

RECEIVED

May 23 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Spartanburg County Court of General Sessions
The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2024-001359

The State.....Respondent

v.

Herbert Bruce Gaddy.....Appellant

RECORD ON APPEAL

WILLIAM G. YARBOROUGH, III
LAUREN C. HOBBS
WGY Law
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612 | F: 864-271-0711

ATTORNEYS FOR APPELLANT

THE HONORABLE ALAN WILSON
JOSHUA A. EDWARDS, AAG
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 779-8477 | F: 803-253-6283

ATTORNEYS FOR RESPONDENT

INDEX

- Transcript of Trial, held August 12-14, 2024 before the Honorable R. Keith Kelly:
 - Jury Selection.....9-23
 - Preliminary Instructions to the Jury.....26-34
 - Opening Statements:
 - By the State.....34-40
 - By the Defense.....40-46
 - Testimony:
 - Allyson Viscuso
 - Direct Examination by the State.....47-48
 - Gail Trent
 - Direct Examination by the State.....48-62
 - Cross Examination by the Defense.....64-82
 - Redirect Examination.....82-83
 - Recross Examination.....83-84
 - Investigator James Colby Stepp, Spartanburg County Sheriff's Office
 - Direct Examination by the State.....86-94
 - Cross Examination by the Defense.....94-98
 - Redirect Examination by the State.....98-100
 - Recross Examination by the Defense.....100-101
 - Marilyn Roman (Arthur), Spartanburg County Sheriff's Office
 - Direct Examination by the State.....104-123
 - Cross Examination by the Defense.....123-134
 - Redirect Examination by the State.....135-136

| | |
|--|---------|
| - Lloyd Trent, Jr. | |
| - Direct Examination by the State..... | 137-160 |
| - Cross Examination by the Defense..... | 160-168 |
| - Redirect Examination by the State..... | 168-169 |
| | |
| - Investigator Dalton Crow, Spartanburg Sheriff's Office | |
| - Direct Examination by the State..... | 171-189 |
| - Cross Examination by the Defense..... | 189-208 |
| - Redirect Examination by the State..... | 209-210 |
| - Recross Examination by the Defense..... | 210 |
| | |
| - Mid-trial Motions..... | 212-214 |
| | |
| - Defendant Herbert Bruce Gaddy (In camera) | |
| - Advisement by the Court on right to testify..... | 215-222 |
| | |
| - Motions continued..... | 228-237 |
| | |
| - Closing Arguments | |
| -By the State..... | 237-247 |
| - By the Defense..... | 247-268 |
| - Rebuttal by the State..... | 268-274 |
| | |
| - Jury Instructions..... | 274-290 |
| | |
| - Verdict..... | 293-294 |
| | |
| - Sentencing..... | 296-299 |

| | |
|--|---------|
| - Certificate of Court Reporter..... | 300 |
| ▪ Trial Exhibits: State's Ex. Nos. 3-5, 9-10, 15-26..... | 301-320 |
| ▪ Sentencing Sheets (Indictment Nos. 2022-GS-4102 – 4103)..... | 321-326 |
| ▪ Indictments Nos. 2022-GS-4102 – 4103..... | 327-330 |
| - | |

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Herbert Bruce Gaddy,) 2022-GS-42-4102;4103
6 Defendant.) August 12 - 14, 2024
7) Spartanburg, South Carolina

8
9

10

B E F O R E:

11

HONORABLE R. KEITH KELLY, JUDGE; and a jury

12

13

14

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

16

JAMES EDWARD HUNTER, ESQUIRE
Attorney for the State

17

18

WILLIAM G. YARBOROUGH, III, ESQUIRE
Attorney for the Defendant

19

20

21

22

Linda D. Moffitt
Circuit Court Reporter

23

24

25

| | | |
|----|---------------------------------------|-------------|
| 1 | <u>INDEX</u> | |
| 2 | <u>WITNESSES</u> | <u>PAGE</u> |
| 3 | ALLYSON VISCUSO (SW) | |
| 4 | Direct examination by Mr. Hunter | 47 |
| 5 | GAIL TRENT (SW) | |
| 6 | Direct examination by Mr. Hunter | 48 |
| 7 | Cross-examination by Mr. Yarborough | 64 |
| 8 | Redirect examination by Mr. Hunter | 82 |
| 9 | Recross-examination by Mr. Yarborough | 83 |
| 10 | JAMES COLBY STEPP (SW) | |
| 11 | Direct examination by Mr. Hunter | 86 |
| 12 | Cross-examination by Mr. Yarborough | 94 |
| 13 | Redirect examination by Mr. Hunter | 98 |
| 14 | Recross-examination by Mr. Yarborough | 100 |
| 15 | MARILYN ROMAN (SW) | |
| 16 | Direct examination by Mr. Hunter | 104 |
| 17 | Cross-examination by Mr. Yarborough | 123 |
| 18 | Redirect examination by Mr. Hunter | 135 |
| 19 | LLOYD TRENT, JR. (SW) | |
| 20 | Direct examination by Mr. Hunter | 137 |
| 21 | Cross-examination by Mr. Yarborough | 160 |
| 22 | Redirect examination by Mr. Hunter | 168 |
| 23 | | |
| 24 | | |
| 25 | | |

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

INDEX

| <u>WITNESSES</u> | <u>PAGE</u> |
|---------------------------------------|-------------|
| DALTON CROW (SW) | |
| Direct examination by Mr. Hunter | 171 |
| Cross-examination by Mr. Yarborough | 189 |
| Redirect examination by Mr. Hunter | 208 |
| Recross-examination by Mr. Yarborough | 210 |
| HERBERT BRUCE GADDY | |
| Examination by the Court | 215 |

| | | |
|---|--------------------|-----|
| 1 | Jury qualification | 9 |
| 2 | Jury sworn | 26 |
| 3 | Opening statements | 34 |
| 4 | Closing arguments | 237 |
| 5 | Jury charge | 274 |
| 6 | Verdict | 292 |
| 7 | Sentence | 295 |

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

EXHIBITS

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
|------------|-------------------------------|------------|------------|
| S-1 | Cap | 25 | 100 |
| S-2 | Pre-interrogation waiver form | 25 | 179 |
| S-3 | Fingerprint from suburban | 25 | 92 |
| S-4 | Fingerprint card | 25 | 110 |
| S-5 | Fingerprint card | 25 | 118 |
| S-6 | Photograph | 25 | 51 |
| S-7 | Photograph | 25 | 51 |
| S-8 | Photograph | 25 | 51 |
| S-9 | Photograph | 25 | 56 |
| S-10 | Photograph | 25 | 56 |
| S-11 | Photograph | 25 | 140 |
| S-12 | Photograph | 25 | |
| S-13 | Photograph | 25 | 142 |
| S-14 | Photograph | 25 | 142 |
| S-15 | Photograph | 25 | 58 |
| S-16 | Photograph | 25 | 58 |
| S-17 | Photograph | 25 | 58 |
| S-18 | Photograph | 25 | 58 |
| S-19 | Photograph | 25 | 58 |
| S-20 | Photograph | 25 | 88 |
| S-21 | Photograph | 25 | 88 |
| S-22 | Photograph | 25 | |
| S-23 | Photograph | 25 | |

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

EXHIBITS

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
|------------|--------------------|------------|------------|
| S-24 | Photograph | 25 | |
| S-25 | Photograph | 25 | 158 |
| S-26 | Latent print | 118 | 118 |

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

EXHIBITS

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
|------------|--------------------|------------|------------|
| D-1 | Photograph | | 68 |
| D-2 | Photograph | | 71 |
| D-3 | Photographs | | 77 |

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

EXHIBITS

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
|------------|-----------------------|------------|------------|
| C-1 | Juror numbers | | 225 |
| C-2 | Question and response | | 292 |

Jury qualification

1 (Proceedings August 12, 2014)

2 THE COURT: Ladies and gentlemen, we are about to
3 begin the trial of the State of South Carolina vs. Herbert
4 Bruce Gaddy -- G-A-D-D-Y.

5 It is alleged in the Indictment 2022-GS-42-4102 that
6 Mr. Gaddy did in Spartanburg County, South Carolina, on or
7 about May 6 of 2022 break into a motor vehicle belonging to
8 the victim with the intent to steal something -- it or
9 something of value from it.

10 Ladies and gentlemen, Mr. Gaddy has entered a plea of
11 not guilty, and under our system of justice Mr. Gaddy is
12 presumed innocent of the allegations in the indictment.

13 The indictment is a piece of paper that brings him
14 before the court for trial. Again, I will say it more than
15 once this morning. He is presumed innocent of the
16 allegations contained in the indictment.

17 In the Indictment 2022-GS-42-4103 the State of South
18 Carolina says that Mr. Gaddy committed the criminal offense
19 known as burglary in the first degree of a dwelling and
20 that this occurred on or about May 6 of 2022 in violation
21 of state law.

22 Once again, he has entered a plea of not guilty, and
23 he is presumed innocent of the allegations contained in the
24 indictment.

25 The indictment is -- brings him before the Court. It

Jury qualification

1 is not evidence against Mr. Gaddy.

2 I'm going to ask Mr. Gaddy to please stand.

3 Mr. Yarborough, and face the jury for about ten
4 seconds.

5 (Whereupon, the defendant stood.)

6 THE COURT: All right, sir. Thank you.

7 Ladies and gentlemen, you were previously sworn and
8 you remain sworn. I have a series of questions.

9 Is there any member of this panel who is now or ever
10 has been related by blood or marriage to Mr. Gaddy? If so,
11 please stand.

12 (No response.)

13 THE COURT: Is any member of the jury panel, have a
14 personal or social relationship with Mr. Gaddy? You know
15 him from -- from recreation; you know him from work. Some
16 way or the other, you know Mr. Gaddy. If so, please stand.

17 (No response.)

18 THE COURT: The following is a list of potential
19 witnesses. I say potential because we never know who will
20 or will not testify.

21 Gail Trent; Lloyd Trent; Andre Daniel; Dalton Crow;
22 Colby Stepp; Courtney Burgess; Marilyn Roman; Kelby Allen;
23 Isiah Parham; and Allyson Viscuso.

24 Does any member of the jury panel have a family member
25 or, I mean, any member of the jury panel ever been related

Jury qualification

1 by blood or marriage to any of the potential witnesses in
2 this case? If so, please stand.

3 (No response.)

4 THE COURT: Any member of the jury panel have a
5 personal or social relationship with any of the potential
6 witnesses? If so, please stand.

7 (No response.)

8 THE COURT: Okay. Thank you.

9 I'm going to ask the lawyers in the case to introduce
10 themselves.

11 solicitor.

12 MR. HUNTER: Thank you, Your Honor.

13 My name is Eddie Hunter. I'm an assistant solicitor
14 here in the Seventh Circuit, which comprises Spartanburg
15 and Cherokee counties.

16 MR. YARBOROUGH: Good morning.

17 I'm Bill Yarborough. I'm a lawyer. I practice law in
18 the upstate of South Carolina. My office is in Greenville.
19 I've been practicing in Greenville and Spartanburg and
20 Gaffney over the years. Thank you.

21 THE COURT: Has any member of the jury panel ever been
22 represented in any matter whatsoever, whether it be a
23 criminal matter, whether it might have been a real estate
24 closing, preparing a will? Any member of the jury panel
25 ever been represented by either of the lawyers? If so,

Jury qualification

1 please stand.

2 (No response.)

3 THE COURT: Any member of the jury panel related by
4 blood or marriage with either of the lawyers, or ever has
5 been, please stand.

6 (No response.)

7 THE COURT: Any member of the jury panel have a social
8 or personal relationship with either of the lawyers? If
9 so, please stand.

10 (No response.)

11 THE COURT: Any member of the jury panel have a family
12 member or a friend who is employed with the Seventh Circuit
13 solicitor's Office? whether that be in Spartanburg or
14 Cherokee County? If so, please stand.

15 (No response.)

16 THE COURT: Any member of the jury panel have a family
17 member or friend employed by Mr. Yarborough's law firm? If
18 so, please stand.

19 (No response.)

20 THE COURT: Any member of the jury panel ever been
21 called as a witness in a case by either of the lawyers? If
22 so, please stand.

23 (No response.)

24 THE COURT: Any member of the jury panel, you
25 yourself, ever been a sworn law enforcement officer, which

Jury qualification

1 includes military police, county, state, municipal,
2 whatever, some law enforcement agency? If so, please
3 stand.

4 All right, sir. Your number, please.

5 JUROR NO. 21: Twenty-one.

6 THE COURT: What agency?

7 JUROR NO. 21: Spartanburg County Sheriff's Office.

8 THE COURT: Would that interfere with your ability to
9 be fair and impartial?

10 JUROR NO. 21: No, sir.

11 THE COURT: Sir, you may stay.

12 Any member of the jury panel have a close -- have a
13 family member such as a sibling, a parent, in-law, someone
14 in your family who is a law enforcement officer? If so,
15 please stand.

16 That always gets some.

17 Yes, ma'am. You have someone who is law enforcement
18 in your family?

19 JUROR NO. 160: Yes.

20 THE COURT: Your number, please.

21 JUROR NO. 160: My number, 160.

22 THE COURT: 160. Would that interfere with your
23 ability to be fair and impartial?

24 JUROR NO. 160: No.

25 THE COURT: You may stay.

Jury qualification

1 Yes, ma'am.

2 JUROR NO. 100: Brother-in-law, Greenville County
3 Sheriff's Office.

4 THE COURT: Your number, please.

5 JUROR NO. 100: One hundred.

6 THE COURT: would it interfere with your ability to be
7 fair and impartial?

8 JUROR NO. 100: No.

9 THE COURT: Thank you. You may stay.

10 Yes, sir. Go ahead.

11 JUROR NO. 148: Son-in-law.

12 THE COURT: Your number again.

13 JUROR NO. 148: 148.

14 THE COURT: would it interfere with your ability to be
15 fair and impartial?

16 JUROR NO. 148: No, sir.

17 THE COURT: You may stay.

18 Yes, sir. Next to him.

19 JUROR NO. 132: 132.

20 THE COURT: what agency?

21 JUROR NO. 132: Sister-in-law.

22 THE COURT: Okay. would it interfere with your
23 ability to be fair and impartial?

24 JUROR NO. 132: No.

25 THE COURT: Sir, may stay.

Jury qualification

1 Yes, sir.

2 JUROR NO. 147: 147. My cousin, first cousin.

3 THE COURT: would it interfere with your ability to be
4 fair and impartial?

5 JUROR NO. 147: No.

6 THE COURT: You may stay.

7 Yes, ma'am.

8 JUROR NO. 171: 171. My daughter is a police officer.

9 THE COURT: With what agency?

10 JUROR NO. 171: Duncan.

11 THE COURT: would it interfere with your ability to be
12 fair and impartial?

13 JUROR NO. 171: No, sir.

14 THE COURT: You may stay as well.

15 Is there any member of this jury panel, you yourself
16 or a friend or close friend, a family member, ever been the
17 victim of a violent crime -- of a violent crime?

18 If so, please stand. We will not embarrass you by
19 asking questions. We just want to know. Anyone? If so,
20 please stand.

21 Yes, ma'am. Your number, please.

22 JUROR NO. 97: Ninety-seven.

23 THE COURT: would it interfere with your ability to be
24 fair and impartial?

25 JUROR NO. 97: No.

Jury qualification

1 THE COURT: Thank you. You may stay.

2 Any member of the jury panel know anything at all
3 about this case? I know very little about it, and that's
4 the way it's supposed to be. Does anyone know anything
5 about this case? If so, please stand.

6 (No response.)

7 THE COURT: Is there any member of the panel who has
8 reason to believe they could not be fair and impartial in
9 this case? If so, please stand.

10 (No response.)

11 THE COURT: Anything from the state?

12 MR. HUNTER: Yes, Your Honor. Specifically, five and
13 eight. I think that could be combined with my requested
14 voir dire, Your Honor, about someone being charged with a
15 violent crime.

16 THE COURT: Any member of the jury panel ever been
17 prosecuted -- you yourself or family member or friend. We
18 will not ask details. We don't want to embarrass anyone.
19 Any member of the jury panel either yourself, a family
20 member or friend been prosecuted by the Seventh Circuit
21 solicitor's Office? If so, please stand.

22 (No response.)

23 THE COURT: Any member of your family or you yourself
24 or a very close friend ever been charged with a violent
25 crime? Again, we will not embarrass anyone by asking

Jury qualification

1 questions. If so, please stand.

2 Yes, ma'am. Your number.

3 JUROR NO. 169: 169.

4 THE COURT: One?

5 JUROR NO. 169: 169.

6 THE COURT: 169. Would that interfere with your
7 ability to be fair and impartial?

8 JUROR NO. 169: No.

9 THE COURT: Thank you. You may stay.

10 Yes, ma'am. Your number.

11 JUROR NO. 98: Ninety-eight.

12 THE COURT: Would it interfere with your ability to be
13 fair and impartial?

14 JUROR NO. 98: No, sir.

15 THE COURT: You may stay.

16 Anything else from the state?

17 MR. HUNTER: No, Your Honor.

18 THE COURT: From the defense?

19 MR. YARBOROUGH: No, sir.

20 THE COURT: Okay. Five and ten, and one and two.

21 Madam clerk, we'll have the jury.

22 THE CLERK: When your juror number and name is called,
23 please stand and come to the center of the courtroom where
24 the bailiff stands.

25 Juror No. 47, David Cunningham.

Jury qualification

1 What says the state?

2 MR. HUNTER: Please present this juror.

3 THE CLERK: what says defense?

4 MR. YARBOROUGH: Please excuse the juror.

5 THE CLERK: No. 36, Kenneth Clark.

6 What says the state?

7 MR. HUNTER: Please present this juror.

8 THE CLERK: what says the defense?

9 MR. YARBOROUGH: Please swear the juror.

10 THE CLERK: No. 50, Erica Davis.

11 What says the state?

12 MR. HUNTER: Please present this juror.

13 THE CLERK: what says the defense?

14 MR. YARBOROUGH: Please swear the juror.

15 THE CLERK: No. 23, Robert Bridgeman.

16 What says the state?

17 MR. HUNTER: Please present this juror.

18 THE CLERK: what says defense?

19 MR. YARBOROUGH: Please swear the juror.

20 THE CLERK: No. 141, Rowdy Sartor.

21 What says the state?

22 MR. HUNTER: Please present this juror.

23 THE CLERK: what says defense?

24 MR. YARBOROUGH: Please swear the juror.

25 THE CLERK: No. 9, Elizabeth Bailey.

Jury qualification

1 What says the state?

2 MR. HUNTER: Please present this juror.

3 THE CLERK: What says the defense?

4 MR. YARBOROUGH: Please excuse the juror.

5 THE CLERK: 171, Sandra Whalen.

6 What says the state?

7 MR. HUNTER: Please present this juror.

8 THE CLERK: What says defense?

9 MR. YARBOROUGH: Please excuse the juror.

10 THE CLERK: No. 69, Brandy Gosnell.

11 What says the state?

12 MR. HUNTER: Please present this juror.

13 THE CLERK: What says defense?

14 MR. YARBOROUGH: Please swear the juror.

15 THE CLERK: No. 139, Shauneka Robinson.

16 What says the state?

17 MR. HUNTER: Please present this juror.

18 THE CLERK: What says defense?

19 MR. YARBOROUGH: Please excuse the juror.

20 THE CLERK: 154, Kyle Stasikelis.

21 What says the state?

22 MR. HUNTER: Please present this juror.

23 THE CLERK: What says the defense?

24 MR. YARBOROUGH: Please swear the juror.

25 THE CLERK: 129, Katie Phillips.

Jury qualification

1 What says the state?

2 MR. HUNTER: Please present this juror.

3 THE CLERK: What says defense?

4 MR. YARBOROUGH: Please excuse the juror.

5 THE CLERK: 161, Paul Thomas.

6 What says the state?

7 MR. HUNTER: Please present the juror.

8 THE CLERK: What says defense?

9 MR. YARBOROUGH: Please excuse the juror.

10 THE CLERK: No. 93, Moua Lee.

11 What says the state?

12 MR. HUNTER: Please present this juror.

13 THE CLERK: What says defense?

14 MR. YARBOROUGH: Please swear the juror.

15 THE CLERK: No. 118, Jason Morgan.

16 What says the state?

17 MR. HUNTER: Please excuse this juror.

18 THE CLERK: 105, Jonathan McAbee.

19 What says the state?

20 MR. HUNTER: Please present this juror.

21 THE CLERK: What says defense?

22 MR. YARBOROUGH: Please swear the juror.

23 THE CLERK: No. 46, Sabrina Cramer.

24 What says the state?

25 MR. HUNTER: Please present this juror.

Jury qualification

1 THE CLERK: what says defense?

2 MR. YARBOROUGH: Please excuse the juror.

3 THE CLERK: No. 64, Colby Garner.

4 what says the state?

5 MR. HUNTER: Please present this juror.

6 THE CLERK: what says the defense?

7 MR. YARBOROUGH: Please swear the juror.

8 THE CLERK: No. 97, Deborah Long.

9 what says the state?

10 MR. HUNTER: Please present this juror.

11 THE CLERK: what says defense?

12 MR. YARBOROUGH: Please excuse the juror.

13 THE CLERK: No. 4, Suber Allen Arnold.

14 what says the state?

15 MR. HUNTER: Please present this juror.

16 THE CLERK: what says defense?

17 MR. YARBOROUGH: Please swear the juror.

18 THE CLERK: 160, Jennifer Teal.

19 what says the state?

20 MR. HUNTER: Please present this juror.

21 THE CLERK: what says defense?

22 MR. YARBOROUGH: Please excuse the juror.

23 THE CLERK: No. 98, Jacqueline Lovette.

24 what says the state?

25 MR. HUNTER: Please excuse this juror.

Jury qualification

1 THE CLERK: No. 106, Leda McClendon.

2 what says the state?

3 MR. HUNTER: Please present this juror.

4 THE CLERK: what says defense?

5 MR. YARBOROUGH: Please swear the juror.

6 THE CLERK: No. 83, Venus Keliikuli.

7 what says the state?

8 MR. HUNTER: Please present this juror.

9 THE CLERK: what says defense?

10 MR. YARBOROUGH: Please swear the juror.

11 THE CLERK: No. 147, Albert Smith.

12 what says the state?

13 MR. HUNTER: Please present this juror.

14 THE CLERK: what says defense?

15 MR. YARBOROUGH: Please excuse the juror.

16 THE CLERK: 173, Latonya Wilkins.

17 what says the state?

18 MR. HUNTER: Please excuse the juror.

19 THE CLERK: No. 96, Edward Littwin.

20 what says the state?

21 MR. HUNTER: Please present this juror.

22 THE CLERK: what says defense?

23 MR. YARBOROUGH: Please excuse the juror.

24 THE CLERK: No. 114, Jessica Miller.

25 what says the state?

Jury qualification

1 MR. HUNTER: Please present this juror.

2 THE CLERK: what says defense?

3 MR. YARBOROUGH: Please swear the juror.

4 THE CLERK: No. 144, Jeffrey Shields.

5 what says the state?

6 MR. HUNTER: Please present this juror.

7 THE CLERK: what says defense?

8 MR. YARBOROUGH: Please excuse the juror.

9 THE CLERK: No. 52, Kathy Diaz.

10 what says the state?

11 MR. HUNTER: Please excuse the juror.

12 THE CLERK: No. 77, Scott Jackson.

13 what says the state?

14 MR. HUNTER: Please present the juror.

15 THE CLERK: what says defense?

16 MR. YARBOROUGH: Please swear the juror.

17 (whereupon, a jury was impaneled.)

18 THE COURT: Anything from the state or defense?

19 MR. HUNTER: Nothing from the state, Your Honor.

20 MR. YARBOROUGH: No, sir.

21 THE COURT: Okay. Very good.

22 (whereupon, the remaining members of the jury venire
23 were excused.)

24 THE COURT: Okay. Ladies and gentlemen who have been
25 selected on the jury, I'm getting ready to release you for

1 lunch.

2 I need you back in place ready to work at 2:00 p.m. --
3 at 2:00 p.m.

4 First of all, what's going to happen is you're going
5 to leave and go into the jury assembly room, which is in
6 this hallway.

7 You have now seen your deliberation -- not jury
8 assembly. Jury deliberation room. And the bailiffs are
9 going to collect some information from you -- phone number,
10 that sort of thing, so that they can reach you if need be.
11 But I need you back, and they'll tell you where to report
12 to. Assembly room probably. Okay. They'll give you the
13 instructions back there.

14 And be ready to work at 2:00 -- be ready to work at
15 2:00. So, that gives you plenty of time to walk to your
16 car, catch the bus if you need to ride the bus or whatever
17 out there. And then return and be ready to work at 2:00,
18 please.

19 Again, you have a cell phone, a tablet or wrist watch
20 with communication capability, please don't bring it back
21 now that you are selected.

22 And please, please, please do not try to learn
23 anything about this case outside of this courtroom. Okay.
24 You and I have to learn about the case from the sworn
25 witnesses and any exhibits that are taken into evidence.

1 Okay. with that, do not do any research, try to find
2 out anything about the case. Thank you.

3 All right. with that, if you will, follow.

4 Ma'am, take the jury out and follow the bailiff across
5 the hall, please.

6 (The following takes place outside the presence of the
7 jury.)

8 THE COURT: when we reconvene we'll be on the sixth
9 floor, 6-C as in Charlie -- 6-C as in Charlie. Okay. At
10 2:00.

11 (Whereupon, a recess was taken.)

12 (Cap marked State's Exhibit No. 1 for Identification;
13 Pre-interrogation waiver form marked State's Exhibit No. 2
14 for Identification; fingerprint from Suburban marked State's
15 Exhibit No. 3 for Identification; fingerprint card marked
16 State's Exhibit No. 4 for Identification; fingerprint cad
17 marked State's Exhibit No. 5 for Identification; photographs
18 marked State's Exhibits Nos. 6 through 25 for
19 Identification.)

20 THE COURT: Anything before we bring the jury in?

21 MR. HUNTER: I was just seeing if this works. I know
22 they were having issues with I.T. stuff.

23 THE COURT: Let's see if it works.

24 (Pause for loud buzz in courtroom.)

25 MR. YARBOROUGH: Your Honor, I renew my motion to

Jury sworn

1 sequester the witnesses.

2 THE COURT: Okay. Solicitor.

3 MR. HUNTER: Your Honor, obviously, I think the law
4 states the victim and the main case investigator may
5 remain.

6 We have two witnesses here. One's my first witness.
7 The other one is probably my third witness. I'm okay with
8 sequestering those even though the first witness is going
9 to be called for testimony, so.

10 MR. YARBOROUGH: I would ask for them all to be
11 sequestered, Your Honor, but at least as many as you'll let
12 out, I'd like for --

13 THE COURT: We'll sequester No. 1 and No. 3.

14 (Pause.)

15 THE COURT: Okay. We are now ready for the jury.

16 (The following takes place in the presence of the
17 jury.)

18 THE COURT: Madam Clerk, if you will, swear this jury
19 to try this case.

20 (Whereupon, the jury was duly sworn.)

21 THE COURT: Ladies and gentlemen of the jury, you are
22 now the jury in this case, and I will take a few moments to
23 tell you something about your duty as jurors and to provide
24 some instruction.

25 At the close of the trial I will provide detailed

1 instructions that will control your deliberations.

2 This criminal case is brought by the State of South
3 Carolina. Sometimes I refer to the state as the
4 prosecution or the government.

5 The state is represented by an assistant solicitor and
6 the defendant is represented by his lawyer.

7 This defendant, Herbert Bruce Gaddy, is charged in the
8 Indictment 2022-GS-42-4102 with the criminal offense known
9 as breaking into a motor vehicle.

10 It is alleged that he committed this crime in
11 Spartanburg County, South Carolina, on or about May 6 of
12 2022. I tell you and I charge you that he has entered a
13 plea of not guilty to this indictment, and he is presumed
14 innocent of the allegations made against him.

15 He is also charged with 2022-GS-42-4103. It is
16 alleged that he committed the crime known as burglary first
17 degree of a dwelling, and it is alleged that it occurred in
18 Spartanburg County, South Carolina, on or about May 6 of
19 2022 in violation of state law.

20 Once again, he has entered a plea of not guilty to the
21 indictment, and he is innocent under our law until proven
22 guilty beyond a reasonable doubt.

23 Now, South Carolina law makes you 12 the finders of
24 the facts. It will be your duty to decide what the
25 evidence is and what the facts -- from the facts -- what

1 the evidence is and what the facts are, and you will hear
2 the evidence from the testimony and any exhibits that are
3 put into the record.

4 Now, the evidence will consist of testimony, documents
5 and items received and any facts on which the lawyers agree
6 or stipulate.

7 The same law that makes you 12 the finders of the
8 facts makes me the judge of the law. Our rules of evidence
9 control what can be received into evidence. And when a
10 lawyer asks a question or offers an exhibit and the lawyer
11 on the opposing side thinks it is not permitted by our
12 rules, the lawyers may object. This simply means the
13 lawyer is requesting that I make a decision on a particular
14 rule of evidence.

15 State law forbids a trial judge from making a comment
16 to a jury about a fact in a case. And because it may be
17 necessary for me to comment on a fact in applying our rules
18 of evidence, it may be necessary for me to speak with the
19 lawyers outside of your presence by having a bench
20 conference, which I would wave the lawyers to, up to the
21 bench, and I will do that on this side to keep away from
22 the microphone and keep away from you, because we'll be
23 talking about a matter of law. Sometimes it's necessary
24 for me to excuse you from the courtroom if it's going to be
25 a lengthy discussion.

1 Now, the purpose of the conferences is to decide how
2 certain evidence is treated and to avoid confusion and
3 error.

4 Ladies and gentlemen, certain things are not evidence.
5 Statements, arguments, questions and comments by the
6 lawyers representing the parties are not evidence.

7 Objections are not evidence. Lawyers have a duty to
8 their client to object if they believe something is
9 improper. You should not be influenced by an objection.

10 If I sustain an objection, you must ignore the
11 question or the exhibit, and do not try to guess what the
12 answer might have been or what the exhibit might have
13 contained.

14 If I overrule the objection, the evidence will be
15 admitted, but do not give special attention because it drew
16 an objection.

17 Now, testimony that I order stricken from the record
18 should be disregarded and is not evidence. And anything
19 that you see or hear about this case outside of this
20 courtroom is not evidence.

21 Now, some of you may have heard the term direct
22 evidence and circumstantial evidence.

23 Direct evidence is testimony by a witness about what
24 the witness personally saw, heard or did.

25 Circumstantial evidence is indirect evidence. It is

1 proof of one or more facts from which one can find or infer
2 another fact.

3 You may consider both direct and circumstantial
4 evidence. Our law permits you to give equal weight to
5 both, but it is for you to decide how much weight to give
6 any evidence.

7 Now, in deciding what the facts are you may have to
8 decide what testimony you believe and what testimony you do
9 not believe. You may believe everything a witness says,
10 part of what a witness says or none of what a witness says.

11 In deciding what to believe you may consider a number
12 of factors which include, but are certainly not limited to,
13 the witness' ability to hear or see or know about the
14 things to which he or she is testifying, the quality of a
15 witness' memory, the witness' manner in testifying and
16 whether or not the witness has an interest in the outcome
17 or any motive, bias or prejudice.

18 It is my responsibility to rule as a matter of law as
19 to whether the testimony is admissible. But, ladies and
20 gentlemen, once it is admitted, whether or not you believe
21 it is up for you 12 to decide.

22 Now, to ensure fairness you as jurors must not talk
23 among yourselves about the case or about anyone involved
24 with the case until the case has ended and you return to
25 the jury room to begin your deliberations.

1 Do not talk with anyone else about the case, and
2 anyone includes members of your family, friends, and
3 others.

4 You may tell them that you are a juror, but do not
5 tell them anything about the case until the case is ended
6 and you have been discharged. After this case is over with
7 and you have been discharged as a juror, you can talk as
8 much or as little about it as you deem appropriate.

9 Do not let anyone talk to you about the case, and if
10 anyone should try to do so, please report that to your
11 foreperson who would then report that to me.

12 Do not try to talk to the lawyers or the parties in
13 this case. If a person on the other side sees you talking
14 to someone in this case, even if it's simply to pass the
15 time of day, it can arouse an unfair -- unfairness that
16 might be aroused.

17 Now, do not read any news stories or articles, if any.
18 I don't see any news media here, but if there happens to be
19 some news media here, do not listen to anything about the
20 case or watch anything on T.V., if any.

21 Do not -- and I repeat do not -- do any independent
22 research about this case on the internet. Do not consult a
23 blog or a dictionary or other reference materials, and do
24 not make up your mind about what the verdict should be
25 until you have returned to the jury room to deliberate.

1 Sometimes I'm asked about taking notes. Ladies and
2 gentlemen, you are not to take notes during a trial, and
3 the reason is we want you to pay close attention to the
4 witnesses as they testify and not be fixated on making
5 notes.

6 Now, the first step in the trial will be the opening
7 statements by the lawyers. The state in its opening will
8 tell you about the evidence that it intends to put before
9 you. And just as the indictment is not evidence, neither
10 is the opening statement.

11 After the state's opening the defendant's attorney
12 may, if he chooses, make an opening statement. But at this
13 point no evidence has been put before you.

14 Next the state will offer evidence that it says will
15 support the charges made against this defendant, and it
16 will consist of testimony, and it may include documents or
17 other items.

18 I remind you, again, that this defendant is presumed
19 innocent and the state has the burden of proof beyond a
20 reasonable doubt to prove his guilt.

21 The defendant does not have to prove his innocence.

22 And after you have heard all of the evidence, the
23 state and the defense will be given time for a final
24 argument. And in closing arguments lawyers for each side
25 will attempt to summarize and help you understand what the

1 evidence presents to you.

2 And, ladies and gentlemen, the final part of the trial
3 occurs when I instruct you on the law that guides you in
4 reaching your verdict.

5 Now, I usually try my hardest to alternate between a
6 forelady and a foreman, and I think it's a forelady's time
7 today.

8 So, Juror No. 93, Ms. Lee, would you serve? I'm not
9 ordering this. I'm asking. would you serve as the
10 foreperson?

11 THE FOREPERSON: Yes.

12 THE COURT: Thank you.

13 Ms. Lee, if you would, after the -- at the break if
14 you would kindly switch seats with this gentleman on the
15 very end right here with the blue shirt on, that is the
16 foreperson's seat. My eye falls there all of the time.

17 And you two are the alternates, correct? where are my
18 two alternates -- 114 and 77? I'm sorry. Yeah.

19 THE BAILIFF: Yes, sir.

20 THE COURT: 114 and 77?

21 THE BAILIFF: Yes, sir.

22 THE COURT: Okay. All right. If the two alternates
23 would, always sit in the last two seats on the end of the
24 jury. Take the jury, just when it come back the two
25 alternates would always be seated at the end, and my

Opening statements

1 foreperson would be seated here.

2 Some judges used that seat right there, Ms. Lee, as
3 the foreperson, but my eye falls right here and I've got
4 all three in focus right there.

5 okay. All right. I will provide some more
6 instructions, but, ma'am, you become the spokesperson for
7 the jury.

8 So, if a juror has a problem, needs something
9 addressed, they would give you a note or tell you. You and
10 I will never meet privately. You would come in the
11 courtroom with the lawyers and my court reporter, and then
12 you would tell me what the issue is, and we can talk about
13 it with the lawyers. But we will never meet, have a
14 private meeting.

15 THE FOREPERSON: Yes, sir.

16 THE COURT: Anything from the state or the defense?

17 MR. HUNTER: No, your Honor.

18 MR. YARBOROUGH: No, sir.

19 THE COURT: Madam Forelady and ladies and gentlemen,
20 please give your attention to the lawyers.

21 solicitor.

22 MR. HUNTER: May it please the Court.

23 THE COURT: Yes, sir.

24 MR. HUNTER: Thank you, Ladies and gentlemen of the
25 jury.

Opening statements

1 We are here today on two indictments, two cases as the
2 judge said, on Herbert Gaddy. A burglary first degree and
3 a breaking into a motor vehicle.

4 Now, at the end of this trial -- and this is not --
5 for y'all, this is not going to be a very long trial. I
6 expect my part to be done this afternoon or tomorrow
7 morning.

8 The judge is going to get up here, and he's going to
9 explain the elements of each offense to you. He's going to
10 explain the law. And what he's going to tell you -- and
11 I'll try to put it in layman's terms -- breaking into a
12 motor vehicle is exactly what it sounds like. Breaking
13 into a car, entering a car that's not yours.

14 Burglary first has a few more elements, and that's
15 breaking and entering. For first degree burglary it has to
16 be a dwelling. And what you're going to hear during my
17 presentation of the case is we're talking about someone's
18 residence, and this applies. With the intent to commit the
19 crime. And you'll hear that we believe, and we believe
20 we're going to prove, that he intended to steal when he
21 went inside that house.

22 Now, it becomes a burglary first because there are
23 different levels of burglary. There's burglary third and
24 then we go to burglary second, violent, nonviolent,
25 burglary first. There are different levels.

Opening statements

1 What makes it a burglary first is if he's armed with a
2 weapon, which we're not alleging; if there's an assault
3 that happened during the burglary, which we are not
4 alleging.

5 There's a few other factors that we're not alleging.
6 But what we're alleging is that it happened at nighttime.
7 And you'll actually hear from the witnesses and officers
8 that this happened around midnight at nighttime.

9 So, breaking and entering into a dwelling, into a
10 residence, at night with the intent to commit a crime.
11 That's burglary first.

12 And we believe that the case that I will present with
13 Investigator Crow, with Mrs. Trent and Mr. Trent -- Gail
14 and Lloyd -- as well as the other officers, that I will
15 prove beyond a reasonable doubt, that I will firmly
16 convince you, of Herbert Gaddy's guilt as to breaking into
17 a motor vehicle and burglary first.

18 What you'll hear is that on the night of May 6th of
19 2022 Gail Trent was in her residence at Goldmine Road
20 watching T.V., like I said, just before midnight.

21 You'll hear her talk about how she thought the wind
22 was jiggling her door handle. But it wasn't the wind.
23 She'll testify that a man opened the door and entered her
24 house.

25 Beyond scared, she starts yelling for her husband

Opening statements

1 who's in another room, and that man leaves after he entered
2 the house.

3 They call police. Police arrive shortly thereafter.
4 They don't find anybody. Appears the door was unlocked
5 when he entered.

6 And, again, let me touch on this because we're going
7 to hear this again. Breaking and entering doesn't mean you
8 actually have to break in. If you cross the threshold in a
9 burglary, you step through that door, if your finger goes
10 through that threshold of the door, it's an entering.
11 That's all that's required.

12 You don't have to break a window; you don't have to
13 pick a lock. The door is unlocked, it's still a burglary.

14 The police get there. It appears the door was
15 unlocked, and they don't find any evidence in the house.
16 Don't find anybody in and around the property.

17 That next morning -- probably didn't sleep much that
18 night. That next morning go out on the property. And this
19 is at 351 Goldmine Road. Not sure how many acres, but it's
20 not just a house where the road's right there at the house.
21 There's, I think, a tenth of a mile from the road all the
22 way to the house and the driveway and then more property
23 around it with a garden, a couple of sheds.

24 But Mr. Lloyd Trent has a rollback truck, a tow truck,
25 and he notices that that is missing from his property.

Opening statements

1 Ultimately, that rollback truck was located, as the crow
2 flies, probably 4 or 5 miles from their house deep stuck in
3 the woods.

4 They also noticed that there's an A.T.V., an A.T.V. of
5 theirs that didn't work. But it's now all the way a tenth
6 of a mile from their house up at the front driveway next to
7 the road.

8 So, police come out, talk to them about the rollback,
9 A.T.V. and take some pictures, take some pictures of a
10 shed, a shed that has a 1955 Chevy Bel Air, one-owner,
11 Mr. Trent, that has a bunch of tools strawn across the
12 front of this nice antique car.

13 Police leave. And this is for the burglary -- it's a
14 Friday. They come back that Saturday, find the rollback
15 gone.

16 Then on Monday as they're preparing to take their
17 granddaughter to school -- Mrs. Gail Trent hasn't been in
18 her car all weekend. They go to get in her car and take
19 her child to school and they realize it has been rummaged
20 through. Items have been taken out of the center console.
21 Things from the back have been brought to the front. And
22 it's a Chevy Suburban. It's a large vehicle.

23 And there are items in there that give them pause.
24 You'll hear that there was a baseball bat inside that
25 vehicle.

Opening statements

1 Now, they recognize that baseball bat, but that
2 baseball bat was stored in the same shed as the 1955 Chevy
3 Bel Air. It was not in their vehicle that weekend. She
4 does not keep a baseball bat in her car. One of her
5 grandkids' bats that's stored in that shed.

6 There's also a hat -- you will see State's
7 Exhibit 1 -- that was found inside that vehicle. Now, they
8 know that hat because that hat was found or kept in the
9 rollback that they had on the property, the rollback that's
10 now missing.

11 So, now the sheriff's office comes back to their
12 property a third time. They dust for prints on the Chevy
13 Suburban. Low and behold, does it come back to? We will
14 submit to you that it comes back to Herbert Gaddy.

15 Now, Investigator Crow knowing that the fingerprint
16 now matches Herbert Gaddy, he goes to speak to Mr. Gaddy,
17 to confront him as to why his fingerprints are on a car
18 where a burglary happened, where a break-in of a motor
19 vehicle had happened.

20 Mr. Gaddy admits that he was in that car to
21 Investigator Crow, he just slept in the car, and that he
22 did go to the house and he actually entered the house. But
23 he saw a woman watching T.V. But he admitted doing that.
24 And that was the story that he told Investigator Crow and
25 that's what you'll hear.

