

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
Dec 03 2024
S.C. SUPREME COURT

Certiorari to Beaufort County

Honorable Roger M. Young, Circuit Court Judge

COURTNEY E. BROCK,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000681

APPENDIX

JOANNA K. DELANY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DANIELLE E. DIXON
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3970

ATTORNEY FOR PETITIONER

I. MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit
102 Ribaut Road
Beaufort, SC 29902
(843) 779-8477

ATTORNEYS FOR RESPONDENT

VOLUME II OF II
PAGES 501-703

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 21-24, 2019.....	1
APPLICATION FOR POST-CONVICTION RELIEF	583
RETURN AND MOTION FOR A MORE DEFINITE STATEMENT	590
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	600
SECOND AMENDED APPLICATION FOR POST-CONVICTION RELIEF	602
PCR HEARING TRANSCRIPT DATED NOVEMBER 30, 2023.....	605
ORDER OF DISMISSAL.....	690
INDICTMENT.....	701
SENTENCE SHEET.....	703

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 seeking to do is put Investigator Malphrus back on the
2 stand, and to actually admit the, the video into
3 evidence, is that correct?

4 MS. SWANSON: That's correct. In the alternative,
5 you know, I mean, that is, that is what I seek to do.
6 In the alternative, I could elicit testimony, but I
7 think that, you know, giving the complete picture to
8 the jury is the, the best way to go about it, and what
9 the State requests to do is enter that video interview
10 laying the foundation and such as an admission by a
11 party opponent under 801(b)(2)(a). This is the party's
12 own statement.

13 Statement, again, is defined, under 801, as an
14 oral or written assertion. Admissions by party
15 opponents are not hearsay. Therefore, they are
16 admissible evidence to rebut the defense's case that
17 the defense just put up.

18 This is not 613(b), which, actually, specifically
19 states it does not apply to 801(b)(2). It does not
20 apply to admissions by a party opponent. So, I do not
21 have to go through that process of informing the
22 Defendant of the time, substance, place of the
23 statement in order for her to admit or deny it.

24 So, the State's position is that the jury has the
25 right to consider the differences between what she told

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 law enforcement, and what she testified to on the
2 stand. These are all of her statements. Defense has
3 been aware of the entire time. I didn't know I would
4 want to seek to enter these until she took the stand,
5 as well as family members, and the defense presented
6 the case.

7 These statements are voluntary. Therefore,
8 admissible. They are not hearsay. They are offered to
9 rebut the Defense's case. They are probative, and they
10 are relevant, and they should be before the jury to
11 weigh as properly admitted.

12 Thank you.

13 THE COURT: Mr. Walker.

14 MR. WALKER: What I'm hearing her say is we'd like
15 to hear the defense case, and then put up another case
16 to rebut it. The State, for anything factual that's
17 stated in that interview that they thought was good for
18 them or an admission, one, could have been admitted in
19 their case in chief. It's where they're supposed to
20 enter their good information.

21 Two, could have waited and gambled on the fact
22 that the Defendant was gonna take the stand and then
23 ask the Defendant about it. Neither of those things
24 happened.

25 She just told she thinks she has -- the jury has

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 the right to hear the differences, which is impeachment
2 for credibility, which takes it out of an admission,
3 and, again, that is -- that's all consistent with what
4 she's said. I mean there's gaps, but there's nothing
5 crazy different in there.

6 But I mean, obviously, they disagree with me
7 there, but they're seeking -- she literally she said
8 the jury has the right to hear the differences. That's
9 why I want to put that in, and that is impeachment.

10 It is not an admission. There's, there's nothing
11 factual that she's admitting to there that they could
12 not have gotten into without this coming -- they
13 limit -- they could of just asked it. They could of
14 either played the thing -- well, the Judge has found
15 it's voluntary. So, I guess you would of found it
16 voluntary if they'd done it pretrial. They could of
17 done that and said oh, this is a great fact for us, we
18 want to play this, or they could have said, oh, the
19 Defendant's testifying. Let's ask her about this. And
20 then if she -- then, you know, if she denies it, we've
21 already done our Jackson v. -- our Jackson v. Denno
22 hearing, and we're ready to impeach her, which they did
23 not do.

24 And now, and now they're really seeking to have --
25 just go here, let me play this video, and this is the

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 last thing you hear. Of course, there's clearly
2 improper things on there. He's commenting on, you
3 know, if he believes my client's being honest or not,
4 and other things like that. We don't have a redacted
5 version. And, of course, even if it were an admission
6 at this point, the, the format is so prejudicial of, of
7 just playing it cause that's not how you impeach.

8 You, you ask the person did you say that, and it's
9 not oh, did you give an interview that's completely
10 different, let's play the whole interview. Did you
11 tell X. Yes, I said X or no, I didn't say X. And then
12 you play 15 seconds of her either not saying -- of her
13 saying that's when she denied it or you don't play a
14 video at all if she said she did it.

15 And, again, to basically say, well, I wanted to
16 wait to see what they're going to do before I decide to
17 have my evidence ready, well, I'm sorry, you didn't do
18 it that way. But you don't get a second bite at the
19 apple. We're -- we've been always preparing our case,
20 and I have prepared for this eventuality. My client's
21 watched all these videos, and had they had a Jackson v.
22 Denno, would have been ready to answer questions about
23 that. But they did not do that.

24 They, they made their bed, and I don't think they
25 can show any reason, extraordinary reason, that, that

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 now they should be able to come back. I mean we have
2 the rules of evidence for a reason. It governs how
3 this stuff is supposed to happen, and just kind of make
4 up a new, a new way to get in evidence because they
5 don't like how things are going.

6 And so, the, the rule -- even denotes to Rule 802,
7 right?

8 801(b)(2), you read it, right? And denotes in the
9 rules talk about admissions of the party's
10 admissible -- well, basically, in the context of
11 discussing the case, as they discuss the cases where
12 basically they are statements against interest are
13 admissions in the criminal context, and I don't know.
14 I haven't read it all, but I kind of think that would
15 be the thrust of what we would say.

16 So, where the statement is not against interest,
17 which the State conceded that they weren't at the
18 beginning, at the pretrial stage of this trial, they're
19 not admissions, and, they're again, back to the
20 foundation rules, 613.

21 But the, the factual -- I don't -- again, if they
22 wanted to play this entire video, the time to do that
23 would of been in their case. If they want to come back
24 and ask my client questions about it, the, the immense
25 prejudice of the last thing of the jury hearing is them

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 berating my client about these videos in the defense
2 stage of the trial after a day and four witnesses have
3 passed since my client was on the stand. Without the
4 surrounding context and the fresh memory of what she
5 just said or that she might refer back to something.
6 That -- you know, again, that prejudice, to me, is not
7 something I created. That, that was their decision
8 making process that created the prejudice in the trial,
9 and such that, you know, certainly object and move for
10 a mistrial. Well, I would object, you know, if you let
11 it here. But it's, it's just a mess, and it's a mess
12 of their creation.

13 THE COURT: Thank you. I'm finding that the
14 video's not admissible. I do think that the, the
15 purpose that the State seeks to introduce the video is
16 for impeachment of her testimony, and 613(b) requires
17 that the witness be given an opportunity to explain or
18 deny the statements, which she certainly would not get
19 given the fact that this is reply.

20 I certainly understand the State's position. I
21 don't think that the statements constitute admissions
22 by a party opponent, but whether it could have been
23 introduced in the State's original case, I'm really not
24 gonna address that except to say that I do think that
25 it has to be an admission for it to fall under

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 801(b) (2). But I think even under 801(b) (2), allowing
2 it in rebuttal, without the defendant getting an
3 opportunity to explain, would be highly prejudicial.
4 But really the basis for my ruling is the State was
5 seeking to use them at -- use it for impeachment under
6 613(b), but extrinsic evidence, prior inconsistent,
7 inconsistent statement is not admissible at this point
8 without her having the opportunity to explain or deny
9 the statement.

10 So, that's my ruling, and my feeling is that would
11 apply to all of the statements that she's made
12 previously.

13 Let's take a break cause I need a break, and let's
14 take about ten minutes so we can come back and
15 determine if the State still has witnesses they want to
16 put up. If you don't, is everyone's resting, then I'll
17 hear additional motions at that time.

18 MS. SWANSON: Okay. Your Honor, and with all due
19 respect, I just want to make sure I have your ruling
20 right. Your position is that 801(d) (2), the definition
21 of admission would be a confession or a self-serving
22 statement?

23 THE COURT: Some kind of statement against
24 interest, yes, ma'am.

25 MS. SWANSON: Okay. Even though the rule does not

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 at all say that?

2 THE COURT: It says that it is an admission by a
3 party opponent. And so my ruling would be, first of
4 all, that that video did not give an admission, but,
5 more importantly, that the State, the State is seeking
6 to introduce it for the purpose of impeachment. It is
7 not admissible as extrinsic evidence of a prior
8 inconsistent statement under 613(b) without her having
9 had an opportunity to explain or deny the statement, and
10 that's my ruling.

11 MS. SWANSON: Okay. And just for the record,
12 613(b) does specifically state it does not apply to
13 801(d)(2) which---

14 THE COURT: I'm aware of that.

15 MS. SWANSON: Thank you.

16 THE COURT: That's my ruling.

17 MS. SWANSON: Thank you.

18 THE COURT: We will be in recess for 10 minutes.

19 (The Judge exits the bench at 10:55 a.m.)

20 MS. SWANSON: Your Honor, the defense is just
21 panning through a PowerPoint that I plan on using in my
22 closing just to make sure there's nothing that we need
23 to address. We're on the last, on the last slide.
24 It's short.

25 THE COURT: Okay.

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 (Pause.)

2 THE COURT: Does the State have any additional
3 witnesses?

4 MS. SWANSON: No, Your Honor.

5 THE COURT: Okay. Let's talk about jury charges.
6 You've got my draft of proposed charges. Any additions
7 or exception from the State?

8 MS. SWANSON: No additions or exceptions.

9 THE COURT: Yes, sir.

10 MR. WALKER: None, Your Honor.

11 THE COURT: So we're ready to go into closings?

12 MS. SWANSON: Yes, Your Honor.

13 MR. WALKER: As soon as my client's back in the
14 courtroom.

15 THE COURT: Sure.

16 (Pause.)

17 THE COURT: Okay. We do need a verdict form. And
18 you're requesting, requesting any lesser included
19 offenses?

20 MR. WALKER: No, Your Honor.

21 THE COURT: State's gonna open in full on the
22 facts and law. Mr. Walker, you'll go---

23 MR. WALKER: Just like in the old days.

24 THE COURT: ---second, and then Ms. Swanson will
25 get a reply strictly on anything that you have raised

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 in your closing.

2 MS. SWANSON: Yes, Your Honor.

3 THE COURT: You want to go ahead and bring the
4 jury in. Thank you. Actually let's hold off on the
5 jury for just one moment.

6 Mr. Walker, you want to renew your motions for
7 directed verdict now that both the State and defense
8 have rested their case?

9 MR. WALKER: I do, Your Honor. Thank you, and, of
10 course, trial objections throughout.

11 THE COURT: And all on the same grounds that you
12 raised previously?

13 MR. WALKER: Yes, sir.

14 THE COURT: Ms. Swanson, do you want to respond to
15 that at all?

16 MS. SWANSON: Your Honor, I stand on the previous
17 argument. Thank you.

18 THE COURT: Thank you. So, the renewed motion for
19 directed verdict is denied. I do think there is
20 sufficient circumstantial evidence in this case to go
21 to the jury. Thank you.

22 Now we're ready for the jury.

23 THE BAILIFF: Yes, ma'am.

24 THE COURT: And Andy is going to hand you a
25 proposed verdict form.

FURTHER REDIRECT EXAMINATION OF JASON MALPHRUS BY
MS. SWANSON

1 MS. SWANSON: No objection from the State.

2 MR. WALKER: None from defense.

3 THE BAILIFF: The jury is entering the courtroom,
4 Your Honor.

5 (The jury enters the courtroom at 11:10 a.m.)

6 THE BAILIFF: The jury is seated, Your Honor.

7 THE COURT: Okay. Ladies and gentlemen, thank you
8 for your patience. We had a number of issues of law
9 that we needed to address. We're gonna move right into
10 the closing arguments of the attorneys.

11 Ms. Swanson.

12 MS. SWANSON: Thank you, Your Honor. May it
13 please the Court.

14 Why? It's a question that the victims and the
15 families of victims struggle with everyday. Why? And
16 it's something that you guys probably want to know as
17 well as jurors. And while the State may not need or be
18 required by the law to prove, prove motive, what was
19 the motive here?

20 Well, I hope that Amanda Reddish's testimony went
21 into some insight as to where a drug addict's head
22 lies, and how far they will go, and what they don't
23 care about when they're seeking that high. Bad choices
24 are an every day occurrence in the world of a drug
25 addict. Hanging around Brian Walls is just one of

CLOSING ARGUMENT BY THE STATE

1 those bad choices, and he certainly added fuel to the
2 fire if you will.

3 Surely you have heard the parental advice about
4 getting mixed up in the wrong crowd. Well, Courtney
5 became the wrong crowd. Remember that drug use was
6 rampant. Courtney was strung out. She didn't claim
7 that she had ever been on a bender before because she
8 took a nap after using meth, but that does not make it
9 not a bender.

10 Okay. And she was prone to make bad choices when
11 she got high. That is no defense though. And the
12 Judge will tell you, if you voluntarily take drugs, you
13 are responsible for any criminal act that you commit.

14 All right. So, bear that in mind. Remember
15 Courtney did talk about how Friday and Saturday night
16 leading up to Teresa's murder were party nights, and
17 then things really seemed to calm down Sunday and
18 Monday. You know, all they did was smoke marijuana.

19 Well, I guess they were out of drugs, because when
20 does the party ramp back up?

21 Tuesday, when Ms. Teresa died. When she got her
22 pills. Some time late Monday night, early morning
23 hours of Tuesday. They ran out of drugs, and they went
24 to get some. Got to keep the party going.

25 This is not the case of wrong place at the wrong

CLOSING ARGUMENT BY THE STATE

1 time. The events revolving around Teresa's murder span
2 the course of days, different locations, different
3 county.

4 How is Courtney consistently in the wrong place at
5 the wrong time? I would say four different wrong
6 places.

7 Let's think about that. 126 Falls Road, the
8 murder scene, Howard Johnson, the rape scene, the 1999
9 Camry, the stolen car, and then Chesterfield County,
10 the getaway heading to the state line with Brian trying
11 to sell pills because they ran out of get away money.
12 She's handing him the pills to sell. She's taking that
13 label off of the bottle because remember her DNA was on
14 that bottle. She's helping in all this.

15 So, the defense wants you to believe that she was
16 in the wrong four places at the wrong four times. How
17 unlucky could one girl get? She doesn't even consider
18 herself an unlucky person. That's just ridiculous.

19 Courtney made horrible choices that led her to
20 being, to being in these spots and participating in
21 this plan from the beginning. She is involved from the
22 beginning. Stealing the pills, wrapping the victim in
23 duct tape, using the pills, trying to cover it up,
24 taking the discarded duct tape from the murder scene,
25 and putting it in her backpack, and then trying to get

CLOSING ARGUMENT BY THE STATE

1 away.

2 She and Brian also took the victim's cell phone so
3 nobody could locate that. You know, the house ends up
4 torched. I guess, you know, the black guy, John
5 Priester, was gonna be the fall guy for that. He
6 didn't even get to, you know, go on the joyride to the
7 county line trying to get away, and using all those
8 pills or sell them.

9 Now, the Judge is going to explain to you what
10 circumstantial evidence is. There is circumstantial
11 evidence. There is direct evidence. Very rarely do we
12 have eye witnesses to a heinous murder such as this.
13 You know, it doesn't take place in someone's front
14 yard.

15 Okay. When the case is based on circumstantial
16 evidence, which this one is, there must be substantial
17 circumstantial evidence that points to the defendant.
18 In this case, we actually have three defendants,
19 although, you're analyzing the evidence as it pertains
20 to Courtney. But I would submit to you, all three were
21 involved, all three from the beginning, and all of this
22 evidence points to all three of them including
23 Courtney.

24 Judge Curtis is also going to talk to you about a
25 accomplice liability, which is also referred to as the

CLOSING ARGUMENT BY THE STATE

1 hand of hand is the hand of all, something I mentioned
2 in opening. And that means that if more than one
3 person sets out to accomplish an unlawful act, then all
4 present are as guilty as the one that strikes the fatal
5 blow. And Courtney was not just merely present. She
6 wasn't just observing this horrible murder take place
7 or observing the body being wrapped up or observing
8 Brian fleeing in the stolen car. She was intricately
9 involved in all of this.

10 She wrapped her up in that bedding, and duct taped
11 her right up along with the other two. Teresa may not
12 have even been dead yet. The pathologist testified
13 that she could have been smothered from something soft.
14 She certainly didn't die from natural causes. She was
15 duct taped at the wrist, beaten, rolled up in blankets,
16 face covered, duct taped around each end. She died as
17 the result of homicidal violence at the hands of
18 Courtney Brock, Brian Walls, and John Priester.

19 Now, we heard a lot of testimony, testimony about,
20 you know, Sunday, December 4th, Monday, December 5th,
21 and it's hard to hear all of those dates and kind of
22 put them altogether. So, I've got a very brief
23 PowerPoint that I'd like to show you at this time just
24 to go over the timeline. And if you want to turn your
25 attention right there.

CLOSING ARGUMENT BY THE STATE

1 All right. So, we're gonna start on Saturday,
2 December 3rd of 2016. Amanda Reddish testified for
3 you. She told you she gives Teresa a ride home from
4 Wal-Mart. Teresa had refilled her prescription. Brian
5 asked if she has her pills when he comes over to Teresa
6 and tells Amanda to grab them.

7 So, at this point, on Saturday, Brian, and
8 presumably everyone at Falls Road, knows that Teresa
9 has a brand new stack of prescription pills. Courtney
10 testified that Saturday was a party night, and, in
11 fact, her aunt Christine had baby M.S. at her house
12 that night so she could party as much as she wanted to.

13 Next slide. Sunday, December 4th of 2016. Amanda
14 takes Tera to Falls Road to hang out with Brian.
15 Amanda sees Courtney and is everyone's partying.
16 Amanda tells it's drugs and drinking. At some point,
17 Courtney, Brandon, and the two boys borrow Amanda's car
18 to go somewhere. Who knows where they want. Maybe
19 they went to get cigarettes, drinks, who knows, drugs.
20 Hannah, on Sunday, has her last conversation with her
21 mother.

22 Now, Courtney, on the other hand, testified that
23 this was a lazy day. She maybe smoked some marijuana,
24 did some home improvement projects with some duct tape,
25 and Aunt Christine testified that she brings Baby

CLOSING ARGUMENT BY THE STATE

1 M.S. back around noon that day, and that was the last
2 time that she saw Courtney when she reported her
3 missing.

4 Okay. Monday, December 5th of 2016. Amanda stays
5 on Lady's Island with Brandon's mother, Tera, using
6 drugs all day. All right. Remember. Amanda said I
7 didn't even go to the Bon Aire neighborhood that day.
8 I was on Lady's Island. I don't know what was going on
9 over there. I didn't see Courtney.

10 Courtney puts herself at Falls Road all day. She
11 said she was arguing with Brandon, and they were making
12 the decision to break up.

13 Now, late Monday night, early Tuesday morning,
14 what happened to Teresa?

15 Next slide.

16 Well, Tuesday is party time. We've got marijuana.
17 We've got pink crystal meth, and a hotel party at the
18 Howard Johnson's.

19 Next slide. Courtney testifies that she begins
20 the day at 6:00 a.m. with Brian Walls using marijuana
21 and meth. Around 2:00 p.m., Brian and Courtney call
22 and text Amanda about a ride. They are together.

23 Now, when Courtney testified, she did not
24 acknowledge remember anything about that. They tell
25 her that they have pills. They being Courtney and

CLOSING ARGUMENT BY THE STATE

1 Brian, who are together, have pills. Hum. Wonder
2 where they got those pills?

3 Amanda shows up at [REDACTED] Falls Road to find an angry
4 Brandon with baby M.S. [REDACTED]. This is about 2:00, 3:00 in
5 the afternoon she testified. Brandon and Amanda then
6 try and get in touch with Brian and Courtney to no
7 avail. Brandon starts sending about 20 unanswered
8 angry texts to Brian. He knows they're together.

9 Meanwhile, Brian, Courtney, John Priester, and his
10 boys secure a ride, get a hotel room to party at the
11 Howard Johnson's. Brian leaves with the owner of the
12 car, comes back yelling, and the crew hops in the car
13 to then drive down a dirt road in Charleston, and throw
14 stuff out of the car all of which is apparently on the
15 up and up according to Courtney because he just simply
16 borrowed the car. I have no idea what's going on.

17 Yeah, I didn't know what was in the car. Yeah, we
18 had been driving around for about nine hours, but no
19 clue what's in the car.

20 Brian and Courtney ditch the two boys and Priester
21 back in Beaufort County in Gray's Hill, and then head
22 to the North Carolina border. Next slide.

23 Let's get out of here. Next slide.

24 Wednesday, December 7th, 2016. Around 10:30,
25 neighbor sees K.W. [REDACTED] and X.W. [REDACTED] with John Priester

CLOSING ARGUMENT BY THE STATE

1 together by Teresa's house. Brian's sons act as a
2 lookout while Priester torches it. Around 11:00 a.m.
3 is when the fire trucks come, and they find Teresa
4 Seigler, black and blue, beaten, wrists bound with duct
5 tape, that includes prints, palm print from Courtney
6 Brock, fingerprint from John Priester, and Brian Walls'
7 DNA.

8 11:00 p.m., Chesterfield County locates Courtney
9 and Brian about four hours from Beaufort in a stolen
10 car with duct tape, Teresa's pills, Teresa's purse,
11 Teresa's debit card, and Teresa's phone. Courtney's
12 DNA is all over these pill bottles belonging to Teresa
13 as well as wadded up duct tape. Teresa's debit card is
14 in that backpack that has her belongings in it. Her
15 backpack. Brian's DNA is also on various pill bottles
16 and duct tape as well. John Priester's DNA is on that
17 debit card.

18 Nest slide. And so we are here present day in
19 court, Courtney's day in court. Courtney testifies
20 that, after studying the State's evidence for three
21 years, her memory has improved. At this point, one of
22 the three defendants has been convicted of Teresa
23 Seigler's murder, and, of course, her family continues
24 to seek justice as does the State.

25 At the beginning of the case I told you that

CLOSING ARGUMENT BY THE STATE

1 Courtney, Brian, and John all left a little bit of
2 truth behind despite the attempt to get rid of all of
3 the evidence including Teresa's body, which had been
4 doused with gasoline. Remember, Jennifer Mills
5 testified that there was gasoline present, not only on
6 the bedding that Teresa was on in the master bedroom,
7 but the carpet outside of the master bedroom, and the
8 pink nightgown that she was wearing.

9 Who do you think came up with that idea because
10 that arson didn't happen until Brian and Courtney were
11 alone in that stolen car. The paranoid Bonnie and
12 Clyde that were on the run, all meth-ed up, thinking
13 about, oh, God, what did we leave behind? We could
14 have left evidence behind. We could of left
15 fingerprints behind. Thank God Priester's back in town
16 cause we're gonna call him and get him to torch it.

17 So, they get him to take care of that little
18 detail while the boys, X.W. and K.W., act as lookouts
19 making sure that it gets done. Despite being in a
20 trailer fire, experts are able to find some forensic
21 evidence even though John Donahue testified that that's
22 probably about the worst place to preserve DNA. And
23 through that forensic evidence, as we discussed, there
24 is a link with all three to the murder of the victim.

25 Now, Courtney showed you how she thought her print

CLOSING ARGUMENT BY THE STATE

1 ended up on that duct tape. I'm sure you recall this
2 crazy demonstration that she did, and, and claims you,
3 you routinely do for, for home improvement. It doesn't
4 make sense that she is going over to a trailer that
5 does not, in any way belong to her, other people are
6 renting from Brian Walls, and have paid him for it.
7 Why, on Sunday, is she, as she claims, suddenly going
8 over there to do this bizarre home improvement project
9 with duct tape that she doesn't use all of, and then
10 rolls back up, and this is what goes missing, and this
11 is what John and Brian used to the wrap up Teresa.

12 Tell me what sense that makes, and who uses duct
13 tape in that manner. I mean it just doesn't make
14 sense. What is this picture frame?

15 I mean, if it were even close to the truth and
16 she's got her palm prints all over it as she's wrapping
17 it up, wouldn't we find multiple palm prints from
18 Courtney because it's the palm prints that are placed
19 on the nonadhesive side that the adhesive side picks up
20 when it's wound around the blanket. And then there's
21 Courtney's DNA all over Teresa's empty Morphine and
22 Clonazepam bottles, and the unlabeled bottles that we
23 spoke about that she handed to Brian because he was
24 trying to sell pills in it.

25 The label from the Tizanidine bottle that had been

CLOSING ARGUMENT BY THE STATE

1 removed from that bottle, her DNA. Well, it's not
2 Brian only trying to sell pills as they're, you know,
3 in Chesterfield, in the getaway car, trying to get even
4. farther away, and make some money. It's Courtney too.
5 The wadded up duct tape that was in Courtney's
6 backpack, another attempt to cleanup the remnants of
7 the crime that they wanted not to be linked to.

8 Now, let's talk about Dr. Skipper's testimony for
9 a minute. The time and manner of death. So, Teresa's
10 body was in a state of decomposition when law
11 enforcement got there. She had been dead.

