can be submitted after that. Say in a
20 sexual assault case start with the sexual assault kit and
21 a pair of underwear, have those items be analyzed, and then
22 any other items that were collected in the investigation
23 can be submitted at a later time.

24 Q. Okay. So the recommendation of law enforcement is
25 five items or less?

1 A. For violent cases, yes.

2 Q. Now your lab -- again, just to reiterate, your lab
3 serves ultimately many jurisdictions within the state?

4 A. Yes, SLED serves as a sportive service to all law
5 enforcement agencies in the state of South Carolina.

6 Q. And do you necessarily have the manpower within the
7 lab to test every single swab if we're talking about
8 hundreds of swabs for hundreds of cases?

9 A. Not necessarily.

10 Q. Would that potentially create a further backlog within
11 your crime lab?

12 A. Yes.

13 Q. So looking here at this photograph, for example, if
14 there is blood and it's located within the vehicle and
15 there are multiple swabs, would you necessarily need to
16 test every single swab?

17 A. Not necessarily. There would be communication between
18 the laboratory and the investigators to determine what
19 needs to be tested and what does not.

20 Q. And in this case, you tested at least two of the swabs
21 that were submitted from the center console area?

22 A. That's correct.

23 Q. Indicating that someone was bleeding within the
24 vehicle?

25 A. Potentially.

1 Q. And then leading to the identification of who may have
2 been bleeding within the vehicle?

3 A. Correct.

4 Q. And then when we're talking about a sexual assault
5 case, how important is it to have knowledge on the front
6 end within your lab as to whether there is known to be
7 semen or strongly suspected to be semen from any item being
8 submitted?

9 A. That is something that from a laboratory standpoint we
10 need to know on the front end. It impacts how the item or
11 items would be analyzed and what would be determined as
12 probative or not probative.

13 Q. So, for example, in a sexual assault case if the
14 victim had reported that they spit semen onto a napkin,
15 would you consider that a priority item of evidence for
16 analysis?

17 A. Yes, especially since there is the possibility of a
18 potential body fluid on an item.

19 Q. And in this case, can you tell us whether or not that
20 napkin was given priority within your lab?

21 A. It was part of the initial round of evidence testing.

22 Q. And then I believe you were asked about fingernail
23 swabs or swabs taken from fingernails.

24 A. Yes.

25 Q. Do you also within your lab receive a copy of the

1 victim's sexual assault examination form to know the
2 history prior to conducting your analysis?

3 A. Yes.

4 Q. And so in this case, you would have been made aware
5 that the victim, Glenna Branham, had showered and washed
6 prior to the collection of that sexual assault exam?

7 A. Yes, that information was provided to us.

8 Q. And how, if at all, Agent Money, someone showering
9 or washing, how may that affect the ability to recover
10 evidence such as DNA from underneath fingernails?

11 A. It could potentially remove any type of DNA that may
12 be present under somebody's fingernails. It depends on how
13 somebody showers. It differs from person to person.

14 Q. And ordinarily if someone is bathing, showering or
15 washing, can you tell us whether or not you would expect
16 in your expertise that to affect the ability to recover DNA
17 evidence?

18 A. It could potentially affect it.

19 Q. Or degrade it?

20 A. Potentially.

21 Q. And then if someone is at a hospital and undergoing
22 an exam, and let me ask you whether or not you're familiar
23 with the transfer of DNA through skin cells?

24 A. Day to day contact, shaking hands, handling objects,
25 hugging somebody, you're interacting with another

1 individual. Those are potential opportunities to pick up
2 somebody else's DNA on yourself.

3 Q. What about someone holding her hand prior to the
4 collection of that evidence?

5 A. That's another possibility. You've got direct contact
6 between the hand of one individual and the body of another.

7 Q. Any of those things can result in the transfer of DNA
8 skin cells?

9 A. Yes.

10 MS. MAYES: Thank you. Nothing further.

11 THE COURT: Thank you.

12 Mr. Mauldin?

13 RECROSS EXAMINATION

14 BY MR. MAULDIN:

15 Q. So the policy is to tell the investigators send five
16 items or less in violent crimes; is that right?

17 A. Yes.

18 Q. Okay. And so the investigator makes the determination
19 of what they want you to test?

20 A. Yes.

21 Q. And then they direct you to test what they want to
22 test?

23 A. Yes. They provide as part of their submission
24 paperwork what exam request they would like for the items
25 that they are submitting.

1 Q. And you didn't test any swabs from the gun case?

2 A. That's correct.

3 MR. MAULDIN: No further questions.

4 THE COURT: May I let the witness step down?

5 MS. MAYES: Yes, Your Honor. We ask that she be
6 excused.

7 THE COURT: Thank you for coming.

8 MR. MAULDIN: No objection, Your Honor.

9 THE COURT: Thank you.

10 (Witness excused.)

11 MS. WELLMAN: Your Honor, at this time the State
12 would call Melanie Martin.

13 THE COURT: Madam Forelady, is the jury okay?

14 FOREPERSON: Yes.

15 (Whereupon, Melanie Martin was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: If you'll have a seat up there. If
18 you'll state your name and then spell your last name
19 for the record.

20 THE WITNESS: My name is Melanie Martin. My last
21 name is spelled M-A-R-T-I-N.

22 MR. MAULDIN: Your Honor, at this time I'm gonna
23 renew my pre-trial objection under 403.

24 THE COURT: All right. Yes, and let me see the
25 lawyers for just a moment, too, please.

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

2 THE COURT: Okay. Continue on, Ms. Wellman.

3 MELANIE MARTIN,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. WELLMAN:

7 Q. Ms. Martin, do you live in Lexington County?

8 A. Yes, I do.

9 Q. Okay. How long have you lived in Lexington County?

10 A. My entire life.

11 Q. Okay. And where do you work?

12 A. Lexington Monitoring Services.

13 Q. Okay. And what is your role there?

14 A. Owner/operator.

15 Q. What are your duties and responsibilities?

16 A. We install, maintain and report alerts to the
17 appropriate authorities.

18 Q. Okay. By Lexington Monitoring Services, what do you
19 monitor?

20 A. It depends on the bracelet that the person is wearing,
21 but if they have been -- it's either an alcohol or GPS
22 bracelet.

23 Q. Okay. Now when you say GPS bracelet, are you talking
24 about like the GPS monitors that people are required to
25 wear sometime as conditions of pre-trial release?

1 A. Yes.

2 Q. Okay. Is it necessarily uncommon that a person has to
3 wear an ankle monitor if they're out on bond for a violent
4 crime?

5 A. It is not necessarily uncommon, no.

6 Q. Okay. In very general terms, can you explain to the
7 jury how these GPS monitors work?

8 A. They use the cell phone towers that your cell phones
9 use. They constantly search for those. If they can't hit
10 one, they'll find another one.

11 Q. And these GPS monitors, how does someone wear them? I
12 think you said bracelet.

13 A. Yeah, they're ankle bracelets affixed to the ankle
14 area of your leg.

15 Q. Do these monitors have mechanisms in place to detect
16 possible tampering?

17 A. Yes, they do.

18 Q. Can you tell us about those tampers?

19 A. There's two types. The device tampers are in regards
20 to the backplate that is placed on the back of the bracelet
21 that holds the strap into position around the person's leg.
22 Then there's a strap tamper, which is completely different.
23 The device's strap has wires running through it. If those
24 wires are severed or stressed, then it will generate a
25 strap tamper.

1 Q. And when you say it will generate a strap tamper, do
2 you mean a strap tamper alert?

3 A. Yes.

4 Q. Okay. And is that alert sent to you as the monitoring
5 company?

6 A. Yes, amongst others.

7 Q. Is it possible that your company might receive a
8 tamper alert for an accident?

9 A. Not generally in regards to strap tampers.

10 Q. What do you mean by that?

11 A. The device tamper can be generated because the
12 defendant inadvertently slammed it against something that
13 cracked the pins inside the backplate and those can be
14 generated by accident, but a strap tamper indicates that
15 someone was either pulling on the strap very hard or
16 actually cut and severed the wires inside the strap.

17 Q. Thinking back to 2021, did Lexington Monitoring
18 Services fit the defendant, Robert Brandon Neeley, with a
19 GPS monitor as a condition of pre-trial release for the
20 charges that we're here for this week?

21 A. Yes.

22 Q. And was he fitted with the same type of GPS monitor
23 that you just described for us?

24 A. Yes.

25 Q. Did it also have those tamper notification alerts on

1 the strap?

2 A. It did.

3 Q. Okay. And specifically were you working on the
4 morning of June 27th of 2022?

5 A. I was.

6 Q. Okay. Was the defendant still required to wear an
7 ankle monitor on that date?

8 A. Yes, he was.

9 Q. Did you receive any notifications regarding the
10 defendant's GPS monitor that day?

11 A. Yes, we got the alert.

12 Q. What type of notification did you receive?

13 A. The strap tamper notification.

14 Q. Going back to your duties and responsibilities at
15 Lexington Monitoring Services, are you responsible for the
16 maintenance of GPS monitoring records for individuals that
17 you fit with GPS monitors?

18 A. Yes.

19 Q. Is it also your responsibility to maintain those
20 records and recordings of the GPS monitor information and
21 tamper alerts?

22 A. Yes.

23 Q. Are those recordings saved?

24 A. Yes.

25 Q. Are they stored on your system?

1 A. They're stored in the SCRAM systems.

2 Q. Is there any way for you to edit, alter or delete
3 portions of those records?

4 A. There is not.

5 Q. And are they made in the regular and ordinary course
6 of business?

7 A. Yes, they are.

8 MS. WELLMAN: May I approach the witness?

9 THE COURT: You may.

10 BY MS. WELLMAN:

11 Q. Ms. Martin, I am handing you State's Exhibit 105. Do
12 you recognize that?

13 A. Yes.

14 Q. Can you please tell the jury what it is?

15 A. It's a VIN detail report for Robert Brandon Neeley for
16 6-27-22.

17 Q. Okay. And is that a true and accurate copy of the GPS
18 record for the defendant?

19 A. Yes, it is.

20 Q. Okay. Is this one of the tamper alerts that you told
21 us about?

22 A. Yes, it is.

23 Q. Okay. I'll take that.

24 MS. WELLMAN: The State would move to introduce
25 State's 105 into evidence.

1 THE COURT: Any objection?

2 MR. MAULDIN: No -- well, subject to the prior
3 objection.

4 THE COURT: Subject to the prior, I'm allowing it.
5 It's admitted.

6 (State's Exhibit Number 105, a photograph, was
7 admitted into evidence.)

8 BY MS. WELLMAN:

9 Q. And while I'm up here, Ms. Martin, if you could take
10 a look at State's 106 and 107 and tell the jury if you
11 recognize those?

12 A. Yes.

13 Q. And please tell the jury what they are.

14 A. That is the GPS bracelet.

15 Q. The GPS bracelet that --

16 A. That I received later that day.

17 Q. Okay. Is that the GPS bracelet that the defendant,
18 Robert Brandon Neeley, was required to wear as a condition
19 of bond for these charges?

20 A. Yes, it is.

21 Q. True and accurate depictions?

22 A. Yes.

23 Q. Okay. And will they help illustrate your testimony to
24 the jury?

25 A. Absolutely.

1 MS. WELLMAN: The State would move to introduce
2 State's 106 and 107.

3 MR. MAULDIN: Subject to prior --

4 THE COURT: Subject to the same pretrial objections,
5 also noted, and I'm allowing them in.

6 MS. WELLMAN: Thank you, Your Honor.

7 (State's Exhibit Number 106 and 107, photographs,
8 were admitted into evidence.)

9 BY MS. WELLMAN:

10 Q. All right. Ms. Martin, this is State's 105. You said
11 this is the tamper alert for the defendant's ankle monitor?

12 A. Yes.

13 Q. Is that his name that we see right here?

14 A. Yes.

15 Q. Okay. And is there a specific locator number or
16 serial number for this ankle monitor?

17 A. Yes.

18 Q. What is that number?

19 A. It's GL-1000QMU.

20 Q. Okay. And is that the ankle monitor that the
21 defendant was required to wear?

22 A. Yes, it is.

23 Q. Okay. And what are we seeing down here?

24 A. That's a written record of the alert that occurred
25 that day with the time.

1 Q. So does that say strap tamper?

2 A. Yes.

3 Q. Okay. And does that indicate to you that the strap
4 was tampered with on the defendant's monitor?

5 A. Yes.

6 Q. At what time?

7 A. At 8:36 AM.

8 Q. Okay. On what date?

9 A. June 27, 2022.

10 Q. After you received that information, what, if
11 anything, did you do?

12 A. Well, as indicated in the notes, I called dispatch
13 and sent an e-mail to the Solicitor's office and the
14 appropriate bondsman.

15 Q. Okay. And in addition to contacting those people,
16 was there also another point of contact on file for the
17 defendant's ankle monitor?

18 A. Yes.

19 Q. Was that a Dawn Hey?

20 A. Yes.

21 Q. Okay. Did you reach out to her?

22 A. I did.

23 Q. Okay. And what, if anything, did you do when you made
24 contact with her?

25 A. I asked her if she could retrieve the bracelet since

1 it was in close proximity to her location.

2 Q. Okay. Did you provide her with directions to do that?

3 A. I did.

4 Q. Were you able to do that with that GPS location?

5 A. I was.

6 Q. Okay. Were you able to recover the defendant's GPS
7 monitor?

8 A. Yes.

9 Q. How so?

10 A. Once Dawn was close to the device, I caused the device
11 to make an audible noise, which she could hear, and led her
12 directly to the bracelet.

13 Q. And did she ultimately bring that device to you?

14 A. Yes, she did.

15 Q. And did she bring it to you that day?

16 A. Yes, ma'am.

17 Q. This is State's Exhibit 106. Is that the device that
18 Ms. Hey returned to you?

19 A. Yes.

20 Q. Okay. And what are we seeing around this area and
21 this area?

22 A. In this photo, the backplate is intact on the device.
23 The bracelet was cut.

24 Q. Okay. And this is State's Exhibit 107. Is that the
25 same serial number assigned to the defendant?

1 A. Yes, it is.

2 Q. And is that still the cut strap?

3 A. It is the cut strap. I removed the backplate so that
4 I could see the strap -- the serial number.

5 Q. Okay. Thank you.

6 MS. WELLMAN: I beg the Court's indulgence for a
7 moment. No further questions.

8 THE COURT: Mr. Mauldin?

9 MR. MAULDIN: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. MAULDIN:

12 Q. What date was the device initially installed?

13 A. It was in March of the same year, I believe. February
14 or March of the same year.

15 Q. All right. And you said these things operate by
16 hitting off cell towers?

17 A. Yes.

18 Q. Just like phones do?

19 A. Mostly, yes.

20 Q. And if the device is turned off, it's not gonna hit on
21 those cell towers?

22 A. It will not.

23 Q. All right.

24 MR. MAULDIN: No further questions.

25 THE COURT: Any follow-up?

1 MS. WELLMAN: No, Your Honor.

2 THE COURT: May I excuse Ms. Martin?

3 MS. WELLMAN: Yes, Your Honor.

4 THE COURT: Ms. Martin, thank you.

5 (Witness excused.)

6 MS. WELLMAN: Your Honor, the State's last witness,
7 very, very brief, the State would call Shannon Dykes.

8 (Whereupon, Shannon Dykes was duly sworn by the
9 Clerk of Court.)

10 THE CLERK: If you'll have a seat up there. If
11 you'll state your name and spell your last name for the
12 record.

13 THE WITNESS: Shannon Dykes. Last name D-Y-K-E-S.

14 SHANNON DYKES,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. WELLMAN:

18 Q. And where do you work?

19 A. Lexington County Sheriff's Department.

20 Q. What is your role there?

21 A. I'm assigned to the fugitive task force.

22 Q. What is your rank?

23 A. Investigator.

24 Q. Investigator. Okay. So Investigator Dykes, as a
25 member of the fugitive task force, what are your duties and

1 responsibilities?

2 A. So I'm assigned to a special unit with the United
3 States Marshals Service and in my job is solely to seek out
4 violent and wanted fugitives.

5 Q. Are you also a sworn law enforcement officer?

6 A. Yes, ma'am.

7 Q. Okay. And were you part of the U.S. Marshals Fugitive
8 Task Force back in June of 2022?

9 A. Yes.

10 Q. Looking specifically back to the end of June of 2022,
11 sort of early July, did you gain some information about the
12 defendant, Robert Neeley?

13 A. I did.

14 Q. Okay. What information did you receive?

15 A. His last known address. I conducted surveillance to
16 begin with.

17 Q. Well, let me back up. Why did you -- what brought
18 Mr. Neeley to your attention?

19 A. I was notified that he cut off his ankle monitor in
20 reference to pending charges.

21 Q. Was that the charge that we're here for this week?

22 A. Yes.

23 Q. Okay. And based on that information what, if
24 anything, did you do?

25 A. Conducted surveillance at his last known address.

1 Also another address that he was affiliated with in a
2 neighboring jurisdiction, conducted interviews, searched
3 for him in these residences with negative results.

4 Q. Based on your investigation, did you determine whether
5 the defendant was still in the area?

6 A. Through my training and experience and exhausting all
7 leads in this area, also with some information received
8 from the interviews and further intel, led me to believe
9 that he had went to Billings, Montana.

10 Q. At some point when you got -- you know, developed that
11 information, did you put out any kind of collateral lead or
12 what did you do?

13 A. Yes, I sent the violent fugitive task force out of
14 Montana, the U.S. Marshals Service. I sent a collateral
15 lead to them, gave them all the information and the
16 addresses I had on file for possible associates and
17 relatives in the area.

18 Q. At some point did you learn whether that collateral
19 lead to the fugitive task force in Montana proved helpful
20 in locating the defendant?

21 A. Yes, they reported back to me that he was located and
22 arrested in a casino in Billings, Montana on August 29,
23 2022.

24 Q. And based on that information that he had been
25 apprehended in Montana, what, if anything, did you do?

1 A. Notified everyone here of his arrest and started
2 setting up the extradition, you know, from Montana to
3 South Carolina, everything that needed to be done from
4 that point.

5 Q. Did you send officers to Billings, Montana to take
6 custody of the defendant?

7 A. Yes, I did.

8 Q. Okay. Were those members of the fugitive task force?

9 A. They were.

10 Q. Were those members able to, in fact, take custody of
11 the defendant and bring them back to South Carolina?

12 A. Yes.

13 Q. On what date?

14 A. I don't have the date with me. It took a while for
15 that. I can get that if you need it.

16 Q. Would it have been August 29, 2022?

17 A. It was not August 29th.

18 Q. But is that the date that you learned --

19 A. That's the date he was arrested, yes.

20 Q. But some point after that?

21 A. Yes. It could take, depending on extradition
22 parameters, governors warrants and all that, it's thirty,
23 sixty, ninety days.

24 MS. WELLMAN: Thank you. No further questions.

25 THE COURT: Mr. Mauldin?

1 CROSS-EXAMINATION

2 BY MR. MAULDIN:

3 Q. Hello, Investigator Dykes.

4 A. Yes, sir.

5 Q. You said you sent the task force to Montana at
6 addresses of relatives and associates?

7 A. Yes, sir.

8 Q. Did that include the addresses of his mother and
9 sister?

10 A. Yes, sir.

11 MR. MAULDIN: No further questions.

12 MS. WELLMAN: Nothing further, Your Honor.

13 THE COURT: May I let the investigator go?

14 MS. WELLMAN: Yes, Your Honor.

15 THE COURT: Thank you.

16 (Witness excused.)

17 THE COURT: All right. The State can call their
18 next witness.

19 MS. MAYES: Your Honor, at this time the State
20 will rest.

21 THE COURT: Thank you, Ms. Mayes.

22 All right. Ladies and gentlemen of the jury, the
23 State has rested. I'm gonna let you-all go for the day.
24 Remember, no talking about this case. No research on
25 anything you've heard. Please don't read anything,

1 watch any television about this case.

2 I hope you-all have a great evening.

3 You-all want to start at what time in the morning?

4 MS. MAYES: The State and defense both request 9:30,
5 Your Honor.

6 THE COURT: 9:30 all right with the jury?

7 FOREPERSON: Yes.

8 THE COURT: 9:30 it is. I'll see you-all -- be
9 there at 9:15 in the jury room. We'll see you in the
10 morning.

11 FOREPERSON: Yes, ma'am.

12 THE COURT: Have a good evening.

13 FOREPERSON: You, too.

14 (Whereupon, the jury was excused for the day at
15 5:06 PM.)