Opening statements

1 But what we submit to you is based on the bat being
2 moved, the hat being moved, the rollback being taken, the
3 A.T.V. being moved, we have to prove that he entered the
4 residence with the intent to commit a crime. We believe
5 the evidence will show he intended to commit a crime inside
6 that residence but Gail Trent stopped him.

7 And at the end of this trial I'm going to ask all 12
8 of the jurors that are here for a verdict of guilty for
9 breaking into the Chevy Suburban where his fingerprint was
10 and for breaking and entering with the intent to commit a
11 crime of the residence 351 Goldmine Road of Ms. Gail Trent
12 and Mrs. Lloyd Trent -- Mr. Lloyd Trent. Excuse me. I
13 believe I will firmly convince you of that. Thank you.

14 MR. YARBOROUGH: If the Court please, Your Honor.

15 THE COURT: Yes, sir.

16 MR. YARBOROUGH: Ladies and gentlemen of the jury, I'm
17 going to try to mess with this thing. Moving it around is
18 pretty hard. I'll try. There we go. I don't think I need
19 it. I think I can talk to you loud. I've been doing this
20 a long time.

21 Let me say this to start out with. All of that stuff
22 that Mr. Hunter was talking about, all of this stuff about
23 a baseball bat and a hat and all of that stuff, that is --
24 he's not charged with that -- he's not charged with that.

25 We're here to talk about two things. We're here to

Opening statements

1 talk about whether or not Mr. Gaddy broke into a house, one
2 thing; with intent to commit a crime, second thing. And
3 then on count two did he break into a suburban with the
4 intent to commit a crime.

5 Okay. Let me tell you what happened that night. It's
6 not a big secret. The police know what happened.

7 Mr. Gaddy had been working on a car. The car hit him,
8 hurt him. He got -- he got lost. He'd been doing some
9 drugs. He was probably in pretty bad shape.

10 He ended up on a piece of property that he was aware
11 of, which he knew the family, knew the son. And he was
12 trying to figure out what to do, because he was in bad
13 shape, and he went up and knocked on the door. And when he
14 knocked on the door, he thought that Mrs. Trent asked him
15 to come in. She was asking him what was wrong.

16 He didn't enter the house. He stayed on the welcome
17 mat. Told the police that. And because she was upset, he
18 left. Now, if he'd have just turned around and sat on that
19 porch that night, we wouldn't be sitting here. But he was
20 messed up. He was on drugs, and so he left and went away.

21 Now, that night he ends up out there. He's messed up.
22 I think he does touch the side of the car, but he touched
23 the side of the car. So, what we're talking about here is
24 he's charged with two indictments.

25 Now, Judge Kelly over the course of this trial will

Opening statements

1 tell you about that it's your -- your obligation to -- to
2 listen to the facts and then compare that to the law and to
3 look at what he's charged with.

4 And what you have to find, what you have to find
5 throughout this case, is some type of intent for Mr. Gaddy
6 to have committed a crime inside that house or that he
7 intended to commit a crime when he was with the Suburban.
8 Okay. Those are two things.

9 Now, he's in the wrong place at the wrong time. We're
10 not here for trespass; we're not here for anything like
11 that. We're talking about two specific charges.

12 Mr. Gaddy when he heard that that was what he was
13 being charged with, he talked to the police about it. He
14 talked to that investigator right there. He told the
15 investigator he didn't go in the house. He told the
16 investigator he thought maybe he got in the car to go to
17 sleep.

18 The investigator didn't video tape that, didn't take
19 any notes that I'm aware of. Just wrote a report, and what
20 the report said was that -- that basically what I just
21 said.

22 Okay. But we don't have the exact words. If we had
23 the exact words, it might be easier. But we do have the
24 exact words of Mrs. Tent, the alleged victim, who said
25 this. She said that he stood on the welcome mat and

Opening statements

1 knocked on the door. Okay. People that stand on welcome
2 mats and knock on the door don't break in houses.

3 People that hear somebody upset and leave are not
4 aggressively trying to come into the house and commit a
5 crime. That's what you got to find. You got to find that
6 he came into the house to commit a crime.

7 Now, being on the side of the door and getting in the
8 car, you gotta say that he was trying to take it? Got to
9 have some intent that he tried to take it or tried to take
10 something out of it. There is no intent there.

11 This thing about a baseball bat and a hat, I don't
12 know what that is, but I assure you if he had a hat and
13 they put it on, they'd have D.N.A. They don't have any
14 D.N.A. I don't know what that hat's about or that baseball
15 bat's about.

16 But I do know this: Our system of government is set
17 up so that people get fair trials. I've known Judge Kelly
18 most of my adult life. I'll tell you this. I'm 64 years
19 old, and I say this with pride. For 52 years as I turned
20 on Perry Mason, I either did this, wanted to do this or
21 dreamed about doing it again all my life. And I'm proud to
22 sit here because I'm proud of the jury system. I'm proud
23 of the way it works. And I know this. I know that when
24 you pick 12 people, they listen. They get back there.
25 They talk. They hear how the case, the evidence, is

Opening statements

1 submitted. They hear what the judge says and -- and they
2 know. Most times they get it right.

3 And what I'm pretty sure of is you're going to look at
4 what he's talking about, which is circumstantial evidence.

5 Okay. Is there circumstantial evidence that he's there?

6 Yes. There's circumstantial evidence that he's there.

7 But can they at all show that in any way, shape or
8 form that he tried to go into that house with intent to
9 commit a crime? No. Can they show in any way, shape or
10 form that when he touched the side window of that car he
11 was trying to do anything? Was he trying to commit any
12 violent act? Was he trying to do -- he's charged with
13 burglary first. You're going to have the indictment when
14 you take it back there. Read it. But was it in the
15 nighttime? Yeah. But was he trying to do anything wrong?
16 No.

17 Mr. Hunter wants to jump past that. He doesn't want
18 to talk about that, but I want you to hear, hear me talk
19 about it early on so you know where I'm going to go
20 throughout this case.

21 I'm not going to try to beat up witnesses. I don't
22 even know how to do that. I'm going to ask simple
23 questions. I'm going to ask about welcome mats. I'm going
24 to ask about what was there. I'm going to ask about what
25 was missing. I'm going to ask about when they reported

Opening statements

1 stuff.

2 You know, I -- I think it's awful that he ended up on
3 that porch and scared that woman. It's awful. He feels
4 bad about it. It's awful that she yelled at her husband
5 and said help. It's awful. He feels bad about it.

6 But did he go into that house to commit a crime?
7 That's a whole different matter. That's what they've got
8 to prove. They've got to prove intent. Right. That's
9 what they got to do, is prove intent.

10 You'll have the indictment from the grand jury back
11 there that alleges exactly what he's -- what he had to
12 prove. If I can move through here pretty quick, I'll find
13 it.

14 He's got to prove that the defendant, Herbert Bruce
15 Gaddy, did in Spartanburg County on May 6th of 2022
16 wilfully and intentionally enter the residence located at
17 351 Goldmine Road, Spartanburg, South Carolina, without
18 consent. If he was invited in, that's consent. We're
19 telling you he didn't enter.

20 But they also have to prove that with the intent to
21 commit a crime therein, that he intended to commit a crime.

22 Now, as far as the breaking into a motor vehicle, that
23 the defendant, Herbert Bruce Gaddy, did in Spartanburg
24 County on May 6th of 2022 break into the 2022 Chevrolet
25 suburban belonging to Gail Trent with the intent to steal

Allyson Viscuso
Direct examination by Mr. Hunter

1 the same or anything of value thereof.

2 There's nothing gone. There was stuff in that car.
3 They never reported anything stolen out of that car. Not
4 where he tried to hot wire it.

5 I mean, I think that probably what he told the police
6 officers, which he didn't have to talk to them, was the
7 truth that he was messed up and probably got in that car to
8 go to sleep.

9 Is that a crime? It's not the crime that he's charged
10 with here today, and that's not before you. What's before
11 you, as the judge is going to tell you, is the state is
12 required to prove beyond a reasonable doubt that he
13 committed burglary first or breaking into an automobile,
14 motor vehicle.

15 I always talk to my -- my youngest daughter who's --
16 who's in law school about these kind of cases, and she
17 said, "Dad, just tell them when postmen walk on the porch
18 are they committing crimes." No. They're not. They've
19 got to prove more than that. Thank you.

20 THE COURT: Solicitor.

21 MR. HUNTER: One second, Your Honor.

22 (Pause.)

23 MR. HUNTER: Your Honor, I call my quickest witness,
24 Allyson Viscuso.

25 She's in the conference room.

Gail Trent
Direct examination by Mr. Hunter

1 MR. YARBOROUGH: No questions.

2 THE COURT: No questions.

3 You may step down.

4 MR. HUNTER: May she be excused?

5 THE COURT: Any objection?

6 MR. YARBOROUGH: No, sir.

7 THE COURT: You may stay or go, whichever you choose.

8 (Whereupon, the witness was excused.)

9 MR. HUNTER: The state will call Gail Trent.

10 GAIL TRENT, having been first
11 duly sworn, testified as follows:

12 THE COURT: Ma'am, if you will, have a seat and adjust
13 the microphone to suit yourself. Tell us who you are, and
14 spell your last name, please.

15 THE WITNESS: Say that to me again, Judge.

16 THE COURT: Yes, ma'am. Just tell me who you are and
17 spell your last name.

18 THE WITNESS: Gail Trent. T-R-E-N-T.

19 THE COURT: Thank you.

20 Solicitor.

21 MR. HUNTER: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MR. HUNTER

23 Q Mrs. Trent, where do you live?

24 A 351 Goldmine Road, Spartanburg.

25 Q Does your postman come to your house at midnight?

Gail Trent
Direct examination by Mr. Hunter

1 A No, sir. My children don't come to my home at
2 midnight.

3 Q Tell me what happened on May 6th, that night.

4 A I was watching T.V. sitting on my sofa and there was a
5 noise, a noise that I didn't identify readily. And the
6 door began to open.

7 My first instinct was, gosh, the wind caught the door
8 and opening it. And then the door slowly is opening more.
9 And a man enters, enters my home, speaks when he enters.

10 And I asked him as I'm walking towards my dining room.
11 I'm asking, "who are you -- who are you?"

12 And I started screaming for my husband. I screamed for
13 him to get the gun, a stranger was in our home. I'm sorry.

14 Q Who lives with you at that home -- who lives with you
15 at that home?

16 A My husband and our adopted daughter.

17 Q That adopted daughter is your granddaughter as well?

18 A Yes.

19 Q That's this man --

20 A Yes, yes.

21 Q -- and lady seated here?

22 A Yes.

23 Q Where was your husband at this time?

24 A He was asleep. He was in the bed. Our bedroom is to
25 the left of our den and my daughter's room is to the right.

Gail Trent
Direct examination by Mr. Hunter

1 And as I'm walking -- I walked backwards because my
2 intent was to be if he went down the hallway, he was going
3 to have to hurt me before I'd let him get to my daughter.

4 Q Did he stay on the porch?

5 A No.

6 Q Did he enter your home?

7 A Yes.

8 Q I'm going to show you three pictures marked State's
9 Exhibits 6, 7 and 8. Now, I know you didn't take these
10 pictures, but do you recognize them?

11 A Yes, sir. This is my home.

12 Q So, State's Exhibit 6 is your home.

13 A That is my home.

14 Q And State's Exhibit 7.

15 A Front porch. Do I need to say that to you?

16 Q No. I'm going to continue asking you, but I want to
17 go ahead and go to 7.

18 A Okay. That's the front door from the inside.

19 Q Okay.

20 A This looks to be the front door from the inside the
21 storm door.

22 Q The storm door. Okay. At your house, the front door,
23 is there a storm door first, a glass storm door?

24 A Yes.

25 Q And then a wooden door?

Gail Trent
Direct examination by Mr. Hunter

1 A Yes.

2 Q Okay. And I believe 8 is the storm door and 7 is the
3 wooden door.

4 A Yes.

5 Q Okay. And is that how it was that night? Are they
6 the same or substantially the same?

7 A Yes. Exactly how it was.

8 Q Excuse me. Do they fairly and accurately depict your
9 house that night?

10 A Say that again.

11 Q Do they fairly and accurately depict your house night?

12 A Yes. They have.

13 MR. HUNTER: Your Honor, at this time the state would
14 offer State's Exhibits 6, 7 and 8 into evidence.

15 THE COURT: Any objection?

16 MR. YARBOROUGH: Let me see what he's talking about,
17 Your Honor, please.

18 (Pause.)

19 THE COURT: Any objection?

20 MR. YARBOROUGH: No, sir, Your Honor.

21 THE COURT: Without objection, they're admitted.

22 (Photographs marked State's Exhibits Nos. 6, 7 and 8.)

23 MR. HUNTER: Publish to the jury, Your Honor?

24 THE COURT: Yes, sir. Are the monitors working?

25 MR. HUNTER: No, no, sir. They're not.

Gail Trent
Direct examination by Mr. Hunter

1 (Pause.)

2 BY MR. HUNTER

3 Q All right. Can you describe what -- can you -- do you
4 see the picture on your computer?

5 A I can now. I can.

6 Q Okay. And the jury can see as well.

7 Okay. Can you describe what we're looking at there?

8 A You're looking at the front of my home, front porch.

9 Q Okay. To the right of that picture there's a little
10 alcove with three windows. Is that your kitchen and dining
11 room?

12 A Yes, sir. It's the dining room windows.

13 Q And to the left where the ferns are hanging, there's
14 windows there. Were those blinds down that night?

15 A Yes, sir. Always are down.

16 Q Now, in this picture the glass, the storm door, is
17 closed, but the wooden door was open. Was that like that
18 before he came to your house?

19 A No.

20 Q Okay. How was the door? How were the doors when you
21 were watching T.V. that night?

22 A Closed.

23 Q Okay. So, the wooden door was closed.

24 A Absolutely.

25 Q Now, what's this view of? This is State's Exhibit 7.

Gail Trent
Direct examination by Mr. Hunter

1 what's this view of?

2 A The window that's in the front door.

3 Q Okay. So, that's from the inside of your house?

4 A It's from the inside of the house.

5 Q Okay. So, someone in that door, can they see inside
6 your house?

7 A No, sir.

8 Q Okay. And was it closed like this --

9 A Yes, sir.

10 Q -- prior to --

11 A Yes, sir.

12 Q -- this incident?

13 A Yes, sir.

14 Q And is that the -- State's Exhibit 8, is that the
15 glass storm door?

16 A Yes, sir.

17 Q Was it also closed prior to this incident?

18 A Yes.

19 Q Where was he standing when he came into your house?

20 A If you go back to that picture, I'll -- I can show
21 you.

22 Q Which one?

23 A Where the front door was opened. Well, I can't really
24 show you from here but the storm door --

25 MR. HUNTER: Your Honor, permission for her to come

Gail Trent
Direct examination by Mr. Hunter

1 and point it out.

2 THE COURT: Sure.

3 Yes, ma'am. You may walk around and...

4 (whereupon, the witness left the stand.)

5 Q Point your finger where he was standing.

6 A Well, he wasn't standing out here. He was inside my
7 home.

8 Q Okay.

9 A If you -- when you open my storm door, two, three
10 steps inside my home is where he was.

11 Q Was there anything -- all right.

12 (whereupon, the witness returned to the stand.)

13 Q Is there anything on the floor there? Two or three
14 steps in, is there anything on the floor at the front door?

15 A I have a [sic] indoor-outdoor rug as you walk into my
16 home.

17 Q That's inside your house.

18 A I have one on the outside and on the inside both.

19 Q Okay. Do you know Mr. Gaddy?

20 A I'd never heard his name before this happened. I've
21 never seen this person before. No knowledge of him.

22 Q After the police came that night did you get much
23 sleep?

24 A No, sir.

25 Q And did you and your husband call them back out the

Gail Trent
Direct examination by Mr. Hunter

1 next day?

2 A We did.

3 Q And why did y'all call them out the next day?

4 A Because he went out to -- to look around the property,
5 and he saw that his -- the rollback was missing.

6 Q Can you explain what a rollback is?

7 A It's a vehicle where you would go, and maybe if a
8 car's broke down you can put it on the back of it.

9 Q Did y'all notice anything else moved on your property
10 at that time?

11 A 4-wheeler.

12 Q I'm going to show you State's Exhibits 9 and 10. Do
13 you recognize those items?

14 A Yes, sir. Those belonged to my son Colby.

15 Q All right. Okay. And this is the 4-wheeler you spoke
16 of?

17 A Yes.

18 Q And does it fairly and accurately depict the scene of
19 your yard that day the police came out?

20 A Yes, yes.

21 MR. HUNTER: Your Honor, at this time the state would
22 offer State's Exhibits 9 and 10 into evidence.

23 THE COURT: Any objection?

24 MR. YARBOROUGH: No, sir.

25 THE COURT: Without objection, they are admitted.

Gail Trent
Direct examination by Mr. Hunter

1 (Photographs marked State's Exhibits Nos. 9 and 10.)

2 Q Show you ten first. Is that the 4-wheeler?

3 A Yes, sir.

4 Q Is that where it's normally parked?

5 A Oh, no.

6 Q Okay. Is that that same 4-wheeler just zoomed out a
7 little bit?

8 A Yes, sir.

9 Q Okay. In fact, those trees on your driveway, are they
10 near your house or are they up by the road?

11 A They're closer to the road.

12 Q Okay. Where was that 4-wheeler kept prior to this
13 night?

14 A If you come down our driveway and you go to the left,
15 there's a free-standing, 2-car garage. And that 4-wheeler
16 would have been to the far right if you're looking down the
17 driveway. The garage is on the left and this 4-wheeler
18 would have been to the -- to the right of the second bay.

19 Q But it's down closer to your house -- it's down closer
20 to your house?

21 A It would be closer to the house.

22 Q Was the 4-wheeler in working order at this time?

23 A No.

24 Q So, it wouldn't run.

25 A No, sir.

Gail Trent
Direct examination by Mr. Hunter

1 Q So, no one could have driven it up there.

2 A No, sir.

3 Q And, ultimately, do you have to call police out there
4 for a third time?

5 A We did.

6 Q So, I guess the original incident happened on a Friday
7 night, May 6th. I believe that was a Friday night.

8 A Can you repeat that to me?

9 Q May 6th was a Friday night?

10 A Yes.

11 Q And did y'all have to call them back out on May 9th?

12 A We did.

13 Q Okay. And that would have been Monday.

14 A That was Monday morning.

15 Q And that was Monday morning. Why did y'all have to
16 call them Monday morning?

17 A To take -- my husband went to take my daughter to
18 school and he found that both the car seats in the front of
19 my suburban had been laid all the way back. Sun roof was
20 pushed back. There was a baseball bat leaning on the
21 console, the back seat of the car. The car was ransacked.
22 The C.D.s taken out, and just the car was a mess.

23 Q So, on May 6th when the burglary happens, did you get
24 in your car until that Monday morning?

25 A No, sir. I never left my house the entire week. I

Gail Trent
Direct examination by Mr. Hunter

1 don't even remember how long it was before I would leave my
2 home.

3 MR. HUNTER: I will offer State's Exhibits 17, 18,
4 19 -- 15 and 16, 17, 18, 19, Your Honor. The state offers
5 them into evidence.

6 THE COURT: Any objection? Any objection to the
7 exhibits.

8 MR. YARBOROUGH: No, sir.

9 THE COURT: Without objection, they are admitted.

10 (Photographs marked State's Exhibits Nos. 15 through
11 19.)

12 Q Can you show up what we're looking at here or tell us
13 what we're looking at here?

14 A My -- my Suburban.

15 Q Okay. And what's the license plate?

16 A MOMGAIL.

17 Q Okay. And is that the same house that we saw on the
18 previous picture? This is just the side of it?

19 A Yes, sir. It's just the lower part.

20 Q Okay. And is that where it was normally parked?

21 A Yes.

22 Q Is that where it was parked in May of 2022?

23 A Yes.

24 Q And I think I've already asked you this. But your
25 residence, what county is it in?

Gail Trent
Direct examination by Mr. Hunter

1 A Spartanburg County.

2 Q Okay. And what state?

3 A South Carolina.

4 Q Thank you. Something I have to do.

5 Can you describe what we're looking at here in
6 State's Exhibit 16?

7 A The inside of my Suburban.

8 Q Are those items usually inside your Suburban?

9 A No, sir.

10 Q Okay. What about these items right here? What are
11 they?

12 A If those -- if those were in my car, they would have
13 been in the very back of my car. They would not have been
14 on the back seat. I don't recognize them.

15 Q Would that be the second row of the Suburban?

16 A That's the second row of the Suburban.

17 Q Okay. What can you tell me about this baseball bat?

18 A That would belong to one of my grandchildren. It
19 would have been in the garage down where the '55, his, my
20 husband's, car stays, the golf carts. All of the
21 children's baseball bats in that area.

22 Q Okay. So, you don't keep that baseball bat in your
23 car.

24 A Oh, no, no.

25 Q Okay. That's not something you put there.

Gail Trent
Direct examination by Mr. Hunter

1 A No.

2 Q Is that a blanket of some sort beside the baseball
3 bat?

4 A It looks like a Clemson blanket that would have been
5 behind the second-row seat.

6 Q That would have been back in the luggage compartment
7 as well? That was not --

8 A Yeah.

9 Q That would have been in your car but not where you
10 kept it?

11 A No, sir. I would not have kept it there.

12 Q What are we looking in that picture?

13 A You're looking at the two front seats in my Suburban.

14 Q And that's that same Clemson blanket?

15 A Yes, sir.

16 Q I think we have a cleaner view when we go to that one.
17 State's Exhibit 18. All right. What does that hat say?

18 A Say that to me again.

19 Q What does that hat say?

20 A Gil Getter.

21 Q Do you recognize that hat?

22 A Yes, sir. It belongs to my husband.

23 Q Is it normally in your car?

24 A No, sir.

25 Q Where do y'all store that hat?

Gail Trent
Direct examination by Mr. Hunter

1 A My husband keeps that hat or kept that hat in the
2 rollback.

3 Q The rollback that was missing.

4 A The rollback that was missing.

5 Q Okay. And that's inside now your Suburban.

6 A Yes, yes, sir.

7 Q Okay. What about the other items, this menu, and I
8 believe this disc right right here, some of these other
9 items? Where were those kept?

10 A That looks a Gaither tape. Those would have been in
11 the console.

12 Q So, those aren't out in your vehicle.

13 A No, sir.

14 Q Those are inside the center console.

15 A They would have been inside the console.

16 Q Okay. So, you keep a clean car.

17 A I don't keep a perfect car with 18, 19 grandchildren.
18 No, sir. I don't keep a perfect car, but my car never was
19 like that.

20 Q And this last time you drove it, it did not look like
21 this.

22 A No, sir. Absolutely not.

23 Q That hat was not in there?

24 A No, sir.

25 Q That bat was not in there?

Gail Trent
Direct examination by Mr. Hunter

1 A No, sir.

2 Q And those items were not where they are.

3 A No, sir.

4 Q Okay. And this is on the Monday after the burglary
5 which occurred on Friday.

6 A This was Monday morning when we found it like that.

7 Q When he left the residence, did you see which way he
8 went?

9 A No, sir.

10 Q Did you hear a vehicle?

11 A I did hear a vehicle. My daughter and I both heard a
12 vehicle go up the driveway probably 45 minutes after the
13 last officer left.

14 Q Okay. So, after the officers left --

15 A Uh-huh.

16 Q -- you heard a vehicle but not while the officers were
17 there before that.

18 A No, sir.

19 Q Okay. I just want to be clear on this. When you say
20 he's standing on your welcome mat, what mat are you talking
21 about? When you told officers he was standing on the
22 welcome mat, which mat are you talking about?

23 A Well, the rug as you enter my home didn't have a
24 welcome. It's a -- it's a rug, and when you walk into my
25 home it's an indoor-outdoor rug. I would never refer to it

Gail Trent
Cross-examination by Mr. Yarborough

1 as a welcome mat.

2 Q But when you were speaking to him, where was he?

3 A He was inside my home on that rug.

4 Q He was not on the porch.

5 A No, sir, absolutely.

6 Q He wasn't knocking on the door.

7 A No.

8 Q He wasn't checking on you.

9 A No.

10 Q He was inside your house.

11 A He never knocked on my door. I never spoke to this
12 man other than to ask him who are you.

13 Q And did he answer you?

14 A No.

15 Q What did he do at that point?

16 A I guess he left.

17 Q He was inside your home --

18 A Yes, absolutely.

19 Q -- just before midnight.

20 A Yes, sir.

21 Q And since he mentioned consent, did you ask him to
22 come in?

23 A Oh, gosh. I don't know the man. I had no idea who he
24 was. No. He -- he opened my door and walked in on his
25 own. He did not knock on my door. He was not asked to

Gail Trent
Cross-examination by Mr. Yarborough

1 come in.

2 Q Thank you, Mrs. Trent.

3 THE COURT: Counsel.

4 CROSS-EXAMINATION

5 BY MR. YARBOROUGH

6 Q Good afternoon.

7 A Good afternoon.

8 Q Do you have a welcome mat in front of your door?

9 A I have another mat that's on the rug I had on my front
10 porch now that says welcome.

11 Q Okay. That says welcome. And on the night that you
12 spoke to the police, you said that he was standing on the
13 welcome mat, right? That's what you told them.

14 A No, sir. I did not use those words.

15 Q Okay. So, if the police put that in their report,
16 they're just mistaken as to what you said that night?

17 A I don't recall saying --

18 Q Okay.

19 A -- he was on the welcome mat. I probably said on the
20 mat. I don't know.

21 Q That's fair.

22 If you don't recall, that's okay. I'm just asking did
23 you talk to the police that night and did you tell them the
24 truth.

25 A When I called the police that night it was because

Gail Trent
Cross-examination by Mr. Yarborough

1 your client entered my home without being invited in. He
2 opened the door. He come into my home.

3 Q Yes, ma'am. I'm just asking did you tell them that he
4 stopped on the welcome mat.

5 A He was standing on a rug inside my home.

6 Q Okay. Well, let's see. That night you had gone to
7 sleep, correct?

8 A No, sir.

9 Q Had you not taken some sleeping medicine that night?

10 A No, sir.

11 Q Okay. Did you tell the police you had taken some
12 sleeping medicine?

13 A No, sir.

14 Q Okay. Did you tell the police that you were dealing
15 with insomnia?

16 A I dealt with insomnia since my father died in 1997.

17 Q I'm sorry about that. It's hard to lose a parent. I
18 agree. But you've dealt insomnia and you take sleeping
19 medicine for insomnia at times, right?

20 A I have.

21 Q Okay. And on this night it was you were on the sofa
22 watching television.

23 A Yes, sir.

24 Q And you had taken your medicine --

25 A No, sir.

Gail Trent
Cross-examination by Mr. Yarborough

1 Q -- and you had fallen asleep, right?

2 A No, sir, no, sir, no, sir. That is not right.

3 Q Okay. So, if it's in a police report, that's just not
4 correct.

5 A If that's in a -- you're exactly right. That's not
6 correct.

7 Q Okay. So, you didn't -- that night you did not tell
8 them that, is that correct? You didn't tell them that you
9 dealt with insomnia and had taken some sleeping medicine.

10 A I told them I dealt with insomnia. The officer asked
11 me do you take medication. I told him I suffer from
12 insomnia. I do have a prescription, but I had not taken it
13 that night.

14 Q Okay. That's --

15 A I don't take that medicine until 11:00 or
16 12:00 o'clock at night, and I had not taken my medication.

17 Q Okay. Now, you've shown -- you looked at a lot of
18 pictures from the car. I'm not going to get them back out
19 and show them to you, but you will recall the pictures you
20 showed the jury.

21 A Uh-huh.

22 Q Okay. And it looks like maybe somebody had gotten in
23 that car and gone to sleep, didn't it?

24 A It looked like somebody had been in my car and made a
25 mess.

Gail Trent
Cross-examination by Mr. Yarborough

1 Q Okay. And that you've got grandchildren, right?

2 A I do.

3 Q All right. And they're in and out of there, right?

4 A Not now like they used to be.

5 Q But they are in and out of your car, right? That's
6 what you told them. I think you told Mr. Hunter.

7 A I have but...

8 Q But, anyway, and they -- you have -- you have a son.
9 His name is Chucky, is that right?

10 A I have seven children.

11 Q Okay. But do you have one named Chucky, they call
12 Chucky?

13 A Yes, sir.

14 Q Okay. And, in fact, that was Mr. Gaddy's roommate,
15 right?

16 A If he knows any of my children, it's not anything that
17 I know about.

18 Q Okay. That's fair. Mr. Gaddy, as soon as you were
19 upset left, right?

20 A When I screamed for my husband to get the gun, that a
21 strange person was in our house, I assumed that's when he
22 left.

23 Q Okay. Well, let's see. If you happened to have
24 fallen asleep without the front door open, you would see
25 straight through the glass to where somebody was at the

Gail Trent
Cross-examination by Mr. Yarborough

1 door, right?

2 A Absolutely not.

3 Q Well.

4 A The window -- the glass in my front door is covered
5 and has been for the last seven or eight years. You cannot
6 see through that, and that's why it's covered. I did not
7 fall asleep that night. I have not taken medication that
8 night.

9 MR. YARBOROUGH: May I approach, Your Honor?

10 THE COURT: Sure.

11 MR. YARBOROUGH: I'm going to ask that be marked as
12 Defense Exhibit 1.

13 Q Do you recognize that?

14 A That's the front storm door of my home.

15 Q Okay. And if you look at...

16 MR. YARBOROUGH: May I move this into evidence at this
17 time, Your Honor? I think it's without objection.

18 MR. HUNTER: No objection.

19 THE COURT: Without objection, it's admitted.

20 (Photograph marked Defendant's Exhibit No. 1.)

21 BY MR. YARBOROUGH

22 Q Now, let's -- let's look at that picture again, and
23 let's see if you can see through that front door.

24 A When it -- the front door -- when the wooden door is
25 open, you can. That is not the way my door was opened, not

Gail Trent
Cross-examination by Mr. Yarborough

1 late at night. No, sir.

2 Q And I just asked you that a second ago, and you said
3 that that wasn't possible, right? The police came out that
4 night. You were upset, correct?

5 A Oh, of course.

6 Q And you told them that he was on the welcome mat,
7 right? Is that what you told the police?

8 A I told the police a man had entered my home without
9 invitation.

10 Q But you had just taken -- well, you were -- you was
11 late. It was late, right? And you said you take your
12 medicine at 11:00, right?

13 A I said between 11:00 and 12:00. Sir, I did not and
14 had not taken my medication. I don't have a reason to lie
15 about that. I have to --

16 Q I'm sure you don't have a reason.

17 THE COURT: Hang on.

18 MR. YARBOROUGH: I'm sorry.

19 THE COURT: Let her answer the question.

20 Go ahead, ma'am, and finish your answer.

21 BY MR. YARBOROUGH

22 Q Go ahead.

23 THE COURT: You may finish your answer.

24 Q Please. I --

25 A I have to answer to a God in heaven for every wrong

Gail Trent
Cross-examination by Mr. Yarborough

1 thing I say, or every lie, and I am not -- and I have no
2 reason to lie about that. I had not taken any medication.
3 I had not fallen asleep. I was sitting upright on my sofa
4 when he entered my home.

5 Q Was there a reason then why you told the police that
6 you had medication and suffered from insomnia?

7 A The police officer asked me --

8 Q So, he asked you that night.

9 A -- if I take medication. I told him that I had
10 suffered from insomnia for a number of years. And I do
11 have medication for that. But that I had not taken it that
12 night. And I had not.

13 Q But you told him you hadn't taken it that night?

14 A I told him I hadn't taken it.

15 Q Right. Did -- did he leave after you hollered?

16 A He was not -- he was not standing in my home when my
17 husband came out with the shotgun.

18 Q Well, I mean he left. Long before your husband got
19 out there, he was gone, right?

20 A Not long before, no. You are talking a few seconds.

21 Q Okay. A few seconds. That's fair. He didn't take
22 anything, right?

23 A Are you speaking of inside my home?

24 Q Yes, ma'am.

25 A I don't -- I don't know.

Gail Trent
Cross-examination by Mr. Yarborough

1 Q Well.

2 A I have -- I have a table that serves as a border
3 between when you enter my home, so that it makes almost
4 like a little open foyer.

5 Q Yeah.

6 A So, I have things sitting on that.

7 Q You have a table? I show you --

8 A It's a dresser actually.

9 MR. YARBOROUGH: Can I have this marked as Defense 2,
10 I think? Move it in without objection.

11 THE COURT: Any objection?

12 MR. HUNTER: No objection.

13 THE COURT: Without objection.

14 (Photograph marked Defendant's Exhibit No. 2.)

15 Q This is Exhibit 2. Can you show me that dresser,
16 please?

17 A You can't see it from that door.

18 Q So, the -- the dresser that you believe he could have
19 taken something off -- or are you saying -- you're not
20 saying he took anything off the dresser. You weren't
21 missing anything. You're just saying there was a dresser
22 there.

23 A You asked me did he take anything, and I answered you
24 honestly that I did not know.

25 Q Did you look at the dresser to see if anything was

Gail Trent
Cross-examination by Mr. Yarborough

1 missing?

2 A No. I didn't.

3 Q Okay. But you didn't report anything missing, right?

4 A No. I didn't.

5 Q Okay. That's the first time you've ever said that,
6 right, that -- that there was something missing,
7 could've -- or you didn't -- that's the first time you said
8 you didn't know if he took anything.

9 A I didn't say anything was missing.

10 Q But you've actually given statements to the police and
11 gone to bond hearings and done stuff and never said he took
12 anything before, have you?

13 A I've been to each and every bond hearing.

14 Q Right. Never said a word about him taking anything,
15 have you?

16 A I didn't accuse him taking anything just now.

17 Q Oh, I thought you just implied that he had taken
18 something. I'm sorry. Was that -- was I wrong?

19 A Yes, sir. You very wrong.

20 Q You just don't know if he took anything. Is that what
21 you're saying?

22 A I don't know.

23 Q Okay. But you looked, and there's nothing reported,
24 right?

25 A No. There was nothing reported.

Gail Trent
Cross-examination by Mr. Yarborough

1 Q Just like that car. It may have gotten stuff messed
2 up in it, like you said, but nothing's missing from that
3 car, is it?

4 A My car did not look like that, and my grandchildren
5 had not been in the car. That baseball bat was down in the
6 shed where the '55 sits.

7 Q And how many grandchildren -- I mean, how many
8 children did you say you had -- seven?

9 A I have seven.

10 Q And how many grandchildren do you have?

11 A I have 18.

12 Q You are very blessed.

13 A Yes. I am.

14 Q And grandchildren can be messy sometimes, right?

15 A My grandchildren had not been in my car.

16 Q Okay. Now, you talked about the -- the door being
17 shut. But it wasn't locked, was it? Did you have to
18 repair the door at all?

19 A No, sir.

20 Q Nobody forced their way into that house, did they?

21 A He opened the door of my home without permission. He
22 was not invited in.

23 Q Or perhaps he was standing in the glass and he
24 startled you.

25 A No, sir.

Gail Trent
Cross-examination by Mr. Yarborough

1 Q One second.

2 (Pause.)

3 Q You didn't know about that baseball bat being in that
4 car until three days later, right? Four days later?

5 A I did not leave my home from Friday night. I don't --
6 I cannot tell you how long it took me to be able to walk
7 out of my home again.

8 Q But/and, ma'am, I understand.

9 A So, no. My children had not been in that car.

10 Q I understand. Ma'am?

11 A My children or grandchildren had not been in that car.
12 That car had not been moved.

13 Q Okay. And nothing was missing from the car.

14 A I don't know, and that's what I had said. My car was
15 a wreck. The C.D.s that are normally in the console of my
16 car were scattered about on the console. I don't keep a
17 record of everything that is in my car.

18 Q Right. But you saw -- you saw the man that night,
19 right? And he didn't have a baseball bat, right?

20 A I don't know that he didn't have that bat in his hand.

21 Q Well, if -- if he did, you'd have told us, right?
22 You'd have remembered that first thing. I know you.

23 A Do you?

24 Q No. I know you -- look. I've been doing this a long
25 time too. Yes. I do.

Gail Trent
Cross-examination by Mr. Yarborough

1 A well, see, I've never been through this before.

2 Q I'm sorry you're going through this. It's just we're
3 talking about whether or not somebody had intent to break
4 into your house.

5 A well, when you walk through a door uninvited,
6 11:00 o'clock at night, I would say you had something on
7 your mind. You didn't know that -- he don't know us.

8 Q Right. well, you've had experience with people in
9 your family with addiction issues, right?

10 A I resent that question.

11 Q I don't -- ma'am, please don't. Please don't. But
12 you have had that.

13 A well, anything that I've gone through in my family has
14 nothing to do with this person walking uninvited into my
15 home on May the 6th on a Friday evening while I am minding
16 my own business watching T.V., my daughter asleep in her
17 bed and my husband asleep.

18 Q That man turned around and left.

19 A After I screamed.

20 Q As soon as you seemed startled, didn't he?

21 A He was in --

22 Q He didn't threaten you. He didn't come in there --

23 A He was in my home.

24 THE COURT: I have a great court reporter. She can
25 only get one person at a time, Counsel.

Gail Trent
Cross-examination by Mr. Yarborough

1 BY MR. YARBOROUGH

2 Q He didn't threaten you.

3 A He threatened me by walking into my home uninvited.

4 Q But let's -- let's -- let's assume that we're going to
5 hear later on that he was messed up on drugs. Let's assume
6 that. And he got out of there like that, didn't he? He
7 was gone. It wasn't -- it startled. And you know how that
8 works. He was scared as a chicken cat.

9 A No. I don't know how that works.

10 Q Your -- your doors weren't knocked in, right? Nothing
11 was bad with your locks. I don't need to show you those
12 pictures. They were all fine, right, correct?

13 A I'd like to see those pictures.

14 Q You want to see them?

15 A Uh-huh.

16 MR. YARBOROUGH: I'll move. They are part of the
17 state's case. I'll just move them all into evidence, Your
18 Honor.

19 I've got ten pictures, Your Honor. I'm going to do it
20 as one exhibit with the state if that's okay with the
21 Court.

22 Q This is Exhibit, Defense Exhibit, 3 -- 1 through 10,
23 or I can go A through -- however you want. One through 10
24 is fine.

25 If you'd like to see them, I'll show them to you.

Gail Trent
Cross-examination by Mr. Yarborough

1 THE COURT: Without objection?

2 MR. HUNTER: Without objection, Your Honor. He's
3 placing them into evidence.

4 MR. YARBOROUGH: I'm placing them in -- moving them
5 into evidence. She said she wanted to see them.

6 (Photographs marked Defendant's Exhibit No. 3.)

7 BY MR. YARBOROUGH

8 A What is the point you're trying to make, sir?

9 Q I was going to ask you if your door had been broken
10 in. You said -- I said there were pictures. You said you
11 didn't know, and I said there were pictures. You said you
12 wanted to see the pictures, so I'm showing you. Does
13 that -- do you remember now?

14 A Your client opened my front door without permission
15 and entered my home without permission. He was not asked
16 to come in.

17 Q But I was asking about the door locks, and so let's --
18 let's look at that.

19 A I don't --

20 Q Your door lock wasn't messed up is my point.

21 A No.

22 Q And none of his fingerprints or anything like that
23 were found on your door.

24 A I -- I don't know.

25 Q Well.

Gail Trent
Cross-examination by Mr. Yarborough

1 A Every -- can I say that a lot of people touched after
2 he did?

3 Q They touched that door? A lot of people touched that
4 door after that night?

5 A After he did.

6 Q After he did?

7 A After he did.

8 Q That's interesting. Who all touched it?

9 A The police officers.

10 Q Okay. Thank you.

11 Do you want to look at them again?

12 A No. I don't.

13 Q But your door wasn't hurt, is that correct -- is that
14 correct?

15 A That's correct.

16 Q Thank you.

17 And nothing was gone from your car, is that correct?

18 A That I'm aware of.

19 Q Nothing was gone from your house that you're aware of.

20 A That I'm aware of.

21 Q Nobody threatened you.

22 A He threatened me when he walked in my home uninvited.

23 Q And you've got a son named Chucky, right?

24 A I have a son named Chuck -- Jamie. I have a daughter
25 named Jennifer. I have a son named Tim, a son named

Gail Trent
Cross-examination by Mr. Yarborough

1 Daniel, a son named Cody and a daughter name Kalie.

2 Q Well, you're very blessed.

3 A And they don't come to my home late at night and just
4 open the door and walk in.

5 Q Yes, ma'am. Would it have been possible that
6 Mr. Gaddy didn't know where he was?

7 MR. HUNTER: Objection, Your Honor. Speculation.

8 BY MR. YARBOROUGH

9 Q Did he seem like he didn't know where he was? You
10 heard somebody, runs around knocking, is that correct?

11 A He did not knock on my door.

12 Q Heard somebody rummage around on the door, is that
13 correct?

14 A He messed with the door handle.

15 Q Okay. He saw you, and he asked you if you were okay,
16 is that correct?

17 A He did.

18 Q He did.

19 A He said, "I saw your light on. Are you okay?" And I
20 said, "who are you?"

21 Q All right. He said he saw your light on and you were
22 okay. And he apologized.

23 A No, sir.

24 MR. HUNTER: Objection, Your Honor.

25 Q Did he apologize?

Gail Trent
Cross-examination by Mr. Yarborough

1 MR. HUNTER: Objection, Your Honor. He's -- he hasn't
2 testified. He can't put his statements into evidence.

3 MR. YARBOROUGH: I asked her a simple question.

4 MR. HUNTER: It's still his statement, Your Honor.

5 THE COURT: His statement.

6 THE WITNESS: No, sir.

7 BY MR. YARBOROUGH

8 Q Did he -- what else did he say after that?

9 MR. HUNTER: Objection, Your Honor. It's, again,
10 hearsay.

11 THE COURT: Let me see the lawyers.

12 (Bench conference held off the record in the presence
13 of the jury but out of the hearing of the jury.)