12 All right. She didn't die in the fire. She had
13" died sometime prior to, and the fire was Wednesday
14 morning. Pathologists confirmed that, you know, the
15 pictures taken at the ER were consistent with having
16 been dead for a period of time, 24, 36 hours. You
17 know, it's difficult for them to say because it's
18 determined -- it is determined by a lot of
19 environmental factors. But by the time she had her
20 autopsy done on December 8th, she was able to say she
21 was significantly decomposed.

22 And we talked about how, late Monday night, early
23 hours of Tuesday morning, may sense because then it is
24 party on from early Tuesday morning, and that party
25 morphed into the whole Chesterfield getaway. Speaking

CLOSING ARGUMENT BY THE STATE

1 of which, you can consider flight in your deliberations
2 as consciousness of guilty. Found in a stolen Camry in
3 Chesterfield County, bordering North Carolina.

4 Courtney says she has no friends there, and Brian just
5 wanted some company while he was gonna go try and get
6 his old job back.

7 Can you imagine having an interview with Brian
8 Walls having been messed up, not sleeping for days in
9 Chesterfield County? I mean, really? He's going to
10 get his old job back? Does that sound plausible? Does
11 that sound like a reasonable explanation to be in
12 Chesterfield to you? And don't forgot it. Courtney
13 and Brian are essentially fleeing with murder kits in
14 their backpacks.

15 They've got duct tape. They've got rope. They've
16 got gloves, and then they have the murdered victim's
17 belongings. Courtney's backpack, the Trailmaker
18 backpack.

19 Now, when Lieutenant Jordan, in Chesterfield,
20 testified, I asked him, prior to the inventory search,
21 did you see any backpack in the passenger side. Yes.
22 There was a black backpack on the passenger's side.

23 All right. So, while it may have been moved up to
24 the passenger's seat when they did an inventory search,
25 it was in the passenger's side with Courtney Brock.

CLOSING ARGUMENT BY THE STATE

1 Okay. It also has items belonging to Courtney.

2 Of course, she doesn't know anything about how it's
3 gotten there, but, you know, all of her makeup. She's
4 got her Victoria's Secret bag. There's women's shorts
5 and pants that she thinks probably do belong to her.

6 Let's see. There is a brush, some white rope.
7 Women's gloves came out of this backpack. Balls of
8 duct tape came out of this backpack. Pills belonging
9 to Teresa came out of this backpack. State 64 is a
10 picture of, of everything that came out of this
11 backpack, and then, out of the front pocket, came
12 Teresa's debit card that John Priester had also touched
13 at some point because his DNA's on that.

14 Now, Brian's backpack is in the trunk, but, you
15 know, it kind of looks bad for him too. Black tape,
16 white rope, there's a black dress in there. I don't
17 know. Maybe that was Courtney's too or, I don't know,
18 maybe it was something that he was into. Underwear,
19 pants, gloves, some wisdom cards, ironically, and then,
20 of course, Teresa's purse, in the car, all her stuff.
21 Her name's on everything.

22 No idea that it was in there. No idea how her DNA
23 could of gotten on those pills except for she does
24 remember now that she probably handed Teresa her pills
25 sometime on Saturday or Sunday.

CLOSING ARGUMENT BY THE STATE

1 So, credibility of the witnesses. What do you
2 need to judge the credibility of the witnesses who
3 appeared on the stand?

4 All you need is your common sense. This ain't
5 hard.

6 All right. I mean what makes sense? You guys are
7 reasonable people. We have to stay reasonable. This
8 is a reasonable standard that everyone is held to in
9 this courtroom. Who has a reason to lie? Who has
10 something to lose? Who has something to gain? Who
11 told inconsistent stories?

12 Before, before I hand it over to Mr. Walker, I
13 want to address the, the Brian Walls, the scary guy
14 theme that was sort of playing out through the defense
15 at least during cross-examination, during my
16 case-in-chief. She told you herself yesterday that she
17 was not scared of Brian Walls, and while I may find
18 Brian Walls a scary guy, and most people would, there's
19 no evidence that Courtney did. She lived with him.
20 She let her six month old baby live with him. She hung
21 out with him all the time. And should the defense try
22 and argue it, there's simply no evidence that she was
23 somehow held against her will or made to do anything.

24 All right. There's just nothing in the record.
25 In your deliberations and formation of the facts have

CLOSING ARGUMENT BY THE STATE

1 to be based on what was actually presented as evidence
2 in this courtroom.

3 I mean you don't pack a bag to be kidnapped,
4 right? She didn't appear to be in distress when they
5 were found in Chesterfield. She was sitting in the car
6 with Brian supposedly talking, and, you know, there was
7 plenty of duct tape, rope, stuff like that. You know,
8 if he was gonna tie her up and make her do anything or
9 keep her against her will, he certainly had the tools.

10 And remember when Brian asked Amanda to grab those
11 pills from Ms. Resa, and she said no, and then he just
12 dropped it, he didn't threaten her. He didn't make her
13 do anything. I mean he had some horrible ideas, but
14 everyone that was wrapped up with him made that choice
15 to be there.

16 And, lastly, I want to remind you that this is a
17 court of record. If there's something I say or
18 Mr. Walker says that does not compute with your
19 recollection of the testimony and you want to rehear
20 it, you can.

21 All right. I'm gonna turn it over to Mr. Walker
22 now, and after he addresses you, I'll get the chance to
23 come back up briefly, I will make it brief, only to
24 respond to any new things that are brought up in his
25 arguments to you. I do want to thank you for your

CLOSING ARGUMENT BY THE STATE

1 patience and attention. This is a complex case, and I
2 want you guys to get it right. Thank you.

3 THE COURT: Thank you. Mr. Walker.

4 CLOSING ARGUMENT BY THE DEFENSE

5 MR. WALKER: Thank you, Your Honor. May it please
6 the Court?

7 Again, I want to reiterate to you that Courtney
8 did not have anything to do with the death of
9 Ms. Seigler. I want to say that because, as I'm
10 talking to you and going over some of the arguments she
11 made, I'll be pointing out that, even if Courtney did
12 do some of the things they think she did, it still
13 wouldn't prove it. I don't want you to think that I'm
14 conceding in any way that she was involved, because she
15 wasn't.

16 You've heard a lot of evidence. I told you you
17 would. I'm sure it was an eyeopener to you. You've
18 heard about how people live that maybe some folks would
19 not have imagined that's how they live. We have talked
20 about drug use and the lifestyles of drug users. We've
21 talked about the murder of Ms. Seigler. We've talked
22 about a subsequent rape of Ms. Payne. We talked about
23 driving to Chesterfield. We talked about driving to
24 Charleston, and we've talked about bad choices.

25 That's a lot of evidence, and this looked a lot

CLOSING ARGUMENT BY THE DEFENSE

1 more impressive yesterday when they had it wrapped
2 around the bench, but they've entered all this
3 evidence, and I could go through ever single piece of
4 the evidence and say this is why they have entered it.
5 This is what it proves or this argument they're saying
6 that it proves, and why it does or doesn't prove that
7 argument. But I want to survive the week and not have
8 y'all kill me and still have a voice left.

9 I don't think we need to do that cause we need to
10 focus down on what's important, and remember what's
11 important, what our focus is, the State has said that
12 Courtney killed Teresa or helped someone do it. I'm
13 not here to argue whether she's involved in a rape or
14 fleeing or using drugs or any of that stuff. Was she
15 there in the room helping to the kill -- killing Teresa
16 or helping someone to do it. That is the focus.

17 You're here to -- about a murder. Not about the
18 crazy goings on that seem to revolved around Brian
19 Walls. And I think, when we're focused on that
20 question, ultimately you'll be able to decide the case
21 based on one thing, and that's going to be your opinion
22 of the fingerprint that was found on the tape wrapping
23 the blanket that was around Ms. Teresa's body cause
24 that is the only piece of evidence out of all of this
25 that puts her in that room with Ms. Teresa when she's

CLOSING ARGUMENT BY THE DEFENSE

1 killed, which, by the way, we're not exactly sure when
2 that is or exactly how, how it happened.

3 And we're not really sure how Courtney did it, but
4 she must have been involved. There's certainly
5 something -- but before we get into all of that about
6 what we need to think about, why the fingerprint is
7 gonna be this positive thing for you to focus, whose
8 what, and where, I wanted to talk to you about how we
9 will each talk to you about the facts, and how we
10 wanted you to -- the facts we wanted to view for it.
11 And I said, well, you know, they're kind of gonna want
12 to spin it one way, and we're gonna spin it the other.
13 But spin is probably not the best word.

14 I think what the difference is is how we would
15 like you to do this in the end. The State wants you to
16 time a maximalist view of the evidence. They want you
17 to say, well, the State's theory is not precluded by
18 the evidence. Therefore, we're gonna go with their
19 view. I want you to give the strictest most critical
20 view and say what is the only thing that I can
21 definitely say happened from this piece of evidence,
22 and are there any other reasonable explanations for it.
23 Does it, in fact, prove whatever argument is being made
24 or it tends to disprove whatever argument's being made?
25 And where, when you're looking at a piece of evidence

CLOSING ARGUMENT BY THE DEFENSE

1 and are different interpretations of what that means,
2 that you should give, you should decide that difference
3 in favor of Courtney.

4 Now, why should you do that? Why should you
5 prefer that specific, critical, narrow view of viewing
6 the evidence over a maximalist kind of think it could
7 of happened that way, and it does support the State's
8 theory? Why should you pick one or the other?

9 Well, that's because that's the way our system is
10 set up. When you came in on Monday, sat out there, and
11 the Judge asked you a lot of questions. Do you know
12 me, Courtney, heard of this case. They want people
13 that are impartial, and don't know anything about it.
14 Don't have a bias. Don't have a home team. Sit you in
15 the box, and automatically that changes. The Judge
16 will tell that you're to consider Courtney to be
17 innocent beyond a reasonable doubt until the State has
18 proven her guilt beyond a reasonable doubt.

19 So, when you're sitting in that box, you're not
20 looking at the party going, Ms. Courtney, she could be
21 innocent. She might not be innocent. I don't know
22 cause the State they might be right. I don't know.
23 We're just gonna play tennis. You kind of see which
24 way it leans. Just one way or the other. That's not
25 what the law is.

CLOSING ARGUMENT BY THE DEFENSE

1 The law says, when you sit there and you take your
2 oath, then you are to consider Courtney Brock to be
3 innocent until proven beyond a reasonable doubt.
4 You're not sitting at a tennis match watching. You're
5 sitting in the student section behind the end zone
6 cheering for Courtney until they move you into the
7 other end zone, into the other student section. If
8 they don't get it all the way down there, any doubt is
9 resolved in favor of Courtney.

10 So, that's kind of the starting assumption, the
11 framework and mindset I'd ask you to bring to your view
12 of the evidence when you're discussing with each other
13 in your deliberations.

14 So, what is -- how do you decide innocent or
15 guilty beyond a reasonable doubt? I misspoke. I want
16 to make sure I clear that up. There's no video.
17 You're not -- you don't have to find her innocent. You
18 are to consider her innocent. She doesn't have to
19 prove anything to you. And I'm sorry I misspoke. The
20 State, which has the burden that they accepted, that
21 they will prove to you each and every element of
22 murder, Courtney Brock did that murder, beyond a
23 reasonable doubt, and what does that mean?

24 So, you may have served on a civil jury in the
25 past where both sides kind of presented, and that is

CLOSING ARGUMENT BY THE DEFENSE

1 kind of like the tennis match because the standard for
2 a jury in a civil case is 50 percent plus a little.
3 Whoever has a little more evidence is the winner.
4 Preponderance of the evidence. So, in a civil trial
5 you win if you prove that your position was more
6 probable or more likely than the other side's.

7 That's something you can kind of keep an eye out
8 for when you are deliberating or when you are thinking
9 about the facts for yourself. You're hearing yourself
10 say, well, this might have happened, or this could have
11 happened, or maybe, or possibly, or probably, those are
12 not guilty verdicts. You have to be firmly convinced
13 that this is what happened before you can -- you have
14 to be firmly convinced that Courtney Brock is a
15 murderer before you can find her guilty. That's that
16 much higher standard.

17 Each element of the crime beyond a reasonable
18 doubt, which is a doubt that would cause a person to
19 hesitate to act in making an important life decision
20 because this is certainly an important life decision
21 for Courtney. You have to be firmly convinced that
22 what the State says happened is, in fact, what
23 happened. As you are thinking through it, there are no
24 other reasonable scenarios to, to explain what the
25 evidence is. No other theories that aren't excluded by

CLOSING ARGUMENT BY THE DEFENSE

1 the evidence.

2 It's not what probably happened. It's not what
3 the State suspects happened. It's not whether the
4 other, the other does disprove -- excuse me. It's not
5 that the evidence does not disprove or eliminate the
6 State's theory of the case cause we should all have
7 enough respect for the State to think, if they had a
8 piece of evidence that would disprove their case, they
9 wouldn't of brought it.

10 But again to the burden of proof, it's not our job
11 to disprove it. It's their job to prove it. You need
12 to be able to say to yourself, when you go home to
13 night, I'm confident in my decision. I can live with
14 it based on the facts that were presented to me by the
15 State, and I don't believe you'll be able to do that if
16 you were to find her guilty cause they haven't met
17 their burden of proof.

18 Let's talk about what occurred, and about the
19 people involved. Brian Walls, we agree, terrible guy.
20 Guy at the center of it all. He's like the sun.
21 Everybody's (sic) knows everybody through Brian. He's
22 the, the glue to all of this, and what have we learned
23 about him?

24 When Hannah Seigler was asked who could of done
25 this to your mom, Brian Walls. She knew it was Brian

CLOSING ARGUMENT BY THE DEFENSE

1 Walls. Brian Walls is a crazy drug addict. Amanda
2 Reddish said he's very crazy when he's using. Others
3 confirmed that. Amanda Reddish said he has bad ideas
4 when he's using. Brian Walls is a murderer. He's been
5 in this courtroom convicted of the murder in Teresa
6 Seigler.

7 His DNA is at the crime scene on the piece of tape
8 with Courtney's fingerprint. He knows about that pill
9 bottle in the car cause Courtney said, hey, he asked me
10 to get that pill bottle out and hand it to him. He's
11 driving the car. He's the one kind of deciding where
12 everybody's going.

13 He's a rapist. Currently charged with rape of
14 Ms. Payne, which he had no problem doing. I guess if
15 you murder somebody, what's raping somebody a couple of
16 days later? You heard Amanda say he's into bondage.
17 He threatened rape, choked her. Brian is bad people.

18 He's a thief. He wanted to steal Teresa's drugs.
19 The State brought that out. He stole Ms. Payne's car
20 after he raped her, and fled after raping her. Fled
21 after murdering her.

22 The fact that Courtney's with him just means that
23 she with him. She hasn't raped anybody. She hasn't
24 murdered anybody. She's just with Brian Walls, and
25 she's probably with him more in this period because

CLOSING ARGUMENT BY THE DEFENSE

1 she's going through a breakup from her stepson, which
2 maybe, normally, leaves her adrift as far as rides, and
3 how she's would spend her time.

4 The State wants you to say they're Bonnie and
5 Clyde. There's no relationship other than a familial
6 one. She thinks of -- he's the grandfather of her
7 daughter. She grew up around him. She's known him for
8 her entire life. She didn't wake up some day and oh,
9 yes, look at this guy, I'm gonna hang out with him.
10 She has been -- he has been a constant presence in her,
11 her life for all of it.

12 If you've been around something your whole life,
13 maybe you're used to it. Maybe what someone that
14 hasn't experienced this lifestyle or just finding out
15 things in the first place would say, oh, no, I'm not
16 gonna make friends with these people. I'm gonna put --
17 you heard she's known him her entire life. Grew up
18 with his stepson, was in a five-year relationship with
19 his stepson, had an infant child, that she considered
20 him to be her -- that child's grandfather, and he was
21 helping them with a place to live.

22 You heard Brandon say, Well, that's better than
23 being homeless. I mean, it's sad that that is their
24 safety net, but she didn't choose from what she's got.
25 Brian's a drug addict, a murderer, a rapist. He's got

CLOSING ARGUMENT BY THE DEFENSE

1 a history of criminal behavior. How does he knew John
2 Priester? He met him in prison. He said, well, hey,
3 gets out and come live with me.

4 John Priester's is a recent addition. Courtney
5 doesn't know him. Only knew him when she came to Falls
6 Road to live. Again, has no history of crime. Just
7 locked up with Brian. He's a physically violent
8 person. You know, you can see where he was beaten.
9 Who's the, who's the only person that had beaten up on
10 anybody? That's John Priester. Fighting with his
11 girlfriend. Physically. He's a thief.

12 Donnie Williams told you the neighborhood had a
13 bunch of break-ins recently. It was the boys. Saw the
14 boys putting trunks, trunks -- TVs in the trunk of the
15 car.

16 Also Mr. Priester's DNA was on Ms. Seigler's debit
17 card. And, of course, he's a murderer and an arsonist.
18 Charged with both of those. His fingerprint was found
19 with Ms. Seigler, but where is his fingerprint found?
20 Actually it's on her person, on her body. That duct
21 tape around her wrist has John Priester's fingerprint,
22 and you haven't heard anybody testify that they have
23 ever seen John Priester using duct tape for anything
24 else. He's an arsonist.

25 **K.W.** confessed that he, and **X.W.**, and John went

CLOSING ARGUMENT BY THE DEFENSE

1 over to that trailer Wednesday morning and lit it on
2 fire or they looked for -- look out and Johnny -- John
3 set it on fire. Courtney wasn't in there that morning
4 when that house caught on fire.

5 Who tries to cover up crimes? The person that
6 committed it. John Priester. Witnesses saw them. And
7 then we have Courtney. You remember your Sesame
8 Street? I don't know if they still do it. When I was
9 a kid, they had this segment one of these things is not
10 like the other. Courtney doesn't get in trouble. She
11 hasn't been to -- doesn't use prison to make new
12 friends. Courtney doesn't use drugs or did at the
13 time.

14 But what did Amanda Reddish say about that?
15 Unlike Brian Walls, who's a crazy drug user, who's --
16 said he was very crazy when he uses drugs, what did she
17 say about Courtney? Courtney was very lively, happy,
18 joyous when she wasn't using drugs. And when she
19 wasn't, she's a quiet person.

20 So let's focus in on our facts. Which ones matter
21 for your decision?

22 Now, Ms. Swanson said she was in four wrong
23 places, at the murder scene, at the rape scene, stolen
24 car in Chesterfield. Let's focus down, cause there's
25 only one place. Was she at that murder scene when

CLOSING ARGUMENT BY THE DEFENSE

1 Ms. Teresa Seigler was murdered? That other stuff
2 doesn't matter.

3 It doesn't matter whether Courtney Brock was mom
4 of the year. It doesn't matter whether she could
5 remember a phone call. It doesn't matter whether her
6 drug addled memory didn't quiet sink up with other
7 people's drug addled memory. It doesn't matter whether
8 she should have gotten into or out of a car with Brian
9 Walls two days after Ms. Seigler was dead. Remember
10 also the doctor said 36 to 48 hours before we found
11 her. So, that's kind of our time.

12 So, when she's getting out of a car on Wednesday
13 morning dropping off K.W., the things that you are
14 worried about have already happened. The facts that
15 should matter are the ones, that matter to you, should
16 be the same ones that matter to the State. They had
17 the timeline of who was where and with who when they
18 arrested her in Chesterfield. Arrested John right
19 after the arson. They had arrested Brian there in
20 Chesterfield for raping Ms. Payne. He's in jail for
21 that. Arrested John Priester for arson, for burning
22 that trailer. He was in jail for that in December.

23 So what kept the State from charging all three of
24 them with murder? Ms. Swanson asked that question.
25 Why did you wait until February to serve the murder

CLOSING ARGUMENT BY THE DEFENSE

1 warrant? And what was the response? Believe me here,
2 if they had enough to serve all the warrants, they
3 would have. So, what they had before February was not
4 enough. Why did you serve the murder warrants? When
5 we got the forensic results back and the autopsy back.
6 That got them the murder charges.

7 So, let's discuss those things cause they had to
8 have those things to get the murder, you-all have to
9 have those things to get the murder. Why the autopsy?
10 Well, if they've done an autopsy and she'd died of
11 natural cause, just some fluke natural cause, well,
12 there wouldn't even be a murder regardless of the
13 robbery or what else, kidnapping that happened. It was
14 a natural cause death, you're not get anywhere charged
15 with murder. So, we got autopsy back, homicidal
16 violence is the cause of death, so, keep on trucking
17 with the murder charge.

18 So that brings us to the DNA. Everything that the
19 they matched Courtney Brock's DNA to came out of the
20 that car in Chesterfield. Again, there was a lot of
21 talk about the pill bottles. Okay. But, again,
22 Ms. Seigler's been dead for a day and a half, two days
23 at least, when they get all this stuff with DNA in
24 Chesterfield.

25 The only thing that puts -- connects Ms. Brock to

CLOSING ARGUMENT BY THE DEFENSE

1 the room, and the body, and Ms. Seigler, at the
2 murder -- time of the murder, and the murder scene is
3 (inaudible) of the DNA. That's all the DNA that
4 they've talked about was from that car, was from the --
5 again, it's crystal clear, none of Courtney Brock's DNA
6 is found in the room of Ms. Seigler. But oh, the fire
7 is a terrible place to preserve DNA. So, you can, you
8 know, probably all assume that's why we don't have it.
9 They've got Brian Walls DNA off the same tape they got
10 her fingerprint on. So, they can get DNA. At least
11 some.

12 So, that's not -- so, just wipe out the
13 possibility of getting DNA cause they didn't." You
14 would think, if they could get his off that tape, they
15 could get hers. And, you know, I want to talk about
16 this when I get to my case.

17 So, the State's theory of the DNA, DNA, DNA, and
18 that's kind of -- I talked to you about that a little
19 bit in opening. Sometimes -- even in (inaudible),
20 sometimes you have a theory of the case where DNA is a
21 golden book, it answers all the questions. The
22 question that's trying to be answered -- asked -- the
23 question being asked is answered by DNA. Then you have
24 it where it doesn't tell me much.

25 This is the second case. It doesn't tell you

CLOSING ARGUMENT BY THE DEFENSE

1 much. This is what I'm talking about, concessions for
2 the sake of argument. Let's pretend they had a video
3 from Chesterfield of Courtney Brock wearing
4 Ms. Seigler's purple purse on her head, chucking pills
5 out of those bottles, and throwing duct tape around,
6 that wouldn't tell you a single thing about where she
7 was two days ago. Their theory is that the DNA shows
8 possession of Teresa Seigler's items. Well, so what?
9 She's had plenty of time to acquire them, and is in
10 close contact with the people that did. She testified
11 that Brian Walls regularly provides pills to people,
12 and whatever drugs he has, he's happy to share them
13 with family and close friends. He used to give rides
14 to Amanda Reddish or get them, get rides from her.

15 But they want to say well, the DNA shows that she
16 was in possession of Teresa Seigler's items, and they
17 want you to infer from that that she's the one that
18 stole them, and there's a big disconnect of those two
19 things. They -- she wants you to jump over that gap,
20 and take a maximalistic view from that evidence. Of
21 course, if she's the one that stole them, then that
22 means, of course, she must of been present when they
23 were stolen. And, again, that's just not what that
24 evidence shows.

25 Possession two days after murder is not being

CLOSING ARGUMENT BY THE DEFENSE

1 present and participation in that murder. It's barely
2 suspicious.

3 But the evidence doesn't even prove that. DNA on
4 the pill bottles, the tape that came from the book.
5 bags, and Ms. Seigler's purse in the Camry. Again, all
6 through the car. Nothing relates that back to, to her
7 being present when Ms. Seigler was killed.

8 The State was fired up about the balled, balled up
9 tape in the bag saying that extra tape. You haven't
10 heard a single piece of evidence that that tape was at
11 the crime scene, that that ties back to the crime
12 scene. In fact, I think of those two pieces of tape,
13 only one of them is silver duct tape. One might be --
14 or I might be wrong. But I think only one of them is
15 actually consistent with silver duct tape. There's
16 zero evidence. It's pure conjecture as to when that
17 tape even got in the bag, much less who put it there,
18 much less that it came from Teresa Seigler's house.

19 She told you, Yes, I -- Brian asked me to hand him
20 the pill bottle and I did, and that has her DNA on it.
21 She told you, or I guess she answered Ms. Swanson's
22 question about why her DNA might be in the purse. She
23 said, Well, she did ask me a few days before -- well,
24 fairly recently, but before Sunday, to hand her pills
25 out of her purse. So, maybe that's the way, but she's

CLOSING ARGUMENT BY THE DEFENSE

1 just speculating. But I submit to you that wouldn't
2 matter. It's not only way it could have gotten on
3 there.

4 You heard a lot of talking from Dr. Donahue, and
5 there was a lot of numbers, and he did some explaining
6 for us, and he told us about transfer DNA. If I touch
7 something, somebody else touches it, and I touch
8 somewhere else, and you can find that DNA where I
9 touched. And the inverse is true, right? When an
10 object touched something, that I touched, then it will
11 be on that. We know that object was there.