16 THE COURT: All right. Any motions from the
17 defense?

18 MR. MAULDIN: One second, Your Honor.

19 Yes, Your Honor. At this time on behalf of
20 Mr. Neeley, the defence would move for a directed
21 verdict on all the charges and that taking the evidence
22 in the light most favorable to the State that they have
23 not presented a case to send to the trier of fact and we
24 would especially call attention to the burglary first
25 charge as entry was made with permission allegedly and

1 I don't think that they demonstrated evidence that the
2 intent to commit the crime was present at the time an
3 entry was made.

4 MS. MAYES: And, Your Honor, there has been more
5 than one entry to the home. So if I may, looking here
6 at 16-11-311 as to burglary first degree, of course
7 the State's position is that the initial entry into the
8 home is under a guise, it's under decoy. He does arrive
9 with a bag that according to the victim's testimony would
10 have contained a knife that he ultimately used on her,
11 duct tape that he ultimately used on her. We know that
12 he entered her residence with all of these things. Yes,
13 he knocked on the door; yes, she gave him permission to
14 enter. After he enters and makes sexually inappropriate
15 statements to her and expresses his intent to carry out
16 an assault against the victim or at least his intent to
17 have sex with the victim, she tells him to get out. So
18 she revokes any consent she would have given him to enter
19 at that point. He doesn't leave. He physically assaults
20 her and then restrains her and then sexually assaults her.

21 So the State's position is that his initial entry
22 into the home was under a guise, it was under decoy and
23 it was done with the intent to trick the victim into
24 allowing him entry so that he could carry out these
25 crimes, which he clearly had planned.

1 Now with all of that said, we have him reentering
2 the homes on multiple occasions. He is gonna later
3 reenter the curtilage of the home through the garage. We
4 know that because we can see that on video surveillance.
5 When he reenters the home after arriving back from the
6 ATM, we saw what appeared to be a struggle. We know
7 that the victim described that within the garage he was
8 trying to gain access to her. He was still expressing
9 his intent to carry out a sexual assault against her,
10 which she was refusing. She indicated that she was
11 not free to leave. We know that he is still in the
12 commission of a kidnapping, an ongoing kidnapping, as
13 he reenters the curtilage of her home, and as she has
14 described he now is in possession of her firearm when
15 he reenters her home.

16 So we know that he has regained entry with the
17 intent to commit a crime; that being the on-going crime
18 of kidnapping, the on-going crime of criminal sexual
19 conduct or a sexual assault against her; the on-going
20 crime of a physical assault against her as we saw him
21 engage in a struggle at some point, and there is evidence
22 on the record to support that not only from the victim's
23 testimony but from Agent Sykes's description of what
24 she's watching on the video camera where she sees the
25 back and forth movement at the passenger side of the

1 vehicle.

2 We know that he is then gonna leave the residence
3 again and later return back to the residence, not only
4 to the curtilage of the home within the garage, but he's
5 now gonna enter directly into the home armed with the
6 firearm with the intent to, again, commit a crime and
7 carry out the crime and that he is presenting this
8 firearm. She sees the firearm, he makes a verbal threat
9 to her. He says don't call the police. He makes the
10 statement that he has a bullet for the cops and then he
11 leaves her residence in larceny of that firearm.

12 So clearly when he reenters the home, this is an
13 on-going crime. She, again, has said she has not
14 felt free to leave at any point in time. He is still
15 committing the on-going kidnapping, he is still
16 displaying the firearm and using it to threaten and
17 intimidate her, and certainly pointing or presenting a
18 firearm would constitute an offense. He is verbally
19 threatening her and intimidating her not to report this
20 crime and saying what he's gonna do with the weapon and
21 then he leaves in larceny of that firearm, and the
22 State's position is it was always his intent when he
23 entered to carry out the crime of keeping that firearm
24 as part of his theft in addition to the theft of the
25 money. And ultimately there is strong evidence on the

1 record that he left with that firearm not only because
2 the victim saw him do it, but it is also supported by
3 video evidence in this case.

4 So certainly, Your Honor, the burglary in this case
5 is not only the act of the initial entry, but we have
6 him reentering on multiple occasions all with the intent
7 to commit a crime, which he carries out and completes
8 finally when he exits her residence for the final time
9 at 11:57 PM.

10 THE COURT: Thank you.

11 All right. I believe that the State has presented
12 enough evidence to present it to the jury. I'm gonna
13 deny your motion, Mr. Mauldin.

14 MR. MAULDIN: Yes, Your Honor.

15 THE COURT: I need to get a couple of things on my
16 exhibit list. Do you-all have your exhibit list that I
17 want to make sure was entered because I had a bunch of
18 ID's.

19 My question is Number 15 through 20.

20 MS. MAYES: Those are ID only, Your Honor. Those
21 were certain clips that were identified, I believe, by
22 Mr. Waters, but not actually offered as evidence. I
23 believe we have a total of five or six clips which have
24 been offered as evidence.

25 THE COURT: Okay. So those don't go in.

1 MS. MAYES: That's correct, Your Honor.

2 THE COURT: All right. I just wanted to make sure
3 of that.

4 And then I had 23 and 24 ID only.

5 MS. MAYES: That is correct, Your Honor.

6 THE COURT: And then I had 26, 27, 28, ID only.

7 MS. MAYES: That is correct, Your Honor.

8 THE COURT: I was worried because I wanted to make
9 sure I hadn't fallen asleep up here or something. That
10 was a lot of ID's only.

11 That's all I had. Everything else I've got in
12 evidence.

13 MS. MAYES: That is correct, Your Honor. That is
14 consistent with the State's information as well.

15 THE COURT: Okay. All right. I just wanted to
16 make sure that I was right.

17 All right. I would like, Mr. Mauldin, to be able to
18 read Mr. Neeley his right to testify. I'd like to read
19 it --

20 MR. MAULDIN: Yes, Your Honor.

21 THE COURT: -- and I always like to give somebody
22 time to talk with their lawyer, the night to think about
23 it, talk to their family members, whatever they need to
24 do.

25 Mr. Neeley, I'm gonna put you under oath right

1 quick.

2 THE CLERK: Would you please raise your right hand.

3 (Whereupon, Robert Brandon Neeley was duly sworn by
4 the Clerk of Court.)

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right. Mr. Neeley, at this time
7 I'm going to explain to you your rights. If you do not
8 understand anything I say, please let me know. If you
9 want me to explain anything in more detail, let me know.

10 Do you understand?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: All right. We have now reached the
13 stage of the trial where you may present your defense.
14 You have the right to claim the protections given to you
15 by the Fifth Amendment to the Constitution of the United
16 States. It states in part: No person shall be compelled
17 in any criminal case to be a witness against himself.
18 This means that you cannot be required to testify in this
19 case. You have the right to testify on your own behalf;
20 however, no one can make you testify. This is a personal
21 right and no one can waive this right except you.

22 If you decide to testify, you will be subject to the
23 same rules that govern other witnesses and you may be
24 examined and cross-examined on any relevant issue in the
25 case. In addition, if you have any convictions involving

1 dishonesty or false statements or for crimes punishable
2 by imprisonment for more than one year and this Court
3 determines that the probative value of admitting this
4 evidence outweighs its prejudicial effect to you, the
5 Solicitor will be able to introduce your record to attack
6 your credibility.

7 Let me ask the State does he have a prior record?

8 MS. MAYES: Yes, he does, Your Honor, and the State
9 has filed notice of impeachment pursuant to Rule 609
10 regarding multiple convictions.

11 THE COURT: Okay. Have you been over those
12 convictions with your client, Mr. Mauldin?

13 MR. MAULDIN: Yes. I think it was burglary and a
14 larceny; although we do have some arguments against the
15 burglary, but it would be Your Honor's decision whether
16 or not the State could use it.

17 THE COURT: Right.

18 You understand, Mr. Neeley, that you've got two
19 convictions that the State would try to get in if you
20 decide to testify?

21 MR. MAULDIN: It's three burglaries and one larceny.

22 THE COURT: A burglary second, three counts.

23 MS. MAYES: And, Your Honor, in addition to that
24 there is criminal conspiracy, shoplifting, possession of
25 cocaine and domestic violence second degree.

1 THE COURT: I'm seeing all of those.

2 Do you understand that, Mr. Neeley?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: All right. If you decide to testify,
5 this decision on your part must be freely, voluntarily
6 and intelligently made with knowledge of the protections
7 given to you by the Fifth Amendment and the consequences
8 of your decision to testify.

9 If you decide not to testify, I will instruct the
10 jurors that they cannot give the fact that you did not
11 testify any consideration whatsoever and that there is
12 to be absolutely no prejudice to you because you did not
13 testify.

14 It is left entirely up to you whether or not you
15 testify. You can talk to your attorney, your family,
16 friends or anyone else, but the final decision will be
17 left entirely up to you.

18 Do you understand what I've explained to you?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you have any questions that I can
21 answer for you?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Have you discussed with your lawyer
24 whether or not you should or should not testify?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: All right. I'm gonna tell you, we're
2 done until tomorrow morning. I will give you the evening
3 because this is a really important right. If you want
4 to talk to your family, talk to your lawyers some more,
5 I'm gonna give you that opportunity. I will go back over
6 this with you in the morning. I'm gonna give you the
7 night to think about it. Again, it's a very important
8 decision. I don't want you to be rushed making it.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Do you have any family you need to speak
11 with?

12 THE DEFENDANT: I've talked to my mother and my
13 sister about it.

14 THE COURT: Mr. Mauldin, can you make sure that he
15 has access to a telephone? Even if we have to bring him
16 here early tomorrow that maybe he can call his mom?

17 MR. MAULDIN: I'll discuss it with him and if they
18 have to bring him early tomorrow, I guess I'd have to
19 e-mail Danny.

20 THE COURT: Okay. I mean, I'd like to give him
21 that opportunity. It's a very, very important decision.

22 MR. MAULDIN: Yes, ma'am.

23 THE COURT: All right. Court's adjourned. We'll
24 start back at 9:30 in the morning.

25 MS. MAYES: Thank you, Your Honor.

1 (Whereupon, the proceedings were concluded for
2 July 27, 2023, at 5:20 PM.)

3 (The following proceedings were held July 28, 2023,
4 beginning at 9:46 AM.)

5 BAILIFF: Court is in session. Please stay seated.
6 The Honorable Judge Debbie McCaslin presiding.

7 THE COURT: All right. Mr. Neeley, let me talk to
8 you for a second, and I'm gonna put you back under oath
9 today.

10 THE CLERK: Would you please raise your right hand.

11 (Whereupon, Robert Brandon Neeley was duly sworn by
12 the Clerk of Court.)

13 THE DEFENDANT: Yes, ma'am.

14 THE CLERK: Thank you, sir.

15 THE COURT: All right. Mr. Neeley, yesterday I
16 explained to you in detail about your rights to testify
17 and I gave you the night to think about it. You could
18 talk to your family members, talk to your lawyers. You've
19 got two of them.

20 Did you have that opportunity?

21 THE DEFENDANT: Yes, ma'am, I did.

22 THE COURT: Okay. And I'm just gonna remind you
23 the Fifth Amendment to the Constitution states that you
24 -- no person can compel you to be a witness against
25 yourself.

1 I also told you that this is a personal right. It
2 must be made freely, voluntarily and intelligently made.
3 I also told you that if you testify, you would be subject
4 to the same rules of any other witness. We went over
5 your criminal history that might be used against you or
6 you could be questioned about it if you took the stand.

7 I also told you that if you did not -- if you
8 decided not to testify, I would tell the jurors that
9 they cannot give the fact that you did not testify
10 any consideration whatsoever and that there is to be
11 absolutely no prejudice to you.

12 So do you remember that conversation?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. Do you wish to talk to your
15 lawyers any more at this time?

16 THE DEFENDANT: No, ma'am. I've decided not to
17 testify.

18 THE COURT: Okay. Well, that's what I was gonna
19 ask you. Do you wish to testify?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Thank you, Mr. Neeley.

22 Let me ask -- I'm gonna bring the jury in.

23 Mr. Mauldin, are you putting up a defense?

24 MR. MAULDIN: We're not putting in any evidence.

25 THE COURT: Not putting in any evidence. Thank you.

1 I'll bring the jury in, let you rest on the record,
2 and I'm gonna send them back out and bring them back in
3 for closings.

4 MR. MAULDIN: Yes, ma'am.

5 THE COURT: Are we ready for closings?

6 MS. MAYES: The State's ready, Your Honor.

7 MR. MAULDIN: Yes, Your Honor.

8 THE COURT: All right. Let's bring the jury in.

9 (Whereupon, the jury enter the courtroom at
10 9:51 AM.)

11 THE COURT: Madam Forelady, is the jury ready?

12 FOREPERSON: Yes, ma'am.

13 THE COURT: Please be seated. Good morning.

14 All right. Morning question. Has anyone approached
15 you or have you talked to anyone about this case, done
16 any research, read anything about this case or seen
17 anything on TV about this case? If so, please raise
18 your hand. Perfect.

19 All right. Mr. Mauldin, you don't have to, but if
20 you wish to present any evidence, it's your turn.

21 MR. MAULDIN: We are not, Your Honor. At this time
22 the defense rests.

23 THE COURT: Thank you.

24 Madam Forelady, I'm gonna have to ask you-all to go
25 back to the jury room for a brief moment while I take up

1 a matter with the lawyers right quick.

2 Thank you.

3 (Whereupon, the jury retires to the jury room at
4 9:53 AM.)

5 THE COURT: Anything from the State?

6 MS. MAYES: Nothing from the State, Your Honor.

7 THE COURT: I'll be glad to hear from the defense.

8 MR. MAULDIN: Yes, Your Honor.

9 At this time we would renew our directed verdict
10 motions. It would be the same as the motions made
11 yesterday after the close of the State's case and in
12 particular as to the burglary charge.

13 THE COURT: Okay. Thank you.

14 Mr. Mauldin, I'm gonna deny your motion for the
15 same reasons I did yesterday.

16 We'll proceed to closings if everybody's ready.

17 MR. MAULDIN: Yes, Your Honor.

18 MS. MAYES: Yes, Your Honor.

19 THE COURT: Let's bring the jury back in.

20 (Whereupon, the jury return to the courtroom at
21 9:55 AM.)

22 THE COURT: Is the jury ready?

23 FOREPERSON: Yes, ma'am.

24 THE COURT: Please be seated.

25 All right. We're gonna proceed to closing

1 arguments.

2 Ms. Mayes.

3 MS. MAYES: Thank you, Your Honor. May it please
4 the Court?

5 THE COURT: Yes, ma'am.

6 MS. MAYES: Good morning. Time. Time. Time will
7 always reveal the truth. No matter what means he took
8 to conceal it and to hide evidence in this case and to
9 run away, time always reveals the truth. And in this
10 court, this courtroom throughout this week, what you've
11 heard is overwhelming evidence, that's direct evidence
12 and circumstantial evidence, overwhelming evidence of
13 the defendant's guilt.

14 Now when we talk about those two types of evidence,
15 direct evidence and circumstantial evidence, both have
16 equal value under the law. And when I'm done with this
17 presentation and after you've heard from the defense,
18 Your Honor, Judge McCaslin, will charge you on those
19 two types of evidence, and as I told you, both have equal
20 value under the law.

21 But when we talk about direct evidence, that's what
22 someone saw, what someone felt, what some experienced
23 firsthand, and in any case, in any trial, you only
24 consider evidence that's in the record. Evidence you
25 heard directly from the witnesses. And in this case,

1 Glenna Branham, who saw this, felt this, experienced
2 this firsthand, is the direct evidence in this case.

3 But it doesn't stop there. There is overwhelming
4 forensic evidence and physical evidence of these crimes
5 that she endured. And as we talk about that, it's the
6 evidence that leads you as jurors, it's the evidence
7 that lights the path, it's the evidence that shines on
8 the truth.

9 And so when we talk about proving criminal cases,
10 there are all types out there. There's armed robberies,
11 there's burglaries, there's homicides, but this kind of
12 case, a sexual assault against one of our most vulnerable
13 citizens. You heard from her. Seventy-five years old
14 today. Seventy-four when this happened. To him, she was
15 the perfect victim. Why? She lived alone. The most
16 vulnerable of our citizens. Not only that, but her age,
17 her physical condition. He absolutely knew that he could
18 overpower her, that he could intimidate her in the worst
19 ways possible.

20 You know that app, that Nextdoor app that those
21 citizens there in that little quaint neighborhood
22 in South Congaree were on, and they talk to their
23 neighbors? Hey, I've got some tea olives if you want
24 them. Ms. Branham had no idea that a man like that was
25 out there looking for someone just like her that he could

1 take advantage of. Someone just like her that he could
2 target. And so he's on that Nextdoor app and he sees
3 this and shows up at her house and, lo and behold, he
4 finds a 74-year-old living alone. The perfect victim.

5 And from there I submit he concocts this plan that
6 he's gonna find a way to take money from her. First he
7 comes and just knocks on the door and tells this story
8 about I need money. You know, my girlfriend's in jail,
9 can you give me some money, and she does. And, you know,
10 any of us with parents and grandparents in this age group
11 you know how easily senior citizens can be taken advantage
12 of. How many scams out there are commonly advertised
13 whether it's a threat about owing money to the IRS or
14 owing money to -- for this reason or that reason and
15 there's a phone call or a text and a senior citizen
16 falls victim to that scam? Well, with him, he figured
17 out she's got money and he's gonna do whatever it takes
18 to get that money from her.

19 But it's not just money that he wants. The evidence
20 presented is that Robert Brandon Neeley was a drug addict
21 and with that came extreme erratic behavior and violence.
22 A type of violence that is unthinkable and difficult to
23 comprehend. A type of violence that will reside in the
24 heart and mind of Glenna Branham for the rest of her life.
25 And let's call it what it is. It's rape.

1 What you heard in this courtroom is difficult to
2 speak, it's difficult to listen to, but it was absolutely
3 necessary for each of you to hear the evidence in this
4 case. But make no mistake. Let's call it what it is.
5 It's rape.

6 And so it went beyond the money for Robert Brandon
7 Neeley. He wanted to take advantage of her in every way
8 possible. One of the charges that you're gonna hear
9 from the judge is about criminal intent. The State,
10 law enforcement, we do not have to prove the thoughts
11 in someone's mind, what drives an evil person to commit
12 heinous acts. We don't have to prove the source of their
13 criminal intent. That would be impossible to do so.
14 Imagine the horrific stories that you hear every day in
15 the headlines. No one knows what prompts someone to
16 commit these horrible crimes, whether it be a mass
17 homicide, whether it be a rape, and that is not what we
18 have to prove.

19 But what we know beyond a reasonable doubt is that
20 Robert Brandon Neeley had criminal intent to carry out
21 these crimes and he knew it before he ever went in her
22 house because he goes in her house with that duffle bag
23 and in that duffle bag is duct tape and a knife. We
24 know he went there with criminal intent.

25 We know he was using drugs throughout that night.

1 Another charge you will hear from Judge McCaslin is that
2 voluntary substance abuse, voluntary intoxication, the
3 choice of someone to use drugs or use alcohol, is not a
4 defense to a crime. You don't get to go use drugs that
5 may add to erratic behavior and criminal behavior, but
6 then say you know what, I'm not responsible for the
7 crimes I committed because I was smoking crack cocaine.
8 That is not a defense to these crimes and should not be
9 considered a defense in any way. He is fully responsible
10 for each of the crimes that he committed.

11 So when we talk about the overwhelming evidence in
12 this case, I want to start with the physical injuries to
13 Glenna Branham. Glenna Branham, seventy-five years old,
14 who came in this courtroom and testified before each of
15 you, fourteen strangers, about something that very, very
16 few people could even speak publicly about.

17 And so first I want to say that when the defense
18 gets up here and they talk about, you know what,
19 Ms. Branham, she got all confused because when she
20 talked to the SLED agent she couldn't remember if it
21 was the napkin or she gargled first. Who cares? That
22 is not in any way an issue in this case.

23 She was seventy-four years old. She had been up for
24 hours. She had been terrorized by a man who threatened
25 to kill her first with a knife and then with a gun, and

1 then continued to intimidate her by telling her she
2 could not call the police. And she doesn't know where
3 he is, but she knows he knows where her home is. She
4 knows he has the ability to come back or to watch her
5 and she is utterly terrified. No one in that situation
6 is ever going to recall every detail in every specific
7 order. Nor should they. As you heard from Agent Sykes,
8 that is never an expectation in any interview with a
9 sexual assault victim, but certainly not a 74-year-old
10 vulnerable adult.

11 When we talk about the physical injury to Glenna
12 Branham, of these injuries as you heard from the SANE
13 nurse, the sexual assault nurse examiner, are consistent
14 with the sexual assault, consistent with blunt force
15 injuries, pressure, force. When we look at that bruise
16 to the temple, this is where the gun went. This is where
17 the gun was held against her head inside of that vehicle
18 and she spoke of how she could feel the pressure of that
19 gun barrel against her head as he threatened to kill her
20 and she refused to go along with his demands and she said
21 kill me anyway. Shoot me anyway. And then by physical
22 force he subdues her and forces her to commit fellatio.