14 MR. HUNTER: Your Honor, I would ask for a limiting
15 instruction.

16 THE COURT: At this point, the jury, Madam Forelady
17 and ladies and gentlemen of the jury, will disregard the
18 last question. I'm striking that from the record.

19 BY MR. YARBOROUGH

20 Q And after that you spoke to the police, right?

21 A After what?

22 Q After he left.

23 A Yes, yes.

24 Q Is that correct?

25 A Yes.

Gail Trent
Redirect examination by Mr. Hunter

1 Q And you've called them out there three separate times
2 since then, is that right?

3 A Yes.

4 Q And you said that your rollback was taken. But it's
5 been returned, right?

6 A Yes, sir.

7 Q He's not charged with that, right?

8 A (No response.)

9 (Pause.)

10 BY MR. YARBOROUGH

11 Q And you've never told anybody before tonight anything
12 about anything being taken out of the house, correct, and
13 you don't know of anything taken, right?

14 A I don't know of anything.

15 Q Okay. And nothing taken out of the car and nothing --
16 you were never threatened verbally. You were never
17 threatened.

18 A Not verbally. He walked into my home uninvited.

19 Q He did not have a --

20 MR. HUNTER: Objection, Your Honor. May the witness
21 finish?

22 THE COURT: Sure, yes.

23 Ma'am, you may finish your answer.

24 BY MR. YARBOROUGH

25 A He walked into my home uninvited. He did not knock on

Gail Trent
Redirect examination by Mr. Hunter

1 the door. I don't know this person. He was not there to
2 check on me. He made a conscious decision to walk into my
3 home, and he had a purpose in opening my door and coming
4 in.

5 Q Okay.

6 MR. YARBOROUGH: One second, Your Honor.

7 (Pause.)

8 BY MR. YARBOROUGH

9 Q Previously, did you tell the Court that he had a
10 baseball bat in his hand?

11 A I said previously that there was an opportunity for
12 him to have had that baseball bat in his hand.

13 Q Okay. But the baseball bat was in the car, right? It
14 wasn't in it -- you didn't see it that night. You never
15 said you saw it that night.

16 A No, sir.

17 Q Okay. Very good. Thank you.

18 MR. YARBOROUGH: No further questions.

19 THE COURT: Anything at all?

20 MR. HUNTER: Just briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. HUNTER

23 Q You mentioned way back at the beginning, Ms. Trent,
24 about a welcome mat and that there is a welcome mat that
25 says welcome there today. Was there a mat on your front

Gail Trent
Redirect examination by Mr. Hunter

1 porch on May 6th of 2022 that said welcome? It was just a
2 rug.

3 A No, sir. Just the rug.

4 Q But there is a rug on the inside and a rug on the
5 outside. There was no welcome mat ever at your house on
6 May 6th of 2022.

7 A No, sir. And I would never refer to it as a welcome
8 mat.

9 Q Unless it had the words welcome on it.

10 And actually just one final question. When your door
11 is shut and the blinds are down can anyone on the outside
12 see if there's someone inside watching T.V. at your house?

13 A No, sir.

14 Q Cannot happen.

15 A No, sir.

16 Q Thank you.

17 THE COURT: Anything as to those two questions?

18 RE CROSS-EXAMINATION

19 BY MR. YARBOROUGH

20 Q As to those two questions, you were asked about the
21 mat. There is a mat in front of your house, correct, in
22 front of that door in those pictures, is that correct?

23 A There is now.

24 Q Yeah. But that night there was one too, right?

25 A I don't know.

1 MR. YARBOROUGH: May I approach, Your Honor?

2 BY MR. YARBOROUGH

3 A May I say if there was a welcome mat he was not
4 welcomed?

5 Q Okay. But there was a mat. That's the only thing I'm
6 trying to -- in the pictures there's a mat, right?

7 A There is an outdoor rug.

8 Q Right. They are called welcome mats, right? Okay.
9 Are they?

10 A To those who are invited to your home, they may be a
11 welcome mat. He was not invited to my home.

12 Q I understand. They're welcome mats, right? And
13 you've got one. I'm not trying to trick you. Have you got
14 one?

15 A There is a rug at my front door, inside and out.

16 Q Okay. Thank you.

17 THE COURT: Okay. Ma'am, you may leave the witness
18 stand. Thank you.

19 Madam Forelady, ladies and gentlemen, I told earlier
20 we would run about 90 minutes and that's a -- we are just
21 about on that mark. We were here a couple of minutes
22 before you trying to get the stuff to work here. You've
23 been in here about 90 minutes.

24 So, we're going to take our afternoon break. This is
25 going to be a good 15-to-20-minute break. Refresh

James Colby Stepp
Direct examination by Mr. Hunter

1 yourselves -- water, coffee, whatever you might need.

2 Restroom facilities will be available to you.

3 Don't talk about the case. It's certainly not at an
4 end, and you're working. And when you take a break at work
5 the last thing you want to talk about is work.

6 Madam Forelady, you can take your jury out, please.

7 (The following takes place outside the presence of the
8 jury.)

9 THE COURT: Okay. We'll be in recess until about
10 four -- five, four minutes, something like that. Just
11 prior to the top of the hour.

12 (Whereupon, a recess was taken.)

13 THE COURT: Everybody ready?

14 Mr. Yarborough, are we ready?

15 MR. YARBOROUGH: Yes, Your Honor. Sorry, Your Honor.
16 I apologize.

17 THE COURT: No, no, no. Everybody's ready.
18 We'll have the jury.

19 (The following takes place in the presence of the
20 jury.)

21 THE COURT: Madam forelady, everybody good? Very
22 good.

23 THE FOREPERSON: Yes, sir.

24 THE COURT: Very good.

25 solicitor.

James Colby Stepp
Direct examination by Mr. Hunter

1 MR. HUNTER: Thank you, Your Honor.

2 Your Honor, may it please the Court. State would call
3 Investigator Colby Stepp.

4 JAMES COLBY STEPP, having been
5 first duly sworn, testified as follows:

6 THE COURT: Officer, if you'll adjust the microphone,
7 and tell us who you are, sir, and spell your last name,
8 please.

9 THE WITNESS: James Colby Stepp. S-T-E-P-P.

10 THE COURT: Thank you.

11 Solicitor.

12 MR. HUNTER: Thank you.

13 DIRECT EXAMINATION BY MR. HUNTER

14 Q You're Investigator Stepp? Is that your title?

15 A Yes, sir.

16 Q Okay. Can you briefly go over your law enforcement
17 experience, Investigator Stepp?

18 A I've been at the Spartanburg County Sheriff's Office
19 for over 25 years. I've been in -- on patrol twice. I've
20 been an S.R.O. and I'm right now a crime scene
21 investigator.

22 Q How long have you been a crime scene investigator?

23 A About ten years.

24 Q All right. As part of a crime scene investigator are
25 you called out to scenes to perform your job for those?

James Colby Stepp
Direct examination by Mr. Hunter

1 A Yes. Various crime scenes. Yes, sir.

2 Q What are the job responsibilities of a crime scene
3 investigator?

4 A Photo documentation, search warrant collected,
5 document all of the evidence that relates to the case that
6 you're working, processing scenes as well.

7 Q And as part of your job are you required to take
8 fingerprints?

9 A Yeah. We process scenes for fingerprints.

10 Q Process scenes for fingerprints.

11 A Yes, sir.

12 Q Since we're dealing with a car here, tell us how that
13 process works.

14 A Well, if I'm dealing with a car I'll take overall
15 photographs of the car, interior and exterior pictures of
16 the vehicle.

17 Then I'll get my latent fingerprint dust and begin
18 processing the exterior and interior of the vehicle and
19 include some things on the inside as well.

20 Q Okay. And when you say process the car, what does
21 that entail?

22 A That means what I'm searching for any -- well, if I'm
23 processing for fingerprints, I'm searching for
24 fingerprints. Or if there's an object inside, let's say
25 I'm just using an example. If a glove was left behind by

James Colby Stepp
Direct examination by Mr. Hunter

1 somebody that's not the victim, then I'll photo document it
2 and collect it.

3 Q Okay. And were you called out to 351 Goldmine Road on
4 May 9th of 2022?

5 A Yes, I was. I arrived around 9:28 a.m. that morning.

6 Q Okay. Since we're going through some photos, some of
7 them are already into evidence. I'll just go ahead and do
8 it again since you're here. I will put them in order.

9 Show you what's been premarked State's Exhibit 15
10 through 21. Do you recognize those items?

11 A Yes. These are the photographs of the 2002 white
12 Suburban.

13 Q Okay. And did you actually take these photographs?

14 A Yes. I took photographs of the scene.

15 Q And do they fairly and accurately depict the Suburban
16 as you saw it that day?

17 A Yes. It does.

18 MR. HUNTER: Your Honor, some of these are in, but
19 I'll go ahead. State's 15 through 21 into evidence, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. YARBOROUGH: No, sir. None.

23 THE COURT: Without objection, they're admitted.

24 (Photographs marked State's Exhibits Nos. 20 and 21.)

25 BY MR. HUNTER

James Colby Stepp
Direct examination by Mr. Hunter

1 Q We have already seen this one, but what is that?

2 A That's the rear of the Chevrolet Suburban with the tag
3 M-O-M-G-A-I-L.

4 Q Okay. And I know you talked about this earlier with
5 me before the jury was present. Did you accidentally call
6 this a Blazer in your report?

7 A Yes, I did call it a Blazer.

8 Q But it was this car that you actually processed?

9 A Yes. This was the Suburban, 2002 white Suburban.

10 Q And you took this photo as well?

11 A Yes. That's the interior of the vehicle, rear
12 interior of the vehicle.

13 Q Did you process any items in this picture?

14 A The back.

15 Q Were you able to find any fingerprints on the back?

16 A No. Nothing was of evidentiary value, was on the
17 back.

18 Q Can you describe how the interior of the car was?

19 A It just seemed kinda cluttered inside.

20 Q Did you also process the outside of the vehicle for
21 fingerprints?

22 A Yes, sir. I did.

23 Q And explain how you do that.

24 A I take latent fingerprint dust and I'll put it on my
25 fiberglass brush. And, first off, I'll glove-up. Any time

James Colby Stepp
Direct examination by Mr. Hunter

1 I deal with a scene, that's the first thing I do before I
2 even approach the scene, is put my latex gloves on.

3 I load the brush with latent fingerprint dust, and I
4 begin to troll or tap the areas of the surfaces that I want
5 to process and try to seek and yield a fingerprint that
6 contains ridge detail.

7 Q And what is ridge detail?

8 A Ridge detail is what everyone has on the tips of their
9 fingers or on their palms.

10 It's -- one of the first classes that I had concerning
11 fingerprints was actually pretty informative, that everybody
12 gets these ridge details on their fingers or on their palms
13 when you're in the -- your mother's womb and you're touching
14 the interior of the womb. And those things make the
15 impressions on your fingers and hands. So, I found that
16 quite unique on that.

17 Q When you're processing a car are you processing the
18 entire vehicle or certain areas?

19 A I process the doors, the interior door frames,
20 interior glass.

21 Q The places where people are more likely to touch.

22 A Yes, yes. Rear-view mirror.

23 Q Okay. And did you process the exterior of this
24 Suburban?

25 A Yes, sir. I did.

James Colby Stepp
Direct examination by Mr. Hunter

1 Q Were you able to find what you believe was a
2 fingerprint in this case?

3 A Yes, sir.

4 Q Show you State's Exhibit 20. And is that what you
5 found there above the door handle?

6 A Yes, sir. I found that area containing possible palm
7 latent ridge detail on the exterior of the front driver
8 door just above the door handles sort of to the right.

9 Q I want to show you State's Exhibit 21. This is just
10 a -- kind of a zoomed-in version. It's the same thing,
11 correct?

12 A Same thing.

13 Q What's that marking above the door on the tape?

14 A That's just a --

15 Q Right here.

16 A That's labeling it as A. If I'd have got more, I
17 would've went B,C,D,E,F,G. That's how we label in
18 sequence. So, I only collected one ridge detail.

19 Q Okay. And once you realize that there's possible
20 ridge detail there when you use tape, how does that process
21 work?

22 A I take tape and I -- on there the ridge detail, I
23 press the tape down and make sure it's firmly along there
24 and make sure it doesn't bubble or anything like that.
25 Make sure all of the tape's smooth. I label it whatever

James Colby Stepp
Direct examination by Mr. Hunter

1 it's going to be, whether it's A,B,C or D.

2 After I tape it and label it, as I just showed you, I
3 make sure I photograph it to show you the area that that
4 particular ridge detail is collected from. Excuse me.

5 Q All right.

6 MR. YARBOROUGH: Without objection.

7 MR. HUNTER: Your Honor, the state would offer State's
8 Exhibit 3 into evidence.

9 THE COURT: State's 3 without objection.

10 (Fingerprint from Suburban marked State's Exhibit No.
11 3.)

12 MR. HUNTER: Since he has no objection, we'll put it
13 over here. That way we can all see it together.

14 BY MR. HUNTER

15 Q State's Exhibit 3. Can you tell us what we're looking
16 at here?

17 A Yes. That's the lift that I would have collected from
18 the exterior front driver door of the vehicle and placed it
19 on the lift card, what we call a lift card.

20 Q All right. So, you actually take this tape right
21 here.

22 A Uh-huh.

23 Q And that's that A with the arrow. And put it on a
24 card?

25 A Yes, sir.

James Colby Stepp
Cross-examination by Mr. Yarborough

1 Q Okay. whose initials and date is this up here?

2 A That's mine.

3 Q Okay. Did you do that today?

4 A Yes, sir.

5 Q And did you fill out the back portion of that?

6 A Yes, sir. I did.

7 Q Let me get it. with the case number, date, car
8 break-in, your name and where you got it.

9 A Yes, sir.

10 Q In fact, you put the Blazer on this as well.

11 A Yes, sir. I did.

12 Q Put Marilyn Roman and then corrected that?

13 A Marilyn Roman and corrected it.

14 Q Once you collect this, do you have any part of the
15 analysis at all? Do you take part in the analysis?

16 A No. I don't take part in any of the analysis. I just
17 turn it in to the AFIS located at the sheriff's office.
18 They take control of that.

19 Q Okay. So, when you say turn it in to the agents,
20 which agents are those?

21 A Sir?

22 Q You said you turn it -- oh, AFIS. When you turn it in
23 to the officers, which two officers do you turn it in to at
24 the sheriff's office?

25 A Spartanburg County AFIS.

James Colby Stepp
Cross-examination by Mr. Yarborough

1 Q Okay. But who are --

2 A Two officers.

3 Q Okay. Go ahead.

4 A And Courtney Burgess who --

5 Q Marilyn Roman and Courtney Burgess?

6 A Yes.

7 Q So, you take this lift and give it to the fingerprint
8 examiners.

9 A Yes.

10 Q And that'll be Marilyn Roman and Courtney Burgess?

11 A Yes.

12 Q Is that what you did in this case?

13 A Yes. Turned in to be examined.

14 Q Please answer any questions Mr. Yarborough may have
15 for you. Thank you.

16 A Yes.

17 CROSS-EXAMINATION

18 BY MR. YARBOROUGH

19 Q How are you?

20 A I'm fine, sir. How are you doing today?

21 Q Good. So, let me just try to understand this. This
22 is what you did?

23 A Not sure. Let me -- can I see that?

24 Q Sure.

25 A I've seen that. Yes, sir. That's called an

1 elimination palm print.

2 Q An elimination palm print. What is an elimination
3 palm print?

4 A Taken from the victim or whoever owns the car to turn
5 in to be compared with whatever print you turn in, sir.

6 Q I got you. Okay. And then this little card -- and
7 I'm going to refer to this better.

8 MR. YARBOROUGH: I apologize, Your Honor. These are
9 all under Exhibit 3 of the sheriff's office. There are
10 several things in this envelope. I'm just going through
11 the individual parts of them.

12 BY MR. YARBOROUGH

13 A Yes, sir.

14 Q And, so, this part here, which is the -- that, right?

15 A I'm not trained to know which one. It's the AFIS
16 people are trained to.

17 Like I say, whether I pull a fingerprint, I don't know
18 whether it's the index I'm pulling, right index, left index.
19 I just know it's ridge detail.

20 Q Well, you said a minute ago that it was the palm.

21 A Yeah. To me it appears to be a palm print.

22 Q Okay. So it's a -- well, it appears to be one. You
23 don't know, but your guess would be, right?

24 A Yes, sir, yes, sir.

25 Q You're not sure.

James Colby Stepp
Cross-examination by Mr. Yarborough

- 1 A Yes, sir. I'm -- that 'cause I can say.
- 2 Q All you do is pull that right there.
- 3 A Yes, sir, because it has ridge detail.
- 4 Q Okay. And you pulled this.
- 5 A Off the front door.
- 6 Q When?
- 7 A At like nine. It's on the card there on five
- 8 twenty-second -- 5/9/22. And you'll see on the card. That
- 9 should have the time that I pulled it on.
- 10 Q 5/9. You tell me. I don't want to guess.
- 11 A Okay. Sure. 5/9/22, 0945.
- 12 Q You're saying it quick. Tell me what time that is and
- 13 what day it is.
- 14 A 5/9/22, 0945?
- 15 Q 0945 means what?
- 16 A 9:45 in the morning.
- 17 Q In the morning. So, you're out there in the morning.
- 18 A Yes, sir.
- 19 Q So, you come out the next day after everything had
- 20 happened and you looked at the car, or were you -- were
- 21 there officers still there that morning?
- 22 A Well, when I got there, there was an officer on the
- 23 scene. Now, I don't know how long he had been there or not
- 24 been there. I couldn't answer you that question, sir.
- 25 Q Okay. So, but -- but it's 9:00 o'clock in the

1 morning, you're talking about, right?

2 A Yes, sir.

3 Q Okay. And, so, they call you out there. And you did
4 work and they called you out there. And they -- and you --

5 A And they informed me of the car breaking there.

6 Q Of that car there, right?

7 A Yes, sir. The Suburban.

8 Q And did you look at anything else when you were there?

9 A No, sir, just the car and things inside of the car.

10 Q And the things inside the car?

11 A Yes, sir.

12 Q Did you look at the, I guess a, baseball bat or
13 something that was allegedly in there?

14 A Yes, sir.

15 Q Couldn't find anything on there?

16 A No, sir.

17 Q Did you look at any of the stuff on the door --
18 handles or anything like that? These are all -- these have
19 been moved into evidence before.

20 A Uh-huh.

21 Q Would you just look at these pictures and tell me if
22 you looked at any areas there?

23 A Sir, this is a picture of a burglary. I don't have
24 anything to do with this.

25 Q Okay. You just looked at the car.

James Colby Stepp
Redirect examination by Mr. Hunter

1 A Yes, sir.

2 Q Okay. I got you.

3 A Just the car. I didn't -- I didn't even take these
4 pictures, sir.

5 Q Okay. You didn't have anything to do with that.
6 That's just --

7 A No.

8 Q That's the -- the next day you look at that car,
9 right? You don't know. You're just called out there at
10 9:00 o'clock, right?

11 A Yes, sir.

12 Q Did the car appear to have been broken into?

13 A There's no signs of forced entry, but, like I say, the
14 inside was -- according to the victim was disturbed and
15 some things were placed there that wasn't there.

16 Q Do you look at your notes and tell what you're called
17 out there for?

18 A Car break-in is what I was told on the radio.

19 Q Thank you.

20 MR. YARBOROUGH: I don't have any further questions.

21 THE COURT: Anything at all?

22 MR. HUNTER: Just briefly, Your Honor, since I can go
23 ahead and get it through him.

24 REDIRECT EXAMINATION

25 BY MR. HUNTER

James Colby Stepp
Redirect examination by Mr. Hunter

1 Q Do you have a knife on you?

2 A I do not, sir.

3 Q I'm going to show you what's been marked State's
4 Exhibit 1. Do you recognize this item?

5 A Yes. That was a ball cap that was placed and was --
6 when I saw it, it was on the enter console of the vehicle
7 when I began taking overall photographs of everything.

8 Q Again, this is a picture that you took. It's already
9 been entered into evidence as Exhibit 18. And that's that
10 hat in this picture?

11 A That's that hat.

12 Q And it was recovered in the suburban.

13 A Yes.

14 Q And you recovered it and placed it into evidence?

15 A Yes, sir. I did. Sealed it that envelope right there
16 that you have.

17 Q And it's the same or substantially same condition as
18 you found it that day?

19 A Yes, sir.

20 Q All right. And your initials are J.C.S.?

21 A My initials are J.C.S.

22 Q And 5/9/22 is when you recovered it?

23 A 5/9/22 is when I recovered it.

24 MR. HUNTER: Your Honor, at this time the state would
25 offer State's Exhibit 1 into evidence.

James Colby Stepp
Redirect examination by Mr. Hunter

1 THE COURT: Any objection?

2 MR. YARBOROUGH: No. To move the hat into evidence,
3 no, sir.

4 THE COURT: Without objection.

5 (Cap marked State's Exhibit No. 1.)

6 Q And, again, you dusted the baseball bat but did not
7 find any prints.

8 A Correct.

9 Q One final question. How many times have you dusted
10 for prints in your life?

11 A Hundreds. I couldn't put a number on it.

12 Q Okay. Please answer any further questions he may
13 have.

14 RECROSS-EXAMINATION

15 BY MR. YARBOROUGH

16 Q Did you dust this hat?

17 A No, sir. That's what's considered a porous surface.
18 Any type of fabric, anything like that, I collected it so
19 it could be turned in to the detective to make a decision
20 on what he wished to do with it.

21 Q Right. But you could -- I mean, there's some spots
22 there that looks like dirt or something that somebody's
23 fingerprints could have been placed on, right?

24 A Could have.

25 Q Yeah.

1 A But --

2 Q And, obviously, you could check this hat for D.N.A. if

3 you were --

4 A If they wanted to send off to get it checked, yes,

5 sir.

6 Q You don't know anything else about the hat except you

7 found it --

8 A Yes, sir.

9 Q -- and didn't dust it.

10 A No, sir.

11 Q Nobody asked you to. Nobody searched for D.N.A. and

12 nobody asked you to.

13 A No. I collected it to see --

14 Q You collected it.

15 A Yes, sir, to see what the detective wished to do with

16 it.

17 Q But you found it.

18 A Yes, sir. I did find it.

19 Q That's it. Thank you.

20 THE COURT: Officer, you may leave the witness stand.

21 Thank you.

22 THE WITNESS: Yes, sir. Thank you, sir. You have a

23 good day.

24 THE COURT: You too.

25 MR. HUNTER: Your Honor, may he be excused?

1 THE COURT: Any objection?

2 MR. YARBOROUGH: No, sir.

3 THE COURT: Officer, you may stay or go, whichever you
4 choose.

5 (Whereupon, the witness was excused.)

6 MR. HUNTER: Your Honor, I think Mr. Yarborough and I
7 would ask that that be the end for the day. I know some of
8 the jurors and us have some things after 5:00. So, we
9 would request that we re-adjourn tomorrow morning.

10 THE COURT: Madam Forelady and ladies and gentlemen of
11 the jury, I think there is a juror needed -- had a
12 childcare issue. And the next witness would last more than
13 20 minutes or so.

14 So, we've got tomorrow morning. We're going to
15 reconvene tomorrow morning. The courthouse opens at 8:30.
16 I'll already be here. We have card readers, so I am here
17 early for that. We'll be here. The doors will be open at
18 8:30.

19 And you want them to report to the jury assembly room?

20 THE BAILIFF: Yes, sir.

21 THE COURT: Jury assembly room where you'll assemble,
22 and they'll bring all 14 of you at one time to this
23 deliberation room so you can come back and forth across the
24 hall.

25 So, please be with us in the morning ready to work at

Marilyn Roman
Direct examination by Mr. Hunter

1 9:00 a.m. I will be here and the lawyers will already be
2 here. And we'll be ready to go by 9:00.

3 Now, do not do any research. Don't try to learn
4 anything about the case. We all have to learn about this
5 case here in the courtroom. That's first and foremost.

6 Number two, it's not a secret at all that the people
7 wearing the red coats make some really good coffee. If you
8 are a coffee drinker, I encourage you to get here in the
9 morning and get a cup of good coffee because they make some
10 good coffee here. And they'll have it hot for you when you
11 arrive.

12 Madam Forelady, if you will, take your jury out,
13 please. See you in the morning.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: Okay. We'll be in recess until
17 9:00 tomorrow morning. I'll be here by 8:00 if anybody
18 needs me.

19 END OF PROCEEDINGS 12, 2024
20
21
22
23
24
25

Marilyn Roman
Direct examination by Mr. Hunter

1 (Proceedings August 13, 2024)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Are we ready for the jury? Everybody
5 ready?

6 MR. HUNTER: Yes, Your Honor.

7 THE COURT: Okay. We'll have the jury.

8 (The following takes place in the presence of the
9 jury.)

10 THE COURT: Madam Forelady, is everything good with
11 the jury?

12 THE FOREPERSON: Yes, Your Honor.

13 THE COURT: Okay. Very good. Welcome back. Good
14 morning. Good morning to everyone.

15 Give your attention, please, to the solicitor.

16 MR. HUNTER: May it please the Court.

17 THE COURT: Yes, sir.

18 MR. HUNTER: Your Honor, at this time the state would
19 Marilyn Roman.

20 MARILYN ROMAN, having been
21 first duly sworn, testified as follows:

22 THE COURT: Ma'am, tell us who you are. Adjust the
23 microphone and tell us who you are, and spell your last
24 name for the court reporter, please.

25 THE DEFENDANT: Marilyn Roman. It's M-A-R-I-L-Y-N.

Marilyn Roman
Direct examination by Mr. Hunter

1 Roman, R-O-M-A-N.

2 THE COURT: Thank you.

3 solicitor.

4 DIRECT EXAMINATION BY MR. HUNTER

5 Q All right. Please state your -- you've already stated
6 your full name. But Marilyn Roman?

7 A Yes, sir.

8 Q Who is Marilyn Arthur?

9 A That was my married name.

10 Q Okay. So, if we see Marilyn Arthur on some of the
11 paperwork I'm going to show you, that is you as well.

12 A Yes. So, it's still on my email, but I changed it in
13 2014.

14 Q Okay. What is your occupation?

15 A I am a latent print examiner.

16 Q Okay. And who do you do that for?

17 A I work at the Spartanburg County Sheriff's Office.

18 Q Okay. Can you go over your educational background?

19 A So, I graduated from the South Carolina Criminal
20 Justice Academy. I went to the Sirche Laboratories and
21 took classes on latent fingerprints. I took my advance
22 latent palm print comparison with basic fingerprint
23 comparison, introduction to the size of forensics.

24 Q Before we get to this, I meant your educational
25 background before fingerprints.

Marilyn Roman
Direct examination by Mr. Hunter

1 A Before fingerprints, I graduated from -- an associate
2 degree in technology for computers.

3 Q And that was in Puerto Rico, right?

4 A Correct.

5 Q Okay. And, so, English is your second language?

6 A Correct.

7 Q Okay. How long -- what is your official -- what are
8 your official duties at the sheriff's office?

9 A So, my official duties are I analyze fingerprints, or
10 I analyze the fingerprints or latent prints, they call
11 them, from the crime scenes.

12 Q Okay. And how long have you been doing that at the
13 sheriff's office?

14 A Twelve years and seven months.

15 Q So, this is where we're going to go back to what you
16 were talking about. What specialized education and
17 training do you have in the field of fingerprint analysis?

18 A So, I have my South Carolina Criminal Justice Academy.
19 I took classes on basic latent fingerprints, advanced
20 latent palm print comparison, advanced latent ridgeology
21 comparison.

22 I have my introduction to science of fingerprints,
23 examination of simultaneous impressions. I've got the
24 ethical consideration in latent print examination testimony
25 and understanding exclusion and sufficiency decision of

Marilyn Roman
Direct examination by Mr. Hunter

1 latent prints.

2 Q So, for the last 12 years you've either been doing
3 fingerprint work or learning about fingerprinting work.

4 A Yes, sir.

5 Q Okay. Are you an active member of any professional
6 organizations?

7 A Yes. I'm an active member of the I.A.I.

8 Q What is that?

9 A It is the international association for
10 identification.

11 Q International association for identification. And
12 that's a fingerprint, or is that for all identification?

13 A All identification.

14 Q Okay. Just because of your work, your part, you do it
15 for fingerprints, correct?

16 A Correct.

17 Q Okay. Approximately how many fingerprints or palm
18 prints have you examined in your career?

19 A over 5,000.

20 Q Okay. Have you attended any recent seminars on
21 fingerprints?

22 A Yes.

23 Q Or palm prints?

24 A Yes. My last seminar was last year to the
25 understanding and exclusion, sufficiency decision.

Marilyn Roman
Direct examination by Mr. Hunter

1 Q Understanding exclusion and sufficiency?

2 A Decision.

3 Q Decision. Okay. And what does that mean?

4 A So, the class was to understand what is sufficient on
5 a latent print to make a decision before you make that
6 decision.

7 Q Okay. And when did you attend that class?

8 A September of 2023.

9 Q Okay. What type of technical equipment is available
10 to you at the sheriff's office?

11 A So, we use magnifiers. That is one of the basic
12 things we use for one-to-one comparison. We have pointers
13 that look like a pen where you count your ridges or point
14 at the ridges when you're doing one-to-one.

15 We have a forensic program where we can take photos or
16 scan the latent known and the unknown, put it in the
17 computer, and we can make them be your magnifier so we can
18 see more clear those prints. And we have also the AFIS
19 system.

20 Q And have you had an occasion to identify people by
21 comparing their print, finger or palm, with their own inked
22 prints?

23 A Yes.

24 Q How many times?

25 A About 3,000.

Marilyn Roman
Direct examination by Mr. Hunter

1 MR. HUNTER: Your Honor, at this time the state would
2 offer Marilyn Roman as an expert in the field of
3 fingerprint and palm print examination and analysis.

4 THE COURT: Any questions?

5 MR. YARBOROUGH: I don't object to that, Your Honor.

6 THE COURT: Without objection, she is so qualified as
7 an expert.

8 Ladies and gentlemen, Madam Forelady, usually a
9 witness has to give testimony about what they have seen,
10 heard or smelled, something with their own senses.

11 This person by -- by her education, skill and training
12 is now qualified as an expert in her field. You may accept
13 her opinion and give what weight to you that you desire.
14 And you're not required to accept her opinion when she
15 gives one.

16 Solicitor.

17 MR. HUNTER: Thank you.

18 BY MR. HUNTER

19 Q Let's go over some definitions at first. What is an
20 inked print?

21 A An ink print is when they use actual ink to roll
22 either your fingers or your palm prints and then will then
23 roll that into a piece of paper. That will leave an inked
24 print.

25 Q Okay. Let me show you what's been State's Exhibit 4,

Marilyn Roman
Direct examination by Mr. Hunter

1 which we heard. Ms. Viscuso testified she rolled this
2 print of Herbert Gaddy. Is this an inked print?

3 A Yes, sir.

4 Q Okay. And is this the ink print you used in this
5 case?

6 A Correct.

7 Q Okay.

8 MR. HUNTER: Your Honor, at this time the state would
9 offer State's Exhibit 4 into evidence.

10 MR. YARBOROUGH: I think it's already in.

11 MR. HUNTER: I didn't enter it.

12 MR. YARBOROUGH: You didn't enter it. Okay.

13 MR. HUNTER: That's fine. Thank you, Your Honor.

14 THE COURT: Without objection, it's admitted.

15 (Fingerprint card marked State's Exhibit No. 4.)

16 BY MR. HUNTER

17 Q Okay. What is a latent print?

18 A A latent print is what we leave behind on surface, any
19 not visible by the naked eye. You have to actually
20 process. So, an I.D. officer would process that latent
21 print with either powder or chemicals to make it show on a
22 surface.

23 Q I'm going to show you what's been marked State's
24 Exhibit 3. Since this is two items, can you explain what
25 this first item on this inked print card is?

Marilyn Roman
Direct examination by Mr. Hunter

1 A This is what is called an elimination print. It's
2 where they will ink the palms or finger of the victim first
3 by pressing on the scene when the officer goes.

4 Q And, so, that's so you know that if you get a
5 fingerprint that matches that it's the person who actually
6 owns the vehicle or the house.

7 A Correct.

8 Q Okay. Now let me show you the other part of that.
9 what is this item?

10 A So, this is a latent print. It's a latent palm print
11 mark as eight.

12 Q Okay.

13 A And it was lifted by Deputy Stepp from a Chevrolet
14 Suburban.

15 Q Okay. And actually it says Chevrolet Blazer, but it
16 looks like you marked out blue ink.

17 A Correct.

18 Q Because it was a Suburban.

19 A Correct.

20 Q Okay. There's some red handwriting on the front. Is
21 that handwriting yours?

22 A Yes.

23 Q All right. And when did you write that on there?

24 A Do you have the envelope where these was, the big
25 envelope?

Marilyn Roman
Direct examination by Mr. Hunter

1 Q Oh, the big envelope.

2 A Uh-huh.

3 Q Would it help you to see this to remember the dates?

4 A Yes.

5 Q And this is your latent print file that you keep on --

6 A Correct. So, this is when the I.D. officers turn in
7 their evidence. It will be in this envelope.

8 Q Okay. And, so, what date did you write the red
9 writing on that?

10 A So, I received these on May 10, 2022.

11 Q So, May 10th is when you would have written the red
12 writing?

13 A Correct.

14 Q Okay. And there's also some big black writing on
15 there with the initials M.R. Those are your initials?

16 A Correct.

17 Q And to show that you're the one who examined that
18 print?

19 A Correct.

20 MR. HUNTER: Your Honor, at this time the state would
21 offer State's Exhibit 3 into evidence.

22 MR. YARBOROUGH: without objection.

23 THE COURT: without objection, it's admitted.

24 (State's Exhibit 3 previously marked and admitted.)

25 Q And, so, you actually examined this print pretty quick

Marilyn Roman
Direct examination by Mr. Hunter

1 on May 10th.

2 A Correct.

3 Q Okay. And, so, this is the latent print.

4 A Yes.

5 Q This is an inked print.

6 A Correct.

7 Q Okay. And you didn't deal with any patent prints in
8 this case, did you?

9 A No, sir.

10 Q So, I don't need to go over those.

11 What are the different distinguishing characteristics
12 of a palm print or finger. I'll just say print instead of
13 keep saying finger or palm. A print.

14 A So, on the palm print, they're obviously bigger. The
15 creases is pretty much the same. They all going to have
16 ending ridges, bifurcations. They're all going to have
17 those ridges going side by side. But the biggest
18 difference is that one will be larger than the other one.

19 Q Okay. All I know Investigator Stepp mentioned ridges,
20 and you mentioned. What is a ridge?

21 A So, a ridge is the lines that go across.

22 Q When you look at your hand, it's the actual lines that
23 you see on your fingers.

24 A Yes. The little lines you will see forming in your
25 fingers -- palms.

Marilyn Roman
Direct examination by Mr. Hunter

1 Q What is a loop?

2 A So, a loop will be form sideways, so they're either
3 going to loop to the right or they're going to loop to the
4 left.

5 Q Or loop together.

6 A Or they can have two, like, a ying-yang sign. And
7 that will be a double loop.

8 Q Okay. And that -- that's still a ridge, but it's just
9 the direction of the ridge makes it more noticeable.

10 A Correct. So, all the ridges together will form either
11 a loop. They also can form a roll, which is a circle. Or
12 they can form an arch, which is clearly that like an arch.

13 Q Okay. Are you also looking for what's called deltas?

14 A Correct. So, on your fingers you will have a delta on
15 a corner of the loop. You will have -- if it's a roll, you
16 will have two on each side. If it is an arch, you will not
17 have a delta on there.

18 Q So, the delta is basically when it kinda forms a
19 triangle?

20 A Correct.

21 Q That's why it's called a delta.

22 A Uh-huh.

23 Q So, these are the items you're looking for when you're
24 looking at a fingerprint to compare it to another?

25 A Yes, sir.

Marilyn Roman
Direct examination by Mr. Hunter

1 Q Anything else that you're looking for?

2 A If it have any scarring or anything that can make that
3 unique to anybody else.

4 Q How is it possible for a person to leave a print on an
5 item?

6 A So, we leave prints by the oils that our skin
7 produced. So, our hands per se doesn't produce any oils.
8 But when you're touching your face, you're touching your
9 hands, you leave that oil on your hands. Or when you use
10 lotion, you leave those oils on your hand. When you touch
11 a surface, you might leave a latent print behind.

12 Q And is it possible for a person to touch a surface and
13 no prints are left behind?

14 A Correct.

15 Q Does that happen often?

16 A It does.

17 Q Okay. why?

18 A The surface will be wet. It could be a lot of dust on
19 that surface. And when you touch a surface, what you leave
20 will pick up in dust instead of leaving anything behind.
21 It could be that your hands are completely dry and you
22 won't leave anything behind or latent print off on it.

23 Q Or weathering from if it's outside?

24 A Correct. If it's wet or it's raining, snowing.

25 Q Okay. what types of surfaces are you more likely to

Marilyn Roman
Direct examination by Mr. Hunter

1 find prints on?

2 A Nonporous. Nonporous surface are way easier to leave
3 a fingerprint behind or a latent print than a porous
4 surface.

5 Q Okay. Give us some examples of a porous surface.

6 A A porous surface --

7 Q No, no. A nonporous surface.

8 A Nonporous. Glass. Glass is the great nonporous
9 surface. Mirror. Or this desk right here is easier.

10 Q Okay. Well, what is an example of a porous surface?

11 A Something rusty or clothes or wood that hasn't been
12 polished. That wood is very porous.

13 Q And is that because the pores actually absorb the oil
14 therefore you don't ever see ridges?

15 A Correct.

16 Q So, clothing is an example of a porous surface that is
17 hard to find print on.

18 A Correct.

19 Q Okay. What does AFIS stand for?

20 A AFIS is our fingerprint identification system.

21 Q Okay. So, when you have a latent print -- and do you
22 place that into AFIS?

23 A Yes.

24 Q A picture of that print.

25 A Correct. I will take a picture with that system on

Marilyn Roman
Direct examination by Mr. Hunter

1 that print.

2 Q And AFIS has prints from around the world for a
3 variety of reasons in it, correct?

4 A Correct.

5 Q Okay. And is there a computer program itself takes
6 your ink print and compare it to their database of prints?

7 A Correct. So, it works like a big file cabinet.
8 That's what I call it. When people ask me what AFIS is, I
9 compare it to a huge file cabinet. Instead of you having
10 all of those prints with you in your office on a file
11 cabinet where you will have to go one by one, there's
12 storage in that system.

13 Q Okay. And when you put in State's Exhibit 3, the
14 latent print, the computer program prints out some possible
15 matches?

16 A Yes. So, we search for up to ten matches to it.

17 MR. HUNTER: May I approach the witness, Your Honor?

18 THE COURT: Yes.

19 BY MR. HUNTER

20 Q Let me show you what's been marked State's Exhibit 5.
21 Do you recognize this item?

22 A Yes, sir.

23 Q And how do you recognize this item?

24 A This is what I print after I identify the latent
25 print.

Marilyn Roman
Direct examination by Mr. Hunter

1 Q Okay. what about the page before? Or excuse me. The
2 page after.

3 A The page after. So, this is when I first got a hit
4 back, possible match, to the latent print that was
5 collected.

6 Q Actually, I'll tell you what I'll do. I'm going to
7 tear that apart and put that first.

8 A Okay.

9 Q That second is page is actually the first one you did,
10 correct?

11 A Yes.

12 MR. HUNTER: I'll just mark it as a separate exhibit.
13 (Latent print marked State's Exhibit No. 26 for
14 Identification.)

15 MR. HUNTER: Your Honor, at this time the state would
16 offer State's Exhibits 5 and 26 into evidence.

17 MR. YARBOROUGH: Without objection, Your Honor.

18 THE COURT: Without objection, they're admitted.

19 (Fingerprint card marked State's Exhibit No. 5; latent
20 print marked State's Exhibit No. 26.)

21 MR. HUNTER: Your Honor, may the witness come down
22 here to point some things out?

23 THE COURT: Yes.

24 (Whereupon, the witness left the stand.)

25 Q Zoom out first. Can you tell us what we're looking at

Marilyn Roman
Direct examination by Mr. Hunter

1 on the left side, that big picture? Right?

2 A Okay. So --

3 Q Here.

4 A So, these right here.

5 Q Speak up.

6 A This left side right here is --

7 THE COURT: Excuse me, ma'am. Hang on.

8 A The left side is what was entered by the I.D. officer.

9 That's the latent print that was entered on that card and
10 that's a picture of it.

11 Q And what is the right side?

12 A The right side is the ink print that came back to that
13 latent print. So, it would be the card. This one right
14 here on the right-hand side is the same.

15 Q So, that's just a picture of that card.

16 A Correct.

17 Q And how do you know it's a picture of that card?

18 A So, they are numbered by the incident. They have an
19 identification number, so.

20 Q And, so, the number on --

21 A I.D.

22 Q Sorry. The number on this card matches the number on
23 that.

24 A Correct.

25 Q Okay. And, again, this computer spits out ten

Marilyn Roman
Direct examination by Mr. Hunter

1 possibles?