12 Now, what's in that bag? Well, let's start with
13 the car. She says she was in this car with Brian, you
14 know, for a day basically, I guess. Between the night
15 before until they are stopped in Chesterfield County.
16 Moving around. She said that, when they left Beaufort
17 from the hotel and Brian was all fired up, that John
18 Priester was in the front seat where that black bag
19 was, where the debit card Ms. Seigler was with his DNA
20 on it, and that Brian told him to switch seats. So,
21 she came into the front seat by that bag after John.
22 And she told you she had put stuff in the car when they
23 got in it leaving Falls Road. But she didn't put that
24 stuff in that bag. She told you people got out at the
25 hotel. She told you they stopped after they left the

CLOSING ARGUMENT BY THE DEFENSE

1 hotel, and the boys and Brian were rummaging through
2 things in the car, and in the trunk, moving things
3 around, throwing some things out. And then, of course,
4 when they're stopped in Chesterfield, Chesterfield
5 Police had to go through it before Beaufort forensics
6 people got a chance at it.

7 But what we have here, what's in this bag, it's
8 her Victoria's Secret's bag, which yeah, that's mine.
9 I use it all the time. That's mine. I'm not sure how
10 it got in that bag, but it's mine, and it's got her
11 items in it. It's a little makeup kit you saw. People
12 carry those around. They're in your bathroom. I don't
13 know. Not mine. But ladies, you carry it to your
14 bathroom. You put in your purse. And, if you're
15 traveling, you put it in your bag with your clothes.

16 And then she has clothes in the bag. What did --
17 as Johnny said, what's a great thing when we want to
18 collect DNA? Items of clothes. Ball cap. So we swab
19 the ball cap. And he told you the analogy, you know
20 something like when he paints the wall at his house,
21 and his kid touches that wet wall, and gets a little
22 bit on his hands, and it transfers to somewhere else.
23 We've got a bag with personal, intimate hygiene
24 products in an environment normally like the bathroom
25 where you're gonna have lots of DNA. It's always with

CLOSING ARGUMENT BY THE DEFENSE

1 her. She carries it around. You got her clothes in
2 the bag.

3 Those pill bottles and tape weren't brushed up
4 against the wall. They were thrown in the paint
5 bucket. You would expect to find her DNA on it. But,
6 again, even if she was dancing around, that wouldn't
7 answer the question we need answering. Was she there
8 murdering or helping someone else to murder Ms.
9 Seigler, which brings her back, as I said in the
10 beginning, to one thing. Her fingerprint on the tape
11 around the body.

12 As I said before, when you got all the evidence, I
13 think you've heard the State's evidence, that you will
14 find that have only proved, at most, if you'd given
15 them the benefit of the doubt, the crime off accessory
16 after the fact, which I'll explain to you, as the crime
17 happens, then you come in later and help them. You
18 charge them with accessory after the fact. And why is
19 that? Cause this is a weird case where we don't know.

20 We have Ms. Seigler being dead for a long time
21 before they're called out to this fire, and we know
22 that perpetrators that come back to the scene of the
23 crime because that's who set the fire. You think
24 about, you know, every movie show and book you've ever
25 read, a crime novel, what gets wrapped in a blanket or

CLOSING ARGUMENT BY THE DEFENSE

1 a tarp or a roll of carpet? A body, to dispose of it.

2 In fact, Ms. Swanson, what'd she tell you just
3 now? Ms. Seigler may not have even been dead yet when
4 she was rolled in that blanket. She concedes there's a
5 possibility she was not dead when she was rolled in
6 that blanket, and there's nothing -- no evidence can
7 tell you when that body was rolled in that blanket.
8 So, on the State's evidence alone, they can't -- you've
9 kind of got the choice between two crimes, and not --
10 and the one that they're asking you to find Courtney
11 mixed up in is the maximalist view of the evidence.
12 That would, to me, quote, unquote prove accessory after
13 the fact. But that's the State's case.

14 You've heard from Courtney. So you know there's a
15 reasonable explanation for how that fingerprint got on
16 there. You heard how her palm print got on that tape.
17 A reasonable, non-criminal explanation that fits the
18 facts. There's no contradiction. People -- three
19 people -- you've got three people verifying and confirm
20 that they had seen her using the tape.

21 Ms. Swanson is somehow mystified as to what you
22 can use duct tape for or why one would want to. Fix
23 holes, saggy floors, picture frames. That's the beauty
24 of that tape, you can use it to fix anything. And she
25 testified she was trying to make it a little better

CLOSING ARGUMENT BY THE DEFENSE

1 than it is. I lived there. We lived between the house
2 on Falls Road and the house on Bon Aire, and that's
3 where we can have one complete set of utilities. Bon
4 Aire's nicer. It doesn't have water. It's easier to
5 sleep there, but we have to haul water from Falls Road.

6 Somehow these guys on Bon Aire just completely
7 somehow contradict Courtney, but what did she say?
8 Brian was kind of just do this scam where he'd rent out
9 the place to people. You heard testimony these were
10 the latest scams. They hadn't yet moved in, that
11 Courtney still had access to the house, had gone back
12 there to put her babies and her stuff together in
13 preparation for finding some sort of new living
14 arrangement now that they were breaking up.

15 She still slept there. These guys didn't live
16 there or sleep there or anything. The State doesn't
17 want you to believe them. Must be making that up once
18 you -- uncontradicted. She looked at all the police
19 reports with me, and viewed everything, and went over
20 her case, and came up with this story, and they
21 convinced three people to come on the stand and lie for
22 her. And, of course, the question, again, the tape,
23 the fingerprint on the tape.

24 And I'm saying that it got put on outside the
25 murder scene. They're saying it got put on there. The

CLOSING ARGUMENT BY THE DEFENSE

1 only -- if it was -- the evidence that we could, you
2 know, help solve that question, and, of course, whose
3 job is it to provide that evidence? The State of South
4 Carolina.

5 You heard the fingerprint expert testify. I
6 talked to Captain Birdy (phonetic). He told me the
7 only swab for DNA was on the tape, not the blanket
8 around the tape. What if the Sheriff's Office had
9 swabbed that blanket around the tape? Then I'd be
10 arguing, well, it didn't happen. Her fingerprint got
11 put on back at Falls Road, and they would go, ah ha,
12 but we have her DNA on the blanket next to the tape
13 proving that it was put on simultaneously.

14 Who made the choice not to make that test?
15 Specifically the Sheriff's Department. And now they
16 want you to make that jump for them. It could go
17 either way. We didn't do the complete investigation we
18 needed to do. How hard is it really to swab a few more
19 Q-tips? I mean he was literally right there swabbing
20 right on the tape on the blanket. Another Q-tip, I'll
21 swab that too. But was specifically told not to do
22 that. And that -- had they developed a profile of
23 Courtney Brock, that would solve the State's problems.
24 They have a problem of -- or, again, no DNA. And then
25 we'd still be here arguing. But there's a, there's

CLOSING ARGUMENT BY THE DEFENSE

1 a -- there was a potential way to answer this question
2 in favor of the State. They didn't take it. But now
3 they want you to kind of gloss over that, and go with
4 them on the assumption.

5 And, of course, we've been over the report. You
6 know, this is all concocted. You know, she's just got
7 a reason to lie. There's no really way, by the way,
8 any Defendant -- the whole point of the trial they've
9 said they are not guilty. So, if someone is truly not
10 guilty, someone is lying. There's no way for a jury to
11 differentiate between them, absent some other source
12 of, you know, extrinsic evidence as to the credibility.
13 But the fact that the defense comes in and says they
14 are not guilty, of course, the State -- theoretically
15 the State is prosecuting everybody they bring in here,
16 and they -- everybody they bring in for trial says they
17 are not guilty. So, they think every person they bring
18 in for a trial is lying to them.

19 That's not really a reason. Think about why we're
20 here. They want to make it say, oh, she just reviewed
21 this stuff, and reviewed this stuff, and come up with
22 something, and that, you know, you shouldn't believe
23 her. There's no real reason other than you just
24 shouldn't believe her.

25 Well, think about that. The State wants to make a

CLOSING ARGUMENT BY THE DEFENSE

1 big deal about us remembering more details, but that is
2 perfectly reasonable and understandable.

3 First of all, she has had time and read these
4 reports, and those reports are other people's points of
5 view on what happened, and other reports and witnesses
6 they talked to. And, as you read, you get a bigger
7 picture. You look through it. Repetition jogs memory.
8 And, of course, I would guess that being charged with
9 murder does wonders to sharpen the mind.

10 Remember when the fingerprint expert was asked by
11 Ms. Swanson how that fingerprint got on the tape, and I
12 objected cause I wasn't sure where she was going with
13 that, but the Judge said that's not a question to ask.
14 And we heard about this fingerprint not on the tape,
15 you know. Everyone would think you put it on this
16 sticky tape, and that's where the fingerprint was, I
17 would think. But no, that's not, not what we're
18 dealing with.

19 She said, No, this is, this is actually the
20 fingerprint that was on the, the smooth side, the
21 backside, and this came back, back over on a palm print
22 when we took it off and it's reversed. And that's how
23 we know that's how that is. And I, I asked him about
24 that. New to me. I wouldn't have thought that was
25 possible. I don't know if y'all would have thought

CLOSING ARGUMENT BY THE DEFENSE

1 that was possible. I said, Well, is that in your
2 report? He said, No, but it's in my notes. That's not
3 even in his report, and I didn't know about it. He
4 said, Well, if I didn't know about it from his report,
5 Courtney Brock didn't know about it.

6 MS. SWANSON: Objection, Your Honor. May we
7 approach?

8 THE COURT: Sure.

9 (Off-the-record discussion held.)

10 MR. WALKER: The State seems to think that
11 Ms. Brock, on the one hand, is a drug addled, can't
12 make right decisions, bad mom, tapes up the floor for
13 no reason. Who does that? Barely existing through
14 life kind of person, but then can somehow come up with
15 a story that fits all the facts and that's the story
16 that she needs to comes up with, and convince other
17 people to do it just because.

18 Now, the State has been keen to bring up
19 Courtney's bad choices. And she's made some bad
20 choices. Using drugs is generally a bad choice I would
21 say. I think that we all agree. And maybe she should
22 have gotten out of that car when **K.W.** and **X.W.** and
23 John did, but she's known Brian her whole life, and he
24 is a father figure to her. And she doesn't know the
25 guy that they're getting out, out of the car with. And

CLOSING ARGUMENT BY THE DEFENSE

1 so, maybe -- yeah, so -- but, again, she was -- she
2 could have made a better choice.

3 Could have just stayed home when they all went
4 partying. Certainly could have made better parenting
5 choices. Yeah, she has made some bad choices.

6 Let's talk about her good choices. She's made
7 some good choices too. She is a high school graduate.
8 Made it through high school. At the time this happened
9 she had been in a relationship with a young man she'd
10 known her entire life for five years. Started dating
11 in high school. Didn't get pregnant in high school and
12 drop out, been in a relationship for five years before
13 they had a child together.

14 She works. Has a healthy, happy baby that she's
15 coparenting admirably, it would seem, with Brandon.
16 Managed to maintain a good relationship with the
17 father, father of her child. Certainly I think we're
18 are all aware that there are some relationships that
19 end and the other party will be more than happy for
20 anything bad to happen to that other person. But
21 they're doing a good job together, and sometimes good
22 choices aren't available. Sometimes it's about the
23 least bad choice.

24 You heard Brandon say, We didn't have anywhere
25 else to go. We would be homeless if we weren't there.

CLOSING ARGUMENT BY THE DEFENSE

1 Yeah, Court -- some of Courtney's choices are
2 definitely why we're here. If she was making better
3 choices, and being around better people, she wouldn't
4 be caught up in this, and that's what it is. She's
5 caught up. Remember back in the '80s, '90s, knows what
6 I'm talking about, tuna fishing. Around these schools
7 of tunas. Put giant nets out and they catch the tuna.
8 And that's what the State has done, they've cast the
9 net for the murders of Teresa Seigler.

10 But what's around tuna? Dolphins. They eat the
11 tuna. They're in close proximity to the tuna. And
12 that net scoops them up too. And here -- and here we
13 are, absent an explanation, it's great. So, I'm not
14 saying that they shouldn't have looked at her as a
15 suspect, as a suspect, but it's her being around Brian
16 Walls, and John Priester, and K.W., and X.W., and
17 having nowhere else to go. And then all being crowded
18 in, DNA going everywhere, and all that matters is the
19 State says, I'm going to use this. Let's all ride
20 together. D.P., Brian Walls, John Priester,
21 K.W., X.W., Courtney in a little Toyota just
22 crammed in like a clown car, and just go down.
23 Everybody's on top of it and every -- each other.
24 Everyone is between each other.

25 Those bad choices, you know, of course, really

CLOSING ARGUMENT BY THE DEFENSE

1 ultimately, using drugs, going with them partying with
2 these drugs is probably the most immediate bad choice.
3 Of course, it's not all about choices. They explained
4 that Courtney didn't choose to be born to Brian Walls'
5 mother's best friend. She didn't choose to be
6 associated with Brian Walls. That's where fate placed
7 her. He's been a constant presence in her life for her
8 entire life. And the dumpster fire that is Brian Walls
9 has finally scooped her up, and that's why we're here.

10 Where fate placed her, she was probably never
11 going to be a Noble prize winning medical researcher.
12 She's not gonna marry the mayor's son or the banker's
13 son. She's not gonna take fancy vacations. No. Hey,
14 where do you want to go? Let's go rent a hotel at the
15 beach or go to a resort, or let's take the family to
16 Disney World. That's not really an option for Courtney
17 Brock. Howard Johnson's is a resort.

18 That's the life that she was born into, and she's
19 making it through it. She's doing a good job. She has
20 a job. She's working. She's taking care of her
21 daughter. And she came up here and she answered every
22 question that was asked. Did everything that was asked
23 of her. Courtney Brock has told you how her
24 fingerprints might be on that tape.

25 Fate put her in the presence of Brian Walls, and

CLOSING ARGUMENT BY THE DEFENSE

1 now her fate is in your hands.

2 REPLY CLOSING ARGUMENT BY THE STATE

3 MS. SWANSON: Thank you. All right. I don't want
4 to keep y'all much longer because I know that you're
5 ready to hear the law from the Judge and start
6 deliberating about this case. But there are a few
7 points that I want to address that Mr. Walker brought
8 up.

9 Okay. Brian Walls has been a constant presence in
10 Courtney's life, and this is her fate. Well, he has
11 been a constant presence and influence in her life by
12 her choice. [REDACTED] Falls Road was a hot bed of criminal
13 activity. Mr. Walker talked about that. [REDACTED], [REDACTED],
14 John, Brian, everybody was a criminal except his
15 client, Courtney. But you know what? Brian Walls was
16 her friend and drug buddy.

17 He also talked about when murder warrants were
18 taken out. Why they weren't taken out in December?
19 Well, that's because, although law enforcement had a
20 working theory, they wanted solid, scientific, forensic
21 evidence to corroborate the circumstantial evidence.
22 And so they waited and then, when we got the evidence
23 that placed Courtney, John Priester, and Brian Walls at
24 the murder scene, that's when murder warrants were
25 taken out.

REPLY CLOSING ARGUMENT BY THE STATE

1 DNA. DNA in a burning trailer, hard to come by,
2 but we got some. But you know what? That palm print
3 is even better, and the reason it was preserved was
4 because it was in-between layers of tape that found the
5 murder victim.

6 That palm print is not just merely suspicious. It
7 proves Courtney's participation and presence at the
8 murder scene. It corroborates the circumstantial
9 evidence that they flee, that they're found with the
10 dead woman's stuff.

11 Courtney has so many convenient excuses to explain
12 away every single bad fact, and none of them are true.
13 I agree with Mr. Walker that she probably couldn't come
14 up with this story on her own. She probably did have
15 help, and guess who helped her? People helped her in
16 the courtroom this week. Her family.

17 The defense case rested on Courtney's testimony
18 and her family's testimony. Mr. Walker also wants you
19 to believe that Courtney packed everything in that bag
20 except the dead woman's belongings and the duct tape.
21 Is that reasonable? And even though he says she had
22 nothing to do with any of this, she wasn't even at the
23 murder scene, she could maybe be guilty of accessory
24 after the fact.

25 Well, listen carefully to accomplice liability.

REPLY CLOSING ARGUMENT BY THE STATE

1 The hand of one is the hand of all, because if they go
2 in there to steal pills, or if that is the intention
3 and it turns into a dead body, even if Brian Walls beat
4 that woman or smothered her, they're all responsible
5 for that death.

6 The duct tape explanation that Mr. Walker says is
7 a perfectly reasonable explanation. Well, it, it fits
8 the evidence a little too well don't you think?

9 He brings up swabbing the blanket would have
10 proven whether or not she was at the scene. Oh, no, it
11 wouldn't have. You know why? Because she got on the
12 stand and said she had been staying at Ms. Resa's
13 place. Oh. No. I just sat on the bed and DNA
14 transferred. That's how that got there. That wouldn't
15 of proven anything. Her palm print on the dead woman,
16 yeah, that does prove she was there.

17 So, Brian. Brian's a drug addict and a convicted
18 murderer. Today I'm asking you to make Courtney Brock
19 a convicted murderer, and find her guilty of Teresa
20 Seigler's death. Thank you.

21 THE COURT: Okay. Ladies and gentlemen, you've
22 heard all the testimony and the evidence in this case.
23 It's now my duty to instruct you on the law that
24 applies. The indictment charges the Defendant with
25 murder.

JURY CHARGE

1 THE BAILIFF: Your Honor, one's having difficulty
2 hearing you. Is the microphone on?

3 THE COURT: Yeah, I just turned it on.

4 THE BAILIFF: Okay.

5 THE COURT: The indictment charges the Defendant
6 with murder. I remind you that the fact that the
7 Defendant was arrested, charged, and indicted in this
8 case is not evidence, and can not be considered by you
9 as evidence of guilt nor does it create any presumption
10 or inference of guilt. This document is simply the
11 formal written instrument which contains the charges
12 against the Defendant. It's the formal document by
13 which this case is brought into court.

14 The Defendant has pled not guilty to this
15 indictment, and that plea puts the burden on the State
16 to prove the Defendant guilty. A person charged with
17 committing a criminal offense is never required to
18 prove herself innocent. I charge you that it's an
19 important rule of law that the Defendant, in a criminal
20 trial, no matter what the seriousness of the charge may
21 be, will always be presumed to be innocent of the crime
22 for which the indictment was issued unless guilt has
23 been proven by evidence satisfying you of that guilt
24 beyond a reasonable doubt.

25 This presumption of innocence does not end when

JURY CHARGE

1 you begin your deliberations, but it accompanies the
2 Defendant throughout the trial unless or until you
3 reach a verdict of guilt based on evidence satisfying
4 you of that guilt beyond a reasonable doubt.

5 The presumption of innocence is not mere legal
6 theory. It's not just a legal phrase. It is a
7 substantial right to which ever defendant is entitled
8 unless you, the jury, are satisfied, from the evidence,
9 of the Defendant's guilt beyond a reasonable doubt.

10 Now, what is a reasonable doubt in the law? It's
11 the kind of doubt for which you can give a reason.
12 It's also described as the kind of doubt that would
13 cause a reasonable person to hesitate to act. Proof
14 beyond a reasonable doubt is proof that leaves you
15 firmly convinced of the Defendant's guilt.

16 There are few things in this world with we know
17 with absolute certainty, and, in criminal cases, the
18 law does not require that proof overcomes every
19 possible doubt. If, based on your consideration of the
20 evidence, you are firmly convinced that the Defendant
21 is guilty of the crime charged, you must find the
22 Defendant guilty. If, on the other hand, you think
23 there is a real possibility that the Defendant is not
24 guilty, you must give the Defendant the benefit of the
25 doubt and find her not guilty.

JURY CHARGE

1 I remind you that, during this trial, you and I
2 have certain duties to perform. As the trial judge,
3 it's my responsibility to preside over the trial of
4 this case, and I also have the duty to rule on the
5 admissibility of the evidence offered during this
6 trial. You are to consider only the competent evidence
7 before you. You are to consider only the testimony
8 which has been presented from this witness stand, and
9 the exhibits which have been made a part of the record
10 in this case.

11 I have the additional duty to charge you the law
12 applicable to this case, and, as the presiding judge, I
13 am the sole judge of the law. It is your duty, as
14 jurors, to accept and apply the law as I now state it
15 to you. If you already had some idea as to what the
16 law is or what the law ought to be, and it does not
17 agree with what I now tell you the law is, you must
18 abandon your previous idea because you're sworn to
19 accept the law as I state it to you now and apply it.

20 In every case tried before a jury, the jury
21 becomes the sole and exclusive judges of the facts of
22 the case. A judge can not comment on or make any
23 statement to the trial jury about the facts in a case.
24 As you are the sole fact finders, you are not to infer
25 from what I've said during the progress of this trial

JURY CHARGE

1 in ruling on the admissibility of evidence or otherwise
2 or anything that say now during the course of this
3 instruction to you that I have any opinion about the
4 facts of the case. The law does not allow me to have
5 an opinion about the facts. This is a matter solely
6 for you, the jury, to determine. As jurors, it's your
7 duty to determine the effect, value, weight, and truth
8 of the evidence presented during this trial.

9 Now, there are two types of evidence which are
10 generally presented during a trial, direct evidence and
11 circumstantial evidence. Direct evidence directly
12 proves the existence of a fact, and does not require
13 deduction. Direct evidence is the testimony of a
14 person who claims to have actual knowledge of a fact,
15 such as an eye witness.

16 Circumstantial evidence is proof of a chain of
17 facts and circumstances indicating the existence of a
18 fact. Crimes may be proven by circumstantial evidence.
19 The law makes no distinction between the weight or
20 value to be given to either direct or circumstantial
21 evidence nor is a greater degree of certainty required
22 of circumstantial evidence than of direct evidence.

23 You should weigh all of the evidence in this case.
24 However, to the extent the State relies on
25 circumstantial evidence, all of the circumstances must

JURY CHARGE

1 be consistent with each other, and when taken together,
2 point conclusively to the guilt of the accused beyond a
3 reasonable doubt. If these circumstances merely
4 portray the Defendant's behavior as suspicious, the
5 proof has failed.

6 After weighing all of the evidence, if you are not
7 convinced of the guilty of the Defendant beyond a
8 reasonable doubt, you must find the Defendant not
9 guilty. The State has the burden of proving the
10 Defendant guilty beyond a reasonable doubt. This
11 burden rests with the State regardless of whether the
12 State relies on direct evidence, circumstantial
13 evidence, or some combination of the two.

14 Now, necessarily, you must determine the
15 credibility of the witnesses who have testified in this
16 case, and credibility simply means believability. It
17 becomes your duty, as jurors, to analyze and evaluate
18 the evidence and determine which evidence convinces you
19 of its truth.

20 In determining the believability of the witnesses
21 who have testified in this case, you may believe one
22 witness over several or you may believe several
23 witnesses over one. You may believe a of the testimony
24 of a witness, and reject the remaining part of the
25 testimony of that same witness. You may believe the

JURY CHARGE

1 testimony of a witness in its entirety or you may
2 reject the testimony of a witness in its entirety.

3 You may consider whether any witness exhibited to
4 you any interest, bias, prejudice, or other motive in
5 this case. You may also consider the appearance and
6 manner of the witness while on the witness stand, what
7 their demeanor was while on the witness stand.

8 The Rules of Evidence ordinarily do not permit,
9 permit witnesses to testify to opinions or conclusions.
10 An exception to this rule exists for witnesses that we
11 call expert witnesses. This is a witness who, by
12 education, or experience, or training, has become
13 expert in some art, science, profession, or calling.
14 And they may state an opinion as to relevant and
15 material matter in which they claim to be an expert.
16 And they can also state the reasons for their opinion.

17 In this trial, you've heard expert testimony in the
18 field of forensic pathology, fingerprint analysis, and
19 DNA analysis. You should consider any expert opinion
20 received in evidence in this case, and like any other
21 evidence, give it the weight you think it deserves. If
22 you decide that the opinion of an expert witness is not
23 based on sufficient education and experience or if you
24 conclude that the reasons given in support of the
25 opinion are not sound or that the opinion is outweighed

JURY CHARGE

1 by other evidence, you may disregard the opinion
2 entirely.

3 An expert witnesses testimony is to be given no
4 greater weight than that of other witnesses simply
5 because the witness is an expert. Further, you're not
6 required to accept an expert's opinion even though it's
7 not contradicted.

8 The Defendant in this case is charged with murder.
9 The State must prove, beyond a reasonable doubt, that
10 the Defendant killed another person with malice
11 aforethought. Malice is hatred, ill will, or hostility
12 towards another person. It is the intentional doing of
13 a wrongful act without just cause or excuse, and with
14 an intent to inflict an injury or under circumstances
15 that the law will infer an evil intent.

16 Malice aforethought does not require that malice
17 exists for any particular time before the act is
18 committed, but malice must exist in the mind of the
19 Defendant just before and at the time of the acts -- at
20 the time the act is committed. Therefore, there must
21 be a combination of the previous evil intent and the
22 act.

23 Malice aforethought may be either expressed or
24 inferred. These terms, express and inferred, do not
25 mean different kinds of malice, but merely the manner

JURY CHARGE

1 in which the malice may be shown to exist. That is
2 either by direct evidence or by inference from the
3 facts and circumstances which are proved.

4 Expressed malice is when a person speaks words
5 which express hatred or ill will for another or when
6 the person prepared beforehand to commit the act which
7 was later accomplished. For example, lying in wait for
8 a person or any other act of preparation going to show
9 that the deed was within the Defendant's mind would be
10 expressed malice. Malice may be inferred from conduct
11 showing a total disregard for human life.

12 If facts are proved beyond a reasonable doubt
13 sufficient to raise an inference of malice to your
14 satisfaction, this inference would simply be an
15 evidentiary fact to be considered by you, the jury,
16 along with the other evidence in the case, and you may
17 give it the weight you decide it should receive.