23 The shearing injuries to the left wrist. Let's
24 talk about what the nurse identified as shearing injuries.
25 They are rips, they are tears in the skin, caused by some

1 type of friction or pulling against the skin and here as
2 Ms. Branham indicated, that is where the tape was on her
3 left wrist where we see that shearing injury consistent
4 with the pulling away of that tape.

5 The multiple blunt force injuries to the right arm.
6 You heard the nurse talk about the foreign matter there
7 on the right arm. That is where Ms. Branham indicated
8 that even after she had showered she could still feel
9 stickiness, she could still feel residue. Recall her
10 testimony in that regard and where we see that foreign
11 matter and that bruising is exactly where the tape had
12 bound her wrists.

13 We know that there were compression injuries to the
14 chest as he subdued her and held her down. We know again
15 she had evidence of that fighting, the resisting. And
16 you know under the law a victim of sexual assault is not
17 required to fight back or resist. If someone enters
18 their home with a knife or threatens them with a gun,
19 that alone is aggravated force under the law. That alone
20 makes it a forcible criminal sexual conduct in the first
21 degree.

22 So let me make that clear. No victim of sexual
23 assault is ever required under the law to fight back
24 against an assailant who's using force or has a weapon.
25 But she did.

1 We know that she described choking injuries that
2 Shannon Vincent, the SANE nurse, identified as petechia
3 here, petechia here along the throat. We know that as
4 the nurse indicated there's no other cause that would
5 have it isolated in one region other than this type of
6 choking or strangulation injury.

7 Coughing, things of that nature, may create petechia
8 in other areas of the body, but this petechia is isolated,
9 and we know that right there across the clavicle. We
10 know Ms. Branham described he had both hands there and
11 the palms of his hands were pressing there against her
12 clavicle as she was being choked.

13 The bruising to her back. Right there in the house
14 in the foyer when he first assaulted her. He kicked
15 her legs out from under her and she falls to the ground
16 without any way to break that fall. Again, multiple
17 blunt force injuries. These injuries.

18 Right here as he now has her subdued, his knees on
19 her chest, he's holding her down, he has a knife that
20 he has presented and threatened her with. She is still
21 trying to prevent the sexual assault. She holds her legs
22 together because that's all she can do now. She can't
23 push him off, she can barely breathe, but the one thing
24 she tries to do is hold her legs together. And with that
25 he uses aggravated force, physical force. His hands on

1 her thighs to pull them apart and place his fingers in
2 her vagina.

3 That is criminal sexual conduct in the first degree.
4 As the judge will charge you, it's any intrusion, however
5 slight, into the vaginal opening, to a genital opening.
6 Any intrusion however slight.

7 We know from Nurse Vincent that Glenna had vaginal
8 bruising that she could visually observe at the top of
9 her vagina and then at the bottom there at the vaginal
10 opening. Each of these injuries is overwhelming evidence
11 of the sexual assault and physical assault committed
12 against Glenna Branham.

13 But it doesn't stop there. The evidence in this
14 case is evidence of a burglary. A burglary that he
15 intended to commit. He intended to get into her house
16 whether she let him in or whether he goes in under deceit
17 and trickery.

18 So let's talk about that. We know that he enters
19 with that duffle bag. In that duffle bag is duct tape
20 and a knife. He already knows and he already had the
21 intent. So if someone knocks at a door and they're
22 pretending to be someone that they're not, a delivery
23 man, and the door is opened and that person is allowed
24 inside and then it turns out to be all a concocted story
25 or trickery and they're there to commit a crime, that is

1 burglary and that is not valid consent. And we know that
2 as soon as Glenna Branham learned what his intentions
3 were, she told him to get out, and he refused to leave.

4 But take all of that aside. Let's talk about each
5 time he then returns to that home without the consent of
6 Glenna Branham and with the intent to commit a crime.

7 We know that he comes back to the home, to the
8 garage of that home, and as the judge will charge you
9 the garage is part of the home. Someone entering your
10 garage without your consent or with the intent to commit
11 a crime is a burglary of your home. And we'll take a
12 look in just a few minutes about what happens in that
13 garage.

14 And then we know that after he sexually assaults
15 her in Richland County on Rabon Road he comes back to the
16 house, enters the house, presents a firearm, her stolen
17 firearm, threatens and intimidates her with that firearm
18 not to call the police and then leaves in theft of that
19 firearm. Again, all crimes being committed within her
20 home that he had the clear intent to carry out and commit
21 when he, once again, reenters that home without the
22 consent of Glenna Branham. All elements of burglary in
23 the first degree.

24 When we look at the evidence in this case, take a
25 look at this timeline. We know that he arrives at

1 8:11 PM. That sexual assault occurs within the first
2 few minutes. He's held her down, he's taped her, he's
3 assaulted her, and now he wants money. And when he tells
4 her if you give me the money, I'll let you go, she sees
5 a way out. She wants to believe that he will let her go.

6 And this is armed robbery. To have a weapon,
7 whether it be a knife, whether it be a gun, and to make
8 anyone by threat or intimidation or otherwise produce
9 any type of money or goods is armed robbery under the
10 law.

11 But he's told her I'll let you go. I'll let you
12 go. It's a lie. It's all a lie. He had no intent of
13 letting her go at that point, but he's come for money in
14 addition to these other things.

15 So she goes to the bedroom. She gets the debit
16 card and he takes the keys and says all right, let's go,
17 you're coming with me. Why? Why does he still have her
18 with him? Because he has to have control of her. It's
19 only 8:40 at this time. He knows good and well she has
20 the ability to potentially walk out her door, notify a
21 neighbor, any of those things. He's got to have control
22 of her at this point. He's got to have that PIN number.
23 He's not willing to let her go, nor did she believe she
24 was free to leave. Not when he's armed with her gun, the
25 gun he took and then demanded the bullets, he's got the

1 clip, and she is completely under his control.

2 So now it's 8:40 and they're about a mile point eight
3 down the road at Palmetto Citizens. Take a look in that
4 driver's window. That's the defendant driving that car.
5 That's the defendant getting her PIN number, getting that
6 \$200.00, and then he goes back to her house.

7 Again, he had told her he would let her go, but
8 instead he's now gonna end up buying drugs with that
9 money on Princeton Road. Again, he stills has her with
10 him. Why? He can't let her out of his sight, out of
11 his control, and when they get to that drug house he has
12 Linda Turner sit in the car. Who is Linda Turner? You
13 heard from the SLED agent. Linda Turner is one of the
14 people running that drug house. The drug house where
15 apparently they all know Brandon. You heard the testimony
16 that when he walks up to the house he yells Brandon,
17 Brandon. That's his code or his identification that
18 makes it okay for him to buy drugs there. He knows
19 Linda, calls her by name, has her sit in the car. It's
20 not a safe place for Glenna Branham among Brandon Neeley
21 and his associates.

22 From there, after Princeton Road, ultimately he
23 takes her to Rabon Road. Now when I said a little while
24 ago that you only consider evidence in the record,
25 evidence you heard from witnesses, let's talk about

1 Rabon Road. Rabon Road is twenty-seven miles away from
2 Glenna Branham's house. It's a secluded isolated area
3 of Richland County. It's industrial, it's dark, it's
4 surrounded by woods. Why in the world would he take her
5 there to have what the defense implied was consensual
6 sex? Are you kidding me?

7 The thing about being jurors is you get to rely on
8 your own common sense. That same common sense that you
9 use at home raising your families, at your job, at your
10 work, going about your ordinary business. You get to
11 rely on that common sense in the jury room, and that
12 common sense is there is no way whatsoever that would
13 ever be consensual sex at that location under those
14 circumstances. She has a house. A house where he first
15 assaulted her and then forced her into the vehicle with
16 him.

17 But as you only consider evidence that's in the
18 record, that means -- and, again, I don't get another
19 chance to get up here. I have no idea what defense
20 counsel may come up here and say to you, but I urge
21 you it is not proper to create imaginary scenarios,
22 manufactured events. You only consider the evidence in
23 the record.

24 And when we talk about imaginary scenarios, does
25 anyone find it credible that wine causes bruising?

1 Does anyone find it credible that drinking a glass of
2 wine causes those injuries? Does anyone find it credible
3 that that bruising to Glenna Branham where you heard
4 that question about rough sex? Does anyone find that
5 credible? No. These are imaginary scenarios outside of
6 the record. You heard from Glenna Branham. Under no
7 circumstances did she ever consent, nor as I say, nor
8 would the law ever, ever require anyone have to fight
9 back, but she did. That's why she's injured. She fought
10 with everything that she had for as long as she could.
11 Even in the face of that weapon, even with a gun to her
12 head.

13 So Rabon Road, we know that that happened. You
14 heard the testimony from the SLED agent that she tracked
15 it down because it was known to be a prior home of Robert
16 Brandon Neeley and after he smoked this crack and when
17 he's out there with her he's making statements like I
18 can't believe my dad didn't keep this place up, and he's
19 angry. That's how she knew it had been a family home.

20 She talked about feeling the car being scraped
21 against a tree, which it did. She talked about the
22 area being covered in woods or brush, which it was, and
23 visibly apparent on her car. We know that while there
24 she's actively bleeding because the tape has been removed
25 from her arms. We know she's on the passenger side and

1 that he's forcing her over to perform oral sex on him in
2 the driver's seat and as he's forcing her over she has
3 described that her left arm is actively bleeding. We
4 know there's a struggle, an on-going struggle. Her blood
5 gets on him. There we see a bloodstain over there.
6 Again, struggling, resisting, even through all of this.

7 We know that after he ejaculates she's gonna throw
8 that napkin in a trash can. It's gonna be recovered by
9 law enforcement and that is a DNA match to the defendant.
10 And when we say DNA match, we don't just mean it might
11 be him. It is 200 octillion time more likely to be him
12 than any other random person in the world. Well, there's
13 only 7.8 billion people in the world. There are not even
14 one octillion people in the world, much less 200 octillion
15 people. We know that to be the DNA of Robert Brandon
16 Neeley.

17 Now the surveillance video. Thank good for her
18 neighbor, Mr. Waters, who had his video. Remember that
19 dash cam video you saw from Mr. Waters who passed them as
20 they're coming back right there around 11:57 PM? And he
21 could look into the car and from there he could see that
22 something was wrong, that Ms. Glenna was not her ordinary
23 self. Not only did she not look his way and not wave,
24 but he said she appeared clearly distraught and in fear.

25 That initial video where he's gonna arrive at

1 8:11 PM, we're gonna take a look at that because his
2 arrival with that duffle bag is of utmost importance in
3 this case.

4 (Video playing.)

5 Now looking here, as we see him entering, we see
6 the object that appears to be large, consistent in size
7 and shape, with a duffle bag. Why enter her home at
8 8:11, 8:13 PM, with that duffle bag containing a knife
9 and duct tape? Intent to commit a crime. It's already
10 there.

11 When he returns to her home after the purchase --
12 or the withdrawal at the ATM, we're gonna see video from
13 8:59. You heard Glenna Branham testify that she would
14 not get out of the passenger side. She doesn't know if
15 she is going to live or die, but going back into the
16 house at that point terrified her. And she testified
17 that she had her seatbelt on because she knew if her
18 seatbelt remained on he could not get her jeans off.

19 Let's take a look at what we see. The tall figure
20 dude who's gonna walk towards the passenger side and
21 yank at that side, yank at that side where she said she
22 would not remove that seatbelt and not allow him to take
23 her jeans off. Again, he's already said he's going to
24 have sex with her and he has not stopped those demands.

25 (Video playing.)

1 We see the garage door open. We see the figure walk
2 briskly. That is not Glenna Branham moving at that rate
3 of speed at her age. Nor is that her height. There.
4 That back and forth movement, him yanking towards where
5 she is seated in the passenger side.

6 Kaitlyn, can you play that again.

7 (Video playing.)

8 Right there. The yanking back and forth. All
9 consistent with what Ms. Branham described as her refusal
10 to get out of that car knowing that he has now reentered
11 her garage with intent to commit a crime and as we saw
12 right there still attempting to use some type of movement
13 or force to come at her, get her out of that car, and
14 carry out these crimes.

15 Now it's 11:57 PM. It's 11:57 PM. He is back from
16 Rabon Road. We know that the garage door is closed and
17 he is now going to exit from the front of her residence.
18 There is no doubt that he's inside of her residence and
19 she spoke of what happened in those final moments. He's
20 got her gun. She still does not feel that she is free
21 to leave, nor would she attempt to leave or run away.

22 I heard those questions from the defense as well.
23 That is absurd. When someone has a gun they can shoot
24 you from any distance, be it twenty yards, forty yards, a
25 hundred yards. Does anyone here think that 74-year-old

1 Glenna Branham is gonna take off on foot and outrun that
2 gun? No one under those circumstances would make such a
3 ridiculous attempt when their life is on the line. She
4 is living minute by minute to survive. Maybe to him it's
5 a game, but to her it's survival, and all she wants is
6 to make it out of this alive minute by minute and she is
7 calculating how each minute will go.

8 And so at the bank she's not gonna jump out of the
9 car and risk angering him or having him shoot or kill
10 her there. She's not gonna jump out of that car at
11 Rabon Road in the middle of the woods where there's no
12 one around and he's gonna do whatever he wants to do to
13 her there. Leave a body in the woods.

14 And now he tells her as he presents this firearm
15 don't call the police and he has said that the entire
16 time. He knows absolutely well he can intimidate her by
17 those threats and that she will comply because of her --
18 because she's terrified and he says I've got a bullet
19 for the cops as he walks out the door with that gun that
20 belonged to her. And she knows it's loaded. This black
21 L-shaped 9-millimeter firearm that she saw in his right
22 hand when he came out that door.

23 Again, the intent to commit a crime is the on-going
24 theft or larceny from her home and now includes the theft
25 and larceny of that firearm and the threats he's making

1 towards her as he presents that firearm.

2 (Video playing.)

3 Right there. So as he comes out that front door,
4 there a black object in the hand, the right hand, exactly
5 where Ms. Branham saw her gun, and on the left side his
6 body is somewhat shielded, but I urge you as you watch
7 this video there is still movement on the left side
8 consistent with that duffle bag as well.

9 Now in addition to the overwhelming evidence of
10 the crimes that he committed, it doesn't stop there.
11 Let's talk about someone running and fleeing. Someone
12 who knows their DNA is gonna be on the napkin, someone
13 who knows their fingerprints are gonna be on her car on
14 the driver's side, cuts off their ankle monitor, flees to
15 the state of Montana where he is found by U.S. marshals
16 in a casino. That's Robert Brandon Neeley. Robert
17 Brandon Neeley flees because he knows the overwhelming
18 guilt against him.

19 I will briefly address the law in this case and
20 Your Honor is gonna charge you on the law in just a few
21 moments.

22 Kidnapping. Under South Carolina law, the elements
23 of kidnapping are quite simple. Whoever shall unlawfully
24 seize, confine, decoy, kidnap, abduct or carry away any
25 other person by any means whatsoever without authority

1 of the law. Ladies and gentlemen, these elements have
2 been met beyond a reasonable doubt. We know he had no
3 authority of law to confine or seize or carry away Glenna
4 Branham.

5 Now kidnapping does not mean you have to be taped
6 up. She was. Kidnapping doesn't mean you have to be
7 carried away and removed from your home, but she was.
8 Kidnapping could be as simple as someone seizing you or
9 confining you or ordering you to stay put. Under their
10 control. When you are not free to leave. She was not.
11 But we know at the point that she had duct tape on her
12 wrists, she was seized, she was confined. We know at the
13 point he took possession of that weapon and made her go
14 with him to the ATM machine she was carried away. Proof
15 beyond a reasonable doubt.

16 Armed robbery there at the ATM machine. While armed
17 with a deadly weapon, that gun, the gun he took from her
18 bedroom, take from a person or his or her presence, so
19 that includes someone coming in with a gun and saying
20 give me the combination to your safe. Your safe may
21 not be physically on your person, it might be in another
22 part of the house, but someone coming in and demanding
23 to know the combination of your safe is taking the goods
24 or monies from your presence. Here he demands that PIN
25 number to her bank account to take her money from her

1 bank account. That is taking from her presence by means
2 of force, threats or intimidation with the intent to
3 deprive her of the property. Well, we know he took that
4 money and spent it on drugs. Proof beyond a reasonable
5 doubt of the armed robbery of Glenna Branham at that bank.

6 Criminal sexual conduct in the first degree. In
7 South Carolina, rape is called criminal sexual conduct.
8 As I said, let's call it what it is. This is first
9 degree rape. He engaged in sexual battery with the
10 victim. Sexual battery, as the judge will charge you,
11 can be any combinations of things. It can be intercourse,
12 it can be oral sex, but in this case the sexual battery
13 that occurred in Lexington County was what we call digital
14 penetration or the penetration of her vagina with his
15 fingers. That occurred in her home in Lexington County.
16 Now you only have to find that one of these circumstances
17 applies. Here they both apply, but, again, under the
18 law you would only have to find one.

19 The use of aggravated force to accomplish the sexual
20 assault battery. Well, we know he's using aggravated
21 force, force of a high and aggravated nature. He's got
22 a knife, he's threatened her with the knife, she is
23 taped, he's holding her down and he has physically
24 assaulted her with the multiple injuries that you see
25 across her arms and her chest and her back and then

1 ultimately her thighs as he pulls them apart.

2 Or that the victim submits to sexual battery under
3 circumstances of forcible confinement, which would be the
4 kidnapping. Kidnapping, robbery, burglary, any of those
5 things apply under the law.

6 So if someone comes into a home and they're in the
7 commission of a burglary and they rape an occupant, that
8 is criminal sexual conduct in the first degree. If
9 they're in the commission of a kidnapping and they rape
10 a person who is being confined, that is criminal sexual
11 conduct in the first degree. Here we know that this
12 occurred under the circumstances of kidnapping. Forcible
13 confinement and burglary, in addition to the aggravated
14 assault.

15 Finally, burglary first degree. Burglary first
16 degree, as I indicated, is entering a dwelling without
17 consent and with the intent to commit a crime in the
18 dwelling. So without consent. As I said, if someone
19 uses deceit or trickery to gain consent as he did upon
20 his first entry, that is not valid consent, and under the
21 law that means she did not consent. How do we know that
22 he entered under that guise of trickery with the intent
23 to commit a crime therein? Because he comes with a duffle
24 bag containing the knife and the duct tape.

25 And when effecting entry or while in immediate

1 flight he is armed with a deadly weapon, which we know
2 he was, first with a knife, later with a gun, causes
3 physical injury, which he did, or -- or uses or threatens
4 the use of a dangerous instrument, which he did, displays
5 what appears to be a knife or pistol, which he did, or
6 it occurred in the nighttime. Well, here's the thing.
7 Under the law we would only have to prove one of these
8 things, but here because of his violent nature they all
9 apply. Every single one of them. He did it all.

10 He comes in in the nighttime, he's armed with a
11 deadly weapon, then he physically injures her, then he
12 threatens her with that deadly weapon and then he
13 displays that deadly weapon once again as he's leaving
14 the home. Every one of these circumstances apply even
15 thought the State only has to prove one.

16 Now let's go back to the entering of a dwelling.
17 We know that on the night of October 12th he didn't just
18 enter that first time under the guise of trickery with
19 the intent to commit a crime. We know he's going to
20 reenter later in that garage in that video that you saw
21 where she's already told him get out. She's already being
22 now forcibly confined, he's already got that firearm, and
23 then we see him walk around and yank at that car when she
24 said I wouldn't get out and I wouldn't remove my seatbelt
25 and I was not gonna let him take my jeans off. Again, he

1 has now reentered the house with the intent to commit a
2 crime and without her consent.

3 And then that final time after she's been sexually
4 assaulted on Rabon Road, that final time when he enters
5 the house, has the gun in his hand and says don't call
6 the police and I've got a bullet for the cops and walks
7 out that front door. Again, an on-going kidnapping,
8 the display of a firearm and the theft of that firearm
9 which he clearly had the intent to carry out and complete
10 when he entered the home once again without her consent.
11 So there are multiple instances here of burglary in the
12 first degree that the State has proven beyond a reasonable
13 doubt.