2 A Correct.

3 Q And which one was this listed as?

4 A Number one.

5 Q Okay. Stay here for now.

6 State's Exhibit 5. Are those the same two pictures?

7 A Correct.

8 Q Okay. Explain all of the numbers there and why you
9 put them there.

10 A Okay. So, the numbers are marking here the ridges.
11 They used to be called points. So, we'll mark the ending
12 ridges. We will mark verifications where two ridges
13 turn -- where one ridge turn into two. And we mark both
14 sides showing that it's the same on one side as on the
15 other side.

16 Q Look there.

17 A Okay. Yeah. So, you will see here on No. 13 -- and I
18 don't think you can see -- there we go. And you see it on
19 No. 13. So, if you find both of it, they're marked all the
20 similarities on that.

21 Q So, you basically find the similarities between the
22 two.

23 A Correct.

24 Q Two prints. All right. You can go ahead and take a
25 seat.

Marilyn Roman
Direct examination by Mr. Hunter

1 (Whereupon, the witness returned to the stand.)

2 Q And, so, those blue marks that we actually saw, those
3 are marks that you made --

4 A Yes.

5 Q -- with the numbers.

6 A Correct.

7 Q And then you labeled them as what they are?

8 A Correct.

9 Q As an ending ridge, No. 1; two is a bifurcation.

10 A Correct.

11 Q And those are -- those are what, in the old term, used
12 to be points that you were looking for?

13 A Yes, sir.

14 Q That's not necessarily -- points necessarily aren't
15 something that you look for today.

16 A Correct.

17 Q Okay. Does the sheriff's office have any minimum
18 number of points that you had to reach before you could
19 identify the print?

20 A No, sir.

21 Q Do other departments?

22 A Other departments I have seen, they have minimum
23 ridge.

24 Q And what are those minimums?

25 A They use typically 12.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 Q Okay. How many points did you find in this case?

2 A Over 38. I marked 38 on --

3 Q You marked 38 points.

4 A Correct.

5 Q So, more than three times the minimum the other
6 departments require.

7 A Correct.

8 Q Okay. Based on your experience and training were you
9 able to come to a conclusive opinion as to the identify of
10 the latent print found here?

11 A Yes, sir.

12 Q And what was that opinion?

13 A My opinion was that the latent print was deposited by
14 the same person that deposited the card with the name
15 Herbert Gaddy.

16 Q Okay. And which print was it, or what area of the
17 hand?

18 A That is the palm on the hypothenar area. So, this
19 right here is the hypothenar area of the palm. So, he got
20 this area right here.

21 Q Okay. So, kind of the end of the hand into the
22 edge --

23 A Correct.

24 Q -- of the left palm.

25 A Correct.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 Q And you found 38 points of comparison that matched
2 between the latent print here and the picture of the card.

3 A Correct.

4 Q Correct? Now, once you find that in the computer, do
5 you then do a direct comparison?

6 A Correct.

7 Q Okay. So, then you take this and this outside the
8 computer and to a microscopic comparison between the two.

9 A Correct.

10 Q And did you come to that same conclusion using this
11 card, which is Herbert Gaddy's fingerprint, and this
12 fingerprint lifted from the Chevy Suburban?

13 A Correct.

14 Q And that was that they matched.

15 A Yes.

16 Q Please answer any questions Mr. Yarborough may have
17 for you.

18 CROSS-EXAMINATION

19 BY MR. YARBOROUGH

20 Q Good morning.

21 A Good morning.

22 Q When you began looking at the -- at the print you
23 determined was Mr. Gaddy's, you were given the name of
24 Mr. Gaddy before, right? You were given a card that had
25 his print on it?

Marilyn Roman
Cross-examination by Mr. Yarborough

1 A No, sir.

2 Q You were -- you weren't told by this investigator
3 right here that, to look?

4 A No, sir.

5 Q You developed it how then?

6 A So, after I compared it to the card that was already
7 in the envelope they fit in and realized that it was not
8 there, I then proceed to use the AFIS system to search for
9 a possible match.

10 Q Okay. Perhaps I didn't ask the question right.

11 You -- you looked at the card that was in there,
12 right?

13 A Correct.

14 Q Right. And at that point that -- that card had come
15 from this investigator, is that right? Is that who you had
16 dealt with?

17 A No, sir.

18 Q Who had you dealt with to -- to get that card?

19 A To get the card that was inside the envelope?

20 Q Well, let's -- so it doesn't get confusing for the
21 jury --

22 A Yeah.

23 Q -- let's just go to what we got. How about that?

24 A Yeah.

25 Q I thought we could do it simple.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 Okay. So, to get this -- which is the card that comes
2 from the -- the car, the side of the car?

3 A This right here.

4 Q Right. That -- that is what they -- they gave you.
5 You wrote on there Herbert Gaddy, right?

6 A Correct.

7 Q Okay. And this was given to you, which is another
8 print that was of Mr. Gaddy's, right?

9 A This was given to me by the AFIS system.

10 Q By the -- the what?

11 A The AFIS system.

12 Q I can't understand that word. What is that?

13 A So, that's the automated identification system.

14 Q Okay.

15 A This is what I explained earlier, that it works like a
16 big file cabinet where people's latent prints are in.

17 Q Okay. And so that's a big file cabinet of latent
18 prints?

19 A Correct.

20 Q But it's compared to that one print right there,
21 right?

22 A So, it will compare, yes. So, the millions of prints
23 will compare to this to give me ten possible matches.

24 Q Right. But what I'm saying is that that card right
25 there that was given to you by --

Marilyn Roman
Cross-examination by Mr. Yarborough

1 A Investigator Stepp.

2 Q -- Stepp. Okay. So he gave that card. And did he
3 give you other prints?

4 A No. That day, this is what I received from. So, we
5 have a mailbox in our office where all of the envelopes
6 from the I.D. officers come. They don't have direct
7 contacts to us to tell us, hey, I need you take this from
8 me. No.

9 They are deposited in that, and we are the only ones
10 with a key. We open that in the mornings when we come to
11 work, and we take any evidence that are in there, log it in
12 our book, and then we start doing the analysis process.

13 Q Okay. And, so, you compared that -- that partial
14 latent print. That's what you did, right?

15 A Yes.

16 Q And you worked with another investigator.

17 A Correct.

18 Q Is that right? That's Courtney Burgess, is that
19 right?

20 A Correct.

21 Q And y'all compared that print, and you compared
22 another print at the scene, right?

23 A That is from the different case.

24 Q Okay. But, anyway, you compared those prints, right?

25 A Correct.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 Q Okay. And you -- you looked at that side print, and
2 that came from the outside of what you just wrote as the
3 suburban car, correct?

4 A Correct. The Chevrolet Suburban.

5 Q Okay. And the print that you talked about from
6 another case was not from the Chevrolet Suburban.

7 A Correct.

8 Q And it was not Mr. Gaddy's print.

9 A Correct.

10 Q Okay. And sometimes you look at prints and you can't
11 match them, right?

12 A Correct.

13 Q Okay. And what I'm asking you is did you look at
14 other prints from the Suburban.

15 A No. This was the only print entered from the
16 Suburban.

17 Q Okay. And that print was from the outside.

18 A Correct. It was from the exterior from driver door.

19 Q Okay. And you didn't look at any prints from the
20 inside of the Suburban.

21 A Correct. Nothing else was entered.

22 Q Nothing else was given to you.

23 A Correct.

24 Q Did you look at prints and any other items in the case
25 that dealt with the Suburban?

Marilyn Roman
Cross-examination by Mr. Yarborough

1 A No, sir.

2 Q Did you look for prints on this hat?

3 A No, sir.

4 Q Okay. Now, it's hard to find prints on a piece of
5 cloth like this, right?

6 A Yes.

7 Q And, so, what would normally happen is if you were
8 given prints on a hat like that, you'd probably send it to
9 the D.N.A. lab, is that right?

10 A So, that would be the I.D. officer. We -- we deal
11 with the latent prints once they are processed. We don't
12 go to the scene to process any latents, and we don't
13 process any latent prints or any items that come to the
14 sheriff's office. That is the job of the I.D. officer.

15 Q Right. And, so, that's the job of somebody else to
16 send this.

17 A Correct.

18 Q Okay. And did you examine prints from the outside of
19 the door at 351 Goldmine Road?

20 A I am not sure. I examined all the prints from case
21 No. 22-050316.

22 Q Okay.

23 MR. YARBOROUGH: And one second, Your Honor.

24 (Pause.)

25 Q Just a second. I'm trying to catch up.

1 So, you examined that. Those are from the -- the case
2 jacket 22050316, right?

3 A This one is from 22050409.

4 (Pause.)

5 Q Did you examine anything from 22050316?

6 A Yes, sir.

7 Q Okay. And that is the -- the house at --

8 A I'm sorry. I don't have the address on my report.

9 Q Okay. But those were --

10 A I don't see on the envelope.

11 Q Okay. They were -- there was a door that was outside
12 of the glass.

13 A I have they were submitted from the interior area of
14 the storm door.

15 Q And the interior area of the storm door.

16 A Correct.

17 Q You could not match any prints.

18 A So, I matched two of those.

19 Q They were not Mr. Gaddy's prints.

20 A Correct.

21 Q And you -- did you look at -- or do you ever look at
22 the pictures of where you're getting the prints from?

23 A So, once I make -- once I get it, that's how I correct
24 it where the print came from, by looking at the photos and
25 where it came from.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 Q Okay. But you never -- the prints you -- you examined
2 was from the outside of that car.

3 A Correct.

4 Q Okay. And that was on what -- where on this car did
5 you find the outside of that?

6 A They were from the driver door.

7 Q They were from the driver door.

8 A Correct.

9 Q Okay. And you can determine that because of what?

10 A So, the investigator, when he collects from the scene,
11 he writes down where he collected the print from.

12 Q Okay.

13 A And then they take photos of it. And they should be
14 on the file.

15 Q But it's the outside of the driver door, and it's this
16 part of the hand, right?

17 A Correct.

18 Q Okay. It's not the latent print. You never got
19 anything on the inside of the door.

20 A Correct.

21 Q And how many comparisons were there done in that car?
22 How many prints did you look at from that car?

23 A Only one latent print was turned in from that vehicle.

24 Q Okay. And from the -- from the exterior of the door,
25 how many prints were?

Marilyn Roman
Cross-examination by Mr. Yarborough

1 A I am not sure.

2 Q But you looked at several?

3 A I mean, yes.

4 Q Okay. And none of those were Mr. Gaddy's.

5 A Correct.

6 Q Okay. Did you look at anything from the interior of
7 the house?

8 A I can't recall.

9 Q But to your knowledge no fingerprints were Mr. Gaddy's
10 from the interior of the house.

11 A Correct. Only the ones from the vehicle.

12 Q And you got your -- the picture, the blow-up of the
13 picture? Do you have the blow-up?

14 A No. He has it.

15 Q This is -- that's State's Exhibit 26 if you look at
16 that.

17 A Yes, sir.

18 Q That's the comparison of the pictures of the side of
19 the hand, right?

20 A Correct.

21 Q And you've marked in the bottom down there this part
22 of the hand.

23 A Yes. This part, right.

24 Q As if somebody fell into the door, correct?

25 A Correct.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 MR. HUNTER: Objection, Your Honor. Speculation.

2 MR. YARBOROUGH: I won't go any further on that.

3 BY MR. YARBOROUGH

4 Q But that's where that is, right the yellow part?

5 A Yes. This area right here.

6 Q Do you have a picture of -- you wouldn't have a
7 picture where that print was found --

8 A No, sir.

9 Q -- on the side of the car. Does it appear that the
10 interior of this car --

11 MR. HUNTER: Objection, Your Honor. She was not
12 present at the scene. It's speculation.

13 THE COURT: Let's see what the question is.

14 BY MR. YARBOROUGH

15 Q Have you reviewed the interior of -- of pictures of
16 the interior of the cars that -- that you've done latent
17 fingerprints or palm prints from before?

18 A Yes, sir.

19 Q And do they usually put a mark in the car for you to
20 be able to establish where in the car that print was taken
21 or that palm print was taken from?

22 A So, it will be this lift right here.

23 Q Right.

24 A Will be over the latent, and they take a photo of it.

25 Q And they take a photo of it.

Marilyn Roman
Cross-examination by Mr. Yarborough

1 A Uh-huh.

2 Q And were you given any photos from the interior of
3 this car?

4 A I don't receive any photos of it.

5 Q Right.

6 A I only receive latents from the officers.

7 Q In the -- in the past do you know what it looks like
8 when they mark it in the vehicle that they've taken a
9 print?

10 A Yeah. It will be just that lift tape on that area.

11 Q Right. So, my question would be can you look at these
12 and see if you see any lift tape.

13 A No.

14 Q Since you examined -- based on your expertise as a
15 fingerprint-palm print examiner would you have expected to
16 have gotten prints from the inside if they were available?

17 A I can't tell because I don't collect the items. So, I
18 didn't process the scene. All I do is I examine once they
19 collect latents. So, I can't say that the officer did or
20 did not or if he was going to be anything in there per se.

21 Q All right. And I believe you said you examined areas
22 on the interior and exterior of the door of the house.

23 A So, the latent that I identify on the 22050316, and
24 they were identified there from the storm door. They were
25 from interior area of the storm door.

Marilyn Roman
Redirect examination by Mr. Hunter

1 Q And you were able to identify whose print that was.

2 A Correct.

3 Q And that was not Mr. Gaddy's.

4 A Correct.

5 Q And these are the pictures of where those prints were
6 taken from.

7 A Yeah, will be from this right here.

8 Q Right there. Yeah. So, and just look. Tell me this.
9 You can identify that how, because of that piece of tape?

10 A Correct.

11 Q Okay. And, so, there are several other pieces of tape
12 too, right?

13 A Correct.

14 Q Okay. And you would expect to find that in surfaces
15 that they were investigating, right?

16 A If they found latent prints that they will be, yes.

17 Q You say if they found latent prints. You gotta look
18 for them to find them, right?

19 A Correct.

20 Q Thank you. I don't have any further questions. Thank
21 you.

22 THE COURT: Yes, sir.

23

24

25

Marilyn Roman
Redirect examination by Mr. Hunter

1 REDIRECT EXAMINATION

2 BY MR. HUNTER

3 Q All right. Let's talk about those fingerprints on the
4 storm door. Can you tell me who you identified them to
5 belong to?

6 A They were identified to Michael Brad Bowers.

7 Q Mr. Bowers?

8 A Bowers.

9 Q We'll ask another witness about Mr. Bowers because you
10 don't know anybody in this case, correct?

11 A Correct.

12 Q Okay. In fact, as you stated, you get the latent
13 print from the officer who took the latent print at the
14 scene. You don't go out to the scene, correct?

15 A Correct.

16 Q It's brought to your office for the comparison.

17 A Correct.

18 Q Okay. What is insufficient ridge detail?

19 A Insufficient ridge detail means that it's not enough
20 details on that area to be compared to anything else.

21 Q On State's Exhibit 8 there appears to be at least
22 three print or tapes.

23 A Correct.

24 Q Just because an officer puts tape on what is a
25 possible fingerprint, does that mean that there's going to

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 be a fingerprint that you can actually identify?

2 A No, sir.

3 Q And why not?

4 A Because it could have insufficient detail on it.

5 Q So, basically, it looks like a fingerprint but it's
6 not full enough for you to do anything with.

7 A Correct.

8 Q How often does that happen?

9 A Very often.

10 Q Okay. And, again, the fingerprint on the glass was a
11 Michael Bowers.

12 A Correct.

13 Q Okay.

14 MR. HUNTER: No further questions.

15 THE COURT: Anything else on those couple of
16 questions?

17 MR. YARBOROUGH: I don't think so, Your Honor. Thank
18 you.

19 THE COURT: Thank you.

20 You may leave the witness stand.

21 MR. HUNTER: Your Honor, may Ms. Roman be excused?

22 THE COURT: Any objection?

23 MR. YARBOROUGH: No problem, Your Honor.

24 THE COURT: You may stay or go, whichever you choose.

25 THE WITNESS: Thank you.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 MR. YARBOROUGH: I think there's -- she was looking at
2 a lot of stuff. I was hoping the Court -- maybe we could
3 get that back in order so we --

4 MR. HUNTER: I am going to.

5 MR. YARBOROUGH: Okay. I'll get it back over here.

6 (Pause.)

7 MR. HUNTER: Your Honor, at this time the state would
8 call Lloyd Trent.

9 LLOYD TRENT, JR., having been
10 first duly sworn, testified as follows:

11 THE COURT: Good morning. Sir, please adjust the
12 microphone to suit yourself. Tell us who you are, and
13 spell your last name, please.

14 THE WITNESS: Lloyd Trent, Jr. T-R-E-N-T.

15 THE COURT: Thank you.

16 Solicitor.

17 DIRECT EXAMINATION BY MR. HUNTER

18 Q Who is Michael Bowers?

19 A My son-in-law.

20 Q All right. So, it's your former son-in-law.

21 A Right.

22 Q Because I think your daughter is married to someone
23 else now. But someone that was invited to your home and
24 could come to your home.

25 A Oh, yeah. They come there.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 Q Okay. So, not a stranger.

2 A No.

3 Q Someone whose fingerprints you would expect to find in
4 your house.

5 A Oh, yes.

6 Q Okay. Can you tell us what you remember happening the
7 night of May 6th of 2022?

8 A My wife running through the house screaming for me and
9 telling me there was a man in the house, get the shotgun.
10 So, time I got there with the shotgun, I didn't see
11 anybody.

12 Q Okay. So, by the time you got out with the shotgun
13 this man had left.

14 A Yeah.

15 Q Okay. So, you didn't see anybody in the house.

16 A No. I didn't.

17 Q What was your wife screaming?

18 A "A man in the house. There's a man in the house."

19 Q Okay. Did she tell you to get your gun?

20 A Yeah, get your shotgun, yeah.

21 Q That night did you notice anything missing at your
22 house or around your property -- that night?

23 A That night, no, I didn't.

24 Q That next morning did you actually call police to come
25 to your house?

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 A Yeah.

2 Q And why did y'all call police to come to your house?

3 MR. YARBOROUGH: Objection, Your Honor. Can we
4 approach?

5 THE COURT: Yes.

6 (Bench conference held off the record in the presence
7 of the jury but out of the hearing of the jury.)

8 MR. YARBOROUGH: Your Honor, note my objection for the
9 record. And per agreement with the Court and the
10 solicitor's office, I can put that on the record later.

11 THE COURT: Yes, sir.

12 MR. YARBOROUGH: Thank you.

13 BY MR. YARBOROUGH

14 Q All right. Again, that morning you called police.
15 why did y'all call police? That morning after.

16 A The next morning. My rollback was missing.

17 Q Okay. Where was your rollback truck?

18 A It was sitting down behind a couple of sheds I got
19 down there.

20 Q The same sheds where the Chevy Bel Air and the ball
21 bats were?

22 A Yeah. Behind the Chevy.

23 Q I'm going to go ahead and just put it up here.

24 MR. HUNTER: State -- Your Honor, at this time the
25 state offers State's Exhibit 11 into evidence.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 THE COURT: Any objection to 11?

2 MR. YARBOROUGH: Excuse me, Your Honor?

3 THE COURT: Any objection to State's 11?

4 MR. YARBOROUGH: No, sir.

5 THE COURT: Without objection.

6 (Photograph marked State's Exhibit No. 11.)

7 Q And are those the two garages you were speaking of?

8 A Yes, sir.

9 Q And the rollback truck was beside this garage?

10 A To the right of it.

11 Q To the right.

12 A To the right of it, yeah.

13 Q So, if we're looking at it to the right of it?

14 A Yeah.

15 Q All right. When you're on your front porch, these
16 sheds and garages are kind of down on the other side of
17 your driveway to your left, correct?

18 A Yeah.

19 Q Okay. Probably about 50 yards from the house?

20 A At least that, yeah.

21 Q Okay. And this is also for -- inside that left shed,
22 is that where the Chevy Bel Air is kept?

23 A Yeah.

24 Q Okay. Beside this golf -- in front of this golf cart
25 that's there, correct?

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

- 1 A Yeah.
- 2 Q State's Exhibit 1. Do you recognize this hat?
- 3 A Yes, I do.
- 4 Q And how do you recognize this hat?
- 5 A It's mine.
- 6 Q Where did you keep this hat?
- 7 A In my rollback.
- 8 Q It was --
- 9 A In case it was raining, I'd put the hat on.
- 10 Q Okay. Did you ever keep it in your wife's Suburban?
- 11 A No.
- 12 Q State's Exhibit 16 is already in. This baseball bat
- 13 right here --
- 14 A Yes.
- 15 Q -- is that y'all's baseball bat?
- 16 A Yes. It is one of my grandbabies'.
- 17 Q Okay. Where did you keep that baseball bat?
- 18 A Down there next to the Chevrolet.
- 19 Q All right. So, in those same sheds.
- 20 A Yeah.
- 21 Q Okay. Did she keep it in her car?
- 22 A No.
- 23 Q Did you keep it in your car?
- 24 A No, sir.
- 25 Q Okay. So it was down in the shed.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 A Down in the shed, yes, sir, hanging up against the
2 wall.

3 MR. HUNTER: May I approach the witness, Your Honor?

4 BY MR. HUNTER

5 Q Show you what's been marked State's 13 and 14. Do you
6 recognize those pictures?

7 A Yeah.

8 Q And are those pictures of the inside of your shed --

9 A Yeah.

10 Q -- the morning of, I guess, May 7th of 2022?

11 A Yes.

12 Q And does that fairly and accurately depict the scene
13 as you remember it that day?

14 A Yeah.

15 MR. HUNTER: Your Honor, at this time the state would
16 offer State's Exhibits 13 and 14 into evidence.

17 THE COURT: Any objection?

18 MR. YARBOROUGH: No, sir.

19 THE COURT: Without objection, they're admitted.

20 (Photographs marked State's Exhibits Nos. 13 and 14.)

21 Q So, again, this is that left shed in your house, is
22 that correct?

23 A Yes.

24 Q Okay. And this is the shed where the baseball bat was
25 kept.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 A Yes.

2 Q Okay.

3 A It was to the right of it as you go in.

4 Q Okay. So, we're kinda looking at it. So, right
5 beside the door to the right?

6 A Yes, sir.

7 Q Kind of in front of where that golf cart was.

8 A Yeah.

9 Q Whose golf cart was that?

10 A Son, Daniel's.

11 Q Okay. Tell me a little bit about your Chevy Bel Air.

12 A It's a one-owner. I had it ever since it was new.
13 I'd've never laid nothing on the hood of it like that.

14 Q Okay. So, this is a -- what year was this?

15 A 1955.

16 Q Okay. Now, obviously, it's dusty. It's kept in the
17 shed.

18 A Excuse me?

19 Q I said, obviously, it's dusty. It's been kept in the
20 shed?

21 A Yeah.

22 Q Do you put your tools on the hood of that car?

23 A No. I don't.

24 Q Have you ever done that?

25 A No.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 Q would you ever do that?

2 A No.

3 Q And, again, going back to the Suburban, why did you
4 call police the morning of Monday, May 9th?

5 A Well, I was carrying my grandbaby to school.

6 Q And that's this lady back here.

7 A Yeah. And --

8 Q Okay. Was she in middle school at that time, or high
9 school?

10 A Middle school, yeah.

11 Q Okay. You would drive her to school?

12 A Yeah.

13 Q What did you notice about the car that made you want
14 to call 9-1-1?

15 A Both seats was laid all the way back like somebody'd
16 been sleeping, and trash everywhere, stuff outta the
17 console. And the ball bat and cap and all of that was
18 laying there too.

19 Q So you notice the cap that belongs in the rollback.

20 A Yeah.

21 Q The baseball bat.

22 A And the shed, yeah.

23 Q And it appeared that the car had been rummaged
24 through.

25 A Oh, yeah.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 Q Okay. And the seats were laid back.

2 Were you able to recover your rollback truck?

3 A Yeah. I did myself.

4 Q And how did you come about finding out where that was?

5 A I had an anonymous -- anonymous caller called me late
6 one night and told me where it was at about three -- I
7 guess if you measure it'd be three or four blocks from
8 where he was staying at.

9 Q Okay. And I know we've shown pictures. I showed it
10 to your wife. That A.T.V., where was it located? Where
11 was it normally kept?

12 A It was out in the yard. I got a road that goes down
13 to the river, and it was down there on the side of that
14 road.

15 Q Okay. So, the back end of your property is a river,
16 right?

17 A It's probably another 50 feet from the house, or 75
18 feet, yeah.

19 Q How many acres do you own right there?

20 A I got 25 right there.

21 Q Okay. And I -- I know this because I spoke to you on
22 Friday. What's the distance from the road, the front road,
23 Goldmine, to the front of your house?

24 A One tenth of a mile.

25 Q And how do you know that?

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 A I measured it because I used to jog.

2 Q Okay. So, from the front of the road, your house is a
3 tenth of a mile.

4 A Yes, sir.

5 Q Okay. And, so, that A.T.V. was moved quite a way?

6 A Yes, it was. It was at the top of that.

7 Q Did it work at the time?

8 A No.

9 Q Okay. Do you remember the address of where you
10 recovered the rollback?

11 A Well, it wasn't the address. It was a street, Carson
12 Drive in Cowpens.

13 Q Okay. So, again, as the crow flies, not too far from
14 your house. But it takes you a little while to get there
15 from Goldmine, correct?

16 A Yeah.

17 Q You have to go through Cowpens and downtown --

18 A Yeah, to 110, yeah.

19 Q Kinda near -- there's a Hot Spot there?

20 A Yeah.

21 Q That Hot Spot?

22 A Go past the Hot Spot, yeah.

23 Q Okay. And that Hot Spot comes outta Cannons
24 Campground, correct?

25 A Yeah.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 Q So, it was just right past that.

2 A Yeah.

3 MR. YARBOROUGH: Your Honor, I'm going to renew my
4 objection. May we approach?

5 (Bench conference held off the record in the presence
6 of the jury but out of the hearing of the jury.)

7 THE COURT: Madam forelady and ladies and gentlemen,
8 this is one of those moments that I tell you about of
9 having a bench conference, and I'm going to have to look at
10 some things and decide what -- what comes in and what does
11 not, but I'm going to ask you go to your jury room.

12 In fact, let's use this time for your morning break as
13 well. So, why don't we -- when we get through we'll
14 refresh your coffee.

15 I hope everybody else got coffee this morning. It was
16 good too, wasn't it? They make good coffee.

17 Okay. Take the jury out and let's have a break.

18 (The following takes place outside the presence of the
19 jury.)

20 THE COURT: Okay.

21 MR. HUNTER: Your Honor, first, I know he brought up
22 that he may not have gotten these pictures he just showed
23 me. He does have these pictures. They were --

24 MR. YARBOROUGH: I have them, but, I mean, I
25 couldn't -- to be honest with the Court, I couldn't -- I

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 can't see the rollback in these pictures.

2 Now, in the pictures that he has blown up, I can see
3 it, but the pictures that was provided to me in discovery,
4 I -- and I wouldn't have any reason to know that that was a
5 rollback.

6 So, I wasn't trying to be disingenuous with the Court.
7 I went and looked. I just -- when he shows me that, I can
8 see what he's talking about.

9 But I would like to renew my objection about the --
10 he's not charged with the rollback. That -- that's a whole
11 nother case that that car was or that truck was returned
12 and found based on information that was gathered, that when
13 he was in jail and had nothing to do with this case.

14 And, so, I think it's going to confuse the jury. I
15 mean, he's charged with -- with one specific count on a
16 Chevrolet Suburban in an indictment that's gone before the
17 grand jury.

18 He hasn't been charged with anything to do with this,
19 this rollback, and the jury's here listening to a burglary
20 case in a case about a breaking into a Suburban, and all of
21 a sudden they're being told about a separate charge that
22 hasn't ever been made.

23 And it gets confusing, and what makes it even more
24 confusing is that the car is returned while he's in -- in
25 jail, and he has nothing to do with that.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 So, I'd ask the Court to -- to not allow them to go
2 into the discussion of the rollback and whether it turned
3 up missing two days later or not, because he wasn't charged
4 with that and it's not -- it's not part of the crime.

5 THE COURT: Solicitor.

6 MR. HUNTER: Your Honor, we, obviously, take the exact
7 opposite opinion.

8 As you heard from Mr. Trent, there was a cap found in
9 the Chevy Suburban that he says belonged in the rollback.
10 Obviously, the rollback was missing the night this alleged
11 burglary happened.

12 We heard from Mrs. Trent that she heard a vehicle
13 leave about 45 minutes after the police left.

14 Further -- and I know I haven't given it to him yet
15 because it just happened last night -- there is a jail
16 phone call where Mr. Gaddy admits that he was in that
17 rollback that night.

18 And, ultimately, it was found on Carson Drive. And if
19 you look at Goggle maps based on Mr. Gaddy's address, it's
20 in the woods behind his house.

21 So, I think there is substantial probative value to
22 this evidence. And while he was not charged, it still can
23 come in because it shows his intent to commit a crime that
24 night, Your Honor, which is, ultimately, based on their
25 opening -- what this case is about is whether there was an

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 intent to commit a crime there that night.

2 THE COURT: what about the admission that's coming in
3 shortly?

4 MR. HUNTER: He hasn't heard it yet because it did
5 just happen tonight but we --

6 MR. YARBOROUGH: He told me about it this morning.

7 MR. HUNTER: We can go listen to it right now if you
8 want --

9 MR. YARBOROUGH: I was thinking we would hear it
10 during this break.

11 THE COURT: Okay. I'll reserve ruling on it then
12 until you go listen to the audio. We can play it in here.
13 The jury's out. You can play it in here.

14 MR. YARBOROUGH: Thank you, Judge.

15 THE COURT: Yes, sir.

16 MR. HUNTER: Actually, if you want, Your Honor, I can
17 play it over -- can I play it over the system?

18 THE COURT: Yeah. You can play it in here. It's
19 coming in unless you're objecting it to. Jail call.

20 MR. YARBOROUGH: I'm objecting to it. Well, I don't
21 -- I don't know. I haven't heard it. I might love it.

22 THE COURT: well, I'll stay and we'll see what it says
23 then.

24 (Pause.)

25 THE COURT: Okay. Do you want to get on the record,

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 Mr. Yarborough?

2 MR. YARBOROUGH: Your Honor, I want to renew my
3 objection to anything coming in about a rollback truck that
4 was allegedly taken that night.

5 My client was not charged with that, has never been
6 charged with it. And what really makes it difficult for us
7 to defend is that that rollback truck was returned while he
8 was in jail. They investigated the case. They never
9 charged it.

10 I did see some pictures that I believed I had not seen
11 before. But what happened was I can't -- I couldn't see it
12 from when they were blown up, but there is a rollback truck
13 back in those woods. So, I would object to those pictures
14 coming in as well.

15 I think it's highly prejudicial and I don't think it
16 has anything to do with the case. He's charged with the
17 specific act of breaking into the house and a specific act
18 of stealing a suburban car.

19 And without any prior notice they're -- they're trying
20 to prove that he did this by proving that he stole this
21 truck, and they're two separate crimes. And I would urge
22 the Court not to admit it.

23 THE COURT: Solicitor.

24 MR. HUNTER: Thank you, Your Honor.

25 As he did state it, we did turn the pictures over.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 when we turned the pictures over, they're in groups of four
2 on a page.

3 All I've done is printed them on their single page.
4 It's clear that a rollback is in these pictures. The
5 rollback was recovered on just in the woods or Carson
6 Drive.

7 So, there's two significant factors with that
8 rollback. First, Mr. Trent testified, as well as
9 Mrs. Trent, that hat seen in State's Exhibit 1 was always
10 located in the rollback. It is now recovered in the Chevy
11 Suburban with this defendant's fingerprints.

12 Obviously, we have some future testimony from
13 Detective Crow that we haven't gotten into yet, but based
14 on his narrative he's going to testify that he did admit to
15 going inside that Chevy Suburban.

16 So, there's a hat from the rollback. The rollback is
17 missing the night of the crime. It was there prior to the
18 crime alleged to happening. It's gone that next day. She
19 hears a car leave 45 minutes after police leave.

20 Further, one of the addresses police know for him to
21 live at is 4934 Cannons Campground Road. The car -- the
22 place where the rollback was found is the next street over,
23 Your Honor, in the woods.

24 So, it's close to his residence. There's a hat from
25 the rollback in the vehicle that is broken into. And so we

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 are -- we believe that there is sufficient probative value
2 for these pictures to come in and for the rollback to be
3 discussed. That's, ultimately, what this is, Your Honor.
4 The rollback's missing that night.

5 We have to prove an intent to commit a crime therein
6 for the burglary. Obviously, he's saying he had no intent,
7 as most people do. However, intent can be shown by
8 circumstantial evidence, as well as other acts.

9 With that rollback missing, that is another act to
10 show that that was a possible crime that he intended to
11 commit. And we have evidence that he was in the rollback
12 from that hat that is now found in the Chevy Suburban. So,
13 we'd ask that these pictures be admitted.

14 MR. YARBOROUGH: If the Court please, I'd argue. I'm
15 assuming the Court's probably reading 403, and I would
16 argue that it's more prejudicial than probative under the
17 circumstances of this case.

18 THE COURT: Do you want to be heard on that
19 solicitor -- on the 403?

20 MR. HUNTER: I believe it has to substantially
21 outweigh, Your Honor.

22 Obviously, it's prejudicial because there's an item
23 missing the night of the burglary we allege to have been
24 committed.

25 He is not charged with it. I agree with that. But

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 there is significant probative value in the rollback being
2 located in the woods near his residence, as well as a hat
3 that was found.

4 There's testimony that that hat belonged in the
5 rollback and was found in another vehicle on the property
6 the night of this incident.

7 I think that's sufficient probative value for this
8 evidence to come in, Your Honor.

9 THE COURT: I don't think there's any question that
10 the hat was in the rollback. I don't think that's --
11 that's not in controversy to my knowledge.

12 MR. YARBOROUGH: I think that the hat was not in the
13 rollback, Your Honor. I think the hat was in the Chevy
14 Suburban. So that is the -- that's the issue.

15 If we were dealing with just the hat, there would be a
16 very simple way to do it and say that there was a hat that
17 was normally kept in a -- in a rollback.

18 We don't have to discuss whether there was a crime
19 committed if that's how he, you know -- you know, that he
20 knows car was rummaged through because this hat that was
21 somewhere else, you know, I mean I get that.

22 They've already talked about a baseball bat, I mean,
23 that -- but -- but there's a difference in that and a
24 specific crime when you start talking about prejudice
25 versus probative.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 And I think that the -- the probative value of the hat
2 deals with something else. I mean, it -- it ties to the
3 fact that the Suburban was looked at.

4 The prejudicial effect under 403 in dealing with
5 the -- whether or not that truck was, rollback was -- was
6 stolen that night or not is totally different, because then
7 they're trying to say that the -- the rollback was found at
8 some other point.

9 I don't know why they keep on talking about where he
10 lived or not. I don't know how they're going -- would
11 prove to begin with. But, now, I don't want to get there.
12 That's not part of this argument.

13 It's whether that truck was stolen or not and is that
14 more probative than prejudicial. And I would argue to the
15 Court it is -- it's perhaps probative, but under 403 the
16 prejudicial effect would totally outweigh the probative
17 effect.

18 THE COURT: Okay. I'm going -- I'm going to grant
19 the -- the defense's motion on that. I'm not going to let
20 that come in about to where it was.

21 He can say where it was found. He's already said that
22 that hat was kept in that -- in that rollback. And he's
23 already said -- and we all know -- that it was found in the
24 Suburban. And he said it was not there and a hat was not
25 there. The jury's heard that. I've heard that. But I'm

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 not -- I don't want the jury to -- to go too far there.

2 MR. HUNTER: Your Honor, our issue is that the
3 rollback was found in the woods behind his residence. And
4 we already have evidence that he was at their residence
5 that night. And he even admitted on his opening statement.

6 So, the fact that a stolen vehicle from their house is
7 now found in the woods at his residence that is -- that is
8 hugely probative as to his intent that night when he was at
9 their residence as to what he was doing at the residence.

10 THE COURT: I'm going to let you go to where it was
11 found, but he said it was found on Carson Road. Okay.
12 And -- and ever who can testify that where he lived and
13 it's in close proximity -- I don't know if Mr. Trent can
14 say that or not. That's fine. The officer can. Okay.
15 I'm there. But we're not going to go -- I'm not going to
16 go so far as to say that he must have stolen that vehicle.

17 MR. HUNTER: I'm not going to say that he stole that
18 vehicle, but, obviously, that vehicle. I understand --

19 THE COURT: It's in close -- he can say where it was
20 found and the officer can testify or whatever -- whatever
21 the defendant said -- but I'm -- I'm not going to go there
22 with that means he stole that vehicle.

23 MR. HUNTER: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. HUNTER: I will not use those words.

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 THE COURT: Okay.

2 MR. YARBOROUGH: Thank you, Your Honor.

3 THE COURT: All right.

4 MR. HUNTER: But as to the admissibility of the
5 pictures, that just shows where it was located.

6 THE COURT: It just shows where it was found. I don't
7 know. It was found in the woods.

8 Okay. On the phone call, do you have the phone call
9 redacted, or are you just going to play two minutes of it,
10 or what are you going to do?

11 MR. HUNTER: After this witness I need a couple of
12 seconds to take this back to my office to redact it.

13 THE COURT: We may end up breaking for lunch. We'll
14 finish this afternoon probably.

15 Okay. Are we ready for the jury now? We'll have the
16 jury.

17 (The following takes place in the presence of the
18 jury.)

19 THE COURT: Madam Forelady, everybody good on the
20 jury?

21 THE FOREPERSON: Yes, Your Honor.

22 THE COURT: Thank you.

23 BY MR. HUNTER

24 Q Were you ultimately able to recover your rollback
25 truck?

Lloyd Trent, Jr.
Direct examination by Mr. Hunter

1 A Yes.

2 Q Okay. Do you remember where that was located?

3 A Carson Drive off 110 in Cowpens.

4 Q All right. That's Carson Road at the battleground?

5 A Well, battleground and 110 by the railroad, yeah.

6 Q I show you State's Exhibit 25.

7 A Yeah. That's mine.

8 Q And do you recognize that picture?

9 A Oh, yeah.

10 Q Does it fairly and accurately depict the scene as you
11 remember it, I believe, on July 2nd of 2022?

12 A Yes, sir.

13 MR. HUNTER: Your Honor, at this time the state would
14 offer State's Exhibit 25 into evidence.

15 THE COURT: Any objection?

16 MR. YARBOROUGH: Just with my previous objection, Your
17 Honor.

18 THE COURT: It's admitted.

19 (Photograph marked State's Exhibit No. 25.)

20 (Pause.)

21 Q And that's a picture of your rollback located?

22 A Yes, sir.

23 Q Was it found on a road?

24 A No. It wasn't on a road. It was in the woods.

25 Q How would you describe where it was found?

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 MR. YARBOROUGH: I renew my objection at this time,
2 Your Honor.

3 THE COURT: Okay. It's overruled.
4 Go ahead.

5 BY MR. HUNTER

6 Q How would you describe the area where it was found?

7 A It was like an old Carson Drive goes in a circle like.
8 You're off one to the right side of it. It's like an old
9 logging road. It was up in there on a little old bank.

10 Q Up in the woods.

11 A Up in the woods, yeah.

12 Q And that's the rollback where your hat was located
13 prior to this incident.

14 A Yes, sir.

15 Q Okay. Do you know Mr. Gaddy?

16 A No.

17 Q Have you ever met him in your life?

18 A Not to my knowledge.

19 Q Do you ever remember him coming to your house before
20 this day?

21 A No, sir.

22 Q I want to briefly go over things, and then I'll be
23 done. That baseball bat, where did you keep it?

24 A Down in the shed where the '55 is at.

25 Q Okay. And did you put tools on your '55 Chevy Bel Air

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 ever?

2 A No. I did not.

3 Q Okay. And that orange hat was found in your rollback.

4 A Yeah.

5 Q Okay. And it was located in the Suburban.

6 A Yes. It was.

7 Q Please answer any questions that he may have for you.

8 THE COURT: Counsel.

9 MR. YARBOROUGH: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. YARBOROUGH

12 Q Did you have a -- do you have a piece of property at
13 420 Clifdale Road?

14 A No, sir.

15 Q You don't have any rental property?

16 A 420, no.

17 Q Do you know Todd Bradley?

18 A Nephew.

19 Q Yeah. Does he rent a house from you?

20 A No.

21 Q Did he rent a house from you?

22 A No.

23 Q Never has?

24 A No.

25 Q Mr. Gaddy never was one of your renters?

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 A Not to my knowledge.

2 Q Okay. But you do have some rental property.

3 A No.

4 Q You did.

5 A At one time my dad had a -- I was just in charge of
6 it.

7 Q Okay. Okay. And Todd Bradley rented a place, right?

8 A I don't know.

9 Q You didn't have anything to do with -- you said you
10 were in charge of it.

11 A I was.

12 Q And, so, one of those pieces of property I asked you
13 about just a minute ago was that 420 piece, right?

14 A I don't have the slightest idea where that's at.

15 Q You don't have -- you don't have any idea where --

16 A All my stuff's on Goldmine Road.

17 Q That is on Goldmine. But now you're recalling that?

18 A No. I thought you said it was something else. You
19 said Clifton Glendale or something.

20 Q Clifdale.

21 A Clifdale.

22 Q Did -- do you have a -- did you manage the property
23 for your sister?

24 A That was my sister's property. I know where you're
25 talking about, now Clifdale Road, yeah. Okay.

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 Q Okay. And so Mr. Gaddy lived there, right?