18 If a crime is committed by two or more people who
19 are acting together in committing a crime, the act of
20 one is the act of all. A person who joins with another
21 to commit an unlawful act is criminally responsible for
22 everything done by the other person which happens as a
23 probable or natural consequence of the acts done in
24 carrying out a common plan and purpose.

25 For example, two people can be guilty of killing

JURY CHARGE

1 another person when only one of the two had a gun,
2 there was only one bullet, and only one of the two
3 fired the shot that caused the death. If two or more
4 people are together acting together, assisting each
5 other in committing the offense, the act of one is the
6 act of all or is sometimes said the hand of one is the
7 hand of all.

8 Prior knowledge that A crime is going to be
9 committed without more is not sufficient to make a
10 person guilty of that crime. Mere knowledge that
11 another person is going to commit a crime, even if the
12 Defendant was present when the crime was committed, is
13 not sufficient to convict the defendant as a principal.
14 Guilt as a principal is shown by actual or constructive
15 presence at the scene as a result of prior arrangement.
16 Therefore, the finding of a prior arranged plan or
17 common scheme is necessary for a finding of, a finding
18 of guilt as a principal. The State must prove, beyond
19 a reasonable doubt, by competent evidence, evidence the
20 theory of the hand of one is the hand of all.

21 A principal in a crime is one who either actually
22 commits the crime, or who is present, aiding, abetting,
23 or assisting in committing the crime. When a person
24 does an act in the presence of and with the assistance
25 of another, the act is done by both. Where two or

JURY CHARGE

1 more, acting with a common plan or intent, are present
2 at the commission of a crime, it does not matter who
3 actually commits the crime, all are guilty. Again, the
4 hand of one is the hand of all. Present at the
5 commission of a crime means to be sufficiently near to
6 aid and abet and assist in the commission of the crime.
7 However, mere presence at the scene of a crime is not
8 sufficient to convict one as a principal on the theory
9 of aiding and abetting.

10 Intent is also a necessary element. There must
11 have been a common design or intent to commit the
12 crime, and the crime must of been committed with the
13 person aiding and abetting by some overt act. Intent
14 means intending the result which actually occurs. Not
15 accidentally or involuntary. Intent may be shown by
16 acts and circumstance -- act and conduct of the
17 Defendant, and other circumstances from which you may
18 naturally and reasonably infer intent. The State must
19 prove these elements beyond a reasonable doubt.

20 I further charge you that when voluntary
21 intoxication has not produced permanent insanity, it is
22 not a defense to a crime. A person who voluntarily
23 becomes intoxicated is just as responsible for the acts
24 committed while intoxicated as when the person is not
25 intoxicated.

JURY CHARGE

1 Ladies and gentlemen, we are going to excuse you
2 to the jury room to begin your deliberations. We are
3 gonna send you with all of the exhibits and also with
4 the verdict form. .I'm going to go over that verdict
5 form with you now. It's a very simple for. You'll see
6 the caption at the top. It states, as to the charge of
7 murder, we, the jury, unanimously find the Defendant,
8 and then there are two choices. Please don't read
9 anything into the order in which these choices appear.
10 One has to be first, and one has to be second.

11 You have a choice of guilty or not guilty. Once
12 you have deliberated and reached a unanimous verdict,
13 you will indicate in the appropriate box your verdict.

14 Ms. Foster, you'll sign on behalf of the jury
15 panel once you've completed your deliberations.

16 Any additions or exceptions from the State?

17 MS. SWANSON: None from the State.

18 THE COURT: And from the defense?

19 MR. WALKER: None, Your Honor.

20 THE COURT: Okay. Ladies and gentlemen, I'm gonna
21 dismiss you now. I'll going to ask that you not begin
22 your deliberations until we bring, bring you the
23 exhibits.

24 THE BAILIFF: May they bring their notebooks, Your
25 Honor?

JURY CHARGE

1 THE COURT: You may.

2 THE BAILIFF: Follow me and bring your notebooks.

3 (Jury exits the courtroom at 12:55.)

4 THE BAILIFF: They jury's clear, Your Honor.

5 THE COURT: Okay. Ms. Swanson, Mr. Walker, if I
6 can get you-all to gather the exhibits together, and
7 make sure we have everything to send back.

8 MS. SWANSON: Yes, Your Honor.

9 (Jury deliberations begin.)

10 *(Whereupon, Court's Exhibit No(s). 2-3 marked for*
11 *identification and received in evidence.)*

12 THE COURT: We have two notes from the jury. I'll
13 address the second one first. This has been marked as
14 Court's Exhibits 3. It says Sam needs to make a phone
15 call to cancel a doctor's appointment. One of the
16 jurors apparently had a doctor's appointment at 3:30 I
17 believe that said that he needs to call and cancel.
18 I've already given him permission to go ahead and
19 cancel that doctor's appointment.

20 Court's Exhibit 2 is a letter from the foreperson.
21 It's got several questions. The first is can we get
22 the text messages and phone records for Tuesday.
23 That's the first question. The second question says
24 can we also get the refill dates from pill bottles.
25 The third says can we get a description of Teresa's

COLLOQUY

1 size and the exact locations of the duct tape on the
2 body. Duct tape location from Brock palm print, and
3 then the last says description of the law pertaining to
4 malice or the last paragraph read by the Judge.

5 So, my feeling on Questions 1, 2, and 3, can we
6 get the text messages and phone records for Tuesday is
7 requesting facts not in evidence. Can we also get the
8 refill dates from the pill bottles. Same issue. The
9 third, can we get a description of the Teresa's size
10 and exact locations of the duct tape on the body. Duct
11 tape location from Brock palm print. Again, that's
12 asking for me to make a comment on the facts that I
13 cannot make.

14 The last one, description of the law pertaining to
15 malice or the last paragraph read by the Judge. I
16 guess let me hear from y'all on what you think -- well,
17 anything you want to tell me about our response to any
18 of the questions I've read, and your thinking
19 certainly.

20 MS. SWANSON: Thank you. As it pertains to the
21 request for evidence, I would just like the -- I
22 wouldn't want the Court to say it's not in evidence. I
23 would just like to Court to say you have all of the
24 evidence that was admitted, and, then as to description
25 of malice, I mean I guess they're asking to be

COLLOQUY

1 recharged on murder. I know you can't just recharge a
2 paragraph. So -- and then, you know, do they need to
3 be recharged on everything or just murder?

4 THE COURT: Do you have a position, Mr. Walker.

5 MS. SWANSON: I, I would -- if you're gonna
6 recharge on murder, I would ask that you also recharge
7 hand of one.

8 MR. WALKER: I don't have any objection to the
9 wording she asked -- you know, they must rely on what
10 they heard, you know, and then I don't, I don't object
11 to them being recharged on murder or hand of one,
12 and --.

13 THE COURT: Well, let me ask y'all this. I know
14 some judges routinely send a copy of the jury
15 instructions back to the jury room. How do you feel
16 about that?

17 MR. WALKER: I have no objection.

18 MS. SWANSON: I have no objection.

19 THE COURT: The only change that I'll make is just
20 this one has the word murder highlighted, and we will
21 give them a copy that does not have the word murder
22 highlighted.

23 With respect to the first three questions then, I
24 will instruct them that they have received all the
25 testimony and all, and all the evidence, and that

COLLOQUY

1 that's what they should consider during their
2 deliberations.

3 Okay. If you want to bring the jury on in for me?

4 (The jury enters the courtroom at 2:20 p.m.)

5 THE BAILIFF: The jury is entering the courtroom,
6 Your Honor. The jury is seated, Your Honor.

7 THE COURT: Okay. Ladies and gentlemen, I do have
8 your questions, which, for the record, we've marked as
9 Court's Exhibit 2, which states can we get the text
10 messages and messages for Tuesday. Can we also get the
11 refill dates from pill bottles. And can we get a
12 description of Teresa's size, and the exact locations
13 of the duct tape on the body, duct tape location from
14 Brock palm print.

15 As to those three question, my instruction to you
16 is that you've received all of the evidence and
17 testimony that has been presented in this case, and
18 that is what you should be considering in your
19 deliberations. Neither I nor the attorneys can now
20 make a comment to you, comment to you or give you
21 further evidence with regard to the facts of the case.

22 As to your last question, the description of the
23 law pertaining to malice, or the last paragraph read by
24 the Judge, we are going to prepare a copy of my jury
25 instructions to send back to the jury room with you so

JURY QUESTION

1 you'll have that written copy of my jury instructions.

2 Thank you.

3 (The jury exits the courtroom at 2:22 p.m.)

4 THE BAILIFF: The jury's clear, Your Honor.

5 THE COURT: Any objection to the instructions
6 given to the jury?

7 MS. SWANSON: None from the State.

8 MR. WALKER: None from the defense, and may I just
9 suggest maybe send two copies back so, when people are
10 discussing what they mean, then they have them to
11 reference.

12 THE COURT: Yes, that's fine.

13 Okay. We'll be in recess.

14 THE COURT: Thank you. You may have a seat.

15 Okay. We're ready for the jury?

16 MS. SWANSON: The State's ready.

17 MR. WALKER: Yes, Your Honor.

18 THE BAILIFF: The jury is entering the courtroom,
19 Your Honor.

20 THE COURT: Thank you.

21 (The jury enters the courtroom at 3:30 p.m.)

22 THE COURT: I understand the jury has reached a
23 verdict, Ms. Foster?

24 THE JUROR: Yes, Your Honor.

25 THE COURT: If you would please hand the verdict

VERDICT

1 form to the bailiff.

2 I do have the jury's verdict, and it states, as to
3 the charge of murder, we, the jury, unanimously find
4 the Defendant, guilty.

5 Let me ask, ladies and gentlemen, is this your
6 verdict?

7 THE JUROR: Yes, Your Honor.

8 THE COURT: Anything from the State?

9 MS. SWANSON: Nothing from the State.

10 THE COURT: Mr. Walker.

11 MR. WALKER: We ask that the jury be polled, Your
12 Honor.

13 THE COURT: Okay. If you'll please poll the jury.

14 THE CLERK: Juror Number 392, is this your
15 verdict?

16 THE JUROR: It is.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: It is.

19 THE CLERK: Juror Number 306.

20 THE JUROR: Yes.

21 THE CLERK: Is this your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror Number 286.

VERDICT

1 THE JUROR: Yes.

2 THE CLERK: Is this your

3 verdict?

4 THE JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror Number 342.

8 THE JUROR: Yes.

9 THE CLERK: Is this your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Is it still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror Number 56.

14 THE JUROR: Yes.

15 THE CLERK: Is this your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Juror Number 314.

20 THE JUROR: Yes.

21 THE CLERK: Is this your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror Number 102.

VERDICT

1 THE JUROR: Yes.

2 THE CLERK: Is this your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Is it still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Juror Number 82.

7 THE JUROR: Yes.

8 THE CLERK: Is this your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Is it still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Juror Number 257.

13 THE JUROR: Yes.

14 THE CLERK: Is this your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Is it still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Juror Number 145.

19 THE JUROR: Yes.

20 THE CLERK: Is this your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Juror Number 86.

25 THE JUROR: Yes.

VERDICT

1 THE CLERK: Is this your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror Number 183.

6 THE JUROR: Yes.

7 THE CLERK: Is this your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Is it still your verdict?

10 THE JUROR: Yes.

11 THE COURT: Anything further before we release the

12 jury?

13 MS. SWANSON: Nothing from the State.

14 THE COURT: Ladies and gentlemen of the jury, I

15 want to thank you very much for your time, for your

16 attention this week. You've done a great service to

17 your community in your service as jurors.

18 This does exempt you for jury service for the next

19 three years. If you were to get a juror summons, if

20 you'll let the clerks of -- office know that you've

21 already served. That does serve as an exemption for

22 three years.

23 I'm gonna go ahead and release you. Again, I want

24 to thank you very much for your service this week. You

25 are free to go at this time. You are welcome to

JURY RELEASED BY THE COURT

1 remain. If you'd like to come to the back of the
2 courtroom, that's perfectly fine as well.

3 Again, thank you so much.

4 THE BAILIFF: Follow me please.

5 (The jury exits the courtroom at 3:34 p.m.)

6 THE COURT: Okay. I'm glad to hear from the State
7 and the Defendant on sentencing, and, Mr. Walker, we're
8 just handing you a copy of the verdict form in case you
9 wanted to actually see the verdict form.

10 MS. SWANSON: Your Honor, I -- obviously you've
11 heard all the facts of the case, and that the Defendant
12 had no prior record. The victim's daughter does not
13 wish to address the Court. I do feel like I should
14 tell Your Honor that Brian Walls received a sentence of
15 40 years after his conviction. You know, I, I -- the
16 State does feel that he was the most likely the ring
17 leader, although, obviously, Courtney Brock is
18 responsible for everything as well, and the State would
19 leave the sentence in, in Your Honor's discretion.

20 THE COURT: Mr. Walker.

21 MR. WALKER: Thank you, Your Honor.

22 Courtney's 25 years of age. As you heard, she's
23 working at Sonic, living with her boyfriend, and her
24 grandmother in Ridgeland, has a beautiful three year
25 old daughter. Her family was here in support all week.

SENTENCING

1 Her grandmother passed away on Monday night. Her
2 mother has taken family members to the viewing, which
3 is today, and was hoping to be back in time for the
4 verdict, but certainly has the support of her family as
5 you saw.

6 As you've heard the State's theory, and we would
7 certainly agree that Brian Walls and also John Priester
8 were the primary movers in this incident. Brian Walls,
9 again, under, under their theory, received a 40 year
10 sentence. Also had prior convictions. I believe prior
11 statutory rape or some sort of sex offense. I know
12 he's on the registry and did prison time for that.
13 Obviously, he still has a pending rape charge and a
14 kidnapping relating from his -- the events following
15 this.

16 Understanding what the, the minimum sentence is,
17 and, Your Honor, and -- that Your Honor can give, we'd
18 ask the Court impose that sentence. I would also say
19 that Ms. Brock was never offered anything other than
20 the minimum sentence as a resolution of this matter.

21 THE COURT: Does Ms. Brock or anyone else wish to
22 make a statement to the Court?

23 MR. WALKER: I don't think she has anything to
24 say, Your Honor.

25 THE COURT: The jury has rendered its verdict and

SENTENCING

1 has spoken. There's really no winners in this. I feel
2 for the Seigler family, and I appreciate that you've
3 been here all week when I know it cannot have been easy
4 to sit through another trial. So, I'm very sorry for
5 the circumstances.

6 Ms. Brock, I'm sorry for your circumstances as
7 well. I'm gonna give you the 30 years given the fact
8 that you do not have any prior record. I'm taking that
9 into consideration certainly, and your young age at the
10 time this happened. But the Sentence of the Court is
11 that you're sentenced to the Department of Corrections
12 for a term of 30 years.

13 MR. WALKER: Thank you, Your Honor.

14 THE COURT: Thank you.

15 MS. SWANSON: Your Honor, I just wanted to make
16 sure that we didn't need to take up a motion for a new
17 trial at this point or are you gonna file it later,
18 Mr. Walker?

19 MR. WALKER: I'll just make it now. The grounds
20 that the evidence presented to the jury was -- did not
21 rise to the level that -- I say only probable cause --
22 I can't think of it at the moment, but I'll preserve
23 those motions that I made previously that were
24 overruled certainly related to the testimony of the
25 medical examiner, and we'd move that she be given a new

SENTENCING

1 trial. Also based on the questions that were asked.
2 They had doubts. They wanted more information than
3 they had, and realized, you know, and said, we would
4 argue, leaned the wrong way. And the lack of
5 information given.

6 THE COURT: Your motions are denied at this time.
7 I will leave the record open. If you want to submit
8 anything additional to the Court, certainly you've got
9 the right to do that.

10 MR. WALKER: Thank you, Your Honor.

11 THE COURT: All right. We are adjourned.

12 MS. SWANSON: Thank you, Your Honor.

13 (Whereupon, the trial concluded.)
14
15
16
17
18
19
20
21
22
23
24
25

SENTENCING

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 22nd day of February, 2020.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY

13

Official South Carolina Court Reporter

14

Circuit Reporter for the 14th Circuit

15

(850) 893-6662

16

mmanley@scccourts.org

17

18

19

20

21

22

23

24

25

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

COURTNEY E. BROCK #382549)

Full name and prison number (if any) of Applicant.)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2022 CP0701063

APPLICATION FOR

POST-CONVICTION RELIEF

2022 JUN 15 AM 11:03
JERRI H. ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Camille Graham Correctional, 4450 Broad River Rd., Columbia, SC 29210
2. Name and location of Court which imposed sentence Beaufort County Court of General Sessions, 102 Ribaut Rd., Beaufort, SC 29902
3. Name(s) of co-defendant(s) (if any) Brian Walls, John Priester
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017-GS-07-0327 - Murder
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:

- (a) October 24, 2019 - 30 years
 - (b) _____
 - (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
 - (b) after a plea of not guilty X
 - (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
 - i. South Carolina Court of Appeals
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. Dismissed
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. June 23, 2021
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. 2021-UP-238
 - ii. _____
 - iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
 - (b) _____
 - (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in

custody unlawfully:

- (a) Ineffective Assistance of Counsel
 - (b) _____
 - (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
 - (b) _____
 - (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
 - (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
 - (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
 - (c) the disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____

- iv. _____
- (d) the date of each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- 14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
No
- 15. If you answered "yes" to (14) identify:
 - (a) which grounds have been presented:
 - i. _____
 - ii. _____
 - iii. _____
 - (b) the proceedings in which each ground was raised:
 - i. _____
 - ii. _____
 - iii. _____
- 16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
 - (a) _____
 - (b) _____
 - (c) _____
- 17. Were you represented by an attorney at any time during the course of:
 - (a) your arraignment and plea? _____

- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Matthew Walker, Esq., 319 North Lucas Street Walterboro SC 29488
 - ii. Kathrine H. Hudgins, Esq., P.O. Box 11589, Columbia, SC 29211
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Trial and Sentencing
 - ii. Direct Appeal
 - iii. _____

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

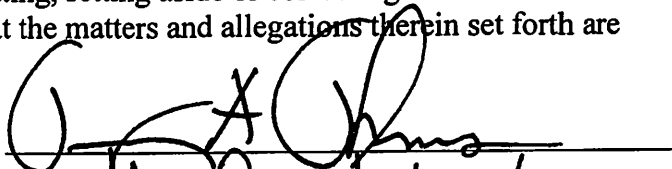
No

STATE OF SOUTH CAROLINA)

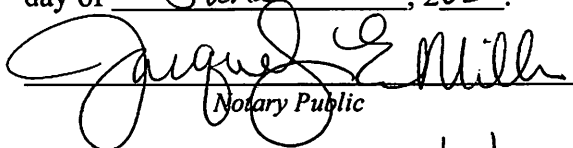
County of LEXINGTON)

VERIFICATION

I, Tommy A. Thomas for Courtney E. Brock, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.


 att for Applicant

SWORN to and subscribed before me this 14th
 day of June, 2022.

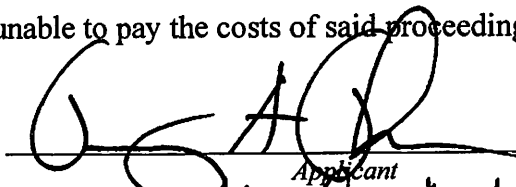
 (L.S.)
 Notary Public

My Commission Expires: 5/1/26

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Tommy A. Thomas for Courtney E. Brock, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant
att. for Applicant

SWORN or affirmed to and subscribed before me this
14th day of June, 2022.



Notary Public

My Commission Expires: 5/1/2026

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
	)	
Courtney E. Brock, SCDC #382549,	)	Case No. 2022-CP-07-01063
	)	
Applicant,	)	RETURN TO APPLICATION FOR
	)	POST-CONVICTION RELIEF
v.	)	AND MOTION FOR A MORE
	)	DEFINITE STATEMENT
State of South Carolina,	)	(Counsel Retained)
	)	
Respondent.	)	

Respondent the State of South Carolina, making its return to the application for post-conviction relief filed by counsel Tommy A. Thomas for Applicant Courtney E. Brock on June 15, 2022, would respectfully show this Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections. During its June 2017 term, the Beaufort County Grand Jury indicted Applicant for murder (2017-GS-07-00327)¹. On October 21-24, 2019, Applicant proceeded to a jury trial before the Honorable Kristi F. Curtis. Matthew Walker, Esquire, represented Applicant. Hunter Swanson and Samantha Molina of the Fourteenth Circuit Solicitor's Office prosecuted the case. At the conclusion of trial, the jury found Applicant guilty as indicted. Following the verdict, Judge Curtis sentenced Applicant to thirty years imprisonment.

Applicant timely filed a notice of appeal and was represented on appeal by Appellate Defender Kathrine H. Hudgins (Appellate Counsel) of the South Carolina Commission on Indigent Defense – Division of Appellate Defense. Appellate Counsel filed a brief pursuant to *Anders*² on Applicant's behalf and a petition to be relived as counsel. On appeal, Applicant raised one issue:

¹ Applicant's indictment was later amended by the Beaufort County Grand Jury during the August 2019 term.

² *Anders v. California*, 386 U.S. 738 (1967).

Did trial judge erred in qualifying a medical student, who was completing her fellowship and acting as the prosecutor at the autopsy but was not board certified in forensic pathology, as an expert in forensic pathology and allowing her to give an opinion as to cause of death when a board certified forensic pathologist signed the autopsy report and cause of death was an important issue for the jury to decide?

Applicant did not file a response to the *Anders* brief. On June 23, 2021, the South Carolina Court of Appeals dismissed the appeal in an unpublished opinion and granted Appellate Counsel's motion to be relieved as counsel. *State v. Brock*, 2021-UP-238 (S.C. Ct. App. filed June 23, 2021). The remittitur was returned to the circuit court on September 8, 2021.

II. Allegations Raised and Relief Sought in Post-Conviction Relief Application

Applicant timely commenced this PCR action on June 15, 2022. In her application for post-conviction relief, Applicant alleges she is being held in custody unlawfully based on the following:

1. Ineffective assistance of counsel.

Applicant requests relief as follows:

“new trial.”

Attached to this return and incorporated by reference are the Beaufort County Clerk of Court records regarding the subject convictions; Applicant's records from the South Carolina Department of Corrections; the records from Applicant's appeal, including the trial transcript; and the records of the current PCR action. The State reserves the right to amend this return upon receipt of any relevant materials.

III. Response to Allegations of Ineffective Assistance of Counsel

Applicant asserts counsel was ineffective; however, Applicant wholly fails to specify how counsel was ineffective and/or how Applicant was prejudiced by trial counsel's alleged ineffectiveness. Without more definite facts and circumstances to support Applicant's claims, it is impossible for Respondent to respond specifically to this vague allegation. Instead, Respondent responds generally and moves for Applicant, through retained counsel, to file an amended

application with specific allegations.

Ineffective Assistance of Counsel, Generally

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant—like all other defendants—the right to “assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel’s conduct “was so ineffective as to require reversal” of the applicant’s conviction. 466 U.S. at 687. To obtain relief, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Id.* at 687–88; *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that “[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal quotation marks omitted)).

The first prong—constitutional deficiency—is “necessarily linked to the practice and expectations of the legal community.” *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010). An applicant making a claim of ineffective assistance “must identify the acts or omissions of counsel that are alleged *not* to have been the result of reasonable professional judgment.” *Strickland*, 466 U.S. at 690 (emphasis added). The reviewing court must then “determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance” demanded of attorneys in criminal cases. *Id.* Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a “strong presumption that counsel’s conduct falls within the wide range of reasonably professional assistance.” *Butler*, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Review of counsel’s actions is hallmarked by deference, as “it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” *Strickland*, 466 U.S. at 689; *see also Yarborough v. Gentry*, 540 U.S. 1, 6 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). No particular set of detailed rules for counsel’s conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. *Strickland*, 466 U.S. at 688–89; *see id.* at 691 (“Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another.”). Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time. *Id.* at 689. The ultimate question

is not whether counsel's actions were reasonable, but whether there is any reasonable argument counsel satisfied *Strickland's* deferential standard.

The second, or "prejudice" prong of *Strickland* is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. 466 U.S. at 691–92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. *See id.* at 695 (Where a defendant challenges his conviction, he must show that there exists "a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt").

In determining prejudice, the reviewing court must consider the totality of the evidence before the jury. *Id.* at 695. It is not sufficient "to show [counsel's] errors had some conceivable effect" on the outcome of the proceeding—counsel's errors must be "so serious as to *deprive the defendant of a fair trial.*" *Id.* at 687 (emphasis added). "An error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Id.* at 691. Moreover, the South Carolina Supreme Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice. *Bannister v. State*, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998).

The *Strickland* standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690. Courts must be wary of second guessing counsel's trial tactics; and where

counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992). The applicant's burden of proving both *Strickland* components is heavy in light of the strong presumption that counsel's conduct fell within the range of reasonable professional legal assistance. 466 U.S. at 690. Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. *Strickland*, 466 U.S. at 686; *see Nix v. Whiteside*, 475 U.S. 157, 175 (1986) (noting that under *Strickland*, the "benchmark" of the right to counsel is the "fairness of the adversary proceeding").

The State submits Applicant can satisfy neither requirement of the *Strickland* standard. However, as discussed above, it is impossible for the State to adequately and specifically respond to Applicant's allegations of ineffective assistance of counsel because Applicant has failed to provide any specific facts to support his allegation(s). *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the [PCR] court"). Thus, the State moves to require Applicant, through retained counsel, to provide a more definite statement of his allegations pursuant to Rule 12(e), SCRCP.