14 Again, I won't get another chance to speak with you
15 today, but I reiterate what I said before. The only
16 evidence for consideration is the evidence you heard from
17 witnesses in the record. It is not evidence that is
18 imagined or created through all these ridiculous scenarios
19 that might be out there. It's not, you know, well, where
20 are all the phone records? Who cares about phone records?
21 He didn't text her that day or call her that day. He
22 showed up at her door with that bag. It's not all the
23 medications that can cause bruising in elderly patients.
24 She was on no medication. She was on vitamin B. It's
25 the evidence in the record that you will consider and I

1 ask you to keep that in mind.

2 A crime of this nature will not and cannot be
3 tolerated in this community. Robert Brandon Neeley must
4 be brought to justice. These crimes committed against
5 Glenna Branham are crimes against the heart, the mind and
6 the spirit that are incomprehensible, cannot and will not
7 be tolerated in this community or any community. The
8 correct verdict in this case is guilty of burglary in
9 the first degree, guilty of armed robbery, guilty of
10 kidnapping and guilty of the rape of Glenna Branham, and
11 guilty of possession of a weapon during commission of a
12 violent crime.

13 Thank you.

14 THE COURT: Thank you, Ms. Mayes.

15 Mr. Mauldin.

16 MR. MAULDIN: Thank you, Your Honor.

17 This is a case about keeping up appearances. You
18 heard several times during this trial Ms. Branham's
19 very worried about the way things look. Oh, my house
20 is filthy. It wasn't filthy. Oh, my car wasn't clean
21 because I had a napkin inside the center console. The
22 car was not filthy. The box that the gun came in they
23 took a picture of. Oh, that box is filthy. She talked
24 several times about germs. She's worried about the way
25 things look. And who is she worried about the way things

1 look to? Her neighbors and her friend. How am I gonna
2 explain this?

3 Now I don't fault her neighbors and her friends.
4 They want to help her out. A year later they can come up
5 and say well, she was horrified, I'd never seen anything
6 like it, but I didn't do anything. They're just trying
7 to help her out. They like her and they want to help
8 her. He drove crazy and almost hit my car. I didn't
9 see any crazy driving in that video. You can watch it
10 for yourself. But over time they want to help her and
11 they're inferring more sinister things.

12 But we do know Mr. Waters saw her and so she saw
13 him. She knew he saw her riding around at midnight with
14 a strange young man and it didn't look right. It didn't
15 keep with what she wanted them to think about her. It
16 was a young man that she became disappointed with over
17 that evening. What started out as a Hallmark movie in
18 her mind didn't turn out that way. She decided to turn
19 it into a Lifetime movie. Something horrible.

20 She met this young man, who's not ugly by any
21 stretch of the imagination. He came over with his
22 girlfriend a couple of times. He came alone a lot more
23 times and they talked a lot and she got to know him. And
24 he wasn't conning her for money. He actually did work.
25 He actually did the work and then one time he offered her

1 jewelry because he didn't want to take money for nothing.
2 There's no scam involved here. He comes over and she
3 says well, I assumed he had a fight with his girlfriend.
4 I assumed it. Assumed that he's on the outs with his
5 girlfriend. Why else would a man come over to your
6 house at night? Because he had a fight. That's the
7 only reason. Why else would a man come over, to come
8 and talk to me about it? To talk to me about a fight
9 with his girlfriend? That relationship is kind of weird
10 or her description of it's kind of weird. I don't think
11 it makes any sense. Things happened at the house, but
12 over the course of the evening she became disappointed in
13 him. It didn't fit in with appearances. He used crack.
14 That didn't fit in with her appearances and her hopes.

15 When the Solicitor asked well, before you became
16 disappointed with him because, you know, of the crack,
17 when was the first time you were disappointed with him?
18 What did she say? The first thing that came to her
19 mind is well, he took \$200.00 out instead of \$100.00.
20 \$200.00 instead of \$100.00. Not that he threw her on the
21 floor, not that he jumped on her chest with both knees,
22 not that he taped her up, not that he violated her, not
23 that he kidnapped her at gunpoint, but that he took
24 \$200.00 instead of \$100.00.

25 That's why we need to examine her story and why it

1 doesn't make any sense. The story is Robert Neeley, who
2 has given her his real name in the past, is planning to
3 come over and do this attack, to attack somebody who
4 knows him and can identify him, but the plan is not to
5 attack right away. The plan is to sit down and chat and
6 sweet talk her and see if something will happen that way,
7 but if that plan doesn't work and he gets rejected, then
8 he's got a Plan B, a backup plan with his bag, with his
9 knife and the tape.

10 So they go on to say that he empties out her purse
11 and I think other than the gun they don't mention -- he
12 doesn't steal anything of value from her purse, from her
13 house. He lets her go through the purse items to pull
14 out her ATM card. The ATM card, by the way, that he gave
15 back to her after he had the PIN number. And he also
16 gave her the bank receipt because she asked. The bank
17 receipt would show that she had three thousand more
18 dollars to steal, but he gives her the card back, gives
19 her the receipt back, gives her the phone back.

20 But let's go back to this gun. He asked me for two
21 bullets. Two bullets. And she didn't know if he loaded
22 the gun, but we learned that this is an automatic gun,
23 not a revolver. He'd have to put the bullets in, put the
24 magazine in the gun and rack it. You would have heard
25 that, you would have seen that.

1 It didn't happen. The reason that she said it was
2 two bullets is so she could say at the end he said I've
3 got one for me and one for the police. That's some
4 Lifetime movie stuff. That didn't really happen.

5 He takes her out in public several times using her
6 car. Why keep coming back to that house? Is it to try
7 to continue the assault? But if he's unsuccessful doing
8 it there, he's gonna drive thirty minutes out to Richland
9 County, thirty minutes back to accomplish this goal?
10 He's gonna take her out there, give her a tour and go
11 this is my childhood home and boy, am I real disappointed
12 my dad doesn't keep up the shrubbery, and then continue to
13 assault her? That doesn't make sense.

14 He tells her to swallow. As she's sitting next to
15 him in the car the whole time, she moves around, retrieves
16 a napkin from the console, spits as much as she can into
17 it and puts it back without him seeing with him sitting
18 right next to her? She didn't say that she did that
19 while he peed or while they were driving or anything.
20 That doesn't make any sense.

21 Or I suppose he said to swallow because he's some
22 kind of mastermind or something about the evidence. So
23 he gets back to her house and goes around and picks up
24 all these tape pieces and a beer can or beer cans and
25 the knife, you know, but he never wore gloves during

1 this thing and he didn't wipe his fingerprints off the
2 car, you know, the car and the house of the lady who
3 could identify him.

4 And he tells her not to call the police, but leaves
5 her phone. Why wouldn't he take her phone if he didn't
6 want her to call the police? Because she asked him to?
7 She had the phone all night. She knew she had the phone.
8 He gave her her phone back, gave her the car keys back,
9 gave her ATM card back, gave her that receipt. She
10 doesn't go to her neighbors, her concerned neighbors
11 though. She doesn't call her friend on that phone,
12 doesn't call the police on that phone. Because of a
13 promise she made to him?

14 She goes around and makes tea and rice cakes and
15 cleans her house and puts the stuff back in the house,
16 puts her clothes in the hamper and waits for her friend
17 hours and hours because she made a promise? But, no,
18 she thought of a loophole to her promise. Well, I'm
19 not gonna call from my phone, but I didn't promise my
20 friend wouldn't call from her phone. I wouldn't call
21 from my phone, you know, the phone I deleted everything
22 from so you couldn't look at it.

23 And that's where we come to the investigation. The
24 five items or less express lane investigation. That
25 should offend you. I think the people of South Carolina

1 really deserve better than the five items or less.

2 Now the Solicitor went on and on and on about you
3 can only consider the evidence in the record. That's
4 what you need to consider for them to prove their case.
5 You're allowed to make inferences from evidence that is
6 not in the record and what they didn't do in order to
7 establish a reasonable doubt that they didn't prove their
8 case. That's somewhat incorrect that she said over and
9 over again.

10 The investigation was only done to try to make the
11 story true. They're biased towards that. They're police
12 and prosecutors. They're not gonna sit back and take a
13 neutral view of things the way that we're all supposed to.

14 They have this SANE investigation where they don't
15 do any toxicology on her. You don't know what she used
16 really. They just do it because people say they didn't
17 use drugs. Ms. Nguyen testified that there's a toxicology
18 component to it. Why didn't they do it?

19 The nurse testified that injuries are present and
20 they could have happened in all sorts of ways. That
21 older people bruise easier and have thinner skin. They
22 show these giant bruises from grabbing her around the arm,
23 but there's only a slight discoloration on the chest when
24 he jumped on her with both knees?

25 She did a thorough exam, it was a long report, but

1 she doesn't mention or collect anything about a foreign
2 substance. Doesn't mention it. Doesn't collect it to
3 see if it could be tested against something else. She
4 doesn't even mention these injuries around the neck that
5 they went on and on about in her report, her detailed
6 report, that she's had a class in strangulation on.
7 Doesn't mention any of these injuries until trial when
8 the Solicitor wants to point them out if they're even
9 there. They wanted her to confirm strangulation because
10 that's what Ms. Branham said happened. Strangled me so
11 hard I was about to pass out. Big bruises on the arms.
12 What's on her neck?

13 Going back to deleting the messages off the phone,
14 what investigation did they do? They took a screen shot
15 of her friend's phone. We know that they have people
16 that can analyze data. We know they can subpoena phone
17 records. That could have retrieved messages between the
18 two of them that might have established a relationship.
19 It might have shown that the phone was turned off like
20 she said and that it wasn't hitting on the cell towers.
21 Even the leg monitor lady could testify to that, although
22 I think the investigator was a little confused. And even
23 if the phone wasn't turned off, it could determine whether
24 or not they really went to Richland County. We don't know
25 that for sure.

1 Are you all done?

2 Then they examine her house. They get the napkin
3 and I think the only other thing of value they get are
4 prints that he didn't wipe off the car. On direct they
5 didn't mention that there were no signs of struggle in
6 the house, that the kitty liter tin was not overturned,
7 that the chairs are moved around. She was actively
8 bleeding. Actively bleeding because of these injuries,
9 but there's no blood in the house. There's no blood in
10 the passenger seat of the car where she was sitting, only
11 on that console and maybe on the driver's side door where
12 she might have been sitting if she was driving and her
13 left arm touched that. No other signs of blood with all
14 this active bleeding.

15 They didn't take her purse into evidence to examine
16 that to see if he had actually touched it. They didn't
17 go find these scissors that she talked about, but they
18 did take that plastic gun case into evidence, but they
19 didn't test that for his DNA, the gun case he supposedly
20 touched after he was involved in this struggle and was
21 probably more likely to sweat. The gun case he probably
22 fiddled with a lot because he couldn't open it. He would
23 have touched that a lot trying to figure out how to open
24 it. They didn't do that to prove what she said happened
25 happened.

1 And they showed you the picture of the ATM showing
2 you the timeline at the ATM. We all know that ATM's have
3 cameras in the ATM that's looking straight into your car.
4 Why didn't they put that in? You can infer it's because it
5 doesn't help their story. That picture didn't help them
6 out.

7 And they go to his house and they collect some drug
8 paraphernalia and suspected drugs from a house that he's
9 in the day after. He's not running because he didn't do
10 anything wrong. And do they try to corroborate their
11 stories by taking pictures of him to see if there's any
12 injuries from where she fought back so hard? A lady who
13 can dig up trees and mow her own yard. She fought back
14 and broke a nail. Are there any scratch marks on him?
15 No, and you can infer there weren't because they didn't
16 put that into evidence. Did they collect any clothes?
17 She's actively bleeding. She would have bled on him.
18 Did they have any clothes from his house with blood on
19 them? No, because it didn't happen.

20 They take pictures around the house, including
21 some tape on the outside that's so common they don't
22 even want to take it into evidence. They put a calendar
23 in evidence. They put a calendar into evidence. They
24 took pictures around the house and just managed to have
25 one with a bag in it. That bag wasn't the focus of their

1 investigation. Again, she didn't say anything about a
2 bag. It wasn't in the search warrants. It was tape,
3 guns, knives, a bunch of other stuff.

4 MS. MAYES: Objection, Your Honor. Argument outside
5 the record.

6 THE COURT: I'm gonna let him go ahead.

7 Go ahead, Mr. Mauldin.

8 MR. MAULDIN: Thank you, Your Honor.

9 That photo was not directly of the bag. It happened
10 to be of that part of the house and the bag happened to
11 be in the bottom left-hand corner of the thing. If that
12 bag was the focus of the investigation, they would have
13 gotten a good picture of it. They would have taken it
14 into evidence and put it in here. They put a calendar
15 into evidence.

16 Then they go to the Princeton Road house and they
17 interview Linda Turner, supposedly who was in the car
18 alone with her, a long opportunity to talk while he's
19 around doing his doings. She was on the witness list,
20 but they didn't call her, and you can infer they didn't
21 call her because she didn't tell them what they wanted
22 to hear. She didn't tell them things that would make
23 her story true.

24 MS. MAYES: Objection. Argument outside the record.

25 THE COURT: Let me see the lawyers.

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

2 THE COURT: All right. We're gonna move along.

3 MR. MAULDIN: That's all part of fixing things. A
4 fix-it case. They don't call it fixing though. They
5 call it clarifying. We all know that's a weasel word
6 they use when they're trying to fix the case because
7 she has this weird story. Is it because she has a bad
8 memory or is it because she made it all up and it didn't
9 fit with whatever evidence they did find? If she had
10 a consistent story, they would be screaming from the
11 mountaintop about how consistent it was and how you
12 should believe her, but if it's not consistent they say
13 you need to cut people slack because of this, that and
14 the other. They didn't have their sleep cycle. Well,
15 they could have gone back and interviewed her after that,
16 but they didn't do that. They don't get to have it both
17 ways and you shouldn't let them have it both ways. If
18 it's a tossup whether she has inconsistencies because of
19 trauma or because she's lying, if that's a tossup, if
20 that's a fifty-fifty proposition, that's not proof beyond
21 a reasonable doubt.

22 They want to fix this. They look at these videos
23 and first they think they see a bag in those videos.
24 Let's talk about those videos. You can't see what is
25 what, any kind of detail. I think the only detail I saw

1 was that the person leaving at the end of the night had
2 like a light colored or white shirt on and the person in
3 the garage had a dark colored shirt. They're guessing
4 and inferring things. You can't tell that. Brisk
5 walking, height, movement back and forth. She kept
6 playing that movement back and forth. That was the
7 lights of the car coming on because the unlock button
8 was being pushed. That wasn't moving back and forth.
9 That's when you unlock the car and it lights, lights,
10 lights. You can watch it. But they're guessing and
11 inferring these things to go along with their bias
12 because all they want to do is prove that this happened,
13 the investigation, the prosecution.

14 Let's go back to 8:59, the one where the garage
15 door opens before they leave for the second time.
16 Watch it.

17 (Video playing.)

18 That's not a struggle. That's Ms. Branham getting
19 into the car. Those are lights going off because the
20 unlock button's being pushed. If he's attacking her,
21 why would he open the garage door to the neighborhood
22 where people could see and then go and attack her? That
23 doesn't make any sense.

24 Again, going back to the bag, they think they see
25 this bag in the video and they're like oh, I think

1 there's a bag in the video. We need to call her. So
2 they get worried and they call her back and, lo and
3 behold, he had a bag, the bag that he took the stuff
4 out of where she had said several times before that he
5 supposedly took this stuff out of his cargo shorts, but
6 they tell her we see a bag, so she remembers a bag.

7 Then earlier this year they're reviewing the case
8 and they see a glaring mistake. Two mistakes. The
9 surveillance video shows the car goes back to the house
10 two times. Why on Earth would that happen? Why didn't
11 she tell anybody about that? So they call her and they
12 ask her about whether or not they came back because the
13 story didn't match the evidence they had and all of a
14 sudden she remembers oh, we came back one time after the
15 ATM and he continued the attack. You know, he opened the
16 garage door and continued the attack where my neighbors
17 could see. And now here in court she remembers going
18 back two times where she had said initially she had
19 asked him to take her home and he had never took her
20 home until the whole thing was over. Home. Home base.
21 Safe. Secure. The promise of freedom so near and yet
22 so far away only to be snatched away. Why wouldn't you
23 remember that? It's because it happened, but it didn't
24 fit in with that Lifetime story that they would go back
25 to the house a couple of times.

1 Now the State is making a big deal about Robert
2 leaving the State, going to see his mom and his sister,
3 a place where the police would be sure to look. They
4 want you to infer he ran because he's guilty. He had
5 been arrested. He ran because he did not trust the
6 judicial system.

7 MS. MAYES: Objection. Argument outside the
8 record.

9 MR. MAULDIN: She argued that he did it because
10 he's guilty. I can argue an inference as well.

11 THE COURT: Let me see the lawyers.

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

13 THE COURT: Go ahead.

14 MR. MAULDIN: I trust in the judicial system. I
15 trust that I've given you more than five items to think
16 about. I believe the jury will carefully consider this
17 evidence and find that the State didn't prove this. I
18 believe a jury will think there's a real possibility he
19 might not be guilty. I believe the jury will find him
20 not guilty.

21 THE COURT: Thank you, Mr. Mauldin.

22 Madam Forelady, what's left is for me to charge the
23 jury. It's probably gonna take me anywhere from about
24 thirty-five minutes to forty minutes to charge you.

25 Would you-all like a break before I do that?

1 FOREPERSON: Yes, please.

2 THE COURT: And I have ordered you-all lunch today.
3 I think they might have done it. They're ordering pizza.

4 Let's take a 15-minute break and we'll come back
5 and charge the jury and about that time I hope lunch
6 ought to be here for you-all.

7 FOREPERSON: Okay.

8 THE COURT: All right. A 15-minute recess.

9 (Whereupon, the jury retires to the jury room at
10 11:15 AM.)

11 THE COURT: All right. Fifteen minutes.

12 (Recess taken at 11:16 AM.)

13 (Back on the record at 11:35 AM.)

14 THE COURT: All right. Can I bring the jury in?

15 MS. MAYES: Yes, Your Honor.

16 THE COURT: All right. I'm fixing to charge. That
17 means you're stuck in this courtroom because they're
18 gonna lock the doors.

19 If anybody needs to leave, now would be the time
20 to leave.

21 All right. I'm bringing -- all right. Let's bring
22 the jury in.

23 (Whereupon, the jury returns to the courtroom at
24 11:37 AM.)

25 THE COURT: Is the jury ready, Madam Forelady?

1 FOREPERSON: Yes, ma'am.

2 THE COURT: Thank you. Be seated.

3 All right. Ladies and gentlemen, I'm gonna charge
4 you on the law that's applicable to this case. You must
5 consider the charge as a whole and not focus on some
6 portions to the exclusion of others.

7 The indictments charge the defendant with criminal
8 sexual conduct in the first degree, burglary in the
9 first degree, kidnapping, armed robbery, and possession
10 of a weapon during a violent crime. I remind you that
11 the fact that the defendant was arrested, charged and
12 indicted in this case is not evidence in this case and
13 cannot be considered by you as evidence of guilt in
14 this case, nor does it create any presumption or inference
15 of guilt. These documents are simply the formal written
16 instruments which contain the charges made against the
17 defendant. These are the formal documents by which this
18 case is brought into this court.

19 The defendant has pled not guilty to these
20 indictments and that plea puts the burden on the State
21 to prove him guilty. A person charged with committing a
22 criminal offense in South Carolina is never required to
23 prove himself innocent. I charge you that it is an
24 important rule of the law that the defendant in a
25 criminal trial, no matter what the seriousness of the

1 charges may be, will always be presumed to be innocent
2 of the crime for which the indictment was issued unless
3 guilt has been proven by evidence satisfying you of that
4 guilt beyond a reasonable doubt.

5 This presumption of innocence does not end when you
6 begin your deliberations, but it accompanies the defendant
7 throughout the trial unless you reach a verdict of guilt
8 based on the evidence satisfying you of that guilt beyond
9 a reasonable doubt.

10 The presumption of innocence is like a robe of
11 righteousness placed about the shoulders of the defendant
12 which remains with the defendant unless it has been
13 stripped by evidence satisfying you of the defendant's
14 guilt beyond a reasonable doubt. The presumption of
15 innocence is not a mere legal theory. It is not just a
16 legal phrase. It is a substantial right to which every
17 defendant is entitled unless you, the jury, are satisfied
18 from the evidence of the defendant's guilt beyond a
19 reasonable doubt.

20 The State has the burden of proving the defendant
21 guilty beyond a reasonable doubt. Some you may have
22 served as jurors in civil cases where you were told that
23 it is only necessary to prove that a fact is more likely
24 true than not true, such as by the greater weight or what
25 we call the preponderance of the evidence. In criminal

1 cases, and this is a criminal case, the State's proof
2 must be more powerful than that. It must be beyond a
3 reasonable doubt. Proof beyond a reasonable doubt is
4 proof that leaves you firmly convinced of the defendant's
5 guilt.