2 A I don't know.

3 Q Okay. But Todd Bradley lived there, right?

4 A Yeah.

5 Q And Todd -- you knew Todd Bradley had some roommates.

6 A No. I didn't. I had no -- no connection with Todd.

7 He was a bad boy.

8 Q He what?

9 A He was a bad boy.

10 Q Okay. And that's your nephew?

11 A Yeah.

12 Q That night you had gone to bed, right?

13 A Yes, sir.

14 Q Okay. And you didn't see anybody in the house, right?

15 A No.

16 Q And your wife woke you up, right?

17 A Yeah.

18 Q And the police came.

19 A Yeah.

20 Q And you sat there while your wife talked to the

21 police, right?

22 A Yeah, yeah.

23 Q And you looked outside on your property and stuff that

24 night, right?

25 A Yes. I did.

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 Q And, you know, in looking around when the police were
2 there did you ever say anything about this 4-wheeler that
3 they were talking about being down the road?

4 A We didn't see the 4-wheeler until the next morning.

5 Q Okay. But -- but you didn't see it that night? It's
6 right outside your driveway, right?

7 A I went to the top of the hill. My driveway is one
8 tenth of a mile long.

9 Q I thought you said it was one tenth of a mile, that's
10 what you ran.

11 A That's what I said, one tenth.

12 Q One tenth. So, it wasn't too far from you. You just
13 didn't see it?

14 A It was dark. I couldn't see it, no.

15 Q Okay. You didn't walk around outside with a
16 flashlight or anything?

17 A No, sir.

18 Q Okay. And you've said that you went and looked at the
19 Chevy Suburban, right?

20 A Yeah.

21 Q And you saw that baseball bat in there.

22 A Yeah.

23 Q And you saw things had kinda been scratched around
24 there --

25 A Yeah.

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 Q And you just said a minute ago that the seat was down
2 and it looked like somebody had been asleep in there.

3 A Yeah. Both of them was.

4 Q Both seats were down.

5 A Both front seats, yes.

6 Q And it looked like somebody had been asleep in there.

7 A That's what I figured, or taking it easy one, you
8 know.

9 Q I'm sorry. I couldn't understand you.

10 A I said either that or taking it easy one hiding from
11 the police.

12 Q Well, you said a minute ago it looked like somebody
13 had been sleeping in there, isn't that right?

14 A Yeah.

15 Q And that night you tried to calm your wife down,
16 didn't you?

17 A Yeah.

18 Q And she -- she does suffer from some insomnia, right?

19 A Yes. She does.

20 Q And she takes some sleeping medicine for it, right?

21 A Yeah.

22 Q And that night she had no idea if a black guy or a
23 white guy had come in there, did she?

24 A To the best of my knowledge, yeah.

25 Q Yeah. And to the best of your knowledge nothing was

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 taken from the house, right?

2 A No.

3 Q And you've gone out and looked around at your tools
4 and stuff. Looks like they're moved around. But doesn't
5 look like anything was taken, right?

6 A No. I -- I didn't go down to the shed, no. The
7 tools -- all my tools and stuff in the shed down there
8 where the old car is at.

9 Q Right. The picture we showed of the old car.

10 A Yeah.

11 Q You looked around. You're not -- you said stuff was
12 moved around, but you're not missing anything.

13 A Not until I got to needing it and then it was gone.

14 Q Okay. And this is -- this is your hat, right?

15 A Uh-huh.

16 Q And -- and you do drive that car sometimes, don't you?

17 A Yeah.

18 Q Take your kids to the --

19 A School.

20 Q Your grandchildren you take to the baseball practice,
21 right?

22 A My wife usually does that, yeah.

23 Q But you do it sometimes.

24 A No.

25 Q Never?

Lloyd Trent, Jr.
Cross-examination by Mr. Yarborough

1 A No.

2 Q But that baseball bat's used for baseball practice,
3 right?

4 A Yeah.

5 Q Correct?

6 A Yeah.

7 Q And the -- the -- I think there were some baseball
8 gloves in there. Those were used for baseball practice
9 too, right?

10 A Yeah, yeah.

11 Q Okay. And those are -- those are y'all's. They're
12 just in a different place than you remembered them being,
13 right?

14 A Yeah.

15 Q And you never saw anybody that night, right?

16 A No. I didn't.

17 Q Okay. And when she yelled, you were right there,
18 right?

19 A Well, I got woke up, yeah.

20 Q And at that point the -- one second.

21 (Pause.)

22 Q The -- the Chevy, it hadn't been moved, right?

23 A Oh, no, no. I've got four flats on it.

24 Q It's what?

25 A Got four flat tires.

Lloyd Trent, Jr.
Redirect examination by Mr. Hunter

1 Q That car out there's got four flat tires that your
2 wife drives?

3 A Oh, well, I was talking the Chevy.

4 Q Oh.

5 A No, uh-uh.

6 Q It hadn't been moved.

7 A No.

8 Q That's where it gets parked, where those pictures are,
9 right?

10 A Yeah, yeah.

11 Q And nothing was -- was broken in the car that you're
12 aware of.

13 A Not that I'm aware of, no.

14 Q I'm curious. You said something about that you
15 managed property for somebody. Who do you manage the
16 property for?

17 A My dad. He owned the property.

18 Q He owns the property. And your dad?

19 A I was a collector.

20 Q You're the collector.

21 A Yeah.

22 Q So, you'd go collect money from Todd Bradley.

23 A No, sir.

24 Q No?

25 A My sister owned it when Todd lived there.

Lloyd Trent, Jr.
Redirect examination by Mr. Hunter

1 Q Your sister owned it when Todd lived there.

2 A Yeah.

3 Q But did you ever go there?

4 A No.

5 Q No?

6 A No.

7 Q Well, how did you know Todd lived there then?

8 A My sister told me he was living over there.

9 Q And he is your nephew?

10 A Yeah.

11 Q Your nephew.

12 A Yeah. He's a druggie.

13 Q He's a what?

14 A He's a druggie. I don't have anything to do with him.

15 Q Todd Bradley is a druggie.

16 A Yes.

17 Q You don't have nothing to do with him.

18 A No, sir.

19 Q Okay. Thank you. I don't have any further questions.

20 THE COURT: Anything, solicitor?

21 MR. HUNTER: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. HUNTER

24 Q Why don't you have anything to do with him?

25 A I don't like the boy. He messed with one of my

1 grandbabies.

2 Q Just to clear some up. When you say Chevy, I think
3 all the vehicles involved in this case were Chevys,
4 correct?

5 A Yes. They are.

6 Q The Bel Air, the rollback, the Suburban. They're all
7 Chevys.

8 A Yes. They are.

9 Q So, the one with the four flats would have been the
10 Bel Air.

11 A Yes.

12 Q And that's the one you were speaking about.

13 A Yeah.

14 Q Okay. Now, he also said that there were some baseball
15 gloves in the Suburban. Did you see any baseball gloves in
16 any of the pictures of the Suburban?

17 A I -- I don't remember any being in there.

18 Q So, no baseball gloves like you just said.

19 A I don't remember it. No.

20 Q Thank you.

21 THE COURT: Anything at all?

22 MR. YARBOROUGH: No, sir, Your Honor.

23 THE COURT: Sir, you may leave the stand. Thank you.

24 Madam Forelady, ladies and gentlemen, we're going to
25 break early for lunch today. The solicitor needs a few

Dalton Crow
Direct examination by Mr. Hunter

1 minutes to -- I'm not going to have you wait on that -- to
2 download something for you, and so we're going to go ahead
3 and break early.

4 Everybody be ready by 1:00? By 1:00. Okay. That's
5 an hour and a half, about an hour and 32 minutes or so.
6 So, we'll reconvene at 1:00 -- reconvene at 1:00 .

7 Don't talk about the case; don't think about the case;
8 don't do any research. Enjoy your lunch.

9 Madam forelady.

10 (The following takes place outside the presence of the
11 jury.)

12 THE COURT: Okay. We'll stand in recess until
13 1:00 p.m. -- 1:00 p.m.

14 (Whereupon, a recess was taken.)

15 THE COURT: Have we got everything downloaded we need?

16 MR. HUNTER: We have talked. I decided not to play
17 that, Your Honor.

18 THE COURT: Okay.

19 MR. HUNTER: I don't want some of these other
20 statements coming in if we do play it. I'd rather him have
21 to testify.

22 THE COURT: Okay. Nuts and bolts.

23 One more witness, two more witnesses?

24 MR. YARBOROUGH: You've got one.

25 MR. HUNTER: Likely just one witness, Your Honor.

Dalton Crow
Direct examination by Mr. Hunter

1 MR. HUNTER: Thank you.

2 DIRECT EXAMINATION BY MR. HUNTER

3 Q Investigator Crow, can you go over your educational
4 background?

5 A Yeah. I have a bachelor's degree in criminal justice
6 from U.S.C. Upstate.

7 Q Okay. And after earning that degree did you join the
8 sheriff's office?

9 A Yes. I did.

10 Q Okay. Can you go over your law enforcement
11 experience?

12 A Yeah. I have eight years total in law enforcement.
13 Four of those years I spent on the road as a deputy.
14 During that time I was a field training officer.

15 After that I made the SWAT team. I've been on the SWAT
16 team ever since for over four years now. And I've also been
17 in investigations for about four years now doing mostly
18 property crimes.

19 Q So, you actually joined investigations in 2021?

20 A Yes.

21 Q Okay. So, were you pretty new at investigations at
22 the time this case happened? I know this was over two
23 years ago now.

24 A Yeah. Relatively new.

25 Q Okay. What are the job duties, official duties, of an

Dalton Crow
Direct examination by Mr. Hunter

1 investigator at the sheriff's office?

2 A Investigators -- we get the whatever-crime-happens.
3 The initial deputy comes out and takes a report. And if
4 they can't handle it and finish with that report then and
5 there, they'll shoot it up to us where we'll get the
6 report.

7 During that time we'll go over. We'll make contact
8 with the victims and go over all evidence, collect evidence,
9 speak to any suspects and make charges.

10 Q Okay. So, in this case you're not one of the original
11 officers that is called to the scene.

12 A No. I was not.

13 Q Okay. But, as you said, did you reach out to speak to
14 the Trents?

15 A Yes. I did.

16 Q Okay. Did you do that by phone call?

17 A I did.

18 Q What date was that?

19 A Let me go back to my report to see the actual date.

20 There were several times I spoke with Mr. and
21 Mrs. Trent. Spoke with them on the -- spoke with them on
22 May 11th. Takes a little time for us to be able to get the
23 reports because it has to go through a chain. So, I spoke
24 with them on the 11th of May.

25 Q Okay. So, at this point let's talk a little bit,

Dalton Crow
Direct examination by Mr. Hunter

1 because I know when we were talking to Marilyn about case
2 numbers how are -- how are Spartanburg County Sheriff's
3 office case numbers assigned?

4 A So, they're assigned by crimes. So, you might have
5 multiple crimes happen at one residence or at a time, but
6 they'll do a different case number for each one because
7 there are different charges for each case.

8 Q And that's if they're discovered on different dates,
9 right?

10 A Correct.

11 Q So, obviously, if the Chevy Suburban had been
12 discovered rummaged through the night of the burglary, it
13 would have been one case number.

14 A Correct.

15 Q But because it wasn't discovered until the next day,
16 it's a separate case number.

17 A Right. That'd do a separate case number.

18 Q And the recovery of the rollback would be another
19 separate case number.

20 A Also a separate case number, yes.

21 Q And, so, do you have to do a report for each of those
22 case numbers?

23 MR. YARBOROUGH: Your Honor, can we approach?

24 THE COURT: Sure.

25 (Bench conference held off the record in the presence

Dalton Crow
Direct examination by Mr. Hunter

1 of the jury but out of the hearing of the jury.)

2 BY MR. HUNTER

3 Q Just so we can clear some things up. Just -- just
4 because there's a case number assigned by the sheriff's
5 office does not necessarily mean that the crime had been
6 committed.

7 A Correct.

8 Q Okay. Could just mean that you were called out for
9 something and a piece of evidence or something was taken
10 but necessarily mean that a crime was committed.

11 A Correct. Usually, I mean, that would be called out,
12 information report.

13 Q But even the information report gets a number.

14 A Correct.

15 Q They're just numbers assigned for when the police are
16 called out to --

17 A Yes. That's correct.

18 Q So, you spoke to the Trents. What do you review when
19 you are initially assigned a case?

20 A Any -- anything that the original deputies would have
21 missed, any kind of statements that may -- you know,
22 sometimes when a case first happens a victim can, you know,
23 be a little worked up and not remember everything. And
24 after the fact they start coming to. So, that's my job, to
25 speak with them and, you know, gather any kind of

Dalton Crow
Direct examination by Mr. Hunter

1 information that wasn't initially reported.

2 Q And you, obviously, do a report.

3 A I do.

4 Q Do the initial deputies do a report?

5 A They do.

6 Q Do you review those?

7 A I do.

8 Q Okay. And to make it easier, you have a database
9 called Spillman. That's y'all's --

10 A Correct.

11 Q -- database, correct?

12 A Yes.

13 Q That's where all your reports are.

14 A Right.

15 Q Any piece of evidence that had been collected by
16 someone else is in --

17 A Spillman.

18 Q Logged into that computer database.

19 A That's correct.

20 Q Okay. And you review all of those records before you
21 start working on a case.

22 A I do.

23 Q Did you do that in this case?

24 A Yes.

25 Q Okay. So, you were aware that a fingerprint had been

Dalton Crow
Direct examination by Mr. Hunter

1 lifted off of the Chevy Suburban.

2 A I was.

3 Q And did you ask Marilyn or did you ask Courtney
4 Burgess who works with Marilyn Roman to do a direct
5 comparison of Herbert Gaddy?

6 A Yes. I did.

7 Q But you don't realize that she had already found a
8 match prior to your request?

9 A Yes. So, their system, she had already had a match to
10 him and I -- I didn't know that before sending my request.

11 Q Okay. On May 20th, who did you go and speak with?

12 A May 20th. I spoke with Mr. Gaddy.

13 Q I'm going to show you what's been marked State's
14 Exhibit 2. Let me correct myself, because I was reading
15 your report. In your report you have this dated as May
16 20th when you write your report. But when did you actually
17 go speak to him?

18 A I actually spoke with him on the 19th, the day prior.

19 Q At what time?

20 A At 1530. So, that would have been 3:30 in the
21 afternoon.

22 Q What exhibit number is that so I can reference it?

23 A I'm sorry. Two.

24 Q Two. All right. Do you recognize State's Exhibit 2?

25 A Yes.

Dalton Crow
Direct examination by Mr. Hunter

1 Q And what is it?

2 A This is a pre-interrogation form. Basically, in
3 investigations we usually provide these as our Miranda.
4 That way everything's written down on paper and understood.

5 Q So, this is your form showing that you had given this
6 defendant his Miranda rights.

7 A Correct.

8 Q All right. Who is it signed by?

9 A Mr. Herbert Gaddy.

10 Q Who is witnessed by?

11 A Another detective, Nicki Creel.

12 Q Okay. Do you know why she is not here today?

13 A Yeah. She's on maternity leave. She just had a
14 child.

15 Q But she was with you this day?

16 A Correct.

17 Q And you were present when he actually signed it?

18 A Correct.

19 Q And whose handwriting is there filling in some of the
20 marks?

21 A Mine, Nicki Creel and Mr. Gaddy's.

22 MR. HUNTER: Your Honor, at this time the state would
23 offer State's Exhibit 2 into evidence.

24 THE COURT: Any objection?

25 MR. YARBOROUGH: No, sir, Your Honor.

Dalton Crow
Direct examination by Mr. Hunter

1 THE COURT: Without objection, No. 2 is admitted.

2 (Pre-interrogation waiver form marked State's Exhibit
3 No. 2.)

4 Q All right. Can you tell me whose name is at the top?

5 A Mr. Gaddy's, Herbert Gaddy's.

6 Q What other identifying information is up there?

7 A Just the case number, date and time on the top.

8 Q Okay. And then there's a list of, is it, five items?

9 A Yes. Five items.

10 Q Okay. Are those just -- this sheet is given to them,
11 or do you read those to him?

12 A I read them off.

13 Q Okay. Can you read them to us?

14 A Yes, I can.

15 So, one, says that I have a right to remain silent.
16 Two explains that anything I say can and will be used
17 against me in a court of law. Three advises that I have a
18 right to talk to a lawyer and have one present with him or
19 with me while being questioned. Four advises if I cannot
20 afford to hire a lawyer, one will be appointed to represent
21 me before any questioning if I so wish. And No. 5 advises
22 that I have the right to stop answering any questions at any
23 point in time during questioning.

24 Q Okay. And those items were read to Mr. Gaddy?

25 A Correct.

Dalton Crow
Direct examination by Mr. Hunter

1 Q And he signed underneath stating that he understood
2 those rights.

3 A Yes.

4 Q Was he able to understand, read and write the English
5 language?

6 A Yes.

7 Q And did he make any statements of his own free will
8 without fear of threat or promise?

9 A No.

10 Q Okay.

11 MR. HUNTER: Your Honor, may I pass around to the
12 jury? Might just be easier than trying to put up on the
13 screen.

14 BY MR. HUNTER

15 Q When speaking with Mr. Gaddy, again, he appeared to
16 understand the English language?

17 A Correct.

18 Q All right. Have you ever spoken to someone who
19 appears to be under the influence of alcohol or drugs?

20 A Yes.

21 Q Did it appear at the time that you were speaking with
22 him and he appeared to be under the influence?

23 A No. Not at this time.

24 Q Okay. Did you make any threats or promises of
25 leniency to him?

Dalton Crow
Direct examination by Mr. Hunter

1 A No. I did not.

2 Q Did he ever ask for a lawyer?

3 A No.

4 Q Did he agree to speak with you?

5 A Yes.

6 Q What did you confront him about?

7 A I confronted him about the car break-in that occurred
8 at the -- Mr. Trent's residence, and the burglary, as well
9 as the missing rollback.

10 MR. YARBOROUGH: Your Honor, may we approach?

11 THE COURT: Yes.

12 (Bench conference held off the record in the presence
13 of the jury but out of the hearing of the jury.)

14 THE COURT: Madam Forelady, ladies and gentlemen, I've
15 got another matter I need to take up outside of the
16 presence. It won't be long, but just a minute or two.

17 Please take the jury out.

18 (The following takes place outside the presence of the
19 jury.)

20 THE COURT: Okay.

21 MR. YARBOROUGH: Your Honor, if the Court please.

22 I made a timely objection before lunch about the
23 rollback. We had long discussions about its admissibility
24 or not admissibility under 403.

25 I let them I'd -- we let them go some distance with

Dalton Crow
Direct examination by Mr. Hunter

1 the -- with the picture that I couldn't see before. I
2 would have made -- I would have made a severance motion
3 earlier on if that would have been the issue.

4 But, that being said, I did ask the Court for a ruling
5 to direct the solicitor's office not to continue asking him
6 about a rollback because it is confusing the jury.

7 Now, we came back after lunch. He asked about the
8 rollback. I asked for a side bar. We came up and had a
9 side bar. And I said, Judge, he's just done it again. I
10 said the next time I'm going to have to do something.

11 You directed him at that time not to ask about the
12 rollback again. So, boom, as soon as we come back in here
13 and he starts asking questions again, he's asked about the
14 rollback.

15 There's nothing we can do now except for ask for a
16 mistrial because the state has over and over again asked
17 repeatedly about -- about the issues about this rollback,
18 which are not admissible under 403 because they are more
19 prejudicial than probative. Thank you.

20 THE COURT: Solicitor.

21 MR. HUNTER: Your Honor, I did not even state
22 rollback.

23 I asked him what he talked to him about. Obviously,
24 from my understanding of the ruling, is that we were not
25 going to call it a stolen rollback.

Dalton Crow
Direct examination by Mr. Hunter

1 I didn't even ask about a rollback. I asked about
2 what he talked about. There are three things they talked
3 about.

4 We cannot mention the rollback again from here on if
5 that is what the ruling is, but I did not specifically ask
6 him about the rollback.

7 MR. YARBOROUGH: He said what else did you talk to him
8 about.

9 MR. HUNTER: I asked about -- I'm talking.

10 MR. YARBOROUGH: Okay. I'm sorry.

11 MR. HUNTER: I did not ask about the rollback. I
12 asked what did you speak about. Part of this report is
13 that he states and talks to him about the rollback. His
14 answer is that he didn't have anything to do with the
15 rollback. That's it. I wasn't going to elicit that from
16 him. It was not elicited from him. I think a mistrial at
17 this point is just --

18 MR. YARBOROUGH: Your Honor --

19 MR. HUNTER: That's severe punishment for something I
20 did not ask for.

21 MR. YARBOROUGH: Your Honor, he specifically asked the
22 second question, "what did you specifically ask for?" And
23 if you look at the discovery, the next question was going
24 to be obvious. It's -- it's I asked him about the
25 rollback. That's what he asked about, and then he

Dalton Crow
Direct examination by Mr. Hunter

1 answered. He's following his -- and that's specifically
2 against the Court's ruling.

3 At this point I don't have a choice. This bell's been
4 rung. I'm asking for a mistrial.

5 THE COURT: Well, the mistrial is denied at this
6 point.

7 I could give a curative instruction and strike that
8 from the record. And y'all don't talk about the rollback.
9 Okay.

10 MR. YARBOROUGH: Your Honor, rarely do I ever ask for
11 a curative instruction, but at this time I will ask for a
12 curative instruction that says that Mr. Gaddy is not
13 charged with the theft of a rollback, please.

14 THE COURT: Any objection to that?

15 MR. HUNTER: No objection.

16 THE COURT: Okay.

17 MR. YARBOROUGH: Thank you, Your Honor.

18 THE COURT: Thank you.

19 we'll have the jury.

20 MR. HUNTER: Before we bring them in just don't
21 mention the rollback even if I am asking a question where
22 it appears.

23 THE WITNESS: Okay. All right.

24 MR. YARBOROUGH: I apologize to the Court if I am a
25 little abrupt, and to the solicitor.

Dalton Crow
Direct examination by Mr. Hunter

1 THE COURT: You're noted.

2 MR. YARBOROUGH: Thanks.

3 Your Honor, he wants to -- he wants to now -- Your
4 Honor, he wants to ask a question about where the rollback
5 was found.

6 You allowed him to ask if that was his rollback that
7 was in the woods. I mean, I -- this thing about the
8 rollback, if he asks another question about the rollback
9 it's -- I've already asked for a mistrial. I'm -- I
10 continue to ask that the Court direct him not to ask any
11 more questions about this rollback.

12 THE COURT: Are there any more questions about the
13 rollback?

14 MR. HUNTER: The only thing that we requested before
15 lunch break was to ask how far the rollback was found from
16 this defendant's house, because it is across the street in
17 the woods from this defendant's residence where he -- this
18 officer knows where he lives. And at that time I believed
19 that we were going to be able to ask that. I understand
20 his position now that we've gone through this but...

21 THE COURT: I'm not going to allow that question. So,
22 not going to talk about the rollback.

23 MR. YARBOROUGH: Thank you, Your Honor.

24 THE COURT: Have the jury.

25 (The following takes place in the presence of the

Dalton Crow
Direct examination by Mr. Hunter

1 jury.)

2 THE COURT: Thank you, ladies and gentlemen.

3 At this time I will tell the jury, instruct the jury,
4 that Mr. Gaddy is not charged with the theft of the
5 rollback.

6 Solicitor.

7 BY MR. HUNTER

8 Q When you spoke to Mr. Gaddy did you speak to him about
9 breaking into the Trents' house?

10 A I did.

11 Q What did he tell you about that?

12 A Mr. Gaddy advised me that he was on drugs that night.
13 He wandered onto the property not knowing exactly where he
14 was.

15 Advised that he walked up to the residence and opened
16 the door. That's when he advised that he saw a lady who was
17 not coming to the door for him. So, he stepped inside. And
18 that's when the lady started freaking out -- in his terms --
19 and yelling. And he advised that spooked him and he left.

20 Q So, his statement at the time was that he didn't know
21 where he was, he was high, and he walked into the house.

22 A Correct.

23 Q Did you ask him about breaking into the Chevy
24 Suburban?

25 A I did.

Dalton Crow
Direct examination by Mr. Hunter

1 Q What did he state about that?

2 A Again, he advised that he was high on drugs and didn't
3 remember a whole lot, but he said that he believed that he
4 went into the car and did fall asleep.

5 Q So, according to your reports he advised you that he
6 did go inside that house.

7 A Correct.

8 Q And that he also did go inside four -- of her Chevy
9 Suburban?

10 A Correct.

11 Q But his story is that he was asleep.

12 A That was his story.

13 Q Okay. He -- did he advise that he stayed outside the
14 house?

15 A He advised that after confronting the victim that he
16 left.

17 Q Okay. But did he stay outside the glass door or did
18 he come inside the house?

19 A He advised he came into the house.

20 Q And that's what he told you.

21 A Correct.

22 Q Okay. I know we talked about this. Were you at a
23 location that had video recording equipment?

24 A No, I was not when I spoke with him.

25 Q Did you video or audio record this statement from him?

Dalton Crow
Cross-examination by Mr. Yarborough

1 A I did not.

2 Q Why did you not do that?

3 A I felt comfortable, you know, having a more
4 experienced detective at the time with me, and, you know,
5 looking back now I wish I would've probably recorded it on
6 my phone or another recording device. But, again, as a
7 detective, they don't give us body-worn cameras. So, that
8 wasn't an option.

9 Q So, just to be sure, he -- he told you he entered the
10 house.

11 A Correct.

12 Q Not that he stayed outside.

13 A Correct.

14 Q And he told you he entered that car.

15 A Correct.

16 Q But his excuse was?

17 A That he was high on drugs and didn't really remember
18 and wasn't really sure what he was doing at the time.

19 Q Okay. All right. And one last question.

20 Did this defendant -- was that defendant seen earlier
21 on Goldmine Road?

22 A Yes, he was.

23 Q -- around 5:00 p.m. that afternoon?

24 A Yes. By two other deputies.

25 Q Okay. Please answer any questions they may ask you.

Dalton Crow
Cross-examination by Mr. Yarborough

1 THE COURT: Counsel.

2 MR. YARBOROUGH: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. YARBOROUGH

5 Q At this time -- this -- this case was in 2022.

6 A Yes. That's correct.

7 Q And in May of 2022 you had been working as a
8 investigator for two years?

9 A A little under, correct.

10 Q About two years. And had you gone to the -- to the
11 academy?

12 A Yes. I did.

13 Q And -- and you were trained in how to -- to interview
14 potential suspects?

15 A Correct.

16 Q And as part of that training, it is to be able to get
17 the statement the suspect gives you as fair and accurately
18 as possible.

19 A Correct.

20 Q Is that correct?

21 A Yes. It is.

22 Q Both for the state and the suspect.

23 A Correct.

24 Q Okay. And on that day you went to see Mr. Gaddy,
25 correct?

Dalton Crow
Cross-examination by Mr. Yarborough

1 A Correct.

2 Q And you knew you were going to at least talk to him,
3 correct?

4 A Correct.

5 Q And you took another investigator with you, correct?

6 A I did.

7 Q And was that investigator more senior than you?

8 A Yes.

9 Q Okay. And it was a her, I believe.

10 A It was.

11 Q An African-American woman, correct?

12 A Yeah. I believe she's mixed race, but yes.

13 Q Okay. And at that point you did not take a tape
14 recorder?

15 A Correct.

16 Q You did not take a video recorder.

17 A No. I did not.

18 Q You did not take Mr. Gaddy to the -- the room where he
19 could have been video taped or audio taped, is that
20 correct?

21 A Well, this facility, I'm not -- they don't have an
22 interrogation room.

23 Q Okay. But, so, you had -- but you had the ability to
24 take a tape recorder or a video, right?

25 A That is correct.

Dalton Crow
Cross-examination by Mr. Yarborough

1 Q And I'm assuming you took notes.

2 A My notes are in the report but...

3 Q So, but you didn't write down anything?

4 A No, because I -- I like to when I'm speaking to
5 somebody -- the same reason the jury doesn't take notes --
6 I like to listen to them.

7 Q Okay. So, you understand now that your report has
8 become very important, right?

9 A Correct.

10 Q Okay. But there's -- there's nothing outside of this
11 report than what you put down several days later, right?

12 A Correct.

13 Q And in that report you state that -- that Mr. Gaddy
14 looked in the window of the door, right?

15 A Which report are you referring to?

16 Q Your report. It says --

17 A There's three different ones.

18 Q -- looked into the window and saw a woman, right?

19 A Right. But there's three different reports.

20 Q What now?

21 A There's three different reports that I took.

22 Q Okay. I'm talking about on page six.

23 A Which case number?

24 Q Of 11, I think. Is that right? Here you go. Let's
25 just -- let's make sure we get the same one.

Dalton Crow
Cross-examination by Mr. Yarborough

1 A Okay. Okay.

2 MR. YARBOROUGH: May I approach, Your Honor?

3 THE COURT: Sure.

4 BY MR. YARBOROUGH

5 Q Well, let me ask you this before we go there.

6 A And I'm sorry. Can I ask a question?

7 Q Yeah. Go ahead.

8 A You did not want me to speak on this report.

9 Q Excuse me?

10 A You did not want me to speak on this report.

11 Q I'm sorry? I've lost your question.

12 A Okay.

13 Q You have -- what do you have in your hand?

14 A I have a question.

15 Q Well, let me just -- let me. Maybe I can help you.

16 A Okay.

17 Q Are you talking about you picked up supplemental --

18 A It's an automobile theft report and...

19 Q It's an audio field report. So, you filed it with
20 audio.

21 A No. This report -- the report that you're referring
22 to is a theft of an automobile, of a rollback.

23 Q But what I'm -- what I'm saying, it's your report that
24 talks about going to see Mr. Gaddy, is that not correct,
25 and interviewing him?

Dalton Crow
Cross-examination by Mr. Yarborough

1 A Correct. But the report that you're referring to --

2 Q I'm not asking you that. I'm asking you it's the
3 report that refers to that, right?

4 A Correct.

5 Q That's --

6 A But in -- and that report that you're referring to was
7 speaking about a rollback. That's -- that's the question
8 I'm having error with. I'm just -- how can I speak?

9 MR. YARBOROUGH: Your Honor --

10 THE COURT: Well, no.

11 (Bench conference held off the record in the presence
12 of the jury but out of the hearing of the jury.)

13 MR. YARBOROUGH: Your Honor, I'll note my objection
14 for the record.

15 THE COURT: Sure.

16 BY MR. YARBOROUGH

17 Q And let's just deal with report No. 22050327.

18 A Okay.

19 Q And I don't want you to say what the -- I want you to
20 just talk about what you did. Okay.

21 A Okay.

22 Q Okay. And if you will try, please answer my
23 questions.

24 A Okay.

25 Q He said -- and I'm on page six of 11, correct?

Dalton Crow
Cross-examination by Mr. Yarborough

1 A Yes.

2 Q You'd gotten the prints back.

3 Let's talk about those prints for a second. You had
4 called the printer analysis and told them about Mr. Gaddy
5 at that point, right?

6 A Yes, after they had already ran their own.

7 Q Okay. But you -- you called them.

8 A Correct.

9 Q And you went down there to see him, right?

10 A Yes, yes, after the fact.

11 Q You went down there to see him.

12 A Correct.

13 Q And -- and you did a report about what happened when
14 the house was allegedly broken into.

15 A Yes.

16 Q Right?

17 A Correct.

18 Q Okay. And you did a narrative from Friday, May 27th,
19 at 8:14 in the morning at 222, which is your narrative,
20 right?

21 A Correct.

22 Q Okay. And in that narrative did you know -- because
23 I'm understanding that you had not been out to the house,
24 is that correct?

25 A Correct.

Dalton Crow
Cross-examination by Mr. Yarborough

1 Q Okay. You hadn't been out to the house. So, you
2 didn't know that there were two doors, right?

3 A Correct.

4 Q Okay. So, when you are asking him about that you
5 haven't seen the place.

6 A Not in person, just photographs that were provided.

7 Q Right. But at that point you hadn't -- you didn't
8 know what it looked like. Have you been out there since?

9 A No. I have not.

10 Q Okay. But, anyway, he told you he was -- he was high.

11 A Correct.

12 Q And he told you he was confused about where he was.

13 A Correct.

14 Q And he also told you at that time that he had a really
15 bad leg. And he was showing you where his leg was bad,
16 right?

17 A I don't recall that.

18 Q You don't recall that?

19 A No. It's not in my report, so, I --

20 Q Okay. He said he knocked on the door, right?

21 A Correct.

22 Q Okay. Which was consistent with what you had read in
23 other reports, correct?

24 A Correct.

25 Q And he saw a woman there, right?

Dalton Crow
Cross-examination by Mr. Yarborough

1 A That's what he advised.

2 Q That's what he advised.

3 A Yes.

4 Q Which was consistent with what you had seen in other
5 reports, right?

6 A Correct.

7 Q Did he tell you at that point that he knew the alleged
8 victim?

9 A No.

10 Q Did he tell you that he had lived with their son?

11 A No.

12 Q But he told you he was confused.

13 A Correct.

14 Q And he said after she yelled, he left.

15 A Correct.

16 Q He never said he went in there and took anything.

17 A No. That's not what he said.

18 Q Right. He never said he had any intent to take
19 anything.

20 A Correct.

21 Q And you asked him all of those questions.

22 A I did.

23 Q And you -- you don't have any notes from that day.

24 A The notes are on my report.

25 Q You keep -- okay. You keep saying that, and I want to

Dalton Crow
Cross-examination by Mr. Yarborough

1 ask you a specific question.

2 A Okay.

3 Q The report is generated by you.

4 A Correct.

5 Q And the report is dated -- well, the report is dated
6 sometime after you talked to him on Friday, May 27th, is
7 that correct?

8 A There's several dates.

9 Q Several days afterwards.

10 A Several dates.

11 Q But I'm just talking about this one section, this
12 report, report No. 22050327.

13 A Correct.

14 Q It says you talked to him on Friday.

15 A Correct.

16 Q And we can tell that this report is not generated
17 until sometime after that because it also has something
18 from Monday, July 18th, at 8:17 in the morning, isn't that
19 correct?

20 A That's now how our report system works.

21 Q Okay. So, your report system works where you just --
22 you go interview somebody and you take what you remember
23 and you put it in a tape recorder, right?

24 A No.

25 Q Or you talk into a computer. I'm old. I'm sorry.

Dalton Crow
Cross-examination by Mr. Yarborough

1 You're just going to have to follow me. You talk into a
2 computer and it generates this, right?

3 A It depends on the person, but if you just talk to
4 somebody, you just type it in the report.

5 Q Well, you type it.

6 A Yes, correct.

7 Q Okay. So, yeah. But you're -- you're typing this
8 from what you remember he said and not from your notes,
9 because you don't have any notes.

10 A Correct, because I paid attention to what he was
11 saying at the time.

12 Q You paid attention, but it's really important, and you
13 don't have any audio, right?

14 A Correct.

15 Q And you don't have any video.

16 A Correct.

17 Q But you're a trained officer, and you know that that's
18 important in being able to repeat back what he said.
19 Shouldn't you have gotten that?

20 A Yes. You are correct.

21 Q But you did -- you did take down what he said, and
22 that's your report. This is what you have got, right?

23 A Correct.

24 Q That -- that point. Okay. And you did the same thing
25 when you talked to -- I'm going back in your report.

Dalton Crow
Cross-examination by Mr. Yarborough

1 Let me ask you this. It's -- simply answer my
2 question. The 22050409, is it multiple reports or is it
3 one report?

4 A I'm not sure what you mean. It's one --

5 Q Okay.

6 A -- report on the break-in.

7 Q Let me approach you and show you --

8 A Okay.

9 Q -- since you don't know what I mean.

10 A Yes.

11 Q It's -- where I'm showing you, what I believe is what
12 you have listed as report 2205049.

13 A Yes.

14 Q Are those your typed notes?

15 A Yes.

16 Q Okay. And those notes are -- you're taking them and
17 you're going back and you're typing that a couple of days
18 after you've talked to someone, right, or -- or
19 simultaneously, right?

20 A Correct. Well, you can see --

21 Q And you don't know whether you typed Mr. Gaddy at that
22 time that day or if you did it a couple of days later. You
23 can't remember.

24 A I would have done it that day but...

25 Q Okay. You would have done it that day.

Dalton Crow
Cross-examination by Mr. Yarborough

1 A Typically, yes.

2 Q But you -- how do you know you did it that day if you
3 don't have any notes?

4 A That, the report.

5 Q You're saying because -- because it's typed this
6 way --

7 A It's post dated.

8 Q -- but you're saying you did it that day?

9 A Yes.

10 Q You put it down that day.

11 A It's post dated with the time. I didn't specifically
12 put down in my notes, no, that it was done that day.

13 Q Right. You didn't, and you didn't do it on any of
14 these days.

15 A Correct.

16 Q And -- and, so, what we do is we just have a --
17 your -- your random investigative, kind of what you've
18 done, right?

19 A I wouldn't call it random. Those are your words, not
20 mine, but...

21 Q Okay. Well, I mean, what -- in this report, deputy
22 report for incident 22050409, part of it says May 12th.
23 Part of it says May 20th. It's got different dates on it.
24 So, that's when I say random.

25 A Correct. Well, May 12th -- I post every time that I

Dalton Crow
Cross-examination by Mr. Yarborough

1 do a specific thing. May 12th would have been the time
2 that I spoke with Mrs. Gail Trent, the victim. And then
3 May 20th is when, obviously, the prints came back and --

4 Q Well, okay. So, the print comes back on May 20th,
5 right?

6 A Not -- maybe not that specific day. That's when I
7 typed it.

8 Q That's when you what?

9 A That's when I got the information that the prints came
10 back. I'm not one of the examiners.

11 Q Okay. So, you got the information on -- because
12 you're talking to Gail Trent on May 12th, and she tells you
13 she didn't get a decent look at the suspect, right?

14 MR. HUNTER: Objection, Your Honor. Hearsay.

15 MR. YARBOROUGH: Well --

16 MR. HUNTER: Objection, Your Honor. Hearsay.

17 THE COURT: Hold on.

18 MR. YARBOROUGH: Let me try to rephrase it.

19 THE COURT: Okay. Rephrase it.

20 BY MR. YARBOROUGH

21 Q In the report you generated you told us what you did.

22 A Correct.

23 Q And you said that you spoke to Gail.

24 A I did.

25 Q And in your report it says -- in your report you wrote

Dalton Crow
Cross-examination by Mr. Yarborough

1 down --

2 MR. HUNTER: I'm going to object here, Your Honor.
3 He's about to say what Gail said. He could have asked her
4 that.

5 MR. YARBOROUGH: I -- I did. I'm just -- well, I'll
6 just -- I'll ask it a different way, Your Honor.

7 THE COURT: Okay.

8 BY MR. YARBOROUGH

9 Q Based on the information you had on May 12th -- and
10 you had interviewed Gail by phone -- you did not know that
11 she knew who the suspect was.

12 A I did not have a suspect at that time.

13 Q And you believed at that point that the victim did not
14 know what the subject looked like.

15 A She did not know Mr. Gaddy personally, no. She did
16 not.

17 Q I said but you did not know that she got a decent look
18 at the suspect.

19 A Correct.

20 Q You did know that she did not know whether the suspect
21 was black or white.

22 MR. HUNTER: Your Honor, these are all -- he's just
23 rephrasing in the report. These are all hearsay
24 statements, Your Honor.

25 MR. YARBOROUGH: Your Honor...

Dalton Crow
Cross-examination by Mr. Yarborough

1 BY MR. YARBOROUGH

2 Q Based on your investigation did you know whether the
3 subject --

4 MR. HUNTER: Again, objection, Your Honor.

5 THE COURT: I'm going to let him ask if based on his
6 investigation but not what she said.

7 MR. HUNTER: But he's asking based on what she said.

8 MR. YARBOROUGH: I'm just asking.

9 BY MR. YARBOROUGH

10 Q Based on your investigation.

11 A At that point in time based on my investigation, no, I
12 did not have a clear suspect.

13 Q I asked you if you had an idea whether the suspect was
14 black or white.

15 A No. I did not have a clear suspect.

16 Q Did you find any cameras or anything over at the -- at
17 their house?

18 A There were no cameras at their house which operated,
19 no.

20 Q Okay. I asked you did you find any cameras over at
21 the house.

22 A No. I did not.

23 Q Because you didn't go over there.

24 A Correct.

25 Q You didn't -- you didn't go over to the house, or you

Dalton Crow
Cross-examination by Mr. Yarborough

1 don't know what the front door looked like, correct?

2 A There are photographs of the front door that are
3 introduced.

4 Q Which are the same photos that are in evidence.

5 A Correct. That everybody saw, yes, correct.

6 Q You wouldn't have known. There's been some talk about
7 it. I think it's called a 4-wheeler that was out in the --
8 the driveway. You didn't know anything about that at
9 the --

10 A At the time, no.

11 Q -- time, correct?

12 A During the initial report, I did not.

13 Q You didn't -- at that time based on your investigation
14 you didn't ask any follow-up questions about that roll --

15 A It depends on which case you're speaking of. During
16 the case 327, yes, but during the burglary and the car
17 break-in, no.

18 Q Hold on -- hold on.

19 A Okay.

20 Q Let me get -- let's let you and I see what 327 is so I
21 don't --

22 A Okay.

23 Q Let's see. This one.

24 A Correct.

25 Q If you give me one minute I will look it up.

Dalton Crow
Cross-examination by Mr. Yarborough

1 (Pause.)