IV. Motion for a More Definite Statement

The State submits Applicant's unsupported allegation of ineffective assistance of counsel is without merit. However, it is impossible for the State to adequately respond to this claim because Applicant has failed to explain with any specificity the facts upon which her claim(s) are based. S.C. Code Ann. § 17-27-50 (requiring an applicant to "specifically set forth the grounds upon which the application is based"); *see also Welch v. MacDougall*, 246 S.C. 258, 260, 143 S.E.2d

455, 456 (1965) (stating it is incumbent upon an applicant to make at least a prima facie showing entitling him to relief before an evidentiary hearing will be scheduled and held); *Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court”); Rule 8(a)(2), SCRCPP (requiring all civil pleadings to include “a short and plain statement of the facts showing that the pleader is entitled to relief”); Rule 71.1(d), SCRCPP (“Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.”).

Accordingly, the State moves for Applicant, through retained counsel, to amend her application to provide specific claims and facts to support these vague allegations pursuant to Rule 12(e), SCRCPP, and the Post-Conviction Procedure Act.

V. Any Future Amendments and Invocation of Discovery Process

Applicant must specify any claims she intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has retained an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCPP. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.* at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C.

Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP. *See also* Rules 15(a)–(b), SCRCP. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. *See* Rule 15(a), SCRCP.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. The State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State.

VI. Response to Any and All Other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

[conclusion and signature on following page]

VII. Conclusion

WHEREFORE, the State moves for a more definite statement and the opportunity to respond to the more definite statement if necessary. Once a more definite statement is provided, the State requests an evidentiary hearing be held on the amended claim(s) of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

SAMANTHA J. WEIDAUER
Assistant Attorney General

By: 
ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

September 16, 2022

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Courtney Brock, #382549

Applicant,

v.

State of South Carolina

Respondent,

) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTEENTH JUDICIAL
) CIRCUIT

Case No.: 2022-CP-07-01063

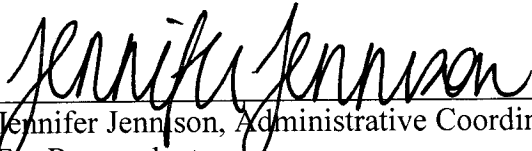
Certificate of Service by Mail

2022 SEP 20 PM 4:52
CLERK OF COURT
BEAUFORT COUNTY, S.C.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to the Application for Post-Conviction Relief and Motion for More Definite Statement in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Tommy A. Thomas, Esquire
Post Office Box 88
Irmo, SC 29063

DATED this 16th day of September, 2022.


Jennifer Jennison, Administrative Coordinator
For Respondent

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
	)	
COUNT OF BEAUFORT	)	CASE NO.: 2022-CP-07-01063
	)	
Courtney E. Brock, #382549,	)	
	)	
Applicant,	)	AMENDMENT TO POST CONVICTION
	)	RELIEF APPLICATION
Vs.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

The Applicant above named in the aforementioned matter, through her Attorney, Tommy A. Thomas, respectfully re-alleges those allegations as contained in the original Application for Post Conviction Relief and moves to amend her original Post Conviction Relief Application as follows:

1. That trial counsel failed to develop an effective defense strategy, in that:
 - a. He failed to differentiate Applicant and her involvement from that of her two codefendants; and
 - b. He failed to include testimony of a codefendant that Applicant was not involved.
2. That trial counsel failed to engage in meaningful plea negotiations before trial.
3. That the Applicant reserves the right to Amend the Application as may become necessary.

Respectfully submitted,



Tommy A. Thomas, Esq.
 Attorney for Applicant
 P.O. Box 88
 Irmo, SC 29063

May 1, 2023

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT) COURT OF COMMON PLEAS FOR THE
FOURTEENTH JUDICIAL CIRCUIT

DOCKET NO.: 2022-CP-07-01063

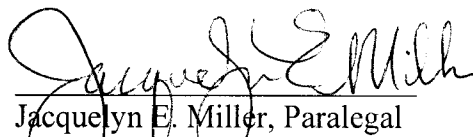
Courtney E. Brock #382549,)
))
Appellant,)
))
vs.)
))
State of South Carolina,)
))
Respondent.)
_____)

CERTIFICATE OF SERVICE

FILED
CLERK OF COURT
JUL 1 - 3 PM 1:01
BEAUFORT COUNTY, S.C.

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, P.C., hereby certify that I placed in the United States Mail, a copy of an Amendment to Post-Conviction Relief Application, with postage prepaid and the return address clearly shown on said envelope to Danielle Dixon Esq. with the Attorney General's Office, at:

Office of the Attorney General
ATTN: Danielle Dixon
P.O. Box 11549
Columbia, SC 29211-1549
danielledixon@scag.gov


Jacquelyn E. Miller, Paralegal
Tommy A. Thomas, P.C.
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Irmo, SC
May 1, 2023

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
	)	
COUNT OF BEAUFORT	)	CASE NO.: 2022-CP-07-01063
Courtney E. Brock, #382549,	)	
	)	
Applicant,	)	SECOND
	)	AMENDMENT TO POST CONVICTION
Vs.	)	RELIEF APPLICATION
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

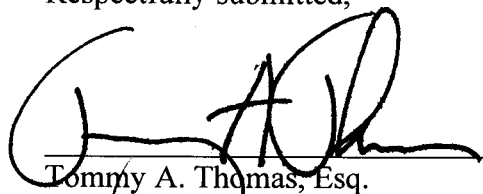
2023 JUL 31 PM 1:52
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

The Applicant above named in the aforementioned matter, through her Attorney, Tommy A. Thomas, respectfully re-alleges those allegations as contained in the original Application for Post Conviction Relief and moves to amend her original Post Conviction Relief Application as follows:

1. That trial counsel was ineffective for the following reasons:
 - a. The Applicant wanted to go to trial. When the Applicant inquired about the strategy for her trial, counsel informed her that he was going to show that she was not like the others. She was concerned and believe that he did not develop a proper defense on her behalf.
 - b. The Applicant was out on bond for 2 ½ to 3 years. That there was ample opportunity to meet with Defense Counsel. The Applicant is informed and believes that Defense Counsel was not adequately prepared for trial.
 - c. The Applicant is informed and believes that Trial Counsel was ineffective for not adequately addressing the issue of the duct tape. Which was supposedly involved in the crime and linked to her by the State.
2. The Applicant decided to take the stand. That the Applicant believes that she was not adequately prepared to take the stand, nor was she adequately advised of the dangers of taking the stand.

3. The Applicant's Co-Defendant, John Priester, who is currently housed at Lieber Correctional Institution, made statements to her that she did not have anything to do with the crime. The Applicant believes this information is crucial to her defense.
4. That the Applicant reserves the right to Amend the Application as may become necessary.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tommy A. Thomas', written over a horizontal line.

Tommy A. Thomas, Esq.
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063

July 27, 2023

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

COURT OF COMMON PLEAS FOR THE
FOURTEENTH JUDICIAL CIRCUIT

DOCKET NO.: 2022-CP-07-01063

Courtney E. Brock #382549,)
Appellant,)
vs.)
State of South Carolina,)
Respondent.)

CERTIFICATE OF SERVICE

2023 JUL 31 PM 1:52
JERRI ANN ROSENDAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, P.C., hereby certify that I
emailed, a copy of a Second Amendment to Post-Conviction Relief Application, to
Danielle Dixon Esq. with the Attorney General's Office, at:

Office of the Attorney General
ATTN: Danielle Dixon
P.O. Box 11549
Columbia, SC 29211-1549
danielledixon@scag.gov



Jacquelyn E. Miller, Paralegal
Tommy A. Thomas, P.C.
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Irmo, SC
July 27, 2023

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2022-CP-07-01063

Courtney E. Brock,)
)
 Plaintiff,)
)
 vs.)
)
 State of South Carolina,)
)
 Defendant.)
 -----)

TRANSCRIPT OF HEARING

November 30, 2023
Colleton, South Carolina

B E F O R E:

The Honorable Roger Young, Judge Presiding

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

For the Plaintiff -
Tommy A. Thomas, Esquire
P.O. Box 88
Irmo, South Carolina 29063
jackie@paroleme.com
803-732-5507

For the State -
Danielle Dixon, Esquire
Attorney General's Office
803-734-3737

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

I N D E X

	PAGES
Proceedings	3
Witnesses:	
Courtney Brock	
Direct by Mr. Thomas	6
Cross by Ms. Dixon	44
Redirect by Mr. Thomas	51
Matthew Walker, Esquire	
Direct by Ms. Dixon	56
Cross by Mr. Thomas	67
Redirect by Ms. Dixon	76
Closing Statement by Mr. Thomas	78
Closing Statement by Ms. Dixon	81
Certificate of Reporter	85

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

* * * * *

THE COURT: Ms. Dixon?

MS. DIXON: May it please the Court, I'm Danielle Dixon, Assistant Attorney General for the State of South Carolina. This is the case of Courtney Brock v. State, Docket Number 2022-CP-07-1063. Ms. Brock is currently serving a 30-year sentence for murder. She was indicted by the Beaufort County Grand Jury in June of 2017 that -- for murder, that's Indictment Number 2017-GS-07-327. And just by way of background, this was a situation where the victim lived about two houses down from where Ms. Brock was staying with the two co-defendants, which were John Priester and Brian Walls. And the victim's house basically was on fire, firefighters went in, found her body bound with duct tape, wrapped in a blanket. She had bruising on her body. They found evidence of gasoline in the home. The next day -- I believe it was the next day, it might have been two days later, they found Ms. Brock, along with Brian Walls in a stolen vehicle in Chesterfield. He was arrested on unrelated charges having to do with sexual assault. They did search the car at that time, and they found

1 in the car the prescription medicine bottles of the
2 victim from the arson case. They did ultimately
3 find Mrs. Brock's DNA and fingerprints on the duct
4 tape, and they also found evidence of her DNA on the
5 prescription bottles. In October of 2019 she
6 proceeded to a jury trial before the Honorable
7 Kristi Curtis. She was represented by Matthew
8 Walker, and then Hunter Swanson and Samantha Molina
9 prosecuted the State case. She was found guilty as
10 indicted, sentenced to 30 years. She filed a notice
11 of appeal. It was perfected by appellate defender,
12 Catherine Hudgins, who filed an Anders brief. The
13 Court of Appeals dismissed it pursuant to Anders.
14 The remittitur was sent September 8th, 2021. She
15 then timely filed this PCR application. It has been
16 amended twice. And her grounds that she's going
17 forward today, as I understand it, is counsel was
18 ineffective for not developing an effective defense
19 strategy, and that he failed to differentiate
20 applicant and her involvement from her two co-
21 defendants, and failed to include testimony of the
22 co-defendant that applicant was not involved, and
23 that trial counsel failed to engage in meaningful
24 plea negotiations. Trial counsel was ineffective in
25 that applicant wanted to go to trial, and when she

1 asked about the strategy, he informed her he was
2 going to show she was not like the others. She
3 believes he didn't develop a proper defense. She
4 was on bond for two and a half to three years, had
5 ample opportunity to meet with defense counsel, and
6 she believes he was not adequately prepared. She
7 also believes he was ineffective for not adequately
8 addressing the issue of the duct tape. She's also
9 alleging that she was not adequately prepared to
10 testify or advised of the dangers of taking the
11 stand. And then she's alleging that counsel was
12 ineffective for not calling co-defendant, John
13 Priester to testify at her trial. With that, we
14 will turn it over to Mr. Thomas.

15 MR. THOMAS: Good morning.

16 THE COURT: Good morning.

17 MR. THOMAS: Your Honor, may it please the
18 Court? That is basically I think correct. We --
19 this case really hinges on a -- almost all
20 ineffective assistance of counsel in regards to
21 things we believe counsel could have done or didn't
22 do, or could have done better. Your Honor, in
23 regards to Mr. Priester, we did -- there was some
24 information that he might have been willing to
25 testify on her behalf. It turned out that he also

1 had counsel. Going through Mr. Priester's counsel,
2 we were informed that he did not wish to testify.
3 So in regards to that claim, we will withdraw that
4 claim because there is no way that we can go forward
5 on it in regards to Mr. Priester. Your Honor, if
6 it'd please the Court, we would call Ms. Brock to
7 the stand.

8 THE COURT: All right.

9 * * * * *

10 Courtney E. Brock,
11 having been duly sworn,
12 testifies as follows:

13 * * * * *

14 DIRECT EXAMINATION

15 MR. THOMAS: May it please the Court?

16 BY MR. THOMAS:

17 Q. Ms. Brock, you are currently serving
18 time in the South Carolina Department of
19 Corrections?

20 A. Yes.

21 Q. And what institution are you in?

22 A. Camille Graham.

23 Q. Camille Graham? How long have you been
24 there?

25 A. For a little over four years.

1 Q. All right. And you've been taking
2 programs and everything else that has been available
3 for you?

4 A. Yes.

5 Q. Okay. And you are doing as well as
6 possible with regards to trying to improve your
7 situation and yourself?

8 A. Definitely.

9 Q. Okay. Now, you were arrested for what?

10 A. Murder.

11 Q. Okay. Were there any other charges as
12 well, or just the murder?

13 A. Just the murder.

14 Q. Okay. And you went to trial in October
15 21 through 24 of 2019?

16 A. Yes.

17 Q. Okay. And about ---

18 THE COURT: Mr. Thomas, would you mind
19 moving over to ---

20 MR. THOMAS: I'd be happy to.

21 THE COURT: -- there? Thank you.

22 MR. THOMAS: Sorry, Your Honor.

23 THE COURT: It helps me hear better.

24 MR. THOMAS: Yes, Your Honor.

25 BY MR. THOMAS:

1 Q. Ms. Brock, so you were found guilty by
2 a jury?

3 A. Yes, sir.

4 Q. And you were sentenced to how much?

5 A. Thirty years.

6 Q. Okay. You filed an appeal?

7 A. Yes, sir.

8 Q. Okay. And you were represented by
9 appellate defense?

10 A. Yes, sir.

11 Q. And did not win your appeal?

12 A. No, sir.

13 Q. Okay. And then you filed a Post-
14 Conviction Relief Action?

15 A. Yes, sir.

16 Q. Okay. And you understand that in that
17 Post-Conviction you were asking that your conviction
18 be set aside?

19 A. Yes.

20 Q. We've talked about that?

21 A. Yes, sir.

22 Q. And if they set your conviction aside,
23 then in essence you go back and start all over
24 again?

25 A. Yes, sir.

1 Q. Okay. And with that there's certain
2 risks.

3 A. Yes.

4 Q. You could go to trial, or you could get
5 a plea, I mean anything could happen, and,
6 potentially, you could go back to trial and get more
7 time than the 30 years?

8 A. Yes, sir.

9 Q. You understand that?

10 A. Yes, sir.

11 Q. And given that understanding, you wish
12 to go forward today with your post-conviction?

13 A. Yes, sir, I do.

14 Q. Okay. All right. So when you were
15 arrested, you were taken to the Detention Center?

16 A. Yes.

17 Q. Okay. And this happened where?

18 A. I was living on Lady's Island at the
19 time.

20 Q. Okay. What county?

21 A. Beaufort County.

22 Q. Beaufort County, okay. And so you were
23 taken to the Detention Center in Beaufort County?

24 A. Yes, sir.

25 Q. Okay. Did you make bond?

1 A. Yes, sir.

2 Q. And how long were you in the Detention
3 Center before you made bond?

4 A. About three months.

5 Q. Okay. All right. And how long were
6 you out on bond?

7 A. Two, two and a half years.

8 Q. All right. And you had an attorney
9 appointed for you or did you retain an attorney?

10 A. I had one appointed.

11 Q. And who was that?

12 A. Mr. Matthew Walker.

13 Q. Okay. And he represented you
14 throughout the trial?

15 A. Yes, sir.

16 Q. All right. Now -- so you were out on
17 bond, so you were able to meet with Mr. Walker?

18 A. Yes, sir.

19 Q. Okay. And where did you meet with him?

20 A. I met with him at his office and then
21 at a Beaufort office.

22 Q. Okay. All right. Now, when you were
23 meeting with him how many times did you get a chance
24 or an opportunity to speak to him?

25 A. A few times before the trial, and then

1 the week of the trial we spoke.

2 Q. Okay. All right. And during that
3 period of time that you were meeting with him what
4 would y'all talk about?

5 A. We were trying to -- like he would ask
6 me questions about, like, why was my name on the
7 pill bottles, why was my DNA on duct tape and stuff
8 like that.

9 Q. Okay. This may be a good time to do
10 this, you and I had talked about this. Can you give
11 the Court just a very brief summary of what they
12 thought that you did, what they accused you of?

13 A. They said the hands of one is the hands
14 of all. That if I had anything to do with it
15 before, during or after the fact that I would have
16 to ---

17 Q. All right, let's -- do with what? What
18 happened?

19 A. Involved with the Ms. Theresa being
20 killed.

21 Q. Okay.

22 A. She was found in the house, and when
23 they found me and Brian, we were in the car in
24 Chesterfield.

25 Q. Okay. So there were co-defendants in

1 this case?

2 A. Yes, sir.

3 Q. And who were those co-defendants?

4 A. John Priester and Brian Walls.

5 Q. Okay. And are they serving time as
6 well?

7 A. Yes, sir.

8 Q. Okay. The -- what did they say that --
9 okay, so you were -- were you -- you were talking
10 about the victim in this case, and her name was?

11 A. Theresa Seigler.

12 Q. Ms. Seigler. Did you live -- did y'all
13 live near her?

14 A. Yes, we did.

15 Q. Okay. And how far from her was that?

16 A. Brian's house was two houses down, and
17 then we had a house around the corner, which was I
18 guess like ---

19 Q. Okay.

20 A. -- six houses away.

21 Q. So some -- so everybody knew her?

22 A. Yes.

23 Q. And you knew her?

24 A. Yes.

25 Q. Okay. And her health was not well?

1 A. No, it wasn't.

2 Q. And she was taking medication?

3 A. A lot, yes.

4 Q. A lot? Okay. And is that what was
5 taken from -- from her house?

6 A. Yes.

7 Q. Okay. And what kind? Prescription
8 medication?

9 A. Yes. It was a bunch of different
10 kinds.

11 Q. Okay, opioids?

12 A. Yes. There -- I know that there was
13 morphine pills, but I don't know all the other ones.

14 Q. Okay. All right. Now, it's your
15 contention that you were not involved in the murder?

16 A. Yes, sir.

17 Q. Okay. So when you met with your
18 attorney, how did you start putting together your
19 defense? What did y'all do?

20 A. So we talked about obviously what I was
21 doing before and during the time that they said that
22 she was murdered. And like we were putting together
23 the fact that I wasn't like them, even though I was
24 living with them, and even though I was, you know,
25 around them, I still didn't do what they were doing.

1 Q. In other words, you were living at the
2 same location as Mr. Walls and Mr. Priester?

3 A. Yes.

4 Q. Okay. But their actions were separate
5 than yours were?

6 A. Yes, sir.

7 Q. Okay. And you had a daughter?

8 A. Yes.

9 Q. And how old was she at the time?

10 A. At the time she was only about five,
11 six months.

12 Q. All right. Why were you living with
13 Mr. Walls and Mr. Priester?

14 A. I had nowhere else to go. I could have
15 went home with my mom, and I should have, but I
16 wanted to stay with Brandon and M.S. [REDACTED], and they
17 wouldn't allow him to -- Brandon to live within ---

18 Q. Who is Brandon?

19 A. Brandon is M.S. [REDACTED]'s father.

20 Q. Okay.

21 A. And, you know ---

22 Q. Who is M.S. [REDACTED]?

23 A. M.S. [REDACTED] is my daughter.

24 Q. Okay. And they were staying with you
25 -- all of y'all were at Mr. Walls? Does he own

1 those places?

2 A. Yes.

3 Q. All right. And you said that you could
4 have stayed at your mom's?

5 A. Me and M.S. [REDACTED] could have went to my
6 mother's, and that's what I should have done, but I
7 wanted to try to keep my family together, and
8 unfortunately it cost me a lot to try to do that.

9 Q. With Brandon?

10 A. Yes, sir.

11 Q. Okay. And why couldn't you move into
12 your mom's with the three of y'all?

13 A. Oh, my dad and my child's father at the
14 time -- my boyfriend at the time, they didn't get
15 along very well.

16 Q. Okay.

17 A. I mean they had a good rapport, but as
18 far as living together, that was not gonna be very
19 feasible.

20 Q. Okay. So that's why you were at this
21 location?

22 A. Yes, sir.

23 Q. Okay. And what was your relationship
24 with the victim? You knew her?

25 A. Yes. When we first moved with Brian,

1 he was staying with her, and we lived with her for
2 like two to three days ---

3 Q. Okay.

4 A. -- and then we got those houses.

5 Q. So you had stayed with her before?

6 A. Yes, sir.

7 Q. All right. And did you have any
8 connection with her after you moved from there to
9 Mr. Wall's?

10 A. Yes. She used to text us all the time
11 saying, "You know, I've got a pot of beans. Do
12 y'all have a ham hock that can go with this and we
13 can eat dinner together?" We actually used to go
14 smoke marijuana with her, and she'd always give us
15 little handout -- like little Bible booklets.

16 Q. Right.

17 A. Yeah, we just kind of -- you know, a
18 neighborly thing with her.

19 Q. So you had a drug addiction going on?

20 A. Yes, sir.

21 Q. Okay. What was your drug of choice?

22 A. Marijuana. I did try a bunch of other
23 drugs at the time, but marijuana was my addiction.

24 Q. How about Mr. Priester and Mr. Walls,
25 did they have a drug addiction?

1 A. Yes.

2 Q. And what kind of addiction, if any, did
3 they have?

4 A. I know that John Priester smoked weed,
5 and I know he did coke, and Brian was kind of
6 whatever he could get his hands on. He liked weed
7 and crack and coke and everything else he could get
8 his hands on.

9 Q. Okay. This was a pretty routine
10 occurrence?

11 A. Yes, sir.

12 Q. All right, okay. Let's kind of get
13 back to the -- talking about talking with your
14 lawyer and preparing your case.

15 A. Yes.

16 Q. Did you go did you go over the
17 discovery with -- with him?

18 A. I'd never seen a discovery.

19 Q. Uh-huh.

20 A. I was told that I did have DNA on my
21 pill bottle, and I did have DNA on the duct tape,
22 but I never like went over discovery, I'd never seen
23 one of those.

24 Q. Do you understand what the discovery
25 is?

1 A. I believe it's just where you -- they
2 tell me everything that the State had against me?

3 Q. That's correct. All right, and did he
4 ever actually show you any of the physical
5 documents ---

6 A. No, he didn't.

7 Q. -- from the discovery?

8 A. I didn't see those.

9 Q. Okay. And -- so what did you talk
10 about? How did you discuss the State's evidence,
11 and in conjunction with how he was going to defend
12 you?

13 A. He would ask me questions pertaining to
14 the evidence that they had, and then I would answer
15 whatever questions he had about why is my DNA on
16 this, why this happened, and why that happened? And
17 he said that Sesame Street was like the segment
18 where one of these things is not like the other, is
19 how we were kinda go forward with it, because I was
20 the thing that was not like the other.

21 Q. What do you mean by that?

22 A. I was -- I'm different than Brian and
23 John.

24 Q. How were you different?

25 A. Because I didn't murder her.

1 Q. You didn't -- I'm sorry?

2 A. I didn't murder her.

3 Q. Okay. But was he also talking about
4 your behavior? Was your behavior different?

5 A. Yes, very.

6 Q. And how was that different?

7 A. I'm just -- I was mom, I was a new mom,
8 and I was trying very hard to keep my family
9 together. I was driving. None of us had jobs. I
10 did have WIC so I could get her formula and things
11 of that nature. My mother helped me with diapers
12 and stuff like that and food a lot of times.

13 Q. Right.

14 A. And they were just -- they wanted to go
15 take things from people and get money for those
16 things and buy drugs.

17 Q. Okay. Now you've talked about DNA and
18 fingerprints and pill bottles and duct tape.

19 A. Yes, sir.

20 Q. How did the State, I guess when you
21 spoke with your attorney, what was your
22 understanding? How was the State going to link you
23 to this crime?

24 A. At the -- when we were speaking about
25 it, it was like they were just trying to say because

1 I was with them that I was involved in it, and
2 because I had something to do with it before, during
3 or after-the-fact, then I had to -- I'm just as
4 guilty as the person who killed her.

5 Q. Right. What did they believe? They
6 believed that you were there when the crime was
7 committed?

8 A. Not to my knowledge, no.

9 Q. Okay. Did they ever place you at the
10 scene of the crime when it happened?

11 A. No, sir.

12 Q. Okay. And actually there was an arson
13 as well?

14 A. Yes, sir.

15 Q. And when did that happen?

16 A. When me and Brian were in Chesterfield,
17 that was -- the fire was going on.

18 Q. All right. That's -- we'll get to
19 Chesterfield. But the -- the location where --
20 where the lady lived ---

21 A. Yes.

22 Q. -- there was a fire there?

23 A. Yes, sir.

24 Q. And when did that occur?

25 A. I -- it was the day after she was

1 killed.

2 Q. The day after, okay. And were you
3 charged with arson?

4 A. No, sir.

5 Q. Was Mr. Walls or Mr. Priester charged
6 with arson?

7 A. John Priester was.

8 Q. John Priester was?

9 A. Yes.

10 Q. Okay. Now in talking with your
11 attorney, what evidence -- what linked you to the
12 crime?

13 A. The handprint -- it's like a thumb kind
14 of handprint that was on the back -- not the sticky
15 side, but the back side of the duct tape.