6 There are very few things in this world that we
7 know with absolute certainty and in criminal cases the
8 law does not require proof that overcomes every possible
9 doubt. If, based on your consideration of the evidence,
10 you are firmly convinced that the defendant is guilty
11 of the crime charged, you must find him guilty. If, on
12 the other hand, you think there is a real possibility
13 that the defendant is not guilty, then you must give
14 the defendant the benefit of the doubt and find him not
15 guilty.

16 I remind you that during this trial you and I have
17 certain duties to perform. As the trial judge, it is my
18 responsibility to preside over the trial of this case and
19 I also have the duty to rule on the admissibility of the
20 evidence offered during the trial. You are to consider
21 only the competent evidence before you. If there was any
22 testimony ordered stricken from the record in this case,
23 you must disregard that testimony. You are to consider
24 only the testimony which has been presented from this
25 witness stand, any exhibits which have been made part of

1 the record and any stipulations of counsel.

2 I have the additional duty to charge you the law in
3 this case. As the presiding judge, I am the sole judge
4 of the law and it is your duty as jurors to accept and
5 apply the law as I now state it to you. If you already
6 have an idea as to what the law is or what the law ought
7 to be and it does not agree with what I now tell you the
8 law is, you must abandon this idea because you are sworn
9 to accept the law and apply the law exactly as I state
10 it to you.

11 In every case tried in this court before a jury,
12 the jury becomes the sole and exclusive judge of the
13 facts in a case. A trial judge cannot state, comment on
14 or make any statement to a trial jury about the facts in
15 a case. Since you, the jury, are the sole judge of the
16 facts in this case, you are not to infer from what I have
17 said during the progress of this trial in ruling upon
18 the admissibility of evidence or otherwise or anything
19 that I say now during the course of this instruction to
20 you that I have any opinion about the facts in this case.
21 The law does not allow me to have an opinion about the
22 facts in this case. This is a matter solely for you,
23 the jury, to determine. As jurors, it is your duty to
24 determine the effect, value and weight of the evidence
25 presented during this trial.

1 Now there are two types of evidence which are
2 generally presented during a trial. Direct evidence
3 and circumstantial evidence. Direct evidence directly
4 proves the existence of a fact and does not require
5 deduction. Circumstantial evidence is proof of a chain
6 of facts and circumstances indicating the existence of a
7 fact. Crimes may be proven by circumstantial evidence.
8 The law makes no distinction between the weight or value
9 to be given to either direct or circumstantial evidence;
10 however, to the extent the State relies on circumstantial
11 evidence, the circumstances must be consistent with each
12 other and when taken together point conclusively to the
13 guilt of the accused beyond a reasonable doubt. If these
14 circumstances merely portray the defendant's behavior
15 as suspicious, the proof has failed.

16 The State has the burden of proving the defendant
17 guilty beyond a reasonable doubt. This burden rests
18 with the State regardless of whether the State relies
19 on direct evidence, circumstantial evidence or some
20 combination of the two.

21 Criminal intent is a state of mind which operates
22 jointly with an act or omission in the commission of a
23 crime. Criminal intent is a mental state of conscious
24 wrongdoing. Criminal intent includes those consequences
25 which represent the very purpose for which an act is done

1 or are known to be substantially certain to the result
2 regardless of one's desire.

3 Intent may be shown by acts and conduct of the
4 defendant and other circumstances from which you may
5 naturally and reasonably infer intent. Criminal intent
6 must be proven by the State beyond a reasonable doubt.

7 You must also determine the credibility of witnesses
8 who have testified in this case and the evidence presented.
9 Credibility simply means believability. It becomes your
10 duty as jurors to analyze and to evaluate the witnesses
11 and the evidence and determine the credibility of these
12 witnesses and the evidence.

13 In determining the credibility of witnesses who have
14 testified in this case, you may believe one witness over
15 several witnesses or several witnesses over one witness.
16 You may believe a part of the testimony of a witness and
17 reject the remaining part of the testimony of that same
18 witness. You may believe the testimony of a witness in
19 its entirety or reject the testimony of a witness in its
20 entirety.

21 You may consider whether any witness has exhibited
22 to you any interest, bias, prejudice or other motive in
23 this case. You may also consider the appearance and
24 manner of a witness while on the witness stand.

25 The rules of evidence ordinarily do not permit

1 witnesses to testify to opinions or conclusions. An
2 exception to this rule exists for witnesses we call
3 expert witnesses. A witness who by education and
4 experience has become an expert in some art, science,
5 profession or calling may state an opinion as to relevant
6 and material matter in which the witness claims to be an
7 expert and may also state the reasons for the opinion.
8 You should consider any expert opinion received into
9 evidence in this case like any other evidence. Give
10 it the weight you think it deserves. If you decide
11 that the opinion of an expert witness is not based on
12 sufficient education and experience or if you conclude
13 that the reasons given in support of the opinion are
14 not sound or that the opinion is outweighed by other
15 evidence, you may disregard the opinion entirely. An
16 expert witness's testimony is to be given no greater
17 weight than that of any other witness simply because
18 the witness is an expert. Further, you are not required
19 to accept an expert's opinion even though it is not
20 contradicted.

21 The defendant in this case is charged with criminal
22 sexual conduct in the first degree. A person is guilty
23 of criminal sexual conduct in the first degree if the
24 actor engages in sexual battery with the victim and if
25 either of the following circumstances are proven. The

1 actor uses aggravated force to accomplish sexual battery
2 or the victim submits to sexual battery by the actor
3 under circumstances where the victim is also the victim
4 of forcible confinement, kidnapping, robbery, extortion,
5 burglary, housebreaking or any other similar offense or
6 act.

7 The first element the State must prove beyond a
8 reasonable doubt is that the defendant engaged in sexual
9 battery with the victim. Sexual battery is sexual
10 intercourse, cunnilingus, fellatio, anal intercourse or
11 any intrusion, however slight, of any part of a person's
12 body or of any object into the genital or anal openings
13 of another person's body except when such intrusion is
14 accomplished for medically recognized treatment or
15 diagnostic purposes.

16 If you find the State has not proven beyond a
17 reasonable doubt that sexual battery occurred, you must
18 stop deliberating and find the defendant not guilty of
19 this charge. If you find that a sexual battery did
20 occur, you must then decide whether the State has proven
21 beyond a reasonable doubt one or both of the following
22 circumstances. The defendant used aggravated force to
23 accomplish the sexual battery. Aggravated force means
24 the defendant used physical force or physical violence
25 of a high and aggravated nature to overcome the victim or

1 includes the threat of the use of a deadly weapon or the
2 victim submitted to sexual battery by the defendant under
3 circumstances where the victim was also the victim of
4 forcible confinement, kidnapping, robbery, extortion
5 burglary, housebreaking or any similar offense or act.

6 You do not have to find that both of these
7 circumstances were present at the time of the sexual
8 battery. It is sufficient if you find a sexual battery
9 and one of the two circumstances. The State is required
10 to prove beyond a reasonable doubt a sexual battery and
11 at least one of the two circumstances.

12 The defendant is charged with first degree burglary.
13 A person is guilty of burglary in the first degree if
14 the person enters a dwelling without consent and with
15 the intent to commit a crime in the dwelling and meets an
16 aggravating circumstance. Under the statute, the State
17 must prove those four elements in order to establish
18 burglary in the first degree. The State must prove each
19 element beyond a reasonable doubt. If the State fails to
20 prove any single element, you cannot find the defendant
21 guilty of first degree burglary.

22 The State must show there was an entering. That
23 is, the defendant actually went inside the dwelling or
24 some part of it. No force need be used to gain entry.
25 Literally entry is the act of going into the place,

1 but the word has a broader significance in the law of
2 burglary for an entry may be accomplished by merely
3 putting through a portion of the body into the dwelling.

4 The place entered must be a dwelling. A dwelling
5 is any house, apartment, building in which sleeps a
6 proprietor, a tenant, a watchman, a clerk, laborer or
7 person who lodges there with a view to the protection
8 of property shall be deemed a dwelling house and of such
9 a dwelling house or any other dwelling house, all houses,
10 outhouses, buildings, sheds and erections which are
11 within 200 yards of it and are appurtenant to it or to
12 the same establishments of which it is an appurtenance
13 shall be deemed parcels.

14 Second, the entry must be without consent. Enters
15 a dwelling without consent means to enter without the
16 consent.

17 You-all excuse me just one second.

18 Let me start over on without consent.

19 The entry must have been without consent. Enters
20 a dwelling without consent means to enter without the
21 consent of the person in lawful possession. If a
22 person enters a building using deception, trick or
23 misrepresentation to get consent to enter, this is an
24 entry without consent. There must also have been an
25 intent to commit a crime, any crime, a felony or

1 misdemeanor, whether or not that crime was actually
2 committed. I'm sorry. Whether or not that crime was
3 actually committed. The mere entry into a dwelling
4 without consent is not sufficient to constitute first
5 degree burglary. There must have been an intent to
6 commit a crime once inside.

7 Further, it is not sufficient that the intent to
8 commit a crime was formulated after entry. To convict
9 the defendant of first degree burglary, you must find
10 that at the time he entered the dwelling the defendant
11 intended to commit a crime once therein. The defendant's
12 actions after he entered the dwelling can be evidence
13 used to intent. It is no defense that the intent was
14 abandoned after the entry because the entering with intent
15 to commit a crime completes the offense of burglary.

16 If you find that the defendant entered a dwelling
17 without consent and with the intent to commit a crime
18 therein, you must then find the presence of at least one
19 of the following aggravating circumstances in order to
20 convict the first degree burglary. Only one of these
21 circumstances needs to be present.

22 The aggravating circumstances are when entering or
23 while in the dwelling or fleeing the scene the defendant
24 either was armed with a deadly weapon or explosive, causes
25 physical injury to any person who is not a participant

1 in the crime or uses and threatens the use of a dangerous
2 instrument or displays what appears to be a knife, pistol,
3 revolver, rifle, shotgun, machine gun or other firearm,
4 or the entering -- or the entering occurred in the
5 nighttime.

6 Kidnapping. The defendant is charged with
7 kidnapping. Kidnapping is defined as follows. Whoever
8 shall unlawfully seize, confine or kidnap another person
9 by any means whatsoever without authority of law is guilty
10 of a felony. The State must prove beyond a reasonable
11 doubt the elements of kidnapping. That the defendant did
12 unlawfully seize, confine or kidnap any other person by
13 means whatsoever and without the authority of law.

14 Kidnapping is the intentional taking of a person
15 and compelling him or her to be detained against their
16 will. It is the willful and unlawful seizing of a person
17 against their will with the intent to cause him or her
18 to be confined, imprisoned or detained. The essence
19 of the offense of kidnapping is the unlawful secreted
20 holding or imprisonment of a person.

21 An essential element of the offense of kidnapping
22 is that the taking or detention of the person kidnapped
23 is without lawful authority.

24 Kidnapping means the carrying away of a person by
25 unlawful force or by fraud or against his or her will or

1 his or her seizure and detention for the purpose of so
2 carrying him or her away.

3 The offense of kidnapping is some form of compulsion,
4 but the requisite force or compulsion need not consist
5 with the use of actual physical force or violence or of
6 express threats.

7 Kidnapping is a continuing offense. The offense
8 commences when one is wrongfully deprived of freedom
9 and continues until freedom is restored.

10 Kidnapping is a mens rea offense. Mens rea is a
11 Latin term meaning a guilty mind. The mens rea required
12 for the crime of kidnapping is knowledge. The State must
13 prove beyond a reasonable doubt the mens rea of knowledge
14 before you can convict the defendant of the offense of
15 kidnapping.

16 A person is said to act knowingly if he or she is
17 aware that a result is practically -- practically certain
18 to follow from their conduct whatever their desire may be
19 as to that result.

20 The defendant is charged with armed robbery. In
21 order to prove this offense, the State must prove beyond
22 a reasonable doubt that the defendant took personal
23 property from the person or presence of another person.
24 Property in the presence of a person is within the
25 person's reach, inspection, observation or control so

1 that the person could if not overcome with violence or
2 prevented by fear keep possession of the property.

3 The State must also prove beyond a reasonable doubt
4 that the defendant carried away the property intending to
5 permanently deprive the owner of the property and to keep
6 the property for the defendant's own use. The slightest
7 removal of the property or the complete possession of
8 the property even for an instant by the defendant is
9 sufficient to show a taking and carrying away of the
10 property. The taking and carrying away of the property
11 must have been done with violence or by putting the owner
12 of the property in fear of violence.

13 Finally, the State must prove beyond a reasonable
14 doubt that the defendant was armed with a deadly weapon
15 during the robbery. A deadly weapon is any article,
16 instrument or substance which is likely to cause death
17 or great bodily harm. Whether an instrument has been
18 used as a deadly weapon depends on the facts and
19 circumstances of each case.

20 The following are examples of instruments which may
21 be deadly weapons. A pistol, a shotgun, a rifle, a dirk,
22 a dagger, a knife, a slingshot, metal knuckles, a razor,
23 gasoline, a fire bomb, lighter fluid. A gun may be a
24 deadly weapon even if it is not operating.

25 The defendant is charged with possession of a weapon

1 during the commission of or attempt to commit a violent
2 crime. The State must prove beyond a reasonable doubt
3 that the defendant was in possession of a firearm or
4 visibly displayed what appeared to be a firearm or
5 visibly displayed a knife during the commission of a
6 violent crime.

7 A firearm means any machine gun, automatic rifle,
8 revolver, pistol or any weapon which is designed or may
9 be readily converted to expel a projectile.

10 A knife means an instrument or tool with a sharp
11 cutting blade whether or not fastened to a handle which
12 can be used to inflict a cut, slash or wound.

13 In order to find the defendant guilty of possession
14 of a weapon during the commission of a violent crime, you
15 must first find the defendant guilty of either committing
16 a violent crime or attempting to commit a violent crime.
17 Criminal sexual conduct in the first degree, burglary in
18 the first degree, kidnapping and armed robbery are violent
19 crimes. The State must prove beyond a reasonable doubt
20 that the weapon furthered, advanced or helped in the
21 commission of the crime.

22 Insanity caused by the use of drugs or alcohol may
23 be a defense if the insanity is permanent and destroys
24 the defendant's ability to know right from wrong; however,
25 when voluntary intoxication has not produced permanent

1 insanity, it is not a defense to a crime. A person who
2 voluntarily becomes intoxicated is just as responsible
3 for the acts committed while intoxicated as when the
4 person is not intoxicated.

5 I remind you that the fact that the defendant
6 elected not to testify is not a factor to be considered
7 by you in any way in your deliberations and in your
8 consideration of the question of whether the defendant
9 is guilty or not guilty. It must not be considered in
10 any manner whatsoever against him. An accused has the
11 right to remain silent and the assertion of that right
12 cannot be considered by you in your deliberations.
13 Under your oath you are to reach no inference and draw
14 no conclusion whatsoever from the fact that the defendant
15 elected not to testify. His decision not to testify
16 should not even be discussed in the jury room. It is
17 not to enter your minds in making your decisions. The
18 State has the entire burden of proof and the accused has
19 no burden to prove anything at all.

20 A verdict in this case cannot be based upon sympathy,
21 passion, prejudice or emotion or some other consideration
22 not found in the evidence.

23 Let me say something about your deliberations.
24 Deliberation is defined as a careful consideration,
25 weighing up with a view to decision. The genius of our

1 jury system is that it allows twelve good men and women
2 from twelve different backgrounds, life experiences and
3 perspectives to consider the evidence, talk about it and
4 ultimately reach a verdict. We call them deliberations
5 for a reason. You are to consider the evidence in this
6 case carefully and deliberately and discuss it in a calm,
7 thorough and courteous manner. Listen to the views of
8 all your fellow jurors, consider other people's points
9 and points of view and talk through and discuss the
10 evidence. And, remember, if you are doing something
11 deliberately, you are not in a big hurry and you should
12 not be in a hurry here. This case is very important to
13 both sides and this is their only day in court.

14 When you retire to the jury room, you should discuss
15 the case with your fellow jurors to reach an agreement if
16 you can do so. Your verdict must be unanimous and each
17 of you must decide the case for yourself, but you should
18 do so only after you have impartially considered all of
19 the evidence, discussed it fully with the other jurors
20 and listened to the views of your fellow jurors. Do not
21 be afraid to change your opinion if the discussions
22 persuade you that you should, but do not come to a
23 decision simply because other jurors think it is right.
24 It is important that you attempt to reach a unanimous
25 verdict, but, of course, only if each of you can do so

1 after having made your own decision. Do not change an
2 honest belief about the weight and effect of the evidence
3 simply to reach a verdict. In other words, do not change
4 your opinion solely for the sake of reaching a unanimous
5 verdict.

6 There are two possible verdicts for each charge
7 which you may find in this case. There is no significance
8 whatsoever in the order in which I state these possible
9 verdicts. It is simply that one must be stated first.

10 Ladies and gentlemen, again, your verdict must be
11 unanimous as to each charge.

12 Madam Forelady, when the jury agrees on the verdict,
13 you will initial on the line next to the verdict on the
14 verdict form for the charges and sign your name as
15 foreperson, then inform the bailiff that you have reached
16 a verdict, and at that time we will receive you back into
17 the courtroom.

18 I'm going to ask now that you return to your jury
19 room, but do not begin deliberations until you are told
20 to by the clerk or the bailiff. There are some matters
21 that I must discuss with the lawyers before you begin
22 your deliberations. We need to gather up all of the
23 evidence. I need to get a computer because I know that
24 there are recordings that the jury might want to watch.
25 It might take us -- not long, but give us just a little

1 bit to get all of that together.

2 Madam Forelady, I'm gonna tell you if you -- if any
3 of the jurors have a question, you will be supplied with
4 pen and paper. It must be in writing and signed by you.
5 And knock on the door and give it to the bailiff. I'll
6 be glad to see what we can do about it.

7 If at any time you write me about where you-all are,
8 please do not reference -- if there's a split in the vote,
9 don't reference it. I do not want to know, okay?

10 FOREPERSON: Understood.

11 THE COURT: All right. Also who are my alternates?

12 Okay. The alternates cannot be present during
13 deliberations. I'm gonna have to keep my alternates.
14 I'm gonna keep you here with us. I've learned the hard
15 way. Stuff happens and you never know. So I'm gonna let
16 you stay together for right now, but when deliberations
17 begin the two alternates the bailiff will take out.

18 Also, Madam Forelady, all twelve jurors must be in
19 the jury room when you're deliberating. If somebody goes
20 out for a smoke break or they have to make a phone call,
21 deliberations stop.

22 FOREPERSON: Understood.

23 THE COURT: All twelve must be in the room when
24 you-all are discussing this case, okay?

25 Your lunch should be here. I'm gonna send you back

1 to the jury room. Just don't start deliberating yet.

2 FOREPERSON: Okay. Thank you.

3 THE COURT: Thank you.

4 (Whereupon, the jury retires to the jury room at
5 12:16 PM.)

6 THE COURT: Any exceptions from the State?

7 MS. MAYES: None from the State regarding the
8 charge, Your Honor.

9 Mr. Burnett is here to inspect the computer and
10 verify that it is clean to go back to the jury room.

11 THE COURT: Perfect.

12 Any exceptions to the charges?

13 MR. MAULDIN: No, Your Honor.

14 THE COURT: Thank you.

15 Thank you, Mr. Burnett, for coming.

16 MR. BURNETT: You're welcome.

17 THE COURT: Now let's -- I want to make sure,
18 Ms. Popowski, Ms. Mayes. There were a bunch of ID
19 only's in this case. I want to make sure, so I want
20 both sides to look at this evidence as to what's going
21 back to the jury.

22 (Pause in proceedings.)

23 (Whereupon, the evidence and the verdict form were
24 submitted to the jury at 12:40 PM.)

25 (Recess taken at 12:40 PM.)

1 (Back on the record at 1:24 PM.)

2 THE COURT: I got a jury note. We're on the
3 record.

4 All right. Note from the jury. It says "Hello.
5 Can we please have the large poster board which lists
6 the order of events?" That would be no. It is not in
7 evidence.

8 MR. MAULDIN: Defense agrees, Your Honor. You can
9 write a note back.

10 THE COURT: I'm gonna put that in there. No, it's
11 not in evidence.

12 MS. WELLMAN: That sounds good.

13 THE COURT: I'll get the bailiff to hand it to them
14 and I'll get my note back. I'm marking this as Court's
15 Exhibit Number 10.

16 MS. WELLMAN: Thank you.

17 (Court's Exhibit Number 10 was marked for
18 identification.)

19 (Recess taken at 1:27 PM.)