2 Q So, I guess what's confusing about your report is
3 three -- so, go back to the one you were looking at, 327.

4 A Yes.

5 Q And in -- you're saying in 327 you made a report about
6 the 4-wheeler?

7 A No. I was saying that by that time when this report
8 was taken it was known that the 4-wheeler was missing, but
9 not by the time of the burglary nor the car break-in.

10 Q Yeah. I mean, but the 4-wheeler wasn't stolen, right?

11 A It was missing.

12 Q It was -- it was in the driveway.

13 A Correct. Not where it's normally parked, so.

14 Q And you put that in your report where?

15 A I did not. Other deputies did.

16 Q You didn't put it in your report.

17 A Correct, because other deputies --

18 Q Because you didn't consider it important.

19 A Well, other deputies already put it in their report,
20 so.

21 Q But you're the --

22 A There are several.

23 Q You're the chief investigator.

24 A Correct.

25 Q You're saying other deputies put that 4-wheeler in

Dalton Crow
Cross-examination by Mr. Yarborough

1 their report. Where is that report?

2 A Correct.

3 Q Where is that report?

4 A Other deputies -- I'm not sure. Again, that -- that
5 would be the responding deputies that responded out for
6 that case.

7 Q This is your case, right?

8 A Not until it comes up to me. The initial report is
9 done by the road deputies. So, it's their case until it's
10 actually sent up to me.

11 Q So, what you did is the subject of these reports.
12 There's stuff that you did basically in the office.

13 A Most of it, and I do from my desk at the office or on
14 the phone or over the phone, talking to him in person.
15 Depends on what needs to be done.

16 Q And Mr. Gaddy was cooperative with you when you went
17 to see him, correct?

18 A Yes, he was.

19 Q And he told you that if he -- told you that he fell
20 asleep in the truck, right?

21 A Yes. That's what he advised.

22 Q And that would be consistent with -- well, you didn't
23 see that truck. But now that you've heard the testimony,
24 would be consistent of the truck, the seats being laying
25 down, right?

Dalton Crow
Cross-examination by Mr. Yarborough

1 A Well, I saw photographs of the truck and that it was
2 ransacked and --

3 Q And that was consistent, right?

4 A You could say that.

5 Q Okay. And I know your partner is on maternity leave.
6 Did she take notes?

7 A She did. All she did was sign the Miranda form and
8 sat in with me.

9 Q Two investigators go to investigate this guy and talk
10 to him, and he's agreeing to talk to you pursuant to
11 Miranda and nobody took any notes. Nobody took any video
12 and nobody took any audio. Is that what you're saying?

13 A That's correct.

14 Q And, so, all -- all we have is a 2-inch paragraph from
15 Friday, May 27th, at 8:14 in your report, is that right?

16 A I'd say --

17 Q And the signed Miranda form.

18 A I'd say it's a little longer than 2 inches, but
19 correct.

20 Q Say it's more than 2 inches?

21 A I would think so.

22 Q Maybe two and a half?

23 A Yeah.

24 Q Did you follow up with -- with the other individual,
25 Michael Bowers, who they found prints on?

Dalton Crow
Redirect examination by Mr. Hunter

1 A Well, I was told by the victims that that was their
2 son-in-law who frequently comes to the house.

3 MR. YARBOROUGH: Let me check, Your Honor. May not
4 have any further questions.

5 (Pause.)

6 BY MR. YARBOROUGH

7 Q Did you ask -- you didn't ask Mr. Gaddy to -- to write
8 a statement. You asked him to write an apology letter?

9 A Yeah, correct. Sometimes that's used as tactics from
10 investigators to get a statement.

11 Q But you asked him to write an apology letter.

12 A I did, which he did not want to do.

13 Q Right. You didn't get him to write out his statement.

14 A Well, I attempted to, but he denied.

15 Q But, I mean, did you -- in your report it says that
16 you attempted him to get a -- write an apology letter.

17 A Correct.

18 Q Doesn't say anything about you getting him to write
19 out a statement, right?

20 A Correct. An apology letter would basically be his
21 statement, which he denied to do.

22 Q Okay. I don't have any further questions. Thank you.

23

24

25

1 REDIRECT EXAMINATION

2 BY MR. HUNTER

3 Q I know we keep talking about multiple statements and
4 multiple case numbers for multiple reports, but it's
5 generally the same report, correct?

6 A Yeah. Generally, it's all the same report. It's just
7 in three different case numbers.

8 Q Okay. And, so, if you spoke with him on May 19th, you
9 would have put on your report to say Friday, May 20th.
10 That's when you actually wrote the report.

11 A Correct.

12 Q Okay. And other officers also do reports.

13 A Correct.

14 Q And as part of your job as an investigator you review
15 those reports.

16 A That's correct.

17 Q And under case No. 327 did Deputy Welch and Deputy
18 Tyler do reports and take pictures?

19 A Yes. That's correct.

20 Q Okay. And do they mention the 4-wheeler?

21 A Yes.

22 Q And were there pictures of the 4-wheeler?

23 A Yes.

24 Q And were you able to observe those pictures?

25 A I was.

1 Q Okay. You asked him to write a statement of apology.

2 He refused to write a statement.

3 A He refused to write a statement.

4 Q Again, why do you ask for an apology letter? Is that
5 a tactic that you use?

6 A It's a tactic I use to get the suspect to write down
7 their statement and, you know, get their point across, and
8 if they actually do feel sorry for the victim to get that
9 across too.

10 Q But he refused to write it.

11 A He refused, correct.

12 Q But, again, it's your testimony that in speaking with
13 him he admitted entering the house.

14 A Correct.

15 Q And entering the vehicle.

16 A That's correct.

17 Q His story is he just wasn't trying to steal anything.

18 A Correct.

19 THE COURT: Anything as to that?

20 MR. YARBOROUGH: One question.

21 RE-CROSS-EXAMINATION

22 BY MR. YARBOROUGH

23 Q He did cooperate with you, right?

24 A He did.

25 THE COURT: You may leave the witness stand, sir.

1 Solicitor.

2 MR. HUNTER: Your Honor, at this time the state would
3 rest.

4 THE COURT: Okay. Madam forelady, ladies and
5 gentlemen of the jury, the state has now rested.

6 Let me tell you what that means. That means the state
7 does not intend to call another witness or introduce
8 another picture or exhibit or item for your consideration.
9 They are done.

10 And at this point I have to take up motions. And I
11 told you before -- you've been out a couple of times --
12 that I need to take up a few motions under our evidence
13 book.

14 And, so, I'm going to excuse you from the courtroom
15 for a few minutes while we do that.

16 You've been sitting about an hour or so. Let's do
17 this. Let's make this a little bit of an early -- about 30
18 minutes or 28 minutes early -- break because when we come
19 back we'll see whether or not the defense intends to put up
20 anything at all.

21 And I remind you, again, and I'll be charging you that
22 they are not required to put up anything whatsoever.

23 Okay. We'll have a little conversation about that,
24 and we will have you back in about 20 or 28 minutes or so.
25 Yeah. Something like that.

1 Madam Forelady, if you will, take the jury out,
2 please.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: Any matters from the state?

6 MR. HUNTER: Nothing from the state, Your Honor.

7 THE COURT: From the defense?

8 MR. YARBOROUGH: Yes, sir, Your Honor.

9 As far as the burglary charge, we believe that the
10 state has not met their burden in charging Mr. Gaddy with
11 entering a dwelling at 351 Goldmine Road in Spartanburg,
12 South Carolina, without either consent or with the intent
13 to commit a crime therein.

14 I don't believe that there has been any testimony to
15 the effect that Mr. Gaddy had any intent to commit a crime.

16 The only testimony about his intentions were those
17 that were spoken out by the detective in this case where
18 Mr. Gaddy said that he was -- he was high and didn't know
19 where he was and knocked on the door.

20 The alleged victim in this case never said he tried to
21 steal anything. He didn't have a weapon. Didn't try to
22 physically harm anybody, didn't threaten anybody with a
23 dangerous instrument, didn't display any kind of
24 instrument. And that's my motion on that one.

25 And my second one is the evidence, again, as far as

1 breaking into the motor vehicle just shows Mr. Gaddy was --
2 if you believe the state's case in its best got into the
3 vehicle to go to sleep. And perhaps he rummaged around,
4 but the seat was down and he was in there to take a nap.

5 We'd urge you to dismiss both of these cases for the
6 state not meeting its burden of proof in proving the
7 elements which are alleged in the indictment.

8 THE COURT: Solicitor.

9 MR. HUNTER: Thank you, Your Honor.

10 Obviously, the way to look at this case is through the
11 lens of the best -- most favorable to the state. And with
12 that we can ignore his self-serving statements that he
13 didn't do it and that he didn't have intent.

14 What we do have is testimony from both the officer who
15 alleges that he interviewed him and he admitted entering
16 the house, as well as Mrs. Trent stating he entered the
17 house, interviewing the officer that he entered the
18 vehicle, fingerprint on the vehicle.

19 Further, for the intent to commit a crime in both
20 items, Your Honor, intent can be shown by actions in and
21 around the time.

22 We have the tools that had been moved from the shed.
23 We had the bat that's been moved from the shed. We have
24 the rummaging around in the vehicle. And we have the hat
25 that has been moved from one vehicle to another, which we

1 would argue shows the intent to commit a crime in both
2 cases.

3 Your Honor, therefore in the light of the evidence
4 most favorable to the state we believe we've met the burden
5 and this is a question for the jury of what his intent was
6 that night, Your Honor.

7 THE COURT: The Court does not weigh the evidence but
8 does view it in the light most favorable to the nonmoving
9 party. If there is any evidence that the defendant
10 committed the crimes, it should go to the finder of fact,
11 which is the jury. So, both motions are denied.

12 Anything else?

13 MR. YARBOROUGH: I don't have anything else at this
14 time, Your Honor.

15 I -- do you want to question Mr. Gaddy about him
16 testifying or not testifying and let me talk to him for a
17 minute and then --

18 THE COURT: I will.

19 MR. YARBOROUGH: That would work for the Court.

20 THE COURT: Yes, sir. It will; I will.

21 MR. HUNTER: And, Your Honor, I can go ahead and put
22 on the record based on our review of his record we would
23 not go past the ten-year period as defined by the law, but
24 in the ten-year period we believe there are four
25 convictions for -- I'll make sure it's four.

1 Three convictions of crimes of dishonesty, because in
2 2018 he was convicted of public disorderly, shoplifting,
3 possession of a stolen vehicle, grand larceny, breaking
4 into a motor vehicle times four, malicious injury to
5 personal property and another petty larceny.

6 So, at least the two larcenies, plus we would argue
7 that the possession of stolen vehicle would come in. So,
8 at least two, if not three, crimes of dishonesty under
9 the -- the law, Your Honor, if he were to testify we would
10 be able to.

11 And, again, I would just ask -- and he'd probably
12 bring it up if he does speak -- that he does have within
13 the last ten years three convictions for a crime of
14 dishonesty.

15 THE COURT: Sir, give your attention to madam clerk
16 and be sworn.

17 HERBERT BRUCE GADDY, having
18 been first duly sworn, was voir dired as follows:

19 THE COURT: Mr. Gaddy, we have reached the stage of
20 the trial where you may present a defense.

21 You have the right to claim protections given to you
22 by the Fifth Amendment to the Constitution of the United
23 States, which states, in part, no person shall be compelled
24 in any criminal case to be a witness against himself.

25 Additionally, you have the right to claim the

1 protections given to you by Article I, Section 12, of the
2 South Carolina Constitution which states, in part, no
3 person shall be compelled in any criminal case to be a
4 witness against himself.

5 This means that you cannot be required to testify.
6 You have the right to do so, but no one can make you
7 testify. This is a personal right, and no person can waive
8 it except you.

9 If you decide to testify you will be subject to the
10 same rules that govern other witnesses, and you may be
11 examined and cross-examined on any relevant issue.

12 Additionally, if you have convictions involving
13 dishonesty or false statements or for crimes punishable by
14 imprisonment for more than one year and this Court
15 determines the probative value of admitting this evidence
16 outweighs its prejudicial effect to you, the solicitor will
17 be able to introduce your record to attack your
18 credibility.

19 If you decide to testify the decision on your part
20 must be freely, intelligently and voluntarily made with
21 knowledge of the protections given to you by the
22 constitutions of the United States and the State of South
23 Carolina and the consequences of your decision.

24 If you decide not to testify I will instruct jurors
25 they cannot give the fact that you did not testify any

1 consideration, and there will no prejudice to you.

2 It is entirely up to you as to whether or not you
3 testify.

4 At this time, sir, I'm going to allow you to speak
5 with your lawyer, a family member or a friend, but the
6 final decision must be yours, and it's entirely left up to
7 you.

8 Do you understand what I told you, sir?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. We're going to take a break. And
11 when we come back we'll ask you for your decision.

12 (Whereupon, a recess was taken.)

13 THE COURT: Okay. Solicitor.

14 MR. HUNTER: Thank you, Your Honor. May it please the
15 Court.

16 Obviously, just before this we spoke at the bench with
17 Attorney Yarborough and myself and you, and we just asked
18 for a reconsideration of your prior 403 ruling as to the
19 rollback, Your Honor.

20 I did produce State vs. Johnson specifically talking
21 about res gestae and talking about uncharged crimes where
22 the South Carolina Supreme Court adopted the Fourth Circuit
23 description.

24 I wanted to bring to your attention. I did the -- the
25 uncharged offense -- in our case the rollback -- is so

1 linked together in point in time and circumstances.

2 Obviously -- obviously, we believe that this was taken
3 the same night as the burglary at the same residence with
4 the crime charged, which would be burglary, that one cannot
5 be fully shown without proving the other -- the other --
6 and is thus part of the res gestae crime charged where
7 evidence is admissible to provide the full presentation of
8 the offense. There is no reason to fragmentize the event
9 under inquiry by suppressing parts of the res gestae.

10 So, we just ask that you make a new ruling that we are
11 allowed to talk about the rollback and how the rollback
12 went missing the same night of the burglary.

13 Ultimately, we are requesting that we be able to
14 reopen our case and ask the officer where the rollback was
15 located, because we believe the testimony would show that
16 it was located in the woods across from the defendant's
17 residence. So, that was our request, Your Honor.

18 THE COURT: Mr. Yarborough.

19 MR. YARBOROUGH: Your Honor, in reviewing this case I
20 think the Court's already ruled.

21 I'm not sure this case is directly on point. When
22 I -- after I read Judge Beatty's and Judge Kittredge's
23 dissenting in separate opinions, it -- it's talking about
24 stuff that was in different counties, and I don't think --
25 I personally don't think it necessarily applies in this

1 case, but I would also say that the Court's already ruled
2 and told the jury they can't consider the rollback.

3 He's not charged with it, and so I would ask the Court
4 not to change their opinion at this point. And besides the
5 fact the record is already closed.

6 THE COURT: I'm going to deny reopening the record.
7 I'm not sure it's on point either. But if I have committed
8 an error, it would be in favor of the defendant. And I am
9 going leave it as is.

10 MR. HUNTER: And, Your Honor, just as we spoke,
11 obviously, I'm not going to go into the theft of the
12 rollback. But will I be able to say in closing that the
13 rollback went missing the same night of the burglary?

14 THE COURT: Yes. We talked about that at the side bar
15 too. It went missing that night and it was found in the
16 woods. But we don't have any other evidence where it was
17 found.

18 MR. HUNTER: Okay.

19 THE COURT: I need a decision from the defendant.

20 Sir, you are still sworn.

21 MR. YARBOROUGH: Your Honor, he wants me to make the
22 decision.

23 I keep telling him it's his decision, I can't make it
24 for him. And I've given him all my advice from years of
25 experience and told him what's happened in cases and what

1 hasn't happened and I --

2 THE COURT: Mr. Gaddy, he cannot make that decision
3 for you.

4 THE DEFENDANT: I'm going to take the stand, Your
5 Honor.

6 THE COURT: You're going to take the stand. All
7 right.

8 MR. YARBOROUGH: Make sure that we agree on what's
9 admissible in his prior record.

10 THE COURT: Okay.

11 MR. HUNTER: Again, just the ones that are possible.

12 2018, just the thefts and the crimes of dishonesty.

13 Are possible shoplifting, possession of stolen vehicle,
14 grand larceny and petty larceny.

15 I'll just ask in 2018 were you convicted of crimes of
16 dishonesty, or he can ask that, I guess.

17 THE COURT: Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And you still choose to take the stand.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. That's your right.

22 Everybody ready for the jury?

23 MR. YARBOROUGH: Yes, sir.

24 THE COURT: We'll have the jury.

25 (Pause.)

1 MR. YARBOROUGH: He's changed his mind, Your Honor.

2 THE COURT: He's changed his mind.

3 MR. YARBOROUGH: Yes, sir.

4 THE COURT: Okay. Is -- you calling anybody at all?

5 MR. YARBOROUGH: No, sir. I'm going -- can I rest and
6 then have -- I know --

7 THE COURT: We got -- stop the jury. He's changed his
8 mind. Tell them that something's come up. I won't tell
9 them what.

10 MR. YARBOROUGH: Your Honor, based -- based on the
11 issues with the rollback and potential, I think Mr. Gaddy's
12 correct in deciding that he should not testify.

13 And I've explained that to him and I think he
14 understands it. There are a lot of moving parts I think
15 he's making -- I've given him the best advice I can give
16 him, and he's decided that.

17 THE COURT: Sir, that's your decision?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You have now changed your mind and you do
20 not wish to testify.

21 THE DEFENDANT: Yes, sir.

22 The only -- the only problem I have with it is the
23 question I just asked him. He keeps trying to bring up
24 crimes that I did not commit, and he keeps wanting to bring
25 those crimes up. If he's going to bring those crimes up in

1 my testimony that I did not commit and I've not been
2 charged with it, why should I do it?

3 THE COURT: What are you talking about?

4 THE DEFENDANT: I asked him if he was going to say
5 anything about the rollback and he said he was.

6 THE COURT: He's going to say where -- he's going to
7 say that it was found in the woods and it went missing that
8 night.

9 THE DEFENDANT: If I've not been charged with a crime
10 and it's not been proved that I --

11 THE COURT: I'm past that -- I'm past that.
12 Okay. You're not going to testify.

13 THE DEFENDANT: No, sir.

14 THE COURT: Okay. He's not going to testify.
15 Does the defense rest or are you calling witnesses?

16 MR. YARBOROUGH: The defense rests, Your Honor.

17 THE COURT: The defense rests.
18 Okay. Anything from the state?

19 MR. HUNTER: No, Your Honor.

20 THE COURT: Okay. Mr. Yarborough.

21 MR. YARBOROUGH: Your Honor, can I have ten minutes?

22 THE COURT: Well, do you want to renew motions first?

23 MR. YARBOROUGH: Oh, I'm sorry, Your Honor.

24 We -- I apologize. We just did them -- I've renewed
25 my motions that I previously made that the state has not

1 met its burden of proving the elements of burglary first
2 for the same reasons I had outlined before, and I would
3 again make those motions, again, into the breaking into the
4 motor vehicle, that by a preponderance of -- by any
5 situation beyond a reasonable doubt the state has not
6 proved that Mr. Gaddy had any intent to commit a crime in
7 either indictment.

8 THE COURT: Anything from the state?

9 MR. HUNTER: No, Your Honor.

10 Since we just did these arguments, and I don't think
11 anything's changed since, then we rest on the same
12 arguments made.

13 THE COURT: Okay. The motions are again renewed. You
14 are protected on the record, and they're denied for the
15 same reasons heretofore enunciated by the Court. Nothing's
16 changed.

17 Anything else?

18 MR. HUNTER: I think he just needs to rest before the
19 jury. That's it.

20 THE COURT: Yes. I'll let him. I'll let him do that
21 just in a little bit.

22 Okay. Let's do this. I need to see the lawyers.
23 We're going to go up here to this conference room and talk
24 about the charge for a minute, and then we'll let the jury
25 come in and you can rest in front of them and then we'll

1 proceed straight to the charge. How about that?

2 (Pause.)

3 THE COURT: Let me see the lawyers. We have got a
4 juror issue -- 77. Here's what we're going to do. We're
5 going to give these to Ms. Linda as a court's exhibit, and
6 I am going to excuse her and thank her for her service.

7 (Bench conference held off the record.)

8 THE COURT: Ma'am, I understand you're not feeling
9 well.

10 THE JUROR: No, sir.

11 THE COURT: Okay. You stand right there. You're
12 fine. We're on the record here.

13 I'm going to excuse you, and we'll put an alternate
14 there. Thank you for your service. You may turn your badge
15 in to the bailiff.

16 THE JUROR: Thank you for having me. I'm sorry.

17 THE COURT: Yes, ma'am.

18 I'm going to ask you to call after 6:00 p.m. tonight,
19 please.

20 THE JUROR: Is it --

21 THE COURT: He'll tell you. Make sure you have a
22 yellow and/or blue or whatever you've got to have, but call
23 after 6:00. I hope you feel better.

24 THE JUROR: Thank you, sir.

25 (Whereupon, Juror No. 83 was excused.)

1 (Juror numbers marked Court's Exhibit No. 1.)

2 THE COURT: No. 77 is now part of the jury.

3 (whereupon, a recess was taken.)

4 THE COURT: We are going to let the defense rest and
5 we are going to send the jury home until in the morning.

6 Okay. Get him in here. Ready for the jury?

7 MR. YARBOROUGH: Yes, sir.

8 THE COURT: We will have the jury.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Okay. We're back on the record in the
12 State of South Carolina vs. Herbert Bruce Gaddy.

13 Before I recognize defense counsel, we need to put on
14 the record that Juror No. 83 was not feeling well and has
15 been replaced. And after a random selection, Juror 77,
16 Mr. Scott Jackson -- where are you, sir? You are now part
17 of the 12. You are part of the 12. Let me explain how
18 that's done.

19 we took both numbers times, and you have to put them
20 in a cup and shake them up. And you are the lottery
21 winner. So, you are now part of the 12. And I sure hope
22 Juror No. 83 feels better later on today or tomorrow.

23 With that, we're getting ready to send you home for
24 the evening, and the reason for that is the defense is
25 going to rest here momentarily and we're going to be

1 sending you home, because by the time we argue and charge
2 it would be very close to 5:00 p.m. I'm not going to keep
3 you here late. I know there's some people have childcare
4 issues and so forth. Being a grandparent, I am sensitive
5 to that. So, at this point let me recognize the defense.

6 MR. YARBOROUGH: At this point the defense would rest,
7 Your Honor.

8 THE COURT: Okay. The defense now -- has now rested.

9 Ladies and gentlemen, what that means is that the
10 defense does not intend to put up a case, nor are they
11 required to do so, and that will be part of my charge
12 tomorrow.

13 So, the state has rested. All the evidence that's
14 coming in is in. There's nothing else can come in. No
15 other pictures, no other report, no nothing. It's all in.

16 So, I'm going to excuse you for the evening. Ask you
17 to be back in place at -- before 9:00 a.m. tomorrow
18 morning.

19 Again, I'm here early. The lawyers will be here, and
20 we will go straight to the arguments of the lawyers before
21 you, and then I will charge you on the law that my law
22 clerk has prepared. It's already prepared. I'm ready to
23 go. And I'll be bringing your bothers and sisters in so
24 they can have fun on another case while you're
25 deliberating.

1 So, with that, Madam Forelady, if you will, take
2 everyone out and be excused until tomorrow morning.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: We're going to be in recess on this until
6 9:00 tomorrow morning.

7 END OF PROCEEDINGS AUGUST 13, 2024

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings August 14, 2024)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Any matters?

5 MR. YARBOROUGH: Do you want to discuss charges?

6 THE COURT: Yeah, do you need to talk about it up here
7 a minute?

8 MR. YARBOROUGH: I think I better wait for my client
9 to get here.

10 THE COURT: Okay.

11 MR. HUNTER: I think we also just need to have a
12 sidebar, which I don't want to go against your rulings in
13 what I say.

14 THE COURT: Okay.

15 (Bench conference held off the record.)

16 (Pause.)

17 THE COURT: Okay. Anything from the state?

18 MR. HUNTER: Yeah. Just what we spoke at the side
19 bar.

20 Obviously, during the trial I think the only real
21 point of contention Mr. Yarborough had was this rollback
22 truck that went missing from the property, that we allege
23 went missing the night of the burglary.

24 During the trial information that the rollback truck
25 did go missing and that it was located about 5 miles from

1 the house in the woods was entered into evidence.

2 while I wasn't able to go any further into that, that
3 was entered in. That testimony was taken. The jury heard
4 it. And while, obviously, he can go into the fact that he
5 was never charged with it -- and I'll even say he's not
6 charged with it -- but that was entered into evidence, and
7 I believe I should be able to state that to the jury.

8 THE COURT: Mr. Yarborough.

9 MR. YARBOROUGH: Your Honor, I have objected over and
10 over again. I thought the Court had ruled at different
11 times that the jury was not to consider the rollback, but
12 what you're allowing him to do by mentioning the
13 rollback --

14 (Pause for microphone problems.)

15 MR. YARBOROUGH: I'll go back to the rollback.

16 Your Honor, from the very beginning every time
17 anything came up about this rollback I've objected to it,
18 and I think the Court has had numerous hearings or numerous
19 dialogue and a ruling that the rollback is not to be
20 considered. I think that's -- he's not charged with it.

21 THE COURT: He's not charged with it.

22 MR. YARBOROUGH: He is not charged with it. And by
23 allowing them to say the rollback went missing is just like
24 the state telling them that he is charged with it. It's
25 like, okay. he's not charged with it but we're going to let

1 you say it's missing. And -- and that's not -- those
2 elements of him taking that truck are not part of it.

3 If that would have been part of the case, I would
4 have -- if I didn't -- if I thought that I would have said
5 that the rollback was returned or told. They got a call
6 from the sheriff's office and said that the rollback was
7 returned.

8 And he was in jail when that happened. It didn't have
9 anything to do with Mr. Gaddy. But because the Court ruled
10 that he's not -- not charged with the rollback, we haven't
11 developed that whole defense.

12 And so by allowing them to do that, it's
13 counterintuitive of your previous rulings.

14 He's also said -- I don't believe there's ever been
15 any evidence before the jury that that place is 5 miles
16 away or a half a mile away. When we went back in chambers
17 he said that was a half a mile away. He's now going to
18 argue it's 5 miles away. You know, we couldn't develop any
19 of that in front of the jury.

20 So, now you're allowing him to mention it, and, so,
21 you're giving him -- said, oh, well, no cake, but let --
22 you have stopped the defense from developing any type of
23 information about the rollback, because we thought it was
24 over with, and now you're going to allow him to argue to
25 the jury that, oh, by the way, there was something stolen

1 that night, it was a rollback. well, none of that has been
2 developed before the jury.

3 THE COURT: well, he's not going to say it's 5 miles
4 away. That never came in.

5 MR. YARBOROUGH: He just said that.

6 THE COURT: well, what came in was, is that it was
7 found in the woods.

8 MR. HUNTER: And the 5 miles away is from their
9 residence, Mr. Yarborough.

10 MR. YARBOROUGH: I know but that -- none of that
11 evidence is before this jury. That's the problem. None of
12 that has been developed, and I thought realistically with
13 the Court's ruling I didn't need to develop those things.

14 THE COURT: what are you going to say about the
15 rollback, it was just found? I mean, it went missing.

16 MR. HUNTER: It went missing the night of the
17 burglary.

18 THE COURT: well, that's a fact. It went missing.

19 MR. YARBOROUGH: Your Honor, I think I've stated my
20 objection as well as I can. But by allowing him to say
21 that the rollback went missing, it is just like him saying
22 that the rollback was stolen, and that is not before this
23 jury and he wasn't charged with that.

24 He was charged with a car that was sitting in the
25 driveway that was rummaged through and had been broken into

1 it. So, they have that evidence before the jury. They
2 could have easily charged him with the rollback if that's
3 what the issue was.

4 What the issue is this, is the state didn't charge him
5 with it and now because they don't have any evidence of
6 them taking anything away from the crime scene, they're
7 going to try to prove that the reason he is guilty of this
8 is because the rollback went missing, and that's never been
9 before this court. That's never been -- that wasn't part
10 of the charge; that wasn't -- that wasn't part of any of
11 the discovery. It wasn't part of anything.

12 There's no -- there's no way that this jury should be
13 allowed to think that that night there was a rollback
14 stolen, and that's exactly what he's getting ready to say.

15 He's going to say the rollback went missing. In
16 anybody's mind that means something got taken that night,
17 and there's no evidence before this jury and in both -- in
18 the charge for burglary first it talks about taking stuff
19 away and intent. But he's going to try to prove intent by
20 that rollback being gone.

21 MR. HUNTER: He's correct, Your Honor. An item went
22 missing from the house. It's just as if a rake had went
23 missing.

24 We don't have to charge, and just because an item is
25 uncharged does not mean we can't talk about it. That's the

1 State vs. Johnson case that I gave you yesterday. An
2 uncharged crime can still be talked about at trial.

3 It's as if a rake went missing from that shed. I
4 would be able to talk about the rake that is missing from
5 that shed even if he's not charged with the larceny of that
6 rake.

7 MR. YARBOROUGH: But --

8 MR. HUNTER: Because it does go to the intent to
9 commit a crime in the breaking in the motor vehicle, and
10 because that's what I have to prove, that he intended to
11 steal. And in this case I believe it is intended to steal
12 something. And, ultimately, something did go missing from
13 that property.

14 THE COURT: But you're not saying that he's the one
15 that stole the truck.

16 MR. HUNTER: I can't prove that he's the one that
17 stole the truck.

18 MR. YARBOROUGH: And that's the point right there. He
19 can't prove that he's the one that stole it. That's
20 exactly right.

21 MR. HUNTER: Well, I can't prove it based on --

22 MR. YARBOROUGH: Because he can't prove it, he wants
23 to say that it went missing.

24 MR. HUNTER: I can't prove it based on his ruling,
25 because I was unable to provide any extra evidence of the

1 fact that it was found a half mile from his residence.

2 THE COURT: Yeah. That didn't come out. That's
3 right.

4 Okay. I'm going to let him talk about it just a
5 little bit, that it went missing, but that's it. And
6 you're protected on the record.

7 MR. YARBOROUGH: Okay. So I -- let me make sure,
8 because I don't like to object. And I'll tell you what.
9 I've gotten burned on this thing before the Court of
10 Appeals before, and the Supreme Court, and, so, I will note
11 for the record that they don't agree with me. But I don't
12 think I should have to object when he's up there talking
13 about this rollback. But I'm telling you the Court has
14 told me that I have to. So, when he mentions that
15 rollback, I'm going to object. Okay.

16 THE COURT: That's fine.

17 Anything else?

18 MR. YARBOROUGH: No, sir.

19 THE COURT: You have one more.

20 MR. YARBOROUGH: I did ask you about I didn't want the
21 charge of attempted burglary. I think it's going to be
22 confusing to the jury.

23 You charge mere presence. It's either -- it's their
24 hammer, or not. I mean, did they prove that he -- he
25 burglarized or walked in the house, that's their -- their

1 allegations are that he stepped into the house, not that he
2 attempted to step into the house.

3 MR. HUNTER: And, Your Honor, we're asking for the
4 charge because some of the questioning from Mr. Yarborough
5 was that he never actually entered the house, that he just
6 went on the porch and knocked on the door and left.

7 Therefore, we'd argue that attempted is correct. I
8 believe it's under State vs. Green. And, obviously, the
9 last trial term you, obviously, went into this with both
10 the attorneys and you charged it on a burglary case where
11 they, again, went on the porch but did not enter the house.

12 THE COURT: And that -- that's going to be charged,
13 but you are protected again.

14 MR. YARBOROUGH: Okay.

15 THE COURT: Anything else?

16 MR. YARBOROUGH: I just -- so the Court will
17 understand, I -- I think what you're allowing them to do on
18 this rollback truck is allowing them to argue that it
19 went -- it was stolen.

20 I need to make sure I'm clear on the record on that,
21 because by him saying no matter what he said that it went
22 missing, that means it was stolen, and I just -- you know,
23 I don't know how else to say it but that.

24 THE COURT: You did. You're protected.

25 Okay. Anything else?

Closing arguments

1 MR. HUNTER: Just I go, he goes, and then I have
2 rebuttal, correct?

3 THE COURT: That's correct. You have to open in full,
4 and then he goes, and then you get rebuttal.

5 We will have the jury.

6 MR. YARBOROUGH: Your Honor, my client did ask me to
7 put something on the record about that rollback, is that --

8 THE COURT: Hold them up a minute there.

9 MR. YARBOROUGH: And I think he's right that we -- we
10 were not -- because we didn't think that this was going to
11 be argued, we were not allowed to go into the fact that it
12 had not -- it had been hot wired or that his son lived
13 right down the street from there, a number of other reasons
14 why that rollback could have been, gone, missing.

15 And because of that we did talk about the -- his son
16 living close to there. We would have developed that with
17 the rollback. And because -- because of the Court's
18 original ruling, we didn't develop that information, and I
19 guess we can -- I mean, if -- depending on what he says, I
20 guess I can argue whatever I want to about that rollback,
21 right?

22 THE COURT: Well, you can argue that he's not -- not
23 only is he not charged with it, that there's no evidence
24 that he took it. I mean, nobody saw him take it. I don't
25 know what else. I mean, you're a fine lawyer. You know.

Closing arguments

1 You can argue that.

2 MR. YARBOROUGH: Thank you, Your Honor.

3 THE COURT: You are.

4 We'll have the jury.

5 (The following takes place in the presence of the
6 jury.)

7 THE COURT: Madam Forelady, is the jury ready?

8 THE FOREPERSON: Yes, Your Honor.

9 THE COURT: Thank you.

10 Solicitor.

11 MR. HUNTER: May it please the Court.

12 Thank you for your attention in this matter. I know
13 when I first got up here I said we'd be done Tuesday, and I
14 guess technically we were done with the case on Tuesday,
15 and we're now here at the end. But at the end of my talk,
16 my argument, I'm going to ask you to find him guilty of
17 burglary first and breaking into a motor vehicle.

18 Now, I went over the elements of each of those crimes.
19 And after I speak, Mr. Yarborough is going to have a chance
20 to speak. And if he chooses to speak, I then get to have
21 rebuttal to what he says. After that rebuttal the judge is
22 going to give you what's called the jury instructions or
23 the jury charge.

24 He's going to go over all the things that we have to
25 prove. He's going to go over presumption of innocence,

Closing arguments

1 reasonable doubt, direct and circumstantial evidence,
2 intent and a bunch of other legal items. And he's going to
3 give you the definitions.

4 So, ultimately, if I say something or Mr. Yarborough
5 says something that is not in agreeance with what he says,
6 what he says is what matters. What Judge Kelly says is
7 what matters.

8 And what you're going to hear about is how -- and I'm
9 going to go straight into the charges. He's going to talk
10 about burglary first and breaking into a motor vehicle.

11 He's also going to talk about attempted burglary
12 first.

13 Now, for both of these items, they're very similar
14 items. He entered into the dwelling, with a car without
15 consent, with the intent to commit a crime. And in both of
16 these cases, both the car and the house, the crime that we
17 believe we proved to you that he intended to commit was
18 theft.

19 And, so, there may have been argument between us,
20 questions to the witnesses, about whether he entered the
21 house or he stood at the door, and that's where the
22 attempted burglary comes in, because if you believe that he
23 intended to commit the theft but he stood at the door and
24 never actually went into the house, that's attempted
25 burglary.

Closing arguments

1 But you'll also hear with burglary any entry -- a
2 fingertip through the threshold of that door -- is entry.
3 When you open a door, you can't open a door without
4 entering the house, especially a door that swings in. In
5 this case a door that swings inward. You've seen the
6 pictures. That wooden door swings in. You can't open that
7 door without entering the house.

8 And we've heard from two witnesses. Investigator Crow
9 who interviewed Mr. Gaddy who stated that he said that he
10 entered the house and from Mrs. Gail Trent who stated he
11 entered the house. He didn't stand outside the glass door.
12 He entered the house.

13 But what's interesting, whether you believe he entered
14 the house or not, that's burglary or attempted burglary.

15 The bigger question and the one that he's going to
16 focus and what I'm going to focus on is the intent to
17 commit a crime, and this is where you as the jury get to
18 use your common sense. You don't have to leave that at
19 home. You all have it. Everybody's in a certain age.
20 Everybody has lived a life. You understand how the rule
21 works. You get to use your common sense.

22 What is it your common sense tells you when someone
23 comes to your house at midnight when you're a tenth of a
24 mile off the street? What does your common sense tell you
25 when your car has been rummaged through, items have been

Closing arguments

1 taken out of the center console, items have been moved in
2 the car?

3 what does it tell you when in your shed tools have
4 been moved and placed on top of a vehicle, when a baseball
5 bat has been taken from that shed and put into the Chevy
6 suburban? what does your common sense tell you?

7 And what's interesting, what's good for the state is
8 criminal intent can never be shown with a hundred percent
9 absolute certainty. You'll actually hear him say those
10 words.

11 We don't have a doctor that can dissect someone's
12 brain to know exactly what they were thinking, but you can
13 look at their actions both before and after to understand
14 what their intent was.

15 If he's moving stuff in the shed, he's rummaging
16 through the car, his intent was to steal that night. But
17 he got caught. He got greedy. He got caught because
18 Mrs. Gail Trent was watching Dateline that night.

19 And I know they made a big deal about whether she was
20 taking medicine or not. So, I guess because she was taking
21 medicine she didn't know if he was in the house or behind
22 the door, because we heard about the fingerprint on the
23 car.

24 We heard how he admitted to Officer Crow that he was
25 actually there. They made a big deal about the medicine.

Closing arguments

1 The medicine don't matter. She said she didn't take it
2 when he came in the house.

3 And if he's rummaging around the car, that shows what
4 his intent was when he entered that house. But there's
5 someone in that house who's asking her husband to get him
6 out.

7 And what does he do? He doesn't back off, stay there
8 and wait for police, explain, hey, I'm sorry, wrong house.
9 He runs. He's gone when the police get there. What does
10 your common sense tell you about that?

11 Now, through the case we presented the pictures. Let
12 me talk about the fingerprints for a minute, because,
13 ultimately, the fingerprints were a lot of witnesses, but
14 all it was is his fingerprint was found in the car, a car
15 that he then admits to Investigator Crow that he went into.
16 And he says he just fell asleep in it. Of course he was
17 high. He fell asleep.

18 Okay. There was a seat laid down. Maybe that makes
19 sense. But why was the other seat laid down if he was just
20 going to sleep? Why was the center console, why were the
21 C.D.s and all the other items pulled out? If you're going
22 to sleep, you're not doing that.

23 Why were there items taken from the luggage pulled
24 back in the trunk? Why is there a baseball bat that
25 belongs in the shed now in the car? If you're just going

Closing arguments

1 to sleep, those things do not occur. They occur because
2 you're going to steal them or you're looking for something
3 to steal. And, ultimately, she had some Gaither C.D.s, a
4 menu. There's not much of value in that car.

5 He got greedy and wanted to go in the house. Luckily
6 for them, they were there. When you're outside that
7 house -- you see the picture. That picture is taken after
8 police have been called, after police come there, after
9 their daughter, granddaughter has been woken up.
10 Everybody's up. Police have gotten there, gone through the
11 house.

12 And, so, when the picture is taken the door is open.
13 But she stated when she was watching T.V., and, again,
14 common sense, around midnight you're watching T.V. in your
15 living room, husband is asleep. That door could be opened
16 or closed, the wooden door.

17 So, he has to open the storm door and he has to open
18 the wooden door. And when he steps in that house, because
19 he's greedy, because he couldn't find anything in that
20 vehicle to steal, he's confronted by Gail Trent who is
21 screaming bloody murder to her husband get the gun, there's
22 a man in the house.

23 And while he may know their son they, do not know him.
24 Their testimony is that he'd never been at that house.

25 He walked into that house and he got caught. And just

Closing arguments

1 because he was in there for a few seconds does not mean he
2 didn't intend to steal something.

3 And what's interesting about the burglary case, the
4 burglary law, is that you don't actually have to steal
5 anything. It is only what you intended to do when you
6 stepped in that house.

7 Let's say you intended to fight someone. You go to
8 their house but a fight never happens. You walk into their
9 house wanting to fight them, you intend to assault them but
10 no fight actually happens, you're not going to be charged
11 with the assault because no assault actually happened. But
12 you can still be charged with burglary because you walked
13 into that house without consent with the intent to commit a
14 crime.

15 So, just because you get caught at the front door
16 before you can do any of the larceny doesn't mean you're
17 not guilty. If you walked in with the intent to steal
18 something, you're guilty.

19 And, again, this is before midnight. I keep saying a
20 tenth of a mile, but think of it as almost two football
21 fields away from the living room. Their house sits up on a
22 little hill.

23 The blinds were down. Door was shut. You can't see
24 who's in that house. You can't see that she's watching
25 T.V. So, the fact that he told Investigator Crow that she

Closing arguments

1 was watching T.V. means you can only that if you opened the
2 wooden door. That's the only way that you can do that.

3 And I want to read a little snippet of a 1940 case
4 that's been repeated by our Supreme Court. Says, "A
5 presence of closed doors and locked windows is notice to
6 the world that entry is forbidden." That's a 1940 case
7 from our Supreme Court. Repeated again by our Supreme
8 Court in 2009. "Notice to the world that entry is
9 forbidden."

10 He didn't go up to this house around midnight to see
11 if she was okay. He went up to this house to steal
12 something.

13 The baseball bat has been moved from the shed. You
14 saw those tools that were on top of that Chevy Bel Air.
15 And, again, I think there's some confusion. All the cars
16 that they own are Chevys -- Suburban, Bel Air. That
17 rollback is a Chevy. All of it are Chevys. The Bel Air
18 has the four flat tires.