16 Q. Okay. And were there -- was there
17 anything else that linked you to this crime?

18 A. My DNA on the top of the pill bottle.

19 Q. Okay. And you spoke to -- y'all
20 discussed that?

21 A. Yes, sir.

22 Q. Okay. Did you talk to him about an
23 explanation as to why there would have been DNA or
24 fingerprints?

25 A. Yes, sir.

1 Q. And what did you tell him?

2 A. With the pill bottle, Brian had asked
3 me to hand it to him numerous times on the ride, and
4 he kept getting pills out of it trying to sell them,
5 and then he wanted me to put it back in that front
6 pocket of that bookbag. And with the duct tape, I
7 had that fixing the walls, the floors, the windows.
8 I was trying to hold a house together -- two houses
9 together with duct tape at the time, because my
10 daughter was crawling into these holes and putting
11 these things in her mouth that should not have been
12 there.

13 Q. Trailers were in that bad of shape?

14 A. Yes.

15 Q. And I guess now's a good time to go
16 onto the -- Chesterfield. You ended up in
17 Chesterfield?

18 A. Yes, sir.

19 Q. And why?

20 A. Brian wanted his job back. He had
21 dropped John Priester off and his two sons in
22 Beaufort, and I tried to go with him, and he was
23 like yelling and tearing up.

24 Q. You tried to go with who?

25 A. I tried to go with the boys and John

1 Priester wanted to leave away from Brian.

2 Q. Okay.

3 A. He was acting obviously weird. I just
4 -- I wanted to get away from him. I felt -- at that
5 point I was like, "Okay, he's acting a little off, I
6 think I just need to go on about my business now,"
7 and he started like tearing up, crying, yelling,
8 "Please, no, you have to come with me. I have to
9 get my job back, I'm gonna save our family. And
10 Brandon will stop putting his hands on you, and all
11 these great things are gonna happen if you just come
12 with me and get my job back."

13 Q. Now, you said, to kind of complete the
14 picture of who all was in -- in the house, the two
15 boys, who were the two boys?

16 A. Oh, they are Brian's sons, K.W. and
17 X.W. .

18 Q. How old are they -- or were they at the
19 time?

20 A. At the time they were 14 and 15.

21 Q. They were living with you and everybody
22 else?

23 A. Yes, sir.

24 Q. Okay. Now so you ended up in
25 Chesterfield ---

1 A. Yes.

2 Q. -- with who?

3 A. Brian Walls.

4 Q. Just you and Brian?

5 A. Yes.

6 Q. All right. Why were you in the car
7 with Brian?

8 A. When he started freaking out about me
9 wanting to leave, and he was tearing up and telling
10 me all those great things like, "Everything's gonna
11 be okay, if you just go with me and get my job
12 back," I just sat down ---

13 Q. You were afraid ---

14 A. -- in the car.

15 Q. Were you afraid of him?

16 A. Yes.

17 Q. And why were you afraid of him?

18 A. He's a very big man, and he was on
19 drugs, and he was -- even though he was someone that
20 I grew up with, I still know of some other things
21 that he had done.

22 Q. Okay. All right. Now as far as
23 State's evidence against you, what you were
24 testifying to, you said that there was duct tape,
25 which we'll come back to, and then there was a pill

1 bottle. And where was this pill bottle located or
2 found?

3 A. It was in the front pocket of the black
4 bookbag that was in the -- it was in the floorboard
5 of the car that we were in.

6 Q. Okay. And you were actually arrested
7 in Chesterfield County?

8 A. Yes, sir.

9 Q. You and Mr. Walls?

10 A. Yes, sir.

11 Q. Okay. And you had mentioned earlier
12 about handing him a pill bottle?

13 A. Yes.

14 Q. And which pill bottle was that?

15 A. It was that same one, it had a mixture
16 of blue and white pills in it.

17 Q. Uh-huh.

18 A. It didn't have a label on it, he just
19 kept asking me to hand it to him. I would get it
20 out of the front pocket, hand it to him, he would
21 try to sell the pills, or take a couple and then
22 hand it back to me, and I would put it back in the
23 front pocket.

24 Q. Okay. And were they -- or do you
25 remember were they able to link those pills to the

1 victim?

2 A. Yes.

3 Q. Okay. And tell me about your
4 explanation to your trial attorney about the duct
5 tape.

6 A. I had it -- I was -- again, I was
7 fixing the floors, the walls, the windows,
8 everything. Like I said I was holding two houses
9 together with duct tape, I had nothing else and no
10 help. And I had it stretched out from one end of
11 our trailer to the other end of the trailer. I had
12 a paint can on the end of it holding it so that I
13 could stretch it all the way out, and then I would
14 cut off chunks and exact my sizes, I guess, to the
15 holes in the cracks.

16 Q. Okay. And that explained what?

17 A. Why my handprints or palm prints or
18 whatever, DNA, anything would be on that duct tape.

19 Q. Okay. And you had witnesses that
20 testified on your behalf in regards to the duct
21 tape?

22 A. Yes, sir.

23 Q. And what -- what -- in summary, what
24 was their testimony?

25 A. That my mother had walked in and seen

1 me doing this, and was just like, "What are you
2 doing?" And ---

3 Q. Okay. All right. So you had testimony
4 that indicated that this is what you were doing with
5 the duct tape?

6 A. Yes, sir.

7 Q. Okay. All right. Now the duct tape
8 was related to the victim how?

9 A. It was wrapped around her. I think
10 there were blankets and then the duct tape was
11 wrapped around her.

12 Q. Okay. And was there DNA found on the
13 duct tape as well; ---

14 A. Yes.

15 Q. -- do you remember?

16 A. Just the duct tape.

17 Q. On the duct tape? Okay.

18 MR. THOMAS: Your Honor, just for the
19 Court's information, there -- I've got transcript
20 pages, if you'd like, just where these -- these
21 items were found on the duct tape, It is, in
22 essence, 233 to 234, and the DNA on the duct tape is
23 page 244. And in regards to the pill bottle, I
24 believe that's page 204.

25 BY MR. THOMAS:

1 Q. Now did the State ever -- did you ever
2 have any idea what the State's -- what their
3 thoughts were in regards to your motive for killing
4 this lady?

5 A. The only thing they were trying to hint
6 at is that we were a drug bender, and we wanted
7 drugs and her -- money from her credit card.

8 Q. Okay. Did you commit this crime?

9 A. No, sir.

10 Q. Now getting back to preparing for a
11 plea or a trial, the -- and we've talked some about
12 this, did you ever get a full understanding about
13 what I would call a theory of defense was for you?

14 A. No, sir.

15 Q. Okay. What did you think?

16 A. I was just praying that he was gonna
17 help me, and that I wasn't gonna be where I am now.

18 Q. Okay. Did he -- was he listening to
19 you?

20 A. I thought he was. My mom and a couple
21 of the people were saying, "You know, you can't fire
22 him, along with this," and I was like, "You know,
23 God works in mysterious ways, maybe it's just," you
24 know, I -- I -- I don't know what I'm doing.

25 Q. Okay. Was there a plea offer?

1 A. No, sir.

2 Q. Okay. Never was a plea offer?

3 A. No, sir.

4 Q. Did you know whether or not he
5 attempted on your behalf to try to negotiate
6 something on a plea?

7 A. I do not.

8 Q. Okay. Did you talk with him about plea
9 offers or negotiating a plea?

10 A. Either the first or second time that we
11 met he did say, "You know, if you do get a plea,
12 it'll probably," he was speculating on, "You know,
13 it'll probably be like eight to ten years or
14 something like that," and I told him I was like,
15 "Well, I don't want to take a plea, I'm innocent, so
16 I shouldn't take that plea, I should fight for my
17 innocence."

18 Q. Right. But did -- did he ever come
19 back to you with a plea?

20 A. No, sir.

21 Q. Okay. Did he have an opinion in
22 regards to what you should do in regards to a plea
23 or trial?

24 A. No, sir.

25 Q. Did you talk to him about that at all?

1 A. Just that we shouldn't -- when he said
2 that about the plea, I said, "I want to fight for my
3 innocence," and then a plea never came, and then we
4 just went to the trial.

5 Q. Okay. What did he tell you in regards
6 to your trial? Did you ever discuss -- I know he
7 can't give you full, you know, firm numbers, but did
8 he talk with you about what your chances of being
9 commit -- convicted were?

10 A. No. The only thing that we talked
11 about was like the minimum of a murder charge.

12 Q. Right. And so in regards to
13 preparation at some point, this became obvious to
14 you that this was gonna be a trial?

15 A. Yes.

16 Q. Okay. And once it became obvious to
17 you that this was a trial, what, if anything, did
18 you and your attorney do to -- to prepare?

19 A. We -- I watched the three videos that I
20 have of me talking to police officers with no
21 attorney.

22 Q. Uh-huh.

23 A. Actually, the -- the first day of trial
24 I was finishing the third video of that. And we
25 met, like I said, like I think three or four times

1 before we go to trial, and then the week of the
2 trial we were in the Beaufort Office every day.
3 Like we would go to trial, and then we would meet up
4 with him afterwards, and then ---

5 Q. Okay. Did you -- now you were talking
6 about videos.

7 A. Yes.

8 Q. You participated or helped in regards
9 to when you were arrested with the police?

10 A. Yes, I spoke to them three times.

11 Q. All right.

12 A. Twice in Chesterfield, and then once
13 when I was arrested in Beaufort.

14 Q. In those conversations with the police,
15 did you ever admit that you committed this crime?

16 A. No, sir.

17 Q. Were those statements that you made to
18 the police, were they ever -- were they admitted at
19 Court?

20 A. No, we -- Ms. Swanson had tried ---

21 Q. Right.

22 A. -- but the -- she said it was because
23 there was inconsistencies in my story. She showed
24 the video, and the Judge said she did not see any
25 inconsistencies, so the videos were never shown.

1 Q. Okay. All right. Now in regards to
2 the trial you actually took the stand?

3 A. Yes, sir.

4 Q. And did you discuss with your attorney
5 regards of taking the stand, and what the pros and
6 the cons were for that?

7 A. I just know that I thought I'd be able
8 to get up there and tell my story.

9 Q. Uh-huh.

10 A. I did know that I would have to be
11 asked questions by him.

12 Q. Right.

13 A. And I didn't know I would have to be
14 asked questions by the State as well. I know that
15 they could cross-examine. I just thought it would
16 be a little more of what was going on with me, I
17 guess.

18 Q. Right. Do you feel like you were
19 prepared to take ---

20 A. I don't.

21 Q. You don't? And how do you feel like
22 you could have been better prepared to take the
23 stand?

24 A. I feel like we could have went through
25 it more. We had two and a half years. I feel like

1 it could have been something that we could have, you
2 know, we could have went through everything, and
3 talked about these things, and how I felt about
4 certain things, or maybe then ask, you know, all
5 these questions kind of beforehand, so I could see
6 kind of where things were going.

7 Q. Uh-huh.

8 A. I was just really unaware of how
9 everything was gonna happen. I was just kinda going
10 along.

11 Q. Right. Were you prepared for the
12 cross-examination by the State?

13 A. I was told not to show emotions in
14 Court, and I was also told to not speak as much to
15 her as I did to him.

16 Q. Okay. Any idea, or did you -- did you
17 go through with your attorney any idea what types of
18 questions she may ask you?

19 A. I know that he, you know, obviously
20 informed me that she was gonna ask about, you know,
21 duct tape and the DNA and stuff, but other than ---

22 Q. Okay.

23 A. -- that I don't remember.

24 Q. All right. As a matter of fact she did
25 ask you about the DNA?

1 A. Uh-huh.

2 Q. And she actually asked you to recreate
3 that situation?

4 A. Yes, sir.

5 Q. Okay. And so you came down from the
6 stand and attempted to recreate how you stretched
7 out the duct tape?

8 A. Yes, sir, and rolled it back up.

9 Q. Okay. All right. Now, let me ask you
10 more now, since we've kind of laid the foundation
11 about what happened, about what you felt like your
12 attorney could have done for you. Did you -- you
13 had a drug addiction, didn't you?

14 A. Yes, sir.

15 Q. Okay. And you were living with a
16 number of drug addicts?

17 A. Yes, sir.

18 Q. Okay. And in talking with her -- him,
19 and preparing for your trial, was a decision made on
20 how to either focus on or not focus on your drug
21 addiction?

22 A. We were going to touch on it to kind of
23 let them know like, yes, I'm taking accountability
24 for the fact that I was high, but ---

25 Q. Right.

1 A. -- that doesn't mean that I murdered
2 Miss Theresa.

3 Q. Okay. Now, is that what happened at
4 trial? Was your drug addiction touched on, or was
5 it talked about in length?

6 A. It was talked about a lot. We only
7 brought it up for the fact of me taking
8 accountability, and then the State was kind of like,
9 "Oh, she was on a bender, and she was getting higher
10 and this," and ---

11 Q. Did you feel that hurt you?

12 A. It was one of the things that I think
13 didn't shed a very good light on the situation.

14 Q. Okay. So how did that coincide with
15 what he had told you about -- was it a Sesame Street
16 defense?

17 A. Yes, sir.

18 Q. Where you were different from anybody
19 else. How did that coincide with your drug usage
20 and their drug usage? Did that help or hurt you?

21 A. We were trying to go with the fact that
22 I wasn't as -- they were taking drugs every single
23 day. I was not, I was a mother, and I had my baby,
24 I couldn't be high all the time, I had to take care
25 of her.

1 Q. Right.

2 A. As far as it helping, I just don't see
3 where it helped me at all. I don't see where it
4 connected to me being different from them, because
5 when you're saying they're getting high all the
6 time, and yet she got high too, there's no
7 difference there.

8 Q. Yeah. So you were in the same boat as
9 them?

10 A. Yes, sir.

11 Q. Now, you had a six-month-old daughter?

12 A. Yes, sir.

13 Q. And she was there ---

14 A. Yes, sir.

15 Q. -- with you in that trailer?

16 A. Yes.

17 Q. Okay. And did you talk to your
18 attorney about how that was going to be handled in
19 regards to how you were different from everybody
20 else, but yet you had your daughter there?

21 A. The only thing was I had my daughter
22 there, and I was a mom, so I was taking care of her
23 not, I guess, running around doing all the things
24 that they were doing during the day.

25 Q. Okay. Was that brought out while -- or

1 how was that brought out at trial in regard to the
2 fact that your daughter was there?

3 A. Actually, the State brought it up as I
4 was a bad mom, 'cause I had my daughter in this
5 horrible place, and I didn't -- I wasn't taking care
6 of her properly, and they were just kind of painting
7 me as this horrible mother, and Brandon Scarborough
8 attested to the fact that I wasn't a horrible
9 mother.

10 Q. Okay. And do you feel like that that
11 issue of you being there with your daughter, was
12 that adequately addressed by your attorney?

13 A. It was not.

14 Q. All right. Do you think that hurt you
15 or helped you?

16 A. I think it hurt me. For them to know
17 that I was a new mother, and I was getting high when
18 she was sleeping, and I had her around these people
19 that committed this crime, and I had her in these
20 trailers that were not where she should have been.

21 Q. All right. Was that by choice -- your
22 choice?

23 A. In a sense I guess I could have went
24 home, but at the time I felt like I had no choice.

25 Q. Okay. Now you testified earlier about

1 Brian, and said that you were afraid of him.

2 A. Yes.

3 Q. How was that addressed or handled by
4 your defense attorney in regard to your fear?

5 A. Oh, we didn't really get into my fear
6 of him, it was more of what -- well, if I was
7 scared, why -- the State was, "Why didn't you leave
8 him? Why didn't you do this if you were so scared
9 of him?" And I don't feel like that was really
10 counteractive.

11 Q. Okay. Did you talk about that with
12 your attorney prior? Did he go through those issues
13 about why you were with Brian, and your fear of
14 Brian?

15 A. We went over why. I didn't -- I
16 touched on the fact that I wasn't scared, that it
17 was, you know, more like of how -- I can't really --
18 I don't know the exact wording, or how he was
19 meaning it, but it was just more of like we didn't
20 touch on the fear part of it.

21 Q. Okay. Do you feel like that was
22 adequately addressed by your attorney?

23 A. It wasn't.

24 Q. And do you feel that that lack of
25 addressing that either helped you or hurt you?

1 A. It did hurt me. They were just like,
2 basically, I'm along for the ride, and I wasn't
3 scared of him. If I was, then I wouldn't have did
4 all these other things, and it wasn't a very good
5 picture of me.

6 Q. They could or couldn't place you at the
7 scene?

8 A. They could not.

9 Q. They could not place you at the scene?

10 A. No, sir.

11 Q. Now kind of going back to the duct tape
12 one more time. You spent some time with defense
13 counsel in regard to talking about the duct tape?

14 A. Yes.

15 Q. Okay. And that was -- was that an
16 important factor in your trial?

17 A. Yes, it was like -- really I felt like
18 that was the one thing that was gonna really
19 determine whether they were gonna want to convict me
20 or not like ---

21 Q. Okay. Now it was -- what was your
22 contention about the use of the duct tape?

23 A. I was using it to fix these houses. I
24 wasn't, you know, using it for anything else other
25 than that.

1 Q. Okay. And you talked to your defense
2 attorney about that?

3 A. Yes.

4 Q. Okay. Did you know whether or not he
5 went out or had any pictures of the trailers and the
6 duct tape on the floors? Do you know if that was
7 ever done?

8 A. I do not.

9 Q. Okay. Were any of those pictures ever
10 introduced at trial?

11 A. No, sir.

12 Q. Okay. There was testimony to it ---

13 A. Yes.

14 Q. -- but there were actually no -- no
15 physical pictures or proof that that's what was
16 going on?

17 A. Yes, sir.

18 Q. Did you feel that that was important?

19 A. Yes, I do.

20 Q. And why did you think that was
21 important?

22 A. It would show that I was actually doing
23 things, not just making up some story about why my
24 DNA would be on this stuff. They would see all of
25 the holes, and you would basically see these two

1 trailers held together by this duct tape that I was
2 putting everywhere.

3 Q. Now, we talked about you taking the
4 stand ---

5 A. Yes.

6 Q. -- and your decision to take the stand
7 was made with the advice of your attorney, or
8 without the advice of your attorney?

9 A. He had asked, and I wanted to because I
10 felt like it would help me ---

11 Q. Okay.

12 A. -- to be able to tell my side is what I
13 thought.

14 Q. And I think I've asked you this, I'll
15 just ask you one more time, do you feel like you
16 were adequately prepared for both his questions and
17 the State's questions?

18 A. No, sir.

19 Q. Okay. What do you think he could have
20 done different?

21 A. I feel like I could have been like mock
22 cross-examined by him ---

23 Q. Uh-huh.

24 A. -- so that I'd be a little more like
25 prepared to have those answers ready and to know

1 like really what I was getting into. I had an idea,
2 you know, I've watched movies and stuff like that,
3 but the actual thing is nothing like those movies.

4 Q. Have you ever been in a trial before?

5 A. No, sir.

6 Q. Okay. Had you ever been to Court
7 before?

8 A. I was in truancy court when I was like
9 13.

10 Q. Okay. But you've never been I General
11 Sessions before?

12 A. No.

13 Q. Okay. Now you and I talked about this
14 in regard to, you know, our conversations. The --
15 you're saying that your attorney was ineffective?

16 A. Yes, sir.

17 Q. And that he was ineffective in the
18 assistance of you in regard to your trial?

19 A. Yes, sir.

20 Q. Okay. And you feel like the things
21 that we have talked about are the reasons as to why
22 you feel like he was ineffective?

23 A. Yes, sir.

24 Q. Also we talked about this, this is your
25 day for court.

1 A. Yes.

2 Q. And we've been waiting a long time.

3 A. Yes.

4 Q. Is there anything that I may have
5 forgotten, or anything that I have left out? I'm
6 not saying that I did, but this is your opportunity,
7 is there anything else that you'd like to address,
8 or is there anything else that you would like very
9 briefly to tell the Court?

10 A. I just would like the Court to know
11 that I was in a very bad situation with these people
12 with my daughter. I felt like I had no choice to be
13 there. Yes, I got high sometimes, it wasn't all the
14 time, but the mistakes that I made were mistakes,
15 and they were not good ones, but I did not take
16 Theresa Seigler's life.

17 Q. All right. Did you have any reason to
18 kill Ms. Seigler?

19 A. No, sir.

20 Q. Okay.

21 MR. THOMAS: Your Honor, I have no further
22 questions.

23 THE COURT: Cross?

24 MS. DIXON: Your Honor, may it please the
25 Court?

1 **CROSS-EXAMINATION**

2 BY MS. DIXON:

3 Q. Now you said you sometimes did drugs,
4 correct?

5 A. Yes, I did.

6 Q. And you admitted at trial that on the
7 morning that you recalled with Mr. Walls y'all had
8 been done methamphetamine that morning, correct?

9 A. Yes, ma'am.

10 Q. So you consider that light drug usage?

11 A. I actually -- I didn't know it was meth
12 at the time ---

13 Q. Uh-huh.

14 A. -- but ---

15 Q. So you just took something?

16 A. I had taken a little of it, yes, so I
17 felt like that was, you know ---

18 Q. Gotcha. So light drug usage there,
19 okay. Now moving on I want to clarify because you
20 talked about these houses. You were living in two
21 different houses kind of back and forth around this
22 time ---

23 A. Yes.

24 Q. -- correct? And were they walking
25 distance?

1 A. Yes.

2 Q. Okay. And then you've testified a lot
3 about holding these houses together with duct tape,
4 and I know that you testified at trial and
5 demonstrated for the State how you were doing
6 this, and I believe your testimony was you were
7 stretching this duct tape out all the way across the
8 trailer ---

9 A. Yes.

10 Q. -- correct? Help me understand because
11 it was confusing to me. So explain again what --
12 what exactly were you trying to accomplish?

13 A. Basically, I just didn't want to have
14 to keep rolling and unrolling, and rolling and
15 unrolling, and rolling and unrolling, and I kept --
16 like I was trying to fix everything all at once,
17 instead of, okay, I'm gonna fix this hole, and then
18 I'm gonna fix this hole, it was -- I was trying to
19 do it kind of like on a bigger scale, I guess.

20 Q. Uh-huh.

21 A. So I would stretch it all the way out,
22 and then I would cut the sizes I needed, and then
23 that's for that hole, and then I would cut the size
24 I needed for this one, cut the size I needed for the
25 window, or whatever other hole, crack.

1 Q. So what I'm envisioning, and correct me
2 if I'm wrong, so you would maybe start here, stretch
3 the tape out, and if there's a hole here, you cut
4 around the hole here?

5 A. No, I actually had it stretched from
6 literally one end of the trailer to the other.

7 Q. Okay. And when you were cutting this
8 tape, were you -- you would agree that if you cut
9 tape here, there's gonna be a remnant here, correct?

10 A. Like?

11 Q. An extra piece.

12 A. So if I cut down a bit and all this
13 extra's gonna be down there, yes.

14 Q. So were you rewapping those on the
15 duct tape?

16 A. No -- well, at the end when I was done,
17 yes.

18 Q. So you were rewapping all these stray
19 pieces of duct tape back on the roll?

20 A. The ones that I had cut, no.

21 Q. Okay. All right. Moving on so you
22 talked a lot about how you think your lawyer did not
23 prepare you well enough. Do you recall -- you do
24 recall testifying at your trial, correct?

25 A. Yes.

1 Q. And I believe -- and I'm just gonna
2 read portions of the transcript, and you let me know
3 if you agree that this is the testimony that you
4 provided. And this is your lawyer by the way on
5 redirect examination, "And since that arrest
6 February 27th, you talked to me quite a bit; isn't
7 it true?" What was your response; do you recall?

8 MR. THOMAS: I'm sorry, Your Honor. What
9 page was that?

10 MS. DIXON: Oh, I'm sorry, on 427.

11 MR. THOMAS: 427, thank you.

12 BY MS. DIXON:

13 Q. And you responded, "Yes," do you
14 recall?

15 A. I don't know, I mean ---

16 Q. You don't recall? Okay, if the
17 transcript says that you ---

18 A. Yes.

19 Q. -- responded yes you would agree,
20 correct?

21 A. Yes.

22 Q. All right, "You reviewed incident
23 reports," that's your lawyer asking you, and you
24 replied "Yes." He next asked you, "With me?" Your
25 response, "Yes." He then asked you, "And you've

1 gone over with me everything the Solicitor's Office
2 gave me?" You responded, "Yes." "Have we been over
3 the events a lot?" "Yes." "Have I asked you a lot
4 of follow-up questions?" "Yes." So this is your
5 lawyer questioning you about how often y'all met,
6 and you would agree that at trial you testified that
7 y'all met very frequently, reviewed the evidence
8 very thoroughly, correct?

9 A. Yes.

10 Q. And is it your testimony today that
11 y'all didn't in fact do that?

12 A. Meaning that we did not go over it
13 freely, or we didn't meet frequently?

14 Q. That you didn't meet frequently, and
15 that you didn't review the evidence thoroughly?

16 A. We reviewed the evidence, but we did
17 not meet frequently.

18 Q. Okay. Even though you testified at
19 trial that y'all had talked quite a lot?

20 A. We did talk a lot, but it was before
21 the trial.

22 Q. Okay. Now you recall you testified on
23 direct that y'all did watch videos, correct?

24 A. Yes, three.

25 Q. Three videos, so you watched three

1 videos. Now you also testified that although y'all
2 talked about the discovery, you didn't review the
3 physical documents, correct?