20 (Back on the record at 1:57 PM.)

21 THE COURT: They want the definition of armed
22 robbery. I'm just gonna read the definition of armed
23 robbery again. Let's bring the --

24 MR. MAULDIN: Hold on. Let's get the defendant
25 out here.

1 THE COURT: I need the jury.

2 (Whereupon, the jury return to the courtroom at
3 2:00 PM.)

4 THE COURT: All right. Please be seated.

5 Madam Forelady, I got a note that says "May we
6 please have the definition of armed robbery?". So I'm
7 just gonna read the armed robbery charge to you, okay?

8 The defendant is charged with armed robbery. In
9 order to prove this offense, the State must first prove
10 beyond a reasonable doubt that the defendant took
11 personal property from the person or presence of another
12 person. Property is in the presence of a person if it
13 is within the person's reach, inspection, observation
14 or control so that the person could if not overcome
15 with violence or prevented by fear keep possession of
16 the property.

17 The State must also prove beyond a reasonable doubt
18 that the defendant carried the property away intending
19 to permanently deprive the owner of the property and to
20 keep the property for the defendant's own use. The
21 slightest removal of the property or the complete
22 possession of the property even for an instant by the
23 defendant is sufficient to show a taking and carrying
24 away of the property. The taking and carrying away of
25 the property must have been done with violence or by

1 putting the owner of the property in fear of violence.

2 Finally, the State must prove beyond a reasonable
3 doubt that the defendant was armed with a deadly weapon
4 during the robbery. A deadly weapon is any article,
5 instrument or substance which is likely to cause death
6 or great bodily harm. Whether an instrument has been
7 used as a deadly weapon depends on the facts and
8 circumstances of each case.

9 The following are examples of instruments which may
10 be deadly weapons. A pistol, a shotgun, a rifle, a dirk,
11 a dagger, a knife, a slingshot, metal knuckles, a razor,
12 gasoline, fire bomb and lighter fluid. A gun may be a
13 deadly weapon even if it is not operating.

14 I hope that answers your question. I'm gonna
15 ask you to go back to your jury room and continue
16 deliberating.

17 FOREPERSON: Thank you.

18 THE COURT: Thank you.

19 (Whereupon, the jury retires to the jury room at
20 2:03 PM.)

21 THE COURT: All right. I made that Court's
22 Exhibit 11.

23 (Court's Exhibit Number 11 was marked for
24 identification.)

25 (Recess taken at 2:03 PM.)

1 (Back on the record at 2:18 PM.)

2 THE COURT: All right. The jury has a verdict.
3 Let's bring the jury in.

4 (Whereupon, the jury returns to the courtroom at
5 2:20 PM.)

6 THE COURT: All right. Madam Forelady, you-all may
7 be seated.

8 Can I see the lawyers just one second, please?

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

10 THE COURT: All right. Madam Forelady, has the jury
11 come to a verdict?

12 FOREPERSON: Yes, ma'am.

13 THE COURT: And is it unanimous?

14 FOREPERSON: Yes, ma'am.

15 THE COURT: If you would hand the verdict form to
16 the bailiff, please.

17 All right. I'm gonna get the clerk to publish the
18 verdict.

19 Mr. Neeley, if you would please stand.

20 THE CLERK: Indictment 2023-GS-32-02229, Indictment
21 2023-GS-32-02230, Indictment 2023-GS-32-02231, Indictment
22 2023-GS-32-02233, Indictment 2023-32-GS-02234, the State
23 versus Robert Brandon Neeley.

24 We, the jury, unanimously find Robert Brandon
25 Neeley guilty as to the act of first degree burglary.

1 We, the jury, unanimously find the defendant,
2 Robert Brandon Neeley, guilty of criminal sexual conduct
3 first degree.

4 We, the jury, unanimously find Robert Brandon
5 Neeley guilty of the act of kidnapping.

6 We, the jury, unanimously find Robert Brandon Neeley
7 guilty of the act of armed robbery.

8 And we, the jury, unanimously find Robert Brandon
9 Neeley guilty of the act of possession of a weapon during
10 a violent crime.

11 So signed by the foreperson today, July 28, 2023.

12 THE COURT: Would you like the jury polled?

13 MR. MAULDIN: Yes, Your Honor.

14 THE CLERK: At this time when I call your juror
15 number, I will ask you was this your verdict and is it
16 still your verdict. Will you please raise your hand and
17 respond.

18 Juror Number 92, is this your verdict and still your
19 verdict?

20 JUROR NUMBER 92: Yes.

21 THE CLERK: Juror Number 41, is this your verdict
22 and is it still your verdict?

23 JUROR NUMBER 41: Yes.

24 THE CLERK: Juror Number 128, is this your verdict
25 and still your verdict?

1 JUROR NUMBER 128: Yes.

2 THE CLERK: Juror Number 113, is this your verdict
3 and still your verdict?

4 JUROR NUMBER 113: Yes.

5 THE CLERK: Juror Number 36, is this your verdict
6 and still your verdict?

7 JUROR NUMBER 36: Yes.

8 THE CLERK: Juror 73, is this your verdict and still
9 your verdict?

10 JUROR NUMBER 73: Yes.

11 THE CLERK: Juror Number 228, is this your verdict
12 and still your verdict?

13 JUROR NUMBER 228: Yes.

14 THE CLERK: Juror 147, is this your verdict and
15 still your verdict?

16 JUROR NUMBER 147: Yes.

17 THE CLERK: Juror 145, is this your verdict and
18 still your verdict?

19 JUROR NUMBER 145: Yes.

20 THE CLERK: Juror 146, is this your verdict and
21 still your verdict?

22 JUROR NUMBER 146: Yes.

23 THE CLERK: Juror 266, is this your verdict and
24 still your verdict?

25 JUROR NUMBER 266: Yes.

1 THE CLERK: And Juror 100, is this your verdict and
2 still your verdict?

3 JUROR NUMBER 100: Yes.

4 THE CLERK: All jurors polled.

5 THE COURT: Anything else from the State?

6 MS. MAYES: Nothing from the State, Your Honor.

7 THE COURT: Anything from the defense?

8 MR. MAULDIN: Nothing more for the jury, Your Honor.

9 THE COURT: All right. Are you-all ready to proceed
10 to sentencing?

11 MS. MAYES: The State is ready to proceed, Your
12 Honor.

13 THE COURT: Do you-all need about five minutes?

14 MR. MAULDIN: We're ready, Your Honor.

15 THE COURT: Okay. I'm gonna let the jury go back
16 to the jury room. I'm certainly gonna invite them after
17 they've stayed with us all week long for sentencing, but
18 those who don't I'm gonna excuse.

19 Give me five minutes and I'll be back and we'll do
20 sentencing.

21 MS. MAYES: Thank you, Your Honor.

22 THE COURT: Madam Forelady, I'll see you in the
23 jury room in just a moment.

24 FOREPERSON: Yes, ma'am.

25 (Whereupon, the jury was excused at 2:25 PM.)

1 (Recess taken at 2:26 PM.)

2 (Back on the record at 2:33 PM.)

3 BAILIFF: Court is back in session.

4 THE COURT: Please be seated.

5 All right. Ms. Mayes, you've got the sentencing
6 sheets?

7 MS. MAYES: Yes, Your Honor.

8 THE COURT: Ms. Mayes, before we get started,
9 burglary is fifteen to life?

10 MS. MAYES: Fifteen to life, Your Honor.

11 THE COURT: The armed robbery is?

12 MS. MAYES: Ten to thirty, Your Honor.

13 THE COURT: The criminal sexual conduct first in
14 the first degree?

15 MS. MAYES: Zero to thirty, Your Honor.

16 THE COURT: Kidnapping?

17 MS. MAYES: Zero to thirty, Your Honor.

18 THE COURT: Possession of a weapon during a violent
19 crime?

20 MS. MAYES: Zero to five, Your Honor.

21 THE COURT: Thank you. Is that consecutive or --

22 MS. MAYES: That can be concurrent, Your Honor.

23 THE COURT: Okay. Thank you.

24 Go ahead. Let's proceed.

25 MS. MAYES: Your Honor, before you is Robert Brandon

1 Neeley for sentencing. Before we get into the victim's
2 {sic} prior record, I want to go ahead -- or before we
3 get into any victim impact, we want to get into the prior
4 record for Robert Brandon Neeley, which is significant.

5 First, as we see the multiple charges that he is
6 convicted of here, the criminal sexual conduct in the
7 first degree, kidnapping, burglary first degree and armed
8 robbery, all violent crimes, as well as the weapon charge.

9 Your Honor, going back to 2003 in Richland County,
10 he was convicted of burglary second degree and received a
11 Youthful Offender Act sentence. That was in 2003. It's
12 been twenty years ago, but this will be the start of what
13 appears to be criminal history throughout the course of
14 his life. Also convicted in 2003 of grand larceny along
15 with that charge. Again, that was a Youthful Offender Act
16 sentence, six years suspended to three years probation.

17 In 2006, we see a conviction out of Richland County
18 for larceny. 2008, breaking and entering into automobiles.
19 That is a 3-year sentence. Along with that, a forgery
20 with a 3-year sentence. And then later that month we see
21 multiple convictions out of Richland County, which were
22 all pled it looks like as a group disposition. There
23 were three counts of grand larceny, three counts of petit
24 larceny and three counts of burglary second degree. He
25 received three years for each of those concurrently.

1 Your Honor, when we looked at his record there did
2 appear to be in 2012 a revocation in that time period of
3 2012 on those burglaries.

4 Then in 2013, a conviction out of Kershaw County for
5 larceny.

6 2015, assault and battery third degree out of
7 Richland County. 2015 out of Richland County shoplifting.

8 2017, out of here in Lexington County, criminal
9 conspiracy. He was convicted and sentenced to three years
10 to be followed by five years probation.

11 2019, possession of cocaine. A 1-year sentence out
12 of Richland County.

13 And then here in Lexington County, Your Honor, in
14 2019 criminal domestic violence second degree -- or
15 domestic violence second degree. He received a straight
16 2-year sentence.

17 Now also what we saw in 2019 most likely in
18 conjunction with this conviction on domestic violence
19 second is he was revoked on that criminal conspiracy
20 charge for three years. So he would have had a violation
21 of probation most likely in conjunction with this domestic
22 violence second degree on which he received two years,
23 and then it looks like three years on that criminal
24 conspiracy.

25 And the reason that's significant is that was

1 August 2019. He goes to prison, he serves that sentence.
2 We know that our crime happens in October of 2021. So
3 he would have only been out of prison a fairly short
4 amount of time from that revocation from completing this
5 domestic violence second degree prison sentence and then
6 on that revocation for the criminal conspiracy, and so
7 we know he completes that criminal conspiracy sentence
8 within the Department of Corrections and then he is gonna
9 offend. And it certainly appears by all indications
10 that his behavior is continuing to escalate. He has now
11 offended in the worst way imaginable against a 74-year-old
12 victim here in Lexington County.

13 So we saw criminal behavior that began twenty years
14 ago as a youthful offender. We know that he was given an
15 opportunity for rehabilitation within the Department of
16 Corrections through a Youthful Offender Act sentence. We
17 know that he came out and continued to re-offend. We know
18 that he served prison time for the burglaries and then
19 after that was then revoked for some period of time on
20 those burglaries. We know that rehabilitation within
21 the Department of Corrections certainly failed. He came
22 out, continued to re-offend in a violent matter with the
23 domestic violence followed by this horrendous act against
24 Ms. Branham.

25 Your Honor, one of the first things I did when I

1 received this case, obviously I got the call within the
2 first twenty-four hours from Agent Sykes. We knew that
3 it was a major crime that was gonna have to be dealt with
4 aggressively. She contacted me, this was after hours,
5 to let me know what had happened. We talked about some
6 of her efforts that she was undergoing as she's in the
7 process of obtaining those search warrants. I believe
8 the victim was still getting her sexual assault exam at
9 that time.

10 One of the first things we discussed is that this
11 offender should never ever be in a position where he
12 could ever harm another person in this community. The
13 Solicitor and I spoke about the case. One of the first
14 things we did was we pulled his record. We knew that he
15 had burglaries. We wanted to see if he had any violent
16 crime convictions in which we could go ahead and serve
17 notice of life without parole on him. That was certainly
18 our intent. We pulled all of his indictments from
19 Richland County and found that those three burglaries
20 convictions were nonviolent in nature, which prevented
21 us unfortunately under the law from being able to pursue
22 the life without parole statute, but we certainly would
23 have done so and that would have been our intent had any
24 of those been a prior violent crime conviction.

25 Your Honor, I want to start with the victim,

1 Ms. Branham. I know that she does wish to address the
2 Court regarding sentencing.

3 THE COURT: Ms. Branham, I'd love to hear from you.

4 MS. BRANHAM: Robert, I think you are a predator.
5 I think you're a thief and you're a liar. I'm sorry.

6 THE COURT: Yeah, why don't you talk to me,
7 Ms. Branham.

8 MS. BRANHAM: I think Robert is a predator, a liar
9 and a thief. I think that when he attacked me, it was
10 my duty to be sure that he never hurts another person
11 as long as he's alive. He not only hurt me, mentally I
12 still have nightmares. It took three months for me to
13 take a deep breath. It took seven months before I could
14 close my hand. And I really don't want him to ever be
15 able to hurt another person as long as he's alive. It
16 is -- it's too horrible. It really is.

17 I want to thank the Court. I want to thank everybody
18 that took on this case and worked so hard so that we
19 could get him off the streets. Everybody has a mother,
20 everybody has a sister or -- or a wife and they do not
21 need to have a serrated knife held at their neck just to
22 have sex. Nobody should have to go through that. So I'm
23 asking that he get the maximum sentence that's possible.

24 THE COURT: Thank you, Ms. Branham.

25 Tell me who's with you.

1 MS. BRANHAM: Pardon?

2 THE COURT: Tell me who's with you.

3 MS. MAYES: Your Honor, this is Charlene Mooneyham
4 on behalf of the State Law Enforcement Division. She
5 also wishes to address the Court.

6 THE COURT: Okay.

7 MS. MOONEYHAM: Yes, Your Honor.

8 My name is Charlene Mooneyham, victim advocate with
9 South Carolina Law Enforcement Division. I have been
10 with Ms. Branham since day one that this occurred. I've
11 been doing this about ten years and -- I'm sorry I'm
12 getting tearful. This doesn't happen often, but this is
13 one of those cases that honestly rocks you to your core
14 because as Ms. Branham said we all can relate. We have
15 mothers. I have an elderly grandmother that I help care
16 for in our county and if anything like this -- seeing
17 this happen to Ms. Branham and the spirit, the beautiful
18 person that she is, the Christian that she is, that she
19 invited this person into her home and she was trying to
20 help him, she trusted him, and now she cannot trust her
21 neighbor like she used to. You know, the innocence that
22 this woman at her age had and to have that taken away,
23 for her neighborhood to no longer be a safe place, for
24 her home to no longer be a safe place, that's not okay.
25 It's not okay for someone to come into your home and

1 strip those rights that you have. She'll never be whole
2 again. She can hopefully start the healing process
3 today.

4 I've spoke -- I've been up with her endless nights
5 throughout the last few years of her crying on the phone,
6 just scared, especially when he cut his ankle monitor
7 off, having to make that phone call to her and knowing
8 that she didn't sleep until he was found almost two
9 months later.

10 I really do not think that our community is safe
11 with Mr. Neeley in it and I do believe that the maximum
12 life in prison is appropriate in this case because of
13 those factors.

14 Thank you for listening to me and your time.

15 THE COURT: Thank you.

16 MS. MAYES: Your Honor, Agent April Sykes on behalf
17 of the State Law Enforcement Division.

18 Lieutenant Sykes.

19 THE COURT: Lieutenant, I'll be glad to hear from
20 you.

21 INVESTIGATOR SYKES: Yes, ma'am.

22 I echo a lot of what Ms. Mooneyham said. I can't
23 count how many criminal cases I've worked. I know it's
24 in the hundreds, but this is by far one that I will
25 always remember in my career because it is one of the

1 most violent and it is one of the most sickening cases
2 that I've had to work. We have devoted a lot of time
3 and a lot of resources in our lab, with our personnel,
4 with our SWAT team, with our fugitive team, everything
5 dedicated to getting this man off the streets. And even
6 Lexington County when they had to fly all the way across
7 the country and drag him back here.

8 We just respectfully ask that he get life in prison.

9 THE COURT: Thank you.

10 MS. MAYES: Your Honor, regarding the flight, just
11 briefly on that matter. I had one of our investigators,
12 Investigator Sullivan, actually serve on Mr. Neeley
13 notice of our intent to revoke bond and it was the
14 morning of the bond revocation that he cut that ankle
15 monitor off. There's no doubt about the intent because
16 it was cut off and -- and left in an outside area where
17 ultimately it had to be located by GPS. But, of course,
18 he fled to Montana. We had no idea how long it would
19 take to find him. We were in immediate communication
20 with the fugitive task force and the U.S. Marshals
21 Office. We feel fortunate they found him within the
22 initial two months. We were worried it could be much
23 longer and we had grave concerns about the danger he
24 could potentially inflict on others while he was on the
25 run from law enforcement, so we also consider him to be

1 an on-going danger to the community if ever released.

2 Thank you, Your Honor.

3 THE COURT: Thank you.

4 Ms. Popowski or Mr. Mauldin, I'll be glad to hear
5 from you.

6 MS. POPOWSKI: Thank you, Your Honor.

7 Your Honor, Mr. Neeley is thirty-seven years old.
8 He has a ninth grade education. He has spent 492 days
9 pre-trial detained. He tells me he has done all kinds
10 of property management work. He can fix just about
11 anything in any home or a car and he enjoys playing with
12 his dogs and he rescues animals when he's not at work.

13 I talked to him a little bit about his mental
14 health and he tells me that in the jail they have put
15 him on Remeron, which is an antidepressant, and that has
16 helped a lot with his anxiety and mood swings.

17 He had a tough childhood, Your Honor, as I'm sure
18 you can imagine. He grew up with a mother who smoked
19 crack in front of him. He also witnessed her getting
20 abused quite a bit as a young boy, so ultimately his
21 grandmother took over the responsibility of raising him.
22 He grew up living with five women. He has four sisters.
23 He has a daughter named Brianna. She is seventeen and
24 she lives in Northeast Columbia and he talks to her every
25 week. His eyes light up when he talks about her. He is

1 very proud of her. He has told me that he has warned her
2 against getting involved with drugs because he has spent
3 his entire lifetime addicted to crack cocaine, Your Honor,
4 and that has driven most of his criminal history. He is
5 smart and he's articulate and he's a fierce advocate for
6 himself and he maintains his innocence. We ask that you
7 give him whatever mercy that you see fit.

8 THE COURT: Anything, Mr. Mauldin?

9 MR. MAULDIN: No, Your Honor.

10 THE COURT: Mr. Neeley, this is your opportunity to
11 address the Court.

12 THE DEFENDANT: I don't want to say anything.

13 THE COURT: All right. Well, let me tell you-all.
14 First, let me -- I'd like to thank the lawyers. I think
15 both of you-all zealously represented your clients,
16 that's what you're supposed to do, and I think both sides
17 have done an excellent job.

18 Also let me thank law enforcement. SLED, awesome
19 as usual. Very good. Great investigative work.

20 Ms. Branham, you've been on my mind and I've been
21 deciding what it is that I'd like as the Court for you
22 to know. I certainly cannot imagine what you went
23 through. I added up the time. It was 3 hours and
24 46 minutes, and it must have been absolutely terrifying
25 for you. In fact, I think you're really lucky to be

1 here today is my thought on it, but let me tell you
2 this. You know, throughout this trial you've been --
3 they call you the victim, but I've watched. You've been
4 here every single day. You had the courage to get up
5 here and testify in front of people you don't even know
6 to tell them all what happened to you, and I know that
7 was hard, but that tells me not only do you have courage,
8 you've got strength and I think you have determination.

9 So I'm not gonna call you a victim. I'm gonna call
10 you a survivor because that's what you are. I will tell
11 you most victims don't get the opportunity to even grace
12 this Court because they're either dead or they're too
13 scared to come and they don't want to testify, so my
14 hat's off to you.

15 If I could tell you the one thing I wish for you
16 is to go live life and not be scared. It might be hard,
17 but I know you can do it. Go enjoy it. You've got your
18 best friend sitting behind you. I want you to continue
19 on and enjoy life just like you are. I know it's hard,
20 but I -- I wish that for you.

21 MS. BRANHAM: Thank you.

22 THE COURT: Mr. Neeley, besides murder you're
23 charged with the most serious crimes that this state
24 has and I think the jury got it right. The telltale
25 sign is you walking in with that bag to her home at

1 night and I do believe that Ms. Branham is lucky to be
2 here today because I think you didn't know what to do
3 with her, but I'm certainly glad you took her home.