19 But if you are the one owner of a 1955 Chevy Bel
20 Air -- looked in pretty good condition other than the dust
21 it has -- you're not putting a drill on top of your hood.
22 You are not scratching that vehicle up.

23 And we know that that baseball bat's in that shed.
24 Tools are being moved around. What does that tell you in
25 your common sense? That you're just there to sleep?

Closing arguments

1 Now, I do want to speak about one thing that the judge
2 is going to give you an instruction on, and that's called
3 voluntary intoxication. And what the law says is you can't
4 get up there. It is not a defense to say I was
5 intoxicated, I don't know what I was doing.

6 You don't -- you can't say I drank too much, I smoked
7 too much or I did too much meth, I don't know what I was
8 doing. If you choose to take an intoxicating substance,
9 you don't get to then say I didn't have the intent to do
10 something because I took those substances.

11 But, again, in this case we have a car that he clearly
12 went into. His fingerprint is on the car, and he admitted
13 it to Investigator Crow. But his story from the car is I
14 was just -- and you know what? As I said, seat was laid
15 back. Both of them are laid back. Items have been taken
16 out of the console. Items have been moved from the back to
17 the front.

18 If you're just sleeping in that seat that's been laid
19 back you're not going into got the luggage compartment. I
20 think we all know what a Chevy Suburban looks like. And,
21 you know, it's got two of those rows and then possibly a
22 third row with the luggage compartment in the back. The
23 third row usually can fold down. You're not going back
24 there if you're sleeping in the front. You only go back
25 there because you're looking for something to steal.

Closing arguments

1 And it's only when he's confronted with the fact that
2 the sheriff's office got his fingerprint on that Suburban
3 that he then admits to this officer, well, yeah, I was
4 there, yeah, I went to the house.

5 The officer testifies he stated he went in the house.
6 Those are his words.

7 That hat's been moved from the rollback to the
8 Suburban. Again, all of these items have been moved.
9 Everything's been rummaged through. That's the intent to
10 steal.

11 And we can tell -- intent you can tell from someone's
12 actions and not just at the time he enters the door. The
13 actions around this time of what was happening. That he's
14 rummaging through the car, what does that tell you about
15 the house? what does that tell you about what he was
16 planning to do at that house?

17 Thank God, Gail Trent was ready. Thank God, she had
18 the wherewithal to call for the gun to stop this burglary
19 before it had gotten any worse.

20 And while he's not charged with it -- and I didn't get
21 to go to the scene -- was found deep in the woods. You saw
22 the pictures.

23 Her own testimony said about 45 minutes after the
24 police left she heard a car go down the roadway.

25 Use your common sense that he's breaking in a car. We

Closing arguments

1 know what he was doing when he entered the house. Just
2 because she stopped him before it could get any worse does
3 not mean that he's not guilty. The second he crossed that
4 threshold with a toe or fingertip, he is guilty.

5 who does that? who goes to a closed door, the house
6 you've never been to at midnight? Someone who is going to
7 try to steal something and someone that got caught. Him.
8 He got caught.

9 I urge you to find him guilty of breaking into a motor
10 vehicle, Chevy Suburban, and burglary first. Guilty.
11 Thank you.

12 MR. YARBOROUGH: If the court please.

13 THE COURT: Yes, sir.

14 MR. YARBOROUGH: Good morning.

15 Judge Kelly is going to tell you not to leave your
16 common sense at the door. Don't leave it at the door.

17 This is a common scenical case. It's a case that you
18 need to think about, and did the state come close to
19 meeting their burden that Mr. Gaddy was guilty of burglary
20 or breaking into that car?

21 I think you have to look and see what happened that
22 night and look at the facts that we know. Then try to put
23 yourself in that place. And what you've heard say, huh, it
24 doesn't make any sense.

25 I want to start right now by saying this. I have --

Closing arguments

1 anything I say doesn't mean that I think that the Trents
2 are bad people at all. I think I understand what happened,
3 and we have to look and see was there a crime committed.

4 He's not here for trespass. He's here for burglary
5 first. He's not here for stealing a car. He's here for
6 breaking into a car.

7 Now, I want you to think about what Mr. Hunter just
8 said a minute ago. And let's go back to what the evidence
9 shows happened that night.

10 Okay. She was watching Dateline. All right. Given
11 that, I think that's a fact that we can all agree to.

12 And around 11:30 the police were called -- around
13 11:30 the police were called. Well, you can use your
14 common sense and say, well, Dateline goes from 10:00 till
15 11:00 and Dateline would have been over. At some point she
16 took her sleeping medicine and dealt with her insomnia
17 issue.

18 Now, someone comes up to the house and knocks on the
19 door. That person is Mr. Gaddy. He's never denied it.
20 said he was lost in the woods. He was high. He didn't
21 know where he was. But then he saw their house.

22 You heard some testimony that he knew their son. Mr.
23 Hunter just said he knew their son. Thought he might get
24 some help.

25 You know, he was probably a little bit afraid going up

Closing arguments

1 to the house, but he saw the light on. Lights on. May
2 have been watching television. Feels like he could get
3 some help, somebody probably tell him how to get home, how
4 to get a ride home.

5 well, she screams. He left. Probably wouldn't be
6 sitting here if he'd sat down, but he didn't want to scare
7 her any more. Probably didn't want to get shot. Somebody
8 says get a shotgun. So, he left. Made sense he walked
9 off.

10 Now, we know -- we know that the story your heard in
11 here about her being able to identify him is not true. How
12 do we know that? One, we know that because she could not
13 identify whether there was a black man or a white man at
14 the door.

15 I'm going to talk to you about that in a minute, but
16 that is what the call came in on that night. Did not know
17 if it was a black man or a white man.

18 Somebody would have walked in the house. That black
19 man, you'll see he's white man. He's not -- doesn't -- not
20 dark at all. You would see he's white. You would know.
21 You would have had to known that.

22 Three days later -- one, two, three days later --
23 she's talking to the detective on the telephone. She again
24 says she does not know whether he's black or white. That
25 is in the report. That's what I was trying so hard to make

Closing arguments

1 sure that you could hear from the reports themselves,
2 because that's all the narrative we have here any more, is
3 the police reports. And the police reports say that. And,
4 so, I think you can take that as factual and take that as
5 the truth.

6 Now, the state wants to keep on saying that
7 Mr. Gaddy -- they -- they came up with his, you know, name
8 through the fingerprints.

9 well, I didn't sit there and argue about the
10 fingerprints because his hand is on the outside -- this
11 part of his hand is on the outside of the car. You can
12 tell he either fell into it or -- or, like he told the
13 police, he had gotten in the car and gone to sleep.

14 Seats are down. Makes sense. Another piece of fruit
15 that we know beyond any reasonable doubt is the seats were
16 down. Right. We know that -- we know that. We know the
17 seats were down and we know she couldn't identify the
18 person as being black or white.

19 Now, when they go to see him, he says yes. They asked
20 him were you there. Yes, I was there. Says, yes, I was
21 there. I was there. I had gotten lost in the -- in the
22 woods. I was hot. I went there to try to get help. I was
23 confused.

24 well, did you go in the car? Yes. I think I must
25 have gone to sleep in the car. That's what he told them.

Closing arguments

1 Now, we know that that's what we told them because the
2 detective wrote it down. Right. We know that.

3 Now, the detective wrote down the information that he
4 had several days. That's why I kept on trying to get him
5 to go to that report. He wrote it down several days after
6 his interview with Mr. Gaddy.

7 Now, at that point -- at that point the detective has
8 talked on the phone. Never goes out there. Talked on the
9 phone to Mrs. Trent. Says we got a guy. And all of a
10 sudden Mrs. Trent can identify that person, now she can
11 identify him. Said he wasn't black or white, but all of a
12 sudden it's Mr. Gaddy, a friend of her son's -- Mr. Gaddy,
13 a friend of her son.

14 Now, she didn't be able to identify him that night and
15 saw him in the house being a friend of her son's. She
16 probably would have, you know, done something to try to
17 help him. Anyway, it doesn't matter. I mean, he goes up
18 there at night. He startles her. She's taken her sleep
19 medicine. It makes all the sense in the world.

20 The argument about whether he went in the house or not
21 becomes extremely relevant to you if you think he had the
22 intent to commit a crime. But if you believe, based on the
23 circumstantial evidence that you've heard, that he didn't
24 intend to commit a crime, we don't have to go any further
25 about burglary or we don't have to go any further about

Closing arguments

1 going in the car.

2 If you believe he was messed up and high, he still has
3 to have some kind of intent. I agree with Mr. Hunter when
4 he says that you can't just say that -- that you did
5 something terrible and that you were just high about it.

6 Here, he says I slept in the car and I came up to the
7 door and asked for help. That's totally different. That's
8 not relying on being high as far as what that charge is
9 concerning.

10 what he's talking about is I wasn't going to do
11 anything. I knew. I thought I knew where I was. I was
12 confused, and then I knocked on the door and she got upset.
13 So, what did he -- he left.

14 You know, is there any evidence that he went in there
15 and took something? Is there any evidence he had a weapon?
16 Is there any evidence that he did anything more than step
17 on the mat and perhaps open the door? Right.

18 Now we get into this matter -- I mean, I'm going to
19 get those pictures in a minute and show them to you. In
20 this matter do I want to sit there and say there is a
21 welcome mat there? The evidence is the original call says
22 welcome mat. Boom, boom, open the door. There it is.
23 Yeah. He leaves. He does the right thing.

24 There's not any -- there is not anything else before
25 the Court. I mean, before you. There is nothing that

Closing arguments

1 proves. There is not even circumstantial evidence that
2 proves there was any intent to commit a crime. There's
3 nothing.

4 Now, they talk about that 4-wheeler being up the road
5 and they talk about this baseball bat and all kinds of
6 stuff like that, that's a crime. Well, they had
7 grandchildren. They had kids. And you're telling me that
8 it was days later that they saw that 4-wheeler up the road
9 and thought that must have had something to do with it.

10 I think what really happened that night was the police
11 officers came out there. They investigated the case. They
12 really didn't think it was that big of a deal. And there
13 was constant calls to the police station to talk to the
14 officer.

15 The investigator gets involved. He's young; he's new.
16 He listens. But he never goes out there. He never goes
17 out there to check. And perhaps if he'd gone out there to
18 check, we would know a little bit more about that, that
19 door, and whether it was opened.

20 But he was doing his job and talked to Mr. Gaddy.
21 Mr. Gaddy cooperated with him. And then he did something
22 that's really, really interesting.

23 And the state wants to spin it another way. Okay.
24 They do. They want to spin it another way, but the truth
25 of the matter is the investigator asked Mr. Gaddy to write

Closing arguments

1 an apology letter. He asked him to write an apology
2 letter, not a statement. He tried to say that was a trick.

3 Regardless, Mr. Gaddy didn't write it. He didn't
4 write it. He said he just wanted to talk to a lawyer
5 first. That's his right.

6 He talked to a police officer. They asked him a few
7 questions. The police officer wants him to do some more.
8 He doesn't.

9 And let's talk about that. Let's talk about the
10 police talking to Mr. Gaddy.

11 Okay. We would know exactly what Mr. Gaddy said as he
12 was cooperating with the police if they would have turned
13 on a tape recorder or the cameras that they have at the
14 police station. They didn't think it was a big deal, so
15 they didn't do that.

16 What I get, I get that. I really do get that. I get
17 why they didn't think it was a big deal so they didn't turn
18 it on or they didn't use a tape recorder.

19 What I don't get -- what I don't get is this case
20 really boils down to where is the welcome mat. That's what
21 it boils down to, is where is the welcome mat.

22 That damn welcome mat is outside the house, and if
23 that police officer would have taken notes, we'd know
24 exactly what he was talking about the mat or the -- the runner,
25 because -- because Mr. Gaddy knocked on the door and stayed

Closing arguments

1 on the mat, there's absolutely no evidence of any intent to
2 commit a crime. If he stood on that mat, knocked on the
3 door, there is no evidence of committing a crime.

4 Now, they want to talk about this door, and I'm going
5 to get the picture. I'll do it in a minute, but they want
6 to talk about the door that's shut. There's only one
7 picture of that door shut.

8 I think clearly what happened that night because of
9 what you see is the lights are on. She's fallen asleep on
10 the sofa. She had watched Dateline. And he sees through
11 the door that she gets up. And, you know, she gets upset,
12 so he leaves.

13 That door -- you can clearly see through it, but this
14 goes back to what Mr. Hunter said. I could not tell if he
15 was black or white. And I'll tell you why she couldn't
16 tell, is because there's something on the door. There's
17 the glass door has a wreath on it.

18 I want you look at it. So, that wreath would have
19 been about the size of Mr. Gaddy's head. She wouldn't have
20 been able to see him, so she wouldn't have known that that
21 was him.

22 And, so, she got -- she jumped up. Somebody knocked
23 at the door. I mean, how often does that happen to us? It
24 happens every once in a while. A neighbor comes and asks
25 for help, you know. It happens. Knocks on the door. That

Closing arguments

1 doesn't mean there was a crime -- that doesn't mean there
2 was a crime.

3 And, you know, if he was trying to commit a crime
4 wouldn't there have been more? wouldn't there be some
5 aggravating circumstance? wouldn't he have had some type
6 of weapon? He's walking up to a house with a light on.

7 I mean, that doesn't -- that doesn't happen in my
8 world or in your world. The light's on. It's 11:15,
9 11:20. And someone walks up to the door to commit a crime.
10 That doesn't happen. Criminals don't do that.

11 Mr. Gaddy wouldn't have done that if he was trying to
12 commit a crime. He went up there because he was lost and
13 he was confused and he was high.

14 You know, they want to say that being high is not a
15 defense. It -- it does go to everything. We've all got
16 relatives. We all know people that drink too much or use
17 too many drugs. God knows I've got them in my family. And
18 crazy things happen. Crazy things happen, but it doesn't
19 mean they're criminals. Right? Crazy things happen, but
20 it doesn't mean they're criminals.

21 Let's -- I'm not going to bore you with all of this,
22 but this is the evidence in this case. And I submit to you
23 in no place in this evidence that is presented in this
24 courtroom is there anything close to proving intent to
25 commit a burglary or intent to break in a car. I'll submit

Closing arguments

1 that to you.

2 I do want to talk about some of these pictures, but
3 before I go there I want to talk about he did sign this
4 thing.

5 He voluntarily talked to the police. That's a good
6 sign that he's not guilty. He talked to them. He told
7 them what happened.

8 I wish we had the statement; I wish we had the notes;
9 I wish we had the video tape; I wish we had an audio tape.
10 But that's not my job. Hold on. That's not my job.
11 That's not Mr. Gaddy's job.

12 This system is based on the state being able to prove
13 their case beyond a reasonable doubt. That's their job to
14 get that information. And, good gosh, wouldn't we like to
15 have it?

16 State's Exhibits 6 and 8. If you look at six, that's
17 what I'm talking about. All the lights on in the house.
18 Okay. And this is the picture of the wreath I was talking
19 about in front of the door.

20 But, anyway, I want you to look at that. I want you
21 to look at the house lit up at night. These were taken
22 that night. These were taken 45 minutes, 30 minutes, I
23 don't know. The police didn't say exactly how long, but
24 sometime. We know it was sometime well after Dateline.
25 Right. The police are out there. They take a picture of

Closing arguments

1 that.

2 No one in their right mind walks up this house and
3 tries to rob it. Right. We're in the country. You get
4 your head blown off. That's a true sign that there was an
5 intent to commit a crime.

6 You know, I'm trying to argue all of this stuff about
7 going rummaging through the car. Did he go in the car?
8 Yeah. He did it. He said I think I fell asleep in it.
9 That's what he said.

10 Okay. Nobody knows. Nobody notices this thing being
11 put in the road for four days, three days, three or four
12 days.

13 If I say something wrong go with what the testimony
14 was. Three or four days. Nobody notices that. Down the
15 driveway. You're telling me they didn't see? You're
16 telling me the cops didn't go by that? You got -- it was
17 put out there later probably by one of their grandchildren.
18 I mean, that's -- come on.

19 The police went by there. If the police go down that
20 driveway and that 4-wheeler out there that they keep
21 wanting to talk about, if they go down that driveway and
22 they see that 4-wheeler out there, I assure you that
23 Spartanburg's finest are going to say, hey, there's a
24 4-wheeler out there, do you think somebody took it. I
25 assure you our good police officers in Spartanburg would do

Closing arguments

1 that. They would have noted it and we'd know about it.

2 They didn't.

3 They keep talking about this part, and I don't know
4 why this part's important except that Mr. Hunter seems to
5 think that a garage got rummaged through because these
6 things were sitting up there, but I don't -- I don't
7 understand that because I don't know why anybody would set
8 baseball gloves up there -- baseball gloves -- baseball
9 gloves, tools.

10 I mean, and he just sat up here and told you this is
11 a -- his pride and joy -- pride and joy. wouldn't set
12 anything on top of his pride and joy.

13 Y'all look at all of the dust on there. I mean, I
14 have no idea how those tools got there, but I don't know of
15 any reason why they're relevant to anything. But he just
16 said, use that, use that as part of your process of
17 thinking why there was a crime that was committed.

18 Baseball bat's in that car. I -- I don't know how
19 that baseball bat got there. I've got a feeling that
20 probably that baseball bat belongs to the grandchildren,
21 and, you know, looks to me like that's the car the
22 grandchildren drive. And that's just what it looks like to
23 me, but, you know.

24 I remember having baseball bats and baseball gloves
25 and stuff all over my car, and I never could find them

Closing arguments

1 because I'd be looking for them in my house when my kids
2 were going to practice. And we would get out there, and
3 they were there.

4 You know, one might say this looks rummaged through.
5 One might say that. One might say that that looks rummaged
6 through. But when you look at the other picture that looks
7 to me like it's just all set there. Looks to me like what
8 they ever -- you know, whatever you sat in car for whatever
9 reason.

10 They keep talking about this hat. If they thought the
11 dadgum hat was so important, why didn't they check it for
12 D.N.A.? You know, they got it. It's not like it's not
13 right here.

14 Oh, wait a second. We would have to do our job and
15 try to, you know -- try to bring some evidence before the
16 Court that Mr. Gaddy had done something wrong. Right.
17 That would be too much work. Why didn't they do it?
18 Because they didn't think it was a big deal.

19 Fingerprint, palm prints. Don't call them
20 fingerprints. They said fingerprints the whole time. They
21 have Mr. Gaddy's palm prints. Okay. We don't disagree.
22 We told them that. They're palm prints though, not
23 fingerprints. And it doesn't matter really, does it?

24 He didn't ever deny being there, so we spent half a
25 day of testimony to prove that those were his palm prints

Closing arguments

1 when he'd already said he was there. Because the state
2 doesn't have any evidence, so they got to sit there and
3 say, okay, we're going to bring this evidence in, we're
4 going to bring this evidence in. We're just going to bring
5 the whole wheelbarrow full of evidence in the courtroom and
6 throw it at you, but that's going to make it stick.

7 That's not how this is supposed to work. They're
8 supposed to be able to prove that he had some type of
9 intent to commit a crime if he committed a crime.

10 If you say getting in that car is a -- is a crime, I
11 don't -- I don't see how you say it, but if you say that,
12 he said he did that. Right. He didn't -- but he said,
13 look, I would never have done anything to hurt that woman.
14 I was just trying to figure out where. You know, I went up
15 there. I wish we had notes. I wish we had audio. I wish
16 we knew what -- what was said.

17 They want to talk about all of these other pictures.
18 I don't know what they're important for, but I just don't
19 want to miss them.

20 These are the ones I put in because I think they were
21 very important. They don't want to talk about that welcome
22 mat, but that's that welcome mat they're talking about in
23 all of those statements right there. You see it. It's
24 there. I didn't go out there and take this picture. They
25 did, but I put it into evidence because the welcome mat's

Closing arguments

1 there.

2 Okay. Let's also look at how the door opens. Right.
3 I want to talk about that other door. Well, you know what?
4 This is -- I didn't realize this until a minute ago, but
5 now I do.

6 I put Defense Exhibit 3. I put Defense Exhibit 3 into
7 evidence because I thought it was important to look at
8 which door. Okay. Thought it was important to look at
9 which door.

10 Now, this is the door that they took pictures of the
11 night they went out to the scene. And when I say they, I'm
12 talking about the police officers.

13 Okay. This is the door. This is the door they're
14 looking at. I'm going to set these up here.

15 This is the door they're looking at in all of these
16 pictures. Right. That -- that shows you what they're
17 looking at. Here, here. Looking at the glass door because
18 that was the door that was opened. Here, see?

19 He's standing there. She -- he thinks she motions
20 him. Like what they said, he opens the door. She yells.
21 He leaves. Right.

22 You might say to yourself -- and I do want to go back
23 to this again. You might say to yourself that him leaving,
24 why didn't he just stay there. Well, I think it's
25 important to realize that she did yell get your gun. All

Closing arguments

1 right. So, it makes all of the sense in the world that he
2 left instead of waiting.

3 Most of the other facts that we've talked about we all
4 agree on. Right. The -- the thing that bothers me is that
5 I had to ask the question of whether or not she said on the
6 night that the police came out there that she didn't know
7 if that person was black or white.

8 That troubles me because that's very important.
9 That's what was said that night and that's what was said to
10 the police officer, the investigator, three days later.
11 And we know that because of the police reports that were
12 taken.

13 That really goes to question the constant stories that
14 were told about what happened that night until you get to
15 the end where almost in the end he's like in the house
16 going to take something.

17 First time we'd ever heard that anything got taken was
18 talking about some dresser that was over there. And I
19 can't find that dresser in any picture. That's the first
20 time that's ever been heard.

21 The first two statements are usually the right
22 statements. Think about it. Common sense. What you tell
23 the police in the beginning if you're there, that is what
24 is the truth.

25 I do want you to -- and I'm probably beating a dead

Closing arguments

1 horse, but I want you to use your common sense. I want you
2 to think about what happened that night.

3 I want you to think about the fact that he cooperated
4 with police; I want you to think about the fact that if --
5 if they questioned his statement, why didn't they just go
6 back down there and see Mr. Gaddy again? He'd signed a
7 waiver.

8 You know, I don't want to be -- you know, I don't want
9 to mislead you on that, because perhaps the police officer
10 didn't go back down there because Mr. Gaddy wanted to talk
11 to him about getting a lawyer before he wrote a thank you
12 letter or apology letter.

13 You know, I'm sure I've missed some stuff, and I want
14 to kind of summarize a couple of things that I -- that's
15 clear from the evidence that I think goes to show that he
16 was -- he didn't have an intent to commit a crime.

17 You know, he said he was disoriented. He said he was
18 high, didn't know where he was. He knocked. I don't think
19 there's any question there was a knock. Who the heck
20 breaks in a house and knocks?

21 He didn't act violently. You're talking about a
22 burglary first or attempted burglary first. I mean, don't
23 you go up there with wire cutters or something to open the
24 door with or something? I mean, wouldn't there be
25 something?

Closing arguments

1 The reason there's not anything is because that's not
2 what he was doing. He went up there and knocked. He
3 needed help. He was lost.

4 Truth of the matter is he probably fell asleep in that
5 car, woke up, didn't know where he was and went up there
6 and talked to them, and they screamed and he ran. Sounds
7 reasonable to me.

8 The officers did a great job of securing the scene and
9 looking at it that night. I think that if there would have
10 been anything out there or if there would have been any
11 possibility that there was more evidence, they would have
12 found it.

13 And I was looking back. I guess the initial police
14 report came in at 11:23. You know, medication and -- and
15 being asleep, insomnia -- I've been woken up and not
16 realized where I was before in the middle of a dream.

17 There's a mat on the outside of the door. There is
18 not a mat on the inside of the door. Look at those
19 pictures. That's a runner. I don't know a lot about
20 runners, but that's what my daughter told me that was. It
21 was a runner.

22 They made a big deal about the fingerprints. We'd
23 already told them he was there. It's not -- nobody knocks
24 on the door. Nobody knocks on the -- nobody knocks on the
25 door to commit a crime. Just doesn't happen.

Closing arguments

1 It's their obligation to prove. They're going to --
2 going to go back with this. He'll give the original of
3 this. This is just a copy. This is the charge of the
4 indictment. That's your charging document, and in it it
5 says that without consent and with intent to commit a
6 crime -- with intent to commit a crime and without consent.

7 I can see how he thought -- I can see how he thought
8 that it was okay to knock on the door. I don't think we
9 have anything more than that. He left.

10 They're going to try to argue. I think -- I think --
11 I don't really ever know exactly what Mr. Hunter's going to
12 do, but I think he's going to get up here and try. Well,
13 Mr. Yarborough made a pretty good argument about there not
14 being a burglary first.

15 He's going to get up there and say that he doesn't
16 have to prove that there was a burglary first. He's going
17 to say, well, there was an attempted burglary first.

18 There wasn't a -- there wasn't a burglary and there
19 wasn't an attempted burglary. I'm just -- there's not
20 anything there.

21 There's got to be more. There's got to be something.
22 Use your common sense, what people do, and they don't go up
23 to lit houses like that. That's just not what happens.
24 The reason it happened is because he was confused and lost.

25 Now, if -- if you feel like the -- there's evidence of

Closing arguments

1 anything more, I want to use your common sense about
2 whether or not there was any intent to do anything.

3 Now, I hate to sit up here and argue intent. I hate
4 to sit up here and argue intent, and it's really hard.
5 It's hard. And this is what I want you to take back to the
6 jury room.

7 Okay. It's hard for me to defend him and argue intent
8 because, you know, oh, well, he's there. There's got to be
9 intent.

10 The state has the burden of proof. They have to prove
11 beyond a reasonable doubt. They have to prove it. I
12 shouldn't be up here trying to argue, have to argue, about
13 this intent issue, because it's his job. It's not my job.
14 And if y'all are thinking y'all are having to come to me
15 for that, then tell him he's wrong, because it's his
16 burden. It's not my burden. It's not Mr. Gaddy's burden.

17 Judge Kelly is going to tell you that. It's not mine.
18 He's going to also tell you that there's a charge in there
19 about circumstantial evidence. And just because you think
20 him getting on that porch is a circumstance that he wanted
21 to do something, it's got to be more.

22 And he's also going to tell you about something called
23 mere presence. Just because he was there -- just because
24 he was there does not mean that he committed the crime.
25 It's got be more. Is it my obligation for more? No. His.

Closing arguments

1 And if I've said anything wrong to you, look at Judge
2 Kelly's charge. But I'll leave you with this that it's --
3 it's too bad that we don't have more. It's too bad that
4 the state doesn't have more of a case.

5 But you guys -- you guys are the guys that get to
6 decide that. You're the people that get to walk back in
7 the room with the evidence.

8 Don't listen to my argument; don't listen to
9 Mr. Hunter's argument. Y'all just use that as a -- as a
10 roadmap. Listen to Judge Kelly's charge. That's another
11 roadmap. But y'all get to decide if Mr. Gaddy's guilty
12 beyond a reasonable doubt or not.

13 And I submit to you that the state has not met its
14 burden of proof on either count. And look at those
15 indictments. Look at where it says intent on both of them
16 and say where did the state have any proof of any intent.
17 They're going to say because he's there, and I'm going to
18 say go look at Judge Kelly's charge on mere presence.
19 Thank you.

20 MR. HUNTER: May it please the Court.

21 THE COURT: Yes, sir.

22 MR. HUNTER: Again, this is my rebuttal, so it's much
23 shorter than the first, Your Honor -- jury.

24 He showed you pictures. I'll be the first to admit
25 there's a mat outside and there's a mat inside. She does

Closing arguments

1 not call the mat inside a welcome mat. That's what she
2 said multiple times.

3 She now has a mat in front of her door, she said, that
4 says welcome. To her that's a welcome mat.

5 You've seen the pictures of the mat inside and the mat
6 outside. That hasn't changed. Whether it's a runner, a
7 rug, a welcome mat, there's a mat inside the house. That's
8 it.

9 Now, he said the A.T.V. was discovered three days
10 later. That's wrong. It was discovered the next day. And
11 he's right. He assures you that the sheriff's office would
12 have said something if they saw it that night.

13 But, again, her testimony was that 45 minutes after
14 police left she heard a car go down the driveway. Lo and
15 behold, an A.T.V. that's stored behind a shed is now a
16 hundred yards up the driveway towards the road the next
17 day. Not three days as he said. The next day.

18 He also spoke about how I had to spend a half a day on
19 the palm prints and fingerprints, and it's exactly what he
20 just told you.

21 It is my burden. I have to prove the case, and I
22 can't prove that it was his fingerprint there unless I call
23 the person that took the fingerprint and I call
24 Investigator Roman who actually examined the fingerprint.
25 And the fingerprint is very important, because this

Closing arguments

1 happened on May 6th, the night of May 6th, kinda into the
2 morning of May 7th.

3 Investigator Crow learns about that fingerprint,
4 learns it comes back to Herbert Gaddy.

5 And on May 19th -- and we know May 19th because that's
6 when the Miranda form is signed -- he goes to speak with
7 Mr. Gaddy and he goes to confront him about that
8 fingerprint.

9 So, I know Mr. Yarborough used the word cooperation,
10 that he asked did he cooperate with him. Yes. He gave a
11 statement. Yes. He gave a statement, he cooperated.

12 He gets confronted that his fingerprint is at the car
13 that's been broken into. So, of course he's going to say I
14 was there but I went to sleep, because he's now confronted
15 with the fact that we know you were there.

16 To kind give you a little story about that, my son
17 loves baseball. Loves it. He's six. Just now going to
18 eight-U at Hillbrook. Last night was his first practice.
19 And if any of y'all have children, you know that every
20 three or six months you have to buy new shoes because they
21 just grow like wild flowers.

22 And this past weekend my wife and my son went to
23 Academy to buy some new baseball cleats because he'd grown
24 outta the ones he used in the spring. And he used to have
25 13s and now he needs two. So he grew two sizes to meet his

Closing arguments

1 baseball cleats.

2 My wife was texting me pictures of them because
3 they're Bryce Harpers. I'm a Braves fan. I don't like
4 Bryce Harper. But Bryce Harpers. They're nice, black, and
5 got these bright green cleats. He said they were fires.
6 So, now I have middle schooler at six.

7 But last night was his first practice. My wife picked
8 him up from after-school and brings him home. I'm on the
9 couch. And he runs in the house towards where the cleats
10 are because he wants to put them on so bad.

11 And I say don't go put your cleats on, because we
12 still -- it's an hour and a half before practice starts.
13 My wife would kill me if he ran around on the hardwood
14 floors with cleats on.

15 His answer to me was I wasn't going to do that, but,
16 see, that was his intent when he entered the door. You
17 could tell he was so excited about it. He talked about it
18 all day. He talked about it all weekend. He was going
19 right to where that box was. But when confronted with it,
20 he cooperated. He answered my question, but he said I
21 wasn't going to do that.

22 And that's exactly what happened here. He had to come
23 up with a story as to why he was there, why his
24 fingerprints are on the car. He cooperated in a sense that
25 he answered his questions, but cooperation doesn't mean

Closing arguments

1 that he told him the truth. Those are two separate and
2 distinct things.

3 He spent some time on the identification. I think it
4 was clear from Mrs. Trent's testimony. She does not -- she
5 did not know him before this. She did not know who entered
6 her house. She never claimed that she knew who entered her
7 house.

8 She never told police it was Herbert Gaddy. She
9 didn't know if he was black or white. We know that. She
10 just knew a man -- a man entered her house.

11 Does it really matter the identification? Because he
12 got the fingerprint, and then he admits it was him. So, it
13 doesn't matter if she didn't know if he was black or white.
14 Doesn't matter if she couldn't identify him at the time.
15 The fingerprint and his statement is what identifies him.
16 So, that does not matter.

17 He also asked that we didn't check for D.N.A. on this,
18 on this hat. We didn't. I would have had to spend another
19 full day with six witnesses getting into the fact that it
20 was someone's D.N.A. if D.N.A. is found.

21 But he had his fingerprint and he'd gone to speak to
22 him on May 19th, 13 days after this incident. And he said
23 I was the one in the car. Why are they then going to go
24 waste resources and go get D.N.A. when we've got his
25 fingerprint and he admits it was him? You don't.

Jury charge

1 Two more things and I'm done. He mentioned a lot
2 about him knocking on the door. We never heard Mrs. Trent
3 say he knocked on that door. We heard -- we heard the
4 jingling of the door handle and the door opened and a man
5 entered my house.

6 The only person to say I knocked on that door was his
7 statement to Investigator Crow after being confronted with
8 his fingerprint in the car, after he's told we had you
9 there.

10 He comes up with a story that I just knocked on the
11 door because I was high and lost. That's the only time we
12 hear about someone knocking on the door. Those are his
13 words, not Mrs. Trent's.

14 We hear about why -- let me give the exact statement.
15 I put it in quotations. "No one in their right mind walks
16 up to this house and tries to rob it." We already heard
17 testimony, and he admitted he wasn't in his right mind.

18 And, again, this picture is taken by police after
19 they've already shown up, after she's already woken up her
20 husband and woken up her daughter yelling that there's a
21 man in the house.

22 Of course she turned all the lights on. This picture
23 is taken after. This isn't how the house looked when he
24 went up there. He's right. No one in their right mind
25 would go to try to rob this house. But who wasn't in his

Jury charge

1 right mind?

2 He tried to steal stuff outta the car and you can tell
3 he moved around.

4 There's a hat missing from the rollback, and now he's
5 up in the Suburban with his fingerprint on it at the
6 Suburban. And there's stuff moved in the shed.

7 So, we know outside the house he was moving stuff
8 around. So, we know what his intent was when he entered
9 the house. Mrs. Trent stopped him. Thank you.

10 THE COURT: Madam Forelady and ladies and gentlemen of
11 the jury, you have seen and heard the evidence presented,
12 as well as the lawyers' arguments. And it is now my duty
13 and my obligation to instruct you on the law applicable to
14 this case.

15 It will then be your duty and your obligation to begin
16 your deliberations through which you will decide what the
17 facts are and render a verdict.

18 It is your duty to examine the facts, and you will do
19 that based on your own common sense examination and
20 evaluation of testimony and evidence received during the
21 trial of this case.

22 You 12 alone will decide what effect, value and weight
23 is to be given to any particular testimony or evidence
24 received.

25 Now, the indictments in this case allege two offenses

Jury charge

1 against this defendant. Each indictment charges a separate
2 and distinct offense. You must decide each indictment
3 separately on the evidence and the law applicable to it
4 uninfluenced by your decision as to any other indictment.

5 The indictment may be -- the defendant may be
6 convicted or acquitted on any or all offenses. You will be
7 asked to write a separate verdict of guilty or not guilty
8 for each indictment.

9 The first indictment ending in 4102 charges this
10 defendant with burglary in the first degree.

11 The state alleges that he did in Spartanburg County,
12 South Carolina, on or about May 6th of 2022 enter the
13 dwelling located on Goldmine Road in Spartanburg County,
14 South Carolina, without consent and entered with the intent
15 to commit a crime therein, and that he did while entering
16 the dwelling or while inside or while in immediate flight
17 from the dwelling enter in the nighttime in violation of
18 state law.

19 The second indictment ending in 4103 charges him with
20 breaking into a motor vehicle.

21 The state alleges that he did in Spartanburg County,
22 South Carolina, on or about May 6th of 2022 break or
23 attempt to break into a 2002 Chevrolet Suburban or its
24 compartment with the intent to steal it or anything of
25 value therefrom or attached or used in connection with or

Jury charge

1 in preparation of any criminal offense in violation of
2 state law.

3 I remind you and I charge you that the fact he was
4 arrested, charged and indicted is not evidence in this case
5 and cannot be considered by you as evidence of guilt, nor
6 does it create a presumption or inference of guilt.

7 The indictments are documents simply -- are the formal
8 written instruments which contain the charges made against
9 him, and they bring him before this court for trial.

10 The defendant has pled not guilty to both indictments,
11 and that plea puts the burden on the State of South
12 Carolina to prove his guilt beyond a reasonable doubt.

13 A person charged with committing a criminal offense in
14 South Carolina is never required to prove himself innocent.

15 I charge you it is a cardinal, important and vital
16 rule of law that in a criminal trial, no matter what the
17 seriousness of the charge may be for which he stands
18 charged, the defendant is always presumed innocent of the
19 crime for which the indictment was issued unless guilt has
20 been proven by evidence satisfying you of his guilt beyond
21 a reasonable doubt.

22 The presumption of innocence does not end when you
23 begin your deliberations. It accompanies the defendant
24 throughout the trial until you reach a verdict of guilt
25 based on evidence satisfying you of guilt beyond a

Jury charge

1 reasonable doubt.

2 The presumption of innocence has been described as
3 like a robe of innocence placed about the shoulders of the
4 defendant, and it remains with him from the moment of his
5 arrest and continues with him until it is stripped from his
6 shoulders by evidence satisfying you of his guilt beyond a
7 reasonable doubt.

8 The presumption of innocence is not a mere legal
9 theory. It is not a legal phrase. It is a substantial
10 right to which every defendant is entitled unless you 12
11 are satisfied from the evidence of his guilt beyond a
12 reasonable doubt.

13 Now, I remind you that during this trial you and I
14 have certain duties to perform. As the trial judge, it is
15 my responsibility to preside over the trial, and I have the
16 additional duty to rule on admissibility of evidence
17 offered.

18 You are to consider only the competent evidence before
19 you, and if any testimony was ordered stricken from the
20 record, you must disregard that testimony. You are to
21 consider the testimony presented, the exhibits which have
22 been made a part of the record and any stipulations by the
23 lawyers.

24 I also have the duty to charge you on the law. As the
25 presiding judge I am the sole judge of the law, and it is

Jury charge

1 your duty to accept it and apply it as I now state it to
2 you.

3 If you have any idea as to what the law is or what the
4 law ought to be or what the law should be and it does not
5 agree with what I tell you it is, you must abandon your
6 idea because you have sworn to accept it and apply it as I
7 give it to you.

8 Ladies and gentlemen, in every case tried in this
9 courtroom before a jury you 12 become the sole and
10 exclusive judge of the facts.

11 The state law does not allow a trial judge to make a
12 comment or a statement of any kind to a jury about a fact,
13 because you are the sole judges of the facts. And you are
14 not to infer from anything that I might have said or done
15 during this trial in ruling on admissibility of evidence
16 that I have an opinion about a fact. Again, the state law
17 prevents a trial judge from having an opinion about a fact
18 in a case.

19 The state has the burden of proving the defendant
20 guilty beyond a reasonable doubt. Proof beyond a
21 reasonable doubt is proof that leaves you firmly convinced
22 of his guilt.

23 There are very few things in this world that we know
24 with absolute certainty, and in criminal cases our law does
25 not require proof that overcomes every possible doubt. A

Jury charge

1 reasonable doubt may also be described as the kind of doubt
2 that would cause a reasonable person to hesitate to act.

3 If you have such a doubt as to the guilt of this
4 defendant, then say so and find him not guilty.

5 Reasonable doubt may arise from evidence in the case
6 or from absence or lack of evidence in this case.

7 Now, if, based on your consideration of the evidence,
8 that you are firmly convinced that he is guilty as charged,
9 then say so and find him guilty.

10 You 12 alone must make the determination of whether or
11 not reasonable doubt exists as to the guilt of this
12 defendant.

13 Now, there are two types of evidence which are
14 generally presented during a trial, and they are known as
15 direct evidence and circumstantial evidence.

16 Direct evidence directly proves the existence of a
17 fact and does not require any deduction.

18 Circumstantial evidence is proof of a chain of facts
19 and circumstances indicating the existence of a fact.

20 Our law makes no distinction between the weight or
21 value to be given to either direct or circumstantial
22 evidence.

23 However, to the extent that the state relies upon
24 circumstantial evidence, all of the circumstances must be
25 consistent with each other and when taken together point

Jury charge

1 conclusively to the guilt of the accused beyond a
2 reasonable doubt.

3 If the circumstances merely portray the defendant's
4 behavior as suspicious, the state will then have not proven
5 guilt beyond a reasonable doubt and you must find him not
6 guilty.

7 Now, under the constitution of our state you are the
8 finders of facts, and necessarily you must determine the
9 credibility of witnesses who have testified.

10 Ladies and gentlemen, credibility simply means
11 believability. It is your duty to analyze and evaluate the
12 evidence and determine which evidence convinces you of its
13 truth.

14 In determining believability you may believe one
15 witness over several. You may believe several over one.
16 You may believe part of the testimony of a witness and you
17 may reject the remaining part of that same witness'
18 testimony.

19 Whatever your common sense tells you -- and judgment
20 tells you is the most believable is the testimony you
21 should accept, and reject all other testimony.

22 Our rules of evidence ordinarily do not permit
23 witnesses to testify to opinions or conclusions. An
24 exception exists where we have someone who is called as an
25 expert witness. A witness who by their education and

Jury charge

1 experience has become an expert in some art, science or
2 profession may render an opinion in their field.

3 You should consider any expert opinion received, and,
4 like all evidence, give it the weight you believe it
5 deserves.

6 An expert's testimony is to be given no greater weight
7 than that of other witnesses simply because the witness was
8 qualified as an expert.

9 Furthermore, you are not required to accept the
10 opinion even if it is not contradicted.

11 Now, I instruct you, and I emphasize, the fact that
12 this defendant did not testify is not a factor and may not
13 be considered by you in your deliberations.

14 A defendant has a constitutional right to remain
15 silent, and the assertion of the right by this defendant
16 must not be considered by you. The fact that he did not
17 testify should not be discussed in the jury room. The
18 burden remains on the state to prove his guilt beyond a
19 reasonable doubt.

20 Now, criminal intent is a necessary element of each
21 crime that must be proven by the state beyond a reasonable
22 doubt.