4 A. Yes.

5 Q. What documents did you want to see?

6 A. I didn't see any discovery documents.

7 Q. All right. What documents specifically
8 do you think you should have seen that you did not
9 see?

10 A. Any documents that were in the
11 discovery that I should have seen.

12 Q. What came out at trial that you
13 thought, wow, that's a document I've never seen?

14 A. Really just like all the photos and
15 stuff that they had of these whatever pieces of the
16 house and stuff like that, and the -- they had my
17 purse -- like a little purse thing that I had, like
18 all these physical things that I -- I had never
19 seen.

20 Q. Going back to your testimony at trial,
21 because I believe the State had rested by the time
22 you testified, correct?

23 A. Like they were done?

24 Q. The State had done presented their case
25 by the time you testified, correct?

1 A. I think so.

2 Q. So at that point everything the State
3 was going to put in had been put in, correct?

4 A. Right.

5 Q. And you still testified, and you've
6 gone over with me everything the Solicitor's Office
7 gave me?

8 A. Yes.

9 Q. Why not at that time say, "I don't
10 know, I've never seen these pictures before?"

11 A. I didn't know to say that. Like I
12 didn't know that -- to argue with my ---

13 Q. You didn't tell the truth?

14 A. No, I mean to argue with my lawyer, I
15 feel that would be combative against my lawyer, and
16 I didn't think that that would be very good.

17 Q. To tell the truth? Okay, moving on.
18 Now you do recall that your lawyer did bring in
19 witnesses to support your duct tape theory, correct?

20 A. Yes.

21 Q. Okay. And then in terms of your
22 allegation about the plea itself, I believe you
23 testified on direct that you told your lawyer, "I
24 don't want to take a plea, I'm innocent."

25 A. Yes.

1 Q. In light of that, why would you expect
2 him to go negotiate?

3 A. I didn't expect him to do that, I just
4 answered that he didn't do that.

5 Q. Okay. But you'd agree that you told
6 him you didn't want to plead?

7 A. Yes, that I wouldn't want to take a
8 plea because I'm innocent.

9 MS. DIXON: Nothing further.

10 THE COURT: Anything else?

11 MS. DIXON: Nothing further.

12 THE COURT: Any redirect?

13 MR. THOMAS: Yes, Your Honor, if I may,
14 just one or two.

15 THE COURT: Uh-huh.

16 **REDIRECT EXAMINATION**

17 BY MR. THOMAS:

18 Q. Just a couple of questions, if I may.
19 Counsel asked you about the duct tape and the
20 demonstration about rolling it out.

21 A. Yes.

22 Q. When you finished or when your mom
23 arrived, what did you do with the duct tape that was
24 left?

25 A. If it wasn't already cut off of the

1 duct tape, then I rolled the duct tape back.

2 Q. On the roll?

3 A. Yes.

4 Q. Okay. And how did that fit with your
5 contention that you had a thumb print or DNA on the
6 duct tape?

7 A. Rolling it back up would -- I mean
8 that's where my thumbprint would have come from.

9 Q. Gotcha. So that's what you were trying
10 -- or telling your attorney?

11 A. Yes.

12 Q. Okay. Now when asked about the
13 discovery and evidence that was presented at trial,
14 and you mentioned the photos.

15 A. Yes.

16 Q. What were those photos of?

17 A. They had like photos of like parts of
18 -- I think it was her house, and I think there was
19 some of our house. I just know it was parts of the
20 house.

21 Q. Houses?

22 A. What I remember.

23 Q. And if they were photos of where you
24 were staying, what did those photos look like?

25 Good, bad?

1 A. Like the -- there was a big hole in our
2 ceiling.

3 Q. Yeah.

4 A. It was kind of showing the condition of
5 the trailers.

6 Q. How was the condition of the trailers?

7 A. Bad, very bad.

8 Q. Very bad?

9 A. One of the trailers got condemned.

10 Q. Okay. All right. And you had talked
11 to your attorney about the Sesame Street defense,
12 about you're different than all the others ---

13 A. Yes.

14 Q. -- how did those photos help you or
15 hurt you in regard to that defense?

16 A. It was just showing like where we
17 lived, and how we lived, and like maybe we could
18 have touched on the fact that -- okay, these --
19 y'all are showing the parts on how we lived, but
20 nobody showed the parts of how I was trying to fix
21 it.

22 Q. Right. Okay. So it grouped you with
23 everybody else?

24 A. Yes.

25 Q. Okay. And counsel asked you about a

1 plea, and it was your -- your contention that you're
2 not guilty?

3 A. Yes.

4 Q. So at the time you were not interested
5 in a plea?

6 A. Yes.

7 Q. Okay. Did -- did you ever have the
8 conversation with your lawyer about risk?

9 A. Is ---

10 Q. And what I mean about risk is what your
11 risk is at trial, and what -- how that relates to
12 negotiating a plea?

13 A. No, we didn't talk about like
14 negotiating a plea, I was just told that -- again,
15 the minimum of the charge.

16 Q. Okay. Did -- did he ever make any
17 recommendations to you about what he thought, and
18 there's no guarantees on anything, but did he ever
19 talk to you about what he thought about your chances
20 of conviction and whether or not you should
21 entertain a plea?

22 A. No, he just said that if I -- like we
23 were speculating in the beginning on the eight to
24 ten-year, it could be that, instead of 30 to life.

25 Q. All right. But he never really had any

1 suggestions to you about what your chances were one
2 way or another?

3 A. Uh-uh. No, sir.

4 Q. All right.

5 MR. THOMAS: No further questions, Your
6 Honor.

7 THE COURT: Recross?

8 MS. DIXON: Nothing further, Your Honor.

9 THE COURT: You can step down.

10 WITNESS: Thank you.

11 THE COURT: All right, let's take a five-
12 minute break.

13 MR. THOMAS: thank you, Your Honor.

14 (BRIEF RECESS)

15 THE BAILIFF: All rise.

16 THE COURT: Be seated. Okay. Are you
17 ready with your next witness?

18 MR. THOMAS: Your Honor, it if please the
19 Court, that's the Applicant's case.

20 THE COURT: Pardon?

21 MR. THOMAS: That's the Applicant's case.

22 THE COURT: Okay.

23 MR. THOMAS: Thank you, Your Honor.

24 THE COURT: State offering any?

25 MS. DIXON: Yes, Your Honor, the State

1 would call Matthew Walker.

2 * * * * *

3 Matthew Walker,
4 having been duly sworn,
5 testifies as follows:

6 * * * * *

7 MS. DIXON: May it please the Court?

8 **DIRECT EXAMINATION**

9 BY MS. DIXON:

10 Q. How are you today, Mr. Walker?

11 A. All right.

12 Q. All right, good. And just tell us
13 briefly what your background is in the practice of
14 law.

15 A. After law school I clerked for Judge
16 Lockemy, and I've been working as a public defender
17 in the Fourteenth Circuit since then.

18 Q. How many years approximately?

19 A. A little over 19.

20 Q. A little over 19, okay. Do you recall
21 how you became involved in Ms. Brock's case?

22 A. Her co-defendant, Brian Walls, in
23 addition to this trial, was also accused of a very
24 high-profile rape in Beaufort County, which was
25 separate from this. And so Beaufort kept -- I was

1 working at the Colleton Office at the time. I had
2 previously worked in Beaufort County, but at the
3 time I was working in Colleton, and still am; but
4 they kept Brian in Beaufort. He needed a conflict
5 co-defense out of the County, so I was asked to do
6 Ms. Brock's case.

7 Q. Do you recall approximately how far in
8 advance of trial you were appointed?

9 A. A little over two years.

10 Q. Okay. And do you recall how many times
11 you met with Ms. Brock?

12 A. I don't have a number. I, you know,
13 probably six or so times, you know, kind of just,
14 "You have a court date, you need to be there. Hey,
15 we've got some discovery and do you want to see it?
16 Let's talk." And then once we got close on a trial
17 docket it was kind of, you know, every day, every
18 other day, the week or two before the trial.

19 Q. And just to clarify, was she on bond
20 during this time?

21 A. Yes. She would meet with me in my
22 office here in Colleton.

23 Q. Okay, okay.

24 A. And then until right before trial we
25 used an office in Beaufort, and we would meet there.

1 Q. And do you believe you had adequate
2 time to meet with her ---

3 A. Yes.

4 Q. -- prior to trial? And did you have
5 adequate time to prepare for trial?

6 A. Yes.

7 Q. Okay. And did you discuss with her the
8 indictments and the things that the State needed to
9 prove?

10 A. Yes.

11 Q. And did she have any defenses?

12 A. Actual innocence.

13 Q. Actual innocence, okay. Let's see, so
14 she maintained her innocence. Now they talked a lot
15 about this Sesame Street defense strategy; is that
16 something y'all had discussed prior to trial?

17 A. Yes. Brian especially, he'd been in
18 the -- he was in the paper, in several large
19 articles in the paper about him. He had an
20 extensive criminal background. I think Jamie had
21 some criminal background, less extensive, but still
22 less extensive, and so they were both, you know,
23 single males. They were in -- because you heard
24 this kind of two living situations. So Brian and
25 Jamie were living in Brian's -- we'll call it the

1 main house, and -- and she was living with another
2 of Brian's sons in the other house with their child.
3 And so -- but that house apparently did not have
4 utilities, so they would be over using utilities at
5 the main house.

6 Q. Okay.

7 A. But, yeah, just trying to distinguish
8 kind of her day-to-day living situation from
9 especially Brian.

10 Q. Do you recall how you did that at
11 trial?

12 A. Just letting her explain it to the
13 jury, and then, of course, you know, asked if I
14 could, you know, trying to ask questions about
15 Brian, and what things he's accused of, and whatnot.

16 Q. And so during trial did you try to
17 elicit information about things that Brian had done?

18 A. I believe so. The investigators, I
19 think, I can't remember.

20 Q. Do you have a copy of the transcript
21 with you?

22 A. I do.

23 Q. Look on page 165 to 66, and this is
24 during your cross-examination of Amanda Reddish. Do
25 you recall who she was briefly?

1 A. Was that Theresa's daughter?

2 Q. I believe she was a friend ---

3 A. A friend of ---

4 Q. -- or an acquaintance that sometimes
5 come out with them to the house?

6 A. Yeah, I remember the name, but I don't
7 necessarily remember the ---

8 Q. And reviewing these two pages, would
9 you agree that you tried to elicit testimony about
10 her fear of -- of Mr. Walls?

11 A. Yes, specifically, lines 21 and 22 on
12 165, "Did you have any reason to be afraid?" And on
13 the next page I asked her about an altercation that
14 they'd had.

15 Q. And was that in an attempt -- what --
16 what do you think your reasoning for that was?

17 A. Just, you know, to show that Brian
18 wasn't -- was a person more likely to have been
19 involved in threatening or harming this Theresa, and
20 also, you know, that he has a domineering
21 personality within the house.

22 Q. And then on page 171 around lines three
23 to four to five you asked, "Did Brian get crazy when
24 he used drugs?" And her response was, "Very
25 unpredictable." Again, what do you think your

1 reasoning for that line of questioning was?

2 A. I mean it would have been for the same
3 reason, just ---

4 Q. Okay.

5 A. -- showing Brian as the driving force
6 in these disasters.

7 Q. And then moving into page 235, 236,
8 this is during your cross-examination of Jason
9 Malphrus, who was an investigator I believe.
10 Looking around lines 19, 20, 21, 22, you were asking
11 whether Brian Walls was the only thing that the
12 victim's daughter had identified as a possible
13 suspect; do you recall that?

14 A. Yes.

15 Q. And what would be the reason for that?

16 A. You know, again, our theory of the case
17 is that Brian Walls had at least some part in this,
18 and that the circumstantial evidence presently
19 linking Ms. Brock to the crime is present because of
20 her nearness to Mr. Walls.

21 Q. And then on page 237 around lines 14,
22 15, 16, you elicited testimony that Brian Walls had
23 already been convicted of this murder, correct?

24 A. I'm sorry, what page?

25 Q. It was 237, I believe it was. 237,

1 starting around line 13.

2 A. That is correct.

3 Q. And was that still part of that same
4 strategy to show that Walls was really the bad guy
5 here, and she was different than that.

6 A. Yes.

7 Q. Okay. And in terms of plea
8 negotiations, you heard her testify today that she
9 told you she didn't want to plead guilty, correct?

10 A. That's correct.

11 Q. When a client tells you that, what is
12 your strategy at that point in terms of preparing
13 for trial versus pursuing a plea negotiation?

14 A. Well, I prepare for trial, and so I
15 probably would pursue a plea offer more intensely if
16 they express a desire for me to pursue one. I don't
17 know that I would ever forestall, if I say, "I want
18 to make a plea offer." "No, no, she said she wants
19 a trial," I would never say that.

20 Q. Right, so if the solicitor had come
21 with a good deal ---

22 A. We would have had discussions.

23 Q. You would have discussed it?

24 A. But there was never any discussion of
25 anything that would probably even approach, "a good

1 deal."

2 Q. Okay. And in terms of your
3 conversations with Ms. Brock, did you have any
4 concerns about her ability to understand your
5 conversations?

6 A. I -- I believed her to be naïve.

7 Q. Uh-huh.

8 A. You know, I, you know, she -- she did
9 have a scary faith in her innocence to carry her
10 through the day, and -- but, you know, when we were
11 talking I believe she understood our conversation.

12 Q. And in terms of any kind of
13 investigation, is there anything you did to kind of
14 investigate this case?

15 A. Well, certainly reviewed all the
16 discovery. We interviewed witnesses. We drove
17 through the neighborhood to see the location of the
18 various places, and I think at the time we drove
19 through, which was closer to the trial, I think -- I
20 think that maybe some of those places weren't even
21 there anymore. I -- we visited Mr. Walls in prison,
22 because he had already been convicted, and had a
23 conversation with him. So we -- we worked pretty
24 hard.

25 Q. Now in terms of the discovery, did you

1 review that with Ms. Brock?

2 A. Yes. We -- now, I did not sit her down
3 and go, "Okay, this page, this page," page-by-page.
4 She had access to anything I had, my trial books,
5 and certain things I'd either read to her or give
6 her to read, and anything -- or I would say, "Hey,
7 we have all these pictures. Do you want to look at
8 them?" And if she did, we would, if she didn't, we
9 wouldn't. Because we were having her watch those
10 videos because the State was going to enter them, so
11 I wanted to refresh her memory on that.

12 Q. And in terms of the statements, and I
13 believe she testified that the State did not enter
14 them into evidence. Do you recall how that all
15 unfolded at trial?

16 A. I do.

17 Q. And what was the circumstance? Does
18 the State initially try to introduce them in its
19 case-in-chief?

20 A. Yes.

21 Q. They did in the case-in-chief?

22 A. Yes.

23 Q. If the transcript reflects something
24 different ---

25 A. Well, okay, sorry, they would have

1 probably on cross-examination of her testimony.

2 Q. Do you recall they wanted to introduce
3 them for impeachment purposes of her testimony at
4 trial?

5 A. Right.

6 Q. And you objected vigorously to that?

7 A. Vigorously, yes.

8 Q. Because they had not done pretrial
9 Jackson v. Denno hearing?

10 A. Correct.

11 Q. And then I believe on redirect they
12 did, in fact, do the Denno hearing?

13 A. No, the Judge did not allow them to do
14 a Denno, he suppressed it.

15 Q. Well, the -- if the transcript reflects
16 that they had the Denno hearing, but then the Judge
17 would not allow them to admit it for impeachment
18 purposes, wouldn't you agree that's ---

19 A. I think she reviewed the video in-
20 camera just in her chambers, but they never did a
21 hearing, and the Judge would not at that stage of
22 the trial allow them to do a hearing. She just,
23 "You chose not to do it, I'm not gonna let it in,
24 because it's a prior statement."

25 Q. One moment.

1 A. Sorry.

2 Q. No, no, you're fine. Now, in terms of
3 the duct tape, you would agree that it was important
4 for her to explain how her fingerprints and DNA got
5 on that duct tape, correct?

6 A. Yeah.

7 Q. And was that the main purpose of her
8 testimony?

9 A. That and just, you know, she has to
10 explain also why she was in the car with the drugs,
11 that -- with the prescription bottles with the
12 deceased's name on it. I mean the only -- you know,
13 the only way to get that stuff in front of a jury is
14 through her.

15 Q. Okay. And so you recall she did tell
16 the jury her story?

17 A. Yes.

18 Q. And I believe at length on cross-
19 examination as well, correct?

20 A. Yes.

21 Q. And do you recall bringing in witnesses
22 to kind of corroborate her duct tape story?

23 A. I believe at least her mother, but ---

24 Q. And do you recall her aunt and her ex-
25 boyfriend also testifying?

1 A. I know that they did. I don't
2 necessarily recall the substance of their testimony.

3 MS. DIXON: I have nothing further.

4 THE COURT: Cross?

5 MR. THOMAS: Your Honor, if it please the
6 Court?

7 **CROSS-EXAMINATION**

8 BY MR. THOMAS:

9 Q. Mr. Walker, thank you for being here.
10 Just a few questions. Your defense you said was
11 actual innocence?

12 A. Correct.

13 Q. Okay. And how were you planning on
14 using that defense or presenting that defense to the
15 jury?

16 A. Through Ms. Brock.

17 Q. Through -- through Courtney?

18 A. Correct.

19 Q. Okay. So in other words there was
20 always a decision that she was gonna take the stand
21 and testify?

22 A. Yeah.

23 Q. Okay. And you had an opportunity to go
24 over that with her?

25 A. Yes.

1 Q. That testimony?

2 A. Yes.

3 Q. All right. Now you made an argument
4 that if anything the evidence showed that she -- if
5 she was guilty of anything, was an accessory after-
6 the-fact?

7 A. I think under the law that probably
8 should have been correct.

9 Q. Okay. And did the Judge charge that?

10 A. No.

11 Q. He did not? Okay. And do you know
12 why?

13 A. I don't know that I requested it. I
14 believe I made that argument in the context of a
15 directed verdict motion.

16 Q. All right. But you didn't ask the
17 Judge to charge the -- well, the Judge -- what --
18 would the Judge have considered an accessory after-
19 the-fact charge?

20 A. That's -- that's speculating. I mean I
21 -- I feel like the Judge -- she gave Ms. Brock the
22 minimum sentence she could after hearing all the
23 testimony. I can't say what Judge ---

24 Q. Okay. Based upon your legal knowledge,
25 would it be possible that the Judge could have

1 considered the accessory after-the-fact charge and
2 charged it?

3 A. Sure.

4 Q. Okay. So it was possible?

5 A. Sure.

6 Q. You just didn't ask for it?

7 A. Correct.

8 Q. Okay.

9 A. And that also doesn't frankly -- it's
10 legally possible, but it's not possible under that
11 defense. Because if you're saying anything's
12 possible ---

13 Q. Well, when I asked the question ---

14 A. Yeah.

15 Q. -- did you --

16 A. I was hoping for a compromise verdict
17 but, yeah, I understand, right.

18 Q. Right, okay. So being there it's
19 possible that you could have asked for the accessory
20 after-the-fact charge, it wouldn't have been
21 excluded? I mean in other words, you wouldn't have
22 been in a situation where you just -- you were kind
23 of out of luck with that?

24 A. That's correct.

25 Q. Okay. Now the other defense from what

1 Ms. Brock testified to was the -- the intent to show
2 that she's different from all the rest; is that
3 correct?

4 A. Correct.

5 Q. Okay. And it was a big mess over
6 there. I mean I read the transcript and sometimes I
7 just went, "Wow," you know, from the living
8 situation of these folks.

9 A. Yes.

10 Q. I mean they were truly just -- some of
11 them were just truly down and out.

12 A. Yes, I'd say a lot of squalor, yeah.

13 Q. And Brian Walls being the big down and
14 out. I mean he was kind of the leader of the gang.

15 A. Right.

16 Q. Yeah. Dangerous?

17 A. Certainly.

18 Q. Some evidence that he was dangerous?

19 A. Yes.

20 Q. Okay. And how did you intend to show
21 that Courtney was different?

22 A. Again, just the -- the evidence would
23 show that Courtney is kind of in the orbit of Mr.
24 Walls, but not of his -- but not hanging out with
25 him. Because the State was trying to say, "Oh --

1 Q. Right.

2 A. -- they're in the car together, they're
3 like Bonnie and Clyde, and things like that, and --
4 and so, you know, she's around him, but she's not
5 like him. He's dangerous, he's hot-headed, he's got
6 a bad record, he's a rapist, he's, you know, she's
7 living in another place with his granddaughter.

8 Q. Right.

9 A. So as much as we could and just show
10 that through her testimony, and letting a jury
11 evaluate her demeanor on the stand.

12 Q. And the State basically does kind of
13 set it up like a Bonnie and Clyde type of situation.

14 A. Right.

15 Q. Where they flee the scene, they're
16 found in Charleston, they're all high. She's in the
17 car with him, and they've got, you know, her DNA on
18 top of the pill bottle?

19 A. Correct.

20 Q. Yeah, yeah. How were you able to
21 handle it anyway the fact that she was in the car
22 with him? Were you able to address that it was
23 coercion or fear, or maybe even some sort of
24 kidnapping?

25 A. I would say Ms. Brock, in our

1 conversations, while that was perhaps an
2 undercurrent of those conversations, that to me was
3 not really the expressed ---

4 Q. Right.

5 A. -- to me as how that came about. It
6 was more that she was kind of in a deep sleep. Was
7 awakened suddenly, and he said, "Hey, come on, we're
8 going somewhere." It was everybody, you know, the
9 other boys were in the car, too, it wasn't just her
10 and Brian, and they were all just gonna go
11 somewhere, and that she didn't want to say no, but
12 not that she was being threatened to -- to get in
13 the car.

14 Q. Right. And based upon looking at the
15 page, reading the transcript, hearing Ms. Brock's
16 testimony, it was important to distance her from the
17 rest of that gang, especially Walls and Priester?

18 A. Yes.

19 Q. Yeah. 'Cause it was your position that
20 they were the people involved in this crime?

21 A. My -- my actual position -- position is
22 the people actually that killed her never were
23 arrested at all.

24 Q. Oh, really?

25 A. Yeah, but ---

1 Q. Who was -- who did you think were the
2 killers?

3 A. I think it was Brian's ---

4 MS. DIXON: I'm going to object, it's
5 speculation.

6 THE COURT: Sustained.

7 MR. THOMAS: I can rephrase it.

8 BY MR. THOMAS:

9 Q. In your evaluation of the case, who do
10 you believe were potential perpetrators of this
11 crime?

12 MS. DIXON: Object, speculation.

13 THE COURT: Say your question again.

14 MR. THOMAS: Your Honor, he had to prepare
15 this case for -- for a defense. I'm asking him in
16 his preparation for a defense, who -- other folks
17 did he consider as possible perpetrators in trying
18 to produce an effective defense for Ms. Brock? In
19 other words, who else was -- could have been
20 involved in this?

21 THE COURT: I'll let him answer that.

22 MR. THOMAS: Okay.

23 BY MR. THOMAS:

24 Q. The boys?

25 A. Brian Walls has two children ---

1 Q. Two children?

2 A. -- sons, and, again, based on all the
3 evidence I reviewed, and -- yeah, I think maybe he
4 had a hand in it, and that Brian went back after-
5 the-fact to try to cover it up.

6 Q. Tried to.

7 A. That's my theory of the case.

8 Q. Yeah.

9 A. But there's no -- there was never
10 actually any kind of direct evidence against the
11 sons.

12 Q. And I remember that actually. I'm not
13 exactly sure where that came from out of the
14 transcript, or wherever, but that there was some
15 concern about the two boys. Priester was the one
16 that set the fire?

17 A. Well, yeah, he would deny it. I talked
18 to him as well.

19 Q. Uh-huh.

20 A. But I believe the evidence against him
21 -- I can't remember what -- and actually I didn't
22 represent him. I think there might have been some
23 sort of DNA or something in the house connecting
24 him, but he had been seen carrying a gas can near
25 the time to the fire. I think that was a large part

1 of what connected him to the ---

2 Q. And the gas can was found at the scene?

3 A. Correct.

4 Q. Yes. Do you feel like you were
5 adequate -- or able to adequately explain, I guess,
6 through Ms. Brock the fact about the duct tape?

7 A. I think that's the only way ---

8 Q. Only what?

9 A. -- to explain it. She's got to say how
10 her fingerprint would have gotten on there.

11 Q. Okay.

12 A. She would have had to, there's no other
13 way to -- to put that in front of a jury.

14 Q. And I guess kind of rephrasing one of
15 the other questions, but I'll ask you, you felt like
16 it was important in regards for the jury to be able
17 to place her in a separate category than Mr. Walls
18 and Mr. Priester, and that other crowd that was
19 there at the houses?

20 A. I mean that was what we were trying to
21 do.

22 Q. Yes, sir.

23 A. So -- obviously it didn't work, so ---

24 Q. Okay.

25 MR. THOMAS: Your Honor, if I can beg the

1 Court's indulgence just for a second?

2 Your Honor, I think that's all we have. I
3 would like to -- based upon the elements that was
4 presented, amend my application to include the
5 failure to request a charge on the accessory after-
6 the-fact.

7 THE COURT: All right.

8 MR. THOMAS: And that's all the questions
9 we have, Your Honor. Thank you.

10 MS. DIXON: Just real briefly, Your Honor.

11 **REDIRECT EXAMINATION**

12 BY MS. DIXON:

13 Q. Now in terms of your strategy to
14 differentiate her from co-defendants, Brian Walls,
15 specifically, you really couldn't get around the
16 fact that she was found in Chesterfield with Mr.
17 Walls in a stolen car with him, correct?

18 A. That was certainly one bad fact we had
19 to contend with.

20 Q. Uh-huh. And -- and that was going to
21 come out at trial because of the bottles with her
22 DNA being in that car, correct?

23 A. And also -- I believe she was arrested
24 at that time, so it would have been around the
25 circumstances for her arrest as well.

1 Q. So that's sort of what you're dealing
2 with, you don't have the facts, you have to kind of
3 work ---

4 A. That ---

5 Q. -- with what you have?

6 A. That's correct.

7 Q. And then in terms of the accessory
8 after-the-fact, your failure to request that, is
9 that something she was indicted for?

10 A. No.

11 Q. And in your experience, is it a lesser
12 included offense of murder?

13 A. I think it arguably could be. It's not
14 what we would generally ask, you know, certainly,
15 you would generally ask for like voluntary, or
16 something, but I think it arguably could be lesser.

17 Q. All right.

18 MS. DIXON: Nothing further.

19 THE COURT: You can step down.

20 WITNESS: Thank you.

21 THE COURT: Anything else from the State?

22 MS. DIXON: I'm sorry, Your Honor?

23 THE COURT: Anything else from the State?

24 MS. DIXON: Nothing further from the State,
25 just argument.

1 THE COURT: Anything else?

2 MR. THOMAS: No, Your Honor. We would like
3 to do just a very brief closing, if possible.

4 THE COURT: Go ahead then.

5 **CLOSING ARGUMENTS BY MR. THOMAS**

6 MR. THOMAS: Your Honor, if it please the
7 Court? In preparing this case, it -- it shaped up a
8 little differently than a lot of other post-
9 convictions that I've done. And what jumped out to
10 me was that it is almost a pure ineffective
11 assistance. A lot of times -- what I mean by that,
12 that's always the allegations ineffective, but there
13 are other technical things that sit in there other
14 than the possibility of the not requesting the
15 charge of the accessory after-the-fact, but it is
16 all about the theory of defense, and what the
17 defense counsel either had the challenge to prove or
18 prove through his client that we feel like it wasn't
19 done. I would ask the Court, if you can, read the
20 transcript. I mean it's bits and pieces, and it's
21 hard to convey the feeling in that courtroom just
22 from the testimony of what would have been put up
23 today, but if you read the transcript, you can --
24 you can sense it, in that what he was trying to do
25 is say, she's different. She's here because she

1 didn't have any other place to go. Yeah, she has a
2 drug addiction, but her drug addiction is not like
3 all these other folks, and their drug addictions
4 were horrible. The trailers were horrible. You
5 read that transcript, and you get a picture of what
6 they were living with, or in, and she's got an
7 infant with her. So our argument is that he just
8 didn't adequately show these things about why she
9 was there. Why she had no other place to go. She
10 was there because of her child's daddy, and her
11 mother wasn't going to let her come home and stay
12 with her with Brandon with the daddy with her. And
13 then it wasn't shown that there was minor drug
14 addiction versus the drug addiction. These other
15 folks used drugs all day long, that's all they did.
16 And the fear of Brian Walls, if you read the
17 transcript, they're arrested in Charleston -- I mean
18 in Chesterfield County, which is just bizarre. You
19 know, how'd they get there? Why was she there? Why
20 were her fingerprints on the pill bottle? What was
21 she doing in the car with Brian Walls in
22 Chesterfield? I don't think that's adequately
23 pointed out. And, you know, the thing about the
24 duct tape, if you read the transcript, it's really
25 not clear. And even counsel for the State said, "I

1 don't really understand. What were you saying?"
2 Well, it takes a while, but what she was doing is
3 that she was stretching it all the way across the
4 trailer, and instead of having to clip pieces off of
5 it, she was clipping pieces off of it, and then the
6 most important part is that she rolled the tape back
7 up, and I don't think that was adequately presented.
8 That -- the cutting and the repairs really don't --
9 they don't explain it. They don't give the reason
10 as to why they would have found her handprint, palm
11 print and DNA on the roll, and I just think that
12 wasn't adequately done. And so what does this --
13 what does it mean? What's all this mean? It means
14 that the jury got to hear, and in their minds
15 position her with everybody else in that trailer,
16 Walls, Priester, Walls' two boys, who were troubled,
17 which might be a -- a polite word as to their
18 situation, and so she is placed in everything. And
19 then -- so now without adequately saying that she is
20 not a member of the gang, and she's different from
21 all of the gang, why is the jury going to listen to
22 the explanation about the duct tape and the fear of
23 Walls and the fingerprints on the pill bottle?
24 They're not. Don't get that far. What you've done
25 is that you've created the situation to where she's

1 already guilty. She's guilty by association. And
2 that's what we're saying, and that's kind of when we
3 go back to I think this case is a little bit
4 different in that it is truly an ineffective
5 assistance of counsel. They developed a theory of
6 defense, it wasn't followed through with, and as a
7 result she received prejudice from the jury because
8 she never got to the point of them listening to the
9 duct tape and the pill bottle. And that's why we
10 would ask the Court to please consider the post-
11 conviction. Thank you.

12 **CLOSING STATEMENTS BY MS. DIXON**

13 MS. DIXON: May it please the Court? As
14 Your Honor knows, ineffective assistance of counsel
15 is measured by a standard of reasonableness under
16 prevailing professional norms. And whenever a
17 criminal defense lawyer gets a case, they have to
18 start with the facts and the evidence that they get.
19 Here they could not get around the fact that she was
20 caught in Chesterfield in a stolen car with Brian
21 Walls, and the victim's prescription bottles were in
22 that car, and her DNA was on those pill bottles, so
23 that's what we start with. In addition to that, her
24 fingerprints and her DNA were on the duct tape that
25 was used to bind the victim before the house was set

1 on fire. So with those facts, counsel did
2 everything he could with them, which was to try to
3 do the best he -- of his ability to differentiate
4 her from Brian Walls and to also provide an
5 explanation for why her DNA and her fingerprints
6 were on the duct tape. Now they've made, you know,
7 a thing today about the duct tape, and it's
8 confusing, and I agree with that, and I think it's
9 confusing, because it just doesn't make sense. It
10 is an explanation that just cannot be true because
11 it is kind of a little bit ridiculous in my opinion;
12 but that being said, she had the opportunity at
13 trial to both testify on direct before the entire
14 jury, as well as extensively on cross-examination,
15 where the Solicitor actually gave her the
16 opportunity to demonstrate with duct tape what she
17 was doing. The jury saw all that. The jury is the
18 ultimate decider of credibility, the jury chose not
19 to believe it. So with that, we would say, Your
20 Honor, that counsel's plan, his strategy, his
21 representation here was effective within prevailing
22 professional norms, and they have not shown any type
23 of deficiency. In terms of -- now, I do want to
24 correct one thing, because I believe Mr. Thomas said
25 in his argument that she had no other options,

1 because her mother wasn't going to let her stay.
2 And her testimony today was her mother would have
3 allowed her to stay -- her and her child to stay at
4 her mother's house, but would not allow the
5 boyfriend to stay with her at her mother's house.
6 So she had options, Your Honor. She wasn't just
7 stuck in this dead-end trap with no other way out.
8 In terms of their amendment today where they want to
9 amend it to add that counsel was ineffective for not
10 requesting a charge on accessory after-the-fact, to
11 that point, Your Honor, we would note, first of all,
12 she was not indicted for that. And our Supreme
13 Court has determined that accessory after-the-fact
14 is not a lesser included offense of murder. And for
15 that I would cite *State v. Fuller*, that's opinion
16 number -- I don't have the Westlaw site, but that's
17 opinion number 25334, that's a 2001 South Carolina
18 Supreme Court case. In addition to that, *State v.*
19 *Dickerson*, 395 S.C. 101, 716 S.E.2d 895, and that's
20 a 2011 South Carolina Supreme Court case. So in
21 light of that, in light of the fact that our Courts
22 have said it's not a lesser included offense of
23 murder, counsel cannot be deficient for not
24 requesting that charge. And we would just submit
25 she has not met her burden of showing counsel was

1 ineffective in her represent -- in his
2 representation.

3 THE COURT: All right. Thank you. Okay,
4 well, I'm gonna take this under advisement. I think
5 I'd like to look at the trial transcript a little
6 more closely, and I -- but I would like y'all each
7 to submit a proposed order within 30 days, so I can
8 have some idea what it would look like if I ruled
9 your way. So send me those, and I'll let you know
10 what I decide, okay?

11 MR. THOMAS: Thank you, Your Honor.

12 MS. DIXON: Thank you.

13 MR. THOMAS: Your Honor, may I approach?

14 THE COURT: Yes, sir.

15 (Whereupon, the hearing was concluded.)

16 - - -END OF TRANSCRIPT- - -

17

18

19

20

21

22

23

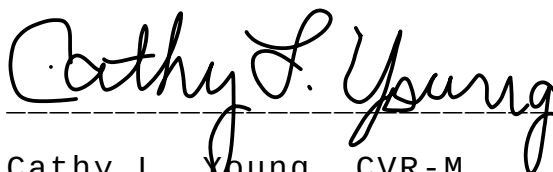
24

25

CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for
Colleton County, South Carolina, on the 30th day of
November, 2023.

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

A handwritten signature in black ink, reading "Cathy L. Young", is written over a horizontal line.

Cathy L. Young, CVR-M

Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Courtney E. Brock, SCDC #382549,

Applicant,

v.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Case No. 2022-CP-07-01063

ORDER OF DISMISSAL

RECEIVED

APR 26 2024

S.C. SUPREME COURT

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Courtney E. Brock on June 15, 2022. On November 30, 2023, an evidentiary hearing convened before the Honorable Roger M. Young, Sr. Applicant was present and represented by Tommy Thomas, Esquire. Assistant Attorney General Danielle Dixon represented Respondent. At the hearing, this Court heard testimony from Applicant and trial counsel Matthew Walker. Following a thorough review of the records before this Court and the testimony and evidence presented at the hearing, this Court finds Applicant did not meet her burden of proof. Thus, this Court denies relief and dismisses this application with prejudice.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections serving a thirty-year sentence. In June 2017, the Beaufort County Grand Jury indicted Applicant for murder (2017-GS-07-00327). On October 21-24, 2019, Applicant proceeded to a jury trial before the Honorable Kristi F. Curtis. Public Defender Matthew Walker represented Applicant, and Assistant Solicitors Hunter Swanson and Samantha Molina prosecuted the case. The jury convicted Applicant as indicted, and Judge Curtis sentenced her to thirty years.

Applicant timely filed a notice of appeal. Appellate Defender Kathrine H. Hudgins

perfected the appeal through the filing of an Anders¹ brief. The Court of Appeals dismissed the appeal pursuant to Anders, and the remittitur was sent September 8, 2021.

TESTIMONY AND EVIDENCE PRESENTED AT TRIAL

Applicant was indicted with co-defendants Bryan Walls and John Priester for the murder of Tereas Seigler. At trial, the State presented evidence that Applicant, Walls, and Priester lived near Victim. Following a housefire, firefighters entered Victim's home and discovered her body covered in bruises and wrapped in a blanket and duct tape. Investigators also discovered gasoline in the home. Priester and Walls's two sons were arrested for arson related to the housefire.

A few days after the fire, Applicant and Walls were located together in Chesterfield County in a stolen vehicle. Walls was arrested on an unrelated charge, and law enforcement searched the vehicle and found a bag containing Victim's prescription pill bottles. Investigators recovered a mixture of DNA from three of Victim's pill bottles that included Applicant's DNA. Investigators also recovered a mixture of DNA from the duct tape around Victim's body that included Applicant's DNA. Finally, investigators recovered Applicant's and Priester's fingerprints from the duct tape around Victim's body. Applicant denied involvement in the murder and proceeded to trial, where she was convicted as indicted.

CURRENT APPLICATION

On June 15, 2022, Applicant timely commenced this PCR action generally alleging she is being held in custody unlawfully due to ineffective assistance of counsel.

On May 3, 2023, Applicant filed an amended application alleging counsel was ineffective for:

1. Failing to develop an effective defense strategy, in that he failed to (a) differentiate Applicant and her involvement from that of her two codefendants and (b) include testimony of a codefendant that

¹ *Anders v. California*, 386 U.S. 738 (1967).

Applicant was not involved; and

2. Failing to engage in meaningful plea negotiations before trial.

On July 31, 2023, Applicant filed a second amended application alleging:

1. Ineffective assistance of counsel:

- a. Applicant wanted to go to trial. When Applicant inquired about the strategy for her trial, counsel informed her that he was going to show that she was not like the others. She was concerned and believed that he did not develop a proper defense on her behalf.

- b. Applicant was out on bond for 2 ½ to 3 years. There was ample opportunity to meet with Defense Counsel. Applicant is informed and believes that Defense Counsel was not adequately prepared for trial.

- c. Applicant is informed and believes that Trial Counsel was ineffective for not adequately addressing the issue of the duct tape. Which was supposedly involved in the crime and linked to her by the State.

2. Applicant decided to take the stand. Applicant believes that she was not adequately prepared to take the stand, nor was she adequately advised of the dangers of taking the stand.

3. Applicant's codefendant John Priester, who is currently housed at Lieber Correctional Institution, made statements to her that she did not have anything to do with the crime. Applicant believes this information is crucial to her defense.

At the beginning of the hearing, Applicant waived allegation three related to John Priester.

Applicant proceeded on the remaining allegations in her amended applications. During the hearing, Applicant also raised without objection an additional ground that counsel was ineffective for not requesting a jury charge on accessory after the fact.



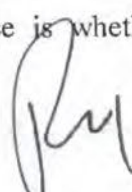
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying conviction; Applicant's records from the South Carolina Department of Corrections; Applicant's appellate records, including the trial transcript; and the records of the current PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry her burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). In a PCR action, an applicant bears the burden of proving the allegations in her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When the application alleges ineffective assistance of counsel, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland, 466 U.S. 668. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, an applicant must prove counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether an attorney provided



representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, a PCR applicant must prove that counsel’s deficient performance prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Trial strategy/defense²

Applicant first contends counsel was ineffective in failing to properly prepare for trial and develop a trial strategy and defense. Specifically, she contends counsel failed to differentiate her involvement from that of her co-defendants and address the issue regarding the duct tape. This Court finds Applicant did not prove counsel was ineffective in this regard.

At the PCR hearing, Applicant testified she met with counsel a few times before trial and also during the week of trial, and counsel asked how her DNA got on Victim’s pill bottles and the duct tape. Applicant denied being involved in the murder but acknowledged she had been staying with codefendants Walls and Priester, and Victim was a neighbor she was acquainted with. Applicant testified she went to Chesterfield with Walls because he told her to, and she was afraid of him. She averred her DNA was on the pill bottles because Walls wanted to sell the pills and told Applicant to grab them, and her DNA was on the duct tape because she had been using the duct tape to repair holes in another home.

Applicant testified counsel’s strategy was to show she was different from her codefendants

² This section addresses allegation (1)(a) of the first amended application and (1)(a),(b), & (c) of the second amended application. Applicant waived allegation (1)(b), which was related to the testimony of co-defendant John Priester.

because she was pregnant and did not commit the murder. She averred the State painted her as a bad mom with a drug addiction, and counsel did not do enough to counter this. Applicant also averred counsel did not adequately address her fear of Walls. She believed the duct tape was important evidence, but counsel did not investigate or take pictures of the trailer and the duct tape.

Trial counsel testified he had been a public defender for years and was appointed to Applicant's case about two years before trial. He stated they met approximately six times and reviewed the evidence. Counsel explained they met more frequently—daily or every other day—the week before trial. He averred he had adequate time to meet with her and prepare for trial.

Trial counsel testified Applicant maintained her innocence, and they discussed a strategy of differentiating her from the codefendants. He acknowledged cross-examining Amanda Reddish, an acquaintance of Applicant and Walls, to elicit testimony about Reddish's fear of Walls. (Tr. 165-66). Counsel explained he did this to show Walls was more likely to have harmed Victim and to show Walls was the driving force in what occurred. Counsel further explained he elicited testimony (Tr. 237) to show that Walls was convicted of Victim's murder. He explained his strategy was to show that Applicant was different than Walls. Counsel did not have concerns with Applicant's ability to understand their conversations. He testified he called witnesses to corroborate Applicant's testimony that she handled the duct tape while repairing another home.

Based on counsel's foregoing testimony, which this Court finds credible, this Court finds counsel met with Applicant an adequate number of times and discussed with her the State's evidence and his strategy. This Court further finds counsel adequately prepared for trial. Finally, based on the State's evidence—which included Applicant's DNA on the duct tape around Victim's body—this Court finds counsel's strategy was reasonable under prevailing professional norms and not deficient. Counsel's strategy of differentiating Applicant from her codefendants and paint Walls as the culpable one is evident through counsel's cross-examination, where he sought to elicit

testimony about Redish's fear of Walls and Wall's conviction for Victim's murder; counsel's presentation of Applicant's defense, where he attempted to explain why her DNA was on the duct tape and pill bottles; and his closing argument. (Tr.533-38, 551-55). Overall, given the State's evidence, counsel's strategy was reasonable under prevailing professional norms and not deficient.

Likewise, Applicant has not shown what more counsel could have done to prepare for trial, or what more he could have communicated with her that would have reasonably changed the outcome of trial. Applicant's contention at the PCR hearing that counsel did not sufficiently highlight her fear of Walls completely lacks merit when Applicant testified on direct examination that she was not afraid of Walls. (Tr. 361). Likewise, Applicant did not show what more counsel should have done to address the duct tape issue that would have reasonably changed the outcome of trial. Although Applicant generally alleged counsel should have taken pictures of the duct tape at her home, Applicant did not introduce any pictures at the PCR hearing that would illustrate what those pictures would show.³ Counsel called three witnesses at trial to support Applicant's testimony that she used the duct tape to repair a home. (Tr. 446, 457-58, 471-72). Although Applicant may have used duct tape to repair her home, the jury ultimately believed she was involved in the murder itself. This Court finds Applicant did not submit any additional evidence at the PCR hearing that was not presented at trial that would reasonably change the outcome. Thus, Applicant did not prove deficiency or prejudice, and this claim is denied.

Plea negotiations⁴

Applicant next contends counsel was ineffective for failing to engage in meaningful plea negotiations before trial. This Court finds Applicant did not prove this claim. At the PCR hearing, Applicant testified there was no plea offer. Notwithstanding this, she stated counsel asked if she

³ Notably, Applicant herself described both homes as deplorable, and she complained that the State introduced pictures of the other home into evidence.

⁴ This section addresses allegation (2) of the amended application.

would plead to 8-10 years, but she told him she did not want to plea—she wanted to fight for her innocence. She reiterated she did not want to plead guilty because she was innocent. Likewise, counsel testified Applicant told him she did not want to plead guilty, but he would have pursued a plea offer more intensively if Applicant had indicated a desire for a plea. This Court finds counsel and Applicant's foregoing testimony that Applicant was not interested in a plea to be credible. Based on this, counsel's decision to not further pursue a plea was reasonable under prevailing professional norms and not deficient. Applicant likewise did not prove prejudice in light of her testimony that she did not want to plead guilty. Thus, this claim is denied.

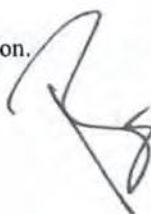
Preparing Applicant to testify⁵

Applicant next contends counsel was ineffective for not adequately preparing her to testify. This Court finds Applicant did not prove counsel was ineffective in this regard.

At the PCR hearing, Applicant testified she believed testifying at trial would help her case. She averred she was in a bad situation at the time and around bad people, but she maintained she did not kill Victim and had no reason to kill Victim. She testified counsel could have done more to prepare her to testify. Applicant recalled that counsel told her not to show emotion at trial and not to speak as much when being cross-examined. She also stated counsel warned her that the State would question her about her DNA on the duct tape. However, she maintained counsel could have gone through her testimony more. Counsel testified Applicant's testimony was critical to explain why her DNA was on the duct tape, and they reviewed her testimony and what the solicitor may ask on cross-examination.

This Court finds Applicant did not prove counsel was deficient in preparing her to testify. Critically, Applicant herself acknowledged that counsel advised her not to show emotion during

⁵ This section addresses allegation two of the second amended application.



her testimony and not to speak too much during cross-examination. Applicant also acknowledged counsel warned her that the State would question her about the DNA on the duct tape. This Court finds counsel's foregoing preparation was reasonable under prevailing professional norms. Likewise, counsel's assessment that Applicant would need to explain how her DNA ended up on the duct tape was reasonable under prevailing professional norms and not deficient. Further, the trial judge advised Applicant that it was ultimately her decision whether to testify, and Applicant voluntarily and knowingly chose to testify after being advised of her constitutional right to remain silent. (Tr. 352-53). This Court finds counsel's advice that she needed to explain her DNA was reasonable, and counsel's advice to Applicant about the testimony itself was reasonable and not deficient. Finally, although Applicant generally averred counsel *should have* done more to prepare her, she did not clarify specifically what she believed counsel should have done to prepare her testimony. Thus, Applicant did not meet her burden of proving deficiency or prejudice, and this claim is denied.

Accessory after the fact charge

Finally, Applicant contends counsel was ineffective for not requesting a jury charge on accessory after the fact. This Court finds this claim lacks merit because accessory after the fact is not a lesser-included offense of murder.

At the PCR hearing, counsel averred the evidence fit the charge of accessory after the fact more squarely than murder. He agreed he did not request this jury charge.

This Court finds counsel was not ineffective for not requesting this charge. Specifically, accessory after the fact is not a lesser-included offense of murder. See State v. Dickerson, 395 S.C. 101, 118, 716 S.E.2d 895, 905 (2011) ("It is well-settled that accessory after the fact is not a lesser-included offense of murder in this State."; *id.* at 121, 716 S.E.2d at 906 ("[A] defendant is not entitled to a charge on lesser-related offenses." (emphasis added))). Thus, even if counsel *had*

requested an accessory after the fact charge, Applicant would not have been entitled to it. Counsel cannot be deficient for failing to ask for a charge that Applicant was not indicted for and that was not a lesser-included offense of murder. For the same reason, Applicant cannot show resulting prejudice. Thus, this claim is denied.

CONCLUSION

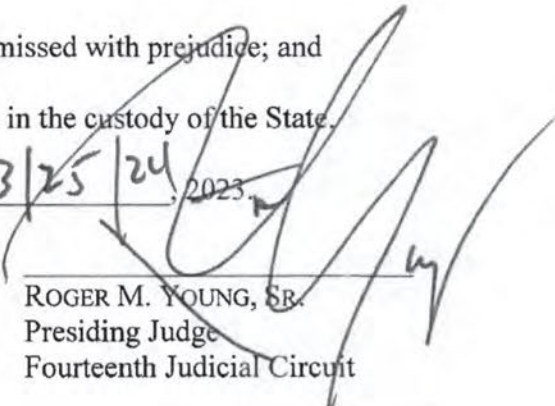
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, she must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance on appeal. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to appeal, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Rule 71,1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 3/25/24 day of 2023.


 ROGER M. YOUNG, SR.
 Presiding Judge
 Fourteenth Judicial Circuit

Chambers

, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

Courtney E. Brock, #382549,

Applicant,

v.

State of South Carolina,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a filed copy of the Order of Dismissal has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

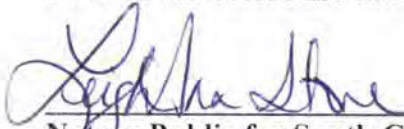
Tommy Arthur Thomas, Esquire
PO Box 88
Irmo, SC 29063

This 15th day of April, 2024.



Vickie Hall, Legal Assistant
for Respondent

SWORN to before me this 15th day of April, 2024.



Notary Public for South Carolina.

My Commission Expires: May 16, 2029

WITNESSES

BCSO *T. CALHOUN*

DOCKET NO. 2017GS0700327

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

August Term 2019

THE STATE

vs.

Courtney Elizabeth Brock

AMENDED
Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

701
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A0710400043

True Bill

W. J. H.

Foreperson of Grand Jury

Date: AUG - 8 2019

VERDICT

Guilty

Sarah Foster

Foreperson of Petit Jury

Date: 10-24-19

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

Certified - A True Copy

[Signature]
Jeri Ann Roseau - Clerk of Court
Beaufort County, SC - Carol Stoppel

702
STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT

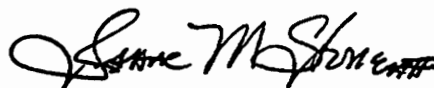
2017GS0700327

At a Court of General Sessions, convened on August 8, 2019 the Grand Jurors of Beaufort County present upon their oath:

Murder

That in Beaufort County, South Carolina, on or about December 5, 2016 through December 6, 2016, the Defendant, Courtney Elizabeth Brock, along with Co-Defendants, did, with malice aforethought, kill Teresa Seigler and Teresa Seigler did die as a proximate result of her actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

True Bill

5-23-19
[illegible]

STATE OF SOUTH CAROLINA

COUNTY OF

Beaufort

STATE

Courtney vs. Brock

AKA:

Race:

W

Sex:

F

Age:

25

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO:

Murder

In violation of §

16-3-10

of the S.C. Code of Laws, bearing CDR Code #

0116

☐ 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 Presentation to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

Proviso (Public Def/Probation)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-07-0327

AW#: 2017A0710400043

Date of Offense:

12/5/16 - 12/6/16

S.C. Code §:

16-3-10

CDR Code #:

0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSSolicitor SC Bar # 72934Attorney for Defendant SC Bar # 72535WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

Proviso (Public Def/Probation)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

 days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning\$ Paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date

Kish Clark

2762

10-24-2019

Certified - A True Copy
Jen Ann-Robinson, Clerk of Court
Beaufort County, SC - Carol Stoppel