4 Anything else for sentencing from the defense?

5 MS. POPOWSKI: No, Your Honor.

6 THE COURT: Anything else from the State?

7 MS. MAYES: Nothing from the State, Your Honor.

8 THE COURT: And it's 492 days?

9 MS. POPOWSKI: That's correct, Your Honor.

10 THE COURT: All right. It's a terrible crime.

11 All right. Mr. Neeley, on burg first you are to
12 be committed to the State Department of Corrections
13 for a period of twenty years. On the armed robbery,
14 the sentence of the Court, you are to be committed to
15 the State Department of Corrections for a period of
16 twenty-four years. And on criminal sexual conduct first
17 degree, you are to be committed to the State Department
18 of Corrections for a period of thirty years. All of
19 those will run consecutive. Concurrent will be the
20 kidnapping that you are committed to the State Department
21 of Corrections for a period of twenty years and the
22 possession of a weapon during a violent crime is five
23 years. That will run concurrent. I've given you credit
24 for 492 days.

25 Mr. Neeley, my sentence to you is seventy-four years

1 is what it adds up to.

2 Thank you, everybody. Court's adjourned.

3 MS. MAYES: Thank you, Your Honor.

4 MR. MAULDIN: Your Honor, I have to make a new trial
5 motion.

6 THE COURT: Yes. You want to make it now? Go
7 ahead.

8 MR. MAULDIN: Yes, sir, Your Honor -- yes, ma'am,
9 Your Honor.

10 At this time on behalf of Mr. Neeley, I make a
11 motion for new trial. We base that motion on all our
12 prior objections and motions.

13 THE COURT: Okay. Anything from the State?

14 MS. MAYES: Nothing from the State, Your Honor.

15 THE COURT: Okay. That motion's denied.
16 Thank you.

17 MR. MAULDIN: Thank you, Your Honor.

18 (Whereupon, the proceedings were concluded for
19 July 28, 2023, at 2:59 PM.)
20
21
22
23
24
25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the trial of the captioned case in Circuit Court
July 24th-28th, 2023.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

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

January 15, 2024

/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER



South Carolina Law Enforcement Division Sexual Assault Examination Protocol

FENGAD 800-631-6889	COURT'S
	EXHIBIT NO. <u>2</u>
	IDENTIFICATION/EVIDENCE
	DKT.# _____
DATE: _____	

MRN: 976202262

Visit Information

Arrival
10/13/2021 1414

Department
Rh Emergency Dept

Provider
Hals, Gary D, MD

Patient Information

Patient Information:

Name of Hospital: Richland Hospital

Patient name: Glenna Branham

Ethnicity: Non-Hispanic or Non-Latino

Race: White or Caucasian

Date of Birth: [REDACTED] 1947

Age: 74

Gender: Female

Marital Status: Divorced

Law Enforcement:

Agency: SLED

Case number: 32210158

Forensic Exam Requested: Yes

Investigator: Investigator April Sykes

Anonymous Patient?: No

Advocacy: (if indicated):

Advocacy: Advocacy Center

Advocacy Center: SLED LEVA - Charlene Mooneyham (Comment: STSM booklet given to patient due to no hospital accompaniment at this time with current COVID visitor restrictions.)

Persons present during collection of history: Advocate (Comment: Charlene Mooneyham - SLED Victim Advocate per patient request)

Persons present during medical exam: Advocate (Comment: Charlene Mooneyham - SLED Victim Advocate per patient request)

Pertinent History

Pertinent Medical History:

LMP Date: (Comment: Menopause - 42 years old)

Gravida: 1

Para: 0

Are there any recent (60 days) anal-genital injuries, surgeries, diagnostic procedures or medical treatment that may affect the interpretation of current physical findings?: No

Are there any other pertinent medical conditions or injuries that may affect the interpretation of current physical findings?: Yes

Describe: History of Breast Cancer with left mastectomy - "that was done a long time ago" per patient

Any allergies?: Yes

Any current medications?: Yes (Comment: Vitamin B12)

Immunizations: Tetanus - approx 10 years ago

Pre and post assault related history:

Consensual intercourse within last 7 days?: No

Medications, Social Drugs or Alcohol:

Did patient ingest alcohol or drugs?: No

Any voluntary use of alcohol prior to assault?: Yes (Comment: 1 Glass of wine approx 4 oz at approx 1915)

Any voluntary use of drugs 96 hours prior to assault?: No

Any voluntary use of alcohol or drugs between time of assault and forensic exam?: No

Post assault hygiene/activity:

Urinated: Yes

Describe: x 3-4 times

Defecated: Yes

Describe: multiple times

Genital or body wipes: No

Douched: No

Removed tampon/diaphragm: No

Brushed teeth: Yes

Mouthwash: Yes

Bath/shower/wash: Yes

Pertinent History (continued)

Describe: Shower
 Ate or drank: Yes
 Describe: 2 cups of herbal tea, 2 glasses of water, Rice cake with peanut butter and cinnamon
 Vomited: No
 Changed: Yes
 Describe: Patient reports SLED crime scene techs took clothes she was wearing prior to arrival in hospital.
 Smoked: No

Allergies

Caffeine
 Eggshell Membrane

Reviewed Medications

None

Assailant(s)

Assailant(s):
 Number of Assailants: 1
 Assailant #1 Name (Last, Name): Neely, Robert
 Assailant #1 Age: 30's
 Assailant #1 Gender: Male
 Assailant #1 Race: White Caucasian
 Assailant #1 Relationship: Non-stranger
 Assailant #1 Comments: "He fixed my sprinkler system."
 Method(s) employed by assailant(s):
 Weapons: Yes
 By which assailant(s): Assailant #1
 Describe: "He took my gun. There was also a knife but it seemed like he didn't know what to do with it because he had it by my neck but then dropped it."
 Threatened: Yes
 By which assailant(s): Assailant #1
 Describe: see assault history
 Injuries inflicted: Yes
 By which assailant(s): Assailant #1
 Describe: "he put the gun at my head but didn't hit me with it. I have a bruise there now."
 Types of weapons: No
 Physical blows: No
 Grabbing/ holding/ pinching: Yes
 By which assailant(s): Assailant #1
 Describe: "He jumped on me and we were fighting."
 Physical restraints: Yes
 By which assailant(s): Assailant #1
 Describe: see assault history
 Strangulation: Yes
 By which assailant(s): Assailant #1
 Describe: "He tried to choke me twice."
 Burns: No
 Verbal threats of harm: Yes
 By which assailant(s): Assailant #1
 Describe: "He said if I didn't give him sex that he was going to kill me. I said go ahead and do it because I'm not going to do it."
 Photographs/ videos: No
 Other methods: No
 Were any injuries inflicted upon the assailant during the assault?: Unsure
 Is assailant known to:
 Have an STD?: Unsure
 Have had a vasectomy?: Unsure
 Have used alcohol or drugs?: Yes
 If yes: Drugs, Alcohol
 Which assailant(s): Assailant #1
 Describe: "He smokes, uses crack and drinks beer."

Assault History

Assault History:
 Date and time of assault: 10/12/2021 8:00 PM
 Location of assault: Patient's home and abandoned house off Two Notch Rd
 Were there any witnesses to the assault?: No
 Patient's description of assault: In patient's own words: "I was sitting down and we were talking and he started talking about sex and how good it is. I said 'get out' and when I walked to the door he came up behind me and grabbed me and pulled my top off. He had

Assault History (continued)

both his arms around my belly and I turned around and fought him. He kicked my legs out from under me and I crashed to the floor. Then he jumped on me and grabbed my hands. He taped my hands together with black duct tape. Umm, I'm fighting him. He said he was going to have sex with me and he put the knife to my throat. He was on top of me and we're still dressed. I kicked him. He got up and pulled my boots off, my jeans and my panties. Then he came down on top of me again. I kept fighting. He tried to strangle me (patient puts her own hand up to her throat). I kept fighting him. It was like he was why don't you relax. He said 'Alright if you give me \$100 I'll leave you alone.' I said 'Robert I don't have \$100 here.' He said 'Let's go the the ATM.' We went to the bedroom to get my purse. He saw the case for my gun and tok the gun and magazines. There weren't any bullets. He said 'I need two bullets. Give me two bullets. I'm gonna kill a police officer and myself.' I gave him two bullets. Then I took my wallet and we went to the ATM. He was gonna take \$100 but he took out \$200 and he gave me the receipt and my bank card back. I gave the receipt to the police. Instead of taking me home he took me down Princeton St to some place to buy crack and bought crack. He dropped one of the \$50 bills and he gave them the \$150 and he yelled a name like a password when we got up to the house. Someone answered and he called 'Linda' and said 'sit behind her so she don't get out.' So she got in behind me. She said 'is your name Glenna?' and I said 'yes'. She said 'I'm Linda.' I said 'well Linda he's done some bad things' and she said 'oh.' and got out and he got back in. I don't know exactly where we went but we went down 77 and I remember seeing the sign for Two Notch Rd. He pulled into some place where there was an abandoned house and backed in towards some bushes. I could hear them scraping the sides of my car. He kept trying to lean my seat back and I kept putting it back forward. He also kept pulling my seat belt off and I kept putting it back on. He said 'you're going to do this' and I said 'no I'm not. It's not right.' He put the gun against my head and said he was going to shoot me and I said to go ahead and shoot me. He said 'you would rather me shoot you than have sex' and I said 'yes'. He grabbed my neck again and was choking me. The other side of my head was pressed up against the glass on the window. He couldn't get my pants down and then he stopped doing that. He kept saying 'don't scream. Don't scream' and put his hand over my mouth, I wasn't going to scream because I was furious and there was no one around to hear me if I did. He sat back down and I put my head back down towards my lap. I have a pocket on the door of my car and there were menus in it and he threw them on the floor and I took one and held it up in front me (mimes holding a piece of paper in front of her face) and said the 23rd Psalm and started saying the 91st Psalm and any other prayers I could remember. Then he maneuvered in the car and we went round and round. He got out and went to the bathroom and the \$50 bill that he lost earlier came out. We went round and round to another crack house and he bought some more. He said 'give me some cigarettes. Give me some cigarettes.' They did and then he went back to the abandoned house. He said you'll give me a blow job or have sex with me. I said 'I'm not going to do it. I'm not going to let you to violate me.' He put the gun back to my head and said 'you'll do one of them or I will shoot you.' I said 'no. It's a violation' and he said 'it's not a violation.' I said 'God won't forgive me' and he said 'God will forgive you because it's not you who's doing it it's me.' He said 'I'll kill you' and I said 'Go ahead and shoot'. I said 'my poor cats. Who's going to take care of my poor cats?' He had stripped and said 'give me a blow job or I'm going to enter you' and I said no but I thought I had better do it since I didn't know where I was. He grabbed my hair and pushed me down on him and said 'suck it'. I didn't know what to do. He said 'what are you doing?' and I said 'I don't know what to do'. He said 'grab it' and he used my hand to grab it and pump it up and down. Then he said 'now suck it' and I sucked. He finally came and I had swallowed some of it. He put his clothes on and I had a used tissue in the console. I spit the rest in there and put the tissue back in the console and the police took it. He took me home. I didn't think I'd live. He kept the gun. He said 'your phone is in the car. Don't call the cops. I don't want to go back to jail' and I said 'I will not call the cops.' He said 'you really won't call the cops' and I said 'I'm an honest person and I promise I won't call the cops'. Some where in there he cut the tape off. He picked that up, the roll of tape and his knife. He took a couple of cans of beer that he had. He was drinking and kept going and getting it from the fridge. Then he left after saying he was sorry Ms. Glenna. The whole time he was dragging me home I kept saying the 23rd Psalm and throw in the 91st Psalm. He kept saying 'don't call the cops'. We both got out of the car. He picked up everything and went out the front door. I locked the door and then urinated all over myself. I don't know why I did that. I went in and the first thing I did was gargle with mouthwash. I stripped and showered. I washed with soap and water and while I was in the shower I rinsed my mouth a bunch of times with water. I brushed my teeth. I put my pajamas on. I looked to make sure everything was locked and then I got a big knife from the kitchen and sat on the bed with a butcher knife. I kept watching the cats and if they were looking the same way like they didn't see anything then I knew it was okay. I got up to the door of my bedroom and I stood with the knife held up like Freddy Kreuger and waited for what felt like hours. The cats were still acting fine so I figured everything was okay. I could hear the sounds of the house like the refrigerator cutting on and the air conditioning coming on. I have a couple of french doors and they creak. I sat there all night and just kept watching the cats and when they got up around 0530 or 0600 like they normally do I went and fed them. I made myself a cup of herbal tea and was still pretty upset. I washed my face again and brushed my hair. I made two rice cakes and ate one. I waited until it was after 8 o'clock and then I texted my friend Brenda and said 'I was accosted last night so I can't use my car because they may want to fingerprint it. Can you drive us to Meals on Wheels.' Every Wednesday we deliver Meals on Wheels together. She said 'okay' and then 'what?'. She called me and asked 'did you call the cops?' I said 'no because I promised I wouldn't but I didn't promise my friend wouldn't' and I asked her to call them. She did and then the police showed up."

Additional statement in patient's own words:

"When he took my clothes off and he jumped back on me he put two fingers in me. I said 'don't do that' and he said 'I'm gonna make you feel good. I'm gonna make you feel so good.' I said 'no way'.

Clarified with patient statement "in me" - "in my vagina"

Pediatric Documentation

History of assault per patient:

Contact Method

Description of contact between victim and assailant:

Did patient provide history?: Yes

Penetration of vagina by:

Contact Method (continued)

Penis: No
 Finger: Yes
 By which assailant(s): Assailant #1
 Describe: see assault history
 Object: No
 Penetration of anus by:
 Penis: No
 Finger: No
 Object: No
 Oral copulation of genitals:
 Of patient: No
 Of assailant: Yes
 By which assailant(s): Assailant #1
 Describe: see assault history
 Non-genital acts:
 Licking: No
 Kissing: Attempted
 By which assailant(s): Assailant #1
 Describe: "he tried to kiss my face when we were in the car but I pulled away from him"
 Suction injury: No
 Biting: No
 Fondling: No
 Other acts:
 Masturbation: No
 Photographs: No
 Other: No
 Contraception or lubricant used:
 Foam used: No
 Jelly used: No
 Lubricant: No
 Condom used: No
 Ejaculation occurred in or on the following:
 Mouth: Yes
 By which assailant(s): Assailant #1
 Describe: see assault history
 Vagina: No
 Anus: No
 Body: No
 Clothing: No
 Bedding: No
 Other: No

Physical Exam

General Physical Examination:
 Describe general physical appearance: Elderly white female sitting on hospital stretcher wearing t-shirt, jeans and cowboy boots.
 Chin length white and glasses.
 Describe general demeanor: Controlled
 Responds to questions: Readily
 Eye contact: Poor
 Describe demeanor: Intermittently tearful during exam
 Is patient complaining of non-genital injury, pain and/or bleeding?: Yes
 Describe: Tenderness to back and arms, also c/o pain to rib area with movement.
 Is patient complaining of anal-genital injury, pain and/or bleeding?: Yes
 Describe: Tenderness to vaginal area
 Genital Examination: Female
 Genital Examination - Female:
 Exam position used: Supine
 Exam methods for genital examination: (Comment: No speculum used due to digital penetration only)
 UV light (Woods light): N/A
 Genital Examination - Male:

Physical Exam Note

Vincent, Shannon, RN 10/13/2021 20:27

****Sensitive Note****

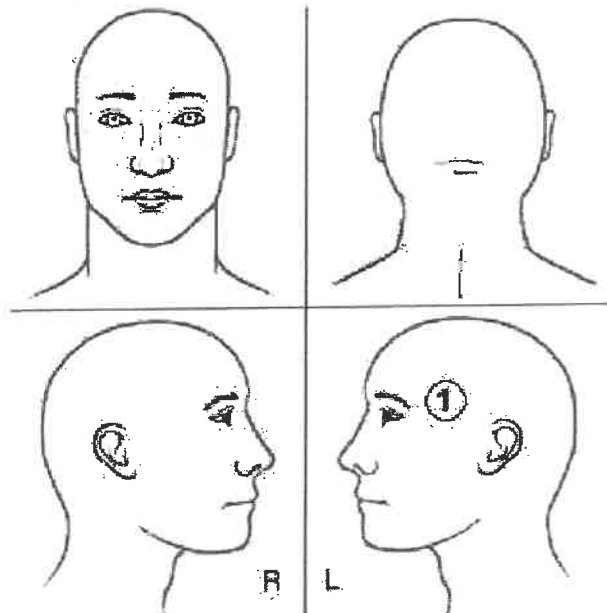
Physical Exam Note (continued)Physical ExamConstitutional:

General: She is awake.

Appearance: Normal appearance. She is well-groomed.

HENT:

Head:

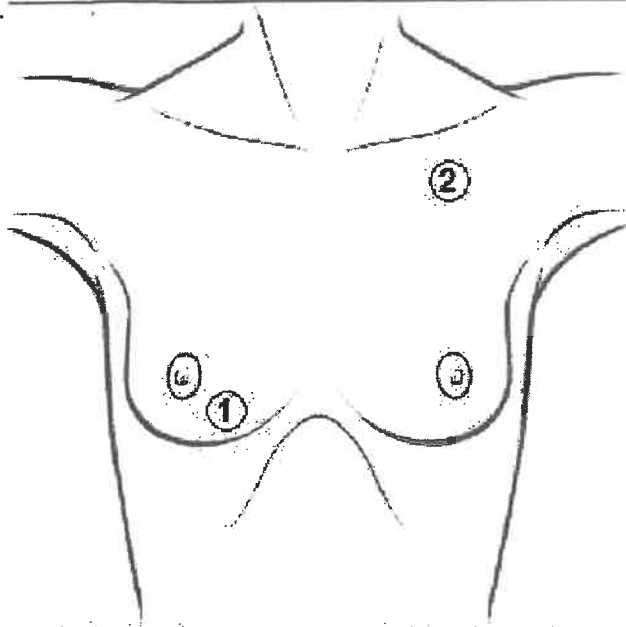


1: Brownish-blue circular discoloration with tenderness to left temple - patient states "that's where he kept putting the gun".

Chest:Breasts:

Left: Absent.

Physical Exam Note (continued)



- 1: Bluish-purple discoloration noted to right inner breast at nipple line - patient denies this being present prior to assault.
 2: Linear abrasions noted to left upper chest below clavicle - patient states "That's from where he pulled my shirt off".

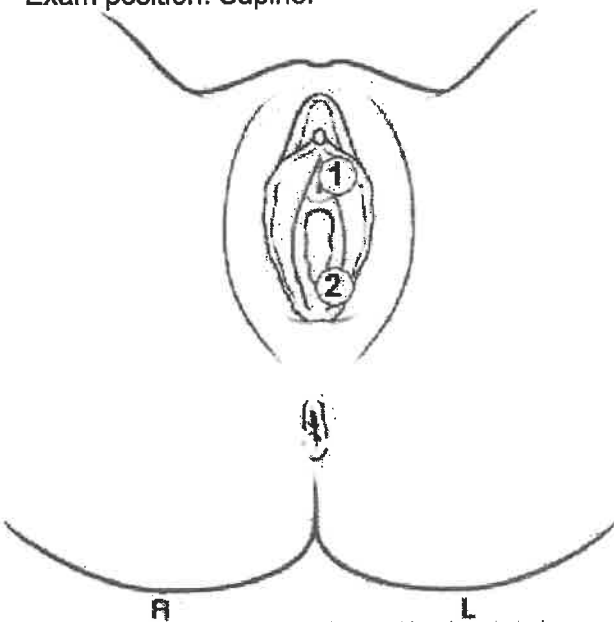
Abdominal:

General: Abdomen is flat.

Palpations: Abdomen is soft.

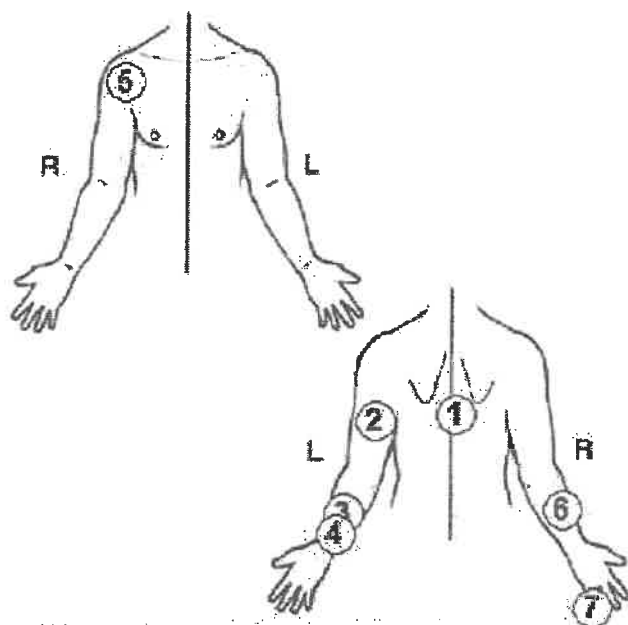
Genitourinary:

Exam position: Supine.



- 1: Bluish-purple discoloration to left clitoral hood with tenderness - patient denies this being present prior to assault.
 2: Bluish-purple discoloration with tenderness to left side where the vestibule and posterior fourchette meet - patient denies this being present prior to assault.

Physical Exam Note (continued)

Musculoskeletal:Arms:

1: 2 areas of brown discoloration with tenderness measuring approx 6.5cm x 4cm to middle of patient's back between scapulae and along either side of spine - patient states "that's from when I fell on the floor and he jumped on me."

2: 1cm x 1cm area of bluish-purple discoloration to left upper posterior arm - patient states area not present prior to assault.

3: Large area of bruising starting above left elbow and extending down entire lower arm onto left hand - patient states this was not present prior to assault.

4: Skin tears noted to left elbow, left anterior mid-forearm and anterior left wrist - no active bleeding at this time. Patient states these were not present prior to assault.

5: Approx dime sized area of bluish-purple discoloration to right upper anterior shoulder/chest area - patient states this was not present prior to assault.

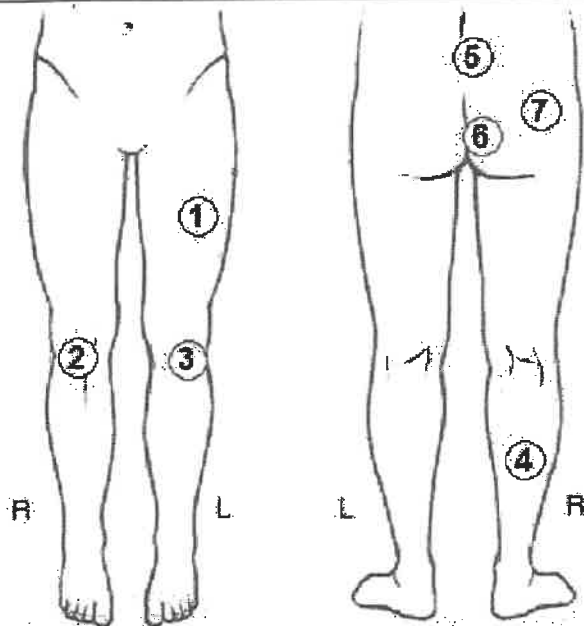
6: Large area of bruising starting from above right elbow and extending down right anterior forearm and onto right hand. Patient denies this being present prior to assault.

7: Broken nail right 5th digit - patient states this was occurred "while I was fighting him".

Cervical back: Full passive range of motion without pain.

Legs:

Physical Exam Note (continued)



- 1: Bluish-purple discoloration approx 8.5cm x 3.5cm noted to left upper thigh - patient states this was not present prior to assault.
- 2: Approx dime sized area of brown discoloration with tenderness noted to right kneecap - patient denies this being present prior to assault.
- 3: Approx dime sized area of brown discoloration with tenderness to left kneecap - patient denies this being present prior to assault.
- 4: Approx 5cm x 2cm area of bluish-purple discoloration to right posterior lower leg on calf area - patient denies this being present prior to assault.
- 5: Approx 4.5cm x 1cm area of bluish-purple discoloration to central lower back - patient denies this being present prior to assault.
- 6: Approx 1cm x 1cm area of bluish-purple discoloration with tenderness to left buttocks near gluteal cleft - patient denies this being present prior to assault.
- 7: Approx dime sized area of brown discoloration with tenderness to left buttocks on right upper quadrant - patient states "that's from where I fell when I was fighting him"

Neurological:

Mental Status: She is alert and oriented to person, place, and time.

Sensory: Sensation is intact.

Motor: Motor function is intact.

Psychiatric:

Behavior: Behavior is cooperative.

Comments: **Intermittently tearful while recounting assault history.**

Strangulation Assessment

Strangulation:

Strangulation Assessment (continued)

Strangulation Assessment: Applicable
 Object used on neck: One hand
 Location of assailant: In front of victim
 How long was the patient strangled?: Unknown
 How many times?: Twice
 Any loss of consciousness?: No
 Throat hoarseness?: No
 Voice at time of exam: Normal per patient
 Loss of incontinence: No
 Loss of bowels: No

Drug Facilitated Assault

Drug Facilitated SA:
 Drug Facilitated Sexual Assault Assessment: Not applicable

Test Performed

Lab tests performed: HIV, RPR, syphilis
 Radiology studies: Chest XR
 Surgical procedure required: No

Evidence Collection

Evidence Collection:
 Collected by: SANE RN
 Items collected: (Comment: Clothes worn at time of assault collected by SLED at patient's home prior to coming to ER.)
 DNA Evidence collected:
 Miscellaneous Collection: No
 Suspected Saliva (Lick/Kiss/Suck/ Bite marks): No
 Oral swabs: Yes
 Fingernail scrapings/cuttings/ swabs: Yes
 Known DNA buccal swab (required): Yes
 Combed pubic hairs: No
 Vaginal swabs: Yes
 Describe: External vaginal swabs collected for possible touch DNA
 Rectal swabs: No
 Suspected body fluid: No
 Other: No
 Toxicology Evidence collected:
 Blood/gray top tube: No
 Urine: No
 Vomit: No
 Other: No
 Photographs: Yes
 Number of photographs taken: 82

Discharge Information

Medications administered: Chlamydia prophylaxis, Gonorrhea prophylaxis
 Medication List: Tetanus vaccine, Rocephin (Ceftriaxone), Other
 Describe: Given by ER Nurse
 Describe: Given by ER Nurse
 Other Medication: Doxycycline 100mg 1 tab PO BID x 7 days - first dose to be given in ER and remainder in Rx by ER Physician
 Discharge Information:
 Date and Time: 10/13/2021 7:09 PM
 Discharged to: Friend's House - "Brenda"
 Accompanied by: Charlene Mooneyham - SLED Victim Advocate
 Admitted to hospital: No
 Consults: N/A
 Follow up:
 Medical: PCP
 Counselor: STSM
 Examiner: Shannon Vincent, RN SANE A/P
 Are you a SANE nurse?: Yes
 Agency: Evidence Fridge

SANE nurse completing exam:  RN SANE A/P

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

IN THE MATTER OF:)

ROBERT BRANDON NEELEY,)

DEFENDANT)

IN THE COURT OF GENERAL
SESSIONS

2023-GS-32-02229

2023-GS-32-02230

2023-GS-32-02231

2023-GS-32-~~02232~~ 02228

2023-GS-32-02234

VERDICT SHEET

drum

DM
AEV

1. HAS THE STATE OF SOUTH CAROLINA PROVEN BEYOND A
REASONABLE DOUBT THAT ROBERT BRANDON NEELEY COMMITTED
THE ACT OF FIRST-DEGREE BURGLARY?

WE, THE JURY, UNANIMOUSLY FIND ROBERT BRANDON NEELEY
[CHECK ONE]:

☐ NOT GUILTY

☒ GUILTY

2. HAS THE STATE OF SOUTH CAROLINA PROVEN BEYOND A
REASONABLE DOUBT THAT ROBERT BRANDON NEELEY COMMITTED
THE ACT OF CRIMINAL SEXUAL CONDUCT – FIRST DEGREE AGAINST
GLENN BRANHAM?

WE, THE JURY, UNANIMOUSLY FIND ROBERT BRANDON
NEELEY [CHECK ONE]:

☐ NOT GUILTY

☒ GUILTY

A TRUE COPY

[Signature]
CLERK OF COURT, DIST. CL. & T.D.

3. HAS THE STATE OF SOUTH CAROLINA PROVEN BEYOND A REASONABLE DOUBT THAT ROBERT BRANDON NEELEY, COMMITTED THE ACT OF KIDNAPPING AGAINST GLENNA BRANHAM?

WE, THE JURY, UNANIMOUSLY FIND ROBERT BRANDON NEELEY
[CHECK ONE]

☐ NOT GUILTY

☒ GUILTY

4. HAS THE STATE OF SOUTH CAROLINA PROVEN BEYOND A REASONABLE DOUBT THAT ROBERT BRANDON NEELEY COMMITTED THE ACT OF ARMED ROBBERY AGAINST GLENNA BRANHAM?

WE, THE JURY, UNANIMOUSLY FIND ROBERT BRANDON NEELEY
[CHECK ONE]

☐ NOT GUILTY

☒ GUILTY

5. HAS THE STATE OF SOUTH CAROLINA PROVEN BEYOND A REASONABLE DOUBT THAT ROBERT BRANDON NEELEY COMMITTED THE ACT OF POSSESSION OF WEAPON DURING A VIOLENT CRIME?

WE, THE JURY, UNANIMOUSLY FIND ROBERT BRANDON NEELEY
[CHECK ONE]

☐ NOT GUILTY

☒ GUILTY

JULY 28, 2023
Lexington County

Anthony Clot-Vassallo
Foreperson

A TRUE COPY
John J. Moore
JULY 28, 2023, 1:00 P.M.

WITNESSES

SLED

Tricia L Stigner

Law Enforcement Case #: 202100307

LSM

ARREST WARRANT NUMBER

2021A3210800162

DOCKET NO. 2023GSS3202228

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

Robert Brandon Neeley

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *LSH*

Date: *5-8-23*

VERDICT

Guilty

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

S.R. Hubbard III, SOLICITOR

Attayed, Del.-V magally
Foreperson of Petit Jury
Date: *7/28/2023*

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Armed Robbery
§ 16-11-0330(A)

At a Court of General Sessions, convened on May 2023, the Grand Jurors of Lexington County present upon their oath:

That Robert Brandon Neeley did in Lexington County, South Carolina on or about October 12, 2021 knowingly and willfully while having possession of an object which the victim reasonably believed to be a deadly weapon and alleging by actions or words that he was armed, to wit: That Robert Neeley did visibly possess a firearm and feloniously take from the person or presence of Glenna Branham, by means of force, threats or intimidation, goods or monies which are described as follows: directed victim to remove money from her banking account in Lexington County which was subsequently stolen, with the intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

WITNESSES

SLED

Tricia L Stoner

Law Enforcement Case #: 202100307

DOCKET NO. 2023GS3202229

The State of South Carolina

County of Lexington

LSM

ARREST WARRANT NUMBER

2021A3240800163

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

Robert Brandon Neeley

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *Proctor*
Date: *5.8.23*

VERDICT

Guilty

CDR #: 0095

Indictment for

Kidnapping

§ 16-03-0910

S.R. Hubbard III, SOLICITOR

Attended Clerk - V. Neeley
Foreperson of Petit Jury
Date: *7/26/2023*

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Kidnapping
§ 16-03-0910

At a Court of General Sessions, convened on May 2023, the Grand Jurors of Lexington County present upon their oath:

That **Robert Brandon Neeley** did in Lexington County, South Carolina on or about October 12, 2021, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Glenna Branham by any means whatsoever and without authority of law, and without her consent, to wit: did confine the victim in the residence and/or did coerce the Victim to leave the residence with him and/or did confine the victim in a vehicle while in Lexington County, in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

WITNESSES

SLED

April B Sykes

Law Enforcement Case #: 202100307

LSM

ARREST WARRANT NUMBER

2021A3210203130

DOCKET NO. 2023GSS3202230

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

vs.

Robert Brandon Neeley

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

S.B. 23

VERDICT

GUILTY

CDR #: 0160

Indictment for

Criminal Sexual Conduct - First Degree

§ 16-03-0652

S.R. Hubbard III, SOLICITOR

Foreperson of Petit Jury

Date: 7/28/2023

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Criminal Sexual Conduct - First Degree
§ 16-03-0652

At a Court of General Sessions, convened on May 2023, the Grand Jurors of
Lexington County present upon their oath:

drum-judge
Don - delase
Don
That **Robert Brandon Neeley**, did in Lexington County, South Carolina on or about
October ¹²~~31~~, 2021, commit the offense of criminal sexual conduct in the first degree in
that he did commit a sexual battery upon the victim, Glenna Branham, without her
consent, by the use of aggravated force to accomplish the battery, to wit: digital
penetration and/or intrusion of the vaginal opening, in violation of Section 16-3-652,
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.


DEPUTY SOLICITOR

WITNESSES

SLED

April B Sykes

Law Enforcement Case #:

DOCKET NO. 2023GSS3202231

The State of South Carolina

County of Lexington

LSM

ARREST WARRANT NUMBER

2023A3210200962

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

Robert Brandon Neeley

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Guilt

CDR #: 0079

Indictment for

Burglary - First degree

§ 16-11-0311

S.R. Hubbard III, SOLICITOR

Foreperson of Petit Jury
Date: 7/26/2023

Attest: *Michael Charles Vassallo*

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Burglary - First degree

§ 16-11-0311

At a Court of General Sessions, convened on May 2023, the Grand Jurors of Lexington County present upon their oath:

That **Robert Brandon Neeley** did in Lexington County, South Carolina on or about October 12, 2021 did knowingly and willfully enter a dwelling, to wit: [REDACTED] Congaree Downs Drive, being the dwelling of Glenna Branham, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, he was armed with a deadly weapon or explosive and/or caused physical injury to a person who is not a participant in the crime, being the victim Glenna Branham, and/or used or threatened the use of a dangerous instrument, and/or displayed what was or appeared to be a knife, pistol, revolver, shotgun, machine gun, or other firearm, and the entering or remaining occurred in the nighttime, without her consent, in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

WITNESSES

SLED

Tricia L Stoner

Law Enforcement Case #: 202100307

LSM

ARREST WARRANT NUMBER

2021A3210800165

DOCKET NO. 2023GS3202234

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

Robert Brandon Neeley

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

A. J. Holt
5-8-23

VERDICT

Guilty

CDR #: 0549

Indictment for

Possession of a weapon during
commission of a violent crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

Atty Gen. Del. V. Vando
Foreperson of Petit Jury
Date: *7/28/2023*

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Possession of a weapon during commission of a
COUNTY OF LEXINGTON	)	violent crime
	)	
		§ 16-23-0490

At a Court of General Sessions, convened on May 2023, the Grand Jurors of Lexington County present upon their oath:

That **Robert Brandon Neeley** did in Lexington County, South Carolina on or about October 12, 2021 knowingly and willfully, did possess a firearm and/or did visibly display what appeared to be a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit: Armed Robbery and/or Kidnapping, such weapon described as a pistol, in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

756

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2023 - GS - 32 - 02228Robert Brandon NeeleyAW#: 2021A3210800162

AKA:

Date of Offense: 10/12/2021Race: White Sex: M Age: 37S.C. Code §: 16-11-0330(A)DOB: -1986 SS# CDR Code #: 0139Address: Shumpert RdCity, State, Zip: West Columbia, SC 29172-2461

SENTENCE SHEET

DL#* SID# *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: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponIn violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

64191

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 24 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: 2023- GS-32-0223☒ 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.492 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. Robert Brandon Neeley INDICTMENT/CASE#: 2023 - GS - 32 - 02228

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	\$ <u>100</u>
§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	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
		TOTAL	\$ <u>125.00</u>

Clerk of Court/Deputy Clerk: Lisa Conner
Court Reporter: Stacy JohnsonPresiding Judge: Debra McCaslin
Judge Code: 2769
Sentence Date: July 28, 2023

758

D-30

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Robert Brandon Neeley

AKA:

Race: White Sex: M Age: 37DOB: 1986 SS#: [REDACTED]Address: [REDACTED] Shumpert RdCity, State, Zip: West Columbia, SC 29172-2461DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2023 - GS - 32 - 02229AW#: 2021A3210800163Date of Offense: 10/12/2021S.C. Code §: 16-03-0910CDR Code #: 0095

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: Kidnapping / KidnappingIn violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ 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. [REDACTED] (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

<u>64191</u>	SC Bar #	Defendant	Attorney for Defendant	SC Bar #
Solicitor				

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 20 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: 2023-65-32-02231☒ 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. 492 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. Robert Brandon Neeley INDICTMENT/CASE# 2023 - GS - 32 - 02229

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 prmts. 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	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
		TOTAL	\$ 125.00

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Debra Comer
Stacy Johnson

Presiding Judge: Debra McCluslin
 Judge Code: 2769
 Sentence Date: July 28, 2023

760

D-3D

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Robert Brandon Neeley

AKA:

Race: White Sex: M Age: 37DOB: 1986 SS#: [REDACTED]Address: [REDACTED] humpert RdCity, State, Zip: West Columbia, SC 29172-2461DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2023 - GS - 32 - 02230A/W#: 2021A3210203130Date of Offense: 10/12/2021S.C. Code §: 16-03-0652CDR Code #: 0160

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: Sex / Criminal sexual conduct - First degreeIn violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
☐ 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. [REDACTED] (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

64191

 Solicitor [REDACTED] SC Bar # [REDACTED] Defendant [REDACTED] Attorney for Defendant [REDACTED] SC Bar # [REDACTED]
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 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 SCDCC.492 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. Robert Brandon Neeley INDICTMENT/CASE# 2023 - GS - 32 - 02230

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	\$ _____

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 125.00

Clerk of Court/Deputy Clerk: Lisa Coner
Court Reporter: Stacy JohnsonPresiding Judge: Debra McCarlin
Judge Code: 2769
Sentence Date: July 28, 2023

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Robert Brandon Neeley

AKA:

Race: White Sex: M Age: 37DOB: 1986 SS#: [REDACTED]Address: Shumpert RdCity, State, Zip: West Columbia, SC 29172-2461DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2023 - GS - 32 - 02231A/W#: 2023A3210200962Date of Offense: 10/21/2021S. C. Code §: 16-11-0311CDR 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 ☐ PLEADSTO: Burglary / Burglary (After June 20, 1985) - First degreeIn violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

	64191			
Solicitor	SC Bar #	Defendant	Attorney for Defendant	SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 20 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: 2023-65-32-02231
2023-65-32-02230☒ 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.
492 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. Robert Brandon Neeley INDICTMENT/CASE# 2023 - GS - 32 - 02231

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 \$ _____

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500 \$ _____

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____

TOTAL \$ 125.00

Clerk of Court/Deputy Clerk: Stacy Johnson
Court Reporter: Stacy Johnson

Presiding Judge: Debra McCallJudge Code: 2769Sentence Date: July 28, 2023

764

0-5

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE# 2023 - GS - 32 - 02234Robert Brandon NeeleyA/W#: 2021A3210800165

AKA:

Date of Offense: 10/12/2021Race: White Sex: M Age: 37S.C. Code §: 16-23-0490DOB: 1986 SS#: [REDACTED]CDR Code #: 0549Address: [REDACTED] humpert RdCity, State, Zip: West Columbia, SC 29172-2461DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:

 Solicitor 64191 SC Bar # [REDACTED] Defendant [REDACTED] Attorney for Defendant [REDACTED] SC Bar # [REDACTED]
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed [REDACTED] yearsand/or to pay a fine of \$ [REDACTED]; provided that upon the service of [REDACTED] days/months/years/Time Served and or paymentof \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended with probation for [REDACTED]

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: 02228, 02231☒ 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. 492 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.

2023-GS-32-02229, 02230

STATE VS. Robert Brandon Neeley INDICTMENT/CASE# 2023 - GS - 32 - 02234

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	\$
☐ 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 \$ 12500

Clerk of Court/Deputy Clerk: Stacy Johnson
Court Reporter: Stacy JohnsonPresiding Judge: Debra McCaslin
Judge Code: 2769
Sentence Date: July 28, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

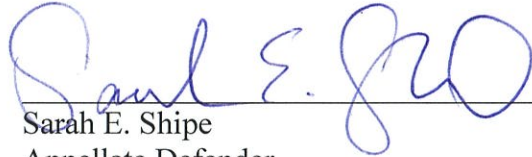
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED

Dec 20 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 20th day of December, 2024.

RECEIVED

Dec 20 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

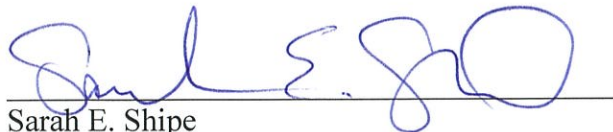
ROBERT B. NEELEY,

APPELLANT

APPELLATE CASE NO. 2023-001259

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 J. Benjamin Aplin, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 20th day of December, 2024.



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