23 Criminal intent is a matter that must be determined by
24 you 12 from the circumstances surrounding the situation.
25 There is no way to prove intent to a mathematical

Jury charge

1 certainty.

2 Medical science cannot dissect a person's brain and
3 determine what he or she had in mind, so our law says that
4 criminal intent may be inferred from the circumstances
5 shown to have existed. And this is how you make a
6 determination of whether or not the element requiring
7 intent is present.

8 Criminal intent is a state of mind which operated
9 jointly with an act is the commission of a crime. It is a
10 mental state. It is a conscious wrongdoing. So, it's up
11 to you 12 to determine what this defendant intended to do
12 based on the circumstances shown to have existed.

13 I tell you that the state must prove criminal intent
14 beyond a reasonable doubt, as it must prove every element
15 beyond a reasonable doubt.

16 It is not necessary to establish intent by direct and
17 positive evidence. Intent may be established by inference,
18 the same way as any other fact, by taking into
19 consideration the acts of the parties and all of the facts
20 and circumstances.

21 Now, while the state may prove motive, it is
22 unnecessary for the state to do so. But the state must
23 prove criminal intent.

24 Voluntary intoxication is not an excuse or a defense
25 to a crime regardless of whether the crime is one involving

Jury charge

1 general or specific intent. This rule extends to voluntary
2 ingestion of drugs.

3 A person who voluntarily ingests alcohol or drugs and
4 thereby becomes intoxicated is no less responsible for his
5 acts while in that condition.

6 If one voluntarily drinks intoxicating liquors, wine,
7 beer or ingests drugs and becomes intoxicated to whatever
8 degree, and if while in that condition commits an act which
9 would be a crime if committed by a sober person, the fact
10 of intoxication would not relieve the intoxicated person
11 from responsibility.

12 Now, this defendant is charged with burglary in the
13 first degree. The state must first prove beyond a
14 reasonable doubt that he entered a dwelling without
15 consent.

16 A dwelling is defined as a building or a portion of a
17 building in which a person would ordinarily sleep. A
18 building constructed as a -- constructed as a dwelling that
19 has never been occupied cannot be considered a dwelling.
20 But a dwelling is a -- a building is a dwelling even if the
21 residents are temporarily absent from the building.

22 In order to prove that he entered the dwelling the
23 state does not have to show that he -- his entire body
24 entered the dwelling. The smallest entry is sufficient.
25 It may be any part of his body such as a hand or a foot or

Jury charge

1 even an instrument.

2 Additionally, the state does not have to prove that
3 force was used to gain entry. If a person enters by using
4 deception, artifice, trick or misrepresentation, this is
5 still an entry without consent.

6 Next, the state must prove beyond a reasonable doubt
7 that this defendant intended to commit a crime, either a
8 felony or misdemeanor, at the time of entry.

9 The mere entry without consent is not burglary. If
10 the intent to commit a crime is formed after the entry, it
11 is not burglary.

12 But if the defendant intended to commit a crime at the
13 time of entry, it is a burglary even if the intent was
14 abandoned after entry. It does not matter that the
15 intended crime was not completed.

16 Intent may be shown by acts and conduct of this
17 defendant and other circumstances from which you may
18 naturally and reasonably infer intent.

19 And, finally, the state must prove beyond a reasonable
20 doubt that he entered or remained in the dwelling in the
21 nighttime.

22 Ladies and gentlemen, nighttime is defined as the
23 period between sunset and sunrise during which there is not
24 enough daylight to recognize a person's face except by
25 artificial light or moonlight.

Jury charge

1 If you do not find beyond a reasonable doubt that he
2 entered or remained in the dwelling at nighttime, you
3 cannot return a verdict of burglary in the first degree.

4 If you do not find this defendant guilty of committing
5 burglary in the first degree, you may then consider whether
6 or not he is guilty of a lesser offense known as attempted
7 burglary in the first degree.

8 To prove the attempt the state must prove beyond a
9 reasonable doubt that he committed an overt act beyond mere
10 preparation in furtherance of the intent to commit a crime.
11 And where an attempt crime exists it is properly considered
12 a lesser offense of the completed offense so long as the
13 completed offense is a felony.

14 Attempted first degree murder [sic] is a lesser
15 included offense of burglary in the first without the
16 completed act of entry.

17 In order to find him guilty on this charge the state
18 must prove beyond a reasonable doubt that the defendant
19 went beyond mere preparation in his attempt to commit
20 burglary in the first degree.

21 Now, the defendant is charged with breaking into a
22 motor vehicle, and by that the state must prove beyond a
23 reasonable doubt that he did or attempt to break into a
24 motor vehicle or its compartment with the intent to steal
25 it or something of value therefrom.

Jury charge

1 A breaking is any act of physical force, however
2 slight. If any force is required and employed to remove or
3 displace that which has been placed there to close the
4 opening a breaking has occurred.

5 Now, mere presence at the scene is not sufficient to
6 prove this defendant guilty of any offense. Likewise, mere
7 presence at the scene does not raise any presumption or
8 inference that he committed the crimes charged.

9 His presence where a crime is committed or mere
10 association with another who commits a crime also does not
11 make him an accomplice or an aider or an abettor of the
12 person committing the crime. The burden is on the state to
13 prove every element of the crimes charged beyond a
14 reasonable doubt.

15 If, after reviewing all of the evidence, you find the
16 state has only proven that the defendant was merely present
17 at the scene of the crime without proof beyond a reasonable
18 doubt of any other participation in the crime, you must
19 find him not guilty.

20 You 12 have been selected as fair and impartial jurors
21 sworn to impartially try and determine the facts of this
22 case, and you are to decide it according to the testimony
23 that you have heard, along with the evidence received.

24 During the deliberations, Madam Forelady, the jury may
25 only discuss the case in the jury room with fellow jurors,

Jury charge

1 because they have seen and heard the same evidence.

2 You must not discuss the case with anyone else until a
3 verdict is reached and the case has ended. Once again,
4 after the case is over with and you have been discharged,
5 you can talk about it as much or as little as you choose.

6 Ladies and gentlemen, your verdict must be unanimous.

7 Madam Forelady, when the jury agrees on the verdict,
8 you will indicate the verdict in the space provided on the
9 victim form I'm going to show you and send to you.

10 Sign your name as the foreperson. Knock on the
11 jury-room door and inform the bailiff that you have reached
12 a verdict and we will return the jury to this courtroom and
13 accept your verdict.

14 Once again, Madam Forelady, if someone needs to
15 refresh themselves the deliberations must cease. All 12
16 must be together during the deliberations.

17 This is the verdict forms, and there's two, one for
18 each indictment.

19 It has the caption of the case and the case number,
20 and all that does is match it to the correct indictment.

21 My law clerk prepares these. It says, we, the jury,
22 unanimously find the defendant, Herbert Bruce Gaddy, on the
23 charge of burglary first not guilty or guilty.

24 There is no significance as to whether not guilty
25 comes first or guilty comes -- and guilty comes second. I

Jury charge

1 put them in this order ever since I've been on this bench,
2 and I'm working on the 12th year here. Okay. That's just
3 the order they have to be in.

4 And it says, we -- we, the jury, unanimously find the
5 defendant on the charge of burglary first not guilty or
6 guilty. I ask that you make a mark there. It can be an X;
7 it can be a checkmark; it can be your initials. All I ask
8 is that it be clear and unambiguous as to what the decision
9 of the jury is.

10 It then says if the answer to question one is guilty,
11 stop here and sign your name below. It also says if your
12 answer to question one is not guilty, answer question two.
13 But only answer question two if it's not guilty.

14 Question two is, we, the jury, unanimously find the
15 defendant, Herbert Bruce Gaddy, on the charge of attempted
16 burglary in the first degree not guilty or guilty as long
17 as it's clear to the clerk of court and clear to the court
18 what the decision is.

19 The other one is exactly the same except it's breaking
20 into a motor vehicle and has a different case number on it.
21 We have 4102 and 4103.

22 Madam Forelady, I'm getting ready to send all 13 out.

23 When you go outside the lawyers are going to come up
24 to madam court reporter here with this evidence. She has
25 put stickers. You have seen her doing that. She has put

Jury charge

1 stickers on each one. There's a list there, and they're
2 going to make sure that it's all there, because it's coming
3 to you in the jury room for your consideration.

4 I practiced law many years before I came up on this
5 bench in courtrooms across this state. It is so easy to be
6 making a closing argument and pick up a picture, pick up an
7 exhibit, show it to the jury and walk back over to my table
8 and lay it down like that face down and now it's missing.

9 So, when you leave the courtroom, they're going to
10 come up to madam court reporter and ensure that it's all
11 there. It won't take but just two or three minutes -- two
12 or three minutes.

13 If we were in a medical malpractice case where we have
14 2,000 documents, it's taken an hour and a half before to
15 make sure it's all there. But we don't have that.

16 Okay. Don't begin deliberations. When the bailiff
17 brings the evidence to you, the bailiff will also bring
18 these two forms.

19 When that happens my alternate will leave with the
20 bailiff and come back to this courtroom, and I'll excuse
21 you here because you -- it would not be proper for you to
22 be with the jury when the 12 are deliberating.

23 So, 13 are going out. Evidence comes in, you're
24 coming back to my courtroom. I will thank you and release
25 you from here.

Jury charge

1 Okay. Madam Forelady, if you will, take the jury out,
2 please.

3 (Whereupon, the jury retired to deliberate at
4 10:50 a.m.)

5 THE COURT: Anything from the state?

6 MR. HUNTER: Your Honor, no objection but I'm sure you
7 heard it too. At one point when you were talking about
8 attempted burglary you said attempted murder.

9 THE COURT: I did. I'm sorry.

10 MR. HUNTER: It was only one time. You said attempted
11 burglary about 18 times, but one time you did say attempted
12 murder.

13 THE COURT: I'm sorry.

14 MR. YARBOROUGH: I was going to object to that and to
15 the attempted burglary charges.

16 THE COURT: Okay. You want me to recharge them on
17 attempted?

18 MR. HUNTER: Well, you just said it once. If you just
19 want to say I misspoke and said attempted -- you said
20 attempted burglary, like I said, 20 times. But just one
21 time you -- you did say murder, and I'm sure they
22 understand. But at the same time I don't --

23 THE COURT: It's attempted burglary on the sheet. So,
24 okay. All right. So, you want me to recharge them?

25 MR. YARBOROUGH: I don't want you to recharge them.

Verdict

1 THE COURT: Okay. And you want to put something else
2 on the record.

3 MR. YARBOROUGH: Oh, I note my objection again to
4 attempted burglary. The way it sounds is like it's a
5 lesser. You know, it's lesser but it's really -- there are
6 two separate charges.

7 THE COURT: Okay. It's overruled, but you're
8 protected.

9 Anything else?

10 MR. YARBOROUGH: No, sir.

11 THE COURT: Okay. Gentlemen, if you will, please come
12 up and make sure it's all there.

13 (Pause.)

14 THE COURT: Okay. Bring the alternate back in here.

15 (Whereupon, the alternate juror was returned to the
16 courtroom.)

17 THE COURT: Ma'am, thank you for your service this
18 week. I'm going to release you for the rest of the day.
19 Your bothers and sisters are now on the second floor
20 because I'm going to pick another jury here in about 15 or
21 18 minutes. But I'm not going to make you be part of that
22 unless you want to.

23 Okay. well, I'm going to release you for the rest of
24 the day. Please call after 6:00 p.m. the number. You have
25 a sheet.

Verdict

1 THE JUROR: I have a yellow sheet.

2 THE COURT: Please call that and it will tell you
3 whether or not the jury needs to return tomorrow or not.

4 THE JUROR: Okay.

5 THE COURT: Also, you're not required to do so, but a
6 lot of times alternates want to see what happens, and you
7 are more than welcome to wait. You'd have to wait in the
8 lobby, I mean, in the gallery like everybody else. If you
9 wish to do that, you can, but you're certainly not required
10 to.

11 THE JUROR: Okay. I have an appointment.

12 THE COURT: There you go.

13 Thank you, ma'am, for your service. Just turn your
14 badge in.

15 Anything from the state or defense at this time?

16 MR. HUNTER: Nothing from the state.

17 THE COURT: Okay. We'll stand aside.

18 (Whereupon, a recess was taken.)

19 (Question from the jury and response by the Court
20 marked Court's Exhibit No. 2.)

21 THE COURT: Okay. I am told we have a verdict. And
22 for both sides, this is a courtroom and a court of law, and
23 we're not going to have any celebrating one way or the
24 other.

25 So, if you cannot control your emotions, I ask that

Verdict

1 you leave quietly now.

2 Okay. Thank you. We'll have the jury.

3 (Whereupon, the jury returned to the courtroom at
4 11:48 a.m. to report its verdict.)

5 THE COURT: Madam Forelady, has the jury reached its
6 verdict?

7 THE FOREPERSON: Yes, Your Honor.

8 THE COURT: If you will, give that to the bailiff,
9 please.

10 Madam clerk will publish.

11 THE CLERK: In the State of South Carolina in the
12 Court of General Sessions, the State of South Carolina vs.
13 Herbert Bruce Gaddy, Indictment No. 2022-GS-42-4102, we,
14 the jury, unanimously find the defendant, Herbert Bruce
15 Gaddy, on the charge of burglary first degree guilty.
16 Signed by the foreperson this 14th day of August of 2024.

17 As to Indictment No. 2022-GS-42-4103, we, the jury,
18 unanimously find the defendant, Herbert Bruce Gaddy, on the
19 charge of breaking into motor vehicle guilty. Signed by
20 the foreperson this 14th day of August 2024.

21 Ladies and gentlemen of the jury, is this your verdict
22 and still your verdict? If so, please raise your right
23 hand.

24 (Whereupon, all jurors responded in the affirmative.)

25 THE CLERK: So say you all.

Sentence

1 THE COURT: Thank you.

2 Any polling of the jury by the state?

3 MR. HUNTER: Not by the state, Your Honor.

4 THE COURT: By the defense?

5 MR. YARBOROUGH: No, sir.

6 THE COURT: Okay. Anything else at this point?

7 MR. YARBOROUGH: No, sir.

8 THE COURT: Okay. Madam forelady, ladies and
9 gentlemen, thank you so very much for your service this
10 week. We could not do what we do without you, and jury
11 duty is an obligation and a privilege. It's in our
12 constitution.

13 With that, I'm getting ready to excuse you for the
14 rest of the day. And please call that number after
15 6:00 p.m., although I will tell you ahead of time I already
16 have your brothers and sisters right next door. We're
17 getting ready to pick another one, and I doubt that we
18 would finish it in time to start anything else. So, in all
19 likelihood the message might be that you're not needed.
20 But things do happen sometimes when a jury is waiting. So,
21 please call after 6:00 p.m.

22 Sometimes I've been asked if the jury can stay because
23 you want to see. We're going to go to sentencing and you
24 want to see that, and you're welcome to do that.

25 When you exit they'll collect your badges, and then

Sentence

1 you would come back in. This is courtroom 6-C as in
2 Charlie -- 6-C.

3 If you will, just come back in this courtroom. You
4 can be seated in the back while we get paperwork together
5 because we are going to do sentencing if you want to see
6 that. But you're not required to.

7 Again, thank you for your service.

8 Madam Forelady, take your jury out, please. Thank
9 you.

10 (Whereupon, the trial jury was excused.)

11 MR. HUNTER: Your Honor, may I call my officer real
12 quick? She called me while I was in the process of
13 printing the sheets out.

14 THE COURT: Yes.

15 (Whereupon, a recess was taken.)

16 THE COURT: Any matters from the state?

17 MR. HUNTER: Nothing from the state, Your Honor.

18 THE COURT: From the defense?

19 MR. YARBOROUGH: Your Honor, we would renew all of our
20 previously filed motions.

21 There was not enough evidence for the Court to convict
22 Mr. Gaddy on either count. I'd like to be protected on the
23 record for that.

24 THE COURT: Yes, sir.

25 Anything from the state on that?

Sentence

1 MR. HUNTER: Well, his objection, I know your ruling,
2 so, that's --

3 THE COURT: Yes.

4 Okay. The motion for a new trial is denied. There is
5 sufficient evidence for the jury to decide the case, and it
6 went to the jury and they have reached their verdict beyond
7 a reasonable doubt.

8 And your other motions are protected. You're
9 protected on them. They've been renewed, and the Court
10 denies them for the same reasons heretofore enunciated.

11 Okay. Anything else?

12 MR. YARBOROUGH: No, sir, Your Honor.

13 THE COURT: All right. We'll proceed to sentencing.
14 Do you have the sentencing sheets?

15 (Pause.)

16 THE COURT: Okay. Mr. Yarborough, I heard the facts,
17 but any mitigation?

18 MR. YARBOROUGH: Your Honor, in mitigation I'll tell
19 you this. I've represented Mr. Gaddy for about 15 or 16
20 months in this case, and he has never done anything but
21 treat me with respect and has been very cordial to me and
22 my office even while he was in jail.

23 He's done about 24 or 25 months -- 28 months.

24 He has been in the Upstate for about 16 years. He
25 grew up down in Beaufort.

Sentence

1 He has one son that he's estranged from.

2 His girlfriend is in the courtroom. She's been here
3 every day. She's very supportive of him. He -- he is an
4 addict. He's got a tremendous history of drug abuse, and I
5 think that's what led to this happening.

6 I'd urge the Court just based on the facts that nobody
7 was hurt and weren't any weapons involved, but I would ask
8 the Court to sentence him to a minimum sentence of 15
9 years.

10 THE COURT: Mr. Gaddy, would you like to speak?

11 THE DEFENDANT: Just say that I'm sorry for whatever
12 happened.

13 MR. HUNTER: Your Honor, I believe the victim wishes
14 to speak.

15 THE COURT: Yes.

16 MR. YARBOROUGH: When I can present his prior record,
17 I didn't know whether you wanted me to do that.

18 THE COURT: Okay. Let's do that now.

19 MR. HUNTER: Okay. 1988, destroying a jail; 1989,
20 forgery times four, breach of peace; 2000 simple possession
21 of marijuana, public disorderly conduct; 2001, simple
22 assault and battery, resisting arrest, simple possession of
23 marijuana, receiving stolen goods; 2004, grand larceny;
24 2008, public disorderly and drug paraphernalia and a
25 D.U.I.; 2010 grand larceny; 2011, driving under suspension,

Sentence

1 simple possession of marijuana, a failure to stop; 2017, A
2 & B third times two, D.U.S., possession of meth; and 2018,
3 public disorderly, shoplifting, possession of a stolen
4 vehicle, grand larceny, breaking into a motor vehicle times
5 four, malicious injury to personal property, petty larceny.

6 At the time of the offense he was -- had been
7 sentenced to ten years suspended to five years with five
8 years probation. So, he was on probation at the time of
9 this offense.

10 Further, he was out on bond for receiving stolen goods
11 while this offense was committed.

12 And I believe Mrs. Trent would like to speak.

13 THE COURT: I'll hear from Mrs. Trent.

14 THE VICTIM: It is hard for me to speak of that night.
15 I was fearful for my life and the life of my husband and my
16 daughter.

17 The sanctity of my home was violated because he made a
18 conscious decision to come into my home uninvited. He did
19 not knock. He came in on his own. I was in my -- my doors
20 were not open. And I ask you to sentence him to the
21 maximum. And I hate to admit that that night has taken so
22 much from me, but it has.

23 THE COURT: Thank you, ma'am. I'm very sorry.

24 THE VICTIM: Thank you.

25 THE COURT: Anyone else, solicitor?

1 MR. HUNTER: No, Your Honor.

2 THE COURT: Mr. Gaddy, I'm going to congratulate you
3 today, because for a long time -- and you heard the
4 record -- you have been trying to go to prison. And you
5 graduate today.

6 2022-GS-42-4103, 20 years in the Department of
7 Corrections concurrent. Credit for 28 days.

8 2022-4102, five years in the Department of Corrections
9 concurrent. Credit for 28 -- not 28 days -- 28 months.
10 Credit for 28 months.

11 Very best of luck to you, sir.

12 MR. HUNTER: Thank you, Your Honor.

13 MR. YARBOROUGH: Your Honor, did you write the months
14 on there?

15 THE COURT: I did -- 28. I'm sorry. I might have
16 said days. It's 28 months.

17 MR. YARBOROUGH: Thank you, Your Honor.

18 THE COURT: Thank you.

19 END OF REQUESTED TRANSCRIPT OF RECORD
20
21
22
23
24
25

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

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 12th, 13th and 14th days of August 2024.

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

November 2, 2024

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

Office of the Sheriff
Chuck Wright, Sheriff
Post Office Box 771
Spartanburg, SC 29304



Case # 22050409

Date/Time 6-9-22 09:45 ^{am/pm}

Offense CAR BREAKING

Lift # A

Lifted By C STEAD

Lift Location A. EXT FRONT DRIVER DOOR

Arrowhead Forensic Products
REORDER #: 2731

WHITE 2002 ^{MD}
~~CHEVY TRUCK~~
 Chevrolet Suburban
 SC TAG NDM GAIL
 VICTIM:
 TRUDY GAIL

LIFT LOCATION DIAGRAM

1-800-950-4645

FCS
8-18-24

100



A 11

LTP
(checked)

Ps: Gaddy, Herbert

m.r.

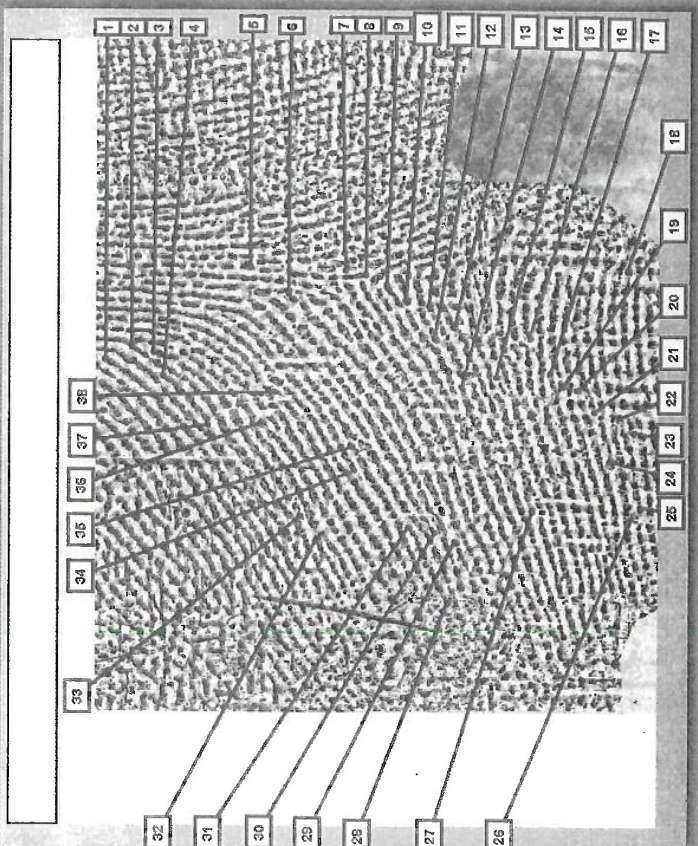
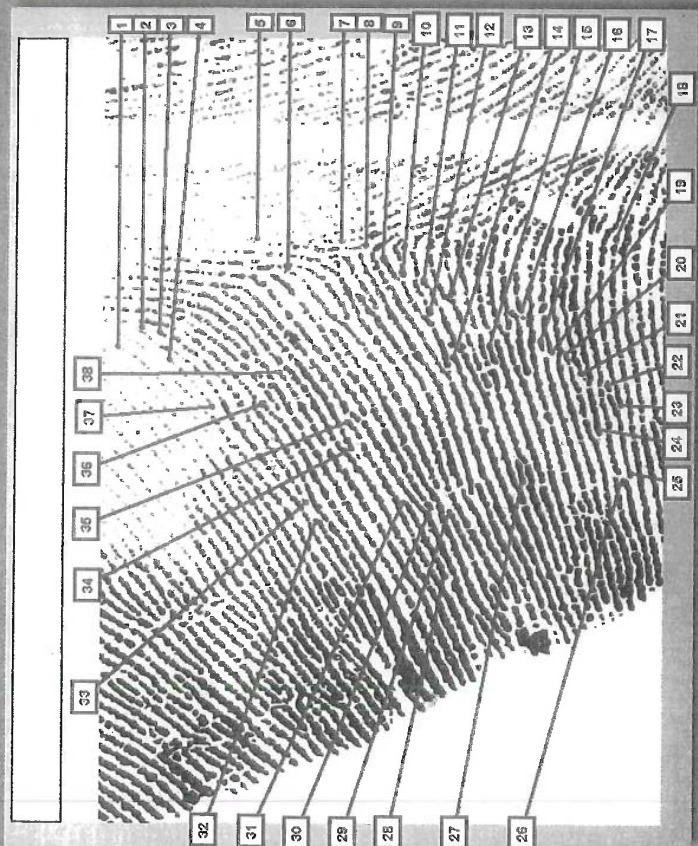


2022-05-11 10:14:44



Local





| Label | Description |
|-------|--------------|
| 1 | ENDING RIDGE |
| 2 | BIFURCATION |
| 3 | ENDING RIDGE |
| 4 | ENDING RIDGE |
| 5 | BIFURCATION |
| 6 | BIFURCATION |
| 7 | ENDING RIDGE |
| 8 | ENDING RIDGE |
| 9 | ENDING RIDGE |
| 10 | ENDING RIDGE |
| 11 | ENDING RIDGE |
| 12 | ENDING RIDGE |
| 13 | BIFURCATION |

| Field | Value |
|------------------------|-------------------------|
| search ID | 062022050409-001-01-01a |
| espondent ID | 42D100257702 |
| search Print Type | PALM |
| espondent Print Type | PALM |
| search Palm Segment | 20 |
| espondent Palm Segment | 27 |
| name | Marilyn Arthur |
| operator | marthur |
| forkstation | sledistics021 |
| date | May 11, 2022 |
| time | 10:17:02 AM EDT |
| startdate | May 10, 2022 |
| endtime | 9:16:21 AM EDT |





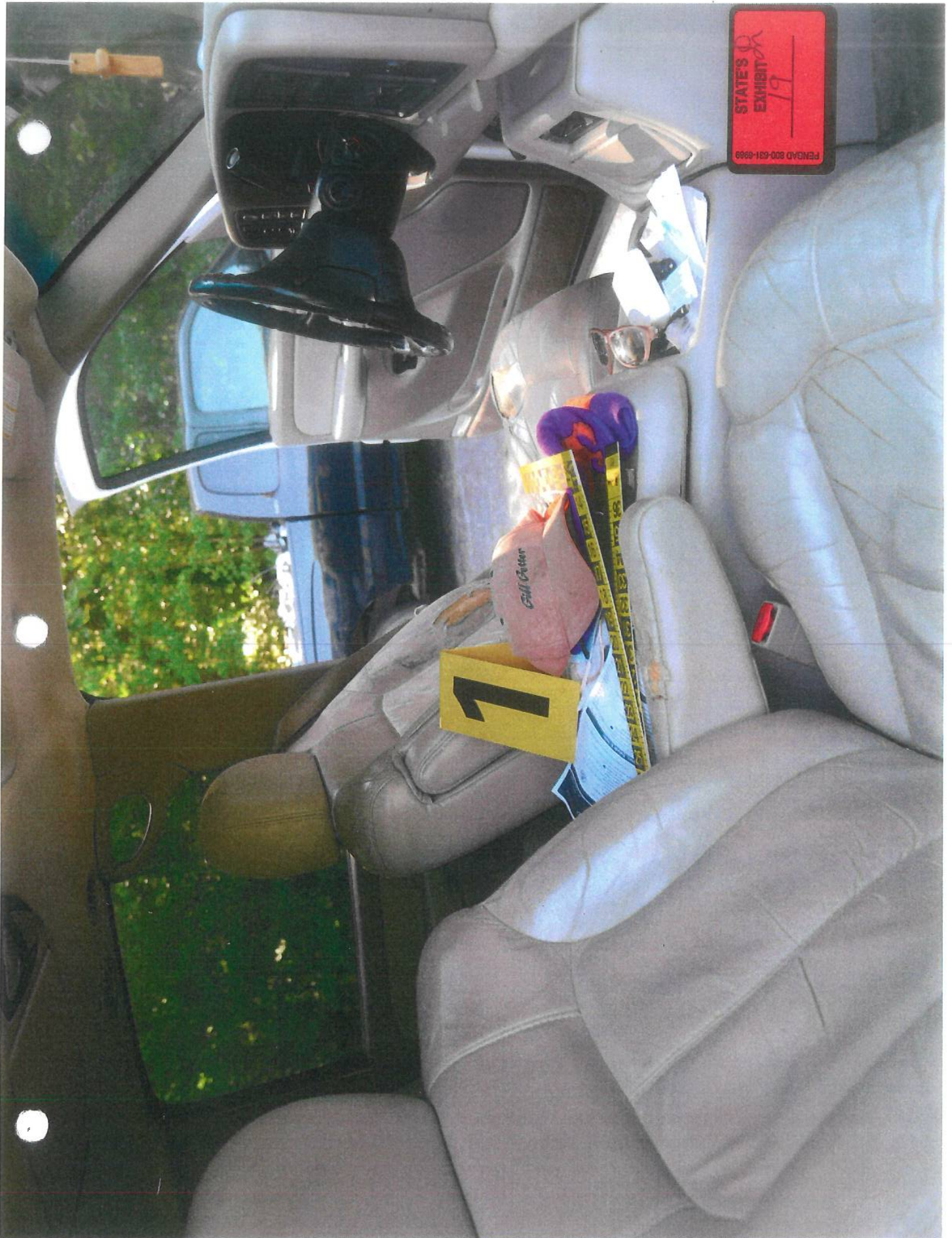








STATE'S
EXHIBIT
17
PENGAD 800-631-6399









PENNSAID 800-631-6688
STATE'S
EXHIBIT
JH
ID

02 07 2022 16 38

STATE'S EXHIBIT # 23 I-O
PENAD 600-631-6389

02 07 2022 16 38



PERISAD 800-631-6889
STATES
EXHIBIT *ok*
24
FD

02 07 2022 16 38



Latent Tenprint Manager Find

Home Page Database Maintenance Chatting Compare Records Print Screen Archive Service

Case Result

Ident Non-Ident

Idents Respondents Current Respondent

Retain Search Print Discard Search Print

Dual Cursor Manual Alignment Axis Orient

Threshold: 0

Superimpose: Strch Resp

Chart Match Report

SC00643602 (p27)

IDENT

062022050409-001-01-01a (1)

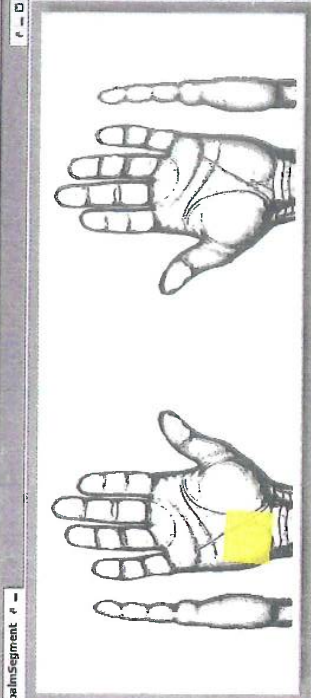
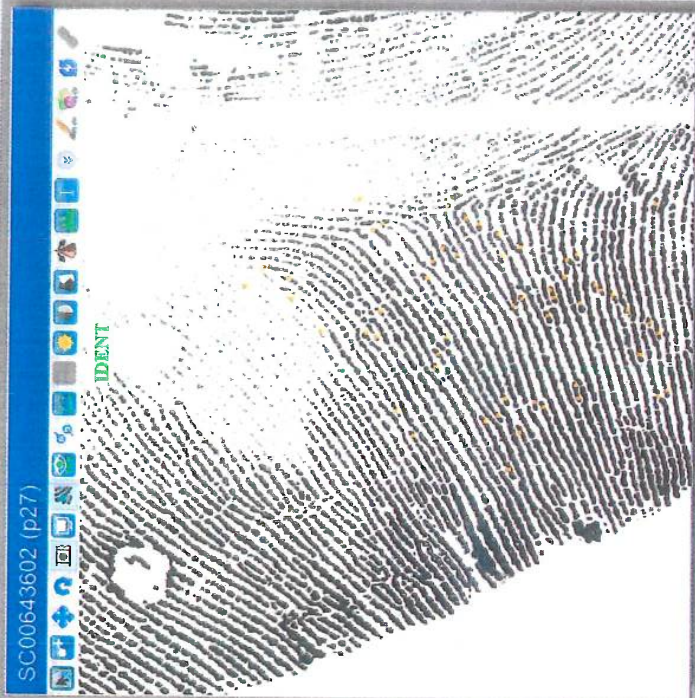
Show Element 11

1012.414 5/17/2012

Next Save Cancel

Type here to search

Tree View



| Pos | ID | Score | Palm Segment |
|------|--------------|--------|--------------------|
| U_1 | 24010057703 | 10.272 | Left Lower Palm |
| U_2 | 23140014818 | 1.199 | Right Writers Palm |
| U_3 | 231600104996 | 1.075 | Left Writers Palm |
| U_4 | 04000086500 | 1.075 | Left Writers Palm |
| U_5 | 500100018204 | 954 | Right Writers Palm |
| U_6 | 460200104030 | 898 | Left Upper Palm |
| U_7 | 220100014847 | 667 | Left Lower Palm |
| U_8 | 100100653090 | 652 | Right Writers Palm |
| U_9 | 100100837862 | 632 | Right Writers Palm |
| U_10 | 261600079100 | 616 | Right Writers Palm |



STATE VS. Herbert Bruce Gaddy INDICTMENT/CASE#: 2022GS4204102

STATE OF SOUTH CAROLINA)
COUNTY OF Spartanburg)
STATE)
VS.)
Herbert Bruce Gaddy)
AKA:)
Race: White Sex: Male Age:)
DOB: 05/03/1971 SS#: 251-19-6171)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 2022GS4204102
A/W#: 2022A4210100805
Date of Offense: 05/07/2022 5/6/2022
S.C. Code §: 16-13-160
CDR Code #: 0258

Address:)
City, State, Zip:)
DL# 090360500 * SID#)
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

Defendant Pro Se
In disposition of the above indictment comes now the Defendant who WAS CONVICTED OF or PLEADS
TO: Breaking into motor vehicles or tanks, pumps and other containers wherein fuel or lubricants are stored CO-5/Hos-1

In violation of § 16-13-160 of the S.C. Code of Laws, bearing CDR Code # 0258

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)
The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The State's Position is:
 None
 Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;
 Negotiated and Agreed as to Charges Only _____
 Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;

ATTEST: _____ 77517
Solicitor _____ SC Bar # _____ Herbert Bruce Gaddy Attorney for Defendant _____ 10271
Eddie Hunter SC Bar # _____ William G. Yarborough, III

WHEREFORE, the Defendant is committed to the State Department of Corrections | County Detention Center,
for a determinate term of 5 Hours/Days/Months/ Years Time Served
 Home Detention Program(HIP) MH Evaluation and Compliance Batterer's Treatment
 Domestic Abuse Counseling Drug Court Drug Program Alcohol Program Inpatient Facility
 Hold Until Bed Space Available Mental Health Court Balance Suspended with Drug Court
 Other: _____
 Judicial Review _____ Days/ Months
 Youthful Offender Act not to exceed _____ Days/ Months/ Years

STATE VS. Herbert Bruce Gaddy INDICTMENT/CASE#: 2022GS4204102

And/ Or to pay a fine of \$ _____ ;
provided that upon the service _____ Hours/ Days/ Months/ Years Time Served
of _____

- Home Detention Program(HIP) MH Evaluation and Compliance Batterer's Treatment
- Domestic Abuse Counseling Drug Court Drug Program Alcohol Program Inpatient Facility
- Hold Until Bed Space Available Mental Health Court Balance Suspended with Drug Court
- Suspended To Batterer's Treatment
- Other: _____

And/ Or a payment of \$ _____ ; plus costs and assessments as applicable*
the balance is suspended with **probation** _____ Months/ Years
for _____

- Suspended During Probation Suspended During Drug Court Suspended During Batterer's Treatment
- Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
 CONCURRENT or CONSECUTIVE to sentence on: _____

- The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. 28 days/months.
- To include time spent on monitored house arrest prior to trial and sentencing.
- The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 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.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

- PTUP after _____ Months/ Years Home Detention Program(HIP)

And Other Terms Listed Below:

- Conditional Discharge
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

STATE VS. Herbert Bruce Gaddy INDICTMENT/CASE#: 2022GS4204102

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

See Attached Restitution Order

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ _____

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) TBD \$ _____

Other Costs (As Authorized by Cost Code)* \$ _____

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____

TOTAL \$ 12875

Clerk of Court/Deputy Clerk: T. Camp
 Court Reporter: Linda Moffitt

Presiding Judge: R. Keith Kelly
 Judge Code: 2165
 Sentence Date: 14 August 2024

Specify Other Costs*

| Cost Code | Cost Description | Amount |
|--------------------------|------------------|--------|
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |

STATE VS. Herbert Bruce Gaddy INDICTMENT/CASE#: 2022GS4204103

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Spartanburg)

STATE)

INDICTMENT/CASE#: 2022GS4204103

VS.)

Herbert Bruce Gaddy)

A/W#: 2022A4210100806

AKA: _____)

Date of Offense: 05/06/2022

Race: White Sex: Male Age: _____)

S.C. Code §: 16-11-311

DOB: 05/03/1971 SS#: 251-19-6171)

CDR Code #: 0019 0079

Address: _____)

SENTENCE SHEET

City, State, Zip: _____)

DL# 090360500 * SID# _____)

*CDL Yes No CMV Yes No Hazmat Yes No

Defendant Pro Se

In disposition of the above indictment comes now the Defendant who WAS CONVICTED OF or PLEADS

TO: Burglary; first degree (15 - Life)

In violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The State's Position is:

None

Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;

Negotiated and Agreed as to Charges Only _____

Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;

ATTEST: _____

77517

10271

Solicitor Eddie Hunter SC Bar # Herbert Bruce Gaddy

Attorney for Defendant William G. Yarborough, III SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Corrections | County Detention Center,

for a determinate term of 20 Hours/ Days/ Months/ Years Time Served

Home Detention Program(HIP) MH Evaluation and Compliance Batterer's Treatment

Domestic Abuse Counseling Drug Court Drug Program Alcohol Program Inpatient Facility

Hold Until Bed Space Available Mental Health Court Balance Suspended with Drug Court

Other: _____

Judicial Review _____ Days/ Months

Youthful Offender Act not to exceed _____ Days/ Months/ Years

STATE VS. Herbert Bruce Gaddy INDICTMENT/CASE#: 2022GS4204103

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

See Attached Restitution Order

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____ \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ _____

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) TBD \$ _____

Other Costs (As Authorized by Cost Code)* \$ _____

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____

TOTAL \$ 12875

Clerk of Court/Deputy Clerk: J. Camp
Court Reporter: Linda Moffitt

Presiding Judge: R. Keith Kelly
Judge Code: 2165
Sentence Date: 14 August 2024

Specify Other Costs*

| Cost Code | Cost Description | Amount |
|--------------------------|------------------|--------|
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | _____ | _____ |

DOCKET NO.

22-GS-42-4103

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2022

TERM

THE STATE
vs.

Herbert Bruce Gaddy

Indictment for

BURGLARY, FIRST DEGREE
(Dwelling)

SC Code: 16-11-0311
CDR Code: 0079
Class: FEL/EXM (V)

WITNESSES

SCSO

ARREST WARRANT NUMBER

2022A4210100806

ACTION OF GRAND JURY

TRUC BILL

Danielle Woodward

Foreperson of Grand Jury

Date: AUG 19 2022

VERDICT

Guilty

Foreperson of Petit Jury

Date: 08/19/22

FILED

2022 AUG 23 AM 11:42

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on AUG 19 2022, the Grand Jurors of Spartanburg County present upon their oath:

BURGLARY, FIRST DEGREE

(DWELLING)

That the Defendant, Herbert Bruce Gaddy, did in Spartanburg County, on or about May 6, 2022, willfully and intentionally enter the residence located at 351 Goldmine Rd Spartanburg, South Carolina without consent and with the intent to commit a crime therein, and that the defendant did enter the dwelling either:

- (1) the Defendant did enter in the nighttime and/or
- (2) armed with a deadly weapon; and/or
- (3) caused physical injury to any person who is not a participant in the crime; and/or
- (4) uses or threatens the use of a dangerous instrument; and/or
- (5) displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearms

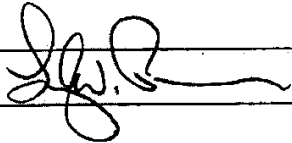
in violation of Section 16-11-311, Code of Laws of South Carolina (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

SCSO



ARREST WARRANT NUMBER

2022A4210100805

ACTION OF GRAND JURY

True Bill

Danielle Woodward

Foreperson of Grand Jury

Date:

AUG 19 2022

VERDICT

Guilty

Foreperson of Petit Jury

Date:

08/19/22

DOCKET NO.

22-GS-42-4102

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2022

TERM

THE STATE

vs.

Herbert Bruce Gaddy

Indictment for

BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-0160 (A) (1)

CDR Code: 258

Class FEL/F

2022 AUG 23 AM 11:42
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 19 2022

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

BREAKING INTO MOTOR VEHICLE

That the defendant, Herbert Bruce Gaddy, did in Spartanburg County on or about May 6, 2022 break into a 2002 Chevrolet Suburban belonging to Gail Trent with the intent to steal the same or anything of value therefrom, in violation of §16-13-160 (A) (1), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR